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PROCEEDINGS AND DEBATES OF THE 97th CONGRESS, SECOND SESSION

SENATE—*Thursday, April 15, 1982*

(Legislative day of Tuesday, April 13, 1982)

The Senate met at 10:30 a.m., on the expiration of the recess, and was called to order by the Honorable S. I. HAYAKAWA, a Senator from the State of California.

Mr. HAYAKAWA. Today, the prayer will be offered by the Reverend JOHN C. DANFORTH, a Senator from Missouri.

PRAYER

The Reverend JOHN C. DANFORTH, a Senator from the State of Missouri, offered the following prayer:

First, let us pray for our friend, the minority leader, whose grandson's funeral is today:

"O Merciful Father, who hast taught us by Thy Holy Word that Thou dost not willingly inflict or grieve the children of men, look upon the sorrows of Thy servant for whom our prayers are offered. Remember him, O Lord, with mercy, nourish his soul with patience, comfort him with a sense of Thy goodness. Lift up Thy countenance upon him, and give him peace, through Jesus Christ, our Lord."

Now, let us pray for those who are unemployed:

Heavenly Father, we remember before You those who suffer want and anxiety from lack of work. Guide the people of this land so to use our public and private wealth that all may find suitable and fulfilling employment and receive just payment for their labor, through Jesus Christ, our Lord. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., April 15, 1982.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable S. I. HAYAKAWA, a Senator from the State of California, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. HAYAKAWA thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

THE JOURNAL

Mr. BAKER. Mr. President, I ask unanimous consent that the Journal of the proceedings of the Senate be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMENDATION OF SENATOR DANFORTH

Mr. BAKER. Mr. President, I take this opportunity to commend our colleague (Mr. DANFORTH) for his prayers this morning. I observe that this is the sixth occasion on which Senator DANFORTH has served as guest Chaplain of the Senate. We are proud of Senator DANFORTH in many ways—for his contributions here in this Chamber as a Member and colleague, for his inspiration, and example as a member of the Episcopal clergy.

Senator DANFORTH is one of several of our colleagues who have received training in religious matters and who have, indeed, been clergymen and ministers. I can recall our former colleague, Senator Wallace Bennett of Utah, and our former colleague, Senator Kaneaster Hodges of Arkansas, among the most recent examples. There are others.

THE PRESIDENT'S TASK FORCE ON PRIVATE SECTOR INITIATIVES

Mr. BAKER. Mr. President, last December, President Reagan commissioned a task force on the private sector initiatives to involve the private sector more efficiently and effectively in the work of community service. Since that time, the task force has made recommendations for doubling the level of this involvement by corporations and individuals over the next 4 years. Many national organizations have been enlisted in this cause as well, including leaders of America's religious community, who met with the President at the White House on Tuesday of this week.

The American people have come to realize that the Federal Government cannot be relied upon to perform every service for every citizen in this country. The Government has an important role to play, but so do the multitude of private organizations which provide the structure and continuity of American communities. I salute the work that the President has begun and the task force is continuing. I believe my colleagues will join with me in wishing this effort much success.

SENATE SCHEDULE

Mr. BAKER. Mr. President, after the expiration of time allocated to the two leaders under the standing order, two Senators will be recognized on special order of not to exceed 15 minutes each; that is to say, the distinguished Senator from Wyoming (Mr. WALLOP) and the distinguished Senator from Maryland (Mr. MATHIAS).

After the execution of the special orders, Mr. President, there will be a period for the transaction of routine morning business, to extend not past the hour of 12 noon, in which Senators may speak.

May I inquire, Mr. President, is there a limitation on the time Senators may speak, as previously ordered?

The ACTING PRESIDENT pro tempore. There is no order beyond the time for morning business.

Mr. BAKER. Mr. President, I ask unanimous consent that after the execution of the special orders, there be a time for the transaction of routine morning business to extend not past the hour of 12 noon, in which Senators may speak for not more than 5 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SENATE RESOLUTION 20

Mr. BAKER. Mr. President, it is not anticipated that the Senate will be in late today. At the expiration of the time provided for the transaction of routine morning business, the Chair will lay before the Senate the unfinished business, which is Senate Resolution 20, providing for live television coverage of the Senate. At that time, the pending question will be the amendment of the distinguished senior Senator from West Virginia (Mr. RANDOLPH) to Senate Resolution 20.

Let me say, Mr. President, that in view of the unfortunate and untimely death of the grandson of the distinguished minority leader (Mr. ROBERT C. BYRD) and the desire of both the minority leader, of course, and the senior Senator from West Virginia (Mr. RANDOLPH) to attend the funeral services for him, it is not the intention of the leadership to ask the Senate to dispose of the Randolph amendment today. It is hoped that we shall be able to do that on Monday.

Because of that, Mr. President, it will not be possible to finish the debate on Senate Resolution 20 today, obviously. The matter has continued now for some time, however, and it is the intention of the leadership to file a cloture motion on Senate Resolution 20 during the session of the Senate today. I intend as well, Mr. President, to seek unanimous consent to set the time for the vote on that cloture motion at 2 o'clock on Tuesday next.

Mr. LONG. Mr. President, will the Senator yield at this point?

Mr. BAKER. Yes, I yield.

Mr. LONG. It seems to the Senator from Louisiana that if I understand the Senator, he wants to set the vote at 2 o'clock on Tuesday. I have no objection to that. I am only thinking of the problem that involves the pending amendment and the Senator's desire that we vote on the Randolph amendment on Monday.

Mr. BAKER. Yes, Mr. President.

Mr. LONG. Mr. President, I may be compelled to miss that vote on Monday. Assuming that to be the case, I hope that, in any event, we could set a time certain for the vote on the Randolph amendment prior to a vote on the cloture motion.

I am sure that the majority leader understands that the Randolph amendment might be out of order once cloture has been voted.

Mr. BAKER. Yes, that thought had crossed my mind.

Mr. LONG. I thank the Senator.

Mr. BAKER. Mr. President, I share that wish and I shall try to get a time certain for a vote on the cloture motion and I may ask for a time certain on the Randolph amendment or anything in relation to it. I, of course, might wish to reserve the right to make a point of order.

Mr. LONG. I am not challenging that, Mr. President. I thought we might dispose of it before the cloture motion.

Mr. BAKER. May I ask if the Cloak Room on both sides would attempt to get a unanimous-consent clearance for a vote on the cloture motion at 2 o'clock Tuesday? I shall take that up a little later. While they are at it, they may try to get a time certain for a vote on the Randolph amendment sometime on Monday.

Mr. LONG. Mr. President, I would prefer it to be Tuesday for an obvious reason. I may not be able to be here on Monday.

Mr. BAKER. I am willing to do that. We may have to do it on Tuesday. We shall explore that possibility as well.

Mr. President, there is also the possibility that the Senate will be asked to proceed to the consideration of either the Department of Defense authorization bill or the Criminal Code measure on Monday, the 19th. It is hoped that one or the other of those measures will be called up on Monday.

Of course, if cloture is invoked on Senate Resolution 20, that would take precedence, and we would continue with that resolution until the matter was disposed of. If cloture is not invoked, then a different set of situations would arise.

Mr. LONG. Mr. President, speaking for myself, I have no objection to considering other measures on Monday. There are some Senators who wish to speak to the subject who might want to speak on the pending business on Monday. However, I will seek to clear that matter before the day is out, if I can.

Mr. BAKER. I am sure we can work together on that.

I also encourage Members to speak on the subject on Monday, so that we can try to dispose of as much of the general debate as possible in advance of the cloture vote on Tuesday, if we succeed in that effort.

Mr. President, I thank the Senator from Louisiana, the acting minority leader.

I have no further need for my time under the standing order, if any remains. If I have any remaining time, I will yield it back or yield it to the control of the Senator from Louisiana.

Mr. LONG. I believe the Senator from Wisconsin desires some time.

Mr. PROXMIRE. I need only about 30 seconds.

Mr. LONG. I yield to the Senator from Wisconsin.

Mr. PROXMIRE. I thank the acting minority leader.

SURVIVORS GATHER TO REMEMBER

Mr. PROXMIRE. Mr. President, on March 22 the New York Times reported on a gathering of survivors of the Holocaust at the Waldorf-Astoria. It was billed as "the first attempt to bring about greater public recognition of the survivors' experiences and, through that, to create programs to help survivors live with the pain of the past."

The conference, attended by 600 people, was sponsored by the Holocaust Survivors Memorial Foundation. Ten survivors and scholars addressed the audience on such dilemmas as the survivors' responsibilities to society, and coming to terms with their feelings of guilt for having survived.

According to the New York Times, Jerzy Kosinski received "the most vigorous response" from the audience. Kosinski authored The Painted Bird, a story based on his childhood experiences of the Holocaust. In response to those who would accuse him of being unnecessarily graphic in depicting brutality, Kosinski asked "Would I be more honest to myself if somehow I kept quiet?"

Mr President, are we, the Members of the U.S. Senate, more honest by keeping quiet on the Genocide Treaty? This treaty, conceived and introduced in the aftermath of the Holocaust, would declare genocide an international crime.

As Senators know, I have expressed my support for this treaty nearly every day on the Senate floor since our opening session in 1967. I have pointed out the prominent role played by the United States both in the drafting of the Convention and in securing the unanimous vote of the General Assembly on the treaty.

I have also pointed out that the treaty enjoys broad political support. Successive Attorneys General and Secretaries of State have endorsed the treaty. Both the American Bar Association and the American Civil Liberties Union, as well as 52 other labor, religious, civic, and nationality groups, also support ratification of the treaty.

I call upon my distinguished colleagues to ratify the Genocide Treaty as soon as possible.

ORDER OF BUSINESS

Mr. LONG. Mr. President, I yield back the remainder of my time.

Mr. BAKER. Mr. President, the acting minority leader and I have yielded back our time under the standing order. Is the next order of business the recognition of the Senator from Wyoming (Mr. WALLOP)?

The ACTING PRESIDENT pro tempore. The majority leader is correct.

RECOGNITION OF SENATOR WALLOP

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Wyoming (Mr. WALLOP) is recognized for not to exceed 15 minutes.

THE ABSCAM INVESTIGATION

Mr. WALLOP. Mr. President, much has been said in Congress and in the press on the subject of possible governmental abuse in the course of the Abscam investigation. As our own investigation of these allegations approaches, I would like to share with you several thoughts about this matter.

First, let us bear in mind the wise words of caution spoken by our distinguished colleague from Alabama, Senator HEFLIN, that "The government is entitled to due process"; and that we should not rush to judgment regarding the Government's conduct in Abscam. Rather, we must approach our own investigation of Abscam and the techniques employed with openmindedness and fairness; we must dispassionately evaluate all of the facts; and we must be guided in our response by a proper regard for effective law enforcement techniques which do not violate the constitutional right of all American citizens to be free from undue governmental interference in their lives. We must also be aware that creative and sophisticated law enforcement techniques are necessary to uncover corruption and other forms of creative and sophisticated crime.

Second, let us bear in mind that the executive branch's Abscam investigation did not focus solely on Members of this separate and coequal branch of the Federal Government, in which we are privileged to serve. The principal defendants in the Janotti case, for example, were local—not Federal—officials; and the defendant in the Alexandro case was a member of the executive branch which conducted the investigation, and indeed was himself a criminal investigator. While Abscam may be a case study of a "sting" operation, and as such may provide a useful vehicle for examining that investigative technique, let us not incorrectly assume that the Abscam investigators followed leads only as they related to Members of Congress; and let us not unduly restrict our inquiry to the relationship between such techniques and the doctrine of separation of powers, however important a concern that may be.

During the debate on Senate Resolution 204 concerns were expressed that Members of Congress were targeted by the executive branch without any basis and that if such were the case the conduct of the executive branch would be reprehensible. Before racing to unjustified conclusions I think it is imperative that the actual facts be determined and that these facts be evaluated in light of existing law and the needs of law enforcement in combating crime. Let me make a few observations on this point which supports my strong personal view that we proceed with fairness and caution. First, it should be noted that Judge Pratt in ruling upon the claim of "targeting" made by the convicted Congressmen stated:

> The Court is convinced that the defendant Congressmen appeared through "self-selecting" procedure that involved the other defendants as well. The agents did not set out to offer bribes to any particular Congressman. (HAW Exhibit 82, p. 792.)

Moreover, it should be emphasized that in rejecting the due process claims of the defendant Congressmen Judge Pratt made his ruling on the assumption that there was no "probable cause" or even "reasonable suspicion" which was used as a predicate for making a bribe offer. He found that such a predicate was not required by the law. As was stated by Judge Pratt in commenting upon a decision of the U.S. Court of Appeals for the Second Circuit in the Myers case:

> Under these circumstances, defendants argue, to permit targets to be selected by middlemen violated due process because it did not provide sufficient protection to the innocent. Both legally and factually the argument fails. On the legal side, Judge Newman noted on the earlier appeal in *Myers* that the constitution does not require reasonable suspicion before a congressman may be made the subject of an undercover sting. *U.S.* v. *Myers*, 635 F.2d at 940-41. See also, *U.S.* v. *Ordner*, 554 F.2d 24 (C.A. 2 1977). (HAW Exhibit 82, p. 791-92.)

In the Myers decision the second circuit found that the Constitution does not require that "some basis of suspicion" exist before law enforcement authorities decide to make a Member of Congress the target of a sting operation such as Abscam. *United States* v. *Myers* (635 F.2d 932, 940-41 (1980)). While there may be some of us who as a matter of public policy would like to change this we should only do so after careful factual and legal analysis. Finally, it should be realized that while there was no evidence before the court that any of the defendant Congressmen committed any prior similar violations or engaged in conduct which would warrant suspicions of criminality, Judge Pratt was careful to observe in footnote 16 of his opinion in the Congressmen's cases that:

> The government claims that with respect to at least some of the defendants it does have such information available. The supporting exhibits proffered at the hearing, DP Ex. 80, 81, 82 & 83, were excluded from evidence when the government refused to identify for defendants its sources of information. The government requested that the issue remain open for further evaluation in the event the court should conclude that a lack of predicate information was fatal to the government's case. Since the court has concluded that prior suspicion of criminal conduct by these defendants was not a constitutional predicate to offering them Abscam money, no further attention need be directed to the excluded exhibits. (HAW Ex. 82, p. 871.)

The only reason why I raise these points is that we should not rush to judgment. We must not condemn law enforcement authorities on assumptions which are neither factually or legally correct.

Let us bear in mind that both the U.S. Courts of Appeal for both the Second and Third Circuits, as well as the District Court for the Eastern District of New York, have already ruled that Abscam did not violate the constitutional rights of an array of defendants, including several Members of Congress; and that none of those defendants were entrapped or targeted. In this regard, it has been observed that the entrapment defense and the due process clause of the U.S. Constitution provide substantial protections against criminal conviction where the Government has engaged in misconduct in the course of an investigation, and that the choices which confront us in reviewing Abscam techniques particularly as it affected Members of Congress—involve choices of public policy rather than constitutional imperatives. *United States* v. *Myers* (635 F.2d 932 (2d Cir.), cert. denied, 449 U.S. 956 (1980)). As the second circuit held with respect to the argument that Abscam violated the constitutional doctrine of separation of powers:

> The constitutional argument focuses essentially upon the risk of abuse. If agents of the Government can confront Members of Congress with manufactured opportunities to accept bribes, there is created the risk that malevolent officials of the Executive Branch will one day select as targets for a bribery sting particular Senators or Representatives in political disfavor with the President. The argument further maintains that if this occurs, such political targeting, though doubtless prohibited by the First Amendment, will be infrequently detected. The argument does not assert that Members of Congress have a constitutional immunity from prosecution for bribery. It simply maintains that the public interest in deterring bribery of Members of Congress can be adequately served by prosecution of those who accept bribes under "real" circumstances, without the added threat of prosecution for bribes accepted in response to manufactured opportunities.
>
> Forceful arguments are available in response to these concerns. Any Member of Congress approached by agents conducting a bribery sting operation can simply say

"No." Each Member's capacity to reject bribe opportunities could be regarded as sufficient safeguard against the risk that the Executive Branch would successfully use these tactics for political reprisal. Additionally, as the Government points out, bribery is a secretive enterprise, not likely to be detected as long as the bribe giver and taker maintain their silence. A sting operation, it is urged, provides a needed law enforcement weapon. Finally, emphasis is placed on the high public interest in guarding against corruption in the legislative process. The known availability of a bribery sting can act as a powerful deterrent.

Having examined these competing considerations, we conclude that they involve choices of public policy, rather than constitutional imperatives. Once the Supreme Court decided in *Brewster* that the Constitution does not prevent Congress from applying the criminal law enforcement process to a Member's acceptance of a bribe in return for a promise of legislative action, the way was cleared for that process to function without any special constitutional restraints arising from the status of the defendant. The normal constitutional and statutory protections of the criminal process of course remain available to the accused. Those protections include the defense of entrapment, but that defense is not established simply because government agents "afford opportunities or facilities for the commission of the offense," [citing *Sorrello* v. *United States*] or engage in "deceit" [citing *United States* v. *Russell*]. If the public policy concerns that have been identified warrant additional restrictions on the prosecution of Members of Congress for bribery, such restrictions are matters for consideration by those with public policy responsibilities, administrators in the Executive Branch and ultimately law-makers in the Legislative Branch. In *Brewster* the Supreme Court pointed out that if that decision underestimated "the potential for harassment, the Congress, of course, if free to exempt its Members from the ambit of federal bribery laws." By the same token, if the risks of a bribery sting operation outweigh its benefits, Congress always has the power to make the more limited modification of redefining the offense to exclude, in the case of Members of Congress or others, acceptance of bribes offered by undercover agents of the Government. With the policy choice thus fully within the control of Congress, we cannot conclude that the separation of powers doctrine creates a constitutional barrier to the law enforcement technique selected by the Executive Branch. [Id at 938-39] (citations omitted).

I have already stated, and I state again, that while I personally would oppose legislation which would put us, as Members of Congress, in a special category by exempting us from the laws of bribery or constitutionally approved law enforcement techniques, certainly such legislation should only be contemplated by Congress after the most careful scrutiny of the Government's conduct in Abscam and of the potential for abuse, and not based on hearsay allegations, preconceptions, or mistaken views as to either the facts or the law.

Let us bear in mind the fact that bribery is a secretive crime and may only be rooted out by investigative procedures which involve an element of subterfuge. As the second circuit has recently pointed out, the high trust of public office requires strenuous efforts to insure that it is invested in pure hands. The following statement of Judge Kaufman offers a benchmark by which we may wish to measure our own legislative response to this issue:

En passant, we note that the Abscam affair has generated a heavy assault upon the FBI's investigative procedures. Abscam indeed was an intricate artifice, a strategem of convoluted ploys and schemes designed to test the faith of those in the high echelons of Government who are the repositories of the public trust. Given the special relationship between the public and those who serve the Government, it is inevitable that the public will call for, and law enforcement officials will rely upon, special investigative techniques to uncover insidious corruption. Modern crime fighting methods such as videotapes and carefully devised and supervised covert investigations often are the only means of discovering breaches of the fundamental mandate of one's office.

As we have made clear, the end cannot justify the means, and any method of achieving a goal is not necessarily acceptable. At the heart of our democracy rests the precept, woven into the fabric of our law by the framers of the Constitution, that all individuals are protected from overreaching Government conduct. This time-honored principle has guided our deliberations as we have considered the activities challenged by appellant Alexandro. To summarize what we have concluded, the Government participation in the scheme concocted by Alexandro simply was not sufficiently intrusive to be deemed violative of Alexandro's rights under the due process clause. Indeed, one wonders whether it is Alexandro's recognition of the impact the taped evidence would make which, in actuality, impelled his invoking the due process clause strategy. We find it clear in this case that the means fully vindicated the end—apprehending by lawful means one who showed a willingness to abuse the public trust. [*United States* v. *Alexandro*, Docket No. 81-1435 (2d Cir. March 18, 1982), slip opinion at 19-20.]

Again I recall for our attention the remarks of Senator HEFLIN, that we should not, in our haste to condemn any Abscam misconduct, throw out the baby with the bath water. While it may prove to be appropriate to establish guidelines for the prevention of abuse in so-called sting operations, it is important that we recognize the validity and utility of the techniques employed in such operations in our efforts to combat crime, including political corruption.

Mr. President, how much time does the Senator from Wyoming have remaining?

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. LONG. Mr. President, does the Senator require additional time?

Mr. WALLOP. No. I am fine. I thank the Senator from Louisiana for his courtesy.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. EAGLETON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF SENATOR MATHIAS

Mr. EAGLETON. Mr. President, I ask the Chair, does not Senator MATHIAS, of Maryland, have the next order?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. EAGLETON. Mr. President, I am now about to yield to the Senator from Maryland since he does have the allocated time. After he concludes his remarks on a subject, it is my understanding he will yield some minutes to me to speak on the same subject.

Is the Senator from Maryland prepared to begin?

Mr. MATHIAS. I am, and I am grateful to the Senator from Missouri for yielding to me, and I am also grateful to him for his continuing concern and interest in a subject of great importance to the city of Washington, to the National Capital. But as this debate has developed, it is also a matter of interest to every great city in this country because certain concepts and principles of municipal authority are at stake here.

S. 854—THE FOREIGN MISSIONS ACT

Mr. MATHIAS. Mr. President, for some time the United States, during several administrations, has recognized the need to have greater control over the treatment by foreign governments of U.S. diplomats overseas. One of the principal ways to do this is to regulate the treatment of foreign diplomats who are posted in the United States, and to do so in a way which is commmensurate with the treatment by those nations of U.S. diplomats.

The Foreign Missions Act, S. 854, which will come to the floor soon, provides for this kind of an enforcement mechanism for diplomatic reciprocity by establishing within the Department of State an Office of Foreign Missions to confer, deny, to set terms and conditions on privileges, benefits and immunities for members of foreign missions, and for the other diplomatic guests who come to live among us.

This Office of Foreign Missions would help perform functions similar to those of service organizations in foreign governments.

I believe that this Office of Foreign Missions is necessary. It is one of those

few offices, in a day when we are trying to collapse government, that really seems to be justified. I think it can help us to achieve a better balance in the treatment of U.S. missions abroad and foreign missions here in the United States.

But I do not believe that certain other provisions of the Foreign Missions Act are really necessary to accomplish these purposes, and for this reason Senator EAGLETON, Senator RUDMAN, Senator LEVIN, Senator SASSER, and other Senators, will be joining me in offering floor amendments to cure these flaws in the bill.

Sections 206 and 207 of S. 854 preempt the local zoning and local compliance powers of not only the District of Columbia, but of 213 American cities. It could affect New Orleans; it could affect Los Angeles; it could affect San Francisco. They have municipal powers at stake in this bill.

Mr. EAGLETON. Mr. President, will the Senator yield?

Mr. MATHIAS. Yes.

Mr. EAGLETON. In no way could it affect Cheyenne, Wyo., it not being a major American city. [Laughter.]

Mr. MATHIAS. As much as I would like to agree with the Senator from Missouri on all subjects, I do not know that I can concur in his view that Cheyenne, Wyo., is not a major American city.

The PRESIDING OFFICER (Mr. SIMPSON). The now occupant of the chair will not enter into debate in that area, but certainly will have a comment.

Mr. MATHIAS. I point out that Rock Springs, Wyo., is the site of a consulate and, therefore, the municipal powers of the city of Rock Springs are at stake in this bill on diplomatic missions because there is a consulate in Rock Springs, Wyo.

The PRESIDING OFFICER. The Chair will take judicial notice of the previous commentary.

Mr. MATHIAS. I hope the Chair will also take notice that the municipal powers of Rock Springs, Wyo., are at stake in the measure that is to be debated in the Senate.

Mr. WALLOP. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. WALLOP. I do not seek the floor other than to ask the Senator to yield for a question: Since the Chair has some knowledge of Rock Springs, but is not permitted by the rules of the Senate to speak, I would ask him what the consulate in Rock Springs, Wyo., might be?

Mr. MATHIAS. I would suggest to the Senator from Wyoming that he might consult the diplomatic list, which is published by the State Department, which will show where there are foreign consulates located not only in Wyoming but in the other 49 States, all of which are affected by the power granted to the Department of State in this bill. If you are ever talking about lifting the burden of Federal interference from local governments, here is a bill that has to demand your attention and concern.

Mr. WALLOP. I do not quarrel with where the Senator is going on this bill. I am just amazed to find my State entering into a dialog. But I trust his judgment in all things, and I certainly wish him well.

Mr. MATHIAS. I can say to the Senator from Wyoming that I will insert the list provided from the 1981 Congressional Directory of cities with consular offices. That is the source of my information about Rock Springs, Wyo.

Mr. WALLOP. The Senator has informed me about things I did not know respecting my own State.

Mr. MATHIAS. Mr. President, at this point I think it is appropriate for me to ask unanimous consent that a table listing the 213 U.S. cities in which consulates are located be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

[See exhibit 1.]

Mr. MATHIAS. In addition, a great many other local and municipal laws that are not preempted by the Vienna Conventions would be preempted by sections of the bill. For example, at the discretion of the Secretary of State, when the U.S. Government wishes to confer or to deny some kind of benefit defined in the bill, regardless of the requirements of the ordinances of the city of New Orleans or of any other city, the foreign government would have the benefit conferred or would have it denied. Maybe the people of New Orleans would like to be friendly to some country with whom the port does a lot of business. But this bill would not let the city of New Orleans act because the Secretary of State, sitting up here in Washington, would say what the municipal law was on that subject. So this is a home rule issue in a very large sense.

Foreign missions maintain consulates in a great many major U.S. cities, and their laws as well as the law of the District of Columbia would be preempted by this provision. I think we can only say that sections 206 and 207 of S. 854 are dull, blunt instruments of the Federal Government to insure that decisions by the Office of Foreign Missions regarding the treatment of foreign governments are enforced by State and local governments.

As one who believes that we should, to the greatest degree possbile, retain the integrity of local governments close to the people and not delegate to the Federal Government more power than necessary, I just do not see that such a sweeping Federal preemption of local governmental authority is necessary to accomplish the purposes of diplomatic reciprocity. Nor do I believe that the Vienna Convention or the Diplomatic Relations Act contemplated that foreign missions would be exempt from complying with the laws of the host nation, including State laws and municipal ordinances.

Let me read, Mr. President, from the Vienna Convention on Diplomatic Relations. Article 21(1) states:

> The receiving State shall either facilitate the acquisition on its territory, in accordance with its laws

And I repeat "in accordance with its laws."

> By the sending State of premises necessary for its mission or assist the latter in obtaining accommodation in some other way.

Article 41(1) of the Vienna Convention on Diplomatic Relations and article 55(1) of the Vienna Convention on Consular Relations state in identical language:

> Without prejudice to their privileges and immunities, it is the duty of all persons enjoying such privileges and immunities to respect the laws and regulations of the receiving State . . .

Article 30(1) of the Vienna Convention on Consular Relations provides that:

> The receiving State shall either facilitate the acquisition on its territory, in accordance with its laws and regulations by the sending State of premises necessary for its consular post or assist the latter in obtaining accommodation in some other way.

The legislative history of the Diplomatic Relations Act also makes clear congressional intent on respect for the laws of the host State by the foreign mission. The House Committee on International Relations in its report on that act stated:

> This legislation reflects the intent both of the Vienna Convention on Diplomatic Relations and the Committee on International Relations that the diplomatic community understand clearly that its members are expected to obey the laws and regulations of the United States and of the local jurisdictions in which they live and work. The need to provide certain privileges and immunities to insure the effective functioning of a foreign mission should not obscure the duties of guests of the United States not to abuse the hospitality of its citizenry.

Our bilateral and other foreign relations can best be accomplished within a democratic framework that assures due process for all parties.

As a member of the Committee on Foreign Relations, I recognize that the conduct of diplomatic relations is properly one of quiet negotiation with due respect for the history, laws, and customs of the governments involved. Sections 206 and 207 of the Foreign Missions Act—the preemptive sections—are inappropriate and unnecessary to accomplish the purposes of the bill.

Now, the Senator from Missouri and I have served together for some years

on the Subcommittee on Governmental Efficiency and the District of Columbia, the committee which historically was known for many years as the District Committee. I am sensitive to the expressed concerns of the National League of Cities, the U.S. Conference of Mayors, and to the attorneys general of several States that the present preemption language is overly broad.

The attorney general of Maryland, a very distinguished lawyer, Mr. Sachs, has written:

Clearly, under a plain reading of the bill, this preemption provision could have a significant impact on local government.

That is Rock Springs, Wyo.; New Orleans; St. Louis; wherever it may be.

Zoning ordinances, building, plumbing, and electrical codes, and police services could be affected.

And nothing is salvaged by the Senate Foreign Relations Committee Report's assertion that Section 207 does not preempt municipal zoning "so long as those requirements do not interfere with the exercise of the Secretary's discretion". S. Rept. No. 97-283, 97th Cong., 1st Sess. (1981).

That is what it is all about.

The attorney general of Maryland goes on to say:

As we both know, a court is more likely to pay attention to the plain language of section 207 than to open-ended dicta in a Committee report.

In addition to preempting local law, S. 854 could affect important provision of State law. That State, of course, has promulgated a model building, electrical, and plumbing code for local governments. See Maryland Code, article 41, S. 257J.

In addition, the protections and procedures embodied in Maryland's real property laws and even its consumer protection statute could be impacted by S. 854 in its present form.

So I think this is clearly a very serious invasion of local government.

The California attorney general, in a letter to the Subcommittee on Governmental Efficiency and the District of Columbia on the preemption section, noted:

We are concerned that this would allow (the) Federal Government to override traffic, motor vehicle, even some penal sanctions at the State and local level.

We do not believe this preemption clause is necessary to guarantee diplomatic reciprocity.

The U.S. Conference of Mayors has noted:

Local governments throughout the United States have always demonstrated a keen concern for the needs of the United States in the conduct of foreign affairs * * *

Local government officials are in unique positions to advise the Secretary on a host of local concerns and how best to effectuate his desired result.

Among other issues, local officials can assist the Secretary in coordinating with zoning and land use decisions, the adequacy of parking and the availability of all other public services the foreign mission will need * * *

As written, section 207 of the bill would allow the Secretary of State, without any standards of review or any obligation to consult with local government, to preempt state and local regulations relating to zoning and land use, health, safety, welfare, local taxation, and so on. There is simply no need for this power to be given to the Secretary. State and local governments have already given great weight and different to Federal authorities in matters concerning foreign affairs.

Specifically, the Secretary using his authority under section 207, could preempt a local decison withholding zoning or sewer extension approval from a proposed consulate despite the fact that those decisions were made fully in accordance with the local government's comprehensive plan. Similarly, under the language as drawn, the Secretary could require that certain tax exemptions be given to chanceries and their officials, that additional local police resources be allocated to a chancery area, thereby withdrawing them from other areas of the city, or require other actions that rightfully should be decided at the local level. This power over local affairs is very substantial, and there has been no showing whatsoever that it is needed for the Secretary to achieve the purposes of the Foreign Missions Act.

Mr. President, I ask unanimous consent that the April 12 letter from the U.S. Conference of Mayors be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

[See exhibit 2.]

Mr. MATHIAS. Mr. President, similar concerns have been expressed by the National League of Cities about the preemption section.

The League has written:

Section 207 allows for the preemption of State and local actions which "confer or deny any rights with respect to any foreign mission contrary to this (bill)." Because section 204 gives the Director of Foreign Missions the authority to provide "benefits to foreign missions on such terms and conditions as the Secretary (of State) may approve" and section 202 defines benefits very broadly, including the acquisition of real property, public services, transportation, and protective services, section 207 may provide the Department of State with the discretion to preempt State and local traffic, motor vehicle, and historic preservation laws and zoning and building codes.

Mr. President, I ask unanimous consent that the letter of the National League of Cities appear in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

[See exhibit 3.]

Mr. MATHIAS. Mr. President, the Bar Association of the District of Columbia has also commented to me on the preemption provision.

They stated:

We also oppose section 207 which preempts all Federal, State, and local laws which confer or deny benefits with respect to any foreign mission inconsistent with the Act. Under this section, as it is now written, the laws of the District of Columbia—as well as the laws of municipalities throughout the 50 States relating to zoning for chanceries and consulates, local building, plumbing, electrical, and fire codes, traffic laws and State motor vehicle laws—could be invalidated in situations involving foreign missions. Federal environmental and historic preservation laws could also be affected. This is a clear violation of the home rule principle.

We strongly urge that section 207 be revised in accordance with your proposed amendment. This amendment gives ample attention to the Federal interest and provides the proper balance between the Federal and local interests in situations involving foreign missions.

Mr. President, I ask unanimous consent that this letter from the Bar Association of the District of Columbia appear in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

[See exhibit 4.]

Mr. MATHIAS. Mr. President, I close by calling attention to the need to protect the very limited home rule authority which Congress granted the District of Columbia in the 1973 Home Rule Act. We call it home rule. In fact, it is a very limited degree of home rule.

The American Revolution was fought on the principle that the power to tax is the power to destroy; you should not have taxation without representation. Those principles are all violated with the respect to the District of Columbia. We have authorized the election of a mayor and city council, but vast areas of authority normally reserved to municipal governments are denied to the District of Columbia. What little has been delegated is now going to be further diminished by section 206, which would abrogate the home rule authority with respect to zoning for the business offices of foreign governments, commonly known as chanceries.

Let us be clear about what section 206 of the Foreign Missions Act is intended to do.

The Federal Zoning Board for Chanceries in the District of Columbia established by this section is to rezone the District for chanceries as a matter-of-right. There would be no "special exception" process whereby individual chancery applications to locate in residential neighborhoods would be reviewed by the Board of Zoning Adjustment for their compatibility with those neighborhoods. This is a common review procedure in zoning practice throughout the United States. Because chanceries are office uses, they do not, as a matter-of-right, belong in residential neighborhoods. I ask my colleagues: Would you want an office building next door to your home without having the opportunity to comment on its compatibility with your neighborhood.

Furthermore, enlarging the already generous diplomatic zone in the District of Columbia would work against the expressed desire of the State De-

partment, U.S. Secret Service, and others to contain chanceries to limited geographic areas in the city for security and protective reasons. I invite my colleagues and their staffs to visit the offices of the Subcommittee on Governmental Efficiency and the District of Columbia to study the existing Diplomatic Zone map for the District of Columbia. I believe my colleagues will agree with me that the District of Columbia Diplomatic Zone fully accommodates the needs of foreign missions for office space.

I might also note that since 1968 there has existed a 34 acre International Center site in the District specifically set aside for foreign missions, especially those of developing nations unable to compete effectively for space suitable to their needs in the high cost Washington real estate market.

This site, at present, has leased space on a long-term basis (99 years or more) to eight foreign governments. Nevertheless, potentially twenty-six 1-acre sites still remain available for foreign mission use. It would seem propitious for the Department of State to focus its efforts on using this site as a first priority for foreign governments seeking sites for their facilities, particularly when so many of them are smaller nations with limited resources.

The State Department, in response to questions on how the location of chanceries was handled in 25 other world capitals, responded that, in all but two of the capitals surveyed—both state-directed economies—there exists no special commission to deal with chancery locations and uses. In virtually all of the foreign nations reviewed, chancery uses are subject to local zoning. And in most of those foreign nations, both authoritarian and democratic, the zoning body is local in composition, either appointed, statutorily designated, or civil servants.

Mr. President, I ask unanimous consent that the July 23, 1981, State Department letter to me on those capitals be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER: Without objection, it is so ordered.

[See exhibit 5.]

Mr. MATHIAS. The District of Columbia Zoning Commission adequately reflects the Federal interest. Two of its five members are Federal representatives. The District of Columbia Board of Zoning Adjustment, similarly, always has at least one Federal representative, sometimes two through rotating membership, of its five members. So the Federal interest is well protected in the composition of these District of Columbia zoning bodies.

And the track record on individual chancery case decisionmaking since the diplomatic zoning in 1978 shows the Board has paid close heed to the wishes of the State Department. In the 12 chancery cases to come before the District of Columbia Board of Zoning Adjustment since 1978, 11 have been decided in favor of the foreign government. One has been denied.

In our Subcommittee hearings the State Department was unable to describe the nature of the problem they perceive with the current D.C. zoning bodies and process. I am not persuaded that there exists significant problem with the present zoning process to warrant overturning that process in favor of a federally-dominated commission to rezone the District for chanceries. Such a rezoning was completed just 3 years ago at the behest of and with the concurrence of the Department of State.

The U.S. Conference of Mayors, in the same letter I have quoted from concerning the preemption section of this bill, also urged the deletion of section 206 relating to the preemption of District of Columba zoning authority and I quote:

> Section 206, relating to the District of Columbia, is also a problem. There has been no showing that the District of Columbia, through its existing zoning and appeals process, has reached conclusions that are either harmful or unresponsive to the desires of the State Department. In fact, the District has performed admirably under its home rule powers in granting benefits to chanceries or embassies. Those decisions have accounted both for the interests of the State Department and the interests of the citizens of the District.
>
> There is no reason to challenge the District's home rule powers in circumstances where the federal interest is already protected by representation on local boards; there have been no complaints about the existing process; and, the Secretary already has considerable power over the location of foreign missions. That power would be expanded, even if the Mathias package of Amendments is adopted.

Moreover, the creation of such a special Federal zoning commission is virtually unprecedented in other world capitals.

I ask my colleagues: What case exists to overturn a process which clearly is working? The case simply has not been made that a problem exists with the current process.

I will be offering amendments when this bill comes to the floor to cure these defects in S. 854.

I urge my colleagues to review my minority views to the reports of both the Foreign Relations Committee and Governmental Affairs Committee on this bill and join me in supporting those amendments.

EXHIBIT 1

CITIES WITH CONSULAR OFFICES [1]

Alabama—Mobile, Birmingham, Montgomery.
Alaska—Anchorage, Juneau.
Arizona—Phoenix, Tucson, Scottsdale, Douglas, Nogales.
Arkansas—Little Rock.
California—Los Angeles, San Francisco, San Diego, Atherton, Concord, Culver City, Bakersfield, Berkeley, Burlingame, Beverly Hills, Burbank, Fresno, Hollywood, La Habra, Monterey, Oakland, Palm Springs, Pasadena, Long Beach, Sacramento, Santa Monica, San Mateo, San Jose, Santa Barbara, San Bernadino, San Fernando, San Gabriel, Stanford, Stockton, Calexico.
Colorado—Denver, Boulder.
Connecticut—Bridgeport, Norwich, Hartford, Greenwich, New Haven, Waterbury, Stamford.
Delaware—Wilmington.
Florida—Miami, Tampa, Jacksonville, Orlando, Ft. Lauderdale, Coral Gables, Ft. Pierce, Gainesville, Hollywood, Miami Beach, Panama City, Sarasota, South Miami, West Palm, Lake Worth, Pensacola, Sarasota, Palm Beach, Key Biscayne, St. Petersburg.
Georgia—Atlanta, Savannah.
Hawaii—Honolulu, Kailua.
Idaho—Nampa, Boise.
Illinois—Moline, Beleville, Wheaton, Evanston, Chicago.
Indiana—Mishawaka, East Chicago, Ft. Wayne, Indianapolis, Evansville.
Iowa—Des Moines.
Kansas—Kansas City, Wichita.
Kentucky—Louisville, Lexington.
Louisiana—New Orleans, Baton Rouge, Lake Charles, Metairie, Lafayette.
Maine—Portland.
Maryland—Baltimore, Rockville, Annapolis.
Massachusetts—Boston, Springfield, Gloucester, Fitchburg, Fall River, Marlboro, New Bedford, Worcester.
Michigan—Detroit, Lansing, Grand Rapids, Hancock, Ishpeming.
Minnesota—St. Paul, Minneapolis, Duluth, Rochester.
Mississippi—Jackson, Gulfport.
Missouri—St. Louis, Kansas City.
Montana—Great Falls, Butte, Missoula, Billings.
Nebraska—Omaha, Lincoln.
Nevada—Las Vegas, Reno.
New Hamphsire—Manchester.
New Jersey—Newark, Trenton, Orange.
New Mexico—Albuquerque, Santa Fe.
New York—New York City, Albany Buffalo, Rochester, Yonkers.
North Carolina—Charlotte, Wilmington, Goldsboro, Raleigh.
North Dakota—Bismark, Fargo.
Ohio—Cleveland, Columbus, Ashtabula, Cincinnati, Oxford, Dayton.
Oklahoma—Oklahoma City, Tulsa.
Oregon—Portland, Astoria, Salem.
Pennsylvania—Philadelphia, Pittsburgh, State College, Wyndmoor, Easton, Harrisburg, Carnegie.
Rhode Island—Providence, Coventry.
South Carolina—Charleston, Lake City, Spartanburg.
South Dakota—Sioux Falls.
Tennessee—Nashville, Memphis.
Texas—Houston, Dallas, Galveston, Corpus Christi, Ft. Worth, Austin, Laredo, San Antonio, Amarillo, Abilene, Brownsville, San Juan, Port Arthur, Del Rio, Eagle Pass, El Paso, Lubbock, McAllen, Presido, Beaumont, Point Comfort, Prairie View.
Utah—Morgan, Provo, Salt Lake City.
Vermont—Burlington.
Virginia—Norfolk, Richmond, Alexandria, Newport News, Hampton.
Washington—Seattle, Pullman, Spokane.

[1] Source: 1981 Congressional Directory.

West Virginia—Wheeling, Clarksburg.
Wisconsin—Milwaukee, Madison, Oshkosh.
Wyoming—Rock Springs.

EXHIBIT 2

APRIL 12, 1982.

DEAR SENATOR: The Foreign Missions Act, S. 854, will be coming to the Senate floor soon after your return from the Easter recess. A number of amendments to the bill will be offered, and I want to share the views of the Conference of Mayors with you on one of these proposed amendments to be offered by Senator Mathias.

For local governments throughout the United States, the issues of greatest concern in the bill are those relating to the new power vested in the Secretary of State to preempt local authority with no assurances that the interests of the local government will be considered, and the proposal to create a Foreign Missions Commission for the District of Columbia. Senator Mathias will be offering amendments which would cure these defects.

As written, section 207 of the bill would allow the Secretary of State, without any standards of review or any obligation to consult with local government, to preempt state and local regulations relating to zoning and land use, health, safety, welfare, local taxation, and so on. There is simply no need for this power to be given to the Secretary. State and local governments have already given great weight and deference to federal authorities in matters concerning foreign affairs.

Specifically, the Secretary using his authority under section 207, could preempt a local decision withholding zoning or sewer extension approval from a proposed consulate despite the fact that those decisions were made fully in accordance with the local government's comprehensive plan. Similarly, under the language as drawn, the Secretary could require that certain tax exemptions be given to chanceries and their officials, that additional local police resources be allocated to a chancery area, thereby withdrawing them from other areas of the city, or require other actions that rightfully should be decided at the local level. This power over local affairs is very substantial, and there has been no showing whatsoever that it is needed for the Secretary to achieve the purposes of the Foreign Missions Act.

The Mathias amendment creates a forum for discussion between the State Department and the local government and provides that the interests of the State Department be given substantial weight. Surely the states and local governments have demonstrated their adaptability and willingness to support the Department in its regulation of foreign affairs. We urge your support of the Mathias amendment.

Section 206, relating to the District of Columbia, is also a problem. There has been no showing that the District of Columbia, through its existing zoning and appeals process, has reached conclusions that are either harmful or unresponsive to the desires of the State Department. In fact, the District has performed admirably under its home rule powers in granting benefits to chanceries or embassies. Those decisions have accounted both for the interests of the State Department and the interests of the citizens of the District.

There is no reason to challenge the District's home rule powers in circumstances where the federal interest is already protected by representation on local boards; there have been no complaints about the existing process; and, the Secretary already has considerable power over the location of foreign missions. That power would be expanded, even if the Mathias package of amendments is adopted.

The Conference of Mayors believes that the Mathias package will do much to foster intergovernmental cooperation in the placement and regulation of foreign missions, and we urge your support of the amendment.

Sincerely,

JOHN J. GUNTHER,
Executive Director.

EXHIBIT 3

NATIONAL LEAGUE OF CITIES,
Washington, D.C., April 9, 1982.

DEAR SENATOR: The National League of Cities opposes provisions of the Foreign Missions Act of 1982 (S. 854) which reduce the limited home rule powers of the District of Columbia and preempt basic state and local powers. We strongly believe that the provisions establishing the Foreign Missions Commissions for the District of Columbia (Section 206) and preempting state and local authority (Section 207) are inappropriate and unnecessary. We urge you to support Senator Mathias' amendment to delete Section 206 and modify Section 207 to prevent preemption of state and local authority.

The purpose of the bill—to give the State Department the authority to enforce diplomatic reciprocity and thereby discourage the discriminatory treatment of United States' missions abroad—does not justify reducing the already limited home rule powers of the District of Columbia and infringing the governmental authority of states and local governments where a foreign mission is located. We are not aware that either the District of Columbia or any state or local government had denied or granted governmental benefits or privileges to foreign missions in a way that adversely affects the ability of the United States to insure diplomatic reciprocity for United States' missions. Until such evidence is presented, we are strongly opposed to this unjustified intervention in state and local matters.

Section 206 would establish a Foreign Missions Commission and authorize it to establish regulations for the location of foreign mission property in the District of Columbia. The District of Columbia recently overhauled its location procedures in this area at the request of the Department of State and has established adequate procedures for dealing with foreign missions.

Section 207 allows for the preemption of state and local actions which "confer or deny any rights with respect to any foreign mission contrary to this [bill]." Because Section 204 gives the Director of Foreign Missions the authority to provide "benefits to foreign missions on such terms and conditions as the Secretary [of State] may approve" and Section 202 defines benefits very broadly, including the acquisition of real property, public services, transportation, and protective services, Section 207 may provide the Department of State with the discretion to preempt state and local traffic, motor vehicle, and historic preservation laws and zoning and building codes.

We believe that Section 206 should be eliminated so that the District of Columbia's already limited home rule powers are not further eroded; and that Section 207 should be modified so that states and local governments are required to give substantial weight to federal concerns, but that the Department of State does not have the authority to preempt state and local decisions.

Sincerely,

ALAN BEALS,
Executive Director.

EXHIBIT 4

THE BAR ASSOCIATION
OF THE DISTRICT OF COLUMBIA,
Washington, D.C., April 13, 1982.

Re Foreign Missions Act of 1982 (S. 854).

Hon. CHARLES MCC. MATHIAS, JR.,
Chairman, Subcommittee on Governmental Efficiency and the District of Columbia Committee in Governmental Affairs, Washington, D.C.

DEAR SENATOR MATHIAS: This is in answer to your letter of March 30, 1982, requesting the Bar Association's reaction to the Foreign Missions Act of 1982 now pending in the Senate. The Bar Association, upon recommendation of the council of the District of Columbia Affairs Section and the Chairman of the International Law Committee, fully supports the bill if the bill is passed with the amendments which you are proposing.

We oppose Section 206 as it now appears in the bill and strongly urge the complete deletion of the section. Not only does the section violate the principles of Home Rule but it is unnecessary and costly. The District's recent overhaul of its zoning process, as it relates to the location of Foreign Missions, has been working well and there has been no formal complaint from the Department of State to date. The cost of implementing Section 206, if it were to pass, is estimated to be $1,000,000.00. This seems a needless expense for a government which is attempting to restrain spending.

We also oppose Section 207 which preempts all federal, state and local laws which confer or deny benefits with respect to any foreign mission inconsistent with the act. Under this section, as it is now written, the laws of the District of Columbia—as well as the laws of municipalities throughout the fifty states relating to zoning for chanceries and Consulates, local building, plumbing, electrical and fire codes, traffic laws and state motor vehicle laws—could be invalidated in situations involving foreign missions. Federal environmental and historic preservation laws could also be affected. This is a clear violation of the Home Rule principle.

We strongly urge that Section 207 be revised in accordance with your proposed amendment. This amendment gives ample attention to the federal interest and provides the proper balance between the federal and local interests in situations involving foreign missions.

We also support your amendment which deletes the exemption of the Department of State from the requirements of Section 553 of Title 5 of the United States Code. We are of the opinion that such exemption is unnecessary and that the publicity involved in the rulemaking process would enhance the chance of realizing diplomatic reciprocity. Furthermore, should the office of Foreign Missions wish to claim exemption from the rulemaking process for national security reasons or in connection with the proper conduct of foreign relations it has ample authority to do so under the Administrative Procedures Act of 1946, as amended, as well as the Regulatory Reform bill now before the Senate.

We are opposed to the provisions in the bill which repeal the Chancery Act of 1964. This federal law, which amends the District of Columbia zoning law to protect low density residential districts from incompatible chancery use, is in accordance with well established principles of zoning law and no extenuating circumstances have been demonstrated to warrant its repeal. We fully support your amendment which deletes the repeal of this Act.

You have our support in your endeavor to amend the Foreign Missions Act of 1982.

Best wishes.

Respectfully,

FRANK J. MARTELL,
President.

EXHIBIT 5

DEPARTMENT OF STATE,
Washington, D.C., July 23, 1981.

Hon. CHARLES McC. MATHIAS, Jr.,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: The Secretary has asked me to reply to your letter requesting further information on S. 854, the proposed Foreign Missions Act.

This bill was introduced by Senator Percy on April 1, 1981. Similar legislation was taken up by the House Foreign Affairs Committee and incorporated in H.R. 3518, the State Department 1982-3 Authorization Bill. The Department of State, in response to requests from the House and Senate Committees, has contributed to the drafting of various provisions. The Department expressed its support for the bill in a letter to the Committee on Foreign Relations dated May 13.

The Administration believes the proposed Foreign Missions Act will create needed federal regulatory authority over activities of foreign government missions to the United States and, additionally, will assist national security agencies in carrying out their functions in this area.

You have indicated interest in Section 206 of the Bill, which relates to the location of foreign missions in the nation's capital. The United States Government has an international obligation to facilitate the acquisition of property for chanceries in the District of Columbia under the 1961 Vienna Convention on Diplomatic Relations. The Department of State is severely hampered in its effort to meet this obligations in the nation's capital due to the unavailability of suitable chancery sites because of security, costs, and restrictive zoning problems. Of equal importance, there is a growing need for reciprocity involving the substantial security and other problems of the U.S. missions overseas.

Under current procedures in the District of Columbia, matters concerning foreign mission locations in the nation's capital are resolved by municipal authorities without a balancing of the significant federal interest involved.

Section 206 was intended as an effective means, though not the only one which may be possible, of assuring recognition of federal as well as municipal concerns in the following key points:

(1) Criteria for approving foreign mission locations designed specifically to achieve a proper balancing of important federal and municipal concerns;

(2) A decisional body which in its composition reflects both federal and municipal concerns relevant to the issue in Section 206;

(3) Procedures which are both expeditions and compatible with the conduct of our nation's official relations between sovereign countries; and

(4) Availability of lower and medium density mixed-use areas for chancery use—security and representation requirements result in the need to locate such missions in proximity to each other and in areas of lesser density which already contain mixed institutional and residential uses. Space in higher density commercial office buildings which are not security controlled in not acceptable in most cases.

Taking into account these points, the National Capital Planning Commission (NCPC) was perceived as a reasonable means to accomplish the necessary balance, in view of the substantial city as well as federal representation on the Commission, including representatives of the Congress, which retains ultimate responsibility for the District of Columbia. In addition NCPC already by law has responsibility for planning in this area. The Department would like to assure your Committee that we are prepared to continue to explore alternative administrative bodies, as we have already done with city authorities at the request of the Chairman of the House District Committee.

With regard to your request for additional information concerning zoning priorities applicable to certain countries abroad, the Department has compiled and enclosed replies received so far from our Embassies.

The Department requested this information based on published procedures. It is important to note in this regard that the location of foreign mission facilities in most countries is subject to de facto review by national government authorities, whether or not that requirement is set forth in stated procedures. Thus, it is from national ministries that United States Embassies ultimately must seek permission or resolve issues.

It is also necessary, in connection with unclassified replies, to point out that most authorities abroad will not respond directly and on the record to questions concerning special security required of host governments under existing international obligations; nor will they comment publicly on the extent to which these matters may be discussed with foreign embassies, including those of the United States.

Finally, you have requested information concerning the construction of embassy complexes in Moscow and Washington. These projects have been provided for in bilateral agreements in 1969 and 1972. The 1972 U.S.-USSR Agreement states that the chancery facilities will be occupied simultaneously at an agreed date after final completion and acceptance, and that all other buildings may be occupied at any time after completion and acceptance for their designated use.

A subsequent U.S.-USSR Protocol to the 1972 Agreement stated the exchange of sites would take place on March 30, 1977, and that the Soviet side could start construction of their residential buildings and related facilities at that time. This Protocol also stated that the construction of the U.S. Embassy complex could begin May 15, 1978 and the target date for the completion of construction of both the U.S. Embassy in Moscow and the USSR Embassy in Washington is July 1, 1982.

The Soviet side has completed construction and is now occupying the residential buildings in Washington. The next phase of this project, which consists of the Chancery building and Consulate, is scheduled to be released to U.S. contractors for bids this summer. The time of completion for this work is not yet known.

The U.S. Embassy complex in Moscow is not being built in phases. The residences, related facilities, Chancery building and Consulate are being constructed simultaneously.

The negotiations with the Soviet side on contract terms and price took substantially longer than normal. A contract with a Soviet trade organization was signed June 30, 1979, and the completion date for this work is January 1, 1984. We estimate it will take an additional six months to complete work in the secure areas of the Chancery building. The Soviet contractor is now ahead of schedule on some areas of work and behind in other areas. On the average, the work is five months behind schedule. Problems have arisen from time to time, such as Soviet customs clearance of U.S.-source construction materials, which would require a review from a reciprocity point of view.

The Department would be pleased to provide additional information or to discuss these issues with you.

The Department of State has been advised by the Office of Management and Budget that from the standpoint of the Administration's program, there is no objection to the submission of these views.

Yours sincerely,

RICHARD FAIRBANKS,
Assistant Secretary
for Congressional Relations.

Enclosure.

ABU DHABI, U.A.E.

Question 1. Is land use regulated by the local government through zoning or a similar process?

Answer. Yes, but the local government would not act on a matter involving a foreign government without reference to the Foreign Ministry.

Question 2. If so, are foreign governments required to comply with local zoning in locating, building, expanding, or modifying their chancery, or mission, and embassy?

Answer. Yes.

Question 3. If foreign governments are subject to local zoning laws and regulations, what is the composition of the zoning commission?

Is it appointed or elected?

For what term?

Are chanceries or foreign missions restricted by local law to certain parts of the capital city?

Answer. The Town Planning Department is an office of the Municipality, members are appointed and serve at the pleasure of the Municipal Director. There is a decree from the Emir which limits all new construction by foreign governments to the Diplomatic Enclave.

Question 4. Does the host nation require a certification of the foreign government or other form of recognition, before that foreign government can seek a site and build on it?

Answer. The foreign government must be recognized diplomatically by the host government.

Question 5. What other local approvals are required of foreign governments before they may locate, construct, modify, or expand their chanceries, missions, and embassies?

Answer. The Town Planning Department has authority to approve building permits for minor projects. If the project would involve the Diplomatic Enclave the building permit is issued by the Diplomatic Enclave authorities. The enclave has a set of rules

governing what facilities may be located in the enclave, building heights, setbacks, floor area ratios, parking requirements, exterior walls, fire exits, etc. Plans must be submitted in the english language using the metric scale of 1/100 in three copies.

Question 6. Does the host nation purchase property and subsequently resell or lease it to foreign missions for chancery, mission, or embassy purposes?

Answer. All land is owned by the Emir who can sell, lease, or deed to persons or institutions. Non-citizens are not permitted to own land.

Question 7. Is it common practice or required by law for chanceries and embassies to be located together rather than in separate locations?

Answer. Existing chanceries or embassies may be remain in their present location, new construction must be within the enclave. The sites for each chancery and embassy is chosen by the enclave authority.

Question 8. Does the host nation have a special commission or agency to handle the location, expansion, and modification of foreign missions? If so, describe composition and authority.

Answer. The Diplomatic Enclave Commission is an office of the Foreign Ministry.

Question 9. What security considerations are involved from the point of view of the host nation in locating foreign missions, chanceries, and embassies in their respective countries?

Describe the host nation's security protection for foreign governments located there.

Have there been any notable demonstrations, attacks, or other incidents involving foreign nations' chanceries or embassies? Describe the incident and any resultant changes made in the host nation's security protection.

Answer. Security was one of the reasons for the establishment of the diplomatic enclave. The Chancery and the Ambassadors residence each have a 24 hour police guard. There have been no notable incidents.

Question 10. What is the range of time periods required for foreign governments to secure the necessary approvals to locate, build, modify, or expand their chanceries, missions, and embassies?

Have there been any extraordinary delays in the process?

Are those delays inherent in the approval process or related to specific nations?

Describe the extraordinary situation.

Answer. If the rules supplied by the enclave authorities are followed, building permits can usually be otained within one to two months. There have been no delays or evidence of unequal treatment by the authorities.

ALGIERS, ALGERIA

Question 1. Is land use regulated by the local government through zoning or a similar process?

Answer. Yes, but all levels of government are involved when a zoning question includes a foreign government.

Question 2. If so, are foreign governments required to comply with local zoning in locating, building, expanding, or modifying their chancery, or mission, and embassy?

Answer. Yes, by decree 64-259 foreign governments cannot buy, sell, rent, or improve property without authorization of the Foreign Ministry.

Question 3. If foreign governments are subject to local zoning laws and regulations, what is the composition of the zoning commission?

Is it appointed or elected?

For what term?

Are chanceries or foreign missions restricted by local law to certain parts of the capital city?

Answer. The city of Algiers is governed by 12 Communal Peoples Assemblies which act as zoning boards. They are elected for terms of four years from candidates selected by the sole political party and are the local government. Each Assembly is autonomous within its district in matters relating to zoning except in cases where the parcel of land in question is reserved for special use by the State Assembly or the Government of Algeria. Foreign Governments are not permitted to deal directly with the Peoples Assemblys; all contact is through the Protocol Office. There was an attempt to establish a diplomatic community which was abandoned in 1979.

Question 4. Does the host nation require a certification of the foreign government or other form of recognition, before that foreign government can seek a site and build on it?

Answer. The Foreign Ministry would require diplomatic recognition prior to granting permission to rent or improve property.

Question 5. What other local approvals are required of foreign governments before they may locate, construct, modify, or expand their chanceries, missions, and embassies?

Answer. Plans must first be submitted to the Office of Protocol, when approved they are passed to the Wilaya (state government) for technical examination. If approved, they are passed to the Peoples Assembly for issuance of the building permit. Complete plans and specifications must be submitted in the French or Arabic languages.

Question 6. Does the host nation purchase property and subsequently resell or lease it to foreign missions for chancery, mission, or embassy purposes?

Answer. No foreign government has been permitted to purchase land in Algeria since 1962. The Government of Algeria leases publicly owned land to foreign governments for office and residential use. With some exceptions, land owned by foreign governments prior to 1962 has not been expropriated. The Mustapha-al-Rais property was expropriated from the U.S. Government, there is still an outstanding claim against the Algerians.

Question 7. Is it common practice or required by law for chanceries and embassies to be located together rather than in separate locations?

Answer. No.

Question 8. Does the host nation have a special commission or agency to handle the location, expansion, and modification of foreign missions? If so, describe composition and authority.

Answer. The Protocol Division of The Ministry of Foreign Affairs has responsibility for all real property activities of foreign governments.

Question 9. What security considerations are involved from the point of view of the host nation in locating foreign missions, chanceries, and embassies in their respective countries?

Describe the host nation's security protection for foreign governments located there.

Have there been any notable demonstrations, attacks, or other incidents involving foreign nations' chanceries or embassies? Describe the incident and any resultant changes made in the host nation's security protection.

Answer. Security does not appear to be a consideration in locating diplomatic missions. One policeman is posted near each chancery or residence and police protection in increased during times of unrest. In the fall of 1979 when there were attacks on U.S. Embassies in Tehran, Tripoli, and Islamabad there were six policemen at the our Chancery and two bodyguards were provided for the Ambassador.

Question 10. What is the range of time periods required for foreign governments to secure the necessary approvals to locate, build, modify, or expand their chanceries, missions, and embassies?

Have there been any extraordinary delays in the process?

Are those delays inherent in the approval process or related to specific nations?

Describe the extraordinary situation.

Answer. The Foreign Ministry usually issues approval to lease or improve real property within six months. Delays of up to several years have been encountered because of problems locating sites. It is almost impossible to find out why there are delays in the Foreign Ministry, they could be related to specific nations.

BEIJING, PEOPLE'S REPUBLIC OF CHINA

Question 1. Is land use regulated by the local government through zoning or a similar process?

Answer. Yes. Land use is regulated by a local equivalent of a zoning process.

Question 2. If so, are foreign governments required to comply with local zoning in locating, building, expanding, or modifying their chancery, or mission, and embassy?

Answer. Yes.

Question 3. If foreign governments are subject to local zoning laws and regulations, what is the composition of the zoning commission?

Is it appointed or elected?

For what term?

Are chanceries or foreign missions restricted by local law to certain parts of the capital city?

Answer. The Beijing City Planning Commission is composed of representatives of Beijing Construction Units, the Beijing Design Institute, Beijing Exploration Co. and Utility Corp. Members of the City Planning Commission are appointed for indefinite terms by the Beijing Party Committee. Foreign Missions are restricted by local practice to specific parts of the capital city.

Question 4. Does the host nation require a certification of the foreign government or other form of recognition, before that foreign government can seek a site and build on it?

Answer. Foreign governments seeking building sites must request them from the Chinese government which will offer a lot in an area reserved for diplomatic missions. Options are limited, at best a choice is offered between two sites.

Question 5. What other local approvals are required of foreign governments before they may locate, construct, modify, or expand their chanceries, missions, and embassies?

Answer. The Beijing Planning Commission must approve the project, and the Beijing Design Institute must review the architecture. All building projects must be developed under the aegis of the Housing Service Corporation (a division of the Beijing Service Corp. for Diplomatic Missions) which exercises absolute control over the work.

Question 6. Does the host nation purchase property and subsequently resell or lease it to foreign missions for chancery, mission, or embassy purposes?

Answer. As a general rule, diplomatic missions cannot purchase or own properties in China. Where Embassies move into existing properties, they do so on the basis of leases that extend for varying periods of time. Where Embassies acquire sites and erect buildings to their own specifications, the lease terms will reflect reciprocity considerations. Embassies must normally pay the cost (normally substantial) of relocating any local inhabitants on the site in question. Once built, the Embassy properties may be rent free for periods as long as 60 or 99 years (depending on reciprocal arrangements), but the PRC retains ownership of the properties. Leases on apartments in one of the PRC managed diplomatic apartment buildings are for one year, renewable yearly (in practice they are open-ended and missions remain in apartments indefinitely).

Question 7. Is it common practice or required by law for chanceries and embassies to be located together rather than in separate locations?

Answer. Foreign missions are restricted more by tradition than law to specific parts of the city. With the exception of the Soviet Embassy, which occupies a compound in a separate part of the city; all diplomatic missions are now located in two distinct diplomatic areas in Beijing's northeastern suburbs. In most cases, the Ambassador's residence is on the same compound with the Chancery building. There are a number of exceptions to this practice therefore it does not appear to be a Chinese requirement.

Question 8. Does the host nation have a special commission or agency to handle the location, expansion, and modification of foreign missions? If so, describe composition and authority.

Answer. In cooperation with the Beijing Planning Commission the Beijing Housing Corp. (BHC) has authority over location, expansion etc. of foreign missions. The BHC is a division of the Beijing Service Corp. for diplomatic missions, and the latter is an adjunct of the PRC Ministry of Foreign Affairs.

Question 9. What security considerations are involved from the point of view of the host nation in locating foreign missions, chanceries, and embassies in their respective countries?

Describe the host nation's security protection for foreign governments located there.

Have there been any notable demonstrations, attacks, or other incidents involving foreign nations' chanceries or embassies? Describe the incident and any resultant changes made in the host nation's security protection.

Answer. The PRC feels it is easier to protect foreign citizens by co-locating chanceries and residential compounds.

At entrances to all foreign mission chancery or residential compounds there will be anywhere from two to a half-dozen People's Liberation Army (PLA) guards stationed 24-hours a day.

With scattered exceptions (e.g. a bomb explosion outside the Soviet Embassy in April 1976 and a peaceful demonstration by local arab students outside the Egyptian Embassy in 1979) there have been no demonstrations, attacks, etc. against foreign mission properties since the early-seventies. Security is generally adequate.

Question 10. What is the range of time periods required for foreign governments to secure the necessary approvals to locate, build, modify, or expand their chanceries, missions, and embassies?

Have there been any extraordinary delays in the process?

Are those delays inherent in the approval process or related to specific nations?

Describe the extraordinary situation.

Answer. Once a site is offered by the HSC and more importantly accepted by the foreign mission (and this can be a lengthy process), site preparation, design work and then actual construction can run from two to five years depending upon whether it is new construction or a modification project. There is a vague pattern, if not a direct correlation, indicating that PRC decisions on diplomatic mission properties can be politically motivated. For example, it is common knowledge in diplomatic community that apartment rents for some third-world missions are lower or even waived in some instances. But in chancery site allocation if extraordinary delays occur (as opposed to normal delays on building projects which also can be extraordinary in the PRC) it is likely that the PRC is dragging its feet to seek leverage and reciprocal treatment for its diplomatic property in the sending state's capital.

BERN, SWITZERLAND

Question 1. Is land use regulated by the local government through zoning or a similar process?

Answer. Yes.

Question 2. If so, are foreign governments required to comply with local zoning in locating, building, expanding, or modifying their chancery, or mission, and embassy?

Answer. Yes.

Question 3. If foreign governments are subject to local zoning laws and regulations, what is the composition of the zoning commission?

Is it appointed or elected?

For what term?

Are chanceries or foreign missions restricted by local law to certain parts of the capital city?

Answer. There is a zoning commission which is appointed by the Municipal government for terms of four years. Foreign missions are not restricted to certain parts of the city.

Question 4. Does the host nation require a certification of the foreign government or other form of recognition, before that foreign government can seek a site and build on it?

Answer. No.

Question 5. What other local approvals are required of foreign governments before they may locate, construct, modify, or expand their chanceries, missions, and embassies?

Answer. A building permit, architectural review, and translation of site and building plans are required.

Question 6. Does the host nation purchase property and subsequently resell or lease it to foreign missions for chancery, mission, or embassy purposes?

Answer. No.

Question 7. Is it common practice or required by law for chanceries and embassies to be located together rather than in separate locations?

Answer. No.

Question 8. Does the host nation have a special commission or agency to handle the location, expansion, and modification of foreign missions? If so, describe composition and authority.

Answer. No.

Question 9. What security considerations are involved from the point of view of the host nation in locating foreign missions, chanceries, and embassies in their respective countries?

Describe the host nation's security protection for foreign governments located there.

Have there been any notable demonstrations, attacks, or other incidents involving foreign nations' chanceries or embassies? Describe the incident and any resultant changes made in the host nation's security protection.

Answer. There are no special security consideration regarding locations in Switzerland. Although the Federal Government is responsible for security, since there are no federal enforcement officials, protection is actually provided by the city police. As a result of recent acts of vandalism at the Ambassadors residence by members of an adjacent youth center, the Bern police have recently provided special round the clock police protection at the residence. Police protection other than roving vehicle patrols is generally not provided unless there are special circumstances.

Question 10. What is the range of time periods required for foreign governments to secure the necessary approvals to locate, build, modify, or expand their chanceries, missions, and embassies?

Have there been any extraordinary delays in the process?

Are those delays inherent in the approval process or related to specific nations?

Describe the extraordinary situation.

Answer. Approval for construction of a new building requires approximately six months, major modifications require about three months. Plans which involve new construction are made available for public inspection.

BONN, FEDERAL REPUBLIC OF GERMANY

Question 1. Is land use regulated by the local government through zoning or a similar process?

Answer. Yes.

Question 2. If so, are foreign governments required to comply with local zoning in locating, building, expanding, or modifying their chancery, or mission, and embassy?

Answer. Yes.

Question 3. If foreign governments are subject to local zoning laws and regulations, what is the composition of the zoning commission?

Is it appointed or elected?

For what term?

Are chanceries of foreign missions restricted by local law to certain parts of the capital city?

Answer. General zoning plans are established by the city administration. When an application for a variance or a building permit is received a committee of the city council holds a public hearing rules on the application. If approved it is passed to the President of the Provincial Administration who issues final approval. Members of the committee are elected for terms of four years. Chanceries are not restricted to certain parts of the city.

Question 5. What other local approvals are required of foreign governments before they may locate, construct, modify, or expand their chanceries, missions, and embassies?

Answer. Any foreign government is free to seek and purchase a site as long as the purchase is legally registered in the normal manner. To build, the foreign government must first get the approval of the President of the Provincial Administration then request a building permit. The request must include all plans and specifications in the German language.

Question 6. Does the host nation purchase property and subsequently resell or lease it to foreign missions for chancery, mission, or embassy purposes?

Answer. If the FRG has excess property they will lease it, they do not purchase property specifically for resale.

Question 7. Is it common practice or required by law for chanceries and embassies to be located together rather than in separate locations?

Answer. No.

Question 8. Does the host nation have a special commission or agency to handle the location, expansion, and modification of foreign missions? If so, describe composition and authority.

Answer. No.

Question 9. What security considerations are involved from the point of view of the host nation in locating foreign missions, chanceries, and embassies in their respective countries?

Describe the host nation's security protection for foreign governments located there.

Have there been any notable demonstrations, attacks, or other incidents involving foreign nations' chanceries or embassies? Describe the incident and any resultant changes made in the host nation's security protection.

Answer. In Bonn security is not a FRG consideration in the location of embassies or other diplomatic properties. One unit of the Bonn Police provide coverage for embassys, they have regular patrols with motorcylces, cars and armored cars. The Police are capable of providing a large well equipped contingent in about five minutes. In times of tension temporary 24 hour police posts have been established at various embassies. The last incident was a demonstration by Iranian students in 1979 which was repulsed by the Police. There was an officer on duty at the U.S. Embassy for several weeks after that demonstration.

Question 10. What is the range of time periods required for foreign governments to secure the necessary approvals to locate, build, modify, or expand their chanceries, missions, and embassies?

Have there been any extraordinary delays in the process?

Are those delays inherent in the approval process or related to specific nations?

Describe the extraordinary situation.

Answer. If construction is in a developed part of the city permits are usually issued within 3 months. If no master plan for a new area has been approved then permits are delayed pending the acceptance of the master plan.

CARACAS, VENEZUELA

Question 1. Is land use regulated by the local Government through zoning or a similar process?

Answer. Yes.

Question 2. If so, are foreign governments required to comply with local zoning in locating, building, expanding, or modifying their chancery, or mission, and embassy?

Answer. Yes.

Question 3. If foreign governments are subject to local zoning laws and regulations, what is the composition of the zoning commission?

Is it appointed or elected?

For what term?

Are chanceries or foreign missions restricted by local law to certain parts of the capital city?

Answer. The Zoning Commission is made up of members who are actually city government employees, their terms are indefinate. Chanceries or foreign missions are not restricted to certain parts of city, but relocation plans are subject to prior approval by the Venezuelan government.

Question 4. Does the host nation require a certification of the foreign government or other form of recognition, before that foreign government can seek a site and build on it?

Answer. Although certification is not required, a building permit is necessary.

Question 5. What other local approvals are required of foreign governments before they may locate, construct, modify, or expand their chanceries, missions, and embassies?

Answer. A local building permit is granted upon presentation of blue prints in Spanish which are certified by qualified Venezuelan civil engineers.

Question 6. Does the host nation purchase property and subsequently resell or lease it to foreign missions for chancery, mission, or embassy purposes?

Answer. No.

Question 7. Is it common practice or required by law for chanceries and embassies to be located together rather than in separate locations?

Answer. No.

Question 8. Does the host nation have a special commission or agency to handle the location, expansion, and modification of foreign missions? If so, describe composition and authority.

Answer. No.

Question 9. What security considerations are involved from the point of view of the host nation in locating foreign missions, chanceries, and embassies in their respective countries?

Describe the host nation's security protection for foreign governments located there.

Have there been any notable demonstrations, attacks, or other incidents involving foreign nations' chanceries or embassies? Describe the incident and any resultant changes made in the host nation's security protection.

Answer. We are aware of no security considerations regarding location of diplomatic properties. As far as security protection is concerned, the Venezuelan Government provides protection in accordance with Article 22 Paragraph 2 of Vienna Convention. In addition (and for U.S. Mission only) a detachment of National Guard is stationed on the Embassy compound. In regard to incidents there were 2 in the past 5 years, neither was significant.

Question 10. What is the range of time periods required for foreign governments to secure the necessary approvals to locate, build, modify, or expand their chanceries, missions, and embassies?

Have there been any extraordinary delays in the process?

Are those delays inherent in the approval process or related to specific nations?

Describe the extraordinary situation.

Answer. Approval can usually be obtained in 30 to 90 days. Delay is inherent to the normal process and is not related to specific nations.

DOHA, QATAR

Question 1. Is land use regulated by the local government through zoning or a similar process?

Answer. Yes, but for diplomatic missions the only involvment of the local government would be issuance of building permits for minor improvements to leased property. All construction is regulated by the national government.

Question 2. If so, are foreign governments required to comply with local zoning in locating, building, expanding, or modifying their chancery, or mission, and embassy?

Answer. Yes.

Question 3. If foreign governments are subject to local zoning laws and regulations, what is the composition of the zoning commission?

Is it appointed or elected?

For what term?

Are chanceries or foreign missions restricted by local law to certain parts of the capital city?

Answer. Zoning is regulated by the Government Planning Commission which is staffed by civil service employees. When the new enclave is completed all chanceries and residences will be located there. At present, foreign missions can rent buildings in any part of the city, however they are not permitted to build or greatly improve existing buildings outside of the enclave.

Question 4. Does the host nation require a certification of the foreign government or other form of recognition, before that foreign government can seek a site and build on it?

Answer. Yes, foreign missions must apply for formal planning approval before beginning construction in the diplomatic enclave.

Question 5. What other local approvals are required of foreign governments before they may locate, construct, modify, or expand their chanceries, missions, and embassies?

Answer. All requirements are handled by the Planning Commission Office for Diplomatic Missions. There is a building code which permits submission of plans in English and zoning requirements such as height, number of floors, setbacks, fire/life safety rules, etc.

Question 6. Does the host nation purchase property and subsequently resell or lease it to foreign missions for chancery, mission, or embassy purposes?

Answer. All land in the enclave is owned by the Government of Qatar and will be leased to the foreign missions for up to 50 years.

Question 7. Is it common practice or required by law for chanceries and embassies to be located together rather than in separate locations?

Answer. The Planning Commission has chosen the site for each foreign embassy and residence, some of these are located on adjacent plots of land. All embassies, ambassador's residences and staff residences will be relocated to the enclave within a few years.

Question 8. Does the host nation have a special commission or agency to handle the location, expansion, and modification of foreign missions? If so, describe composition and authority.

Answer. There is a Planning Commission Office for Diplomatic Missions headed by the Technical Advisor to the Emir. The Emir personally approves all requests for land and all building plans submitted by foreign governments.

Question 9. What security considerations are involved from the point of view of the host nation in locating foreign missions, chanceries, and embassies in their respective countries?

Describe the host nation's security protection for foreign governments located there.

Have there been any notable demonstrations, attacks, or other incidents involving foreign nations' chanceries or embassies? Describe the incident and any resultant

changes made in the host nation's security protection.

Answer. Security considerations were not paramount in the Emirs decision to establish the enclave; however, security will be improved due to the limited access to the enclave and its distance from major population centers. The Qatari Police promise to provide immediate response to any call from foreign missions.

There have been no incidents in Doha.

Question 10. What is the range of time periods required for foreign governments to secure the necessary approvals to locate, build, modify, or expand their chanceries, missions, and embassies?

Have there been any extraordinary delays in the process?

Are those delays inherent in the approval process or related to specific nations?

Describe the extraordinary situation.

Answer. The Emir and the Planning Commission encourage construction in the enclave, approvals can be obtained quickly.

GUATEMALA, REPUBLIC OF GUATEMALA

Question 1. Is land use regulated by the local government through zoning or a similar process?

Answer. Yes.

Question 2. If so, are foreign governments required to comply with local zoning in locating, building, expanding, or modifying their chancery, or mission, and embassy?

Answer. Yes.

Question 3. If foreign governments are subject to local zoning laws and regulations, what is the composition of the zoning commission?

Is it appointed or elected?

For what term?

Are chanceries or foreign missions restricted by local law to certain parts of the capital city?

Answer. The Zoning Commission has two members, the Director of City Planning and the Chief of Urban Construction Control Dept. They are appointed by the Mayor for indefinite terms. Diplomatic properties may be located in any part of the city.

Question 4. Does the host nation require a certification of the foreign government or other form of recognition, before that foreign government can seek a site and build on it?

Answer. No.

Question 5. What other local approvals are required of foreign governments before they may locate, construct, modify, or expand their chanceries, missions, and embassies?

Answer. No foreign mission may own more than eight properties and reciprocity must be guaranteed so that the GOG may purchase an equal number of properties in the foreign capital.

Requests for authorization to build must be submitted through the Ministry of Foreign Affairs (MFA) and approved by the Cabinet. Upon receipt of the approval a request for a building permit may be submitted in the Spanish language. It must include architectural, structural, electrical, sanitary, and water plans. It must also show plans for alarm systems, incinerators, and other equipment installed by the Contractor.

Question 6. Does the host nation purchase property and subsequently resell or lease it to foreign missions for chancery, mission, or embassy purposes?

Answer. No.

Question 7. Is it common practice or required by law for chanceries and embassies to be located together rather than in separate locations?

Answer. No.

Question 8. Does the host nation have a special commission or agency to handle the location, expansion, and modification of foreign missions? If so, describe composition and authority.

Answer. No.

Question 9. What security considerations are involved from the point of view of the host nation in locating foreign missions, chanceries, and embassies in their respective countries?

Describe the host nation's security protection for foreign governments located there.

Have there been any notable demonstrations, attacks, or other incidents involving foreign nations' chanceries or embassies? Describe the incident and any resultant changes made in the host nation's security protection.

Answer. Most diplomatic missions are located in the new section of Guatemala City where the crime rate is lower than in other parts of the city. All foreign missions have at least one policeman at the chancery and another at the chief of missions residence. In addition the foreign missions may hire Guatemalan policemen and bodyguards directly from the Defense Ministry. The most publicized incident in Guatemala occurred in Jan. 1980 when terrorists took over the Spanish Embassy and held all occupants hostage. The Guatemalan police stormed the building, the terrorists set it on fire, and killed 39 people including two Spanish diplomats and two Guatemalan officials. Since then three other diplomatic buildings have been bombed. The security offered by the GOG has not been changed since the attacks.

Question 10. What is the range of time periods required for foreign governments to secure the necessary approvals to locate, build, modify, or expand their chanceries, missions, and embassies?

Have there been any extraordinary delays in the process?

Are those delays inherent in the approval process or related to specific nations?

Describe the extraordinary situation.

Answer. Permission to build can usually be obtained within a month, generally, there have been no extraordinary delays.

HONG KONG

Question 1. Is land use regulated by the local government through zoning or a similar process?

Answer. Yes.

Question 2. If so, are foreign governments required to comply with local zoning in locating, building, expanding, or modifying their chancery, or mission, and embassy?

Answer. Yes.

Question 3. If foreign governments are subject to local zoning laws and regulations, what is the composition of the zoning commission?

Is it appointed or elected?

For what term?

Are chanceries or foreign missions restricted by local law to certain parts of the capital city?

Answer. The Crown Lands Commission acts as the zoning board, it is a branch of the Colonial Government.

Question 4. Does the host nation require a certification of the foreign government or other form of recognition, before that foreign government can seek a site and build on it?

Answer. No.

Question 5. What other local approvals are required of foreign governments before they may locate, construct, modify, or expand their chanceries, missions, and embassies?

Answer. The Crown Lands Commission controls all aspects of construction and maintain a full staff of realtors, architects, engineers, and surveyors. The Commission performs an architectural and technical review prior to issuing a building permit. Plans are in English and must conform to rules issued by the Commission.

Question 6. Does the host nation purchase property and subsequently resell or lease it to foreign missions for chancery, mission, or embassy purposes?

Answer. All land belongs to the Crown and is leased from the Crown.

Question 7. Is it common practice or required by law for chanceries and embassies to be located together rather than in separate locations?

Answer. No.

Question 8. Does the host nation have a special commission or agency to handle the location, expansion, and modification of foreign missions? If so, describe composition and authority.

Answer. No.

Question 9. What security considerations are involved from the point of view of the host nation in locating foreign missions, chanceries, and embassies in their respective countries?

Describe the host nation's security protection for foreign governments located there.

Have there been any notable demonstrations, attacks, or other incidents involving foreign nations' chanceries or embassies? Describe the incident and any resultant changes made in the host nation's security protection.

Answer. Embassies are permitted to locate in any part of the Crown Colony, security is not a consideration of the Colonial Government. There have been no notable incidents. The diplomats receive the same Police protection as all other residents of Hong Kong.

Question 10. What is the range of time periods required for foreign governments to secure the necessary approvals to locate, build, modify, or expand their chanceries, missions, and embassies?

Have there been any extraordinary delays in the process?

Are those delays inherent in the approval process or related to specific nations?

Describe the extraordinary situation.

Answer. Depending on the complexity of the project issuance of a building permit takes from six months to two years. There have been no extraordinary delays and the normal delays are not related to any specific country.

ISLAMABAD, PAKISTAN

Question 1. Is land use regulated by the local government through zoning or a similar process?

Answer. No, it is regulated by the national government.

Question 2. If so, are foreign governments required to comply with local zoning in locating, building, expanding, or modifying their chancery, or mission, and embassy?

Answer. Yes.

Question 3. If foreign governments are subject to local zoning laws and regulations, what is the composition of the zoning commission?

Is it appointed or elected?

For what term?

Are chanceries or foreign missions restricted by local law to certain parts of the capital city?

Answer. There is no local zoning commission. The Capital Development Authority (CDA), which is an agency of the national government, has responsibility for all land use or zoning in Islamabad. Foreign governments wishing to build must submit all plans to the CDA's Directorate of Architecture for approval. Members of the Directorate are appointed by and serve at the pleasure of the Chief of the CDA.

All new diplomatic construction must be inside the diplomatic enclave. All foreign missions are to be relocated into the enclave by July 1982.

Question 4. Does the host nation require a certification of the foreign government or other form of recognition, before that foreign government can seek a site and build on it?

Answer. Diplomatic recognition is a prerequisite, no other certifications are required.

Question 5. What other local approvals are required of foreign governments before they may locate, construct, modify, or expand their chanceries, missions, and embassies?

Answer. None.

Question 6. Does the host nation purchase property and subsequently resell or lease it to foreign missions for chancery, mission, or embassy purposes?

Answer. The land within the enclave is owned by the Government of Pakistan (GOP) and is sold to the foreign missions.

Question 7. Is it common practice or required by law for chanceries and embassies to be located together rather than in separate locations?

Answer. Yes.

Question 8. Does the host nation have a special commission or agency to handle the location, expansion, and modification of foreign missions? If so, describe composition and authority.

Answer. Yes, the CDA.

Question 9. What security considerations are involved from the point of view of the host nation in locating foreign missions, chanceries, and embassies in their respective countries?

Describe the host nation's security protection for foreign governments located there.

Have there been any notable demonstrations, attacks, or other incidents involving foreign nations' chanceries or embassies? Describe the incident and any resultant changes made in the host nation's security protection.

Answer. The GOP has not used security considerations as justification for its request for foreign missions to relocate into the enclave.

In November 1979 the Embassy and all other buildings on our compound were burned by a mob, two Americans died as a result of the attack. The GOP has since assigned 40 Frontier Rangers to the Ambassador's residence and has promised to provide additional troops if needed.

Questions 10. What is the range of time periods required for foreign governments to secure the necessary approvals to locate, build, modify, or expand their chanceries, missions, and embassies?

Have there been any extraordinary delays in the process?

Are those delays inherent in the approval process or related to specific nations?

Answer. Since the GOP is eager to get embassies to build in the enclave, approval of requests to build is quite rapid.

LAGOS, NIGERIA

Question 1. Is land use regulated by the local government through zoning or a similar process?

Answer. Land use is regulated by the Lagos State Government.

Question 2. If so, are foreign governments required to comply with local zoning in locating, building, expanding, or modifying their chancery, or mission, and embassy?

Answer. Foreign governments are required to comply with local zoning in locating, building, expanding or modifying their chancery, or mission, and Embassy.

Question 3. If foreign governments are subject to local zoning laws and regulations, what is the composition of the zoning commission?

Is it appointed or elected?

For what term?

Are chanceries of foreign missions restricted by local law to certain parts of the capital city?

Answer. The local zoning laws and regulations are written by staff members of the Lagos State Government who are civil servants.

Chanceries or foreign missions are not restricted to a certain parts of the capital city.

Question 4. Does the host nation require a certification of the foreign government or other form of recognition, before that foreign government can seek a site and build on it?

Answer. A foreign government must be duly accredited before it can seek a site and build on it.

Question 5. What other local approvals are required of foreign governments before they may locate, construct, modify, or expand their chanceries, missions, and embassies?

Answer. Other approvals required:

1. Certification that all ground rents are paid;
2. Certification that development plans are consistent with local zoning laws;
3. Certification that construction plans are consistent with development plans and that proper foundations are provided that are compatible to soil composition;
4. Building permit; and,
5. All plans must be certified by a local architect.

Question 6. Does the host nation purchase property and subsequently resell or lease it to foreign missions for chancery, mission, or embassy purposes?

Answer. Yes, the land use decree of 1978 vested all land in the Governor of that state and such land would be held in trust and administered for the use and common benefit of all Nigerians, thus foreign governments may acquire long-term leases for land from the Lagos State Government on which it may build.

Question 7. Is it common practice or required by law for chanceries and embassies to be located together rather than in separate locations?

Answer. There is no law that Chanceries and Embassies be located together or in separate locations. There is no set pattern locally.

Question 8. Does the host nation have a special commission or agency to handle the location, expansion, and modification of foreign missions? If so, describe composition and authority.

Answer. The Ministry of Economic Planning and Land Matters, Lagos State Government handles the location, expansion and modification of foreign missions.

Question 9. What security considerations are involved from the point of view of the host nation in locating foreign missions, chanceries, and embassies in their respective countries?

Describe the host nation's security protection for foreign governments located there.

Have there been any notable demonstrations, attacks, or other incidents involving foreign nations' chanceries or embassies? Describe the incident and any resultant changes made in the host nation's security protection.

Answer. There is no evidence to indicate that Nigeria locates foreign missions with security considerations in mind. Allocation of property appears to be a random affair with matters of reciprocity being a prime determining factor.

Nigeria does not have a formalized, comprehensive plan for the protection of foreign missions. Protection is provided on an ad hoc basis when requested by a particular mission. Response time is slow and mostly ineffective due to manpower and equipment shortage.

On 7 January 1980, approximately 20 Nigerian students seized the British High Commission in Lagos.

On 6 February 1980, approximately thirty Nigerian students held an anti-Muhammad Ali demonstration at the American Embassy. The demonstrators, who were peaceful in the main, occupied the lobby area for approximately two hours. At the Embassy request, four policemen appeared at the Embassy thirty minutes after the start of the demonstration. An Embassy vehicle had to pick them up at their station and return them there after the incident.

On 13 May 1981, approximately 30 Nigerian students staged a peaceful demonstration at the American Embassy in order to voice their opposition to our South African policy.

No changes have been made in the Nigerian Government's security protection of foreign missions. Their response continues to be dependent upon manpower and equipment availability.

Question 10. What is the range of time periods required for foreign governments to secure the necessary approvals to locate, build, modify, or expand their Chanceries, Missions, and Embassies?

Have there been any extraordinary delays in the process?

Are those delays inherent in the approval process or related to specific nations?

Describe the extraordinary situation.

Answer. The time period varies and is dependent upon personal relationships with approving officials and the kind of approval one seeks. Allocation of land may take from six months to one year; site plan approval—six months; building plans approval—six months approval to modify or expand—six months. Delays are inherent in the approval process.

LILONGWE, MALAWI

Question 1. Is land use regulated by the local government through zoning or a similar process?

Answer. Yes. There are separate areas for residential and office buildings.

Question 2. If so, are foreign governments required to comply with local zoning in locating, building, expanding, or modifying their chancery, or mission, and embassy?

Answer. Yes.

Question 3. If foreign governments are subject to local zoning laws and regulations, what is the composition of the zoning commission?

Is it appointed or elected?

For what term?

Are chanceries or foreign missions restricted by local law to certain parts of the capital city?

Answer. The Town Planning Committee (zoning commission) is comprised of nine members who are appointed by the GOM for indefinite terms. Foreign missions are encouraged to build in zones designated for office buildings, but there is no law on this point.

Question 4. Does the host nation require a certification of the foreign government or other form of recognition, before that foreign government can seek a site and build on it?

Answer. Diplomatic recognition is required.

Question 5. What other local approvals are required of foreign governments before they may locate, construct, modify, or expand their chanceries, missions, and embassies?

Answer. The only requirement when applying for a plot or requesting approval for the construction of an Embassy, extension, etc. is the submission of building plans.

Question 6. Does the host nation purchase property and subsequently resell or lease it to foreign missions for chancery, mission, or embassy purposes?

Answer. The GOM, through an office of the state government, the Capital City Development Corporation, builds homes and offices for rental or sale to foreign governments and other organizations who do not have their own buildings.

Question 7. Is it common practice or required by law for chanceries and embassies to be located together rather than in separate locations?

Answer. No.

Question 8. Does the host nation have a special commission or agency to handle the location, expansion, and modification of foreign missions? If so, describe composition and authority.

Answer. No.

Question 9. What security considerations are involved from the point of view of the host nation in locating foreign missions, chanceries, and embassies in their respective countries?

Describe the host nation's security protection for foreign governments located there.

Have there been any notable demonstrations, attacks, or other incidents involving foreign nation's chanceries or embassies? Describe the incident and any resultant changes made in the host nation's security protection.

Answer. Security is not a GOM consideration. The host government can provide police or other protection if required to do so. There have been no demonstrations, attacts or incidents directed against foreign missions.

Question 10. What is the range of time periods required for foreign governments to secure the necessary approvals to locate, build, modify, or expand their chanceries, missions, and embassies?

Have there been any extraordinary delays in the process?

Are those delays inherent in the approval process or related to specific nations?

Describe the extraordinary situation.

Answer. The normal time to obtain a building permit is six to eight weeks, there have been no extraordinary delays and no delays related to specific nations.

LISBON, PORTUGAL

Question 1. Is land use regulated by the local government through zoning or a similar process?

Answer. Yes.

Question 2. If so, are foreign governments required to comply with local zoning in locating, building, expanding, or modifying their chancery, or mission, and embassy?

Answer. Yes.

Question 3. If foreign governments are subject to local zoning laws and regulations, what is the composition of the zoning commission?

Is it appointed or elected?

For what term?

Are chanceries or foreign missions restricted by local law to certain parts of the capital city?

Answer. The Lisbon city government acts as the zoning commission, the Mayor is elected for a term of three years.

Question 4. Does the host nation require a certification of the foreign government or other form of recognition, before that foreign government can seek a site and build on it?

Answer. An official note from the foreign embassy requests approval from the Ministry of Foreign Affairs for the acquisition of the site and the construction of the building. When approved a notice is sent to the municipal government.

Question 5. What other local approvals are required of foreign governments before they may locate, construct, modify, or expand their chanceries, missions, and embassies?

Answer. The Lisbon Municipality approves building plans for new buildings, modifications, or expansions and issues necessary building permits. All plans and specifications must be in the Portuguese language and in accordance with local regulations.

Question 6. Does the host nation purchase property and subsequently resell or lease it to foreign missions for chancery, mission, or embassy purposes?

Answer. No.

Question 7. Is it common practice or required by law for chanceries and embassies to be located together rather than in separate locations?

Answer. No.

Question 8. Does the host nation have a special commission or agency to handle the location, expansion, and modification of foreign missions? If so, describe composition and authority.

Answer. No.

Question 9. What security considerations are involved from the point of view of the host nation in locating foreign missions, chanceries, and embassies in their respective countries?

Describe the host nation's security protection for foreign governments located there.

Have there been any notable demonstrations, attacks, or other incidents involving foreign nations' chanceries or embassies? Describe the incident and any resultant changes made in the host nation's security protection.

Answer. Chanceries are normally required to be located in the "small Lisbon" area. Depending of the perceived threat, the Portuguese Police provide free uniformed guard services for the chief of mission. Within the last year the Chilean and Brazilian Embassies were bombed. There is a special Diplomatic Protection Brigade in the Portuguese Police.

Question 10. What is the range of time periods required for foreign governments to secure the necessary approvals to locate, build, modify, or expand their chanceries, missions, and embassies?

Have there been any extraordinary delays in the process?

Are those delays inherent in the approval process or related to specific nations?

Describe the extraordinary situation.

Answer. If local regulations are closely followed 30 to 90 days should suffice for the issuance of a building permit. The U.S. Embassy is not aware of any extraordinary delays.

LONDON, ENGLAND

Question 1. Is land use regulated by the local government through zoning or a similar process?

Answer. Yes

Question 2. If so, are foreign governments required to comply with local zoning in locating, building, expanding, or modifying their chancery, or mission, and embassy?

Answer. Yes.

Question 3. If foreign governments are subject to local zoning laws and regulations, what is the composition of the zoning commission?

Is it appointed or elected?

For what term?

Are chanceries or foreign missions restricted by local law to certain parts of the capital city?

Answer. The local government planning office acts as the zoning commission. The planning office consists of a group of appointed qualified personnel employed by the local government for an indefinite term.

The Chanceries or foreign missions are not restricted to certain parts of London but most foreign missions choose to be close to the government offices.

Question 4. Does the host nation require a certification of the foreign government or other form of recognition, before that foreign government can seek a site and build on it?

Answer. No.

Question 5. What other local approvals are required of foreign governments before they may locate, construct, modify, or expand their chanceries, missions, and embassies?

Answer. There are two steps in obtaining permission to build, outline planning approval and final approval. Outline planning approval involves the submission of a written proposal stating the expected use of proposed building to a local government office. Upon receipt of the outline approval, final planning approval would be requested, and this involves the submission of detailed architectural drawings detailing size, layout and construction materials to be used.

Question 6. Does the host nation purchase property and subsequently resell or lease it to foreign missions for chancery, mission, or embassy purposes?

Answer. Yes, in some circumstances.

Question 7. Is it common practice or required by law for chanceries and embassies to be located together rather than in separate locations?

Answer. No.

Question 8. Does the host nation have a special commission or agency to handle the location, expansion, and modification of foreign missions? If so, describe composition and authority.

Answer. If approval is not granted by the local government planning office, foreign missions can appeal to the host country's Foreign Affairs Office.

Question 9. What security considerations are involved from the point of view of the

host nation in locating foreign missions, chanceries, and embassies in their respective countries?

Describe the host nation's security protection for foreign governments located there.

Have there been any notable demonstrations, attacks, or other incidents involving foreign nations' chanceries or embassies? Describe the incident and any resultant changes made in the host nation's security protection.

Answer. There are no specific security considerations involved in locating foreign missions, chanceries, and embassies in the UK. There are numerous demonstrations throughout London, some of them directed against foreign chanceries, etc.

The Diplomatic Protection Group (similar to the US Secret Service Uniform Division) augmented by Metropolitan Police has the responsibility for protecting foreign missions and personnel. With the exception of the April-May 1980 takeover of the Iranian Embassy, local authorities have basically controlled demonstrations and potential problem areas. The well-publicized seige on the Iranian Embassy, by the Special Air Services (SAS) in itself has been a deterrent to would-be terrorists. There have been no observable changes in the security protection due to the Iranian Embassy takeover.

Question 10. What is the range of time periods required for foreign governments to secure the necessary approvals to locate, build, modify, or expand their chanceries, missions, and embassies?

Have there been any extraordinary delays in the process?

Are those delays inherent in the approval process or related to specific nations?

Describe the extraordinary situation.

Answer. There is no set "time period" for approval from the host government. To a great extent it does depend on the country of origin.

According to a spokesman from the Department of the environment it does depend on the foreign government, i.e., third world countries are experiencing extended delays as opposed to other governments.

As a rule, one should allow up to a year for government approval of plans put before the local planning authority including the time to appeal to the host nation's foreign office should the local authority refuse application.

LUSAKA, ZAMBIA

Question 1. Is land use regulated by the local government through zoning or a similar process?

Answer. Yes.

Question 2. If so, are foreign governments required to comply with local zoning in locating, building, expanding, or modifying their chancery, or mission, and embassy?

Answer. Yes.

Question 3. If foreign governments are subject to local zoning laws and regulations, what is the composition of the zoning commission?

Is it appointed or elected?

For what term?

Are chanceries or foreign missions restricted by local law to certain parts of the capital city?

Answer. The Office of the City Council which is staffed by permanent employees acts as the zoning commission. Foreign missions are not restricted to certain parts of Lusaka.

Question 4. Does the host nation require a certification of the foreign government or other form of recognition, before that foreign government can seek a site and build on it?

Answer. No.

Question 5. What other local approvals are required of foreign governments before they may locate, construct, modify, or expand their chanceries, missions, and embassies?

Answer. Permission from the Ministry of Foreign Affairs (MFA) and a building permit issued by the City Council are required.

Question 6. Does the host nation purchase property and subsequently resell or lease it to foreign missions for chancery, mission, or embassy purposes?

Answer. No.

Question 7. Is it common practice or required by law for chanceries and embassies to be located together rather than in separate locations?

Answer. No.

Question 8. Does the host nation have a special commission or agency to handle the location, expansion, and modification of foreign missions? If so, describe composition and authority.

Answer. No.

Question 9. What security considerations are involved from the point of view of the host nation in locating foreign missions, chanceries, and embassies in their respective countries?

Describe the host nation's security protection for foreign governments located there.

Have there been any notable demonstrations, attacks, or other incidents involving foreign nations' chanceries or embassies? Describe the incident and any resultant changes made in the host nation's security protection.

Answer. The MFA will not approve location of foreign missions or residences close to sensitive military areas. GOZ security is provided to missions only on request for specific occasions. For example, when demonstration outside British Mission spilled over to American Embassy grounds in Nov. 1979. No other incidents have occurred since Nov. 1979.

Question 10. What is the range of time periods required for foreign governments to secure the necessary approvals to locate, build, modify, or expand their chanceries, missions, and embassies?

Have there been any extraordinary delays in the process?

Are those delays inherent in the approval process or related to specific nations?

Describe the extraordinary situation.

Answer. The time to receive MFA consent can vary from four months to over one year. Delays are inherent in local red tape and not related to specific nations.

MEXICO CITY, MEXICO

Question 1. Is land use regulated by the local government through zoning or a similar process?

Answer. Yes.

Question 2. If so, are foreign governments required to comply with local zoning in locating, building, expanding, or modifying their chancery, or mission, and embassy?

Answer. Yes.

Question 3. If foreign governments are subject to local zoning laws and regulations, what is the composition of the zoning commission?

Is it appointed or elected?

For what term?

Are chanceries or foreign missions restricted by local law to certain parts of the capital city?

Answer. There is no zoning commission but the delegations which are sub-units of the city government each have a licensing office which reviews proposals for construction. The members of the delegations are civil servants. Each area of the city is designated for residential or office use and foreign missions must respect the zoning in the location of the chanceries, residences, and other facilities.

Question 4. Does the host nation require a certification of the foreign government or other form of recognition, before that foreign government can seek a site and build on it?

Answer. Yes, foreign governments are allowed to own only two properties, the chancery and the ambassador's residence. The Foreign Ministry must certify to the Municipal government that any purchase will not violate that principle.

Question 5. What other local approvals are required of foreign governments before they may locate, construct, modify, or expand their chanceries, missions, and embassies?

Answer. Both the Delegation and the Mayors office must approve the plans before a building permit can be issued.

Question 6. Does the host nation purchase property and subsequently resell or lease it to foreign missions for chancery, mission, or embassy purposes?

Answer. No.

Question 7. Is it common practice or required by law for chanceries and embassies to be located together rather than in separate locations?

Answer. No.

Question 8. Does the host nation have a special commission or agency to handle the location, expansion, and modification of foreign missions? If so, describe composition and authority.

Answer. No.

Question 9. What security considerations are involved from the point of view of the host nation in locating foreign missions, chanceries, and embassies in their respective countries?

Describe the host nation's security protection for foreign governments located there.

Have there been any notable demonstrations, attacks, or other incidents involving foreign nations' chanceries or embassies? Describe the incident and any resultant changes made in the host nation's security protection.

Answer. The city government does not consider security in deciding where to locate foreign missions. The Police are responsive to the U.S. Embassy and a fixed Police post is established at the Embassy. There are demonstrations at least monthly. Recently a crowd occupied the Embassies of three Latin American countries.

Question 10. What is the range of time periods required for foreign governments to secure the necessary approvals to locate, build, modify, or expand their chanceries, missions, and embassies?

Have there been any extraordinary delays in the process?

Are those delays inherent in the approval process or related to specific nations?

Describe the extraordinary situation.

Answer. The application by the Canadians to build a chancery required two years, this seems to be the norm. Delays can be attributed to the fragmented nature of the Municipal Government.

MOSCOW, U.S.S.R.

Question 1. Is land use regulated by the local government through zoning or a similar process?

Answer. Yes, through the executive committee of the Moscow City Council.

Question 2. If so, are foreign governments required to comply with local zoning in locating, building, expanding, or modifying their chancery, or mission, and embassy?

Answer. Yes, but the Ministry of Foreign Affairs (MFA) will ascertain whether local zoning regulations have been complied with.

Question 3. If foreign governments are subject to local zoning laws and regulations, what is the composition of the zoning commission?

Is it appointed or elected?

For what term?

Are chanceries or foreign missions restricted by local law to certain parts of the capital city?

Answer. The United States Embassy, like all foreign embassies, can only deal with governmental organizations through the MFA. We do not know who actually decides where foreign embassies may be located.

Question 4. Does the host nation require a certification of the foreign government or other form of recognition, before that foreign government can seek a site and build on it?

Answer. Yes.

Question 5. What other local approvals are required of foreign governments before they may locate, construct, modify, or expand their chanceries, missions, and embassies?

Answer. The MFA deals with the appropriate governmental agencies. The U.S. Embassy has never been informed who reviews the proposals or on what criteria zoning decisions are based.

Question 6. Does the host nation purchase property and subsequently resell or lease it to foreign missions for chancery, mission, or embassy purposes?

Answer. The Soviet government owns all real property, it leases but does not sell land.

Question 7. Is it common practice or required by law for chanceries and embassies to be located together rather than in separate locations?

Answer. Most embassies and chanceries are located in central Moscow probably because of the availability of suitable buildings. Some new chanceries have been built away from the center. There is no requirement that the Ambassador's residence be co-located with the office building.

Question 8. Does the host nation have a special commission or agency to handle the location, expansion, and modification of foreign missions? If so, describe composition and authority.

Answer. Yes, all services for the diplomatic corps are handled by a branch of the MFA.

Question 9. What security considerations are involved from the point of view of the host nation in locating foreign missions, chanceries, and embassies in their respective countries?

Describe the host nation's security protection for foreign governments located there.

Have there been any notable demonstrations, attacks, or other incidents involving foreign nations' chanceries or embassies? Describe the incident and any resultant changes made in the host nation's security protection.

Answer. Twenty-four hour guards are posted in front of every embassy or chancery. There have been no notable demonstrations, attacks or other incidents.

Question 10. What is the range of time periods required for foreign governments to secure the necessary approvals to locate, build, modify, or expand their chanceries, missions, and embassies?

Have there been any extraordinary delays in the process?

Are those delays inherent in the approval process or related to specific nations?

Describe the extraordinary situation.

Answer. Extraordinary delays are routine and are inherent in any nation's dealing with the Soviet Bureaucracy.

NEW DELHI, INDIA

Question 1. Is land use regulated by the local government through zoning or a similar process?

Answer. No, land use is regulated through zoning regulations formulated and administered by the Delhi Development Authority (DDA) which is an office of the Government of India (GOI).

Question 2. If so, are foreign governments required to comply with local zoning in locating, building, expanding, or modifying their chancery, or mission, and embassy?

Answer. Yes, but variances can be obtained in special cases.

Question 3. If foreign governments are subject to local zoning laws and regulations, what is the composition of the zoning commission?

Is it appointed or elected?

For what term?

Are chanceries or foreign missions restricted by local law to certain parts of the capital city?

Answer. The Advisory council (Zoning Commission) of the DDA consists of 21 members: the chairman of the DDA, Chairman; 2 town planning architects; 4 municipal councilors; a public health official; 3 Commerce and Industry representatives; 4 national Government technical representatives; a representative of the Electrical Dept.; a representative of the Water and Sewer Dept.; a representative of the transport Dept.; 4 Members of Parliament.

All members except the chairman and the two architects are appointed by their respective organizations for a term of four years. The chairman is appointed by the Prime Minister and the architects are employees of the DDA. Although New Delhi has a separate area earmarked for the location of diplomatic missions, it does not restrict the missions to that area.

Question 4. Does the host nation require a certification of the foreign government or other form of recognition, before that foreign government can seek a site and build on it?

Answer. Yes.

Question 5. What other local approvals are required of foreign governments before they may locate, construct, modify, or expand their chanceries, missions, and embassies?

Answer. There are several municipal authorities which must approve the plans prior to issuance of a building permit, these include the Arts Commission, the City Council, and the Municipal Corporation for Structural, Electrical, Plumbing, and Air Conditioning Installations. Plans must be in English and use the Metric scale, a scale model is also required.

Question 6. does the host nation purchase property and subsequently resell or lease it to foreign missions for chancery, mission, or embassy pruposes?

Answer. Land can only be purchased through the GOI.

Question 7. Is it common practice or required by law for chanceries and embassies to be located together rather than in separate locations?

Answer. No.

Question 8. Does the host nation have a special commission or agency to handle the location, expansion, and modification of foreign missions? If so, describe composition and authority.

Answer. There is no special commission to handle the location, expansion, and modification of foreign missions. The DDA would handle any matter involving a foreign government on the basis of an application received from the Ministry of External Affairs.

Question 9. What security considerations are involved from the point of view of the host nation in locating foreign missions, chanceries, and embassies in their respective countries?

Describe the host nation's security protection for foreign governments located there.

Have there been any notable demonstrations, attacks, or other incidents involving foreign nations' chanceries or embassies? Describe the incident and any resultant changes made in the host nation's security protection.

Answer. The GOI provides either fixed Police posts or roving patrols for all diplomatic missions. There have been no notable incidents.

Question 10. What is the range of time periods required for foreign governments to secure the necessary approvals to locate, build, modify, or expand their chanceries, missions, and embassies?

Have there been any extraordinary delays in the process?

Are those delays inherent in the approval process or related to specific nations?

Describe the extraordinary situation.

Answer. Requests normally require from one to three years depending on the nature of the project. The Embassy is not aware of any delays other than the normal delay inherent in any bureaucracy in India.

OTTAWA, CANADA

Question 1. Is land use regulated by the local government through zoning or a similar process?

Answer. Yes. Land use is regulated through zoning by the local government.

Question 2. If so, are foreign governments required to comply with local zoning in locating, building, expanding, or modifying their chancery, or mission, and embassy?

Answer. Yes.

Question 3. If foreign governments are subject to local zoning laws and regulations, what is the composition of the zoning commission?

Is it appointed or elected?

For what term?

Are chanceries or foreign missions restricted by local law to certain parts of the capital city?

Answer. Zoning by-laws are used for routine matters and considered by the elected city council as a whole. Ad hoc sub-committees are appointed for special considerations. Chanceries or foreign missions are not restricted to certain areas of the capital city.

Question 4. Does the host nation require a certification of the foreign government or other form of recognition, before that foreign government can seek a site and build on it?

Answer. Yes.

Question 5. What other local approvals are required of foreign governments before they may locate, construct, modify, or expand their chanceries, missions, and embassies?

Answer. Conformity with local laws and regulations, and concurrence of Department of External Affairs through Protocol and the National Capital Commission (NCCO).

Question 6. Does the host nation purchase property and subsequently resell or lease it to foreign missions for chancery, mission, or embassy purposes?

Answer. Not as part of any plan and not for any profit.

Question 7. Is it common practice or required by law for chanceries and embassies to be located together rather than in separate locations?

Answer. No.

Question 8. Does the host nation have a special commission or agency to handle the location, expansion, and modification of foreign missions? If so, describe composition and authority.

Answer. No.

Question 9. What security considerations are involved from the point of view of the host nation in locating foreign missions, chanceries, and embassies in their respective countries?

Describe the host nation's security protection for foreign governments located there.

Have there been any notable demonstrations, attacks, or other incidents involving foreign nations' chanceries or embassies? Describe the incident and any resultant changes made in the host nation's security protection.

Answer. Security is not a GOC consideration in the location of foreign embassies. Static protection is provided through the Office of Protocol in the Department of External Affairs upon request or through threat analysis. Usually until there is a threat through assessment no stationary protection is supplied. There is a reactionary force composed of RCMP and local police which is readily available. There have been no significant incidents.

Question 10. What is the range of time periods required for foreign governments to secure the necessary approvals to locate, build, modify, or expand their chanceries, missions, and embassies?

Have there been any extraordinary delays in the process?

Are those delays inherent in the approval process or related to specific nations?

Describe the extraordinary situation.

Answer. There is no set time limit. But any routine request should be submitted six months in advance and allow for the usual bureaucratic red tape. There is some reciprocity with certain Eastern European nations and other governments.

PANAMA, REPUBLIC OF PANAMA

Question 1. Is land use regulated by the local government through zoning or a similar process?

Answer. Yes, land use is regulated by the Municipal government but any matter involving a foreign mission would be sent first to the Ministry of Foreign Affairs (MFA) and if it involved major construction would be sent to the Office of the Head of Government (Gen. Torrijos).

Question 2. If so, are foreign governments required to comply with local zoning in locating, building, expanding, or modifying their chancery, or mission, and embassy?

Answer. Yes.

Question 3. If foreign governments are subject to local zoning laws and regulations, what is the composition of the zoning commission?

Is it appointed or elected?

For what term?

Are chanceries or foreign missions restricted by local law to certain parts of the capital city?

Answer. There is no elected or appointed zoning commission, all decisions involving zoning or construction are made by the Director General of Urban Renewal. Embassies and residences may be located anywhere in the city.

Question 4. Does the host nation require a certification of the foreign government or other form of recognition, before that foreign government can seek a site and build on it?

Answer. Yes.

Question 5. What other local approvals are required of foreign governments before they may locate, construct, modify, or expand their chanceries, missions, and embassies?

Answer. It appears that only a note to the Foreign Ministry informing them of the foreign governments intention to purchase, build, modify or expand real property is needed. Building permits would be issued to the contractor upon presentation of plans and after approval by the MFA.

Question 6. Does the host nation purchase property and subsequently resell or lease it to foreign missions for chancery, mission, or embassy purposes?

Answer. No.

Question 7. Is it common practice or required by law for chanceries and embassies to be located together rather than in separate locations?

Answer. No.

Question 8. Does the host nation have a special commission or agency to handle the location, expansion, and modification of foreign missions? If so, describe composition and authority.

Answer. No.

Question 9. What security considerations are involved from the point of view of the host nation in locating foreign missions, chanceries, and embassies in their respective countries?

Describe the host nation's security protection for foreign governments located there.

Have there been any notable demonstrations, attacks, or other incidents involving foreign nations' chanceries or embassies? Describe the incident and any resultant changes made in the host nation's security protection.

Answer. Security is not a consideration of the GOP in relation to location of embassies. There is one National Guardsman at the U.S. Embassy at all times.

There have been three notable incidents in the last nine months; the GOP responded to each but did not change the procedures.

Question 10. What is the range of time periods required for foreign governments to secure the necessary approvals to locate, build, modify, or expand their chanceries, missions, and embassies?

Have there been any extraordinary delays in the process?

Are those delays inherent in the approval process or related to specific nations?

Describe the extraordinary situation.

Answer. The U.S. Embassy has not requested a building permit in many years. It is understood that they depend upon the relations between the countries and that the time to obtain approval can vary widely. The MFA refused to give the Embassy a definite time frame for issuance of a permit.

PARIS, FRANCE

Question 1. Is land use regulated by the local government through zoning or a similar process?

Answer. Yes.

Question 2. If so, are foreign governments required to comply with local zoning in locating, building, expanding, or modifying their chancery, or mission, and embassy?

Answer. Yes.

Question 3. If foreign governments are subject to local zoning laws and regulations, what is the composition of the zoning commission?

Is it appointed or elected?

For what term?

Are chanceries or foreign missions restricted by local law to certain parts of the capital city?

Answer. There is no Zoning Commission. The zoning laws and regulations relate to a master plan known as the "Ground Occupancy Plan for the City of Paris". The plan is the result of a lengthy study by city planners, architects, engineers, and other urban specialists. The current plan became law by a Perfectural Decree dated 28 Feb. 77. Chanceries are not restricted to certain parts of the city.

Question 4. Does the host nation require a certification of the foreign government or other form of recognition, before that foreign government can seek a site and build on it?

Answer. No, but the Ministry of Foreign Affairs must be officially notified.

Question 5. What other local approvals are required of foreign governments before they may locate, construct, modify, or expand their chanceries, missions, and embassies?

Answer. After an architectural review a building permit is issued by the municipal government. Application for the permit must include complete plans and specifications translated into French.

Question 6. Does the host nation purchase property and subsequently resell or lease it to foreign missions for chancery, mission, or embassy purposes?

Answer. No.

Question 7. Is it common practice or required by law for chanceries and embassies to be located together rather than in separate locations?

Answer. No.

Question 8. Does the host nation have a special commission or agency to handle the location, expansion, and modification of foreign missions? If so, describe composition and authority.

Answer. No.

Question 9. What security considerations are involved from the point of view of the host nation in locating foreign missions, chanceries, and embassies in their respective countries?

Describe the host nation's security protection for foreign governments located there.

Have there been any notable demonstrations, attacks, or other incidents involving foreign nations' chanceries or embassies? Describe the incident and any resultant changes made in the host nation's security protection.

Answer. There are no specific restrictions relative to security in connection with locations of diplomatic establishments. Security protection varies according to the size, importance, and visibility of the diplomatic mission. There have been peaceful demonstrations at various chanceries and diplomatic offices during the past few years, and several diplomatic personnel have been subject to terrorist attacks. The host government has been very quick to provide additional security protection when the need arises.

Question 10. What is the range of time periods required for foreign governments to secure the necessary approvals to locate, build, modify, or expand their chanceries, missions, and embassies?

Have there been any extraordinary delays in the process?

Are those delays inherent in the approval process or related to specific nations?

Describe the extraordinary situation.

Answer. The time period required ranges from 3 to 5 months according to the importance of the project and are inherent in the approval process. There are no extraordinary delays and at any rate those delays would not be related to specific nations.

RIYADH, SAUDI ARABIA

Question 1. Is land use regulated by the local government through zoning or a similar process?

Answer. No, by law, all diplomatic missions much be located within the Diplomatic Quarter (DQ). The DQ has detailed zoning regulations which are administered by the High Executive Committee (HEC).

Question 2. If so, are foreign governments required to comply with local zoning in locating, building, expanding, or modifying their chancery, or mission, and embassy?

Answer. Foreign Governments are required to comply with the regulation of the HEC.

Question 3. If foreign governments are subject to local zoning laws and regulations, what is the composition of the zoning commission?

Is it appointed or elected?

For what term?

Are chanceries or foreign missions restricted by local law to certain parts of the capital city?

Answer. The HEC is composed of the following members: Governor of Riyadh, Chairman Deputy Governor of Riyadh, Deputy Chairman 4, Deputy Ministers from functional ministries the Mayor of Riyadh.

Question 4. Does the host nation require a certification of the foreign government or other form of recognition, before that foreign government can seek a site and build on it?

Answer. No.

Question 5. What other local approvals are required of foreign governments before they may locate, construct, modify, or expand their chanceries, missions, and embassies?

Answer. None.

Question 6. Does the host nation purchase property and subsequently resell or lease it to foreign missions for chancery, mission, or embassy purposes?

Answer. All land in the DQ is owned by the Saudi Arabian Government (SAG) and is leased or sold to the foreign missions through the HEC.

Question 7. Is it common practice or required by law for chanceries and embassies to be located together rather than in separate locations?

Answer. In the DQ all sites have been selected for the various nations by the HEC. The site selected for the USA has both the Chancery and the Ambassador's residence on the same site.

Question 8. Does the host nation have a special commission or agency to handle the location, expansion, and modification of foreign missions? If so, describe composition and authority.

Answer. Yes, the HEC which reports directly to the Royal Household. All important decisions by the HEC are made in the name of the King.

Question 9. What security considerations are involved from the point of view of the host nation in locating foreign missions, chanceries, and embassies in their respective countries?

Describe the host nation's security protection for foreign governments located there.

Have there been any notable demonstrations, attacks, or other incidents involving foreign nation's chanceries or embassies? Describe the incident and any resultant changes made in the host nation's security protection.

Answer. The SAG will provide adequate Police protection. Security was an important consideration in the establishment of the DQ. There have been no incidents.

Question 10. What is the range of time periods required for foreign governments to secure the necessary approvals to locate, build, modify, or expand their chanceries, missions, and embassies?

Have there been any extraordinary delays in the process?

Are those delays inherent in the approval process or related to specific nations?

Describe the extraordinary situation.

Answer. The DQ is a new project and no plans have been submitted for approval yet. It is anticipated that approval will be quick because the King has decided that he wants all of the embassies moved to Riyadh in 1983.

ROME, ITALY

Question 1. Is land use regulated by the local government through zoning or a similar process?

Answer. Yes.

Question 2. If so, are foreign governments required to comply with local zoning in locating, building, expanding, or modifying their chancery, or mission, and embassy?

Answer. Yes.

Question 3. If foreign governments are subject to local zoning laws and regulations, what is the composition of the zoning commission?

Is it appointed or elected?

For what term?

Are chanceries or foreign missions restricted by local law to certain parts of the capital city?

Answer. The Building Commission which approves any new construction project, alterations and additions to existing buildings is made up of the Mayor of Rome, Assessor to the Zoning Plan, Assessor to Urbanistics, Assessor for Building Matters, one representative of the Fine Arts Commission (for the Historical Center of Rome), Chief Lawyer of the Commune of Rome, an engineer of the Rome Fire Department, and a number of engineers and architects who act as consultants.

This Zoning Commission is appointed for a period of two years. There are no restrictions by local law to restrict chanceries or foreign missions.

Question 4. Does the host nation require a certification ot the foreign government or other form of recognition, before that foreign government can seek a site and build on it?

Answer. Yes.

Question 5. What other local approvals are required of foreign governments before they may locate, construct, modify, or expand their chanceries, missions, and embassies?

Answer. A note verbale is submitted to the MFA to inform the Italian Government of the desire to (A) acquire unimproved property to build an office building or residential housing units (B) acquire one or more buildings for offices or residential housing, specifying if modifications and/or additions are planned (C) improve or alter any building already the property of the U.S. Government. For example, this is required for the repainting of the facades of a building. Please note that preliminary approval for any purchase, or sale, of real estate property must be obtained with a decree signed by the president of the Italian Republic. This alone may take from three to six months.

Question 6. Does the host nation purchase property and subsequently resell or lease it to foreign missions for chancery, mission, or embassy purposes?

Answer. No.

Question 7. Is it common practice or required by law for chanceries and embassies to be located together rather than in separate locations?

Answer. No.

Question 8. Does the host nation have a special commission or agency to handle the location, expansion, and modification of foreign missions? If so, describe composition and authority.

Answer. No.

Question 9. What security considerations are involved from the point of view of the host nation in locating foreign missions, chanceries, and embassies in their respective countries?

Describe the host nation's security protection for foreign governments located there.

Have there been any notable demonstrations, attacks, or other incidents involving foreign nations' chanceries or embassies? Describe the incident and any resultant changes made in the host nation's security protection.

Answer. The security protection afforded foreign missions in Italy varies from Embassy to Embassy. Generally, the Italian police prefer to utilize roving patrols in automobiles rather than fixed outside pedestrian posts. At high risk Embassies the police often utilize a combination of a fixed pedestrian post with a roving patrol as support. At the U.S. Embassy in Rome we normally have a roving police patrol car, in times of increased tensions or anticipated reactions to external events, the police supplement their patrol car with fixed posts.

In the past three to four years, the Libyan, Turkish, Syrian and Belgium Embassies have been attacked by one group or another with resultant injuries and deaths.

The Italian Government has asked all foreign missions to provide as much of their own internal security as possible. While they recognize their ultimate responsibility in protecting these missions, they also freely admit that they are short of personnel to deploy in this type of protective duty as their resources are needed in the fight against terrorism and public crime.

Question 10. What is the range of time periods required for foreign governments to secure the necessary approvals to locate, build, modify, or expand their chanceries, missions, and embassies?

Have there been any extraordinary delays in the process?

Are those delays inherent in the approval process or related to specific nations?

Describe the extraordinary situation.

Answer. The time range is from two to three years from the first note verbale to the foreign office.

Yes, there has been some extraordinary delays. The permit to build the Marine Quarters above the Embassy garage area took over five years. This was due to the fact that the Embassy compound is consid-

ered an historical site and is located in the historical center of Rome. Delays beyond the two to three year period should be anticipated for buildings in the historical center of the city. Delays are not related to any specific nation.

THE HAGUE, NETHERLANDS

Question 1. Is land use regulated by the local government through zoning or a similar process?

Answer. Yes, by the Municipal government.

Question 2. If so, are foreign governments required to comply with local zoning in locating, building, expanding, or modifying their chancery, or mission, and embassy?

Answer. Yes.

Question 3. If foreign governments are subject to local zoning laws and regulations, what is the composition of the zoning commission?

Is it appointed or elected?

For what term?

Are chanceries or foreign missions restricted by local law to certain parts of the capital city?

Answer. The Municipal government reviews the plans and issues building permits. The Municipal officials are elected for terms of four years. Foreign missions may locate in any part of the city.

Question 4. Does the host nation require a certification of the foreign government or other form of recognition, before that foreign government can seek a site and build on it?

Answer. Yes.

Question 5. What other local approvals are required of foreign governments before they may locate, construct, modify, or expand their chanceries, missions, and embassies?

Answer. The foreign mission must get a building permit, plans must be submitted in the Dutch language and an architectural/structural review is required.

Question 6. Does the host nation purchase property and subsequently resell or lease it to foreign missions for chancery, mission, or embassy purposes?

Answer. Yes.

Question 7. Is it common practice or required by law for chanceries and embassies to be located together rather than in separate locations?

Answer. No, but they must be within the city limits.

Question 8. Does the host nation have a special commission or agency to handle the location, expansion, and modification of foreign missions? If so, describe composition and authority.

Answer. The Protocol Office of the Ministry of Foreign Affairs handles matters relating to construction and real estate.

Question 9. What security considerations are involved from the point of view of the host nation in locating foreign missions, chanceries, and embassies in their respective countries?

Describe the host nation's security protection for foreign governments located there.

Have there been any notable demonstrations, attacks, or other incidents involving foreign nations' chanceries or embassies? Describe the incident and any resultant changes made in the host nation's security protection.

Answer. Security is not a consideration in regard to the location of foreign missions. The city government provides Police protection as required. There have been no significant demonstrations or incidents.

Question 10. What is the range of time periods required for foreign governments to secure the necessary approvals to locate, build, modify, or expand their chanceries, missions, and embassies?

Have there been any extraordinary delays in the process?

Are those delays inherent in the approval process or related to specific nations?

Describe the extraordinary situation.

Answer. For small projects approval is swift, if a project involves new construction the approval process could be very lengthy. Delays would be due to the process not related to specific nations.

TOKYO, JAPAN

Question 1. Is land use regulated by the local government through zoning or a similar process?

Answer. Yes.

Question 2. If so, are foreign governments required to comply with local zoning in locating, building, expanding, or modifying their chancery, or mission, and embassy?

Answer. Yes.

Question 3. If foreign governments are subject to local zoning laws and regulations, what is the composition of the zoning commission?

Is it appointed or elected?

For what term?

Are chanceries or foreign missions restricted by local law to certain parts of the capital city?

Answer. The Zoning Commission is composed of 5-7 members appointed by the head of the city for terms of two years. Embassies are not restricted to certain parts of the city.

Question 4. Does the host nation require a certification of the foreign government or other form of recognition, before that foreign government can seek a site and build on it?

Answer. No.

Question 5. What other local approvals are required of foreign governments before they may locate, construct, modify, or expand their chanceries, missions, and embassies?

Answer. City fire code; land utilization law; structural review in case of highrise; neighbor's consent with regard to the environment annoyances and/or pollution attributable to the construction.

Question 6. Does the host nation purchase property and subsequently resell or lease it to foreign missions for chancery, mission, or embassy purposes?

Answer. No.

Question 7. Is it common practice or required by law for chanceries and embassies to be located together rather than in separate locations?

Answer. No.

Question 8. Does the host nation have a special commission or agency to handle the location, expansion, and modification of foreign missions? If so, describe composition and authority.

Answer. No.

Question 9. What security considerations are involved from the point of view of the host nation in locating foreign missions, chanceries, and embassies in their respective countries?

Describe the host nation's security protection for foreign governments located there.

Have there been any notable demonstrations, attacks, or other incidents involving foreign nations' chanceries or embassies? Describe the incident and any resultant changes made in the host nation's security protection.

Answer. From a security point of view, there is no host government involvement in selecting locations for foreign diplomatic missions in Japan. Security protection is provided to missions based on the Japanese perceived threat level, currently only the U.S., Korea and USSR receive protection. There have been no notable incidents affecting U.S. facilities since 1974.

Question 10. What is the range of time periods required for foreign governments to secure the necessary approvals to locate, build, modify, or expand their chanceries, missions, and embassies?

Have there been any extraordinary delays in the process?

Are those delays inherent in the approval process or related to specific nations?

Describe the extraordinary situation.

Answer. The building code stipulates that the building officials shall notify the applicant in writing within 21 days from the day of the receipt of the application.

Mr. MATHIAS. Mr. President, the time is about to expire. I yield to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. EAGLETON. Mr. President, I am pleased to join Senator MATHIAS today in bringing the Senate's attention to significant, unresolved problems in a bill we will be called upon to consider in the near future. S. 854, the proposed Foreign Missions Act, contains some salutary features which will strengthen the hand of the State Department in dealing with other nations concerning the placement of their embassies and chanceries in this country, and by extension, our embassies and chanceries abroad. But in our judgment, S. 854 goes far beyond what is needed and makes an unnecessary, unwise, and substantial departure from the zoning and planning process for the District of Columbia which Congress established in the 1973 Home Rule Act.

Specifically, section 206 of S. 854 would establish a Foreign Missions Commission of the District of Columbia as a special purpose zoning board to handle issues relating to the location of foreign missions in the District of Columbia. The commission will have seven members, four Federal and three District of Columbia appointees. We are told that the purpose of the section is "to assure that the Federal interest in the location of foreign missions is weighed along with local concerns in Washington, D.C." (S. Rept. No. 97-329, p. 3)

Obviously, all Senators would endorse this laudable objective. Every Senator is aware that there is a vital Federal interest involved in the location of chanceries and embassies in the District of Columbia, and that the Federal interest must be carefully weighed along with the concerns of local residents. But agreement on the general goal neither necessitates S. 854 nor justifies it; far from it. If my colleagues study the issue closely, I believe that they will conclude, as did seven Senators from the Foreign Rela-

tions Committee and five Senators from the Governmental Affairs Committee, that the case for section 206 is simply unconvincing. I base my conclusion on my knowledge of the rationale behind the Home Rule Act, my review of the experience with zoning decisionmaking to date, and my vain search for any compelling justification for the State Department's proposed change.

When Congress enacted the District of Columbia Home Rule Act in 1973,—and the Senator from Maryland is entirely correct when he points out that it was most certainly a limited Home Rule Act—it made a commitment to enhanced self-government for the Nation's capital. At the same time, the legislation took into account the unique Federal needs in the District and structured the act so that legitimate Federal interests would be protected. Zoning was an area where there was an obvious need to balance the land use and building requirements of the Federal Government against the city's needs for residential, commercial, and industrial development. To achieve this balance, the Home Rule Act adopted a complicated procedure which sought to protect Federal concerns, but at the same time attempted to guarantee imput at the local level and in some instances, provide local authority and decisionmaking.

Under the procedures established in the Home Rule Act, zoning in the District of Columbia is assigned to three major entities: the National Capital Planning Commission (the NCPC), the District of Columbia Zoning Commission (the DCZC), and the District of Columbia Board of Zoning Adjustment (the DCBZA). In contrast to most municipalities, the City Council and the Mayor are not given any role in District zoning. The NCPC, a Federal commission, serves as the central planning agency for the Federal Government and is composed of 12 members, 8 Federal and 4 local. The District of Columbia Zoning Commission, a District of Columbia entity, adopts the zoning maps, regulations, and zones for the city and is composed of 5 members, 2 of whom represent the Federal interest. The District of Columbia Board of Zoning Adjustment, also a District of Columbia entity, serves as a zoning appeals board and hears applications for special exceptions to the city's zoning regulations. The BZA is also composed of 5 members, 1 of whom represents the NCPC, another who represents the Zoning Commission (this member rotates and could well be a Federal representative), and 3 who are appointed by the Mayor.

Thus, at every level of the city's zoning process, the Federal Government is well represented. In the case of the NCPC, of course, Federal representatives predominate. In short, the drafters of the Home Rule Act sought painstakingly to strike the same balance between Federal and local interests which the proponents of S. 854 claim to be seeking.

Moreover, the U.S. State Department has been represented at important stages of deliberations relating to the location and construction of foreign chanceries. Chanceries, as opposed to embassies, are office buildings of foreign governments and under normal zoning procedures are treated as commercial buildings. Since home rule went into effect in 1975, the three zoning entities established under home rule have spent nearly 3 years promulgating regulations for the location of chanceries, and the State Department participated in the promulgation of these regulations at every step. Also, since the regulations went into effect in 1978, the State Department has never approached any of the zoning entities and requested that the regulations be changed or modified. Indeed, in December of 1979, when I served as chairman of the Subcommittee on Governmental Efficiency and the District of Columbia, this matter was discussed at a hearing and the State Department testified that while the plan did not give the State Department all that it wanted, quote, "it was something we could live with."

What then, may I ask, has occurred between 1979 and today that brings the State Department to the floor of the Senate asking that the current procedure, which it accepted in 1979, be scrubbed in favor of a federally dominated, expensive, and quite unnecessary new commission?

The State Department testified in hearings held before the District Subcommittee in January of this year that foreign countries could not obtain chancery approval via the current zoning process. Yet, of 12 foreign requests for zoning approval heard by the District of Columbia Board of Zoning Adjustment from October 1978, to September 1981, 11 requests were granted. Only one was denied—by a unanimous vote of all Board members, including the Federal Government representative.

The State Department also testified that the local zoning procedure ignored national and international security needs. Yet, when pressed, the State Department gave no examples of what security needs of which Federal agency or foreign government were in jeopardy. This failure has continued to this day, where trying to draw out the State Department's "national security" concerns is an experience in shadow boxing.

The State Department further testified that the local zoning procedure made it impossible for the United States to meet its international treaty obligations. Yet, the Vienna Convention agreements, article 21(1), Vienna Convention on Diplomatic Relations, specifically states that:

> The receiving State shall either facilitate the acquisition of its territory, in accordance with its laws . . . or assist the latter in obtaining accommodation in some other way.

Let me emphasize again, in accordance with its laws. In other words, our international obligations are to respect local laws.

Finally, the State Department testified that other nations do not place the same kind of restrictions on chancery locations that the District procedure places on nations operating here. Yet, a survey by both the Congressional Research Service of the Library of Congress and the State Department itself revealed that in 25 overseas capitals, local zoning procedures were adhered to in all but the State-controlled nations. Particularly, in the western, democratic countries, the local zoning procedures often appeared to be more restrictive than those employed in the District of Columbia.

In my view, the Governmental Affairs Committee report candidly reflects the mindset behind section 206. The Committee asserts, without a shred of documentation, that

> Currently, municipal decisions are taken without fully balancing foreign policy and national security questions.

The Committee goes on to say that

> Washington, D.C. * * * as the Nation's Capital, has special and unique obligations involving the Federal Government. * * * Consequently, the rationale behind the mechanism in section 206 is not based on an analysis of particular cases. The need for Federal participation in decisions concerning foreign missions in the United States is fundamental * * *

(S. Rept. 97-329, pp. 3-4) (emphasis added)

In other words, mere assertion of "foreign policy" or "national security" concerns is enough to warrant dispensing with all competing considerations, without any evidence that the State Department's request is reasonable or that the present balance created by the Home Rule Act is unduly restrictive. My colleagues may recognize a familiar pattern at work here: Over the years we have been asked, at various times, to set aside congressional prerogatives, fiscal restraint, civil liberties, and countless other important values in response to talismanic references to "foreign policy" of "national security." The 11 Senators on the Foreign Relations and Governmental Affairs Committees who opposed section 206 were neither indifferent to, nor myopic about, this country's foreign policy interests. Rather, they simply found that the current arrangements under the Home Rule Act fully and adequately protected the Federal interest. They rejected the notion that we should create still another Government bureaucracy estimated to cost $1

million in additional staff and resources and superimpose it over the several existing agencies which have been dealing effectively with these problems.

The dangers which arise when Congress accepts without questioning the State Department's assertions of national interest are not limited to serious damage to the Home Rule Act. When the Subcommittee on the District of Columbia analyzed S. 854 in detail, it discovered that another section of the bill—section 207—could be construed to permit an open-ended State Department preexemption of the decisionmaking process in the 213 cities in every State in the Union which have foreign chanceries in them. Serious concerns have been expressed about this problem by the U.S. Conference of Mayors, the National League of Cities, and other authoritative representatives of State and local interests.

Mr. President, having reviewed the State Department's proposal for yet another District of Columbia Zoning Commission, and having thoroughly studied the State Department's arguments for such a Commission, I can find nothing that justifies changing the current procedure. In fact, I remain baffled as to why this unjustified, wrong-headed proposal has made it to the floor of the Senate. However, it has. And I must therefore, urge my colleagues to respect both home rule in the District and the autonomy of all local jurisdictions and vote for the Mathias amendments to sections 206 and 207 of S. 854.

Mr. President, I yield such time as I may have left to the Senator from Maryland.

Mr. MATHIAS. Mr. President, is there time remaining under the Senator from Missouri's unanimous-consent request?

The PRESIDING OFFICER. There is time remaining of 50 seconds.

Mr. MATHIAS. Mr. President, I think the record should reflect that the consulate in Rock Springs, Wyo., is the consulate of the Republic of France, and it just shows how pervasive the influence of this bill, which appears to be a local bill in the District of Columbia, can be throughout the country.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business, during which Senators may speak for not more than 5 minutes each.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

S. 2372—FEDERAL ABORTION FUNDING RESTRICTION

Mr. HATFIELD. Mr. President, I send a bill to the desk.

THE PRESIDING OFFICER. The bill has been received and will be appropriately referred.

Mr. HATFIELD. Mr. President, I ask unanimous consent to have the bill read a second time under Senate Rule XIV so that I may put the bill on the calendar.

The PRESIDING OFFICER. It will be read the first time.

The legislative clerk read as follows:

A bill (S. 2372) relating to Federal abortion funding restriction.

Mr. HATFIELD. Mr. President, I ask unanimous consent that further reading of the bill be dispensed with.

Mr. President, this is basically a bill that has to do with the question of abortion. As the Senate knows, we have some constitutional amendments being considered by the Judiciary Committee. This in no way impinges upon that action.

Mr. President, I ask unanimous consent to have the bill read for the second time so that it can be held on the calendar rather than being referred to the committee where the hearings have been held on this subject.

I do not want to complicate this whole controversial and emotional issue that much more. That is the procedure under rule XIV that I am asking for.

Mr. LONG. Mr. President, reserving the right to object, may I ask the Senator, has that request been cleared on this side of the aisle?

Mr. HATFIELD. No, I do not believe that we have made that clearance.

Mr. LONG. Mr. President, I do not think that I personally have any objection, but in view of the fact that I am at this moment representing the minority leader, who is necessarily absent at the funeral of his grandson, and I have not had the opportunity to alert any other Senator to the request, I hope the Senator will at least withhold that request until it can be cleared with the leadership of this side.

Mr. HATFIELD. I will withhold the request, Mr. President. I can wait until the next legislative day when it is read the second time and give notice that I will at that time object to it being referred to committee, which is the other procedure I can use.

Mr. LONG. I thank the Senator.

Mr. HATFIELD. Mr. President, I am introducing today a bill whose purpose is to affirm the fundamental principle of American law that all human life has intrinsic value. And in light of this, that the Federal Government not kill innocent human beings or assist others to do so through Federal abortion funding. The denial of that life is no less abhorrent than killing by terrorist violence, the suffering of our elderly and poor, or our mutual threat by nuclear destruction. Affirming this principle is no small step should the Senate pass this legislation.

The Supreme Court has stated that, while the Government may not prohibit abortions, it is not under any statutory or constitutional obligation to aid or encourge a woman's decision to have an abortion. Whether to provide such assistance is a policy matter that is strictly for determination by Congress. We have been struggling over the abortion funding issue for over 6 years with dozens of votes being taken by both Chambers on this matter. The result has been to impair, if not cripple, the appropriations process that funds the Federal Government and provides for the Nation's defense and welfare. In several instances the Government has been placed in the position of not being able to assure its employees that they will get their pay. As chairman of the Appropriations Committee, I have not only struggled with this issue in committee, but have also had to deal with the countless delays it has placed on Senate floor action on appropriations bills. It is time for us to make the current restrictions on Federal funding of abortions a permanent statute.

We cannot compromise our commitment to the sanctity of life. We must recognize the needs of the poor and the oppressed in our Nation and the world. Our society is more willing to provide assistance for the poor to have abortions than to provide adequate assistance for the needy families that find a new mouth to feed in their midst. Abortion as a solution to poverty only further entrenches society's oppression, paternalism, and racism toward the unfortunate. If we are to be for life, then we must work to assure that no human life ever need be threatened with extinction because of society's negligence in providing for the needs of all its citizens. I do not believe that abortion is a solution to those needs or that it should be a part of our Nation's social welfare system and financed by the Federal Government.

Based on the constitutional power to appropriate Federal funds, this legislation insures that the Federal Government will not advocate, promote, or fund abortions in any manner. It addresses only the funding of surgical abortions and will not impair funds for family planning. This bill does not attempt to address the difficult question of when human life begins but it does make a finding that unborn children subject to abortion are living members of the human species, bringing the Federal Government into compliance with this finding.

For me the compelling model of the effective approach to change when a

law or a condition is onerous is the method that William Wilberforce used from 1786 until his death in 1833 in combating slavery in the British Empire. When he first took up the banner of abolition he expected and predicted that slavery would soon end. It quickly became apparent that the evil was deeply ingrained in Britains economic system. So he patiently spoke to the issue here and passed modifying amendments and educational resolutions there year after year. His faithfulness and loving patience with his recalcitrant colleagues, and indeed society, bore fruit even after he retired from Parliament in 1825. It was not until 3 months after his death in 1833 that slavery and trade in humankind was finally outlawed. By a happy coincidence the House of Commons passed abolition several weeks before his death so that he knew that his lifelong goal was going to be attained. But the application for us here today is clear.

In regard to abortion we must in like manner attack this evil by degrees. We are not likely to get "abolition" in this session of Congress. But we can make a meaningful beginning in an effective way with this approach. I urge your support and invite close examination from colleagues on the various sides of the question. It is, indeed, time to reexamine our polarized positions on this far-reaching and deeply moral issue. History demands close attention to this 20th century parallel to slavery.

This bill does not attempt to take the place of other pro-life bills before the Senate. It does not attempt to overturn the much criticized Supreme Court decision of Roe against Wade and does not address the constitutional question of whether unborn children are persons under the law. It does, however, provide an orderly and expeditious manner for the issues of Roe against Wade to come up before the Court for reconsideration.

I am introducing this legislation today and objecting to its being referred to committee since extensive hearings have already been held in various pro-life measures before the Senate, and since the issue of Federal funding for abortion has been repeatedly debated and decided in this Chamber.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD at this point, along with a section-by-section analysis, a document entitled "Questions and Answers on the Hatfield-Hyde Federal Abortion Funding Restriction Bill," and document entitled "The Inadequacies of Roe v. Wade."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2372

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 42 of the United States Code shall be amended at the end thereof by adding the following new chapter:

"Chapter 101

"SECTION 1. The Congress finds that:

"(a) It is a fundamental principle of American law to recognize and affirm the intrinsic value of all human life;

"(b) Unborn children who are subjected to abortion are living members of the human species;

"(c) There is an urgent need to bring the Federal Government into compliance with the principle of the intrinsic value of all human life, regarding all matters affecting the lives of unborn children

"SECTION 2. In light of the above findings, and pursuant to the duty of Congress to ensure that the Federal Government not kill innocent human beings or assist others to do so,

"(a) No agency of the Federal Government shall perform abortions, except when the life of the mother would be endangered if the child were carried to term.

"(b) No funds appropriated by Congress shall be used to perform abortions, to reimburse or pay for abortions, to refer for abortions, except when the life of the mother would be endangered if the child were carried to term.

"(c) No funds appropriated by Congress shall be used to give training in the techniques for performing abortions, or to finance experimentation on aborted children.

"(d) The Federal Government shall not enter into any contract for insurance that provides for payment or reimbursement for abortions other than when (1) the life of the mother would be endangered if the child were carried to term, or (2) by means of a special rider financed by the employee.

"(e) No institution that receives Federal financial assistance shall discriminate against any employee, applicant for employment, medical student, or applicant for admission as a medical student, on the basis of that person's opposition to abortion or refusal to counsel or assist in the performance of abortions.

"SECTION 3. Any person may commence a civil action, on his own behalf or on behalf of unborn children, against any party, including a recipient of Federal funds, who is alleged to be in violation of Section (2) (a), (b), (c), (d) above. Any person or class which alleges it is aggrieved by conduct in violation of Section 2(e) may commence an action for appropriate redress. The district courts shall have jurisdiction, without regard to the amount in controversy, to enforce compliance with the provisions of Section 2.

"SECTION 4. In light of the above findings, and to expedite Supreme Court consideration of the interest of the States in protecting the lives of all human beings within their jurisdiction, if any State enacts legislation which prohibits or restricts abortions and which is expressly based on the findings in Section 1 of this Act, and such legislation is invalidated by final order of any court of the United States, any party to such case shall have a right to direct appeal to the Supreme Court of the United States, under the same provisions as govern appeals pursuant to 28 U.S.C. Section 1252, notwithstanding the absence of the United States as a party to such case.

"SECTION 5. If any provision of this Act or the application thereof to any person or circumstances is judicially determined to be invalid, the validity of the remainder of the Act and the application of such provision to other persons and circumstances shall not be affected by such determination."

SECTION-BY-SECTION ANALYSIS

SECTION I

The Congress finds that unborn children who are subjected to abortion are living members of the human species. Because the intrinsic value of human life is to be recognized and affirmed, the Congress must bring its policies into compliance with this finding. These Congressional findings are based upon the legislative power that is granted to the Congress in Article I of the U.S. Constitution.

These findings do not define the term "person" under the law nor does it expressly overturn *Roe* v. *Wade.* It does, however, affirm for the first time that Congress recognizes the value of all human life.

SECTION II

Sections (a) and (b) enact into permanent law the prohibition of federal funding for abortion. Four separate versions of the Hyde amendment have been enacted through the appropriations process. Continuing resolutions in the 97th Congress have extended the prohibitions. Hyde language has also been enacted as part of several authorizations, including the Food Assistance Act of 1978, the Health Services and Centers Amendments of 1978, and the Nurses Training Amendments of 1979.

The courts have upheld both state and federal prohibitions on abortion funding. *Harris* v. *McCrae,* 100 S. Ct. 2671; *Beale* v. *Doe,* 432 U.S. 438; *Maher v. Roe,* 432 U.S. 464 and *Williams v. Zbarraz,* 448 U.S. 297 (1980)

Congress has exclusive authority under the Constitution to appropriate money. (Art. I., Section 9, clause 7). James Madison referred to this power as the most complete and effectual weapon which any people can arm their elected representatives with. Alexander Hamilton made the same point in Federal Paper Number 78:

"The legislature not only commands the purse but prescribes the rules by which the duties and rights of every citizen are to be regulated. The judiciary, on the contrary, has no influence over the sword or the purse; no direction either of the strength or of the wealth of the society, and can take no active resolution whatever. It may truly be said to have neither Force nor Will but merely judgment; and must ultimately depend upon the aid of the executive arm even for the efficacy of its judgment."

Section (b) also prohibits funds for the referral of abortions. The provision will ensure that the federal government does not actively promote, arrange for, or act as an agent for one who desires an abortion. Funds can be used for counselling purposes, and for the referral of a client for counseling on medical procedures such as abortion.

See Voluntary Family Planning Services, Title X of the Public Health Services Act; Medicaid Title XIX of the Social Security Act; Maternal and Child Health Services Block Grant, Title V of the Social Security Act; and the Omnibus Reconciliation Act of 1981, P.L. 97-35. For a court decision holding a statute invalid where the state attempted to forbid the referrals of abortion counseling see *Valley Family Planning v. North Dakota,* 50 U.S.L.W. 2242 (1981).

(c) "No funds appropriated by Congress shall be used to give training in the techniques for performing abortions, or to finance experimentation on aborted children."

The Congress has enacted restrictions on the ability to conduct research on fetuses in the National Science Foundation Authorization Act of 1974 and in the National Research Service Award Act of 1974. This proposed legislation would apply these restrictions to every research program that is funded by the federal government. Even though the provision prohibits funds from being used for training in the techniques for performing abortions, it is not intended to eliminate funding for scientific techniques that are capable of being used for non-abortive purposes.

Although no Supreme Court decisions have been rendered on the ability of the federal or state government to prohibit experimentation on the unborn fetus, lower federal courts have upheld these statutes. See *Wynn* v. *Scott*, 449 F. Supp. 1302 (1978), appeal dismissed 439 U.S. 8 (1979), *Margaret S.* v. *Edwards*, 488 F. Supp. 181 (E.D. La. 1980).

(d) "The federal government shall not enter into any contract for insurance that provides for payment or re-imbursement for abortion other than when (1) the life of the mother would be endangered if the child were carried to term, or (2) by means of a special rider financed by the employee."

On September 24, 1981 the Director of the Office of Personnel Management, Donald Devine, announced that OPM would not approve any health benefit plan which provides for abortion coverage except where the life of the mother would be endangered if the fetus were carried to term. The American Federation of Government Employees (AFGE) sought and achieved an injunction whereby OPM had to continue its present insurance policies. *American Federation of Government Employees* v. *Devine*, 525 F. Supp. 250 (D.D.C. 1981).

Judge Gesell found that OPM acted arbitrarily because of ideological considerations and had no authority under either the Hyde Amendment, the Continuing Resolution restrictions or the Federal Employees Health Benefits Act to deny these benefits.

The court noted the fact that the House had voted to prohibit therapeutic coverage (Ashbrook Amendment) but the Senate Appropriations Committee rejected the rider in its consideration of H.R. 4121, the Treasury, Postal Service and General Government Appropriations Act of 1982. Due to the controversial nature of this Ashbrook language and to the general confusion surrounding the budget in late 1981, the Treasury Appropriations bill was funded by the Continuing Resolution, Public Law 97-51, which did not include the Ashbrook amendment.

Because this amendment will no doubt be considered again as a rider to the Treasury-Postal appropriations bill for 1983, I believe it would be prudent to enact permanent changes which would deny federal funding for abortion services in federal health plans. The only exceptions would be if the mother's life was endangered or if the employee financed the option through a special rider.

Judge Gesell's opinion was based on the lack of any federal legislation to restrict the provision of abortion services in federal health benefits. Clearly a different result would be warranted should the Congress act to deny funds for abortion services prospectively under its power of the purse.

(e) "No institution that receives federeal financial assistance shall discriminate against any employee, applicant for employment, medical student, or applicant for admission as a medical student, on the basis of that person's opposition to abortion or refusal to counsel or assist in the performance of abortion."

So called "conscience clauses" have been enacted in several federal statutes before, including the Health Services Extention Act of 1973, Foreign Assistance Act of 1973, and Nurse Training Amendments of 1979. State statutes which allow physicians to refuse to perform abortions as a matter of conscience and laws which allow private hospitals to refuse to provide abortion services have generally been held to be constitutional. *Jones* v. *Eastern Marine Medical Center*, 448 F. Supp. 1156 (D.Me. 1978).

In *Poelker* v. *Doe*, 432 U.S. 519 (1977), the U.S. Supreme Court held that the City of St. Louis could refuse to allow the performance of elective abortions in its public hospitals and could staff its hospitals with employees who were opposed to the performance of abortions. Because the conscience clauses allow individual employees and physicians to act in accordance with their ethical beliefs it is likely that the Supreme Court would find these statutes constitutional. Allowing private hospitals to set its own policies arguably does not involve "state action" or approval and therefore, should be held to be constitutional as well.

Section 3 establishes a cause of action on behalf of unborn children in order to institute a civil action against any party who is alleged to be in violation of this act. The Congress would grant standing to parties who are acting on behalf of unborn children regardless of the fact that minimum monetary damages cannot be documented.

The basis for enacting a special standing statute rests on the fundamental importance of the Congressional findings of this bill. Because Congress is affirming for the first time the intrinsic value of all human life—including the unborn—a specific enforcement mechanism needs to be put into place. Providing standing to representatives of the unborn, without regard to the amount in controversy, establishes an essential tool to enforcing this legislation. Congress has utilized this method of establishing a means to enforcing important national legislation when enacting environmental legislation. (See Clean Air Act, 42 U.S.C. Section 7604.)

Section 4 provides for the expedited review of any state legislation that is enacted on the basis of the findings of this bill in order to ensure that the U.S. Supreme Court gets an early opportunity to review its decision of *Roe* v. *Wade*. This section does not provide any new authority to the states to enact restrictive abortion statutes but it provides for an expedited review process should a federal court overturn a state statute that is enacted pursuant to the findings of this legislation. It does not, however, deny jurisdiction to any federal court to hear these cases.

QUESTIONS AND ANSWERS ON THE HATFIELD-HYDE FEDERAL ABORTION FUNDING RESTRICTION BILL

Q. What does the Hatfield-Hyde Funding Restriction Bill do?

A. First, the Bill affirms the intrinsic value of all human life and that unborn children are living members of the human species. Second, the Bill brings the federal government into line with these findings, guaranteeing that the federal government not kill innocent human beings or assist others to do so, by prohibiting:

(1) Any federal agency from performing abortions, except when the life of the mother would be endangered if the child were carried to term;

(2) Any funds appropriated by Congress to be used to perform abortions, to reimburse or pay for abortions, or to refer for abortions, except when the life of the mother would be endangered if the child were carried to term;

(3) The federal government from entering into any contract for insurance that provides payment or reimbursement for abortions other than (a) when the life of the mother would be endangered if the child were carried to term, or (b) by means of a special rider financed by the employee; and

(4) Any institution receiving federal financial assistance from discriminating against any employee, applicant for employment, medical student, or applicant for admission as a medical student, on the basis of that person's opposition to abortion or refusal to counsel or assist in the performance of abortions.

Third, it allows civil action against any party, including a recipient of federal funds, who violates the above provisions. The Bill also gives the Supreme Court a new chance to reconsider its much criticized 1973 abortion decision of *Roe* v. *Wade* in the light of these findings by Congress. The Bill accomplishes this by providing for direct Supreme Court review of any federal court decision striking down certain types of state anti-abortion statutes.

Q. Why is the Bill necessary?

A. Congress has been struggling with the abortion issue for years. Dozens of votes have been taken in both chambers on the matter. The issue of federal funding for abortion has tied up such appropriations bills as Labor-HHS, Defense, Foreign Operations, District of Columbia and Treasury. This Bill ends the parliamentary infighting by setting down a clear principle of law for all time.

Q. Is this bill constitutional?

A. Yes. The Supreme Court held in *Harris* v. *McRae* that the Constitution does not require government funding of abortions. Federal taxpayers are not required to support abortions through federal agencies or federal grantees. This bill affects only the sphere of federal action, which Congress has clear power to regulate.

Q. Does this bill seek to overrule *Roe* v. *Wade*?

A. No. The bill only seeks to give the Supreme Court a chance to reconsider its *Roe* v. *Wade* decision. The bill does not tell the Court *how* to decide that case. Congress will of course expect the Court to pay attention to the findings about humanity of the unborn; but this is left to the judgment of the Court. At her nomination hearings, in the Senate Judiciary Committee, Justice O'Connor rightly refused to answer questions about *Roe* v. *Wade* because that decision was likely to come before the Supreme Court again. This bill provides an orderly and expeditious manner for the issues of *Roe* v. *Wade* to come up before the Court for reonsideration.

Q. Can we realistically expect the Supreme Court to change its mind about *Roe* v. *Wade*?

A. Yes. The Court in *Roe* v. *Wade* never considered the humanity of the unborn as discussed in the findings of this bill. It is

still an open issue what the Court will do when it addresses this issue.

Q. Is this the same concept as the Human Life Bill?

A. No. This bill does recognize the principle of the intrinsic worth of all human life, but it does not take the Human Life Bill's controversial step of interpreting the Constitution by act of Congress.

Q. Does this Bill seek to deny the Supreme Court jurisdiction over cases involving abortion?

A. No. As the Bill is presently drafted, Section 4 does not withdraw from the Supreme Court the power to review this legislation and determine its constitutionality. In fact, it expedites Supreme Court consideration of the interest of the States in protecting the lives of all human beings within their jurisdiction if any State enacts legislation which prohibits or restricts abortions and which is expressly based on the findings of Section 1 of this Act.

Q. Does this Bill seek to prevent lower federal courts from issuing injunctions in abortion-related cases?

A. No. The district courts shall have jurisdiciton, without regard to the amount in controversy, to enforce compliance with the provisions in Section 2. Also, any legislation which is invalidated by final order of any court of the United States, the party to such case shall have the right to direct appeal to the Supreme Court of the United States.

Q. Does this Bill make abortion a crime?

A. No. It just makes it illegal for the federal government to perform abortions or assist others through funding to do so, except when the life of the mother would be endangered if the child was carried to term. We believe, however, that by Congress recognizing and affirming the intrinsic value of all human life, the states will take an interest in passing legislation which prohibits or restricts abortions based on Section 1 of this Bill.

Q. What affect would passage of this bill have on state funding of abortions?

A. None. Each state could determine whether or not to fund abortions.

Q. Why doesn't this bill contain exceptions for pregnancy resulting from rape or incest?

A. This bill simply continues the current state of the federal law which does not provide such exceptions.

Q. What effect will passage of this bill have on poor women across the United States who will not have access to federal assistance for abortion?

A. This bill will not change the status quo since no federal funds have been available for abortion services since 1977.

Q. Would the Federal Funding Restriction Bill prohibit the federal government from supplying or distributing certain birth control techniques, such as the I.U.D. and some forms of the pill?

A. No. The intent of this bill is to prohibit federal funding or assistance in the over one and one-half million surgical abortions occurring annually in this country. The overwhelming sentiment of the anti-abortion congressmen is not to outlaw birth control drugs or devices. Federal funding will be restricted only on those measures which terminate an identifiable human life. It should be noted that under the previous Hyde language in effect in 1981 and 1982 no restriction was placed on any form of birth control drugs or devices. This bill continues the current state of law in this regard.

Q. What amount of federal funds are saved by not funding medicaid abortions?

A. Restrictions on the Federal funding of abortion has had a significant impact on the number of abortions performed under the Medicaid statute. Prior to the enactment of the Hyde Amendment, the Office of Population Affairs, DHEW, prepared very rough estimates of Federal funds expended for abortions under the Medicaid program. The Office of Population Affairs estimated that in 1974 Medicaid financed between 220,000 and 278,000 abortions at a cost of $40-$50 million. For 1976, the Office estimated Medicaid financed abortion procedures at an annual rate of 250,000 to 300,000 at a cost of $45-$55 million. According to the Medicaid data branch of the Office of Policy, Planning and Research, DHEW, from February 14, 1978 through December 31, 1987, 2,328 abortions were funded at a cost of $777,158 to State and Federal governments.

Q. Does the bill restrict the counselling of or referrals for abortion?

A. The bill does not affect various counselling services that are available under federally funded programs but it does forbid the active promotion and referral of abortion services.

Q. Does this bill define when life begins or attempt to legally define "personhood"?

A. No. Even though the Senate Judiciary Committee has considered this controversial issue and has issued an excellent report on the Human Life Bill, this legislation does not attempt to indirectly overturn *Roe* v. *Wade* or interpret the Constitution.

Q. The Second Finding of this bill states that unborn children who are aborted are living members of the human species. What is the intent of the finding?

A. It is a fundamental principle of American law that there are inalienable fundamental rights—the right to life, liberty, and the pursuit of happiness. Under our Constitution, the government is not the ultimate source or decision maker of which human beings deserve legal protection. This important legislative finding of the Congress affirms the basic right to life for all human beings and brings the Federal Government's policies into compliance with this finding.

Q. Does this bill give states the authority to enact restrictive abortion statutes?

A. No. It does, however, provide for an expedited judicial review by the U.S. Supreme Court if a state legislature enacts a statute that is based on the findings of this legislation.

Q. Because many public and private hospitals either receive direct federal funds, or indirect benefits through the use of tax-exempt bonds, will this legislation prohibit these hospitals or clinics from performing abortions?

A. No. It only curtails the direct expenditure of federal funds for abortions, for training in the techniques for performing abortions or to finance experimentation on aborted children. The institution could not, however, discriminate against an applicant for employment, or an applicant for admission as a medical student, on the basis of that person's opposition to abortion or refusal to counsel or assist in the performance of an abortion.

THE INADEQUACIES OF ROE V. WADE

On January 22, 1973 the United States Supreme Court found in the 9th Amendment's reservation of power to the people or the 14th Amendment's right to liberty, a new found right to an abortion. The Supreme Court struck down dozens of statutes and substituted a new test that in practice resulted in abortion on demand.

In the first three months of the pregnancy, the Court stated that the woman's right to choose an abortion was absolute. By the fourth month, the state could regulate to ensure that the health of the mother was protected. When the fetus was "viable" or after the sixth month, the Court found that the state had an interest in protecting "potential life" unless the health of the mother dictated otherwise. In practice, the woman only need find a doctor who agrees that the abortion is necessary to her "mental health" in order to obtain the abortion. When we realize the important dimensions of this new liberty, one must conclude that the liberty was little short of unlimited.

A broad range of legal scholars have criticized the *Roe* v. *Wade* decision as an unprincipled exercise of judicial power. By invalidating state statutes in nearly 50 states on the basis of a liberty that found no support in the U.S. Constitution nor in the traditions of our democracy, the Supreme Court acted as a superlegislature that boldly substituted its judgment for the decisions of local legislators across the nation. Any serious student of our Constitution will be hard pressed to find constitutional authority for the Court's declaration of allowable state regulations. Former Solicitor General of the United States, Archibald Cox, noted that the opinion read like a set of hospital regulations instead of being moored in the Constitution. Professor John Ely of Harvard found it incredible that the Court could not explain the constitutional foundations of the new liberty and of the elaborate judge-made regulations that were now made law.

In essence, the Supreme Court in *Roe* v. *Wade* acted in a way that was reminiscent of an earlier day when the Court was routinely striking down state and federal statutes that were enacted to protect workers, unions, and implement New Deal legislation. Based on a concept of "laissez-faire" economics, the Supreme Court struck down statute by statute because it violated the "liberty to contract." In a famous dissent, Judge Holmes stated that the Constitution did not enact Herber Spencer's Social Statics—a book which epitomized the "survival of the fittest" economic policy of the times. The Supreme Court in *Roe* v. *Wade* has made the same basic mistake of attempting to substitute its understanding of "social mores" for the judgment of local legislatures. By constructing a new found liberty that is based on a shred of constitutional authority, the Supreme Court has ignited a tinderbox that threatens to rip our social fabric apart.

Aside from the basic flaws in the constitutional basis of *Roe* v. *Wade*, the decision must also be critized for its cavalier treatment of the ethical, oral and ultimately, legal values that our democratic government gives to the unborn. It is deeply disturbing that we should sanction a rule of law that grants to the state the authority to define who is entitled to legal personhood.

In the famous *Dred Scott* v. *Sanford* decision, the Supreme Court decided that a black slave could not be a "person" deserving of legal citizenship. In its exceptionally well written report on S. 158, the Human Life Bill, the Senate Judiciary committee has contrasted the "quality of life" ethic from the "sanctity of human life" ethic. By emphasizing that human beings are those lives who have a certain quality—those that consciously manage their life, that possess minimum attributes that all individuals should have, the "quality of life" ethic dramatically shifts away from individual in-

alienable rights. Frankly, it saddens me to find such lack of commitment to life itself, to God's creation and handiwork so prevalent in our medical ethics, our social mores and legal definitions.

I find myself ashamed of our materialistic society which grants an unlimited liberty to an abortion because another rule would result in too many unwanted children. Perhaps we need to be reminded of Grace Olvarez' dissent from the Rockefeller Commission Report. She wrote:

"To talk about the 'wanted' and the 'unwanted' child smacks too much of bigotry and prejudice. Many of us have experienced the sting of being 'unwanted' by certain segments of our society. * * * One usually wants objects and if they turn out to be unsatisfactory, they are returnable * * * Human beings are not returnable items * * * Those with power in our society cannot be allowed to 'want' and 'unwant' people at will. * * *

"The poor cry out for justice and equality, and we respond with legalized abortion."

It is because my ethical commitment to life enhancing measures, whether a nuclear freeze initiative or meeting the needs of our elderly poor, that I am introducing this bill. Although I continue to endorse a constitutional amendment to overturn the *Roe* v. *Wade* decision, I believe this bill can generate strong support in the Congress and hopefully, set the stage for the reversal of *Roe* v. *Wade*.

Mr. HATFIELD. Mr. President, the basic thrust of this bill is to get this matter off the back of the Appropriations Committee. We have had that kind of exercise for so long that I just am compelled to make this move to provide us with a statutory alternative in case that constitutional amendment proposals offered by Senator HATCH and others fail to be adopted.

This will at least get us into the statute. This does not in any way try to overrule the Supreme Court. I want to make that clear, too, because there is pluralism among those of us who oppose abortion. We are not monolithic in our thinking.

All this bill does, Mr. President, in effect, is put the Supreme Court in a position where it may review its own past decisions. That is all we are asking, that it review its own past decisions about the question of abortion. I want to make it clear that this will be entitled and publicized as an anti-abortion bill, and it is; but by no means does it attempt to overturn the Supreme Court by legislative action. Rather, it is to get the case before the Supreme Court for a review of its past decisions.

I think we shall far more advance the cause that I have to represent in opposing abortion than getting into constitutional amendments or getting into bills trying to overrule the Supreme Court and/or denying the Supreme Court the right to rule on such issues. I do not support that type of approach. That is not basically what my bill proposes to do.

Mr. LONG. Will the Senator yield?

MR. HATFIELD. I am happy to yield.

Mr. LONG. Mr. President, I say to the Senator that I fully sympathize with his view. I agree that this matter should not be handled as an amendment to an appropriation bill. In view of the Supreme Court decision on this subject it is appropriate that Congress should act. I think the decision construed the Constitution to mean something far different from what I believe it to be, with what little legal training I had before I came to this body. This decision is different, may I say, from what the overwhelming majority of the American Bar Association, or, I even believe, the overwhelming majority of the judges across the country would have construed the Constitution to mean on that subject.

The only way Congress can act in this area is by a constitutional amendment if, under our present situation, Congress does not agree with the decision of the Supreme Court.

In view of that fact, we ought to legislate by way of a constitutional amendment and I hope that Senators and Members of the House will not impede the Senate, will not prevent the Senate from voting on this matter. It is a matter that must be passed by a two-thirds majority in both Houses. It would then have to be ratified by three-quarters of all the States of the Union. Whether a Member of Congress agrees with the amendment or not, we would then be in a position to put the matter back with the people, one might say, by referring it to the legislatures of all 50 States to see whether they can agree with what we propose here as a constitutional amendment. Otherwise, the people of the country will be confronted with the necessity of seeking a constitutional convention, if need be, to try to resolve an issue of this sort.

That should not be necessary. We ought to be willing to let the majority prevail in this body and in the other body to submit their best judgment.

While I have my own views, I think that the matter was intended to be a matter within the exclusive jurisdiction of the States. I think the States should act in this area. I would like even to pass a constitutional amendment that would breathe life back into the statutes that were there at the time the Supreme Court rendered its decision.

At the same time, I really have enough respect for the views of others that, in the end, I would be willing to accommodate them in helping to submit whatever the majority wants to submit to the States so that the States can act on it. It is an area that should be decided, not forever be in limbo.

I hope very much that the Senator is successful in what he seeks to do. He seeks to bring the matter to a decision, not by legislative rider on an appropriation bill but by an attempt to resolve by legislation.

Mr. HATFIELD. Mr. President, I appreciate the Senator's remarks very much. If this body's will is for a constitutional amendment, so be it, but I have this as a fallback position. In case a two-thirds vote is not available in the body, we can still deal with this by a statutory procedure that will still get a review by the Supreme Court and at least help alleviate the difficulties we now find ourselves in trying to confront the Supreme Court as a legislative body, as a third coequal branch of Government, and try to change some of the rules of that Court.

Mr. LONG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HAYAKAWA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHMITT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WHITE SANDS SPACE HARBOR

Mr. SCHMITT. Mr. President, on behalf of myself and Mr. DOMENICI, I send to the desk a bill that has been cleared on both sides and with the appropriate chairman, namely the chairman of the Committee on Armed Services, and his distinguished ranking minority member, and I ask for the immediate consideration of this bill.

The PRESIDING OFFICER. Is there objection to the immediate consideration of this measure? The Chair hears none, and it is so ordered.

The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2373) to change the name of the landing strip at White Sands missile range in the State of New Mexico to "White Sands Space Harbor."

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The bill will be deemed to have been read the first time by title and the second time at length.

Mr. SCHMITT. Mr. President, I am pleased to introduce this bill, along with my distinguished colleague, Senator DOMENICI, which would officially designate the Northrup Strip at the White Sands missile range in New Mexico as "White Sands Space Harbor."

On March 30 of this year history was made at White Sands, a beautiful dune area of this country, which has played a major role in the develop-

ment of defense and space systems throughout its history as a missile range since early in World War II. Thousands of New Mexicans and other Americans witnessed the successful landing of the Space Shuttle *Columbia* and its valiant crew, Jack Lousma and Gordon Fullerton.

I was particularly happy to be able to personally welcome these two former colleagues of the astronaut program to New Mexico on their arrival in what is truly a unique transportation system.

Not only were Jack Lousma and Gordon Fullerton with me in the astronaut program for many years, but Gordon Fullerton and I first met up in the freshman class at the California Institute of Technology in 1953. We were not only in the same class but in the same section. So it was particularly personally gratifying to see them arrive in New Mexico in this unique way.

The landing of *Columbia* marked a major milestone in our space program. NASA demonstrated that, with the landing in New Mexico on the third flight of the Space Shuttle, we indeed have a very flexible flying machine, and that we have moved measurably closer to a truly operational space transportation system. We are showing the world and all users of this vehicle that the Shuttle will be a reliable carrier, that it can launch payloads on time and can land in a variety of places and conditions, whatever the weather conditions may prevail at specific places and at specific times.

The White Sands Space Harbor is an excellent facility that began its role in what will one day be a routine part of future flights for all aspects of our space program, particularly those related to national defense.

The dictionary defines a harbor as "a place of security and comfort." That is why the name "White Sands Space Harbor" is especially appropriate. The *Columbia* and its crew found safe, secure refuge in the landing site after touching the edge of space. They also felt the warmth of both the New Mexico Sun and the New Mexico people and all others who joined in welcoming them to this unique spot on our planet. It made us all proud to be New Mexicans and proud to be Americans at the same time.

I would like to express my personal appreciation to the U.S. Army, to the Air Force, to NASA, and to all the contractors involved in the Space Shuttle program, and to the employees of those institutions who together contributed to the success of a truly remarkable mission.

In the late 1940's the White Sands area served as the modern birthplace of our space program with the development and modification of the V-2 rocket systems brought over from Germany after World War II. Prior to that New Mexico had seen the development of liquid fuel rockets through the pioneering work of Robert Goddard at Roswell, N. Mex.

Throughout modern times the White Sands area has served as the testing ground for a variety of space systems, and now nearby, just north of Las Cruces, N. Mex., is located the principal ground station for the new Shuttle communications system that will serve our commercial, civilian, and defense needs for the remainder of the century.

It is, therefore, particularly fitting that the White Sands Space Harbor become a part of our new beginning in the routine use of space.

I yield to my distinguished colleague from Virginia for any comments he may wish to make.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. HARRY F. BYRD, JR. Mr. President, those interested in this matter on this side of the aisle have cleared the legislation introduced by the two distinguished Senators from New Mexico.

As for myself, I want to express approval and support for the proposal of the distinguished Senator from New Mexico, who is rendering such splendid and outstanding service to the people of New Mexico and to the people of the United States as a Member of the Senate of the United States.

There is no objection to this legislation on this side of the aisle.

Mr. SCHMITT. Mr. President, the distinguished majority leader (Mr. BAKER), the Senator from Tennessee, has authorized me to indicate that he has no objection.

The PRESIDING OFFICER (Mr. EAST). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

S. 2393

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the landing strip known as Northrup Strip, located at White Sands Missile Range in the State of New Mexico, shall hereafter be known as "White Sands Space Harbor". Any law, regulation, document, or record of the United States in which such landing strip is designated or referred to shall be held and considered to be a reference to "White Sands Space Harbor".

Mr. SCHMITT. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. HARRY F. BYRD, JR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The time for morning business has expired.

PROTECTION OF U.S. EXPORTS OF CORN GLUTEN FEED

Mr. PERCY. Mr. President, I would like to check with the acting minority leader to see whether or not we can proceed with the adoption of a resolution on corn gluten feed which has been cleared, so far as I know, on the other side.

It has been cosponsored by the chairman and ranking minority member of the Committee on Agriculture.

Mr. HARRY F. BYRD, JR. I will say to the able Senator from Illinois that I know of no problem on this side of the aisle. I would suggest that it not be brought to a final vote until the distinguished Senator from Louisiana returns to the Chamber as he, perhaps, may desire to make some comments.

Mr. PERCY. That would be fine. We will certainly proceed to do that and withhold a vote on it until such time as Senator LONG is on the floor, I hope word can be sent to him that we are proceeding on that basis. We will await a final vote until he has returned to the floor.

Mr. HARRY F. BYRD, JR. Very good.

Mr. PERCY. Mr. President, I now send to the desk a resolution for the Senate's consideration and I ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The clerk will state the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 362) to urge the President of the United States to take appropriate action to protect United States exports of corn gluten feed.

The Senate proceeded to consider the resolution.

Mr. PERCY. Mr. President, joining me in submitting this resolution on corn gluten feed exports are the distinguished chairman of the Committee on Agriculture (Mr. HELMS) and the distinguished chairman of the Committee on Finance (Mr. DOLE).

I am very pleased that a number of other Senators have added their names in support of this resolution, including Senator HUDDLESTON, the ranking minority member of the Committee on Agriculture; Senator BOSCHWITZ, Senator DIXON, Senator GRASSLEY, Senator JEPSEN, Senator QUAYLE, Senator LUGAR, Senator ABDNOR, Senator DANFORTH, Senator BENTSEN, and Senator PRESSLER.

Mr. President, we would rather not have to introduce this measure today, but events in Europe make it neces-

sary that we do so. Decades of cooperative trade relations hang in the balance because the European Economic Community has chosen to unilaterally move against one of our largest exports to Europe: Corn gluten feed.

Our resolution is under consideration today by the Senate because the European Council of Ministers will meet on corn gluten feed exports as early as next Tuesday, April 20. It is important for the Senate to urge our friends in Europe to refrain from imposing limits on exports of corn gluten feed.

This resolution will not come as a surprise, by the way, to many members of the European Community, inasmuch as I have this past week communicated directly with each European Community ambassador here in the United States. I have also communicated directly with several chiefs of state in Europe, and, while abroad, I met with ambassadors in other countries to insure that they recognize the serious nature of this action. In making personal representations to them, I indicated that we expect and look forward to their active and vocal support in preventing this quota from being imposed.

This resolution will be introduced in identical form next week in the House of Representatives by my good friend from Illinois, Representative PAUL FINDLEY. The House is in spring recess this week but will take up the resolution upon their return.

This resolution is simple and direct. It asks that the President communicate to the European Council of Ministers two concerns. First, the Senate dose not feel that renegotiation of the binding on corn gluten feed is in the best interests of the United States. Such a renegotiation would result in the forfeiture of a concession for which we paid dearly in negotiations nearly 20 years ago.

Second, the resolution asks the President to tell our trading partners in the European Community that imposition of any such trade limit on corn gluten feed could cause havoc within our relations with each other. This restriction is directed solely at our country and its corn gluten feed exports. It is impossible to view this in any other light.

Our resolution also expresses the will of the Senate that the President move to protect our exports of corn gluten feed in ways appropriate to preserve those markets. We hope that passage of this resolution will strengthen the President's hand so that more drastic steps—such as the need for retaliatory action—can be avoided.

This issue is of immense importance to my constituents, the Nation's farmers and ultimately every citizen of the United States. Regrettably, it appears that the European Community is moving to break a longstanding trade agreement with the United States by imposing a levy on the importation of valuable animal feed grain substitute produced efficiently by American farmers and processors. It is called corn gluten feed—I will refer to it simply as CGF—and it is an important byproduct of corn wet-milling production. Currently, it is being processed in corn wet-milling plants in 11 States from California to North Carolina and from New York to Texas.

Employment in the corn wet-milling industry is growing and now stands at 15,000. The export market is important to this industry. In 1980, for example, corn gluten feed exports to the European Community totaled 2.5 million short tons, valued at $497 million. Last year, nearly 3 million tons were exported.

These sales abroad have helped support sagging domestic corn prices and have assisted farmers during these troubled economic times. This industry represents the best private sector response to export opportunities and shows how jobs and exports grow when there is an absence of trade barriers.

Last summer, Secretary of Agriculture Block first alerted the Congress to the growing threat of agricultural protectionism in Europe. I began immediately to work with my esteemed colleagues on the Senate Agriculture Committee in order to counter this threat. We developed a close working relationship with the Foreign Agricultural Service (FAS) and the U.S. Trade Representative.

In all my years in the Senate, I have never seen the executive and legislative branches work more closely together on a trade issue. Both Senator BOSCHWITZ and I chaired separate hearings. I conducted mine on October 16, 1981, on the campus of the University of Illinois at Urbana, in the heart of the Nation's Corn Belt and in close proximity to the giant corn wet-milling plants in Decatur. Senator BOSCHWITZ, as chairman of the Foreign Agricultural Policy Subcommittee of the Agriculture Committee, conducted a similar hearing on December 14, 1981. During these months, Senator HELMS and his staff were a source of invaluable assistance and counsel.

We held these hearings because we in the Senate wanted to send a very strong signal to our friends in Europe about our concern. We spoke in a single voice in forewarning them of the serious consequences that would follow the breaking of trade agreements.

We thought we had made our message clear in Europe. But then, last week, I was disappointed to learn that the Commission of the European Community has formally recommended that a set of actions be instituted that may lead to an unnecessary and unwanted confrontation with the United States. In a nutshell, the Commission recommended on April 6 that negotiations be opened to freeze CGF at the 1981 level of about 3 million short tons. Any imports beyond that limit would be subject to a variable levy or duty.

What is so troubling is that nearly 20 years ago the European Community and the United States agreed in good faith that CGF would enter Europe freely without the imposition of a duty. This was consummated during the Kennedy round of multilateral trade negotiations in 1963-67. In trade parlance, this is called a "zero binding." In exchange for this zero duty binding, the United States granted certain trade concessions to the European Community that have benefited the Europeans in the past and continue to benefit them today. In other words, we paid for this concession on corn gluten feed, just as a consumer exchanges cash for a new automobile.

Mr. President, no one alleges that CGF has been "dumped" in Europe. No, quite to the contrary, it is highly popular with European feed compounders because it is 20 percent less costly to the compounders than European-grown corn. This margin results from the high support prices paid to European farmers that has in turn driven European corn prices skyhigh and opened a vast market for CGF and other nonfeed grain substitutes produced in the United States.

This ready supply of inexpensive imported protein has enabled European feedlot operators to raise swine and beef cattle efficiently and economically, without being at the mercy of heavily subsidized and inefficient corn producers.

According to the U.S. Feed Grains Council, the European feed compound industry has grown 63 percent since 1971. These compounders now mix and match the right formulations of a variety of feed grain substitutes that range from soybean meal to manioc. In fact, corn gluten feed adds an important element of starch to imported U.S. soybean meal. Without our corn gluten feed imports, Europe would have to turn to other starches or would turn away from our soybeans.

Incredibly, CGF represents less than 3 percent—let me repeat, just 3 percent—of all the material fed to swine and beef cattle. This can hardly be a threat to domestic feed grain producers in Europe.

Despite the relatively small amount of CGF that we export to Europe, it is critical to U.S. corngrowers and corn wet-millers.

A study that I ordered from the Congressional Research Service concluded that if the zero binding were removed:

Net farm income in the United States would be reduced by $100 million in 1983. U.S. farm income is already at the lowest level since 1934. We cannot support additional cuts in that income with farmers' backs against the wall.

The price of corn at the farm gate would be lowered by 3 cents per bushel in the fourth quarter of 1982, and by 5 cents per bushel by the third quarter of 1983.

Government deficiency payments for barley would be increased in 1983 from an anticipated $5.5 million to $9.6 million.

The price of oats would be decreased by 1 cent per bushel by the fourth quarter of 1982 and by 2 cents per bushel by the third quarter of 1983.

The farm price of sorghum would be decreased by 3 cents per bushel by the fourth quarter of 1982, and by 4 cents per bushel by the third quarter of 1983.

The U.S. balance of payments would be reduced.

Mr. President, the European Community may argue that its Commission is just proposing a "freeze" and that our corn wet-millers could still ship duty free up to the 3 million short ton limit. However, quite rightly the administration believes that this innocent sounding "freeze" is simply a first step toward further restrictions.

The Congressional Research Service told me in an October 7, 1981, report that:

> If the European Community imposed a duty on CGF, it would probably have to take similar action on other imported feedstuffs such as soybeans, soybean meal, and other nongrain feed ingredients if it is to meet an objective of a reducing common agricultural policy (CAP) expenditures and increasing the use of indigenously produced feed grains.

It is clear that the next target would be soybean meal from the United States.

This "freeze," if permitted to be adopted, would soon snowball, leading to lower quotas and the inclusion of other nonfeed grain substitutes.

I urge the governments of Europe that sit on the European Community Council to reject on April 20, 1982, and at any later sessions the ill-devised proposal to open "negotiations" with the United States to impose a freeze on CGF for these reasons:

It will injure Europe's animal feed compounders and feedlot operators. The price of European-bred pork and beef products will increase to reflect the cost of using higher priced corn on the feedlot. Pork and beef exports will be more costly to the third countries. European consumers will be needlessly forced to pay more at the butcher shop, adding to inflationary pressures.

Europe's trade relations with the United States will be impaired. Farm prices in the United States are at historic lows. Worldwide exports after years of steady growth have leveled off. American farmers will demand that the CGF be protected. The traditionally free-trade-oriented farmers could be pushed into a protectionist frame of mind by this and similar restrictions.

Why risk playing into the hands of growing protectionist circles in the United States that will exploit the threat to break the CGF binding to gather support for stiff protectionist measures?. Already the U.S. Government has brought complaints in the GATT on the dumping by the European Community of agricultural products in third country markets. Why worsen the picture?

Mr. President, I wish that I did not have to make this speech today. Repeated conversations with European Community officials in the past led me to believe that the threat to impose levy on CGF had been shelved. Earlier this year, we discussed these trade questions in the Foreign Relations Committee in a meeting I called with three visiting European Commissioners: Agriculture Commissioner Dalsager, Commissioner for Industry Davignon, and External Relations Commissioner Haferkamp. We felt we had a mutual understanding on corn gluten feed. But now there are efforts to change our zero duty. It is a disappointment to now hear of this recommendation to break a trade agreement after months of talks about how we could not live with such an action.

Again, I urge the European Community to turn away from this destructive course. We have amply assured you that we will not dump 10 million tons of CGF on your shores. Our experts project a moderate increase to 4.29 million short tons in exports by 1985.

Our gasohol and fructose processors have stabilized their output. In any event, with only 3 percent of Europe's animal feed market, it is difficult to understand why the Europeans have targeted corn gluten feed.

Already there is a serious discussion of counteraction by the U.S. Government. I have told Illinois farmers to be patient because I remain confident that the European Community Council will reject the high risk path of breaking a trade agreement. There is too much to lose for everyone.

Meanwhile, the untiring efforts of USDA, the State Department and the U.S. Trade Representative have my complete support, particularly the declaration that under no conditions will we negotiate a freeze on corn gluten feed. As I mentioned earlier, Congress and the President are working as a team on this.

Mr. President, I ask unanimous consent that letters be included in the RECORD at the close of my remarks from Secretary Block, Deputy Trade Representative David MacDonald, and Assistant Secretary of State Robert Hormats. Each of these letters voices support for this resolution and show our unity on this issue.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PERCY. I am very pleased that we have been able to show the strong support of the U.S. Government on this issue. Our key farm groups also support this resolution and our stance on corn gluten feed: The National Corn Growers Association, the American Soybean Association, the National Soybeans Processors Association, the National Corn Refiners Association, and the American Farm Bureau Federation. I am grateful for their support on this matter.

Mr. President, I ask unanimous consent that a letter signed by Senator DOLE, the chairman of the Finance Committee, Senator JESSE HELMS, chairman of the Agricultural Committee, and myself, as chairman of the Foreign Relations Committee, to the European Commissioner of Agriculture, Mr. Paul Dalsager, be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., April 15, 1982.

MR. PAUL DALSAGER,
Commissioner for Agriculture,
200 Rue de Lu Loi,
1049 Brussels, Belgium.

DEAR COMMISSIONER DALSAGER: We were pleased to meet with you when you were in Washington earlier this year and were grateful for the opportunity to discuss our mutual trade concerns.

However, we are surprised, disappointed and deeply concerned, by the European Economic Community Commission's request for authority from the EEC Council of Ministers to renegotiate the zero duty binding on corn gluten feed.

Considering that you had the opportunity to learn of the concerns of the members of the Senate Committees on Agriculture, Foreign Relations, and others at recent meetings, we find the Commission's action all the more surprising.

The undersigned chair the Senate Committees on Agriculture, Foreign Relations, and Finance, which have jurisdiction over foreign relations, agriculture and trade and tariff issues.

We have worked for many years to expand the international trading system so that Americans and Europeans would have access to the lowest-priced goods and services that each has to offer. In fact, it is this principal that has been the foundation of our international economic relations for over thirty years.

We want to assure you that our farm economy simply cannot tolerate any additional restrictions on foreign market access. We will strongly resist and react to any unilateral attempt to restrict U.S. corn gluten feed exports to the EEC.

As an indication of our resolve, we have introduced a resolution this week expressing our displeasure with the Commission's recommendation. The intent of the Resolution

is to convey to President Reagan the widespread concern in Congress regarding trade access for U.S. agricultural exports. A copy of the resolution is enclosed for your information.

The Senate took up our resolution on April 15 and passed it unanimously. The resolution urges the President to notify the Commission that the renegotiation of this duty binding is contrary to the best interests of the United States.

The resolution underscores the belief in the Senate that the United States has paid for the zero duty binding with concessions in the Kennedy Round of Negotiations under the General Agreement on Tariffs and Trade. The imposition of a tariff combined with current EEC agricultural trade practices would seriously injure American farmers and is therefore unacceptable to the United States.

In addition, restrictions on corn gluten would impact negatively on U.S. soybean exports, undermine the free trading system currently covering these commodities, and jeopardize U.S.-EEC diplomatic relations.

We sincerely hope that the Council will recognize the potentially adverse consequences of the Commission's recommendations and that the EEC will refrain from adopting this measure and move toward positive efforts to resolve our mutual agricultural trade problems.

Sincerely,

BOB DOLE,
JESSE HELMS,
CHARLES PERCY.

EXHIBIT 1

DEPARTMENT OF AGRICULTURE,
Washington, D.C., April 14, 1982.

Hon. CHARLES H. PERCY
Chairman, Senate Foreign Relations Committee, U.S. Senate, Washington, D.C.

DEAR CHARLES: I want to express my appreciation and wholehearted support for the Senate Resolution you have sponsored to urge the President to take appropriate action to protect U.S. exports of corn gluten feed to the European Community.

These exports are not only important for their own sake, they represent a vital concession negotiated by the United States under the General Agreement on Tariffs and Trade. The European Community cannot be permitted to dismiss these trade agreement obligations.

Sincerely,

(JACK)
JOHN R. BLOCK,
Secretary.

DEPARTMENT OF STATE,
Washington, D.C., April 14, 1982.

DEAR MR. CHAIRMAN: I would like to express State Department appreciation for your efforts to convey to European leaders the seriousness with which the United States views the proposal by the Commission of the European Community to negotiate a tariff quota on imports of corn gluten feed. Your letters to the European Community ambassadors in Washington and to key German, British and Italian ministers, as well as your meeting with the EC representatives in Sri Lanka, have brought home to the member states the depth of your personal concern about the ramifications of this issue for our bilateral trade relations.

The Department applauds your introduction of a joint resolution urging the President to attempt to dissuade European leaders from approving the Commission proposal, and recommending that he take all appropriate action to defend U.S. trade rights. Passage of such a resolution before the Council takes up the corn gluten feed issue would certainly be useful in bringing European leaders to understand that the Congress shares the Administration's opposition to a change in the import regime for corn gluten feed. It is important that the United States Government speak with one voice on this issue, and your resolution would help us to achieve that.

We look forward to continuing to work with the Congress on this issue.

With cordial regards,

Sincerely,

ROBERT D. HORMATS,
Assistant Secretary for Economic and Business Affairs.

DEPUTY U.S. TRADE REPRESENTATIVE,
Washington, D.C., April 14, 1982.

Hon. CHARLES H. PERCY,
Chairman, Foreign Relations Committee, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for providing us with a copy of your proposed resolution which I understand will be presented for Senate approval tomorrow.

As you know, the Office of the United States Trade Representative is very concerned about the recent action by the Commission of the European Communities which threatens to restrict imports of corn gluten feed. In conjunction with other Executive agencies, we are taking all appropriate steps to insure that the Council of Ministers of the European Community, which will decide on the Commission's request to renegotiate the binding on corn gluten feed, is made aware of the deep concern of United States Government in this matter.

Approval of the resolution you are proposing would provide additional support for our actions and would signal to the European Community (EC) a unified United States Government position on this issue. We appreciate your efforts and are hopeful that our mutual efforts will be effective in persuading the EC to retain the zero duty on corn gluten feed.

Sincerely,

DAVID R. MACDONALD.

● Mr. HELMS. Mr. President, I am pleased to join my able colleagues, the distinguished Senator from Illinois (Mr. PERCY), and my colleague on the Agriculture Committee, the distinguished senior Senator from Kansas (Mr. DOLE), and the distinguished ranking minority member (Mr. HUDDLESTON) in supporting this resolution.

Mr. President, I consider it necessary that the U.S. Senate go on record in unequivocal objection to the potential threat of unilateral action by the Commission of the European Economic Community (EEC) to restrict U.S. corn gluten exports.

The request by the EEC Commission to the Council of Agricultural Ministers of the European Community for authority to renegotiate the zero duty binding on corn gluten exports into the EEC comes as a great surprise to us who have knowledge of this issue. Personally, I was both surprised and disappointed by the Commission's request as I, along with members of the Senate Committee on Agriculture, Nutrition, and Forestry and the distinguished chairman of the House Agriculture Committee, hosted a luncheon for Agriculture Commissioner Dalsager when he was here in Washington in February for bilateral consultations.

At that luncheon, I along with Senators DOLE, JEPSEN, BOSCHWITZ, and COCHRAN expressed the degree of concern prevailing among farm State members regarding the collision course that the United States and the EEC appeared to be on regarding trade in agricultural commodities. We presented the situation very clearly to the Community. Its continual use of export subsidies and threats of import restrictions on corn gluten and vegetable oils are highly disruptive and damaging to the U.S. farm economy. For these reasons, we find their trade practices unacceptable and were hopeful that some positive action by the EEC might be forthcoming. Instead of any positive action on the part of the Community, we find that the Commission has asked for the authority to impose restrictions on corn gluten imports. Such restrictions would impact most negatively on the United States as exports of corn gluten from other origins are negligible.

In addition to this Senate Resolution, Senators PERCY and DOLE are joining me in a letter to Commissioner Dalsager, in which our dismay is conveyed directly to the Commission. Also, we are asking the Commission to make known our views to the EC Council of Ministers prior to the April 20 meeting.

As Chairman of the Senate Committee on Agriculture, Nutrition, and Forestry, I am vitally concerned that U.S. agricultural exports are provided unrestricted market access and reject any attempt to reduce existing free trade flows. I recognize that the EC represents our Nation's largest market for agricultural exports. I recognize that adjustments in domestic policy particularly, farm policy, are not easily obtained. Nevertheless, the EC is proposing an average 10-percent increase in producer price supports over 1981 while their current average producer price level in the Community for grains is between $75 to $90 more than U.S. producer prices.

Instead of trying to diminish the disparity between EC support price levels, expectations are that the price difference will be widened. Now for the Community to come along and suggest that more restrictions be imposed, appears to me to be totally inconsistent with the Community's purported efforts to seek a more open trading system.

I would also like to point out that our large market for soybeans and products into the EEC is related to our corn gluten trade there. A low price feed formulation for cattle and hogs can be made from mixing corn gluten

with soybean meal. The reason that this mixture of imported feed ingredients is so popular is because of the Community's very high support prices for domestic energy sources. EC feed compounders then only use domestic producer barley, millet and other grains in feeds when they are left no other alternative.

In summary, I hope that EC leaders realize that any effort to restrict U.S. exports of corn gluten will be met head on by the U.S. Government. I trust that the joint letter to Commissioner Dalsager will persuade the Council of Ministers to reject the Commission's request.●

● Mr. DIXON. Mr. President, I am pleased to join my colleagues, the distinguished senior Senator from Illinois and others in supporting this resolution.

The vital importance of American agricultural products in world trade is well known, especially in regard to wheat, feed grains, and soybeans. Agricultural exports have expanded to more than $40 billion. Exports provide a substantial portion of the farmer's income and greatly help in reducing our negative balance of trade.

With commodity prices continuing downward and interest rates remaining high, the viability of these export markets is critical to our economy.

The continued use of an aggessive and restrictive trade policy by the European Community, using subsidies and import barriers, is costing us markets for wheat and threatening our trade in other commodities.

Our exports have suffered already. Our exports to the European Community have dropped from 25 percent to 20 percent in the last 6 years. Corn exports have dropped from 13 million tons to 9.4 million tons in the last 5 years.

At issue today is the potential threat by the Commission of the European Economic Community to unilateraly restrict imports of U.S. corn gluten.

The Commission of the European Community has approved a request to the EC Council of Ministers for authority to renegotiate the zero duty binding on corn gluten. As Secretary of Agriculture, John Block, recently noted. "This binding is a concession granted to the United States in the Kennedy round of negotiations under the General Agreement on Tariffs and Trade."

If the EC Council of Ministers takes this action, it will threaten our corn gluten exports and the costs to U.S. producers would be severe. The United States in 1980 exported nearly 2.5 million metric tons of corn gluten with an estimated value of nearly $500 million. Exports account for 90 to 95 percent of the total U.S. corn gluten feed use with nearly all of our exports going to the EC.

If this type of action is taken by the EC, we will probably be faced with similar action regarding other feedstuffs we export, such as soybeans, soybean meal, and other nongrain feed ingredients.

It is imperative that the U.S. Senate be on record objecting to the potential threat by the Commission of the European Economic Community that would further restrict our access to the European Community Market.

We should make our position clear and the best way to do this, is to adopt this resolution. I urge my colleagues to take this important and necessary step.●

Mr. PERCY. Mr. President, I would like to now yield to my distinguished colleague, Senator JEPSEN from Iowa, who has been in the forefront of this fight and is a cosponsor of the resolution.

Mr. JEPSEN. Mr. President, corn gluten was described yesterday by one newspaper as "a gray, sticky compound made from corn."

It is more than that. Corn gluten feed is a byproduct of the production of ethyl alcohol—also known as gasohol—or the manufacture of corn starch.

It also is a product vitually important to the farmers of my State of Iowa.

I would suggest corn gluten will become a sticky mess, however, for the European Common Market if it persists in seeking to impose tariffs on U.S. imports. That is the warning in the resolution my good friend from Illinois has introduced today.

Simply stated, it will put the Senate on record that it supports any and all appropriate steps taken by the President of the United States to protect U.S. exports of corn gluten feed.

The EC countries can apply any interpretation they want to that resolution language as long as they recognize we have no intention of retreating.

The European Community Commission, as the resolution notes, has requested the EEC Council of Ministers for authority to renegotiate the zero duty binding on corn gluten. The duty-free status of these feed shipments is nonnegotiable, and the sooner this message gets across to the EC countries, the better.

This zero-duty binding, as Secretary of Agriculture John Block has emphasized, is a concession granted to the United States during the Kennedy round of negotiations under the General Agreement on Tariffs and Trade (GATT). It was paid for with U.S. counter concessions.

The United States cannot—and will not—stand idly by if restrictions are imposed. My Iowa farmers have too large a stake for us to cover our eyes. And this is true for farmers in other States. U.S. exports of corn gluten to the European Community amounted to 2.7 million tons last year; shipments valued at $500 million.

The EC should be on notice that if it goes through with the unilateral action, a U.S. response will be triggered. If markets are closed to us or if barriers are erected to our exports, then no one should question our right or our responsbility to reexamine our own trading policies.

I believe in free trade but I also believe in fair trade. And that is the issue here—fair trade.

I think we have a right to be concerned that giving in on the corn gluten issue could lead to opening up the whole question of tariffs on other agricultural commodities. Soybeans could be next. We all know that over the past two decades, the EC has frequently attempted to impose a tax on vegetable fats and oils. And it has been no secret that we have fought these attempts, for imposition of such a tax would strike at the heart of our soybean trade—$3.6 billion annually alone to the EC.

The Journal of Commerce last Friday pegged it accurately when it published an editorial entitled, "Gluten Now, Soybeans Later."

The editorial noted:

> The administration is worried that the gluten affair is just a ploy by the Commission to open up the whole question of agricultural tariffs so painfully negotiated at the last multilateral trade talks. If it's corn gluten today, it may be soybeans tomorrow.

Several of us this past February hosted a luncheon for EC Commissioners. I thought we had come across loud and clear on our position at that time. Apparently some in Europe believe we are kidding. We are not.

We told the Commissioners that we are now beyond the rhetoric stage on trade problems between the United States and the Common Market. We emphasized that we are deeply concerned over the Community's export subsidy policy. We told them we can no longer accept their professed puzzlement over our alarm.

Community officials say they do not understand our concerns—they claim they are only taking their equitable share of world markets—they say they are not undercutting world markets with their policy of subsidization.

We think otherwise. We believe that the Community has stepped beyond self-sufficiency through its pricing policies. Instead of lessening our concerns, the Community has only added to them. The proposal affecting corn gluten only escalates this inward-looking policy.

We cannot close our eyes to that. And we will not.

Mr. President, I thank the Senator for yielding.

Mr. DOLE. Will the Senator yield?

89-059 O-85-2 (Pt. 6)

Mr. PERCY. I am happy to yield to the Senator from Kansas.

Mr. DOLE. First, I wish to congratulate the distinguished Senator from Illinois for his initiative and commend the Senator from Iowa for his statement.

EXPORTS OF CORN GLUTEN FEED TO THE EEC

Mr. President, I am happy to join the distinguished Senator from Illinois, Mr. PERCY, in cosponsoring this resolution. I hope that it will make clear to European leaders that any action they may take in the next several weeks to unilaterally control imports of U.S. corn gluten feed or other agricultural products not subject to import duties will not be acceptable to either the administration or the Congress.

ISSUE LINKED TO EEC EXPORT SUBSIDY PROGRAM

Mr. President, it is impossible to discuss the issue of corn gluten feed exports to the EEC without understanding the relationship of EEC import restrictions to EEC export subsidies.

Under the common agricultural policy or CAP, producer prices are artificially regulated at levels far above current market prices. Consequently, the EEC assesses high import levies to prevent internal prices from being undercut by more efficient production in other countries.

Unfortunately, this system has resulted in massive overproduction of wheat, barley, poultry, and dairy products. If ordered to sell these surplus commodities in the world market, the EEC resorts to export subsidies which, depending on world prices, can exceed the actual value of the product itself.

While the CAP has done a fine job of stablizing the internal EEC market and guaranteeing profitability for European farmers, it has done so at the expense of the international marketplace. The fact that the EEC will pay in subsidies whatever is required in order to rid itself of production surpluses forces other exporters, particularly the United States, to accept the role of residual supplier and to see prices received by American farmers undercut.

THE FLAW IN THE CAP

Mr. President, the only flaw in the EEC's program is the zero duty binding on nongrain feed ingredients and soybeans which the United States negotiated during the Kennedy round of the General Agreement on Tariffs and Trade (GATT). The fact that European feed processors can import these components duty free and at prices well below internal EEC feed costs is serving to drive the expense of the CAP to unacceptable levels by displacing domestic production into export. If the EEC is allowed to plug this growing leak in its system, there will be no incentive to negotiate those aspects of the CAP that are destroying U.S. markets for agricultural products abroad.

LETTER TO AMBASSADOR BROCK

Mr. President, this past Monday, I sent a letter to Ambassador Bill Brock, the U.S. Trade Representative, pointing out my concern and urging the United States to hold firm to the position that the zero duty binding on corn gluten feed and other products is not negotiable.

I also indicated to Ambassador Brock that, regardless of the outcome of the current wheat flour case pending before the GATT, the EEC is unlikely to discontinue its export subsidy program for wheat flour.

If the case is decided in favor of the United States, we should be prepared to respond effectively to any illegal continuation of these subsidy practices. However, if the level of subsidies on flour is found to be in accordance with the GATT subsidies code, the United States should seriously consider joining in what would then be an accepted activity in international trade.

Mr. President, I ask unanimous consent that the text of my April 12 letter to Ambassador Brock be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,
Washington, D.C., April 12, 1982.

Honorable WILLIAM E. BROCK,
Office of Special Representative for Trade Negotiations, Washington, D.C.

DEAR MR. AMBASSADOR: I would like to express my deep concern over the decision by the Commission of the European Economic Community (EEC) to request authority from the EEC Council of Ministers to renegotiate the existing zero duty binding on imported corn gluten feed under Article 28 of the General Agreement on Tariffs and Trade (GATT).

This action clearly demonstrates that the EEC is continuing to look for an external solution to the systemic problems of its internal Common Agricultural Policy (CAP). Until a serious effort is made to close the significant gap between EEC and world market prices for major agricultural commodities, there would be no benefit for the United States to engage in "life-support" discussions on behalf of the CAP.

The zero duty binding applicable to corn gluten feed, as well as to other non-grain feed ingredients and soybeans, was the result of prolonged and arduous negotiations between the U.S. and the EEC on a broad range of trade issues. As such, it is only within a "total trade" context that any re-examination of the subject could take place. Any unilateral action under Article 28 to restrict access of these products would jeopardize the careful balance established through GATT negotiations.

If the Council of Ministers approves the Commission's request, I strongly support the position that the zero duty binding is not negotiable and that any invitation for talks on the issue be declined. Should the EEC proceed to restrict access to its internal market in any way, the U.S. should take whatever measures are necessary to ensure that we are fully compensated.

Moreover, for some time I have been distressed by the continuing actions by the EEC to expand its share of the world wheat flour market through the unfair use of export subsidies. These subsidies have enabled the EEC to increase its commercial market share for wheat flour from 28 percent in the early 60's to over 70 percent in recent years. Conversely, the U.S. share has declined from 28 percent to 11 percent during the same period. Australia and Canada have also suffered substantial losses of wheat flour sales in the world market.

In December 1975, the U.S. wheat flour industry filed a petition under Section 301 of the 1974 Trade Act charging the EEC with unfair use of export subsidies on wheat flour. Numerous rounds of bilateral and GATT consultations since 1977 have failed to resolve the issue. The U.S. is currently pursuing the complaint under the GATT Subsidies Code.

Regardless of the outcome of the present GATT case, it is unlikely that the EEC will restrain or eliminate its export subsidy practices in the near future. Consequently, it may be necessary to utilize existing authority, re-emphasized in the Standby Export Subsidy Program in the 1981 Farm Bill, to establish an export equalization program involving the use of subsidies for flour. The cost of such a program would be far outweighed by the resulting revenues generated by increased economic activity in the U.S. flour industry.

Please keep me advised on developments affecting U.S. access to the EEC and third-country markets for basic agricultural commodities as well as added value products.

Sincerely,

BOB DOLE,
U.S. Senate.

Mr. PERCY. Mr. President, I thank my distinguished colleagues from Iowa and Kansas for their outstanding support.

Mr. President, I am pleased to note the distinguished Senator from Louisiana, Senator LONG, has returned to the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. LONG. Mr. President, I support Senators PERCY, HELMS, DOLE and HUDDLESTON in their resolution on the current effort of the European Commission to unbind corn gluten duties. For the most part, the European Community denies us access to their agricultural markets with variable levies, and if they now take away the few remaining openings we have under GATT to their markets we will have no access.

It sometimes looks to me, Mr. President, as if the only thing we can do in trade these days that is both consistent with our obligations and in our interest is to withdraw from agreements. Every trade agreement provides for withdrawal, and that is exactly what the Europeans would be doing if they unbind the corn gluten duty: They would be withdrawing from one little trade agreement obligation—worth probably a few hundred million dollars to this country.

Of course, the United States is entitled to compensation when a duty is unbound, but I am not sure Europe

has anything to pay us with. So in addition to supporting this resolution, I would urge the administration to check our trade with Europe and see where we can unbind out duties—then we will have something to talk about.

Mr. PERCY. Mr. President, I thank the Senator from Louisiana for his remarks and I am happy to yield to my distinguished colleague from Iowa (Mr. GRASSLEY), who is also a cosponsor of the resolution.

Mr. GRASSLEY. I thank the Senator for yielding.

Mr. GRASSLEY. Mr. President, as a cosponsor of this resolution, I simply want to add that it is very important for our trading allies of the European Community to understand the extent and degree of the strong opposition that they face in any attempts to negate the GATT binding on corn gluten. The United States has paid for this agreement through good faith concessions during our negotiations of the Kennedy round, and we fully intend to see that the European Community faces its obligations.

Members of the EC must recognize the severe economic hardships that our agriculture sector presently faces. Our farmers desperately need to find expanded markets, thus, any deterioration of present markets would be intolerable. As a representative of a major farm State, I add my voice in sending a clear message to the EC members that we cannot, and will not sit idly back if any action is taken to negate the GATT binding.

I urge the President to seize this opportunity to prove our firm commitment to U.S. farmers, demonstrating this Government's resolution to stand behind binding international trade agreements. The European Community has entered a binding agreement with the United States exempting such imports from duty, and that trade treaty is nonnegotiable. Any breach of that treaty will inflict an unjust economic penalty upon Iowa farmers and others, which we should in no way tolerate without painful economic retaliation.

I strongly urge my colleagues to support this resolution. It is time to let Europe, and our own people, know that American farmers are first-class citizens whose economic well-being will never be shuffled aside to cater to whims of politicians half a world away.

EEC ACTION ON CORN GLUTEN

● Mr. PRESSLER. Mr. President, I am very disappointed with the recent action of the Commission of the European Community giving the EEC Council of Ministers authority to renegotiate the zero duty on corn gluten. The EEC action threatens U.S. corn gluten exports worth one-half billion dollars in 1981. This action would have a devastating impact on U.S corn gluten exports and further depress U.S. domestic corn prices.

Last year, I addressed the corn gluten issue in a speech before the spring 1981 meeting of the North Atlantic Assembly. I pointed out in my speech that the EEC's fears that U.S. production of corn gluten will dramatically increase is unfounded. The technology of high fructose production is such that, even with increased fructose output, corn gluten production will not increase. The high sugar prices also make it highly unlikely that fructose production will increase. Also, gasohol production has received low priority by the administration, which reduces funding and tax incentives for the program. The decline of oil prices has also hurt the prospects of gasohol production. In fact, future U.S. corn gluten production estimates have been dramatically reduced.

This decision by the EEC is an outright protectionist action and we cannot stand idly by while it happens. The U.S. needs to work harder for trade reciprocity and equal treatment of our agricultural exports. In fact, I have cosponsored trade reciprocity legislation and have also introduced legislation calling for equal treatment of our agricultural exports. The EEC practice several policies that restrict U.S. agricultural exports to countries in the Community and interfere with U.S. farm exports. We must work to stop these EEC practices, rather than allow them to restrict U.S. corn gluten exports.

I urge my colleagues to join me in strong opposition to the EEC's action and to voice their support for the administration's position that the corn gluten issue is not negotiable.●

EC ACTIONS ON AGRICULTURAL TRADE

● Mr. BENTSEN. Mr. President, I commend the distinguished Senator from Illinois on this resolution expressing the concern of the United States over moves by the European Community to renegotiate the zero duty binding on U.S. exports of corn gluten feed. I am cosponsoring this resolution to underline my deep concern over the implications of this situation for U.S. agricultural trade policy, and the need for this administration to take strong and positive action to stand up for our rights under international law.

As cochairman of the Senate Export Caucus and as the ranking member of the International Trade Subcommittee I have been pointing out the need for more effective support of the American farmer by the U.S. Government. We have a situation now where the American farmer is not competing against foreign farmers. He is competing against foreign governments. Additionally, he has been forced and is still being forced to pay a substantial part of the bill for this Nation's foreign policy.

Mr. President, I believe that a multilateral trading system is in the best interests of the United States, and indeed of the entire free world. I want to make that system work, and to work fairly for everyone.

The only way for this system, set up under the General Agreement on Trade and Tariffs, to work is for the United States to take actions needed to make it work. If the European Community goes forward with the proposal to renegotiate the zero duty binding on U.S. corn gluten exports, it will be an historic test of the entire GATT system. The United States must recognize the significance of this test and take positive actions to see that the interests of this country are protected. If we fail to do so, it will fuel protectionist fires that threaten the entire system.

We must recognize the significant damage that the unbinding of this zero duty would have on an important U.S. industry. We must also recognize that the EC is perfectly within its rights under the GATT to take back the concessions it has given this country on zero duty binding. However, the critical policy decision for this country will be our actions in response to any EC action.

The United States has paid compensation for this zero duty binding. We have the right under GATT to compensation in return if the EC takes back all or part of this concession.

If the EC acts against our corn gluten exports, if the EC or anyone else acts to restrict or modify concessions which this country has bought during international trade talks, then we must demand compensation. We must demand and get that compensation immediately. There must be no foot-dragging, and the compensation must be fair and adequate.

The executive branch must recognize the urgency of these negotiations, and we must take all necessary steps to place this country in a position of strength if such negotiations become a reality. If we are faced with duty unbinding on corn gluten, then we must face the EC with our own duty unbinding on products of equal importance to them.

If the GATT is to work and to survive it must be able to meet challenges such as this. If the world is going to avoid a destructive trade war, then compensation under the GATT must be positive, not negative. I do not want to retaliate against EC actions to restrict our exports or corn gluten by restricting EC exports to this country. That restricts world trade. That is destructive. I hope the EC will not force such an action.

Compensation is imperative, and every effort should be made to see that that compensation is positive. American exports to the EC do not

have to decrease even if corn gluten exports are restricted, although I hope that they will not be restricted. We have other products that we can ship to the EC. We can sell them citrus. We can sell them beef. We can sell them poultry.

But we must not let ourselves get out-maneuvered and out-traded. If in past years our trade negotiators had all been as efficient as our farmers, our problems with agricultural exports would be too many buyers for our products, not too few.

I strongly support this resolution, and I urge the executive branch to move quickly and effectively to support American agricultural exports.●

● Mr. HUDDLESTON. Mr. President, I am pleased to join Senator PERCY, Senator HELMS, and others in supporting this resolution.

The resolution places the Senate on record as objecting to the request by the Commission of the European Community for a renegotiation of the zero duty on imports of U.S. corn gluten to the European Community that we agreed on many years ago.

The resolution expresses the sense of the Senate that renegotiation of the agreement on corn gluten feed is not in the best interests of the United States and that the President should take appropriate steps to protect U.S. exports of corn gluten feed.

Action on the part of the European Community to restrict U.S. exports of corn gluten feed would be a severe blow to our efforts to have fair trade relations with the European Community and would adversely affect U.S. farm income at a time when prospects for 1982 income appear to be poor. We must directly and strongly voice opposition to such a breaking of a long-standing trade agreement.

The export subsidies and trade barriers of other countries have already hurt U.S. farm exports and, therefore, U.S. farmers and workers. Secretary of Agriculture John Block has testified that European Community subsidies on wheat exports alone cost our producers more than 60 cents a bushel last year, a loss of over $1.5 billion in net income.

U.S. corn gluten exports to the European Community in 1980 amounted to nearly $500 million. Loss of this important market would further reduce net farm income.

I urge my colleagues to join me in approving the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 362) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 362

Whereas the Commission of the European Communities has requested the Council of Ministers of the European Communities for authority to renegotiate the duty on corn gluten feed which is bound at zero;

Whereas this zero duty was a result of United States concessions in the Kennedy Round of Negotiations under the General Agreement on Tariffs and Trade;

Whereas such approval by the Council of Ministers of the European Communities would threaten United States corn gluten exports and adversely affect the income of United States corn producers and processors and soybean producers;

Whereas action by the European Community to breach a negotiated concession would set a dangerous precedent that would be contrary to the interests of both the United States and the European Community;

Whereas the Senate considers that the imposition of trade restrictions would undermine the free trading system covering such commodities; and

Whereas restrictions on these American exports could seriously affect United States and European relations: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the President communicate to the Council of Ministers of the European Communities that—

(A) renegotiation of this binding is not in the best interests of the United States, and

(B) the imposition of any trade restriction on corn gluten feed would be a serious impediment to our relations with the European Community since it is specifically directed against United States interests, and

(2) the President take all other appropriate steps to protect U.S. exports of corn gluten feed.

SEC. 2. The Secretary of the Senate shall transmit copies of this resolution to the President, the Secretary of State, the Secretary of Agriculture and the U.S. Trade Representative.

Mr. PERCY. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. LONG. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE STATE OF THE ECONOMY TODAY

Mr. HARRY F. BYRD, JR. Mr. President, Treasury Secretary Donald Regan today said that the economy is "dead in the water."

The Treasury Secretary, in his comments, said that the huge deficits being forecast for the Federal Government are thought to be causing higher rates of interest. The Secretary pointed out that these interest rates are devastating, that unless we do get interest rates down we are unlikely to achieve a recovery.

Mr. President, it seems to me that there is no way we can stimulate the housing market, no way we can stimulate the automobile market, until we get interest rates down.

The Treasury Secretary today stressed the need to control Government spending.

I think that that is the key to problem.

Secretary Regan said there must be major cuts made in spending by Congress. I endorse that statement. The key to our problems in this country today, the major element in achieving recovery, is getting Government spending under control. It is totally out of control.

Secretary Regan said also that these huge budget deficits cannot be allowed to exist. He emphasized that if these huge deficits do continue to exist, interest rates will continue to remain high. If these interest rates remain high, there is no way, in my view, that a recovery can be obtained.

Mr. President, I noticed that today, in the press, some were advocating a 4-percent surtax on income. I think the way to tackle the problem is not through raising taxes, although that may have to play a part; the way to tackle the problem is to reduce spending.

I have to be frank to say that I do not see anything of a substantial nature that is likely to be done in that regard by the Congress of the United States. Congress has never reduced spending. Last year was the closest that it came to it and it was only done then by the whiplash of the President of the United States, Ronald Reagan.

Mr. President, the key, I say again, to economic recovery is to control Government spending, substantially to reduce these huge contemplated deficits, and, in order to do that, we must control spending.

There must be sharp reductions in Government spending—sharp reductions, not cosmetic reductions. My guess is that what is going to happen is that there will be some cosmetic program where everybody can say, "Oh, look what we did. We will not have $120 billion deficits; we will only have $105 billion deficits."

Mr. President, Congress cannot do it alone, the administration cannot do it alone. If these huge deficits are not curbed, and I do not mean in a cosmetic way but in a substantial way, this country is really, in my judgment, heading for disaster.

Mr. President, I was pleased to see today Secretary Regan's statement. Presumably, he is speaking for the administration as well as in his own behalf, and he emphasizes the need for major cuts in spending. That is what it is going to take if we are going to get interest rates down.

Mr. LONG. Mr. President, will the Senator yield at that point?

Mr. HARRY F. BYRD, JR. I am glad to yield.

Mr. LONG. Mr. President, I just want to ask a question.

The Senator is aware of the fact, I am sure, that there have been some articles in the newspapers and some discussion about the fact that the administration is seeking to obtain some

kind of bipartisan consensus that could lead to a reduction in spending and perhaps even to revenue measures, as well, in hopes of reducing the very, very large deficits that we are facing in the years ahead. I am sure the Senator is aware of the fact that if one just expects government as usual, that we will be in for a deficit much larger than anything we have read about thus far.

In other words, the administration's budget makes some rosy estimates which are being deflowered by the passage of time when one finds that it is not working out as intended; the recession is not subsiding; in fact, it may be getting even worse. The rosy estimates are not panning out.

The investments that were anticipated by the administration, in particular, by the business community in new plants and equipment are not being made. The jobs that we anticipated are not coming into being. Furthermore, there were the assumptions that Congress will do certain things that the administration recommends. Some of them were impractical to begin with, but so far, there is less indication that it is going to work out that way.

Then some of the estimates on revenues, such as the amount estimated for off-shore leasing, are proving to be erroneous, or at least highly optimistic, far more than the circumstances would justify.

So, taking all those things into account—the assumptions not panning out as estimated, the economy not performing as one would hope, various things that were never realistic to begin with in the assumptions—we really anticipate very, very large deficits. In fact, a couple of years from now, I gain the impression that in terms of current dollars, we can anticipate a deficit a couple of years from now larger than the deficit for the entire 4 Carter years put together. And I know the Senator was concerned about the deficits during the Carter years. So we really have some serious problems facing us.

I ask the Senator: Can he not understand why the investment community feels that it would be unwise to buy bonds or to lend money at anything other than very high interest rates until the uncertainties that are implicit in the very large deficits can be resolved?

Mr. HARRY F. BYRD, JR. Mr. President, the Senator from Louisiana, I feel, is so right, I do not see how any prudent individual or any prudent businessman could have any confidence in the future to the degree of investing significant sums of stockholder money or an individual's own money, for that matter, until the Government gets back on a sound basis. When we talk about deficits of the magnitude of $100 billion for 3 years in a row—we know there is going to be in excess of a $100 billion deficit this year. I am totally confident that there will be in excess of $100 billion next year in deficits and I am reasonably sure there will be deficits exceeding $100 billion a third year in a row and maybe even a fourth year in a row. The national debt is certain to be increased by at least 30 percent in 3 years. That is what concerns not only the business community but individual citizens, they are cautious in how they proceed, how they invest, how they spend.

Unless we in Washington can allay that fear, unless we can create some certainty that these deficits will be eliminated in a short period of time, then I do not see how it is going to be practical to expect the country to get back on a sound recovery.

Mr. LONG. Mr. President, the Senator from Louisiana may be privy to some information that has not yet come to light publicly, but the impression I have at this moment is that unless we can obtain some bipartisan cooperation and a higher degree of statesmanship that is par for the course between the Congress and the President, we are in for deficits during the next 3 years—starting with fiscal 1983 and going through 1984 and 1985, that will add up to more than $600 billion. That is a lot of deficits.

The Senator was speaking of $100 billion a year. We can anticipate that it might be twice that much. At the moment, thank the merciful Lord, we have the wisdom of the Senator from Virginia here to give us his thoughts about this matter. I was dismayed to hear him announce that he was going to retire. But after all his loyal service to the country, he has a right to retire, if he wishes. While we have him with us, I should like this view on this subject.

The concern the Senator has is about a $100 billion a year deficit for the coming 3 years. How does the Senator feel about the possibility of a $200 billion a year deficit for the period immediately ahead of us?

Mr. HARRY F. BYRD, JR. Being at once an optimist and a conservative, I cannot envision that there could be such a thing as a $200 billion deficit. However, as the Senator from Louisiana ably points out, unless Congress and the administration together are willing to take firm, strong steps, there may be deficits of the magnitude indicated by the Senator from Louisiana.

Mr. LONG. Some people are very much upset and very concerned about the fact that interest rates are very high. This is hurting many businesses, big and small, but the small businessmen especially are being crucified by the very high interest rates that are prevalent today.

The Senator knows, as I know, that this administration, headed by a conservative President, has no intention of urging the Federal Reserve Board to buy its own bonds, on the theory that for the Federal Government to finance this deficit by buying its own bonds and financing the deficit with printing press money is inflationary and unsound. That leaves the Government one option—to go into the open market and start borrowing the money available there by outbidding private industry for the money.

Can the Senator see what that means so far as interest rates are concerned, if the Government is to bid in more than half the savings that are out there to be loaned—in fact, to bid in perhaps 70 percent of all the net savings of the American people, in its quest for money to finance the Federal deficit? What does that mean for interest rates?

Mr. HARRY F. BYRD, JR. It means that interest rates are certain to shoot up to an even higher rate than at present. If the deficit materializes to the degree indicated by the Senator from Louisiana, the interest rates are almost certain to be in the middle to high 30 percent.

Mr. LONG. The Senator from Virginia mentioned that figure without the Senator from Louisiana suggesting it. We had not discussed this.

I say to the Senator that I discussed this matter with a group of bankers from Louisiana. They came here in a delegation. I discussed this problem with those bankers, without revealing any classified information to them. I discussed it in the general light we are discussing it here. One of the group, who I believe was speaking for the others, a man perhaps as well versed in economics as anybody else in Louisiana, stated to me that if that is going to happen, we can anticipate interest rates above 30 percent.

What would that mean for the economy?

Mr. HARRY F. BYRD, JR. The economy, according to the Secretary of the Treasury—and it is in accord with my own thinking—is dead in the water now, with interest rates at 16.5 percent. If the interest rates are doubled, we will scarcely be in the water.

Mr. LONG. Mr. President, I hope very much that some sort of bipartisan cooperation can be achieved between the executive branch and Congress. That means leadership on both sides of the aisle, as well as those who exercise a position of responsibility, as does the Senator from Virginia.

If we are unable to act affirmatively and effectively in this area, if both sides in this election year are to practice politics as usual, politics to the utmost, then I fear very much for the consequences so far as this Nation is concerned.

I do not believe that we are going to have another great depression. I hope we will be emerging from this reces-

sion sometime soon. However, it seems to the Senator from Louisiana that the decision that is going to move us from a recession into recovery and into good times has to be made here in Washington.

Mr. HARRY F. BYRD, JR. The Senator is correct.

Mr. LONG. Also, some decisions must be made right here in the Senate of the United States, as well as in the House of Representatives.

Part of the decision is whether the Democrats are willing to put aside partisan differences and join the President, in a spirit of compromise, to resolve differences, considering the consequences of not resolving differences.

When we are speaking in terms of deficits such as those we are discussing here, can the Senator see any other responsible course for the Democrats than to offer to meet the President halfway in trying to resolve this problem?

Mr. HARRY F. BYRD, JR. I hope Democrats and Republicans will put aside partisan considerations; because if the Senator from Louisiana and the Senator from Virginia are right, and I think we are right, this country is in for very severe economic difficulties: more and more unemployment, higher and higher interest rates, less and less opportunity for progress and economic recovery.

So, unless we put aside partisan politics and really get down to some major, substantial reductions in spending, and perhaps, along with it an increase in taxes, I do not see any way we can pull ourselves out for a long time.

The people of the United States are relying on Congress, as they must do, and on the administration, as they must do, to work together to figure a way out of a very difficult economic situation fathered by uncontrolled Federal spending. It is a difficulty into which the people's representatives got the people. Now we have to find some way to get them out of it. As the Senator from Louisiana has indicated, unless the Democrats and the Republicans put aside partisan considerations, it is going to be very difficult to do.

Mr. LONG. Mr. President, no other Senator in this body has more consistently tried to maintain fiscal responsibility and tried to protect the fiscal solvency of this Government, as well as the traditional values that have saved this great Nation, in good times and bad, than has the distinguished Senator from Virginia. His father definitely set the pattern which the Senator from Virginia has pursued so well in his own style, as a worthy successor.

I hope that the sort of statesmanship the Senator from Virginia has provided to this Nation will continue to prevail in the Senate. I know that the Senator from Virginia can be depended upon to put his support behind whatever measure a substantial number of Senators can agree upon—and, it is hoped, the leadership in the House can agree upon—to resolve this difference.

It seems to me that when something is done, it will probably require that there be some latitude for people to differ. For example, it may be that in trying to reduce spending, some may want to reduce one item, some may want to reduce another. I hope we will follow the pattern of the budget resolution, that if you want to cut one item, you have to offer something in its place, so that we will not have these proposed budget balances where someone says, "Strike out the item that would save $10 billion and substitute for that an instruction to eliminate $10 billion in extravagance."

It should be meaningful savings to replace a saving if they want to strike it out.

Mr. HARRY F. BYRD, JR. I think the Senator is so right.

I hope that the Budget Committee will bring in a budget figure on the spending side low enough to make a significant reduction in the deficit because if they bring in a high budget figure there is no likelihood that the Senate or the House of Representatives will reduce below such a figure.

Mr. LONG. Mr. President, I have confidence in the Budget Committees and their leadership, and I am not as familiar with the House of Representatives leadership as I am the Senate leadership, but I have high regard for both. Certainly as to the Senate leadership, I well understand and know those men intimately. I am confident that if the Senate will just encourage its Budget Committee to do its duty as that committee will see it, they will exert their utmost efforts to bring us a budget resolution that will get the deficits down within the kinds of limits that this Nation can afford.

But there must be encouragement. People want to do the right thing, but sometimes they do not get enough encouragement, and the President must encourage them to do that, not just Senators, because when someone moves to reduce some item that is very popular and affects large numbers of people he needs encouragement.

Mr. HARRY F. BYRD, JR. That is true, and I think the Treasury Secretary was perhaps trying to do that in his television statement and appearance today.

I agree with the Senator from Louisiana. We have splendid men and women on the Budget Committee. I have confidence in them. I do hope that whatever is done is not just of a cosmetic nature; that would not solve the problem and could even aggravate it.

Mr. LONG. I thank the Senator.

TELEVISION AND RADIO COVERAGE OF SENATE PROCEEDINGS

The PRESIDING OFFICER. The clerk will state the unfinished business.

The assistant legislative clerk read as follows:

A resolution (S. Res. 20) providing for television and radio coverage of proceedings of the Senate.

The Senate resumed consideration of the resolution.

AMENDMENT NO. 1244

At the end of the resolution add the following:

SEC. 4. Rule XII of the Standing Rules of the Senate is amended by adding at the end thereof the following new paragraph:

"(5) When yeas and nays are ordered on the floor, each Senator shall vote from the assigned desk of the Senator.".

(By request of Mr. RANDOLPH the name of Mr. EXON was added as a cosponsor of amendment No. 1244.)

Mr. MATHIAS addressed the Chair.

Mr. LONG. Mr. President, if the Senator will yield, does the Senator want me to suggest the absence of a quorum so he may have a fuller attendance to hear his remarks?

Mr. MATHIAS. The Senator is very kind. If we had television, millions would hear my remarks, but as it is, the Senator from Louisiana and I, I suppose, can discuss this together without disturbing other Members. I am sure they all have their office loudspeakers on, and they are waiting in breathless anticipation of what we may say to each other. I think that is adequate, and I shall decline to accept the kind invitation of the Senator from Louisiana.

Mr. LONG. If the Senator will yield further, permit me to say that while I differ with the Senator on the issue I highly admire the Senator as a statesman and as a man who serves his country loyally and with great devotion. I believe that his views fully deserve to be heard by every Member of this body whether they are here or not.

I wish to make it clear that if the Senator does not have an adequate audience to hear his remarks on this issue I wish the record to show that the Senator from Louisiana thinks he is entitled to be heard and deserves to be heard by every Senator whether they hear him or not.

Mr. MATHIAS. I am flattered by the opinion that the Senator from Louisiana has just expressed. Whether it is merited or not, flattery can be enjoyed even if it is undeserved, and I enjoy it as much as anyone else. But I think that what we are going to say today to each other will be reported and, as the Senator from Louisiana points out, it is going to be spread broadly and widely to the world in the CONGRESSIONAL RECORD. I do not think that that is broad enough or wide

enough, and if we only had those television cameras on, just think of the audience we would have.

But I am willing to go forward because I believe that perhaps I have the most important audience in the world on this subject, which is the Senator from Louisiana. He is my audience. He is my trout. He is the one I am angling for today, and I do not need anyone else as long as I have the Senator from Louisiana. If he were not here, then that might be different.

Mr. President, let me begin by answering a question that was asked yesterday by the Senator from New York (Mr. MOYNIHAN). He rose in the course of the debate on Senate Resolution 20 and, as I recall, made the comment that the televised proceedings of the House of Commons of the Dominion of Canada have been described as an electronic Hansard, which is true. That phrase has been used. But he asked for information concerning the use of television in other national legislatures. I do not believe that the Senator from New York ever got a full answer. In the hurly burly of the debate, that question was not answered, and I wish to complete the record today by supplying that answer because it was, in fact, the subject of testimony in the Rules Committee just a year ago, in April 1981, and any of those who are interested in the experience of other nations with television should go back and look at the transcript of those hearings.

The witness before the committee was Roger Davidson, of the Congressional Research Service, and he testified that more than 20 national legislatures now permit television coverage of floor proceedings either in whole or in part. Twenty nations in the world are now televising their proceedings. The United States, which is supposed to be the great technological leader of the world, shuns this technological service.

Mr. LONG. Mr. President, will the Senator yield at that point?

Mr. MATHIAS. I yield for a question.

Mr. LONG. Will the Senator tell me how many nations do not have electronic television of their proceedings?

Mr. MATHIAS. The Senator from Louisiana is one of the brightest mathematicians in the Senate as a result of his long years of service on the Finance Committee. I do not think he needs a poor country lawyer from Maryland to subtract 20 from the total number of nations for him.

But let me go ahead and tell the Senator from Louisiana a little bit more about these legislatures.

Mr. LONG. Mr. President, if the Senator will yield further, will it surprise the Senator to know there are more than 100 nations on Earth?

Mr. MATHIAS. Some of them are very poor, less advanced nations. Does the Senator from Louisiana want to be among the poor and less advanced nations, or does he want to be out in front with the great nations of the world that are pressing forward?

Mr. LONG. But for whatever reason, does not it follow from what the Senator has said that if there are 100 nations out there and 20 are using television, 80 as of now it appears have decided the other way around? So I think that will give him about one vote in five.

Mr. MATHIAS. I say to the Senator from Louisiana that I wish to make some careful analysis of who is using it and who is not using it, and I wish to be in the company of those forward thinking and progressive nations that are advancing their technologies. I suggest to the Senator that the number 20 will increase very rapidly, and I hope it will increase by one in the very near future.

Mr. LONG. Mr. President, will the Senator yield for a further question?

Mr. MATHIAS. Yes, I am happy to yield.

Mr. LONG. Can the Senator tell me whether the British, the English, House of Commons is on television or not? I am asking him because I do not know the answer to the question. Can the Senator tell me whether they have television over there or not?

Mr. MATHIAS. They have television coverage on some occasions in the House of Commons of the United Kingdom. I do not believe it is on a gavel-to-gavel basis, but it is on certain selected occasions.

They also have other electronic coverage, as I think we have all been particularly aware in recent days, because there have been broadcasts of the voices of the Prime Minister and other British officials responding to questions in Parliament.

Mr. LONG. I just wanted to find it out from the Senator because I rely upon him as my best expert. After all, he is the chairman of the Rules Committee bringing us information on the subject. I gained the impression somewhere that the British Parliament once was on television and they decided to take it out. I wondered if the Senator knew about that?

Mr. MATHIAS. I am glad the Senator has raised that question because Mr. Davidson, in his testimony before the Rules Committee last year, made this very point, and I am going to quote from his testimony:

Interestingly, no State legislature has halted television coverage once that coverage has been inaugurated.

Now, what I want to make clear, is not dealing with national legislatures. It deals with State legislatures. And in 49 of the 50 States of this Union, legislative proceedings have been or are being televised, and in 20 of our States of this Union, some form of daily coverage is presented during legislative sessions.

So here we have not only just 20 nations but 20 States of the Union that are already giving daily coverage; 49 States are giving some coverage; and, as far as Mr. Davidson knows—and he is our expert—where it has been begun, it has not been abandoned.

The Senator asks about Great Britain. Let me add that Japan, France, the Federal Republic of Germany, the Scandinavian nations, the Netherlands, Italy, Israel, Austria, India, Australia, as well as the United Kingdom, are among the nations that permit television. Some of them permit it for debate, others for ceremonial occasions, but in all of those countries, it is clear that they have it.

The Senator says he might want to be among the majority. I doubt that the Senator from Louisiana would maintain that position if he thought about it very carefully because the Senator from Louisiana will reflect that the countries I have mentioned are free world countries. I do not believe—and the Senator from Louisiana can correct me if I am wrong—that the countries behind the Iron Curtain televise their preceedings. In any event, I do not recall that Mr. Davidson testified about any countries behind the Iron Curtain that televise their parliamentary preceedings.

I think it is better for us to associate with the practices of the free world which give a more open expression, and not to those authoritarian governments that do not permit the free flow of information about governmental activities.

But I am happy to have been able to answer the question of the Senator from New York.

I would like to say just another very brief thing about this whole subject. I wonder if the Senator from Louisiana would pick up a copy of the CONGRESSIONAL RECORD which is in front of him and look on the back page of that RECORD at the bottom of the page and read there the notice:

CONGRESSIONAL RECORD: The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed at one time. ¶The Congressional Record will be furnished by mail to subscribers, free of postage, for $104 for six months, $208 per year, or purchased for $1 per copy, payable in advance. The semimonthly Congressional Record Index may be purchased for $1 per copy, payable in advance. Remit check or money order.

So the citizens of this country, in order to find out what is happening in Congress, have to shell out $1 to get

this CONGRESSIONAL RECORD, $1 to get it, $208 a year.

Is that an adequate means of providing information about what goes on in Congress? Do we expect citizens of this country on the 15th of April to pay their taxes and then, in addition, to pay $208 to find out what is going on in Congress?

This is the point: A short time ago an annual subscription to the CONGRESSIONAL RECORD cost $75. I talked to a friend of mine a month or so ago, and he said that as a boy he was fascinated by the CONGRESSIONAL RECORD, and that he subscribed to it for about $2.50—now $208 a year.

Maybe we cannot control the price of the RECORD because the paper costs more, we know that; the ink costs more; postage costs more; we are paying more to the employees at the Government Printing Office—perhaps not as much as we should but more than we did. Everything is more expensive, so the cost of the CONGRESSIONAL RECORD may be justified. But it is a lot of money, $208. It may go up. I am not making this as an official prediction as the chairman of the Joint Committee on Printing, but it could go up within a decade to $500 a year—maybe.

Mr. LONG. Mr. President, will the Senator yield at that point?

Mr. MATHIAS. I yield for a question.

Mr. LONG. Is it not true the CONGRESSIONAL RECORD is available in most libraries, most university libraries, public libraries, law libraries? Is the CONGRESSIONAL RECORD not available?

Mr. MATHIAS. I am glad the Senator asked that question because it was my great privilege and pleasure to distribute the subscriptions of the CONGRESSIONAL RECORD to libraries—community libraries and academic libraries—in the free State of Maryland. But the number that are now available to be distributed by Members are very severely curtailed.

I want the Senator from Louisiana to just ponder over the fact that in the very recent past, the cost of that has gone up from $75 a year to $208 a year, making the number of institutions as well as the number of individuals who can subscribe to the CONGRESSIONAL RECORD very much smaller. If the cost goes higher, if it reaches that figure about which some people have speculated, of $500 a year, then it seems to me Congress would be duty-bound to find some alternative way of informing the public about its activities. Television is one of those ways.

Mr. LONG. Mr. President, will the Senator yield at that point?

Mr. MATHIAS. Yes, I yield for a question.

Mr. LONG. In any event, regardless of how one comes to obtain a copy of the RECORD, if he is seeking information, is not that far superior to what it would be if you are watching television every hour the Senate is in session waiting for someone to state something you are interested in hearing?

The Senator knows that even Senators usually find ways to be absent from the floor except when something is being said here they are interested in hearing. Is it not better for one to take the RECORD and look for what he wants or what someone is referring to what he wants, take the index and find it rather than to watch a program all day long for someone to make the speech or to provide the information he is hoping will be provided here?

(Mr. COCHRAN assumed the chair.)

Mr. MATHIAS. Let me say to the Senator from Louisiana that it may not be a question of which is better. It may be a question that the RECORD will not be available; that, at $208, the local library is not going to subscribe to it; that with the reduced number of subscriptions that you and I can distribute in our State, we are not going to be able to give it to them; that the RECORD simply is not going to be available.

Now, that is the situation we are looking at, when it gets more expensive. Let me just philosophize a little bit about what is happening in this whole Government information picture.

Did the Senator from Louisiana know that the Federal Register in February cost $75 and that today the cost of subscribing to the Federal Register is $300 a year? I think that means that there are going to be fewer people subscribing to the Federal Register because the difference between $75 payable 2 months ago and $300 payable today is going to scare off subscribers. There are going to be fewer people who have access to information about the Government.

Did the Senator from Louisiana know that the Commerce Business Daily recently cost $130 and it now costs $150?

What we are seeing here is a Government-wide trend to making information about what happens inside Government more expensive and, therefore, less accessible to the ordinary citizen. We are choking off information about Government.

I do not think you can point a finger of blame at any single person or any party or any organization, because this is Government-wide.

I think I can speak for the Joint Committee on Printing that we would like to be distributing more CONGRESSIONAL RECORDS, rather than less. But that if we are to be in any way responsible in a fiscal sense, we have to charge what the costs of the production are and, therefore, we have the annual subscription up to $208.

This is happening all over. I was advised just today that an important publication issued by the Drug Enforcement Administration was accompanied recently by an enclosed little note:

> This is the last free copy of this publication you will receive from the Drug Enforcement Administration. If you want it in the future, you must pay for a subscription.

No more free information coming out on a broad-scaled basis from that organization.

You can go through this Government, department by department, agency by agency. They are demanding user fees—that is just another polite way of saying they are going to make you pay—user fees for the information that comes out. Nobody is trying to get rich on it; nobody is going to make a profit on it. We are trying to say that the people who use the information at least can pay for the paper and ink that it costs to convey that information from the Government office to the person who is involved.

So we are talking about a tendency forced upon Government to restrict the flow of information. Senate Resolution 20 addresses itself to that. It is the only opportunity that I see in the near future to reverse this trend and to make some information more available to the public rather than less available to the public.

Mr. LONG. Will the Senator yield at this point?

Mr. MATHIAS. I will yield for a question.

Mr. LONG. Mr. President, if someone wants to know what was said in the U.S. Senate, that would not be the efficient way, if one is concerned about cost, one could put a whole volume of the CONGRESSIONAL RECORD on a simple little electronic tape. In due course, you could put it on a video cassette small enough to put in the palm of your hand and simply make that available to the people. They can go through it page by page, including the index, and find whatever they want. Is that not a more practical way to get the information than to sit there all year long watching Senators talk about something that people are not interested in, hoping at some point they will discuss something they are interested in?

Mr. MATHIAS. Let me say to the Senator from Louisiana that I think the American people could make their own choice about that. If they want to hear the Senator from Louisiana giving his inimitable wit and wisdom to the Senate, I think they ought to have that opportunity, that privilege. I think they will benefit from it. If they want to turn the Senator from Louisiana off, they can just merely reach out to that tube and go "click," and he is off. And I think the people are big enough and grown up enough and mature enough to make that decision on whether they want to have

you on or you off, or me on or me off, and they can click me just as fast as they can click you. I am willing to give the American people the opportunity to click, but I would like to have them have the opportunity to click on as well as to click off.

Mr. LONG. Will the Senator yield further?

Mr. MATHIAS. Yes.

Mr. LONG. Mr. President, the Senator from Louisiana was once a CONGRESSIONAL RECORD reader before he became a Senator. Back in those days, his father was a U.S. Senator. When I would get the CONGRESSIONAL RECORD, the only thing I was interested in reading was what Senator Long, my father, Huey Long, had to say. And I would take the RECORD and page through it and see if Huey Long said something. What the House said was totally irrelevant. I would take the Senate and page through the Senate and see what Huey Long said.

And he was an articulate and rather verbose Senator. He did a lot of talking back in those days. So, as often as not, I was not disappointed. "Sure enough, here is a speech by Huey Long."

Mr. MATHIAS. If I could interrupt the Senator to say, Like father, like son.

Mr. LONG. But, if I had to sit there and listen to all these other Senators make speeches in order to hear my own father speak, I think I would have left. I think I would have said:

I am not going to sit around here and listen to all those other people make speeches that I am not interested in. All I want to hear is what Senator Long said, not the other fellows. I am not interested in them.

At least, the RECORD has that advantage. You do not have to hear all the stuff you are not interested in.

Mr. MATHIAS. But if you have it on television, you can hear what you are interested in, and that is the difference, whether you are going to accentuate the positive or accentuate the negative. And I would rather accentuate the positive here and give you the opportunity to turn them on, and you have the privilege of turning them off.

Mr. LONG. If you are seeking information, I have done it and I assume the Senator has done it also, if you are doing what I did back in law school or when I was a collegiate debator and you are seeking information about some subject, you are not going to go to some TV set and turn that thing on and listen to it for days on end hoping to find out about a subject. You will take the Index of the CONGRESSIONAL RECORD and see what these people said on that subject and you will go look at the speeches on that particular subject. You will not waste your time sitting in the Senate Gallery or doing the same thing with electronics sitting there waiting indefinitely for one to make the speech you are interested in. You are going to find the information you want and that is what you are going to read, because it would be completely ridiculous to do it any other way.

Mr. MATHIAS. Is that the Senator's question to me?

Mr. LONG. Yes. Do you agree with that?

Mr. MATHIAS. I say, no, I must respectfully advise the Senator from Louisiana that I do not agree with that. It seems to me that if I were a businessman who was interested in tax legislation, if I were a school teacher who was interested in educational legislation—you can take any subject of interest—and I knew that there was to be a debate on that subject, I would find it extremely interesting, not just to hear what my particular favorite Senator said on it, although that might be a high point of interest, but to have available the entire debate. I think that there will be an interest that goes beyond just the information derived from the printed page.

I have used as an example several times during the course of the last few days the remarkable discourse offered by the Senator from New York on the history of the Falkland Islands. I am not sure that very many people would be tempted to put up a dollar to buy this copy of the CONGRESSIONAL RECORD—that is what it costs now, a dollar—because they knew that the Senator from New York had a speech in here on the history of the Falkland Islands.

That sounds like pretty dry stuff. I am not sure, as against the other things that you can spend a dollar for today, you would buy that copy of the RECORD to get Professor MOYNIHAN'S history lecture on the Falkland Islands, as important as that subject may be, as current as that subject may be.

But even if you did put up the dollar, I think you would have gotten more out of listening to Senator MOYNIHAN deliver that lecture on the Senate floor, his description of how the names of geographical features in the Falkland Islands were parallel with the names of geographical features in his own State of New York; that a creek named for Queen Charlotte, the wife of King George III, existed in the Falkland Islands as it did in the State of New York. The verve, the spirit with which he delivered that history lesson, gave it a certain value that the printed page simply does not have.

That would have been available had television cameras been on in the Senate when that lecture was delivered. Because of the extraordinary importance of the Falklands this week in the events of the world, I think it would have had a wide audience. It would have been available not only for the original broadcast, the live broadcast, but, as the Senator suggests, you could go back later and pick out those portions of particular public interest and rebroadcast them because they are preserved; they are those moments in history caught in time to be called back again when they are needed, when there is an interest in them.

The point that I really want to make in this debate today is that the pressure of economics is closing down information on the activities of the Federal Government. The costs of printing the CONGRESSIONAL RECORD have forced the price to be $208 a year, 100 times what it was a generation ago. That means that there will be fewer CONGRESSIONAL RECORDS in proportion to our population. It means that the Federal Register has gone, just this year, as young as the year still is, from $75 to $300. The Commerce Business Daily has gone from $130 to $150. The departments, in all of their publications, are reducing their budgets, and that means reducing the volume of circulation.

This has reached a point where I find it a matter of concern.

I do not believe that we can turn around, in a hurry, the costs of production. Therefore, I do not see that we can immediately lower the subscription prices. We have to think creatively about what we can do to provide more information to the American people about what their Government is engaged in day by day.

One of the creative proposals is to bring television into the Senate. It may be that if it is possible for the public to participate in these proceedings through television, they may not only find particular subjects in which they are interested but there may even be—perhaps not likely but there may even be—some incidental bits of information and knowledge about the Senate, its work, and its Members that they will find useful in their daily lives.

Mr. LONG. Will the Senator yield?

Mr. MATHIAS. I am happy to yield.

Mr. LONG. Mr. President, please understand that there are arguments on both sides. At least I am prepared to agree that there are arguments on both sides.

I believe there are pluses and minuses on both sides. I agree that there is a plus to what the Senator is arguing, that it would be nice, for anybody who wants to, to tune in and see the U.S. Senate in session whenever he wants to do so. I believe that is a plus.

In due course, I will discuss the minuses. I do not think the pluses outweigh the minuses.

With regard to the availability of information, I think that we can agree that in any event we are still going to find it necessary to print the CONGRESSIONAL RECORD; that that is still going to be the research document that will

be used by scholars or by lawyers or by whoever is seeking legislative history and seeking to find the arguments that were made when a particular decision was taken by the U.S. Senate, or to even currently discuss and research what is being said for and against varying sides of an issue to help shape legislation.

The printed word is still going to be there, and for the foreseeable future that is what you are going to be using, whether you are using it electronically or using it some other way.

There is no doubt that the Senator makes a good argument, and I am sure he will continue to do so and those in favor of his side will continue to do so. It would be nice for people to look in and see it live, to see what is going on here, to hear the speech the Senator just made. I can understand that.

In due course I will make my argument why I do not think that that justifies the liabilities that go with it, that what you are gaining will not offset what you are losing when you do this.

I am sure the Senator would be willing to concede to me that as far as research is concerned, people are still going to be using that printed page for research. In other words, it would be nice to hear how Senator MATHIAS said it when he made his eloquent speech. But, on the other hand, if I am studying the issue, studying the relative merits of the thoughts and ideas and why one might be better than the other, I would still resort to the printed page.

Mr. MATHIAS. The Senator from Louisiana will, I hope, pardon me if I observe that I do not think he has yet addressed himself to the fact that there are going to be fewer RECORDS in proportion to the population; that as the price of the RECORD has gone up, it becomes more difficult for the average citizen, sitting in his small town in a remote parish of the State of Louisiana, to shell out $208 in order to subscribe to that RECORD.

That is my concern, that we are closing down access to information, not because of any design to deny the people of the United States information about their Government, but because the hard facts of life are making it more difficult for people to get the departmental reports, the agency publications, the Federal Register, the Commerce Business Daily. All of these things are less accessible because they cost more.

Mr. LONG. Will the Senator yield at that point?

Mr. MATHIAS. Let me just finish this thought. I see the Senator from Colorado is waiting, and I know he wants to speak. I am anxious that he should.

Let me finish with this thought: As we see information getting more difficult to obtain because it is more expensive, not because there is any Machiavellian design to deny people but because it is more expensive, it is more difficult to obtain, then it occurs to me that we have some duty to explore other means of providing information.

The Senator from Louisiana raised the question whether or not we would continue publishing the CONGRESSIONAL RECORD. I only want to say to him that as long as I am the chairman of the Joint Committee on Printing, the CONGRESSIONAL RECORD will be printed at whatever cost. But its availability to the public is another question. That is a totally different question. We can have the RECORD printed for our internal purposes, and the citizens of Maryland and the citizens of Louisiana and the citizens of Colorado might not ever see it because each copy would be of such astronomical cost.

My concern, really, is what we can do to be fair to the people of the country in helping them to understand these complex, difficult issues and the kinds of forces that are bearing down upon their lives in a very personal way and giving to almost every American citizen the sense that he or she is a pawn being moved by forces that are not only not understood but not understandable. Instead of being able to help people deal with this sense of frustration and this sense of powerlessness in the face of great forces, we see that their access to information which might help them is being narrowed.

I think we have a duty to try to widen that access. Television in the Senate may not be a panacea; it may not be like Hadacol. It may not cure all the ills; but it might contribute in a small way.

Mr. LONG. Mr. President, if the Senator will be so kind as to yield, he has been generous. The thought occurs to me that when one seeks information that is available from the congressional data base—I am not talking about reading it in the press or hearing a live debate, I am talking about seeking information on what this Senator said, what the other Senator said, what arguments were made, and why these fellows did that. When one seeks to do that, in due course, there will be available through the electronic media a means whereby one can call on the telephone some number—perhaps a library, I do not know, but it will be some information source—and simply say, "Please make available to me Senator MATHIAS' speech on April 15, 1982." At that point, almost instantly, there will appear on the television set the speech of Senator MATHIAS starting at page whatever it is in the CONGRESSIONAL RECORD and they can simply read it through. It will have been made available to them by means of a telephone wire, to a television tube.

I am not the most versed on electronic developments, but that type of thing has the newspapers so much worried right now that they have undoubtedly called on the Senator from Maryland because they have called on the Senator from Louisiana. They want to see that these new electronic developments do not preclude them from using the same method in order to reach the public. The Senator, I am sure, is aware of the fact that these new developments are going to make it so that even the CONGRESSIONAL RECORD is going to be available by way of a television tube.

Mr. MATHIAS. I hope the Senator will agree with me that it is time to yield the floor to the Senator from Colorado.

I would say, reflecting on our discussion of the last few minutes, that I think we have made some remarkable progress. The Senator from Louisiana has conceded here today that there might be entertainment value in televising the Senate. I think that we have brought him a long way since this debate began, and I am not without hope that we shall get him over the finish line before it is all over.

Mr. President, I yield to the Senator from Colorado.

Mr. ARMSTRONG. Mr. President, I have very much enjoyed the discussion of this matter between the Senator from Maryland and the Senator from Louisiana. Much of what has been discussed here this afternoon bears directly upon my own thoughts on the pending resolution.

It was the British critic and historian, Macaulay, who wrote that "men are never so likely to settle a question rightly as when they discuss it freely." The issue we address here this afternoon is how best may the men and women of our country freely discuss the issues which will be so critical to them in their own day-to-day lives—not just the men and women of the Senate, but the men and women of the country. How may they freely and knowledgeably participate in the process?

During his testimony on this matter before the Senate Rules Committee, the distinguished historian who is the Librarian of Congress, Daniel Boorstin, undertook to quote Thomas Jefferson, who summed it up so well:

> Educate and inform the whole mass of the people. Enable them to see that it is in their interest to preserve peace and order and they will preserve them. Enlighten the people generally and tyranny and oppression of the body and the mind will then vanish like spirits at the dawn of the day.

That is really the issue, the question of whether or not the public will have the right to participate by watching their elected Senators at work in this Chamber. That is the policy decision addressed by the Senate. I commend

again to my colleagues Mr. Boorstin's testimony:

Our citizens, I believe, do want to know what is really happening in Washington. Through televising the proceedings of the Nation's senior deliberative body, the U.S. Senate, the people would gain a better appreciation of this historic institution, and a better understanding of all the processes of Government.

Mr. Boorstin continues:

In the last century, the Senate has been the setting for great debates like that between Webster and Hayne, or the spirited oratory of a succession of celebrated Senators, including William E. Borah, Henry Cabot Lodge, Everett Dirksen, Robert Kerr, and Hubert Humphrey.

Eloquence is a democratic art. Traditionally, the Senate has been more effective than any other body in focusing on great national issues.

Mr. President, the Librarian of Congress might well have said not only focusing on these issues but focusing the attention of the Nation and the world on these issues. For us to deny ourselves and the people we serve the tremendous advantage of this remarkable new technological development, television, in performing this task of focusing attention—world attention, national attention, the attention of the men and women we serve—on those great policy decisions would be a great disservice, not only to the Senate, but, more importantly, to the Nation.

In my opinion, that is the central issue: Does the public have the right to know, by watching firsthand, what is going on in this Chamber and to share in the debate that takes place? Does the public have the right to hear and view the discussions which result in legislation which so greatly influences their lives? I think the responsible and best answer to that is obviously, yes, they do and we should adopt promptly Senate Resolution 20.

Mr. President, I commend the chairman of the committee, the Senator from Maryland (Mr. MATHIAS) and the majority leader, who have been so influential in bringing this matter to a head. I suggest it is long overdue. It is my understanding that this matter has been under study without result since 1947. This resolution offers the potential for more public scrutiny and discussion of these issues than any other method which I can presently conceive.

I am not aware that the Sergeant-at-Arms has ever undertaken to count the number of visitors in the Senate galleries. Perhaps he had done so. But let us speculate for a moment.

It appears to me that, at any given time, perhaps 200 persons can be seated in the gallery. If we were to assume that the turnover in the galleries is approximately every 15 minutes, as is common, and assume that the Senate were to be in session 7 hours each day, which I am advised is the average number of hours of daily sessions since 1975, then just over 5,000 people might visit the galleries every day. I have not bothered to find out how that compares with the actual attendance figures, but that gives us a ball park figure for what the potential of gallery attendance might be. That would mean something like 825,000 people could visit the galleries every year if nobody ever came back twice.

I leave it to Senators to judge whether or not, having been once exposed to the quality of discourse and debate in the Chamber, some would be motivated to come back for a second exposure to this process.

In any case, if we did not permit anybody to come back twice, something less than 1 million people would be able to view first-hand the proceedings in this Chamber for at least 15 minutes. That means, if the national population remains constant, something over 99 percent of all the American people would never get to see the Senate in session during a typical year.

By contrast, on any given evening, it is estimated that some 50 million people will watch the network news programs. If the television networks and the independent stations and the burgeoning satellite TV network industry had access to the highlights of action in this Chamber, more people would be able to see Senate debates of major legislation in 1 day than would be possible in a half century, if we limit the access to this Chamber just to the physical gallery, as we now do.

The advent of television in the last half century has changed the way Americans communicate and learn, and in some respects has changed it in ways I regret. Nonetheless, it is a fact. I am told that the average student will spend 12,000 hours in school during the course of his education from kindergarten to the 12th grade. During the same period, a student will spend 15,000 hours viewing television. I do not suggest that this is an entirely wholesome trend—on the contrary, I think it is not—but I mention it to point out that we have entered, like it or not, in some ways with regret, the television age.

Television has become the most compelling media the public has ever had available, and its scope is increasing almost every day. To isolate this body, which has been called the world's greatest deliberative body, from that media is absolutely intolerable, in my judgment. Yet, while we are talking about a new technology, the idea of public access, public participation, in the work of this Chamber is not, of course, a new idea.

From the beginning of our Republic—indeed, prior to the beginning of our Republic—the debates which affect the governing process of this country have been reported through the best and most timely available contemporary media, the newspapers, beginning in 1794. The very beginnings of our country are founded in public access to such debates.

When the delegates to the Constitutional Convention completed their work in 1787, there was some doubt as to whether the public would accept the work they had produced. But the publication of the views of the authors in the Federalist Papers and other articles gave the public the exact arguments used during the debates. As the Senator from Louisiana has pointed out, the tradition, the tradition of public access through print media, continues to this very day.

In the case of the debate of the Constitution itself, prior to the adoption of it, the public was able to judge what was being produced in the actual words of those who made proposals.

For example, they would read the words of Madison, himself, in the Federalist Papers; and it has been suggested by some that public acceptance of the new Constitution was partly conditioned upon that opportunity.

Since the first Senate Chamber was built 200 years ago, we have allowed newspaper reporters in the galleries—sometimes not without mixed results. If they choose to do so, newspaper reporters presumably could write down every word that is spoken in this Chamber. I am not aware that any reporter has chosen to do so.

However, there is no doubt that the presence of reporters from print media and, in fact, the presence of electronic media reporters in the gallery without the tools of their craft, has greatly influenced the course of our country and the debates which take place here.

Nonetheless, I suggest that the best analogy in modern terms to the use of newspaper technology or the circulation of the Federalist Papers two centuries ago is the circulation by television, by satellite, by video tape, or other technologically advanced means, of the proceedings of this Chamber.

I should like to turn for a moment to some arguments which have been suggested in opposition to Senate Resolution 20.

Mr. President, critics have argued that the cost of the cameras cannot be justified during times of fiscal restraint. It appears to me that that requires little discussion, since the cost is relatively small—certainly small compared with the benefits; certainly small compared with the expenditures of Congress for other matters; and certainly small in view of the certainty that if, for some reason, the Senate wished to authorize televising of these proceedings but should not provide the cameras, others would come forward to do so—commercial networks, public service networks, and others.

Although I consider myself to be more interested, perhaps, than most Members of the Senate in saving the

taxpayers' money, I think the amount is small compared with the benefit, and this is not a serious impediment to the adoption of this resolution.

It has been argued that TV coverage might result in longer and more frequent speeches by Members of the Senate. It is hard for me to see how this could possibly be the case, in view of the extraordinary length of some speeches which are now delivered in this Chamber. On the contrary, it appears to me that, in some instances, Senators might be disposed to be more concise and to come more quickly to the point, if they were aware that the entire proceeding was being televised and that people at home could see the course of the debate.

It has been suggested that the presence of television might compel Senators to come to the floor when they should be in committee meetings. In my judgment, this also should be rejected. The Librarian of Congress discussed that at some length in his statement, and I read from his statement:

> The real story of the Congress is the story of day-to-day grueling work to protect the public interest and to express the people's will.
>
> It is said sometimes that the American people may misunderstand the fact that seldom are all 100 Senators present for an entire debate; but I suggest, Mr. Chairman, that this could itself be a way of focusing the citizens' attention on the other activities of Senators, in their committees and elsewhere, and help correct the misunderstanding, and deepen the citizens' grasp of how the Congress works.

Again, I think the Librarian of Congress has summed up very well.

There is a notion that somehow the opportunity to be on television would be so irresistible that Senators would come to the floor and speak. Again, that is a possibility which I do not dismiss. Yet, I think that once the novelty of televised floor proceedings has worn off, the impulse to address the Senate excessively would also wear off, if indeed it developed at all.

I acknowledge that the Senator from Louisiana is correct in pointing out that televised proceedings, either live or in videotape format for reference, are no substitute for the CONGRESSIONAL RECORD. Also, I completely agree with the Senator from Maryland that, in no event, would we expect to dispense with a printed record of this proceedings, which is invaluable not only for historical and scholarly research but also for the average reader.

I now turn to what, in my mind, is the most distressing argument against the resolution—that, in some way, the mere presence of television cameras in this room would prevent the Senate from doing the business we have been sent here to do.

It has been alleged by some that the proceedings would be so disrupted that we would not be able to accomplish the public's business.

I cannot help wondering if, somehow, having the people watching us will change drastically what we are doing, what we actually accomplish, what our work product is; whether or not, in fact, we are doing the wrong business to start with. To allege that public scrutiny of the public's business is a hindrance is shockingly undemocratic, in my judgment.

I do not suggest, however, that there would be no change in the way we do business. What I do suggest is that the changes, for the most part, resulting from televised coverage of the debates in this Chamber would bring about improvements. Let me mention what some might be.

In the first place, I think we might put an end to, or at least restrict, the haphazard, slipshod way in which major legislation is frequently enacted in the middle of the night. I know—and I am sure my colleagues will recall—of many instances when, in the closing hours of a session, procedural rights of Senators and their constituents, which have been guarded jealously day after day. week after week, month after month, all through the session, are cast to the wind, permitted to go down the drain, in order to meet some kind of legislative deadline.

This usually happens as a result of bills which have long been in conference. Sometimes we will pass bills and they will go to conference and languish there for months and months and only come back a matter of hours, perhaps 2 hours or 3 hours, before the expected adjournment of a session; and then we are told there is no time for procedures such as printing and a conference report, time for the public to look at the work product of the committee, time for us to check at home with the people who might be affected by pending legislation.

We are just told there is not time enough for that. I think such arguments, if they were made in this Chamber in the full view of a national television audience, which presumably would be tuned in at least for the hectic closing hours of a legislative session, would fall of their own weight.

Six bills are pending in conference committee right now and by the end of the session there will be many, many more. I just hope that whether we are televising at session's end or not, we will not be treated to the kind of "do anything even if it is wrong, sky's the limit, caution to the winds" approach which has all too often characterized the closing days and hours of legislative activity in this Chamber in years past.

Too often the result has been not only the waiving of procedural safeguards but the adoption of legislation which contains major errors.

For example, the Depository Institutions Deregulation Act, which was passed on March 28, 1980, contained no less than 42 revisions of the Nation's financial institutions structure. Interestingly, many of these important revisions had never before been considered by either the House of Representatives or the Senate. Title 1, referred to as the Monetary Control Act, amounted to nothing more than a tax on deposits by requiring every financial institution to place a portion of the deposits in the Federal Reserve. That provision affected more than 16,000 financial institutions and their customers in ways which I think are even now not fully understood, and it was done, I say to my colleagues, without any discussion or debate in either House of Congress. It was done in conference, and then the report brought back to us in the evening without much notice as a result of the conference committee.

I think I pointed that out at the time and recalled the old adage that no one's life, liberty, or property is safe while the legislature is in session.

And yet this was not an isolated instance. It has happened over and over again.

Often we have seen major policy decisions made without consultation of the Senate, sometimes in contradiction of the expressed will of the body, made behind closed doors in a conference committee by a handful of people operating against a deadline and in the high-pressure environment, frequently under circumstances of extreme tension and fatigue.

Another good example that comes to mind is the Tax Reform Act of 1978. The Senate met at 9 o'clock that morning, worked all day long, sent a bill to the conference committee which then worked around the clock through the night. At 7 o'clock the following morning they returned with the conference report and passed it. It contained over 65 errors and areas of clarification, some of which remain uncorrected to this very moment.

During 1979, seven different technical correction bills had to be passed to modify major bills passed during the last hours of the preceding session: the Surface Transportation Assistance Act, the Public Health Service Act, the Revenue Act of 1978, the Elementary and Secondary Education Act, the Rail Passenger Service Amendments, the Energy Act, and the Bankruptcy Act.

My point is not that televising the Senate proceedings will preclude mistakes. What I believe will be precluded is the kind of last-minute rush which makes major mistakes virtually inevitable. If the proceedings were televised on those occasions I believe that the public would quickly insist on a more thoughtful, more orderly, more organized procedure with full consider-

ation and regard for the regular procedural safeguards, precisely the safeguards which are almost invariably ignored during the last-minute rush.

I guess the most outrageous example in my own experience here in the Senate was on the night of December 20, 1979, at 11 o'clock when the conferees reported back on the Chrysler loan guarantee issue. As that matter came to a vote, we were presented with an alleged conference report which in my judgment was about as unprofessional a document as could be imagined. The Senate had passed the bill on December 19 and as is typical in such circumstances a high-pressure conference committee session proceeded throughout the day on the 20th, finished the bill at 8 o'clock that night and handed a draft to Senators that night about 10. Some may recall that the so-called report was covered with pencil lines, it had a great deal of material typed into the margins, and referenced into the bill at various points.

I remember vividly pointing out that page 33 followed page 28 in the so-called conference report with material left out completely in the middle of sentences. A number of items were stricken over and changed in pencil. It was barely of the quality that would be ordinarily presented as a rough draft, a working paper to a Member or to a committee; certainly in no way could it be properly thought to be in the form of a statutory enactment. And yet that is what we voted on. That is what was pending before the Senate. That was enacted into law, and I venture to say that no more than a handful of Senators had any real idea of what they were voting on, and yet this was among the most important precedent setting, controversial bills voted on in the 96th Congress.

During the same closing hours of that session, we adopted the windfall profit tax, the Energy Security Corporation, and several other conference reports on bills which have proven to contain scores of mistakes, some of which remain uncorrected.

I mentioned this concern before, and I have probably tried the patience of my colleagues in the Chamber more often than they would like since January 1979, including those late nights when Senators were missing plane flights to vote on these half-baked conference reports.

But I believe that if I stand in this Chamber and speak for 100 years on this matter it will not begin to have the effects on the actual course of debate and handling of these conference reports that televising just one such late night session will have.

If the public knew what we were doing in moments of tension they would not stand for it.

Mr. President, I am not talking about how we are proceeding this afternoon. This afternoon's debate is proceeding with patience and courtesy. Everyone is fresh. We have just returned from a recess. There is no one in the Chamber. There is no time limit. And it is a very relaxed atmosphere. It is the kind of an atmosphere in which important decisions could be made. And yet it is almost axiomatic that the issues which are of the least importance are treated with the greatest procedural dignity and the issues which are of the most importance are treated with the least regard for procedural safeguards.

Mr. RANDOLPH. Mr. President, will my colleague yield?

Mr. ARMSTRONG. I am happy to yield to the distinguished Senator from West Virginia.

Mr. RANDOLPH. Mr. President, I appreciate the courtesy of the able Senator, and I do not want to have a play on words, but there may be no one in the Senate, but there is someone in the Senate, and I think perhaps the Senator might want to perhaps modify when he looks at his words the sentence to which I made reference.

Mr. ARMSTRONG. Mr. President, I thank the Senator from West Virginia. He, of course, is correct. I have exaggerated. There are a handful of Members in the Senate and among the handful are some of the most distinguished and thoughtful Members of the body, and it was only in speaking in a very offhand manner that I would say there is no one present in the Chamber.

Also I say to the Senator from West Virginia that when I was a Member of the other body I laboriously and painstakingly corrected my remarks. Under the general rubric of revising and extending, I cleaned up the syntax of my various statements, and so on. When I came over to the Senate I quit doing that. I do not know whether that was because I thought that Members of the other body were expected to speak in whole sentences and therefore I would be embarrassed if I did not clean up my remarks, or whether or not I was busy or did not think of it, but in any case my constituents if they wish to read my remarks in the RECORD will find frequently that they are quite casual in nature, that they do not come out in full sentences, and so at least if we do get around to televising the proceedings of this body and if some of my constituents would watch they will not be shocked because they already know that sometimes my tongue gets over my eyeteeth.

But the Senator's comment is well taken. Obviously even if only the Presiding Officer and a single Member of the Senate are present the work of the Senate goes on and the RECORD itself is an important one.

Mr. RANDOLPH. Mr. President, will my colleague yield for a second time?

Mr. ARMSTRONG. With great pleasure I am pleased to yield.

Mr. RANDOLPH. I wish to make a statement that I know is correct. There are few Senators if any in the Senate more articulate than the Senator from Colorado who is now speaking.

Mr. ARMSTRONG. Mr. President, I am complimented more than I can express by the generosity of the Senator's observation, which I do not deserve, but for which I thank him, as I thank him for his friendship not only expressed today but on so many other occasions.

Mr. President, I can sum up quickly. I have made the points I want to make. The issue is that of transacting the public's business in an orderly manner, but the more important issue is transacting the public's business in full view of the public, not only a couple of hundred present in the gallery, but 200 million who might wish to watch on some historic occasion, the 2 million or the 200 million who might want to watch from their homes.

It does not matter how many are watching at any moment. The critical issue is the availability, the opportunity, the mere fact that someone can tune in and watch the proceedings. That, I think, has an important effect. I think it has an enormously important effect on the direction and substance of our debate.

We are preparing to debate, hopefully within a few weeks, the Federal budget, the differences that remain between the two houses of Congress and the administration, which ought to be aired in a fully open manner, in a way where everybody can watch.

We are teetering in this country on the brink of very serious economic problems or we may be, depending on the decisions made in this Chamber, on the verge of one of the greatest periods of prosperity in American history. The choice, in my judgment, depends on what happens in this Chamber.

Now, in a simpler time, in an era gone by, people could live in Denver, Colo., or New Orleans, La., or Baltimore, Md., year after year, even for decades, a whole lifetime, without ever really being too much affected by what happened in the Chamber of the U.S. Senate. It was perfectly possible in times gone by to have a significant, fulfilling, satisfying life and never really come much into contact even with the Government of this country.

A hundred years ago people out in Colorado were scarcely conscious of the National Government. But today it is so pervasive, our economy is so global in nature, that what happens in Zurich or Washington affect so quickly what is going on in Lamar or Lead-

ville, Colo., that we are all one great big global village.

So it is important not just in some academic or civic sense but in a real sense of how we live day to day for the public to participate in the proceedings of this Chamber. We are not talking about, in this resolution, diminishing the rights of Senators or degrading the procedures for debate in this Chamber but, on the contrary, this resolution, which the Senator from Maryland and others have brought before us for approval, is consistent with and dignifies the highest traditions of our body.

As the Senator from Maryland has pointed out, we already have significant tradition throughout this country in legislative bodies of televising proceedings of our State legislatures.

The other body, at the other end of the corridor in this Capitol, is televised on a regular basis, gavel-to-gavel coverage. I am persuaded, Mr. President, that the experience of some years of that has shown how the thought and the life of this country have been enriched by the opportunity to see the U.S. House of Representatives in action.

That is not to say there has not been much that is boring in those proceedings; not to say there has not been an occasional demagog rise to speak to the Chamber; not to say there have not been many arguments made that I do not personally approve. But the main thrust is that the public has had a chance to see, to know, and to participate in that way. I think that is a wonderful thing.

In conclusion, Mr. President, I guess it is obvious from the main direction of all my remarks this afternoon that I think this is a matter of utmost importance. It probably will not be seen as that today or even on the day we vote. It will not be thought of, perhaps, even in the calendar year 1982 as one of the most important pieces of legislation of the year.

When we go home to see the voters at the conclusion of this session they probably will not want to talk first about this particular resolution. They will want to talk about the budget, national defense, and the nuclear freeze resolution. But I would suggest, Mr. President that 100 years from now people will look back upon our decision to begin televising the proceedings of the U.S. Senate as one of the most important, possibly the most important, and significant acts of the Senate in 1982.

Mr. MATHIAS. Mr. President, will the Senator yield?

Mr. ARMSTRONG. I would be pleased to yield.

Mr. MATHIAS. I just want to thank the Senator from Colorado for a very thoughtful address to the Senate on the subject of Senate Resolution 20. I hope that many Senators will have an opportunity to read what the Senator from Colorado has said today about the power of television to convey to the public the temper of a session of the Senate, and by temper I do not want to be misunderstood as referring to anger, but I mean the emotional climate, the state of tension, because this is a very real part of the legislative process.

As the Senator from Colorado has so justly observed, today the American people are, by and large, in ignorance of that facet of the way their laws are made. Through the medium of television we can repair that omission.

I think the Senator from Colorado has made a significant contribution to this debate by that and by his other observations today.

Mr. ARMSTRONG. I thank the Senator from Maryland for his kind remarks, and I again congratulate him for his leadership in bringing this matter before the Senate, and I wish him all success in obtaining passage.

The PRESIDING OFFICER (Mr. DANFORTH). The Senator from Louisiana.

Mr. LONG. Mr. President, yesterday afternoon, and again today, we have heard some very eloquent and persuasive speeches in favor of the resolution pending before us. I would be the first to concede that they have made some good arguments.

I, for one, Mr. President, think, if we pass this resolution, it will be a historic mistake, and I speak against it for that reason.

The question has been asked by the previous speaker—and it is a very good question—does the public have the right to hear the debate and to judge for themselves? Of course, the speaker answered the question in the affirmative, yes, they do have the right to hear the debate and to judge for themselves.

Now, I do not argue, Mr. President, that the public should be denied access to everything we say, the availability to know what we say here. They do now. But, Mr. President, I ask this question: What is of more concern, what is more important, to this Nation, that we do right rather than do that which is expedient? Is it more important that we do the job for which we were elected or for the public to hear and see the speeches that we make here in the U.S. Senate?

I read with interest publications of Common Cause. I personally somewhat resent the inference of their publications which consistently would suggest that the Members of Congress are fundamentally corrupt and that they cannot be trusted to do that which is in the Nation's interest unless the public constantly watches them to catch them at their mischief; otherwise it is suggested they will not be doing that which is best for the country.

Those who founded this Government did not think in those terms, Mr. President, and certainly those who founded the U.S. Senate did not think in those terms.

The debate thus far has proceeded on the theory, particularly advanced by those proposing the resolution, that the duty of a Senator is to vote as the majority of his constituents think he should vote on issues. To a considerable degree that frequently is the test.

But there, Mr. President, we get into what the Senate is really all about. If the Senate were here to merely reflect what a reputable pollster would show us as being the opinion at that moment of the majority of the people in the country, then, Mr. President, there would be no need of the U.S. Senate.

In that event the Senate would be surplusage and it ought to be eliminated for the good of the taxpayers as a mere impediment on the legislative process. For the House is much better constituted to reflect what the majority of the people out there think. The House, in the first place, represents the people in greater detail—435 districts represented there instead of just representing 50 States. It more correctly represents the Nation as far as proportionate representation is concerned. You do not have the hiatus of two Representatives from a very small State, whereas the Senate has only two Senators for the larger State.

Furthermore, the Members there run every 2 years and if they incorrectly judge or abuse their constituents, they will be, theoretically, at least, removed at the nearest election, perhaps within a few months, or at the outside within 2 years.

Those who founded the U.S. Senate created this body recognized that the people are fickle and that the majority is not always right. They created the U.S. Senate in the theory that this Republic would last for a great number of years and that there would be times when that which was popular would be only transiently popular. Even if it were popular over a long period of time, there should be a body of statesmen and wise men somewhere, wise men and wise women today, who would have the courage and the good judgment to do that which was good for this Nation, that which would save this Republic, even though it not be popular.

Now, admittedly that runs contrary to what you would expect in a direct democracy. Those who founded this Government did not think they were establishing a direct democracy. They thought about the possibility of having a monarchy, they thought about the possibilty of an elected executive, they thought about the possibility of a parliamentary government,

and they finally decided that they would favor the kind of representative democracy we have here.

Mr. President, a great number of Senators, perhaps a majority today, are serving their first term in the U.S. Senate. I hope they have more understanding about what the Senate is all about than I had when I came here as a freshman Senator. When I first came here, Mr. President, I honestly thought that what I ought to be doing here was precisely what a majority of my people thought I ought to be doing.

And I saw no possible conflict between what I thought was right and what a majority of the citizens in my State thought was right. At least I felt if there was any difference, I could resolve that in a hurry. I could persuade them I was correct in performing the duties that I had as their Senator in the U.S. Senate. And it was my good fortune to be reelected by a very large vote and reelected after that by an extremely large vote. So it created no problem.

But as time went by, I began to learn that there come those times when a Senator has the duty to vote contrary to the views of those who he represents. And when he does it, Mr. President, he takes his political life right in his hands.

Now that is why those who founded this Republic created a U.S. Senate. That is why they gave Senators 6-year terms, on the theory that there would be times when the Senate would be expected to be doing something which was downright unpopular to preserve or protect or defend this Nation and its people.

Senators need go back in their memory no later than a couple of years when we were voting on the Panama Canal Treaty. I know what the situation was as far as the Senator from Louisiana was concerned. It was not popular. And, Mr. President, this Senator tried that matter out on his conscience many times before he arrived at his position. He was saying in his mail he was leaning against that treaty. In due course, it began to appear to the Senator that that treaty was not going to be ratified unless the Senator from Louisiana voted for the treaty, not only voted for it but did what little he could to persuade others to do the same type thing. We did ratify the treaty and this Senator, along with two-thirds of the majority, did vote for it.

There were some good Senators who lost their seats at least in part because they voted for it and knew they were taking that chance when they did. There were others who had to face that issue subsequent to that. And those of us who did it—and I do not quarrel with those who voted the other way—those who voted that way, knowing that was contrary to the way the majority of people that they represented were thinking, were conforming to the intention of those who created the U.S. Senate.

Mr. President, there is a quotation in John F. Kennedy's book "Profiles in Courage," where he discusses the view of John Quincy Adams, whom he selected as one of the persons to be discussed in his Pulitzer Prize winning book.

Let me refer to the book by John F. Kennedy, a Senator at the time and subsequently President of the United States.

Speaking with regard to John Quincy Adams, he said that it was the view of John Quincy Adams, it was his puritanical background that he owed his first duty not even to his constituents, he owed his duty to God Almighty.

And, Mr. President, ordinarily I do not discuss religious matters, but I do think that this matter is so fundamental that I would like to quote from a passage that I find in the Bible.

Incidentally, Mr. President, this is a Bible that was presented to the Reporters of Debate by my father and it has been there ever since that day.

I am sure that our Presiding Officer will recall this very well.

Matthew 6:33:

> But seek ye first the kingdom of God, and his righteousness.

Now that is how John Quincy Adams looked at it. That is what every man ought to be trying to do. The first thing you ought to do if you follow Christian teaching is "Seek ye first the Kingdom of God, and his righteousness."

In the last analysis, that is how John Quincy Adams looked at it, a great Senator, a great President, and one of those who thoroughly understood how this Nation came to be formed and what the purpose of it was.

Now, Mr. President, there will come times in the history of this country when Senators are going to be challenged to do those things which are not popular among their constituents. When they do it because they think it is right, Mr. President, I would call that statesmenship. John F. Kennedy called it courage. It entails some of both.

Let me just quote a passage that the same writer, John F. Kennedy, quoted, a statement by the late Walter Lippmann, one of the greatest pundits and one of the foremost observers of the political history of the United States. A rather harsh indictment of the Senate of the United States, but one that deserves to be considered.

I am quoting now from the book by John F. Kennedy, who is quoting from Walter Lippmann:

> With exceptions so rare they are regarded as miracles of nature, successful democratic politicians...

Mr. President, that is not referring to the Democratic Party. That means democrat with a small d; those who are elected by the public:

> successful democratic politicians are insecure and intimidated men.

I do not know whether Senators think of themselves in those terms, but, Mr. President, I believe it to be an honest statement. Many times I thought I could be reelected but I never was sure. Most of us who serve here, in one respect or the other, are somewhat insecure and intimidated because we are pressured.

Let me read on:

> They advance politically only as they placate, appease, bribe, seduce, bamboozle, or otherwise manage to manipulate the demanding and threatening elements of their constituencies.

That sounds very, very harsh. In fairness to Mr. Lippmann, I do not think he was referring to Senators or Representatives bribing their constituents with money. I think he was referring to the kind of thing where a Senator or a Representative votes for a big pay raise bill, hoping that that will placate the Federal employees, or where he votes for a big social security increase, hoping that it will gain favor among the recipients of social security.

Let me read on:

> The decisive consideration is not whether the proposition is good, but whether it is popular; not whether it will work well or prove itself, but whether the active, talking constituents like it immediately.

Mr. President, I am not going to ask any Senator to stand up here and confess. I am not going to ask anyone to say that describes him. All I am going to say is that in my judgment on most rollcall votes a great number of Senators ask themselves one question: "Will this help or hurt my reelection?"

In the last analysis they are, yes, representing their constituents, but to a considerable degree, Mr. President, Senators, and Members of Congress are representing their own interests. They are representing themselves. They are voting for their own reelection.

I must say that sometimes I said cynically when we discussed matters that had to do with censuring a fellow Senator, whether we were voting on reprimanding a fellow Senator, or whether we were voting on expelling a fellow Senator, that the majority of Senators were going to vote for themselves. They were going to vote basically for what suggests that they would never do anything like that and that they disapprove of that conduct. It would be more a vote for themselves than it would be a vote for the resolution on which the role was being called.

The point I have in mind is that while we prefer to vote as the majority

of our constituents think, there come occasions when the fate of this Nation will depend on Senators doing an unpopular act, supporting an unpopular measure, or speaking to defend an unpopular cause.

If that cause is right and if they can persuade the Senate and the media that they are right, they will be applauded for it. But, Mr. President, only the Merciful Maker knows who is right. Only a power beyond this Chamber knows what is right on these major issues that are contested and debated here on the Senate floor, particularly the most controversial issues. Even the most religious or self-righteous person that we have in the body cannot know for sure when he undertakes to speak for an unpopular cause that he will be proved right on that issue. He speaks to it after having thought about it at considerable depth, after having tried his own conscience. If he undertakes to champion an unpopular cause, he does it because he is convinced in his own conscience that it is right, sufficiently convinced that he thinks he should do that which his conscience dictates.

Often these things are a matter of degree. How often have Senators been in this Chamber, heard a matter discussed, and had severe doubt about the merits of the issue? How often have Senators refrained from asking the first simple question about the matter for fear that it might expose their ignorance? If it is one of these measures that has overwhelming popular support, how often have they refrained from pursuing the matter or expressing their doubts for fear that it might be disproved?

Then how much more so would it be if the Senate is on television? If people see the proceeding on television across the Nation and thinking that this is the only Senator in the Senate who is against a resolution which had the support of all good people in the country how much more likely would it be that the Senator would play it safe and go along in order to get along?

Mr. President, I made reference yesterday to something that happened in the Senate just recently. All Senators recall it. In my judgment, it was an act of courageous statesmanship, Senators can judge for themselves.

I was referring to the situation wherein the Senator from Hawaii (Mr. INOUYE) defended the Senator from New Jersey during the course of our discussion on expelling a Member of this body for misconduct.

The overwhelming majority of the people in this country were convinced that the Senator from New Jersey should be expelled. They were prepared to judge very harshly any of us who voted against expelling that Senator. They were prepared to judge even more harshly anyone who would take this floor and speak in his behalf, yet the Senator from Hawaii did just exactly that. So I made reference to it.

One of the points I made was that it would be much more difficult for the Senator to have done that had this matter been on nationwide television.

The argument was made, to the contrary, "Oh, this Senator would have done it anyway."

Mr. President, maybe he would; maybe he would not. This Senator has some idea about what is involved when one undertakes to defend a colleague because he believes that the man has done no wrong.

I can recall very well, Mr. President, the Senator from Louisiana defending the late Tom Dodd when a censure resolution was pending against that honorable and decent man.

Mr. President, to this very day I challenge anybody in the Senate to show where that man violated any rule of the Senate or where he violated any law of the United States. The record is all there, and Senators can judge it for themselves.

I was strongly convinced that the man had done no wrong; that he should not be censured, that it was a grave injustice to that person for the Senate to censure him. There were only four Senators who voted the way I did, but I was doing what I honestly thought was right. Senators ought to do that.

I doubt very much, Mr. President, that I would have defended that man as strongly as I did—in fact, I would have had second thoughts about defending the man at all—if I had had to make that case on nationwide television. It was tough enough to do it the way it was.

It did not do the Senator from Louisiana any good. The case was never understood by the rank and file of people across the country. I doubt if it would have been understood if they had seen it on television, but it would have been a greater burden. I would think, Mr. President, that Senators would be reluctant to assume the burden of championing the unpopular side of an issue, even though that issue might be right in their conscience, when that issue is a very hotly contested, controversial issue, and they are very much in the minority.

Mr. MATHIAS. Will the Senator yield?

Mr. LONG. I shall yield in a moment.

Mr. President, I am not talking about the type of situation we discussed previously. I am not talking about the type of situation where a Senator has reasonable confidence that he can convince the country he is right about something. I am talking about a situation where he might never convince the country that he is right about it. I am talking about the duty of a Member of this body to fight for what he believes to be right, even though he knows in his conscience that might cause him to be repudiated at the polls and voted out of office.

Mr. MATHIAS. If the Senator will yield, the Senator from New York (Mr. MOYNIHAN) has entered the Chamber. At the risk of reiterating some of the discussion that the Senator from Louisiana and I previously had, I wish to suggest that there are, in fact, 20 national legislatures who televise their proceedings, in whole or in part—not all of them gavel-to-gavel; that there are 49 State legislatures that televise their proceedings in whole or in part; and, I believe, 20 State legislatures that televise their proceedings gavel-to-gavel during the period of time they are in session.

I further comment that I think as far as the national legislatures are concerned, these tend to be the free world legislatures. I am not advised that any of the Iron Curtain legislatures provide gavel-to-gavel parliamentary coverage.

I think it is an interesting question that the Senator raised yesterday. I am sorry it was not answered at the time, but there is a very careful exposition of this subject in the hearings that we held a year ago in the Rules Committee. I direct the attention of the Senator from New York to those hearings.

I thank the Senator from Louisiana for yielding.

Mr. MOYNIHAN. If the Senator from Louisiana will allow me, I would like to express my appreciation to the Senator from Maryland for that important set of facts, perhaps the most striking of which is that 49 of the 50 State legislatures now do this.

If I may take an opportunity to say that I omitted yesterday, when I had the opportunity, to suggest that in the teaching of American Government, the live experience of our Senate as against taped replays or the recapitulation through video tape would be an enormous asset. I meant to say, but did not, that when the day comes that I return to teaching, and I will—not as soon as some perhaps may desire, but maybe sooner than I expect—I want at some point in my days as a lecturer to be able to show to a class the senior Senator from Louisiana when he really is dazzling this body with his knowledge of procedures.

Mr. MATHIAS. With his boots on.

Mr. MOYNIHAN. With his boots on, when a person has to turn his head to find that it has been cut off so deft was the surgery; when persons of the greatest skill and knowledge in the procedures of this body that they were inadequate to the challenge. That is something the youth of America have a right to see in the event, in the flesh, and not try to reconstruct from the altogether inadequate record that is left

to us in print in the CONGRESSIONAL RECORD.

The RECORD can demonstrate certain kinds of meaning, but it cannot capture the genius of a great Senator at the height of his powers.

Mr. LONG. Mr. President, I thank the Senator for all those kind encomiums. The fact is that it is not deserved and it is also rather irrelevant to what I am trying to say here at the moment. I appreciate it nonetheless.

Mr. MATHIAS. Will the Senator yield to me for just one more moment?

Mr. LONG. Yes, Mr. President.

Mr. MATHIAS. Mr. President, the Senator from New York used what I have always considered so important, an illustration of the television. It is my understanding that the Senator's remarks on the history of the Falkland Islands, which were a part of the debate in the Senate on the 13th of this month, have been printed in full in the Times of London, which illustrates the great interest that there is in that subject in Great Britain.

Let me just suggest for a moment the kind of interest that there would have been had the BBC been able to pick up that tape and give it live. The interest in London would have been extreme. The interest in Buenos Aires might even have been relatively high. There is no reason in principle why that would not have been possible. The fact that technology today makes it physically possible, I think, should be an incentive to us to make it legislatively possible.

I thank the Senator from Louisiana for yielding for words that, I am sure, are not welcome to him.

Mr. LONG. Mr. President, I welcome all the words. I welcome the two Senators any time. They are both great statesmen and I admire them tremendously. It is a great honor to serve with them. Even though they sometimes differ with me, I admire their statesmanship and I assure both Senators that I am going to read the Falkland Islands discussion by the Senator from New York. I took it home with me last night, but I got diverted by other matters, but I am going to read what the Senator said about the Falkland Islands. I am sure it will be a major contribution, Mr. President, to the debate about television in this Senate.

I, of course, might learn a different lesson about it, but my thought about the Falkland Islands matter is that it just goes to prove that everything should not be on televison. For example, just as I would like to see the Senator's dissertation on the Falkland Islands, the problem to me right now is how do we avoid that thing triggering World War III, or how do we avoid triggering a war between great countries that should be averted? To settle this kind of issue, you have to find ways that both sides can save some face. There must be some negotiations behind the scenes and those negotiations cannot be on television.

Mr. MATHIAS. Would the Senator yield at just that point?

Hold on, hold on. We are not putting the Falkland Islands negotiations on television. That is beyond the scope of our furthest reach of ambition, let alone our power. All we are talking about is these sessions of the U.S. Senate, illuminated as they were on the 13th of April by the dissertation of the Senator from New York on the history of the Falkland Islands.

(At this point proceedings occurred relating to the entry of certain orders, which are printed later in today's RECORD).

Mr. LONG. Mr. President, let me just briefly summarize the argument I was making. The founders of this Government who established the Senate viewed the Senate as being a body entirely different from the House of Representatives.

The House of Representatives is expected to be more representative of the public. It is expected to be more attuned to what the public is thinking at that moment. The House of Representatives is expected to be more responsive to the immediate public will than is the Senate.

The Senate, on the other hand, is established as a smaller body. It was established on the theory that there would be a smaller, somewhat older, hopefully wiser body which originally was not elected by the people at all. The Senate was elected by the legislatures. This body would not just second guess on the same basis as the House of Representatives had acted. It was intended that this body would make decisions not so much on what was popular as on what was right and was in the long term best interests of this Nation.

For the House of Representatives to be on television does not conflict, at least it does not conflict very much with the theory on which the House of Representatives was established, that it is supposed to be representative of the immediate thinking of the majority of the people in the country. The Senate was intended to be a body that would not only think in the long-term best interest of the United States but would even have the courage to think in terms of what was right even though it might not be popular.

That concept of the Senate in my judgment could well mean the salvation of this country some day. It could mean the difference of being in an atomic war and surviving. It could mean the difference between negotiating peace rather than letting one's passion lead the Nation into war.

That purpose to which the Senate is here to serve does not lend itself well to the direct television coverage of the Senate. The Senate is not supposed to react immediately to what the great majority of the people are thinking, not necessarily. The Senate is supposed to think in terms of what is right and it is supposed to have the courage to do what is right even though sometimes that will not be popular and may never be popular.

It was on that basis that the Senate was created a separate body, given 6-year terms and even elected on a different basis than the House of Representatives.

All of that is foreign to the idea of putting the matter on television, which would tend to make the Senate easier to stampede, and make the difficult job of statesmanship, that type statesmanship which requires enormous courage on the part of a Senator, a great deal more difficult.

One should ask oneself what is it that the Senate needs the most? Do we need more expediency? If that is what we need, Mr. President, definitely we should vote for television coverage of the Senate. If we need more expediency, need to make the Senate more susceptible, more inclined to go along with the public thinking of that particular moment, if that is what we want the Senate to do, then vote for the resolution because that is what it will do.

If, on the other hand, we want the Senate to exercise the kind of statesmanship to which I have referred, the kind of statesmanship where a Senator literally votes himself out of office or votes himself into oblivion by doing what his conscience dictates, if that is the kind of body that one expects of the Senate, then we should not put the Senate on television because it makes it more difficult for Senators to play the role of statesmanship.

It makes it more difficult for the Senate to play the role of statesmanship. It makes it more difficult for one to persist in the kind of political courage that I have been discussing at least in part here today.

The distinguished occupant of the Chair made a point to me, Mr. President, that every Senator should ask himself from time to time in his conscience, "first, let us ask the question if this Senate is on television am I going to conduct myself any differently than I did before?"

Mr. President, anybody who does not answer that question, "Yes," has lost my respect because, in my judgment, there is no doubt that with this Senate on television Senators are going to perform in a different fashion. I do not care whether it is a matter of sitting here in your seat more often or a matter of making more speeches or less, every Senator is going to change his pattern of conduct if the Senate is on television. That is question No. 1.

"Am I going to conduct myself any differently?" The answer is, "Yes," you are going to conduct yourself as a Senator a great deal differently. If you do not think so, you will find I am right, and just write that down.

Then the Senator from Missouri asked me this question: If you are going to conduct yourself any differently how will you conduct yourself differently? So I would challenge the conscience of Senators. Think about the way you are going to change your way of doing business, and then ask yourself this third question: "Is that going to be good for America or will it be bad for my country?"

Well, Mr. President, I know one thing for a certainty, it will lead to a great deal more expediency, it will lead to a lot less statesmanship, and what is it the country needs? Do we need expediency or do we need statesmanship?

When one thinks in those terms, when one thinks in terms of the survival of this democracy not for just this year, not just for this decade, not just for the year 2000, but the years 3000 or 4000 or 5000 or even the year 10,000, if one thinks of the survival of this democracy over a period of 10,000 years, yes, you need a U.S. Senate of the type we have known where statesmanship can prevail, and you should not be doing things that are going to make it much more difficult for statesmanship to prevail in this body.

Furthermore, Mr. President, just in terms of the day-to-day work of Senators, Senators will be spending a great deal more time preparing speeches for delivery to the folks back home; doing those things that will present themselves in a favorable light, hopefully improving on their image, when they would otherwise be devoting themselves to the more tedious, time-consuming, difficult chores that fall as a burden on a U.S. Senator.

Purely as a matter of mathematics, a U.S. Senator on the average will spend one-half of 1 percent of his working time making speeches here on the Senate floor. The other 99½ percent of his time he is going to spend doing other things.

Putting the Senate on television will cause one to spend a great deal more time preparing speeches, rehearsing speeches, making speeches which otherwise could simply be inserted into the RECORD, trying to present himself in the most favorable light, which might not necessarily be the true image at all, and when the public interest really requires that we devote more of our time to those duties that do not necessarily project us before the public.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER (Mr. D'AMATO). The Senator from Connecticut.

Mr. DODD. Mr. President, it would be hard indeed to deny that the case for televising the proceedings of the Senate has a persuasiveness and a plausibility. After all, Mr. President, we televise just about everything else in this country: Soap operas and superbowls, space shuttles and Presidential debates, the House floor and Senate committee hearings. Why then, one would ask, not the Senate Chamber? In fact, in a nation which reveres the people's right to know, what knowledge could be more essential than the deliberations of their elected representatives concerning national policy?

The Senate has always conducted its business in public. In fact, we welcome both the press and visitors to our galleries. Permitting television cameras to record our actions, it would seem, simply allows modern technology to extend that opportunity beyond the physical limitations of this historic room.

As I say, Mr. President, that argument has force. Ultimately it may even prove to be compelling.

But before we act on this resolution, I feel strongly that we need serious and fundamental reflection upon the changes which television is likely to make in the nature of the U.S. Senate.

Mr. President, I would add here at this point that, as a former Member of the other body, I strongly supported the use of television in the House of Representatives. I think it is important for those of us who sit here to understand the fundamental distinctions between the two Chambers which make up our Congress. The House of Representatives is a body whose rules have been designed to protect the majority, to insure majority rule. The U.S. Senate is an institution whose rules are specifically designed to protect the rights of a minority, even a minority of one.

That fundamental distinction makes these two Chambers vastly different. Certainly, to allow television in a chamber geared to the rule of the majority is something which eminently makes good sense. To include television in the U.S. Senate is something entirely different. It deserves greater deliberation for, in fact, Mr. President, we who serve here today, however long or short our tenure, are nothing more than temporary custodians of this institution.

Everything we do here must always be considered as to how it affects the fundamental basis for this institution's very existence, not just what we may perceive as temporary political necessity. For those of us who sit here today have a responsibility to those who depend upon this institution and the workings of this institution as a guarantor of a process that has served us and our freedoms well for over 200 years.

I want to make this point as clearly and as forthrightly as I possibly can, Mr. President: Television has been the most pervasively influential invention of our time. Every aspect of our national life that it has touched—and I cannot think of any which it has failed to touch—it has altered profoundly and irrevocably. We would be naive to think we can open this Chamber to the TV crews and the klieg lights without affecting the rules, the customs, the very nature of the Senate and its role in our national life.

I believe that that will be the case because I see major tensions between the traditional role of this institution and the demands of the electronic eye. The historic purpose of the U.S. Senate has been to function as our major national forum for the careful, considered, full, and unfettered discussion of public issues.

Our rules and customs reflect that purpose. They place a premium on fairness over efficiency. They afford those with minority views a full opportunity, an opportunity not guaranteed in the other Chamber, to persuade the majority of the wisdom of an alternative or to resist being quickly overrun by a position enjoying popular but, perhaps, momentary support.

They reflect a faith that full ventilation of an issue is more likely to produce sound public policy than glib and clever packaging. The capacity of a minority to delay by extended debate is a force for moderation and compromise.

Whether the U.S. Senate can continue to serve that historic purpose under the gaze of an electronic eye is certainly by any reasonable estimation open to serious question.

Television, Mr. President, places a premium on easily digestible capsules of argument, not on extended reflection. It could create pressure for a de facto, even a formal, change in the customary tools of the minority. The political value of prime time appearances for Senators might encourage us, as has been suggested by other Senators, to replace the current rules for recognizing Senators with ordered and regularized appearances based on some sort of equal right to the limelight.

In its support on Senate Resolution 20, the Rules Committee devotes two sentences—just two sentences—to the question of the impact on rules and procedures of televising floor debates and votes. The report assures us that no change in the standing rules will be necessary and suggests that the only procedural additions needed will be detailed guidelines for camera operation and direction to faithfully cover debates but avoid all extraneous activities.

That is the sum and substance of any reflection on what television is apt

to do to the rules and customs of this body. With all due respect, Mr. President, to those Senators who serve on the Rules Committee, I must say that those two sentences constitute far more wishful thinking than an accurate assessment of what is likely to occur if we adopt Senate Resolution 20 in its present form.

In fact, the hearing record on this resolution contains ample evidence that both advocates and opponents of Senate television foresee changes in the rules, customs, and traditions of the Senate once those cameras start rolling.

The Senate majority leader, who enthusiastically endorses Senate Resolution 20, tells us that "Television will bring changes in the Senate." And I agree with him.

It will necessarily bring changes in the scheduling of the great debates that must occur. It may perhaps change the way we conduct ourselves on the floor, maybe even change some of the provisions of the manual of procedure that was written by Thomas Jefferson, which we still utilize in the Senate, in order to make the deliberations of the Senate more adaptable to a more general public examination.

The senior Senator from Louisiana, Senator LONG, whose knowledge of this institution and whose commitment to it are unmatched in this body, opposes televising floor proceedings. He is convinced that passing Senate Resolution 20 will wreak havoc on rule XXII and the tradition of unlimited debate, as well as affect other procedures in serious and largely detrimental ways.

Even in the House of Representatives, Mr. President, whose more highly structured nature was far more congenial to the requirements of television, procedural and operational changes were necessary to accommodate the introduction of cameras. And I hope my colleagues take note of that. A far more structured institution with limitations on debates, rules that limit the amounts of time of debate—yet we had to change procedures in the House of Representatives before we brought the cameras into that Chamber.

So to suggest, somehow, that we are not going to have to change rules in this Chamber, which has a far more unfettered procedure than exists in the House of Representatives, is truly to be ignorant, I would say with all due respect, of the operations of this institution.

Here in the Senate, the unanswered questions about the effect of the television range from the trivial matters of day-to-day operations to those of major significance with substantial legal and legislative impact. Will Senators have to surrender, for instance, the tradition of speaking from their desks and move to a centralized location to deliver their remarks? Trivial, some might suggest, but it is a tradition which has served this institution well for almost 200 years.

Will the rules for recognition of individual Senators have to be revised to allow a more organized and predictable sequence of speakers? In order to establish legislative history, which will take precedence: the written RECORD, where Senators are permitted to revise their remarks and insert material, or the video recording of what actually transpired? Will the free flow and occasional chaos of rollcall voting have to be replaced by electronic voting, as in the House of Representatives? Will we have to replace the use of frequent quorum calls with a far more structured order of business in order to accommodate the demands of public television of the senate's business?

I would not pretend, Mr. President, for 1 second, to know the answers to the questions I have posed. I do not even pretend, Mr. President, to know all the questions that need to be asked in the first place. But I do know, and I do believe strongly, that to attempt to make a judgment on television in this Chamber before we identify, inventory, and evaluate the changes that we will have to make is to put the proverbial cart before the horse. I believe that before we leap to judgment on Senate Resolution 20, we, as a body, need to establish a mechanism that will look at the rules, the procedures, and the traditions which may be altered by the adoption of this resolution.

Before this debate is concluded, my colleague and friend from Missouri, Senator DANFORTH, and I hope to offer just such a mechanism for the consideration of our colleagues.

Let me conclude by repeating what I said at the outset, Mr. President. We are mere custodians of this institution. We have an obligation, just as every other generation which has occupied this Chamber throughout our 200-year history, to see to it that the fundamental integrity of this institution, the reason for the existence of the U.S. Senate, is not eternally damaged by a temporal action. Such an action may satisfy our political needs today but it could jeopardize the very freedoms of this country by altering the way the rights of a minority are protected by this body. That is what makes the Senate unique. We must not run the risk of having that uniqueness eroded by a temporal action without clear, cogent consideration of the full effects this resolution will have.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. DANFORTH. Mr. President, I believe that the Senator from Connecticut has identified with great clarity precisely the issue which should be considered by every Member of the Senate before voting on the question of televising this body. It is absolutely clear, Mr. President, that to install a television camera in the U.S. Senate is not simply a matter of extending the gallery. It is not simply a matter of enlarging the audience that looks on this floor at any given point in time. There is no doubt that, in addition to the so-called extension of the gallery, the method of operation of the U.S. Senate must necessarily change when television cameras are brought in here. We are debating not simply the presence of television cameras. We are debating the rules and the customs of the U.S. Senate.

If we change the way in which this floor is covered and include coverage by television cameras, it follows, as the night the day, that the whole method of operation, the structure of debate, what we do as U.S. Senators will change.

This fact has been recognized, even by the most eloquent and persuasive advocate of televising the Senate that there is, our majority leader Senator BAKER, a man who believes strongly in televising the Senate and is also fully conversant with the method of operation of the U.S. Senate.

And I read, Mr. President, from Senator BAKER'S testimony before the Rules Committee on April 8, 1981. This has already been alluded to by the Senator from Connecticut, but it bears repetition. It is in the hearings and they are found on the desks of every Senator. I would hope that every Senator would read this before voting on whether to televise the Senate.

On page 6, here is what the majority leader said:

Indeed, I believe that television will bring changes in the Congress, in the Senate. It will necessarily bring changes in the scheduling of the great debates that must occur. It may perhaps change the way we conduct ourselves on the floor, maybe even change some of the provisions of the manual of procedure that was written by Thomas Jefferson, which we still utilize in the Senate, in order to make the deliberations of the Senate more adaptable to a more general public examination.

Mr. President, we are not simply debating the principles of the television camera. We are debating whether there will be changes in the manual of procedure that was written by Thomas Jefferson.

What will these changes be? I join the Senator from Connecticut in stating I do not know what they will be. I do know some things that commonsense tells me will not continue once the television cameras are installed.

I sat in the Presiding Officer's chair and listened to the distinguished Senator from Louisiana debate the subject, and I looked down over the floor of the Senate and saw at one point two Members of the Senate in the Chamber. Is that going to be covered on television? Is that the way we will be behaving on television, with two Mem-

bers of the Senate on the floor? I do not think so.

Mr. MATHIAS. Will the Senator yield? I will answer that question.

Mr. DANFORTH. Of course. Certainly.

Mr. MATHIAS. The hearings which the Senator has referred to describe the technical arrangements I think in some detail. I will not repeat that. But technically, the arrangements can be provided by which speakers will be covered, not empty chairs. So that is not a particular concern as far as the television coverage of the Senate is concerned.

When the Senator from Louisiana speaks, as he so frequently and so eloquently does, it will be the visage of the Senator from Louisiana that appears on the screen. It will be the visage of the Senator from Missouri that appears. It will not be 98 empty chairs.

Mr. DANFORTH. I am relieved to hear that through the careful art of cinematography, through the careful editing of what is covered and what is not covered, it will not be the entire U.S. Senate at work that is on camera. No, it will be but one chair, a few square feet on the floor of the Senate that will be covered. What a relief.

If there is going to be editing of the space on the floor that is covered on the television, Mr. President, how about the time of what we do? For example, everyone in the Senate has known that there have been so-called quorum calls, dead quorum calls, that have lasted for perhaps an hour at a stretch. Will we continue to have quorum calls? Will that continue to be a guise for in effect calling time out on the floor of the Senate?

On Tuesday, when we in the Senate have our party caucuses and our policy meetings, it is commonplace for there to be a period in which the Senate stands in recess for a period of approximately 1½ hours. Will that continue and will that be on television every week?

How about the scheduling of committee meetings? Are we going to schedule committee meetings so that people will be on the floor rather than at their committee meetings? Is there going to be any change in the rules in that respect or not?

Will we require some kind of quorum so that people will be present while the speeches are going on? How about the point that the Senator from Connecticut raised? Will the CONGRESSIONAL RECORD really be the official record of the U.S. Senate?

Right now, Mr. President—this might be a startling revelation—people can pick up the CONGRESSIONAL RECORD and read for pages things that were never spoken on the floor of the U.S. Senate.

All a Senator has to do is stand up at his desk and say, "Mr. President, I ask unanimous consent that my remarks be included in the RECORD as though stated in full."

Will that be sufficient? Will that create legislative history in the future? Or will there be some sort of contest as to whether the better legislative history is that which is produced by things that as actually said on camera?

Mr. President, I do not know the answers to any of these questions, but I do know this: We better start asking and answering these questions before we televise the Senate, not after we televise the Senate.

When we vote on whether or not to televise the Senate, I believe that it makes sense for us to have the whole question in front of us, the whole discussion in front of us, not simply seriatim whether we are going to have cameras today and then let us put off to some future day the question of possible changes in Senate rules and Senate customs.

No, let us decide it all at once. Let us not allow the question of televising the Senate drive and dictate and determine future questions of changes in the rules. Let us as Senators deliberate on the question of all of the changes that are going to occur, not just the televising of the Senate.

Senator DODD and I intend at the appropriate time to offer an amendment on just this point. The point to be established by the amendment is not that we want to kill this necessarily, although I happen to be against televising the Senate, not that we want to delay something or study something to death, but simply let us get all of the questions before us before we vote on the issue of televising the Senate. Let us establish some mechanism existing for a limited period of time, not studying something forever—a limited period of time—to report back to the Senate and to give us the opportunity of deciding the rules changes in advance.

Mr. LONG. Mr. President, will the Senator yield at that point?

Mr. DANFORTH. Of course.

Mr. LONG. May I say to the Senator that he is right in what he is saying.

Mr. President, I do not wish to be misunderstood. I am against the resolution. I do not want anybody to misunderstand my position about that matter.

Assuming that this is to be the case, what the Senator says applies equally to the recognition of Senators.

As the Senator so well noted, the rules suggest that the Chair is to recognize the first Senator who asks for recognition. Since the day I came here as a freshman Senator, I can recall the majority leader, who was then a Democrat, standing at his desk and chastising the Chair for failing to recognize him even though another Senator spoke first, making the point that he was the majority leader, the then Democratic leader. And I say it without intending any offense to the Senator. He was seeking to remind the Chair that he was the majority leader of the Senate.

When the majority leader sought recognition, he should be recognized first, even though someone else was on his feet shouting for recognition prior to the time the majority leader addressed the Chair.

That is clearly contrary to the rules, but it is a tradition, as the Senator so well knows.

As time went by, the minority leader began to complain. Back at that time it was a Republican who was the minority leader. He began to complain that he was not getting his fair share, that he ought to be recognized if they were going to recognize the majority leader.

So that tradition developed, that the majority leader would be recognized or the minority leader would be recognized ahead of the other Senator who shouted first, even though the rule clearly states that the first Senator to address the Chair will be recognized.

Then we proceeded to give unanimous consent at a subsequent date that the majority leader would be recognized in all cases when the Senate first came into session, and the majority leader would usually at the close of a session, as the practice developed, ask that he be recognized and that there be a standing order that the majority leader and the minority leader would then be recognized. After they made whatever statements they would like to make, then other Senators would be recognized.

We did that by unanimous consent. I was one of those who consented to it, and I did so cheerfully at that time.

I think all of us might have second thoughts about that matter if this is going to be on television, especially if either leader, the majority leader or the minority leader, is to claim recognition and then proceed to make his speech and then farm the floor out to first one Senator and then another, before the floor is relinquished to others who are waiting their turn.

Basically, what I am trying to say is that if the Senate is to be on television, we ought to carefully consider the problem of the equal right to be heard, equal access to the television tube.

Mr. President, it is nice to say we trust the majority leader or we trust our minority leader—whoever. Senators should not be asked to do that. The results ought to spell out on what basis a Senator can expect to be recognized. I say that as one who recognizes that, all down through the years, there has been no assurance that a Senator can be recognized if he wants to be recognized.

Mr. DANFORTH. Let me put a question to the Senator from Louisiana: It is the case, is it not, Mr. President, that when we are proceeding under controlled time, the normal rule is that the time will be equally divided between the two sides?

Mr. LONG. That is correct.

Mr. DANFORTH. And the reason for an equal division in the time between the two sides is to give each side an equal opportunity to persuade not only the other people in the Senate but, in fact, the country, because this is a national forum of his point of view. Is that not correct?

Mr. LONG. The Senator is exactly correct.

Mr. DANFORTH. So if there are 4 hours equally divided, the reason for having 2 hours to a side instead of 1 hour on one side and 3 hours on the other is to establish a rule of equity, a rule of fairness, and give each side an equal chance to make its point.

Mr. LONG. That is correct.

Mr. DANFORTH. Mr. President, it is also true that on television, not all time is equal, is that not the case? There is something called prime time. There are times when everybody is watching television and there are other times when very few people are watching television.

Mr. LONG. Of course.

Mr. DANFORTH. If there were 4 hours equally divided and 2 of those hours were on prime time and 2 were not, if television were the name of the game, that would not necessarily be an equal division, is that not correct?

Mr. LONG. That is correct.

Mr. DANFORTH. Should we, Mr. President, in devising ways of splitting up time in the future, if we are going to be on television, work out some method of achieving equity which is not necessarily based on total number of minutes controlled, in the opinion of the Senator from Louisiana?

Mr. LONG. Mr. President, we all hope it will not happen and we would like to think that no one would do it, but I have seen an awful lot of partisanship in the 33 years I have been a Member of the U.S. Senate, not counting the years before I became a Member of the Senate. I have seen a lot of partisanship. Even during my experience in the Senate as one Senator, I can recall some partisanship practiced by both sides that really looked pretty raw.

Senators should assure themselves that that type of thing is not going to happen. It is nice to say we can trust one another and all that, but the best way is to put it in a contract, as you would say if you were a lawyer, what the relationship of the parties will be. Certainly, as the Senator suggests, there will necessarily be many changes in the rules and the practices and procedures.

The Senator is right in saying that if that is to be the case, we ought to know what the full package is when we buy it. We should not lock ourselves into something and then find that we do not have the rules or the operating manual to operate it by.

Mr. DANFORTH. Mr. President, I should like to make it clear that I am sure that it is not the intention of the Senator from Connecticut and it is not the intention of the Senator from Missouri in offering this amendment to use this amendment as a way to say, "Oh, well, let us not televise the Senate." Because I think, regardless of a Senator's view on whether or not to televise the Senate, regardless of the position on the final question that is going to be before us in this matter, all of us should agree, it should really be beyond debate, that we should have the whole picture before us prior to making the decision. We should know everything that is involved in televising the Senate before we make a decision on televising the Senate.

There should be some analysis over a limited period of time—and we still have to work this out in the amendment before we offer it—but in some limited period of time, to analyze what possibilities for rules changes and customs changes would be called for and to allow the Senate to consider those changes before considering whether or not to proceed with television.

I appreciate the efforts of the Senator from Connecticut. I am proud to join with him in this effort. I hope that it will be beyond dispute. Just in the name of orderly process, I would hope that it would be beyond dispute that all Senators should be apprised of what is in store with respect to the customs and practices and rules in the Senate before we proceed in a pell-mell fashion to televise this body.

The U.S. Senate has operated for two centuries without television. Clearly, we can operate another 90 days or so without television while we decide what the rules changes will have to be.

Mr. HARRY F. BYRD, JR. Will the Senator yield?

Mr. DANFORTH. Yes, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. HARRY F. BYRD, JR. Mr. President, it seems to me the Senator from Missouri has made an extremely important point. As I see it, there are two issues involved in this matter: One, should there be televising of the Senate procedures; and, second, regardless of how one might feel about that, it seems to me important that the Senate, before voting on that issue, should have all the details before it.

My one great problem, probably the No. 1 problem that the Senator from Virginia has with the pending resolution, Senate Resolution 20, is that it turns over to a committee of the Senate the total authority to establish whatever rules and requirements it may deem necessary. If we are going to adopt a resolution similar to Senate Resolution 20, certainly, as the Senator from Missouri and the Senator from Connecticut have just pointed out, the appropriate committee of the Senate should bring before the Senate the details as to how it plans to put into effect Senate Resolution 20 if the Senate approves Senate Resolution 20. Mr. President, I applaud and favor the proposal suggested by the Senator from Connecticut and the Senator from Missouri.

ORDER FOR RECESS TODAY UNTIL MONDAY, APRIL 19, 1982

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 12 noon on Monday, April 19.

The ACTING PRESIDENT pro tempore (Mr. HAYAKAWA). Without objection, it is so ordered.

RECORD OPEN UNTIL 4 P.M. TODAY

Mr. BAKER. Mr. President, I ask unanimous consent that the RECORD remain open until 4 p.m. today for the introduction of bills, resolutions, and statements.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXTENSION OF TIME FOR COMMITTEES TO FILE REPORTS

Mr. BAKER. Mr. President, I ask unanimous consent that committees may have until 4 p.m. today to file reports.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CLOTURE MOTION

Mr. BAKER. Mr. President, I send to the desk a cloture motion on Senate Resolution 20.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on Senate Resolution 20, a resolution providing for television and radio coverage of proceedings of the Senate.

Howard Baker, Jake Garn, Warren B. Rudman, Arlen Specter, Steven

Symms, James A. McClure, William Roth, Slade Gorton, Charles Percy, Mark Andrews, Thad Cochran, Orrin G. Hatch, Lowell Weicker, John Heinz, Charles McC. Mathias, and John H. Chafee.

UNANIMOUS CONSENT REQUEST

Mr. BAKER. Mr. President, I have discussed this unanimous-consent request with a number of Senators. I believe it is cleared on both sides. I shall state it in a slightly different form than it was submitted, but I believe the essence of it is identical.

Mr. President, I ask unanimous consent that, at 2 p.m. on Tuesday, April 20, if the vote has not occurred on or in relation to the Randolph amendment No. 1244 to Senate Resolution 20 by that hour, such a vote will occur.

I further ask unanimous consent that, following the disposition of the Randolph amendment and without further debate, motion, point of order, or appeal, the Senate proceed to a vote on the cloture motion on Senate Resolution 20 and the the automatic call for a quorum under rule XXII be waived.

Before the Chair rules, let me say that the essence of this is to provide that the Randolph amendment may indeed be disposed of before Tuesday at 2 o'clock, but to say that if it has not been disposed of by 2 o'clock on Tuesday, a vote will occur at that time on or in relation to the Randolph amendment, to be followed immediately by a vote on cloture on Senate Resolution 20. That is the intent of the unanimous-consent agreement.

Mr. RANDOLPH. Mr. President, will the able majority leader permit me to reserve the right to object so that I may make a very brief statement before the unanimous-consent request is ruled upon?

Mr. BAKER. Mr. President, may I have a moment?

If the Senator from Louisiana, who yielded to me, will permit, I should like to suggest the absence of a quorum.

Mr. LONG. Yes.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DANFORTH). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MATHIAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MATHIAS. Mr. President, I believe the Senator from West Virginia has reserved the right to object, and I am wondering if—

Mr. LONG. Mr. President, I believe we should have an understanding and that the unanimous-consent agreement should so reflect.

I suggest that we agree that, in the event a tabling motion is made and the tabling motion is rejected, we will vote on the Randolph amendment prior to the vote on cloture.

Mr. MATHIAS. It is my understanding that that is exactly what the majority leader had in mind, and I think we can make that explicit. I am happy to modify the request in that respect. However, I ask the Senator from West Virginia if he has a further observation to make before I make such modification.

Mr. RANDOLPH. Mr. President, reserving the right to object—and I shall not object—I hope that no situation will develop within the Senate that will preclude the Members of this body having the opportunity to vote up and down on the amendment I have offered. Our amendment is sponsored by 12 Senators. I hope that will be in the minds of the majority leader and of the acting majority leader, Mr. MATHIAS.

I wish to say this, further, for the RECORD: What I have said now, I have said in a letter addressed to all Senators, delivered to them today.

Mr. LONG. Mr. President, I have had suggestions made to me, on behalf of other Senators, that there are some who cannot be here on Monday and who hope that the vote on the Randolph amendment will not be on Monday for that reason. I am not seeking that for myself. There are some who hope we will vote on Monday.

Mr. RANDOLPH. I have discussed it, and I feel that it would be better, in view of what the Senator from Louisiana (Mr. LONG) has said, that the vote take place Tuesday rather than Monday.

Mr. MATHIAS. Mr. President, I believe we should have some discussion on this matter and for that purpose, before the Chair rules on the unanimous-consent request of the majority leader, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MATHIAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MATHIAS. Mr. President, on behalf of the majority leader I withdraw the unanimous-consent request for setting a time for voting on the Randolph amendment and on the cloture motion.

REFUGEES DESCRIBE NICARAGUAN STRIFE

Mr. HARRY F. BYRD, JR. Mr. President, I recently had an unusual opportunity to learn something of the causes of turmoil in Central America, and I should like to report some of my findings to the Senate.

During the Easter recess, I traveled in a private capacity, at personal expense, to the Central American nation of Honduras.

I had previously visited most of the other countries of that region, and I wanted to see again some of the problems besetting them.

While there, I had the opportunity to meet with more than 100 refugees who had just fled from what they described as Sandinista oppression in Nicaragua.

I would like to relay to my colleagues the refugees' accounts of life in Nicaragua—accounts which conform to the mounting evidence of widespread dissatisfaction and repression in Nicaragua under the Sandinista junta.

My talks with these unfortunate people have left me more convinced than ever that Nicaragua is becoming another Marxist-oriented Cuba.

I believe that the refugees' accounts are particularly relevant now, in light of today's reports that the United States may resume giving aid to Nicaragua. This would be a grave mistake.

The refugees described to me a society torn by economic deteriorization, forced militarization, and a relentless assault on human rights. They also confirmed the presence of Cubans in Nicaragua.

The refugees, 105 Nicaraguans representing 16 families, had crossed the Honduran border only hours before I met with them. I was flown by helicopter—an old U.S. Huey operated by Honduran soldiers—over rugged mountainous terrain to a small village by the border.

With a U.S. Army major interpreting, I questioned the leaders of the refugee group. They told me that two of their party—a 12-year-old boy and his 30-year-old father—had been shot and killed by Nicaraguan militia during the escape.

All of the refugees were farmers; some grew beans, coffee, and corn, and some raised cattle. Women and children comprised a large portion of the group. The six leaders with whom I talked varied in age from 29 to 42, except for one aged 72.

The refugees told me that economic conditions had become intolerable since the Sandinistas had taken over Nicaragua and that they had been planning their escape for about 5 months.

The decision to flee came on Wednesday, April 7, after the men, except the very young and very old, were given an ultimatum by the Sandinistas to join the militia and become Sandinistas or go to jail. Rather than face this Hobson's choice, the group

left the country at 5 a.m. on Thursday, April 8.

The refugees said schoolteachers are being sent into rural areas of Nicaragua and that farmers are required to take as many as two teachers into their homes. After some rudimentary educational instruction, the teachers then begin to indoctrinate the children in the Sandinista version of Marxist-Leninist dogma.

The group's leaders affirmed that they had seen Cubans in the country. They said the Cubans either identified themselves as such or were distinguishable from Nicaraguans or Hondurans by their accent.

When I asked what they would do in Honduras, the refugees replied that they hoped the government would permit them to have some land to continue their farming. Many said they believed in freedom and did not want to live under the threats and oppression of the Sandinista regime.

Though the Honduran villagers were themselves mostly impoverished, they made available to the refugees several buildings, one of which was used as a mess hall. The influx of Nicaraguans will increase the village population by one-third.

I spoke with an American doctor from Houston who had examined the refugees. He said many were ill-nurished and needed some medication. He particularly cited the need for vitamins.

The Honduran Government, incidentally, does not encourage Nicaraguans to flee their country, but it does grant asylum to those who cross the border.

Indeed, Honduras, which is a friend of the United States, is strategically located in strife-torn Central America. It borders on Nicaragua, El Salvador, and Guatemala.

Honduras is worried about a possible spillover from the conflicts in Nicaragua and El Salvador and seems particularly fearful of Sandinista intentions.

Honduras fears that once the Marxists have consolidated their positions in Nicaragua, they likely would seek to export their brand of totalitarianism to neighboring states like Honduras.

Yet, today we learn that the United States and Nicaragua has agreed on a plan supposedly aimed at improving relations between the two countries. In my judgment, such an agreement would aid and help protect a Marxist government hostile to our interests.

One point of the Reagan administration's plan calls for an end to Nicaraguan support for insurgencies in neighboring countries.

Does the State Department really believe that the Marxist government in Nicaragua would cease efforts to export subversion to its neighbors? The history of nations in similar situations does not suggest that would be the case.

Another point involves a promise by Nicaragua that it will follow through on its pledge to permit political pluralism and a diversified economy.

Yet, all available evidence—including the refugees' accounts—makes clear that the Sandinista junta is moving toward a repressive, totalitarian government on the Cuban model.

The administration's plan also involves a resumpton of aid to Nicaragua, including making Nicaragua eligible for trade and investment incentives proposed in the President's Caribbean Basin initiative.

Mr. President, the United States should not, in my judgment, offer financial aid—American tax dollars—to an avowed Marxist government obviously bent on extending its way throughout Central America once its hold on Nicaragua is consolidated.

Aiding the Sandinista regime would not serve this Nation's interests, and it assuredly would not comfort Nicaragua's neighbors.

They are apprehensive about the Sandinistas' increasing militancy, the clampdowns on the press and political opposition, and ties with Cuba.

We should be apprehensive, too.

Let us not make the same mistake that was made in regard to Cuba 23 years ago. Fidel Castro came to Washington in April 1959 avowing friendship for the United States and asserting he was not a Communist.

Before the year was out, he held a massive anti-American rally in Havana—which I attended as a newspaper correspondent—and shortly thereafter proclaimed that he always had been a Marxist and always would be.

I am convinced that the present regime in Nicaragua is similarly motivated, and it would be a great mistake to send American tax dollars to Nicaragua.

ON MAKING INFORMED DECISIONS

Mr. MATHIAS. Mr. President, every day every Member of this body attempts to digest an almost unbelievable amount of background information in an effort to make informed decisions on the myriad complex issues that confront the United States nationally and internationally. The effort is somewhat reminiscent of the labors of Sisyphus who was condemned to roll a heavy stone uphill forever, never reaching the top.

Nonetheless, we continue to make the effort because we must. What is most troubling about it, other than the sheer impossibility of mastering all the material available, is that the information we receive on problems is all too often denatured. It comes to us in the dry print of newspaper reports or the even drier testimony of Government witnesses or official studies. It lacks human dimension.

For example, in recent months we have concentrated a great deal of time and effort on the problems of El Salvador. We have heard many different points of view regarding that troubled country and the problems of the entire area. But rarely have we heard from those who speak with an intimate knowledge of the region, who have shared the lives and experiences of the citizens of these countries, and who care personally and deeply about what happens to them.

I say rarely because occasionally we do hear a cry from the heart and when we do it has a riveting effect. Last week a constituent wrote me a five-page letter in longhand about our policy in Central America. It deals in the most basic human terms with the issues we have been wrestling with in strategic, even cosmic, terms. It summons us to consider how policies respond to the needs of individual human beings rather than how they fit into some global strategy. And it should give us pause.

Therefore, I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

I am writing concerning the recent developments in Central America so that you will be more educated and better prepared to vote on/create present and upcoming legislative matters concerning this controversial and misunderstood part of the world.

First, I must display my credentials. I most recently lived 28 months in this area, in Costa Rica and Honduras, as a Peace Corps Volunteer (PCV) and had the unique opportunity to co-habitate with the peasants of both countries. I also spent many house and late-night sessions discussing the conditions in Nicaragua, Costa Rica, El Salvador, Guatemala, and Honduras with country nationals and PCVs who were serving or had served in these nations. I also had the chance to visit El Salvador on two occasions—once in November, 1980, then again in June, 1981—as well as spend several days in Guatemala this past December, 1981.

I will now try and clarify for you what our government should be doing for these people instead of supplying them with arms and weapons in order to ward off the (incredibly incorrect and blinding) threat of the Soviet take-over of Third World nations in the Western hemisphere.

First, we must agree that mistakes were committed in our decisions made towards the new Sandinista Nicaragua. Once our strongman, Mr. Somoza, was overthrown, we promised to help rebuild this war-torn nation if and only if certain conditions were met. This was mistake number one. A war-torn people is a desperate people, unable to accept money and aid conditionally. They were creating an entirely new system, which included economic, political, agricultural, and educational reforms, with an infinite number of possible developments to be determined by the newly instaled junta. The United States then withdrew all aid because the new Nicaragua was resembling a communist state—mistake number two was cancelling this aid. So who jumps in to take ad-

vantage of the situation? The friendly Cuban neighbor Fidel Castro. No infiltration or guerrillas necessary, but rather an up-front good neighbor policy approach. And what did he, through the abundant supply of trained Russian manpower, provide but thousands of doctors, nurses, and educators—precisely those things which the Nicaraguan people needed and wanted. Why could we not have done this for them instead? And more importantly, why cannot we do this for them now? Could it be our bull-headed attitude and lack of understanding of how to satisfy the needs of a destroyed people? If so, these questions need to be analyzed and answered immediately, because there now exists another war-torn nation—El Salvador—and another shortly to follow—Guatemala.

As the crow flies, I lived 28 kilometers from the El Salvador-Honduras frontier. One morning, I was walking the path that led from my adobe house to the elementary school where I worked. I stopped for a moment to concentrate on a distant hum which seemed to be drawing nearer. In the next moment, three helicopters whirred over top of me, headed for the border. I could not continue up the path because I was literally frozen with fear. Where did the Honduran government get those helicopters? On what mission were they? The fading whirrings of the choppers answered my questions—the U.S. and death, the U.S. and death, the U.S. and death. . . . God help us.

When I finally arrived at the school, I could not face my smiling, cheerful, and trusting Honduran co-workers. What kind of aid was my country really giving them?

And late one evening, a Honduran friend recounted the tale of some 2,000 El Salvadoran refugees hiding out in a cave on the El Salvador/Honduras border. An El Salvadoran helicopter (a gift from the U.S.) commanded by the military neatly dropped a bomb (yet another gift) at the cave entrance and effectively killed all 2,000 refugees. I felt sick to my stomach when I realized that it was my government who had made this massacre possible. And this was only the beginning (January 1980) of the escalation in the number of deaths at the hands of U.S.-supplied artillery, equipment, and ammunitions.

For God's sake, our leaders must take off their blinders of "communist expansion"! The war in El Salvador began as a response to the dismemberment of the ruling oligarchy combined with the initiation of the agrarian reform movement, not because of some propaganda being spread by Mr. Fidel Castro! The only people unaware of this fact seem to be our nation's policymakers. Why is it that the name "Fidel" instills such fear in us, while it inspires hope in the poor of some Latin American nations, but that Mr. Castro knows how to make friends of these people while we wallow in our ignorance of their needs? We must learn from Mr. Castro's example in Nicaragua.

Central America is afire with a poor people trying to free themselves from their epically corrupt governments. They now realize, through improved awareness and education, what is happening in the back rooms of their governments. They are trying to reach out and create systems which will control, if not eliminate, the repressive corruption which has been occurring during this century. To this end, we must open our eyes and our helping hands. There will be no easy solution, although one thing is certain. Guns, weapons, and military aid are not helpful in solving an economic and social crisis.

Thank God, Mr. Mathias, that you are not an El Salvadoran peasant farmer—being sought out by the military during the day for not informing on guerrilla activity, and by the guerrillas at night for not joining their forces.

TUITION TAX CREDITS

Mr. MATTINGLY. Mr. President, President Reagan has announced that he intends to seek legislation which would provide tuition tax credits for those attending private elementary and secondary schools. I consider such legislation a strike at the very heart of our democracy. The public school system, though by nature riddled with problems, remains the door to opportunity for all Americans. This does not mean that private institutions have not played an important role in our country. They have offered and will continue to offer an alternative to public education. They have provided the impetus for quality teaching and learning in both the private and the public education arenas.

I am deeply concerned by the tuition tax credit proposal, however, because I believe such a proposal could lead to the destruction of the public education system. We must look for ways to develop further the educational opportunities available to the young people of this Nation, not to destroy them. We must make every effort to improve educational performance and quality from within the public school system. We must preserve the public education system, not gut it.

It would be simple to view the tuition tax credit proposal in light of the negative economic impact it would impose on the country. We should be looking at ways to close tax loopholes, not open them. In these days of fiscal restraint and tight budgetary consideration, scarce financial resources should not be directed to private schools. The issue is not simply an economic one, however. The real issue is quality and opportunity in education.

In the ninth chapter of Proverbs it is written, "Teach a wise man and he will be wiser; teach a good man and he will learn more." In order for our democracy to be strong, all its people must have the opportunity to learn more. The public trust should not be violated by allowing the public's educational system to be placed in the precarious position of fighting for second best. The strength of this Nation is derived from the minds of its people. Public education must be preserved and improved. Tuition tax credits will lead us in the wrong direction.

THE HISTORIC PRESERVATION MOVEMENT

Mr. HATFIELD. Mr. President, the Historic Preservation Movement is threatened. Preserving the past is as important now as it has been in recent years. Since 1891, critics have pointed to the defects in modern architecture, comparing what is built today with what was built in the past. Preserving structures whose architecture is representative of a period that we will never see again is a noble and worthwhile effort.

The National Trust for Historic Preservation has become a moderating influence in the changing attitudes of the Historic Preservation Movement. Without their efforts, many historic buildings would have been forever lost to those who desire to build and rehabilitate inner cities. The Department of Interior has zeroed out the Department's contribution to the operating budget of the National Trust for fiscal year 1983. The Interior Department tried to stop funding for the National Trust in fiscal year 1982, but Congress instead appropriated $25.4 million—$21 million for State matching grants, and $4.4 million for the National Trust. It is my hope that Congress will again move to fund this important program.

Mr. President, I have had the pleasure of knowing and working with Michael Ainslie, who is president of the National Trust for Historic Preservation, for many years now. Michael is dedicated to the historic preservation effort. Through his efforts many magnificent historic structures that otherwise would be lost are now preserved for all to share.

On February 12, 1982, Mr. Ainslie had the honor of giving the keynote address at the Lincoln Memorial in celebration of Abraham Lincoln's birthday. I believe his remarks are demonstrative of the efforts taking place today to preserve at least in part the beauty of the past.

Mr. President, without objection, I ask that the text of his remarks be made a part of today's RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS OF MICHAEL AINSLIE

"Four score and seven years ago our fathers brought forth on this continent, a new nation, conceived in liberty, and dedicated to the proposition that all men are created equal.

"Now we are engaged in a great civil war, testing whether that nation, or any nation so conceived and so dedicated, can long endure. We are met on a great battle-field of that war. We have come to dedicate a portion of that field, as a final resting place for those who here gave their lives that that nation might live. It is altogether fitting and proper that we should do this.

"But, in a larger sense, we can not dedicate—we can not consecrate—we can not hallow—this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note, nor long remember what we say here, but it can

never forget what they did here. It is for us the living, rather, to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us—that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion—that we here highly resolve that these dead shall not have died in vain—that this nation, under God, shall have a new birth of freedom—and that government of the people, by the people, for the people, shall not perish from the earth."

President Lincoln so spoke on November 19, 1863. He dedicated a burial site on that Pennsylvania Battlefield as he honored those whose blood had consecrated that field. Yet, his powerful words demanded much more—he called for the preservation of a young nation—a nation divided. That nation was preserved. The United States of America remained united.

Today we are called upon once again to preserve a nation divided—a nation divided not by geography but rather by economics, by access to opportunity, and yes, tragically after these 119 years, a nation all too frequently divided by race. We must persist in the resolve, "that government of the people, by the people and for the people shall not perish from this earth." We must provide evidence to the world that people can govern a nation, just as Lincoln sought to convince his European skeptics.

As we so endeavor to perfect our democracy, we may call upon a rich history to inspire and nourish us. That history is vibrant and meaningful because people throughout America have called for its preservation. We Americans in a movement as expansive as our borders have chosen to preserve parts of our past as national landmarks. We have identified neighborhoods, and main streets, schools and churches for inclusion in our National Register of Historic Places. We have erected monuments to great leaders who have carried us through past national crises. Certainly, the Lincoln Memorial designed by Henry Bacon and the masterful seated Lincoln sculpted by Daniel Chester French stand among our nation's finest tributes to the past. The National Park Service diligently preserves and presents this National Shrine to the American people. The National Trust for Historic Preservation similarly protects and interprets Chesterwood, French's studio near Stockbridge, Massachusetts where Lincoln was sculpted.

As we work to ensure a healthy future for our nation, we must be equally diligent in ensuring the preservation of our past. Without a national memory, what will there be to inspire future generations to procede confidently—to know that from crisis can come new unity, to believe that those dead did not die in vain—that they gave the last full measure of devotion, "that this nation, under God, shall have a new birth of freedom."

THE TRAGEDY OF LEBANON

Mr. PELL. Mr. President, a recent photographic exhibition here in the Senate brought freshly to mind the tragic plight of Lebanon. The pictures show the incredible devastation of the city of Zahle by Syrian forces in 1981. Other pictures depict the devastation in the capital, Beirut, and other Lebanese localities since 1975, when the current fighting began. No one has an accurate count of fatalities, but it is estimated that at least 60,000 have died in the fighting in Lebanon since 1975.

Beirut, once known as the Paris of the Middle East, remains a tense, embattled city. Whole sections of Beirut have been reduced to rubble. Thousands have been killed, wounded or left to seek homes elsewhere. Mayhem is a regular occurrence as chaos continues.

Some of the greatest treasures of Western civilization at such places as Baalkbek, Biblos, and Tyre have been damaged or are at risk. Tyre, itself, with three PLO camps in the immediate vicinity, remains in serious and unrelenting jeopardy.

It is critically important that Lebanon once again become a source of stability in the Middle East. Simple humanity demands it. Furthermore, with a stable Lebanon, many of the threats which could lead at any moment to wider violence will be removed. Without stability, Lebanon will remain a hindrance to achievement of a comprehensive settlement.

At present, the Syrians and Israelis remain in needless confrontation over Lebanon. The Palestine Liberation Organization is a heavily armed and active threat to Lebanon itself and to Israel.

The administration has been attempting to preserve the ceasefire, through efforts of our diplomats in the field and the shuttle diplomacy of our extremely able Ambassador Philip Habib, but there is no question that the ceasefire remains, at best, fragile. As the Washington Post noted on April 13, Lebanon "trembles." If the ceasefire fails, all involved will lose in one way or the other.

The PLO leadership should understand the alarm that the buildup of arms of Soviet origin through such Arab sources as Syria and Libya has kept the Israelis on edge and that PLO military preparation and activities are adding to the tensions. I hope that each side will do its best to preserve the ceasefire by avoiding the first step toward a new outbreak of conflict.

We must look beyond the current problems, however, to the development of a long-term policy leading to an independent and democratic Lebanon free of foreign occupation.

We have already taken useful steps. Since 1977, the United States has supported the stabilization of the Lebanese Government and the rebuilding of the Lebanese military. This year, Congress approved $10 million in foreign military sales credits, $6 million in economic support funds, and $575,000 for military training. I hope that the Congress will realize the important needs these programs meet and will support a strong package for Lebanon next year.

With our help and that of other nations, Lebanon should once again be able to have a government which can control that nation's destiny.

This summer, the Parliament will elect a new President of Lebanon. It is very important that the Parliament be under no pressure to make other than a free choice. Lebanon needs a president who has Lebanese interests at heart and is not a puppet of any group.

The Lebanese military needs to be capable of dealing with threats to its authority and its areas of responsibility must be steadily expanded, so that the Lebanese will have a government and military capable of preserving peace. If this effort succeeds, there could no longer be justification for a continued Syrian presence in Lebanon.

The Lebanese Army, and not the PLO, should be in charge in southern Lebanon. Essentially, it is in the interests of all sides to achieve the departure of every non-Lebanese military force. Lebanon should not continue to be a battleground for others.

The United Nations has been a positive influence in Lebanon. I was pleased to see the U.N. force increased by 1,000 to 7,000 last year. I hope the U.N. force will be able steadily to expand its role in southern Lebanon. If possible, it should certainly move toward a greater presence in Tyre. These U.N. efforts can pave the way for expended Lebanese military authority.

Mr. President, I hope the administration will not lose sight of these longer term goals as it deals with Middle Eastern issues. It is in Israel's great interest that Lebanon once again become a source of stability. It is in Syria's interests to turn attention to domestic matters and move away from confrontation in Lebanon. It is in the PLO's interest to abandon military action and terrorism as a means to political goals.

It is in the interests of all that we do our best to calm the steaming caldron of the Middle East.

WILDERNESS USAGE

Mr. HAYAKAWA. Mr. President, I should like to bring my colleagues' attention to an article published in the February issue of Harper's and scheduled to appear in a soon-to-be-published book, "Progress and Privilege: America in the Age of Environmentalism," by William Tucker.

Citing incidents where the Wilderness Act of 1974 has kept people out of wilderness areas, Mr. Tucker points out that out ecological museums are for a select few who walk softly and carry no sticks. Under the act, wilderness is defined as an area where man is a visitor but does not remain. No vehicles, tents, or fires are allowed so back-

packers typically sleep in a sleeping bag designed to keep one warm in subfreezing temperatures. This is fine for those who can afford the equipment, but what about those who cannot? Should they be deprived of the right to spend the night in a federally owned wilderness area? And what about the handicapped whose wheelchairs are prohibited in the areas? Should they not have the opportunity to witness nature's mountains, trees, rolling streams, rushing waterfalls, and grasslands too?

Before enacting additional wilderness areas or rescinding already-established areas, I suggest my colleagues consider many of the points Mr. Tucker makes. I ask unanimous consent that the article, "Is Nature Too Good for Us?" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IS NATURE TOO GOOD FOR US?

(By William Tucker)

Probably nothing has been more central to the environmental movement than the concept of wilderness. "In wildness is the preservation of the world," wrote Thoreau, and environmental writers and speakers have intoned his message repeatedly. Wilderness, in the environmental pantheon, represents a particular kind of sanctuary in which all true values—are reposited. Wildernesses are often described as "temples," "churches," and "sacred ground"—refuges for the proposed "new religion" based on environmental consciousness. Carrying the religious metaphor to the extreme, one of the most famous essays of the environmental era holds the Judeo-Christian religion responsible for "ecological crisis."

The wilderness issue also has a political edge. Since 1964, long-standing preservation groups like the Wilderness Society and the Sierra Club have been pressuring conservation agencies like the National Forest Service and the Bureau of Land Management to put large tracts of their holdings into permanent "wilderness designations," countering the "multiple use" concept that was one of the cornerstones of the Conservation Era of the early 1900s.

Preservation and conservation groups have been at odds since the end of the last century, and the rift between them has been a major controversy of environmentalism. The leaders of the Conservation Movement—most notably Theodore Roosevelt, Gifford Pinchot, and John Wesley Powell—called for rational, efficient development of land and other natural resources: multiple use, or reconciling competing uses of land, and also "highest use," or forfeiting more immediate profits from land development for more lasting gains. Preservationists, on the other hand, the followers of California woodsman John Muir, have advocated protecting land in its natural state, setting aside tracts and keeping them inviolate. "Wilderness area" battles have become one of the hottest political issues of the day, especially in western states—the current "Sagebrush Revolt" comes to mind—where large quantities of potentially commercially usable land are at stake.

The term "wilderness" generally connotes mountains, trees, clear streams, rushing waterfalls, grasslands, or parched deserts, but the concept has been institutionalized and has a careful legal definition as well. The one given by the 1964 Wilderness Act, and that most environmentalists favor, is that wilderness is an area "where man is a visitor but does not remain." People do not "leave footprints there," wilderness exponents often say. Wildernesses are, most importantly, areas in which evidence of human activity is excluded; they need not have any particular scenic, aesthetic, or recreational value. The values, as environmentalists usually say, are "ecological"—which means, roughly translated, that natural systems are allowed to operate as free from human interference as possible.

The concept of excluding human activity is not to be taken lightly. One of the major issues in wilderness areas has been whether or not federal agencies should fight forest fires. The general decision has been that they should not, except in cases where other lands are threatened. The federal agencies also do not fight the fires with motorized vehicles, which are prohibited in wilderness areas except in extreme emergencies. Thus in recent years both the National Forest Service and the National Park Service have taken to letting forest fires burn unchecked, to the frequent alarm of tourists. The defense is that many forest require periodic leveling by fire in order to make room for new growth. There are some pine trees, for instance, whose cones will break open and scatter their seeds only when burned. This theoretical justification has won some converts, but very few in the timber companies, which bridle at watching millions of board-feet go up in smoke when their own "harvesting" of mature forests has the same effect in clearing the way for new growth and does less damage to forest soils.

The effort to set aside permanent wilderness areas on federal lands began with the National Forest Service in the 1920s. The first permanent reservation was in the Gila National Forest in New Mexico. It was set aside by a young Forest Service officer named Aldo Leopold, who was later to write *A Sand County Almanac*, which has become one of the bibles of the wilderness movement. Robert Marshall, another Forest Service officer, continued the program, and by the 1950s nearly 14 million of the National Forest System's 186 million acres had been administratively designated wilderness preserves.

Leopold and Marshall had been disillusioned by one of the first great efforts at "game management" under the National Forest Service, carried out in the Kaibab Plateau, just north of the Grand Canyon. As early as 1906 federal officials began a program of "predator control" to increase the deer population in the area. Mountain lions, wolves, coyotes, and bobcats were systematically hunted and trapped by game officials. By 1920, the program appeared to be spectacularly successful. The deer population, formerly numbering 4,000, had grown to almost 100,000. But it was realized too late that it was the range's limited food resources that would threaten the deer's existence. During two severe winters, in 1924-26, 60 percent of the herd died, and by 1939 the population had shrunk to only 10,000. Deer populations (unlike human populations) were found to have no way of putting limits on their own reproduction. The case is still cited as the classic example of the "boom and bust" disequilibrium that comes from thoughtless intervention in an ecological system.

The idea of setting aside as wilderness areas larger and larger segments of federally controlled lands began to gain more support from the old preservation groups. In part, this came from preservationists' growing realization, during the 1950s, that they had not won the battle during the Conservation Era, and that the national forests were not parks that would be protected forever from commercial activity.

Pinchot's plan for practicing "conservation" in the western forests was to encourage a partnership between the government and large industry. In order to discourage overcutting and destructive competition, he formulated a plan that would promote conservation activities among the larger timber companies while placing large segments of the western forests under federal control. It was a classic case of "market restriction," carried out by the joint efforts of larger businesses and government. Only the larger companies, Pinchot reasoned, could generate the profits that would allow them to cut their forest holdings slowly so that the trees would have time to grow back. In order to ensure these profit margins, the National Forest Service would hold most of its timber lands out of the market for some time. This would hold up the price of timber and prevent a rampage through the forests by smaller companies trying to beat small profit margins by cutting everything in sight. Then, in later years, the federal lands would gradually be worked into the "sustained yield" cycles, and timber rights put up for sale. It was when the national forests finally came up for cutting in the 1950's that the old preservation groups began to react.

The battle was fought in Congress. The 1960 Multiple Use and Sustained Yield Act tried to reaffirm the principles of the Conservation Movement. But the wilderness groups had their day in 1964 with the passing of the Wilderness Act. The law required all the federal land-management agencies—the National Forest Service, the National Park Service, and the Fish and Wildlife Service—to review all their holdings, keeping in mind that "wilderness" now constituted a valid alternative in the "multiple use" concept—even though the concept of wilderness is essentially a rejection of the idea of multiple use. The Forest Service, with 190 million acres, and the Park Service and Fish and Wildlife Service, each with about 35 million acres, were all given twenty years to start designating wilderness areas. At the time, only 14.5 million acres of National Forest System land were in wilderness designations.

The results have been mixed. The wilderness concept appears valid if it is recognized for what it is—an attempt to create what are essentially "ecological museums" in scenic and biologically significant areas of these lands. But "wilderness," in the hands of environmentalists, has become an all-purpose tool for stopping ecomonic activity as well. This is particularly crucial now because of the many mineral and energy resources available on western lands that environmentalists are trying to push through as wilderness designations. The original legislation specified that lands were to be surveyed for valuable mineral resources before they were put into wilderness preservation. Yet with so much land being reviewed at once, these inventories have been sketchy at best. And once land is locked up as wilderness, it becomes illegal even to explore it for mineral or energy resources.

Thus the situation in western states—where the federal government still owns 68 percent of the land, counting Alaska—has in recent years become a race between mining companies trying to prospect under severely restricted conditions, and environmental groups trying to lock the doors to resource development for good. This kind of permanent preservation—the antithesis of conservation—will probably have enormous effects on our future international trade in energy and mineral resources.

At stake in both the national forests and the Bureau of Land Management holdings are what are called the "roadless areas." Evironmentalists call these lands "de facto wilderness," and say that because they have not yet been explored or developed for resources they should not be explored and developed in the future. The Forest Service began its Roadless Area Resources Evaluation (RARE) in 1972, while the Bureau of Land Management began four years later in 1976, after Congress brought its 174 million acres under jurisdiction of the 1964 act. The Forest Service is studying 62 million roadless acres, while the BLM is reviewing 24 million.

In 1974 the Forest Service recommended that 15 million of the 50 million acres then under study be designated as permanent wilderness. Environmental groups, which wanted much more set aside, immediately challenged the decision in court. Naturally, they had no trouble finding flaws in a study intended to cover such a huge amount of land, and in 1977 the Carter administration decided to start over with a "RARE II" study, completed in 1979. This has also been challenged by a consortium of environmental groups that include the Sierra Club, the Wilderness Society, the National Wildlife Federation, and the Natural Resources Defense Council. The RARE II report also recommended putting about 15 million acres in permanent wilderness, with 36 million released for development and 11 million held for further study. The Bureau of Land Management is not scheduled to complete the study of its 24 million acres until 1991.

The effects of this campaign against resource development have been powerful. From 1972 to 1980, the price of a Douglas fir in Oregon increased 500 percent, largely due to the delays in timber sales from the national forests because of the battles over wilderness areas. Over the decade, timber production from the national forests declined slightly, putting far more pressure on the timber industry's won lands. The nation has now become an importer of logs, despite the vast resources on federal lands. In 1979, environmentalists succeeded in pressuring Congress into setting aside 750,000 acres in Idaho as the Sawtooth Wilderness and National Recreational Area. A resource survey, which was not completed until after the congressional action, showed that the area contained an estimated billion dollars' worth of molybdenum, zinc, silver, and gold. The same tract also contained a potential source of cobalt, an important mineral for which we are now dependent on foreign sources for 97 percent of what we use.

Perhaps most fiercely contested are the energy supplies believed to be lying under the geological strata running through Colorado, Wyoming, and Montana just east of the Rockies, called the Overthrust Belt. Much of this land is still administered by the Bureau of Land Management for multiple usage. But with the prospect of energy development, environmental groups have been rushing to try to have these high-plains areas designated as wilderness areas as well (cattle grazing is still allowed in wilderness tracts). On those lands permanently withdrawn from commercial use, mineral exploration will be allowed to continue until 1983. Any mines begun by then can continue on a very restricted basis. But the exploration is "roadless areas" is severely limited, in that in most cases there can be no roads constructed (and no use of off-roads vehicles) while exploration is going on. Environmentalists have argued that wells can still be drilled and test mines explored using helicopters. But any such exploration is likely to be extraordinarily expensive and ineffective. Wilderness restrictions are now being drawn so tightly that people on the site are not allowed to leave their excrement in the area.

IMPOSSIBLE PARADISES

What is the purpose of all this? The standard environmental argument is that we have to "preserve these last few wild places before they all disappear." Yet it is obvious that something more is at stake. What is being purveyed is a view of the world in which human activity is defined as "bad" and natural conditions are defined as "good." What is being preserved is evidently much more than "ecosystems." What is being preserved is an image of wilderness as a semisacred place beyond humanity's intrusion.

It is instructive to consider how environmentalists themselves define the wilderness. David Brower, former director of the Sierra Club, wrote in his introduction to Paul Ehrlich's The Population Bomb (1968):

"Whatever resources the wilderness still held would not sustain [man] in his old habits of growing and reaching without limits. Wilderness could, however, provide answers for questions he had not yet learned how to ask. He could predict that the day of creation was not over that there would be wiser men, and they would thank him for leaving the source of those answers. Wilderness would remain part of his geography of hope, as Wallace Stegner put it, and could, merely because wilderness endured on the planet, prevent man's world from becoming a cage."

The wilderness, he suggested, is a source of peace and freedom. Yet setting wilderness aside for the purposes of solitude doesn't always work very well. Environmentalists have discovered this over and over again, much to their chagrin. Every time a new "untouched paradise" is discovered, the first thing everyone wants to do is visit it. By their united enthusiasm to find these "sanctuaries," people bring the "cage" of society with them. Very quickly it becomes necessary to erect bars to keep people out—which is exactly what most of the "wilderness" legislation has been all about.

In 1964, for example, the Sierra Club published a book on the relatively "undiscovered" paradise of Kauai, the second most westerly island in the Hawaiian chain. It wasn't long before the island had been overrun with tourists. When Time magazine ran a feature on Kauai in 1979, one unhappy island resident wrote in to convey this telling sentiment: "We're hoping the shortages of jet fuel will stay around and keep people away from here." The age of environmentalism has also been marked by the near overrunning of popular national parks like Yosemite (which now has a full-time jail), intense pressure on woodland recreational areas, full bookings two and three years in advance for raft trips through the Grand Canyon, and dozens of other spectacles of people crowding into isolated areas to get away from it all. Environmentalists are often critical of these inundations, but they must recognize that they have at least contributed to them.

I am not arguing against wild things, scenic beauty, pristine landscapes, and scenic preservation. What I am questioning is the argument that wilderness is a value against which every other human activity must be judged, and that human beings are somehow unworthy of the landscape. The wilderness has been equated with freedom, but there are many different ideas about what constitutes freedom. In the Middle Ages, the saying was that "city air makes a man free," meaning that the harsh social burdens of medieval feudalism vanished once a person escaped into the heady anonymity of a metropolitan community. When city planner Jane Jacobs, author of "The Death and Life of Great American Cities," was asked by an interviewer if "overpopulation" and "crowding into large cities" weren't making social prisoners of us all, her simple reply was: "Have you ever lived in a small town?"

It may seem unfair to itemize the personal idiosyncrasies of people who feel comfortable only in wilderness, but it must be remembered that the environmental movement has been shaped by many people who literally spent years of their lives living in isolation. John Muir, the founder of the National Parks movement and the Sierra Club, spent almost ten years living alone in the Sierra Mountains while learning to be a trail guide. David Brower, who headed the Sierra Club for over a decade and later broke with it to found the Friends of the Earth, also spent years as a mountaineer. Gary Snyder, the poet laureate of the environmental movement, has lived much of his life in wilderness isolation and has also spent several years in a Zen monastery. All these people far outdid Thoreau in their desire to get a little perspective on the world. There is nothing reprehensible in this, and the literature and philosophy that emerge from such experiences are often admirable. But it seems questionable to me that the ethic that comes out of this wilderness isolation—and the sense of ownership of natural landscapes that inevitably follows—can serve as the basis for a useful national philosophy.

The American frontier is generally agreed to have closed down physically in 1890, the year the last Indian Territory of Oklahoma was opened for settlement. After that, the Conservation Movement arose quickly to protect the remaining resources and wilderness from heedless stripping and development. Along with this came a significant psychological change in the national character, as the "frontier spirit" diminished and social issues attracted greater attention. The Progressive Movement, the Social Gospel among religious groups, Populism, and Conservation all arose in quick succession immediately after the "closing of the frontier." It seems fair to say that it was only after the frontier had been settled and the sense of endless possibilities that came with open spaces had been constricted in the national consciousness that the country started "growing up."

Does this mean the new environmental consciousness has arisen because we are once again "running out of space"? I doubt it. Anyone taking an airplane across almost any part of the country is inevitably struck by how much greenery and open territory remain, and how little room our towns and

cities really occupy. The amount of standing forest in the country, for example, has not diminished appreciably over the last fifty years, and is 75 percent of what it was in 1620. In addition, as environmentalists constantly remind us, trees are "renewable resources." If they continue to be handled intelligently, the forests will always grow back. As farming has moved out to the Great Plains of the Middle West, many eastern areas that were once farmed have reverted back to trees. Though mining operations can permanently scar hillsides and plains, they are usually very limited in scope (and as often as not, it is the roads leading to these mines that environmentalists find most objectionable).

It seems to me that the wilderness ethic has actually represented an attempt psychologically to reopen the American frontier. We have been desperate to maintain belief in unlimited, uncharted vistas within our borders, a preoccupation that has eclipsed the permanent shrinking of the rest of the world outside. Why else would it be so necessary to preserve such huge tracts of "roadless territory" simply because they are now roadless, regardless of their scenic, recreational, or aesthetic values? The environmental movement, among other things, has been a rather backward-looking effort to recapture America's lost innocence.

The central figure in this effort has been the backpacker. The backpacker is a young, unprepossessing person (inevitably white and upper middle class) who journeys into the wilderness as a passive observer. He or she brings his or her own food, treads softly, leaves no litter, and has no need to make use of any of the resources at hand. Backpackers bring all the necessary accouterments of civilization with them. All their needs have been met by the society from which they seek temporary release. The backpacker is freed from the need to support himself in order to enjoy the aesthetic and spiritual values that are made available by this temporary *removal* from the demands of nature. Many dangers—raging rivers or precipitous cliffs, for instance—become sought-out adventures.

Yet once the backpacker runs out of supplies and starts using resources around him—cutting trees for firewood, putting up a shelter against the rain—he is violating some aspect of the federal Wilderness Act. For example, one of the issues fought in the national forests revolves around tying one's horse to a tree. Purists claim the practice should be forbidden, since it may leave a trodden ring around the tree. They say horses should be hobbled and allowed to graze instead. In recent years, the National Forest Service has come under pressure from environmental groups to enforce this restriction.

Wildernesses, then, are essentially parks for the upper middle class. They are vacation reserves for people who want to rough it—with the assurance that few other people will have the time, energy, or means to follow them into the solitude. This is dramatically highlighted in one Sierra Club book that shows a picture of a professorial sort of individual backpacking off into the woods. The ironic caption is a quote from Julius Viancour, an official of the Western Council of Lumber and Sawmill Workers: "The inaccessible wilderness and primative areas are off limits to most laboring people. We must have access. . . ." The implication for Sierra Club readers is: "What do these beer-drinking, gun-toting, working people want to do in our woods?"

This class-oriented vision of wilderness as an upper-middle-class preserve is further illustrated by the fact that most of the opposition to wilderness designations comes not from industry but from owners of off-road vehicles. In most northern rural areas, snowmobiles are now regarded as the greatest invention since the automobile and people are ready to fight rather than stay cooped up all winter in their houses. It seems ludicrous to them that snowmobiles (which can't be said even to endanger the ground) should be restricted from vast tracts of land so that the occasional city visitor can have solitude while hiking past on snowshoes.

The recent Boundary Waters Canoe Area controversy in northern Minnesota is an excellent example of the conflict. When the tract was first designated as wilderness in 1964, Congress included a special provision that allowed motorboats into the entire area. By the mid-1970s, outboards and inboards were roaming all over the wilderness, and environmental groups began asking that certain portions of the million-acre preserve be set aside exclusively for canoes. Local residents protested vigorously, arguing that fishing expeditions, via motorboats, contributed to their own recreation. Nevertheless, Congress eventually excluded motorboats from 670,000 acres to the north.

A more even split would seem fairer. It should certainly be possible to accommodate both forms of recreation in the area, and there is as much to be said for canoeing in solitude as there is for making rapid expeditions by powerboat. The natural landscape is not likely to suffer very much from either form of recreation. It is not absolute "ecological" values that are really at stake, but simply different tastes in recreation.

NOT ENTIRELY NATURE

At bottom, then, the mystique of the wilderness has been little more than a revival of Rousseau's Romanticism about the "state of nature." The notion that "only in wilderness are human beings truly free," a credo of environmentalists, is merely a variation on Rousseau's dictum that "man is born free, and everywhere he is in chains." According to Rousseau, only society could enslave people, and only in the "state of nature" was the "noble savage"—the preoccupation of so many early explorers—a fulfilled human being.

The "noble savage" and other indigenous peoples, however, have been carefully excised from the environmentalists' vision. Where environmental efforts have encountered primitive peoples, these indigenous residents have often proved one of the biggest problems. One of the most bitter issues in Alaska is the efforts by environnmental groups to restrict Indians in there hunting practices.

At the same time, few modern wilderness enthusiasts could imagine, for example, the experience of the nineteenth-century artist J. Ross Browne, who wrote in Harper's New Monthly Magazine after visiting the Arizona territories in 1864:

"Sketching in Arizona is . . . rather a ticklish pursuit. . . . I never before traveled through a country in which I was compelled to pursue the fine arts with a revolver strapped around my body, a double-barreled shotgun lying across my knees, and half a dozen soldiers armed with Sharpe's carbines keeping guard in the distance. Even with all the safeguards . . . I am free to admit that on occasions of this kind I frequently looked behind to see how the country appeared in its rear aspect. An artist with an arrow in his back may be a very picturesque object . . . but I would rather draw him on paper than sit for the portrait myself."

Wilderness today means the land *after* the Indians have been cleared away but *before* the settlers have arrived. It represents an attempt to hold that particular moment forever frozen in time, that moment when the visionary American settler looked out on the land and imagined it as an empty paradise, waiting to be molded to our vision.

In the absence of the noble savage, the environmentalist substitutes himself. The wilderness, while free of human dangers, becomes a kind of basic-training ground for upper-middle-class values. Hence the rise of "survival" groups, where college kids are taken out into the woods for a week or two and let loose to prove their survival instincts. No risks are spared on these expeditions. Several people have died on them, and a string of lawsuits has already been launched by parents and survivors who didn't realize how seriously these survival courses were being taken.

The ultimate aim of these efforts is to test upper-middle-class values against the natural environment. "Survival" candidates cannot hunt, kill, or use much of the natural resources available. The true test is whether their zero-degree sleeping bags and dried-food kits prove equal to the hazards of the tasks. What happens is not necessarily related to nature. One could as easily test survival skills by turning a person loose without money or means in New York City for three days.

I do not mean to imply that these efforts do not require enormous amounts of courage and daring—"survival skills." I am only suggesting that what the backpacker or survival hiker encounters is not entirely "nature," and that the effort to go "back to nature" is one that is carefully circumscribed by the most intensely civilized artifacts. Irving Babbitt, the early twentieth-century critic of Rousseau's Romanticism, is particularly vigorous in his dissent from the idea of civilized people going "back to nature." This type, he says, is actually "the least primitive of all beings":

"We have seen that the special form of unreality encouraged by the aesthetic romanticism of Rousseau is the dream of the simple life, the return to a nature that never existed, and that this dream made its special appeal to an age that was suffering from an excess of artificiality and conventionalism."

Babbitt notes shrewdly that our concept of the "state of nature" is actually one of the most sophisticated productions of civilization. Most primitive peoples, who live much closer to the soil than we do, are repelled by wilderness. The American colonists, when they first encountered the unspoiled landscape, saw nothing but a horrible desert, filled with savages.

What we really encounter when we talk about "wilderness," then, is one of the highest products of civilization. It is a reserve set up to keep people out, rather than a "state of nature" in which the inhabitants are "truly free." The only thing that makes people "free" in such a reservation is that they can leave so much behind when they enter. Those who try to stay too long find out how spurious this "freedom" is. After spending a year in a cabin in the north Canadian woods, Elizabeth Arthur wrote in Island Sojourn: "I never felt so completely tied to objects, resources, and the tools to shape them with."

What we are witnessing in the environmental movement's obsession with purified wilderness is what has often been called the "pastoral impulse." The image of nature as unspoiled, unspotted wilderness where we can go to learn the lessons of ecology is both a product of a complex, technological society and an escape from it. It is this undeniable paradox that forms the real problem of setting up "wildernesses." Only when we have created a society that gives us the leisure to appreciate it can we go out and experience what we imagine to be untrammeled nature. Yet if we lock up too much of our land in these reserves, we are cutting into our resources and endangering the very leisure that allows us to enjoy nature.

The answer is, of course, that we cannot simply let nature "take over" and assume that because we have kept roads and people out of huge tracts of land, then we have absolved ourselves of a national guilt. The concept of stewardship means taking responsibility, not simply letting nature take its course. Where tracts can be set aside from commercialism at no great cost, they should be. Where primitive hiking and recreation areas are appealing, they should be maintained. But if we think we are somehow appeasing the gods by not developing resources where they exist, then we are being very shortsighted. Conservation, not preservation, is once again the best guiding principle.

The cult of wilderness leads inevitably in the direction of religion. Once again, Irving Babbitt anticipated this fully:

"When pushed to a certain point the nature cult always tends toward sham spirituality. . . . Those to who I may seem to be treating the nature cult with undue severity should remember that I am treating it only in its pseudo-religious aspect. . . . My quarrel is only with the aesthete who assumes an apocalyptic pose and gives forth as a profound philosophy what is at best only a holiday or weekend view of existence. . . ."

It is often said that environmentalism could or should sever as the basis of a new religious consciousness, or a religious "reawakening." This religious trend is usually given an Oriental aura. E. F. Schumacher has a chapter on Buddhist economics in his classic Small Is Beautiful. Primitive animisms are also frequently cited as attitudes toward nature that are more "environmentally sound." One book on the environment states baldly that "the American Indian lived in almost perfect harmony with nature." Anthropologist Marvin Harris has even put forth the novel view that primitive man is an environmentalist, and that many cultural habits are unconscious efforts to reduce population and conserve the environment. He says that the Hindu prohibition against eating cows and the Jewish tradition of not eating pork were both efforts to avoid the ecological destruction that would come with raising these grazing animals intensively. The implication in these arguments is usually that science and modern technology have somehow dulled our instinctive "environmental" impulses, and that Western "nonspiritual" technocracy puts us out of harmony with the "balance of nature."

Perhaps the most daring challenge to the environmental soundness of current religious tradition came early in the environmental movement, in a much quoted paper by Lynn White, professor of the history of science at UCLA. Writing in Science magazine in 1967, White traced "the historical roots of our ecologic crisis" directly to the Western Judeo-Christian tradition in which "man and nature are two things, and man is master." "By destroying pagan animism," he wrote, "Chistianity made it possible to exploit nature in a mood of indifference to the feelings of natural objects." He continued:

"Especially in its Western form, Christianity is the most anthropocentric religion the world has seen. . . . Christianity, in absolute contrast to ancient paganism and Asia's religions (except, perhaps, Zoroastilanism) not only established a dualism of man and nature but also insisted that it is God's will that man exploit nature for his proper ends. . . . In antiquity every tree, every spring, every stream, every hill had its own genius loci, its guardian spirit. . . . Before one cut a tree, mined a mountain, or dammed a brook, it was important to placate the spirit in charge of that particular situation, and keep it placated."

But the question here is not whether the Judeo-Christian tradition is worth saving in and of itself. It would be more than disappointing of we canceled the accomplishments of Judeo-Christian thought only to find that our treatment of nature had not changed a bit.

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS

Mr. WALLOP. Mr. President, it is required by paragraph 4 of rule 35 that I place in the RECORD this notice of a Senate employee who proposes to participate in a program, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The Select Committee on Ethics has received a request for a determination under rule 35 which would permit Mr. Richard Rolf of the staff of Senator MARK HATFIELD, to participate in a program sponsored by a foreign educational organization, the Chinese Culture University, in Taipei, Taiwan (Republic of China) from April 3-11, 1982.

The committee has determined that participation by Mr. Rolf in the program in Taiwan, at the expense of the Chinese Culture University, to discuss international relations and defense with students and faculty at the University, is in the interest of the Senate and the United States.

The Select Committee on Ethics has received a request for a determination under rule 35 which would permit Ms. Cynthia Jurciukonis, of the staff of Senator RIEGLE, to participate in a program sponsored by a foreign educational organization, Tamkang University, in Taiwan, Republic of China, from April 9-20, 1982.

The committee has determined that participation by Ms. Jurciukonis in the program in Taiwan, at the expense of Tamkang University, to discuss Taiwanese culture and institutions, is in the interest of the Senate and the United States.

The Select Committee on Ethics has received requests for determinations under paragraph 4 that will permit Mr. John Ruddy of the staff or Senator EAST, Mr. Paul Sivley of the staff or Senator MURKOWSKI, and Mr. Richard A. Moore of the staff of Senator MATTINGLY to participate in a program sponsored by Soochow University in Taipei, Taiwan, from April 3 to April 11, 1982.

The Committee has determined that their participation in the program in Taiwan, at the expense of Soochow University is in the interests of the Senate and of the United States.

The Select Committee on Ethics has received a request for a determination under paragraph 4 that will permit Mr. Robert Weintraub, of the Joint Economic Committee, to participate in a program sponsored by the Policy Study Group in Tokyo, Japan from April 3-11, 1982

The committee has determined that his participation in the program in Tokyo, at the expense of the Policy Study Group, is in the interests of the Senate and the United States.

THE PRESIDENT'S SPEECH ON TUITION TAX CREDITS

Mr. D'AMATO. Mr. President, President Reagan today in Chicago in a speech before the National Catholic Education Association announced that he will send legislation on tuition tax credits to the Congress in the very near future. In addition, he reaffirmed his commitment to the strength and future of American families—the backbone of our society. I applaud the President in his initiative on this important piece of legislation.

President Reagan's program which was enacted last year has already cut the inflation rate by one-half. For example, a family of four living on an income of $15,000 is $1,000 richer today under President Reagan's administration than if the inflation rate of 1980 had not been abated.

Mr. President, this speech is a reaffirmation of President Reagan's commitment to helping the truly needy, while reducing the growth in Government spending which gave every American the cruelest tax of all—runaway inflation.

I wish to commend President Reagan for his speech and for his continued support for the tuition tax credit concept. Without this partial indemnification of tuition expense, the pluralism so important to the continued strength of America's educational system will be greatly diminished.

Mr. President, I ask unanimous consent that the text of President Reagan's speech before the National Catholic Education Association be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

TEXT OF THE ADDRESS BY THE PRESIDENT TO THE NATIONAL CATHOLIC EDUCATIONAL ASSOCIATION

I am delighted to have this opportunity to be among leaders and educators in the Catholic community—a community of Americans who have done so much to bring sustenance and fulfillment to people around the world. I am grateful for your help in shaping American policy to reflect God's will—for your efforts to allow Americans to provide direct aid to the people of Poland—and I look forward to further guidance from His Holiness Pope John Paul II during an audience with him in June.

But I have come to speak with you today about other subjects of mutual concern: About the strength and future of American families, about the education of their children and about the increasing strains placed on both by current levels of taxation.

I believe that working Americans are overtaxed and underappreciated, and I have come to Chicago to offer relief. I have come to propose further restoration of the incentives and choices that were our inheritance, and that encouraged our people to build the greatest nation on earth.

We have already taken historic strides. Last year, with the help of a bipartisan coalition in the Congress, we enacted the largest tax cut in history for the working men and women of America. But to give you an idea of what we are up against, that tax cut will barely offset the increases that had already been built into the system.

Despite all the moaning you've been hearing in Washington about high tax cuts running up the deficit, our tax reduction program has not meant that government revenues are going down. The U.S. Treasury is still taking in more money every year than the year before. In 1981, personal taxes actually went up by about $41 billion.

Raising taxes is no way to balance the budget. History proves it doesn't work. Taxes went up by more than 200 percent in the last decade and we still had the largest string of deficits in our history. You see, spending was increasing during the same period by over 300 percent. If people are serious about balancing the budget, they must cut spending.

Suggestions to repeal the third year of our tax cut would stifle our recovery and hike the tax bill for working families.

I believe the working families you see every day are already weary and overburdened. I have come to Chicago to propose another tax bill that will allow them to keep a little more of their own money. I have come to propose a tuition tax credit for parents who bear the double burden of public and private school costs.

I know you have heard promises before. Politicians in the past promised tax credits and broke those promises. But this Administration is different: We're a bunch of radicals; we really intend to keep our promises, and we intend to act on the will of the people.

In 1980, while campaigning, I promised to base this Administration's policies on the primacy of parental rights and responsibility. I pledged to expand education opportunities by supporting a tuition tax credit plan that would permit parents to take a credit on their income tax for each child they have in a private school.

Today, as your President, I keep that pledge. I am pleased to announce that, after consulting with Congressional leaders, we will send to the Congress later this spring draft legislation to be known as "The Educational and Opportunity Equity Act." Our bill will be aimed at middle and lower income working families who now bear the double burden of taxes and tuition, while still paying local taxes to support public schools; working families would be able to recover up to half the cost of each child's tuition. Our proposal is fair, equitable and designed to secure the parental right to choose.

Key elements of our draft proposal include:

A limited coverage provision that would restrict credit to parents of children in private, non-profit elementary and secondary schools. I wish we could include college as well but you know the budgetary constraints we are working under. I look forward to a day when we can expand this bill.

A phase-in of credits beginning in 1983 to be completed in 1985.

A maximum credit of $500 per child.

An income cap proposal to insure the benefits go to working families.

And a policy of non-discrimination to ensure credits are not available to parents sending their children to schools which discriminate on the basis of race.

It is important to understand that we do not propose aid to schools. This bill will provide direct benefit to individuals. It is proposed as a matter of tax equity for working, taxpaying citizens.

We do not seek to aid the rich, but those lower and middle income federal taxpayers who are most strapped by inflation, oppressive taxation and the recession that grips us all.

I would like to think we are offering help to the inner city child who faces a world of drugs and crime, the child with special needs, and the families who still believe the Lord's Prayer will do less harm than good in the classroom.

In 1979 a majority of all parents who had children in private elementary and secondary schools had incomes of $25,000 or less. Secondary school parents pay average tuition costs of $900, while also supporting their community public schools through local taxes. Our proposal is intended to relieve that dual financial burden threatening to usurp the traditional right of parents to direct the education of their children.

Today more than five million American youngsters attend thousands of religious and independent schools because of emphasis on values or the type of teaching available. Their parents have made this choice at great cost and sacrifice. They have made it because the education of their children is their greatest concern.

Senator Patrick Moynihan, Democrat of New York, said a few years ago, "it is time we acknowledged that the ordinary family's insistence on providing its children with the best obtainable education results in costs that the Federal Government should help it to bear, not by giving it a gift or a handout, but simply by allowing it to keep a bit more of the money it earns for itself," I wholeheartedly agree, and I think most of you do, as well.

At the same time, we must recognize that America today faces real fiscal difficulties—difficulties which cannot be ignored in scaling and shaping the tuition tax credit proposal we are making. Our responsibility as parents and citizens requires no less of us.

It is no accident that we who are the freest people on earth have an educational system unrivaled in the history of civilization. We know that knowledge and freedom are inseparable. And we also acknowledge the right of every individual to both. They cannot be arbitrarily apportioned according to race or station or class.

The Pledge of Allegiance, now missing from too many of our classrooms, concludes with the affirmation that we are "one nation under God, indivisible, with liberty and justice for all." America embraces these principles by design and would abandon them at her peril.

Private education is no divisive threat to our system of education. It is an important part of it. Our public schools offer quality education to our children and are the heart of our communities. We must ensure that their classrooms continue to provide the finest education possible. But alternatives to public education tend to strengthen public education. Taken together, public and private institutions sustain the diversity that has made our culture rich.

Excellence demands competition—among students and among schools. And why not? We must always meet our obligation to those who would fall behind without our assistance. But let's remember: Without a race there can be no champion, no records broken, no excellence—in education or any other walk of life.

This freedom to choose what type of education is best for each child has contributed much to America's reputation for excellence in education. Unfortunately, the high plane of literacy and the diversity of education we have achieved is threatened by policymakers who seem to prefer uniform mediocrity to the rich variety that has been our heritage.

As competition has lessened, so has quality. As taxes and inflation have ballooned, choices have evaporated. Together we must restore the pluralism that has always been a strength of our society.

Our leaders must remember that education does not begin with some isolated bureaucrat in Washington. It does not even begin with state or local officials. Education begins in the home where it is a parental right and responsibility. Both our public and our private schools exist to aid our families in the instruction of our children, and it is time some people back in Washington stopped acting as if family wishes were only getting in the way.

"Train up the child in the way he should go," Solomon wrote, "and when he is old he will not depart from it." That is the God-given responsibility of each parent, the compact with each teacher and the trust of every child.

This city of Chicago is a good example of the strength that pluralism and freedom of choice have provided our people. Chicago has long been a magnet for immigrants who have come to this country to make a better life. For them, education was not simply another part of American society—it was the key that opened the golden door. It was the best path to progress for their families. And it has been an indispensable part of the growth of our Nation and the prosperity of all our people.

Many of our Catholic schools were first opened to serve these new Americans. Today, generations later, they serve other Americans who find themselves at a disadvantage.

Holy Angels, the Nation's largest black Catholic school, stands in the middle of one of Chicago's poorest neighborhoods. It imposes strict academic and religious require-

ments, and yet it still receives 1,000 more applicants a year than it can accept.

Such statistics explain why Americans at every economic level believe education is still something to sacrifice for. It still offers the promise of a better life. It is still the hope of our people.

Who will really benefit from tuition tax credits?

According to the Most Reverend James P. Lyke of Cleveland, "the people who will benefit most" are "the minorities and the poor."

Reverend Lyke said inner-city parents desperately need to be told by this Government: "You may educate your children in the schools of your choice as guaranteed by the Constitution. And . . . you will be able to do so even though you may be poor . . . whether or not you live in the cities or the suburbs, or the rural areas of this country."

Those Americans have not forgotten what education and freedom can do. They know freedom is the only truly essential possession we have. And education is freedom's guide.

These are not easy times for a great many Americans. But the future looks dark only for those who have lost faith in our people, and in the promise of individuals who are educated and free. The rest of us should welcome the future, knowing, with God's help, it is ours to shape.

Together with your colleagues in other independent and public schools, you are molding each rising generation. You are working with parents to fill young minds with the knowledge and young hearts with the mortality, understanding and compassion they will need to live in happiness and fulfillment.

In the meantime, we in Washington must make sure that freedom, the other half of the equation, is still secure when your students graduate. We must make sure the incentives to use their education are not destroyed by oppressive taxation. We must be sure the Federal Government does not soak up the lion's share of our Gross National Product, that regulations don't choke off technology and that interest rates don't ruin the dream of self-employment.

As your boys and girls become adults, and they marry, we must have an economy which will permit them to own their own homes. The values of work and family and neighborhood must not become things of the past.

A job must be there for every American who wants one, and inflation must be controlled so that wages have real meaning.

And after your students have spent their lives turning your theories into reality, earning a living and providing for their families, we must have a society that will reward them with security.

In short, we must end the excessive taxing and spending that has wrecked our economy and mocks the ambition of our poor and middle classes. We must open the way for more productivity and more employment. We must generate new jobs and new opportunities for all our citizens.

At the same time, we must realize there are some among us who cannot help themselves. Our hungry must be fed, our elderly must be cared for, and those who are cold must be clothed and given shelter. No one must be left behind in our drive for progress.

Such a commitment from this Administration may come as somewhat of a surprise to you. If I didn't know better and believed all the wailing going on in Washington, I'd be confused, as well. But let me set the record straight. Our massive budget cuts have only reduced the size of the increase in the federal budget. We have never proposed reducing federal spending to less than it was the previous year.

Let me give you a few examples of the level of human services we have proposed in the 1983 budget:

The Federal Government will subsidize approximately 95 million meals per day, or 14 percent of all meals served in the United States.

About 3.4 million American households will receive subsidized housing assistance at the beginning of 1983. By the end of 1985, under our proposals, 400,000 more households will be added to the list.

In all, federal programs will provide over $12 billion in education aid to students. This amount will provide for seven million grants and loans—giving assistance to almost half of all students in the country who will enroll in college during the next school year.

Through Medicaid and Medicare, the Federal Government will pay for the medical care of 99 percent of those Americans over the age of 65 and a total of 20 percent of our population—approximately 47 million aged, disabled and needy people.

Twenty-eight percent of all federal spending will go to the elderly—an average of $7,850 per senior citizen in payments and services.

About $2.8 billion will be spent on training and employment programs for almost 1 million low-income people, nearly 90 percent of whom will be below the age of 25 or recipients of aid to families with dependent children.

These are just examples of what is in the 1983 budget that some are charging is an inhumane denial of help to America's needy.

Perhaps our greatest program for the poor, the needy and those on fixed incomes, however, has not been a subsidy, has not been more welfare and did not arrive in the form of a government check. We have increased the purchasing power of our people.

After an unprecedented two years of double-digit inflation, we achieved in the first year of this Administration an inflation rate of 8.9 percent. During the last six months, inflation has averaged 4.5 percent.

What does that mean in purchasing power? Well, if inflation had kept running at the rate it was before the 1980 election, a family of four on a fixed income of $15,000 would be $1,000 poorer in purchasing power than they are today.

I don't think Americans value a handout nearly so much as a hand up. Past policies have locked millions of our people in place on the bottom rung of our economic ladder. We must be sure that our Government never again stands in between our families and our prosperity. We must aid those who need us, but we must not hinder those who need only a chance.

Years ago, the Secretary of the Massachusetts Board of Education, Horace Mann, said education "beyond all other devices of human origin, is a great equalizer of the conditions of men—the balance wheel of the social machinery."

The immigrants who came to Chicago, the poor in our inner cities, the middle classes struggling to make ends meet—these Americans still believe the American dream. They still yearn for prosperity and still sacrifice so that their children will enjoy it. They mark progress by the level of education reached by members of their families. Parents who never finished high school send their children to college. Each generation stands upon the shoulders of the one before as our nation and our people reach for the stars.

We must keep those dreams alive. We must provide the learning, shape the understanding and encourage the spirit each generation will need to discover, to create and to improve the lot of man. But we must also preserve the freedom they will need both to pursue that education and to use it.

Together, with God's help, we must ensure that, in Abraham Lincoln's words, our children and our children's children to a thousand generations will continue to enjoy the benefits that have been conferred upon us. It is a sacred trust.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate a message from the President of the United States submitting a sundry nomination which was referred to the Committee on Armed Services.

(The nomination received today is printed at the end of the Senate proceedings.)

BUDGET OF THE DISTRICT OF COLUMBIA—MESSAGE FROM THE PRESIDENT—PM 126

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying document; which was referred to the Committee on Governmental Affairs:

To the Congress of the United States:

In accordance with the District of Columbia Self-Government and Governmental Reorganization Act, I am transmitting the 1983 Budget of the District of Columbia.

I am informed that the proposals for Federal payments to the District of Columbia reflected in this document are consistent with those shown in the 1983 Budget of the United States submitted to the Congress on February 8, 1982.

RONALD REAGAN.

THE WHITE HOUSE, *April 15, 1982.*

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3155. A communication from the Secretary of Health and Human Services transmitting a draft of proposed legislation to incorporate the supplemental food programs into the maternal and child health block grant; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3156. A communication from the Deputy Assistant Secretary of Defense for Facilities, Environment, and Economic Adjustment transmitting, pursuant to law, a report on military construction projects contracted in 1981 which exceeded their authorization by more than 25 percent or which had to be reduced in scope by more than 25 percent; to the Committee on Armed Services.

EC-3157. A communication from the Acting Director for Facility Requirements and Resources, Office of the Assistant Secretary of Defense for Manpower, Reserve Affairs, and Logistics transmitting, pursuant to law, notification of the intention to proceed with five construction projects for the Air Force Reserve; to the Committee on Armed Services.

EC-3158. A communication from the Director of the Defense Security Assistance Agency transmitting, pursuant to law, a report on a proposed foreign military sale by the American Institute in Taiwan to the Coordination Council for North American Affairs; to the Committee on Armed Services.

EC-3159. A communication from the Acting Director for Facility Requirements and Resources, Office of the Assistant Secretary of Defense for Manpower, Reserve Affairs, and Logistics transmitting, pursuant to law, notice of the intent to proceed with seventeen construction projects for the Air National Guard; to the Committee on Armed Services.

EC-3160. A communication from the Military Executive, Reserve Forces Policy Board, Office of the Secretary of Defense transmitting, pursuant to law, the Board's annual report for fiscal year 1981 defining equipment as the most serious deterrent to Reserve readiness; to the Committee on Armed Services.

EC-3161. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Defense Budget Increases: How Well Are They Planned and Spent?"; to the Committee on Armed Services.

EC-3162. A communication from the Director of the Defense Mapping Agency transmitting, pursuant to law, notice of intent to perform analyses relative to converting certain functions to performance under contract; to the Committee on Armed Services.

EC-3163. A communication from the Assistant Secretary of the Air Force for Research, Development, and Logistics transmitting, pursuant to law, notice of a decision made to convert the closed TV maintenance function at Griffiss Air Force Base, N.Y., to performance under contract; to the Committee on Armed Services.

EC-3164. A communication from the Assistant Secretary of the Air Force for Research, Development, and Logistics transmitting, pursuant to law, notice of a decision made to convert the mess attendant services function at Kirtland Air Force Base, N. Mex., to performance under contract; to the Committee on Armed Services.

EC-3165. A communication from the Secretary of Defense transmitting, pursuant to law, certification that certain major defense systems are essential to the national security and that there are no equal alternatives at less cost; to the Committee on Armed Services.

EC-3166. A communication from the Assistant Secretary of the Air Force for Research, Development, and Logistics transmitting, pursuant to law, notice of intent to study conversion of the consolidation containerization points at Robins Air Force Base, Ga., and McClellan Air Force Base, Calif., to performance under contract; to the Committee on Armed Services.

EC-3167. A communication from the Secretary of Transportation transmitting notice of its withdrawal of a draft of proposed legislation submitted June 10, 1981, to abolish the National Driver Register; to the Committee on Commerce, Science, and Transportation.

EC-3168. A communication from the Administrator of the Federal Aviation Administration transmitting, pursuant to law, the administration's semiannual report on the effectiveness of the civil aviation security program; to the Committee on Commerce, Science, and Transportation.

EC-3169. A communication from the Acting Secretary of the Interior transmitting, pursuant to law, the annual report for 1981 on the Outer Continental Shelf oil and gas leasing and production program; to the Committee on Energy and Natural Resources.

EC-3170. A communication from the Assistant Secretary of the Army for Civil Works transmitting, pursuant to law, a report on the streambank erosion control evaluation and demonstration program; to the Committee on Environment and Public Works.

EC-3171. A communication from the Deputy Secretary of the Treasury transmitting a draft of proposed legislation authorizing appropriations for the U.S. Customs Service for fiscal years 1983 and 1984; to the Committee on Finance.

EC-3172. A communication from the Attorney-Adviser, Department of State, transmitting, pursuant to law, copies of international agreements, other than treaties, entered into by the United States within the previous 60 days; to the Committee on Foreign Relations.

EC-3173. A communication from the Attorney-Adviser, Department of State, transmitting, pursuant to law, copies of international agreements, other than treaties, entered into by the United States within the previous 60 days; to the Committee on Foreign Relations.

EC-3174. A communication from the Deputy Assistant Secretary of Defense for Administration transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary, with amendments:

S. 1940. A bill to amend chapter 209 of title 18, United States Code, relating to extradition, and for other purposes (Rept. No. 97-331).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HATFIELD:

S. 2372. A bill to affirm the intrinsic value of all human life, to recognize the humanity of unborn children, and to insure that the Federal Government not participate in or support abortions; read the first time.

By Mr. SCHMITT (for himself and Mr. DOMENICI):

S. 2373. A bill to change the name of the landing strip at White Sands Missile Range in the State of New Mexico, to "White Sands Space Harbor"; considered and passed.

By Mr. JEPSEN (for himself, Mr. MELCHER, Mr. DURENBERGER, Mr. FORD, Mr. DECONCINI, Mr. ZORINSKY, Mr. EAGLETON, Mr. BENTSEN, and Mr. SASSER):

S. 2374. A bill to amend the Department of Agriculture Organic Act of 1944 and the act entitled "An Act to provide for the protection of land resources against soil erosion, and for other purposes," to require that the Chief Forester of the Forest Service and the Administrator of the Soil Conservation Service be appointed by the President, by and with the advice and consent of the Senate, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SCHMITT (by request):

S. 2375. A bill to extend by 5 years the expiration date of the Defense Production Act of 1950; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GRASSLEY:

S. 2376. A bill to direct the Secretary of the Treasury of his delegate to conduct a study of the advisability of replacing the current Federal income tax system for individuals and corporations; to the Committee on Finance.

By Mr. D'AMATO (for himself, Mr. WEICKER, Mr. HEINZ, and Mr. MOYNIHAN):

S. 2377. A bill entitled "The Mass Transportation Act of 1982"; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SIMPSON (by request):

S. 2378. A bill to amend title 38, United States Code, to increase the rate of disability compensation for disabled veterans; to increase the rates of dependency and indemnity compensation for surviving spouses and children of veterans; to discontinue duplicative payments to certain veterans; to increase the level of disability required for the payment of dependents; allowances; to provide for cost-saving improvements in veterans' programs, and for other purposes; to the Committee on Veterans Affairs.

S. 2379. A bill to amend chapter 37 of title 38, United States Code, to require the collection of a funding fee on all loans guaranteed, insured, or made to veterans under such chapter; to the Committee on Veterans Affairs.

S. 2380. A bill to amend title 38, United States Code, to make adjustments and improvements in the vocational rehabilitation and education programs administered by the Veterans' Administration, and for other purposes; to the Committee on Veterans Affairs.

S. 2381. A bill to amend title 38, United States Code, to authorize the Administrator of Veterans' Affairs to guarantee loans to refinance liens on mobile homes and to purchase mobile home lots; to the Committee on Veterans Affairs.

S. 2382. A bill to amend title 38, United States Code, to remove the bar against payment of Servicemen's Group Life Insurance and Veteran's Group Life Insurance proceeds in the event the claim is filed late and to clarify that such proceeds may not escheat to a State; to the Committee on Veterans Affairs.

S. 2383. A bill to amend title 38, United States Code, to extend the authority for the program of grants to State home facilities, and for other purposes; to the Committee on Veterans Affairs.

S. 2384. A bill to amend title 38, United States Code, to extend for 1 year the authority for the provision of Veterans' Administration health care by contract in the Commonwealth of Puerto Rico and in the Virgin Islands; to the Committee on Veterans Affairs.

S. 2385. A bill to amend subchapter IV of chapter 73 of title 38, United States Code, to modify the VA Health Professionals Scholarship Program, and for other purposes; to the Committee of Veterans' Affairs.

By Mr. SASSER (for himself, Mr. RIEGLE, Mr. DURENBERGER, Mr. PRYOR, Mr. MOYNIHAN, Mr. BIDEN, Mr. LEVIN, Mr. BAUCUS, Mr. BRADLEY, Mr. METZENBAUM, Mr. DIXON, Mr. EXON, Mr. JACKSON, and Mr. FORD):

S. 2386. A bill to provide for the establishment of a system to collect data on the geographic distribution of Federal funds; to the Committee on Governmental Affairs.

By Mr. MOYNIHAN:

S. 2387. A bill to designate January 30 of each year as Franklin Delano Roosevelt's Birthday and to make such a day a legal public holiday; to the Committee on the Judiciary.

By Mr. SIMPSON (by request):

S. 2388. A bill to amend chapter 19 of title 38, United States Code, to permit the unrestricted assignment of a beneficiary's interest in the proceeds of a Government Life Insurance policy in cases involving contested claim; to the Committee on Veterans Affairs.

By Mr. CRANSTON:

S. 2389. A bill to amend title 38, United States Code, to improve various aspects of Veterans' Administration health-care programs and to extend certain expiring Veterans' Administration health-care programs, and for other purposes; to the Committee on Veterans Affairs.

By Mr. JACKSON (for himself and Mr. GOLDWATER):

S. 2390. A bill to amend the Act of October 15, 1966 (80 Stat. 953; 20 U.S.C. 65a), relating to the National Museum of the Smithsonian Institution, so as to authorize additional appropriations to the Smithsonian Institution for carrying out the purposes of said act; to the Committee on Rules and Administration.

S. 2391. A bill to amend section 5590 of the Revised Statutes to provide for adjusting the rate of interest paid on funds of the Smithsonian Institution deposited with the Treasury of the United States as a permanent loan; to the Committee on Rules and Administration.

By Mr. HELMS (by request):

S. 2392. A bill to extend and improve the food stamp program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MATHIAS (for himself and Mr. SARBANES):

S.J. Res. 187. A joint resolution to recognize the pause for the Pledge of Allegiance as part of National Flag Day activities; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. PERCY (for himself, Mr. HELMS, Mr. HUDDLESTON, Mr. DOLE, Mr. BOSCHWITZ, Mr. DIXON, Mr. GRASSLEY, Mr. JEPSEN, Mr. QUAYLE, Mr. LUGAR, Mr. ABDNOR, Mr. DANFORTH, Mr. BENTSEN, and Mr. PRESSLER):

S. Res. 362. A resolution to urge the President of the United States to take appropriate action to protect U.S. exports of corn gluten feed; considered and agreed to.

By Mr. SASSER:

S. Res. 363. A resolution expressing the sense of the Senate with respect to Federal funding for fossil fuel programs; to the Committee on Energy and Natural Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATFIELD:

S. 2372. A bill to affirm the intrinsic value of all human life, to recognize the humanity of unborn children, and to insure that the Federal Government not participate in or support abortions; read the first time.

(The remarks of Mr. HATFIELD on this legislation appear earlier in today's RECORD.)

By Mr. SCHMITT (for himself and Mr. DOMENICI):

S. 2373. A bill to change the name of the landing strip at White Sands Missile Range in the State of New Mexico, to "White Sands Space Harbor"; considered and passed.

(The remarks of Mr. SCHMITT and Mr. HARRY F. BYRD, JR. on this legislation appear earlier in today's RECORD.)

By Mr. JEPSEN (for himself, Mr. MELCHER, Mr. DURENBERGER, Mr. FORD, Mr. DECONCINI, Mr. ZORINSKY, Mr. EAGLETON, Mr. BENTSEN, and Mr. SASSER):

S. 2374. A bill to amend the Department of Agriculture Organic Act of 1944 and the act entitled "An Act to provide for the protection of land resources against soil erosion, and for other purposes," to require that the Chief Forester of the Forest Service and the Administrator of the Soil Conservation Service be appointed by the President, by and with the advice and consent of the Senate, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

APPOINTMENT OF CHIEF FORESTER OF THE FOREST SERVICE AND THE ADMINISTRATOR OF THE SOIL CONSERVATION SERVICE

Mr. JEPSEN. Mr. President, today I am introducing a bill on behalf of myself, Mr. MELCHER, Mr. DURENBERGER, Mr. FORD, Mr. DECONCINI, Mr. ZORINSKY, Mr. EAGLETON, Mr. BENTSEN, and Mr. SASSER. Recently, there has been considerable controversy surrounding the appointment of a new chief of the U.S. Department of Agriculture's Soil Conservation Service. This legislation would head off such controversies in the future.

It would make the chiefs of the Soil Conservation Service as well as the Forest Service subject to the advice and consent of the Senate. Additionally, it requires that no individual may be appointed to either of those positions unless that person is, by reason of scientific education and professional experience, knowledgeable in the principles of soil conservation and water resource management—in the case of the Soil Conservation Service—or knowledgeable in the principles of forest resources management, in the case of the Forest Service.

The thrust is to assure these technical agencies be headed by qualified professionals. There is precedent for this: Currently, the Director of the U.S. Fish and Wildlife Service is subject to Senate confirmation and must have the education and professional background to hold down that position.

By Mr. SCHMITT (by request):

S. 2375. A bill to extend by 5 years the expiration date of the Defense Production Act of 1950; to the Committee on Banking, Housing, and Urban Affairs.

EXTENSION OF EXPIRATION DATE OF DEFENSE PRODUCTION ACT

● Mr. SCHMITT. Mr. President, on behalf of the administration I send to the desk a bill to extend for 5 years the Defense Production Act of 1950 which expires on September 30, 1982. The Defense Production Act is the foundation for our Nation's defense preparedness capability both in times of war and times of peace. The bill provides the President with the authority to divert certain materials and facilities to defense purposes; reduce time required for full mobilization; insure availability of strategic and critical materials, including energy; insure productive capacity and supply; and develop preparedness programs.

There has recently been a considerable amount of controversy generated surrounding the condition of the defense industrial base.

First, it is important to understand exactly what we mean when we refer to the defense industrial base. In brief, it is the ability of the economy to provide needed defense materials in a reasonable time and at a reasonable cost in peacetime, and the ability to respond to a surge in demand that may occur in a time of national defense emergency. Due to the highly technical nature of many of today's defense systems, the availability of a large pool of active defense contractors and subcontractors is crucial to meeting our defense needs. In a future military

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confrontation it is unlikely that we will be able to rapidly transform civilian production lines to military uses as was the case in World War II. A substantial decline in the number of subcontractors in recent years has, therefore, caused considerable concern in the defense community. This, in addition to a number of other problems, has focused attention on the industrial preparedness of the country to meet the demands of war, or even the accelerating peacetime demands for defense equipment and materials.

The following are a few of the concerns that have been raised in this regard:

First, long leadtimes exist for the procurement of forgings and castings which are vital to the production of a wide range of important military materials. For example, largely due to bottlenecks at the subcontractor level, the leadtime for a finished F-16 has increased from 28 months in 1977 to 42 months in 1980. Many other leadtimes have doubled or even tripled since 1978. Between 1978 and 1980 the leadtime for aircraft lending gear had increased from 52 to 120 weeks, aluminum small forgings from 55 to 125 weeks, and microcircuits from 25 to 51 weeks. In addition, many of the remaining suppliers are the sole sources of critical items.

For example, there is only a single supplier for titanium extrusions, airframe bearings, and optics coatings—all necessary parts in major weapons systems.

Second, in addition to critical delays in the procurement of material, we may also confront a shortage of manpower in certain areas. For example, a recent National Tooling and Machining Association survey found a shortage of 60,000 journeymen machinists among its member companies, and predicts a 240,000 shortage by 1985. Exacerbating the problem is the fact that the average age of America's 300,000 machinists is 58 and most of them will retire during the next 8 years. The administration's defense buildup is expected to increase demands for machinists by 8 percent in 1982 alone, and may divert labor from civilian commercial enterprises.

Third, most available defense production equipment is over 20 years old and is very neglected. For instance, according to the Defense Science Board, of the 26,000 Government-owned metal-cutting and metal-forming tools, over 20,000 are in excess of 20 years old. The United States has a smaller percentage of new equipment in its machine tool inventory than any Western country.

For example, while 60 percent of Japanese machine tools are less than 10 years old, only 31 percent of U.S. tools are that modern. Those few modern, efficient production units, such as the large forges and the multi-axis, numerically controlled airframe assembly machines, are now in use on three shifts and cannot accommodate increased demands.

Fourth, the U.S. dependence on foreign sources for vital strategic minerals is a question that has been widely discussed in recent years. The United States imports more than half its requirements for 20 out of 30 materials critical for a modern industrial state. We are more than 80 percent dependent on foreign sources for platinum, chromium, cobalt, titanium, and manganese, materials vital for the production of critical defense materials. In contrast, the COMECON bloc is largely self-sufficient, the result of a long pursued policy of self-sufficiency on the part of the U.S.S.R. Continued U.S. access to foreign sources of strategic minerals is a question that cannot be ignored in the context of defense industrial base, for many of our defense needs simply cannot be met without such materials. In this regard, use of the Defense Production Act to subsidize domestic production of the materials has been discussed as a possible solution to this problem.

These are just a few of the more serious questions surrounding the preparedness of the defense industrial base that have surfaced in recent years.

Having said this, the question of what to do arises. Unfortunately, there is no simple solution to any of these problems and, in fact, some of the proposed "solutions" may lead us away from the goal. For example, the proposed use of the Defense Production Act to subsidize the production of cobalt, titanium, or other materials, overlooks the fact that it is mismanagement of the national defense stockpile that has resulted in many of the mineral shortages in the first place.

For example, the stockpile is some 40,000 tons below its goal for cobalt.

Ironically, it is approximately this amount that has been sold off from the stockpile since the mid-1970's, largely in response to budgetary pressures.

Therefore, it would be wise, before moving ahead with a multimillion-dollar program of mineral price supports, to address the underlying problem of stockpile mismanagement. Why is it that our stockpile has been selling cobalt at prices ranging from $4 to $6 a pound so that we can now buy it back at $15 a pound? I recently introduced legislation, S. 1982, the Strategic Stockpile Reform Act, which would reorganize the stockpile as an independent agency charged with meeting the stockpile goals as soon as possible. Once sound management of the stockpile has been established, the issue of providing subsidies to the industry can be addressed more carefully.

With regard to some of the other deficiencies in the defense industrial base, the office of the Under Secretary of Defense for Research and Engineering is undertaking an "Action Plan for Improvement of Industrial Responsiveness." I feel confident that this plan will prove to be very effective in bringing about rapid improvements in some of the problem areas just mentioned. The action plan will consist of a comprehensive program addressing some of the following areas:

NATIONAL RESOURCE BASE

First, materials, shortages, leadtime problems, and critical raw materials.

Second, labor, problem definition, and actions.

Third, productivity, national goals, man tech, and legislation—Economic Recovery Tax Act.

ACQUISITION PROCESS

First, stability, second, contract financing, third simplification, fourth, DOD-industry relations, and fifth producibility concepts.

INDUSTRIAL PREPAREDNESS PROGRAM

First, defense guidance, second, funding, third, organization/legislative environment, and fourth, planning.

In particular, the DOD program is paying very careful attention to improving the acquisition process, action which they feel can solve a number of problems by achieving program stability, control of cost, and providing incentives for industry. Lawrence Brady, Assistant Secretary for Trade Administration at the Department of Commerce, supported this approach in hearings before the House Banking Committee when he said:

> We believe the most cost-effective approach to the revitalization of the defense industrial base is a planned and directed one which seeks and establishes specific, targeted objectives. It should evolve around a sound defense procurement system with stable projected requirements, multi-year contracts and funding, and sufficient long-range goals to allow U.S. industry to competitively develop the production capability to meet defense needs.

Under DOD's program some $1.2 billion will be expended among the four services in fiscal year 1983 to improve industrial preparedness. This is a substantial increase over the funds allocated to this function under the Carter budget.

The following table shows the distribution of these funds among the services for fiscal year 1980 through fiscal year 1984:

INDUSTRIAL PREPAREDNESS FUNDING PROFILE, FISCAL YEARS 1980–84

[Dollars in millions]

	1980	1981	1982	1983	1984	Total
Army	618.0	860.3	765.7	876.4	863.7	3,984.1
Navy	16.1	9.4	28.8	64.1	55.4	173.8
Air Force	80.4	97.7	136.6	215.2	232.8	762.7
DLA	23.8	26.0	28.4	29.5	27.2	134.9
IP Wedge				16.0	17.0	33.0
Total	738.3	993.4	959.5	1,201.2	1,196.1	5,088.5

I am pleased that the administration, under the leadership of Secretary Weinberger and his staff at the Department of Defense, is taking a leadership role in moving to address these problems in a vigorous manner. The Department of Defense has developed a comprehensive program to identify production and procurement problems from the smallest subcontractor to the largest military contractor of sophisticated military systems. Procurement policies and practices at the Department of Defense are being thoroughly scrutinized and will be revised to be made more efficient and effective. I am informed that never before has such a broad based effort been launched to address the crucial problems of defense industrial preparedness. I will await with interest the results of these efforts.

The extension of the Defense Production Act will provide the continued availability of many of the authorities necessary to continue improvement in our Nations ability to mobilize resources in times of national emergency and I am pleased to introduce this legislation. Through hearings beginning next Tuesday in the Banking Committee, we will examine any modifications or additions to this measure that may be necessary.●

By Mr. GRASSLEY:

S. 2376. A bill to direct the Secretary of the Treasury or his delegate to conduct a study of the advisability of replacing the current Federal income tax system for individuals and corporations; to the Committee on Finance.

STUDYING ALTERNATIVE INCOME TAX SYSTEMS

Mr. GRASSLEY. Mr. President, I rise to introduce a measure to request the Secretary of the Treasury to study the feasibility of implementing a new tax system with a low rate to replace our current system of taxation. Throughout my years in public service, I have always been interested in developing a reduced progressive rate or flat rate tax systems. Today as millions of Americans file their tax returns, I'm certain I will have many converts throughout the Nation to the goal of simplification and fairness.

These simplified tax systems eliminate many current deductions, exemptions, exclusions, credits, and measure taxable income in a variety of different ways. My study requests the Treasury to study the feasibility of using gross income, consumption, a percentage of consumption, or an expanded definition of taxable income as new tax bases.

Using gross income as the taxable base is a concept advocated by Jim Jones of Blanco, Tex. In his formulation, he fixes a very low rate of tax to gross income for individuals and to gross income less sales for corporations. A consumption based tax asks the taxpayer to tally his assets at the beginning of the year and add income from all sources. To arrive at his taxable basis, the taxpayer subtracts his assets at the end of the year from the above total, and then applies a low flat or progressive rate. A variant of this scheme is a percentage tax on consumption, which is in essence an excise tax. The fourth proposal is a broader based income tax than the current definition of taxable income. This is achieved by eliminating many current deductions, exclusions, and credits that dramatically reduce taxable basis.

This measure asks the Secretary to examine the feasibility of using these various measures as a base for a reduced rate tax system. It is my hope that a comparative analysis of the strengths and weaknesses of these various proposals by an impartial agency will give Congress better information on how to reform our current tax system. I am asking Treasury to examine these proposals with an eye toward analyzing their impact on lower income taxpayers.

I think this study will provide the Congress with a valuable tool in searching for ways to simplify and improve our tax system. Treasury's estimation of the dollar value of these various bases and systems will enable Congress to set a rate to achieve our revenue targets. This would be a big step forward in trying to achieve a simplified and fairer tax system. It will spare our constituents some of the agony and anger they are feeling today.

By Mr. D'AMATO (for himself, Mr. WEICKER, Mr. HEINZ, and Mr. MOYNIHAN):

S. 2377. A bill entitled the Mass Transportation Act of 1982; to the Committee on Banking, Housing, and Urban Affairs.

MASS TRANSPORTATION ACT OF 1982

● Mr. D'AMATO. Mr. President, today I am introducing the Mass Transportation Act of 1982.

Mass transit today is a fundamental public service throughout the country, and is one of the major components of the transportation infrastructure necessary to support urban, and ultimately, national economic and social well-being. The rebirth of the failed private transit industry in the United States and the growing importance of transit have been the result of a 17-year partnership involving transit operators and local, State, and Federal governments. Today this partnership is threatened, and with it, the existence of many of the Nation's transit systems and services. It is now critical to the transit industry, as well as the urban areas served, to provide the strongest possible reaffirmation of the public purpose and the Federal role in supporting mass transit, and to see to it that adequate financial resources remain available to carry out this purpose and role.

One of the most significant problems facing the industry today is the immediate and growing gap between costs and revenues. Using 1980 data from the transit industry, it is estimated that in 1982 a total of $12.6 billion in operating and capital costs will be met by only $11 billion in revenues from all sources. The result is a potential $1.6 billion shortfall in the current year alone. As a result, the single most pressing issue facing mass transit is to immediately reexamine strategies for financing capital and operating costs if public transit services are to continue to serve local and national objectives. The major sources of additional revenues consist of, first, fare increases and/or service cutbacks; second, more local assistance; third, more State assistance; or fourth, more Federal assistance. Fares now provide over 40 percent of operating costs and were increased an average of 18 percent nationwide last year, almost twice the rate of inflation. Continued fare increases ranging from 50 percent to 100 percent are not uncommon in many areas. However, the industry generally, and many individual systems specifically, are reaching the point of diminishing returns. It is becoming apparent that little if any room is left at the fare box or in the way of service reductions to meet the kind of funding shortfalls now being forecast without bringing into play the cycle of fare increases, service cutbacks and ridership losses that brought the then privately held mass transit industry to its knees in the 1960's.

Such a cycle of increasing deficits, increased fares, and declining ridership is likely to have major impacts on any effort to stabilize and rebuild both the national economy as well as local urban economies. Growing documentation graphically illustrates the economic impacts of major service cutbacks, ridership losses, and even apparently marginal changes in levels of service. These declines in public transit service have a number of effects, the significance of which are being more fully documented around the country every day. As transit services are curtailed, retail sales and overall spending within local and regional economies fall, jobs are lost and as a result, urban areas are increasingly unable to support national economic recovery. In addition, transportation disadvantaged groups are left without any means of mobility and increased automobile use causes congestion, air pollution, and frustrates national energy policy. Finally, increased fares and/or major service cutbacks will have substantial social impacts, as those people who have no alternative to transit and those who are least able to pay, are left to bear the brunt of

major fare increases or are entirely left without service. Certainly, these effects violate the commitment to maintaining a safety net for the disadvantaged, and exacerbate the economic impacts outlined above. Thus, if transit is allowed to decline as a result of the reduction or withdrawal of Federal support, a number of major national policy objectives will be frustrated.

These factors and the conclusions about their impact suggest that neither the withdrawal of Federal funding nor the turnback of transit programs to States and local governments are in the best interests of the Nation or within the financial capabilities of State and local levels of government. The critical point is that the successful 17-year partnership of Federal, State, and local governments must be maintained and strengthened, not dismantled.

The pattern of Federal assistance for mass transit, one of steady growth from 1972 to 1981, recognized the significance of transit in meeting a broad range of national, social, and economic objectives. Under these circumstances, it makes very little sense to conceive of a Federal change in transit support that destroys the 17 years of cooperation between operators and all levels of government which has brought transit to a point where it now provides a fundamental contribution to local, regional, and national economic well-being. This partnership needs to be reinforced beginning with a fundamental reaffirmation of the Federal role in mass transit. Without the assistance of the Federal Government, the urban regions of the country, and their economies tied to transit for jobs and sound economic growth, will be staring at far worse financial and social picture.

Despite the progress that has been made in restoring the viability of public mass transportation, the transit industry is again being pushed toward the cycle of fare increases, service cutbacks, ridership declines, and rising deficits that led to the demise of private transit operations in the 1950's and 1960's.

Major withdrawal of Federal support for transit, as proposed by the administration, and the presumed reliance on operators, States, and local government alone to meet transit needs will have dire consequences. A recent survey of the American Public Transit Association indicated that nearly 25 percent of those systems responding would consider ceasing operations altogether due to the proposed elimination of Federal operating assistance by 1985. The reductions in Federal capital assitance proposed for 1983 make the prospect even more, and may continue to foster deferred capital investment and maintenance.

The total capital and operating program budget for urban mass transportation programs as proposed by the Department of Transportation in fiscal year 1983 is $2.6 billion, or less than half of the $5.3 billion projected as annual needs. The continued long-term withdrawal and reduction of Federal assistance poses a major threat to the viability of public mass transit. Major reductions in Federal support come at a time when the ability of State and local governments to assume a substantially larger share of transit financing is increasingly in doubt. While there is a great deal of discussion about alternative program structures, including formula or block grants for transit, and ultimately "New Federalism," current funding questions are the most critical facing the transit industry. Without adequate funding levels, the structure of the Federal program may become irrelevant, as more and more systems face major service reductions, ridership losses, and possibly financial collapse. While a formula or block grant offers many advantages to the transit industry, limiting the program to capital expenditures only as proposed by DOT does not provide the flexibility that operators need most in managing today's systems and services. While I agree with the concept of a formula block grant, my bill provides the flexibility for both capital and operating costs as well as an allocation mechanism suited to the needs of the broadest spectrum of transit operators.

The bill that I am introducing today focuses on how the Federal transit program can be structured to best support the delivery of transit services while fostering continued improvements in efficiency and productivity.

This legislation will provide for renewed attention to the rehabilitation and reconstruction of transit systems, the need for a continuing and adequately funded discretionary program, and recasts nearly 70 percent of Federal transit assistance into a formula program—a concept extremely well suited to an industry whose members exist in widely differing geographic, economic, and political environments.

I have already referenced the success of the 17-year partnership of transit systems, State and local officials, and the Federal Government. It is my feeling that none of these participants can afford to go it alone nor would critical local, State, or national policy objectives continue to be adequately served if the partnership is fragmented or allowed to disintegrate. Despite the general pattern of increasing assistance to transit from all levels of government over recent years, economic conditions over the past 2 years have deteriorated substantially, placing extreme pressures on public service and government budgets at all levels. The disrepair of the public works infrastructure will have to be corrected if business and economic expansion is to occur.

In summary, it would appear that local governments will not be in a position in the foreseeable future to greatly increase their contributions either to public transit or to other elements of the urban infrastructure in a major way. If the Federal Government is to effectively chart a course of national economic recovery and see it sustained, it logically has an important role to play in supporting urban needs, including mass transit.

Mr. President, I ask unanimous consent that a section-by-section analysis of the bill be printed in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS

AMENDMENTS TO SECTION 3 CAPITAL GRANT PROGRAM

Sec. 101. This section authorizes the establishment of capital and operating block grant programs to urbanized areas to finance the planning, acquisition, construction, improvement and operating costs of facilities and equipment, and other transportation projects which enhance the effectiveness of any mass transportation project.

Authorizations for urbanized areas over 200,000 population are suballocated as follows: sixty-five percent to be made available for bus purchase, support or operating assistance (based on the following formula: one-half of the total amount so apportioned multiplied by a ratio for the urbanized area determined on the basis of bus revenue vehicle miles and one-half of the total amount so apportioned multiplied by a ratio for the urbanized area determined on the basis of population weighted by a factor of density), and thirty-five percent to be made available for commuter rail or operating fixed guideway systems for equipment purchase, support or operating assistance (based on the following formula: seventy percent so apportioned multiplied by a ratio for the urbanized area determined on the basis of rail revenue vehicle miles and thirty percent so apportioned multiplied by a ratio for the urbanized area determined on the basis of rail route miles). These percentage splits are used for apportionment purposes only; entitlement recipients may use the funds for eligible costs items for bus or fixed guideway modes.

The Federal grant for any construction or equipment acquisition project under the block grant programs shall not exceed eighty percent of the cost as determined by section 4(a) of the Urban Mass Transit Act (the Act). The Federal grant for any project for the payment of subsidies for operating expenses shall not exceed fifty percent of the cost of such operating expense project. The amount of any grant under the programs which may be utilized for operating expenses may not exceed fifty percent of all funds apportioned to an urbanized area during each fiscal year, and may not, in any event, exceed the amount of Federal assistance received in fiscal year 1982 and used for operating subsidies under the Act.

This section also provides for streamlined grant application, approval and administration processes to lessen the burden on both funding recipients and the Federal Govern-

ment for the block grant programs. Planning activities required by section 8 of the Act may be funded with apportionments provided by this section of the Act. A minimum of 2.5% of each urbanized area's apportionment is so earmarked. Current UMTA procedures for designating metropolitan planning organizations and designated recipients for capital and operating formula funds are unchanged. Governors may, in consultation with, and approval from local officials, transfer funds between section 18 recipients and block grant recipients of less than 200,000 population. The Governors may also, with the same consultation and approval considerations, transfer funds from block grant recipients in areas of less than 200,000 to areas over 200,000 population.

AMENDMENTS TO SECTION 4

Sec. 102. This section amends the existing section 3 discretionary program to require that recipients of capital grants have the technical and financial capability to maintain facilities and equipment purchased with funds under the Act. The section changes the discretionary funding ratio from the existing 80% Federal/20% non-Federal split to 70% Federal/30% non-Federal.

This section authorizes the use of funds appropriated under section 4(c)(3)(A) of the Act for the purpose of repairing or replacing facilities or equipment damaged or destroyed as a result of a natural disaster or a catastrophic occurrence. This section would authorize the Secretary to make grants up to 100 percent conditioned upon the subsequent compliance with applicable statutory conditions.

This section also authorizes funds for the urbanized area block grant program established in section 3 (section 101 of this bill), as well as section 18 and the section 3 discretionary program of the Act. Authorizations are provided as follows: $3,200,000,000 for fiscal year 1983; $3,520,000,000 for fiscal year 1984; $3,872,000,000 for fiscal year 1985; and $4,259,560,000 for fiscal year 1986. Funds made available are to be suballocated as follows: 24.5% for section 3 discretionary program; 68.0% for the section 3 block grant (formula) program to urbanized areas over 200,000 population; 5% for the section 3 block grant (formula) program to urbanized areas of less than 200,000 population; and 2.5% for the section 18 program.

This section authorizes aggregate sums for research and training not to exceed $96,600,000 for fiscal year 1983; $141,600,000 for fiscal year 1984; $186,600,000 for fiscal year 1985; and $231,600,000 for fiscal year 1986.

AMENDMENTS TO SECTION 5 URBAN MASS TRANSIT PROGRAM

Sec. 103. This section amends the existing provisions of the Act to provide that funds apportioned for FY 1982 shall be available to the original designated recipient for all purposes provided for under section 5 until September 30, 1985.

GRANTS FOR RESEARCH AND TRAINING IN URBAN TRANSPORTATION PROBLEMS

Sec. 104. This amends section 11 to allow for funding to private nonprofit organizations, and widens the scope of the programs to provide for support of training in the areas of transit management and problem solving.

AMENDMENTS TO SECTION 12

Sec. 105. This amends section 12(c)(2) of the Act to clarify the definition of fixed guideway to include fixed catenary systems and those mass transit systems using rights-of-way or rail usable by other forms of transportation

AMENDMENT TO THE REPORTING SYSTEM

Sec. 106. This amends section 15(b) to include recipients of the urbanized area block (formula) grants in the established uniform system of accounts and records.

AMENDMENTS TO FORMULA GRANTS FOR NONURBANIZED AREAS

Sec. 107. This provides for additional authorizations for the section 18 program, and the recycling of unobligated or deobligated funds to section 4(k)(2)(D) for redistribution to all eligible section 18 recipients.●

● Mr. WEICKER. Mr. President, I am very pleased to join my good friend from New York, Senator D'AMATO, in introducing today, S. 2377, the Mass Transportation Act of 1982. I commend the Senator for taking the initiative to develop this important alternative to the administration's proposals for mass transit. I join the Senator's efforts today, because I believe the concepts included in this measure more appropriately address the needs of an effective national mass transit system. The administration has long advocated that many programs can be more efficiently run at the State level. However, their funding proposals and proposed elimination of operating assistance for mass transit ties the hands of the State. I have long recommended to this body that the States should be given more flexibility to address their individual transportation needs. The Mass Transportation Act of 1982 recognizes the need for flexibility and for a strong Federal commitment to mass transportation programs.

Specifically, the bill authorizes $3.2 billion for 1983 and increases authorizations by 10 percent a year through 1986. The administration's funding for the same activities is $2.6 billion and eliminates all Federal operating assistance by 1985.

The two key components to this bill are the establishment of a capital and operating block grant program for bus and rail systems for urban and nonurban areas and increased flexibility for the States to target funds to their individual needs. I will address these two elements briefly.

For urban areas over 200,000 the block grant program is authorized at $2.2 billion for 1983 with 65 percent going to bus systems and 35 percent to rail systems. For nonurban areas with populations under 200,000, 5 percent of the total authority for 1983 will be made available for capital and operating grants. States may use up to 50 percent of the grants or their 1982 UMTA operating assistance obligation for operating assistance. Therefore, unlike the administration's proposal, States will still be eligible for operating assistance.

In addition to the capital and operating assistance block grants, the Mass Transportation Act continues funding of section 18 rural area transportation. The bill gives Governors the authority to transfer funds between urban and nonurban programs or between nonurban and section 18 programs in consultation with, and approval from, local officials.

The key to the administration's mass transportation proposal is the elimination of Federal operating assistance by 1985. This bill, in providing operating assistance, places the responsibility on the States to determine their priorities and gives them the flexibility to meet those needs.

The administration's proposed elimination of operating assistance fails to recognize that States and the public already contribute heavily financially to the operation of our mass transit systems. In my own State of Connecticut, commuter rail fares have increased 50 percent in 2 years, while Federal operating assistance has remained constant. Curtailment of this assistance will result in a loss of nearly $16 million which either the State, or the farebox, will have to provide. Users of a transportation system will only absorb a certain increase before they turn to other modes, if they are able. Again, the elderly and poor of this Nation, who are already being affected by numerous budget reductions, will be denied by cost increases or reductions in service a means of mobility. What should be of budgetary concern to the administration, is the effect of commuters returning to their automobiles. In Connecticut, the major urban centers and nonurban areas connected by Interstate 95, a rapidly deteriorating, highly congested thruway. The stretch between New Haven and New York City cannot physically absorb any more traffic. The administration's own highway policy stresses the need to address this deterioration. The creation of the 4 R program, with rehabilitation funds, demonstrates the urgency of this problem. Any movement from transit systems back to the automobile can only frustrate efforts by highway policy people to curtail deterioration.

In establishing the first Federal transit assistance program in 1964, Congress wrote, "* * * that the welfare and vitality of urban areas and the effectiveness of housing, urban renewal, highway, and other federally aided programs are being jeopardized by the deterioration and inadequate provision of urban transportation facilities and services, the intensification of traffic congestion and the lack of coordinated transportation and other development planning on a comprehensive and continuing basis; and that Federal financial assistance for the development of efficient and coordinated mass transportation system is essen-

tial to the solution of these urban problems."

Today, we have a workable partnership between the public and private sector in transportation policy. Given adequate funding and the flexibility to plan accordingly, I believe this Nation can continue to develop and operate an efficient mass transportation system.

The mobility of a nation is the key to its economic vitality. Such mobility cannot be achieved through a policy of dollars and cents, but rather a recognition by policymakers that the passenger and commercial transportation needs of this Nation are many and diverse. S. 2377 can provide us with the tools to maintain an effective transportation system.●

By Mr. SIMPSON (by request):

S. 2378. A bill to amend title 38, United States Code, to increase the rates of disability compensation for disabled veterans; to increase the rates of dependency and indemnity compensation for surviving spouses and children of veterans; to discontinue duplicative payments to certain veterans; to increase the level of disability required for the payment of dependents' allowances; to provide for cost-saving improvements in veterans' programs; and for other purposes; to the Committee on Veterans' Affairs.

S. 2379. A bill to amend chapter 37 of title 38, United States Code, to require the collection of a funding fee on all loans guaranteed, insured, or made to veterans under such chapter; to the Committee on Veterans' Affairs.

S. 2380. A bill to amend title 38, United States Code, to make adjustments and improvements in the vocational rehabilitation and education programs administered by the Veterans' Administration, and for other purposes; to the Committee on Veterans' Affairs.

S. 2381. A bill to amend title 38, United States Code, to authorize the Administrator of Veterans' Affairs to guarantee loans to refinance liens on mobile homes and to purchase mobile home lots; to the Committee on Veterans' Affairs.

S. 2382. A bill to amend title 38, United States Code, to remove the bar against payment of servicemen's group life insurance and veterans' group life insurance proceeds in the event the claim is filed late and to clarify that such proceeds may not escheat to a State; to the Committee on Veterans' Affairs.

S. 2383. A bill to amend title 38, United States Code, to extend the authority for the program of grants to States for State home facilities, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SIMPSON:

S. 2384. A bill to amend title 38, United States Code, to extend for 1 year the authority for the provision of Veterans' Administration health care by contract in the Commonwealth of Puerto Rico and in the Virgin Islands; to the Committee on Veterans' Affairs.

S. 2385. A bill to amend subchapter IV of chapter 73 of title 38, United States Code, to modify the VA health professional scholarship program, and for other purposes; to the Committee on Veterans' Affairs.

S. 2388. A bill to amend chapter 19 of title 38, United States Code, to permit the unrestricted assignment of a beneficiary's interests in the proceeds of a Government life insurance policy in cases involving contested claims, to the Committee on Veterans' Affairs.

LEGISLATION RELATING TO VARIOUS VETERANS PROGRAMS

Mr. SIMPSON. Mr. President, as the chairman of the Senate Committee on Veterans' Affairs, I wish to introduce legislation to amend subchapter 4 of chapter 73 of title 38, United States Code, to modify the VA health professional scholarship program in order to provide additional recruitment and retention incentives for nurses in the VA health-care system.

Mr. President, Congress authorized the VA Health professional scholarship program in Public Law 96-330, the VA Health Care Amendments of 1980. The scholarship program forms a small but vital part of the VA's effort to recruit sufficient capable nurses so that within its available resources, the VA may provide quality health care to all eligible veterans. At the beginning of the current fiscal year, fiscal year 1982, the VA reported vacancies of approximately 1,200 registered nursing positions. Vacancy rates exceeded 15 nursing positions at 30 VA hospitals and every VA medical district reported vacant positions they were unable to fill.

Competition for nursing staff is stiff throughout the medical community and the VA's ability to compete is not what it should be. As a result, there are fewer nurses to care for larger numbers of veteran patients in the VA system. The VA's nursing shortage can be attributed mainly to the agency's inability to compete with the fringe benefits packages that private and not-for-profit hospitals are able to offer. These benefits often include higher pay in certain geographic areas, premium pay for night and weekend duty, alternative and flexible work schedules, and tuition reimbursement for advanced training.

This measure would provide further enhancement of our efforts to alleviate the VA's nursing shortage. It would provide VA registered nurses already employed by the VA to receive scholarship assistance and participate in advanced training on a part-time basis. This is a sorely needed retention incentive which is lacking in the current scholarship program. Part-time scholarship candidates would be subject to the same VA service obligations as those full-time scholarship candidates, though on a prorated basis, in accordance with the specific amount of financial support provided by the VA. Part-time candidates could remain in the scholarship program no longer than 4 years.

Mr. President, a total of $4 million has been appropriated for the VA scholarship program for the 1982-83 school year. My bill would allow forward funding of this $4 million appropriation so that both the part-time and full-time candidates would be assured of continued VA financial support for at least 2 years.

In addition, Mr. President, I would wish to introduce a bill to amend title 38, United States Code, to extend for 1 year the authority for the provision of Veterans' Administration health care by contract in the Commonwealth of Puerto Rico and in the Virgin Islands. I would wish to introduce seven other bills by the request of the administration so that they may be before the Congress for its consideration. These bills are as follows:

First. To amend title 38, United States Code, to increase the rates of disability compensation for disabled veterans; to increase the rates of dependency and indemnity compensation for surviving spouses and children of veterans; to discontinue duplicative payments to certain veterans; to increase the level of disability required for the payment of dependents' allowances; to provide for cost-saving improvements in veterans' programs; and for other purposes;

Second. A bill to amend chapter 37 of title 38, United States Code, to require the collection of a funding fee on all loans guaranteed, insured, or made to veterans under such chapter;

Third. To amend title 38, United States Code, to make adjustments and improvements in the vocational rehabilitation and education programs administered by the Veterans' Administration, and for other purposes;

Fourth. To amend title 38, United States Code, to authorize the Administrator of Veterans' Affairs to guarantee loans to refinance liens on mobile homes and to purchase mobile home lots;

Fifth. To amend title 38, United States Code, to remove the bar against payments of servicemen's group life insurance and veteran's group life insurance proceeds in the event a claim is filed late and to clarify that such proceeds may not escheat to a State;

Sixth. To amend title 38, United States Code, to extend the authority for the program of grants to States for

State home facilities, and for other purposes; and

Seventh. To amend chapter 19 of title 38, United States Code, to permit the unrestricted assignment of a beneficiary's interest in the proceeds of a Government life insurance policy in cases involving contested claims.

I emphasize that some of these measures reflect my own thinking while others reflect administration views.

Mr. President, I ask unanimous consent that copies of these bills be inserted following my remarks.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 2378

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Veterans' Disability Compensation and Survivors' Benefits Amendments of 1982".

(b) Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION RATE INCREASES

RATES OF DISABILITY COMPENSATION

SEC. 101. (a) Section 314 is amended—

(1) by striking out "$58" in subsection (a) and inserting in lieu thereof "$63";

(2) by striking out "$107" in subsection (b) and inserting in lieu thereof "$116";

(3) by striking out "$162" in subsection (c) and inserting in lieu thereof "$175";

(4) by striking out "$232" in subsection (d) and inserting in lieu thereof "$251";

(5) by striking out "$328" in subsection (e) and inserting in lieu thereof "$355";

(6) by striking out "$413" in subsection (f) and inserting in lieu thereof "$446";

(7) by striking out "$521" in subsection (g) and inserting in lieu thereof "$563";

(8) by striking out "$604" in subsection (h) and inserting in lieu thereof "$653";

(9) by striking out "$679" in subsection (i) and inserting in lieu thereof "$734";

(10) by striking out "$1,130" in subsection (j) and inserting in lieu thereof "$1,222";

(11) by striking out "$1,403" and "$1,966" in subsection (k) and inserting in lieu thereof "$1,517" and "$2,125", respectively;

(12) by striking out "$1,403" in subsection (l) and inserting in lieu thereof "$1,517";

(13) by striking out "$1,547" in subsection (m) and inserting in lieu thereof "$1,672";

(14) by striking out "$1,758" in subsection (n) and inserting in lieu thereof "$1,900";

(15) by striking out "$1,966" each place it appears in subsection (o) and (p) and inserting in lieu thereof "$2,125";

(16) by striking out "$844"and "$1,257" in subsection (r) and inserting in lieu thereof "$912" and "$1,359", respectively;

(17) by striking out "$1,264" in subsection (s) and inserting in lieu thereof "$1,366"; and

(18) by striking out "$244" in subsection (t) and inserting in lieu thereof "$264";

(b) The Administrator of Veterans' Affairs may adjust administratively, consistent with the increases authorized by this section, the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85-857 who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

RATES OF ADDITIONAL COMPENSATION FOR DEPENDENTS

SEC. 102. Section 315(l) is amended—

(1) by striking out "$69" in clause (A) and inserting in lieu thereof "$75";

(2) by striking out "$116" in clause (B) and inserting in lieu thereof "$125";

(3) by striking out "$153" in clause (C) and inserting in lieu thereof "$165";

(4) by striking out "$192" and "$38" in clause (D) and inserting in lieu thereof "$208" and "$41", respectively;

(5) by striking out "$47" in clause (E) and inserting in lieu thereof "$51";

(6) by striking out "$86" in clause (F) and inserting in lieu thereof "$93";

(7) by striking out "$123" and "$38" in clause (G) and inserting in lieu thereof "$133" and "$41", respectively;

(8) by striking out "$56" in clause (H) and inserting in lieu thereof "$61";

(9) by striking out "$125" in clause (I) and inserting in lieu thereof "$135"; and

(10) by striking out "$105" in clause (J) and inserting in lieu thereof "$114".

CLOTHING ALLOWANCE FOR CERTAIN DISABLED VETERANS

SEC. 103. Section 362 is amended by striking out "$305" and inserting in lieu thereof "$330".

RATES OF DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES

SEC. 104. (a) Subsection (a) of section 411 is amended to read as follows:

"(a) Dependency and indemnity compensation shall be paid to a surviving spouse, based on the pay grade of the person upon whose death entitlement is predicated, at monthly rates set forth in the following table:

"Pay grade:	*Monthly rate*
E-1	$449
E-2	463
E-3	473
E-4	504
E-5	518
E-6	530
E-7	556
E-8	586
E-9	[1] 613
W-1	568
W-2	590
W-3	608
W-4	643
O-1	568
O-2	586
O-3	627
O-4	663
O-5	731
O-6	823
O-7	891
O-8	976
O-9	1,049
O-10	[2] 1,147

"[1] If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $659.

"[2] If the veteran served as Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $1,230.".

(b) Subsection (b) of such section is amended by striking out "$48" and inserting in lieu thereof "$52".

(c) Subsection (c) of such section is amended by striking out "$125" and inserting in lieu thereof "$135".

(d) Subsection (d) of such section is amended by striking out "$62" and inserting in lieu thereof "$67".

RATES OF DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN

SEC. 105. Section 413 is amended—

(1) by striking out "$210" in clause (1) and inserting in lieu thereof "$227";

(2) by striking out "$301" in clause (2) and inserting in lieu thereof "$325";

(3) by striking out "$389" in clause (3) and inserting in lieu thereof "$421"; and

(4) by striking out "$389" and "$79" in clause (4) and inserting in lieu thereof "$421" and "$85", respectively.

RATES OF SUPPLEMENTAL DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN

SEC. 106. Section 414 is amended—

(1) by striking out "$125" in subsection (a) and inserting in lieu thereof "$135";

(2) by striking out "$210" in subsection (b) and inserting in lieu thereof "$227"; and

(3) by striking out "$107" in subsection (c) and inserting in lieu thereof "$116".

TITLE II—COMPENSATION AMENDMENTS

SEC. 201. Section 3104 is amended by adding at the end thereof the following new subsection:

"(d) Where a rating of total disability based on individual unemployability resulting from service-connected disability has been assigned to any veteran in receipt of benefits under Title II of the Social Security Act or any other Federal program providing monetary benefits for disability or retirement, compensation under section 314 or 315 of this title for any month beginning after September 30, 1983, shall not exceed the greater of—

"(1) the amount payable to the veteran on the basis of the veteran's rating under Subpart B of Part 4 of title 38, Code of Federal Regulations, or

"(2) the amount payable to the veteran on the basis of the veteran's rating of total disability by reason of individual unemployability, reduced by the amount of benefits payable for that month under Title II of the Social Security Act or such other Federal program.".

SEC. 202. Section 315, as amended by section 102 of this Act, is further amended by striking out "30 per centum," both places it appears and inserting in lieu thereof "50 per centum,".

TITLE III—MISCELLANEOUS AMENDMENTS

SEC. 301. Chapter 51 of title 38, United States Code, is amended—

(a) by inserting after section 3010 the following new section:

"3011. COMMENCEMENT OF THE PERIOD OF PAYMENT BASED ON AN AWARD

"(a) Notwithstanding section 3010 of this title or any other provision of law and except as provided in subsection (c) of this section, payment of monetary benefits based on an award or an increased award of compensation, dependency and indemnity compensation, or pension shall not be made for any period prior to the first day of the calendar month following the month in which the award became effective as provided under such section 3010 or other provision of law.

"(b)(1) During the period between the effective date of an award as provided under

section 3010 of this title or other provision of law and the commencement of the period of payment based on such award as provided under subsection (a) of this section, an individual entitled to receive monetary benefits shall be deemed to be in receipt of such benefits for the purpose of all laws administered by the Veterans' Administration, except as provided in paragraph (2) of this subsection.

"(2) If any person who is in receipt of retired or retirement pay would also be eligible to receive compensation or pension upon the filing of a waiver of such pay in accordance with section 3105 of this title, such waiver shall not become effective until the first day of the month following the month in which such waiver is filed, and nothing in this section shall prohibit the receipt of retired or retirement pay for any period prior to such effective date.

"(c) This section shall apply to payments made pursuant to section 3110 of this title only if the monthly amount of dependency and indemnity compensation or pension payable to the surviving spouse is greater than the amount of compensation or pension the veteran would have received for the month in which such veteran's death occurred.", and

(b) by inserting in the table of sections at the beginning of such chapter, after the item relating to section 3010, the following new item:

"3011. Commencement of the period of payment based on an award.".

SEC. 302. Clause (2) of subsection (b) of section 3012 is amended by striking out "of the calendar year" and inserting in lieu thereof "of the month".

SEC. 303. Section 3020 is amended by adding at the end thereof the following new subsection:

"(f)(1) Notwithstanding any other provision of this title, any payment of monetary benefits under section 306(a) of the Veterans' and Survivors' Pension Improvement Act of 1978 (Public Law 95-588) or section 521, 541, or 542 of this title shall be made only in an amount that is a multiple of $1.

"(2) In determining the amount of any such payment, the Administrator shall—

"(A) first determine the amount payable without regard to paragraph (1) of this subsection and

"(B) if such amount is not a multiple of $1, then round such amount to the next lower multiple of $1.

"(3) The amount payable to a person under paragraph (1) of this subsection shall be considered as the amount of that person's monetary benefits for the purpose of all laws administered by the Veterans' Administration, and no person shall have any claim to the difference between the amount determined under clause (A) of paragraph (2) of this subsection and the amount payable under paragraph (1).".

SEC. 304. (a) Section 501 is amended by adding at the end thereof the following new paragraph:

"(5)(A) For the purposes of sections 521, 522, 541, 542, and 543 of this title, the term "child" shall be as defined in section 101(4) of this title except as provided in subparagraph (B) of this paragraph.

"(B) The term "child" includes a child who is over the age of eighteen if such child is pursuing a program of education for the purpose of receiving a secondary school diploma and is under the age of nineteen but does not include a child over the age of eighteen who is not pursuing such a program unless such child before attaining the age of eighteen became permanently incapable of self-support.".

(b) The amendment made by subsection (a) of this section shall not apply to any child to or on behalf of whom pension or additional pension for the month of September 1982 is payable under section 521, 541, or 542 if such child has attained the age of eighteen years prior to October 1, 1982.

(c)(1) Notwithstanding any provision of section 521, 541, 542, or 3112, or section 306(a) of Public Law 95-588, and except as provided in paragraph (2) of this subsection, pension or additional pension payable to or on behalf of any child, including a child described by subsection (b) of this section, under section 521, 541, or 542 or section 306(a) of Public Law 95-588, on the basis of the child's pursuit of a course of instruction at an approved educational institution, shall—

(A) not be paid for the months of May, June, July, and August, beginning with the month of May 1982;

(B) not be paid for any month after July 1985;

(C) not exceed for any month the amount of the pension or additional pension (attributable to such child) for the month of August 1981 (or a later month if the Administrator deems a later month appropriate under the circumstances), reduced by an amount—

(i) during the months after July 1982 and before August 1983, equal to 25 percent of the benefit payable for August 1981 (or such later month);

(ii) during the months after July 1983 and before August 1984, equal to 50 percent of the benefit payable for August 1982 (or such later month); and

(iii) during the months after July 1984 and before August 1985, equal to 75 percent of the benefit payable for August 1981 (or such later month); and

(D) not be paid for any month after July 1982 if such pension or additional pension is discontinued at any time after July 31, 1982, by reason of such child's discontinuance of pursuit of a course of instruction at an approved educational institution.

(2) The limitations and reductions provided for under paragraph (1) of this subsection shall not apply to pension or additional pension payable to or on behalf of a child who—

(A) before attaining the age of eighteen became permanently incapable of self-support, or

(B) who, after attaining the age of eighteen and before attaining the age of nineteen, is pursuing a program of education for the purpose of receiving a secondary school diploma.

TITLE IV—EFFECTIVE DATES

SEC. 401. (a) The amendments made by sections 301 and 303 of this Act shall take effect on July 1, 1982.

(b) The amendments made by Title I and sections 202, 302, and 304(a) of this Act shall take effect on October 1, 1982.

(c) The amendment made by section 201 of this Act shall take effect on October 1, 1983.

(d) The provisions of subsections (b) and (c) of section 304 of this Act shall take effect upon the date of the enactment of this Act.

S. 2379

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subchapter III of chapter 37 of title 38, United States Code, is amended by inserting after section 1821 the following new section—

"§ 1822. Funding fee

"A fee of one-half of one percent of the original loan principal shall be collected at the time of settlement from each veteran obtaining a loan guaranteed, insured, or made under this chapter. No loan shall be guaranteed, insured, or made under this chapter until the fee payable under this section has been remitted to the Administrator. Fees collected under this section shall be deposited into the Treasury of the United States, as miscellaneous receipts.".

SEC. 2. The table of sections for chapter 37 of title 38, United States Code, is amended by inserting immediately after the item for section 1821 the following new item:

"1822. Funding fee.".

SEC. 3. The amendments made by this Act shall apply only to those loans closed on or after October 1, 1982.

S. 2380

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Veterans' Rehabilitation and Education Adjustment Act of 1982".

(b) Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—REHABILITATION AMENDMENTS

SEC. 101. Section 1508 is amended by—

(1) amending subsection (b) to read as follows:

"(b) Except as otherwise provided in this section, the Administrator shall determine the subsistence allowance to be paid to a veteran under this chapter in accordance with the following table, which shall be the monthly amount shown in column II opposite the appropriate type of program being pursued as specified in column I:

"Column I type of program	*Column II Monthly amount*
Institutional training:	
Full-time	$282
Three-quarter-time	212
Half-time	141
Farm cooperative, apprentice, or other on-job training:	
Full-time	246
Extended evaluation:	
Full-time	282
Independent living training:	
Full-time	282
Three-quarter-time	212
Half-time	141";

and

(2) amending subsection (g) to read as follows:

"(g) No subsistence allowance may be paid under this section in the case of any veteran who is pursuing a rehabilitation program while incarcerated in a Federal, State, or local penal institution for conviction of a felony.".

TITLE II—EDUCATIONAL ASSISTANCE PROGRAM ADJUSTMENTS

SEC. 201. Section 242 is amended by adding at the end thereof the following new subsection:

"(c) The Administrator may establish veterans benefits counselors at locations such as school campuses to provide assistance regarding benefits under this title to veterans and eligible persons and to conduct outreach as provided for under this subchapter.".

SEC. 202(a). Section 243 is repealed.

(b) The table of sections at the beginning of chapter 3 is amended by striking out

"243. Veterans' representatives.".

SEC. 203. Section 1652(b) is amended by striking out "402(a) of the Economic Opportunity Act of 1964 (42 U.S.C. 2902(a))" and inserting in lieu thereof "section 7(i) of the Small Business Act (15 U.S.C. 636(i))".

SEC. 204. Section 1673(a) is amended by—

(1) striking out "(1)" before "The";

(2) repealing paragraph (2) in its entirety;

(3) redesignating clauses (A), (B), (C), and (D) as clauses (1), (2), (3), and (4), respectively; and

(4) amending clause (2) (as redesignated by clause (3) of this section) to read as follows:

"(2) any sales or sales management course which does not provide specialized training within a specific vocational field;".

SEC. 205. Section 1673(d) is amended by inserting immediately after the first sentence the following: "Notwithstanding the above, veterans described in section 1691(c) of this title pursuing secondary school courses will be subject to the 85 percent restriction.".

SEC. 206. Section 1682 is amended by—

(1) amending the second sentence of subsection (e) by striking out "at one-half of the full-time institutional rate" and inserting in lieu thereof "in accordance with the rate of pursuit but in no event more than the less than half-time rate"; and

(2) amending subsection (g) to read as follows:

"(g) The amount of the educational assistance allowance paid to an eligible veteran who is pursuing a program of education under this chapter while incarcerated in a Federal, State, or local penal institution for conviction of a felony may not exceed such amount as the Administrator determines, in accordance with regulations which the Administrator shall prescribe, is necessary to cover the cost of established charges for tuition and fees required of similarly circumstanced nonveterans enrolled in the same program and to cover the cost of necessary supplies, books, and equipment, or the applicable monthly educational assistance allowance prescribed for a veteran with no dependents in subsection (a)(1) or (c)(2) of this section or section 1787(b)(1) of this title, whichever is the lesser. Except for payment for necessary books, supplies, and equipment required of similarly circumstanced nonveterans, no benefits shall be payable for any course for which there are no tuition or fees.".

SEC. 207. Section 1723(a) is amended by—

(1) striking out "(1)" before "The";

(2) repealing paragraph (2) in its entirety;

(3) redesignating clauses (A), (B), (C), and (D) as clauses (1), (2), (3), and (4), respectively; and

(4) amending clause (2) (as redesignated by clause (3) of this section) to read as follows:

(2) any sales or sales management course which does not provide specialized training within a specific vocational field;".

SEC. 208. Section 1780(a) is amended by striking out clause (6).

SEC. 209. Section 1790(b)(2) of title 38, United States Code, is amended by adding at the end thereof a new paragraph (3) to read as follows:

"(3) notwithstanding the evidence required to discontinue educational assistance to an individual eligible veteran or eligible person under paragraph (2) of this subsection, the Administrator may discontinue such assistance to eligible veterans and eligible persons already enrolled and may disapprove the enrollment of any eligible veteran or eligible person, in any course where the Administrator finds that (A) the course fails to meet any of the approval requirements of this chapter or (B) the educational institution offering the course has violated the recordkeeping or reporting requirements of this chapter or chapter 31, 32, 34, or 35 of this title and, having been advised of such violation(s), has failed to take reasonable corrective action. Whenever the Administrator so discontinues such assistance, the Administrator shall give notice as required under paragraph (2) of this subsection.".

SEC. 210. Section 1798(e)(3) is amended to read as follows:

"(3) The Administrator shall submit to the appropriate committees of the Congress not later than December 31 of each year a report on the current results of the continuing review required by subsection (g)(1) of this section to be made regarding the default experience with respect to loans made under this section and any steps being taken to reduce default rates on such loans. Such reports shall include—

"(A) data regarding the cumulative default experience, and the default experience during the preceding year, with respect to such loans; and

"(B) data regarding the default experience and default rate with respect to (i) loans made under this section in connection with accelerated payments under section 1682A of this title, and (ii) loans made under this section.".

TITLE III—REPEAL OF AUTHORITY TO PURSUE CORRESPONDENCE TRAINING

SEC. 301. Section 1631(c) is repealed.

SEC. 302. Section 1652(c) is amended by striking out "correspondence school,".

SEC. 303. Section 1681(b) is amended by striking out ", a program exclusively by correspondence or".

SEC. 304. Section 1684 is amended to read as follows:

"1684. Apprenticeship or other on-job training

"Any eligible veteran may pursue a program of apprenticeship or other on-job training and be paid a training assistance allowance as provided in section 1787 of this title.".

SEC. 305. Section 1701(a)(6) is amended by striking out "correspondence school,".

SEC. 306. Section 1734 is amended by—

(1) striking out subsection (b) thereof;

(2) striking out "(a)"; and

(3) amending the catch line at the beginning thereof to read as follows:

"1734. Apprenticeship or other on-job training".

SEC. 307. Section 1780 is amended by—

(1) striking out in subsection (a) ", a program by correspondence or";

(2) striking out clause (5) of subsection (a);

(3) inserting "or" at the end of clause (3) of subsection (a);

(4) striking out the semicolon at the end of clause (4) and inserting in lieu thereof a period;

(5) repealing subsection (b) and the center heading which immediately precedes such subsection;

(6) redesignating subsections (c), (d), (e), (f), and (g) as subsections (b), (c), (d), (e), and (f), respectively;

(7) striking out in subsection (d) (as redesignated by clause (6) of this section) "(d)" and inserting in lieu thereof "(c)"; and

(8) striking out in subsection (e) (as redesignated by clause (6) of this section) "(d)" and inserting in lieu thereof "(c)".

SEC. 308. Section 1784 is amended by—

(1) striking out in subsection (a) ", or, in the case of correspondence training, the last date a lesson was serviced by the school"; and

(2) striking out in subsection (c) "(d)" and inserting in lieu thereof "(c)".

SEC. 309. Section 1786 is repealed.

SEC. 310. Section 1798(c) is amended by striking out "correspondence or".

SEC. 311. The table of sections at the beginning of chapter 34 is amended by—

(1) striking out

"1684. Apprenticeship or other on-job training, correspondence courses.";

and

(2) inserting in lieu thereof

"1684. Apprenticeship or other on-job training.".

SEC. 312. The table of sections at the beginning of chapter 35 is amended by—

(1) striking out

"1734. Apprenticeship or other on-job training, correspondence courses.";

and

(2) inserting in lieu thereof

"1734. Apprenticeship or other on-job training.".

SEC. 313. The table of sections at the beginning of chapter 36 is amended by striking out

"1786. Correspondence courses.".

SEC. 314. Section 604(a) of the Act of October 24, 1972, entitled the "Vietnam Era Veterans' Readjustment Assistance Act of 1972" (86 stat. 1099) as amended by section 3 of the Act of July 10, 1974, entitled "An Act to amend title 38, United States Code, to provide a ten-year delimiting period for the pursuit of educational programs by veterans, wives, and widows" (88 Stat. 292), is amended by striking out the following: "(1) eligible to pursue a program of education exclusively by correspondence by virtue of the provisions of section 1786 of such title (as added by section 316 of this Act) or (2)".

TITLE IV—MISCELLANEOUS PROVISIONS AND EFFECTIVE DATES

SEC. 401. Section 3102(a) is amended by striking out "two years" and inserting in lieu thereof "180 days".

SEC. 402. The amendments made by sections 101(1), 204 and 207, and Title III shall become effective on October 1, 1982.

S. 2381

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1819(a)(1) of title 38, United States Code, is amended by inserting at the end thereof the following new clause:

"(G) To refinance existing liens which are secured of record on a mobile home unit owned and occupied by the veteran as the veteran's home, and simultaneously to pur-

chase a lot on which such mobile home unit is or will be placed.".

SEC. 2. Section 1803(c)(3) of title 38, United States Code, is amended by inserting at the end thereof the following new clause:

"(E) to refinance indebtedness and purchase a mobile home lot pursuant to section 1819(a)(1)(G) of this title, but only with respect to that portion of the loan used to refinance indebtedness and cover the costs of necessary site preparation.".

S. 2382

Be it enacted by the Senate and the House of Representatives of the United States in Congress assembled, That section 770 of title 38, United States Code, is amended by—

(a) by amending subsection (c) by striking out the second sentence and

(b) by adding at the end the following new subsection:

"(h) Under no circumstances shall insurance payable under this subchapter escheat to a State, and payment shall not be made to the insured's estate or the estate of any beneficiary unless it is affirmatively shown that any sum to be paid will not escheat.".

SEC. 2. The amendment made by this Act shall take effect on October 1, 1982.

S. 2383

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled. That this Act may be cited as the "State Veterans' Home Amendments of 1982".

SEC. 2. Section 620A(f) of title 38, United States Code, is amended by striking "1983" and "1982" and inserting in lieu thereof "1984" and "1983" respectively.

SEC. 3. Section 643 of title 38, United States Code, is amended by striking out "of any war".

SEC. 4. (a) Section 5033(a) of title 38, United States Code, is amended by striking out "for the fiscal years ending September 30, 1981, and September 30, 1982." and inserting in lieu thereof "for each of the six succeeding fiscal years."

(b) Section 5053(a) of title 38, United States Code, is amended by inserting "or State home facilities furnishing domiciliary, nursing home, or hospital care to veterans" after "institutions".

(c) Section 5054(a) of title 38, United States Code, is amended by inserting "or State home facilities furnishing domiciliary, nursing home, or hospital care to veterans", after "centers,".

S. 2384

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 601(4)(C)(v) of title 38, United States Code, is amended by striking out "September 30, 1982" and inserting in lieu thereof "September 30, 1983".

S. 2385

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That section 4142 of title 38, United States Code, is amended—

(1) by inserting the words "or, in the case of any individual employed by the Department of Medicine and Surgery at the time the individual submits an application under clause (2) of this subsection, part-time" after the words "full-time" in subsection (a)(1);.

(2) by redesignating subsections (g), (h), and (i) as subsections (h), (i), and (j);

(3) by inserting before subsection (h) (as redesignated by clause (2)) the following new subsection:

"(g)(1) If a participant is awarded a scholarship as a part-time student, the obligation of the student under subsection (e)(1)(B)(iv) of this section, the amount of the stipend payable under subsection (f)(1)(B) of this section, and the length of the scholarship which can be awarded under subsection (e)(1)(A)(i) of this section, shall, subject to paragraph (2) of this subsection, be adjusted in accordance with the proportion that actual credit hours taken bear to credit hours required of a full-time student.

"(2)(A) The scholarship shall be provided to any part-time student for not more than four school years.

"(B) The period of obligated service for any part-time student is not less than two years to be served after the applicable date described in section 4143(b)(3) of this title.";

(4) by inserting in subsection (h) (as redesignated in clause (2)) after the words "provision of law," a comma and "but subject to the second sentence of this subsection,"; and

(5) by inserting at the end of subsection (h) (as redesignated by clause (2)) the following new sentence: "In the case of any participant in the Scholarship Program who is employed by the Department of Medicine and Surgery before commencing a course of training, the first sentence of this subsection shall not apply for so long as such participant continues to be so employed.".

SEC. 2. That section 4143(c) of title 38, United States Code, is amended by inserting "under subsection (b) of this section" after "in the Department of Medicine and Surgery".

SEC. 3. Within amounts provided to the Medical Administration and Miscellaneous Operating Expenses Appropriation in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1982, Public Law 97-101, and notwithstanding section 404 thereof or any other similar provision of law, the sum of $4,000,000 shall be available until expended only to carry out the program established by section 4141 of title 38, United States Code.

S. 2388

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That

(a) Section 718 of title 38, United States Code, is amended by inserting at the end thereof the following new subsection:

"(c) Except as to insurance granted under section 722(b) of this title, in any case involving a dispute between two or more persons, each of whom is claiming proceeds of a policy maturing on or after the date of enactment of this subsection, an assignment of all or any portion of the proceeds to a person other than a person specified in subsection (b) of this section is authorized to resolve such dispute if the proposed assignee claims such proceeds on the grounds that—

"(1) the insured during such insured's lifetime designated such proposed assignee as the beneficiary;

"(2) the insured contracted during such insured's lifetime with such proposed assignee to designate such proposed assignee as the beneficiary; or

"(3) the insured during such insured's lifetime was directed in a judicial order or decree to designate as the beneficiary, or to retain as the designated beneficiary such proposed assignee.

Except in cases in which the insurance proceeds are payable in a lump sum, the designated contingent beneficiary, if any, must join in any such assignment by a person upon whose death or disqualification such contingent beneficiary's claim to the proceeds would be predicated."

(b) Section 753 of title 38, United States Code, is amended by—

(1) inserting "(a)" before "Any";

(2) inserting at the end thereof the following new subsection:

"(b) In any case involving a dispute between two or more persons each of whom is claiming proceeds of a policy maturing on or after the date of enactment of this subsection, an assignment of all or any portion of the proceeds to a person other than a person specified in subsection (a) of this section is authorized to resolve such dispute if the proposed assignee claims such proceeds on the ground that—

"(1) the insured during such insured's lifetime designated such proposed assignee as the beneficiary; or

"(2) the insured contracted during such insured's lifetime with such proposed assignee to designate such proposed assignee as the beneficiary; or

"(3) the insured during such insured's lifetime was directed in a judicial order or decree to designate as the beneficiary, or to retain as the designated beneficiary such proposed assignee.

Except in cases in which the insurance proceeds are payable in a lump sum, the designated contingent beneficiary, if any, must join in any such assignment by a person upon whose death or disqualification such contingent beneficiary's claim to the proceeds would be predicated."

By Mr. SASSER (for himself, Mr. RIEGLE, Mr. DURENBERGER, Mr. PRYOR, Mr. MOYNIHAN, Mr. BIDEN, Mr. LEVIN, Mr. BAUCUS, Mr. BRADLEY, Mr. METZENBAUM, Mr. DIXON, Mr. EXON, Mr. JACKSON, and Mr. FORD):

S. 2386. A bill to provide for the establishment of a system to collect data on the geographic distribution of Federal funds; to the Committee on Governmental Affairs.

GEOGRAPHIC DISTRIBUTION OF FEDERAL FUNDS

● Mr. SASSER. Mr. President, I am today introducing S. 2386 to require the maintenance of a geographic distribution of Federal funds information system. I believe that, as we further consider the New Federalism initiatives of the Reagan administration, that this information will prove invaluable to us in assessing the impacts of various proposals on State and local governments throughout the country.

Any New Federalism proposal must be based on sound, factual information. There must be "truth in packaging" for the New Federalism. S. 2386 assures that we will continue to receive data on the distribution of Federal outlays by State, county, and large city, just as we have every year since 1968.

Unfortunately, just now when we need this information the most, the Office of Management and Budget has ordered it stopped. In a memorandum issued on December 14, 1981, Ed Harper, then the Deputy Director of OMB, directed the agencies not to submit the data they had collected for 1981 because "* * * it has been decided to discontinue the compilation and publication of the geographic distribution of Federal funds, effective immediately."

My bill, S. 2386, is based on recommendations made by the General Accounting Office in a letter to me on March 10, 1982.

The General Accounting Office (GAO), in their letter report to me, stressed that there is a need for continuous information about the geographic distribution of Federal funds so that "* * * policymakers and legislators at all levels of government [will have help] in assessing the effects of funding shifts between and among Federal program areas." The letter report goes on to note that with the elimination of the geographic distribution of Federal funds (GDFF) information system that the effect of Federal spending over time can no longer be assessed.

That disturbs me greatly since the Congress is being asked to make drastic changes in Federal aid policy as a result of the New Federalism. Preliminary estimates from the Tennessee State Legislature indicated that State and local taxes could be raised by some $700 million a year as a result of the administration's original New Federalism proposals. Therefore, it is imperative that the Congress have a solid information base on which to make their judgments about forthcoming New Federalism proposals. S. 2386 provides that information base.

Mr. President, I ask unanimous consent that the GAO letter report, B-206675, on this matter be printed in the RECORD at this point in my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington D.C., March 10, 1982.

Subject: Maintenance of the Geographic Distribution of Federal Funds (GDFF) Information System.

Hon. JIM SASSER,
U.S. Senate.

DEAR MR. SASSER: In response to your December 17, 1981, request, we have reviewed the Geographic Distribution of Federal Funds information system and several others in relation to the need for maintaining such information continuously. In doing so, we generally agree with you and your colleagues that a need exists for a comprehensive and quality information system on the geographic distribution of Federal funds. Such a system would assist the Congress, the executive branch, and others in understanding and assessing how congressional budget decisions affect regions, States, and localities. An information base is especially needed today given the rapid changes being proposed in Federal budget policies and the associated redefinition of the Federal-State role in conducting programmatic activities. An information base similar to the GDFF would help policymakers and legislators at all levels of Government in assessing the effects of funding shifts between and among Federal program areas.

Consistent with this view, we have developed two legislative alternatives for your consideration in addressing the maintenance of a GDFF type information base, see enclosures I and II. The legislative proposals address and delineate roles and responsibilities of the General Accounting Office (GAO) and the executive branch in maintaining an information base. Additionally, the alternatives address some procedural and standards development and audit activities necessary to improve the quality of data captured by the information base.

Notwithstanding the legislative alternative pursued, personnel and data processing resources will be required to successfully perform the requisite functions associated with the maintenance of this type of information base. Under legislative alternative I, in which the GAO is assigned the primary responsibility for operating the system, we estimate the first 3 years' cost to be $2.5 million. In each of the first two years the estimated costs would be $800,000 and in the third year costs would rise to $900,000. Under alternative II, in which the executive branch is assigned the lead responsibility for system operations and GAO an oversight and audit role, we estimate that for the same 3 year period costs would total $2.55 million. In this case, costs total $750,000, $850,000 and $950,000 in the first, second, and third year respectively. A more detailed breakdown of these cost estimates is included in Enclosure III.

ELIMINATION OF THE GDFF INFORMATION SYSTEM

To date, the GDFF had been the only fully operational system that attempted to capture and report obligations of all Government administered funds at the local level. It reported data from approximately 32 Federal agencies, including the Departments of Defense and State and the Agency for International Development, on the following programmatic and administrative areas: (1) domestic financial assistance, (2) procurement activities, and (3) salary and expense payments to Federal employees. Given this system's scope and coverage, notwithstanding some of its known imperfections in data coverage and accuracy, it had been used as a significant resource for several years in assessing the regional impact of Federal spending. The elimination of the GDFF information system as directed by OMB in December 1981 has created a short-term gap (1 to 3 years) in the availability of these data. As a result, not only are these data currently not available for analytical purposes, but the effect of Federal spending over time can no longer be assessed (trends).

Currently, the executive branch operates and maintains two information sources that are similar to the GDFF. Additionally, it is in the process of implementing a third source which when fully operational will capture and report a significant amount of the budgetary data previously reported by the GDFF. Although these sources are more likely to report a more accurate and complete set of data in their specific areas, neither of the two operational sources nor the one being implemented will be capable of depicting a global view of Federal expenditure activities as did the GDFF. These other sources are highlighted below.

The Federal Procurement Data System (FPDS) is fully operational and it assembles, organizes, and reports contract data from all Federal agencies and commissions. Agencies' contract and procurement divisions report procurement data on each transaction over $10,000 and summary data for contract actions less than $10,000. Each transaction is reported by zip code, county, city, State, territory and by principal place of performance.

The Federal Aid to States (FAS), which is an annual Department of Treasury publication, captures outlays for grants-in-aid to State and local governments. However, it reports data at the State level only. Being grants-in-aid oriented, this publication does not capture and report Federal obligations or expenditures for loan programs, procurement activities, Federal salaries and administrative expenses, and several major agencies including the Department of State, the Agency for International Development and significant portions of the Department of Defense.

The Federal Assistance Awards Data System (FAADS) is a Federal domestic assistance oriented data system. It is currently in the implementation stage. It is estimated to be fully operational sometime during calendar year 1983. When fully operational, it will report Federal obligation data quarterly at the local recipient level. Because the system is "domestic assistance oriented," it was not designed to capture related Federal obligations or expenditures, such as salaries and expenses of Federal employees, Federal procurement activities, and significant portions of the Department of Defense.

In viewing these other data sources singularly, none approximate the scope and coverage of the GDFF. However, from a collective view the potential exists for approximating the scope and coverage of the GDFF. Specifically, when FAADS is fully operational and used in conjunction with the FPDS, essentially the same data set can be captured and reported as was that by GDFF, except salary and expense payments to Federal employees and portions of the Department of Defense.

Table 1 depicts the areas of source coverage and the approximate dollar level of Federal funds for fiscal year 1980.

TABLE 1.—AREAS OF COVERAGE BY SOURCE AND APPROXIMATE FISCAL YEAR 1980 DOLLAR VALUE

Source	Grants, loans, other assistance	Procurement	Federal salaries and expenses	Dollar level (billions)
GDFF	Yes	Yes	Yes	[1] $528
FPDS	No	Yes	No	110
FAS	Limited	No	No	96
FAADS	Yes	No	No	[2] 377

[1] Dollar value and areas of coverage for FAADS, FPDS, and FAS are reflected in the GDFF, along with Federal salary and expense obligations.
[2] Assumes FAADS was fully operational in fiscal year 1980.

A significant disparity can be seen between the GDFF and any of the others. A smaller difference would exist between the dollar value of GDFF and the collective dollar value of the FAADS and FPDS. Given these differences, the status of the FAADS system, and the absence of GDFF, the Congress, the executive branch, and others will lose some ability in assessing the

economic effect of congressional budgetary decisions in regions, States, and localities over the next few years.

OVERLAP AMONG THE SEVERAL DATA SYSTEMS

If the executive branch were to continue operating the GDFF in addition to FAADS, FPDS, and FAS, a high degree of overlap and redundancy would exist. The following examples illustrate this potential overlap:

Both the GDFF and FAADS systems capture budgetary data on all domestic assistance programs at the local level.

The GDFF and FPDS systems both capture and report Federal procurement activities at the local level.

The GDFF and FAS both report budget data on Federal grants-in-aid programs to State and local governments, although the GDFF captured and reported budget data in more detail.

FAADS captures and reports data on all domestic assistance oriented activities, which includes grants-in-aid programs data published in the FAS.

Clearly, a significant amount of unnecessary overlap and duplication would exist among these data sources. In the current budget environment, it is imperative that we get the most out of every dollar invested in capturing and reporting information. Accordingly, opportunities should be explored to maintain comprehensive and quality budget information by program area at the local level. At the same time, unnecessary redundancy in data collecting, processing, and reporting should be eliminated.

MAINTAINING THE GDFF INFORMATION SYSTEM

As indicated earlier, the elimination of the GDFF has created a short-term gap in the availability of Federal expenditure data at the local level. Accordingly, it should have been maintained at least until other executive systems are (1) fully operational, (2) integrated, and (3) approximate the current scope and coverage of the GDFF. Maintaining this system would insure the ability of the Congress, as well as others, to assess the economic effect of Federal budget decisions at the local level. During the maintenance period, the executive branch should explore alternatives for phasing out undesirable redundancy in data gathering and reporting activities. In doing so, it should remain sensitive to the continuous information needs of the Congress.

LONGER TERM CONSIDERATIONS

To insure the continuous collecting, processing, and reporting of geographic distribution of Federal funds systematically and comprehensively, we have developed two legislative alternatives. Both alternatives recognize the critical need for improving the quality and consistency of the type of budgetary data captured and maintained. Accordingly, they both delineate the promulgation of procedures and standards for data collection and verification. Additionally, both alternatives recognize the need to insure adherence to standards. In general, the legislative alternatives are

Legislative Alternative I—The primary responsibility for maintaining and operating the geographic distribution of Federal funds information base would be assigned to GAO. The GAO would be responsible for performing all functions associated with developing, implementing, updating, and maintaining the information system. The executive branch would only be required to collect and report data to the GAO in accordance with prescribed standards, guidelines, and procedures.

Legislative Alternative II—This alternative would direct the GAO to promulgate data collection procedures, guidelines, and standards. Also, the GAO would monitor and conduct periodic audits of the adherence to these standards. On the other hand, the executive branch would be charged with carrying out and performing all operational activities associated with maintaining the geographic distribution of Federal funds information base. These operational activities would include, but would not be limited to (1) collecting, reviewing, validating, and processing input data; (2) updating and maintaining the information systems; and (3) generating required outputs for users, including the regional data analysis centers.

If either of these alternatives is to be pursued, we strongly recommend that it be alternative II. That approach would create the opportunity to consolidate, streamline, and reduce undesirable overlap and duplication among existing systems. There are other reasons for preferring alternative II (1) executive agency program managers possess the knowledge and awareness of program activities, (2) data collection would be closer to the source in which programs are operated, and (3) computer facilities are in place. I would find it very difficult to support alternative I.

This information has been forwarded to the Honorable Donald W. Riegle.

Sincerely yours,

CHARLES A. BOWSHER,
Comptroller General of the United States.

Mr. SASSER. Mr. President, S. 2386 requires the continued reporting of the geographic distribution of Federal funds by any agency that the President designates. In the past, this information has been provided by the Community Services Administration which has now been abolished. The reports would be in accordance with standards for the collection and reporting of the data promulgated by the General Accounting Office. The cost is minimal, only $2.5 million for the 3-year period of time.

The data collected could also be disseminated through the five regional data analysis centers charged with the responsibility for public policy analysis of information about Federal funding and its geographic distribution. Members of Congress and their committees would have access to information, provided by S. 2386 along with State and local government officials and others who require such Federal aid information. I understand that the Reagan administration will be introducing part of its New Federalism proposals by early May. We cannot properly assess these proposals unless we have the information provided by the geographic distribution of Federal funds (GDFF).

According to the General Accounting Office, the scope and coverage of this information system is unmatched by any other. It is the only fully operational system that attempts to capture and report obligations of all Government administered funds at the local level. And its covers approximately 32 Federal agencies, including the Department of Defense. It is the only information system that includes salary and expense payments to Federal employees in its data.

So I am introducing S. 2386 today in order to have the full information the Congress requires as we revise our intergovernmental aid policies. We simply cannot consider passing on the New Federalism until we pass S. 2386 and have the information on the fiscal impact of these new programs.

Mr. President, I thank my distinguished colleagues, Senators RIEGLE, DURENBERGER, PRYOR, MOYNIHAN, BIDEN, LEVIN, BAUCUS, BRADLEY, METZENBAUM, DIXON, EXON, JACKSON, and FORD for their cosponsorship of S. 2386.

Mr. President, I ask unanimous consent that a section-by-section summary of S. 2386 and the full text of S. 2386 be printed immediately following the conclusion of my remarks.

There being no objection, the bill and analysis were ordered to be printed in the RECORD, as follows:

S. 2386

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 203 of the Legislative Reorganization Act of 1970 (31 U.S.C. 1153) is amended by adding at the end thereof the following new subsection:

"(e)(1) Information on the geographic distribution of Federal funds for each fiscal year by State, county, and city shall be collected, compiled, distributed, and analyzed in accordance with this subsection. For purposes of this subsection, the term "Federal funds" includes grants made, contracts entered into, direct loans made, guarantees or insurance of loans made, donations of commodities and surplus real and personal property made, and Federal personnel salaries and related costs incurred, by any Federal agency.

"(2)(A) The Comptroller General of the United States shall promulgate standards for the collection and reporting by all Federal agencies of information relating to the geographic distribution of Federal funds. Such standards may include—

"(i) definitions of the types of Federal funds for which information shall be reported and the form and manner in which information with respect to such funds shall be reported;

"(ii) definitions of cities or other entities of local government for which information with respect to Federal funds shall be reported (including the establishment of thresholds for coverage by population or other criteria); and

"(iii) such other requirements and procedures as the Comptroller General considers appropriate to carry out the purposes of this subsection.

"(B) No standard promulgated by the Comptroller General under subparagraph (A) shall be effective until 30 calendar days following the day on which it is transmitted in final form to the Congress.

"(C) The Comptroller General shall monitor and review, in such manner and at such times as he considers appropriate, compliance by Federal agencies with the standards promulgated under this paragraph.

"(D) To carry out this paragraph, there are authorized to be appropriated to the Comptroller General not to exceed $90,000

for the fiscal year ending September 30, 1983, $70,000 for the fiscal year ending September 30, 1984, and $80,000 for the fiscal year ending September 30, 1985.

"(3)(A) The President shall designate a Federal agency—

"(i) to receive from Federal agencies reports of information with respect to Federal funds;

"(ii) to review such reports and validate, by appropriate means, the processes by which Federal agencies prepared such reports;

"(iii) to establish and maintain an information system on geographic distribution of Federal funds and continuously revise the information contained in such system; and

"(iv) to compile and generate reports for users of the system referred to in clause (iii), including the regional data analysis centers established pursuant to paragraph (4) of this subsection.

"(B) In carrying out this paragraph, the Federal agency designated by the President pursuant to subparagraph (A) shall comply with the standards promulgated by the Comptroller General under paragraph (2). Each Federal agency shall submit to the agency designated by the President pursuant to subparagraph (A), in accordance with the standards promulgated by the Comptroller General under paragraph (2), such reports and other information as the agency designated by the President under subparagraph (A) may require. Such reports and information shall be submitted by Federal agencies to the agency designated by the President under subparagraph (A) at such times and in such manner as such agency shall require.

"(C) To carry out this paragraph, there are authorized to be appropriated to the agency designated by the President under subparagraph (A) not to exceed $300,000 for the fiscal year ending September 30, 1983, $350,000 for the fiscal year ending September 30, 1984, and $400,000 for the fiscal year ending September 30, 1985.

"(4)(A) The President shall designate a Federal agency to establish and operate, by contract or otherwise, five regional data analysis centers. The centers shall provide public policy analyses of information on the geographic distribution of Federal funds for use by State and local governments, committees and Members of Congress, and other interested persons. The President may designate the Federal agency designated under paragraph (3) to carry out this paragraph.

"(B) To carry out this paragraph, there are authorized to be appropriated to the Federal agency designated under Subparagraph (A) not to exceed $360,000 for the fiscal year ending September 30, 1983, $430,000 for the fiscal year ending September 30, 1984, and $470,000 for the fiscal year ending september 30, 1985.".

SECTION-BY-SECTION ANALYSIS, S. 2386

A bill directing the maintenance of the Geographic Distribution of Federal Funds information system

(This bill amends the Legislative Reorganization Act of 1970.)

(e)(1) Annual data gathering, analysis and reports on the allocation of Federal funds to various levels of governments is required. The information is to be presented by state, city and county receiving the federal assistance.

The types of federal assistance to be included in these data are specified.

(2) Standards for the collection and reporting of the required data is to be set by the General Accounting Office. The agencies are expected to follow the GAO standards. Population thresholds for coverage under this law and entities of local government for which funds must be reported are to be defined by GAO.

The standards are subject to Congressional review for 30 days before they become final.

A total of $240,000 for fiscal years 1983 through 1985 is authorized for this purpose.

(3) The President is to designate an agency to coordinate reporting of data and to maintain the information on the geographic distribution of Federal funds. The designated agency is responsible for review and approval of the data submitted by the agencies which administer federal financial assistance. The lead agency must also prescribe the reporting processes to be used.

Compilation and distribution of reports to the users of the system is the responsibility of the designated agency. The reports are to be made available to the regional data analysis centers established by this law.

GAO standards are to be followed by the designated agency and by the administering agencies in carrying out functions and making reports required by this law. The Comptroller General can monitor compliance.

A total of $1,050,000 is authorized for fiscal years 1983 through 1985 for this purpose.

(4) Five regional data analysis centers are to be set up under one designated agency. This agency may be, but need not necessarily be, the same as the agency charged with oversight of the data gathering, analysis and reporting of information under this law. The centers may operate under contract.

These regional data centers are to provide information on the geographic distribution of federal funds to members of Congress, officials of state and local governments and others interested in these data.

A total of $1,260,000 is authorized for fiscal years 1983 through 1985 for this purpose.●

● Mr. RIEGLE. Mr. President, I am pleased to join with a number of my distinguished colleagues to introduce this bill to continue and improve information on the distribution of Federal spending throughout the U.S. economy.

This information is especially important now that Congress is making major changes in Federal spending and is considering sweeping changes in the responsibilities of Federal, State, and local governments. Congress needs to know how these changes will affect different regions, different States, and different localities. I know that the public needs to understand the regional implications of policy changes that have been enacted and that are being proposed.

Since 1968, the United States has compiled data on the distribution of Federal outlays by State, county, and large city.

Reports entitled "Geographic Distribution of Federal Funds" have been published annually by the Community Services Administration for the Executive Office of the President. These reports have been an invaluable resource for Members of Congress and others who want to understand the regional impact of Federal activity.

For the past year, OMB has been hostile to the collection of such data. The data disprove OMB's claims that the Reagan budget cuts are fair to all regions. In fact, States in the Northeast and Midwest lost about $95 on a per capita basis as a result of the Reagan budget cuts last year, while Western States gained about $45 per capita.

Late last year, the data for fiscal year 1981 was already prepared by Federal agencies and ready to be submitted. Then, on December 14, Federal agencies were ordered not to report the data for fiscal year 1981. A copy of that order is attached, and I ask unanimous consent that it be printed in the RECORD following my remarks.

Mr. President, I have felt from the beginning that the OMB decision was a serious mistake that, if unchallenged, would greatly harm the ability of Congress to understand the economic impact of congressional budgetary decisions in regions, States, and localities.

On December 17, 1981, Senator SASSER and I requested that GAO both review the decision to terminate GDFF and also recommend legislative remedies to problems created by the OMB decision. My colleagues would find the GAO report very interesting. The GAO report says in part:

We generally agree with you and your colleagues that a need exists for a comprehensive and quality information system on the geographic distribution of Federal funds. Such a system would assist the Congress, the executive branch, and others in understanding and assessing how congressional budget decisions affect regions, States, and localities. An information base is especially needed today given the rapid changes being proposed in Federal budget policies and the associated redefinition of the Federal-State role in conducting programmatic activities. An information base similar to the GDFF would help policymakers and legislators at all levels of Government in assessing the effects of funding shifts between and among Federal program areas.

* * * * *

To date, the GDFF had been the only fully operational system that attempted to capture and report obligations of all Government administered funds at the local level. It reported data from approximately 32 Federal agencies, including the Departments of Defense and State and the Agency for International Development, on the following programmatic and administrative areas: (1) domestic financial assistance, (2) procurement activities, and (3) salary and expense payments to Federal employees. Given this system's scope and coverage, notwithstanding some of its known imperfections in data coverage and accuracy, it had been used as a significant resource for several years in assessing the regional impact of Federal spending. The elimination of the GDFF information system as directed by OMB in December 1981 has created a short-term gap (1 to 3 years) in the availability of these data. As a result, not only are these

data currently not available for analytical purposes, but the effect of Federal spending over time can no longer be assessed (trends).

As indicated earlier, the elimination of the GDFF has created a short-term gap in the availability of Federal expenditure data at the local level. Accordingly, it should have been maintained at least until other executive systems are (1) fully operational, (2) integrated, and (3) approximate the current scope and coverage of the GDFF. Maintaining this system would insure the ability of the Congress, as well as others, to assess the economic effect of Federal budget decisions at the local level. During the maintenance period, the executive branch should explore alternatives for phasing out undesirable redundancy in data gathering and reporting activities. In doing so, it should remain sensitive to the continuous information needs of the Congress.

Currently, the executive branch operates and maintains two information sources that are similar to the GDFF. Additionally, it is in the process of implementing a third source which when fully operational will capture and report a significant amount of the budgetary data previously reported by the GDFF. Although these sources are more likely to report a more accurate and complete set of data in their specific areas, neither of the two operational sources nor the one being implemented will be capable of depicting a global view of Federal expenditure activities as did the GDFF. These other sources are highlighted below.

* * * * *

Given these differences, the status of the FAADS system, and the absence of GDFF, the Congress, the executive branch, and others will lose some ability in assessing the economic effect of congressional budgetary decisions in regions, States, and localities over the next few years.

Mr. President, I believe that legislation should establish three principles. First, the collection of data on the geographic distribution of Federal funding should be congressionally mandated. Its continuation should not be subject to the changing whim of bureaucrats. Second, the accuracy and usefulness of the data should be improved on a regular basis. Third, the information should be widely available to the public.

The bill we introduce today would carry out those objectives, and it reflects the GAO recommendations.

I ask unanimous consent to have a section-by-section analysis printed in the RECORD at the conclusion of my remarks.

I urge the Senate to give this bill full consideration and to enact it rapidly.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., December 14, 1981.

MEMORANDUM FOR ASSISTANT SECRETARIES/DIRECTORS FOR MANAGEMENT

From: Edwin L. Harper, Deputy Director.
Subject: Discontinuation of the "Geographic Distribution of Federal Funds."

As a result of recent evaluations of certain reporting requirements, it has been decided to discontinue the compilation and publication of the "Geographic Distribution of Federal Funds," effective immediately. Data should not be submitted for Fiscal Year 1981.

The Office of Management and Budget will continue to assess existing reporting systems such as the Federal Aid to States and the Federal Assistant Award Data System in addition to the various Census Bureau publications to determine the best approach for providing information on the geographic distribution of federal funds.

SECTION-BY-SECTION ANALYSIS

A bill to maintain the Geographic Distribution of Federal Funds information system, amending the Legislative Reorganization Act of 1970.

Subsection (1) would require information on the geographic distribution of Federal funds (including grants, loans, salaries) for each fiscal year by State, county and city to be collected, compiled, distributed and analyzed.

Subsection (2) would require the General Accounting Office to set standards for the collection and reporting of the data, including definitions of cities or other entities of local government. Standards are subject to Congressional review.

A total of $240,000 for fiscal years 1983 through 1985 is authorized for this purpose.

Subsection (3) would require the President to designate an agency to coordinate reporting, review, approval, compilation, and distribution of data following standards established by the General Accounting Office. The reports are to be made available to the regional data analysis centers established by this law.

A total of $1,050,000 is authorized for fiscal years 1983 through 1985 for this purpose.

Subsection (4) would establish five regional data centers to provide public policy analyses of information on the geographic distribution of Federal funds to State and local governments, committees and Members of Congress and other interested persons.

A total of $1,260,000 is authorized for fiscal years 1983 through 1985 for this purpose.●

By Mr. MOYNIHAN:

S. 2387. A bill to designate January 30, of each year as Franklin Delano Roosevelt's birthday and to make such a day a legal public holiday; to the Committee on the Judiciary.

DESIGNATION OF FRANKLIN DELANO ROOSEVELT'S BIRTHDAY AS A NATIONAL HOLIDAY

● Mr. MOYNIHAN. Mr. President, I rise today to introduce legislation designating January 30, the birth date of Franklin Delano Roosevelt, a legal public holiday.

On January 28, we commemorated the 100th anniversary of Franklin Roosevelt's birth with a joint session of Congress. That was a memorable and altogether magnificent event, and yet it seemed to me that we should somehow provide a more permanent tribute to a President who, like Washington, and Lincoln before him, guided us through a time of extraordinary peril.

Perhaps the greatest challenge F. D. R. faced was to inspire confidence and give hope to a dispirited people as they confronted the two most grievous crises of the 20th century—an economic depression and a world war. This he accomplished superbly. Indeed, on a personal note I recall how as young boys my brother Mike and I campaigned for President Roosevelt's reelection in 1936. Franklin Roosevelt kindled this sense of optimism and faith in the future in millions of Americans, and we would do well to learn from his example as we tackle the difficult but not insurmountable problems facing us today. As Dr. Arthur Schlesinger, Jr., who is surely one of the most eminent scholars our Nation has produced, observed on January 28:

> We have our own great problems again, but it does no good to exaggerate their difficulty or our impotence in dealing with them. Crises ahead always look worse than crises surmounted. This does not prove that they are. Self-pity is one of human kinds' most ennobling traits. The crises that confronted Franklin Roosevelt and Abraham Lincoln and George Washington were fairly considerable, too. As we meet the problems of our own age—and meet them we must—we can surely take heart from the memory of F.D.R.—from his boundless courage, his inextinguishable gaiety, his hard understanding of power, his instinct for innovation, his confidence in the ability of man to control what he has created, and above all, from his indestructable faith in democratic institutions and imperturbable trust in the strength of a free people, and his overflowing love of America.

A nation must preserve and celebrate its past if it is to enjoy an even more glorious future. I am pleased that we have recently authorized the construction of a Franklin Delano Roosevelt memorial in the Nation's Capital. In addition, I have introduced legislation to establish a memorial to President Roosevelt on Roosevelt Island, N.Y. Like these two worthy measures, the bill I am introducing today will provide a fitting tribute to our 32d President and reaffirm our commitment to the noble ideals that so ably guided him through a lifetime of public service.

I should like to acknowledge the invaluable assistance that Mr. Dominic J. Baranello, chairman of the New York State Democratic Committee, has given me in preparing this legislation. The many years of service he has so selflessly donated to the people of New York would certainly have made Franklin Roosevelt, himself a former Governor of our great State, immensely proud.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2387

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sec-

tion 6103(a) of title 5, United States Code, is amended by inserting after the item relating to New Year's Day the following new item:

"Franklin Delano Roosevelt's Birthday, January 30.".●

By Mr. CRANSTON:

S. 2389. A bill to amend title 38, United States Code, to improve various aspects of Veterans' Administration health-care programs and to extend certain expiring Veterans' Administration health-care programs, and for other purposes; to the Committee on Veterans' Affairs.

VETERANS' ADMINISTRATION HEALTH-CARE PROGRAMS IMPROVEMENT AND EXTENSION ACT OF 1982

Mr. CRANSTON. Mr. President, I am today introducing, for appropriate referral, S. 2389, the proposed Veterans' Administration Health-Care Programs Improvement and Extension Act of 1982. The basic purpose of this bill is to improve various aspects of VA health-care programs and to extend certain expiring VA health-care programs. Among the key provisions are ones designed to improve the VA's ability to attract and retain nurses and other health-care personnel. Regardless of what other steps are taken to maintain and improve the VA's health-care system, the Agency must have quality health-care personnel, and I believe that certain of the provisions of the measure I am introducing today would help promote that result. Other key provisions of the bill would improve access to health care through the VA for certain veterans and other persons eligible for that care and two otherwise expiring authorities would be extended.

NURSE AND OTHER HEALTH-CARE PERSONNEL

Mr. President, in August 1980, the Congress enacted legislation—the Veterans' Administration Health-Care Amendments of 1980, Public Law 96-330—that contained many important provisions designed to improve the VA's ability to attract and retain a high quality health-care staff. Prior to the enactment of that legislation, of which I was the Senate author, the VA health-care system was facing many serious difficulties in staffing its many facilities and was, therefore, not always able to provide appropriate care to eligible veterans.

Although that legislation was enacted less than 2 years ago—and, in fact, many elements of that public law have yet to be fully utilized—I believe that the record strongly suggests that that law had and continues to have a very salutary effect on the agency's health-care staffing efforts. However, personnel matters are rarely static, and there is a need at this time to build upon the gains made by that legislation by, as proposed in the measure I am introducing today, fine tuning some elements and adding certain new ones that now appear to be in order.

Mr. President, although various provisions in Public Law 96-330 were addressed to all categories of health-care personnel working in the VA's Department of Medicine and Surgery, the area of greatest concern at that time was with the agency's ability to employ physicians, particularly on a full-time basis and, for that reason, much of Public Law 96-330 was directed at matters relating to physicians. Since that time, in large part because the Public Law 96-330 physician special pay and related provisions were successful in making the VA a more attractive career option for physicians, the agency's record in that area has improved significantly.

Mr. President, during the same period, however, the agency has been less successful in attracting and, perhaps more importantly, retaining nurses. Although I was successful in securing enactment in Public Law 96-330 of some improvements for nurse staffing and some benefits in this regard have been achieved, more needs to be done to make the VA truly competitive with other health-care employers in recruiting and retaining nurses, particularly since the demand for such employees continues to exceed the available supply in many localities. To this end, the measure I am introducing today includes the following provisions.

First, the bill would amend the VA's health professionals scholarship program provisions—enacted as part of Public Law 96-330 and available for use by the VA for both physicians and nurses but utilized thus far only for nurses—to permit the VA to award scholarships to individuals attending school on a part-time basis, thereby making the program available to VA-employed nurses who could continue to work in the VA while attending school to upgrade their educational qualifications.

Second, the bill would further amend the scholarship program so as to provide that funds appropriated for the program would be available until expended, thereby enabling the VA to enter into multi-year-scholarship commitments with participants in the program. This should make the program more attractive to prospective applicants and, thus, more useful to the VA.

Third, the bill would authorize the Administrator, when necessary in order to obtain or retain the services of registered nurses in the Department of Medicine and Surgery, to use the currently authorized additional pay for a tour of duty beginning or ending on a Sunday—at a rate equal to 25 percent of a nurse's basic pay—to pay for work hours wholly or partially on a tour of duty that begins or ends on a Saturday. This provision should enable the VA to be more competitive with non-VA health-care facilities which offer additional pay to nurses for the entire weekend. The bill would allow the Administrator to use this authority to apply the new "weekend-pay" provision on such nationwide, local, or other geographic basis as the Administrator determines is justified from a review of the need for such an extension. It would also allow the use of the new provision for some or all of a tour of duty touching a Saturday, again as determined necessary to meet the competition in question.

In addition, the bill would provide the Administrator with greater flexibility in the use of the existing section 4107(e)(10) authority, provided in Public Law 96-330, to increase the rates of additional pay for night, weekend, holiday, and overtime work as necessary for purposes of recruitment and retention, by authorizing the Administrator to provide increased additional pay on a national, local, or other geographic basis if the Administrator determines, based on a representative sampling of non-VA facilities in the area involved, that the use of the authority is needed on such basis. Under current law, the Administrator may use this authority only on facility-by-facility basis and must, in each case, find that increased additional pay at the particular VA facility is necessary for it to be competitive with non-Federal facilities in the same geographic area—that finding to be based on a sampling of those non-Federal facilities.

Fourth, the bill would authorize the Administrator, when necessary to obtain or retain registered nurses in the Department of Medicine and Surgery, to allow nurses at individual VA facilities to work two 12-hour tours of duty during a weekend and have such service be considered a full 40-hour workweek—thereby providing full-time employee fringe benefits for such important purposes as health insurance and retirement. In many communities, this kind of work schedule, the so-called "Baylor plan," is available and highly attractive to nurses, and the VA also needs the authority to provide a comparable arrangement in such locales in order to compete successfully for nurses to work in its facilities on weekends.

Fifth, the bill would authorize the Administrator, when necessary to obtain or retain nurses or other VA health-care personnel, to authorize the use by such health-care personnel, on a nationwide, local, or other geographical basis, of flexible or compressed work schedules such as were described in regulations prescribed under the Federal Employees Flexible and Compressed Work Schedules Act of 1978, Public Law 95-390. The authority to use such work schedules provided by Public Law 95-390, which the VA has used successfully on an ex-

perimental basis at a small number of health-care facilities, is currently scheduled to expire on July 4, 1982, and the provisions in the bill I am introducing would allow the Administrator to continue to use innovative scheduling approaches as needed to recruit and retain health-care personnel in the Department of Medicine and Surgery.

Sixth, the bill would require the Administrator, within 90 days after the date of enactment of this bill, to publish in the Federal Register, for public review and comment, proposed regulations for the implementation of the authority provided in Public Law 96-330 to increase rates of basic pay of VA health-care personnel as determined to be necessary in certain circumstances for recruitment and retention purposes and the authority provided in Public Law 96-330—and proposed to be modified by this bill—to increase rates of additional pay for nurses and the authority that this bill would provide to extend the period for which additional "weekend" pay is paid to nurses. Although I understand some of the reasons why these two authorities have not been utilized fully by the VA to this point, I believe that it is vital that the agency now take the steps necessary to insure their full and effective use.

ELIGIBILITY REFINEMENTS AND CLARIFICATIONS

Mr. President, as I noted earlier, the bill I am introducing contains provisions intended to improve or clarify access to health-care through the VA for certain veterans and certain specified other persons eligible for care through the VA. Specifically, the bill contains the following provisions designed for this purpose.

First, the bill would authorize the Administrator to provide certain outpatient care—pre- or post-hospitalization care and care necessary to obviate the need for hospitalization—on a fee-for-service basis for the non-service-connected disability of a woman veteran when the VA is unable to provide appropriate care for her gender-related disability. This new authority should insure that, in those cases in which a woman veteran is otherwise eligible for basic VA ambulatory care but cannot receive the care because the VA, which is not currently equipped to provide gynecological and other services that only women require, is unable to treat her gender-specific condition, the VA will be able to furnish care through a contract or fee arrangement with another provider.

Second, the bill would provide that, in the case of a spouse, surviving spouse, or child eligible for medical care under CHAMPVA who, after losing CHAMPVA eligibility because of becoming eligible for hospital insurance benefits under medicare, exhausts any of his or her medicare benefits, he or she would again become eligible for CHAMPVA benefits and would not thereafter lose CHAMPVA eligibility by virtue of regaining medicare eligibility. As a result of this change, a CHAMPVA beneficiary—the spouse or child of a veteran with a total, permanent service-connected disability or the surviving spouse or child of a veteran who died from a service-connected disability or who, at the time of death, had a total, permanent service-connected disability—would no longer be confronted with the present inequitable situation in which he or she has no health-care coverage.

Third, clarify the VA's authority to conduct physical examinations and related diagnostic procedures in all instances to determine eligibility for care or the appropriate course of care or for other purposes, such as for determining eligibility for other VA benefits. No means test would apply to the provision or receipt of such examinations or diagnostic services.

EXTENDING EXPIRING AUTHORITIES AND OTHER PROVISIONS

Mr. President, the measure I am introducing today includes provisions to extend expiring authorities or otherwise provide time extensions. These provisions would:

First, extend by 4 years—through fiscal year 1986—the authorization of appropriations for the VA program of matching grants to States to construct, expand, remodel, or alter State veterans' home health-care facilities.

Second, extend for 1 year—until September 30, 1983—the VA's authority to provide, on a contract basis, in Puerto Rico, the Virgin Islands, and other territories of the United States, hospital care for non-service-connected disabilities and outpatient treatment to obviate the need for hospitalization for such disabilities.

Third, extend by 1 year—until March 31, 1984—the date by which the Administrator must report to the Committees on Veterans' Affairs of the Senate and House of Representatives on the first 3 years results of the pilot program of treatment and rehabilitation for alcohol or drug dependence or abuse disabilities authorized by section 620A as added by Public Law 96-22.

Fouth, authorize the VA to share medical data and information, and techniques with health-care professionals at State veterans' home health-care facilities for the exchange of medical information.

HEARINGS AND FURTHER ACTION SCHEDULED

Mr. President, this legislation will be included among the measures that the Veterans' Affairs Committee will hear testimony on at a hearing scheduled for April 21 at 10 a.m. in room 412 of the Russell Senate Office Building and will be considered at the committee's April 28 markup on veterans' health-care legislation.

CONCLUSION

Mr. President, in order that all Senators and the public may have a more complete understanding of the various provisons of this measure, I ask unanimous consent that there be printed in the RECORD at this point an analysis of the provisions of the bill followed by the text of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ANALYSIS OF S. 2389, THE PROPOSED "VETERANS' ADMINISTRATION HEALTH-CARE PROGRAMS IMPROVEMENT AND EXTENSION ACT OF 1982"

SECTION 1

Would provide that this Act may be cited as the "Veterans' Administration Health-Care Programs Improvement and Extension Act of 1982".

SECTION 2

Would amend present section 601(4)(C) of title 38, relating to the definition of the term "Veterans' Administration facilities", which includes the authority for providing certain health-care services to certain veterans by contract or fee-for-services arrangement.

Clause (1) of section 2 would amend present subclause (iv) to establish a basis for the VA to provide, on a contract or fee basis, medical services as described in clause (1) of section 612(f)—namely, outpatient care on a pre- or post-hospitalization basis or as necessary to obviate the need for hospitalization—for a non-service-connected gender-related condition (such as gynecological services) of a woman veteran, when unable to defray the cost of necessary care, when the VA is unable to provide the needed care in a VA facility.

Clause (2) of section 2 would amend present subclause (v) to clarify the VA's authority to provide, on a contract or fee basis, physical examinations, including diagnostic services incident thereto, prior to the point at which it is determined, and as necessary to determine, whether a veteran is eligible for VA care or VA benefits and services, to veterans in Alaska, Hawaii, Puerto Rico, the Virgin Islands, and other United States territories and possessions, and to extend for one year (from September 30, 1982, until September 30, 1983) the expiration date of the general contract/fee authority provided for those same areas—except for Alaska and Hawaii where the authority is not subject to an expiration date. The clarification of authority regarding examinations is the contract/fee complement to the clarification—proposed to be made in section 3 of this bill—of the VA's authority to carry out directly such examinations.

SECTION 3

Would amend present section 611 of title 38, relating to eligibility for VA care during examinations or in emergencies, to provide an express statutory authority for the VA to provide physical examinations, including diagnostic services incident thereto, to veterans prior to the point at which it is determined, and as necessary to determine, whether a veteran is eligible for VA care or other VA benefits and services.

SECTION 4

Would amend present section 613 of title 38, relating to eligiblity for medical care for spouses, surviving spouses, and children of certain service-connected disabled veterans

under the CHAMPVA program, to provide that, in the event an eligible spouse, surviving spouse, or dependent, after losing CHAMPVA eligibility by virtue of becoming eligible for hospital insurance benefits under Medicare (title XVIII of the Social Security Act), exhausts his or her Medicare coverage, he or she shall again be eligible for medical care under CHAMPVA and shall not thereafter lose CHAMPVA coverage by virtue of any renewed Medicare eligibility. The lost CHAMPVA eligibility for such a veteran-related person results from the provision in section 613(b) of title 38 that the CHAMPVA program shall be administered "in the same or similar manner and subject to the same or similar limitations as" the CHAMPUS program administered by the Defense Department for certain dependents of active-duty or retired members of the Armed Forces, and the CHAMPUS statutory provision in 10 U.S.C. 1086(c) which cuts off CHAMPUS eligibility when an individual acquires Medicare eligibility.

SECTION 5

Would amend present section 620A of title 38, relating to a pilot program of treatment and rehabilitation for alcohol or drug dependence or abuse disabilities, to extend by one year (until March 31, 1984) the date by which the Administrator must report to the Committees on Veterans' Affairs of the Senate and the House of Representatives on the first three years' operation of the pilot program.

SECTION 6

Would amend present section 643 of title 38, relating to the payment by the VA to State veterans' homes for the care of eligible veterans, to remove an anachronistic reference to wartime service and thereby conform this section to section 641, which sets forth the criteria for payment by the VA to such State homes. This is a technical amendment.

SECTION 7

Would amend present section 4107, relating to the pay of title 38 health-care personnel.

Clause (1) of section 7 would amend paragraph (10) of present section 4107(e) to give the Administrator discretion, when necessary to recruit or retain nurses in the VA's Department of Medicine and Surgery (DM&S) to extend the period for which additional pay is paid under paragraph (5) of such subsection for certain "weekend" work—presently limited to a period of work that occurs at least in part on a Sunday—to include some or all of a work shift that occurs on a Saturday. Clause (1) would further amend present paragraph (10) to provide that any increase in rates of additional pay or any extension of the time for which additional pay may be paid under paragraph (5), may be made on a nationwide, local, or other geographic basis, provided that a specified finding has been made of the need for such change.

Clause (2) of section 7 would add to present section 4107 new subsections (h) and (i) as follows:

New subsection (h): Would authorize the Administrator, upon a determination that it is necessary to recruit or retain categories of title 38 health-care personnel or of other VA employees in DM&S providing direct patient care services or services incident to direct care services, to permit the use by such health-care personnel, on a nationwide, local, or other geographic basis, of flexible and compressed work schedules such as were described in regulations prescribed under the Federal Employees Flexible and Compressed Work Schedules Act of 1978, Public Law 95-390, which is currently scheduled to expire on July 4, 1982. The Administrator would be required, within 180 days after the date of enactment of this bill, to prescribe regulations—to the maximum extent feasible consistent with the regulations under the 1978 Act—implementing this authority. This new authority would expire at the end of fiscal year 1987 and the Administrator would be required to report, not later than 4 years after the date of enactment of this bill, on the results of the use of flexible and compressed work schedules by health-care personnel.

New subsection (i): Would authorize the Administrator, when necessary to recruit or retain registered nurses in DM&S, to allow nurses at individual VA facilities, subject to certain specified limitations relating to rates of pay and computation of leave, to work two twelve-hour tours of duty during a weekend and have such service be considered a full forty-hour workweek.

SECTION 8

Subsection (a) of section 8 would amend present section 4142 of title 38, relating to eligibility criteria for participation in the VA's Health Professionals Scholarship Program, to authorize the Administrator to provide scholarship assistance to individuals (VA employees and non-VA employees) attending school on a part-time basis, and to make certain necessary conforming and complementary changes in this provision.

Subsection (b) of section 8 would amend present section 4146 of title 38, relating to appropriations for the VA's Health Professionals Scholarship Program, to specify that funds appropriated to make payments under the scholarship program would remain available until expended. This authority would permit scholarships to be awarded with firm commitments, where needed, for the full period of study that the applicant is scheduled to take.

SECTION 9

Would amend present section 5033 of title 38, relating to the Administrator's authority to make matching-fund construction grants to States to construct, expand, remodel, or alter certain State veterans' home healthcare facilities, to extend for 4 years (through fiscal year 1986) the authorization of appropriations for this grant program at such sums as are necessary.

SECTION 10

Would amend present section 5054(b) of title 38, relating to the permanent program for the exchange of medical information between VA health-care facilities and others in surrounding medical communities, to include expressly State veterans home facilities in the phrase "medical community".

SECTION 11

Would require the Administrator, within 90 days after the date of the enactment of this bill, to publish in the FEDERAL REGISTER, for a 60-day public review and comment period, proposed regulations for the implementation of the authority in section 4107(e)(10) (as proposed to be amended in part by section (1) of this bill) to increase rates of additional pay and (as proposed to be provided in section 7(1) of this bill) extend the period within which additional pay is paid and the authority in present section 4107(g) to increase rates of basic pay for certain health-care personnel. The Administrator would be required to publish final regulations within 210 days after such date of enactment.

SECTION 12

Would provide that, with the exception of the changes in eligibility for the CHAMPVA program in section 4 of the bill, which would be effective on October 1, 1982, the provisions of this Act would become effective on the date of its enactment.

S. 2389

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Veterans' Administration Health-Care Programs Improvement and Extension Act of 1982".

(b) Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. Section 601(4)(C) is amended—

(1) by inserting after "veterans" in subclause (iv) a comma and "and medical services described in clause (1) of section 612(f) of this title for a woman veteran if the Administrator has determined, based on an examination by a physician employed by the Veterans' Administration (or, in areas where no such physician is available, by a physician carrying out such function under a contract or fee arrangement), that a medical condition of such woman veteran relating to her gender precludes appropriate treatment in facilities described in clauses (A) or (B) of this pragraph"; and

(2) in subclause (v)—

(A) by striking out "or" the first place it appears and inserting before "for" the second place it appears "or examinations and diagnostic services described in section 611(a) of this title,"; and

(B) by striking out "September 30, 1982," and inserting in lieu thereof "September 30, 1983,".

SEC. 3. (a) Section 611(a) is amended to read as follows:

"(a) The Administrator, within the limits of Veterans' Administration facilities, may furnish (1) such physical examinations, including diagnostic services incident thereto, as are necessary for the purpose of determining the eligibility of individuals for, or the appropriate course of treatment in connection with, care and services furnished by the Administrator or for the purposes of otherwise carrying out laws administered by the Administrator, and (2) hospital care where necessary incident to such examinations.".

(b)(1) The catchline of section 611 is amended to read as follows:

"§ 611. Examinations; emergency care".

(2) The item relating to such section in the table of sections at the beginning of chapter 17 is amended to read as follows: "611. Examinations; emergency care.".

SEC. 4. Section 613 is amended—

(1) in subsection (b) by inserting a comma and "except as provided in subsection (d) of this section," after "manner and"; and

(2) by adding at the end the following new subsection:

"(d) Notwithstanding the provisions of the second sentence of section 1086(c) of title 10 or any other provision of law, any spouse, surviving spouse, or child who, after losing eligibility for medical care under this section by virtue of becoming entitled to hospital insurance benefits under title I of the Social Security Amendments of 1965 (79 Stat. 286), has exhausted any such benefits

shall regain eligibility for medical care under this section and shall not thereafter lose such eligibility under this section by virtue of becoming again eligible for such benefits.".

SEC. 5. Section 620A(f) is amended by striking out "March 31, 1983," and "September 30, 1982," and inserting in lieu thereof "March 31, 1984," and "September 30, 1983,", respectively.

SEC. 6. Section 643 is amended by striking out "of any war".

SEC. 7. Section 4107 is amended—

(1) in paragraph (10) of subsection (e)—

(A) by inserting "(A)" before "Notwithstanding" and "(i)" before "increase"; and

(B) by inserting before the period a comma and "or (ii) extend the period for which additional pay is paid under paragraph (3) of this subsection to include a tour of duty any part of which is within the period commencing at midnight Friday and ending at midnight Saturday"; and

(C) by adding at the end the following new subparagraph:

"(B) Any increase in such rates of additional pay or any extension of such period of additional pay may be made on a nationwide, local, or other geographic basis if the Administrator finds that such increase or extension is justified on the basis of a review of the need for such increase (based upon a reasonably representative sampling of non-Federal facilities in the geographic area involved) or extension."; and

(2) by adding at the end the following new subsections:

"(h)(1) Notwithstanding any other provision of law but subject to paragraphs (2) and (3) of this subsection, when the Administrator determines it to be necessary in order to obtain or retain the services of any category of health-care personnel described in clause (A) or (B) of subsection (g)(1) of this section, the Administrator may authorize for such category of health-care personnel, on a nationwide, local, or other geographic basis, the use of such flexible and compressed work schedules as were described in regulations prescribed by the Director of the Office of Personnel Management under section 305 of the Federal Employees Flexible and Compressed Work Schedules Act of 1978 (92 Stat. 761) in order to carry out titles I and II of such Act.

"(2) Not later than 180 days after the date of the enactment of this subsection, the Administrator, in order to carry out this subsection, shall prescribe regulations, which, to the maximum extent feasible, shall be consistent with the regulations described in paragraph (1) of this subsection.

"(3) The authority to establish flexible and compressed work schedules pursuant to this subsection shall expire on September 30, 1987.

"(4) Not later than the end of the 4-year period beginning on the date of the enactment of this Act, the Administrator shall submit to the Congress a report on the results of the use of the flexible and compressed work schedules authorized pursuant to this subsection, including an evaluation of the effects of the use of such schedules on the recruitment and retention of the health-care personnel using them, together with any recommendations for administrative or legislative action, or both, that the Adminstrator considers appropriate in light of the need for and use of flexible and compressed work schedules by the Veterans' Administration.

"(i)(1) Notwithstanding any other provision of law but subject to paragraph (2) of this subsection, when the Administrator determines it to be necessary in order to obtain or retain at any Veterans' Administration health-care facility the services of nurses appointed under this subchapter, the Administrator, pursuant to regulations which the Administrator shall prescribe, may provide that such nurses employed at such facility who work two regularly-scheduled twelve-hour tours of duty within the period commencing at midnight Friday and ending at midnight Sunday shall be considered for all purposes (except computation of full-time equivalent employees for the purposes of determining compliance with personnel ceilings) to have worked a full forty-hour administrative workweek.

"(2)(A) A nurse who is considered under paragraph (1) of this subsection to have worked a full forty-hour administrative workweek is entitled to basic and additional pay and annual and sick leave as prescribed in subparagraphs (B), (C), and (D) of this paragraph.

"(B)(i) The hourly rate of basic pay for such nurse for service preformed as part of such nurse's regularly-scheduled twelve-hour tour of duty shall be derived by dividing the nurse's annual rate of basic pay by one thousand two hundred and forty-eight.

"(ii) The hourly rate of basic pay for such nurse for other service shall be derived by dividing the nurse's annual rate of basic pay by two thousand and eighty.

"(C)(i) Except as provided in division (ii) of the subparagraph, such nurse is not entitled to additional pay under subsection (c) of this section for any period included in such nurse's regularly-scheduled twelve-hour tour of duty.

"(ii) Such nurse is entitled to overtime pay under subsection (c)(5) of this section for any period of service performed in excess of such nurse's regularly-scheduled twenty-four-hour administative workweek when the total officially ordered or approved service performed during an administrative workweek is in excess of (I) forty hours, (II) eight hours on a day not included in the nurse's regularly-scheduled twenty-four-hour administrative workweek, or (III) twelve hours on a day included in the nurse's regularly-scheduled twenty-four-hour administrative workweek.

"(D) Such nurse who is absent on approved sick leave or annual leave during such nurse's regularly-scheduled twelve-hour tour of duty shall be charged for such leave at a rate of five hours of leave for three hours of absence.".

SEC. 8. (a) Section 4142 is amended—

(1) by inserting "or part-time" after "full-time" in subsection (a)(1);

(2) by redesignating subsections (g), (h), and (i) as subsections (h), (i), and (j);

(3) by inserting after subsection (f) the following new subsection:

"(g)(1) If a participant in the Scholarship Program is awarded a scholarship as a part-time student in a course described in subsection (a)(1)(B) of this section—

(A) the obligation of such participant under subsection (e)(1)(B)(iv) of this section shall be reduced,

(B) the amount of the stipend payable under subsection (f)(1)(B) of this section shall be reduced, and

(C) the maximum period of time for which a scholarship may be awarded under subsection (e)(1)(A)(i) of this section shall be increased

in accordance with the proportion that the number of credit hours carried by such participant bears to the number of credit hours required to be carried by a full-time student in such courses.

"(2) In the case of such a participant, no stipend shall be paid under subsection (f)(1)(B) of this section for any month during which such participant is not actually attending such course."; and

(4) by inserting "full-time" before "participants" in subsection (h) (as redesignated by clause (2) of this subsection).

(b) Section 4146 is amended—

(1) by inserting "(a)" before "The"; and

(2) by adding at the end the following new subsection:

"(b) Sums appropriated to make payments under this subchapter shall remain available until expended."

SEC. 9. Section 5033(a) is amended by striking out "for the fiscal years ending September 30, 1981, and September 30, 1982" and inserting in lieu thereof "for each of the six succeeding fiscal years".

SEC. 10. Section 5054(b) is amended by inserting "(including state home facilities furnishing domiciliary, nursing home, or hospital care to veterans)" before the period at the end of the first sentence.

SEC. 11. (a) Not later than 90 days after the date of the enactment of this Act, the Administrator of Veterans' Affairs shall publish in the Federal Register, for public review and comment for a period not to exceed 60 days, proposed regulations for the implementation of (1) the authority provided in subsection (e)(10) of section 4107 of title 38, United States Code (as amended by section 7(1) of the Act), to increase amounts and extend periods of additional pay, and (2) the authority provided in subsection (g) of such section to increase rates of basic pay.

(b) Not later than 210 days after the date of the enactment of this Act, the Administrator shall publish in the Federal Register final regulations pursuant to which such authorities will implemented.

SEC. 12. (a) Except as provided in subsection (b), the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) The amendments made by section 4 shall take effect on October 1, 1982.

By Mr. HELMS (by request):

S. 2392. A bill to extend and improve the food stamp program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

FOOD STAMP AMENDMENTS OF 1982

● Mr. HELMS. Mr. President, I today introduce, on behalf of the administration, the administration's food stamp proposals for fiscal year 1983.

I commend President Reagan for taking the initiative, as no other President had done since the program's inception, to redirect the focus and reduce the cost of this program.

The administration proposes to reauthorize the program for fiscal year 1983 at a total cost of $10.605 billion, a level $695 million less than the $11.3 billion authorization level for the current fiscal year. Without the administration's proposed reductions, the program would likely cost $2.3 billion more, to a staggering total of $13 billion. Even with the adoption last year of responsible cost-cutting provisions,

program costs will continue to swell unless additional reforms are adopted.

The President is undoubtedly correct to include additional food stamp reductions in his overall economic recovery program for fiscal year 1983. Certainly, such spending cannot go unchecked without dire consequences for the fiscal stability of the Nation.

In order to provide a sense of the size of the program in the various States, the following table from the Department of Agriculture outlines bonus costs (actual value of coupons distributed) and State administrative costs paid by the Federal Government. (Fifty percent of State administrative costs are paid by the Federal Government.) I ask unanimous consent that it be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

FOOD STAMP PROGRAM—SUMMARY OF BONUS COSTS, PARTICIPATION AND STATE ADMINISTRATIVE COSTS, FISCAL YEAR 1981

State	September 1981 participation		Bonus value of stamps issued, fiscal year 1981 (thousands)	September 1981 average bonus per person	Fiscal year 1981 State administrative expenses (thousands)
	Persons (Thousands)	Households (thousands)			
Alabama	590	211	$292,887	$40.03	$13,614
Alaska	31	11	30,386	66.49	2,143
Arizona	212	73	124,488	49.37	7,584
Arkansas	296	105	138,473	37.47	7,155
California	1,622	603	600,140	30.66	47,833
Colorado	169	64	87,590	42.22	2,975
Connecticut	173	68	71,183	32.05	3,240
Delaware	53	22	27,147	41.81	1,274
District of Columbia	98	41	47,103	38.94	2,449
Florida	910	357	503,008	44.45	15,966
Georgia	635	223	306,427	39.49	14,497
Guam	26	6	17,864	61.22	370
Hawaii	105	40	69,244	57.03	2,088
Idaho	63	22	34,533	44.05	1,370
Illinois	986	388	505,949	43.67	14,519
Indiana	398	138	204,111	43.53	5,874
Iowa	166	65	75,367	41.05	3,713
Kansas	114	46	52,106	41.03	1,978
Kentucky	503	168	267,965	42.64	12,979
Louisiana	555	196	270,378	39.24	15,521
Maine	131	52	69,475	40.94	2,059
Maryland	341	144	170,709	42.32	10,193
Massachusetts	420	162	190,594	37.99	8,177
Michigan	953	394	396,399	35.88	17,369
Minnesota	200	78	84,226	34.40	4,150
Mississippi	506	163	234,685	38.86	6,586
Missouri	378	139	183,026	41.49	7,933
Montana	46	17	22,483	40.81	959
Nebraska	73	27	31,218	34.47	1,702
Nevada	33	14	20,778	48.01	2,017
New Hampshire	51	21	26,959	41.42	1,989
New Jersey	577	214	279,396	40.81	14,558
New Mexico	170	56	89,526	41.35	4,676
New York	1,827	743	877,852	39.90	37,562
North Carolina	582	207	272,121	37.80	11,714
North Dakota	29	10	12,065	34.00	647
Northern Marianas					115
Ohio	998	395	509,317	45.05	16,096
Oklahoma	195	79	82,416	33.76	6,651
Oregon	236	98	132,350	47.85	6,689
Pennsylvania	1,078	472	492,025	38.81	20,647
Puerto Rico	1,853	518	879,116	41.07	27,016
Rhode Island	86	36	40,586	35.00	1,251
South Carolina	429	149	211,986	40.80	9,517
South Dakota	45	15	20,997	38.24	2,107
Tennessee	660	254	339,481	42.56	13,578
Texas	1,193	373	600,275	41.25	32,670
Utah	64	23	29,876	39.43	1,671
Vermont	48	20	21,945	37.83	882
Virginia	422	161	200,453	39.57	7,388
Virgin Islands	35	9	20,784	51.40	672
Washington	271	114	135,139	45.99	5,193
West Virginia	225	75	121,875	39.74	4,340
Wisconsin	284	106	99,368	29.46	2,763
Wyoming	14	5	7,248	41.80	879
Total	22,158	8,190	[1] 10,633,098	39.99	[2] 469,558

[1] As of Sept. 30, 1981, when the food stamp account records were closed for the fiscal year, obligations for bonus cost were estimated at $10,677,000. Undated participation reports received recently indicate that bonus payments were $10,633,000 in fiscal year 1982.

[2] $469,500,000 represents the actual amount allocated to the States for food stamp administrative expenses in fiscal year 1981. $518,100,000 reported as obligations also includes funds budgeted but not yet allocated to the States, upward adjustments in prior year obligations and the costs related to the administration of food distribution programs on Indian reservations.

Source: U.S. Department of Agriculture.

Mr. HELMS. Mr. President, the Secretary of Agriculture notes in his transmittal letter two themes which characterize the administration's package, both of which I support. The administration urges that the total resources—cash and in kind—of the applicant households be considered when determining food stamp eligibility and benefits. The survey released yesterday by the Census Bureau adds weight to the administration's view. The Census study notes that excluding "in-kind" benefits from the definition of poverty tends to understate the true household condition of many households now defined as "poor."

The Senate, too, has taken note of this and in 1980 voted to count the value of educational and housing assistance as income when determining food stamp eligibility. The provision was removed in conference with the House. The administration proposes to count the value of food stamps when determining housing assistance. Regardless of which approach is taken, however, it seems clear that overall benefits being received by the household, both cash and in kind, should be considered in determining benefit levels in various Federal programs. The administration also recommends that energy assistance should be counted as income when determining household eligibility and benefit levels for food stamps. Over $1 billion per year in energy assistance is received by households, many of whom also receive food stamps.

The second important theme of the administration's bill, as noted by Secretary Block's letter, is "to increase State responsibility for program administration through the reduction of

Federal payments for erroneous food stamp issuances, which cost the Federal Government more than $1.1 billion in 1981." The following chart supplied by the Department of Agriculture, denotes the error rates of the various States. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE 1.—ADJUSTED PAYMENT ERROR RATES AND DOLLAR VALUE OF PAYMENT ERRORS, OCTOBER 1980 TO MARCH 1981

State	6-month issuance [1]	Ineligibility error rate	Overissuance error rate	Dollar value of overpay	Underissuance error rate	Payment error rate [2]
Northeast:						
Connecticut	34,359,961	7.74	6.10	4,755,419	2.17	16.01
Maine	34,513,489	4.84	4.09	3,082,055	2.73	11.66
Massachusetts	92,099,844	5.57	5.57	10,259,923	1.97	13.20
New Hampshire	13,190,488	7.30	7.12	1,902,068	2.97	17.40
Rhode Island	20,109,937	4.65	6.82	2,306,610	1.86	13.45
Vermont	9,415,077	6.44	3.16	903,847	1.61	11.20
Mid-Atlantic:						
Delaware	13,417,539	2.94	4.90	1,051,935	3.89	11.73
District of Columbia	22,994,499	6.00	7.79	3,170,941	5.20	19.13
Maryland	81,824,562	7.93	5.81	11,242,695	2.95	16.69
New Jersey	134,623,422	5.39	4.64	13,502,729	1.81	11.87
New York	417,995,761	7.80	7.25	62,908,362	4.11	19.22
Pennsylvania	226,087,627	6.44	4.05	23,716,592	3.05	13.56
Puerto Rico	427,351,769	5.56	6.30	50,683,920	2.07	13.93
Virginia	94,891,551	3.81	4.57	7,951,912	1.75	10.14
Virgin Islands	10,098,057	8.27	6.69	1,510,669	3.26	19.71
West Virginia	52,539,908	4.14	3.56	4,045,573	2.20	9.90
Southeast:						
Alabama	144,477,911	4.46	4.01	12,237,279	2.25	10.72
Florida	249,617,876	6.10	6.36	31,102,387	2.53	14.99
Georgia	149,754,441	4.57	4.63	13,777,409	3.36	12.56
Kentucky	126,512,504	4.97	4.09	11,462,033	1.79	10.85
Mississippi	113,301,742	3.55	6.28	11,137,561	2.59	12.42
North Carolina	132,995,541	4.82	5.04	13,113,360	5.94	15.80
South Carolina	102,536,486	3.63	4.77	8,613,065	2.10	10.50
Tennessee	165,559,614	6.18	5.63	19,552,590	2.62	14.43
Midwest:						
Illinois	240,432,629	4.49	4.59	21,831,283	2.42	11.50
Indiana	99,454,365	4.90	4.14	8,990,675	.99	10.03
Michigan	181,180,049	6.00	3.38	16,994,689	3.12	12.50
Minnesota	39,161,603	3.67	3.03	2,623,827	2.15	8.85
Ohio	235,513,605	3.54	4.78	19,594,732	1.82	10.14
Wisconsin	46,301,524	6.23	4.89	5,148,729	3.20	14.32
Southwest:						
Arkansas	67,334,388	3.34	5.46	5,925,426	2.44	11.24
Louisiana	132,878,553	4.23	6.10	13,726,355	1.90	12.23
New Mexico	44,776,022	5.96	6.86	5,740,286	2.44	15.32
Oklahoma	41,113,623	5.98	3.84	4,037,358	2.42	12.24
Texas	296,897,818	5.00	3.95	26,572,355	1.96	10.91
Mountain Plains:						
Colorado	42,598,065	5.73	5.97	4,983,974	2.56	14.32
Iowa	34,317,448	5.44	5.21	3,654,808	1.57	12.25
Kansas	24,133,104	6.59	5.01	2,799,440	2.95	14.58
Missouri	87,322,255	4.23	4.59	7,701,823	2.04	10.87
Montana	10,761,254	9.05	6.35	1,657,233	1.88	17.37
Nebraska	14,856,847	4.46	6.55	1,635,739	2.17	13.18
North Dakota	5,608,366	.07	4.32	246,207	2.51	6.91
South Dakota	10,272,338	4.80	5.68	1,076,541	1.78	12.26
Utah	13,435,604	3.47	5.01	1,139,339	3.04	11.52
Wyoming	3,431,687	9.49	2.03	395,330	1.13	12.64
Western:						
Alaska	14,088,913	14.60	6.78	3,012,210	.99	22.45
American Samoa						
Arizona	59,017,324	8.82	6.27	8,905,714	3.60	18.77
California	285,550,613	4.18	4.48	24,728,683	2.96	11.66
Guam	8,528,365	2.00	2.58	390,599	1.91	6.49
Hawaii	32,967,474	4.51	2.50	2,311,020	2.38	9.39
Idaho	17,061,074	5.36	3.40	1,494,550	1.99	10.82
Nevada	10,404,561	1.61	2.05	380,807	1.41	5.06
Oregon	62,521,600	4.15	15.00	11,972,886	1.31	20.46
Trust territory						
Washington	59,093,712	3.97	6.59	6,240,296	1.38	11.96
Total	5,091,284,389	5.28	5.29	639,903,848	2.58	13.31

[1] Based on estimates in the Food Stamp Program Statistical Summary of Operations, April 1981, FNS/ARD/ARAB/10–1–81.
[2] The sum of the ineligibility overissuance and underissuance error rate will not always equal the payment error rate due to adjustment for failure to meet the 95 percent completion standard and/or rounding.

Note: The 1st column denotes total coupon issuance in each State for October 1980 to March 1981; 2d column denotes the percentage of recipients who were totally ineligible to participate; the 3d column, those, who while eligible, received more benefits than entitled to; 4th, the dollar value of those overissuance errors (both totally ineligible and receiving more than entitled to receive); 5th, the underissuance error rate; and 6th, the overall error rate for each State.

Source: U.S. Department of Agriculture.

Mr. HELMS. Mr. President, the Committee on Agriculture, Nutrition, and Forestry has already conducted subcommittee and full committee hearings on reauthorization of the food stamp program. It is anticipated that full committee markup of the administration's bill and other proposals for fiscal year 1983 could begin as early as the last week in April or the first week in May in order to meet the May 15 deadline for reauthorization legislation.

Mr. President, I ask unanimous consent that the Secretary of Agriculture's transmittal letter, the text of the bill, and a section-by-section summary be printed at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,
Washington, D.C., April 6, 1982.

HON. GEORGE BUSH,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed for the consideration of the Congress is a bill, "To extend and improve the food stamp program, and for other purposes." Also enclosed is a section-by-section analysis explaining the provisions of the bill.

The bill would extend the Food Stamp Program through Fiscal Year 1983, set a ceiling on program spending at $9.8 billion, authorize an additional $825 million appropriations for nutrition assistance in the Commonwealth of Puerto Rico, limit the Department's transfer to the Combined Welfare Administration grant to $526 million in Fiscal Year 1983, and make several changes in program procedures. The proposed changes will continue efforts begun last year in the Omnibus Budget Reconciliation Act of 1981 and the Agriculture and Food Act of 1981 to refocus the Food Stamp

Program on lower income households and improve program administration.

One major theme of these proposed changes is to reduce or eliminate inequities among recipients and between recipients and non-participants with similar incomes and resources. These changes would amend sections of current law which permit certain types of cash income either to be excluded or partially disregarded in determining eligibility and benefit levels. The Administration's proposals will reduce these inequities and will take account of the total resources (both cash and in-kind) available to the food stamp applicant.

The second major theme of the Administration's proposals is to increase State responsibility for program administration through the reduction of Federal payments for erroneous food stamp issuances, which cost the Federal Government more than $1.1 billion in 1981. While we are targeting benefits to those persons who must have government assistance to maintain an adequate diet, we cannot allow this level of waste to continue. Traditionally, States have had little financial incentive to reduce errors since the Federal Government finances program benefits. With the Administration proposal, States would eventually assume total responsibility for erroneous payments. The Federal Government pays the full cost of error in federally-administered programs; the States should share a similar responsibility for the programs they administer.

Considerable progress was made in 1981 toward reducing Food Stamp Program costs as one part of overall Federal cost savings. It is important that this momentum is continued in 1982. It is estimated that the provisions of this bill would produce net savings of $273 million in the last three months of Fiscal Year 1982 and $2.3 billion in Fiscal Year 1983. However, if this legislative package is to achieve any savings in the current fiscal year and maximum savings in Fiscal Year 1983, prompt action by the Congress is necessary. The savings projections are based upon July 1, 1982, implementation of the major cost-reduction provisions which is only possible if the provisions are enacted in the next few weeks.

A similar letter is being sent to the Speaker of the House.

The Office of Management and Budget advises that the enactment of this proposed legislation would be in accord with the President's program.

Sincerely,

JOHN R. BLOCK,
Secretary.

Enclosures.

S. 2392

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Food Stamp Amendments of 1982".

INCREASE IN HOUSEHOLD CONTRIBUTION

SEC. 2. Effective July 1, 1982, section 8(a) of the Food Stamp Act of 1977 is amended to read as follows:

"SEC. 8. (a) The value of the allotment which State agencies shall be authorized to issue to any household certified as eligible to participate in the food stamp program shall be equal to the cost to such household of the thrifty food plan reduced by an amount equal to 35 per centum of the household's income, as determined in accordance with section 5 of this Act."

TREATMENT OF FOOD STAMPS UNDER FEDERAL HOUSING ASSISTANCE LAWS

SEC. 3. Section 8(b) of the Food Stamp Act of 1977 is amended by—

(1) striking out "any Federal, State or local laws" and inserting "any State or local law, or any Federal law other than laws related to the provision of housing assistance" in lieu thereof; and

(2) inserting ", other than assistance under a Federal law related to the provision of housing assistance," after "shall decrease any assistance".

INCLUSION OF ENERGY ASSISTANCE IN INCOME

SEC. 4. Effective October 1, 1982, section 5(d) of the Food Stamp Act of 1977 is amended by—

(1) inserting "except that any energy assistance provided a household in kind or in the form of payments to a third party by an agency of Federal, State or local government, shall be income to the household," after "household," in clause (1); and

(2) striking out ", and (11)" and all that follows and inserting a period in lieu thereof.

ELIMINATION OF EARNED INCOME DEDUCTION

SEC. 5. Effective July 1, 1982, section 5(e) of the Food Stamp Act of 1977 is amended by striking out the third sentence thereof.

DOWNWARD ROUNDING

SEC. 6. (a) Effective July 1, 1982, section 3(o) of the Food Stamp Act of 1977 is amended by striking out "nearest dollar increment" each time it appears in clauses (6) through (9) and inserting "nearest lower dollars increment" in lieu thereof.

(b) Section 5(e) of that Act is amended by—

(1) striking out "nearest $5 increment" each time it appears in the second sentence and inserting "nearest lower $5 increment" in lieu thereof; and

(2) striking out "nearest $5 increment" each time it appears in the proviso in clause (2) of the fourth sentence and inserting "nearest lower $5 increment" in lieu thereof.

(c) Section 8(a) of that Act, as amended by section 2 of this Act, is further amended by inserting before the period at the end thereof the following; "and rounded to the nearest lower whole dollar".

EXPANDED JOB SEARCH

SEC. 7. Effective October 1, 1982, section 6(d) of the Food Stamp Act of 1977 is amended by—

(1) inserting in paragraph (1) ", which may include the requirement that such reporting and inquiry begin at the time of application for assistance" before the semicolon at the end of clause (ii); and

(2) striking out paragraph (3) and redesignating paragraph (4) as paragraph (3).

STATE AGENCY LIABILITY

SEC. 8. (a) Effective October 1, 1982, section 16 of the Food Stamp Act of 1977 is amended by—

(1) striking out subsections (b), (c), (d), (e), (g) and (i) and redesignating subsections (f) and (h) as (c) and (d) respectively; and

(2) inserting a new subsection (b) to read as follows:

"(b)(1) The Secretary shall institute an error liability program under which, if the ratio of a state agency's erroneous excess payments, as defined in paragraph (2) of this subsection, to the value of all food stamp allotments issued in a fiscal year under the State plan approved under section 11 of this Act exceeds—

"(A) 0.03, for fiscal year 1983,

"(B) 0.02, for fiscal year 1984,

"(C) 0.01, for fiscal year 1985, or

"(D) 0.00, for any fiscal year thereafter,

then the State agency shall be liable to the Secretary for an amount equal to so much of the erroneous excess payments as exceeds the applicable allowable error rates specified in subparagraphs (A) through (D).

"(2) For purposes of this subsection the term 'erroneous excess payments' means the sum of (i) allotments issued to ineligible households, and (ii) allotments which are overissued to eligible households.

"(3) The Secretary is authorized to establish requirements under which each state agency shall report, not less frequently than twice each fiscal year, all factors necessary for a determination of the appropriate level of funding for state agency adminstrative costs under paragraph (1) of this subsection. If a state agency fails to submit a report which meets the reporting requirements established under this paragraph, the Secretary shall determine the appropriate level of funding to be made available to such state agency based on all pertinent information available to the Secretary at the time.

"(4) If the Secretary makes a claim against a State for payment under paragraph (1) of this subsection, that State may seek administrative and judicial review of such claim under the procedures set forth in section 14 of this Act. Such claim shall be collected by the Secretary and may be collected through State payment, withholding amounts, otherwise payable to the State agency under this Act, or other mechanisms authorized by the Federal Claims Collection Act of 1966.".

(b) Effective October 1, 1982, section 11 of the Food Stamp Act of 1977 is amended by—

(1) striking out in subsection (e)(3) "subsections (h) and (i)" and inserting "subsection (c)" in lieu thereof;

(2) striking out "from the quality control program" in subsection (e)(3) and inserting "in conjunction with the reporting requirements" in lieu thereof;

(3) striking out in subsection (g) "or the Secretary's standards for the efficient and effective administration of the program established under section 16(b)(1) of this Act,";

(4) striking out "sections 16(a) and 16(c)" in the last sentence of subsection (g) and inserting in lieu thereof "section 16(a)"; and

(5) striking out subsection (h) and redesignating subsections (i) through (l) as (h) through (k).

AVAILABILITY OF FUNDS FOR STATE AGENCY ADMINISTRATIVE COSTS

SEC. 9. Effective October 1, 1982, section 16(a) of the Food Stamp Act of 1977 is amended by striking out everything down through "*Provided,* That the Secretary is" and inserting "From the sums appropriated for the purpose of carrying out this act, the Secretary is authorized to make available not to exceed $526,000,000 for the State agencies of the fifty States and the District of Columbia and not to exceed $1,000,000 for the State agencies of Guam and the Virgin Islands of the United States for allowable program administrative costs incurred or anticipated to be incurred by such State agencies for the fiscal year ending September 30, 1983, or incurred for the previous fiscal year. The Secretary is authorized to provide such funds directly to State agencies or to transfer them to the Secretary of Health and Human Services for the purpose of making them available to such

agencies. The Secretary may reduce the funds provided directly to State agencies or transferred to the Secretary of Health and Human Services by the amount of any claim against a State agency established by the Secretary under subsection (b) or section 7(f). The Secretary is also" in lieu thereof.

DISCLOSURE OF INFORMATION

SEC. 10. Section 11(e) of the Food Stamp Act of 1977 is amended by inserting before ", except that (A)" in paragraph (8) thereof "or of direct Federal assistance programs and federally assisted State programs".

FOOD STAMP FUNDING AND PROGRAM EXTENSION

SEC. 11. (a) Section 18(a) of the Food Stamp Act of 1977 is amended by—

(1) striking out in the first sentence thereof "of this Act" and inserting "of sections 1 through 18 and 20 of this Act" in lieu thereof; and

(2) adding the following new paragraph:

"(3) To carry out the provisions of section 19 of this Act, there are hereby authorized to be appropriated not in excess of $825,000,000 for the fiscal year ending September 30, 1983, and each of the two subsequent fiscal years."

(b) The first sentence of section 18(a) of the Food Stamp Act of 1977 is amended by—

(1) striking out "and " after "September 30, 1981;"; and

(2) inserting before the period at the end thereof the following: "; and not in excess of $9,780,000,000 for the fiscal year ending September 30, 1983".

SECTION-BY-SECTION SUMMARY—PROPOSED FOOD STAMP AMENDMENTS OF 1982

INCREASE IN HOUSEHOLD CONTRIBUTION

Section 2 would amend Section 8 of the Food Stamp Act of 1977 in two ways. First, the figure used to compute eligible households' allotments once their net incomes are determined, commonly called the "benefit reduction rate," would be increased from 30 percent to 35 percent. The single benefit reduction rate established in the Food Stamp Act of 1977, was set at a level that was supposed to reflect the proportion of income a food stamp household would spend on food in the absence of the program. (House Report No. 95-464, page 245).

Recent estimates from the Nationwide Food Consumption Survey 1977-78, show that households with monthly incomes below 130 percent of poverty spend nearly 39 percent of their income on food. Thus, under a 30 percent benefit reduction rate, households do not have to contribute as much of their income toward their food budgets as non-participating households with the same income do. This means that food stamp households have extra cash available for the purchase of nonfood items. Increasing the benefit reduction rate to 35 percent helps to correct this situation, reflects the 1977-78 survey data, and insures that food stamp benefits do not subsidize non-food purchases.

This change would be easily implemented and would not place an unreasonable burden on individual food stamp households which have always been expected to supplement the food stamp allotment with their own funds.

Second, Section 2 would remove the requirement that one- and two-person households receive a minimum benefit of $10 a month regardless of the allotment to which they would be entitled based on their actual net income. This change would eliminate an inequity which has been artificially created between small and larger food stamp households. All households would receive the benefits to which they are entitled based on uniform calculations, whether the amount is as little as $1 or even zero. This change in the minimum benefit combined with the previously described change in the benefit reduction rate and the elimination of the earned income deduction proposed in Section 5 of the bill would save an estimated $399 million in Fiscal Year 1982 (since Section 2 would be effective July 1, 1982) and $1.722 billion in Fiscal Year 1983. (There is substantial interaction between these three proposals; thus, the savings must be treated as a sum of all three.)

TREATMENT OF FOOD STAMPS UNDER FEDERAL HOUSING ASSISTANCE LAWS

Section 3 would amend Section 8 of the Food Stamp Act to remove the prohibitions: (1) against considering food stamp benefits as income or resources when determining eligibility or assistance levels for Federal housing assistance programs and (2) against decreasing Federal housing assistance because of the receipt of food stamps. Lifting these prohibitions will permit Federal housing assistance programs to consider actual resources available to households. The changes would also promote uniformity between the rules of assistance programs. It is the intent of this Department, with the concurrence of the Department of Housing and Urban Development (HUD), that adoption of this proposal would not be permitted to result in extreme increases in rent burdens requiring major percentages of a tenant household's cash income.

INCLUSION OF ENERGY ASSISTANCE IN INCOME

Section 4 would amend Section 5 of the Food Stamp Act of 1977 to delete entirely the income exclusion for energy assistance payments made directly to a household and to specifically include certain in-kind energy assistance and energy payments made to third parties on behalf of households by governmental agencies. Currently, the Act excludes Federal and certain State and local seasonal energy assistance from the Food Stamp Program's definition of income. The exclusion of energy assistance as income for food stamp purposes has meant that a substantial amount of income available to households has gone uncounted. Section 4 would permit this income to be captured. Since a large portion of energy assistance is provided in the form of vendor payments or, in some States, as in-kind assistance, both of these types of assistance would also be included as income. Section 4 would thus eliminate the inequity that has existed between households with these kinds of assistance and households that do not receive energy assistance.

Further, households with high energy expenses may have a portion of their costs deducted if they qualify for an excess shelter expenses deduction. This deduction would partially offset the effect of counting energy assistance as income. Households that receive energy assistance through vendor payments would also be able to apply such payments to a possible excess shelter expenses deduction. Under this proposal, payment of energy expenses by friends, relatives or any other private party would not be counted as income available to the household.

Finally, it is estimated that implementing this provision will save $231 million in Fiscal Year 1983. (Section 4 would be effective October 1, 1982, since it is assumed that most if not all of Fiscal Year 1982 energy assistance will have been disbursed before the provision could be implemented.)

ELIMINATION OF INCOME DEDUCTION

Section 5 would amend Section 5 of the Food Stamp Act of 1977 to delete the earned income deduction, effective July 1, 1982. A 20 percent earned income deduction was established by the 1977 Act. As a cost-reduction measure, it was lowered to 18 percent in 1981. Efforts to lessen work disincentives, such as the earned income deduction, have resulted in a special class of low-income working households. Fully two-thirds of low-income households with earnings did not participate in the program in 1979, the earnings disregard therefore has meant that those who receive food stamp supplements may have total post-transfer incomes that exceed their non-food stamp, working counterparts.

As discussed under "Increase in Household Contribution", it is estimated that deletion of the deduction in its entirety along with the increase in the benefit reduction rate and elimination of the minimum benefit would save $399 million in Fiscal Year 1982 (July 1, 1982-September 30, 1982) and $1.722 billion in Fiscal Year 1983.

DOWNWARD ROUNDING

Section 6 would amend Section 3 of the Food Stamp Act of 1977 to require that the annual adjustments in the Thrifty Food Plan be rounded down to the next lower dollar. Also, Section 6 would amend Section 5 of the Food Stamp Act to require that the annual updates to the standard and excess shelter expenses/dependent care deductions be rounded down to the next lower $5 increment. Finally, Section 6 would amend Section 8 of the Food Stamp Act to require that households' benefits be rounded down to the next lower dollar.

Currently, the Thrifty Food Plan adjustments and the final calculation of a household's allotment amount are rounded to the nearest whole dollar and adjustments to the deductions are rounded to the nearest $5 increment. The proposal for benefit calculation represents an easy rounding rule which should be responsible for few, if any, errors. These proposed changes in rounding would be effective July 1, 1982, and would produce savings estimated at $10 million in Fiscal Year 1982 and $117 million in Fiscal Year 1983.

EXPANDED JOB SEARCH

Section 7 would amend Section 6 of the Food Stamp Act of 1977 to permit the Secretary to require applicants for food stamp benefits, as well as program participants, to comply with job search procedures, effective October 1, 1982. During the period between the application and the certification determination, job search procedures for applicants could be the same as for participants. If they failed to perform required actions, their eligibility would be denied or, if certification action had been completed, their cases would be terminated.

This change is proposed for reasons of equity as well as potential cost savings in that some of the applicants might find jobs making them ineligible for the program or eligible for smaller allotments. Also, some eligible households might be deterred from filing food stamp applications because they would be unwilling to meet the requirement. These savings are estimated at $15 million in Fiscal Year 1983.

Section 7 would also amend Section 6 to delete the requirement that regulations, if any, governing the responsibility of State

employment services for administering food stamp work requirements be issued jointly by this Department and the Department of Labor (DOL). The language of Section 6(d)(3) is obsolete in view of the plan to transfer responsibilty for funding work registration/job search activities to the States and to discontinue transfer of funds for these purposes from this Department to DOL.

STATE AGENCY LIABILITY

Section 8 would amend Section 16 of the Food Stamp Act of 1977 to revise the error rate sanction and incentive system which was established by P.L. 96-249. The incentive system would be repealed effective October 1, 1982; thus, there could be three more six-month periods during which States could earn enhanced funding while steadily lowering their error rates. Fourteen States which had excessive error rates during the October 1980-March 1981 period (ranging from 13.11 percent to 21.17 percent) were liable for sanctions. The error rate sanction system would be revised effective October 1, 1982.

Any State whose combined ineligibility (payments to ineligible households) and overissuance (overpayments to eligible households) error rates exceeded three percent during Fiscal Year 1983, two percent in Fiscal Year 1984, one percent in Fiscal Year 1985, or zero in any fiscal year thereafter would have to repay the dollar value of the excessive errors. The amount of any State's liability under this proposal would be deducted from the Federal funding available for that State's administrative costs.

The Secretary has authority under Section 13 of the Food Stamp Act to adjust or waive any claim against a State agency, including any claim that may result from implemetation of this provision, if doing so serves the purposes of the Food Stamp Program. Also, any State billed for error-rate liability would have the right to seek administrative and judicial review of the claim. The stricter error liability system will serve as a strong inducement for States to apply all possible error-reduction techniques.

However, to the extent that these techniques fail, these revisions would assure that the cost of errors resulting in incorrect eligibility determinations or excessive benefits will be borne by the States and not the Federal government since the State is in a position to control the errors and the Federal government is not. It is estimated that savings from administrative improvements and error reduction as a result of this provision will be $615 million in Fiscal Year 1983.

Section 8 would further amend Section 16 to make conforming amendments to authorize the Secretary to require States to submit semiannual reports on their error rates and to eliminate the requirements that: (1) the Secretary establish standards for efficient and effective administration, (2) States report on their actions to meet such standards, (3) States submit a quality control plan for reducing the incidence and value of errors, and (4) the Secretary provide enhanced funding for computerization costs.

Since States would be liable for the cost of excess errors, they must have the latitude to decide upon and implement methods best suited to error reduction in their States. States would also have the responsibility for determining the best means of allocating the Federal funding available for administrative costs under Section 9 of the bill. Also, Section 8 would amend Section II of the Food Stamp Act of 1977 to delete the Secretary's authority to require States to repay the value of food stamps issued through negligence or fraud. The incentive system and billing authority for negligence/fraud losses would be replaced by the penalties of the tightened error liability program.

AVAILABILITY OF FUNDS FOR STATE AGENCY ADMINISTRATIVE COSTS

Section 9 would amend Section 16 of the Food Stamp Act of 1977 to specify $526 million as the maximum amount the Secretary may make available in Fiscal Year 1983 to the 50 States and the District of Columbia for administrative costs. One million dollars would be the maximum amount available to Guam and the Virgin Islands for such costs. The Secretary may provide these funds directly to State agencies or transfer them to the Department of Health and Human Services which would make the funds available to State agencies. The funds actually available would be reduced by any amounts due the Federal government from States under the error rate liability provision of Section 8 of the bill or losses involved in the acceptance, storage, and issuance of food stamps.

DISCLOSURE OF INFORMATION

Section 10 would amend Section 11 of the Food Stamp Act of 1977 to provide access to information included in food stamp applications to administrators of other Federal assistance programs and federally-assisted State assistance programs. This provision will permit such means-tested programs to operate with more integrity and less error by providing them an additional verification tool.

FOOD STAMP FUNDING AND PROGRAM EXTENSION

Section 11 would amend Section 18 of the Food Stamp Act of 1977 to extend the program through Fiscal Year 1983. A food stamp spending limitation of $9.78 billion would be set in authorizing legislation. Separate authorization for food assistance to Puerto Rico would be limited to $825 million.●

By Mr. MATHIAS (for himself and Mr. SARBANES):

Senate Joint Resolution 187. Joint resolution to recognize the pause for the "Pledge of Allegiance" as part of National Flag Day activities; to the Committee on the Judiciary.

PAUSE FOR THE PLEDGE

Mr. MATHIAS. Mr. President, 2 years ago a group of volunteers from the Star-Spangled Banner Flag House in Baltimore launched a national campaign to make the "Pledge of Allegiance" part of National Flag Day. Since then, the concept, "Pause for the Pledge," has caught on and has received national recognition. Last year's ceremony, held at Fort McHenry in Baltimore, was broadcast nationwide via satellite.

The "Pause for the Pledge" is supported by the American Legion, the Veterans of Foreign Wars, the National Association of Realtors, major league baseball, and the U.S. Postal Service. The sponsors estimate that millions of Americans learned of the idea through the media and government, business, and service organizations.

The dedicated volunteers of the "Pause for the Pledge" are working to spread the word to all Americans. Their task is complicated but their idea is wonderfully simple. They see the saying the 31 words of the "Pledge of Allegiance" as a reaffirmation of our national spirit. Their efforts and those Americans everywhere who have participated deserve recognition.

The joint resolution I send to the desk today calls on Congress to recognize the "Pause for the Pledge" as an official part of National Flag Day and to encourage Americans to recite the "Pledge of Allegiance" at Flag Day ceremonies.

The Continental Congress on June 14, 1777, adopted an official banner by spelling out broad specifications for a national flag. After many years of local flag ceremonies, Congress in 1949 officially designated June 14 as National Flag Day.

Flag Day observations before and after the 1949 congressional action have traditionally centered around the "Pledge of Allegiance to the Flag" written by James B. Upham and Francis Bellamy in 1892. Other ceremonies have included flag-raising ceremonies, the singing of the national anthem, and parades.

Since 1952, the Star-Spangled Banner Flag House Association in Baltimore has been the official sponsor of Flag Week. Its headquarters is the house where Mary Young Pickersgill sewed the flag that flew over Fort McHenry in 1814 and inspired Francis Scott Key to write the national anthem. The association makes recommendations for Flag Week events and encourages communities to hold special observations on June 14.

This joint resolution will also be introduced in the other body by Representative BARBARA MIKULSKI. Congressional passage of this joint resolution would officially recognize the "Pause for the Pledge" as part of National Flag Day and pay tribute to the patriotic efforts of the Flag House volunteers.

ADDITIONAL COSPONSORS

S. 1215

At the request of Mr. PROXMIRE, the Senator from Vermont (Mr. STAFFORD), and the Senator from New York (Mr. MOYNIHAN) were added as cosponsors of S. 1215, a bill to clarify the circumstances under which territorial provisions in licenses to distribute and sell trademarked malt beverage products are lawful under the antitrust laws.

S. 1581

At the request of Mr. JEPSEN, the Senator from Hawaii (Mr. INOUYE), and the Senator from Florida (Mrs. HAWKINS) were added as cosponsors of S. 1581, a bill to amend the Internal Revenue Code of 1954 to allow the taxpayer the choice of a tax credit or a deduction for each household which

includes a dependent person who is at least 65 years old.

S. 1852

At the request of Mr. JEPSEN, the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1852, a bill to amend the Export-Import Bank Act of 1945 to provide for the extension of credit for agricultural commodities.

S. 1931

At the request of Mr. SCHMITT, the Senator from North Dakota (Mr. BURDICK), the Senator from Idaho (Mr. SYMMS), the Senator from Alabama (Mr. HEFLIN), the Senator from North Dakota (Mr. ANDREWS), the Senator from Maine (Mr. COHEN), the Senator from Vermont (Mr. STAFFORD), the Senator from Virginia (Mr. WARNER), and the Senator from Arizona (Mr. GOLDWATER) were added as cosponsors of S. 1931, a bill to amend title 5, United States Code, to entitle Civil Air Patrol cadets 18 years of age and older to compensation available to Civil Air Patrol senior members in event of disability or death, and to increase the level of compensation available to both.

S. 1944

At the request of Mr. LEVIN, the Senator from Oklahoma (Mr. BOREN), and the Senator from Alabama (Mr. HEFLIN) were added as cosponsors of S. 1944, a bill to amend title II of the Social Security Act to provide that disability benefits shall not be terminated prior to an exhaustion of administrative remedies unless current medical evidence substantiates such termination.

S. 1947

At the request of Mr. WEICKER, the Senator from Wisconsin (Mr. KASTEN) was added as a cosponsor of S. 1947, a bill to improve Small Business access to Federal Procurement Information.

S. 2048

At the request of Mr. CRANSTON, the Senator from Kentucky (Mr. HUDDLESTON), and the Senator from Kentucky (Mr. FORD) were added as cosponsors of S. 2048, a bill to amend title 38, United States Code, to restore eligibility for burial benefits in the case of certain veterans of war whose bodies are not claimed, and for other purposes.

S. 2069

At the request of Mr. HART, the Senator from New York (Mr. MOYNIHAN), and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of S. 2069, a bill to amend the Congressional Budget Act of 1974 to require that each congressional budget resolution fix the level of tax expenditures for the fiscal year involved as well as the recommended aggregate level of Federal revenues.

S. 2107

At the request of Mr. LEVIN, the Senator from Nebraska (Mr. ZORINSKY) was added as a cosponsor of S. 2107, a bill to extend from May 1982 to October 1982 the month before which children not otherwise entitled to child's insurance benefits under title II of the Social Security Act by reason of the amendments made by section 2210 of the Omnibus Budget Reconciliation Act of 1981 must attend postsecondary schools in order to qualify under subsection (c) of such section for entitlement to such benefits, to extend from August 1985 to August 1986 the month before which any such entitlement terminates, and to require the Secretary of Health and Human Services to notify all individuals who are entitled to child's benefits under title II of the Social Security Act for the month in which this act is enacted of the changes made in the eligibility for, and the amount of, such benefits by reason of the provisions of section 2210 of the Omnibus Budget Reconciliation Act of 1981 and the provisions of this act.

S. 2139

At the request of Mr. LEVIN, the Senator from Nebraska (Mr. ZORINSKY) was added as a cosponsor of S. 2139, a bill to amend the Internal Revenue Code of 1954 to impose an additional excise tax on the sale of certain imported automobiles in the United States.

S. 2150

At the request of Mr. LEVIN, the Senator from New Hampshire (Mr. HUMPHREY), the Senator from Connecticut (Mr. DODD), and the Senator from Oregon (Mr. HATFIELD) were added as cosponsors of S. 2150, a bill to amend the Social Security Act to provide that the amount of any unnegotiated social security check shall be returned to the trust fund from which the check was issued.

SENATE JOINT RESOLUTION 131

At the request of Mr. EXON, the Senator from Georgia (Mr. NUNN), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Maryland (Mr. SARBANES), the Senator from Arizona (Mr. GOLDWATER), the Senator from New Mexico (Mr. SCHMITT), the Senator from Nevada (Mr. CANNON), the Senator from South Dakota (Mr. PRESSLER), the Senator from Washington (Mr. JACKSON), and the Senator from Illinois (Mr. DIXON) were added as cosponsors of Senate Joint Resolution 131, a joint resolution designating "National Theatre Week."

SENATE JOINT RESOLUTION 163

At the request of Mr. KENNEDY, the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of Senate Joint Resolution 163, a joint resolution on nuclear weapons freeze and reductions.

SENATE JOINT RESOLUTION 167

At the request of Mr. DURENBERGER, the Senator from Alaska (Mr. MURKOWSKI) and the Senator from Texas (Mr. BENTSEN) were added as cosponsors of Senate Joint Resolution 167, a joint resolution to commemorate the 100th anniversary of the Knights of Columbus.

SENATE JOINT RESOLUTION 180

At the request of Mr. WEICKER, the Senator from Wisconsin (Mr. KASTEN) was added as a cosponsor of Senate Joint Resolution 180, a joint resolution to authorize and request the President to issue a proclamation designating the week beginning May 9, 1982, as "National Small Business Week."

SENATE CONCURRENT RESOLUTION 52

At the request of Mr. GARN, the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of Senate Concurrent Resolution 52, a concurrent resolution expressing the sense of the Congress that members of the National Guard of the United States and the Reserve forces of the Armed Forces of the United States deserve public recognition for their vital contribution to our national defense and that members of these forces need the support and cooperation of their civilian employers in order to train and remain ready to respond to national emergencies.

SENATE CONCURRENT RESOLUTION 79

At the request of Mr. MATHIAS, the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of Senate Concurrent Resolution 79, a concurrent resolution recognizing the month of April as "Fair Housing Month."

SENATE RESOLUTION 299

At the request of Mr. WEICKER, the Senator from Michigan (Mr. LEVIN), and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of Senator Resolution 299, a resolution to designate May 4, 1982, as "International Franchise Day."

SENATE RESOLUTION 340

At the request of Mr. ROBERT C. BYRD, the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Rhode Island (Mr. PELL) were added as cosponsors of Senate Resolution 340, a resolution to express the sense of the Senate that no action be taken to terminate or otherwise weaken the community service employment program under title V of the Older Americans Act of 1965.

AMENDMENT NO. 1244

At the request of Mr. RANDOLPH, the Senator from Nebraska (Mr. EXON) was added as a cosponsor of amendment No. 1244 proposed to Senate Resolution 20, a resolution providing for television and radio coverage of proceedings of the Senate.

SENATE RESOLUTION 363—RESOLUTION RELATING TO COAL RESEARCH AND DEVELOPMENT

Mr. SASSER submitted the following resolution; which was referred to the Committee on Energy and Natural Resources:

S. RES. 363

Whereas, imported oil continues to harm our balance of trade and national security interests,

Whereas, America possesses the most abundant and diverse coal resources in the world,

Whereas, new technologies in coal combustion efficiency and environmental quality are in the national interest and in their emergent stages,

Whereas, the Administration has proposed cutting fossil fuels spending for research and development from a level of $417 million in fiscal year 1982 to a level of $107 million for fiscal year 1983, and

Whereas, the Senate Committee on Energy and Natural Resources has recommended to the Senate Budget Committee the continuation of funding levels from 1982 for fossil energy: Now, therefore, be it

Resolved, That it is the sense of the Senate that fossil fuels are an important factor to our energy future, and that continued adequate funding should be provided by the Congress for the necessary research, development and demonstration of new fossil technologies, which can enhance national energy security and our economic future.

● Mr. SASSER. Mr. President, today I am submitting Senate Resolution 363 expressing the sense of the Senate that coal research and development is vital to our national future and therefore requires continued funding by Congress. I note that the Senate Energy and Natural Resources Committee has recommended to the Senate Budget Committee that Congress reappropriate the fiscal year 1982 funding levels for fossil fuels research and construction. I applaud this action by the Energy Committee and believe that the rest of the U.S. Senate deserves an opportunity to join that committee in rejecting the administration's budgetary proposals for fossil fuels.

In 1980, Congress appropriated $1,134 million for fossil fuels research and development for fiscal year 1981. The administration's fiscal year 1983 budget proposal for $106.9 million represents a 94-percent cut from 1981 appropriated levels. Such a budget reduction hinders our further development of fossil fuel energy sources.

Yet, recent congressional action has been encouraging. Although the Senate Committee on Energy and Natural Resources did not specify funding levels for particular technologies, it did recommend to the Senate Budget Committee a funding level of $416.9, the same figure as was appropriated for 1982 including deferrals from fiscal year 1981.

The House of Representatives has been equally encouraging in this matter. The House Science and Technology and the House Energy and Commerce Committees each recommended $430.8 million in research and $13 million in construction funds to the House Budget Committee, for a total of $443.8 million in spending budgeted for fiscal year 1983.

Let me take this opportunity to discuss the merits of fossil fuels research funding. America has roughly one-third of the world's coal reserves. Considering our abundance, it is sound economic policy for the Federal Government to support the clean and efficient combustion of that resource, so that this country can benefit from the continued and environmentally sound use of that resource base.

But the matter of coal does not stop with our large resource base. The "energy crisis" of the 1970's did not end with the President's declaration that he did not need powers that would have been provided him by the Standby Petroleum Allocation Act of 1981, vetoed last month. Despite the country's efforts to conserve energy generally and to switch to coal in particular, the demand for foreign oil has increased from 3 million barrels a day in 1970 to about 5 million barrels a day now. The cost of these imports to the United States is not simply the export of money but also of jobs.

Projections for 1982 suggest that coal will account for over 22 percent of total U.S. energy consumption—up from 17 percent less than a decade ago. This growth alone suggests that the time has come for further investment in making the most of an energy source that is the basis for our energy security.

However, the proposed cuts in the Department of Energy's fossil fuel programs would eliminate programs in magnetohydrodynamics, heat engines and heat recovery, coal preparation and coal liquifaction.

These programs are very important to the future of the efficient and clean combustion of coal. The program in magnetohydrodynamics (MHD) offers an excellent opportunity to increase the efficiency of coal-fired electric power generation while substantially improving the environmental effects of burning coal. Coal-buring MHD power plants promise to produce as much as 50 percent more electricity per ton of coal consumed than would be produced from conventional powerplant boilers. I feel that this is a particularly good investment from the point of view of national policy, particularly when private investment in this technology may be lagging due to high interest rates and our current recession.

Investments in productivity, and coal combustion efficiency is a type of productivity, are particularly necessary to our economy at this time. The Director of the Congressional Budget Office, Dr. Alice Rivlin, has noted that productivity grew from 1960 to 1969 by 2.6 percent per year, as compared with 0.9 percent per year from 1969 to 1980 and an average decrease in productivity at a rate of 0.4 percent per year from 1973 to 1980. Dr. Rivlin attributes this productivity slide to energy costs in part, and that is argument enough for coal combustion efficiency research funding.

The value of federally-funded fossil fuel research and development in particular is discussed at length in a Joint Committee Print from the Joint Economic Committee, "Pursuing Energy Supply Options: Cost Effective R&D Strategies," published April 27, 1981. The committee concluded that research in combustion efficiency for coal is expensive and long-term, and that few incentives for private industry to invest in long-term, expensive fossil fuels research exist at this time.

It is with these factors in mind—the Nation's coal resources, the current need for improved productivity, the tight capital market, and other disincentives to private sector investment—that I ask my colleagues to support coal research and development by cosponsoring Senate Resolution 363.●

NOTICES OF HEARINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mr. MATHIAS. Mr. President, I wish to announce that the Committee on Rules and Administration will hold a meeting on Tuesday, April 20, 1982, at 9:30 a.m. in room 301 Russell Senate Office Building. The purpose of the meeting is to consider a number of matters relating to the Smithsonian Institution. The committee will hear testimony on S. 2102, to authorize construction of a building for the Museum of African Art and a center for Eastern art together with structures for related educational activities in the area south of the original Smithsonian Institution Building adjacent to Independence Avenue at 10th Street SW., in the city of Washington. Testimony will also be received on the reauthorization of the National Museum Act and the adjustment of the rate of interest paid on funds of the Smithsonian Institution deposited with the Treasury.

Individuals wishing to testify or to submit a statement for the record should contact Ron Hicks of the Rules Committee staff on 224-9078.

Mr. President, the Committee on Rules and Administration will receive testimony on the Federal Election Commission's fiscal year 1983 budget authorization request on Thursday, April 22, 1982. As recently modified, the Commission's budget request for the next fiscal year is $9.88 million.

The Chairman and members of the Commission and Commission staff will

be present at the hearing to explain their fiscal year 1983 plans and programs. The hearing will convene at 9:30 a.m. in room 301 of the Russell Senate Office Building.

For further information regarding these hearings, please contact the Elections staff of the Committee on Rules and Administration at 224-3449.

Mr. President, the Committee on Rules and Administration will hold a meeting on Friday, April 23, 1982, at 10 a.m., in room 301 Russell Senate Office Building, to receive testimony from the Honorable William F. Hildenbrand, Secretary of the Senate, the Honorable Howard S. Liebengood, Sergeant at Arms of the Senate, and the Honorable George M. White, Architect of the Capitol, on their proposed fiscal year 1983 budgets.

For further information regarding this hearing, please contact Rules Committee staff on 224-0278.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. MATHIAS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, April 15, at 2 p.m. to hold an open hearing to discuss security assistance to southern Europe.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENERGY REGULATION

Mr. HUMPHREY. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of public hearings before the Subcommittee on Energy Regulation to consider S. 1626, to amend the Department of Energy Organization Act to clarify the jurisdiction of the Federal Energy Regulatory Commission, to reform and improve the regulation of oil pipelines, and for other purposes. The hearings have been scheduled for Friday, May 21 and Tuesday, May 25, beginning at 9:30 a.m. in room 3110 of the Dirksen Senate Office Building.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Subcommittee on Energy Regulation, room 3104, Dirksen Senate Office Building, Washington, D.C. 20510.

For further information regarding this hearing you may wish to contact Mr. Howard Useem or Ms. Marilyn Burkhardt of the subcommittee staff at 224-5205.

SUBCOMMITTEE ON ENERGY RESEARCH AND DEVELOPMENT

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Subcommittee on Energy Research and Development to consider the Department of Energy research and development programs. The hearing will be held on Monday, April 26, beginning at 9 a.m. in room 3110 of the Dirksen Senate Office Building.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Subcommittee on Energy Research and Development, room 3104, Dirksen Senate Office Building, Washington, D.C. 20510.

For further information regarding this hearing you may wish to contact Mr. Paul Gilman of the subcommittee staff at 224-4431.

ADDITIONAL STATEMENTS

THE BUDGET RESOLUTION

● Mr. MOYNIHAN. Mr. President, today, this body stands in clear violation of its own mandate and of the laws of the United States. Last year, the majority in this body amended the second budget resolution for fiscal year 1982 to require the Budget Committee to report out a first concurrent resolution for fiscal year 1983 by March 31. That deadline passed 2 weeks ago, with little notice and no public regret. The 1974 Budget Act, moreover, requires the Budget Committee of each House to report to the floor a first concurrent resolution by April 15—today.

What has happened to the budget resolution? The Budget Committee scheduled to begin its markup some several weeks ago, but then the endless process of postponement and delay began. The most recent schedule designated April 13 to continue the markup of the first concurrent resolution, but last week the President of the United States asked Chairman DOMENICI to cancel, without specifying a new date. At the President's request, the Budget Committee did not meet on the 13th, nor on the 14th. Nor will we meet today, the legal deadline. At this moment, the markup for the first concurrent resolution is simply not scheduled at all.

We have been most patient, I believe, as the majority has tried to construct a compromise budget—one at once acceptable to the diverse interests and views of its Members as well as to the majority in the other House, and one which would be negotiable with the President. We have, perhaps, been more patient than prudent on this matter. Last autumn, when the economic decline began to unravel the administration's 1982 budget, the majority could not fashion a second concurrent resolution acceptable to its own Members and to the administration. We granted the administration the extra time it asked for. We agreed to await the President's 1983 budget and approved a pro forma second concurrent resolution for fiscal year 1982, one which, as the Budget Committee acknowledged, did not address the real issues and conditions of the Federal budget. Chairman DOMENICI defended the Budget Committee's decision to report out such a pro forma resolution, without recommendation, by reassuring this body that—

> The Administration is in the final stages of preparing its fiscal year 1983 budget submission. * * * I am confident that the President's January budget and legislative submissions will respond to the problems the nation faces. In my opinion, the January submission will meet this challenge only if they include a mix of spending and tax policies that move realistically toward a balanced budget and a more equitable tax system.

And the second concurrent resolution included the sense of the Congress that—

> [T]he President should submit a plan as soon as possible, to bring interest rates down, to decrease unemployment, to decrease substantially inflation, and to balance the budget in fiscal year 1984.

Was this patience justified? Is there anyone in this body who will state that the President's budget met the Budget Committee chairman's challenge or fulfilled the dictate of the Congress? The President's 1983 budget submission, so discredited are its economic assumptions, does not even appear as an option in the Budget Committee's markup materials.

My patience, for one, is at an end. I appreciate the task facing the majority. It is their burden to rewrite a budget that evidently no one except the President supports and to do so, so as to satisfy both its critics and a President who continues to insist there is nothing wrong with the original document.

But there are limits to the indulgence which the Congress responsibly can accord the President. There is a point, one we face today, at which patience becomes so protracted as to begin to undermine the legislative process. This we cannot permit. We cannot wait and watch while the budget process, Congress only real mechanism to discipline spending, disintegrates.

We must proceed with the process of marking up the first concurrent resolution for the 1983 budget, and quickly. Alternatives to the President's submission do exist. Chairman DOMENICI has offered one. Senator HOLLINGS has fashioned another. And Senators SASSER and RIEGLE, who sit with me on the Budget Committee, have joined me in offering a third approach, one designed to restore fiscal responsibility by restoring economic prosperity.

We must proceed with this process, with or without the President of the United States. The Congress has separate and equal responsibilities to fulfill, responsibilities demanded both by law and by the people of the Nation. I

appeal to the majority to face these responsibilities and help shoulder the burdens of governing, with or without the President's assent.●

ECONOMIC POLICIES AND SMALL BUSINESS

● Mr. DOMENICI. Mr. President, Hon. Frank S. Swain, Chief Counsel for Advocacy for the Small Business Administration testified before the Senate Committee on Small Business on March 31, 1982, on the current economic policies as they interface with the small business community's well-being.

I feel that Mr. Swain's statement accurately describes the small business situation in America today. Small business is in serious trouble because of pressurized, high interest rates and continuing recessions. A major problem is that the Federal Government's demand for funds to finance the deficit is crowding small businessmen out of the capital markets. Mr. Swain believes that unless the deficit is brought under control sustained economic recovery will not be possible. I agree.

Mr. President, I ask that the testimony of Hon. Frank S. Swain to be printed in the RECORD.

The testimony follows:

STATEMENT OF HON. FRANK S. SWAIN

Mr. Chairman and members of the Committee, I am pleased to have this opportunity to appear before you to discuss the current state of small business and to provide you with some comments on the recent report The State of Small Business, submitted to you by the President. In the course of my testimony I would also like to briefly comment on current economic policies as they relate to the welfare of small business, and in particular as they relate to the goals established in Public Law 96-302 regarding small business and competition.

COMMENTS ON THE REPORT

I believe that the report on the status of small business and competition as submitted by the President represents a good effort on the part of the Administration to fully examine the current status of small business and provide a useful summary of our current knowledge of small business. The report contains a myriad of statistics, many of which are generated for the first time and many of which are derived from the external data base developed by SBA. I believe the overall report is factual, and relatively complete, given the state of our current knowledge.

The report clearly indicates where there are significant shortcomings in the data available to us to describe the situation of small business. It also provides a discussion of the completeness and usefulness of current Federal statistics relating to business. The report certainly shows the wisdom of this Committee, which has been a prime mover in the drive to build an external data base more adequately describing small business. The fruits of out initial efforts to comply with your direction are sprinkled throughout this report.

Much of the material in the report was prepared by my staff, working closely with the staff of the Council of Economic Advisors, and the language reflects that it was to be transmitted to you by the President. As I have stated, the report, I believe, is completely factual, some would even argue too factual, but the authors occasionally do not draw conclusions as clearly as the facts might warrant. I will attempt to clarify some of the conclusions briefly in a few moments. As with any major Presidential report, all of the major departments were offered numerous chances to comment and to provide additional material. As a result, the language of the report is sometimes less forceful than it would have been if it had been an Advocacy document. I should stress to the members of the Committee that I do not believe this criticism to be a major fault but simply one which should be noted for the record. The authors appear to have been scrupulously honest in laying out the many facts which best describe the current state of small business and competition.

Because of the scope and complexity of many of the facts of the report it is easy to lose sight of the major findings within the report. Small business, as is clearly demonstrated in the report, is not a homogeneous entity. On the contrary the heterogeneous nature of small business almost overwhelms our ability to simply describe the current state of business in this economy. I do believe that several general statements can be made however.

1. The small business share of Gross National Product (GNP) declined in all major industry sectors from 1972 through 1977, from 56.0 percent to 51.3 percent.

2. In particular there was an across the board decline in the sales share of firms with less than 20 employees.

3. There was an overall decline in the number of small businesses with less than four employees. Declines were significant in the areas of retail and wholesale trade.

4. Based on Internal Revenue Service statistics the number of small businesses including the number of sole proprietors, the number of partnerships, and the number of corporations increased throughout this period.

With more small businesses accounting for a static or smaller share of GNP, the relative receipts of the average small business are declining compared to larger businesses. Another way to express this is to say that sales per worker are down for the typical small business. This would certainly increase the vulnerability of the average small business during periods of recession.

There is one important anomaly in the numbers that I have just discussed. While the number of small businesses overall is increasing, the number of businesses with fewer than four employees declined slightly. This decline may be attributed to scale economies associated with improved methods and technology but a significant portion of it also appears to be due to the effects of regulation. The extent to which small businesses have been regulated has meant that the typical small business must become larger in order to deal with regulation effectively.

Macroeconomic factors affecting small business, including the effects of inflation and of fiscal and monetary policy are also discussed extensively in the report. The effects of inflation are vividly described in the following quotation from the report.

"Inflation increases the dollar value of sales without being accompanied by a growth in the volume of sales. Larger sales require larger accounts receivable and larger inventories. This increases the need for additional cash inflow, either from more retained earnings, from additional equity investment, or from more borrowing. Ideally, if profits increase proportionately relative to increases in accounts receivable, inventories, and liabilities, the debt ratios for the concern should not deteriorate.

In reality, business profits, and consequently, retained earnings, lag behind the increases in other items. Since an increase in dollar value of various asset items is not matched by increased retained earnings, additional indebtedness is incurred by businesses to finance the increase. Consequently, the debt-equity ratio of the firm deteriorates."

The increase in the debt-equity ratio over time in response to continued inflation clearly places smaller firms in a potentially more dangerous position in a recessionary economy. Even in a non-recessionary period, a small business faced with an increase in interest rates may face a cash flow crisis. In a recessionary period where sales are dropping small businesses will clearly be in a dangerous position as sales and total receipts drop but interest rates remain high due to a lag in inflationary expectations or due to an active monetary policy designed to counteract inflationary expectations. During the past several years both inflationary expectations and monetary policy have combined to maintain higher than normal interest rates and small businesses have been placed under a continually greater strain as their relative debt loads increased. The increases in interest payments brought about by increasing debt came almost completely from the profit line of a typical small business income statement.

Another major finding coming from the report is that small businesses exhibit unusual behavior during recessionary periods. What was found in reviewing the 1974 recession was that small businesses appear to maintain employment even at the bottom of a recession, and adjust to decreased demand for goods and services by lowering output and accepting greatly reduced profits. This fact has important social ramifications, reflecting the role of small business as a "shock absorber" cushioning the full effect of recession on employment in the economy.

THE CURRENT STATE OF THE ECONOMY

I have been asked by the Committee to provide a statement on my view as to the current state of the economy. Let me place that statement in the context of the findings which I have just described. The major findings of the report are that the typical small business is getting smaller, is more heavily in debt, and is likely to maintain employment during periods of recession, at the expense of profits. How does that relate to the current situation?

I believe that the current economy can be described as in the midst of a typical recession, still experiencing relatively high interest rates compared to past norms, and compared to what we would expect at the bottom of a recession and in a period of declining inflation. In addition, we have had two periods within the last two years officially described as recessions by the National Bureau of Economic Research and we are currently in the second quarter of a third recession which appears to be much deeper than we had originally anticipated. If our review of facts relating to past recessions and the past behavior of small business are any indicator, we must conclude that small business profits are down because we are

near the bottom of a recession; small business profits are down because high interest cost and increasing debt have eradicated profits; and small business capacity to sustain itself over a long period of recession is down because the average firm is smaller in real terms. The conclusion is inescapable: the economy is in trouble and small business is in worse trouble.

There are obviously many measures of economic activity, but one which always receives public attention is business failures and bankruptcies. My office carefully monitors whatever information we can gather with respect to the survivability of small business. We watch bankruptcy statistics on a monthly basis and business failure statistics on a weekly basis. We have been tracking these statistics carefully for the last three years. Business bankruptcies showed a major increase following the revision of the bankruptcy law in 1979. Since that time, business bankruptcies appear to have increased approximately 30 percent from the base level established following the change in the law. Bankruptcy statistics for the first month of 1982 reflect relatively little change in trend.

Business failure statistics show a large increase for the months of January, February and March, 1982.[1] The business failure numbers show an increase in total failures for the three month period of about 56 percent from 1980 to 1981 and about 48 percent from 1981 to 1982.

	1979–80	1980–81	1981–82
Average number of bankruptcies (December, January and February, except 1981–82 which is December and January)	2,716	3,794	4,078
Change in average number of bankruptcies (percent)		+40	+7.5
Number of business failures recorded by D. & B. for 16 week period ending Mar. 25, 1982	2,776	4,323	6,408
Percentage change		+55.7	+48.2

I certainly caution reading more into these statistics than is appropriate given the short time since the shifting in the trend line and the time and sample limits of Dun and Bradstreet. But no one should be surprised that the shift has occurred. Everything that we know about the basic behavior of small businesses in a recessionary world and in a world of high real interest costs indicate that the number of failures should be increasing relatively dramatically during this third recession in three years.

Improving the Situation for Small Business.

Small business is in serious trouble because of inflation, high interest rates and continuing recessions. What can be done to remedy this situation?

Inflation clearly is slowing and nearly every small business owner I have talked with believes that this is an important and overdue economic development.

High interest rates are seen by many as the key. The current monetary policy has been in effect more or less since October, 1979. In the past thirty months, neither the Carter nor Reagan Administration nor the Congress has seriously disagreed with the underlying Federal Reserve Board policy of measured monetary growth. Indeed, the financial markets now cough immediately upon the suggestion of criticism of the Federal Reserve over its basic policy.

Small businesses complain to me as much about the volatility of interest rates as they do about the high levels of rates and here, I believe, criticism of the Federal Reserve Board is warranted. It does a small business seeking credit no good for rates to come down for a period of weeks or months. Not only are decisions on marketing and production made currently for months ahead of time, but the bank or factor is unlikely to reflect a lower rate unless there is confidence that it will stay low. I have talked with too many small business owners who tell me the November drop in rates was ignored by their factors and bankers because of a lack of confidence in what would follow.

Not only does the credit market for small firms not respond to changes, but any major changes in money growth have recently elicited immediate rate increases by the major players in the financial community in anticipation of a resurgence in inflation. This is why, despite a strong immediate concern over high interest rates, it does not appear that a basic shift in Fed policy is a viable way out of the current situation.

This should not rule out however, any recommendation on how to keep the Federal Reserve practices more on target over time. Some suggest that the Government impose controls on wages and prices. Such controls have been mentioned by some members of Congress but I believe there is very little sympathy towards such a solution. Our best experience has shown that such controls are overly bureaucratic and unworkable over time. The Administration has made a valiant attempt to free up the American economy from rigid and artificial government constraints and I believe it would be inappropriate to move to them.

Other factors affecting the current situation of small business must be seen in the context of the steps already taken by the Administration to improve the situation. Both the President and the Congress in passing the Economic Recovery Tax Act of 1981 agreed that major tax relief was an important ingredient affecting the psychological outlook of both large and small business and of consumers. The full intent of this Act was to provide some degree of certainty to consumers that their incomes would be protected to some extent from continually escalating taxes, and to provide business with a flow of funds sufficient to increase investment in productive capital. The key to the success of the legislation in my opinion, is that it effectively change expectations about the future. The recent cuts in the Federal FY 1982 budget, as approved by the Congress at the request of the President, were also intended to have a positive psychological effect on both business and on consumers. Both the tax act and the budget cuts were well received.

Any improvement in expectations which occurred last year, however, appears to have been more than offset by the size of the deficit projected in the FY 1983 budget. The increase in confidence experienced by business in 1981 has been eroded by the continuing recession in 1982 and appears to have been decimated by fears that Federal demands for funds to finance the deficit will overwhelm the capability of the capital market to supply those funds at reasonable prices. Business appears to see a future in which the economy remains comparatively stagnant, and where interest rates remain high as the Federal Government continues to compete for large amounts of funds to finance each increasing deficit. Recently released figures on real capital investment in 1981 and on projected real capital investment in 1982 indicate that business is holding off from most major investment plans. While it appears possible for the Federal Government to finance the 1982 deficit without pushing up interest rates, I believe that most small businesses and most large businesses believe it will be difficult for the government to obtain funds at reasonable prices in FY 1983 and in later years. As long as this belief exists, business will not take the actions necessary to help the economy increase productivity and expand output to meet increasing consumer and producer demands. My recommendation to you, therefore, is that you and your colleagues in the Senate take some steps to lower the anticipated deficit facing the economy in 1983 and in 1984.

I realize that this may be a common place recommendation, one that you hear quite frequently these days. I also realize that accomplishing it may be an extremely difficult task for you to face. None of the options open to you in terms of reducing Government expenditures, whether reducing expenditures in defense, in entitlement programs, or for other social programs is an easy one; neither is the option on the other side of increasing taxes to lower the deficit.

It is not my place to recommend expenditure changes to the Committee; the dialogue on expenditure issues should be carried out through the regular budget process between the Congress and the Executive. I believe that it is appropriate to state as a representative of small business that there is still great sympathy in the small business community for further reductions in Federal expenditures. I believe that such reductions would be an important contribution to the process of reducing the deficit.

With respect to changes in taxes, I think it extremely important that the personal income tax cuts put in place by the Economic Recovery Tax Act not be changed. These personal tax decreases are important to small business people, because so many of them operate as sole proprietors or partners, and they are also important because of the perception among small business people that the income tax reduction will increase disposable income and consumer spending. If tax changes are to be made I believe that the Congress should investigate the special provisions in the tax law which lead to so called "tax expenditures". A thorough Congressional examination of all special tax provisions is a minimal price for business to pay after the very dramatic and beneficial changes approved last year.

My message is that the anticipated deficit for the Federal Government in fiscal year 1983 is so large that fears related to it are clearly interfering with the efficient conduct of the nation's business. The Congress should consider changes in expenditures and changes in tax receipts as methods for reducing the deficit to a more acceptable size. The best thing the government can do for small business right now is to restore the expectation that the government will live more within its means. I believe that the small business community would enthusiastically respond.

Mr. Chairman there are a number of specific issue outlined in the report of concern to small business. I am happy to respond with further comments to any questions.●

[1] Bankruptcy figures from the Administrative Office of U.S. Court; business failure data is from Dun and Bradstreet's regular review of 2.8 million firms.

ASSISTANCE TO COLLEGE STUDENTS

● Mr. LEVIN. Mr. President, I am beginning to understand why the administration wants to cut back on Government assistance to college students—they must think only someone with a college degree could wade through their figures.

But more and more people, with and without college degrees, are beginning to see through those statements, particularly those made by the President this past Saturday in his national radio address to the American people from Barbados. I responded to the President's remarks on behalf of the Democratic Party, and I ask that the text of my response appear in the RECORD at this point.

The material follows:

DEMOCRATIC RESPONSE TO PRESIDENT REAGAN'S ADDRESS TO THE NATION DELIVERED BY U.S. SENATOR CARL LEVIN OF MICHIGAN

Good afternoon. I'm speaking today from my home state of Michigan, a state that is bleeding economically. People here and in many places around the nation are angry and afraid and frustrated.

People are angry because 9 percent of the American work force is jobless—here in Michigan 17 percent of our people are out of work. Nationwide almost 10 million people who want jobs can't find them.

People are afraid because unemployed men and women can't support their families and can't pay their mortgages.

And people are frustrated because they know that what is happening is unnecessary—they know that the administration is pursuing policies which are worsening our economic and social problems rather than solving them.

On his return from the Caribbean, it is my hope—no, it is my plea—that the President will meet with people in the United States and explain what he will do to restore and create jobs for unemployed auto and construction workers, for the unemployed steel and rubber workers and miners, and for millions of other unemployed Americans.

On his return, it is my hope—it is my plea—that he will join with the Congress in fashioning a comprehensive budget compromise; a compromise which his own supporters and advisors know is necessary to lower the record-breaking deficit he has proposed and to bring interest rates and unemployment down.

The American people don't mind the President traveling to the Caribbean for a vacation. But they do mind the White House telling them that they have to travel—to abandon their communities and their families, flee from those regions of this country hardest hit by the recession and tramp across the highways in search for work.

The American people don't mind the President's attempt to develop new employment opportunities in the Caribbean. But we do mind him saying that unemployment in "South Succotash" isn't even worth mentioning on the evening news.

Americans understand that the President needs to take a break. But we want the President to understand that we need a break too.

We need a break from supply-side economics which have supplied us with more than 5,000 bankruptcies in just the first three months of this year, which have supplied us with a crisis in agricultural income and which have supplied us with 17 percent interest rates.

The President seems to care about individuals, but his policies ignores the needs of people in general.

For instance, the President talked today about the student loan program. The impression he seeks to create is false. I'd like to share with you some of the facts about that program—facts the President ignored.

It's a fact that the President has proposed the elimination of Social Security student benefits—a program which now aids 640,000 children, mostly of deceased workers. Those children and their parents had a right to count on the continuation of that program when they made their educational plans. But now, that program is suddenly at an end.

It's a fact that the President's proposals, according to his own Department of Education, will keep 700,000 students from getting guaranteed student loans this year—a 20 percent decline.

It's a fact that the President's proposals constitute a one-third reduction in grants and a two-thirds reduction in campus-based aid and work study programs. According to the House Budget Committee nearly two million fewer students will receive help next academic year than are being helped now.

And that's just direct aid to students seeking a college education. Overall the President proposes we cut federal aid to education by about 35 percent. And you can't build a strong country without an educated citizenry.

The issues we face in America aren't partisan. No party gains when our country fails. We need to work together to find common solutions to problems which are becoming all too common.

Both Republicans and Democrats in the Congress are trying to do just that right now as we jointly discuss the fundamental economic issues which threaten our nation. We can only hope that, when the President returns, he will join that effort to solve the problems we face by agreeing to drastically cut the record budget deficit. Without that kind of commitment from the President, we face continued killer interest rates and soaring unemployment.

This is the season when we celebrate renewal and rebirth. But, just as the seasonal cycle has been upset by continuing winter storms, our own hopes and aspirations have been challenged by the worst economic weather we have experienced since the Great Depression. We need a warming wind of hope and growth to soothe this land so that America's native optimism can flower again.

Thank you.

Mr. President, in those remarks, I made an attempt to deal with some of the claims the President made about the student benefit program. Today I want to expand on those comments and focus, as the President did, on one particular program: the guaranteed student loan program.

When he spoke about the guaranteed student loan program, the President acknowledged that less money would be spent in fiscal year 1983 on this program, under his budget proposal, than was spent in fiscal year 1982, but he also said that "not one dime of the money being cut has ever gone directly for loans to students," The President's claim that all he was doing was cutting "administrative fat" created the impression that the program would continue to aid at least as many college students next year as this year. But that impression is false.

The Office of Management and Budget—which according to a story in yesterday's Washington Post supplied the President with the data for his speech—has reported that the number of student borrowers under the GSL will decline in fiscal year 1983 from 3.8 million under current law to 2.8 million under the President's proposal. The Congressional Budget Office, using a slightly different assumption for the effective date of the President's plan, estimates a reduction of 800,000 students from current law levels by fiscal year 1983. Both OMB and CBO, then, present us with the facts and figures to correct the impression that student aid will not decline under the President's plan—those facts and figures clearly indicate that between 800,000 and 1,000,000 students will be denied the aid they need if the President's proposal is adopted.

But the President was misleading in another sense as well. When he claimed that all he was doing was cutting administrative expenses, when he said that "not one dime of the money being cut has ever gone directly for loans for students," may have been technically correct—but he was absolutely wrong in terms of the impression he created. While it is true that the guaranteed student loans come from the banks and not from the Federal Government, it is the Federal Government's involvement which make the banks willing to make the loans. what the Federal Government does is to make payments to the banks on behalf of the students who receive the loans; the net effect of this Federal payment to the banks is to reduce the interest rates the students are charged and thereby make the loans affordable. So while it may be technically correct in some strained sense to claim that the money we are being asked to cut does not go directly to students, it is absolutely wrong to suggest that cutting that money will not directly affect students, will not prevent them from being able to afford to take out the loans they need to pursue their education.

Finally, it was misleading to claim that the proposed cuts only amounted to $300 million; a reduction from $2.7 billion in fiscal year 1982 to $2.4 billion in fiscal year 1983. What we need to realize is that the $2.4 billion requested from fiscal year 1983 represents a $900 million reduction from what we would be spending in fiscal year 1983 under current law. The President's proposals change our level of spending in fiscal years 1982 and

1983, not just between fiscal year 1982 and fiscal year 1983. And, in addition, in both years they reduce spending below the levels required by current law. The following chart, based on OMB figures, may make this clearer:

GUARANTEED STUDENT LOAN PROGRAM

[By fiscal years, in billions of dollars]

	1982	1983
Current law	3.0	3.3
Administration proposals	2.7	2.4

These figures clearly indicate the misleading nature of the claims made about this issue by the administration. A forceful summary of the issue came from Alice M. Rivlin, Director of the Congressional Budget Office, who told us in her testimony before the Postsecondary Education Committee of the House Committee on Education and Labor on March 10 that:

Taken together, the administration's GSL proposals would eliminate large numbers of currently eligible borrowers while only moderately reducing the subsidy available to those who could qualify. The risk associated with this approach is that those made ineligible would be unable to obtain other loans and would, thereby, be denied access to continued education * * * Although graduate and professional students would be permitted to borrow under the much less subsidized auxiliary loan program, States have been slow to implement it, so the risk of decreased access would remain.

All these statements and all these figures led the House Budget Committee to conclude that 1.9 million fewer students would receive financial aid under the President's proposal in academic year 1983-84 than under the current law.

We can debate how much the Federal Government ought to be involved in assisting individuals who want to pursue a higher education. But we cannot debate the fact that this administration is significantly decreasing that assistance. No public relations campaign can hide that fact, no series of speeches can disguise it. And the American people, and this Congress, ought not be taken in by such efforts.●

RULES OF THE SELECT COMMITTEE TO STUDY LAW ENFORCEMENT UNDERCOVER ACTIVITIES OF COMPONENTS OF THE DEPARTMENT OF JUSTICE

● Mr. MATHIAS. Mr. President, pursuant to paragraph 2 of rule XXVI of the Standing Rules of the Senate, I submit for printing in the RECORD the rules of the Select Committee to Study Law Enforcement Undercover Activities of Components of the Department of Justice, as adopted by the select committee on April 14, 1982.

RULES OF THE SELECT COMMITTEE TO STUDY LAW ENFORCEMENT UNDERCOVER ACTIVITIES OF COMPONENTS OF THE DEPARTMENT OF JUSTICE

RULE 1. CONVENING OF MEETINGS AND HEARINGS

1.1 Meetings. The committee shall hold its regular meetings every Wednesday when the Senate is in session. The chairman may call additional meetings or cancel regular meetings. The members of the committee may call special meetings as provided in Senate Rule XXVI(3).

1.2 Notice. The committee shall make public announcement of the date, place, and subject matter of any hearing at least one week before its commencement. A hearing may be called on shortened notice if the chairman, with the concurrence of the vice chairman, determines that there is good cause to begin such hearing at an earlier date.

1.3 Presiding officer. The chairman shall preside when present. If the chairman is not present at any meeting or hearing, the vice chairman shall preside. The chairman may designate any member of the committee to preside over the conduct of a meeting or hearing in the absence of the chairman or vice chairman.

RULE 2. CLOSED SESSIONS AND CONFIDENTIAL MATERIALS

2.1 Procedure. All meetings and hearings shall be open to the public unless closed. To close a meeting or hearing or portion thereof, a motion shall be made and seconded to go into closed session to discuss whether the meeting or hearing will concern the matters enumerated in Rule 2.3. Immediately after such discussion the committee shall return to open session and the meeting or hearing may then be closed by a record vote, including proxy votes, in open session of a majority of the members of the committee.

2.2 Witness request. Any witness called for a hearing may submit a written request to the chairman no later than twenty-four hours in advance for his examination to be in closed or open session. The chairman shall inform the committee of any such request, and the committee shall take such action pursuant to Rule 2.1 as it deems appropriate.

2.3 Closed session subjects. A meeting or hearing or portion thereof may be closed if the matters to be discussed concern: (1) national security; (2) committee staff personnel or internal staff management or procedure; (3) matters tending to reflect adversely on the character or reputation or to invade the privacy of any individuals; (4) matters which will disclose the identity of any informer or undercover law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement; or (5) other matters enumerated in Senate Rule XXVI(5)(b).

2.4 Broadcasting.

(a) Control. Any meeting or hearing open to the public may be covered by television, radio, or still photography. Such coverage must be conducted in an orderly and unobtrusive manner, and the presiding officer may for good cause terminate such coverage in whole or in part, or take such other action to control it as the circumstances may warrant.

(b) Request. A witness may request of the presiding officer on grounds of distraction, harassment, personal safety, or physical discomfort, that during his testimony cameras, media microphones, and lights shall not be directed at him, and the presiding officer may take such action as he deems appropriate in response to the request.

RULE 3. QUORUMS AND VOTING

3.1 Reporting. Five members shall constitute a quorum for reporting a matter or recommendation to the Senate. A quorum must be physically present at the time of the final vote on reporting.

3.2 Other committee business. Three members shall constitute a quorum for the conduct of any committee business other than a final vote on reporting, providing a member of the minority is present. One member shall constitute a quorum for hearing testimony.

3.3 Proxies. Proxies shall be in writing, and shall be filed with the chief clerk by the absent member or by a member present at the meeting. Proxies shall contain sufficient reference to the pending matter to show that the absent member has been informed of it and has affirmatively requested that he be recorded as voting on it. Proxies shall not be counted towards a quorum.

3.4 Polling.

(a) Subjects. The committee may poll only (1) internal committee matters including the committee's staff, records, and budget; (2) authorization for steps in the investigation, including the authorization and issuance of subpoenas, applications for immunity orders, and requests for documents from agencies; (3) other committee business, not including a final vote on reporting to the Senate, which has been designated for polling at a meeting.

(b) Procedure. The chairman shall circulate polling sheets to each member specifying the matter being polled and the time limit for completion of the poll. If any member so requests, the matter shall be held for meeting rather than being polled. The chief clerk shall keep a record of polls; if the chairman, with the approval of a majority of the members, determines that the polled matter is in one of the areas enumerated in Rule 2.3, the record of the poll shall be confidential. Any member may move at the committee meeting following a poll for a vote on the polled decision.

RULE 4. SUBPOENAS

4.1 Authorization. Subpoenas may be authorized by the committee or by the chairman, and may be issued by the chairman or by any other member designated by him. The chief clerk shall keep a log, and a file, of all subpoenas issued by the committee.

4.2 Return. A subpoena duces tecum or order to an agency for documents may be issued whose return shall occur at a time and place other than that of a scheduled hearing. When a return on such a subpoena or order is incomplete or accompanied by an objection, the chairman may convene a meeting or hearing on shortened notice to determine the adequacy of the return and to rule on the objection, or may refer the issues raised by the return for decision by poll of the committee. At a meeting or hearing on such a return, one member shall constitute a quorum.

RULE 5. HEARINGS

5.1 Notice. Witnesses called before the committee shall be given at least 48 hours notice absent a determination by the chairman of extraordinary circumstances, and all witnesses called shall be furnished with a copy of Senate Resolution 350 and of these rules.

5.2 Oath. All Witnesses who testify to matters of fact shall be sworn unless the

committee votes to waive the oath. The chairman, or any member, shall administer the oath.

5.3 Statement. Any witness desiring to make an introductory statement shall file 3 copies of such statement with the chairman or clerk of the committee 48 hours in advance of his appearance, unless the chairman and vice chairman determine that there is good cause for a witness's failure to do so. A witness may be required to summarize his or her prepared statement if it exceeds ten minutes.

5.4 Counsel.

(a) Presence. A witness's counsel shall be permitted to be present during his testimony at any public or closed hearing or deposition or staff interview to advise such witness of his rights; provided, however, that in the case of any witness who is an officer or employee of the government, or of a corporation or association, the chairman or the committee may rule that representation by counsel from the government, corporation, or association or by counsel representing other witnesses, creates a conflict of interest, and that the witness shall be represented by personal counsel not from the government, corporation or association or not representing other witnesses.

(b) Indigence. A witness who is unable for economic reasons to obtain counsel may inform the committee at least 48 hours prior to the witness's appearance, and it will endeavor to obtain volunteer counsel for the witness. Such counsel shall be subject solely to the control of the witness and not the committee. Failure to obtain counsel will not excuse the witness from appearing and testifying.

(c) Conduct. Counsel shall conduct themselves in an ethical and professional manner. Failure to do so shall, upon a finding to that effect by a majority of the members present, subject such counsel to disciplinary action, which may include warning, censure, or ejection. If counsel is disciplined, the provisions of Rule 5.4(b) for a witness who is unable to obtain new counsel shall apply.

5.5 Transcript. An accurate electronic or stenographic record shall be kept of the testimony of all witnesses in closed and public hearings. Upon his request and at his expense, a copy of or access to a copy of a witness's testimony in public or closed session shall be provided to the witness. Upon inspecting his transcript, within a time limit set by the committee clerk a witness may request changes in the transcript to correct errors of transcription, grammatical errors, and obvious errors of fact; the chairman or a staff officer designated by him shall rule on such requests.

5.6 Impugned persons. Any person who believes that evidence presented, or comment made by a member or staff, at a public hearing or at a closed hearing concerning which there have been public reports, tends to impugn his character or adversely affect his reputation may:

(a) file a sworn statement of facts relevant to the evidence or comment, which shall be placed in the hearing record;

(b) request the opportunity to appear personally before the committee to testify in his own behalf; or

(c) submit questions in writing which he requests be used for the cross-examination or witnesses called by the committee. The chairman shall inform the committee of such requests for appearance or cross-examination. If the committee so decides, the requested questions, or paraphrased versions or portions of them, shall be put to the other witnesses by a member or by staff.

5.7 Additional witnesses. Any three members of the committee shall be entitled, upon request made to the chairman, to call additional witnesses or to require the production of documents during at least one day of hearing. Such request must be made before the completion of the hearing or, if subpoenas are required, no later than three days before the completion of the hearing.

RULE 6. DEPOSITIONS AND EXAMINATION OF RECORDS

6.1 Notice. Notices for the taking of depositions shall be authorized and issued by the chairman or by a staff lawyer designated by him. Such notices shall specify a time and place for examination, and the name of the staff lawyer or lawyers who will take the deposition. Unless otherwise specified, the deposition shall be in private. The committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness's failure to appear unless the deposition notice was accompanied by a subpoena authorized by the committee or the chairman.

6.2 Counsel. Witnesses may be accompanied at a deposition by counsel to advise them of their rights, subject to the provisions of Rule 5.4.

6.3 Procedure. Witnesses shall be examined upon oath administered by a member or an individual authorized by local law to administer oaths. Questions shall be propounded orally by staff lawyers. Objections by the witness as to the form of questions shall be noted for the record. If a witness objects to a question and refuses to testify on the basis of relevance or privilege, the committee staff may proceed with the deposition, or may, at that time or at a subsequent time, seek a ruling by telephone or otherwise on the objection from the chairman of the committee or a member designated by him. If the chairman or designated member overrules the objection, he may refer the matter to the committee or he may order and direct the witness to answer the question, but the committee shall not initiate procedures leading to civil or criminal enforcement unless the witness refuses to testify after he has been so ordered and directed to answer.

6.4 Filing. The committee staff shall see that the testimony is transcribed or electronically recorded. If it is transcribed, the witness shall be furnished with a copy or access to a copy for review. No later than five days thereafter, if a copy is provided the witness shall return it with his or her signature, and the staff may enter the changes, if any, requested by the witness in accordance with Rule 5.5. If the witness fails to return a signed copy the staff shall note on the transcript the date a copy was provided and the failure to return it. The individual administering the oath shall certify on the transcript that the witness was duly sworn in his presence, the transcriber shall certify that the transcript is a true record of the testimony, and the transcript shall then be filed with the committee clerk. Committee staff may stipulate with the witness to changes in this procedure. Objections to errors in this procedure which might be cured if promptly presented are waived unless timely objection thereto is made.

6.5 Examination of Records. The committee or the chairman may authorize the staff to inspect locations or systems of records on behalf of the committee.

RULE 7. PROCEDURES FOR HANDLING OF SENSITIVE OR CONFIDENTIAL MATERIALS

7.1 Security. Committee offices shall operate under strict security precautions. The chairman may request the Senate Sergeant at Arms to provide assistance necessary to insure strict security.

7.2 Sensitive or confidential materials. The chairman may designate categories of sensitive or confidential materials, which shall be segregated in a secure storage area. The chairman may also enter into agreements to obtain materials and information under assurances concerning confidentiality. Each member of the committee shall be notified of such agreements.

7.3 Access. Members may designate individuals on their staffs to have access to committee materials subject to the rules concerning nondisclosure applicable to committee staff. Staff access to materials may be limited by the chairman and vice chairman or by staff officers designated by them to protect the confidentiality of materials.

7.4 Nondisclosure. No testimony taken including the names of witnesses testifying, or material presented, in depositions or at closed hearings, and no confidential materials or information, shall be made public, in whole or in part or by way of summary, or disclosed to anyone outside the committee and individuals designated on members' staffs, unless authorized by the committee or the chairman. Allegations concerning unauthorized disclosure may be resolved by the committee or may be referred by a majority vote of the committee to the Select Committee on Ethics. The employment of any member of the staff who fails to conform to these rules may be immediately terminated.

RULE 8. STAFF

8.1 Detailees and consultants. The chairman shall have authority to use on a reimbursable basis, with the prior consent of the Committee on Rules and Administration, the services of personnel of any department or agency of the United States and shall have authority to procure the temporary or intermittent services of individual consultants of organizations.

8.2 Applicability of rules. For purposes of Rules 6 and 7 of these rules, the officers and employees of the Office of Senate Legal Counsel shall be deemed committee staff.

RULE 9. EFFECTIVE CHANGES IN RULES

9.1 These rules shall become effective upon publication in the Congressional Record. These rules may be modified, amended, or repealed by the committee, provided that all members are present or provide proxies or if a notice in writing of the proposed changes has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken. The changes shall become effective immediately upon publication of the changed rule or rules in the Congressional Record, or immediately upon approval of the changes if so resolved by the committee so long as any witnesses who may be effected by the change in rules are provided with them.●

SENATE JOINT RESOLUTION 177

● Mr. ZORINSKY. Mr. President, what is the best way to rid the world of the fear and the threat of nuclear explosion? I believe that the best way is to create, through strong arms con-

trol and defense policies, a stable military balance of power between this country and the Soviet Union. I heartily support the Jackson-Warner resolution calling for immediate negotiations with the Soviet Union in order to reach an equality of nuclear forces at reduced and verifiable levels. I also am very pleased that President Reagan commends this approach.

The reason why I support this long-term approach to a nuclear freeze is quite simple. I believe that it will be effective. In contrast, an immediate freeze on nuclear weapons would be ineffective. It is ineffective because, at the present time, the Soviet leaders recognize that they hold certain strategic advantages. The "freeze now" approach would lock in those Soviet advantages, and thus Soviet leaders would have little incentive to actually reduce arms.

The world needs arms control agreements that enhance, not reduce, security, and that offer real reductions. The Jackson-Warner proposal embodies these hopes, and I am pleased to be a cosponsor of this resolution. We must remember that, in our haste for solutions to complex problems, we do not want to agree to something that will turn out to be no solution at all. We cannot base the freedom of the next generation on trust alone. We must work hard to develop the skills and means, for example, to verify Soviet compliance with arms control treaties. Negotiating with the Soviet Union takes time. It takes patience. It takes a commitment to the security of freedom-loving people. Arms control should be a means to achieve a secure, lasting and stable peace, a peace based on realism and not false hope.●

NUCLEAR ARMS CONTROL

● Mr. HATFIELD. Mr. President, I submit for printing in the RECORD, for the benefit of my colleagues, a speech on nuclear arms control, given in March by Senator MAX BAUCUS.

The comments by Senator BAUCUS reflect the horrors of nuclear war and the urgent need for the United States and the Soviet Union to negotiate a fair, balanced agreement to reverse the arms race.

In town meetings, not only in Montana and Oregon but also across the Nation, citizens are calling for an end to the arms race which endangers our future and wastes our resources. I hope all Senators consider the remarks by the Senator from Montana, which I ask to have printed in the RECORD.

The speech follows:

ADDRESS BY SENATOR MAX BAUCUS

Thank you. It's always good to be home among friends.

Last week, the Senate witnessed an extraordinary hearing. Survivors of Hiroshima came to tell their story.

They told us why it must never happen again.

A doctor remembered seeing a young mother, clothes torn, pushing a baby carriage.

The baby had wood embedded in his cheek. But he was not crying.

People walked with arms extended, knees bent, staring ahead, crying.

He saw a streetcar full of people. Some were sitting, others standing. In shock, he saw that all were dead.

There were other, similar stories.

The room was crowded, the senators were listening. There was shock and silence. You could hear a pin drop.

They weren't pleasant stories. Nor were they happy stories. But, they are part of the world we live in. They are a warning.

I am one of 20 Senators sponsoring the nuclear freeze resolution. We want both sides—the United States and the Soviet Union—to negotiate.

We want a fair, equal, balanced agreement. We remember the words of President Kennedy:

"We must never negotiate out of fear, but we must never fear to negotiate.

Imagine the following situation:

There is trouble in some part of the world. Both sides fear a nuclear attack. Both sides start evacuating their major cities. Each sees the other evacuating.

Feeling war is coming, the Soviets attack first. ICBM's shoot toward their targets. It is 1 minute past midnight.

The President is asleep. The generals study the evidence. There have been false alarms before. Six minutes go by. They wake up the President. he may have 20 minutes before the bombs go off.

The President launches a counterattack. He orders everyone to find shelter, word goes out. People are awakened. As they begin to move. There are 8 minutes left.

Panic. Roads are packed. Traffic jams on the highways.

Families are caught separated. While some search for shelter, others frantically look for their loved ones, knowing they'll never see each other again. One minute is left.

Finally, it happens. There is a flash.

Some people are blinded. Thirty million are killed instantly. Fires begin. But no one can put them out. Five million people have severe burns, but only thousands can be treated.

Communications are virtually dead.

Radiation spreads. Many who survive will die of cancer. The rain is poisoned.

Most doctors, because they tend to live in cities, are killed. Others escape but cannot be found. No one can care for the wounded.

One family has found shelter, but when their son arrives—10 minutes after the blast—they face the awful dilemma between letting him in and contaminating everyone, or keep him out so that they might live. They let him in and they all die together.

And so on. And so on.

When does it all end? It ends when the politicians catch up with the people.

It ends when we use our gifts for life, not death. When we start rebuilding our economy: Creating jobs, lowering interest rates, building and selling houses—rather than building weapons that will most likely kill us all if they are used.

It ends when we listen to what our people are saying. In Montana, in Vermont, in California, in town meetings across the Nation. They are saying: Enough is enough.

We are—all of us are—responding to some of the strange talk we have been hearing.

We hear that nuclear weapons might actually be used.

We hear that nuclear war could be won.

We hear that nuclear war could be limited—a bomb here, a bomb there, and hopefully it will not spread.

We hear that we could hide from a nuclear war. We could live underground, eating canned food, waiting for the radiation to clear.

We hear that unstable Third World nations want nuclear weapons. Their neighbors, often enemies, want them too.

We hear that terrorists could get nuclear weapons.

We hear Soviet officials say they need stronger nuclear arsenals—because the Americans are building them.

We hear American officials say that we need stronger nuclear arsenals—because the Soviets are building them.

We hear that both sides plan new weapons—in space.

And on. And on.

Imagine what we could do if we limit the arms race. We could begin to solve some of the problems that Pat and Ted mentioned. Think of how many jobs we could create. Think of how many children we could educate, how many farmers could be assured a fair deal. Think of how many houses could be built. How many hungry people we could feed.

The same is true of the Soviets. They, too, are going bankrupt. Poland is in chaos. Romania is broke. Afghanistan is an Albatross.

The Soviet economy is a shambles. Productivity is nil. Alcoholism is high. Absenteeism skyrocketing.

The time has come to negotiate. We give up nothing, exactly nothing, in advance.

If negotiations fail—we have lost nothing.

If they succeed—we have gained a future.

We have gained a chance to use the Lord's gifts the way the Lord intended.

Nuclear weapons changed the world forever. . . . For the first time, we could destroy, in minutes, the results of thousands of years of civilization.

If we listen to the Hiroshima survivors . . . and the town meetings . . . and the churches and schools, union halls and senior citizens . . . If we use our basic commonsense, we can halt the arms race.

Senator Mansfield may have said it best when he called the arms race "an immense void of darkness." He called arms control "a flicker of light against that darkness."

As the Bible says, where there is no vision, the people perish.

But where there is vision, there is hope.

As Montanans and as people, we must do whatever we can. Thank you.●

AIPAC TESTIFIES ON UNITED STATES-ISRAEL RELATIONS

● Mr. BOSCHWITZ. These are traumatic times in the Middle East. America's closest and most reliable friend in that part of the world is preparing for the final withdrawal from the Sinai in only 10 days. Much of the euphoria that greeted the peace treaty with Egypt has been replaced by a worried gloom as Israel contemplates Egypt's course following that important step.

Israel has paid a high price for peace and taken considerable risk. She has surrendered strategic depth, energy independence, and economic assets.

A New York Times analysis yesterday observed:

Everyone in Israel has known for months that the final days before the final withdrawal would be a time of acute psychological stress requiring constant reassurance. Now that the time is here, the reassurance is lacking.

The need for such reassurance, how we should conduct ourselves, the status of U.S. relations with Israel and the Arab states, and the outlook for the future are the subjects of testimony presented this morning before the Senate Committee on Foreign Relations by Mr. Thomas A. Dine, executive director of the American Israel Public Affairs Committee. AIPAC is a domestic American lobby representing the American Jewish community in Washington. I submit for the RECORD Mr. Dine's testimony.

The testimony follows:

STATEMENT BY THOMAS A. DINE

Thank you, Mr. Chairman, for the opportunity to testify before this distinguished Committee. Appearing with me is Mr. Douglas Bloomfield, AIPAC's Legislative Director.

The American Israel Public Affairs Committee (AIPAC) appreciates the opportunity to express our views on the proposed Foreign Assistance Act for FY 1983.

AIPAC is a domestic American lobby. On our Executive Committee sit the presidents of the 38 major American Jewish organizations representing more than four-and-one-half million members throughout the United States.

AIPAC supports the total amount of economic and military assistance requested by the Reagan Administration for Israel for Fiscal Year 1983. However, we are deeply concerned over the additional $300 million in military assistance in the form of *loans* not grant and Administration proposals to repeal $50 million in grant FMS assistance and $260 million in economic support fund grant assistance already approved by the Congress and signed into law by the President for FY 1983. I intend to discuss this in detail later in my testimony.

Overall, however, the $1.7 billion in foreign military sales credits and the $785 million in economic support funding will help Israel maintian its defensive capability and economic viability.

The assistance for Israel helps to strengthen the vital alliance between the United States and its democratic friend. This assistance reassures an anxious Israel at a time it is undertaking great national security risks in fulfilling the Camp David Peace Accords. This assistance emphatically tells Israel's Arab foes and the Soviet Union that our national commitment to Israel's security and well-being stands firm. The economic and military assistance recommended for Israel this year thus serves broad American purposes throughout the Middle East and enhances the bilateral U.S.-Israel relationship.

THE MIDDLE EAST TODAY

Mr. Chairman, instability is pandemic in the Middle East. The Arab-Israeli conflict is only part of the regional turmoil. War continues to rage between Iraq and Iran with still no end in sight, and both countries face internal threats as well. Fighting has been reported between North and South Yemen. A serious but unsuccessful coup recently took place in Bahrain. Jordanian soldiers have just been dispatched to fight alongside Iraqi troops. Syria remains at odds with both Iraq and Jordan. At least 25,000 Syrian troops occupy most of Lebanon. The once free and independent country is shattered by intra-Moslem, intra-Christian, and Moslem-Christian warfare. In effect, Syria has annexed 60 percent of Lebanon—which it has never recognized as an independent state and considers to be part of greater Syria. The PLO occupies much of the remainder of Lebanon. Meanwhile, inside Syria, near civil war exists with unknown hundreds killed as Syrian tanks and artillery mercilessly and brutally blasted away at the residents of Hama just a few weeks ago.

In Egypt, the assassination of Anwar Sadat only six months ago leaves that country with a relatively unknown leader and a totally uncertain future. Arab enticements and threats are offered to push Egypt into the Arab rejectionist camp. For the first time in almost a decade, Soviet advisers have been invited back to Egypt. And breaking with his predecessor's practice, Egyptian President Mubarak has refused to visit Israel's capital, Jerusalem.

Arab governments are buffeted by oil gluts, ideological debates and personality conflicts. Libyan strongman Muammar Qaddafi somehow finds himself involved in all these disputes as the catalytic agent in this volatile region.

The Middle East continues to be the source of training for international terrorism. From the camps in Libya, Syria, Lebanon, Iraq and South Yemen, terrorists emerge to attack targets in Europe, Latin America, Asia and the Middle East. Training, arms, and funds are supplied by these countries to terrorists from a score of countries.

None of this turmoil is related to the Arab-Israeli conflict, and none of the turmoil will disappear with a solution to the Arab-Israeli conflict. All of this turmoil, however, affords the Soviet Union ample opportunities to gain influence in the region. The Soviets have gained more than just a foothold in countries such as Syria, Libya and South Yemen, where they and their surrogates play a vital role in running the military and internal security *apparat*.

Another major entree for Soviet influence and intimidation in the Middle East is through the Palestine Liberation Organization (PLO). The PLO intimidates and threatens moderates throughout the Arab world, not just on the West Bank and Gaza where 17 Arab residents were assassinated last year. In addition, the PLO trains and supports the international terrorist cadres plaguing western Europe and Latin America. The trial and confessions of the terrorists responsible for kidnapping U.S. General James Dozier, for instance, have revealed the extensive PLO role in arming and training Italy's Red Brigades. There is also evidence of PLO training of Ali Agca, the attempted assassin of Pope John Paul II.

In January 1982, PLO leader Yassir Arafat boasted that his forces were actually serving in Nicaragua and El Salvador. "The Palestinian identity," Arafat explained, "is one of revolutionary struggle and universal in its character . . ."

In response to the Soviet thrusts and probes in the Middle East, this Administration's policy of a "strategic consensus" was a welcome development. Unfortunately, the response from those Arab countries expected to participate—most notably Saudi Arabia—has been anything but favorable.

One Middle East country, however, has always shared a strategic consensus with the United States on confronting the Soviet threat, and that country, of course, is Israel. Secretary of State Haig told Congress last year of Israel's "importance . . . to our developing regional strategy. Israel constitutes an important deterrent in the region and indeed can play a major role in countering the more serious threats involving the Soviet Union."

Just what does Israel offer the United States? Mr. Chairman, Israel offers strengths and characteristics unique among the nations of the Middle East: a firm and enduring commitment to democracy, political stability, proven military capabilities, shared ethical values, and a recognized reliability as an ally. Most importantly, Israel's democratic institutions insure that Israel's future political orientation will continue to be one that is firmly rooted in the western mold. That was certainly not the case with Iran; nor is it true of Saudi Arabia, Jordan or even Egypt.

The United States can call on Israel to serve as a regional staging area, a land route for supplies between Egypt and Asia, a refueling base, and a tactical support, maintenance or medical facility. Israel possesses some of the most modern tactical airbases in the world, including two new bases constructed in the Negev Desert with American assistance.

Israel also has deep water ports on the Mediterranean and Red Seas. The port of Haifa is now used by ships of the U.S. Sixth Fleet for supplies and shore leave. Israeli ports and airbases are capable of servicing and repairing virtually any tactical aircraft or fighting ship in the U.S. inventory.

As members of this Committee well know, military installations are important in time of war, but intelligence outposts are no less important in time of peace. Israel is such an outpost for the United States, sharing its intelligence data with the United States and other nations. To cite several examples, Israel warned of instability in Iran months before the fall of the Shah; Israel has provided captured Soviet military equipment (tanks, missiles, aircraft) for American evaluation; Israel has provided details of its tactics and strategy in combating terrorism; Israel shares information on the Soviet fleet in the Eastern Mediterranean as well as data on the Iraq-Iran war.

The Memorandum of Understanding signed by the United States and Israel on November 30, 1981 recognized the shared strategic consensus of the two nations. The document specifically recognized the Soviet threat to the region.

It was, therefore, with great surprise and disappointment the Defense Department suspended the agreement less than three weeks later. Considering the document was predicated on confronting the common Soviet threat, considering that the Soviet threat remains, the unilateral abrogation of the agreement makes little sense. This act provides encouragement to those who seek to drive a wedge between the United States and Israel.

With similar dismay, we note that the "Annual Report to the Congress" for Fiscal Year 1983 by the Secretary of Defense never even mentions Israel and its importance to the United States.

THE THREATS TO ISRAEL

Within the context of U.S.-Soviet competition in the Middle East and the internal instability in the Arab world, Israel finds

itself under new military threats and pressures from its Arab foes. In the year since this committee last deliberated on foreign assistance to Israel, the balance of military forces tipped further toward the Arabs' favor.

In the last year, Israel has faced a serious buildup of long-range PLO weaponry in southern Lebanon. In July 1981, the PLO unleashed a two-week barrage of rocket and artillery attacks against the civilian towns and villages in Israel's north. Since the cessation of hostilities, the PLO buildup has continued unabated. Now reorganized as a terrorist army, the PLO has an arsenal comprising mobile rocket launchers, tanks, and long-range 122mm and 130mm artillery. Secretary Haig admitted on February 5, 1982, "It is true that there are reports of levels of both tubed artillery and rocketry moving through Lebanon to the Palestinian forces in southern Lebanon."

Also in Lebanon, Israel continues to be confronted with six batteries of Syrian SAM missiles, missiles that effectively shield part of the PLO buildup and that have the potential to mask a Syrian troop mobilization in the Beka'a Valley. The missiles remain in place, despite Secretary Haig's call on July 20, 1981 for restoration of the "status quo ante."

The Syrian threat to Israel continues to grow, beyond the two Syrian divisions now in Lebanon. Syria's late-model tank force of 3700 tanks equals the combined forces of Great Britain, France and Italy. Syria's air force flies the most modern Soviet aircraft, including MiG-23, -25 and -27. In the last year the Soviets provided Syria with two Tu-126 AWACS. Syrian military exercises indicate that the Syrian army has learned important lessons since the Yom Kippur War in battlefield coordination and management. On several occasions, war games were conducted in conjunction with U.S.-supplied Jordanian and Saudi aircraft.

Jordan, too, looms larger today in Israel's threat analyses. Its cooperation with Iraq in the Iranian-Iraqi war, particularly the dispatch of Jordanian soldiers to the front, shows again King Hussein's inability to stay out of someone else's fight—a bad habit he revealed in both the 1967 and the 1973 Arab-Israeli wars. Hussein's four army divisions are now fully mechanized, and last year he purchased from the Soviet Union a mobile anti-aircraft system consisting of ZSU radar-guided guns and 20 batteries of SAM 8s.

Those American officials who insist on portraying King Hussein as a "moderate" have been able to excuse his rejection of the Camp David Peace Process as due to shortcomings on the part of the United States or Israel. But his purchase of Soviet equipment and the reported training of Jordanian technicians in the Soviet Union belie his moderate image.

While in the Soviet Union to negotiate the SAM sale in May 1981, he vowed that "Jordan unhesitatingly fulfills its duty in the struggle against Israeli colonialization and occupation of Palestine and other Arab territories [*Pravda*, May 27, 1981]." In July 1980, the "moderate" Hussein announced to the Islamic Foreign Ministers Conference that "The Islamic nation . . . will not accept the situation of the land of the Prophet's flight to heaven and the cradle of prophets and divine messages [Israel] being the captive of Zionist occupation [*Amman Domestic Service*, July 11, 1980]."

Despite Jordan's continued rejection of peace with Israel and the recent creation of a joint Soviet-Jordanian military commission, Jordan is seeking—and the United States is apparently acceding to—the sale of mobile I-Hawk missiles and F-16 or F5G aircraft.

Jordan's acquisition of mobile Hawk missiles will increase the danger of Jordanian involvement in new Arab-Israeli hostilities. Specifically, the missiles will give Jordan the opportunity to launch an attack across the Jordan River under an anti-aircraft missile umbrella. Jordanian objectives would not necessarily be the capture of the West Bank, but the establishment of a beachhead several miles wide on the West Bank. In addition, I-Hawks placed along the Jordanian-Israeli border would threaten approximately one-third of Israel's airspace.

Mr. Chairman, such a sale to Jordan presents a significant threat to Israel. And when viewed as part of other sales to the region, particularly to Saudi Arabia, the sale becomes part of an ominous warcloud gathering on Israel's eastern border. Since 1973, Arab states have purchased *more than $100 billion* of weaponry, most of it from the United States.

It should be noted that although Israel accepts a quantitative disadvantage in relation to its neighbors, that gap is growing at a rate where quantity itself is already eroding what Israel has left of a qualitative advantage.

Saudi Arabia has now emerged as a major confrontation state of Israel's eastern front. On March 24, 1982, the Chief of Operations of the Department of Defense's Near East Division, Homer McKalip, told the House Foreign Affairs Committee that the U.S. sales to Saudi Arabia since 1976 amounted to *more than $42 billion*, with $12 billion of that in the last year alone.

A relatively small military force just a few years ago, Saudi Arabia has acquired armament in both quantity and quality and is becoming a potent military force. Last year's sale of AWACS aircraft and offensive enhancement equipment for the 62 F-15s Saudi Arabia has already ordered will give an Arab army for the first time equipment more advanced than that in Israel's arsenal. Despite presidential pledges to the contrary, these U.S. sales clearly diminish Israel's technological edge.

But perhaps even more threatening and alarming to Israel is the fact that the sale of weapons to Jordan and Saudi Arabia and the relaxation of restrictions on the sale of aircraft to Iraq, Syria and South Yemen have come without any political or diplomatic recompense. To many an observer, the unlimited, reckless pursuit of arms sales is not the proper and responsible means to achieve the sound goal of strategic consensus. To quote an unnamed, ungracious but candid Saudi general, "You [Americans] are just arms salesmen; we [Saudis] pay cash."

This attitude is both alarming and instructive. Middle East states have come to expect much from us and offer nothing in return. The Arab states have redoubled their efforts to pull Egypt away from the peace process. They have increased their political, diplomatic and economic warfare against the Jewish state. They have consistently thwarted U.S. plans, hopes and goals.

Saudi Arabia's actions exemplify this hostility. The Saudis have refused to participate in any way in U.S. defense planning for the region; they have rejected U.S. bases or facilities on Saudi soil; they continue to call Israel their greatest enemy, not the Soviet Union. Saudi Arabia has attempted to pull Oman away from closer cooperation with the United States. The Saudis continue to wage war against the Camp David peace process, with one leader saying recently that the only good thing to come out of Camp David was "the death of Sadat [New York Times, February 9, 1982]." Saudi petrodollars still fund the radical Arab rejectionist front and the terrorist PLO.

It is not just the reckless arms sales that endangers Israel. It is also the reckless abandon with which these sales are conducted. No demands, no punishments have been meted out to these Arab extremists, only blandishments and arms.

ISRAEL'S ROAD TO PEACE

Despite the threats from its neighbors and the sometimes irresponsible and feckless actions of the United States in the past year, Israel stands committed to carrying out her responsibilities of the Egyptian-Israeli Peace Treaty and the Camp David Accords.

This month, Israel will withdraw from the last remnant of the Sinai and the safety it afforded Israel. Amid great anxiety and true national trauma, Israel will relinquish the last of its airbases, settlements, towns and training grounds in the Sinai.

No one can predict whether the dream of peace envisioned by Anwar Sadat and Menachem Begin will grow into a peaceful reality under Egypt's new leadership. Indeed, there are signs already that Egypt is reluctant to allow peace to grow fully. Nevertheless, the withdrawal will be completed, and Israel will be militarily weaker, and maybe closer to peace, for it.

Thus, let no one charge that Israel is expansionist, recalcitrant, or intransigent. When offered full recognition as a nation among nations, when given an Arab neighbor willing to make peace, Israel will carry out every sacrifice necessary to achieve peace. At the same time, when its very existence is threatened, when its citizens are denied the right to live peaceful, full lives, Israel will take every measure necessary to protect its security.

Besides the price in security Israel will pay by withdrawing from the Sinai buffer, the withdrawal will also cost Israel an estimated $17 billion in facilities, infrastructure, oil development, and investment left behind, and $5 billion for new airfields, bases, depots, support facilities and early warning emplacements that must be reconstructed.

The cost of withdrawal and relocation has been paid in part by generous U.S. assistance, but most of the expense is borne by Israel's citizens who are already among the highest taxed people in the world.

Israel's people also bear the cost for another aspect of the Camp David agreement, and that is in the search for a solution to the Palestinian Arab problem on the West Bank and Gaza. The Israeli government and people do not seek the role of an occupier in these territories. The territories came into Israeli hands as a result of *Jordanian aggression* in 1967. The continued Israeli control of the region comes only partially from a desire to retain the unity of the Land of Israel which some profess and the fear of surrendering the strategically vital highgrounds that once gave Arab gunners the ability to rain death and shrapnel upon Israel's centers of population—a fear all Israelis possess.

The control also comes by default, from the total rejection by Jordan and the PLO of any recognition, negotiation or compromise with Israel.

To a large extent, the recent rioting in the territories reflects the Jordanian and PLO attitudes and attempts to incite the territories' inhabitants.

Attention and criticism are sometimes given to Jewish life on the once *Judenrein* West Bank. But too little attention is given to the cost to Israel for the services it has extended to the Arab residents of the West Bank and Gaza. The State Department Reports on Human Rights for the last three years attest to the rising standard of living in the regions, the increasing agricultural yields, the improved health care and higher educational levels. To be sure, the situation is far from ideal, but in the absence of Jordanian negotiators called for at Camp David and in the presence of PLO terrorism and incitement against Israelis civilians and Arab moderates, alternatives are rare, and the Israeli public bears the military and economic costs.

ISRAEL'S ECONOMY

Thus, Mr. Chairman, Israel pays for peace, and it pays for defense.

The Middle East arms race has a direct and devastating impact on Israel's economy. About 25 percent of Israel's GNP goes to defense, compared to approximately six percent in the United States. Much of Israel's outstanding debt is for repayment of defense related loans.

Following earlier withdrawals from Sinai, Israel has had to buy its oil from Egypt (at a cost of $400–$500 million per year), Mexico and on the spot market. OPEC oil has been shut off because of the Arab boycott and Arab pressures on non-Arab OPEC members. Once, Israeli oil needs were almost totally met by the oil from the Sinai fields. Israel's oil import bill this year is estimated at approximately $2.5 billion—roughly equivalent to this year's foreign aid bill and to Israel's projected balance of payments deficit.

Israel has enacted broad and stringent austerity measures that have helped cut Israel's inflation rate from the 1980 high of 133 percent to approximately 100 percent in 1981. But Israel's foreign debt continues to climb, from $15.5 billion in 1979 to $17.4 billion in 1980 to $18.2 billion in 1981. An additional deficit of $2–$2.5 billion is now projected for 1982.

The $2.5 billion contained in this foreign aid appropriations bill will help alleviate much of the strain on the Israeli economy, but allow me to remind this committee what it also does for our own U.S. economy. Unlike most other recipients, Israel will spend all the funds allocated in this bill here in the United States. Monies granted and borrowed under the military assistance program are spent here, and Israel's civilian imports from the United States will be nearly double the amount of economic aid Israel is to receive. The results are more American jobs and exports, and a stronger American economy.

The $2.5 billion is indeed generous, but we express to this committee our concern over the Administration's attempt to cut $50 million in FMS forgiveness and $260 million in ESF grant assistance for Fiscal Year 1983 recommended by this Committee and approved by Congress and signed into law by the President. We urge this Committee and Congress to block this effort.

While the Administration has also requested an additional $300 million in FMS *loan* credits for Israel, none of this amount is to be forgiven. This new loan authority is intended to help finance Israeli aircraft purchases that were made necessary by the new security requirements mandated by the sale of F-15 offensive enchancement equipment and AWACS to Saudi Arabia.

We urge this Committee and Congress to forgive the entire $300 million. The 1982 "A.I.D. Report on the Israeli Economy and Debt Repayment Prospects" states that each $100 million of FMS loans costs Israel $22.65 million per year in debt service, or more than $550 million over the life of the loan. Thus the loans to help offset the Saudi arms package will cost Israel about $1.6 billion. Already this year debt service to the United States will amount to approximately $800 million, exceeding the total ESF grant assistance Israel receives from the United States.

Clearly, Mr. Chairman, Israel cannot afford to engage in a war of economic attrition against Saudi Arabia and the other Arab confrontation states—a war which the Arabs can win without firing a shot. Unless the United States provides military assistance to Israel on terms it can bear, Israel will simply not be able to afford to purchase the military equipment it needs to offset the sale of sophisticated U.S., European and Soviet arms to Saudi Arabia and other Arab confrontation states. The failure to provide concessional assistance would cast serious doubt on our commitment to preserve Israel's qualitative edge, as promised on several occasions by President Reagan before and after the AWACS and F-15 enhancement sale.

The form this additional $300 million assistance takes will send an important *political* message to an increasingly anxious Israel. *Newsweek*, in its April 5 issue, for instance, finds a political "tilt" in the fact that the Administration's FY 1983 foreign aid proposal calls for higher actual outlays for Egypt than for Israel. The Administration suspension of the Memorandum of Understanding and its attempt to repeal grant aid will also be seen as harmful political signals.

Mr. Chairman, now that Israel must bear a greater military expenditure burden than before, along with the high social, political, security and economic costs of the Sinai withdrawal, the United States should be taking actions to *improve*, not worsen, that burden and which *strengthen*, not call into question, the extent of the U.S. commitment to Israeli security.

We urge the Committee to take these factors into account as it reviews the FY 1983 Foreign Assistance Act. While we understand the budgetary constraints under which this Committee must operate, we believe this issue is closely tied to stability in the Middle East and to future hopes for a more comprehensive and lasting peace in the region—a small budgetary price to pay.

Thank you very much.●

BEN EATON'S WISDOM

● Mr. HELMS. Mr. President, I have a dear friend in Raleigh, N.C., whose wisdom has been demonstrated over and over again during the many years that I have known him. His name is Ben Eaton.

Ben is now retired following a distinguished career as an official of the North Carolina Department of Revenue and as director of the administrative services division of the North Carolina Board of Health. During his career, he also served as tax advisor to the governments of Kabul and Afghanistan, and as administrative advisor to North Carolina State University's mission to Peru.

Ben Eaton, in earlier days, could have been described as "sound as a dollar." But today, with the dollar in such pathetic shape, he is a lot sounder than a dollar.

Mr. President, the other day, I ran across an article written by Ben Eaton 3 years ago, and published in the May 27, 1979, edition of The Raleigh News and Observer. The headline on the article read, "A Call for Government to 'Live Within Its Means'."I hope my colleagues will read this article for it proves what my father used to say—truth is eternal. The arithmetic of his message has changed, but not its good commonsense.

Mr. President, I ask that the aforementioned article be printed in the RECORD.

The article referred to is as follows:

A CALL FOR GOVERNMENT TO "LIVE WITHIN ITS MEANS"

(By Ben Eaton)

Much has been said within the past year about the urgency of a balanced federal budget, and the compelling need for a drastic curtailment of expenditures. I join many of our citizens in the call for prompt and forceful action.

We are confronted with many serious issues, domestic and foreign, but there is no greater peril to survival of this nation, as we now cherish it, than the dark threat of financial and economic disaster that hangs over us.

What has brought us to this brink? Simply stated, the federal government has not lived within its means for the past 50 years. Sad to relate, this has been the case in not only periods of economic distress but of great prosperity.

PRESSURE GROUPS

For years, spending has been unbridled, yielding to pressure groups in the vast expansion of government without regard to our ability to pay, or at least to devise necessary tax structures to meet the costs. The famous Parkinson Law "that expenditures rise to meet income" has been far exceeded and become obsolete, as "deficit spending" has been a way of life for the federal government.

Let us examine the record:

Our national debt is now approximately $800 billion and continues to mount by leaps and bounds each year.

In 1930, this debt was approximately $16 billion. Defense and foreign wars, it is true, have taken a heavy toll. In 1960, our national debt had reached $288 billion. It is distressing and frightening that in the interim since 1960 the national debt has increased over $500 billion.

SELDOM A SURPLUS

Since 1935 there has been a surplus in only six of the 44 years. "Deficit spending" was recorded for 38 years during the period of 1935–1978.

Many of the years from 1935 show very large deficits. Samples: for 1975, $43 billion; 1976, $66 billion; 1977, $48 billion; 1978, $61 billion. (All figures are approximate). A large deficit is imminent for 1979.

This continual increase in federal expenditures, beyond revenues, violates the fundamentals of fiscal integrity.

Manifestly, rapid inflation was a factor, but as we all know, inflation feeds on excessive government spending over income. So inflation has become a "nightmare" toward which the Congress and the administrative leadership of both parties have contributed.

"DISMAL TREND"

A few figures reveal the dismal trend. The appropriation for "education and services" in 1965 was $2 billion, in 1978 the cost was $27 billion; "health services" in 1965 was $2 billion, in 1978 it was $44 billion; "income security" (general retirement, public assistance, etc.) in 1965 was $26 billion, in 1978 it was $146 billion; "national defense" in 1965 was $48 billion, in 1978 it was $113 billion; "interest on public debt" in 1965 was $10 billion, in 1978 it was $42 billion (all approximate figures).

I think these few statistics portray an alarming disregard of fiscal responsibility.

Our posture in national defense and the heavy financial burden that has gone with it, however, is understandable (except for the reputed waste and duplication) in view of the constant threat to our security.

DISCIPLINE URGED

Surely, somewhere along the line, whether it be individuals, families, business enterprises, or governmental units, we must face the discipline of controlling expenses or default, as did Germany some years ago.

We cannot indefinitely continue to support a large segment of our population nor attempt to buy the support and loyalty of many countries throughout the world, much of which has proven to be "money down the drain."

There are fine-spun theories about our extensive spending programs and our national debt, suggesting that it is not really a grave problem, that the federal government "can never go broke." So we keep piling debt on debt. Commonsense tells us that there is something wrong with this philosophy.

HISTORY RECALLED

Our people and our government since our founding have prided themselves on financial responsibility—on living within our means, on sanctity of obligations. We abhor bankruptcy unless it be under the most extreme circumstances.

The state of North Carolina has demonstrated for many years the basic principle of limiting expenditures to revenue collected. We have felt so strongly about this bedrock policy that is mandated in the Executive Budget Act.

We have had to forego spending temptations, new programs and expansions. But North Carolina has had over the years good sound government in which our people, businesses and financial institutions have had confidence. And we have earned great respect elsewhere.

NOT SO DIFFERENT

Although the federal government is compelled to function on a somewhat different basis from the states, because of certain powers and obligations such as national defense, it is believed that its role is not so far removed from the fundamental concept that income should match expenditures except in dire emergencies.

When a balanced federal budget is discussed the question is often projected: "A good idea, but what shall we cut?" A clear-cut answer as to specifics is not easy.

To begin with, this should not be a political issue, nor revolve around the labels of "liberal" or "conservative," as the long-run solution is so strongly tied to the public interest.

PET PROJECTS

There should be no room for "pet projects." In general, it is urged that most of government should be substantially scaled down. Some programs should be eliminated. There may be a number of costly programs which should not have been undertaken in the first place. There are undoubtedly worthy national objectives that we cannot afford to consider at this time.

The unweaned habit of the states looking to Uncle Sam is due for a change. They must shoulder more local financial obligations, including what has been called "revenue sharing," hastily embarked upon by the federal government some few years ago.

The alternative to a broad curtailment of federal expenditures would be the restructuring of our tax code to produce substantial increases in revenue. This would include new tax sources and much needed tax reform.

SOUND FOOTING

A combination of a sharp reduction in spending and significant tax revisions is believed necessary to restore the federal government to a sound financial footing. These vital issues should be faced without delay.

It would be utter folly to entertain at this time a plan for tax reduction or tax rebates. In the light of our staggering national debt, such a course of action would be robbing Peter to pay Paul. To do so would be to resort to the long-experimented and discredited theory of "spend into prosperity."

If we do not call a halt to the extravagant expenditure of public funds, more radical action may follow, which could seriously threaten our cherished institutions and our past social and economic gains.

It is to be hoped that a strong and insistent voice from the people will be convincingly heard by Congress and the leadership of the nation, which will generate the necessary action to begin at once to place our financial house in order.

Let us establish before it is too late a national policy of restraint by clear and unmistakable statutory authority for a firm standard of a balanced budget.

(Source of statistics: U.S. Office of Management and Budget.)●

PROGRAM

Mr. MATHIAS. Mr. President, the majority leader, the Senator from Tennessee, has asked me to announce to the Senate that in addition to the consideration of Senate Resolution 20, TV in the Senate, which has already been announced for Monday, April 19, the Senate may also be asked to consider S. 1630, which is the Criminal Code bill.

Is there further business to come before the Senate? Does the Senator from Louisiana wish to say anything further today?

Mr. LONG. Not today.

RECESS UNTIL MONDAY, APRIL 19, 1982

Mr. MATHIAS. Mr. President, is there further business to come before the Senate? If not, I move, in accordance with the previous order, that the Senate stand in recess until the hour of 12 noon on Monday.

The motion was agreed to; and, at 3:54 p.m., the Senate recessed until Monday, April 19, 1982, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate April 15, 1982:

IN THE AIR FORCE

The following-named officer under the provisions of title 10, United States Code, section 8034, to be reassigned in his current grade to a position of importance and responsibility designated by the President.

Gen. Charles A. Gabriel, 243-32-9018FR, U.S. Air Force.

SENATE—*Monday, April 19, 1982*

(Legislative day of Tuesday, April 13, 1982)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, LL.D., DD., offered the following prayer:

Let us pray.

Praise ye the Lord. Praise ye the name of the Lord; praise Him, O ye servants of the Lord. Praise the Lord; for the Lord is good; sing praises unto His name; for it is pleasant.—Psalm 135: 1 and 3.

Lord God of all history, of all nations and of all peoples, we pray for the peace of the nations. We pray for the leadership of England and Argentina that confrontation may be avoided and that they may find agreement and a friendly outcome to their situation. We pray for the leadership in the nations of Central America, that violence may cease and order be established between and within the nations.

We pray for a resolution to the alienation in the Middle East, for all who bear responsibility for government. We pray for the peace of Jerusalem. We pray for Poland and Afghanistan, for Iraq and Iran and all who exercise authority in those lands.

Gracious Father, we pray for special wisdom for the President, the Secretaries of State and Defense, the chairman of the Foreign Relations Committee in the Senate and all who serve with them in their effort to bring peace. In the name of the Prince of Peace, we pray. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

THE JOURNAL

Mr. BAKER. Mr. President, I ask unanimous consent that the Journal of the proceedings of the Senate be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

A FENCE OR AN AMBULANCE

Mr. BAKER. Mr. President, this week's poem, "A Fence or an Ambulance," by Joseph Malins tells the story about decisions, and demands. It seems that they never leave us be.

Mr. President, I ask unanimous consent that the poem be printed in the RECORD.

There being no objection, the poem was ordered to be printed in the RECORD, as follows:

A FENCE OR AN AMBULANCE

(By Joseph Malins)

'Twas a dangerous cliff, as they freely confessed,
Though to walk near its crest was so pleasant;
But over its terrible edge there had slipped
A duke and full many a peasant.
So the people said something would have to be done,
But their projects did not at all tally;
Some said, "Put a fence around the edge of the cliff,"
Some, "An ambulance down in the valley."
But the cry for the ambulance carried the day,
For it spread through the neighboring city;
A fence may be useful or not, it is true,
But each heart became brimful of pity
For those who slipped over that dangerous cliff;
And the dwellers in highway and alley
Gave pounds or gave pence, not to put up a fence,
But an ambulance down in the valley.
"For the cliff is all right, if you're careful," they said,
"And, if folks even slip and are dropping,
It isn't the slipping that hurts them so much,
As the shock down below when they're stopping."
So day after day, as these mishaps occurred,
Quick forth would these rescuers sally
To pick up the victims who fell off the cliff,
With their ambulance down in the valley.
Then an old sage remarked: "It's a marvel to me
That people give far more attention
To repairing results than to stopping the cause,
When they'd much better aim at prevention.
Let us stop at its source all this mischief," cried he,
"Come, neighbors and friends, let us rally;
If the cliff we will fence we might almost dispense
With the ambulance down in the valley."
"Oh, he's a fanatic," the others rejoined,
"Dispense with the ambulance? Never!
He'd dispense with all charities, too, if he could;
No! No! We'll support them forever.
Aren't we picking up folks just as fast as they fall?
And shall this man dictate to us? Shall he?
Why should people of sense stop to put up a fence,
While the ambulance works in the valley?"
But a sensible few, who are practical too,
Will not bear with such nonsense much longer;
They believe that prevention is better than cure,
And their party will soon be the stronger.
Encourage them then, with your purse, voice, and pen,
And while other philanthropists dally,
They will scorn all pretense and put up a stout fence
On the cliff that hangs over the valley.
Better guide well the young than reclaim them when old,
For the voice of true wisdom is calling,
"To rescue the fallen is good, but 'tis best
To prevent other people from falling."
Better close up the source of temptation and crime
Than deliver from dungeon or galley;
Better put a strong fence round the top of the cliff
Than an ambulance down in the valley.

ORDER FOR ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that after the recognition of the two leaders under the standing order there be a brief period for the transaction of routine morning business to extend not past the hour of 1 p.m. in which Senators may speak for not more than 5 minutes each.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SENATE SCHEDULE

Mr. BAKER. Mr. President, today, after the execution of the time or the yielding back of the time allocated to the two leaders under the standing order and the absence of any special orders, there will be a period for the transaction of routine morning business which will extend not later than 1 p.m. in which Senators may speak for not more than 5 minutes each.

SENATE RESOLUTION 20—AMENDMENT NO. 1244

At the close of morning business, the Chair will lay before the Senate the unfinished business, which is Senate Resolution 20, at which time the pending question will be the consideration of the amendment offered by the distinguished senior Senator from West Virginia (Mr. RANDOLPH), being printed amendment No. 1244.

S. 1630

It is expected, Mr. President, that during this day the Senate will continue with debate on the Randolph amendment. It is not clear that a vote on or in relation to the Randolph amendment can be reached during the day today.

It is hoped that if we do not reach a final disposition or a vote on or in relation to the Randolph amendment today, that consent can be obtained to proceed to the consideration of the

Criminal Code bill, Calendar Order No. 427, S. 1630.

If we do that, it would be my intention to ask the Senate to only engage in opening and preliminary statements and not to dispose of any issues nor have any votes on that matter today.

The Criminal Code bill is one that will require a great deal of time, I fear, and I am anxious to start on it as soon as possible. So Senators are on notice, and especially those who are charged with responsibility for the management of both Senate Resolution 20 and S. 1630, that at some time during the day today, assuming it is not possible to get to a vote on or in relation to the Randolph amendment to Senate Resolution 20 today, it might be possible to at least begin on the Criminal Code bill debate without any votes on that item.

ORDER FOR RECESS UNTIL 10:30 A.M. TOMORROW

Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 10:30 a.m. tomorrow.

The PRESIDENT pro tempore. Without objection, it is so ordered.

S. 1662—THE NUCLEAR WASTE DISPOSAL BILL

Mr. BAKER. Mr. President, I might add at some time this week, in addition to Senate Resolution 20 and S. 1630, the Criminal Code bill, I would hope it might be possible to proceed to the consideration of the nuclear waste disposal bill, S. 1662. I have not consulted with the principals involved in that matter, but I wish to identify that as one item I would like to take up this week, if possible.

Mr. President, I have no further need for my time under the standing order. May I inquire, is there any Senator who wishes time at this moment? I see no Senator seeking recognition.

I have only one other matter, then, Mr. President.

SWEARING IN CEREMONY OF SENATOR-DESIGNATE BRADY

Mr. BAKER. I remind Members that on tomorrow at approximately 11 a.m. it is anticipated that the President of the Senate, the Vice President of the United States, will administer the oath of office to our new colleague, Senator-designate Brady. All Members are urged to be in attendance at that time so that we may receive our new colleague appropriately.

Mr. President, I have no further need for my time under the standing order, and I am prepared to yield back the remainder of it to the distinguished acting minority leader.

Mr. PROXMIRE addressed the Chair.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDENT pro tempore. The Senator from Wisconsin is recognized.

TRIBUTE TO SENATOR BAKER

Mr. PROXMIRE. It will not be necessary to take the majority leader's time, although I thank him for offering it to me.

Mr. BAKER. Then I yield it back.

Mr. PROXMIRE. Mr. President, before the distinguished majority leader leaves the floor, I think it was a very interesting weekend. As I picked up Time magazine today, on the cover of Time magazine was a portrait of our distinguished majority leader, uncharacteristic only because he was unsmiling. But that was taken care of by the front page of the New York Times this morning which had a really smiling picture of the majority leader. It was a beautiful picture.

I hold in my hand, as my predecessor in the Senate, Joe McCarthy, used to say, a copy of the New York Times magazine for March 1982, with another fine picture of our majority leader.

I was in town this weekend—it is the only Sunday I have spent in Washington in about a year—and I saw the program "Face the Nation." The guest, of course, was Senator HOWARD BAKER, and he did us proud. He did a magnificent job. I think the questioners were about as quick and as sharp and as tough as I have seen them. I have been on that program a few times, and I have watched it often, but I think they did a great job. It was one of the most electrifying programs I have seen, and I hope Members of the Senate will get a copy of the transcript if they want to review a really masterful performance by our leader. It made me proud to be a U.S. Senator.

Mr. BAKER. Mr. President, will the Senator yield to me?

Mr. PROXMIRE. I am happy to yield.

Mr. BAKER. Modesty forbids me to reply seriously to the Senator from Wisconsin except to say that after I saw the picture on the front of the New York Times I was sure that what was inside had to be better, but then I read it.

Seriously, Mr. President, I am honored to have had the privilege of appearing, as the Senator from Wisconsin has pointed out, with some prominence on national publications, but it is an unaccustomed honor to me, and I hardly know what to say except to hope that I survive that exposure and those comments.

On the question of the program yesterday, I have to confess to my friend from Wisconsin and my colleagues in the Senate that I enjoy those programs. I really do. I think "Face the Nation" does an extraordinarily good job. It is a good format, it is uninterrupted by commercials for the entire period, and it gives you a chance to proceed on a particular line of questioning for a reasonable period of time.

But the Senator is right, there were tough questions. And if he thinks it appeared to be electric, he should have felt the way I felt sitting there and trying to answer those questions.

The Senator is most kind to make these references. I am extremely grateful and humble that he would wish to call this to the attention of the Senate at this time.

WHAT DID YOU DO TO PREVENT NUCLEAR WAR?

Mr. PROXMIRE. Sometimes, Mr. President, we learn from experience. We learn from what great opportunities we have missed in life—if only we had had the perfect 20-20 hindsight that only knowledge of an event that has already happened can give us.

So here is a question for all of us. Suppose a full-scale nuclear war between the United States and the Soviet Union should break out at 6 o'clock tonight. And suppose you, a Member of the Congress, happened to be down a coal mine somewhere with plenty of food, water, and fresh air. You learned about the catastrophe and stayed put for 6 months. Then you came out to discover that both the United States and the Soviet Union were destroyed as organized societies. Half our people were dead. Half their people were dead.

And the survivors were stumbling around in a steaming, radioactive rubble. Furthermore, you learn that even outside the two former great superpower countries, little remains except mutilated and dying people, suffering the horrible complications of intense radioactive exposure.

What would you as a Member of the Congress believe you should have done to prevent it?

Let us think about it.

FORTY DAYS OF MUSA DAGH

Mr. PROXMIRE. Mr. President, the film "Forty Days of Musa Dagh" is to premiere on April 30 at the Academy of Motion Picture Arts and Sciences in Beverly Hills, Calif. According to the Armenian Weekly, the first showing of the film is timed to coincide with the 67th anniversary of the 1915 Turkish massacre of Armenians, observed on April 24.

After this showing the film will be distributed to other cities with large Armenian populations.

Based on Franz Werfel's book of the same title, the film depicts a particular siege that occurred during the 1915 massacre. Musa Dagh was the scene of a battle between the local Armenians and invading Turkish troops. On the 40th day of fighting, with supplies depleted, the Armenians were rescued by a unit of the French Navy.

As the Armenian Weekly's reviewer writes:

The "Forty Days of Musa Dagh" is sure to become a motion picture classic, an epic film of brutality, persecution, strength, courage and the undying spirit of fallen Armenians who became martyrs in the first genocide of the century.

As the reviewer points out, the Armenian genocide was the first of the century, but it was not the last. Millions of people have been the victims of genocide during the 20th century, and there is no end in sight.

As we approach the 21st century, ratification of the Genocide Treaty by the United States looms as an unfulfilled obligation. I ask my distinguished colleagues: What prevents you from ratifying the Genocide Treaty today? Will it take another genocide with proportions of the Armenian massacre to convince you of the necessity of a treaty which declares genocide a crime punishable under international law?

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HAYAKAWA). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. There will now be a period for the transaction of routine morning business, not to extend beyond 1 p.m., during which Senators may speak for up to 5 minutes each.

SENATE CONCURRENT RESOLUTION 81—RELATING TO SUMMIT MEETING TO REDUCE RISKS OF NUCLEAR WAR

Mr. SPECTER. Mr. President, I rise to offer a sense of Congress concurrent resolution that President Reagan should promptly proceed to plan and hold a summit conference with leaders of the Soviet Union to reduce the risks of nuclear war and seek control and reduction of nuclear weapons.

Mr. President, as of today, it is not too early for President Reagan and Soviet President Brezhnev to initiate plans for a full-scale summit meeting on nuclear arms reduction.

Next week, the Senate is scheduled to decide, after extensive advice from the executive branch, how much to authorize for fiscal year 1983 expenditures for national defense. In the historic partnership between the executive and legislative branches, it is appropriate in turn for the Senate to offer its advice on prospective treaties for arms control. In this context, the time is ripe for this body to consider and deliberate upon a sense of Congress concurrent resolution urging President Reagan to act now to convene a full-scale U.S.-U.S.S.R. summit meeting on nuclear arms reduction.

As a college student in 1951, writing my senior thesis on Soviet foreign policy, I was impressed with Sir Winston Churchill's famous dictum about Soviet foreign policy: "It is a riddle wrapped in a mystery inside an enigma."

During the past year, I have seen powerful reasons to believe that the Soviet Union should be and is interested in arms reduction, as I have personally observed our Minuteman missiles in Grand Forks, N. Dak.; the B-1 Bomber at Edwards Air Force Base; the nuclear missiles on a Poseidon submarine in Charleston, S.C.; the advance laser techniques at TRW in Los Angeles; and the Strategic Air Command in Omaha.

Day before yesterday, President Reagan said there would be no winner in a nuclear war. I agree. When each nation has sufficient nuclear force to destroy the other nation, there is no such thing as superiority, even though one nation may have a larger arsenal. The debate on superiority or parity belongs to the era between the dinosaurs and conventional warfare. In the nuclear age, all nations are inferior as that term must be realistically defined to mean that any nation is subject to destruction by the force of another nation. The Soviet Union is inferior to the United States—the United States is inferior to the Soviet Union. It may not be long, as that term is now defined, before both the United States and the Soviet Union will be inferior to the likes of Iraq or Libya.

In last Saturday's radio address, President Reagan said the United States would not be ready for arms talks until we are stronger. I respectfully disagree. Starting to talk and continuing to acquire strength are not mutually exclusive. Just as we should not wait to become stronger, we should not wait to talk. President Reagan has correctly noted that if we wait to become stronger, it may be too late. Similarly, if we wait to start talking, it may be too late.

In his Saturday speech, the President said:

If steps are not taken to modernize our defenses, the United States will progressively lose the ability to deter the Soviet Union from employing force and threats of force against us and against our allies.

With that, I agree. Last year, I joined with an overwhelming Senate majority in voting for the B-1 bomber, the MX missile, and the President's overall strengthened military budget. While there must be a continuing close analysis on military spending, like all Government spending, I am prepared to support the President's call for a strong defense budget.

The President has recognized that a great deterrent force, without projected arms reduction, is insufficient. Last fall, he advanced a bold proposal for eliminating theater nuclear weapons from Europe. In last Saturday's speech he said:

So to those who protest nuclear war, I can only say I am with you.

Across the face of the Earth, the voices of protest against the risk of nuclear war are growing. In June of 1980, I heard the European delegates to the North Atlantic Assembly in Luxembourg urge the U.S. Senate to ratify SALT II. Last year in Munich, the U.S. delegation to the Assembly was besieged by the local residents protesting the nuclear buildup in Europe.

During the Easter recess, I heard protests against the arms race across Pennsylvania in meetings with students, bluecollar workers, business executives, and senior citizens. A student eloquently expressed the universal fear: "We could all be blown up walking down the street someday, or sleeping some night without any warning." A young lawyer said simply: "We should not incinerate ourselves." I expressed the same concern in a high school oration in 1964 saying: "The atomic age is here to stay. The question is 'Are we?'" The years have passed; but the same question persists. Not a day passes without a deluge of mail on this subject.

That chorus urges us to proceed to talk. We now await only the signal from the soloist, the President, to proceed.

The United States has one weapon that the Soviet Union cannot match: President Ronald Reagan. Some say that his toughness and tenacity are worth a phalanx of nuclear weapons. All agree, even his most vocal and vociferous critics, that he is the great communicator. He has succeeded not only in charming but also in persuading world leaders from Ottawa to Cancun to Washington.

President Reagan's unique talents should be used now. Just as former President Nixon, who has a strong record against communism, was uniquely qualified to take the lead in recognizing Red China, President Reagan has the special standing to lead on arms reductions.

Some reasons can always be advanced for delaying summit talks. The Soviet invasion of Afghanistan in December of 1979 was said to have precluded Senate debate and further consideration of SALT II. The declaration of martial law in Poland in December of 1981 stymied disarmament talks in Switzerland.

President Reagan had suggested meeting Soviet President Brezhnev to discuss arms reduction this summer at the United Nations in New York. President Brezhnev has now countered

with a proposal for a first meeting in a neutral third country. The details are less important. What is critical is that the meeting be a full-scale summit on nuclear arms reduction with appropriate preparations and agenda and that it be held as promptly as possible.

There is no time like the present to proceed. Whatever problems may exist, now is the best moment to begin to talk or plan to talk, given our own nuclear power, the personal strength of our leader—President Reagan—and the force of world public opinion behind arms reduction and peace.

Mr. President, on April 14, 1982, I wrote the President in anticipation of submitting this sense-of-the-Congress resolution. I now ask unanimous consent that my letter of April 14, 1982, to the President be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, D.C., April 14, 1982.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I respectfully suggest that you act now to initiate a full-scale summit meeting with the Soviet leaders in order to reduce the risk of nuclear war and stop the escalation of the arms race.

In my view, such negotiations can only be successfully started with your personal leadership.

Leadership on lesser issues can safely be left to others. Indeed, resolution of all the other national issues will not suffice if the momentum toward nuclear war is not reversed. There is simply no more important issue facing the world today.

The meeting you announced you are seeking with President Brezhnev at the United Nations in June would provide a good start. This initial meeting could be followed by further direct talks later this summer, or at the earliest practical time.

With current world tensions higher than anytime since the Cuban missile crisis, talks involving only Ambassadors and Generals would inevitably be too cautious and too slow. Once the basic framework for an agreement has been established, other officials and technical experts can negotiate the details necessary to conclude and implement an agreement.

Just as President Nixon was the one person who could advocate recognizing Red China, given apprehensions about Red China and his unassailable record of anti-communism, you possess the unique leadership capability and credibility to make meaningful progress on this issue.

The dangers of nuclear war will increase with delay. In fact, the risk of inaction may already have surpassed the risks inherent in initiating negotiations on nuclear arms. Crisis communications, strategic stability and arms reductions head the agenda which must be addressed now.

Negotiations now would be timely and could be productive. The Soviets have seen our determination to respond to their build-up of strategic nuclear weapons systems in action taken last year to go forward with the B-1 bomber and MX missile. There is much evidence that our present nuclear deterrent is still strong, sure, and sufficient. Therefore, we are able to negotiate from a position of substantial strength, if not superiority.

Whatever increases in vulnerability may occur later in the decade, our Minuteman missiles and B-52 bombers can still reliably wreak sufficent destruction on Soviet industry, cities, and military bases to deter a Soviet pre-emptive strike. I am convinced that we have such strength based on my recent meetings with officials at the Strategic Air Command Headquarters and bases in North Dakota and California.

In any event, our 33 nuclear missile submarines will remain invulnerable for the next two decades. Each submarine can deliver greater destructive power than all the bombs dropped on Germany in World War II. From discussions with Navy officials last Saturday at the Fleet Ballistic Missile base in Charleston, South Carolina, I am convinced that these submarines, which carry nearly 5,000 warheads, (each more powerful than the Hiroshima Bomb) could deliver them with sufficient accuracy to devastate the Soviet Union. Therefore, this one leg of the strategic triad alone seems a sufficient deterrent against Soviet strategic attack.

I hope you will personally review these matters.

I believe that once you have studied the pertinent facts and arguments, your unique personal capabilities will enable you to succeed where no one else has in moving the world away from the threat of nuclear holocaust.

Sincerely,

ARLEN SPECTER.

Mr. SPECTER. Mr. President, I ask unanimous consent that my letter dated April 15, 1982, to my colleagues in the U.S. Senate asking for support of this sense-of-the-Congress resolution be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., April 15, 1982.

DEAR COLLEAGUE: Nuclear war and arms control clearly are the two most urgent issues facing our government—and the entire world. Given the increased changes of nuclear war breaking out, I believe that the President should act now to initiate a full-scale summit meeting with Soviet leaders in order to reduce the frightful risk of a nuclear holocaust. A summit now is also needed to stop costly escalation of the arms race. I have written to the President with this suggestion.

Under current conditions, I believe negotiations can neither be started nor concluded successfully, except under the President's personal direction. Therefore, I intend to offer the attached Resolution expressing the sense of the Senate that the President himself take charge. I would be most pleased with your co-sponsorship which would convey the intended message immediately.

The President has already indicated he is hoping to meet with President Brezhnev at the United Nations in June. That would provide a good start for negotiations. This initial meeting could then be followed by further direct talks later this Summer.

With tensions between the United States and the Soviet Union higher now than anytime since the Cuban missile crisis, the traditional procedure of starting talks at the level of Ambassadors and Generals simply is not sufficient. Besides, President Reagan has extraordinary capabilities for this task. Just as President Nixon was the one person who could advocate recognizing Red China, given apprehensions about Red China and his unassailable record of anti-communism, President Reagan possesses the unique credibility on this issue. Last Fall, he made a bold proposal on eliminating theater nuclear weapons in Europe. The Resolution will facilitate expanding that proposal to cover all regions and all nuclear weapons.

Negotiations now would be timely and therefore could be productive. The Congress demonstrated our country's determination to respond to the Soviet Union's build-up of strategic forces by its decision last year to go forward with the B-1 bomber and MX missile. There is also much evidence that our present nuclear deterrent is still strong, sure, and sufficient. Therefore, we are able to negotiate now from a position of substantial strength, though perhaps not superiority. It is illusory to delay nuclear arms control talks in the hope that we could soon regain the clear superiority we had twenty years ago.

The Resolution does not attempt to detail a proposal or resolve issues concerning the timing or emphasis on freezing armaments as opposed to reducing them. These matters would best be determined in due course by the President in consultation with his advisors and the Congress. What is needed is to get negotiations started.

Thank you for your attention to this matter. You may contact Paul Michel (224-9017) if you wish to co-sponsor the Resolution.

Sincerely,

ARLEN SPECTER.

Mr. SPECTER. Mr. President, I also ask unanimous consent that the Senate concurrent resolution be printed in the RECORD, and I now send to the desk the proposed sense-of-the-Congress resolution.

The PRESIDING OFFICER. The resolution will be received and appropriately referred.

There being no objection, the concurrent resolution was ordered to be printed in the RECORD, as follows:

S. CON. RES. 81

Whereas, a general nuclear war could cause the death or mutilation of hundreds of millions of people;

Whereas, a general nuclear war would cause damage to the environment of an unknown, unimaginable and unprecedented kind and degree;

Whereas, many survivors would later, after suffering extraordinary agony, die of radiation poisoning, disease, overexposure to the elements, starvation, or other such causes;

Whereas, the odds of general nuclear war breaking out increase vastly, and perhaps uncontrollably, upon initiation of major hostilities or use, under almost any circumstances, of nuclear weapons;

Whereas, recent development of nuclear arms that are capable of destroying such arms in the possession of rival nations increases the likelihood of a pre-emptive nuclear strike;

Whereas, numerous nations already possess nuclear arms and many others may soon get them;

Whereas, even local or regional conflicts or terrorist incidents could escalate, involv-

ing the super-powers and leading to general nuclear war;

Whereas, once launched, even if by error or accident, strategic nuclear missiles cannot be recalled but proceed to pre-assigned targets and explode;

Resolved by the Senate (the House of Representatives Concurring), That it is the sense of the Congress that the President should act at the earliest possible time to convene a summit meeting with leaders of the Soviet Union to reduce the risk of nuclear war from any cause and establish ways and means for better controlling and reducing nuclear arms.

Mr. SPECTER. I yield the floor.

Mr. PROXMIRE. Before the Senator yields the floor, will he yield for a moment?

Mr. SPECTER. I yield.

Mr. PROXMIRE. It is remarkable back in 1946, I think he said 1946——

Mr. SPECTER. I did.

Mr. PROXMIRE. 36 years ago, he said the question is, "Are we here to stay?" That was 36 years ago.

We have made some progress. We have a test ban treaty. We have SALT I. But it is very, very inadequate. It is just pitiful when you consider the collosal threat that this represents to human life, let alone the existence of our country, everything we hold dear.

I believe the Senator from Pennsylvania has made a very, very important statement this morning. I have not had a chance to look at his concurrent resolution. I am anxious to read to it.

He points out, as I understand it, that the time to start talking is now, just as promptly as possible. He calls for a full-scale summit with both the President of the United States and the President of the Soviet Union involved. As I take it, he will work toward reducing nuclear weapons on both sides. Is that correct?

Mr. SPECTER. It is.

Mr. PROXMIRE. And toward preventing any further buildup in the future. Is that correct?

Mr. SPECTER. My thrust is to have a full-scale summit which would carry out President Reagan's announced policy of strategic arms reduction.

Mr. PROXMIRE. I think that is most important. I congratulate my good friend from Pennsylvania. Once again he has shown real leadership and has made a proposal which I think people throughout this country will support.

Mr. SPECTER. I thank the distinguished Senator from Wisconsin for those very generous remarks.

I yield the floor.

Mr. PROXMIRE addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the role.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded and that I may proceed as if in morning business.

The PRESIDING OFFICER (Mr. EAST). Without objection, it is so ordered.

SENATE RESOLUTION 364—EXPRESSING SUPPORT FOR THE EFFORTS OF THE UNITED KINGDOM TO RECLAIM THE FALKLAND ISLANDS

Mr. PRESSLER. Mr. President, today I am submitting a Senate resolution which calls upon the Government of the United States to condemn the illegal invasion of the Falkland Islands by military forces of Argentina and to take other steps.

The point of this resolution is to try to get a hearing by the Foreign Relations Committee on this matter, or to get a full briefing on what our Secretary of State is doing and what U.S. foreign policy interests are in that area of the world.

That conflict is now over 2 weeks old and there has been very little congressional involvement. In fact, 17 days have passed, and we do not have an expression of Congress. So whether this resolution should be the expression or whether there should be some other expression by the Congress, I think it is very appropriate that the matter be fully considered by the Senate.

I have long been concerned that Congress takes the back seat too often in the formulation of foreign policy. It is my strongest feeling that we do need to have a hearing, or at least a formal briefing. If it must be under a classified basis, fine. But I do think the time has come for Congress to find out what U.S. foreign policy interests are in our relationships with both Argentina and Britain, where our national interest lies, and in what direction we should proceed.

I have become somewhat impatient with the negotiations and the activities of Secretary Haig, because, very frankly, in Congress we do not know what is going on. This is a very important matter in foreign policy, and part of the purpose of my resolution is to try to force a consideration by the Foreign Relations Committee of this important matter.

Mr. President, I yield back any time I have.

Mr. TOWER. Will the Senator yield for a question?

Mr. PRESSLER. Yes, I yield.

Mr. TOWER. The Senator has suggested that there should be congressional participation in the formulation of foreign policy. Does that mean that the Congress should be involved in day-to-day negotiations with foreign governments or anything of that sort?

Mr. PRESSLER. No, that is not my position. I might say to my distinguished colleague from Texas that that is not the intent of my remarks, but, rather, I do think it very appropriate for us to know what commitments the Secretary of State is making, if any, and for the appropriate committees to know, and I would extend that——

Mr. TOWER. Will the Senator yield? Does that mean that things communicated in confidence to the Secretary of State by the government in London, by the government in Buenos Aires, should be made known to Congress?

Mr. PRESSLER. I certainly think, for example, the Armed Services Committee and the Foreign Relations Committee should be aware if there are new commitments being made.

Mr. TOWER. Is the Senator aware that some foreign policy matters have to be conducted in a spirit of confidentiality, not because that is the desire of the United States, but because it is the desire of the governments involved? Particularly, the United States is performing the role of honest broker. Is the Secretary of State to be forced to reveal to the Congress something that was communicated to him in a confidential environment by either the government in London or the government in Buenos Aires?

Mr. PRESSLER. Certainly I am not advocating public disclosure of confidential information, but our security methods in Congress should be sufficient that the key——

Mr. TOWER. Will the Senator yield?

Mr. PRESSLER. I do not yield. Let me complete my answer to my good friend from Texas, because he raises a good point.

This dispute is now 17 days old. Our Secretary of State has been traveling back and forth from London to Buenos Aires and here. In my concept of the formulation of foreign policy, certainly Congress should have a part. Too often we have just been reacting. I have contended that in the area of foreign policy we have been in a position of reacting and complaining rather than being involved in the development of policy. In this particular dispute, it appears to me—and maybe the Senator from Texas can correct me—that the Secretary of State has been traveling back and forth negotiating without keeping leaders of Congress very well informed. The Senator from Texas is chairman of the Armed Services Committee and perhaps can shed some light on this. Has he been briefed on the negotiations?

Mr. TOWER. I have not been in on the intelligence briefings, but the fact is than we must consider the role of the Secretary of State in this particular instance, and that is he is playing

the role of honest broker. He is not proceeding to negotiate an American position but simply trying to reconcile differing positions between two countries that we regard as friendly to the United States of America.

I can think of nothing more inimical to the effective performance of that function by the Secretary of State than to force him to reveal all aspects of these delicate negotiations, in which we are a third party, between two governments that are on the verge of confrontation.

I might point out to the Senator from South Dakota that very often congressional intervention has had disastrous consequences. We lost Angola because of congressional intervention. We lost Southeast Asia because the Congress refused to permit the President of the United States to enforce the Paris accords. We could cite other instances. There is a good case to be made for a little less congressional intervention, because, in fact foreign policy is made by a President elected by all the people of the United States. Domestic legislation is made by shifting coalitions of Senators and Congressmen reflecting regional interests. When that comes to play in the field of foreign affairs, it can have a disastrous result.

For example, it occurs to me that the Turkish embargo was in error; it did not enhance our position at all with the Greeks. In fact, it minimized the ability of Turkey to meet their NATO commitments—a country, by the way, that remained in the alliance and performed all its NATO functions—by virtue of the fact that there was strong domestic considerations involved.

As a matter of fact, it impacted adversely on the efforts of the Secretary of State to negotiate a settlement between Greece and Turkey. As a matter of fact, those negotiations were on the verge of success when Congress intervened.

I suggest that the Senator from South Dakota review the history of what has happened here. Congress cannot be involved in the day-to-day business of negotiating with foreign powers. Congress is not elected by the Nation as a whole. The President is. That should be a primary function of the executive branch.

Mr. PRESSLER. If my friend from Texas will yield, we could have a great debate here as to the way U.S. foreign policy is formulated. Indeed, some of the examples he cites I would argue partially the other way. For example, I served in the Army in the Vietnam conflict, and I happen to believe that it was appropriate for Congress to get involved in that matter.

Mr. TOWER. In other words, he agrees with the result of what happened in Vietnam as a result of congressional interference?

Mr. PRESSLER. No, no. I am not saying that.

Mr. TOWER. The fact that millions of people have been killed, that North Vietnam, a surrogate of the Soviet Union, now is the dominant power in that area and U.S.-built bases in South Vietnam are now being used by the Soviets against us?

Mr. PRESSLER. One could argue very strongly that, if Congress had been involved sooner, things might not have——

Mr. TOWER. Congress was involved, Senator, in the appropriations process. I was here at the time.

Mr. PRESSLER. Yes, it certainly was, but it was not involved in the sense of trying to help formulate that policy until well after the Gulf of Tonkin resolution. But let me complete my answer.

In terms of the formulation of foreign policy, I certainly agree that the Executive must lead. I agree that the Secretary of State should be able to carry on negotiations with confidentiality. But it seems to me that briefings should be presented in a classified sense and we should have enough security up here that things do not leak. This crisis is now 17 days old, and Congress has not done anything.

Mr. TOWER. Perhaps that is best.

Mr. PRESSLER. Perhaps it is. But at this point I think it is time that the major committees involved—and I would include the Armed Services Committee, the Foreign Relations Committee, or the Appropriations Committee, because——

Mr. TOWER. I thank the Senator. The Senator is giving us jurisdiction we do not have.

Mr. PRESSLER. In addition to the points I have just raised, I have heard press reports that there have been some plans floating around that the Falkland Islands would be placed under some kind of joint administration in which the United States would be involved.

It seems to me that we always end up paying the bills for these international conflicts. We also have the grain trade with Argentina to consider, which is an important foreign policy question. We have to consider a number of issues in regard to Great Britain, which I consider to be one of our closest allies, whom we depend on in NATO. There are a lot of issues here that are important and which should not be left to one person, Alexander Haig.

I am not saying that all Members of the Senate could be involved; but I would say that the chairman of the Foreign Relations Committee and the chairman of the Armed Services Committee, for whom I have high regard, should be involved.

Mr. TOWER. I thank the Senator from South Dakota.

My views are well known. I believe that if this matter cannot be resolved through negotiation, we have no option, no honorable option, but then to support the United Kingdom in this business, and I have said as much.

In fact, they are our oldest, closest, and most reliable ally. In fact, they are a member of the North Atlantic Treaty Organization. In fact, they are responding to a takeover of British subjects by the Argentinian Government—in fact, a government that has a reputation for being repressive. They are being denied their rights as British citizens.

Back in the 1770's, when we felt that we were being denied our rights, we rebelled and fought for a year before we declared our independence because we were trying to establish our rights as Englishmen.

To say that we have not solved the crisis in 19 days and therefore Congress has to become involved—that, to me, is an invitation to disaster; because in every major instance of congressional involvement in the last 20 years, in restraining a President, placing inhibitions on him, imposing congressional will, in the formulation or implementation of a major foreign policy decision, we have been in the wrong, because we respond to domestic influences and regional influences. I am afraid that the decisions we make here are tinged by the fact that we have to stand for reelection.

Perhaps that is a terrible indictment on Congress, but I am prepared to make it now, as I did in the article I wrote for the winter edition of "Foreign Affairs."

Let us not hasten to get ourselves involved in this. I do not think that can have any productive results.

Mr. PRESSLER. I thank my friend.

Let me reiterate that I do feel strongly—and I am in disagreement with the Senator from Texas—I do feel very strongly that at this point Congress should be fully briefed on exactly what has been concluded in the talks. That does not mean it has to be a public briefing but, rather, a briefing of the proper committees of the House and the Senate on exactly what options are being considered, exactly what obligations the United States might assume, and what impact this has on our foreign policy interests with both Argentina and Britain.

Several elections have been held on the Falkland Islands, and they have elected their own government. They have expressed themselves in terms of what the people of the Falkland Islands want, and that is contrary to joining Argentina.

This is an armed invasion of another country. It is not a revolt. There is a great difference between our war for independence and the situation in the Falkland Islands. The Falkland Is-

lands have had free elections. They have a government that has freely expressed itself. They have not revolted. They have been invaded, and that is a distinct difference.

Mr. TOWER. What the Senator suggests is that the very thing that is calculated to destroy the role of the United States as honest broker in trying to resolve this in a peaceful way and may bring about the kind of confrontation none of us wants.

As I said in my earlier comment, I believe that what Argentina has done is an affront to people everywhere who value liberty or who aspire to self-determination. If it comes to a showdown, I think it is clear where the United States should stand.

However, to suggest that the Secretary of State come and tell the Senate and the House—and this place is not leak-proof—just what has been going on in confidential discussions with the Argentinians and the British, is the very sort of thing calculated to break down the whole process. At this point, I say it is none of our business.

If there is to be any kind of American involvement in an agreement, I would assume that the Secretary of State would come to Congress and the administration would come to Congress and ask for our acquiescences in terms of American participation. Failure to do that, I say to the Senator, would not be wise, because, through the appropriations process, we could prevent American involvement in any way on our own. We have that power.

Mr. PRESSLER. For example, if our Secretary of State is making implied commitments, let us say, to Argentina regarding arms sales, or if he is making suggestions about what our course of action would be, that is the most basic formulation of foreign policy. If any commitment were to be made to guarantee Argentina a specific share of the world grain market, then that is another matter many of us in Congress should want to have something to say about.

Although I have not served on the Foreign Relations Committee for a great length of time—almost a year and a half—it seems strange to me that Congress is allowing the executive branch to perhaps make commitments, to be formulating long-term policy, without the Members of Congress aggressively insisting on being informed and involved.

Mr. TOWER. Any long-term involvement on the part of the United States would require congressional approval or congressional acquiescence. I do not buy that argument.

If, indeed, he proposes that the United States be prepared to monitor some kind of arrangement between the British and the Argentinians, that is a matter then that would require our assent. So I do not see the particular danger of that right now.

The principal thing is that the Secretary of State is trying to bring together both sides into a meeting of the minds, and at this point I do not think it is any of our business.

Mr. PRESSLER. Mr. President, I send to the desk my resolution.

Today I am submitting a Senate resolution which calls upon the Government of the United States to condemn the illegal invasion of the Falkland Islands by military forces of Argentina, to urge the prompt withdrawal of those forces, and to express support for the efforts of the United Kingdom in reclaiming the Falkland Islands territory which it has claimed and occupied since 1832.

Mr. President, this resolution follows the April 3, 1982, action of the Security Council of the United Nations in condemning the military power grab of Argentina. The Senate of the United States should also add its voice to the condemnation of Argentina and, through this resolution, urge the executive branch of our Government to do the same.

The use of force to settle the long-standing disagreement between Argentina and the United Kingdom over the Falkland Islands must be opposed for several reasons.

First, Argentina's invasion of a territory which has been occupied since 1832 by the United Kingdom and by loyal British citizens who choose to remain under the British flag sets a bad precedent for the resolution of other outstanding territorial or boundary questions in this hemisphere. If Argentina succeeds with its power grab, it could be inspired to take similar action against other territories which it claims but which are occupied by other nations.

Throughout the world's developing regions, borders are in question. Argentina's claims on the Falkland Islands are but the tip of a revisionist iceberg. The Argentine Government has indicated a willingness to use force in settling its dispute with Chile over the Beagle Islands located at the southern end of the Americas. Further south, Argentina has brought into question the international management of Antarctica. To let Argentina get its way through military power would invite the resolution of these two other territorial disputes by force as well.

Second, just as the United Nations Security Council has opposed the use of force, so must the U.S. Government uphold its historical position of resolving hemispheric disputes through peaceful means.

This is a simple proposition. The United States condemns the use of force to resolve this dispute. We must consider the lesson that the failure to challenge Argentina would have on the policies and actions of other nations. In Africa, few national boundaries are settled. Would the Argentine Government's actions suggest to others that force is the best method for resolving disputes in that unstable region? In recognition of this danger, the Organization of African Unity refuses to recognize border changes which have been established by the use of force.

Mr. President, I ask unanimous consent that the resolution be printed in the RECORD.

I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. BOSCHWITZ). The resolution will be received and appropriately referred; and, without objection, the resolution will be printed in the RECORD.

The resolution (S. Res. 364) is as follows:

S. RES. 364

Resolved, That it is the sense of the Senate that the government of the United States of America should express support of the efforts of the United Kingdom to reclaim the territory of the Falkland Islands; and

Should condemn the illegal occupation of the Falkland Islands by military forces of Argentina; and

Should urge the prompt withdrawal of those forces from the British territory of the Falkland Islands.

ORDER OF PROCEDURE

Mr. MATHIAS. Mr. President, what is the pending business?

The PRESIDING OFFICER. By unanimous consent, we are now in a period for the transaction of morning business.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

TELEVISION AND RADIO COVERAGE OF SENATE PROCEEDINGS

The PRESIDING OFFICER. The unfinished business will be stated.

The bill clerk read as follows:

A resolution (S. Res. 20) providing for television and radio coverage of proceedings of the Senate.

The Senate resumed the consideration of the resolution.

AMENDMENT NO. 1244

(By request of Mr. RANDOLPH the names of Mr. INOUYE and Mr. HEFLIN were added as cosponsors of amendment No. 1244.)

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, my distinguished colleague from Maryland, the chairman of the Rules Committee, Mr. MATHIAS, is here, and I expect to take some time in discussing my amend-

ment as it relates to Senate Resolution 20.

Mr. President, are there any time restrictions on the debate today?

The PRESIDING OFFICER. There are none.

Mr. FORD. I thank the Chair.

Mr. President, Senate Resolution 20 would authorize radio and television broadcasts of Senate proceedings under conditions to be established by the Committee on Rules and Administration. The objective is to enlarge, from the limited Senate gallery capacity, the number of people who can follow Senate debates live.

Mr. President, I wonder what the TV viewing audience would have done while we just had a 45-minute rollcall. Would there have been a disclaimer under the picture on the TV screen? Would the announcer break in every 2 or 3 minutes and advise the views what was transpiring?

I do not believe any of the audience that is expected to view the TV in the Senate would have been glued to the television set with rapt attention for 45 minutes.

Mr. President, both radio and television are capable of fulfilling the enlargement of the Senate gallery, and the fulfillment of that objective can be made, I think, with radio alone in an inexpensive way.

Television, of course, has the additional feature of permitting the public to view, as well as hear, the proceedings in the Senate. For a number of reasons, which I will outline later, it is my judgment that we should defer the television coverage, but go at once to radio coverage of floor proceedings. In fact, it is my intention at some point to offer an amendment to Senate Resolution 20 to provide only for radio coverage of Senate action.

Mr. President, the Senate should be aware of the major facts and issues which relate to the proposal to initiate television and radio coverage of the Senate's proceedings. If there are objections, as there are no doubt, to television broadcasts of those proceedings, the objections have only served to sharpen the analysis of the alternatives and guide us in making this important decision. Some of our colleagues have voiced concerns about the intrusive impact that television cameras could have on the ability of the Senate to perform its essential legislative duties. Some Senators have made known their objections to the board authority conferred on the Rules Committee by S. Res. 20. Others are concerned that the video tapes and radio tape recordings might be used for political purposes. Still others contend that the cost of televising Senate proceedings is too great compared to just going with radio.

The latter is the major objection I have with the direction the Senate may take with regard to enlarging the public gallery. As I have said on previous occasions, I am not opposed to televising Senate action. Let me repeat that. I am not opposed to televising Senate action. I simply believe that now is not the time to incur the expenses involved, and the price of deferring that expense to a later date is merely the loss of visual coverage—without any loss of access by radio to the information contained in Senate debates and proceedings.

If my memory serves me correctly, the initial cost estimates of the Hart Senate Office Building were much less than the actual cost.

Mr. President, I want to start making a point now as it relates to the costs of TV in the Senate.

The Hart Building was originally conceived as a $48 million replica of the Dirksen Office Building, but as of March 1981, a total of $136,730,400 had been appropriated for the project. This came after the Architect of the Capitol deleted certain items from the project, such as the cafeteria, multimedia room, dining room, auxiliary offices, police facility, and decided not to complete certain portions of the project to hold it down under $137 million from the original estimate of $48 million. I believe that a decision was also made to substitute less expensive materials than originally called for in the early design.

Recently the Washington Post carried a story about the potential cost associated with postal patron mailings. The Sergeant at Arms was cited as telling the Senate Rules Committee that "it would cost $25.9 million if each Senator used the postal patron rate for one newsletter a year." The article went on to say that the Sergeant at Arms estimated the cost of two postal patron newsletters a year to be $50 million and four such mailings to cost more than $89 million.

The very able chairman of the Rules Committee and I wrestled with the potential high cost of postal patron mailings and on our recommendation the Rules Committee adopted a regulation deferring its use for 1 year. We are also troubled about whether to make certain necessary modifications of the Russell Senate Office Building. That building was opened in March 1909. The fourth and final side of the Russell Building was added in 1933. It critically needs to have its electrical and heating systems upgraded. Almost all of this work is required for reasons of health and safety.

The chairman and I sat through 3 days of hearings this year on committee budgets. Some of the committees had requested permission to increase their budgets above the 1981 levels. As you all know, on the recommendation of the Rules Committee the Senate approved committee budgets this year which did not add $1 to the total authorized for last year. There was actually a cut in the expenditure authorizations of several committees for the budget year 1981–82. As my colleagues will recall, last year the Committee on Rules and Administration under the statutory mandate of the Senate proposed primarily by the majority leader of the Senate to cut budget expenses by 10 percent. We took on the painful and difficult duty of recommending to the full Senate that we cut committee funding by not less than 10 percent.

The members of our committee, without dissent, agreed to take this action even though this was not strictly required by the provisions of section 10 of Public Law 96–508, agreed to December 8, 1980, which mandates that 1981 Senate expenditures be no greater than 90 percent of the total funds available to the Senate for 1980.

With the utmost harmony and cooperation, totally without partisan motivation, our committee members agreed upon additional reductions, in that amount, spread over 12 of the 18 committees. The reductions in the resolutions reported to the Senate range from under 1 percent to as high as 28 percent for individual committees. The 10-percent aggregate reduction amounted to $4,633,158.

This year, as I have said, we held funds for Senate committees to the same aggregate amount as last year's reduced level.

Mr. President, the point I have been trying to make is that we have got to become more conscious of costs associated with these projects. It seems to me inappropriate, in the face of our current efforts to reduce the Federal budget, for the Senate to go on spending such large sums of money.

Mr. President, as I have indicated, cost estimates can be very elastic and unreliable. Estimates for equipment and installation for television coverage have ranged from over $5 million down, recently to just over $2 million.

We have been hearing this debate for some time now, and every time we get into the amount of cost from the proponents it continues to go down. It is the only item I know of in Washington today that is going down. You look at the budget deficit and it keeps going up, and if we do not start cutting back and holding down the expenditure of funds, however small they might be, even $5 million, the budget deficit is going to continue to increase.

It is my judgment that even the higher estimates of approximately $5 million are likely to prove to be low, just as such estimates have proven to be low on previous Senate projects.

Quite frankly, I am also concerned about the intrusive impact that television cameras could have on the ability of the Senate to perform its essential legislative duties. The conditions under which this electronic extension

of the Senate gallery occurs are most important. It will no doubt make a number of changes in the operation of the Senate and, quite possibly, in the kind of Senators the constituents will chose to represent them. These changes may be gradual, their pace largely dependent on the conditions established by the Rules Committee or Senate, but they are certain to come if we allow cameras in the Chamber.

Mr. President, an important question we must ask ourselves is what changes are likely to occur in the Senate if we televise floor proceedings? The answers to this question are admittedly speculative, but it is nonetheless important that we try to provide them, and carefully consider them or, at least, frame the questions.

Bringing cameras into the Chamber has been likened to merely enlarging the present galleries. But, in fact, this cannot be so.

A person sitting in the galleries now, in the worst seats, can, at all times, cast his eyes on probably a minimum of 60 percent of the Senate floor. A television viewer will see only a narrow slice of the floor. Right now they would see a vacant and, I underscore vacant, Chamber. He will see a speaker or a portion of him, and what one camera can project.

A gallery occupant can watch an animated discussion, meaningful to an informed observer even though not heard, which may be going on in the Chamber, off camera.

The permanent tape records which will go into the archives will also miss these frequently highly important off camera meetings. Only the speaker, the actor on stage, will be on the tape.

Only the Speaker will be seen, live, or on delayed broadcasts. We may be on at 2 o'clock in the morning, 4 o'clock in the morning, midnight, and occasionally we may be able to get on during the day. How long, then, before a public clamor arises to direct that the cameras pan the Chamber at regular intervals, and see those of us laid back as we try to study the important issues of the day, to broaden the view, and make television watching more like sitting in the gallery? Or, will the public insist that the cameras be under the control of the private media to insure the absence or suspicion of Senate censorship.

How will the inability to copyright or otherwise effectively control the subsequent use of videotapes—in political campaigns or otherwise—affect the willingness of Members to debate freely and fully on sensitive, controversial issues? Will the prospect of potential demagogic abuse of such tapes put a serious chill on the debating and voting of Members?

Will competition between televised committee hearings and floor proceedings cause the public to demand separate days for each of this type of session? This might be a beneficial change, and it has already been suggested by Senator RANDOLPH and others. On the other hand, such a rule could result in serious loss of flexibility to the party leaders and committee chairmen.

While reducing the willingness of Members to debate freely, and to speak their convictions freely, will television increase the desire to make long speeches aimed not at Senators but at the viewing audiences?

Indeed, will filibusters become as popular entertainment with the pubiic as soap operas? If they do, will there be public pressure to make it even more difficult to vote cloture?

Or will the force be in the other direction, causing the Senate to create a television stage in the well of the Senate, and to adopt rules severely limiting debate by each member?

Who knows the answers to these questions? Senator HEFLIN, the distinguished Senator from Alabama, argues that they are too important to leave the implementation of these decisions to the Rules Committee. Does he believe that individual Senators are better informed on these arcane subjects? I think the situation cries out for caution and a very deliberate pace in moving toward broadcast expansion of the Senate gallery.

Haste can make waste and bring unknown and severe damage. A slower step-by-step policy——

Mr. MATHIAS. Mr. President, if the Senator will yield at that point——

Mr. FORD. The Senator is breaking into a beautiful speech given to everybody in the Chamber, which has been mostly myself.

Mr. MATHIAS. I just heard the Senator say haste might make waste, and I simply want to observe there will not be much waste around here today at the pace we are now going.

Mr. FORD. Well, I will just say to my distinguished friend I have been here since 1 o'clock trying to increase the pace a little bit. I have several more pages, and I was beginning to enjoy what I was saying. [Laughter.]

Mr. MATHIAS. Do not let the Senator from Maryland interrupt your pleasure and enjoyment in the art of self-expression. Keep right on going and I will restrain the impulse to interrupt again.

Mr. FORD. I know my friend from Maryland is restraining himself at the moment to keep from interrupting, but I have a few more comments to make, then I will yield the floor to the Senator.

I think the situation cries out for caution, as I said, and a very deliberate pace in moving toward broadcast expansion of the Senate gallery. Haste can cause waste, and it can cause unknown and severe damage. A slower step-by-step policy can avoid such consequences, and without in any way reducing the public's access to Senate debate.

It comes down to the basic question: Why go to television in the Senate at this time? Why, when it is not necessary to inform the public—radio can do it as well and, perhaps, do it even better; why, when it will cost millions and millions of dollars at a time when we are all urgently trying to reduce Government spending; why when it is still uncertain precisely what the intrusive impact on the work of the Senate will be; why, when we know from experience that radio has minimal, if any, such impact?

Mr. President, some of the supporters of Senate Resolution 20 have undertaken to convey the impression that television in the Senate, is intended to open to the public an otherwise closed activity. And you know as well as I do, this simply is not the case.

What takes place on the Senate floor is open to the public and the press. It is recorded, every word, in the CONGRESSIONAL RECORD. It is reported widely in newspapers, magazines and on radio and television. There is no secrecy. No closet of goings on hidden from public view.

A more accurate description of the purpose and result of televising Senate proceedings is that the Senate Chamber becomes a television studio, and Senators become actors on the stage. My very good friend, the highly respected chairman of the Senate Rules Committee, has conceded as much in his comments on the resolution.

On February 2, in a dialog with Senator MOYNIHAN, the distinguished Senator from Maryland, Senator MATHIAS, said:

> • • • the system that is proposed and contemplated under this resolution would not show our chairs, it would show the speaker. It would show who is the moving figure, the actor on the stage of the Senate.

Our beloved majority leader has also implicitly admitted that such a conversion is intended and would result, when he argues forcefully, that by bringing the drama of the Senate to the public, television will restore the Senate to its earlier status of a great deliberative body and debate forum.

The senior Senator from Louisiana (Mr. LONG), wise and broadly experienced in the Senate, has carefully pointed out how the introduction of television would have harmful, not beneficial, effects on the Senate. Concentration on imagery Senator LONG argues, will not inform the public, but deceive it. He believes, unlike the majority leader, that television will cause the quality of debate, and the quality of legislative work in the Senate to deteriorate.

It seems to me that the most effective way to inform the public about proceedings in the Senate is by means of radio. Such coverage has a minimal

intrusive impact on the Members. There is far less theater in radio broadcasts.

In addition, listeners can concentrate on the substance of the debate, without being diverted by the imagery. They can also listen and drive, or do other tasks at home or office not possible if their eyes and ears are both involved in the reception process.

Moreover, radio can be started virtually at once—and at very little cost. Television will take many months, and millions and millions and millions of dollars.

Mr. President, at the outset of the debate on Senate Resolution 20, the junior Senator from Missouri, Mr. DANFORTH, made an excellent statement of his views on the work of a Senator, and the relationship of television. For those who did not hear him, I commend this statement to my colleagues for extremely thoughtful reading. It appears on pages 626 and 627 of the RECORD.

After observing that the great majority of the work of a Senator takes place off the floor of the Senate, Senator DANFORTH went on to observe:

* * * it is just the nature of our profession, to try to be on television. All of us want to be on television. We try to be on television. We want to be on television so much that we have a television studio right downstairs so that it will be available to us.

We go to where the cameras are. We, in politics, go where we think the cameras are. We do things in order to get ourselves on television.

Television, in other words, does not simply report what we do, it draws us.

And then Senator DANFORTH observed:

So, Mr. President, I am concerned about the quality of debate in the Senate. I am concerned about what this institution is about, what it is supposed to do, and what is our justification for existence.

Should the Senate be a deliberative body? Should the Senate be a place where the great issues are debated and the course of the country is set? Should this be a place where, at some length, the big questions can be considered? Or instead, increasingly, are we going to be propelled, now with a mighty spurt forward, to more frantic activity, to the one-liners, to oversimplification, to color?

And finally, Senator DANFORTH noted that:

* * * it is not as though we are hiding something if we do not have television in the Senate * * *

Nobody is keeping the press out of the gallery. They are here. Every word that is uttered in the Senate can be monitored, just as it can be monitored on television. The information is available. Full disclosure takes place daily of what goes on here.

Mr. President, I would add that the adoption of my amendment to Senate Resolution 20, the authorization of radio coverage of Senate proceedings, would simply make the information even more available, at low cost, and with minimal intrusive impact on the serious work of the Senate.

I should very much like to see a period of competition between the televised coverage of the House of Representatives and radio coverage of the Senate. How the public responded to these different methods of communication would be a highly important fact in making an ultimate decision about going to television in the Senate.

If we move directly to television coverage, we will never have the opportunity to acquire this information. And we will never know how different would be the impacts of radio and television coverages on the work of the Senate.

Because television is the superior entertainment medium, it is easy to erroneously conclude that it is also the superior communication medium. Because television is newer and now far more popular with the public, we may, unthinkingly conclude that it is the better way to inform the public on the debates in the Senate.

I urge my colleagues to reflect carefully. Let us not rush into action that would irreversibly convert the Senate Chamber into a television studio. Proceeding a step at a time, first to radio, and then later to television, if the facts support such a move, will not deprive the public of information. It will, rather, defer the spending of substantial sums of money, and enable us to examine more thoroughly the justification and desirability of adding television coverage in the Senate.

Mr. President, I have nothing further.

[Disturbance in the Visitors' Galleries.]

Mr. MATHIAS addressed the Chair.

The PRESIDING OFFICER. The Senator will suspend until the Sergeant-at-Arms has restored order in the galleries.

Mr. FORD. Mr. President, I yield to the distinguished Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. MATHIAS. I thank my friend from Kentucky. I want to address my self at some length to answering the question that he has asked, the very pertinent quesiton that he has asked: Why television now, nearly 200 years after the Senate was created? Why television now, when, as he says, we have gotten along for nearly 200 years without it?

That is a reasonable question, it is a pertinent question, and it is one that ought to be asked and ought to be answered in the course of the long discussion of Senate Resolution 20.

It is a question, I think, that crowds upon us just now. Think back to the Senate of 1790. Think back nearly 200 years to the operation of the Senate at that early period.

Even if television had been available, I am not sure that the case would then have been made, which is available today and which must be made today, for the televising of Senate proceedings.

There are dramatic differences between the society of America in the late 18th century and the society of America in the late 20th century. It is in those differences that we find the answer to the question of the Senator of Kentucky.

If the United States were still a small nation of 2 or 3 million citizens, largerly agrarian, predominantly rural, I do not know that I would be advocating that the Senate televise its proceedings, simply because I do not know that under those conditions we would be addressing a real public need.

Two hundred years ago American citizens paid no Federal income tax, so the concept of how individual tax dollars were levied and expended was a matter of much less concern.

One of the few instances in which the individual citizen came in contact with the Federal Government might be when a young man enlisted to serve in the Army, the Navy, or the Marine Corps, put in a few years of military service, and probably returned to the community in which he was born and in which he intended to die. No Veterans' Administration tracked that young man back to his home when he left the Federal service. It may well have been his last contact with the Federal Government. He paid no social security taxes, and he anticipated receiving no social security benefits in the twilight of his life.

If he was a farmer, he tilled the soil and raised his crops and cattle without any anticipation of either acreage restrictions or farm production subsidies. Questions which now bring the Federal Government cheek-by-jowl with every farmer in the land simply did not exist.

Shopkeepers and craftsmen had no occasion to write to the Small Business Administration because there was not such a thing.

I regret to say that our ancestors of 200 years ago would let their smoke go up whatever chimney was convenient and they poured their slops out into the nearest streams because there was no Federal air quality legislation and there was no water quality control legislation.

I doubt that very many Americans concerned themselves with disruptions on the far corners of the globe. In the first place, if they ever heard of them, they heard about them months, if not years, after the fact, so there was no purpose in having mass meetings on those subjects.

When Americans lifted their eyes to the skies at night and saw the firmament of the stars, they concluded that that was all the Lord's work. It never occurred to them to imagine that some

of those winking lights might be satellites put into orbit by the Federal Government.

So without all of these, and many more, complications in life, the work of the U.S. Senate was not only less complex and more simple, but it really did not touch in a personal way the lives of citizens. But today, Mr. President, the deliberations and the decisions that are made in this Chamber day after day, week after week, month after month, year after year, touch every aspect of the daily lives of American citizens.

How much of the fruits of our daily labor are we going to be able to retain for our own use and the benefit of our families? The rate of taxation made here touches every family.

Whether or not it is going to be hard or easy to find a job is a matter which is affected by decisions made in the U.S. Senate of the late 20th century.

Whether or not we are going to be able to go out and realize the American dream of having a rose-colored cottage with a white picket fence around the garden is affected by decisions made in the Senate.

Whether or not the farmer is going to be able to put out his full crop or whether he simply cannot borrow the money to get the seed, fertilizer and gasoline to put the full crop out is a question which is affected by decisions made here in the U.S. Senate.

Whether or not the small businessman can take on an extra employee, add an extra line to his business, or extend his shop are affected by decisions here.

Whether or not a young man or woman is able to go to college will be affected by the decisions made in this Senate.

Whether or not social security will continue to contribute as it has in the past to the retirement years of senior citizens. Whether or not medicare and medicaid will be available. These are all questions that are affected by the decisions made here in the U.S. Senate.

Whether or not young men and women who register for selective service will, in fact, be inducted under the selective service is a matter of vital importance to each of them and to every family. That is touched by the decisions made here in the Senate.

What I am saying, Mr. President, is that today, in the late 20th century, unlike the late 18th century, matters of life and death—and perhaps it is less portentious to say the pursuit of happiness—are affected by what is said and done here in the Senate. This is a different situation. It is a new situation.

I think it is important that the reasons for these decisions be available to the citizens of the United States. It may well be, Mr. President, as we have discussed many times during this debate, that citizens will choose not to hear. That is their privilege. They can exercise that privilege with a click of their dial—turn that television set off or turn to a different program. But the fact that they can actually see the Senator from Kentucky making an eloquent address, can judge his own commitment, his own concern, by his demeanor during the debate—all of this is something new and different, which is now possible as the result of the miracle of technology.

Mr. President, I think this is more than just something which we can offer to citizens as a kind of cosmetic for Government today. It seems to me that there is a sense of frustration among many Americans who sense that their lives are being shaped by forces that they do not understand. If they cannot buy a car because interest rates are too high, they know that something is wrong, but they cannot quite understand what it is. Or if, in their county newspapers, they see farmers' distress sales being advertised, page after page, they know that there is something wrong, but they may not quite understand what it is.

There is this sense that there are forces at work—mysterious, malevolent forces that are having a bad effect on life in the United States, but which are not fully understood. That is a theme which some of my constituents in Maryland occasionally express to me when they talk about vast, impersonal forces which are making decisions about which they are uninformed, decisions which affect their homes, their families, their jobs, and their businesses. There is a feeling that millions of so-called little men and little women have their lives not only shaped but misshaped by these forces, by other people. But I believe that the truth is that the forces that are shaping the lives of all Americans—those of the Senator from Kentucky and the Senator from Maryland as well as everyone else—tend to be the result of facts that can be explained and understood if you know about them.

I believe we have some responsibility to help alleviate this condition of frustration, this condition of feeling hopeless and nearly helpless in the face of unseen, unknown forces. One of the ways we can do it is by making it possible for the average citizen to participate in the proceedings of the U.S. Senate and to understand that if a decision is made which may adversely affect their lives, it is not being done for some exotic reason that has no basis in rationality, but that they can see, in fact, opposing arguments made, opposing interests advocated. They can see, in fact, that both results cannot be achieved, that there has to be a choice between the two; that one side wins and the other side loses; that that is why things occur.

They will be able to understand what we do here in the Senate, day after day, is balance the equities, make hard choices; that if we make one choice, it is going to help one group of Americans, if we make another choice, it may be beneficial to still another group of Americans; that we cannot, in making these choices, equally benefit everybody. I hope that we do not take action which is equally adverse to everybody.

Be that as it may, what can be seen by those who follow the work of the Congress is that we are constantly dealing with choices: Do we go this way or do we go that way? If we go this way, who is helped, who is hurt? If we go that way, who is helped and who is hurt? You cannot go both ways at once; that is just a fact of nature.

I believe that, even though people may not like what they see, even though they may not agree with the decisions we make, even if they would not have made the same choices themselves, at least they can understand that we were acting in a reasonable way, in a way which reflects the difficulties of the times or the difficulties of the country. Therefore, they can be angry at us because we have acted as we have done, but they cannot say that what has happened has happened because of fate, or Kismet. Therefore, I believe that they, themselves, will understand more of the forces that control events in our country, in our daily lives, and, in a representative, democratic system, they will be better citizens.

This, I believe, is our duty, Mr. President, and I think we have a responsibility not only to bring the best of ourselves to this effort but the best technology for expressing these arguments. That, Mr. President, clearly is television, which gives one the audio, gives one the sense of hearing but, also, the all-important sense of seeing which contributes to the audio phase that additional ability to make judgments, draw conclusions, and form opinions, which comes from looking a fellow human being in the eye. That is the best technology we can bring to this arena, and I think we have the responsibility to bring it.

Mr. President, there are other forms of communication. There is no doubt about that. The Senator from Kentucky has suggested radio, and certainly, during the Panama Canal debate, radio, as a first step into the electronic world, did prove to be a step forward for the Senate. I hope our successful experiments in radio during the Panama Canal debate will lead us to inch one step beyond that into the world of television.

There are still other forms of communication, Mr. President. The Senator from Kentucky has mentioned our distinguished colleague from Louisi-

ana, who places great stress on the fact that the final tool for understanding what is going on in the Senate is still the CONGRESSIONAL RECORD. I repeat, Mr. President, that the CONGRESSIONAL RECORD is becoming a more and more remote tool for communication with the average citizen. This slim copy of the CONGRESSIONAL RECORD for April 18—very thin, about a quarter of an inch in thickness—now costs $1. One dollar. If you want all of the CONGRESSIONAL RECORD for the year, you have to pay $208. And at the rate that newsprint, printing ink, and postage are accelerating, I doubt that the Government Printing Office can very long continue to produce the CONGRESSIONAL RECORD for $208.

But even at that figure, the annual subscription is beyond the ability of many citizens, if not most, to subscribe.

The cost of the Federal Register, just since the 1st of January, has risen from $75 to $300. I could cite department after department, agency after agency, where user fees are being applied to publications that previously were distributed free.

We see that access to information by the public about the Federal Government is gradually being narrowed, being narrowed by the mere impact of the economy on this very important means of communication between Government and citizens.

I have no magic solution to the cost of newsprint, to the cost of ink, to the cost of labor, to the other costs that go into printing of the CONGRESSIONAL RECORD and the Federal Register and the departmental publications. I hope that the gradual tendency of inflation being brought under control will be reflected in the printing and publication field as well as every other field of American life, but that has not yet happened.

Meanwhile, I believe we have a duty to be as creative as we can and to put to work the resources that are available to us to communicate with the American people about the activities of their Government in every other way that we can. One of the other ways that we can is television.

Not long ago I was talking to a relatively young men who said that when he was a boy, he subscribed to the CONGRESSIONAL RECORD for $2.50 a year and was fascinated in reading it. Well, it is a hundred times that now, or very nearly a hundred times that, $208.

I believe that we can supplement the flow of information by taking steps that take advantage of modern technology, that we can take advantage of technology to find ways of supplementing the flow of information that is being choked off by high cost, choked off by the economics of the age.

For that reason, Mr. President, the more I have thought about Senate Resolution 20, the more I have discussed it with colleagues, the more I have seen of its potential for communication with American citizens about the activities of their Government, the more firmly I am convinced that the Senate should adopt Senate Resolution 20.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MATHIAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. (Mr. WARNER). Without objection, it is so ordered.

Mr. MATHIAS. Mr. President, during the debate on Senate Resolution 20, several Senators have inquired as to how the Senate leadership or the Senate Rules Committee would implement television and radio broadcasting when and if the Senate approves Senate Resolution 20. That is an appropriate question, and now is the time to ask it, not after the resolution has been disposed of. So I would like to address it at this point.

When the Rules Committee was considering Senate Resolution 20, it reached an agreement that a final decision on the implementation plan should await the action of the Senate on the resolution itself, because there well may be some direction given by the full Senate which would affect the plan for implementation.

At the same time, the Rules Committee felt responsibility to provide some leadership in this matter, so the committee instructed its staff to draft the outline of the action that might be required by the adoption of Senate Resolution 20.

The outline is included in the committee report on Senate Resolution 20, under the heading "Implementation," and I would like to review that portion of the report for the Senate at this time.

Upon agreement by the Senate to S. Res. 20, 97th Congress, the Committee on Rules and Administration will proceed to procure, install, and oversee the televising of Senate floor proceedings. Based on testimony received by the Committee, Committee staff has drafted an outline of action the Committee might prescribe. In order to ensure an orderly implementation of Senate television and to secure economies and coordination with the Capitol Hill cable network, the Committee will delegate, under its oversight, television responsibilities to the appropriate Senate office or Legislative Branch agency.

Specifically, the Committee will direct:

A. the Architect of the Capitol to construct the necessary broadcasting facilities, including a control room and the modification of Senate sound and lighting fixtures, to employ necessary expert consultation, and to acquire and install all necessary equipment and facilities to produce a broadcast-quality color video signal of Senate floor proceedings;

B. the Sergeant at Arms of the Senate to recruit and deploy staff to operate all video equipment;

C. the staffs of the Committee and of the Sergeant at Arms' office to conduct a test of television transmission during which camera direction and control procedures are perfected. This test transmission may be carried over the Capitol Hill cable network if such test transmission is deemed advisable by the Chairman of the Committee. Transmission of live Senate floor proceedings outside the Capitol Hill cable network shall begin only upon agreement among the Majority Leader, the Minority Leader, and the Committee Chairman;

D. the appropriate office to provide a live video and audio transmission to all qualified public and commercial broadcasters, to all Senate offices, and to others on the Capitol Hill cable network;

E. the Librarian of Congress to record and archive all audio and video transmissions of the Senate, including floor proceedings and Senate Committee hearings and deliberations, where appropriate, and to make these recordings available to the public and private sectors under terms and conditions established by the Committee;

F. the Architect of the Capitol to provide radio transmission of Senate floor proceedings as soon as the Committee deems it practical and advisable.

Another question that has been raised from time to time during this debate has been whether or not this implementation which I have just described would require any change in the rules of the Senate. I believe, Mr. President, that perusal of this outline of action will make it clear that no change in the rules will be necessary and that no change of the rules is required by the beginning of either television or radio broadcasting of Senate proceedings.

So Senators who have been concerned that we might in some way impact upon the rules may feel relieved to know that no change in the rules is contemplated, no change of the rules is foreseen, and no necessity to change the rules is perceived.

This has been a long debate, perhaps too long, but it is important that Members of the Senate understand very clearly exactly what is at stake in the decision and that will result, and that we have tried as fully and as honestly and as candidly as it was possible to describe exactly what changes may be expected on the Senate floor as a result of the installation of television. At the same time, I think we have also tried to describe honestly and candidly what changes and what benefits may accrue to the general public as a result of implementing Senate Resolution 20 and making television a reality.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MATHIAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MATHIAS. Mr. President, I shall ask unanimous consent that a portion of an article from the Washington Post, of April 18, 1982, may be printed in the RECORD as part of my remarks.

This is an article which describes an experience of the distinguished Senator from New Jersey (Mr. BRADLEY). He tells of the impact on his life of witnessing from this Senate gallery the passage of the Civil Rights Act of 1964. It is a very vivid statement on the part of Senator BRADLEY, and I think it might be helpful to Members to read that statement and then to think of the many young citizens all over this country who do not have the opportunity to travel to Washington and to sit in the gallery but whose lives could be touched in an equally positive and beneficial way by seeing and participating through television in the debates and the decisions that occur here in the U.S. Senate.

So I ask unanimous consent to have printed in the RECORD the portion of the article to which I have made reference.

There being no objection, the portion of the article was ordered to be printed in the RECORD, as follows:

This is Bradley tracing his political roots: "I came down to Washington in the summer of my junior year, in 1964, for a summer of Princeton in Washington. I didn't have any political affiliation then, but I ended up as an intern in the 'Scranton for President' headquarters . . . I was in the chamber when the 1964 Civil Rights Act was passed. I sat there and heard the votes called and I walked out thinking that something really significant happened there, something that happened in that chamber—the Senate chamber—will produce a very different society. And I happened to think that was positive. It was at that moment for the first time that the thought occurred to me: Gee, maybe I don't want the State Department after all, maybe I want the Senate; you can actually improve the quality of life for people."

Mr. FORD. Mr. President, I will not take but just a few minutes. My good friend, the eloquent—and I underscore eloquent—chairman of the Rules Committee, makes a most persuasive statement on the historical changes which have occurred in our society, and the impact such changes have had on the nature and the importance of the work of the Senate.

I fully agree with him. It might surprise him that I say that, except I do not agree that this requires or even justifies the costly move to televising the Senate debate.

Again I ask why must we see a debate when we can hear it on radio? Why make the Senate a TV studio for entertainment? Why spend that money for imagery when information, knowledge, and understanding can, obviously, come as well by radio?

It appears to me that the distinguished Senator's own President from his party has just recently found radio. He has started his weekly discussions, a public visit on the issues of the week. The President has gone to radio as a medium.

Now the distinguished Senator from Maryland makes my point eloquently, much better than I can, and I just want to compliment him on using the point that I have been trying to get across for some time. The Senator talks about the farmers being a problem, more foreclosures every week and forced sales; small business people having trouble and going out of business. Eighty-three, I read in the paper, per 10,000 are going under, and during the Great Depression it was only 100 out of every 10,000 that were going broke.

Students are being denied the opportunity to go to college; social security recipients are not only concerned, they are worried; interest rates are too high. He makes all those points, yet we want to spend over $5 million to put cameras in this Chamber, put lights in the ceiling, put a booth here in the back somewhere, archive all the tapes, and with additional operating costs somewhere between $600,000 and $700,000 a year for employees, the taping and the archiving.

Let me make a point here, if I can. We talk about $5 million plus. How much is that? Well, the Senator made a point about the interest rates. The interest, as I figure it now, on $5 million would give 8,200 social security recipients payments of $683 per month for a year. Well, that does not sound like much, but just the interest rate on that amount of money would pay $683 per month for a year to 8,200 recipients. Yet we want to spend the whole thing on putting TV in the Senate.

A strange thing happened before we started the debate on Senate Resolution 20. Senator PRESSLER was introducing a resolution asking the Committee on Foreign Relations to ask Secretary Haig to come in and explain to them what was going on in the Falkland Islands. He was rushing back and forth between Great Britain, Argentina, and the White House, and how involved are we becoming. The distinguished Senator from Texas, the chairman of the Committee on Armed Services, Mr. TOWER, said it was none of Congress business. We should not know.

So we find here we want everybody to know something and, on the other hand, we do not want anybody to know anything. That happened in the Chamber just this afternoon.

Let me go back to April 14, if I may. On that Wednesday, in debate on Senate Resolution 20, the distinguished majority leader made an interesting statement and raised, I think, a very thoughtful question. He said, and I quote from the RECORD:

Mr. President, television will come to this body some day. The question is, when? When will we make sure that the people of the United States have an opportunity to see, to hear, to understand, to examine, to approve or to disapprove our actions and conduct as the trustees of their public faith?

Mr. President, let me respond as best I can to the majority leader's remarks which, I think dovetail what the distinguished Senator from Maryland said this afternoon. First, I agree that some day television will come to this body. The question is, when? As to when, I would say, first, when our concern with the expenditures of this kind is far less than it is today.

Second, I hope it will come when we in the Senate, the television industry, and the American public are all better prepared to incorporate this powerful medium into the serious business transacted in the Senate of the United States.

Let me go a little further. The majority leader's question needs to be broken down into its several parts. The first segment was, when will we give the people of the United States an opportunity to see the Senate proceedings? This goal clearly requires television. But the remaining portions of the question posed by the majority leader do not require television. I refer, of course, to that part of his question which reads:

To hear the Senate, to understand the Senate, to examine the Senate, to approve or to disapprove what we do here in this Chamber.

I submit, as I have said so often, these functions can be performed better, sooner, and at a far less cost by radio coverage.

I ask again of my colleagues, for what useful and essential purposes do we need the visual coverage afforded by television? I would urge my colleagues to support my amendment when we get to the decision on Senate Resolution 20 in its final form.

Mr. President, I yield the floor.

Mr. MATHIAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. MATHIAS. The Senator from Kentucky knows that I share with him the full appreciation of the value of radio broadcasting, any question about the value of radio broadcasting of Senate proceedings was answered during the debate on the Panama Canal Treaty. I, for one, would welcome radio coverage of the Senate proceedings if it comes as a part of the teamwork involving both radio and television.

It seems to me the real answer to the Senator from Kentucky is a physical, factual answer.

Mr. FORD. Mr. President, will the Senator yield for a question?

Mr. MATHIAS. Yes, I am happy to yield.

Mr. FORD. It is my understanding, and I hope I am correct, that there is only one channel now that is available to the House and to the Senate if we go to televising the Senate, and that we would be in competition with the House and there would have to be a decision made by a committee, a decision by some group, as to whether the House is on during the time it is in session and the Senate is on video and whether that comes later or the House or Senate are on at the time of their sessions and they would be on video, and they would be——

Mr. MATHIAS. I am glad the Senator asked me that question because there may be a misconception in some minds in the Senate.

No, the fact is there is a separate channel available for the Senate. We would not compete with the other body for the use of any channel. We would have full-time coverage.

Now that brings me to the physical, factual answer, which deals with pinning all of our operation on radio broadcasting, because I believe there is a limited time available each day, and with the already committed number of channels for radio, we could hardly expect to get gavel-to-gavel radio coverage, and that really is the essence of the argument as far as radio is concerned.

Mr. President, I yield the floor.

Mr. FORD. Mr. President, I have an article here on C-Span, which is the organization that will carry gavel-to-gavel coverage if Senate Resolution 20 passes. It indicates there is only one channel that would be available, and that we would have to be making a decision or they would have to be making a decision or some group would have to be making a decision as it relates to who would be on television on that particular channel and at that time, unless they have additional channels and the Senator from Maryland knows something I do not know.

Mr. MATHIAS. I am advised that if the Senate does proceed to televising the proceedings, there would be an extra channel on C-Span.

CLOTURE MOTION

Mr. MATHIAS. Mr. President, on behalf of the majority leader, the Senator from Tennessee, I send a cloture motion to the desk in accordance with the provisions of rule XXII of the Standing Rules of the Senate to bring to a close debate on Senate Resolution 20.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the Clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on Senate Resolution 20, a resolution providing for television and radio coverage of proceedings of the Senate.

Howard Baker, Steven Symms, Slade Gorton, Charles Percy, William Roth, Thad Cochran, James A. McClure, Lowell Weicker, Mark Andrews, Warren Rudman, S. I. Hayakawa, Harrison Schmitt, Dan Quayle, Strom Thurmond, Charles McC. Mathias, and Ted Stevens.

SEQUENTIAL REFERRAL—S. 1940

Mr. STEVENS. Mr. President, I ask unanimous consent that Calendar Order No. 481, S. 1940, relating to extradition, be referred to the Committee on Foreign Relations for not to exceed 30 days for the purpose only of considering the "political offense" and related provisions of that bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

EMERGENCY ACTION TO STABILIZE THE FARM ECONOMY REQUESTED

Mr. THURMOND. Mr. President, on behalf of my distinguished colleague from South Carolina, Senator HOLLINGS, and myself, I ask unanimous consent that a concurrent resolution, passed by the South Carolina House of Representatives be printed in the CONGRESSIONAL RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. THURMOND. Mr. President, this resolution memorializes the President and the Congress of the United States along with the Secretary of the Department of Agriculture, to take emergency action to stabilize the farm economy in our country.

Mr. President, I would like to voice my support for the views expressed in the resolution. The total farming picture in South Carolina at this time has been termed as "bleak."

Due to a combination of low commodity prices, high interest rates that accompany farm credit, and poor weather conditions in recent years, the farming community in the Southeast is experiencing serious hardships. Many farmers in my State have filed for bankruptcy in the past year, and I fear that we may lose many more farmers in the next few months.

Mr. President, this is a most serious situation. The loss of the small family-type farmer in our society would be tragic.

Each time a small farmer goes out of business he is denied his chosen lifestyle. He is denied the satisfaction and fulfillment he receives from working with the land.

Mr. President, the American farmer has never abandoned his Nation. Each time we sit down at the dinner table we are reminded of that fact. Now, it is our responsibility not to abandon them. I sincerely hope that the views and recommendations contained in this resolution will be given the very careful consideration they deserve.

EXHIBIT 1

H. 3760

Whereas, the people of the United States and millions of people elsewhere in the world depend on U.S. agriculture for food and fiber; and

Whereas, a strong agriculture is essential to the economic well-being of the Nation; and

Whereas, U.S. agriculture is highly capital-intensive and farmers must borrow substantial amounts of money to sustain efficient production; and

Whereas, in the past, a depressed farm economy has foreshadowed severe recession in the general economy; and

Whereas, farm income in 1982 (after adjustment for inflation) will, in the absence of changes in the Administration's agricultural policy, be the lowest ever reported due to a combination of falling commodity prices, high production costs, including interest charges, and sluggish export markets; and

Whereas, because of reduced commodity prices and high interest rates, many farmers are delinquent in meeting their obligations under loans and are having trouble obtaining new loans to continue farming; and

Whereas, abnormally low farm income and the credit problems many farmers now face are seriously weakening U.S. agriculture; and

Whereas, the Federal Government stands to expend billions of dollars if (1) Farmers Home Administration loans to farmers are foreclosed and the debt security on the loans does not cover the amounts owed, and (2) due to falling commodity prices, large sums must be paid to farmers in deficiency payments under the wheat, feed grain, upland cotton, and rice programs; and

Whereas, the Consolidated Farm and Rural Development Act, the Agricultural Act of 1949, and other acts of Congress give broad authority to the Executive Branch of the Government to take emergency action to strengthen U.S. agriculture in time of economic stress. Now, therefore, be it

Resolved by the House of Representatives of the State of South Carolina: That it is the sense of the House that the President should work with, and encourage, the Board of Governors of the Federal Reserve System to adjust its monetary policy, as soon as practicable, so as to reduce the rate of interest farmers must pay to obtain credit for necessary production items.

It is further the sense of the House that the President and the Secretary of Agriculture should use the broad authorities vested in them by Congress to take emergency action immediately to stabilize commodity prices received by farmers at levels which will at least cover the cost of production, and provide credit assistance to farmers, including, but not limited to, the following actions:

(1) The implementation of a mandatory nonpaid set aside program in 1982 for producers of wheat, feed grains, upland cotton, and rice;

(2) The establishment of price support loan rates for the 1982 crops of wheat, feed grains, and rice at levels, significantly higher than those previously announced, that will cover the farmers production costs;

(3) The implementation of an aggressive export development program to expand existing markets, and open new markets, for U.S. agricultural commodities, using all authorities available to them, including the Commodity Credit Corporation Charter Act and the Agricultural Trade Act of 1978;

(4) The provision of loan guarantees to finance the establishment of facilities that use grain to produce alcohol for use in fuel, as provided for in Section 137 of Public Law 97-51 (making continuing appropriations for fiscal year 1982);

(5) The implementation of a temporary program to (a) provide for deferrals on repayment, and a moratorium on foreclosures, of Farmers Home Administration farm loans for borrowers who are not now able to meet their debt obligations without unduly impairing their ability to meet essential farm needs (including family subsistence) due to circumstances beyond their control, such as commodity prices which are below production costs and (b) permit such farm borrowers to obtain reamortization or rescheduling of their loans to provide equitable repayment terms (including an interest charge at the original rate established for the loan) consistent with their farm and financial condition; and

(6) The nationwide implementation of the economic emergency loan program authorized in the current farm bill which would provide operating credit to farmers, using repayments by farmers on prior loans to fund the program.

It is further the sense of the House that the President, in nominating persons for positions on the Board of Governors of the Federal Reserve System that will become open in 1982, ensure that agricultural interests are provided fair representation on the Board.

Be it further resolved that the Congress of the United States enact whatever legislation is necessary to carry out the sense of the House expressed in this resolution.

Be it further resolved that copies of this resolution shall be forwarded to the President of the United States, Secretary of the United States Department of Agriculture, and to each member of the United States Congress representing South Carolina.

THE MARCH 1982 EVALUATION OF THE ELEMENTARY AND SECONDARY EDUCATION ACT TITLE I PROGRAM OPERATIONS AND EDUCATIONAL EFFECTS

Mr. THURMOND. Mr. President, in my capacity as the President pro tempore of this body, I have received from the Department of Education the March, 1982 evaluation of the Elementary and Secondary Education Act title I program operations and educational effects. This report will be available for review by my colleagues in my office, and I ask unanimous consent that a copy of the letter of tramsmittal from the Secretary of Education be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY,
Washington, D.C., April 6, 1982.

Hon. STROM THURMOND,
President Pro Tempore,
U.S. Senate,
Washington, D.C.

DEAR SENATOR THURMOND: Section 183 of Title I of the Elementary and Secondary Act requires that a report by submitted to you no later then February 1, 1982, containing "the results of the evaluations of programs and projects required under this section . . ." We notified you last month that we were unable to meet that timeline and that the report would be delivered in March. The report is enclosed.

The report provides information on the operation of Title I programs and on the achievement of students in those programs, including:

Information of programs operated by local educational agencies, including the selection of schools and students, the numbers and types of students in the programs, the types of services and staff provided, and the characteristics of summer school programs.

Information on the impact of Title I on achievement, including a summary of the results from the Title I Evaluation and Reporting System and from the Sustaining Effects Study.

Case studies of evaluation and program improvement activities at the State and local levels.

We apologize for the delay and hope that you will find the report to be useful.

Sincerely,

T. H. BELL.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

TENTH ANNUAL REPORT ON FEDERAL ADVISORY COMMITTEES—MESSAGE FROM THE PRESIDENT—PM 127

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Governmental Affairs:

To the Congress of the United States:

In accordance with the provisions of Section 6(c) of the Federal Advisory Committee Act, I am pleased to transmit the tenth Annual Report on Federal Advisory Committees. This Report, prepared by the General Services Administration, summarizes the activities, status, and changes in the composition of Federal Advisory Committees for calendar year 1981.

On January 22, 1981, I directed Executive departments and agencies to reduce obligations for advisory committees by five percent for 1981. I am pleased to report that this effort achieved a reduction of ten percent during the past year. Believing that there are further opportunities for more cost-effective management of advisory committees, I plan shortly to direct actions throughout the Executive Branch which will result in additional savings of approximately ten percent for 1982.

RONALD REAGAN.

THE WHITE HOUSE, *April 19, 1982.*

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3175. A communication from the regional director of region IX, Department of Health and Human Services, transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-3176. A communication from the Deputy Assistant Secretary of Defense for Administration transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-3177. A communication from the Chairman of the National Labor Relations Board transmitting, pursuant to law, a report on activities under the Government in the Sunshine Act; to the Committee on Governmental Affairs.

EC-3178. A communication from the Inspector General of the Department of Labor transmitting, pursuant to law, a report on a proposed computer match of individuals receiving benefits from the Federal Employee Compensation Act with the present and past employees of the Tennessee Valley Authority; to the Committee on Governmental Affairs.

EC-3179. A communication from the Inspector General of the Department of Labor transmitting, pursuant to law, a report on a proposed computer match of certain beneficiaries of the coal mine workers' compensation program and beneficiaries of the United Mine Worker Health and Retirement Funds Benefit Plan; to the Committee on Governmental Affairs.

EC-3180. A communication from the Inspector General of the Department of Labor transmitting, pursuant to law, a report on a proposed computer match of certain files supplied by the Office of Personnel Management and individuals on the Federal employee compensation and black lung rolls; to the Committee on Governmental Affairs.

EC-3181. A communication from the Secretary of Energy transmitting, pursuant to law, the 1981 annual report of the Inspector General of the Department of Energy; to the Committee on Governmental Affairs.

EC-3182. A communication from the Assistant Secretary for Health of Health and Human Services transmitting, pursuant to

law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-3183. A communication from the Chairman of the D.C. Council transmitting, pursuant to law, a copy of an act of the Council, D.C. Act 4-168; to the Committee on Governmental Affairs.

EC-3184. A communication from the Chairman of the D.C. Council transmitting, pursuant to law, a copy of an act of the Council, D.C. Act 4-169; to the Committee on Governmental Affairs.

EC-3185. A communication from the Chairman of the D.C. Council transmitting, pursuant to law, a copy of an act of the Council, D.C. Act 4-170; to the Committee on Governmental Affairs.

EC-3186. A communication from the Chairman of the D.C. Council transmitting, pursuant to law, a copy of an act of the Council, D.C. Act 4-171; to the Committee on Governmental Affairs.

EC-3187. A communication from the Chairman of the Interstate Commerce Commission transmitting, pursuant to law, the Commission's 1981 annual report on its compliance with the Government in the Sunshine Act; to the Committee on Governmental Affairs.

EC-3188. A communication from the Chairman of the National Credit Union Administration Board transmitting, pursuant to law, the Board's report on its compliance with the Government in the Sunshine Act; to the Committee on Governmental Affairs.

EC-3189. A communication from the Director of the Selective Service System transmitting, pursuant to law, a report on a new Privacy Act system of records to permit computer matching with other systems of records including Social Security and Internal Revenue Service records; to the Committee on Governmental Affairs.

EC-3190. A communication from the Chairman of the Federal Communications Commission transmitting, pursuant to law, the Commission's annual report on freedom of information activities; to the Committee on the Judiciary.

EC-3191. A communication from the Chairman of the Federal Home Loan Bank Board, transmitting, pursuant to law, a report on activities under the Freedom of Information Act; to the Committee on the Judiciary.

EC-3192. A communication from the General Counsel of the Civil Aeronautics Board transmitting, pursuant to law, the Board's 1981 report on freedom of information activities; to the Committee on the Judiciary.

EC-3193. A communication from the vice president for corporate communications of AMTRAK transmitting, pursuant to law, the 1981 annual report of AMTRAK's activities under the Freedom of Information Act; to the Committee on the Judiciary.

EC-3194. A communication from the Commissioner of Immigration and Naturalization transmitting, pursuant to law, copies of orders suspending deportation of certain aliens; to the Committee on the Judiciary.

EC-3195. A communication from the Secretary of Education transmitting a draft of proposed legislation modifying the bilingual education program; to the Committee on Labor and Human Resources.

EC-3196. A communication from the Under Secretary of Agriculture for International Affairs and Commodity Programs, transmitting, pursuant to law, the third quarterly commodity and country allocation table showing the planned programing of food assistance; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3197. A communication from the Secretary of Agriculture, transmitting a draft of proposed legislation to extend and improve the food stamp program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3198. A communication from the Deputy Assistant Secretary of Defense (Military Personnel and Force Management), transmitting, pursuant to law, reports for 1981 filed by former Department of Defense personnel now working for defense contractors; to the Committee on Armed Services.

EC-3199. A communication from the Acting Director, Facility Requirements and Resources, Office of the Assistant Secretary of Defense for Manpower, Reserve Affairs, and Logistics, transmitting, pursuant to law, notice of 11 construction projects to be undertaken by the Army Reserve; to the Committee on Armed Services.

EC-3200. A communication from the Assistant Secretary of the Army (Manpower and Reserve Affairs), transmitting a draft of proposed legislation to amend titles 10 and 37, United States Code, to reform the procedures for providing the Armed Forces the medical services necessary to supplement those proposed uniformed personnel; to the Committee on Armed Services.

EC-3201. A communication from the General Council of the Department of Defense, transmitting a draft of proposed legislation to amend titles 10 and 37, United States Code, to authorize the Secretary of Defense and the Secretary of Transportation to increase the term of service in the Armed Forces under their jurisdiction and to pay bonuses for enlistment and reenlistment in the reserve components; to the Committee on Armed Services.

EC-3202. A communication from the president and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report on loan, guarantee and insurance transactions supported by Eximbank during February 1982 to Communist countries; to the Committee on Banking, Housing, and Urban Affairs.

EC-3203. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a consolidated and condensed annual report on the Department's principal community development programs for fiscal year 1981; to the Committee on Banking, Housing, and Urban Affairs.

EC-3204. A communication from the Chairman of the Federal Financial institutions Examination Council, transmitting, pursuant to law, the annual report of the Council for calendar year 1981; to the Committee on Banking, Housing, and Urban Affairs.

EC-3205. A communication from the vice president for Government Affairs of the National Railroad Passenger Corporation, transmitting, pursuant to law, a report on the average number of passengers on board and the on-time performance of each train operated by the Corporation for December 1981; to the Committee on Commerce, Science, and Transportation.

EC-3206. A communication from the vice president for Government Affairs of the National Railroad Passenger Corporation, transmitting, pursuant to law, a report on the total itemized revenues and expenses and expenses of each train operated by the Corporation during the month of November 1981; to the Committee on Commerce, Science, and Transportation.

EC-3207. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report on research studies on salmon stocks and the salmon fishery; to the Committee on Commerce, Science, and Transportation.

EC-3208. A communication from the Administrator of the National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the Federal plan for the national pollution program for fiscal years 1981 through 1985; to the Committee on Commerce, Science, and Transportation.

EC-3209. A communication from the Secretary of the Interior, transmitting, pursuant to law, a completed copy of the "Outer Continental Shelf Oil and Gas Leasing and Production Program Annual Report for Fiscal Year 1981"; to the Committee on Energy and Natural Resources.

EC-3210. A communication from the Assistant Secretary of the Interior for Territorial and International Affairs, transmitting, pursuant to law, the annual report on the financial condition of the Northern Mariana Islands for fiscal year 1980; to the Committee on Energy and Natural Resources.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-762. A resolution adopted by the Texas Section, Society for Range Management, concerning the "Alternate Goals for the Resource Planning Act Program"; to the Committee on Agriculture, Nutrition, and Forestry.

POM-763. A resolution adopted by the Butte County, California, Board of Supervisors relative to the economic plight of the former spouses of retired members of the Armed Forces of the United States; to the Committee on Armed Services.

POM-764. A concurrent resolution adopted by the General Assembly of the State of South Carolina; to the Committee on Banking, Housing, and Urban Affairs:

"CONCURRENT RESOLUTION

"Whereas, federal deficit and credit policies are the direct result of high interest rates and the entire housing industry is currently experiencing the worst economic period since the Depression of the 1930's; and

"Whereas, the State of South Carolina, as well as the entire southeastern United States, has experienced the biggest housing slump in the nation with housing sales units dropping to 966,000 units in 1981 in comparison with 1,451,000 in 1980; and

"Whereas, traditionally over the last forty years this nation experienced an interest rate that ran approximately three percentage points above the rate of inflation and now the country has an interest rate almost double the rate of inflation; and

"Whereas, in 1981 in the United States, existing home sales totalled 2,350,000 units representing a drop of over 700,000 from the previous year and the third consecutive year of declining sales activity; and

"Whereas, these low levels of existing home transactions have impaired the ability of the population to move freely and to adequately match their housing accommodations to their needs; and

"Whereas, the General Assembly of the State of South Carolina feels it is most unwise to create huge federal deficits and federal borrowing because this takes away a

large portion of the nation's savings, thereby reducing the nation's investment in housing; and

"Whereas, this body thinks it is unwise to slow the growth of money and credit so severely that it continues the Recession and that it is unwise to cause interest rates to fluctuate so widely that it continues to raise fears about this nation's economic future; and

"Whereas, the citizens and leaders of this nation must do everything possible to keep alive the American dream of home ownership: Now, therefore, be it

"Resolved by the House of Representatives, the Senate concurring: That Congress and the President of the United States are memorialized to promptly take such action as may be necessary to reduce interest rates generally and to provide, specifically, relief to the housing industry in the form of increased tax relief and mortgage subsidies. Be it further

"Resolved, That copies of this resolution be forwarded to the President of the United States, the President of the Senate, the Speaker of the House of Representatives, the chairman of the Federal Reserve Board, and each member of the South Carolina Congressional Delegation in Washington, D.C."

POM-765. A resolution adopted by the Amercian Association of Port Authorities regarding continuing independence from Government control of port and terminal use and development; to the Committee on Commerce, Science, and Transportation.

POM-766. A resolution adopted by the American Association of Port Authorities urging revision of the present principles, standards and procedures for evaluating water resources projects in deepwater seaport harbor and channels; to the Committee on Commerce, Science, and Transportation.

POM-767. A concurrent resolution offered in the Senate of the State of Michigan; to the Committee on Commerce, Science, and Transportation:

"SENATE CONCURRENT RESOLUTION No. 570

"Whereas, On May 20, 1981, a bill was introduced into the United States House of Representatives which proposes to require that ocean-shipping companies using ports in nations contiguous to the United States in transporting goods to or from the United States must file their rates with the Federal Maritime Commission. This bill, HR 3637, was referred to the Merchant Marine Subcommittee of the Committee on Merchant Marine and Fisheries. Subsequently the subcommittee passed the bill to the full committee, which reported the bill, with amendments, to the floor of the House on December 9, 1981. At that time, the bill was referred to the Energy Commerce Committee for ninety days beginning January 5, 1982; and

"Whereas, If HR 3637 is passed by the Congress, a number of companies, which currently offer highly competitive, unregulated service through the Port of Detroit via the Canadian landbridge, will be brought under regulation and will pass along the cost of regulation to their midwestern customers. Indeed, businesses in Detroit and the rest of the Midwest will face higher charges as these transportation companies raise their rates to compensate for: the legal costs associated with filing and maintaining tariffs with the Federal Maritime Commission; the expected cost of legal fees necessary to defend challenges to tariff filings; and the increased business risk due to greater tariff inflexibility. Moreover, the Detroit Port Authority believes that the increased cost that would result from the passage of HR 3637 would lower profits and employment in Michigan; and

"Whereas, Currently, U.S. East Coast ports are upset with the competition of foreign carriers who pick up and deliver international cargo in U.S. locales but who do not use American ports. The unregulated carriers use truck and/or rail to move goods to and from Canadian sea ports where ocean-vessel loading and unloading take place. The East Coast ports are most angry about the cargo which is trucked by carriers out of their immediate port areas to Montreal, thus diverting American goods and activity to Canadian ports which would normally be handled at American ports; and

"Whereas, In supporting HR 3637, proponents of this bill hope to divert to East Coast ports much of the transportation activity which is currently using the Canadian landbridge route to Montreal. However, not only is there no guarantee that the passage of this bill would divert to American East Coast ports any of the Montreal port activity, but this proposed legislation would also impose significantly higher transportation costs on many Michigan and midwestern manufacturers and agricultural corporations; and

"Whereas, A major argument against HR 3637 is that the competition currently provided by unregulated Canadian landbridge carriers is forcing U.S. East Coast carriers to offer more economical and innovative service to American businesses. These transportation savings boost the profits of midwestern farmers and manufacturers during a time when the region's economy needs any help it can get. Moreover, any action by the United States to regulate Canadian landbridge rates might result in a reciprocal action from Canadian authorities and bring a hardship to western U.S. ports, which get substantial Canadian shipping traffic; and

"Whereas, Along with the Detroit/Wayne County Port Authority, an impressive list of major American companies oppose the passage of HR 3637. Given the threat to the economy of this state which this bill poses, this legislative body wishes to voice its strong opposition to HR 3637; now, therefore, be it

"Resolved by the Senate (the House of Representatives concurring), That, by all present, we memorialize the Congress of the United States to oppose HR 3637; and be it further

"Resolved, That copies of this resolution be transmitted to the Speaker of the United States House of Representatives, the President of the United States Senate, and to the members of the Michigan Congressional delegation."

POM-768. A resolution adopted by the American Association of Port Authorities regarding Federal Permitting Procedures for Port Projects; to the Committee on Commerce, Science, and Transportation.

POM-769. A resolution adopted by the American Association of Port Authorities regarding the reauthorization of the Clean Air Act; to the Committee on Environment and Public Works.

POM-770. A joint resolution adopted by the Legislature of the State of Wyoming; to the Committee on Environment and Public Works:

"ENROLLED JOINT RESOLUTION No. 2, SENATE OF WYOMING

"A joint resolution requesting appropriate action by Congress to propose an amendment to the Clean Water Act (P.L. 92-500) eliminating the requirement of a National Pollutant Discharge Elimination System Permit (NPDES Permit) for water releases from reservoirs.

"Whereas, the United States District Court for the District of Columbia has held that the Environmental Protection Agency must issue regulations covering dams as a point source category under Section 402 of the Clean Water Act (P.L. 92-500); and

"Whereas, in the opinion in the case of *National Wildlife Federation* v. *Gorsuch* issued on January 29, 1982, Judge Joyce Hens Green ruled that certain water quality conditions associated with dams and reservoirs should be dealt with as a "discharge" of pollutants prohibited by Section 301 of P.L. 92-500; and

"Whereas, Judge Greene has rejected Environmental Protection Agency's long held position that the National Pollutant Discharge Elimination System does not apply to releases from reservoirs and the Court has held that the Environmental Protection Agency has violated a nondiscretionary duty in failing to regulate dams with NPDES permits; Now, therefore, be it

"Resolved by the Legislature of the State of Wyoming:

"Section 1. That P.L. 92-500 be amended to eliminate the application of NPDES permits to discharges from reservoirs.

"Section 2. That the Secretary of State of Wyoming send copies of this resolution to the Secretary of State and presiding officers of the houses of the legislatures of each of the other states in the union, the Speaker of the United States House of Representatives, the President of the United States Senate, and to members of the Congress of the United States representing the State of Wyoming."

POM-771. A concurrent resolution adopted by the Legislature of the State of Mississippi; to the Committee on Environment and Public Works:

"HOUSE CONCURRENT RESOLUTION No. 187

"Whereas, the United States District Court for the District of Columbia has held that the Environmental Protection Agency must issue regulations covering dams as a point source category under Section 402 of the Clean Water Act of 1977, Public Law 92-500; and

"Whereas, On January 29, 1982, the Honorable Joyce Hens Greene, of the United States District Court for the District of Columbia, issued an opinion in National Wildlife Federal v. Gorsuch, ruling that certain water quality conditions associated with dams and reservoirs should be treated as a "discharge" of pollutants prohibited by Section 301 of the Clean Water Act of 1977, Public Law 92-500; and

"Whereas, Judge Greene rejected the Environmental Protection Agency's long-held position that the National Pollution Discharge Elimination System is not applicable to water releases from reservoirs; and

"Whereas, the court in the above case held that the Environmental Protection Agency has violated a nondiscretionary duty in failing to regulate dams and reservoirs with National Pollution Discharge Elimination System permits:

"Now, therefore, be it resolved by the House of Representatives of the State of

Mississippi, the Senate concurring therein, That we do hereby memorialize the United States Congress to adopt legislation amending the Clean Water Act of 1977, Public Law 92-500, to eliminate the application of National Pollution Discharge Elimination System permits to discharges from reservoirs.

"Be is further resolved, That copies of this Resolution be forwarded to the secretaries of state and presiding officers of the houses of the legislatures of each of the other states in the Union, to the Speaker of the United States House of Representatives, to the President of the United States Senate, to members of the Congress of the United States representing the State of Mississippi, and to the Capitol Press Corps."

POM-772. A resolution adopted by the House of Representatives of the State of Kansas; to the Committee on Finance:

"HOUSE RESOLUTION No. 6137

"Whereas, The Railroad Retirement System was established by an act of Congress in 1935 to provide retirement-survivor and unemployment-sickness benefit programs for the nation's railroad workers and their families; and

"Whereas, The Railroad Retirement System has been financed jointly with contributions from rail carriers and rail labor for more than 45 years; and

"Whereas, The Railroad Retirement System has a present cash investment worth $3,600,000,000 and more than 1,100,000 annuitants, yet is administered with only 1% of its revenues; and

"Whereas, The present organization, financial strength and longevity of the Railroad Retirement System allows for the efficient distribution of both railroad programs and, since 1974, social security benefits to eligible recipients; and

"Whereas, The abolition of the Railroad Retirement System or its absorption into the Social Security program could conceivably jeopardize the continued distribution of benefits: Now, therefore,

"Be it resolved by the House of Representatives of the State of Kansas: That we urge Congress to reject any proposal contained in the 1983 federal budget which would abolish or reorganize the Railroad Retirement System; and

"Be it further resolved: That the Chief Clerk of the House of Representative be directed to send enrolled copies of this resolution to the President of the United States Senate, the Speaker of the United States House of Representatives and to each member of the Kansas Congressional Delegation."

POM-773. A resolution adopted by the Nebraska Unicameral; to the Committee on Finance:

"LEGISLATIVE RESOLUTION 258

"Whereas, 13,900 citizens of the State of Nebraska now receiving railroad retirement benefits are entitled to reasonable protection of the retirement benefits which they expect to receive; and

"Whereas, 18,853 railroad employees in Nebraska are now working for and contributing to the railroad retirement system with the expectation of reasonable protection of their retirement benefits; and

"Whereas, the budget proposed by the President of the United States for fiscal year 1983 contains a proposal to abolish the Railroad Retirement Board; and

"Whereas, the budget proposed by the President of the United States for fiscal year 1983 contains a proposal to shift tier one benefit payments to railroad retirees to the Social Security Administration, and to convert tier two benefit payments to railroad retirees to a privately negotiated system; and

"Whereas, the budget proposed by the President of the United States for fiscal year 1983 contains a proposal for reducing dual benefit payments to railroad retirees already earned; and

"Whereas, the budget proposed by the President of the United States for fiscal year 1983 contains a proposal to disband the railroad retirement field service system.

"Now, therefore, be it resolved by the members of the eighty-seventh Legislature of Nebraska, second session:

"1. That the Legislature urges the President of the United States and the 97th Congress to proceed with utmost caution to preserve the reasonable expectations and rights of those who have, or presently, are earning railroad retirement benefits.

"2. That any major changes in the railroad retirement system be designed on a sound actuarial basis.

"3. That the Clerk of the Legislature send copies of this resolution to the President of the United States, the Nebraska Congressional delegation, the Speaker of the United States House of Representatives, and the President of the United States Senate."

POM-774. A resolution adopted by the House of Representatives of the State of Mississippi; to the Committee on Finance:

"HOUSE RESOLUTION No. 18

"Whereas, forty-seven states issue industrial development revenue bonds; and

"Whereas, industrial development revenue bonds provide access to vital sources of credit in capital-short areas; and

"Whereas, the elimination of the federal tax exemption for small-issue industrial development revenue bonds issued by state and local authorities will seriously and unnecessarily delay the economic recovery in many states; and

"Whereas, the principal purpose of industrial development revenue bonds is to enhance productivity and to promote the creation of new jobs; and

"Whereas, industrial development revenue bonds constitute one of the few economic and community development tools available to the states during this period when federal development assistance tools are being sharply curtailed or eliminated; and

"Whereas, industrial development revenue bonds are an important financing tool for small business, which provides a large percentage of this nation's employment and productivity, and, more recently, such bonds have been used in some states to help small farmers acquire credit to purchase land and equipment; and

"Whereas, the states have been severely hampered by IRS Revenue Ruling 81-216, which denies tax exempt status to multiple lots of industrial development revenue bonds having an aggregate face value of over $1 million; and

"Whereas, the Administration has proposed that a business or industry must choose between using industrial development revenue bonds or the accelerated cost recovery system and the investment tax credit, a requirement that would deny many companies access to the industrial development revenue bond market and, thus, is tantamount to the elimination of industiral development revenue bonds as an effective financing tool:

"Now, therefore, be it resolved by the House of Representatives of the State of Mississippi, That we do hereby memoralize the Congress of the United States to adopt reform legislation that would:

"(a) Immediately revoke Revenue Ruling 81-216 in its entirety and prohibit the promulgation of its equivalent by regulation.

"(b) Allow wider latitude in the use of industrial development revenue bonds in distressed areas.

"(c) Leave to the individual states the responsibility for determining the proper and appropriate uses of industrial development revenue bonds, except to prohibit the use of industrial development revenue bonds proceeds for financing low priority recreational and leisure facilities that have little or no impact on local economic development.

"(d) Not restrict the ability of a company to use industrial development revenue bond financing merely because it exercises its legal right to use accelerated cost recovery or the investment tax credit.

"(e) Not require the states to guarantee industrial development revenue bonds.

"(f) Require each issuer of a tax-exempt industrial development revenue bond to report basic information on each issue to a central state agency which would forward such information to the United States Treasury Department.

"Be it further resolved, That copies of this resolution be forwarded to the President of the United States, the Vice President of the United States, the Speaker of the United States House of Representatives, and to the members of the Mississippi Congressional Delegation."

POM-775. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Foreign Relations:

"JOINT RESOLUTION MEMORIALIZING CONGRESS TO SUPPORT A MUTUAL FREEZE ON NUCLEAR WEAPONS BY THE UNITED STATES AND THE SOVIET UNION

"Whereas, the United States and the Soviet Union between them currently possess 50,000 nuclear warheads and are in the process, over the next 20 years, of building 20,000 more nuclear warheads; and

"Whereas, the destructive power of these weapons can render the planet earth uninhabitable for any form of life; and

"Resolved: That We, your Memorialists, respectfully urge and request the Congress of the United States to take immediate action by calling upon both the United States and the Soviet Union to adopt a mutual freeze on the testing, production and deployment of nuclear weapons, completely verifiable by whatever methods necessary to ensure compliance by both nations; and be it further

"Resolved: That it is recognized that President Ronald W. Reagan has taken a positive step in this direction through his proposal for nondeployment of nuclear weapons in Europe; and be it further

"Resolved: That it is further recognized that a mutual freeze of nuclear weapons is to be followed by the mutual reduction of such weapons and a balance of nuclear forces between these nations; and be it further

"Resolved: That notice be given to government officials of the Soviet Union; that no illusions should be entertained concerning the resolve of the Memorialists to protect the national security of the United States; and that the government officials of the Soviet Union are urged to allow their own

citizens free and open support of a mutual, verifiable freeze and reduction of nuclear weapons; and be it further

"Resolved: That a duly authenticated copy of this Resolution be immediately submitted by the Secretary of State to the Honorable Ronald W. Reagan, President of the United States, the Honorable George Bush, President of the Senate, and the Honorable Thomas P. O'Neill, Jr., Speaker of the House of Representatives of the Congress of the United States, and each Member of the Senate and House of Representatives in the Congress of the United States from this State."

POM-776. A joint resolution adopted by the Legislature of the State of California:

"ASSEMBLY JOINT RESOLUTION No. 85

"Whereas the Polish People and Solidarity have the support of free people throughout the world in their struggle to achieve freedom, equality, dignity and justice; and

"Whereas the Polish Government has declared war on its own people by imposing martial law, eliminating free speech, imprisoning leaders of Solidarity, using the army to suppress the people by seizing by force the mines, mills, factories, offices and schools in an attempt to crush the spirits of the Polish People and stamp out every vestige of Solidarity and its goals; and

"Whereas this ruthless suppression of the Polish People by their government was clearly instigated by the leaders of the Russian Government, who were desperately afraid Solidarity would be successful in Poland and that the people in other Iron Curtain Countries would follow the example of Solidarity in its quest for freedom, equality, dignity and justice; and

"Whereas this ruthless suppression has outraged the Free World and has the outspoken opposition of Pope John Paul, President Ronald Reagan, Governor Edmund G. Brown Jr., Lane Kirkland, President of the AFL/CIO, and many other world and national leaders and organizations; and

"Whereas, March 13, 1982, marks the end of the third month of the odious martial law imposed upon the Polish People by the military government and its reprehensible conduct in eliminating free speech, imprisoning leaders of Solidarity and the murdering of its citizens; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature authorizes the raising and displaying of the Solidarity banner over the State Capitol at 12 noon on Sunday, March 14, 1982, and by this action pays tribute both to the gallantry of the Polish People and to Solidarity; and be it further

"Resolved, That the State Senate and Assembly of California strongly urge the President of the United States to take immediate action to pressure the present Polish Government to discontinue the imposition of martial law, release all political prisoners detained because of their support of Solidarity, restore free speech, open all lines of communication with the outside world, and permit the free labor movement of Solidarity to seek peaceful gains at the bargaining table; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-777. A joint resolution adopted by the Maine Committee on Aging urging support of a Mutual Freeze on Nuclear Weapons by the United States and Soviet Union; to the Committee on Foreign Relations.

POM-778. A joint resolution adopted by the Assembly of the State of New York; to the Committee on Foreign Relations:

"LEGISLATIVE RESOLUTION 405

"Whereas both the Soviet Union and the United States possess the nuclear capability for swift and mutual destruction; and

"Whereas development of nuclear arsenals is an increasing reality in other nations; and

"Whereas it has been stated by experts in defense planning that there is no such thing as the ability to defend one's country against a nuclear attack; and

"Whereas the future of our nation and all civilization may depend upon our ability to agree with the leaders of the Soviet Union on an expeditious and mutual reduction of our nuclear arsenals which can lead the way to world nuclear disarmament; now, therefore, be it

"Resolved, That this Legislative Body calls upon the President of the United States as Commander-in-Chief to propose to the Soviet Union a mutual, verifiable nuclear weapons moratorium, immediately halting the testing, production and deployment of all nuclear warheads, missiles and delivery systems and memorializing Congress to apply the funds saved thereby for civilian purposes; and be it further

"Resolved, That a copy of this Resolution, suitably engrossed, be transmitted to the Honorable Ronald W. Reagan, President of the United States, and to the President of the Senate of the United States, to the Speaker of the House of Representatives of the United States and to each member of the Congress of the United States from the State of New York."

POM-779. A resolution adopted by the Senate of the State of Wisconsin; to the Committee on Foreign Relations:

"SENATE RESOLUTION

"Whereas, the United States and the Soviet Union are engaged in a nuclear weapons race and are testing, producing and deploying nuclear warheads, missiles and delivery systems; and

"Whereas, the Congress of the United States is expending huge sums of money for such testing, producing and deploying of nuclear warheads and weapons; now, therefore, be it

"Resolved by the senate, That the Wisconsin senate hereby memorializes the President and Congress of the United States to work vigorously to negotiate a mutual nuclear weapons moratorium with the Soviet Union; and, be it further

"Resolved, That duly attested copies of this resolution be transmitted forthwith by the senate chief clerk to the President of the United States, the presiding officer of each branch of Congress and the members of congress from this state."

POM-780. A resolution adopted by the Municipality of Mount Vernon, Maine, urging a halt to the nuclear arms race; to the Committee on Foreign Relations.

POM-781. A joint resolution adopted by the General Assembly of the State of Connecticut; to the Committee on Foreign Relations:

"HOUSE JOINT RESOLUTION No. 7

"Whereas the security of the United States and indeed of the whole world depends on a cessation of the nuclear arms race; and

"Whereas there can be no winner in a nuclear war; and

"Whereas nuclear war could destroy the economic, ecological and social fabric on which human life depends in the United States, USSR and the rest of the world. Now, therefore, be it *Resolved,* That in the interest of national security, we the members of the Connecticut General Assembly call on the United States and the USSR to stop the nuclear arms race by entering into a bilateral freeze on all further testing, production and deployment of nuclear warheads, missiles and delivery systems; and be it further *Resolved,* that we call upon our Connecticut Congressional delegation to introduce an cosponsor a resolution in Congress in support of this bilateral freeze, and join in memorializing the President to begin the necessary negotiations to achieve it."

POM-782. A resolution adopted by the Senate of the State of Kansas; to the Committee on Foreign Relations:

"SENATE RESOLUTION No. 1854

"Whereas, Approximately 2,500 American servicemen and civilians are missing and/or otherwise unaccounted for as a result of the Vietnam conflict; and

"Whereas, The conscience of every American should be troubled on behalf of the families of our prisoners of war and those still missing who are subjected to unrelenting mental anguish and a sense of futility in their quest for information about their loved ones; and

"Whereas, It is the statutorial responsibility of the United States government to ensure the return of all prisoners of war and to account for missing personnel as well as the repatriation of remains of those who perished serving our nation; and

"Whereas, An increasing number of eyewitness reports of Americans in captivity in Southeast Asia continues to fill the hopes of the POW/MIA families that priority effort will be made to exact a precise accounting for these men; and

"Whereas, New initiatives at every level of government should be taken to secure the safe return of these servicemen and civilians; and

"Whereas, It is fitting that the Legislature of the State of Kansas should petition the United States Congress on behalf of our prisoners of war and those servicemen and civilians still missing to ensure that the Congress take whatever steps are necessary to secure the fullest possible accounting: Now, therefore,

"Be it resolved by the Senate of the State of Kansas: That we urge the Congress of the United States to immediately take whatever action is necessary, publicly and forcefully, to obtain the identity and seek the release of our prisoners of war and the fullest possible accounting for those still missing as a result of the Vietnam conflict by the use of both private and public agencies, be it through national or international auspices; and

"Be it further resolved: That the Secretary of the Senate be directed to send enrolled copies of this resolution to the President of the United States; the President of the United States Senate; the Speaker of the United States House of Representatives; each member of the Kansas Congressional Delegation; and the National League of POW-MIA Families, 1608 K Street N.W., Washington, D.C. 20006."

POM-783. A joint resolution adopted by the Legislature of the State of Wisconsin; to the Committee on Foreign Relations:

"ENROLLED JOINT RESOLUTION

"Whereas, many people in Wisconsin are increasingly concerned about the worldwide acceleration of nuclear weapon production and stockpiling; and

"Whereas, people around the world are beginning to realize that the only rational step left to them is nuclear disarmament; and

"Whereas, a coalition of scientists, physicians, nuclear experts, elder states people and religious leaders is supporting Ground Zero Week as an opportunity for the public to focus on the issues presented by the nuclear arms race and to educate itself in methods of creating a world that is free of the threat of nuclear destruction; and

"Whereas, the elimination of nuclear arms production will require a widespread, clear vision of the reality of the threat of nuclear destruction; and

"Whereas, a national event focusing on the issues presented by the nuclear arms race toward educating the public in alternative approaches to international resolution of conflict between people is a vital and constructive step; now, therefore, be it

"Resolved by the Senate, the Assembly concurring, That April 18 to 24, 1982, is proclaimed Ground Zero Week in the State of Wisconsin; and, be it further

"Resolved, That local units of government in Wisconsin are urged to join the legislature in the declaration of Ground Zero Week; and be it further

"Resolved, That duly attested copies of this resolution be transmitted by the Senate chief clerk to the President of the United States and to the Wisconsin delegates to the U.S. Senate and House of Representatives."

POM-784. A petition from a citizen of Westville, New Jersey urging passage of the "Intelligence Information Act"; to the Select Committee on Intelligence.

POM-785. A resolution adopted by the Bensalem Township, Pennsylvania, Board of School Directors regarding prayer in the schools; to the Committee on the Judiciary.

POM-786. A resolution adopted by the Senate of the State of Massachusetts; to the Committee on Labor and Human Resources:

"RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO CONTINUE FUNDING THE SENIOR AIDE PROGRAM

"Whereas, persons fifty-five years of age and older who meet certain income guidelines, including fifteen hundred employees in the Commonwealth of Massachusetts, who have performed valuable services; and

"Whereas, the work of senior aides in nonprofit, nonsectarian positions throughout the Commonwealth and the country has, in addition to services, helped develop meaningful links in the communities they serve; and

"Whereas, this has helped prove the value and competence of our elderly in worthwhile employment; and

"Whereas, there have been threats to discontinue funding of this program in September 1982 in the senior community services employment program under title V of the Older American Act; now therefore be it

"Resolved, That the Massachusetts Senate respectfully urges the United States Congress to appropriate funds to continue the senior aide program; and be it further

"Resolved, That copies of these resolutions be transmitted forthwith by the clerk of the Senate to the President of the United States, to the presiding officer of each branch of the Congress, and to each Member of the Congress from the Commonwealth."

POM-787. A resolution adopted by the United States Industrial Council supporting the repeal of section 250 of the Fair Labor Standards Act of 1938 lifting the ban on workers making various products at home; to the Committee on Labor and Human Resources.

POM-788. A petition from a citizen of New Castle, Del., urging support of the Davis-Bacon Act; to the Committee on Labor and Human Resources.

POM-789. A resolution adopted by the City Council of Youngstown, Ohio, recognizing the contributions of the Seniors in Community Services Program and urging the continuation of title V assistance to the Seniors in Community Services Program; to the Committee on Labor and Human Resources.

POM-790. A resolution adopted by the Sutter, Calif., County Board of Supervisors opposing the regulation changes in the Older Americans Act; to the Committee on Labor and Human Resources.

POM-791. An interim resolution adopted by the Legislative Council of the State of Arkansas expressing opposition to the abolition of the Railroad Retirement System; to the Committee on Labor and Human Resources.

POM-792. A resolution adopted by the American Association of Port Authorities relating to efforts to correct and revise the Federal Occupational Safety and Health Act Standards applicable to Marine Terminals; to the Committee on Labor and Human Resources.

POM-793. A concurrent resolution adopted by the Legislature of the State of Utah; Ordered to lie on the table:

"NUCLEAR FALLOUT RESOLUTION, 1982, BUDGET SESSION

"Be it resolved by the Legislature of the State of Utah, the Governor concurring therein:

"Whereas, the testing of nuclear devices at the Nevada Test Site began on January 17, 1951, and has continued for 30 years to the present, with tests now conducted underground known to "leak" on occasion;

"Whereas, most of the State of Utah is in the down-wind fallout pattern of the Nevada Test Site;

"Whereas, recent investigations and reports have indicated that down-wind residents have and are suffering serious and even fatal effects from the nuclear testing program;

"Whereas, recent investigations have also found that the federal government failed and continues to fail to provide adequate protection to the down-wind residents; and

"Whereas, recent investigations have further found that existing legal remedies and recourses available to down-wind victims are fraught with difficulties, which adds to previous injustices.

"Now, therefore, be it resolved, That the Budget Session of the 44th Legislature of the State of Utah, the Governor concurring therein, memorialize the federal government, through the United States Congress, the Department of Energy, the Nuclear Regulatory Commission, and any other federal agencies with power to deal with the destructive consequences recited in this resolution, to begin at once to assume its responsibility for injuries sustained as a result of its nuclear testing program by the downwind residents described in this resolution.

"Be it further resolved, That a fair and just compensation be made to these downwind victims based upon review conducted by a federal independent commission independent of the Nuclear Regulatory Commission, Department of Energy and Department of Defense.

"Be it further resolved, That an independent committee be established by the U.S. Health Service to direct long-term monitoring, medical studies and research, and follow-up medical care.

"Be it further resolved, That the Lieutenant Governor of the State of Utah forward copies of this resolution to each member of the state's congressional delegation, to the President of the Senate and the Speaker of the House of the United States Congress, to the President of the United States, and to the chief officer of the Department of Energy and of the Nuclear Regulatory Commission."

POM-794. A petition from a citizen of Englewood, Colo., concerning getting post-secondary educational programs at the Federal Correctional Institution in Englewood, for inmates sentenced under the provisions of the Federal Youth Corrections Act; ordered to lie on the table.

POM-795. A concurrent resolution adopted by the General Assembly of the State of South Carolina; Ordered to lie on the table;

"A CONCURRENT RESOLUTION

"Whereas, the members of the General Assembly of South Carolina have learned with concern and regret that President Reagan's proposed 1983 budget contains no appropriations for the maintenance and dredging of many port facilities, including Georgetown and Port Royal Harbors, and further reduces the 1982 appropriation for the maintenance and operation of the inland waterway system by one hundred million dollars; and

"Whereas, to help offset the effects of the above budget reductions, the Reagan administration has further proposed a user-fee plan whereby the cost of maintaining and operating ports and harbors would be shifted from the federal government to the users of the facilities; and

"Whereas, although this user-fee proposal on the surface appears to deserve consideration, in reality it will have the effect of relocating shipping traffic and cargoes from smaller and medium-sized ports to those large ports with high volume; and

"Whereas, at a time when the United States and South Carolina are in a period of economic recession, it would be disastrous to remove the funding for the maintenance of some of this State's most important ports and for the intercoastal waterway and at the same time enact user-fee legislation which would divert traffic away from these ports thereby further compounding the problem; and

"Whereas, it is the hope of the General Assembly that President Reagan in the administration's 1983 budget will restore this much needed funding regardless of the outcome of other legislation so that the long-term economic health of South Carolina will not irreversibly be damaged, Now, therefore, be it

"Resolved by the Senate, the House of Representatives concurring: That the members of the General Assembly hereby request President Reagan in his 1983 budget to provide funding for the maintenance and oper-

ation of Georgetown and Port Royal Harbors and to restore to the previous year's level the funding for the maintenance of the inland waterway system.

"Be it resolved, That copies of this resolution be forwarded to the President of the United States, to each United States Senator from South Carolina, to each member of the House of Representatives of Congress from South Carolina, and to the Clerks of the Senate and the House of Representatives of the United States."

POM-796. A concurrent resolution adopted by the Senate of the State of Michigan; Ordered to lie on the table:

"SENATE CONCURRENT RESOLUTION No. 473.

"Whereas, Scientific and medical studies show marihuana to be of medical value in the treatment of glaucoma and in easing the debilitating side effects of anti-cancer treatments; and

"Whereas, Courts have recognized marihuana's medical benefits in the treatment of these diseases; and

"Whereas, The Michigan Legislature has enacted, and the Governor of Michigan has signed, laws acknowledging these benefits. They have further sought to establish compassionate programs of medieal access to marihuana; and

"Whereas, The State of Michigan, through its various offices and agencies, has made a good faith effort to fulfill the intent of the Michigan Legislature to obtain marihuana for medical applications; and

"Whereas, Federal agencies have failed to meet his good faith effort and have instead, through regulatory ploys and obscure bureaucratic devices, resisted and obstructed the intent of the Michigan Legislature; and

"Whereas, Glaucoma and cancer patients, promised medical access to marihuana under the laws of Michigan, are being deprived of such access by federal agencies; and

"Whereas, These problems are not particular to the State of Michigan, but generally affect several other states and the citizens of these states adversely; now, therefore, be it

"Resolved by the Senate (the House of Representatives concurring), That the Michigan Legislature memorialize the United States Congress to become informed of these difficulties, and to investigate and hold public hearings into federal policies which prohibit marihuana's legitimate medical use; and be it further

"Resolved, That the Congress of the United States be urged to seek to remedy federal policies which prevent the several states for acquiring, inhibit physicians from prescribing, and prevent patients from obtaining marihuana for legitimate medical applications, by ending federal prohibitions against the legitimate and appropriate use of marihuana in medical treatments; and be it further

"Resolved, That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HELMS, from the Committee on Agriculture, Nutrition, and Forestry, with an amendment in the nature of a substitute:

S. 705. A bill to authorize the Secretary of Agriculture to convey certain National Forest System lands, and for other purposes (Rept. No. 97-332).

By Mr. HUDDLESTON, from the Committee on Agriculture, Nutrition, and Forestry, with an amendment and an amendment to the title:

S. 2154. A bill to require the Secretary of Agriculture to convey a reversionary interest held by the United States in certain lands located in Christian County, Ky., to the Shy Flat Tabernacle Cemetery, Inc., Christian County, Ky. (Rept. No. 97-333).

By Mr. HELMS, from the Committee on Agriculture, Nutrition, and Forestry, with an amendment and an amendment to the title:

H.R. 2160. An act to amend the Potato Research and Promotion Act (with additional views) (Rept. No. 97-334).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. TOWER, from the Committee on Armed Services:

Mr. TOWER. Mr. President, from the Committee on Armed Services, I report favorably the following nominations: in the Naval Reserve there are four permanent promotions to the grade of commodore (list begins with James A. Austin), Lt. Gen. Adolph G. Schwenk, U.S. Marine Corps (age 59), for appointment to the grade of lieutenant general on the retired list and Gen. David C. Jones, U.S. Air Force (age 60), for appointment to the grade of general on the retired list. I ask that these names be placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, in addition, in the Air National Guard of the Air Force Reserve there are 23 promotions to the grade of lieutenant colonel (list begins with Robert W. Barrow), in the Navy and Naval Reserve there are 49 permanent promotions to the grade of commander and below (list begins with Enrique V. Arellano), in the Navy there are 44 permanent promotions to the grade of lieutenant junior grade and below (list begins with Edwin B. Abeya), in the Marine Corps there are 119 permanent appointments to the grade of colonel (list begins with Peter F. Angle), in the Air Force there are 79 permanent promotions/appointments to the grade of lieutenant colonel and below (list begins with George L. Adams), in the Navy and Naval Reserve there are 1,243 permanent appointments to the grade of commander of below (list begins with Christopher L. Abbot), in the Air Force Reserve there are 57 promotions to the grade of colonel (list begins with James R. Acreback), in the Army there are 20 appointments to the grade of colonel and below (list begins with Francis L. Keefe) and in the Naval Reserve there are 56 permanent appointments to the grade of captain and below (list begins with Donald J. Bleasdale). Since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD on March 22, March 29, March 31, and April 13, 1982 at the end of the Senate proceedings.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SYMMS (for himself, Mr. MCCLURE, Mr. HAYAKAWA, Mr. DENTON, Mr. HUMPHREY, Mr. EAST, Mr. THURMOND and Mr. MATTINGLY):

S. 2393. A bill to amend the Legal Services Corporation Act to provide for a cause of action for a violation of the Act; to the Committee on the Judiciary.

By Mr. WALLOP (for himself and Mr. SIMPSON):

S. 2394. A bill to prohibit age discrimination in apprenticeship programs; to the Committee on Labor and Human Resources.

S. 2395. A bill to amend the Fair Labor Standards Act of 1938 to permit an employee to take compensatory time off in lieu of compensation for overtime hours, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. ROTH:

S. 2396. A bill to provide for temporary suspension of the duty on certain high alumina fiber; to the Committee on Finance.

S. 2397. A bill to require (1) the enactment of special legislation to continue the expenditure or obligation of funds on any major civil acquisition initiated after January 1, 1982, whenever the cost of such acquisition has increased or, on the basis of estimates, will increase over the initial estimate when the project was justified to the Congress by 25 per centum or more, and (2) reporting of status information on all major civil acquisitions; to the Committee on Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. PRESSLER:

S. Res. 364. A resolution expressing the support of the efforts of the United Kingdom to reclaim the territory of the Falkland Island; to the Committee on Foreign Relations.

By Mr. SPECTER:

S. Con. Res. 81. A concurrent resolution to express the sense of the Congress that the President should promptly hold a summit with leaders of the Soviet Union to reduce the risks of nuclear war and to seek control

and reduction of nuclear weapons; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SYMMS (for himself, Mr. McCLURE, Mr. HAYAKAWA, Mr. DENTON, Mr. HUMPHREY, Mr. EAST, and Mr. THURMOND):

S. 2393. A bill to amend the Legal Services Corporation Act to provide for a cause of action for a violation of the act; to the Committee on the Judiciary.

CAUSE OF ACTION UNDER THE LEGAL SERVICES CORPORATION ACT

Mr. SYMMS. Mr. President, for myself and my good colleagues Senator McCLURE, Senator HAYAKAWA, Senator DENTON, Senator HUMPHREY, Senator EAST, and Senator THURMOND I am, today, introducing legislation that will allow for the increased provision of legal services to the poor while correcting abuses that have taken place in the Legal Services Corporation. This bill provides a specific remedy for correcting abuses of the Legal Services Corporation Act which up to this point have gone uncorrected. Such abuses have gone uncorrected because there has been no realistic or practical way of enforcing specific prohibitions contained in law. This bill, by creating and allowing for a civil cause of action in a private person, will create an accountability against those who would violate the act and will bring greater integrity to the legal services program.

The Legal Services Corporation, established in 1974, continued legal service programs then administered through the U.S. Office of Economic Opportunity. It was created to be a private nonmembership, nonprofit corporation that would provide financial support for legal assistance in noncriminal matters to persons unable to afford such legal assistance.

The corporation itself does not provide legal assistance, but rather serves as a conduit through which annual congressional appropriations are funneled to qualified programs. These programs, which are nonprofit corporations formed under existing State laws, provide the actual legal assistance to existing State laws, provide the actual legal assistance to individuals who qualify under established financial eligibility criteria.

It was quite obvious at the time of creation of the Legal Services Corporation that there existed a very great potential for abuse of this act because of the hundreds of millions of dollars which would flow from the Federal Treasury into politically active hands. Because of this potential for abuse, the Congress included language in the bill to prohibit the Corporation, recipients, or any employees from lobbying or engaging in political activity as defined in the act.

42 U.S.C. 2996e(b)(5) provides in part:

The Corporation shall insure that (A) no employee of the Corporation or of any recipient (except as permitted by law in connection with such employee's own employment situation), while carrying out legal assistance activities under this subchapter, engage in, or encourage others to engage in, any public demonstration or picketing, boycott, or strike; and (B) no such employee shall, at any time, engage in, or encourage others to engage in, any of the following activities: (i) any rioting or civil disturbance, (ii) any activity which is in violation of an outstanding injunction of any court of competent jurisdiction (iii) any other illegal activity, or (iv) any intentional identification of the Corporation or any recipient with any political activity prohibited by section 2996f(a)(6) of this title.

42 U.S.C. 2996e(c) provides in part:

The Corporation shall not itself—

(2) undertake to influence the passage or defeat of any legislation by the Congress of the United States or by any State or local legislative bodies, except that personnel of the Corporatior may testify or make other appropriate communication (A) when formally requested to do so by a legislative body, a committee, or a member thereof, or (B) in connection with legislation or appropriations directly affecting the activities of the Corporation.

42 U.S.C. 2996f(a) provides in part:

(a) With respect to grants or contracts in connection with the provision of legal assistance to eligible clients under this subchapter, the Corporation shall—

(5) insure that no funds made available to recipients by the Corporation shall be used at any time, directly or indirectly, to influence the issuance, amendment, or revocation of any executive order or similar promulgation by any Federal, State, or local agency, or to undertake to influence the passage or defeat of any legislation by the Congress of the United States, or by any State or local legislative bodies, or State proposals by initiative petition, except where—

(A) representation by an employee of a recipient for any eligible client is necessary to the provision of legal advice and representation with respect to such client's legal rights and responsibilities (which shall not be construed to permit an attorney or a recipient employee to solicit a client, in violation of professional responsibilities, for the purpose of making such representation possible); or

(B) a governmental agency, legislative body, a committee, or a member thereof—

Unfortunately, Mr. President, regardless of the very clear and strong language contained in the original act and the language of the Moorhead amendment which states:

No part of this appropriation shall be used for publicity or propaganda purposes designed to support or defeat legislation pending before Congress or any State legislature—

There has been continued and purposeful abuse of the act and the intent of Congress. The plaintiffs' briefs filed in the case of Grassley et al. against Legal Services Corporation outline in detail the flagrant disregard shown by the Legal Services Corporation and its recipients toward the prohibitory language of the act. That there has been an open and increasing involvement by the Legal Services Corporation and its recipients in lobbying and political activities specifically prohibited by law cannot be denied.

And yet, in spite of this forbidden activity, all the prohibitory language contained in the act is in essence unenforceable. This results from the hope of Congress that the Legal Services Corporation would police itself. Congress gave to the Corporation the authority to insure compliance to the act through the issuance of internal rules and regulations. Further, the Corporation is directed to:

Monitor and evaluate and provide for independent evaluations of programs supported in whole or in part . . . to insure that the provisions . . . are carried out.

Again, Mr. President, this is not being done. In spite of the hope of Congress that the Legal Services Corporation would remain faithful to the intent of the act which created the Corporation, this has not been the case. The trust placed by the Congress in the Legal Services Corporation to insure the integrity of the legal aid program has been betrayed by political activists who use their position and influence to pursue social causes and projects favored by them. Such conduct, furthered by the improper use of Federal moneys, detracts from the legislated purpose of the Corporation to provide specific legal services for those otherwise unable to afford them.

While it is technically correct to state that the Corporation is under the general supervision of Congress, Congress in the past, certainly as regards the Legal Services Corporation, has shown little aptitude or ability in correcting the abuses of its creations.

Nor may we look to other areas of the law, in general, to correct violations of the Legal Services Corporation Act; 18 U.S.C. 1913 provides for a means of preventing and punishing Federal employees who misuse Federal funds; yet, because the Legal Services Corporation was established as a private nonprofit corporation under the laws of the District of Columbia, the Corporation argues—and the courts have so ruled—that none of its personnel are Federal agents. Thus, although the Corporation's directors are appointed by the President and confirmed by Congress, all of the Corporation's funds are Federal dollars derived from taxation, and the Corporation's employees have the benefit of most Federal law respecting employment, the Legal Services Corporation may misuse Federal funds for political purposes with impunity and apparently with no means for any injured or interested party to prevent them from doing so.

In short, Mr. President, neither existing law in general nor the act itself

provides for a way of enforcing those clear and specific prohibitions against lobbying or political activism which the Congress included in the measure that created the Legal Services Corporation. The hope that somehow the Corporation would regulate itself within the bounds of the law has been shown to have been a false hope. The Corporation itself has flagrantly disregarded the law and has encouraged its recipients to become politically active. This, no one can rightly deny.

In spite of past feelings on this matter, in order to maintain the integrity and accountability of the Legal Services Corporation, we must abandon the false belief that the Corporation will police itself and instead create a way that will bring outside accountability to the actions of the Legal Services Corporation. My bill will do exactly that, Mr. President. It creates a right of action, separate and apart from the Legal Services Corporation and its recipients, for any violation of the 1974 act. Such a right of action will allow for the much needed correction of abuses and enhance the purpose of the act by forcing funds and resources away from illegal political activism and toward once again providing legal services to the poor.

Regardless of one's position on the Legal Services Corporation itself, this is an action that must be taken. To do otherwise will allow for continued abuse of Federal tax dollars.

By Mr. WALLOP (for himself and Mr. SIMPSON):

S. 2394. A bill to prohibit age discrimination in apprenticeship programs; to the Committee on Labor and Human Resources.

S. 2395. A bill to amend the Fair Labor Standards Act of 1938 to permit an employee to take compensatory time off in lieu of compensation for overtime hours, and for other purposes; to the Committee on Labor and Human Resources.

FEDERAL LABOR LAW LEGISLATION

● Mr. WALLOP. Mr. President, today I am introducing two bills to correct certain flaws in our Federal labor laws. The first bill would prohibit discrimination on the basis of age in federally approved apprenticeship programs. The second bill would amend the Fair Labor Standards Act to permit the utilization of compensatory time work schedules.

Since I am not a member of the Labor Committee, it may seem surprising that I am introducing two important, but narrowly focused, labor bills. The reason for my interest in the legislation is quite simple, and it reflects the very meaning of what our system of government is all about. In both instances, I had been contacted by my constituents in Wyoming. One is a workingman, the other is the president of a growing business. The former had encountered an impasse while attempting to improve his skills. The latter was in danger of violating Federal law as he sought to implement an innovative work schedule to allow his employees to work full time throughout the year, as they themselves wanted.

The young worker from Laramie had sought to participate in an apprenticeship program approved by the U.S. Department of Labor. He was informed that he was several months over the arbitrary age limit for participation. This requirement effectively barred the young man from obtaining needed job skills. In correspondence with both the Labor Department and the Equal Employment Opportunity Commission, I discovered that age limits in apprenticeship programs was recognized as a problem, but that nothing was being done about the matter. The EEOC declined to cover such programs under age discrimination laws by a tie vote of 2 to 2, a typically bureaucratic nonapproach.

There are seemingly two irreconcilable forces at work in our economy. First, we are developing a highly technical industrial base that requires highly skilled workers. Second, our work force is aging and we effectively close it out. It the future, we will more than likely be working longer than is currently the trend. Workers will require training throughout their careers. The first bill I am introducing is a response to these problems. But, it also is an attempt to be responsible to my constituents. The bill would amend the National Apprenticeship Act to prohibit age discrimination in apprenticeship programs.

The second bill attempts to overcome an obstacle to full employment encountered by a company in Cheyenne. This business experiences large swings in its workload. At the same time, it requires the retention of a skilled work force. The business has never laid off an employee during 14 years of operation, even though there have been cycles of weak demand for its product.

The company has recently encountered a bizarre obstacle within the Fair Labor Standards Act as it sought to implement an innovative work schedule. In order to continue to insure its employees year round employment, the elected employee council of the business proposed the adoption of a completely optional compensatory time policy. The employees by personal option, could earn extra hours instead of overtime pay which could be used at a later time for additional days off. Since the business has peak work periods which require long hours, and low periods with fewer hours, the comp time proposal would allow workers to spread out their working hours over the entire year. As was emphasized by the workers, "they wanted more freedom to work most when the company really needed it, and least when work was least available." This would allow workers to pursue other interests, such as spending more time with their families, while receiving steady pay during the course of the year. The pay they would receive when taking the comp time would reflect the normal rate of pay in effect when the comp time is taken. However, the Fair Labor Standards Act adamantly requires employers to pay time and one half when workers are employed for more than 40 hours a week regardless of employees desires. This is, in effect, a prohibition of the comp time plan jointly sought by the company and its employees.

The bill, which I am introducing with my colleague from Wyoming, Mr. SIMPSON, would allow a business and its employees to voluntarily participate in a compensatory time policy. Our work force has become much more complex than that which existed in the 1930's when the Fair Labor Standards Act was enacted. We have to prepare for the 21st century, and the bill we are introducing today is a small step in that direction.

I ask unanimous consent that both bills be printed in the RECORD at this point.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 2394

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Age Discrimination in Apprenticeship Programs Act".

SEC. 2. The first section of the Act of August 16, 1937 (29 U.S.C. 50), popularly known as the National Apprenticeship Act, is amended by inserting "(a)" after the section designation and by adding at the end thereof the following new subsection:

"(b)(1) In promoting labor standards for the welfare of apprentices under subsection (a) of this section the Secretary shall assure that no program of apprenticeship discriminates against any individual because of his age in admission to, or employment in, any such program of apprenticeship.

"(2) For the purpose of this subsection, the prohibition contained in paragraph (1) of this subsection shall be limited to individuals who are at least 18 years of age but less than 45 years of age.".

S. 2395

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7 of the Fair Labor Standards Act of 1938 is amended by adding at the end thereof the following new subsection:

"(o) No employer shall be deemed to have violated subsection (a) by employing any employee for a workweek in excess of the maximum workweek applicable to such employee under subsection (a) if, pursuant to a contract made between the employer and the employee individually or an agreement made as a result of collective bargaining by

representatives of employees entered into prior to the performance of the work, the employer at the written request of the employee grants the employee compensatory time off with pay in a subsequent workweek in lieu of payment of the number of hours worked in such current workweek in excess of the maximum workweek applicable to such employee under subsection (a). For purposes of determining the maximum workweek applicable to such employee under subsection (a), and the rate of pay due to the employee, compensatory time used by the employee shall be considered hours actually worked during the subsequent workweek in which actually used."●

By Mr. ROTH:

S. 2397. A bill to require (1) the enactment of special legislation to continue the expenditure or obligation of funds on any major civil acquisition initiated after January 1, 1982, whenever the cost of such acquisition has increased or, on the basis of estimates, will increase over the initial estimate when the project was justified to the Congress by 25 per centum or more, and (2) reporting of status information on all major civil acquisitions; to the Committee on Governmental Affairs.

COST REDUCTION ON MAJOR PROCUREMENTS ACT OF 1982

● Mr. ROTH. Mr. President, I am today introducing legislation designed to provide better mechanisms to curb the continuous cost growth which has plagued major civilian acquisition projects. The legislation, entitled the "Cost Reduction in Major Procurements Act of 1982" (CRIMP Act) would lay the groundwork for a more uniform, consistent, and visible cost reporting system for major Federal civilian acquisition projects and insure that the public and the Congress is no longer left in the dark about cost overruns in these projects. I ask that the bill be printed in the RECORD at the conclusion of my remarks.

Mr. President, this legislation results in part from an important series of hearings my committee held last year concerning the management of major systems acquisition in the Defense Department. One of the issues examined by the committee during these hearings was the question of how cost overruns occur, how such overruns are reported to the Congress and explained to the public, and what role Congress can play in assuring that serious cost problems are brought under control before too many of the taxpayers dollars are wasted.

The committee heard testimony that the current cost reporting system to Congress on major defense acquisition projects, known as the Selected Acquisitions Report, or SAR, is inadequate and in fact makes proper oversight of acquisition programs very difficult. Witnesses testified that data on the SAR's is often out of date and that potential cost growth on many programs could have been identified much earlier. Information was presented to the committee which indicated that many major DOD acquisition projects do not appear on the SAR's until years after they were initially begun and many do not appear until well after the point at which the Congress can realistically take action to curb excessive costs. For example, over 180 programs were reported to the General Accounting Office last year as major acquisitions despite the fact that only 54 of these programs appeared on the SAR's report to Congress.

Mr. President, the committee also heard testimony concerning the accuracy of the cost estimates which are provided to Congress by DOD. One of the noted experts appearing before the committee, Mr. Norman Augustine of the Defense Science Board, acknowledged that DOD's cost estimates are far too often inaccurate and even misleading. As Mr. Augustine noted:

But the most recalcitrant problem of all (in DoD) is cost control. The evidence I have gathered over a long period of years shows *the chances of a major program being completed within its initial cost estimate* (R&D plus procurement) *is about nine per cent.* (This is *after* the effects of inflation have been eliminated and *after* adjustment for changes in procurement quantities actually made compared to quantities upon which original cost estimates were based. It does, however, *include* the impact of changes in performance goals.)

Moreover, the chances of a program being completed with no more than a 50 percent cost overrun are no better than about 70 percent, and the median (as distinguished from the average) overrun is about 32 percent. The *average* overrun is, in fact nearly 52 percent.

A share of the cost overrun problem can clearly be attributed to inaccurate cost estimates and, in some cases, deliberately low cost projections which will allow the service involved to buy in on a particular program and make up the loss later.

As flawed as the cost reporting system for DOD acquisitions is, at least there is such a system in place and in use in the Defense Department. No such system exists for major civilian acquisitions, despite the fact that serious cost overruns are occurring in those agencies, in some cases rivaling those which are routinely reported by DOD. For example, last year GAO reported that some civilian agencies had cost growth in their major acquisitions of over 150 percent and one even had a cost overrun for one if its projects of 1,000 percent. As numerous reports from the GAO have made clear, the civilian agencies often have little adequate data on the cost increases associated with their projects and they often cannot readily identify cost data necessary to report on their projects.

This is astounding and indicates a laxity of management which I find appalling. It is difficult to understand how cost overruns can be brought under control if the agencies themselves have little data on which to judge the progress of their programs. It seems the general assumption among the agencies is that cost overruns cannot exist if the necessary data is nowhere to be found.

The Congress not only has a need but the duty to know how public funds are being managed. If uniform, consistent and easily understandable data on costs for major acquisitions is not provided to Congress, the crucial role of Congress in effectively overseeing and approving Federal expenditures is carried through in form only and not in substance. Judgments cannot be made concerning the efficiency and effectiveness of major acquisition programs unless the benchmarks provided by accurate, historical cost and scheduling data is available. Top level Federal appointees, who come and go with successive administrations, cannot be expected to know how well their programs are administered unless they have access to accurate data accumulated on ongoing projects by past administrations.

A few examples of the cost problems associated with some specific programs show the critical importance of accurate and uniform cost data for major acquisitions. Over the last 12 years, for example, each of the Architect of the Capitol's four major construction projects has experienced significant cost overruns, completion delays, and management problems. In the specific case of the Hart Senate Office Building, the original cost estimate of the structure in 1972 of $48 million has risen to nearly $140 million and the initial estimate of a 4-year completion schedule has slipped until it is doubtful that the building will be completed until sometime next year.

In DOD, there are many weapons programs which have experienced severe cost overruns and schedule slippages. The Army's AH-64 helicopter is one of the worst examples available. The program has suffered truly astronomical cost overruns including $2 billion cost increase in one quarter of 1981 alone. Even after almost two decades of development, the helicopter is still plagued by serious performance and design problems.

Finally, the National Weather Service is beginning to install a new generation of radar designed to improve the agency's weather tracking and forecasting abilities. The initial estimate for the system made by the NWS was $340 million. As the system moved through the research and development stages, the program's cost estimate rose to $424 million. The current estimate for the program is nearly $900 million and some experts expect that figure to go higher. So far, the total cost increase is over 155 percent on the program and it is hard to tell where the costs will stop.

Good, uniform cost data does not now exist in the civilian agencies. Without such data, Congress, which ultimately holds the purse strings, cannot work effectively with the agencies to hold down soaring costs in major acquisition programs.

My bill would lay the groundwork for the development of such a cost data system and would help insure that the Congress and the public know about excessive cost overruns before it is too late to do much to stop the waste. It also includes special provisions to stop programs which are experiencing especially egregious cost overruns and would require special action by the Congress to keep such programs going.

Improvements in the DOD SAR system and the creation of an effective cost analysis and reporting system in the civilian agencies is one of the most important steps we can take to curb unnecessary cost growth in major acquisition programs. Only when the facts on cost overruns see the light of day can we begin to take informed action to curb them.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2397

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. That as used in this Act—

(1) the term "major civil acquisition" means any construction, acquisition, or procurement financed in whole or in part with Federal funds (including Federal grant funds, but not including any funds allocated to a State under a revenue-sharing program), the estimated cost of which, including research, development, testing, and evaluation costs, in terms of Federal funds, exceeds $50,000,000;

(2) (a) the term "initial estimate" as applied to new starts after January 1, 1982, means the total program cost estimated at the time the project was originally justified to the Congress.

(b) the term "initial estimate" as applied to projects started prior to January 1, 1982, means the current total estimated cost at that date.

SEC. 2. (a) The Office of Management and Budget shall be responsible for determining cost growth statistics and compiling status information on all major civil acquisitions. Such statistics and status information shall be determined and compiled on the basis of data furnished to the Office of Management and Budget by the appropriate departments and agencies of the Government as specified in subsection (b) of this section.

(b) The Office of Management and Budget shall require the heads of agencies and departments to provide on a quarterly basis for subsequent reporting to the Congress on an agency-wide basis, all data and information required by the Office of Management and Budget to determine cost growth statistics and compile status information on all major civil acquisitions. Such data shall include, as a minimum for each such major civil acquisition:

1. A description of the acquisition in relation to performance and mission expectations;

2. The initial cost estimate;

3. A current cost estimate as of the end of the reporting period;

4. The total amounts of funds authorized, funds appropriated, and funds obligated for the acquisition through the end of the reporting period;

5. The currently estimated or actual completion date of the acquisition and the originally planned completion date;

6. The reason(s) for any differences in excess of 6 months between the originally planned completion date and the current estimated or actual completion date.

7. All changes in the quantity or size of the acquisition from the quantity or size originally planned;

8. The reason(s) for quantity and/or size changes;

9. The reason(s) for any actual or estimated projected cost growth of 25 per centum or more compared to the initial estimate; and

10. Action(s) taken and proposed to be taken to control future cost growth of such acquisition.

(c) The Office of Management and Budget shall also develop standardized policies and procedures for treatment of inflation in connection with cost data provided pursuant to this section which would apply uniformly and consistently to all agencies and departments.

SEC. 3. (a) Whenever the Director of the Office of Management and Budget determines in the case of any major civil acquisition that the actual cost or estimated projected cost of such acquisition has resulted or will result in a cost growth of 25 per centum or more compared to the initial estimate he shall promptly notify the Congress of his finding and provide:

(1) A statement of reasons for cost increase;

(a) All actions taken and proposed to be taken to control future cost growth of such acquisition;

(3) Any changes in the quantity estimates or schedule milestones of the acquisition and the degree to which such changes have contributed to the increase in cost; and

(4) An index of all testimony and documents formally provided the Congress on the estimated cost of such acquisition.

(b) After the date on which the Director of the Office of Management and Budget notifies the Congress as described in subsection (a) relating to any major civil acquisition, no additional funds may be obligated or expended with respect to such acquisition (except where the Government has an existing legal liability to pay) unless authorizing legislation as described in subsection (c) is enacted by the Congress after date of such notice. In determining the cost growth with respect to any major civil acquisition for purposes of suspending obligations or expenditures the Office of Management and Budget shall exclude any amount from such cost growth attributable to inflation.

(c) Legislation referred to in subsection (b) means a bill or joint resolution which (1) pertains only to the continuation of the authority to obligate and expend funds for a major civil acquisition with respect to which the authority to obligate and expend funds has been terminated as the result of a notice issued by the Director of the Office of Management and Budget under subsection 3(a), and (2) continues for a period of not more than one year from the date of enactment of such bill or joint resolution the authority to obligate and expend funds for such acquisition.●

ADDITIONAL COSPONSORS

S. 1215

At the request of Mr. PROXMIRE, the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1215, a bill to clarify the circumstances under which territorial provisions in licenses to distribute and sell trademarked malt beverage products are lawful under the antitrust laws.

S. 1664

At the request of Mr. ROTH, the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1664, a bill to amend title 10, Ujited States Code, to allow supplies under the control of departments and agencies within the Department of Defense to be transferred to the Federal Emergency Management Agency as if it were within the Department of Defense and to amend the Federal Civil Defense Act of 1950 to authorize the Federal Emergency Management Agency to loan to State and local governments property transferred to such agency from other Federal agencies as excess property.

S. 1958

At the request of Mr. DOLE, the Senator from Nevada (Mr. CANNON), the Senator from Colorado (Mr. HART), the Senator from South Dakota (Mr. PRESSLER), and the Senator from Wyoming (Mr. SIMPSON) were added as cosponsors of S. 1958, a bill to amend title XVIII of the Social Security Act to provide for coverage of hospice care under the medicare program.

S. 2155

At the request of Mr. KASTEN, the Senator from New Hampshire (Mr. HUMPHREY) was added as a cosponsor of S. 2155, a bill to require a foreign country be declared to be in default before payments are made by the U.S. Government for loans owed by such country or credits which have been extended to such country which have been guaranteed or assured by agencies of the U.S. Government.

S. 2335

At the request of Mr. WEICKER, the Senator from Minnesota (Mr. DURENBERGER) was added as a cosponsor of S. 2335, a bill to amend the Internal Revenue Code of 1954 to provide that any small issue which is part of a multiple lot shall meet the requirements of the small issue exemption.

S. 2362

At the request of Mr. ARMSTRONG, the Senator from Colorado (Mr. HART) was added as a cosponsor of S. 2362, a bill to abolish the Synthetic Fuels Corporation.

SENATE JOINT RESOLUTION 159

At the request of Mr. ROTH, the Senator from Connecticut (Mr. DODD) was added as a cosponsor of Senate Joint Resolution 159, a joint resolution entitled the "White House Conference on Productivity Act."

SENATE JOINT RESOLUTION 162

At the request of Mr. ROTH, the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of Senate Joint Resolution 162, a joint resolution to authorize and request the President to designate the week of June 20, 1982, through June 27, 1982, as National Safety in the Workplace Week."

SENATE JOINT RESOLUTION 180

At the request of Mr. WEICKER, the Senator from Alaska (Mr. MURKOWSKI), and the Senator from Illinois (Mr. PERCY) were added as cosponsors of Senate Joint Resolution 180, a joint resolution to authorize and request the President to issue a proclamation designating the week beginning May 9, 1982, as "National Small Business Week."

SENATE RESOLUTION 299

At the request of Mr. WEICKER, the Senator from Indiana (Mr. QUAYLE), and the Senator from Michigan (Mr. RIEGLE) were added as cosponsors of Senate Resolution 299, a resolution to designate May 4, 1982, as "International Franchise Day."

SENATE RESOLUTION 348

At the request of Mr. BENTSEN, the Senator from Louisiana (Mr. LONG), the Senator from Ohio (Mr. GLENN), and the Senator from West Virginia (Mr. ROBERT C. BYRD) were added as cosponsors of Senate Resolution 348, a resolution to request the Secretary of Agriculture to make loans available to farmers under the economic emergency loan programs.

SENATE RESOLUTION 354

At the request of Mr. EXON, the Senator from Montana (Mr. BAUCUS), the Senator from Oklahoma (Mr. BOREN), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Kentucky (Mr. FORD), the Senator from Arkansas (Mr. PRYOR), the Senator from Nebraska (Mr. ZORINSKY), and the Senator from North Dakota (Mr. ANDREWS) were added as cosponsors of Senate Resolution 354, a resolution expressing the sense of the Senate with respect to an immediate resumption of negotiations with the Government of the Soviet Union for an extension of the existing long-term grain sales agreement, and for other purposes.

AMENDMENT NO. 1244

At the request of Mr. RANDOLPH, the Senator from Hawaii (Mr. INOUYE), the Senator from Oklahoma (Mr. BOREN), the Senator from Illinois (Mr. DIXON), the Senator from Montana (Mr. BAUCUS), and the Senator from Alabama (Mr. HEFLIN) were added as cosponsors of amendment No. 1244 proposed to Senate Resolution 20, a resolution providing for television and radio coverage of proceedings of the Senate.

AMENDMENTS SUBMITTED FOR PRINTING

RADIO AND TELEVISION COVERAGE OF THE SENATE

AMENDMENT NOS. 1355 THROUGH 1362

(Ordered to be printed and to lie on the table.)

Mr. PROXMIRE (for Mr. FORD) submitted eight amendments intended to be proposed by him to the resolution (S. Res. 20) providing for television and radio coverage of proceedings of the Senate.

AMENDMENT NO. 1363

(Ordered to be printed and to lie on the table.)

Mr. PROXMIRE (for Mr. ROBERT C. BYRD) submitted an amendment intended to be proposed by him to the resolution (S. Res. 20), supra.

AMENDMENT NO. 1364

(Ordered to be printed and to lie on the table.)

Mr. PROXMIRE (for Mr. DODD) (for himself and Mr. DANFORTH) submitted an amendment intended to be proposed by them to the resolution (S. Res. 20), supra.

RADIATION EXPOSURE ACT OF 1981

AMENDMENT NO. 1365

(Ordered to be printed and referred jointly to the Committee on Labor and Human Resources and the Committee on the Judiciary).

Mr. CRANSTON submitted an amendment intended to be proposed by him to the bill (S. 1483) to amend title 28 of the United States Code to make the United States liable for damages to certain individuals, to certain uranium miners, and to certain sheep herds, due to certain nuclear tests at the Nevada Test Site or employment in a uranium mine, and for other purposes.

Mr. CRANSTON. Mr. President, I submit for printing amendment No. 1365 to S. 1483, the proposed "Radiation Exposure Act of 1981," legislation that is now pending in both the Labor and Human Resources Committee and the Judiciary Committee. The major provision of this amendment would have the effect of adding veterans exposed to nuclear weapons radiation during their service—and, derivatively, their survivors—to the categories of individuals whom the bill as introduced would make eligible to bring suit against the United States for damages resulting from exposure to nuclear weapons radiation. In testimony I submitted to the Labor and Human Resources Committee last Friday, I recommended the substantive changes that this amendment would make.

Mr. President, as a result of my work since coming to the Senate in the areas of veterans' benefits and health generally, including service as chairman of the Veterans' Affairs Committee from 1977 until 1981 and now as the ranking Democrat on that committee, and as a member of the Labor and Human Resources Committee for 12 years, I have had a long and abiding interest in the issue of the long-term health effects of exposure to ionizing radiation, particularly as former members of the Armed Forces may have been affected by such exposure during their military service, either while participating in the nuclear testing program or while stationed in Hiroshima or Nagasaki following World War II. Approximately 250,000 active duty Armed Forces personnel participated in the test program in the 1940's, 1950's, and 1960's and, although precise estimates are not available and the rough estimates from the executive branch are conflicting, it appears that at least 25,000 and possibly more than 100,000 Armed Forces personnel were stationed in the environs of Hiroshima or Nagasaki during the 10 months following Japan's surrender in World War II. All of these individuals—so-called atomic veterans—were possibly exposed to ionizing radiation to a considerable extent and thus could be at risk of adverse health effects.

Because of my concern that these veterans receive appropriate consideration from their Government—the Government responsible for their exposure—I have worked on this issue for many years and, in June 1979, I chaired a comprehensive Veterans' Affairs Committee hearing on the subject of veterans' and survivors' claims for benefits for disabilities that they believe resulted from exposure to ionizing radiation due to participation in the nuclear weapons testing program. Although some progress in the way these claims are handled resulted from that hearing, including the emergence in the VA and other agencies of a heightened awareness of the need to address these claims in a forthright and compassionate manner, I believe that there is still great room for improvement. It is for that reason that I am advocating that, as one step, S. 1483 be amended to include the claims of atomic veterans and survivors within its scope. This step would provide these individuals with an alternative avenue for relief as they seek a remedy for problems that may be related to exposure to nuclear-weapon radiation.

In advocating this action, I note that I previously had not believed that it was necessary to establish such an alternative remedy for atomic veterans and their survivors. In fact, prior to the time that the predecessor to S. 1483—S. 1865—was introduced by the distinguished Senator from Massachusetts (Mr. KENNEDY) in the last Con-

gress, he and I consulted on the issue of including veterans in that legislation and he agreed, at my suggestion, that they not be included. I came to that position then because of my belief that it would be preferable if the claims of atomic veterans and their survivors were handled by the VA—both because of that agency's historic mission to assist veterans generally and because of its great familiarity with processing veterans' claims for benefits. I believed that this approach would result in the most comprehensive development possible of their claims. I recognize at that time that the VA's system for processing the claims of atomic veterans and survivors was not fully adequate but, as Senator KENNEDY outlined in his introductory remarks on S. 1865, we felt that there was reason to believe, based on the results of the Veterans' Affairs Committee hearing that I mentioned earlier, that progress was being made and that the continuing pressure that would be brought by the atomic veterans and their survivors would continue and accelerate that trend.

Although I continue to believe that beneficial change in the Government's processing of the claims of atomic veterans and their survivors for VA benefits has resulted from that 1979 hearing, the continuing pressure on the VA from Members of Congress, atomic veterans, and others, and other activity—such as the enactment last year of section 102 of Public Law 97-72, which established specified eligibility for basic VA health care for atomic veterans without reference to whether their disabilities are adjudged service connected—I am no longer satisfied that the value of keeping the VA as the exclusive focal point of atomic veterans' claims is worth the cost of precluding these veterans and survivors from receiving the type of consideration that the pending legislation would provide to civilians exposed to radiation as a result of the testing program. A widow of a veteran who participated in the nuclear test program has contacted me to urge that S. 1483 be amended to cover atomic veterans. She expressed her point of view in a compelling way, writing:

> The veterans of the nuclear testing in the Marshall Islands and the Nevada test site have been more or less relegated to a status below that of the sheep named in [S. 1483] and [the] previous bill.

Mr. President, as I noted above, I have been involved for some time in oversight of the VA's handling of radiation-related claims. In this connection, I have had a standing request with the Board of Veterans' Appeals—the final appeals level for VA claims—to be sent copies of all Board decisions in radiation cases.

During hearings before the Labor and Human Resources Committee on this legislation, that committee was advised by a VA witness that 16 cases involving atomic veterans had been resolved in favor of the claimants. I also understand that it was the VA's position that this information suggested that the VA was already providing an appropriate remedy for atomic veterans and their survivors and that, therefore, the bill should not be amended to include them.

Without commenting directly on these 16 cases, I would note that I have asked the VA for specific information on each for review by the Veterans' Affairs Committee staff to determine how many cases were decided favorably on the basis that the veteran's disability or death was the result of radiation exposure and how many—most, I suspect—on other grounds. I believe that it is important to place this number of claims granted by the VA in proper perspective. With respect to the more than 275,000 atomic veterans, nearly 1,700 nuclear weapon radiation-related claims have apparently been filed. A great many of these claims have obviously been denied by the VA; many others are still pending despite having been before the agency for an extended period. The exact figures have not yet been forthcoming.

Although there are certainly instances where the agency has provided a full and fair review of these claims, I am concerned that there is little uniformity in the way these claims are handled and that many cases raise serious questions about whether the agency has truly provided the claimant with the benefit of reasonable doubt. Thus, I believe it would be beneficial to provide veterans and their survivors the kind of alternative remedy proposed in S. 1483, and that it would be unfair not to provide them with this avenue of relief being proposed for civilians.

Mr. President, I want to stress, however, that I am not urging, by this amendment, that the VA be precluded from dealing with the radiation claims from atomic veterans and survivors. Even if my amendment were accepted and the bill then enacted, I believe that a great many atomic veterans and survivors will continue to look to the VA for relief. However, I believe that the remedies available to veterans and their survivors should not be arbitrarily restricted. It may be true that, at present, because of the VA system, atomic veterans are at an advantage when compared with the civilians who were exposed to radiation. Should S. 1483 be enacted without amending it to include veterans, however, the balance could shift sharply in favor of the civilians, and I know of no valid reason to set up such an imbalance.

In addition to establishing a basic equality among all those exposed to ionizing radiation as the result of governmental use of nuclear weapons, I believe that the other compelling reason for providing this avenue of relief for atomic veterans and survivors is the state of current law in title 38, United States Code, under which claimants before the VA are precluded from seeking court review of a final VA claims decision or paying an attorney more than $10 to represent them in connection with a chaim for VA benefits. Because of these provisions of law, many atomic veterans and survivors believe that they have been denied a full and fair opportunity to have their claims granted, a feeling that is easy to understand. By including these individuals in S. 1483, even if all the claims are not resolved in a manner satisfactory to the claimants involved, at least they will have been provided an opportunity for independent judicial review of their claims under this bill.

I note in this regard, Mr. President, that S. 349, which Senators HART and DECONCINI and I introduced, and which is identical to S. 330 which the Senate passed in September 1979, would remedy generally the judicial review and attorney assistance restrictions, but, of course, favorable action on that legislation again in the Senate, let alone in the House where the leadership of the House Committee on Veterans' Affairs has opposed it, is in no way assured.

Mr. President, there is one element of my amendment that is not related exclusively to the primary purpose of adding veterans to the class of those covered by S. 1483. S. 1483 as introduced has no provision for any award received by a claimant to be offset by or against other Federal benefits coming to the claimant because of the same disability. Such a result—no offset—seems to me to be appropriate in the case of programs providing payment or reimbursement for medical services, such as medicare and VA payment for health care where applicable, or for rehabilitation, such as the VA's vocational rehabilitation program for service-connected disabled veterans, but I do not see any reason for the Federal Government to pay a new monetary benefit to an individual under this bill without regard to other Federal payments to that individual for the same disability. Therefore, the amendment I an introducing would modify the bill as introduced to provide, in relevant part, that the right to damages under [section 2681 of title 28 as proposed to be added by section 2 of S. 1483] is, to the extent of the amount of damages paid, in lieu of any remedy provided by another Federal law or program which provides for compensation, reimbursement, or other monetary benefit. * * *"

Under the provisions of the amendment, a monetary benefit—such as VA compensation paid on account of a disability adjudged to be service connect-

ed or social security disability or supplemental security income payments, but not payments or reimbursements for medical care and treatment or for rehabilitation—paid in connection with the same medical condition as the one for which the bill would authorize damages would be offset by the amount of a claimant's court-awarded remedy under S. 1483. This approach should insure that claimants are treated fairly and that the Federal Government is not in the position of providing duplicative payments.

Mr. President, some concern has been expressed that providing this select group of veterans with a specific, limited access to court for claims related to their exposure to radiation during their active-duty service in the Armed Forces might somehow undermine the Feres doctine. This doctrine, which was developed by the Supreme Court over 30 years ago, generally bars any individual from bringing suit against the Federal Government under the Federal Tort Claims Act—FTCA—for an alleged tortious act that occurred during his or her service in the Armed Forces. Without reference to whether the Feres doctrine represents appropriate policy in all matters involving such FTCA claims by former service members, I am unable to see how allowing atomic veterans to bring suit not under the general FTCA provisions under which veterans are barred by Feres but in the manner specified in S. 1483 would be viewed by a court as undermining that doctrine. In fact, I believe that action by Congress to establish a limited, proscribed access, outside the general FTCA provisions, to court for a select group of veterans would be seen by a court as congressional recognition of the doctrine that veterans as a class generally do not have recourse under the other sections of the FTCA for events that occurred during active-duty service. In any event, I am confident that, should the Congress act as I am proposing, the legislative history could express clearly the congressional intent, in enacting this measure with my amendment, to take no position of the Feres doctrine; thus, I do not believe that concerns in that regard should pose a barrier to favorable action on this amendment.

Mr. President, in introducing S. 1483, the very able chairman of the Labor and Human Resources Committee, the Senator from Utah (Mr. HATCH) described it as intended to "make the Federal Government accept responsibility for actions it took in conducting open-air testing of atomic weapons during the 1950's and 1960's." This responsibility clearly extends to those who were in the Armed Forces, as well as those who were civilians, and S. 1483 should be amended to reflect that reality. Thus, I urge my colleagues to give this matter their close attention and to support the provisions of this amendment.

Mr. President, I ask unanimous consent that the amendment appear in the RECORD at this point.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

On page 4, line 2, strike out "and".

On page 4, between lines 2 and 3, insert the following new clause:

"(4) for damages in an amount not to exceed $——, plus unreimbursed hospital, medical, and funeral costs per individual to an individual who, while serving on active duty or active duty for training (as those terms are defined in section 101 (21) and (22), respectively, of title 38, United States Code), was exposed to ionizing radiation from a nuclear device in connection with such veteran's participation in the test of such a device or with the American occupation of Hiroshima and Nagasaki, Japan, during the period beginning on September 11, 1945, and ending on July 1, 1946, and who died from, has, or has had acute leukemia or chronic myelogenous leukemia, thyroid carcinoma, pulmonary carcinoma, osteogenic sarcoma, or any other cancer identified by the Advisory Panel on the Health Effects of Exposure to Radiation and Uranium under section 4 of the Radiation Exposure Compensation Act of 1981; and".

On page 4, line 3, redesignate clause (4) as clause (5).

On page 4, line 7, strike out "(3), or (4)" and insert in lieu thereof "(3), (4), or (5)".

On page 4, line 21, strike out "(2), or (3)" and insert in lieu thereof "(2), (3), or (4)".

On page 5, line 7, strike out "(4)" and insert in lieu thereof "(5)".

On page 7, strike out lines 1 through 7 and insert in lieu thereof the following subsection:

"(f) The right to damages under this section is, to the extent of the amount of damages paid, in lieu of any other remedy provided by another Federal law or program which provides for compensation, reimbursement, or other monetary benefit (other than payment or reimbursement for medical care and treatment or for rehabilitation) to an individual described in paragraph (1), (2), (3), or (4) of subsection (a) on account of a disease or illness described in the applicable paragraph of subsection (a). Damages payable to such individual under subsection (a) shall be reduced by the amount paid to such individual under such other Federal law or program prior to the date on which judgment awarded against the United States in a civil action under this section becomes final. In the case of an individual who is awarded such a judgment, no monthly or other periodic monetary benefits payable under such Federal law or program shall be paid to such individual for any month or other period of time beginning after the date such judgment becomes final until the aggregate amount of such benefits which would be paid but for this sentence equals the total amount included in such judgment.".

On page 12, line 18, insert "in the Marshall Islands, since July 1, 1946, or" after "conducted".

NOTICES OF HEARINGS

SUBCOMMITTEE ON CONGRESSIONAL OPERATIONS AND OVERSIGHT

Mr. MATTINGLY. Mr. President, I would like to announce for the information of the Senate and the public that the Subcommittee on Congressional Operations and Oversight of the Senate Committee on Governmental Affairs will hold a hearing on the possible changes in the Consumer Price Index on Tuesday, April 20, 1982, at 9:15 a.m. in room 3302 of the Dirksen Senate Office Building. For further information regarding this hearing, please contact Karan Henry at 224-5337.

SUBCOMMITTEE ON INTERGOVERNMENTAL RELATIONS

Mr. DURENBERGER. Mr. President, I would like to announce that the Subcommittee on Intergovernmental Relations of the Governmental Affairs Committee has scheduled an oversight hearing on the Office of Management and Budget's circular A-95, which deals with the Federal planning requirements for Federal grant programs. This hearing will also review recent OMB policy revisions for this circular.

The hearing will be conducted at 9:30 a.m. on April 26 in room 3302, Dirksen Senate Office Building. Those wishing to submit written statements to be included in the printed record of the hearing should send five copies to Ruth M. Doerflein, clerk, Subcommittee on Intergovernmental Relations, room 507, Carroll Arms Building, Washington, D.C. 20510.

For further information on the hearing, you may contact Pamela Hess of the subcommittee staff on 224-6702.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BAKER. Mr President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Monday, April 19, at 3 p.m., to hold a hearing on NOAA authorizations.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

FIRST THINGS FIRST

● Mr. TOWER. Mr President, on April 2, 1982, the Wall Street Journal published an editorial entitled "First Things First." This editorial expresses articulately and effectively the issues and principles involved in efforts to achieve reduced tensions through negotiated arms control with the Soviet Union.

The central theme employed in this thoughtful appraisal of the history of United States-Soviet arms control is that we must not confuse our aspirations and hopes for a world free of the

threat of nuclear war—or for that matter chemical, biological, or any other form of modern warfare—with wishful thinking that the Soviet Union shares those aspirations.

The fact is, as the editors of the Wall Street Journal point out, that—

The men in the Politburo (are) all products of the hard school (who) have utter contempt for weakness and appeasement.

The United States must remain strong enough to insure that the Soviets neither believe that they can benefit from a policy of aggression and resistance to meaningful, verifiable arms control nor that they can violate with impunity those international arms control accords to which they are parties, simply because compliance no longer suits their purposes.

Mr. President, I insert this fine editorial in the RECORD in its entirety and I commend it to the attention of my colleagues:

FIRST THINGS FIRST

President Reagan devoted a hefty chunk of his Wednesday night press conference to arms control. "My goal," he said, "is to reduce nuclear weapons dramatically, assuring lasting peace and security." To this end, he continued, the U.S. is negotiating with the Soviet Union over conventional and theater nuclear forces in Europe, and Washington planners are preparing for talks on strategic nuclear weapons, possibly as soon as this summer.

We are certain of Mr. Reagan's sincerity in wanting, just as we all do, "lasting peace and security." We are equally certain his remarks are aimed at appeasing the current "nuclear freeze" movement. What we find so disturbing in these developments, however, is the widening dichotomy between the arms control debate and the real world.

When Senators Kennedy and Hatfield introduced their "freeze" resolution, the ink had only just dried on the State Department's "yellow rain" report. It is a compilation of masses of refugee and defector reports, medical evidence, intelligence information and scientific analysis of "yellow rain" samples, and it draws the inescapable conclusion that the Soviet Union and its proxies are actively engaged in chemical and biological warfare in Laos, Cambodia and Afghanistan. Deputy Secretary of State Walter Stoessel asserted March 22: "The Soviet Union and its allies are flagrantly and repeatedly violating international laws and agreements."

The Soviet Union is violating no mere bilateral agreement; rather, it is breaching the two most widely recognized arms control treaties in the world. The Geneva Protocol of 1925 bans "the use in war of asphyxiating, poisonous or other gases, and of all analogous liquids, materials and devices" and also prohibits "bacteriological methods of warfare." The other treaty is the 1972 "Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction." It was signed by 111 countries and is the only true disarmament agreement because it requires the destruction of any existing weapons.

How can President Reagan address the issue of arms control without mentioning yellow rain? How can he square his intention to conduct negotiations on new treaties with the Soviets in the knowledge that more than 10,000 people in Southeast Asia and Afghanistan have been killed with weapons banned by solemn international law? How can Senators Kennedy and Hatfield propose a "freeze" resolution without first demanding further investigation of the Soviet violations of the Biological Weapons Convention, which they voted to ratify in 1974?

But instead of responses to these troubling questions, the response to the Brezhnev "freeze" proposal was a noisy campaign in this country to remind us of the horrors of nuclear war. New England town meetings called to discuss potholes and sewer problems were invited to vote their abhorrence of nuclear holocaust. The New Yorker runs an endless doomsday musing and Time once more plasters the famous mushroom cloud on its cover. Herblock gives his all to the irony of a family picnic framed by that awful cloud

The thrust of all this is so utterly mindless as to be beyond belief. The only issue, now or ever, is how to avoid nuclear calamity. Do you do it by yielding to Soviet intimidation or by resisting? Either way, the outcome is uncertain, but we think resistance is far safer than appeasement. The Politburo, all products of a hard school, have utter contempt for weakness and appeasement will only encourage them to press us toward the kind of desperate position that will imperil both sides.

A vital preliminary to further arms negotiations thus becomes a U.S. demand that the Soviets answer our charges of past violations, specifically the use of yellow rain. This demand must be pressed at the UN, at the Helsinki Accord talks, in the existing arms negotiations and at a special emergency meeting of the signatories of the 1972 Convention. It simply is not responsible for American leaders to negotiate arms agreements when there is such powerful evidence of Soviet disregard for past commitments.

We are quite aware that our argument does not engender hope for successful arms control or reduction. But wishful thinking is never helpful in politics; indeed, it is extremely dangerous. We all want peace, we all hate the bomb. But some of us are not ready to capitulate, either to the Soviet Union or our own fears.●

LOCAL APPROACHES TO DRUG AND ALCOHOL ABUSE: THE ELM STREET SCHOOL, LACONIA, N.H.

● Mr. HUMPHREY. Mr. President, in a time when we are constantly inundated with the grievous problems of strained international relations, crime, and recession, it is important to look at the contributions being made across this Nation to the benefit of local communities and the preparation of our youth for a healthy productive future.

I would like to bring the attention of my colleagues to just such a project. Some creative faculty members, administrators, and students at the Elm Street School in Laconia, N.H., recently participated in an alcohol and drug abuse prevention program combining art and health studies. In addition to the very important aspect of teaching these fifth graders the health effects of alcohol and drug abuse, the faculty involved them in a project to convey this message to other students and the local community.

The students and faculty spent many hours designing quilts, each section of which carried the message that alcohol and drug abuse were unhealthy and, in short, not for them. This project brought students and faculty together and has since generated local community support.

Experience in the field of alcohol and drug abuse has shown that the most effective methods of prevention include the creation of positive peer pressure and the involvement of the local community in the effort. This creative project incorporated both of these approaches to their best advantage.

The quilts which were created by the students will be on display in the rotunda of the Russell Building, April 29 and 30. The project will also be displayed in my office during the month. I would encourage my colleagues to view this project and pass along this idea to their local schools. The most effective way to prevent alcohol and drug abuse lies with our youth, and I applaud the Elm Street School for this excellent project. In particular, I would like to thank Priscilla Fletcher and Marilyn Coffin, faculty members at the Elm Street School, who devoted much of their time to the development of this project.

I would like to include in the RECORD at this time, three of the letters written by the fifth grade students which demonstrate what they learned from the program.

I thought learning about drugs was fun. If I were bad and going to take drugs and in the fifth grade and saw those films and read the drug book, I would think of what it said before I took it. I learned a lot about drugs and what happened to people who took these kind of drugs like pot or inhalants, stimulants and all those other drugs. I am glad I learned about it in the fifth grade. About my fabric drawing I like the way I did it like telling everybody to stay away from drugs cause they are bad for your health. Sometimes drugs can kill you to. When I grow up I am going to stay away from people who sell drugs. I hope people will get my message. Cause I am trying to tell them that taking drugs is bad for your health.

I learned a lot from this unit. It was studying about drugs. It made me feel different about the fact of taking drugs. I think the other kids did too. I know now that I am never going to take drugs. I had other opinions before we worked on this unit, not that I was going to take drugs just that I never thought that taking drugs was that bad.

Working on the cloth drug posters was kind of fun. It was fun talking about drugs during Art than having regular classes in art. The posters came out real nice. Anyway, it was fun learning about drugs and talking about incidents about people who have taken drugs.

I learned not to smoke or take drugs when I grow up. I don't want to smoke or take

drugs. But if I did, it would mess up my life. I think those who take drugs are dumb. If some of my friends were taking them I would not hang around them. It was fun learning about drugs.

Doing the cloth was fun and exciting.

In addition, I have submitted a copy of the project plan developed by the faculty of the Elm Street School with the view that the concepts employed may be useful to educators in your home States.

PROJECT PLAN

I. TOPIC

The correlation of art and science in a program on drug and alcohol abuse at Elm Street School in Laconia, New Hampshire.

II. PARTICIPANTS

Fifty fifth grade, heterogeneously grouped students working with Priscilla Fletcher, the fifth grade science teacher and Marilyn Coffin, the elementary art teacher.

III. PROGRAM

A. Art

1. Introduction to project:
a. Brainstorm ways to share ideas with community.
b. Review of possible materials:
1. Clay.
2. Wood.
3. Fabric.
4. Ink.
5. Fabric crayons.
6. Pentel crayons.
7. Acrylic paints.
8. Felt markers.
2. Clay beads:
a. Slab method.
b. Pinch method.
3. Student quilts:
a. Slogan and illustration planning.
b. Planning design.
c. Review of application:
1. Reverse fabric crayon design on paper ironed on to fabric.
2. Felt marker or ink on fabric.
3. Acrylic paint directly on material ironed to make permanent.
4. Pentel crayons directly on material ironed to make permanent.
4. Quilt assembling:
a. Felt designs.
b. Quilt borders.
c. Design joining.
d. Quilt tying.
e. Tab sewing.
f. Wood dowel staining.
g. Macrame hanger.
1. Design of ½ + square knot.
2. Making original designs.
h. Thread trimming.

B. Science

1. Goals:
a. Provide information for young people faced with decision making about drugs and alcohol.
b. Discuss issues surrounding the taking of alcohol and drugs.
c. Discuss effects of different drugs and alcohol abuse.
d. Discuss peer relationship as it pertains to the use of drugs and alcohol.
e. Discuss social aspects surrounding drugs and alcohol abuse.
f. Develop alternatives to the taking of drugs and alcohol.
2. Classroom instruction on kinds and effects of:
a. Drugs.
b. Alcohol.
c. Tobacco.
3. Awareness discussions:
a. Peer acceptance.
b. Attitudes.
c. Future aspirations.
d. Artifical substitutes.
4. Instructional materials:
a. Bulletin Board.
b. Teacher-made worksheets:
1. Vocabulary.
2. Matching.
3. Crossword puzzles.
c. Government publications.
d. Filmstrips.
e. Supplementary literature.

C. Culminating Activities

1. Art projects displayed:
a. Community.
b. School.
c. Federal building.
2. Speaker from law enforcement office.
3. Student written evaluations:
a. Original response.
b. No demands made for language perfection.
c. Available for perusal.●

HANDGUN MAYHEM

● Mr. KENNEDY. Mr. President, as we all know, the Senate faces a number of important decisions on the Federal control of handguns—whether we will weaken existing controls or strengthen them—whether we will continue our battle against the criminal use of handguns or surrender to the gun lobby.

In our dialog over this important public policy issue, few have contributed more than Pete Shields of Handgun Control. Since his own son was senselessly killed by a handgun in 1974, he has devoted 8 years to the cause of keeping handguns out of the hands of criminals and psycopaths.

Recently, TRB of the New Republic, wrote a thoughtful column on handgun control, and the role of Pete Shields, and I insert it at this point in the RECORD:

[From the New Republic, Apr. 21, 1982]

HANDGUN MAYHEM

A man whose son was murdered is now chairman of Handgun Control, Inc., one of the most dedicated lobbies in the country for handgun control. A man who killed another man with a shotgun fifty years ago has become the head of the National Rifle Association, the most powerful lobby in the world against handgun control. These two spokesmen make one of the most theatrical juxtapositions found anywhere today. The struggle affects the United States and, in a way the world. A new 192-page report issued by Figgie International, Inc., is the third in a series: it declares that fear of crime is increasing throughout the United States, that it is affecting the American lifestyle, and that, in the words of one of those questioned, "When citizens stay inside behind locked doors, shaking in fear, then the criminals have won." Annual FBI crime figures, just released, show 1981 leveling off from 1980, the highest in history.

President Reagan visits Europe in June, and people will look at the man who was almost killed by an assassin's bullet—and wonder. Why are Americans the way they are? In the latest year for which U.S. figures are available, handguns slew 48 people in Japan, 52 in Canada, 42 in West Germany, 8 in Britain, and 11,522 in the United States. There are probably 50 million handguns loose in the United States today, ready for any act of impulse or spasm of folly. There were 1,800 accidental deaths from firearms reported last year, and there were 15,387 suicides by firearms. Add these figures to the murders cited above. That's 28,709 deaths. Other nations find it hard to understand.

The National Rifle Association, the chief handgun lobby, has just held its annual convention in Philadelphia, which incidentally came on the anniversary of President Reagan's near assassination. Reagan has always been against federal handgun control laws and he still is. He must have a strange feeling about it. There have been thirteen attemps on the lives of the thirty-nine men who have been President, and four have died. In addition, two Presidential candidates were shot and two ex-Presidents were targets of attack.

Handgun ownership is either strictly restricted or forbidden in other industrial nations. But not in the United States. Eight years ago, on April 16, 1974, the 23-year-old son of Pete Shields was in a California suburb on a trip from the East, packing his lacrosse sticks into the trunk of a station wagon. He had not heard of what the police called the "Zebra killings," a wave of senseless, brutal attacks in the area. So far as is known, a man walked up behind him, took a handgun from inside his jacket, and shot the young man three times: death by a stranger whose face he never saw. His fifty-year-old father gave up his job as a marketing manager in the DuPont consumer products division, and has devoted his life since then to handgun control in Washington. He was not a radical, he says. He had been a registered Republican all his life, and a duck shooter. But he thought he should enlist in the handgun war.

On the opposite side of the trenches is perhaps the most effective single-interest lobby in the country, the National Rifle Association. Its story was retold in the April 6 *Philadelphia Inquirer* in connection with its convention in that city. A former Texas Border Patrol officer, sixty-eight-year-old Harlon Carter, is executive vice president. A year ago this May, the Texas *Laredo Times* dug up an old story from an issue of 1931 which brought the comment from Carter that he had "nothing to hide." He was then seventeen, and came home one night to find some Mexican-Americans hanging around his house. He told them to get lost, got a shotgun, and when a fifteen-year-old drew a knife, he shot and killed him. The paper recorded that he was convicted of murder on April 16, 1931. He was sentenced to three years, but released by a state appeals court because several witnesses were discredited. Carter was chief of the Border Patrol and an official of the National Immigration and Naturalization Service before his role in the NRA. The NRA had a membership revolution back in 1977 that gave control to the militants; speaking at Philadelphia, Carter told the convention: "Don't trust the politician who won't trust you with a gun."

The time seems to be approaching for a showdown over the gun issue. For almost half a century, public opinion polls have shown that the majority of Americans want controls on handguns. In the past ten years there have been five Presidential commissions on crime and violence. Every one reported that the situation was grave, and

called for strict handgun control. I was present when Dr. Milton S. Eisenhower, the former President's brother, chairman of a commission on violence in America, testified before a Senate committee. He guessed that the number of concealable handguns in the country (perhaps already half a million) was increasing by three million a year. His commission unanimously recommended a ban on manufacture, importation, and distribution. "Powerful forces are working against the adoption of essential legislation," he warned. "The concealable handgun is the enemy of our society, not sporting weapons."

The most alarming thing in this situation, I think, is not the handguns, not even the horrifying murder rate, but the fact that democracy isn't working. The public obviously wants one thing and can't get it. Why? Because the members of Congress are scared. They are afraid of the gun lobby. They have reason to cower. At the Philadelphia convention, officials said the NRA has a budget of $55.8 million. Membership has doubled in the past three years to 2,330,000. It is militant, and members are told in every issue of the organization's literature that what opponents want is not just handgun control, but a ban on rifles, shotguns, and sporting arms. Meanwhile, failure to control handguns in the cities increases the murder rate, and as crime rises the demand grows that everybody have a gun at home, or carry it in the car.

There are some signs of a turn in sentiment. Some cities in Illinois have passed antigun law and California may hold a major referendum this November. In Congress Senator Kennedy fights to strengthen the weak federal gun control legislation passed after his brother was killed. The battle wavers. Someday the U.S. almost certainly will join the rest of the industrial countries in this self-evident reform. But how many more Presidents must be killed before then?●

SENATOR SARBANES SALUTES VFW'S "VOICE OF DEMOCRACY" CONTEST WINNER

● Mr. SARBANES. Mr. President, for 20 years the Veterans of Foreign Wars and its ladies auxiliary have joined with the National and State Associations of Broadcasters in sponsoring the Voice of Democracy national broadcast scriptwriting scholarship program. This outstanding program for secondary school students offers them a unique opportunity to share their thoughts on their responsibilities to their country through the broadcast media.

I am extremely pleased to report that William Scott Baker, a senior at Riverdale Baptist School in Upper Marlboro, Md., won first place honors and a $14,000 college scholarship in the national finals of the VFW's 1982 annual contest. This is the first time that a young person from Maryland has received this very prestigious award.

The son of Mr. and Mrs. William T. Baker of Mitchellville, Mr. Baker, competed with almost 500,000 young men and women from more than 8,000 public, private, and parochial schools across the Nation to write and deliver a script on the theme "Building America Together." His achievement in winning the Voice of Democracy Award demonstrates his success in communicating his patriotic vision for America's future.

Mr. President, the "Voice of Democracy" program illustrates the VFW's commitment to patriotic, historical, and educational principles. For 83 years, the VFW has fulfilled its congressional charter to "preserve and strengthen comradeship among its members; to assist worthy comrades; to perpetuate the memory of our dead and to assist their widows and orphans; to maintain true allegience to the Government of the United States of America, and fidelity to its Constitution and laws; to foster true patriotism; to maintain and extend the institution of American freedom and to preserve and defend the United States from all her enemies whomsoever."

The VFW has repeatedly been at the forefront of efforts to promote legislation supported by those of us in Congress who believe that the defense of veterans benefits is an essential duty of a nation grateful to those who have served it with honor in our armed services. In recent years the VFW has acted to protect service-connected disability compensation, monthly dependency and indemnity compensation, and improvements in the VA guaranteed home loan program. The local VFW post has become a focal point for community involvement and civic responsibility in hundreds of towns, cities and villages throughout our land.

Mr. President, I ask my colleagues to join me and almost 31,000 Maryland VFW members in honoring William Scott Baker, and I submit for the RECORD the award-winning essay written by this outstanding young man.

The essay follows:

NATIONAL WINNER 1981-82 VFW VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM

(By William Scott Baker)

I have five minutes. Five minutes to lay down what I believe is the way for us to build America together. Impossible? Well not really, because I see the principles as being very basic. Principles that have been there all along. One philosopher of our day said this, "The more complex the question, the more basic the answer, not simple just basic."

So, how do we build America? Well, first I think we need to understand where America's strength lies. Is it in our National Security or in our Economic System? While these may be some of the foundation blocks of our country, the mortar that holds them together, is the people. The building of America will take place in her people.

While considering this, I came across the work of a very perceptive writer. In his story, a young girl with unusual insight, was helping a friend who was having some personal problems. The girl saw through the surface symptoms to the root causes and confronted her friend: "Do you know your whole problem Charlie Brown? You're wishy-washy. You're going to grow up, marry a wishy-washy girl, and have a whole flock of wishy-washy kids. Charlie Brown you've reached new heights of wishy-washydom." Charles Schultz's simple comic strip has taught a great lesson; the importance and the influence of a person's character.

It was the values of the people that brought this nation into existence and established her on a solid foundation. It was in that atmosphere and with those values that a few God-fearing men worked so diligently to outline the Constitution of the United States. It will be those same values that will enable us to keep on building; to keep on making a strong country. A Frenchman who was in our country during those early years, said this: "America is great, because America is good. When America ceases to be good, America will cease to be great."

With the qualities of honesty, respect, diligence, responsibility, mercy, purity, a desire for peace and a love and fear of God, we will dream. And therein lies our power. "Where there is no vision, the people perish," we read in the book of Proverbs, but it goes on to say, "When desire cometh, it is a tree of life."

Think back 2 years. Do you remember the Winter Olympics? I can see the television in my mind as I watched the United States hockey team shock the world and win a gold medal. I mean to tell you, I was excited; the whole country was excited. We had good reason to be proud of those young men. They were men of vision. They had a dream.

Do you remember that August afternoon in 1963 when Martin Luther King stood in Washington before a crowd of thousands as millions watched by television. He raised his head and spoke those immortal words, "I have a dream!"

But dreaming wasn't the end, their actions made their dreams realities. Thomas Carlyle wrote, "Conviction is worthless unless it is translated into conduct." Many people will dream, but it will be those that work and sacrifice to make their dreams realities that will build this nation.

I believe in the "Law of the Harvest: What you plant you grow; what you sow you reap." We must plant our dream of a stronger, better America into the hearts of every individual in this country. And then we must be willing to do something about it. It is then that the United States will flourish like never before.

What better example do we have than the signers of the Declaration of Independence? They had a vision; a dream so strong that when it came to great personal risk, they counted the cost and supported it anyway.

Dreams will lift this nation. Dreams that come from people of character and integrity. With people who remember the values we started with, we can build America. I believe that.

An anonymous author wrote:

"If there is virtue in the heart;
There will be beauty in the character
If there is beauty in the character,
There will be harmony in the home.
If there is harmony in the home;
There will be strength in the nation,
And if there is strength in the nation,
There will be peace in the world.
Carry the Dream."●

HAITIAN REFUGEES

● Mr. KENNEDY. Mr. President, the issue of Haitian refugees has been before us for many years, but recently our policy toward them has taken an unnecessarily harsh turn.

It is a sad reflection on America's immigration policies that Haitians seeking asylum on our shores should be jailed for many months—some up to a year. It is a strong indictment of our system that Haitians cannot be processed fairly and expeditiously. And it is unnecessary to be spending millions to chase their small boats on the high seas.

An editorial in today's New York Times puts the issue before us succinctly and, reflecting the decisions of recent Federal court decisions, urges that Haitians should be released until their cases are processed. I fully agree, Mr. President, and I would like to share with my colleagues the Times editorial. I ask that it be printed at this point in the RECORD.

The editorial follows:

[From the New York Times, April 12, 1982]

RELEASE THE HAITIANS

For months, in some cases a full year, the United States has "detained" undocumented Haitian migrants. Imprisoned is more like it; some are in fact housed in prison cells. But unlike prisoners, the Haitians do not know when their sentences will end. Once, this detention policy was justifiable. Now, after so many months, it has started to smell: like the detention of Japanese-Americans in World War II; like racism; like cruelty.

A former Immigration official reports that last Christmas, a Miami radio station sent a black Santa to give presents to the Haitian children held behind the razor wire of the Krome South detention center. He was forbidden to see them and had to leave the presents in a parking lot.

Another official tells of a Haitian man in the adjacent Krome North camp who was transferred to a new camp so quickly that he was not allowed to go to the bathroom to get his false teeth; six months later, his dentures still had not arrived.

Other observers tell of detainees at Krome and a dozen other locations who have become psychotic because of the "the awful boredom." Husbands are separated from wives, children from families. Some Haitians have been subjected to indignities, others to physical mistreatment.

Why? What have these 2,200 pitiful people done to deserve such punishment? Their offense is that, desperate to escape poverty or persecution, they have tried to enter the United States. After a year of imprisonment, and with no end in sight, conscience calls out for relief.

Originally, there was a logic to detention, a logic we were willing to support. The United States needs to get control of its borders. Illegal gate-crashers, however pitiful, should not be allowed to displace legal immigrants who have waited their turn, often for years. Detaining Haitians pending hearings may discourage other gate-crashers. But because of a legal logjam, the hearings have been put off endlessly and detention has turned into indefinite imprisonment. The result has been to pile injustice on inequity on inefficiency.

Start with the inefficiency. Hundreds of Border Patrol officers have been diverted to staff the detention camps. The cost comes out to $22,000 a year for guarding each Haitian—and that ignores the paradoxical cost in border enforcement. Apprehensions of illegal aliens have dropped from 1.2 million to about 750,000 in the last fiscal year.

The inequity relates to other nationalities. Hundreds of thousands of other illegal entrants are apprehended annually, but only a handful are detained. Virtually every one of the undocumented Haitians, all black, are detained.

As for the injustice, the Administration is belatedly providing language and other training, and Attorney General Smith deserves applause for persuading 250 Florida lawyers to volunteer to tackle the backlog of cases. But while the conditions of detention are improving, the duration of detention is not; the months pass.

Where can the Haitians turn? Congress could pass an emergency law to unclog the sclerotic hearing process. But so far it sees only abstract injustice; it is considering legislation in so deliberate a manner that no relief seems likely for months. The courts have been receptive. Federal District Judge Robert Carter last week ordered the release of 53 Haitians being held in Brooklyn. But appeals in this, and a similar case pending in Florida, will drag on for more months.

There remains one place to turn: Attorney General Smith. He has discretionary authority to "parole" the Haitians into the custody of responsible organizations pending their hearings. The time has come for him to use it.

To release them may send a signal encouraging more migration. If so, let that goad Congress to act more promptly. Not to release them etches an ever deeper stain into the American conscience. "After 10 months of unlawful confinement in a harsh environment," Judge Carter ruled, "justice demands swift remedial action." Head and heart, he is right. Let them go.●

THE TRUTH ABOUT STUDENT AID

● Mr. PELL. Mr. President, in his radio address to the Nation from Barbados, the President focused upon what he termed "a great misconception on the part of many young people with regard to the program of college grants and guaranteed loans and what we're doing with that program in the 1983 budget." The President then went on to discuss his administration's proposals for the guaranteed student loan program, and to ignore completely recommendations made for other Federal student aid programs, namely Pell grants, supplemental and incentive grants, national direct student loans, and college work study.

With respect to guaranteed student loans, the President asserted that "we haven't cut loans." That statement is very misleading. Under the President's proposals more than 600,000 graduate students will be dropped from the regular GSL program and forced into the auxiliary loan program with an interest rate of 14 percent as compared to the 9 percent in the regular part of the program.

The machinery for the auxiliary loan program has been established in only 23 States, and in only 14 States have any auxiliary loans actually been made. It is very doubtful, therefore, that the auxiliary loan program can actually pick up the volume of graduate and professional student loans now made under the regular GSL program.

The auxiliary loan program also requires that full-time graduate and professional students repay interest upon their guaranteed student loans while they are in school. This would be a real hardship to already financially strapped graduate and professional students. Finally, the changes proposed by the administration in this area would result in a 67-percent increase in the indebtedness of all graduate students.

In his address the President also asserted that "we've cut the cost to taxpayers of making these loans available." I do not question the fact that savings will be achieved by doubling the origination fee and requiring that students repay their loans at market rates beginning 24 months after graduation. I do believe, however, that this is the wrong way to make savings in the GSL program. Further, these savings are miniscule compared to the savings that could be achieved if the Reagan administration had a domestic economic policy that would bring down interest rates.

About 84 percent of the costs of the GSL program are directly related to the special allowance payments to lenders to make up the difference between loans at 9 percent and the prevailing Treasury bill rate plus 1 percent. Every percentage point decrease in the interest on Treasury bills would produce about $200 million in savings on the cost of the GSL program. Thus, if the administration really wants to rein in GSL program costs, it would implement a domestic economic policy that would actually bring interest rates down.

But the guaranteed student loan program is not the only student assistance program under attack by the Reagan administration, even though it was the only one specifically cited in the Barbados address. What the President failed to mention in his radio address was the effect his proposals would have upon Pell grants, supplemental grants, incentive grants, national direct loans, and the college work study program.

With respect to Pell grants, the Reagan administration has proposed a 40-percent cut in appropriations. According to its own calculations, this could result in more than 1 million students being dropped from the Pell grant program.

The proposed appropriation would be the lowest for the Pell grant program in 7 years, and the program

would serve the smallest number of students in 8 years. The changes urged by the administration would obliterate the Middle Income Student Assistance Act and take the Pell grant program back to the level of its third year of existence.

The administration's proposals would result in an across-the-board reduction of $200 in all awards, and could well mean that students from families with incomes of more than $14,000 would no longer be eligible to participate in this important Federal program. For a program that has served more than 18 million young Americans in its 9 years of operation, this would be a crippling blow.

For the campus-based programs, the Reagan proposals would be even more severe. For fiscal 1983 the administration would wipe out supplemental and incentive grants and national direct student loans. While they would continue the college work study program, they would reduce its funding by almost one-third. Cuts already made over the course of the past year have dropped a quarter of a million students from these programs. The new proposals, however, could well mean that an additional 1.4 million students would no longer receive college work study, supplemental grants, direct loans, or incentive grants.

If the administration's recommendations are accepted, students across America will face a crisis of the first order. Over 3 million awards—loans, grants, and work study—will no longer be made.

Many students rely on a combination of grants and loans to finance their education, and the loss of one or more of these sources will undoubtedly mean that a college education will be beyond the student's reach. Other students will have to face leaving the institution they originally selected in order to attend one that costs less. Students already attending low-cost institutions will have no choice at all, except to enter a recession-ridden economy. And families throughout our Nation with children who will soon be reaching college age will have to tell these children that the dream of a college education may have to remain just that, a dream.

These are the harsh realities of the administration's proposals that the President chose not to address when he spoke to the Nation from Barbados.●

THE SALT II TREATY

● Mr. HART. Mr. President, next week during consideration of the fiscal year 1983 defense authorization, I intend to offer a resolution calling for the Senate to take up the SALT II Treaty which is still pending before the Senate Foreign Relations Committee. At a time when most citizens of this country are calling for new negotiations on arms control, we shouldn't overlook the arms control treaty which has already been negotiated and agreed to by the Soviets: the SALT II Treaty.

SALT II was the result of negotiations by three administrations, Democratic and Republican. It is a balanced, well-crafted, and verifiable agreement which would enhance strategic stability and mutual security. It is a modest but useful treaty which constrains the growth of Soviet nuclear weapons capabilities and thus reduces uncertainty over Soviet intentions. It goes further than a freeze in that it actually requires a 10-percent reduction of Soviet forces.

The administration has already said it will abide by the provisions of SALT II as long as the Soviets do, so I am not proposing a radical new position for the administration. I am simply suggesting that while we go back to the negotiating table for further arms reductions, we take advantage of the product of the last ones.

Representative LES ASPIN has called for the same step in an excellent article in today's Washington Post, which I commend to all of my colleagues. I request that the article be printed in the RECORD.

The article follows:

[From the Washington Post, Apr. 15, 1982]

FREEZE? WHY NOT JUST OKAY SALT II?

(By Les Aspin)

Ford had a better idea. Gerald Ford, that is.

He wanted the country to approve the nuclear weapons accord he worked out at Vladivostok. But Jimmy Carter rejected that agreement, and spent years negotiating a slightly different package, SALT II. Now we are being urged to push for a freeze on nuclear weapons. We could do better, however, if we ratified SALT II, the bird in the hand. SALT II, which is still pending before the Senate, wouldn't freeze the Soviet arsenal; it would reduce it.

The nuclear freeze debate is very helpful. It has reached right down into town meetings and alerted far more people to the dangers of a runaway arms race. But there are three key problems with making a freeze our official nogotiating position.

First, it would simply be one more jolting change in our negotiating stance. We already have an "A" for lack of consistency; let's not try for an A+.

Where once we had a nonpartisan foreign policy, we have now made arms control the most partisan of foreign policy issues. Ford negotiated the Vladivostok accords. He did a good job. We should have ratified Vladivostok. But, no, along came Jimmy Carter saying he could do better. The ceilings on weapons were too high, he said. Chuck Vladivostok, and I will work out a better deal. So we chucked Vladivostok, and years later Carter came up with SALT II. It was a good package. But, then, Ronald Reagan came along saying he could do a better job. The ceilings in SALT II were too high, he said. Chuck SALT II, and I will work out a better deal.

The freeze people are now agreeing with Ronald Reagan's wish to chuck SALT II and pursue the better deal. But why? SALT I, Vladivostok, SALT II—each is of limited duration. None was designed as the final word. Each was designed as a stepping stone, an earnest of good intentions to prepare the ground for broader arms control measures. An important step in this continuing process would be to ratify SALT II so we could move on to SALT III (or START I, or whatever acronym).

The second problem with the freeze concept has already been pointed out—correctly for a change—by President Reagan. A freeze clamps down on the strategic issues that make Kremlin planners sweat, but it does not address those issues that make American planners sweat. To have any hope of negotiating successfully, each side must have something the other would like to get at. Otherwise, there is no incentive to make a deal.

We are worried that the huge numbers of Soviet MIRVed missiles or their inventory of very large missiles could successfully wipe out our land-based ICBMs in a first strike. We want reductions in either or both of those categories. The freeze simply leaves those threatening missiles in place.

On the other hand, what worries the Soviets is what we are preparing to do. We are working on a new Trident D5 sea-based missile that will make their land-based missiles vulnerable. Then there's the MX missile, which would also make their land-based missiles vulnerable. Third, we are developing sea-launched cruise missiles, and fourth, we are working on the Pershing II missile, which could be launched from Europe to hit Soviet targets in a matter of minutes. The Russians want to get at all four of these weapons. For us to get what we want, we need both a freeze and reductions. For the Soviets to get what they want, all they need is a freeze. At that point, there is no incentive for them to talk about reductions.

The third problem with the freeze proposal is that two moves away in this chess game we are presented with nothing but bad alternatives; we can give up either our knight or our bishop. Either way we get rooked. The freeze is proposed as an open-ended policy to last until reductions are agreed upon. The Soviets will have every incentive to hold religiously to the freeze while stonewalling on the reduction taiks. Any proposal to drop the freeze will be seen by freeze advocates as a step backward and perceived around the world as American perfidy—while the Soviets sit quietly at the negotiating table behind their Cheshire grins. We will be forced either to stick with the freeze and its disadvantages or to play the role of ogre and resume the arms race. Neither is to our benefit. Neither advances the cause of arms control.

The freeze debate is the best thing to come down the pike in years, because it is awakening the public concern about nuclear weapons. Arms control is, after all, a very political process. The Kennedy-Hatfield resolution before the Senate helps to focus the political issues and give the public a flag around which to rally.

The freeze proponents say the freeze is only the first step; the second step is to get reductions in nuclear weapons. Fine. But how about going straight to the second step? Let's ratify SALT II.

Under SALT II, the Soviets would have to dismantle about 10 percent of their most threatening weapons. That's a reduction in arms. And reductions are what both the freeze advocates and the Reagan White House have declared as their goal.

We are following the SALT II numerical restrictions right now. Every time we build a new missile submarine, we dismantle an old one. The Russians are doing the same thing; every time they build a new missile sub, they dismantle an old one. The only provision that hasn't been put into effect—and which won't go into effect until and unless there is a ratified treaty—is the one that would limit the total number of strategic delivery vehicles (missile launchers and heavy bombers) to 2,250 on each side. Under that provision, the Soviets would have to get rid of more than 250 of their missiles or bombers. The United States is already under the ceiling.

SALT II also forbids either side from developing and deploying more than one new type of ICBM; that's one new type *after* ratification. That would put a real brake on the arms race.

The Reagan people ought to like SALT II. The administration, after all, is abiding by SALT II just as if it were ratified. And there is not a single weapons system in Reagan's five-year defense plan that is inconsistent with SALT II. In fact, the plan looks as if it were drafted with ratification of SALT II in mind.

Freeze advocates may find some drawbacks to SALT II. Granted. There are drawbacks to any policy one can think of. But SALT II has two key advantages over a freeze. First, it goes beyond a freeze and provides for reductions. Second, it has already been worked out with the Russians. It has been signed and sealed. Unlike the freeze proposal, we don't have to invest time negotiating the fine print with Moscow.

Freeze advocates say they want a freeze *now* followed by efforts toward reductions. If we ratify SALT II, we get reductions *now* and can then sit down at the negotiating table to pursue broader and deeper reductions.●

CHEMICAL WEAPONS

● Mr. HART. Mr. President, soon we will be asked to vote on whether this country should resume the production of lethal chemical weapons. Before we embark on this new course in defense policy, it is imperative that we carefully and fully review the issues involved.

On March 22, Dr. Matthew Meselson of Harvard University testified before the Subcommittee on Strategic and Theater Nuclear Forces regarding the military utility of new binary chemical artillery shells. An acknowledged leader in his field of molecular biology, Dr. Meselson is also recognized on both sides of the Atlantic as an expert on chemical warfare. His statement is valuable for its succinct assessment of our current chemical retaliatory capability. I request that it be printed in the RECORD.

Dr. Meselson has also prepared a detailed review of the new binary chemical weapons program. I commend to the attention of Senators his excellent report, "Comment: Defense Science Board (DSB) Chemical Warfare Panel Report" (Unclassified version of a report classified secret), prepared for the Office of the Secretary of Defense, Manpower, Reserve Affairs, and Logistics.

The statement follows:

STATEMENT OF DR. MATTHEW MESELSON

It is a privilege to be invited to appear before the Subcommittee in connection with your consideration of the Administration's request to begin production of binary nerve gas weapons.

Today there is widespread concern about Soviet chemical warfare capabilities and intentions. We do not know whether the Soviets have or have not increased their stockpile of lethal chemical weapons over the past twelve years, during which we refrained from producing such weapons. Similarly, estimates of Soviet chemical weapons stocks are extremely variable and uncertain. The Russian obsession with secrecy prevents reliable estimates. It is therefore only prudent to assume that the Soviet Union poses a substantial chemical threat. This assumpion would be appropriate with or without the very disturbing reports of the use of toxic weapons in Afghanistan and of possible Soviet involvement in their use in Southeast Asia. It does not in itself, however, provide a sound basis for deciding specific procurement issues.

Because of the brief time alloted, I will focus my presentation on the issue of whether to start production of the M687 155-mm binary GB nerve gas artillery projectile.* As you know, the M687 is the only binary munition thus far certified ready for production.

The points I would like to present regarding the M687 projectile are as follows:

1. The already existing quantities of 155-mm and 8-inch GB and VX nerve gas artillery projectiles (M121A1 and M426) are more than ample for U.S. artillery requirements for 30 days of chemical warfare in Europe.

For causing casualties to well trained, well protected troops, as the Soviets certainly are, chemical artillery fire will generally be considerably less effective than conventional artillery fire. By forcing troops into protective posture, however, chemicals will degrade mission performance and slow the tempo of operations. Since firing more chemical rounds means firing fewer conventional rounds, there will be an optimum ratio, dependant on the amount required to force the other side into protective posture. Firing more chemical rounds than this optimum will reduce, not increase combat effectiveness. Avoiding additional casualties to unprotected civilians down-wind is a further reason for not exceeding the optimum.

Calculations based on munitions effectiveness data show that the inclusion of just a few percent chemical rounds in total artillery fire would provide opposing forces with a powerful incentive to assume a high state of chemical protection. The number of chemical artillery rounds needed to comprise 5% of all rounds fired by the U.S. during 30 days of allout war in Europe would be about 200,000-300,000. It has been estimated from unclassified sources by Dr. Julian Robinson of Sussex University that the existing stockpile of M121A1 and M426 nerve gas artillery projectiles is substantially greater than this requirement. (It should not be forgotten that the U.S. maintains, in addition, a large number of 155-mm mustard rounds, designated M110, which, for situations in which it is desired to create a persistent vapor hazard to the lungs, eyes and skin, can be superior to rounds containing the presently stockpiled nerve agents GB and VX.)

2. Stocks of servicable M121A1 and M426 nerve gas artillery projectiles are not deteriorating.

Tests done several years ago were mistakenly interpreted to suggest deterioration of nerve agent in U.S. artillery munitions. The tests were later found to have been done incorrectly. Subsequent tests show no deterioration. As of last summer, only 33 of the very large number of stockpiled M121A1 and M426 projectiles were classified as leakers. The leaks are miniscule, and present no real hazard. In past years some of the stocks were not adequately maintained. Also, burster charges were not supplied for many of the rounds. Due to improved maintenance, burstering and inventory programs, the stockpile of serviceable munitions is now substantially increasing. While it is true that some types of chemical munitions are deteriorating or obsolete, these do not include the M121A1 and M426. Contrary to continuing misconceptions even among high-level military and civilian officials, the serviceable stockpile of M121A1 and M426 projectiles is growing, is in excellent condition, and with proper maintenance, can remain so.

3. The M121A1 and M426 nerve gas artillery projectiles are not obsolete nor are they becoming so.

Contrary to a prevalent misunderstanding the M121A1 and M146 nerve gas artillery projectiles are fully compatible with currently deployed artillery weapons and can be fired to their full range.

4. Presently stockpiled U.S. nerve gas artillery projectiles have been extensively field tested. The proposed binary projectile has not been field tested.

Due to restrictions on field testing enacted by the Congress, the M687 binary projectile has never been field tested. In spite of extensive tests with simulated agents, field testing with live rounds has yet to be done. In addition to revealing possible unsuspected design faults, field testing is needed in order to develop munitions effectiveness tables, which presently do not exist for the M687 binary. Only such testing can provide reliable information as to whether the M687 is reliable and equal in effectiveness to the currently stockpiled M121A1 GB round. In this regard, the former Director of Development at the Army's Chemical Systems Laboratory, Dr. Saul Hormats, has stated that:

"When I developed and introduced into production the presently stockpiled munitions. I chose a straightforward approach and merely adapted and modified the designs of existing suitable munitions, for which we had a very large number of static and then dynamic trials. We had to make numerous design changes as these trials progressed, and in some cases critically important changes they were. We would never have gone into production without all this engineering data, even on as simple an adaption program as we could devise. The proposed binary munitions are not a simple change from other rounds but are an entirely new design. Their functioning will be entirely different from their predecessors. Engineering data must be obtained on cloud size and shape, rate of information, yield, droplet size distribution, persistency, etc., etc., statically and dynamically, and in statistically significant numbers. These must be with live, not simulant, rounds. This is a large program; a few tests just will not do."

5. Presently stockpiled chemical artillery munitions can be safely stored and transported.

Binary chemical munitions are intrinsically less likely than single-fill munitions to cause unintended release of nerve agent until they are assembled, which would be done only in or near the battlefield. In considering the saftey of single-fill munitions, certain extremely improbable accidents, such as the crash in a populated area of a plane carrying nerve gas munitions may be envisioned. Even then, however, with their fuses and buster charges packaged separately, the release of nerve agent from single-fill chemical artillery shells is unlikely. The already stockpiled nerve gas artillery projectiles have a long and excellent safety record, as expected for their rugged and simple design. They have been and can be stored and transported with a high degree of safety.

6. Production of the M687 risks undermining the NATO political balance on which defense planning ultimately rests

The governments of Norway and Holland have recently stated that they would not allow their forces to use chemical weapons or permit chemical weapons deployment on their territory. The stated policy of the Federal Republic of Germany is not to train its troops in the use of chemicals "now or in the future." There is no evidence that the FRG will permit replacement of U.S. chemical weapons already deployed there with binaries, let alone permit deployment of increased quantities. Indeed there are indications that U.S. production of short range nerve gas weapons, such as the M687, which are perceived as being most likely to be used on German soil, could force the government of the Federal Republic to request withdrawal of U.S. stocks presently positioned on its territory. This would leave the U.S. with no stocks whatever in Europe for prompt retaliation in case of chemical attack.

Much of the opposition to chemical weapons in European NATO countries is based on awareness that major chemical war on their territory could cause millions of civilian casualties, a catastrophe of strategic proportions for Western Europe. There is also concern, whether justified or not, that NATO emphasis on chemical weapons (as opposed to emphasis on chemical protective measures) may lead the Soviets to doubt NATO resolve to use nuclear weapons, on which the deterrence of war itself is felt ultimately to depend.

I conclude that there is no need for the M687 and that a decision to produce it at this time would waste defense resources and would jeopardize our present forward-based chemical deterrent capability and risk undermining NATO cohesion on even larger issues.●

THE ARMS CONTROL AND DISARMAMENT AGENCY

● Mr. PELL. Mr. President, I have become deeply dismayed by the outrageous disregard shown by this administration toward the Arms Control and Disarmament Agency.

When we look for tangible proof of how much value this administration places on arms control, we see a Pentagon running free and an Arms Control and Disarmament Agency enduring the tightest personnel and budgetary strictures since the second term of the Nixon adminstration.

Following its assumption of power last year, the administration left the Agency under very poor interim leadership for months. It took a year for the administration to nominate a single one of the Director's five principal assistants. Never before has the Agency been so long without confirmed leadership.

Budget and manning decisions also tell a tale. Agency spending reached a high of $17.7 million in fiscal 1979, and with SALT II completed, declined slightly to $17.5 in fiscal 1980. Permanent, full-time employees reached a high of 199 in fiscal 1980. By contrast, excluding a contract which may be transferred from the Department of Energy, the administration is proposing a budget of $15.2 million and 154 full-time, permanent employees in fiscal 1983, which marks a continued decline from the current level of $16.7 million and 165 full-time, permanent employees.

The Arms Control and Disarmament Agency is the only Government agency involved in national security issues receiving cuts. The Pentagon, of course, is the recipient of tens of billions more each year. Contrasts between the Pentagon and ACDA are startling.

About every hour, the Pentagon spends more than the Agency spends in a year. A single high-performance aircraft costs more than the ACDA annual budget.

The absurdity of the disparities can be seen in spending for such an unessential defense activity as military bands.

During the current fiscal year, the Pentagon indicates that it will spend $90.8 million on a total of 100 bands. That is almost six times as much as ACDA's basic budget. With 5,358 people, the military bands have about 33 times as many people as ACDA, with its current limit of 165. Each of 2 of the services—the Army and Air Force—has more money for bands than is allocated ACDA, and all 4 services have between 5 and 16 times as many people as ACDA.

Mr. President, the Foreign Relations Committee has prepared a breakdown of spending on bands. I ask that the table be printed in the RECORD following my remarks.

The comparison of support for ACDA and military bands illustrates a melancholy fact: The administration may talk of arms control, but its heart is in its weapons of destruction and all of the appurtenances to the Defense Establishment, such as its musicmakers.

So far, others and I have given the administration bipartisan support as it has pledged a commitment to arms control. But our patience is wearing thin. The nuclear freeze movement is demonstration of the growing unease and concern in this country at the lack of results. More and more people in this country are sending a message that they want the nuclear arms race ended now. We would all do well to heed that message.

The table referred to is as follows:

DEPARTMENT OF DEFENSE SUPPORT OF BANDS, FISCAL YEAR 1982

[Dollars in millions]

Service	No. of bands	People in bands	Spending
Air Force	20	1,132	$18.4
Army	49	2,596	46.9
Marine	14	828	12.1
Navy	17	800	13.4
Total	100	5,358	90.8

ARMS CONTROL AND DISARMAMENT AGENCY BUDGET, FISCAL YEAR 1982

[Dollars in millions]

	Personnel	Spending
ACDA	165	$16.7

●

THE FALKLAND CRISIS

● Mr. HART. Mr. President, while on Armed Services Committee business in London the week before last, I had the opportunity to meet with a number of British Government, political and business leaders—and the subject most on their minds, to state the obvious, was the Falkland crisis. In the course of virtually every conversation I had, expressions of support for the Reagan administration's efforts to find a peaceful solution to the crisis, and to bring Argentina and Great Britain to the negotiating table, were accompanied by puzzled queries about where the United States really stood.

No one questioned our condemnation of the Argentine invasion of the Falkland Islands. No one questioned our resolve to make every effort to effect an Argentine withdrawal. The questions instead were these: Does the United States really think that Argentina and the United Kingdom are equal allies? Why does the United States not come out unequivocally against the aggressor (Argentina) and stand with the aggrieved party (Great Britain)? Is the special relationship no longer special—or was there never a special relationship to begin with?

I had the honor of meeting one of Britain's most respected statesmen, former Prime Minister James Callaghan, who deserves much of the credit for establishing a relationship between the United States and Great Britain that then-President Carter quite rightly called "special". Mr. Callaghan was concerned that the citizens of the United States really believed that Argentina and Great Britain were equal friends. He was relieved to hear that a great many Americans as reflected in editorial comment and in letters to editors across the Nation in

the last 10 days, could and did differentiate between what Secretary Haig finally got around to calling our "closest, oldest ally" and an unelected military government in such serious domestic difficulty that it felt unprovoked aggression wrapped in the whole cloth of nationalism was the only way to unite the country behind it. Time will tell how long-lasting is that unity and how truly popular with its own citizens is that unelected government.

Mr. Callaghan made, and others underscored, the point that initial British fury was likely to give way to questions about the wisdom, feasibility, and cost of inflicting and sustaining a long-range, long-term "punishment." The Guardian editorially asked a question which has its echo in this chamber and in this country:

> The chasm between political rhetoric and the reality of military and intelligence incapacity * * * has plunged the Falklanders into this perilous predicament. It is * * * to question the whole thrust of a defense strategy which has interlocked us at the highest and most theoretical level with the American nuclear programme whilst leaving no ability to effect conventional, tactical deeds of everyday defense against the burgeoning middle-sized mavericks of this world.

Last Tuesday, Senator MOYNIHAN eloquently and correctly declared that the Falkland crisis does not involve questions of colonization or decolonization but of the use of force without provocation against a NATO ally. The lead editorial in the current issue of the Economist reinforces his point:

> This dispute is going to draw in the United States * * *. For America to lie low will only diminish, irrevocably, its leverage with both (Argentina and the United Kingdom) * * * for American inaction to cause Britain to lose the whole dispute to Argentina would cede to those in Britain and elsewhere in Europe the notion that the leader of their north Atlantic alliance is a fair-weather ally. Alliance á la carte is no alliance; that is the argument that America itself has been trying to deploy against European waywardness in the Middle East, over Poland, over Afghanistan, over nuclear deployment and over spending on defence. Let it not now encourge the very fashion in Britain and continental Europe that its aim is to combat.

I am sure my colleagues join me in applauding and fully supporting Secretary of State Haig in the physically strenuous but diplomatically vital efforts in which he is engaged. As the Secretary of State and others in the administration know, 2 months after American diplomats were taken hostage in Iran, the leader who stood by President Reagan's side and declared that her government and her nation were 100 percent behind the American people was British, not Argentine.●

TRIBUTE TO JOYCE M. DAPPER

● Mr. PELL. Mr. President, on April 24 there will be a ceremony at the Cumberland, R.I., High School to dedicate the auditorium to the memory of Joyce Marie Dapper. Miss Dapper was a teacher at Cumberland High School and director of the school's gifted and talented program until her tragic death in July 1981. She will be remembered by all who knew her at the school, in the town of Cumberland and in the State of Rhode Island as a tireless and dedicated teacher whose contributions in the field of arts education will be evident for many years to come.

Miss Dapper graduated with a bachelor of arts degree from Anna Maria College and with a master of arts from the Teacher's College at Columbia University. From 1971 until her untimely death, she taught dance at Cumberland High School. As a result of her tireless efforts, Cumberland High School was the only school in Rhode Island to receive a gifted and talented grant from the U.S. Department of Education. With this important grant, Miss Dapper developed Project Talent, a unique program in dance and the arts for students of exceptional ability. The special quality of Miss Dapper's leadership in this progrm was widely recognized and honored. The Rhode Island Department of Education awarded a citation to the Cumberland High School for the effectiveness of its artists-in-residence programs.

Joyce Dapper was a member of the National Education Association of Rhode Island, and the Cumberland Teachers' Association. Her professional affiliations included the American Dance Guild, the Dance Therapy Association, and the Boston Dance Teachers' Association. She was a member of the board of directors of Project Dance in Rhode Island, a member of the Rhode Island Department of Education's panel for dance and theater teacher certification, and a member of the education panel for the 1980 Rochambeau Celebration. She also shared her expertise on the Federal level as a representative to the artists-in-schools program at the National Endowment for the Arts.

In addition to being a dynamic arts educator, Miss Dapper was also a dancer in her own right. She had danced with the American Festival Ballet Company in Providence, R.I., and taught at the Ruth Dapper School of Dance in Pawtucket, R.I. She had also studied dance with leaders in the field in New York, Providence, and Canada.

It was this rich background that she brought to and shared with her colleagues and students in Cumberland. It is, therefore, with the profoundest sense of gratitude for the dedication, exuberance, and talent of Miss Dapper that the auditorium at Cumberland High School is now named in her honor—The Joyce M. Dapper Auditorium.●

RECORD OPEN UNTIL 5 P.M. TODAY

Mr. STEVENS. Mr. President, I ask unanimous consent that the RECORD remain open until 5 p.m. today for the introduction of bills, resolutions, and statements.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 10:30 A.M.

Mr. STEVENS. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in recess until that hour.

The motion was agreed to; and, at 3:41 p.m., the Senate recessed until Tuesday, April 20, 1982, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate April 19, 1982:

DEPARTMENT OF STATE

Selwa Roosevelt, of the District of Columbia, for the rank of Ambassador during the tenure of her service as Chief of Protocol for the White House.

LEGAL SERVICES CORPORATION

Annie Laurie Slaughter, of Missouri, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 1983, vice Cecilia Denogean Esquer, term expired, to which position she was appointed during the last recess of the Senate.

IN THE ARMY

Gen. John A. Wickham, Jr., [redacted] Army of the United States (major general, U.S. Army) under the provisions of title 10, United States Code, section 601, to be reassigned as Vice Chief of Staff, U.S. Army, a position of importance and responsibility designated by the President under subsection (a) of section 601.

IN THE MARINE CORPS

Lt. Gen. William J. White, U.S. Marine Corps, age 57, for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of title 10, United States Code, section 1370.

IN THE ARMY

The following-named officers for appointment in the Regular Army of the United States, in their active duty grades, under the provisions of title 10, United States Code, sections 531, 532, 533:

Colonels

Bedynek, Julius L., [redacted]
Eagleton, John E., Jr., [redacted]
Frederick, Fred D., [redacted]
Frederico, Anna K., [redacted]
Hoover, Mary P., [redacted]
Luehrs, James G., [redacted]
Maccario, Micheline K., [redacted]
Moore, William L., Jr., [redacted]
Zone, Robert M., [redacted]

MEDICAL CORPS

Lieutenant colonels

Billingsley, Jerome L., xxx-xx-xxxx
Braeuer, Norbert R., xxx-xx-xxxx
Brand, Jerry I., xxx-xx-xxxx
Campbell, Arthur S., xxx-xx-xxxx
Campbell, Carlos B., xxx-xx-xxxx
Carter, Thomas E., xxx-xx-xxxx
Davies, Ross S., xxx-xx-xxxx
Graham, Jimmie R., xxx-xx-xxxx
Kelley, James L., xxx-xx-xxxx
Loleng, Cecilia M., xxx-xx-xxxx
McCarthy, Joseph C., xxx-xx-xxxx
Mindrum, Gerald G., xxx-xx-xxxx
Moessner, Harold F., xxx-xx-xxxx
Peterson, Carl R., xxx-xx-xxxx
Popejoy, Lou A., xxx-xx-xxxx
Quattromani, Frank L., xxx-xx-xxxx
Riffle, John E., xxx-xx-xxxx
Riverabetancourt, Rafael, xxx-xx-xxxx
Spaulding, Vernon C., xxx-xx-xxxx
Takao, Richard T., xxx-xx-xxxx
Thornsvard, Charles T., xxx-xx-xxxx
Warrender, Charles L., xxx-xx-xxxx
Werner, Wolfgang K., xxx-xx-xxxx

Majors

Ciesla, William P., xxx-xx-xxxx
Ie, Sing O., xxx-xx-xxxx
Kussman, Michael J., xxx-xx-xxxx
Lorenzen, Earl A., xxx-xx-xxxx
Mohr, Lawrence C., xxx-xx-xxxx
Patterson, John H., xxx-xx-xxxx
Pelegrina, Miguel A., xxx-xx-xxxx
Stones, Carl, xxx-xx-xxxx
Whitehust, Lawrence R., xxx-xx-xxxx

Captains

Leech, James J., xxx-xx-xxxx
Shekitka, Kris M., xxx-xx-xxxx

First lieutenants

Abreu, Sue H., xxx-xx-xxxx
Alcorn, James M., xxx-xx-xxxx
Asp, Arnold A., xxx-xx-xxxx
Bartoszek, David M., xxx-xx-xxxx
Burris, David G., xxx-xx-xxxx
Colpini, Anthony W., xxx-xx-xxxx
Crum, Jerry D., xxx-xx-xxxx
Daniels, Don J., xxx-xx-xxxx
D'Ooge, Benjamin W., xxx-xx-xxxx
Geiling, James A., xxx-xx-xxxx
Hansen, Elizabeth, xxx-xx-xxxx
Hetz, Stephen P., xxx-xx-xxxx
Kaufmann, Cristoph R., xxx-xx-xxxx
Kerchief, Karl R., xxx-xx-xxxx
Lepage, Angelina J., xxx-xx-xxxx
Lepage, Paul A., xxx-xx-xxxx
Lyons, Michael F. II, xxx-xx-xxxx
Madigan, William P. Jr., xxx-xx-xxxx
Marple, Richard L., xxx-xx-xxxx
Mazzoli, Robert A., xxx-xx-xxxx
McBride, John T., Jr., xxx-xx-xxxx
Milliken, Charles S., xxx-xx-xxxx
Moore, Reginald H., xxx-xx-xxxx
Nam, Theodore S., xxx-xx-xxxx
Orman, David T., xxx-xx-xxxx
Orr, Alecia A., xxx-xx-xxxx
Ortenzo, Carole A., xxx-xx-xxxx
Parkinson, Dan W., xxx-xx-xxxx
Parmley, Vernon C., xxx-xx-xxxx
Reed, William W., xxx-xx-xxxx
Richards, Kenneth M., xxx-xx-xxxx
Skillman, Donald R., xxx-xx-xxxx
Soldano, Sharon L., xxx-xx-xxxx
Spinells, James L., xxx-xx-xxxx
Tippets, Duane D., xxx-xx-xxxx
Turner, Mark D., xxx-xx-xxxx
Wasserman, Glenn M., xxx-xx-xxxx
Yoshida, Glen Y., xxx-xx-xxxx

ARMY NURSE CORPS

Majors

Chminello, Catherine K., xxx-xx-xxxx
Freeman, Margaret L., xxx-xx-xxxx
Goldberg, Melinda A., xxx-xx-xxxx
Hayward, Carole D., xxx-xx-xxxx
Reimers, Darlene M., xxx-xx-xxxx
Schwaier, Sandra L., xxx-xx-xxxx
Starr, Anne K., xxx-xx-xxxx

Captains

Allen, Steven D., xxx-xx-xxxx
Bernheim, Carolyn G., xxx-xx-xxxx
Blake, Barbara J., xxx-xx-xxxx
Boggan, Richard D., xxx-xx-xxxx
Bolfing, Mary F., xxx-xx-xxxx
Chessher, Patricia J., xxx-xx-xxxx
Cormier, Leslie A., xxx-xx-xxxx
Craig, Carolyn M., xxx-xx-xxxx
Dahlander, Robert C., xxx-xx-xxxx
Dexter, Sheryl V., xxx-xx-xxxx
Dorywalski, Robin A., xxx-xx-xxxx
Everson, Larry E., xxx-xx-xxxx
Floyd, Cynthia D., xxx-xx-xxxx
Gilreath, Elijah J., xxx-xx-xxxx
Gonzalez, Robert J., xxx-xx-xxxx
Hicks, Harvey A., xxx-xx-xxxx
Hoagland, Pamela A., xxx-xx-xxxx
Hofman, Dean A., xxx-xx-xxxx
Holmes, Alice C., xxx-xx-xxxx
Lincoln, John C. II, xxx-xx-xxxx
Lindsey, Marianne, xxx-xx-xxxx
Luna, Joy E., xxx-xx-xxxx
Marshall, Stephanie A., xxx-xx-xxxx
Maule, George E., xxx-xx-xxxx
Mele, Robert J., xxx-xx-xxxx
Miller, Thomas H., xxx-xx-xxxx
Morgan, Kathleen A., xxx-xx-xxxx
Moyers, Jo A., xxx-xx-xxxx
Okay, John M., xxx-xx-xxxx
Petrik, Lesley A., xxx-xx-xxxx
Pinckney, Shirley T., xxx-xx-xxxx
Plemenik, Diane J., xxx-xx-xxxx
Prew, Debra A., xxx-xx-xxxx
Ramos, Linda H., xxx-xx-xxxx
Sandoval, Juan, xxx-xx-xxxx
Sauerbry, Betty J., xxx-xx-xxxx
Shepard, Lauried A., xxx-xx-xxxx
Sheridan, Thelma G., xxx-xx-xxxx
Simpson, Deborah A., xxx-xx-xxxx
Waechter, Michele M., xxx-xx-xxxx
Walker, Henry J., xxx-xx-xxxx
Wallace, Arthur P., xxx-xx-xxxx

First lieutenant

Montz, Linda A., xxx-xx-xxxx

MEDICAL SERVICE CORPS

Majors

Fox, Richard L., xxx-xx-xxxx
Frezell, Thomas L., xxx-xx-xxxx
Langan, John J., xxx-xx-xxxx
Miller, William C., xxx-xx-xxxx
Smith, John B., xxx-xx-xxxx
Speer, William L., xxx-xx-xxxx
Vanvranken, Edwin W., xxx-xx-xxxx

Captains

Balady, Michael A., xxx-xx-xxxx
Bernfield, William S., xxx-xx-xxxx
Cline, William R., xxx-xx-xxxx
Colaianni, Albert J., xxx-xx-xxxx
Doze, Herman B., Jr., xxx-xx-xxxx
Dunlap, Paul W., xxx-xx-xxxx
Essman, James T., xxx-xx-xxxx
Foltz, Lawrence M., xxx-xx-xxxx
Foster, Robert T., xxx-xx-xxxx
Freeman, William C., xxx-xx-xxxx
Fullerton, Terrence D., xxx-xx-xxxx
Hamilton, Bruce E., xxx-xx-xxxx
Hatton, Daniel K., xxx-xx-xxxx
Hiatt, Joel T., xxx-xx-xxxx
Hitchcock, Frederic, xxx-xx-xxxx
Holdorf, Robert E., xxx-xx-xxxx
Kyte, Rosemary T., xxx-xx-xxxx
Lattimore, Morris R., xxx-xx-xxxx
Lewis, Charles R., xxx-xx-xxxx
Magee, George D., xxx-xx-xxxx
McArthur, Terry L., xxx-xx-xxxx
McMaughan, James K., xxx-xx-xxxx
Michaels, Paul G., xxx-xx-xxxx
Miller, Robert J., Jr., xxx-xx-xxxx
Moffatt, Joseph F., xxx-xx-xxxx
Monahan, Kevin P., xxx-xx-xxxx
Raiha, Nancy K., xxx-xx-xxxx
Ramsey, James L., xxx-xx-xxxx
Richards, John, xxx-xx-xxxx
Rockwell, David, xxx-xx-xxxx
Stansbury, Ethan J., xxx-xx-xxxx
Swenie, Kevin J., xxx-xx-xxxx
Terrill, Ray J., Jr., xxx-xx-xxxx
Walsh, David J., Jr., xxx-xx-xxxx
Weber, Kenneth J., xxx-xx-xxxx
Yount, Steven L., xxx-xx-xxxx
Yow, Mark W., xxx-xx-xxxx

DENTAL CORPS

Lieutenant colonels

Withrow, Gene M., xxx-xx-xxxx

Majors

Alvarez, Carlos M., xxx-xx-xxxx
Gladfelter, Irl A., Jr., xxx-xx-xxxx
Palou, Miguel E., xxx-xx-xxxx
Wawrousek, Hans W., xxx-xx-xxxx

Captains

Budd, Cheryl S., xxx-xx-xxxx
Carr, David L., xxx-xx-xxxx
Chen, Chin S., xxx-xx-xxxx
Fox, Priscilla H., xxx-xx-xxxx
Goldstone, John L., xxx-xx-xxxx
Griffo, Joseph, xxx-xx-xxxx
Grzejka, Francis R., xxx-xx-xxxx
Hendrix, Mark A., xxx-xx-xxxx
Jankowski, Eric P., xxx-xx-xxxx
Jeffs, Paige G., xxx-xx-xxxx
Luccy, Craig T., xxx-xx-xxxx
McCurdy, Ronald J., xxx-xx-xxxx
McDonald, Mark N., xxx-xx-xxxx
Moore, Barry D., xxx-xx-xxxx
Muller, James L., xxx-xx-xxxx
Nemec, James L., xxx-xx-xxxx
Podnar, James M., xxx-xx-xxxx
Rivera, Paul R., xxx-xx-xxxx
Ross, John J., Jr., xxx-xx-xxxx
Smith, Brion C., xxx-xx-xxxx
Thorndson, Roger R., xxx-xx-xxxx
Williams, David A., xxx-xx-xxxx

VETERINARY CORPS

Captains

Baker, William H., xxx-xx-xxxx
Finnegan, Niall B., xxx-xx-xxxx
Glover, James M., xxx-xx-xxxx
Graham, Robert R., xxx-xx-xxxx
Hadick, Clayton L., xxx-xx-xxxx
Harrison, Aubrey V., xxx-xx-xxxx
Hayre, Michael D., xxx-xx-xxxx
Kelsey, Charles, Jr., xxx-xx-xxxx
MacMillan, James G., xxx-xx-xxxx
McKinney, Lu A., xxx-xx-xxxx
Moore, George E., xxx-xx-xxxx
Stokes, William S., xxx-xx-xxxx
Topper, Michael J., xxx-xx-xxxx
Vanetten, James, xxx-xx-xxxx
Wilhelmsen, Catherine L., xxx-xx-xxxx

IN THE ARMY

The following-named distinguished military students for appointment in the Regular Army of the United States in the grade of second lieutenant, under the provisions of title 10, United States Code, sections 2106, 521, 522, 523, 526, 531, and 603:

Acosta, Hector J., xxx-xx-xxxx
Acosta, Raul J., xxx-xx-xxxx
Adams, Martin E., xxx-xx-xxxx
Adams, Renee A., xxx-xx-xxxx
Adams, William H., xxx-xx-xxxx
Africano, Charles J., xxx-xx-xxxx
Ainslie, Donald G., xxx-xx-xxxx
Albrecht, Richard L., xxx-xx-xxxx
Alexander, Bruce A., xxx-xx-xxxx
Aliffi, James S., Jr., xxx-xx-xxxx
Allard, Michael P., xxx-xx-xxxx

Allen, John A., xxx-xx-xxxx
Allen, Wanda K., xxx-xx-xxxx
Allison, Thomas J., xxx-xx-xxxx
Almazan, Raul, xxx-xx-xxxx
Altom, William A., xxx-xx-xxxx
Alverio, Carmen E., xxx-xx-xxxx
Ammerman, Daniel R., xxx-xx-xxxx
Anderson, David A., xxx-xx-xxxx
Anderson, Jaime B., xxx-xx-xxxx
Angotti, Michael J., xxx-xx-xxxx
Aquino, Adolfo, xxx-xx-xxxx
Argo, Steven W., xxx-xx-xxxx
Arrington, Bradley, xxx-xx-xxxx
Atkins, Tristan K., xxx-xx-xxxx
Atwood, Deborah B., xxx-xx-xxxx
Aubrey, Peter W., xxx-xx-xxxx
Augustyn, James E., xxx-xx-xxxx
Austin, David A., xxx-xx-xxxx
Avillan, Luis A., xxx-xx-xxxx
Baez, Nelson, xxx-xx-xxxx
Baeza, Carlos C., xxx-xx-xxxx
Baginski, David J., xxx-xx-xxxx
Bailey, Patrick M., xxx-xx-xxxx
Bailie, Daniel P., xxx-xx-xxxx
Baker, Janice E., xxx-xx-xxxx
Balitski, Dennis A., xxx-xx-xxxx
Balocki, James B., xxx-xx-xxxx
Banfield, Phillip S., xxx-xx-xxxx
Barandi, Attila, xxx-xx-xxxx
Baratta, Gary A., xxx-xx-xxxx
Barbey, Albert Paul, xxx-xx-xxxx
Barclay, Ray J., xxx-xx-xxxx
Barisano, Gregg A., xxx-xx-xxxx
Barnes, Beverly, xxx-xx-xxxx
Barnes, Sharon A., xxx-xx-xxxx
Barros, Roger J., xxx-xx-xxxx
Bass, Harold A., Jr., xxx-xx-xxxx
Bateman, Timothy E., xxx-xx-xxxx
Battle, Terence K., xxx-xx-xxxx
Bauldrick, Franklin, xxx-xx-xxxx
Beach, Ronald L., xxx-xx-xxxx
Bean, Alvin B. III, xxx-xx-xxxx
Beaty, Douglas H., xxx-xx-xxxx
Beck, Nancy J., xxx-xx-xxxx
Beecker, Edward C. II, xxx-xx-xxxx
Behringer, Richard, xxx-xx-xxxx
Belanger, Donna M., xxx-xx-xxxx
Belden, Terrence A., xxx-xx-xxxx
Belovich, Richard M., xxx-xx-xxxx
Bennett, Jay E., xxx-xx-xxxx
Bennett, Lillian A., xxx-xx-xxxx
Benoit, C. P., xxx-xx-xxxx
Bentley, David E., xxx-xx-xxxx
Berrios Ana Maria, xxx-xx-xxxx
Bessho, David M., xxx-xx-xxxx
Bethel, Samuel R., xxx-xx-xxxx
Betsill, James D., xxx-xx-xxxx
Bezubic, Maria T., xxx-xx-xxxx
Bilbury, John III, xxx-xx-xxxx
Billington, R. B., xxx-xx-xxxx
Bills, Jeffrey P., xxx-xx-xxxx
Bissanti, Mark V., xxx-xx-xxxx
Bither, William F., xxx-xx-xxxx
Bluett, Robert D., xxx-xx-xxxx
Bofferding, David C., xxx-xx-xxxx
Boland, Mary E., xxx-xx-xxxx
Boneparte, Elaine, xxx-xx-xxxx
Bongi, David J., xxx-xx-xxxx
Booth, Joseph J., xxx-xx-xxxx
Borgardt, Rhonda L., xxx-xx-xxxx
Borland, David K., xxx-xx-xxxx
Bosma, Michael, xxx-xx-xxxx
Bourgeois, Joseph L., xxx-xx-xxxx
Bowdler, Donald H., xxx-xx-xxxx
Bowen, John A., xxx-xx-xxxx
Bowers, Kenneth N., xxx-xx-xxxx
Bowers, Max A., Jr., xxx-xx-xxxx
Boyd, Levertice, xxx-xx-xxxx
Boyer, Vanessa Dari, xxx-xx-xxxx
Brackett, Robert J., xxx-xx-xxxx
Bradley, Mark J., xxx-xx-xxxx
Brashear, Clay A., xxx-xx-xxxx
Breen, Steven W., xxx-xx-xxxx
Brennan, Michael A., xxx-xx-xxxx
Brockman, Chris W., xxx-xx-xxxx
Broom, Thomas P., xxx-xx-xxxx
Brown, Doris R., xxx-xx-xxxx
Brown, Linda K., xxx-xx-xxxx
Brown, Sharon D., xxx-xx-xxxx
Brown, Timothy L., xxx-xx-xxxx
Browning, Jeffrey W., xxx-xx-xxxx
Bryan, Ruth A., xxx-xx-xxxx
Buchanan, John W., xxx-xx-xxxx
Buckley, Michael J., xxx-xx-xxxx
Buckman, James M., xxx-xx-xxxx
Buel, Larry V., xxx-xx-xxxx
Burch, Cathy L., xxx-xx-xxxx
Burgess, Elizabeth, xxx-xx-xxxx
Burrow, Kelly H., xxx-xx-xxxx
Bush, James E., xxx-xx-xxxx
Butler, Francis O., xxx-xx-xxxx
Butler, Odie L. III, xxx-xx-xxxx
Byrd, Ladonna K., xxx-xx-xxxx
Caballero, Felix, xxx-xx-xxxx
Calahan, Philip D., xxx-xx-xxxx
Caldwell, Douglas D., xxx-xx-xxxx
Calhoun, Ronnie M., xxx-xx-xxxx
Call, Waldo P., xxx-xx-xxxx
Campbell, Tommie L., xxx-xx-xxxx
Carpenter, Jesse R., xxx-xx-xxxx
Carson, Jeffrey H., xxx-xx-xxxx
Cary, Dana M., xxx-xx-xxxx
Castrillo, Victor J., xxx-xx-xxxx
Center, Marvin J., xxx-xx-xxxx
Champion, Robert A., xxx-xx-xxxx
Chandler, Edward G., xxx-xx-xxxx
Chapman, Char R. III, xxx-xx-xxxx
Chapman, James E., xxx-xx-xxxx
Chappell, David B., xxx-xx-xxxx
Chater, William A., xxx-xx-xxxx
Chavez, Richard S., xxx-xx-xxxx
Chema, David P., xxx-xx-xxxx
Cheney, Reginald, xxx-xx-xxxx
Chere, John E., xxx-xx-xxxx
Childress, Dianna, xxx-xx-xxxx
Chin, Mon J., xxx-xx-xxxx
Christensen, T. P., xxx-xx-xxxx
Christy, Steven M., xxx-xx-xxxx
Clark, Kenneth H., Jr., xxx-xx-xxxx
Clark, Kevin W., xxx-xx-xxxx
Clayton, Wilfred D., xxx-xx-xxxx
Cleary, Thoma J. III, xxx-xx-xxxx
Coburn, David C., xxx-xx-xxxx
Cockrill, James D., xxx-xx-xxxx
Cole, William H., xxx-xx-xxxx
Coleman, Geoffrey K., xxx-xx-xxxx
Colliton, Kelly M., xxx-xx-xxxx
Conway, Robert F., Jr., xxx-xx-xxxx
Cook, Betty J., xxx-xx-xxxx
Cook, Cynthia A., xxx-xx-xxxx
Cook, Randy J., xxx-xx-xxxx
Cooley, Joseph E., xxx-xx-xxxx
Cooperwood, Fred E., xxx-xx-xxxx
Corbitt, Chris E., xxx-xx-xxxx
Corcione, Joy M., xxx-xx-xxxx
Coston, Shelly J., xxx-xx-xxxx
Couey, Russell D., xxx-xx-xxxx
Cowell, Craig E., xxx-xx-xxxx
Cox, Wallace G., xxx-xx-xxxx
Cozart, Karlus L., xxx-xx-xxxx
Crabb, Jeffery A., xxx-xx-xxxx
Crawford, Kathy J., xxx-xx-xxxx
Crawford, Lional L., xxx-xx-xxxx
Crockett, Elizabeth, xxx-xx-xxxx
Crossley, Leana K., xxx-xx-xxxx
Crout, James H., Jr., xxx-xx-xxxx
Crowther, Glenn A., xxx-xx-xxxx
Crozier, Thomas B., xxx-xx-xxxx
Cruz, Carmen Y., xxx-xx-xxxx
Culbertson, David J., xxx-xx-xxxx
Cullen, Jerome S., xxx-xx-xxxx
Culpepper, Michael, xxx-xx-xxxx
Currier, Matt V., xxx-xx-xxxx
Curry, Keir Kevin T., xxx-xx-xxxx
Custer, Jon M., xxx-xx-xxxx
Dahle, Robert M., xxx-xx-xxxx
Dahlquist, Mark C., xxx-xx-xxxx
Daugherty, Paul A., xxx-xx-xxxx
Daugherty, Steve A., xxx-xx-xxxx
Davis, Betty L., xxx-xx-xxxx
Davis, Cleola M., xxx-xx-xxxx
Davis, Mary B., xxx-xx-xxxx
Dawe, George G., xxx-xx-xxxx
Dean, Paul E., xxx-xx-xxxx
Deehl, Todd V., xxx-xx-xxxx
Defoor, Barry A., xxx-xx-xxxx
Degnon, Thomas J., xxx-xx-xxxx
Del Chiaro, Kari L., xxx-xx-xxxx
Demike, Mark P., xxx-xx-xxxx
Detty, Donnie J., xxx-xx-xxxx
Doctor, Sandra L., xxx-xx-xxxx
Doherty, James R., xxx-xx-xxxx
Donahue, Brian J., xxx-xx-xxxx
Dorman, Edward F., xxx-xx-xxxx
Dougherty, Thomas H., xxx-xx-xxxx
Downing, Dana L., xxx-xx-xxxx
Drake, Kelly C., xxx-xx-xxxx
Driver, Floyd J., xxx-xx-xxxx
Dumond, Billy R., xxx-xx-xxxx
Dumont, Philippe M., xxx-xx-xxxx
Duncan, John R., Jr., xxx-xx-xxxx
Dywan, Duke A., xxx-xx-xxxx
Eaddy, Earl J., xxx-xx-xxxx
Eagan, Richard J., xxx-xx-xxxx
Eagle, Jeffrey G., xxx-xx-xxxx
Eberlin, Philip C., xxx-xx-xxxx
Edgerton, Charles B., xxx-xx-xxxx
Edmonson, Jon R., xxx-xx-xxxx
Edwards, Michael C., xxx-xx-xxxx
Eldridge, Justin L., xxx-xx-xxxx
Elkins, Robert W., Jr., xxx-xx-xxxx
Elliott, R. E. III, xxx-xx-xxxx
Elliott, Robert C., xxx-xx-xxxx
Evans, Michael C., xxx-xx-xxxx
Evans, Thomas C., xxx-xx-xxxx
Fabregas, Miguel R., xxx-xx-xxxx
Fagan, Richard J., xxx-xx-xxxx
Faries, Werner M., xxx-xx-xxxx
Farmer, Jimmy W., xxx-xx-xxxx
Farrar, Leanne S., xxx-xx-xxxx
Farthing, William W., xxx-xx-xxxx
Fede, John G., xxx-xx-xxxx
Feldmann, Michael, xxx-xx-xxxx
Ferguson, Charles, xxx-xx-xxxx
Ferguson, Roy E., xxx-xx-xxxx
Ferm, Mitchell R., xxx-xx-xxxx
Ferrell, Joseph W., xxx-xx-xxxx
Finamore, Michael J., xxx-xx-xxxx
Fink, Gregory P., xxx-xx-xxxx
Fischlein, William, xxx-xx-xxxx
Fishel, Roy L., xxx-xx-xxxx
Fitzrandolph, Kurt, xxx-xx-xxxx
Fleek, Sherman L., xxx-xx-xxxx
Flint, David A., xxx-xx-xxxx
Floyd, Charles M., xxx-xx-xxxx
Flynn, Patrick J., xxx-xx-xxxx
Foley, John B., xxx-xx-xxxx
Fondell, C. C., xxx-xx-xxxx
Ford, Anthony, xxx-xx-xxxx
Ford, Paul D., xxx-xx-xxxx
Forest, Janice L., xxx-xx-xxxx
Formica, Mark, xxx-xx-xxxx
Frederich, Peter J., xxx-xx-xxxx
Fredericks, Jean M., xxx-xx-xxxx
Freimark, James N., xxx-xx-xxxx
Freyberger, Larry, xxx-xx-xxxx
Fries, Gregory S., xxx-xx-xxxx
Fromm, Ronald W., xxx-xx-xxxx
Frye, Laura K., xxx-xx-xxxx
Fulbright, David E., xxx-xx-xxxx
Fuller, Anthony S., xxx-xx-xxxx
Fulton, Richard R., xxx-xx-xxxx
Funkhouser, Roy W., xxx-xx-xxxx
Gaines, Gregory L., xxx-xx-xxxx
Gannon, Coleen K., xxx-xx-xxxx
Garces, Anthony N., xxx-xx-xxxx
Gardner, Clinton R., xxx-xx-xxxx
Garrett, Jody C., xxx-xx-xxxx
Garriott, Michael H., xxx-xx-xxxx
Garrison, Michael, xxx-xx-xxxx
Gatewood, Richard H., xxx-xx-xxxx
Geary, Steven D., xxx-xx-xxxx

Gellatly, Sherry L., xxx-xx-xxxx
Gentry, Chris R., xxx-xx-xxxx
Genualdi, Dennis, xxx-xx-xxxx
Giangregorio, M. A., xxx-xx-xxxx
Gibbs, William L., Jr., xxx-xx-xxxx
Gibson, James E., xxx-xx-xxxx
Gilliard, Ronald K., xxx-xx-xxxx
Givens, Regina F., xxx-xx-xxxx
Givens, Shirley L., xxx-xx-xxxx
Glascoe, Reginald T., xxx-xx-xxxx
Gleason, Charles R., xxx-xx-xxxx
Gleischman, Jay D., xxx-xx-xxxx
Glidden, James E., xxx-xx-xxxx
Godbout, George T., xxx-xx-xxxx
Godfrey, Beverly, xxx-xx-xxxx
Goering, Stuart W., xxx-xx-xxxx
Gonzalez, Francisco, xxx-xx-xxxx
Gonzalez, Jose E., xxx-xx-xxxx
Gonzalez-Latimer C., xxx-xx-xxxx
Goodman, Dickie C., xxx-xx-xxxx
Gordon, Robert E., xxx-xx-xxxx
Gorski, Joseph M., xxx-xx-xxxx
Goss, Frank L., xxx-xx-xxxx
Gould, Linda L., xxx-xx-xxxx
Gralewicz, Renee M., xxx-xx-xxxx
Graziano, Frank J., xxx-xx-xxxx
Greene, Russell A., xxx-xx-xxxx
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Poinsett, Kimberly, xxx-xx-xxxx
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Queen, Nina L., xxx-xx-xxxx
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Reid, David S., xxx-xx-xxxx
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Rice, Dennis E., xxx-xx-xxxx
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Ried, John M., xxx-xx-xxxx
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Riese, Stephen R., xxx-xx-xxxx
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Rockwell, C. A., xxx-xx-xxxx
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Roepcke, Mitchell L., xxx-xx-xxxx
Rogers, Allen W., xxx-xx-xxxx
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IN THE NAVY

The following-named lieutenant commanders of the line of the Navy for promotion to the permanent grade of commander pursuant to title 10, United States Code, section 624, subject to qualifications therefor as provided by law:

UNRESTRICTED LINE OFFICER

Commander

Abshier, Randall Otto
Adamson, John Chauncey
Adler, Vance Erick
Ahstrand, Donald Charles
Allee, Raymond Maurice
Allee, Robert G.
Allen, Dannie Howard
Allen, John William
Algren, Malcom
Almy, John Hale, II
Anderson, Christopher Clay
Anderson, Leroy
App, Keneth George
Arends, Stephen Robert
Arlett, Stephen McLean
Arnott, Ralph Edwin
Atwood, Roger Earle
Axtell, Robert Duane
Baker, Robert Lee
Balhorn, Carl Dean
Ballard, David Lee
Baratko, Robert Edward
Barnum, Richard Walter, Jr.
Barry, Brian James
Barton, James Douglas
Bateman, James Alexander
Bauman, Ronald Bruce
Beam, Alan Robert
Beason, Nathan Howard
Beck, Arthur Thomsen, Jr.
Becker, Catherine Ziegler
Becker, John Joseph, Jr.
Beckhart, Richard Searle
Bell, James Michael
Bell, Stuart Wallace
Bennett, Richard Wayne
Berns, Thomas Herbert
Berry, Carl Thomas, Jr.
Biddles, Henry Neal
Bielik, John Paul
Bierbower, William Bruce
Bilski, Anthony
Bishop, Kenneth Ralph
Bishop, Peter Birney
Bixler, Kenneth George
Blackburn, William Rockwell
Blackwell, William Allen
Blake, Frank J.
Bleecker, James Michael
Blenkle, William George
Blomquist, James Hamilton
Bogle, William Thomas R.
Boland, James Armand
Bolton, Peter Kemble
Booker, Royston Terrell
Bosley, Dale Earl
Bostic, Larry William
Boswell, Charles Maurice
Bower, Duane Bruce
Bower, Phillip Wayne
Boykin, William Swift, Jr.
Boylan, Harold Gerard, Jr.
Braden, Richard Francis
Bradley, John Earl, Jr.
Brady, Mark Lee
Brechbiel, Nathan Foster
Breeden, George Leakin, II
Brinck, Michael Francis
Brodie, Glenn Thomas
Brooks, Robert Andrew

Brotherton, James Douglas
Brown, Cecilia Martha
Brown, James Michael
Brown, Paul Robert
Brown, Richard Mitchell, III
Brown, Robert Edward
Brown, Thomas Jeffrey, Jr.
Bruce, Robert George
Bugarin, Temotio Espina, Jr.
Burin, James Michael
Burns, Richard John
Busching, William
Bushnell, Gregory Allen
Butler, Shannon Rae
Butterworth, William John, Jr.
Buttina, Richard Anthony
Camp, Richard Michael
Campbell, Jon Russell
Campbell, Paul Charles
Campbell, Victor Hubert, III
Cannady, Charles Robert
Caparelli, Richard Francis
Carde, Freeland Henry, III
Carden, Carl Ernest
Carroll, Dennis Jerome
Carter, John Carroll
Carter, Robert Sharp
Chaloupka, Allan Bischof
Chamberlain, Carl William, Jr.
Charuhas, Richard Brian
Check, Martin Lewis
Chepenik, Stanley Barnett
Childers, Richard Dean
Chisholm, Christopher Ian
Clabaugh, Cecil Allen
Clapp, Roger Barns
Claytor, Robert E.
Coates, Robert Vernon, Jr.
Cobb, William Wilson, Jr.
Coble, Melvin Alan
Cole, Frederick Byron
Cole, Richard Ward
Coleman, Richard Lewis
Conley, Edward Gail
Connelly, Ralph William
Conner, Harry Merriwether
Conway, Joseph Vincent, Jr.
Cook, Kathleen Carol
Cook, Larry Wilfred
Cooper, Roger Stuart
Corn, Richard, III
Cornett, Billy, II
Cote, Daniel Noel
Counts, Steven Lee
Cox, Harold Louis, Jr.
Craig, William Charles
Crawford, James William
Crawshaw, Robert Ord
Creed, Andrew Lincoln
Crim, George Norman, Jr.
Crompton, David Thomas
Cross, Allen Michael
Crotteau, Robert Allen
Curtin, John Wallace
Daly, Denis Francis, Jr.
Danaher, Thomas Patrick
Danberg, Robert Benell
Dare, James Ashton, Jr.
Davis, John Philip
Davis, Russell Erwin
Davis, Thomas Clifford
Dawson, James Cutler, Jr.
Day, Robert Wright
Delaplane, Stephen Weld
Detchemendy, Edward Michael
Dibiase, Gene Frederick
Dickerson, Robert William, II
Diekemper, Jerome Vincent
Dinorma, Gerald
Domurat, Benjamin William
Donnelly, Rachelle Ann
Douglas, Robert Eugene
Doyle, Larry Spencer
Dranchak, John Charles
Drucker, John R.
Drury, John Lee
Dudderar, Raymond Albert, Jr.
Duggan, Robert Francis
Dunne, Robert Rawdon
Dwyer, Pauline Ellen
Dwyer, Stephen Michael
Dyer, Edward William
Eastman, Guy Arthur
Eastman, Jon Andrew
Eckley, Glen Edward
Edwards, Arthur Lee
Edwards, David Anthony
Egan, James Edward
Ekstrom, Robert Harry
Eldred, William Lester
Eller, Douglas Dean
Elliott, Robert Russell
England, Don Rondell
Englehardt, Cleveland Duane
Engstrom, George Henry
Erickson, David P.
Eubanks, Sam Elvis, Jr.
Euliss, James Patrick
Evans, George William
Evans, John Oliver, Jr.
Ewan, Lawrence Kirby
Fages, Malcolm Irving
Fandrei, Dennis Ervin
Faraldo, David Dickson
Fare, Freddie Eugene
Faris, Charles Cameron
Farris, Christy Lee
Fastabend, Gerald Earl
Fedoryszyn, Robert John
Felloney, John Joseph, Jr.
Fidyk, William Gregory
Findlay, Gary Steven
Fischer, Edward Francis
Fisher, Frederick Bruce
Fitch, David Paul
Flanagan, Thomas James
Foley, Robert Vincent
Foltz, Randall Alfred
Fontz, Charles Roy
Foshay, Wayne Edward
Foster, Thomas Freeman
Fowinkle, Charles Tinsley
Francel, John Thomas
Francis, Gary Edward
Frank, Joe Lee, III
Fraser, William Donald
Frick, Robert Ellis
Froggett, Stephan John
Fuller, Richard Greenleaf
Funke, David John
Gaertner, Earl C.
Gagarin, Gregory John
Garrick, John Michael
Gastler, Harold Coe
Gaudi, Robert David
Gauthier, Elaine Annette
Gay, Willis Harold, Jr.
Gemmill, Alan Mark
George, Derek Rea
George, William Alfred, Jr.
Giambastiani, Edmund P., Jr.
Gibbs, Dennis Keith
Gilbert, Gene Edwin
Gill, Jerry Dean
Gilmer, Franklin Biggs
Glidden, Stephen William
Glover, Terry Lee
Glutting, Joseph Christopher
Gmeiner, Rocklin E., Jr.
Good, Paul Alan
Gray, Robert Kelly
Greenlee, William Eugene
Greenoe, Bartis Edwin
Gregson, Mark
Grimm, William Frank
Gross, Christian Robert
Grossenbacher, John Joseph
Groves, Ronald Ernest
Grulli, Michael David
Gruver, William Kiefer
Gugger, Roger Paul
Gullickson, Gregg Grant
Gygax, Felix Stephen
Hadley, John David
Hall, Marshall Vansant
Halliday, Howard James, Jr.
Hallman, Denis Stilwell
Hamilton, Steven Monroe
Hammontree, Larry James
Hampshire, Eddie Walter
Hand, Leroy Corbett, III
Hannifin, Steven Patrick
Hanson, Lars Parker
Hanson, Terris Leigh
Harding, Wynn Allen
Harkey, James Pierce
Harkness, George Cockett
Harler, Robert Montgomery
Harlow, Louis F.
Harrell, Thomas Atkins
Harris, George Charles, Jr.
Haris, Joe Newton
Harris, Ronald Robinson
Harvey, James Robert
Hawes, Frederick Joseph
Hawley, Ramsey Marshall
Haydu, George Andrew
Hayes, John Franklin
Hayes, Thomas
Headridge, William Franklin
Healy, Donald Jeremiah
Heckert, Craig Robert
Heim, George Raymond
Heineman, Joseph William
Herzberg, Donald Dale
Hezlep, Lynn Morgan
Hightower, Terrance Lee
Hill, Carl Clifton, III
Hillard, John Rains
Hoeller, Bruce Michael
Hoffman, Craig William
Hofwolt, Gerald Lee
Hogan, Walton Lewis, Jr.
Holden, Hollis Ward
Holder, Gordon Stallings
Holdt, Bruce Edward
Hollenbeck, Bernard G. Jr.
Holliday, Thomas Baird
Honour, Craig Gibson
Horan, John George
Hornback, James Leroy
House, Prentice Lee
Houston, Sam Kenney, Jr.
Hovland, Tommy Lloyd,
Hudson, Frank Wilder, Jr.
Hull, Roger Kermit
Hunsberger, Timothy Alan
Hurston, James Edward
Hutchins, John Gardner
Hutchinson, Charles Roy
Huth, Douglas Phillip
Hyde, Richard Webster, Jr.
Ikerd, Gail Emory
Iversen, Gary Kenneth
Jackson, George William
James, Lloyd Edwin
Jarrott, William Michael
Jensen, Gary Dean
Jewell, James R., Jr.
Johnson, Everett Ray, Jr.
Johnson, Gary Fredric
Johnson, Gregory Gordon
Johnson, Paul Francis
Johnson, Stephen Alger
Johnson, Stephen Irvin
Johnsonevans, Marsha A.
Jones, Larry Martin
Jones, Stephen King
Junker, Allan Ernest
Jupin, Harry Andrew
Kadlick, Richard Mark
Kane, John Edward, Jr.

Kane, William John
Karon, Stuart Charles
Karver, Walter Robert
Katschke, Mary Louise
Kavale, Joseph John
Keating, William Joseph, Jr.
Keller, John Craig, Jr.
Kellett, Raymond Arthur, Jr.
Kennedy, John Joseph, Jr.
Kennedy, Richard, Anthony
Keresey, James Kirkwood
Kevan, Mark Richard
Khinoo, Leroy Albert
Kiffer, James Christian
Kilkenny, Joseph P.
Kimball, David Patten
Kirkendall, James Edwar
Kirkland, Richard George
Kline, Roger Paul
Kovaleski, Victor Theod
Krafft, Frederick Walter, Jr.
Krause, Alan Leon
Kriz, Edward Dean
Krohne, Kathleen Anne
Krumbholz, Karl Otto
Krupnick, Charles Alexander
Kumpan, Joseph, Jr.
Kyriss, Stephen Earl
Ladouce, Ralph Jeffrey
Lagow, Michael Laird
Landon, Philip Craig
Landua, James Richard
Langston, Arthur Navarro, III
Laplant, Michael
Lare, George Adam, Jr.
Lario, Joseph Thomas
Larson, Vernon James
Lauer, Dennis Norman
Lee, David Michael
Lee, Gary Anthony
Leibundguth, Peter Dawson
Leins, William Maroney
Leppert, Michael E.
Lessenger, Hoefert Clay
Linberger, Alan Gamble
Lindstedt, Russell James, II
Little, Douglas Bruce
Lockrem, Richard J.
Long, Milton Ray, Jr.
Longardt, Michael George
Lonquist, Aaron Dorian
Lundquist, Carl Iver
Luthman, Joseph John
Mabry, Robert Caldwell, Jr.
Mackin, John Joseph
Madel, Robert William
Mahumed, Karl Arthur
Major, Denny Kaye
Mallett, Paul Douglas
Mann, Edward Francis, Jr.
Mantei, Robert William
Markley, Stephen Allen
Marksbury, Johnsten Lee
Marquis, Richard Longstreet
Marshall, Harold Eddy
Marshall, John Kendrick, II
Martin, Kenneth Wayne
Martin, Thomas James
Marvil, Stephen Patrick
Matheson, Eleanor Stuart
Maxwell, David George
Maxwell, Peter Nunnally
Mayer, Charles Walter, Jr.
McAdoo, Richard Allen
McAuley, Janet Marie
McCaffery, Francis Joseph
McCamy, William Charles, Jr.
McCarthy, Vincent John
McCleskey, Franklin Duke
McClung, Roger Walter
McClure, Robert Jerome
McConnell, Michael Charles
McCullom, Hugh Joseph
McCurry, Robert Alan
McDermott, Donald Gary
McDonough, Edward Charles
McDow, William Ligon
McEwen, Gary B.
McHugh, Michael Lyn
McKinney, Dana Bruce
McLaughlin, William Thomas
McMahon, Austin Carney, Jr.
McNaull, Michael John
McNulty, Paul Albert
McRoberts, James Scott
McWilliam, John Townsend
Meier, Lyle Dean
Meldrum, William Garrigues
Meyer, Francis Douglas
Meyers, William Thurman
Miller, Richard Arnold
Miller, Terry Alan
Miner, William Allen, III
Moneymaker, Patrick David
Mooney, Thomas Richard
Moore, Charles William, Jr.
Moore, Jon Prichet
Moore, Kevin Thomas
Moore, Springer H., III
Moore, Terry W.
Moos, Kenneth Oliver, Jr.
Morris, Larry Lemoyne
Morrison, Elizabeth Lee
Motsinger, Joe Allen
Mulholland, William Michael
Mullen, Michael Glenn
Mulroy, Charles Edward
Munnikhuysen, Richard Dallam
Munsterman, James Ira
Murphy, Daniel Joseph, Jr.
Murphy, Johnie M.
Nabers, Wallace Johnston
Nann, Peter Allan
Nathman, John Bernard
Naughton, Richard Joseph
Nellis, James William
Nelson, Michael Francis
Nevels, Larry Joseph
Nibe, Richard Jerome
Nicol, Henry Otto, III
Nimmer, David Sherman
Noel, Charles Edward
Nolan, Robert Gordon
Nolter, Joseph Charles
Norton, John A.
O'Brien, James Patrick
Odegaard, Richard Erling
O'Hora, James Richard
O'Leary, Cornelius Francis
Oliver, Timothy Wallen
Olson, David Reed
O'Neil, John Edward, Jr.
O'Neil, Michael William
Orr, William Daniel
O'Shiro, Neal Hazen
Overgaard, Raymond Melvin
Owen, Donald George
Padgett, Phil B., II
Panchura, Michael John, Jr.
Paradis, Michael Patrick
Parda, Nelson Robert
Parker, Charles Vance
Parks, William Hutchinson, Jr.
Parrish, John Michael
Parsons, Hugh Pence
Paton, Albert Smith
Pattison, James Wynn
Patton, John Collier
Pawlowski, Stanley William
Payne, Gerald Kenneth
Payne, Richard Edward
Pearson, Ronald Steven
Peck, Robert Louis
Perrault, Michael Edward
Perry, Janet Marie
Peterson, Robert Lee
Peterson, Walter Harry
Petze, Charles Louis, III
Phillips, Braden James
Pierman, David Charles
Pike, Gerald Allen
Plyler, Conrad A., Jr.
Ponessa, Alfred Edward
Powell, Darrell Russell
Powell, David Lee
Powers, Edward Arthur
Prewett, John Richard
Price, John David
Pruett, William Griffith
Putnam, Frank William
Putnam, Michael Blair
Pyle, Kenneth Lawrence
Quelch, Douglas Beecher
Quincannon, Joseph
Rafter, Charles Jeffries
Ray, David Crockett
Reardon, Kevin John
Reif, Gordon Charles, Jr.
Renzelman, Ralph F., Jr.
Resavage, Roy Douglas
Reynolds, Gary Alan
Rhoades, Richard James
Ribaudo, Nicholas Ross
Rice, Arleigh Hamilton, Jr.
Richard, Jeffrey Luke
Richardson, Arthur Lee, II
Richardson, Paul Fredrick
Rickman, Gary Lee
Ries, Stephen Hamilton
Rieve, Robert Murray
Riffer, William James
Riffle, Donald Lee
Riley, David Gerald
Riley, Francis Clair, Jr.
Rinn, Paul Xavier
Ristorcelli, Charles Thomas
Roberts, Johnny Lee
Robertson, Michael Darnell
Robinson, Edward Smiley, Jr.
Robinson, Michael Dean
Rogers, Michael William
Rose, John Michael
Rosenberg, Jeremy Carter
Rosenthal, Nikki Louise
Rotzler, Frederic
Roulstone, Donald Bruce
Roux, Jeffrey Andrew
Ruch, William Leech III
Rucker, David Woodside
Ruskosky, Gale Arnold
Russell, Donald Franklin
Ruth, Michael Allan
Sabadie, Patrick Alfonso
Santoro, Michael Anthony
Sautter, Frederick Root, Jr.
Schill, Jerome Edward
Schmidt, Robert Stephen
Schreiber, Robert Arnold
Sciabarra, Joseph Peter
Scott, Dwight Franklin
Scott, William Nathan J.,
Sears, Robert Joseph
Seddon, John Alexander, Jr.
Sellers, William Lester
Shade, Robert James
Shaut, Earl Walter
Shaw, William Royal
Shean, Keith Ellis
Shores, Leonard McCoy, Jr.
Shotts, William Edwin
Shotwell, Henry Lawrence
Showers, Michael James
Shullo, Philip Francis, Jr.
Shultz, John William, III
Sidner, Robert William, Jr,
Siemon, Douglas Henry
Sikes, Joseph Kelly
Simmons, Edward John
Sisley, William Rice, Jr.
Skiles, Rolland Wesley
Slebos, Christian Gerard
Slein, Michael James

Sloan, Andrew Keith
Slocum, Walter Scott
Smith, Donald Edward
Smith, Gordon Coleman, II
Smith, Helen Elizabeth
Smith, Jack Robert
Smith, Peter Raymond
Smith, Steven Grayson
Smith, Thomas Joseph
Smith, William Harold
Southworth, David Moir
Spaulding, Gerald Howard
Staley, Miles Marvin
Stark, Rodney Lynn
Steere, David Campbell
Stehle, Charles Douglas
Stein, Eric Andrew
Stevens, Marjory McColgan
Stewart, Gordon Grant
Stewart, James Robert
Stewart, Jane Laraine
Storm, Gary Alan
Strausbaugh, Wayne Lee
Strauss, John Howard
Strickland, Edward, IV
Stubbs, Gary Winterson
Suldo, Michael Richard
Sullivan, Edward Joseph, Jr.
Sutton, William Glenn
Swan, David Arthur
Sweeney, Orval Lester
Swift, David Allen
Tamulevich, Carl Joseph
Tande, Ludvig Kris
Taylor, Charley Joe
Taylor, James Earl
Taylor, Richard Ford
Tea, Max Ralph
Tehan, Terrence Norbert
Terrell, Lyndon Travis
Thacker, Richard Leighton
Thomas, H. Clay, III
Thomas, Jon Marc
Thomas, Raymond Edgar
Thompson, Gary Robert
Thompson, John Richard
Thorkilson, Howard Neri
Thorne, Larry Martin
Thorsen, Timothy Lee
Tiedeman George Ralph
Tippett, Terry Lee
Tirrell, William Barclay
Todd, William Thomas
Tollefson, Michael Rolf
Tomlinson, Jack Evans
Tracey, Patricia Ann
Tulchin, Benjamin David
Turner, Douglas Kearney
Tyler, Julian Woodworth, III
Uhlenkott, Gary Wynne
Vandevender, John Archie
Vanfossen, Jane Marie
Vertovec, Frank James, Jr.
Vice, Larry Wayne
Vosseler, Paul Kurt Alfred
Vosseteig, Craig Eugene
Vtipil, Donald Sheridan
Waldbeesser, Terry Wayne
Wall, John Russell
Wallace, David William
Wallace, Donald Stephan
Wallace, Ray Anderson
Walsh, Neil Patrick
Walters, Lynford Stetson, III
Wassel, Ronald Andrew
Waters, Lance Arthur
Watson, Jerry Carthal
Watts, Harry Franklin, Jr.
Webb, Richard Allan
Weber, Charles Lawrence, Jr.
Weber, Ronald Bailey
Weiss, Donald Alan
Welterlen, Craig Robert
Whitco, Denis John
White, James Bryan
White, Robert Downie
White, Thomas Willard
Wight, Terry Michael
Williams, Kenneth Lynn
Williams, Robert Frank
Williams, Robert Ralph
Williamson, Walter Edward, Jr.
Wilson, Herbert Michael
Wilson, James Allen
Wilson, Jay Ronal
Wilson, Robert Lewis, Jr.
Wilt, Thornton Willard, Jr.
Winchell, Donald Lind, Jr.
Wolfe, Robert James
Wolven, Bruce Alan
Wolverton, Gilbert Leroy
Woodfill, William Dale
Woodman, William Douglas
Woomer, Charles Wesley, III
Wright, Jay Lee
Wright, Sherman E., Jr.
Wynne, Harold Bradford
Young, James Albert
Young, William Karl

ENGINEERING DUTY OFFICER

Commander

Baskerville, James Ernest
Baumann, Bruce A. J.
Beckwith, Donald Charles
Bergner, Jon Clark
Brennon, Roy Leslie, Jr.
Brooks, Randolph Michael
Carroll, Kenneth William
Cavender, John Benjamin, III
Davis, William Aaron, Jr.
Dewey, William Alonzo
Dowd, Andrew Scales, Jr.
Easterling, Lael Ray
Fahy, Thomas Edward
Fortson, Robert Malcolm
Freeman, Bruce Damon
Gardner, George Henry, III
Gilbert, Richard Wayne
Girard, Paul Edward
Goldfinch, Albert Louis
Goldmeyer, Frederick Richard
Heilmann, Thomas Carl
Holihan, Robert George, Jr.
Holmes, Richard Thor
Horne, Lance Cameron
House, Michael Edward
Janov, Bernard
Jaros, Joseph M.
Johnesee, James Anthony
Johnson, John Michael
Keelean, Michael Richard
Knapp, Roland Bertram
Kopinitz, Seigmond Gus
Layl, Jerry Neal
Mahoney, Dennis Paul
McCollough, James Michael
McGough, Charles Randall
Mielnik, Michael J.
Morgan, Michael Charles
Nittle, Jeremy John
Oosterman, Carl Henry
Pickering, John Allen
Rossiter, William Kent
Runnerstrom, Eric
Schissler, Paul Frederick, Jr.
Soo, Robert Lee
Speed, William Goodwin, Jr.
Taul, Gary Dee
Tillotson, Kenneth Delmer
Todd, James M.
Waterman, Bradford Bates, III
Whaley, Glenn Richard
Wicklander, Edwin Richard, Jr.
Wood, Gregory James
Yount, George Richard

AERONAUTICAL ENGINEERING DUTY OFFICER (AERONAUTICAL ENGINEERING)

Commander

Albertolli, William Ramon
Borowiec, Richard Raymond
Bremhorst, Joseph Henry
Burnham, Johnny William, Jr.
Cook, Jeffrey Alan
Duffy, Timothy William
Erb, Robert Stephen
Fessenden, Richard Mial
Hallauer, Russell Lewis
Holt, Robert Paul
Kennedy, John Patrick
Koehler, Richard Evans
Krulis, Richard Paul
Lopez, Delio, Jr.
Parker, Daniel James
Patterson, John Bryan
Prydybasz, Andrew Michael, Jr.
Rainsberger, David Brandt
Richardson, Harmond B., III
Robbins, Spencer Everett, II
Smith, Gordon Kenneth
Steidle, Craig Eugene
Swafford, Thomas Lee
West, William Robert
Wheat, Luther William
Wyatt, Randall Edward

AERONAUTICAL ENGINEERING DUTY OFFICER (AVIATION MAINTENANCE)

Commander

Adams, William Frederick
Avery, Klurge Caraway, Jr.
Bradley, Fred, H., Jr.
Bucelato, John Claude
Carpowich, David John
Coggeshall, Jerry Wayne
Grinnell, Raymond James, Jr.
Lipinski, John Bernard
Masden, Ward Beacher, Jr.
Minter, Richard Graham
Mozgala, David, P.
Munsey, Charles Robert, Jr.
Randhahn, Gary Joseph
Riordan, Stephen Joseph, Jr.
Rossiter, Alan Wilson
Schramm, Donald Arthur
Tripp, Robert Elwood
Walker, Ronnie Eugene
Windeguth, Richard Baxter

SPECIAL DUTY OFFICER (CRYPTOLOGY)

Commander

Aldredge, Morris Hayden, Jr.
Antoine, Eddie Pernell, II
Gadino, William
Gourley, James Edwin, II
Hardcastletaylor, Michael
Johnson, James Herbert, Jr.
Johnson, Paul Orville
Jones, David Sterling
Korba, Michael John
Maillefert, Christopher W.
Myers, Rollin Hope, Jr.
Myers, Steven Carl
Schwartz, Michael Ira
Simmons, David Franklin
Traughber, Thomas Patrick
Violette, Richard Gary
Whiton, Harry Winsor
Wilhelm, Richard Jay

SPECIAL DUTY OFFICER (INTELLIGENCE)

Commander

Alexander, Michael William
Ashford, James Henry
Bohn, Michael Knight
Brown, Robert Edward
Costarino, F. Thomas
Davis, Stanley Owen
Hartz, James Francis
Houghton, David Gates
Jacoby, Lowell Edwin
Jensen, Laurence Neal
Kimener, Michael James
Laven, Theodore Michael

Litsinger, Nelson Howard
Newman, James Ernest, Jr.
Picciuolo, Jonathan Charles
Seiden, John Ben
Simms, Allan Jay
Smith, Edward Allen, Jr.
Turner, Steven Robert
Wade, Jack Merle
Welter, George Alexander
White, Robert Eugene, Jr.
Wilcox, Ronald James
Zuniga, Fred Joseph

SPECIAL DUTY OFFICER (PUBLIC AFFAIRS)

Commander

Bishop, Perry Calvin, Jr.
Copeland, Roger D.
Dillon, David Lee
Gray, Brian Elliott
Pease, Kendell Milford, Jr.
Saxon, Patrick Hurley
Wildermuth, Ronald Everrtt

SPECIAL DUTY OFFICER (GEOPHYSICS)

Commander

Blumberg, Richard Edward
Callaham, Thomas Edwin
Cavanaugh, Michael Patrick
Dantzler, Herman Lee, Jr.
Davies, Robert William
Edwards, Bruce Barton
Foster, Kent William
Gaffney, Paul Golden, II
Garcia, Roland Albert,
Hale, Ronald Eugene
Hinsman, Donald Ernest
Hunt, Kenneth Howard
Ihli, Carl Bolton, Jr.
Pentimonti, Richard Joseph
Rudolph, Dieter Klaus
Whiting, Geoffrey Alan

LIMITED DUTY OFFICER (LINE)

Commander

Adams, James Leo
Barber, James Walter
Bodrom, Robert Francis
Ensminger, Gerald David
Fawcett, Peter Formanek
Garrahan, Richard
Hagenbruch, Robert Henry
Hamilton, Jerry Allen
Maiden, Jesse Joe
McMaster, Timothy Richard
Ohm, Robert Lee
Owens, Richard Lee
Shook, Richard Millard
Wiltzius, Lawrence N., Jr.

IN THE NAVY

The following-named Naval Academy Midshipmen for permanent appointment as ensign in the Line or Staff Corps of the U.S. Navy, subject to qualification therefor as provided by law:

NAVAL ACADEMY MIDSHIPMEN

Ensign, permanent

Abell, Frederick Key, Jr.
Abrashoff, Donald Michael
Acalin, Steve Evon
Adrion, Robert John
Akiyama, James Steven
Alderson, Ralph Norman, Jr.
Alexander, Richard Kertell J.
Allen, Edward Todd
Allis, Tomas Dean
Alvarez, Jose Luis, Jr.
Amick, Jeffrey Charles
Ammons, Mark Tracy
Anderson, Charles Eugene
Anderson, Gustav Andrew
Andrews, David Thomas
Armas, Juan Carlos
Armknecht, Richard Frederick
Arnold, Bradley Grant
Aruffo, Thomas John
Atkins, Harold Turner
Atmore, Clifford Clark
Ault, William Richard
Ayres, Keith Douglas
Ayuso, Richard David
Bacci, Timothy Peter
Bakotic, Mark Edward
Balk, Leo David
Banks, Mark Eugene
Bannister, Michael Eric
Baptiste, Barry
Baragar, Kelly Bruce
Barker, Lynwood John
Barnes, William Sydney, Jr.
Barr, Stephen Thomas
Bartram, William Thomas
Batchlor, Charles Derek
Bateman, Michael John
Bates, Andre Yannick
Baudhiun, David Joseph
Baugh, Kevin Allen
Bean, Gregory Scott
Bell, Jett Dallas
Belt, David Douglas
Benedict, Terry Joseph
Bensinger, Gregg Alan
Bergin, Daniel Powers
Bernal, Ricarte Argallon
Bertch, Timothy Creston
Bethmann, Ronald Clinton
Bielik, Christopher Joseph
Bille, Bruce Allan
Bingham, William Perry
Binhlam, Jacqueline Mychau
Bittel, Mary Sue
Blackadar, Charles Samuel
Blackburn, John Murray
Blanding, Wayne Richard
Blankman, Steven Michael
Blume, Gary Bruce
Blythe, Robert Fraser
Boeh, William John
Boggs, Thomas Hall, III
Bohner, Richard Hugh, Jr.
Bonner, Robert Alexander
Bonsall, George
Borcik, Christopher David
Boreen, Kevin Allen
Boring, Keith Edward
Borowski, Charles Francis, Jr.
Bosnic, Don Patrick
Botero, Phillip Arthur
Bourassa, Frederick
Bourassa, Neil Robert
Bradford, Roger Russell, Jr.
Brady, Daniel Joseph
Brasher, Lance Timothy
Breckenridge, Richard Paul
Brennan, Robert John
Brennan, William Dennis
Brewer, Michael Keefe
Brewer, Timothy Blake
Bright, Jeffrey Curtis
Britt, Randall Scott
Brittain, Bryan Burnam
Brog, Tov Binyamin
Brookes, Peter Terrence
Brooks, Jennifer Ellyn
Brosh, David Wayne
Brown, Gary Dean
Brown, Kevin Francis
Brown, Richard Scott
Brown, Thomas Robert
Brown, Todd Hamilton
Browning, William Frank
Buglewicz, James Francis
Bullock, John Alfred, III
Burley, Lewis James
Burnes, David Michael
Burris, Stephen Allen
Bush, Blake Thomas
Bushong, Bruce
Buss, Stephen Lloyd
Bustle, Kathryn Lynne
Bustos, Marsell Cerdan
Buterbaugh, Thomas Arthur
Butter, Gary Marc
Butts, William Stacey
Bybee, Robert Terry, Jr.
Byers, Frederick Thomas
Byrd, James Keith
Calhoun, Catherine
Camaisa, Allan Jamir
Campbell, Edward James
Campbell, Jeffrey Williams
Canoll, Timothy Garwood
Capstaff, Joseph Gerard
Carbott, Christopher Albert
Carey, Joseph Carlton, Jr.
Carkhuff, Kenneth Alfred, III
Carmack, Alan Gene
Carodine, Charles Kenneth
Carpenter, Joseph Edward
Carroll, Edward Michael
Carroll, Edward Pollister, II
Carroll, James Christopher
Casada, Victor Robert
Case, Michael Scott
Cassidy, Colleen Elizabeth
Castanien, Christian James
Caswell, Ronald Rankin, Jr.
Cataldo, Edmund Francis, III
Cechak, Christopher Blake
Centeno, Robert Joseph
Cerasuolo, Joanne
Chamberlain, George Arthur, J.
Chapman, Eric Wayde
Cheney, William Essex
Cheniae, Michael George
Cheong, Robert Kenneth
Cherra, Joseph Francis, Jr.
Chew, Robert James
Chlarson, Mark Thomas
Cissel, Matthew Benitez
Civilikas, Robert George
Clark, Dwayne Charles
Clark, Michael John
Cleary, Jeffrey Charles
Clements, Donald John
Clemons, Thomas Marvin, III
Clifton, George Robert
Clifton, James Michael
Clopp, Hubert David
Clyborne, Richard Bruce
Coatney, James Ryan
Cochrane, Michael Mark
Cochrane, Stanley Lee, Jr.
Coe, Lynne Ann
Cogan, Willian Helmut
Cohen, Theron Lee
Colasito, James Glen
Cole, Patricia
Collins, Charles Laurence, Jr.
Collins, Kristin Alison
Colombo, Matthew James
Comi, Chris
Conley, Roger Kevin
Conlon, James Phillip
Conners, Charles Bradford
Connerton, Jospeh Pierre
Converse, Mark Elliott
Cook, Gerald Michael
Cooksey, Steven Brian
Cooper, William George
Corley, Steven Bryan
Cortese, Michael John
Cortez, Carolyn Ann
Cosgrove, Thomas Sylvester
Covelli, Nicolas Jose
Craft, Robert Bradford
Cramer, Jeffery Michael Scot
Craun, Daniel Ergen
Criswell, Jeffrey Stuart
Criswell, Mark Lucke
Crombie, Tabor Austin
Crook, Thomas Paul
Crothers, Dale Alan

Crowley, Michael Paul
Crum, Michael Eugene
Crutchfield, Barbara Lynn
Culbertson, David
Cunningham, Dale James
Curry, Joan Elizabeth
Dabrowski, Kathryn Mary
Dachowski, Edward Albert, Jr.
Dahl, Eric Martin
Dahlquist, Steven Harry
Daly, James Edward
Dapas, Marc Louis
Daugherty, Brian William
Davenia, Lawrence Rocco, Jr.
Davidson, John Morison
Davidson, Philip Scot
Davis, Albert Hamilton, Jr.
Davis, Noel Marquez
Davitt, James Alan, Jr.
Dawson, Edward Herbert, III
Dawson, William Riggs
Degenfelder, Jeffrey George
Deitz, Terrence John
Delaney, Edward John
Delong, Richard Alan
Deluca, Robert Mario
Delvalle, Bryan Keith
Dempsey, Richard Eugene, Jr.
Denham, Paul Alan
Depetris, Steven John
Derr, William Ogden, Jr.
Diaz, Gabriel Anthony
Dickinson, David James
Dietz, Stephen Bernard, III
Dille, Harold Edward, II
Dingman, David Patton
Direnzo, Joseph, III
Dittmer, David Bruce
Dixon, Dominic Streat
Dobler, Alfred Martin
Doherty, John Joseph
Donnahoo, Robert Wilburn, III
Donofrio, Paul Michael
Donoher, Paul Edward
Donovan, Joseph Leo, Jr.
Dougherty, Wilbur J., Jr.
Doughty, Thomas James
Dour, Paul Joseph
Dovalgo, Geraldine Louise
Dreher, Peter James
Drouillard, Vincent
Druce, William Robert
Dryhurst, George Michael
Dudley, Bruce Wayne
Duffy, Sheila Anne
Dunaway, David Alan
Dunbar, Deborah Mead
Duncan, Robert Eugene, Jr.
Dupont, Ho-Song
Dziminowicz, John William
Edlemann, Gregg Davis
Edgerly, Lloyd William
Ehlers, Kurt Merrell
Eichelberger, Paul Jeffers
Eisman, Greg Alan
Ekovich, Eric Anthony
Ellis, Colleen Laverna
Ellison, Thomas Michael
Elmendorf, Gregg Richard
Englehardt, Stephen Burt
English, Royce Neal
Enright, Michael Patrick
Epstein, Samuel
Esposito, Donna Marie
Evans, Robert Blake
Ewing, Philip Alan
Fazekas, William Richard
Fell, Brian David
Fernandes, John Charles
Ferrell, Paul S.
Ferrer, John Allen
Fierro, Jeses Jacobo, Jr.
Fierro, Michael Redfield
Fillion, David Michael
Firanzi, James Alan
Fisher, Mark Wydenes
Fisher, Robert Edward, Jr.
Fisher, Stephen Gregory
Fitzgerald, Bernadette Mary
Fitzpatrick, Thomas Michael
Flowers, Duane Leon
Flynn, William James, IV
Foley, John Vincent
Forbes, Richard Fitzgerald J.
Ford, Michael Joseph
Forster, George William, III
Foster, Michael Dan
Fowles, James Henry, III
French, Gregory Philip
French, Robert Gene
Fricker, Ronald David, Jr.
Friedrichs, Paul David
Friel, Patrick Joseph, III
Fritsche, James Joseph
Frost, Mark Christopher
Fuller, Andrew Bruce
Furlan, Deborah Miki
Fuson, William David
Gallo, John III
Galpin, Timothy John
Gamble, Peter Anthony
Gardner, Gary Allan
Garland, Curtis Doyle
Garner, Christopher Wayne
Garrison, Thomas Paul, III
Gatanis, Harry Stephen
Gates, Peter Douglass
Gawne, Brian Gannon
Gay, William Henry, Jr.
Gentry, Russell Greg
Gepford, Charles Allan
Giddings, Gavin John
Gideon, William Randolph
Gilbert, Gregory Scott
Gill, Patrick Christopher
Gilpin, Lewis Bailey
Ginda, Mark Stanley
Giorgio, Mary Vita
Glasow, Timothy Reid
Gluf, Wayne Matthew
Gneiser, David Charles
Goertzen, Stephen Lynn
Goetz, John Gerard
Golay, Stephen Clark
Golightly, Michael Joseph
Gonsalves, Gregory Joseph
Goodman, Philip Jay
Goodson, Earl Franklin
Gorman, Francis
Graham, Norman Bruce, Jr.
Gray, Alison Marie
Grecco, Albert Joseph
Greene, Patrick Louis
Greene, Richard Alan
Greene, Robert Lawrence
Gregory, Katherine Louise
Gren, Frank Michael
Grim, David Julian Andrew
Grimm, Robert Bolin
Grosklags, Paul Alan
Groters, Douglas J.
Guenther, Michael Allan
Guerrasio, Thomas Anthony
Guest, Robert Stewart
Hagan, Clifford Lawrence
Hagenbuch, Brent Allison
Haglich, Peter Philip
Hagmann, Krista Ann
Hall, Wilburn Keith
Halladay, David Edison
Hansen, Greg Richard
Hansen, Jeffrey William
Hardin, Craig Owen
Hardison, John Fields
Hardy, James Vincent
Hardy, Mark Andrew
Harms, Kurt Stanley
Harper, Mark Dalton
Harrington, Timothy David
Harris, Scot Michael
Harter, Edward Warren
Hartzell, Paula Joan
Harvey, Kenneth Joseph
Hatten, John Richard
Hauke, Randall Lee
Hayes, Peter Stanley Knight
Hayes, Vidal Eugene
Hazzard, Donna Michele
Heagy, Rex Wesley
Healy, Paul Fredrick
Heatherington, Mara Beth
Hebert, Bill Kendall James
Hee, Derek Douglas
Heibel, Jeffrey Michael
Heid, Stephen Charles
Heller, Rudolph, III
Hemmelgarn, Stephen Anthony
Hendrickson, Herbert Harold
Henry, Clay Thomas
Higgins, James Edward, III
Hine, Richard Jude
Hippler, Jeffrey Michael
Hipschman, Thomas Ross
Hittle, Susan Lu
Hoffman, Peter Lowell
Hogan, James Edward
Holden, Peter Maurice
Holland, Timothy Allen
Hood, Brian Ronald
Hooper, Steven Lawrence
Hoppe, Michael William
Hord, Eldridge, III
Hornick, John Fred
Horton, Ronald
Howard, Michelle Janine
Howe, David Dennis
Hubler, Warren Gregory,
Hughes, Jeffrey McBurney
Hughes, William Newton, Jr.
Humphreys, Daniel Thomas
Hundley, Martin Damon
Hunt, Richard Cordell
Hunter, Mark Robert
Hunter, Peter Aaron
Hynes, John Paul, Jr.
Iborg, Steven Jeffrey
Iral, Romero George
Irwin, Stephen Reynolds
Ives, Robert Walter
Jackson, Mark Charles
Jackson, Ronald William
Jacobsen, Michael Joseph
Jaenichen, Paul Nathan
Jahrsdderfer, David Anthony
Jamison, Ronald Lynn
Janicke, Russell Theodore
Jantzen, Mark Gregory
Jasion, Edward Burns
Jeffries, William Henry, III
Johnson, David Craig
Johnson, Kenneth David
Johnson, Mark David
Johnson, Mary Holland
Johnson, Paul Milfred
Johnson, Richard Randall
Johnson, Steven Eric
Johnson, Steven Warren
Jones, Brian David
Jones, Stephen Stanford
Jordan, Michael, Jr.
Jordan, Timothy Joseph
Joynson, Jack Edmund, Jr.
Judge, John William
Julius, Robert Anthony
Jung, Steven Ray
Jurceka, John Anthony, Jr.
Kapcio, Robert Edward
Kasamoto, Randal
Keating, Michael William
Keenan, Kelly Patrick
Kelly, Francis Joseph
Kemper, Dale Allen

Kenna, John Joseph
Kennedy, John Martin
Kennedy, Thomas Joseph
Kennington, William Arthur J.
Kenny, Philip Stephen
Kerno, Robert Stephen, Jr.
Kessenich, Pace Roy
Khol, Curtis Adrian
Kineke, Charles Robert
King, Charles Pat
King, Tony Edward
Kingston, Stephen Christopher
Kirby, Charles Lee
Kiser, Robert Eugene
Kiser, Thomas Scott
Klansek, William Brian
Klemencic, Steven Edward
Klentzman, Chris Adam
Klorig, William Joseph
Klunder, Matthew Lewis
Knight, John Richard
Knudson, Clinton Jay
Kocornik, Pamela Jean
Kojm, Leonard Richard, Jr.
Kovach, William Joseph
Kovel, Sarah Beth
Kowalski, Danny Edward
Koye, Frank Joseph
Koziel, Mark Alan
Krafty, James Anthony
Krebes, Joseph Robert
Krese, Timothy John
Kugel, Elliott Matthew
Kules, Edward Lawrence
Kunkel, Kurt Lance
Kurtz, Jonathan David
Kurtz, Virginia Randolph
Kyllo, Barry Robert
Lahr, Gerald Lynn
Laingen, William Bruce
Lamison, Janice Adele
Lamolinara, Vincent Luigi
Landis, Gregory Martin
Lang, John Bourke
Langford, Richard James
Larochelle, Dennis Michael
Larocque, Paul Ambrose, Jr.
Larsen, Hans Lauritz
Larson, Eric Allen
Larson, Scott Edwin
Lawler, Gregory Michael
Leader, Daniel Eugene
Lee, Daniel Martin
Lee, Robert Todd
Lefon, Carroll Fairfaz, Jr.
Leftwich, Scott Ferrer
Leisch, Jody Kay
Lenehan, Jonathan Quentin
Lenker, Douglas Eugene
Lester, Christopher Watson
Limbacher, Paul Donald
Lindsey, Bruce Hicks
Loa, Donald Laau, Jr.
Lockett, Michael
Logue, Thomas Alfred, Jr.
Lopez, Fermin Daniel
Lopez, Fernando Jorge
Lopresto, Mark David
Loureiro, Gustavo
Low, James Richard
Lowe, Douglas Edwin
Lowery, Frank Joseph Michael
Lowery, Steven Randal
Luciano, Michael
Luehrsen, Russell Paul
Lundquist, Randy Craig
Luscinski, Raymond John
Lusk, Mark Thomas
Lynch, Daniel George
Mabon, Kevin Lee
Mack, Daniel Patrick
Maconi, Donald Lawson
Madden, Joseph Patrick, Jr.
Mahon, Jeffrey Lawrence
Mahoney, Michael Jon
Malapit, John Elmer
Malcolm, Michael Wayne
Malkasian, Todd Lee
Maloney, James Paul
Manganaro, John Thomas
Mank, Shawn Daniel
Manwaring, Darryl Robert
Marcantonio, Nicholas Anthon
Martin, Duane Henry
Martin, Sandra Lee
Mascolo, Thomas Louis
Maszewski, Edward John
Matthews, Roger Allan
Maurer, Michael Barry
Mauro, Jeffrey Bryant
Maxwell, Matthew Thomas, IV
Mayer, Randal Lee
McCarthy, Kevin Timothy
McClain, Joseph Scott
McCloskey, Matthew Jude
McColl, Angus Andrew
McCormack, William Patrick J.
McDonnell, John Patrick, Jr.
McDonnell, Timothy John
McElheny, Douglas Edward
McCenerney, Jeremiah Xavier
McGhee, Patrick Winston
McGrath, Rose Mary
McGraw, Thomas Edwin
McGuire, Chris Michael
McGuire, Kevin Wayne
McGurk, Catherine Debra
McHale, John Joseph, III
McKenzie, William Brett
McKown, Martin Hayes, Jr.
McLean, Emmi Alexander
McLeod, Myles Laurentz
McNellis, Michael Patrick
Meier, Louis Orville, Jr.
Meier, William John, Jr.
Merck, Richard Ericson
Merg, Ralph Gilbert
Metzler, Timothy Ivan
Mewbourne, Dee Leon
Michaelson, Steven Paul
Miles, Robert Joseph, Jr.
Millard, Thomas Michael
Miller, Christopher Adam
Miller, Clayton William
Miller, Joel Andrew
Miller, Kendall Johnston
Miller, William Douglas
Misch, Jeanne Marie
Mitchell, Donald Leslie, Jr.
Monger, Paul Oneal
Montague, Steven Boyd
Moore, Robert Lynn, Jr.
Mooshagian, Mark Nishan
Morales, William
Moran, Terrence Blair
Morben, Darrel Michael
Morgan, Clarence Todd
Morris, Michael
Morris, Michael John
Morris, Wilfred Robert, Jr.
Morrissette, Paul Delma
Mortonson, Theodore Hansen
Mosier, Louis Scott
Moury, Matthew Brattin
Moylan, Bryan William, Jr.
Mueller, John H.
Muenzhuber, Mark Thomas
Mulholland, Maxwell
Murdter, Michael Joseph
Murphy, Charles Thomas, Jr.
Murphy, Kevin Michael
Murphy, Mark Alan
Murray, David Thomas
Murray, Kenneth Douglas
Musso, Carrie Louise
Myers, Jan Peter
Negus, Scott Lawrence
Nester, Barbara Sue
Neveras, Barry Dwayne
Neveras, Gary Wayne
Newman, James Wesley Compton
Newton, Brian Ronald
Nickitas, Peter James
Nicklas, Richard Brian
Niskanen, Steven Edward
Noble, Daniel Leslie
Nordman, Douglas Bruce
Nordvig, Laurence Jurgen
Odom, Arthaneous Angelo
O'Donnell, Patrick Arnold
Ofriel, Brendan Patrick
Oldham, Jeffrey Albert
Olechowski, Mark Joseph
Olson, Kenneth
O'Meara, Dennis Joseph
Ortiz, Prichard Rayos
Otte, Douglas Elmer
Otton, Edward Charles
Overby, Matthew Alan
Overby, Michael Duane
Owen, Paul David
Oydna, Bernt Ludmar
Page, Thomas Gerard
Palmer, David Keith
Palomo, Bacilio Flores
Palowitch, Andrew Walter
Papaioanou, George
Papajohn, Gregory Carroll
Parkhurst, Lyman Leland
Parks, Steven Alexander
Parrott, Donald Larry, Jr.
Parry, Thomas Robert
Parson, Ronald George
Parsons, Gregory Keith
Pasternak, Thomas Gerord
Pate, Andrew Lidden, III
Patterson, William Edward
Patton, Glenn Allan
Paul, Christopher John
Pax, Thomas Henry
Perez-Vergara, Eliezer, Jr.
Perry, Christopher James
Perry, Kenneth Malcolm
Pescatore, Vincent Joseph
Petters, Clement Michael
Petzrick, Ernest Paul
Peyton, Philip Craig
Pfabe, Peter Kent
Pine, David Roland
Pitkin, Pamela Katherine
Platt, Arthur Joseph
Plude, John Frederick
Pollard, Stephen Joseph
Poole, Mark Richard
Popovich, William George, Jr.
Postenrieder, Linda Gail
Pottey, Joanne Marie
Powell, Jennie Ellen
Powers, Craig Steven
Powers, Timothy Joseph
Price, David Matthew
Price, John Kenneth
Proctor, Kevin John
Proulx, Daniel Joseph
Pursel, Frank Patterson, IV
Quillin, Michael Luther
Radcliffe, Roy Matthew
Rainey, Joseph Patrick
Rantz, Norman Neal
Rardin, Joseph Patrick
Rasmussen, John Andrew
Rasmussen, Theodore Edward, I
Patkovich, John
Ratte, Charles Louis
Ratter, Joel Fredrick
Ray, Thomas Allyn
Rayermann, Richard Edward
Reagans, Elliott, Jr.
Reed, Eric Paul
Reese, Thomas Langhorne
Reeves, Joyce Anne
Reifsnyder, Robert Harland

Reilly, Kevin Peter
Reimer, Ronald Frederick, Jr.
Reinert, Todd Frederick
Reinhardt, Laurent Charles G.
Reinke, Richard Eric, III
Remley, Thomas Edward
Rempe, William Henry
Rennie, Michael Alan
Reno, Patrick Andrew
Ricciuti, Paul Jude
Rice, Marshall Lee
Rice, Ronald Glen
Rice, Warren Woodward
Richardson, James Edward, III
Richardson, John Michael
Richardson, Marc Arthur
Richie, Terrell Wynn
Riegert, James Anderson
Riggs, Terri Lyn
Righter, James Rayman, Jr.
Ringel, Donald Edward Albert
Rios, Mark Raymond
Ritter, Eugene
Roberts, John Edward
Robertson, Scott Allan
Robichaud, Raymond Mark, Jr.
Robledo, Robert Oscar
Rodgers, Francis Xavier, III
Rodriquez, Alma Bertha
Rodriquez, Vidal
Rogers, William Fredrick, III
Roskind, Michael Thomas
Ross, Jon Lee
Rountree, Robert Lee, Jr.
Rouse, James Charles
Rouser, Michael Paul
Rowden, Thomas Sumner
Rowe, Bradley Harold
Rubin, Robert Louis
Ruby, Brandon Kreig
Ruff, David Grady
Ruiz, Adalberto, III
Russ, Steven Joseph
Russell, John Lenroy
Russell, Mark Wayne
Russell, Robin Ladd
Russiello, Michael James
Ryan, Thomas Raymond, IV
Ryniewicz, Craig James
Sakai, James Jun
Salindong, Arthur Raphael
Samolovitch, Richard Albert
Samoluk, Warren Joseph
Sandala, Gary
Sanders, John David
Sands, Jeffery Alan
Saunders, Michael Edward
Sauve, Peter David
Savich, Raymond John
Savidge, Thomas William
Sawtelle, Edmund Rossiter
Scassero, Matthew Thomas
Schauder, Thomas John
Schilke, Peter Stuart
Schilling, Paul Gregory
Schmick, David Albert
Schmickley, Bruce Gordon
Schmidlin, William George
Schrider, Leo Eugene
Schulert, Peter Allan
Schulte, Steven Harold
Schulz, Christopher Jon
Schumacher, Randy Harold
Scott, Christopher Taylor
Scuccimarra, Thomas Francis
Scuter, I. John Joseph
Sears, Glen Richard, II
Segura, Christopher
Segura, Clement Michael
Seitz, Charles Seymour
Sesbeau, Mary Beth
Settele, James Douglas
Sharpe, Matthew Michael
Shatto, Jonathan Robert
Shaw, Paul Michael
Shelter, Andrew Payson
Sherman, Peter Sands
Sherrill, Gerald
Shields, Mark David
Shigley, Paul Ronald
Shoemaker, Troy Michael
Short, Michael Joseph
Silvers, Kenneth
Silvius, David George
Simon, Richard Lee
Simons, Jon Myron
Simpson, David Grey
Sinnett, Dennis James
Sjoblom, Eric Lawrence
Skeehan, Kirsten Maureen
Slowikowski, Daniel Francis
Smack, Michael Bruce
Smellow, Daniel Buckman
Smith, Anthony Carl
Smith, Charles Scott
Smith, Jeffrey Jay
Smith, Jon Craig
Smith, Kevin Dwight
Smith, Michael William
Smith, Randall Mark
Smith, Richard William
Smith, Russell Hugh
Smythe, Andrew Mcelin
Snyder, Glenn Reverdy
Snyder, Mark David
Somnitrz, Stephen Joseph
Somplasky, John Paul
Sonderman, Kurt Douglas
Sotelo, Javier
Soule, Ralph Thomas
Sparks, Terence William
Spear, John Gerard
Spitz, Otto Wilhelm Karl Geo.
Spoerl, David Ross
Sprinkle, Christian Edward
Stackhouse, William Arthur
Stahl, Michael James
Staib, Michael Anthony
Stammer, Marc
Stank, Theodore Paul
Steel, James Polk, III
Steen, Susan Fay
Steeves, Sean Alan
Stein, Harold Richard, Jr.
Stoffa, Richard Louis
Stranske, Timothy Wayne
Stresemann, Michael Norman
Stuart, Mark Anthony
Studt, Dean Llewellwyn
Stultz, Daniel Joseph, Jr.
Sturgell, Robert Allan
Suarez-Marill, Javier
Suhrer, George Hamilton
Sullivan, Jennifer Mary
Sunseri, Stephen Michael
Surko, Stephen William
Swanson, Bennett Dean
Sweeney, Kevin Michael
Swinton, William Francis
Taggart, George Gardner
Tamblyn, Charles Everingham
Tarango, Mark Edward
Taschetta, Joseph
Taylor, Mitchell Everett
Teate, James Michael
Terrell, Wayne Aurealous
Thayer, William Albert
Thiede, Theodore Donald
Thomas, Gregory Robert
Thompson, Evin Howard
Thomson, Thomas Gordon
Thorne, Kevin Balish
Thurman, Patrick Kevin
Tkac, Thomas Albert
Tondu, Jennifer Louise
Toner, Charles Bradie
Towler, Thomas Leon, Jr.
Tracy, Douglas Shannon
Tracy, Glenn Matthew
Treadway, Jane Ann
Uffman, Craig David
Ullrich, Michael Walter
Underwood, Brian Scott
Ungaro, Ronald
Upright, Gregory Edward
Urey, Paul Douglas
Valente, Frank Edward
Valinske, Peter Thomas, Jr.
Vance, Christopher Lawrence
Vance, John Walter
Vandagriff, Ricky Lynn
Vanhove, Eric Albert, Jr.
Vanpetten, Thomas Louis
Vargo, John Thomas
Vargo, William James
Varner, Ted Curtis
Varnum, Kent Christopher McV.
Vasina, Scott Roland
Vazquez, Jose Angel
Velez, Rene
Vena, John Peter
Venturelli, Louis
Vergelli, John Carl
Viering, Edward William
Villarin, Nolan Dumanon
Viniotis, John Joseph
Vogel, Richard Keith
Voigt, Geoffrey Bourbon
Volkoff, John
Waldman, Daniel Richard
Walker, Wayne Orville
Walley, Michael Alan
Wanstall, Christopher Robert
War, Steven Michael
Ward, Ralph Claude, Jr.
Wardach, John Jay
Watkins, Timothy Lane
Watson, Rory Keith
Watson, Stephen James
Watson, Thomas Campbell, III
Weaver, Steven Eugene
Webb, John Charles
Wechsler, Steven Michael
Wehrenberg, Donald John, Jr.
Weidman, John Russell
Weiner, Brad Morrison
Wells, Dennis Edwards
Welter, Joseph Donald
Welty, Kurt Warren
Wendell Joseph Edwin
Werling, Eric David
Wetherell, Michael Perry
Whalen, Thomas Brian
Whalley, Christopher James
White, Kenneth Raymond
White, Timothy Mark
Whitney, Reeta Kay
Wiggins, Clarence Antonio
Wild, Timothy Gerald
Wilde, Alan Reid
Wilhelm, Kevin Thomas
Wilkins, Anthony Scott
Williams, Anthony
Williams, Donovan James
Williams, Mark Foster
Williams, Michael James
Wilson, Andrew Hamilton
Wilson, Jeffery Scott
Wimmer, Robert Owen
Winbush, Nelson Wyman Calvin
Wittman, Gregory Jon
Wood, Robert Anthony
Wralstad, Mark Evans
Wright, William Archer, III
Wykoff, Henry Clayton
Yamasaki, Dean James
Yamashita, Craig Tsuneo
Yee, Edward T. W.
Yee, Herbert
Yohe, James Russell
Yonehiro, Marcus Baron
York, Andrew Morgan
Young, Peter Hamilton
Zanti, Guy William
Zeise, Daniel Frederick
Zimmermann, Robert Herbert
Zink, Dorothy Jane

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, April 20, 1982, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 21

9:00 a.m.
Appropriations
Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1983 for the defense establishment focusing on global commitments.
1224 Dirksen Building

*Judiciary
To resume hearings on S. 1758, providing for an exemption from the copyright law for certain types of video recording for noncommercial purposes.
2228 Dirksen Building

9:30 a.m.
Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Small Business Administration, Federal Communications Commission, Equal Employment Opportunity Commission, and the Maritime Administration.
S-146, Capitol

Banking, Housing, and Urban Affairs
Business meeting, to mark up S. 2226, authorizing funds through fiscal year 1986 to reduce mortgage interest rates on home mortgages for qualifying individuals and provide for employment in the private sector.
5302 Dirksen Building

Commerce, Science, and Transportation.
To resume hearings on proposed legislation authorizing funds for the National Oceanic and Atmospheric Administration, Department of Commerce, focusing on atmospheric programs.
235 Russell Building

Environment and Public Works
Transportation Subcommittee
To hold hearings on proposed legislation authorizing funds for the Federal aid highway program.
4200 Dirksen Building

Finance
Savings, Pensions and Investment Policy Subcommittee
To hold hearings on S. 2298, establishing an enterprise zone program for dealing with the problems of economically depressed areas in the United States.
2221 Dirksen Building

Labor and Human Resources
To hold hearings on the nominations of William L. Earl, of Florida, Harold R. DeMoss, Jr., of Texas, Clarence V. McKee, of the District of Columbia, Marc Sandstrom, of California, Howard H. Dana, Jr., of Maine, William F. Harvey, of Indiana, William J. Olson, of Virginia, George E. Paras, of California, and Robert S. Stubbs II, of Georgia, each to be a Member of the Board of Directors of the Legal Services Corporation, and James B. Wyngaarden, of North Carolina, to be Director of the National Institutes of Health.
4232 Dirksen Building

10:00 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Credit and Rural Electrification Subcommittee
To resume hearings on S. 2314, authorizing funds for fiscal years 1983, 1984, and 1985 for farm and rural development loan programs of the Farmers Home Administration.
324 Russell Building

Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Employment and Training Administration, Department of Labor.
1114 Dirksen Building

Appropriations
Military Construction Subcommittee
To continue hearings with the Committee on Armed Services' Subcommittee on Military Construction on S. 2205, authorizing funds for fiscal year 1983 for military construction programs of the Department of Defense, and S. 1990, revising certain provisions of law relating to military construction and military family housing.
212 Russell Building

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Federal Railroad Administration of the Department of Transportation, and Amtrak.
1318 Dirksen Building

Armed Services
Military Construction Subcommittee
To continue hearings with the Committee on Appropriations' Subcommittee on Military Construction on S. 2205, authorizing funds for fiscal year 1983 for military construction programs of the Department of Defense, and S. 1990, revising certain provisions of law relating to military construction and military family housing.
212 Russell Building

Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building

Governmental Affairs
To hold oversight hearings on the reorganization of the U.S. Fire Administration.
3302 Dirksen Building

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on S. 1889, authorizing funds for fiscal years 1983 and 1984 for the establishment of a national institution to promote international peace and resolution of international conflict.
6226 Dirksen Building

*Veterans Affairs
To hold hearings on S. 2384, authorizing funds for fiscal year 1983 for the provision of VA contract health care to veterans in Puerto Rico and the Virgin Islands, S. 2383, authorizing funds through fiscal year 1988 for construction grants to State veterans' home facilities, S. 1034, providing a more equitable formula for payments by the Administrator of Veterans' Affairs to States for the cost of care provided in State nursing homes to veterans eligible for such care in VA facilities, S. 2385, modifying the VA health professional scholarship program, S. 2389, authorizing funds through fiscal year 1988 for certain VA health-care programs, and on other related measures.
412 Russell Building

Joint Economic
To hold hearings to review the first quarterly gross national product report, and to examine the national economic outlook.
2212 Rayburn Building

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold closed hearings on atomic energy defense actions.
1223 Dirksen Building

Environment and Public Works
Transportation Subcommittee
To continue hearings on proposed legislation authorizing funds for the Federal aid highway program.
4200 Dirksen Building

Finance
Savings, Pensions, and Investment Policy Subcommittee
To continue hearings on S. 2298, establishing an enterprise zone program for

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

dealing with the problems of economically depressed areas in the United States.
2221 Dirksen Building

Governmental Affairs
To hold hearings on the nominations of Herbert E. Ellingwood, of California, to be Chairman of the Merit Systems Protection Board, and Lawrence Y. Goldberg, of Rhode Island, to be General Counsel of the Federal Labor Relations Authority.
3302 Dirksen Building

Select Committee To Study Law Enforcement Undercover Activities of Components of the Department of Justice
To hold an organizational business meeting.
301 Russell Building

APRIL 22

9:00 a.m.
Appropriations
Defense Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for the Defense Establishment, focusing on NATO commitments.
1224 Dirksen Building

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Forest Service, Department of Agriculture.
1318 Dirksen Building

Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
235 Russell Building

9:30 a.m.
Appropriations
State, Justice, Commerce, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for certain programs which fall within the jurisdiction of the subcommittee, receiving testimony from public witnesses.
S-146, Capitol

Environment and Public Works
Environmental Pollution Subcommittee
To resume hearings on S. 2309, authorizing funds for fiscal years 1983, 1984, and 1985 for the Endangered Species Act; to be followed by a business meeting, to mark up S. 1018, prohibiting the Federal Government from funding commercial and residential growth on undeveloped barrier beaches and islands.
4200 Dirksen Building

Labor and Human Resources
Employment and Productivity Subcommittee
Business meeting, to mark up S. 2036, providing for State and local employment and training assistance.
5302 Dirksen Building

Labor and Human Resources
Aging, Family, and Human Services Subcommittee
To hold hearings on promoting volunteerism in America.
4232 Dirksen Building

Rules and Administration
To hold hearings on proposed legislation authorizing funds for fiscal year 1983 for the Federal Election Commission.
301 Russell Building

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for the Department of Labor, focusing on Labor-Management Services Administration, Pension Benefit Guaranty Corporation, Employment Standards Administration, and departmental management services.
1114 Dirksen Building

Appropriations
Military Construction Subcommittee
To continue joint hearings with the Committee on Armed Services' Subcommittee on Military Construction on S. 2205, authorizing funds for fiscal year 1983 for military construction programs of the Department of Defense, and S. 1990, revising certain provisions of law relating to military construction and military family housing.
212 Russell Building

Armed Services
Military Construction Subcommittee
To continue joint hearings with the Committee on Appropriations' Subcommittee on Military Construction on S. 2205, authorizing funds for fiscal year 1983 for military construction programs of the Department of Defense, and S. 1990, revising certain provisions of law relating to military construction and military family housing.
212 Russell Building

Commerce, Science, and Transportation
To continue hearings on proposed legislation authorizing funds for the National Oceanic and Atmospheric Administration, Department of Commerce, focusing on ocean programs.
235 Russell Building

Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 956, authorizing additional funds for programs of the Reclamation Safety of Dams Act (Public Law 95-578), S. 1573, restoring Lake Oswego, Oreg., as a nonnavigable water of the United States, S. 1621, providing for the replacement of certain cast steel pump casings at the southern Nevada water project, and S. 2177, providing for the inclusion of ordinary fluctuations in costs for the construction of distribution and drainage facilities for non-Indian lands.
3110 Dirksen Building

Foreign Relations
To hold hearings on S. 1853, authorizing funds for fiscal years 1982 and 1983 for Radio Broadcasting to Cuba, Inc.
4221 Dirksen Building

Governmental Affairs
To hold oversight hearings on Federal agency acquisition management activities.
3302 Dirksen Building

1:30 p.m.
Judiciary
Constitution Subcommittee
Business meeting, to mark up S. 585, creating a Federal cause of action for the violations of a person's civil rights under color of State law relating to constitutional rights or laws providing for equal rights of citizens and all personnel within U.S. jurisdiction.
2228 Dirksen Building

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for activities of the Office of Inspector General, Agency for International Development, focusing on a review of its audits and evaluations.
1318 Dirksen Building

Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for the Department of Labor, focusing on the Occupational Safety and Health Administration, Bureau of Labor Statistics, and the Mine Safety Administration.
1114 Dirksen Building

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for energy research programs.
1224 Dirksen Building

Governmental Affairs
Intergovernmental Relations Subcommittee
To hold hearings on S. 2363, revising certain provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91-646), focusing on provisions to exempt block grant programs from Uniform Act coverage under the New Federalism, and to prohibit the use of Federal eminent domain law from preempting State law.
3302 Dirksen Building

*Judiciary
To hold hearings on pending nominations.
2228 Dirksen Building

3:00 p.m.
Foreign Relations
To hold hearings on the nomination of Peter O. Murphy, of the District of Columbia, for the rank of Ambassador during his tenure of service as U.S. Negotiator on Textile Matters.
4221 Dirksen Building

4:00 p.m.
Foreign Relations
To hold hearings on the nominations of Manfred Eimer, of Maryland, to be Assistant Director of the Bureau of Verification and Intelligence of the U.S Arms Control and Disarmament Agency, Maynard W. Glitman, of Vermont, for the rank of Ambassador while serving as Department of State Representative and Deputy Head of the U.S. Delegation to the Intermediate Range Nuclear Force Negotiations, James E. Goodby, of New Hampshire, for the rank of Ambassador during his tenure of his service as Vice Chairman, U.S. Delegation to the Strategic Arms Reduction Talks (START) and Department of State Representative, and James L. Malone, of Virginia, to be Ambassador-at-Large in connection with his appointment as Special Representative of the President of the United States for the Law of the Sea Conference, and Chief of Delegation.
4221 Dirksen Building

APRIL 23

9:00 a.m.
Finance
Taxation and Debt Management Subcommittee
To hold hearings on miscellaneous tax proposals, including S. 473, S. 474, S. 710, S. 1854, and S. 1923.
2221 Dirksen Building

9:30 a.m.
Banking, Housing, and Urban Affairs
Consumer Affairs Subcommittee
To hold oversight hearings on the role of the Federal Reserve Board in the operation of automated clearinghouse services.
5302 Dirksen Building

Judiciary
Security and Terrorism Subcommittee
To hold oversight hearings on activities of the Drug Enforcement Administration, Department of Justice, and on proposed authorizations therefor.
2228 Dirksen Building

*Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on S. 2002, proposed Bilingual Education Amendments of 1981, and other related proposals.
4232 Dirksen Building

Special on Aging
To hold hearings on the impact of the Administration's housing proposals on older Americans.
5110 Dirksen Building

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Urban Mass Transportation Administration, Department of Transportation.
1318 Dirksen Building

Armed Services
Military Construction Subcommittee
To continue joint hearings on S. 2205, authorizing funds for fiscal year 1983 for military construction programs of the Department of Defense, and S. 1990, revising certain provisions of law relating to military construction and military family housing.
212 Russell Building

Energy and Natural Resources
To hold hearings on the world petroleum outlook.
3110 Dirksen Building

Rules and Administration
To hold hearings on proposed budget recommendations for fiscal year 1983 for the Secretary of the Senate, Sergeant at Arms of the Senate, and the Architect of the Capitol.
301 Russell Building

APRIL 26

9:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 2172, creating a jurisdictional framework to apportion the authority regulating cable systems between the Federal and State governments, and providing for a competitive marketplace for cable systems in the telecommunications industry.
235 Russell Building

Energy and Natural Resources
Energy Research and Development Subcommittee
To resume oversight hearings on the Department of Energy research and development programs.
3110 Dirksen Building

9:30 a.m.
Governmental Affairs
Intergovernmental Relations Subcommittee
To hold hearings on the Office of Management and Budget Circular A-95, focusing on intergovernmental cooperation.
3302 Dirksen Building

* Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume hearings on S. 2002, proposed Bilingual Education Amendments of 1981, and other related proposals.
4232 Dirksen Building

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Federal Aviation Administration, Department of Transportation.
1318 Dirksen Building

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Office of the Secretary, international affairs, Bureau of Government Financial Operations, Bureau of the Public Debt, and the Bureau of the Mint, Department of the Treasury.
1114 Dirksen Building

Environment and Public Works
Environmental Pollution Subcommittee
To hold hearings on proposed authorizations for programs of the Resource Conservation and Recovery Act.
4200 Dirksen Building

2:00 p.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the U.S. Customs Service, U.S. Secret Service, Bureau of Alcohol, Tobacco and Firearms, and the Federal Law Enforcement Training Center, Department of the Treasury.
1114 Dirksen Building

Finance
Oversight of the Internal Revenue Service Subcommittee
To hold hearings on S. 2369, clarifying the circumstances for a business to determine whether an individual compensated for the provision of services is an independent contractor or an employee, and improving the level of tax compliance among independent contractors exempt from mandatory wage withholding.
2221 Dirksen Building

APRIL 27

8:30 a.m.
Appropriations
*Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Office of the Federal Inspector, Alaska Natural Gas Transportation System, Bureau of Mines, Department of the Interior, and the National Endowment for the Arts.
1318 Dirksen Building

9:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To continue hearings on S. 2172, creating a jurisdictional framework to apportion the authority regulating cable systems between the Federal and State governments, and providing for a competitive marketplace for cable systems in the telecommunications industry.
6226 Dirksen Building

9:30 a.m.
Banking, Housing, and Urban Affairs
Securities Subcommittee
To hold hearings on S. 1869, S. 1870, S. 1871, and S. 1977, bills revising or repealing certain provisions of the Public Utility Holding Company Act of 1935.
5302 Dirksen Building

Labor and Human Resources
Labor Subcommittee
Business meeting, to mark up S. 1785, increasing the penalities for violations of the Taft-Hartley Act, requiring immediate removal of certain individuals convicted of crimes relating to his official position, broadening the definition of the types of positions an individual is barred from upon conviction, increasing the time of disbarment from 5 to 10 years, escrowing a convicted official's salary for the duration of his appeal, and clarifying the jurisdiction of the Department of Labor relating to detection and investigating criminal violations relating to ERISA.
4232 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Science Foundation.
1224 Dirksen Building

Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
1114 Dirksen Building

Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building

Environment and Public Works
Business meeting, to resume markup of proposed amendments to the Clean Air Act (Public Law 95-95).
4200 Dirksen Building

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Peace Corps, and the Inter-American Foundation.
S-128, Capitol

Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To continue oversight hearings on programs of the Departments of Labor,

Health and Human Services, Education, and related agencies.
1114 Dirksen Building

APRIL 28

9:30 a.m.
Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for certain programs which fall within the jurisdiction of the subcommittee, receiving testimony from public witnesses.
S-146, Capitol

Governmental Affairs
Oversight of Government Management Subcommittee
To hold hearings on S. 2059, revising the special prosecutor provisions of the Ethics in Government Act of 1978, to insure independent investigations of high-ranking Federal officials and to remove inequities in the present law.
3302 Dirksen Building

Veterans Affairs
Business meeting, to mark up S. 349, providing for limited judicial review of the administrative action of the Veterans' Administration, and for reasonable fees to attorneys representing legal counsel for veterans; and proposed legislation authorizing funds for certain programs of the Veterans' Administration, including contract health care to veterans in Puerto Rico and the Virgin Islands, construction grants to State homes, grants to medical schools affiliated with VA hospitals, medical information exchange pilot grant program between the VA and other medical institutions, and the VA's nurses' scholarship program.
412 Russell Building

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To continue oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
1114 Dirksen Building

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for programs which fall within the jurisdiction of the subcommittee, receiving testimony from congressional and public witnesses.
1318 Dirksen Building

Commerce, Science, and Transportation
Communications Subcommittee
To continue hearings on S. 2172, creating a jurisdictional framework to apportion the authority regulating cable systems between the Federal and State governments, and providing for a competitive marketplace for cable systems in the telecommunications industry.
235 Russell Building

Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building

Environment and Public Works
Business meeting, to mark up S. 1018, prohibiting the Federal Government from funding commercial and residential growth on undeveloped barrier beaches and islands.
4200 Dirksen Building

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold oversight hearings on the implementation of guidance and counseling programs of the Department of Education.
4232 Dirksen Building

1:00 p.m.
Environment and Public Works
To hold hearings on S. 1606, establishing a Federal supplemental property insurance fund for nuclear powerplants, and providing funds for the cleanup of the damaged Three Mile Island Unit No. 2 nuclear power reactor (TMI-2).
4200 Dirksen Building

1:30 p.m.
Conferees
On S. 1193, authorizing funds for fiscal years 1982 and 1983 for the Department of State, authorizing funds for fiscal year 1982 for the Arms Control and Disarmament Agency, authorizing funds for fiscal years 1982 and 1983 for the International Communications Agency, and authorizing funds for fiscal years 1982 and 1983 for the Board for International Broadcasting.
S-116, Capitol

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Bureau of Indian Affairs' education programs.
1224 Dirksen Building

Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To continue oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
1114 Dirksen Building

APRIL 29

9:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for fossil research and development and fossil construction programs of the Department of Energy.
1318 Dirksen Building

Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
235 Russell Building

9:30 a.m.
Governmental Affairs
Energy, Nuclear Proliferation and Government Processes Subcommittee
To hold hearings on S. 2284, proposed Federal Radiation Protection Management Act.
3302 Dirksen Building

Judiciary
Criminal Law Subcommittee
To resume hearings on proposals providing for a ban on the manufacture or sale of nonsporting handguns, mandatory sentences for the use of a firearm in committing a felony, and a preclearance procedure for the sale or transfer of any handgun.
Room to be announced

Select on Indian Affairs
To hold oversight hearings on current economic development programs as they affect Indians.
5302 Dirksen Building

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To continue oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
1114 Dirksen Building

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for programs which fall within the jurisdiction of the subcommittee, receiving testimony from congressional and public witnesses.
1224 Dirksen Building

Energy and Natural Resources
To hold hearings on S. 2332, extending until July 1, 1983, the expiration date of section 252 of the Energy Policy and Conservation Act, which provides a limited antitrust defense for U.S. oil companies participating in the international energy program.
3110 Dirksen Building

Environment and Public Works
Business meeting, to resume markup of proposed amendments to the Clean Air Act (Public Law 95-95).
4200 Dirksen Building

10:30 a.m.
Veterans Affairs
To hold hearings to receive legislation recommendations for fiscal year 1983 from officials of AMVETS and the Military Order of the Purple Heart.
318 Russell Building

1:30 p.m.
Conferees
On S. 1193, authorizing funds for fiscal years 1982 and 1983 for the Department of State, authorizing funds for fiscal year 1982 for the Arms Control and Disarmament Agency, authorizing funds for fiscal years 1982 and 1983 for the International Communications Agency, and authorizing funds for fiscal years 1982 and 1983 for the Board for International Broadcasting.
S-116, Capitol

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To continue oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
1114 Dirksen Building

3:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for international security assistance programs of the Department of State.
S-128, Capitol

APRIL 30

9:30 a.m.
Commerce, Science, and Transportation
To hold oversight hearings on the implementation of the Magnuson Fishery Conservation and Management Act Amendments (Public Law 94-263), and on proposed authorizations therefor.
235 Russell Building

Environment and Public Works
Transportation Subcommittee
Business meeting, to mark up proposed legislation authorizing funds for the Federal aid highway program.
4200 Dirksen Building

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for programs which fall within the jurisdiction of the subcommittee, receiving testimony from congressional and public witnesses.
1318 Dirksen Building

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Internal Revenue Service, Department of the Treasury, and the Executive Office of the President (excluding the Office of Management and Budget).
1114 Dirksen Building

Energy and Natural Resources
Energy and Regulation Subcommittee
To hold oversight hearings to review certain programs administered by the Office of Federal Inspector, Alaska Natural Gas Transportation System, and the Economic Regulatory Administration and Federal Energy Regulatory Commission, Department of Energy.
3110 Dirksen Building

2:00 p.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for activities of the Office of the Secretary of the Treasury.
1114 Dirksen Building

MAY 3

9:30 a.m.
Energy and Natural Resources
To hold hearings on S. 2305, insuring all energy and mineral resources on public lands and on the Outer Continental Shelf are provided for under the direction of the Secretary of the Interior.
3110 Dirksen Building

Governmental Affairs
Federal Expenditures, Research and Rules Subcommittee
To hold hearings on proposed legislation improving the efficiency of the Federal procurement system.
3302 Dirksen Building

10:00 a.m.
Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
235 Russell Building

Labor and Human Resources
Alcoholism and Drug Abuse Subcommittee
Business meeting, to mark up proposed legislation authorizing funds for the National Institute on Drug Abuse, and the National Institute on Alcohol Abuse and Alcoholism.
4232 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

MAY 4

8:30 a.m.
Appropriations
*Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Smithsonian Institution, Holocaust Memorial Council, and the Advisory Council on Historic Preservation.
1318 Dirksen Building

9:00 a.m.
Office of Technology Assessment
The Board, to hold a general business meeting.
S-120, Capitol

9:30 a.m.
Environment and Public Works
Business meeting, to resume markup of proposed amendments to the Clean Air Act (Public Law 95-95).
4200 Dirksen Building

Labor and Human Resources
To hold oversight hearings on the Office of Federal contract compliance programs, Department of Labor.
4232 Dirksen Building

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the General Services Administration.
1224 Dirksen Building

Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Administrative Conference of the United States, Advisory Commission on Intergovernmental Relations, Advisory Committee on Federal Pay, Committee for Purchase from the Blind, and the Federal Elections Commission
1224 Dirksen Building

MAY 5

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on the nominations of Vice Adm. James S. Gracey, U.S. Coast Guard, to be Commandant, and Rear Adm. Benedict L. Stabile, U.S. Coast Guard, to be Vice Commandant, each for the U.S. Coast Guard.
235 Russell Building

*Labor and Human Resources
To hold oversight hearings on the Department of Labor's handling of labor union pension fund abuses.
4232 Dirksen Building

Select on Indian Affairs
To resume oversight hearings on current economic development programs as they affect Indians.
6226 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Aeronautics and Space Administration.
1224 Dirksen Building

Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building

Environment and Public Works
Environmental Pollution Subcommittee
Business meeting, to consider proposed legislation authorizing funds for programs of the Resource Conservation and Recovery Act, Marine Protection, Research and Sanctuaries Act, and the Federal Water Pollution Control Act.
4200 Dirksen Building

Veterans Affairs
To hold hearings on a Veterans' Administration proposal to decentralize certain medical automated data processing facilities.
412 Russell Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

Environment and Public Works
Environmental Pollution Subcommittee
Business meeting, to mark up proposed legislation authorizing funds for the Endangered Species Act.
4200 Dirksen Building

Governmental Affairs
Federal Expenditures, Research and Rules Subcommittee
To resume hearings on proposed legislation improving the efficiency of the Federal procurement system.
3302 Dirksen Building

MAY 6

9:00 a.m.
*Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the U.S. Fish and Wildlife Service, and the Institute of Museum Services.
1318 Dirksen Building
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 604 and S. 2355, bills providing adequate telephone service to persons with impaired hearing.
235 Russell Building

9:30 a.m.
Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the care of the U.S. Supreme Court Building by the Architect of the Capitol, U.S. International Trade Commission, Federal Maritime Commission, and the Marine Mammal Commission.
S-146, Capitol
Labor and Human Resources
Business meeting, to consider pending calendar business.
4232 Dirksen Building

10:00 a.m.
Agriculture, Nutrition, and Forestry
Soil and Water Conservation Subcommittee
Agricultural Production, Marketing, and Stabilization of Prices Subcommittee
To hold joint hearings on S. 1825, prohibiting the Federal price support program to be used to subsidize crops grown on certain lands in the western part of the United States which have not been cultivated in the past 10 years.
324 Russell Building
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Office of Personnel Management, Merit Systems Protection Board, Federal Labor Relations Authority, and the U.S. Tax Court of the judicial branch.
1223 Dirksen Building
Environment and Public Works
Business meeting, to resume markup of proposed amendments to the Clean Air Act (Public Law 95-95).
4200 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the U.S. Postal Service.
1223 Dirksen Building
Finance
International Trade Subcommittee
To resume hearings of S. 2094 and related proposals, establishing the concept of reciprocity of market access as an objective for U.S. trade policy where American products are competitive.
2221 Dirksen Building

MAY 7

9:30 a.m.
Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To hold hearings on S. 1877, S. 1908, S. 1909 and S. 1941, bills providing for the reinstatement and validation of certain U.S. oil and gas leases, S. 2095, directing the Secretary of the Interior to issue a certain oil and gas lease, and S. 2146, extending the lease terms of various Federal oil and gas leases.
3110 Dirksen Building
Governmental Affairs
Federal Expenditures, Research, and Rules Subcommittee
To continue hearings on proposed legislation improving the efficiency of the Federal procurement system.
3302 Dirksen Building

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings to receive testimony from congressional witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building
Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
Business meeting, to mark up proposed legislation authorizing funds for environmental research and development programs; and other pending business.
4200 Dirksen Building

MAY 10

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold oversight hearings to review Pension Benefit Guaranty Corporation premium rate increases.
4232 Dirksen Building

10:00 a.m.
Commerce, Science, and Transportation
To hold hearings on S. 1929, establishing an Interagency Committee on Smoking and Health to coordinate Federal and private activities to educate the public about the health hazards of smoking.
235 Russell Building
Energy and Natural Resources
To hold hearings on S. 1844, permitting the development of coal pipelines as part of the national energy transportation and distribution system.
3110 Dirksen Building
Finance
To resume hearings on the administration's New Federalism proposal.
2221 Dirksen Building

MAY 11

8:30 a.m.
*Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Endowment for the Humanities, National Capital Planning Commission, and the Office of Surface Mining of the Department of the Interior.
1114 Dirksen Building

9:30 a.m.
Appropriations
State, Justice, Commerce, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Judiciary.
S-146, Capitol
Governmental Affairs
Intergovernmental Relations Subcommittee
To hold oversight hearings on the implementation of block grant programs.
357 Russell Building
Labor and Human Resources
Aging, Family, and Human Services Subcommittee
To hold hearings on the extended family.
4232 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Institute of Building Sciences, Federal Home Loan Bank Board, and National Credit Union Administration.
1224 Dirksen Building
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Office of Management and Budget.
1318 Dirksen Building
Armed Services
To hear and consider the nomination of General John W. Vessey, Jr., Army of the United States (major general, U.S. Army), to be Chairman of the Joint Chiefs of Staff.
1202 Dirksen Building.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building.
Environment and Public Works
Business meeting, to resume consideration of proposed legislation authorizing funds for programs which fall under its legislative jurisdiction.
4200 Dirksen Building

2:00 p.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for programs which fall within the jurisdiction of the subcommittee, receiving testimony from public witnesses.
1318 Dirksen Building

MAY 12

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold oversight hearings on activities of the Student Loan Marketing Association (Sallie Mae).
4232 Dirksen Building
2:00 p.m.
Governmental Affairs
Federal Expenditures, Research, and Rules Subcommittee
To hold hearings on Senate Joint Resolution 93, and related proposals, reaffirming the policy of relying on the private sector to meet public requirements for goods and services, S. 1782, eliminating retainage on Federal Government construction contracts, and proposed legislation improving the effectiveness and fairness of the Federal Government's contractor suspension and debarment programs.
3302 Dirksen Building

MAY 13

9:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for territorial affairs of the Department of the Interior.
1114 Dirksen Building
10:00 a.m.
Environment and Public Works
Business meeting, to resume consideration of proposed legislation authorizing funds for programs which fall under its legislative jurisdiction.
4200 Dirksen Building
1:30 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for territorial affairs of the Department of the Interior.
1114 Dirksen Building
2:00 p.m.
Governmental Affairs
Federal Expenditures, Research and Rules Subcommittee
To continue hearings on Senate Joint Resolution 93, and related proposals, reaffirming the policy of relying on the private sector to meet public requirements for goods and services, S. 1782, eliminating retainage on Federal Government construction contracts, and proposed legislation improving the effectiveness and fairness of the Federal Government's contractor suspension and debarment programs.
3302 Dirksen Building

MAY 18

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To resume oversight hearings to review Pension Benefit Guaranty Corporation premium rate increases.
4232 Dirksen Building
10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Department of Housing and Urban Development.
1224 Dirksen Building
Commerce, Science, and Transportation
To hold hearings on the nomination of Heather J. Gradison, of Ohio, to be a member of the Interstate Commerce Commission.
235 Russell Building
Energy and Natural Resources
To hold oversight hearings on Federal property management and disposal.
3110 Dirksen Building
Environment and Public Works
Business meeting, to consider pending calendar business.
4200 Dirksen Building
Select on Indian Affairs
To hold oversight hearings on the implementation of Indian education programs.
6226 Dirksen Building

MAY 19

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for the Department of Housing and Urban Development, and the Neighborhood Reinvestment Corporation.
1224 Dirksen Building
Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To resume hearings on S. 1866, revising regulatory procedures relating to safe drinking water requirements, and S. 2131, authorizing funds through fiscal year 1986 for the safe drinking water program.
4200 Dirksen Building
Select on Indian Affairs
To continue oversight hearings on the implementation of Indian education programs.
6226 Dirksen Building

MAY 20

10:00 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Production, Marketing, and Stabilization of Prices Subcommittee
To hold oversight hearings on the implementation of the Federal crop insurance program of the Department of Agriculture.
324 Russell Building

MAY 21

9:30 a.m.
Energy and Natural Resources
Energy Regulation Subcommittee
To hold hearings on S. 1626, removing the requirement for Federal regulation to allow the competitive market system to establish petroleum pipeline transportation rates while maintaining safeguards to protect the industry and consumers against unlawful discrimination.
3110 Dirksen Building
10:00 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Production, Marketing, and Stabilization of Prices Subcommittee
To continue oversight hearings on the implementation of the Federal crop insurance program of the Department of Agriculture.
324 Russell Building

MAY 24

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1224 Dirksen Building

MAY 25

9:30 a.m.
Agriculture, Nutrition, and Forestry
Rural Development, Oversight, and Investigations Subcommittee
To hold oversight hearings to review the energy needs of rural communities.
324 Russell Building
Energy and Natural Resources
Energy Regulation Subcommittee
To resume hearings on S. 1626, removing the requirement for Federal regulation to allow the competitive market system to establish petroleum pipeline transportation rates while maintaining safeguards to protect the industry and consumers against unlawful discrimination.
3110 Dirksen Building
10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1224 Dirksen Building
Environment and Public Works
Business meeting, to consider pending calendar business.
4200 Dirksen Building

MAY 26

9:30 a.m.
Agriculture, Nutrition, and Forestry
Rural Development, Oversight, and Investigations Subcommittee
To continue oversight hearings on the energy needs of rural communities.
324 Russell Building
10:00 a.m.
Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To resume hearings on S. 1866, revising regulatory procedures relating to safe drinking water requirements, and S. 2131, authorizing funds through fiscal year 1986 for the safe drinking water program.
4200 Dirksen Building

9:30 a.m.
Select on Indian Affairs
To hold hearings on law enforcement problems on Indian reservations including the authority and effectiveness of the Bureau of Indian Affairs police, tribal police, and the Federal Bureau of Investigation, and the quality of U.S. prosecution of criminal offenses.
6226 Dirksen Building

SEPTEMBER 21

10:30 a.m.
Veterans Affairs
To hold hearings to receive American Legion legislative recommendations for fiscal year 1983.
318 Russell Building

CANCELLATIONS

APRIL 20

9:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for certain functions of the Indian Health Service, Department of Health and Human Services; and the Geological Survey, Department of the Interior.
1318 Dirksen Building

9:30 a.m.
Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Department of State, focusing on the Office of the Secretary and administration of foreign affairs.
S-146, Capitol

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for activities of the Office of Secretary of the Treasury, focusing on the status of the Multilateral Development Banks, and the International Monetary Fund.
1318 Dirksen Building

APRIL 21

10:00 a.m.
Select on Indian Affairs
To hold hearings on the Department of the Interior's proposal for the use and distribution of Wichita and Caddo Indian judgment funds awarded by the U.S. Court of Claims.
5302 Dirksen Building

APRIL 22

9:30 a.m.
Judiciary
Juvenile Justice Subcommittee
To resume oversight hearings to review the effects of budgetary reductions for criminal justice assistance programs focusing on the abuse of juveniles in public care and detention facilities.
2228 Dirksen Building

APRIL 29

9:30 a.m.
Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for international organizations, Securities and Exchange Commission, and the Federal Trade Commission.
S-146, Capitol

2:00 p.m.
Environment and Public Works
Water Resources Subcommittee
To resume hearings on certain inland waterway projects, including S. 810, prescribing a system of user fees to be levied on commercial transportation, amendment No. 32, thereto, expediting inland waterway construction, and assuring that the users of such projects repay a fair percentage of the cost of such works, amendment No. 637, thereto, clarifying the intent of the bill, and other related measures.
4200 Dirksen Building

SENATE—*April 20, 1982*

(Legislative day of Tuesday, April 13, 1982)

The Senate met at 10:30 a.m., on the expiration of the recess, and was called to order by the Honorable S. I. HAYAKAWA, a Senator from the State of California.

PRAYER

The Reverend Gregory J. Wismar, pastor, Redeemer Lutheran Church, Cape Elizabeth, Maine, offered the following prayer:

Philippians, chapter 3: *In everything by prayer and supplication with thanksgiving, let your requests be made known to God.* We pray:

Heavenly Father, in Your goodness You have brought us to this day. May each of us see in it a gift from You and thankfully use it to its fullest.

May we, amidst the business of our hurried thoughts, think on whatever is true, whatever is honorable, whatever is right. May we seek out whatever is pure, whatever is lovely, whatever is of good repute in those whom we meet this day. May we develop that which is excellent in ourselves; may we reaffirm that which is worthy of praise in our Nation.

May Your abiding peace, which surpasses all comprehension, guard our hearts and our minds in Christ Jesus. In His name we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., April 20, 1982.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable S. I. HAYAKAWA, a Senator from the State of California, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. HAYAKAWA thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

Mr. MATHIAS. Mr. President, at this point I yield briefly to the distinguished Senator from Maine.

The ACTING PRESIDENT pro tempore. The Senator from Maine.

REV. GREGORY JUST WISMAR

Mr. MITCHELL. Mr. President, our prayer at the beginning of today's Senate session was offered by the Reverend Gregory Just Wismar, a pastor from Cape Elizabeth, Maine. Rev. Wismar serves the congregation of Redeemer Lutheran Church as their spiritual leader, as well as their counselor and friend.

His service to his congregation is only part of his overall contribution to his community. Rev. Wismar is the convener of the Cape Elizabeth clergy association. He serves on the town's Fort Williams Advisory Board and is involved with the greater Portland family life education network.

In addition to the respect he commands from his congregants, Rev. Wismar is also a leader among his fellow clergy. He is the vice president for northern New England of the New England district of the Lutheran Church—Missouri Synod. He has had numerous district and national responsibilities in the area of youth ministry.

Rev. Wismar was born in Jersey City, N.J., on January 9, 1946, the son of Rev. Adolph and Norma Just Wismar. He graduated cum laude from Concordia College in Fort Wayne, Ind., and received a master's degree in education from Southern Connecticut State College. He received his master of divinity degree from Concordia Seminary of Saint Louis, Mo., in 1971. He is married to the former Priscilla Ames of Akron, Ohio, and they have four children; Eric, Sarah, Elizabeth, and Jessica, all of whom are here proudly watching him today.

Rev. Wismar is a former jazz musician, a nationally published composer of church music, and a member of the National Association of Parliamentarians. I am proud to be here with him today.

THE JOURNAL

Mr. MATHIAS. Mr. President, I ask unanimous consent that the Journal of the proceedings of the Senate be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MATHIAS. Mr. President, I reserve the remainder of the leadership time which has not been consumed.

Mr. President, let me inquire of the minority leader if he has any observations to make at this time.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

Mr. ROBERT C. BYRD. Mr. President, I thank the acting majority leader.

MAJ. GEN. ROBERT L. CHILDERS

Mr. ROBERT C. BYRD. Mr. President, on April 19, 1982, Maj. Gen. Robert L. Childers, the adjutant general of the State of West Virginia, retired from active service after a distinguished career in the U.S. Army, stretching from World War II duty to being selected the adjutant general for West Virginia in 1977.

General Childers has served his country and State with honor and distinction, and I am sure that his service as the adjutant general will be long remembered by the officers and men he commanded.

Mr. President, I ask unanimous consent that the biography of Major General Childers be printed at this point in the RECORD.

There being no objection, the biography was ordered to be printed in the RECORD, as follows:

MAJ. GEN. ROBERT L. CHILDERS

Major General Childers began his military career on 7 May 1935 as a Private in Company K, 150th Infantry Regiment, West Virginia Army National Guard. He entered active duty on 17 January 1941, when the National Guard was mobilized prior to World War II. After attending Officer Candidate School, he was commissioned on 13 July 1942 as a Second Lieutenant, Signal Corps. On 3 June 1943 his battalion was ordered to the European Theater of Operations, where he served in various assignments until the end of the war. Upon return to the United States and release from active duty on 25 September 1945, he was assigned to the Officer Reserve Corps as Captain, Signal Corps.

General Childers resumed his career with the West Virginia Army National Guard on 1 March 1948, when he accepted an appointment as Captain, Signal Corps. He served in various capacities with the National Guard until 6 March 1967, when he resigned and accepted assignment to the United States Army Reserve, with the rank of Colonel.

On 18 January 1977 he was appointed the Adjutant General, State of West Virginia, with the rank of Brigadier General, and on 8 February 1979 was promoted to Major

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

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General, in which grade he has continued to serve.

He holds the following awards and decorations: Army Meritorious Service Medal; Purple Heart; Army Commendation Medal; American Campaign Medal; European-African-Middle Eastern Campaign Medal with five Bronze Service Stars; World War II Victory Medal; Armed Forces Reserve Medal with Hour Glass; West Virginia Meritorious Service Medal; West Virginia Emergency Service Medal; and the West Virginia State Service Medal.

General Childers was born 9 August 1918 in Huntington, where he continues to reside. He is married to the former Billie Faye Frost. He is active in the business and community affairs of his hometown. He represented Cabell County in the House of Delegates in 1975 and 1976.

Mr. ROBERT C. BYRD. Mr. President, General Childers leaves his Active Army and National Guard careers behind him as he begins to become involved in community affairs. I salute General Childers for his dedication of duty in the past, and his commitment to public service in the future.

I yield such time as he may require to Mr. PROXMIRE.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin.

Mr. PROXMIRE. I thank the distinguished minority leader.

THE ULTIMATE BETRAYAL OF PATRIOTISM

Mr. PROXMIRE. Mr. President, what is the most unpatriotic act a Member of the Congress could perform? Answer: Easy—support any policy that would push this country closer to nuclear war. Unpatriotic? Did I say unpatriotic? Yes—that is exactly what I said. And here is why: 20 years ago the Secretary of Defense Robert McNamara said that a nuclear war involving the two superpowers would destroy both the Soviet Union and the United States as organized societies. Most experts would agree he was right 20 years ago. But how about today? Well, how could anyone who recognizes the immense buildup on both sides in nuclear power in the past 20 years doubt that such a consequence would be even truer and surer now? But what does that mean? What would it mean for the United States to be destroyed as an organized society? It would mean of course the end of this body—the U.S. Senate, the end of our cherished Constitution with its treasured bill of rights, the end of our courts, the end of the rule of law. The end of what free Americans have fought and died for since 1776. The destruction of a nuclear war would be so absolutely devastating of our institutions as to dwarf the most terrible conceivable act of betrayal of our country.

The next time we consider a foreign policy or commitment that might, however remote the prospect, lead to nuclear war, let us remember how absolutely and totally destructive of our country and its future such a policy could be. Think about it.

AN IMPORTANT REMINDER

Mr. PROXMIRE. Mr. President, George Clare's new book, "Last Waltz in Vienna," describes how a Jewish family rose to success in Austria and then was suddenly destroyed by the Nazi Holocaust. Although the book talks of the whole family, it deals mostly with the author's father, Ernst Klaar. According to Frederic Morton, who reviewed the book for the Washington Post, Ernst Klaar's life is depicted as one of hidden torment, as an unsuccessful attempt to suppress a Jewish identity that could not be suppressed.

The reason that Ernst Klaar needed to deny his background was simple; in an antisemitic society, he had to make himself and others forget that he was Jewish if he were to succeed within Austrian society. It was, however, a futile, tragic attempt. It ended with the Nazi death camps, where Ernst Klaar and the millions of Jews who had tried to deal with an increasingly hostile Europe found themselves facing the ultimate rejection: extermination.

The value of this book, "Last Waltz in Vienna," is that it illustrates the shameful epoch of history which led to the Holocaust. This period was marked by national and international reluctance to stem rising antisemitism. Although Jews were denied their rights, their identities, and eventually, their lives, few attempted to help them. It took the terrifying slaughter of 6 million Jews during World War II to convince the world of the need for international safeguards for human rights.

One of these safeguards was the Genocide Convention.

The Genocide Convention was designed to outlaw genocide, to classify it an international crime, and to provide for the punishment of those who commit genocide. It seeks to protect all peoples from the fate suffered by the Jews during the Nazi Holocaust.

Over 80 nations have ratified the Convention. The United States, however, is the only industrialized nation which has not.

This failure is shameful. We do not lack reminders of how the Holocaust came about. Enough books have described the gradual slide from antisemitism to genocidal fury. By ratifying the Genocide Convention, we strengthen the international safeguards which would prevent the Holocaust from ever again occurring.

Mr. President, I ask the Senate to ratify the Genocide Convention.

NEEDED: A NET ASSESSMENT OF U.S. AND U.S.S.R. MILITARY CAPABILITIES

Mr. PROXMIRE. Mr. President, for years many of us in the Congress have asked for information which would allow a true assessment of the relative capabilities of the Armed Forces of the United States and the U.S.S.R. It is a difficult issue to approach. There is a natural tendency for any bureaucracy to inflate its requirements and deflate its resources. This serves a budgetary purpose. Then there is the human reaction to error on the side of caution—to assume the worst case rather than be caught off guard some time later.

It is not surprising then that the vast majority of written and electronic media analyses of United States and Soviet strength focus on our perceived weaknesses and their perceived strengths. When is the last time, Mr. President, that you heard a nightly television broadcast declaring that the United States had a clear superiority over the U.S.S.R. in a certain area? Perhaps that is not news. But if they have a clear superiority over us—then it is a dramatic newsworthy item.

What we in the Congress so desperately need is a net assessment. Not the traditional threat briefings but a complete, impartial analysis of United States and Soviet capabilities side by side with attention given to geography, leadership, morale, training, methods of attack and defense, strategic and tactical vulnerabilities on both sides, reliability of allies, and all the other intangibles along with the standard counting and hardware indices.

I do not have any idea how such a presentation would come out—whether or not it would reinforce the case of the alarmists or the skeptics. But the point is that we should not care which side it reinforces; we should care only about the facts.

And at this point in the great defense debate, we simply do not have an adequate base of facts with which to judge the relative standing of the two superpowers.

I would like to know just how the West could exploit the geographic bottlenecks that contain such a high percentage of the Soviet fleet. I would like to know the operational readiness rates of Soviet equipment and armies. I would like to know which characteristics of Soviet battle philosophy could be turned to our advantage in wartime.

Recently in Forbes magazine, a military historian and consultant to the Defense Department, CIA, and Marine Corps, commented on a number of items appearing in his new book, "How to Make War." I draw attention to it not only for its clear answers but also because it provides a competent and

professional critical rebuttal of the 10-foot-high Soviet soldier we so often hear and read about in the daily press and electronic media. The author brings us one step closer to the net assessment that would be so valuable to the Congress.

I ask unanimous consent that the article interviewing historian James F. Dunnigan be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE DAY ADMIRAL RICKOVER GOT RADIATED

(By Subrata N. Chakravarty)

With a hostile press and hostile TV and a fair amount of egg on its face, the U.S. military establishment doesn't stand particularly high in public esteem these days. An unfair assessment, says military historian James F. Dunnigan, who argues that in both personnel and materiel the U.S. military stands head and shoulders above its Soviet counterparts. For those depressed by the bungled U.S. rescue mission in Iran or the recent loss of life among paratroopers of the 82nd Airborne Division in the Mojave desert, Dunnigan brings cheerful word.

A mere "Spec-4" during his service in the U.S. Army in Korea in the early 1960s, New York State-born Jim Dunnigan in civilian life has become a recognized expert on military history and military simulation. Now 38, he founded Simulations Publications, which publishes Strategy and Tactics, a magazine for war games devotees. Games developed by Dunnigan help train military officers in many nations, and he has consulted for and lectured to the U.S. Defense Department, the CIA, the Marine Corps and West Point. He has just written a remarkable book, "How to Make War," which may play an important role in the debate that is just beginning over U.S. defense policy. It says the U.S. can take pride in its military but should be aware of serious weaknesses in its procurement policies.

QUESTION. Your book gives the clear impression that Soviet military superiority in conventional arms is generally overestimated.

DUNNIGAN. Well, what is the potential threat? What are we defending against? Are we defending against the Russians moving into the Persian Gulf? Well, there was an interesting article in International Security Journal which pointed out that there are very few passes through the Zagros Mountains, which the Russians have to come through. There is no way around them. And if you can block those mountains with constant air power, they are not going to come through, no matter how many divisions they have on the other side. If you are talking about the threat in Western Europe, the Soviets really haven't got enough combat power to overwhelm Western forces just like that. Knowledgeable analysts say it's a big joke when the Pentagon cries about 180 to 200 Russian divisions, because many of these divisions are just piles of equipment. It's highly questionable that they would get those divisions combat-ready in any reasonable length of time. Or at all.

QUESTION. Compare that with the U.S. Army.

DUNNIGAN. Our divisions are wartime divisions. The standards our army applies are for going to war tomorrow. The Soviets take a longer view. They have about 50 divisions that are in our sense, war-ready. Thirty of them are in Eastern Europe and the rest are facing China.

QUESTION. You made the point in your book that the Russian divisions in Eastern Europe are primarily occupation troops.

DUNNIGAN. Right. And you can't go invade somebody else if the cops have their hands full keeping the local bandits in line. And when you consider that the primary Soviet offensive forces are the very ones that are tied down the most in these police duties, what's left to carry on an attack?

QUESTION. The Soviets are in the midst of the greatest peacetime military buildup the world has ever seen. Do they see themselves as we see them—as a threat to us?

DUNNIGAN. No. They are trying to defend Mother Russia and they make noises about defending socialism. What we lose sight of is that the gap was so much in our favor twenty years ago. Twenty years ago the Russians had a very real fear of being invaded. From the Russian point of view, they are striving for parity. As they see it, the buildup makes sense because you can't defend yourself unless you can present enough of a defense to deter or make it seem too much of a gamble for the other fellow to attack you. And they have a lot to be paranoid about. Look at a map of Russia from the Russian point of view and they are surrounded. They have real enemies on all of their borders.

QUESTION. Are you saying that the U.S. has nothing to worry about? If they are so benign, why are the Russians sitting in Cuba?

DUNNIGAN. The Russians realize the best way to keep your enemy off balance is to cause trouble where it won't hurt you any and will cause him a lot of problems. They will get involved in Central America or Cuba or anywhere they can make some trouble, which they do. And we try and return the favor.

QUESTION. Still, the sheer quantity of Russian weapons has to be of concern to us.

DUNNIGAN. It's like having a car with a 500-horsepower motor and all sorts of gadgets on it and all you can really do with it is drive to work. You've got a lot of excess power that can't be used. In the Russian army, as in any army, you can pile up a lot of equipment, but if you haven't got the personnel, if you haven't got the units in which to use it, it's just so much waste. The only tanks and vehicles that mean anything in the Soviet or any other army are the ones that are actually held in units. And even if you get into a war you still need trained personnel to put those weapons to use. The Russians would have to destroy their economy to do so because they have a labor shortage right now. Also, they never throw anything away. They're still using MiG-17s. That's a 1950s airplane. We're not using F-86s anymore. They still have T-55 tanks. They are finally beginning to retire their whiskey class submarines, which were based on the German Type XXI [a World War II submarine] and weren't even as advanced.

QUESTION. How about the ever increasing Russian quality?

DUNNIGAN. We do have to worry more about the Russian quality, but much as the Russians try, they will never catch up with us. Their industrial infrastructure is basically derivative. We can put our weapons against their weapons and you still see these tremendous [Soviet] deficiencies.

QUESTION. Give us some examples of deficiencies.

DUNNIGAN. Just recently the Secretary of the Navy announced that Russian sailors in their nuclear submarines had died of radiation sickness. Now, this has been going around for years. Admiral Rickover mentioned in one of his articles that, years ago, when he was invited to visit a Russian submarine, they gave him the tour and he had his American dosimeter in his pocket. And when he got back out, he noticed he had taken more radiation than he had in the last ten years of being around American boats.

I go into details in the book about the differences in ship design. They don't give as much cubage inside their ships. And where they sacrifice it is in access space, damage control and onboard repair. So if something goes wrong on a Russian boat you've got to wait until you get back to port, whereas we can do most of our repairs at sea.

Also, the Russians are getting into this high-technology track that we've gotten into, and they are just starting to pay the price. As they get more complex, they outstrip their already lean maintenance ability. They had a hard time maintaining their four-man tanks—the T-62s. Now they get a three-man tank that is more complicated. Their people haven't instantaneously become much better mechanics. That equipment, from what I hear, is down more frequently than the older equipment. And when it's used in combat, it's going to be down even more. For example, the T-72, with the automatic loader, has no manual backup. And you know how delicate mechanisms like that are.

QUESTION. How about the quality of the Russian troops?

DUNNIGAN. They are a much poorer lot than our troops. It's not that we have superior genes or something. It's simply the fact that our tradition is to train more intensively, to draw from a richer talent pool because we have more education and things like that. Our economy isn't strapped for specialists as much as the Russians'. We are basically wealthier, and that does produce superior performance. The Russians have a problem because even the poorest people get more exposure to gadgets and machines in this country than they do in Russia. The Russians, for example, must spend much more time training their drivers, whether it be for tanks or trucks, than we have to. Most of our guys, whether they've got a driver's license or not, have probably spent some time behind the wheel. The Russians don't have this advantage.

Also, with all their problems with—how should I put it?—user-unfriendly equipment, they don't get the troops acclimated to it. They have a very niggardly attitude toward using their equipment. Often the equipment is not even used for most of the year. It's only brought out for major maneuvers. In the American military, even today, if you are on a tank crew you can rest assured you will be working on a tank all week long.

So, they have a big problem with both morale and the technical competence of the troops because, by not using the equipment, a lot of the troops don't get a chance to become expert at it. It's most noticeable with aircraft. Their pilots don't fly nearly as many hours as Western pilots do. Most of their aircraft are clear-weather aircraft either by proclamation or de facto because, although some might have radar, they don't function that well. If the weather turns bad, a large percentage of the landings are crashes.

Also, their pilots are very much more dependent upon ground control than we are. If you disrupt the ground control—and the Air Force has plans to do that if the balloon goes up—their airplanes are just so many

targets because they are not trained to exercise initiative or given enough time in the air to develop the skills to use initiative.

QUESTION. The troops may be cannon fodder, but aren't the officers an elite group?

DUNNIGAN. Well, their officer corps is organized a bit differently from ours. What we consider an officer, in the Soviet army doesn't begin until you get to the rank of major. For example, you don't go to the officers' club until you're a major—a field-grade officer. All of the officers from captains to lieutenants and now warrant officers basically function as NCOs. They are subject to discipline, for example. You can throw a junior officer into the stockade for an infraction, and they do. If they [junior officers] kiss enough ass and stay out of trouble for five or ten years, they become majors. And then they are real officers; then it's an elite. Once you become a major or above you are a member of a very privileged class. What they call NCOs are basically conscripts who have been forced to take an extra year of service and been given the privilege of exploiting the enlisted men—which they do. They shake them down. They make them perform personal services for the NCOs. They are like trustees in a prison. And the Russians have very big morale problems because of this.

QUESTION. How does our military stack up?

DUNNIGAN. The American military is the most balanced in the world. The Russian army is 80% ground pounders. They are prepared to defend their land borders. Their navy and air force are really adjuncts of their army. They simply are not equipped for long-range adventures. We are. We have this tremendous Marine Corps that, by itself, accounts for the major amphibious capability in the world. We have a navy that is second to none—I don't care what they say. Our air force, plane for plane, in quantity and quality, is the best in the world.

QUESTION. So, the increasing quality of Russian weapons is not a matter for concern?

DUNNIGAN. Everything is directly related to the capabilities of the operators of that equipment. If the Soviets started letting their pilots fly more frequently and more independently of ground control, I'd start getting worried. If they started allowing their ground forces to practice with and wear out their equipment, I'd start getting worried. Now, with their navy I'd start to worry. They are starting to build ships very similar to ours. Fortunately, it's only a very small percentage of their navy. The trend is incremental and the rate of change is so slow I don't think we really have to worry about it in our lifetime.

QUESTION. You've made us feel better about U.S. military strength. Now tell us what's wrong with our military.

DUNNIGAN. Our procurement in general is outrageous. The problem is we don't have people in the military who can make intelligent buying decisions. I'm talking about a good purchasing agent. Let's say we're talking about a manufacturing company. You've got good designers, you've got a market. But your purchasing department is full of a bunch of dum-dums. Instead of buying a $1.50 control chip for the gadget, the guy goes out and buys a $10 chip that doesn't do half as much. And that's literally what the military does in many cases. They spent hundreds of millions of dollars developing a Field Artillery Direction and Control Computer [FADAC] to control artillery fire. The thing never worked. A hand-held electronic calculator with a special program chip did most of the functions better. That's what I call buying dumb. The wrong weapons are built, and even when they find out the weapons are wrong they keep building them anyway. That's what happened with the F-18 fighter, the M-1 tank and M-2 Infantry Combat Vehicle. We're not the only ones to do that. The Russians developed the MiG-25 interceptor to counter our B-70 bomber. We canceled the bomber, but they continued with the MiG-25. Now they don't know what to do with it.

QUESTION. How do we wind up spending so much on weapons systems?

DUNNIGAN. We tend too much toward a committee approach because there is nobody with sufficient stature to say, "Go with this." It took us 20 years to get the M-1 tank. I am sure they have their debates in the Israeli army, but somebody said, "Build the Merkava [tank]," and bingo! they got it. It didn't take them 20 years. It took them less than 2 years. It's the same with any army that has enough people who can say, "Hey, look, I have been there. This is bullshit!" The point is that if you can't settle the debate it's going to cost you a lot of money.

QUESTION. There has been much criticism that the U.S. military goes too far in its pursuit of high technology. Where do you stand?

DUNNIGAN. I stand on high leadership and as much technology as you can use. Which in some cases would be high tech. We have come up with some high-tech stuff that has been very useful—the electronic warfare, some of the avionics. They can make a difference.

For example, the all-weather aircraft: Now, given the fact that most of the Russian antiaircraft defenses are not that effective in less-than-clear weather conditions, it makes a demonstrable difference if you have avionics that allow you to fly through the muck. Of course, those avionics can come right from the civilian sector, since we land civilian aircraft in the worst possible conditions.

QUESTION. So, despite all our problems, your book shows that the Russians are worse off.

DUNNIGAN. Yeah, and they're getting worse with their increasing emphasis on high tech. They are suffering from it, which is good for us, I suppose. We should encourage them because, in almost any military situation, it's not a question of who is better; it's more a question of who is worse.

QUESTION. Are you concerned that you might be underestimating the Russians' power?

DUNNIGAN. I don't underestimate the Russians. They aren't 10 feet tall. They are 5 feet 6 inches, but they are armed. So they are still dangerous.

You can easily see that if we get below a certain threshold, they could be all over us. But there is also a danger in overestimating the threat. If people get an unrealistic view of the power of the other side, that's what can cause a war. Overestimating the threat can cause you to overreact to any move they make. With nuclear weapons, that can be a fatal overreaction.

Mr. ROBERT C. BYRD. Mr. President, is there any other Senator on my side who seeks recognition? If not, I yield back the remainder of my time.

ROUTINE MORNING BUSINESS

Mr. MATHIAS. Mr. President, I ask unanimous consent that following the expiration of the leadership time at this point, there be a period for the transaction of routine morning business not to extend beyond 11:30 a.m., with a 5-minute limitation on each Member's participation.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MATHIAS. Mr. President, I see no Senator who is actively asking for the floor, so I make the point of order that a quorum is not present.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

(Mr. NICKLES assumed the chair.)

Mr. HAYAKAWA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE "VICAR OF BRAY"

Mr. HAYAKAWA. Mr. President, the present situation in the Falkland Islands provokes a major concern for the protection of the historic sailing vessel, the *Vicar of Bray* presently located in Goose Green in East Falkland. The *Vicar of Bray,* dates back to the 1849 gold rush when English sailors, forced to abandon their ships, became miners in the gold country east of San Francisco. Built in Whitehaven, England, during the 1840's, this historic vessel is a British national treasure and is the sole remaining ship of over 1,000 ships to sail to San Francisco during the gold rush. After surveying the *Vicar* in Goose Green in 1979, the National Maritime Historical Society has restored this classic ship to be displayed at the Golden Gate National Recreational Area in San Francisco.

The city and county of San Francisco considers the *Vicar of Bray* a valuable treasure and one of the few remaining artifacts of Western Americana. Due to the present situation in the Falkland Islands, it is likely that the *Vicar* could become a military target against the United Kingdom. Therefore, grave concern for the safety of this archeological treasure is rightfully justified. Relocating the *Vicar of Bray* to a safe area is a neutral matter which should be observed. I have expressed my concern to both the Argentine Ambassador and the British Ambassador and have requested that every possible precaution be taken to protect this priceless 1849 relic while transporting it to a new location.

In brief, Mr. President, this ship should be towed on an LSD to Montevideo, towed from there through the

Panama Canal, and brought back to San Francisco Bay, to become part of our maritime museum.

Articles recently printed in the San Francisco Chronicle, "S.F.'s Precious Stake in Falkland Islands," adequately address the historical situation of the "Vicar of Bray" and the problems the United States encounters in rescuing this historic vessel. Moreover, I feel the articles are beneficial and give a proper perspective of this delicate situation. I ask unanimous consent that the articles on the "Vicar of Bray" be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the San Francisco Chronicle, Apr. 9, 1982]

HINCKLE'S JOURNAL—RESCUING THE VICAR

(By Warren Hinckle)

The argonaut ship Vicar of Bray has become the pea under the mattress of the Falkland Islands crisis.

While there was minister-level activity in Washington, London and Buenos Aires to avert an impending Anglo-Argentine war, Senator S. I. Hayakawa and Mayor Dianne Feinstein said yesterday that they would ask the Argentine ambassador to the United States to have his country protect the only surviving 1849 Gold Rush ship, and possibly remove it from the islands.

Also yesterday, maritime buffs on both American coasts were lobbying the Argentine navy for safe passage out of the Falklands for the Vicar.

There were indications that Argentina was considering such a gesture. There was also opposition to the idea, from some members of the board of the Vicar's owner, the National Maritime Historical Society.

"It's likely the Argentines may try to use the rescue of the Vicar to gain international brownie points. I'm totally opposed to allowing the ship to be used for political purposes. I'd rather see her endangered than become a political pawn," said Peter Stanford, the society's president.

This was a view not universally held by the society's trustees.

"We don't have any stake in this war. If the Vicar can be brought out of the danger zone immediately, I think it should be done," said Karl Kortum, the chief curator of the San Francisco Maritime Museum. Kortum is the chairman of the Maritime Historical Society board.

Hayakawa said that he was notifying Argentina's U.S. ambassador, Esteban Takacs, that his country should take "every possible precaution" to protect and hopefully move the priceless '49er relic.

Mayor Feinstein yesterday signed a resolution adopted by the Board of Supervisors informing the Argentine "military government now occupying the former British colony that among the possessions it has siezed is a treasure of the City and County of San Francisco." The mayor was "personally" contacting the Argentine ambassador to explore the possibilities of getting the fragile Gold Rush ship to safety, said Tom Eastham, the mayor's press secretary.

With the Royal Navy fleet still almost two weeks away from the forlorn bluff and stack of the treeless islands, the Hon. Jeffery Johnston-Smith, a Conservative MP from East Grimstead and a former British deputy secretary of defense, said, "It would be a welcome duty to save the Vicar if we can.

"We've told our navy not to smash the old boat up if there's a war," he said.

Johnston-Smith, who is high in the Conservative Party seraphim, said that he presumed Britian would have no objections if the Argentine navy agreed to take the old ship to safety under a white flag.

The Vicar is hulked at the head of the Choiseul Sound, nailed to a pier in Goose Green, a small sheep-shearing settlement in the mutton-eating, peat-burning, sunless archipelago deep in the South Atlantic.

The plan for getting the Vicar out requires an American maritime archeological team to fly to Goose Green and ready the ship for a hasty exit.

"It can be done," said Parker E. Marean III, a naval architect and engineer in West Boothby Harbor, Maine. Marean surveyed the Vicar in a National Maritime Historical Society expedition in 1979.

The necessary equipment is an LSD (landing ship, dock)—sort of an enlarged version of World War II landing barges.

The LSD would partially submerge via ballast tanks, and accept the still-intact hulk of the Vicar, Marean said. It would then deballast and take the Vicar down the sound into the South Atlantic under a white flag through the expected British naval blockade, thence up the coast of South America to the neutral port of Montevideo, where a barge would bring the old lady through the Panama Canal to San Francisco.

Marean said the Vicar still has 25 tons of 1880 coal aboard which must be carefully removed to allow the ship to float free, and that some patchwork needs to be done.

"She's a tough old lady," the naval architect said.

[From the San Francisco Chronicle, Apr. 15, 1982]

S.F.'s PRECIOUS STAKE IN FALKLAND ISLANDS

(By Warren Hinckle)

The Vicar of Bray—the sole survivor of the great fortune-hunting fleet of the 1849 Gold Rush—today lies uneasily against a jetty in a dog-hole harbor in the bleak Falkland Island settlement of Goose Green, her safe voyage home to San Francisco imperiled by the winds of war in the far South Atlantic.

She is 141 years old. To San Francisco, she is as important as the Golden Spike and Mission Dolores. She was getting ready for one last, great grand entrance through the Golden Gate.

Now, she may be blown away in an atavistic territorial dispute over a sub-Antarctic island chain.

The winds of war were stirring San Francisco yesterday. There was talk among the devotees of the Vicar of asking the U.S. Navy to go into Goose Green and get it out before the fight starts, but there was also fear of red tape delays. Some felt more immediate action would be appropriate.

"For San Francisco finding the Vicar is equivalent to New York City finding the original necklace used to buy Manhattan from the Indians," said Maritime Museum trustee Scott Newhall.

"Hell," said Newhall, "Maybe we should mount our own gunboat and get down there and straighten this thing out."

"The Vicar of Bray could become a military target," said Nick Dean, a member of a National Maritime Historical Society expedition that returned from the Falklands two weeks ago. "You can never tell what the Argies might do down there. We're really worried."

The only surviving Gold Rush ship has been rudely pressed into service since the 1920s as the "T" end of a pier at the head of the 60-mile-long Choiseul Sound that connects the sheep-shearing colony of Goose Green to the Atlantic

"I was aboard her just two weeks ago. You could feel her rise and fall," said Dean.

Fears that the largely intact but frail Gold Rush relic might become a casualty of a shooting war are based on sporadic reports from the besieged islands that the native British population might be resorting to guerrilla warfare against the Argentine invasion force.

"The pier with the Vicar attached is the sole source of supply for Goose Green," said Dean, speaking from his home in Maine. "If Goose Green residents take up the resistance, it would only be logical for the Argentines to blow away the pier."

The Vicar is a remarkable old girl who has kept her shape through two centuries. In her prime, she was as pretty as the ship on the label of a Cutty Sark bottle. She owes her dowager condition to the craftsmen who built her as bold as a rose, and to the natural deep freeze of the Falklands, which are in the anteroom of the South Pole.

Yesterday, in London, Frank Carr, the chairman of the World Ship Trust, expressed "grave concern" for the safety of the famous old ship, which came into American hands in 1977 and has since been the subject of a half-dozen maritime archelogical expeditions to the Falklands to prepare it for a final voyage through the Golden Gate to the National Maritime Museum here.

The Falkland Islands today are a treasure trove of hulked 19th century sailing ships that—timbers creaking under full canvas as they attempted the difficult passage around Cape Horn to catch the westerlies that would take them to California—gave up the fight and limped into Port Stanley for repairs. Many of them, like the Vicar, stayed on the beach for a century or better, preserved from decay by the sub-Antarctic temperatures.

"I'm terribly afraid the Argies might clear out the old hulks beached in the Falklands and make a fortified place," Carr said. "The Argies have, unfortunately, never expressed too much interest in the preservation of historic ships, you know."

It became evident during a day of conversations yesterday with recent visitors to the distant archipelago that everybody in the Falklands calls the Argentinians the "Argies." It is not particularly a term of endearment.

Also pacing the floor yesterday over the Vicar's precarious wartime situation was Karl Kortum, the Chief curator of the National Maritime Museum here. Korum, an internationally respected authority on the restoration of classic ships, discovered the sole surviving Gold Rush brig in Goose Green in 1966, and he has been working overtime since to bring the Vicar to a final berth in the museum. The National Park Service stamped its seal of approval on his plan in 1979, calling the Vicar "one of the most important artifacts of Western Americana."

"San Francisco has a real stake in this battle in the Falklands," Kortum said.

There are echoes here of the World War II controversy over the destruction of Monte Cassino, the mountaintop monastery in Italy with a priceless collection of monks' scribble from the Middle Ages. German troops has occupied it and the Americans

were going to blow them away when the Vatican appealed to both sides to spare the monastery. The monastery got blown away.

"We can't let the Vicar of Bray become a casualty of war," San Francisco Supervisor Quentin Kopp said yesterday. Kopp said he was drafting an emergency resolution to be introduced at the Board of Supervisors meeting today to put British Prime Minister Margaret Thatcher and Argentine President General Leopoldo Galtieri on notice that they dare not harm a splinter of the beached Gold Rush vessel.

Kopp said that he was going to request the State Department to ask the American ambassador to Argentina to urgently inform the military government that they have seized, along with the barren Falklands, a San Francisco treasure.

The Vicar's history dates back to when San Francisco was a Port of Gold and the city was described as a Venice of pine wood because of the hundreds of abandoned ships stilled in the bay, their sailors turned instant miners leaving a forest of sad masts behind them. Of the 777 ships that arrived in San Francisco in 1849, the Vicar is the only one to survive the rigors of time.

The Vicar of Bray was launched in 1841 in Whitehaven, England, and named playfully for an ecclesiastical trimmer who became Catholic and Protestant in succession as the higher allegiances of the kings and queens of England shifted. The ship's story is of the tradition of going down to the sea in ships, and doing business in great waters. The most urgent business in the world in 1949 was the Gold Rush.

When the 121-foot bark arrived in San Francisco in November of 1849, San Francisco was a tent city looked down upon by stained sand hills. Alcatraz was a white-cliffed island of pelicans. The bay was a tangle of abandoned ships, and it stank with the rot of forgotten cargoes. The only green in the whole town was a cloth on the gaming tables.

The ships that lost their compasses to the pull of gold came off the China trade, the Cape trade, the East Indian trade. Their skippers could not raise men to sail them and they became the spoor of the new city, used as floating warehouses, cannibalized for timber, or dragged ashore and turned into saloons and hotels. Many of the Vicar's sister ships still lie beneath the financial district, buried with their copper-clad hulls.

Out of the mudhole that was Gold Rush San Francisco grew a lotus-city unique to the United States, a town on the other end of the world from civilization as it was known that had more newspapers than London, drank more champagne than New York and more coffee than Boston, and attracted writers of the stripe of Mark Twain, Joaquin Miller and Bret Harte.

The Vicar was one of the few ships that got out of port during the Gold Rush; only six crewmen skipped, a record for the time. It continued to commute around the Falklands, from London to the New West, sailing the Cape trade. The last known reference to the Vicar is a simple entry in the 1880 Lloyds register that says "Hulked" in Port Stanley, the capital of the Falklands.

Marine restoration experts who have surveyed the Vicar—Kortum says that remarkably 85 percent of the original ship is intact, minus only the deck planking and masts and some cabin woodwork—say that refitting it for a drydock voyage to San Francisco is a very workable proposition.

Funds were being sought for this purpose before the fight started in the Falklands. Now, Kortum hopes for the best and fears the worst.

"We may be in for a real waterfront scrap down there," he said. "And the Vicar is an old lady."

THE FALKLAND ISLANDS

Mr. MATHIAS. Mr. President, the distinguished Senator from California (Mr. HAYAKAWA) has called the attention of the Senate to the controversy involving the Falkland Islands. In the Washington Post this morning is a very forceful editorial on the subject of the Falkland Islands, and I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 20, 1982]

WHY ARGENTINA IS WRONG

Secretary of State Hiag's return to Washington suggests he did not receive from the Argentines an offer he though worth conveying in person to the British. This is too bad; but there are worse things than giving it your best shot. One worse thing would have been to try to peddle to the British an Argentine position that was unprincipled and nonnegotiable. That seems to be what the generals in Buenos Aires had in mind for Mr. Haig to do. Argentina has insisted throughout on having its sovereignty over the "Malvinas" recognized all around at once. The secretary's consistent view has been that the sovereignty issue should be put off for negotiation later.

There is the heart of it. From the start of the Falklands affair there has been only one substantive issue: the attitude one should take toward the Argentine effort to assert sovereignty over disputed territory by force. True, many nations have acquired their territory in the past this way, but most of the countries of the world clearly decided after World War II not to condone that method any more. To indulge Argentine aggression in the Falklands would be to trample what is not less than the fundamental principle of contemporary world order. It would, moreover, have immediate and potentially vast practical consequences. Israel, for instance, may be contemplating asserting its sovereignty in the West Bank, Syria in parts of Lebanon, Turkey in Northern Cyprus and so forth. Such countries must be keenly watching whether Argentina gets away with its grab.

Fortunately, the argument of principle coincides with the argument of friendship. The United States, and not just this administration, is as close to Mrs. Thatcher's Britain as it is to any nation anywhere. There is no similar closeness to Gen. Galtieri's Argentina, even after the Reagan administration's geopolitical fancy is factored in.

During the Haig mediation, there was good reason for the United States to swallow criticism (from both the Argentines and the British) and to work for the best possible diplomatic access to both sides. But if Argentina has now made further American mediation pointless, then the administration will be free to take a position arising in the first instance from alliance considerations. It is not every day that this country gets to support both a principle and a friend.

Mr. MATHIAS. Mr. President, the editors of the Washington Post make the point that it is the violence, the forcible violence, which has characterized the occupation of the Falkland Islands by the military forces in the Argentine Republic which is reprehensible.

I believe this is emerging as the central and repugnant aspect of this whole affair. I believe that is what history will condemn as we review this unhappy chapter.

QUORUM CALL

Mr. MATHIAS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Assistant Secretary of the Senate (Marilyn Courtot) proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

ADMINISTRATION OF OATH TO NICHOLAS F. BRADY, SENATOR FROM NEW JERSEY

The VICE PRESIDENT. The Chair lays before the Senate the certificate of appointment of NICHOLAS F. BRADY of the State of New Jersey.

Without objection, it will be placed on file and the certificate of appointment will be deemed to have been read.

The certificate of appointment is as follows:

CERTIFICATE OF APPOINTMENT

To the President of the Senate of the United States:

This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of New Jersey, I, Thomas H. Kean, the Governor of said State, do hereby appoint Nicholas F. Brady a Senator from said State, to represent said State in the Senate of the United States until the vacancy therein, caused by the resignation of Harrison A. Williams, is filled by election as provided by law.

Witness: His excellency our Governor Thomas H. Kean, and our seal hereto affixed at Trenton this 12th day of April, in the year of our Lord 1982.

By the Governor:

THOMAS H. KEAN,
Governor.

The VICE PRESIDENT. If the Senator-designate will present himself at the desk the Chair will administer the oath of office required by the Constitution and prescribed by law.

Mr. BRADY of New Jersey, escorted by Mr. BRADLEY, of New Jersey, advanced to the desk of the Vice President; the oath prescribed by law was administered to him by the Vice President; and he subscribed to the oath in the official Oath Book.

(Applause, Senators rising.)

RECESS UNTIL 2 P.M.

Mr. TOWER. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 2 p.m. this afternoon.

There being no objection, the Senate, at 11:12 a.m., recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. GORTON).

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair now directs the clerk to state the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on Senate Resolution 20, a resolution providing for television and radio coverage of proceedings of the Senate.

Howard Baker, Jake Garn, Warren B. Rudman, Arlen Specter, Steven Symms, James A. McClure, William Roth, Slade Gorton, Charles Percy, Mark Andrews, Thad Cochran, Orrin G. Hatch, Lowell Weicker, John Heinz, Charles McC. Mathias, and John H. Chafee.

CALL OF THE ROLL

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair now directs the clerk to call the roll to ascertain the presence of a quorum.

The bill clerk called the roll, and the following Senators answered to their names:

[Quorum No. 30 Leg.]

Abdnor	Eagleton	Long
Andrews	East	Lugar
Armstrong	Exon	Mathias
Baker	Ford	Matsunaga
Baucus	Garn	Mattingly
Bentsen	Glenn	McClure
Biden	Goldwater	Melcher
Boren	Gorton	Metzenbaum
Boschwitz	Grassley	Mitchell
Bradley	Hart	Moynihan
Brady	Hatch	Murkowski
Bumpers	Hatfield	Nickles
Burdick	Hawkins	Nunn
Byrd, Harry F., Jr.	Hayakawa	Packwood
	Heflin	Pell
Byrd, Robert C.	Heinz	Percy
Cannon	Helms	Pressler
Chafee	Hollings	Proxmire
Chiles	Huddleston	Pryor
Cochran	Humphrey	Quayle
Cohen	Inouye	Randolph
Cranston	Jackson	Riegle
D'Amato	Jepsen	Roth
DeConcini	Johnston	Rudman
Denton	Kassebaum	Sarbanes
Dixon	Kasten	Sasser
Dodd	Kennedy	Schmitt
Dole	Laxalt	Simpson
Domenici	Leahy	Specter
Durenberger	Levin	Stafford
Stennis	Thurmond	Warner
Stevens	Tower	Weicker
Symms	Wallop	Zorinsky

Mr. STEVENS. I announce that the Senator from Missouri (Mr. DANFORTH) is necessarily absent.

Mr. CRANSTON. I announce that the Senator from Massachusetts (Mr. TSONGAS) is necessarily absent.

The PRESIDING OFFICER. A quorum is present.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on Senate Resolution 20, providing for television and radio coverage of proceedings of the Senate, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Missouri (Mr. DANFORTH) is necessarily absent.

Mr. CRANSTON. I announce that the Senator from Massachusetts (Mr. TSONGAS) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 47, nays 51, as follows:

[Rollcall Vote No. 81 Leg.]

YEAS—47

Abdnor	Hawkins	Packwood
Andrews	Hayakawa	Pell
Armstrong	Heflin	Percy
Baker	Heinz	Pressler
Brady	Jepsen	Quayle
Bumpers	Kassebaum	Roth
Chafee	Kasten	Rudman
Chiles	Lugar	Sasser
Cochran	Mathias	Schmitt
Cohen	McClure	Specter
DeConcini	Melcher	Stevens
Garn	Metzenbaum	Symms
Gorton	Mitchell	Thurmond
Grassley	Moynihan	Wallop
Hatch	Murkowski	Weicker
Hatfield	Nickles	

NAYS—51

Baucus	Durenberger	Levin
Bentsen	Eagleton	Long
Biden	East	Matsunaga
Boren	Exon	Mattingly
Boschwitz	Ford	Nunn
Bradley	Glenn	Proxmire
Burdick	Goldwater	Pryor
Byrd, Harry F., Jr.	Hart	Randolph
	Helms	Riegle
Byrd, Robert C.	Hollings	Sarbanes
Cannon	Huddleston	Simpson
Cranston	Humphrey	Stafford
D'Amato	Inouye	Stennis
Denton	Jackson	Tower
Dixon	Johnston	Warner
Dodd	Kennedy	Zorinsky
Dole	Laxalt	
Domenici	Leahy	

NOT VOTING—2

Danforth	Tsongas

The PRESIDING OFFICER. On this vote there are 47 yeas and 51 nays. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

CLOTURE MOTION

Mr. BAKER. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on S. Res. 20, a resolution providing for television and radio coverage of proceedings of the Senate.

Howard Baker, Steven Symms, Slade Gorton, Charles H. Percy, William Roth, Thad Cochran, James A. McClure, Lowell Weicker, Mark Andrews, Warren B. Rudman, S. I. Hayakawa, Harrison Schmitt, Dan Quayle, Strom Thurmond, Charles McC. Mathias, Ted Stevens, Jake Garn, and Arlen Specter.

TELEVISION AND RADIO COVERAGE OF SENATE PROCEEDINGS

The Senate continued with the consideration of Senate Resolution 20.

AMENDMENT NO. 1244

(By request of Mr. RANDOLPH the names of Mr. MELCHER, Mr. NUNN, Mr. LEVIN, Mr. DECONCINI, Mr. MATSUNAGA, Mr. NICKLES, and Mr. STENNIS were added as cosponsors of amendment No. 1244.)

(By request of Mr. MITCHELL, his name was added as a cosponsor of amendment No. 1244.)

Mr. BAKER. Mr. President, what is the pending question before the Senate?

The PRESIDING OFFICER. The amendment of the Senator from West Virginia (Mr. RANDOLPH) is the pending amendment before the Senate.

Mr. BAKER. It will be the intention of the leadership, of course, to stay on Senate Resolution 20, which is the unfinished business. I would expect some time this afternoon to have a vote on or in relation to the Randolph amendment. I am not prepared at this time to ask for unanimous-consent agreement, but I would like to estimate, if it suits the managers of the debate or the proponent of the amendment, that we set a target of 3:30 p.m. to vote on the Randolph amendment.

Mr. RANDOLPH. That will be agreeable with me. I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays are ordered.

Mr. BAKER. Mr. President, I had indicated earlier that I hoped as well to gain unanimous consent to double track to take up the criminal code bill or the nuclear waste bill. It does not appear that I can gain unanimous consent at this time to do so. Therefore,

unless we can make other arrangements the Senate will continue with the consideration of Senate Resolution 20 for the remainder of this day.

Mr. President, I am prepared to yield the floor. I would encourage Members to proceed with the debate on this measure and to anticipate a vote, although it has not been ordered, on or in relation to the Randolph amendment at approximately 3:30 in the afternoon.

The PRESIDING OFFICER. Who seeks recognition?

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HOLOCAUST DAY

Mr. SPECTER. Mr. President, in 6 short years of World War II, Hitler's followers slaughtered 6 million Jews—one-third of the world's Jewish population—in the Holocaust. This world tragedy has blighted and scarred humanity in such a way as no other event in human history.

Israel's Knesset established Yam Hashoa, Holocaust Day, as a memorial to the Jewish dead. The anniversary corresponds to the day in which Allied troops liberated the first Nazi concentration camp, Buchenwald, where 56,000 prisoners, most of them Jewish, perished.

Although the Nazis systematically sought to destroy the Jewish people, even the most barbaric of regimes could not destroy the Jewish culture and tradition. Those who died, died fighting. Fighting against tyranny. Fighting for convictions. Fighting for their heritage. The 6 million who died, died fighting so that their children and grandchildren—the rest of mankind—could live freely and without fear.

The Holocaust memorial today compels the world to remember its history. The world cannot allow itself to be paralyzed by the pain and anguish of the past. We must commit ourselves to insuring that human progress will not allow humanity to repeat history's tragedies.

Elie Wiesel, Holocaust survivor, prominent author, and most recently chairman of the U.S. Holocaust Council, has committed his life to avoiding history's tragic repetition. Mr. Wiesel suggests that the only way to avert another Holocaust is to listen to the past. Following his visit to Auschwitz and other Nazi death camps, Mr. Wiesel wrote in an acclaimed New York Times Magazine article entitled "Pilgrimage to the Country of Night":

> How many candles must one light for mankind? So as not to betray ourselves by betraying the dead, we can only open ourselves to their silenced memories.
>
> And listen.

Today I hope that all of us will set aside a few moments to listen to the silenced memories of those millions who lost their lives in the Holocaust and rededicate ourselves to insuring that such a tragedy never again scars the course of human progress.

Earlier today, in a very beautiful and moving ceremony in the White House, which I had the privilege to attend, President Reagan and Elie Wiesel spoke eloquently of the sacrifice of the 6 million who died in the Holocaust. Before that, in the rotunda of the U.S. Capitol, there was another eloquent ceremony commemorating the Holocaust.

This is a most appropriate tribute in the Congress of the United States and in the White House of the United States for this most important remembrance.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOREN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOREN. Mr. President, is time under control?

The PRESIDING OFFICER. There is no controlled time.

THE BUDGET STALEMATE

Mr. BOREN. Mr. President, no one disputes the urgency of the task which confronts the President and the Congress to reach an agreement which will end the budget stalemate. There is no more important task than forging an agreement which will bring down the deficits in order to lower interest rates and bring about economic recovery.

A continuation of the stalemate can only result in the kind of uncertainty and insecurity which undermines economic confidence.

While we work together to forge a budget package, I hope that we will not lose sight of an extremely important part of the economic picture—the need for a sound energy policy.

A few years ago, it was impossible to ignore the energy problem. Prices were increasing at an explosive level driving up inflation. Wasteful consumption contributed to such a high level of demand that about half of our crude oil needs had to be met by imports. Our balance of payments was upset. Our national security was threatened by overdependence on unstable sources of oil supplies.

Now, it is all too easy to fall back into our old ways. A slowdown in the international and American economies has reduced the demand for oil. Decontrol of oil prices and the partial decontrol of natural gas stimulated record increases in domestic exploration in the last 2 years. Import levels of approximately 3 million barrels per day of oil amount to only about one-fourth of our daily consumption. This temporary oil glut may encourage Americans to go back to their old wasteful ways and may well discourage domestic production of energy.

Let us look at the facts before serious mistakes in energy policy are made. Reductions in oil prices and uncertainty about the future have already caused a sharp drop in planned domestic exploration and development activity. Mobil, for example, had forecast a $5.9 billion 1982 budget but has cut the figure to $4.1 billion.

In response to the production company cutbacks, the secondary industries are also having to make similar reductions. Recently Armco, Inc., announced that it would defer a $671 million expansion for its facilities that produce pipe for the oil and gas drilling industry.

Every day, more reports reach me of stacked rigs and cutbacks in the service industries. Mr. President, I think that most of our colleagues would be shocked if they stopped to consider what is happening in the domestic industry right now. By the end of December 1981, the national rig count had peaked at 4,530. Since then it has dropped in less than 4 months to 3,509, a dramatic decline of 22½ percent.

The development of alternative energy sources has been stopped in its tracks. Tenneco, Inc., and Occidental Petroleum announced that they would table a plan to extract kerogen from Colorado shale deposits. Exxon Corp. announced in February that it would not, for now at least, proceed with plans to turn east Texas lignite into natural gas.

Solar, geothermal, and other energy source developments seem to be weakening as the price of oil declines.

If domestic energy activity is allowed to decline further, it will be harder and harder to bring it back. It is not as easy as turning a water hydrant off and on. The industry cannot quickly be revitalized if investment dollars, equipment, and skilled labor are diverted elsewhere.

If we drift back into these old habits we will soon find ourselves in trouble again as the economy begins to recover. Demand will rise. With domestic production down and conservation slackened, once again there will be shortages, higher prices, and more imports of oil.

As we debate the budget, we must keep these facts in mind. It is my hope that as the budget discussions contin-

ue, a proposal made by the administration in its original budget will be dropped. The administration has proposed to abolish the existing corporate add-on minimum tax and create a new alternative corporate minimum tax. The proposed tax would be 15 percent on a base composed of taxable income with the addition of 14 preference items including intangible drilling costs. No tax credits would be allowed against the new tax. Oil and gas income offsets or deductions for net operating losses would not be allowed. It is rumored that active consideration is being given to extending this proposal to individuals as well as to corporations.

In combination with the accelerated-cost-recovery system of depreciation, this proposed tax would make investments in oil and gas drilling much less advantageous than other kinds of investments.

The Resources Analysis and Management Group of Oklahoma City has just completed a study of the impact of this provision on my home State of Oklahoma. Dr. William Talley of RAM, a member of my Council of Energy Advisers when I served as Governor, has provided me with an outline of some of the findings.

In Oklahoma alone, RAM estimates a reduction in drilling expenditures of $760 million per year if the tax is adopted, including a reduction of wells drilled of 1,636 and an annual reduction of 8 million feet in drilling.

It is estimated that it would reduce crude oil production in Oklahoma by 23,400 barrels of crude oil production per day and 233 million cubic feet of gas.

Applying the multiplier factor, RAM estimates that the gross State product could be reduced by as much as $2.6 billion and that with a ratio of 50 jobs per $1 million in GNP, a reduction of 132,400 jobs could result.

Since about 20 percent of the current nationwide drilling activity occurs in Oklahoma, the potential national impact of this tax proposal can be obtained by multiplying the Oklahoma figures by five. Drilling expenditures nationally could be expected to drop by $3.8 billion with the resulting loss in jobs in excess of 500,000 nationally and much larger drops in the gross national product.

It is estimated that outside investors account for 20 percent of total drilling investment and that that amount would be cut by 50 percent by this tax. Approximately 60 percent of the expenditures for oil and gas drilling in Oklahoma would be taxed. Independent producers could not reduce their rate of tax through the use of foreign tax credits. We would once again be placing the greatest burden on domestic production and encouraging the marginal barrel to be produced overseas.

Let us hope that for once we will learn from the past. Because of the general energy picture, further energy taxes are probably unwise, however, if additional revenues are to be extracted from the energy sector, it makes far more sense to consider an import fee on foreign crude oil as a lesser evil. While there would be problems in terms of fairness to refiners and protection against a flood of imported refined products, at least it would not put the greatest burden on domestic production. There are many problems with an import fee, but it would to some degree, stabilize domestic oil prices and encourage conservation, here at home.

It is always easy, particularly for those in areas of the Nation where oil and gas are not produced, to advocate taxing that production when faced with a budgetary problem. It is always easier to vote to tax someone else's constituents instead of your own. In the long run limiting the ability to charge off drilling costs will only slow down domestic drilling and once again dash our hopes for energy independence. Let us hope that those who are working on the budget package will look out for the long range national interest.

AMBASSADOR KAMPELMAN EXPRESSES CONCERN OVER THE BALTIC STATES

Mr. HEINZ. Mr. President, recently the head of our delegation to the Conference on Security and Cooperation in Europe, Ambassador Max Kampelman, spoke to that body in response to remarks made by the Soviet delegation on the subject of "imperialism," by which term the Soviets mean something done often by others but never by themselves.

Ambassador Kampelman helpfully pointed out that the Soviet concern over "imperialism" might be better directed to a situation close to home. Specifically, he referred to the plight of the Baltic States of Latvia, Lithuania, and Estonia. These states were forcibly annexed by the Soviet Union in 1940 and today continue to be ruled as part of the Soviet Union. This is in direct contradiction to the principle of self-determination.

The American people, particularly those of Baltic descent, deplore the subjugation of the Baltic Republics and continue to share the aspirations of the people of Latvia, Lithuania, and Estonia for freedom and independence from the U.S.S.R. For this reason I have been pleased to cosponsor a joint resolution which recognizes the right of self-determination for the Baltic States and which designates June 14, the anniversary of the mass deportation of Baltic peoples from their homelands in 1941, as "Baltic Freedom Day."

Mr. President, in order to bring Ambassador Kampelman's remarks to the Senate's attention and to emphasize American concern over the Baltic situation, I ask unanimous consent that these remarks be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMBASSADOR KAMPELMAN'S REMARKS BEFORE PLENARY ON MARCH 3, 1982

Mr. Chairman, on Friday, the head of the Soviet delegation spoke of "imperialism." It is not my purpose today to engage in a fruitless discussion of Marxist ideology. Thinking of his comments, however, I was struck by the fact that he spoke on our last working day in February; and that during the month of February, Estonians and Lithuanians throughout the world were marking their countries' declarations of independence.

The Baltic states of Latvia, Lithuania and Estonia understand the meaning of imperialism and the loss of liberties that follow it. Between 1918 and 1939, these three Baltic states were proud members of the world's community of free nations. In 1940, consistent with the earlier Molotov-Ribbentrop Pact, these nations were forcibly annexed by the Soviet Union. The United States condemned that annexation then, and we reaffirm our opposition to it now. We do not recognize the forcible incorporation of the Baltic states into the Soviet Union. Our commitment to the principles of liberty and selfdetermination requires no less.

Lenin, in his first decree to the second all-Russia Congress of Soviets, known in the communist world as the "Decree of Peace," said on the first day that he took power:

"If any people is held by force in defiance of its expressed wish . . . is not given the right of decision, free from every duress, by free elections, without the presence of those armed forces of the incorporating state or any more powerful state, of what form of national existence it wishes to have . . . then the incorporation of such a state should be called annexation, an act of seizure and force."

We have here indeed an act of "annexation," an "act of seizure and force" against the Baltic states.

I am well aware that the Soviet Union calls itself a "socialist" state and that by definition, its underscored definition, it can never be guilty of imperialism, regardless of what it may do. There is an American saying: "If it walks like a duck, talks like a duck and looks like a duck—it's a duck." Some may wish to call the duck a goose, or a chicken, Mr. Chairman. But it is still a duck. The acts of aggression against the three Baltic states were acts of imperialism.

I respectfully suggest to the Soviet authorities that those nations of the world which, in the course of their own histories, have experimented with imperialism have learned that there are decided limits to imperial attainments. Those that have abandoned the imperial mode have found relief from its burdens, not regret at their loss. Universal opinion today rejects the right of any power to conquer and subjugate other peoples. Furthermore, former imperial powers have learned that they gain little from their efforts. I suggest that the Soviet Union is now finding that its imperial objectives, its dangerous adventurism have

proven to be and will continue to be extremely expensive, an unnecessary burden.

The Helsinki Final Act will have renewed meaning and strength for all of us when that lesson is finally learned and acted upon.

ANTI-CATHOLIC DISCRIMINATION IN NORTHERN IRELAND

Mr. HEINZ. Mr. President, as I travel through Pennsylvania, attending meetings and trying to learn more about the concerns of my consitutents, I periodically hear thoughts about the difficult situation in Northern Ireland. At one of my town meetings I was given a study entitled "Anti-Catholic Discrimination in Manufacturing Industry in Northern Ireland—The American Dimension?" I was concerned about the questions raised in this document and so I requested the Congressional Research Service to undertake a study regarding this serious issue. Their product will, I hope, shed some light on the continuing debate on the matter of anti-Catholic discrimination in Northern Ireland. The points made by the studies are as follows:

First, historic discrimination against Catholics in Northern Ireland has existed, leading to higher unemployment among Catholics than among Protestants.

Second, there has been a resolute and partially successful attempt on the part of the British Government's Fair Employment Agency for Northern Ireland to promote equality of opportunity and religious discrimination.

Third, although in the past some American corporations have had dismal records on employment of Catholics, the Fair Employment Agency is satisfied that no American corporations presently discriminate against Catholics. The Agency has not hesitated to denounce the employment practices of corporations in the past.

Fourth, unemployment among Catholics has been aggravated by factors not directly under the control of American firms, such as the lower education level among Catholics—result of a different kind of discrimination—the greater affluence and safety which attracts industry to Protestant areas, and the high level of general unemployment in Ulster.

Fifth, even if one could make a prima facie case of discrimination against American corporations in Northern Ireland under U.S. law—title VII of the Civil Rights Act of 1964—this law does not presently apply to corporations overseas. There is precedent, however, for a possible future decision of Congress to extend the application of the law to American businesses abroad.

Mr. President, I ask unanimous consent that the CRS study be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

POLITICAL AND ECONOMIC CONSIDERATIONS AFFECTING EMPLOYMENT PRACTICES IN NORTHERN IRELAND[1]

Northern Ireland was created in 1922 to accommodate the objections of the basically Protestant population to the independence of Catholic-dominated southern Ireland from the United Kingdom. The British Government intended that the partition be temporary; but, World War II (a war in which Ireland remained neutral, while Northern Ireland became an important base for Allied troops and ships) further divided the political aspirations of the two parts of Ireland. After the war, the Republic of Ireland was proclaimed in the south, and the six northern counties—which now comprise the province of Ulster—won a guarantee from the British government to keep their constitutional relationship with Britain so long as a majority of their citizens desired to remain a part of the United Kingdom.

Ulster has been under direct rule from Britain since March 1972, when the local Stormont government asked the British government to intervene to restore order in the violence-ridden province. It is generally agreed that under direct rule, civil and human rights have been strengthened. The Fair Employment Act of 1976 outlawed political or religious discrimination in private as well as public employment and set up a Fair Employment Agency to promote equality of opportunity (see reference below). Nonetheless, discrimination in hiring and employment practices continues although substantial improvements to eliminate inequalities have been made.

The following political and economic considerations are important factors, in addition to the legislation, in determining the responsibility of British, U.S. and other foreign firms for discrimination in employment practices in Northern Ireland.

U.S. CONSIDERATIONS[2]

1. American civil rights laws do not apply to U.S. firms operating overseas who hier non-U.S. citizens. Decisions on hiring and employment practices come under the jurisdication of British law.

2. There is no statuatory precedent in the United States that requires U.S. firms operating abroad and hiring aliens to disclose employment practices. Although not directly related, U.S. Anti-Boycott legislation and the Sullivan Code (as it applies to South Africa) are cases that might be examined if congressional action is considered.

Internal considerations

3. It is generally held to be true that the Protestant community in Ulster has a greater percentage of better educated men and women than the Catholic community. This disparity has been fostered by nearly complete school segregation which extends even to the training of teachers. This factor accounts for a good deal of the disproportionate numbers of Prostestants in white collar jobs in the province.

4. An unemployment rate of nearly 20 percent in Ulster accentuates employment rate disparities. The Protestant community suffers between 10 and 20 percent unemployment depending on the areas considered, while the Catholic community has between 25 and 35 percent unemployed depending on the locale. Ulster also has the lowest family income, highest proportion of families on welfare, and worst housing and social conditions of any comparably sized region in the United Kingdom. But, in terms of government subsidies, Ulster residents receive far higher per capita government benefits than do their counterparts on the mainland. In fact, Ulster citizens receive approximately 30 percent more per capita government subsidies than other British citizens.

5. Traditionally, the province has been heavily dependent on now-declining industries such as shipbuilding, agriculture, textiles and clothing, which through 1960 provided about 60 percent of all jobs in the region. This figure has now declined to about 18 percent, with little new industry appearing to take up the slack. In the manufacturing industry alone, 27 percent of the jobs, or more than 40,000 positions out of a total workforce of 600,000, have been lost since 1970. Violence and civil unrest have forced many small industries to close down and other companies to move elsewhere. Foreign investment has also been less than expected, given the attractive investment packages offered by the British government, because of fears of losses due to the continued strife between guerilla and security forces. The United States is the single largest foreign investor in Northern Ireland with 37 firms represented. But between 1971 and 1977, there was not a single new U.S. investment. The bleak employment picture is causing the emigration of 7,000 people a year—mostly Catholic unskilled workers.

6. Protestant areas in Northern Ireland have the largest industries. This is not surprising given the fact that they are more affluent and generally considered safer. Many Catholics claim that they do not seek work in Protestant areas for fear of harassment or for fear of being turned down for a job. The separation of neighborhoods and schools often extends to the workforce although many companies hire workers from both religions. In the port of Belfast, for example, two shipping unions—one Catholic and one Protestant—divide the work load.

7. For the most part, the union movement in Northern Ireland is Non-sectarian and non-political. This factor has tended to promote fairly harmonious industrial relations as demonstrated by the fact that Ulster factories lost considerably fewer days in work stoppages than their counterparts in Great Britain. A representative of de Lorean (a U.S. car manufacturing industry in Belfast) claims to be virtually free of industdrial problems since the company set up a plant along the border of Catholic West Belfast four years ago. They also maintain that the plant employs about an equal number of Protestants and Catholics.[3]

THE BRITISH RESPONSE

Aside from promising stricter enforcement of the Fair Employment Act, the British government announced a very favorable economic package for Northern Ireland for 1982-1983. James Prior, Britain's Northern Ireland Secretary in charge of administering the province, has made it clear that he wants political cooperation from the feuding factions in Ulster in exchange for more

[1] This paper is a supplement to "Employment Discrimination Laws in Northern Ireland," by Mr. Kersi Schroff of the British-American Law Library, the Library of Congress.

[2] See Employment Discrimination In Northern Ireland and U.S. Civil Rights Laws, by Vincent Treacy, Legislative Attorney, American Law Division, Congressional Research Service.

[3] See Journal of Commerce, November 18, 1981, p. A-4.

money from Britain. Mr. Prior got an extra 91 million pounds for Ulster in the new budget, making total public expenditure for the province 3.5 billion pounds. Some specific programs related to employment and industry include:

1. Youth Training.—Beginning September 1982, every 16-year-old will be able to sign on for a year's job-training course at 25 pounds per week—a year before the program goes into effect elsewhere in the United Kingdom.

2. Industrial Development.—Despite excessive and much-criticized government subsidies given to some firms, such as De Lorean cars and Harland and Wolff ships, the level of support will be maintained in real terms, amounting to about 200 million pounds in 1982-83.[4]

The confusing and often overlapping web of development agencies will be eliminated in favor of a new unified Industrial Development Board, similar to the one set up in the Republic of Ireland. European Community money earmarked for Ulster will come directly through the Board in addition to British government money, and not in place of it.

3. Agricultural Benefits.—The new budget allots an additional 6 million pounds to boost farm incomes.

Employment Discrimination Laws in Northern Ireland

INTRODUCTION

The division between the two distinct religious communities in Northern Ireland has existed since the inception of the state. The Protestant majority community derives its national identity from Great Britain and the Crown. It has strong religious beliefs and wishes politically to remain a part of the United Kingdom. In contrast, the Catholic minority community, with equally strong religious beliefs, looks to the Republic of Ireland for inspiration and many of its members want to live in an united Ireland.

These differences in outlook have resulted in the creation of mutual fears and suspicions between the communities. The fears are reinforced by divisions in their social lives in the spheres of housing, employment, education, etc. "Against this background grievances festered producing much allegation and counter-allegation about discriminatory practices . . . in relation to housing and employment, in both the public and private sectors." [1]

In the field of employment, discrimination took various forms. Some Protestant employers deliberately refused to employ any Catholics in their firms. However, this was not the sole or dominant source of discrimination. Another form of discrimination was when employers were forced to keep Catholics out from a fear of possible hostile reactions among their employees. Other forms of discrimination were more benign. In some industries, e.g. in the shipyards, vacancies were traditionally filled by a member of the family or the relative of the person whose departure created the vacancy. The pattern of housing also contributed toward discrimination in employment. In the working class areas, the communities are divided into separate enclaves. This deters Catholics from traveling through Protestant areas, and vice versa, thus restricting employment.[2]

In order to deal with the seriousness of the grievances caused by discriminatory practices, a committee consisting of both sides of industry in Northern Ireland, chaired by the Minister of State in the Northern Ireland Office, was set up to examine the issues and to make recommendations. In the report entitled "The Working Party on Discrimination in the Private Sector of Employment (in Northern Ireland)" the members decided that it was necessary to enact legislation in order to eliminate discrimination. In the opinion of the Committee, the legislation would serve (a) as an unequivocal declaration of public policy, (b) to give support to those who do not wish to discriminate but are compelled to do so by social pressures, (c) to protect the minority groups, (d) to provide a peaceful and orderly adjustment of grievances and the release of tension, and (e) to reduce prejudice by discouraging the behavior in which prejudice finds expression.[3] Based largely on the report of the Committee, the Fair Employment (Northern Ireland) Act, 1976, c. 25 ("the Act") was passed and came into force between September 1 and December 1, 1976.

The findings on which the legislation is based show clearly that discriminatory employment practices were rampant. Since these findings were made, a sufficient period has elapsed to allow the legislation to have some impact. In reviewing the report of Rev. Father Brian J. Brady before the ad hoc Congressional Committee on Irish Affairs, it would accordingly be appropriate to examine the legal measures provided under the Act.

FAIR EMPLOYMENT

In order to further the objective of promoting equality of opportunity between persons of different religious beliefs, the Act declares specified kinds of religious or political discrimination or victimization in employment to be unlawful. Section 16(2) provides:

"For the purposes of this Act a person discriminates against another person on the ground of religious belief or political opinion if, on either of those grounds, he treats that other person less favourably in any circumstances than he treats or would treat any other person in those circumstances."

Victimization is considered to arise when a person who has made complaint of unlawful discrimination and has given evidence in furtherance of the complaint, is treated less favorably in comparison to any other person (§ 13(3)). The definitions are similar, with modifications for the different context, to those found in legislation in Britain on sex discrimination and race relations. A person's "religious belief" or "political opinion" includes not only his supposed belief or opinion but also the absence of such belief or opinion (§ 57(2)). The effect of this is, for example, if a person is believed to be a Muslim, and is treated less favorable on that account, the treatment is discriminatory even if the person turns out to be a Jew, or even an agnostic. Atheists, agnostics and persons of no political belief are also protected under the Act.

The following acts if committed on account of religious belief or political opinion amount to unlawful discrimination:

A. Concerning employment:

1. Any arrangements made for determining who should be offered employment (§ 17(a)(i)).

2. A refusal or a deliberate omission to offer employment (§ 17(a)(ii)).

3. Making any provisions in the terms on which employment is offered (§ 17(a)(iii)).

4. The manner in which access to benefits is granted, or a deliberate refusal to afford access to benefits (§ 17(b)(ii)).

5. Dismissals (§ 17(b)(iii)).

6. Subjecting an employee to any other detriment (§ 17(b)(iv)).

B. Membership in a vocational organization (including trade unions, employers' organizations and professional bodies):

7. Refusing to accept an application for membership (§ 21(a)(i)).

8. Making any provision in the terms on which membership is offered (§ 21(a)(ii)).

9. The manner in which a member is granted access to benefits, or a refusal to give such benefits (§ 21(b)(i)).

10. Depriving a person of membership, or varying the terms of membership (§ 21(b)(ii)).

11. Subjecting a member to any other detriment (§ 21(b)(iii)).

Discriminatory acts by employment agencies, educational establishments and other bodies conferring professional qualifications are also made unlawful under the Act (§§ 20, 23).

THE FAIR EMPLOYMENT AGENCY

Part I of the Act establishes a Fair Employment Agency for Northern Ireland ("the Agency") consisting of between 6 and 11 members, with the task of:

(a) promoting equality of opportunity in Northern Ireland; and

(b) working for the elimination of discrimination which is unlawful under the Act.

On receiving a written complaint of discrimination, the Agency must carry out an investigation and make a finding as to whether unlawful discrimination has been committed. The Agency is then required to make an endeavor to settle any differences between the parties and, in the case of a finding of discrimination, to obtain an undertaking by the respondent to comply with the settlement (§ 25(1)(b)). If an undertaking is not obtained, the Agency must recommend the type of action to be taken to dispose of the differences between the parties (§ 26(1)). The Agency has the power to make any relevant recommendation, including the payment of compensation (§§ 25, 31(1)).

Both parties to a complaint have a right of appeal to a county court (§ 28). If the court disagrees with the Agency's finding that no unlawful discrimination has been committed, the case is sent back to the Agency for conciliation and the court's decree is then accepted as evidence of unlawful discrimination (§ 29).

In case of a failure to comply with the terms of a settlement of the recommendations of the Agency, the respondent may be sued in tort (§ 30). The court then has the power to grant an injunction and award damages.

EQUALITY OF OPPORTUNITY

Part II of the Act relates to the responsibility of the Agency in promoting equality of opportunity. "Equality of opportunity" means that a person of one religious belief should be accorded the same opportunities as are given to a person of another religion, with allowances being made for material differences (such as qualifications and capability).

Under this part, the Agency is authorized to publish, after consultations with relevant bodies, a guide to good manpower policy and practice promoting equality of opportunity. Employers and labor unions are also invited,

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[4] In February 1982, executives of De Lorean announced they would close down operations due to financial and security reasons.

Footnotes at end of article.

without any compulsion, to declare their commitment to equality of opportunity by making a declaration set out in schedule 3 of the Act.[4] Those who make the declaration have their names entered on a Register of Equal Opportunity Employers and Organizations and are issued a certificate to that effect (§ 6). The Agency has the power to rectify the register, require declarants to reaffirm their intention to abide by the declaration, and to remove or restore names in the register. Any declarant aggrieved by the removal of his name or by the refusal to restore his name may appeal to a Fair Employments Appeals Board (§§ 4,8). The Board may rectify the register as it considers necessary to give effect to its decision.

THE AGENCY'S RECORD

In over 5 years of the operation of the Act, the Agency has made some progress toward attaining the objectives of the legislation. In furtherance of its investigative powers, the Agency has produced a number of research reports on the employment situation in Northern Ireland. In one of its first reports, the Agency provided a "comprehensive and damaging picture" of the inferior status of the Catholic community.[5] The report referred to a serious problem of inequality of opportunity for Catholics who were mostly employed in menial jobs paying low wages. Catholics were found to be unrepresented in many fields of employment, such as engineering, public utilities, insurance, banking, finance and business. In other areas they were grossly underrepresented. For example, in the important sectors of shipbuilding and marine engineering, there were 4.8 percent Catholics and 89.5 percent Protestants.

A survey of work attitudes also found that the work ethics of the Catholics and Protestants are the same.[6] The rate of unemployment among the Catholics thus could not be explained by a lack of ambition.

Recently, after a comprehensive investigation of local government recruitment policy, the Agency made a finding of discrimination against Catholics.[7] There was a strong religious imbalance in local government staff when compared with the local population. In one local government area, out of 45 percent Catholic and 55 percent Protestant applicants, only 30 percent of the Catholics were successful while the figure for the Protestants was 68 percent.

In another recently published report, the Agency studied the employment opportunities available to school-leavers in Belfast. This group was selected for study as they are disproportionately represented in the employment statistics and as youth employment presents serious social, political and economic implications for the future. The survey found that:

"Protestant boys in East Belfast readily found work with fewer remaining unemployed five to eight months after leaving school. Catholics in the East, despite their geographical contiguity to the greater concentration of job opportunities in the city, failed to find work with anything like the ease of their Protestant peers. Boys in Protestant West Belfast, while living in an area of low opportunity, still found work more readily than their Catholic counterparts in the West of the city. This pattern of disadvantage occurred despite the greater propensity of Catholics to work in mixed labour forces."[8]

With regard to individual discrimination complaints brought before the Agency, it has succeeded in obtaining settlements in a number of cases. The level of compensation paid to the discriminated employees, however, has not been very high (generally ranging from £500 to £2,000). Discrimination being a difficult concept to hold up to legal proof, the Agency has not been startlingly successful before the courts as it has come up against large corporations that can put up expensive defenses. One recent decision, however, is likely to serve as a breakthrough in favor of a stricter enforcement of the Act.

In *Fair Employment Agency* v. *Craigavon Borough Council*[9] the Agency had made an initial finding that a local council had discriminated against a Catholic. On appeal to the county court, the finding was reversed on grounds that although the Agency had made a prima facie case of discrimination, it has not proved that the discrimination was on unlawful grounds. On further consideration by the Court of Appeal, the lower court's ruling was reversed and it was held that once a prima facie case of discrimination was made out, the burden shifted to the employer to show that there had been no discrimination. The Court of Appeal found a strong prima facie case of discrimination on the basis of the fact that the unsuccessful candidate for the job possessed better qualifications and experience than the successful candidate. This decision is of great importance in that the evidential barriers confronting an individual alleging discrimination have been considerably lowered. As a result of this decision, the effectiveness of the fair employment legislation is likely to increase significantly.

The impact of the legislation will also be enhanced with the recent implementation of the policy that government business will be given only to those organizations which have signed a declaration of their commitment to equality of opportunity. In the opinion of the Agency, this development is expected to produce dramatic results.[10]

AMERICAN CORPORATIONS IN NORTHERN IRELAND

In 1972, in testimony before a Subcommittee of Congress, the Chairman of the American Committee for Ulster Justice reported:

"Our committee has initiated some inquiries with respect to the employment practices of American companies in Northern Ireland.

"The results of our inquiries to date indicate that there is no uniformity among the companies. Some of them appear to have behaved dismally, while others have established a relatively good record." [11]

Since the statement was made, the legislation on fair employment has intervened. However, no specific study of American hiring practices in light of the legislation has been found. Accordingly, the account which follows is based on responses received in a telephone conversation with Mr. Peter Sefton, Co-ordinating Director, Fair Employment Agency, Belfast.

All American corporations in Northern Ireland, with the exception of one, have made the declaration for the promotion of equality of opportunity. The list thus includes all those corporations which have been named in Rev. Father Brian J. Brady's report. In the case of the lone holdout (Kent Plastics), the Agency is satisfied that the corporation adhere to fair employment practices but has been unable to subscribe to the declaration because of management problems.

The Agency monitors the employment practices of declarant corporations and, as stated earlier, has the authority to withdraw the certificate of equal opportunity in case of a failure to comply with the objectives of the declaration. No certificates have so far been withdrawn, but now with the sanction of withdrawal of government business, the Agency will not hesitate to do so under the right circumstances.

The Agency is largely satisfied with the employment practices of American corporations. In the cases in which the Agency has had occasion to point out shortcomings, the response from the corporations concerned has generally been good. In one case, allegations were made against Ford Motor Co. Ltd. in 1976-1977 that among its skilled workers, there was a preponderance of Protestants. Ford claimed that the imbalance was due to a shortage of skilled Catholic workmen. The company has since responded to the Agency's approach by training more Catholics, and the Agency is now satisfied that the imbalance has been reduced.

The absence of skilled Catholic workmen has also made it difficult for DeLorean Car Co. Ltd. to maintain a balanced workforce. In spite of these difficulties, the Agency believes that DeLorean is a fair employer.

The Agency, however, is by no means claiming that American corporations are model employers. The allegation that only "token Catholics" are employed may be true in some cases. There is also a discrimination complaint pending against an American corporation.

The Agency accepts that in the manufacturing industry there was a great deal of discrimination in the past, but lately, with a more enlightened management, the situation is improving. It is also conceded that in time of economic recessions the suffering of Catholics is greater. However, in employment sectors where there is a Protestant majority, they are also inevitably affected. Moreover, economic aid directed at a particular industry may benefit one community greater than the other. Thus, in a recent effusion of aid from London, the construction industry is likely to benefit from the creation of jobs. This will give greater help to the Catholics who are concentrated in the construction field.

CONCLUSION

The problem of discrimination in employment is an integral part of the general sectarian conflict in Northern Ireland and remains as intractable as the overall conflict. American corporations caught in the maelstrom appear to have done no worse than other employers in the state. Certainly, in terms of compliance with the fair employment law their record is good in the eyes of the agency entrusted with enforcing the law. The law itself is beginning to have some positive impact. However, as the Agency concludes in a recent publication, the attainment of equality of opportunity still remains distant:

"The model promulgated by those advocating the equality of opportunity is, at its simplest, that the market should reward those who are skillful and industrious. Justice, in terms of this model, requires, however, that, at the point at which people enter the market, they should have equality of opportunity. Clearly, such a model does not pertain to the reality of the situation in Northern Ireland with regard to social class, religion and sex. Moreover, despite stated policy commitments by government, of which the existence of the F.E.A. [the Agency] is only one facet, there would appear to be little movement towards this goal. Moreover, as Goldthorpe's (1980)

study of social mobility in England and Wales has recently pointed out, the time may now have passed when such a goal could be achieved. The post-war economic expansion provided a brief period during which a redistribution of opportunities could have been achieved within a framework of generally increasing affluence, a point of particular significance in Northern Ireland.

"The achievement of equality of opportunity is an elusive goal; the experience of other countries with much stronger, more determined policies than those in Northern Ireland confirm this. Unless commitments to this goal from government, employers and the trade unions are followed by major positive actions then equality of opportunity in employment will remain nothing more than a distant goal to which all can, when required, express sympathy."

FOOTNOTES

[1] Gt. Brit. Parl. Standing Advisory Commission on Human Rights, "The Protection of Human Rights by Law in Northern Ireland," Cmnd. 7009 at 4 (1977).

[2] National Council for Civil Liberties, "The Fair Employment (Northern Ireland) Bill" 2-3 (1975).

[3] 905 Parl. Deb., H.C. (5th ser.) 991 (1976).

[4] I/We affirm and declare that it is my/our intent to promote and protect equality of opportunity in employment, according to the letter and spirit of the Fair Employment (Northern Ireland) Act 1976 by every means at my/our disposal, and to co-operate to that end with the Fair Employment Agency for Northern Ireland.

I/We further undertake that I/we will use my/our best endeavours to encourage all persons within the range of my/our influence to commit themselves to the same intent.

[5] The Times (London) 2 (Jan. 12, 1978).

[6] The Times (London) 2 (May 11, 1978).

[7] The Times (London) 4 (Feb. 11, 1981).

[8] Northern Ireland, Fair Employment Agency, "Into Work? Young School Leavers and the Structure of Opportunity in Belfast" 63-64 (1980).

[9] 9 Industrial Relations Law Report 317 (1980).

[10] The Sunday Times (London) 1 (May 10, 1981).

[11] Northern Ireland: Hearings Before the Subcommittee on Europe, House Committee on Foreign Affairs, 92d Cong., 2d Sess. 53 (1972) (statement of Dermot J. Foley, Chairman, American Committee for Ulster Justice, New York, N.Y.).

[12] *Supra* note 8, at 64.

EMPLOYMENT DISCRIMINATION IN NORTHERN IRELAND AND UNITED STATES CIVIL RIGHTS LAWS

On July 22, 1981, evidence was given before the *ad hoc* Congressional Committee on Irish Affairs of the United States Congress by Reverend Father Brian J. Brady, Head of the Religion Department, St. Joseph's College of Education, Belfast, Northern Ireland, in testimony entitled "Anti-Catholic Discrimination in Manufacturing Industry in Northern Ireland—the American Dimension?" Fr. Brady testified that anti-Catholic discrimination has been so thoroughly pursued in every sector of public and private life in Northern Ireland that large numbers of Catholics have been forced to emigrate, and that such discrimination has been, and still is, particularly virulent in the area of manufacturing industry.

Since World War II, Northern Ireland has seen the decline of its traditional industries such as shipbuilding, engineering, and linen, together with the growth of newer industries operated as subsidiaries of foreign companies, often attracted by government assistance. In 1978, 55 foreign companies, including 34 American based organizations, operated manufacturing facilities with government assistance. The testimony indicated that the post war industrialization further aggravated anti-Catholic discrimination (a) through the location of the great majority of new industries in staunchly Orange-Unionist areas, and (b) by hiring practices which discriminated against Catholics in most of the new plants irrespective of location.

The 34 American-controlled companies have located 23 of their plants in Orange-Unionist towns. Fear of terrorism and civil strife makes Catholics reluctant to seek work in those areas. Those who are hired encounter intimidation in the form of Orange emblems on machinery and shop floor noticeboards. The testimony also indicated that in both Orange and Catholic areas, Catholics often encounter discrimination in hiring practices. Personnel managers, who are often local Orange-Unionists, discriminate against Catholics, either by employing merely a token number of Catholics, or by employing reasonable numbers, but largely, or exclusively, in the more menial and lower paid positions.

The employment profile of the Ford Motor Company in Finaghy, Belfast, was cited as an example of the second type of discrimination. Now located in a Catholic district, the plant's employees include 64.2% Protestants and 35.8% Catholics. Fr. Brady testified that "many of the Protestants who work there are brought in from points 20 miles distant while competent Catholics on the doorstep of the plant are unemployed." Moreover, Catholics comprise only 29% of supervisory and salaried staff and 19% of skilled workers, and are largely relegated to the unskilled section where they make up 37.5% of the employees.

Examining employment statistics for 21 of the 34 American companies, Fr. Brady concluded that, despite a rato of 38% Catholics to 62% Protestants in the population as a whole, published statistics indicate that their workforce is 22% Catholic to 78% Protestant. He thus argued that a prima facie case implicating at least some of the companies in the process of anti-Catholic discrimination has been established. Calling for an investigation of the employment practices and religious affiliations of the work forces of American companies operating in Northern Ireland, he suggested two forms of corrective action:

"Where the geographical location of an American company in N. Ireland makes it well-nigh impossible for it to become an equal opportunity employer, then it should be asked to relocate its enterprise. When, on the other hand, anti-Catholic discrimination by an American company is due to its hiring practices and promotion procedures, these should be changed at once to secure a balance of approximately 40% Catholics and 60% Protestants in its work force."

This report examines several of the issues raised by testimony before the *ad hoc* Committee. First, are corporations in the United States prohibited by law from engaging in discrimination against their employees on the basis of their religion? Second, do these prohibitions apply to their employment policies with respect to non-United-States-citizen employees at plants located in other countries? Third, how would the practices described in the testimony be treated under applicable American law if they occurred in the United States? Fourth, is there any precedent for applying such laws to the foreign operations of domestic companies?

Under United States law, religious discrimination in employment is prohibited by Title VII of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972. 42 U.S.C. §§ 2000e–2000e-17 (1976). Title VII applies to employers who have fifteen or more employees for each working day in each of twenty or more calendar weeks during a year. It is an unlawful employment practice for an employer to fail to refuse to hire, or to discharge, any individual, or otherwise to discriminate against such individual with respect to compensation, terms, conditions, or privileges of employment, because of his religion. It is also illegal to limit, segregate, or classify employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities, or otherwise adversely affect his status as an employee, because of his religion. 42 U.S.C. § 2000e–2(a).

The term "religion" is defined to include "all aspects of religious observance and practice, as well as belief," unless an employer demonstrates that he is unable to reasonably accommodate to an employee's religious observance or practice without undue hardship on the conduct of the employer's business. 42 U.S.C. § 2000e(j). There are two exemptions from Title VII which relate specifically to religion. The law does not apply to a religious corporation, association, educational institution, or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on of its activities. 42 U.S.C. § 2000e–1. In addition, it is not an unlawful employment practice for a school, college, university, or other educational institution or institution of learning to hire and employ employees of a particular religion, if the school, etc., is, in whole or in substantial part, owned, supported, controlled, or managed by a particular religion or by a particular religious corporation, association or society, or if the curriculum is directed toward the propagation of a particular religion. 42 U.S.C. § 2000e–2(e).

Over the years, Title VII had been applied in many court cases, and has been the subject of numerous administrative interpretations issued by the Equal Employment Opportunity Commission (EEOC). This has, in effect, fleshed out the meaning of the bare statutory language by giving concrete examples of the application of the general principles to specific instances.

In some cases, discrimination has been found to result from job requirements, that is, from the criteria for getting or keeping a particular job. Because some requirements may have the effect of denying jobs to a disproportionate number of persons protected by Title VII, the employer must show that such requirements are job-related. They must have a demonstrable relationship to successful performance of the job for which they are used. Requirements that are frequently challenged include work experience and education. An employer may require relevant work experience and educational backgound, where there is a business necessity for the requirement, but not where the requirement is unrelated to job performance and has the effect of excluding a disproportionate number of women and minorities from the work force. Aptitude tests, for example, are often barred unless their content can be validated as a reliable predictor of future job performance. In short, any aptitude tests or educational requirements must be proven to be job-related.

As interpreted by the courts and the EEOC, Title VII requires employers to maintain a workplace that is free of harassment on the basis of race, religion or national origin. Under EEOC guidelines, ethnic slurs and other verbal or physical conduct relating to an individual's national origin

constitute harassment if they have the purpose or effect of creating an intimidating, hostile or offensive working environment, or unreasonably interfere with work performance, or otherwise adversely affect employment opportunities. An employer is responsible for its own acts and for those of its agents and supervisory employees, regardless of whether the acts were authorized or forbidden by the employer, and regardless of whether the employer knew or should have known of their occurrence. The employer is also responsible for acts of harassment between fellow employees in the workplace, where the employer or its agents or supervisory employees know or should have known of the conduct, unless the employer can show that it took immediate and appropriate corrective action.

Finally, an employer may be responsible for the acts of non-employees who harass employees in the workplace, where the employer, its agents or supervisory employees, knows or should have known of the conduct and fails to take immediate and appropriate corrective action. In these cases, consideration is given to the extent of the employer's control and any other legal responsibility which the employer may have with respect to the conduct of such non-employees. In short, an employer may not stand by and allow an employee to be subjected to a course of racial harassment by co-workers without violating Title VII. *DeGrace* v. *Rumsfeld*, 614 F.2d 769 (1st Cir., 1980). *See, generally*, U.S. Equal Employment Opportunity Commission, "Guidelines on Discrimination Because of National Origin," 29 C.F.R. § 1606.8 (1981).

In a lawsuit under Title VII, the party making the complaint has the initial burden of establishing a prima facie case of discrimination. If this is met, the burden then shifts to the employer to articulate some legitimate, nondiscriminatory reason for the practice complained of, such as a business necessity or a bona fide occupational qualification. If the employer demonstrates such a reason, then the complainant must show that the reason was a mere pretext for discrimination; that is, that the employer could operate the business safely and efficiently by a practice with a less discriminatory impact, or that the employer treated other classes of employees differently.

In order to establish a prima facie case of discrimination, the plaintiff often begins with the gathering of statistical data concerning the presence and distribution of employees according to classification and by race, sex, national origin, or religion within each classification. The theory is that in the absence of discrimination, all groups will be distributed in all classifications of employment in approximately the same proportion as they are distributed in the relevant labor market as a whole. The relevant labor market is generally the geographic area from which the employer draws its employees. For unskilled jobs, the labor market may be local, while for skilled, professional, or technical positions the market may be a city, metropolitan area, state, or region. When a significant statistical disparity is established between the percentage of minorities or women in the workforce and on the company's employment roster, then the employer must explain the disparity or else have an inference of discrimination drawn against it.

As noted, once the plaintiff makes a prima facie case of discrimination, the burden shifts to the employer to articulate some legitimate, nondiscriminatory reason for the apparent discrimination. If the employer fails to advance such a reason, the court must rule for the plaintiff. Mere affirmations of good faith are not enough to dispel a prima facie case. If the employer defends on the grounds of business necessity, he must show (1) that the practice is necessary to the safe and efficient operation of the business, (2) that it effectively carries out the business purpose it is alleged to serve, and (3) that there is no acceptable alternative policy or practice that would accomplish the business purpose with a less discriminatory impact. For example, an employer might recruit only employees who are able to type, in an area where few or no minority persons have been able to obtain such training or experience. Such a requirement would be a business necessity for employees hired as secretaries, where typing is essential to the job, but not for employees hired for jobs that could be performed efficiently without typing.

An employer cannot defend its failure to hire minority employees by claiming a lack of minority applicants as a defense, if it recruits by word-of-mouth among friends and relatives, fails to advertise job opportunities in general, and has a reputation for excluding minorities. Even the absence of applicants may be due to the futility felt by minorities towards the prospect of employment with the company. The employer, however, may rebut a prima facie case by demonstrating that it has placed job posters at minority centers and learning institutions, recruited at predominately minority high schools and colleges, advertised extensively as an equal opportunity employer, hired through a state employment service or urban league, established training for minorities, or participated in affirmative action programs with civil rights or community organizations. (For general discussion of employment discrimination, see "Federal Regulation of Employment Service," chapter 2, §§ 2:13 through 2:160, from which foregoing discussion is drawn.)

This, then, is the general outline of antidiscrimination provisions applicable to U.S. employers. The next question is whether these laws apply outside the United States. With regard to discrimination by American multinational corporations in foreign countries, it is expressly provided that Title VII "shall not apply to an employer with respect to the employment of aliens outside any State." 42 U.S.C. § 2000e-1. In addition to Title VII, many American companies are subject to Executive Order No. 11246, which requires government contractors to abide by policies of nondiscrimination and affirmative action. By regulation, however, these requirements do not apply to "contract work outside the United States performed by employees recruited outside the United States."

It is clear, therefore, that Title VII does not apply overseas. Is it possible, however, for Congress to extend the applicability of Title VII or a similar antidiscrimination provision? Multinational employers must determine the applicability of American law to their operations abroad on a case-by-case basis. At the present time, the major United States civil rights laws do *not* apply to the employment practices of American companies abroad with respect to employees who live in the host country. In fact, it has been observed that the United States has in general adhered to a fairly uniform policy of refusing to export its employment law. Madigan, "The Applicability of U.S. Employment Laws Abroad: A Legal and Practical Approach," 4 Employee Relations Law Journal 319.

The United States has, however, expressly enacted some laws to reach the activities of American multinational corporations conducted in foreign countries. The Foreign Corrupt Practices Act (P.L. 95-213, Dec. 19, 1977) prohibits the payment of any money, gift, or other thing of value to any foreign official in order to influence any official act or decision, or to induce the official to use his influence with a foreign government. The Export Administration Act of 1979 (P.L. 96-72, Sept. 29, 1979) included provisions to prohibit American companies from participating in the Arab boycott of Israel through their foreign subsidiaries and operating elements. The law declared that it is the policy of the United States "to oppose restrictive trade practices or boycotts fostered or imposed by foreign countries against other countries friendly to the United States or against any United States person." 50 U.S.C. App. § 2402(5)(1979).

The legal rationale for extraterritorial application of U.S. law was discussed in the legislative history of the Foreign Corrupt Practices Act:

"[3]As a general rule, the application of federal criminal law is limited to the territory of the United States. However, there are a number of Federal statutes with criminal sanctions which have extraterritorial application: 18 U.S.C. § 1546 (fraud and misuse of visas, permits, and other entry documents), 18 U.S.C. § 2314 (transportation of stolen goods, securities, moneys, fraudulent state stamps, or articles used in counterfeiting). 18 U.S.C. § 2381 (treason committed "within the United States or elsewhere"), 50 App. U.S.C. § et seq. (Trading with the Enemy Act), 15 U.S.C. § 776 et seq. (Securities Exchange Act of 1934), 15 U.S.C. § 1-7 (Sherman Anti-trust Act), 15 U.S.C. § 41 et seq. (Federal Trade Commission Act), et cetera.

"The cases indicate that in the extraterritorial application of U.S. law by the Congress." *United States* v. *Erdos*, 474 F. 2d 157, 159 (4th Cir. 1973). "From the body of international law, Congress may pick and choose whatever recognized principle of international jurisdiction is necessary to accomplish the purpose sought by the legislation, *United States* v. *Rodriguez*, 182 F. Supp. 479, 491 (S.D. Cal. 1960).

"There are a number of theories of legislative jurisdiction under international law, at least three of which are applicable here. See "Jurisdiction with Respect to Crime-Draft Convention, with Comment, Prepared by the Research in International Law the Harvard Law School" 29 *American Journal of International Law* (Supp.) 439 (1935) and American Law Institute, *Restatement (Second) of the Law of Foreign Relations of the United States*, ch. 2 (1965).

"The first of these is the familiar territorial principle *Restatement* § 17. Under this principle, a nation may prescribe rules of law regulating conduct occurring within its territory, regardless of where the effect of the conduct falls. This is the principle Congress in presumed to have relied upon unless its specifically indicates otherwise. *American Banana Co.* v. *United Fruit Co.*, 213 U.S. 347 (1907).

"The second principle grants a nation jurisdiction to prescribe rules of law attaching legal consequences to conduct that occurs outside its territory if the conduct causes an effect within the prescribing nation's territory. *Restatement* § 18. Under this theory, the courts have upheld Congressional regulation of the conduct of noncitizens, even if

the conduct took place outside the U.S., so long as the consequences of the conduct are felt within the U.S. See, *United States* v. *Pizzarusso*, 388 F. 2d 8 (2d Cir.), cert. denied, 392 F. 2d 912 (D.C. Cir. 1973). *United States* v. *Braverman*, 376 F. 2d 249 (2d Cir.), *cert. denied*, 389 U.S. 885 (1967); and *Revord* v. *United States*, 375 F. 2d 882 (5th Cir.), *cert. denied sub nom, Groleau* v. *United States*, 389 U.S. 884 (1967).

"A third pertinent theory of international jurisdiction is the nationality principle *Restatement* § 30. Under this theory, a nation has jurisdiction to prescribe rules of law regulating the conduct of its nationals wherever located. This principle would extend jurisdiction to include any corporation chartered by a State of the United States. See *Vermilya Brown Co.* v. *Cornell*, 335 U.S. 377 (1948); *United States* v. *Cotten*, 471 F. 2d 744 (9th Cir.), *cert. denied*, 411 U.S. 936 (1973); and *Gillars* v. *United States*, 182 F. 2d 962 (D.C. Cir. 950) as cases where the courts have upheld Congressional regulation of the actions of U.S. citizens outside the territorial jurisdiction of the U.S."—H.R. Rept. No. 95-640, 95th Cong., 1st Sess. at 12 n. 3 (1977).

Any effort to apply American law to activities that take place abroad raises the possibility of a conflict with the laws of the host nation. It is a general principle of comity that, where two states have jurisdiction to prescribe and enforce rules of law that may require inconsistent conduct upon the part of a person, each state is required to consider, in good faith, moderating the exercise of its enforcement jurisdiction in light of such factors as a) vital national interests of each of the states, b) the extent and nature of the hardship that inconsistent enforcement actions would impose upon the person, c) the extent to which the required conduct is to take place in the territory of the other state, d) the nationality of the person, and e) the extent to which enforcement action of either state can reasonably be expected to achieve compliance with the rule prescribed by the state. *Restatement (Second) of Foreign Relations*, section 40.

It is also possible that international treaties to which the United States is a party may have an effect on the employment policies of an American company's overseas operations. In general, commercial agreements are designed to encourage trade and investment between the two signatory countries. Under such treaty, the host country establishes a policy of equity and hospitality to the foreign investor, including assurance that the enterprise and policy of the alien will be respected, and will be accorded equal protection of the laws alike with citizens of the host country. The impact of treaties of this type is currently the subject of litigation pending before the United States Supreme Court. In *Sumitomo Shuji America, Inc.* v. *Avigliano*, No. 80-2070, the Court is faced with the question whether the Treaty of Friendship, Commerce and Navigation between the United States and Japan has the effect of exempting Japanese firms operating in the U.S. from Title VII's prohibition against discrimination based on national origin and sex. In the lower court, the Second Circuit held that the Treaty does not give foreign firms license to violate American laws prohibiting discrimination in employment. The court noted, however, that Title VII would not necessarily preclude the company from employing Japanese nationals in positions where such employment is reasonably necessary to the successful operation of its business. Under Title VII, an employer may hire on the basis of national origin where it is a "bona fide occupational qualification" reasonably necessary to the normal operation of the business. *Avigliano* v. *Sumitomo Shuji American, Inc.*, 638 F.2d 522 (2d Cir. 1981).

In another case before the Supreme Court this term, the Court must deal with the employment of U.S. citizens at overseas military bases. Section 106 of Public Law No. 92-129 prohibits discrimination against United States citizens for employment on military bases unless a treaty permits the preferential hiring of local nationals. The Court must decide whether an agreement between the United States and the Philippines is a "treaty" within the meaning of the law even though it was not signed by the President and not ratified by the Senate. *Weinberger* v. *Rossi*, No. 80-1924, *on appeal from* 642 F.2d 553 (D.C. Cir. 1980).

It can be seen that neither of these cases is directly applicable to American companies operating in Northern Ireland. The issue is not whether such companies are subject to statutes of Northern Ireland, since that is unquestioned, nor is there any question involving employment of U.S. citizens. Nevertheless, the outcome of these cases may shed further light on the complex interrelationship of domestic and international law as they affect multinational corporations.

Turning to the questions raised at the outset, several conclusions emerge. First is that all substantial American employers have been prohibited, since 1964, from discrimination against their employees in hiring and terms of employment on the basis of religion. In brief, religious discrimination in employment is against the law in the United States. Secondly, these prohibitions do not apply to the employment policies and practices maintained by American corporations in their foreign operations with respect to foreign national employees. Again to be brief, an American company may practice religious discrimination when hiring alien employees in another country.

A third, and more complicated, question is whether the employment practices described in the testimony, if true, would violate U.S. civil rights laws if they took place in facilities located in this country. It would appear that some of the described practices would give rise to a prima facie case of discrimination under Title VII. First, a case is made that there appears to be a significant statistical disparity between the number of Catholics in each job classification of the workforce and the number of Catholics available in the relevant labor market. Under Title VII, this charge, if proven, gives rise to an inference that the employer has a discriminatory hiring policy, and the burden shifts to the employer to rebut the inference.

Next, the allegation is made that Catholics are subjected to harassment on the shopfloor. Again, Title VII has been interpreted to require employers to maintain a workplace free of such harassment. The employer in the United States thus has a legal responsibility to take corrective action against ethnic, racial, or religious harassment in the workplace, through its agents and supervisors.

Another observation is that U.S. owned plants in Northern Ireland are often located in areas hostile to Catholics, thus making employment difficult if not impossible for them. This type of practice does not appear to have been litigated to date under American employment discrimination law (although there have been efforts in school desegregation cases to encourage integration by locating new schools in sites where neighborhood patterns will not promote segregation). It is clear, as noted, that the employer is obliged to exert its best efforts to prevent harassment in and about the workplace.

Moreover, the location of a plant cannot excuse the employer from failing to recruit throughout the relevant labor market. That is, if the labor market for a particular job includes an entire city or metropolitan area, the employer cannot restrict its hiring to the immediate neighborhood of the plant. This, under Title VII, would have the effect of fostering and perpetuating discrimination by denying equal employment opportunities to minorities who live outside the immediate neighborhood and who may have been denied the opportunity to buy or rent housing in the neighborhood in the past.

Fourth, it can be seen that there is precedent for the extraterritorial application of United States law to the foreign operations of United States corporations. Although laws governing employment relations have generally been restricted to domestic application, the application of some aspects of those laws to foreign operations is a policy matter within the discretion of the Congress.

VINCENT E. TREACY,
Legislative Attorney,
American Law Division.

March 2, 1982.

MORE EVIDENCE OF EXIMBANK FAILURE TO MEET COMPETITION

Mr. HEINZ. Mr. President, on a number of occasions in the past I have taken the floor to address the growing inability and unwillingness of the Eximbank to meet its statutory mandate to provide competitive financing for American exports. Last December 18, I wrote the President a detailed letter listing a number of specific cases where Bank action—or nonaction—cost an American company a major overseas sale. That letter also refuted the erroneous arguments the Office of Management and Budget has used to attack the Bank.

Now I have received further information which indicated the situation is even worse than I had previously thought. A survey by the Machinery and Allied Products Institute of 39 of its member companies uncovered $386.7 million worth of sales in 1981 alone that had been shifted to foreign affiliates because of inadequate U.S. financing. Significantly, these examples included none of those mentioned in my December 18 letter. In addition, though the question was not asked, nine of those companies reported $4.3 billion of sales that they had lost or not bid on because of noncompetitive financing.

Using the standard Commerce Department figure of 33,000 jobs for every $1 billion in exports, it is clear we are talking about nearly 155,000 jobs foregone through Eximbank poli-

cies. That is a statistic made all the more grim by our current unemployment rate of over 9 percent.

Mr. President, this problem needs to be attacked on two fronts. The Congress will shortly be considering once again the annual level of obligations the Bank is authorized to undertake. At that time I hope we will be able to obtain agreement on the full $5.4 billion that is presently authorized for the Bank for fiscal year 1983. I also plan to introduce soon legislation to increase the Bank's independence from both the administration and the budget cycle. I will have more to say about that in a few days.

Right now, however, I hope all Senators will review the MAPI study carefully. These lost sales are not just isolated opportunities we can regain somewhere else. In many cases the use of foreign affiliates means the permanent loss of technology and jobs abroad—which we can ill afford. I ask unanimous consent that the study be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MACHINERY AND
ALLIED PRODUCTS INSTITUTE,
Washington, D.C., March 24, 1982.

Hon. MALCOLM BALDRIGE,
Secretary, U.S. Department of Commerce, Washington, D.C.

DEAR SECRETARY BALDRIGE: You may recall our exchange of correspondence late last year concerning the impact of the lack of competitive export financing on U.S. exporters. At one point you asked if MAPI could provide any quantitative information concerning the shifting of orders by U.S. firms to foreign affiliates in order to obtain better financing.

To get current information, we sent a questionnaire to a sample of 39 multinational companies which we know to have foreign affiliates and which we have some reason to believe might be exporting from their foreign affiliates. We asked these companies to provide us with information concerning instances during 1981 in which they sourced from a foreign subsidiary or other foreign affiliate in order to provide more competitive financing. In addition to providing information concerning these situations involving foreign affiliates, several of the respondents volunteered information concerning (1) sales lost to unaffiliated foreign companies primarily because of the terms of export financing and (2) sales lost in the United States because foreign competitors were able to provide export financing on terms more favorable than that available in the United States.

SURVEY RESULTS

The attached memorandum describes the results of the survey, including excerpted comments received from respondents, and MAPI comment concerning the survey results. To summarize:

Of the 39 companies surveyed, 14 companies reported that 39 transactions,[1] with a dollar value of $386.7 million, had been shifted to foreign affiliates primarily, if not exclusively, because of more attractive financing.

As one company stated: "In order to obtain competitive financing we were required to source all materials and engineering for this $70 million plant in [ ] where we were able to obtain long-term financing. The interest rate, payback period and percent of total costs which could be financed were all more competitive than could be obtained in the United States."

In addition to the above responses to the question we posed, (1) 9 companies reported that they had lost, or had not bid on (because of inability to offer competitive export financing), projects in third countries with a total value of $4.3 billion, and (2) 3 companies reported the loss, or prospective loss, of orders for customers in the United States totaling some $160 million.

CONCLUSION

The data supplied indicate that a significant amount of exports is being lost because of noncompetitive U.S. export financing. For the capital goods industries represented by MAPI, orders lost currently also result in the substantial loss of future business. Orders for "big ticket" items, such as capital goods, are placed at infrequent intervals—in many cases at intervals of several years, or even a decade. When the initial order is lost to a foreign competitor, the latter obtains the substantial business in repair parts and spares which follows for a number of years and is likely to be the favored supplier when there are additions to capacity. It also is noteworthy that the shipments of repair parts and spares, which over a period of years tend to equal the dollar volume of the original equipment, do not normally require government-supported financing.

The results of this survey are being sent to Export-Import Bank Chairman William Draper and other senior Executive branch officials concerned with U.S. export policy. We are suggesting to Chairman Draper that the Bank explore means of expanding its competitive analysis functions to measure not only the effectiveness of the Bank's support in those instances when it is sought but also the growing volume of transactions—diverted to foreign affiliates or not bid on—which are never even referred to the Bank.

While admittedly fragmentary and at best corroborative, we hope this information will be useful in pointing up the fact that U.S. export financing facilities are inadequate in today's competitive world.

Sincerely,

CHARLES W. STEWART,
President.

MAPI SURVEY OF SELECTED MEMBER COMPANIES CONCERNING EXPORT FINANCING

As a means of determining the impact of noncompetitive financing on the sourcing and bidding practices of U.S. firms, MAPI asked a selected group of multinational companies, mostly members of the Institute's International Operations Councils, to provide information concerning instances during 1981 in which they sourced from a foreign subsidiary or other foreign affiliate in order to provide competitive financing.

Our inquiry was sent to a sample of 39 multinational companies which we know to be active internationally through exports and foreign affiliates. These companies produce a wide variety of machinery and allied products in the United States and abroad. The responding companies include manufacturers in, among others, the following Standard Industrial Classification (SIC) categories: 3341; 3443; 3511; 3531; 3532; 3535; 3547; 3554; 3559; and 3569.

In addition to responding to the question related to diversion of orders to affiliates abroad, several companies provided unsolicited information concerning (1) orders lost to unrelated firms, or business not bid on, because of the lack of competitive export financing, and (2) orders lost in the United States to foreign firms (related and unrelated) because of more favorable financing available abroad.

The remainder of this memorandum consists of two parts: Summary of the Results of the Survey and Comments of Respondents; and MAPI Comment Concerning the Survey Results.

SUMMARY OF RESULTS AND COMMENTS OF RESPONDENTS

Business diverted to foreign affiliates: Data.—Of the 39 companies surveyed, 14[1] reported that 39 transactions, with a dollar value of $386.7 million, were diverted in 1981 to foreign affiliates primarily, if not exclusively, because of more attractive export financing:[2]

With respect to destination, orders from Latin America accounted for $168.14 million; Far East/Oceania, $110.8 million; Middle East/Africa, $45.8 million; and Eastern Europe, $62 million.

With respect to source, the orders were filled from Canada ($169.45 million), France ($97.5 million), Japan ($39.7 million), Spain ($24.45 million), the United Kingdom ($23.41 million), The Netherlands ($21.5 million), Brazil ($10.23 million), and Belgium ($.5 million).

Comments of respondents. Several of the responding companies provided comment along with their reports on lost transactions. The following excerpts are of particular interest:

"In addition (to three projects quoted on by one of the company's wholly owned foreign competitors due to the inadequacy or competitive export financing in that subsidiary's country, and three orders lost to foreign competitiors due to the inadequacy or lack of financing from Eximbank), we declined to quote on a major project in Mexico due to the lack of competitive Eximbank financing. We were not in a position to offer this equipment from a foreign source and therefore forfeited this opportunity for an order."

"There is no doubt that the lack of competitive financing forces (capital goods) manufacturers to send more and more bid requests to their foreign subsidiaries to quote, depriving U.S. manufacturing facilities of sourcing opportunities they would normally expect to handle. Note that in our field the cost of preparing a proposal is high, and if it is clear beforehand that no Eximbank support is available when it is needed, it is unjustified to spend the money for a useless proposal. For (my company) the obvious course of action is to turn un-

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[1] Companies reported repeatedly that the transactions covered were only illustrative and thus understated the total number of transactions of this type.

[2] Of these totals, 13 transactions totaling $24 million were identified as medium term and an additional 6 transactions totaling $3.4 million probably were medium term.

[1] Two additional companies informed MAPI that orders had been diverted to foreign affiliates but their data had not been received when this memorandum was prepared. Several additional companies reported that, because of the nature of their products (e.g., components and/or small dollar value), export financing is not a significant factor in sales. Others indicated that they had no occasion during 1981 to divert sales to foreign affiliates.

supported inquiries over to our joint venture [in Europe]. . . . This has happened numerous times in 1981, but is it impossible for me to review all the files for the year in an attempt to answer the questions posed. . . . [F]inancing may not be the exclusive reason for the shift, although it is often the only reason. . . . . Proposals are too expensive to go through the process [of exploring Eximbank financing] in an effort to merely test what element of our U.S. financing is noncompetitive. Just the accepted view of noncompetitiveness is often enough to send the job to the alternate source."

". . . I have not had the opportunity of reviewing all our quotes of 1981 but the following jobs come to mind as being jobs we normally would have sourced from the U.S., but had to source elsewhere due to finance. . . . I am sure I could come up with more that we did not even try to source from the U.S. due to lack of competitive U.S. credits. Smaller projects also [are] not reviewed."

Orders lost, or not bid on, because of lack of competitive export financing: Data.—Nine companies volunteered that they had lost, or not bid on, projects with an export value of some $4.3 billion:

About $1.5 billion of the $4.3 billion represented orders lost in head-to-head competition and $2.8 billion represented potential business on which the U.S. firms did not bid.

The potential business was located principally in the Far East (29 percent) and Latin America (28 percent), but substantial amounts also were reported for Africa, the Middle East, and Western Europe.

Of the $3.7 billion in projects which had been awarded to foreign competitors, competitors in Japan had won 52 percent of the total and United Kingdom competitors had won 24 percent.

Since the companies queried were not asked to provide information on orders lost to unrelated parties, the data above does not include the experience of all the companies surveyed.

Comments of respondents.—The following comments concerning the international financing scene were received from responding companies:

". . . No matter how good our prices or delivery and technology may be, the financing is the tail that wags the dog."

". . . [R]ecent government policy regarding funding of the Export-Import Bank discourages exports. It is practically impossible to compete on major projects internationally with some of our more aggressive competitors from Japan, France, Germany, Great Britain, and even smaller countries such as Belgium and Holland."

"We had, sometime ago, established that we will proceed with an office in Singapore to cover Southeast Asia and particularly the market in Indonesia. . . . (Our company) had done substantial business (in that area) until approximately 1970 when all business for the U.S.A. was shut off because other countries were willing to include the needed equipment under concessionary financing terms, and we had no such opportunity. No business has been received for this equipment since that time. [After our recent efforts to get Eximbank support], the Indonesian Government advised that our proposal with Eximbank support would not be acceptable under present conditions. This means in their view that the Eximbank money was not competitive, and consequently, [our company] has little opportunity at present to participate in that market. . . . In essence, we can expand our markets in the Far East, but we need reasonably competitive financing to do it."

"(The Office of Management and Budget) neglects to take into consideration the 'additionality' that export financing of projects creates with ongoing spare and repair parts orders for many years for which export credits are not required. Although our inquiry level was high, we sold only one project in 1981. Our repair and spare parts orders from foreign customers maintained our business. . . ."

Loss of business in the United States because of financing: As noted, three companies volunteered information concerning the loss, or prospective loss, of orders to customers in the United States because of the more favorable terms of financing from abroad. The following transactions were reported by three firms:

One firm reported three transactions totaling $55 million had been sourced from affiliates in Japan and Western Europe because of lower cost financing there. The orders could have been placed in the company's U.S. plants.

A second firm reported that its United Kingdom affiliate is negotiating on three projects in the United States, with a total value of about $39 million, because of the lower interest rate and longer maturities available from the United Kingdom.

Two of the companies reported orders lost in the United States totaling $66 million to unaffiliated companies in Western Europe because of more attractive financing available there.

Two additional companies volunteered that in recent months they have begun encountering foreign competition, from Japan and Western Europe, offering financing well below the cost of financing available to U.S. customers.

As in the case of data concerning sales lost to unrelated parties in third markets, since companies were not asked to provide information concerning sales lost in the United States the data provided does not include the experience of all of the companies surveyed.

MAPI COMMENT CONCERNING THE SURVEY RESULTS

Companies surveyed and relation of MAPI data to other recent published reports of lost sales: The following observation should be made concerning the characteristics of respondents to our survey and the relation of the MAPI data to other recently published reports concerning orders lost due to uncompetitive export financing:

Respondents to the survey include a wide range of producers of machinery and allied products but do not include manufacturers of aircraft or nuclear equipment. Since the latter two industries, while large exporters, do not generally manufacture abroad, information was not requested from them. Our sampling was limited to a modest portion of the MAPI membership which is active internationally through foreign Affiliates (including subsidiaries) so that the results could be compiled and provided to government as early as possible. It also should be noted that companies reported on transactions lost (or not bid on) only during 1981.

The survey results include very little "overlap" with the $2.9 billion in orders lost or in jeopardy cited recently by the Coalition for Employment Through Exports. There is no overlap with respect to the companies covered concerning orders diverted to foreign affiliates and an overlap of only some $290 million in the data provided to us by companies concerning sales lost to unrelated companies or projects not bid on.

The survey results do not include any of the cases cited by Senator John Heinz in his December 18, 1981 letter to President Reagan which has been widely publicized. Senator Heinz cited orders lost or in jeopardy totaling over $119 million.

Comment concerning data on sales diverted to foreign affiliates: The following comments apply to the data we received concerning exports diverted to foreign affiliates:

The results understate the exports "lost" to affiliates by the reporting companies. Some respondents stated that the data reported to us did not represent an exhaustive search. As the company commentary accompanying the data suggests, passing the order lead to foreign affiliates when U.S. export financing is not adequate has become routine in some cases. Beyond this, we have noted that companies tend to "write off" from sourcing in the United States certain markets and projects for which they know competitive U.S. export financing will not be available and devote their U.S. resources to gaining sales in more promising areas. Unfortunately, companies generally do not keep a tally of orders that might have been won if adequate financing had been available and the business had been pursued from the United States. Because of the unavailability of competitive U.S. export financing in many instances, companies routinely defer to their foreign affiliates or, when they do not have this option, decline to undertake the expense of preparing a bid.

To illustrate this point, let's take the case of South Africa which has been denied Eximbank direct loans for many years and guarantees for several years. It is our belief that, because of the lack of Eximbank financing, major projects for this market are handled by foreign affiliates and the U.S. companies which do not have such affiliates expend their efforts on other, more promising markets. However, the respondents to our survey reported *no* instances of sales diverted to affiliates for projects in South Africa. It is our understanding that virtually all of the equipment for the major expansion of the SASOL coal gasification project is being supplied from Western Europe and Japan, and it is likely that affiliates of U.S. companies participated in those transactions. And there no doubt are other major projects involving direct loans which were undertaken in South Africa last year. We do not believe that the responses we received mean that no sales were lost in South Africa; the U.S. companies simply did not pursue major project sales there, and, consequently, projects in that country do not figure in company records as sales that were lost.

For that same reason, the tally of sales lost to communist countries also seems low to us. While transactions with communist countries by U.S. firms' foreign affiliates may have been limited by other reasons (e.g., U.S. export controls, selection of non-U.S.-affiliated sources by communist purchasing authorities, etc.), in many instances U.S. export financing simply was not available (for statutory or other reasons) or European and/or Japanese financing was more favorable.

Much of the business diverted to affiliates (as well as the orders lost to unaffiliated companies) may not return to the United States when and if more competitive export credit is available here. In some cases the company may elect to centralize production

of certain items—particularly those requiring extended financing terms—in countries where there is the prospect of more consistent export financing support than in the United States. In other cases, particularly those involving highly engineered projects and equipment, because the availability of financing has enabled a foreign affiliate to gain more recent project experience and to apply the most recent technology, the foreign affiliate may become the preferred source of international customers.

Comment concerning other data received: MAPI received unsolicited information from several companies concerning (1) sales lost to foreign unrelated competitors, and projects not bid on, because of lack of competitive export financing, and (2) sales lost in the United States to related and unrelated foreign firms.

The following observations should be made concerning the data received:

Since MAPI did not pose questions concerning orders lost (or not bid on) abroad to unrelated firms or orders lost in the United States, the data supplied may understate by a considerable amount the volume of orders lost, or not bid on, by the 39 companies queried.

Although, for the reason just stated, the totals supplied may understate the amount of business lost or not bid on, we should point out some caveats. Our analysis of the responses received does not reflect (1) which of the projects that respondents reported they had not bid on—and which had not been awarded—possibly might be won by other U.S. firms or (2) what proportion of the projects which were not bid on might reasonably be expected to be awarded to U.S. firms.

With respect to (1) above, because of the substantial engineering and other expense associated with preparing and submitting a bid, companies necessarily must be selective in the projects on which they will bid. Although competitive export financing is crucial for most major projects, there may have been occasions when one U.S. firm bid on a project passed up by another because of the possibility that it might win despite an export financing disadvantage (e.g., the customer's existing facility was supplied by the bidding U.S. firm). With respect to (2) above, even with competitive export financing, U.S. firms would not of course have won all the projects on which they did not bid. The proportion they might have won is impossible to calculate.

Even with these caveats, it is clear that U.S. firms are losing, and passing up opportunities to bid on, substantial amounts of foreign business because of the lack of adequate export financing. With the current high value of the dollar, this is of course a disadvantage that cannot be offset by price.

The instances reported of business lost in the United States, with more losses in prospect, illustrate the competitive distortions which can be produced by the present disparities in interest rates (and, frequently, other terms) offered by government-supported export credit facilities and those prevailing in domestic markets. While the minimum interest rates established pursuant to the international Arrangement on Guidelines for Officially Supported Export Credits were increased last November, they are still below domestic market rates in the United States and in most competitor nations.

While we have no reason to believe that the foreign offers were sufficiently low to trigger the "predatory financing" provisions of the Export-Import Bank Act, they do point to an additional cost of the high interest rates prevailing in the United States and, in certain cases, the heavily subsidized interest rates offered by major competitors.

CONCLUSION

The data provided indicate that, primarily for reasons of export financing, a number of companies representing a wide range of capital goods and related equipment are diverting to foreign affiliates orders destined for third markets. Less complete data also indicate that substantial amounts of foreign business are being lost to foreign unrelated competitors and that companies are increasingly losing business in the United States to foreign firms because of the cost of domestic financing.

While the Administration argues that its policies will eventually improve the competitive position of U.S. industry, the high cost of domestic funds and the shortfalls in Export-Import Bank direct lending support clearly are causing a substantial volume of orders to be lost currently. For the industries represented by MAPI in particular, orders lost currently also result in substantial losses of future business. Many orders for "big ticket" items, such as capital goods, are placed at infrequent intervals—in many cases at intervals of several years, or even a decade. When the initial order is lost to a foreign competitor, the latter obtains the substantial business in repair parts and spares which follows for a number of years and also is more likely to be the favored supplier when there are additions to capacity. It is noteworthy that shipments of parts, which over a period of years tend to equal the dollar volume of the original equipment, do not normally require government-supported financing.

Mr. HEINZ. Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MATHIAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. MATHIAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBRANCE OF THE HOLOCAUST

Mr. MATHIAS. Mr. President, 2 years ago on the Day of Remembrance of the Holocaust, I had the honor of speaking at the Beth Sholom Synagogue in Frederick, Md. That observance, among my friends and neighbors, had a special significance for me. I searched my soul for words adequate to express all that I feel about the Holocaust and the lessons it holds for humanity.

I did not entirely succeed in that endeavor—indeed, who could?—but I did manage to distill into those remarks much of what I feel. As we observe this Day of Remembrance, I ask unanimous consent that my remarks on that earlier occasion be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

"AND IF I FORGET, THE GRASS WILL FORGET"

I was deeply honored to be asked to take part in this ecumenical observance "In Remembrance of the Holocaust".

Last year at this time, I participated in the National Civic Holocaust Ceremony led by President Carter and Vice President Mondale. It was held in the Rotunda of the United States Capitol—thick with memories of our own great martyrs—and it was a very moving occasion.

But this observance today—among friends and neighbors, in the town where I was born and where I lived for so many years, means more to me than that or any other observance ever could.

The peaceful hills of Western Maryland are far removed in spirit and in space from the towns and cities of Europe that gave up their victims to the Holocaust. Here in this comfortable, sheltered place, the unspeakable horror of the Holocaust is remote almost to the point of abstraction. How can we conceive the inconceivable?

But that is precisely why this observance is so important for us. It summons us to face the harshest reality of our time—to acknowledge our common humanity with the victims of the Holocaust and with the poor, the oppressed, the persecuted, the martyred of the world. It reminds each of us that we are and we must be "involved in mankind". It illustrates the powerful message of John Donne:

"No man is an island, entire of itself; every man is a piece of the continent, a part of the main; if a clod be washed away by the sea, Europe is the less. . . .

"Any man's death diminished me, because I am involved in mankind; and therefore never send to know for whom the bell tolls; it tolls for thee."

The six million Jews and five million non-Jews whom we remember here today—the victims of the Nazi Holocaust—must never be forgotten. The men, women and children killed at Dachau, at Auschwitz, at Buchenwald, at Treblinka, at Babi-Yar, and in the ghettos that disfigured Europe's face, must live in the ancestral memory of mankind.

In remembering them, we remind ourselves of the terrible cost to humanity when any of us—from fear or viciousness or simple lack of caring—forgets that any man's fate is every man's fate.

The purpose of the Joint Resolution of the Congress, designating April 13 through 19 as "Days of Remembrance for Victims of the Holocaust", was to make this lesson clear. It calls upon the American people to "always remember the terrible atrocities of the Nazis so that they will never be repeated".

But memory is a fragile thing. Memories do fade; lessons once learned can be forgotten. Memories can also be encouraged to be selective, or they can be erased entirely.

On this aspect of the Holocaust, I can speak from personal experience.

Two years ago—in December 1978—I traveled to the Soviet Union to open America's "Agriculture-USA" exhibit in the city of Kishinev in Moldavia. That city was the scene of bitter pogroms in the days of the Czars, but my story doesn't deal with ancient atrocities. It concerns our own troubled times.

On my way back to Moscow from Moldavia, I stopped briefly in Kiev to lay a wreath at Babi-Yar, in memory of the hundreds of thousands of Jews who were massacred there by the Nazis when they occupied the Ukraine.

It was a humbling and moving experience to stand at the edge of that fatal ravine, under a bleak winter sky, and pay my respects to the Jewish dead.

The ravine's harsh, tragic outlines are softened now by landscaping and the scene, after years of official neglect, is dominated by a powerful monument. But not a single word in the inscription on that monument tells you that it was Jews who were massacred there—that it is Jews who lie in the mass grave at Babi-Yar.

The omission is significant. It is not accidental. Its implications are sinister.

Elsewhere in the world the memory of the Holocaust is kept alive so that successive generations may learn its lesson: That man's fate is in this own hands—that by remembering the past, we may shape a better future.

In Warsaw that lesson is illuminated by the memorial to the heroes of the Ghetto uprising, which I have visited. But nowhere is it clearer than at the Shrine of the Martyrs and Heroes in Jerusalem—at Yad Vashem.

My visit to the Shrine of the Martyrs, on the Mount of Remembrance on the outskirts of Jerusalem, was one of the most affecting experiences of my life. I went to the shrine in the company of Gideon Hauser, the Israeli Minister of Justice who prosecuted Adolf Eichmann for his crimes against humanity. That added a very special dimension to the experience. Together we explored those dark passages with their terrible graphic documentation of the Holocaust. And, finally, we came into the light, into that great open space where the eternal flame burns and where I placed a wreath.

At Yad Vashem, man's past and man's future meet. It is not only a monument to those killed in the Holocaust and to those who risked their lives to save Jews from the Holocaust, it is also a symbol of the State of Israel, which traces its roots to a people's striving for a better, more secure future.

Whether that future will be better, not only for Israel but for all mankind, depends on us. It depends on our keeping the memory of the past alive. But it depends on far more than that. It depends on the individual determination of each of us that man's inhumanity to man will not be tolerated.

This means that we cannot remain silent about the torture chambers of an Idi Amin or the mounds of bleached bones in Cambodia or about the hundreds of thousands of people on this earth who die of starvation every single year, far from the rich fields of Frederick, or about crosses burned on suburban Maryland lawns.

It means we cannot be indifferent to any man's fate.

And, most especially, it means we cannot ignore the fate of those who risk their lives to speak out against tyranny.

We cannot ignore the fate of Andrei Sakharov, Elena Bonner, Anatoly Shcharansky, Vladimir Slepak, Igor Guberman, Dimitri Dudko, and the hundreds of others who defend human rights in the Soviet Union.

Today, as we remember the victims of the Holocaust, let us also remember the millions of victims claimed by the Gulag Archipelago, to whom no monuments are raised.

Varlam Shalamov, who spent 17 years in a Soviet forced labor camp at Kolyma in the Artic, writes about suddenly coming upon a mass grave. "With my exhausted tormented mind" he says:

"I tried to understand: how did there come to be such an enormous grave in this area?. . .

"And then I remembered the greedy blaze of the fireweed, the furious blossoming of the taiga in the late summer when it tried to conceal in the grass and foliage any deed of man—good or bad."

Shalamov, confronted by this mass grave half hidden in foliage, understands instinctively the great truth that brings us together here today.

I would like to conclude my remarks with his words—words which to this day cannot be published in the Soviet Union:

"And if I forget, the grass will forget . . ."

HOLOCAUST DAY

Mr. DODD. Mr. President, when one considers the series of the most brutal mass killings that have blotted 20th century history, it is difficult to accept the proposition that, having arrived to the age of modernity, mankind left behind the age of barbarianism.

Today we commemorate the deepest abyss of inhumanity in modern age, the Holocaust. Hitlerism took its victims from many races and nationalities and anybody who diverged from the Nazi ideal of the "ubermensch" was potentially targeted for being killed. The Jewish people, however, were singled out for total extermination. The mere fact of being Jewish was a death sentence for men and women, old and young. The modern age provided no mercy for these unfortunate people; it simply made the mass killing much more organized, effective, and faceless.

Still, our age differs in one respect from the dark ages. Mankind is not indifferent anymore to the extermination of whole peoples, ethnic, religious, or racial groups. We are united in our determination to prevent any future holocausts against the Jewish people or any other people or group. There is an instrument for the expression of such determination on behalf of the American people, the Genocide Convention.

On Holocaust Day I join all people of good will in remembering with deep sorrow and shame all those whose life was so cruelly extinguished. At the same time, I call upon my colleagues to declare our will to take a step to prevent future holocausts by ratifying the Genocide Convention.

SAVE THE CHILDREN

Mr. MATHIAS. Mr. President, all too often here in the Senate, we find ourselves talking about children—children's needs, children's rights—without ever thinking of hearing from the children themselves. I am deeply grateful to Save the Children, an organization which, on the occasion of its 50th anniversary, is giving us a historic opportunity to hear the testimony of our young people on the issues of vital concern to the world's young people.

Since its founding in 1932 to aid the depression-struck hill people of Appalachia, Save the Children has been a leader in the creation and implementation of locally appropriate self-help strategies aimed at giving communities the assistance they need to end the vicious cycle of poverty and hopelessness.

These programs now span five continents. From the hills of Appalachia to the American Indian reservations, from inner-city ghettos to the rural southlands, from the deserts of Somalia to the jungles of Southeast Asia, Save the Children workers are helping to build a better future for those who will inhabit it—the children.

I believe that Save the Children's approach to the problems of people and their communities can serve as a useful lesson for all of us. That approach is based on the fundamental observation that all human beings, no matter how difficult their circumstances, can make a difference in improving the quality of their own lives. Of course, much help is often needed. But always, the first step in providing that help is to listen—to discover what the people themselves see as their needs—to find out what they aspire to. Only by doing this essential listening can we form the working partnerships required to achieve our mutual objectives in a way that creates sustainable improvement in the quality of life while fostering self-sufficiency and human dignity.

In order to drive that message home, Save the Children is bringing it to life here in the Senate. On Thursday, May 6, at 10 a.m., delegates between the ages of 9 and 12 from each of the 50 States will present testimony at a special hearing before the International Economic Policy Subcommittee. The hearing is titled "Concerns of the World's Children From the Perspective of U.S. Children: Save the Children Week, 1982," and will be held in room 1202, Dirksen Senate Office Building.

I welcome the participation of any Senator who would like to be a part of this unique and significant event.

OBSERVANCE OF THE HOLOCAUST

Mr. BAKER. Mr. President, today, the entire world joins in the observance of the Days of Remembrance of the Victims of the Holocaust. Several hours ago, the U.S. Holocaust Memorial Council paid tribute to the millions who perished with a moving ceremony in the Capitol rotunda.

We shall never forget, Mr. President; we shall never let future generations forget, the genocide and the horror which engulfed millions of Jews just 40 years ago. It was, and still is, a global nightmare which will forever serve as a warning of the modern atrocities which contemporary man can unfortunately create.

My good friend and colleague, the distinguished majority whip, Senator STEVENS, addressed the remembrance ceremonies today, and I ask unanimous consent that the text of his remarks be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS BY SENATOR TED STEVENS

We gather today in remembrance of the six million Jews and others who died in the Holocaust—a catastrophic event unparalleled in the course of human history. Six million Jews went to their deaths in ovens and gas chambers or were worked to death in the concentration camps scattered throughout Eastern Europe. Two out of every three European Jews died—one-third of the World's Jewish population. Those camps were so unimaginably gruesome that even children and grandchildren of those who survived bear psychological scars. Those who survived live not only with the physical and psychological scars, but with the fear that it could happen again. The Jewish faith stresses remembrance—zakhor. Jews are admonished in the Torah to "remember Amalek" and along with Amalek, Haman, Titus and others who plotted the destruction of the Jewish people throughout the ages.

We remember the Holocaust today to demand that history not repeat itself. All generations must know of those horrors. If they do not know, they will not learn the lessons history offers. History demonstrates that the world cannot remain indifferent to human misery and suffering. In Elie Wiesel's book, "The Town Beyond the Wall," a survivor of Auschwitz says there is only one thing he has wanted to understand since the war—how a human being can remain indifferent.

Today we join together with firm resolve that this nation will not remain indifferent to human misery and suffering wherever we may find it.

AYN RAND'S PHILOSOPHY MERITS MORE RECOGNITION

Mr. SYMMS. Mr. President, the recent deaths of two well-known individuals received very different treatment by the media. While excessive time and space was devoted to sentimental eulogies of actor John Belushi, who lived and died by a pointless, self-destructive philosophy, the death of one of America's greatest writers, Ayn Rand, whose life was devoted to teaching heroic and constructive values, went almost unnoticed.

The irony and injustice of this contrast was brought to my attention by Sandra Tewalt, a hard-working member of my staff in Coeur d'Alene Idaho, who has a very talented and creative way with words. She has written a very thoughtful, well-deserved tribute to Ayn Rand and her philosophy of individual human development which the Idaho Statesman, the largest daily newspaper in my State, recently published as a guest opinion article. I ask unanimous consent to insert Sandra's article in the RECORD, and urge my colleagues to read and reflect upon this inspirational message.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Idaho Statesman, Mar. 27, 1982]

GUEST OPINION—AYN RAND'S PHILOSOPHY MERITS MORE RECOGNITION

(By Sandra Tewalt)

"Who is John Galt?" is perhaps the most famous single sentence of the writings of Ayn Rand.

Yet most people probably would respond to the above statement by asking, "Who Is Ayn Rand?" Which gives rise to my belief that Rand may have been right about almost everything she said about the state of our present society.

Our media went into sentimental overdrive when movie actor John Belushi died recently. Yet hardly a word was whispered about the death of one of America's greatest authors, Ayn Rand.

Perhaps we are "morally bankrupt," as Rand would say.

Rand's gifts to society are immortal. Indeed, they carried to completion and beyond the beginnings made by Aristotle in his attempt to create a rational philosophy by which men could live.

That her passing should go unnoticed while a self-destructive slob like Belushi warrants endless sympathy and attention merely because he completed the course of his pointless philosophy—hurling himself into oblivion—is frightening in its significance.

John Galt, the hero of the novel *Atlas Shrugged*, was Rand's personification of the genius of a free man—a leader who offered all others the freedom that rational and ethical thinking can produce. His attempts to warn others only resulted in dismissal with the statement, "Who Is John Galt?"

I am sure that most mediacrats and sophists of our day would hasten to bury Rand with the same dismissal, because she says what they don't want to admit—they are largely irrational.

America was held by Rand as the highest symbol of social development (but she knew it was plagued by contradictions and enemies of freedom.) She escaped Russia before Stalin's series of purges. She believed that in the United States one could rise to the highest abilities within himself and obtain the greatest degree of privacy.

She lived up to her own ideals and values by producing some of the most magnificent and inspirational works written about the worth of the human spirit. When an individual measured up to his highest potential, in creative terms, she recognized the quality of heroism.

That heroic and productive actions were to be rewarded and applauded was articulated in every book she wrote. She knew that to avoid the despair caused by the irrational acts of most people, we had to see others succeeding so that we had a shining example to give us hope and inspiration.

Her writings are entertaining in the truest sense. They consistently support creative actions and consistently deny destructive actions and thinking. This led critics to allude to "cardboard characters" and "simplistic thinking." It merely meant that her self-discipline as a writer allowed her to follow a premise about human action to its logical conclusion. She believed what we hold as values leads us on the paths we follow.

Values were to be established on the basis of what enhanced life—what was necessary for life in the highest ethical and practical sense. The human mind, being the only tool dependable for human survival, was held sacred and inviolate by Rand. No one should force another's mind for any purpose—by the use of fear, coercion, fraud or mysticism. Rational thought was essential for survival.

How far we have strayed from this ideal is clear when people mumble about the "tragedy" of Belushi's self-destruction and remain oblivious to the passing of someone who believed that each of us has the germ of greatness lying dormant, waiting to be nurtured by a motivating force—the rational, consistent values that produce creative actions.

ZIMBABWE

Mr. THURMOND. Mr. President, there has been much talk about the inroads that tyranny has been making at the expense of freedom around the world.

An article by respected Syndicated Columnist M. Stanton Evans in the April 17, 1982 issue of the newspaper Human Events reflects my thinking regarding the advent of tyranny in Zimbabwe, the African country which was formerly Rhodesia. The column is primarily effective in underscoring that Zimbabwe Prime Minister Robert Mugabe is no "moderate" devoted to Western-style democracy. Mugabe has even, on the flimsiest of charges, imprisoned a Member of Parliament who disagrees with the increasingly leftist oriented policies of the regime.

Mr. President, in order to share Mr. Evans' excellent insights and tragic reporting of events in Zimbabwe that many of us predicted would happen, I ask unanimous consent that this viewpoint be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MUGABE CONSTRUCTING POLICE STATE IN ZIMBABWE

(By M. Stanton Evans)

Zimbabwean Prime Minister Robert Mugabe, acclaimed in the West for "moderation" since he came to power in 1980, is rapidly converting his country into a police state.

Such was the accusation leveled in Washington last week by Denis Walker, a member of the Zimbabwean parliament and cabinet minister for four successive governments in his homeland. Walker, a member of the Ian Smith-led Republican Front party, is also the only white member of the present parliament to serve as chairman of key committees.

A year ago, Walker was traveling abroad to promote Mugabe's government. Now he is traveling for a different reason. Mugabe, he says, is on "a path to oppression and dicta-

torial rule," governing through emergency powers, silencing political opposition, and moving physically against dissenters from his policies. "If Mugabe is not stopped now," says Walker, "we will soon share the fate of other nations who have fallen into the hands of ruthless tyrants."

The most dramatic of Walker's charges concern the arrest, detention and asserted torture of another white member of parliament, Wallace Stuttaford. The allegation against Stuttaford, which Walker says is flatly untrue, is that he was plotting a coup against Mugabe. Formal charges have not been lodged. Stuttaford has been detained since Dec. 10, 1981, and was held for over a month before he saw a lawyer.

Walker has a statement smuggled out by Stuttaford alleging torture by government agents. Stuttaford describes being handcuffed, having the handcuffs tightened and twisted until his wrists were cut and the flow of blood to his hands cut off, having sticks inserted between his fingers, etc.

Following Stuttaford's arrest, Walker himself was warned that he was wanted "for questioning" by Mugabe's operatives. Despite this, he returned from a foreign holiday to Zimbabwe, appeared in parliament and met with his constituents. Only when he became convinced the problem could not be solved from within, he says, did he take his story to the United Kingdom, America and other Western nations.

Stuttaford is one of 14 whites under arrest by Mugabe on political charges. In addition, according to Walker, "an unknown number of blacks and black MPs" are also being held. (Moves against Joshua Nkomo, Mugabe's principal rival among revolutionary leaders during the guerrilla war, have recently received publicity in this country.) Other developments noted by Walker include the following:

An open declaration by Mugabe that he intends to make Zimbabwe a one-party state—in contravention of the agreement under which he came to power, but in full accord with the handling of Stuttaford, detention of other political opponents, and the threats against Walker himself.

A complete takeover by the Mugabe government of the Zimbabwean press and the banning of political meetings in the country—also in violation of the Lancaster House agreement under which Mugabe was elected.

The confiscation of private property without due process or compensation, and the opening of private mail without permission of the recipient—again in violation of the alleged guarantees through which Mugabe came to office.

All of this, unfortunately, is in keeping with Mugabe's background and utterances when he was leading his sector of the guerrilla war from neighboring Mozambique. Statements of his faction at the time were redolent with Marxism, and he was strongly aided by foreign Marxist governments. The actions described by Walker are totally congruent with that history.

For some strange reason, commentators in this country who used to be concerned about political freedom in Zimbabwe when it was called Rhodesia show little interest in Mugabe's current actions. Spokesmen in Congress and the media were quick to condemn Ian Smith and Mugabe's pro-Western black predecessor, Abel Muzorewa, but the Marxist Mugabe seems exempt from any such criticism.

The contrast was forcibly brought home to me by a trip to Zimbabwe-Rhodesia three years ago as an observer of the Muzorewa election. When I returned to testify before a congressional subcommittee chaired by Rep. Stephen Solarz (D.-N.Y.), I was subjected to minute questioning about the alleged unfairness of that election (almost all observers agreed it was quite fair). Yet when Mugabe was elected a year later, Solarz had no such questions to ask of State Department witnesses—despite credible charges of strong-arm tactics by Mugabe.

The present drift of things in Zimbabwe, and indifference concerning it in the United States, looks all too distressingly like more of the same.

GUN CONTROL

Mr. SYMMS. Mr. President, in a world where reason is replaced by irrationality and where commonsense is often in short supply, it is refreshing to have individuals raise their voices to challenge the popular conventional wisdom of the day.

Such was recently done by D.C. City Council Member H. R. Crawford and D.C. Police Chief Maurice Turner, who have spoken out against the sacred cow of the District's 5-year-old gun control law.

Chief Turner, faced with the harsh reality of day-to-day street crime, states that such laws are ineffective in accomplishing their stated purpose:

What has the gun control law done to keep criminals from getting guns? Absolutely nothing. City residents ought to have the opportunity to have a handgun and to legally use it in their homes.

D.C. City Council Member H. R. Crawford agrees: "It is time we take a look at what is going on in our city realistically—you would be a damn fool to sit in your business or in your home and let somebody violate you." Chief Turner and Councilman Crawford realize that crime is not caused by inanimate objects but by those often involved in criminal enterprises such as illegal drugs, prostitution, and stolen goods, and who have consciously chosen to commit criminal acts.

Though both Turner and Crawford will be criticized for their call to allow law-abiding citizens to "legitimately arm themselves to protect their businesses and their persons," there is beginning to appear a grudging acceptance of the fact that an armed citizenry is its own best protection against crime.

Realizing that the traditional concept of police protection is not always adequate to protect the individual against crime and violence, even gun control advocates support the setting up of special police teams armed with shotguns to stake out high robbery risk establishments. Further, even gun control advocates seek to have off-duty police officers allowed to work as part-time security guards for private businesses.

Such is tacit recognition that armed individuals, whether police or armed citizens, can deter crime here in the District.

Laws and ordinances which forbid law-abiding citizens the right to own and possess firearms serve no legitimate purpose. It is reassuring that, over time, people abandon the "siren song" of gun control and return to seeking more realistic ways of preventing crime and violence.

Mr. President, I ask unanimous consent to have printed in the RECORD, for the benefit of my colleagues, the article entitled "Chief Backs Handgun Ownership."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 10, 1982]

CHIEF BACKS HANDGUN OWNERSHIP, CRITICIZES CURRENT D.C. LAW

(By Edward D. Sargent)

D.C. Police Chief Maurice T. Turner said yesterday that he supports a recent proposal to temporarily lift the city's freeze on handguns to permit residents who illegally possess guns to register them for use as self-protection in their homes.

In a statement that put him at odds with his boss, Mayor Marion Barry, Turner criticized the city's 5-year-old gun control law, one of the toughest in the nation, as ineffective.

"What has the gun control law done to keep criminals from getting guns? Absolutely nothing," Turner said. He said city residents "ought to have the opportunity to have a handgun and to legally use it in their homes.

"If someone was breaking into your house, wouldn't you want a gun to protect yourself?" the chief said.

Earlier this week, D.C. council member H.R. Crawford (D-Ward 7), citing the rising crime rate in Washington, proposed that the gun freeze be lifted to permit additional pistols to be registered by the end of the year. Crawford said his purpose was to permit those "who have not been able to legitimately arm themselves to protect their businesses and their persons."

Turner said yesterday that he would oppose permitting city store owners to have handguns. "It is already legal for them to own shotguns and rifles," he said.

The gun control law, which took effect in 1977, required the registration of all currently owned handguns, rifles and shotguns. In an effort to freeze the number of legal handguns in the city, it also banned the sale or possession of additional handguns by private citizens and required residents to keep pistols unloaded and inoperable.

Since it took effect, the overall number of handgun-related deaths in Washington has declined, according to a study released in 1980.

As a nominee for police chief last June, Turner criticized the gun law as ineffective and said citizens should be allowed to register and own handguns if they wish. Yesterday, as chief, he reiterated those points, acknowledging that his own views on the subject differ from those of the mayor, who nominated him.

"I believe a person has a right to buy and own a gun. But I think it should be registered. The mayor believes that you shouldn't [own a gun]. But you ought to talk to him about that," Turner said.

Barry, like Turner, has said publicly that the gun control law has not stopped the proliferation of guns in the city. In late 1980, Barry proposed that all those who kept illegal guns in their homes for protection turn them in to police, "no questions asked," and install alarm systems instead.

Yesterday, Barry's press secretary said that the mayor does not believe that the difference of opinion between him and his police chief hinders law enforcement in the city.

"Both men are committed to enforcing all laws passed by the council, approved by the mayor and approved by Congress. The mayor recognizes that we all have our freedom of thoughts and beliefs," said Annette Samuels.

"He cannot demand that a person change his personal beliefs," Samuels said. "He can command that he carry on his job, and the mayor is satisfied that Chief Turner will do that."

In support of his argument that gun control is ineffective, Turner said yesterday that less than 1 percent of the estimated 2,800 handguns confiscated by city police each year are registered.

Samuels said Barry has neither read nor taken a stand on Crawford's proposal, noting, however, that "up to this point, he has opposed any changes in the gun control law."

"The mayor doesn't think the gun control law is effective because surrounding jurisdictions do not have similar strong laws against handguns," she said, but he supports the law because "he wants his city to be as safe as possible."

Turner expressed support for the Crawford proposal in response to reporters' questions at a press conference scheduled to present the city's monthly crime statistics for February.

On average, major reported crime in Washington increased 8 percent last February compared to February 1981 and 30 percent compared to February 1980.

The largest crime increase was in rapes, which went up 43 percent, from 21 in February 1981 to 30 rapes last February. Larcenies were up 18 percent, auto thefts up 16 percent and robberies up 2 percent.

Aggravated assaults decreased 14 percent, homicides dropped 5 percent and burglaries declined 2 percent, police said.

The biggest drop in overall crime occurred in the 1st District, which includes parts of downtown, Capitol Hill and Southwest. The biggest increases were 23 percent in the 2nd District (which largely covers Northwest Washington west of Rock Creek Park), and 15 percent in the 3rd District (which covers most of the inner-city area of Northwest Washington, including the 14th Street strip and many major drug-dealing corridors).

Turner blamed much of the increase on drug-dependent criminals who steal to support their addiction. Overall, crime during the first two months of 1982 is up 2 percent over the same period a year earlier, Turner reported.

THE CLOSING OF THE BUNKER HILL MINING CO. AT KELLOGG, IDAHO

Mr. SYMMS. Mr. President, as the Congress begins work on the Federal budget and attempts to bring down the huge deficit projected for fiscal year 1983, it is vitally important, I believe, to bear in mind that the futures of businesses, workers, and their families are directly impacted by the billion-dollar figures that we in Congress must manipulate as part of the budgeting process.

I have never been so sharply reminded of this responsibility, Mr. President, as I was on August 24, 1981, when the Bunker Hill Mining Co. at Kellogg, Idaho, was forced to close.

A number of factors evidently went into the decision—depressed metals prices, rising costs of production, high interest rates, and a slumping economy. Whatever the cause, the end result was the demise of this Nation's largest nonferrous smelter for lead and zinc, the loss of more than 2,100 jobs, and an unemployment rate in Kellogg which some estimates place at 30 percent.

Unless Congress musters the courage to bring Federal spending in line with limited revenues, we can expect interest rates to climb even higher and more businesses like Bunker Hill to go under. The spread of business failures and joblessness in this country is just one result of deficit spending, but is undoubtedly the most severe.

As workers are laid off in Flint, Mich.; Cleveland, Ohio; New York City; Birmingham, Ala., and in other large and small cities across the country, I urge every Member of Congress not to fool himself or herself into thinking that their States or districts are immune. The economic situation facing this country is rooted in years of wasteful Government spending, and it is going to take some tough, sensible penny pinching to bring us back to prosperity.

The current economic recession is taking its toll, but I am optimistic about the new direction in which we are heading since President Reagan entered office. Members of Congress, who once thought our Nation's problems were best eliminated by throwing money on the fire, are now calling for a balanced budget. American families and workers realize now, more than ever, that the free enterprise system and private sector growth are directly linked to their jobs and standard of living. In place of management-labor disputes, we are finding businessmen and workers banding together for mutual support.

Unfortunately, the roots of destruction at Bunker Hill had taken hold before these phenomena could really help. In January, a group of investors announced their intentions to buy the Bunker Hill Co. if costs could be kept to a minimum and there was some hope of breaking even within 5 years. They secured reduced contracts from vendors and asked the workers at Bunker Hill Co. to accept a 25-percent reduction in pay. The workers voted and agreed, but Lloyd McBride, chairman of the International Steelworkers Union headquartered in Pittsburgh, refused to honor their decision. Ultimately, the entire purchase proposal collapsed.

Bunker Hill waits for a new buyer, but the prospects are dim. North Idaho suffered an extremely cold winter which froze the water pipes and caused considerable damage to the roof of the Kellogg mine. The last word I received was that salvage crews had moved in to clean up the debris.

The tragedy of Bunker Hill is a painful example of the impact business failures are having on communities across the Nation. It is a story from which we can learn many things—the importance of restoring our economy, the ways our population may spread and change, and the way life in the United States could be altered unless productivity is restored. Most importantly, the story of Bunker Hill is a story of trust, and the lesson to be learned is that any representative entity that grows too large, whether it be Big Government or Big Labor, can in time lose sight of the interests and freedom of American individuals.

The closing of the Bunker Hill Co. is described in a well written and insightful article by Jay Mathews for the Washington Post. I ask unanimous consent that this article be printed in the RECORD, and I urge all of my colleagues to read it.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 16, 1982]

NEW BATTLE OF BUNKER HILL: UNION SURRENDERS ALL JOBS

(By Jay Mathews)

KELLOGG, IDAHO.—Francis Heck sits slumped in the small living room of his tidy, two-story yellow house near Rose Lake. He is resting from a 3,000-mile, five-state trek in which he slept in his car, filled out countless job applications and found openings nowhere.

Fatigue and resignation have dampened some of his anger. But mention the events of Jan. 17, 18 and 19 and it all pours back into his voice—the frustration and astonishment when he discovered that his union was going to keep him and 1,500 of his coworkers from returning to their jobs at the Bunker Hill Co., and turn Kellogg into a ghost town.

As the nationwide recession deepens, workers and unions in the automobile and other industries are staving off unemployment by accepting pay freezes or cuts, but when workers tried that in this town that once produced a quarter of the nation's refined lead, zinc and silver, their union wouldn't let them.

The bitterness of the remarkable clash between the men of Bunker Hill and the United Steelworkers union poisons the atmosphere here now as severely as the fumes that poured for years out of Bunker Hill's 715-foot-high lead mill smokestack.

"It should never have happened. It was stupid. It was dumb," Heck said.

On Jan. 17, Heck and his fellow workers at the mine and refining plant thought they had saved the troubled company by voting to accept 25 percent pay cuts and go to work

for a group of local investors who promised to reopen the plant that had closed just two weeks before.

On Jan. 18, they learned that the steelworkers union leadership had refused to honor the workers' vote. The union's leaders insist they saved their workers from a bad contract, and they still hope Bunker Hill will reopen with the help of a new buyer.

But that is no longer the prevailing opinion in Kellogg. Gary Beck, manager of the Idaho department of employment office here, said, "This town almost went up in an explosion" of worker violence the day the vote was overruled. An avalanche of anti-union feeling erupted in what had been a heavily union town, but is now one more casualty of the economic blight that low demand for minerals and lumber have brought to the lovely hills of the northwestern United States.

Kellogg, a one-industry town with a population of 3,600, could vanish. Beck said his office normally processes 300 or 400 unemployment claims this time of year. Instead, he has 1,600, and with the price of silver at its lowest point in two years, he expects many more.

Dixie Lee Laehn, wife of a 10-year veteran of the Bunker Hill plant, paces around her living room a few blocks from the unused company rail trestles, still furious over what she feels the steelworkers union has done to the town that has been her home.

"When a majority rule no longer counts in America, we're in deep trouble. We may as well pack it up and head for the Soviet Union," Laehn said. "We're fighting our guts out here just to survive. And big shots clear back in Pittsburgh are using us as an example that unions are Big Brothers."

Laehn, 37, a former Army nurse, finds money so tight she has had to cut off her telephone and put to sleep five pet dogs, many left by friends who have already moved out of the area. She and her husband, Clifford, took a bus to Spokane about 70 miles away to look for jobs. They were amazed to find the bus full.

"I wondered, were people doing so well they could take vacations? But when you get to talking to them, you find out they are people who are just crawling from one town to the next, looking for work . . . and just think that my husband and all those others could have still had jobs here.

Clifford Laehn is a small, energetic man with a few teeth missing and a tendency to let his wife do the talking. He is restless. Each morning he rises at 3:30 to help deliver the local paper, getting in return only a free subscription and a sense of having accomplished something that day.

When the Laehns' daughter, Melanie, 11, finishes the spring term at the Silver Valley Baptist School, the family plans to head for the Sun Belt—"Denver, Phoenix, whatever places have the lowest unemployment rates," Dixie Lee Laehn said. Francis Heck is heading that way also in a new job search through Nevada, Arizona, New Mexico and Texas. Clifford Laehn made $30,000 last year. Heck made about $26,000. Both must now live on $145 a week in unemployment benefits, the equivalent of $7,500 a year.

Kellogg businessmen like Dale Farlee, owner of the Siverhorn Motor Inn, meet regularly now to think of ways to save the town. Farlee said his own business has declined about 33 percent, but his group, the Greater Kellogg Development Corp., has a nibble for a "major aircraft stamping plant" to be established here. Another group of small merchants, Silver Valley Forever, has suggested improving the local ski run, once called "Jackass" but rechristened "Silverhorn," or building some sort of theme park to attract tourists.

The town sits on Interstate 90, the most direct road from Seattle to Chicago, seemingly a natural spot for a thriving business. But the almost abandoned Bunker Hill plant in the center of town is an eyesore of rusting metal and black slag heaps. Fire and pollution have denuded hills on either side of the narrow valley. A first-time visitor wonders if the raw look is natural for a mountain town in winter, but Beck explains: "The smelter has so polluted the ground that hardly anything will grow."

Bunker Hill had been known for the loyalty of its employes, who stayed with the work there longer than at most mine and smelter operations. When the bulk of the workers was dismissed Dec. 31, Beck said, "I had more than 60 or 70 people in here with an average of 30 years with the company. It was something to see."

It was Aug. 25 that Clifford Laehn came out of the plant and heard that Gulf Resources and Chemical Corp., shaken by the plant's losses, could not find a buyer and was going to close it. "I just sat in my car and everything just left me," he said. "It was the loneliest, emptiest feeling I've ever felt in my life."

By November, a group of local investors led by Duane Hagadone, a publisher and real estate investor based in nearby Coeur d'Alene, was trying to buy Gulf's interest in the plant. Bunker Hill would cost about $65 million, but losses for 1982 were projected at about $40 million. The investors could not control the volatile prices on the metal markets. They could only finance the deal if they negotiated a substantial cut in labor costs.

They presented the workers with a five-year plan that would have meant an initial 25 percent cut in wages and benefits for many, weaken seniority rules and provide jobs for only about 1,500 of the plant's 2,100 workers.

The leaders of United Steelworkers of America Local 7854 recommended against it. But at a climactic vote the night of Jan. 17, members of the nine plant craft unions, including the steelworkers, voted 695 to 506 to accept the local investors' proposal. Many went home to celebrate, thinking they had saved their jobs. They were stunned the next day when they turned on their radios to hear that the local's newly appointed administrator, Lavern Melton, had refused to sign the agreement. The investors had no legal labor agreement which they could show to banks planning to finance the purchase, and the deal was dead.

"When I heard that my vote didn't count, it took me half an hour to get to the union hall to find out why," Heck said. An angry crowd had gathered outside and was berating Melton as sheriff's deputies watched nervously for any outbreak of violence. "Get it signed and get it over there," someone shouted at Melton. He replied: "We're not signing a blank check."

"Go back to Pittsburgh!" someone said. Melton pointed out that he was from Wallace, not far away. "Your soul is Pittsburgh, not this valley. They own you. They own your soul," a member of the crowd shouted.

Finally the workers were allowed into the union hall for an informal meeting and a flamboyant official from the Pittsburgh headquarters, Andrew Coban, addressed the throng. "I don't care if you starve me, kill me, castrate me, rape me. It just doesn't matter," Heck said Coban told them. I'm not initialing those contracts.

Heck recalls he kept "yelling and screaming at union officials. I got really, really involved, which I seldom do." But nothing changed. The unhappy workers voted in a new slate of local officers, and the new officers signed the five-year wage proposal. But attorneys for the Hagadone group concluded that would not be enough. The existing labor agreement at the plant was with the steelworkers, and the hasty election of new officers could easily be overturned in court.

Robert Petris, the western district director for the Steelworkers Union, said any suggestion the union leadership caused the workers to lose their jobs "is a bunch of bull." He said the union leadership made it clear from the start that the Jan. 17 vote was only advisory. The union leadership, he said, had to have a chance to negotiate a contract with the Hagadone group before they could sign anything. Instead, the union was presented with a take-it-or-leave-it offer that weakened health and pension benefits under the contract with Gulf, Petris said.

Hadadone and many of the displaced Bunker Hill workers argue the union leadership felt accepting a 25 percent pay cut in Kellogg would hurt in negotiations elsewhere. "The only conclusion we have drawn is that the language we had proposed would set a precedent that they could not live with for the balance of their membership." Hagadone said.

Petris and Melton say they have saved their members from a bad contract and hold out the hope that new investors with better proposals will materialize. Martin Baral, an Australian who serves as managing director of Expo Oil Co., said his firm is considering reopening Bunker Hill and finds the Steelworkers' representatives "most helpful and businesslike."

But Robert Bowman, a vice president for Gulf in Houston, Tex., said initial contacts with Expo oil have not developed into formal negotiations.

Meanwhile, other mines in the area continue to lay off workers and even those jobseekers who travel far beyond Idaho come back empty-handed.

Heck's two-week trip took him to an aluminum plant in Goldendale, Wash., an aluminum plant in Dalles, Ore., a pumice-crushing plant in Bend, Ore., a shale mine in southern Idaho, two mining companies in Salt Lake City, oil fields in Evanston and Rock Spring, Wyo., a mining company in Green River, Wyo., and an oil field in Casper, Wyo.

"They all said no," Heck said. A private employment officer in Denver said they would have charged $2,500 to $3,000 to find a job for someone with Heck's experience as an operator of overhead cranes and other equipment. "I told them to stuff it," he said.

Lillian Heck sells cosmetics door to door, and with some part-time teaching and weight watcher class instruction can make as much as $9,000 in a good year. But she said she is as eager to move on as her husband is.

"A lot of people are moving back with their parents," Heck said. "But I have a lot of pride. I think I'll tax all my resources before I do that . . . and I'll try to make sure I'm never in a place where a union can do this to me again."

SOCIAL SECURITY

Mr. SYMMS. Mr. President, with congressional leaders in the midst of negotiations and the Senate Budget Committee close to entering mark-up for the fiscal year 1983 budget, much of the dust being kicked up around Capitol Hill has temporarily diverted public attention away from the problem of Social Security.

Simply put, Mr. President, the Social Security system in this country is failing. And, as Social Security Commissioner John Svahn announced in October of last year, the retirement trust fund will be depleted by 1984—and recent reports indicate it may be sooner—unless effective reforms are enacted.

Steve Hallock, an editor for one of Idaho's major daily newspapers, saw fit to remind us of this dilemma. In a recent editorial he points out that Congress is left with less than 1 year and 3 months to do something. Those of us familiar with Congress and the legislative process surely realize that this do not leave a lot of time.

I urge my colleagues to take note of Mr. Hallock's remarks and I might add that the Social Security system will be an albatross around the Congress neck if only stop-gap solutions are adopted and the deeper problem ignored.

I agree with the conclusion Mr. Hallock reaches in his editorial. Congress must view proposals to adjust benefits for future recipients as part of a solution to the severe financial problems of our Social Security system. This may also have to include the suspension of future cost-of-living increases for Social Security and other entitlements recipients. But, importantly, while it is vital to restore integrity and reliability to the Social Security trust fund, it is equally important that retirement recipients know with confidence that their benefit checks will be paid on time and that current levels of payment will not be touched.

Mr. President, I ask unanimous consent that the Idaho State Journal editorial entitled "Keep the Promise" be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Idaho State Journal, Apr. 7, 1982]

KEEP THE PROMISE

While the nation debates nuclear arms, defense spending and hard economic times, one segment of our society is swiftly running out of time: senior citizens and others who rely on Social Security benefits for their very survival.

According to the trustees of the Social Security system, in their annual report to Congress recently, the system will run out of money to pay old-age benefits by July, 1983—unless Congress takes action before then.

That's only one year and three months from now. But actually, Congress will probably only have about half a year to deal with the problem because nothing is likely to be done until after the November House and Senate elections.

The trustees previously had reported that the system could get by until 1984, but the ravages of the recession have forced them to revise that deadline. It has reached the point, according to the trustees—the secretaries of Labor, Treasury and Health and Human Services—that even interfund borrowing within the Social Security and Medicare systems won't help.

"The trend is the same as it was last year (when Congress passed stopgap legislation allowing interfund borrowing by the system's three trust funds)," said Social Security Commissioner John Svahn, "and we haven't done anything to solve it. Nobody has changed the facts or rewritten anything to heighten or sensationalize the report."

Congress and the president have taken steps to deal with the Social Security problems. One is the establishment of the 15-member National Commission on Social Security Reform, with five members each chosen by the president, the speaker of the House, and the Senate majority leader. The commission, which comprises Congressmen of both parties and economists and professionals from the private sector, has had two meetings thus far, and is scheduled to meet once a month until the end of the year, when it will expire. It is vital that this commission, with the Congressional subcommittees on Social Security, put together proposals for Congress to consider—as a top priority—next January.

Social Security is a promise which the American people have made to the elderly, and some other recipients, many of whom have paid into it much of their lives. The system got into trouble down the years because benefits were increased liberally, without compensating increases in the tax.

But it would be unfair to punish those who now depend on Social Security for their benefits to be drastically cut. It may well be that Congress will want to adjust benefits for future recipients, but a way must be found to meet the promise already made.

THE ANNIVERSARY OF WARSAW GHETTO UPRISING

Mrs. HAWKINS. Mr. President, I want to add my voice to those who have spoken today in memory of the victims of the Holocaust.

Human history has never recorded crimes as heinous as the ones we remember with a shudder this day. Never before had a modern leader and his government sought to eliminate a people from the face of the Earth. Yet, that was the goal of Hitler—to murder every Jewish man, woman, and child. Events that took place at Auschwitz, Birkenau, Maidenek, and Trebelinka, four decades later have the power to scald our consciences and shame humanity. The story of the Holocaust is indeed a tale of darkness, one with profound implications for those who survive.

Yet even in ugliness, there can be moments of glory. Consider the heroes of the Warsaw ghetto who, armed only with courage and their knowledge of certain death, defied the Nazis for more than 3 weeks, longer than many European armies. They gave new meaning to the word "resistance." Or consider Raoul Wallenberg, the Swedish diplomat who worked with the U.S. war refugees department. He saved more than 100,000 people because he risked his life to smuggle others to safety. While he today may languish in a Soviet gulag, his name will long endure among those who chronicle demonstrations of heroism.

While we wince at the evil inflicted in the death camps and recall the brave acts committed by enemies of inhumanity, we must also vow today never to allow the scar to completely heal. We need always to remember the dangerous power of mass movements when channeled in evil directions, for these movements surpass nature in their fury and violence.

STARVED OX?

Mr. GRASSLEY. Mr. President, one of my Iowa constituents recently sent to me a poem that contains an important message that I would like to share with my colleagues. Since this message concerns the plight of our farmers, it is of importance not only to agriculture interests, but also to all consumers. I hope this poem touches the hearts and consciences of my colleagues as it did mine.

The poem follows:

STARVED OX?

The humble soil tiller must still break the sod,
For food to be formed from the sun, rain, and clod;
There must still be those hands putting seed in the ground;
A people who are willing to work must be found.

Without faithful farmers who look to The Lord
For the sun and the rain in due season,
The world would soon starve in their high-rise apartments,
For food isn't formed by man's reason!

When the world wakes to hunger and meets with agony each dawn,
It's too late then to ponder where the farmers have gone;
Those days when we padded our share from his purse,
Have come back to haunt and to bring us a curse!

Look around you, mankind;
And support those who serve;
Note their long weary hours
Growing food for reserve.

The Lord placed a man on the soil of The Earth,
And instructed him how to grow food for the dearth.
Now, man in preoccupation with self,
Thinks that food just appears on the groceryman's shelf!

The Word says the ox that must tread out the grain,
Be allowed to eat freely, for his strength to remain.
Let the farmer be paid for his work in the fields;
May his purse be commensurate with the size of his yields!

—*A. Watcher.*

Clearly, American agriculture is facing severe economic times. From my conversations with farmers and bankers throughout my home State of Iowa, it is evident that the coming year or two will prove extremely critical. No one needs to be reminded about what a collapse of the agricultural sector will mean—that includes not only farmers, but also 23 million ag-related jobs, as well as our dependable source of reasonably priced food. Indeed, much is at stake.

I sincerely hope that my colleagues will keep the "Starved Ox?" well in mind during the months ahead. The future of our agriculture sector, as well as the country, may depend upon our ability to understand our farm dilemma, and to be able to focus upon the source of the problems. Unless we keep a keen eye on the source, precious time, energy, and money may be squandered on superficial solutions that do little to help our Nation's farmers.

I have no intention of pointing fingers at any particular colleague, or at any particular legislative proposal. Frankly, there have been some good proposals presented that can help our farmers. But many proposals, unfortunately, have been offered for little more than political gain. On the surface, the proposals may look attractive, but that is about the extent of it. They are shallow and serve no real purpose except perhaps provide the facade that politicians are working hard during this election year to save the farm economy. Moreover, the fact that it is an election year says much to the merit of these proposals and rhetoric.

What is sad about this, and truly unfortunate for America's farmers, is that these politically motivated, superficial proposals are distracting us from the real sources of our farm problems as well as the solutions to these problems. The three major problems facing farmers today are high interest rates, inflation and, of course, low prices. All three problems can be traced back to the horrendous policies of the Government during the past several years. Inflation and high interest rates are tied directly to deficit spending. Weak farm prices are the result of Government interference in agricultural markets—both domestic and foreign. What amazes me is the fact that some of my colleagues are trying to camouflage these problems while attempting to pin the blame for our farm problems upon President Reagan and other Republicans. Let us set the record straight by examining the true sources of problems.

INTEREST RATES

During the Democratic control of Congress and of the administration, interest rates rose from 6.5 percent in 1976 to a devastating high of 21.5 percent in 1980. One of the major causes for these high interest rates was the irresponsible deficit spending of Congress.

Since reaching this high level, interest rates have fallen by about 5 percentage points. It is essential that they be reduced further, but we must recognize the reason for their fall—for the first time in decades, we have had a President and a Congress with the courage to restain and reduce Government spending.

INFLATION

Inflation took a similar meteoric rise during the late 1970's. During this period, the rate of inflation rose from 4.8 to 12.4 percent. A major cause for inflation can be found, again, in the evils of deficit spending. Since President Reagan came to office, inflation dropped to 8.9 percent and has recently been running as low as 4.5 percent.

GOVERNMENT INTERFERENCE IN AGRICULTURAL MARKETS

Remember President Carter's Soviet grain embargo? Then there is another area of market interference—domestic. No one needs to be reminded that it was a Democratic administration that attempted to convince Americans that they eat too much meat, eggs, and dairy products, and that aggressively promoted the new USDA Dietary Guidelines. It was this same administration that chose to scare the public with its nitrate fiasco and saw fit that its top USDA employees should be given awards and $20,000 bonuses for turning USDA into a consumer-oriented agency. Untold millions, if not billions, of dollars were lost by the farm economy because of this obsession with a cheap-food, consumer-advocate agricultural policy. Indeed, the USDA policies of the Reagan administration, under the able and dedicated direction of Secretary John Block, come as a breath of fresh air for agriculture.

The Carter administration found an additional battlefield from which it could wage its war against farmers—exports. I dismiss the rumor that he really imposed the Soviet grain embargo to keep food prices low. But as a foreign policy weapon, the embargo was a reckless, unfair, thoughtless act.

Very interesting are the figures provided by a study conducted for the National Corn Growers Association to determine the cost of the Soviet grain embargo. It was found that losses to farmers and consumers reached a staggering $11.4 billion; $3.1 billion was lost in personal income; and 310,000 jobs were lost. This job loss, alone, translates roughly into 9 additional billion dollars to our budget deficit.

Beyond the immediate loss of income and jobs, the most tragic aspect of this embargo was that the United States lost a tremendous opportunity to greatly expand its export market with the Soviet Union. While Soviet import needs were skyrocketing, American farmers were forced to sit back and watch our competitors take business that could have been ours and gear up production to meet the long-range Soviet demand for grain. There is no question but that the Soviets, as well as other countries, will doubt the reliability of the United States as a trade partner for years to come, and will likewise be extremely hesitant to become too dependent upon us for the supplies.

It is no wonder that American farmers cannot find a market for their grain when they produce bumper crops—a Democratic administration has just recently effectively squeezed the farmer from both domestic and foreign markets. It was President Reagan who lifted the Soviet grain embargo, and it was President Reagan who has proposed record levels of CCC export credit authority and took steps to increase the activity of the Foreign Agricultural Service to promote exports.

Interest rates, inflation, market interference, these have been the biggest enemies of the American farmer. President Reagan, with the help of congressional Republicans and several Democrats, has taken major, effective steps to turn this disaster around, to finally put our farm economy back in order. We still have a long way to go. The enormous damage sustained will take considerable work to reverse. But significant progress has been made, and if we continue to work together, we will succeed.

Frankly, it is a very frightening thought, but just suppose President Reagan had not been elected, and the Democrats had retained complete control of the pursestrings of the budget, and the Carter administration had retained the control of the USDA. Where would our interest rates be? How high would inflation be raging? What would be left of our domestic and foreign agricultural markets? And what would have become of our farmers?

Now that we have placed the farm dilemma in the proper perspective, it is time to put partisan politics aside. What we need to do is work together toward positive solutions. Let us continue to restrain spending to bring interes rates and inflation down. And let us do what we can to encourage and expand our agriculture markets.

But for the sake of our farmers, let us not allow ourselves to be sidetracked by election-year political rhetoric. As far as I am concerned, our farmers deserve much better and need much more from Congress.

THE HOLOCAUST IN REMEMBRANCE

Mr. CHAFEE. Mr. President, words cannot do justice to the travail and suffering of European Jewry, victims

of the most heinous political crime of all time, the Holocuast of World War II.

But however inadequate our words we must continue to speak out in remembrance—however painful—if only to insure that mankind will never allow itself to forget the horror that swallowed up two-thirds of Europe's Jews and millions of other European minorities in the death camps of Auschwitz, Dauchau, Majdanek, Sobibor, Bergen-Belsen, and so many others.

This week, in ceremonies large and small throughout the world, the Holocaust will be remembered in countless ways. Thousands will gather at secular events marking official commemoration of the tragedy. Countless more will attend memorial services in synagogues or churches marking the occasion. For many, the memories will be personal: The remembrance of individual family members and friends long dead.

In marking this occasion, we add our voices to millions of others in proclaiming "never again."

That, ultimately, is our purpose; indeed our prayer. It can be no less.

Mr. MATHIAS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I ask unanimous consent to proceed as if in morning business for a period of not more than 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATURAL RESOURCE PROGRAMS

Mr. WARNER. Mr. President, I received today an article written under the auspices of the Wildlife Management Institute, forwarded to me by Nathaniel Reed, former Assistant Secretary of the Interior for Wildlife. Mr. Reed served in this post with great distinction and continues active in a wide range of environmental and wildlife activities. He is an outspoken authority.

I have examined the article and found it very interesting. While I do not associate myself with all the view points of the water, I do share the view of Mr. Reed that it is worthy of study by those interested in wildlife.

I ask unanimous consent, Mr. President, that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WILDLIFE MANAGEMENT INSTITUTE

At Conference time last year, the Reagan Administration had been in office only a few weeks. For the conservation/environmental community, it was a time of apprehension. That is a normal situation when any new Administration takes over the government. The backgrounds of some appointees and candidates for appointment raised questions about the conduct of natural resource programs over the next four years. Echoes of campaign rhetoric added to the anxiety.

There was concern about the management of public lands, national forests, wildlife refugees and parks, about surface mining and energy development, wilderness reviews and designations, clean water and air, wetland protection, liquidation of old-growth forests, acid rain, reauthorization of the marine mammals, endangered species and Sikes acts, and many others.

Since the last Conference, communication has been strained or severed between the Administration and some major elements of the conservation/environmental community. Name calling and finger pointing have been commonplace. Personal animosities are all too apparent. Reasoned discussion has given way to charge and countercharge.

There always have been and there always will be differences in outlook between an Administration and elements of the heterogeneous conservation/environmental community. I say elements because the conservation/environmental community itself is by no means a sea of fraternal tranquillity.

However, from my Washington experience, now spanning seven Presidents, it is clear that differences between this Administration and the conservation/environmental community are sharper than at any time since the early years of the Eisenhower Administration. The issues today are infinitely more complex. And they are being faced in a harsh environment of inflation, recession, unemployment, and fiscal and international uncertainty.

Today's dissension is unfortunate, because so much needs to be done to upgrade management of the country's natural resources and to assure their productivity for coming generations. Even under the best of circumstances, progress is uneven.

Today's frustrations arise for many reasons. There is the volatile matter of the national economy, and debate over ways for setting it right. Under the Administration's budget, reductions in staff and programs to manage renewable natural resources, to monitor water and air and to assess the impacts of development are made more startling by requests for substantial increases for resource exploration and extraction. There is grave concern that a lion would be loosed among the sheep.

Certainly, some conservation/environmental work can be slowed without serious short-term harm. But deliberate or mindless restriction of essential programs removes the tools needed to protect the environment and maintain resource productivity.

Nearly 2,000 years ago, the Greek biographer Plutarch noted that "Economy, which in things inanimate is but money making, when exercised over men becomes policy." Such is the effect of this Administration's budgetary approach. New initiatives will not be offered in the natural resource area except for a few that hold some promise of garnering receipts to offset costs. Others will seek to regain at least part of the cost of on-going activities.

Adding further to the conservation/environmental community's concern is the regulatory relief task force—a high-level group that is examining federal rules and regulations suggested by some to be frivolous, obstructive and needlessly expensive. Among the documents under review are regulations covering issuance of dredge and fill permits under Section 404 of the Clean Water Act and for implementing the important Endangered Species and Fish and Wildlife Coordination acts. Failure to apply these authorities promptly and even-handedly will have a serious impact on fish, wildlife and the general environment.

Another threat is seen in the Federal Property Review Board, created by the President last month, and charged, among other things, with establishing annually the amount of each Executive agency's real property holdings "to be identified as excess." Target lands will be those properties "that are not utilized, are underutilized, or are not being put to optimum use." A companion document of the Office of Management and Budget focuses on Agriculture and Interior Department lands suitable for raising crops and timber. And lands around Corps of Engineers and Bureau of Reclamation projects that "may have high value for private development."

Running along with all this are identical bills to "privatize"—as they say—public lands to reduce the federal deficit. According to a senior economist on the President's Council of Economic Advisers, "Until we begin to privatize the public lands, we will not have accomplished anything of real economic or moral value." So sayeth the sage.

President Nixon, in his 1969 land disposal executive order, specifically excluded national forests and parks, but inadvertently omitted wildlife refuges. The new executive order covers the country, coast to coast.

Some of the difficulty the conservation/environmental community is experiencing is spurred by the Administration's tendency to view resources through the myopia of the traditional disciplines—forests, water, air, grazing, wildlife, parks, environmental protection and so forth. There appears to be a reluctance to look beyond the more obvious cause-and-effect relationships. Or the fact, for example, that timbering, done in an improper way, place or time, has a lasting impact on water, soil, wildlife and grazing. Or that commercial and sport fishes, marine mammals, birds and beaches enter into the off-shore energy development equation. Or that biotic diversity of the coastal Northwest's old-growth forests—centuries in the making—can be destroyed in a few decades.

The conservation/environmental community winces when the President tells legislators of Indiana, as he did, that had there been a federal government "when the Creator was putting a hand to this state," it would not exist because they would still be waiting for an environmental impact statement. Or when he joked to White House dinner guests that he would have preferred an outdoor barbecue in the Rose Garden but feared that smoke from the grills might have violated the Clean Air Act.

These are unsettling comments to those who have worked for many years to get environmental protection programs into place. And who are well-acquainted with the improved conditions the environmental laws have brought. Or who are familiar with the severe implications of problems not being faced, such as acid rain. Or the U.S. Department of Agriculture's recent contention that air pollution has prevented improvement in cotton yields since the mid-1960s despite new technology and better varieties.

The Administration's economic recovery equation glosses over the fact that commodity extraction—which it emphasizes—can significantly curtail productivity of a related resource. Livestock grazing, mining, coal, oil and gas development, and timbering can be disproportionately detrimental to fish and wildlife if not planned and conducted in a sensitive manner. That means biologists sitting down with range conservationists, mining engineers, geologists and foresters to design developments in ways to minimize disruptive features. But when the federal budget significantly increases funding and personnel for commodity production and decreases funding and personnel for fish and wildlife management, the outcome is clear. Fish and wildlife will lose.

Fish and wildlife-related recreation generated expenditures of nearly $40 billion in 1980, as we heard yesterday from the U.S. Fish and Wildlife Service. To provide some scale, $40 billion is equal to the dividends paid by all U.S. corporations in 1979; equal to the costs of U.S. oil imports; more than the assets of General Motors; and equal to the annual sales of Sears Roebuck, K Mart and J. C. Penney combined.

Much of the money being spent for fish and wildlife-related recreation is collected by thousands of businesses and industries that service the 100 million people 16 years of age and older who participate in fish and wildlife-related recreation. Some is directed to the local, state and federal governments in the form of fees from the users, and taxes from the businesses and industries. Think of that—1 of every 2 adults in the United States in 1980 indulged in some form of recreation involving fish and wildlife.

No one has analyzed the long-term economic impact of sacrificing fish and wildlife resources for relatively short-term economic gains, to say nothing of the recreational and other values foregone. The economic future of this country is in the land and what the land produces. It is not in the ledgers of the Office of Management and Budget.

There are other roots of concern. The livestock industry is heavily represented on a committee to review the fees charged for grazing public lands. Public interest representatives, a news release advises, are to be named later. A 21-member public lands advisory council, created under the hard-won authority of the Federal Land Policy and Management Act, is loaded with mining, grazing, energy, real estate and timber spokespersons. The entire public lands outdoor interest is represented by a respected but retired newspaper columnist.

In the area of western water policy, the Department of the Interior has done an about-face. On the 200 million acres of public range, ranchers now may own or cohold the rights to water developed for livestock. Western state fish and wildlife agencies long have been concerned about single-interest control of water rights on the western range where water is life.

There are hopes that renewable resource programs will weather these times without lasting injury. The Land and Water Conservation Fund can help federal land management considerably if Congress sees fit to appropriate significant amounts. The Reclamation Fund, made up of 40 percent of the receipts from on-shore mineral leases and royalties, and national forest and public lands sales, is a potential source, if Congress would redirect that money to resource management on the lands that are being exploited. Currently, that money is used for the unrelated purposes of irrigation and reclamation, which often degrade other natural resources. Last year, the Reclamation Fund gained nearly $360 million from this source. Estimates are that it will receive more than $1.2 billion in the next two years.

Coming months promise to test the resolve and imagination of all persons interested in natural resources. The ages-old admonition of making do with what one has will be sorely tried. Given the present mix of circumstances—and recognizing that many are beyond the capability of the conservation/environmental community to influence—merely holding the line may represent a substantial achievement over the near term.

These are, in truth, unreasonable times for reasonable persons.

Mr. WARNER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TELEVISION AND RADIO COVERAGE OF SENATE PROCEEDINGS

The Senate continued with the consideration of Senate Resolution 20.

AMENDMENT NO. 1244

Mr. McCLURE. Mr. President, I would like to emphasize one point in this debate on the pending amendment, a point that I believe has not, as yet, been sufficiently dealt with in the debate thus far.

I have asked the Parliamentarian to research those instances in the past in which the Senate has amended its rules and the means by which the Senate effected that action. I am informed that at no time from 1884 to the present has the Senate ever amended its rules by using the technique of adding an amendment changing the rules of the Senate to a resolution pending before the Senate which itself did not amend the rules.

I am concerned about the precedent that would be established if the Randolph amendment were to be adopted. I do not believe that it would be in our best interest as a body to start amending the rules of the Senate on any and every simple Senate resolution that comes before us. I think that any action on the part of the Senate to amend its rules should require careful and thorough study on the part of the Rules Committee of the Senate and that a rules change should be effected only by a Senate resolution designated for that purpose. It is for these reasons that I will vote against the Randolph amendment. Thank you Mr. President. I yield the floor.

Mr. BAKER. Mr. President, I believe there is no further debate on the Randolph amendment on this side, and I am prepared to vote, if the distinguished author of the amendment is prepared to do so.

Mr. RANDOLPH. Yes. I say to the majority leader that there are Members who would have spoken, such as our good friend and colleague Senator STENNIS and others. But we are understanding of the need to come to an up-and-down vote on the amendment, and I am ready to proceed. I am very grateful for the cooperation of the able majority leader.

Mr. BAKER. I thank the Senator from West Virginia.

The PRESIDING OFFICER (Mr. ABDNOR.) The question is on agreeing to the amendment offered by the distinguished Senator from West Virginia. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. STEVENS. I announce that the Senator from Missouri (Mr. DANFORTH) and the Senator from South Dakota (Mr. PRESSLER) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Massachusetts (Mr. TSONGAS) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 46, nays 51, as follows:

[Rollcall Vote No. 82 Leg.]

YEAS—46

Baucus	Eagleton	Melcher
Bentsen	Exon	Metzenbaum
Biden	Ford	Mitchell
Boren	Glenn	Moynihan
Bradley	Hart	Nunn
Bumpers	Heflin	Pell
Burdick	Hollings	Proxmire
Byrd, Harry F., Jr.	Huddleston	Pryor
Byrd, Robert C.	Inouye	Randolph
Cannon	Jackson	Riegle
Chiles	Johnston	Sarbanes
Cranston	Kennedy	Sasser
DeConcini	Leahy	Simpson
Dixon	Levin	Stennis
Dodd	Long	Zorinsky
	Matsunaga	

NAYS—51

Abdnor	Gorton	Murkowski
Andrews	Grassley	Nickles
Armstrong	Hatch	Packwood
Baker	Hatfield	Percy
Boschwitz	Hawkins	Quayle
Brady	Hayakawa	Roth
Chafee	Heinz	Rudman
Cochran	Helms	Schmitt
Cohen	Humphrey	Specter
D'Amato	Jepsen	Stafford
Denton	Kassebaum	Stevens
Dole	Kasten	Symms
Domenici	Laxalt	Thurmond
Durenberger	Lugar	Tower
East	Mathias	Wallop
Garn	Mattingly	Warner
Goldwater	McClure	Weicker

NOT VOTING—3

Danforth	Pressler	Tsongas

So Mr. RANDOLPH's amendment (No. 1244) was rejected.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. METZENBAUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, we will continue the debate on Senate Resolution 20 for the remainder of this day. I would not expect the day to be very much longer. There will be no more record votes today.

Mr. President, I indicated earlier I had hoped to take up the Criminal Code legislation or the nuclear regulation legislation today on a double track. I find that is not possible to do during the course of this day by unanimous consent.

The PRESIDING OFFICER. Will the majority leader desist? Will the Senate be in order, please. Let us be in order. The Senate will be in order.

The majority leader is recognized.

Mr. BAKER. I expect that we will be in perhaps another 30 or 45 minutes. That is time that could be well spent by any Member who has another amendment, if there are any other amendments they wish to offer.

I am prepared now to yield the floor, Mr. President, and if there is no Senator seeking recognition, I will suggest the absence of a quorum. All of those here or who may hear this statement in their offices should be aware that if no amendments are offered by approximately 5 o'clock, I will ask the Senate to provide for a period for the transaction of routine morning business, and resume the consideration of Senate Resolution 20 on tomorrow.

ORDER FOR RECESS UNTIL 10:30 A.M. TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 10:30 a.m. on tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE ON CLOTURE MOTION AT 2:45 P.M. TOMORROW

Mr. BAKER. Mr. President, a cloture motion has been filed under the provisions of rule XXII in respect to the further debate and disposition of Senate Resolution 20. Absent a unanimous-consent agreement, the vote on that would occur after a live quorum 1 hour after the Senate convenes on tomorrow. To provide the maximum convenience to Members on both sides of the aisle, I have requested staff to investigate the possibility of a unanimous-consent agreement to set some time other than that time for the vote.

I am advised that the following unanimous-consent request has been cleared by both cloakrooms. I will state the request at this time for the consideration of the distinguished minority leader and for other Senators.

Mr. President, I ask unanimous consent that at 2:45 p.m. tomorrow the Senate proceed to vote on the motion to invoke cloture on Senate Resolution 20 and that the automatic quorum call under rule XXII be waived.

Mr. ROBERT C. BYRD. Mr. President, the request has been cleared on this side of the aisle. There is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. I thank the Chair, I thank the minority leader, and all Senators.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, once again I am prepared now to go off the consideration of Senate Resolution 20 and to go into a period for the transaction of routine morning business. If no Senator seeks recognition for the purpose of debating the resolution, offering amendments or other matters in respect thereto, and I see none, I ask unanimous consent that the Senate now enter a period for the transaction of routine morning business not to extend past the hour of 5 p.m. in which Senators may speak for not more than 3 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESOLUTION MAKING CERTAIN MAJORITY PARTY COMMITTEE APPOINTMENTS

Mr. BAKER. Mr. President, there is a resolution at the desk in respect to the assignment of committees for a newly appointed Senator. I ask that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 365) to amend paragraph 2 of rule XXV and to make certain majority party committee appointments.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 365) was agreed to, as follows:

S. RES. 365

Resolved, That paragraph 2 of Rule XXV is modified for the balance of the 97th Congress by increasing the members on the Committee on Banking, Housing and Urban Affairs from 15 to 16 and by increasing the members on the Committee on Armed Services from 17 to 18.

SEC. 2. That Senator Brady of New Jersey be and he is hereby assigned as a member of the following committees: Armed Services and Banking, Housing, and Urban Affairs.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RESOLUTION MAKING CERTAIN MINORITY PARTY COMMITTEE APPOINTMENTS

Mr. ROBERT C. BYRD. Mr. President, I call up a resolution at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 366) making certain minority party appointments to standing committees of the Senate for the 97th Congress.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 366) was agreed to, as follows:

S. RES. 366

Resolved, That for the remainder of the 97th Congress (a) Senator Matsunaga of Hawaii be, and he is hereby, assigned to service on the Committee on Labor and Human Resources to fill a Democratic vacancy on that Committee; (b) Senator Sasser of Tennessee be, and he is hereby, assigned to service on the Committee on Banking, Housing, and Urban Affairs to fill a Democratic vacancy on that Committee; and (c) Senator Inouye of Hawaii be, and he is hereby, assigned to service on the Committee on Rules and Administration to fill a Democratic vacancy on that Committee.

SEC. 2. Notwithstanding any provision of Rule XXV of the Standing Rules of the Senate, any Senator assigned to service on a Committee under the first paragraph of this Resolution may, for the remainder of the 97th Congress, serve on such Committee while continuing to serve on each other committee to which he is assigned to service as of the date this Resolution is agreed to.

SEC. 3. Senate Resolution 15 of the 97th Congress (relating to the making of minority party appointments to Senate committees for the 97th Congress), agreed to January 5, 1981, is amended—

(a) on page 2, line 10, by striking out "Mr. Williams," and inserting in lieu thereof "Mr. Riegle,"; and

(b) on page 2, lines 10 and 11, by striking out "Mr. Riegle,".

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE CALENDAR

Mr. BAKER. Mr. President, I inquire of the distinguished minority leader if there are items on his calen-

dar of business for today that might be dealt with by unanimous consent. I would say to the minority leader that there are five such items on my marked calendar—Calendar Order Nos. 476, 477, 478, 479, and 480—that I am prepared to take up if he has no objection.

Mr. ROBERT C. BYRD. Mr. President, those five items have been cleared on this side of the aisle and there is no objection to proceeding forthwith.

Mr. BAKER. I thank the minority leader.

Mr. President, I ask that the Chair lay before the Senate the items just designated.

ANNIVERSARY OF THE KNIGHTS OF COLUMBUS

The joint resolution (S.J. Res. 167) to commemorate the one hundredth anniversary of the Knights of Columbus, was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 167

Whereas the Knights of Columbus was established in New Haven, Connecticut, one hundred years ago on March 29, 1882, to promote the well-being of its members and the community; and

Whereas this association has grown to more than one million members in the United States and to one million three hundred and fifty thousand members in seven thousand one hundred local councils throughout the world; and

Whereas this association won the gratitude of the Nation for its efforts in comforting Allied servicemen during World War I through hospitality huts near the frontlines bearing the invitation,"everybody welcome; everything free"; and

Whereas the Knights of Columbus continued its assistance to members of the armed services after World War I by providing both job training and employment service for returning veterans; and

Whereas the society has dedicated itself to the training of youth leaders by establishing its own youth branch, the Columbian Squires, which currently has more than one thousand circles; by sponsoring almost one thousand Boy Scout troops; and by providing recreational and educational activities for youth at a cost of millions of dollars every year; and

Whereas the society's ardent love for country led to the formation on February 22, 1900, of a special branch known as the fourth or patriotic degree, with about one thousand assemblies, which has as its chief concern the good of the Nation; and

Whereas the Knights of Columbus long has been dedicated to the principle of people-to-people service and in the last recorded year gave more than nine million two hundred thousand volunteer hours to the community and in excess of $32,000,000 for various charitable and benevolent activities; particularly to aid the handicapped and underprivileged; and

Whereas the Knights of Columbus is committed to strengthening the family as the basic institution of society and the key to the Nation's strength and well-being; and

Whereas this organization always has been devoted to the moral and cultural as well as the material uplift of all mankind: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress pay tribute to the Knights of Columbus on its centennial for its constructive and patriotic idealism, and express the country's gratitude for its many contributions to the Nation.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL SMALL BUSINESS WEEK

The joint resolution (S.J. Res. 180) to authorize and request the President to issue a proclamation designating the week beginning May 9, 1982, as "National Small Business Week," was considered.

Mr. WEICKER. Mr. President, I rise today to commend my colleagues for the passage of Senate Joint Resolution 180, which recognizes the week of May 9–15 as "National Small Business Week." By this action today, the Senate has sent a signal to the small business community that it acknowledges and appreciates the contributions that thousands of small businesses have made, and will continue to make, to our economy and our Nation.

But on this small business week, I think more is needed than just a symbolic recognition of our small businesses. Small Businesses today are in the worst shape they have been in since the Depression. With business failures and unemployment at a 40-year high, relief for small businesses must come soon if they are to survive.

Believe me, this year, all the "thank you's" in the world, no matter how heartfelt they might be, are not enough to provide the cure our ailing small business community needs. They need action, and they need relief, and we here in Congress are the ones who can give them both.

So this year, as we mark small business week, I propose something more than just the usual round of receptions, testimonials and picture-taking sessions. I propose that we use this week to focus on what small business really needs, and what we can do, realistically, to address those needs.

I have compiled a small business agenda of five necessary, and more importantly, achievable, items which we in Congress can act on now to give small businesses the kind of immediate relief they need:

Enactment of S. 881, the Small Business Innovation Research Act. This bill would stimulate our small businesses by assuring that they receive a fair share of Federal research and development contracts, while at the same time providing a means of attaining our national R. & D. objectives in a more efficient and cost-effective manner;

Enactment of S. 1131, the Delinquent Payments Act. Simplicity itself, this bill would insure that the Federal Government—the world's largest purchaser of goods and services—pays its bills to contractors within 4 to 6 weeks, just as any private citizen or business must;

Restoral of the small issue, industrial development bond program. So-called umbrella bond programs have provided millions of dollars in loans for economic development over the past decade, improving the economies of our towns and cities and creating thousands of new jobs. Now, because of an ill-conceived and illogical action by the IRS, this invaluable source of funding has been withdrawn from our small businesses and our cities. Enactment of S. 2335 is needed now to restore this development tool and get job creation and economic revitalization efforts going again;

Enactment of S. 1080, the Regulatory Reform Act. Unnecessary and needlessly burdensome regulations continue to plague the small business owner. Passage of this bill, which would require Federal agencies to evaluate the costs and benefits of major rules before imposing them would be a major step toward freeing up the resources of our small businesses; and

Finally, it is crucial that we begin to loosen the stranglehold that current economic conditions have on our small businesses. Interest rates must come down, and soon, and the Federal deficit must be reduced, if we are to bring some relief to the floundering small businessmen and women out there.

These five objectives can be accomplished if we put our minds to it, and begin now. As we move toward "National Small Business Week," I ask all of my colleagues to focus on the many, many contributions of small business to our country, and then, to show their appreciation in a tangible way by acting now to bring relief to this vital and unique sector of our economy.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S. J. RES. 180

Whereas small and independent businesses represent 97 per centum of all business in this country and are the driving force of the American economy and the mainstay of our free enterprise system;

Whereas small business creates almost 90 per centum of all new employment and ac-

counts for approximately 40 per centum of the gross national product;

Whereas small business originates 50 per centum of all major innovations and new technologies;

Whereas the Congress of the United States, the Senate Committee on Small Business, and the House Small Business Committee firmly believe that these significant contributions must be recognized and further contributions encouraged through the development of economic policies and programs designed to foster growth of the small business economy: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating the week beginning May 9, 1982, as "National Small Business Week", and calling on the people of the United States and interested groups and organizations to observe such week with appropriate ceremonies and activitives, in recognition of the achievements and contributions which small business men and women have made to American society.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIVE AMERICAN DAY

The joint resolution (S.J. Res. 184) to designate January 28, 1983, as "Native American Day," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 184

Whereas Native Americans have made important contributions to the cultural and social history of the Nation; and

Whereas Native Americans are now assuming a greater role in the economic life of the Nation; and

Whereas it is appropriate to extend recognition to Native Americans for their achievements as citizens of the Nation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That January 28, 1983, is hereby designated as "Native American Day". The President is authorized and requested to issue a proclamation calling upon all Government agencies and people of the United States to observe the day with appropriate programs, ceremonies, and activities.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL CYSTIC FIBROSIS WEEK

The joint resolution (S.J. Res. 186) to authorize and request the President to designate the week of September 19 through 25, 1982, as "National Cystic Fibrosis Week" was considered.

Mr. DOLE. Mr. President, on April 1, I introduced Senate Joint Resolution 186, designating the week of September 19 through 25, 1982, as "National Cystic Fibrosis Week". Twenty-five of my colleagues joined me at this time, and the bill is now before the Senate for final passage, after rapid action by the Judiciary Committee. Such resolutions are noncontroversial, and I thank those who have expedited this resolution's route through the legislative process.

Although this type of legislation is simple in concept, it really does do a lot of good in terms of setting aside a special week each year for a public awareness campaign that will generate greater familiarity with the issues concerning the No. 1 genetic killer of children in America. Between 20,000 and 40,000 children and young adults in this country have cystic fibrosis. For the last 3 years, I have introduced this kind of resolution, because I believe it does have an impact on increasing understanding of the disease itself, as well as the problems which victims and their families must cope with on a daily basis. As concern for those who suffer from the cumulative effects of the disease stimulates more of the public to action, it is hoped there will be increased support for research that will eventually lead to improvements in treatment and perhaps even a cure. However, this ultimate goal is down the road somewhere, and, in the meantime, the goals that are immediate become those of helping victims live with the disease and its implications—somehow improving the quality of life that they can anticipate.

Mr. President, every American can contribute to the success of "cystic fibrosis week" by having a better knowledge of the basic facts concerning CF, and sharing these facts with others so that the disease no longer remains a mystery to many. Once this radiating effect occurs, it is my hope that there will be tremendous support generated in communities throughout this country for efforts leading to improved treatment and an eventual cure. The National Institutes of Health and the Cystic Fibrosis Foundation are doing their part to help support efforts to combat this disease which affects 1 in every 1,800 newborn babies, making it the most common, fatal, genetic disease in the United States.

I would like to thank those who joined me in this effort in the Senate.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 186

Whereas cystic fibrosis is the number one genetic killer of children in America, and between twenty thousand and forty thousand children and young adults in this country have cystic fibrosis; and

Whereas public knowledge about cystic fibrosis contributes to early detection and treatment of the disease and to improved understanding about the symptoms of cystic fibrosis; and

Whereas increased national awareness of cystic fibrosis and of the young people whose lives are affected by the disease stimulates public concern and increased attention to research seeking control and cure: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of September 19 through 25, 1982, is designated as "National Cystic Fibrosis Week," and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that week with appropriate ceremonies and activities.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

INTERNATIONAL FRANCHISE DAY

The resolution (S. Res. 299) to designate May 4, 1982, as "International Franchise Day" was considered and agreed to.

The preamble was agreed to.

The resolution and the preamble, are as follows:

S. RES. 299

Whereas the franchise method of marketing has made significant contributions to the American economy and has successfully allowed hundreds of thousands of small business persons to participate in marketing networks offering quality product and service distribution;

Whereas franchising today accounts for nearly one-third of all United States retail sales, spans more than forty industries, and directly employs some four and six-tenths million people;

Whereas franchised businesses currently enjoy a success rate better than 95 per centum;

Whereas people of all classes and backgrounds have been provided economic opportunities in starting their own businesses through the training and management programs offered in franchising;

Whereas franchising permits the small business person to compete with large chains which are increasingly dominating our economic landscape;

Whereas legitimate established franchises fully support and adhere to uniform disclosure laws to assure that prospective franchise buyers are fully aware of their rights and obligations before investing in a franchise; and

Whereas franchising continues to expand internationally, effectively serving ever

greater numbers of people the world over: Now, therefore, be it

Resolved, That the President is requested to issue a proclamation designating May 4, 1982, as "International Franchise Day", and calling upon the people of the United States and those who have been served by franchising throughout the free world to celebrate such day with appropriate ceremonies and activities.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE EXECUTIVE CALENDAR

Mr. BAKER. Mr. President, there are certain items on today's Executive Calendar which are cleared by unanimous consent on this side. I would inquire of the distinguished minority leader if he is in a position to consider those items appearing on page 2 under Executive Office of the President and continuing through all of the nominations on page 3, page 4, and page 5, including nominations placed on the Secretary's desk in the Air Force, Army, Navy, and the Marine Corps.

Mr. ROBERT C. BYRD. Mr. President, this side of the aisle is prepared to proceed with the nominations beginning with the Executive Office of the President and going through page 5, with the exception of the nominations under the Department of Justice.

Mr. BAKER. I thank the minority leader.

EXECUTIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now go into executive session for the purpose of considering certain nominations which I will list which I believe are those nominations on our Executive Calendar that are cleared. Beginning with the nomination of Joseph Robert Wright, Jr., of New York, to be Deputy Director of the Office of Management and Budget; the nominations appearing under the judiciary on page 3, being Calendar Orders numbered 716 through 719; all of the nominations on page 4; and all of the nominations on page 5.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I observe that these items are in agreement for action by unanimous consent.

Mr. ROBERT C. BYRD. Yes, they are.

Mr. BAKER. In view of that, I ask unanimous consent that the nominations be considered and confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

The nominations considered and confirmed en bloc are as follows:

EXECUTIVE OFFICE OF THE PRESIDENT

Joseph Robert Wright, Jr., of New York, to be Deputy Director of the Office of Management and Budget.

THE JUDICIARY

William T. Hart, of Illinois, to be U.S. district judge for the northern district of Illinois vice John Powers Crowley, resigned.

John A. Nordberg, of Illinois, to be U.S. district judge for the northern district of Illinois vice Bernard M. Decker, retired.

Walter E. Black, Jr., of Maryland, to be U.S. district judge for the district of Maryland vice Edward S. Northrop, retired.

Michael A. Telesca, of New York, to be U.S. district judge for the western district of New York, vice Harold P. Burke, retired.

IN THE NAVY

The following-named captains of the Reserve of the U.S. Navy permanent promotion to the grade of commodore in the various staff corps, as indicated, pursuant to the provisions of title 10. United States Code, section 5912:

MEDICAL CORPS

James Albert Austin.

SUPPLY CORPS

Donald Gene St Angelo.

CIVIL ENGINEER CORPS

Charles Richard Smith.

DENTAL CORPS

Haruto Wilfred Yamanouchi.

IN THE MARINE CORPS

Lieutenant General Adolph G. Schwenk, U.S. Marine Corps, age 59, for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of title 10, United States Code, section 1370.

IN THE AIR FORCE

Gen. David C. Jones, U.S. Air Force, age 60, for appointment to the grade of general on the retired list pursuant to the provisions of title 10. United States Code, section 1370.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE AIR FORCE, ARMY, NAVY, U.S. MARINE CORPS

IN THE AIR FORCE

Air Force nominations beginning Robert W. Barrow, to be lieutenant colonel, and ending Bruce L. Whittig, to be lieutenant colonel, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 22, 1982.

Air Force nominations beginning George L. Adams, to be lieutenant colonel, and ending Mark D. Whitlow, to be determined, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 29, 1982.

Air Force nominations beginning John Anderson, Jr., to be colonel, and ending Milton G. Mutchnick, to be colonel, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 31, 1982.

IN THE ARMY

Army nominations beginning Francis L. Keefe, to be colonel, and ending Robert E. Zurcher, to be major, which nominations were received by the Senate on April 7, 1982, and appeared in the CONGRESSIONAL RECORD of April 13, 1982.

IN THE NAVY

Navy nominations beginning Enrique V. Arellano, to be commander, and ending George A. Dailey, Jr., to be ensign, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 22, 1982.

Navy nominations beginning Edwin B. Abeya, to be lieutenant (junior Grade), and ending James H. Willis, to be ensign, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 22, 1982.

Navy nominations beginning Christopher L. Abbott, to be ensign, and ending Robert P. Randolph, to be commander, permanent, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 29, 1982.

Navy nominations beginning Donald J. Bleasdale, to be ensign, and ending John J. Skuza, to be commander, which nominations were received by the Senate on April 7, 1982, and appeared in the CONGRESSIONAL RECORD of April 13, 1982.

IN THE MARINE CORPS

Marine Corps nominations beginning Peter F. Angle, to be colonel, and ending Rafael Zalles, to be colonel, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 22, 1982.

Marine Corps nominations beginning James R. Acreback, to be lieutenant colonel, and ending Lawrence R. Zinser, to be lieutenant colonel, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 31, 1982.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nominations were confirmed.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask unanimous consent that the President be immediately notified that the Senate has given its consent to these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3211. A communication from the Under Secretary of the Interior, transmitting, pursuant to law, notice of a decision to change the proposed holding of proposed oil and gas lease sale RS-2; to the Committee on Energy and Natural Resources.

EC-3212. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, the 1981 status report of the General Services Administration covering public building projects authorized for construction, alter-

ation, and lease in accordance with the Public Buildings Act of 1959; to the Committee on Environment and Public Works.

EC-3213. A communication from the Fiscal Assistant Secretary of the Treasury, transmitting, pursuant to law, the fourth annual report on the financial condition and results of the operations of the Black Lung Disability Trust Fund; to the Committee on Finance.

EC-3214. A communication from the Chairman of the U.S. International Trade Commission, transmitting, pursuant to law, a quarterly report on trade between the United States and the nonmarket economy countries; to the Committee on Finance.

EC-3215. A communication from the Board of Trustees of the Federal Old-Age and Survivors Insurance and Disability Insurance Trust Funds transmitting, pursuant to law, the Board's 1982 annual report; to the Committee on Finance.

EC-3216. A communication from the attorney-adviser of the Department of State transmitting, pursuant to law, a list of international agreements, other than treaties, entered into by the United States within the last 60 days; to the Committee on Foreign Relations.

EC-3217. A communication from the Acting Director of the Defense Security Agency transmitting, pursuant to law, a list of defense articles and services provided to El Salvador by the Department of Defense as of March 19, 1982; to the Committee on Foreign Relations.

EC-3218. A communication from the Director of the Office of Legislative Affairs of the Agency for International Development transmitting, pursuant to law, the 1982 Sahel development program report; to the Committee on Foreign Relations.

EC-3219. A communication from the President and Chief Executive Officer of the Federal Home Loan Mortgage Corporation transmitting, pursuant to law, the annual report of the Corporation's compliance with the Sunshine Act; to the Committee on Governmental Affairs.

EC-3220. A communication from the Deputy Administrator of the General Services Administration transmitting, pursuant to law, a followup report on responses to the fiscal 1981 pay increase under the Federal statutory pay system, annual report; to the Committee on Governmental Affairs.

EC-3221. A communication from the Comptroller General of the United States transmitting a report entitled "Improving Cobol Applications Can Recover Significant Computer Resources"; to the Committee on Governmental Affairs.

EC-3222. A communication from the Chairman of the Federal Trade Commission transmitting, pursuant to law, the 1981 annual report of compliance with the Government in the Sunshine Act; to the Committee on Governmental Affairs.

EC-3223. A communication from the Executive Secretary of the National Mediation Board transmitting, pursuant to law, the 1981 report on compliance with the Government in the Sunshine Act; to the Committee on Governmental Affairs.

EC-3224. A communication from the Assistant Secretary of the Interior for Indian Affairs, transmitting, pursuant to law, notice that there will be a delay in the submission of the proposed reservation plan for the Paiute Indian Tribe of Utah; to the Select Committee on Indian Affairs.

EC-3225. A communication from the Assistant Attorney General for Legislative Affairs, transmitting, pursuant to law, the 1981 annual report on the activities and operations of the Public Integrity Section, Criminal Division, and reporting on the nationwide Federal law enforcement effort against public corruption; to the Committee on the Judiciary.

EC-3226. A communication from the Executive Director of the Committee for Purchase From The Blind and Other Severely Handicapped, transmitting, pursuant to law, the annual report on the activities of the Committee under the Freedom of Information Act for calendar year 1981; to the Committee on the Judiciary.

EC-3227. A communication from the Chairman of the Board of Directors of the Tennessee Valley Authority, transmitting, pursuant to law, the annual report of the authority on activities under the Freedom of Information Act for calendar year 1981; to the Committee on the Judiciary.

EC-3228. A communication from the Acting Chairman of the Equal Employment Opportunity Commission, transmitting, pursuant to law, the annual report on the activities of the Commission under the Freedom of Information Act for calendar year 1981; to the Committee on the Judiciary.

EC-3229. A communication from the President of the American Academy and Institute of Arts and Letters, transmitting, pursuant to law, the annual report on the activity of the Academy for calendar year 1981; to the Committee on the Judiciary.

EC-3230. A communication from the Secretary of Education, transmitting, pursuant to law, the interim report for the congressionally mandated study of school finance for calendar year 1981; to the Committee on Labor and Human Resources.

EC-3231. A communication from the Deputy Secretary of Energy, transmitting, pursuant to law, notice of a delay in the submission of a report on financial, institutional, environmental, and social barriers to the development and application of technologies in the recovery of energy from municipal waste; to the Committee on Energy and Natural Resources.

EC-3232. A communication from the Acting Secretary of the Interior, transmitting, pursuant to law, the Federal Coal Management Report for fiscal year 1981; to the Committee on Energy and Natural Resources.

EC-3233. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the report on hazardous substance liability insurance; to the Committee on Environment and Public Works.

EC-3234. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations for the Fund for the Improvement of Postsecondary Education; to the Committee on Labor and Human Resources.

EC-3235. A communication from the Secretary of Transportation, transmitting, pursuant to law, the third report of administration of the Offshore Oil Pollution Compensation Fund; to the Committee on Energy and Natural Resources.

EC-3236. A communication from the vice president of the Federal Land Bank of Columbia and the Federal Intermediate Credit Bank of Columbia, transmitting, pursuant to law, the annual report of the Farm Credit Retirement Plan, Columbia District, for the year ending August 31, 1981; to the Committee on Governmental Affairs.

EC-3237. A communication from the chairman of the board of directors and the executive director of the Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the annual report of the Corporation for fiscal year 1980; to the Committee on Labor and Human Resources.

EC-3238. A communication from the Assistant Secretary of the Army for Civil Works transmitting, pursuant to law, a final environmental impact statement on the Merced County streams project, California; to the Committee on Appropriations.

EC-3239. A communication from the General Counsel of the Department of Energy transmitting a draft of proposed legislation to add funds to a previously transmitted draft bill authorizing appropriations for Department of Energy national security programs; to the Committee on Armed Services.

EC-3240. A communication from the Secretary of Housing and Urban Development transmitting, pursuant to law, a report on the effects of the 40 percent limitation on section 235 assisted units in subdivisions; to the Committee on Banking, Housing, and Urban Affairs.

EC-3241. A communication from the Secretary of Transportation transmitting a draft of proposed legislation to amend the Urban Mass Transportation Act to provide authorizations for appropriations; to the Committee on Banking, Housing and Urban Affairs.

EC-3242. A communication from the Acting Secretary of Transportation transmitting, pursuant to law, a final rule identifying State and local highway safety programs most effective in reducing accidents, injuries, and deaths; to the Committee on Commerce, Science, and Transportation.

EC-3243. A communication from the Secretary of Commerce transmitting a draft of proposed legislation to authorize the Secretary of Commerce to establish and charge prices for charts published by the National Oceanic and Atmospheric Administration; to the Committee on Commerce, Science, and Transportation.

EC-3244. A communication from the Chairman of the Board and the President of COMSAT, transmitting, pursuant to law, the 18th Annual Report of COMSAT; to the Committee on Commerce, Science, and Transportation.

EC-3245. A communication from the General Counsel of the Department of Energy transmitting a draft of proposed legislation authorizing appropriations for Department of Energy civilian programs for fiscal years 1983 and 1984; to the Committee on Energy and Natural Resources.

EC-3246. A communication from the Secretary of Energy transmitting, pursuant to law, the fifth Comprehensive Program and Plan for Federal Energy Education, Extension, and Information Activities; to the Committee on Energy and Natural Resources.

EC-3247. A communication from the Administrator of the General Services Administration transmitting, pursuant to law, a prospectus for a lease for the partial consolidation of the headquarters activities of the International Communications Agency in Washington, D.C.; to the Committee on Environment and Public Works.

EC-3248. A communication from the Administrator of the General Services Administration transmitting, pursuant to law, certain prospectuses for the provision of Federal space; to the Committee on Environment and Public Works.

EC-3249. A communication from the Assistant Secretary of the Army for Civil Works transmitting, pursuant to law, a report on 12 projects recommended for de-

authorization; to the Committee on Environment and Public Works.

EC-3250. A communication from the Acting Director of the International Development Cooperation Agency transmitting, pursuant to law, the sixth report on activities under title XII of the Foreign Assistance Act; to the Committee on Foreign Relations.

EC-3251. A communication from the Secretary of Labor transmitting a draft of proposed legislation for the relief of certain persons who transferred from the U.S. Postal Service to the Office of the Inspector General, U.S. Department of Labor; to the Committee on the Judiciary.

EC-3252. A communication from the Secretary of Labor transmitting a draft of proposed legislation for the relief of certain individuals in connection with their employment by the Office of the Inspector General of the U.S. Department of Labor; to the Committee on the Judiciary.

EC-3253. A communication from the Supervisory Copyright Information Specialist, Copyright Office of the Library of Congress, transmitting, pursuant to law, its annual Freedom of Information Act report for 1981; to the Committee on the Judiciary.

EC-3254. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, a study on the reason for variation in hospital utilization across the country; to the Committee on Labor and Human Resources.

EC-3255. A communication from the Secretary of Labor transmitting a draft of proposed legislation to authorize appropriations for the President's Committee on Employment of the Handicapped; to the Committee on Labor and Human Resources.

EC-3256. A communication from the Secretary of Labor transmitting a draft of proposed legislation to implement that portion of the President's budget proposals on entitlement program changes concerning the Federal Employees Compensation Act; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 2272. A bill to enhance the transfer of technical information to industry, business, and the general public by amending the Act of September 9, 1950 (15 U.S.C. 1151 et seq.) to establish a Technical Information Clearinghouse Fund, and for other purposes (Rept. No. 97-335).

S. 2273. A bill to amend section 7 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706) to extend authorizations for appropriations, and for other purposes (Rept. No. 97-336).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary:

Gary Loy Richardson, of Oklahoma, to be U.S. Attorney for the eastern district of Oklahoma for the term of 4 years;

John T. Callery, of Tennessee, to be U.S. Marshal for the western district of Tennessee for the term of 4 years;

Stanley I. Marcus, of Michigan, to be U.S. Attorney for the southern district of Florida for the term of 4 years.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. PERCY (by request):

S. 2398. A bill to provide for increased participation by the United States in the African Development Fund; to the Committee on Foreign Relations.

By Mr. INOUYE:

S. 2399. A bill to amend title 10, United States Code, to eliminate the restrictions on the types of medical care that the uniformed services may provide, directly or by contract, to dependents of members of the uniformed services; to the Committee on Armed Services.

By Mr. INOUYE (by request):

S. 2400. A bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to permit distribution of certain State-inspected meat and poultry products, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. INOUYE:

S. 2401. A bill to reauthorize the Central, Western, and South Pacific Fisheries Development Act; to the Committee on Commerce, Science, and Transportation.

By Mr. COCHRAN (for himself and Mr. STENNIS):

S. 2402. A bill to provide assistance for transportation improvement projects; to the Committee on Finance.

By Mr. THURMOND (for himself, Mr. BOSCHWITZ, Mr. DENTON, Mr. EXON, Mr. SARBANES and Mr. ZORINSKY):

S. 2403. A bill to recognize the organization known as the Fleet Reserve Association; to the Committee on the Judiciary.

By Mr. HEINZ:

S. 2404. A bill to amend section 202 of the Housing Act of 1959 to reauthorize the housing for the elderly and handicapped program, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. INOUYE:

S.J. Res. 188. A joint resolution to authorize and request the President to designate March 1, 1983, as "National Recovery Room Nurses Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BAKER:

S. Res. 365. A resolution to amend paragraph 2 of Rule XXV and to make certain majority party committee appointments; considered and agreed to.

By Mr. ROBERT C. BYRD:

S. Res. 366. A resolution making certain minority party appointments to certain standing committees of the Senate for the 97th Congress; considered and agreed to.

By Mrs. HAWKINS (for herself and Mr. DODD):

S. Res. 367. A resolution expressing the sense of the Senate with respect to recognition of the Red Shield of David of the Magen David Adom by the International Committee on the Red Cross; to the Committee on Foreign Relations.

STATEMENT ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PERCY (by request):

S. 2398. A bill to provide for increased participation by the United States in the African Development Fund; to the Committee on Foreign Relations.

AFRICAN DEVELOPMENT FUND

● Mr. PERCY. Mr. President, by request, I introduce for appropriate reference a bill to provide for increased participation by the United States in the African Development Fund.

This legislation has been requested by the Treasury Department and I am introducing the proposed legislation in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the letter from the Acting Secretary of the Treasury to the President of the Senate dated April 9, 1982.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2398

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. The African Development Fund Act, as amended (22 U.S.C. 290g et seq.), is further amended by adding at the end the following new section:

"SEC. 213. (a) The United States Governor of the Fund is hereby authorized to contribute on behalf of the United States $150,000,000 to the Fund as the United States contribution to the third replenishment of the resources of the Fund, except that any commitment to make such contribution shall be made subject to obtaining the necessary appropriations.

"(b) In order to pay for the United States contribution provided for in this section, there is hereby authorized to be appropriated without fiscal year limitation $150,000,000 for payment by the Secretary of the Treasury."

SEC. 2. This Act shall take effect on the date of its enactment, except that no funds authorized to be appropriated by any amendment may be available for use or obligation prior to October 1, 1982.

THE SECRETARY OF THE TREASURY,
Washington, April 9, 1982.

Hon. GEORGE BUSH,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Transmitted herewith is a draft bill, "To provide for increased participation by the United States in the African Development Fund."

Submission of a bill is required by Section 205 of the African Development Fund Act which provides that Congressional authorization must be obtained for the United States to agree to increase its contribution to the Fund.

The bill being submitted authorizes the U.S. Governor of the African Development Fund (AFDF) to contribute on behalf of the United States $150,000,000 as the U.S. contribution to the third replenishment of the resources of the AFDF. It requires that any commitment to make a contribution to the Fund be made subject to obtaining the necessary appropriations. It also authorizes the appropriation of $150,000,000 for payment of the contribution to the AFDF. Finally, in accordance with the procedural requirements of the Congressional Budget and Impoundment Control Act of 1974, the bill provides that funds authorized in this bill cannot be used or expended before October 1, 1982.

The U.S. contribution to the AFDF is fundamental to the Fund's program to help meet developmental needs of the poorest African countries, those with low per capita incomes and limited external debt repayment capacity which warrant concessional lending terms. Except under the most unusual circumstances, AFDF loans are not granted to countries with a 1976 per capita GNP which is above $550. Absolute priority is given to countries which have a 1976 per capita GNP of $280 or less. Since its establishment, the Fund has channeled lending to high priority projects for agriculture, transportation, water supply and sewerage.

The commitment authority of the Fund is now exhausted and the Board of Governors is in the process of approving the resolution for a third replenishment of the AFDF. The overall replenishment, which would finance lending for the 1982-84 period, totals about $1060 million. The proposed U.S. share is $150 million, or 14.2 percent of the total. Appropriations for the U.S. contribution would be sought in three equal annual installments beginning in FY 1983.

U.S. participation in the third replenishment of the African Development Fund is an important way of demonstrating this country's continuing commitment to Africa's economic growth and development. We have increasing economic, political and security interests in Africa which underscore the need to strenghten our ties with the nations of that continent. We also have a strong humanitarian interest in helping to reduce poverty among the poorest people in the world's least developed continent.

It would be appreciated if you would lay this bill before the Senate. A similar bill has been submitted separately to the Speaker of House of Representatives.

The Office of Management and Budget has advised that there is no objection to the presentation of this proposal to Congress and that enactment of this bill would be in accord with the President's program.

Sincerely,

R. T. McNAMAR,
Acting Secretary.●

By Mr. INOUYE:

S. 2399. A bill to amend title 10, United States Code, to eliminate the restrictions on the types of medical care that the uniformed services may provide, directly or by contract, to dependents of members of the uniformed services; to the Committee on Armed Services.

MEDICAL CARE TO DEPENDENTS OF MEMBERS OF THE UNIFORMED SERVICES

● Mr. INOUYE. Mr. President, today I am introducing legislation which would amend the basic authorization statute of the civilian health and medical program of the uniformed services (CHAMPUS) in order to remove all present legislative restrictions on the type of health benefit package which the Department of Defense may wish to provide to eligible beneficiaries.

For financial reasons, it currently is not possible for the Department of Defense to provide every CHAMPUS beneficiary with a totally comprehensive health care benefit. However, I strongly feel that we should provide the Department with maximum possible administrative flexibility so that CHAMPUS can continuously modify its program in order to respond to either changing demands of the beneficiary population or changes in the way that health care is delivered across our Nation. If my proposal is enacted into public law, the Department will still have to live within its budgetary constraints; however, I would fully expect that over time we will see a number of new and important health care initiatives being made available to CHAMPUS beneficiaries.

Mr. President, I ask unanimous consent that my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2399

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (a) of section 1076 of title 10, United States Code, is amended to read as follows:

"(a) Any dependent of a member of the uniformed services who—

"(1) is on active duty for a period of more than 30 days; or

"(2) died while on such duty.

is entitled, upon request, to medical and dental care in facilities of the uniformed services, subject to the availability of space and facilities and the capabilities of the medical and dental staff."; and

(b) Subsection (b) of such section is amended by striking out "the medical and dental care prescribed by section 1077 of this title" and inserting in lieu thereof "medical and dental care".

SEC. 2. Section 1077 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking out "(a) Only the" and inserting in lieu thereof "The";

(B) by striking out clause (10) and inserting in lieu thereof the following:

"(10) Dental care.";

(C) by striking out clauses (11) and (12);

(D) by redesignating clause (13) as clause (11); and

(E) by striking out clause (14) and inserting in lieu thereof the following:

"(12) Durable equipment, such as wheelchairs, iron lungs, and hospital beds."; and

(2) by striking out subsection (b).

SEC. 3. The second sentence of section 1079(a) of title 10, United States Code, is amended to read as follows: "The medical care authorized to be provided under contracts entered into under this section include—

"(1) the types of health care authorized to be provided dependents under section 1076 of this title;

"(2) under joint regulations to be prescribed by the Secretary of Defense and the Secretary of Health and Human Services, the services of Christian Science practioners and nurses and services obtained in Christian Service sanatoriums; and

"(3) durable equipment, such as wheelchairs, iron lungs, and hospital beds.".

SEC. 3. The amendments made by this Act shall take effect October 1, 1982.●

By Mr. INOUYE:

S. 2401. A bill to reauthorize the Central, Western, and South Pacific Fisheries Development Act through fiscal year 1985; to the Committee on Commerce, Science, and Transportation.

REAUTHORIZATION OF FISHERIES DEVELOPMENT ACT

● Mr. INOUYE. Mr. President, today, I am introducing legislation to reauthorize the Central, Western, and South Pacific Fisheries Development Act (Public Law 92-44, as amended by Public Law 94-343 and Public Law 95-295). The existing law authorizes $5 million for fiscal years 1980 through 1982. My bill would extend that authorization for another 3 years at existing funding levels. It will help us develop the tuna resources in the Pacific basin and strengthen the American tuna industry.

The program established under the act is designed to assist the economic growth of the Pacific islands by developing their local fisheries. The Pacific Tuna Development Foundation (PTDF) was established in 1974 to assist in implementing this program. The PTDF is a unique cooperative effort that includes the Trust Territory of the Pacific Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the State of Hawaii, the U.S. tuna industry, and the Federal Government.

The PTDF's efforts to develop the Pacific's fisheries have been very successful. There can be little doubt that continued efforts by the PTDF will result in expanded fishing and resource development activities in the region. With continued support, PTDF will work to increase yields, develop conservation techniques, and provide economic benefits to both our Nation and those Pacific islands with which we are closely associated.

As of yet, no moneys have been appropriated under this act. Rather, the U.S. Department of Commerce has chosen to fund the PTDF's work through Saltonstall-Kennedy (S-K) funds. As we are all aware, the current budget proposes drastic cuts for S-K programs. The PTDF has played a crucial role in developing U.S. fisher-

ies in the Pacific and should be put on a permanent basis instead of being dependent on temporary S-K funding.

I urge all of my distinguished colleagues to join with me in supporting this legislation to reauthorize the Central, Western, and South Pacific Fisheries Development Act through fiscal year 1985.●

By Mr. COCHRAN (for himself and Mr. STENNIS):

S. 2402. A bill to provide assistance for transportation improvement projects; to the Committee on Finance.

MULTIMODAL TRANSPORTATION IMPROVEMENT ACT OF 1982

● Mr. COCHRAN. Mr. President, I am introducing legislation today for myself and Senator STENNIS, that will provide a comprehensive approach to the problem of funding future improvement projects for rail, highway, air, and water transportation.

The Multimodal Transportation Improvement Act of 1982, recognizes the importance of this Nation's multimodal transportation system and the need to insure a direct source of funding to provide some of the investment dollars that will be required to keep the system operating efficiently in the years ahead. This legislation would require that a portion of the customs receipts, which are derived in large measure from the ability of our transportation system to generate and sustain the movement of export and import cargo among our trading partners, would be made available on an equitable basis to fund projects for improvement and maintenance in each mode—rail, highway, air, and water.

Under present law amounts equivalent to a percentage of customs receipts are made available for specific purposes. For example, 30 percent of receipts are appropriated for the export promotion activities of the U.S. Department of Agriculture. This legislation would continue to recognize this and any other statutory requirements tied to customs receipts. The Multimodal Transportation Improvement Act would simply add rail, highway, air, and water transportation, as generators of customs receipts, to receive amounts equivalent to their respective contributions to the movement of cargo in world trade.

If this bill's provisions had been in effect during fiscal year 1981, the following amounts would have been available for appropriation from customs receipts:

Rail projects, 17 percent, $1.53 billion.
Highway projects, 17 percent, $1.53 billion.
Waterway projects, 16 percent, $1.44 billion.
Airport projects, 10 percent, $.90 billion.
USDA, 30 percent, $2.70 billion.
Customs costs (and other), 10 percent, $.90 billion.

I believe it is time we recognized the existing interdependence, competition, and economic contributions of our multimodal transportation system. For too long we have attempted to solve our transportation funding problems on an individual modal basis by devising specific policies and funding mechanisms for each. Whether by user fee, land grant, loan guarantee, or other Federal subsidy, each mode has been the recipient of assistance in one form or the other. This legislation can serve as a positive first step in finding a comprehensive solution to funding future transportation projects, without disrupting the efficiency and competition that now exists.●

By Mr. THURMOND (for himself, Mr. BOSCHWITZ, Mr. DENTON, Mr. EXON, Mr. SARBANES, Mr. SASSER, and Mr. ZORINSKY):

S. 2403. A bill to recognize the organization known as the Fleet Reserve Association; to the Committee on the Judiciary.

FLEET RESERVE ASSOCIATION

Mr. THURMOND. Mr. President, today I am introducing legislation to grant a Federal charter to the Fleet Reserve Association. I am pleased to have Senators BOSCHWITZ, DENTON, EXON, SARBANES, SASSER, and ZORINSKY join with me as cosponsors of this bill.

The Fleet Reserve Association is a nonprofit organization that is dedicated to serving the needs of the active duty and retired enlisted members of our Nation's sea services. The association has 154,167 members from the U.S. Navy, the U.S. Marine Corps and the U.S. Coast Guard. The primary purpose of the Fleet Reserve Association is to represent and further the viewpoint of its members on matters pertaining to military personnel. The association also provides individual career services to its members and assists members, dependents and survivors with personal problems and survivor benefits.

In 1916, the Naval Reserve Act was passed which permitted enlisted men of the Regular Navy and the Regular Marine Corps to transfer to the Fleet Naval Reserve, upon completion of 16 and 20 years of active service, respectively. At this time it became apparent that there was a need for an active organization to preserve the rights and benefits which Congress granted to these personnel and their dependents. The Fleet Reserve Association had its inception 8 years later, when a band of shipmates gathered at a formal assembly in Philadelphia, Pa., in order to form an organization of career enlisted men to promote mutual loyalty, protection, and service. The group chose the name Fleet Reserve Association because their members were largely from the Fleet Naval Reserve. The association became officially chartered in Pennsylvania on November 11, 1924.

Since that time the Fleet Reserve Association has been actively involved in providing individual career services to its members by working closely with the Department of the Navy, the headquarters of the U.S. Marine Corps and the headquarters of the U.S. Coast Guard. The association is registered as a representative with the Department of the Navy Board for the Correction of Naval Records, the Physical Evaluation Board and the Physical Review Council. It maintains close liaison with the military finance centers and assists them in matters of military pay and survivor's benefits. The Fleet Reserve Association has been an accredited representative with the Veterans' Administration for over 50 years.

The individual services provided by the association are at no cost to its members except for modest annual dues. Moreover, the Fleet Reserve Association will assist any military dependent or survivor regardless of their affiliation with the association. Through its national publication, Naval Affairs, the association keeps its members informed of personnel policies and laws affecting enlisted men and women. The association keeps abreast of the defense needs of our country and assists in the recruitment of quality personnel for our Nation's sea services.

The Fleet Reserve Association is a nonprofit, nonpartisan, and nonsectarian organization. It has remained apolitical during the course of its representation of enlisted individuals. The Association deals solely with personnel issues and does not become involved in matters of military or foreign policy. The Fleet Reserve Association does not participate in any partisan political activity.

The Fleet Reserve Association has worked selflessly and diligently for over 50 years to improve and enhance the quality of life enjoyed by the active duty and enlisted members of our Nation's sea services. In granting this organization a Federal charter, the Congress can show its appreciation for the tireless efforts of the association, and give it the recognition it so richly deserves. I call upon my colleagues to support this legislation and urge early enactment of this bill.

I ask unanimous consent that this bill be placed in the RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2403

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

CHARTER

SECTION 1. The Fleet Reserve Association, organized and incorporated under the laws of the State of Pennsylvania, is hereby recognized as such and is granted a charter.

POWERS

SEC. 2. The Fleet Reserve Association (hereinafter referred to as the "association") shall have only those powers granted to it through its bylaws and articles of incorporation filed in the State or States in which it is incorporated and subject to the laws of such State or States.

OBJECTS AND PURPOSES OF ASSOCIATION

SEC. 3. The objects and purposes for which the association is organized shall be—

(1) to uphold and defend the constitution of the United States of America;

(2) to aid in maintaining an adequate naval defense for the United States of America;

(3) to assist in obtaining the best type of American personnel for the United States Navy, the United States Marine Corps, and the United States Coast Guard;

(4) to provide for the welfare of the personnel who served and are serving in the United States Navy, United States Marine Corps, and United States Coast Guard;

(5) to continue to loyally serve the United States Navy, Marine Corps, and Coast Guard;

(6) to preserve the spirit of shipmatism by mutual helpfulness to shipmates and their families; and

(7) to instill love of country and flag and to promote soundness of mind and body in the youth of America.

The association shall function as a patriotic, civic, and historical organization as authorized by the laws of the State or States wherein it is incorporated.

SERVICE OF PROCESS

SEC. 4. With respect to service of process, the association shall comply with the laws of the States in which it is incorporated and those States in which it carries on its activities in furtherance of its corporate purposes.

MEMBERSHIP

SEC. 5. Eligibility for membership in the association and the rights and privileges of members shall be as provided in the bylaws of the association.

BOARD OF DIRECTORS; COMPOSITION; RESPONSIBILITIES

SEC. 6. The board of directors of the association and the responsibilities thereof shall be as provided in the articles of incorporation of the association and in conformity with the laws of the State of States in which it is incorporated.

OFFICERS OF ASSOCIATION

SEC. 7. The officers of the association, and the election of such officers shall be as is provided in the articles of incorporation of the association and in conformity with the laws of the State or States wherein it is incorporated.

RESTRICTIONS

SEC. 8. (a) No part of the income or assets of the association shall inure to any member, officer, or director of the association or be distributed to any such person during the life of this charter. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to the officers of the association or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(b) The association shall not make any loan to any officer, director, or employee of the association.

(c) The association and any officer and director of the association, acting as such officer or director, shall not contribute to, support or otherwise participate in any political activity or in any manner attempt to influence legislation.

(d) The association shall have no power to issue any shares of stock nor to declare or pay any dividends.

(e) The association shall not claim congressional approval or Federal Government authority for any of its activities.

LIABILITY

SEC. 9. The association shall be liable for the acts of its officers and agents when acting within the scope of their authority.

BOOKS AND RECORDS; INSPECTION

SEC. 10. The association shall keep correct and complete books and records of account and shall keep minutes of any proceeding of the association involving any of its members, the board of directors, or any committee having authority under the board of directors. The association shall keep at its principal office a record of the names and addresses of all members having the right of vote. All books and records of such association may be inspected by any member having the right to vote, or by any agent or attorney of such member, for any proper purpose, at any reasonable time. Nothing in this section shall be construed to contravene any applicable State law.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 11. The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (36 U.S.C. 1101), is amended by adding at the end thereof the following:

"(59) Fleet Reserve Association.".

ANNUAL REPORT

SEC. 12. The association shall report annually to the Congress concerning the activities of the association during the preceding fiscal year. Such annual report shall be submitted at the same time as is the report of the audit required by section 11 of this Act. The report shall not be printed as a public document.

RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 13. The right to alter, amend, or repeal this Act is expressly reserved to the Congress.

DEFINITION OF "STATE"

SEC. 14. For purposes of this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

TAX-EXEMPT STATUS

SEC. 15. The association shall maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code. If the association fails to maintain such status, the charter granted hereby shall expire.

TERMINATION

SEC. 16. If the association shall fail to comply with any of the restrictions or provisions of this Act the charter granted hereby shall expire.

By Mr. HEINZ:

S. 2404. A bill to amend section 202 of the Housing Act of 1959 to reauthorize the housing for the elderly and handicapped program, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

HOUSING FOR THE ELDERLY AND HANDICAPPED PROGRAM

● Mr. HEINZ. Mr. President, today I am introducing legislation that would provide for the annual construction of 20,000 section 202 housing units for the elderly and handicapped; make minor revisions to the section 202 statute; and reauthorize the congregate housing services program.

Under the section 202 program, the Federal Government makes direct loans to private, nonprofit project sponsors to use in developing housing that is specifically designed to meet the needs of the low-income elderly and handicapped. Rental assistance is provided under the section 8 program to eligible residents so that they pay no more than 30 percent of their income for rent. Since the program's reactivation in 1976, over 86,000 units for the elderly and the handicapped have been constructed. Another 38,000 are underway. Of these amounts approximately 10,000 are elderly housing units.

Over the years the section 202 program has evolved into the primary Federal financing vehicle for building housing for older persons that will enable them to remain self-sufficient and independent in our society. Through policies developed by the Department of Housing and Urban Development, the program has consciously targeted itself to the unique needs of the elderly and handicapped by incorporating congregate space and special design features such as nonslip floors, lower shelves, grab bars, and emergency call systems into the projects. These projects satisfy far more than the simple need for shelter. They provide a supportive environment where social, physical, and emotional needs are met without jeopardizing independence.

The immense demand for appropriate housing within the reach of low-income elderly and handicapped persons is observable in the waiting lists that commonly are kept by section 202 project sponsors. Several projects in my own home State of Pennsylvania have waiting lists of over 250. This demand in itself is a measure of the program's success. Demand for elderly housing can only grow as the number of older Americans doubles over the next 50 years. Equally as significant as a measure of success is the virtually non-existent default rate among section 202 project sponsors.

The section 202 program is an outstanding example of a program that works and must be continued. Over the past few months I have been working with the Ad Hoc Elderly Housing Coalition in the development of

amendments to the existing section 202 statute. We have completed a set of amendments that I believe are crucial to the continued success of the program. A summary of the provisions of the bill I am introducing is as follows:

First, the bill proposes the continuation of the section 202 program at a level of 20,000 units per year for fiscal years 1983, 1984, and 1985. This would require loan authority of $1 billion in fiscal year 1983, $1.1 billion in 1984, and $1.2 billion in 1985. The 20,000 unit level was unanimously recommended by the delegates to the White House Conference on Aging. While the number of units proposed is more than the number provided during the past 2 years, it is less than program levels provided prior to that time.

Second, the legislation would limit sponsorship of section 202 projects to private nonprofit corporations, including nonprofit consumer cooperatives. This limitation has been placed on program participation each year by the Congress through the appropriations process. This provision would simply place current practice into the authorizing legislation.

Third, the bill would prohibit the sale of a section 202 project to any organization or individual except a private nonprofit sponsor who agrees to maintain the low-income character of the project for the elderly or handicapped for at least the remaining term of the original 40-year loan. The intent of the provision is to assure that elderly and handicapped projects continue to serve the population they were originally constructed to serve.

Fourth, the bill provides that the interest rate on section 202 loans be set annually at the average Federal borrowing rate or at 9 percent, whichever is lower. This amendment is designed to assure the feasibility of constructing section 202 projects without concommitant increases in rental subsidies needed to cover the substantial increases in development and amortization costs resulting from higher loan rates.

Stabilizing the interest rate will assure a continued flow of loan funds to finance elderly and handicapped housing projects without a major drain on the Treasury since, historically, Federal borrowing costs rarely rise above the 9-percent level.

Finally, the bill includes several provisions that set in place current aspects of program operation deemed essential to ongoing, successful program performance in meeting the needs of elderly and handicapped project residents.

In addition to amending the section 202 statute, the bill reauthorizes the congregate housing services program at a level of $10 million in fiscal year 1983, $11 million in fiscal year 1984, and $12 million in fiscal year 1985. These authorizing levels are consistent with amounts provided for the program in past appropriations.

The congregate housing services program was first authorized in 1978. The major purposes of the legislation were threefold.

First, to prevent the unnecessary institutionalization of low-income elderly and handicapped persons who have some functional disabilities. At the time, it was conclusively demonstrated that placement in nursing homes could be delayed or prevented if some basic support services were made available in a residential setting.

Second, to encourage the construction of housing projects that are designed to meet the needs of the partially impaired elderly and handicapped.

Third, to reduce medicare, medicaid and other health-related expenditures.

Under the program, HUD awards 3- to 5-year grants to local public housing authorities and nonprofit 202 housing sponsors. The grants provide for nutritional meals and other supportive services, such as personal care. The law specifically prohibits the duplication of existing local services. Program participants are required to pay for the services they receive based on their ability to pay.

Since enactment of the legislation, 40 congregate housing services projects have become operational serving almost 1,600 elderly and handicapped citizens. Another 15 projects should become operational in the near future. Preliminary data collected by HUD and the American Association of Homes for the Aged from currently operating projects indicates that the program has been overwhelmingly successful in achieving its purposes.

Premature institutionalization is being prevented, thereby protecting low-income elderly and handicapped individuals from an unnecessary loss of independence. Further, the development of housing designed for the partially impaired elderly and handicapped is being stimulated. Lastly, Federal health-related expenditures are being reduced. Using the most conservative of analytic assumptions, every dollar spent in congregate housing services potentially is saving two medicaid dollars. Information from some projects suggest even greater savings.

It is not a program that is designed to meet all of the congregate service needs of the elderly and handicapped who require such services. But it is one method of delivery that should be continued while other methods are being studied and implemented.

The cost of the unnecessary institutionalization of elderly and handicapped persons eligible for assisted housing is already being borne by the Government. Information from the Department of Health and Human Services indicates that up to 40 percent of our older Americans currently in nursing homes could return to the community if more appropriate services were available. If these figures regarding inappropriate placement are correct, potential savings to the medicaid program through funding of community-based services programs—like the congregate housing services program—is high.

In concluding my remarks, I would like to express my sincere thanks to the "Ad Hoc Elderly Housing Coalition" for the outstanding professional guidance they have provided to me and my staff in developing this bill. It is gratifying to have the support of the coalition's varied membership of 26 organizations, including the American Association of Homes for the Aged and the National Council of Senior Citizens, for this important piece of legislation.

The availability of affordable, and livable housing continues to be a source of great anxiety for many older people. The bill will reestablish and redefine our commitment to meeting those individuals' unique needs. Housing for both the elderly and handicapped means more than simply placing a roof over their heads and the bill will make sure that housing options which expand these individuals physical and social boundaries will always be available. I hope many of my colleagues will join me in this effort as cosponsors.●

By Mr. INOUYE:

Senate Joint Resolution 188. Joint resolution to authorize and request the President to designate March 1, 1983, as "National Recovery Room Nurses Day"; to the Committee on the Judiciary.

NATIONAL RECOVERY ROOM NURSES DAY

● Mr. INOUYE. Mr. President, today I am introducing a Senate joint resolution to proclaim March 1, 1983, as "National Recovery Room Nurses Day."

The American Society of Post Anesthesia Nurses, which was chartered in 1980, is the professional association of recovery room nurses, who are employed in over 5,000 hospital recovery rooms across the Nation.

An individual who works in a recovery room must be a highly skilled professional. These nurses provide direct care to patients immediately following anesthesia and surgery and must be technically competent and continually engaged in updating and improving their knowledge of the latest in sophisticated nursing and medical technology. He or she must also be a caring person, actually involved in patient teaching, comforting patients in pain, supporting their families in times of stress, and facilitating the pa-

tient's early recovery from the effects of anesthesia and surgery.

There is no question in my mind that our Nation's professional nurses are the backbone of our health care system and that without them we would not have the outstanding track record that every one of us cherishes when our loved ones become ill and must be admitted to a hospital.

Accordingly, the time has now come for the Congress of the United States to bestow upon these dedicated individuals the public recognition that they so richly deserve.

Mr. President, I ask unanimous consent that the text of this joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 188

Whereas the immediate postanesthetic period is the most critical in a patient's recovery;

Whereas the primary focus of the American Society of Post Anesthesia Nurses is the education of its membership, with a goal of excellence in the care of patients who have undergone surgery and the administration of anesthetic agents;

Whereas the Postanesthesia Recovery nurse is skilled in basic and sophisticated life support and monitoring techniques;

Whereas the availability of professional, skilled nursing personnel has been demonstrated to reduce the incidence of postoperative complications and mortality;

Whereas the Postanesthesia Recovery nurse provides safety and comfort to the patient who is unable to meet his or her own physical needs; and

Whereas the Postanesthesia Recovery nurse, in a single day, must care for patients who range in age from a few hours to 100 years or more, and must treat each with calm, personalized, professional care: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating March 1, 1983, as "National Recovery Room Nurses Day" and calling upon the people of the United States to observe the day with appropriate programs, ceremonies, and activities.

ADDITIONAL COSPONSORS

S. 46

At the request of Mr. THURMOND, the Senator from Texas (Mr. BENTSEN) was added as a cosponsor of S. 46, a bill to amend title 5 of the United States Code to permit present and former civilian employees of the Government to receive civil service annuity credit for retirement purposes for periods of military service to the United States as was covered by social security, regardless of eligibility for social security benefits.

S. 505

At the request of Mr. HAYAKAWA, the Senator from Kentucky (Mr. HUDDLESTON), and the Senator from California (Mr. CRANSTON) were added as cosponsors of S. 505, a bill to improve the quality of table grapes for marketing in the United States.

S. 1215

At the request of Mr. PROXMIRE, the Senator from Rhode Island (Mr. PELL) was added as a cosponsor of S. 1215, a bill to clarify the circumstances under which territorial provisions in licenses to distribute and sell trademarked malt beverage products are lawful under the antitrust laws.

S. 1450

At the request of Mr. CANNON, the Senator from South Dakota (Mr. ABDNOR) was added as a cosponsor of S. 1450, a bill to provide for the continued deregulation of the Nation's airlines, and for other purposes.

S. 1595

At the request of Mr. INOUYE, the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 1595, a bill to provide for the designation of income tax payments to the U.S. Olympic Development Fund.

S. 1688

At the request of Mr. SPECTER, the Senator from Indiana (Mr. LUGAR), and the Senator from Oklahoma (Mr. BOREN) were added as cosponsors of S. 1688, a bill to combat violent and major crime by establishing a Federal offense for continuing a career of robberies or burglaries while armed and providing a mandatory sentence of life imprisonment.

S. 1929

At the request of Mr. HATCH, the Senator from Montana (Mr. BAUCUS) was withdrawn as a cosponsor of S. 1929, a bill to amend the Public Health Service Act and the Federal Cigarette Labeling and Advertising Act to increase the availability to the American public of information on the health consequences of smoking and thereby improve informed choice, and for the purposes.

S. 1939

At the request of Mr. GOLDWATER, the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1939, a bill to amend the Public Health Service Act to establish a National Institute on Arthritis and Musculoskeletal Diseases.

S. 1977

At the request of Mr. JOHNSTON, the Senator from Texas (Mr. BENTSEN) was added as a cosponsor of S. 1977, a bill to repeal the Public Utility Holding Company Act of 1935 as no longer necessary to accomplish the purpose for which it was enacted.

S. 2061

At the request of Mr. MOYNIHAN, the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 2061, a bill to provide for the conservation, rehabilitation, and improvement of natural and cultural resources located on public and Indian lands, and for other purposes.

S. 2071

At the request of Mr. HEINZ, the Senator from South Dakota (Mr. PRESSLER) was added as a cosponsor of S. 2071, a bill to amend the Trade Act of 1974 with respect to reciprocal market access.

S. 2144

At the request of Mr. RANDOLPH, the Senator from Pennsylvania (Mr. HEINZ) was added as a cosponsor of S. 2144, a bill to extend the Appalachian Regional Development Act to provide transitional assistance to the Appalachian region.

S. 2158

At the request of Mr. DANFORTH, the Senator from Michigan (Mr. RIEGLE), the Senator from Virginia (Mr. WARNER), the Senator from Montana (Mr. MELCHER), the Senator from Connecticut (Mr. WEICKER), the Senator from Indiana (Mr. LUGAR), and the Senator from Massachusetts (Mr. TSONGAS) were added as cosponsors of S. 2158, a bill to amend title 23, United States Code, to authorize and direct the payment of an incentive grant for highway safety programs to any State in any fiscal year during which the statutes of the State include certain provisions relating to driving while intoxicated; to establish a national driver register, and for other purposes.

S. 2174

At the request of Mr. THURMOND, the Senator from Arkansas (Mr. PRYOR), the Senator from Florida (Mrs. HAWKINS), the Senator from Texas (Mr. BENTSEN), and the Senator from Washington (Mr. JACKSON) were added as cosponsors of S. 2174, a bill to recognize the organization known as American Ex-Prisoners of War.

S. 2225

At the request of Mr. BAUCUS, the Senator from Vermont (Mr. LEAHY), the Senator from Wisconsin (Mr. KASTEN), and the Senator from New York (Mr. MOYNIHAN) were added as cosponsors of S. 2225, a bill to amend the Internal Revenue Code of 1954 to remove certain limitations on charitable contributions of certain items.

S. 2267

At the request of Mr. HEINZ, the Senator from Pennsylvania (Mr. SPECTER), was added as a cosponsor of S. 2267, a bill to amend the Internal Revenue Code of 1954 to allow the Secretary of the Treasury to waive the interest penalty for failure to pay estimated income tax, for elderly and retired persons, in certain situations.

S. 2277

At the request of Mr. MITCHELL, the Senator from Montana (Mr. MELCHER) was added as a cosponsor of S. 2277, a bill to amend the Internal Revenue Code of 1954 to make certain changes to stimulate the housing industry.

S. 2317

At the request of Mr. COCHRAN, the Senator from Colorado (Mr. ARMSTRONG) was added as a cosponsor of S. 2317, a bill to recognize the organization known as the National Federation of Music Clubs.

S. 2321

At the request of Mr. SPECTER, the Senator from Massachusetts (Mr. TSONGAS) was added as a cosponsor of S. 2321, a bill to amend the Internal Revenue Code of 1954 to require substantiation of the living expenses of Members of Congress which are allowed as a deduction.

S. 2327

At the request of Mr. RIEGLE, the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2327, a bill to amend the National Housing Act to provide for an emergency homeownership program, to authorize assistance to avoid mortgage defaults caused by adverse economic conditions, and for other purposes.

S. 2369

At the request of Mr. DOLE, the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 2369, a bill to amend the Internal Revenue Act of 1954 to clarify the standards used for determining whether individuals are not employees for purposes of the employment taxes, and for other purposes.

S. 2393

At the request of Mr. SYMMS, the Senator from North Carolina (Mr. HELMS), the Senator from Nevada (Mr. LAXALT), the Senator from Iowa (Mr. GRASSLEY), and the Senator from Oklahoma (Mr. NICKLES) were added as cosponsors of S. 2393, a bill to amend the Legal Services Corporation Act to provide for a cause of action for a violation of the act.

SENATE JOINT RESOLUTION 93

At the request of Mr. (Mr. HAYAKAWA, the Senator from Delaware (Mr. ROTH) was added as a cosponsor of Senate Joint Resolution 93, a joint resolution to clarify that it is the basic policy of the Government of the United States to rely on the competitive private enterprise system to provide needed goods and services.

SENATE JOINT RESOLUTION 160

At the request of Mr. HAYAKAWA, the Senator from Pennsylvania (Mr. HEINZ) was added as a cosponsor of Senate Joint Resolution 160, a joint resolution to designate July 9, 1982, as "National POW-MIA Recognition Day."

SENATE JOINT RESOLUTION 168

At the request of Mr. BAUCUS, the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of Senate Joint Resolution 168, a joint resolution to establish reciprocal entrance fees for Canadian citizens entering Glacier National Park in connection with the 50th anniversary of the Waterton-Glacier International Peace Park.

SENATE JOINT RESOLUTION 180

At the request of Mr. WEICKER, the Senator from Florida (Mrs. HAWKINS), and the Senator from California (Mr. CRANSTON) were added as cosponsors of Senate Joint Resolution 180, a joint resolution to authorize and request the President to issue a proclamation designating the week beginning May 9, 1982, as "National Small Business Week."

SENATE JOINT RESOLUTION 181

At the request of Mr. D'AMATO, the Senator from Iowa (Mr. JEPSEN) was added as a cosponsor of Senate Joint Resolution 181, a joint resolution to authorize and designate the President to issue a proclamation designating April 25 through May 2, 1982, as "Jewish Heritage Week."

SENATE JOINT RESOLUTION 183

At the request of Mr. SPECTER, the Senator from Virginia (Mr. WARNER), the Senator from Maryland (Mr. SARBANES), and the Senator from Illinois (Mr. DIXON) were added as cosponsors of Senate Joint Resolution 183, a joint resolution to authorize and request the President to issue a proclamation designating October 19 through October 25, 1982, as "Lupus Awareness Week."

SENATE JOINT RESOLUTION 184

At the request of Mr. INOUYE, the Senator from Utah (Mr. HATCH) was added as a cosponsor of Senate Joint Resolution 184, a joint resolution to designate January 28, 1983 as "Native American Day."

SENATE JOINT RESOLUTION 185

At the request of Mr. DOLE, the Senator from Illinois (Mr. PERCY), the Senator from Minnesota (Mr. BOSCHWITZ), and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of Senate Joint Resolution 185, a joint resolution to establish a national policy on exports of U.S. produced food and food products.

SENATE CONCURRENT RESOLUTION 71

At the request of Mr. QUAYLE, the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of Senate Concurrent Resolution 71, a concurrent resolution expressing the sense of the Congress that the President, the Board of Governors of the Federal Reserve System, and the Congress must coordinate fiscal and monetary policy to insure that economic recovery and stable economic growth are not hindered by excessively restrictive monetary policy and high interest rates.

SENATE CONCURRENT RESOLUTION 73

At the request of Mr. HEINZ, the Senator from Washington (Mr. GORTON), and the Senator from Washington (Mr. JACKSON) were added as cosponsors of Senate Concurrent Resolution 73, a concurrent resolution to condemn the Iranian persecution of the Bahai community.

SENATE RESOLUTION 261

At the request of Mr. MITCHELL, the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of Senate Resolution 261, a resolution expressing the sense of the Senate that the President should not impose fees on crude oil and refined petroleum products.

SENATE RESOLUTION 299

At the request of Mr. WEICKER, the Senator from Illinois (Mr. PERCY), and the Senator from Rhode Island (Mr. PELL) were added as cosponsors of Senate Resolution 299, a resolution to designate May 4, 1981, as "International Franchise Day."

SENATE RESOLUTION 325

At the request of Mr. DIXON, the Senator from Ohio (Mr. GLENN) was added as a cosponsor of Senate Resolution 325, a resolution expressing the sense of the Senate that a supplemental appropriation should be enacted to restore full funding of the WIN program.

SENATE RESOLUTION 340

At the request of Mr. ROBERT C. BYRD, the Senator from Montana (Mr. BAUCUS), the Senator from Arizona (Mr. DECONCINI), the Senator from Illinois (Mr. DIXON), and the Senator from Connecticut, (Mr. DODD) were added as cosponsors of Senate Resolution 340, a resolution to express the sense of the Senate that no action be taken to terminate or otherwise weaken the community service employment program under title V of the Older Americans Act of 1965.

SENATE RESOLUTION 343

At the request of Mr. MATHIAS, the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of Senate Resolution 343, a resolution expressing the sense of the Senate with respect to beginning strategic arms negotiations with the Soviet Union.

AMENDMENT NO. 1244

At the request of Mr. RANDOLPH, the Senator from Georgia (Mr. NUNN), the Senator from Mississippi (Mr. STENNIS), the Senator from Michigan (Mr. LEVIN), the Senator from Arizona (Mr. DECONCINI), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from Oklahoma (Mr. NICKLES), and the Senator from Montana (Mr. MELCHER) were added as cosponsors of amendment No. 1244 proposed to Senate Resolution 20, a resolution providing for television and radio coverage of preceedings of the Senate.

At the request of Mr. MITCHELL, his name was added as a cosponsor of amendment No. 1244 proposed to Senate Resolution 20, supra.

AMENDMENT NO. 1333

At the request of Mr. MATHIAS, the Senator from Rhode Island (Mr.

PELL), and the Senator from Georgia (Mr. MATTINGLY) were added as cosponsors of amendment No. 1333 intended to be proposed to S. 1758, a bill to amend title 17 of the United States Code to exempt the private noncommercial recording of copyrighted works on video recorders from copyright infringement.

SENATE RESOLUTION 367—RELATING TO RECOGNITION OF MAGEN DAVID ADOM BY THE INTERNATIONAL RED CROSS

Mrs. HAWKINS (for herself and Mr. DODD), submitted the following resolution, which was referred to the Committee on Foreign Relations:

S. RES. 367

Whereas Magen David Adom is the major emergency medical, blood, ambulance, and disaster service in Israel;

Whereas Magen David Adom performs services indentical to those performed by Red Cross Societies currently recognized by the International Committee on the Red Cross;

Whereas Magen David Adom has been formally recognized by the American Red Cross as an exceptionally strong humanitarian organization fully qualified in every way for full recognition and equal status with members of the International League of Red Cross Societies;

Whereas Magen David Adom fulfills nine out of ten formal requirements for the recognition of National Red Cross Societies by the International Red Cross;

Whereas the one requirement that Magen David Adom does not fulfill is the rule that only Red Cross Societies using the "title and emblem of the Red Cross or Red Crescent, in conformity with the Geneva Conventions." may become a member of the International Red Cross;

Whereas Magan David Adom uses the Red Shield of David as its emblem and distinctive sign of the medical services of israel's armed forces;

Whereas Magen David Adom wishes to claim the same privileges for its emblem as is afforded Red Cross Societies not using the Red Cross emblem, as long as there is no uniform emblem agreed upon by the League of Red Cross Societies;

Whereas the International Committee of the Red Cross has formally accepted and officially acknowledged the Turkish Red Crescent as the symbol of Red Cross Societies in Moslem countries;

Whereas recognition of the Red Shield of David and thus Magen David Adom is vital so that, in times of international conflict, the parties to the Geneva Convention will recognize as a protective symbol the Red Shield of David; and

Whereas the General Assembly of the League of Red Cross Societies has taken an important step toward recognition of Magen David Adom by granting Magen David Adom observer status at the meeting of the Assembly held in Manila, the Philippines, in November of 1981: Now, therefore be it

Resolved, That it is the sense of the Senate that the International Committee on the Red Cross should accord recognition to the Red Shield of David of the Magen David Adom as an emblem meeting the membership requirements of the International Committee on the Red Cross and as an emblem in full conformity with the appropriate Geneva Conventions.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the International Committee on the Red Cross.

Mrs. HAWKINS. Mr. President, I am introducing today, along with Senator DODD, a resolution to assist the Israeli Red Cross in a just cause. Since the founding of the State of Israel in 1948, Magen David Adom, the organization in Israel equivalent to the American Red Cross, has provided emergency medical services to Israel's population without regard to race, creed, or ethnic affiliation. Although Magen David Adom performs the same functions as Red Cross societies throughout the world, it is denied admission to the League of Red Cross Societies, the governing body of the International Red Cross.

At issue is the inclusion of Magen David Adom's emblem, the Red Star of David, among emblems honored by signatories to the Geneva Convention. Of the 10 requirements set forth by the International Red Cross for recognition as a national Red Cross society, Magen David Adom fails to satisfy only one—that recognized societies "use of the title and emblem of the Red Cross or Red Crescent." Granting an exemption will not create a precedent. The International Red Cross already recognizes the Red Crescent as an acceptable emblem for Red Cross societies in Moslem countries.

Magen David Adom's desire for recognition by the International Red Cross stems not from political considerations, but from a wish to continue its humanitarian work in times of international conflict. Currently, all signatories to the Geneva Convention agree, in times of war, to recognize emblems mentioned in the Convention. Should there be an outbreak of hostilities in the Middle East, parties to the Convention will not be bound by international law from interfering in Magen David Adom's lifesaving work.

The American Red Cross supports Magen David Adom's efforts to secure recognition by the International Red Cross. On November 17, 1981, at the meeting of the General Assembly of League of Red Cross Societies, the American Red Cross expressed disappointment at the decision of the International Red Cross to discontinue the "Working Group on the Emblem," formed to consider this issue:

The American Red Cross is deeply disappointed at this decision. It reiterates its conviction that the Magen David Adom is an exceptionally strong society fully qualified in every way for full recognition and equal status with Red Cross and Red Crescent Societies. It deplores the fact that the technical matter of the emblem denies Magen David Adom such recognition and status and that studies on possibilities of resolving emblem issues are not to be continued.

I share the viewpoint of the American Red Cross and I urge my colleagues to support this resolution. By doing so, the Senate will inform the International Red Cross that this body endorses the activities of the Magen David Adom, and that we feel strongly that Magen David Adom should be accorded recognition by the League of Red Cross Societies.

AMENDMENTS SUBMITTED FOR PRINTING

TELEVISION AND RADIO COVERAGE OF THE SENATE

AMENDMENT NOS. 1366 AND 1367

(Ordered to be printed and to lie on the table.)

Mr. ROBERT C. BYRD submitted two amendments to be proposed by him to amendments to the resolution (S. Res. 20) providing for television and radio coverage of proceedings of the Senate.

AMENDMENT NO. 1368

(Ordered to be printed and to lie on the table.)

Mr. BAKER submitted an amendment intended to be proposed by him to an amendment to the resolution Senate Resolution 20, supra.

AMENDMENT NO. 1369

(Ordered to be printed and to lie on the table.)

Mr. BAKER submitted an amendment intended to be proposed by him to the resolution, Senate Resolution 20, supra.

CARIBBEAN BASIN PLAN

AMENDMENT NO. 1370

(Ordered to be printed and referred to the Committee on Finance.)

Mr. HEINZ (for himself, Mr. KENNEDY, Mr. TSONGAS, Mr. MOYNIHAN, Mr. COHEN, Mr. MITCHELL, Mr. KASTEN, and Mr. RANDOLPH) submitted an amendment intended to be proposed by them to the bill (S. 2237) to promote economic revitalization and facilitate expansion of economic opportunity in the Caribbean Basin region.

EXEMPTION OF CERTAIN ITEMS FROM TITLE I OF THE CARIBBEAN BASIN PLAN

Mr. HEINZ. Mr. President, on February 24, 1982, the President announced his Caribbean Basin initiative, a multidirectional effort to promote economic development in the Caribbean and Central America. In some respects this is a courageous and farsighted proposal at a time when many Americans are turning inward and increasingly questioning the use of Federal resources to provide assistance to others. Without question this is an important region of the world which has historically been neglected in our policy formation despite its strategic significance to the United States.

Given this importance, it is essential we assure ourselves the program is carefully tailored to achieve its development objectives. However, one aspect of the CBI initiative causes me considerable concern—the one-way free trade zone. This proposal, which would provide for duty-free entry of all products from the Caribbean Basin except textiles and apparel, in principle threatens to encourage the movement of American factories and jobs offshore to produce more imports likely to compete with already hard-pressed American industries. In that regard, one sector will be particularly endangered—the leather goods industry including footwear (also rubber), handbags, luggage, flat goods, work gloves, and leather wearing apparel.

These apparel-related industries already face serious import problems and are likely to be the most immediate victims of this CBI legislation. It is for that reason that Senators KENNEDY, TSONGAS, MOYNIHAN, COHEN, MITCHELL, KASTEN, RANDOLPH, and I are proposing an amendment to S. 2237, the Caribbean Basin Economic Recovery Act that will add these leather products to the textile and apparel items already exempt from the free trade zone.

Mr. President, the coalition of labor and management of these industries has prepared a detailed explanation of why this amendment is necessary and deserves serious consideration. I ask that that explanation be printed at this point in the RECORD.

There being no objection, the explanation was ordered to be printed in the RECORD, as follows:

CARIBBEAN BASIN INITIATIVE (CBI)

The following organizations are deeply concerned over the one-way free trade aspects of the CBI:

Amalgamated Clothing and Textile Workers Union, AFL-CIO.

Footwear Industries of America, Inc.

International Leather Goods, Plastics, and Novelty Workers' Union AFL-CIO.

Luggage and Leather Goods Manufacturers of America, Inc.

National Handbag Association.

United Food and Commerical Workers Union, AFL-CIO.

Work Glove Manufacturers Association.

All of the leather-related industries represented by these organizations share a common problem: we are already adversely impacted by imports. In some cases, Caribbean countries are already substantial suppliers of competing products. They have the ability with their large pool of cheap labor to increase their exports to us even further.

These industries do not question the Administration's commitment to revitalize the economies of the Caribbean Basin. We understand the political imperative of bringing about political and social stability in countries of the region.

But we believe it is manifestly unfair to have our firms and workers pay for this national policy initiative.

We seek an exclusion from the free trade provisions of the CBI as has already been decided for textiles and apparel, which are similarly labor-intensive, import-impacted industries.

We take this position for the following important reasons:

Import penetration in the U.S. market for leather-related industries has been growing substantially, as shown in the following:

	Percent
Handbags:	
1967	29.2
1977	62.9
1980	74.5
Footwear (nonrubber):	
1967	17.7
1977	47.1
1980	48.1
Leather apparel:	
1972	31.0
1977	50.3
1980	47.8
Luggage:	
1972	11.6
1977	17.8
1980	28.6
Leather work gloves:	
1972	23.0
1977	36.8
1979	51.1
Personal leather goods:	
1972	7.3
1977	10.8
1980	12.9

Further import growth in 1981 indicates that import penetration was even higher last year.

Imports of these products from Caribbean countries are substantial and growing, indicating that these countries do not need duty-free entry to penetrate the U.S. market. The following shows recent trends in U.S. imports of leather-related products from the Caribbean:

[In thousands of dollars]

	Calendar year—	
	1980	1981
Handbags	$12,946	$14,000
Footwear (nonrubber)	6,572	10,431
Leather apparel	1,130	1,637
Luggage	1,588	1,776
Leather, plastic, and rubber work gloves	2,297	2,606
Personal leather goods	1,257	2,816

[Note.—These data exclude imports from Cuba, Venezuela, Mexico, and Colombia.]

Neither the firms nor workers in these industries should bear the burden of this new policy initiative. These industries are labor-intensive. About 250,000 workers are employed in these industries in the U.S. They are mostly semi-skilled, generally women, with minorities (Blacks, Hispanics) making up a large part of the work force. Indeed, a large portion of the work force in these industries came to the U.S. from the Caribbean. These industries provide entry-level jobs and generally employ people under 25 or over 50, the hardest groups to employ, suffering high unemployment rates.

The import-sensitivity of the leather-related industries has been recognized by Congress and the Executive Branch. Nonrubber footwear has been excluded from GSP by the Trade Act of 1974. The ITC found that imports were a substantial cause of the injury suffered by the leather apparel and nonrubber footwear industries. Most leather-related products have been found to be import-sensitive in the context of GSP.

The CBI flies in the face of all trade legislation in recent years. We understand that imports which enter duty-free under the Generalized System of Preferences already account for 87 percent of imports from the Caribbean. Clearly, by allowing products across the board to enter duty-free (except for textiles and apparel), a decision has been made to discard the concept of import-sensitivity and to go to zero duty for those items which are import-sensitive.

Because of their import-sensitivity, all of these products retain a significant degree of tariff protection today, as shown in the following:

	Percent
Handbags	6.5-20.0
Footwear (nonrubber) (trade weighted average of 10 percent)	[1]-20.0
Leather apparel	6.0
Luggage	6.5-20.0
Work gloves	4.5-27.1
Personal leather goods	6.1-20.0
Rubber footwear	20.0-67.0

[1] Free.

These industries are easy to enter. Capital investment is relatively low. They are highly labor intensive. With textiles and apparel, they are the first manufacturing industries which LDCs enter. The record is quite ample to show how imports of these products into the U.S. increase substantially in a short period of time. A prime example of this phenomenon is found in the case of leather wearing apparel which received duty-free treatment under the Generalized System of Preferences for three years, from 1976 to 1978. The following shows how imports from developing countries grew when leather apparel was accorded duty-free treatment and the duty dropped from 6 percent to zero:

[In millions of dollars]

	1975	1976	1977	1978
Korea	25.3	65.9	79.1	114.3
Taiwan	22.5	29.9	27.6	37.9
Argentina	2.9	9.7	18.3	43.7
Uruguay	8.5	17.8	24.2	34.2

Increased imports of leather-related products from the Caribbean under a one-way free trade policy will not replace imports from other countries but will be at the expense of U.S. firms and their workers as domestic production falls. Over the years, many new LDC supplying countries have entered the U.S. market in the leather products sector without any noticeable displacement, if any, of older LDC suppliers.

The safeguard measures that the Administration will propose will not work for this sector. Imports increase rapidly before action can be taken, no matter how good the intentions may be on the part of the Executive Branch. Certainly the record of the "escape clause" in the U.S., on which the CBI safeguard measure will be based, leaves serious doubt as to how effective this will be under a CBI. Out of the 45 investigations completed to date pursuant to Section 201 of the Trade Act of 1974, only 9 have resulted in import relief. Action taken by the President to terminate relief on nonrubber footwear as of June 30, 1981 is a clear indication of what might lie ahead for leather-related industries. By law, the nonrubber footwear industry cannot even petition again for "escape clause" relief until July 1, 1983 at the earliest; therefore, the proposed CBI legislation provides no safeguards for this industry until then. Furthermore, the Administration's trade policy statement of July 8, 1981 provides no comfort and indeed is a matter of serious concern with regard to

safeguards for industries such as ours, even if we were to invoke the "escape clause."

The free-trade aspects of the CBI are inconsistent with the Administration's concerns for small businesses. On March 1 the President submitted to Congress a report on small business. He correctly pointed out that over half of the U.S. labor force is employed by small businesses; that most small firms are labor intensive; that small businesses provide most, by far, of the new jobs in the economy; and that "America needs small business formation and growth." Most firms in the leather products industries are small businesses. Yet, the duty-free provisions of the CBI will result in increased imports to the serious detriment of firms and workers in these industries. The Administration cannot permit duty-free entry from the Caribbean of leather products and yet foster these small businesses.

With substantially growing import penetration, the leather-related industries are already in a state of siege. We have suffered from plant closings and lost jobs due to imports. Do not exacerbate our problems in the name of a national policy initiative. Do not cause more of our plants to close. Do not make our workers pay for this new policy.

● Mr. MITCHELL. Mr. President, I am pleased to cosponsor this amendment to the President's Caribbean Basin initiative. This amendment is a positive contribution to our economic and trade policies, and I will work closely with Senator HEINZ to see that the Finance Committee incorporates this amendment in whatever Caribbean Basin legislation is approved.

As with any other trade policy initiative, we must carefully balance our international objectives with our domestic concerns. By exempting from the duty-free treatment proposal certain products that are labor intensive and highly sensitive to imports, this amendment significantly improves on the President's program. The President has already recognized the need to be selective regarding which products will receive duty-free treatment. Part of his original proposal would exempt textiles and apparel from the free-trade feature of his initiative. This amendment simply extends the logic of this exemption to other products that are similarly import sensitive.

As a Senator from the leading footwear-producing State in the Nation, I strongly endorse excluding footwear from duty-free treatment. The viability of both nonrubber and rubber footwear producers in Maine would be threatened by the surge in imports that would follow enactment of the Caribbean Basin initiative as currently drafted.

The American market for nonrubber footwear is already more open to imports and has fewer restrictions than any other market in the leading footwear producing countries. While most other countries protect their footwear industries, imports account for over 50 percent of all sales in the United States. Because the United States has such an open market, Caribbean producers already have sufficient incentive to export footwear to the United States.

The sensitivity of the U.S. nonrubber footwear market to imports is well-established. In 1974, the Congress specifically exempted this sector from duty-free treatment under the generalized systems of preferences. Also, the International Trade Commission unanimously recommended import relief twice, before temporary import relief was finally implemented in 1977. At the conclusion of this import relief program, the ITC again recommended relief, on the grounds that imports continued to injure the domestic industry.

Unfortunately, President Reagan rejected that recommendation and terminated the program. Many footwear producers and workers, including those in Maine, have suffered the adverse consequences of this decision. Following the termination of import relief, 1981 imports exceeded the 1980 level by 10 million pairs, even as U.S. sales declined. We should not compound the industry's problems created by last year's decision by opening up the domestic market even further through the Caribbean Basin initiative.

The rubber footwear industry has faced similar problems from import competition. From 1972 to 1980, the import share of the U.S. market rose from 27 percent to 60 percent. U.S. producers are adjusting to their foreign competition. We should not disrupt their adjustment plans with a policy that will lead to a new surge in imports.

In conclusion, I strongly urge my colleagues to support this measure. All of the items covered by the amendment, which include footwear, work gloves, handbags, luggage, and leather wearing apparel, are sensitive to imports. This amendment properly expresses the concerns of important domestic industries in our international policies.●

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MATHIAS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Monday, April 19, at 3 p.m., to hold a hearing on NOAA authorizations.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONGRESSIONAL OPERATIONS AND OVERSIGHT

Mr. MATHIAS. Mr. President, I ask unanimous consent that the Subcommittee on Congressional Operations and Oversight, of the Governmental Affairs Committee, be authorized to meet during the session of the Senate at 9:15 a.m. on Tuesday, April 20, to discuss possible changes in the Consumer Price Index.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON IMMIGRATION AND REFUGEE POLICY

Mr. MATHIAS. Mr. President, I ask unanimous consent that the Subcommittee on Immigration and Refugee Policy, of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Tuesday, April 20, at 12 noon, to hold a joint hearing with the House Subcommittee on the Immigration Reform and Control Act of 1982.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. MATHIAS. Mr. President, I ask unanimous consent that the Intelligence Committee be authorized to meet during the session of the Senate at 2 p.m. on Tuesday, April 20, to discuss the intelligence budget for the fiscal year 1983.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, April 20, to discuss pending calendar business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON REGIONAL AND COMMUNITY DEVELOPMENT

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Regional and Community Development, of the Committee on Environment and Public Works, be authorized to meet during the session of the Senate at 2 p.m. on Tuesday, April 20, to conduct a hearing on S. 2250, the Disaster Relief Act Amendments of 1982.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

WELCOME TO SENATOR NICHOLAS F. BRADY OF NEW JERSEY

● Mr. QUAYLE. Mr. President, it is a privilege to join with my other colleagues in the Senate in extending a warm Hoosier welcome to our new colleague from New Jersey, NICHOLAS F. BRADY. Senator BRADY brings to this body a distinguished background of experience in the financial field as well as strong credentials in the Republican Party.

He comes to the Senate at a time when we can call upon his wisdom and good judgment to help us reach that

elusive compromise on the budget, suggest initiatives that will bring interest rates down, and add to the innovative thinking necessary to create jobs and bring unemployment rates down.

This is indeed a big order for a new freshman Senator. However, NICHOLAS BRADY has accepted the challenging assignment to represent New Jersey with the understanding that he will only be on the banks of the Potomac for a little while. He has the intelligence and the capacity to perform outstanding service for his State and Nation.

In all seriousness, I congratulate him and wish him all the best.●

SERVICE EXPORTS GIVE THE UNITED STATES A 1981 CURRENT ACCOUNT SURPLUS

● Mr. INOUYE. Mr. President, on March 18, the Department of Commerce's Bureau of Economic Analysis released a summary of U.S. international transactions for the fourth quarter and the year 1981.

Those figures showed that the 1981 U.S. current account was in surplus by $6.6 billion. This occurred notwithstanding another poor merchandise trade performance resulting in a deficit of $27.8 billion compared to the $25.3 billion in 1980.

However, our service balance was in surplus by $41.2 billion in 1981, compared to $36.1 billion in 1980. Simple calculations demonstrate that the income from services and investment was responsible for the current account surplus and that without it our international accounts would be in very poor shape.

Ambassador William Brock and his colleagues in the administration have made the negotiation in services and investments a major priority for future multilateral discussion. Hopefully we shall see progress through the GATT and in other multilateral fora in reducing trade barriers to services and investments, for it would set back the cause of free trade if countries were to erect protectionist legislation during this economically trying period.

It is to be hoped that our international trading partners will not enact or apply additional protectionist barriers to the sale of U.S. services in the belief that our "invisables" surplus will make us tolerant of such actions. Far from turning our cheek, the mood in Congress will condone nothing less than strong retaliation, and our friends should stand forewarned.

Several bills have been introduced in both Houses to promote U.S. services and to provide the President with greater authority to react to foreign protectionism toward U.S. service exports and investments. The Senate will shortly act on S. 1233, the Service Industries Development Act, which I introduced with Senator PRESSLER.

Awaiting action is S. 2058, the Trade in Services Act, which I introduced with Senators CHAFEE and ROTH. I hope that the Congress will enact both bills soon.

Not only are services a key component of the U.S. economy, accounting for approximately 70 percent of all jobs and about 65 percent of the GNP, but they clearly provide us with a crucial edge in our international transactions. We should proceed quickly with international discussions to lower and eliminate barriers to the trade in services and investment.●

A VITAL PROJECT

● Mr. D'AMATO. Mr. President, our scientific community is the foundation upon which our economic future and national security rest. Physics and, in particular high energy physics, has long been the premier discipline because physicists have made fundamental discoveries about the nature of our universe which have paved the way for modern technology and our economic success.

We have by no means learned all there is to learn about our universe. But to learn more, our physicists must have the massive, sophisticated and, indeed, expensive tools needed to probe the boundaries of human knowledge. One such tool is the intersecting particle accelerator known as Isabelle, which is under construction at Brookhaven National Laboratory.

I recently joined in a letter with several of my colleagues, asking for support for continued funding for Isabelle. I believe we must complete Isabelle in order to insure continued U.S. leadership in high energy physics. We cannot allow leadership in this critical field to slip through our fingers.

Why is high energy physics so important to our future as a free nation? Nuclear weapons resulted from basic discoveries made by physicists. Now, directed energy weapons, in large part the product of earlier high energy physics research, may allow us to end the threat of ICBM- and SLBM-delivered weapons of mass destruction. The Soviet Union has made massive investments in high energy physics, because they recognize the revolutionary impact basic scientific discoveries in this area can have on fundamental economic and national security issues. We must not concede leadership to them as a result of budget decisions.

In the April 3, 1982, edition of the Brookhaven Bulletin, two articles appeared on the subject of Isabelle. These articles explain in detail the scientific and technical progress Isabelle can reasonably be expected to produce, and set forth in summary form the views of some of our most distinguished scientists on the subject. I commend those articles to your attention, and ask that they be printed in the RECORD.

The articles follow:

PERSPECTIVES ON ISABELLE

Behind many an important discovery lies a unique instrument. During the Renaissance, Galileo constructed the first complete astronomical telescope, which led directly to the confirmation of Copernicus' revolutionary theory of the solar system. Fifty years ago, John Douglas Cockcroft and Ernest T. S. Walton used an electrostatic accelerator to produce nuclear disintegrations. This development led to cyclotrons, linear accelerators, synchrotrons, colliding beam storaging devices and more, without which we would have little knowledge of such things as the nucleus, radioactivity, nuclear medicine and fusion power.

Isabelle is a unique instrument that shares this potential for discovery. The proton beams in Isabelle's two rings will collide at six intersections where energies available to create new matter will reach 800 GeV. Physicists believe that this energy region may be rich in new phenomena. The words of the 1974 report of HEPAP's Subpanel on New Facilities are relevant: "In the past, the opening up of a new energy region always has shown that nature is much richer than we had predicted from the results at lower energies. It is difficult to express in guarded terms the enthusiasm generated in the high energy physics community by the prospect of such major breakthroughs."

The report goes on: "The subpanel as well as the community of physicists feels strongly that such a dispersal (PEP on the West Coast, TeV in the Midwest, Isabelle on the East Coast) provides the diversity of physics, style and intellectual input which is desirable for a fruitful scientific endeavor." Subsequent HEPAP studies have continued to emphasize the importance of the multilab concept for the U.S. high energy physics program.

In Physics Today (January 1982), John Marburger, president of the State University of New York at Stony Brook, said, "The profound insights come only after long scrutiny of nature's actual behavior. And that requires apparatus: apparatus both to aid the eye and to stimulate something worth seeking." Isabelle will "aid the eye" with extremely high luminosity, implying a high rate of particle collisions. With luminosity 100 to 1000 times higher than any similar machine, with energies up to 800 GeV, Isabelle is expected to stimulate many things worth seeing. When physicists set up their experimental equipment, here are a few of the things they will be looking for.

W and Z—One theory holds that the carriers of the weak force (responsible for radioactivity) are intermediate bosons called $W\pm$ and Z. Even if other accelerators detect the W's or the Z before Isabelle is completed, Larry Trueman, deputy chairman of the Physics Department, said, "Isabelle's high luminosity will make it possible to study the properties of these bosons in detail, with a greatly reduced experimental error, and so, for example, permit accurate measurements of the W mass. This cannot be done anywhere else."

T-quark—So far, physicists have found five quarks and have postulated the existence of a sixth, called t. While the mass of the t-quark is unknown, there are two reasons to believe it may be found in Isabelle's energy range: lower energy electron-posi-

tron colliders have failed to it and the first five quarks have been found to be successively more massive. "Isabelle should be able to produce the t if its mass is as high as 100 GeV," said Truemen. "If it's higher than that, it would be hard to find it anywhere."

Jets—These sprays of particles may be formed by the interactions of quarks escaping the pull of coupling particles called gluons. The interaction of quarks and gluons is described by a theory called QCD. Isabelle's high luminosity will provide far more jet events than any other machine and help physicists to test the validity of QCD.

Beyond these predictions of the model of elementary particles, Trueman pointed out that Isabelle will be used to study the new physics at much higher masses, to search for the elusive Higgs boson, to explore the predictions of more far-reaching theories such as the super-symmetric theory which unified bosons and fermions, and the technicolor theory which aims at exploring the origin of mass. There are several new particles predicted to be in the mass range that can be studied at Isabelle, up to around 300 GeV. The discovery of one of these would have a revolutionary effect on our understanding of matter. To quote Nobel laureate S. C. C. Ting, "The physics of Isabelle is unique. It is the only accelerator with true potential for discoveries beyond our expectations."

BNL's acting director Nicholas Samios has said, "Isabelle will provide the cornerstone of the U.S. high energy physics program." And Stony Brook's John Marburger wrote, "It is the only accelerator currently under construction that is capable of maintaining American competitiveness in high energy physics."

Superconductivity occurs when electricity flows with no resistance through certain materials at very low temperatures. Since the electricity is not dissipated in resistive heating, to operate electrical equipment built with superconductors costs relatively little, requiring power only for running a cryogenic system. Isabelle will use over 1,100 superconducting magnets to shape and guide the proton beams. R&D efforts have aimed at perfecting those magnets and the cryogenic system that will cool them to temperatures below 3.8°K. Results have been highly successful. The magnets have proved powerful and reliable, even exceeding the Isabelle performance specifications. The helium refrigerator will be the largest in the world. These technologies may prove to be directly applicable to other potential uses of superconductivity, which range from electrical power transmission to more efficient generators and even magnetic fusion.

Besides superconductivity, groups are working in high vacuum, computer controls, data processing, electronic devices and detector development. "We try to use industrial technologies, but sometimes we need to develop techniques beyond what is presently available," said Tom Ludlam, head of the Isabelle Detector Development Group. "Because of the symbiotic relationship between high energy physics and industry, some of these techniques may be picked up by industry to come back to society in a more immediately beneficial form."

One such spinoff could be Relway—the reliable process data highway developed to connect the myriad components of Isabelle's control system. Relway uses standard techniques and parts from the cable TV industry to create a multi-band version of a popular type of single channel communications data system. Rusty Humphrey, head of the Isabelle Control Group, said, "Relway has created considerable interest in industry and may soon be used commercially."

Detector development often requires new techniques. A detector must pick out the significant signals from the millions that pass through it each second. To make these decisions and record essential data from the large number of events (50 million per second) that Isabelle's high luminosity will foster, the electronics must operate more quickly than ever. An ultra high-speed electronic logic device developed by BNL physicist Ed Platner will be used in Isabelle's detectors. And since it can access data at speeds in excess of 330 megahertz, it is so attractive to industry that efforts are now underway to make this device commercially available.

Each of Isabelle's detectors must surround one of the six points where the two proton beams collide. This imposes space limitations that render some existing types of detectors impractical. Addressing this problem, BNL physicists Dick Strand and Sam Borenstein are developing optical fibers of scintillating material to replace conventional scintillation counters, and tiny photodiodes to replace bulky photo-multipliers. Now being tested, "this idea represents a totally new technique for detecting particles," said Ludlam.

In listing Isabelle's benefits, it becomes obvious that the human element is a very important one. Some of the country's best scientific personnel are being trained and challenged at Isabelle. These scientists and engineers will feed into many streams of American life and invigorate our technical know-how.

The spinoffs from Isabelle—those which exist and those which are predictable—make a long and varied list. Still, many benefits will not be listed until Isabelle is completed and the needed technology is developed along the way.

No one knows exactly what rewards will ultimately be reaped from Isabelle. But in pushing technologies to their limits, in helping physicists probe ever more deeply into matter, Isabelle will surely be a unique instrument with a unique potential for discovery.

ISABELLE'S PLACE IN U.S. HIGH ENERGY PHYSICS AS SEEN BY TRILLING SUBPANEL

The final report of the Subpanel on Long Range Planning for the U.S. High Energy Physics Program, known as the Trilling report after the Subpanel chairman George Trilling, has been submitted to DOE as a guideline for the future.

The 60-page report deals with all aspects of the U.S. high energy program and looks closely at the current and proposed facilities at the DOE high energy accelerator laboratories—SLAC, Fermilab and Brookhaven, and the NSF-funded accelerator at Cornell. It also describes the accelerator facilities available in Europe, Japan and the U.S.S.R., and the possibilities for international collaboration on the building of future accelerators. It specifically states that Isabelle would be especially appropriate for worldwide use.

The Subpanel was charged with developing a national high energy physics plan for the next decade, at three possible funding levels, with particular attention to be paid to the role of Isabelle. The levels of $440 million and $395 million are of particular interest to Brookhaven. (At the lowest level of $360 million there would certainly be no Isabelle, no AGS, and the state of U.S. high energy physics would be sorry, indeed.)

There is general agreement among Subpanel members that "construction of a substantial new facility to be ready for research by the end of the 1980's" is a major requirement for a flourishing high energy program. Current accelerators will be too old to address physics questions of the future. The Tevatron I collider, now under construction at Fermilab, and the proposed SLAC Linear Collider will offer a limited number of interaction regions where experiments could be done.

But the nature of this new facility will depend on the amount of money available. At $440 million, its full steam ahead with Isabelle. Although this funding level has not yet been reached the Trilling subcommittee allows a period of grace. It assumes that such a level will be reached by fiscal year 1984, "or at the latest fiscal year 1985." In the meantime, it recommends that magnet R&D be the focus of concentration at Brookhaven.

At $395 million (1982 dollars) the Subpanel concludes that "construction of this scientifically valuable facility [Isabelle] would have to be abandoned in its present scope." Therefore, it suggests that a lot of thought be given to "a start by the mid-1980's on a new high energy construction project" more modest in cost. Among such projects being studied is "an electron-proton collider or a less expensive high luminosity ($L=10^{33}$ cm^{-2} sec^{-1}) hadron-hadron collider built in the Isabelle tunnel."

The Trilling report notes that a substantial high energy physics program could be maintained at the $395 million level until late in the decade, but by 1990, the lack of an Isabelle would be apparent. A less expensive new facility, with fewer opportunities for experiment would be adequate, but "the U.S. effort, while of high quality, would be less competitive."

The Reagan budget for fiscal year 1983 has earmarked $429 million for the U.S. high energy physics program. This is approximately the second level of funding considered in the Trilling report—$395 million in 1982 dollars. At this level zero money is requested for Isabelle construction, but funds are recommended for magnet research.

Isabelle is by no means down and out, and it should be noted again that the Subpanel supports the construction of Isabelle if increased funding is provided by fiscal year 1984 and even as late as fiscal year 1985. As a matter of fact, there seems to be an upward trend. The fiscal year 1983 budget for high energy physics in the United States, as it now stands, is considerably larger than that for fiscal year 1982, and this could be taken as a move toward the higher level necessary for the continued construction of BNL's accelerator.●

BEYOND INDUSTRIALIZATION: ASCENDANCY OF THE GLOBAL SERVICE ECONOMY

● Mr. INOUYE. Mr. President, as many of my colleagues know and has been increasingly become evident to the general public, the United States is a service economy. Many statistics are cited to emphasize this, such as the fact, that 70 percent of the work force is employed in the service sector

and that two-thirds of our GNP is derived from the service sector.

Moreover, the media have pointed out correctly that the United States is raising before the GATT Ministerial scheduled for November the need to develop a code of conduct on the international trade in services. There is currently before the Senate Finance Committee the Trade in Services Act, S. 2058, a bill cosponsored by Senators CHAFEE and ROTH and me, which would extend priority to multilateral negotiations on the international trade in services and investment.

While there is a growing awareness of the superficial highlights of the service basis of the American economy, the fact is that the United States has been a service-oriented economy for many years and that the trend away from farming and manufacturing has been proceeding for decades. The need for multilateral negotiations is surely necessary since the United States runs a large annual surplus in the invisibles trade, but equally important is the need to understand the service sector and to place the service sector in proper perspective.

There has been a disturbing lack of academic study and policy discussion of the growth of the service sector and the role services play in the American economy. As a consequence of this lack of analysis, some American policymakers talk about facts which occurred years ago as though they were new developments.

I would thus like to bring to the attention of my colleagues and others who read the RECORD the recent publication of a book entitled "Beyond Industrialization: Ascendency of the Global Service Economy," which is one of the few texts on this phenomenon, certainly the most recent book on the subject, and probably the most relevant as we prepare for the GATT Ministerial.

The author of the book is Mr. Ron Shelp, vice president of the American International Group (AIG) of New York City, which is one of the world's most innovative international insurers. Mr. Shelp handles international government affairs for the firm. He is also chairman of the Industry Sector Advisory Committee on Services, which assists the U.S. Government on international service-related issues. Work for this book was undertaken in conjunction with the esteemed Council on Foreign Relations in New York.

As one of the few books to examine services in a historical and global context, it is beyond a short, easy summary. For this reason, I would urge those who wish to understand the service economy and the international trade in services better to read this work.

However, I believe it would be fair to state that he makes the following points among many findings and conclusions. First, there is little understanding of or attempt to understand services by academicians and policymakers. Consequently, their visibility has been low notwithstanding their obvious importance to the economy and the need to integrate better their dominant role in general economic policy.

Second, services are rarely considered together but rather as separate industries and have not developed an identity which would lead to a sectoral view or a significant political impact.

Third, data and information on services are scanty, which feeds the cycle of underrating their importance and not taking service-related issues seriously.

As the representative of a State which is heavily dependent on services and to a lesser extent on agriculture, I appreciate this effort to bring services to the forefront of policy debate. I think that it is a book worthy of attention and analysis by those who seriously consider and make policy.●

MORE DEFENSE SALES TO TAIWAN NEEDED

● Mr. GOLDWATER. Mr. President, last week the Reagan administration provided official notification to Congress of the planned sale of 60 million dollars' worth of military spare parts to Taiwan. The formal notice had been delayed for several months, and was long overdue. At best, the sale of a small amount of spare parts to Taiwan is a gesture.

While I welcome any friendly action toward Taiwan, the delay in delivering notice of this sale dampens its significance. The decision to finally follow through with a transaction that was long ago agreed to makes our Government appear reluctant and fearful to keep its commitments.

The sale itself is of no great moment. It allows Taiwan to buy replacement parts for aging, defensive equipment. There is not the slightest question that the sale of these replacement items is required under the Taiwan Relations Act.

What makes our Government's belated notice of the sale appear weak and indecisive is the manner in which the transaction has been explained to Communist China. First, it is reported by the news media that our Government emphasized this is not "a new sale of arms." Although this statement is true, it creates a false impression of our Nation's policy. We seem to be telling Red China that if the spare parts sale was a new sale of defense equipment, we would not have agreed to it. In other words, the weak explanation by the State Department may leave a false impression that the United States has decided against future arms sales to Taiwan.

To make matters worse, the State Department qualified the spare parts sale by advising Red China that no new decisions on arms sales would be made by the United States in the next few months while talks are underway between the mainland Government and the United States. This announcement, which amounts to a unilateral moratorium, can only raise greater confusion as to what our real policy is. Moreover, the explanation will strengthen any impression Red China has that its bullying tactics can succeed in pressuring our Government to stop all arms sales to Taiwan by a date certain.

In other words, instead of proceeding swiftly and decisively with the sale of replacement parts to Taiwan, the Reagan administration squirmed, apologized, vacillated, and confused matters to the point that Red China appears to be wielding control over American foreign policy. Only after our humble apologies and explanations were given to the dictators on the mainland did they graciously condescend to make merely a strong protest against our action, but not to downgrade relations with the United States.

Mr. President, 3 months ago I called upon President Reagan to make it clear, beyond any doubt, that the United States will never consider going back on our Nation's commitment to provide adequate defense equipment to Taiwan. I repeat my request today. The President should declare vocally that the United States will not agree to cut off aid to Taiwan now or later.

In fact, what Taiwan really needs is not replacement parts; it requires new defense equipment and especially advanced fighter aircraft.

If there ever was an agreement with Communist China for a temporary moratorium on arms sales by the United States to Taiwan, I urge President Reagan as strongly as I can to terminate any such moratorium and make a prompt decision to sell Taiwan advanced fighter airplanes and the other defensive equipment she needs to meet the defense requirements of the mid-1980's. We must remember that Taiwan is our true friend, not Red China.

Mr. President, I ask that an editorial which appear in the Arizona Republic of April 15, on this subject may appear in the RECORD.

The editorial follows:

TAIWAN NEEDS THE BEST

The United States has refused to sell advanced fighter airplanes, the F-16 and the F-5G, to the Republic of China.

But it is allowing Taiwan to buy replacement parts for its less sophisticated, aging F-5Es.

The decision seems to have some justification. The United States, feeling that it needs the support of the Peoples Republic of China in the United Nations, says it will sell only defensive weapons to Taiwan.

The Department of State argues that F-5Es are defensive in nature. So far as the superior F-16s are concerned, says State, "no military need for such aircraft exists."

Oddly enough, no such argument prevailed when the United States agreed to sell F-15s to Saudi Arabia, despite protests from Israel that the aircraft could be an offensive weapon in the hands of the Saudis.

Gen. Ho-hsiung Wen, chief procurement officer for the Republic of China in the United States, recently told why the Taiwan government needs the F-16s.

"The Peoples Republic of China has a powerful air force," General Wen said, "If the mainland thought it could reduce the Taiwan defense by air attacks alone, it would be likely to make the attempt, but only if it was sure its own air force could survive."

We on Taiwan are confident we could defend ourselves with our present equipment. But if we had the F-16s, we could totally destroy the invading Communist air force. That is a price Peking would probably be unwilling to pay."

The difference between offensive and defensive weapons is narrow. The State Department should rethink its decision that advanced aircraft might lead the authorities on Taiwan to attack the government on the mainland.

With a per capita income of $2,500 compared with perhaps $400 on the mainland the Nationalists have little if any reason for attacking the Communists particularly when they consider there are 17 million Chinese on Taiwan and nearly a billion on the mainland.

The Chinese on both sides of the Formosan Strait aren't likely to forget that President Reagan, as recently as December promised "total support" to the Republic of China on Taiwan.

Outnumbered 50-to-1, the Chinese on Taiwan depend on firepower over manpower.

The American decision against selling the superior fighters to Taiwan is strictly political.

A sound military policy would lead to the sale of the type of aircraft that would prove a real deterrent against an attack from the mainland.

FEEDING THE WORLD

● Mr. KENNEDY. Mr. President, for many decades the United States has been the world's bulwark against famine. Although our foreign assistance program has fallen to disgracefully low levels, compared to what our European allies spend in terms of their gross national product, we nonetheless have a great deal to offer in food assistance.

America's leadership in world food and agricultural assistance is succinctly outlined in an essay written by Dr. Jean Mayer in the New York Times. Dr. Mayer is president of Tufts University and served as vice chairman of the Presidential Commission on World Hunger.

Contrary to the doomsday predictions over the years, Dr. Mayer notes that "the availability of food per person probably is somewhat greater today than 20 years ago," despite continued population growth.

Dr. Mayer makes a cogent case for increased food and agricultural assistance to help developing countries meet their food needs as well as respond to emergency food requirements.

I believe we must resist further unwarranted cuts in our Nation's foreign assistance program that is targeted to developing countries, and increase our food assistance to those millions who daily confront the deadly hand of starvation. We simply cannot turn our back to the world's hungry majority.

Mr. President, I include Dr. Mayer's excellent essay at this point in the RECORD.

The essay follows:

[From the New York Times, Apr. 18, 1982]

FEEDING THE WORLD

(By Jean Mayer)

BOSTON.—Since World War II, the United States has been the world's bulwark against famine. In the eyes of many foreigners, and in those of many Americans, this has made up for the shortcomings they have seen and see in our foreign policy. But now we have turned our back on America's humane values and on the poorest of our neighbors. Engulfed in a wave of Social Darwinism, America devotes only 0.27 percent of its gross national product to food and development aid in comparison to France's 0.62 percent, West Germany's 0.43 percent, Canada's 0.42 percent, and Britain's 0.34 percent.

The United States is still especially qualified to take the lead in agricultural-aid and development programs. We invented land-grant colleges, agricultural extension services, and rural credit. We are foremost in agricultural research, have the world's most efficient farmers, and export by far the largest amount of food.

Proponents of the "lifeboat ethic" assure us that the rescue effort would be wasted. They argue that some countries are so poor, so dependent, so heedless of their own overpopulation that it is against our best interests and theirs to try to save them. They will drown us all, we are told. Nonsense.

The fear that population will outstrip food production has recurred periodically since Thomas R. Malthus's "Essay on the Principles of Population," in 1798. In reality, the rate of population growth is almost nonexistent in the developed countries, declining in most of Asia, and decreasing slowly in Latin America and Africa. The best estimate is that world population will stabilize about the year 2100. The deceleration is clearly linked to contraceptive services often made available by foreign aid and to higher expectations for one's children that visible social and economic aid programs encourage.

The availability of food per person probably is somewhat greater today than 20 years ago. Total production is far more than enough to prevent famine and even malnutrition—if the food were better distributed. More food is needed to feed the world's expanding population, partly because local production should keep pace with local population and partly because as more people grow richer, their consumption of animal products increases, which in turn means they use much more grain. In America, for example, 90 percent of the grain we do not export is used for feed, not food.

Of course, there will always be local needs for food relief, but a few hundred thousand tons (out of the 1.5 billion tons or so that the world produces) are usually enough. The most serious recent large-scale famine occurred in Bangladesh during the 1973-74 world food crisis. That country needed to import three million tons of grain—the amount the United States uses annually to make beer.

Progress in Asia has been considerable in the last 10 years, in part because of foreign aid. India, a net exporter of grain, possesses some 20 million to 25 million tons of reserves. Pakistan also has achieved an approximate balance, and even Bangladesh, the world's so-called basket case, has reduced its food imports despite its continued high rate of population increase.

Triage—the process by which aid donors would decide that they could save some countries but would write off others—presupposes far better predictions of future economic development than we can make. Fifty years ago, the impoverished Arabian Peninsula would have been dismissed as hopeless; today, it floats in money.

Pessimists also consistently underestimate the effects of advances in technology. Genetic engineering is rapidly opening up new vistas in agriculture—in resistance to disease, adaptation of existing crops to difficult climatic conditions, and entirely new crops. With American help, the developing countries can become self-sufficient in agriculture.

Of course, technical assistance costs money. It is fashionable to say that we don't solve problems by throwing money at them. Yet medical surveys have conclusively shown that, over the last 10 years, the major domestic food-assistance programs started after the 1969 White House Conference on Food, Nutrition and Health essentially have eliminated malnutrition caused by poverty. (Malnutrition may reappear now that food programs are being cut.) Foreign aid programs could do the same on a global scale.

If the United States ceases to see itself as a source of agricultural assistance, we will lose both an essential instrument of international leadership and an important source of pride. We will also do something to our own self-image from which we will not easily recover.●

MASS TRANSPORTATION ACT OF 1982

● Mr. D'AMATO. Mr. President, on April 15, 1982, I introduced, along with Mr. WEICKER, Mr. HEINZ and Mr. MOYNIHAN, S. 2377, the Mass Transportation Act of 1982. I request that this bill be printed in its entirety in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2377

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Mass Transportation Act of 1982".

AMENDMENTS TO SECTION 3 CAPITAL GRANT PROGRAM

SEC. 101. (a) Section 3(a)(2)(A) of the Urban Mass Transportation Act of 1964 (hereinafter referred to as the "Act") is amended—

(1) by striking out "this section" in the first line and inserting in lieu thereof "subsection (a)";

(2) by striking out "and" at the end of clause (i);

(3) by striking out the period at the end of clause (ii) and inserting in lieu thereof "; and"; and

(4) by adding at the end thereof the following: "(iii) sufficient capability to maintain the facilities and equipment.".

(b) The first sentence of section 3(a)(4) is amended by striking out "this section" and inserting in lieu thereof "subsection (a)".

(c) Section 3 of the Act is amended by adding at the end thereof the following new subsection:

"(i)(1) Pursuant to this subsection, the Secretary shall make public mass transportation grants to finance the planning, acquisition, construction, improvement, and operating costs of facilities and equipment for use, by operation or lease or otherwise, in mass transportation service. Such grants may include projects that enhance the effectiveness of any mass transportation project.

"(2) To provide grants to urbanized areas with a population of 200,000 or more, the Secretary shall apportion for expenditure for each fiscal year the sums authorized and appropriated pursuant to section 4(k)(2)(B) as follows:

"(A) Sixty-five percent of such sums shall be made available for expenditure on the basis of a formula under which such urbanized areas or parts thereof will be entitled to receive an amount equal to the sum of:

"(i) one-half of the total amount so apportioned multiplied by a ratio for that urbanized area determined on the basis of bus revenue vehicle miles, as determined by the Secretary; and

"(ii) one-half of the total amount so apportioned multiplied by a ratio for that urbanized area determined on the basis of population weighted by a factor of density, as determined by the Secretary.

As used in this section the term "density" means the number of inhabitants per square mile. Where the term "population" is used in this section it means population as designated by the Bureau of the Census as shown by the latest available Federal census.

"(B) Thirty-five percent of such sums shall be made available for expenditure on the basis of a formula under which such urbanized areas or parts thereof will be entitled to receive an amount equal to the sum of:

"(i) seventy percent of the total amount so apportioned multiplied by a ratio for that urbanized area determined on the basis of rail revenue vehicle miles, as determined by the Secretary; and

"(ii) thirty percent of the total amount so apportioned multiplied by a ratio for that urbanized area determined on the basis of rail route miles, as determined by the Secretary.

"(3) To make grants to urbanized areas with a population of less than 200,000, the Secretary shall apportion for expenditure for each fiscal year the sums authorized and apportioned pursuant to section 4(k)(2)(C) as follows:

"(A) one-half of the total amount so apportioned multiplied by the ratio which the population of such an urbanized area or part thereof, as designated by the Bureau of the Census, bears to the total population of all such urbanized areas in all the States; and

"(B) one-half of the total amount so apportioned multiplied by a ratio for that urbanized area determined on the basis of population weighted by a factor of density, as determined by the Secretary.

"(4) The Federal grant for any construction project under this subsection shall not exceed 80 percent of the cost of the construction project, as determined under section 4(a) of the Act. The Federal grant for any project for operating expenses shall not exceed 50 percent of the cost of such operating expense project. The remainder shall be provided in cash from sources other than Federal funds or revenues from the operation of public mass transportation systems. Any public or private transit system funds so provided shall be solely from undistributed cash surpluses, replacement or depreciation funds or reserves available in cash, or new capital. The amount of any grant under this subsection which may be utilized for operating assistance may not exceed 50 percent of all funds allocated to any recipient during each fiscal year, and may not, in any event, exceed the amount of funds obligated to the recipient in fiscal year 1982 under paragraph (1)(B), (2)(C), and (3)(B) of section 5(a) of the Act.

"(5)(A) The Governor, responsible local officials, and publicly owned operators of mass transportation services in accordance with the planning process required under section 8 of the Act shall designate a recipient or recipients to receive and dispense the funds apportioned under this section that are attributable to urbanized areas of two hundred thousand or more population. In any case in which a statewide or regional agency or instrumentality is responsible under State law for the financing, construction and operation, directly, by lease, contract or otherwise, of public transportation services, such agency or instrumentality shall be the recipient to receive and dispense such funds. The term "designated recipient" as used in this subsection shall refer to the recipient selected according to the procedures required by this section.

"(B) Sums apportioned under this subsection not made available for expenditures by designated recipients in accordance with the terms of subparagraph (A) of this section shall be made available to the Governor for expenditure in urbanized areas or parts thereof in accordance with the planning process required under section 8 of the Act and shall be fairly and equitably distributed. The Governor shall submit annually a report to the Secretary concerning the allocation of funds made available under this paragraph.

"(6) The Governor may transfer an amount of the State's apportionment under paragraph (3) to supplement funds apportioned to the State under section 18(a) of the Act, or to supplement funds apportioned to urbanized areas with a population of 200,000 or more under this subsection. The Governor may transfer an amount of the State's apportionment under section 18(a) to supplement funds apportioned to the State under paragraph (3). Amounts transferred shall be subject to the capital and operating assistance limitations applicable to the original apportionments of such amounts. The Governor may make such transfers as provided for in this subsection only after consultation with, and approval by, responsible local officials and publicly owned operators of mass transportation services in those areas to which the funding was originally apportioned by the Governor in accordance with this section.

"(7) Sums apportioned under this section shall be available for obligation by the Governor or designated recipient for a period of three years following the close of the fiscal year for which such sums are apportioned. Any amounts so apportioned remaining unobligated at the end of such period shall be added to the amount available for apportionment under this section for the succeeding fiscal year.

"(8) Of the amounts available for grants under this subsection, not less than 2.5 percent of each apportionment shall be made available to finance transportation planning activities under Section 8 of the Act and the deployment of innovative demonstration results. Nothing herein shall prevent recipients from using additional funds available under this subsection for planning purposes. If the amount set aside under this paragraph exceeds local needs, the Governor or designated recipient may, with the concurrence of the metropolitan planning organization, apply to the Secretary for a waiver of all or part of this set aside.

"(9)(A) To receive a grant under this subsection for any fiscal year, a recipient—

"(i) shall comply with Title VI of the Civil Rights Act of 1964, and subsections (e)(2), (f), and (g) of section 3 of this Act;

"(ii) shall submit a statement of activities to be funded under this subsection prepared pursuant to paragraph (11), a description of its proposed use of funds, and the certifications required by this subsection; and

"(iii) shall provide satisfactory assurances, in such manner and form as may be required by the Secretary and in accordance with such terms and conditions as the Secretary may prescribe, that the rates charged elderly and handicapped persons during nonpeak hours for transportation utilizing or involving the facilities and equipment of the project financed with assistance under this subsection will not exceed one-half of the rates generally applicable to other persons at peak hours, whether the operation of such facilities and equipment is by the applicant or is by another entity under lease or otherwise.

"(B) Upon receipt of the statement, description, and certifications required by this section, after finding that a recipient is in compliance with paragraph (9)(A), and after compliance with the National Environmental Policy Act using the provisions of section 12(a) or otherwise, the Secretary shall make the amounts pursuant to this subsection available to the recipient.

"(10) To receive a grant under this subsection, the recipient must certify that the recipient—

"(A) has or will have the legal, financial, and technical capacity to carry out the proposed project;

"(B) has the authority to apply for the grant under this subsection;

"(C) will carry out the project in compliance with the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970 and section 7 of the Act;

"(D) will have satisfactory continuing control, through operation, lease, or otherwise, over the use of the facilities or equipment assisted hereunder and will maintain such facilities and equipment;

"(E) in carrying out procurements under this subsection, competitive procurements will be used as defined or approved by the Secretary, will not use procurements utilizing exclusionary or discriminatory specifications, and will carry out procurements in compliance with section 401 of Public Law 95-599;

"(F) will comply with the National Flood Insurance Act of 1968;

"(G) has complied with the requirements of section 12(a); and

"(H) has available and will provide funds from other than Federal sources as required by section 4; and

"(I) has a locally developed process to solicit and consider public comment prior to raising fares or reducing transit service.

"(11) Each recipient shall—

"(A) make available to the public information concerning the amount of funds available under this subsection and the range of activities that the recipient proposes to undertake with such funds;

"(B) develop a proposed statement concerning activities to be funded in consultation with interested parties, including private transportation providers;

"(C) publish a proposed statement in such a manner to afford affected citizens, private transportation providers, or as appropriate, local elected officials an opportunity to examine its content and to submit comments on the proposed statement and on the performance of the recipient, and

"(D) hold one or more public hearings to obtain the views of citizens on activities to be funded under this subsection. In preparing the final statement, the recipient shall consider any such comments and views, particularly those of private transportation providers, and shall, if deemed appropriate by the recipient, modify the proposed statement. The final statement shall be made available to the public. Compliance with this paragraph will satisfy the requirements of subsection (d) of this section.

"(12) (A) In order to assure that the National Environmental Policy Act of 1969, and other provisions of law which further the purposes of such Act (as specified in regulations issued by the Secretary), are effectively implemented in connection with the expenditure of funds under this subsection, and to assure to the public undiminished protection of the environment, the Secretary, in lieu of the environmental protection procedures otherwise applicable, may, under regulations issued by him, provide for the release of funds to recipients who assume all of the responsibilities for environmental review, decision-making, and action pursuant to such Act, and such other provisions of law as the regulations of the Secretary specify, that would apply to the Secretary were he to undertake such projects as Federal projects. The Secretary shall issue regulations to carry out this section only after consultation with the Council on Environmental Quality.

"(B) The Secretary shall approve the release of funds in accordance with the procedures authorized by this paragraph only if, at least fifteen days prior to such approval and prior to any commitment if funds, the applicant has submitted to the Secretary a request for such release accompanied by a certification which meets the requirements of subparagraph (C). The Secretary's approval of any such certification shall be deemed to satisfy his responsibilities under the National Environmental Policy Act of 1969 and such other provisions of law as the regulations of the Secretary specify insofar as those responsibilities relate to the application and release of funds for projects to be carried out pursuant thereto which are covered by such certification.

"(C) A certification under the procedures authorized by this paragraph shall—

"(i) be in a form acceptable to the Secretary;

"(ii) be executed by the chief executive officer or other officers of the applicant qualified under regulations of the Secretary;

"(iii) specify that the applicant has fully carried out its responsibilities as described under subparagraph (A) and

"(iv) specify that the certifying officer—

(I) consents to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969 and each provision of law specified in regulations issued by the Secretary to the extent that as the provisions of such Act or other such provisions of law apply pursuant to subparagraph (A), and

(II) authorized and consents on behalf of the applicant and himself to accept the jurisdiction of the Federal courts for the purposes of enforcement of his responsibilities as such an official.

"(13) The Secretary shall not approve a grant for a project under this subsection unless he finds that such project is part of the approved program of projects required by section 8 of the Act.

"(14) As soon as practicable after receiving the submissions required in this subsection, the Secretary shall enter into an annual project agreement with the Governor, his designee, or the designated recipient of each urbanized area.

"(15) Each recipient of assistance under this subsection shall submit to the Secretary, at a time determined by the Secretary, a statement concerning the use of funds made available under this subsection together with an assessment of how such use compares to the statement of activities identified under paragraph (11). The recipient shall, at least on an annual basis, make available independently conducted reviews and audits as may be deemed necessary or appropriate by the Secretary to determine whether—

"(A) the recipient has carried out its activities in a timely manner; and

"(B) has a continuing capacity to carry out those activities in a manner which is not plainly inconsistent with the requirements of the Act and other applicable laws. The Secretary may make appropriate adjustments in the amount of the annual grants in accordance with the Secretary's findings under this paragraph, and may reduce or withdraw such assistance or take other action as appropriate in accordance with the Secretary's review and audits under this paragraph.

"(16) The provisions of section 1001 of title 18, United States Code, apply to any certification or submission under this subsection. In addition, if any false or fraudulent statement or related act within the meaning of section 1001 of title 18, United States Code, is made in connection with a certification or submission under this subsection, the Secretary may terminate and seek appropriate reimbursement of the affected grant or grants directly or by offsetting funds available or to be available under this subsection.

"(17) A recipient may request the Secretary to approve its procurement system. If, after consultation with the Office of Federal Procurement Policy, the Secretary finds that such system provides for competitive procurements, the Secretary shall approve such systems for use for all procurements financed under this subsection. Such approval shall be binding until withdrawn. A certification from the recipient under paragraph (10)(E) is still required."

AMENDMENTS TO SECTION 4

Sec. 102. (a) The second sentence of section 4 (a) of the Urban Mass Transportation Act of 1964 is amended by striking out "an amount equal to 80 percentum of the net project cost" and inserting in lieu thereof "an amount equal to 70 percentum of the net project cost for projects funded under section 3(a) of this Act."

"(b) The first sentence of section 4(c)(3)(A) of the Act is amended by

(1) inserting "and" before "$1,600,000,000", and

(2) striking out the semicolon after "September 30, 1982" and inserting in lieu thereof a period.

"(c) Section 4(d) of the Act is amended to read as follows:

"(d) There are authorized to be appropriated such sums as are necessary for administrative costs, including salaries and expenses necessary to carry out the provisions of this Act."

"(d) Effective October 1, 1982, section 4(f) of the Act is amended to read as follows:

"(f) there are authorized to be appropriated to carry out the purposes of section 6, 10, and 11 of this Act aggregate sums not to exceed $96,600,000 by September 30, 1983; $141,600,000 by September 30, 1984; $186,600,000 by September 30, 1985; and $231,600,000 by September 30, 1986. Any amounts so appropriated shall remain available until expended.".

"(e) Section 4 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new subsections:

"(j)(1) The Secretary is authorized, in accordance with this section, to make capital grants to States and local public bodies and agencies thereof on such terms and conditions as the Secretary shall provide to permit expedited grants for repair or replacement of public transportation equipment and facilities which the Secretary finds have recently suffered serious damage as the result of—

"(A) a natural disaster over a wide area, or

"(B) a catastrophic occurrence from any cause, which seriously disrupts scheduled public transportation services.

"(2) No funds shall be expended under this section unless the Secretary has received an application from the State or local public body, or agency, as the case may be, and unless an emergency has been declared by the Govenor of the State and concurred in by the Secretary, except that if the President has declared an emergency or a major disaster within the meaning of the Disaster Relief Act of 1974 (Public Law 93-288), concurrence of the Secretary is not required.

"(3) Notwithstanding subsection (a), the Federal grant for any project under this section may, at the discretion of the Secretary, equal up to 100 per centum of the net project cost.

"(4) For fiscal years beginning after September 30, 1982, sums authorized to be appropriated by subsection (k)(2)(A) are authorized to be used to carry out this subsection.".

"(k)(1) To finance grants and loans under subsection (a) and (i) of section 3 of this Act and to finance grants under section 18 of this Act, there are hereby authorized to be appropriated $3,200,000 for the fiscal year ending September 30, 1982; $3,520,000,000 for the fiscal year ending September 30, 1984; $3,872,000,000 for the fiscal year ending September 30, 1985; and $4,259,560,000 for the fiscal year ending

September 30, 1986. Any amounts so appropriated shall remain available until expended.

"(2) Of the amount available under paragraph (1) for each such year, the Secretary shall make available:

(A) 24.5 percent for grants and loans under section 3(a) of this Act;

(B) 68.0 percent for grants under section 3(i) of this Act for urbanized areas with a population of 200,000 or more;

(C) 5.0 percent for grants under section 3(i) of this Act for urbanized areas with a population under 200,000; and

(D) 2.5 percent for grants under section 18 of this Act.".

AMENDMENTS TO SECTION 5 URBAN MASS TRANSIT PROGRAM

SEC. 103. (a) Section 5 of the Act is amended by adding at the end thereof the following new subsection:

"(o) Notwithstanding any other provision of this section, sums authorized, appropriated and apportioned pursuant to this section shall remain available as initially apportioned to the urbanized areas or parts thereof for expenditure in accordance with the provisions of this section until September 30, 1985.".

GRANTS FOR RESEARCH AND TRAINING IN URBAN TRANSPORTATION PROBLEMS

SEC. 104. Subsection (a) of section 11 of the Act is amended—

(a) by inserting "organization and" after the word "nonprofit" in the first sentence;

(b) by inserting "or further their" after the word "obtain" in the second sentence; and

(c) by inserting after the third sentence the following new sentence: "In making such grants, the Secretary shall give preference to public and private nonprofit organizations having a unique capability of bringing together transit managers and professionals and other individuals representing a broad spectrum of knowledge and expertise in the various technical disciplines related to urban transportation management and problems.".

AMENDMENTS TO SECTION 12

SEC. 105. Section 12(c)(2) of the Act is amended by inserting before the semicolon the following: "and also means a public transit facility which utilizes a fixed catenary system and utilizes a right-of-way or rail usable by other forms of transportation".

AMENDMENTS TO THE REPORTING SYSTEMS

SEC. 106. Section 15(b) of the Act is amended by striking out "section 5" and inserting in lieu thereof "section 3(i) or (5)".

AMENDMENTS TO FORMULA GRANTS FOR NONURBANIZED AREAS

SEC. 108. (a) Subsection (a) of section 18 of the Act is amended by striking out the first sentence thereof and inserting in lieu thereof the following sentence: "To make grants under this section, the Secretary shall apportion for expenditure in each fiscal year the sums authorized and appropriated pursuant to section 4(k)(2)(D)."

(b) Subsection (c) of section 18 is amended by inserting after the first sentence thereof the following: "After September 30, 1982, any amounts remaining unobligated at the end of such period or which are deobligated at the end of such period shall be added to the amount available for apportionment under section 4(k)(2)(D)."●

OUTLOOK FOR THE ECONOMY

● Mr. HUMPHREY. Mr. President, lately it seems as though few people are willing to look at the whole economic picture. There is an old saying, "You can't see the forest through the trees," which aptly describes the difficulty people seem to have in understanding President Reagan's program for economic recovery. If the critics of Reaganomics would look at the overall economy, I think they would realize that the situation has improved over the last year.

I ask that the attached editorial by David A. Schansberg be printed in the CONGRESSIONAL RECORD. In my opinion, Mr. Schansberg's editorial accurately portrays the real public sentiment.

The article follows:

[From the Claremont Eagle Times, Feb. 18, 1982]

THERE IS AN ANSWER

The Federal Reserve money policy is making the economy worse, or at least that is what is reported by the national media.

Don't believe it.

The federal money policy does cause a reduction beyond what it would be with a more liberal money policy, true. But, the problem remains administrative decision making and not monetary policy.

The solution is a reduction in spending—cutting out what we cannot afford as a nation.

About ten years ago, we spent about 13 percent of gross national product on social programs; today we spend near 17 percent. The difference is enough to balance the budget. We are not suggesting that removal of social programs is needed but we surely say that those new spending plans added in the past 10 years must be dealt with if we are to reduce our debt.

The programs Reagan installed over six months ago are showing signs of working, although major complications are also visible. Inflation is down, well ahead of schedule. Taxes are being reduced in a minor way. Deregulation has been implemented in the oil and transportation industries and other deregulations are planned. Federal employment is now slowed, the number of outside consultants has been reduced, an attack on federal waste is underway—much progress in one short year.

We think economic pains were part of our future with or without Reagan's new programs. Under Carter and those before him, our debt was increasing, inflation was unreal and interest rates were at record levels. Gross national product had slowed, and other signs of major future economic problems.

We must not continue to print more money when we need it. We must take our bruises now. Congress must stay in support and provide a more positive leadership with the president, not in direct opposition. It, as a body, believed in his direction a year ago. The country, as a people, supported Reagan and a new lineup in Congress. That support must not erode or we'll see the spenders back into office.

Write your senators and congressmen. Urge them to exert fiscal responsibility.

DAVID A. SCHANSBERG.●

OIL IMPORT FEE

● Mr. MITCHELL. Mr. President, the April issue of Financier contains an article, written by John Berry, entitled "Revenue—But Inflation, Too, From Oil Import Fee." In the article, Mr. Berry presents an accurate analysis of the effects of an oil import fee, and I recommend the article to my colleagues.

Mr. Berry offers a good description of the inflationary effects of an oil import fee. Not only is the consumer price level affected directly by higher oil costs, but also indirectly as wages and other prices rise to reflect higher energy costs.

Another important point made in the article deals with the significance of the recent softening of oil prices. Some energy analysts have been fretting over possible adverse effects of the oil price decline, fearing that consumers and businesses will reverse their recent efforts to conserve energy. A more accurate view is that the price decline is healthy for the economy and does not in any way threaten long-term conservation trends. The small reduction in energy prices provides real relief to consumers and added purchasing power for the economy, which it definitely needs in the near term. Furthermore, even after the price reductions, oil prices will still be substantially higher than they were for several decades. Energy users will still have significant incentives to conserve.

Later this week, Senator CHAFEE and I will introduce a resolution expressing opposition to oil import fee proposals. Those seeking more information on the issue would do well to read Mr. Berry's article.

I submit that article to be included in the RECORD.

The article follows:

[From the Financier, April 1982]

REVENUE—BUT INFLATION, TOO, FROM OIL IMPORT FEE

(By John M. Berry)

The imposition of a fee on imported oil, which has been gaining considerable support as a source of revenue during the recession, would have severe inflationary consequences, which its backers appear not to have considered.

The idea is seductive: Put a $5 or $10 fee on imported oil. With world oil prices tumbling, it might not even mean an increase in gasoline or fuel oil costs for consumers and industry.

A $5 fee would directly add about $10 billion a year to Federal revenues and perhaps another $14 billion indirectly through the windfall profits tax on domestic crude oil and income taxes as the price of oil produced here rose in line with the fee. With Federal Budget deficits soaring, this is an attractive and powerful revenue raiser.

Meanwhile, with prices propped up, consumers and businesses would continue to find ways to reduce oil use and make the nation less vulnerable to a crisis in the

Middle East that could interrupt oil supplies.

At the same time, the higher price for crude would provide an incentive for continued investment in non-oil energy sources and synthetic fuels projects, many of which are being scrapped as a result of erosion in Federal financial support and in the prospective price at which the fuels could be sold. Synfuel plants, too, would reduce dependence on potentially vulnerable foreign oil supplies.

This package of arguments is making the rounds in Washington these days as a diverse set of interest groups seek to put a floor under old prices.

NO HALT IN THE SLIDE

The OPEC meeting last month—at which the members agreed to trim production by another 700,000 barrels a day, to a level of about 18 million, in an attempt to keep the official crude price benchmark at $34 a barrel—had little impact on the effort to impose a fee. Analysts do not believe the production cuts will be large enough to halt the price slide for some time to come.

The window of falling prices is still open enough to allow backers to maintain that a fee could be imposed with little danger of adding to inflation.

As appealing as the idea appears to be, however, there are some significant problems with it.

First and foremost, a fee would indeed add to inflation—and do so in a variety of ways.

A $5 fee, the most commonly mentioned figure, would mean that the price of crude oil reaching US refineries would be about $5 a barrel higher than what it would be in its absence.

Since about one third of the oil consumed in the US is imported and since it constitues the nation's marginal supply, domestic crude oil prices could be expected to go up the same $5 a barrel, now that oil price controls are gone.

If the fee offset what otherwise would have been a decline in price, the inflationary impact would be just as great. In that case, inflation would have gone down—except for the fee.

The U.S. currently is consuming about 6 billion barrels of foreign oil a year. A $5 price hike would cost oil consumers about $30 billion unless refiners and marketers or industrial users were to absorb some of the higher cost and accept lower profit margins.

If passed through, as most of it probably would be, the $30 billion would be almost precisely enough to raise inflation by a full percentage point in a $3 trillion economy.

But there is no reason to think that would be the end of the inflationary splash from the fee. The quadrupling of crude prices from 1973 to 1974 and the tripling from 1978 to 1981 left economic disaster in their wake.

PASS ALONG THE BURDEN

As each player in the economy found himself squeezed, he attempted to shift the burden to someone else. Unions, for instance, sought contracts to protect their members' real wages, and often got them. Businesses tried to pass the higher oil costs forward to customers, also often successfully.

The two surges in inflation in the '70's provided strong evidence that an increase in energy prices cannot be regarded simply as a shift in relative prices—that is, that some other prices would rise less rapidly, so that the general rate of inflation would not go up, so long as the jump in energy prices was not accommodated by a shift toward ease in monetary policy.

If monetary policy did not change in the face of surging oil prices, the current depressed state of the economy is ample indication that a drop in real GNP, not a shift in relative prices, is the more likely result.

The reason, of course, lies in the nature of the country's institutions and customs. Wages are sticky going down. So are prices for most goods and services—other than those of commodities traded in auction markets.

Rather than adjust wages and prices, workers and sellers often accept unemployment and lower sales volumes, at least for a time.

As the nation has seen all too well in the last three years, the impact of an energy-price increase is compounded through the processes of indexation of wages and some other business costs.

HASTEN OBSOLESCENCE

A more pernicious and less recognized effect from the last two oil price surges was the way in which they hastened the obsolescence of the US capital stock.

When energy prices rose more rapidly than other costs, machines, cars, homes and buildings all became relatively less efficient. The output of that capital stock—whether goods or services or shelter—became more costly because little of it had been designed with such high energy prices in mind.

This unexpected and premature obsolescence was a major factor in the sharp slowdown in productivity growth during the '70's, many economists believe. Businesses of all types found it necessary to make investments to reduce energy consumption—investments which otherwise might have gone to expand output.

The higher oil prices also added to inflation in other ways.

To some extent, prices of other sources of energy rose along with oil. And once price controls on domestic crude were relaxed, a drilling boom was launched that caused the cost of every thing used in the oil patch, from drill rigs to geologists, to skyrocket.

None of these assessments, except the last one perhaps, come out any differently just because an oil import fee might be applied in a world of falling prices.

After all, the economy has been put through a recession wringer twice in two years precisely to get inflation down. Real output this year will probably be about $250 billion less than it would be if the economy was operating close to full capacity.

That enormous loss is the direct result of economic policies put in place to combat inflation.

So far, the back-to-back recessions have reduced the annual increase in the GNP deflator—which rose 9 percent in 1980 and 9.2 percent in 1981—to between 7 percent and 7.5 percent this year.

The reduction in the CPI has been much more dramatic for several reasons, including the greater weight given to food prices, which have been flat for the last year; the greater weight of energy prices, and the inclusion of mortgage interest rates in the index.

FIVE DOLLAR IMPACT ON 2 PERCENT

Against a two-percentage point improvement in the deflator, how would the impact of a $5 import fee stack up?

If it were fully accommodated by an easier money policy—highly unlikely given the Fed's policy—inflation would rise and real output would fall.

The increase in the inflation rate could well be as much as a full percentage point, maybe more, in the year following imposition of the fee.

In other words, half of what has been gained in lowering inflation could be lost in the short run.

It is true that in a severely depressed economy, the unions and companies that earlier were able to pass on the effects of higher oil costs certainly could not do so to the same degree. Thus some of the inflationary ripples might not spread so far; but that would only mean that a different group would feel the loss of real income.

However, there is another factor in the equation that was not present at all in 1974 and only in a limited way in 1978: Price increases in natural gas.

These prices in the field are gradually being decontrolled under the terms of the Natural Gas Policy Act of 1978. By 1985, between 50 and 60 percent of all gas will be free of price controls.

BACK OFF DECONTROLS

President Ronald Reagan, who earlier committed himself to seek decontrol of all gas prices, including those that would not be lifted under NGPA, has backed off at least for this year. But there will be renewed pressure in 1983 to decontrol gas fully.

Natural gas and oil compete with one another in a number of applications, such as home and commercial space heating, electric power generation (especially for heating purposes) and industrial boiler fuel. In some markets today, gas prices to industrial users are explicitly linked by law to the cost of heavy fuel oil in the area.

A study done last Fall by the Department of Energy on the impact of natural-gas price decontrol concluded that its free-market price likely would be about 70 percent of the refinery acquisition cost of crude oil when compared on the basis of energy content. But since the market for gas has been under tight controls for so long, no one can be positive as to where the price will settle.

There is no doubt, though, that there is a tight link between oil and gas prices, since at the margin they compete.

Suppose the 70 percent figure is correct. A barrel of crude oil contains roughly 5.8 times as much energy as 1,000 cubic feet of natural gas. Thus, each $1-per-barrel increase in the oil price would mean roughly a 12-cent rise in the price of 1,000 cubic feet of gas.

That doesn't sound like much until you crank in the fact that the nation uses about 19 trillion cubic feet of gas each year. In this analysis, a $1 increase in the cost of crude would mean gas users would have to pay about $2.3 billion more annually.

A $5 import fee would raise gas prices by more than $11 billion annually—and that would add another third of a percentage point to the inflation rate and further depress real output. If 40 percent or so of natural gas production remains under controls after 1985, the impact of higher crude prices would be reduced accordingly.

LESS DEMAND, LOWER PRICE

Over the long haul, of course, the system would reach a new equilibrium. The higher prices for oil and gas would mean that less would be consumed, and the drop in demand would help hold down the price of both fuels. That is one reason some groups, such as the Alliance to Save Energy, want a fee.

The Alliance, founded in 1977 by Sen. Charles H. Percy of Illinois, who now heads it, and the late Sen. Hubert H. Humphrey,

is dedicated to the "belief that enhanced energy efficiency is essential to national security, economic stability and to the public welfare." Its Board includes a large and diverse group of political, business and labor figures, and it draws financial support from major corporations, including all the major oil companies.

Last month the Alliance urged the Senate Finance Committee to adopt an oil import fee, or an "energy security tax," as the Executive Director, Elihu Bergman called it. The Committee Chairman, Sen. Robert Dole of Kansas, had included a fee in his list of possible actions that could be taken to close some of this year's yawning Budget gap between revenues and receipts.

CONTINUE IMPORTANT GAINS

The fee, Mr. Bergman wrote, "would help pay the real price of our heavy dependence on costly and insecure foreign oil and continue the important conservation gains and spur significant energy development in our country .... Because of the downward trend of oil prices, an energy security tax could be phased in at the beginning of the next fiscal year with a minimal impact on our economy and on consumers."

A number of energy experts believe that it would take a huge, prolonged drop in oil prices to reverse many of the investment decisions made after the last two rounds of price increases.

Most such decisions are guided by price expectations not so much over the next year or so, but 10 or 20 years in the future.

If economic growth resumes throughout the industrial world, and the oil inventory drawdown which is responsible for much of the current excess of supply runs it course, oil markets will firm and prices will stop falling.

The reasonable longer-run expectation is still for oil prices to be rising in line with inflation for most of this decade and somewhat faster than that in the '90's.

Such a price outlook rests on the notion that oil consumption is not going to stage an abrupt turnabout, as some people fear. It is the stock of autos and trucks, not the number of new assemblies, and the number of residences and commercial establishments, not the level of new housing starts, that determine the use of oil.

Only petrochemical feedstocks and residual fuel oil, used under industrial boilers, are truly sensitive to economic swings, economist Alan Greenspan said last month: "As a consequence, neither a decline in oil prices nor a rise in industrial activity is likely to generate a signficant rebound in oil use. One finds it difficult to imagine stripping homes of newly added insulation or significantly reversing the shift toward more fuel-efficient, smaller cars in the country."

DEBILITATION MODERATED

"The immediate impact of this extraordinary change in the longer-term outlook (for all oil prices) is to reduce real energy costs and raise real purchasing power by lowering household expenditures on fuel oil and gasoline. Moreover, by lowering the cost of production, the debilitating effects on our industrial structure which followed as a consequence of the tremendous rise in real oil prices . . . would be at least partially reversed," Mr. Greenspan declared.

The former Chairman of President Ford's Council of Economic Advisers is sufficiently sanguine about the oil outlook that he went on to say that recent developments "do not eliminate the potential threats of a breakdown in oil availability in the Middle East, but they surely very significantly reduce the risk and hence, the (military and political) resources that we must devote" to that part of the world.

Some Reagan Administration officials, while not recommending a fee, are not opposing it, either, though the Treasury Department seems to be against it. Perhaps the fee's most attractive feature to some members of Congress is that the President could impose it unilaterally.

STROKE OF A PEN

The Commerce Department found recently that, under provisions of the Trade Adjustment Act, the level of oil imports constitutes a threat to national security. That finding was part of the legal basis for placing an embargo on oil imports from Libya. With renewal of that finding, similar to one made by the Carter Administration when it briefly imposed a fee, Mr. Reagan could put one in place with the stroke of a pen.

Most parts of the oil and gas industry would welcome an oil import fee. After all, it would mean higher profits for them. Suppliers to the industry, too, are beginning to feel the effects of a topping out of the incredible surge in drilling activity, and the layoffs under way. Banks that have lent large amounts of money to energy companies would feel more secure. The revenues of Federal, state and local governments generally would be higher. And the nation's oil and gas consumption would be lower.

Against those developments has to be weighed the inflationary impact of the import fee, which would be far greater, and with far greater economic consequences, than its backers seem to have considered.●

BUDGET CUTS

● Mr. ARMSTRONG. Mr. President, during the last few months, there has been so much irresponsible budget policy that a recent editorial in the Rocky Mountain News came as a breath of fresh air. I urge my colleagues to seriously consider the brief, but extraordinarily thoughtful, editorial viewpoint of the News:

BUDGET CUTS

Suppose parents have been giving a child $5 a week in spending money and the kid asks for a raise to $8. If the parents say, "We'll make it $6," does that mean the child has suffered a $2 "cut" in his allowance?

Not by any logic we know of. Yet much of the alarm expressed over reductions or proposed reductions in federal social programs reflects the same kind of reasoning.

Time and again President Reagan has pointed out—to little avail—that budget cuts he has won and further cuts he wants are not absolute reductions in federal spending. They are reductions in the rate of increase in spending.

The other day he had to defend himself again on his point in response to a report by a Washington-based group called the Food and Research Action Center. It claimed that malnutrition had been found in some low-income children in Boston and blamed it on budget cuts in the Women, Infants and Children program, which provides nutritional supplements to pregnant and nursing women and their young children.

According to the president, however, rather than reducing spending on WIC, the administration is spending 4.5 percent more this year than last. "We have only reduced the rate of increase in spending," he said. Again.

It also turned out that at least two of the malnourishment cases in Boston had nothing to do with budget cuts, but the doctor who reported them feared that they "may well be symptomatic of what we might see across the country."

No one, of course, wants any child to be underfed if it can possibly be prevented. But knee-jerk reactions based on emotion rather than fact are the worst way to make government policy—and budgets.●

COAL DISTRIBUTION AND UTILIZATION ACT OF 1981

● Mr. JOHNSTON. Mr. President, I am pleased to note that Chairman McCLURE of the Energy and Natural Resources Committee has scheduled a May 10, hearing on S. 1844, the Coal Distribution and Utilization Act of 1981. I feel certain that this hearing will reinforce the public record with regard to the overwhelming benefits to be gained from the construction of coal slurry pipelines.

The compelling merits of coal pipelines were endorsed in a rather startling statement on March 25, 1982, by Burlington Northern, Inc. In what the Energy Daily characterized as "heresy in the railroad industry," Burlington Northern testified in front of Senator BAUCUS and the Senate Judiciary Committee that it was, itself, interested in developing a coal pipeline to move coal to the west coast.

This statement is startling not because the development of a coal pipeline would not make sense for the company, but because the Burlington Northern has long been one of the most adamant and dedicated opponents of coal pipelines. While the merits of the issue have apparently tempered the opposition of Burlington Northern, they stopped short of an endorsement of S. 1844, saying "The right of Federal eminent domain is one which we oppose vigorously."

I join with the Energy Daily in pointing out what the Burlington Northern did not; that is, that the Burlington Northern, itself, is a beneficiary of the advantages of Federal eminent domain. In 1864, Congress enacted the Northern Pacific Railroad Act establishing the Northern Pacific Railroad. In addition to generous land grants and public rights-of-way, section 7 of that act granted the Northern Pacific the Federal right of eminent domain. In 1970, the Northern Pacific and several other railroads were merged to form the Burlington Northern.

The Burlington Northern officials made the further statement that railroads and coal pipelines "out to play from the same rule book." I agree. Railroads had Federal eminent domain rights when they were a fledgling technology. So should interstate coal pipelines. I would further point out that the eminent domain rights of S. 1844 would apply equally to any ap-

plicant, be it pipeline company or railroad. If the railroads so earnestly believe in equality and competition, as they have so often stated, then I challenge them to endorse S. 1844 at the hearing on May 10. Afterward they, too, could use its provisions to build the coal pipelines in which they evidently believe.

Mr. President, I submit for the RECORD several documents, including the relevant portions of the Burlington Northern testimony before Senator BAUCUS; an article from the April 19 edition of the Energy Daily; and section 7 of the Northern Pacific Railroad Act of 1964.

The material follows:

RAIL MERGERS AND FORMATION OF THE BN HOLDING COMPANY

The Committee met, pursuant to notice, at 9:05 a.m., in Room 2228, Dirksen Senate Office Building, the Honorable Max Baucus, Acting Chairman of the Committee, presiding.

Present: Senator Baucus.

Staff present: Peter N. Chumbris, Counsel for Majority; and Rick Applegate, Senior Legislative Assistant to Senator Baucus.

Senator BAUCUS. The hearing will come to order.

Today the Committee will hear testimony on railroad mergers and the formation of the Burlington Northern Holding Company. Over the past several years, a number of major rail mergers have occurred. Today's rail industry appears to be healthier in many respects as a consequence. But it is not clear that this can be attributed to the mergers of the sixties and the seventies.

* * * * *

Mr. BRESSLER. Other than the air freight forwarding company, no.

Senator BAUCUS. I am not going to wake up some morning and find that you sold the railroad?

Mr. GRAYSON. Last night on the——

Mr. BRESSLER. Did you hear that rumor? No, I have not heard that rumor. No.

Senator BAUCUS. For a year or so there have been rumors in BN territory that BN might go into the coal slurry pipeline business. Has the BN changed its position as from firm opposition to coal slurry legislation to some other position with respect to coal slurry legislation?

Mr. BRESSLER. I am glad you asked that question because I think, again, there has been some confusion on what that position has been. My position is this. Other things being equal and if a coal slurry line is the lowest-cost producer of transportation, then indeed that is what we should have. I think in the question of other things being equal, you have to take into account that the part of the country, in particular the Powder River Basin and eastern Montana, involved, the question of water for slurry becomes an overriding concern. On the other hand, I have suggested to some of our operating people because I am so interested in seeing the export of some of our coal, we have a problem of, in terms of cost, moving coal over the Cascades.

If you start to look at where is the most desirable place to have a coal-export facility, ultimately we believe that coal will move in the same size ships that oil perhaps does. This requires deep water. Therefore, it seems advantageous, if you can, to develop a coal-export facility on Puget Sound, which has deeper water than the Columbia River. But there is a cost tradeoff there at present. Simply, we have said, well, what would be the possibility of bringing the coal by rail to some point where water is not of great concern? Perhaps the Columbia River. Put it in a slurry line. Maybe that is the way to move it.

I think there are other very interesting ideas about it; so far they are just ideas. I have talked with the Mitsui Company, as an example, who has some interesting ideas about how to convert the moisture content in Powder River Basin coal into methanol and to utilize a coal methanol type of a mixture.

Again, we have no opposition to lines of that kind if they make good economic sense. Where we do have concerns is in the case where special privileges, in our view, are being asked such as to operate as a private carrier as opposed to a common carrier, which we are. We also have concerns where that situation overlays where large investment has already been made in rail facilities to haul coal.

I take the position that this country needs the lowest cost transportation that we can have to move those very vital commodities. We do not need redundant transportation systems, particularly if they have to be built on the basis of some additional privilege.

Senator BAUCUS. That is interesting to know. It has always been my impression that BN has been very much opposed to coal slurry legislation. I now hear you saying that you are more open to it, depending upon the circumstances.

Mr. BRESSLER. I think historically, though, the BN early on had an equity position in the so-called ETSI coal slurry line. It goes back a number of years.

Mr. GRAYSON. I think what we are really saying, too, Senator, is that we all ought to play from the same rule book. The right of Federal eminent domain is one which we oppose vigorously. Again, the right of a private carrier, cream skimmer, taking what you want and leaving the rest to the railroad, is what we are opposed to. Otherwise, there is no reason why they could not be out there building a coal slurry line today.

[From the Energy Daily, Apr. 19, 1982]

BN RAILROAD HERESY: IT'S THINKING OF A COAL SLURRY LINE

(By Richard Myers)

The Burlington Northern Railroad has confessed to what amounts to heresy in the railroad industry—that it is considering a coal slurry pipeline, to move its Powder River Basin coal to export terminals on the West Coast. This is a rare piece of irony in a community that has fought unremittingly to deny coal slurry lines the right of eminent domain, which they need to cross railroad rights-of-way.

The apostasy occurred during a hearing late last month before the Senate Judiciary Committee, probing the railroad's recent decision to form Burlington Northern Inc., a holding company dedicated to the firm's growing non-railroad enterprises (like energy and minerals). Montana Democrat Max Baucus, who was chairing the hearing, asked about "rumors in BN territory that BN might go into the coal slurry pipeline business. Has the BN changed its position from firm opposition to coal slurry legislation to some other position?"

"If a coal slurry line is the lowest cost producer of transportation, then indeed that is what we should have," said Richard Bressler, chairman of Burlington Northern Inc. "We have no opposition to lines of that kind if they make good economic sense."

Bressler explained that he had directed his "operating people" to look at the possibility of a coal slurry line to the West Coast "because I am so interested in seeing the export of some of our coal, [and] we have a problem, in terms of cost, moving coal over the Cascades." Burlington Northern acknowledged Westerners' concern that slurry lines would impose too great a strain on the region's scarce water. "Simply, we have said, what would be the possibility of bringing the coal by rail to some point where water is not of great concern," Bressler said. "Perhaps to the Columbia River. Then put it in a slurry line. Maybe that is the way to move it."

Bessler has also discussed the issue with Mitsui & Co., which has "some interesting ideas about how to convert the moisture content in Powder River basin coal into methanol and to utilize a coal/methanol type of mixture."

Baucus observed that "it has always been my impression that BN has been very much opposed to coal slurry legislation. I now hear you saying that are more open to it, depending on the circumstances." Not quite, Bressler corrected. "This country needs the lowest cost transportation that we can have to move these very vital commodities," he said. "We do not need redundant transportation systems, particularly if they have to be built on the basis of some additional privilege," like the right of eminent domain. "We vigorously oppose the right of eminent domain" for coal slurry pipelines, added Robert Grayson, president of Burlington Northern Railroad. "We all ought to play from the same rule book."

What the two railroad executives did not tell the committee is that their company already enjoys the special privilege of eminent domain. Burlington Northern was formed in 1970 from a merger of several railroads, including the Northern Pacific. The Northern Pacific gave BN its West Coast access and its vast land holdings, which were granted to Northern Pacific by Congress in 1864. Section 7 of the act gave Northern Pacific the right of eminent domain, so that it could acquire rights-of-way from private landowners, and this, too was inherited by Burlington Northern.

SECTION 7

Sec. 7. *And be it further enacted*, That the said "Northern Pacific Railroad Company" be, and is hereby, authorized and empowered to enter upon, purchase, take, and hold any lands or premises that may be necessary and proper for the construction and working of said road, not exceeding in width two hundred feet on each side of the line of its railroad, unless a greater width be required for the purpose of excavation or embankment; and also any lands or premises that may be necessary and proper for turnouts, standing places for cars, depots, stationhouses, or any other structures required in the construction and working of said road. And the said company shall have the right to cut and remove trees and other material that might, by falling, encumber its roadbed, though standing or being more than two hundred feet from the line of said roads. And in case the owner of such lands or premises and the said company cannot agree as to the value of the premises taken, or to be taken, for the use of said road, the value thereof shall be determined by the appraisal of three disinterested commissioners,

who may be appointed, upon application by either party, to any court of record in any of the territories in which the lands or premises to be taken lie; and said commissioners, in their assessment of damages, shall appraise such premises at what would have been the value thereof if the road had not been built. And upon return into court of such appraisement, and upon the payment into the same of the estimated value of the premises taken for the use and benefit of the owner thereof, said premises shall be deemed to be taken by said company, which shall thereby acquire full title to the same for the purposes aforesaid. And either party feeling aggrieved at said appraisement may, within thirty days after the same has been returned into court, file an appeal therefrom, and demand a jury of twelve men to estimate the damage sustained; but such appeal shall not interfere with the rights of said company to enter upon the premises taken, or to do any act necessary and proper in the construction of its road. And said party appealing shall give bonds, with sufficient surety or sureties, for the payment of any cost that may arise upon such appeal; and in case the party appealing does not obtain a verdict, increasing or diminishing, as the case may be, the award of the commissioners, such part shall pay the whole cost-incurred by the appellee, as well as his own, and the payment into court, for the use of the owner of said premises taken, of a sum equal to that finally awarded, shall be held to vest in said company the title of said land, and of the right to use and occupy the same for the construction, maintenance, and operation of said road. And in case any successors, by the name and title aforesaid, shall be capable: in law to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all or any courts of justice, and before all and any judges, officers, or persons whatsoever, in all and singular actions, matters, or demands whatsoever.

Sec. 2. *And be it further enacted,* That the said corporation shall have power to hold stated meetings; to establish and put into execution, alter or abolish such by-laws, rules, and regulations as to them shall seem most conducive to the interests of the society: *Provided,* That the same shall not be contrary to the laws of the United States.

Sec. 4. *And be it further enacted,* That nothing in this act shall be so construed as to authorize the said corporation to issue any note, token, device, or other evidence of debt to be used as a currency.

Sec. 5. *And be it further enacted,* That this act may be altered or repealed at the pleasure of the Congress.

Approved, July 27, 1866.●

SOME GOOD ECONOMIC NEWS—FOR A CHANGE

● Mr. GRASSLEY. Mr. President, what is occurring in our economy right now is a gradual increase in the purchasing power of the average citizen. Because of lower tax rates and lower inflation, the standard of living of 91 percent of the working men and women of this country has risen. And as the economy begins to work its way out of the recession, we can extend that rising purchasing power to our other 9 percent who are unemployed.

Just how bad is the current recession? Apparently not as bad as we are being told by the media and by foes of the administration.

We are told we are in the worst recession since World War II, that unemployment is at record levels, that the American economy is depressed.

Economic analyst Warren Brookes of the Boston Herald American, in his April 19, syndicated column, presents evidence that the economy is not nearly as bad as we are being led to believe, and that, in fact, we might be on the verge of a robust recovery. I would like to submit this article for the RECORD in the hope that it will provide some balance to the otherwise negative news we have been hearing of late.

There are various indications that the current recession is no more severe than the postwar average, and, in some instances, less so.

For one thing, the average decline in personal income during a recession is 3.1 percent. In this recession it has been only 1 percent.

The average reduction in nonagricultural employment during a recession is 2.8 percent. In the current recession, it is 1.3 percent.

And this is the only recession since that of 1948–49 in which the purchasing power of the average worker did not fall. This is due to the 5 percent tax rate reduction and the significant fall in the rate of inflation.

I believe that we are on the right course for economic recovery. Any steps we take to get us through this recession should take us further down the path we have already begun on.

That means that this Congress must adopt a budget plan, similar to one I have proposed, which would maintain the basic tax policy that we enacted last year. And it must continue the effort begun last year to stop the growth in Federal spending.

We charted a course last year for economic growth which I believe will work and which I will continue to support. The evidence is mounting that the economy is set for recovery. Maybe all we lack at this point is a positive attitude.

The article referred to is as follows:

IS RECESSION BEING OVERHYPED?

(By Warren T. Brookes)

President Reagan was uncharacteristically gratuitous in his March assault on the press for "negative reporting." But that does not diminish the validity of his point.

In fact the media, collectively, are now risking huge losses in credibility by wildly over-hyping the current recession, particularly those who keep telling us it is "close to a depression."

Given the intensity of the gloom, it may come as a surprise to discover that through the first nine months of this recession (July to March), the decline in the economy has been less than half as much as in 1974–75, and is about average for all post-war recessions

On practically every number, gross national product (GNP), personal income, total employment, total unemployment, and insured unemployment, the 1982 recession is nowhere as serious as it has been painted in the press.

In fairness, one reason for this "hype" lies not with the media itself, but with the permanent bureaucracy who issue (and interpret) government data, and have a vested interest in making their nemesis-President Reagan (who has cut their ranks by nearly 60,000)—look as bad as possible.

For example, the March unemployment figures showed the first 9 percent rate since May 1975. It may again come as a surprise to you that during March the actual (unadjusted) employment in the nation rose by 525,000 jobs, and the actual unemployment figure fell by 82,000!

Then how you may ask, did the Labor Department's Jane Norwood manage to show that employment fell by 98,000, and unemployment rose by 279,000—just the opposite of the actual? The answer lies in what is called "seasonal adjustment," a formula designed to make the statistical year smooth out." Since in a "normal" March, employment was expected to grow by something over 620,000, the fact that it only grew 525,000 comes out as 98,000 decrease!

Unfortunately for Mr. Reagan there is no such thing in a recession as a "normal" March, so the seasonal adjustments are simply a way to "jigger" the figures for the purpose of gloom. In fact, so bad are the seasonal formulae that monthly unemployment data are routinely "readjusted" up to two-to-three years later!

Yet even Janet Norwood is unable to hide the fact that from almost every angle, the current unemployment figure is clearly and egregiously inflated. The first and best proof of this is the fact that in March over 57 percent of all working-age Americans held jobs—that's higher than any year during the boom decade of the 1970's, and nearly two points higher than the 1975 recession.

More important, the loss of jobs in absolute numbers, even using seasonally adjusted data from July to March, has been on average a little more than half that of 1975, (1 million versus 2 million) with a work force that is 15 million larger!

But the most impressive argument of all is the fact that as of the end of March total insured unemployment (people drawing checks) was a million less than March 1975, on a total covered employment force that was 20 million larger!

To put it another way, insured unemployment (the best measure of real job loss) amounted to 4.5 percent in March of 1982, compared with 6.3 percent in March of 1975—and ranks with the lighter recessions of the past-war period.

This is essentially the conclusion of economist Leonard Lempert, business cycle expert who writes for the Christian Science Monitor, and who argued on April 2 that the current recession by most major indices "is not as bad as the average recession." (A conclusion also supported by Alfred Malabre in the April 5 Wall Street Journal.)

As Lempert points out, the decline in personal income, GNP, and non-agricultural employment are all significantly lower this time than in average recessions.

Why then the collossal hype of gloom and doom? Partly because the government is publishing more data than ever before, more often, and it feeds on itself as the media pays more attention to it. Also, no one can argue the intensity of the "pain" in the automotive and steel states—Michigan, Ohio, and Pennsylvania—where unemploy-

ment rates are at depression levels. But a major share of that must be laid on heavy foreign competition, which has been endemic for the last four years, not just this recession.

For most of the country and most people, the recession is more psychological "terror talk" than reality. Once again it may come as a surprise that on the overall "misery index" (inflation plus unemployment) Americans are about six points better off than during Jimmy Carter's last month in office. In December 1980, inflation (12.4 percent) and unemployment (7.4 percent) added up to 19.8 percent, seven points higher than when he took office in 1977. Today infation (4.6 percent over the last six months annualized) plus unemployment (9.0 percent) add up to 13.6 percent—a huge improvement, and a signal that individual purchasing power is now growing again, after four years of decline, and a sure sign of powerful economic recovery.●

NUCLEAR FREEZE INITIATIVE

● Mr. RIEGLE. Mr. President, we must put an end to the continued buildup of nuclear weapons in the world. Our misguided defense policy in this area has placed us in a contest which no one can win. The long held theory about the need to produce more nuclear weapons in order to deter nuclear war is clearly outmoded and useless as a defense and foreign policy strategy. There are now more of these weapons than ever—and the threat of a worldwide nuclear holocaust is today greater than ever.

The key to American and world survival is a freeze on nuclear weapons. Arms control and nuclear arms reduction must be the centerpiece of U.S. foreign and defense policy. While I believe the decision to delay ratification of the SALT II agreement following the Soviet invasion of Afghanistan was a sound one, it is now time to seriously pursue a new round of arms control talks. It is essential that the United States do all it can to stop the nuclear arms race and seek to eliminate the danger of nuclear conflict.

As a first step toward achieving this end, I have cosponsored a resolution calling for a mutual and verifiable freeze on nuclear arms with the Soviet Union, to be followed by major, systematic reductions of weapons from current levels. I believe that the most effective way to curtail and reverse the continuing massive Soviet buildup in strategic forces is to impose the freeze and reductions proposed in this resolution.

Millions of citizens across the country share this belief. In my own State of Michigan dozens of organizations have been working actively to make the nuclear freeze a reality. They are participating even now in a nuclear freeze week and deserve to be applauded and supported in their efforts. A partial list of individuals and groups working on the nuclear freeze campaign in Michigan include:

American Friends Service Committee.
Rear Admiral Eugene J. Carroll, Jr., U.S. Navy (Ret.).
Catholic Peace Fellowship.
Center for Peace and Conflict Studies, Wayne State University.
Clergy and Lalty Concerned.
William Colby, former director, Central Intelligence Agency.
Congressman George W. Crockett, Jr.
Mort Crim, WDIV-TV Anchorman.
Detroit City Council.
Detroit Conference, United Methodist Church.
Detroit Conference, American Lutheran Church.
Detroit Metropolitan Association, United Church of Christ.
Margot Duley-Morrow, President, Michigan NOW.
Educators for Social Responsibility.
Episcopal Peace Fellowship.
Fellowship of Reconciliation.
Friends of the Earth.
John Kenneth Galbraith.
Grey Pantners.
Bishop Thomas Gumbleton, Archdiocese of Detroit.
Jewish Peace Fellowship.
Labor-Community Coalition for Jobs.
Senator Carl Levin.
Rear Admiral Gene LaRoque, U.S. Navy (Ret.).
Libertarian Party of Michigan.
Executive Committee, Lutheran Church in America, Michigan District.
Macomb Intermediate Federation of Teachers.
Macomb County Peace and National Priorities Center.
Bishop H. Coleman McGehee, Episcopal Diocese of Michigan.
Michigan Council of Churches.
Joseph Madison, National Director NAACP Political Action Department.
William Winpisinger, Pres. International Association of Machinists and Aero-space Workers.
Michigan National Organization of Women (NOW).
Southern Baptist Church Association.
Annetta Miller, member, State Board of Education.
National Association of Social Workers.
National Conference of Black Mayors.
National Council of Churches.
National Conference of Black Lawyers.
National Lawyers Guild, Detroit Chapter.
Nurses Alliance for Prevention of Nuclear War.
Oakland County Center for Peace & National Priorities.
Pax Christi, Michigan.
Physicians for Social Responsibility.
Trade Unionists for Democratic Action.
Women's International League for Peace & Freedom.
Women's Party for Survival.
YWCA.

I sincerely hope that the work of these people and millions of others will be seen as proof of this Nation's determination to stop this nuclear proliferation madness, and that we here in the Senate can move quickly to pass the nuclear freeze resolution.●

SENATOR KASTEN'S ELOQUENT DEFENSE OF THE AMERICAN TAXPAYER

● Mr. ROTH. Mr. President, earlier this month an article by Senator KASTEN appeared in the Milwaukee Journal. In my judgment, this article represents one of the most sincere and eloquent defenses of the individual tax reductions Congress enacted last year.

Although I have reservations concerning BOB's opinion on cost-of-living adjustments for entitlements programs, I really have only one problem with the entire article—I am sorry I did not write it.

I heartily agree with the major premise of the article: You cannot balance the budget on the backs of the American taxpayer. This premise underlies the philosophy of my original 3-year, across-the-board tax cut proposal which I introduced in 1977 with JACK KEMP. It is particularly appropriate at a time when some among us are calling for the imposition of massive new tax increases on the working men and women of America.

Senator KASTEN and I recently wrote to the President expressing our opposition to the latest tax increase proposal which would impose a 4-percent surtax on incomes above $35,000 per year.

I urge my colleagues to give serious consideration to Senator KASTEN's article and our joint letter to the President, and I ask unanimous consent to have both documents printed in the RECORD following my remarks.

The material is as follows:

[From the Milwaukee Journal, Apr. 5, 1982]

IN MY OPINION: RECESSION REQUIRES ACCELERATING THE TAX CUT

(By ROBERT W. KASTEN, JR.)

When Fritz Mondale, Jack Kemp and Bob Kasten all demand a speed-up of the Reagan tax cut, the press should take notice. Legislation designed to accelerate the tax cut deserves much more serious analysis than given in the Feb. 2 Journal editorial, "Kasten's untimely tax cut."

The tax cut proposal is even more timely in light of unemployment statistics. More than 9 million Americans were out of work in December, and January and February unemployment numbers were the highest since World War II. Not only is this a human tragedy in terms of lost jobs and lost hope; it also throws an economic monkey wrench into plans for a balanced federal budget.

According to the Congressional Budget Office, every 1% drop in economic growth increases the deficit by more than $60 billion. Since July, the declining economy alone has increased deficit estimates for the next three years by almost $200 billion. The best way to get these deficits under control is by attacking them at their source—namely, the recession—with policies designed to get our economy moving again.

GROWTH WILL KILL DEFICIT

We will balance the federal budget when we succeed in promoting strong economic growth, on the one hand, and limited federal spending on the other. I have called for congressional action in 1982 to get federal spending under control. Congress should subject defense spending to the same kind of scrutiny it gave social programs last year. It should adjust the cost-of-living schedule for entitlement programs. And if extra revenue is needed to fill the deficit gap, Con-

gress should close some tax loopholes and repeal the inequitable leasing provisions included in last year's tax bill.

But we cannot balance the budget with massive tax increases on individual taxpayers. I part company with Reuss and Mondale when they call for a $35 billion tax hike on working Americans in 1983. Though it may narrow the deficit on paper, that kind of a tax increase would cause slower economic growth, fewer jobs, and continued federal deficits.

The American people have been through this before, and they know better. In a Gallup Poll released a few weeks back, 30% of those surveyed wanted a six-month speed-up of the Reagan tax cut, and 29% wanted it to go into effect as scheduled. Only 21% favored postponing the cuts in order to reduce the size of the federal deficit.

RELIEF SLOW IN COMING

In a recent interview, President Reagan stated that the recession "might not have happened" if the Congress had passed his original tax cut package. Personal tax rates would have been cut a full 20% by January 1982. Instead, Congress only voted a 5% tax cut late in 1981, and that has already been offset by previously scheduled Social Security tax increases. Unless we act now, most Americans won't see any real tax relief until July.

The Reagan tax cut will work as soon as average Americans see a significant reduction in their marginal tax rates, and a corresponding increase in their take-home pay. That hasn't happened yet. Congress can make it happen by voting to speed up the Reagan tax cut.

A broad coalition of economists and politicians called for an acceleration of the 1982 individual tax rate reductions. The new unemployment statistics make that the most timely—and responsible—thing the 97th Congress could do.

U.S. SENATE,
Washington, D.C., April 15, 1982.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: We are compelled to write to you once again concerning the critical issue of tax reductions for working Americans.

In our March 19 letter, we urged you to stand firm in your position to preserve the individual tax rate reduction and tax indexing provisions of the Economic Recovery Tax Act.

We are encouraged that you have indeed remaind steadfast in this regard. However, we are deeply concerned and distressed over the front page story in today's newspaper which indicates that the administration is willing to accept a proposal which would indirectly subvert the recently enacted individual tax rate reductions.

This proposal would impose a 4 percent surtax on incomes above $35,000. Individuals in this group account for some 40 percent of our nation's taxpayers. The proposal would, in effect, negate the across-the-board tax cut for these individuals in 1983.

In addition, and equally important, 90 percent of all business enterprises are unincorporated and, therefore, pay their taxes under the individual rate schedules. Thus, the surtax proposal would also wipe out the 1983 tax cut for much of our nation's business community.

Finally, the surtax proposal would have a particularly devastating effect on two wage earner families, the very same families targeted for relief from the existing "marriage tax" penalty. In fact, this proposal would basically eliminate all relief from the marriage tax penalty contained in the Economic Recovery Tax Act, thereby indirectly encouraging "tax" divorces.

For these reasons, we are firmly and unequivocally opposed to any proposal, such as the surtax proposal, which would result in any form of general tax increase on the working men and women of America.

We stand behind you Mr. President. In our judgement, your economic policies have placed this country back on a steady course. We assure you we will support you in holding firm to this course.

Sincerely,

WILL ROTH, Jr.,
MACK MATTINGLY,
JESSE HELMS,
CHARLES E. GRASSLEY,
STEVE SYMMS,
JAMES A. MCCLURE,
BOB KASTEN,
ORRIN G. HATCH,
ROGER W. JEPSEN,
U.S. Senate.●

KNIGHTS OF COLUMBUS CENTENNIAL

● Mr. CHILES. Mr. President, I take this opportunity to voice my support for Senate Joint Resolution 167, the proposal which formally marks the centennial anniversary of the Knights of Columbus, the well known and respected international organization of Roman Catholic men. It was on March 29, 1882, that the general assembly of the State of Connecticut first granted a charter to the Knights of Columbus; the organization has been an intergral part of the American community ever since.

The Knights of Columbus was founded for reasons similar to those which prompted the formation of many of the other fraternal organizations that have thrived in our country: there existed a small group of civic-minded individuals who held in common a unique tradition and who wished to preserve and promote this tradition through an active, organized means. In this case, the tradition was Roman Catholicism and the means translated into an ordered body which focused on bettering the lives of the other members of the Catholic community. In particular, this was the goal of Father Michael McGivney, a parish priest in New Haven, Conn., who first inspired the idea of an organization to attend to the needs of the Catholic community, as well as to play an influential role in the greater American community. Father McGivney and his fellow cofounders set forth ambitious and well-directed principles for the members of this organization to follow. These principles were: First, to provide for financial aid to its members and their beneficiaries; second, to assist sick and disabled members; third, to promote social and intellectual association among its members; fourth, to promote and conduct educational, charitable, religious, social and patriotic activities.

Father McGivney would be very proud of the fraternal order which has evolved from his thoughts and inspiration. The Knights of Columbus boasts a membership of more than 1,200,000 men in Canada and the United States who are dedicated to the tenets listed above. There are also operating Knights of Columbus lodges in Mexico, the Philippines, Puerto Rico, Panama, Guam, and Guatemala. At a time when many fraternal organizations are experiencing membership problems, it is a credit to the Knights of Columbus organization that it continues to prosper.

More important than the membership strength of the Knights of Columbus, however, is the benevolent work that it does. The Knights of Columbus has been or is involved in projects to assist the deaf, the handicapped, senior citizens, and Vietnamese refugees and orphans. The organization has also established scholarships to further educational opportunities, underwritten medical research and conducted blood donor drives. As anyone can see, these activities go far beyond just the Catholic community; they encompass the concerns of all Americans.

There is no question that our Nation has been a better place to live because of the work of the Knights of Columbus. Its membership has certainly lived up to the Knights of Columbus motto which is "Charity, Unity, Fraternity, Patriotism." I am gratified to know that the Knights of Columbus is active in my State, Florida, and I sincerely hope that it will continue to prosper nationwide. Once again, I want to express my strong support for Senate Joint Resolution 167, and I wish to extend a warm congratulations to the members of the Knights of Columbus in the 100th year of its existence.

TENNESSEE RETIRED FEDERAL EMPLOYEES WEEK

● Mr. SASSER. Mr. President, today I want to take a few moments to remind my colleagues of the contributions made to our Nation by those who have given their working careers in the service of the U.S. Government. I am speaking of the 1.2 million retired Federal employees who live in every community throughout the country.

We in Tennessee are proud of the accomplishments of our Federal employees. All of us are aware of the vital and dependable services of friends and neighbors who are letter carriers, agricultural agents, postal workers, firefighters, civil engineers, and many, many more. It is only proper that in retirement these public servants be ac-

corded the respect and gratitude of their fellow citizens.

In the past few years, Congress has repeatedly turned to Federal retirees to ask that they tighten their belts to help us balance the Federal budget. Laws have been enacted to reduce the full effect of cost-of-living formula in their annuities, to reduce or eliminate their spouse and survivor income under social security, and to reduce or eliminate tax benefits intended to provide them some tax relief roughly comparable to that accorded social security recipients. This year alone, increases in premiums in the Federal employees health benefit program have increased 31 percent for both active and retired Federal workers. While I do not believe that all these cuts have necessarily been in the country's best interests, I must say that the Federal retirees in my State have been willing to accept these cuts as their share of the burden in the fight to stabilize our national economy. They have endured these budget cutbacks in the spirit of cooperation and patriotism which has been a hallmark of the American character.

In Tennessee, there are 16,908 retired employees with average annuities of $904 a month. There are 6,410 persons receiving survivor annuities on the average of $404 a month. Nationwide, only 9 percent of all Federal annuities exceed $20,000 per year and like social security income, Federal retirement is fully taxable at all levels of government.

In Tennessee, Gov. Lamar Alexander has proclaimed the week of April 25, as retired Federal employees week to honor these Americans to whom we owe a great deal of gratitude for their past services, and their continuing efforts as retirees to make our communities better places to live.

Mr. President, I ask that a copy of this proclamation be included in the RECORD, following my remarks.

The proclamation follows:

PROCLAMATION

Whereas the U.S. Civil Service Act of 1883 was signed into law by then President Chester A. Arthur, thereby creating the U.S. Civil Service System; and

Whereas the U.S. Civil Service Retirement System was created in 1920 and signed into law by then President Woodrow Wilson; and

Whereas virtually all State, county and municipal civil service systems have derived from the U.S. Civil Service Act; and

Whereas untold thousands of U.S. Civil Service employees have worked diligently, patriotically, silently and with little notice to uphold the highest traditions and ideals of our country; and

Whereas thousands of Federal employees are retired in Tennessee and continue to devote inestimable time and effort toward the betterment of our communities and State;

Now, therefore, I, Lamar Alexander, as Governor of the State of Tennessee, do hereby proclaim the week of April 25-30, 1982, as "Retired Federal Employees Week" in Tennessee and do urge our citizens to join me in this worthy observance.●

ACID RAIN

● Mr. MITCHELL. Mr. President, the issue of acid rain has been debated extensively in the Congress and throughout the country in the past year. One reason that the national awareness of this problem has grown so dramatically is its coverage by the press. Numerous articles and television and radio shows have discussed the nature of this environmental threat to our water resources, vegetation, architecture, and possibly forests.

One particularly informative feature article appeared in the National Geographic magazine in November last year. This article, and a feature story on energy, have just earned for National Geographic the Pulitzer Prize for Public Service in Magazine Journalism. I congratulate National Geographic and Dr. Anne LaBastille, the author of "Acid Rain—How Great a Menace?", for a significant contribution to the further understanding of this issue.

I commend Dr. LaBastille's article to my colleagues and I ask unanimous consent that it be printed in the RECORD at this point.

The article follows:

[From the National Geographic, November 1981]

ACID RAIN HOW GREAT A MENACE?

(By Anne La Bastille)

Evenings, I often stroll out on my cabin dock to enjoy the view of an Adirondack lake. But the scene is not as I remember it. No trout rise to the water's surface, swirling sunset colors. No ospreys quest along the shoreline, scanning for fish. No otters sprawl on my rocky point, crunching bullheads for dinner.

North and south of where I live are at least 180 fishless ponds, about 6 percent of all the ponds and lakes in the Adirondack Mountains of New York.

Four thousand miles away I recently overlooked a silent lake in Sweden. Gnarled pines framed its sparkling, too blue waters. Dr. William Dickson, an aquatic chemist with the Swedish National Environment Protection Board, pointed to an ancient rock wall skirting the steep shore.

"The Vikings built this defense line a thousand years ago," he said, "and survived a long siege here. They had wood, water, and all the trout they could eat. But now, for the first time since the Ice Age, Stone Lake doesn't hold a single trout. I estimate that 20,000 lakes of the 100,000 in our country are fishless or about to become so."

It wasn't always this way. Earlier in this century Adirondack lakes and those of Scandinavia produced prime trout, and wildlife was plentiful. Then, as if a curtain were drawing slowly across a stage, aquatic organisms began to die in some of them, and other animals dependent on them declined.

Why? An energy-related problem called acid rain (or, more correctly, acid deposition, which encompasses dry as well as wet acidic substances). How great this menace is, no one is certain. But it now engages the efforts of hundreds of scientists from a range of disciplines, and a broad-brush picture of the problem is emerging.

Certainly, acid rain is affecting surface waters in the eastern United States, Canada, and Scandinavia. Probably it is affecting surface waters elsewhere, across wide areas of the Northern Hemisphere, and also corroding buildings; it may be threatening forests and croplands, the soils and ground-water that support them, even human health itself.

Despite these many qualifiers, the fact is irrefutable that fish in sensitive lakes are being destroyed by acid rain (as measured on a pH scale of 0 to 14). Thus the feisty brook trout of troubled Adirondack waters plays the role of the proverbial canary in the coal mine, warning us of impending peril.

CULPRIT: BREATH OF THE MACHINE AGE

The problem of acid deposition starts, most experts agree, with the worldwide burning of coal, oil, and natural gas Despite general adherence to existing enironmental controls, the smokestacks of electrical generating plants, industrial boilers, and smelters release sulfur dioxide and nitrogen oxides, the chief precursors of acid rain. Nitrogen oxides also puff from the exhaust pipes of motor vehicles and slowly escape from chemical fertilizers.

Other contaminants also are discharged; of particular concern are acidic soots and specks of toxic metals such as lead and cadmium. But it is the oxides of sulfur and nitrogen that are the major culprits in forming acid deposition, both wet and dry.

Some of these pollutants hover above the city or industrial plant that spawned them, creating clouds that sometimes settle on the local landscape. Moistened by dew or a local shower, these emissions may transform into acids and damage vegetation and wildlife, etch car finishes, and corrode buildings and bridges. This short-range fallout leaves the blight and tarnish that we associate with the smoky cities of an earlier industrial era.

HIGH-FLYING POLLUTION AIDS ACID RAIN

More sulfur dioxide (SO_2) and nitrogen oxides (NO_x), along with other combustion products, climb skyward, especially when vented upward by tall stacks. There they circulate with the great air masses that form our weather systems. It is these venturesome travelers that become the chief contributors to acid precipitation.

Their flights may last for days and take them hundreds, even thousands of miles. En route, the pollutant molecules interact chemically with sunlight, moisture, oxidants, and catalysts to change into other compounds of sulfur and nitrogen. Eventually some of the compounds are captured within clouds or by raindrops and snowflakes to form acid rain and snow—which in reality are dilute solutions of nitric and sulfuric acids.

The remaining sulfur and nitrogen compounds sift down as gases and dry particles, awaiting the first rainstorm or dewfall to transform them into droplets of acid.

Because of these long journeys, acid deposition is no respecter of state or national boundaries. Dr. Anthony Knap of the Bermuda Biological Station for Research has reported acid rain on that mid-ocean, nonindustrial island, as has Dr. John M. Miller of the National Oceanic and Atomospheric Administration (NOAA) atop Mauna Loa volcano in Hawaii.

Perplexingly, certain sites in the less industrialized Southern Hemisphere receive rains as acidic as those of Hawaii and Ber-

muda. This suggests that the sulfur compounds are also released by biologic activity occurring in the oceans or that they are carried long distances.

Despite the insidious ease with which acid rain precursors can travel, regions where its impacts are noticable are, as yet, relatively few and predictable. They lie mainly in the industrialized belt of the Northern Hemisphere, downwind from dense concentrations of power plants, smelters, and urban sprawls. Often they are mountainous, and as such they frequently bathe in rains and snows. Well watered, these areas are typically clothed in forests and laced with lakes and streams. Their soils often are thin—a fragile flesh spread over a skeleton of glaciated bedrock.

This describes the Adirondack Mountains almost perfectly. It also fits other acid rain hot spots, such as rock-ribbed Nova Scotia, where nine acidified rivers no longer support salmon reproduction, and the Canadian shield country of southern Ontario and Quebec.

Other vulnerable areas include the Great Smoky Mountains, hundreds of sensitive lakes in Wisconsin and Minnesota, the Pacific Northwest, the Colorado Rockies, and the Pine Barrens of New Jersey. A striking parallel to New York's Adirondacks exists in Scandinavia, where galaxies of lakes glint among low mountains watered by acid precipitation drifting northward from Europe's industrial belt.

Conversely, certain areas can tolerate acid fallout because of the neutralizing effect of their alkaline soils—a natural resistance known as buffering. Limestone regions such as the Allegheny Mountains enjoy this immunity. A similar buffering takes place in much of the Midwest, where alkaline dust-blown from the West can also neutralize acid rain before it falls to the ground.

NATURE FAR OUTDONE BY MAN

How long have we had acidic rain? Probably since the first rains fell on a new-formed planet. Volcanic eruptions, forest fires, and even the slow bacterial decomposition of organic matter produce sulfur or nitrogen compounds. Lightning bolts form NO_x from the nitrogen in earth's atmosphere.

When administered in nature's measured doses, this atmospheric "pollution" can serve as a wholesome, gentle way of fertilizing the landscape. In good faith could Shakespeare extol the "gentle rain from heaven" in *The Merchant of Venice*, and Robert Frost write of downy flakes in his "Stopping by Woods on a Snowy Evening."

But this natural cycle began to give way about two centuries ago, when man intruded with the cloud of coal smoke that signaled the start of the industrial revolution. Suddenly, sulfur and nitrogen that had accumulated in fossil fuels for millions of years were released as rapidly as coal could be burned. Swiftly the volume of man-made pollutants gained on nature's. Today, a large coal-fired power plant can emit in a single year as much sulfur dioxide as was blown out by the May 18, 1980, eruption of Mount St. Helens in Washington State—some 400,000 tons.

The total amounts of SO_2 and NO_x that mankind releases are staggering. In 1980 the U.S. ejected more than 26 million tons of sulfur dioxide into the air in addition to nearly 22 million tons of nitrogen oxides. For Canada the figures were five million and two million tons. Last year the two nations, along with Europe, pumped almost 100 million tons of SO_2 into the atmosphere.

As early as 1852 an observant English chemist, Robert Angus Smith, discovered a relationship between the increasingly sooty skies of industrial Manchester and the acidity he found in precipitation. Twenty years later he used the term acid rain in a 600-page book on the subject.

This remarkable work was neglected until Dr. Eville Gorham, a Canadian ecologist now at the University of Minnesota, elaborated on Smith's work in the later 1950s. He too was initially ignored.

SCIENTIFIC INTEREST PIQUED BY SWEDE

Acid rain's deserved notoriety finally came in 1967 when a Swedish soil scientist named Svante Odén reported a pattern of increasingly acid precipitation over time and geographic area. From his studies, he prohesied serious impacts on soils, waters, forest, and structures.

Employing colorful language that characterized acid rain as "chemical war," Dr. Odén provoked a fallout of concern that sparked the intense interest found among today's scientists. His findings established him as the father of acid rain research. In all fairness, however, Dr. Gorham must be considered the grandfather and Robert Angus Smith the great-grandfather.

Acid precipitation in North America found an early student in Dr. Gene Likens, an ecology professor at Cornell University. In 1963 Dr. Likens and Dr. F. Herbert Bormann of Yale had begun a multidisciplinary study of forest productivity in a small watershed of the Hubbard Brook Experimental Forest in New Hampshire. Their initial precipitation records revealed surprisingly strong acid content, considering the remoteness of the site.

The Hubbard Brook study provides the longest continuous record of acid precipitation chemistry in North America—a record that accurately shows annual fluctuations in acidity but no clear trend as to worsening or improving conditions through 1981.

TROUBLE FROM TALL STACKS

Until a few decades ago, air pollution was largely an urban concern. The economic surge that began with World War II brought increasing use of fossil fuels, and a corresponding increase in pollutants.

Well-intended regulations may unwittingly have aggravated the problem. New Environmental Protection Agency (EPA) rules in 1970 caused plants to increase the height of their stacks; thus winds carried pollutants far from local sources. Today in the U.S., 179 stacks tower 500 feet high or more, including 20 that reach 1,000 feet.

The record stack, a 1,250-foot giant at a nickel smelter in Sudbury, Ontario (right), also holds the record as the free world's single greatest source of SO_2 pollution—2,500 tons a day (albeit a welcome reduction from the 7,000 tons daily in earlier years). Such huge stacks, spewing contaminants into large weather systems, have helped make air pollution an international phenomenon.

Nevertheless, experts acknowledge that much remains to be learned about acid rain, even such basic questions as: Where, exactly, are the specific sources of acid-causing pollutants? The answer is disputed, for it could involve the expenditure of large sums of money, and possibly even redirect the nation's energy policy.

"One of the major issues," explains Dr. Fred Lipfert, a scientist at Brookhaven National Laboratory on Long Island, "is the mechanics by which air pollutants enter rain."

"It's natural to assume that the fossil fuelburning regions of the eastern United States are responsible for their own acid rain. But the Ohio River Valley is a huge industrial user of coal, and because it has prevailing winds that carry its emissions eastward, it may, under certain conditions, be more important than eastern industry to such sensitive areas as the Adirondacks.

"Also," Dr. Lipfert continued, "the EPA in the 1970s permitted widely varying emission amounts from pre-existing smokestacks, with the tighter standards being applied in the heavily populated East. Some Midwest sources were allowed to disperse as much as 200 pounds of SO_2 per ton of coal. Because new sources are now allowed only 15 pounds per ton, the older plants remain the biggest contributors."

Not everyone believes the blame can be so handily pinpointed. Those who argue the point represent, in large measure, the nation's energy companies and power utilities.

Says John M. Wooten, environmental director for the giant Peabody Coal Company: "Nobody has yet proved a direct relationship between the level of sulfur emissions in the Midwest and the amount of acid rain that falls in the northeastern U.S. and Canada. And until we have this proof, we should go slowly in order to develop the most prudent control scheme. Before being required to retrofit expensive scrubbers to reduce emissions, we want assurance they will do some good—say, that a 20 percent reduction in sulfur emissions in the Ohio River Valley will bring a 10 percent decrease in acid rain back East."

DETECTIVES OF DIRTY SKIES

How do you prove that a specific Ohio power plant is sending out the emissions that are killing trout in my Adirondack lake, hundreds of miles downwind? How do you trace a molecule of sulfur dioxide on its long journey through dark and turbulent clouds?

To track pollutants, scientists engage in aerobatics that do credit to the flying circuses of old. Ducking in and out of drifting pollution plumes from urban areas and power plants, they take air and water samples in attempts to identify and track the flow. Computer-generated models then predict the pollutants' trajectories.

One of the most valuable tools in this sleuthing is a growing nationwide network of 84 acid rain monitoring stations, set up in the late 1970s under the guiding hand of Dr. Ellis B. Cowling of the School of Forest Resources at North Carolina State University. A private organization known as the National Atomospheric Deposition Program (NADP), it analyzes samples of rain, snow, and dry fallout from 32 states. A companion survey, the Canadian Network for Sampling Precipitation (CANSAP), covers 55 locales in Canada.

These monitors reveal that virtually all the eastern U.S. and much of southeastern Canada are receiving highly acidic precipitation. Measured on the pH scale, where 7.0 equals a perfect balance between acidity and alkalinity (diagram, page 660), the rains range from 4.1 to 4.6—ten to thirty times as acid as uncontaminated rain. Specific storms have dumped pH 2.7 precipitation—as acid as vinegar—on Wheeling, West Virginia.

THREE LAKES, THREE RESULTS

I can visit, conveniently close to my cabin, a lake acidification study (one of 20 separate research projects in the Adirondacks) that is taking a five-million-dollar look at the

chemistry of wild lakes as a result of acid deposition. Sponsored by the Electric Power Research Institute, a nonprofit research arm for 600 electrical utility companies, the study traces what happens to three lakes and their watersheds from the moment acid rain and snow hit the treetops to their final flow from the outlets.

"What we're finding," explained Dr. James N. Galloway, an environmental chemist from the University of Virginia, "is that each lake is personalized in its reaction to acid rain. For example, no one has caught any brook trout at Woods Lake, which has had a pH of 4.7, for years—this is too acid for fish. But brookies thrive at Sagamore—pH 5.8—and at Panther—pH 7.0. Yet all three lie at roughly the same elevation within 20 miles of one another and receive the same kind of acid deposition.

"Many factors control this reaction: size and shape of the watersheds, type of vegetation, bedrock, and soils, and the residence time of precipitation in the soil. Fishless Woods Lake, with its shallow soil and steep slopes, provides little residence time and thus little buffering of the acid rain."

An important breakthrough in acid rain research came in 1977 from Adirondack studies by Dr. Carl Schoffield of Cornell. Investigating how acidity actually killed lake fish, he observed that aluminum compounds were collecting in the gills of fry. To combat the pollutant, the fry exuded a mucus in such amounts it finally strangled them. Acid precipitation, Dr. Schofield concluded, was leaching aluminum from surrounding soils—a process known as mobilization—and bearing it into the lake water. Today soil scientists recognize that acid rain mobilizes many toxic metals, including mercury and lead.

Acid rain and its companion heavy metals produce a long laundry list of suspected threats to the environment. These extend far beyond aquatic ecosystems, to forests, crops, soils, wildlife, groundwater, manmade materials, and perhaps human health.

Many of these ills beset Scandinavia, where I went to see them firsthand. Aquatic chemist Dr. Arne Henriksen guided me on an hour's hike around the rocky shores of Norway's Hovatn Lake. The surface stretched mercury smooth, ebony black to a stony mountain.

"It's 60 miles to the sea," gestured Dr. Henriksen, "and hundreds more miles to the nearest pollution sources. But watch." He took my pH meter, a small gauge resembling a battery tester, and dipped its probe into the water. It read 4.4, "That acidity has come from somewhere!" he claimed, looking southward toward industrial Europe.

FOR FISH, SPRING CAN BE DEADLY

Quietly we rowed to a lone cabin on a peninsula, on loan for use as a field station for a massive acid rain research program known by its initials, SNSF. It was launched in 1972 following the disappearance of fish in southern Norway. As I stepped inside the shadowy building, outlines of two enormous brown trout on the wall caught my eye. Both were longer than my forearm with fingers outstretched.

Dr. Henriksen said, "Those were caught in the early 1930s. Not a fish has been taken by any method from Hovatn since 1945."

He started a fire in the corner hearth and picked up a worn cabin journal. "Here it tells that the owners often tried restocking the lake, introducing thousands of fish, but none survived. By 1967 they suspected acid rain. Discouraged, they offered their cabin and lake to the research project."

Dr. Henriksen explained how the most severe fish kills occur in early spring. All winter, the pollutant load from storms accumulates in the snowpack as if in a great white sponge. When mild weather gives the sponge a "squeeze," acids concentrated on the surface of the snow are released with the first melt. Thus, the first meltwater can be five to ten times more acid than the remaining snowpack. This acid shock, acting in concert with mobilized aluminum, produces the drastic changes in water chemistry that destroy fish life.

With predaceous fish gone, aquatic insects can flourish, unless they too are senstive to acidity. Acid-tolerant species, such as water boatmen, thrive. All other aquatic fauna decline in variety, as do the species of phytoplankton. A reduction in the sheer numbers of these tiny plants may allow light to penetrate farther through the water. That's why acid-impacted lakes are often described as being unnaturally clear or bluish.

Larger plant life too is affected. Water lilies decline, while the sphagnum mosses and filamentous algae grow prodigiously. These can form impenetrable mats, sealing off oxygen and retarding decay of lake-floor litter. Looking into the crystal water of a lake in Sweden, I saw leaves on the lake bottom that had not rotted in three years.

No acid lake therefore is really dead. Instead its population structure reverts to fewer species, radically altering the food web.

LAND SHOWS MIXED EFFECTS

Unlike these dramatic effects on aquatic life, the influence of acid rain on crops and forest is difficult to measure. No conclusive evidence of actual crop damage by acid rain has yet been shown. This could stem in part from the fact that sulfur and nitrogen, even when administered in the form of mild acids, serve as plant nutrients.

Laboratory tests, in which crops are grown in simulated acid rain conditions, produce a mixed bag of results. Some show a reduction in crop yield, others no effect, and yet others showed actual yield increases.

Yet many scientists fear that long-term exposure to acid rain inevitably must cause plant stress.

Is acid rain curtailing forest growth? The answer to this vital question too remains an ambiguous yes and no. It is complicated by the fact that forest systems are biologically more complex than croplands, and have a longer response time to acid stress.

"During six years of field experiments, growth of Scotch pine has actually been stimulated by acid rain, at least on poor soils," I heard from Dr. Folke Andersson of the Swedish University of Agricultural Sciences. "This change may be explained by the fertilization effect of the nitrogen that comes with polluted rain."

But Dr. Andersson was quick to add: "This fertilization probably cannot compensate for the delay in decomposition of forest-floor litter caused by acid rain, and the accumulation of heavy metals in soils over long time spans. And, in fact, another extended study has shown decreases in growth rate on both poor and good soils.

"We need another 25 years," he said, "to determine if acid rain is seriously impairing tree growth, or causing other bad effects."

However, a West German study recently linked acid deposition with the death of trees' feeder roots and the subsequent decline in forest growth.

DOES WILDLIFE SUFFER TOO?

Uncertainty also surrounds the effects of acid rain on wildlife. Unquestionably it is harmful to amphibians such as salamanders, spring peepers, and frogs—creatures that lay their eggs in acidified ponds and meltwater pools.

Dr. Erik Nyholm of the University of Lund in Sweden, studying the breeding biology of small songbirds along lakes in Lapland, found fewer eggs, less hatching success, and soft or missing shell material.

He theorizes that the birds were poisoned by aluminum from feeding on contaminated insects. "The aluminum probably was leached from the soil by the acid snow and rain," he said. "High aluminum content found in the bone marrow of the birds counteracted calcium deposition, resulting in defective eggshells. Other birds, feeding deep in the forest or around buffered lakes, showed no such problems."

A few mammals also may be showing biological reaction to acid deposition. In Poland, a large group of roe deer living in a forest directly downwind from Krakow's steel mills demonstrates definite declines in antler size and trophy value during the past 25 years. Polish biologists believe that the deer's habitat has been contaminated by acid and heavy-metal deposition.

The reaction of soils to acid deposition understandably stirs wide concern, for these are critical ecosystems, supporting the plants and animals that give us food, fiber, and forest products. They represent our long-term bank account. Is acid rain starting to eat up the principal?

Naturally acidic soils, common to many regions of the U.S., possess little built-in buffering capacity. Laboratory and field experiments with simulated acid rain show that acidifying soils may undergo a host of undesirable changes: increased leaching of trace elements such as aluminum and manganese, a slowdown of the organisms that break down forest-floor litter, and reduced nitrogen.

HOW DIM THE FUTURE?

These laboratory results leave many scientists with a haunting fear. If acid deposition continues unabated, vast tracts of sensitive soils may slowly decline in fertility until their productivity fails. When, or if, this might occur, no one can calculate, but it's effects could be difficult to reverse.

And what of corrosion—the eating away of man-made materials by acids? Engineers have despaired for decades as airborne pollutants have attacked structures ranging from steel bridges to tombstones. The list of the wounded includes many famous names: The caryatids of the Acropolis, Egypt's temples at Karnak, the U.S. Capitol. Even that glorious copper lady—the Statue of Liberty—is under the onslaught of acid rain and corrosive gases and particles.

If acid rain, with its associated gases and metals, can be detrimental to animals and structures, what might it be doing to people? No immediate, direct health problems, such as getting "burned" by acid rain, have been observed or reported. Indirect effects have been noted, however, both from dry and wet acid deposition.

Dry airborne pollutants—usually sulfates—are largely associated with respiratory diseases—chronic bronchitis, asthma, and emphysema. Dr. Leonard Hamilton, a Brookhaven National Laboratory epidemiologist, estimated in 1975 that "acid sulfates from fossil fuel . . . emissions are responsible for 7,500 to 120,000 deaths a year." Few

other scientists believe there is enough solid evidence to support such high figures.

Another health effect relates to acidified groundwater in Scandinavia. In western Sweden I drove through rural provinces with Dr. Hans Hultberg of the Swedish Water and Air Pollution Research Institute. We bounced over rough roads in farmland where severe groundwater acidification has begun, along with contamination by metals leached from the soil.

"See that farm over there?" Dr. Hultberg pointed. "The babies had diarrhea off and on for months until we found that high copper content in the drinking water was the cause. Their well was acid. The water leaches copper from the plumbing lines."

A HAIR-TINTING EXPERIENCE

We passed a small cottage. "The lady's hair there was tinted green," exclaimed Dr. Hultberg. "Green as a birch in spring. She washed it in well water turned green by copper sulfate."

Later I found an echo of this problem in the western Adirondacks as I guided Dr. G. Wolfgang Fuhs, an environmental scientist with New York's Department of Health, to isolated springs, wells, and small municipal water supplies. Owners in the area had been complaining of corroding plumbing systems and suspicious-tasting tap water. Dr. Fuhs found several home systems and springs with elevated levels of lead and copper. For each family he had the same advice: Let faucets run a few minutes after nonuse overnight to lower metal concentrations before drinking or cooking.

TIME BOMBS FOR TOMMORROW

Is it surprising, given this parcel of known and feared effects, that some scientists rank acid rain with toxic-chemical pollution and carbon dioxide buildup as the three worst "environmental time bombs?" They compare the connective evidence between fossil-fuel emissions and acid rain effects to that of cigarette smoking and lung cancer: Though in each case the cause-and-effect relationship is not proved, even doubters of acid rain must agree that the combustion of fossil fuels has increased in past decades, that lakes and streams do show a loss of life.

The dilemma of acid rain will ultimately be solved by politicians, economists, and the public, acting on the best information we scientists bring forth.

The principal tool we have to work with in this country is the Clean Air Act. This federal law, controlling adverse effects of air pollution on public health and welfare, requires that the emissions from fossil-fuel burning facilities and motor vehicles meet certain standards.

It does so essentially in two ways. One is through an EPA requirement making new pollution sources use the "best available" technology to control emissions.

The second approach relates to existing plants. Here, each state is expected to regulate itself. A result is that no state needs to heed another's standards. Thus the SO_2 emission Ohio allows are nearly 30 times higher than permitted in Connecticut.

Robert F. Flacke, commissioner of New York State's Department of Environmental Conservation, says firmly, "The Clean Air Act is really one of the chief reasons for the increase in acid rain. Not only did its earlier policy bring about the long-range transport of air pollution via tall stacks, it also permits New York and other clean-plant states to be dirtied by states with looser air standards."

Not surprisingly, these biases pit state against state, with at least half a dozen of them initiating legal actions. Another spate of litigation attacks EPA for allegedly failing to do its duty to provide protection under provisions of the Clean Air Act.

The act is up for reauthorization in Congress now, and swarms of lobbyists seek both to strengthen and to weaken it. Meanwhile, Congress allocated 12 million dollars under the Acid Precipitation Act of 1980 to spend on research in 1981, with more being recommended for 1982. A federal-level interagency task force directed by NOAA's Dr. Chris Bernabo is studying acid rain with a view toward developing a national strategy, and extensive research goes on at universities, national laboratories, and within the electric-power industry.

But the Reagan Administration is making no rush to judgment. In the words of A. Alan Hill, chairman of the Council on Environmental Quality: "Our scientific community is still unclear as to . . . what control methods should be used. In our opinion, we just don't know enough yet to impose control measures at great cost to the American people with questionable results."

NATIONS FALL OUT OVER RAIN

On the international scene, too, acid precipitation emerges as a politically poisonous brew—one that embitters that valued friendship between the U.S. and Canada.

"We calculate that half the acid deposition striking Canada is imported from the U.S.," explained Dr. Hans Martin, Canada's coordinator for acid rain research. "Furthermore, it's falling on a million square miles of Ontario and Quebec that lack adequate buffering capacity. A million and a half lakes dot that region, and some are already giving way to acid deposition."

The meaning of this in terms of cold Canadian dollars came across in a statement by John Roberts, Canada's Minister of the Environment.

"Fifteen percent of our gross national product comes from forestry," he noted, "a higher percentage than the automobile industry contributes to the U.S. economy. Yet this resource is being threatened. The second largest industry in Canada is tourism. But how many tourists will want to spend their time at fishless lakes?

"Your country, the United States," he observed, "is dumping its garbage at the expense of our country."

U.S. spokesmen retort that American emission controls are more stringent than Canada's (although Canadian regulations are being rapidly tightened), and that Canadian pollution also drifts onto the United States (although not in nearly the volume that the U.S. exports to Canada).

Recognition of the problem led to the creation in 1980 of a massive binational program aimed at devising an agreement on transboundary air pollution.

EUROPEANS JOIN FORCES

An impressive team effort has arisen in Europe. In 1979, 31 of the 34 member governments in the UN's Economic Commission for Europe signed the Convention on Long-Range Transboundary Air Pollution. Though it does not enforce controls, it morally commits each nation to respect the environment of other countries.

Erik Lykke of Norway's Ministry of Environment told me, "I'm praying this convention will bring a cleaner landscape 10 to 15 years from now."

Few scientists are so optimistic. Many see the year 2000 as the earliest that emissions can be stabilized, and then slowly reduced. Experts at EPA, for example, predict that under current controls SO_2 in the United States will stay constant or increase modestly to 29 million tons per year by the end of the century. NO_x, on the other hand, will near 28 million tons a year and possibly outstrip SO_2 as a contributor to acid fallout.

What can be done to lessen this impact, and how much will it cost? the most obvious step lies in conservation of energy—simply using less fuel. Another approach, more complicated and costly, is to apply new technology to reduce emissions—the object of intensive research by the EPA, universities, and utility groups.

The cost of cleaning up is high; equipping older U.S. plants with scrubbers would require an investment of billions of dollars, and even then might reduce emissions by only a third. These costs might be mitigated by positive side effects—the generating of useful by-products such as commercial sulfuric acid and road-fill material, and the creation of new jobs.

Meanwhile, hidden costs of acid rain may already be surpassing the expense of controlling it. Metal corrosion by SO_2 may cost each American at least seven dollars a year, and possibly many times that.

Proof that a solution exists comes from Japan. The government issued stringent sulfur oxide controls in 1968 and encouraged use of low-sulfur fuels and desulfurization; by 1975 emissions had plunged by 50 percent even as energy consumption doubled. Since then, even stricter limits have been set, and nearly 1,200 scrubbers installed, compared to about 200 in the United States.

Scientists in several countries are experimenting with so-called curative approaches to acid rain. These include the breeding of acid-tolerant fish and crops, liming lakes to reduce acidity, and coating valuable structures and artwork against corrosion. Yet such solutions are only short term.

WILL THE 21ST CENTURY BE SILENT?

What of the future? "It's only a matter of time before we are forcibly pressed to do something," says Norway's Dr. Lars Overrein, head of the Norwegian acid rain project. "Today's acid rain is just the beginning. We are already worried about heavy metals and organic pollutants that come with acid deposition."

When I stand looking out over my lake, what will I see and hear come the year 2000? Will peepers be trilling, fish jumping, trees leafing, deer drinking, baby birds chirping? Or will it be a silent spring? ●

TRIBUTE TO DAN J. BRADLEY—A DEDICATED AMERICAN

Mr. KENNEDY. Mr. President, I would like to take a few moments to commend a fine individual and a good friend, Dan J. Bradley. Until the last day of March, Dan was the President of the Legal Services Corporation. For the last 22 months, Dan has performed the often-thankless, always-difficult task associated with the Corporation's presidency—and performed it with constant enthusiasm and repeated success. His thoughts and advice have been invaluable. His dedication to the Corporation and its disadvantaged clients has been an inspiration to those of us who have fought for an expansion of legal services.

Even before his term as President of the Corporation, Dan was an experienced poverty lawyer and a valuable member of the legal services community. Prior to the establishment of the Corporation in 1974, Dan served as a legal services attorney in Florida and as an administrator of legal services programs under first the Office of Economic Opportunity and then the Community Services Administration.

In the early 1970's, as a hostile administration attempted to cripple the legal services program, Dan Bradley was a leader in the movement to preserve the program and create a separate and independent corporation. It is then not surprising that Dan was awarded the National Legal Aid and Defender Association's Arthur Von Briesen Award in 1977. It is also not surprising that during Dan's tenure as President, the long-sought-after goal of full nationwide access to legal services was finally achieved.

Dan has fought many a tough fight to defend, develop, and expand the coverage and quality of legal services to the poor, but has always retained his enthusiasm, his optimism, his good cheer. For this alone he would deserve our highest compliments.

I know that I speak for many of my colleagues when I say that Dan's tireless efforts on behalf of the Corporation and its clients will be sorely missed in the months and years to come. I mean no disrespect or criticism of the new Board or of Dan's eventual replacement, but Dan's will be big shoes to fill.

I wish Dan well in his future endeavors. I am confident that his success in the Legal Services Corporation will be repeated in whatever his future efforts may be. I thank you for all that you have done. I am sorry to see you go.

RECOGNITION OF CERTAIN SENATORS ON TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that on tomorrow, after the recognition of the two leaders under the standing order, three Senators be recognized on special orders of not to exceed 15 minutes each, to wit: the Senator from Pennsylvania (Mr. SPECTER), the Senator from Missouri (Mr. EAGLETON), and the Senator from New York (Mr. MOYNIHAN).

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BAKER. Mr. President, on tomorrow the Senate will convene at 10:30 a.m. After the recognition of the two leaders under the standing order, three Senators will be recognized on special orders of not to exceed 15 minutes each.

After the execution of the special orders, Mr. President, it is anticipated that provision will be made for a period for the transaction of routine morning business. At some time early tomorrow, and after the period for the transaction of routine morning business, if that is provided for, the Senate will resume consideration of Senate Resolution 20, providing for radio and television coverage of the Senate, the unfinished business. No amendment is pending at this time.

By unanimous consent, a vote on cloture under the provisions of rule XXII will occur at 2:45 p.m. on tomorrow. The provisions of rule XXII requiring the establishment of a live quorum in advance of the vote has been waived.

It is hoped, Mr. President, that other matters can be dealt with and disposed of tomorrow by unanimous consent.

Mr. President, I will remind all Senators that some time ago a resolution was agreed to providing for a joint meeting of the House and Senate to greet and to hear a message from the Queen of the Netherlands. It is planned that at 3:10 p.m. tomorrow the Senate will recess for that purpose in order to proceed to the Hall of the House of Representatives where the joint meeting will occur at 3:30 p.m.

Mr. President, it is anticipated that after that joint meeting of the House and Senate, Members will return to the Senate Chamber and an assessment can be made at that time of what further business can be transacted by the Senate. It is not anticipated, however, that Wednesday will be a late day.

RECESS UNTIL TOMORROW AT 10:30 A.M.

Mr. BAKER. Mr. President, I have no further business to transact. I see no Senator seeking recognition. I move, in accordance with the order previously entered, that the Senate now stand in recess until 10:30 a.m. on tomorrow.

The motion was agreed to; and the Senate, at 4:54 p.m., recessed until Wednesday, April 21, 1982, at 10:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 20, 1982:

THE JUDICIARY

William T. Hart, of Illinois, to be U.S. district judge for the northern district of Illinois.

John A. Nordberg, of Illinois, to be U.S. district judge for the northern district of Illinois.

Walter E. Black, Jr., of Maryland, to be U.S. district judge for the district of Maryland.

Michael A. Telesca, of New York, to be U.S. district judge for the western district of New York.

EXECUTIVE OFFICE OF THE PRESIDENT

Joseph Robert Wright, Jr., of New York, to be Deputy Director of the Office of Management and Budget.

IN THE NAVY

The following-named captains of the Reserve of the U.S. Navy permanent promotion to the grade of commodore in the various staff corps, as indicated, pursuant to the provisions of title 10, United States Code, section 5912:

MEDICAL CORPS

James Albert Austin

SUPPLY CORPS

Donald Gene St. Angelo

CIVIL ENGINEER CORPS

Charles Richard Smith

DENTAL CORPS

Haruto Wilfred Yamanouchi

IN THE MARINE CORPS

Lt. Gen. Adolph G. Schwenk, U.S. Marine Corps, age 59, for appointment to the grade of lieutenant general of the retired list pursuant to the provisions of title 10, United States Code, section 1370.

IN THE AIR FORCE

Gen. David C. Jones, U.S. Air Force, age 60, for appointment to the grade of general on the retired list pursuant to the provisions of title 10, United States Code, section 1370.

IN THE AIR FORCE

Air Force nominations beginning Robert W. Barrow, to be lieutenant colonel, and ending Bruce L. Whittig, to the lieutenant colonel, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 22, 1982.

Air Force nominations beginning George L. Adams, to be lieutenant colonel, and ending Mark D. Whitlow, rank to be determined, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 29, 1982.

Air Force nominations beginning John Anderson, Jr., to colonel, and ending Milton G. Mutchnick, to be colonel, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 31, 1982.

IN THE ARMY

Army nominations beginning Francis L. Keefe, to be colonel, and ending Robert E. Zurcher, to be major, which nominations were received by the Senate on April 7, 1982, and appeared in the CONGRESSIONAL RECORD of April 13, 1982.

IN THE NAVY

Navy nominations beginning Enrique V. Arellano, to be commander, and ending George A. Dailey, Jr., to be ensign, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 22, 1982.

Navy nominations beginning Edwin B. Abeya, to be lieutenant (junior grade), and ending James H. Willis, to be ensign, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 22, 1982.

Navy nominations beginning Christopher L. Abbott, to be ensign, and ending Robert

P. Randolph, to be commander, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 29, 1982.

Navy nominations beginning Donald J. Bleasdale, to be ensign, and ending John J. Skuza, to be commander, which nominations were received by the Senate on April 7, 1982, and appeared in the CONGRESSIONAL RECORD of April 13, 1982.

IN THE MARINE CORPS

Marine Corps nominations beginning Peter F Angle, to be colonel, and ending Rafael Zalles, to be colonel, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 22, 1982.

Marine Corps nominations beginning James R. Acreback, to be lieutenant colonel, and ending Lawrence R. Zinser, to be lieutenant colonel, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 31, 1982.

HOUSE OF REPRESENTATIVES—*Tuesday, April 20, 1982*

The House met at 12 o'clock noon.

Rabbi Seymour L. Essrog, Beth Israel Synagogue, Randallstown, Md., offered the following prayer:

Our God, You who are the Guide of all humanity and nations, renew the American tradition of sacrifice and service upon our great Nation and its citizens. Heighten our sense of responsibility that together we may remove the seeds of evil.

On this special day of Yom Hashoa—when Jews all over the world collectively commemorate the death of the 6 million at the hands of the Nazis—we pray that the day will soon come when there shall be no violence or desolation on Earth when "nation shall not lift up sword against nation."

Kindle in us a passion for righteousness and truth. Deepen our love for our beloved country, our desire to serve it, our resolve to uphold its good name by our own right conduct. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed a bill and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 2373. An act to change the name of the landing strip at White Sands Missile Range in the State of New Mexico, to "White Sands Space Harbor"; and

S. Con. Res. 68. Concurrent resolution regarding membership in the United Nations General Assembly.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

REMEDIOS R. ALCUDIA, CHRISTOPHER, EZRA, VERMILLION, AND PERISTELLO ALCUDIA

The Clerk called the bill (H.R. 1547) for the relief of Remedios R. Alcudia, Christopher, Ezra, Vermillion, and Peristello Alcudia.

Mr. ROUSSELOT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

LASZLO REVESZ

The Clerk called the bill (H.R. 1352) for the relief of Laszlo Revesz.

Mr. ROUSSELOT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

GEORGE HERBERT WESTON AND MABEL GREGSON WESTON

The Clerk called the bill (H.R. 1481) for the relief of George Herbert Weston and Mabel Gregson Weston.

Mr. BOLAND. Mr. Speaker, I ask unanimous consent to recommit the bill (H.R. 1481) for the relief of George Herbert Weston and Mabel Gregson Weston to the Committee on the Judiciary.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

UILI TUIFUA, TALAMEAFOOU TUIFUA, HETA TUIFUA, SATEKI TUIFUA, ILAISAANE TUIFUA, AND OFA HEMOONI TUIFUA

The Clerk called the bill (H.R. 3592) for the relief of Uili Tuifua, Talameafoou Tuifua, Heta Tuifua, Sateki Tuifua, Ilaisaane Tuifua, and Ofa Hemooni Tuifua.

There being no objection, the Clerk read the bill, as follows:

H.R. 3592

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Uili Tuifua, Talameafoou Tuifua, Heta Tuifua, Sateki Tuifua, Ilaisaane Tuifua, and Ofa Hemooni Tuifua shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such aliens as provided for in this Act, the Secretary of State shall instruct the proper officer to deduct the proper number from the total number of immigrant visas which are made available to natives of the country of each alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, from the total number of such visas which are made available to such natives under section 202(e) of such Act.

With the following committee amendment:

Strike all after the enacting clause and insert in lieu thereof the following:

That, for the purposes of the Immigration and Nationality Act, notwithstanding the death on April 4, 1981 of Ana Tuifua, who was the beneficiary of an approved petition filed September 7, 1978 in her behalf by her sister, Salote Pale Vuki, a citizen of the United States, Uili Tuifua, the spouse of Ana Tuifua, and their children, Talameafoou Tuifua, Heta Tuifua, Sateki Tuifua, Ilaisaane Tuifua, and Ofa Hemooni Tuifua, shall, if otherwise eligible, be entitled to fifth preference status under section 203(a)(5) of the Act as of September 7, 1978.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SANDRA REYES PELLECER

The Clerk called the Senate bill (S. 1093) for the relief of Sandra Reyes Pellecer.

There being no objection, the Clerk read the bill, as follows:

S. 1093

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Sandra Reyes Pellecer shall be classified as a child within the meaning of section 101(b)(1)(F) of such Act, upon approval of a petition filed on her behalf by Mr. and Mrs. Samuel Pellecer, a lawful permanent resident and citizen of the United States, respectively, pursuant to section 204 of such Act. No natural parent, brother, or sister, if any, of Sandra Reyes Pellecer shall, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GEORGE G. BARRIOS, DOCTOR OF MEDICINE, HIS WIFE, OLGA T. CRUZ, AND THEIR CHILDREN, KURT F. BARRIOS, KARL S. BARRIOS, AND KATRINA ADELAIDA THERESA

The Clerk called the bill (H.R. 828) for the relief of George G. Barrios, doctor of medicine, his wife Olga T. Cruz, and their children Kurt F. Barrios, Karl S. Barrios, and Katrina Adelaida Theresa.

There being no objection, the Clerk read the bill, as follows:

H.R. 828

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, George G. Barrios, doctor of medicine, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this section, the Secretary of State shall instruct the proper officer to deduct one number from the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, from the total number of such visas and entries which are made available to such natives under section 202(c) of such Act.

SEC. 2. Notwithstanding section 201 of the Immigration and Nationality Act, Olga T. Cruz, Kurt F. Barrios, Karl S. Barrios, and Katrina Adelaida Theresa shall be issued visas and admitted to the United States for permanent residence if they are found to be otherwise admissible under the provisions of such Act. Upon the granting of permanent residence to such aliens as provided for in this section, the Secretary of State shall instruct the proper officer to deduct four numbers from the total number of immigrant visas and conditional entries which are made available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act or, if applicable, from the total number of such visas and entries which are made available to such natives under section 202(c) of such Act.

With the following committee amendment:

Strike all after the enacting clause and insert in lieu thereof:

SECTION 1. (a)(1) The Attorney General shall suspend and withhold deportation of George G. Barrios (hereinafter in this Act referred to as "the alien") during the two-year period beginning on the date of the enactment of this Act if the alien provides written assurances satisfactory to the Attorney General that during such period the alien will practice medicine as a physician in the City of Buffalo, New York.

(2) The Attorney General shall terminate such suspension and provide for the deportation of the alien if the Attorney General determines that the alien has failed to comply with such assurances during such period.

(b) During the period in which the alien's deportation is suspended under this section, the Attorney General shall permit Olga T. Cruz, spouse of George G. Barrios, and Kurt F. Barrios, Karl S. Barrios, and Katerina Adelaida Theresa, sons and daughter of George G. Barrios, to be admitted to the United States as nonimmigrants described in section 101(a)(15)(B) of the Immigration and Nationality Act, notwithstanding section 214(b) of such Act, for such periods as the Attorney General determines to be appropriate.

SEC. 2. (a)(1) If the Attorney General determines that the alien has complied with such assurances during such period and that the alien is otherwise admissible to the United States for permanent residence, the Attorney General shall, at the end of such period, cancel the deportation of the alien and adjust the alien's status to that of an alien lawfully admitted to the United States for permanent residence, retroactive to the date of the enactment of this Act.

(2) If the alien is provided lawful permanent resident status under paragraph (1), the Attorney General shall provide the alien's spouse and sons and daughter listed in section 1(b) of this Act with such status.

(b) Upon the granting of permanent residence to the alien, or his spouse or sons or daughter, under this Act, the Secretary of State shall instruct the proper officer to deduct one number of each such individual from the total number of immigrant visas which are made available to natives of the country of that individual's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, from the total number of such visas which are made available to such natives under section 202(e) of such Act.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MR. AND MRS. JOSEPH S. FOK

The Clerk called the bill (H.R. 1344) for the relief of Mr. and Mrs. Joseph S. Fok.

Mr. BOLAND. Mr. Speaker, I ask unanimous consent to recommit the bill (H.R. 1344) for the relief of Mr. and Mrs. Joseph S. Fok to the Committee on the Judiciary.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

SHINJI ONIKI

The Clerk called the bill (H.R. 1826) for the relief of Shinji Oniki.

Mr. ROUSSELOT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

JENNIFER FERRER

The Clerk called the bill (H.R. 1830) for the relief of Jennifer Ferrer.

Mr. ROUSSELOT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER. This concludes the call of the Private Calendar.

RABBI SEYMOUR ESSROG

(Mr. LONG of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LONG of Maryland. Mr. Speaker, we are grateful to Rabbi Seymour Essrog of the Beth Israel Synagogue of Baltimore County, Md., for his inspirational offering.

Rabbi Essrog has served his Randallstown congregation for 21 years. In addition, he is a lieutenant colonel with the U.S. Army Reserves where he serves as chaplain.

He received his bachelor's degree, his master's degree in Hebrew literature, and his rabbinical ordination from Yeshiva University, New York. He also earned a master's degree in liberal arts from Johns Hopkins University.

Rabbi Essrog is president of the Baltimore Jewish Community Relations Council, and is past president of both the Baltimore Zionist District and the Baltimore Board of Rabbis.

Rabbi Essrog, the Members of the U.S. Congress join me in thanking you for being with us today.

VETERANS' ADMINISTRATION AND DEPARTMENT OF DEFENSE HEALTH-CARE RESOURCES SHARING ACT

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 266) to foster greater coordination and sharing of health-care resources between the Veterans' Administration and the Department of Defense, and to amend title 38, United States Code, to authorized appropriate coordination and sharing of such health-care resources, and for other purposes, with Senate amendments to the House amendments thereto, and concur in the Senate amendments to the House amendments.

The Clerk read the title of the Senate bill.

The Clerk read the Senate amendments to the House amendments, as follows:

In lieu of the matter proposed to be inserted by the House engrossed amendment to the text of the bill, insert:

That this Act may be cited as the "Veterans' Administration and Department of Defense Health Resources Sharing and Emergency Operations Act".

SEC. 2. (a) The Congress makes the following findings:

(1) There are opportunities for greater sharing of the health-care resources of the Veterans' Administration and the Department of Defense which would, if achieved, be beneficial to both veterans and members of the Armed Forces and could result in reduced costs to the Government by minimizing duplication and underuse of health-care resources.

(2) Present incentives to encourage such sharing of health-care resources are inadequate.

(3) Such sharing of health-care resources can be achieved without a detrimental effect on the primary health-care beneficiaries of the Veterans' Administration and the Department of Defense.

(b) The Congress makes the following further findings:

(1) During and immediately after a period of war or national emergency involving the use of the Armed Forces of the United States in armed conflict, the Department of Defense might not have adequate health-care resources to care for military personnel wounded in combat and other active-duty military personnel.

(2) The Veterans' Administration has an extensive, comprehensive health-care system that could be used to assist the Department of Defense in caring for such personnel in such a situation.

SEC. 3. (a) Section 5011 of title 38, United States Code, is amended—

(1) by inserting "(a)" before "The Administrator" the first place it appears;

(2) by striking out "and material" and all that follows through "this title," and inserting in lieu thereof "material, and other resources as may be needed to operate such facilities properly, except that the Administrator may not enter into an agreement that would result (1) in a permanent reduction in the total number of authorized Veterans' Administration hospital beds and nursing home beds to a level below the minimum number of such beds required by section 5010(a)(1) of this title to be authorized, or (2) in a permanent reduction in the total number of such beds operated and maintained to a level below the minimum number of such beds required by such section to be operated and maintained"; and

(3) by adding at the end the following new subsections:

"(b)(1) In order to promote the sharing of health-care resources between the Veterans' Administration and the Department of Defense (hereinafter in this section referred to as the 'agencies'), there is established an interagency committee to be known as the Veterans' Administration/Department of Defense Health-Care Resources Sharing Committee (hereinafter in this subsection referred to as the 'Committee').

"(2) The Committee shall be composed of—

"(A) the Chief Medical Director and such other officers and employees of the Veterans' Administration as the Chief Medical Director may designate; and

"(B) the Assistant Secretary of Defense for Health Affairs (hereinafter in this section referred to as the 'Assistant Secretary') and such other officers and employees of the Department of Defense as the Assistant Secretary may designate,

except that the size of the Committee shall be mutually determined by the Chief Medical Director and the Assistant Secretary. During fiscal years 1982 and 1983, the Chief Medical Director shall be the chairman of the Committee. During fiscal year 1984, the Assistant Secretary shall be the chairman of the Committee. Thereafter, the chairmanship of the Committee shall alternate each fiscal year between the Chief Medical Director and the Assistant Secretary. The agencies shall provide administrative support services for the Committee at a level sufficient for the efficient operation of the Committee and shall share the responsibility for the provision of such services on an equitable basis.

"(3) In order to enable the Committee to make recommendations under paragraph (4) of this subsection, the Committee shall on a continuing basis—

"(A) review existing policies, procedures, and practices relating to the sharing of health-care resources between the agencies;

"(B) identify and assess further opportunities for the sharing of health-care resources between the agencies that would not, in the judgment of the Committee, adversely affect the range of services, the quality of care, or the established priorities for care provided by either agency;

"(C) identify changes in policies, procedures, and practices that would, in the judgment of the Committee, promote such sharing of health-care resources between the agencies;

"(D) monitor plans of the agencies for the acquisition of additional health-care resources, including the location of new facilities and the acquisition of major equipment, in order to assess the potential impact of such plans on further opportunities for such sharing of health-care resources; and

"(E) monitor the implementation of activities designed to promote the sharing of health-care resources between the agencies.

"(4) Within nine months of the date of the enactment of this subsection and at such times thereafter as the Committee considers appropriate, the Committee shall make recommendations to the Administrator or the Secretary of Defense, or both, with respect to (A) changes in policies, procedures, and practices that the Committee has identified under paragraph (3)(C) of this subsection pertaining to the sharing of health-care resources described in such paragraph, and (B) such other matters as the Committee considers appropriate in order to promote such sharing of health-care resources.

"(c)(1) After considering the recommendations made under subsection (b)(4) of this section, the Administrator and the Secretary of Defense shall jointly establish guidelines to promote the sharing of health-care resources between the agencies. Guidelines established under this subsection shall provide for such sharing consistent with the health-care responsibilities of the Veterans' Administration under this title and with the health-care responsibilities of the Department of Defense under chapter 55 of title 10 and so as not to adversely affect the range of services, the quality of care, or the established priorities for care provided by either agency.

"(2) Guidelines established under paragraph (1) of this subsection shall authorize the heads of individual medical facilities of the agencies to enter into health-care resources sharing agreements in accordance with subsection (d) of this section and shall include guidelines for such agreements.

"(d)(1) The head of each medical facility of either agency is authorized to enter into sharing agreements with the heads of medical facilities of the other agency in accordance with guidelines established under subsection (c) of this section. Under any such agreement, an individual who is a primary beneficiary of one agency may be provided health care at a facility of the other agency that is a party to the sharing agreement.

"(2) Each such agreement shall provide, and shall specify procedures designed to ensure, that the availability of direct health care to individuals who are not primary beneficiaries of the providing agency (A) is on a referral basis from the facility of the other agency, and (B) does not (as determined by the head of the facility of the providing agency) adversely affect the range of services, the quality of care, or the established priorities for care provided to the primary beneficiaries of the providing agency.

"(4) Each such agreement shall provide that a providing agency shall be reimbursed for the cost of the health-care resources provided under the agreement and that the rate for such reimbursement shall be determined in accordance with the methodology agreed to pursuant to subsection (e) of this section.

"(5) Each proposal for an agreement under paragraph (1) of this subsection shall be submitted to the Chief Medical Director and the Assistant Secretary and shall be effective as an agreement in accordance with its terms (A) on the forty-sixth day after the receipt of such proposal by both such officials, unless earlier disapproved by either such official, or (B) if earlier approved by both such officials, on the date of such approval.

"(e) Reimbursement under any sharing agreement entered into under subsection (d) of this section shall be based upon a methodology that is agreed upon by the Chief Medical Director and the Assistant Secretary and that provides appropriate flexibility to the heads of the facilities concerned to take into account local conditions and needs and the actual costs to the providing agency's facility of the health-care resources provided. Any funds received through such a reimbursement shall be credited to funds that have been allotted to the facility that provided the care or services.

"(f) At the time the President's Budget is transmitted to Congress in any year pursuant to section 201(a) of the Budget and Accounting Act, 1921 (31 U.S.C. 11(a)), the Administrator and the Secretary of Defense shall submit a joint report to Congress on the implementation of this section during the fiscal year that ended during the previous calendar year. Each such report shall include—

"(1) the guidelines prescribed under subsection (c) of this section (and any revision of such guidelines);

"(2) the assessment of further opportunities identified under clause (B) of subsection (b)(3) of this section for sharing of health-care resources between the agencies;

"(3) any recommendation made under subsection (b)(4) of this section during such fiscal year;

"(4) a review of the sharing agreements entered into under subsection (d) of this section and a summary of activities under such agreements during such fiscal year;

"(5) a summary of other planning and activities involving either agency in connection with promoting the coordination and sharing of Federal health-care resources during the preceding fiscal year; and

"(6) such recommendations for legislation as the Administrator and the Secretary consider appropriate to facilitate the sharing of health-care resources between the agencies.

"(g) For the purposes of this section:

"(1) The term 'beneficiary' means a person who is a primary beneficiary of the Veterans' Administration or of the Department of Defense.

"(2) The term 'direct health care' means health care provided to a beneficiary in a medical facility operated by the Veterans' Administration or the Department of Defense.

"(3) The term 'head of a medical facility' (A) with respect to a medical facility of the Veterans' Administration, means the director of the facility, and (B) with respect to a medical facility of the Department of Defense, means the medical or dental officer in charge or the contract surgeon in charge.

"(4) The term 'health-care resource' includes hospital care, medical services, and rehabilitative services, as those terms are defined in paragraphs (5), (6), and (8), re-

spectively, of section 601 of this title, any other health-care service, and any health-care support or administrative resource.

"(5) The term 'primary beneficiary' (A) with respect to the Veterans' Administration means a person who is eligible under this title (other than under section 611(b) or 613 or subsection (d) of this section) or any other provision of law for care or services in Veterans' Administration medical facilities, and (B) with respect to the Department of Defense, means a member or former member of the Armed Forces who is eligible for care under section 1074 of title 10.

"(6) The term 'providing agency' means the Veterans' Administration, in the case of care or services furnished by a facility of the Veterans' Administration, and the Department of Defense, in the case of care or services furnished by a facility of the Department of Defense.".

(b)(1) The heading of such section is amended to read as follows:

"§ 5011. Sharing of Veterans' Administration and Department of Defense health-care resources".

"(2) The item relating to such section in the table of sections at the beginning of chapter 81 of such title is amended to read as follows:

"5011. Sharing of Veterans' Administration and Department of Defense health-care resources.".

(c) The Assistant Secretary of Defense for Health Affairs shall consult regularly with the Surgeons General of the Army, Navy, and Air Force in carrying out the duties and functions assigned to the Assistant Secretary in section 5011 of title 38, United States Code, as amended by subsection (a) of this section.

(d) The guidelines required to be established under subsection (c) of section 5011 of title 38, United States Code, as added by subsection (a) of this section, shall initially be established not later than 12 months after the date of the enactment of this Act.

SEC. 4. (a) Chapter 81 of title 38, United States Code, is amended by inserting after section 5011 the following new section:

"§ 5011A. Furnishing of health-care services to members of the Armed Forces during a war or national emergency.

"(a)(1) During and immediately following a period of war, or a period of national emergency declared by the President or the Congress that involves the use of the Armed Forces in armed conflict, the Administrator may furnish hospital care, nursing home care, and medical services to members of the Armed Forces on active duty. The Administrator may give a higher priority to the furnishing of care and services under this section than to the furnishing of care and services to any other group of persons eligible for care and services in medical facilities of the Veterans' Administration with the exception of veterans with service-connected disabilities.

"(2) For the purposes of this section, the terms 'hospital care', 'nursing home care', and 'medical services' have the meanings given such terms by sections 601(5), 101(28), and 601(6) of this title, respectively.

"(b)(1) During a period in which the Administrator is authorized to furnish care and services to members of the Armed Forces under subsection (a) of this section, the administrator, to the extent authorized by the President and subject to the availability of appropriations or reimbursements under subsection (c) of this section, may enter into contracts with private facilities for the provision during such period by such facilities of hospital care and medical services described in paragraph (2) of this subsection.

"(2) Hospital care and medical services referred to in paragraph (1) of this subsection are—

"(A) hospital care and medical services authorized under this title for a veteran and necessary for the care or treatment of a condition for which the veteran is receiving medical services at a Veterans' Administration facility under subsection (f) or (g) of section 612 of this title, in a case in which the delay involved in furnishing such care or services at such Veterans' Administration facility or at any other Veterans' Administration facility reasonably accessible to the veteran would, in the judgment of the Chief Medical Director, be likely to result in a deterioration of such condition; and

"(B) hospital care for a veteran who—

"(i) is receiving hospital care under section 610 of this title; or

"(ii) is eligible for hospital care under such section and requires such care in a medical emergency that poses a serious threat to the life or health of the veteran;

if Veterans' Administration facilities are not capable of furnishing or continuing to furnish the care required because of the furnishing of care and services to members of the Armed Forces under subsection (a) of this section.

"(c)(1) The cost of any care or services provided by the Veterans' Administration under subsection (a) of this section shall be reimbursed to the Veterans' Administration by the Department of Defense at such rates as may be agreed upon by the Administrator and the Secretary of Defense based on the cost of the care or services provided.

"(2) Amounts received under this subsection shall be credited to funds allotted to the Veterans' Administration facility that provided the care or services.

"(d)(1) Not later than six months after the date of the enactment of this section, the Administrator and the Secretary of Defense shall enter into an agreement to plan and establish procedures and guidelines for the implementation of this section. Not later than one year after the date of the enactment of this section, the Administrator and the Secretary shall complete plans for such implementation and shall submit such plans to the Committees on Veterans' Affairs and on Armed Services of the Senate and House of Representatives.

"(2) The Administrator and the Secretary of Defense shall jointly review such plans not less often than annually thereafter and shall report to such committees any modification in such plans within 30 days after the modification is agreed to.

"(e) The Administrator shall prescribe regulations to govern any exercise of the authority of the Administrator under subsections (a) and (b) of this section and of the Chief Medical Director under subsection (b)(2)(A) of this section.

"(f) Within 30 days after a declaration of a period of war or national emergency described in subsection (a) of this section (or as soon after the end of such 30-day period as is reasonably practicable), the Administrator shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the Administrator's allocation of facilities and personnel in order to provide priority hospital care, nursing home care, and medical services under this section to members of the Armed Forces. Thereafter, with respect to any fiscal year in which the authority in subsection (b) of this section to enter into contracts with private facilities has been used, the Administrator shall report within 90 days after the end of such fiscal year to those committees regarding the extent of, and the circumstances under which, such authority was used.".

(b) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 5011 the following new item:

"5011A. Furnishing of health-care services to members of the Armed Forces during a war or national emergency.".

SEC. 5. (a) Section 1786(a) of title 38, United States Code, is amended by adding at the end the following new paragraph:

"(3) Notwithstanding any other provision of law unless enacted in express limitation of this paragraph, funds in the Veterans' Administration readjustment benefits account shall be available for payments under paragraph (1) of this subsection for pursuit of a program of education exclusively by correspondence in which the veteran or spouse or surviving spouse enrolls after September 30, 1981.".

(b) The amendment made by subsection (a) of this section shall take effect as of October 1, 1981.

SEC. 6. The Veterans' Administration medical center located at 1481 West 10th Street, Indianapolis, Indiana, shall after the date of the enactment of this Act be known and designated as the "Richard L. Roudebush Veterans' Administration Medical Center". Any reference to such medical center in any law, regulation, document, map, record, or other paper of the United States shall after such date be deemed to be a reference to the Richard L. Roudebush Veterans' Administration Medical Center.

Amend the amendment of the House to the title of the bill so as to read: "An Act to amend title 38, United States Code, to promote greater sharing of health-care resources between the Veterans' Administration and the Department of Defense and to direct the Secretary of Defense and the Administrator of Veterans' Affairs to plan for the provision of health care by the Veterans' Administration during periods of war or national emergency to members of the Armed Forces on active duty; and for other purposes.".

Mr. MONTGOMERY (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments to the House amendments be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

Mr. WYLIE. Mr. Speaker, reserving the right to object, I reserve the right to object to afford the distinguished chairman of the Committee on Veterans' Affairs an opportunity to explain what the gentleman is doing with this procedure.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. WYLIE. I would be glad to yield to the gentleman from Mississippi.

Mr. MONTGOMERY. I thank the gentleman for yielding.

Mr. Speaker, I wish to advise my colleagues that S. 266, entitled the "Vet-

erans' Administration and Department of Defense Health Resources Sharing and Emergency Operations Act," as amended, is a compromise agreement reached by the Senate Committee on Veterans' Affairs and our committee and is basically the same as H.R. 3502, the Veterans' Administration and Department of Defense Medical Sharing Act, which was passed by the House on November 4, 1981, by a vote of 386 to 0. The bill is designed to promote sharing of health-care resources between the VA and DOD in order to reduce costs while improving the quality of health care delivered to beneficiaries of each agency. Additionally, it would establish the Veterans' Administration health-care system as the primary backup to the Department of Defense health-care system for the treatment of U.S. military personnel in time of war or national emergency.

The proposed agreement contains all the major provisions of the bill passed by the House, but does not contain one significant provision of the Senate-passed bill, which would have allowed military dependents to be treated in VA hospitals. That provision has been deleted.

Mr. Speaker, it is our intention to improve the efficiency of both the VA and DOD health-care systems by providing incentives to hospital authorities to enter into sharing agreements which permit sharing scarce and expensive medical services or treatments. Included in these incentives is a provision for direct reimbursement to VA or DOD hospitals providing services to a beneficiary of A VA or DOD hospital lacking certain treatment or service modalities, thus avoiding high cost contracts with non-Federal hospitals or medical facilities.

In addition to the general provision of sharing health-care resources, the bill would address the critical issue of the supportive relationship between the two agencies in time of war or national emergency, a time when DOD medical facilities may not be able to care for the casualties resulting from such armed conflict. It simply makes good sense that the Nation's largest hospital system, in or out of the Government, has the major responsibility as the lead health-care system to support the military in time of war or national emergency. An arrangement that will not only provide high quality medical treatment to our men and women in the Armed Forces, but will also provide this needed wartime care at far less expense to our taxpayers.

One of the provisions of Public Law 97-35, the Omnibus Budget Reconciliation Act of 1981 reduced from 70 to 55 percent the amount payable by the Veterans' Administration for veterans taking correspondence training after September 30, 1981. This was one of the legislative cost saving measures approved last year by the Congress. However, the HUD-Independent Agencies Appropriation Act of fiscal year 1982 did not provide payments for veterans' correspondence school training for those enrolled after September 30, 1981.

As a result, veterans and correspondence schools are confused regarding the law on correspondence training. Unquestionably, the law makes it clear that GI bill training, including correspondence school courses, are entitlements. The law is quite explicit in this regard. Section 1661(a) of title 38 provides that a veteran shall be entitled to educational assistance under the GI bill. The Veterans' Administration, in a General Counsel opinion, has stated that correspondence courses are an entitlement under title 38.

However, the Appropriations Act, in providing funds to carry out VA programs for fiscal year 1982—Public Law 97-162—eliminated payments for correspondence training for the current fiscal year. Correspondence training is not a discretionary program and, in my view, the Veterans' Administration is obligated to reimburse veterans for this type of training as provided by law.

In addition to the sharing provisions of the bill, there is a provision proposed by the Senate which would restore the availability of GI bill reimbursements to Vietnam-era veterans for correspondence training in the current fiscal year. This provision would be retroactive to October 1, 1981, and will clarify this situation which has resulted in veterans being denied benefits authorized by law as an entitlement by providing that funds appropriated for fiscal year 1982 for veterans readjustment programs will be available for veterans pursuing correspondence courses during the current fiscal year.

The perfection of this legislation was the culmination of the personal and untiring efforts of the chairman of the Subcommittee on Hospitals and Health Care, the Honorable RONALD M. MOTTL, who introduced H.R. 2158, the Military/Veterans' Administration Medical Sharing Act of 1981 last year. His bill was the initial legislative effort and the foundation for the provision of greater coordination and sharing of medical resources of the Veterans' Administration and the Department of Defense found in this amended bill that we are now considering. I wish to also recognize the legislative expertise of the Honorable MARVIN LEATH, chairman of the Subcommittee on Housing and Memorial Affairs, for introducing the companion bill, H.R. 1969, the Military Casualty Medical Treatment Planning Act of 1981, on February 19, 1981, which was designed to designate the VA health-care delivery system as the principal DOD backup health-care system. His bill provided the framework for the second provision of S. 266, as amended by the House.

The compromise we are considering today was a bipartisan committee effort with full cooperation of majority and minority members. It would not have been possible without the dynamic leadership and legislative skills of the gentleman from Arkansas (Mr. HAMMERSCHMIDT) our ranking minority member, and I wish to thank him for his contributions in bringing this important legislation to this final congressional resolution. In addition, I wish to commend the distinguished gentleman from Georgia (Mr. BRINKLEY), chairman of the Armed Services Subcommittee on Military Installations and Facilities, the ranking minority member, the Honorable PAUL TRIBLE, and the members of the subcommittee for their efforts in perfecting this bill and working out this compromise. I also wish to thank my good friends, Chairman MEL PRICE and BILL DICKINSON, ranking minority member, of the full Committee on Armed Services for their cooperation in guiding this bill and its compromise through the committee expeditiously and with careful attention.

EXPLANATORY STATEMENT OF SENATE BILL, HOUSE AMENDMENT (H.R. 3502), AND COMPROMISE AGREEMENT ON S. 266, THE VETERANS' ADMINISTRATION AND DEPARTMENT OF DEFENSE HEALTH RESOURCES SHARING AND EMERGENCY OPERATIONS ACT

CONGRESSIONAL FINDINGS

Both the Senate bill, in a freestanding provision, and the House amendment, in an amendment to title 38 of the United States Code, would express Congressional findings relating to the sharing of health-care resources between the Veterans' Administration and the Department of Defense (hereinafter generally referred to as "the agencies").

The compromise agreement would express such findings, the specifics of which are discussed below, in a freestanding provision.

The Senate bill would include a finding that there are opportunities for greater sharing between the agencies and that increased sharing would be beneficial to veterans, members of the Armed Forces on active duty, and other health-care beneficiaries of the agencies. The House amendment would include a finding in this regard limited to veterans and members of the Armed Forces on active duty.

The compromise agreement follows the House amendment, but the reference to members of the Armed Forces is not restricted to those on active duty.

The Senate bill, but not the House amendment, would include findings that greater sharing between the agencies would result in reduced costs by minimizing duplication and underutilization of health-care resources, that there are not adequate incentives to encourage such sharing, and that such sharing may be achieved without a detrimental effect on each agency's primary beneficiaries.

The compromise agreement contains these findings.

The Senate bill, but not the House amendment, would include further Congressional findings relating to the role of the VA

health-care system as a backup to the health-care resources of the Department of Defense in the time of war or national emergency.

The compromise agreement contains these provisions.

SHARING OF VA AND ARMED FORCES FACILITIES

Both the Senate bill and the House amendment would amend present section 5011 of title 38, relating to sharing of VA and Armed Forces health-care facilities, to make the provisions of the present section a new subsection (a). The Senate bill would add "other resources" to the list of items that may be subject to mutual-use or exchange-of-use agreements and would delete the prohibition against any such agreement that would result in a permanent reduction of the number of VA hospital and domiciliary beds to levels below the number established or approved on June 22, 1944, plus the estimated number required to meet the load of current eligibles, and replace that prohibition with one precluding any such agreement that would result in a permanent reduction of VA beds below any minimum number prescribed by law.

The House amendment would delete the above-mentioned reference to the June 22, 1944, VA hospital and domiciliary bed levels in the current-law prohibition and substitute a reference to VA hospital, domiciliary, and nursing home bed levels established or approved under section 5010 of title 38.

The compromise agreement contains the amendments proposed in the Senate bill with technical amendments to refer to section 5010(a)(1) of title 38 and reflect the amendments made in that section by section 108 of Public Law 97-72.

ESTABLISHMENT OF VA/DOD COMMITTEE

Both the Senate bill, in a freestanding provision, and the House amendment, in an amendment to present section 5011 of title 38, would establish a Veterans' Administration/Department of Defense Committee to promote the sharing of health-care resources between the agencies. The Senate bill would have as members of the Committee the VA's Chief Medical Director, the Assistant Secretary of Defense for Health Affairs (referred to as "the Assistant Secretary"), or their respective designees, and other employees mutually designated. The House amendment would have as members the Chief Medical Director and the Assistant Secretary or their respective designees.

The compromise agreement contains a provision, in an amendment to present section 5011 of title 38 (adding a new subsection (b)(1) and (2)), to establish, for the purpose of promoting health-care resources sharing, a "Veterans' Administration/Department of Defense Health-Care Resources Sharing Committee" (hereinafter referred to as the "VA/DoD Committee") with the Chief Medical Director, Assistant Secretary, and such other officers and employees of their respective agencies as they each designate as members. The size of the Committee would be mutually determined by the Chief Medical Director and the Assistant Secretary. The Chief Medical Director would chair the Committee in fiscal years 1982 and 1983, the Assistant Secretary would chair it in fiscal year 1984, and thereafter the chairmanship would alternate between them each subsequent fiscal year. Administrative support services for the Committee would be required to be provided by the VA and DoD on an equitable basis.

DUTIES OF VA/DOD COMMITTEE

The Senate bill would require the VA/DoD Committee to take certain actions, on a continuing basis, in order to promote coordination of health-care services between the agencies and to provide guidance to the agencies in regard to sharing health-care resources. The House amendment would require the Committee to take certain actions, regularly, to maintain oversight of opportunities for sharing medical resources between the two agencies and to make recommendations to the heads of the agencies with respect to such sharing.

The compromise agreement contains a provision that would require the Committee to take certain actions (described below), on a continuing basis, in order to enable it to make recommendations to the Administrator or the Secretary of Defense or both for promoting sharing of health-care resources between the agencies. (The term "health-care resources" would be broadly defined, as described below under the heading "Definitions".)

The Senate bill would require the Committee to take the following actions:

Review existing policies and practices in regard to coordination and sharing of health-care resources between the agencies;

Identify and assess further opportunities for the coordination and sharing of health-care resources between the agencies that would not adversely affect the quality of, or the established priorities for, care provided by either agency;

Develop and recommend to the agency heads changes in existing policies and procedures to produce maximum feasible coordination and sharing of health-care resources between the agencies as authorized by title 38;

Monitor plans of the agencies to acquire additional health-care resources and review the potential impact of such proposals on opportunities for such coordination and sharing as would not adversely affect the quality of, or the established priorities for, care provided by either agency; and

Develop, in consultation with other agencies as directed by the President, a plan for the effective utilization of VA resources as a backup to DoD during a period of war or national emergency.

The House amendment would require the Committee to take the following actions:

Assess the opportunities for sharing of existing medical resources between the agencies;

Keep each agency apprised of the other's plans for any additional medical facilities and for the acquisition of major new medical equipment with regard to the impact of such plans on opportunities for sharing;

Review the existing direct health-care capabilities of the two agencies in order to identify opportunities for sharing that will not adversely affect the quality, or the established priority, of care provided by either agency; and

Recommend to the Administrator and the Secretary of Defense policies and procedures designed to maximize the sharing of medical resources by the two agencies.

The compromise agreement (in new subsection (b)(3) of section 5011) would require the VA/DoD Committee—in order to enable the Committee to make recommendations to the Administrator or the Secretary of Defense, or both, with respect to changes in policies pertaining to the sharing of health-care resources between the agencies—to take the following actions:

Review existing policies, procedures, and practices relating to the sharing of health-care resources between the agencies;

Identify and assess further opportunities for the sharing of health-care resources between the agencies that would not, in the judgment of the VA/DoD Committee, adversely affect the range of services, the quality of care, or the established priorities for care provided by either agency;

Identify changes in policies, procedures, and practices that would, in the judgment of the VA/DoD Committee, promote such sharing of health-care resources between the agencies ("such sharing" refers to sharing that would not adversely affect the range of services, the quality of care, or the established priorities for care provided by either agency);

Monitor the plans of the agencies for acquiring additional health-care resources in order to assess the potential impact of such plans on further opportunities for such sharing of health-care resources between the agencies; and

Monitor the implementation of activities by the agencies designed to promote the sharing of health-care resources between the agencies.

The compromise agreement also contains a provision (new subsection (b)(4) of section 5011) requiring the VA/DoD Committee, within nine months of the date of enactment of this measure and thereafter as the Committee determines appropriate, to make recommendations to the Administrator of Veterans' Affairs or the Secretary of Defense or both with respect to changes in policies, procedures, and practices and other matters that would promote such sharing of health-care resources between the agencies as would not adversely affect the range of services, the quality of care, or the established priorities for care provided by either agency.

GUIDELINES FOR SHARING VA/DOD HEALTH-CARE RESOURCES

Both the Senate bill and the House amendment would require the Administrator and the Secretary of Defense jointly to establish guidelines for the sharing of health-care resources between the agencies. The Senate bill would require that the guidelines be established not later than nine months after the date of enactment; the House amendment, not later than one year after the date of enactment. The Senate bill would specify that the guidelines are for sharing to the maximum extent feasible consistent with the health-care responsibilities of the two agencies under titles 38 and 10, respectively, of the United States Code.

The compromise agreement (in new subsection (c)(1) of section 5011) would require the Administrator and the Secretary of Defense, after considering the recommendations of the VA/DoD Committee, jointly to establish guidelines to promote such sharing of health-care resources as would be consistent with the health-care responsibilities of the two agencies under title 38 and chapter 5 of title 10, respectively, and that would not adversely affect the range of services, the quality of care, or the established priorities for care provided by either agency. Section 3(d) of the bill would require the guidelines initially to be established within 12 months after the date of enactment.

The Senate bill would require that the guidelines include provision for the following:

The director or commanding officer of each health-care facility under the jurisdic-

tion of either of the two agencies shall, to the maximum extent feasible, appropriate, and consistent with the responsibilities of the agencies, enter into sharing agreements with the head of each health-care facility of the other agency in the same geographic area, under which agreements the eligible beneficiaries of one agency identified in the agreement may be provided health care at the facility of the other agency.

Each agreement shall explicitly identify the health-care resources to be shared, the health care to be provided, and the beneficiaries to be treated;

Each agreement shall ensure that the availability of direct health care to individuals who are not primary beneficiaries of the providing agency shall be on a referral basis and shall not adversely affect the range of services, quality of care, or priority for services provided to that agency's primary beneficiaries;

Each agreement shall be submitted to the Chief Medical Director and the Assistant Secretary on the same day and shall become an interagency agreement on the forty-sixth day following receipt, unless earlier disapproved by either official or, if earlier approved by both officials, on the date of approval;

Each agreement shall provide for reimbursement to the providing agency based on a methodology, agreed upon by the Chief Medical Director and the Assistant Secretary, which provides appropriate flexibility to the heads of local facilities to take into account local conditions and needs and the actual costs to the facility that provided the care; and

The reimbursement shall be credited to the appropriations available to the facility which provided the care or services.

The House amendment would require that the guidelines include provisions for the following:

The director of a VA health-care facility or the officer in charge of a DoD facility may enter into cooperative sharing agreements with health-care facilities of the other agency under which an individual entitled to direct health care in a facility of one agency may be provided care at the facility of the other agency;

Each agreement shall explicitly define the health care to be provided, and services to be shared may include any medical resource that is agreed upon; and

Each agreement shall ensure that the availability of direct health care to individuals who are not primary beneficiaries of the providing agency shall be on a referral basis and shall not adversely affect the range of services, quality of care, or priority access for services provided to the agency's primary beneficiaries.

The House amendment would also require that whenever a beneficiary receives medical services from the agency of which the individual is not a primary beneficiary, that agency shall be reimbursed based upon a costing methodology that is agreed to by the Administrator and the Secretary and is based upon the cost of the services provided, and that the reimbursement shall be credited to the appropriation and to the facility that provided the services.

Both the Senate bill and the House amendment would define the terms "beneficiary" and "primary beneficiary" in a similar manner (the principal difference between the two bills being that the Senate definitions would include dependents). The definitions of these terms adopted in the compromise agreement are described below under the heading "Definitions".

The compromise agreement (in new subsection (c)(2) of section 5011) would require the guidelines to authorize the heads of individual medical facilities to enter into sharing agreements in accordance with provisions in new subsection (d) of section 5011, which provide as follows:

The head of each health-care facility of either agency is authorized to enter into sharing agreements with the heads of health-care facilities of the other agency under which primary beneficiaries of one agency may be provided care at a facility of the other agency that is a party to the agreement;

Each agreement must identify the health-care resources to be shared;

Each agreement must provide, and must specify procedures designed to ensure, that the availability of health care under sharing agreements to individuals who are not primary beneficiaries of an agency shall be on a referral basis and shall not (as determined by the head of the facility of the providing agency) adversely affect the range of services, the quality of care, or the established priorities for care provided by the facility of the providing agency to that agency's primary beneficiaries;

Each agreement must specify that the providing agency shall be reimbursed by the other agency at a rate to be determined pursuant to the provisions of new subsection (e) of section 5011, discussed below; and

Each proposal for an agreement shall be submitted to the Chief Medical Director and the Assistant Secretary, and each such proposal shall be effective as an agreement in accordance with its terms on the forty-sixth day after receipt by both officials, unless earlier disapproved by either official, or if earlier approved by both officials, on the date of such approval.

The Committees note that by not including in the compromise agreement the geographic limitation on sharing authority contained in the Senate bill ("in the same geographic area"), it is their intent that the head of the health-care facility of one agency should have maximum flexibility to enter into sharing agreements with heads of health-care facilities of the other agency and that, although the Committees anticipate that the vast preponderance of sharing agreements will be entered into by geographically proximate facilities, such a result will occur only because the access to care by the agencies' beneficiaries would be greatest in the case of such facilities. With further reference to the Committees' intent that the heads of health-care facilities have maximum flexibility when entering into sharing agreements, the Committees note that such agreements would not have to cover all of the beneficiaries of the health-care facility of one agency but rather could be limited in their coverage to specific categories of individuals (such as all beneficiaries in need of treatment for a heart disease) as agreed to by the heads of the health-care facilities entering into a sharing agreement.

With reference to the provision in the compromise agreement specifying that the availability of direct health care under sharing agreements shall not adversely affect the range of services, the quality of care, or the established priorities for care provided by either agency, the Committees note that this provision would require that before a VA facility that acquires additional in-house medical or dental care capacity proceeds to share any of that capacity, that new capacity should be applied to the care of veterans who were being treated on a fee basis by virtue of the VA's prior lack of capacity to treat them (as provided for in section 601(4)(C) of title 38).

The Committees note that the House amendment, in making reference to beneficiaries who could receive care under a sharing agreement, referred to individuals "entitled" to health care in VA or DoD facilities. By using the term "eligible" for care in the compromise agreement, the Committees are expressing no view about which beneficiaries of either agency's health-care system may have legal entitlements to care or services, since resolution of that issue is not necessary to provide the authorization, set forth in the compromise agreement, for the two agencies to enter into sharing agreements.

The compromise agreement contains a further provision (new subsection (e) of section 5011) requiring that reimbursement under a sharing agreement be based on a methodology agreed upon by the Chief Medical Director and the Assistant Secretary that provides appropriate flexibility to the heads of local facilities to take into account local conditions and needs and the actual costs to the providing facility. Reimbursements would be required to be credited to funds that have been allotted to the facility that provided the care or services.

The Committees note that, in adopting this approach to reimbursement between the agencies emphasizing local flexibility and the actual costs to the providing facility of the care or services provided, it is their intention that the agencies be allowed to reimburse one another without reference to any standard rate or rates established by the Office of Management and Budget. The inflexible application of OMB standard rates has been cited as one barrier to greater interagency sharing under current law, and the Committees do not believe that it should be permitted to continue. In this regard, the Committees note the provision in the compromise agreement (new section 5011A(c)(1) of title 38 as proposed to be added by section 4(a) of the bill, discussed below) relating to reimbursement of VA by DoD for the care or services provided by the VA to active duty members of the Armed Forces in time of war or national emergency. That provision requires reimbursement "based on the cost of the care or services provided". As noted below, the Committees believe that it would not be inappropriate under that formulation for the agencies to rely on an OMB-determined standard rate because the rate of reimbursement in that context is not expected to be a significant factor in the making of arrangements for the VA to provide care for combat casualties.

REPORT ON SHARING OF VA/DOD HEALTH-CARE RESOURCES

Both the Senate bill and the House amendment would require the Administrator and the Secretary to submit an annual joint report to the Congress, at the time the President's Budget is transmitted to the Congress, on the agencies' activities in carrying out the provisions of the compromise agreement relating to the guidelines for sharing.

The compromise agreement contains a provision (new subsection (f) of section 5011), derived from the provisions of the Senate bill and the House amendment, requiring that the joint annual report include information with respect to:

The guidelines (and any revisions thereof) prescribed by the agencies pursuant to the compromise agreement provisions described above relating to those guidelines;

The assessment of opportunites for further sharing identified by the VA/DoD Committee pursuant to the compromise agreement provisions described above relating to that Committee;

The recommendations to the Administrator and the Secretary made by the VA/DoD Committee pursuant to those same compromise agreement provisions for changes in the policies, procedures, and practices of the agencies in order to promote sharing of health-care resources;

A review of sharing agreements entered into by the agencies pursuant to the guidelines and a summary of the activities of the agencies under those sharing agreements;

A summary of other planning and activities involving either agency (but not necessarily the other) in connection with promoting the coordination and sharing of Federal health-care resources during the fiscal year covered by the report as well as activities involving the two agencies but not pursuant to a sharing agreement entered into under section 5011; and

Recommendations for legislation that the Administrator and Secretary consider appropriate to facilitate the sharing of health-care resources between the agencies.

DEFINITIONS

Both the Senate bill and the House amendment would include definitions of terms used in the provisions relating to interagency sharing.

The compromise agreement (in new subsection (g) of section 5011) would define various terms used in such provisions as follows:

"Beneficiary"—a person who is a primary beneficiary (a term also defined, as described below) of the VA or DoD.

"Direct health care"—health care provided in a facility operated by the VA or DoD.

"Head of a medical facility"—(A) in the case of a facility under the jurisdiction of the VA, the director, and (B) in the case of a facility under the jurisdiction of DoD, the medical or dental officer in charge or the contract surgeon in charge.

"Health-care resource"—any health-care resource, including hospital care, medical service, and rehabilitative services as those terms are defined in paragraphs (5), (6), and (8), respectively, of present section 601 of title 38, any other health-care service, and any health-care support or administrative resource.

"Primary beneficiary"—(A) with respect to the VA, a person who is eligible, under the provisions of title 38 (other than present section 611(b) of title 38), relating to non-veterans' eligibility for care in emergencies, present section 613 of title 38, relating to eligibility for care for certain dependents and survivors of veterans, or the provision of law proposed to be added by the compromise agreement provision (new subsection (d) of section 5011) relating to interagency sharing agreements) or any other provision of law, for care or services in VA health-care facilities, and (B) with respect to DoD, a member or former member of the Armed Forces who is eligible for care under present section 1074 of title 10, relating to eligibility for medical and dental care for members and former members of the uniformed services. The difference between this definition and that of "beneficiary" (described above) is that "primary beneficiary" is defined with reference to each agency and is used in a provision (new subsection (d)(3) of section 5011) precluding a sharing agreement from having an adverse effect on either agency's services to its own beneficiaries.

"Providing agency"—either the VA or DoD, determined according to which agency's health-care facility actually furnishes the care or services in question.

Both the Senate bill and the House amendment would require the Assistant Secretary to consult regularly with the Surgeons General of the Army, Navy, and Air Force in carrying out the compromise agreement provisions described above.

The compromise agreement contains this provision in a freestanding provision in section 3(c) of the bill.

VA CONTINGENCY BACKUP TO DOD

Both the Senate bill and the House amendment would amend title 38 to authorize the Administrator, in time of war, or during a period of national emergency declared by the Congress or the President involving the use of the Armed Forces in armed conflict, to give a higher priority to the furnishing of care and services in VA facilities to members of the Armed Forces on active duty than to any other group of persons eligible for such care and services with the exception of veterans with service-connected disabilities.

The House amendment, but not the Senate bill, would require that, before this authority to provide priority VA care and services to active duty members of the Armed Forces could be exercised, the President would have to authorize such action. The Senate bill would require the Administrator to prescribe regulations prior to exercising this new authority; the House amendment would require the Administrator to prescribe regulations only with reference to the exercise of the new authority to contract with private facilities (described below).

The compromise agreement contains a provision (subsection (a)(1) of new section 5011A) authorizing such priority care—without a requirement of advance Presidential authorization, but with a requirement that the Administrator prescribe regulations governing the exercise of this authority—and would extend the period during which this authority could be exercised to the period immediately following a period of war or national emergency so as to ensure that the VA could continue, after the cessation of hostilities, to care for the casualties from the period of armed conflict for such period of time as the national interest required.

The compromise agreement contains a provision (subsection (a)(2) of new section 5011A) specifying that the terms "hospital care", "nursing home care", and "medical services" as used in new section 5011A have the meanings given such terms by section 601(5), 101(28), and 601(6) of title 38, respectively.

VA CONTRACT AUTHORITY IN WAR OR NATIONAL EMERGENCY

Both the Senate bill and the House amendment would provide authority for the Administrator to contract with private facilities for the provision of hospital care and medical services to certain groups of veterans, as discussed below, during a period of war or national emergency. The Senate bill would limit the exercise of this contracting authority to the extent authorized by the President; as described under the preceding heading, the House amendment would make the entire exercise of the contingency care authority by the VA dependent upon advance Presidential authorization. The Senate bill also would make the exercise of this authority subject to the availability of appropriations or of reimbursements to the VA from DoD for the costs of care rendered by the VA to active duty personnel pursuant to provisions of the compromise agreement described under the preceding heading; the House amendment makes the exercise subject just to the availability of appropriations.

The compromise agreement (subsection (b) of new section 5011A) would authorize the Administrator, to the extent authorized by the President and subject to the availability of appropriations or reimbursements, to enter into contracts with private facilities for the provision of hospital care and medical services to certain groups of veterans, as discussed below, during and immediately following a period of war or national emergency.

Under the Senate bill, the authority to contract with private facilities for hospital care or medical services for a veteran would be available to provide care and treatment for a condition for which a veteran is receiving medical services under title 38 provisions authorizing outpatient care (present subsections (f) and (g) of section 612) if the delay in furnishing the care at the VA facility concerned would, in the judgment of the Chief Medical Director pursuant to regulations prescribed by the Administrator, be likely to result in a significant deterioration of the veteran's condition. Under the House amendment, the contract authority for treatment of a veteran receiving VA medical services under the outpatient treatment provisions would be limited to hospital care and would be available in cases in which, in the Administrator's judgment, delay in providing care would likely result in a deterioration of the veteran's condition.

Under the compromise agreement (subsection (b)(1) and (2)(A) of new section 5011A), the Administrator would be authorized to enter into contracts with private facilities for such hospital care and medical services as are authorized under title 38 for a veteran and are necessary for the care or treatment of a condition for which a veteran is receiving medical services (outpatient treatment) at a VA facility under present subsection (f) or (g) of section 612 in a case in which the delay involved in furnishing the care at that facility or any other VA facility reasonably accessible to the veteran would, in the judgment of the Chief Medical Director, be likely to result in a deterioration of the condition. It is the Committees' intent that the VA should, in determining whether or not any other VA facility that could provide the needed care or services is reasonably accessible to the veteran, utilize the standard now applied by the agency for determining eligibility for fee-basis care because of geographic inaccessibility under present section 601(4)(C) of title 38.

The Senate bill would authorize the Administrator to contract with private facilities for hospital care for the treatment of a medical emergency which poses a serious threat to the life or health of a veteran eligible for care under chapter 17 of title 38 if the Chief Medical Director, pursuant to regulations prescribed by the Administrator, finds that the VA facility concerned is utilizing a substantial portion of its hospital care capability for the furnishing of priority care to members of the Armed Forces. The House amendment would provide similar contract authority for hospital care, as well

as for medical services, in cases in which VA facilities are not capable of furnishing the care or services required because of furnishing care and services to members of the Armed Forces.

Under the compromise agreement (subsection (b)(1) and (2)(B) of new section 5011A), the Administrator would be authorized to enter into contracts with private facilities for hospital care for a veteran who is receiving VA hospital care or who is eligible for such care and requires hospital care in a medical emergency that poses a serious threat to the life or health of the veteran, if VA facilities are not capable of furnishing or continuing to furnish the care or services required because of furnishing care and services to members of the Armed Forces. This authority is broader than that included in either the Senate bill or the House amendment so as to ensure that if, in the case of war or national emergency, any veterans receiving VA hospital care for non-service-connected conditions or requiring hospital care on an emergency basis for such conditions are displaced by active-duty members of the Armed Forces pursuant to the new authority, the VA would have the authority to provide by contract for their continuing hospital care and, as generally authorized, necessary followup medical services.

Both the Senate bill and the House amendment would require that the cost of any care or services provided by the VA to members of the Armed Forces on active duty be reimbursed to the VA by DoD at rates as may be agreed upon by the Administrator and the Secretary of Defense based on the cost of the care and services provided, and that amounts received as reimbursements shall be credited to funds allotted to the VA facility that provided the care or services.

The compromise agreement contains this provision (subsection (c) of new section 5011A).

As noted above in the discussion of the compromise agreement provision relating to reimbursement between VA and DoD under sharing agreements, it does not seem inappropriate to the Committees for the reimbursement pursuant to this provision to be based on an OMB-determined standard rate since the rate of reimbursement in this context should not be a significant factor in the making of arrangements for the VA to provide care for combat casualties. Rather, the only significant purpose of the reimbursement formula in this context is to ensure that the VA is compensated fairly for the use of agency resources in support of DoD beneficiaries so that the costs of such care can be appropriately attributed and so that the VA will be able to continue to fulfill its primary mission of providing care to eligible veterans.

PLANNING FOR AND REPORTING ON CONTINGENCY BACKUP ROLE

The Senate bill, in a freestanding provision, and the House amendment, in a title 38 amendment, would require the Administrator and the Secretary of Defense, not later than 180 days after enactment, to enter into an agreement to pursue planning activities and establish procedures and guidelines for the VA to carry out the contingency backup function. The House amendment would further require that, not later than one year after the date of enactment, the Administrator and the Secretary complete the plans for the VA contingency backup function and submit them to the Committees on Veterans' Affairs and Armed Services of the Senate and the House of Representatives. The House amendment would also require a joint review of these plans not less often than annually and a report to the same committees within 30 days of any modification to the plans.

The compromise agreement in a title 38 provision (subsection (d) of the new section 5011A), would require the Administrator and the Secretary, not later than 6 months after the date of enactment, to enter into an agreement to plan and establish procedures and guidelines for the implementation of the VA's contingency backup role. This compromise agreement provision would also require that, not later than one year after the date of enactment, the Administrator and Secretary complete plans for the implementation of the VA's contingency backup role and submit them to the Committees on Veterans' Affairs and Armed Services of both Houses and would require joint reviews of the plans not less often than annually and a report to these committees on any modification of the plans, to be submitted within 30 days of the modification.

Both the Senate bill and the House amendment would require the Administrator, at a specified point following a declaration of war or national emergency, to report to the Committees on Veterans' Affairs on the Administrator's allocation of facilities and personnel to provide care and services to members of the Armed Forces on active duty. The Senate bill would require that this report be submitted within 90 days after the declaration of war or national emergency or as soon thereafter as reasonably practicable; the House amendment would require that this report be submitted within 30 days after the President authorizes the VA to provide care to members of the Armed Forces on active duty. The Senate bill, but not the House amendment, would also require the Administrator, after submitting the first report, to report periodically thereafter to the committees regarding the extent to which, and the circumstances under which, the Administrator has utilized the authority to contract with private facilities as would be provided in conjunction with the VA's assuming a contingency backup function.

The compromise agreement (in subsection (f) of new section 5011A) would require the Administrator to submit to the Committees on Veterans' Affairs, within 30 days after the declaration of a period of war or national emergency or as soon thereafter as reasonably practicable, a report on the allocation of facilities and personnel in order to provide priority care and services to members of the Armed Forces on active duty. The compromise agreement would also require that, not later than 90 days after the end of any fiscal year in which the authority to contract with private facilities to provide care and services to certain veterans during a period of war or national emergency has been used, the Administrator report to the Veterans' Affairs Committees regrading the extent of, and the circumstances surrounding, the use of this authority during that fiscal year.

CORRESPONDENCE TRAINING UNDER THE GI BILL

The Senate bill, but not the House amendment, would amend section 1768 of title 38, relating to VA educational benefits for correspondence course training, to provide for the continued payment of GI Bill benefits for correspondence course training.

The compromise agreement contains this provision with technical amendments designed to ensure that funds are available and payable in fiscal year 1982 for correspondence training benefits.

The Committees note that in a January 4, 1982, memorandum prepared in the VA General Counsel's office, the view was expressed that the Senate provision would not be effective in achieving its intended objective—ensuring that fiscal year 1982 Readjustment Benefits account funds, notwithstanding any provision of law limiting the availability of such funds, are available for correspondence benefits in accordance with the provisions of section 1786 of title 38 as amended by the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35). In light of that memorandum, technical changes have been made in this provision by the compromise agreement in order to make certain that the measure does achieve that objective.

VA MEDICAL CENTER INDIANAPOLIS NAMING

The Senate bill, but not the House amendment, would designate the VA Medical Center in Indianapolis, Indiana, as the "Richard L. Roudebush Veterans' Medical Center".

The compromise agreement contains this provision with a technical amendment to designate the center as the "Richard L. Roudebush Veterans' Administration Medical Center".

Mr. WYLIE. Mr. Speaker, further reserving the right to object, I yield to the distinguished gentleman from Alabama (Mr. DICKINSON).

Mr. DICKINSON. Mr. Speaker, I thank the gentleman for yielding.

I would just like to say I am familiar with this legislation. I do support it, both as the ranking member of the Armed Services Committee and as a member of the Military Construction Subcommittee.

Mr. Speaker, I rise to strongly endorse the compromise agreement reached by the Senate Veterans' Affairs Committee and the House Committees on Veterans' Affairs and Armed Services on S. 266, the Veterans' Administration and Department of Defense Health Resources Sharing and Emergency Operations Act.

I believe the goals of this legislation—to promote and foster increased cooperation and sharing of health care resources between the Veterans' Administration and the Department of Defense during peacetime, and to establish the Veterans' Administration medical system as the primary backup for the Department of Defense during a period of war or national emergency declared by the President or the Congress—are in the best interests of the agencies and the country. In addition, the provisions of the bill are designed to maintain the integrity and separate health care missions of both provider agencies, and to enhance their respective abilitites to accomplish their missions in a cost-effective manner.

As amended, S. 266 is strongly supported by the Veterans' Administration, the Department of Defense, and the administration. There will be no cost to the Government with the enactment of this legislation. It is ex-

pected that considerable savings to the Government will eventually accrue as a result of its enactment.

I urge my colleagues to vote for the compromise agreement on S. 266.

Mr. WYLIE. Mr. Speaker, further reserving the right to object, I would be glad to yield to the gentleman from Ohio (Mr. MOTTL).

Mr. MOTTL. I thank the gentleman from Ohio for yielding.

Mr. Speaker, I rise to support the bill, S. 266. As Chairman MONTGOMERY has indicated, the present bill contains all of the major provisions of H.R. 3502, which passed the House unanimously on November 4, 1981, and reflects the compromise agreement reached by the Senate and House Committees on Veterans' Affairs.

The only major difference between the House-passed bill and the original bill which passed the Senate was a provision in S. 266 that would have permitted the medical care of military dependents in VA hospitals and clinics. This provision is not in the present bill under consideration.

The two major provisions of S. 266, as amended, designate the VA health care delivery system as the primary backup health care system to the Department of Defense during a period of war or national emergency and promote greater sharing of medical resources between the two agencies.

The Veterans' Administration and the Department of Defense are the largest direct health-care providers in the United States. One means of assuring the effective and efficient use of Federal funds for the delivery of health services is to promote the coordination and sharing of health-care resources between these two agencies. Under the provisions of this bill, the Federal Government will achieve cost savings by eliminating duplication, increasing utilization of facilities, and reducing reliance on non-Federal providers. In addition, the quality of patient care will be enhanced by consolidating workloads and resources and increasing staff proficiency. In many cases, access to care will be improved by providing medical services nearer to the homes of veterans. Care has been taken to insure that the basic health-care responsibilities of each agency will not be compromised by their participation in coordination and sharing activities and to make certain that any sharing agreements will not result in a permanent reduction of Veterans' Administration hospital beds below the minimum number prescribed by law.

Mr. Speaker, this very significant measure would also add contingency capability as the fourth mission of VA's Department of Medicine and Surgery, adding to the missions of patient care, medical and allied health education and training, and medical and prosthetic research. The Department of Defense has indicated that there could be combat situations in which they would not have the capacity to meet the demands for hospital care of casualties. The proposed agreement provides that both VA and DOD fully participate in Federal medical planning for and care of returning wartime casualties, and gives VA the mission of providing direct medical support to DOD in the treatment of such casualties.

Both the peacetime sharing and the contingency planning provisions of this legislation support the special relationship which exists between the Veterans' Administration and the Department of Defense and are not intended to alter their complete autonomy and separate statutory responsibilities.

The compromise that has been worked out would, in my opinon, strengthen the bill. I wish to commend our distinguished chairman, SONNY MONTGOMERY, and the ranking minority member, JOHN PAUL HAMMERSCHMIDT, for their tireless efforts and concern for a successful resolution. I would also like to give great credit to the chairman of the Senate Veterans' Affairs Committee, Senator ALAN SIMPSON, and the ranking minority member, Senator ALAN CRANSTON, for their full cooperation in developing this most satisfactory agreement.

I strongly support the amended bill, and I urge my colleagues to support it.

Mr. HAMMERSCHMIDT. Mr. Speaker, will the gentleman from Ohio yield?

Mr. WYLIE. Further reserving the right to object, I yield to the gentleman from Arkansas.

Mr. HAMMERSCHMIDT. Mr. Speaker, I want to support the statement just made by the gentleman.

Mr. Speaker, S. 266 is ready for final House consideration. I am pleased to tell you that the administration fully supports the bill in its current form.

Mr. Speaker, this is a bill that has had long and very careful study. It provides for sharing of medical resources between the Veterans' Administration and the Department of Defense. Local officials at the VA or DOD installations will have substantial input into agreements with respect to sharing. The net result of this effort should be an improvement in the delivery of medical care by both agencies and at a lower cost.

Mr. Speaker, the other body has now agreed with the House that dependents of military personnel should not be treated in VA facilities. VA hospitals are not usually equipped for such treatment except in rather rare emergencies. The deletion of this provision, in my opinion, improves the bill.

Mr. Speaker, a principal provision of S. 266 is vitally important. It provides that the VA medical system will be the primary backup to the Department of Defense for treatment of casualties in time of war or national emergency. This provision spells out procedures to be followed in the event the necessity arises. There can be no question that this is a much needed addition to our current national defense posture.

Mr. Speaker, the chairman of the House Committee on Veterans' Affairs, Mr. SONNY MONTGOMERY, has performed yeoman service with respect to this bill. The chairman of the Subcommittee on Hospitals and Health Care, the gentleman from Ohio (Mr. MOTTL) has been particularly effective. He has led the way with respect to the bill. All the members of his subcommittee deserve our congratulations for it has been a long and tedious task to arrive where we are today.

S. 266 was also referred to the Committee on Armed Services in the House. The gentleman from Georgia, the chairman of the Subcommittee on Installations and Facilities, Mr. BRINKLEY, and the ranking member, Mr. TRIBLE of Virginia, were in charge of the bill. We worked closely together and they and their subcommittee made several suggestions which our committee agreed with and which improved the bill. And finally, Mr. Speaker, I want to express my appreciation to the chairman of the Senate Committee on Veterans' Affairs, Senator ALAN SIMPSON, and the ranking member of that committee, Senator ALAN CRANSTON, for their cooperative spirit and attitude as this bill progressed through the legislative process. Both assisted greatly in working out differences on the legislation and the result is that we have a bill that is excellent and one which is sorely needed by both the Veterans' Administration and the Department of Defense.

Mr. WYLIE. Mr. Speaker, I thank the gentleman for his contribution.

Mr. Speaker, further reserving the right to object for just a moment more, I yield to the gentleman from Florida (Mr. HUTTO).

Mr. HUTTO. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the compromise agreement reached by the House Committees on Veterans' Affairs and Armed Services and the Senate Veterans' Affairs Committee on S. 266, the Veterans' Administration and Department of Defense Health Resources Sharing and Emergency Operations Act.

The Veterans' Administration and the Department of Defense each operate major health care systems which serve thousands of Federal beneficiaries. These two health care systems, because of administrative or legal barriers, have operated in large part without coordinating efforts to reduce expenses through the sharing of medical resources.

S. 266 removed those barriers to resource sharing and insures that there will be no adverse effect on the quality of care given to primary beneficiaries of either system.

In additional to the peacetime sharing provisions, the bill provides for joint contingency planning and designates the Veterans' Administration as the principal backup to the Department of Defense health care system for the treatment of active duty military casualties during a period of war or national emergency.

The House Committees on Veterans' Affairs and Armed Services and the Senate Veterans' Affairs Committee have reported a bill which addresses medical resource sharing between the Veterans' Administration and the Department of Defense, the health care needs of our veterans, and the preparedness requirements of our Armed Forces.

Mr. Speaker, this bill represents a rare opportunity to reduce Federal spending without reducing the quantity or quality of services now being provided. This legislation is needed and I urge my colleagues to vote for S. 266, as amended.

Mr. WYLIE. Mr. Speaker, I thank the gentleman for his explanation.

Further reserving the right to object, I agree with the gentleman as to the merits of S. 266. This is a good bill which has the full support of the administration.

S. 266 is the culmination of a long effort to promote sharing of medical resources between the Veterans' Administration and the Department of Defense. It is a bill that should save considerable money over a period of time. Moreover it will improve the quality of medical care in both VA and DOD.

S. 266 also provides that the VA medical program will be the principal backup to the Department of Defense in case of war or national emergency. This has been a long-sought objective which is in the interest of the entire Nation. The procedures spelled out by the bill in this respect are excellent.

Mr. Speaker, S. 266 will insure a proper relationship between DOD and the Veterans' Administration in two very critical areas. I hope the House will act favorably upon it.

Mr. WYLIE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi (Mr. MONTGOMERY)?

There was no objection.

The SPEAKER. Is there objection to the initial request of the gentleman from Mississippi?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate amendments just concurred in.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to make an announcement.

After consultation with the majority and minority leaders, and with their consent and approval, the Chair announces that on tomorrow when the Houses meet in joint meeting to hear an address by the Queen of the Netherlands, only the doors immediately opposite the Speaker and those on his left and right will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House.

Children of Members will not be permitted on the floor and the cooperation of all the Members is requested.

MESSAGE FROM THE AMERICAN PEOPLE

(Mr. PEYSER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEYSER. Mr. Speaker, for those of us who have just returned from a work period, I think a message has come from the American people that should be very clear, and hopefully the message will get through from the floor of the House, at least, to the White House.

Mr. Speaker, in every group I have talked to, whether it was senior citizens, students, corporate executives, they are saying why are not we moving here in Washington? Why is the President holding to the two items that are the responsibility of the President's budget and of the ones that are creating the major part of our deficit; namely, giving in on the defense stand that he has taken, and giving in on the deferral of his tax program.

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These are the two things that must be done. Everyone recognizes that we are going to do it, but the longer the President makes us wait, the more this country is going to suffer. I hope after this period that we can get the White House and the Congress moving.

B-1B BOMBER COSTS COVERUP

(Mr. ADDABBO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ADDABBO. Mr. Speaker, the Defense Department has failed to give either the Appropriations Committee or the General Accounting Office access to cost analysis studies on the B-1B made by the Air Force and the Office of the Secretary of Defense.

It is fundamental to our system of government that Congress be provided with full and complete information from the executive branch on Government programs.

The refusal of the Pentagon to provide B-1 cost data is an indication that the latest projected costs exceed the $20.5 billion program cost (fiscal year 1981 dollars) and the $29.5 billion program cost (then year dollars) stated by the administration this year.

It has been stated by several sources that there have been independent studies of the B-1B program cost estimates, by the Air Force and by the Cost Analysis Improvement Group (CAIG) of the Office of the Secretary of Defense. The committee staff verbally requested copies of the studies in order to better prepare for this morning's hearing. Their request was refused. Pentagon representatives claimed that the reports were privileged documents.

On March 29 I wrote a letter to the Secretary of Defense requesting copies of the Cost Analysis Improvement Group study and an independent cost analysis study by the Air Force on the B-1B bomber. Not only does the committee not have the reports requested, but my letter has not even been answered.

The General Accounting Office, an arm of the Congress, requested to see the reports. They, too, have been turned down. Secretary Weinberger wrote to Comptroller General Bowsher on March 22 refusing to permit the GAO access to the reports. It is particularly noteworthy in that letter that the Secretary of Defense indicated the CAIG report "contains frank advice, opinions and recommendations from my staff which will be used to make budget and program formulation decisions for fiscal year 1984." This statement comes from a Secretary of Defense who assured the Congress that all the fiscal year 1983 Defense programs were based on a new initiative called "budgeting to most likely costs."

I can foresee that the B-1B program will be handled like other weapons systems in previous years—after appropriations and expenditures of billions of dollars for production in fiscal years 1982 and 1983, Congress will be advised of the most likely costs for the B-1B bomber in fiscal year 1984. In other words, do not tell Congress of the true B-1 costs until after we have

committed billions of dollars to the program.

It is fundamental that the Congress be provided with full and complete information in all Government programs and in all areas. In order to enable the Congress to take the best possible actions on defense matters, we must have access to full and complete information available to the Department. The reports were made using taxpayers' moneys and the subject matter is the expenditure of taxpayers' moneys. This committee has the job of appropriating tax dollars and of oversight of the use of tax dollars and has every right to the documents in question.

The Defense Department, by refusing Congress access to these cost studies, merely confirms the suspicions in the minds of many that the $20.5 billion program cost assigned to the B-1B is too low. If they had nothing to hide, why would they refuse to submit the reports? The Department does itself a disservice by such actions.

The full Appropriations Committee has indicated a deep interest in B-1 cost. Therefore, the hearing on the B-1B program could not proceed. The witnesses who were there solely to support that program were excused. Mr. Speaker, there will be a great deal of difficulty to properly present a defense appropriation bill this year if the practice of the Department of Defense to deny information to Congress persists.

HOUSING INDUSTRY MUST HAVE LOWER INTEREST RATES

(Mr. WOLPE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLPE. Mr. Speaker, I have just returned from a week in my district and wish I could convey the incredible sense of frustration and fear I encountered throughout the cities and townships I visited. I was particularly struck by the desperation expressed by the homebuilders with whom I spoke. They simply are no longer in a position to sit and await the long overdue promise of economic recovery made by President Reagan months ago. Already indicators show that this year will be another record breaker in the low number of housing starts. And this bleak forecast does not stop with the homebuilders. The housing industry has spinoffs for many other areas of our economy: realtors, construction workers, the lumber industry, and others which rely on supplying products for homes. All are facing increasing hardship, and all are at the end of their rope—both financially and emotionally—with the delay and lack of responsiveness from the White House and the Congress.

Mr. Speaker, interest rates must be brought down, and to accomplish this, President Reagan must be convinced of the need to reduce his proposed deficit budget for 1983. Without a lowering of interest rates the housing industry will be faced with deeper and deeper recession and, in the case of Michigan's housing industry, it means the furtherance of what is in fact already a depression.

In the meantime, Mr. Speaker, it is critical that this Congress enact an emergency stimulus program for the building industry. A number of proposals have already been introduced and I, for one, am looking forward to speedy action in this Congress to help homebuilders in Michigan and throughout the country through this chaotic and frightening period.

DAYS OF REMEMBRANCE OF VICTIMS OF HOLOCAUST

(Mr WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, this week has been designated by public law as the "Days of Remembrance of the Victims of the Holocaust."

In fact, a distinguished group has gathered in the Capitol Rotunda at this moment to recall the atrocities of the holocaust and to enforce the notion that no such violation of humanity be permitted to occur again.

I was one of the fortunate few, Mr. Speaker, to escape Europe before the onslaught of the Nazi barbarism that has become known as the Holocaust; others close to me were not so lucky. Both sets of grandparents, many other aunts, uncles, cousins, were lost in that awful barbarity.

History, once forgotten, tends to repeat itself. Witness those nations around the globe where thousands, literally tens of thousands, are being persecuted at the hands of repressive governments, many of whom are innocent scapegoats trapped in barrages of political crossfire.

The memory of the victims of the Holocaust can help to stem those atrocities of today. We must keep their memory alive so that future generations will remember and understand where totalitarianism unabated ultimately leads.

UNITED STATES PAYS THE PRICE FOR DEALING WITH ARGENTINA

(Mr. GONZALEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GONZALEZ. Mr. Speaker, the ominous developments with respect to the Falkland Islands, or the Malvinas, and the predicament of this country clearly demonstrates the bankruptcy of the country's policies are conducted now. Haigism and Kirkpatrickism just simply is bankrupt. It will not work. And what we have here is what we have experienced already, as I have pointed out in another context with our law-enforcement agents that want to do business with the criminal element.

In this case our country thought it could do business with these military despots in Argentina, the most oppressive regime in the world today. They have thousands of missing Argentinians, hundreds of young children that cannot be accounted for, and our administration has made peace with this regime. It has made peace with the oppressive regime of Chile, all in the name of anticommunism.

Now, the thing is that Argentina is saying, "You forced us to send troops to try to destabilize Nicaragua. They are there in place in Honduras. So now, buddy, you either stand up for us or else."

So it is now Maggie Thatcher or this oppressive regime. I, for one, hope this whole business ends up in the downfall of both regimes.

LEGISLATION INTRODUCED TO PROVIDE FOR TRUST FUND FOR VICTIMS OF CRIMES

(Mr. RUSSO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RUSSO. Mr. Speaker, I am announcing that I will introduce legislation today that will deal with an urgent, national problem—the problem of violent crime in America and the tens of thousands of Americans who are victimized by such crimes each year.

The incidence of violent crime in the United States is now at an all time high. In 1980, 655,000 Americans were victims of aggravated assault; 82,000 Americans were victims of rape; 548,000 Americans were victims of armed robbery; more than 22,000 Americans were murder victims; and, more than 300,000 Americans were wounded. In fact, according to the FBI, every 24 seconds a person in the United States is a victim of a violent crime.

It is difficult to exaggerate either the scope of the problem or the deep fear of violent crime that plagues our country. Indeed, for millions of Americans, violent crime is public enemy No. 1.

Although there are no panaceas in the fight against crime, there are critically important measures that can and should be adopted. One such measure is the bill that I am introducing today that will provide full funding, for the first time, for a comprehensive victims

of crime compensation program. The funding will not require new taxes or appropriations but, rather, will be funded by the existing Federal excise tax on the sale of handguns. Moreover, a fully funded victims of crime program will not only provide a measure of justice and financial help to those Americans most directly affected—that is, the victims themselves—but the program will also strengthen the criminal justice system and increase the likelihood that violent criminals will go to jail.

In recent years, Congress has moved closer to establishing a Federal program to compensate victims of crime, the kind of program that is already on the books in most of the world's industrialized countries. On several occasions, the U.S. Senate has approved such legislation. In the 95th Congress, legislation was approved in both the House and the Senate but action was not completed in the conference committee.

A major hurdle in the past has been the issue of cost and funding. The bill that I am introducing today will provide the necessary funding and will remove a major obstacle to a long overdue, important program.

The bill would amend the Internal Revenue Code to provide that the excise tax on handguns be transferred to a trust fund for purposes of providing compensation to victims of crime, and for related purposes. For fiscal year 1980, the excise tax on handguns produced approximately $23 million, and in fiscal year 1981 it is estimated that this excise tax will yield nearly $30 million. These figures are in line with a Congressional Budget Office cost estimate of victims compensation legislation that was recommended by the full House Judiciary Committee in the last Congress. The CBO analysis concluded that the Federal cost of such a program in the first 2 years would be $16 and $22 million, respectively.

Already, nearly 30 States have taken the lead in establishing their own victim compensation program. These efforts reflect the high priority that we ought to place nationwide on such a program. For the victims, such a nationwide program is nothing short of simple justice. To offer compensation for personal injury or death to victims of crime or surviving dependents is, from the point of view of an innocent victim, the most tangible and relevant reform we could make in the criminal justice system. In fact, in all too many instances, it is the failure of the criminal justice system in the first place—be it sentences that are too lenient or paroles that are unwarranted—that is at least partially responsible for turning an innocent citizen into an innocent victim.

The criminal justice system itself will stand to benefit from a victim's compensation program because of the requirement in most of the bills before Congress that victims who are eligible for compensation must also cooperate with law enforcement officials. The success of our criminal justice system depends on the willing and patient participation of those victimized. We cannot in good conscience, however, ask innocent victims to endure the inconvenience and further disruption of their lives that a lengthy investigation and trial involve and, at the same time, leave them alone to bear the cost and trauma of the crime itself.

For all of these reasons, a Federal victim compensation program should be a top priority. That is why my bill transfers the handgun excise tax to a trust fund for such a program. Currently, the excise tax is used to fund a portion of the Pittman-Robertson program, a Federal aid program that in theory is supposed to assist the States in the area of wildlife management. In practice, however, a number of activities funded through Pittman-Robertson are, at best, of dubious value, while others—such as building and maintaining target-shooting ranges—should be eliminated entirely. In the past, leading wildlife and environmental groups, such as Friends of Animals and the Sierra Club, have been strong critics of Pittman-Robertson programs.

The time has come in Congress when it is no longer enough to give a Fourth of July oration on behalf of the plight of crime victims. The time has come in Congress for action. The time has come to fund a Federal crime victims compensation program that will both help crime victims and strengthen the criminal justice system. And it is indeed fitting that the Federal funding for such a program come from an excise tax on handguns, a weapon that is so much a part of the violent crime problem.

U.S. TROOPS MUST STAY IN EUROPE

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, in recent months, many of my congressional colleagues have stood here in the well of the House and have publicly questioned the value of the North Atlantic Treaty Organization. They have said that the Europeans are not doing enough in their own defense; that the United States is spending too much to defend Europe; and that we should withdraw our own troops from NATO.

Last week, as a guest of the Federal Republic of Germany, I had an opportunity to observe firsthand German military facilities. I met with Foreign Minister Genscher, Defense Minister Apel, as well as with our own Ambassador, Arthur Burns.

I was impressed with what the Germans are doing—and with the plans that they outlined to me for future military programs. The West Germans do believe that the NATO alliance must build up its defense because of the Soviet threat. At the same time, the Federal Republic, just like our own Nation, has economic problems—and this factor influences the amount of funds that can be expended on defense. Yet despite German's economic problems, the Germans are making a major contribution to the defense of Western civilization.

On Thursday of last week, I attended the signing ceremony of the Wartime Host Nation Support Agreement. Under this agreement, the West Germans will share equally with the United States the costs associated with building up of special stockpiles and facilities that will be utilized by American forces if, during times of crisis, it becomes necessary for the United States to dispatch troops to Europe on an emergency basis. This agreement is a significant step forward in assisting us in building up our rapid redeployment facilities.

The agreement will benefit the NATO alliance. It will benefit the West Germans. Even more importantly, it will benefit the United States. The agreement serves as clear and unequivocal evidence for the Soviet Union to consider: The United States will defend itself and its allies, and we are taking steps now to assure that we will be able to meet an attack with credible levels of conventional force.

In closing, I would like to take note of the widespread, growing sentiment in our Nation against the use of nuclear weapons. I firmly believe that the best deterrent that we have to the use of nuclear forces lies in a strong, credible conventional defense that will cause an aggressor to think twice before taking precipitous actions. If, despite all of our efforts to live in peace with the Soviets, the U.S.S.R. does in fact decide to launch an attack upon us with conventional forces, we must be able to stop and turn back those Soviet forces with conventional force. If that is possible, the likelihood that we would have to resort to nuclear weapons is thereby lessened.

This agreement on wartime host nation support does in fact contribute to NATO's conventional deterrent, and therefore should be supported by all of those—who feel as I do—that from a nuclear war, there will be no victors.

DOWN WITH INFLATION

(Mr. MICHEL asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, I had the good fortune over the Easter break of being able to give my constituents some good news.

I was able to tell them that we had licked inflation and that it was now running at an annual rate of about 3 percent.

That came as a surprise to many people who thought inflation was still in double digits. I saw a poll recently which indicated that large numbers of people listed inflation as second only to unemployment in the list of our biggest problems.

Why is it that a nation with the most sophisticated communications in the world and the most aggressive press in the world is so ignorant of the facts regarding the rate of inflation?

When it was running in double digits, practically every night we saw a newscaster standing in a supermarket letting us know how much a head of lettuce went up that day. There are no nightly updates on consumer prices today. We have seen only momentary blips of inflation.

Well on behalf of my colleagues I would like to let the American people know that the inflation rate annualized for December was 3.5 percent; for January it was 3.6 percent, and for February it was 2.4 percent. March figures are not yet available, but it is safe to say for the past 4 months running the inflation rate is down to a 4-percent level.

THREE SUGGESTIONS TO HELP PULL AMERICA OUT OF RECESSION

(Mr. WALKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALKER. Mr. Speaker, at home during the recess period I found people asking the question: "Why aren't you people in Washington doing something about the economic situation? Why don't you take some action that will handle the recession as the recession presents itself to us right now?"

I think that is a legitimate question because there is no doubt that this Congress has sat on its hands for the better part of 3 months this year, not doing anything to react to the economic deterioration. So, therefore, I have introduced a bill, Mr. Speaker, that would give us three actions that we could take before the end of this month, and begin the process of getting out of the recession; actions that could be in place and working by April 30.

First, we could accelerate the tax cuts to April 1. That would take the July 1 tax cut, accelerate it to April 1, and get the economy growing again.

Second, we could begin the process of getting the homebuilding industry back by taking money previously appropriated for the synfuel program and putting it in mortgage revenue bonds, put it into place right now and start the homebuilding industry growing.

Third, we can start a national policy of saying to our foreign trading partners, "We will give you the same access to our marketplace as you give us to your marketplace, no more, no less. If you do not open up your marketplaces to our goods, we are going to deny our marketplace to your goods. Equity to allow more exports."

All three of these things can be done right away. It can begin the trading process, it could begin the homebuilding process, and it could begin the economic recovery process. I think it should be done and done immediately.

AIR TRAFFIC CONTROL REVITALIZATION ACT

(Mr. DERWINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DERWINSKI. Mr. Speaker, high on the list of legislative initiatives which merit prompt congressional enactment is H.R. 5038, the Air Traffic Control Revitalization Act. This legislation, which I have introduced, is the linchpin of the ongoing effort by the Department of Transportation and the Federal Aviation Administration to restructure the air traffic control system and to provide fair compensation to key FAA employees for the significant daily contributions they are making in maintaining the safety and efficiency of our air control system.

The air traffic control system and its employees must deal constantly and immediately with decisions that affect thousands of lives on a daily basis. Employees who remained on the job after the August 3, 1981, strike, are performing very effectively despite the fact they are under constant pressure.

Prior to the strike, there was a tentative agreement with PATCO whereby Secretary Lewis agreed to support a legislative package that would result in an average 6.6-percent pay increase for air traffic controllers. The Air Traffic Control Revitalization Act provides for the same average pay increase for controllers, but also recognizes the contributions and responsibilities of other FAA personnel critical to the preservation of a truly safe and effective air traffic system.

The illegal air traffic controllers strike was most unfortunate and traumatic. But the public clearly supported President Reagan on his decision to dismiss those who violate the law prohibiting strikes against the Federal Government. The President has made it clear that striking air traffic controllers would not be rehired as controllers, but would be eligible to seek employment elsewhere in the Government. In the view of FAA officials, rehiring controllers who walked off the jobs would have a demoralizing effect on those who loyally have maintained the system. The President agreed that if discharged controllers were permitted to return to their old jobs it would be detrimental to the efficiency of FAA operations.

Nothing has changed to diminish the need for this legislation. In fact, the need for its prompt enactment actually grows. While solid progress has been made in restructuring the air traffic system, passage of H.R. 5038 will provide the FAA with an effective management tool to complete the job in a timely fashion to better serve the airborne public.

OPPOSITION TO AN OIL IMPORT FEE

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, today I am introducing on behalf of myself, Congressman DINGELL and many other notable Members a resolution expressing the opposition of the House of Representatives to the imposition of an import tax on crude oil and refined petroleum products as a means of raising revenues. I am also pleased to report that Energy Secretary Edwards, in an April 14 letter, stated to me that he, too, opposes such a proposal. He states:

> Our past experience with quotas, taxes, price controls, and entitlements have taught us, at the very least, that we must make every effort to avoid such a course.

Now, as the administration and the Congress contemplate negotiating the details of its budget proposal, discussions regarding a "quick fix" solution to raise revenues persist. One such proposal which has reared its ugly head is the most regressive, ill-conceived, penny-wise and pound-foolish concept imaginable—an oil-import fee on crude oil and products. Lest you characterize our efforts here today as an attempt by the Northeast to avoid paying for its energy needs, I suggest that you consider the results of the study prepared by the Congressional Research Service on the dire impact on the economy if a $5-per barrel fee were imposed. The bottom line is that the effect of such a fee will reverberate throughout all sectors of our ailing economy. No family will be spared the impact of the fee as the price of domestically produced crude oil rises to the level of the artificially priced imports. The price of gasoline and home heating oil will increase by 12-cents

per gallon; residents will witness an increase in their electric utility costs of approximately $100-per month in some sections of our country.

The residual effect of a $5 per barrel tax is ominous—not only will the price of all petroleum products increase by 10 to 15 percent but the already depressed housing industry will be devastated; the already ailing automobile industry will be devastated; the already distressed agriculture industry will be devastated. The list is endless.

In fact, many of those recipients of social security will have wiped out whatever benefits are protected by budget negotiators in this latest round of "revenue-raising roulette." In addition, the CRS study estimates that a $5 tax will cause unemployment to rise by another 96,000 workers in 1984; real GNP will decline by 1.4 percent; and inflation to increase by 1.5 percent in 1984. All this is expected to occur while domestic oil producers are reaping another $10 to $15 billion in additional net profits.

One of the most telling statistics, however, in this high-risk game of chance is that with a $5 per barrel tax, the Federal deficit will be reduced by $4 to $9 billion in 1983. It may, however, increase the deficit by $5 billion in 1984 as the economy slows down as a direct result of Uncle Sam's self-imposed "oil shock."

Mr. Speaker, it is painfully obvious that there are available more progressive, more efficient revenue-raising options.

The cosponsors of this measure find it unconscionable to levy this tax on our economy and thus on the consumers of this Nation; particularly while they are enduring the present economic situation.

Therefore, I hope that members from all regions of the country will realize the wisdom of this resolution and join me today in sending a message to the administration and Members of Congress who are feverishly drafting a budget plan.

□ 1230

WINNING THE WAR ON INFLATION

(Mr. MORRISON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORRISON. Mr. Speaker, I am happy to report that we are winning the war on inflation. In the 12 months ending in February, the Consumer Price Index increased by 7.7 percent. This is a drop of 3.6 percent from the preceding 12-month period. Even more encouraging is this year's 3.2-percent inflation figure. While no one expects the 1982 rate to remain that low, it is very possible that the 1982 rate will be in the 6- to 7-percent range. Remembering that the inflation rate was 12.4 percent just 2 years ago, 6- to 7-percent inflation represents tremendous progress.

Mr. Speaker, it is even more encouraging that many of the forces that were driving inflation up are being dealt with. The President and most Members of Congress have realized that uncontrollable Federal spending must be stopped and are taking steps to bring that spending under control. Unnecessary regulations which drive up the costs of production are being eliminated. Labor and management have been working together to reduce labor costs and improve productivity. These changes and many more will help to keep inflation low as the economy returns to health.

A growing low-inflation economy will be welcome news to Americans who have seen the buying power of their dollars reduced by 70 percent since 1975.

FINANCIAL MEN FAVOR REAGAN

(Mr. LOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. LOTT. Mr. Speaker, on Friday of last week, the New York Times reported the results of a poll of more than 130 of the Nation's top financial executives on the Reagan economic program. Their message was clear. Seven out of eight or 87.5 percent of the money managers—who together exercise significant control over the way in which more than $500 billion in assets are invested in this country—one-fourth of the total assets—strongly supported the President's policies.

The overwhelming support of these top executives is particularly important due to the fact that they are in a better position to affect the economy. Their decisions on how to invest capital assets are, indeed, crucial to the success of any economic program.

The primary concern expressed by the executives was not the current recession—but the fear of renewed inflation. Their greatest fear and that of my constituents was that the Congress would overreact to the current economic situation by raising taxes and increasing Federal spending even more in short, that the Congress would return to business as usual.

Mr. Speaker, this lack of confidence in our ability to control Government spending is perhaps warranted. But if we return to business as usual, as many on the other side seem to advocate, then we may be asked by the voters in this country to return to our usual businesses.

[From the New York Times, Apr. 16, 1982]

FINANCIAL MEN FAVOR REAGAN

(By Robert Metz)

Oppenheimer & Company, the securities firm, has come up with a surprising expression of Wall Street opinion on Reagan economics. A polling of 138 money managers yielded an emphatic consensus that "the Reagan politics are salutary."

Seven out of every eight respondents expressed agreement with the notion that the President should "stick to them! Don't let temporary pain—let alone a down market—deter you from good politics."

The Wall Street views clashed, in both tenor and detail, with "almost every other group recently polled," Oppenheimer acknowledged. The policies in question include the Reagan Administration's refusal to raise taxes and the emphasis on reducing costs of social services. The polling showed a relative lack of concern about Federal deficits.

The statement favoring Reagan policies appeared in a poll sent by Oppenheimer to 138 executives last December. Oppenheimer received 93 replies, and a March update brought 72 responses. The rate of acceptance "hardly changed," despite the deepening recession, Oppenheimer said.

Oppenheimer gave no indication of how the 138 executives were chosen, or whether the respondents were a sound sampling of Wall Street opinion. It did say, however, that its report was prepared "at the request of Washington leaders who exercise critical influence in the budget process." And it thanked Charles E. Walker, the prominent Republican lobbyist and a Reagan adviser, for help in formulating the questions.

The financial executives do not support the widely held view that the Reagan economic program is a failure. Oppenheimer argues that those answering the poll are in a better position to affect the economy than individuals or even commentators and advisers who oppose the Reagan plan.

"Specifically, the [respondents] decide how to invest the capital assets whose deployment will be critical to whether the President's economic program succeeds or fails," Oppenheimer said.

Those who answered the poll are chief investment and chief executive officers of bank trust departments, mutual funds, insurance companies and pension funds. They "exercise significant control over the way in which $540 billion in assets are invested," Oppenheimer reports.

The poll respondents counseled patience. Sixty-one percent felt it would take two to three years of sticking to the same course for success. And 23 percent said it would take five years or more.

The main concern expressed by the executives was fear of renewed inflation—not fear that the recession would be too severe. The greatest fear was that Congress and the Administration would overreact to recession and increase spending more than the 7 to 10 percent now expected.

In contrast to other polls such as The New York Times/CBS News Poll of the public and the Business Roundtable, the executives showed "little concern with the deficit per se," Oppenheimer said.

More than half (51 percent) agreed that "the deficit is a red herring; that the real problem is Government spending as a percent of gross national product," Oppenheimer noted, adding that only 21 percent felt that the "deficit is a big problem and we must get it down."

These money managers want further spending cuts—not tax increases. Eighty-seven percent did not want income tax increases in 1982. In response to a question concerning the best method of solving our present economic problems, almost four times as many voted for spending cuts (60

percent) as voted for tax increases (16 percent).

The poll showed that the money managers—like other groups polled recently—strongly supported cutting defense spending. In all, 94 percent felt that there was ample room for cutting waste from the defense budget—one of the highest areas of agreement in the survey.

There was strong support (88 percent) for cutting indexation of social welfare payments, presumably including the raising of Social Security benefits on a par with inflation's erosion.

In any case, 43 percent of respondents favored changes in the Social Security program, including such things as the capping of benefits, raising of eligibility requirements, the elimination of "double-dipping" and the matching of outlays with tax receipts.

Federal Reserve policy has been widely criticized elsewhere, but 85 percent of those answering the Oppenheimer poll felt the Fed should not revert to trying to control interest rates instead of the money supply.

Concerning present money supply targets, 83 percent favored the present money supply growth targets of 2½ to 5½ percent a year. A total of 81 percent said that setting and meeting higher monetary growth targets would encourage inflation.

1981–82 VFW VOICE OF DEMOCRACY PROGRAM PENNSYLVANIA WINNER

(Mr. MURPHY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MURPHY. Mr. Speaker, an oration composed by a young lady from my congressional district, Marie Rosa Lawrence of Perryopolis, has been selected as the winning entry in the Veterans of Foreign Wars' Voice of Democracy contest for Pennsylvania. I had the opportunity to read her speech and found it to be quite impressive. I wanted to take this opportunity to share her patriotic feelings with you and my colleagues in the U.S. House of Representatives.

1981–82 VFW VOICE OF DEMOCRACY PROGRAM
MARIE ROSA LAWRENCE, PENNSYLVANIA WINNER

Building America Together. Just last night we toured the new, 18 floor, city hall building downtown. Gee, I can remember almost three years ago when the excavators came in with their heavy equipment and began moving the earth for the new site. Then came the brick layers to build up the sturdy foundation. The carpenters came next and put up the skeleton for the walls and the floors. The plumbers laid the pipelines and the painters and decorators finally added the finishing touches. It took that long and that many people to produce this finished product, the beautiful, brick structure to house our city government. As we were walking through the long corridors, I noticed one of the pictures hanging in the main hall. It was a picture of the pilgrims coming to America. It made me start to wonder how our country must have been built.

The early settlers came to America, picked out their plots of land, dug in their roots and began excavating the site for a brand new country. Our early forefathers laid out the blueprints and specifications for this new land. They signed the Declaration of Independence which declared our freedom for us. They saw a need for a form of government which would protect the rights and liberties of the American people, so they established the Constitution of the United States.

To defend this new structure, they had to fight many wars, including the War of 1812, the Revolutionary War and the Spanish-American War. They toiled to build a strong foundation of freedom and rights to support the long main pillars of equality, justice and opportunity upon which the structure of this new country would rest. Between these pillars, they constructed a strong, formidable doorway, leading into the vestibule of growth and expansion.

Since this beginning, each succeeding generation has been adding new floors to the building:

The floor of Civil Rights in which blacks and whites fought the Civil War for civil liberty.

The floor of Emancipation, which expanded the wing of freedom and liberties.

The floor of the Industrial Revolution, which introduced the new inventions, factories, production and growth.

The floor of Universal Brotherhood, which saw neighbors joining neighbors and allies joining allies to fight and World Wars across the sea.

The floor of the New Frontier, which contains the medical discoveries and the explorations in space.

It wasn't easy for our ancestors. They had to put on the hard hats of depression, war, the stock market crash, civil strife, and they had to conquer the new frontier. We, their children, must continue to construct this one nation under God. We are expanding the new structure and adding a new wing to the building, a new decade of the 80's. We are building a new floor. The floor of hope—hope of economic recovery, expanding world relations and renewing our strength as Americans.

We have to again become the leading nation of peace and brotherhood. Just as city hall was built by so many people, likewise, we all must build our country together. Each one of us must put forth an effort. We will have to sacrifice. We may face tighter economies, less luxuries and lots of hard work, but we have to support our President and Congress, and encourage growth in America.

We must also work with our business communities to create the technical advancements that we need. We must support our schools to make everyone capable of being better builders, and with our churches to build our morals and very souls, to cement together all of our work and toil.

Finally, we must work with God so that we have divine strength to create an architectural wonder, America.

Brick by brick, together we will build this skyscraper of opportunity, strength and freedom.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MURPHY). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall vote, if ordered, will be taken on Wednesday, April 21.

NATIONAL HOUSING ACT AMENDMENT

Mr. GONZALEZ. Mr. Speaker, I move to suspend the rules and pass the bill, H.R. 6038, to amend section 235 of the National Housing Act.

The Clerk read as follows:

H.R. 6038

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the fourth sentence of section 235(h)(1) of the National Housing Act is amended by striking out "March 31, 1982" each place it appears and inserting in lieu thereof "September 30, 1982."

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Texas (Mr. GONZALEZ) will be recognized for 20 minutes, and the gentleman from Ohio (Mr. WYLIE) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill, H.R. 6038, is identical in substance to H.R. 5708, which the House approved on March 23, by a 7 to 1 margin, the vote being 351 for and 54 against. What this bill does is to extend until the end of this fiscal year the section 235 homeownership program, which expired on March 31. The passage of this bill will make possible the construction of thousands of homes for which builders have reservations, but for one reason or another have not received final commitments. Failure to pass this bill will cause builders across the country who have bought land, put in the necessary improvements, paid for permits and plans, and obtained necessary financing, to lose their time and money. There is no reason to permit this to happen to an already depressed homebuilding industry, and there is no reason not to enact this bill, which purely and simply permits builders to complete the construction of homes that the 1982 authorization calls for, and homes for which appropriations have already been enacted.

It is necessary for the House to consider this question again, because subsequent to our action of March 23, on an identical bill, the Senate added a nongermane amendment in the form of an Olympic Coin Act. This Coin Act was not acceptable to the House Banking Committee, which has separate legislation of its own regarding the Olympic coin program. Consequently,

on March 31, the House disagreed to the Senate amendment. Following our action, the Senate passed a 30-day extension of the section 235 program, but by that time the House had gone into its recess, and could not act on the Senate counterproposal.

Since the recess began, the Olympic coin program has become a confused and complex issue. As some of my colleagues know, the program was premised on financial underwriting of three major corporations. Those companies have now withdrawn their underwriting, and no one is certain what will happen with the coin program, or its authorizing legislation—which in any case was not germane to this bill at all, and should not be confused with it.

In order to clear the air, and to eliminate the confusion caused by the actions in the other body, I am today offering once again, this simple extension of the section 235 program authority. It is not, I hope, controversial, in view of the overwhelming approval the House gave to identical legislation less than 1 month ago. I hope that by passage of this bill today we will be able to obtain final action quickly to preserve this essential housing program, and to prevent completely innocent homebuilders from losing the considerable amounts of money they have invested on the good faith assumption that the Federal Government would make good on its commitments to them.

The section 235 program is one of the very few things that builders have today to enable them to stay alive—because what it does is to provide, through interest rate subsidies, housing that buyers with modest incomes can afford. If we fail to pass this bill, there will be a number of builders who will be put into desperate, and in some areas hopeless situations. They have done nothing wrong; they have simply been caught by facts and circumstances that more often than not were beyond their control. Builders cannot, for example, control the weather, which causes some delays in getting projects underway. They cannot control the amount of time that is needed for local government approvals, permits, and inspections. They cannot control the amount of time that HUD takes in processing the paperwork they must have approved for participation in this program. All that this bill does is to keep funds available for a valuable and worthwhile program, and at the same time hold harmless builders who have in good faith participated in this program. With this bill, we can insure the construction of 8,000 homes that would not otherwise be built; we can insure that the houses that we authorized last year actually do get built; and we can insure that wholly innocent builders are not harmed by a legal deadline that they could not meet—generally for reasons that were completely beyond their control.

By passing a simple extension, the House is directing HUD to continue the program exactly as it has in the past and to allow those builders who had reservations, as of March 31, to proceed to the firm commitment stage within the time frame under the processing regulations.

I urge my colleagues to reaffirm the support indicated on two previous occasions for a simple extension of the 235 program by voting in favor of H.R. 6038.

Mr. WYLIE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 6038. This legislation would extend until the end of the fiscal year, September 30, the basic section 235 program. As Chairman GONZALEZ stated, the House has already passed legislation extending the program but unfortunately the two bodies could not get together on an agreed-upon version before the Easter recess to reiterate what the chairman of the Housing Subcommittee said. Because the authority technically expired on March 31, this new legislative effort is required.

The Budget Reconciliation Act prohibits the Secretary from entering into any new contracts for assistance payments under the section 235 program. Although there are a few exceptions to this, I believe it is safe to say, it was the intent of the Congress to let the program lapse on March 31. When the House passed the original extension last month, however, it passed with overwhelming Republican support. This does not mean that there has been a change in the sentiment of most Members toward the program. That determination will have to be made at some later date.

Extending the program is really a matter of equity. There are many builders who have been counting on utilizing the 235 authority. Initially they were prevented from doing so by the weather. As everyone in this Chamber knows we experienced an extremely harsh winter. In many sections of the country, Ohio included, it was impossible for builders to move forward under the program. It would have been necessary to have reached the firm commitment stage which means a construction start. Next they were prevented from doing so because the House and the other body passed different versions of an extension. The homebuilding industry which is already hard hit should not be penalized for actions they could not prevent.

Finally, Mr. Speaker, I would like to point out there is no new money involved in extending the program. These funds have already been authorized and appropriated. Therefore, Mr. Speaker, I urge the adoption of H.R. 6038.

Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. MCKINNEY).

Mr. MCKINNEY. Mr. Speaker, I urge the adoption of H.R. 6038. It seems to me this is the only fair solution. The 235 program has been good in some areas and bad in others, but that is not the question at the moment. All this bill does is extend until the end of the fiscal year the time during which the Secretary may enter into new contracts for assistance payments. It is not reauthorizing a program and it is not adding more money to the program.

You have heard other Members mention the hard winter we experienced. I think that is obvious. Up in Connecticut it would have been impossible for builders to reach the firm commitment stage during most of the winter. That is why the March 31 cutoff should be extended.

One final point. We are not talking about a lot of units. The Department of Housing and Urban Development estimates there are only 7,000 units involved. Let us get on with it and allow those 7,000 units to be built.

Mr. WYLIE. Mr. Speaker, I thank the gentleman from Connecticut (Mr. MCKINNEY) for his excellent statement, and I now yield 3 minutes to the gentleman from Delaware (Mr. EVANS).

Mr. EVANS of Delaware. Mr. Speaker, I rise in strong support of H.R. 6038, the Housing Act Amendments bill.

Although the House passed an earlier version of this bill overwhelmingly, action in the other body resulted in the need for a conference, as most Members know. Since March 31 the authority for HUD to enter into new contracts for the section 235 program has been suspended, and in spite of approval on the floor of the House and on the floor of the other body to extend this authority, we still do not have it.

Mr. Speaker, the housing industry cannot afford to be subject to this type of parliamentary dispute. Speaking of parliamentary disputes and the need to address the serious housing problems in this country, we should have moved ahead with H.R. 5922, the urgent supplemental appropriations bill, prior to the Easter recess. Twice that bill was pulled from the calendar. If it was as urgent as the title described it, it should not have been pulled.

We should bring it up again for immediate discussion. We should also consider the housing initiative that I planned to introduce, with my colleague, the gentleman from Illinois (Mr. CORCORAN) in the form of an amendment to the supplemental bill. Our proposal would transfer $1 billion in already authorized and appropri-

ated funds from the Synfuels Corporation, which helps to subsidize companies like Exxon and multinational corporations that are doing very well, and provide some assistance to homebuilders, home buyers, realtors, and small business people all over this country.

Mr. Speaker, I do rise in strong support of H.R. 6038. We should move ahead with it, but we should also move ahead with the housing initiative I have described. This initiative is not a budget-busting bailout. It is a cost-effective means of helping home buyers and homebuilders through use of the existing mortgage revenue bond program. The housing industry has historically and traditionally led us out of recessions, and the plan I have briefly outlined will assist this industry in leading us out of recession again.

Mr. Speaker, the American people deserve immediate action by the Congress.

Mr. WYLIE. Mr. Speaker, I thank the gentleman from Delaware (Mr. EVANS) for his excellent statement. I think it is appropriate that this additional reason why we are here today asking for this extension be duly noted for the Record.

GENERAL LEAVE

Mr. WYLIE. Mr. Speaker, since I have had several other requests from Members to put remarks in the RECORD, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. WYLIE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GONZALEZ. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York (Mr. SCHUMER).

□ 1245

Mr. SCHUMER. Mr. Speaker, the gentleman from Texas has done a distinguished and outstanding job in the area of 235 housing, and I salute him.

I just want to add my remarks to those that have been stated on the need for the extension of 235 housing.

The 235 program has proved to be an extremely successful program. It cannot be measured alone in the number of units that have been produced; it must be really measured in the number of neighborhoods it has stabilized.

In New York City, 235 housing will not just provide homes for people who could not afford it otherwise, but it will be a beckoning signal to large numbers of neighborhoods in New York, saying that "your area means something." And when you rehabilitate or build anew on vacant land, new housing, the people who live in the remaining houses around the area have hope. The leverage of this program is enormous. It is one of the best Federal housing programs that has been undertaken by the Federal Government, and I urge passage of this legislation.

● Mr. ROTH. Mr. Speaker, homebuilders cannot build, homesellers cannot sell, and homebuyers cannot buy.

This is a tragic situation in the housing industry today. Historically this dynamic sector of our economy has led us from recession to prosperity. This has occurred seven times since World War II—and it can happen again.

A thousand new residences under construction generate a full year's employment for nearly 2,000 workers, on and off site. This does not even include those working to provide home appliances and furnishings, landscaping and lawn services, aluminum and copper products and many others. When a million jobs are created, we reduce the unemployment rate by 1 percent which reduces the deficit by $25 billion.

Clearly, we must provide the resources and incentives to get this vital industry back on its feet. I intend to do just that. About 50 of my colleagues and I formed a task force on real estate, housing, and thrift institutions. We will identify both short- and long-term solutions to problems facing the builders and thrift institutions today.

Legislation is pending before Congress to amend a bill presently before a conference committee to change the mortgage revenue bonds program. Within 30 to 60 days of the bill becoming law, 10 billion dollars worth of mortgages for up to 185,000 homes would flow into our communities. Other bills free up funds from pension programs, IRA's and all-saver's certificates for mortgage funding.

Today, we debate H.R. 6038, a bill to amend section 235 of the National Housing Act and to extend this program through fiscal year 1982. Surely, action by the House of Representatives to approve passage and to insure funding for some 8,000 homes for low income families is in order. In today's extremely depressed housing market, 8,000 homes is significant. These housing starts are good news to the industry. I applaude the action of my colleagues who have exhibited leadership in seeing this bill move forward toward enactment.

The housing industry needs stimulus by the Government, not suffocation. This bill accomplishes this goal—getting some activity in the industry immediately.●

● Mr. WEISS. Mr. Speaker, I rise in support of H.R. 6038, to extend the section 235 homeownership assistance program through September 30, 1982. This 6-month extension is a small but essential gesture of support for the deeply troubled housing industry. The continuation will simply insure utilization of funds that Congress approved for section 235 last year.

This program subsidizes mortgage interest rates for families with incomes at 95 percent of an area's median income. The subsidy is recaptured when the home is sold.

The subsidy provides a twofold response to our national housing crisis. First, it aids families for whom homeownership would otherwise be an impossible dream. Lower income families suffer the most from dilapidated housing, cooperative conversion, and other conditions contributing to the reduction of our national housing stock. These are the families whose housing options are the most limited.

In addition, section 235 provides a desperately needed stimulus to the housing industry, which is currently in the throes of its worst depression in decades. With new housing starts estimated to dip below 1 million in 1982 and industry unemployment rising to near 20 percent, we cannot afford to let section 235 expire. The program is one of the industry's few rays of hope, particularly this spring after high interest rates and the severe winter weather have delayed plans and projects in many parts of the country.

The section 235 extension was approved by the House as H.R. 5708 with strong bipartisan support on March 23. The Senate passed it on March 29 but attached two unacceptable amendments. Extension of the program through approval of H.R. 6038 involves little controversy and no additional budget authority. I urge my colleagues to support it.●

Mr. GONZALEZ. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. GONZALEZ) that the House suspend the rules and pass the bill, H.R. 6038.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C., *April 20, 1982.*

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the permission granted in the Rules of the House of Representatives, I have the honor to transmit sealed envelopes received from The White House as follows:

(1) Received in the Clerk's Office at 10:45 a.m. on Thursday, April 15, 1982 and said to contain a message from the President wherein he transmits the 1983 Budget of the District of Columbia.

(2) Received in the Clerk's Office at 12:30 P.M. on Monday, April 19, 1982 and said to contain the tenth Annual Report on Federal Advisory Committees under the Federal Advisory Committee Act.

With kind regards, I am,

Sincerely,

EDMUND L. HENSHAW, Jr.,
Clerk, House of Representatives.

1983 BUDGET OF THE DISTRICT OF COLUMBIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 97-169)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed:

(For message, see proceedings of the Senate of Thursday, April 15, 1982, page 6961.)

TENTH ANNUAL REPORT ON FEDERAL ADVISORY COMMITTEES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Government Operations:

(For message, see proceedings of the Senate of Monday, April 19, 1982, page S. 7013.)

COMMUNICATION FROM MICHAEL KAHAN

The SPEAKER pro tempore laid before the House the following communication from Michael Kahan:

WASHINGTON, D.C., *April 7, 1982.*

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: In compliance with Rule L of the Rules of the House of Representatives, I am informing you that I have been served with a subpoena from the United States District Court for the Eastern District of New York.

A copy of the subpena is enclosed.

Yours sincerely,

MICHAEL KAHAN.

DPT: VACCINE ROULETTE

(Mr. MICA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICA. Mr. Speaker, last night News Center 4 had a special on DPT, the "Vaccine Roulette," as they call it. This was brought to my attention in a very personal way, because one of my relatives, my uncle, had two sons severely affected by the DPT shots.

I think it is time that our Government recognizes that there is a problem. I think that we as the Congress owe it to the American people to immediately have hearings on this subject and try to focus attention, to see if there is really the concern that I believe exists and was presented in the News Center 4 special.

Vaccine victim compensation is a subject that should be explored. The House committees should look into the entire matter of licensing and making mandatory these types of shots. The FDC and the CDC should be required to do immediate studies to see what types of reactions and what numbers of young children, who are required to take these shots all over the United States before going to school, what types of damage are being done; and, finally, physicians should be required to warn verbally all parents that brain damage or retardation could be a side effect from one portion of these shots.

Mr. Speaker, last evening I was personally touched by a special which appeared on WRC-TV in Washington called "DPT: Vaccine Roulette." This problem had been brought to the attention of Lea Thompson and News Center 4 by a relative of mine, Dan Resciniti, who has two children of his own who are victims of the side effects that can occur when immunized with the vaccine DPT. As many of you may not know, this shot is regularly used in immunizing infants against diphtheria, pertussis (whooping cough), and tetanus. In many States the DPT shots are mandatory before children can attend school. The danger lies with the pertussis element of the DPT vaccine and reactions to this element can range from fever, to convulsions, to brain damage. I hope that if my colleagues have not had the chance to see this special that they will make arrangement to view it. I want to commend News Center 4, reporter/anchor Lea Thompson, and members of her staff for the fine work they have done in bringing this matter to the public forum.

I believe it is now our turn to take the necessary steps to guarantee that no other child or parent will suffer needlessly as have the children and parents who were highlighted in this program and the thousands of others who we do not know about.

There are several steps that can and should be taken immediately. I am calling today for the following:

That the appropriate committees in the House and Senate begin hearings immediately on the dangers and side effects of the DPT vaccine and ways to eliminate these dangers.

Make available to the vaccine victims a compensation program similar to that established by the British Government for their victims.

That the Food and Drug Administration (FDA) and the Center for Disease Control (CDC) make an immediate case history and followup study of those individuals identified in the UCLA study to have had reactions brought on by the pertussis element of the DPT vaccine.

The FDA and CDC be instructed to make whatever studies are necessary to identify individuals who may have had a reaction to the pertussis element.

Make DPT immunization voluntary.

Require that the FDA as well as family physicians warn parents of the possible dangers of the vaccine before their children are immunized.

The dangers of the DPT vaccine and the pertussis element have been known by the Federal Government and many in the medical profession for some time. What I have proposed today is a first but necessary step in protecting not only our own children but the thousands of other parents and children who at the present time do not know of the dangers of the pertussis element of this vaccine.

I urge my colleagues not to hesitate and to move quickly in solving this problem.

THE DEFENSE OF OUR COUNTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. RHODES) is recognized for 60 minutes.

(Mr. RHODES asked and was given permission to revise and extend his remarks.)

Mr. RHODES. Mr. Speaker, today you will hear a discussion of the defense of our country from a garden-variety Member who has the vanity to profess some knowledge in the field. I received an Army commission by completing the ROTC course at Kansas State University in 1938. I served in the Army for 5 years in World War II. I was a member of the Arizona National Guard and Army Reserve prior to, and for some years after, my election to the Congress. I have a certificate of completion of the associate course of the Army's Command and General Staff College. I am now a retired colonel in the Judge Advocate General's Corps.

More important, I served for almost 5 years as a member of the Defense Subcommittee of the House Appropriations Committee. Later, as minority leader of the House, I was an ex officio member of the House Intelligence Committee. I have a lasting personal interest in the field of geopolitics and in global strategy.

I have always classified myself as a hawk where matters of defense are concerned. I feel that the Communist world is absolutely serious in its intent to master the whole globe whenever it can do so. It continues to probe where it can find weaknesses, and if and when the ultimate weakness appears, I have no doubt that it will move to take advantage of that situation as rapidly and effectively as possible.

Yet I feel that our defense posture needs constant examination, and reexamination. Right now is a period in our history when such reexamination is long overdue. Not only have we fallen behind the Russians in some very important categories of armaments, but our economic and fiscal situations are worrisome, to say the least. Thus, we have two problems: First, rearmament, to deter effectively any attack; and second, rearming at a price our economy can support. Not easy.

The defense of the country must be a part of foreign policy, and the framers of foreign policy must be constantly aware of our defense strengths and weaknesses. Too often, persons in control of both our defense and foreign policies are individuals who have only superficial knowledge in the field, or who have gathered their knowledge from having served in similar capacities in the past and are, therefore, guided by the methods and ideas of the past. Not since Richard Nixon have we had a President who really had a personal understanding of foreign policy. Not since Dwight Eisenhower have we had a President with a personal understanding of our defense needs and capabilities.

Unfortunately, the result has been a failure to develop our foreign policy and our defense strategy along the lines which would utilize the strength of America. Instead of building on our strength, we have reacted to the initiatives, both in diplomacy and in military developments, of other nations. Too often, ours has been a policy of response, not innovation. Naturally, other nations choose to center their activities in areas in which they are strong and we are weak. As a result we are, in effect, playing in their ball park and by their rules, not ours.

Soviet Russia's great strength is the availability of huge quantities of manpower, which hang like the sword of Damocles over all of Western Europe. The Russian soldier can be inducted, trained, and maintained for a much smaller outlay of goods and services than can his American counterpart. The Russian soldier is used to the Soviet society and economy, a system in which ambitions are stultified by the limitation of opportunity.

On the other hand, the American soldier eventually wants to get back into civilian life, make some money, provide security for himself and his family, lead the good life and, if he is very ambitious, perhaps go to Congress some day. The result is that there is no way that the United States can, except in an all-out war situation, compete with the Russians in volume of manpower. Our military has problems in competing with the blandishments of civilian life—theirs does not.

So, in preparation for war, or in acting to deter it, we should not rely on superiority in manpower. We do not have it. So where do we go?

You would think that a nation with the advanced technology and industrial capabilities which the United States possesses would be able to offset this manpower gap by the production and use of better and more sophisticated weapons. But something is terribly wrong with the manner in which we utilize our economic power for military purposes. For instance, we seem to be incapable of building a tank which is the equal in firepower, durability, and maneuverability with those of other nations.

When I was on the Defense Subcommittee of the Appropriations Committee, we finally had to give up on building the main battle tank (MBT) 70. I suggested to the then Secretary of the Army that it should not be too long before we could take the expertise that we had acquired from that abortive attempt and develop another tank. He calmly told me that it would take 10 years to develop another tank. I was never able to find out why this was so, but obviously it was. Something must be wrong with the manner in which the Pentagon sets about to develop a new tank and produce it. And, of course, this is just one example. We could go into many other areas, such as attack helicopters, in which we should excel and do not.

It is true that much of what we buy for the military is new, and certainly is not for sale at any hardware store. Therefore, cost overruns can be expected. But I am bothered by the apparently widespread practice by defense contractors of making deliberately low estimates on the cost of new weapons systems. The name of the game is to get the contract at any price, get the military committed to you, then raise the price. The result is horrendous cost overruns. There have to be better procurement methods than those we now use.

In other words, Eisenhower was obviously right when he said that the military industrial complex needed to be watched. It does. And it is not being watched to the point that it must be in the future. This adds up to a major defect in our military posture—in our ability to build the best defense our economy can produce and can afford. It must be remedied.

So why is it so necessary that we have a superior tank anyway? We certainly need tanks to defend our own country and our own hemisphere. But the main reason that we now need tanks is to blunt any armored attack by the Russians across the north German plain.

Our foreign policy and our defense policy are largely geared to defending Western Europe from a Soviet attack. We have some 350,000 American troops permanently stationed in Germany for the purpose of containing such an attack until the total strength of NATO can be mobilized to defeat the attack and hurl it back.

As a nation, we have been preoccupied with Western Europe ever since World War I. Before World War I, Western Europe was the undoubted master of the world. Through their colonial systems, the nations of Western Europe, including England, controlled most of the globe. The industrial and technological might of Western Europe exceeded that of all the other nations of the world. Obviously, if any one nation had been able to obtain hegemony over all of Western Europe, that nation could have become the undisputed master of this globe. The objective of our foreign policy was at that time, and has been ever since, to keep any nation or combination of nations from acquiring that hegemony.

But the situation today is entirely different. The power of Europe is infinitesimal compared to the dominant position which it occupied prior to World War I. Its colonial system is gone, and while its scientific and technological capabilities are indeed formidable, they are not in the dominant position which they occupied in the early part of the century. Yet we continue to base much of our foreign policy and our military planning on the needs and wants of the nations of Western Europe. I think it is becoming increasingly apparent that this policy needs to be reexamined.

Keeping 350,000 troops in Europe, and keeping our total force ready to operate in a European war, is obviously a real drain on our economy. It is true that some European nations bear part of the expense—sometimes grudgingly. Yet when we try to defend Europe at less cost in assets and manpower, we usually are met by firm opposition.

For instance, President Carter tried to get the agreement of the nations of Europe to deploy a neutron bomb. This weapons system, if in place, would be the most effective deterrent of all to a massed land attack by the U.S.S.R.—much better than any number of allied tanks. The neutron bomb could destroy Soviet tanks and personnel without doing significant or lasting damage to the cities and populations of our allies in Western Europe. It is ideal for the purpose of deterrence. Yet most of the govern-

ments of Western Europe will have no part of its deployment.

Other than economically, why was it necessary for us to have this weapon? A brief look at the map of Europe should answer that question. Practically all of the American troops in Europe are located in central and southern Germany. In the early days of the NATO Alliance, these troops were supplied by supply lines across France from the French Atlantic ports. When De Gaulle decided to, in effect, pull out of NATO, it became necessary for new supply lines to be established. Those lines run to the Belgian, Dutch, and German ports on the North Sea. Thus, supplies for American troops must cross the North German Plain which, of course, is the most likely avenue of attack by the massed Russian armies. In a very few hours these supply lines could be interdicted, and the American troops in Germany could either be prisoners of war, hostages, or engaged in fighting desperately to maintain a defense perimeter without the requisite supplies of ammunition, equipment, and reinforcements.

An alliance which is truly reciprocal will last, but one which is not has numbered days. The refusal of the NATO allies to allow deployment of the neutron bomb certainly did not indicate any concern for the obviously exposed position of American troops in Germany, nor for the continued drain on the American economy. Is concern a one-way street in NATO?

Also, I think we were all disappointed by the fact that the nations of Western Europe were so lukewarm in their support of our efforts to free the American hostages from our Embassy in Tehran. I think it is also interesting that there is no plan for Europe to take any part in the massive undertaking to defend the areas of the Persian Gulf from which comes most of the oil for Europe. In fact, the NATO nations have steadfastly refused to move outside of Europe, in effect leaving the rest of the free world for us to defend.

We even see some of our allies actively aiding rebels in Central America against governments which have our backing. If linkage is to be applied to our relatons with the U.S.S.R., and it should be, perhaps the same principle should apply to the actions, or lack of action, of our allies in various parts of the world.

I do not believe the nations of Europe are adopting the policies which they now pursue because they do not like the United States. They are doing so because they perceive their own best interests to be in a closer rapprochement and détente with Eastern Europe than we seem to want. Here is evidence. They are perfectly willing to trust the future of much of their energy supplies to a gas pipeline from Siberia which Russia could cut off at a moment's notice. The energy supplied through this pipeline could be used by the Russians to blackmail Western Europe.

Western Europe's reactions to the invasion of Afghanistan and to the Polish situation have been measured, to put it mildly.

It does seem possible that there is a conscious or unconscious policy in Western Europe to downgrade, downplay, and perhaps eventually do away with American involvement in the affairs of that continent. That might not be all bad. In fact, I think we should all consider the possibility that the relevance of the Atlantic Alliance is no longer as apparent as it used to be, and that in our self-interest and in theirs, we should cease to center our foreign policy on Western Europe.

Now, let us turn to the Middle East. The obligations which we have to the State of Israel are being fulfilled. We can all wish that Israel would realize that its best chance of ultimate survival is to have a tranquil, peaceful Middle East, and that they would be more cooperative in working toward that end. Nevertheless, the survival of Israel and its capability to defend itself is very important to the United States and its people and will continue to be.

But speaking purely from self-interest, the Middle East's oil reserves are the prime reasons for such intense American activity in that region. Today, 30.9 percent of the world's oil comes from the Middle East and 55.8 percent of the known reserves of oil are in that area. It is easy to see why people are preoccupied with keeping that oil available, because unfortunately we are still in the oil age and probably will be for quite some time.

And yet, when you consider the miles of ocean or air involved in our transporting and maintaining enough force to defend the Persian Gulf, one must realize that defending it absolutely against a determined, well-equipped, locally based enemy is practically impossible. Nuclear weapons would be out of the question except in some tactical situations. We could provide sufficient force to make it expensive for any enemy to conquer that part of the world, but if the Russians, for instance, persisted, our prospects for ultimate victory are indeed small. Furthermore, the danger of triggering world war III is always present. Then, nobody wins and everybody loses.

Yet we are building a conventional rapid strike force at the expense of billions of dollars, the main purpose being for deployment in the area of the Persian Gulf. I suggest that this defense buildup and the foreign policy which it seeks to implement are costing defense dollars which could be used better in other ways.

All right, now where are we? I have indicted willingness to withdraw our troops from Europe. I have also said that I would cut the rapid deployment force drastically. I would tailor it for use only in the Western Hemisphere, or perhaps in some of the nations of western Africa.

Now let me suggest another cut in defense. I would not deploy the MX missile in anything resembling a racetrack. I think the missile should be developed and some should be deployed. However, we should put them in superstrong silos, and provide point defense systems. I am not talking about deploying hundreds of MX's, I am talking about deploying only a few whose survivability would be assured long enough to fire them.

At least for the present, I would keep the Minutemen which we now have deployed in order to make it very difficult for the Russians to defeat spot defense systems by oversaturation. Deploying the MX in this manner would, in my opinion, save billions of dollars and accomplish the deterrence which we desire as well as the deployment of many hundreds would. I would certainly continue to build and deploy the Trident submarine and its very sophisticated missile system.

Another saving I would make is to cease building the B-1 bomber. I once was a leading advocate of the B-1. That was before the Stealth concept came into the picture. Now I think we should go all out to develop Stealth. We will have a better, more modern plane, which the Russians will have to match, or find a way to defeat. Also, the money spent on Stealth in the next few critical budgetary years will be significantly less than the cash outlays for the B-1.

I am well aware of the problems of Stealth, but I have great confidence that they will be solved. I am also aware that not building B-1 may result in a defense gap in the middle and late 1980's. Personally, I will take a chance on that. I believe our deterrent, even without B-1, is sufficient. The savings will cut the deficit, or will allow us to mitigate some of the deep cuts made in funds for higher education.

Now, you are saying, "It looks like this guy is advocating unilateral disarmament." Nothing could be farther from the truth. I said earlier that our defense systems are not geared to take advantage of the strengths of America, but only to respond to the strengths of Russia. The strength of America is in our scientific and technological capabilities. We have the capability now of putting satellites in orbit which would be able to defend themselves either with conventional weapons or beams, and which would also have the capability of killing hostile intercontinental ballistic missiles before they can reach the point of reentry into the atmosphere.

Eventually, this capability would extend to destroying such missiles almost immediately after launch. We can develop the technology to do this, and it seems obvious to me that using that technology would be far better than building new missiles every time the Russians do. Doing this, we would truly be building a defensive system, not an offensive one aimed at mass destruction. The day of the "mutually assured destruction" theory of defense should be ended. Now, it can be.

I am well aware that such a system would take some years to develop and deploy. For that reason, I would certainly keep most of the present systems which we have now for deterrence in good working order, and well manned. But there must come a time when we can say to the Russians, "We can zap your missiles any time we want. So, let us each destroy our missiles, and build no more."

Operations in space are now being downgraded. They should not be. I am not a newcomer to the ranks of those who believe that the development of our capabilities in space is important not only to our civilian economy, but to our defense. I was on the Independent Offices Subcommittee of the House Appropriations Committee when we committed the great acts of faith which resulted in funding manned space flight, served to encourage and develop the various planetary probes which NASA has accomplished so brilliantly, and resulted in the capability to produce reusable manned space vehicles, such as the *Columbia.*

To me, with what military training I possess, space represents a flank, the high ground which we must occupy. If we do not, others will, to our detriment. We can do it. We should do it. And doing it will give us great benefits in the future.

One of those benefits is to develop sources of energy which would lessen considerably, if not end, our dependence on Middle Eastern oil and the consequent strains and distortions it causes in our economy and in our foreign policy. The Sun's energy is there for the taking. With the flights of the *Columbia,* and the attendant capability to produce satellites in orbit, we can use Sun's rays with a photovoltaic array and produce huge amounts of electric power.

I am well aware of the environmental problems which production of that much power and its transfer through the atmosphere might cause. I just happen to believe that the chances of success in developing power which could be made available anywhere in the world cheaply is so great that we would find ways to overcome whatever disadvantages might be inherent.

I am most unhappy with those portions of the Reagan budget which have reduced governmental investment in research and development, not only in solar energy but in fusion of the hydrogen atom and its isotopes. We should be working contemporaneously on solar energy and fusion to the very limit of our capabilities. Not only would development of power from these sources be the means of deflecting the thrust of our defense dollars and our foreign policy away from the Middle East and the Persian Gulf, but it would be the means of providing the underdeveloped world with the wherewithal to work toward better lives for their people. Energy plus technology plus raw materials plus a good labor supply plus good management can make an industrialized nation out of an underdeveloped one in just a few years.

To sum up, I would make the following changes to provide: First, a better defense; second, a sounder foreign policy, not dependent on access to oil; third, a chance to build a peaceful, affluent world population; and fourth, significant savings to our Government which will help lower deficits, cut the interest rate, and provide a sound base for economic recovery.

First, I would like our troops out of Europe, after consultation and, hopefully I trust, agreement with the nations of Western Europe;

Second, I would cut the MX program by at least 70 percent;

Third, I would abandon the B–1 and proceed to perfect the Stealth manned bomber;

Fourth, I would cut the rapid deployment force and change its mission to operate mainly in the Western Hemisphere;

Fifth, I would build a strategic defensive system in space, and eventually would dismantle all ballistic missiles with nuclear warheads, if other nations did the same; and

Sixth, I would proceed to build a consortium of interested nations to construct satellites in space to produce cheap electric energy for all, and proceed full speed to develop electric energy from fusion of the hydrogen atom.

Now I hope you realize that I know that all of these things cannot be accomplished overnight. In fact, I am probably talking about some things which should be accomplished within the next 50 years. We must have a peaceful world, or as Admiral Rickover said, we will destroy ourselves. For the next several years, we will have to continue to rely on deterrence of aggressors. But after that period of time, we should have the most sophisticated defensive systems in the world in Earth orbit, and we should by then have been able to recruit most of the nations in the world in a mutual undertaking to provide cheap energy so that all the peoples of the globe can share in its wealth and its affluence.

This is the new frontier. In years past when populations became restive and people got bored, there was always new land to be utilized and put to the plow. This is the new land, and American science and technology are the plows which we must use to create a peaceful, better world for all of humanity. The time to put our hands to that plow and begin the task is now.

□ 1315

Mr. MICHEL. Mr. Speaker, will the gentleman yield?

Mr. RHODES. Yes; I would be glad to yield to my good friend, the gentleman from Illinois.

Mr. MICHEL. I appreciate the gentleman yielding. I just want to compliment the gentleman and commend the gentleman on his speech here this afternoon. I had no idea when the gentleman requested this special order that he would be talking on this subject or make the profound remarks that he has; but as a member who served with such distinction on the Appropriations Committee and the Defense Subcommittee for so many, many years, and seen and helped and mold our defense posture and policies over a period of years, that we ought not to take lightly what the gentleman says here, but rather very seriously.

Whether there would be those of us who would subscribe totally to what the gentleman has said, only time will tell; but having no more political axes to grind, nothing other than making a statement from the depths of his heart of what the gentleman feels over these many, many years, I have to take them as being very, very seriously measured and with a reason, and for that reason I think each and every one of the Members of this body ought to take note of what the gentleman says and give them the utmost consideration as we go about this business of trying to determine particularly in this session of Congress just what the defense posture of this country ought to be, what kind of resources can be devoted to it and whether we ought to be making a mark in changing that policy to more closely emulate or reflect what the gentleman is talking about today.

I just cannot resist, as I said, taking the time to commend the gentleman for the profound remarks he has made here this afternoon.

Mr. RHODES. Well, I thank my good friend, the gentleman from Illinois, my successor as minority leader. I have great admiration for him and his words certainly are welcome to me.

I must say that my good friend, the gentleman from Illinois, has been somewhat kinder than one editorial writer who labeled the comment on this speech as the "quack of a lame-duck."

Mr. DICKINSON. Mr. Speaker, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from Alabama.

Mr. DICKINSON. Well, I would like to engage in a brief colloquy with the gentleman, but I do not want to interrupt his prepared statement. I was wondering if the gentleman might tell me how much longer the prepared statement is?

Mr. RHODES. My prepared statement is now history.

Mr. DICKINSON. Well, if the gentleman would not mind yielding.

Mr. RHODES. I yield.

Mr. DICKINSON. I join with my leader here in commending the gentleman on a very thoughtful statement, even though there is much of it I find myself unable to agree with, as the ranking member on the Armed Services Committee and having to deal with this on a daily basis; but also I have been a delegate to the North Atlantic Assembly where we meet with our counterparts and discuss our participation in NATO. If my leader will designate me again this year, I will probably attend this year, as I have for the last 2 years.

Mr. RHODES. I used to go to that, too. I am afraid to go now. I think I will probably not go again.

Mr. DICKINSON. One of the things that always comes up inevitably, as the gentleman knows, is the so-called two-way street. Now, the gentleman mentioned that he would withdraw all troops from Europe.

Mr. RHODES. After negotiations.

Mr. DICKINSON. Well, I do not know what there is to negotiate; but perhaps the gentleman could enlighten us there.

Always the question comes up of a two-way street. Our NATO allies say, "Now, we are buying a great deal more from you than you are buying from us. This creates an imbalance of payments in favor of the United States and you should buy more from us."

Of course, we attempt to do so and when we do, then we have people on the floor here who try to stop that by saying, "You are hurting the sales in my district," whether by trucks or planes or whatever.

Then the inevitable reply from the United States is, "Well, you are only looking at one side of the ledger."

You talk about weapons procurement. If you add in the cost of our stationing, supplying and then putting troops in Europe and what it costs us, then the imbalance is in your favor and against us in the United States.

Also, one thing that does not come up and I think I will probably bring it up the next time that we meet with our counterparts is that nowhere in this equation do they ever mention the cost of our strategic program that we have developed in the past and which we are attempting to develop now. This is not a part of the equation, but is just as much for the benefit of our NATO allies as it is for us.

Certainly they have grown and prospered and have developed a very healthy economy under the umbrella that has been offered by our strategic weapons systems.

I would wonder, whether by negotiation or not, if we would not be unwise at this time to either in fact or even announce that we were planning to withdraw our troops and if the gentleman does not feel that this might be waving a red flag or be precipitating a very unhealthy balance in the NATO scenario at this time, to precipitiously say that we are going to withdraw our troops now, whether we do it at negotiation or not then say, "If you don't buy more and spend more and so forth, we are going to withdraw our troops." I wonder if this would be unsettling and unbalancing.

Mr. RHODES. Well, may I add my comments?

Mr. DICKINSON. Yes.

Mr. RHODES. Well, in the first place, I think we should bear in mind, and I am sure the gentleman from Alabama does, that they are asking us to defend their continent. We are not asking them to defend ours; so right away there is a certain imbalance, I think, in that whole situation.

Second, as I mentioned in my speech, the facts are that they do not have any plans, as far as I know, maybe the gentleman from Alabama knows of some, to join with us in defending anything outside of Europe. It seems that they expect us to help to defend their continent, but also to defend the rest of the world.

Now, we have said many times, and I certainly agree, that the United States should not be a policeman for the entire world. I recognize by the very nature of things, we do have certain responsibilities as the leader of the free world. We should exercise those; but at the same time, I think we have to be very careful that in doing that that we do not endanger what is really the greatest asset that the free world has, not only in defense but in peacetime, and that is the free American economy. If the economy of the United States is not healthy, then the defense of the free world is not possible

I think that there are a lot of reasons why we need to look at our future defense strategy. That is only one of them.

Mr. DICKINSON. Well, I cannot deny much of what the gentleman says. It does have reason and real force to it.

In line with what the gentleman has said, I can recall in the last Egyptian-Israeli war, that only could we not depend on any of our NATO allies for assistance, but when we were trying to fly an airlift to lift the imbalance of material and the shortage of supplies for Israel, not one NATO country, with the exception of Portuagal, they not only would not give us landing rights to refuel, they denied us the right to even overfly, which I thought was unusual, because they were looking at their own oil supply lines and their dependence on the Persian Gulf; so it is not unrealistic what the gentleman has said. I do think we would be precipitous to go as far as the gentleman would recommend at this time; but I will say that think there might be some good to come from these remarks. If in fact I am a delegate once again, I will talk to my counterparts from the NATO countries. I am sure that the gentleman's remarks will be referred to when they ask me do we really mean what you say.

Mr. RHODES. I would be very glad to give the gentleman a translation of the speech in any language which he wants.

Mr. HYDE. Mr. Speaker, would the gentleman yield?

Mr. RHODES. Yes, I would be glad to yield to the gentleman from Illinois.

Mr. HYDE. I thank my friend, the gentleman from Arizona, for yielding. I congratulate him, too, on a very important statement that comes at a very important time.

I would just demur briefly by expressing my conception that it really is not a question of them against us, or they want to defend Europe, not America. I view our troops in Europe as the frontlines defending America.

□ 1330

Now, why do I say that? We have a view of the Soviet Union not altogether accurate, that they are somewhere back in the 18th century industrially, in productive capacity, in technology, in having the skilled work force. Now, if they were to take over Western Europe, if they were to take all of Germany, all of France; if they were to take all of Europe, they would then suddenly embrace some of the finest technology, some of the finest industrial capacity, nuclear capacity, and it would be a tremendous disadvantage to the United States.

Yes, it is unfortunate that our European allies are not more forthcoming, that they do not understand that our interests and their interests are inextricably bound, but I would think that we would be in a desperate situation if Japan and Western Europe were suddenly to become satellites of the Soviet Union and we were to find Fortress America isolated.

So, it takes statesmanship of the highest order to elicit from our European allies a greater commitment to defend themselves, but I would suggest that in defending themselves they are defending the West, and we are the West.

Mr. RHODES. If I may comment, one of the reasons that I would like to deemphasize Europe a bit is so that we can put more emphasis on Japan and the Far East. I think that we are tilting too heavily toward Europe right now. I agree with the gentleman, if Russia were to get control of Western Europe, this I think initially would be certainly catastrophic as far as science and technology are concerned, but there are two things.

The first thing is, we have had troops there for 36 years. How long do we have to keep them? I do not understand why, if Europe is so great—and it is—why they cannot defend themselves by now.

Of course, the second thing is that if, indeed, the Russians were to swallow up Western Europe, I would bet you and give you odds that communism would not last for 20 years. If the Russian people were really given a massive dose of the kind of capitalist society which there is in Western Europe, I do not think there is any way that the people who now keep control of Russia by the cruelest type of repression there, could possibly continue to do that.

I think, as I have said in my speech, I am thinking of the next 50 years, the next 20 or 25 years. I think the worst thing that could happen to Russia would be for them to take over Western Europe. It would be a death blow.

Mr. HYDE. It may well be. I would hope that the gentleman is a prophet in his own time, but it is a dangerous, desperate roll of the dice. I suggest that Catholic Poland will never be under Communist domination. We know that is nonsense. I would suggest that East Germany, with all of its capitalism that it enjoyed before, let us say, Hitler, and before, certainly before the Soviets took over, I just would hate to take a chance.

Lastly, I remember when Mr. Atchison was supposed to have excluded the Korean Peninsula from our defense perimeter. The Chinese and North Koreans were probably the most surprised people in the world when we suddenly rushed back to defend it, because our interests were involved. I would hate to see that happen in Europe.

Mr. RHODES. I had better make myself clear. I am not talking about walking away and leaving Europe. I am talking about taking 350,000 troops out, for two reasons. One is economic. Another one is because I am satisfied that without some better means of stopping a Russian thrust across the North German Plain, they are in danger, and I do not know that there is any way of keeping them from danger.

Mr. HYDE. Do they not reassure the Soviets in Europe that any invasion would involve the United States, and is not that reassurance an important part of the deterrent?

Mr. RHODES. With what weapons? Yes, the United States would be involved, but in the meantime if the Russians decided to move across Western Europe, it would be very difficult for them to be stopped with the means which we now have deployed there. That is the reason I am talking about the neutron bomb.

Mr. HYDE. I agree.

Mr. RHODES. If you are going to really stop the Russians, you are going to have to have a lot more cooperation, I guess I am saying, than we are now getting from our so-called allies in Europe.

Mr. HYDE. I would suggest that the gentleman's speech may well certainly get their attention, and for that I am grateful.

Mr. RHODES. Sometimes you have to hit the one you want to impress over the head with a 2-by-4, and if I did I am glad.

NEWBORN BABY STARVES TO DEATH IN BLOOMINGTON, IND.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. HYDE) is recognized for 60 minutes.

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of this special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HYDE. Mr. Speaker, on April 15, last Thursday, a little newborn baby starved to death in Bloomington, Ind.

How can such an outrage occur, you might well ask, in a nation that by all counts is the most wealthy, most affluent in recorded history?

Was this the result of some maldistribution of welfare? Was this child, this week-old baby, one of the unfortunates that had slipped through the social safety net that Government ought to provide for its poorest citizens? In what ghetto or what remote Appalachian mountainside did this starvation occur?

Well, Mr. Speaker, it is one dimension of this horror that it occurred in a modern hospital in Bloomington, Ind., and not through oversight or neglect; it was deliberate.

Not only was this starvation deliberately permitted by the infant's parents, but it was sanctioned by the Supreme Court of Indiana.

What crime had this infant committed to warrant such cruel and unusual punishment? Could this baby not feel and suffer? Perhaps, because he was only permitted to live 1 week while systematically starving to death, he could not cry out and form the words "For God's sake, help me."

But perhaps had this defenseless little member of the human family been able to miraculously cry out for some scrap of food or water it would not have done much good because he suffered from Down's syndrome, and from a deformity of his esophagus which prevented food from reaching his stomach. The deformity was correctable through surgery, but even if the surgery was withheld the baby could have been fed intravenously. Permission to operate and permission to feed intravenously was denied by the parents and, so, absent a court order, starvation was to ensue, and ensue it did until death last Thursday.

Oh. yes, the courts of Indiana, those temples of justice which delude people into thinking that no man is above nor beneath the law, sanctioned this act of engenic infanticide in a 3-to-1 ruling.

Why? Do not the courts order blood transfusions for babies even yet in their mother's womb when religious scruples forbid the mother consenting to such a procedure? Of course, time and time again.

This child, Baby Boy Doe, was not even given the dignity of a name. Do you know why? In war, abortion or its logical refinement, infanticide, it is always more convenient to dehumanize the enemy. Here the enemy was an infant boy. They could hardly call him a fetus, so call him Baby Boy Doe.

I suggest to you that Baby Boy Doe is the Bloomington martyr, a triumph of the quality of life ethic over the sanctity of life ethic, an affirmation of the monstrous doctrine that if you are not planned and perfect, you are not privileged to live, if you do not pass the physical or mental examination society establishes for you, you must be killed—either in the womb or out of the womb.

Why was this infant abandoned by his parents and the courts? Because he suffered from Down's syndrome which meant a form of mental retardation. This affliction is not uncommon; 1 in about 700 to 900 births suffer from it.

This much is true:

First. A tiny fraction of Down's syndrome children are severely retarded.

Second. Medical science cannot know at birth the degree of retardation.

Third. We have learned a lot recently that Down's syndrome children are radically responsive to early intervention such as infant stimulation programs.

Many Down's syndrome people lead extremely useful lives and are employed and employable. The Down's syndrome person can teach us a lot about love, and unselfishness and giving.

Those parents that wanted to adopt this starving infant must try and un-

derstand that their love and compassion would have been a lifelong reproach to those others who felt starvation a humane treatment for this little infant, and who would define their guilt feelings as kindness toward a little retarded citizen. "We cannot love him, and so you may not love him" is their sad rationale.

Section 504 of the Rehabilitation Act of 1973 prohibits any discrimination against the handicapped under programs or activities receiving Federal assistance. I have asked the President and Secretary Schweiker to clarify the regulations in this area so the refusal of lifesaving treatment to a person because of his or her handicap will be recognized as an unconscionable violation of the letter as well as the spirit of the law and no more Federal funds can be allocated to such a program or institution.

Mr. Speaker, a rock star named Ozzy Osbourne has abused animals in his act and recently bit the head off a bat during the high-spot of his performance. While appearing in Indianapolis recently the authorities were most watchful to prevent any animals from being abused during his performance. These same authorities should have enlisted the aid of the ACLU and visited Bloomington Hospital—but, no, we do think more of animals than we do of people; do we not?

The Cook County, Ill., dog pound uses a gas chamber to destroy unwanted canines and to prevent them from starving in the streets. if starvation is too cruel for a dog, why is it legally permissible to starve a baby to death in a hospital?

I weep for Baby Boy Doe. I weep for his parents. I weep for the hospital, a place to cure and heal and alleviate suffering. And for the doctors and for the courts. But mostly for us, if we tolerate this regression of our society to barbarism.

The Jewish people, who know something about suffering, have a saying: "He that saves one life saves all humanity."

Today, as we commemorate the Holocaust, those words have a special meaning.

I would presume to formulate a corrollary. That he who deliberately destroys one life assaults all humanity.

Baby Boy Doe committed no crime, no unkindness. He had the misfortune to be born where there was not enough love to go around.

Surely his suffering and his death have placed him today next to the One who told his Disciples 2,000 years ago "For I was hungry and you gave me food; I was thirsty and you gave me drink." They crucified him, too.

KING CRIME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 20 minutes.

Mr. GONZALEZ. Mr. Speaker, I rise in pursuance of the subject matter that I have been perhaps criticized for pursuing too much, and that is, for more than 3 years the unprecedented, and I felt from the national interest, very damaging assassination or murder of Federal District Judge John W. Wood, and prior to that the attempted murder of Assistant Federal district attorney for the western district of Texas, James Kerr.

Now, I first started speaking out here on the House floor as soon as the House reconvened in January 1959, following the attack on James Kerr that prior November. I did so only because I felt that it had a national significance.

□ 1345

Now, at the time I first came to the House floor and spoke on this subject matter there was a lot of criticism because, for some reason or other, we live in a cynical period of time and it seems that if anybody does anything, he has to have an angle. We ask, what is his angle? What is he going to get out of it? And, of course, in this case what I was getting out of it was my expression of my extreme concern, which I had been expressing since 1970 locally, over the insidious and tremendous emergence of organized crime in every single seam and crevice and interstice of our American society, from the lowest levels of this society to the highest levels of Government itself.

Organized crime has so very successfully penetrated business and our society generally, but above all it has penetrated the governmental and the political areas to the point where the very forces that we set up, through our body, through our Congress, and through our institutionalized society, to defend society and provide so-called domestic internal security from crime and the criminal element, have reached such a sorry state that it is not an equal or not a match for the sophisticated organization of this syndicate known as organized crime.

Therefore, I had been speaking since 1970, but it was on a local level because the crimes there had involved local level operations. In fact, I was the first to go before a grand jury. I went before the Bexar County grand jury four times between 1970 and 1972, and that certainly was not political. What kind of political mileage could I have been seeking there? That was a local county grand jury, not a Federal grand jury. But the reason was that I was the first one to alert the community, the State, and the Nation as to the growing menace of the international trade in stolen automobiles imported from the United States into Mexico and points south in exchange for drugs, and also the emergence of the brown heroin connection when temporarily the French drug connection had been broken up in the Northeast.

I was the first one to come out on that in 1970, and that was all local. But when the attack on James Kerr happened in November 1978, it followed some local and highly publicized events that I had commented on and that had transpired because of the murder of two individuals locally. I predicted then that the next step would be an attack on or even the murder of a law enforcement official.

So, therefore, when the attempt was made on the life of James Kerr, the press immediately called me. We were out of session in November of 1978. So when we came back in January, I addressed myself to the subject matter, and I tried to keep attention, as I still am, on the importance of resolving the James Kerr case.

Then events happened fast. Six months later, almost to a day and a month, the Federal district judge, Judge John Wood, was murdered. And again, after warnings, it happened. It sounds now as if I am saying this after the event, but the reason is that there, even in the speeches I made to the House, I predicted that such a thing would happen. And it did happen, I am sorry to say, and I regret it, and I was astounded when it happened.

But nevertheless, after it happened the Justice Department and the law enforcement officials were confronted with one of the most nettlesome and difficult cases of all time, because in the first place, there were no eye witnesses, and, in the second place, there was no murder weapon and the like. This still confronts the law enforcement agencies and the criminal judicial system with a very tough task.

But the reason I am speaking today is that finally, after more than 3 years, and especially after the assassination of Judge Wood, which will be 3 years on May 29, something has been done, and I had been pressing so that the case would not get lost in the dust of history like the Jimmy Hoffa case. I might say, by way of parenthesis, that I consider it a national necessity that the Jimmy Hoffa case also be resolved, because all these cases have tremendous implications for the well-being of our society and for the continuation of a free government and a responsible government. After all, if our Government cannot serve the primary purposes of any government, which is the protection of life and property, then what is the use of a government?

What I am saying is that these crimes are manifestations of the tremendous power that has grown with the growth of organized crime.

I am here this afternoon to announce the fact for the RECORD and to

the credit of the Justice Department, and very particularly to the head of the FBI, the Director, Judge Webster, that last week, about the middle of the week, five indictments were brought in. In those cases where the indictment was predicated on the perpetration of the assassination of Judge Wood, the indictments were five-count indictments.

I was also very, very grateful and honored that the Director, Judge Webster, called me in order to advise me. He called me in my home district in San Antonio to advise me of the indictments, of their nature and some of the background, and to say that he had been reading the RECORD and that he considered that my leadership in at least keeping attention on the case had been most helpful. For this I want to express my profound gratitude to Judge Webster. I want to congratulate him, I want to congratulate the FBI, and I want to congratulate the Justice Department because at least they have kept on the case as far as they can under the circumstances.

But, as I also mentioned to the Director and to others, in my opinion what has been flushed out has been the upper middle portion of the operators. The task is still ahead of us to root out the leaders, the real moguls behind these upper middle operators, and that, of course, is a continuing task. But the fact that the indictments were brought in last week means certainly that the glaring light of attention will continue on the most dastardly crime of the century, one that is unprecedented in the annals of the judiciary of the United States.

Mr. Speaker, I conclude by again saying that at least for the time it would be proper—and I think it would be improper not to say this—to say that I will not involve myself in discussions concerning the cases, now that the indictments are in. At best, the law enforcement officials and the officials of the prosecutorial branch of the Justice Department will have a tough, tough case. It will be very tough, but at least they have brought in indictments. At least this crime is being pursued, and we have the consecrated dedication of a man who was once in fact a Federal judge himself, the Director of the FBI. So I am sure it will be pursued further and finally and ultimately to the rooting out of the leaders who have profited and continued to profit from these multibillion-dollar illicit businesses that are, I think, just as destructive of our economy as the inflation problem.

BUFFALO: A SESQUICENTENNIAL TRIBUTE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. LAFALCE) is recognized for 30 minutes.

● Mr. LAFALCE. Mr. Speaker, I rise today to offer recognition and congratulations to the city of Buffalo, N.Y., which today, April 20, 1982, celebrates its 150th anniversary.

In today's popular imagery, Buffalo seems to have become associated almost exclusively with long, cold winters. On the occasion of its sesquicentennial, I would like to contribute some additional dimensions to the public's understanding of the "Queen City of the Lakes." No one denies the cold, snowy winters, least of all the thousands of citizens who enjoy extensive and varied winter sports, but there is so much more.

As a Congressman, I would like to focus my remarks on Buffalo's role in, and contributions to, the cultural, economic, and political development of our Nation.

Perhaps the single most important factor in Buffalo's early history was its establishment as the Western terminus of the Erie Canal. Navigation on that incredible man-made canal linking Buffalo with the Atlantic Ocean began in October 1825. Following that, Buffalo became and remained for generations the springboard for the Western expansion into American's heartland. I should like to emphasize, however, that Buffalo's becoming the early center of westward expansion was no simple accident of geography. It required a determination and initiative which has remained a hallmark of Buffalo's citizens and leadership. Only 12 years before navigation was begun, Buffalo was burned to the ground in the War of 1812. In addition to rebuilding the settlement, it was necessary to establish a harbor suitable for commercial shipping. To accomplish this, the citizens built an 800-foot breakwater into Lake Erie and ingeniously relocated the mouth of Buffalo Creek—all accomplished under severe weather conditions and using the technology of the turn of the century. The feat was astounding and the future of the city was assured. Buffalo was to become the second largest rail center in the country and the largest grain-handling port in the world.

Buffalo's influence in westward expansion, however, proved to extend beyond the canal. William Fargo, a young Buffalonian, helped establish the American Express Co. and Wells-Fargo, providing, long before the railroads, the communications link to the West that accelerated the settlement of the country's interior and west coast.

Because of Buffalo's rapid expansion and industrial growth, it became home for thousands of immigrants. Throughout the 19th century, waves of Irish, Germans, Poles, and Italians found livelihoods and a supportive cultural and economic climate in the city of Buffalo. Their traditions remain today as a source of rich and stimulating cultural diversity.

But Buffalo also extended a desperately needed welcome to another group. During the 1840's and 1850's, Buffalo was one of the major centers of the underground railroad network.

During the 19th century, before and after the Civil War, Buffalo gave the country two Presidents—Millard Fillmore in 1850, and Grover Cleveland in 1885. Buffalo's association with the Presidency was not all happy. During his visit to the Pan American Exposition in 1901, William McKinley was assassinated. Vice President Theodore Roosevelt rushed to Buffalo and took the oath of office in a borrowed suit at the Ansly Wilcox home on Delaware Avenue. That home was recently restored through the efforts of the Liberty Bank and Junior League of Buffalo, and now stands as a national monument.

Shortly before becoming President of the United States, Millard Fillmore served as the first chancellor of the University of Buffalo, chartered and begun as a medical school in 1846. The new university subsequently expanded to its present size as the largest center of the New York University system. The Roswell Park Memorial Institute, a national center for cancer research and treatment, took its name from the man who came to Buffalo to assume the chair of surgery in the university in 1883. In the decades following, more major educational institutions were established in the city—Canisius College, Buffalo State College, D'Youville College, Daemen College, and Medaille. Combined with nearby Niagara and St. Bonaventure Universities, these schools made Buffalo a major learning center, drawing students and faculty from throughout the country, and, indeed, the world.

During the World Wars, Buffalo was a major source of war material for the Allied forces. This was largely due to the aircraft produced by Curtiss-Wright and Bell Aircraft. Also, the famous Pierce-Arrow Corp. briefly produced a highly regarded truck for use in World War I. The combination of war production and the general surge in grain production and heavy manufacturing during the war years further increased Buffalo's burgeoning and diverse population.

Buffalo's period of rapid expansion in population and industrial growth probably peaked in the post World War II period. Following that period, Buffalo, like many heavy manufacturing cities throughout the country, began to suffer a loss in population. There are numerous reasons, including the postwar suburban building boom. However, Buffalo's economic base was struck severely in 1959 by the opening of the St. Lawrence Seaway. This seaway, along with the Welland Ship

Canal built in the Depression years, altered the pattern of shipping on the Great Lakes. The immediate impact was on the grain transshipment industry which shrank dramatically. Loss of commerce from Great Lakes shipping had deep and pervasive consequences for Buffalo's economic base. In the 1960's and 1970's, these conditions were further aggravated by the lure of cheap labor and energy costs in the so-called Sun Belt States.

Because of Buffalo's preeminence in commerce and industry, especially in the first half of the 20th century, her role in the arts and culture receive disproportionately little attention.

Shortly after the turn of the century, a young and rebellious architect from Chicago was brought to Buffalo to design a new headquarters for the Larkin Soap Co. The novel and unconventional design was too much for even his sponsors but he later found an enthusiastic following in Buffalo where four of his buildings remain today. His name was Frank Lloyd Wright. Many other architects have left their marks on Buffalo's landscape: H. H. Richardson, Buffalo Psychiatric Center's Twin Towers; Louis Sullivan, Prudential Building; and David Burnham, Elliott Square Building.

The Albright Art Gallery, established in 1905 shortly after the Pan American Exposition, has been a major and respected gallery throughout its history. Known now as the Albright-Knox Gallery, it boasts one of the finest collections of contemporary painting and sculpture in the country.

Kleinhans Music Hall, regarded as one of the most acoustically superb music halls in the world, has flourished as the home of Buffalo's Philharmonic Orchestra. This orchestra has enjoyed the leadership and talent of a series of distinquished conductors—William Steinberg, Joseph Krips, Lukas Foss, Michael Tilson Thomas, and currently, Julius Rudel, who was the first music director of the Kennedy Center in Washington, D.C.

Many other great talents who contributed significantly to America's cultural heritage were natives who found a stimulating and nurturing environment in Buffalo. Among them were songwriter Jack Yelleu, "Happy Days Are Here Again"; historian and author Paul Horgan; artist Charles Burchfield; and novelist Taylor Caldwell. Regrettably for us and him, another literary giant was thwarted by personal tragedy in his plans to settle in Buffalo. His name was Samuel Clemens who resided briefly at 472 Delaware Avenue.

The Allentown Art Festival, begun in 1957, annually attracts hundreds of thousands of art lovers from all over the continent and has become probably the largest art festival in America.

The sesquicentennial marks the eve of Buffalo's next phase of development and renaissance. Recovery and redirection are the hallmarks of the 1980's, and the beginnings of the new Buffalo are clearly already in place. The recovery appears in many places and forms. Theater, one of the cultural gems of the community, continues to generate excitement and revitalization of the downtown area is a close companion of this enthusiasm. Virtually every major bank has erected modern new buildings in the downtown area along with private industries such as Rich Products. The waterfront—the shores of Lake Erie and the Niagara River—is one of Buffalo's incomparable assets and is now a beehive of private and public development. Housing, marinas, and a public park system now emerge from the soil once claimed by grain elevators, port facilities, and the towpath for Erie Canal barges.

Further evidence of public and private investment in Buffalo's revival can be seen in the new convention center and Hilton Hotel.

Buffalo is one of the few cities of its size in the country still supporting two major daily newspapers—the Buffalo News and Courier-Express.

Both facilitative and reflective of the new growth is a light rail rapid transit system under construction and due to open in 1984.

In its infancy, Buffalo demonstrated its spirit and determination when after only two decades it grew from the ashes of the 1812 War to an incorporated city—150 years ago today.

That spirit remains today after the depredations of the postwar era become the challenges of the present and future.

My own English professor at Canisius College captured the atmosphere years ago in words that apply as well today. In the words of Dr. Charles Brady's 1957 poem:

We have builded a city
And it is good
The task is not yet finished
We build it still
Buffalo is yesterday
It was tomorrow.
Forever it will be today.●

AL GLASS RETIRES FROM VA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. LEATH) is recognized for 5 minutes.

● Mr. LEATH of Texas. Mr. Speaker, a dedicated employee of the Veterans' Administration has announced his retirement, and I thought it appropriate to mention his years of dedicated service.

Albert W. Glass, who has served for the last 2 years as Director of the Veterans' Administration's GI loan program, will leave his post on April 30, 1982. His retirement culminates a 20-year career in the loan guaranty program which began in 1961 with his appointment as a realty assistant in the VA's Montgomery, Ala., Regional Office.

In his capacity as Deputy Director, and later as Director of the Loan Guaranty Service, Al Glass discharged many complex responsibilities with a competence and diligence rare in any field of endeavor. His dedication and professional stature during his long service contributed significantly to making the VA home loan guaranty program one of the most efficient in Government. Al leaves this program in good shape. He has put his mark on it, a mark that represents distinction, effectiveness, efficiency, and above all one that well serves the veterans it is designed to serve.

I salute Al Glass for a job well done, and wish him many years of health and happiness. He has earned them.●

LEWIS PROPOSAL TO REDUCE DEFICIT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. MONTGOMERY) is recognized for 5 minutes.

● Mr. MONTGOMERY. Mr. Speaker, one of the most respected and successful businessmen in my State of Mississippi, Mr. Morris Lewis, Jr., of Indianola, recently wrote concerning suggestions he has to reduce the size of the projected Federal deficit. Since his thoughts closely parallel other proposals under consideration by congressional leaders and administration officials, I would like to share them with my colleagues. I would also note that Mr. Lewis takes exception with those who use "red flag" words like depression and I think his thoughts along this line are well founded. I commend to my colleagues Mr. Lewis' suggestions as another possible remedy for bringing down the size of the Federal deficit.

INDIANOLA, MISS.,
March 18, 1982.

The Hon. G. V. MONTGOMERY,
To the Members of the Mississippi Congressional Delegation:

There is no question but that our nation is facing a serious economic problem. I see more and more articles in the daily press using the word "depression." Having lived through the Crash of 1929 and the resulting Depression of the 30's, I know from experience what a terrible condition we were in during those dark days.

Although I hate to see a number of economists using the word "depression," I do not believe that we are facing anything that severe or, at least, I believe it can be avoided.

In fact there are a number of safeguards that we have today that were not present in 1929—such as Federal guarantees on deposits, tight restrictions on trading securities on margin, etc.

I sincerely believe that over the long range, the President's program of tax incen-

tives to business will eventually result in capital investments and increased employment. However, the problem we face today is to "not let the patient die before the cure arrives."

The present recession resulting in high unemployment has a definite effect on revenues of the Federal government. The action of the Federal Reserve Board resulting in high interest rates are somewhat counter productive (although I understand the reason for its action). It discourages business expansion and is playing havoc with a number of industries, particularly housing, automobile, steel, etc.

Actually many businesses are having to use tax savings to improve their balance sheets due to high interest rates, instead of re-investing in new plants and equipment that would improve their productivity.

With the proposed Federal budget and the deficits we see in the next few years, this problem becomes even more complicated. It appears that before we can get interest rates to a much lower level, that our economy is going to continue to be plagued. Isn't there some way to bring these conflicting issues closer together, so that we can find a cure? It appears that in addition to paring the budget as much as possible, we need a "temporary" relief to provide more income for the Federal government to close the big deficit gaps we see ahead.

There is a way but I assume it would be complete folly to attempt it since it will be so politically unacceptable. Put on a temporary tax that would have a pre-determined phase out—a tax that would not be placed on single citizens with $10,000 adjusted income or married couples with $20,000 adjusted income. For instance, a 3% national sales tax. By a pre-determined formula—each person would be exempt by applying a percentage of the first $10,000 income on their income tax report. Most of these people would receive a refund just as they do for withholding tax they do not owe. This tax would be 3% the first year, 2% the second year and 1% the third year—then completely eliminated. This would reduce the deficit considerably and should then appeal to the Federal Reserve Board to reduce interest rates materially. Such reduction would have an immediate impact on business and as the economy improves, income to the Federal government would absorb the gradual sales tax reduction.

It would appear that no new bureau would be needed to collect the tax but same could be handled by Internal Revenue Service with only a small increase in size. Retailers collecting the tax could be allowed 10% of the collections for their expenses in handling and remitting the government each month.

I don't really know why I should write this proposed action because of its politically unacceptability, however, we must (and I repeat *must*) find some means to reduce the anticipated Federal deficits and get interest rates reduced materially. The present high interest rates are not only stifling our economy but also are having an adverse effect on our European allies.

Business needs capital expansion to improve productivity but its hands are tied with these high interest rates.

Thanks for taking the time to read this message—which in essence states the need for a reduction in Federal deficits and a material reduction in interest rates that are counterproductive to controlling inflation and to an improvement in the economy. Some "strong medicine is needed to save the patient". I sincerely believe that President Reagan's program is a sound program and will work over the long term, but we need some kind of relief as we give this program time to become effective.

If there was another way to get interest rates reduced considerably—it would be great because these extremely high interest rates are a greater threat to our economy than inflation, in fact, they add to the cause of inflation.

If we cannot accomplish any of these things—then what course do you propose we take? We cannot afford to let the patient deteriorate much further.

Sincerely,

MORRIS LEWIS, Jr.●

DAVID A. STEIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. BINGHAM) is recognized for 10 minutes.

● Mr. BINGHAM, Mr. Speaker, during the recess, my home community of Riverdale, N.Y., lost one of its most admired and beloved citizens, David A. Stein, the founder and for many years the publisher of the Riverdale Press, one of the Nation's outstanding community weeklies. I felt, as do thousands of Riverdalians that David was a personal friend and we all will miss him very much. I extend to his wonderful helpmate, Celia, and to his two sons, Bernard and Richard, now copublishers of the Riverdale Press, deepest sympathy.

David Stein was born in Cleveland, Ohio, on June 23, 1910, the son of Russian Jewish immigrants. He decided at the age of 12 to be a newspaperman, during a stint as a copy boy on The Cleveland Press. Growing up in poverty, he overrode his father's opposition to attend college, supporting himself as an undergraduate at Ohio University, in Athens, Ohio, by slinging hash and playing drums in the orchestra of a fraternity brother, Sammy Kaye.

At Ohio University, he edited the college newspaper. It won an award as Ohio's best, but when Mr. Stein graduated, in the midst of the depression, he was unable to find a job as a newsman, so he took a job selling classified advertising for the Niles (Ohio) Daily Times. He said he learned the real craft of the journalist there and at the small Girard (Ohio) News, where he finally found work as a reporter, editor, advertising man and janitor. He and one office worker put out the 12-page weekly newspaper.

Eventually, he became managing editor of NEA Feature service of the Scripps-Howard organization in Cleveland. He was transferred in New York as managing editor of the headquarters bureau in 1944 and moved then to the Riverdale apartment where he lived the rest of his life.

After leaving NEA, he headed his own public relations firm, which coordinated publicity for Herbert Lehman's successful Senatorial campaign against John Foster Dulles and for the Mayor's Committee for New York's golden anniversary. To that period belonged what he once called "the most enjoyable job I ever did," ghost-writing the autobiography of Paul Whiteman, who was then in his heyday as a big band leader.

Mr. Stein was an editor at the Associated Press when he founded The Riverdale Press. In 1979, he retired as publisher of The Press, turning the paper's direction over to his sons. But, although a cardiac condition slowed him down, he never stopped contributing to the paper.

Mr. Stein was the recipient of countless awards and honors, singly, or together with his wife and copublisher, Celia. In 1980, Manhattan College conferred honorary doctor of law degrees on Mr. and Mrs. Stein for their service to the community as publishers of The Press. In 1981, Neighborhood House presented the Steins with a special Good Neighbor Award, making them the only people in the organization's history to win the award twice.

When the United Nations Association gave Mr. Stein that organization's award, then Secretary-General U-Thant made the presentation. The Riverdale Community Council honored Mr. and Mrs. Stein as Riverdalians of the Year in 1968. He and the paper received citations from three mayors, four borough presidents, the New York City Council and the State legislature as well as from numerous community organizations and institutions that were helped by The Press.

Mr. Stein was a founding member of Riverdale Temple, past president of the New York Press Association and founder and past president of the Riverdale Kiwanis Club. He was on the board of directors of the Bronx Chamber of Commerce, the Bronx Historical Society and the Bronx Society of Arts and Letters and a leader in many other community organizations.

He was a member of Sigma Delta Chi, the professional journalism fraternity and Inter-American Press, where he served on the Freedom of Information Committee.

At the funeral services for Mr. Stein on April 12, attended by more than 600 people, the principal eulogy was delivered by a neighbor and friend, Mr. Fred W. Friendly, Edward R. Murrow Professor of Journalism at Columbia University, formerly head of CBS News. Mr. Friendly's eulogy follows:

There is a casket here this morning, and mourners, flowers, and organ music, and we have heard prayers of many faiths from his friends. So in a formal sense this is a funeral service.

To me, however, it is a celebration of a consummate pro. David was a professional editor and a successful publisher at a time when they are an endangered species. As a journalist and friend, I am privileged to cel-

ebrate David A. Stein, newspaperman. He would resist the term eulogy, but his sharp editor's pencil might permit the epitaph: "David Stein—Forget that I died. Remember that I lived." He might add, "in Riverdale."

One of the most famous editorials in his Press years ago was "Who Gives a Damn About Riverdale?" David Stein did, and that was contagious—his caring strengthened the glue that holds Riverdale together. Riverdale is sui generis. It is a blessed habitat without a government of its own, part of a crazy quilt pattern of county, city, state and federal voting constituencies.

What makes Riverdale more than just a fancy mailing address is a weekly "country" newspaper that David and Celia Stein conceived three decades ago. They made a difference. Riverdale, Fieldston, Kingsbridge, Marble Hill, Spuyten Duyvil, often with diverse interest, were stitched together not by some kind of political force, but by a newspaper, The Riverdale Press.

There is something uniquely American about country editors even when their "beat" is part of the greatest city in the world. That sage from Kansas, William Allen White, the quintessential country editor of The Emporia Gazette, believed that "responsibility is a wine press that brings forth strange juices out of men." In his first editorial, White laid down a credo that could have been David Stein's: "The new editor hopes to live here until he is the old editor, until some of his visions, which rise above him as he dreams, come true."

David Stein was a poor boy from Cleveland, educated in Athens, Ohio, who came to Gotham to work for the Associated Press. He had dreams and visions of saving the magnificent, craggy shoreline of the Hudson River, the verdant woods, playing fields and lakes of Van Cortlandt Park and the wooded enclaves of one-family homes from being overwhelmed by what he called the developers of "canyons of stone." David Stein launched a crusade to rid the Henry Hudson Parkway of "killer curve" as The Riverdale Press headlined it. When the highway engineers straightened out that death trap, that classy dowager Mrs. Cleveland Dodge rewarded the country editor from the Northwest Bronx with a kiss.

My favorite Stein headline—and there were many yeasty ones—was in blazing 72-point type, "Korvettes or the High School?" when that was the burning Riverdale question. The John F. Kennedy High School now endures as a monument to David's stubborn sense of values. History has also ratified that decision, for alas, that projected Korvettes store would now stand as a vacant eyesore.

The junior high schools on Independence Avenue and Sedgwick Avenue, PS 24 and most of our public schools owe some part of their existence to our country editor and his staff, as does Seton Park where young Dave and Celia used to picnic.

The Riverdale Mental Health Association, unique for a community of this size, also occupied a special place in the Steins' hearts and in the pages of The Press, when the elements that comprise mental health were almost dirty words.

You can't talk about David Stein without talking about Neighborhood House. The birth of The Press is forever linked to the visions of its director, Elizabeth Day, and trustees Kerryn King and Sidney Gamble.

In 1950 when there were only some 3,000 families in "greater" Riverdale, Neighborhood House was experimenting with a monthly official house organ. It was as good as amateurs could make it, but its future was bleak. Kerryn King recruited Stein to professionalize the "Neighborhood News." From this grew the concept to found a regular Riverdale weekly. Originally Dave thought he could stay at the A.P. and as he phrased it, run the paper "with my left hand and the aid of volunteers." Well, it didn't work out quite that way. Riverdale desperately needed its own weekly and the merchants needed a place to advertise in this burgeoning burg. The Press soon outgrew the Stein living room with family and friends licking address labels. Dave was suddenly an ex-A.P. editor working full-time as a Riverdale editor-publisher.

There's a marvelous anecdote connected with its birth plans. Some officials at Neighborhood House thought that they should retain financial equity in this new paper as a possible source of revenue—should there be any. Sidney Gamble argued, "If The Press loses money we should not be involved in any liability. If it's a success, its profits should go to the Steins who will be deserving." Fortunately, Sidney Gamble's gamble prevailed. Indeed Dave Stein's life work was not to be dedicated to the publication of a house organ—even Neighborhood House's.

Like all independent newspapers worth their ink, The Press had its enemies. A few of the gentry once organized a boycott against the infant newspaper, but the readers stayed loyal and merchants responded by purchasing more space. New York magazine and others in the big city media have taken occasional aim at The Riverdale Press, but David Stein always knew who he was and what he and his newspaper stood for. It wasn't supposed to be The New York Times or The Village Voice, nor was it a vacuous shopping news that so many community papers have become. It had, and has, integrity. It covered its community, its strengths and weaknesses.

David was always proud that The Press had no free list. You had to buy it—or subscribe. The Riverdale Press has won a multitude of prizes, and many of its peers have voted it the premier newspaper of its category in the state. It pursued excellence and the Joseph Pulitzer admonition that "newspapers should comfort the afflicted and afflict the comfortable."

That tradition of excellence and independence is already being carried forward by his sons Bernard and Richard—what more could a father want. They took over as co-publishers in 1979 when David's stout heart began to tire. Celia Stein, the sole contributor whose copy is never edited, is more than just the Julia Child of Riverdale. She continues to be on the masthead where she has been these 30 years, voice of conscience, heckler, partner.

A personal and final note. David Stein was also a gifted teacher of journalists and his disciples work in newsrooms throughout the country. On Saturday, when one of his proteges, David Friendly of the Newsweek Bureau in Los Angeles, heard the news about David he responded with a sense of pride and sadness. "You know, Mr. Stein was my first journalism teacher when I worked at The Riverdale Press on Broadway." I interrupted David by asking if his first instruction didn't really begin at home. David replied. "You taught me what journalism was, Dad. Mr. Stein taught me how to do it—and he was a tough task-master."

So David Stein endures, and if I may be permitted to speak for him now, "Forget that I died. Remember that I lived"—in a newsroom in Riverdale.●

EXPLAINING THE NUCLEAR ARMS RACE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BROWN) is recognized for 10 minutes.

● Mr. BROWN of California. Mr. Speaker, this week an important nationwide observance of Ground Zero Week is underway. Combined with the grassroots efforts for a nuclear weapons freeze, Ground Zero Week represents the basic sanity of the body politic, which is increasingly rejecting the insanity of the nuclear arms race.

Those who are absorbed in the arms race do not see things this way. Whether Soviet or American, military planners are able to construct scenarios which they are convinced are reasonable. It is even possible that a small nuclear war can look like a relatively attractive option. It is probably the fact that major policymakers in the Reagan administration, including the Secretary of Defense, the Secretary of State, the Vice President, and the President himself, have all discussed nuclear war as both survivable and winnable, although undesirable, that public concern has grown.

Perhaps of even greater concern should be the Republican Party platform of 1980, which called for the United States to develop nuclear superiority, in contrast to the policies of Presidents Eisenhower, Nixon, and Ford, who sought equality or a balance of terror. Since this unreasonable and dangerous goal was in a political party convention platform, many did not take it seriously. Reviewing the nuclear weapons policies of the Reagan administration, it is now clear that they are attempting to implement this part of the party platform, and seek nuclear weapons domination of the United States over the Soviet Union. The calls for a nuclear freeze are a justified reaction to this irresponsible policy.

Mr. Speaker, a great deal has been written recently about the causes of the nuclear arms race, and how it can be stopped or even reversed. More than enough blame exists for all who have been involved to share responsibility. I am thinking of the governments of the United States and the Soviet Union, the military establishments of each country, and the political leaders of each nation.

Former Secretary of Defense under Presidents Kennedy and Johnson, Robert McNamara, is a man who shared in the decisionmaking that got us in the mess we are in today. His insights are therefore unique. Frankly, I find his current candor and perspective to be truly amazing and an important contribution to our understanding of the nuclear arms race.

The Los Angeles Times recently printed a fascinating interview with

Robert McNamara which I will shortly insert in the CONGRESSIONAL RECORD. The main point of this interview is Mr. McNamara's observation that the nuclear arms race was spurred on by fears in the Soviet Union that the United States in the early sixties was seeking to achieve nuclear superiority, the current goal of the Reagan administration, and a U.S. "first-strike" capability—a goal the Reagan administration does not claim as its own.

Robert McNamara should know what he is talking about. He, in fact, received memos from senior Air Force officials calling for a U.S. first-strike capability. While that policy was officially rejected, the roots of our current nuclear arms dilemma go back to those days.

Before I close, I would like to announce that this week I will be inserting a number of additional statements in the CONGRESSIONAL RECORD concerning the nuclear arms race, the folly of either great power seeking a first-strike capability, and the desirability of a nuclear weapons freeze.

Mr. Speaker, at this time I wish to insert the interview with Robert McNamara in the RECORD.

[From the Los Angeles Times, Apr. 8, 1982]

INTERVIEW WITH MCNAMARA—FEAR OF A U.S. FIRST STRIKE SEEN AS CAUSE OF ARMS RACE

(By Robert Scheer)

Soviet fears of a surprise U.S. nuclear first strike after the Cuban missile crisis may have triggered the massive Soviet buildup of intercontinental missiles in the 1960s and set off the nuclear arms race, according to former Secretary of Defense Robert S. McNamara.

In a recent interview with The Times, McNamara cited a recently declassified document which indicates that the U.S. Air Force wanted the United Nations to build a first-strike capability in 1962. McNamara and President John F. Kennedy vetoed the proposal.

The memo, given to The Times by McNamara, was released under the Freedom of Information Act to author Fred Kaplan.

McNamara, in the interview, challenged the notion held by President Reagan and others that the Soviets' nuclear buildup of the late 1960s and 1970s was designed to gain a first-strike nuclear attack capability. Rather, McNamara contended, the buildup could be seen as a reaction to the earlier U.S. military buildup and to rumors that the United States was preparing to strike first at the Soviet Union.

"I have no doubt but that the Soviets thought we were trying to achieve a first strike capability," McNamara said. "We were not. We did not have it, we could not attain it, we didn't have any thought of attaining it. But they probably thought we did."

Had he been the Soviet defense secretary at the time, he said, "I would have been worried as hell about the imbalance of force. And I would have been concerned that the United States was trying to build a first-strike capability . . . because I would have had knowledge of what the nuclear strength was of the United States, and I would have heard the rumors that the Air Force was recommending achievement of such a capability."

In the document, titled Memorandum for the President, and dated Nov. 21, 1962, McNamara warned President Kennedy: "It has become clear to me that the Air Force proposals . . . are based on the objective of achieving a first-strike capability."

In McNamara's judgment, the Air Force recommendation went beyond the requirement of deterring a Soviet attack. As he wrote: "What is at issue here is whether our forces should be augmented beyond what I am recommending in an attempt to achieve a capability to start a thermonuclear war in which the resulting damage to ourselves and our allies could be considered acceptable on some reasonable definition of the term."

McNamara cited a memorandum he had sent Kennedy the year before, in which he defined "a full first-strike capability" as a capability that "would be achieved if our forces were so large and so effective, in relation to those of the Soviet Union, that we would be able to attack and reduce Soviet retaliatory power to the point at which it could not cause severe damage to U.S. population and industry."

URGED REJECTION

The memo added, "I indicated then and I reaffirm now my belief that the 'full first-strike capability'—and I now include the Air Force's variant of it—should be rejected as a U.S. policy objective."

McNamara's reason for rejecting the first-strike option was that the Soviets had submarine-launched ballistic missiles which would survive a first-strike attack. He estimated that the Soviet forces surviving a first-strike could inflict 50 million direct fatalities. "I do not consider that an 'acceptable' level of damage," he told Kennedy.

McNamara's comments are relevant to the current U.S. debate over whether the Soviets now have a first-strike capability, as President Reagan said last week.

In his interview with The Times, McNamara said that if a U.S. first strike against the relatively weak Soviets in 1962 did not make sense, then a Soviet first strike against the United States now that both sides have reached parity makes less sense.

"The (the Soviets) no more have a first-strike capability today than we had then," he said.

The following are excerpts from The Times' interview with McNamara:

SCHEER. What about the geopolitical balance? We hear how the Soviets have gotten stronger and how they've made gains all over the world.

MCNAMARA. I, myself, believe they've gotten weaker. That may sound naive when one says it in the face of what has clearly been an increase in the number of their nuclear weapons and an increase in their conventional forces—not nearly as great, by the way, as many say, but still an increase. But I think they've gotten weaker because, economically and politically, there have been some very serious failures. In my opinion, they are in a weaker position today than they were 14 to 15 years ago.

SCHEER. When you said that the increase in Soviet conventional forces is not as great as many say——

MCNAMARA. I'll expand that to make two points: Soviet conventional strength is not as great as many state it to be, and the NATO (North Atlantic Treaty Organization) conventional weakness is not as great as it is frequently said to be. Therefore, the conventional balance is not as favorable to the Soviets as is often assumed.

The Soviet advantage in tanks is frequently used to illustrate the strength of the Soviets and the weakness of the West. I believe the Warsaw Pact countries have three times as many tanks as the NATO countries. But our response to the Soviet tanks should not necessarily be a one-to-one expansion of our tank force, but rather an expansion of our anti-tank weapons. And that is exactly the way NATO has responded. So the fact that the Soviets have three times as many tanks as NATO is not necessarily an indication of Soviet strength and NATO weakness. One could argue whether NATO has adequate anti-tank forces, but they certainly have very strong anti-tank forces. I simply use that as an illustration of the point I'm making.

In this country we commonly exaggerate the imbalance of Warsaw Pact and NATO conventional forces. In my opinion, NATO conventional forces are very strong indeed. They are not as strong as I would like to see them, not as strong as they ought to be, not as strong as they can be by applying modern technology within realistic budget constraints. But, still, they are a much greater deterrent to Soviet aggression than we commonly recognize.

MASSIVE BUILDUP

SCHEER. One of the arguments that is made by the Administration is that the Soviets are engaged in—I forget the exact words—the most unrelenting, massive military buildup, in both conventional and strategic weapons, and that we now have to counter that.

MCNAMARA. I don't want to get in an argument with the Administration; I just want to state what I believe is a fact, which is that we overstate the Soviets' force and we understate ours, and we therefore greatly overstate the imbalance. This is not something that is new; it has been going on for years.

SCHEER. Did it go on while you were secretary of defense?

MCNAMARA. Of course it did. I tried to correct it; I frequently made statements correcting it, but because it appears to serve the interests of some to consciously or unconsciously overstate the Soviet strength and understate ours, that frequently occurs.

SCHEER. Who are the "some"?

MCNARAMA. Well, particular elements of our society that feel their programs are benefited by that. The missile gap of 1960 was a function of forces within the Defense Department that, perhaps unconsciously, were trying to support their particular program—in that case, an expansion of U.S. missile production—by overstating the Soviet force. I don't want to state that they were consciously misstating the facts, but there is an unconscious bias in all of us. In any case, it was a total misreading of the information, and by early 1961 all who had examined the evidence concluded that there was no missile gap, despite the fact that in the latter part of 1960 it was a rather common belief.

SCHEER. Is there a military-industrial complex?

MCNAMARA. I don't think there is a military-industrial complex that consciously advances its own financial interests regardless of the cost to the nation. But I do believe that one has to look beyond the military and its industrial supporters for an evaluation of what is in our national interest with respect to security. There are other participants in the security debate that need to be heard from who may have different interests, different views or different knowledge of how to achieve our common goal.

SCHEER. Going back to the missile crisis and the show-down over the missiles in Cuba, do you feel that we compelled or encouraged the Russians to engage in this buildup?

MCNAMARA. No. I have never understood why (former Soviet Premier Nikita S.) Khrushchev sent those missiles into Cuba, but I don't think it was our action that caused him to do so.

SCHEER. But that is when you date the start of their buildup. Up until that time they seemed relatively indifferent to developing these missiles.

MCNAMARA. No . . . I think they had under way—that was October, 1962—by 1962 they had under way a plan to substantially build up their nuclear forces. One possible explanation of their action, and I don't put it forward as the only explanation, is that they were moved to rapidly expand their forces because they thought we were trying to achieve a first-strike capability, that is to say, a large enough numerical superiority to give us the power to launch against their nuclear weapons and destroy so many that the remainder would be inadequate to carry out a second strike against us. That was never our intention. It was not only not our intention, but we didn't believe we could possibly achieve such a capability. But they, looking at our force and the substantial numerical superiority of that force, might have believed that we either had that capability or were trying to achieve it. And they might have looked upon the movement of the weapons into Cuba as a means of reducing that capability.

SCHEER. On the first-strike question, was there a shift? You are always associated with the "mutually assured destruction" deterrence notion. Yet some people have argued that within the period in which you were in charge, there was a shift in the targeting scenario, and that was when the beginning of the notion of limited nuclear war actually started.

MCNAMARA. No, no, we moved from Dulles' strategy of massive retaliation to what was called "flexible response." That was, I think, a major advance because it substantially reduced the risk of nuclear war. And the level at which nuclear weapons might be used under flexible response was raised so high that it was, in effect, the equivalent of mutual assured destruction.

The point on the Soviet concern about our first strike is an important one (lifts a document). This is a highly classified memorandum from me to President Kennedy, dated Nov. 21, 1962. In the memorandum I state, "It has become clear to me the Air Force proposals are based on the objective of achieving a first-strike capability. In the words of an Air Force report to me, 'The Air Force has rather supported the development of forces which provide the United States a first-strike capability.'" This is my memo to the President and that is a proper quote from the Air Force. The Soviets didn't have this document, at least I hope they didn't. But they may have heard talk that we were trying to achieve a first-strike capability and, in any case, they saw the size force we had.

I was absolutely amazed—a man (author Fred Kaplan) brought this document in to me the other day and he asked me about some things that happened in 1961. He quoted from this memo. I said, "For God's sake, where did you get it?" And he said it was declassified under the Freedom of Information Act. So I called the Defense Department and said I wanted the same memos he had and they gave me four of them. This is one.

The issue of first-strike capability is absolutely fundamental. And I have no doubt but that the Soviets thought we were trying to achieve a first-strike capability. We were not. We did not have it; we could not attain it; we didn't have any thought of attaining it. But they probably thought we did.

SCHEER. Well, also, the argument that is made here now is based on finding Soviet defense manuals. If the Soviets did have access to this or some other document, that is a lot stronger than what arms control negotiator Paul Nitze or National Security Council Soviet expert Richard Pipes or these people come up with about Soviet intentions. All we can point to on the argument of Minuteman vulnerability is that they have a civil defense program, why are they piling on the missiles. . . . As far as I know, we don't have any statement by them. . . .

MCNAMARA. No, absolutely not. But if I had been the Soviet secretary of defense, I'd have been worried as hell at the imbalance of force. And I would have been concerned that the United States was trying to build a first-strike capability. I would have been concerned simply because I would have had knowledge of what the nuclear strength was of the United States and I would have heard the rumors that the Air Force was recommending achievement of such a capability. You put those two things together: a known force disadvantage that is large enough in itself to at least appear to support the view that the United States was planning a first-strike capability and, secondly, talk among U.S. personnel that that was the objective—it would have just scared the hell out of me! That memo is dated November, 1962. It's by coincidence a month after the Cuban missile crisis.

That, I think, lends some support to the point I'm making.

However, I want to reemphasize these points: No. 1, I didn't believe, and President Kennedy didn't believe, we had a first-strike capability. No. 2, we didn't have any intention of trying to attain a first-strike capability. No. 3, if we had had any such intention, there is no way we could have done it, in my opinion.

SCHEER. If you couldn't have done it then, how could one make the claim that the Soviets could do it now?

MCNAMARA. They no more have a first-strike capability today than we had then. No one has demonstrated to me that the Soviets have a capability of destroying our Minutemen. But even if they could destroy our Minutemen, that doesn't give them a first-strike capability, not when they are facing our Polaris submarines and our bombers. The other two legs of the trial are still there.

ABSURD ARGUMENT

SCHEER. The argument that is made is that they would destroy enough of ours that they could come back—

MCNAMARA. The argument is without foundation. It's absurd. To try to destroy the 1,054 Minutemen, the Soviets would have to plan to ground-burst two nuclear warheads of one megaton each on each site. That is 2,000 megatons, roughly 160,000 times the megatonnage of the Hiroshima bomb. What condition do you think our country would be in when 2,000 one-megaton bombs ground-burst? The idea that, in such a situation, we would sit here and say, "Well. we don't want to launch against them because they might come back and hurt us," is inconceivable! And the idea that the Soviets are today sitting in Moscow and thinking, "We've got the U.S. over a barrel because we're capable of putting 2,000 megatons of ground-burst on them and in such a situation we know they will be scared to death and fearful of retaliation; therefore we are free to conduct political blackmail," is too incredible to warrant serious debate.

SCHEER. Those in the United States who put forward such a Soviet view stress that the argument is one of nerve and perception, and that the Soviets will perceive us as being weak and take advantage.

MCNAMARA. The world isn't run that way. Political leaders, responsible political leaders, don't behave that way. The first responsibility of a political leader is to preserve the safety of his people. No political leader I know of—including the Soviet political leaders—would run that kind of a risk.

GREATER RETALIATION

SCHEER. Their argument is that an American President—and you've been close to this kind of decision-making—an American President would not order a Polaris to fire once our Minutemen were destroyed because that would just invite a greater retaliation from the Russians.

MCNAMARA. But when they say that, they fail to take account of the fact that the Soviets know that he might—and I am convinced he would. No Soviet leader would wish to accept that risk. The Soviets know what is going to happen here when those 2,000 megatons groundburst. They know what would happen in this country. In many respects, it would be hard to distinguish between "the counterforce strike" and a general nuclear strike. Almost certainly, communications would be destroyed. And there is a distinct probability that there would not be an American President alive because the initial Soviet strike would undoubtedly target command and control facilities. There is an established safeguard against the nation being defenseless under those circumstances, and the Soviets know it. If the President was not available to fire the weapons, there are appropriate safeguards to assure that the nation would not be defenseless.

SCHEER. Let's return to the issue of the buildup of nuclear forces. How did it occur?

MCNAMARA. Go back to 1960 when many in the U.S. believed there was a missile gap favoring the Soviets. With hindsight it became clear there wasn't any missile gap. But Kennedy had been told there was. What actually happened was this: In the summer of 1960, there were two elements in the U.S. intelligence community disagreeing on the relative levels of the U.S. and Soviet strategic nuclear forces. It's a little like the conventional force situation I discussed earlier. One element greatly overstated the level of the Soviet nuclear force vis-a-vis the other element. The first element had data which they believed justified their interpretation. When one looked over it, it became clear the data didn't justify the conclusion. And within two years of that time, the advantage in the U.S. warhead inventory was so great vis-a-vis the Soviets that the Air Force was saying that they felt we had a first-strike capability and could, and should, continue to have one. If the Air Force thought that, imagine what the Soviets thought. And assuming they thought that, how would you expect them to react?

The way they reacted was by substantially expanding their strategic nuclear weapons

program. Now, when they did that, we sat back here and saw the way they were moving—and we always had to take account of their capability more than their intentions, because we weren't sure of their intentions—we looked at their capability and they were building submarines, missiles and planes, and experimenting with new warheads, at such a rate that we had to respond. We probably overresponded because it is likely that their capability, which we observed, exceeded their intentions. So you have an action-reaction phenomenon. And the result is that during the last 25 years, and particularly during the last 15, there has been a huge buildup, much more than people realize, in the nuclear strength of these two forces. That has changed the nature of the problem and increased the risk greatly. I have read that the total inventory of warheads in the two arsenals is on the order of 50,000. And I saw a week or two ago in the New York Times that our present plan is to build 17,000 additional warheads, some for replacement, in the next few years.

VICTIMS NOT CONSULTED

SCHEER. What is so scary about this, and it's not just from you, I've interviewed hundreds of people who end up using words like, "They are crazy!" or "Madmen!" But how did this happen?

MCNAMARA. Because the potential victims have not been brought into the debate yet, and it's about time we brought them in. I mean the average person. The average intelligent person knows practically nothing about nuclear war—the danger of it, the risk of it, the potential effect of it, the changes in the factors affecting the risk.

SCHEER. I interviewed Hans Bethe, the famous nuclear physicist, and he said, "I was very scared in 1945, 1947, and I thought the world would only last two years. Then I stopped being scared because I realized that the leaders, certainly in our country and hopefully on the other side, would recognize the danger. Now I'm scared again because—"

MCNAMARA. He is scared again because there are some people talking about nuclear bombs being no different than rifle shells or artillery shells. And some people (are) talking about fighting and winning nuclear wars and preparing for a six-month nuclear war. The problem is, there is no counter to that. Before, when that happened, there was a counter. Today there is not an effective counter. There should be. And I think there is going to be; one is beginning to bubble up.

I didn't plan the timing of my recent statement recommending a complete reversal of U.S. and NATO nuclear strategy (issued Wednesday) on the belief that there would today be a favorable environment for it. In a sense I was trying to trigger a change in the environment. But there couldn't be a better time for a statement on nuclear strategy to come forward, because the public is becoming sensitive to it, both here and in Europe. So I think a year from now, two years from now, you are going to see quite a different public attitude.

There has always been a nuclear hard-line group; you saw it reflected in that quote from the Air Force. That was 1962. There has always been a hard-line nuclear group, and there is today. But in the past, it didn't have the influence that it does today.

SCHEER. Have we been drifting in this direction? When you have weapons, you want to use them. . . .

MCNAMARA. I don't really put it that way. I think, though, that as you vastly increase the number of weapons and as you try to develop characteristics that in some people's minds bring them closer to conventional weapons, such as a neutron bomb, you increase the risk of use of those weapons.

SCHEER. But hasn't our declaratory policy begun to reflect that?

MCNAMARA. Yes, you are right. More and more there are suggestions that we should be prepared to fight and win a nuclear war—that we can recover from a full strategic exchange in from two to four years. And while others are not prepared to go that far, they say we should be equipped, and perhaps are equipped, to fight and win a limited nuclear war.

SCHEER. Well, you know when you push people, even in the Reagan Administration, they'll say, "Well, we don't welcome this, but we think that is what the Russians are aiming at, otherwise how do you explain their continuous buildup of—"

MCNAMARA. They way you explain it—and you must understand that I am not justifying it—the way you explain it is by putting yourself in their shoes. When I've done that on several occasions, I must say I would do some things that were very similar to what they did. I'm talking about the action they took to build up their force. Read again my memo to President Kennedy. It scares me today even to read the damn thing: "The Air Force has rather supported the development of forces which provide the United States a first-strike capability credible to the Soviet Union by virtue of our ability to limit damage to the United States and our allies to levels acceptable in light of the circumstances and the alternatives available."

What that means is, the Air Force supported the development of U.S. forces sufficiently large to destroy so much of the Soviet nuclear force, by a first strike, that there would not be enough left to cause us any concern if they shot it at us. My God, if the Soviets thought that was our objective, how would you expect them to react? I think that explains—I thought at the time it explained—a lot of their actions. I gave a speech in San Francisco, I can't remember when, though I think it was in mid-'67, in which I said that "action and reaction," the internal dynamics of the nuclear race, explained a lot of what the Soviets were doing. Whether it explains it all is another issue. But it explains a lot.

THEY ARE NOT MAD

SCHEER. When I interviewed Ronald Reagan as a candidate, he said that the problem with that whole calculation—and he mentioned your name and MAD (mutual assured destruction) and everything—is that the Russians are monsters, they don't have the same respect for human life that we do, therefore they could take the 20 million, 30 million or 40 million casualties.

MCNAMARA. The Russians are people that I would not trust to act in other than their own narrow national interest, so I am not naive. But they are not mad. They are not mad. They have suffered casualties, and their government feels responsible to their people to avoid those situations in the future. They are more sensitive to the impact of casualties on their people than we appear to be in some of our statements and analyses of fighting and winning nuclear wars which would extend over a period of months.

So they are not mad. They are aggressive; they are ideological; they need to be restrained and contained by the existence of our defensive forces. But they are not mad, and I see no evidence that they would accept the risks associated with a first strike against the United States.●

THE NEED TO CONTROL HIGH INTEREST RATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. ST GERMAIN) is recognized for 5 minutes.

● Mr. ST GERMAIN. Mr. Speaker, I am today introducing legislation to extend the Credit Control Act of 1969.

In addition to deleting the June 30, 1982, expiration date, my legislation would broaden the "triggering" mechanism to allow the President to utilize the credit control powers to help reduce high unemployment and to control or prevent recession. The present act refers to use of the powers in controlling inflationary uses of credit.

The American worker, the small businessman, the farmer, and the consumer have paid a devastating price for policies that have allowed runaway high interest rates and misdirection of the Nation's available credit resources.

Mr. Speaker, many administration leaders have conceded that high interest rates are at the heart of the current economic problems. In fact, Murray Weidenbaum, Chairman of the President's Council of Economic Advisers, recently stated:

Recovery is in the cards, but exactly how fast, strong or durable the recovery will be depends on interest rates.

The legislation introduced today will assure that the President has the necessary tools should interest rates thwart efforts to turn the economy around. In adopting this legislation, the Congress would be giving the President standby powers—a club in the closet—to use to help right the economy. The legislation would also allow the credit control powers to be used to slow the uses of credit for nonproductive purposes such as unnecessary corporate takeovers.

At a time when businesses are going bankrupt and home buyers are without credit, it is absurd to allow multibillion-dollar corporations to siphon off the Nation's credit in wild monopoly takeover games

I am convinced that credit controls, if properly administered, could be a viable economic tool—a better alternative than allowing millions of Americans to be thrown out of work and businesses destroyed because of uncontrolled and prolonged high interest and tight money policies.

If the President triggers the use of credit controls, it is important that the Federal Reserve be given clear guidelines to make certain that the program is carried out vigorously and in an equitable manner. It would be our intention that the controls be carried out to benefit the consumer and it is clear

that no power under this act could be used to circumvent or modify protections existing for consumers in credit transactions in the various States.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. LUJAN (at the request of Mr. MICHEL) for today and the balance of week, on account of surgery.

Ms. FIEDLER (at the request of Mr. MICHEL) for the week of April 20, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

[Mr. HUTTO, to revise and extend his remarks and include extraneous material for 60 minutes on Tuesday, April 27, 1982.]

(The following Members (at the request of Mr. HYDE) to revise and extend their remarks and include extraneous material:)

Mr. RHODES, for 60 minutes, today.

Mr. PASHAYAN, for 60 minutes, April 27.

Mr. BROOMFIELD, for 60 minutes, April 22.

Mr. HYDE, for 60 minutes, today.

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. LAFALCE, for 30 minutes, today.

Mr. LEATH of Texas, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Mr. GONZALEZ, for 15 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. COELHO, for 5 minutes, today.

Mr. BINGHAM, for 10 minutes, today.

Mr. BROWN of California, for 10 minutes, today.

Mr. ST GERMAIN, for 5 minutes, today.

Mr. YATRON, for 60 minutes, April 22.

Mr. PEYSER, for 60 minutes, April 27.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. HYDE) and to include extraneous matter:)

Mr. STATON of West Virgina.

Mr. CHENEY.

Mr. BROWN of Ohio.

Mr. COURTER in two instances.

Mr. HANSEN of Utah.

Mr. CLINGER.

Mr. ROUSSELOT in two instances.

Mr. DOUGHERTY.

Mr. FINDLEY .

Mr. WHITEHURST.

Mr. MCGRATH.

Mr. HOLLENBECK in two instances.

Mr. LENT in two instances.

Mr. BEREUTER.

Mr. BROOMFIELD.

Mr. DUNCAN.

Mr. BEARD.

Mr. DERWINSKI.

Mr. MICHEL in three instances.

Mr. LEBOUTILLIER.

Mr. MARKS.

Mr. SMITH of New Jersey.

Mr. GRISHAM in two instances.

Mr. SAWYER.

Mr. MOORHEAD.

Mr. EVANS of Delaware.

Mr. SMITH of Oregon.

Mr. LEWIS.

Mr. WOLF.

Mr. DORNAN of California.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. LAFALCE.

Mr. SCHUMER.

Mr. MURTHA.

Mr. HAMILTON in 10 instances.

Mr. FORD of Michigan.

Mr. LUNDINE.

Mr. STARK in two instances.

Mr. MAVROULES.

Mr. DYSON.

Mr. OBEY in five instances.

Mr. MILLER of California.

Mr. WAXMAN in two instances.

Mr. COELHO.

Mr. LANTOS.

Mr. GAYDOS in three instances.

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. ROSENTHAL in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. JONES of Tennessee in 10 instances.

Mr. BONER of Tennessee in five instances.

Mr. EDGAR.

Mr. BARNES.

Mr. FUQUA in five instances.

Mr. MARKEY.

Mr. BIAGGI in three instances.

Mr. NOWAK.

Mr. JONES of North Carolina.

SENATE BILL AND CONCURRENT RESOLUTION REFERRED

A bill and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2373. An act to change the name of the landing strip at White Sands Missile Range in the State of New Mexico, to "White Sands Space Harbor"; to the Committee on Armed Services; and

S. Con. Res. 68. Concurrent resolution regarding membership in the United Nations General Assembly; to the Committee on Foreign Affairs.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 55 minutes p.m.), the House adjourned until tomorrow, Wednesday, April 21, 1982, at 3 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3625. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to extend and improve the food stamp program, and for other purposes; to the Committee on Agriculture.

3626. A communication from the President of the United States, transmitting proposed supplemental appropriations for fiscal year 1982 and amendments to the request for appropriations for the fiscal year 1983 (H. Doc. No. 97-168); to the Committee on Appropriations.

3627. A letter from the Director, Office of Management and Budget, Executive office of the President, transmitting a cumulative report on recissions and deferrals of budget authority as of April 1, 1982, pursuant to section 1014(e) of Public Law 93-344 (H. Doc. No. 97-170); to the Committee on Appropriations.

3628. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting the required supplemental summary of the President's fiscal year 1983 budget, pursuant to section 201 of the Budget and Accounting Act of 1921, as amended; to the Committee on Appropriations.

3629. A letter from the Assistant Secretary of the Army (Civil Works), transmitting the final Environmental Impact Statement on the Merced County streams project, California, pursuant to section 404(r) of the Federal Water Pollution Control Act; to the Committee on Appropriations.

3630. A letter from the Director, Defense Security Assistance Agency, transmitting a report on the impact on U.S. readiness of the Air Force's proposed sale of certain defense equipment to Bahrain (Transmittal No. 82-53), pursuant to section 813 of Public Law 94-106; to the Committee on Armed Services.

3631. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the offer of the American Institute in Taiwan for the U.S. Air Force to sell certain defense equipment to the Coordination Council for North American Affairs (Transmittal No. 82-18), pursuant to section 813 of Public Law 94-106; to the Committee on Armed Services.

3632. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend titles 10 and 37, United States Code, to authorize the Secretary of Defense and the Secretary of Transportation to increase the term of service in the Armed Forces under their jurisdiction and to pay bonuses for enlistment and reenlistment in the reserve components; to the Committee on Armed Services.

3633. A letter from the General Counsel, Department of Energy, transmitting a draft

or proposed legislation to authorize appropriations for the Department of Energy for national security programs for fiscal year 1983 and fiscal year 1984; and for other purposes; to the Committee on Armed Services.

3634. A letter from the Deputy Assistant Secretary for Military Personnel and Force Management, Department of Defense, transmitting lists and reports on defense-related employment, pursuant to section 410(d) of Public Law 91-121; to the Committee on Armed Services.

3635. A letter from the Deputy Assistant Secretary of Defense (Facilities, Environment, and Economic Adjustment), transmitting reports on the Departments construction project authorization increases and scope reductions for military construction projects placed under contract during fiscal year 1981, pursuant to law; to the Committee on Armed Services.

3636. A letter from the Acting Under Secretary of Defense (Research and Engineering), transmitting the 1981 annual report on the status of the Defense Industrial Reserve, pursuant to Public Law; to the Committee on Armed Services.

3637. A letter from the Acting Director (Facility Requirements and Resources), Department of Defense, transmitting notice of the location, nature, and estimated cost of various construction projects proposed to be undertaken by the Army Reserve, pursuant to 10 U.S.C. 2233a(1); to the Committee on Armed Services.

3638. A letter from the Acting Director (Facility Requirements and Resources), Department of Defense, transmitting notice of the location, nature, and estimated cost of various construction projects proposed to be undertaken by the Air National Guard, pursuant to 10 U.S.C. 2233a(1); to the Committee on Armed Services.

3639. A letter from the Acting Director (Facility Requirements and Resources), Department of Defense, transmitting notice of the location, nature, and estimated cost of various construction projects proposed to be undertaken by the Air Force Reserve, pursuant to 10 U.S.C. 2233a(1); to the Committee on Armed Services.

3640. A letter from the Assistant Secretary of the Army (Manpower and Reserve Affairs), transmitting a draft of proposed legislation to amend titles 10 and 37, United States Code, to reform the procedures for providing the Armed Forces the medical services necessary to supplement those provided by uniformed personnel; to the Committee on Armed Services.

3641. A letter from the Assistant Secretary of the Air Force (Research, Development and Logistics), transmitting notice of the proposed conversion to contractor performance of the refuse collection and disposal service function at Grand Forks Air Force Base, N. Dak., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

3642. A letter from the Assistant Secretary of the Air Force (Research, Development and Logistics), transmitting notice of the proposed conversion to contractor performance of the mess attendant services function at Kirtland Air Force Base, N. Mex., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

3643. A letter from the Assistant Secretary of the Air Force (Research, Development and Logistics), transmitting notice of the proposed conversion to contractor performance the closed circuit TV maintenance function at Griffiss Air Force Base, N.Y., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

3644. A letter from the Director, (Legislation) Department of the Navy, transmitting notice of the Navy's intention to sell, under authority of the Arms Export Control Act, as amended, a naval vessel to the Government of Turkey, pursuant to public law; to the Committee on Armed Services.

3645. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to provide for increased participation by the United States in African Development Fund; to the Committee on Banking, Finance and Urban Affairs.

3646. A letter from the Secretary of Housing and Urban Development, transmitting a report on the housing needs and conditions of the handicapped, pursuant to a congressional request in House Report 96-979 of the Housing and Community Development Act of 1980; to the Committee on Banking, Finance and Urban Affairs.

3647. A letter from the Secretary of Housing and Urban Development, transmitting the annual report on the Department's principal community development programs, pursuant to section 113(a)(3) of the Housing and Community Development Act of 1974, as amended; to the Committee on Banking, Finance and Urban Affairs.

3648. A letter from the Secretary of Housing and Urban Development, transmitting a report entitled, "The Effects of the 40 Percent Limitation on Section 235 Assisted Units in Subdivisions," pursuant to Public Law; to the Committee on Banking, Finance and Urban Affairs.

3649. A letter from the Chairman of the Board of Governors, Federal Reserve System, transmitting the 68th annual report of the Board, covering calendar year 1981, pursuant to section 10 of the Federal Reserve Act; to the Committee on Banking, Finance and Urban Affairs.

3650. A letter from the Chairman of the Export-Import Bank of the United States, transmitting a draft of proposed legislation to extend the Export-Import Bank Act of 1945, as amended; to the Committee on Banking, Finance and Urban Affairs.

3651. A letter from the Chairman, National Credit Union Administration, transmitting the Board's second annual report on activities of the administration, pursuant to section 102(d) of the Federal Credit Union Act, as amended; to the Committee on Banking, Finance and Urban Affairs.

3652. A letter from the Secretary of Education, transmitting a copy of the Department's final regulations for grants to State educational agencies to improve the interstate and intrastate coordination of migrant education activities, pursuant to section 431(d) of the General Education Provisions Act; to the Committee on Education and Labor.

3653. A letter from the Secretary of Education, transmitting the annual reports and executive summaries of the three Centers for Educational Media and Materials for the Handicapped, pursuant to section 653 of the Education for the Handicapped Act; to the Committee on Education and Labor.

3654. A letter from the Secretary of Education, transmitting notice of the Department's final regulations for the consolidated grant applications for insular areas, pursuant to section 431(d) of the General Education Provisions Act; to the Committee on Education and Labor.

3655. A letter from the Secretary of Education, transmitting a report on an evaluation of ESEA title I program operations and educational effects on the achievement of students in those programs, pursuant to section 183(g) of Public Law 95-561; to the Committee on Education and Labor.

3656. A letter from the Secretary of Education, transmitting the interim report on the study of the financing of elementary and secondary education, pursuant to section 1203(f) of Public Law 95-561; to the Committee on Education and Labor.

3657. A letter from the Secretary of Education, transmitting proposed final regulations for the Fund for the Improvement of Postsecondary Education, pursuant to section 431(d) of the General Education Provisions Act, as amended; to the Committee on Education and Labor.

3658. A letter from the Secretary of Education, transmitting proposed final regulations for the PLUS program, pursuant to section 431(d) of the General Education Provisions Act, as amended; to the Committee on Education and Labor.

3659. A letter from the Secretary of Education, transmitting a draft of proposed legislation to amend the Bilingual Education Act, and for other purposes; to the Committee on Education and Labor.

3660. A letter from the Secretary of Health and Human Services, transmitting the annual report on the primary care research and demonstration program for fiscal year, pursuant to section 340(e) of the Public Health Service Act; to the Committee on Energy and Commerce.

3661. A letter from the General Counsel, Department of Energy, transmitting notice of a meeting related to the international energy program, pursuant to public law; to the Committee on Energy and Commerce.

3662. A letter from the Secretary, Interstate Commerce Commission, transmitting notice of the Commission's inability to render a decision on Investigation and Suspension No. 38742, Interchange Provisions at Jacksonville, FL, SCL and SRS, within the initially specified 5-month period, pursuant to 49 U.S.C. 10707(b)(1); to the Committee on Energy and Commerce.

3663. A letter from the Director of Congressional Relations, U.S. Consumer Product Safety Commission, transmitting notice of the Commission's final rule banning urea-formaldehyde foam insulation, pursuant to section 36(a) of the Consumer Product Safety Act; to the Committee on Energy and Commerce.

3664. A letter from the Vice President for Government Affairs, National Railroad Passenger Corporation, transmitting a report covering the month of December 1981 on the average number of passengers per day on board each train operated, and the on-time performance at the final destination of each train operated, by route and by railroad, pursuant to section 308(a)(2) of the Rail Passenger Service Act of 1970, as amended; to the Committee on Energy and Commerce.

3665. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a report on commercial and governmental military exports, together with lists of all defense requirement surveys authorized for foreign countries during the quarter ended December 31, 1981, pursuant to section 36(a) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3666. A letter from the Director, Defense Security Assistance Agency, transmitting a report covering the quarter ended March 31, 1982, listing the price and availability estimates provided to countries and the re-

quests for issuance of letters of offer received, pursuant to section 28 of the Arms Export Control Act as amended: to the Committee on Foreign Affairs.

3667. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Air Force's intention to offer to sell certain defense articles and services to Bahrain (Transmittal No. 82-53), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3668. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Army's intention to offer to sell certain defense articles and services to Saudi Arabia (Transmittal No. 82-52), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3669. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the offer of the American Institute in Taiwan for the U.S. Air Force to sell certain defense equipment to the Coordination Council for North American Affairs (Transmittal No. 82-18), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3670. A letter from the Attorney-Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

3671. A letter from the Attorney-Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements other than treaties entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

3672. A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting a report on the Department's views on a peaceful settlement of the conflict in El Salvador, pursuant to section 729 of the International Security and Development Cooperation Act of 1981; to the Committee on Foreign Affairs.

3673. A letter form the Acting Assistant Secretary for Congressional Relations, Department of State, transmitting a report on political contributions made by Ambasador-designate Louis G. Fields, Jr., and by members of his family, pursuant to section 6 of Public Law 93-126; to the Committee on Foreign Affairs.

3674. A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting notice of a proposed license for the export of major defense equipment sold commercially under a contract to Morocco (Transmittal No. MC-8-82), pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3675. A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting the secretary's determination concerning the continuation of certain assistance, credits, and guarantees to Haiti, together with a statement of justification therefor, pursuant to section 721(b) of the International Security and Development Cooperation Act of 1981; to the Committee on Foreign Affairs.

3676. A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting reports on political contributions by various ambassadorial nominees and by members of their families, pursuant to section 304(b)(2) of Public Law 96-465; to the Committee on Foreign Affairs.

3677. A letter from the Assistant Secretary of the Treasury (Legislative Affairs), transmitting additional project performance audit reports prepared by the International Bank for Reconstruction and Development, pursuant to U.S. membership obligations in the institution and Executive Order 12065, June 28, 1978; to the Committee on Foreign Affairs.

3678. A letter from the Director, U.S. International Communication Agency, transmitting a draft of a proposed amendment to pending legislation H.R. 5998 to provide additional authorizations of appropriations for the fiscal year 1983 for the International Communication Agency; to the Committee on Foreign Affairs.

3679. A letter from the Deputy Assistant Secretary for Export Administration, Department of Commerce, transmitting certification that waiver of congressional review period of export licenses for petroleum products to Mexico for the period of April through June 1982 is vital to the national interest, pursuant to section 7(e) of the Export Administration Act of 1979; to the Committee on Foreign Affairs.

3680. A letter from the Acting Director, U.S. International Development Cooperation Agency, transmitting the sixth annual report on famine prevention and freedom from hunger, pursuant to section 300 of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

3681. A letter from the Chairman of the Board of Governors, Federal Reserve System, transmitting a report on the Board's activities under the Government in the Sunshine Act during calendar year 1981, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

3682. A letter from the Chairman, Federal Communications Commission, transmitting a report on the Commission's activities under the Freedom of Information Act during calendar year 1981, pursuant to 5 U.S.C.; to the Committee on Government Operations.

3683. A letter from the Comptroller General of the United States, transmitting a report entitled "Removing tiering from the Revenue Sharing Formula would eliminate Payment Inequities to Local Governments" (GGD-82-46, April 15, 1982); to the Committee on Government Operations.

3684. A letter from the Director, Selective Service System, transmitting a notice of changes to the Federal records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3685. A letter from the Administrator of General Services, transmitting the second biennial report on excess and surplus personal property programs, pursuant to section 10 of Public Law 94-519; to the Committee on Government Operations.

3686. A letter from the Secretary of Commerce, transmitting a report on a violation of section 3679 of the Revised Statutes, as amended, in accordance with the requirements of part VII of Office of Management and Budget (OMB) Circular A-34; to the Committee on Appropriations.

3687. A letter from the Chairman, Interstate Commerce Commission, transmitting a report on the Commission's activities under the Government in the Sunshine Act during calendar year 1981, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

3688. A letter from the Office of Inspector General, Department of Labor, transmitting the Inspector General's report of a proposed computer match of medical service beneficiaries of the DOL-administered coal mine workers' compensation program against beneficiaries of the United Mine Worker of America health and retirement funds health benefit plan, pursuant to Public Law 95-452 and section 5b(1) of the Office of Management and Budget Guidelines of March 30, 1979; to the Committee on Government Operations.

3689. A letter from the Office of Inspector General, Department of Labor, transmitting the Inspector General's report of a proposed computer match of individuals receiving benefits from the Federal Employee Compensation Act with current employees of the Tennessee Valley Authority and recipients of a TVA disability retirement payment, pursuant to Public Law 95-452 and section 5b(1) of the Office of Management and Budget Guidelines of March 30, 1979; to the Committee on Government Operations.

3690. A letter from the Office of Inspector General, Department of Labor, transmitting the Inspector General's initial matching report of a proposed computer match of the central personnel data file and an extract of the Federal annuity payroll file supplied by the Office of Personnel Management and individuals on the periodic Federal employee compensation and periodic black lung rolls, pursuant to Public Law 95-452 and section 5b(1) of the Office of Management and Budget Guidelines of March 30, 1979; to the Committee on Government Operations.

3691. A letter from the General Counsel, Civil Aeronautics Board, transmitting a report on the Board's activities under the Freedom of Information Act during calendar year 1981, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3692. A letter from the Assistant Secretary of the Treasury, transmitting notice of a modification to a new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3693. A letter from the Assistant Secretary for Health, Department of Health and Human Services, transmitting a notice of a new Federal records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3694. A letter from the Chairman, Federal Home Loan Bank Board, transmitting a report on the Board's activities under the Freedom of Information Act during the calendar year 1981, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3695. A letter from the Chairman, National Credit Union Administration Board, transmitting copies of a proposed new system of records for the Board, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3696. A letter from the Regional Director (Region IX) of Health and Human Services, transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3697. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting a notice for a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3698. A letter from the Deputy Assistant Secretary of Defense, transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3699. A letter from the Chairman, National Credit Union Administration, transmitting a report on the Administration's activities under the Government in the Sunshine Act during calendar year 1981, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

3700. A letter from the Vice President of Corporate Communications, Amtrak, transmitting a report on the Commission's activities under the Freedom of Information Act during calendar year 1981, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3701. A letter from the Supervisor, Copyright office of the Library of Congress, transmitting a report on the Office's activities under the Freedom of Information Act during calendar year 1981, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3702. A letter from the President, American Academy and Institute of Arts and Letters, transmitting the annual report of the Academy and Institute for calendar year 1981, pursuant to section 4 of its charter; to the Committee on House Administration.

3703. A letter from the Secretary of Energy, transmitting the fourth annual report on various bidding options used in fiscal year 1981 lease sales on the Outer Continental Shelf, pursuant to section 8(a)(9) of the Outer Continental Shelf Lands Act of 1953, as amended; to the Committee on Interior and Insular Affairs.

3704. A letter from the Acting Secretary of Interior, transmitting a draft of proposed legislation to amend the act of March 10, 1966, providing for the establishment of Cape Lookout National Seashore, N.C., as amended; to the Committee on Interior and Insular Affairs.

3705. A letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation to amend the Act of October 21, 1970, establishing the Sleeping Bear Dunes National Lakeshore, Michigan, as amended; to the Committee on Interior and Insular Affairs.

3706. A letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation to amend the Act of August 7, 1961, providing for the establishment of Cape Cod National Seashore, Massachusetts, as amended; to the Committee on Interior and Insular Affairs.

3707. A letter from the Under Secretary, Department of the Interior, transmitting notice of changes in the proposed holding of offshore oil and gas lease sale RS-2 by 1 month and to reduce the number of tracts from the maximum permitted, pursuant to public law; to the Committee on Interior and Insular Affairs.

3708. A letter from the Commissioner of Reclamation, Department of the Interior, transmitting notice of the proposed modification of Stony Gorge Dam, Orland Project, California, pursuant to section 5 of Public Law 95-578; to the Committee on Interior and Insular Affairs.

3709. A letter from the Assistant Secretary of the Interior for Indian Affairs, transmitting a proposed plan for the use and distribution of certain judgment funds of the Hoopa Valley Tribe as the representative of the Indians of California pursuant to section 2(a) and 4 of Public Law 93-134; to the Committee on Interior and Insular Affairs.

3710. A letter from the Secretary of Labor, transmitting a draft of proposed legislation for the relief of Ronald Goldstock and Augustus M. Statham; to the Committee on the Judiciary.

3711. A letter from the Secretary of Labor, transmitting a draft of proposed legislation for the relief of Gregory B. Dymond, Samuel K. Gibbons, Jack C. Kean, James D. Nichols, and Roy A. Redmond; to the Committee on the Judiciary.

3712. A letter from the Deputy Secretary of the Treasury, transmitting to amend chapter 41 of title 18, United States Code, to prohibit threats against Presidential candidates and other persons protected by the Secret Service who are not presently covered by the Presidential threat statute, with the creation of a new section 879 for this purpose; to the Committee on the Judiciary.

3713. A letter from the Assistant Attorney General for Legislative Affairs, transmitting the annual report of the activities of the Department's Public Integrity Section, covering calendar year 1981, pursuant to 28 U.S.C. 529; to the Committee on the Judiciary.

3714. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend the National Advisory Committee on Oceans and Atmosphere Act of 1977 to authorize appropriations to carry out the provisions of such act for fiscal years 1983 and 1984; to the Committee on Merchant Marine and Fisheries.

3715. A letter from the Chairman, U.S. Merit Systems Protection Board, transmitting the Board's annual report on its activities for the calendar year 1981, and on appeals received, decided, and completed within 120 days in 1981, pursuant to 5 U.S.C. 1209(b) and 5 U.S.C. 7701(i)(2); to the Committee on Post Office and Civil Service.

3716. A letter from the Director, Office of Personnel Management, transmitting the final report on the Government's experimental program of alternative work schedules for Federal employees, pursuant to section 304 of Public Law 95-390; to the Committee on Post Office and Civil Service.

3717. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the Urban Mass Transportation Act of 1964 to provide authorizations for appropriations and for other purposes; to the Committee on Public Works and Transportation.

3718. A letter from the Secretary of Transportation, transmitting a letter withdrawing a previously submitted draft of proposed legislation to abolish the National Driver Register; to the Committee on Public Works and Transportation.

3719. A letter from the Secretary of Transportation, transmitting the third annual report on the highway bridge replacement and rehabilitation program, pursuant to public law; to the Committee on Public Works and Transportation.

3720. A letter from the Administrator, General Services Administration, transmitting various prospectuses proposing the lease of space, pursuant to section 7(a) of the Public Buildings Act of 1959, as amended; to the Committee on Public Works and Transportation.

3721. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a report by the Corps of Engineers on the streambank erosion control evaluation and demonstration program, pursuant to section 32 of Public Law 93-251, as amended; to the Committee on Public Works and Transportation.

3722. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report on negotiated contracts for property or services determined to be for experimental development, or research work, or for making or furnishing property for experiment, test, development, or research, covering the period July 1, 1981 through December 31, 1981, pursuant to 10 USC 2304(e); to the Committee on Science and Technology.

3723. A letter from the Secretary of Energy, transmitting the third annual report of the Department on the Use of Alcohol in Fuels, pursuant to section 221(c) of the Energy Tax Act of 1978, Public Law 95-618; to the Committee on Ways and Means.

3724. A letter from the Under Secretary for International Affairs and Commodity Programs, Department of Agriculture, transmitting a draft of proposed legislation to implement the agreement on the international carriage of perishable foodstuffs and on the special equipment to be used for such carriage (ATP), and for other purposes; jointly, to the Committees on Agriculture and Foreign Affairs.

3725. A letter from the Secretary of Defense, transmitting the comments and recommendations of the Secretary on the "Study of United States Arctic Research Policy and the Role of the Naval Arctic Research Laboratory", prepared jointly by the Departments of the Interior (lead agency), Defense, and Energy, pursuant to section 1007 of Public Law 96-487; jointly, to the Committees on Armed Services and Science and Technology.

3726. A letter from the Secretary of Labor, transmitting the annual report on the administration of the Black Lung Benefits Act, pursuant to section 426(b) of the Federal Coal Mine Safety and Health Act of 1977; jointly, to the Committees on Education and Labor and Ways and Means.

3727. A letter from the General Counsel, Department of Energy, transmitting a draft of proposed legislation to authorize appropriations to the Department of Energy for civilian energy programs for fiscal year 1983 and fiscal year 1984, and for other purposes; jointly, to the Committees on Energy and Commerce, Interior and Insular Affairs, and Science and Technology.

3728. A letter from the Inspector General, Environmental Protection Agency, transmitting an interim report of audit of the Environmental Protections Agency's portion of the Hazardous Substance Response Trust Fund, pursuant to Public Law 96-510; jointly, to the Committees on Energy and Commerce and Ways and Means.

3729. A letter from the Secretary of Health and Human Services; transmitting a study on the geographical variation in hospital utilization norms, pursuant to Public Law 96-499; jointly, to the Committees on Energy and Commerce and Ways and Means.

3730. A letter from the President, Gorgas Memorial Institute of Tropical and Preventive Medicine, Incorporated, transmitting the 53d annual report of the Institute for fiscal year 1981, pursuant to section 3 of the Act of May 7, 1928, as amended; jointly, to the Committees on Foreign Affairs and Energy and Commerce.

3731. A letter from the Secretary of Commerce, transmitting a report that describes research studies on salmon stocks and the problems of incidental take of marine mammals in the Japanese high seas salmon fishery, pursuant to public law; jointly, to the Committees on Foreign Affairs and Merchant Marine and Fisheries.

3732. A letter from the Comptroller General of the United States, transmitting a report on how well the defense budget increases are planned and spent by the De-

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partment of Defense (PLRD-82-62, April 13, 1982); jointly, to the Committees on Government Operations and Armed Services.

3733. A letter from the Secretary of Transportation, transmitting a report on the offshore oil pollution compensation fund, pursuant to Public Law 95-372; jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

3734. A letter from the Acting Secretary of the Interior, transmitting the annual report of the Outer Continental Shelf oil and gas leasing and production program covering fiscal year 1981, pursuant to sections 15(l) and 22(g) of the Outer Continental Shelf Lands Act Amendments of 1978, Public Law 95-372; jointly, to the Committes on Interior and Insular Affairs and Merchant Marine and Fisheries.

3735. A letter from the Chairman, U.S. Commission on Civil Rights, transmitting a report on nonreferral unions and equal employment opportunity, pursuant to Public Law 85-315, as amended; jointly, to the Committees on the Judiciary and Education and Labor.

3736. A letter from the Attorney General of the United States, transmitting a report of applications made for orders and extensions of orders approving electronic surveillance during calendar year 1981, pursuant to the Foreign Intelligence Surveillance Act of 1978, 50 U.S.C. 1807; jointly, to the Permanent Select Committee on Intelligence and the Committee on the Judiciary.

3737. A letter from the Secretary of Energy, transmitting a report on the comprehensive program and plan for Federal energy education, extension, and information activities, pursuant to several provisions on Public Law 95-39 and 96-294; jointly, to the Committees on Science and Technology and Energy and Commerce.

3738. A letter from the Administrator, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting the agency's 5-year plan for ocean pollution research and development pursuant to section 4(a) of Public Law 95-273; jointly, to the Committees on Science and Technology and Merchant Marine and Fisheries.

3739. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to incorporate the supplemental food programs into the maternal and child health block grant; jointly, to the Committees on Ways and Means, Agriculture, and Education and Labor.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on Apr. 5, 1982, the following report was filed on Apr. 13, 1982]

Mr. PRICE: Committee on Armed Services. H.R. 6030. A bill to authorize appropriations for fiscal year 1983 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, to authorize appropriations for such fiscal year for civil defense, and for other purposes; with an amendment (Rept. No. 97-482). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. RODINO:

H.R. 6109. A bill to provide for the appointment of U.S. bankruptcy judges under article III of the Constitution, and for other purposes; to the Committee on the Judiciary.

By Mr. GUARINI:

H.R. 6110. A bill to amend the Internal Revenue Code of 1954 to provide individuals and businesses a refundable credit against income tax for the expenses of purchasing and installing fire and natural gas detectors in residential dwellings; to the Committee on Ways and Means.

H.R. 6111. A bill to amend the Internal Revenue Code of 1954 to limit the maximum reduction in individual income tax under the tables enacted by the Economic Recovery Tax Act of 1981 to $700 for taxable years beginning in 1982 and to $1,400 for taxable years beginning in 1983; to the Committee on Ways and Means.

By Mr. D'AMOURS:

H.R. 6112. A bill to amend title II of the Marine Protection, Research and Sanctuaries Act of 1972; jointly, to the Committees on Science and Technology and Merchant Marine and Fisheries.

H.R. 6113. A bill to amend title I of the Marine Protection, Research and Sanctuaries Act of 1972; to the Committee on Merchant Marine and Fisheries.

By Mr. FRENZEL:

H.R. 6114. A bill to amend the Internal Revenue Code of 1954 to allow a business deduction for certain self-insurance reserves; to the Committee on Ways and Means.

By Mr. RUSSO:

H.R. 6115. A bill to amend the Internal Revenue Code of 1954 to provide that the excise tax on handguns will be transferred to a trust fund to be used for purposes of providing compensation to victims of crime, and for other purposes; jointly, to the Committees on the Judiciary and Ways and Means.

By Mr. DORNAN of California:

H.R. 6116. A bill to amend the Export Administration Act of 1979 to place certain conditions on the export to the Soviet Union of wheat, corn, rice, barley, or soybeans; to the Committee on Foreign Affairs.

By Mr. FUQUA:

H.R. 6117. A bill to repeal the 1981 tax benefits relating to the deductibility of the living expenses of Members of Congress; to the Committee on Ways and Means.

By Mr. GAYDOS:

H.R. 6118. A bill to provide a program of Federal supplemental unemployment compensation; to the Committee on Ways and Means.

By Mr. HARKIN:

H.R. 6119. A bill to amend the Internal Revenue Code of 1954 to impose Federal excise taxes on sales at retail of certain automobiles, recreational boats, jewelry, clothing, and certain other items; to the Committee on Ways and Means.

By Mr. JONES of North Carolina (for himself, Mr. D'AMOURS, Mr. BREAUX, and Mr. ZABLOCKI):

H.R. 6120. A bill to reauthorize the Deep Seabed Hard Minerals Resources Act for fiscal years 1983, 1984, and 1985; jointly, to the Committees on Interior and Insular Affairs, Merchant Marine and Fisheries, and Foreign Affairs.

By Mr. LENT (by request):

H.R. 6121. A bill to amend the Federal Railroad Safety Act of 1970 and other rail safety acts; to the Committee on Energy and Commerce.

By Mr. LEWIS:

H.R. 6122. A bill to authorize the Twenty-nine Palms Band of Luiseno Mission Indians to lease for 99 years certain lands held in trust for such band; to the Committee on Interior and Insular Affairs.

By Mr. MAZZOLI:

H.R. 6123. A bill to establish a community public-private training and employment assistance system and to provide employment and training services, and for other purposes; to the Committee on Education and Labor.

By Mr. ST GERMAIN:

H.R. 6124. A bill to reduce interest rates, control inflation, insure the availability of credit for productive purposes, and promote economic recovery by extending the Credit Control Act; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SUNIA (for himself, Mr. AKAKA, and Mr. WON PAT):

H.R. 6125. A bill to amend the Central, Western, and South Pacific Fisheries Development Act to extend the authorization for appropriations through fiscal year 1985; to the Committee on Merchant Marine and Fisheries.

By Mr. WALKER:

H.R. 6126. A bill to amend the Internal Revenue Code of 1954 to provide that the individual income tax rate reductions enacted by the Economic Recovery Tax Act of 1981 for 1982 shall take effect 3 months sooner than scheduled under such act, to encourage the production and sale of housing, and to increase exports; jointly, to the Committees on Ways and Means, Banking, Finance and Urban Affairs, and Energy and Commerce.

By Ms. FIEDLER (for herself, Mr. AUCOIN, Mr. BAFALIS, Mr. BEDELL, Mr. BAILEY of Missouri, Mr. BLILEY, Mr. BEREUTER, Mr. BROWN of Colorado, Mr. BEARD, Mr. BENEDICT, Mr. BROOMFIELD, Mr. BETHUNE, Mr. CRAIG, Mr. CORCORAN, Mr. JAMES K. COYNE, Mr. COATS, Mr. COLLINS of Texas, Mr. CARMAN, Mr. CONABLE, Mr. CLAUSEN, Mr. CARNEY, Mr. CHAPPIE, Mrs. COLLINS of Illinois, Mr. DUNCAN, Mr. ROBERT W. DANIEL, JR., Mr. DENARDIS, Mr. DOUGHERTY, Mr. DAN DANIEL, Mr. DE LA GARZA, Mr. DWYER, Mr. DONNELLY, Mr. DANNEMEYER, Mr. DE LUGO, Mr. DREIER, Mr. DELLUMS, Mr. DAUB, Mr. EDWARDS of Alabama, Mr. EMERSON, Mr. ERDAHL, Mr. ENGLISH, Mr. EVANS of Iowa, Mr. ECKART, Mr. FAZIO, Mr. FORD of Michigan, Mr. FORSYTHE, Mrs. FENWICK, Mr. FLORIO, Mr. FRENZEL, Mr. FISH, Mr. FIELDS, Mr. FUQUA, Mr. GRAY, Mr. GREGG, Mr. GINGRICH, Mr. GREEN, Mr. GILMAN, Mr. GONZALEZ, Mr. HUNTER, Mr. HERTEL, Mr. HYDE, Mr. HAWKINS, Mr. HUBBARD, Mrs. HOLT, Mr. HOLLENBECK, Mr. HOPKINS, Mrs. HECKLER, Mr. JEFFORDS, Mr. JOHNSTON, Mr. JEFFRIES, Mr. KOGOVSEK, Mr. KINDNESS, Mr. LELAND, Mr. LEVITAS, Mr. LOEFFLER, Mr. LOTT, Mr. LIVINGSTON, Mr. LAGOMARSINO,

Mr. LUNGREN, Mr. LEWIS, Mr. LUJAN, Mr. LOWRY of Washington, Mr. MONTGOMERY, Mr. MILLER of Ohio, Mr. MCCOLLUM, Mr. MOORHEAD, Mr. MCGRATH, Mr. MINETA, Mr. MCCLORY, Mr. MITCHELL of New York, Mr. MARTIN of North Carolina, Mr. MOLINARI, Mr. MINISH, Mr. MICHEL, Mr. MILLER of California, Mr. MADIGAN, Mr. MARKEY, Mr. NELLIGAN, Mr. OXLEY, Mr. OBERSTAR, Mr. O'BRIEN, Mr. PURSELL, Mr. PERKINS, Mr. PANETTA, Mr. PAUL, Mr. PETRI, Mr. PORTER, Mr. PARRIS, Mr. QUILLEN, Mr. ROTH, Mr. REGULA, Mr. RHODES, Mr. RITTER, Mr. RANGEL, Mr. ROEMER, Mr. ROBERTS of South Dakota, Mr. ROBERTS of Kansas, Mr. ROGERS, Mr. ROBINSON, Mrs. ROUKEMA, Mr. SANTINI, Mr. STANGELAND, Mr. SHAMANSKY, Mr. SKEEN, Mr. SABO, Mr. STANTON of Ohio, Mr. STENHOLM, Mr. SHAW, Mr. SMITH of New Jersey, Mr. SMITH of Alabama, Mr. SMITH of Oregon, Mr. SPENCE, Mrs. SCHNEIDER, Mr. SHUSTER, Mrs. SNOWE, Mr. TAUZIN, Mr. VANDER JAGT, Mr. WEISS, Mr. WOLPE, Mr. WALKER, Mr. WOLF, Mr. WINN, Mr. WAMPLER, Mr. WEBER of Ohio, Mr. WEBER of Minnesota, Mr. WORTLEY, Mr. WHITEHURST, Mr. WIRTH, Mr. YOUNG of Florida, Mr. DORNAN of California, Mr. DYMALLY, Mr. THOMAS, Mr. GRISHAM, Mr. MATSUI, Mr. JOHN L. BURTON, Mr. PASHAYAN, Mr. LOWERY of California, Mr. ROUSSELOT, and Mr. STATON of West Virginia):

H.J. Res. 459. Joint resolution authorizing the President to proclaim May 13, 1982, as "American Indian Day"; to the Committee on Post Office and Civil Service.

By Ms. MIKULSKI:

H.J. Res. 460. Joint resolution designating the week beginning March 6, 1983, as "Women's History Week"; to the Committee on Post Office and Civil Service.

By Mr. BROOMFIELD (for himself and Mr. YATRON):

H. Con. Res. 310. Concurrent resolution expressing the sense of Congress that the President should consider and undertake certain efforts to help promote a settlement of the Cyprus conflict; to the Committee on Foreign Affairs.

By Mr. QUILLEN:

H. Con. Res. 311. Concurrent resolution expressing the sense of the Congress that funding for community service employment programs for senior citizens for fiscal year 1983 and subsequent fiscal years should be provided at levels sufficient to maintain or increase the number of employment positions provided under such programs; to the Committee on Education and Labor.

By Mr. CONTE (for himself, Mr. DINGELL, Mr. PEPPER, Mr. BOLAND, Mr. ST GERMAIN, Mr. ADDABBO, Mr. ANNUNZIO, Mr. HORTON, Mr. FORD of Michigan, Mrs. HECKLER, Mr. OBERSTAR, Mr. SEIBERLING, Mr. MOAKLEY, Mr. MOFFETT, Mr. MARKEY, Mr. MCKINNEY, Mr. PEYSER, Mr. HAGEDORN, Mr. AKAKA, Mr. MAVROULES, Mr. MCGRATH, Mr. YATRON, Mr. JEFFORDS, Mr. DONNELLY, Mrs. SNOWE, Ms. FERRARO, Mr. ROE, Mr. DWYER, Mrs. KENNELLY, Mrs. SCHNEIDER, and Mr. FAUNTROY):

H. Res. 430. Resolution expressing the House of Representatives opposition to an imposition of an import fee on crude oil and refined products; to the Committee on Ways and Means.

By Mr. SIMON:

H. Res. 431. Resolution increasing from $15,000 to $20,000 the amount that a Member of the House may transfer from the clerk hire allowance to the allowance for official expenses; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

337. By the SPEAKER: Memorial of the Legislature of the State of Minnesota, relative to sources of acid rain; to the Committee on Energy and Commerce.

338. Also, memorial of the House of Representatives of the State of Mississippi, relative to the Republic of China; to the Committee on Foreign Affairs.

339. Also, memorial of the Legislature of the State of Idaho, relative to disregarding a previously transmitted memorial on the M.I.A./P.O.W. situation in Southeast Asia (House Memorial No. 317); to the Committee on Foreign Affairs.

340. Also, memorial of the Legislature of the State of Mississippi, relative to prisoners of war and American servicemen and civilians missing as a result of the Vietnam conflict; to the Committee on Foreign Affairs.

341. Also, memorial of the Senate of the State of Wisconsin, relative to a nuclear weapons moratorium; to the Committee on Foreign Affairs.

342. Also, memorial of the Legislature of the State of Wisconsin, relative to Ground Zero Week; to the Committee on Foreign Affairs.

343. Also, memorial of the Senate of the State of Oklahoma, relative to a balanced Federal budget; to the Committee on Government Operations.

344. Also, memorial of the Legislature of the State of New York, relative to the Ramapough Mountain Indians; to the Committee on Interior and Insular Affairs.

345. Also, memorial of the Legislature of the State of Mississippi, relative to the Clean Water Act of 1977; to the Committee on Public Works and Transportation.

346. Also, memorial of the Legislature of the State of Nebraska, relative to manmade dams; to the Committee on Public Works and Transportation.

347. Also, memorial of the Senate of the State of Michigan, relative to cuts in funding for Veterans' Administration programs; to the Committee on Veterans' Affairs.

348. Also, memorial of the House of Representatives of the State of Mississippi, relative to the use of industrial development revenue bonds by State governments; to the Committee on Ways and Means.

349. Also, memorial of the Legislature of the Commonwealth of Pennsylvania, relative to the dumping of specialty steels in the U.S. markets; to the Committee on Ways and Means.

350. Also, memorial of the Legislature of the State of Arizona, relative to a national strategy of peace through strength; jointly, to the Committees on Armed Services and Foreign Affairs.

351. Also, memorial of the Legislature of the State of Minnesota, relative to nuclear weapons; jointly, to the Committees on Armed Services and Foreign Affairs.

352. Also, memorial of the Legislature of the State of California, relative to high interest rates; jointly, to the Committees on Banking, Finance and Urban Affairs and Ways and Means.

353. Also, memorial of the Legislature of the State of Michigan, relative to H.R. 3637; jointly, to the Committees on Merchant Marine and Fisheries and Energy and Commerce.

354. Also, memorial of the Legislature of the State of Colorado, relative to coverage for hospice care under medicare; jointly, to the Committees on Ways and Means and Energy and Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. ERDAHL introduced a bill (H.R. 6127) for the relief of Arnold B. Zoesch; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 436: Mr. FIELDS.

H.R. 523: Mr. MATTOX.

H.R. 985: Mr. PAUL.

H.R. 1852: Mr. DREIER.

H.R. 2251: Mr. NELLIGAN.

H.R. 3524: Mr. BRODHEAD.

H.R. 4355: Mr. WAXMAN.

H.R. 4439: Mr. MCDONALD.

H.R. 4673: Mr. MORRISON.

H.R. 4796: Mr. PORTER, Mr. DAVIS, Mr. HAGEDORN, and Mr. CORCORAN.

H.R. 5133: Mr. CONTE, Mr. MADIGAN, Mr. WEISS, Mr. COURTER, Mr. DUNCAN, Mr. DINGELL, Mr. DELLUMS, Mr. HAMILTON, Mr. MURTHA, Mr. BROWN of California, Mr. GOODLING, Mr. FAUNTROY, Mr. STATON of West Virginia, Mr. ZABLOCKI, and Mr. LATTA.

H.R. 5188: Mr. RAILSBACK, Mr. LEACH of Iowa, Mr. WHITEHURST, Mr. DENARDIS, Mr. LENT, Mr. DREIER, Mr. OTTINGER, Mr. DUNCAN, Mr. WORTLEY, Mr. DAN DANIEL, Mr. BUTLER, Mr. PORTER, Mr. FAUNTROY, Mr. FORSYTHE, Mr. GREGG, Mr. FROST, Mr. EVANS of Indiana, Mr. BENEDICT, Mr. PETRI, Mr. RUDD, Mr. FISH, Mr. HUGHES, Mr. TRIBLE, Mr. BARNARD, Mr. FRENZEL, Mr. CAMPBELL, Mr. CORCORAN, Mr. CLINGER, Mr. MILLER of Ohio, Mr. LEWIS, Mr. SIMON, Mr. EDGAR, Mr. GINGRICH, Mr. LEBOUTILLIER, Mr. ROUSSELOT, Mr. LUNGREN, Mr. ROEMER, Mr. GOODLING, Mr. DAVIS, and Mr. DICKINSON.

H.R. 5262: Mr. MOLLOHAN.

H.R. 5297: Ms. MIKULSKI.

H.R. 5338: Mrs. MARTIN of Illinois and Mr. OBERSTAR.

H.R. 5421: Mr. MOFFETT.

H.R. 5463: Mr. SMITH of New Jersey.

H.R. 5481: Mr. BIAGGI and Mr. ROBINSON.

H.R. 5615: Mr. FRANK, Mr. BUTLER, Mr. BAILEY of Pennsylvania, Mr. PORTER, Mr. HANSEN of Idaho, Mr. GREGG, Mr. KINDNESS, Mr. FISH, Mr. PASHAYAN, Mr. EDWARDS of Alabama, Mrs. BOUQUARD, and Mr. LOWERY of California.

H.R. 5719: Mr. OBERSTAR.

H.R. 5731: Mr. FORD of Michigan.

H.R. 5755: Mr. DONNELLY, Mr. DORGAN of North Dakota, Mr. ECKART, Mr. HOWARD, Mr. MATSUI, Mr. OBERSTAR, Mr. ST GERMAIN, Mr. STARK, Mr. ROEMER, and Mr. ROSENTHAL.

H.R. 5762: Mr. SCHUMER, Mr. CONYERS, Mr. WOLPE, Mr. BONIOR of Michigan, Mr. ALBOSTA, Mr. CROCKETT, Mr. TRAXLER, and Mr. BRODHEAD.

H.R. 5800: Mr. SMITH of Oregon, Mr. SUNIA, Mr. SOLOMON, Mr. WOLPE, and Mrs. SCHNEIDER.

H.R. 5872: Mr. LEHMAN, Mr. DWYER, Mr. BURGENER, Mr. TAUKE, and Mr. DENARDIS.

H.R. 5964: Mr. ROEMER, Mr. CORCORAN, Mr. WORTLEY, Mr. MILLER of Ohio, and Mr. BETHUNE.

H.R. 5993: Mr. DAN DANIEL, Mr. BENEDICT, Mr. LAGOMARSINO, Mr. SUNIA, Mr. DUNCAN, and Mr. LEBOUTILLIER.

H.J. Res. 172: Mr. LEVITAS.

H.J. Res. 305: Mr. BRODHEAD.

H.J. Res. 414: Mr. EVANS of Georgia.

H.J. Res. 415: Mrs. BOUQUARD, Mr. DOUGHERTY, Mr. EDGAR, Mr. EMERY, Mr. FAZIO, Mr. FIELDS, Mr. FORSYTHE, Mr. FRENZEL, Mrs. HOLT, Mr. HORTON, Mr. HOYER, Mr. HUGHES, Mr. HYDE, Mr. KEMP, Mr. LAGOMARSINO, Mr. MCDADE, Mr. MADIGAN, Mr. MARKEY, Mr. MONTGOMERY, Mr. RICHMOND, Mr. SMITH of Pennsylvania, Mr. WOLF, and Mr. YOUNG of Florida.

H.J. Res. 426: Mr. GRAY, Mr. VENTO, Mr. STOKES, Mr. DELLUMS, Mr. JACOBS, Ms. FERRARO, and Mr. HARKIN.

H.J. Res. 427: Mr. FIELDS.

H.J. Res. 444: Mr. SUNIA, Mr. BEREUTER, Mr. LAGOMARSINO, Mr. SMITH of Alabama, Mrs. CHISHOLM, Mr. YOUNG of Alaska, Mr. HOYER, Mr. EDGAR, Mr. STUMP, Mr. HOLLENBECK, and Mr. RHODES.

H. Con. Res. 151: Mrs. FENWICK.

H. Con. Res. 172: Mr. ERDAHL.

H. Con. Res. 298: Mr. SCHEUER, Mr. JACOBS, Mr. DOWNEY, Mr. VENTO, Mr. WEISS, Mr. SMITH of Pennsylvania, Mr. D'AMOURS, Mrs. SNOWE, Mr. MAVROULES, Mr. DELLUMS, Mr. SCHUMER, Mr. ROSENTHAL, Mr. FORD of Michigan, and Mr. ZEFERETTI.

H. Res. 200: Mr. BOWEN, Mrs. HECKLER, and Mr. DREIER.

H. Res. 243: Mr. SKELTON.

H. Res. 374: Mr. BROWN of California, Mr. COATS, Mr. PEYSER, and Mr. SPENCE.

H. Res. 395: Mr. ROTH and Mr. DANIEL B. CRANE.

H. Res. 406: Mr. LUNDINE, Mr. STOKES, Mr. JACOBS, Mr. SCHEUER, Mr. LAFALCE, Mr. HUGHES, Mr. WIRTH, Mr. SCHUMER, Mr. MARKEY, and Ms. FERRARO.

H. Res. 421: Mr. CLAY, Mr. CONYERS, Mr. GORE, Mr. JONES of Tennessee, Mr. KILDEE, Mr. KOGOVSEK, Mr. O'BRIEN, Mr. PATMAN, Mr. SCHEUER, Mr. SMITH of New Jersey, Mr. SYNAR, and Mr. WOLPE.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

390. By the SPEAKER: Petition of Gay L. Kennedy, Fresno, Calif., relative to the funding of title V programs of the Older Americans Act; to the Committee on Education and Labor.

391. Also, petition of the City Council of Berea, Ohio, relative to nuclear weapons; to the Committee on Foreign Affairs.

392. Also, petition of Speaker, National Assembly, Republic of Korea, Seoul, Korea, relative to a resolution commemorating the centennial of diplomatic relations between the United States of America and Korea; to the Committee on Foreign Affairs.

393. Also, petition of the Chautauqua County Legislature, Mayville, N.Y., relative to dairy products; to the Committee on Ways and Means.

394. Also, petition of the Charter Township of Genesee, Mich., relative to H.R. 5133; jointly, to the Committees on Energy and Commerce and Ways and Means.

395. Also, petition of the Hawaii State Association of Counties, Honolulu, Hawaii, relative to States rights to impose severance taxes; jointly, to the Committees on Judiciary, Energy and Commerce, and Interior and Insular Affairs.

EXTENSIONS OF REMARKS

TWICE A CITIZEN AWARD

HON. BILL NICHOLS
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. NICHOLS. Mr. Speaker, this past Saturday night, Congressman JACK BRINKLEY received the Twice a Citizen Award from the Naval Reserve Association, Atlanta, Ga., Chapter.

What a splendidly captioned award this is.

I am reminded of the painting which hangs in the House of Representatives dining room signed, "C. Brumidi, Artist—Citizen of the U.S." Constantino Brumidi was twice a citizen in the finest sense. Born a citizen of Italy, Brumidi became a naturalized citizen of the United States, and was deeply proud of the fact. Drawn to America by the promise of individual freedom, Brumidi's highest goal was to repay the country which had given him the gift of liberty by designing works of art to help make its Capitol Building the most beautiful on Earth. Brumidi's was an example of excellence for us all, and JACK BRINKLEY has always been one of his greatest admirers.

I wish to submit for the RECORD my good friend JACK's remarks in accepting this prestigious award.

REMARKS BY HON. JACK BRINKLEY
THE BUDGET AND NATIONAL DEFENSE RECONCILIATION

With Hugh Howell introducing me, I am reminded of a story of a Georgia dairy farmer who wouldn't sell his milk to Carnation Milk Company because of its slogan, "Milk From Contented Cows." When asked why, the farmer replied, "My cows are *not* contented—they are always trying harder."

Hugh Howell makes that same claim for the Navy Reserve. He says that you are always trying harder and, judging from what Rear Admiral W. D. Daniel, Deputy Chief for Navy Reserves, testified before our subcommittee earlier this year, I know that his claim is valid. It's with pardonable pride that I receive the Twice a Citizen Award this evening. Please accept my deepest appreciation.

After this year I am returning to Georgia following a 16-year sojourn in our nation's capital. In preparing for this speech, I came across something about General Lee as he was going home after the Peace Treaty at Appomattox. . . . On his great mount, Traveler, Lee was returning to Richmond under the escort of the Union Cavalry. The soldiers in blue were there because they felt the chief in gray might need protection from the people he had led for almost 5 years, but his respect had never depended on his title or power and, as he passed former soldiers of the Army of Northern Virginia on his trek to rejoin his family, he was always greeted by cheers and offers of what little food they had to share.

After awhile, he turned to the Union officer in charge of his escort and thanked him for his service. "But," he said, "you may return to your unit now. For, as you can see, I am in my own country now and among friends."

That expresses my own feelings about home-going, too, with one important difference. In Washington, I have always felt that I was in my own country and among friends.

I hope you also feel that way about it and, if not, I would first like to share with you a brief glimpse from the inside which may provide some encouragement.

First of all, the words "E Pluribus Unum" stand for something—one out of many. One out of many is the fundamental concept incorporated in our Constitution.

An old political cartoon may be recalled from back in the years of Munich by David Low, the British cartoonist. It showed Britain and France in the stern of a boat bailing out a very bad leak, and huddled in the bow of the boat was America and the rest of the world saying, "Thank heavens the ship is not sinking at our end."

We are, in this country, in the same boat together. It flies the stars and stripes, and the rising tide does lift all the boats.

There is a chapel in the Capitol building located between the House and Senate chambers just off the Great Rotunda. My introduction to it was more than a decade ago when I went there accompanied by friends from home.

"The chapel isn't used very much," I lamented. But, the elderly doorkeeper who had come in with us demurred in a kind but definite way. "Oh yes it is, Congressman," he said, "It's used a lot! Look here," he pointed, "at the path . . . in the carpet!"

Well, let me tell you about your man in Congress. If you should ask him, he would tell you—"I don't work for the government; I work for you!"

When Jimmy Carter of my District was elected President, the Members from whose Districts earlier Presidents had come banded together to give me an actual "rubber stamp," an automatic "Aye" vote to be used on Carter bills! In making the presentation early in the President's term, they noted it was something of an irony since I hadn't voted with him yet!

Your Representative might vote differently than you would vote and, under a Constitutional Republic, that's his privilege and responsibility if he sees it that way; but, believe me, he is tuned in to the people back home. It is a bitter-sweet anomaly that the polls on a Representative within his own district are usually very high, while the polls on the Congress as a whole are very low.

Sometimes the votes in Washington are difficult. By way of analogy, a bill may be compared with vegetable soup. A chef can take the finest tomatoes, choicest beef and other special ingredients, combine and cook them perfectly and spoil it all if sand is mistakenly used for salt. Of course, the soup wouldn't be edible and the vote would be "no." The beef people wouldn't like it and the tomato people wouldn't like it, but one small part of the package vitiated all of it.

There is seldom a case where a Representative is 100 percent for or 100 percent against a bill. Many times it is 60–40 or 70–30, and the Member tries to vote for the better of the two choices. That can be especially painful if there is 90 percent good and 10 percent bad, but the bad is the "sand in the soup" case, and you must vote in the negative.

And then, the system is slow. Ladies and gentlemen, that is precisely the way the founding fathers planned it. Think of it! Three branches of government—the executive, the judicial, and legislative; that latter a bicameral body where our committees function as important homerooms for legislative review.

The long hours get frustrating sometimes. I am reminded of Millicent Fenwick, the gentle lady from New Jersey. She is remarkable in so many ways, graceful, fine articulation, smokes a pipe genteelly, but she has something to say on just about any subject that comes down the pike. She always gets her two cents in, and patience sometimes wears thin.

Usually the Millicent Fenwicks of Congress, if not disliked, are just tolerated. Something happened to change my mind about Millicent. I had a bill up from the Veterans Affairs Committee which would eliminate one of the duplicate inspections by VA and HUD on mobile homes. To eliminate this redundancy without sacrificing safety, a bit less than a million dollars a year would be saved. After having presented my case, Millicent Fenwick leaned on the committee table in the House chamber and expressed her delight over such an example where, by taking care of the little things, she said, the larger things would fall into place. You know, I learned to *like* that lady:

This brings me to my major committee assignment, the Armed Services Committee.

It is in the very middle of the budget debate for fiscal year 1983:

Some recommend that we hold the increase in military spending to the *7 percent annual real growth* figure suggested by the President last year:

Under the President's budget, after adjustments for inflation, military spending would increase approximately 13 percent for fiscal 1983; and that's on top of a 9 percent increase for this year.

Members of our Committee have the undeserved reputation of being doctrinaire, automatic aye voters on Pentagon requests. But now, more than ever, we are determined to look behind the labels.

We are committed to a strong national defense which will command the respect of friend and foe alike. We have given the benefit of the doubt to programs concerning which there have been reservations—the MX basing mode, the B–1 bomber, new aircraft carriers with price tags in the billions.

In 1973 I was a lonely voice in calling for a lean and mean North Atlantic Treaty Organization. For fiscal '83 it is time to change gears from the NATO chapter of yesterday to the new Rapid Deployment Force chapter of today—such as I recommended in 1973—to meet our present national interests in the Persian Gulf area. As Chairman of the Military Installations and Facilities

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Subcommittee, with a $7.8 billion request from the Administration, you may be sure that these matters are undergoing close scrutiny.

Our nuclear strike capacity is awesome. For example, our submarines are quieter and more lethal than any of those of our adversaries. The Trident system now coming into the fleet, standing alone, represents an incredibly strong arm against aggression. One Trident submarine will provide more firepower and target coverage than the entire fleet of 10 Polaris strategic submarines.

U.S.S. Ohio, the first Trident submarine, was delivered to the Navy in October 1981 and will deploy in its first deterrent patrol later this year. The second ship of the class, the U.S.S. Michigan, will go to sea in June of this year and will be delivered to the Navy in the fall. Each Trident submarine will carry 24 missiles with a range in excess of 4,000 miles. The fiscal year 1983 budget now before the Congress includes funds for the 10th and 11th Trident submarines and projects a force of at least 15 Trident submarines.

Why, then, do we agonize over procurement of *all* nuclear weapons systems which our minds and imagination may devise?

The simple truth is that a strong defense must be bilateral with a strong economy. Neither may survive alone. A rotten economy will drag down the defense establishment with it.

The defense issue then becomes a matter of priorities. There is strong sentiment among Armed Services Committee Members that our committee, the authorizing committee, make adjustments in the defense bill rather than abdicate the matter of priorities to less-informed Members on the floor by the amendment route, or to the Defense Appropriations Committee.

Many of us feel that the military emphasis today should be on conventional forces and personnel upgrading. No matter how expensive our weaponry, America cannot have a first-class national defense if it ignores the human potential. Any sophisticated machines cannot enhance productivity if we do not have the brain power to engineer them and the trained manpower to operate them.

The bottom line is that the budget is going to be improved and our national defense streamlined. Our goal is to command the respect of friend and foe alike, for we are ". . . watchmen on the walls of world freedom!"

And, may our motto always be: "My country, in her relations with other countries, may she always be in the right; but, my country right or wrong . . . when right to keep it right, and when wrong to put it right!"●

WHERE YOUR TAX DOLLARS GO: NATIONAL FOUNDATION FOR ARTS AND HUMANITIES

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. McDONALD. Mr. Speaker, if ever there was a total disregard for the taxpayers' money, the National Foundation for Arts and Humanities is a perfect example.

I know that very few of my colleagues ever pick up, let alone, read the Federal Register. Perhaps if they just read just one issue, they would get the full impact of why America's economy is in such a sorry state. It becomes particularly nauseating when one picks up and reads day after day, month after month, year after year, those entries under the heading of Arts and Humanities. I thought the practice would be long gone under the Reagan administration, but so far, such is not the case.

In almost every entry where a meeting is announced where money, our money, constituent money, is to be doled out, it is announced that due to the confidentiality of different matters involved, the meeting will be closed to the public. And they admit that honest and straightforward disclosure would probably lead to, "significantly frustrate implementation of proposed agency action."

To this agency, there is no responsibility to account to the taxpayer as to where the money goes. I have often wondered about this and how they get away with it. Well, I wonder no longer, and it is high time that this House cuts off this spigot as well as several others I have discussed today.

For some examples of how this agency has squandered money, I submit just a short page from the Conservative Digest of April 1982. It will be interesting to my colleagues and others that their money has been spent praising identified members of the U.S. Communist Party and yes, even a university professor who went to Hanoi, North Vietnam, while our boys were dying to the south. And yes, this individual came back and said the school system in North Vietnam (Communist) was comparable to the school system back in his own hometown. The article, "Arts and Humanities Dollars Bankroll Leftist Groups," follows:

ARTS AND HUMANITIES DOLLARS BANKROLL LEFTIST GROUPS

President Reagan proposed to cut in half the budget of the National Endowment for the Arts (NEA) and the National Endowment for the Humanities (NEH). Instead of saving the taxpayers as much as $170 million, Congress voted to spend $143 million for NEA and $130 million for NEH in 1982—cuts of less than 15 percent from projected Carter levels.

Under Carter NEH appointee Joseph Duffey (former chairman of Americans for Democratic Action) funding of Left groups reached new heights. Here are some examples of liberal organization and their "projects":

SANE education fund, $115,451 (1979 and 1980 combined). SANE (Scientists Against Nuclear Energy) was paid in two successive years by NEH to produce 13 weekly radio shows "to examine the impact of nuclear weapons on American culture."

Council on Foreign Relations, $500,000 (1980 and 1981). CFR, founded and dominated by David Rockefeller, received the half-million-dollar NEH grants for its International Affairs Fellowship Program.

Sierra Club, $87,493 (1980). The Sierra Club, among environmental groups the most vocal in denouncing Interior chief James Watt, received its NEH grant to collect and transcribe 40 to 60 taped interviews of Sierra Club activists and other environmental leaders.

National Council on Aging, $910,907 (1979). This grant was to allow the Council to continue "the development and use of humanities materials in senior centers. The Council also received $135,000 in 1980 and $48,000 in 1981 from NEA.

Working Women (National Association of Office Workers), $216,953 (1979 and 1980). Working Women received this grant for a two-year project to "implement a curriculum on the history of working women, to be disseminated through national networks of women's studies programs."

Unions received big grants from NEH under Duffey. The following grants are from just 1980 and 1981: International Ladies Garment Workers Union (ILGWU), $175,000; Amalgamated Clothing and Textile Workers Union, $317,000; District 1199 (New York) of the Drug and Hospital Employees Union, $300,000; and the AFL-CIO George Meany Center for Labor Studies, $30,000.

Other projects include:

An erotic arts show (as advertised) this winter at the Washington, D.C. Women's Arts Center, cosponsored by NEA and a store called the Pleasure Chest, "which sells lingerie, leather items, vibrators and 'toys for adults'," (Washington Post) $9,000 in tax dollars was spent on this project.

A 1981 survey of how religion affects votes by congressmen. NEH-funded sociologists divided congressmen into the following "religious categories"—Nominal; Legalistic, emphasizing rigid rules and lifestyle; Self-concerned, seeing religion as a source of social comfort; People-concerned, having a marked concern for social justice; Integrated, balancing religious themes, and Nontraditional, believing in a more abstract God.

A radio series on prominent secular humanists of the 20th century, broadcast in 1981 on National Public Radio stations and funded by NEH. Among those honored in this series of "sound portraits": Bertolt Brecht, Noam Chomsky, Simone de Beauvoir, W.E.B. DuBois and Sigmund Freud.●

KEVIN E. CARTIE, WYOMING WINNER IN VFW VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM

HON. DICK CHENEY

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. CHENEY. Mr. Speaker, I would like to take this opportunity to share with my colleagues the following "Voice of Democracy" essay, written by Kevin Cartie of Cheyenne, Wyo. Kevin's speech won top prize in Wyoming and I think it captures the sense of patriotism that makes this Nation so great. I would urge my colleagues to take a minute and read this thoughtful essay.

About four months ago my brother became a Private in the United States Army. I couldn't understand his reasoning. Why join now? If there ever is a war then he will be drafted then. Why jump the gun? Why not wait and join as needed?

So I approached him with these questions and he answered me simply and directly, "I am only trying to do my part to build America."

I thought and thought about his answer, trying to understand what he had meant. Finally it dawned on me. Each of us has a part in building America. It cannot be just a few. It must be all of us working together. No man is an island, we always need others. America is like a giant puzzle, and without each piece, whether that piece is a baker a lawyer, a garbage man, or a Private in the United States Army, without each piece, she is incomplete.

But wait, what did he mean ". . . to build America?" I thought America was already built up enough. We've built up the world's greatest form of government, we are the richest country in the world, and we've built up our military so that now we are one of the most powerful in the world. What more could we need to build?

So once again I approached my brother and once again he answered me simply and directly. "There are some things in our country that we must never stop building." Once again I thought and thought. What could these things be that we can't stop building? What is something that can never be finished?

Suddenly it came to me. Emotions, of course. Courage, pride, honor, love, ambition. Without each of these, America would not be the same. It was the courage, the courage of the revolutionaries that freed our country. It was the courage of Thomas Jefferson that helped write those unforgettable words known as the Declaration of Independence, it was the courage of our soldiers that ended the two World Wars.

And it was pride and honor that helped build our country up to the richest and one of the most technologically advanced countries. It was pride and honor that made us the most respected country in the world. It was love, a love of country, of ideals and a love of freedom that built this great land of ours. But it took more than that to build a stone, a foundation. It took ambition, ambition that helped bring all of our democratic ideas and beliefs into being over two hundred years ago.

All of these were needed then and they are needed now. They had challenges then that they met and overcame with the help of these emotions. Our country still must meet and overcome challenges. But in order to do this, we need these emotions to drive us on.

We must also continue to build our values. It was our beliefs and values that made us want a change in government. But in the last generation our values have decreased. We must continue to build our values to keep them as high as they are. Our values decide what our nation is like. If we wish to keep our nation the greatest in the world, we must also keep our values the greatest in the world.

I love my country and the freedoms I can enjoy in this country, and I feel obligated to help build America to keep it as great as it is. My forefathers worked together to establish what we today know as America, and we must continue to build so that future generations can enjoy the same rights as we do.

My brother is doing his part to continue to build America as a Private in the United States Army, and I know that there is a role for me in building America, because as William Faulkner once said, "I believe man will not only endure, he will prevail."●

"TOP CRACKERS" SELECTED

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. FUQUA. Mr. Speaker, a recent selection by readers of several Florida newspapers designated two residents of my district as the "Top Crackers" in Florida.

This unusual honor was bestowed upon Mr. J. T. Earl of Hatch Bend and Ms. Ora Smith of Hosford, two remarkably colorful characters who fit none of life's ordinary molds but who have won the love and respect of virtually all those who have come to know them.

Ms. Smith operates Ora's Oyster Bar in Hosford, a hospitable haven for both the humble and the powerful, not only of northwest Florida, but from all over the State. Each is treated with the same caustic respect once they pass through the door of Ora's.

Mr. Earl, like his forebears back to his great-grandfather, never felt the desire to leave his home on the banks of the Suwannee River, and the only extensive time he spent away from Hatch Bend was during 2 years of Army service during World War II.

I would like also to commend newspaper columnist Ray Washington for his efforts in polling readers to find, interview, and immortalize Florida's two "Top Crackers" who represent much of the color and diversity of the great Second District of Florida.●

BOB HATCH PROVES JOB TRAINING WORKS

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. GAYDOS. Mr. Speaker, recent budget cuts, although well intentioned, sometimes cut deeper in the wrong areas. One such area, I believe, was in areas to provide funds for employment and on-the-job training programs.

I was heartened, therefore, to see a highly respected businessman from the 20th Congressional District of Pennsylvania, not only echo those sentiments but prove such programs can be effective.

Just about a year ago, Mr. Robert (Bob) Hatch, Jr., of Bethel Park, the manager of Pettibone Corp.'s operations in Pittsburgh and the Northeastern part of our country, was appointed to the joint Allegheny County-City of Pittsburgh Private Industry Council (PIC-PAC). Bob, a former New York State representative, takes public service seriously, and during his year on PIC-PAC quickly convinced his business "neighbors" of the value of on-the-job training programs. Subsequently, he provided 25 opportunities for the economically disadvantaged residents of Allegheny County.

Bob's achievements in such a short span of time were recognized by the county's department of Federal programs and he was the subject of an article in an in-house information bulletin published last month.

Mr. Speaker, I am inserting that article into the RECORD for the attention of my colleagues and I would like, on behalf of the Congress of the United States, to extend our appreciation and congratulations to Bob Hatch. He is an outstanding individual who believes in serving people and practices what he preaches. The article follows:

KEEP EMPLOYMENT AND TRAINING, LOCAL BUSINESSMAN URGES

Public service is very serious business to local businessman Bob Hatch. Not only does he manage Pettibone Corporation's operations in Pittsburgh and the Northeastern United States, but he is currently serving his third unpaid five-year term as Secretary of the Bethel Park Municipal Authority.

Appointed to the joint Allegheny County—City of Pittsburgh Private Industry Council (PIC-PAC) in April 1981, Hatch looked at the goals of the PIC-PAC "to see how I could best serve its purpose. I said to myself, 'dammit,' somebody better go out and tell employers about the (Title VII Private Sector Initiatives) program."

And that's exactly what Bob Hatch did. He talked with several of his business "neighbors" in the Bethel Park area and soon developed twenty-five on-the-job training opportunities for economically disadvantaged residents of Allegheny County.

Hatch's commitment to the public good dates back to his days as a Sergeant in the U.S. Army during World War II, from which he emerged the most highly decorated living veteran of the South and Central Pacific theaters. From 1963 to 1964 he represented the Syracuse area as New York State Assemblyman.

Of his role on the PIC-PAC, Hatch says, "If you belong to a committee, you should work at it. How can you justify being on a committee if you don't?"

He finds the cuts in employment and training programs "tragic", possibly resulting in "high crime rates and even higher unemployment rates for young blacks." He likens the effect of these cuts to conditions among the Appalachian poor in the 1960's, "when we had a generation of people who had no hope of improving their lot."

Despite funding cutbacks, Hatch feels that "we have to lay plans to move forward with a positive program. Fewer CETA dollars mean that we have to do more investigation and put more thought into the planning and development of (employment and training) programs to get the most mileage out of our dollars.'

Overall, Hatch believes the CETA program is worthwhile and "abolishing it will

leave a void. The country needs employment and training programs." ●

YEN FOR AMERICAN BEEF

HON. DOUGLAS K. BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. BEREUTER. Mr. Speaker, the Lincoln (Nebr.) Journal recently published a short editorial commenting on this Nation's trade problems with Japan and the commendable effort being made by the Reagan administration and the Congress to lift the unreasonable restrictions placed upon the importation of goods grown and manufactured in the United States. As you know, Mr. Speaker, I have introduced legislation, H.R. 5860, to specifically address the trade barriers which the Japanese use to keep American agricultural products out of that country. While we must be concerned about the restrictions on manufactured products as well, I believe that increased trade in agricultural products particularly would benefit both the United States and Japan, and that relations between our two countries would be vastly improved if we could see a good faith effort to make significant progress in this important area. As the Congress begins to look seriously at enacting trade reciprocity legislation, I think the points made in this short piece are worth consideration, and I request that the article be placed in the CONGRESSIONAL RECORD for the benefit of my colleagues:

[From the Lincoln (Nebr.), Journal, Mar. 5, 1982]

YEN FOR AMERICAN BEEF

More power to the Reagan administration as it tried to bring down Japan's trade barriers against the importation of grain-fed beef from the United States.

We have it to sell in large, decently-priced amounts. The Japanese population is keen to buy. If only the Japanese government would demonstrate some give on import restrictions.

Deputy U.S. Trade Representative David Macdonald told the Asian and Pacific subcommittee of the House Foreign Affairs Committee that Japanese tourists here now carry back "packets of beef" from the U.S. being unable to purchase it domestically.

Shades of Americans lugging home bread from Paris, or sherry from Spain!

In 1981, our trade deficit with Japan climbed to a disgraceful $16 billion.

That figure is at once an indictment of Japan's restrictive import policies and the quality and character of American-made products which lose out to Japanese competition.

Trade is a two-way street. We're pleased the Reagan administration is pounding home the point to Tokyo.●

VOICE OF DEMOCRACY CONTEST WINNER

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. HANSEN of Utah. Mr. Speaker, I am pleased to share with my colleagues a speech written by the Utah State winner of the Voice of Democracy Contest, sponsored by the Veterans of Foreign Wars of the United States and its ladies auxiliary. The speech was written by Alice Ann Warner, a senior student at Provo High School in Provo, Utah. Miss Warner is an outstanding young lady with many admirable accomplishments to her credit. This winning speech qualifies her to compete at the national level for important college scholarships. I am proud to submit Miss Warner's speech in the RECORD, for the recognition and enjoyment of my colleagues.

VFW VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM UTAH WINNER—ALICE A. WARNER

It's early morning in Boston, April 18, 1775. In Bradford Lane a 10-year old apprentice yawns his way to the workroom. He lays the fire hurridly; for today, a kerosene lamp must be finished for Mr. Adams, and a gross of candles delivered to the Old North Church.

Across the harbor a stable boy is combing a horse. He does not know it, but he is preparing a mount for what will turn out to be America's most historic ride.

Downhill, near the docks, the harbormaster checks the oarlocks on a rowboat. This very night, it will carry across the water a silversmith named Paul Revere.

The cobbled streets vibrate with commerce. Not even the red-clad soldiers posted at every corner can impede the purpose and productivity that can be seen and heard everywhere.

Two hundred years later, Boston awakens to honking horns. On the dock, longshoremen load massive ships.

In the wholesale market, truckloads of produce are distributed throughout New England.

A different Boston now, than then? Some say yes—they say that in the earlier era, America was caught up in the common dream of working together to create this nation. This dream, the critics maintain, has been replaced by an emphasis on individual success. That, they say, is what's wrong with America! But this assessment is mistaken, and far too pessimistic. Our forebearers were united in building America together because each was driven by a desire to better his own life. So what he produced had to excel; it had to be good. And because it was good, it enriched other's lives as well as his own. Edison's light bulb is our light bulb. The stories of Mark Twain are a national treasure. Neil Armstrong stepped onto the moon for me.

None of that has changed. We have not lost the way we have always worked together. We have not ceased to build America the way we have always done.

Just as someone built America by making the candles that hung in the Old North Church, so now someone makes the lights that illuminate the corridors of Congress.

Just as someone made the boat that carried Paul Revere across the harbor, so now someone works in the plants making the weapons that defend us.

And just as someone grew the grain that fed Sam Adams and his revolutionary friends, so now, from farmer to processor to packager to grocer goes the food that sustains the mighty and the lowly among us.

What we have kept alive is a miracle. Anyday—everyday—everyone of us enriches all of us by striving to improve our own lives. We are building America together by doing our best and letting others share in our achievement. That fact is the essence of America. For in America, there is no other way to enhance one's self—only by producing or creating what enriches others. Here millions of people labor, all so different in talents and training that you wonder how they could ever be united in one common effort of building America together. And yet—it happens. Everyday. Unknown to each other they participate in each other's lives, giving in order to achieve their own private dreams.

It was to protect this miracle that Adams and Washington stirred in their souls.

It was for this that magnificent American boys spilt their blood at Chateau Thierry, in the Solomon Islands, and on the Yalu River.

It was for this that the veterans of our wars wept when they returned to our shores.

It was for this—the freedom to build America together—that the selfless sacrifice was made.

It was for this miracle alone—for America, the one place where the lowliest of men have a voice in democracy—the noblest cause in the history of mankind.

I am only one individual, but I can do as much as anyone can do to build America. If I am not alone in developing my abilities, if I am not alone in being grateful for other's contributions, if I am not alone in defending their right to improve themselves, if I am not alone in revering the sacrifices that have created and protected my country, then together we can build America, where the hopes of each of us are the glory of us all.●

A TRIBUTE TO ROBERT HARRISON AND HENRY FRAZIER

HON. WAYNE GRISHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. GRISHAM. Mr. Speaker, on May 3, 1982, the Rowland Unified School District will honor two retiring elementary school principals who have faithfully served the field of education for many years. I would like to take this opportunity to make my colleagues aware of these two fine gentlemen.

Mr. Robert T. Harrison is presently the principal of Hollingworth Elementary School in West Covina, Calif. His exemplary service to education and to his community is matched only by his colleague, Mr. Henry F. Frazier. Mr. Frazier is currently the principal of Farjardo Elementary School in Rowland Heights, Calif.

Mr. Harrison has been an elementary school principal for 21 years. Prior to his work in administration, he was a classroom teacher for 4 years.

Mr. Frazier has devoted over 27 years of service to education. He was a classroom teacher for 4 years, an assistant elementary school principal for 1 year and has spent the past 22 years as an elementary school principal.

Public school education is the backbone of this country. The Rowland Heights Unified School District under the capable leadership of Dr. Stanley G. Oswalt, superintendent, is fortunate to have Mr. Harrison and Mr. Frazier working in such responsible leadership positions.

I am sure I join with the many men and women and boys and girls who have been guided by the work of Mr. Frazier and Mr. Harrison. I ask my colleagues to join in this salute to these fine men whose remarkable careers have had such effect on so many.●

DAY OF REMEMBRANCE OF THE VICTIMS OF THE NAZI HOLOCAUST

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. LENT. Mr. Speaker, this day, April 20, marks one of the most tragic and horrifying events in the history of the human race. Today has been designated by an act of Congress as the Day of Remembrance of Victims of the Nazi Holocaust, known as Yom HaShoa to those of the Jewish faith.

This day is dedicated to the memory of the 6 million Jews who were systematically murdered by the unspeakable Nazi regime of Germany before and during World War II. There are no words in any language that can convey adequately the horrifying degradation and brutal inhumanity of Adolf Hitler and his Nazi officialdom, the murderers who conceived and carried out this terrible crime.

But there is one word—Holocaust—which gives some suggestion of the terrifying wave of horror which engulfed an entire people innocent of any wrongdoing.

Mr. Speaker, it is our solemn duty and grave responsibility to make certain that the terrible story of the Holocaust is held fresh in the memory of every living person. It is our solemn duty and grave responsibility to guard against the tyranny and bigotry which propelled the perpetrators of this terrible outrage into their atrocious actions. It is our solemn duty and grave responsibility to make certain that the Holocaust, which consumed the lives of 6 million innocent men, women, and children, can never be repeated.

Mr. Speaker, on this Day of Remembrance of the Nazi Holocaust, let each one of us vow to carry in our hearts and minds for all of our lives two simple words: "Never Again!"

We must never again permit another Holocaust to sear human lives.

WHERE YOUR MONEY GOES: PRESIDENT REAGAN SHOULD HAVE BEEN KILLED

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. McDONALD. Mr. Speaker, if nothing else, this short item I am about to introduce for the benefit of my colleagues should be an incentive to halt Federal funding for all these special-interest groups, for which I have had so much to render for this CONGRESSIONAL RECORD. Once again, I would like to encourage my colleagues to share this item and others with their constituents back home and ask them if they approve such funding.

Recipient of at least $143,776 of taxpayer money is radio station WPFW, right here in the Nation's Capital. This is the same radio station that, following the attempted assassination of President Reagan, lamented the fact that the President was not killed. Further, in another broadcast, an announcer recommended a larger caliber bullet, a "45," should have been used.

How much education and exposure does it take to halt this blatant abuse of taxpayers money? I certainly hope not much more. In any event, one more item from the Conservative Digest of April 1982, titled, "Tax-Funded Broadcasting Aids Radical Leftists," is presented for documentation and incentive for my colleagues to halt this practice. The article follows:

TAX-FUNDED BROADCASTING AIDS RADICAL LEFTISTS

The tax-funded Corporation for Public Broadcasting (CPB), has a history of supporting hard-Left programming and radical radio stations with the money given it by Congress.

In September 1981, CPB spent $148,000 to broadcast anti-Reagan propaganda from Solidarity Day, which was sponsored by several leftwing unions and, among others, the U.S. Communist party.

CPB also used money normally reserved for hard-news events (like space exploration) to broadcast "El Salvador: Another Vietnam?", a pro-Left documentary, on the nationwide Public Broadcast System. The airing was timed to coincide with the Soviet-backed guerrillas' "final offensive" (which was a failure).

The Pacifica Foundation operates five radio stations around the country. In the last five years, CPB gave at least $1.6 million to Pacifica, whose leftist slant and broadcasting of offensive material has brought numerous complaints against them to the Federal Communications Commission (FCC).

The license of Pacifica's Washington, D.C. station, WPFW, has been challenged by the conservative Washington Legal Foundation. The case of WPFW may be seen as a microcosm for the entire tax-funded Pacifica system.

Consider these points while reading the following:

A station must present both sides of a controversial issue. (The "Fairness Doctrine") The mere voicing of these opinions is not at issue.

A station is responsible for everything that goes out from its transmitter. (This includes phone-in callers.)

The station cited, WPFW, has not been heard to present the opposing view on the following subjects.

WPFW AIRS EXTREMIST PROPAGANDA AGAINST U.S. AND EL SALVADOR

Speakers on WPFW repeatedly link the U.S. and the Duarte government with Hitler and his actions. "(These) bloody crimes . . . are the same as those of Hitler." (Sept. 21, 1980) "(This is) indiscriminate, genocidal oppression equal to that of the Nazis." (July 22, 1981) The speaker also asserted that the Reagan administration's involvement in El Salvador was "racist motivated." (same date)

U.S. IS A RACIST NATION, SAYS TAX-FUNDED STATION

On Aug. 10, 1981, a speaker on WPFW said that the neutron bomb is being developed so that it could be deployed against black people in the U.S. Another in the same program said that the word "terrorists" is really a code word for blacks, and equated anti-terrorist measures with racism. The next day, a speaker suggested that the King Tut exhibit (then being shown in Washington) was to perpetuate white supremacy by portraying the ancient Egyptians as white.

REAGAN SHOULD HAVE DIED, STATION BROADCASTS

On the day President Reagan was shot, WPFW broadcast the following on a phone-in talk show:

"I feel that the person that shot President Reagan should have killed him . . . I feel that Reagan is an unthoughtful person . . . And I'm sorry this man (John Hinckley, the accused assassin) is being incarcerated for something he tried to do. I wish he had succeeded . . ."

The morning after the Reagan shooting, an announcer on WPFW said Reagan's assassin "should have had a '45'," according to the complaint.

WPFW is also accused of violating FCC standards by broadcasting obscene and offensive material on the airwaves. At least one other Pacifica station (WBAI in New York) has received similar complaints.

And you paid for it. In the past five years, WPFW received at least $143,776 in tax dollars from CPB and the National Telecommunications and Information Agency.●

PARISHIONERS TO HONOR MSGR. BASIL SHEREGHY

HON. JOSEPH M. GAYDOS

OF PENNSLYVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. GAYDOS. Mr. Speaker, on Sunday, April 25, 1982, more than 200 parishioners of the Transfiguration of Our Lord Byzantine Catholic Church in McKeesport, Pa. will honor their spiritual leader, Msgr. Basil Shereghy, on the occasion of his 40th anniversary in the priesthood.

Many religious and civic leaders, led by the metropolitan archbishop of the Byzantine Church, Stephen J. Kocisko, will join in paying tribute to this man who has earned the admiration, respect, and love of all who know him.

There is an intriguing aspect of Monsignor Shereghy's career in the church which concerns his mastery of the English language. When he came to the United States in 1946, the monsignor did not speak a word of English. Today, however, he is recognized throughout the Nation as an outstanding lecturer and author.

Monsignor Shereghy achieved this distinction through a most unusual method. He learned English by reading and re-reading Webster's Dictionary, then tracing the words back to their roots in a language he was quite familar with—Latin.

The monsignor's calling to the priesthood also is quite understandable when one looks at his family history. He comes from a long, long line of priests. As a matter of fact, his father, the Reverend Andrew Shereghy was a priest in Carpatho, Ruthenia, (now Czechoslavakia) where Monsignor Shereghy was born in 1918. Furthermore, service to the church in the monsignor's family dates back 250 years on his father's side and 300 years on the side of his mother, Isabelle Jackovics Shereghy.

Monsignor Shereghy was ordained on March 29, 1942, and taught in local parochial schools in Czechoslovakia, rising to the position of professor of domatic theology and rector of the diocesan seminary at Uzhorod before emigrating to the United States in 1946.

His first assignment in the United States was as a professor at St. Procopius Seminary in Lisle, Ill., where he served until transferred to the transfiguration Church in McKeesport in 1954. During his stay in McKeesport, Monsignor Shereghy also served as a professor of theology at the Byzantine Catholic Seminary of Sts. Cyril and Methodius in Pittsburgh. In 1957 he left the area to assume the pastorship of St. John's Church in Minneapolis, Minn., but returned to McKeesport in 1965, and a decade later Pope Paul VI bestowed upon him the title of monsignor.

Monsignor Shereghy's activities range far beyond the church. He loves to write and has had published several books, pamphlets, and articles on Byzantine theology, history, and religion. In addition, he edited the Byzantine Catholic World, the official publication of the rite in Pittsburgh, for 2 years, 1973-75, and presently is the editor of The Enlightenment, the voice of the United Societies in the United States of America.

The monsignor also is an avid coin collector, belonging to several numismatic organizations and is the vice president of the Israeli Coin Club of Pittsburgh. Despite his involvement in these groups, he still finds the time to serve as director of the Archdiocesan Heritage Museum in Pittsburgh and on the board of the Catholic Golden Agers.

Mr. Speaker, on behalf of my colleagues in the Congress of the United States I congratulate Monsignor Shereghy on this anniversary of his entry into the priesthood and join with his many friends in the hope he will continue to be an inspiration to all of us for years to come.●

NEW LIFE COMMUNITY CHURCH CELEBRATES 50TH ANNIVERSARY

HON. WAYNE GRISHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. GRISHAM. Mr. Speaker, the New Life Community Church in Artesia, Calif. will be celebrating its 50th anniversary on May 2, 1982. I am proud to be able to recognize the fine work of the church before my colleagues in the House of Representatives.

The church was organized in 1932 as the Artesia Reformed Church. Purely democratic in government, the New Life Community Church is typically Protestant in worship, yet broad enough to make room for everyone.

In its 50 years of existence, the congregation has been served by six pastors with a seventh man serving as interim pastor from time to time. Under the present leadership of the senior pastor, Dr. Kenneth N. Leestma, the church has continued to grow and prosper.

The communities of Artesia and Cerritos are very fortunate to have a place to worship that serves the spiritual needs of the families and provides programs that aid every age group. New Life Community Church has an unlimited future, and I am pleased to join with my fellow Members in wishing warmest congratulations for 50 more years of outstanding service.●

POTHOLES AND THE GAS TAX

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. CLINGER. Mr. Speaker, much of our Nation's highways, bridges, mass transit systems, and other public facilities are in need of repair, restoration, resurfacing, or reconstruction. They are wearing out faster than we are fixing or replacing them. To raise the funds to do this, the Secretary of Transportation has proposed increasing the gasoline tax by 4 cents per gallon.

Some of my colleagues have argued that it would be sheer hypocrisy for the Congress to raise any taxes less than a year after it approved a large cut. Whether you call them revenue enhancers or user fees, they say, taxes are taxes, and we should be holding the line.

A column by George F. Will appeared recently in the Washington Post which I feel makes a strong case for the need for increasing the gasoline tax. As Mr. Will points out, the decline in America's transportation infrastructure is widespread, affecting big cities and rural areas alike. Much of that decline would not have occurred had we not neglected its warning signs years ago. Yesterday's unfilled pothole is today's road in need of complete resurfacing.

A 4-cent-per-gallon increase in the gasoline tax would be a minor burden on consumers, especially in light of the recent rapid decrease in prices at the pump, and the $4 billion it would raise would go a long way toward revitalizing the Nation's transportation infrastructure. Mr. Will's column, which I submit here for my colleagues' consideration, should dispel any doubts about the need for the gasoline tax increase:

[From the Washington Post, Apr. 18, 1982]

WHAT POTHOLES SAY ABOUT US

(By George F. Will)

In 1980, Republicans rebelled against the iniquity of the 55 mph national speed limit and denounced it in their platform. Democrats laughed. Republicans swept the West, where folks don't take kindly to the feds slowing down a fella's pickup.

But today there are stretches of the Interstate Highway System where traffic creeps at 30 mph because of potholes and crumbling pavement. What is the Republican administration going to do about these and similar problems?

If Drew Lewis, the secretary of transportation has his way, taxes will be raised. I mean, revenues will be enhanced. That is, costs will be recovered by, er, augmenting "user fees." Principally, Lewis wants a 4-cent increase in the federal tax on a gallon of gasoline.

Only the gallantry I learned at my father's knee keeps me from hooting when

Republicans devise euphemisms to avoid saying "tax increases." But Lewis has a point about the gas tax being a user fee. He proposes raising $4 billion annually from the four-cent increase, and another $1 billion from other user fees, primarily on heavy trucks. About $1 billion would be dedicated to mass transit capital investments.

This last provision, although perhaps justifiable, muddies Lewis' argument. The lofty morality of user fees—what makes them noble, whereas tax increases are yucky is that users of a service should pay for it. But, if so, mass-transit users should pay for mass transit with their fares. Lewis is nothing if not nimble, and he argues that highway users should pay with "user fees" some of the costs of the mass transit they do not use, because highway users will benefit from more adequate highway capacity when more folks are using mass transit.

Oh, well. Lewis is not only secretary of sophistry, he is also secretary of transportation. And the transportation system has problems that are more serious than Lewis' casuistry about user fees.

It has been well said that maintenance, as much as original construction, is a measure of a society's vitality. It also is a measure of maturity, of the willingness to make timely provision for the future. By this measure, America is increasingly deficient.

The Interstate Highway System is not yet completed, but 10 percent needs resurfacing immediately and almost half will need major repairs by 1995. Even a three-year deferral of repairs can triple the cost—not even counting inflation. In the next 15 years, 216,000 miles of other roads in rural areas will need at least resurfacing. (An Arizona county recently tore up 250 miles of paved roads and put down gravel because that was cheaper than repairing the potholes.)

The design life of a bridge is 50 years. Seventy-five percent of America's bridges are more than 45 years old. Forty percent are judged deficient. It would take $60 billion just to eliminate the backlog of needed bridge repairs.

It would take $6 billion just to replace transit buses that are more than 15 years old. New York City would need $110 billion over the next decade just to rehabilitate its transit system. It also must resurface much of its 6,000 miles of streets (and must repair most of its 2,400 miles of water system and 6,100 miles of sewer system).

Gasoline cost 31 cents a gallon in 1959, when the tax was last raised (to 4 cents). The price of gasoline has quadrupled, highway construction costs have risen 300 percent, and the four cents are worth less than one cent. A gas tax proportional to four cents on a 31-cent gallon would today be 16 cents on a $1.24 gallon, double what Lewis wants it to be.

Conservatives rightly describe indexing of tax brackets as a cure for "surreptitious, unlegislated" tax increases. They should, therefore, describe what has happened to the gasoline tax since 1959 as a "surreptitious, unlegislated" tax cut.

There are today many varieties of liberalism and conservatism, with interesting similarities and incongruities, rather like the Synoptic Gospels. Keeping track of them requires an intellectual micrometer. But unless I have missed something, there is not yet an ideological difference between conservatives and liberals regarding potholes. Whites and blacks, Jews and gentiles, WASPs and ethnics—we are all against bridges falling down.

But many conservatives have not come to terms with this fact: private life—including private enterprise—depends on a publicly provided physical infrastructure. It is not optional; neither is it inexpensive. It illustrates this fact: a substantial portion—perhaps 80 percent—of public spending is not really a subject of serious disagreement.●

CELEBRATION OF SOLIDARITY

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. McGRATH. Mr. Speaker, I would like to bring to the attention of my colleagues an affair, which will take place this Sunday, April 25, in the district I represent. Several hundred residents of Long Island and the surrounding area will gather to participate in the third annual Celebration of Solidarity breakfast in Franklin Square, N.Y. The Commission for Social Justice of the Order of Sons of Italy in America and the Anti-Defamation League of B'nai B'rith of the Long Island region are the sponsors of this event, which signifies the unity of Italian Americans and Jewish Americans in combating discrimination.

In a nation founded on the principles of freedom, justice, and equality of opportunity, we must all actively strive to insure that those qualities are enjoyed by all groups. In recent years, Government has made great strides through the legislative and judicial processes toward the establishment of a society where prejudice is eliminated, However, much remains to be done.

Organizations such as the Social Justice Commission and the Anti-Defamation League have reached a point beyond the grasp of Government. Laws and regulations cannot always erase the stereotypes and the subtle forms of discrimination in society. Action must be taken by individuals and groups within our communities to dispel myths and prejudices prepetuated by the narrow minded among us.

I am proud of the efforts of many of my constituents whose untiring efforts have contributed to attainment of the goals our Founding Fathers enunciated in our Constitution and bill of rights. We are all familiar with great leaders in our history who have led struggles for freedom and equality. I am confident that future generations will look back upon the work of the Anti-Defamation League and the Commission for Social Justice with similar respect, and I congratulate the members of those organizations for continuing to heal the scars of discrimination in our society.●

WORDS OF WISDOM: "LET'S REVIVE THE MILITIA"

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. McDONALD. Mr. Speaker, in this the era of the scare tactic being promoted by various sundry individuals and organizations, especially in the nuclear arms field, it would be well to examine a resource which Americans of recent generations have paid little or no heed. That resource is domestic defense that can be realized by resurrecting the militia.

In Federalist 24, Alexander Hamilton spoke of our "standing force," or standing army that was needed in the early years of America as an organized force to defend the Western Frontier. He spoke of that organized force as the organized militia, but the people at large constitute the unorganized militia. And Hamilton stressed that the unorganized militia, that is, we the people, as the unorganized militia shall serve to keep in check any possible intent of a standing army to be used to suppress the rights of the citizenry. The fear of central government with too much power, as well as "standing" or mercenary armies which destroyed the Roman Republic, was paramount in the thinking of those Founding Fathers who fought for the Constitution.

Subsequent to those early days of the Federalist papers, it was Congressman Elbridge Gerry of Massachusetts that made one of the most important points on the matter of the reasons for sustaining the right to keep and bear arms. As if echoing Alexander Hamilton, Gerry stated in essence that the keeping of arms by people in their homes and places of business would guarantee that no Federal Government would dare any oppression against the citizenry.

With these points in mind, I would like to share with my colleagues a very definitive piece from the March 1982 Conservative Digest on the subject, "Let's Revive the Militia." Written by Morgan Norval, editor of Political Gun News, it discusses that frontier of defense that has been sadly neglected by civil and military defense strategists.

The Soviets have been conducting two-pronged strategy for many years. One is an attempt at nuclear superiority for itself and its enslaved satellites combined with a nuclear disarmament propaganda offensive to their opponents. The other strategy is one of a constant proxy insurgent warfare by any means possible in critical areas around the world. This latter strategy is perhaps the most important reason

why my colleagues would absorb Morgan Norval's article.

The Soviets in Afghanistan today are realizing what even a partially armed citizenry can and has done to the mighty Communist invasion force. One can imagine what would happen in Switzerland and the United States, as Mr. Norval points out, should they decide to conquer either.

We have—although the full potential has not been realized—the highest counter-insurgency trained individuals in the world in the Green Berets or Special Forces as they are otherwise known. It is known that the esprit de corps of those Green Berets requires them to carry on their person the orders of Rogers Rangers going back to counter-insurgency operations in the French and Indian War. It is high time that this Nation once again became thus prepared. To realizing this full potential of American gun owners, Mr. Norval's informative article follows:

LET'S REVIVE THE MILITIA

(By Morgan Norval)

When President Reagan on Oct. 2, 1981, announced the United States would build the MX missile system and end "our long neglect" of strategic and civil defense, civil defense supporters got a much-needed shot in the arm. Adding to this promise, he said, ". . . as part of this effort I have also directed that we devote greater resources to improving our civil defense."

It's about time!

Our civil defense efforts have been a national disgrace due largely to a misguided strategic thesis that renders civil defense as a useless, concept.

That strategic concept, Mutual Assured Destruction (MAD), assumes both the United States and Russia would obliterate each other in a nuclear exchange.

The Soviets don't buy the MAD concept. Their strategic thinking is based on a different concept—a nuclear war is not only possible but winnable! Their massive rearmament and huge civil defense program show how seriously they are carrying out this strategic thinking.

The Soviet views is in stark contrast to the "no winner" view underpinning our MAD strategic concept that has left us with an almost non-existent survival—civil defense—program.

But, we do have a survival program for high federal officials. They have superb underground homes, bunkers and offices located throughout the country! In fact, over 4,000 nuclear war shelters exist for officialdom and for the military. But no such thing exists for the vast bulk of the people. Although civil defense, or survivability, is a high priority item for government officials, it is low priority for the taxpaying citizen. As a result our population is virtually helpless against the ravages of a nuclear war.

The potential consequences of this nuclear war unpreparedness are gruesome: The U.S. would lose up to one-half of its population! The ensuing chaos would be of such a magnitude that the survival of our society would be in question.

Gen. David C. Jones, chairman of the Joint Chiefs of Staff, said that a Soviet nuclear attack on North America could kill "hundreds of millions" in what would be "the greatest catastrophe in history by many orders of magnitude."

Our military installations—prime targets—would be wiped out by a Russian nuclear attack. According to "Soviet Strategy For Nuclear War" published by the Hoover Institution of Stanford University, the Russians would also target heavy industry with any military potential whatsoever (especially transport, bridges, chemical and communications facilities, railroads and electrical power complexes). It seems the Russians are well aware of our total dependence on electrical power.

Such an attack would leave us prostrate and an easy prey for a Soviet invasion. This would be inevitable, as it is the only way to make sure the Soviets have destroyed the U.S. militarily.

A viable civil defense effort in the United States would save many millions of lives—up to 95 percent of the population, according to some experts. Experts realize this and have made many and varied recommendations to boost our civil defense capabilities. Yet, without exception, these experts have ignored a vast American resource—the American gun owner. Numbering 55 to 60 million, this vast pool of armed citizenry has been ignored by our civil defense planners.

This omission should be rectified immediately! It is time to revive an institution of armed citizenry—an institution that goes back to the Colonial period—the militia.

Our defense planners should take note, and organize American gun owners into local militia. These units could be organized on a state-wide basis with the state governors empowered to grant militia commissions and call it out in emergencies—from evacuation of civilians during floods, hurricanes and other natural disasters to the reinforcement of local police during civil disturbances.

Such a militia would tap the vast experience of our retired military personnel, forming the nucleus of the local militia.

Individual members of the militia would be required to furnish their own arms and equipment. To insure a nationwide standardization, militiamen and their female counterparts would be allowed and even encouraged to purchase surplus small arms and equipment through the office of the director of civilian marksmanship. In addition the militia also would be required to have, as part of their equipment, food rations for at least 30 days.

By requiring members to furnish their own equipment and rations, the cost of the program would be reduced. It would attract members who are highly motivated. If one is prepared to spend from $500 to $1,000 to equip oneself for participation in a national survival program, one is highly motivated.

The militia could be trained either by retired, state-commissioned military personnel or by regular U.S. military personnel. Since regular military personnel are already assigned to ROTC, National Guard and Reserve Forces, there should be little problem to assigning these units to state militia. Training would be geared to security proficiency, civil defense, disaster evacuations, and small-unit guerrilla tactics in case of foreign invasion.

The militia would be thoroughly trained in the use, care and safe handling of their small arms, with misuse subjecting members to swift and severe punishment.

Well-trained armed units profusely scattered throughout the country could also serve to restore order in areas suffering nuclear attack. Their training would enable survivors emerging from the chaos of a nuclear holocaust to rally, reorganize and function in a manner that would hasten the reestablishment of society. Trained militia would be prepared to conduct guerrilla warfare against any invader.

If American gun owners were armed with surplus military small arms and had small-unit militia training like the Swiss have, invaders would confront a trained and well-armed citizenry—even after the high casualties inflicted by nuclear attack. Although such a threat might not deter a would-be aggressor, potential aggressors would have to take the existence of an "armed militia" into consideration when planning strategy and thus add this element of risk to invasion plans.

After their experiences in Afghanistan, the Russian Communists might think twice before launching a nuclear attack on the United States, particularly if they knew that surviving their nuclear attack would be several million armed, angry, trained guerrillas waiting for them.

Anti-gunners will, no doubt, denounce this proposal. Their arguments probably go along these lines: the people will misuse their arms, using guns to commit crimes, etc. Their arguments are old hat, going back to Plato's time, over 2000 years ago. They typify an attitude that runs rampant in current liberal anti-gun circles, an elite few who know what is best for the people—people should not be in a position to resist the elitist's decisions.

Yet these same anti-gun elitists don't mind when the people are conscripted and forced to bear arms. It would seem, according to their logic, the people are capable of bearing arms only when forced to do so. This is ridiculous reasoning, to say the least.

Gun ownership and individual citizens supplying their own arms as they come to the common defense in times of peril have deep roots in our country's history. In fact, this militia concept can be traced back to the Greek philosopher Aristotle who felt that bearing arms was a requisite of true citizenship. One cannot, he pointed out, be a citizen without participation in the body politic; one method of participation is bearing arms.

Dr. Joyce L. Malcom, a professor at Radcliffe College and a current fellow at Harvard Law School, points out: "The American tradition of an armed citizenry did not originate with the need for pioneers to protect themselves from Indians or wild animals, let alone from the 'Wild West, every-man-for-himself myth'." Instead, bearing arms was an essential element of our common law tradition that the early settlers brought with them from England.

The common law was quite specific about the peace-keeping—or the defense, as we say today—duties of the average citizen. Every man was expected to protect himself and his family and to defend his community and country as well. For these duties he was expected to have his own weapons and be proficient in their use. In addition, every able-bodied man was liable for militia duty. Standing armies were considered by our forefathers as the tools of tyrants; militias were the hallmark of free men.

This point was made recently by Ernest Moeregli of the Swiss Military Department. He said, "It's an old Swiss tradition that only an armed man can have political rights."

If we are to protect our political rights in a world becoming increasingly barbaric, each of us must rededicate ourself to the

goal of protecting our political rights from those bent on destroying them. One way is to give citizens the chance to serve in local militia units in each state.●

UNITED STATES-FEDERAL REPUBLIC OF GERMANY RELATIONS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. HAMILTON. Mr. Speaker, I would like to bring to the attention of my colleagues some remarks that Arthur F. Burns, U.S. Ambassador to the Federal Republic of Germany, made on United States-West German relations on April 5 before the Subcommittee on Europe and the Middle East of the House Foreign Affairs Committee.

It is clear that although a majority of Germans remain supportive of the United States, there are problems today in our relations with the Federal Republic which we need to address.

Ambassador Burns' excellent statement follows:

STATEMENT OF ARTHUR F. BURNS

My message today is simple: while there are problems in our relations with the Federal Republic of Germany, the majority of Germans remains supportive of the United States and cognizant of the broad range of values and objectives we have in common.

Let me turn to some of our problems. Complaints on both sides of the Atlantic attest to an accumulation of tensions. Americans were disappointed in the Federal Republic's delay in deciding to boycott the Moscow Olympics after the Soviet invasion of Afghanistan. They frequently ask why Bonn seems reluctant to pay more to improve billets of American troops in Germany. They were disturbed by the initial reluctance of the Federal Republic's leaders to recognize publicly the Soviet role in the military takeover in Poland. They are puzzled by German criticisms of American policy with regard to El Salvador and Nicaragua. On their side, again to give some examples, Germans have complained in recent years about "zig-zags" in American foreign policy and indicated that they wanted stronger U.S. leadership. Now many Germans worry about what they regard as bellicosity in Washington and over-emphasis on military solutions.

Although economic problems have played a part in the friction between our two countries, it is largely the result of political and psychological forces.

There is increasing anxiety among the German public, particularly among young people, about the world in which they live. The sources of this anxiety are legion. Many Germans feel that their country has become a pawn in the struggle for supremacy between two superpowers—the Soviet Union and the United States. Fears of a nuclear war fought on German soil are widespread. Environmental concerns, especially with regard to reliance on nuclear fuel, are pronounced. There is now some fear of a harsher economic environment and a sagging social safety net. There is also a feeling of alienation among young people, as well as among intellectuals at all ages, stemming from concerns about the role of technology and large impersonal organizations in their society. Many young people, furthermore, have come to believe that it is morally wrong to live in affluence when millions in the Third World are starving. Speaking more generally, many Germans nowadays feel that a coherent purpose in life has been eluding them.

Since the United States is frequently identified with things that trouble many Germans—notably, superpower rivalry, rampant technology, and militarism—concern has arisen in the Federal Republic about America's international role, more particularly about our ability to manage East-West relations wisely. The Soviet Union has found it useful to exploit European fears of armaments. It has done this with skill and energy, especially in West Germany. Soviet propaganda pictures the United States as a restless, bellicose power lacking a true desire for peace and willing to risk the nuclear destruction of Europe. At the same time the Soviet Union presents itself as working tirelessly in behalf of international peace and order. The massive peace offensive mounted by the Soviets seeks to drive a wedge between us and our European allies—an exercise in which they have been to some degree successful. I must say, however, that media concentration on "anti-Americanism" in West Germany strikes me as overdrawn and wide of the mark. The basic national interests of the United States and the Federal Republic have for many years been very similar and they are so recognized by a majority of the German people. In Germany we have a staunch ally. Nevertheless, German anxieties and the differences in perceptions that exist between us and the Federal Republic require careful attention on both sides of the Atlantic if we are to promote successfully our common interests.

Before addressing these issues, I wish to emphasize the need to get our economic houses in order. The element of friction between the United States and the Federal Republic is being worsened by economic difficulties in our two countries. Financial stringency largely accounts for Germany's disinclination to increase defense outlays at this time. Nevertheless, it even now appears that there will be some progress in German willingness to provide additional finance for NATO infrastructure. Partly because of our own economic problems, we want Germany to bear a larger burden in supporting American forces in the Federal Republic and in providing aid to common allies like Turkey. But Germany right now is preoccupied with difficulties of its own—high interest rates, rising unemployment, and budget constraints—which, though less intense than our economic troubles, are quite disturbing to German people. The Bonn government believes with some justification that Germany has made a steady, substantial contribution to NATO defenses during the past decade when the U.S. was downgrading its defense priorities. Bonn feels it must now tighten its belt. We should encourage that effort and try to understand that a healthier German economy will enable the Federal Republic to bear in the future the larger defense burden which we regard as its rightful share.

Politically, we must try harder to understand the interests that motivate the Federal Republic. In our admiration for Germany's postwar recovery, its economic strength and its increasing role in Europe, we sometimes fail to perceive the limitations that the Germans feel keenly—their status as a divided nation with millions of families having relatives or close friends in East Germany; their role as a European country with limited world responsibilities; their dependence on the good sense of the U.S. as a nuclear-protecting power, but one whose dependability has been called into question by Vietnam, Watergate, and occasional contradictory statements of policy emanating from Washington. Moreover, the Germans are troubled by their geographic proximity to the Soviet Union and the hazards attaching to the lonely outpost of Berlin.

Because of factors such as these the Federal Republic takes a different view toward détente than we do. To us détente was another approach to the old question of dealing with the Soviets—an approach that in the end has benefited us little. The Germans, on the other hand, feel that détente has resulted in reduced tensions in Europe and in a stabilized political situation in and around Berlin. In addition, the Germans have gained through détente closer contacts with their compatriots in the East, also improved trade relations, and a better lot for the 17 million Germans who reside in the German Democratic Republic.

To be sure, as we all know, détente did not lead the Soviets to abandon their foreign adventurism or their military buildup. Soviet aggression in Afghanistan and the military takeover in Poland have inevitably called into question the basis of détente and the future of Ostpolitik. Fortunately, the Reagan Administration has taken major steps to correct our response to Soviet actions. In general, the government of the Federal Republic approves our decision in this respect. It believes in firmness toward the Soviets. But it also believes that firmness must be coupled with continued dialogue to reduce tensions and to prevent jeopardizing the gains of Ostpolitik. It further believes, perhaps naively, that through a process of friendly communication we in the West can over time encourage respect by the Soviets for human rights as well as some restraint in their international behavior.

There are important differences in the geo-political roles of the United States and the Federal Republic that influence the world outlook of each. Germany is essentially a regional power. The United States, on the other hand, has global interests and responsibilities. We need to make hard decisions on numerous questions in which the direct interests of the Federal Republic are quite limited. Many Germans and Americans seem not to appreciate that difference. At times this failure leads to German resentment of our attitude toward their country and to a feeling that we ignore German interests. On the other hand, not a few Americans expect generous economic contributions for our sponsored projects in Asia, the Middle East, Latin America and other places, from a country that is not yet persuaded that it has a global responsibility.

It would be wise for the Germans to consider more carefully the complexities that the United States often faces in providing leadership for the Alliance and in taking actions in other areas of the world. From an American viewpoint the German Government has not been helpful on some issues where American interests are directly and heavily involved, as in the case of El Salvador. The American government feels that Germany needs to do more, together with other Allies, to show displeasure over the re-

pression engineered by the Soviets in Poland. We have also been troubled about the Federal Republic's caution in involving itself in some problems outside NATO's boundaries, particularly in the Persian Gulf area. We feel that the Federal Republic, being heavily dependent on imports of Middle Eastern crude oil, should play a larger role in support of American policies in that area. Our government is also inclined to believe that the German leadership should assume a larger burden of political responsibility in explaining agreed Alliance policies to its own public.

The United States and the Federal Republic can only achieve a better mutual understanding at the policy level through extensive and effective consultations. The approach to the arms control negotiations at Geneva exemplifies the value of good consultations with our NATO Allies. From our frequent conversations with the Germans during the preparatory period we gained important insights that helped us plan for our discussions with the Soviets. I think it is important for the German public, and not only those involved in the peace movement, to recognize that their government has had and is having a real voice in the formulation of Alliance policy on armaments control. Just as we have been doing in the armaments negotiations, so our two governments must strive for improved dialogue on other policy issues. To be a shade more specific, we should alert each other to emerging problems at an early stage and thus reduce the kind of misunderstanding that develops when one side thinks it is consulting and the other feels it is only being informed after the decisions have been taken. We certainly need to avoid situations where our efforts at genuine consultation are mistaken by the Germans as still another test of their loyalty.

Obviously, the Administration must take a leading role in shaping our relations with the Federal Republic, but there is also much that the Congress could do. This is especially true in the area of improving understanding of basic policy perceptions and interests of our two countries. One way to do this is in the context of the newly-created German-American group in the Bundestag. I urge your support of their effort. Get to know your German counterparts. Telephone them if necessary to get their views on issues under consideration here and convey to them your views about subjects of interest to the United States that are being discussed in Germany. I am assured by German parliamentarians that they are most eager to work closely with members of our Congress.

One issue currently under discussion with the German Government is the Administration's effort to restrain the flow of public credit to the Soviet Union. We are concerned that by extending credits on a liberal scale, European and some other governments have been strengthening the economic potential of the Soviet Union, and that they have thereby been helping indirectly to build up in some degree its military machine. The private market now recognizes the financial difficulties faced by the Soviet bloc and is, as a result, sharply curtailing its lending. The present American initiative is designed to parallel this reduction in private credits by seeking restraints on officially subsidized credits and export credit guarantees. The reduction of credits and credit guarantees will either cause a contraction in Soviet imports from the West or will require payment in hard currency for what the Soviets choose to purchase.

Our effort to restrict credit to the Soviet Union is perceived by some in Germany and elsewhere as "waging economic warfare." That is by no means the Administration's intention. We merely seek, as far as the Soviets are concerned, to have international financial markets work without undue interference by governmental financial agencies. Of course, our objective is to reduce the provision of advantageous financing to the Soviets so as not to undermine our efforts to strengthen the common defense. I urge you to understand this Administration effort and to help explain it to your German colleagues.

We must also try to stem the growing deficiency in understanding between our two countries that is reflected in a drifting away of young people from what had previously been a shared belief in our common moral and cultural heritage. Parents, teachers, journalists, and parliamentarians on both sides of the Atlantic have neglected their responsibilities in preparing the new generation of Americans and Europeans to take over the reins of power. The leaders in this rising "successor" generation in our two countries are often uninformed or, worse still, ill-informed about their respective peers. I sense, for example, in young Germans a lack of interest in the study of history—hence their lack of understanding of how the world got where it is. And I find in young Americans a lack of interest in the study of foreign languages and cultures. One of the more important objectives of the public policies of our two countries must therefore be an extension and deepening of the intellectual contact between the young people of our respective societies, so as to rekindle appreciation of each other's values and historic experiences and thus achieve a better understanding of our spiritual, economic, and political interdependence.

We already have a substantial and successful academic exchange program—the Fulbright Program—which brings German teachers and university students to the United States and sends American counterparts to the Federal Republic. I am convinced that this program is a vital element in our long-term bilateral relationship. I suggest that we now devote additional attention to an exchange program involving young people at a formative age—that is, well before their prejudices have become ingrained. I am always loath to suggest additions to the federal budget and am again reluctant to do so here. But I am certain that a show of Congressional intent and support, perhaps a redirection of some of the funds already available for our overseas information and cultural programs and a concerted appeal to the private sector for support of this program will be a worthwhile investment for our country. Experience has shown that long-term exchanges of young people, such as those conducted by the American Field Service and Youth for Understanding, pay lifetime dividends in understanding and appreciation of the culture and moral values of the country and the people visited. I therefore urge you to give suitable support to German-American youth exchanges.

I am convinced this will prove to be a good investment, not only because the Federal Republic is a key country in Europe but also because it is a loyal, dependable ally whose basic interests and values are essentially supportive of our own. This fact was borne home once again in a poll released recently in which West Germans expressed high confidence in and appreciation for the United States. I believe that with greater sensitivity on our part and better understanding in Germany, our two countries can continue to work effectively together in furtherance of the moral, economic, and cultural values that constitute the essence of Western civilization.●

OREGON'S WINNER IN THE VOICE OF DEMOCRACY CONTEST

HON. DENNY SMITH

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. SMITH of Oregon. Mr. Speaker, I bring to the attention of my colleagues an outstanding young man from my district who was recently awarded the voice of democracy scholarship sponsored by the Veterans of Foreign War and its ladies auxiliary. Scott Randal Cooper, of Prineville, Crook County, Oreg., delivered the winning speech in the Oregon voice of democracy contest.

I would like to insert Scott's speech, "Building America Together," into the CONGRESSIONAL RECORD.

BUILDING AMERICA TOGETHER

(By Scott R. Cooper)

To build a house requires only proper tools and a familiarity with one's work. It would seem that with enough time and proper training, it is a skill which might be acquired by almost anyone. But to build a nation—here is a challenge.

It was to this purpose that a small band of men, risking their very lives and fortunes, dedicated themselves just over two centuries ago. They were just ordinary citizens, but they had a cause. The result of their work was a new nation based on concepts never before utilized in governments of that time or times prior.

Today, we, the posterity of the patriots of two hundred years ago, benefit from the legacy left to us by our forefathers. We enjoy privileges and freedoms beyond the imagination of many who live in other countries of the world today. Yet a question remains unanswered: What are we to do that we too may leave a nation that is better than the one we found?

In my mind, of the many challenges that now face America, three stand out prominently: the battle against poverty, the fight against inequality, and the search for lasting peace.

There is little question that poverty is an enemy of mankind. The Declaration of Independence recognized the right to "life, liberty and the pursuit of happiness" while leaders and documents such as John F. Kennedy and the Atlantic Charter proclaim that "Man has in his hands the power to abolish all forms of human poverty" and that, "All men in all lands may live out their lives in freedom from fear and want."

Inequality, a foe of mankind since earliest history, has come under attack many times. The Mayflower Compact promised "equal and just" laws and later the Declaration of Independence established the principle that "All men are created equal." Every school child knows the Pledge of Allegiance and

daily vows to uphold the ideal of "liberty and justice for all." And equality must be sought for not only all races and nationalities but also for both sexes and for the unborn. None should be denied in a country as great as America.

The search for world peace, I believe, dates back to the first time a caveman threw a stone with intent to harm another. Someone must have protested for acts of overt aggression are unnatural to mankind in that they disrupt the general pattern of life. Abraham Lincoln spoke well at Gettysburg when he pledged the nation "to do all we may to achieve a just and lasting peace among ourselves and all nations."

The solution to these problems facing the United States is summed up in the letters SAE: speak, act and educate.

We Americans must exercise our privileges granted under the First Amendment of our Constitution. We must speak out and let it be known that we will no longer tolerate injustice. We must issue a clear mandate to our leaders that we expect action from them in all these mentioned areas. But we must not place the burden of responsibility solely on the shoulders of a few. We must all go out and build together for tomorrow in any way we can. We must serve on committees, perform charitable works and do anything else that furthers the cause of justice and peace. Above all, we must make our opinions known through the polls and the media. We must also educate. We must teach society again the basic ideals that the country was founded on. It must be shown that freedom and liberty are never totally effective until they are available to all.

Those of us who live in the United States—land of the free, sweet land of liberty, America the Beautiful—must ensure that our rights continue after our passing. We must build for tomorrow in order that we may render today worthwhile.●

CRIMINAL JUSTICE SUBCOMMITTEE TO HOLD HEARINGS ON HABEAS CORPUS

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. CONYERS. Mr. Speaker, the Subcommittee on Criminal Justice, which I chair, is continuing hearings on revision of the Federal criminal laws. This week we are focusing on the habeas corpus provisions of H.R. 5679. The hearing will be held on Thursday, April 22, 1982, at 10 a.m. in room B-352 of the Rayburn House Office Building. The following witnesses are scheduled to testify: Prof. Stephen Gillers, New York University School of Law, on behalf of the American Civil Liberties Union; Phylis Skloot Bamberger, attorney-in-charge, Appeals Division, Federal Defender Services Unit of the Legal Aid Society of New York and chair of an American Bar Association Subcommittee of the Criminal Justice Section concerned with habeas corpus matters; Prof. Larry W. Yackle of the University of Alabama School of Law and author of a treatise on postconviction remedies; and Richard J. Wilson, director of the Defender Division of the National Legal Aid Defender's Association.●

BUFFALO, N.Y., MARKS SESQUICENTENNIAL

HON. HENRY J. NOWAK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. NOWAK. Mr. Speaker, as the Representative of New York's 37th Congressional District, it is a privilege for me to inform my colleagues that the city of Buffalo today—April 20, 1982—marks its 150th birthday anniversary.

As I reviewed my home town's history leading to this Sesquicentennial observance, I was impressed by a remark in a recent book: "Buffalo: Lake City in Niagara Land" by Richard C. Brown and Bob Watson. Discussing a difficult economic period in Buffalo during the early 19th century, it noted:

The rambunctious city was briefly down, but it was never out.

That comment captures the traditional hardiness, tenacity, and resiliency of Buffalo and its citizens. Whether it was the burning of Buffalo—then a frontier village—during the War of 1812, a debilitating cholera epidemic later that century or the more recent blizzard of 1977, this "City of Good Neighbors" has demonstrated the ability to weather adversity and bounce buoyantly into better days.

This historic upbeat attitude serves us well in Buffalo in modern times as well. As we suffer the ill effects of the recession, we look ahead with hope toward a period of community revitalization, a hope buttressed by ongoing construction of a light rail rapid transit system, which has sparked a series of public and private sector developments downtown and along the waterfront, which spawned the city's growth.

Buffalo's first boom came with the opening of the western end of the Erie Canal in the city on October 26, 1825. It was the beginning of the metamorphosis of a frontier village into a city.

The barges and packetboats that plied the canal brought the Nation a strong new transportation link that not only brought goods West but waves of immigrants eager to test the new frontiers. Thus, Buffalo was an inland port of immigrants, playing a key role in populating and cultivating the fertile lands in the Midwest and beyond.

As years passed, the canal then served to return grain from West to East, leading to Buffalo's development as a major port and grain-milling giant.

That process was sustained with the advent of the transcontinental railroad system that developed Buffalo as a key transportation hub.

Buffalo's potential attracted men of the caliber of Millard Fillmore and Grover Cleveland, two attorneys who became Presidents of the United States. Fillmore was the 13th President. Cleveland, who had served as Buffalo's mayor and Governor of New York, was our 22d and 24th President.

It was an exciting city that attracted the talents of men like the noted 19th century landscape architect Frederick Law Olmstead, who designed Buffalo's still-acclaimed public parks system. Recently several of Olmstead's creations in Buffalo were added to the National Register of Historic Places.

The city also continues to treasure several buildings and homes that were the handiwork of a then still relatively unknown Frank Lloyd Wright.

It was a growing community that attracted the interest of entrepreneurs like William G. Fargo, the founder of Wells, Fargo & Co. and the American Express Co., and who served as Buffalo's mayor during the Civil War.

Buffalo's development into a major transportation hub and industrial community also attracted wave after wave of hard-working immigrants, seeking jobs, freedom, and an opportunity to contribute to the development of this great Nation.

This tapestry of ethnic diversity continues today in Buffalo, where a community of persons of Irish, German, Polish, Italian, Black, Jewish, Ukrainian, Greek, Hispanic, Hungarian, and other backgrounds blend into this "City of Good Neighbors."

Buffalo has acquired many attractive assets in its 15 decades, including a public and private education network that offers abundant and diverse learning experiences.

Buffalo is the home of the noted Buffalo Philharmonic Orchestra, the Albright-Knox Art Gallery, the Buffalo Bills, and the Buffalo Sabres.

This Sesquicentennial event has provided me an opportunity to look back with pride at the development of our great city and the contributions its citizens have made in a century and a half to the greatness of our country.

This look at the past also has provided me with a strong sense of optimism for the city's future.

The basic strengths that accounted for Buffalo's success in the past continue to augur well for the future—a moderate climate with four distinctly enjoyable seasons, access to an inexhaustible supply of fresh water, a vast intermodal transportation network, a pool of skilled workers, and a location strategically set among the population centers of the Northeast, Midwest, and Canada.

Efforts in recent years have helped Buffalo to improve the condition of some of its assets, like Lake Erie and

the Niagara River, and add new ones, like a new downtown convention center, hotel developments, a new naval park, and museum.

New developments associated with the light rail rapid transit line under construction, such as creation of a theater district and finalization of plans for a downtown pedestrian mall that will be one of the largest in the world, prompt renewed confidence.

But perhaps our greatest asset is the current strong community interest, in both the public and private sectors, to sustain this revitalization effort.

A strong local economic development planning and coordination program is underway to retain existing industry and attract new diversified growth firms, particularly in the high technology field. As it observes its 150th birthday, therefore, Buffalo looks forward eagerly to the future. Capturing that community optimism, Buffalo's slogan is: Talking Proud.

The slogan is relatively new but, in fact, Buffalo has been talking and acting proudly for decades. The birthday wish today is that it will continue to do so for many more to come.●

WEST GERMANY COMMUNIST PARTY MANIPULATES "PEACE GROUPS"

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. BROOMFIELD. Mr. Speaker, I commend the following New York Times article to my colleagues regarding the West German Communist Party's influence and manipulation of so-called peace movements in that country. Ironically, the charge was not made by a conservative figure, rather by an extreme left wing organizer of the Greens, an environmental party in West Germany. Petra Kelly of the Green Party, herself a known anti-American leader of demonstrations against NATO, has described the Communist tactics at a recent meeting of leftist groups.

The article follows:

ANTIMISSILE GROUP IN BONN IS DIVIDED—ENVIRONMENTAL PART CHARGES COMMUNISTS MANIPULATED PARLEY PLANNING PROTEST

(By John Vincour)

BONN, April 5.—A major rift concerning possible Communist influence developed today among groups opposing NATO's plan for deploying new nuclear missiles in Western Europe.

One of the leading component organizations charged that the West German Communist Party, which is aligned with Moscow, dominated and manipulated a meeting here Sunday in which representatives of 37 groups, describing themselves as elements of the antimissile movement, planned a major demonstration against President Reagan when he visits Bonn for a meeting of the North Atlantic Treaty Organization June 10.

The accusation was made by the group known as the Greens, an environmentalist party that has become increasingly active in left-wing politics in West Germany, winning seats in several state parliaments in the last two years. The Greens have acknowledged that members of their party cooperate with the Communists on certain local issues, but they described the meeting here as scandalous.

The Greens' charges were the first public substantiation from inside the antinuclear movement of statements by some West German politicians that the West German Communist Party, at the direction of the Soviet Union, has attempted to co-opt public sentiment against nuclear weapons.

Ulrich Tost, a member of the Greens' federal council, told a reporter: "The Communists dominated the meeting completely. It took place under seemingly democratic rules, but that was a joke. We could barely get a word in."

800 ATTENDED MEETING

Petra Kelly, another federal council member, said there had been a large group at the meeting, which was attended by 800 people, who were there "only to help a certain bloc"—a reference to the Soviet Union.

Soviet nuclear missiles were completely excluded as a cause of tension in the resolutions produced by the delegates, which blamed the United States for almost all the world's troubles.

The Greens said at a news conference that they still planned to participate in the demonstration here when Mr. Reagan arrives, but that they were considering under what circumstances and how they could differentiate themselves from the goals agreed upon by the 37 groups on Sunday.

The Greens were the second major group in the antinuclear movement to have expressed concern about participation. Action for Reconciliation, the church-led organization that organized an antinuclear demonstration here last fall attended by about 250,000 people, has so far kept clear of involvement. Estimates for the possible size of the June 10 demonstration have ranged between 100,000 and 500,000.

BLAME ASSIGNED TO COMMUNISTS

"Mr. Reagan can come to Bonn completely relaxed now," Mrs. Kelly was quoted as saying after the meeting on Sunday. "This peace movement has shown itself incapable of discussion." If the movement should be split, she said today, it would be the fault of the West German Communist Party.

When she was asked why the Greens had been unable to combat the Communists at the organizational meeting, Mrs. Kelly replied, "It is not our style to work in this centralized fashion."

At the meeting Sunday, the delegates approved a resolution describing the goal of the NATO conference as "support of the Reagan Administration's attempt to achieve worldwide hegemony."

The goals of the Greens, Mrs. Kelly said, are "a nonaligned peace movement" calling for a Europe without nuclear weapons and the dissolution of the power blocs, East and West.

The participants in Sunday's meeting rejected separate resolutions calling on the antimissile movement to use only nonviolent methods in demonstrations, condemning Soviet interference in Poland and Soviet intervention in Afghanistan, and expressing support for the Solidarity labor union in Poland.

U.S. ACTIONS CONDEMNED

They adopted, however, by a large majority, a motion condemning United States actions in Central America, the Middle East, southern Africa and other regions. The NATO session was dismissed as "a challenge to all people who support peace and concrete disarmament plans."

Among the groups represented at the meeting, in addition to the Greens and the Communist Party, were the Federal Association of Environmental Citizens' Initiatives, the German Student Federation, the Evangelical Student Committee, the Federation of Christian Youth Groups and the German Peace Society, an organization described by the Government's Office for the Protection of the Constitution as being under Communist influence.●

TWENTY-NINE PALMS RESERVATION

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. LEWIS. Mr. Speaker, today I am introducing legislation to authorize the addition of Twenty-nine Palms Bank of Luisena Mission Indians to the list of those tribes permitted to lease trust lands for 99 years.

Conventionally, Indian trust land may be leased for periods of up to 25 years with an option to renew for an additional 25 years. Exceptions to this practice have in the past been authorized by statute on a case-by-case basis primarily for the purpose of facilitating commercial development for the benefit of the leasing tribe. It is such an exception that this legislation would create.

The southern portion of Twenty-nine Palms reservation, arid and unsuitable for either agrarian enterprise or human habitation, lies adjacent to the Valley Sanitary District. The existing Valley Sanitary District treatment facility must expand to meet the burgeoning demands for waste disposal of the city of Indio, but is limited by the nonavailability of space in the area it serves.

The tribe desires to lease to the Valley Sanitary District an otherwise nonproductive parcel adjacent to the VSD facility, thereby converting this wasted space into a sizable economic benefit to the tribe. The tribe plans to use the proceeds of this lease for much needed housing and business development. However, both parties agree that such a facility should have the semipermanency a 99-year lease would afford. Hence, the need for this legislation.

I strongly support providing this opportunity to permit beneficial use of the meager resources of this reservation to provide revenue for develop-

ment of the reservation, and for the benefit of the neighboring community as well.

I am advised that the Secretary of the Interior supports this legislation. I urge early adoption of this bill.●

THE USE OF PLASTIC BULLETS IN NORTHERN IRELAND

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. BIAGGI. Mr. Speaker, as chairman of the bipartisan Ad Hoc Congressional Committee for Irish Affairs, I have been deeply concerned for some time about the use of plastic bullets by security forces in Northern Ireland.

My concerns were heightened last October when our committee conducted a special meeting where two distinguished Irish Americans from New York who participated in an international tribunal in Belfast on the use of plastic bullets condemned their indiscriminate use by security forces. They presented data which showed that 7 persons were killed by the bullets and another 160 seriously injured. What was even more disturbing was the fact that of the seven fatalities—five were children under the age of 15.

I am a former law enforcement officer for 23 years in the city of New York and I know the meaning of reasonable force. A plastic bullet is a crowd control device—it is supposed to be fired into the ground to disperse. If it in fact is to make contact with a person—it is supposed to hit the person in the leg and not result in serious injury. However—in a number of the cases where fatalities and serious injuries were reported—the bullets were fired from pointblank range striking the person in the upper torso.

According to a brief article in today's New York Daily News—Steven McConomy age 11 died yesterday of injuries suffered when he was struck in the head by a British Army plastic bullet during riots in Londonderry Northern Ireland.

The article filed by the Associated Press continued:

> The boy was hit last Friday when troops fired two plastic bullets to disperse 30 to 40 youths who had been stoning them in the Bogside district.

I again call upon the British Government to end their indiscriminate use of plastic bullets on civilians in Northern Ireland. My position is consistent with my overall abhorrence of all violence in Northern Ireland whether carried on by civilians or by those in law enforcement. Violence remains the primary obstacle to peace in Northern Ireland and its end should be a goal by all those concerned with the future of Ireland.●

PROCLAMATION—REMEMBERING THE HOLOCAUST

HON. JOHN LeBOUTILLIER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. LeBOUTILLIER. Mr. Speaker, today is the Jewish day of remembrance, Yom Hashoa V'hagvurah, which seeks to commemorate the years of holocaust and trepidation faced by the Jews and others during the Nazi era. While the ever-present and never-ending lessons of this most tragic period of human history are and should be recalled every day, April 20 has been set aside as a special day of reflection. While most of today's youth have nothing but an abstract knowledge of the Holocaust and all that it entailed, Yom Hashoa is designed to prevent anyone from forgetting just what a miserable act this event really was.

The time-honored adage about history's tendency to be repeated if its lessons are unlearned rings true; if society is permitted to forget about the organized extermination of millions, then the field will become fertile once again for its reoccurrence.

The lesson of the Holocaust remains: The sanctity of the individual and the sacredness of human life must never be negated by any individual or state. Religious freedom must endure, and be protected. Racism must not be tolerated, and the tendency to blame groups for paradoxical turns in the economy must not be allowed to grow. The Holocaust of the Nazi era will only be prevented from reoccurring if its sobering lessons are truly learned.

The American Federation of Jewish Fighters, Camp Inmates, and Nazi Victims; the Conference of Presidents of Major American Jewish Organizations, and the United States Holocaust Memorial Council have sponsored a proclamation setting forth the lessons that continually need to be learned from the Holocaust. I reprint this proclamation along with a listing of groups which have lent their good names in cosponsorship of this proclamation:

PROCLAMATION—DAY OF REMEMBRANCE—YOM HASHOA V'HAGVURAH FOR JEWISH MARTYRDOM AND RESISTANCE, APRIL 20, 1982, 27TH DAY OF NISSAN

Whereas, the Knesset of the State of Israel and Jewish Communities throughout the world have proclaimed the 27th Day of Nissan, corresponding this year to April 20, 1982, as a Day of Remembrance of the Martyrdom of 6 million of our people who perished in the European Holocaust and as a Day of Tribute to Jewish Heroism and

Whereas, it is our obligation to perpetuate and keep alive the memory of our Martyrs—Kedoshim—and pay Tribute to our Heroes; and

Whereas, we pay tribute to the Heroism of Jewish servicemen, to the underground fighters, to the heroic stand of the besieged fighters of the ghettoes who rose and kindled the flame of revolt in honor of their people; and

Whereas, the ancient Jewish dictum "Thou shall tell thy son" offers meaningful assurance for Jewish survival in the tradition of our people; and

Whereas, our brethren in Israel and Jews throughout the world will gather on this assigned day to commemorate the Holocaust and pay tribute to Jewish Heroism;

Now therefore, we—the undersigned—representing our organizations and the Jewish Community, proclaim the evening of Monday, April 19, and Tuesday, April 20, 1982, corresponding to the 27th Day of Nissan, as a Day of Remembrance and Observance.

We call upon all Jews to assemble in their synagogues and other appropriate places of assembly to commemorate the heroic deeds of our people in the European catastrophe.

This day must become one of National Observance and Commemoration in our times, in our synagogues, in our schools and any other places of assembly.

We call upon Rabbis and Community Leaders to make this day a Day of Observance for the entire community and to become a permanent Day of Observance from year to year.

Keep the Day of Martyrdom and Heroism Holy.

Remember the 6 million.

Light a memorial candle to their memory in your home on Monday evening, April 19, 1982.

PROCLAMATION SPONSORS—1982

American Federation of Jewish Fighters, Camp Inmates, and Nazi Victims.

Conference of Presidents of Major American Jewish Organizations.

United States Holocaust Memorial Council.

American Association for Jewish Education.

American Federation of Jews from Central Europe.

American Israel Public Affairs Committee.

American Jewish Committee.

American Jewish Congress.

American Mizrachi Women.

American Section of the World Jewish Congress.

American Zionist Federation.

American Zionist Youth Council.

Americans for Progressive Israel Hashomer Hatzair.

Anti-Defamation League of B'nai B'rith.

Association of Reform Zionists of America.

Betar.

B'nai B'rith Hillel Foundations.

B'nai B'rith Youth Organization.

B'nai Zion.

B'nei Akiva of North America.

Board of Jewish Education of Greater New York.

Center fo Russian Jewry—SSSJ.

Central Conference of American Rabbis.

Central Queens Council of Orthodox Synagogues.

Columbia University Council of Jewish Organizations.

Committee for the Rescue of Jews in Arab Lands.

Dror.

Emunah Women of America.

Federation of Jewish Philanthropies.

Federation of Polish Jews.

Gesher Foundation.

Hadassah—The Women's Zionist Organization of America.

Hadassah Zionist Youth Commission.
Hamagshimim.
Haschachar—Young Judea.
Ichud Habonim.
Jewish Community Relations Council, New York.
Jewish Cultural Clubs and Societies.
Jewish Labor Committee.
Jewish Ministers Cantor's Association of America.
Jewish National Fund.
Jewish Reconstructionist Foundation.
Jewish Resistance Organization.
Jewish Theological Seminary of America.
Jewish War Veterans, U.S.A.—Department of N.Y.
Labor Zionist Alliance—Farband.
N.Y. City Farband—Labor Zionist Alliance.
Leo Baeck Institute.
Masada of the Zionist Organization of America.
Memorial Foundation for Jewish Culture.
Mizrachi—Hapoel Hamizrachi.
National Committee for the Furtherance of Jewish Education.
National Committee for Labor Israel.
National Conference on Soviet Jewry.
National Conference of Synagogue Youth.
National Council of Jewish Legislators.
National Council of Young Israel.
National Federation of Temple Sisterhoods.
National Federation of Temple Youth.
National Jewish Conference Center.
National Jewish Community Relations Advisory Council.
The New York Board of Rabbis.
Noam—Noar Mizrachi.
North American Jewish Students' Network.
Poalei Agudath Israel of America.
Rabbinical Council of America.
Survivors of the Riga Ghetto.
Theodor Herzl Institute.
Torah Umesorah—National Society for Hebrew Day Schools.
Touro College.
Union of American Hebrew Congregations.
Union of Orthodox Jewish Congregations of America.
United Hungarian Jews of America.
United Synagogue of America.
United Synagogue of America—New York Metropolitan Region.
United Zionist Revisionists of America.
WAGRO—Warsaw Ghetto Resistance Organization.
World Jewish Congress.
World Zionist Organization—American Section.
Yavneh.
Yeshiva University.
Young Israel Intercollegiate Council.
Zionist Organization of America.●

VIETNAM: THE TRUTH BEGINS TO EMERGE

HON. ROBIN L. BEARD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. BEARD. Mr. Speaker, the following two articles appeared in the Wall Street Journal on April 1, 1982:

VIETNAM REVISITED

Norman Podhoretz has done it again, visiting an epidemic of apoplexy upon Manhattan's literary salons.

"Norman Podhoretz Breaks a Leg," reads the headline on the review of his new book in The Village Voice. "Our West side mini-Spengler" sneers Arthur Schlesinger Jr. in Harper's. "A potted historian," fumes Theodore Draper in The New Republic. Those who move from one side of the debate to the other, writes James Fallows in the New York Times Book Review, "are not entitled to self-righteousness and venom."

The self-righteousness and venom of the critics is directed at Mr. Podhoretz's new book, "Why We Were in Vietnam," in which he writes that Vietnam was a moral war. The author will survive, though for the moment he professes to be quaking under the assault. His critics' most telling point is that the book never mentions he once held the antiwar opinions he now attacks; his reply is that he wrote a whole book, "Breaking Ranks," about his personal conversion two years ago. To judge by the history of Mr. Podhoretz's previous books, the critics' slings and arrows will leave him bleeding all the way to the bank.

But more is involved here. It is not merely the author's special talent at enraging literary beasts. It is more importantly the matter of the subject. Mr. Draper worries about "a corrosive campaign to reopen the wounds of the war and envenom American political life once again," about "a stab-in-the-back legend of the kind that haunted the German Weimar Republic." In plainer words, the objection is to any reconsideration of the popular history of the Vietnam war, to any challenge to the established literary wisdom that the problem in Vietnam was American immorality, military incompetence and government duplicity.

Yet for all the obstacles that are placed in its way, such a reconsideration is plainly gathering steam. It is not merely one author, neither in terms of the impulse to reexamine nor in terms of the controversy engendered.

Last August in Encounter, for example, veteran reporter Robert Elegant wrote a reconsideration, offering the thesis that the U.S. and South Vietnamese more or less won the war on the ground, but that misreporting by the press turned this into a defeat on the home front. CBS Vietnam star Morley Safer denounced him with a series of cheap shots—for example, "should appeal to what few admirers are left of the late Dr. Joseph Goebbels."

The Army War College at Carlisle Barracks has just published a quite remarkable monograph, "On Strategy: The Vietnam War in Context" by Col. Harry G. Summers Jr. Like Mr. Elegant, Col. Summers ponders the paradox of "tactical victory, strategic defeat." But he blames neither the press nor the people. "The main reason it is not right to blame the American public is that President Lyndon Baines Johnson made a conscious decision not to mobilize the American people," he writes. "Having deliberately never been built, it could hardly be said that the nation's will 'collapsed.'" Col. Summers's study proved highly controversial within the Army, as reflected in a standoffish introduction by a former Carlisle Barracks commandant.

It is perhaps too early to say precisely where the reconsideration will lead, precisely what are the lessons of Vietnam. But it is certainly not too early to say that the popular history needs to be rewritten. The conventional wisdom has *everything* wrong.

Most spectacularly, of course, American withdrawal and South Vietnamese defeat did not "stop the war" or "end the killing." The antiwar movement got what it wanted. But today Vietnam is a vast Gulag. Cambodia witnessed a bloodbath by any definition. The boat people cry for attention, but moralists look away. The Vietnamese continue the war, with the latest gruesome twist of "yellow rain," turning lungs into gushers of blood.

The much-maligned domino theory has been vindicated by experience; El Salvador totters today. We now know that militarily the 1968 Tet offensive was a huge North Vietnamese defeat; reporters scoffed when General Westmoreland told them so at the time. The war was not won by guerrillas; it was decided by a tank-led invasion across borders. As for duplicity and deception, anyone who didn't understand we were going into a war must have lived on another planet. All these misunderstandings need to be rewritten.

As the reconsideration proceeds, we expect that two even more shocking points will emerge—the two points most feared by those who want to freeze opinion here and now. First, Vietnam was a liberal intellectual war; specifically, it was a Kennedy administration war. Second, there was no slippery slope; we stepped over a cliff.

The first of these Mr. Podhoretz is on to, which accounts for many of the outraged screams. He has delicious pro-Vietnam quotes from Senator and President John F. Kennedy, from the editorial columns of the New York Times, from Senator Fulbright and Senator Church. He remarks how the antiwar coalition came to include "people who led the country into Vietnam in the first place and were eager to atone by leading it out."

What Mr. Podhoretz misses—and for that Mr. Elegant and Col. Summers as well—is the central importance of the 1963 coup against Ngo Dinh Diem. In sanctioning this coup we plunged into Vietnam. Yes, we had helped establish Diem in 1954. Yes, we had military advisers there earlier. Yes, the big troop movements waited until 1965. But when we overthrew an ally in the name of winning the war, we were committing ourselves to a real effort to stay the course. This is where our commitment outran our interests. And three weeks after the coup President Kennedy was dead, with President Johnson left to pick up the pieces.

These events are what especially need to be understood, and have been especially clouded by those who got their way about Diem. We recently ran an article on Vietnam and El Salvador by David Halberstam, which struck us as a time capsule from October of 1963, explaining how overthrowing Diem won the war. We were delighted that Reed Irvine of Accuracy in Media wrote to recommend a contrary account, "Our Vietnam Nightmare," by the late Marguerite Higgins. This surely is a text to be weighed in any reconsideration of the war.

We are still at an early stage. The time is only now ripening to start to look again at so searing a national experience. The lessons can only gradually be sorted out. Mr. Podhoretz's book is not the last word, and not even quite the first shot. But it is a good loud bang, the starting gun for a new debate. This is a good thing. For all the pain it will cause, we surely do need another look at our Vietnam experience.

REALITIES AND MYTHS OF THE VIETNAM WAR

(By Robert W. Kagan)

Everyone agrees that the United States should never again commit the errors of

Vietnam. It is much harder to decide exactly what those errors were. And at a time of widespread fear that El Salvador will become "another Vietnam," the popular discourse is dominated by some fundamental misconceptions about our involvement in Southeast Asia.

In "Why We Were in Vietnam" (Simon & Schuster, 256 pages, $14.50), Norman Podhoretz, the editor of Commentary magazine, tries to clear up many of these misconceptions, particularly the notion that American involvement was somehow immoral. On the contrary, he shows that the moral justification of American participation was clear from the start and was vindicated overwhelmingly by subsequent history.

Mr. Podhoretz shows that in the early 1960s U.S. sentiment was nearly unanimous in favor of defending South Vietnam against a Communist attack. Many who supported the war then later joined the antiwar movement or escaped from public view. But in the late 1950s and early 1960s America was still following a policy of containment, and the same people who had supported a war in Korea to stop the spread of Communism beyond the World War II boundaries also supported the defense of non-Communist South Vietnam.

In 1956, Sen. John F. Kennedy called Vietnam "the cornerstone of the Free World in Southeast Asia." Sen. Mike Mansfield, later an ardent critic of the war, praised the regime of Ngo Dinh Diem for having "taken what was a lost cause of freedom and breathed new life into it." In 1965, after America's involvement in the war had vastly increased, Sen. Frank Church defended the Tonkin Gulf resolution, which he would later condemn: "There is a time to question the route of the flag, and there is a time to rally around it lest it be routed. This is the time for the latter course."

THE MOTIVES ARE EXEMPLARY

David Halberstam of the New York Times wrote in 1965 that "Vietnam is a legitimate part of the [U.S.] global commitment . . . perhaps one of only five or six nations in the world that are truly vital to U.S. interests. If it is that important, it may be worth a larger commitment on our part. . . ." And the Times itself proclaimed in an editorial that "The Americans went into Vietnam . . . to contain the advance of communism in that part of Southeast Asia. The motives are exemplary and every American could be proud of them. . . ."

Ironically, 15 years later presidential candidate Ronald Reagan called the Vietnam war a "noble cause" and set off titters throughout America's better educated set. After 1965, motives that had been "exemplary" came to be considered "immoral." How and why this turnabout took place are complicated questions that Mr. Podhoretz tries to answer.

There were many good reasons to have become unhappy with the war. One was the growing realization that winning it might not be possible at any price. Each year hundreds of thousands of American troops went into Vietnam: 50,000 died, for little obvious military advantage.

Traditional American methods of warfare were badly suited to the kind of war that had to be fought in Vietnam. As Henry Kissinger put it, "Wars of attrition cannot be won against an enemy who refuses to fight except on his own terms. The Vietnamese terrain, the nature of guerrilla warfare, the existence of sanctuaries, all combined to make it impossible for [General] Westmoreland to wear down his adversary as he sought." According to Mr. Podhoretz, the American way of war was "stupid . . . in the context of Vietnam where it served to arouse the hostility of the very people whose 'hearts and minds' were being courted and whose support was a necessary ingredient of victory."

The Diem regime was further cause for disenchantment. Notwithstanding the early praise of Sen. Mansfield, Mr. Podhoretz writes that Diem soon engaged in "wholesale suppression of political opposition" and "followed policies in the countryside that alienated the peasantry." While the Diem regime was superior to what the North had to offer, the moral case for defending it was more ambiguous than in 1956, when John F. Kennedy had called South Vietnam the "proving ground for democracy in Asia."

Mr. Podhoretz argues that the war was an imprudent venture from the start. "The only way the United States could have avoided defeat in Vietnam," he claims, "was by staying out of the war altogether." He applies to Vietnam what Dean Acheson said in a 1949 White Paper on the loss of China: "The unfortunate but inescapable fact is that the ominous result . . . was beyond the control of the government of the United States. Nothing that this country did or could have done within the reasonable limits of its capabilities could have changed that result."

But if American involvement was merely imprudent, how did the war gain its reputation as an unforgivable atrocity? Surely the hellishness of the fighting cannot explain it. Korea and World War II were as bad or worse. Even anti-war Daniel Ellsberg wrote in 1970 that Vietnam was "no more brutal than other wars in the past."

Mr. Podhoretz argues that there were actually two wars during the Vietnam years: one for Southeast Asia, the other for the "hearts and minds" of the American people. If the war in Vietnam was a perpetual stalemate, the war at home was a rout.

On one side were the successive administrations that conducted the war: Kennedy, Johnson and Nixon. According to Mr. Podhoretz, each tried to fight the war "on the cheap." They tried to avoid hard decisions by increasing American involvement in gradual increments. More important, they tried to do it all without soliciting public support for the war. "To be fought successfully, the war had to have a convincing moral justification, and the failure to provide one doomed the entire enterprise."

The moral arguments were left largely to the war's critics who, by the time Nixon was elected in 1968, had formed a grand alliance of diverse groups, mixing the Old and New Left, the liberal anti-Communists and the Stalinists, as well as former members of the Kennedy and Johnson administrations.

Judging from Mr. Podhoretz's account, one cannot avoid thinking that the chief victims of this war at home were truth and integrity. Some of the lies and deceptions came from American leaders, but these were exceeded in number and severity by the war's critics. Not content to criticize American's foolishness for fighting an unwinnable war of uncertain strategic importance, many of the antiwar people set out to prove that America was immoral, that the South Vietnamese government was evil, that we were, in Frances Fitzgerald's words, on the "wrong side" in the war.

Over and over, the critics said the war in South Vietnam was merely a "civil war," an indigenous rebellion independent of the Hanoi government. This interpretation was swallowed whole and many still regard it as the truth. But, as Mr. Podhoretz notes, it "was not true at the beginning; and as for the end, this civil war conducted (according to the Committee of Concern Asian Scholars) by 'the largely peasant forces of South Vietnam' was won when North Vietnam, finally dropping all pretense, sent a huge regular army into the South and then proceeded to impose its rule without so much as a nod in the direction, let alone the participation, of the Southerners." Today not one member of the Politburo or the 134-member Vietnamese Communist Party is from the old, South Vietnamese. National Liberation Front.

Just as fervent were the claims that the Diem government, and all those that succeeded it in South Vietnam, was worse than the Communist alternative. Mary McCarthy, Frances Fitzgerald and the recently repentant Susan Sontag all wrote tributes to the "moral beauty" of the Hanoi government that today tyrannizes over much of Indochina.

Vietnam's present government has brought about, in Tom Wicker's words, "a vast tide of human misery in Southeast Asia." Refugees and "boat people" have been fleeing by hundreds of thousands from what Nguyen Cong Hoan, a former NLF politician, has called "the most inhuman and oppressive regime they have ever known." The former Minister of Justice of the NLF's Provisional Revolutionary Government, Truong Nho Tang, said after fleeing in 1979, "Never has any previous regime brought such masses of people to such desperation. Not the military dictators, not the colonialists, not even the ancient Chinese overlords," yet these revelations have swayed only some of those who once welcomed communism for the Vietnamese and denounced the U.S. for opposing it. In Mr. Podhoretz's opinion, "Such writers should have known enough about the history of communism to know better, and they should now be ashamed of their naivete and of the contribution they made to the victory of forces they had a moral duty to oppose."

MR. SALISBURY'S FALSE CHARGES

Other assaults on the truth included the grossly inaccurate and deceptive reporting of the Tet offensive, and Harrison Salisbury's false charges of American bombing of civilian targets, the evidence for which Mr. Salisbury cribbed from a North Vietnamese propaganda pamphlet.

The combined effect of all these falsehoods was that the truth about America's involvement in the war was turned inside out. We went in for reasons based ultimately on morality, to defend a country from the horrors of modern totalitarianism. We went in, as Mr. Podhoretz argues, "for the sake of an ideal." "The intervention was a product of the Wilsonian side of the American character—the side that went to war in 1917 to 'make the world safe for democracy' and that found its contemporary incarnation in the liberal internationalism of the 1940s and the liberal anticommunism of the 1950s. One can characterize this impulse as naive; one can describe it in terms that gave it a subtly self-interested flavor. But there is no rationally defensible way in which it can be called immoral."

Mr. Podhoretz has performed a valuable service by clearing away much of the deceptive rhetoric of the Vietnam period. No doubt he will arouse the ire of those he has embarrassed in the process. But his book is important, for it disposes of myths and

falsehoods that have to be set aside if we are to understand the real errors of Vietnam.

Perhaps one lesson of that war is that Wilsonian idealism should not overrule prudence and self-interest in foreign policy, even when the cause is just. Yet another may be that communism really does turn out to be worse than other bad forms of government, no matter how much critics of American policy may try to deny it.

Lionel Trilling, in his introduction to George Orwell's "Homage to Catalonia," wrote of the left-liberal intellectuals' angry reaction to the truths that Orwell brought back from Spain: "They were committed not to the fact but to the abstraction. And to the abstraction they remained committed for a long time to come." Let us hope this will not be true of Vietnam.●

FOREIGN MILITARY SALES AGREEMENTS IN FISCAL YEAR 1981

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. HAMILTON. Mr. Speaker, I would like to bring to the attention of my colleagues the following chart which lists foreign military sales agreements concluded by the United States during fiscal year 1981 which ended September 30, 1981.

This table, prepared by the Defense Security Assistance Agency, shows a worldwide total of $8.5 billion from the sale of defense articles and services during the year. This figure compares with totals for fiscal year 1979 of $13.01 billion and for fiscal year 1980 of $15.2 billion. In recent testimony before the Committee on Foreign Affairs, however, the Secretary of Defense confirmed estimates of at least $25 billion for new FMS agreements in fiscal year 1982, the current year.

It should be noted that these figures represent new FMS, Government-to-Government agreements which were signed during the fiscal year and do not represent deliveries or U.S. credit financing levels, nor do the totals include commercial purchases.

The table follows:

Total value of defense articles and services sold to each country during the period Oct. 1, 1980 to Sept. 30, 1981 under foreign military sales

[In millions of dollars]

Australia	462.3
Austria	7.3
Bahrain	.1
Barbados	(1)
Belgium	38.2
Brazil	4.3
Brunei	.2
Burma	.8
Cameroon	1.5
Canada	146.5
Colombia	8.2
Denmark	28.8
Dominican Republic	.2
Ecuador	13.1
Egypt	550.8
El Salvador	13.9
Fiji	1.4
Finland	.2
France	14.7
Germany	247.1
Ghana	.1
Greece	197.0
Guatemala	(1)
Honduras	4.3
India	.2
Indonesia	45.1
Ireland	(1)
Israel	136.9
Italy	225.9
Jamaica	(1)
Japan	566.8
Jordan	368.8
Kenya	25.0
Korea	384.4
Kuwait	45.9
Lebanon	51.8
Liberia	3.5
Luxembourg	.4
Madagascar	(1)
Malaysia	37.7
Mexico	107.6
Morocco	48.0
Netherlands	378.1
New Zealand	19.3
Nigeria	6.6
Norway	54.2
Oman	50.8
Pakistan	62.3
Panama	.4
Paraguay	(1)
Peru	5.2
Philippines	5.8
Portugal	20.8
Qatar	(1)
Rwanda	2.0
Saudi Arabia	[2] 2,149.0
Singapore	51.2
Somalia	41.1
Spain	132.3
Sudan	42.9
Sweden	29.0
Switzerland	320.1
Taiwan	228.0
Thailand	158.0
Trinidad-Tobago	(1)
Tunisia	22.2
Turkey	333.8
United Arab Emirates	18.8
United Kingdom	338.6
Uruguay	.7
Venezuela	73.4
Yemen	17.8
Yogoslavia	10.9
Zaire	6.7
International organizations	156.6
Total	8,525.5

[1] Less than $50,000.

[2] Includes $876 million of construction projects requested by the Government of Saudi Arabia.

Note: Data may not add due to rounding.●

LONG ISLAND CELEBRATES JEWISH HERITAGE WEEK

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. LENT. Mr. Speaker, I rise to call to the attention of my colleagues a most significant event taking place on Long Island, N.Y.

On Sunday, April 25, the date marking the beginning of Jewish Heritage Week, the Conference of Jewish Organizations of Nassau and Suffolk Counties joins with Adelphi University in a major celebration of this most important observance.

As I am sure my colleagues are aware, Jewish Heritage Week is an observance of major import to our Nation. It gives all Americans the opportunity to better understand an appreciate the major spiritual, cultural, and intellectual contributions those of the Jewish faith have brought to our great country, and to the world. This heritage, the fruit of thousands of years of striving and effort on the part of hundreds of generations of Jews is a priceless one indeed.

Jewish Heritage Week has been designated specifically for this period to commemorate events which represent both great joy and great sorrow for the Jewish community. The months of April and May contain such significant dates in Jewish life as Passover, today's Remembrance of the Holocaust, Israel's Independence Day, Solidarity Sunday for Soviet Jewry, and Jerusalem Day.

On Long Island, the Conference of Jewish Organizations of Nassau and Suffolk Counties is devoting Sunday afternoon, April 25, to a panoply of events which will help Long Islanders better appreciate the many aspects of Jewish heritage.

The program will feature Israeli singing and dancing; a musical play, illustrating the values imbued in Jewish children, and recollections of the early Jewish presence on Long Island.

As the Representative of the Fourth Congressional District, which encompasses a portion of Nassau County on Long Island, I want to offer my congratulations to the Conference of Jewish Organizations of Nassau and Suffolk Counties which have planned and sponsored this imaginative and exciting tribute to the Jewish heritage. My congratulations also to leaders such as Jo Amer, president of the Conference of Jewish Organizations of Nassau County, and to Tobie Newman, its executive director. Their leadership continues to play a significant role in Jewish life in Nassau County.

The events on Long Island Sunday will communicate to the non-Jewish

residents of Long Island a better understanding of the great history, traditions, and cultural achievements of those of the Jewish faith, and will emphasize the fact that the Jewish heritage has greatly enriched every facet of American life and played a notable part in the 200-year history of growth of our great Nation.

Even more, the events on Long Island this Sunday afternoon should inspire all of us to renew our dedication to the cause of human rights, assisting those like the Soviet Jews fighting against persecution and oppression, and should inspire us to reaffirm our dedication to the independence and security of Israel.

May the inspirational qualities of Jewish Heritage Week remain with us through the year.●

DONALD LAMBRO ON: MORE OF—WHERE YOUR MONEY GOES

HON. LARRY McDONALD
OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. McDONALD. Mr. Speaker, I have had much to say this day with regard to the use and abuse of the taxpayers' money. I also made the observation that if some of the organizations receiving your money and mine from our pocketbooks, were to solicit in the private sector, they would soon go broke.

Now comes Donald Lambro, the distinguished and able author of "Fat City," to confirm that assessment I made. Donald Lambro had a prominent Washington, D.C., attorney make the observation concerning these organizations, that, "Their traditional sources of financing were drying up, so the only place left to look (for support) to is the Government." Mr. Lambro makes this and other shocking observations in an article titled: "The Grantsmanship Game: Funding The Liberal Interests—Leftists Win, Taxpayers Lose." It appeared in the April 1982 Conservative Digest.

What is particularly galling about Mr. Lambro's piece is the fact that not only the Congress has been negligent in calling for an accountability of where hard-working taxpayers' money is going, but that this money is being used blatantly by special interest groups to lobby this body for more and more money. It would appear that the Department of Justice should be moving on this issue.

I do not think that my fellow colleagues would spend their own money to fund such things as the "cultural and management practices for (the) Chinese tallow tree as a biomass fuel source," to the tune of $52,600. Mr. Lambro points to the solution by having President Reagan's Office of Management and Budget, "* * * undertake a wall-to-wall housecleaning of every grant, award, and contract that has been issued in the current fiscal year." I think that we legislators could supplement this recommendation by exercising our power of the pursestrings and refuse to appropriate the money in the first place. Mr. Lambro's article from the April 1982 Conservative Digest follows:

THE GRANTSMANSHIP GAME: FUNDING THE LIBERAL INTERESTS—LEFTISTS WIN, TAXPAYERS LOSE

(By Donald Lambro)

America's political rhetoric is saturated with bitter condemnation of the rise of the special interest lobbies.

Overlooked almost entirely, however, is the fact that the federal government has been generously financing them year after year—with our money.

Spend a few days poring over the government's computer printouts of its grants, awards and contracts, and you will readily see what I mean.

Washington has been subsidizing thousands of groups, organizations, institutes, think tanks, associations, academics, lobbyists, political crusaders, consumerists, feminists—you name it.

In fact, it is difficult to find any organization that is not receiving federal funds for one purpose or another—from the YMCA to the National Football League.

In most cases the bureaucrats who approve the hundreds of millions of dollars that go to these special interest recipients haven't the slightest idea exactly how the money they shovel out will be spent.

There is little if any monitoring of how the funds are expended or who benefits from their expenditure. Often the funds end up paying for some report or study which no one will ever read.

"Essentially, it's a public jobs program for special interest groups," said one savvy contract officer in the Department of Education.

Although the staffs of many of these groups are almost totally financed by federal grants and contracts, they are rarely if ever examined by Congress to see how they have spent their funds and what the taxpayers have received in return.

Yet these funds have often been used to influence federal legislation and government policies, lobby legislatures, bring law suits against states and municipalities, and mount political pressure on everything from food stamps to abortions.

As fatter grants and contracts became available during the 1970s, many of these so-called advocacy groups began to establish tax-exempt spin-off groups or so-called education and research conduits through which they funneled their federal dollars.

My own investigation into this shadowy world of federally bankrolled special interests revealed a seemingly endless list of subsidized organizations—from the U.S. Lawn Tennis Association to the Americans for Democratic Action.

Many of them, such as the National Governors Association, the National League of Cities, the U.S. Conference of Mayors, or the National Association of Counties have million dollar-plus budgets. They occupy huge office complexes in Washington, pay their officers exceedingly well, and use their federally-financed staffs to lobby the government in behalf of their demands—in favor of bigger budgets, expanded programs, and more federal aid.

Curiously, the people who run their enterprises do not attempt to hide the fact that they are lobbying with the help of federal tax dollars. While researching my book, FAT CITY: How Washington Wastes Your Taxes, I talked with a National Governors Association official about the purposes of his organization.

"There's no question that we are here to get more money for these programs (revenue sharing, block grants, etc.)," he said, pointing out that the research being done in-house with federal funds was often "valuable to governors as lobbyists" when they push for federal program expansion before Congress.

Are these grants and funding projects worthwhile? The many groups and wealthy organizations who relentlessly hunt for these federal dollars obviously think they are. Yet among some of those who staff these groups, there is an occasional blunt assessment: "I happen to believe that a lot of it (grants) is a crock," one group official told me. "But we didn't build the system. The Feds built it and we have to play the game, otherwise we would be opting out to the other special interest."

Thus, the predatory nature of the "grantsmanship game" is to beat the other special interests to the federal bucks or be beaten.

Reviewing the multitude of contracts, grants and awards for fiscal 1981, one is immediately struck by the prolific numbers or organizations feeding at the federal trough. Interestingly enough, many of the same names appear again and again on various listings from agency to agency.

This is because the government is a veritable supermarket of grants and contracts. And the special interest groups are out shopping for every dollar they can lay their hands on.

The only problem is that much of what the American taxpayer is buying is worthless, or at the very least of extremely low priority in terms of national social needs. Consider some recent examples from the Department of Energy:

A $13,689 grant to Minorities Organized for Energy of Silver Spring, Md. to participate in a workshop for minorities in renewable energy.

A $52,620 grant to the Energy Foundation of Texas in Houston to examine the "cultural and management practices for (the) Chinese tallow tree as a biomass fuel source."

A $179,644 grant to the Environmental Action Foundation of Washington, D.C. to develop a "utility clearinghouse."

A $10,000 grant to Consumer Action Now of New York to hold "Women and Energy Workshops."

A $43,437 grant to the National Wildlife Federation of Washington, D.C. to hold a "Symposium on the environmental impacts of synthetic fuels production.

A $315,170 grant to the National League of Cities of Washington, D.C. to work on "municipal energy conservation."

A $46,856 grant to the National Consumer Research Institute for a conference on "Energy and the Community—The Decade Ahead."

An $88,000 grant to the National Association of Women "to provide assistance and procurement information to women owned businesses."

A $10,000 grant to the National Council of Churches to prepare "graphic materials relating to energy emergency planning."

DOE's list of grants continues for many pages, including a $69,395 grant to make a move called "The Energy Report" and a $10,000 grant to put together a "bicycle slide show and public service announcements." The list of recipients and their projects stunningly illustrate why America could survive without a Department of Energy.

Throughout these grants and contracts one finds a seemingly endless variety of highly political activist organizations of all shapes and sizes pursuing grassroots, advocacy programs from an almost uniformly leftist point of view.

In most cases these activities and causes are being financed by taxpayers who would not, if asked, support such causes voluntarily. Thus, one finds DOE giving $20,000 to the Environmental Defense Fund, $180,000 to the Environmental Action Foundation, $10,000 to Consumer Action Now, and $20,000 to Citizen/Labor Energy Coalition.

Nowhere has the propensity of the bureaucracy to fund political and social advocacy organizations of the left been greater than at ACTION, the government's collection of volunteer programs such as VISTA and the Peace Corps.

An examination of ACTION's fiscal 1981 grants reveals, for example, a $228,000 grant to the Greater Washington Central Labor Council of the AFL-CIO; a $15,000 grant to the feminist Nine to Five Organization for Women Office Workers; a $10,000 grant to Organizing for Social Change, Inc. of Providence, R.I.; and a $5,000 grant to the liberal American Friends Service Committee.

Similarly, the employment and training contracts at the Department of Labor have channeled funds to leftward organizations such as the National Council of La Raza ($91,000), the Rev. Jesse Jackson's PUSH for Excellence, Inc. ($2 million), and the National Urban Coalition ($9,950).

It is not surprising to see America's largest urban lobbying group, the U.S. Conference of Mayors, on the list for $55,000, nor the liberal think tank, Mathematica Policy Research, receiving $325,000.

The greening of the special interests is also much in evidence over at the Department of Education where the 1981 grant lists reveal millions of dollars being poured into a Who's Who of liberal to far-left organizations far removed from the political mainstream of American life.

For example, the American Federation of Teachers had its palms greased for $107,000. The American Bar Association, which lobbies hard for federal programs such as Legal Services to absorb the excess law school graduates, was the recipient of $1 million in grants.

Other Department of Education recipients include Planned Parenthood, $110,364; the American Friends Service Committee, $64,923; the National Organization of Women's Legal Defense and Education Fund, $105,577; the Center for Law and Social Policy, $257,000; the Feminist Press, $64,635; the U.S. Student Association, $55,284; the United Auto Workers, $7,686.

"The purpose of these groups is to influence legislation and public policies," said a prominent Washington attorney whose career originally began in the public interest movement. He estimated that various so-called public interest and consumer-oriented organizations were receiving at least $100 million a year in federal grants and contracts during the 1970s.

"Their traditional sources of financing were drying up," he said, "so the only place left to look (for support) to is the government."

Funds for many of these organizations under the Reagan administration has been measurably curtailed. The days when highly politicized groups such as Midwest Academy, a leftist training institution for community activists, could depend on yearly funding from ACTION or other federal agencies for their counter-culture activities have been ended in many programs.

So-called public participation grants which generously fed the Ralph Nader-type groups have been trimmed at the Federal Trade Commission. And the new crowd at the Legal Services Corporation has tightened the reins on funding of leftist research centers and financing political activities and legislative lobbying.

Moreover, with the elimination of the Great Society's Community Services Administration, the days when the National Urban League could pick up a quick $125,000 grant or the Food Research Action Center was given $645,000 to help them lobby for food stamp expansion are fading.

Still, groups and organizations of virtually every stripe continue to receive millions of dollars in funding from almost every department and agency of the government for one project or another.

"Many of the same old groups are still being funded over here," an official with the Department of Education told me. "The spigot hasn't been turned completely off by any means."

"There is still a lot of money in the pipeline," according to one Senate Appropriations Committee aide, "for many of these organizations, and while the budgets may be cut back, the grants and contract game is still being played as aggressively as ever."

Can it be stopped? Yes, if the Reagan administration's Office of Management and Budget is willing to undertake a wall-to-wall housecleaning of every grant, award and contract that has been issued in the current fiscal year.

For openers, an executive order should be issued calling for a review of everyone of them under a stringent criteria of priority and need. Those that do not meet such a test should be summarily terminated.

Congress would also do well to reexamine every appropriation bill for any and all funds used for grants, contracts, and awards to groups and organizations which do not deserve to be supported by America's hard-pressed taxpayers.

Clearly, then, lawmakers who are arguing that budgets have already been "cut to the bone" have never bothered to examine the grant contract lists such as the one at the National Endowment for the Humanities.

An all-too-typical grant from this agency is the $28,477 to the American Bar Association of Chicago. Its purpose: "To support the planning of a program aimed at increasing the public's understanding of fundamental principles of our legal and judicial system."

Someone should tell the well-heeled legal professionals that they had better fund this one themselves. In case they haven't noticed, our Treasury is deeply in debt.●

THE NEED FOR PASSAGE OF H.R. 2085 GROWS MORE APPARENT

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. BIAGGI. Mr. Speaker, for the past several weeks, I have been placing newspaper articles into the CONGRESSIONAL RECORD dealing with a growing national problem—acts of violence directed against religious personnel.

My purpose has been to try and enlist support for passage of my bill H.R. 2085 which would impose stiff new Federal penalties against those persons who commit acts of violence or vandalism against religious persons or facilities.

These crimes against men and women in religious service include rape, assault, and other forms of violence.

The article I wish to place into the RECORD today involves an incident which took place in New York City this past weekend when a 66-year-old Catholic priest was robbed at gunpoint inside his church rectory.

I renew my call for the Subcommittee on Criminal Justice to schedule early action on my bill so we can put an end to these heinous acts of crime.

The article as it appeared in the New York Post on Saturday follows immediately.

[From the New York Post, Apr. 17, 1981]

GUNMAN ROBS PRIEST IN CHURCH RECTORY

(By Philip Messing)

A Catholic priest was robbed at gunpoint inside his church rectory yesterday by a brazen thief who boasted he'd killed three people.

"It was the first time I ever had a gun pointed at me," a grieved and shaken Father John Verona, 66, told The Post.

"It's a sad day . . . You have to experience it to know what it's really like."

The gunman also victimized the priest's blood sister, Maria Gozio, 65 who is visiting the U.S. for the first time from Italy, and Sister Laura Moore, 80.

The thief finally fled with about $120 and two watches.

It was the most recent in a grim string of attacks directed against the clergy throughout the city.

Yesterday's terrifying ordeal occurred about 1:30 p.m. inside St. Ann's Church, 110 E. 12th St., when Father Verona, a priest for 35 years, was told a man had come by to discuss church business with him.

The man claimed he'd been sent by another priest from a nearby church, so Father Verona allowed him inside.

The visitor was described as a well-dressed black man in his 20s, about 5-foot-11 who was wearing a black topcoat.

After taking a seat in the priest's study he removed a gun from his black attache case.

"I've killed three people! Give me what you have in your pocket," the suspect said.

Father Verona, who was wearing his clerical collar, said he was stunned by the request.

"He spoke kind of softly—I had to ask him to speak up," Father Verona said.

"At first I thought he was going to make a confession . . . but then I realized that wasn't the case and saw what he meant."

Moments earlier, the priest had given his last money—$11—to an out-of-towner who said he'd been robbed.

The suspect took a watch from the priest and then led him into an adjoining room where Sister Laura Moore and his own sister were staying.

"He then took several dollars from a desk drawer and a watch and $15 from Sister Laura," Father Verona said.

The cherubic-faced priest said Sister Laura told the bandit: "I think God will punish you for doing this in a church!"

After robbing his second victim, the assailant walked into the adjoining dining room where he stole $100 in cash and $15 in Italian money belonging to Father Verona's sister, Maria Gozio, his niece, Wanda Tognola, and her son, Paul, 6.

The thief forced the group into the kitchen area and barricaded the door.●

NORWALK-LA MIRADA UNIFIED SCHOOL DISTRICT HONORS 30-YEAR EMPLOYEES

HON. WAYNE GRISHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. GRISHAM. Mr. Speaker, on May 11, 1982, 10 employees will be honored for 30 years of service to the Norwalk-La Mirada Unified School District. I am proud to recognize these fine individuals on the floor of the House of Representatives.

Thirty years of service in any profession requires dedication and perseverance. This is especially true in the field of education where one is presented with the awesome responsibility of educating our Nation's youth.

The Norwalk-La Mirada Unified School District has one of the finest reputations in its field in the State of California. It is known for having an outstanding educational staff. Each person working in the school and in the district office contributes to the development of the students and the maintenance of the proper environment for learning.

Listed below are the names, school or department in which they are currently assigned, and the present position of all employees in the Norwalk-La Mirada Unified School District who have 30 years of service. Congratulations and best wishes for many more years of service to the school district and to your community. You have all made a significant contribution to the betterment of our State.

Harold H. Adishian, Nuffer Elementary School, principal; Pauline Brown, Morrison Elementary School, cafeteria manager; Edward V. Crook, La Pluma Elementary School, principal; Abelardo M. Pena, John Glenn High School, teacher; Howard L. Rainey, business services administrator.

Clinton V. Brown, secondary education assistant superintendent; William M. Campbell, personnel services director; Esther P. Espinoza, Nottingham Elementary School, teacher; Martha D. Pottenger, educational support service, school psychologist; Emmet J. Silver, elementary education assistant superintendent.●

TO WELCOME QUEEN BEATRIX

HON. HAROLD S. SAWYER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. SAWYER. Mr. Speaker, on behalf of my constitutents of Dutch descent and for all the people of Michigan, I would like to welcome Queen Beatrix of the Netherlands to the United States. It is a great honor to have Queen Beatrix visit, especially in light of the fact that our two countries have shared more than 200 years of peaceful, cooperative relations.

The Queen's state visit this week signals the beginning, on both sides of the Atlantic, of the Netherlands-American bicentennial celebration. It speaks well for the peoples of both nations that we are celebrating two centuries of peaceful diplomacy. It is rewarding to have such a good friend in the Netherlands.

It will also be a great honor this June when Queen Beatrix again returns to the United States to visit our Fifth District in Michigan. The events surrounding her visit are in the final planning stages. I am looking forward to welcoming Queen Beatrix to Michigan this summer and the people of the Fifth District are equally pleased the Queen is joining us in celebrating the longest reciprocal relationship between any two countries.

The bicentennial is more than just a celebration of friendship, it is a time to remember the contribution Dutch Americans have made to our great Nation. Our Fifth District of Michigan has one of the largest populations of Dutch descent in the country. Their contribution to our west Michigan community has been immeasurable.●

FARRELL HONORS HOMETOWN AUTHOR

HON. MARC L. MARKS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. MARKS. Mr. Speaker, this week has been declared Library Week. As part of the observances in my hometown of Farrell, Pa., the city and the mayor's fine arts commission are honoring a hometown author who has built an exciting and distinguished career for herself. I join in paying tribute to Mrs. E. L. Konigsburg—scientist, mother, housewife, and prize-winning author.

Mrs. Konigsburg grew up in Farrell and attended local schools. Her writing stemmed, so she says in a tongue-in-cheek self-interview, from the fact that she never found herself nor her town in any of the books she read—even though the book jackets always promised just that.

To remedy that lack, Mrs. Konigsburg has written 10 books, 2 of which have won the prestigious Newbery Award. Her other writings have also received awards, plus both critical and popular acclaim.

Mr. Speaker, any woman who can cope with modern-day chemistry, a psychologist husband, three children, a highly successful writing career, and a spoiled cocker spaniel named Jason, deserves all the praise we can give her. I wish her and her family many, many years of happiness together. I also hope she will continue to inform and amuse us with more books like "From the Mixed-up Files of Mrs. Basil Frankweiler" and "Jennifer, Hecate, Macbeth, William McKinley, and Me, Elizabeth."

Mr. Speaker, I include at this point in the RECORD a short but amusing interview of E. L. Konigsburg, conducted by E. L. Konigsburg:

FORTY PERCENT MORE THAN EVERYTHING YOU WANT TO KNOW ABOUT E. L. KONIGSBURG

Hello, Mrs. Konigsburg.

Hello.

I thought that I might ask you some questions about your work and your life.

That's perfectly all right with me. I'll tell you everything except my age and weight.

Where do you live?

In Jacksonville, Florida. It's all right, isn't it, if I don't answer in complete sentences?

You're the writer, Mrs. Konigsburg. Let it be on your conscience. Do you have any children?

I have three children. Their names are Paul, Laurie and Ross. They often pose for the illustrations in my books. Laurie was Claudia and Ross was Jamie in "From the Mixed-up Files of Mrs. Basil E. Frankweiler." Paul was Benjamin Dickinson Carr in "(George)."

Do you have any pets?

We have one blond (spoiled) cocker (spoiled) spaniel (spoiled) named Jason, who thinks more of his stomach than he does of me. Aren't you going to ask if I have a husband?

That was the next question on my list. I wish you'd be more patient, Mrs. Konigsburg. Do hou have a husband?

Yes, I do. My husband's name is David, and he is a psychologist.

Where were you born?

New York City, but we moved when I was still an infant. I did most of my growing up in small towns in Pennsylvania. I graduated from Farrell Senior High School in Farrell, Pennsylvania.

Did you always want to be a writer?

No. When I was in college at Carnegie Mellon University, I wanted to be a chemist, so I became one. I worked in a laboratory and went to graduate school at the University of Pittsburgh; then I taught biology and science at a private girls school and had three children and waited until all three were in school before I started writing.

Where do you get the ideas for your books?

Ideas come from observing people and what happens to them and to me. Ideas also come from reading. Do you have a specific book in mind that you would like to ask about?

All right. Where did you get the idea for the book from the mixed-up files of Mrs. Basil E. Frankweiler?

The idea for this book came from three experiences; two of them were reading experiences.

I read in the New York Times that the Metropolitan Museum of Art in New York City had bought a statute for $225. At the time of the purchase they did not know who had sculptured it, but they suspected that it had been done by someone famous in the Italian Renaissance; they knew that they had an enormous bargain. (The statute, by the way, is called The Lady with the Primroses; it is not an angel, and it was not sculptured by Michelangelo.)

Shortly after that article appeared in the paper I read a book that told the adventures of some children, who upon being sent by ship from their island home to England, are captured by pirates. In the company of the pirates, the children became piratical themselves; they lost the thin veneer of civilization that they had acquired in their island home.

The third thing that happened was a picnic that our family took while we were vacationing at Yellowstone Park. After buying salami and bread and chocolate milk and paper cups and paper plates and paper napkins and potato chips and pickles, we looked for a place to eat. There were no outdoor tables and chairs, so when we came to a clearing in the woods, I suggested that we all eat there. We all crouched slightly above the ground and began to spread out our meal. Then the complaints began: the chocolate milk was getting warm, and there were ants over everything, and the sun was melting the icing on the cupcakes. This was hardly having to rough it, and yet my small group could think of nothing but the discomfort.

I thought to myself that if my children ever left home, they would never become barbarians even if they were captured by pirates. Civilization was not a veneer to them; it was a crust. They would want at least all the comforts of home plus a few extra dashes of elegance. Where, I wondered, would they ever consider running to if they ever left home? They certainly would never consider any place less elegant than the Metropolitan Museum of Art.

Yes, the Metropolitan Museum of Art. All those magnificent beds and all that elegance. And then, I thought, while they were there, perhaps they would discover the secret of a mysterious bargain statute and in doing so, perhaps they could discover a much more important secret, the need to be different—on the inside where it counts.

Are the people in your books real?

Aside from the people in "A Proud Taste for Scarlet and Miniver" and "The Second Mrs. Giaconda," all of whom were real, the people in my other books are made up.

Do you find it fun to write books?

I don't like to be asked that question. Writing books is just as it should be; sometimes it is fun, and sometimes it is simply frustrating. I think that is true of nursing or teaching or doctoring or house building or housewifery. But I know I would rather write.

Do you have any hobbies?

I like to draw and paint and tend my garden. I have a small garden of wild things, plants that I've dug up from the fields around my house. I like to walk along the beach, and I like to think, and I like to read.

Would you describe yourself?

Certainly. I look exactly like the lady in this picture. That's Jason I'm holding. We both have brown eyes.

Would you list the books you have written and the awards they won?

Of course. I have written ten books. Some of my titles are so long that they sound like complete sentences.

"Jennifer, Hecate, Macbeth, William McKinley, and Me, Elizabeth."

1968 Newbery Honor Book.

"From the Mixed-Up Files of Mrs. Basil E. Frankweiler."

Winner of the Newbery Award.

Winner of the 1970 William Allen White Award.

"About the B'Nai Bagels."

"(George)."

"Altogether, One at a Time."

"A Proud Taste for Scarlet and Miniver."

ALA Notable Book, 1974

National Book Award Nominee

"The Dragon in the Ghetto Caper."

"The Second Mrs. Giaconda,"

"Father's Arcane Daughter."

"Throwing Shadows,"

Which is your favorite book?

I used to say that I don't have a favorite; now I know that I do. But I won't say which it is. You already know enough about me.

But you said that you would tell everything except your age and weight.

Yes, but I also said that everyone has to have a secret inside. That's one of my internal secrets. My age and weight are outside, visible for all to see.

I guess that's about all I had to ask. I don't know how to end this interview.

Try saying "thank you."

Thank you, Mrs. Konigsburg.

You're welcome, Mrs. Konigsburg.●

ARMENIAN GENOCIDE

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. ROUSSELOT. Mr. Speaker, in observing April 24, the day of remembrance for the victims of this century's first holocaust, the Armenian genocide, we must call to mind the tragic events of that time. We must remember the past, as the philosopher Santayana said, lest we be condemned to repeat it.

The Armenian people have preserved their national and cultural identity as Christians for more than 2,600 years. Through repeated invasions, foreign rule and purges, the Armenians have retained their own distinctive language and their own sect of Christianity. Indeed, Armenians are rooted in history as the first Christian nation on Earth.

World War I, however, was the beginning of the end for the Armenians. The Turks fought on the German side while the Armenians sympathized with the Allies. On April 24, 1915, hundreds of Armenian leaders were rounded up. This infamous day marked the beginning of a plan for the systematic extermination of the Armenian people. Approximately 1.5 million victims died. Another million survived only by flight into Russia.

Yet even this unprecedented massacre, bringing death from bullets, bayonets, starvation, and exposure to over a million people, could not extinguish the valiant Armenian people. The personal stories of the survivors tell a tale of courage without precedence in the history of man. One observer relates among the refugees from Ururnish were an old man and his two daughters-in-law, with their six children, three of them babes in arms. They were 8 days on the way, averaging 20 miles daily through the mud. The old man became stuck fast in a pool and at his own request was left there to die. One woman gave birth to a child during the march and an hour afterward was again plodding along with the other refugees. One young woman carried her father for 5 days, when he died. Another woman was found dead by the roadside with her infant, still living, wrapped in her clothes.

Californian Samuel Kadorian, a survivor, watched as his father and all the men of his village aged 10 or older were taken away. When it got dark, they heard the gunshots and saw the muzzle flashes as each of the men and older boys was shot to death one by one. Later, they threw all the children from 5 to 10 years old in a pile, then walked around plunging their bayonets into the pile. By a miracle, Samuel survived to tell the world what happened.

And the world must be told and retold. When asked how he intended to eliminate so many Jews without the world crying out in revenge, Hitler responded: "Look at the Armenians—who remembers them?"

Well, we remember the Armenians, and I feel I can speak for the entire House in urging that the Armenian genocide never be forgotten, and that the loss of the Armenian homeland never be forgotten.●

WHERE YOUR TAX DOLLARS GO: LEGAL SERVICES CORPORATION

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. McDONALD. Mr. Speaker, I know that most hard-working people

in this Nation, especially after their recent donations via the Internal Revenue Service (IRS), that they would like to have a job where they are in no way accountable to a boss or to the taxpayers of America, where work division and time is involved.

Well, there is such a job, if you happen to be fortunate enough to land one with the Legal Services Corporation. Although any attorney worth his salt, would not take a job, nor accept a challenge, without any accountability, we do have exceptions. And the money for this, one of the most abusive in the area of leech practitioners, is coming from: you guessed it, the taxpayer.

The Conservative Digest of April 1982 had a small updated version of where some of that Legal Services Corporation money is being spent. Others of my colleagues have had much much more to state on this agency whose spigot should be shut off, and I deem it a service to the taxpayers of America to add fuel to this fire that will eventually put this and other agencies—out of business.

The article, "Legal Services Must Be Stopped," follows:

LEGAL SERVICES MUST BE STOPPED

LEFTIST LAWYERS USE POOR AS POLITICAL PAWNS; REAGAN SAYS PROGRAM MUST END

President Reagan believes the federal Legal Services program is more a boon for legal activists than a program for the poor. In 1981 and again this year, he has asked Congress to cut all funds for the Legal Services Corporation.

However, as a practical matter, considering the multi-million-dollar lobbying slush funds available to Legal Services grantees and their allies, the only way President Reagan can end LSC-financed abuses is by the exercise of his veto. So far he has been unwilling to do this.

WHY LEGAL SERVICES CANNOT BE REFORMED AND MUST BE ENDED

Legal Services gives tax dollars to 325 private legal groups that are accountable only to themselves. The structure of the system makes its participants unaccountable to the taxpayers who foot the bill.

The legal services group decides which cases to pursue, which causes to support, and which targets to attack—using taxpayer dollars.

The board that controls each legal services group is self-perpetuating.

Once a group is funded by Legal Services, the law gives them a presumptive right to more money in future years.

Legal Services attorneys are not required to keep a record of how they use their time and divide their work. Congressional committees and the General Accounting Office have complained about the lack of reliable data on Legal Services management.

There is no economic constraint on salaried Legal Services attorneys. It costs them nothing to sue. Those who are sued by Legal Services must pay for their own representation—for many, an economic impossibility when confronted with the millions spent by Legal Services.

Legal Services lawyers are free to pursue Leftist goals without normal restraint by feepaying clients.

LEGAL SERVICES PROVIDES NETWORK FOR LEFT-WING ATTORNEYS

The 325 tax-funded private Legal Services groups maintain a loose network, using these funds to plan strategies for social change in America. The Legal Services Corporation helps publish the agencies' magazine, Clearinghouse Review, and also funds 20 "National Support Centers," one of whose primary purposes is to pursue test cases to change U.S. law.

The December, 1979 Clearinghouse Review included an invitation to join a national group, Citizens for Tax Justice. Its members included such Left-dominated groups as the National Consumer Federation of America, the AFL-CIO, and the International Association of Machinists. The group opposes tax relief such as proposed in California's Proposition 13 and in President Reagan's tax program.

In the spring of 1981, local Legal Services groups began their media campaign against the Reagan economic program. An endless stream of articles appeared in local newspapers, all bearing the same message—Reagan will hurt the poor by cutting Legal Services funds.

Part of Legal Services' tactics is the collection of information on individual members of Congress. A preferred procedure was outlined by LSC Research Director Alan Houseman in a December, 1980 memo to the 325 local groups:

"Analyze new members of Congress from your area and review all old members of Congress.

"What is needed is carefully compiled information about all members of Congress.

"This includes attitudes, public statements and prior voting records toward legal services and other social-benefit programs; their supporters and major contributors from within the bar and the general community; possible contacts with their supporters . . ."

SOME RECENT EXAMPLES OF QUESTIONABLE LEGAL SERVICES ACTIONS

Since Legal Services started in the late 1960s, horror stories of the program's abuses have flowed. From suits for sex-change operations and benefits for illegal aliens, to making black English a certified foreign language in the Ann Arbor, Michigan schools, Legal Services has left its scars on common sense in government.

While Reagan has tried to cut its funding and appoint conservatives to the LSC board, the abuses and their results have continued. Here is a sampling from the past year alone:

Prison Riots Result from Legal Services Action. The Governor of Pennsylvania blames Community Legal Services of Philadelphia for helping to cause violence at Graterford Prison in October and November, 1981. Thirty persons were held hostage by a three-time killer, who was returned to the general prison population as a result of a 1975 Legal Services suit.

"Never again should government permit 'cause' groups . . . to place the purported rights of vicious criminals above the safety of law officers," Gov. Richard Thornburgh said. Community Legal Services received $2,277,972 in federal dollars in 1980 (the most recent figures available).

Legal-Aid Group Sues to Overturn City Referendum, Force Use of Federal Funds. Connecticut Legal Services, Inc., which received $1,656,488 in 1980, went to court in 1981 to overturn a vote by the people of Manchester, Conn., not to accept federal HUD Community Development money. The referendum result was 3-1 against taking the HUD grants.

Legal Services won its victory against the city, but the decision was eventually overturned on appeal.

Pittsburgh Legal Services Joins Coalition Favoring Impeachment of President Reagan. Neighborhood Legal Services of Pittsburgh, Pa., which received $1,504,638 in tax dollars in 1980, recently became a key member of the Fair Budget Coalition, which is organizing a grassroots political campaign against the Reagan budget. It has also called for the impeachment of President Reagan.

Legal Services Continues Fight for Illegal Aliens' "Rights." In the recent past, Legal Services agencies have spent much time and effort representing illegal aliens. At least two cases exist of Legal Services representing Iranians scheduled for deportation during the hostage crisis.

The tax-funded National Center for Immigrant Rights, based in Los Angeles, challenged citizenship requirements for peace officers in California. The Supreme Court overruled their challenge, 5-4, on January 12, 1982.

Tucson's Southern Arizona Legal Aid, Inc., which received $851,305 in 1980 from taxpayers, filed suit in January, 1982, to force a local border county to pay for free health care for illegal aliens. The county's health system has been overtaxed with the influx of aliens; it went broke in 1981 and will likely do so again this year.

Tax Dollars Support Iowa Man Indicted for Food-Stamp Fraud. Lester Williams, the unemployed father whose sensationalized New Year's Eve suicide threat caused a national media splash, was indicted January 7, 1982 on 18 counts of food-stamp fraud. Williams has been a client of Polk County Legal Aid Society, which received $431,992 in tax money in 1980.

Williams' letter of Dec. 30, which was printed in the Des Moines Register, stated that he was going to kill himself the next day because he couldn't find work and his family could use the welfare benefits. The legal-services group helped publicize the letter.●

THE GREAT CONTRIBUTIONS OF AMERIGO VESPUCCI

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. WOLF. Mr. Speaker, I recently had the occasion to speak at an installation banquet for a member of Italian-American lodges and clubs in the northern Virginia area. The group represented included the George Washington Lodge, Order Sons of Italy in America, No. 2038; Avanti Lodge (OSIA), Amici D'Italia Lodge (OSIA), Leonardo Da Vinci Lodge (OSIA), and the Italian Heritage Cultural and Fellowship Society Lodge.

During the dinner, there was a discussion of the great contributions of an Italian-American who today remains almost forgotten—Amerigo Vespucci. On March 18 of this year, we

celebrated the 528th anniversary of his birth.

While Christopher Columbus, an Italian, has been celebrated as the discoverer of America, Amerigo Vespucci was a contemporary of Columbus whose name was given to the New World.

Amerigo Vespucci was an Italian merchant and navigator who was born in Florence, Italy, in 1454. After receiving his education, he entered business in Italy and later went to Spain. He may have met Christopher Columbus when Columbus returned from his first expedition. He was active in preparing the ships for the second and third voyages of Columbus. He and Columbus became personally acquainted.

Vespucci made trips to the New World between 1497 and 1504 and was assigned the task of preparing the official map for the newly discovered lands and also of the routes to them. He later left Spain and entered into the service of Portugal. He set sail from Lisbon, Portugal, on May 13, 1501, on the voyage which would be of great historical importance. This voyage is of great significance in the history of geographical discovery, for by it, Vespucci and other scholars became convinced that the lands visited were not a part of Asia, but part of a new world. A document published in 1507, including maps of the newly discovered lands, included a notation, "from Amerigo the discoverer." Gradually the term "America", after Amerigo Vespucci, became widely accepted for the new lands. Amerigo did return to Spain and helped to launch other voyages.

I think it is significant that we pay tribute to a great Italian, Amerigo Vespucci, whose name remains perpetuated in the name of our country.●

LEV MIKHAILOVICH

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. McKINNEY. Mr. Speaker, with the holy week recently passed, I feel compelled to draw the attention of Congress to those persons in the Soviet Union who are suffering as a result of their desire to freely worship the Lord. Lev Mikhailovich Forman, a graduate of the Electrotechnical Institute in Leningrad, has been denied employment in his field since he applied for an exit visa in May of 1974. In July of 1976, the Soviet Union denied Lev's emigration visa on the grounds of "secrecy". While Dr. Boris Rubinstein, who held a higher position than Lev within the Institute, was allowed to emigrate, Soviet officials claimed that Lev "had access to classified information."

Lev's application and subsequent rejection has made him one of the tens of thousands of "refuseniks" now living in the Soviet Union. As you are well aware, these refuseniks are primarily Soviet Jews who have been denied the basic human right to pursue religious freedom. Unfortunately, for Jews in the Soviet Union, the only alternative is to leave their homeland for nations where they and their families can grow and prosper in peace. In 1979, 51,320 Jews were permitted to leave the Soviet Union. By 1981 the number had dwindled to 9,447 and in January of this year a record low of 30 Jews were granted exit visas. At this new rate merely 3,000 Jews will escape Soviet persecution this year.

I am appalled by the Soviet Union's growing, institutional anti-Semitism and redoubled effort to blot out Jewish culture in Russia. While the numbers of freed Jews diminishes each year, the quality of the refuseniks' lives deteriorates. Jews are increasingly blocked from universities and technical institutes. The Soviet Government hounds Jewish study groups, arresting Hebrew teachers and confiscating prayer books. One witness subjected to a KGB raid and seizure says, "They took every scrap of paper with a Hebrew letter on it, and everything that mentioned 'Jew' was immediately regarded as evidence." Jewish activists, cultural leaders, teachers, and mere citizens face the fate of "internal exile" which translates into a life in the Gulag—the Soviet network of prisons, mental institutions, and work camps.

Americans have learned the horrid details of mathematician Anatoly Shcharansky's KGB harassment and imprisonment. His crime? He, too, applied for an exit visa. His present status? He sits in Christopol Prison and is fed every other day. According to the diligent reports of the Student Coalition for Soviet Jewry based in this country, he was last visited by his mother, Ida Milgrom, in 1979. She states that her son looked "like a prisoner from Auschwitz." And Shcharansky is not alone. This week we are scheduled to discuss the status of Bendict Scott, Mart Niklus, Dr. Semyon Gluzman and his family, and Yuli Kosharavaky and his family. In each instance Congress will implore the Soviet Union to grant some degree of human rights to these individuals.

Our Constitution has as its foundation the belief that each individual "is endowed with certain inalienable rights" upon which the Government, as defender of the common welfare, cannot encroach. In a world as interdependent as ours, it seems hypocritical for us to ignore the plight of those citizens of other nations whose sole crime is the pursuit of those liberties among which we have numbered the right to be free from Government violations of one's personal safety and integrity; the undeniable right to the fulfillment of such vital needs as food, shelter, health care, and education; and, finally, the right to enjoy civil and political liberties.

Lev Forman is only one of many Soviet Jews who has been denied those guarantees we so often take for granted here at home. Lev's family has been harassed. His father, a cancer patient, was jailed. Lev has served sporadic jail terms. He faces a hollow existence and eventual imprisonment is a near certainty if he cannot emigrate.

The members of this body must continue to take up the cause for individual refuseniks and draw national attention to their martyrdom. Having recently celebrated the feast of the Passover and the joy and promise of Easter this past week, I am moved to pray for Lev, and hope that these words, before Congress, can bring him closer to the freedom that grants me the ability to stand here and address you today.●

REMEMBER THE HOLOCAUST

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. SMITH of New Jersey. Mr. Speaker, it was 39 years ago this April that the Jews of the Warsaw ghetto wrote an unforgettable chapter in the record of heroism. Poorly armed, hungry, ill-clothed, they hurled themselves on the Nazi invaders who had come to clean out the remnants of the ghetto. The Nazis were liquidating the ghetto; they intended to liquidate the surviving residents in the death camps of Auschwitz, Treblinka, and Belsen.

The defenders of the ghetto did not win, but they showed the world that free men and women would not go to their deaths without protest, without fighting for their dignity as human beings.

We are remembering the Holocaust, that terrible event of the 20th century when an entire race—men, women, and children—were condemned to death solely because they were Jewish. Surely this was the moment that we knew a particularly virulent infection was plaguing mankind in this century. For all our knowledge and our technology this was not going to be a century of enlightenment.

Rather, the beast in man was loose.

I confess that I find it very hard to confront the reality of the Holocaust. Here was an entire system of well-organized camps, smoothly running, with its own transportation network,

all set up solely for the purpose of murder.

Yes, Mr. Speaker, murder. That was what Auschwitz and the other camps were set up for—murder. This was the kingdom of death. Human beings came alive to these camps and were killed—killed in enormous numbers.

Six million men, women, and children are gone, many of them unknown, just people whose whereabouts could not be established at the end of the Second World War. The centuries old Jewish culture and society that existed between the Baltic and Black Seas had practically ceased to exist, the world of the villages and the urban centers, the world we know through the stories of Sholom Aleicham.

This was the victory Adolf Hitler won. He had destroyed a good part of European Jewry. He had left parts of Europe free of Jews. The Nazi philosophy had gained this triumph.

What can we do for those who died in the Holocaust? Obviously, we cannot bring them back from their graves. But we can remember. We can remember that these people, with their hopes and dreams and plans, were swept away in a cataclysm not of their making. They committed no crime; rather, they died for being the wrong race and the wrong religion.

This must never be allowed to happen again.

Of course, we are used to horror now, the horror of this century, and the years since the Second World War. Ibos have been massacred, Cambodians have been massacred, Idi Amin showed us the spirit of Hitler is not dead. Stalin arranged the deportation of millions of Russian and non-Russian nationals; at the end of his life, he had his own designs against the Jews. We may no longer be capable of horror or shock, after all those millions of victims—too many victims, just a row of statistics, it seems too many.

Let us not abandon our common humanity, Mr. Speaker. Let us never get to the point where we are not shocked, not horrified, by wanton murder. Let us assert at all times the sacredness of life, all life.

Every life is a life worth living. That statement was made by a survivor of the death camps. Let that be the eternal tribute to those who died in the Holocaust.●

VOLUNTARY DISCLOSURE OF INCOME AND LIABILITIES

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. LONG of Maryland. Mr. Speaker, each year at about this time I make a voluntary disclosure of income, taxes, assets, and liabilities.

For 1981 I paid a total of $25,231.49 in taxes, including $21,189.14 income taxes, and $4,042.35 property and sales taxes.

My chief source of taxable income was $60,662.50 salary as Congressman. Other income included: An annuity of $1,039.74 and dividends of $938.35 from the Teachers Insurance Annuity Association (TIAA); $302.44 from the college retirement equities fund (CREF); $568.16 net rents from my farm and townhouse both located in Harford County; $100 from the Sunpapers for an article; $10.92 interest from savings.

I want to emphasize that I do not benefit in any way from the tax break for living expenses in Washington that Members of Congress voted last year, because I live in my district and commute to Washington every day. In fact, I opposed the measure and have introduced a bill to repeal those special deductions.

Following my longstanding policy, no gifts from constitutents or interest groups, however small or in whatever form—even flowers or fruit—were accepted by me or my staff.

As of April 20, 1982, real property consisted of my home in Ruxton purchased in 1946 for $32,000; a 112-acre farm in Harford County bought in 1965 for $118,000; and a townhouse in Harford County bought in late 1979 for $47,900. My farm and Ruxton home are free of debt. My mortgage debt for the townhouse—Yorkridge Federal Savings and Loan Association—is $37,967.11.

In nearly 20 years as a Congressman, I have contributed a total of $64,013.04 to the Federal retirement system—which cannot be withdrawn in cash. Estimated capital value to my Teachers Insurance Annuity Association policies—not convertible into cash—was about $15,000.

Other assets as of April 20, 1982, include a 1980 Regal Buick, valued at $5,400; a 1977 Volare Plymouth station wagon, valued at $2,200; 86 shares in the T. Rowe Price Prime Reserve money market accounts valued at $1,000; $12,000 in a savings account; home rugs and furnishings; my wife's jewelry—nearly all inherited; clothing; and a checking account sufficient to pay current bills.●

BILL INTRODUCED TO EXTEND THE AUTHORIZATION OF THE DEEP SEABED HARD MINERALS RESOURCES ACT

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. JONES of North Carolina. Mr. Speaker, I am pleased to join with my colleagues Mr. D'AMOURS, Mr. BREAUX, and Mr. ZABLOCKI in introducing a bill to extend the authorization of the Deep Seabed Hard Minerals Resources Act for fiscal years 1983, 1984, and 1985. This landmark legislation was originally enacted by the U.S. Congress in 1980 to establish and interim procedure for the orderly development of the hard mineral resources in the deep seabed pending adoption of an acceptable international law of the sea agreement. Responsibility for implementing the act lies with the National Oceanic and Atmospheric Administration (NOAA) in the Department of Commerce.

Since enactment of the legislation, NOAA has proceeded to fulfill in a timely fashion its responsibilities under titles I and II of the act by developing a regulatory framework for the mining of the seabed by U.S. citizens and by laying the groundwork for a smooth transition to an international agreement. In particular, NOAA has promulgated final regulations for exploration licenses, issued a supporting final environmental impact statement, and published a technical guidance document to assist license applicants. NOAA has also, in conjunction with the Department of State, engaged in extensive negotiations with other nations that have domestic legislation authorizing deep seabed mining for the purposes of concluding an agreement with them respecting each other's claims.

While the basic legal framework for regulating seabed mining exploration is now in place, several major tasks for developing the program remain. Since January 1982, NOAA has received numerous applications for exploration licenses which will require initial processing, resolution of overlapping claims among applicants, and continual monitoring of the activities undertaken pursuant to the licenses. Each license will require the preparation of a site-specific environmental impact statement which will, in turn, entail the development by NOAA of extensive data bases to assess potential impacts. The onsite environmental monitoring and research needed to generate such data will require increased investments of time and resources. Finally, as the U.S. industry moves closer to commercial recovery of deep

seabed nodules, proper regulatory support for permitting commercial recovery will play a crucial role in insuring U.S. leadership in the development of the industry. Such regulatory support will require additional information on the economic, technological, and environmental impacts of commercial mining operations.

The bill which I have introduced today with my colleagues seeks to provide NOAA with the funds that will be necessary for it to fulfill these tasks. The bill incorporates the administration's funding request for fiscal year 1983 of $1,469,000, and would authorize funds for fiscal years 1984 and 1985 of $2,150,000 and $2,600,000, respectively. Omitted from these funding requests are the resources for the ship support services and ship time that will be required. While such vessel related funding is available elsewhere in the NOAA budget, it is fully expected that the necessary vessel support for the deep seabed mining program will be forthcoming.

I urge my colleagues to support this landmark program and the necessary extension of authorizations that it will require when the bill is considered by the full House of Representatives.●

U.S. CITIZEN DETAINED IN SOVIET UNION

HON. JOHN G. FARY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. FARY. Mr. Speaker, today the House is considering several important pieces of legislation that deal with human rights violations by the Soviet Union. Since the signing of the Helsinki accords in 1975, the Soviet Union has shown callous disregard for the rights of the subjugated peoples of the Baltic States and the Ukraine.

A prime example of the Soviets disregard of freedom and liberty is in the case of Benedict Scott (Vytautas Skuodis). Mr. Scott was born in my hometown of Chicago in 1929. In 1930 his parents of Lithuanian descent, emigrated from the United States back to their newly independent homeland of Lithuania. Less than 1 year later the Soviets illegally invaded and occupied Lithuania. Mr. Scott is a U.S. citizen by birth and is being illegally detained in a Soviet prison camp.

House Resolution 200, which is before us today will express the sense of the Congress with respect to the unjust imprisonment of Benedict Scott a citizen of the United States. This resolution would urge the President to take every appropriate action to secure the release of this American citizen and the emigration of Mr. Scott and his family from the Soviet Union.

If the Soviet Government is serious about détente and a reduction in tensions with our country, they must first demonstrate a commitment for human rights as enunciated in the Helsinki accords. Only then will their pronouncements of détente and arms control with the West be taken seriously.●

A MESSAGE FOR PRESIDENT REAGAN

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. McDONALD. Mr. Speaker, seldom have I seen a 10-paragraph message that does such an excellent treatise on not only the ills that face this Nation, but offering concise and clear advice on how to rectify those ills.

Such a message was contained in "Officer Review" of March 1982, by the commander-in-chief of the Military Order of the World Wars. That commander-in-chief, Col. Jack N. Rogers, U.S. Army Reserve (retired), hoped he could convey such a message personally to President Reagan.

I have no idea as to what the President reads these days, but I think it a matter of the highest importance to at least share Colonel Rogers' words with my colleagues, in the vain hope that one of them just might convey them to President Reagan. Colonel Rogers' comments on behalf of the Military Order of the World Wars follow:

CINC's COMMENTS

"Mister President, we believe—"

If I could meet with President Reagan, and tell him some of the issues about which the companions of our Order are concerned, I would say these things to him:

"Mister President, your companions in the MOWW are generally well pleased with the changes in policy your administration has made. We are most seriously concerned that our national security is in substantial danger, for many reasons, and we would like to see you take the following actions.

We believe that to gain the support of the public for the great costs of a sound national defense, you should tell the people the truth about the real nature of our conflict with the Communists. The mortal danger to our free world is well documented, but the public will never lose its complacency until you, as our leader, tell us the whole truth about what the Communists are, their record of terror, subversion and oppression, their true strength and what they intend for us. Similar straightforward statements are needed about the incredible extent and cost of crime to our society. We believe that only you, as President of The United States, can convincingly present these facts to the people.

When this has been done, we believe the Congress will fully support the great increases in military preparedness and the improvements in our internal security that are clearly necessary to insure the protection of our freedom.

We believe that you should create a limited national program of education, training, and even indoctrination, of the youth of our nation in a few simple principles of good citizenship. This program should be universal, begin at the first grade level and be limited to those ideals of personal responsibility that are accepted by all our people, to include respect for the personal rights and property of all people, respect for the law, and respect for our nation, its free institutions, and the sacrifices that made them available to us.

We believe you should lead the nations of the Western Hemisphere to a unified stand against Communist aggression and subversion through a mutual security pact, supporting the national sovereignty and freedom of every member nation.

We believe that there must be an immediate and lasting solution to the illegal alien problem, which we see as a threat to our free political institutions and our economic security. We do not need an alien subculture with its roots in violation of our laws.

We believe that you should stress in economic policy making the concept that quality productivity is the key to economic strength.

We believe that if waste and cheating are eliminated, an adequate and fair tax program can and should be adopted to put our government on a pay-as-you-go basis. We will pay our fair share, as will all the people if they understand the needs and are satisfied that the program is a fair one. If our government is thereby taken out of competition with private financing, we believe the interest rates will fall and the whole economy of the nation will be greatly stimulated.

Finally, we thank you for listening to us and we commend and thank you for the great work you are doing, for the good people you have brought into our government, for your kindness, good humor, sound judgment and courage, and we ask God to protect you and guide you in the dangerous times that lie ahead of us."●

THE B-1 "PEACEMAKER"

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. DORNAN of California. Mr. Speaker, the former distinguished minority leader, Mr. RHODES of Arizona, in a major speech before the floor of the House, has offered us his reflections regarding the critical issue of the defense of our Nation. While a number of his points are well taken, others are sure to provoke vigorous debate and none more so than his views on the B-1 bomber or, as I prefer to call it, the B-1 "Peacemaker" because that is its primary function—to act as a deterrent and so keep the peace.

Mr. Rhodes recommends that the B-1 be scrapped as a budget savings measure in favor of a Stealth bomber. He then goes on to candidly admit that "not building the B-1 may result

in a defense gap in the middle and late eighties. Personally, I doubt it but I will take a chance on that."

Mr. Speaker, the fundamental difference between the former minority leader and myself is that he is willing to accept that dangerous defense gap whereas I, in good conscience, cannot. Let me briefly go into the reasons why I cannot support my distinguished colleague.

While Mr. RHODES is content to wait for the development of the Stealth bomber, it is a well known fact that the Soviet Union already has its version of the B-1, namely, the Backfire bomber which is capable of reaching the United States. Placed in service in the mid-1970's, the Backfire is a twin-engine, swing-wing, turbofan-powered bomber capable of carrying free-fall bombs and air-to-surface missiles. Over 70 Backfires are presently deployed with long range aviation with a like number assigned to Soviet naval aviation. The Backfire is a versatile, multi-purpose aircraft capable of performing nuclear strikes, conventional attacks, anti-ship and reconaissance missions and is currently being produced at the rate of about 2½ aircraft a month or 30 a year. In short, the Soviet Union considers it imperative to have a sophisticated bomber now.

As my distinguished colleague knows from his years on the Defense Subcommittee of the House Appropriations Committee, two legs of our defensive strategic triad are dangerously weak. Our land-based missiles must be significantly strengthened to be able to sustain a Soviet first-strike while the air-breathing leg of the triad—our B-52 bombers—are ancient relics from the early 1950's with the pilots, in many instances, younger than the aircraft they fly. Time has taken its toll on the B-52's. As recently as October 30 of last year, 1981, a member of the Air Force Reserve, 1st Lt. Navigator Kendall Wallace, crashed in a B-52 D model 10 miles from LaJunta, Calif. Can we in good conscience jeopardize the lives of our young men with inferior, obsolescent aircraft? A fleet of slow, aging subsonic aircraft is hardly a match for the sophisticated Backfire particularly when you consider that as they near Soviet airspace, our B-52's would face the world's most impressive air defense, including thousands of supersonic surface-to-air missiles and fighters.

Mr. Speaker, as I have endeavored to point out on numerous occasions, the B-1 aircraft—the first squadron of which is expected to be operational in 1986—is acknowledged by the majority of aviation experts to be the best bomber ever developed by man. As a former U.S. Air Force fighter pilot and as one who has personally piloted the B-1, I can attest to the sophistication, the versatility, and the aerodynamic superiority of this remarkable aircraft. The B-1 is not a prisoner of a pre-determined, computerized course. It can take swift, evasive action. It can dodge and weave and avoid enemy weapons. It can be recalled if launched while the United States is under possible, but not confirmed, surprise Soviet nuclear attack. The flexible B-1, armed with cruise missiles, can respond to an infinite variety of battle conditions in a fashion that even the most sophisticated "drone" aircraft or missile never could. We simply cannot rely on missiles alone—the Soviets do not.

Gen. Douglas MacArthur once wrote:

The history of failure in war can be summed up in two words: too late. Too late in comprehending the deadly purposes of a potential enemy; too late in realizing the mortal danger; too late in preparedness; too late in uniting all possible forces for resistance; too late in standing with one's friends.

Mr. Speaker, at this point I would like to resubmit my remarks of November 18, 1981, regarding the B-1 for the RECORD.

[From the CONGRESSIONAL RECORD, Nov. 18, 1981]

RESUBMITTED REMARKS OF ROBERT K. DORNAN OF CALIFORNIA, ON THE B-1 "PEACEMAKER"

Mr. DORNAN of California. Mr. Chairman, I join with my colleagues here today in support of President Reagan's efforts to restore funding for the B-1 bomber project which President Carter had terminated. Now we have a President more committed to maintaining the delicate strategic balance between the United States and the U.S.S.R. In pursuit of that balance, President Reagan has announced his intention to build the long-delayed B-1 bomber. This aircraft is acknowledged by the majority of aviation experts to be the best bomber ever developed by man. It is capable of penetrating Soviet air space undetected and may continue to have that ability until the 1990's or later. Only after the Soviets spend massive funds on improved radar systems will they be even able to detect the B-1.

The citizens of my 27th Congressional District can be particularly proud of the B-1 bomber project; much of the research/development and manufacture is the work of local citizens. The Reagan decision to recommend funding for the construction of the B-1 is based upon some logically accepted assumptions. The United States must depend heavily on bombers—and sea-based forces—while we take steps to strengthen our land-based missiles. We cannot afford the luxury to wait for the Stealth bomber, which presently exists only on paper. There are currently technical uncertainties about the Stealth bomber. It is expected that these uncertainties will be resolved during development and the advanced technology bomber will be a very effective aircraft when ultimately deployed. Without the B-1, there would be pressures to accelerate the Stealth bomber, which would increase program risks and possibly result in a less capable aircraft being deployed. Building two bombers will stimulate competition and give the Defense Department the flexibility to adjust bomber production in accordance with any changes in estimates of the cost and effectiveness of the two aircraft, as well as any changes in the Soviet military capabilities.

President Reagan has proposed building 100 of the variant bombers. The term variant is used because research and development has continued on the B-1 since the Carter cancellation. Innovations and efficiencies developed in the 5 years since its cancellation will be incorporated in the new variant model. The first B-1 squadron is expected to be operational in 1986.

Mr. John W. R. Taylor, editor of Janes All the World's Aircraft, is universally recognized as one of the foremost experts on every type of military and civilian aircraft. Mr. Taylor warns,

"It is therefore vital for all people to understand that the fragile co-existence maintained for generations by balanced East-West military power is being allowed to slip inch by inch from our grasp."

When Mr. Taylor was asked about his thoughts on the opposition that has been raised to the B-1, he replied:

"Most of that has been due to the high cost. But really, I do not think that the cost is the main consideration. It is a question of what it does for you. Does it keep you alive? If there is anything else that will do the job less expensively, by all means build it. But, in this case, there just isn't anything else."

The decision to build the B-1 is a clear move away from the previous administration's policy of unilateral arms restraint. The Reagan administration wants to be sure that any weapons system forgone by the U.S. Government is reciprocated by the Soviet Union. The new policy direction will increase the Soviet incentive to seriously discuss arms limitation agreements. In turn, assisting our Nation in achieving its most important foreign policy goals: Preservation of peace and valid arms limitation agreements with verifiable provisions in any treaty that is agreed upon.

The B-1 bomber will have advantages that no other leg of our triad of strategic nuclear forces possesses. Some of these are:

Bombers are the only element that can be launched prior to a decision to employ these weapons, and permits a trained crew to take actions and accept responsibilities that cannot be anticipated or preprogramed in missile systems.

Weapons-carrying bombers can be launched to insure their survivability, or to signal national resolve during times of crisis with the confidence that the crew can be redirected or recalled as the situation develops. Bombers can be put on increased ground alert, dispersed to remote airfields, flown on airborne alert, or dispatched to trouble spots throughout the world without a final commitment to use their weapons. In a time when the availability of foreign bases and ports is uncertain, the B-1 will provide the quickest, and in some cases probably the only, means to mount a rapid show of force.

Bombers provide the only capability to engage unanticipated or mobile targets by using the crew and aircraft sensors to determine target location at the times of delivery.

In assisting maritime roles, bombers have the inherent capability to provide an important supplement to U.S. Naval Forces. They can provide collateral maritime support in long range sea surveillance and interdiction, mine laying and, potentially, in antisubmarine warfare.

As a reusable strategic weapons system, bombers have the capability to accurately deliver large nuclear or conventional payloads throughout the course of the conflict, regardless of the level.

The B-1 is going to enter into the defense of our Nation's borders much later than it could have or should have. It will nevertheless play a vital role on our strategic defense until the year 2000, and perhaps beyond. First as a penetrating bomber, later as a bomber capable of standing off the coast of an adversary nation and launching cruise missiles. Its manufacture sends a strong signal to the Soviets that we are as serious about our defense as we are about pursuing arms agreements.

And one more item before I close. I will be circulating a letter to colleagues which will be sent to the President asking him to appoint the Nation's No. 1 "junkyard dog" and a bona fide "cheap hawk" as the project manager for the B-1 project. I, of course refer to A. Ernest Fitzgerald who was removed some 10 years ago from his position of authority in the C-5A cargo plane project because he "committed a truth" with respect to the C-5A cost overruns in testimony before a congressional committee. I think that the appointment of Mr. Fitzgerald will further add credibility to the President's efforts to build up the defenses of the United States without at the same time breaking the national treasury.●

CITY OF NORWALK TO HONOR JOHN ZIMMERMAN, JR.

HON. WAYNE GRISHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. GRISHAM. Mr. Speaker, It is my pleasure to stand before my colleagues in the House and pay tribute to John Zimmerman, Jr. John has been a friend and associate for many years. On April 29, he will be honored at a dinner that will mark his retirement from the city council in Norwalk, Calif. Very few individuals can match John's record of public service.

John Zimmerman is a charter member of the Norwalk City Council serving continuously since 1957. During his 25 years on the council, he was selected four times by his peers to serve as mayor and is presently mayor pro tempore.

A Norwalk resident since 1947, John and his lovely wife, Eleanor, have two sons, Guy and Gary. His career in business, community service, and government is unparalleled. For the past 23 years John has been the owner and operator of the Norwalk Travel Center.

He is a member of the First United Methodist Church, the Kiwanis Club toastmaster, and has been active in Scouting. John received the Order of Merit and Silver Beaver Scouting Awards.

Besides serving on the city council, John is a member of the League of California Cities Transportation and Freeways Committee, member of the Los Angeles County Library Commission, representative of the I-105 Freeway Committee, member of the Los Angeles County Sanitation District and a past president of the Structural Pest Control Board for the State of California. John also assisted in forming the Norwalk sister city affiliation with Hermisillo, Sonora, Mexico, and received a national award for his work in the program.

John Zimmerman is Norwalk, Calif. It is through his effort and that of his colleagues on the council that the city has the outstanding reputation it does today. John Zimmerman is a true public servant and the residents of Norwalk owe him great debt and a big thank you. I echo their sentiments.●

ASSAULTS ON THE FREEZE

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. MARKEY. Mr. Speaker, so far more than 160 members have signed on to the Conte-Markey resolution calling on the United States and the Soviet Union to freeze their nuclear arsenals and then to begin reductions. The resolution is in response to a growing movement across the country calling for a halt to the nuclear arms rate.

Not only has the Reagan administration turned its back on this movement, it has pulled out all the stops to try to sink our resolution. But the administration has been unable to defuse this resolution and the movement because the movement's message is a commonsense one that says the arms race must be stopped. I commend to my colleagues a recent article by Paul C. Warnke that gives a good analysis of the White House assault on the resolution.

The article follows:

[From the Chicago Sun-Times, Apr. 3, 1982]

WE SHOULD HEED CALL FOR NUCLEAR ARMS FREEZE

(By Paul C. Warnke)

President Reagan and his colleagues have tried to dismiss and discredit calls for a nuclear arms freeze. But the criticisms aren't convincing and the issue won't go away.

Some opponents say a freeze would reward the Soviets for their massive missile buildup and leave us at a continuing strategic nuclear disadvantage. These arguments focus just on the intermediate-range nuclear forces in the European theater, now the subject of negotiations in Geneva; the Soviets have about 300 SS-20 missiles there, while NATO has nothing comparable.

But there is no Soviet advantage in overall strategic balance.

We have the edge in the most significant respects. such as survivability. If an immediate freeze could miraculously be achieved, the existing situation of mutual deterrence would be preserved. Neither side could possibly anticipate profiting from the initiation of a nuclear war. The country attacked would retain the capability to inflict comparable devastation on its attacker.

Opponents of a freeze claim it isn't good enough, and that what we want and need are substantial reductions. But if the goal is fewer nuclear weapons on both sides, that goal can't be reached by adding new weapons as old ones are eliminated. And the call for a freeze is a call for a ban on additional weapons, not also a demand that the two nuclear superpowers maintain forever their present grossly excessive levels.

A nuclear weapons freeze is not, of course, the complete answer. But, at a minimum it would mean that the United States and the Soviet Union would not continue to add to the problem and to the peril. A freeze is the necessary partner of reductions.

Implementation of a freeze could logically begin with the prompt completion of the comprehensive test ban treaty that has been under negotiation with the Soviet Union and the United Kingdom since mid-1977. All that stands in the way now of an agreed on total ban on nuclear explosions is the necessary political will. Such a comprehensive test ban would be a major step in controlling nuclear arms and discouraging the proliferation of new nuclear-weapons states.

The attempt to equate the freeze proposals with President Leonid I. Brezhnev's recent initiative is without merit. His announcement is limited to intermediate-range missiles and is not a freeze at all, but simply a statement that any additional SS-20s will be deployed on their mobile launchers in the non-European part of the Soviet Union.

A more sophisticated and rational argument against an instant nuclear freeze is that some of the programs we are currently undertaking would in fact increase our deterrent strength and enhance its survivability—without adding a destabilizing counterforce threat against the Soviet deterrent.

But there is, I am quite confident, no risk that we will arrive at a negotiated, bilateral, verifiable freeze too soon. The deployment of air-launched cruise missiles on our strategic-bomber force and the addition of the longer-range Trident I submarine-launched ballistic missile are too far along to be cut off. And an exception could be made for them if necessary.

The freeze resolution proposed last month in Congress specifically provides that the United States and the Soviet Union will decide "when and how" to achieve a freeze. It might well be agreed also that the Soviets can move a larger share of their allowed limit of strategic nuclear-delivery vehicles to their ballistic-missile submarine force, with compensating cuts in the more destabilizing land-based launchers of intercontinental missiles with multiple warheads.

The nuclear weapons freeze proposals do not purport to write the detailed text of a treaty. They reflect the deep concern of the American public, as the European anti-nuclear weapon movement reflects the deep concern there about the growing danger of nuclear war.

What possibly can be wrong with heeding the call, stopping the arms race and proceeding with substantial reductions?

I haven't yet heard a good answer. I don't think there is one.●

A TRIBUTE TO C. WILLIAM HOFMANN, JR.

HON. JAMES A. COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. COURTER. Mr. Speaker, I would like to call to the attention of my colleagues a civic leader in my district of exceptional dedication and accomplishment.

Mr. C. William Hofmann, Jr., who was, until December 31, 1981, the mayor of Ringwood Borough, was honored by his friends and fellow community leaders on Saturday, April 3, 1982, at a testimonial dinner. I would like to join in the praise of Mr. Hofmann, who left his public office with a distinctive record of achievement and widespread respect for his fairness and hard work.

A member of the Ringwood Board of Education from 1971 to 1975, he went on to become a member of the Ringwood Borough Council from 1976 to 1978. His knowledge of area politics, in addition to his untiring efforts on behalf of the people of his borough, led to his election as mayor of Ringwood in 1979, a post which he held until this past December.

I highly commend C. William Hofmann for the great contribution he has made to both Bergen County and the State of New Jersey. It is important to recognize Americans who are willing to devote so much of themselves to the betterment of their community, and Mr. Hofmann exemplifies this virtue.

On behalf of his family and friends and community, I would like to say that we are all grateful for the dedication and compassion for his fellow man that William Hofmann has demonstrated in so many ways throughout his life. I wish him and his family the best of health and happiness in the years ahead.●

TAY-SACHS MONTH IN PHILADELPHIA

HON. CHARLES F. DOUGHERTY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. DOUGHERTY. Mr. Speaker, today, I would like to bring to the attention of my fellow colleagues in Congress, as well as to the American public that May 1982 will mark Tay-Sachs Month in Philadelphia.

Tay-Sachs is a hereditary disease which is caused by an enzyme deficiency. Although there is no cure for the disease it can be prevented. A single blood test can identify carriers and with professional genetic counseling, even high-risk couples can have healthy children. Because this disease occurs more often in Jewish infants, this simple blood test is particularly important for Jewish adults.

The marking of May as Tay-Sachs Month will effectively serve to bring increased awareness to this life-threatening disease. Mr. Speaker, I believe that through this increased awareness and the efforts of such groups as the National Tay-Sachs and Allied Diseases Associations, significant advances in research and prevention can be made. I hope that everyone will join in the efforts to combat this disorder.

Finally, I would like to share with my colleagues the proclamation made by William J. Green, mayor of the city of Philadelphia, with regards to Tay-Sachs Month.

PROCLAMATION FOR TAY-SACHS MONTH

Whereas, Tay-Sachs disease is a hereditary disorder in which the nerve and brain cells of a child, causing loss of physical skills, sight, the ability to eat, and finally death; and

Whereas, although any child might be afflicted. Tay-Sach disease occurs more frequently in Jewish infants than in other children, so it is imperative that all Jewish adults take a simple blood test to learn if they are carriers of the Tay-Sachs gene; and

Whereas, the Delaware Valley Chapters of the National Tay-Sachs and Allied Diseases Association were founded in Philadelphia in 1969 with three goals—to educate the community, to assist families of afflicted children, and to support research; and

Whereas, among the accomplishments of the Delaware Valley Chapters are the organization and funding of the Tay-Sachs prevention program of the Thomas Jefferson University; an open clinic at Jefferson University which makes testing available throughout the year; and the Baer Tay-Sachs Mobile Testing unit which is available to any organization or community which wishes to sponsor a testing:

Now, therefore, I, William J. Green, Mayor of the City of Philadelphia, do hereby proclaim the month of May, 1981 as Tay-Sachs Month in Philadelphia and do urge all Philadelphians to generously support the fund raising efforts of the National Tay-Sachs and Allied Diseases Association, and further urge members of the Jewish community to take advantage of the testing program for the future health and long life of their children.●

EL SALVADOR: WINNING THROUGH NEGOTIATION

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. BARNES. Mr. Speaker, Latin American specialist Robert Pastor of the Brookings Institution has written a very good article for the March 17 New Republic in which he argues that we can only achieve our objectives in El Salvador by placing conditions on our aid, working for a negotiated settlement, and placing limits on our involvement in that country. By resisting congressional attempts to include these principles in U.S. policy, Pastor points out, the President risks having his flexibility further curtailed by Congress in the future—and makes it more likely that the radical left or extreme right will seize power. I urge my colleagues to pay close attention to this article:

WINNING THROUGH NEGOTIATION

(By Robert Pastor)

The United States is becoming so worried about "another Vietnam" in El Salvador that it is about to repeat an historical error of a quite different sort—the error that led to foreign policy failures in Cyprus and in Angola and on emigration from the Soviet Union and on human rights in the mid-1970s. In each instance, Congress sent the executive branch a foreign policy signal; in each instance, that signal was ignored. The result, predictably, was that every time the executive went back to Congress with additional requests, Congress shortened the leash, limiting the flexibility necessary for good diplomacy. In the end there was no flexibility, and no U.S. interest was served. Then the executive blamed Congress—for alienating Turkey, for "losing" Angola, for reducing emigration from the Soviet Union, for antagonizing friends.

We seem to be headed in the same self-defeating direction in El Salvador. Congress is sending a foreign policy signal to the executive, and the executive doesn't appear to be listening. Last December, Congress amended the International Security and Development Cooperation Act of 1981 to instruct the President to withhold aid to the government of El Salvador unless that government "is making a concerted and significant effort to comply with internationally recognized human rights," is gaining control over its security forces, is carrying out its reforms, and is demonstrating a "good faith effort to begin discussions with all major political factions in El Salvador." In the same law, Congress wrote that economic and military aid from the United States "should be used to encourage" these and other specific objectives, including a complete investigation of the deaths of the American religious workers.

Congress left the President some discretion on how to implement these provisions. Mr. Reagan took every bit of it and more; indeed, he pursued a different policy entirely. Instead of using the aid to pursue the seven objectives in the law, he is using it to pursue one: the defeat of the guerrillas. Instead of encouraging the Salvadoran government to make a good faith effort to open discussions with the left, he has supported the insistence by José Napoleón Duarte's government on a wholly disingenuous precondition to discussions: that the left lay down its arms.

So the Reagan Administration should not be surprised if, in the next round of requests for aid, Congress limits the discretion and shortens the leash. We can then expect, before too long, to hear Secretary of State Alexander Haig complain that Congress is tying his hands, that those military options he is forever "ruling neither out nor in" are in fact ruled out. And then, when El Salvador goes the way of Cuba, the Reagan Administration will blame Congress. Congress

will blame the Administration. And the country will blame them both.

There is a better way. Although Congress is far from unified, one can identify the seeds of an emerging policy toward El Salvador in the 1981 law and in the view of those who pressed for the amendment, including Representatives Michael Barnes, Stephen Solarz, and Jonathan Bingham, and Senators Paul Tsongas and Christopher Dodd. In its February 17 editorial, "Friendly Fire," The New Republic outlined a policy that is quite consistent with the Congressional initiative. TNR shares Congress's uncertainty about whether such a policy would work. But these seeds, properly tended, are the basis for a successful U.S. strategy.

The Administration believes that there is one war in El Salvador—against the Communists—and that the U.S. should do all that is necessary to win it. Congress believes that there's a second war—against the repression by the right and the security forces—and that unless the Salvadoran government succeeds in winning this war, it won't win the one against the left. Congress is correct. The three seeds of the Congressional strategy are conditionality, negotiations, and limits. Here is a look at each—along with the Administration's objections, and a suggestion of what might happen if the Administration stopped objecting to these ideas and started implementing them.

(1) *Conditionality.* Strict conditionality would mean a credible threat to reduce aid if concerns on human rights, etc., are not met. The Administration objects to this because it does not want to desert or undermine a friend in a moment of crisis. In addition, the Administration accepts the argument of El Salvador's military high command that to insist on disciplining the security forces is to risk dividing and weakening them. The result is that the Administration is likely to continue to urge the military to clean up its act and the government to implement the reforms, but it will never threaten or reduce aid if progress is not evident in these areas.

The strategy of conditionality, like the strategy of nonviolence, cannot work if a government is implacable or without moral scruples; it wouldn't work, for example, in Guatemala or the Soviet Union. But it can work—indeed, has worked—in El Salvador, because both the civilian leadership (Duarte) and the military leadership (Defense Minister José Garcia and Junta member Jaime Abdul Gutiérrez) understand that reform helps the government and repression hurts it. Duarte can't control the repression because the Reagan Administration has denied him the leverage necessary to command the respect of the military. Garcia and Gutiérrez won't do it on their own because they are too busy fighting the war, and because they don't want to do anything that could risk demoralizing part of the military and perhaps even stimulating the emergence of new rightist paramilitary forces which could threaten their control. They will take such risks only if they are informed that they will risk even more—all U.S. and international support—if they don't. But as long as Mr. Haig is saying "we will do whatever is necessary" to defeat the left in El Salvador, he is giving the military a blank check and telling the government not to take the risk of disciplining its security forces.

Garcia and Gutiérrez need to be pushed to do what they know they must do but won't do on their own. Let me cite some cases to show that a strategy of conditionality could work.

Barely two months after overthrowing the "old order" on October 15, 1979, the first revolutionary government in El Salvador came apart, unable to transate its lofty pronouncements for reform and social justice into policy. Few inside or outside El Salvador thought that the new Christian Democratic-military coalition would have any more success implementing the reforms or even surviving. But with firm pressure from the U.S.—the threat to suspend aid, the promise to increase it once the reforms were promulgated—the Salvadoran government announced the reforms and began the long, hard process of carrying them out. There had been warnings that the reforms would weaken and divide the government. Instead, the reforms weakened the left and helped the government widen its precarious base.

Even in the closing days of the Carter Administration, the blunt instrument of conditionality succeeded in moving the military. In December 1980, after the wanton murder of six leftist democratic leaders and of four American religious workers, President Carter suspended all economic and military aid until the military complied with the ultimatum of the Christian Democrats in the government, who had threatened to withdraw unless the violence was brought under control. The military agreed to investigate the murders of the Americans, to reorganize the government to give greater authority to Duarte, and to transfer or dismiss a dozen key military officers associated with the repression, including Vice Minister of Defense Nicholas Carranza. In return, the U.S. reactivated economic and "nonlethal" military aid, but withheld "lethal" military aid until the government took six additional specific steps in the murder investigation, including giving the U.S. a list of the security forces in the area. In early January 1981, after the government took these six steps, and after the leftist offensive on January 10 revealed that the left had covertly received large quantities of military supplies, the U.S. released $5 million of military aid. Not surprisingly, human rights progress has halted since the Reagan Administration discarded the lever of conditionality. But there continues to be evidence that conditionality can work. How else can one explain why the Salvadoran government has taken another step forward in the religious workers' case now that the Reagan Administration is about to go to Capitol Hill to ask for more funding?

Conditionality can work, but four lessons based on the experience of the Carter years are worth noting. First, even though Salvadoran military chiefs—and perhaps even Duarte—will complain about having their arms twisted in public, the U.S. should never rule out public pressure even as it tries to do as much as possible privately. Second, after consulting with the Christian Democrats and others genuinely concerned about the repression, the U.S. should name specific indicators that would demonstrate the military's sincerity in gaining control of the violence. Such indicators could include: the dismissal of Colonel Francisco Antonio Moran, head of the Treasury Police; the abolition of the Treasury Police and the National Guard or their consolidation under the army; completion within six months of the trial of the six National Guardsmen accused of murdering the religious workers; and reassignment—either out of the country or into prison—of a dozen or so of the most repressive officers. Third, each large step—like the agrarian reform—actually represents hundreds of microscopic steps that require constant prodding and pushing. There were something like two hundred individual steps between the murder of the religious workers and the indictments of the six National Guardsmen. Such procrastination is infuriating, but the U.S. cannot afford to relax the pressure. Fourth, the U.S. should be realistic and recognize that success may be partial. Bargaining over repression is gruesome, but it is the only choice between giving up on the military or giving in to its atrocities.

(2) Negotiations. The closest both sides have come to talking was in September 1980, when Archbishop Arturo Rivera y Damas offered to mediate. Duarte quickly accepted on behalf of the government, and U.S. Ambassador Robert White used his influence to keep the military from vetoing it. The leftists, however rejected the offer, insisting instead on two preconditions: first, they would negotiate only with the U.S.; and second, they would negotiate only if there were a restructuring of the armed forces and dismissal of Garcia, Gutiérrez, and others. That was the state-of-play on negotiations until June 1981, when the international democratic left convinced the guerrillas that they could regain the political initiative if they dropped the two preconditions. They did so. The response of the government and the Reagan Administration was to block negotiations by interposing a new precondition of their own: negotiations could begin only when the left gave up their arms.

The Reagan Administration says it would be wrong to negotiate with—and thereby to legitimize—those who seek to change the government by violence. But that notion, applied consistently, would also preclude the U.S. from talking to the current government, which came to power by force. A more important (and sustainable) view is that the U.S. should not in these circumstances allow itself to appear as the obstacle to negotiations that could reduce violence. The Administration's second objection is more pragmatic: if the Communists are permitted a power-sharing arrangement through negotiations, they will ultimately take over the government. However, if the Administration believes that only the left can manipulate the negotiations, it is doing nothing more than confessing its own incompetence. Moreover, now that the left has dropped its preconditions, there is no reason why power-sharing should be the agenda—or even be on it.

The irony is that perhaps the only reason the left stays unified is our unwillingness to talk to them. Rather than fearing negotiations, we should welcome them as the best, and perhaps the only, way to move El Salvador from civil war toward credible elections, to divide the left between those civilians who believe in democracy and those guerrillas who don't, to discipline the excesses of both the security forces and the guerrillas, and to mend fences with Mexico and our European allies on this issue.

How can negotiations produce these outcomes? We are fortunate that the nominal head of the left is a Social Democrat, Guillermo Ungo, and of the government a Christian Democrat, Duarte. Potential international sponsors (or guarantors) of the left could be Mexico, France, the Social Democratic parties of Germany, Spain, Venezuela, and the Dominican Republic. The sponsors of the governments of Venezuela, the U.S., and perhaps Costa Rica. We should exploit the fact that our friends—not Cuba or the Soviet Union—could serve as international sponsors of the left and could assert

tutelary responsibility over the guerrillas, as we seek to do with the security forces. Such an alignment would strengthen moderates like Duarte and Ungo.

The Administration should embrace Mexican President José López Portillo's peace proposal of February 21 and use it as a means for bringing all sides to the bargaining table. López Portillo thinks there is room for compromise between those who argue for elections without negotiations and those who argue for negotiations without elections—and there is.

Negotiations could begin by seeking to build trust and confidence: ceasefires should be declared in certain areas and enforced by international peacekeeping forces, representing the international sponsors. The areas in the ceasefire zone should be gradually expanded. The second subject for negotiations should be the conditions necessary to guarantee a free and fair election. Given the current violence—for which the guerrillas share the responsibility—it is understandable, if not justified, that the democratic left is boycotting the March 28 elections. (Indeed, the Christian Democrats may be making an irrevocable mistake by participating in that election. Though it may not be the first time the right steals an election from them, it could well be the last.)

The left will insist on restructuring the armed forces to eliminate the repression. But that it equally in the U.S. interest. The Salvadoran government, however, should obtain, as a quid pro quo, an agreement from the left (or some portion of it) to participate in an electoral process and to disband at least one of its more atrocity-prone guerrilla groups.

Once negotiations become meaningful, if not before, the left will almost certainly split, and the military may do so as well. Indeed, some of the guerrilla leadership is likely to try to sabotage negotiations from the beginning. In an interview with a Mexican newspaper in 1980, Cayetano Carpio, the founder of the Faribundo Marti Popular Forces for Liberation, and now the top guerrilla leader, explained why he resigned from the Communist Party a decade before: "Because of the Cuban Revolution . . . I understood that the transformation in Latin America is by the path of war. The Salvadoran Communist Party held that the path was politics and that only at the end, when the final blow was to be aimed, should arms be used." Carpio's group has since boasted of assassinating a moderate education minister, a respected foreign minister (Mauricio Borgonovo, in 1977), and the Swiss chargé; of seizing the Costa Rican, Venezuelan, and French embassies; and of numerous bombings of electric power stations and buses. Joaquin Villalobos, founder of the People's Revolutionary Army (ERP), in 1974 "executed" his chief rival in the ERP, Roque Dalton. Dalton's followers split to form a new guerrilla group, the FARN. The FARN's leader, Ernesto Jovel, was killed in a plane crash in mysterious circumstances in 1980, just after his group—allegedly the most barbaric—refused Castro's overtures to cooperate with the others. In an interview before his death, he held up a list of names of journalists and others whom he accused of favoring the government, and warned them that if they didn't leave the country soon, they "will be executed." Much of this sanguinary history is described in Gabriel Zaid's excellent article, "Enemy Colleagues: A Reading of the Salvadoran Tragedy," in the Winter 1982 issue of Dissent.

It is scarcely likely that such people will trust in a democratic framework. But if they don't, the negotiations ought to aim to constrict their power—and to encourage those who have swelled the guerrilla ranks in the last year because of repression to return home. The very fact of negotiations would begin this process. Just as important is the return to active political life of the democratic left. This can only be made possible by negotiations leading to an international authority to guarantee free, fair, and safe elections.

Limits. What could be more self-defeating, Secretary of State Haig asked Robin McNeil on February 16, than to rule out military options? The answer to Haig's rhetorical question is the opposite of what he imagines. Haig should ask himself why it is that spokesmen for the left repeatedly invite the United States to send troops. The truth is that a U.S. combat presence would be an injection of nationalistic adrenalin for the guerrillas, making credible their assertions that they are really fighting U.S. imperialism. It would change the character of the war overnight, creating the basis for a long-term Communist-nationalist movement that could not be defeated. In any case, Congress would correctly reject it, and, under the War Powers Act, the troops would be out in ninety days. The United States would look either ignorant or impotent, depending on which end of Pennsylvania Avenue you work. By refusing to rule out military options, Haig buys only grief for himself, and gives a propaganda point to the guerrillas. To set limits on our involvement in El Salvador is in fact to enhance our capacity to influence developments there.

The three-part strategy of conditionality (linking our support to genuine progress in reducing the repression), negotiations (with the left under the sponsorship of Mexico, Venezuela, and other friends), and setting limits to our involvement can succeed. That strategy would have an additional dividend. The debate in the U.S. is shaping up between those who want to stop the Communists and those who don't want to support a repressive government. The strategy outlined here can serve as a bridge between those two positions, between Congress and the executive, and between the political parties. This could also help to gain support for the Administration's Caribbean Basin Initiative.

The Administration should urge negotiations immediately—before the March 28 elections. Afterward, it could be too late. If the Christian Democrats lose, we could find ourselves tied to an indefensible regime, not a more legitimate one, and the game will be up.

But if the Administration holds to its current disastrous strategy and fails to grasp the thread of the policy emerging from Congress, the American people should know whom to blame if the left (or the extreme right) seizes power in El Salvador. It won't be Congress.●

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THE 63D ANNUAL OBSERVANCE—PUBLIC SCHOOLS WEEK

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. ANDERSON. Mr. Speaker, I am pleased to join my colleagues in commemorating Public Schools Week during the month of April. This year will be the 63d annual observance of Public Schools Week, such observance having been initiated by the Masonic Grand Lodge in California, September 27, 1920.

Public Schools Week has always had the purpose of calling attention to the public schools, their strengths and their weaknesses. By inviting parents and the general public to visit the schools at this time of the year, public schools hope to enlighten the public on current issues schools must deal with.

Our country has had a deep and abiding interest in the education of its citizens since the days of the very early colonies. Massachusetts passed America's first general school law in 1647 requiring each town "to teach all—children—to write and to read."

Benjamin Franklin, always a strong supporter of practical public education, once said:

> The good education of youth has been esteemed by wise men in all ages as the surest foundation of the happiness both of private families and of commonwealths.

Thomas Jefferson, creator of so much that is now good and great in our country, said:

> Above all things, I hope the education of the common people will be attended to; convinced that on this good sense we may rely with the most security for the preservation of a due degree of liberty.

Later he said,

> If a nation expects to be ignorant and free, in a state of civilization, it expects what never was and never will be.

Today our public schools are in serious trouble. In California the effects of proposition 13, passed in 1978, are now having their most disturbing impact. The financing of public schools is being challenged as never before in our lifetimes. Budget proposals put forward by our President have cut significantly into those Federal funds that might have helped our schools and their financial plight.

During the month of April, let us all pause from time to time to consider how best to deal with public education. Let us all visit our public schools and discuss with our educators the problems they face today. And finally in our homes may we all increase our efforts to encourage our children to put forth their best effort in the short time they are in our public school classrooms.●

THE DINGELL-BROYHILL-LUKEN CLEAN AIR ACT AMENDMENTS—A DIRTY DEAL FOR CLEAN AIR

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. BROWN of California. Mr. Speaker, as the Committee on Energy and Commerce continues its mark up of amendments to the Clean Air Act, it is important for the House to understand what is at stake here. The version adopted by the subcommittee is, of course, completely unacceptable to those who seek balance and those who really care about the public health and welfare.

At this time, I do not intend to belabor the specifics of what is wrong with the Dingell-Broyhill-Luken amendments. However, I do wish to insert in the RECORD an editorial by the chair of the California Air Resources Board on the harm this bill will do the clean air efforts.

The editorial follows:

[From the Los Angeles Times, Apr. 6, 1982]

DIRTY DEAL FOR CALIFORNIA'S PUBLIC HEALTH—WEAKENING OF CLEAN AIR ACT WOULD AFFECT STATE'S STRICTER CONTROLS

(By Mary D. Nichols)

The Clean Air Act, which guides the national effort to control smog, expired last year. Congress has thus far failed to renew the act's basic commitment to eliminate unhealthy air because of a purely political impasse between the will of the public and the demands of industry. The result is a dirty deal for California's public health.

Many weeks of congressional hearings last year failed to reveal any reason to weaken automobile emission limits adopted a decade ago.

The technology already exists, and the standards are needed to reduce excessive pollution levels in the country's major urban areas. Automobile manufacturers have urged a relaxation in the standards that would double the emissions of cars being sold today. They have pleaded general economic hardship, which is undeniable, but have failed to provide any evidence that rolling back standards would improve their situation. On the contrary, Wall Street analysts have pointed out that, if U.S. auto makers take advantage of the higher limits to remove electronic controls that have been developed in the past few years to improve fuel economy and driveability, Japanese cars will become even more competitive in the marketplace than they are today.

Despite polls that show overwhelming public opposition to weakening the Clean Air Act, the House subcommittee on health and environment recently passed a comprehensive set of amendments that included every change asked by the auto industry.

The authors of the bill are Reps. John D. Dingell of Michigan and Thomas A. Luken of Ohio, two Democrats whose districts have been hit hard by auto-industry layoffs. It has the support of President Reagan and is expected to reach the House floor. There its future is far less certain.

Dingell and Luken claim that their bill would make little or no difference to air quality, but would merely "streamline" the Clean Air Act to remove unnecessary impediments to industrial growth. I contend that the Dingell-Luken measure would set back California's air-quality-control program at least a decade.

The 1970 Clean Air Act made a major breakthrough in air-pollution control by establishing technology-forcing automobile standards. It also established a powerful three-pronged weapon for attacking unhealthy air quality: (1) The Environmental Protection Agency was required to set air-quality standards at levels designed to protect sensitive members of the public such as children and old people, (2) Congress set deadlines for the attainment of those standards by the states, and (3) the deadlines were made enforceable by the Environmental Protection Agency or by individual citizens through a variety of sanctions.

The Dingell-Luken bill would effectively eliminate deadlines and sanctions, leaving the standards with no incentives or tools to attain them.

The measure would pre-empt California's 5-year/50,000-mile warranty for emission-control systems, replacing it with a flimsy 2-year/24,000-mile warranty limited to add-on pollution equipment. This would mean less durable cars and higher repair costs, as well as worse emissions for older cars as drivers decide to forgo emission-related repairs.

In addition, the control of emissions from oil tankers would be totally pre-empted. The Environmental Protection Agency may adopt emission limits, but probably won't. Meanwhile, the development of California's offshore resources is expanding rapidly, and any state or local efforts to mitigate the effects of additional tanker traffic would be frustrated.

We can be certain that pressures to roll back California's more stringent auto-emission standards will mount as the gap between state and federal standards widens. While California has had its own stricter requirements for certification, maintenance, warranty, assembly-line and in-use testing, tailpipe standards have moved closer to the federal levels in recent years. New California cars match cars sold in other states in terms of fuel economy, price and availability of models, but they also emit half as much nitrogen oxide. That could change dramatically.

Industrial pollution would also be more difficult to control if this measure became law. It would eliminate the requirement that new industries in smoggy regions use control techniques representing the "lowest achievable emission rate"—that is, the best control that has been demonstrated anywhere.

Instead, states would be required only to define a lowest-common-denominator or economically "reasonable" level. This represents a potential difference of hundreds of tons a year in pollution from new facilities. Moreover, whatever controls are required would be frozen for 10 years under the "regulatory stability" provisions of the act. Since even areas that could meet the national air-quality standards by the current 1982 deadline would receive an automatic extension to 1987, and all areas would be able to obtain deadline extensions to 1993 with no additional effort, any incentive for industries to clean up existing sources would be eliminated.

Of course, California could again go its own way and press for tougher measures than the rest of the nation is using. Experience tells us that few local air pollution control districts will impose tough, costly control measures opposed by local industries, which can threaten to move elsewhere.

The innovative, technology-forcing measures adopted in California during the last 10 years were required to meet federally imposed deadlines; local elected officials tell us that, without those requirements. we can expect little further progress.●

TOWARD A PEACEFUL SOLUTION IN EL SALVADOR

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. WOLPE. Mr. Speaker, the situation in El Salvador today is first and foremost a tragedy for the Salvadoran people. Out of all the conflicting interpretations there have been of the conduct and outcome of the elections, one message has emerged which is beyond dispute: The overwhelming desire of the Salvadoran people themselves for an end to the violence.

My fear is that this message will once again fall on deaf ears in Washington. My fear is that, once again, the administration will attempt to make the facts of the real world fit its preconceived ideological framework; that it will continue to pursue a course which will have the effect of prolonging and escalating the violence in El Salvador; and that, in the process, it will do irreversible damage not only to American security interests in the region, but to the entire international credibility and standing of the U.S. Government.

In its dealings with the situation in Central America, the administration appears to have lost sight of two things which are indispensable to the effective conduct of foreign policy: A sense of reality, and a sense of principle. According to Secretary of State Haig:

> Our problem in El Salvador is external intervention in the internal affairs of a sovereign state in the hemisphere—nothing more, nothing less. That is the essential problem we are dealing with.

However, this analysis of the situation is simply not one shared by our friends and neighbors in the region, nor by any of our major allies. That alone should give us pause for thought. President Lopez Portillo of Mexico, in his speech in Managua several weeks ago in which he launched his now famous peace initiative, put it this way:

> The distinguishing feature that today marks the destiny of the Central American people and the Caribbean is their struggle for the profound transformation of the secular social, economic and political conditions that have imposed on them poverty, tyranny and oppression. Whoever does not

understand this will not manage to understand the dramatic convulsions that are agitating the area . . . Who could dare today to write off as a mere effect of the expansionism of one superpower or another the immense wave of national liberation that shook the third world in the last thirty years? That is why we reiterate what has been said, in public and private, to each other: the Central American and Caribbean revolutions are, above all, struggles of poor and oppressed peoples to live better and more freely. To say that they are something else and to act as if they were is counterproductive: one ends up by achieving that which one wanted to avoid . . .

It is ironic that our country, of all countries, should fail to recognize the reality of what is happening in Central America. It is ironic that we should, once again, find ourselves on the side of those who would try to block change and to prevent reform. The danger, as President Kennedy foresaw only too clearly, is that "those who make peaceful evolution impossible make violent revolution inevitable."

Our Government is making the same tragic mistake in El Salvador as it has so often before in its dealings with the developing world—that of equating political stability with the maintenance of the status quo. Instead of allying itself with moderate forces working for reform, the administration has been sending increasing amounts of military hardware to arm one of the most ruthless and brutal armies anywhere in the Western World. The predictable result has been to weaken and alienate the moderate center, to strengthen the men of violence on both sides, and to leave opponents of the regime with no choice but to look to Cuba and Nicaragua for help and support. By our own actions we are creating opportunities for the Soviets and the Cubans to extend their influence, and by our own actions we risk turning the conflict in Central America into a superpower conflict. As President Lopez Portillo predicted the prospect is that we shall end up achieving that which we wanted to avoid: Providing the opportunity for a Communist government to gain a foothold on the mainland.

It is a tragedy that, at a critical moment in the history of Central America, our Government has so completely failed to understand the nature of the problem with which it is dealing that it has missed a great opportunity to play a constructive part in the development of democracy and political stability in the small republics that are our neighbors. It is also a tragedy for the Salvadoran people and for those moderate elements in Nicaragua still struggling to prevent the revolution there from moving even further in the direction of totalitarianism. But it is also a tragedy for the American people.

In letter after letter to Members of Congress, Americans have expressed their shame at finding their Government, in violation of every principle of respect for human rights in which they were brought up to believe, arming a military that has been responsible for the murder of thousands of its fellow citizens, and planning covert operations against a small neighbor with which it is ostensibly at peace. They have made clear their overwhelming opposition to further U.S. military involvement in El Salvador, and above all their opposition to sending U.S. troops there. And they have expressed their disgust at the manner in which the administration has tried to manipulate the facts of the situation to fit its own purposes and ideological preconceptions: From the white paper last year so full of unfounded assertions and half-truths to the President's certification at the beginning of this year that the preconditions set by Congress for further military aid to El Salvador—including a concerted effort to comply with internationally recognized human rights—had been met. Understandably, the American people are asking themselves: Who or what are we fighting for in El Salvador?

President Lopez Portillo, in presenting his peace initiative, said that:

It is based on a simple but decisive idea: that if each accepts the fact that neighbor must and can live the way that seems best to him, the differences of interests and rocuses are surmountable through the negotiated route. Mexico does not defend, on the external plane, ideologies of any kind. It defends principles. It defends the supreme right of peoples to free determination and of respect for the sovereignty of each country.

I wish it had been an American President who had spoken those words. How different the recent history of our country would have been had our foreign policy been based on this simple but decisive idea, and had our policies been based on the defense of principles, not ideologies.

We should not be naive about the potential threat to U.S. security interests in Central America. We should not underestimate the difficulties and complexities of the situation there. We must not be apologists for the men of violence on either side. But we must recognize that military intervention is not the answer to containing or ending the conflict in Central America. There, as elsewhere in the Third World, the biggest threat to our security comes from the conditions of poverty and injustice that are the breeding grounds for violent revolution, and which open up to Cuba or the Soviet Union the opportunities to fish in troubled waters. We must understand once and for all, that we cannot hope to stop the spread of communism by supporting repressive dictatorships that violate human rights. Such support is not only repugnant to the American people, but it also plays directly into the hands of the Soviets and their surrogates.

We must reintroduce both realism and principle into our Central American policy. We must make clear our unalterable opposition to military establishments which maintain themselves in power by oppression. We must take our stand in support of peaceful change and the promotion of social and economic justice. Above all we must stop the dishonest manipulation of facts to suit our own purposes.

In many ways last month's elections, but further polarizing the situation in El Salvador, has made a negotiated settlement to the conflict there more difficult. By the same token, however, it has made the search for a peaceful solution all the more urgent. President Portillo has offered to act as a channel of communication, and has proposed a series of steps to defuse the mounting tension in the region. Nicaragua and, just recently, Cuba, have both indicated their readiness to begin negotiations with us with the aim of finding a political solution to the conflict in El Salvador. We should respond—not negatively or ambiguously as we have done to date—but positively and in a spirit of good faith.

Our country was born in revolution, and claims the leadership of the free world. Yet how can we expect our protests about violations of human rights in Afghanistan or Poland to be taken seriously when we support the military in El Salvador and remain silent about oppression in South Africa? Time and time again we have failed to provide the leadership that could help promote peaceful change. We still have such an opportunity in El Salvador today. We cannot afford to throw it away.●

A TRIBUTE TO ANTHONY J. LEVOY

HON. JAMES A. COURTER
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. COURTER. Mr. Speaker, I rise to recognize a dedicated citizen and outstanding member of my home district, Mr. Anthony J. Levoy of Wharton, N.J.

Mr. Levoy, who will celebrate his 50th year of active service in the Active Hose Company No. 1 of the Wharton Fire Department on May 2, 1982, will be applauded by his friends and colleagues at a testimonial ceremony on May 14, 1982.

The achievements of Anthony Levoy are truly impressive. As an elected member of the Active Hose Company No. 1, he put his exceptional abilities and talents to good use through service on such company and departmen-

tal committees as entertainment and investigating.

During the years of 1935 and 1936, Mr. Levoy's colleagues showed their respect for him by naming him vice president of the Active Hose Company No. 1. He maintained this position in conjunction with that of assistant foreman in 1937.

The tradition of impressive leadership embodied in the Active Hose Company was continued when Anthony Levoy was appointed to the offices of president and foreman in 1938. In that year, these offices were consolidated into that of captain, making Mr. Levoy the first captain to serve in the Active Hose Company.

He became exempt fireman on May 16, 1939, and has since continued his service as an active fireman and department supporter through the present time.

This illustrious record of accomplishments demonstrates Mr. Levoy's many contributions to his colleagues and his community. I am sure that I voice the feelings of his family and friends when I say that Anthony J. Levoy is truly a compassionate, dedicated, and talented human being. And I would add, in closing, that I wish Mr. Levoy the best of luck throughout his career in the Active Hose Company and in all of his future endeavors.●

SUPREME PRESIDENT GUSTAV COFFINAS OF AHEPA CELEBRATES HIS BIRTHDAY

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. LONG of Maryland. Mr. Speaker, this evening I shall have the pleasure of attending a meeting of the Lord Baltimore Chapter of the National Order of AHEPA, the largest Greek American fraternal organization in the world.

Special guest this evening will be Supreme President Gustav Coffinas, who is celebrating his birthday today. Mr. Coffinas has held elective offices in AHEPA from the local to the national level throughout his 36 years of active membership.

A native of Brooklyn, N.Y., he served in the Air Force during World War II, and was graduated from St. John's University and School of Law. He began his distinguished law career in 1952, and is licensed to practice in all New York courts, before the Supreme Court, the Department of Justice, and the Board of Immigration Appeals.

A leader in Brooklyn's Greek community, he is founder of the Fantis Parochial School—the first Greek Orthodox grammar school in Brooklyn.

As supreme president of AHEPA, he oversees the activities of the national organization which include the founding of St. Basil's Academy in Garrison, N.Y.—a home for orphaned Greek American boys, and the establishment of a hospital in Greece.

He is visiting the Lord Baltimore Chapter of AHEPA tonight to celebrate the unveiling of plans for a new community center which will include a physical fitness center, a senior citizens center, entertainment and meeting facilities, an indoor-outdoor swimming pool, day care center, tennis and basketball courts, and picnic grounds.

I ask my colleagues to join me in congratulating Mr. Coffinas on the occasion of his birthday, and welcome him to our community.

THE PRESIDENT'S HEALTH BUDGET AND THE ALTERNATIVES

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. WAXMAN. Mr. Speaker, it has become clear over the past 2 months that the President's budget is a discredited document. Its policies are so harsh, and so far removed from reality, that the budget cannot be repaired with short-term incremental tinkering. Health programs, for example, are targeted for more than $5 billion in short-term cuts that would do nothing to encourage more efficiency in the health system. Instead, they would simply shift costs from the Federal budget to others—to hard-pressed State and local governments and taxpayers, to health providers and their patients, to health insurers and their premium payors, and ultimately to the vulnerable citizens that these programs serve—the aged, the disabled, the children, the poor, and the ill.

The Congress is now proceeding with the difficult task of developing an alternative economic and budgetary policy that reflects our Nation's real priorities and serves its most basic human needs. The necessary starting point is the development of the broad outlines of revenue, domestic spending, defense spending, and deficit targets. Many of these proposals focus on the entitlement programs, such as medicare and medicaid. They seem conceptually simple and straightforward, and their generic outlines may sound appealing in the abstract. However, there are three critical issues that must be considered in reviewing these budgetary proposals.

First, they are based on the presumption that we have to cut health programs further, despite the fact that last year's Reconciliation Act cut health programs by $2.8 billion in fiscal year 1982, and programed another $2.8 billion cut into fiscal year 1983.

Second, they would force us to make short-term cuts and cost shifts, similar in nature to those proposed by the administration. While there is general agreement that we need to move toward some type of long-range health system reforms, we simply cannot achieve billions of dollars of fiscal year 1983 savings from such reforms. Instead, we would have to turn again to short-term shifts to States, providers, insurers, and program beneficiaries, which guarantee us the same, or even worse, problems in the years ahead.

Third, if we approve budgetary proposals with substantial health cuts, the particular program changes that would be required will be complex and very controversial. It is all well and good to support macroeconomic targets that produce a more politically appealing deficit. However, we should not endorse these broad targets unless we are at the same time personally committed to voting for the controversial program changes required to reach them. The danger is that we support a savings target based on a controversial proposal such as reimbursement reforms, but then fail to support the actual legislative change. If that occurred, we would be forced to turn to more damaging short-term cuts and cost shifts to reach the preestablished savings target.

In order to evaluate fully these broad budgetary policy prescriptions for entitlement programs, it is necessary to assess their potential impact on medicaid and medicare. The following sections detail that impact.

MEDICAID

Any limit on the rate of increase in the Federal share of medicaid spending, such as a linkage to the CPI, forces the development of a medicaid cap. Last year, the Reagan administration proposed just such a cap. It was vigorously opposed by States, local governments, and the beneficiaries as a major retreat in the Federal commitment to health care for the poor, and it was rejected by the Congress.

However, substantial cuts were still made. The Reconciliation Act reduced the Federal medicaid contribution by $0.9 billion in fiscal year 1982, and the conferees explicitly agreed to extend those cuts for a full 3-year period. States are now desperately trying to cope with this year's reduction, and are confronting the fact that medicaid is already programed for additional cuts of $0.9 billion in fiscal year 1983 and fiscal year 1984.

What could the States do in response to further Federal cuts? We should not kid ourselves that they could respond with long-range reforms. In fact, most long-range medicaid reform proposals entail more

equity among the States in eligibility and benefit levels, and usually a stronger Federal financial role—not more Federal cuts. Instead, the States would have to make up for the Federal withdrawal either by increasing State and local funding and taxes, or by cutting into the program itself.

We also should not kid ourselves that such cuts will be easy, or harmless. There seems to be an implicit assumption among Washington budgeteers that the medicaid program has never been under fiscal pressure, and that by making these huge Federal cuts we can finally force the States to examine their medicaid programs more closely. The presumed result would be that they will find areas to cut without much harm.

If the underlying assumption were correct, such fiscal management tactics might be warranted. However, as anyone familiar with State government and budgeting over the past decade knows, the assumption is totally false. The States have always had a large financial stake in medicaid, and the program has been under fiscal pressure, enormous pressure at the State level, since enactment. States have had to examine and reexamine their medicaid programs for years, and make hard choices of what to cover and what to cut, and how to improve efficiency to get the most out of their investment.

We are now at the point that medicaid covers just 53 percent of the poverty population. Eligibility levels are below $250 per month for a family of four in about one-fifth of the States and jurisdictions administering the program. Nearly one-half of program payments go for long-term care services, the need for which will continue to grow with the aging of the Nation's population. Benefits are increasingly restricted, and last year's cuts were accompanied with increased flexibility in setting reimbursement rates and defining coverage groups.

I would urge my colleagues to consider seriously whether they can or should support further reduction in Federal funds to the States for medicaid. If more Federal cuts are enacted, the States would have to finance the benefits from State and local revenues and taxpayers, or shift the costs: Shift them to beneficiaries as cuts in basic eligibility or benefit levels, or shift them to providers as additional reimbursement cuts. It is important to understand that the costs do not go away, they are simply shifted to those less able to finance them—Federal to State—State to local government, beneficiary, or provider—beneficiary or provider bad debts to other patients, or back to local governments. We still end up financing the care as a society—we just have the accountants move the costs to meet the political needs of the day. Unfortunately, in the process, we wreak havoc on State and local governments, and reduce access to critical services for the neediest aged, disabled, and children in our society.

I believe if my colleagues consider these issues, they will conclude as I have that further cuts in this means-tested health care program are not supportable.

MEDICARE

Proposals such as Senator DOMENICI's original suggestion to limit the increase in entitlement programs to the CPI would also impact on the medicare program. Under medicare, such a limit presents us with two difficult options. Since this is a Federal program, we do not have the luxury of being able to shift costs to the States. Instead, we will have to make the choices ourselves. The two generic options are as follows:

Raise the amounts directly paid out of pocket by the aged and disabled beneficiaries.

Set stringent limits on reimbursement levels to providers, such as hospitals and physicians.

RAISE AMOUNTS PAID BY BENEFICIARIES

There are three basic methods for achieving Federal savings by increasing costs for the aged and disabled: increased premiums, increased cost sharing, and limits on benefits provided.

The budget target could require an increase in the monthly premium paid for part B of medicare. Currently, the aged and disabled pay $11 per month, and that rate will rise to $12.20 as of July 1. Current law limits the increase to no more than the rate of increase in social security cash benefits. However, a budgetary target could require that we change that limit and allow the premium to rise faster than cash benefits. The result would be that 29 million aged and disabled enrollees would have to devote ever-increasing portions of their income to medical care as a means of reducing Federal outlays.

Another choice under a budget cut could be to increase medicare cost sharing. For example, the part B deductible was raised by the Congress from $60 to $75 last year. Federal outlays would be reduced if we raised this amount paid by the beneficiaries even higher, as the President has recommended. Another type of increased cost sharing would be for inpatient hospital stays. The President is apparently prepared to propose 6 percent cost sharing, or $18 per day, starting with the second day of hospital care. This would reduce Federal outlays by increasing the amount paid out of pocket by the aged and disabled individuals who have to go to the hospital for medical problems. For the average stay of 11 days, the aged or disabled beneficiary would pay $180 more than they currently pay.

The final alternative would be to set limits on the services covered under the medicare program. Currently, medicare covers 90 days of inpatient hospital care per spell of illness, with a 60-day "lifetime reserve", 100 days of skilled nursing home care, home health care, outpatient hospital care, and physicians' services. Any one of these services could be limited or cut as a savings device, leaving the costs to the aged and disabled.

All of these alternatives would achieve Federal savings by directly increasing the out-of-pocket payments for some or all of the 29 million aged and disabled individuals enrolled under medicare. The question we must confront is whether shifting more costs to these population groups makes any sense at all. Medicare currently pays less than 45 percent of the total health bill of the aged, and there is no apparent rationale for exposing them to further expenditures other than short-term and short-sighted budgetary cuts. Before endorsing budgetary proposals that would require these kinds of cuts, I would encourage the members to contemplate whether they could in good conscience vote for proposals hurting 29 million aged and disabled enrollees in the medicare component of our Nation's social security system. I believe the answer will be "no."

LIMIT REIMBURSEMENT TO PROVIDERS

HOSPITALS

The principal alternative to cost sharing or service cuts would be limits on reimbursement paid to providers, such as hospitals and physicians. Savings targets could require that we revise medicare hospital reimbursement and set limits on how much we pay for those services. I have long advocated moving toward a more prospective system that provided incentives for hospitals to serve the beneficiaries more efficiently and effectively. This type of long-range reform could be coupled with interim rate-of-increase limits, adjusted for relative efficiency, to increase the short-term budgetary savings. If the Congress decides to require some savings in the health function, it would appear to be logical to consider this type of program.

However, these long-range reforms are complex and controversial proposals, which by their very nature do not lend themselves to the immediacy of a reconciliation process. They require changes in the basic methods of payment for more than $30 billion of hospital care—changes that would be both analytically and politically difficult. Reconciliation is a particularly inappropriate vehicle for such reforms. In addition, I must remind the Members of the enormous political difficulties encountered the last time we attempted to address the hospital cost issue. Many of us worked hard to develop a proposal, only to have it defeated on

the floor of the House. Strong leadership would be required from the administration on an issue like this. It may be easy to support general savings targets in this area, but I would urge the Members to give that support to the overall budgetary package only if you are prepared to personally vote for the required reimbursement cuts, despite their inevitable complexity and controversy. Otherwise, we would be forced to turn to harsher cuts for the elderly and disabled.

PHYSICIANS

A reimbursement limitation could also be required for physician services. For example, a CPI-related limit on aggregate payments could require us to limit the rate of increase in physician fees under medicare.

While that sounds like a simple proposal, it is important for everyone to understand its impact on program beneficiaries as well as on physicians. Physicians currently have an option as to whether they accept medicare payment as payment in full, which is known as accepting "assignment." If they do accept assignment, the beneficiary is liable for only their 20-percent coinsurance, However, if the physician chooses not to accept assignment, the beneficiary is liable for their 20-percent coinsurance, plus any charges that medicare does not pay. These extra charges, over and above what medicare defines as reasonable, are currently passed on to the beneficiary on about one-half of the physician bills submitted. As a result of this option available to the physicians, the charges that are unpaid and "saved" through these caps could be shifted to the aged and disabled beneficiaries. The unfortunate result of further limits on payments to physicians would likely be a sharp decrease in the number of physicians accepting assignment—exacerbating the problems we already face in this area.

It is important to note that this kind of control does nothing about the volume of services—while the price paid per visit would be limited, the number of visits that the physician could provide is not. If the budgetary proposal provides for strict aggregate spending caps, all our experience indicates that the volume of services would be likely to increase. There would have to be more and more government use of utilization controls. If volume still increased, tighter and tighter restrictions might be required on the price per visit in order to achieve the target.

Medicare currently pays less than 55 percent of the physician expenditures of our Nation's elderly citizens. The rationale for further shifts of costs to that population is highly questionable. We must carefully consider whether we want to support such reimbursement cuts for physicians and cost shifts to the aged and disabled. Again, I believe the answer of most members would be "no."

CONCLUSION

These health programs were slashed severely last year, and no matter how we arrive at them, further cuts will be harmful and difficult to enact. A fiscal year 1983 budget that required additional reductions would force us to turn once again to short-term cuts and cost shifts that do nothing to address the underlying issues that we all recognize. The budgetary process does not lend itself to the development of long-range health system reforms. Such reforms are too complex and controversial for a reconciliation process, and do not yield the first year savings that we would force upon ourselves if we continue our annual budgetary madness.

As we continue to grapple with the broad outlines of various budgetary alternatives, I urge my colleagues to consider their impact on health programs, so that we do not end up including unnecessary and short-sighted health cuts and cost shifts as part of the final package that we develop.●

TRIBUTE TO DR. THOMAS J. VITI—A VIETNAM WAR HERO GETS LONG OVERDUE RECOGNITION

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. BIAGGI. Mr. Speaker, it gives me a high personal honor to place into the CONGRESSIONAL RECORD an article from Leatherneck magazine paying tribute to a constituent of mine Dr. Thomas J. Viti.

While in the chronological sense—the Vietnam war is somewhat dated as a subject—when stories of heroes such as Dr. Viti become known—they are timeless in terms of their significance and relevance. Dr. Tom as he was affectionately known by the thousands he served in Vietnam—provided critically needed medical services in the dangerous An Hoa province of South Vietnam. As the article indicates—almost on a daily basis—Dr. Tom would risk his life to try and save the lives of others who were victims of the violence of war.

Dr. Tom was so successful in his work that Vietnamese from other provinces would trek to An Hoa to be treated by Dr. Tom. This served to enrage the Viet Cong which according to the article branded Dr. Tom "Public Enemy No. 1 and put a price on his head." Undaunted, Dr. Tom continued his work.

Dr. Tom after his 2-years stint in Vietnam returned to the United States and switched his attentions to the other returning American servicemen from Vietnam. He worked to help smooth the transition for these soldiers back to civilian life. This was not an easy task because unlike the soldiers who returned from other wars—the American public was not as responsive.

Dr. Tom after completing 2 years in Vietnam returned to the United States and embarked on an equally difficult mission—to aid the transition to civilian life of soldiers returning from Vietnam.

He provided valuable counseling services for many returning servicemen from the Bronx and even helped some obtain gainful employment.

Today Dr. Tom Viti is still serving people with a successful private practice in the Bronx. Yet as this article points out—his relationship with the An Hoa people has not been severed. He still organizes fund raising drives to help send food, clothing and medicine for the clinic where he worked.

Time has done nothing but enhance the remarkable accomplishments of Dr. Tom Viti. It has been my pleasure to know this fine man for a number of years and I know him to be a man of commitment and dedication to helping his fellow man. In Vietnam—he was a true patriot. A popular song from several years ago was entitled "Heroes Are Hard to Find." Dr. Tom Viti is an American hero whose story follows in this article from Leatherneck magazine authored by his colleague Maj. Richard Esau, Jr.

DR. TOM'S WAR

(By Maj. Richard Esau, Jr.)

Bullets tore through the hovering helicopter as Dr. Tom Viti prepared to jump into the flooded rice paddy. Above him, the helicopter's gunners blazed back at the encircling enemy. On Dr. Viti's back was a medical knapsack. Extra canteens for the wounded were entwined in his flak jacket, restricting his arm movement. It did not make his exit from the helo while under fire any easier. Just as he was ready to go, his helmet tipped over his eyes. He jumped anyway, and landed on his back, up to his neck in the flooded rice paddy.

A moment later, Dr. Tom was on his feet, stumbling toward one of his corpsmen, who was crouched behind a paddy dike a hundred meters away, desperately trying to keep a wounded Marine alive.

"He's gone, Doctor, I lost him," the corpsman muttered.

"Let me look at him," Dr. Tom said.

While machine gun and mortar fire filled the air around him, Dr. Tom proceeded to massage the stopped heart of the "dead" 19-year-old Marine, and brought him back to life.

This was the kind of courage and medical skill Dr. Tom Viti displayed almost every day in our combat area around An Hoa, in Quang Nam Province, South Vietnam. Although he was the father of four small children, he had willingly accepted his call to military service. It was, he often said, his chance to repay the debt his Italian forebears owed this country. But when he arrived in Vietnam from his native New York City, his enthusiasm, as he frankly now

admits, was limited. "I thought I would serve my two years, forget Vietnam and return to my surgical residency at New Rochelle Hospital," he says. The plight of the Vietnamese people, in particular the children, changed his mind.

An Hoa in 1966 was a budding industrial complex located in "V.C. country" 20 miles southwest of Da Nang. It has a mixed population, some loyal to the government of South Vietnam, others loyal to the Viet Cong. Most of the people cooperated with the Viet Cong because they feared them. The Marines' situation was difficult. We had to make daily patrols into the countryside to keep the V.C. off guard. Almost invariably, these patrols cost us men. Most of our casualties were from booby traps. It was not unusual for Marines to die in booby trap explosions while civilians who knew of the weapon's deadly presence stood by in silence. Given the option of alerting the Marines and subsequently suffering torture or death at the hands of the V.C. or of remaining silent, they understandably chose to remain silent.

Six months after Dr. Viti's arrival, these same people were alerting Marines to the presence of booby traps even though the threats had lessened only slightly. This radical change can be directly attributed to the humanitarian efforts of Dr. Viti and the other members of the battalion medical team, Dr. "Flip" Gondor, M.D., Dr. Joe Donnelly, D.D.S., and their corpsmen.

A chance occurrence set off the chain of events which ultimately shifted the civilians' allegiance from the V.C. to the Marines. Some 2,300 inhabitants of a valley 10 miles south of An Hoa joined a Marine unit as it was about to return to base and requested asylum. The elders gave as their reason the fact that the V.C. had levied a 75 percent tax on their rice crop and had forcibly inducted all the valley's young men over the age of 13. Those who resisted were killed. "It was difficult to leave the graves of one's ancestors unattended," they said, "but one could no longer bear the yoke of communist rule."

Taken to District Headquarters next to the Marines' combat base, they were graciously received by the District Chief, Major Ham. The resultant housing shortage was quickly alleviated by the Marines and Seabees, while food was supplied by USAID.

Medical help, however, was another story. The Vietnamese had no doctors and only one nurse. The German Red Cross had a clinic in the area but their doctor—a gracious lady and authentic baroness—could not handle the Multitudes flocking to her clinic each day. Dr. Viti and the battalion medical team immediately came to her aid. The three M.D.s would often treat 500 persons a day while Dr. Donnelly pulled 250 rotting teeth. Their efforts quickly produced more patients as Vietnamese came from miles around to be treated by the American "Bacsi" (Vietnamese for doctor).

Then came the inevitable Viet Cong reaction. Seeing their hold on the civilian populace begin to slip, the V.C. made Dr. Viti "Public Enemy No. 1" and put a price on his head. They threatened reprisals and posted circulars in every hamlet. One mother who chose to ignore the threat and seek aid for her dying baby was killed with her husband and four other children on the night she returned home.

Medical supplies ran short. Additional requests for asylum raised the population to over 20,000. Refugee requests for aid for family members too sick to move from their hamlets doubled monthly. A lesser man would have turned from these problems. Dr. Viti just solved them all.

Price on his head or not, Dr. Tom traveled daily into the surrounding villages. While accompanying the battalion on patrols deep into enemy territory he would aid women and children we all knew might be the family of a V.C. Once he found a young girl suffering from spinal meningitis. He brought her back to An Hoa, cured her and returned her home. Immediately the price was taken off his head. She was the daughter of the V.C. District Chief. The V.C. threats of violence soon lost their desired effect when it became obvious that the civilians, without the V.C. could not hope to survive, would rather face death than have one of their children die of a disease which the Bacsi could cure.

Dr. Tom wrote to the staff at St. Albans Hospital in Yonkers, New York and to numerous drug firms. He soon received medical supplies worth thousands of dollars, particularly immunizations for the children. The problem of numbers he solved by opening a clinic that included an operating theater fashioned from a partially destroyed amphibious tractor.

At nights when the V.C. shelled the combat base, he gathered his young patients in the tractor where the Vietnamese nurses in training told them stories. Then he opened three clinics far from the combat base protected by Marine Combat Action Platoons, i.e., a Marine squad plus a corpsman who led three squads of Popular Force soldiers to provide hamlet security. By using these outlying clinics as bases of operations, he could minister to those too sick to travel.

Thus word of Dr. Tom's humanitarian exploits continued to spread, casual things began to happen. The incidence of booby trap casualties began to drop, V.C. and North Vietnamese Army movements were brought to light by people he had aided, and most significantly, the rural populace began to understand that the Americans had come to help and not to colonize them.

While running this medical revolution, Dr. Viti continued to fight a very nasty war. More than a hundred Marines were killed around An Hoa during this period. He saved at least that many by constantly putting the lives of the wounded ahead of his own safety.

After almost 8 months in the field, Dr. Tom was given an opportunity to leave An Hoa for the relative safety of the First Marine Division Headquarters. He declined. "I'd rather ride a helicopter into a hot zone than fly a rear area desk any time," he said. A few days later, he "borrowed" General Foster C. LaHue's helicopter and flew into one of the heaviest actions of the year.

Finally, in December 1967, Dr. Tom's two years' service was almost over and he was reassigned to St. Albans Naval Hospital in New York. He did not, however, forget Vietnam. No sooner had he arrived home than he began a continuing campaign to raise funds for his clinic.

Dismayed by the average American's distorted view of the Vietnamese war, he attempted unsuccessfully to give an opposing view. He soon found out that a doctor who believed in what he had done in Vietnam was just not news. He also found out that his views on service to one's country were not shared by all of his fellow doctors. One, an orthopedic surgeon, who had just prepared the stump of a Marine's leg for an artificial limb, complained to Dr. Viti that he would have earned $2,000 for that operation if he hadn't been drafted. Dr. Tom suggested a first-hand visit to Vietnam before making any more such rash statements.

As would be expected, the amputees at St. Albans were Dr. Tom's first concern. To overcome the psychological shock of a missing limb, he arranged parties for amputees who had only been operated on days before. Boyhood friends who owned restaurants in the Bronx, Jimmy Devine and Marty Gilligan, joined forces with their neighbors to welcome the wounded home.

In November 1968, Dr. Viti left the Navy, returned to New Rochelle Hospital and subsequently completed his residency requirements at Bellevue Medical Center. Today, Dr. Tom is busily engaged in building the private practice he recently opened in the Bronx. But Vietnam is not forgotten. In addition to his continuing drive for funds, clothing and medicines for the An Hoa clinic, he supports five Vietnamese orphans and a Vietnamese nurse who cares for them.

The eternal optimist, he feels that incidents like the September 1970 North Vietnamese raid against his clinic which killed eight of "his" children and wounded 30 others will not be repeated now that a cease fire is in effect.

It was this same type of optimism which carried him safely through our own mine field the night we returned from an operation and he found one of his patients missing. She had been in a sedative-induced deep sleep when we left the combat base and needed only rest to help her recover from an advanced case of dysentery. Her parents waited 24 hours and when she did not awaken assumed she was dead and buried her. Not 35 minutes later Dr. Tom knowingly took the most direct route to her hamlet, which happened to be through the mine field surrounding our combat base, uncovered her grave with his bare hands and attempted unsuccessfuly to breathe life back into her. When later asked about the mine field, Dr. Viti said the issue was never in doubt. He knew he'd get through safely.

Regardless of the final outcome of the Vietnam War, some 50,000 Vietnamese treated by Dr. Tom and the battalion medical team will remember the Bacsi who was willing to risk his life to care for the sick whether the color of their skin be red, yellow, black or white. No matter how Vietnam is recorded in the history books, one thing will remain clear: Dr. Tom Viti won his war for the hearts and minds of the people of An Hoa!●

THE NUCLEAR RESOLUTIONS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, April 14, 1982 into the CONGRESSIONAL RECORD:

THE NUCLEAR RESOLUTIONS

One of the most surprising political developments so far in 1982 has been the sudden increase in public concern about the growth of nuclear arsenals in the United States and the Soviet Union. Localities across the land have passed resolutions calling for an immediate end to the arms race and for a new arms control accord. Members of Congress

have introduced resolutions for the same purpose. President Reagan recently opened a news conference with remarks intended to slow the momentum of a congressional initiative calling for a freeze on nuclear arsenals. The national news media have covered the developments thoroughly and have even promoted them in some instances. Public opinion polls show a heavy majority of Americans favoring a freeze on nuclear weapons.

Several factors have converged to raise concern about the possibility of nuclear war and to create the demand for reductions in nuclear arsenals. The second Strategic Arms Limitation Treaty was never ratified by the United States Senate and was not supported by candidate Ronald Reagan, who after his election chose tacitly to abide by the treaty's terms. Although he has indicated an interest in doing so, the President has not resumed negotiations on strategic weapons with the Soviet Union. His military budget contains major increases for strategic forces. Also, cutbacks in social programs and record budget deficits have focused attention on the growth of the military budget. In Europe, demonstrations against nuclear weapons brought pressure to bear on political leaders there for a more vigorous effort to control arms. The Reagan Administration is widely seen as having failed to take the limitation and reduction of nuclear arms seriously.

A number of proposals to freeze or reduce the nuclear arsenals of both superpowers have been made. The President has proposed that the United States and the Soviet Union eliminate certain European theater nuclear forces entirely. The Soviet Union has suggested staged reductions in intermediate-range missiles to 300 for each side, with a moratorium on further deployment of these missiles in the European part of the Soviet Union as an act of good faith. One congressional resolution calls for a freeze on the testing, production, and further deployment of nuclear weapons as an immediate objective of strategic arms control. It also calls on the two superpowers to work to cut the size of their nuclear arsenals. Another such resolution, considered a counter to the first one, calls on the President to propose to the Soviet Union a freeze at equal and reduced levels, leaving room for modernization of America's nuclear deterrent.

These resolutions bring several thoughts to mind.

First, we must acknowledge the legitimacy of people's anxiety about nuclear war. It is no exaggeration to say that many people are very frightened—for good cause. They are concerned about the survival of life on earth. They are right to demand that we get on with the task of arms control.

Second, the two main resolutions under consideration in Congress have common features: They assert the dangers of nuclear war, seek deep cuts in nuclear arsenals, accept negotiation as the best method of achieving mutual cuts, and demand verification of any agreements. However, the one resolution would halt and then reverse the arms race while the other would allow the United States to match the Soviet stategic buildup prior to a freeze. Despite their similarities, these resolutions do not lend themselves to compromise.

Third, I consider the value of the initial freeze resolution to be primarily symbolic. Debate on it can educate all of us and help push the nation forcefully toward arms control as an integral element of our policy of national security. The passage of such a resolution would send a useful signal to the world that we are interested in arms control.

Fourth, this resolution has great appeal in a world which madly builds more and more nuclear arms as it careens toward nuclear holocaust. However, it is not a substitute for specific arms control negotiations or specific development of military capability, whether conventional or strategic.

Fifth, there are some very real problems with the resolution. For example, a freeze at present levels would lock the United States into certain military disadvantages. It would require extensive on-site inspection, something the Soviet Union has traditionally rejected. It would not allow us to moderize our strategic forces and thus might undercut our bargaining position.

Sixth, some opponents of the freeze argue that the United States has fallen behind in the arms race and needs to catch up. This argument is a serious one which must be considered carefully, but I am not persuaded by it at the present time. It is true that the West is behind in intermediate-range nuclear forces in Europe, that the Soviet Union could probably destroy many of our land-based ballistic missiles in a pre-emptive strike, and that the American strategic position is relatively weaker than it was ten years ago. However, it is also true that the United States is ahead in the number of strategic warheads it fields and in the capabilities of its nuclear submarines, of the ballistic missiles they carry, and of its strategic bombers. The balance is one of "essential equivalence" (as President Carter described it) or "rough parity" (as President Ford called it). No one really knows what will happen if these nuclear weapons are used. That uncertainty is one on the principal ingredients of deterrence.

The most pressing tasks before us are to reopen talks with the Soviet Union leading to control of strategic nuclear forces, to pursue energetically the negotiations on intermediate-range nuclear forces in Europe, and to start discussions on limitation of short-range nuclear forces.●

SUPERINTENDENT BURTIS E. TAYLOR RETIRING

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. MOORHEAD. Mr. Speaker, Dr. Burtis E. Taylor, superintendent of Glendale Unified and Community College Districts, Glendale, Calif., will retire on June, 30, 1982, after more than four decades of dedication and devotion to public education.

For the past 14 years, Dr. Taylor has been the superintendent of public instruction in Glendale. Prior to that, he held the same position with the Arcadia Unified School District.

Throughout his outstanding career, his work in education has been respected and applauded. He has been a leader and an innovator in the field of education. He has been and will remain an admired member of the education community and the city in which he lives.

Dr. Taylor will be feted at a community reception on May 14 at Glendale Community College and at a dinner on June 4 at the Huntington Sheraton Hotel in Pasadena, Calif.

I want to take this opportunity, Mr. Speaker, to offer my grateful thanks to Dr. Taylor for all the benefits his labors have brought to our community, our State, and country.

I want to wish him as much success in retirement as he experienced throughout his career. I am pleased to have this opportunity to honor a unique and gifted educator and a fine gentleman.●

WORLD BANK PRESIDENT ADDRESSES NEED FOR MORE AID TO AFRICA

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. DIXON. Mr. Speaker, last week, the President of the World Bank, Mr. A. W. Clausen, spoke in Lagos before the Nigerian Institute of International Affairs.

His remarks focused needed attention on the serious problems facing Africa—the legacy of two decades of declining food production, and projections of scant growth in per capita income during the 1980's.

Under his leadership, the World Bank has called for the doubling of assistance to sub-Saharan Africa in this decade. I share his view that greater commitment is necessary, as the developed world has not directed an equitable share of foreign assistance, resources, or technology to African nations. Less than 10 percent of U.S. aid last year was directed to the enormous problems in Africa, and this amount is clearly insufficient in consideration of our extensive national security, mineral, and trade interests with the continent.

Mr. Clausen's remarks present a frank, yet hopeful assessment of Africa's problems and potential. I would like to share the text of his remarks which address what the World Bank and nations, such as ours, must do to meet our responsibilities in this important effort.

THE CHALLENGE OF DEVELOPMENT IN SUB-SAHARAN AFRICA

(By A. W. Clausen, President The World Bank)

Mr. Minister, Mr. Director General, distinguished guests, ladies and gentlemen.

It is a great pleasure to be invited here, and to have the opportunity of exploring with you this evening some of the facets of our close partnership in The World Bank with our developing member countries here in Sub-Saharan Africa.

It is important to stress at the very outset that the Bank is determined to become a

still more effective development agency. A key and central aim for the Bank is the alleviation of poverty. Our objective in any developing country—anywhere in the world—is precisely the same: to assist the country both to accelerate its economic growth and to reduce its level of domestic poverty by enhancing the productivity of its poor, and thus making possible a better standard of living for all its people.

The challenge that you are facing are thorny and difficult, and we in the Bank have made it a top priority to do all that we can to assist you in your effort to solve them.

Nigeria is a major factor in the region. It accounts for roughly a quarter of the total population of Sub-Saharan Africa, and for an investment level that represents more than 60 percent of the regional total.

The Bank is concerned about development in Sub-Saharan Africa. We are determined to do everything we can to assist Sub-Sharan countries in their development plans—on a priority basis—because this is the one major region in the developing world in which almost all of the countries therein (18 to be exact), actually suffered a decline in income per capita during the 1970s. That decline—and all the hardship it involves for the peoples of the region—is obviously unacceptable to the countries involved. It's also unacceptable to the Bank, and, indeed, ought to be equally unacceptable to the international community as a whole.

But more disquieting still—are projections by The World Bank's researchers that point to scant growth in per capita income in the majority of the countries of this area in the 1980s. This implies an absolute worsening of circumstances for millions of Africans in the years ahead.

That outlook simply must improved. And it can be improved. It can be improved through better global economic conditions, through greater development assistance to Africa, through some new policy initiatives by some of the governments here, and by a greater involvement in this region by The World Bank. That greater involvement will demand a new era of more intense partnership between the peoples of Africa and the Bank.

Certainly The World Bank will do all it can to secure this new and more productive era of partnership.

Let us examine briefly each of these elements, which together can promote brighter prospects for Sub-Saharan Africa, and begin by touching on some of the factors that have to be taken into account if the dimensions of the challenge ahead are to be fully grasped.

The economic crisis in Sub-Saharan Africa is particularly evident in the agricultural sector. During the past two decades, food production has grown at barely more than half the pace of population growth. Average nutrition levels have fallen, even with increased food imports. And export crop production has stagnated.

The deterioration in agriculture has been compounded by both external and internal factors. Many countries have been confronted with severe balance of payments difficulties, and the quality of life for millions of the poor on the continent has been eroded.

And there are other alarming data that bring into sharp focus the critical difficulties that grip so much of the continent. Death rates in Sub-Saharan Africa are the highest in the world. And life expectancy, at just 47 years on average, is the lowest. One out of every 5 or 6 children dies before its first birthday.

In the fall of 1979, the African Governors of The World Bank requested the Bank to prepare a special report on the economic development problems of the region, and this report, "Accelerated Development in Sub-Saharan Africa—An Agenda For Action" was discussed just a few weeks ago at a meeting of African government Ministers in Dakar. The Bank's report had benefited from the earlier analysis contained in the "Lagos Plan of Action" that was adopted just two years ago by the leaders of the Organization of African Unity.

The Bank's report has elicited a wide variety of views on the causes and solutions of the problems of the area, and the meeting in Dakar was particularly instructive. We in the Bank have listened very carefully to the full range of opinion, and we recognize that we have much to learn. But we have been struck, as well, by the broad areas of agreement that exist concerning the fundamental causes of the problems that face the region.

Climate, history, and geography, have all shaped and influenced the problems that confront countries in Africa today. Problems, for example, of shortages in trained manpower, of inadequate technology, and of poor soil quality continue to hamper the progress of many societies in the region.

Further, domestic economic difficulties have been exacerbated by global trends and events beyond the control of the peoples of Africa. Persistent inflation, unemployment, recession and other problems in the industrial nations have added to the difficulties of many developing nations. There has been, for example, a major deterioration in the export prices of many countries in the Sub-Saharan region, And not even the oil exporters, as Nigeria now is finding, have been immune from the consequences of these economic setbacks.

We are acutely aware of the impact that external shocks and trends are having on the prospects for Sub-Saharan Africa. We are aware, too, of the dangers for all developing countries that could lie ahead if the industrial nations do not succeed in extricating themselves from the array of complicated economic difficulties that now enmesh them.

But together with the historical, geographical, and the external problems Sub-Saharan Africa has had to face, there have been some difficulties arising out of domestic policies as well.

Both the "Lagos Plan of Action" and the Bank's report stress, for example, the need to accelerate domestic food output. Your government has made this a priority objective. But we recognize that there are complex problems to be overcome.

Poor soil, together with unfavorable climatic conditions, have been a factor in some areas. And the most efficient technologies have not always been as available as they may be elsewhere. But the fact remains that the internal policies of various governments in the region are an important factor in the levels of domestic food production. And that, of course, is true of any country in the world, even the most advanced.

The relevance of sound domestic policies applies both to the production of food crops and cash crops. There has been some debate about the relative importance to be attached to the two. But, in general, The World Bank's experience over many years with scores of agricultural projects demonstrates that countries that have policies resulting in adequate and fair incentives and assistance to farmers, through the public and the private sectors, are the ones that do best with both food and cash crops.

In contrast, too many countries have pursued policies in the food crop sector that have sought to keep prices paid to farmers artificially low in order to provide cheap food for the cities. But such an approach does not help achieve the goal of food self-sufficiency.

Low prices paid to farmers have sometimes resulted from over-valued exchange rates—policies that discriminate indirectly against farmers—and sometimes from direct regulation of prices. Such approaches have spawned inefficiencies. Sometimes, too, the institutions involved in regulation and distribution have been inefficient.

Agriculture is a key sector, both because of its importance in improving the lot of the poor, and in providing the basis for growth in other segments of the economy. But as both the "Lagos Plan of Action" and the Bank's Africa report note, development in the Sub-Saharan region will require progress across a wide range of sectors, including industry, transport, energy, and human resources. The World Bank fully recognizes the need for a multi-sectoral approach, and will continue to support it in its lending programs and related analytic work.

Without doubt there are instances where better results could be produced if the public sector were to shoulder proportionately less of the burden. Experience demonstrates that sound business practices can lead to very successful results. But, of course, the private sector cannot do it all. The public sector has a very vital role to play as well.

The World Bank is concerned with promoting the most efficient and the most productive use of scarce development resources. It is not concerned with the issues of ownership or control. In Africa, as elsewhere, the Bank has made, and will continue to make, effective loans to public sector enterprises—in agriculture, and in industry, and in other sectors.

The Bank will continue to support greater efficiency in the public sector, and to concentrate scarce financial and human resources on key development tasks. And where possible we will try to help governments harness the energies of the private sector. The indigenous, organized private sector is underdeveloped in many African nations today. It will take time, and government encouragement, for private entrepreneurship to take hold and to gather strength.

There is, of course, a danger in all of this of over generalization. No single development strategy works best everywhere. And no one nation's problems are ever identical to those of all other nations.

At The World Bank our approaches will remain flexible, and our assistance will be tailored to the specific needs of each of our member countries.

If, then, the prospects for Sub-Saharan Africa are to be brighter, it is clear that there must be both a healthier external environment and, in a number of instances, new domestic policy initiatives. Now, it often is very difficult for governments to effect such policy changes, and it is going to require vision, and statemanship, and genuine political courage for them to introduce and implement new approaches.

The World Bank will help in every way it can to support this effort, and to strengthen the prospects for greater prosperity in Africa. The Bank wants to help raise the

living standards of Africans—of all Africans. The Bank has not changed its focus on poverty in its operations. The reduction—and ultimately the elimination—of absolute poverty remains a fundamental priority for The World Bank.

Last September, at the annual meeting of the Bank's Board of Governors, the Bank called for a doubling of aid to Africa during this decade. And we reiterate that call today. All the developed nations need to bolster their efforts to assist this continent to enter more fully into the mainstream of global economic growth.

Clearly, the Bank's ability to help Africa depends to a great degree on the volume of funds available to us. There are dark clouds gathering now on the issue of concessional aid. The economic problems in the industrial nations have resulted in budgetary constraints, and these are having an adverse effect on the International Development Association—the World Bank affiliate that provides efficient development finance to its poorest member countries on concessional terms. In relation, however, to the overall size of the budgets of the industrial nations, the IDA contributions are miniscule. It is urgent that IDA be fully funded.

Contributions to IDA have fallen far short of expectations in this fiscal year. International agreements called for contributions that would have provided for a $4.1 billion IDA program for the 12 month period ending on June 30, 1982.

By early April it appeared that the shortfall in IDA contributions for the current fiscal year would amount to fully $1.5 billion. This would force an overall cut in the IDA program of 37 percent. Even in this situation, we proposed to limit the projected cut to less than half of that—to a maximum of 18 percent—for the Sub-Saharan region.

In recent days, however, a number of nations have agreed to stronger IDA funding. Next month in Helsinki, Ministers of Finance from many nations will meet to discuss the global economic situtation. I am hopeful of still further progress on the IDA funding front at the Development Committee meeting. But even at best, it is unrealistic to expect that a shortfall in IDA will not continue to exist in the coming months.

The overall situtation is serious. There is no question that the donor governments should meet their agreed-upon international commitments to IDA. It is tragic that the poor countries should suffer because of a disagreement among the affluent nations over burden-sharing. And it is deeply unfortunate that at the very time when there is a genuine need to expand IDA programs in Sub-Saharan Africa, we have been forced to cut them back.

The Bank is doing all it can to secure more realistic, larger, IDA levels—and it counts on Africa's support in this. Further, through consultative groups, and bilateral aid agencies, the Bank will attempt to mobilize additions co-financing, on suitable terms, for priority projects in the Sub-Saharan region. We are moving right now to establish new consultative groups for Sub-Saharan Africa.

And beyond that, the Bank will work to secure greater overall assistance for Africa. There ought to be stronger support for the African Development Bank, and for the various bilateral programs for this continent.

Our own World Bank affiliate, the International Finance Corporation, is right now in the process of strengthening its African programs. IFC lends to, and takes equity in, private sector projects that have a high development component. In fiscal year 1981, IFC's investments south of the Sahara amounted to more than $100 million, almost double the previous year's total. This in turn has served as a catalyst for investments with a total value of nearly $700 million. A dozen nations were involved and IFC invested for the first time in Burundi, Congo, Somalia, and Zimbabwe.

We are going to strengthen, too, our analytical work in partnership with the nations that borrow from the Bank. The leaders of these countries have stressed to us how valuable they find the policy analysis undertaken by the Bank. We need to do more of this. And as Africa is now a key priority for us, we have just transferred more than a dozen economists and technical specialists to our operations departments concerned with East and West Africa, drawing them from other units of the Bank. This underscores our commitment.

In short, ladies and gentlemen, we in The World Bank are seeking to establish a genuine dialogue with the leaders of Africa, a real partnership. No fundamental, long-term program can possibly succeed unless it is supported widely in the nations where it is to be implemented. We will give governments all the support we can in the difficult tasks that confront them.

Now, before concluding, let me make a few specific remarks about Nigeria. This country is in many respects unique; its political structure, and its economic importance as a major oil producer and exporter make it special.

Yet Nigeria has to grapple with many of the same problems as the rest of Sub-Saharan Africa. The productive base needs strengthening; morbidity and mortality are still severe; and the levels of nutrition, health, and education need bolstering.

As in most African states, Nigeria's leaders are faced with difficult policy decisions regarding the production base of the economy. In the longer term, the nation's oil resources are limited, and exportable oil surpluses are expected to fall significantly after 1990. And already, now, the slack in the international oil market in recent months is having an adverse impact, with 1981 oil revenues declining by about $8 billion and no improvement thus far in 1982. Certainly the immediate problems of the Nigerian economy are very serious indeed.

These developments underscore the importance of adopting an appropriate set of policies in order to bring about a structural change while oil still provides a degree of flexibility which most other nations in the region lack. The Fourth Plan sets the right tone and direction in this matter, and the Government's emphasis on industry and agriculture—expecially food production—give it substance.

In the short term, the problems the nation is dealing with are burdensome, and complicate even further the already difficult longer term decisions the government faces. These are hard times for Nigeria, with oil revenues sharply down just at the time of the launching of the ambitious investment program of the Fourth Plan.

But let me assure you that despite these circumstances, The World Bank recognizes that Nigeria's long-term development and financial prospects are fundamentally sound. We intend to continue to provide substantial assistance to Nigeria, and to help it, through additonal cofinancing, greater IFC involvement, and through other means, to raise more external capital. We have every confidence in Nigeria's productive potential, and we feel sure that—given sound policies—it will come through the present crisis satisfactorily, and be able to refocus its efforts on achieving long-term structural change.

If one looks objectively at the evolving relationship between The World Bank and its developing member countries, it is clear that a great deal has been accomplished over the past 36 years. In the years to come, we must build on that experience. We must strive for a still stronger partnership in order to meet and overcome the continuing challenges of poverty and development.

The task, to be sure, is enormous. But the rewards can be very great as well. If living conditions on our planet are to be more secure and more stable, then surely every effort must be made to insure more promising economic prospects for all.

Helping to bring about that brighter economic outlook for Sub-Saharan Africa is a key World Bank priority. And for whatever that requires—and for however long it takes—The World Bank, as a partner, is going to be here, assisting the countries of the region to achieve their critical development goals.

We're immensely proud to be associated with you, and all the peoples of Sub-Saharan Africa, in this great effort. And you can fully count on us to stay the course with you.

Thank you very much.●

THE LUXURY TAX ACT OF 1982

HON. TOM HARKIN

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. HARKIN. Mr. Speaker, today, I am introducing a bill to place a 15-percent tax on luxury goods. The tax would only be paid for items that are true luxuries. It covers such items as jewelry, watches, clothing (including furs), cars, boats, airline tickets, meals, and hotel rooms. However, it is designed so that the average person would never or rarely pay the tax.

For each category, there is a simple exemption from the tax that would cover the sale of those items within each category which are not luxuries. For watches and jewelry, the exemption is $100. Thus, if you bought a watch for $100 or less, there would be no tax. However, if you bought the watch advertised in the New York Times for $3,450 then you would pay $502 in taxes. Anyone who would pay that much for a watch can easily afford to pay the tax. Those who can most afford to pay a tax would be paying this one. Those who are having some difficulty making ends meet would never be burdened with it.

Frankly, I believe that most people who buy the items that would be taxed would not change their buying habits. Their income levels are such that it would make little difference to them. To some extent, it has been argued by some economists that a tax on "status goods" actually improves

their utility. Since the value of the status item improves with the amount that has to be paid for it, the tax only creates a burden equal to the added value.

To the extent that the tax would reduce the amount of luxuries purchased, the effect would be, to a large extent, to increase investment. In theory, that was the reason that the wealthy were given such generous tax reductions in the 1981 Tax Act.

The average taxpayer received a 1¼-percent reduction in 1981. For 1981 and 1982 combined, the average taxpayer's reduction in rates was 10 percent. For those in the highest bracket, the rates went down from 70 to 50 percent. That is a decrease of 28 percent. The maximum tax on long-term capital gains fell to 20 percent, also a 28-percent reduction. Further, while the average taxpayer lost out to inflation without any adjustment in the "zero bracket amount" and the personal exemptions, these provisions have comparatively little effect on those with high incomes.

This luxury tax would have two effects. Some of the generous tax reductions of the 1981 Tax Act would be returned to the Treasury when luxuries are purchased. Second, it would, to some extent, increase the incentive to invest one's income.

WHAT WOULD BE TAXED

The tax would be 15 percent of the retail price actually paid above the indicated threshold for the following items:

	Exemption amount
Jewelry, watches	$100
Clothing	150
Automobiles	15,000
Recreational boats	5,000
Air transportation	(1)
Hotel rooms (per day)	100
Meals (per meal)	25

[1] Regular coach fare amount.

The Treasury would of course have to create rules to carefully define a single item subject to a single exemption. Clearly, a diamond ring could not be counted as four separate pieces—three separate diamonds and a setting. the bill does define certain specific cases. For example, earrings sold separately would only receive half of the exemption. Also, all items added to a car or boat within 30 days of the sale by the dealer would be included as part of the sale price.

To those who might say, "But the auto industry is in serious trouble; this would be an added weight," I would suggest that the weight would not be seriously felt. The number of cars made by the big three that sell for over $15,000, where the tax is first applied, is relatively few. If a car cost $17,000, the tax would come to $300, or less than 2 percent of the price—hardly a decisionmaking difference. As we go to the truly luxurious cars that might cost $30,000, then the tax would climb to a more substantial $2,250, or 7.5 percent.

We are facing budget deficits in excess of $100 billion. In large part, that deficit is caused by a tax cut which was exceedingly generous to those in the highest tax brackets. This tax will not balance the budget. However, it will help to close the gap. It will also provide some needed equity to the tax system.●

RATIFICATION OF SALT II AS AN EXECUTIVE AGREEMENT

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. DOWNEY. Mr. Speaker, I will shortly introduce a House joint resolution ratifying SALT II as an executive agreement. Before doing so, I will now review the compatibility of this procedure with the Constitution and rules of the United States, and with the rules and procedures of the Congress.

Ratification of SALT II is, by precedent, compatible with all of these. Both the annexation of Texas as a State and the annexation of Hawaii as a territory were first negotiated as treaties, and then these treaties were ratified as executive agreements by majority votes in both Houses rather than by two-thirds of the Senate. There is also a relevant precedent in the ratification of the SALT I offensive limitations as an executive agreement.

I have asked the American Law Division of the Library of Congress to examine these questions in detail, and I now insert the Division's analysis and conclusions.

PRECEDENTS SUPPORTING THE USE OF A CONGRESSIONAL JOINT RESOLUTION TO APPROVE THE 1979 STRATEGIC ARMS LIMITATION TREATY (SALT II) AS AN EXECUTIVE AGREEMENT

(By David M. Sale, legislative attorney, American Law Division, Apr. 2, 1982)

The purpose of this general report is to identify and assess legal precedents which could be cited as supporting authority for the use of a Congressional Joint Resolution to approve the Strategic Arms Limitation Treaty (SALT II), United States—Soviet Union, signed June 18, 1979, S. Exec. Y, 96th Cong., 1st Sess. (1979), as an executive agreement. The SALT II treaty, which was submitted to the Senate for consent on June 22, 1979, was set aside by the Senate pursuant to Presidential request following the Soviet invasion of Afghanistan in December 1979.

Any current effort to effect United States domestic adherence to the SALT II treaty by means of a Joint Resolution approved by both Houses of Congress and the President would involve the use of an alternative procedure to that otherwise specified in Article II, Sec. 2, Cl. 2, of the Constitution. The foregoing provision indicates that "The President . . . shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur. . . ." It is now well established, of course, that the treaty procedure authorized by Article II is not the exclusive mode of international agreement-making under the Constitution, *Field* v. *Clark*, 143 U.S. 649 (1892); *Starkist Foods, Inc.* v. *United States*, 169 F. Supp. 268 (1958), *aff'd* 275 F.2d 472 (1959); *United States* v. *Belmont*, 301 U.S. 324 (1937); and *United States* v. *Pink*, 315 U.S. 203 (1942). See generally W. McClure, "International Executive Agreements" (1941); McDougal and Lans, "Treaties and Congressional—Executive or Presidential Agreements: Interchangeable Instruments of National Policy," 54 Yale L.J. 181, 534 (1945); L. Henkin, "Foreign Affairs and the Constitution" (1972), Chap. VI.

In United States practice, the alternative legal instrument resulting from the nonuse of the treaty procedure is commonly denominated an "executive agreement." Where an executive agreement is sanctioned by the joint authority of the Legislative and Executive branches, it may be termed a "Congressional-Executive agreement," as opposed to "Presidential" or "sole" executive agreements concluded by the President on his independent constitutional authority, or as opposed to agreements concluded pursuant to existing treaty authority.

For purposes of identifying and assessing precedents which might support the use of a Congressional Joint Resolution to effect domestic approval of the SALT II Treaty in executive agreement form, United States practice concerning Congressional-Executive agreements seems immediately relevant. In this regard, it may be noted generally that Congressional Joint Resolutions have been utilized in the past in conjunction with international agreements to authorize participation by the United States in various international organizations. See, for example, S.J. Res. 131, June 19, 1934, 48 Stat. 1182 (International Labor Organization); H.J. Res. 192, March 28, 1944, 58 Stat. 122 (United Nations Relief and Rehabilitation Organization); S.J. Res. 77, July 1, 1947, 61 Stat. 214 (International Refugee Organization); H.J. Res. 145, July 31, 1945, 59 Stat. 529 (United Nations Food and Agriculture Organization); H.J. Res. 305, July 30, 1946, 60 Stat. 712 (United Nations Educational, Scientific, and Cultural Organization); S.J. Res. 98, June 14, 1948, 62 Stat. 441 (World Health Organization).

Perhaps more directly germane to the issue at hand, however, is the utilization of the Congressional Joint Resolution procedure in connection with the Nation's acquisition of Texas and the Hawaiian Islands in 1845 and 1898 respectively. Following Senate rejection of an 1844 treaty of annexation, Congress adopted a Joint Resolution of March 1, 1845, 5 Stat. 797, consenting to the admission of Texas into the Union upon specified conditions. The annexation was accepted by Texas pursuant to a Joint Resolution of the Congress of Texas, June 23, 1845, and an Ordinance of the Convention of Texas, July 4, 1845. See 4 H. Miller, "Treaties and Other International Acts of the United States of America" 691-92 (1931). Subsequently, by a Congressional Joint Resolution of December 29, 1845, 9 Stat. 108, Texas was admitted into the Union. See 4 Miller, *Treaties, supra* at 689-739; McDougal and Lans, *supra* at 263-64; and McClure, *supra* at 62-67.

Similarly, with Senate consent to an 1897 treaty of annexation having been deemed unlikely, Hawaii was acquired pursuant to a Congressional Joint Resolution of July 7, 1898, 30 Stat. 750, which expressly "accepted, ratified, and confirmed" Hawaii's prior consent to the annexation. In this instance the authorizing Joint Resolution was adopted while the 1897 treaty of annexation was pending in the Senate. See McDougal and Lans, *supra* at 266-67; McClure, *supra* at 67-68; and I J. B. Moore, "A Digest of International Law" 509-11 (509-11 (1906)).

It has been observed concerning both of these territorial acquisitions that as "there was an offer by one nation and a formal acceptance by the other, it is clear that an international agreement was consummated." McDougal and Lans, *supra* at 266-67. See also 1 H. Miller, *Treaties, supra* at 8, where it is stated that "[t]he form by which [territorial] acquisition is achieved is quite immaterial. It may be by an international agreement which is not in any technical sense or even in any popular sense a treaty. The incorporation into the Union of the independent State of Texas resulted from the acceptance by a convention of Texas of an offer contained in a joint resolution of Congress of March 1, 1854. And it was by a joint resolution of Congress of July 7, 1898, that the offer of cession of the Hawaiian Islands was 'accepted, ratified, and confirmed.' In each case there was an international agreement. . . ."

Subsequently, although the issue was not squarely presented, the Supreme Court seemed implicitly to approve the by-passing of the Senate's treaty prerogatives with regard to both of the foregoing territorial annexations. Thus, concerning the admission of Texas into the Union, the Court stated in *Texas* v. *White*, 74 U.S. (7 Wall.) 700 (1868), that "the people of the new state were invested with all the rights, and became subject to all the responsibilities and duties of the original states under the Constitution," 74 U.S. at 722. Elsewhere, the Court indicated that "[t]he union between Texas and the other states was as complete, as perpetual, and as indissoluble as the union between the original states," 74 U.S. at 726.

Concerning the annexation of Hawaii, the Supreme Court indicated in *Hawaii* v. *Mankichi*, 190 U.S. 197 (1903), that the "*status* of the islands and the powers of their provisional government were measured by the [Congressional Joint Resolution]," 190 U.S. at 218 (emphasis original). Concurring opinions in the case declared that "the islands were undoubtedly made a part of the United States in the fullest sense . . . ," 190 U.S. at 220.

The foregoing statements by the Supreme Court in the *Texas* and *Hawaii* cases would seem to assume the threshold constitutional validity of the Congressional-Executive agreement procedure which was utilized to effect these territorial annexations. Apart from these two cases, and other court decisions which more explicitly sustain the validity of Congressional-Executive agreements, such as *Field* v. *Clark*, and *Starkist Foods, Inc.* v. *United States*, cited *supra*, there are additional cases which, in deeming Congressional-Executive agreements to be "treaties" for purposes of specific federal statutes, further suggest the general domestic interchangeability of these two modes of international agreement-making. See *B. Altman & Co.* v. *United States*, 224 U.S. 583 (1912), and *Weinberger* v. *Rossi*, U.S. Sup. Ct., No. 80-1924, March 31, 1982. Cf. *Louis Wolf & Co.* v. *United States*, 107 F.2d 819 (1939).

It may be noted that, apart from the *Texas* and *Hawaii* cases, the existing case law regarding Congressional-Executive agreements does not appear to involve agreements spawned *subsequently* to an actual or prospective failure of the Senate to consent to a treaty concerning the same subject matter. Arguably, however, as developed more fully in the succeeding discussion, this factual distinction between the *Texas* and *Hawaii* case precedents and the main body of Congressional-Executive agreement case law would not seem to diminish the additional precedential value of the latter where an international agreement is domestically sanctioned by a *subsequently*, as opposed to *previously*, enacted statute.

Preliminarily, it seems that the domestic authority basis for a Congressional—Executive agreement is identical whether the agreement is authorized by a preexisting or subsequently enacted statute (i.e. in either case there is enactment of legislation by the majority vote of both Houses of Congress followed by the ultimate approbation of the President in signing the authorizing measure into public law). It seems reasonable to suggest, therefore, as a threshold matter, that if Congressional—Executive agreements sanctioned by *subsequently* adopted statutes require the exercise of the same domestic authority which has been judicially validated for Congressional—Executive agreements authorized by *prior* legislation, then it is arguably constitutionally immaterial whether a particular agreement is grounded on prior or subsequent statutory authority. Secondly, inasmuch as the courts have recognized the *nonexclusiveness* of the treaty mode of agreement-making under the Constitution, subsequent domestic approval of an international agreement in the form of a "Congressional—Executive agreement" would arguably seem theoretically permissible, nothwithstanding that the instrument may have been originally submitted for Senate consent as a "treaty."

To be sure, the foregoing propositions may not be entirely free from doubt. It has been argued, for example, that "[w]hatever justification there may be for the executive agreement within its proper scope or for Congressional legislation within the authority of Congress, there is no constitutional warrant whatever for the suggestion that the President has an option to submit his compact either to the Senate as a treaty . . . or to the Congress for majority approval." Borchard, "Shall the Executive Agreement Replace the Treaty," 53 Yale L. Rev 664, 671 (1944). The prevailing view, however, would appear to be that of Professor Henkin who indicates that "[n]either . . . Congresses nor Presidents nor courts have been troubled by . . . conceptual difficulties. Whatever their theoretical merits, it is now widely accepted that the Congressional—Executive agreement is a complete alternative to a treaty: the President can seek approval of any agreement by joint resolution of both Houses of Congress instead of two-thirds of the Senate only," L. Henkin, *supra* at 175. See also Murphy, "Treaties and International Agreements Other Than Treaties: Constitutional Allocation of Power and Responsibility Among the President, the House of Representatives, and the Senate," 23 Univ. of Kan. L. Rev. 221, 237 (1975), and Slonim, "Congressional—Executive Agreements," 14 Col. J. Transnat. 1 L. 434, 449 (1975).

On the basis of the foregoing discussion concerning the status of Congressional-Executive agreements in light of United States practice, federal case law, and scholarly opinion, there would appear to be precedential support for the general interchangeability of Congressional-Executive agreements with treaties. Arguably application of these authorities in the context of the presently unratified SALT II Treaty would be constitutionally appropriate.

In this regard, resort to a Congressional-Executive agreement to effect domestic approval of the seemingly indefinitely postposed SALT II Treaty seems substantially analogous, for constitutional purposes, to the Texas and Hawaii acquisition situation in which Congressional-Executive agreements were employed to secure domestic approval of treaty objects otherwise frustrated by the actual or prospective defeat of the treaty itself. Although, unlike the situation regarding the Texas and Hawaii territorial acquisitions, the political willingness of the Executive to acquiesce in the use of a Congressional-Executive agreement to effectuate the SALT II Treaty seems in abeyance, inasmuch as the treaty has been set aside pursuant to Presidential request, the constitutional authority of both Branches to join in utilizing this alternate form of domestic approval of the international agreement arguably remains potentially available on the basis of the Texas and Hawaii precedents and associated case law and scholarly community. Moreover, while perhaps not controlling on the issue, Congress appears to possess subject-matter competence in the arms control area pursuant to its constitutionally delegated powers to provide for the common defense, to raise and support an army, and to raise and maintain a navy (Art. I, Sec. 8, Cls. 1, 12, and 13).

Utilization of the Congressional-Executive agreement procedure to effectuate domestic acquiescence to the SALT II Treaty would also seem compatible with the text of Section 33 of the Area Control and Disarmament Act (ACDA), 22 U.S.C. 2573, which provides in relevant part that—

[N]o action shall be taken under this [Act] or any other law that will obligate the United States to disarm or to reduce or to limit the Armed Forces or armaments of the United States, except pursuant to the treaty making power of the President under the Constitution or unless authorized by further affirmative legislation by the Congress of the United States.

There would appear to be some evidence in the legislative history of Section 33 of the ACDA, however, suggesting that the alternative approval procedure authorized by the statute in favor of "affirmative legislation" by the whole Congress was intended primarily as a curb upon potential *unilateral* Executive action in the arms control area rather than as a means of circumventing the Senate's treaty prerogative. See "To Amend the Arms Control and Disarmament Act," Hearings Before the House Foreign Affairs Committee, 88th Cong., 1st Sess. 138-40 (1963) (Statement of Congressman Fountain). See also 107 Cong. Rec. 20308-20309 (1961) (Statement of Congressman Fountain). While caution may be appropriate, therefore, in construing Section 33 of the ACDA as additional authority for the Congress to bypass the treaty mode, Section 33 would not, in any event, seem to bar utilization of a Congressional—Executive agreement for purposes of approving the SALT II Treaty where Congress is otherwise deemed constitutionally competent to employ this alternate procedure.

In conclusion, therefore, on the basis of actual practice under the Constitution concerning Congressional—Executive agreements, relevant judicial decisions, and scholarly opinion, a reasonable legal case could seemingly be made supporting the constitutionality of the use of a Congressional Joint Resolution to secure domestic approval of the pending SALT II Treaty as a Congressional—Executive agreement. While the legal issue may not be wholly free from doubt, it would appear that a decision to effectuate the SALT II Treaty as a Congressional—Executive agreement may ultimately involve controlling policy, as opposed to constitutional considerations.●

HOLOCAUST REMEMBRANCE

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. LEHMAN. Mr. Speaker, in recent years, our country has been engaged in a process of redemption for its 35-year-old silence about the Holocaust. Congress acknowledged its moral commitment by establishing an office at the Justice Department to investigate and prosecute alleged former Nazi war criminals who entered this country illegally by lying about their wartime activities. Despite the lapse in time since those horrible crimes were committed, we have made surprising progress in bringing Nazi war criminals to justice.

Two years ago, to strengthen that moral commitment, Congress created the U.S. Holocaust Memorial Council as a permanent part of our Government. I am privileged to be a member of the Council and one of its founding members. The Council's purpose is to make our citizens of all faiths aware of the unspeakable crimes perpetrated systematically, and officially, against the Jewish people and against humanity. In accordance with the establishment of the U.S. Holocaust Memorial Council, which was signed into law in October of 1980, 1 week each year will be designated as the "Days of Remembrance" for the victims of the Holocaust and will be marked by a national, civic commemoration and by private and public observances around the country. This week of April 18–25, 1982, marks the second observance since this historic legislation was passed.

People forget, and some people deny that the Holocaust happened, even in the face of undeniable evidence. Just as the Nazis tried to erase the existence, the culture, and the history of Jews, there are those today who would try to erase that most painful of all memories. Today, continuing ignorance and bigotry compel us to keep that memory alive.

This remembrance is not only for the victims, but for the living. We, the living, must bear the responsibility of insuring that no institution will ever again decide who shall and shall not have the right to live. The Holocaust has great significance for Americans. American soldiers liberated many of the camps and were the first witnesses of what the rest of the world, including our country, had ignored. Many of the survivors of the Holocaust finally immigrated to this country and many went to Israel.

Instead of monuments, the Holocaust survivors have stressed the importance of studying the lessons of the Holocaust. We must teach ourselves and others, Jews and non-Jews, to understand the unique and the universal implications of the annihilation of 6 million Jews, not as an accidental occurrence, but as a primary genocidal goal of the Nazis. We need to comprehend that and to apply that understanding to our lives.

To educate those coming after the Holocaust generation, and to continue the complex education and understanding by scholars and citizens, there are plans for a Holocaust museum, a living monument to all those who perished in the Holocaust. The museum, to be funded primarily by private contributions, is being planned with sensitivity and competence by people of different faiths, ethnic backgrounds, and experiences.

For those who ask why is all of this necessary so long after the Holocaust, the answer is that the Holocaust experience has changed human history. It affects us all. Only our awareness of that experience will help us prevent another Holocaust—not for Jews, or for gypsies, or for Christians, or Armenians, or Baha'is, or children, or the mentally disabled, or homosexuals, or political dissidents, or those of different color or race.

Last year, I attended a very special event. Under the Council's auspices, the first International Liberators' Conference took place in Washington. The liberated and their liberators met for the second time. To experience that meeting between those valiant free men who were the first to see the world of horror and those who had been its inhabitants stirred the deepest emotions that day. The testimony given from those who led the survivors out of the abyss and from those who had fought in the resistance should silence forever neo-Nazi lunacy.

Mr. Speaker, I would like to include here a moving excerpt from the welcoming address presented at that conference by the Honorable Elie Wiesel, the chairman of the U.S. Holocaust Memorial Council:

EXCERPT FROM "MEETING AGAIN" BY ELIE WIESEL, CHAIRMAN, U.S. HOLOCAUST MEMORIAL COUNCIL

To paraphrase Neitzshe, we looked deep into the Abyss—and the Abyss looked back at us. No one comes close to the kingdom of night and goes away unconcerned. We told the tale—or, at least, we tried. We resisted all temptations to isolate ourselves and be silent. Instead we chose to affirm our desperate faith in testimony. We forced ourselves to speak—however inadequately, however poorly. We may have used the wrong words—but then there are no words to describe the ineffable. We spoke in spite of language, in spite of the limits that exist between what we say and outsiders hear. We spoke and . . . explosions in Paris, bombs in Antwerp, murderous attacks in Vienna. Is it conceivable that Nazism could dare come back into the open so soon—while we are still alive, while we are still here to denounce its poisonous nature as illustrated in Treblinka?

Again we must admit our naivete. We thought we had vanquished what Brecht called the beast, but no: it is still showing its claws. At best, what a gathering such as this could do is to shame the beast into hiding. If we here succeed—and I hope and pray that we shall—in rising above politics, above the usual recriminations between East and West, above simplistic propaganda, and simply tell the world what both liberators and liberated have seen, then something may happen; the world may choose to pay more attention to what hangs as threat to its very future.

If we succeed—and I hope and pray that we shall—in putting aside what divides us—and what divides us is superficial—if we dedicate ourselves not only to the memory of those who have suffered but to the future of those who are suffering today, we shall be serving notice on mankind that we shall never allow this earth to be made into a prison again, that we shall never allow war to be considered as a solution to any problem—for war is the problem. If we succeed, then our encounter will be recorded as yet another of our common victories.

If we do not raise our voice against war—who will? We speak with the authority of men and women who have seen war; we know what it is. We have seen the burnt villages, the devastated cities, the deserted homes, we still see the demented mothers whose children are being massacred before their eyes, we still follow the endless nocturnal processions to the flames rising up to the seventh heaven—if not higher . . . .

We are gathered here to testify—together. Our tale is a tale of solitude and fear and anonymous death—but also of compassion, generosity, bravery and solidarity. Together, you the liberators and we the survivors represent a commitment to memory whose intensity will remain. In its name we shall continue to voice our concerns and our hopes not for our own sake, but for the sake of humankind its very survival may depend on its ability and willingness to listen.

And to remember.●

U.S. FINANCIAL SYSTEM THREATENED BY ADMINISTRATION, TREASURY SECRETARY, BIG MONEY INTERESTS

HON. JIM MATTOX

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. MATTOX. Mr. Speaker, as a member of the House Banking, Finance and Urban Affairs Committee, I

wish to bring to the attention of my colleagues some developments which threaten the very foundations of our national financial system.

The administration ostensibly is committed to New Federalism, to deregulation, to business competition, and to restoration of policymaking functions to the representatives of the people and away from unelected bureaucrats. These are laudable goals, with which few in Congress would quarrel. There is a lot of room for disagreement, however, and cause for concern in the very odd implementation of these objectives being urged upon us by the Secretary of the Treasury and his allies in Congress and the regulatory agencies.

According to the former head of Merrill Lynch, New Federalism is great, except when it allows the sovereign States to have a meaningful say in the structure of local financial institutions or how to protect local businesses and local economies from the predatory big money interests favored by the Secretary.

Their idea of deregulation is decimation of statutory safeguards which protect local economies and consumers and which have precluded the possibility of financial panics during the last five decades. They advocate destroying the dual banking system and replacing it with a single, all-powerful superagency to mirror and monitor the supermarkets of finance that the Treasury Secretary believes will rule our economy.

Competition, in this context, means setting community-based banks and thrifts at each other in deadly competition, while a relatively few money center institutions and nonbanking corporations gain even greater control of our entire national financial system.

As for the supposedly reined-in bureaucracy, it has been set loose and is now attempting to dictate congressional decisions, not just implement them, because Congress is not moving fast enough toward the Treasury Secretary's goal of a centralized plutocracy.

In sum, this administration, with the Treasury Secretary as tactical commander, is waging an undeclared war against the thousands of smaller depository institutions of the United States.

Mr. Speaker, this is a harsh charge, but proof is on record. In fact, the Treasury Secretary has personally provided much of it. The war is undeclared, but the battle plan is clear. He has laid it out and elaborated upon it.

The Treasury Secretary began to clarify his intentions last fall. In a September 14 speech in Chicago, he sang loud praises to Citicorp, Continental Illinois, American Express, Sears and, last but not least in his heart, Merrill Lynch, citing them collectively as the modern corporations, ready to face the changing conditions of our day.

He attacked the Glass-Steagall Act—Federal law which helps prevent financial system failure from an intermingling of commercial and investment banking.

He attacked the Home Owners Loan Act—landmark legislation largely responsible for these United States being the best housed Nation on Earth.

And he attacked the other laws and regulations which development out of the experience of the Great Crash and its resultant Great Depression, dismissing them with the simple pronouncement that "they don't make sense now."

The Treasury Secretary contends that national laws which require respect for the regulatory powers and needs of the individual States, real federalism, have "Balkanized our financial system into 42,000 depository institutions, including 15,000 commercial banks." According to the Secretary, these "artificial geographic constraints run counter to the nature of a modern financial services industry, * * * reduce competition among financial institutions and impair the industry's efficiency."

Mr. Speaker, the Treasury Secretary is dead wrong. The State of Texas, for one, wishes to retain its ability to regulate its banking industry. Citicorp, Chase-Manhattan, and their ilk, may view our border as an artificial barrier, but Texans view it as a protection to help insure that deposits solicited from Texans benefit to meet the credit needs of Texas. Moreover, the large number of financial institutions vying for business, whose multiplicity so upsets the Secretary, in fact fosters and assured competition.

Perhaps the Treasury Secretary should take time to review his boss' state of the Union address. President Reagan called for a New Federalism to restore basic decisions to the States and provide clear, enforceable lines of accountability. The President spoke passionately of his belief that concentration of power at the national level is pervasive, intrusive, unmanageable, costlier, and unaccountable. The adminstration should resolve within itself the very different tacks it is taking in the realms of social and financial policies.

I suspect that the Secretary would contend that he has only the best interests of the little people at heart. In his Chicago speech, he lamented that "it is only the small business and household customers who continue to be deprived of the benefits of a competive interstate banking system." That is another laudable sentiment, one which is, at best, misguided, and, at worst, false. The voters in my State want to patronize a bank with community roots, which will lend where its deposits are made. Small businesses want to deal with bank officers with local interests.

The small business and household customers frankly do not care that Citicorp is itching to compete head-on with Merrill Lynch's cash management account, because most of them do not have the $20,000 price of admission to play that game. What they do want is a safe place to put their savings, a reasonable rate of interest, and a fair chance to get a loan.

Mr. Speaker, in October the Treasury Secretary testified on Senator GARN's banking restructuring bill, S. 1720. That legislation is the noted Christmas tree bill, so labeled by the distinguished chairman of the House Banking Committee, Mr. ST GERMAIN. S. 1720 offers sops to the small financial institutions, such as allowing them to underwrite Government revenue bonds and offer money market funds, but with this minor relief the banks are asked to accept expansion in the powers of thrift institutions which would not only create a favored set of competitors, but begin a process which would destroy the basic tenets of our financial structure.

S. 1720 proposes no less than that thrift institutions be permitted to invest all of their assets in commercial, corporate, business, or agricultural loans. This expansion of powers could leave the Nation without any identifiable source for the bulk of its housing finance needs.

Not a single financial expert maintains that such expanded powers would be of any use to the thrifts in their current misery. Actually, given the greater degee of risk and necessary expertise for successful commercial lending, it is likely that many thrifts would get into worse trouble by extending unwise loans to those whom commercial banks have turned away.

Should this proposal be adopted, we would have two sets of financial institutions with comparable asset and liability powers but governed by different regulators, having differing access to Government credit, being taxed differently, required to meet different reserve requirements, and possessing different branching powers. Nevertheless, the Treasury Secretary pronounces it "appropriate, since our goal is to permit all depository institutions eventually to compete on equal terms."

The extension of these powers also would get State laws which differentiate between intrastate branching limits on banks and thrifts. Many States, including my own, permit thrifts to branch far beyond the limits proscribed for commercial banks. The States have sound reasons for such differences, but could not maintain such policies if thrifts have commercial banking powers.

That is no problem, according to the Treasury Secretary. He says:

It would be desirable if the State governments equalized the branching powers of all depository institutions under their jurisdictions and did so by liberalizing those powers to permit unrestricted intrastate branching. This would strengthen the State banking systems prior to any expansion of the interstate activities of depository institutions.

That is a candid admission of the special agenda of the Secretary and the big money center institutions and corporations he favors. In effect, the Secretary is saying: Forget New Federalism when it interferes with concentrating the power of our financial system. The States should throw out branching restrictions so out-of-State giants of finance will have an easier time of it when the Federal Government lets them take over local markets and economies.

The final result of broadened powers would be to erase the barriers between banking and commerce. Why? One reason is so financial giants can gain more power. Local institutions, businesses, and depositors and borrowers merely clutter up the giants' playing field. To the big money financiers, the sooner these insignificant factors are gotten rid of, the better. A second reason is that, in the aggregate, these local interests wrongfully control a significant amount of financial resources: to the giants, this is a crime against nature because only they should, and capably can, make all decisions affecting our national finance system. Of course, a third major reason for the Treasury Secretary and the interests he supports is that homogenizing financial institutions would allow giant corporations like Merrill Lynch, Sears, and so forth, to use the transition to legitimize the banking activities they already have.

The Treasury Secretary and his allies continue to maintain that S. 1720 is very modest and would not prejudice any debate on McFadden, Douglas, and the separation of banking from commerce. Just the opposite is true, and they know it. It would prejudice that debate before it really commenced. As Federal Reserve Chairman Paul Volcker testified in the Senate:

If thrift powers are broadened to the extent envisaged, the logic would point to the need for substantial further changes in the law very promptly. Decisions will need to be made, for instance, about whether commercial banks or thrift branching powers should be the norm, whether we find it acceptable that industrial or commercial firms should operate subsidiaries with full banking powers, and whether banks, too, should be able to become real estate developers. Decisions on such issues could affect the safety, soundness and efficiency of our financial institutions.

In short, Mr. Speaker, the U.S. Secretary of the Treasury has endorsed legislation which would destroy the safety and soundness of our financial system, to the detriment of the Nation and the benefit of a small number of plutocrats.

Further, the Treasury Department has a substitute for title III of S. 1720 which would change a modest entry into limited securities areas into a full-scale assault upon the Glass-Steagall Act's separation of commercial and investment banking.

Title III, as the Treasury would have it, would establish a vastly broadened definition of banking. In addition to underwriting municipal revenue bonds and offering money market funds, the Treasury's proposal would permit the marketing of mutual stock and bond funds, the underwriting and brokerage of insurance, and engaging in real estate development. It would permit bank holding companies to acquire shares of any company that offers financial services. Which financial services? The Treasury proposal says these services should be defined by the Federal Reserve within 180 days of enactment but, at the same time, would strip the Fed of any ability to determine which activities are closely related to and a proper incident of banking, when these activities are of a financial nature.

Instead, the Fed would be directed to base definitions not on experience and caution, but on what would maximize competition between banks and nonregulated financial firms.

What this adds up to, Mr. Speaker, is a situation in which Merrill Lynch's marketing department would, in effect, rewrite the definition of banking every time it develops some new service. And, as though stripping the Fed of any real discretion in defining banking is not foolhardy enough, Treasury would deny the Fed the power to examine the nonbank affiliates of a bank holding company, unless it make a prior finding that the condition of the affiliate could endanger the safety and soundness of the bank. Unless Fed officials are clairvoyant, they could not make a prior determination because they would be denied access to necessary information by the same law requiring them to make the determination.

Under the Treasury's proposal, the last remaining limits on bank holding company activities would be antitrust law, and I, for one, have not noted in the current Justice Department an sense of a strong commitment to the principle of preventing undue concentration.

Of course, the Securities and Exchange Commission would play a role in the oversight of these activities. That is not reassuring. We recently had evidence of the type of treatment money center banks could expect from the SEC when the Commission overruled the recommendation of its enforcement staff that a civil suit be brought against Citicorp. The company, it seems, approved and carried out, for 7 years, a scheme which violated foreign exchange and tax laws and concealed the scheme with false and misleading reports. SEC officials argued no penalties should be sought because Citicorp has no legal duty to disclose its breaches of law because it had never represented to its shareholders that its management had honesty and integrity.

We have reached a sad day in America, Mr. Speaker, when a primary Federal business policing agency says dishonesty is the norm which shareholders and citizens should expect for corporate management. Whatever differences I have with some of the Federal Reserve's policies, I am confident that Chairman Volcker and the other Federal Reserve Governors believe that bank officers are expected to uphold the highest legal and ethical standards. I would much prefer to leave the safeguarding of the banking system to the Fed and not to the multiple but ineffectual oversight that the Treasury Department advocates.

Where would all this lead? In a recent interview, the Treasury Secretary said we should consolidate regulatory agencies—first the FDIC, FSLIC and Share Insurance Fund, and then the SEC and CFTC—into one all-powerful financial services regulator. This, of course, is fully consistent with the Merrill Lynch concept of one-step supermarket finance. It may be timesaving, but whether it is safe and sound or precludes undue concentration of the financial system is a different matter entirely. The Treasury Secretary's formula for deregulation and decentralization translates into superregulation and massive concentration, concentration of our entire national financial system in the hands of a few money center managers running the bureaucrats of a superregulatory agency.

As for federalism, the Secretary contemplates the destruction of the dual banking system under the pretext of deregulation. This is a phony issue because the McFadden Act and the Douglas amendment have nothing to do with regulation. They do not impose a single rule or require a single sheet of paper to be filed with the Government. They do not regulate, but actually support the principles of federalism by requiring the national Government to respect the decisions of each State government as to whether out-of-State banks should be permitted to solicit deposits within their borders.

Nor is homogenization inevitable, as the Secretary contends. The plight of thrift institutions, the creation of money market funds, and all the other developments which have raised the issue of change for our financial system were not inevitable, but are

symptoms of the maladies called inflation and high interest rates, conditions the Secretary's policies make worse daily. If these policies had not led to nearly excluding from paying taxes the big corporations and rich individuals the Secretary favors, these problems already would be abating. What we need to do is restore stability to our economy, using economic reason instead of the administration's ideological notions. This is not universally supported. If it happened, the pretexts for trying to destroy our financial system would disappear. If the present difficulties of thrift institutions and other distortions of the system did not exist, these advocates of concentrated wealth would have to create some equivalent condition as an excuse for gaining control of our Nation's finances.

The largest banks already have a big stake in perpetuating these problems. During the last year, tens of millions of dollars have been wagered that Congress will gut the McFadden Act and Douglas amendment. Despite their dubious legality, bank regulatory agencies have not questioned arrangements in which big bank holding companies have acquired voting stock in takeover targets and large portions of nonvoting stock convertible as soon as Federal law is altered to permit interstate branching. These deals have spread from troubled target banks to vigorously healthy banks which happen to be in attractive markets.

The Federal Reserve has remained silent regarding such interstate takeover attempts that stretch current law to near the breaking point. This bidding war is indicative that relaxing barriers against interstate branching would result not in greater efficiency of the banking system but in a great squandering of capital for mergers and acquisitions which would result in a tremendous concentration of our financial system.

Mr. Speaker, we should not be deluded that the Reagan administration is curbing the bureaucracy's forays into the forbidden realm of policymaking. Right now, the Federal Home Loan Bank Board is trying to force the hand of Congress. Although not permitted by law, a wealth of new commercial activities could be initiated by savings and loan corporations under a February 25 FHLBB proposal. If the Board is allowed to make the proposal a final rule and if this blatant wish list survives the probable barrage of lawsuits, these activities would include:

Offering money market funds and engaging in securities brokerage; underwriting casualty, property, life and private mortgage insurance; manufacturing of mobile homes; collecting debts for other institutions and third parties; issuing letters of credit; operating coin and currency services; leasing both consumer and business goods; engaging in commercial lending for property owned by third parties; real estate brokerage for third parties; commercial lending without restriction to guaranteed secured loans; managing farms and other real property; servicing all types of loans; preparing tax returns for businesses; investing in certified development corporations; trading GNMA options; and acting as futures commission merchants.

That is a pretty exotic list for institutions created to provide such prosaic products as mortgages.

Where did the FHLBB find the authority to depart so drastically from its central purpose and, in the process, do violence to the Glass-Steagall Act and threaten the entire commercial banking structure? From itself. The Board Chairman explains that:

> These proposals reflect the feelings of the Federal Home Loan Bank Board that the allowable activities of institutions are not sufficient to maintain a good, competitive, viable framework in the long run.

Mr. Speaker, I have always understood that such important alterations to law are supposed to stem from congressional decisions, not the feelings of a regulatory agency. But, Thomas Vartarian, Board general counsel, contends that the Bank Board should look to the marketplace, not statutory language, to determine what new activities are most appropriate for thrifts.

Bureaucrats are telling Congress that they will be guided by divining the will of the marketplace, rather than following the specific but inconvenient strictures of law.

Mr. Speaker, it obviously is the attitude of the administration that no funds be spent to save the Nation's housing financing system—that, in fact, those pieces that do survive will do so by engaging less in housing finance and more in commercial banking, securities, and even manufacturing.

It is no great surprise that there is little enthusiasm within the administration for providing meaningful relief for the housing industry or that there is not great grief that the housing industry is among the most damaged by administration economic programs. The housing industry is mostly made up of small businesses as builders, local lending institutions, local realtors and individual sellers and buyers. We have an administration that favors big business and big institutions. There are some administration officials who contend money spent on providing housing for people is money ill-spent; that the Nation's wealth should be directed by the Government to big business alone. Compare the modest 1981 tax legislation gains for small business with the monstrous new avoidance opportunities provided for big business.

The administration's rush to proclaim that it will exercise strong, consistent resistance to any bailout proposal, is not based on honestly held ideological grounds with which I may differ, but on a calculated determination to use the thrifts' agony to engineer interstate and interindustry mergers to destroy the basic system.

This is not a Texas issue, or a Sunbelt versus Snowbelt issue. Once these predatory big money interests favored by the administration, especially the Treasury Secretary, are given free rein to enter any market, they will suck up every dime and dollar possible from every local depositor in the country to devert it to their own purposes. These big institutions and corporations are no friends of small business, housing consumers or local governments. They have no identity with any locality, area, State, or region. Many of the largest are foreign-owned and don't even have a national allegiance. Given a dollar's difference, these financiers would rather finance a Shah of Iran or Eastern Bloc development than a small business or consumer purchase on any of our congressional districts. The fact that they would deplete local economies is one which they consider a social problem of government, not one that financiers should concern themselves about.

Mr. Speaker, despite high-sounding rhetoric about New Federalism, the behind-the-scenes struggle to reshape our financial system is being waged daily. The press reports a deep rift between the FDIC chairman and the New York superintendent of banks. The issue is whether the FDIC will permit out-of-State institutions to bid for failing savings banks in the State, contrary to State regulations. The superintendent opposes this usurpation of authority and she is right.

Congress also must reject this strategy of destroying our financial system in order to save it. The thrifts are not anachronisms doomed to extinction. They are vital institutions crippled by high-finance machinations and bad Federal economic policies. If we deal with the problems so as to permit a revitalization of home building, such as a more moderate relationship between Government spending and revenues, the thrifts can again prosper as interest rates decline and economic stability is restored. And they can prosper, knowing that new types of mortgages and new avenues of protection can assure that they do not have to reassume the full risk for rising interest rates.

For instance, the FHLBB already has overhauled its regulations governing the use of financial futures by S. & L.'s. Hedging with futures has the effect of transforming fixed rate assets into variable rate assets. Had the rule gone into effect earlier, the

thrift industry could have shown a new profit of $6 billion last year instead of a record $5 billion in losses. If this one device, future hedging, had been available to thrifts previously, they could have improved their 1981 earnings by $11 billion, resulting in an aggregate profit instead of a huge loss. This single change is not any panacea, but it should give us pause the next time experts tell us the only way for thrifts to survive is to become commercial banks.

Mr. Speaker, it is difficult to remember, in the present situation, that the American banking system remains the strongest and most innovative in the world. It meets the credit needs of multinational corporations and local small businesses, of producers and consumers. We have an independent central bank, but we do not have an industry cartel or a banking czar. We have a system which, even with its shortcomings, is envied around the world.

It is true that we have not had a major revision of our banking laws for nearly half a century, but it is also true that we have not had a major panic or financial collapse in those five decades, and that we have maintained a diverse and decentralized system. The world is changing and, if laws fall behind, change may be in order. It should be change to reflect the will of the people through their elected representatives, however, and for the national benefit, not the will of a few political appointees for the benefit of a small number of money- and power-hungry individuals and institutions. We do not need or want the corporate plutocracy toward which the policies of the administration and the Treasury Secretary would take us.

The first step Congress must take is to resolve the thrifts' crisis and detach this short-term problem from consideration of long-term structural issues.

The second step is to reject simplistic arguments to the effect that free enterprise is a free-for-all, survival of the richest, no holds barred.

Prof. James L. Pierce of the University of California explained the dangers of administration policies in December in Banking Committee testimony:

> In a mythical world in which deposit insurance was unnecessary, conflicts of interest did not exist, and monopoly practices were impossible, there would be no need to regulate the financial system . . . It is important to bear in mind, however, that the ideal can never be totally achieved and that we may not even come closer to the ideal by decontrolling everything. It is easy to favor eliminating arbitrary laws and regulations that hamper economic efficiency and competition. It is more difficult to devise safeguards that assure financial stability, that prevent monopolization of markets, and that avoid abuses from conflicts of interest. If these safeguards can be built into the financial system, then there is little justification for further government regulation. Unfortunately, those who are pressing for deregulation and those who applaud the recent revolution in the financial system seem unconcerned about these safeguards. Unknowingly, the proponents of deregulation without safeguards could be inviting a return to the unstable, anticompetitive and abuse-ridden world of the 1920's.
>
> One potentially destructive aspect of the financial revolution is that the efficacy of deposit insurance could be threatened . . . The creation of deposit insurance, in conjunction with a revitalized Federal Reserve System, has eliminated financial panics and collapse . . . It is essential to realize that with insurance comes the need to regulate . . . The final safeguard concerns the natural tendency of business to monopolize. Adam Smith was one of the first economists to observe this tendency. Rather remarkably, many individuals who invoke the memory of Adam Smith is arguing for the benefits of deregulation conveniently fail to mention the hazards of monopolistic practices in an unregulated world . . . I think we know enough now to realize that the antitrust laws are not in themselves a sufficient safeguard. . . . Historically, the Federal Reserve Board has attempted to thwart actual and potential monopolistic practices through administration of the Bank Holding Company Act . . . If the Treasury's proposal concerning deregulation of the bank holding companies became law, virtually all firms, including bank holding companies, would be beyond the Fed's reach.

Regulating our financial system is necessary. The only question is how much. The best way to minimize regulation is our dual banking system. Its primary feature is regulatory competition between State and Federal banking officials. It is creative tension, growing directly out of our federalist system, which assures that financial institutions are not smothered in redtape.

Unfortunately, the Treasury Secretary, claiming deregulation, would, in fact, destroy the very system which assures the limitation of regulation. With interstate banking would come the demise of State regulators and the end of the dual banking system. With the growth of financial supermarkets would come the great, all-knowing Federal super regulators. I foresee a system of new regulations, geared to the far-flung and diverse activities of financial giants, in which our smaller, community-based institutions would be swept away. The financial system would become less safe and less secure. Depositors' protection would erode as insurance funds are drained away for cannibalistic mergers. Opportunities for oligopolistic concentration and concealed conflicts of interest would mushroom.

Instead of destroying the present regulatory system, we should fit needed change into its framework. The distinctly American separation of banking and commerce still makes good sense and is necessary.

We should pare away unnecessary regulation and subject institutions providing identical services to uniform regulation, regardless of their label.

It would best serve the diversity of our States and communities to preserve a financial system which encourages competition and diversity in size and function among financial institutions.

And, finally, it would be grossly irresponsible for us to allow wide-ranging changes to be forced upon us by a narrow-focus, special interest-serving Cabinet member and overreaching bureaucrats with disregard for the impact upon safety and soundness of deposit, credit and investment systems.

Mr. Speaker, the administration has laid down a challenge to Congress. If we do not respond adequately, I fear that we will witness the destruction of our financial system. We must reject efforts by the forces of concentrated wealth to gain even greater control of our Nation's financial welfare for relatively few corporate plutocrats.

Thank you.●

THE THIRD ANNUAL SPRING PREMIER AWARDS DINNER

HON. JOHN P. MURTHA

OF PENNYSLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. MURTHA. Mr. Speaker, it is an honor for me, for the third year, to place into the CONGRESSIONAL RECORD, information on the honorees at the Third Annual Spring Premier Awards Dinner.

This presentation will be made by the Black United Service Clubs of Johnstown at their dinner on April 24. Please let me mention the people honored for their community service and dedication to the Johnstown area.

Andrew J. Gleason—Mr. Gleason has devoted much of his life to improving the Johnstown area and has a distinguished record in improving racial relations. He was a lawyer for the NAACP, and helped bring the first black into the Pennsylvania State Cabinet.

Eleanor Haselrig—Mrs. Haselrig is a past recipient of the citizen's award of the Johnstown NAACP chapter, and has more than 25 years of service to the community through such efforts as the Red Cross, Young Women's Christian Association, and work at the Pleasant Hill Baptist Church.

Joseph McGauley—Reverend McGauley is pastor of the Jefferson Memorial First Born Church and has been particularly active in community youth work. He is youth coordinator for the 13-State North/Northwestern Diocese and has worked with the Cambria County mental health mental retardation program.

Howard M. Picking, Jr.—Mr. Picking is a distinguished leader of the Johns-

town community and has been involved with such groups as the chamber of commerce, Boy Scouts, community chest, Red Cross, and the Johnstown Area Regional Industries. Mr. Picking has been actively involved in almost every phase of development and growth of the Johnstown area.

Hope B. Johnson—Mrs. Johnson has a record of community service that covers work with the Johnstown NAACP, the YMCA, Girl Scouts, and has worked on the Keystone Health Systems Agency and State health coordinating council. Mrs. Johnson has also been a former member of the Johnstown Advisory Council of the State Human Relations Commission.

Edward Stofko—Mr. Stofko is well known in Johnstown for his constant work with youth and the athletic community. He has been a trainer for the Greater Johnstown High School for 31 years, and has been actively involved in all major sporting events in the Johnstown area.

Certainly, a special word goes to the award being presented posthumously to the late Rev. Stephen Slavik who was pastor of St. Rochus' Catholic Church. I worked with Father Slavik extensively during the 1977 Johnstown flood recovery effort, and his untimely death is a personal loss to all of us, and a terrible loss to the community.

This annual dinner is in the greatest tradition of America. It is a tradition that recognizes the tremendous community spirit that helps make America unique. It is also recognition of the effort being made to insure that our country goes forward with harmony and peace.

I congratulate all the winners of this year's recognition at the Spring Premier Awards Dinner, and I also congratulate Allen Andrews and all the community members who make this important dinner a reality.●

UNITED STATES-EUROPEAN RELATIONS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. HAMILTON. Mr. Speaker, I would like to bring to my colleagues' attention a speech delivered on March 25, 1982, by Evan G. Galbraith, U.S. Ambassador to France, on U.S. relations with our European allies and East-West ties in general.

The speech, which was delivered to the Council on Foreign Relations in New York, concludes with the proposition that if the United States were to withdraw its troops from Europe, the Soviet Union would soon dominate Europe. He says "That is the road to defeat: It begins with the withdrawal of our troops, a road from which there is no exit, no turning back."

Ambassador Galbraith's speech follows:

THE ROAD TO DEFEAT

Address by Evan G. Galbraith, U.S. Ambassador to France at a Meeting of the Council on Foreign Relations, Harold Pratt House, Thursday, March 25, 1982, New York City.

My proposition is that if the United States were to withdraw its troops from Europe, the Soviet Union would soon dominate Europe, the Mediterranean, the Middle East, Africa, and then Japan. The Western Hemisphere would become isolated and the United States would ultimately be faced with the Hobsonian choice of war or surrender. That is the Road to Defeat; it begins with the withdrawal of our troops, a road from which there is no exit, no turning back.

Let me give you a glimpse of the nightmare scenario that illustrates my proposition:

The time is the mid 1980's;

The place is Europe;

The precipitating event is the withdrawal of U.S. forces from Europe, despite the pleas of our NATO allies who are left demoralized.

The Soviets follow our withdrawal by offering an enormous order for West German goods—pipe, truck factories, turbines, computers, hospitals, a vast new telephone system ($25 billion of business for West Germany industry), hailed as the Deal of the Century—in conjunction with a dramatic reduction in troops and arms in each of the two Germanies and a plan for unification. The East German Army will be taken from active duty and reduced to reserve status leaving only an internal police force. Conscription will be stopped. The Soviet Army will withdraw from East Germany, in orderly phases over three years. In exchange, the West German Army will begin retiring its forces from active duty into the reserves. Conscription will end. All British and French troops will be withdrawn by no more than three years. A unification Commission will be established, with only Germans involved, with the mandate to draft a constitution for a united Germany which like Austria would not be a member of the Warsaw Pact or the North Atlantic Alliance. Meanwhile all nuclear weapons will be forbidden in both Germanies. A specific date will be set for the destruction of the Berlin and East German Wall at which time the new constitution will be submitted to all the German people for acceptance or rejection by universal vote.

Elements of the left wing of the SPD immediately support the Soviet offer and launch a campaign called Peace, Unity and Prosperity (PUP) for the entire plan to be adopted. (The Chancellor, the Foreign Minister and the leaders of the opposition firmly reject the plan as a trap). The debate rages in Western Germany and the first polls show 35% in favor of the offer, 45% opposed, and 20% don't know. After a week of highly emotional speeches, widely watched by television, the darkhorse head of the faction favoring acceptance of the Soviet offer is elected leader and the Chancellor resigns. The Free Democrats drop from the coalition and the Bundestag is dissolved. An election is set and the campaign begins. The outpouring is intense, bordering on hysteria. PUP marches, rallies and television shows are everywhere. Our own TV networks comment favorably on the professional way the PUP campaign is being run, well financed and well organized. The parties are splintered but a coalition of those favoring the Soviet offer win, 52% to 48% and accept the Soviet proposal; the disarmament and unification process begins.

Faced with a demilitarized, neutralized Germany, some of the smaller allies caucus and subsequently give notice to withdraw from NATO. One country is offered a 25 year supply of gas from the Soviet Union on most favored nation terms. Another sells oil on a long term contract to the Soviet Union at favorable prices.

This oil is dedicated by the Soviets for refining in a third country, thus saving that important industry from disaster. The refined products are to be sold to Western Europe at such attractive prices, it is estimated that gasoline prices will drop by 10 percent; this is enthusiastically received by the politicians fighting inflation, i.e. they are saved from having to cut their important social programs. France and Britain, standing firm, form a Defense Alliance evoking memories of 1914 and 1939. But other countries announce a wait and see policy, or experience bitter factional strife that effectively removes them from the alliance.

Heralding it as an answer to Japan, European automobile manufacturers announce a joint venture to build in the Soviet Union the largest automobile/truck plant in the world, whose output will be sold by the network of dealers of the joint venture partners throughout the world. Because of the competititve cost of labor in the USSR, Japanese and American car prices will be undercut.

The carrot and stick are then turned toward France and Britain. Sensing an electoral advantage, the Prime Minister asks the Queen to dissolve Parliament but in the ensuing election, the government loses to an anti-nuclear coalition. The new British Prime Minister goes to the Soviet Union for talks and returns to announce triumphantly that there will be peace and prosperity in our time.

The Soviet Union promises the Prime Minister to freeze further European deployment of the SS20 (stopping at 500) and agrees to ship them all to the Far East out of range of Europe, covering only China, Japan, Korea, and Taiwan, in exchange for Britain and France giving up their nuclear weapons. (The Peace Dividend from canceling the Trident will be 8 billion pounds). The Soviet Union also agrees that once this is done they will agree to give up their strategic ICBM's provided the U.S. does the same. Talks will begin as soon as the disarmament agreement is implemented in Europe. Britain is offered an Export Order for $15 billion worth of oil tankers for its depressed nationalized shipyards. You see, the Soviet Union is about to become a large oil exporter due to the changover of its industry to gas, made possible by the Siberian Gas Pipeline. Britain ceases to be a nuclear power.

France is alone; its President sends a high level delegation to Washington to discuss defense strategy. The delegation's trip to Charles de Gaulle airport is delayed for two hours by 100,000 Peace Marchers (organized by foreigners) who wound 78 policemen, which act is justified by the TV news broadcasts that night showing scenes of police brutality in dragging off the demonstrators who were lying down in the road to the airport.

The Egyptian President is shot by a religious fanatic who, it is later revealed, had recently spent three months skiing in Czechoslovakia. The Colonel who leads the Revolutionary Council which takes over asks for help from the Soviet Union against Israel which has begun to mobilize after the Egyptian leader's death. Overflying Greece, the Soviets send two airborne divisions to Egypt. This is acclaimed by Libya, Syria and the PLO as the beginning of the Final Solution to the Israeli Problem.

I think I have said enough; each one of you, with a little imagination, can make up his own Dismal Scenario down the remainder of the Road to Defeat. It could become a game, like Dungeons and Dragons and sweep the country. Why not play games, why not "Eat, Drink and be Merry for tomorrow", if we retreat from Europe, we may die.

It is, however, not necessary we take this road; we will take it only if we are misled, misinformed, duped. Duped implies a conscious effort by someone, in this case the Soviet Union, to maneuver the victim, the U.S., into a disadvantageous position. Now we are unable to verify that Lenin was inspired by his readings from P. T. Barnum that "There is a sucker born every minute" or that Brezhnev has the movie The Sting replayed nightly before the Politburo. But we have concluded that there is a very sophisticated Soviet effort afoot to con us suckers into withdrawing our troops from Europe. And if you were Brezhnev you would be doing the same thing.

There are of course intelligent men of good will in the West who have reached their decision about troop withdrawal independently from the Soviet effort to disinform. Thus, it is not enough, in order to overcome the Withdrawalists, simply to point out that they are in the same bed as the Soviets. We must examine the arguments for withdrawal on the merits. This is what I intend to do now in summary form.

The argument for withdrawal most effectively used today is: Should the Soviet attack in Western Europe, our 300,000 U.S. forces will be overrun and slaughtered in days and why should we sacrifice our boys for selfish, petulant Europe.

Will they be Overrun? While we all comprehend the offensive might of the Red Army and the need to improve NATO's defenses by deploying cruise and Pershing II missiles, is the military situation as hopeless as some arm chair generals would have it? No, as matters now stand, NATO military forces create too many risks for the Soviets to attack Western Europe. What are these risks?

First, there is the strategic risk that in defense of American forces the U.S. will counter-attack the Soviet Union. Without our troops, there is less risk of a strategic riposte to defend Europe. But let us leave that aside and look solely at the theater risks.

A. To exploit their military advantage the Soviets must group together large concentrations of men and material. In military jargon, they must create targets either by a buildup at the outset before the attack or in the second echelon, a second echelon that must follow after a surprise attack by the troops already in place in Eastern Europe.

Our electronics are such that any Soviet buildup will be detected. This leaves the Soviets two choices, both poor: attempt a surprise attack during, say, manevuers in the Eastern countries or a buildup over a period, say three weeks, knowing the buildup will be detected. Concentration of men and materials runs counter to modern military doctrine, dispersal is the name of the game, given the firepower of modern warfare, but to bring their superior numbers to bear they must concentrate and expose themselves, at least temporarily, to our counter firepower. If the Soviets were to launch a surprise attack with a little prior buildup, then they must quickly build up the second echelon to follow because without the second echelon the first echelon alone could not defeat the Allied armies and would be vulnerable to counterattack. That second echelon build up will present hundreds of targets and several vulnerable choke points. Their probable losses will be substantial and they may not be able to maneuver quickly enough to support an initially successful first wave. On the other hand, if the Soviets concentrate and buildup first, before attacking, their vulnerability is even greater because our full counterfire against both the first and second echelons can be amassed and brought to bear in a matter of minutes after that first Soviet tank rolls across the border.

B. The next problem the Soviets face is a fundamental assumption they must make in attacking U.S. and NATO forces in Western Europe, namely the assmuption that NATO may use theater nuclear weapons to attack military targets in the Eastern countries and in the Western USSR. This may not be the case, but the Soviets must plan for it. This illustrates the deterrent value of nuclear weapons. Indeed, nuclear weapons can be used effectively by NATO and at the same time the U.S. can give a clear signal we are not escalating to strategic nuclear warfare. NATO's use of theater nuclear weapons diminishes substantially the Soviet chance of success: the second echelon chokepoints, military bases, assembly points, airfields, missile sites, naval bases (the European Red Fleet could be left without a base to come home to) railheads, roads, pipelines, communications and reserve supplies, could be dealt mortal blows. NATO theater nuclear weapons are an equalizer. They badly need to be improved by deploying Pershing II and Cruise Missiles, but even today NATO is not without theater nuclear cards. As an aside to our European friends I would like to point out that any counter attack by NATO with theater weapons is apt, in the first and most devastating phase, to fall on Eastern Europe and Western USSR. That is where the targets are, not in Western Europe.

C. Air Superiority. It would be difficult for the Soviets to sustain an offensive in Western Europe without control of the air. Tactical control over the advancing Soviet Army, defensive control over military targets in the East, and control over Western European bases are all essential. We do not have the time nor the talent tonight to fight these air battles but suffice to say that the 4,000 NATO combat aircraft (including France) which would be involved could well hold their own against the Warsaw Pact's 5,500 attacking aircraft. Today, as opposed to World War II, we must also take account of a number of other factors when we undertake to judge control of the air: SAM missiles, air to ground missiles, helicopters, electronic gear, dispersed airfields, replacement rate, etc. It is all very complicated but the Soviets could easily fail in their initial effort to knock us out of the air, and replacements would be quickly forthcoming. From the Soviet point of view, the prognosis for the air aspects of a European offensive is not reassuring.

D. Anti-tank Weapons. This is an area where NATO land forces have developed, not surprisingly, an ability to compensate for Soviet tank superiority. We have a wide range of highly mobile and very effective anti-tank weapons, many of which are man carried. A Soviet tank and Armored Personnel Carrier attack would suffer large losses, inflicted by small units. NATO's anti-tank arsenal will also soon include a variety of relatively cheap precision-guided munitions which will be capable of awesome levels of destruction of massed armored vehicles. The Warsaw Pact is years away from having the capability to counter those munitions.

E. The Soviets' Warsaw Pact "Allies" cannot be relied on by the Soviets, either for the loyalty of their fighting forces or as a safe area through which Soviet reinforcements and supplies must come. This means the Soviets must be prepared to divert their own military resources to maintain lines of communication in their rear. Soviet military planners must assume that sabotage and insurrection in these areas may be serious.

F. The NATO armies can inflict substantial losses, maneuver as necessary and remain essentially intact. Soviet initial advances would not necessarily mean the end of large numbers on NATO troops. NATO'S winning or losing would depend more on the ability of the Soviets to bring up their second echelon than on NATO's ability to stand and fight. If the second echelon were delayed, NATO counterattacks could be decisive. As long as NATO retained the ability to devastate the Soviet rear, NATO armies, once reinforced, could cut off initial Soviet salients. Incidentially, the four U.S. divisions in Europe (two armored and two mechanized infantry, plus three brigades and two regiments) would be reinforced dramatically within 30 days of a Soviet attack. In other words the Soviets are faced with the possibility of fighting a resilient foe with defense in depth and substantial reserve strength, i.e. staying power.

G. As long as U.S. troops are in Germany, a Soviet attack means declaring war in one stroke on the U.S., Germany, U.K., France, Italy, the other NATO countries and Spain. This is a big bite to take on all at once. Much better for the Soviets if the U.S. pulls out, which would allow the Soviets to take the others over piecemeal, probably without firing a shot.

It is fashionable to sneer at the armed forces of our allies but they do add up to a considerable force and add to the unlikelihood that the U.S. forces will be overrun. Let us look briefly at these forces:

1. The German Army of 335,000 men (12 divisions) is well-trained, equipped and motivated. Its 100,000 man Air Force with 550 combat aircraft contributes substantially to NATO's air power. Germany's total active strength is 500,000 with reserves of 750,000.

2. France has an army of 310,000 which includes 8 armored and 7 other divisions plus several independent regiments and 280,000 reserves. Its 600 combat aircraft are impressive to the Soviets but even more so are its 5 nuclear missile submarines, 18 nuclear ICM's and other nuclear weapons. Taken as a whole, this is Europe's strongest national force.

3. Britain's army is only 175,000 but its 55,000 man Army of the Rhine is well equipped to defend, together with the RAF, against a Soviet tank led attack in its northern sector.

These, plus the other NATO forces all add up to about 1,000,000 combat troops on the Western front, enough, together with our

air power, missiles, tanks and anti-tank weapons to deal with a surprise Soviet attack by its forces now in Eastern Europe. The question would be whether or not the Soviets could bring their second echelon quickly to bear or would it take too many losses at the assembly and chokepoints to be able to consolidate initial gains. That is a question which is impossible for the Soviets to answer with certitude.

H. One final comment on risks the Soviets must run. They must also consider whether the French would fire their strategic nuclear weapons if a victorious Red Army has cut through Germany and the Low Countries and is at the French border. The same consideration applies to the British. This is Catch-22 for the Soviets; a victory in Germany could trigger an European strategic attack which could then require a damaged Soviet Union to attack the U.S. This is just all too risky for the Soviets. Much better to talk the U.S. troops out and put pressure on France and Britain after Germany is neutralized and the world is not at war.

Let us deal quickly with other arguments in favor of a withdrawal:

A. The Allies must be jolted into defending themselves.

While this is a tempting position, it is probably the most juvenile of all the withdrawal arguments. Let us, however, deal with it patiently. A country, bordering on the Soviet Bloc, without nuclear weapons, cannot expect to defend itself. Germany has no nuclear weapons. If we pull out, the nuclear weapons will come with us. Giving Germany nuclear weapons is not realistic. France, Britain, Germany, and the Soviet Union would resist it. No, for now, Germany would be left without nuclear weapons and would be helpless, even if it quadrupled its conventional army. Perhaps France and Britain will someday be able to replace our nuclear arms in Germany in exchange for a massive German buildup of their conventional forces. While this remains an intriguing, theoretical possibility, Germany would be long gone to the Soviets before this nuclear substitution could be pulled off.

A non-nuclear Germany, abandoned by the United States, would be jolted all right—into accommodation with the Soviet Union. And if this happens to the Germans could the Low Countries and Scandinavia, and all the rest be far behind?

B. And then there is the argument that if the Europeans are not willing to defend themselves, then they are not worthy of our help and to hell with them.

This withdrawal argument allows me to make the essential point of this talk: We must remain in Europe for our own selfish purposes. We should stay because if we don't, Europe will fall to the Soviets and we will be mortally wounded.

The fact is there are Europeans who are willing to defend themselves, but only if it is not hopeless. Without us it looks helpless. France spends almost 4% of its GNP and is increasing its defense budget this year by 4%. It is modernizing and adding to its nuclear weapons. Britain recently committed to the expensive Trident II. Both the major parties in Germany strongly support the deployment of Pershing II and Cruise Missiles, so-called Peace Movements notwithstanding. Shortly after being elected, President Mitterrand quickly supported Schmidt in this crucial point.

Europe's defense spending is about $100 billion per annum, not too bad given the adverse impact of the policy of detente we helped generate. Their weapons development program is impressive. Above all, there are men of will in Europe, leaders who are willing and able to assume a strong and resolute defense. A recent gallup poll revealed 75% in Britain, 74% in Germany, and 57% in France prefer to fight rather than accept Soviet domination.

The Western alliance is not doomed as long as we stay put, modernizing our weapons as needed. Today this means deploying the Pershing II, the Cruise Missiles, and the electronic warfare systems sought by SACEUR.

C. Let us conclude our look at the Withdrawal arguments, by just touching on three points. First, the naval argument. Why not just increase our missile submarines and lie off the coast of Europe and blast the Soviet Army if and when they make a move Westward? The fundamental truth is that to the Germans these missiles are no more credible than our missiles in the continental U.S. The Europeans don't believe we would fire them, given the massive Soviet strategic capability, just to defend Europe. Once those missiles come roaring out of the sea, they will be spotted and the holocaust may begin. There must be a visible link between the U.S. and the defense of Europe. That link is now provided by U.S. forces, including land-based nuclear forces, in Europe. In the event of a withdrawal, the Soviets could find our commitment less than credible. Deterrence would be gravely weakened. Furthermore, our allies might also doubt our commitment, and seek accommodations with the Soviets.

Second, why not reduce our forces to a trip wire of say one division? The answer here is that these forces would be overrun; they would not be able to deal with the first wave of a surprise Soviet attack and we would have to turn immediately to nuclear weapons. We are at the minimum troop level now. As important, if we begin to reduce the troops, the rot would set in, political accommodation would start and we would come under pressure at home to remove our remaining division as people began to realize they would be slaughtered by a Soviet attack. The Germans would soon pressure us to remove our missiles. Trip wires may have been plausible, although I doubt it, before the Soviets had their recent power and ability to decimate large sections of the U.S. Now they are an empty slogan.

Withdrawal means walking away from U.S. military bases in Europe which represent tens of billions of dollars of investment in military infrastructure by the U.S. and NATO over the past several decades. Such facilities do not exist in the U.S. and could not be duplicated except at enormous cost. Withdrawal therefore will probably mean disbanding the divisions we bring home for the sake of economy. This will be a double blow to our military strength.

After withdrawal we must be ready to accept a diminished role in world affairs and the greatly reduced influence we would have over international questions related to Europe. Our trade with Europe, now our greatest export market, would surely decline as the Europeans accommodated themselves to new realities. Europe is apt to be forced to choose a role of supporting and helping a stagnant Soviet system do what it cannot do for itself. A Europe which turns East and is gradually enlisted in the service of assisting the USSR through its better economic system will be a Europe which has turned from alliance with the U.S. to a role of our gravedigger.

The Declaration of Independence set as a mandate for our national efforts that all men have the right to life, liberty, and the pursuit of happiness. Our postwar alliance with Europe was in keeping with our country's most cherished values and its highest destiny. As a nation of honor and vision, we cannot walk away from such responsibilities.

Our national interest is as clear now as it was when the Atlantic Alliance was founded; it is a close partnership with the Western European democracies whose heritage and values we share. We can no more abandon them than we could abandon Maine or Massachusetts. This is the message I leave with you tonight.●

WALTER FALLON, KODAK CHIEF EXECUTIVE OFFICER, URGES CAUTION IN HIGHER EDUCATION CUTS

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. LaFALCE. Mr. Speaker, in a recent outstanding address to the Commission on Independent Colleges and Universities, Walter Fallon, chairman and chief executive officer of Eastman Kodak Co., spoke out on the need for careful consideration of the Nation's budgetary agenda and its effect on higher education. Mr. Fallon voiced the concerns of many in both the public and private sectors. He championed a strong, three-way partnership between business, higher education, and Government as a means to foster economic growth. Further, and more significantly, Mr. Fallon noted the impossibility of business "replacing" the real and projected reductions in Federal assistance for higher education.

Under Mr. Fallon's leadership, Kodak has made record contributions for higher education. Kodak's contribution of $7.1 million includes appropriations of $4.9 million for the support of higher education through Kodak's education aid program, and an additional $2.2 million in annual support for the continued education of people affiliated with Kodak. These figures make Kodak's commitment to education quite obvious. In his speech, Mr. Fallon alluded to those figures and made the salient point that, "the corporation that is not in the business of human development may not be in any business—at least not for long." He added that Kodak views investment in education as the "critical capital" to meet changes in both the plant and equipment of Eastman Kodak, as well as society in general.

In his remarks, Mr. Fallon addressed numerous points of President Reagan's budget initiatives, but specifically singled out the proposed cuts in education as "too much, too soon."

Mr. Fallon stated that, "drastic actions have a high probability of failure when there is no allowance for a period of adjustment." I concur with Mr. Fallon's insightful evaluation of the proposed Federal spending cuts in higher education, and would like to share his remarks with my colleagues. Mr. Fallon's speech follows:

SPEECH BY WALTER FALLTON

Thank you . . . and good morning.

When I was considering what I might say to you today, I was reminded of the story about Oliver Wendell Holmes.

Holmes was a distinguished American author and physician . . . who was *also* known for being quite absent-minded.

Once, when Holmes was on a train, he was asked for his ticket, and he could not find it. He searched in all his pockets and his briefcase . . . but was still not able to produce it. The conductor, knowing Mr. Holmes and his sterling reputation, tried to put him at ease:

"Never mind," he said. "I know you're good for it. When you find your ticket, I'm certain you will mail it in."

But Holmes grew even more agitated. "Mr. Conductor," he replied, "the question is *not* 'where is my ticket?' . . . *the question is 'where am I going!'*"

On a more serious note, the question for all of us here today certainly *is:* "Where are we going?" It's at the top of our shared agenda in our mutual concern for the future of higher education.

What I'd like to do this morning is focus our attention on *two* aspects of that agenda that are of vital interest to us all.

The first, at the state level, is the creation of a more effective, three-way partnership among business and industry . . . higher education . . . and state government . . . in order to foster economic development in New York State.

The second, at the national level, is the need for our careful consideration of the overall impact that could result from the far-reaching review of *federal* programs now underway in the area of higher education . . . on the one hand, we sense an *opportunity.* It comes with the fresh consideration of the overall objectives that should guide this nation's policy in higher education.

On the other hand, we sense a growing *concern.* It stems from a fear that budgetary pressures will lead to ad-hoc decisions on particular programs. And these decisions, in turn, may *not* reflect our long-term national interests.

Both of these agenda items—at the state and national levels—point up the new economic realities facing higher education today. Both call for new directions from all those involved. And both underscore our mutual goal:

The creative management of our shared investments in higher education . . . in order to generate useful dividends for all three sectors in this three-way partnership.

I suppose it will come as no surprise to you that we apply these same "investment criteria" when it comes to corporate contributions by the Eastman Kodak Company.

Indeed, we have said on many occasions that we see philanthropy as a business investment . . . to be managed in a business-like way.

In this case, it's an investment in the future of society . . . designed to generate long-term dividends.

We attempt to direct our contributions activity in the same way we manage our other business endeavors. After all, the business we run at Kodak places us among the top 30 Fortune companies.

But the size of the business we manage in corporate contributions puts us among the top 15 nationwide.

Our priorities are clear: we see management's first reaponsibility as maintaining the economic health of the business enterprise.

In my view, the definition of corporate responsibility *begins* with the responsibility for the success of the economic function of the business.

At the same time, as one of my predecessors put it, "The corporation that is not in the business of human development may not be in any business—at least not for long."

That's why corporations like Eastman Kodak and many others—including these represented by the business leaders I see here today—support the institutions that prepare the professional, technical, and skilled people needed by the business community.

As one of our managers pointed out, it's a merger of opportunities: corporations commit funds to support vital educational activities. The schools turn out graduates needed to plan and manage the corporations' future growth.

In the end, it's just plain good business—for the corporation, for higher education, for the individual student, and for the larger community as well.

At Kodak, this view of the business of corporate contributions is based upon the legacy of our founder, George Eastman.

Early in his career, Eastman realized that he needed to invest not only in the plant and equipment of the Eastman Kodak Company . . . but also in the plant and equipment of society.

And while he supported a number of important areas that contribute to the quality of life—as Kodak does today—Eastman identified education as the critical capital to meet these changes.

"The future of the world," he once said, "depends almost entirely upon education."

George Eastman invested heavily in education, as many of you know. Earlier in this century, he contributed millions to build the physical plant of several major universities.

But today, while that physical plant exists, our educational institutions often lack the financial resources to use it to its fullest advantage.

That's why our goals for investment in higher education for the 80's have been designed with new directions in mind: Now, rather than invest in capital improvements . . . we seek to invest in excellence—in outstanding students and faculty—as an expression of Kodak's continuing commitment to education in today's changing society.

And the level of our investment is significant. In fact, I'm pleased to announce this morning that Kodak's nationwide corporate contributions totalled 10.5 million dollars in 1981—a new record for the company.

Of that amount, nearly half—4.9 million dollars—was designated for the support of higher education through our Educational Aid Program.

That's in addition to the more than 2.2 million dollars in annual support for opportunities in continuing education for Kodak people. These include funds for tuition aid, academic assignments, and master's and doctoral awards.

Why, you might ask, do Kodak and other corporate givers place so much importance on integrating contributions with business operations? I can give you two reasons from the Kodak perspective.

First, structuring our contributions program along lines of corporate self-interest is the best way we know to serve our shareowner's interests.

Second, we're convinced we generate more dividends from our investment of resources when we give in areas allied to our own fields of expertise. As a knowledgeable donar, we can select better recipients for our always limited contributions resources.

I'm sure you know others in business and industry who are saying—and doing—the same thing.

These expanded criteria—for corporate support that parallels corporate business interests—are among the new realities facing higher education in the 80's. Indeed, the responsibility that management feels reflects the magnitude of that support nationwide.

Last year, for example, American corporations donated more than 1.1 billion dollars to U.S. colleges and universities.

Closer to home, a 1980-81 survey by the Council for Financial Aid to Education showed that 77 public and independent institutions in New York State received 52.1 million dollars from business.

That same research group reported, on a national level, that corporations give about 18.2 percent of all the *voluntary support* received by public and independent higher education. Statewide, corporate giving represents about 18.5 percent of voluntary support.

Clearly, the investment *is* high. That's why Kodak and other companies are constantly assessing new directions in response to new realities in corporate giving.

I think you can expect to see even more business initiatives in this area.

The goal is understandable: to control and target financial support in order to generate the most useful dividends from corporate investments in higher education.

Kodak has already taken a number of steps in this direction. In 1981, for example, the company expanded its research grants to specific graduate departments. Our objective is to encourage scientific exploration in areas related to Kodak's own diverse research and development programs.

In 1980, we shifted away from an automatic formula for alumni grants to all schools represented by Kodak employees with five or more years' experience.

Today, we target our contributions to the educational institutions that are most productive to the company from the standpoint of recruitment and needed technology.

Other corporations are moving along the same path. Last year, for example, IBM announced a nationwide program totalling 1 million dollars. It targets a number of 25,000 dollar grants each year to specific departments within individual schools.

In 1982, General Electric launched a pilot program of "forgivable loans" for doctoral students who remain in academic teaching. Four schools will each receive 50,000 dollars to be used as a loan fund for graduate students in engineering and computer sciences. Students may borrow up to 5,000 dollars a year until they complete their studies. And, if they choose academic teaching as their profession, 20 percent of the loan will be forgiven each year.

Today's new realities are spurring new directions within New York State, as well. There is growing recognition within state government of the need to strengthen the links between our universities and the busi-

ness community. It's clear that through the enhancement of this three-way partnership, our economy can benefit from the entrepreneurial development of new technology.

I command the leadership within C. I. C. U. that identified these initiatives.

I commend the Governor, who subsequently incorporated a number of these proposals in his Economic Development Program this year.

And I commend the bipartisan legislative support that has generated.

I'll touch on just three examples that reflect these new directions in New York State.

The first is the proposal for the creation of the New York State Center for industrial innovation to be located at Rensselaer Polytechnic Institute in Troy.

The purpose of this Center will be to demonstrate New York State's commitment to high technology. And it will do so in three important ways.

By helping to retain existing high technology business within the state . . . by helping to attract new high technology businesses from out-of-state . . . and by helping to nurture new ventures within New York's high technology industries.

At Eastman Kodak, we know well the benefits that the proposed Center can foster. In our case, for example, the majority of Kodak products on the market today have been there less than five years.

That's why Kodak, along with other companies such as GE and IBM, are strongly supporting the Center. And that's why the New York State Business Council has recommended adoption of the proposal. Here's how Council President Raymond Schuler put it:

"New Yorkers already have the brains and the determination to move into the future. The new Center at RPI will help make sure that they have the tools as well."

Closely related to the Center is the second new direction I want to mention: the proposed formation of the New York State Research University Consortium.

Initally, it will draw together some 15 public and independent institutions. They are among the leading research universities of New York State.

All of these institutions have strong science and engineering research capabilities. They offer expertise in fields that are extremely important to complement the central focus provided by the Center at RPI.

The Consortium would be developed to share knowledge and ideas with industry . . . to exchange skilled people and to share instrumentation . . . and to represent New York's great technological assets to the nation.

The third new direction I want to mention . . . as outlined in the state's economic development program . . . is the creation of "centers of excellence." These would be in other areas of technology that offer the potential of rapid development. In fact, the legislative language calls these, "Centers for Technology Development."

Under this proposal, the State Science and Technology Foundation would designate as many as five such centers at selected institutions of higher education. Each center would specialize.

Areas could include genetic engineering, fiber optics, or new materials. Each offers significant potential for economic growth. In order to win this designation, schools would be called upon to demonstrate excellence in one of these fields.

And, just as important, they would have to secure the commitment for matching support from the business community on at least a dollar-for-dollar basis.

In my view, these are the kinds of new directions we need to deal with the new realities.

They represent shared investments in excellence by business, government, and higher education. They offer the potential of significant dividends in terms of technological leadership and economic development. And these, in turn, can translate into that all-important commodity called *jobs.*

And, finally, they capitalize on one of our region's strongest resources—the strength and diversity of our institutions of higher education.

It's an educational system that functions in many ways to meet a broad spectrum of needs—from technical training at the two-year and community college level . . . to the leading edge of research underway at our universities.

We share other concerns as well.

I'm aware, for example, of recent initiatives by the institutions that produce nearly 75 percent of the engineering degrees in New York State.

They want to draw attention to such critical areas as . . . the shortage of engineering school faculty; the obsolesence of much of our current instructional and research equipment; the need for continuing focus on support for gifted minority students; and, of course, the growing needs for increased financial aid for the vast majority of all students.

These and other programs have been identified by C.I.C.U. through its 1982 legislative agenda . . . by the state government in a number of proposals now going through the legislative budget process . . . and by corporations themselves, through their new thrusts in corporate giving.

In fact, a number of our own recent initiatives in the Kodak Educational Aid Program reflect concerns that parallel many of those on the C.I.C.U. agenda.

For example, we recently established *The Kodak Teaching Incentive Grants* as one response to the charge that business "has been eating its own seed corn." That means, simply, that corporations have been taking the best and brightest graduates away from the classroom.

Now, through its new grant program, Kodak is encouraging outstanding doctoral graduates to pursue engineering and scientific careers in teaching and research.

Through another initiative, we established *The Kodak Fellows Program* to encourage scientific inquiry and excellence through grants for graduate students in engineering and science.

The Kodak Minority Academic Awards Program identifies minority students who have proven themselves scholastically. Kodak grants provide scholarships in science, engineering, and business.

And, *The Kodak Scholars Program* is designed to encourage excellence and scientific inquiry for selected undergraduate students; 560 college students are now in the annual enrollment of this program.

Our expenditures here last year totalled more than 1 million dollars.

Of course, no discussion of the economy and higher education would be complete without the second item that I mentioned as part of our shared agenda: The new realities at the Federal level—and the resulting new directions that will be required from all sectors involved in higher education.

Let me say, at the outset, that—like many of you—I view the Reagan initiatives as a move in the right direction.

But, like many of you, I would urge caution particularly in the amount of the proposed cutbacks in higher education as "too much, too soon."

Indeed, if the 1983 budget cuts are implemented as they were submitted, higher education is looking at truly significant decreases. Recommended cuts would bring some student-aid programs to levels 46 percent below Fiscal Year 1982.

Federal cuts of this magnitude would remove over a million students nationwide from eligibility for the Pell grants.

From my own business experience, I know that any budget—no matter how small—can be cut 5 percent. And that any budget—no matter how large—is not bad enough to justify a 46 percent cut. In a word, drastic actions have a high probability of failure when there is no allowance for a period of adjustment.

Plainly, within New York State, the impact would be severe. State Education Commissioner Gordon Ambach—from whom you'll hear later this morning—has said that, under the proposed Reagan budget, students in higher education would lose the availability of guaranteed loans and grants totalling more than 660 million dollars over the next two years.

The SUNY Board of Trustees, in their resolution issued last month, estimated that New York State students eligible for the basic Pell grants would drop nearly in half . . . from about 321,000 to fewer than 183,000.

President Frank Rhodes of Cornell has expressed the concern this way: "It is time to reconsider the current federal budget proposals. To urge this is not to deny that federal spending must be reduced. It is not to deny that some abuses in the use of student aid have occurred. It is not to claim some special exemption for educational needs. But it is to assert that federal support for education involves not only spending . . . but also investment—an investment in the future of individuals and of the nation."

President Rhodes concludes: "If the cost of education seems high . . . ponder the cost of ignorance." (Unquote)

What we are seeing today is a major change in federal policy. It would be tragic if such a change were to be made without the most careful consideration of its overall impact.

Indeed, it is clear that there is a need for a re-examination of the role and contribution of each of the sectors in our partnership.

At the national level, we need to review the existing Federal aid programs. And, while we commend the opportunity for redefinition of our national policies on higher education, we should also encourage dialogue and debate on the effects of these policies, long-term.

Perhaps this is the time to clear the books of the many federal grant programs and start anew.

Through this period of uncertainty, we should bear in mind a fundamental concept. A college education has real commercial value. It is a capital commitment that will pay dividends. Students should consider the cost of their education to be a business investment.

Conceptually, it should be possible to set up one national educational fund from which university-managed . . . federally guaranteed loans can be made to responsible individuals at low interest rates. If properly managed, the cost would be little more than the forgiven interest.

I would remind all who are here today—concerned with the impact of these Federal initiatives—that it is up to you—the proponents of higher education—to present your case so convincingly . . . that it will be seen, once again, as part of a vital national agenda.

Here—perhaps more than anywhere else—new realities require new thinking in order to come up with new directions that will work.

At the state level, I'm sure most of you will join me in commending the new initiatives already being proposed, such as the Center at RPI and the statewide Centers of Excellence in technology development.

And, just as important, it's healthy sign when we see New York State leaders exploring other initiatives, such as the creation of a *state* bonding authority *that could float bond issues to provide student loans.*

Within the business sector, it's valid for higher education to seek increased support, where possible, from corporations of all sizes. At the same time, I must underscore the *impossibility* of business being able to "replace" the real and projected cuts in support at the federal level.

Further, let me also point out that I see a great deal of room for creative new directions in college-corporate partnerships.

Some examples that come to mind are: employee reimbursement programs; student-faculty internships; summer co-op employment programs; and on-site teaching courses . . . to name just a few that are already in place at Kodak.

In closing . . . let me leave you, first, with a challenge: That is, to continue the search for new and better ideas to enhance our opportunities for partnership. New and better ideas that will be mutually beneficial and worthwhile. This partnership remains one of the best means we have for coming up with new directions in the face of new realities.

And finally, let me sound a note of optimism—one that captures my central theme that we will emerge from today's challenges even stronger in the future.

It's from a book called *The Enterprising Americans* by John Chamberlain and is close to the essence of our view:

". . . In the broadest sense, Americans are a people who, looking to government for the performance of certain indispensable functions, nevertheless have put their ultimate faith in their own creative energies . . . For such a people, a new frontier, the real frontier, will always be open."

Thank you.●

THE EL SALVADORAN ARMY—AN OBJECTIVE PORTRAIT

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. MICHEL. Mr. Speaker, we hear and read so much that is critical about the Army of El Salvador that any article that attempts to give us a balanced view deserves wide distribution. I recently came across such an article. it shows that the El Salvadoran Army is poorly equipped, poorly organized and poorly led. But, at the same time, the army is learning new battle tactics and is even given credit for the recent successful elections held in that country. The various atrocities that have been traced to parts of the military in El Salvador (and not, for the most part, to the army itself) cannot be condoned. But, at the same time, it is clear that a better trained, better led army in that country can lessen the chances of such atrocities and also help protect the citizens against terrorists of left and right.

At this time I wish to insert in the RECORD, "Salvadoran Army—The Creaky Machine" by Kenneth Freed of the Los Angeles Times, April 11, 1982.

SALVADORAN ARMY—THE CREAKY MACHINE

(By Kenneth Freed)

SAN SALVADOR.—In some armies they talk about spit and polish and a few good men; El Salvador's is characterized by baggy clothes and boys as young as 15.

And while generals the world over are accused of planning for the last war, the military tactics employed here go back to the last century.

When the civil war broke out two years ago, the 22,000 members of the Salvadoran military were untrained, ill-disciplined and poorly equipped.

There has been some improvement, owing in part to instruction provided by an expanded U.S. advisory mission and in part to experience acquired in combat with the guerrilla enemy. But a tour of military bases and interviews with officers, ordinary soldiers and outside experts indicate that the Salvadoran military is still more of a clunker than a well-oiled fighting machine.

The problem begins with recruitment. El Salvador has no draft, but the army is far from being a volunteer force. Many enlisted men say they were forced to join.

In one town recently, a company of soldiers marched in, rounded up all the young men in the central square and picked out several who were to "volunteer" for a two-year tour of duty. No excuses were accepted.

Basic training is brief and informal by American standards.

Some of the new troops are no more than 15 years old; 17 appears to be the average age. Many are barely taller than their rifles, and what uniforms they have are usually too large.

During a visit to the garrison in Santa Ana, El Salvador's second-largest city and a stronghold of government support, reporters watched a batch of recruits being drilled. Few of the men wore complete uniforms; odds and ends of civilian clothing were seen, including a variety of shoes ranging from sneakers to loafers.

The drill field resembled a school playground. Training consisted mostly of running in circles and hopping up and down.

The barracks area was littered with broken equipment. Paper littered the ground and troops lolled about. Living quarters were messy. Dogs and chickens roamed the area.

There were jeeps with broken windshields and other vehicles that were obviously out of service. Although some soldiers went out on patrol in new Ford trucks recently supplied by the United States, most troop carriers were old and battered. Many were ordinary pickup trucks painted in non-military colors.

The Santa Ana garrison is not unique and in many ways is in better condition than several others. The soldiers there are relatively well behaved, and the people in the area seem to respect them.

Inadequate training may help explain the Salvadoran soldier's carelessness with weapons.

Soldiers play casually with their rifles, pointing them in every direction. They keep their fingers constantly on the trigger and often toy with the safety catch, clicking it on and off.

But while the army may seem ragtag, it is considered the most professional of El Salvador's several military and paramilitary forces.

ALSO AIR FORCE, NAVY, LOCAL UNITS

Besides the Army, there is an air force and a navy—altogether about 14,000 men.

There are also the National Guard, the National Police and various security forces, including armed civilians, who make up local defense units. They total about 8,000 men. All are led by regular army officers, but their ranks are trained and equipped even more poorly than the army. And they have a reputation for vicious treatment of the populace.

Several alleged massacres are attributed to these units. Many of the so-called death squads that roam the cities and countryside at night terrorizing the population are made up of National Guardsmen and members of the other security forces.

The National Guard barracks in Suchitoto, in the north of the country, is typical. Here there are three companies, about 150 men in all. The barracks looks more like a tenement than military housing. Clothing and sheets were scattered around filthy rooms. Tablecloths served as doors. Animals were everywhere.

The commander, a captain dressed in dirty, baggy fatigue pants and a grubby T-shirt, apparently had not shaved for several days. As he talked with reporters, a squad of soldiers entered, tossed their guns carelessly on a table and wandered off to eat. Nobody saluted or reported or gave any sign of respect to the officer.

At another unit, reportedly one of the best in the army, equipment is lacking, many soldiers are without uniforms and discipline is casual at best. This unit, a battalion, is located in the northeast province of Cabanas and is commanded by Lt. Col. Sigifredo Ochoa, one of the most respected officers in the army.

Last month Ochoa ran an operation designed to push a large band of guerrillas out of his area, a drive that was considered largely successful.

When asked about the large number of his men—boys, really—who were dressed in jeans and T-shirts, Ochoa said, "We don't have enough uniforms."

He also complained that he has only one helicopter to move troops, and he said he does not like the fact that his men carry different types of rifles. Some carry M-16s, the standard weapon in the U.S. Army; others have G-3 assault rifles, made in Belgium and West Germany and issued to West European forces.

"The ammunition isn't compatible," Ochoa said, "and it is very difficult for the men in the field since they can't exchange ammunition under fire."

OUTDATED TACTICS A SERIOUS SHORTCOMING

His operation, although thought of as a good one, also pointed up what military observers consider a serious weakness—the use of old-fashioned and limited tactics.

So far, the army has done little more than react defensively and carry out an occasion-

al sweep of suspected guerrilla territory, pulling out afterward. The guerrillas, who are more mobile, usually disappear before the well-advertised sweep begins or retreat through the army lines, taking minimum casualties.

Touring Salvadoran army bases is like watching an American cavalry-and-Indians movie. The troops hole up in fortresses in the towns, foraying out during the day to patrol the main highways. At night, the countryside belongs to the guerrillas, who roam freely, raiding hamlets for food, medicine and recruits. They also attack the two- or three-man teams left to guard bridges, often destroying the bridges.

While the army still occupies the major cities, several important towns are virtually cut off, and only the bravest—or most foolhardy—travel at night.

Most observers estimate that fully one-third of El Salvador is effectively under guerrilla control. But that may be changing, along with other things.

A 50-man U.S. militay advisory group is in El Salvador to train the troops, to teach new tactics and turn the army into a professional fighting force.

Already the Salvadorans have formed a special battalion that uses more modern tactics, is better equipped and certainly appears more professional. But the Atlacatl Battalion, as it is called, is still mostly a defensive unit, its 1,000 men often split up to fend off the most serious guerrilla attacks.

Military observers say a more offensive strategy will come after a special unit of 1,500 men and officers now in training in the United States returns. An example of what that is expected to mean came during the recent election, when the army discouraged an expected guerrilla offensive aimed at disrupting the voting.

Instead of merely waiting in their fortresses, patrols were sent out at night to ambush the guerrillas, particularly around San Salvador. The general result was that the leftists were kept off balance and never had an opportunity to reach the cities.

According to a key military observer, the army was responsible for the successful elections, and that gave the troops a tremendous boost in morale.

All the experts here seem to agree that the army is not in any immediate danger of losing the war. But it is "still a step short of winning it," one said.

The American training program will turn out nearly 500 new officers, and that should ease the key shortage of field leaders.

According to the experts, though, all the training is aimed at the army, and that is not enough. The National Guard and the other security forces are needed if the war is to be won, one military observer said, and the American training program does not include them.●

SOVIET UNION'S THREATS AND PROMISES

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. DERWINSKI. Mr. Speaker, a great deal of attention has been paid to the question of the nuclear arms freeze and the end to the total arms race. While this is a goal that all nations would hope to see, we must logically look at the Soviet Union and its past apparent threats and broken promises.

A very pertinent editorial which appeared in the Southtown Economist Newspaper, of April 8, was right on target on this subject. I insert this editorial from the Southtown Economist which serves suburban Chicago, Ill.

The editorial follows for the attention of the Members:

SOVIET'S 'NUCLEAR BRINKSMANSHIP' POSES A DANGER

The threat was made casually enough.

Soviet leader Leonid Brezhnev reiterated his proposal for a freeze on missiles in Europe. In a talk opening the 17th congress of Soviet trade unions, he said that the deployment of new American missiles in Europe, as planned by NATO, would pose a threat to the Soviet Union.

Then he added:

"This would compel us to take retaliatory steps that would put the other side, including the United States itself, its own territory, in an analogous position. This should not be forgotten."

The U.S. Embassy in Moscow played down the importance of the warning. Diplomats said the Soviet Union had made such "rather vague threats" before. Later, Defense Secretary Caspar Weinberger described the threat as a "very obscure, ambiguous sort of phrase."

Then the threat was reiterated, in the same vague terms, by two Soviet officials. Valentin Falin, first deputy chief of the Communist Party Central Committee's International Information Department, and Lt. Gen. Nikolai Chervov, chief of the Department of the General Staff of the Armed Forces of the U.S.S.R., appeared on Moscow television March 27.

"It (referring to the United States) is bringing the danger closer to itself," Falin said with reference to the NATO missile plan.

"In the U.S.A., they probably entertain illusions that they are invulnerable, separated by two oceans," Chervov said. "At present, however, distances must be evaluated differently, differently in the sense that, by moving a threat closer to others, the U.S.A. is in the same manner bringing it closer to itself."

Does this talk hint at a Soviet plan to station medium-range ballistic missiles in Cuba? Apparently, but the threat hasn't got that specific so far.

In 1962, the United States and the Soviet Union went eyeball to eyeball over this very issue and the Soviets blinked.

Some historians believe the fact that the Soviets had to back down in 1962 is what has motivated their buildup in naval forces and strategic weapons since that date. In any case, they are far stronger in comparison to the United States now than they were then. In a new Cuban missile crisis, it is unlikely that they would back down as quickly, if at all.

The veiled threat of a new Cuban missile crisis may have been made, as diplomats believe, merely to strengthen the anti-nuclear-war movement in Europe and the United States.

But the fact that the Kremlin would make it, even in such an obscure way, is enough to give us pause. It is a kind of nuclear brinksmanship that is extremely dangerous.●

RESOLUTION ON CIVIL DEFENSE PREPARATIONS

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. EDGAR. Mr. Speaker, I would like to call to the attention of the House a resolution recently adopted by the Philadelphia City Council regarding public hearings on preparations for civil defense in nuclear war. Last October the Philadelphia City Council joined councils, legislatures, and town meetings throughout the Nation in calling for a mutual and immediate freeze on nuclear weaponry. Pursuant to the policies of the Reagan administration on the civil defense issue, the city of Philadelphia is engaged in costly planning and preparation for civil defense and evacuation of the region in the event of a nuclear war, yet the council believes that any evacuation in such an emergency would be futile and chaotic. For this reason the council is now planning public hearings to expose the probable medical and environmental effects of a nuclear holocaust in the Philadelphia region. I commend the city council for this important resolution.

The text of the resolution follows:

RESOLUTION No. 695

Resolution to hold public hearings on preparations for civil defense in nuclear war and to memorialize President Ronald Reagan and Congress to provide essential funding for the needs of the cities

Whereas, The City Council of Philadelphia on March 5, 1981 passed Resolution 433 memorializing President Ronald Reagan and Congress "to prevent the projected budget cuts that will cause untold suffering to older cities like Philadelphia"; and

Whereas, The City Council of Philadelphia on October 22, 1981 passed Resolution 609 memorializing President Ronald Reagan and Congress "to persist in seeking a mutual and immediate freeze on nuclear weaponry with the Soviet Union and other nations"; and

Whereas, The City of Philadelphia is engaged in planning and preparation for civil defense and evacuation of the region in the event of a nuclear war at a cost of hundreds of thousands of dollars in 1982; and

Whereas, Leading scientists, physicians and military experts point out the futility of protecting civilian populations from the enormously destructive and long-term effects of nuclear weapons and nuclear war; and

Whereas, Conservative casualty estimates by the U.S. Arms Control and Disarmament Agency for a single one-megaton nuclear explosion over Philadelphia indicate that seven hundred sixty-nine thousand people would be killed promptly and another one million three hundred thirty-four thousand would be severely wounded and most medical care facilities destroyed; and

Whereas, In a nuclear war, Philadelphia could be hit by ten or more one-megaton bombs with as little as fifteen minutes advance warning; and

Whereas, The evacuation of civilians under the threat of an imminent nuclear attack would be futile and would likely lead to chaos and additional suffering; and

Whereas, The United States has some thirty thousand nuclear weapons and the Soviet Union some twenty thousand nuclear weapons, a fraction of which could devastate either country. During the next decade the superpowers are planning to build over twenty thousand new nuclear weapons; and

Whereas, This unprecedented arms buildup will cost Philadelphia area residents and businesses over thirty-two billion dollars in taxes over the next five years at a time when federal funds for cities, schools, health care, mass transit, energy, housing, employment and economic institutions are being drastically cut; and

Whereas, Congress recently voted about two hundred billion dollars for the 1982 military budget, and President Ronald Reagan is requesting a further increase of thirty-three billion dollars in military spending for 1983 and a further cut of twenty-six billion dollars in domestic and social programs, while projecting a national deficit of ninety-eight and six-tenths billion dollars for fiscal 1982 and ninety-one and five-tenths billion dollars in 1983; therefore

Resolved by the Council of the City of Philadelphia, That the City Council will hold public hearings on preparations for civil defense in nuclear war with expert testimony regarding the numbers, variety and destructive power of nuclear arms, the probable fallout patterns and the lasting effects of radiation, the effect of fire storms in removing oxygen and rendering shelters useless, and the anticipated effects on the atmosphere and the environment possibly leading to universal blindness and the destruction of plant, animal and insect life.

Resolved, further, that City Council memorialize President Ronald Reagan and Congress to cut the military budget and eliminate the waste estimated between ten billion dollars and thirty billion dollars in military spending to provide essential funding for the desperate human service needs of the cities.●

HUMAN RIGHTS AND THE UKRAINE

HON. HAROLD C. HOLLENBECK

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. HOLLENBECK. Mr. Speaker, I rise in support of House Concurrent Resolution 205, a resolution expressing the sense of Congress with respect to violations of human rights by the Soviet Union in the Ukraine. Time and time again I am reminded of the Soviet failure to live up to their commitments under the Helsinki accords. At this very moment, the people of the Ukraine are being denied certain fundamental human rights which were supposedly guaranteed when the U.S.S.R. agreed to cosign the Helsinki pact back in 1975. I firmly believe that this situation must not be permitted to continue without impressing upon the Kremlin the Free World's firm resolve against oppression. Only through such expressions of dissatisfaction can we possibly hope to make our position clear. I urge my colleagues to join me in voting in favor of House Concurrent Resolution 205 and, in so doing, informing the Soviets of our awareness as to their flagrant human rights violations in the Ukraine.●

THE HIGH COST OF WEAPONS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. HAMILTON. Mr. Speaker, I am inserting my Washington report for Wednesday, April 7, 1982, into the CONGRESSONAL RECORD:

THE HIGH COST OF WEAPONS

The process by which the United States government buys weapons for the nation's defense must be improved substantially. If it is not, then in my judgment Congress and the American public will not continue to support higher levels of military spending. Congress and the President must work together both to get a grip on defense costs and to demonstrate that weapons can be acquired efficiently and within budget.

Because of the importance of preserving the present consensus in favor of a stronger defense, the high cost of weaponry is emerging as a primary concern of the 97th Congress. It has become critical to national security that the cost of weapons be controlled. To get the cost under control, we must first understand why it is rising rapidly and why there is much waste and inefficiency in the process of buying weapons. Then we must take specific steps to improve that process.

Many factors converge to cause waste and inefficiency in the purchase of weapons. Legislators maneuver vigorously to protect employment for people back home by keeping outdated defense installations open and by forcing the military to buy weapons it does not want. Defense industry executives use political "clout" to protect their firms from competition. Also, they know how to take advantage of the fact that once a weapon has been accepted, it is likely to be around for many years to come. Legions of lobbyists flock to Congress to support particular weapon systems. Inter-service rivalries drive up the cost of weaponry, too. The Army, the Navy, and the Air Force all strive to maintain separate acquisition systems despite the savings of consolidation. Fraud and theft skim millions of dollars off the procurement budget each year. Some errors in the management of a $65-billion budget should be expected, but the many incidents reported in the press serve only to confirm our fears. The Pentagon itself routinely underestimates the cost of new weapons and gains Congress' approval of them in part because of their "low cost", knowing that Congress will not retaliate against high cost later by killing a half-finished program.

The high cost of weaponry is due to several factors, among which are the design of weapons (for example, technological complexity and the failure to standardize the weapons among the services), management and budget practices (for example, overruns in costs, uncertain budgetary projections, and lack of competition), and inefficiencies in the defense industry (for example, bottlenecks, low productivity, and labor shortages). When the cost of weapons is underestimated, the extension of the completion time cancels the economies of mass production, the cost of high technology, while not waste, drives up the procurement budget as well.

There is no doubt that the growth in the cost of weapons has been staggering. Aircraft today cost 25 times more than they did in World War II; armored vehicles and ships cost ten times more. A nuclear carrier costs $3 billion without its complement of aircraft; a battle tank costs $2.5 million; a field gun, $350,000; an attack submarine, $580 million. Our top fighter aircraft, the F15, has a $33 million price tag.

For years, the problem of the rising cost of weapons has been studied with much care. Many proposals to streamline the acquisition process and lower the cost of weaponry have been made. Correctly recognizing that the pro-defense consensus in the country could be undermined and destroyed by the exorbitant cost of weapons, President Reagan has made a number of proposals to reduce costs. Among the proposals are the following:

Broader use of multi-year funding;

Production of weapons at more efficient rates;

Full funding of programs to maintain their stability;

Better estimates of costs and inflation rates;

Reduction in the number of defense directives;

Relief from burdensome government regulations;

More competition among defense producers;

Greater use of standardized weapons systems; and

Modernization of defense plant equipment.

The total amount to be saved through the Reagan Administration's proposals depends on the vigor with which the proposals are pursued. Some experts believe that 10 percent of the procurement budget could eventually be saved. However, quick savings cannot be expected from procurement reforms. It will take several years before significant savings can be realized.

All sides in the defense debate agree on the need to lower the cost of weapons. The Reagan Administration is making a concerted effort to do so. It deserves strong support in Congress as it presses forward in the worthy effort.

NOTE.—Some data for this newsletter were drawn from a recent report by Robert Foelber entitled "Cutting The High Cost Of Weapons".●

ALFRED P. CHAMIE—STATE OF ISRAEL TRIBUTE DINNER

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. WAXMAN. Mr. Speaker, on April 18, 1982, at the State of Israel tribute dinner saluting the film industry of California, Alfred P. Chamie will receive the Torch of Freedom

Award for his work on behalf of men and women of all faiths.

A long-time resident of the State of California, Alfred P. Chamie was born in New York. He attended school in California, receiving his A.B. degree at the University of California in 1931. After receiving his LL.B. from Harvard University, he was admitted to the California bar and the Supreme Court bar in 1934.

Alfred P. Chamie served his country with honor and distinction as a member of the U.S. Army from 1942 to 1946. He continued his involvement with military matters serving as a member and chairman of the California Veterans Board from 1952 to 1961; a member of the Office of Emergency Planning in the Executive office of the President; a member of the American Battle Monuments Commission; a member of the National Jobs for Veterans Commission. As an active member of the American Legion, Alfred P. Chamie served as the California commander, 1959, the national executive commander, 1959–60 and the national commander in 1970–71. He has also been a long-time trustee of the American Legion Hollywood Canteen fund.

His other memberships include the Community Relations Committee of the Los Angeles Jewish Federation Council, the Jewish War Veterans, the Masons, the Elks, and the B'nai B'rith.

Alfred P. Chamie became an integral part of the California film industry when he joined the Association of the Motion Picture Producers, Inc., Los Angeles, in 1948 as legal counsel. Mr. Chamie rose to the eminent position of general counsel of the Association of Motion Picture and TV Producers (AMPTP) and served in this capacity from 1958 to 1978. He earned the respect and confidence of his associates and colleagues in the film industry and assumed additional responsibilities serving as trustee for the contract service administration fund; the motion picture industry pension plan; the Writers Guild pension industrial welfare plans; the Directors Guild pension plan; the Screen Actors Guild pension and welfare funds, and the board of directors of the motion picture and TV fund. In addition, he continues to serve as a member and was former president of the Mayor's Film Development Commission.

On the evening of Israel's 34th anniversary celebration, the film industry of California is receiving special acknowledgment for its work in challenging and exposing the forces of bigotry, hatred, terrorism, and exploitation. Alfred P. Chamie represents the finest in the industry's tradition.

I ask the Members to join me in saluting Alfred P. Chamie for a lifetime of service to his community, State, and Nation. We share the pride of his colleagues and family—his wife, Elizabeth, and children, Denise and Peter, in his accomplishments. May he have many more years of success and fulfillment.●

THE VIETNAMESE GULAG

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. MICHEL. Mr. Speaker, those who welcomed an American and South Vietnamese defeat in Vietnam, those who told us our participation in that war was "immoral," owe it to us to tell us how much they like the current Vietnam that their hard work helped to make.

At this point I want to insert in the RECORD "The Vietnamese Gulag" and "Daily Life in Vietnam's 'Reeducation' Camps," from the Wall Street Journal, April 8, 1982.

THE VIETNAMESE GULAG

Elsewhere on this page appear lengthy excerpts from a State Department report on Vietnam's so-called "reeducation camps." The report was compiled over a period of a year or so from interviews with Vietnamese refugees, and appears in abbreviated form in the State Department's forthcoming annual report on human rights.

The interviews weren't conducted in accordance with Miranda rules of evidence; they are subject to the distortions of memory and the biases of both interviewer and interviewee; and they no doubt can be found wrong, contradictory and exaggerated on certain points. Overall, however, the report confirms what some observers of Indochina have feared for some time: that the Vietnamese have established their very own gulag.

The picture of this gulag as it emerges from the excerpts nearby isn't for the faint-hearted: starvation diets, beatings, torture and summary executions on a wide and systematic scale. Repression and slave labor, not "reeducation," seem to be the real point of the camps. Many are shot down in cold blood for attempting to escape; others tell of bribing their way out with money or sexual favors.

Intelligence sources and State Department officials say the camps are still going strong. Most estimates place the gulag population at between 100,000 and 200,000. All of the ex-prisoners quoted in the excerpts said that they were in the camps as recently as 1980–81.

The reeducation camps don't appear to have yet approached the ferocity of the Soviet gulag, where tens of millions lost their lives in post-revolutionary Russia. But that may only be because the Vietnamese have found other, even more deadly, means of ridding themselves of enemies of the state—including the exodus of the boat people, when tens of thousands were drowned or died of exposure on the open seas as they attempted to flee their persecutors. And the Vietnamese gulag, it's now clear, consists of more than concentration camps. "New Economic Zones" have been established in the hinterlands to which undesirables are forced to relocate as virtual slave labor. Many refugees say that conditions in the zones are as harsh and mortality as high as in the camps.

There are also reports that at least 50,000 Vietnamese have been shipped off to the original gulag—Siberia—and other places in the Soviet Union and East Bloc to labor in mines and factories. Vietnamese emigres say preparations are being made for hundreds of thousands more to follow.

In this fashion, State Department and intelligence sources believe, the Vietnamese and Soviets may be trying to solve several problems at once. Exporting labor alleviates unemployment in Vietnam itself and helps the Soviets cope with their current manpower shortages. Up to 60% of the earnings of the Vietnamese laborers is reportedly confiscated to help pay off Vietnam's large and growing debt to the Soviets. And though there is some indication that so far the workers have been "volunteers," in the sense that even life in the Soviet gulag is preferable to life in Vietnam these days, there have also been reports that the workers are being drawn from reeducation camps or are being assigned on the basis of class and affiliation with the former Saigon government.

There is a temptation to dismiss such reports as overwrought. But the Vietnamese themselves last year disclosed that they had signed "labor agreements" with the Soviet Union, East Germany, Bulgaria and others for "training" programs for Vietnamese workers. The World Confederation of Labor has requested that the UN investigate the arrangements, and Sen. William Armstrong, Republican of Colorado, says he plans to call for hearings on whether slave labor, including the Vietnamese, is being used to construct the gas pipeline from Siberia to Western Europe.

In any case, it's clear that the Vietnamese Communists are already living up to the worst that was feared of them before they "liberated" the south. At that time many of America's opinion molders were busily assuring us that these were really stout-hearted reformers whose main purpose in life was to bring peace to the country and teach illiterates to read.

As late as 1979, for example, the New York Times ran a story straight forwardly repeating Hanoi's bald lie that only "several thousand" people were being held in the camps "largely for their own protection," presumably from the angered revolutionary masses. That figure was upped to 20,000 last year when Amnesty International issued a report calling for the close-down of the camps—a twentyfold increase that was still at least five times too small. And Neil Sheehan, a Vietnam war reporter, in 1980 wrote a long article that depicted a reeducation camp as a primitive sort of college campus where the student worked hard but studied as advertised.

The Vietnamese gulag is deserving of our horror in its own right. It should also be remembered as we read of "revolutionaries" elsewhere who mouth social-democratic pieties while preparing to bring their brand of "peace" to the societies they are terrorizing.

DAILY LIFE IN VIETNAM'S "REEDUCATION" CAMPS

The following are excerpts from reports on Vietnamese "reeducation camps" compiled by personnel from the U.S Embassy in Thailand. The unclassified reports are based on interviews last year with more than 60 refugees who fled Vietnam in 1980–81. The interviews are continuing.

Embassy and State Department officials estimate that there are at least 50 reeducation camps in Vietnam holding more than 126,000 captives, most of them political prisoners. The reports describe conditions in 14 such camps and portray a systematic pattern of privation, beatings and summary executions.

An editorial on this subject appears on this page. The subtitles in the material below are the names of the camps.

GIA RA Z30

Two Vietnamese refugees reported having been incarcerated in a reeducation camp at Gia Ra Z-30. . . . Reports of refugees held in the camp place the prisoner population at 4,000. The camp is located in the District of Xuan Loc in Dong Nai (Long Khanh) Province.

Physical Description: A brick wall surrounds the camp, beyond which are three barbed wire fences and one wooden fence. . . . Prisoners are locked inside their detention houses at 1800 hours. Mobile guards roam the camp at night. . . . One source said that camp authorities allow prisoners one liter of potable water per day.

Categories of Prisoners: Prisoners include: political prisoners, former ARVN military personnel and civilian officials working for the previous regime at the local or central level. Among the political prisoners are Roman Catholic priests and members of political parties.

Identification of Camp Officials: Camp commander is Public Security Lt. Col. Trinn Van Thich. Deputy commander is "Pre-Captain" Phung. . . .

Conditions at Camp: Prisoners' diet consists of the following: Breakfast: one bowl of hard corn or sliced cassava; Lunch: rice mixed with sliced manioc or corn; Supper: two bowls of sliced cassava or sweet potato, or corn without rice, plus salted water or salt. Occasionally prisoners receive salted or spoiled fish. Subcamp "Khu-B" has a first aid station. "Khu-A" and "Khu-C" have dispensaries though "Khu-C" lacks medicines and equipment. Prisoners work eight hours per day clearing forest land, cutting wood and farming. One source reported 20 deaths due to a lack of medication (time frame not specified). Deaths also resulted from mine explosions and from executions and from executions by camp authorities. Guards generally prohibited conversation among prisoners.

Reports of Inhumane Treatment: Camp authorities have placed prisoners in stocks in dark cells and beaten them to death. Guards strike prisoners with rifle butts. Guards use sticks wrapped in cloth to hit prisoners on the chest. Guards also punish prisoners by cutting food rations. Guards have carried out executions. That Van Hiep, an ARVN sergeant, was shot to death for his "struggle against hard labor in the farming fields. . . ."

HAM TAN Z30D

Eight Vietnamese refugees reported having been incarcerated in a reeducation camp at Ham Tan Z30D. . . . Refugees place the prisoner population at approximately 4,000. The camp is located in the District of Ham Tan in Thuan Hai Province, near DA Mai village. . . .

Physical Description: There are nine separate areas comprising a total of 17 compounds. The camp area is surrounded by three barriers: a thick wall of bamboo, a barbed wire fence supported by steel poles and a three-meter-wide trench. . . . Conditions are very unsanitary. Human waste is collected daily in the camp for use in fertilizing camp gardens. Water is drawn from a stream described as "very, very dirty." Prisoners are given one and one-half liters of boiled water daily.

Categories of Prisoners: The prison population comprises former ARVN military officers and NCOs, RVN civilian bureaucrats, politicians under the previous regime, religious leaders including Buddhist, Christian and Hoa Hao sects, resistance personnel, civil criminals and "political prisoners. . . ."

Conditions at Camp: Diet consists of manioc, yams, some vegetables and rice. Meat and fish are rarely provided. . . . Prisoners must work eight hours per day, seven days per week. Work includes: clearing jungle, cutting trees, camp construction and farming. Common causes of death are execution, illness such as malnutrition and labor accidents.

Reports and Inhumane Treatment: Prisoners report several instances of torture. ARVN Capt. Nguyen Van Thu was shackled and beaten until his teeth were broken and he vomited blood. Nguyen Duy Gia, identified as a "former Tokyo bank director" over 60 years old, was placed in stocks in March-April 1979. . . . "Restoration Movement" prisoners are placed in "dark cells," their feet are shackled, and they are forced to lie on the floor with their legs raised up against a wooden beam. Guards regularly beat prisoners.

GIA TRUNG

Conditions at Camp: Each subcamp has a dispensary which uses Oriental medicines. Prisoners are served three meals daily which consist of: breakfast-manioc, sweet potato or corn; lunch—rice with salt and some vegetable; dinner—rice or sweet potatoes and vegetables; amounting to approximately 15 kg. of staple food per prisoner, per month. Prisoners work eight hours per day, seven days per week clearing jungle, digging fish ponds and planting vegetables. Nighttime study sessions focus on self-criticism, government policies and Communist Party history. Common causes of death include malnutrition, suicide, "being shot down. . . ."

TAN HIEP

Ten Vietnamese refugees reported having been incarcerated in a reeducation camp at Tan Hiep (Suoi Mau). . . .

Physical Description: The camp comprises five subcamps. There is also a hard labor camp named Trang Bom. The site was formerly used by the Republic of Vietnam (RVN) to hold North Vietnamese Army (NVA) prisoners. The camp comprises approximately 25 buildings which are concrete-walled, have tin roofs and dirt or concrete floors. Multiple barbed wire fences surround the camp. . . .

Reports of Inhumane Treatment: Refugees report that punishment for "careless talk" or camp rule infractions includes beating and shackling inside connex boxes in the sun without water. Christmas 1978, 400 prisoners staged a demonstration against the camp authorities. The 400 were reportedly tortured, sent to Chi Hoa Prison in Ho Chi Minh City and then to Phu Khanh Province. Former ARVN Capt. Nguyen Thanh Long, according to two separate reports, was accused of having attempted to contact the Vietnamese resistance. He was beaten by four to six men and shackled inside a connex. In March 1978, he committed suicide. ARVN Major Bui Huu Hghia was suspected of being a leader of resistance inside the camp. Cadre shackled him for three months, after which he died. Refugees report that prisoners were shot during escape attempts or after being caught. In the 1975-77 period, two ARVN majors were given a one-hour "trial" by camp authorities following an escape attempt and then shot. In the 1977-78 period, ARVN 1st Lt. Nguyen Khoa Bong was "shot down" by guards in an escape attempt. Guards shot Marine Lieutenant Nguyen Ngoc Bun in a September 1980 escape attempt. In the 1975-76 period, guards shackled Catholic priest Father Thanh for 15 days following his escape attempt. Finally, a secondhand report states that in April 1980, cadre discovered former ARVN Airborne Public Affairs Officer Nguyen Xuan kept a diary regarding his imprisonment which he intended to smuggle out of the camp. He was shackled inside a connex and tortured for three months. . . .

NGHE TINH

Conditions for Release: K-1 prisoner claimed that 50 prisoners were released every three months. K-2 prisoner said that prisoners were released on order of the "National Security Department." K-3 prisoner paid 5 taels of gold for his release.

VUON DAO

Conditions at camp: By December 1979, the diet consisted of 500 grams per day of a mixture of rice/sorghum/wheat with very limited amounts of meat, fish and vegetables. By early 1980, diet consisted of either a small bowl of sorghum or a 100-gram piece of bread, twice per day, very limited vegetables and salt water. . . . Prisoners sometimes worked on local farms for which local farmers paid cadre, who pocketed the money.

Reports of Inhumane Treatment: . . . guards place prisoners in connexes and beat them with rifles and sticks. Following beatings, guards reportedly place prisoners in cell measuring 2x2x2 meters, allowing them only one liter of water per day for washing and drinking and a small quantity of boiled rice. Lt. Col. Nhuyen Duc Xich, Gia Dinh province chief and an inspector general (appointed by President Thieu), was confined in cell four months, then held in a connex container for two months. He was eventually "shot down" without trial for an alleged escape attempt. . . .

Conditions for Release: Refugees state 150 prisoners were released in the 1977-79 period. Officially, authorities said that those released had done well in reeducation. Refugees claim however that releases came on the basis of bribes including prisoners' wives bestowing sexual favors on the camp commander. Some lower ranking officers were released on "humanitarian grounds."

CAY CAY (BAU DO)

Reports of Inhumane Treatment: People who make "mistakes," or who are "reluctant workers" or who make jokes about the regime are beaten up and tortured: "Both legs of victim are locked up with both hands tied on a bamboo stick with face down day and night. The inmate with free hands next to the victim can feed him during mealtime." Hoang Quy, 1st Lt. ARVN and a former seminarian, was suspected of saying mass for Christian prisoners. Cadre "locked up his legs" from July 1977 until October 1978.

Conditions for Release: Former prisoners note that prisoners are released on basis of family connections with high ranking Communist officials, payment of bribes and having served for a long time. One prisoner noted that lower ranking prisoners gained

release earlier then prisoners who have higher ranks (in the previous government). One prisoner noted that he had heard from guards in 1978 that a significant number of prisoners would be set free so as to provide more room to incarcerate people trying to escape Vietnam. . . .●

LEST WE FORGET

HON. GERALD B. H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. SOLOMON. Mr. Speaker, yesterday marked the 39th anniversary of the Warsaw ghetto uprising. This very important date commemorates the heroism and extraordinary courage exhibited by the Jewish freedom fighters of eastern Poland in 1943 in resisting the Nazi occupation of their homeland.

On April 19, 1943, under the leadership of Mordecai Anilewicz, the Jewish people of Muranow, Poland, revolted against their Nazi oppressors by making use of their very limited arsenal in retaliation against Hitler's occupation forces in Warsaw. This courageous attempt to fight back against Nazi tyranny initially caught the Nazi forces off guard, and making use of these rudimentary weapons, were able to hold back the Nazi tanks for weeks. But their valiant efforts met with tragedy 42 days later, when their ghetto community was totally destroyed and its surviving residents were sent off to the most infamous concentration camps. In all, more than 50,000 courageous Jews gave up their lives in this resistance effort.

This unforgettable event was commemorated all over the United States yesterday, and among those groups honoring the Warsaw freedom fighters were many congregations in the 29th Congressional District of New York, which I represent. These ceremonies were marked by the reading of poignant testimonies written by those who witnessed the inhumane cruelty and suffering inflicted by the most murderous and oppressive regime the world has ever known.

The heroism and strength of the Warsaw freedom fighters and the Jewish people of World War II in general will never be forgotten, and will serve as a standard for those struggling against oppression everywhere.●

WILLIAM J. VENTURI

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. COELHO. Mr. Speaker, it gives me great pleasure to honor Mr. William J. Venturi, a man whose commitment to serving the people of Madera County deserves special recognition. On the March 31, Mr. Venturi will leave his post as veterans' service officer, to which he was appointed by the county board of supervisors in 1947. In his 32 years of service, he has assisted many thousands of veterans, widows, and dependent children in their efforts to receive compensations and pensions, as well as benefits covering education, hospitalization, and other medical needs.

Mr. Venturi was born in Madera, where his parents made their first home after emigrating from Italy. He graduated from local schools then attended Fresno City College and Fresno State College to study business administration. In 1942, during the Second World War, Mr. Venturi enlisted in the Air Force. After being trained on various bases scattered throughout the Southwestern United States, Mr. Venturi boarded a ship to serve in New Guinea, Dutch Hollandia, and the Admiralty Islands in the South Pacific. He was discharged from the service at McClellan Air Force Base in Sacramento in 1945, after having earned the rank of sergeant.

Two years later Mr. Venturi launched his distinguished career as a veterans' service officer, but his commitment to community service was by no means confined to this office. His leadership qualities were evidenced throughout his four terms as city councilman and two terms as mayor of Madera. He also has to his credit a record of dedicated service to a number of civic organizations. Mr. Venturi is a past president of both the State Veterans' Service Officers and the Southern Valley Division of the League of Cities, a past commander of the Veterans of Foreign Wars and the American Legion, a past chairman of LAFCO, and a committee member for the Boy Scouts of America. He is currently a member of the Rotary Club, a charter member of the Madera Elks Lodge, and chairman of the Council on Aging.

Mr. Speaker, it is not often that we have the opportunity to salute such untiring dedication to community service. It is with pride that I wish to recognize Mr. Venturi's extraordinary contributions to the people of Madera County. His extensive involvement and community spirit serve as inspiration to us all.●

DOMINICAN SISTERS OF SPRINGFIELD, ILL. SPEAK OUT ON GUATEMALA

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. FINDLEY. Mr. Speaker, events continue to go from bad to worse in Guatemala. The recent elections did nothing to improve the situation in that tragic nation and now, of course, with the coup, the circumstances for the people of Guatemala are even more discouraging.

I would like to call the attention of my colleagues to the great concern which exists in this country about the situation in Guatemala. In particular, the Sacred Heart Convent of the Dominican Sisters, Springfield, Ill., passed a resolution on March 2, 1982, calling upon the President and the Congress to enforce human rights sanctions against Guatemala and not to provide any military assistance to Guatemala. This resolution was sent to me by Mother M. Dominica Brennan and the Sisters of the Convent.

This resolution was extremely thoughtful and demonstrates sincere humanitarian concern for the people of Guatemala.

A TRIBUTE TO MR. PETER J. ANSELMO

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. DYSON. Mr. Speaker, with heavy hearts and a sense of deep loss, the people of southern Maryland regretfully note the demise of Mr. Peter J. Anselmo. The long time resident of Waldorf, Md., passed away March 28 in LaPlata, Md. He was a man of selfless devotion, who for decades dedicated his talents and energies to the community and Nation he loved.

Peter Anselmo spent the majority of his working life in service to our country. During World War II he was employed at the Naval Gun Factory in Washington, D.C., while simultaneously serving with the Washington, D.C., Policy Reserve. He distinguished himself in both endeavors, becoming president of the Association of Federal Employees at the gun works, and a lieutenant in the police reserve. From there he moved to the Federal Bureau of Engraving, where at the time of his retirement he had risen to become Chief of the Supply and Property Branch.

Mr. Anselmo's greatest contributions, though, were directly to his

local community. He was a loyal member of the Bryantown Council Knights of Columbus, and St. Peters Parish in Waldorf. He was also president of the Knoxhill Citizens Association, and a board member of the Charrington Neighborhood Association for many years. His concern for the young of his community was expressed through his management of the Knoxhill Little League.

Peter Anselmo was also solely responsible for organizing the annual Memorial Day service in Carrington, Md., to date, the only service of its kind in southern Maryland.

All these contributions notwithstanding, Mr. Anselmo's patriotism was best exemplified by the simple, repetitious act of raising and lowering a flag, a duty he discharged faithfully for many years at St. Charles Church, until Congress passed a law allowing it to fly at night—not very glamorous, but then patriots seldom are.

Mr. Anselmo is survived by his wife, Helen, and their three sons. He will long be remembered by his family, his friends, and the community on which he left his distinctive mark.●

DAYS OF REMEMBRANCE OF VICTIMS OF THE HOLOCAUST

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. SCHUMER. Mr. Speaker, as we go about our daily business, it is all too easy to forget that less than 40 years ago millions of innocent Europeans were being sent to their deaths in a planned, systematic manner. Because we so often forget, this week has been designated "Days of Remembrance of Victims of the Holocaust" by the U.S. Holocaust Memorial Council.

The Days of Remembrance of Victims of the Holocaust is a time to consider what can happen when totalitarians are able to seize control of the apparatus of a modern state. The Nazis used modern techniques of progapanda and terror to mold the fears of ordinary people into an efficient, rationalized death machine. While we mourn for the victims of the Nazi terror and we recognize the brave acts of defiance that many of them committed, we also acknowledge that its causes are alive today. The world of 1982 is full of religious and racial hatred. Many people still suffer from the same totalitarian delusion that inspired Hitler; the belief that utopia will be reached as soon as the last enemy is destroyed.

Some people have argued that we insult the memory of the victims of the Holocaust by discussing it in relation to contemporary events. I certainly would not claim that anything approaching the scale or severity of the Nazi terror is being carried out today, nor would I want to see the word genocide applied to every act of mass repression. I would, however, like to take this occasion to remind my colleagues that antisemitism—one of the primary passions which fueled the Holocaust—is in evidence today in many parts of the world. Small Jewish populations in Ethiopia, Poland, and Syria, as well as the large Jewish populations of the Soviet Union and Argentina are today subjected to severe pressure. The Anti-Defamation League of the B'nai Brith recently reported a significant rise in antisemitic episodes here in the United States.

Perhaps even more alarming than these individual and State-sponsored examples of antisemitism is the emergence of a group of historical revisionists who claim that the Holocaust never happened. Numerous publications literally claim that the Holocaust was a nonexistent hoax fabricated by an international conspiracy. I am not talking about the scribblings of individual lunatics. I am talking about well-financed, well-distributed publications, some of which feature endorsements by Members of Congress. The effort to deny the existence of the Holocaust—despite overwhelming proof—is the ultimate insult to the memory of the Holocaust victims, and a great danger to the liberty and human rights of future generations. If these attempts to rewrite history exist now—less than 40 years after the liberation of the concentration camps—how much influence will such crackpot theories have when all the survivors and witnesses are dead?

Clearly, those of us of the post-Holocaust generation must not allow the suffering of our parents and our grandparents to be forgotten. It is in the spirit of remembrance for the victims—and vigilance against future atrocities—that we mark the Days of Remembrance of Victims of the Holocaust.●

GROUND ZERO WEEK

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. MAVROULES. Mr. Speaker, nothing so concentrates the mind as the prospect of nuclear annihilation. Sharing that same concentrated thought are hundreds of thousands of mainstream Americans—our parents, our children, and our neighbors.

A Gallup poll, taken in September of 1981, stated that 65 percent of the american people are concerned about the possibility of nuclear war; 68 percent believe there is a chance of an all-out nuclear war between the United States and the Soviet Union within the next 10 years. Only 9 percent believe that they would have a good chance of surviving an all-out nuclear war.

The official word is that we and our adversaries are arming in the name of national security. But the deed, when done, portends global destruction.

Nuclear war is the ultimate horror. And its threat, to turn the globe into a ball of cinder and to extinguish all living species, grows by leaps and bounds each day.

It is time we do our part to stop this deadly foolishness, to confront that horror and put the fate of the Earth—our fate—back in our hands.

It is time we begin answering the questions our constituents are asking, and responding to their very real concerns about nuclear war, rather than simply repeating the information that the experts think they need.

To educate the American people about nuclear war—that is the purpose of this special week, Ground Zero Week.

Ground Zero is a nationwide organization which takes its name from the point of detonation of a nuclear weapon.

Ground Zero was conceived by a small bipartisan group of people who were concerned with the lack of a national consensus and direction on nuclear war. They believe that a program of public education on this pressing issue is a matter of utmost priority.

Beginning last Sunday, April 18 until April 25, Ground Zero is sponsoring and coordinating community activities around the Nation. At 1 minute after Midnight on Sunday, a bicycle marathon was scheduled in Champaign, Ill., to demonstrate to the residents that a nuclear strike on the nearby Minuteman missile base would cause the deaths of at least half the people living in that area.

On Monday, signs and markers warning of the dangers of nuclear war were posted along the route of the Boston Marathon, which was being run that day.

We once said that we built the bomb in the name of peace. Now, with the help of Ground Zero, let us build peace in the name of the bomb.

Judy Mann of the Washington Post wrote a timely article, April 16, 1982, on the activities of Ground Zero. I would like to share it now with my esteemed colleagues:

[From the Washington Post, Apr. 16, 1982]

NUCLEAR WAR

(By Judy Mann)

Thanks to the Reagan administration, the unthinkable is now thinkable, which means a phenomenal amount of thinking needs to get done.

Up until now, most of us have stuck the possibility of nuclear war away in the fourth dimension and left the ultimate horror up to the politicians, the scientists

and engineers, the intelligence community and the military planners. The result has been the evolution of a nuclear-ignorant population and the rapid development of massive weapons of destruction on both sides. The result has also been peace, so far.

But it is a peace imperiled by everything from a malfunctioning microchip in a computer, which we have had, to a malfunctioning world leader, which we have also had. Richard W. Lyman, president of the Rockefeller Foundation, recently told a symposium on nuclear war: "We are faced with an unprecedented, all-but-indescribable power of destructiveness in the hands of a species with an all-too-familiar capacity for aggressive, not to mention self-destructive, behavior.

"Treating nuclear war, and even the nuclear arms race, as 'insanity' too readily becomes a way of oversimplifying the problems," he said. "It suggests that all that is necessary to be rid of this nightmare is to put power into the hands of people more rational than those who have been wielding it."

Lyman went on to suggest that the academic world should work to reduce the politicization of arms control and to educate students about arms control issues. The rest of the population must educate itself, as well.

That is already beginning to happen. A nuclear freeze movement is sweeping the country and has overtaken Congres.

Next week, Ground Zero, a bipartisan movement, will hold nuclear education week in 650 cities across the country. In Washington, Ground Zero week kicks off today with a descriptive tour of the aftermath of a 1 megaton bomb hitting Lafayette Park. Roger Molander, former nuclear strategist for the National Security Council under Presidents Nixon, Ford and Carter, and now executive director of Ground Zero, tells what would happen:

There would be a crater 1,000 feet in diameter and 200 feet deep, and out to a distance of 6/10 of a mile nothing would be recognizable. Within a radius of two miles everything would be flattened. At a distance of five miles out, all concrete and frame buildings would be destroyed. Within a radius of three miles almost everyone would be killed. At 10 miles, most people would survive the blast but face extreme dangers from fire.

But in the event of war, he says, strategists expect Washington and its surrounding towns to be hit by a number of bombs. Fort Belvoir, Andrews Air Force Base, the National Security Agency at Fort Meade, the communications equipment in Annapolis and possibly the CIA headquarters in McLean, would be hit by separate bombs, he says. "We don't have the Soviet war plans . . . We assume they would do it the way we would do theirs."

Ground Zero has put out a paperback book, "Nuclear War, What's In It For You," a primer on nuclear weapons, nuclear war and nuclear issues. This is a book that ought to be read by every citizen of every country that has nuclear weapons. It doesn't give any answers, but it lays out the issues so that we, the people, can help decide our fate. It describes the Soviet arsenals and it shows how we could get into nuclear war. It tells how in 35 years we came from having one bomb with the explosive power of 15 kilotons of TNT to having a world arsenal whose destructive power represents "10 tons of TNT for every man, woman and child on the face of the earth."

Ground Zero can educate us. The next step is to sustain the momentum. We have to institutionalize our concern and our understanding of nuclear issues the way we institutionalize our knowledge of English and math. Nuclear issues are certainly more fundamental to survival of the species. From that, we may begin to find ways toward a less perilous peace, the way the English and the French did after centuries of war.

Throughout history, men have sent boys out to battle. But in the kind of war that is now becoming thinkable, men would be sending out entire populations of cities and nations of people. In nuclear jargon, Ground Zero is the point where a nuclear weapon is detonated. In survival jargon, it marks a beginning. We should, we must, make it the first step on the way back from the edge.●

HEAD START PARENTS APPEAL FOR PROGRAM

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. MILLER of California. Mr. Speaker, I continue to get letters from Head Start parents who both testify to the ways in which this program has dramatically improved their lives and those of their children, and express their concerns about Head Start's future. We know that Head Start works; that Head Start is cost-effective. And yet, even today, it serves only 25 percent of the eligible children, and faces substantial erosion from inflation and cutbacks in supportive services—CETA, title XX, child care food, medicaid. We need to listen to the parents of Head Start children and keep this exemplary program working. Another letter from a Head Start parent follows:

My child has a speech problem and the individual attention he gets in Head Start has helped him greatly. He learns a lot from being with other children. Head Start gives my children time away from me to learn to get along with other children. The health and dental check-ups have helped also. If it were not for Head Start I could not work because I could not afford to pay a private sitter. I work until 4:15, so a half day program would affect me greatly. I would have to pick up the children at noon and take them to a baby sitter for the rest of the day.

HEAD START PARENT,
Russellville, Ark.●

TRIBUTE TO THE OHIO INSURANCE INSTITUTE

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. BROWN of Ohio. Mr. Speaker, today it is my pleasure to congratulate the Ohio Insurance Institute on 50 years of outstanding service. Through responsible advertising, research, and education, the institute has provided valuable insurance information to government and industry representatives as well as to the general public.

Ohio is recognized as one of the best insurance States in the Nation. For 50 years, one of the primary objectives of the institute and its predecessor organizations has been to put the public's interest first.

The Ohio Insurance Institute was born in 1932 and was called the Underwriters Service Association. Four insurance executives, elected as the first board of trustees of the association, recognized the need and potential of a cooperative insurance trade association in Ohio. These men were: B. D. Lecklider of Ohio Casualty Insurance Co.; Robert Pein of State Automobile Mutual Insurance Co.; William Safford of Western & Southern Indemnity Co.; and Murray Lincoln of Farm Bureau Mutual Auto Insurance Co., now Nationwide.

Here is a brief look at some of the accomplishments of the association in those early years. In 1936, the association helped promote the American Legion Safety Campaign—two insurance companies gave the use of their radio stations for that purpose. Later that year, a group of association executives met with Members of Congress in an effort to lessen the burden of the 1936 ICC regulations on small but financially sound companies. The association also developed the safe driver reward plan, the forerunner of today's safe driver plan. To inform the public about Ohio's new financial responsibility law, the association created a comprehensive educational program. Coverage was provided for those drivers who would not be eligible in the voluntary market. The association actively fought discrimination in coverage based on a person's race, and, after World War II, it provided voluntary automobile coverage for disabled veterans.

During the next two decades, the Ohio insurance industry continued to make strides in giving Ohio policyholders the best coverage possible. Then, in 1968, spurred on by the active expansion efforts of Ohio's Gov. James Rhodes, the Ohio Insurance Institute was begun, merging with its predecessors.

To promote the welfare of the public and the welfare of the insurance industry, the Ohio Insurance Institute has three divisions. The first division, Public Information, has a twofold objective: First, to restore and maintain public confidence in the insurance industry; and second, to preserve Ohio's relatively favorable climate for insurance operations. One way of fulfilling this objective is through a vigorous relationship with news media. A representative of the institute regularly

visits newspaper offices, radio, and TV stations. In 1981, 145 visits were made. These visits frequently result in radio and TV tapings and special news articles. In addition, a special edition of an "Ohio Insurance Guide" is given to each radio and TV station and newspaper in Ohio every year. Judicious use of news releases promotes good reader acceptance. These and other techniques have established excellent credibility with the news media.

The public information division also has an effective advertising program. It has clarified for the public those insurance issues that may have been unclear or misunderstood. Members of the Ohio Insurance Institute are willing to invest their time and money in the dissemination of the right information. And their efforts have paid off. There has been a marked improvement in the treatment of the insurance industry by the communications media. Laws have been passed—the 0.10 alcohol content drunk driving law, a new habitual offender law, antitheft and antiarson laws have been passed. And the industry receives frequent requests from government officials, legislators, and educational institutions for more insurance information.

The second division of the Ohio Insurance Institute is research and education. The annual publication, Ohio Insurance Guide, distributed widely throughout the State, is a major research project. The Guide collects extensive Ohio insurance data on principles of insurance, automobile insurance, property insurance, and society and insurance. Some recent studies included in the Guide were: "The Economic Impact of Insurance on Society"; "Voluntary Auto Insurance Market"; and "The Cost of Auto Insurance."

The division of research and education also undertakes the education of high school pupils and teaches about insurance matters. One of the education programs is a 3-day annual seminar for high school teachers of business education, economics, vocational education, mathematics, and driver education. The faculty for these seminars is drawn from college teachers of insurance and representatives of the insurance industry. Testimony from the participants of these seminars attest to the value of these programs.

The third division of the Ohio Insurance Institute is government and industry relations. This division provides insurance information to Ohio governmental organizations, members of the Ohio General Assembly, and Ohio legislators in Washingon. It works closely with the Insurance Federation of Ohio, the organization of Ohio companies that has a primary responsibility in the lobbying and legislative areas. This division is helping solve the problems of redlining in Ohio—statewide action committees were established for Cleveland, Dayton, and Youngstown. Standby committees are available for other Ohio cities if allegations of redlining develop. In addition, the institute honors those law enforcement troopers who are active in auto theft prevention. It cooperates with the Ohio department of Disaster Services in a tornado safety campaign. The institute has been invited to be the coordinating agency to disseminate insurance information, and to assist members of the public who suffer losses in the event of a national disaster or emergency.

As you can see, the Ohio Insurance Institute and its predecessor organizations have succeeded in fulfilling their primary purpose by promoting the welfare of Ohio citizens. Harry V. Jump, director of the Ohio Insurance Department, expressed his appreciation for the Ohio Insurance Institute when he said:

On several occasions, I have expressed the gratitude of the Ohio Insurance Department to the O.I.I. . . . for providing insurance buyers with proper information to allow them to purchase insurance intelligently. . . . The O.I.I. enables the industry to anticipate areas of public concern and assists in finding ways to alleviate that concern. The [Ohio Insurance] Department has always found O.I.I. responsive to its needs.

Mr. Speaker, I rise today to pay tribute to the Ohio Insurance Institute's past 50 years of service. However, I think this is an appropriate time to look forward as well. I ask my fellow colleagues to join me in wishing the members of the Ohio Insurance Institute the best of luck in continuing their outstanding service for the next 50 years.●

THE REAL ISSUE

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. MICHEL. Mr. Speaker, one of the real disappointments in the national debate over our economic difficulties is that most important issue keeps getting sidetracked by political theatrics and one upmanship.

The issue is one of social responsibility and how we as a nation fulfill the truly American responsibility of caring for those in our society we consider less fortunate.

The debate over social welfare is not a question of the haves versus the have nots. It is not a matter of one party being more sensitive or compassionate than the other. It is not just a question of spending Federal money to provide for the needs of our citizens.

If we can get away from the emotionalism and political scare tactics for a brief period, we need to answer a number of important questions.

First. Has our system of providing social welfare through massive Federal programs failed?

Second. Has the cost of those programs or the burdens those costs place on taxpayers grown so large that the programs or the concept must be changed?

Third. Can private citizens, private organizations alone or in partnership with government meet all or at least more of our social responsibilities?

Fourth. Should government involvement be shifted from the Federal level to the State and local levels?

Fifth. Are the needy in our society best served by structured programs or are they better served by healthy economic conditions which benefit us all?

Jerry Klein, in a reflective commentary published in Peoria's Journal Star, April 5, addresses some of those questions and reminds us that the real budget issue before us is not so much one of numbers, but one of social responsibilities, social values, and fairness.

I hope you will take time to read, "Making Poverty Worse With Money," which I submit for insertion at this point in the RECORD:

MAKING POVERTY WORSE WITH MONEY

(By Jerry Klein)

We have continued to operate for the past several years under the benign assumption that poverty can be eliminated if only we are willing to spend enough money on the poor. The results have been disappointing, even disastrous. Not only are the poor still with us—more than ever, in fact—but we have erected a massive and costly welfare state which threatens the existence of the middle class and which reduces an increasingly large slice of society to helpless dependency.

Feeding the poor is one of the corporal works of mercy, and it remains an almost statutory obligation. When an entire government takes on the task, it might seem to be one of those happy acts of national morality, like the Marshall Plan after World War II, when the concerns of the state seem to coincide with those of a much higher authority. But what we have instead is a costly and inefficient bureaucracy which has grown dedicated to perpetuating not only itself but the dependent status of the poor. If the poor cease to exist, so does the welfare bureaucracy.

The overall picture is almost too staggering to comprehend. We now have a president who, in attempting to prune some of this back to more tolerable limits, has brought forth howls of outrage from the righteous. Some of these perhaps foresee that the injunction to feed the hungry might fall more upon the individuals and less upon the government. It is far easier to be charitable when the money is simply extracted from paychecks in the form of taxes.

Real charity is something else. And we are finding a middle class, or what is left of it, increasingly disillusioned. Many of its members have discovered that those they are being taxed to support are living better than the taxpayers are . . . and with far less to worry about.

I know a wage-earner, for instance, who drinks Buckhorn Beer, drives a 10-year-old car and looks at a black and white television set. He tends to grow somewhat resentful when standing in line at the supermarket with his generic or bargain purchases and observes people with food stamps lining up, their carts bulging with steaks, pizza, frozen food and expensive junk food. He worries over his next electric bill and the next house payment. Because he is sober (who can be anything else on Buckhorn Beer?), reliable and has a job, there will be no help for him from Washington, or elsewhere.

It seems to many that in playing the role of Robin Hood, the federal government has mistaken those barely above the poverty level as the rich, has assaulted these and given their possessions to those marginaly poorer. We have evolved therefore into a kind of two-class society—those who have and those who used to have.

If one could detail some worthwhile result from this vast social upheaval, it might be easily defended. Clearly, the eradication of poverty is a utopian dream that will never happen. But there has not even been a reduction in the poverty level.

There are more poor and hungry people than ever, which seems a logical outcome from a system which encourages a passive, unproductive way of life among those for whom welfare has become a continuing, perpetuating existence.

Instead of teaching the poor how to make bread, how to lead productive lives, we have simply sent out the checks and said, in effect, "let them eat cake." And we have turned the middle class into the bakers.

Anyone who dares criticize the government's welfare excesses is almost certain to be branded as wicked and selfish, a scrooge who would take food from the mouths of babes.

But it is not that simple. We have almost succeeded in making a mockery out of industry, hard work and personal pride by penalizing those who produce and rewarding those who do not. Even Robin Hood knew better than this.●

SOME THOUGHTS ABOUT MEL LAIRD

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. OBEY. Mr. Speaker, it has been my privilege to represent Wisconsin's Seventh Congressional District in the House of Representatives since the resignation of former Representative Melvin R. Laird to become Secretary of Defense in 1969. Although we come from opposite political parties and have been on opposing sides on some issues, we are good friends.

Carleton College each year designates a graduate for its Alumni Achievement Award and recently it honored Mel Laird. The remarks John M. Lavine, publisher of the Chippewa Falls Herald-Telegram newspaper, made on this occasion, I found most interesting. I thought Mel's former colleagues might also find them of interest. Publisher Lavine, a Carleton graduate in presenting the award, said:

Ladies and gentlemen: First as a Carleton student—and for the past 18 years as a working journalist—I have learned at least two significant lessons.

One is that people often have a view of history that fits what they wish to believe, rather than what really happened.

The second is that a large part of America and Carleton's strength rests on the degree to which each fosters the right of people to hold different points of view.

These two lessons are appropriate touchstones for the Alumni Achievement Award that I have the honor of presenting tonight to Melvin R. Laird.

Since he graduated from Carleton in 1944, Melvin Laird has forged a career that defines the word achievement.

He was elected to the Wisconsin State Senate at the age of 23. Many important pieces of legislation in our state bear his name—as should federal revenue sharing, which he promoted in Wisconsin and later brought into being in Washington.

When Mel Laird went to the House of Representatives—where he was elected to 9 terms—the record will show that his keen intellect and the combination of his fiscal conservatism and yet, his strong support of health care and medical research legislation helped propel him to the number two spot—just behind Gerald Ford—among House Republicans.

Perhaps that is why the American Political Science Association gave him its coveted Distinguished Service Award and cited Laird as—(and I quote)—"a forthright and persistent advocate whose intellectual courage and ability have consistently enlightened and enlivened public discussion of the important issues facing the nation"—(unquote.)

Of course, the issue with which many people most associate our awardee is Vietnam.

Again, I wish now—and particularly I wished back in the late 60's and early 70's—that critics at Carleton and elsewhere would remember those two basic lessons—the importance of fostering differing points of view and the importance of recalling what really occurred in history; not what people would like to believe took place.

Take it from one who edited a daily newspaper which editorially opposed Vietnam in late 1965—long before such a position was popular or even tolerable to most of you—Mel Laird's record on Vietnam is a long way from the one I often hear so glibly discussed.

Congressman Laird warned both the president who initiated America's involvement in Vietnam—John Kennedy—and the president who built that conflict to its zenith—Lyndon Johnson—that a land war in Southeast Asia was wrong. He also told them that it was a mistake to change the role of American military personnel from advisors to ground combatants.

During the time that he was Secretary of Defense, Melvin Laird also made it his goal to reduce American ground commitment in Vietnam each month that he served. That was a difficult task, because it was opposed by some other members of the Administration and the Congress. It was also difficult because each month during the previous six years, American ground commitments in Vietnam had increased.

Nonetheless, Secretary Laird achieved that goal, even though it went unheralded. It was obliterated by this country's domestic thrashings which, ironically, were supposed to be requesting an end to the violence of war.

In the shaping and carrying out of public policy, Melvin Laird's record throughout his career has also been one of candor in public life. One of the traits which makes him so formidable is that his agenda is always upfront. He walks as he talks.

Indeed, if some leaders in both political parties—especially some who led this country in the last two decades—had adopted that trait, they and the nation would have been far better off.

For my part, I know this facet of Mel because there have been many times when he and the editorials of our newspapers have disagreed.

I would tell you in confidence that at first I wondered if this disagreement disqualified him for this award. Then, upon reflection, I realized that even he can't always be right.

In fact, of course, I would argue that if Carleton College stands for anything, it would stand for giving Mel Laird and me the tools to pursue the different goals which each of us believe is the wisest public policy.

There is one other item I will briefly mention in the otherwise far too long to recount litany of our awardee's accomplishments. I mention it only because of its special meaning for today's Carleton students who, I am told, have more than a vague concern about reinstatement of the draft. As you raise these concerns, you should know that Melvin Laird began the all-volunteer army.

Finally, and on a personal note, let me say that I think Mel Laird deserves this award not only because he had the wisdom to grow up and serve the finest part of the United States, northern Wisconsin; not only because he is a member, with me, or that exclusive club of people with permanent hair cuts, but also because when he left public life and became Senior Counsellor for the Reader's Digest, he joined those of us who are in that special group of mischief makers called journalists.

On behalf of the Carleton Alumni Association, it gives me great personal pleasure to present this award for Distinguished Achievement to Melvin R. Laird.●

DAYS OF REMEMBRANCE

HON. HAROLD C. HOLLENBECK

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. HOLLENBECK. Mr. Speaker, I want to take this opportunity to pay homage to the 6 million men, women, and children that fell victim to Nazi extermination plans during World War II. As a crime unique in the annals of history, different not only in the quantity of violence but in its manner and purpose as a mass criminal enterprise organized and carried out by the state against defenseless civilian populations, I believe that we have a solemn obligation to the circumstances that prevented the world from recognizing the moral truths which permitted the Holocaust to proceed.

I believe the American philosopher George Santayana stated it rather well when he warned that those who forget history are condemned to

repeat it. Remembering can instill caution, fortify restraint, protect against future evil or indifference, and can only be prolonged by an understanding of what happened and how it occurred. We must never forget the dreadful consequences which sometime accompany the exercise of absolute power.

Along these lines, I would like to reiterate my strong support for this annual commemoration of the Holocaust during these Days of Remembrance. Clearly, if we are to learn from the past, we must be aware of what has occurred. Given the depths of human cruelty which are revealed by the Holocaust, I can understand how the temptation might exist to sweep such unpleasant memories from our collective consciousness. However, to proceed in such a manner would not only perform a great injustice to ourselves and future generations but also to the 6 million who perished during an event which many of us still regard as inconceivable.●

WE MUST ALL REMEMBER

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. RANGEL. Mr. Speaker, today marks Yom Hashoah or Day of Holocaust which commemorates the brutal genocide of over 6 million Jews during World War II at the hands of the Nazis. It is a day when all Americans, indeed all the people of the world should pause and reflect on the cruel torture and death that a supposedly civilized world allowed to be inflicted upon fellow human beings for no other reason than they practice a specific religion.

The horrors of the concentration camps which included starvation, beatings, forced labor, family separation, and every imaginable humiliation and indignity can be described but never understood by those who did not experience the nightmare.

We all have an obligation to remember so that we will stand up and speak out whenever such an atrocity appears imminent. But we have failed to live up to our responsibilities to the millions of people who have perished in recent years in the genocide in Biafra, Ethiopia, and Cambodia. It is incumbent upon all people to comdemn terror, brutality and extermination wherever it occurs. The building of such memorials as Yad Veshem in Israel with its eternal flames to commemorate the 6 million who perished in the Holocaust is important, but an even greater tribute to those who have perished would be the end of genocide.

As a member of a minority, I for one, will never forget, for I know what it is like to experience the hate and indignities of my fellow human beings. The outrage and humiliation, I have felt can help me to empathize with the suffering of those who experienced the Holocaust and strengthens my resolve to continue my dedication to the cause of human rights.●

MSHA CUTS OPPOSED

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. HUBBARD. Mr. Speaker, a number of miners in my district, as well as others, have written to me expressing their concerns about the proposed administration cuts in funding for the Mine Safety and Health Administration. Claude West, finance secretary for Local No. 1548, United Mine Workers of America, Beaver Dam, Ky., has written me a thoughtful letter on this subject. I believe that my constituent's letter is one which should be shared with my colleagues and I wish to do so at this time:

DEAR CONGRESSMAN HUBBARD: I am again writing to you about a matter of grave importance to all the members of this local union as well as myself. The matter that I am speaking of is the proposed cut in the funding of the Mine Safety and Health Administration (MSHA).

We, the members of Local Union No. 1548, United Mine Workers of America (UMWA), are totally opposed to these cuts in funding and personnel. We believe that this is one program that, if cut, would jeopardize the health and safety of all miners, whether union or non-union. We also believe that this move would result in the loss of many lives in the mines in this nation.

We believe that the events of recent weeks should be proof that, instead of less, more should be done in the way of enforcement and inspections. We ask that you would take into consideration the widows and fatherless children left behind because the law was not enforced or inspections were not made. Again, we want to make it clear to the lawmakers of this country that these things do make a difference in the work place. We also want to make it clear that the United Mine Workers of America feel that lives and limbs are more important than budgets.

We know that this Administration has promised to cut government spending. We feel that the President ought to take into consideration the events that brought about the formation of an agency such a MSHA and what the effects would be on the people that MSHA protects if the program is made useless. The President has said that he has heard the voice of the people. Who are the people calling for cuts in MSHA? Certainly not the men and women who go into the mines in this country.

Again, Local Union No. 1548, UMWA, its officers, and members, ask that you sound our views so that all might know that this group of citizens is opposed to these cuts. Thank you again for your time and help with this important issue.

Yours truly,

CLAUDE WEST,
Finance Secretary,
Local Union No. 1548.●

FINDING THE SILVER LINING

HON. GERALD B. H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. SOLOMON. Mr. Speaker, we do not expect the news of the day to be cheerful and heartening. And it usually is not. The news is full of crime, conflict, poverty, and strife. Some people shrug their shoulders at bad news. However, most feel a responsibility to right wrongs and the endless struggle to improve our world can be frustrating.

Every once in a while, we find someone who has taken a step back from all the bad news to see what we, as Americans, really have going for us. This past Saturday on the editorial page of the Times Record of Troy, N.Y., someone took that step. I commend to my colleagues this editorial entitled "Finding the Silver Lining."

The message is simple, but often overlooked. We do not always need fanfare to celebrate our great Nation. Sometimes a reminder of our tremendous opportunity and good fortune is all the encouragement that is needed.

I warmly appreciate the thoughtfulness and patriotism which inspired this editorial. It has fortified me and all who have read it.

The article follows:

FINDING THE SILVER LINING

Congratulations.

You have made it to the opinion page. You have survived the wars, the rumors of wars, the crashes, the collapsing economy, the corruption, the broken families, the beaten children, the murders, the misery and all the other news of fresh disasters you read about on our previous pages.

You may have concluded that these are terrible times and that almost everything about life on Earth has gone afoul.

But before you begin looking for a new planet to live on, please consider:

The United States is at peace. If we should ever go to war again, the "terrible times" we live in now will be known as "the good old days."

Most people die of natural causes, and the average American of today lives almost 27 years longer than his counterpart in 1900.

Most husbands love their wives. Most wives love their husbands. Most parents love their children. Most children love their parents. Most children do not become professional criminals. Most children grow up to be a credit to the parents who raised them. Most parents are glad they had them.

We are living in the midst of the greatest economic miracle in the history of the world. Caesar, Charlemagne and Louis XIV never lived as well materially as the average American does today. Two billion people in

the world today are living in poverty, but that still leaves two billion who are not and that is something very new and amazing. Just the idea that the average person could live in comfort is a child of our times.

Most politicians are not on the take. Most business people do not try to cheat you. Most doctors, lawyers, police officers, welders, bricklayers, tax-preparers, etc. work hard and earn their keep.

This is not to say the world doesn't need a lot of fixing up. But sometimes people become so overwhelmed by the despair they see in their newspaper and on the six o'clock news that they forget how far we've come and how far we could go if we don't resign ourselves to evil.

Remember, the newspaper prints all this awful news because it is out of the ordinary. A lot of the good things don't get printed because they are so common.

Thank God.●

STEAKHOUSE REVIEW—TOKYO STYLE

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. STARK. Mr. Speaker, it is well known that because of her very tight beef quotas, the price of beef in Japan is sky high—but we sometimes forget how high sky high can be.

The Japan Economic Foundation has started a new monthly publication entitled "Journal of Japanese Trade and Industry." It is an interesting publication which describes the latest in industrial and technical developments in Japan. But the March 17, 1982 issue also reviews several steakhouses in downtown Tokyo.

The restaurant reviews a half-pound steak which, with a salad and two beers, sold for about $210 3 years ago. Fortunately, that took the reviewer's breath away—or as he says, "we were dumbfounded." Therefore, the review moves on to more reasonably priced items: A steak of a little over 1 pound (along with salad, ice cream, fruit, tax and service charge) at another restaurant sells for Y9,600 or $40 at today's exchange rate ($48 at a more normal exchange rate). This is described as a "reasonable price." Finally, the article reviews a real bargain—a 200-gram steak (about 40 percent of a pound) which sells to the luncheon crowd for Y1,000 or $4 to $5.

Mr. Speaker, clearly what Tokyo needs is a chain of Ponderosa's or Bonanza's. I bring all this up, because the Japanese want to sell us—and many Americans want to buy—beautifully crafted and engineered electronics, automotives, and machine tools. Yet when we have something in which the United States clearly has a comparative advantage—in price and quality—we are blocked from selling in Japan through quotas which drive prices so high that the demand for our products is destroyed.

Japan's exports to the United States will continue to run into a buzzsaw of criticism until they open their markets to more of our products.

The full text of the restaurant review is printed below:

SUEHIRO—GOOD STEAK AT REASONABLE PRICES

Tokyo is a steak lover's paradise. good steak restaurants abound, ranging from the popularly priced Chaco and Misono of Kobe origin to the exclusive Aragawa.

Three years ago, I went with a friend to Aragawa, recommended as the best steakhouse in Tokyo in a steakhouse guide. It was a small, unpretentious looking place located near Shimbashi Station, within walking distance of the Imperial Hotel.

Aragawa's 250-gram steak, broiled slowly over a fire of special charcoal, was certainly delicious and equal to our high expectation. But when the time came to pay the bill, we were dumbfounded: Y42,000! this included tax and a service charge, but all we had was the steak, salad and two bottles of beer. The restaurant did not have a menu, so we had no advance warning how much this was going to be.

Of the dozens of good steak experiences available in Tokyo, I would recommend the 500-gram offering at Suehiro, behind the Matsuzakaya department store in Ginza.

For taste, price, and service, Suehiro gives you the most for your money.

The beef comes directly from Suehiro's own ranch. It is flavored with salt and pepper and marinated in a special preparation of soybean sauce, salad oil, sake, seasoning, and vegetable essence such as onion and celery. It is then broiled slowly over a charcoal fire, a special method which Suehiro has been using for more than 50 years to bring out the inner taste of the beef. It is marvellously delicious. And the cost per person is 9,600 yen including salad, coffee, ice cream, fruit, tax and service charge. For a 400-gram steak, the bill is 7,800 yen.

Suehiro is a five-story restaurant. The first and second floors serve the smaller 200-gram steaks. Moderately priced at 1,000 yen, these steaks are very popular with office workers and businessmen. The fifth floor is the place for relaxed dining in a refined atmosphere.

It should be worth adding that Suehiro hasn't raised its prices for five years, and yet has maintained its very high standards.●

VOICE OF DEMOCRACY CONTEST—TENNESSEE'S WINNING SPEECH

HON. MARILYN LLOYD BOUQUARD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mrs. BOUQUARD. Mr. Speaker, I would like to take this opportunity to congratulate a young constituent of mine, Christi Richardson of Cleveland, Tenn., for her winning speech on the theme "Building America Together." Christi's speech was selected as the best from Tennessee in the Veterans of Foreign War's Voice of Democracy contest. I believe that her speech, as follows, carries a message to which we all should listen:

America.

It is many things.

It is a mood—a state of mind—a philosophy.

America is acres of waving grain or snow-capped mountains, sandy beaches and waving palms—a land of majestic beauty.

But is is also people.

It is a farmer in Iowa plowing his soil, a steelworker in Birmingham, a New England fisherman tending his nets.

It is the Statue of Liberty welcoming all.

And one thing America has always been is people working together.

It was people working together who built the first home, the first church, the first school.

Working together, people rebuilt a united America that had been torn in two by inward strife. Many thought the Civil War had completely destroyed a great nation that had been built on freedom.

But instead, it made each man look at one another in equality. And the black and the white man began to build together again.

The Great Depression brought a time of testing. Overnight, fortunes were lost, and many lost everything they had. Many people had nothing left—but the ability and the desire to build again.

It was a time when the men were again forced to work side by side. The struggle was long and hard but many will remember it as a time when the people of this nation learned the value of life.

And let us never forget that it was by working together we survived two world wars.

But these things have all been in the past and I personally don't remember these things.

When I think of people building together, what can I relate to? What can I remember?

I do remember seeing the first man walk on the moon. I remember when he took that first step and spoke for all those who made this most difficult task possible when he said, "One small step for man, one giant step for mankind."

And I do remember that tragic day on November 4, 1979, when we heard the news that the Americans had been taken hostage.

Even though I didn't know these people, I felt as if they were part of my family. We saw their parents, interviewed their wives, went into their homes, and we all felt like part of their family.

It was a rallying point which began to bring back a new surge of patriotism.

Now, we all had one common goal to work for—the release of the hostages. After over a year I remember the national celebration in which we all participated when they were released.

Together we had suffered. Together we rejoiced.

Not all of our problems have been solved. Not all of the work is done, and not all of the goals have been accomplished.

For us there is much to do.

As a nation, we, the young people, will be faced with new problems which will demand solutions.

New problems?

Sure!

But the same old way of solving them—working together!●

IT'S TIME TO CHANGE DIRECTION

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. FORD of Michigan. Mr. Speaker, it seems to me that in the second year of his administration, President Reagan is offering to the American people a collection of economic policies and Federal budget proposals that add up to more bad news in the rest of 1982 and 1983 in terms of lost jobs, lost income, and a loss of the sense of fairness and social justice which holds our Nation together.

Since last July, the number of unemployed has increased by 1.8 million; 30 percent of industrial capacity is idle and factory output is down 8.6 percent. Despite this, the administration tells America to wait. I urge you to read the following letter from a constituent of mine who believed in the Reagan rhetoric and voted for the President in 1980. He has changed his position drastically and has requested that I share his letter with every Member of Congress. Many of my constituents have come to me with the same feelings and now realize that the United States must have a complete about-face to begin to revitalize our Nation:

DEAR MR. CONGRESSMAN: The following remarks are made with genuine reluctance, but I'm desperate and I hope that you will do me the service of letting people know how I feel.

Congressman FORD, after graduating from Taylor Center High in 1966, I worked for a time at minimum wage at a store, as I couldn't get a better job—for I was 1A. I didn't complain and went to Viet Nam in 1968 and proudly served in the Americal Division. In August of 1969 I was severely wounded in action at LZ Baldy, about 16 miles southwest of Danang. I didn't complain; I believed in America and Americanism. In 1972 I joined the Democratic Party, worked for you and Senator McGovern (for President) and by 1974 I had graduated from the U-M at Dearborn and began working at McLouth Steel Corp. Being shocked at the National deficit and seeing all of the problems brought about by big government, I worked for President Ford in 1976 and President Ronald Reagan in 1980.

In 1976 I had the good fortune of being elected to the Taylor Board of Education. Again, I believed in the American system.

Now, here is my situation:

1. Mclouth Steel, thanks to high interest rates and the lack of leadership by President Reagan in stopping the dumping of Japanese and Belgianese steel, is just about ready to fold.

2. My property taxes have gone up so dramatically that my house payments have gone from $343 to $505 a month. (How is the New Federalism going to help Taylor?)

3. I get 40 percent VA disability. Now I hear that my pension will be terminated or cut.

4. My mother, a widow, is on social security. She is in poor health and worried about her future. Obviously, I won't be able to help her.

5. The area around here is in a depression. It's obvious I'll have problems getting a job. The President was wrong when he said that all we have to do is look in the newspaper want ads.

6. I'm not lazy. I've missed three days of work the last two years. I bid on and received a "move up" on a job requiring more technical training. I worked hard and worked all of the overtime I could.

7. In 1975 I qualified for the Air Traffic Controller position opening which I noticed. I scored an 82, and being a 10-point vet, I thought I would be hired. I thought wrong—I wasn't hired, with no explanation.

8. I don't have any job prospects, but I've applied everywhere I could.

Now, I have bills well over a thousand a month (counting utilities and food). Yet, I'm called a high consumer by the Republicans I know. This isn't true, as I paid off both of my cars (now 7 and 11 years old), 2 time payments and a credit card.

But I can't afford Reaganomics. I believed in Mr. Reagan. I felt he would pass a fair tax bill through Congress. Now, my rich relatives are better off than ever, while I'm near bankruptcy.

What do I tell my family when I tell them that I can't find a job? What do I need to give up next to help the elite of this, a country I thought I loved?

I don't know what I'll do—pride keeps me from expecting handouts—but I'll be waiting to see if Reagan changes his attitudes toward the working men and women of America. In the Fall I wrote the President. I complained that his policies weren't working. I got a form letter saying that the President appreciated my support for him and his administration.

It's this attitude that is ruining him, his administration, and—most importantly—our country.

Please, let the administration know how this Reagan supporter of 1980 feels. God knows, I've gotten nowhere with them.

Sincerely,

DAVID T. ALEXANDER.●

THE NATIONAL INDUSTRIAL DEVELOPMENT ACT

HON. STAN LUNDINE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. LUNDINE. Mr. Speaker, just before the Easter recess, I introduced H.R. 6099 which creates a National Industrial Development Board comprised of business executives, union presidents, political leaders, and representatives of the public interest. A detailed statement outlining the structure and purpose of this legislation appears in the CONGRESSIONAL RECORD of April 6, 1982 on pages 6620-23. Significant interest has been expressed in this bill since its introduction. Therefore, I am taking this opportunity to have the text of the bill printed in the RECORD:

H.R. 6099

A bill to establish a National Industrial Development Board for purposes of formulating policy recommendations for industrial development in the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "National Industrial Development Act".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress hereby finds that—

(1) the vitality of industry in the United States has declined precipitously in recent years;

(2) such decline constitutes a severe threat to the economic future of the United States;

(3) many factors have contributed to such decline, including lagging productivity and product quality, increasing imports, reduced competitiveness of goods in foreign markets, high energy prices, shortsighted management strategies, inadequate supply of skilled workers, hostility between management and labor, insufficient employee participation in the workplace, and inadequate Federal commitments in such crucial areas as transportation, and other infrastructure, and research;

(4) the numerous causes of economic decline in the United States can be redressed only by a comprehensive national industrial strategy;

(5) such a strategy should also encourage the development of emerging high-technology industries that can provide substantial economic growth and employment;

(6) such a strategy will succeed only if (A) it has the common support of the principal sectors of the economy, including business, labor, Government, and the public; and (B) each such sector is willing to make sacrifices to ensure mutual recovery; and

(7) the antipathy that often prevails among such sectors hampers development of a consensus necessary for economic recovery in the United States.

(b) It is the purpose of this Act—

(1) to establish a Federal board designed to produce a national industrial strategy that will have the support of each principal party to the industrial problems of the United States;

(2) to establish a mechanism for the development, outside of the normal political process, of consensual solutions to specific industrial problems confronting the Congress or any Federal department or agency;

(3) to establish a mechanism for the anticipation of future industrial problems and the timely identification of shifts in international markets and competitive standings;

(4) to supplement the adversarial mode of problem solving that has prevailed in industry in the United States during the past century with a new approach based upon consensus among business, labor, Government, and appropriate public groups; and

(5) to revive the industrial base of the United States through an approach premised on the proposition that most sectors of the economy are necessary and can survive if they adapt sensibly to the new markets, technologies, organizational designs, and relationships between labor and management that are presently emerging.

ESTABLISHMENT OF BOARD

SEC. 3. There hereby is established a board to be known as the National Industrial De-

velopment Board (hereafter in this Act referred to as the "Board").

DUTIES OF BOARD

SEC. 4. (a) The duties of the Board are—

(1) to prepare and publish reports setting forth the recommendations of the Board with respect to national industrial development priorities, including (A) macroeconomic policy; and (B) the needs of basic industrial sectors (such as the automobile, steel, and semiconductor industries) and supportive sectors (such as the financial and communications industries), without regard to whether any such sector is undergoing or anticipating difficulties; and

(2) to provide policy recommendations and reports to the Congress and to Federal departments and agencies with respect to specific issues of national industrial policy, in response to requests from the Congress or any such department or agency under subsection (c)(1).

(b) The Board may encourage, with respect to individual industrial sectors, the development of committees, consisting of representatives of business, labor, Government, and the public, to examine the particular problems of such industrial sectors.

(c)(1) The Board shall issue recommendations and reports under subsection (a)(2) only upon request of—

(A) the head of a Federal department or agency, with respect to a matter pending before such department or agency; or

(B) a majority vote by a committee or subcommittee of the Congress, with respect to a matter pending before such committee or subcommittee.

(2) The Board shall issue any report requested under paragraph (1) as soon as practicable within the six-month period following the date such report is requested. The Board shall, to the extent practicable, comply with any request for expedited preparation of a report.

(3) Upon receipt by any committee or subcommittee of the Congress of any report requested by such committee or subcommittee under paragraph (1)(B), the Board shall consult with such committee or subcommittee with respect to such report, and, following such consultation, such committee or subcommittee shall submit to its House a report setting forth its views and recommendations with respect to the report of the Board.

(4) The Board may, upon the vote of a majority of its members, decline to respond to any request for a report under paragraph (1) if such majority determines that such request relates to any matter that is not of immediate importance. The Board may not decline to respond to any such request if (A) such request relates to a Government loan or loan guarantee, or (B) the Board is notified by the President that such request relates to an emergency situation.

(d) In preparing reports and formulating recommendations under this Act, the members of the Board shall attempt to reach the maximum degree of consensus practicable on any matter of controversy.

(e) The Board shall establish procedures to ensure that no report issued by the Board under this Act shall be released to the public by any member or employee of the Board before the expiration of seven days following the date such report is issued, unless the Board, by a vote of two-thirds of its members, determines that earlier release of such report to the public is appropriate.

MEMBERSHIP OF BOARD

SEC. 5. (a)(1) The Board shall be composed of thirty-two members appointed by the President from among individuals recommended for appointment to the Board by the majority leader of the Senate, the minority leader of the Senate, the Speaker of the House, and the minority leader of the House.

(2) Of the individuals appointed under paragraph (1)—

(A)(i) eleven shall be appointed from among the individuals recommended by the majority leader of the Senate;

(ii) five shall be appointed from among the individuals recommended by the minority leader of the Senate;

(iii) eleven shall be appointed from among the individuals recommended by the Speaker of the House; and

(iv) eleven shall be appointed from among the individuals recommended by the minority leader of the House; and

(B)(i) eight shall be, on the date of their appointment, Members of the Congress or heads of Federal departments or agencies;

(ii) eight shall be, on the date of their appointment, chief executive officers or chief operating officers of corporations determined by the President to be major corporations engaging in interstate commerce;

(iii) eight shall be, on the date of their appointment, heads of national or international labor unions; and

(iv) eight shall be, on the date of their appointment, individuals representative of sectors of society or the economy that are not otherwise represented on the Board and are determined by the President to be challenging the economic status quo, such as consumer, educational, environmental, and minority groups, and small businesses in emerging sectors having substantial potential for growth.

(b)(1) Except as provided in paragraph (2) and paragraph (3), each member of the Board shall be appointed for a term of six years. No individual may serve as a member of the Board for more than two terms.

(2) Of the members first appointed—

(A) two of the members described in each clause of subsection (a)(2)(B) shall be appointed for a term of two years; and

(B) three of the members described in each such clause shall be appointed for a term of four years;

as designated by the President at the time of appointment.

(3) A vacancy in the Board shall be filled in the manner in which the original appointment was made. Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A member may serve after the expiration of his term until his successor has taken office.

(c) No member of the Board shall be required, by reason of membership on the Board, to file any financial disclosure report under title II of the Ethics in Government Act of 1978 (5 U.S.C. appendix).

(d) Members of the Board shall serve without pay, allowances, or benefits. Members shall be reimbursed for actual expenses, including travel expenses, incurred in the course of performing the duties vested in the Board.

(e) The Board shall establish a quorum requirement to ensure that a substantial number of members described in each clause of subsection (a)(2)(B) are required for any action by the Board, except that the Board may provide that a lesser number of its members may hold hearings.

(f) The President shall designate one member of the Board as its Chairman. The term of office of the Chairman shall be one year. In making such designations, the President shall ensure that the office of Chairman shall be rotated consecutively among the four categories of members described in subsection (a)(2)(B).

(g)(1) The Board shall meet not less than six times in each calendar year, at the call of the Chairman or a majority of its members. The Board shall seek to ensure that each member of the Board attends not less than one-half of the meetings of the Board held in each calendar year. Each member of the Board shall designate one alternate representative to attend any meeting that such member is unable to attend. In the course of attending any such meeting, an alternate representative shall be considered a member of the Board for all purposes, including voting.

(2) Each member of the Board shall be notified not less than three weeks in advance of any meeting of the Board, unless the Chairman and a majority of the members of the Board determine in any case that it is necessary for the Board to meet without such period of advance notice.

DIRECTOR AND STAFF OF BOARD; EXPERTS AND CONSULTANTS

SEC. 6. (a) The Board shall, without regard to section 5311(b) of title 5, United States Code, have a Director who shall be appointed upon a vote of three-fourths of the members of the Board, and who shall be paid at a rate of pay determined by the Board to be appropriate.

(b) Subject to such rules as may be prescribed by the Board, and without regard to section 5311(b) of title 5, United States Code—

(1) each member of the Board may appoint and fix the pay of personnel to serve on the personal staff of such member; and

(2) the Board may appoint and fix the pay of additional personnel to serve the Board generally.

(c) The Director and staff of the Board may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(d) Subject to such rules as may be prescribed by the Board, the Board may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(e) Upon request of the Board, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of such agency to the Board to assist the Board in carrying out its duties under this Act.

POWERS OF BOARD

SEC. 7. (a) The Board may, for the purpose of carrying out this Act, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Board considers appropriate. The Board may administer oaths or affirmations to witnesses appearing before it.

(b) Any member or agent of the Board may, if so authorized by the Board, take any action that the Board is authorized to take in this section.

(c) The Board may secure directly from any Federal department or agency information necessary to enable it to carry out this Act. Upon request of the Chairman of the Board, the head of such department or

agency shall furnish such information to the Board.

(d) The Board may accept, use, and dispose of gifts or donations or services or property.

(e) The Board may use the United States mails in the same manner and under the same conditions as other Federal departments and agencies.

(f) The Administrator of General Services shall provide to the Board on a reimbursable basis such administrative support services as the Board may request.

(g)(1) The Board may issue subpenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation by the Board. Such attendance of witnesses and the production of such evidence may be required from any place within the United States at any designated place of hearing within the United States.

(2) If a person issued a subpena under paragraph (1) refuses to obey such subpena or is guilty of contumacy, any court of the United States within the judicial district within which the hearing is conducted or within the judicial district within which such person is found or resides or transacts business may, upon application by the Board, order such person to appear before the Board to produce evidence or to give testimony relating to the matter under investigation. Any failure to obey such order of the court may be punished by such court as a contempt thereof.

(3) The subpenas of the Board shall be served in the manner provided for subpenas issued by a United States district court under the Federal Rules of Civil Procedure for the United States district courts.

(4) All process of any court to which application may be made under this section may be served in the judicial district in which the person required to be served resides or may be found.

(5) No person shall be excused from attending and testifying or from producing books, records, correspondence, documents, or other evidence in obedience to a subpena, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture. No individual shall be prosecuted or subjected to any penalty or forfeiture by reason of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

EXEMPTION FROM FEDERAL ADVISORY COMMITTEE ACT

SEC. 8. The Board shall be exempt from the provisions of the Federal Advisory Committee Act (5 U.S.C. Appendix).

ANNUAL REPORT

SEC. 9. (a) The Board shall annually prepare and transmit to the President and to each House of the Congress a brief report setting forth the major industrial development priorities of the United States and the policies needed to meet such priorities. Such report shall contain a statement of the findings and conclusions of the Board during the previous fiscal year, together with any recommendations of the Board for such legislation or administrative actions as it considers appropriate.

(b) Upon receipt by either House of the Congress, the report described in subsection (a) shall be referred to the appropriate committee or committees of such House. The Board shall consult with each such committee with respect to such report, and, following such consultation, each such committee shall submit to its House a report setting forth the views and recommendations of such committee with respect to the report of the Board.

AUTHORIZATION OF APPROPRIATIONS

SEC. 10. There are authorized to be appropriated such sums as may be necessary, not to exceed $8,000,000 for any fiscal year, to carry out the provisions of this Act for fiscal year 1983, and for each of the succeeding five fiscal years.●

THE HARLEY O. STAGGERS FEDERAL BUILDING

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. DINGELL. Mr. Speaker, I am presenting for the RECORD a speech delivered by Attorney Sam Angotti, resident of Morgantown, W. Va., on the occasion of naming the Federal Building in Morgantown, W. Va., "The Harley O. Staggers Federal Building."

SPEECH BY ATTORNEY SAM ANGOTTI

On this occasion I would like to take the liberty of being the spokesperson for the many thousands of citizens who reside in the Second Congressional District of the State of West Virginia, who dearly love Harley O. Staggers, Sr. and his beautiful family.

Our state, and I might add very few states, have ever had a public servant who has served so long with so much admiration and trust as has existed between Congressman Staggers and his constituents. He was never looked upon as a politician but rather as a big brother, trusted friend and ally who was a link between the citizens of this District and our National Government. No deeper bond of love and trust ever existed between any congressman in the history of the United States than that bond that was created and persisted to the end between Harley O. Staggers, Sr. and the citizens that comprised the Second Congressional District of West Virginia.

Not only did this love exist between Congressman Staggers and his constituents, but also it existed and still exists between Congressman Staggers and those with whom he served in our National Government. In my 25 years in politics I have rubbed elbows with many congressmen, U.S. Senators, and yes, even Presidents of the United States, and I have never witnessed such affection and respect as that shown Harley O. Staggers, Sr. by his peers in our National Government. I personally know that many U.S. Senators and Congressmen, visited our district and voted for legislative measures sponsored by Mr. Staggers simply because if he was for it—it has to be worthy—and thus good for our Nation. Witness to the last statement was the visit of the then President of the United States, Lyndon B. Johnson, to the City of Morgantown, several years ago, whose sole purpose of visiting with us was to help honor this distinguished American. In the Halls of Congress his very name connotes honesty, integrity, ability and trust. The only criticism, if you want to call it that, I have ever heard concerning Congressman Staggers was that he was too good because he didn't fit the mold. I always treated that statement as a tribute to this great Congressman.

Why all of this love for this man on the part of private citizens and national leaders? The answer is simple. It is the result of all of the love that he exhibited when he was a Congressman for his fellow man through the many bills that he either sponsored or co-sponsored in the Halls of Congress. In my hands I hold a book that I call a book of love. This book contains many legislative bills that our Congressman either solely sponsored or co-sponsored that reflects the love that this man had for his district, State and Nation. In this book we see this love exhibited by the following legislation:

He showed that he cared for those who are suffering from cancer and those in the future who will be confronted with this problem by creating through legislation a supreme endeavor to discover a cure and prevention for this insidious killer; and also by establishing a National Cancer Authority to achieve that end.

He showed that he cared for those seeking an education in the field of nursing and also for those training as physicians, dentist, pharmacist, optometrists and professional public health personnel by increasing their opportunities.

He was instrumental in the modernization of hospitals and other medical facilities and the development of new technology systems and concepts in providing health services.

He cared about the air that we breathe by authorizing grants under the Clean Air Act.

He cared for the drivers and passengers in motor vehicles by creating a co-ordinated national safety program and safety standards to reduce traffic accidents and their resulting deaths, injuries and property damage.

He cared about our young children by amending the Federal Food, Drug and Cosmetic Act to protect our young children from accidental death or injury by insuring safety in reference to drug containers, labeling and also banning hazardous toys and articles intended for children.

He cared for those suffering from mental retardation and mental health generally by amending the public health laws to extend, expand and improve our public health laws as they affect those so afflicted.

He also cared for those suffering from eye disease by helping to create the establishment of a National Eye Institute in the National Institutes of Health under the Public Health Act.

He was concerned for the protecting of public health from radiation emission from electronic products and thus amended the Public Health Service Act to provide for such protection.

He was concerned for alcoholics and narcotic addicts by amending the Community Mental Health Centers Act to provide for special facilities for alcoholics and narcotic addicts.

He was concerned for the drug problems that we have experienced in our society in the last several years by amending the Federal Food, Drug and Cosmetic Act that called for penalties of those indulging in the illegal manufacture and traffic of drugs.

He has cared for the migratory agricultural workers by creating regional medical locations for such workers under the Public Health Service Act.

He has been concerned about the type of water that we drink by amending the Public Health Service act so as to help secure safe community water supplies and has also been concerned about solid waste disposal by extending research and assistance to all of the States in their planning for such disposal.

He has been concerned about those suffering from diseases of the digestive tract including the liver and pancreas and diseases of nutrition by amending the Public Health Service Act to aid States in the development of community programs for the control of these diseases.

He was concerned of those who travel by air by amending the Federal Airport Act to provide additional Federal assistance for the construction, alteration and improvement of airports, airport terminals and to provide relief of congestion at public airports.

On many occasions he has been concerned for the protection of consumers by amending the Federal Trade Commission Act in various catagories to insure that the right of the consumer were protected including protection against fraudulent or deceptive practices and providing for class actions for acts in the fraud of consumers.

He has been concerned about family planning services by amending the Public Health Service Act to provide for special project grants for the research, training and technical assistance in such services.

He has been concerned about the welfare of our citizens in implimenting the Flammable Fabrics Act.

He has been concerned about the energy crisis in the United States by helping to establish a commission on fuels and energy to insure through maximum use of indigenous resources that the U.S. requirements for low cost energy be met and to reconcile environmental quality requirements with future energy needs.

He has been concerned about the transmission of noise that has proved detrimental to the human environment by controlling the generation and transmission of noise.

He has been concerned with those who are without housing by authorizing the securities and exchange commission to permit companys subject to the Public Utility Holding Company Act of 1938 to provide housing of low and moderate income.

He has been concerned with those suffering from heart, lung and neurological diseases and strokes by amending the Public Health Service Act in order to more effectively carry out the national effort against those diseases.

He has been concerned with the freedom of air traffic by amending the Federal Aviation Act that authorizes the President of the United States to suspend air service to any foreign nation which he determines is encouraging aircraft hijacking; and to authorize the Secretary of Transportation to suspend operating authority of foreign air carriers under certain circumstances.

He has been concerned with the quality of the food that we consume by requiring the disclosure of the ingredients on the labels of all foods.

He has been further concerned in many other fields including the chronically ill, those who suffer from arthritis, metabolism diseases, the protection of the public health and safety in reference to milk and cheese, and costs of Health care generally, maternal and child health and crippled children services, medical injury compensation insurance, all forms of communicable diseases, shortages of natural gas by providing for short-term emergency purchases of natural gas, by providing a medicare program for certain services performed by chiropractors, by providing a national center for clinical pharmacology, by emphasizing and demanding the use of domestic coal as a means of displacing current foreign energy imports and finally by extending every effort to establish a national program of protection for all Americans against medical expenses.

This is a brief legislative history of Congressman Staggers which in my opinion proves beyond a reasonable doubt of his love for his District, State and Nation and knowing Congressman Staggers as I do I believe that the following poem would be the one that he would adopt at the termination of his life.

I'd like to think when life is done
That I had filled a needed post,
That here and there I'd paid my fare,
With more than idle talk and boast,
That I had taken gifts divine,
The breath of life and manhood fine,
And tried to use them now and then
In service to my fellowmen.

It is with great pleasure and I deem it a sincere honor to present to you our Honored Guest, the Honorable Harley O. Staggers, Sr.●

PRESIDENT'S RADIO ADDRESS TO THE NATION

HON. GILLIS W. LONG

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. LONG of Louisiana. Mr. Speaker, this past Saturday, April 17, our colleague, TOBY MOFFETT of Connecticut, presented the Democratic Party's response to the President's radio address to the Nation.

The Democratic response, Mr. Speaker, was offered under the most unusual circumstances: The broadcast was delayed for 1 hour, while Mr. MOFFETT was in the delivery room at Georgetown University Hospital, where his wife, Myra, gave birth to a baby girl. I am sure we all join in congratulating Mr. and Mrs. Moffett on this joyous occasion.

I believe all of my colleagues in the House and in the other body, would benefit from reading Mr. MOFFETT's response. Despite the unique circumstances, Mr. Speaker, the comments delivered by the Congressman from Connecticut comprise a concise and cogent expression of our party's stance on defense policy, on the threat of nuclear war, on the economy, and on the quality of leadership needed in our great Nation.

I ask unanimous consent that the remarks of the distinguished gentleman from Connecticut (Mr. MOFFETT) be included in the RECORD at this point.

DEMOCRATIC RESPONSE TO PRESIDENT REAGAN'S RADIO ADDRESS

(By Congressman TOBY MOFFETT)

Good afternoon. This is Connecticut Congressman Toby Moffett. My Party, the Democrats, has asked me to respond to President Reagan's address on arms control. This is an important day for me for personal reasons as well. Less than an hour ago, at 1:02 P.M. my wife Myra gave birth to a healthy baby girl. Her name is Mary Ellen.

Mary Ellen Moffett will be 18 years old in the year 2000. As a father of two daughters and as a Member of Congress, I have never been more concerned about the kind of world my children will face.

President Reagan's address was billed as a talk on arms control. It was not a serious talk on arms control. It was a discussion about our enemy, the Soviet Union. We Democrats agree with the President on Afghanistan and Poland. But we don't agree that the Soviet Union is ten feet tall. We don't believe the Soviets are stronger than America. And it serves no useful purpose for a President to keep suggesting that they are.

Candidate Reagan campaigned against the strategic arms control treaty called SALT II. He said that when he got to office, he would meet the Soviet Union at the negotiating table and do better than SALT. He said he would do better than limit arms; he would argue for arms reduction.

The sad fact is that after 16 months in office, the President doesn't have a proposal. He has yet to articulate our interests; how we are threatened and what he is going to do about it.

Not all members of our Party support a nuclear freeze proposal. But the President is wrong when he says that a nuclear freeze would place the United States in a definite position of inferiority.

The United States and the Soviet Union already have enough weaponry to destroy each other many times over. We don't need a policy of more missiles. We need a policy of negotiations, treaties and cooperation to back our Nation and the Soviets off the nuclear precipice.

We can begin, at the very least, by taking another look at SALT II. SALT II would require the Soviet Union to dismantle 308 missiles; the U.S. wouldn't have to dismantle *any*.

As Admiral Rickover, the father of our nuclear navy said upon his retirement:

"I think it would be the finest thing in the world for the President of the United States to initiate immediately another arms control conference . . . this is a very propitious time, when the military expenses are eating up so much money and using so much of the people's taxes."

Admiral Rickover knows, just as so many business executives and Republican leaders know, that you simply cannot give out $800 billion in tax cuts and spend $1.6 trillion on defense over the next five years without choking this economy.

We Democrats thought the President was wrong when he proposed such a program last year. We offered alternatives. We lost. The President won.

Now it is time, in fact past time, to make some changes. The President can begin by being less stubborn and agreeing to back off—to some extent at least—his tax cut and to reduce the size of his military increase.

Last year, when the Reagan program was proposed, its proponents boasted that the gameplan would act "like a rising tide lifting all boats." Now the Secretary of the Treasury says the economy is "dead in the water." What Senator Howard Baker described last year as a "riverboat gamble" has taken a toll that is too much to tolerate.

This program is hurting people, real people. Does the President realize it? Does he really know what he is doing?

They say that back in the 1930's, Ronald Reagan used to broadcast baseball games in a rather interesting manner. He didn't actually attend the games. Instead, young Mr. Reagan would call the games based on statistics fed to him over the telegraph wire.

We Democrats think that President Reagan is doing that same kind of thing these days when he describes the country's economic crisis. He sits in Washington re-interpreting unemployment statistics, claiming that unemployment has gone down when it has actually gone up.

Indeed, the world of Ronald Reagan—the comfortable world of Pacific Palisades and Barbados—bears little or no relation to the real world. And the words of Ronald Reagan often bear little or no relation to the truth.

We Democrats realize that we have much work to do. It is not enough to stand by and grumble while the economy crumbles. We stand ready to continue in good faith negotiations on the economic crisis.

But we will not see a solution if the President remains stubborn. By his own admission—in his own words—the President is "on the sidelines."

We need him back in the game. We need him to tell us what he proposes on Social Security and taxes and defense.

In short, it is time for the leading man to lead.

This has been Congressman TOBY MOFFETT of Connecticut responding for the Democratic Party to the President's noontime address to the Nation.●

HOUSE OF REPRESENTATIVES—*April 21, 1982*

The House met at 3 p.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

On this special day, symbolizing the friendship between the Netherlands and the United States we remember with gratitude the years of grace and understanding that have been our heritage. We give thanks for those good people from both countries who have striven to increase the respect and good will that have served our traditions so well. We are conscious of the gifts of freedom and liberty, of justice and compassion, that have characterized the nations in years past. Committing ourselves to these values that are the marks of a free people, we implore your continuing providence in the years before us. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed joint resolutions of the following titles, in which the concurrence of the House is requested:

S.J. Res. 167. Joint resolution to commemorate the 100th anniversary of the Knights of Columbus;

S.J. Res. 180. Joint resolution to authorize and request the President to issue a proclamation designating the week beginning May 9, 1982, as "National Small Business Week";

S.J. Res. 184. Joint resolution to designate January 28, 1983, as "Native American Day"; and

S.J. Res. 186. Joint resolution to authorize and request the President to designate the week of September 19 through 25, 1982, as "National Cystic Fibrosis Week."

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

APRIL 7, 1982.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: I am writing to inform you that pursuant to the provisions of House Rule L (50), paragraph 5, that I have determined to comply with a subpoena earlier served upon me, notification of which was laid on the table April 6, 1982, for records relating to the official functions of my office.

Sincerely,

EDMUND L. HENSHAW, Jr.,
Clerk, House of Representatives.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
April 21, 1982.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the permission granted in the Rules of the House of Representatives, I have the honor to transmit a sealed envelope from The White House, received in the Clerk's Office at 10:45 a.m. on Wednesday, April 21, 1982 and said to contain a message from the President wherein he transmits the fourth Annual Science and Technology Report.

With kind regards, I am,

Sincerely,

EDMUND L. HENSHAW, Jr.,
Clerk, House of Representatives.
By W. RAYMOND COLLEY,
Deputy Clerk.

FOURTH ANNUAL SCIENCE AND TECHNOLOGY REPORT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Science and Technology:

(For message, see proceedings of the Senate of today, Wednesday, April 21, 1982.)

RECESS

The SPEAKER. Pursuant to the order of the House of Monday, January 25, 1982, the House will stand in recess subject to the call of the Chair.

Accordingly (at 3 o'clock and 5 minutes p.m.), the House stood in recess subject to the call of the Chair.

JOINT MEETING OF THE HOUSE AND SENATE HELD TO HEAR AN ADDRESS BY HER MAJESTY, THE QUEEN OF THE NETHERLANDS

During the recess, the following proceedings took place to hear an address by Her Majesty, the Queen of the Netherlands.

The SPEAKER of the House presided.

The Doorkeeper, the Honorable James T. Malloy, announced the Vice President and Members of the U.S. Senate, who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to conduct the Queen of the Netherlands into the Chamber:

The gentleman from Texas (Mr. WRIGHT); the gentleman from Washington (Mr. FOLEY); the gentleman from Louisiana (Mr. LONG); the gentleman from Wisconsin (Mr. ZABLOCKI); the gentleman from California (Mr. LANTOS); the gentleman from Illinois (Mr. MICHEL); the gentleman from Mississippi (Mr. LOTT); the gentleman from Arizona (Mr. RHODES); the gentleman from Michigan (Mr. BROOMFIELD); the gentleman from Michigan (Mr. VANDER JAGT); and the gentleman from Kansas (Mr. WINN).

The VICE PRESIDENT. The President of the Senate appoints the following Senators as the committee on the part of the Senate to escort the Queen of the Netherlands into the House Chamber:

The Senator from Tennessee (Mr. BAKER); the Senator from Alaska (Mr. STEVENS); the Senator from South Carolina (Mr. THURMOND); the Senator from Illinois (Mr. PERCY); the Senator from Maryland (Mr. MATHIAS); the Senator from Rhode Island (Mr. PELL); the Senator from Ohio (Mr. GLENN); the Senator from Michigan (Mr. RIEGLE); the Senator from Maryland (Mr. SARBANES); the Senator from New York (Mr. MOYNIHAN); and the Senator from Michigan (Mr. LEVIN).

The Doorkeeper announced the ambassadors, ministers, and chargés d'affaires of foreign governments.

The ambassadors, ministers, and chargés d'affaires of foreign governments entered the Hall of the House of Representatives and took the seats reserved for them.

The Doorkeeper announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for

them in front of the Speaker's rostrum.

At 3 o'clock and 30 minutes p.m., the Doorkeeper announced Her Majesty, Queen Beatrix of the Netherlands.

Her Majesty, the Queen of the Netherlands, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. Members of the Congress, I have the high privilege and great honor of presenting to you Her Majesty, the Queen of the Netherlands.

[Applause, the Members rising.]

ADDRESS BY HER MAJESTY, THE QUEEN OF THE NETHERLANDS

Her Majesty, Queen BEATRIX of the Netherlands. Mr. Speaker, Mr. President, Members of Congress, 40 years ago, in 1942, during one of the darkest periods of the Second World War, my grandmother, Queen Wilhelmina, became the first reigning sovereign to address a joint meeting of the Senate and the House of Representatives in this Hall. Thirty years ago, my mother, Queen Juliana, was also invited to address Congress. She spoke at a time when, thanks also to your sacrifices in the military struggle, the Netherlands had regained its freedom, and when, thanks to your substantial aid, our country was reconstituting its economy, disarrayed as it was by war and enemy occupation.

I regard it as a great privilege, for which I thank you, to be allowed to perpetuate the tradition and speak to you at this significant juncture in the history of our two countries. Two hundred years ago, on the 19th of April 1782, the Netherlands decided to acknowledge your young Republic, which was still struggling for independence. We were in close sympathy with your cause from the outset. Indeed, it was probably not by mere chance that, in 1776, for the first time, a salute was fired from the island of St. Eustatius in the Netherlands Antilles as an official greeting to an American ship sailing under the new flag of your Republic.

We felt as one with you. Two centuries before, we ourselves had been engaged in a protracted struggle to secure our own independence. In the 16th century during that conflict, parts of our county that had been accustomed to standing up only for themselves joined forces for the first time. William the Silent, my forefather, who became the founder of our nation, wrote to Queen Elizabeth the First of England: "The Netherlands Provinces are a union, not in name, title or on paper, but in courage, will, means and ability."

We recognized that same courage, will, means and ability 200 years later in the generation of Americans that went to war for freedom in 1776.

The ideals that had inspired us in our difficult struggle echoed in your Declaration of Independence. Yet the resemblance between our two young nations went deeper. We were linked by the same love of freedom and tolerance. Since we were both mercantile powers, we were preeminently open to the outside world and supported the principle of the freedom of the seas. We were both eager to provide refuge for all who suffered elsewhere under political or religious persecution. John Adams, your first Ambassador to the Netherlands, drew attention to our like-mindedness when he was negotiating for diplomatic recognition, negotiations that were crowned with success and that ushered in two centuries of harmonious relations. They were harmonious relations especially because both our peoples were imbued with the spirit of liberty and justice.

In those two centuries the Netherlands has been one of the European nations that has never become involved in a war with you or that ever had any major conflict with you. That has been the basis on which we have rendered each other valuable services. I will not dwell on the contributions the Netherlands and the Dutch made towards the establishment of your commonwealth; particularly the Dutch who have ventured forth to build up a new future in the New World, since the days of the Founding Fathers. What I would like to stress is, how very much we have owed to you. I am thinking of two main points: The part you played in the Second World War and Marshall aid.

As regards the Second World War, you made an essential contribution to terminating the oppression and occupation of Dutch territory in Europe: A new future unfolded itself for our territories in Asia as a result of your historic victories in the Pacific. For all the sacrifices you made, we are eternally grateful.

Americans and Europeans have fought shoulder to shoulder twice in this century. Both know what war means. Yet the trials and tribulations which the peoples of Europe went through in numerous wars differed fundamentally from those which you suffered. Hardly any European family escaped the profoundly shocking experiences occasioned by the armed violence and enemy occupation which afflicted our continent. The recollection of those experiences in many respects affects our reactions today, when it comes to matters of peace and security.

A recollection of quite a different nature is the memory of Marshall aid. It was vital to the reconstitution of our shattered economy. The Marshall plan sprang from an extremely constructive combination of genuine generosity and well-understood self-interest. I call the combination "constructive" because it showed that this type of assistance can be one of the most effective forms of self-help. It underscored the fact that such aid to others is only meaningful in the long term if it helps fundamentally to strengthen sound economic and social structures. It is also the only way in which both national and international stability can be fostered.

Mutual interests were also at the root of the North Atlantic Treaty Organization, which was created 4 years after World War II. The Netherlands has always been a faithful member. We have always exerted ourselves in the interests of our common defense and have also contributed manpower through conscription. The horrors of the Second World War have convinced us too, that as long as strength prevails over justice in international relations, we should join forces to secure our independence and freedom. But there is more to it than that. The paradox that only by the threat of direct destruction can we hope to deter war, is weighing ever more heavily on the minds of many in my country, and also elsewhere.

Nothing would seem to us more desirable than achieving a balanced, controlled reduction of arms on all sides, particularly a reduction in all those weapons that threaten to destroy civilization itself, indeed all life on this planet.

Concerned as we are at the worsening situation in the world, we regard it as essential that the transatlantic dialog be intensified. You in America and we in our much more vulnerable Europe—together we must consider the questions confronting us, together seek the answers. This implies that we on either side of the ocean should take one another's opinions and interests into account and that we should involve one another in every decision that might affect both. Only if we do this will close cooperation be assured between the United States and a Europe uniting; cooperation that is vital to the stability of world relationships.

Our cooperation is not merely founded on the mustering of military forces; it also has an economic basis. Especially in view of the alarming rise in unemployment, we should all seek by every possible means to reinforce and revitalize our productive systems. It is more important than ever that the United States should not keep her foresight and energy to herself, but should direct them towards global interests and help the Western economic systems to overcome the present serious recession. Personally I am convinced that you will eventually serve

your own interests best if you also heed Europe's economic requirements. Perhaps the Netherlands is preeminently entitled to call your attention to that approach because our economy and yours have become so very closely interwoven. Each of our countries is the largest single direct investor in the other. It is plain that the prosperity, not only of the Netherlands but also of every country in Europe, depends on the economic and financial policies pursued by the United States of America. The furtherance of that prosperity, which means the furtherance of social stability in our countries, is another of the goals of our affiliation.

That affiliation, aimed as it is, at the defense and internal reinforcement of a free, democratic, civilized society, brings other commitments with it. I am thinking especially of development aid and of defending human rights.

Aid to developing countries is something we have for years considered primarily as a moral obligation. Whoever regards dire poverty as unacceptable in his own country and wishes to alleviate it through a fairer distribution of wealth cannot possibly accept the fact that the masses in most developing countries are probably condemned to protracted suffering under the same dire poverty. In addition, more generous aid adapted to each recipient country's level of development and channeled to the goals which those countries themselves have opted for could broaden the entire basis of world economy.

The United Nations Organization has rightly stated that it is essential that the rich industrialized countries adhere to the minimum norm of 0.7 percent of their gross national product for Official Development Assistance. The Netherlands has in the last 5 years exceeded this minimum norm, attaining 0.99 percent. This simple figure could constitute an appeal to two of the characteristics which we value in the people of your great country: Your generosity and your inclination to tackle problems on a grand scale. We wholeheartedly applaud the part you play when you put yourselves forward as champions of free world trade, in which you include the developing countries and would have them participate on an equal footing in the global economic system. One cannot regard aid to the destitute as charity and certainly not as a luxury; on the contrary, it is a human duty and discerning policy.

We can extend this line of thought and also regard it as a human duty and discerning policy to defend human rights. "Life, liberty, and the pursuit of happiness" was the goal set and proclaimed to the world at the birth of your commonwealth two centuries ago. Those words in your Constitution are unique, though the spirit also pervades our legislation.

Consequently, our governments seek to protect life, particularly the lives of the weak and the poor; they constantly seek to offer the people new opportunities of expressing their democratic liberty and, as far as it is within their power, they constantly seek to increase the people's opportunities of attaining happiness.

Ought we then not to protest when we see human rights trampled under foot in other places, no matter where? I say "no matter where," advisedly, for if we were to restrict our defense of human rights to those countries which we regard as a threat to our democratic way of life, and if we were to fail to protest when those very same rights were violated in other countries, we would be judging by two standards. That would not only weaken our protest—worse than that, it would make us unfaithful to ourselves. We would thereby impair the credibility of our international cooperation.

I would like to make a special point of the concept of credibility. It is solely by virtue of credibility that a democratic system is able to function. Maintaining credibility is by no means an easy matter. Democracy is a never-ending process of regeneration. It must be forever testing itself against all the changes in society. Democracy must be aware of the danger of people no longer feeling they are participating in the democratic decisionmaking process. How can we strengthen, and if necessary restore, the people's faith in their own decisionmakers? How can we improve the delimitation of responsibilities? These are questions on which all of us should most earnestly reflect. Those who are elected to represent the people will regard this as their primary duty. We live in an era of tremendous challenges.

It is a tremendous challenge to protect our democratic heritage effectively and at the same time find a stable foundation for the preservation of world peace.

It is a tremendous challenge to foster prosperity in our respective countries and at the same time prevent our environment and that of all living creatures from being irretrievably harmed.

It is a tremendous challenge to expand our mutual economic relations and at the same time help the poor countries in their laborious efforts to escape from the depths of misery.

It is a tremendous challenge to protect against external erosion the values we cherish and believe in and at the same time infuse them with a new significance from within that will give fresh inspiration to young and old alike.

Mr. Speaker, 200 years ago alongside the budding United States stood the Republic of the United Netherlands, whose fleets had ruled the seas in the 17th century. Our strength now is modest compared with yours and the responsibilities that rest on us are fewer in number and less burdensome.

Nevertheless, the Netherlands, tested and hardened by a long past, has established her position in a continent which, while closely linked with you, is working at its own unification.

It may therefore be said of you, and of us, as part of Western Europe, that, on the basis of equality of goals and with a sincere desire to heed and consider one another we are gradually forming a union such as William the Silent described when he called the Netherlands Provinces: "* * * a union, not in name, title or on paper, but in courage, will, means and ability."

Thank you.

[Applause, the Members rising.]

At 3 o'clock and 50 minutes p.m. Her Majesty the Queen of the Netherlands, accompanied by the Committee of Escort, retired from the Hall of the House of Representatives.

The Doorkeeper escorted the invited guests from the Chamber in the following order:

The members of the President's Cabinet.

The ambassadors, ministers, and chargés d'affaires of foreign governments.

JOINT MEETING DISSOLVED

The SPEAKER pro tempore (Mr. ALEXANDER). The joint meeting having been completed, the Chair declares the joint meeting of the two Houses now dissolved.

The House will reconvene at 4:20 o'clock p.m.

Accordingly, at 3 o'clock and 59 minutes p.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

□ 1615

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (MR. ALEXANDER) at 4 o'clock and 20 minutes p.m.

COMMUNICATION FROM THE HONORABLE GEORGE E. BROWN, JR., MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable GEORGE E. BROWN, JR., Member of Congress.

WASHINGTON, D.C., *April 20, 1982.*

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: This is to notify you, pursuant to Rule L (50) of the Rules of the House, that my office has received a deposition subpoena calling on me to testify and

produce documents. The deposition subpoena was issued by the United States District Court for the Central District of California on behalf of a civil litigant in *Zarate* v. *Younglove*, an action pending in that court.

I will consult with the General Counsel to the Clerk to make the determinations required by the Rules of the House.

Sincerely,

GEORGE E. BROWN, Jr.,
Member of Congress.

PRINTING OF PROCEEDINGS HAD DURING RECESS

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

MICHIGAN STEELWORKERS PROTEST ADMINISTRATION'S ECONOMIC AND JOBS POLICIES

(Mr. DINGELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DINGELL. Mr. Speaker, on April 27, approximately 1,000 steelworkers from the downriver Michigan area will arrive in Washington to protest this administration's economic and jobs policies. I welcome these courageous men and women, and their leaders, to Washington. They are workers who have lost jobs or are threatened with unemployment should McLouth Steel Corp. close its doors in my congressional district.

There is something radically wrong when a modern and technically advanced steel company like McLouth is forced to close its doors. It is abundantly clear that an economic and trade policy which permits foreign competitors to capture 27 percent of the domestic steel market through unfair and subsidized dumping is the destructive force perpetuating this problem. The workers of this country, including McLouth's remaining 3,700 workers, should not pay the heavy price of joblessness because of mismanaged economic and trade policy.

This administration has the power and opportunity to save these jobs and prevent the shutdown of McLouth. I am joined by my Michigan colleagues, Congressman WILLIAM D. FORD and Congressman JAMES J. BLANCHARD in a letter to President Reagan urging the administration to give favorable consideration to a $30-million loan to McLouth Steel from the U.S. Department of Commerce. I submit the text of the letter for the benefit of my colleagues.

HOUSE OF REPRESENTATIVES,
Washington, D.C., April 21, 1982.

Hon. RONALD W. REAGAN,
President of the United States
The White House, Washington, D.C.

DEAR MR. PRESIDENT: We are writing you to request your urgent attention to a serious matter concerning the well-being of thousands of hard-working, tax-paying citizens in the Detroit area. McLouth Steel Corporation is currently in Chapter 11 bankruptcy proceedings and is threatened with the prospect of a permanent shutdown unless the Administration acts quickly to avert this pending closure.

This is not a prospective business failure occasioned by poor management, technological obsolescence or unreasonable labor demands. To the contrary, McLouth is among the most modern and efficient integrated steel producers in the country. Built in 1954, this firm has been an industry leader in the implementation of modern, cost-efficient production techniques. They installed the first Basic Oxygen Furnaces in this country and remain the only integrated steel firm to employ 100 percent continuous casting in the manufacture of carbon steel.

Their production and maintenance employees voted overwhelmingly in January to accept wage and benefit cuts totalling $5 per hour with proportionate cuts for salaried and executive employees in a common effort to save the company. Customers and suppliers have cooperated as well. For example, Detroit Edison has made rate adjustments which save the firm $350,000 per month.

All of these efforts, combined with plant process improvements—3 percent increase in yields from the rolling mills alone—have positioned McLouth as one of the leanest, most efficient firms in the industry. Yet, the troubles besetting the automobile and housing industries threaten the demise of McLouth unless action is taken now.

In addition to policies necessary to promote general economic recovery, the long-run remedy to the depression conditions currently facing the Detroit area, two specific actions can and must be taken by your office to save McLouth.

A serious complicating factor in the crisis facing the steel industry generally is the dumping of unfairly priced and subsidized steel by our European allies. The Commerce Department has until June 10, 1982, to make its preliminary determinations in the pending carbon steel dumping and countervailing duty cases. The creditors of McLouth have agreed to postpone the forced dissolution of the firm only until June 18, 1982. Clearly, if McLouth is to receive the protection entitled to that corporation and all carbon steel firms under our trade laws, the Commerce Department determination must be expedited. We strongly urge you to use your good offices to speed up the decision-making process in the Commerce Department.

Of more immediate importance is a pending decision within the Economic Development Administration of the Commerce Department regarding a $30 million loan application from McLouth. We have delayed requesting action on this matter because EDA officials had informed McLouth that approval depended on the presentation of "hard data" and their decision would be made entirely on the basis of sound business judgment.

Such a presentation was made on April 16 by McLouth and its principal creditor. Despite the existence of comprehensive cost data compiled by McLouth under the ongoing supervision of Touche-Ross as required by its creditors, EDA officials indicated that their own cost analysis would probably not be completed in time to meet the June 18, 1982, deadline.

As part of the Solomon task force "solution" to the 1977 steel crisis, the industry was promised protection from the most blatantly dumped steel via the Trigger Price Mechanism and $500 million of EDA funds were set aside for guaranteed loans to steel firms. The Trigger Price Mechanism failed. The industry, including McLouth, has been victimized by the export of unemployment from European and other countries and the $500 million fund was never fully utilized.

In testimony before the Subcommittee on Oversight and Investigations of the House Energy and Commerce Committee, Secretary Baldrige stated that, with one exception, all EDA steel loans have been paid on schedule. Yet, it appears that EDA bureaucrats are prepared to employ technicalities to deny McLouth relief to which it is entitled under law.

The two thousand current employees of McLouth, the two thousand more on indefinite layoff, the thousands of employees of suppliers dependent on that firm and their families deserve a "fair shake" from the Commerce Department.

The implications are even broader. Seven large corporations or major divisions located in Detroit and the downriver communities have closed their doors during the current depression in the area economy. The general economic recovery you anticipate to begin this summer will arrive too late to prevent the closure of McLouth. Your Administration places great stock in the role of expectations in turning around the current economic situation. Your intervention to save McLouth would be a positive sign of good faith with the people of Detroit and the downriver communities.

It is in your power to see that McLouth receives an expedited, fair review of its EDA Loan application. We urge you to take this small but essential step to save the firm and stem the hemorrhaging of the Michigan economy with all its attendant human suffering.

Sincerely,

JOHN D. DINGELL,
Chairman, Committee on Energy and Commerce.
WILLIAM D. FORD,
Chairman, Committee on Post Office and Civil Service.
JAMES J. BLANCHARD,
Chairman, Subcommittee on Economic Stabilization, Committee on Banking, Finance and Urban Affairs.

STEELWORKERS VOICE OPPOSITION TO ADMINISTRATION'S POLICIES

(Mr. FORD of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FORD of Michigan. Mr. Speaker, I rise to tell you and my other colleagues of still another economic crisis which looms over the horizon in Michigan. Already our automobile and housing industries have withered on the vine because of a depression, and every other industry has been deeply affected. On April 27, approximately

1,000 steelworkers from the Downriver Michigan area will arrive in Washington to voice their opposition to the administration's economic and jobs policies. A good many of these workers have been terminated and the rest face the dismal prospect of losing their jobs should McLouth Steel Corp. close its doors.

I stand with these workers in not supporting a budget that continues to take the most from middle-income families, and from those who have the least. Furthermore, I will not support a budget that repeats the economic and geographic inequities of last year. There are also serious questions about a trade policy that allows our foreign competition to obtain over 25 percent of the domestic steel market through unfair and subsidized dumping.

The McLouth shutdown can be prevented if the Reagan administration is truly committed to saving 3,700 American jobs. I hope and pray that the letter sent to President Reagan by me and two of my colleagues—Congressman DINGELL and Congressman BLANCHARD—will receive favorable consideration. In this letter, we have urged the administration to approve a $30 million loan to McLouth Steel from the U.S. Department of Commerce. It will be a tragedy for our communities, for our State, and for our Nation if this loan is denied and a modern and technically advanced steel company such as McLouth is forced to close up shop.

THE FALKLANDS CRISIS—JEANE KIRKPATRICK REDEFINES ARMED AGGRESSION

(Mr. SEIBERLING asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, it is a source of deep concern for Members to find, upon return from the 2-week district work period, that the Falkland Islands crisis appears to be no closer, and possibly even farther, from solution. One must hope that Secretary Haig, in his private negotiations, is giving a much clearer signal to the Argentine aggressors than is apparent from the public statements that have been made by various members of the administration, including the President himself.

In fact, the clearest statement, and one that should have been made by the administration, was that of Senator CLAIBORNE PELL, who undoubtedly expressed the views of the vast majority of the American people when he said that Argentina should understand that in a showdown, the American people would side with the British.

By contrast, we have the almost unbelievable statements of our United Nations Ambassador Jeane Kirkpatrick. Interviewed on the CBS program "Face the Nation," she made the astounding rationalization that the Argentine military occupation of the Falkland Islands was not armed aggression because Argentina claimed ownership of the islands.

As the distinguished writer Anthony Lewis stated in an article printed in the Akron Beacon Journal of April 16, Ambassador Kirkpatrick's position adds up to this:

Perfectly clear: Aggression is not aggression if the aggressor claims he is the rightful sovereign of the land he invades. So Hitler was not an aggressor when he gobbled up the Sudetenland in 1938, because he claimed that the Czech territory was really German.

When you think of it, Kirkpatrick's statement becomes even more astounding when you realize that she represented the United States in the United Nations Security Council meeting which voted to condemn Argentina's act of aggression in the Falkland Islands.

If Ambassador Kirkpatrick's thinking is any indication of the state of mind of her superiors, it is not hard to see why success in the negotiations to end the crisis has thus far been denied them.

The full text of the Anthony Lewis article follows these remarks:

JEANE KIRKPATRICK REDEFINES ARMED AGGRESSION

(By Anthony Lewis)

Anyone who wants to know why U.S. foreign policy is up to its neck in disasters these days will find illumination in some recent comments by Jeane Kirkpatrick, President Ronald Reagan's ambassador to the United Nations. She was defending her decision to appear as guest of honor at an Argentine Embassy dinner the night after Argentina invaded the Falkland Islands.

Mrs. Kirkpatrick was asked about the dinner on the CBS interview program *Face the Nation.* She said the administration had shown its disapproval of the invasion by voting in the U.N. to call for Argentina's withdrawal. Then why go to the dinner? Because, she said, "the United States has never taken a position on the ownership of those islands."

George Herman of CBS asked, "We have a position on armed aggression, though, don't we?" After some preliminary sparring Mrs. Kirkpatrick said:

"Now, look, one has to be clear about this, I think. Armed aggression would take place in a clear-cut way against territory on which there was clear-cut ownership. The Argentines, of course, have claimed for 200 years that they own those islands. And the British have said that they own those islands. Now if the Argentines own the islands, then moving troops into them is not armed aggression."

Perfectly clear: Aggression is not aggression if the aggressor claims he is the rightful sovereign of the land he invades. So Hitler was not an aggressor when he gobbled up the Sudetenland in 1938, because he claimed that that Czech territory was really German.

If Mrs. Kirkpatrick had wanted to give a candid explanation of the decision, she might have offered one of the following:

We in this administration think we have to line up as many countries as possible in the fight against world communism. Argentina has an important role to play.

It is true that some unpleasant things have happened in Argentina, such as the "disappearance" of thousands of people. But toughness is required to defeat leftwing terrorism, and that inevitably means there will be some excesses. As I suggested after visiting Argentina and Chile last summer, those countries could give good advice on how to prevent the spread of guerrilla war through Central America.

If you think about the explanation that Mrs. Kirkpatrick gave, or about the unspoken ones inherent in our policy toward Argentina over the last year, you see the fatal characteristics of the Reagan foreign policy: invincible ignorance, unyielding ideology.

Color some regime "anti-communist," and it earns our embrace. It does even though it is a brutal and incompetent tyranny. It does even though it works hand-in-glove with the Soviet Union. Ideological preconceptions prevail in the teeth of the facts.

URGING PASSAGE OF LEGISLATION TO ALLOW FORMATION OF EXPORT TRADING COMPANIES

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, I would like to take this opportunity to commend the chairman of the House Banking, Finance and Urban Affairs Committee for introducing and scheduling subcommittee action on H.R. 6016, a bill to allow the formation of export trading companies. As a cosponsor and strong advocate for this type of legislation since the 96th Congress, I am extremely pleased to see the committee on which I serve take positive steps toward passage of this legislation.

Each and every Member of this body should be keenly aware of the value of U.S. sales abroad to our national economic health; therefore, I should not need to reiterate the importance of export promotion to my colleagues.

They should be aware, however, that overall world trade volume grew only 2.5 percent in 1981, compared to a 4.5-percent growth rate in 1980. The value of those exports fell 1 percent to $2 trillion, the first decline in value since 1958. Given these deteriorating economic conditions, Congress must move aggressively to give American exporters and potential exporters the tools to compete effectively in a tough international market. Passage of legislation such as Congressman ST GERMAIN's bill will be a big plus in that effort.

I commend Chairman ST GERMAIN for his actions in this regard and urge my colleagues to join in support of this vital legislation.

OMNIBUS CONGRESSIONAL COMPENSATION REFORM ACT OF 1982

(Mr. LEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEE. Mr. Speaker, I am extremely pleased today to offer, on behalf of a number of my colleagues on both sides of the political aisle, legislation designed to bring a sense of integrity to the systems used by the Congress to compensate the Congress. It is titled the "Omnibus Congressional Compensation Reform Act of 1982."

We feel that our legislation may be the most comprehensive package of congressional pay and benefit reforms to be offered in this legislative body since approval of the Constitution. We also know that it comes at a time when Congress badly needs to take positive steps to adjust America's perception of this institution.

You will each soon receive a "Dear Colleague" letter explaining this legislation. We urge that you take the time to review it and to join us as cosponsors. It's provisions, for the most part, will be familiar to you since this bill is a consolidation of the concepts contained in a broad range of bills which each of today's sponsors have offered or promoted in individual bills in the past. I am extremely grateful to each of them for their cooperation, support, and enthusiasm for our task.

Even though we, today, feel that there is an urgent need to approve this legislation, I would be remiss if I did not also remind you of the deep historic precedent for our action. The original Bill of Rights—in 1789—was offered to the States with 12 amendments. One of the two which were not ratified at that time addressed the matter of Congress own compensation—an issue that is before you now, a concept that is part of today's package.

So much for the infallible Founding Fathers idea.

In brief, the measure we offer today seeks to reach three primary objectives with congressional compensation procedures:

First, it seeks to prevent any opportunity for a seated Congress to enhance its own economic conditions, but instead implements a system of deferrals which can lead to a fair and equitable review of compensation criteria as it applies to the office of a Member of Congress, not the personality in that office.

Second, it seeks to assure that Members of Congress may not—simply because they were elected—be placed outside the same provisions of law which apply to all other American taxpayers.

Third, it seeks to instill a sense of responsibility for its actions in the Congress and to eliminate forever the opportunity—or need—to bury its own benefits in obscure corners of irrelevant legislation.

I hasten to emphasize that you will find nowhere in this legislation any judgments about how much Congress should be paid or be taxed or what, if any, restrictions should be placed on earnings, taxation, or any other areas of compensation. These are areas which seem to be severely tender subjects in Congress.

It imposes no ceilings and, other than to ask Members to do their taxes just as any other American, it takes nothing away from Congress. These are judgments reserved for later Congresses.

Our purpose is only to set a fair and responsible framework in which those later judgments can be made.

I am privileged today to present legislation with my fellow sponsors—many notable and outspoken critics of the process used in past Congresses and many authors of individual legislative remedies—on behalf of Mr. GRISHAM of California, Messrs. CORCORAN and SIMON of Illinois, Mr. MILLER of Ohio, Mrs. ROUKEMA of New Jersey, Mr. GOODLING of Pennsylvania, Mrs. BOUQUARD of Tennessee and I am also pleased to be able to announce that identical, companion legislation is being introduced today in the U.S. Senate by Senators WILLIAM PROXMIRE and STROM THURMOND.

We have the chance now to do something for our constituents, for the image of this and Congresses to come, and for ourselves. I urge you to take advantage of this by learning more about, and by becoming a cosponsor of the Omnibus Congressional Compensation Reform Act of 1982.

Thank you.

FACT SHEET ON B-1 BOMBER

(Mr. BADHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BADHAM. Mr. Speaker, there have recently been a number of well-meaning proposals for reducing, or restructuring the proposed fiscal year 1983 defense budget. Some of these proposals are worthy of consideration. However, I have been surprised and concerned over recommendations to forgo the production of the B-1 bomber in exchange for a full-out development of Stealth-technology bomber. Although our present budgetary situation contributes to making this option attractive, serious examination of this proposal leaves no doubt that the termination of the B-1 program would be a tragic mistake for our national security.

The need to replace our aging fleet of B-52's is obvious to anyone who has taken the time to examine their condition. The B-52's, which are older than many of the pilots who fly them, will soon be unable to carry out the vital missions which are part of our defense requirements. Their safety is questionable, breakdowns have resulted in a lack of readiness, spare parts are hard to come by, and the maintenance costs are enormous. The B-52's are sitting ducks not only on the ground, but in the air as well.

A manned bomber capable of penetrating Soviet air defense is a strategic imperative, not only for a flexible nuclear response, but also for the conventional utility which is gained through the use of the bomber. The manned bomber's versatility has been demonstrated in numerous instances over the last 40 years. During World War II, it was Allied air power which successfully enabled the invasion of Normandy, and which eventually brought the collapse of the German economy. At the time of the Cuban missile crisis, it was our bomber force which was sent aloft to send the Soviets an unmistakable and persuasive message. The manned bomber can temporarily furnish the firepower of a large aircraft carrier with just a few runs. It can provide a variety of conventional naval tasks such as sea surveillance, mine laying, and antiship warfare; or it can provide essential support to a rapid deployment force. The manned bomber can respond to the dynamics of any given conventional or nuclear battle scenario with onboard human intelligence.

Several points are being used as rationale for the termination of the B-1 program: First, Stealth technology will supposedly provide a better aircraft, and second, the B-1's cost is supposed to be more than we can afford at this time. Both these contentions are wrong. What is not very well understood is that the B-1 and the proposed Stealth aircraft have different features which enable them to do different things. In order to project a smaller radar picture, the Stealth designers traded off many of the flight characteristics which are needed by a penetrating bomber. The B-1 is faster, more maneuverable and contains a better low-altitude capability than the proposed Stealth. This, coupled with Soviet radar-detection advancements may well make the Stealth undesirable by the time it is developed and produced. The B-1, which has one-hundredth the radar cross section of the B-52 at threat radar frequencies is ready to be produced today.

Critics of the B-1 program contend that the plane is too expensive. With a lifespan of 30 years, the B-1 is the most cost-effective strategic weapon that we can buy. According to the Pentagon, the costs of maintaining an adequate force structure to the year 2000 are as follows:

	Billions
B-1	$100
Advanced technology bomber	112
B-1/ATB	114

One hundred B-1's are expected to be delivered by 1988, at a total cost of $20.5 billion in 1981 dollars. Although this price is considerably higher than was originally projected when the planes was first developed, the price escalation is not due to bad contracting or development. Rather, it is because the continued cancellation of the B-1 program has wasted time and has added billions of dollars to the program. In addition, the CIA estimates that the Soviet Union will spend about $115 billion in the 1980's on air defense, due in large part to the threat of a manned bomber. Thus, the immediate production of the B-1 will have an enormous payoff, simply by forcing the Soviets to spend large amounts of their military budget on defensive, rather than offensive systems.

The time has come to get on with the B-1's production. It is an affordable, effective weapon which is vital to the enhancement of our military capability and national security.

DISCUSSION OF FARM ECONOMIC PROBLEMS ANNOUNCED BY CONGRESSMAN BILL ALEXANDER OF ARKANSAS

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and to include extraneous matter.)

Mr. ALEXANDER. Mr. Speaker, farm income. when adjusted for inflation, is currently at its lowest level since 1932. Over the last decade, farm production costs have increased 2½ times, while farm prices have only increased 2⅓ times. The farm recession is severe, and will not improve until high interest rates are brought down and efforts are made to rasie farm prices. Exorbitant interest rates are placing farm credit out of reach. The recession has begun to erode the value of the most basic farm asset—the land.

Recent farm sales point out the fact that the land now commands less value than it did earlier this year. The plight of the farmer and the farm community is crying out for attention and correction.

So, I have organized the discussion of the economic problems facing the farmer during the House proceedings of Wednesday April 28, 1982, and I invite all Members of the House to participate in that discussion. Already agreed to participate is the chairman of the House Agriculture Committee, Congressman KIKI DE LA GARZA from Texas, Congressman TOM FOLEY of Washington, and other Members of the House.

Topics of discussion include interest rates, commodity prices, farm income, farm debt, land value, cost of production, farm exports, unfair trade practices against the American farmer, analysis of the President's fiscal year 1983 budget, amount of disposable consumer income paid for farm production, and other matters thereunto pertaining.

WITHDRAWAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE RESOLUTION 265 AND HOUSE CONCURRENT RESOLUTION 297

Mr. PORTER. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of House Resolution 265 and House Concurrent Resolution 297.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

SOCIAL SECURITY COST-OF-LIVING BENEFIT REDUCTIONS NOT NEGOTIABLE

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, during the district workweek period that just expired, as other Members, I have had occasion to speak to many of my constituents. The question that came up more frequently than any other was, what were we in Congress, and especially what were we Democrats, are going to do about the apparent insistence of the President and the other party to cut back on social security cost-of-living adjustment benefits.

I have told them that as far as I was concerned that that was not negotiable and that I know that many other Members feel the same.

Mr. Speaker, I would hope that we would remember that the reason that we are in such economic chaos is because last year the President insisted on that incredible $750 billion tax giveaway; that he is insisting on giving the military more than it can possibly use wisely, and as a result he has created annual budget deficits in excess of $100 billion for the foreseeable future.

□ 1630

Mr. Speaker, those huge deficits ought not now be balanced on the backs of the poor, the elderly and the disabled of our country.

REMEMBERING THE HOLOCAUST

(Mr. LANTOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. LANTOS. Mr. Speaker, our Congress and our President have just participated in a somber and moving remembrance of the Holocaust—a nightmare of man's ultimate inhumanity to man.

The duty of all civilized and decent human beings is not only to remember the cruel insanity of the Holocaust, but also to act every day of our lives to prevent its reoccurrence in whatever form.

It is with a heavy heart, but with deep gratitude that I am placing in the RECORD the words spoken by our President and by Elie Wiesel, the chronicler of the Holocaust on the occasion of the remembrance services in the White House and in the Rotunda of our Capitol.

REMARKS OF THE PRESIDENT AT DAYS OF REMEMBRANCE CEREMONY TO PAY TRIBUTE TO HOLOCAUST VICTIMS, APRIL 20, 1982

The PRESIDENT. Good afternoon and welcome to the White House. And I just said outside—before I make the remarks that I have intended to make, it might be appropriate to mention I received yesterday an Easter greeting—small, obviously handmade, and artistically done—and particularly when you consider that it probably had to be done in secret and then smuggled out of where it was done—it was from internees in one of the prison camps in Poland today. And it contained a message of thanks to us for what we're trying to do in their behalf. And I thought it was a pretty good reminder at this particular season that the things that bring us together here are still possible in the world.

I understand many of you just arrived in here from the Rotunda. Our gatherings today—at the Rotunda, here in the White House, and in meetings across the land—reflect the magnitude of what has brought us together. Thirty-seven years ago, as the conflagration in Europe drew to a close, our eyes were opened to a new tragedy of such proportion that even now we can't grasp the horror of it.

There were millions of victims of the holocaust. Such vast figures have a way of blinding us to the humanity behind the numbers.

Today, perhaps for a moment, we should think of those who are not with us. We miss these people, though we were never permitted to know them. God understands how different, I'm sure—and only God—our lives would be had they been permitted to live.

There was Isaac Rudashevski, a young Lithuanian trapped in a ghetto at 15 years of age. Instead of giving up hope, he concentrated on reading and learning. His diary described his appetite for books. "The book unites us with the future," he wrote. "The book unites us with the world." Isaac did not survive. And one can only speculate what he might have become—an author possibly, and the world might have been drawn a little closer because of his contributions.

Charlotte Salomon, a talented painter. She left a selection of artwork, but her life was cut short. We can only wonder what she might have created for us.

Marrisha Eisenstadt was the daughter of a director of the Warsaw Synagogue. We're told her voice was so beautiful that she was called the "Nightingale of the Ghetto." and she was killed during the liquidations, and we'll never know the comfort of her song.

And Hana Senesh, originally from Hungary, made it safely to Israel. And she courageously parachuted back into Hungary in

hopes of saving others, and instead she, herself, was a victim. She left behind some of her poetry. But not enough—not nearly enough.

And then there was Moses Flinker, a sixteen year old Dutch boy. His diary tells us that while he was in hiding he decided he would become a statesman in Israel when the war was over. He wrote that after making the decision to go into politics he decided to study Arabic. Why? Well, he knew that Israel would have to live in peace with its neighbors, and he wanted to possess the skills necessary to help in that task.

In a few days, Israel will return the final portion of the Sinai. We could only wonder what kind of contribution Moses Flinker would make if he were here with us.

We fervently pray that the return of the Sinai will be accepted for what it is—a magnificent act of faith by Israel for the sake of peace. It's a noble expression by a people who have suffered so much.

The United States is grateful for their step which reinforces our firm commitment to Israel's security. Today we're reminded that we must be sensitive to the history of a people whose country was reborn from the ashes of the Holocaust—a country that rightfully never takes its security or its survival for granted. With this in mind, all peace-loving people should applaud Israel and Egypt for what they have done.

Those who died cannot be with us, but they have a contribution to make. Their voices from the past cry out for us never to tolerate hatred or bigotry. Their voices can be heard even now.

Those who survived also remind us of heroism and dignity in the face of adversity, of truths discovered in the midst of pain and suffering.

Viktor Frankl, a prisoner of Auschwitz, later became a well-known professor of psychiatry and an author. He discussed some of his observations in his book, Man's Search for Meaning. "We who lived in concentration camps," he wrote, "can remember the men who walked through the huts comforting others, giving away their last piece of bread. They may have been few in number, but they offer sufficient proof that everything can be taken from a man but one thing: The last of the human freedoms—to choose one's attitude in any given set of circumstances, to choose one's own way."

We of today must choose how we will respond to the Holocaust. Let us tell the world that we will struggle against the darker side of human nature; that with God's help, goodness will prevail and those who lost their lives will not be forgotten.

If you will permit me, I'd like to mention one last victim of the Holocaust. He is a victim, yet he may also be a survivor. During the dark years when the world began to realize what was happening, there were those among us—heroes who risked their lives trying to save people, often total strangers from the camps.

In Assisi, Italy, for example, almost the entire population risked their lives hiding Jews throughout the town. And some years ago when I was in Denmark to celebrate the Raybill's Society Fourth of July celebration, the largest celebration of the Fourth of July, our American holiday, outside the United States. And I learned there how in the Nazi occupation of Denmark, when the order came out for the Danes to turn in their Jewish neighbors, the next day every Dane appeared on the street wearing a Star of David.

But the one man who I think must be remembered above all was Raoul Wallenberg. One such man, at incredible risk, saved tens of thousands. And on this day of remembrance let us especially recall this man, and if he is alive, as some suggest, let his captors know that they will be forgotten long before Raoul Wallenberg is forgotten.

Let us also bear in mind on this special day that the entire human family now faces the threat of a different kind of holocaust—a nuclear holocaust. May the remembrance of past victims of man's inhumanity to man strengthen our resolve to seek a just and peaceful world for ourselves and our posterity.

And again thank you all for being here today. [Applause.]

REMARKS BY ELIE WIESEL, CHAIRMAN, U.S. HOLOCAUST MEMORIAL COUNCIL APRIL 20, 1982

Mr. Speaker, Members of the Senate and the House of Representatives—friends,

On behalf of the Holocaust Memorial Council it is my honor and privilege to thank you for joining us at this solemn assembly of remembrance. With the sole exception of the State of Israel, ours is the only nation that has chosen to annually commemorate the victims of the holocaust at a national cememony—and we are grateful to both nations.

One day, when the memorial will be completed, we hope to be able to tell you, our friends in the Senate and the House, how much we owe you: For us, survivors, gratitude is the most human of virtues. We know how to say thank you. Having been spared—for reasons we do not comprehend—we realize that every minute means grace: We must be grateful for every day we live—and for every friend who is willing to share our awesome responsibilities.

So—thank you, Mr. Speaker: You have been with us from the first day. My friend Sidney Yates—thank you for your tireless and gracious efforts on our behalf. We thank all of you.

On behalf of the council, I would also like to commend this administration for its investigation and prosecution of Nazi war criminals who have been living in this country. Under the leadership of Allan Ryan, the Office of Special Investigations of the Department of Justice has done exceptional work in prosecuting these perpetrators of crimes against humanity. We, of the council, urge our government to continue its pursuit of justice.

Let us remember that what Nazism did to its Jewish victims was considered to be legal. It was legal to imprison political adversaries, it was legal to practice euthanasia on mentally retarded patients, it was legal to hunt down and execute resistance-fighters, it was legal—and commendable—to push Jews into ghettos to torment them, to torture them, to gas them, to burn them: Everything was done with so-called due process, according to German law. That means: The Nazis had corrupted the law itself. They made it into a weapon against humanity. Remember that it can be done—for they did it. The law itself became immoral. Inhuman.

The same applies to culture, Mr. Speaker. When culture lacks the necessary ethical dimension, it ceases to be a shield against evil. Quite the contrary: It attracts it.

Why, Auschwitz? Why, Majdanek? How is one to explain that these monuments of evil and death dominated the heart of European civilization and christendom? The killers did not come from the underworld; they were highly educated persons, and some of them had college-degrees and PhD's in medicine, physics, and liberal arts.

On January 20, a secret meeting took place in Wansee, near Berlin, to discuss the definitive plans for the "final solution" of the Jewish problem—in other words: For the extermination of all Jews everywhere.

Read the list of the participants: High officials from all the ministries—and most of them had doctorates in jurisprudence and philosophy.

I remember: A young Yeshiva-student arrived in Birkenau. In less than one hour he lost sight of his sisters. Of his mother. He saw the barbed-wire. The death-producing machinery. It all worked. No chaos, no confusion. The system worked: There seemed to have been some weird logic to it. It seemed rational. We were in a different world, a different universe, in a different time: We belonged to a new species. Death seemed natural and life did not. Cruelty was the rule, not the exception.

What hurt and pained us more: The cruelty of the executioner or the indifference of the bystander? True, there was a war going on—a world war. The Allies fought for the honor of mankind and sacrificed their best youth in battle. Morally, this nation has never attained such heights as when it led the free world in combat against facscism and nazism. And we are grateful to its people.

But, from the viewpoint of the Jewish victims in the ghettos, in the camps, on the way to the mass graves, it seemed that they had been forgotten. Abandoned. There had been opportunities to speak up; to make gestures; to issue warnings. To save some lives. To save some children. And * * *.

We all know what happened, or rather: What did not happen. Everybody was busy with the war, and the Jews—only the enemy remembered the Jews.

That they did not despair, that they had not given up on mankind and its illusions, is something that escapes me. They were alone—the loneliest in the world. And yet, they found strength and courage—and faith—to resist the onslaught: Some with weapons, others with prayers. Both are equally worthy of our compassion and melancholy admiration. Just remember: The uprising in the Warsaw ghetto was the first civil insurrection in all of Nazi-occupied Europe. And there were others, in other ghettos—there were uprisings in the death-camps; Sobibor, Treblinka, Birkenau * * *. How did they do it? The Warsaw ghetto High Command was mainly composed of youngsters, teenagers, who had no military background. No weapons. No allies. Every underground of every occupied nation had resources sent from London, Washington or Moscow—except the Jewish underground. Its gallant, brave fighters felt betrayed. And they were.

And yet, and yet: they all wished to bear witness for the sake of other people, for the sake of future generations.

This is our duty as well: to bear witness.

For six million Jews who perished in the Holocaust and millions of other victims of Nazism. For the Holocaust was a Jewish tragedy with universal implications. "When a Jew is beaten down," said Franz Kafka, "it is mankind that falls to the ground." In murdering Jews, the Nazis maimed humanity itself. Thus, in remembering the Jewish victims, we remember those who tried to save them—and those who fought their common enemy in the Resistance, with the Partisans in France, Poland and—of course—in Denmark.

But our memories include more than our own lives—more than our own dreams. We

chose to tell the tale not for our own sake, but for mankind's. We chose to speak because we believe that this Event should and will sensitize all people to injustice and humilitation and war. Only if we remember what was done to one people, will we prevent the world from becoming victim to its own possible and seemingly inevitable insanity.

That is why we are all so traumatized. Especially, we who survived the Event. We are like strings exposed to the wind; we capture sounds and signals. We have special antennas—we serve as warning-systems. Before everyone else, we feel when things are about to go wrong for Jews—and therefore for mankind.

And they are going wrong. Tension. Racial conflicts. Hunger. Fear. Terrorism. Nuclear proliferation. And—how can I not mention some Jews who still suffer for their Jewishness? The refuseniks in Russia: Ida Nudel, Vladimir Slepak, Anatoly Scharansky? or the 28 thousand Falashas in Ethopia? Or the Jews in Syria who live in constant terror? And—collectively—the State of Israel to whom all Jews, all men and women of conscience and goodwill, are so totally attached: We must all help Israel in her solitude, we must stand by her. Jews should not feel alone again—anywhere.

In conclusion, I would like to tell you a story: It happened late September 1941 in Kiev. At Babi-Yar. The story was told by an eyewitness named B. A. Libman and reported in the stunning volume of chronicles "The Black Book": Having hidden in a basement for several days, a Jewish mother took her two children and left for the countryside. Drunken Germans stopped them at the Galitzky Market. Before the mother's eyes—laughing—they decapitated one child. Then the other. Insane with grief, the woman seized her two dead children, clapsed them to her breast and began to dance.

We owe it to the mother and her dead children not to allow the killer to go on laughing.

MEMPHIS, TENN., WELCOMES THE QUEEN OF THE NETHERLANDS ON HER VISIT

(Mr. FORD of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FORD of Tennessee. Mr. Speaker, it is my pleasure to join in the welcoming of Her Majesty Queen Beatrix and her husband Prince Claus of the Netherlands on the occasion of our bicentennial celebration of the establishment of Dutch-American relations.

The Netherlands have been called our oldest friends, and my hometown of Memphis, Tenn., which I now have the honor to represent in Congress, is very fortunate in having its own special relationship with the Netherlands. This friendship began long ago when trade relations drew the Netherlands' great textile interests to Memphis, the world's largest spot cotton market. As trade relations grew, so did the personal friendships which soon followed.

The strength of these bonds was tested by the ravages of the Second World War, which decimated so many Dutch towns and cities. In a commitment to their many Dutch friends, Memphians established the Memphis International Center to promote good will and rebuild trade relations. Memphians also filled "Friendship Boxes" of food and clothing under the American relief for Holland program.

Memphis' participation in this program did not end until 1953 when the task was complete. Memorably, the town of Enschede, Holland, became a sister city of Memphis as a result of these events, and even today, Enschede has a hotel named after Memphis.

In recognition of Memphis' special relationship with the Dutch, Memphis has chosen to honor the Netherlands this year at its annual Memphis in May International Festival. Among the most exciting events planned are the Netherlands-American Bicentennial Tattoo and such art exhibits as "The Genius of Van Gogh." I hope that all Americans will have the opportunity to join in this celebration.

Memphis is very proud of its historical friendship with the Netherlands. Every Memphian joins me in welcoming the royal couple to our shores. We look forward to many more years of our long and special relationship with the Dutch.

TOSCO COLONY OIL SHALE PROJECT: THE BEST OF A SORRY LOT

The SPEAKER pro tempore. Under a previous order of the House, the gentlemen from Illinois (Mr. CORCORAN) is recognized for 5 minutes.

● Mr. CORCORAN. Mr. Speaker, the Federal Government has provided a loan guarantee of $1.1 billion to the TOSCO Corp., to fund 75 percent of TOSCO's costs for its share of the Colony oil shale project. TOSCO, which began the project in 1964, owns 40 percent of Colony through a subsidiary known as the Oil Shale Corp., Exxon Corp. is the majority partner in the project by virtue of its purchase in the summer of 1980 of Atlantic Richfield Co.'s 60 percent interest.

In November 1980, TOSCO applied for a loan guarantee under the DOE-administered "fast-start" synthetic fuels program. TOSCO reported that the total cost of construction of the Colony project would be $3.1 billion, a figure depicted as reliable because, "the Colony project has had a detailed, comprehensive and stable design since 1974." TOSCO affirmed this $3.1 billion figure as late as October 1981.

In November 1981, the loan guarantee agreement was formally executed by TOSCO and DOE. TOSCO received the first $23 million of federally guaranteed loan proceeds, not from a private lender, but in direct outlays from the Federal Financing Bank at interest rates well below what other commercial borrowers would have to pay.

Sixty days later, TOSCO told the Synthetic Fuels Corporation, which the project's administration has been transferred, that the project costs had increased nearly 20 percent, to $3.769 billion. Exxon, however, which is now in control of the day-to-day operation of the project, estimates that the project will cost nearly $5 billion, an increase of more than 56 percent. Independent cost analyses of the project done by DOE and consulting firms support the Exxon estimate. One report has placed likely project costs at $5.5 billion.

What happened? According to the DOE report—

> The project status as represented by the current project designs has regressed from the "definitive" state of development depicted by the designs contained in the loan guarantee application because of significant changes made by Exxon.

So much for "stable" designs and the decisions which were made in reliance upon the maturity of the TOSCO project.

TOSCO is now scrambling to get the $400 million over and above the Federal loan guarantee it needs to fund 40 percent of a $3.8 billion project. The Synthetic Fuels Corporation has been negotiating with TOSCO to determine whether the loan guarantee agreement should be terminated. The status of the project has been made more precarious by a dissident stockholder suit charging that TOSCO should bail out of the project and exercise a contractual right to sell TOSCO's interest in the project to Exxon.

Meanwhile the price of crude oil continues to decline, widening the gap between crude oil and syncrude oil. A key economic assumption in the original loan agreement was that the price of crude oil would increase from $37.50 per barrel in June 1980 at a rate of 10 percent per year. This would put crude oil at about $66.45 per barrel in June 1986, the year when TOSCO is expected to begin full production of synthetic crude oil. At a price less than this, syncrude from a $3.1 billion plant would not be marketable.

If a 20-percent more expensive project means that the crude oil it produces is also 20 percent more expensive, the bad economics of this project are made even worse.

This sounds like a mess, does it not? And yet Chairman Noble of the SFC recently testified before the Fossil and Synthetic Fuels Subcommittee that this is one of the best designed and best managed of all synthetic fuels projects. From this, one can only conclude that the TOSCO project is not an isolated boondoggle but a symptom of the fundamental misjudgment reflected in a program of massive corporate subsidies designed to force the

rapid development of a production capability for a product that may not be economical until the 1990's.

If a synthetic fuels crash production program ever made sense, it does not now in the middle of a terribly difficult struggle to control Federal spending. Let us revisit the synthetic fuels program. As the case of TOSCO so forcibly points up, things have changed since 1980.●

THE FARM EXPORT PROTECTION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. EMERSON) is recognized for 10 minutes.

Mr. EMERSON. Mr. Speaker, today I am introducing legislation which is designed to protect America's agricultural producers. The legislation would prohibit the Government of the United States from imposing restrictions upon the export of agricultural commodities which would interfere with valid export contracts, provided the contract was entered into prior to the time such restrictions are imposed.

We all know the severe consequences of the embargo that was implemented several years ago, because our farmers are still reeling from this ill-conceived plan. This bill attempts to return certainty and reliability to the commodity marketplace.

American farmers produced a bin-busting crop in 1981. This combined with 2 consecutive years of weak commodity prices, has placed tremendous financial pressure on the American farmer. Thus, to even consider an embargo would severely cripple the farm economy. Agricultural producers are willing to make sacrifices to help meet our national security goals. However, they want those sacrifices to bring about the desired results. During the previous administration's embargo the farmer watched, helpless, as farmers and shippers from Argentina, Canada, and Australia increased their foothold in his once reliable market.

At this point, I think it is important to remind my colleagues of the tremendous contribution that our farm exports make to this Nation's economy. Since 1970, the value of U.S. agricultural exports has increased more than sixfold, reaching $44 billion in 1980–81. Export volume has more than doubled in these same years. Our agricultural balance of trade has been in surplus in each of these years, rising from $1 billion in 1970 to over $26 billion during the last fiscal year.

Agricultural exports provide about one-fourth of U.S. farm income and the harvest from almost two-fifths of our cropland is sold in foreign markets. Agricultural exports also generate jobs—more than 1 million people are working full time in farm export related jobs. Moreover, agricultural exports create additional business activity: Every dollar that is returned to the United States from farm exports is more than doubled in business activity.

To conclude, I believe this legislation will send a clear signal to our trading partners that we will honor our contracts, thereby protecting the rights of our farmers and grain exporters to sell their grain abroad. Further, I suspect that our arsenal of foreign policy tools contains more effective instruments, for dealing with Soviets, than the farmer's livelihood, our agricultural commodities.

EVERYBODY OUT OF STEP BUT THE PRESIDENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 5 minutes.

● Mr. REUSS. Mr. Speaker, new information on the economy illustrates the dismal times just behind us and suggests that we have more dismal times ahead. Based on data released today, the performance of our gross national product in the first year of the Reagan administration has been worse than the comparable period under any of his six predecessors—the worst first Presidential year since quarterly data began to be published in 1947. Table I shows the change in real gross national product in the first four quarters after the inauguration of each President since Dwight D. Eisenhower. It shows that every Democratic President produced significant increases in real GNP in his first year in office, averaging 5.2 percent. Every Republican President produced declines, averaging −1.2 percent. But Ronald Reagan's administration, −2.2 percent, takes the prize.

TABLE I.—*Change in real GNP four quarters after inauguration*

President:	*Percent*
Eisenhower	−2.0
Kennedy	+7.0
Johnson	+4.5
Nixon	−0.3
Ford	−0.02
Carter	+4.2
Reagan	[1] −2.2

[1] Preliminary estimate.

Source: Department of Commerce (Quarterly data on real GNP not available before 1947.).

The President has refused to accept responsibility for the economy's dismal performance in his first year. He produces a new alibi every time the question comes up.

In his first news conference of the year, after a full year in office, the President blamed the Carter administration. Rising unemployment, the President states, was merely "a continuation of the increase that got underway in the last several months of 1980." In fact, during that period, employment was growing and unemployment was declining.

On March 17, in Oklahoma City, the President blamed the press for overplaying stories about unemployment. "Is it news that some fellow out in South Succotash someplace has just been laid off?" the President asked as he complained about the "downbeat" attitude of the press toward his program.

On April 15, the President blamed the statisticians, implying that they were deliberately distorting the unemployment numbers. The "funny way of counting" described by the President turned out to be nothing more than the normal procedures used to adjust the data for seasonal influences. It's true that the unadjusted numbers, which the President chose to single out for the eighth graders in Chicago, showed a small drop in unemployment. But 3 months ago, in January, when there was a drop in the seasonally adjusted unemployment rate, the President refrained from mentioning the unadjusted figures, which rose from 8.3 to 9.4 percent.

On April 17, the President blamed women. "Part of the unemployment is not as much the recession as it is the great increase in the people going into the job market * * * the increase in women who are working and two worker families and so forth." In fact, the numbers of women entering the labor force in recent months are far below the trend of the last two decades. The 300,000 new female entrants who are unemployed represent only some 15 percent of the total increase in unemployment since July 1981.

There you are: Jimmy Carter, the press, statisticians, woman—everybody out of step but the President.

Instead of excuses, the President owes it to the American people to level with us on the economy's poor performance and get on with the job of achieving recovery.●

MAYOR JANE BYRNE'S FORMULA FOR NEW FEDERALISM: PREPARE FOR THE FUTURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, it is with the greatest pleasure that I am able to share with my colleagues Chicago Mayor Jane M. Byrne's views on the New Federalism. The following speech was to be delivered by Mayor Byrne to the Institute for Socio-Economic Studies in New York. Unfortunately, a winter storm prevented the mayor from making this address.

Through this speech, Mayor Byrne presents a formula for the future which is applicable to every town, city and State in this country. Chicago's mayor is keenly aware of the needs of local government and has a remarka-

ble ability to meet those needs. While Reaganomics has proved to be devastating for cities both large and small, Chicago is faring better than comparable towns. The reason is Mayor Byrne. She is a veteran problem solver and innovator, a person who is not afraid to face a problem and try a new solution.

This attitude of meeting challenges head on is present throughout the mayor's address. I cannot overstate my belief that it would benefit my colleagues to heed her advice and share it with their local officials. Please take the time to read Mayor Byrne's speech which follows:

REMARKS OF MAYOR JANE M. BYRNE

From all appearances, the New Federalism will become a reality. I would rather devote this time to a discussion of how it can work and to what dangers we should avoid.

I know there will be many discussions about the shape of the program. Just last week the Nation's Governors gave little more than a back handed endorsement of the concept. I believe we all sense the mood in the Nation that there needs to be a reshaping of Government. I view the President's proposals as a first step in that process.

There are at least five prerequisites to the success of the President's program and the first of these falls within my own area as a mayor.

The New Federalism does not stand a chance of success unless the governments to which power is being shifted prepare themselves for the added responsibility.

Cities must become more self-reliant, and that in turn starts with fiscal responsibility.

My own confrontation with this issue came almost immediately after I took office in April, 1979, and discovered that my city, "The City That Works," had developed the murky habit of spending more money than was appropriated. Through a dubious bookkeeping method known as "revolving funds," Chicago had accumulated a deficit of nearly $100 million.

At the same time, the city's board of education and the Chicago Transit Authority also were crumbling. Short-term solutions had done them in.

When my budget director and I discovered this fiscal finagling, we could have tried to hush it up and to protect our city's image as a financially sound municipality. More juggling, more shifting of one fund to pay off another could have been our direction, too.

But, I don't think it would have worked for long. The time for candor, for a commitment to fiscal responsibility was upon us. It came to us a bit earlier that it did to other municipalities and States around the Nation, and in a way we can be grateful for that.

Because of the steps we took, Chicago's ability to adjust to the changes brought about under the Reagan administration has surpassed that of just about any other city in the Nation.

What did we do? Many things.

To begin with, we eliminated the revolving fund system and replaced it with a clear and open budget process that reflected our decision to live within our means.

We developed a capital budget which itemized every project planned in the city as well as the cost and status of completion. We restructured our debt and set our city on a path toward fiscal stability.

To rescue our board of education, our team of lawyers, accountants and bankers arranged a $573 million bond issue, bridged loans with city credit and insisted on spending cutbacks and new controls.

For the transit authority, stern reforms and management restructuring, along with a new agreement with union, bought vital time and has kept the system going despite the direst of predictions.

To our commandment to "live within our means," we have since added another rule, "make each dollar go further."

In fact, this too is a goal I established back in 1979 when I first became mayor. Even then I saw a forest-full of dead timber clogging up the system. Padding the municipal payroll with unnecessary workers, and cramming departments with excess personnel, simply because the Federal Government supplied the cash, were practices, I have always had trouble accepting.

Then, and especially now, I ordered heads of city departments to take a fresh look at their activities and to find ways of maintaining essential services by means of sound management and a sharp knife.

We have succeeded to a great extent thanks to a process of streamlining operations, reorganizing departments and eliminating duplication. These efforts paid dividends especially in our departments of health, human services, and senior citizens and the handicapped, where federal cutbacks have been most severe.

Some of the changes we made were subtle, indeed. For example, a new payment plan instituted by the Department of Health will generate some $5 million in new revenues for health care in 1982 merely by requiring patients to pay for each visit at the time of their check-up, instead of by mailing in the payment.

Other actions, while unfortunately costing some city employees their jobs, have permitted many services to continue despite cutbacks.

In the Department of Human Services, for instance, we reduced the number of administrative units and sections and thereby cut the number of higher and middle management staff needed to direct programs. And, while we cut from 36 to 24 the number of community facilities run by the department, we made up for it in part by increasing our monitoring of human service needs at the neighborhood level and by stressing greater cooperation and referral exchange with our private and public agencies.

Creative approaches to improving and maintaining services are also evident in our office for senior citizens and handicapped which has experienced cuts in funding of close to $2 million. The department's home-delivered meals program, for example, will serve 275 more people this year for the same money thanks to the use of volunteers and to a refocusing of services on those with short term needs. The department's legal service program, meanwhile, will be able to maintain important services by eliminating such functions as the preparation of wills, which is done at low or no cost by other agencies and organizations.

Nothing I have said thus far is meant to suggest that I approve or, for that matter, disapprove of the cutbacks made by the Reagan administration. Certainly the city could have found worthwhile uses for every available dollar, but I also understand the need to improve the national economy and the role federal spending plays in that effort.

But that is not really the point. What I do mean to say is that if local and State governments are to be given new responsibilities under the New Federalism, then they had best get about the task of insuring that what they are already doing is managed wisely and well.

That said, I must add that I am convinced that good management is simply not enough. The theoretical reason why States and local governments should be better at administering some programs is that they are closer to and supposedly more in touch with the problems.

I wish I was sure that the theory held water, unfortunately, I've seen all too many problems written off as "hopeless" by administrators who lack the will to go that extra mile.

In my city, the Chicago Housing Authority provided a tragic example. Built by sincere and idealistic men and women, they quickly became warehouses for the poor and disadvantaged. Year after year, decade after decade, the problem was pushed further back until, out of sight, it was out of mind.

Demanding more patrols from the police department did not seem to do the job of curbing the awful crime rate there. Insisting on improvements in maintenance wasn't making a dent. The rats and roaches reigned supreme, and no amount of desk-pounding from my office seemed capable of convincing the people who lived under their rule that anyone gave a damn.

How do you convince your own department heads that you mean business? The only way I could think of was to move in.

You may have read about the days my husband, Jay, and I spent as residents of Cabrini-Green, a public housing complex on Chicago's near north side. My critics tossed our residency off as a publicity gimmick, but time and statistics will prove them wrong. Homicide is down 57 percent. Burglary is down 63 percent. Vehicle theft is down 61 percent. There are those who fear and those who doubt, but even they will learn in time that my pledge is heartfelt: In Chicago, public housing will be decent housing.

You know, our experiences at Cabrini-Green have evidently caused a reaction beyond Chicago's boundaries. Friends on the Federal level have suggested that the Department of Housing and Urban Development are taking a second look at the way they manage public housing across the country. We hope that in a small way we have reminded them that people and governments have an obligation to maintain what they build.

If States and cities are to carry more responsibilities, then they had also better get more creative in the solutions and programs they develop. Consider today's interest rates, for example.

In Chicago, prior to onset of those rates, our city was enjoying a rehab boom. The new three "R's" were rehab, restore and renovate with urban pioneers competing for dusty victorian treasures, solid brick bungalows and other viable properties throughout the city.

Before the soaring rates, the condo boom also spread beyond our famous lakefront to other neighborhoods where investment turned to commitment and entire communities were brought back to residential and economic life.

It was too positive a thing to let collapse under the weight of towering mortgage interest rates.

In October of 1981, we proposed legislation that we believe will ease the crisis. The legislation encourages home ownership, rehabilitation, and new construction in the neighborhoods. In addition to creating more

housing, our legislation also provides lower mortgage payments and thousands of new jobs in the building trades.

Currently, some $25 million in tax-exempt revenue bonds will fund below-market home improvement loans, with half of the loans targeted to low- and moderate-income homeowners. Our Department of Housing expects to see 3,400 15-year rehab loans, ranging from $2,000 to $15,000, issued in the next 18 months.

We're also packaging a $55 million revenue bond issue to finance home mortgages. Because we'll use $5 million in community development block grant funds to leverage this bond issue, and because the bonds are tax exempt, monthly mortgage payments will be less than prevailing rates, and home ownership affordable to more people.

We in Chicago intend to continue to seek innovative ways to keep home ownership affordable to more people, and revitalize our older, but sound housing stock.

And that brings up another point. It isn't just the housing stock of the Nation that is growing old, it is the infrastructure, the streets and sewers, and the commercial and industrial base. If cities and States are to prepare themselves for added responsibilities, these fundamental things must be solid and strong.

I have already mentioned Chicago's capital improvement budget. We are spending some $424 million next year on streets, sewers, bridges and the like. Many older cities are postponing this work, but I firmly believe that to do so is to live with fantasy.

The costs we face are massive. Taxpayers, and that includes me, shake their heads at the mounting bills. But let me add that these investments make more sense than doing what a Presidential commission suggested by recommending public investment be concentrated in the Sunbelt. We have all marveled at the courage of our pioneer forefathers who pushed across the frontiers of this country. Well, those frontiers are gone, but we need to push back across this Nation with the same pioneer spirit and with an aim toward rebuilding the foundation those pioneers laid for us.

Recycling is one way of dealing with the costs. During the last six years, the rehabilitation of cities, particularly Boston, Baltimore, and Chicago, has been an amazing phenomenon. These and others have discovered that it is less expensive to remodel older buildings than to build new.

We in Chicago recently used recycling to solve three problems with one stroke. We were planning to build a new central library building when a classic old loop department store building became available. By using that building we not only cut $10 million from the projected price tag, we slashed months off the work schedule and saved a wonderful structure in the bargain.

Sound planning also is a prerequisite for that firm foundation I've been talking about. In Chicage, our plans call for a $1 billion North Loop project with hotel, office and convention space; a $2 billion South Loop project funded almost entirely with private funds; a half billion dollar Navy pier renovation plan; a $2 billion Illinois Central Railroad air-rights project that is already half complete; and much, much more.

And we want it to be livable. In Chicago, we've seen the economic value of festivals, events and parties that attract residents and tourists alike, and we have developed and are sponsoring more of them than ever before in our history.

Chicagofest, our 12-day extravaganza of music and entertainment, produced a total attendance of 834,000, a cash profit of more than $1 million and a $46.7 million economic impact for the city. It helped pay for our most recent gala, loop alive, a five-day party which brought in entertainers like Liza Minelli, Bob Hope, Victor Borge, and a stellar cast of ballet stars to attract Chicagoans and out-of-towners for a new look at our lively downtown.

We've also had the great Chicago circus parade, taste of Chicago, autumn fair, the neighborhood festivals, venetian night, the jazz festival and on and on.

The point of all this is that Chicago is not the sort of city that will sit back and wait for Federal salvation. We are moving ahead with plans, programs and projects of our own.

When the New Federalism kicks into gear—when the added responsibilities come our way—we will be ready.

But the new local responsibilities will not belong to local government alone. As I said Friday in a talk to our Chicago Association of Commmerce and Industry, there is plenty to go around.

The fact is, the New Federalism as it has been revealed to us, thus far, will bring about a lessened involvement of both the Federal and local governments. The message is clear, business must be prepared to pick up the slack.

To my mind, this is only fair. It is the business community, after all, that realized the lions share of benefits from the President's 1981 tax package.

And unless I'm wrong, the President was not awarding those benefits as a kind of gift. He expects it back in the form of investment, and to my mind, the men and women of this Nation's workforce should be the focus of at least some of those dollars.

With the CETA program gone, job training presents an obvious area where business can make a contribution. Day care is another good target and health care or any of the other social services.

Fortunately, in Chicago, a healthy coalition already exists between the city and its business leaders.

Recognition of this relationship came recently in a report by the Washington-based committee for economic development which identified Chicago as "an incubator from many of the models of buisness-neighborhood-government partnerships" that exemplify successful efforts to revitalize urban areas.

I am proud that the report went on to say that "in Chicago there is a recognition of the economic and social importance of neighborhoods," and an understanding that sound neighborhoods are the key to a healthy city economy.

You will remember that at the start of this talk, I mentioned five prerequisites to the success of New Federalism, and I see I have only now finished my discussion of the first.

I promise to deal with the others in briefer fashion. They are concerns for the President and his policymakers.

To begin with, I firmly believe that if the New Federalism is to succeed, it is essential that the bureaucracy involved be minimized.

A few months ago, I told the President that I could help to do something about unemployment in Chicago and to bolster business, if his department of transportation would finish processing grant applications. My comments disturbed him, I think because he was being told that these rules and regulations were already being cut. He understood fully my point that if we are to have the responsibility, the wherewithall must also be provided and with greatest possible ease.

Another illustration is the maternal and child health care program through which the city receives $5 million. Recently, the method of delivering these dollars was changed. Where before the money came as a direct pass-through from the Federal Government, it now is filtered through the State's public health bureaucracy, which added fully 50 pages of regulations to the ones we were dealing with before.

It is an experience that makes me worry about the President's enterprise zone program. I believe this is an exciting concept, but I think we must all work to prove to the doubters and ourselves that this will really help distressed areas and not just amount to another series of tax breaks for wealthy corporations.

I am also frankly concerned that regulatory delays will slow down the process and along with it, the economic recovery the President truly wants.

Let me be frank. I am concerned that President Reagan, as a former Governor, is sometimes under the impression that programs work best when they are run by the State. Well, Chicago, in population and economic strength, ranks ahead of 25 States. We deserve, and I believe require, the right to deal direct.

Next on my list of essentials is that the Federal Government, as it shifts into the New Federalism, must not forget past promises.

A good example in Chicago involves our decision two years ago to forego construction of a massive interstate highway links—what I call the new American dinosaur—and to opt instead to spend our Federal interstate transfer money on effective public transit programs and highway improvements.

We have the permission of the Federal agencies to do this, and we have programs on line that depend on those dollars. I would hope those funds would not be included on the list of moneys to be turned-back to the States. I am concerned that Federal funds be there as promised.

My next point is that New Federalism policies must be flexible and fair and designed to recognize the differences between one region and the next.

Consider the continuing interest in Western States for water projects versus the need in Northern and Midwest States for public works projects: I am saying that if one area of the country continues to benefit through Federal programs, then other areas deserve the same treatment.

Perhaps the wisest course, and let this be my fifth and last suggestion, is for the President and his advisors to decide that broad, utilitarian programs like general revenue sharing and community development block grants be retained and maintained by the Federal Government rather than being lumped into the turnback program.

In 1981 alone, we used $22 million in urban development action grants to leverage $99 million in private dollars and to create a total of 3,500 jobs. We granted $45 million in industrial revenue bonds for projects that generated 6,000 jobs.

And the $141 million in community development block grants that we approved added commercial and residential revitalization projects throughout our city.

I believe the Federal Government must continue to recognize its duty to directly

meet urban needs. The need is too great and the job is too big to pass on.

Ladies and gentlemen, making New Federalism work will take the efforts of all and will depend upon cities and States assuming special new responsibilities.

For our part, the city of Chicago has been shouldering the burden of achieving fiscal responsibility, maintaining and improving services, stimulating revitalization and generating new revenue sources.

We ask that the Federal Government do its part by keeping past promises, continuing vital programs, minimizing bureaucracy, and by insuring that the programs they design are flexible enough to meet the complex needs of the Nation.

If both sides fulfill their new responsibilities, New Federalism will succeed and our country will have the recovery and vitality it longs for and deserves.●

CURTIS GREEN RETIRES AS MANAGER OF SAN FRANCISCO TRANSIT SYSTEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. PHILLIP BURTON) is recognized for 5 minutes.

● Mr. PHILLIP BURTON. Mr. Speaker, recently one of San Francisco's finest public servants—and a close friend of mine for 30 years—announced his retirement after 37 years with the San Francisco Municipal Railway. I join many others in San Francisco in honoring Curtis Green for his outstanding career.

Mr. Green has been general manager of Muni since 1974—the first black in the Nation to manage a public transit system. He worked his way up in the system from bus driver through a variety of positions to the top management job. His career has been an inspiration to others and he hopes, in an active retirement, to spread his message:

It's a matter of determining what we as black people wish to do with our lives given all of the obstacles and the problems. Just understanding there is no end to what you can do if you really believe it, really want to work at it, and are willing to pay the price to do it.

Mr. Green has worked at an enormously difficult job, managing and developing a modern urban transit system, and has performed a valuable service to all San Franciscans. He is proud that he was the first black in such a position but just as proud that he is now accepted as a manager who happens to be black.

The city of San Francisco will miss Curtis Green's competence and hard work, but I am certain that at the young age of 58 he will find some way to continue to serve his community.●

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SENSENBRENNER) to revise and extend their remarks and include extraneous material:)

Mr. CORCORAN, for 5 minutes, today.
Mr. EMERSON, for 10 minutes, today.

(The following Members (at the request of Mr. SEIBERLING) and to include extraneous matter:)

Mr. REUSS, for 5 minutes, today.
Mr. GONZALEZ, for 15 minutes, today.
Mr. ANNUNZIO, for 5 minutes, today.
Mr. COELHO, for 5 minutes, today.
Mr. PHILLIP BURTON, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. SENSENBRENNER) and to include extraneous matter:)

Mr. JEFFORDS.
Mr. MCCLORY in two instances.
Mr. EVANS of Delaware.
Mr. GILMAN in three instances.
Mr. YOUNG of Alaska.
Mrs. MARTIN of Illinois in four instances.
Mr. LOWERY of California in two instances.
Mr. DORNAN of California.
Mr. VANDER JAGT.
Mr. HAGEDORN.
Mr. GREEN.
Mr. LENT.
Mr. SAWYER.
Mr. HANSEN of Utah in eight instances.
Mr. SOLOMON.
Mr. DENARDIS.
Mr. HYDE.
Mr. LAGOMARSINO in three instances.
Mr. FIELDS.
Mr. SHUSTER.
Mrs. SNOWE in two instances.
Mr. GRISHAM.

(The following Members (at the request of Mr. SEIBERLING) and to include extraneous matter:)

Mr. RODINO in three instances.
Mr YATRON.
Mr. FAUNTROY.
Mr. HALL of Ohio.
Mr. BOLAND in three instances.
Mr. BLANCHARD.
Mr. LELAND.
Mr. MAZZOLI in two instances.
Mr. OBERSTAR in two instances.
Mr. MAVROULES.
Mr. MCHUGH.
Mr. BRODHEAD in two instances.
Mr. CORRADA.
Mr. BONIOR of Michigan.
Mr. WALGREN.
Mr. STARK.
Mr. DORGAN of North Dakota.
Mr. RANGEL.
Mr. FASCELL in six instances.
Mr. PEYSER.
Mr. BEDELL.
Mr. BREAUX.
Mr. HAWKINS in three instances.
Mr. RAHALL in two instances.
Mr. PATTERSON in two instances.
Mr. FOGLIETTA.
Mr. FOWLER.
Mr. APPLEGATE.
Mr. NOWAK.
Mr. ST GERMAIN.
Mr. FAZIO.
Mr. LONG of Maryland.
Mr. SIMON.
Mr. GARCIA in two instances.

SENATE JOINT RESOLUTIONS REFERRED

Joint resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 167. Joint resolution to commemorate the 100th anniversary of the Knights of Columbus; to the Committee on Post Office and Civil Service;

S.J. Res. 180. Joint resolution to authorize and request the President to issue a proclamation designating the week beginning May 9, 1982, as "National Small Business Week"; to the Committee on Post Office and Civil Service;

S.J. Res. 184. Joint resolution to designate January 28, 1983, as "Native American Day"; to the Committee on Post Office and Civil Service; and

S.J. Res. 186. Joint resolution to authorize and request the President to designate the week of September 19 through 25, 1982, as "National Cystic Fibrosis Week"; to the Committee on Post Office and Civil Service.

ADJOURNMENT

Mr. SEIBERLING. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 36 minutes p.m.), the House adjourned until tomorrow, Thursday, April 22, 1982, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

[Omitted from the Record of Apr. 20, 1982]

3740. A letter from the Secretary of Education, transmitting proposed final regulations for service of process, pursuant to section 431(d) of the General Education Provisions Act, as amended; to the Committee on Education and Labor.

[Submitted Apr. 21, 1982]

3741. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Tobacco Inspection Act to consolidate, and provide additional, authority for the Secretary of Agriculture to establish methods for efficient and equitable marketing of tobacco; to the Committee on Agriculture.

3742. A communication from the President of the United States, transmitting a report on the survivability, cost effectiveness, and combat effectiveness of ships requested for the combatant forces for fiscal years 1983 and 1984, pursuant to section

810(b) of Public Law 95-485; to the Committee on Armed Services.

3743. A letter from the Secretary of Defense, transmitting certification of certain major defense systems, pursuant to section 917 of Public Law 97-86; to the Committee on Armed Services.

3744. A letter from the Secretary of the Army, transmitting additional information on the status of an army weapons system that has exceeded a baseline unit cost, pursuant to section 917(b)(2); to the Committee on Armed Services.

3745. A letter from the Acting Director, Assistant Secretary of Defense (Facility Requirements and Resources), transmitting notice of the location, nature, and estimated cost of various construction projects proposed to be undertaken by the Army National Guard, pursuant to 10 U.S.C. 2233a(1); to the Committee on Armed Services.

3746. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 4-176 "District of Columbia Government Organizational Structure Act of 1982," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

3747. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 4-177 "Assistance to Neglected Children Funding Authorization Act of 1982," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

3748. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 4-178 "District of Columbia Protective Services Police Identification Act of 1982," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

3749. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 4-175 "Nonprofit Housing Developments' Water and Sanitary Sewer Service Rate Charges Reduction and the Consumer Credit Interest Rate Amendments Clarification Act of 1982," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

3750. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 4-174 "Anti-Sex-Discriminatory Language Act and Uniform Disposition of Unclaimed Property Act of 1980 Amendments Act of 1982," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

3751. A letter from the Secretary of Education, transmitting proposed final regulations for the cooperative education program, pursuant to section 431(d) of the General Education Provisions Act, as amended; to the Committee on Education and Labor.

3752. A letter from the Secretary of Education, transmitting notice of the delay in submission of reports on the condition of bilingual education in the Nation and on the methods of converting the bilingual education program from a discretionary grant program to a formula grant program, as required by public law; to the Committee on Education and Labor.

3753. A letter from the Vice President for Government Affairs, National Railroad Passenger Corporation, transmitting a report covering the month of January 1982, on the average number of passengers per day on board each train operated, and the on-time performance at the final destination of each train operated, by route and by railroad, pursuant to section 308(a)(2) of the Rail Passenger Service Act of 1970, as amended; to the Committee on Energy and Commerce.

3754. A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting a report of political contributions, pursuant to section 304(b-2) of Public Law 96-465; to the Committee on Foreign Affairs.

3755. A letter from the Comptroller General of the United States, transmitting a list of reports issued or released by the General Accounting Office during March 1982, pursuant to section 234 of the Legislative Reorganization Act of 1970; to the Committee on Government Operations.

3756. A letter from the Assistant Attorney General for Administration, Department of Justice, transmitting notice of proposed new record system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3757. A letter from the Director, Selective Service System, transmitting a report on the agency's activities under the Freedom of Information Act during calendar year 1981, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3758. A letter from the Secretary of Energy, transmitting the 1981 annual report of the Bonneville Power Administration, pursuant to Public Law 89-448; to the Committee on Interior and Insular Affairs.

3759. A letter from the Clerk, U.S. Court of Claims, transmitting a certified copy of the court's judgment order No. 221-C, *The Chippewa Cree Tribe of the Rocky Boy's Reservation, Montana, et al.* v. *The United States*; to the Committee on Interior and Insular Affairs.

3760. A letter from the Administrator, Federal Aviation Administration, transmitting the Administration's semiannual report on the effectiveness of procedures for screening passengers and property for weapons, pursuant to section 315(a) of Public Law 85-726; to the Committee on Public Works and Transportation.

3761. A letter from the Chairman, Pension Benefit Guaranty Corporation, transmitting the sixth annual report on benefit pension plans in the private sector, pursuant to Public Law 96-364; jointly, to the Committees on Education and Labor and Ways and Means.

3762. A letter from the Under Secretary of Agriculture, transmitting the Department's annual report covering fiscal year 1981 on agricultural export activities carried out under the food for peace program, pursuant to Public Law 83-480, as amended; jointly, to the Committees on Foreign Affairs and Agriculture.

3763. A letter from the Comptroller General of the United States, transmitting a report on the need to improve the administration and effectiveness of the Department of Energy's State energy conservation program (EMD-82-39, April 21, 1982); jointly, to the Committees on Government Operations and Energy and Commerce.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. RODINO:

H.R. 6128. A bill to revise, codify, and enact without substantive change certain general and permanent laws, related to money and finance, as title 31, United States Code, "Money and Finance"; to the Committee on the Judiciary.

By Mr. APPLEGATE:

H.R. 6128. A bill to direct the Federal Communications Commission to conduct an experiment to test the feasibility of extended broadcasting hours of operation for amplitude modulated broadcast stations which currently are licensed for daytime operation only; to the Committee on Energy and Commerce.

By Mr. BENNETT:

H.R. 6138. A bill to protect the constitutional rights of persons subject to the military justice system, to revise the Uniform Code of Military Justice, and for other purposes; to the Committee on Armed Services.

By Mr. BEREUTER:

H.R. 6131. A bill to amend the Internal Revenue Code of 1954 to provide for an energy tax credit for property used in producing methane-containing gas for fuel or electricity produced by anaerobic digestion from nonfossil waste materials; to the Committee on Ways and Means.

By Mr. BOLAND (for himself, Mr. MINETA, and Mr. CONTE):

H.R. 6132. A bill to amend section 5590 of the Revised Statutes to provide for adjusting the rate of interest paid on funds of the Smithsonian Institution deposited with the Treasury of the United States as a permanent loan; to the Committee on House Administration.

By Mr. BREAUX (for himself and Mr. FORSYTHE) (by request):

H.R. 6133. A bill to authorize appropriations to carry out the Endangered Species Act of 1973, as amended, through fiscal year 1984; to the Committee on Merchant Marine and Fisheries.

By Mr. COLLINS of Texas:

H.R. 6134. A bill to repeal the Public Utility Holding Company Act of 1935, and for other purposes; to the Committee on Energy and Commerce.

By Mr. EMERSON (for himself, Mr. TAYLOR, Mr. BAILEY of Missouri, and Mr. COLEMAN):

H.R. 6135. A bill to prohibit export restrictions that interfere with existing contracts for the exportation of such commodities; to the Committee on Foreign Affairs.

By Mr. LEE (for himself, Mr. GRISHAM, Mr. MILLER of Ohio, Mrs. ROUKEMA, Mrs. BOUQUARD, Mr. GOODLING, Mr. CORCORAN, Mr. SIMON, and Mr. FINDLEY):

H.R. 6136. A bill to repeal provisions of law providing for salary adjustments for Members of Congress, to assure that Members are not exempt from requirements for justification of income tax deductions, and to provide that legislation increasing Member's compensation, Federal income tax benefits, or limitations on outside earnings is considered separately from other legislation, is adopted only by a recorded vote, and does not take effect until the start of the Congress following the Congress in which approved; jointly, to the Committees on Post Office and Civil Service, Rules, Ways and Means, and Appropriations.

By Mr. LENT:

H.R. 6137. A bill to extend by 5 months (through September 1982) the period within which a child over age 18 must have been already enrolled at the college level in order to qualify (after July 1982) for child's insurance benefits under title II of the Social Security Act as a postsecondary student; to the Committee on Ways and Means.

By Mr. LOEFFLER:

H.R. 6138. A bill to repeal the designation of the Rio Grande River, Tex., as a component of the National Wild and Scienic Rivers System; to the Committee on Interior and Insular Affairs.

By Mr. MICA:

H.R. 6139. A bill to amend the Internal Revenue Code of 1954 to provide a refundable income tax credit for the purchase of a new principal residence; to the Committee on Ways and Means.

By Mr. VANDER JAGT:

H.R. 6140. A bill to amend the Internal Revenue Code of 1954 with respect to the treatment of expenses of attending foreign conventions; to the Committee on Ways and Means.

By Mr. WON PAT:

H.R. 6141. A bill to amend the Organic Act of Guam to provide that the Secretary of the Interior shall supervise the activities of the comptroller general for Guam through the Inspector General of the Department of the Interior; to the Committee on Interior and Insular Affairs.

By Mr. LENT:

H.J. Res. 461. Joint resolution designating April 25, 1982, as a National Day of Prayer for peace in the Middle East; to the Committee on Post Office and Civil Service.

By Mr. WHITEHURST:

H.J. Res. 462. Joint resolution calling for a wildlife preserve for humpback whales in the West Indies; to the Committee on Foreign Affairs.

By Mr. HALL of Ohio (for himself, Mr. MARKEY, Mr. NEAL, Mr. OBERSTAR, and Mr. VENTO):

H. Con. Res. 312. Concurrent resolution expressing the sense of the Congress that the nuclear attack submarine of the U.S. Navy named the *Corpus Christi* should be renamed, and a nonlethal naval vessel should be named the *Corpus Christi*; to the Committee on Armed Services.

By Mr. MICA:

H. Con. Res. 313. Concurrent resolution respecting congressional oversight and agency studies of the appropriateness of continued use of the pertussis vaccine; to the Committee on Energy and Commerce.

H. Con. Res. 314. Concurrent resolution expressing the support of Congress for continuing the current system of cost-of-living adjustments for Federal civilian and military retirees; jointly, to the Committees on Armed Services and Post Office and Civil Service.

By Mrs. BOUQUARD:

H. Res. 432. Resolution expressing the sense of the House that the Executive's proposal to abolish the Federal railroad retirement system and eliminate the Railroad Retirement Board should not be enacted; to the Committee on Energy and Commerce.

By Mr. ROSENTHAL:

H. Res. 433. Resolution to authorize the disclosure of certain classified documents relating to foreign investment in the United States; to the Committee on Government Operations.

By Mr. WON PAT:

H. Res. 434. Resolution to express the sense of the House of Representatives that the Secretary of the Interior should delegate general supervisory responsibility over the activities of the government comptroller of Guam to the Office of the Inspector General of the Department of the Interior; to the Committee on Interior and Insular Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

355. By the SPEAKER: Memorial of the Legislature of the State of Georgia, relative to reviewing records of all Federal judges; to the Committee on the Judiciary.

356. Also, memorial of the Legislature of the State of South Carolina, relative to foreign and domestically produced textile products; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 27: Mr. MARTIN of New York.

H.R. 178: Mr. BARNES.

H.R. 1554: Mr. MOFFETT.

H.R. 1852: Mr. BURGENER and Mr. PANETTA.

H.R. 1918: Mr. WILLIAM J. COYNE and Mr. JOHN L. BURTON.

H.R. 1930: Mr. HEFTEL.

H.R. 1937: Mr. PRITCHARD, Mr. MCEWEN, Mr. PETRI, Mr. GRADISON, Mr. TAUZIN, Mr. ECKART, and Mr. GREGG.

H.R. 2088: Mr. JONES of Tennessee.

H.R. 2250: Mr. RITTER.

H.R. 3104: Mr. COELHO.

H.R. 3117: Mr. LANTOS, Mr. ERTEL, Mr. FORD of Michigan, Mr. JEFFORDS, Mr. RANGEL, Mr. FAUNTROY, and Mr. ST GERMAIN.

H.R. 3252: Mr. HYDE, Mr. OBERSTAR, and Mr. HILER.

H.R. 3715: Mr. DYSON.

H.R. 3971: Mr. BEDELL, Mr. WEAVER, Mr. DWYER, Mr. CORCORAN, Mr. RATCHFORD, Mr. FAZIO, and Mr. HOYER.

H.R. 4460: Ms. MIKULSKI.

H.R. 4531: Mr. BADHAM, Mr. MARRIOTT, Mr. RUDD, and Mr. TRIBLE.

H.R. 4613: Mr. ROBINSON.

H.R. 4657: Mr. SOLOMON, Mr. BURGENER, and Ms. FIEDLER.

H.R. 4786: Mr. CORRADA, Mr. PURSELL, Mr. NELLIGAN, Mrs. HECKLER, and Mr. QUILLEN.

H.R. 4848: Mr. ERDAHL.

H.R. 4861: Mr. SANTINI, Mr. FAUNTROY, Mr. RUSSO, Mr. HUCKABY, and Mr. MARRIOTT.

H.R. 5055: Mr. ROEMER and Mr. BUTLER.

H.R. 5067: Mr. HANCE, Mr. JACOBS, Mr. MOLLOHAN, Mr. WEBER of Ohio, Mr. GREGG, Mr. HAMILTON, and Mr. ST GERMAIN.

H.R. 5180: Mr. GOODLING, Mr. PASHAYAN, Mr. NELLIGAN, Mr. EMERY, Mr. BRINKLEY, Mr. SENSENBRENNER, Mr. ERDAHL, Mr. HANCE, Ms. SNOWE, Mr. LOWERY of California, and Mr. GORE.

H.R. 5205: Mr. FASCELL and Mr. HORTON.

H.R. 5254: Mr. FLIPPO, Mr. LUJAN, and Mr. ROE.

H.R. 5320: Mr. DAVIS, Mr. DWYER, Mr. EVANS of Georgia, Mr. MINETA, Ms. OAKAR, Mr. SAVAGE, and Mr. VENTO.

H.R. 5357: Mr. LUKEN.

H.R. 5362: Mr. BARNARD, Mr. ECKART, Mr. ENGLISH, and Mr. MOLLOHAN.

H.R. 5415: Mr. RINALDO.

H.R. 5438: Mr. JAMES K. COYNE, Mr. SIMON, Mr. LAGOMARSINO, and Mr. DUNCAN.

H.R. 5448: Mr. BUTLER, Mr. ROEMER, Mr. SUNIA, Mr. SHUMWAY, Mr. PORTER, Mr. WON PAT, Mr. LEBOUTILLIER, and Mr. WILSON.

H.R. 5525: Mr. SNYDER.

H.R. 5587: Mr. BADHAM.

H.R. 5588: Mr. FASCELL and Mr. PEPPER.

H.R. 5769: Mr. BROWN of Colorado, Mr. SKEEN, Mr. PARRIS, Mr. SILJANDER, Mr. GREGG, Mr. JOHNSTON, Ms. FIEDLER, and Mr. SMITH of Alabama.

H.R. 5834: Mr. AKAKA, Mr. ANDERSON, Mr. DENARDIS, Mr. DORGAN of North Dakota, Mr. DYMALLY, Mr. HARTNETT, Mr. HAWKINS, Mr. JONES of North Carolina, Mr. LANTOS, Mr. MINETA, Mr. MORRISON, Mr. MATSUI, Mr. NAPIER, Mr. NELSON, Mr. PARRIS, Mr. PATMAN, Mr. ROYBAL, Mr. SPENCE, Mr. STARK, Mr. SUNIA, Mr. VANDER JAGT, Mr. WAXMAN, Mr. WOLPE, Mr. WON PAT, Mr. NEAL, Mr. BENEDICT, and Mr. SHAMANSKY.

H.R. 5837: Mr. WOLPE.

H.R. 5918: Mrs. SCHNEIDER, Mr. SUNIA, Mr. BEDELL, Mr. WHITEHURST, Mr. WILSON, Mr. GRAY, and Mr. KILDEE.

H.R. 5928: Mr. LAFALCE and Mr. WOLPE.

H.R. 5931: Mr. MCCLORY, Mr. WASHINGTON, Mr. FRANK, Mr. MINETA, Mr. GINGRICH, Mr. FORSYTHE, Mr. MARKEY, Mr. EDGAR, Mr. HERTEL, Mr. WEAVER, Mr. ROEMER, Mr. HYDE, and Mr. ROE.

H.R. 5932: Mr. SAVAGE, Ms. FERRARO, Mr. GRAY, Mr. JACOBS, and Mr. FORD of Tennessee.

H.R. 6009: Mr. ASHBROOK, Mr. BENEDICT, Mr. CHAPPIE, Mr. CORRADA, Mr. COUGHLIN, Mr. DERWINSKI, Mr. DUNCAN, Mr. DYSON, Mr. ECKART, Mr. EDWARDS of Alabama, Mr. ERTEL, Mrs. FENWICK, Mr. FINDLEY, Mr. HILLIS, Mr. HUGHES, Mr. HYDE, Mr. MICHEL, Mr. MOORHEAD, Mr. PORTER, Mr. SHUMWAY, Mr. STRATTON, and Mr. YOUNG of Alaska.

H.R. 6058: Mr. PATTERSON, Mr. MATSUI, Mr. STARK, Mr. FAZIO, Mr. COELHO, Mr. MINETA, Mr. ROYBAL, Mr. LANTOS, Mr. HAWKINS, Mr. ANDERSON, Mr. DYMALLY, Mr. EDWARDS of California, Mr. PANETTA, and Mr. FROST.

H.J. Res. 151: Mr. WHITTAKER, Mrs. ROUKEMA, Mr. BAFALIS, Mr. HEFTEL, Mr. BONKER, Mr. VANDER JAGT, Mr. MILLER of California, Mr. PATTERSON, Mr. ROUSSELOT, and Mr. DORNAN of California.

H.J. Res. 332: Mr. SABO, Mr. WALGREN, Mrs. BOGGS, Mr. DERWINSKI, Mr. WEBER of Ohio, Mr. DUNCAN, Mr. DUNN, Mr. HOWARD, Mr. YATES, Mr. CAMPBELL, Mr. FOLEY, Mr. GEJDENSON, Mr. COURTER, Mr. BENNETT, Mr. BROWN of Ohio, Mr. AKAKA, Mr. CONYERS, and Mr. ST GERMAIN.

H.J. Res. 381: Mr. DIXON, Mr. DERWINSKI, Mr. FORSYTHE, Mr. DWYER, Mr. HUGHES, Mr. ANDREWS, Mr. HORTON, Mr. SIMON, Mr. LIVINGSTON, Mr. WON PAT, Mr. ASPIN, Mr. WAXMAN, Mr. BONIOR of Michigan, Mr. CONYERS, Mr. MONTGOMERY, Mr. MOAKLEY, Mr. BEVILL, Mr. BOWEN, Mr. FORD of Tennessee, Mr. MARKEY, Mr. DASCHLE, Mr. BONER of Tennessee, Mr. WINN, Mr. FROST, Mrs. CHISHOLM, Mr. PHILLIP BURTON, Mr. WILSON, Mr. LANTOS, Mr. VENTO, and Mr. SHUMWAY.

H.J. Res. 416: Mr. YOUNG of Florida, Mr. WHITEHURST, Mr. SUNIA, Mrs. HOLT, Mr. CONYERS, Mr. KILDEE, Mr. LEE, Mr. FARY, Mrs. MARTIN of Illinois, Mr. WORTLEY, Mr. PEYSER, Mr. VENTO, Mr. SOLOMON, Mr. MOLINARI, Mr. JACOBS, Mr. FORD of Tennessee, Mr. O'BRIEN, Mr. BROYHILL, Mr. ERDAHL, Mr. HARTNETT, Mr. HEFNER, Mr. MOTTL, Mr. YATRON, Mr. DYMALLY, Mr. MCDADE, Ms. FERRARO, Mr. DOUGHERTY, Mr. BLILEY, Mr. MOORE, Mr. HILLIS, Mr. PEPPER, Mr. NATCHER, Mr. MITCHELL of New York, Mr. EDWARDS of Alabama, and Mr. WHITTAKER.

H.J. Res. 434: Mr. LUNDINE, Mr. BENJAMIN, Mrs. COLLINS of Illinois, and Mr. OBEY.

H.J. Res. 448: Mrs. SNOWE, Mr. LUKEN, Mr. HUTTO, Mr. ERTEL, Mr. LUJAN, Mr. STENHOLM, Mr. YOUNG OF FLORIDA, Mr. LEWIS, Mr. MICA, Mr. SHELBY, Mr. HOYER, Mr. MCCOLLUM, Mr. GONZALEZ, Mrs. BOUQUARD, and Mr. DANNEMEYER.

H. Con. Res. 248: Mr. KRAMER and Mr. CONTE.

H. Con. Res. 263: Mr. BADHAM and Mr. HAGEDORN.

H. Con. Res. 271: Mr. JAMES K. COYNE.

H. Con. Res. 278: Mr. LONG of Louisiana, Mr. SOLARZ, Mr. MCEWEN, Mr. LOWERY of California, Mr. HUGHES, Mr. MCKINNEY, Mr. HOYER, Mr. MILLER of California, Mr. BLANCHARD, Mr. STRATTON, Mr. MCGRATH, Mr. PATTERSON, Mr. CARMAN, Ms. OAKAR, Mr. ATKINSON, Mr. PURSELL, Mr. SAVAGE, Mr. LAFALCE, Mr. RATCHFORD, Mr. AKAKA, Mr. STOKES, Mr. SHAW, Mr. DERRICK, Mr. FORD of Michigan, Mr. SOLOMON, Mr. BONER of Tennessee, Mr. SMITH of New Jersey, Mr. WALGREN, Mr. APPLEGATE, Mr. BROOKS, and Mr. ECKART.

H. Con. Res. 297: Mrs. BYRON, Mr. FRENZEL, Mr. JEFFRIES, Mr. LAGOMARSINO, Mr. BUTLER, Mr. OXLEY, and Mr. HUCKABY.

H. Con. Res. 306: Mr. HUTTO.

H. Res. 367: Mr. LAGOMARSINO, Mr. STANGELAND, Mr. HORTON, Mr. SUNIA, Mr. RICHMOND, Mr. YOUNG of Alaska, Mr. PEPPER, Mr. DERWINSKI, Mr. GIBBONS, Mr. ROE, Mr. HYDE, Mr. MCEWEN, Mr. PORTER, Ms. OAKAR, Mr. PHILIP M. CRANE, Mr. DYMALLY, Mr. ASHBROOK, Mr. DAUB, Mr. MITCHELL of New York, and Mr. WILSON.

H. Res. 393: Mr. DASCHLE, Mr. STANGELAND, Mr. ANNUNZIO, Mr. FORSYTHE, Mr. BRODHEAD, Mr. KILDEE, Mr. SAM B. HALL JR., Mr. KOGOVSEK, Mr. SUNIA, Mr. EDGAR, Mr. DYSON, Mr. MARKEY, Mr. HUGHES, Mr. VENTO, Mr. FINDLEY, Mr. ROE, Mr. OBERSTAR, Mr. ROSENTHAL, and Mr. WYDEN.

H. Res. 427: Mr. KILDEE, Mr. MURPHY, Mr. EVANS of Delaware, Mr. FOGLIETTA, Mr. FRANK, Mrs. SCHROEDER, Mr. MITCHELL of Maryland, Mr. LONG of Maryland, Mr. EDGAR, Mr. NEAL, Mr. RICHMOND, Mr. MARKEY, Mr. BOLAND, Mr. WEISS, Mr. SUNIA, Mr. STUDDS, Mr. PORTER, Mr. HUGHES, Mr. JEFFORDS, Mr. WIRTH, Mr. MINETA, Mr. ROEMER, Mrs. SCHNEIDER, Mr. KASTENMEIER, Ms. FERRARO, Mr. HARKIN, Mr. DASCHLE, Mr. DICKS, Mr. SWIFT, Mr. FAZIO, Mr. WAXMAN, Mr. BEILENSON, Mr. DWYER, and Mr. CORRADA.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H. Con. Res. 297: Mr. PORTER.

H. Res. 265: Mr. PORTER.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

396. By the SPEAKER: Petition of the council of the city of New York, N.Y., relative to donations of surplus food to charitable organizations; to the Committee on Agriculture.

397. Also, petition of the Lutheran Church of the Reformation, Washington, D.C., relative to nuclear arms; to the Committee on Foreign Affairs.

398. Also, petition of the National Association for the Advancement of Colored People, Trevose, Pa., relative to a national holiday for Martin Luther King, Jr.; to the Committee on Post Office and Civil Service.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 6030

By Mr. MAVROULES:

—Page 6, line 14, strike out "$6,388,800,000" and insert in lieu thereof "$5,246,900,000".

SENATE—*April 21, 1982*

(Legislative day of Tuesday, April 13, 1982)

The Senate met at 10:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, LL.D., D.D., offered the following prayer:

Let us pray.

Almighty God, Father of Abraham, Isaac, and Jacob, as we recall the horrors of the Holocaust, we praise and thank Thee for the courage, resilience, and perseverance of the Jewish people. Four thousand years ago, Thou didst call Abraham with the promise to give him a great name and make him a great nation through whom all the families of the Earth would be blessed. We thank Thee for the incalculable blessing the Jews have been to history. We thank Thee for their book, the Old Testament, for their law, the Ten Commandments, for their value system with its provision for the oppressed, the poor and the stranger, and for its high view of the family. We thank Thee for their contributions to science, education, music, art, finance, and merchandising. We pray Thy blessing upon them and upon the leadership they give to our Nation. In the name of the Lord of Heaven and Earth. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

THE JOURNAL

Mr. STEVENS. Mr. President, I ask unanimous consent that the Journal of the proceedings to date be approved.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that, following the recognition of the two leaders under the standing order and following the completion of any special orders, there be a period for the transaction of routine morning business, not to extend beyond the hour of 12 noon, during which Senators may speak for not to exceed 5 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE ADDRESS OF QUEEN BEATRIX TODAY

Mr. STEVENS. Mr. President, I remind Senators that at 3:10 p.m. today the Senate will proceed to the House for a joint meeting to hear an address from Queen Beatrix. The time for meeting in this body to proceed to the House is 3:10 p.m.

NEW FEDERALISM

Mr. BAKER. Mr. President, this morning, in the Washington Post, the distinguished chairman of the Senate Budget Committee, Senator PETE DOMENICI authored an astute and elevating analysis of the New Federalism initiative entitled "We Can Save the New Federalism."

I am sensible of the fact, Mr. President, along with many others, that PETE DOMENICI has been at the forefront of the movement to enhance efficiency in Government by returning to State and local governments the ability to decide for themselves their own priorities.

As far back as 1976, in an article he wrote for the Wall Street Journal, Senator DOMENICI advocated a "swap" between the Federal Government and State and local governments. He prophetically stated in the 1976 article,

> Re-federalization, as I see it in a finished form a decade from now, would result in an orderly "trade" of certain programs between local and State governments and the Federal Government. In essence, State and local governments would be relieved of helping fund national programs, and could use the savings to fund and entirely administer, if they wished, local programs now financed partially with Federal grant monies."

Mr. President, unfortunately, Congress did not have the inventiveness to heed Senator DOMENICI's proposal over 6 years ago, but it is my hope that the Congress will join in realizing President Reagan's New Federalism program and take advantage of the inspiration and resourcefulness of the distinguished chairman of the Budget Committee.

I ask unanimous consent, Mr. President, that the text of both of Senator DOMENICI's articles be printed at this time in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

WE CAN SAVE THE "NEW FEDERALISM"

(By PETE V. DOMENICI)

Recent reports have indicated that a key portion of the president's federalism initiative could be dead before it leaves the White House. This would be a national tragedy. An unprecedented opportunity would slip away from us to make government more effective.

The president made federalism the centerpiece of his State of the Union message. That message contained two surprises for informed observers: he proposed a complete federal takeover of the huge Medicaid program, and he committed his administration to negotiate with state and local officials on the final shape of his proposals.

Unfortunately, White House staff members and representatives of state and local governments seem to have reached a deadlock in the negotiations. Why? In my opinon, both the coalition of state and local officials and the White House staff have been too inflexible in these critical negotiations.

The president's federalism proposal is a two-part plan involving nearly 50 federal programs. In the first component, the "swap," the federal government would take over Medicaid while the states would take full responsibility for the AFDC and food stamp programs. The second component of the president's plan, the "turnback," would consolidate and gradually reduce federal funds for a large number of programs for health, social services, education and community development.

The state and local representatives are enthusiastic about the president's proposal that the federal government take over Medicaid. But they reject the other half of the president's proposed "swap"—that states accept full responsibility for food stamps and AFDC. Instead of accepting both sides of the swap, the state-local coalition seeks eventual federal takeover of AFDC and food stamps. They are willing to settle in the interim for the status quo on these two programs. But the status quo would leave in place a confusing mix of federal, state, and local funding, policy roles and administrative responsibilities.

The White House negotiators, on the other hand, have been equally insistent that the states take over most of the federal government's current welfare responsibilities in return for being freed from the financial burden of the Medicaid program. They argue that California did a superb job of straightening out its "welfare mess" while Reagan was governor, and could have done even better if the federal government hadn't been in the way.

The White House staff appears unwilling to recognize the depth and strength of the opposition to full transfer of the AFDC and food stamp programs to the states. Governors, state legislators, city and county officials argue that poverty is a national problem and that the costs of welfare are directly related to national economic conditions. These officials worry that welfare programs could become intolerable financial burdens in future economic slumps.

The administration's negotiators also are giving little attention at this point to concerns from another direction that could have great influence on what Congress does with the president's federalism proposals. I am referring now to the view of many religious leaders and public interest groups that the administration's AFDC and food stamp proposals are an attempt to have the federal government "abandon" the group that suffers the most severe poverty and deprivation—children of low-income families.

How can the present impasse be broken? The administration is apparently exploring the possibility of dropping food stamps from its original "swap" proposal. The states would take over the AFDC program in return for the federal government keeping food stamps and assuming Medicaid program responsibilities. This proposal, however, retains the most controversial elements of the original one, with significantly less program consolidation.

There is another relatively simple solution that might do the trick: continue to provide federal money for income support, nutrition, job training and placement and other services for low-income families with children, but provide it in a more flexible manner. In place of the present confusion of roles, consolidate existing programs into a "family support" payment to the states. Give the states a few basic rules for use of the monies, but otherwise free them to be imaginative and innovative in helping the poor.

The amount of the federal payment to each state could be adjusted for inflation and, if necessary, for adverse economic conditions. The states would know in advance how much money they would have and on what terms. They would have strong incentives to manage these resources well.

If this approach were adopted, I believe another change should also be made in the president's plan. Instead of moving Medicaid fully to the federal level, I believe the federal government should take over only the parts of it serving the elderly and disabled. This would consolidate at the federal level all of the major income support and health-care programs for the elderly and disabled. It would be an important step forward in responding intelligently and coherently to the needs of our growing elderly population.

Full responsibility for the remainder of Medicaid service—to low-income families with children—should be assigned to the states. This would permit them to address the health-care, income-support and other service needs of low-income families in a coordinated way.

This changed in the Medicaid portion of the plan would reduce significantly the added Medicaid costs assumed by the federal government. These added federal costs would be offset as in the president's original plan by lower federal payments to states in the turnback component of the plan.

These proposals could revive the president's federalism proposals while preserving the full range of future welfare options—to proceed with full transfer of programs to the state as favored by the president, or to move toward full federal takeover as state and local officials prefer.

There is no reason to sign a federalism death certificate now. This fundamental reform, in our system of government is long overdue. Every effort should be made to assure its survival.

DO THE FEDS HAVE TO DO EVERYTHING?

(By PETER V. DOMENICI)

Amid all the jousting between Ronald Reagan and President Ford, a concept well worth nurturing is in danger of being trampled.

I suspect the intuition that prompts Reagan's plan to turn back $90 billion in federal programs to the states is the same intuition that produced Ford's State of the Union proposal to consolidate a number of federal categorical programs to aid state and local governments into four bloc grants and continue general revenue sharing.

As The New York Times and Wall Street Journal, and Milton Friedman, have written, "There's an idea behind all this worth exploring."

Indeed, an idea struggles to emerge from the thrust and counterthrust of the Republican hopefuls—an idea implicitly admitted by most political thinkers and explicitly by most mayors and governors. That idea is simply that the federal system, that interrelationship between the national government and local and state governments, stands in 1976 badly in need of re-invigoration.

For want of a better word, let me propose that the notion that needs to be nurtured in this debate can be called "re-federalization." That's the word I use to describe a process I would urge the federal government to embark upon during the next decade. This process would start with the goal of establishing the political and fiscal independence of federal, state, and local governments by having the federal government fund and administer totally "national" programs and leaving to state and local governments the financing and running of programs designed to meet "local" needs.

Re-federalization, as I see it in a finished form a decade from now, would result in an orderly "trade" of certain programs between local and state governments and the federal government. In essence, state and local governments would be relieved of helping fund national programs, and could use the savings to fund and entirely administer, if they wished, local programs now financed partially with federal grant monies.

Our federal system revolves around the concept that certain problems are national in character, such as defense, and demand attention from the national government; while other problems, which might be nationwide, are nevertheless the proper province of state and local governments.

THE GROWTH OF FEDERAL ASCENDANCY

Until the Great Depression and the federal government's massive efforts to overcome it, the federal system remained more or less similar to that begun in 1789. Washington provided a monetary system, armed forces, promoted the general welfare and, except for limited excursions into business regulation and the income tax, left most other matters to the states and localities.

Federal ascendancy began during the 1930s and that ascendancy has now left state and local governments little more than "administrative provinces" of the national government.

The reason behind this ascendancy is not complicated, for it follows from the basic law of politics—power is where the money is. He who controls the purse strings, controls policy. And, Washington in 1976 controls the purse strings.

Recognition of this fact may account for the findings of recent pollsters that the American people feel helpless to control their own fates and that government leaders don't really care about the average man. Government has gotten so far removed from the people that the people feel impotent to change it or its policies. The Watergate debacle, the aftermath of Vietnam, recent revelations of misdeeds by government agencies over the past 15 or 20 years, a huge increase in federal government spending and taxes despite public outcry, and the inability of anyone to come up with a clear and rational plan to stop our recession-inflation affliction all contribute to the alienation of the governed from their government.

But, as much as anything, it seems to me this alienation results from the belief of many Americans that nobody really cares about their problems in a personal way. I suspect that attendance at meetings of local government would increase, and citizen demand for accountability on the part of local officials would rise, if the people really knew that local and state officials had full control over the issues being addressed. But sparsely attended city council meetings are a testament to widespread recognition that too many issues under consideration will really be decided not by the men and women at the council table, but by a federal regulation, a federal law, or a faceless federal bureaucrat.

Powerless to control their government, then, the American people have responded by simply saying, "Get off our backs." It doesn't take the deepest appreciation of American political theory to recognize that "Get off our backs" stands as a very unsteady foundation on which to base the next century of American democracy.

Resentment over federal dictation of local and state policy reflects more than a vague paranoia about "Washington"; domination by Washington is a fact.

The federal government handed out $3.1 billion in aid to state and local governments in 1955. It now provides almost $60 billion—an increase in 20 years of 1,900%. Federal aid to these states and local governments make up a full 25% of all state and local government expenditures.

State and local spending priorities, which vary from community to community, let alone from state to state, are wrenched by the need to match "free grant money" from the federal government. Many a budget officer has been told by a mayor or governor, "I don't care what your priorities are, get that matching money from somewhere. We can't turn down that federal money." This occurs despite an often less than overwhelming need for the program simply because mayors and governors cannot often politically withstand accusations of "letting all that money pass us by."

Aid programs and matching requirements do much worse than dislocate state and local priorities. They waste money, lead to overlapping programs, and citizen resentment and confusion. Important projects fail and this is the gravest indictment of the present system.

Re-federalization, in the form of program trades I mentioned earlier, could be the key to clearing away this wasteful intergovernmental jungle.

For example, in fiscal year 1975 the state and local share of running both Aid for Families with Dependent Children (AFDC) and Medicaid was about $10 billion. The federal share was approximately $11 billion.

That same year, state and local governments in America received about $56 billion from direct federal aid programs.

In 1955 the Commission on Intergovernmental Relations (the Kestnbaum Commission) evaluated the divisions that ought to exist between federal, state, and local government, and made a careful report to President Eisenhower. Five years later, Mr. Eisenhower received the report and recommendations of the Joint Federal-State Action Committee. Within a decade, Richard Nixon (drawing heavily on the work of Richard Nathan, now of Brookings Institution) announced his "New Federalism."

The Kestnbaum Commission, the Federal-State Committee, and Mr. Nathan developed independently lists of what ought to be "national" problems confronted by federal government activity and what ought to be problems whose solutions should be received to state and local governments. These recommendations are not precisely the same, but are similar enough to indicate that consensus on a division between "national" programs and "local-state" programs can be achieved.

My research reveals that in categories generally defined as essentially local in nature by Mr. Nathan, the commission, and the committee, the federal government gave state and local governments $18 billion in fiscal 1975.

This $18 billion, only one-third of the $56 billion total federal aid to state and local governments, broke down as follows:

Urban mass transit, $688 million;

Community and regional development grants under 10 programs, $2.8 billion;

Education, employment, training, and social services, $10.3 billion in state and local direct aid;

Health, other welfare type programs, and law enforcement, $1.2 billion, $2.9 billion, and $722 million respectively, in grant aid.

This $18 billion is much larger than the $10 billion spent by state and local governments to help administer AFDC and Medicaid.

DECEPTIVELY SIMPLE

My suggestion as a possible starting place is deceptively simple: the federal government could take over AFDC and Medicaid entirely and then "trade" some $10 billion of its categorical grant programs entirely to states and local governments.

Thus states and local governments could be freed from a $10 billion bill that is essentially "aid to Washington" to run AFDC and Medicaid, and could choose at the state and local level how to deal with the programs that would no longer be funded by federal aid money. They could pick and choose from the $18 billion outlined above, for example. It may turn out that many of the federal aid programs do not fit into particular local and state spending priorities. This might lead to some local and state tax reductions or expansion or adoption of programs that truly deserve priority in the particular state or locality. The decision, and the assignment of priorities, would be made where it belongs—within state and local governments.

To my conservative colleagues in the Senate (and I am usually counted among them), I answer their objections to "nationalizing" welfare simply by pointing out that we have already begun to do so through Supplemental Security Income programs. Logic dictates that this national concern (income maintenance and re-distribution) be done at the national level, in light of the historically greater efficiency of tax collecting and distributing done by the federal government.

To my liberal colleagues, and I find myself often in agreement with their social concerns, I must say that leaving education and other social program decisions to state and local governments might entail some risks of cuts. I believe such risks are minimal because under my proposal, unlike the bloc grant system once advocated, the states would retain the same amount of money for education that they now receive from the federal government. Yes, local and state officials might prove sometimes less sympathetic to social programs than federal elected officials, though often they might prove more sympathetic. I opt for giving them a chance to be responsible by giving them responsibility.

But let me reiterate. Decisions on local problems should be left to the state and local governments and the individuals affected. If special education is chosen over a waste water treatment plant, it will at least be because local participation has determined that special education is a higher priority item for that community at that time than the waste water treatment plant.

That's the way to reinvigorate state and local government and reassure the citizens of this nation that their ideas, their problems, their priorities do count and their voices do make a difference.

FAREWELL, WITH THANKS, TO JIM SYERS

Mr. STEVENS. Mr. President, last month, in Oklahoma City, the National Association of Postmasters of the United States held their 77th Annual Convention. The election of their new president, Joe Gondola of Clifton, N.J., marked the end of the outstanding stewardship of this organization by its outgoing president, Postmaster Jim Syers, of Sturgis, Ky.

I know it was his sense of obligation and strong desire to serve his fellow postmasters and promote the well-being of the Postal Service that influenced Jim to choose to serve his organization so well for so long. He has fought hard to insure that the Postal Service continues to play its vital role in the life of Americans and to insure that the postmasters throughout the Nation are represented in decisions made by the management of the Postal Service.

For the past 2 years, Jim has provided outstanding leadership as president of NAPUS. Jim, like the postmasters throughout my State and rural America, is keenly aware of the vital role that a post office and the Postal Service play in the daily lives of all Americans. We all know that the Postal Service is important. However, it is in the rural areas where people seem to have a greater awareness of just how important the Postal Service is to their well-being.

Throughout his presidency, and even before, Jim was seen throughout the Halls of Congress lobbying, cajoling, explaining, and promoting the Postal Service and the role of the postmasters of this Nation. I wish we had more like him. If there is any department of the Government whose operation, purpose, and necessity is so often misunderstood, it is the U.S. Postal Service.

As chairman of the Subcommittee on Civil Service, Post Office, and General Services, I have often sought his trusted counsel. I want Jim to know how much we appreciate all he has done and wish him and his family well on their return to Kentucky.

Mr. STEVENS. Mr. President, I reserve the remainder of our time.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDENT pro tempore. The acting minority leader is recognized.

A SUPERLATIVE PRAYER

Mr. PROXMIRE. Mr. President, first, I congratulate our chaplain for the superlative prayer this morning about the Jewish people, their perserverance, their character, their resilience, their courage. It was a great prayer. I hope it helps to remind our colleagues to give careful consideration at long last, acting on the Genocide Convention. The Jewish people were, of course, the prime victims of the most spectacular and terrible genocide in all history. I think it is about time we got around to ratifying the Convention that every President has called for since Harry Truman and that every religious organization in the country—every religious group—has asked for and the American Bar Association has called for.

NUCLEAR WAR ITEM: CURRENT BUDGET PROPOSES SIX TIMES AS MUCH FOR MILITARY BANDS AS FOR OUR ARMS CONTROL AGENCY

Mr. PROXMIRE. Mr. President, for a crude but honest indication of a government's priority, it is hard to beat the size of the budget we allocate for particular purposes. We put our money where our mouth should be. Consider, then, the significance of some figures Senator PELL of Rhode Island put in the CONGRESSIONAL RECORD yesterday. His data show that, for this year, we will spend $16.7 million for the Arms Control and Disarmament Agency budget, and six times as much—now hold on to your hat—for military bands.

That is right. We will spend six times as much for 5,358 trombones, trumpets, and other bandsmen to toot the Marine Hymn and Anchors Aweigh as we spend on an expert agency designed to advise us on how we can wisely and safely reduce the terrible plague of the deadly arms race and seek a peaceful world.

Compared to the 5,358 bandsmen we pay to serenade us, how many experts do we hire to help us find an expert and secure a way to negotiate the ter-

ribly complex and dangerous nuclear stand-off to a safe harbor? The answer: 165. So we have literally 33 times as many military bandsmen—33 times Mr. President—as we have hired to work for arms control and disarmament.

The Arms Control and Disarmament Agency is scheduled for a reduction—the third consecutive reduction in 3 years, a reduction in funds and a reduction in personnel. What an irony; the one national security agency dedicated to finding a way to negotiate an end to the arms race is the only national security agency which will suffer a reduction in funding.

Well, Mr. President, we may blow up this world, as Admiral Rickover warned us a few weeks ago, but it looks as if we shall march into the dismal future of an utterly destroyed planet with hundreds of millions of dead—but with our bands playing our way into it.

FINANCIAL HOLDINGS AND INCOME TAX RETURN OF SENATOR WILLIAM PROXMIRE

Mr. PROXMIRE. Mr. President, in 1963, 1965, 1967, 1970, and yearly since 1972, I have submitted for the RECORD a history of my financial holdings from the time I was first elected to the Senate in August 1957 until May 1981. In order to bring the full record up to date, I submit herewith the history of my financial holdings since May 1981.

The bulk of the securities I hold are in State and municipal bonds totaling $45,000.

My other assets include ownership of a home in Madison, Wis., on which I owe a mortgage to the former owners; ownership of my home and furnishings in Washington, D.C., on which I owe a mortgage to the Perpetual American Federal Savings of Washington, D.C.; ownership of a 1972 automobile; ownership of two checking accounts in Washington, D.C., banks, one checking account in a Madison, Wis., bank and one savings account in a Madison, Wis., bank. The combined balance as of this date in these four accounts is $11,730.52

I also hold a land contract on a house in Madison, Wis., in the amount of $76,760.72 and a note on my former residence in Washington at 3220 Ordway Street in the amount of $6,266.05.

I estimate my net worth to be about $538,000.

To the best of my knowledge, this is an accurate record of my financial holdings and obligations.

In addition, I herewith submit a balance sheet showing my net worth and how it was arrived at, a copy of 1981 Federal income tax return, and a list of all honorariums received during 1981.

I paid $42,517 to the Federal Government in taxes on my 1981 income. In addition, I paid $10,616 to the State of Wisconsin on 1981 income.

I ask unanimous consent that the balance sheet, copy of my 1981 Federal tax return, and list of all honoraria received in 1981 be printed in the RECORD.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

Net worth of Senator William Proxmire as of April 21, 1982

Municipal and State bonds	$45,000.00
3 checking and 1 savings account:	
Washington N.S. & T. checking	409.24
Washington Riggs checking	1,439.53
Madison, Wis. checking	1,984.55
Madison, Wis. savings	7,897.20
4613 Buckeye Road, Madison land contract	76,760.72
Note on 3220 Ordway Street NW., Washington, D.C.	6,266.05
3097 Ordway Street NW., Washington, D.C.:	
Assessed value	357,205.00
Mortgage value	(57,804.01)
Furnishings	15,000.00
118 Bradford Lane, Madison, Wis.:	
Assessed value	46,100.00
Mortgage value	(33,255.21)
Cash deposit in civil service retirement	71,571.81
Total	538,574.88

Honoraria Received in 1980 by Senator William Proxmire

Lander College, Greenwood, S.C.	$1,000.00
International Association Printing House Craftsmen, Wichita, Kans	1,000.00
Babson College, Babson Park, Mass	1,000.00
Bridgewater State College, Bridgewater, Mass	2,000.00
Providence College, Providence, R.I.	1,500.00
Monrovian College, Bethlehem, Pa	1,000.00
Yale University, New Haven, Conn	1,000.00
Cato Forum, San Francisco, Calif	800.00
Brookings Institute, Washington, D.C.	200.00
University of Nebraska, Lincoln, Nebr	1,000.00
Bay de Noc Community College, Escanaba, Mich	1,000.00
St. Mary's College of Maryland, St. Mary's City, Md	1,500.00
Norfolk Forum, Norfolk, Va	1,613.00
University of Central Florida, Orlando, Fla	1,500.00
St. Lawrence University, Canton, N.Y	1,500.00
Ford Hall Forum, Boston, Mass	1,000.00
University of Alabama, Tuscaloosa	1,000.00
Fredonia College Foundation, Fredonia, N.Y.	1,000.00
Tomorrow Show (NBC), New York, N.Y.	518.75
Investigator Magazine	150.00
San Francisco Chronicle	30.00

U.S. INDIVIDUAL INCOME TAX RETURN, 1981

William & Ellen H. Proxmire, 118 Bradford Lane, Madison, Wisconsin.

Your occupation, U.S. Senator.

Spouse's occupation, Coordinator.

Presidential Election Campaign: Do you want $1 to go to this fund? Yes. If joint return, does your spouse want $1 to go to this fund? No.

Filing Status: Married filing joint return (even if only one had income).

Exemptions: Yourself, Spouse; 65 or over.

Enter number of boxes checked on 6a and b, 3.

First names of your dependent children who lived with you: Douglas.

Enter number of children listed on 6c, 1.

Add numbers entered in boxes above, 4.

Income

7 Wages, salaries, tips, etc., $104,459.

8a Interest income (*attach Schedule B if over $400 or you have any All-Savers interest*), $8,152.

b Dividends (*attach Schedule B if over $400*), $4,092.

c Total, Add lines 8a and 8b, $12,244.

d Exclusion (*See page 9 of Instructions*), $400.

e Subtract line 8d from line 8c (but not less than zero), $11,844.

11 Business income or (loss) (*attach Schedule C*), $20,753.

12 Capital gain or (loss) (*attach Schedule D*), $3,000.

17 Rents, royalties, partnerships, estates, trusts, etc. (*attach Schedule E*), $3,432.

20 Other income (state nature and source—see page 11 of instructions) see attached, $1,714.

21 Total income. Add amounts in column for lines 7 through 20, $132,338.

Adjustments for Income

23 Employee business expenses (*attach Form 2106*), $3,786.

30 Total adjustments. Add lines 22 through 29, $3,786.

Adjusted Gross Income

31 Adjusted gross income. Subtract line 30 from line 21, $128,552.

Tax computation

32a Amount from line 31 (adjusted gross income), $128,552.

32b If you do not itemize deductions, enter zero. If you itemize, complete Schedule A (Form 1040) and enter the amount from Schedule A, line 41, $22,750.

32c Subtract line 32b from line 32a, $105,802.

33 Multiply $1,000 by the total number of exemptions claimed on Form 1040, line 6e, $4,000.

34 Taxable Income. Subtract line 33 from line 32c, $101,802.

35 Tax. Enter tax here and check if from Form 4726, $40,687.

37 Total. Add lines 35 and 36, $40,687.

Credits

38 Credit for contributions to candidates for public office, $100.

46 Total credits, $100.

47 Balance. Subtract line 46 from line 37 and enter difference (but not less than zero), $40,587.

Other taxes

48 Self-employment tax (attach Schedule SE), $1,930.

54 Total tax. Add lines 47 through 53, $42,517.

Payments

55 Total Federal income tax withheld, $36,490.

56 1981 estimated tax payments and amount applied from 1980 return, $19,360.

62 Total. Add lines 55 through 61, $55,850.

Refund or balance due

63 If line 62 is larger than line 54, enter amount overpaid, $13,333.

64 Amount of line 63 to be refunded to you, $4,153.

65 Amount of line 63 to be applied to your 1982 estimated tax, $9,180.

SCHEDULE A—ITEMIZED DEDUCTIONS

Medical and dental expenses

1 One-half (but not more than $150) of insurance premiums you paid for medical care. (Be sure to include in line 10 below.), $150.

5 Balance of insurance premiums, $243.

7 Total (add lines 4 through 6d), $243.

8 Enter 3 percent of Form 1040, line 31, $3,857.

10 Total medical and dental expenses (add lines 1 and 9). Enter here and on line 33, $150.

Taxes

11 State and local income, $12,165.

12 Real estate, $4,015.

13 a General sales (see sales tax tables), $568.

16 Total taxes (add lines 11 through 15). Enter here and on line 34, $16,748.

Interest expense

17 Home mortgage, $4,864.

18 Credit and charge cards, $1,284.

19 Other (itemize) DC Govt., $100.

20 Total interest expense (add lines 17 through 19). Enter here and on line 35, $6,248.

Contributions

21 a Cash contributions (if you gave $3,000 or more to any one organization, report those contributions on line 21b), $1,749.

b Cash contributions totaling $3,000 or more to any one organization (show to whom you gave and how much you gave) schedule attached.

24 Total contributions (add lines 21a through 23). Enter here and on line 36, $1,749.

Miscellaneous deductions

30 b Tax return preparation fee, $1,150.

31 Prof. license, $25. Bus. publications, $80.

32 Total miscellaneous deductions (add lines 30a through 31). Enter here and on line 38, $1,255.

Summary of itemized deductions

33 Total medical and dental—from line 10, $150.

34 Total taxes—from line 16, $16,748.

35 Total interest—from line 20, $6,248.

36 Total contributions—from line 24, $1,749.

38 Total miscellaneous—from line 32, $1,255.

39 Add lines 33 through 38, $26,150.

40 If you checked Form 1040, Filing Status box: 2 or 5, enter $3,400, 1 or 4, enter $2,300, 3, enter $1,700, $3,400.

41 Subtract line 40 from line 39. Enter here and on Form 1040, line 32b. (If line 40 is more than line 39, see the Instructions for line 41 on page 20.), $22,750.

SCHEDULE B—INTEREST AND DIVIDEND INCOME

Part I.—Interest Income

1a Interest income (other than qualifying interest from All-Savers Certificates):

Lowy Note, J, $557.

O'Brien, J, $6,975.

United Bank & Tr, J, $620.

1b Total. Add above amounts, $8,152.

2 Total interest income (add lines 1b and 1f). Enter here and on Form 1040, line 8a, $8,152.

Part II.—Dividend Income

3 Dreyfus Money Mkt, W, $4,092.

4 Total. Add above amounts, $4,092.

8 Total dividend income (subtract line 7 from line 4). Enter here and on Form 1040, line 8b, $4,092.

Part III.—Foreign Accounts and Foreign Trusts

9 At any time during the tax year, did you have an interest in or a signature or other authority over a bank account, securities account, or other financial account in a foreign country? No.

10 Were you the grantor of, or transferor to, a foreign trust which existed during the current tax year, whether or not you have any beneficial interest in it? No.

PROFIT OR (LOSS) FROM BUSINESS OR PROFESSION

Name of proprietor, William Proxmire.

A Main business activity (see Instructions), speaker; product, services.

B Business name, Sen. William Proxmire.

D Business address (number and street) City, State and ZIP Code, 5241 Dirksen Bldg., Washington, D.C.

E Accounting method: (1) Cash.

G Was there any major change in determining quantities, costs, or valuations between opening and closing inventory? No.

H Did you deduct expenses for an office in your home? No.

Part I.—income

1 a Gross receipts or sales, $20,613.

c Balance (subtract line 1b from line 1a), $20,613.

3 Gross profit (subtract line 2 from line 1c) $20,613.

5 Total income (add lines 3, 4a, and 4b) $20,613.

Part II.—deductions

31 Other expenses (specify):

a Expenses Incurred, $3,808.

b Expenses Recovered, $3,808.

33 Net profit or (loss) (subtract line 32 from line 5). If a profit, enter on Form 1040, line 11, and on Schedule SE. Part II, line 5a (or Form 1041, line 6). If a loss, go on to line 34 $20,613.

PROFIT OR (LOSS) FROM BUSINESS OR PROFESSION

Name of proprietor, William Proxmire.

A Main business activity (see instructions), Writer; product, Literature.

B Business name: Sen. William Proxmire

D Business address (number and street) City, State and ZIP Code 5241 Dirksen Bldg., Washington, D.C.

E Accounting method: Cash.

G Was there any major change in determining quantities, costs, or valuations between opening and closing inventory? No.

H Did you deduct expenses for an office in your home? No.

Part I.—income

1 a Gross receipts or sales, $180.

c Balance (subtract line 1b from line 1a), $180.

3 Gross profit (subtract line 2 from line 1c), $180.

5 Total income (add lines 3, 4a, and 4b), $180.

32 Total deductions (add amounts in columns for lines 6 through 31p), $40.

33 Net profit or (loss) (subtract line 32 from line 5). If a profit, enter on Form 1040, line 11, and on Schedule SE, Part II, line 5a (or Form 1041, line 6). If a loss, go on to line 34, $140.

Schedule C-3.—Expense account information

Did you claim a deduction for expenses connected with:

A Entertainment facility (boat, resort, ranch, etc.)? No.

B Living accommodations (except employees on business)? No.

C Conventions or meetings you or your employees attended outside the North American area? No.

D Employees' families at conventions or meetings? No.

E Vacations for employees or their families not reported on Form W-2? No.

CAPITAL GAINS AND LOSSES

Part 1. Short-term capital gains and losses—Assets held one year or less

a. Kind of property and description (Example, 100 shares 7% preferred of "Z" Co.), Nicholas Poulos.

b. Date acquired (Mo., day, yr.), January 1, 1981.

c. Date sold (Mo., day, yr.), October 1, 1981.

d. Gross sales price less expense of sale, $3,481.

e. Cost or other basis, as adjusted (see instructions page 23), $10,000.

f. Loss, if column (e) is more than (d) subtract (d) from (e), $10,000.

4 Add lines 1 through 3 in column f and column g, $10,000.

5 Combine line 4, column f and line 4, column g and enter the net gain or (loss), $10,000.

7 Net short-term gain or (loss), combine lines 5 and 6, $10,000.

Part II. Long-term capital gains and losses—assets held more than one year

8 a. N.J. Bonds.

b. June 15, 1976.

c. January 23, 1981.

e. 5,039.

f. $1,558.

11 Add lines 8 through 10 in column f and column g, $1,558.

12 Combine line 11, column f and line 11, column g and enter the net gain or (loss), $1,558

16 Combine lines 12 through 15, $1,558.

18 Net long-term gain or (loss), combine lines 16 and 17, $1,558.

Part III. Summary of parts I and II

19 Combine lines 7 and 18, and enter the net gain or (loss) here, $11,558.

23 (iii) If line 7 and line 18 are net losses, enter amount on line 7 added to 50% of the amount on line 18, $10,779.

24 (iii) Taxable income, as adjusted, $3,000.

Part V. Computation of post-1969 capital loss carryovers from 1981 to 1982

Section A.—Short-term Capital Loss Carryover

36 Enter loss shown on line 7; if none, enter zero and skip lines 37 through 41—then go to line 42, $10,000.

38 Reduce any loss on line 36 to the extent of any gain on line 37, $10,000

39 Enter amount shown on line 24, $3,000.

40 Enter smaller of line 38 or 39, $3,000.

41 Subtract line 40 from line 38. This is your short-term capital loss carryover from 1981 to 1982, $7,000.

Section B.—Long-term Capital Loss Carryover

43 Enter loss from line 18; if none, enter zero and skip lines 44 through 47, $1,558.

45 Reduce any loss on line 43 to the extent of any gain on line 44, $1,558.

47 Subtract line 46 from line 45. This is your long-term capital loss carryover from 1981 to 1982, $1,558.

SUPPLEMENTAL INCOME SCHEDULE

Part 1. Rent and royalty income or loss

1 Are any of the expense listed below for a vacation home or similar dwelling rented to others (see instructions)?—No.

Rental and royalty income—Properties

3 a Rents received (A) $4,810,

Totals, $4,810.

Rental and royalty expenses

8 Insurance, (A) $176.

9 Interest, (A) $4,992.

10 Legal and other professional fees, (A) $480.

13 Taxes (do NOT include Windfall Profit Tax, see Part III, line 35), (A) $1,004.

17 Total deductions (add lines 4 through 16, (A) $6,652.

18 Depreciation expense (see Instructions), or Depletion (attach computation), (A) $1,590.

19 Total (add lines 17 and 18, (A) $8,242.

20 Income or (loss) from rental or royalty properties (subtract line 19 from line 3a (rents) or 3b (royalties)), (A) $3,432.

22 Add properties with losses on line 20, and enter total (losses) here, $3,432.

23 Combine amounts on lines 21 and 22, and enter net profit or (loss) here, $3,432.

25 Total rental or royalty income or (loss). Combine amounts on lines 23 and 24. Enter here and include in line 37 on page 2, $3,432.

Part IV Summary

37 Total income or (loss). Combine lines 25, 29, 31, 33, and 36. Enter here and on Form 1040, line 17. $3,432.

Part V Depreciation Claimed in Part I.

Property A

Mad Wisc—118 Brad—See attached.

COMPUTATION OF SOCIAL SECURITY SELF-EMPLOYMENT TAX

Part II Computation of Net Earnings from Nonfarm Self-Employment

Regular Method

5 Net profit or (loss) from:

a Schedule C (Form 1040), $20,753.

6 Total (add lines 5a through 5e), $20,753.

8 Adjusted net earnings or (loss) from nonfarm self-employment (line 6, as adjusted by line 7). Enter here and on line 12b. (Note: If the amount on line 8 is less than $1,600, you may wish to use the nonfarm optional method instead. See instructions.), $20,753.

Nonfarm Optional Method (Use only if your earnings from nonfarm self-employment are less than $1,600 and less than two-thirds of your gross nonfarm profits.).

9 a Maximum amount reportable under both optional methods combined (farm and nonfarm), $1,600.

Part III Computation of Social Security Self-Employment Tax

12 Net earnings or (loss):

b From nonfarm (from line 8, or line 11 if you elect to use the Nonfarm Optional Method), $20,753.

13 Total net earnings or (loss) from self-employment reported on lines 12a and 12b. (If line 13 is less than $400, you are not subject to self-employment tax. Do not fill in rest of schedule), $20,753.

14 The largest amount of combined wages and self-employment earnings subject to social security or railroad retirement taxes for 1981 is $29,700.

15 a Total FICA wages (from Forms W-2) and RRTA compensation $519.

c Add lines 15a and 15b, $519.

16 Balance (subtract line 15c from line 14), $29,181.

17 Self-employment income—line 13 or 16, whichever is smaller, $20,753.

18 Self-employment tax. (If line 17 is $29,700, enter $2,762.10; if less, multiply the amount on line 17 by .093.) Enter here and on Form 1040, line 48, $1,930.

EMPLOYEE BUSINESS EXPENSE

5 Other:

(e) Schedule attached, $3,786.

6 Add lines 1 through 5, $3,786.

8 Deductible business expenses (subtract line 7 from line 6). Enter here and include on Form 1040, line 23, $3,786.

EMPLOYEE BUSINESS EXPENSE

3 Car expenses (from Page 2, line 19), $3,334.

4 Outside salesperson's expenses:

(e) Business entn, $652.

(f) Memberships, $300.

6 Add lines 1 through 5, $4,286.

7 Employer's payments for these expenses if not included on Form W-2, $6.000.

9 Income from excess business expense payments (subtract line 6 from line 7). Enter here and include on Form 1040, line 20, $1,714.

Automobile expenses—car 1

A. Number of months you used your car for business during 1981, 12 months.

B. Total mileage for months in line A, 7,000 miles.

C. Business part of line B mileage, 4,900 miles.

Actual expenses (Include expenses for only the months shown in line A, above.)

1. Gasoline, oil, lubrication, etc., $730.

5. Other: (a) Insurance, $547.

(e) Miscellaneous, $3,200.

6 Total (add lines 1 through 5(e), $4,477.

7 Total business percent of car use (divide line C by line B, above), 70.

8 Business part of car expense (multiply line 6 by line 7), $3,134.

Summary

16 Enter applicable amount from line 8 or line 15, $3,134.

17 Combine the amounts on line 16, $3,134.

18 Parking fees and tolls, $200.

19 Total (add lines 17 and 18), $3,334.

Office expenses incurred by Senator Proxmire in 1981

Postage	$205.97
Wisconsin office expenses	485.10
Telephone	912.73
Subscriptions	1,579.32
Total	3,183.12

Office expenses reimbursed to Senator Proxmire in 1981

Postage	$215.16
Wisconsin office expenses	542.98
Telephone	830.91
Subscriptions	1,290.76
Total	2,879.81

Travel and per diem expenses incurred in 1981—Senate business, $19,804.71.

Travel and per diem expenses reimbursed by the Senate, 1981, $19,322.38.

Expense	Out	In	Total
Summary:			
Office	3,183	2,880	
Travel	19,805	19,322	
Total	22,988	22,202	
Allowance for per diem, limited to $3,000	3,000		
Total	25,988	22,202	3,786

DEPRECIATION—MAD., WIS., 118 BRAD.

4 Depreciation from Part II, line 3, $1,590.

5 Total (add column G, lines 3 and 4). Enter this amount on the depreciation expense line (where it applies) of your return, $1,590.

PART II ASSETS PLACED IN SERVICE BEFORE JANUARY 1, 1981, AND OTHER ASSETS NOT QUALIFYING FOR ACRS

A. Description of property	B. Date acquired	C. Cost or other basis	D. Depreciation allowed or allowable in earlier years	E. Method of figuring depreciation	F. Life or rate	G. Depreciation for this year
1 Class life asset depreciation range (CLADR) system depreciation						
2 Other depreciation (for grouping assets, see instructions for Part II):						
118 LAND	Nov. 22, 1980	$11,500				
118 BRADFORD	Nov. 22, 1980	$31,800	$265	SL	20/00	$1,590
3 Total (add amounts in column G). Enter here and in Part I, line 4						1,590

MAXIMUM TAX ON PERSONAL SERVICE INCOME

Wages, salaries, tips, etc., $104,459.

Other compensation, $1,714.

Other (see instructions and list): Business income, $20,753.

1 Total personal service income, $126,926.

Employee business expenses, $3,786.

2 Total deductions against personal service income, $3,786.

3 Personal service net income—Subtract total of line 2 from total of line 1, $123,140.

4 Adjusted gross income from Form 1040, line 32a (estates and trusts—see instructions), $128,552.

5 Divide the amount on line 3 by the amount on line 4. Enter result as a percentage. If more than 100%, enter 100%. Round to nearest 4 numbers, 0.9579.

6 Taxable income from Form 1040, line 34 or Form 1041, line 25, $101,802.

7 Multiply the amount on line 6 by the percentage on line 5, $97,516.

9 Personal service taxable income. Subtract line 8 from line 7, $97,516.

10 If: on Form 1040, you checked box 2 or box 5, enter $60,000, $60,000.

11 Subtract line 10 from line 9. If line 10 is more than line 9, do not complete rest of form, $37,516.

12 Enter 50% of line 11, $18,758.

13 Tax on amount on line 6*, $43,061.

14 Tax on amount on line 9*, $40,532.

15 Subtract line 14 from line 13, $2,529.

16 If the amount on line 10 is: $60,000, enter $19,678, $19,678.

17 Add lines 15 and 16, $22,207.

18 Multiply line 17 by .0125, $278.

19 Subtract line 18 from line 17, $21,929.

20 Add lines 12 and 19. This is your maximum tax. (see instructions), $40,687.

Earnings

	Gross	Fed wt	FICA	St wt	City wt
U.S. Senate, H	60,663	24,790	.....	5,014	.....
Wash Whirl Around, W	43,277	11,599	1,975	.....	.....
NBC, H	519	101	35	36	2
Total	104,459	36,490	2,010	5,050	2

MISCELLANEOUS INCOME

See attached 2106, $1,714.

Total to 1040, line 20, $1,714.

CONTRIBUTIONS

By check, H, $855, 50 percent.

By check, W, $894, 50 percent.

Total, $1,749.

Allowable contributions to sched aline 24, $1,749.

THE HOLOCAUST

Mr. PROXMIRE. Mr. President, of all the genocides ever perpetrated by man, the Nazi Holocaust must stand out as the most horrifying. Where other instances of mass murder can be attributed to the sudden turmoil of revolution or war, the German genocide against the Jews resulted from a brutal ideology which used an efficient bureaucracy and military to kill systematically over 6 million people. This extended massacre represents perhaps the ultimate perversion of modern society and modern technology. It is one of the major subjects of Leo Kuper's new book, "Genocide: Its Political Use in the Twentieth Century."

What distinguished the Nazi Holocaust from other genocides was, in large part, the degree of organization. With bureaucratic precision, Jews were first identified, then removed from society, isolated in ghettos, and finally concentrated in death camps. Throughout this process, their possessions, labor, and bodies were utilized to the maximum industrial benefit. From the expropriation of Jewish holdings to the use of forced Jewish labor, to the final processing of Jewish bodies for clothes, gold teeth, and women's hair, the Nazi genocide was one of unspeakable efficiency.

The efficiency produced and reinforced a dehumanization of the killers. Kuper's book relates how they prided themselves on dispassionate killing: In one instance, he quotes an account of a Nazi officer who calmly shot and killed hundreds of Jews as they were forced to enter a mass grave. Of course, the efficiency often broke down into unbelievable sadism. Much killing came about by beatings, hangings, or even torture clothed as medical research. Yet the ultimate end was the gas chamber; clean, quick, it epitomized the dehumanizing process by which the Nazis managed to distance themselves from their victims.

By the end of World War II, the Nazis had killed 6 million Jews. A shocked world reacted strongly to evidence of their cold-blooded atrocities and vowed to prevent genocide from ever recurring. One result of this determination was the Genocide Convention, which calls upon the international community to stop genocide and punish those who commit genocide.

Unfortunately, the United States has not ratified the Convention. Despite our leading human rights role, we seem to have forgotten exactly what happened during the Nazi Holocaust. Yet one need only read the literature of the Holocaust to understand the necessity of eradicating genocide forever. Ratification of the Genocide Convention would be a step toward this goal.

Mr. President, I urge the Senate to ratify this most important human rights treaty.

Mr. President, I reserve the remainder of the time for the minority leader.

ORDER OF PROCEDURE

Mr. STEVENS. Mr. President, I am informed that the special order requested by the Senator from New York (Mr. MOYNIHAN) will not be needed. I ask unanimous consent that that order be vitiated.

The PRESIDING OFFICER (Mr. COCHRAN). Without objection, it is so ordered.

Mr. STEVENS. I suggest to the Chair that the special order for Senator EAGLETON should come ahead of that of the Senator from Pennsylvania today.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

RECOGNITION OF SENATOR EAGLETON

The PRESIDING OFFICER. Under the previous order, the Senator from Missouri (Mr. EAGLETON) is recognized for not to exceed 15 minutes.

1982: 90TH ANNIVERSARY OF THE AMERICAN JEWISH HISTORICAL SOCIETY'S ANNUAL MEETING

Mr. EAGLETON. Mr. President, this year marks the 90th Anniversary of the American Jewish Historical Society's Annual Meeting. This year, the meeting will be held in Kansas City, Missouri from April 30 to May 2. The theme of the meeting will be "Mid-America's Promise: A Focus on Midwestern Jewry."

The American Jewish Historical Society, located in Waltham, Massachusetts, is an organization dedicated to the preservation and dissemination of information about the settlement, life, and history of the Jews in America from colonial times until the present day. The goals of the Society are to provide the world with a more complete understanding of the Jewish experience as part of the American scene and to preserve records of the present, as well as the past, to insure the continuity of that understanding for future generations.

The Society maintains records about the total spectrum of American Jewish life. The original documents and artifacts serve as resources for continued research and study. The Society is the largest repository in the world of original materials relating to more than three centuries of Jewish life in the New World. Its library houses more than 60,000 volumes, four million pages of manuscripts, newspapers, periodicals, paintings and artifacts. The Society also sponsors education activities such as exhibits, conferences, lectures, and special events for the general public.

We are the history of generations to come. Just as we study the frustrations and accomplishments of our ancestors before us, so will we be the focus of future historians in the years ahead. The uniqueness of the Society provides a continuing account of the importance of Jewish participation in the growth and development of the Western Hemisphere. I am honored to have the privilege of officially noting, for historical records, the 90th Anniversary of the American Jewish Historical Society's Annual Meeting.

THE NUCLEAR DEBATE

Mr. EAGLETON. Mr. President, President Reagan is embarked upon a series of weekly radio broadcasts to clarify his views on key national and international issues. There is no question the President is a talented communicator. Unfortunately, he seems to have a talent also for misstating facts, for exaggerating problems and for frequently missing the main point of people's concerns.

In order to assure a balanced presentation, the networks have given Democrats an opportunity to respond.

In the past, Senator CARL LEVIN of Michigan and House Majority Leader JIM WRIGHT of Texas spoke for our party. This past week, Democrats called on Connecticut Congressman

TOBY MOFFETT to reply to President Reagan's talk on Arms Control.

TOBY MOFFETT is qualified by his own young age to speak for today's generation of Americans concerned about the possibility of nuclear war. As it happened, he added to those credentials about an hour before broadcast when his wife gave birth to their third child.

But, more than age measures the generational gap between Ronald Reagan and TOBY MOFFETT. There is a sharp contrast as well in their approaches to the nuclear threat as between the suspicious and rhetoric of a revived cold war era and a voice raised in search of some rational way to avert a mindless nuclear exchange.

I commend Congressman MOFFETT's inspiring remarks on this subject to all my colleagues and ask unanimous consent that they be printed at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

DEMOCRATIC RESPONSE TO PRESIDENT REAGAN'S RADIO ADDRESS BY CONGRESSMAN TOBY MOFFETT

Good afternoon. This is Connecticut Congressman Toby Moffett. My Party, the Democrats, has asked me to respond to President Reagan's address on arms control. This is an important day for me for personal reasons as well. Less than an hour ago, at 1:02 P.M. my wife Myra gave birth to a healthy baby girl. Her name is Mary Ellen.

Mary Ellen Moffett will be 18 years old in the year 2000. As a father of two daughters and as a Member of Congress, I have never been more concerned about the kind of world my children will face.

President Reagan's address was billed as a talk on arms control. It was not a serious talk on arms control. It was a discussion about our enemy, the Soviet Union. We Democrats agree with the President on Afghanistan and Poland. But we don't agree that the Soviet Union is ten feet tall. We don't believe the Soviets are stronger than America. And it serves no useful purpose for a President to keep suggesting that they are.

Candidate Reagan campaigned against the strategic arms control treaty called SALT II. He said that when he got to office, he would meet the Soviet Union at the negotiating table and do better than SALT. He said he would do better than limit arms; he would argue for arms reduction.

The sad fact is that after 16 months in office, the President doesn't have a proposal. He has yet to articulate our interests; how we are threatened and what he is going to do about it.

Not all members of our Party support a nuclear freeze proposal. But the President is wrong when he says that a nuclear freeze would place the United States in a definite position of inferiority.

The United States and the Soviet Union already have enough weaponry to destroy each other many times over. We don't need a policy of more missiles. We need a policy of negotiations, treaties and cooperation to back our Nation and the Soviets off the nuclear precipice.

We can begin, at the very least, by taking another look at SALT II. SALT II would require the Soviet Union to dismantle 308 missiles; the U.S. wouldn't have to dismantle any.

As Admiral Rickover, the father of our nuclear navy said upon his retirement: "I think it would be the finest thing in the world for the President of the United States to initiate immediately another arms control conference . . . this is a very propitious time, when the military expenses are eating up so much money and using so much of the people's taxes."

Admiral Rickover knows, just as so many business executives and Republican leaders know, that you simply cannot give out $800 billion in tax cuts and spend $1.6 trillion on defense over the next five years without choking this economy.

We Democrats thought the President was wrong when he proposed such a program last year. We offered alternatives. We lost. The President won.

Now it is time, in fact past time, to make some changes. The President can begin by being less stubborn and agreeing to back off—to some extent at least—his tax cut and to reduce the size of his military increase.

Last year, when the Reagan program was proposed, its proponents boasted that the gameplan would act "like a rising tide lifting all boats." Now the Secretary of the Treasury says the economy is "dead in the water." What Senator Howard Baker described last year as a "riverboat gamble" has taken a toll that is too much to tolerate.

This program is hurting people, real people. Does the President realize it? Does he really know what he is doing?

They say that back in the 1930's, Ronald Reagan used to broadcast baseball games in a rather interesting manner. He didn't actually attend the games. Instead, young Mr. Reagan would call the games based on statistics fed to him over the telegraph wire.

We Democrats think that President Reagan is doing that same kind of thing these days when he describes the country's economic crisis. He sits in Washington re-interpreting unemployment statistics, claiming that unemployment has gone down when it has actually gone up.

Indeed, the world of Ronald Reagan—the comfortable world of Pacific Palisades and Barbados—bears little or no relation to the real world. And the words of Ronald Reagan often bear little or no relation to the truth.

We Democrats realize that we have much work to do. It is not enough to stand by and grumble while the economy crumbles. We stand ready to continue in good faith negotiations on the economic crisis.

But we will not see a solution if the President remains stubborn. By his own admission—in his own words—the President is "on the sidelines."

We need him back in the game. We need him to tell us what he proposes on Social Security and taxes and defense.

In short, it is time for the leading man to lead.

This has been Congressman Toby Moffett of Connecticut responding for the Democratic Party to the President's noontime address to the Nation.

CLEAN AIR ACT AMENDMENTS

Mr. EAGLETON. Mr. President, once again Congress is gearing up for a hotly contested debate on amending the Clean Air Act. Already, the Senate Environment and Public Works Committee has spent hours of hearing and markup time in writing a bill to make adjustments in the present law. Chairman HENRY WAXMAN of the House Health and Environment Committee has spent similar days of committee time reviewing the act.

Despite ambitious schedules and optimism, no reform bill has been reported to the floor of the House or Senate. It is not an easy task that these two committees face. Having once been a member of the Environment and Public Works Committee, I appreciate the tough questions being debated in those committees. Few issues stir up as much emotion as reform of air pollution laws—and rightfully so. The quality of air we breathe is a "matter of life and death."

It has only been over the past 15 years that environmental issues have become an important part of our political agenda. The National Commission of Air Quality's report to Congress last year was very encouraging. Our country has made great progress in reshaping our air. The air is a lot cleaner, even if there are still more than 130 counties in the country that face serious pollution problems. Industry has spent $200 billion or more in the past 10 years on clean air equipment. Federal and State bureaucrats have written over 2,500 pages of regulations for our protection and enforcement of air quality standards. There is no doubt that the Clean Air Act is truly one of Congress greatest achievements in this decade.

The clean air issue has not gone unnoticed by the public. Lou Harris, the pollster, testified recently before the House Health and Environment Subcommittee that 80 percent of Americans do not want to see any relaxation in existing Federal regulation of air pollution—a very impressive number. He went on to say that "clean air happens to be one of the sacred cows of the American people." Other polls by much more conservative organizations show the same kind of response. However, the polls also point out that most Americans are strongly in support of the goals of clean air, but have little knowledge of what it takes to achieve those goals.

I would venture to say that if a test were given today in the Senate Chamber on what a PSD, IM, SIP, LAER or BACT was, there would only be a handful of Senators who could give right answers. Few of us really understand what the air quality number means that the weatherman provides us with each evening. We do understand, however, when the weatherman says it is unhealthy, and it hurts to breathe, or if we travel thousands of miles to see the Grand Canyon and all we see is haze. I do believe that we must honestly look at the Clean Air Act in the context of today's realities. Early in the fight for clean air, the need was so urgent, the scientific data

so unclear, and the technology only a guess, that Congress could set ambitious standards. The Nation's economy was not at the depth of recession it is today, and the budget could still support new demonstration grants and programs. The conflict between economics and environmental needs really did not have to be faced. But today, somebody has to feed and care for the "cow" if we are going to enjoy any of its product—namely clean air.

By no means am I advocating the abandonment of the clean Air Act to save a few bucks for big business. It is clear that the $200 billion spent by industry has been very useful in reaching our clean air goals. The message that I have received over the years from industry has not been one of getting around the system, but now to get the system moving. It is not uncommon for a company to spend 3 years or more in applying for a permit to build a new plant. Many times the plans have been unchanged by EPA or the States by the time the plan is adopted. Cities and States have spent hours and hours of debate drawing up contingency plans to meet the national standards. Sometimes, it is physically impossible for a city to meet the standards in the time frame established by Congress. The city of St. Louis is a prime example. The St. Louis Post Dispatch recently ran an article entitled, "EPA Threatens City with Loss of Grants." St. Louis is among 12 cities targeted by EPA for potential loss of millions of Federal dollars, because it still has not come in to compliance with the act. I ask that the text of the article be printed at the conclusion of my remarks.

It is not just large cities that are facing financial penalties under the present act. In Missouri's Bootheel area there is a small charcoal brick factory that employs some 30 people. It is located in a county that has one of the highest unemployment rates in Missouri. The company has tried to meet all the State and Federal clean air regulations, but recently was told by EPA that it must install new equipment. The owner is clearly considering closing the plant for good, rather than seek the high-interest loans it would take to buy the equipment. If he chooses this path, the county will be adding 30 more new names to the unemployment rolls. One employee told me that he drove in a 80-mile radius last week seeking a fall-back position, but there are no jobs to be found. My guess is that residents of this rural county are not going to be able to tell one bit of difference in the air they breathe. But, EPA says there is nothing they can do, "the law mandates the compliance."

I really wonder if these consequences are what we had in mind when we voted in 1977 to amend the Clean Air Act. Should companies, cities, or States that have made an all-out effort to comply with the act, be penalized? Should workers be forced on the unemployment lines because of new equipment?

My answer is no. I believe the time has come, in light of our current economic picture, to be a little more flexible, where we can. I do not believe we can throw away the heart of the bill; or dirty up our pristine areas, like parks and wilderness; or allow for changes in the visibility standards for these Class I areas. I do not believe we can grant automatic extensions to States, unless they demonstrate a good track record of efforts to comply. In other words, I do not embrace the Byrd proposal, lock, stock, and barrel.

I do hope that my cosponsorship of S. 2266, commonly known as the Byrd stationary source bill, will signal to the committees in the House and Senate that the reform bill that comes to the floor needs to allow for some flexibility. I believe the Byrd bill moves in the right direction as far as acid rain requirements are concerned, emergency variances to States that have earned the right to apply for variance, providing for flexibility to cities on the inspection-maintenance provision, and to allow major sources to comply with Best Available Control Technology. S. 2266 represents to me a preliminary plan for the future of the Clean Air Act. It clearly is not the ultimate answer to clean air, but it does provide some ideas for the committee to consider.

Mr. President, I ask unanimous consent that the text of the Post Dispatch article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

EPA THREATENS CITY WITH LOSS OF GRANTS

(By Jo Mannies)

WASHINGTON.—St. Louis is among 12 cities targeted by the Environmental Protection Agency for potential loss of millions of dollars in federal highway and sewer aid because they have failed to comply with federal clean air regulations.

The EPA says it also is considering a ban on most industrial construction in those areas until the air quality improves.

But those threats are being met with skepticism by some St. Louis pollution officials, and at least one St. Louis area member of Congress. They speculate that the EPA actually is playing politics, and has no real intention of imposing the sanctions.

A Missouri congresssional delegation source, who asked not to be identified, quoted an unidentified EPA official as having said that the whole matter was "a scare tactic" and that St. Louis officials should not get overly concerned.

A spokesman for Rep. Richard A. Gephardt, D-St. Louis, said: "We're satisfied that there is no immediate danger of loss of funds. However, we are sending a letter to the EPA asking for details regarding their intent for St. Louis and any loss of federal funds."

The EPA has got in touch with Sen. John C. Danforth, R-Mo., about the matter. But a spokesman said Danforth would not comment further.

"It smells," said Rep. William L. Clay, D-St. Louis. "Under the Reagan administration, we know that the EPA has not been interested in air quality control. This is a very drastic, emotional and sensational effort to corral support for the ultimate abolition of the Clean Air Act and the gutting of the EPA."

Renewal of the Clean Air Act is among the topics now before Congress. President Ronald Reagan has made it clear he would like to see the current law weakened.

Charles M. Copley, commissioner of St. Louis air pollution control since 1964, also favors revisions in the Clean Air Act. He suspects the actions contemplated by EPA are part of the administration's effort.

"I think what they're doing is laying the groundwork for Congress to change the Clean Air Act," he said.

The EPA contends that the act, as now written, gives the agency the power to punish regions that don't comply with pollution standards or regulations designed to help meet those standards. The punishments could include blocking federal grants for construction of highway and sewer projects, as well as banning industrial construction.

An agency spokeswoman confirmed Monday that St. Louis was among the cities that could face punishment because it was failing to comply with the agency's deadlines for setting up a mandatory emissions inspection program for automobiles and trucks. Missouri was supposed to set up such a program in St. Louis by Dec. 31, 1981.

But the EPA spokeswoman emphasized that the agency had yet to decide officially whether to impose the sanctions on the cities. "There's still discussion," she said.

The spokeswoman said she did not know when that decision might be reached or how the sanctions would be imposed.

Randy Raymond, chief of planning for Missouri's air pollution control program, said the state was aware of the discussions within EPA.

"There's been talk of sanctions against St. Louis," he said. "We've heard from them that it is one of their considerations—but it always has been."

It is unclear whether the sanctions would be imposed just against the city of St. Louis, or broadened to include all or part of the metropolitan area. The federal definition of the latter generally includes the four counties in Missouri—St. Louis, St. Charles, Franklin and Jefferson—and the Illinois counties of Madison, St. Clair and Monroe.

Also, no one is certain how much federal aid is at stake. No figures could be provided by the EPA or Missouri pollution officials, and local officials said the total depended on the extent of the sanctions.

"If it's EPA grants, we haven't gotten any in years," said a spokesman with the St. Louis County Highway Department.

The East-West Gateway Coordinating Council said Missouri had received $177 million last year from all federal highway construction grants, but couldn't say how much went to the St. Louis area.

The state is scheduled to receive about $20 million this year for construction of sewer lines or sewage plants, according to Charles Kaiser, head of the Metropolitan St. Louis Sewer District. Most of the money is expected to be used to improve sewer lines and facilities in west St. Louis County.

The emissions inspection program is required in areas that will not meet the feder-

al pollution standards scheduled to go into effect at the end of this year for carbon monoxide and ozone levels in the air.

The St. Louis metropolitan area is among those that have received extensions, until 1987, to comply with the standards. But the extension was granted on the condition that Missouri set up an emissions inspection program by Dec. 31, 1981, in the St. Louis area.

Missouri has requested a one-year extension until Dec. 31 to set up the emissions inspection program. But Raymond said the EPA had not said whether that request would be granted.

Officials with the East-West Gateway Coordinating Council say Missouri has failed to meet the deadline, in part, because of differences between the Illinois and Missouri legislatures.

Shortly after the emissions program was inserted in the Clean Air Act in 1977, the Missouri Legislature authorized such a program for the St. Louis area. But the statute read that the program could not be enacted until Illinois either approved a similar program for the Metro East area, or was slapped with EPA sanctions for non-compliance.

Wileen Sweet, the council's environmental analyst, says the result has been a stalemate. Illinois has refused to set up an inspection because of the additional costs.

Ms. Sweet said that the added costs for Missouri would be minimal because the state planned to simply add emissions tests to its annual auto safety inspection program already in operation. Illinois has no existing auto inspection program.

The proposed emissions inspection program would be similar to Missouri's safety inspections. Automobiles would have to meet certain emissions standards, which would vary according to the age and make of the truck or car. If the vehicle failed the test, the owner would have to make certain repairs and have it re-examined.

Ms. Sweet said she would be surprised if the EPA imposed sanctions on St. Louis or the other cities. She cited several reasons, including the disagreement among experts over the value of the emissions inspection program.

Because of EPA and congressional mandates, auto manufacturers now have sharply reduced the pollutants in auto emissions. Thus, Ms. Sweet said some believe the emissions inspections will not greatly improve air quality.

Some cities and states also maintain that they can comply with air standards in 1987 without an emissions inspection program. "I think the states have made it clear that they want to decide how they go about complying with the air quality standards," she said.

The Missouri Department of Natural Resources now is compiling a report for the EPA on how the St. Louis area can meet the standards in 1987. The report must be submitted by July 2, Raymond said. He declined to discuss what the report might contain.

S. 2406—THE NATIONAL REVITALIZATION BANK

Mr. EAGLETON. Mr. President, the Reagan recession, which is now in its ninth month gives every sign of being one of the most serious and dangerous in post-war history.

Unemployment has already matched the 40-year record of nine percent and it is almost certain to go higher. Thirty percent of our industrial capacity lies idle. The auto, housing, and savings and loan industries are on their knees. Farm income is at its lowest level since the Depression years and bankruptices are running at a near-record pace.

As ominous as these statistics are, they tell only a part of the story. The Reagan recession is being played out against the background of some unusual conditions which create great uncertainties about the hoped-for recovery.

The first of these is the timing. We have had eight recessions since 1948, including this one. On average, the economy has had three to four years to recover before the onset of another downturn. By contrast, the Reagan recession began a bare 12 months from the end of the 1980 downturn—the shortest recuperative period on record.

This raises a question about the economy's underlying strength. Will a business or industry which has gone through back-to-back recessions with little time to mend have the same kind of resources and confidence it has had in the past when things finally do begin to pick up? Can we count on the same surge of investment and production we've always had before, or is caution going to be the new watchword of twice-burned business community?

A second factor complicating recovery is the growing competition from foreign products, especially in the key auto and steel industries. Even before the recession, this was a serious problem, but it is magnified many times over by the strains of this downturn. Companies are pressed just to survive, let alone find the resources necessary to meet the import challenge. What kind of market share can they look forward to when recovery does begin to take hold?

Our older cities in the Midwest and Northeast face their own structural changes with the shift of industry, population and wealth to the Sunbelt states. The Reagan recession heightens the danger that these cities could become permanent wastelands of unemployment and crumbling infrastructure.

Finally, we have an Administration which refuses to respond to our economic problems with a specific anti-recession program. Every President since Herbert Hoover has understood the dangers of letting a recession run out of control. Whatever their long-range policy preferences, Presidents of both parties have recognized the practical need for short-term, fire-fighting measures to limit recession damage.

This President is different. He has taken a doctrinaire stand that the combination of supply-side tax cuts and tight monetary controls is all that is needed to return the economy to health.

I think it is fair comment to note that this is the same President who admits the recession caught his Administration by surprise. It wasn't supposed to happen, but it did. This is the same President who assured us just a few months ago that the downturn would be mild and very short. It has been exactly the opposite. And this is the same President who has several times written this recession's obituary—all sadly premature.

Apparently, President Reagan is unmoved by the evidence of disaster all around him or by the urging of his closest White House and business advisors. Ronald Reagan stands steady at the wheel. He has been described by one conservative economist as the captain of a ship setting sail from New York, headed due North, hell-bound for Miami. It is going to take more than a small mid-course correction to get things turned around.

Mr. President, I am not here to predict another great economic crash. This is not 1929. We have a far different economy and face a wholly different set of problems. However, I am concerned that this recession could go deeper and recovery could be much more difficult than anyone now expects.

I think we have to be prepared for the probability that some major corporations and cities are not going to make it unless we act to prevent their collapse.

Just last week, the Federal Savings and Loan Insurance Corporation was forced to take control of one of the largest S&L's in the country when it experienced a depositors' run on its assets. A study by the Brookings Institution predicts that 1,000 S&L's around the country will suffer a similar fate before this recession has run its course.

High interest rates and shrunken consumer demand have had a crushing impact on auto, housing, and other credit-sensitive industries and are now threatening to engulf other sectors of the economy—retail establishments, the steel and rubber industries, airlines and farm equipment manufacturers. State and municipal governments are reeling under the combined burden of reduced tax revenues and cancelled federal programs.

Even the generally upbeat Administration concedes this recession could leave permanent scars. Commerce Secretary Malcolm Baldrige has predicted the failure of at least one or two major corporations. Looking at the plight of many troubled industries, there are those who would say Mr. Baldrige is a raving optimist.

The danger is that the collapse of one or two key corporations could set off a chain reaction of bankruptcies in key industries which by itself could jeopardize the recovery. We simply

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cannot afford to ignore a major collapse of that kind. It is not good enough to spout free market cliches about "winners and losers." The whole country will be the loser if we fail to protect our key industries and act to prevent the bankruptcy of major cities.

This Administration's Hoover-like response to the situation has been to prescribe more of the same policies which brought us to these straights in the first place. As a result, prospects are for a continuation of the slide with little permanent relief in sight.

In anticipation of worse days ahead and in the interest of establishing an alternative to a growing string of corporate and municipal bankruptcies, I am introducing today a bill to create a National Revitalization Bank.

My bill is identical to H.R. 2000, first introduced in the House by Congressman JAMES BLANCHARD (D-Mich.), and long advocated by financial analyst Felix Rohatyn. Mr. Rohatyn is a partner in the Lazard Freres investment banking firm. I consider him and Henry Kaufman of Salomon Brothers to be the two most perceptive minds on Wall Street.

The Revitalization Bank would be capitalized at $5 billion, with authority to issue up to $25 billion more in loans and loan guarantees to provide critically needed capital for distressed business enterprises and cities to help them regain financial health. The Bank's operations would replace the kind of ad hoc rescue operations Congress authorized in the case of New York City and Chrysler with a more systematic and business-like approach to what could become a mounting problem.

Mr. President, the Revitalization Bank would not be a charitable institution. It would not open a window at the U.S. Treasury for soft loans to any business or city which cared to apply.

On the contrary, the Bank is intended to be a very tough, businesslike institution. Only those businesses and cities which can be helped by an infusion of capital and which are willing to abide by the conditions that would accompany this assistance would be considered. Even then, the bank would be limited to providing no more than 50 percent of the financial package, the rest coming from private sources.

The *quid pro quo* for bank assistance would be adoption of a vigorous program of reform and restructuring which would give the borrower a realistic basis on which to manage a recovery.

Mr. President, the need for such a corporate safety net will become apparent, I am afraid, in the near future. I hope that before that day arrives Congress will take a serious and responsible look at where we are heading and to act to meet the situation by enactment of this legislation.

I ask that an article by Felix Rohatyn in *The New York Review* of February 5, 1981, explaining the concept of a Revitalization Bank be printed in the RECORD. Further, I ask that an article by Jack Egan in *New York* magazine of April 26, 1982, entitled "The Big-Bang Bankruptcies Begin" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RECONSTRUCTING AMERICA

(By Felix Rohatyn)

One of the gravest events in our history is the inner emigration taking place in the United States. During the last decade, Chicago lost 12 percent of its population, Baltimore 14 percent, Cleveland 24 percent, and St. Louis 28 percent. The proportion of taxpayers moving out was undoubtedly greater. During this period, Houston gained 24 percent, San Diego 25 percent, Phoenix 33 percent. A recent study by the Industrial Conference Board measured regional standards of living by examining cost-of-living and household income in eighteen metropolitan areas. By those measurements, residents of northeastern metropolitan areas had living standards 25 to 33 percent below those of their southern and western counterparts.

During the same period, some of the most important American industries have been failing badly. In 1979, US Steel lost almost one-half billion dollars. In 1980, the Ford Motor Company, Chrysler, and General Motors each have lost between $1.5 and $2 billion, International Harvester almost $500 million, and Firestone $100 million.

It is no coincidence that the cities under the greatest strain are tied to the industries in the most severe difficulty, particularly in the region extending today from Baltimore to St. Louis. Existing trends are likely to exacerbate rather than attenuate this situation with the result that another decade like the last one will divide the country into "have" and "have-not" regions with unpredictable but probably highly unpleasant consequences. As taxpayers leave older urban centers, the remaining tax base collapses inward, requiring higher taxes for a population that is unable to pay them and fewer services to people in increasing need of them. In these trends are the makings of social strife.

At the same time, our traditionally powerful industries, the industrial locomotives that drove this country for the last century, are in the throes of a similar self-eviscerating cycle. Harshly affected by foreign competition, unable to raise vast amounts of capital needed to modernize, they live from hand to mouth, not investing in the future in order to survive today. They are also affected by a deep structural shift not only in regional prosperity but, as Emma Rothschild recently pointed out in these pages.[1] In the basic nature of American work as well—the shift away from productive industry and toward consumer and retail services, notably eating and drinking places" (including fast-food restraurants), and health and business services. As Ms. Rothschild wrote, these three industries together "accounted for more than 40 percent of the new private jobs created between 1973 and the summer of 1980. In that period their employment increased almost three times as fast as total private employment, and sixteen times as fast as employment in the goods-producing or industrial sector of the economy.

". . .The *increase* in employment in eating and drinking places since 1973 is greater than total employment in the automobile and steel industries combined. Total employment in the three industries is greater than total employment in an entire range of basic productive industries: construction, all machinery, all electric and electronic equipment, motor vehicles, aircraft, ship building, all chemicals and products, and all scientific and other instruments."

Allocating blame for all these trends is easy—there is enough for everyone. Government regulation has been costly and ill-advised, and so have government polices, particularly with respect to energy, including the cowardly avoidance of taxing gasoline at much higher rates. Weak managements and short-sighted unions have collaborated in the creation of inefficient organizations whose costs are high and productivity low. Research and development, on which industrial productivity heavily depends, have been inadequate in the US both in quality and quantity. We have produced an educational system that ignores the crafts and a culture that idealizes rock stars.

The fact that practically everyone is to blame does not mean, however, that we should throw up our hands. It means rather that sacrifice can and should be shared by many to reverse the trend. The United States, today, in its basic productive industries, needs a second Industrial Revolution. The currently fashionable notion of backing the winners instead of the losers is as facile as it is shallow. The losers today are automotive, steel, glass, rubber, and other basic industries. That this nation can continue to function while writing off such industries to foreign competition strikes me as nonsense. Nor does it seem to me workable in the long run for a larger and larger proportion of our population to be diverted to such jobs as serving food and processing business paper while the industries that manufacture products for sale at home and abroad fall into a state of decline.

We cannot become a nation of short-order cooks and saleswomen, Zerox machine operators and messenger boys. These jobs are a weak basis of the economy; with their short hours and low pay, they are easily eliminated in prolonged downturns of the economy. To let other countries make things while we concentrate on services is debilitating both in its substance and in its symbolism. The argument that we are substituting brains for brawn is specious; brains without sinews are not good enough.

When our basic industries fail, moreover, the shareholders and the workers who are laid off are not the only ones to suffer. Nothing is more inflationary than unemployment when it is coupled with trade adjustment payments, on top of benefits, on top of welfare. What we have to do is to turn the loser into winners, restructure our basic industries to make them competitive, and use whatever US government resources are necessary to do the job.

This country's goal must be twofold: First, to have a functioning economy, with stable growth and emphasis on the creation of private sector jobs; and second, to have all elements of our society, and all regions of the country, participate in that growth as fully as possible.

It is not only foreign competition that challenges our basic industries. We depend on highly unstable countries not only for our basic energy supply but also for the

[1] The New York Review, Feb. 5, 1981.

strength or weakness of the dollar. And the regional shifts in national wealth I have mentioned will, partly as a result of oil and gas price decontrol, threaten our social and economic stability as a nation, if allowed to continue unchecked.

From 1980 to 1990, decontrol of oil and gas prices will generate about $120 billion of revenues to the energy-producing regions of this country. This is a tax which will be paid by the consuming regions of the Northeast and the Midwest in the form of royalties and severance taxes. At the same time, a program of heavy tax cuts intended to shore up the "supply side" of the economy is bound to accelerate the trend of manufacturing businesses away from the northern part of the country. The federal budget cutbacks that will have a heavy impact in the Northeast and the Midwest will be more than made up in the Sun Belt by increases in revenues resulting from energy pricing as well as sharp increases in defense spending. With these revenues local taxes in the Sun Belt states can be reduced, services maintained, all kinds of incentives provided for industry. The drain of businesses away from the Northeast and the Midwest will obviously increase, with the inevitable deterioration of the regional tax base.

We will then be faced with a situation in which one city after another in the north of the country will be less and less able to support a larger and larger proportion of its population in need of public assistance. The industries which formerly provided employment and support will continue to decline. Many of those taxpayers who are able to leave will migrate to the Sun Belt, leaving behind a growing mass of unemployed or unemployable people unable to move or afraid to try. Not even a country as large as ours can maintain its democratic institutions half rich and half poor, especially when the economic trends will make it very apparent that for the "have nots" things will get worse and not better.

There has been much talk recently about "re-industrialization" and "industrial policy." The former ("lemon socialism" to its detractors) is described as the government bailing out the large and inefficient. The latter is a policy by which the government would deliberately "pick the winners" and provide for their accelerated development. Except for additional tax benefits for research and development, however, attempts by government to "pick the winners" are for the most part futile. No government agency is capable of doing so, and in fact, the winners do very nicely without being selected for special government help. Such efficient users of new technology as IBM, Hewlett-Packard, Tektronix, Intel have been spectacular successes in the 1950s, 1960s, and 1970s. There is no need for the government to try to identify their counterparts for the 1980s and 1990s; they will emerge by themselves.

It is also counterproductive for government to bail out large, inefficient, or noncompetitive organizations if the only result is to have them, limp along, neither dead nor alive, a menace to their healthier competitors and to themselves. A case in point is the so-called rescue of Chrysler, which is nevertheless doomed to failure, at a heavy cost to the taxpayer, because the remedy was inappropriate to the disease.

What is needed, first, is an industrial policy committed to restructuring basic US industries, to enable them to take their place as healthy competitors in the world markets; and, second, a regional policy whose aim will be to maintain the US as a country in which all geographical areas (and thereby all classes and races) share the burdens as well as the benefits this country has to offer.

The United States must be considered not only as a country but as a continent, and if we are to find remedies we must look at half of that continent as a new hybrid: a highly industrialized but nevertheless underdeveloped country that risks becoming poorer, unproductive, ridden with slums. Italy with its Mezzogiorno, France with its southern provinces have attempted to develop the rural areas that lie outside their industrial heartland. We, on the other hand, must maintain both our own crumbling industrial heartland, possibly on a smaller scale, and the urban centers tied to it. It is in the national interest to do so and therefore it is also in the interest of the faster growing regions.

We need a viable steel industry for our security, not only in the narrow sense that steel is indispensable for weapons but in the larger sense that the US would be fundamentally weakened if it depended on foreign countries for so crucial a resource. We need a viable auto industry because one out of every eight jobs in this country still depends on it. We need to revive our basic productive industries generally because we need an economy with an effective balance of both manufacturing and services. Our world-wide competitive position requires this from the point of view of both domestic employment and of the balance of payments. We must reduce our requirements for imports and increase as much as we can our industrial self-sufficiency and our ability to export in a decade that will see greater and greater trends to protectionism as one country after another attempts to solve the payments problems posed by oil imports.

Greater industrial productivity coupled with exports of grain and coal should be the basis for our strategy to offset payments for oil in the 1980s. Moreover, industry has to provide greater employment opportunities for residents of the inner cities. Nothing will do more to erode the confidence of our allies, and consequently our defense positions throughout the world, than the demonstration that we have a nonfunctioning economy with an industrial base in disarray. We need functioning northeastern and midwestern cities because the economic and social costs of their failure will be intolerable.

To redevelop the parts of the US that are failing, a Reconstruction Finance Corporation should be created for the 1980s.

Would this simply be a renewal of the New Deal? In fact the original RFC was created by Herbert Hoover in 1918, and under Franklin Roosevelt it was run by the Texas businessman Jesse Jones. The RFC of the 1930s saved numerous banks, some cities, and many businesses, and prevented much larger dislocations from taking place. It financed synthetic rubber development during World War II and new aluminum capacity during the Korean War. It made money for the taxpayer.

The RFC, of course, will be said to interfere with the free market system. But at present the price of our energy is not freely set; nor is the price of our food, or the price at which we borrow money. Free markets are clearly desirable, but we do not in fact live in a free market economy and never will; we live in a mixed economy in which prices and capital are, and will be, subject to government influence.

The RFC should provide the kind of capital our older industries sorely lack: equity capital. In exchange for providing capital to industries that have a sound case for it, and the job security that would come with it, the relevant unions would be asked to make their contributions in the form of wage concessions and changes in work rules that would increase productivity. The lenders, the banks and insurance companies, could be asked to convert some loans to preferred stock and to join with the RFC in committing additional capital. Special classes of securities could be created that would each have appropriate credit ratings and would meet the standards of the "prudent man rule," which would make them eligible for purchase by union pension systems. The RFC, like any other large equity investor, should have the right to insist on management changes and changes in the board of directors if it deems them appropriate. It should not become a permanent investor, but should act as a revolving fund which can be used to help a given company (or industry) when necessary, and whose holdings can, and should, be sold in the marketplace when it has done its job.

At present, problems like those of Chrysler and New York City can only be dealt with by emergency maneuvers that must take place in front of congressional committees. In the case of New York City, the Municipal Assistance Corporation was able to play a role similar to the one the RFC could play. After its creation as an independent agency by the state legislature, MAC was able to extract concessions from banks and unions, from the city and the state. It was then able to put together a financing package, including federal credit assistance, and to impose fundamental reforms which permitted the city to achieve a truly balanced budget in 1980, five years after near bankruptcy.

The case of Chrysler is an example of how not to proceed. Providing government-guaranteed loans at close to 20 percent interest to a company which has too much debt and no net worth can buy some time, but nothing else. Companies like Chrysler in recent years, and possibly larger ones in the period just ahead, need permanent equity capital in the form of new common stock. Only very large injections of such capital can help make a company's survival credible and impel other participants to make the major efforts and sacrifices that have to be made if they are to be put back in shape. Only an RFC that is publicly accountable but is run outside of politics, like MAC in New York State, could provide such capital as well as negotiate the often stringent concessions that have to come with it. That is beyond the capacity of a congressional committee.

Only now, after over a year of wrestling with the problem, is the Chrysler Loan Guarantee Board beginning to take some of the difficult steps needed to give Chrysler a chance to survive. The board is asking for a total wage freeze (including a freeze on cost-of-living allowances) from the UAW. It is also asking the banks to convert half their loans to preferred stock, and to forgive 70 percent of the balance completely; it is pushing the management to seek a foreign merger or a joint venture partner. The tragedy of this is that it is probably too late too little. Had these actions been demanded two years ago by an RFC which could simultaneously have promised additional equity capital, it might have had a chance of success. As it was, the congressional committees demanded little and gave a lot. The

Loan Guarantee Board, in the middle of a presidental campaign, looked the other way. Now reality is sinking in, but the opportunity has probably been lost. Without substantial fresh capital and a merger partner, Chrysler's chances of survival are minimal. An RFC might have created those possibilities two years ago; it is now probably too late.

Chrysler is hardly an isolated case. A good many large industrial companies, airlines, savings and loan associations, and possibly banks could be in serious difficulties if we cannot break out of our current economic miasma of high interest rates, high inflation, and low growth and productivity. Some have great hopes for the new administration's economic program, but there is no guarantee of quick success. Instead of improvising expensive half-measures in the heat of crisis and politics, we should have a safety net to deal with an economic emergency affecting a number of large organizations at the same time.

In each case where a firm sought financing, the RFC staff would have to analyze its chances to survive on a realistic basis, surveying not only conditions in a particular industry but the kind of competition it faced from abroad. The RFC might find that some large firms were beyond help. It might have to insist, as a condition for capital, that the weaker parts of some industries be phased out, that labor contracts be modified, that ways be found to increase productivity. Some firms and unions may find such conditions bitter medicine to take. But it does not seem too much to suggest that, in our current bloated and inefficient economy, the austerities and producivity measures recommended by an RFC could provide a demonstration to other industries of the kinds of reforms that might work for them as well.

An RFC could, at the same time, play a major part in a regional policy. In the Northeast and the Midwest, city after city faces budgetary problems and crumbling infrastructure. The Boston transit system was recently shut down for lack of funds; the New York MTA operates a subway system so old that it poses physical dangers, and it will need $15 billion over ten years to provide adequate service. Bridges and sewers, sanitation and mass transit, schools and firehouses have been allowed to deteriorate. The RFC could provide low-interest, long-term loans to enable municipalities to maintain their physical plants. By improving the quality of city life such investments could help to retain taxpayers while providing jobs to help the existing tax base. As in the case of industrial investments, the RFC could ask for participation by other parties; the various states could be asked to create organizations like MAC to provide local budgetary oversight: the local unions and banks could do their share. As with industry, reform and restructuring would, in many cases, have to be the *quid pro quo* for receiving capital on favorable terms.

How, one might ask, would such an RFC be set up, capitalized, and financed? Congress would have to create a new independent entity with powers to make investments in industries and localities where the RFC deems this in the public interest. Its board of directors could include experienced people from business, finance, and labor. An RFC could plausibly begin with capital of $5 billion and authority to issue five times its capital, or $25 billion in bonds guaranteed by the US government. Its charter should provide that it could not supply more than 50 percent of the financing for any project, the balance to come from the private sector. It could then generate total investment of up to $60 billion. The RFC need not stay in existence more than seven to ten years, after which it could be liquidated, with its assets taken over by the Treasury. Its capital should be subscribed by the Treasury, not necessarily all at once.

The RFC's federally guaranteed bonds could be sold on the open market but a quite different arrangement seems to me preferable: that they be sold to certain of the OPEC countries with large dollar surpluses, such as Saudi Arabia, Kuwait, the United Arab Emirates. It is time to realize that OPEC is more than an insecure energy source; it is also a more and more important source of capital. At current prices, over the next five years we will pay to OPEC approximately $500 billion for petroleum, about half the present value of all companies listed on the New York Stock Exchange. Possibly a third of that amount, or $150 billion, is likely to be in excess of OPEC's own investment requirements and will consist of short-term dollar balances, most of them belonging to the Saudis, Kuwait, and the Emirates, and subject to the whims and winds of Middle Eastern politics.

We must borrow back, on a long-term basis, as much of these funds as possible in order to strengthen the dollar and relieve the pressure on our credit markets. What can we offer in exchange? To the "moderate" oil producers like the Saudis, military protection, continued attempts to find a rational Israeli-Jordanian solution to the West Bank problem, greater efforts at US conservation and domestic production to lengthen the life of their reserves. The RFC, with its federal guarantees, would be a wholly appropriate vehicle for investment of these OPEC surpluses, and its use of them would constitute true recycling, in contrast to the present conversion of deposits into short-term paper.

Another possible source of financing would be the surplus funds to be generated by our own oil-producing regions. In Canada, the oil-producing regions have created the Heritage Fund in order to invest several billions of excess dollars in Canadian industry and other Canadian provinces. A similar arrangement could be set up here to assist the RFC in its regional policy investments. Why not have Alaska invest some of its excess oil funds in an East Coast harbor to export coal mined in West Virginia, Ohio, and Pennsylvania?

An RFC, by itself, could not make an industrial or a regional policy. Tax benefits, changes in federal formulas for welfare and medicaid, different allocation of defense and synfuel contracts, a coal-based energy plan based on the Northwest and Midwest, temporary measures to protect at least some American industries from foreign competition while they reorganize themselves more efficiently—all these will be required. Temporary protection, however, should always be coupled with needed domestic reform. If the automotive industry is granted a three-year period of restriction of foreign imports, this should be conditional on a three-year commitment to wage restraint on the part of the unions and price restraint on the part of the manufacturers. Similar bargains could be required from the steel industry and its unions, as well as from other industries. The RFC should be the central mechanism, the catalyst.

Or course, none of this is likely to happen tomorrow. The current economic theology—the 1980 version of "laissez faire"—is neither Republican nor Democratic. President Carter's Commission for a National Agenda for the 1980s, a prestigious bipartisan academic group led by William McGill, has just recommended that the government encourage the current population shift to the Sun Belt even though doing so will impose "traumatic consequences" for the major urban centers of the North. The commission argues that we must accept the decline of northeastern and midwestern cities as an inevitable effect of the workings of the market.

This view will not stand up to scrutiny. No doubt there are fundamental difficulties in attempting to halt the shrinkage of metropolitan areas, but it is also true that government policies have heavily contributed to the exodus. We might remind the commission that there were fundamental difficulties in going to the moon, in winning World War II, in eliminating slavery. The commission's recommendations epitomize the kind of advice that returned Mr. Carter to Georgia; for it was the perception of him as a president who could not cope with events that defeated him, just as it defeated Herbert Hoover fifty years ago. This country did not become powerful by a mere acceptance of the status quo.

People like the commissioners who throw up their hands at current trends and say "so be it" must be asked to confront the consequences of doing so. In a world where capital will be in shorter supply than energy, is it really a valid use of resources to have to build anew in the Sun Belt the existing schoolhouses, firehouses, transit systems, etc., of the North for the benefit of the new immigrants in the South, instead of maintaining and improving what we already have in place here? Is it rational to think that northern cities teeming with the unemployed and unemployable will not be permanent wards of the federal government at vast financial and social cost? Shouldn't a commission reporting on our so-called urban problems face up directly to the fact that the future of the cities cannot be discussed separately from the acute difficulties facing the black and Hispanic minorities? Doesn't the notion of "taking the people to the jobs" completely ignore that many of those people, in large parts of this country, are unable and unwilling to move? Is it rational, in the name of the mythical free market, to let our basic industries go down one after the other, in favor of an equally mythical "service society" in which everyone will serve everyone else and no one will be making anything?

The United States is probably the only country in the world today whose biggest problems may also provide its biggest opportunities. Becoming self-sufficient in energy, rebuilding our basic industries and our oldest cities—there is work enough here for everyone in this country as far as the eye can see. Certainly we need tax cuts and regulatory reform and a balanced budget. But alone they will not do the job. Strong presidential leadership working with business and labor will be needed to make it happen. This may mean temporary government intervention to control wages and prices, to create an RFC, to tax gasoline at higher rates, to institute some form of national youth service if not the draft, to link inner city school systems to new private employment opportunities, to dismantle farm support programs and other engines of inflation. It does not mean the end of the market system, no more than did the New

Deal. On the contrary. However, it clearly does not mean laissez-faire.

In New York City, we proved something could be done. In 1975, an activist governor joined with business and labor to keep the city from bankruptcy. We could have simply let the city go, blaming previous mayors, governors, banks, unions; there was also then more than enough blame to go around. The result would have been disaster for the city and great harm to the nation. We chose not to do so. Everyone paid a price; workers with frozen wages and fewer jobs; banks, by providing more and cheaper credit; students, by paying tuition. The riding public was charged higher fares, noteholders had to accept a temporary moratorium on repayment. But today the city, with an equally activist mayor, is thriving economically and has a balanced budget.

America cannot survive half rich, half poor, half suburb, half slum. If the country soon wakes up, it will not do so by way of laissez-faire; nor will it do so by way of the old liberalizm which has proven itself incapable of coping with our present problems. It will do so only by building a mixed economy, geared mostly to business enterprise, in which an active partnership between business, labor, and government strikes the kind of bargains—whether on an energy policy, regional policy, or industrial policy—that an advanced Western democracy requires to function, and that, in one form or another, have been made for years in Europe and Japan. This partnership will have to be as indigenous to our culture and traditions as those of Germans and Japanese have been to theirs, and it will have to be competitive. Much is at stake in making such a partnership work. Our ability to protect ourselves and our friends, and to deter our enemies, depends on maintaining a stable, solid economic, industrial, and social base at home. Our national security, our industrial power, the strength of our social system itself are all tied to one another and to the need for a new pattern of cooperation to emerge in the United States.

THE BIG-BANG BANKRUPTCIES BEGIN

(By Jack Egan)

You're only bankrupt when the banks finally say, "No more." That definition of bankruptcy is particularly apt in the present recession.

High interest rates and the country's deep economic slump have created severe financial woes for a growing number of companies, and more and more smaller firms have been going out of business. But until last week, no large corporation had been forced under. The first shoe dropped when AM International filed for protection under Chapter 11 of the bankruptcy laws last Wednesday. The office-equipment producer, formerly known as the Addressograph-Multigraph Corporation, had to resort to this after losing almost $300 million in the last eighteen months and after efforts to keep it solvent failed.

When it filed for bankruptcy, AM indicated that it owed $465 million to its banks and a wide array of creditors. Company chairman Joe B. Freeman Jr. said that mounting losses would have required "concessions from a broad base of lenders," and the company's creditors had apparently decided not to pour any more good money into the highly troubled firm. Therefore, "the complexity of our debt structure and magnitude of interest concessions required were proving too great a barrier to overcome," Freeman said.

AM's troubles have been highly publicized, so the bankruptcy was not unexpected. But AM's demise may be only the first of several big failures ahead.

Until last week, the nation's banks had been willing to nurse along AM and all the other large ailing corporations. Loan agreements had been revised, debt repayments had been postponed, and other assistance had been made available. That is still the approach being used with International Harvester, Braniff International, and other companies teetering on the brink. Everyone involved is desperately hoping that the situation will improve at these beleaguered firms as the economy mends.

"There's a great reluctance to push a company into bankruptcy if there's a viable alternative," says Ronald Mandle, Paine Webber's banking analyst. The question is just how viable these companies are. If the anticipated recovery keeps moving farther into the future and interest rates stay stuck at punitive levels, it seems inevitable that more large companies will have their life-support systems yanked by the banks.

Commerce Secretary Malcolm Baldrige warned recently that "one or two" large corporations might fail. But he predicted that the country's banks and financial system would easily stand the shock. The real concern, however, is not with the banks, which are in good shape and can absorb some very large loan write-offs; the most serious worry is that big collapses could undermine already weak business and consumer confidence in the economy, sending a signal out that things are worse than everybody thinks. This in turn could trigger a whole wave of bankruptcy filings.

"Right now, the economy is being held together by hope," says Edward Yardeni, E. F. Hutton's chief economist. "But the vulnerability is very large, and time is running out. Earlier this year, the hope was that we would see a recovery by spring. That hasn't happened. Now many businesses and their bankers are hoping for a summer recovery rather than just giving up. That's based on the expected positive impact of the July 1 personal-tax cut. But if the tax cut doesn't stimulate the economy, we may see some shutdowns by summer.

"The way things are going, you can't dismiss a worst-case scenario," he adds. "That would involve a string of bankruptcies. It's not inevitable by any means, but it's certainly a risk."

The condition of the most financially precarious concerns—sometimes referred to as the "walking bankrupts"—is not improving. In fact, it is getting worse. And lenders to International Harvestor and Braniff must decide in the next few weeks whether to renegotiate loan agreements that were signed only a few months ago and were supposed to keep both companies out of trouble for the foreseeable future.

International Harvester, the giant farm-equipment and truck manufacturer, negotiated a $4.2-billion loan agreement with its 190 bank creditors late last year. But in February, Harvester told its banks that it might be in violation of its loan requirements by the end of April. Specifically, the company's net worth threatened to drop below $1 billion, putting it in technical default. A Harvester spokesman expressed confidence at the time that the banks would soon revise the net-worth convenant to avoid throwing the company into bankruptcy. That may happen, but in such a large loan consortium a few small banks might call it quits rather than continue to make concessions.

Braniff is in even worse shape. At the end of 1981, the Dallas-based airline had a negative net worth $94 million, meaning that all of its assets, if sold off, would fall short of its debt by that amount. Braniff's bank and insurance-company creditors are currently being asked to restructure over $730 million in debt, taking potentially worthless stock for a big chunk. And Braniff isn't the only airline in financial straits. One reason the banks have been reluctant to put any airline out of business is that the airplanes serving as loan collateral are impossible to sell in the currently depressed used-airplane market.

Wickes Companies, the operator of a chain of lumber stores, has unexpectedly asked its 44 banks to delay repayment of nearly $580 million in shorterm debt until a year from now. A $70-million loan payment is due at the end of April, and tough negotiations lie ahead.

Although most attention has been devoted to these large corporations, the potential for bankruptcies is far more widespread. The country's savings banks and savings-and-loan associations are already steadily being liquidated in a series of costly mergers supervised and financed by the federal bank-insurance corporations. Just last week, Fidelity Savings and Loan Association, of San Francisco, was forced into receivership and taken over by federal regulators. With $2.9 billion in assets, Fidelity is the largest thrift institution ever rescued by the banking authorities and the first to go into receivership instead of being merged into a stronger financial institution.

The farm industry is in deep trouble, too, with many farmers hard-pressed to repay their loans, and a large number of construction firms are also near collapse. One potential problem area that remains largely unnoticed is the domestic oil-exploration industry. A bankruptcy here, because it is unexpected, could produce the most surprise and dismay. "The economic event to watch out for is another drop in oil prices," warns Yardeni. "A number of medium-size exploration companies are borrowed to the hilt. If they can't pay up, they could cause a lot of grief to the banks."

Even an improving economy won't bail out every company in trouble—the banks, frustrated by a firm's lack of progress even as the rest of the economy strengthens, might finally write it off. "The banks hang on and hand on and hang on," says A. Gary Shilling, who heads his own economic-consulting firm. "Finally, they get to the point where the situation doesn't improve, and they throw in the towel."

The Reagan administration has made it clear that it won't support a Chrysler-type government bailout for other troubled corporations. "It is determined to avoid a situation where companies think they can wait out a period of tight credit and return to their old ways," Shilling says. "Companies got into this by leveraging themselves to the hilt, betting that inflation would continue forever."

Shilling believes that the "disinflation" sweeping through the economy will endure for some time to come. "We are telling our industrial clients that although they are cutting costs as never before and postponing capital expenditures, this isn't a temporary phenomenon. Just as everyone learned how to play the inflation game, now they have to learn to live with disinflation."

For some companies, the lesson will probably come too late.

Mr. President, I am happy to introduce my bill, and in accordance with the practice, I ask unanimous consent that the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill is as follows:

S. 2406

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This may be cited as the "United States Revitalization Act".

FINDINGS AND PURPOSES

SEC. 2. (a) The Congress hereby finds that—

(1) the United States has entered a period of major economic uncertainty and difficulty which, unless adequately responded to, may lead to severe economic dislocation and hardship, including loss of jobs and closing of factories and businesses, and to economic stagnation and deterioration;

(2) an important part of the Nation's difficulty is found in basic industries that are suffering from the combined effects of increasing foreign competition, obsolescent facilities, high operating costs, and high unemployment rates;

(3) business failures in major industries may tend to lead to excessive concentration and could cause chain reactions, severe recession, and massive bankruptcy;

(4) population and business shifts, escalating energy costs, and the pace of inflation are causing many local governments great difficulty in providing essential services within available revenues and in obtaining the capital needed to preserve and restore the basic infrastructure which is essential to the functioning of any local economy;

(5) these difficulties have manifested themselves first in the older urban areas of the United States and are likely to intensify and worsen there and then to spread more widely to all areas of the Nation unless arrested;

(6) Congress has attempted to provide a national response to these problems through a variety of programs in situations where private and local government financial and other resources were not sufficient to prevent default and when failure to provide financial aid might have had particularly adverse national or regional consequences;

(7) in an earlier period of severe national depression the Congress created the Reconstruction Finance Corporation which successfully provided financial assistance to distressed businesses and municipalities so they could meet their obligations and maintain their operations while implementing programs that, in the great majority of cases, enabled them to recover their fiscal stability and independence;

(8) more recently the Congress has responded with special Federal financial assistance to the Lockheed Corporation, the Chrysler Corporation, and the city of New York;

(9) these more recent experiences have, however, shown that a more comprehensive and flexible program is desirable to respond to those urgent situations in which the national interest will best be served by enabling existing business enterprises and local governmental units to continue to operate under plans designed to maintain, or restore them to, financial health; and

(10) such a program must provide a framework that—

(A) will permit more uniform and equitable Federal action to help alleviate the current threat to the economic stability and national security of the United States than the legislation recently adopted for specific cases;

(B) will limit such Federal assistance to cases involving the national interest and in which the national interest will be better served by providing such special assistance than by limiting applicants to other aid programs or relief under the bankruptcy laws;

(C) will foster the participation of the other interested parties in the development of a plan to achieve the common goal of recovery, or modernization of expansion, and under which such other parties will make substantial contributions; and

(D) will enable a professional staff to negotiate stringent terms on which the Federal assistance and the contributions of other parties will be provided under a realistic plan.

(b) It is the purpose of this Act—

(1) to create a bank to raise capital and issue obligations to establish a fund for financial assistance to qualified business enterprises and local governmental units;

(2) to encourage, through such bank—

(A) the development of strategies to restore financially distressed business enterprises to financial health; and

(B) the formulation of plans to promote the revitalization of such enterprises;

(3) to encourage, through such bank—

(A) the development of strategies to restore financially distressed local governmental units to financial health;

(B) the improvement of basic infrastructure by local governmental units which, through no fault of their own, are unable to raise the capital needed for such improvement; and

(C) the formulation of cooperative industry-governmental plans to promote the continued presence or the location within the areas served by such local governmental units of business operations, the departure of which would have a serious adverse impact on such local governmental units, or the location of which within such area would have a material beneficial impact on such local governmental units;

(4) to identify distressed industries whose continued deterioration would have a serious adverse effect on the economic health of the Nation or any region thereof and to initiate discussions, investigations, and other activities among business enterprises, labor groups, Federal, State, and local governmental units and other interested persons with a view toward developing strategies for the long-term competitive revitalization of such industries or segments thereof; and

(5) to provide, through loans, loan guarantees, and, in appropriate cases, purchases of capital stock by such bank, financial assistance to major United States local governmental units and business enterprises, when such funds are not available from other sources on reasonable commercial terms and when such assistance will promote, within the framework of a plan, the continuation without interruption of essential governmental services, significant economic growth and stability, redevelopment, reduction of unemployment, or development of employment skills, and increased employment opportunity.

DEFINITIONS

SEC. 3. For purposes of this Act—

(1) the term "affiliate" of an applicant means—

(A) any person directly or indirectly controlling, controlled by, or under common control with, the applicant; or

(B) any person who is an officer, director, partner, or executive employee of, or who holds any position substantially equivalent to the foregoing with, the applicant or any subsidiary of the applicant;

(2) the term "applicant" means a local governmental unit or business enterprise which applies for financial assistance pursuant to sections 13 or 14;

(3) the term "Bank" means the United States Revitalization Bank established pursuant to section 4;

(4) the term "Board" means the board of directors of the Bank established pursuant to section 5;

(5) the term "business enterprise" means any bank, savings bank, trust company, savings and loan association, insurance company, mortgage company, credit union, or any business corporation, organized under the laws of any State, territory, or possession of the United States, the Commonwealth of Puerto Rico, the District of Columbia, or the United States;

(6) the term "Chairman" means the Chairman of the Board;

(7) the term "control" (including the terms "controlling", "controlled by", and "under common control with") means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of an applicant, whether through the ownership of voting securities, by contract, or otherwise;

(8) the term "Director" means a member of the Board;

(9) the term "financial assistance" means any loan or any guarantee of an obligation made by the Bank to or on behalf of an applicant pursuant to this Act and any purchase by the Bank pursuant to this Act of any capital stock of an applicant which is a business enterprise;

(10) the term "financial control board" means a board or other similar panel, created by the State in which an applicant which is a local governmental unit is located, that has the authority to control the fiscal affairs of such applicant during the entire period for which financial assistance will be outstanding and which authority such State has covenanted will not be substantially impaired during such period;

(11) the term "infrastructure improvement" means an activity designed to preserve, reconstruct, or restore any road, bridge, or sewer or water system;

(12) the term "local governmental unit" means any political subdivision of a State or, for purposes of infrastructure improvement, any special district, public purpose corporation, or other limited purpose political subdivision of a State;

(13) the term "obligation" means any note, bond, debenture, or any other evidence of indebtedness for the payment of money, and any guarantee of any of the foregoing;

(14) the term "person" means a natural person, a corporation, a partnership, a firm, an association, a joint venture, a trust, any unincorporated organization or any governmental entity, political subdivision, agency or instrumentality of a governmental entity, or any other entity;

(15) the term "plan" means a plan detailing the means and the economic and financial strategy by which a business enterprise or a local governmental unit or a group thereof, proposes, with financial assistance from the Bank, to meet its financing re-

quirements, to repay such assistance to the Bank and to other creditors as its obligations come due and maintain or restore itself to financial health and to accomplish any additional requirements for obtaining such financial assistance, as provided in section 13(c) or section 14(c), respectively;

(16) the term "Secretary" means the Secretary of the Treasury; and

(17) the term "United States" means the United States of America, any agency or department thereof or any entity established by Congress and owned, in whole or in part, by the United States.

ESTABLISHMENT OF THE UNITED STATES REVITALIZATION BANK

SEC. 4. There is hereby created a corporation known as the United States Revitalization Bank which shall be an instrumentality of the United States. The right to repeal, alter, or amend this Act at any time is expressly reserved.

BANK; BOARD OF DIRECTORS; EMPLOYEES

SEC. 5. (a) The Bank shall be administered by a board of directors consisting of seven persons who shall be appointed by the President with the advice and consent of the Senate, except that such advice and consent shall not be required in the case of employees of the United States who were appointed to such positions of employment with the advice and consent of the Senate. No more than three members of the Board may be employees of the United States. A person shall be deemed an employee of the United States for purposes of this section if that is his principal occupation. Not more than four members of the Board shall be members of any one political party.

(b) A Chairman shall be appointed by the President from among the Directors who are not employees of the United States. The Chairman shall preside over all meetings at which he is present and shall have such other duties as may be set forth in the bylaws of the Bank or as may be determined from time to time by the Board.

(c) Each Director shall be appointed for a term of four years and may serve until his successor has been appointed and qualified, except that of the first seven Directors appointed, two shall serve an initial term of one year, two shall serve an initial term of two years, two shall serve an initial term of three years, and one shall serve an initial term of four years. Should any Director who is an employee of the United States during his term on the Board cease to be an employee of the United States, his membership on the Board shall also terminate. Whenever a vacancy shall occur among the Directors so appointed, the person appointed to fill such vacancy shall hold office for the unexpired portion of the term of the Director whose place he is selected to fill. Directors shall be eligible for reappointment and there shall be no limit to the number of terms a Director may serve.

(d) Each Director may, subject to section 19 and to such other limitations as may apply, engage in other full-time or part-time employment. The Directors shall serve without salary but shall be entitled to reimbursement for the actual and necessary expenses incurred in performing any official duties as a Director.

(e) The Board may select, employ, and fix the compensation of employees without regard to the provisions of civil service laws applicable to the employment and compensation of employees of the United States in order to carry out its purposes and to exercise its powers under this Act.

(f) The Board may, by resolution, delegate to the Chairman and the other Directors functions, powers, and duties assigned to the Bank other than those expressly vested in the Board pursuant to sections 5 (b), (f), (g), and (h), 6 (g), (h), and (l), 9(a), 11, 13, 14, 15 (a) and (b), 18, and 19 (b) and (c)(3). The Chairman may, only by written instrument, delegate such functions, powers, and duties as are assigned to the Chairman by or pursuant to the provisions of this Act to such other full-time Directors, officers, or employees of the Bank as the Chairman deems appropriate, unless such delegation is prohibited under the terms of such assignment to the Chairman. Notwithstanding any other provision of law, neither the President nor any other officer or employee of the United States shall make any delegation to the Chairman, the Board, or the Bank of any power, function, or authority not expressly authorized by the provisions of this Act, except where such delegation is pursuant to an authority in law which expressly makes reference to this section. Notwithstanding any other provision of law, the Reorganization Act of 1977 (5 U.S.C. 901 et seq.) shall not apply to authorize the transfer to the Bank of any power, function, or authority.

(g)(1) All meetings of the Board held to conduct official business of the Bank shall be open to public observation and shall be preceded by reasonable public notice. Pursuant to such bylaws as it may establish, the Board may close a meeting if the meeting is likely to disclose matters or information exempted from public disclosure pursuant to subsection (c) of section 552b, of title 5, United States Code.

(2) The determination to close any meeting of the Board as authorized under paragraph (1) of this subsection shall be made in a meeting of the Board open to public observation preceded by reasonable notice. The Board shall prepare minutes of any meeting which is closed to the public and such minutes shall be made promptly available to the public, except for those portions thereof which, in the judgment of the Board, may be withheld under the provisions of paragraph (1) of this subsection.

(h) The Bank shall be subject to the Government in the Sunshine Act (5 U.S.C. 552b) pursuant to which the Board shall, whenever possible and in accordance with the provisions of such Act, conduct open meetings. Pursuant to section 3(g) of such Act, the Board shall promulgate such regulations as may be necessary to implement the requirements of subsections (b) through (f) of section 3 of such Act.

(i) The Bank shall make available to the public, upon request, any information regarding its organization, procedures, requirements, and activities, except that the Bank is authorized to withhold information which is exempted from disclosure pursuant to subsection (b) of section 552 of title 5, United States Code, and subsection (h) of this section as it pertains to minutes of meetings of the Board. The Bank, upon receipt of any request for information, shall determine promptly whether to comply with such request and shall promptly notify the person making the request of such determination. In the event of an adverse determination, and if requested by the person requesting the information, such determination shall be reviewed by counsel to the Bank.

GENERAL POWERS

SEC. 6. In carrying out the provisions of this Act, the Bank shall have the power, consistent with the provisions of this Act—

(1) to adopt, alter, and rescind bylaws, rules, and regulations and to adopt and alter a corporate seal, which shall be judicially noticed;

(2) to make agreements and contracts with persons and private or governmental entities, provided that the Bank shall not provide any financial assistance except as specifically authorized by this Act;

(3) to lease, purchase, accept gifts or donations of, or otherwise to acquire, and to own, hold, improve, use, or otherwise deal in or with, and to sell, convey, mortgage, pledge, lease, exchange, or otherwise dispose of, any property, real, personal, or mixed, or any interest therein;

(4) to sue and to be sued in its corporate name and to complain and defend in any court of competent jurisdiction;

(5) to represent itself, or to contract for representation, in all judicial, legal, and other proceedings, except actions cognizable under the Federal Tort Claims Act (28 U.S.C. 2671 et seq.), in which actions it will be represented by the Attorney General;

(6) to select, employ, and fix the compensation and benefits (including, without limitation, pension plans, health benefits, incentive compensation plans, paid vacation, sick leave, and other fringe benefits) of such officers, employees, attorneys, and agents as shall be necessary for the transaction of the business of the Bank;

(7) to make provision for and designate such committees, and the functions thereof, as the Board may deem necessary or desirable;

(8) to indemnify such Directors, officers, employees, and agents of the Bank, as the Board may deem necessary or desirable;

(9) with the approval of the agency concerned, to make use of services, facilities, and property of any board, commission, independent establishment, or executive agency or department of the executive branch in carrying out the provisions of this Act and to pay for such use, such payments to be credited to the applicable appropriation that incurred the expense;

(10) to obtain the services and fix the compensation of experts;

(11) to procure insurance against any loss in connection with its property and operations in such amounts and from such insurers as it deems proper;

(12) to borrow money and issue obligations, to fund or refund such obligations and to provide for the rights and remedies of the holders of obligations on such terms and in such manner as it deems proper to carry out the purposes of the Bank;

(13) to receive capital contributions and to issue capital securities as provided in section 8;

(14) to create, organize, and manage divisions and departments;

(15) to invest moneys or funds of the Bank in securities, accounts, funds, or otherwise to carry out the purposes of the Bank, subject to the restrictions contained in this Act with respect to certain investments;

(16) to divest itself at any time of the obligations or equity securities of any applicant by refinancing such obligations or equity securities, by offering such obligations or equity securities for public sale, or by any other method the Board may provide;

(17) to use the United States mails on the same terms and conditions as the executive departments of the United States Government;

(18) to perform or authorize studies, or prepare or cause the preparation of reports and to convene meetings and conferences, and defray the costs and expenses of the foregoing; and

(19) to exercise all other lawful powers necessarily or reasonably related to the establishment of the Bank, to carry out the provisions of this Act, and the exercise of the Bank's powers, purposes, functions, duties, and authorized activities.

ANNUAL REPORT

SEC. 7. (a) The Bank shall submit to the President, the Secretary, and the Congress, within three months after the end of each of the Bank's fiscal years, a complete and detailed report with respect to such fiscal year, setting forth—

(1) a summary of the Bank's operations for such fiscal year;

(2) the Bank's revenues and expenditures for such fiscal year and the Bank's balance sheet as at the end of such fiscal year, each in accordance with the categories and classifications established by the Bank; and

(3) a schedule of the Bank's obligations and capital securities outstanding at the end of such fiscal year, with a statement of the amounts issued and redeemed or paid during such fiscal year.

CAPITAL STOCK

SEC. 8. The Bank shall have capital stock of $5,000,000,000 subscribed by the Treasury of the United States from funds appropriated for such purpose.

ISSUANCE OF OBLIGATIONS; AUTHORIZED INDEBTEDNESS

SEC. 9. (a)(1) The Bank shall have the power to issue obligations, from time to time, which shall be in such principal amounts as the Bank shall determine to be necessary, within the limits of its authorized indebtedness as prescribed in this section, to provide sufficient funds for carrying out any of the Bank's purposes. Subject to the approval of the Secretary, as required by section 303(a) of the Government Corporation Control Act (31 U.S.C. 868(a)), such obligations shall be sold at such prices and in such manner as the Bank may, from time to time, determine and shall be in such forms and denominations, shall have such maturities, shall bear such rates of interest, shall be subject to such terms and conditions and shall be issued in such manner and at such times as may be stipulated in the obligations or in the indenture or other instrument or resolution pursuant to which such obligations were issued, but no obligation shall mature more than thirty years from the date on which the Bank issues such obligation or shall be issued later than six years after the effective date of this Act.

(2) The Bank shall have the power to issue, from time to time, obligations to renew, refund, or pay other obligations, regardless of class or designation, including interest thereon, in whole or in part, whether or not the obligations to be renewed, refunded, or paid have matured. Obligations that are issued to renew, refund, or pay other obligations may be exchanged for the obligations to be renewed, refunded, or paid, or may be sold and the proceeds thereof applied to the purchase, redemption, or payment of such obligations to be renewed, refunded, or paid.

(3) The Bank shall not at any time permit its obligations to be outstanding in an aggregate principal amount exceeding five times the paid-in capital of the Bank at such time. Subject to the provisions of paragraph (1) of this subsection, the Bank may issue new obligations after the repayment of previously issued obligations, provided that its total outstanding obligations do not exceed the limits set forth in this paragraph.

(4) Any of the obligations issued by the Bank may be secured by its pledging or granting of security interests in all or any part of its revenues or other receipts or all or any part of its assets.

(5) Notwithstanding the provisions of section 6 of the Federal Financing Bank Act of 1973 (12 U.S.C. 2285) or any other provision of law, none of the loans made, guaranteed, or committed to be guaranteed under this Act shall be eligible for purchase by, or commitment to purchase by, or sale or issuance to, the Federal Financing Bank or any other Federal agency or department or entity owned in whole or in part by the United States.

(b) Neither the directors nor any other person executing obligations shall be subject to any personal liability or accountability by reason of the issuance thereof.

(c) Subject to the limitations provided in section 303(b) of the Government Corporation Control Act (31 U.S.C. 868(b)), the Bank is authorized to purchase its obligations out of any funds available therefor.

(d) All obligations of the Bank are hereby made negotiable instruments, subject only to any provisions for registration of ownership of obligations.

(e)(1) Obligations of the Bank shall be exempt as to both principal and interest from all taxation (except estate, inheritance, and gift taxes) now or hereafter imposed by any State, local governmental unit, or other local taxing authority.

(2) The principal of, and interest on, any obligation issued by any business entity and guaranteed by the Bank shall be subject to taxation to the same manner and extent as if not guaranteed.

(3) The interest on any obligation issued by a local governmental unit and guaranteed by the Bank shall be included in gross income for purposes of chapter 1 of the Internal Revenue Code of 1954.

(f) The Bank, taking into account the market conditions for its obligations, may request that the Secretary of the Treasury guarantee its obligations with the full faith and credit of the United States. It shall be in the discretion of the Secretary to issue such guarantees, which shall be subject to appropriations enacted in advance of the issuance of the guarantees.

MONEYS OF THE BANK

SEC. 10. (a) All moneys of the Bank from whatever source derived may be paid to the chief financial officer of the Bank, or to such other person as the Bank may direct, and be deposited forthwith in a bank or banks in the District of Columbia or such other place in the United States as the Bank may designate. All deposits of such moneys may, if required by the Bank, be secured in the manner and amount required by the Bank, and all banks and trust companies organized under the laws of the United States are authorized to give such security for such deposits. Such obligations may either be deposited with the chief financial officer of the Bank or be held by a trustee or agent satisfactory to the Bank.

(b) Subject to the provisions of this section, any moneys of the Bank, including the proceeds of the sale of obligations, not required for immediate use by the Bank, may be invested in obligations of the United States or obligations the principal of and interest on which are guaranteed by the United States, or in secured time deposit or other interest-bearing accounts secured by such obligations.

(c) The Bank shall have power to contract with the United States or the holders of any obligations as to the custody, collection, securing, investment, and payment of any moneys of the Bank, and of any moneys held in trust or otherwise for the payment of obligations, and to carry out such contract. Moneys held in trust or otherwise for the payment of obligations or in any way to secure obligations, and deposits of such moneys, may be secured in the same manner as moneys of the Bank, and all banks and trust companies organized under the laws of the United States are authorized to give such security for such deposits.

POWER TO ENTER INTO AGREEMENTS RESPECTING OBLIGATIONS OF THE BANK

SEC. 11. In connection with the issuance of its obligations, the Bank may enter into appropriate agreements to—

(1) pledge all or any part of the assets or revenues or receipts of the Bank to secure the payment of principal of and interest on such obligations;

(2) set aside and regulate reserve or sinking funds;

(3) limit the issuance of additional obligations;

(4) provide for any rights of subrogation of the United States to the rights of holders of obligations;

(5) transfer to or vest in a trustee or trustees such property, rights, powers, and duties in trust as the Bank may determine;

(6) specify the acts or omissions to act that shall constitute a default in the obligations and duties of the Bank and provide for the right and remedies of the holders of obligations in the event of such default, including the right to appoint a receiver; and

(7) provide for any other matters that may affect the security or protection of the holders of obligations.

TAX STATUS OF BANK

SEC. 12. The Bank, its franchise, capital, reserves, surplus, income, and tangible and intangible property shall be exempt from all taxation now or hereafter imposed by the United States, or by any State, territory or possession, the District of Columbia, the Commonwealth of Puerto Rico, local governmental unit, or local authority, except that—

(1) any real property owned in fee by the Bank shall be subject to State, territorial or possession, the District of Columbia, the Commonwealth of Puerto Rico, local governmental unit, or other local taxation to the same extent, according to its value, as other similarly situated and used real property, without discrimination in the valuation, classification, or assessment thereof; and

(2) the Bank and its employees shall be subject to any nondiscriminatory payroll and employment taxes intended to finance benefits based upon employment (such as social security and unemployment benefits) to the same extent as any privately owned corporation.

STANDARDS AND CONDITIONS FOR FEDERAL ASSISTANCE TO BUSINESS ENTERPRISES

SEC. 13. (a) The Bank is authorized to provide financial assistance, under the terms and conditions set forth in this Act, to any business enterprise which satisfies the crite-

ria for eligibility under subsection (b) of this section.

(b) The Bank may provide financial assistance to a business enterprise under this Act only if—

(1) the applicant, either individually or in conjunction with other applicants, submits a written request for financial assistance under this Act accompanied by a plan in accordance with the terms of subsection (c) of this section, which request seeks either—

(A) general financial assistance in cases of financial distress; or

(B) financial assistance for modernization or expansion, to be attained either individually or jointly by two or more applicants, that would have a significant beneficial impact on employment opportunities and productivity in the Nation or any region of the United States;

(2) the Board shall determine that such financial assistance is in the national interest because—

(A) in the case of a request for general financial assistance as provided for under subsection (b)(1)(A) of this section—

(i) the applicant is effectively unable to obtain credit in the public credit markets, from other financial institutions or from any other source in amounts and on reasonable terms sufficient to meet the applicant's financing needs; and

(ii) such inability to obtain credit either will cause the applicant or its creditors to commence or continue an action under the bankruptcy laws respecting the applicant or will cause the interruption of substantially all of the United States operations of the applicant and any of such events would adversely and seriously affect the economy of, or result in significant unemployment in, any region of the United States. In determining whether a significant adverse impact will result, the Board shall consider the type of business in which the applicant is engaged, the size of the applicant's revenues, assets, and liabilities, the number of employees, customers, and suppliers affected, the effect of disruption in the flow of the applicant's goods or services on regional or national economies and on other business enterprises, the economic condition of the industry in which the applicant is engaged and the effect on local governmental units; or

(B) in the case of a request for financial assistance for modernization or expansion as provided for under subsection (b)(1)(B) of this section—

(i) the plan would not be undertaken and the specified objectives of the plan would not be attained without Federal financial assistance under this Act because of the higher costs of obtaining non-Federal financial assistance or the unavailability of such other assistance for such objectives; and

(ii) the plan is feasible, would have the significant beneficial impact required under subsection (b)(1)(B), and is within the national or regional interest;

(3) the Board shall determine that—

(A) the applicant's plan is feasible and complies with the requirements of this Act; and

(B) there is a reasonable assurance of repayment of the financial assistance to be provided by the Bank under this Act, in accordance with the terms and conditions of such financial assistance; and

(4) the applicant shall agree for as long as financial assistance under this Act is outstanding—

(A) to prepare and deliver to the Bank, when and as the Board may require, a revised plan that shall cover the period through the last fiscal year of the applicant during which period financial assistance under this Act is to be outstanding, or such shorter period as the Board may request, and which revised plan shall be approved by the Board;

(B) to prepare and deliver to the Bank, when and as the Board may require, an analysis reconciling the applicant's actual performance with the applicant's plan for the fiscal year or part thereof with respect to which the request for analysis if made; and

(C) to prepare and deliver to the Bank, as soon as practicable following the close of each fiscal year during which financial assistance under this Act is outstanding, an opinion of independent public accountants setting forth the results of an audit by such accountants of the financial statements of the applicant for such fiscal year, which opinion shall describe any deviation in the preparation of such financial statements from generally accepted accounting principles and shall state that the audit of such financial statements was made in accordance with generally accepted auditing standards and accordingly included such tests of the accounting records and such other auditing procedures as were considered necessary under the circumstances.

(c) A plan meets the requirements of this section only if—

(1)(A) in the case of a request for general financial assistance as provided for under subsection (b)(1)(A) of this section, such plan reflects a return of the applicant to profitable and self-sustaining operations by the end of the recovery plan without continued dependence on financial assistance under the Act and that either bankruptcy or interruption of substantially all United States operations of the applicant will occur if the financial assistance applied for were not obtained; or

(B) in the case of a request for financial assistance for modernization or expansion as provided for under subsection (b)(1)(B) of this section, such plan reflects that if the financial assistance applied for were not obtained, the plan would not be undertaken and its objectives would not be attained and that the provision of such financial assistance will enable such objectives to be attained and such attainment will have the required beneficial impact;

(2) it indicates how the applicant proposes to meet all of its anticipated financing needs for the period during which financial assistance under this Act is to be outstanding or for such shorter period as the Board may request;

(3) it provides for an aggregate amount of non-Federal financial assistance from financial institutions, creditors, disposition of assets, State, local, and other governments, suppliers and dealers, sale of equity securities, limitations on wages and benefits of management and employees of the applicant, or other sources, which sources and individual amounts are to be specified in the plan and approved by the Board, and which aggregate amount shall at least equal the aggregate amount of Federal financial assistance provided to the applicant under this Act; and

(4) it includes details concerning production, distribution, and sales plans (including a tabulation of expenditures and sources of revenues needed to execute these plans), a productivity improvement plan setting forth steps to be taken by the applicant, its management and its workers to achieve a higher productivity growth rate and provisions concerning compensation, benefits, wages, work rules and practices, staffing and organization.

(d) The Board may establish, from time to time, such additional standards and conditions for eligibility for financial assistance under this Act as it may deem appropriate.

STANDARDS AND CONDITIONS FOR FEDERAL ASSISTANCE TO LOCAL GOVERNMENTAL UNITS

SEC. 14. (a) The Bank is authorized to provide financial assistance, under the terms and conditions set forth in this Act, to a local governmental unit which satisfies the criteria for eligibility under this section.

(b) The Bank may provide general financial assistance in cases of financial distress to a local governmental unit under this Act only if—

(1)(A) the applicant submits a written request for financial assistance under this Act accompanied by a plan in accordance with the terms of subsection (c) of this section; and

(B) the Governor of the State in which such applicant is located submits a certification that—

(i) the financial assistance requested in the plan is required by the applicant;

(ii) such State has provided or will provide the applicant with a significant amount of additional financial aid but is unable to meet the applicant's financing needs as described in its recovery plan without the financial assistance requested from the Bank; and

(iii) such State will comply with all applicable requirements under this Act;

(2) the Board determines that such financial assistance is in the national interest because—

(A) the applicant is effectively unable to obtain credit in the public credit markets, from financial institutions, from the State in which it is located, or from the other source, in amounts and on reasonable terms sufficient to meet the applicant's financing needs; and

(B) this inability to obtain credit is likely—

(i) to cause the applicant either to default on its outstanding obligations or to be unable to provide essential governmental services without interruption, and such default or inability to provide services will result in a significant adverse impact on the State or region in which the applicant is located. In determining whether a significant adverse impact will result from such default or inability to provide essential governmental services, the Board shall consider the purpose, population, and area served by the applicant, the effect on employment, the applicant's relationship to the public bond market and banking system, the general effect on the economic development of the region in which the applicant is located, the effect on other local governmental units and on the State, and the consequences of interruption, curtailment, or absence of essential governmental services; or

(ii) to cause the applicant to be unable to provide the governmental services or facilities specified in a cooperative industry-governmental plan, which seeks to promote either the continued presence of business operations within the area served by the applicant and whose departure from such area, the Board determines, would have a significant adverse impact on regional or community employment or on the general economic welfare of such region or community, or the establishment or expansion of

business operations within such areas, which, the Board determines, would have a material beneficial impact on regional or community employment or on the general economic welfare of such region or community;

(3)(A) there is established a financial control board that has approved the plan submitted by the applicant and that will require the applicant to adopt and adhere to operating budgets, the results of which would not show a deficit when reported in accordance with generally accepted accounting principles, or to make substantial annual progress so as to achieve that goal during the plan; and

(B) the Board shall determine that—

(i) the applicant's plan is feasible and complies with the requirements of this Act;

(ii) the financial control board applicable to the applicant complies with the requirements of this Act; and

(iii) there is a reasonable assurance of repayment of the financial assistance to be provided by the Bank under this Act, in accordance with the terms and conditions of such financial assistance;

(4) the applicant shall agree, for as long as financial assistance under this Act is outstanding—

(A) to prepare and deliver to the Bank, when and as the Board may require, a revised plan that shall cover the period through the last fiscal year of the applicant during which financial assistance under this Act is to be outstanding, or such shorter period as the Board may request, and which revised plan shall be approved by the applicant's financial control board and the Board;

(B) to prepare and deliver to the Bank, when and as the Board may require, an analysis reconciling the applicant's actual performance with the applicant's plan for the fiscal year or part thereof with respect to which the request for analysis is made;

(C) to prepare and deliver to the Bank, as soon as practicable after the close of each fiscal year of the applicant during which any financial assistance under this Act is outstanding, an opinion of independent public accountants setting forth the results of an audit by such accountants of the financial statements of the applicant for such fiscal year, which opinion shall describe any deviation in the preparation of such financial statements from generally accepted accounting principles applicable to local governmental units and shall state that the audit of such financial statements was made in accordance with generally accepted auditing standards and accordingly included such tests of the accounting records and such other auditing procedures as were considered necessary under the circumstances, except that the Board may defer application of this requirement until the third fiscal year in which financial assistance under this Act is outstanding, or some shorter period, if the Board, in its discretion, determines that such deferral is necessary to permit the applicant to establish systems and records necessary to permit such audit; and

(D) to refrain from reducing, or entering into any arrangement which may have the effect of reducing, any tax or charge which serves as a material source of revenue to the applicant and which the applicant has the power to impose on persons within its jurisdiction or utilizing its facilities, unless the Bank shall have approved such reduction because of the imposition or increase of other taxes or charges or because such reduction is expected to increase the total revenues of the applicant.

(c) A plan meets the requirements of subsection (b) only if—

(1) it reflects that at all times while financial assistance under this Act is outstanding, or such shorter period as the Board may request, the applicant's cash flow (including financial assistance under this Act) will be sufficient to enable it to pay its maturing obligations and to maintain its operations without interruption and make timely payment for all capital items, and if such financial assistance is requested under subsection (b)(2)(B)(ii) of this section, to provide the governmental services or facilities specified in a cooperative industry-governmental plan complying with such subsection;

(2) it reflects that during the plan the applicant will make substantial annual progress toward and will, within such time as the Board may require, achieve an operating budget balanced in accordance with generally accepted accounting principles and will have subjected itself to controls appropriately reasonably to assure the applicant's continued adoption and compliance thereafter with balanced operating budgets;

(3) it reflects that if the financial assistance applied for is not obtained, either—

(A) default on a material amount of the applicant's obligations or interruption of essential governmental services will occur; or

(B) the applicant will be unable to provide the governmental services or facilities specified in a cooperative industry-governmental plan complying with subsection (b)(2)(B)(ii) of this section;

(4) it indicates how the applicant proposes to meet all of its anticipated financing needs for the period during which financial assistance under this Act is to be outstanding, and how the applicant proposes to meet all of its borrowing needs through the public credit markets or through State or local governmental assistance when the financial assistance extended by the Bank under this Act has terminated;

(5) it provides for an aggregate amount of non-Federal financial assistance from the State in which the applicant is located, agencies of such State, private sources, holders of obligations of the applicant, and employees of the applicant, which sources and individual amounts are to be specified in the plan and approved by the Board, and which aggregate amount shall at least equal the aggregate amount of Federal financial assistance provided to the applicant under this Act;

(6) it provides for achieving a stabilized work force for the applicant, including such provisions concerning employee benefits, wages, work practices, productivity, staffing, and organization as are necessary to achieve the success of such plan; and

(7) such plan is integrated with any other plans formulated by the applicant or by other related local governmental units.

(d) Notwithstanding any other provisions of law, the terms of any financial assistance from the Bank shall provide, in the event of a breach of any condition of, or a default of payment in accordance with, the terms of any financial assistance provided under this Act, for the Secretary to be authorized, at the request of the Board, to cause the withholding of any payments from the United States to the applicant, either directly or through the State or through any other local governmental unit in which such applicant is located, which may be or may become due pursuant to any law and to offset the amount of such withheld payments against any claim the Bank may have against the applicant pursuant to this Act.

(e)(1) The Bank may provide financial assistance in the form of long-term loans for infrastructure improvement to a local governmental unit under this Act only if—

(A) the Bank determines that the applicant is unable, for reasons of a shrinking tax base or other fundamental economic change, to finance the infrastructure improvement in sufficient amounts or on reasonable terms;

(B) the financial assistance is with respect to projects which—

(i) will preserve, reconstruct, or restore any road, bridge, or sewer or water system;

(ii) will not extend any such road, bridge, or sewer or water system; and

(iii) will not involve any mass transportation system; and

(C) the applicant submits a written request for financial assistance, in such form and in accordance with such procedures as the Bank shall require, which shall—

(i) describe the current condition of the facility involved;

(ii) describe the preservation, reconstruction, or restoration work proposed to be carried out with respect to such facility;

(iii) state the annual operating costs or maintenance and repair costs for such facility;

(iv) state the estimated annual operating costs or maintenance and repair costs for such facility after the completion of the work described in subparagraph (B);

(v) state the estimated replacement cost of such facility;

(vi) contain a detailed description of the long-term debt proposed to be incurred to finance the work described in subparagraph (B); and

(vii) provide such additional information as the Bank considers necessary to carry out the provisions of this Act.

(2) In providing financial assistance under this subsection, the Bank shall give priority to those projects which—

(A) will involve facilities which are in urgent need of restoration in order to avoid the total replacement of the facility involved;

(B) will result in the largest savings in annual operating costs or other costs;

(C) will significantly contribute to the economic development or reduce the economic decline of the area in which the applicant is located; and

(D) will, upon completion, serve or benefit the largest number of persons.

(f) The Board may establish, from time to time, such additional standards and conditions for eligibility for financial assistance under this Act as it may deem appropriate.

TERMS AND CONDITIONS OF FINANCIAL ASSISTANCE

SEC. 15. (a)(1) Subject to the provisions of this Act, the Bank is authorized to lend and to guarantee the payment of principal and interest on loans, to a local governmental unit or to a business enterprise, on such terms and conditions as it deems appropriate, and is authorized to make commitments to make such loans and guarantees.

(2) Each loan made or guaranteed under this Act shall be payable in full not later than thirty years after such loan was initially made. The duration of any loan made or guaranteed by the Bank for a capital project shall not exceed the estimated useful life of such project. The duration of any loan made or guaranteed by the Bank to a business enterprise for working capital or

other noncapital purposes shall not exceed five years. No loan shall be made or guaranteed by the Bank on any commitment or agreement made by the Bank after the expiration of one year from the date of such commitment or agreement.

(3) Any loan or guarantee or commitment to make a loan or guarantee entered into pursuant to this Act shall contain such affirmative and negative covenants and other protective provisions as the Board may determine are reasonably appropriate to assure repayment.

(4) The Board may require security for each loan made or guaranteed under this Act at the time the loan or guarantee is made or thereafter. The Bank may take such steps as it deems necessary to administer or liquidate any collateral in which the Bank has a security interest, to enforce any claim the Bank may have against an applicant with respect to financial assistance provided pursuant to this Act.

(5) Each loan made or guaranteed under this Act shall bear interest at a rate determined by the Board to be reasonable, considering the objective of providing the Bank with an appropriate return and taking into account the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the maturity of such loan, except that in the case of a long-term loan for infrastructure improvement under section 14(c), the Bank may in its discretion charge a rate of interest less than its cost or borrowing, taking into account the current average yield on high-grade tax-exempt obligations of comparable maturity.

(6) In connection with each guarantee made under this Act, the Board shall prescribe and the Bank shall collect no less frequently than annually a guarantee fee which shall be sufficient to compensate the Bank for all of the administrative expenses related to the guarantee and to provide the Bank with such return as the Board shall deem appropriate in the circumstances, but in no case may such fee be less than one-half of 1 per centum per annum of the outstanding principal amount of loans to such applicant guaranteed under this Act, computed daily.

(7) The Bank is authorized to agree to any modification, amendment, or waiver of any term or condition of any loan or guarantee, including any provision of any collateral security or other related agreement, that it deems desirable to protect the interests or advance the purposes of the Bank.

(b)(1) In any case in which the Board determines that the other forms of financial assistance provided under this Act are inappropriate for an applicant, the Bank is authorized to purchase capital stock of such applicant business enterprise if the Board determines that such method of assistance is in conformance with, and necessary to accomplish the objectives of, the applicant's plan. Such capital stock shall be exempt from assessment or additional liability.

(2) The Bank may not purchase any such capital stock unless the applicant's plan provides reasonable assurances for the retirement, repurchase, or sale of any capital stock purchased by the Bank.

(3) The terms of purchase of such capital stock shall provide for either its mandatory retirement or repurchase by such applicant, in installments, to be completed in not more than thirty years after such capital stock is issued, or shall include provisions giving reasonable assurance of the sale of such capital stock by the Bank. Such capital stock may be assigned or transferred by the Bank for reasonable consideration, and may be used to secure obligations of the Bank, as provided for under section 9.

(4)(a) The Board is authorized to require that the terms of such capital stock contain any additional conditions that it deems desirable to protect the interests or advance the purposes of the Bank, including, but not limited to, provisions relating to dividends and voting rights.

(b) In no case may the Board acquire an amount of voting stock from a corporation which would enable the Board to elect a majority of the board of directors of such corporation.

(c) In no case shall the aggregate amount of financial assistance made under this Act to any one local governmental unit or business enterprise exceed, at any one time, 10 per centum of (1) the paid-in capital stock of the Bank plus (2) the aggregate amount of obligations of the Bank authorized to be outstanding under section 9.

(d) The aggregate amount of outstanding loans and guarantees made by the Bank and of outstanding capital stock owned by the Bank shall not at any time exceed the sum of the paid-in capital stock and surplus of the Bank, plus the aggregate amount of obligations of the Bank authorized to be outstanding under this Act.

(e) No fee or commission shall be paid by any applicant for financial assistance under the provisions of this Act in connection with any application or any financial assistance provided or to be provided under this Act, and the agreement to pay or payment of any such fee or commission shall be unlawful.

INSPECTION OF DOCUMENTS

SEC. 16. At any time a request for financial assistance under this Act is pending or financial assistance under this Act is outstanding, the Board is authorized to inspect and copy all accounts, books, records, memorandums, correspondence, and other documents of the applicant relating to its financial affairs and shall have access to all facilities and properties of the applicant.

COMPLIANCE WITH OTHER LAWS

SEC. 17. Nothing contained in this Act shall be construed as invalidating, preempting, or superseding any Federal, State, or local law relating to the incurrence of debt, or as relieving an applicant from compliance with any otherwise applicable requirements of any regulatory authority with jurisdiction over such applicant.

TERMINATION OF BANK; WINDING UP OF ITS AFFAIRS

SEC. 18. (a) The Bank shall continue in existence until thirty years after the effective date of this Act (hereinafter in this Act referred to as the "termination date") but shall make no commitment to provide new or increased financial assistance to any applicant later than six years after the effective date of this Act unless such date is extended by the Congress (hereinafter in this Act referred to as the "final commitment date").

(b) On and after the final commitment date the Board shall commence all practical and reasonable steps including the liquidation of the Bank's assets to achieve an orderly winding up of the Bank's affairs on or prior to the termination date.

(c) Upon termination of the Bank, any contract or obligation for financial assistance shall be administered pursuant to subsection (d) of this section.

(d) If on the termination date the Bank shall not have completed the winding up of its affairs and the liquidation of its assets, the duty of completing such winding up and liquidation shall be transferred to the Secretary, who for such purposes shall succeed to all the powers, duties, rights, and obligations of the Bank and the Board under this Act and nothing herein shall be construed to affect any right or privilege accrued, any penalty or liability incurred, any criminal or civil proceedings commenced, or any authority conferred hereunder, except as herein specifically provided in connection with such winding up of the affairs and liquidation of the remaining assets of the Bank. Following such transfer, the Secretary may assign to any officer or officers of the United States in the Treasury Department the exercise and performance, under the Secretary's general supervision and direction, of any powers, duties, rights, and obligations so transferred from the Bank to the Secretary.

(e) When the Secretary finds that the liquidation of any remaining assets will no longer be advantageous to the United States and that all of the legal obligations of the Bank have been provided for, the Secretary shall pay into the general fund of the Treasury as miscellaneous receipts the unused balance of the moneys belonging to the Bank and shall make a final report on the Bank to the Congress. Thereupon the Bank shall be deemed to be disssolved.

CONFLICTS OF INTEREST AND FINANCIAL DISCLOSURE

SEC. 19. (a) The financial disclosure provisions of the Ethics in Government Act of 1978 applicable to individuals occupying positions compensated under the Executive Schedule shall apply to the directors and officers of the Bank and to employees of the Bank whose position is compensated at a rate equivalent to that payable for grade GS-16 or above of the General Schedule established by chapter 53 of title 5, United States Code. The financial disclosure provisions of the Ethics in Government Act of 1978 shall apply to the Bank.

(b) No financial assistance to any business enterprise shall be approved by the Board if any director is a director, officer, or holder of a substantial financial interest in such applicant or any of its affiliates, unless such financial assistance shall be approved by the President.

(c)(1) Except as authorized by paragraph (3) of this subsection, no director, officer, or staff member shall in any manner, directly or indirectly, participate in the deliberations upon or the determination of any matter respecting any application, contract, claim, or other particular matter pending before the Bank in which, to his or her knowledge, he or she, his or her spouse, minor child, partner, or an organization (other than the Bank) in which he or she is serving as officer, director, trustee, partner, or employee, or any person or organization with whom he or she is negotiating or has any arrangement concerning prospective employment, has a financial interest.

(2) Action by a person contrary to the prohibition contained in paragraph (1) of this subsection shall be cause for removal of such person but shall not impair or otherwise affect the validity of any otherwise lawful action by the Bank in which such person participated.

(3) The prohibition contained in paragraph (1) of this subsection shall not apply if the person first advises the Board of the

nature of the particular matter in which he or she proposes to participate and makes full disclosure of such financial interest, and the Board determines by majority vote that the financial interest is too remote or too inconsequential to affect the integrity of such person's services for the Bank in that matter. In the case of staff members who are not officers, the Board may delegate the responsibility for making such determination to one or more officers or to counsel of the Bank. The person involved shall not participate in any such determination.

(d) Except as otherwise provided in this section and subject to compliance with such limitations and restrictions as may be imposed by other statutes or Executive orders, a Director may also serve as a Director, officer, attorney, agent, or employee of any other person and such other service by a Director shall not constitute a conflict of interest or a breach of any fiduciary duty or any other duty of care or loyalty to the Bank.

(e) Section 207(a) of title 18, United States Code (and subsections (f), (h), and (j) of such section to the extent they relate to subsection (a)), shall apply to former directors, officers, and employees of the Bank as if they were former officers or employees of the executive branch of the United States Government. Such section shall apply to the Bank as if it were an agency of the executive branch of the United States Government.

(f) Any provision of law governing post-Federal employment activities shall not apply to former Federal employees who may be employed by the Bank while acting on behalf of the Bank.

AMENDMENT TO THE GOVERNMENT BANK CONTROL ACT

SEC. 20. Section 101 of the Government Bank Control Act (31 U.S.C. 846) is hereby amended by inserting after "Pension Benefit Guaranty Bank" the following: "; and the United States Revitalization Bank.".

SEPARABILITY

SEC. 21. If any part of this Act shall be adjudged invalid by any court of competent jurisdiction, such judgment shall not affect any other part of this Act, unless inseparable from the part of this Act adjudged invalid, but shall be confined in its operations to that part of this Act directly involved in the controversy in which such judgment shall have been rendered.

AUTHORIZATION OF APPROPRIATIONS

SEC. 22. (a) There are hereby authorized to be appropriated not to exceed $5,000,000,000 to carry out the provisions of section 8. Such funds shall remain available until expended.

(b) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of section 9(f).

EFFECTIVE DATE

SEC. 23. This Act shall take effect on the date of the enactment of this Act.

RAMPANT INFLATION IN HEALTH CARE

Mr. EAGLETON. Mr. President, the week before the Easter break, the New York Times ran an excellent series of five articles on the cost of health care in this country. I commend these articles, the text of which follows, to the attention of my colleagues.

Public health care policy, until recently, has focused on control and eradication of communicable disease, expanded access to medical care, improving the quality of that care, and encouraging development of new technological capabilities in the control and treatment of illness.

Today's dilemma of skyrocketing health care costs is in part a tribute to the success of that past policy, but as costs have risen out of control, economic pressures are eroding the principle that any expenditure is justifiable in the effort to cure illness and prolong life.

Last year, according to the Health Care Financing Administration, total health care expenditures, both private and public, came to $285 billion, up from 15 percent from 1980, compared to an 8.9 percent increase in the cost of living for that period. As pointed out in the first of the Times articles, medical costs rose at more than an 8-percent annual rate in February, when the CPI increased at only a 3-percent rate.

The basic reason that health care costs are running out of control is that the bills are veiled by a third-party system of payments which leaves most consumers unknowning and uncaring where the cost burden falls. Patients are virtually powerless to influence their own care. The physician decides when hospitalization is necessary, what tests are necessary, and duration of treatment. Physicians tend to recommend and patients to use any service which is covered by insurance that promises some benefit. Thus, there are few marketplace restraints on patient demand and no incentive to keep costs down.

How can we stop health costs from racing ahead of inflation each year? There is a great deal of debate over a competitive versus a regulatory approach to cut costs. The Administration's highly touted and long-delayed proposal to reform the health care system through competition has yet to be unveiled. But it seems clear that its impact, if passed, would be years down the road. The Congressional Budget Office suggests that there are no features in any of the current competition proposals which will reduce Federal health care expenditures in 1983 and 1984.

There may be long term benefits to the pro-competition model, and that debate should move ahead. But in 1982, there is not a choice between competition and regulation. Today's rampant health care inflation demands a more immediate response.

With a 19 percent increase in hospital costs last year devastating both Medicare and Medicaid, ballooning an already unacceptable Federal deficit, one thing is certain—our present system of funding health care cannot continue through the 1980's. Regulation may be the least favored word in Washington today, but it is a word increasingly associated with health care programs. As a first step, Congress should once again examine President Carter's proposed hospital cost containment legislation which would have placed a 9 percent ceiling in annual increases on hospital operating costs.

To further illustrate the exorbitant rise in medical care cost increases, particularly hospital cost increases, I ask unanimous consent that two charts prepared by the Department of Health and Human Services be inserted in the RECORD following the New York Times articles which I have mentioned. The first chart demonstrates that while the average annual rate of increase between 1976 and 1981 in the Consumer Price Index was 9.8 percent, the hospital cost index rose 14.2 percent for the comparable period. The second chart graphically demonstrates that federal spending on Medicare and Medicaid has experienced a five-fold increase between 1970 and 1980 and that the projected costs to 1985 will be more than a seven-fold increase since 1970.

Although the Administration proposes cuts in Medicare and Medicaid, offering the rationale that it will reduce health care costs, it simply is not the case. The Administration seems to think that if we arbitrarily depress federal health care payments, health care inflation will disappear. In fact, all the Administration proposes to do is set up a complex system of cost shifting in which the elderly and states become a big losers.

Mr. President, I ask unanimous consent that the New York Times series be printed in full in the RECORD at the conclusion of my remarks. Health care cost containment should not be the sole goal of health care policy, but it is the context within which the basic positive goals of public health care policy must be pursued.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 28, 1982]

HIGH MEDICAL COSTS UNDER ATTACK AS DRAIN ON THE NATION'S ECONOMY

(By William K. Stevens)

Authorities inside and outside America's health-care industry are saying with increasing urgency that the nation's system for paying medical bills rewards profligacy and must be overhauled.

If it is not, the experts say, the cost of medical care, which annually consumes a tenth of the country's wealth, will claim an ever larger share of national resources in the years ahead, draining money from other vital needs.

Nearly everyone who has studied the problem in recent years has come to agree that the use of a fee-for-service system of medical practice, subsidized as it is my Medicare, Medicaid and private health insurance, gives a blank check to doctors and hospitals.

Largely as a result of this, the nation's medical-care bill has grown ten-fold over the last two decades, from $27 billion in

1960 to $275 billion last year. The cost of an average stay in the hospital has soared to $2,119 from $670 just since 1971, far outstripping the rate of inflation elsewhere in the economy. Yet despite the concern, relatively little has been done to bring such costs under control.

NEW DRIVE TO CURB COSTS

Now there are signs that a new push to limit the costs is developing.

"The message I get from the Government and industry is that present costs are intolerable," said Alexander McMahon, the president of the American Hospital Association whose organization led a successful fight to kill President Carter's 1979 plan to contain hospital costs by Government regulation.

The costs are going to be controlled, Mr. McMahon said, "one way or the other," either by Government fiat, or by introducing market principles and incentives into a system that, its critics say, now encourages free-spending inefficiency.

The Reagan Administration has been considering a variety of ways to introduce more competition into the medical care system. But under pressure from businesses, labor, medical groups and the insurance industry, has apparently abandoned some of the most far-reaching proposals, including most that involve tax incentives. Now, according to officials, the Administration is concentrating largely on voluntary efforts.

Nonetheless Administration officials support Mr. McMahon's judgment that changes must be made. Edwin Meese 3d, the White House counselor, on Friday reaffirmed the Administration's commitment to controlling costs calling the situation "one of the most serious" health problems facing the public and the Federal Government.

REGULATION MAY BE ONLY CHOICE

The health provider industry is betting that if we cannot get competition, we're going to do nothing," said Dr. Robert J. Rubin, assistant secretary for planning and evaluation in the Department of Health and Human Services. "They are making an error," he went on adding that if Government regulation was the only choice left, Government regulation it would be.

The expenses that patients must pay out of their own pockets have risen, of course. Usually, the bulk of the cost is not the responsibility of the patient, since insurance companies and the Government pay it.

And so, for most Americans in the last 10 to 15 years, price has been no object when it came to medical care. They have come to expect and demand the best that modern medicine can offer, whatever it costs, whether or not it is really necessary.

All too often it is not necessary, almost everyone who has analyzed the situation agrees. An army of critics charge that physicians order far too many laboratory tests, overuse medicine's wondrous but terribly expensive new technology and put too many people in the hospital for too long.

PRICE OF INSURANCE PREMIUMS

The hidden costs of this waste are enormous. The Government deficit rises to meet the soaring cost of Medicare, which pays most medical bills for Americans 65 and older, and Medicaid, the health program for the poor. Workers draw lower wages than they otherwise might because their employers must pay higher health insurance premiums. Consumers pay higher prices for goods because companies pass on the higher cost of those premiums.

Almost one dollar in every 10 generated by the American economy goes for medical care today, as against one dollar in 20 two decades ago. Americans spend about as much trying to stay well as they do buying and operating automobiles, and almost twice as much as they spend on clothing and jewelry.

Neither the Federal budget nor the national debt has grown nearly as rapidly as health-care expenditures. By roughly doubling every six to eight years, the nation's medical bill has become a major driver of inflation. No other component of the Consumer Price Index exceeded medicine's 12.5 percent increase last year.

Moreover, when the rise in the overall inflation rate has slowed, as it has in recent months, medical costs have continued to rise as fast as ever. The Consumer Price Index in February increased at an annual rate of 3 percent. Medical costs jumped at a rate of more than 8 percent. And hospital costs, where the rise is consistently most rapid, increased by more than 11 percent. This suggests that in times of falling inflation rates and economic contraction, medical costs claim an even greater share of the gross national product, the total share of the nation's annual output of goods and services.

COMPETITION AND INCENTIVE

Regardless of what initiatives the Reagan Administration takes, several vigorous attempts to cut medical costs are already under way. Some state governments are trying with some success to impose limits on hospital costs.

"Competition" and "incentive" are the twin watchwords of another strategy that is being adopted independently of the Government. Patients in many places are paying fixed fees for total medical care. The fees, in turn, constitute a budget within which doctors and hospitals must live.

Even so, some analysts fear that the overall problem is so intractable that the country is fated to live with it for a long time. "I think we're struck with it," said Dr. Uwe Reinhardt, a professor of economics and public affairs at Princeton University, who has made a specialty of studying the situation. "I think health-care expenditures might go to 11 percent of G.N.P. before long, and it will in other nations, too."

A primary reason for this, Mr. Reinhardt believes, is that economically speaking, health care is a "luxury good." That is, as a society becomes more affluent, its members can afford to devote a greater share of wealth to medicine. "There is almost a straightline relationship between percentage of G.N.P. spent on health care and per capita G.N.P." in a given country, said Mr. Reinhardt. "As a society gets richer, it will tend to spend more and more, proportionately, on health care, regardless of how it's financed."

Mr. Reinhardt, in an analysis that few experts would argue with, has identified a series of additional factors that drive up medical costs.

First, said the Princeton analyst, "on the average, you pay only 30 cents of every health-care dollar out of your pocket." Private health insurance pays about 27 percent, and Medicare and Medicaid about 40 percent. In the case of hospital care, the patient pays an average of 10 cents on the dollar.

NO STAKE IN HOLDING COSTS DOWN

All of this tends to create for the patient an illusion of getting something for nothing, or at least a lot for a little. So the consumer has no stake in helping to hold costs down. "This is one of the few commodities where we say, with a straight face, 'Everyone should have the best,'" Mr. Reinhardt said.

At the same time, the suppliers of health care "have quite a financial stake in selling a lot of it," Mr. Reinhardt said. "It's like bread or shoelaces. They get paid on a piecework basis. The peculiarity here is that the suppliers dominate demand. When you go to the hospital, you lose the decisionmaking power. You get naked and that's it."

Of all the actors in the play, it is generally agreed, the physician is crucial. He or she makes the diagnosis, and few patients are qualified to argue with it.

The doctor decides what tests to order, what course of treatment to pursue, whether to hospitalize the patient. The way things are structured now, it is in his interest to order lots of tests, pursue the most elaborate threatment and, when in doubt, hospitalize the patient.

One reason is what Mr. Reinhardt calls "the technological imperative." Such sophisticated instruments and procedures as the CAT scanner, the colonoscope, the stress test and the heart bypass have come into wider use in the United States than perhaps anywhere else, largely because the money is there to pay for them. And when the tools are there, the analysts say, they will be used. Patients expect it, and physicians, practicing "defensive medicine" with one eye trained on possible lawsuits, comply.

THE ROLE OF TECHNOLOGY

"The most important thing that drives up costs, over time, is new technology," said Victor Fuchs, a Stanford University economist. If technology is broadly defined to include routine laboratory tests and diagnostic procedures, it accounts for about 70 percent of the total rise in the cost of medical care, said Dr. Marvin Moser, a clinical professor of medicine at New York Medical College in Westchester County, who has written about the subject.

Much of this testing goes on in hospitals, contributing to the extraordinary rise in hospital costs. Contrary to popular notion, it is not doctors' fees that account for the sharpest cost increases in medicine. From 1970 to 1979, the average fee for an initial office visit to a doctor increased by 8.8 percent a year. Annual hospital-cost increases, by contrast, have consistently been in double digits. The figure was 14.8 percent in 1981.

Exotic technology aside, experts say, routine testing has gotten out of hand. A doctor who practices at a hospital in the New York area provides a vivid example of this:

An elderly patient was admitted to the hospital late one night this winter, suffering from bronchitis and running a fever. In the judgment of this doctor, an experienced internist who was not involved in treating the woman and requested that his name not be used, her illness could have been safely and effectively treated at home with antibiotics.

Undoubtedly, the doctor said, initial X-rays and an initial electrocardiogram would have been justified in view of the woman's age. After that she could have been started on the antibiotics, kept in the hospital for a day or two and sent home.

A NINE-DAY HOSPITAL STAY

Instead, she was kept in the hospital for nine days. She was given $575 worth of intravenous infusions, $657 worth of electrocardiograms, $1,454 worth of X-rays and $944 worth of laboratory services. The total

hospital bill came to $9,065.10, nearly all of it paid by Medicare. No fraud was involved, according to the physician. Rather, the doctors were simply doing what they were trained to do as part of a profession that has become enthralled by technology.

"We're talking about billions being wasted on unnecessary testing," Dr. Moser said. "Instead of cutting back on lunch programs for kids, or cutting out educational grants, couldn't we say, 'Hey, wait a minute, maybe we could save $20 or $30 billion from the medical care budget and not affect care'?"

Dr. Moser and other say they believe similarly that the United States is training too many specialists, particularly surgeons, tumor specialists and gastroenterologists.

THE GENERAL MOTORS EXPERIENCE

In 1950, there were 14.2 physicians for each 100,000 Americans. In 1980 there were 19.7, and by 1990 there are expected to be 23.9. When physicians become a glut on the market, analysts of the nation's health-case system say, doctors are tempted to compete for patients whether the patients really need their services or not.

The analysts also say that doctors tend to put people in the hospital when it is unnecessary, often because patients demand it. Frequently, health insurance picks up the total cost of a hospital stay, and neither doctors nor patients feel the financial pinch directly. Often, the patient never even gets a bill.

As a result, Medicare and Medicaid now make up fully 9 percent of the Federal Budget. Health insurance premiums have risen. So have costs to industry, which are then passed on to the consumer.

The experience of the General Motors Corporation illustrates the process. According to the company, the cost of financing health care for its employees rose to $1.5 billion, or $2,909 per employee, in 1980, from $630 million, or $1,922 per employee, in 1974. The added cost for G.M. cars and trucks in 1974, on average, was $134.67; in 1980, it was $315.23.

Outright fraud is a factor in the total picture, but it is not generally considered critical. If it accounts for as much as $10 billion a year, Dr. Reinhardt said, "that wouldn't be a big percentage, but it would be a lot of fraud." Rooting it out, he said, "would help uphold the moral fiber of the nation, but you're not going to balance the books with it."

Nor is insurance as such the problem, analysts say. Health insurance is accepted as essential, and, according to a poll by The New York Times, about half of all Americans would like to see a program of national health insurance financed from tax revenues.

Rather, according to the experts the difficulty lies with the system through which insurance companies and the government reimburse doctors, hopsitals and other practitioners for their services.

As Karen Davis of the Johns Hopkins University School of Public Health says, the system "basically gives the hospital a blank check." Insurance companies and the government, she says, "simply pay hospitals whatever bill they present," or at least some fixed portion of it, typically 80 percent. There is no mechanism for controlling the costs, nor are doctors offered any incentive for keeping them down.

SELF-POLICING BY DOCTORS

Self-policing by the medical profession offers one possible solution, says Dr. Moser. "If you got 500 teachers in medical schools to think about this," he said, "you might begin to change habits."

Five years ago, Dr. Moser headed a committee of doctors who, working under government auspices, determined that in most cases, the customary hospital diagnosis and treatment for hypertension was unnecessary. Today, outpatient diagnosis and treatment is the norm for that ailment.

But some experts say that self-policing, by itself, has generally not worked. Dr. Davis points out that in 1978 and 1979, when Congress was considering the Carter Administration's ultimately unsuccessful attempt to place a cap on hospital costs, the hospital industry mounted a voluntary effort to control costs.

It succeeded, said Dr. Davis, who was then a Government planner involved in the Carter effort, in reducing the annual rate of hospital cost increases by as much as four percentage points. But after the legislation was killed—partly, she says, as a result of the reduction—hospital costs bounced right back up again.

Many analysts now say that the most effective way to contain costs is to change the system through which private insurance companies and the Government reimburse doctors and hospitals. A number of strategies are being tried, with varying degrees of success, and many of them involve a competitive approach coupled with prepaid patient fees.

MOVEMENT TOWARD COMPETITION

There is also talk of applying additional governmental stimulus to the movement toward competition in the health care field. The Reagan Administration is expected this year to submit legislation to Congress that would channel some of the huge reservoir of Medicare and perhaps Medicaid funds into competitive enterprises. One mechanism being considered would allow Medicare recipients to receive a voucher with which they could, for example, buy membership in a prepaid medical care plan.

Meanwhile, in the state of New York, under a Health Department regulation, Medicaid reimbursements to hospitals are being allowed to rise only at the rate of general inflation. Such expenses as hospital laboratory charges are reimbursed at no higher than an average rate determined by the state.

In addition, the state determines the average length of hospital stay and pays for no more than that in a particular case. There is also an extra payment, a kind of sweetener, if a hospital reduces its bed occupancy below a certain target, and a penalty if it goes above the target.

Blue Cross has now joined in much of this program, and the state is negotiating with the Federal Government to apply the same principles to Medicare reimbursements. According to Dr. Robert Match, the administrator of Long Island Jewish Hospital, who is chairman of the Hospital Association of New York, the measures have already reduced the increase in hospital costs to about 9 percent a year, compared with a 14.8 percent rate nationally.

For all the innovation, however, few analysts expect dramatic progress.

"It takes a very long time to change the structure of incentives in an industry as huge as this one," said Dr. Paul Ellwood of Minneapolis, who is head of the research group InterStudy. Dr. Ellwood, a strong advocate of a return to market principles, believes it will be 15 to 20 years before the movement toward competition achieves its full impact on cost containment.

Some analysts say that just holding medical costs to 11 or 12 percent of G.N.P. in the next decade would represent a victory. "Even if we go from 10 to 12 percent of G.N.P. by 1990," said Mr. Fuchs, the Stanford economist, "that will represent a significant slowing down in expenditures per physician."

[From the New York Times, Mar. 29, 1982]

MAJORITY IN SURVEY ON HEALTH CARE ARE OPEN TO CHANGES TO CUT COSTS

(By Robert Reinhold)

WASHINGTON.—While Americans overwhelmingly are pleased with the quality of their medical care, most appear to be willing to accept significant changes in the system to reduce costs, according to a national survey.

Probably the most striking conclusion of the poll by The New York Times was the extent to which people expressed concern about rising medical costs and seemed open to trying the various means that have been proposed to control those costs. For example, nearly 6 of every 10 said they would be willing to have routine illnesses treated by nurses or doctor's assistants rather than doctors.

And, by a ratio of 50 to 42 percent, they indicated they would agree to use a clinic, where they would have to accept any available doctor, rather than go to a private doctor, if that would help economize. This is the approach used by prepaid group plans, or health maintenance organizations, which have been widely touted as a cure for inflation of medical costs.

"What is stunning about these results is people's willingness to change—health providers are out of step with the public," said Prof. Uwe Reinhardt of Princeton University, a specialist in the economics of health care, who was shown the results of the survey. "People have no problems with this—it is the doctors and hospitals who do."

Of the 1,530 men and women surveyed, even those with relatively generous health plans, like that offered to members of the United Automobile Workers, voiced dismay over the cost of getting sick.

"When you've got four kids and they all get sick at once, that comes out of your grocery budget," said Diana Levendoski, whose husband, Frederick, was recently laid off from the Oldsmobile diesel plant in Lansing, Mich.

THE FINANCIAL DAMAGE

One of every five surveyed said his or her household had been seriously hurt by medical bills at one time, and the figure was higher among the so-called working poor. Nearly half, 45 percent, said someone they knew well had been financially hurt.

The survey suggests, indirectly, that the public may not be averse to the more competitive health-care market that a number of authorities, including health leaders in the Reagan Administration, have promoted as the solution to rising costs. Fully 54 percent expressed willingness to "shop around" for cheaper health insurance that might not cover everything, if that would control costs; conversely, 39 percent said they preferred full coverage even if that raised total medical costs.

The Administration is on the verge of proposing legislation meant to stimulate competition among doctors, hospitals and others who provide health care. Details are lacking, but the plan is expected to embody

some modest inducements to get employers, voluntarily, to offer their workers a wider choice of cheaper health plans. A more sweeping competition plan that was under consideration met stiff opposition from business, labor and the bulk of those who provide health care.

It is also expected that the Administration will ask Congress to allow beneficiaries under Medicare, the Government's health insurance plan for the elderly, to take their benefits in the form of vouchers and buy private health plans. Those surveyed, by a ratio of 42 to 37 percent, said they could do better under such a system.

However, the elderly most directly affected were unenthusiastic. A good majority—62 percent—of those 64 years old or older said they would prefer to stay with Medicare, despite its limitations: only 15 percent of them said they thought they would be better off on the open market.

NO DETAILS ON VOUCHERS

It was difficult to ascertain what this meant for the voucher concept, because Administration officials have released no details of how it would work. They hope that private insurers will offer more comprehensive care for less than Medicare costs the Treasury.

In follow-up calls, a number of the elderly who initially preferred sticking with Medicare said they might accept the voucher if they were convinced that it offered better coverage.

The survey found Americans remarkably pleased with their basic medical care, despite certain pockets of dissatisfaction, particularly among minorities and the poor and despite numerous unhappy experiences with some doctors. Three-quarters voiced confidence in the doctors and hospitals in their communities and were satisfied with their present health insurance. And nearly as large majorities were confident that they would be treated speedily in an emergency.

But there was much less ease about the price. Nearly two-thirds expressed unhappiness with the overall cost of care. And while 71 percent were confident that they would be covered for most hospital bills in the next year, an insecurity about old age pervaded almost all groups rich and poor.

Nearly half lacked confidence that their hospital bills would be covered in their old age, and nearly two-thirds doubted that they would be able to afford nursing home bills. Even among households with annual incomes of more than $40,000, 42 percent of the people were uncertain about hospital bills and 55 percent were uncertain about nursing home fees in old age.

EIGHT PERCENT LACK INSURANCE

A third of those surveyed said they had at times avoided going to the doctor to save money. Consider, for example, Michael French, a 42-year-old quality control inspector at the Avon cosmetics factory in Cincinnati. Like many workers, he has insurance that covers hospitalization but not visits to a doctor's office. He said he regularly suffered through bouts of flu and colds without treatment and for years put off having a thorough physical exam, which cost him $125.

"I waited until I had a little extra cash," he said, adding that he did not stint with his two children.

Other studies have found that about 8 percent of Americans have no health insurance whatsoever. In addition to that vulnerable group, the survey underscored dramatically another large gap in the health system: One of every five said his or her household had lost coverage for a time when the breadwinner lost or changed jobs, or when moving. This was particularly true among the working poor, 27 percent of whose households lost coverage.

Typical of this group was a 47-year-old woman from Oxford, Mass., near Worcester. For years, the woman, who asked that her name not be printed, and her husband had no coverage when he worked for minimal wages as a milkman. In that time she had four children, and the couple paid the doctor and hospital bills in monthly installments. To save money with her last child, she waited until the ninth month of pregnancy to visit the doctor. As a result, she said, she nearly died after delivering the child because of a complication that could have been corrected in advance.

"That was a real bad time," she said. "It took a long time for us to get out of debt. They should have something for people who cannot afford it."

She said she and her husband were too proud to apply for Medicaid, the Government health program for the poor.

While Medicare has relieved some of their worries, some of the elderly expressed acute concern about rising costs. Edna Kouns, a 68-year-old retired bookkeeper from Columbus, Ohio, and her husband, Theodore, a retired appliance repairman, pay $111.60 every two months for Blue Cross/Blue Shield coverage to supplement Medicare. The burden is heavy, but Mrs. Kouns thinks it is worth it for the peace of mind.

"I have known people who have been practically wiped out because they did not have insurance," she said.

BAD EXPERIENCES REPORTED

A quarter of those surveyed said their households had had bad experiences with a doctor or hospital. One woman said a doctor had performed a hysterectomy on her without telling her in advance. A man from Texas said a nurse had pronounced his mother dead when she was only comatose. A woman from California said her 2-year-old child almost died from an excessive dose of medicine prescribed by a doctor. And several people said they had been treated by doctors who appeared to be drug addicts or alcoholics.

Also, the survey suggested that neither patients nor providers were above cheating the system a little in ways that almost certainly raise costs. Eighteen percent said that they or family members had sought treatment in a hospital instead of a doctor's office so that the fee would be taken care of by insurance. And 14 percent said they had witnessed double billing and other fraud by doctors and hospitals.

For example, Mrs. Levendoski of Lansing said she regularly took her children to the emergency room for such routine procedures as removal of stitches in order to save a $22 doctor's fee, not covered by her husband's union insurance.

Similarly, Mr. French of Cincinnati said he knew "for a fact" that his doctor would agree to hospitalize him unnecessarily to save him money because his insurance does not cover outpatient treatment.

One women said she knew of a case in which a hospital had charged Blue Cross $24 for Popsicles consumed overnight by two children who had their tonsils removed. And a man said a friend often made money on illness by having Blue Cross pay the hospital bill and then making a cash claim against a second insurer.

As for remedies for the cost problem, those surveyed seemed open to innovations, though there was no agreement on the best route. In addition to the majorities willing to go to clinics or to have routine illnesses treated by nonphysicians, sizable numbers were agreeable to other cost-cutting approaches. For example, 45 percent said they would be willing to pay a higher deductible on their insurance to cut costs, and 34 percent would wait a longer time to see a doctor if that helped.

By a ratio of 51 to 35, those surveyed rejected the notion of limiting access to new but costly lifesaving medical technology. On the whole, younger people seemed more willing than older people to experiment with new methods, and blacks seemed especially resistant to cost-saving changes that would require patients to consult nondoctors for routine maladies or wait longer for a doctor.

As for the prepaid health maintenance organization concept, there was considerable division. Ellen Sabrizio, a 33-year-old telephone company clerk from Mount Pleasant, N.J., said she had heard that such groups were "pretty good." Between her coverage and that of her husband, who works for the electric company, she said, she thought the family had excellent coverage.

But in follow-up interviews, many others proved highly resistant to group medicine because they preferred to stay with a trusted regular doctor, even if it could save them money. Eighty-three percent usually see one doctor in particular.

NATIONAL INSURANCE BACKED

Even though the concept of comprehensive national health insurance run by the Government has faded from view in Washington political circles, it has not among the general public. By a 48–42 ratio, the respondents said they favored a tax-supported Federal insurance plan; the remainder had no opinion.

Among them is Mrs. Levendoski, who said: "I would like to have the Government take care of all our health, especially for older people. I don't know how they can afford it—it comes out of their food money."

Others were skeptical. "You are not going to be able to dictate to doctors and hospitals," said Al Colello, a retired railroad machinist in Altoona, Pa. "If you don't pay for service you won't get quality."

Whatever their view, most probably would agree with Mrs. Kouns of Columbus, who said: "Money should not be any object at all when it comes to health. From the wealthiest to the poorest, all should be given good care."

She said she would be open to change, such as group medicine or even a nationalized medical system. But she articulated the inertia and underlying trepidation that policymakers in Washington will have to overcome before the public accepts sweeping innovations:

"I would change, but I just want to feel I have something better before I let go of what I've got."

[From the New York Times, Mar. 30, 1982]

HEALTH QUALITY AND COSTS: A DELICATE BALANCE

(By Lawrence K. Altman)

At a time when the cost of medical care is soaring and doctors are being urged to practice more cost-effective medicine, many people are asking these basic questions: How good is American medical care in rela-

tion to its cost and what would have to be sacrificed in terms of quality to reduce that cost?

The technological sophistication of American medicine is regarded as unsurpassed. The expertise of his nation's doctors in applying it has helped extend the lives of millions of people and has improved the quality of life for millions more. And the gains have occurred concurrently with a huge American investment in health. From 1940 to 1980, the share of the gross national products devoted to health care rose to 9.4 percent from 4 percent.

In the same period, the life expectancy for an American rose to 73.6 years from 62.9. From 1960 to 1980, maternal mortality dropped to 6.9 from 37.1 deaths per 100,000 live births and infant mortality fell to 12.5 from 26 per 1,000 live births. And the numbers of deaths from 10 of the 15 leading causes have fallen since 1968.

The quality of the care that has resulted in those advances involves countless intangibles, from bedside manner to surgical skill. Then, too, there is the ability to make the critical judgments that are the essential part of everyday medicine. And while the expense of modern medicine includes crucial human factors in training and staffing, critics have frequently focused on costly, high technology targets such as these:

Intensive care units to treat infants born prematurely and older patients who are recovering from accidents, surgery, heart attacks and many other conditions.

Dialysis treatments with artificial kidneys and kidney transplant operations to keep alive tens of thousands of people who would otherwise die from renal disease.

Synthesis of many new drugs to treat, and even prevent death from, the complications of heart disease, hypertension, infections and many other common conditions.

Advances in the laboratory tests that physicians rely upon in diagnosing and managing the care of thousands of common and rare disorders.

CAT scanners, computerized X-ray machines that have revolutionized the care of patients with neurological disorders by improving the accuracy of diagnosis and sparing patients painful procedures.

The incorporation of many new approaches—some of them mechanical and others procedural such as new types of surgery—without adequate pilot and clinical studies, with the result of overpayment for the amount of benefit received.

According to interviews and a review of articles in medical journals, many leaders in government, medicine and other fields are discussing not only whether Americans are paying too much for such care but also whether their money, if spent on other programs, would be more profitable for society.

In some instances, clearly, inefficiency can be pared with no major loss in quality of care. In other instances, painful philosophical questions are raised in linking quality to cost.

TREATMENT OF BABIES AN ISSUE

For example, in the case of neonatal intensive care units, premature and critically ill babies receive continuous care with respirators and other sophisticated technologies, as well as highly specialized physicians and nurses.

Six percent of all live births in this country require such care at an estimated cost of $1.5 billion a year. The figure is about the same for coronary bypass surgery and the treatment of the otherwise terminal stages of chronic kidney disease, both of which are the focus of controversies over costs.

It is cost-effective to treat babies weighing 1,500 grams, which is about 3.3 pounds, or more, but not those weighing 1,000 grams, which is about 2.2 pounds, or less, according to a Federal study conducted at the University of California at San Francisco. The difference, the researchers said, reflects the fact that the lifetime costs of caring for the severely handicapped infants who survive outweighs, in economic terms, the benefits to the thousands of babies who would have died without neonatal intensive care and who survived to lead normal lives.

"Withholding care from all newborns weighing 1,000 grams or less to avert the exceptional costs of the severely abnormal survivors would take the lives of many potentially normal babies," said Dr. Peter Budetti and his colleagues who did the study for the Federal Office of Technology Assessment. "Clearly a policy decision to withhold care from such low-birth-weight infants should not be based.

Another therapy involving relatively few people at extraordinarily high expense is that for end-stage kidney disease. This treatment, which is saving the lives of everyone who receives it, has cost much more than estimated when the Federal program to provide such care was introduced in June 1973. The treatments, kidney dialysis and kidney transplant operations, will cost an estimated $1.056 billion in 1982 for the 59,125 patients enrolled, according to the Federal Health Care Financing Administration.

Treating more patients with the artificial kidney at home instead of at hospitals and other centers would be a preferable form of treatment for many patients and would reduce the costs of treatment, according to Dr. Christopher R. Blagg of the Northwest Kidney Center in Seattle. He said that the costs of dialysis in Washington were only about 75 percent of the national average for all dialysis care because many more patients received home dialysis in Washington than in the country as a whole. The national rate of home dialysis is 17 percent as against more than 50 percent in Washington.

Audits published in the Federal Register last month said that the average cost for home dialysis was $97 per treatment as against $108 in out-patient facilities and $135 in hospitals. The usual number of treatments is three per week.

But dialysis is mired in controversy between those who argue for the convenience and cost savings of home treatment and those who argue that using centers is safer and needed for the many patients who cannot be treated at home because of their age and other medical problems. Some critics charge that a major impediment to expanding home treatment is the profit motive.

Intensive care units, or I.C.U.'s, where adults are treated for heart attacks, lung disease and other serious conditions have also come under criticism. Dr. William A. Knaus, who heads the intensive care unit at George Washington University Hospital in Washington, where President Reagan was treated after he was shot a year ago, contended that doctors could "practice better medicine by using I.C.U.'s less."

At a New York City hospital, a heart attack patient pays $560 a day to stay in a coronary care unit. The cost of such care depends on several variables, such as the seriousness of the patient's condition, the type of ailment and the cost of living in the area of where the care is being delivered.

One of Dr. Knaus's suggestions was that physicians should be "more selective in admitting terminally ill patients for whom the life-support capabilities of an I.C.U. are useless."

"This is a difficult and controversial problem," he said, "but one that society must face soon because of the unlimited economic and emotional costs such aggressive but futile treatment creates."

As for drugs, the development of antibiotics has lessened the public health threats of tuberculosis, pneumonia and scores of other infectious diseases. Use of anti-hypertensive drugs has begun to reduce drastically the rates of death and severe complications from high blood pressure.

Death statistics fail to reflect the control, if not eradication, of many other diseases that are crippling and serious but usually not fatal. No longer do Americans fear polio because immunizations prevent it.

But at the same time there is much room for improvement. Studies published in medical journals have shown that the prescribing habits of some physicians are sloppy, even dangerous. In such cases, patients are not just paying too much; they are being charged for improper treatment. The cost to the nation, is in the millions of dollars.

Automated technology has made it possible simultaneously and accurately to do many laboratory tests on a single blood specimen at reduced cost. Yet, this, too, has raised cost in some instances. Although automation makes it easier for doctors to order many more tests, doctors sometimes have to repeat the tests because the first results gave spuriously abnormal values. For example, a doctor who was specifically testing the blood sugar level of calcium, which often shows a false positive. The doctor then would have to do futher tests to determine its significance.

At least three studies suggest that doctors ignore many normal and abnormal laboratory test results. "This implies that the laboratory determinations were not needed in the first place," Lois P. Myers and Dr. Steven A. Schroeder of the University of California at San Francisco said in the Milbank Memorial Fund Quarterly. The significance is heightened by the fact that laboratory tests and X-ray services now account for up to 25 percent of total bills at some hospitals. But last week a study by Dr. Schroeder's team cautioned that the problems of technology in medical practice were more intricate than previously recognized and that options on policies to control the rising costs of medical care should recognize that the use of technology differs according to diagnosis and clinical specialty.

There are many reasons for ordering laboratory tests. One is the fear of malpractice suits. Perhaps a more fundamental factor is that medical schools encourage wide use of tests.

Medical school professors have been more inclined to ask younger doctors, "Why didn't you order these tests?" than "Why did you?" But there are signs of change. Some medical schools are teaching students the concepts of cost-effective practice.

However, as the editors of the Lancet, one of the world's most respected medical journals, published in London, noted: "The cost-effectiveness approach has hardly penetrated medical education and practice."

FOCUS ON OVERUSE OF TECHNOLOGY

While most people agree that technology has been a potent positive force in medicine, even reducing cost in some instances as it diminishes hospitalization, the criticism focuses on overuse. Some say the costly CAT

scan is used when it might not be needed; at one New York City hospital, it costs from $1 million to $1.5 million to buy and install the machine, and the cost of a scan is $300 to $350, depending on the part of the body involved. The issue extends to conventional X-rays, electrocardiograms and laboratory tests that may be repeated daily. Is more better?

Modern hospitals face many incentives to use technology but few reasons to constrain it, Dr. Charles A. Sanders, the former director of the Massachusetts General Hospital, has said. As an example of the overwhelming changes and bewildering array of new services and facilities, from 1965 to 1975 the Boston hospital created a total of 10 intensive care units and hired 1,862 additional employees, although the total number of patient-days per year changed very little.

Dr. George Himler, a former president of the Medical Society of the State of New York, has said that "health professions have been reluctant to raise the question of limits on benefits and expenditures, equating such limits with a deteroriation in the quality of health care."

It is not clear to what extent improved health statistics—the decline in death rates, for instance—are directly related to the increased expenditures and growing technology, rather than to improved socioeconomic, environmental and other factors.

THE FACTOR OF ABUSE OF THE SYSTEM

But much more is involved in the care of patients than can show up in health statistics. Among a physician's primary obligations are relieving pain and anxiety, and easing the process of dying. They take time and skill.

To some extent the high cost of medical care can be attributed to abuses of the system, especially in Government programs. But such abuses appear to make a minimal contribution to the overall costs, according to Dr. Robert Blendon of the Robert Wood Johnson Foundation in Princeton, N.J., and Thomas W. Moloney of the Commonwealth Fund in New York. They said:

"Medicaid is a far better and more indispensable program than commonly realized: it serves a broad cross section of the American people, it probably does improve health, and its program costs per recipient are no higher than the per person costs of care for all Americans of similar age.

"Before Medicaid, people with low income saw physicians far less often than did middle class people, but by the mid-1970's this inequity had been erased."

"Even if every claim of fraud, abuse, and overuse proved true," they said, "the net cost of any such failings is not enough to raise the per-person cost of the program above the per-person cost of medical care for comparable non-recipient Americans."

SITUATION IN OTHER COUNTRIES

No Western nation seems to have solved the problem of controlling rising costs without rationing services, largely because it costs more, not less, money to introduce new knowledge and technology.

Paradoxically, the United States, which began spending substantial amounts of taxpayers' money for health-care plans much later than such Western European countries as Britain and Sweden, which have had well-publicized national health insurance plans, seems to be ahead of them in terms of confronting the problems of quality and cost of care.

A limited number of studies have been conducted in other countries and they have shown variations in the way doctors practice medicine, for example, the use of laboratory testing services, the number of operations performed and the use of antibiotics.

What they show is not encouraging to those who want to cut costs by limiting profits to doctors. The studies seem to show less connection than expected between the amount of services offered and the method of payment.

ROOM FOR IMPROVEMENT NOTED

To some, costly technology is being used as a scapegoat, and to others concern about money may be a red herring. There is still, they say, much room for improvement in medical care despite the gains of recent years.

"In the last 65 years," said Dr. Robert H. Brook of the University of California at Los Angeles and the Rand Corporation, "about 500 research studies have been published assessing the level of quality of care delivered, and virtually all these studies have detected basic problems in the level of quality delivered."

But beyond those failings, many problems involved in the quality of care are socioeconomic.

"So often people equate medical care with professional care," said Dr. Daniel D. Federman, a dean of Harvard Medical School. "They reflect distance, population clustering, personal habits and economic circumstances against which the very best of medical effort is likely to be very poorly successful."

[From the New York Times, Mar. 31, 1982]

CRITICS SAY LACK OF INCENTIVES HURTS INSURERS' EFFORTS TO CURB MEDICAL COSTS

(By Sandra Salmans)

Insurance companies have instituted a battery of programs aimed at holding down medical costs, but health care economists and other critics say the companies are not attacking the system's basic problems and lack the incentives to do so.

Critics complain that, as conduits for cash, the nation's private insurers may actually gain from inflated medical costs and excessive use of hopitals and other medical facilities. When the cost of claims rises, insurers can often increase their premiums, maintain their profits and have additional money to invest.

These critics charge that even when they do not benefit from cost increases insurers are reluctant to force confrontations with doctors and hospitals, which could backfire.

If you are an insurer, said Walter McClure, president of the Center for Policy Studies, a Minneapolis research organization that studies health care, "You're punished if you try to be too consicientious about costs."

PROFITS HURT IN PAST TWO YEARS

The insurers insist they would like to curb costs, expecially after two years in which the industry's profits have been reduced or, for some companies, wiped out by soaring claims. Prudential, for example, lost $290 million in 1981 on its health insurance business.

The insurers argue, however, that they cannot unilaterally impose costlimiting measures on a population that has grown to expect comprehensive coverage.

"There's a misconception that insurers can automatically change coverage," said John Kittredge, executive vice president of Prudential. "The truth is that no insurance gets sold unless somebody's ready to buy it,"

Since its inception in the late 1920's, health insurance coverage has spread rapidly, today encompassing more than 90 percent of the nation. In 1980, the most recent year for which figures are available, more than 186 million people were privately insured, with either the Blue Cross and Blue Shield associations or any of 200 commercial insurers, or both in several million cases, according to the Health Insurance Association of America.

In addition, 50 million people had Medicare, the Government insurance program for the elderly, or Medicaid, the program for the poor. Many people with Government insurance have private insurance as well.

The growth and structure of health insurance, which provides incentives for elaborate and expensive treatment, is heavily to blame for runaway medical costs, according to health care economists and other experts in the field.

"The present system encourages everybody to have a spare-no-expense attitude, because somebody else pays," said Mr. McClure. "The insurance company gives the patient a blank check."

Some experts maintain that insurers are only too happy to sign that check.

"They're a funnel, a conduit," said Herbert Denenberg, a former State insurance commissioner in Pennsylvania who is an outspoken critic of the insurance industry. "Money rushes through. Prices go up. More money rushes through."

ABILITY TO OUTPACE INFLATION

The insurers thrive as long as they can raise their premiums at rates commensurate with rising medical costs and, as a rule, they do not require Government approval to do so. Thus, while the larger sums may not increase profit margins, they do permit insurers' profits to outpace inflation. Larger premiums and expanded coverage, furthermore, enlarge the pool of money available for investment, a matter of critical interest to insurers.

In fact, the interest of the insurers and those who provide health care at times coincide far more than is desirable or, in some cases, legal under antitrust laws, according to health care economists and other experts. Their particular concern is the Blue Cross and Blue Shield associations, which have had a long and special relationship with hospitals and doctors, dating from the genesis of health insurance in the Depression. At that time, hospitals, seeking a more secure financial footing, set up local insurance plans. Blue Cross eventually became the nonprofit umbrella organization for the various plans, under the auspices of the American Hospital Association.

Similarly, about a dozen of the 70 Blue Shield plans across the United States were originally chartered by local medical societies, according to William Newsom, vice president of professional and provider relations for Blue Cross-Blue Shield.

Despite a Federal Trade Commission policy statement last year that organizations representing the great majority of doctors in a market area should not control such plans, "there's always concern that the Blues, even if independent, might conspire with local medical societies to limit competition among providers," said Clark Havighurst, a law professor at Duke University.

BLUE CROSS LINKS WITH HOSPITALS

While the link between Blue Cross and the hospitals was officially severed a few years ago, there is still a special relationship. Blue Cross contracts with the hospi-

tals for services to be provided to its subscribers, at negotiated rates. As a rule, Blue Cross reimburses the hospitals directly, at rates slightly above their costs, Mr. Newsom said. Commercial insurers make their contracts with the subscriber, who is responsible for paying the hospital and then collecting from his insurance company.

"Blue Cross pays promptly," said Alexander McMahon, president of the American Hospital Association. "It simplifies the billing process and cuts down on the hospital's need for capital and administration."

Thus, Blue Cross is a preferred customer and is treated accordingly. It usually gets a discount, averaging about 10 percent, but reaching 30 percent in some cases, on hospital bills. Predictably, that provokes grumbling by commercial insurers, who complain that the discounts are discriminatory and enable Blue Cross to dominate private coverage in many communities.

Health care economists say that another effect of the relationship may be higher medical costs.

"NO BURDEN TO CONTROL COSTS"

"When hospitals increase their rates, Blue Cross raises its levels of payment," said Carl Schramm, director of the Johns Hopkins Center for Hospital Finance and Management. "So there's no burden on hospitals to control costs."

The discounts make Blue Cross administrators less likely to challenge the hospitals, in the view of some critics, who say that the insurer is reluctant to jeopardize its discount. Blue Cross denies the charge.

"We have arm's-length, legitimate negotiations with hospitals on the basis of services rendered," said Mr. Newsom.

In 1975, the Supreme Court held that lawyers and, by extension, the medical profession were subject to antitrust laws. Since then, action has been heating up against the Blues. Ohio has been particularly aggressive, bringing seven antitrust suits in the health field since 1975. Currently, one of its major suits is against the Greater Cleveland Hospital Association, which the state contends has effectively handed the market to Blue Cross through its discount policy.

1979 SUIT FORCED DIVESTITURE

"Psychologically, if not actually, the hospital administrators still view Blue Cross as their insurance company," said Eugene McShane, an Assistant Attorney General. He added that the practice had evidently penalized Cleveland, where hospital costs are 23 percent higher than the national average.

Another suit, settled in 1979, forced Ohio's medical association to divest itself of its 100 percent ownership of Ohio Medical Indemnity, the state's main Blue Shield plan.

Admittedly, the status of the Blues varies widely from one locality to the next, and in many areas they neither receive discounts nor are controlled by local doctors. But according to health economists and other experts, the Blues, as well as commercial insurers, are vulnerable to pressure from those who provide health care, and reluctantly or not, they have been compelled to swallow higher costs.

"One reason that the insurers haven't acted to contain costs is fear of boycotts" by physicians and hospitals, said Mr. Havighurst, the Duke professor. He cited doctors in Michigan and dentists in Indiana who collectively refused to accept the insurers' terms and have been ruled in violation of antitrust law.

SUBSCRIBER REBELLION PREDICTED

If insurers tried to rein in doctors or hospitals responsible for runaway costs, many say, the subscribers would rebel.

"Imagine an insurance company coming between you and your doctor," said Mr. McClure. "How long would you stay with your insurance company?"

A cost-limiting program set up by Aetna illustrates the constraints on private insurers. A decade ago, Aetna informed its subscribers that if their doctors' fees exceeded the "usual, customary and reasonable" standard of the health insurance industry, and they refused to pay, Aetna would pay their legal costs. The policy provoked intense criticism from physicians.

"They felt it was undue interference in the doctor-patient relationship," said Gerhard Schade, Aetna's director of claims relations.

Some doctors canceled their life and automobile insurance with Aetna; more pertinently, some physicians refused to bill Aetna, requiring subscribers to pay them directly.

LIMITATIONS OF AETNA PROGRAM

The Aetna program had its limitations, however, because only the most excessive fees were rejected. Furthermore, it was deliberately confined to fees for specific services, avoiding any controversies over medical judgment.

"It takes a doctor to make distinctions between kinds of care, and the doctors themselves disagree," said Mr. McClure. "So how can the insurance companies do anything?

Nonetheless, threatened or real Government regulation, increasing medical costs, competition and pressure from the large employers that buy group policies have persuaded insurers to start a number of cost-limiting programs.

Among the most successful is the Hospitals Experimental Payments Program in Rochester, N.Y., where Blue Cross, Medicare and Medicaid, the major insurers, guarantee a specified amount of money each year for five years, regardless of the patient load.

Hospitals are customarily reimbursed for each instance of care that they provide, on the basis of their costs or charges. Thus, if they improve their efficiency or reduce their patient load, their costs, and consequently their income, goes down. The program has cut hospital cost increases in Rochester to 10 percent annually, well below the national rate, which was more than 14 percent last year.

The major commercial insurers also have creative cost-limiting programs. Last year, for example, Travelers set up an experimental program to screen policyholders for high blood pressure, a preventive measure aimed at reducing the need for expensive medical care later. Prudential, like many insurers, collects statistics on hospital use in areas where it has a significant number of policies and investigates when the number of admissions, length of stays or use of services deviates wildly from the norm.

Still, when commercial insurers talk about solutions to rising medical costs, they focus not on holding down costs but on "cost-shifting." Because the Government refuses to pay certain hospital charges for its Medicare and Medicaid patients, those costs are shifted to private insurers, to the tune last year of $4.8 billion, according to the Health Insurance Association of America.

In the end, the only way to reach the insurers may be through the big group policy holders, experts say.

"What would inspire insurers to get serious about cost containment is employers," said Mr. McClure. "The political capital is very high."

There is no chance that insurers will voluntarily impose stringent cost controls, critics say.

"The insurance industry doesn't want to get involved," said Mr. Denenberg, the former Pennsylvania official. Besides, he added, some cost-limiting programs, such as preventive medicine, can raise costs in the short term.

The insurers "won't take uncertain measures," he said. "The only thing that's certain is raising prices."

[From the New York Times, Apr. 1, 1982]

COMPETITION HELD KEY TO LOWER MEDICAL COST

(By Robert Reinhold)

DENVER.—When James R. Steinbach, a 62-year-old pipefitter, recently needed open-heart surgery, he faced an interesting new choice.

Under his union health plan, he was free to go to any doctor or hospital but would have to pay more than $2,000 out of his own pocket toward the surgery. Or he could avoid all personal costs if he agreed to use one of 320 "preferred" doctors who have banded together, along with Presbyterian/St. Luke's Medical Center, into an unusual new organization called Mountain Medical Affiliates Inc., or M.M.A.

Because of competition from an oversupply of doctors and hospital beds in this area, Mountain Medical had agreed to give a discount to the Colorado Pipe Industry Insurance Fund if the fund would steer patients to its members.

Mr. Steinbach used a preferred doctor and his surgery, $14,000 worth, cost him exactly $6, for phone calls and incidentals.

With the Mountain Medical discount, which ranges from 5 to 30 percent below the "usual and customary" fees in the Denver area, the union fund has both saved substantially while offering its members more comprehensive coverage. Three other medical groups similar to M.M.A., known in the trade as "preferred provider organizations," are competing with one another for medical business from dozens of union funds and employers in this area.

While too new to have proved itself, the concept of preferred provider organizations is one of several innovative ideas that are drawing national attention as possible solutions to the problem of rising medical costs. Like many of them, it is based on the theory, embraced by the Reagan Administration, that the best means of controlling costs is to stimulate more market competition among doctors, hospitals and health providers.

DEBATE ON CONTROLLING COSTS

These experiments are taking place against a backdrop of spirited philosophical debate in Washington. There is little disagreement that something must be done to control medical costs, which nationally have grown sixfold over the last 25 years and now stand at about $250 billion annually, nearly 10 percent of the gross national product.

On one side are those who advance various "pro-competition" schemes, which vary considerably. Others contend that free-market forces will never work properly when it comes to human health and that costs must be controlled through Government regulation, ultimately through com-

prehensive national health insurance. For the moment, the competition forces hold the upperhand.

Reagan Administration health officials believe that the Government itself must bear the blame for medical inflation, having stoked the fires through Medicare, the health care program for the poor, and Medicaid, for the elderly, and through tax incentives favoring comprehensive private medical insurance. Having brought the pot to a boil, they argue, successive administrations have vainly tried to clamp a lid on the top rather than turning down the flame.

"The thrust in controlling health care costs for the last 20 years has been through the regulatory approach—it has not worked," said Dr. Robert J. Rubin, Assistant Secretary for planning and evaluation at the Department of Health and Human Services. The solution, he argued, is to alter what he called the "perverse" financial and tax incentives and insurance practices that have long rewarded wasteful and excessive use of medical services.

INSURANCE "HIDES" TRUE PRICE

"Insurance really hides the cost of medical care," Dr. Rubin said. "Both providers and patients really believe that health care is free." If patients had to make co-payments for medical procedures or pay deductibles, he said, consumers would become cost-conscious and shop around more carefully for medical services and insurance.

This is an "Alice in Wonderland" solution in the view of Melvin Glasser, director of the labor-backed Health Security Action Council. He contended that it would mostly harm the working poor, who might delay needed care, ultimately incurring more costs for major illnesses. And unless private and public systems are joined in a comprehensive plan in which both doctor and hospital fees are controlled, he said, providers will only shift costs from one sector to the other.

While these philosophical and political differences are threshed out, several experiments in cost control, most of them keyed to enhanced competition and built-in incentives to economize, are being tried around the nation. They involve preferred provider organizations, various kinds of prepaid groups, new insurance concepts that reward people for staying well, new hospital reimbursement methods, "employer coalitions" and many other ideas.

"The evidence," said Representative Richard A. Gephardt, Democrat of Missouri, who is one of the foremost Congressional proponents of the competition approach," is that if you change the financial incentives and the way insurers compensate the providers, you can effect efficiencies in the system. We will not have conclusive evidence until we try it in a broad way."

ONE APPROACH IN DENVER

A competitive approach is being tried here in Denver, where the climate seemed right for change a couple of years ago when the preferred provider organizations first emerged. Kaiser-Permanente, a prepaid group plan affiliated with St. Joseph's Hospital, had captured a large share of the market as the population shifted away from downtown. By 1977, Presbyterian/St. Luke's, near downtown, was in financial straits with an average occupancy rate of 68 percent. Meanwhile, many young doctors had chosen to settle in Denver, and they were eager for more patients.

So several physicians affiliated with St. Luke's formed the Mountain Medical Affiliates preferred provider group. According to Gary Brukardt, a St. Luke's vice president, it allowed them to continue to practice in their "free enterprise way." Employers and unions who subscribe to the plan got a volume discount for both doctor fees and hospitalization.

In return the doctors get speedy payment by courier within a week, and, theoretically, more business—just as airlines would rather sell discount tickets than fly half empty. Today about 450,000 workers and dependents have access to preferred provider organizations here, and about 200,000 make some use of them.

Samuel L. Jenkins of the Martin E. Segal Company, the actuarial consultants who set up the Denver preferred provider groups, said that while medical costs generally grew by 12 to 15 percent in the Denver area last year, union trust fund payments for those using preferred providers rose by only 5 percent. But he and others agree that the long-range success of the plan will depend heavily on whether it can prevent patients from making unnecessary visits to doctors and prevent doctors from ordering unnecessary procedures.

Typical of the doctors involved are James G. Urban, an orthopedic surgeon who is president of Mountain Medical, and Michael C. Barlow, an internist, both of suburban Aurora. They are candid about their motives. "If we had all the patients we wanted, we wouldn't have any interest in this," Dr. Urban said. Both men said the plan must vigilantly weed out abusers.

Patients using the preferred provider plan have so far accounted for less than 5 percent of the doctors' practices. Many other doctors on the panel have said that they have yet to see any new business.

A vulnerability of the preferred provider organizations is that patients have no direct incentive to be cost conscious. But a plan that actually pays workers who keep well has been devised by a small school system in northern California. Developed by Philip E. Nickerman, assistant superintendent of schools in Mendocino County, about 200 miles north of San Francisco, this "Stay Well" plan works like this:

For each of its 200 employees the system sets aside $500 a year in a local fund called a "side account," out of which individual medical claims of up to $500 are paid. Then, for $67.97 a month for each worker, it buys major-medical coverage from Blue Shield for claims of more than $500. Employees and their families who use less than $500 worth of care in a year are credited the difference, which workers can take when they retire or quit.

PLAN "CLOSE TO BRILLIANT"

For example, Dan Ranger, a 34-year-old teacher, saved $406.04 in the first year of the plan, and calls the program "close to brilliant." In the first year, 25 percent of the employees claimed no medical costs at all, compared with 18 percent of similar workers in northern California. In all, $72,579.62 accumulated in individual savings in the first two years.

Louis Delsol, Superintendent of Schools, estimates that the county has saved $250,000 in what it would have paid in premiums. Larry Parcell, senior vice president of Blue Shield of California, said that Mendocino's insurance premiums had not risen since the plan began in 1979—while insurance costs elsewhere in the state were growing by 15 to 20 percent. Already about 70 other employers, including the Bank of America, are emulating the idea.

Still, there are critics, like Dr. Robert Werra, a family practitioner in Ukiah, Calif., who says, "People delay needed medical interventions and diagnoses of things that could have been taken care of simply if caught early."

The most-established mechanism for possibly promoting cost-efficient medicine are health maintenance organizations, or H.M.O.'s, under which participants pay a flat fee for health care. The concept is growing fast, with about 5 percent of the population now covered, and the groups are viewed in some quarters as the cornerstone on which a competitive system might be built.

Consider, for example, the Community Health Program of Queens-Nassau Inc., a group medical practice associated with Long Island Jewish Hospital, and one of three such groups in a health maintenance organization operated by Blue Cross/Blue Shield of Greater New York.

MONTHLY FEE FOR H.M.O. MEMBERS

Housed in a modern two-story building near the hospital, the group employs, on salary, 20 full-time physicians and 16 others part-time, representing a full range of specialties. The 23,500 members pay a monthly fee of $148 for families or $62 for individuals, which entitles them to round-the-clock care in a personalized setting where internists operate in teams and each team sees the same patients.

The fixed fees, in effect, establish a budget within which the group's doctors must live. The budget is negotiated jointly by the group and Blue Cross/Blue Shield. The doctors, says Dr. Conrad Rosenberg, the director, "tend to get involved" in the philosophy of the organization and to "moderate their behavior" when ordering tests. Also, he says, keeping the premium down is a further incentive, since the group is competing against other plans for members.

Dr. Robert Match, administrator of the hospital and chairman of the Hospital Association of New York State, said that he believes the arrangement has cut unnecessary tests. He concedes that this is hard to document. But, he says, it has clearly cut the rate of hospital admissions by a third, compared with that of Blue Cross subscribers in New York State as a whole.

Health maintenance organizations are steadily spreading, mainly because large employers and insurers are finding them financially attractive and because big companies are required to offer them as an option to their employees. According to InterStudy, a Minneapolis research organization headed by Dr. Paul M. Elwood Jr., 243 health maintenance groups were in operation last year, serving 10.3 million people, 13 percent more than in 1980. In California, they have captured about 20 percent of the market; in Minneapolis, where the concept is most fully developed, about 25 percent.

BYPASSING INSURANCE COMPANY

Generally, the money flows directly from the employer to the health maintenance organization without going through an insurance company, giving the employer more leverage in keeping costs down. Some health maintenance groups also offer bonuses for doctors who operate below budget.

There are possible pitfalls. Advocates of the practice acknowledge that there is the danger of cutting medical corners. Moreover, some health maintenance groups have folded because of the hazards of bad management and bankruptcy that can afflict any conventional business.

Nevertheless, say the analysts, the groups introduce an element of competition into the health care system that has largely been missing. They compete not only against each other for patients, but against conventional medical practice and financing plans.

Meanwhile, with the numbers of elderly people growing rapidly, the Government is actively searching for ways to control the runaway costs of its Medicare program. An experiment that shows promise in cutting costs and improving care is in its third year in Worcester, Mass. A health maintenance organization there, the Fallon Clinic, has been authorized by the Health Care Financing Administration, which runs Medicare, to enroll 6,000 volunteer Medicare patients on a prepaid basis.

The Senior Plan, as it is called, gets $140 a month for each patient, or about 95 percent of the average Medicare cost in the area, plus $15 from the patient. In return the plan agrees to provide for nearly all medical needs at no extra cost, which is much better than what conventional Medicare offers.

FEWER DAYS IN HOSPITAL

Since the plan must pay for hospitalization there is a strong incentive to use other, cheaper means of treatment and to monitor members' health. Last year the average Fallon patient spent 2.5 days in the hospital, as against 4 days for the general over-65 population in Worcester County. Under regular Medicare, it is often necessary to be hospitalized to receive benefits.

The plan has had problems. Some patients fail to grasp that they are not entitled to regular Medicare benefits and have run up high bills elsewhere. Also, some local doctors have charged that the clinic was "stealing" their patients and said it would discourage needed treatment.

The Reagan Administration is expected to ask Congress soon to authorize a "voucher" plan under which Medicare recipients could take their Medicare dollars and buy into plans like Fallon.

Since hospital expenditures represent by far the largest component of medical costs, 40 percent, several innovations focus on making hospitals more cost-conscious. For example, groups of hospitals in Massachusetts and North Dakota recently embarked on what is called a "capitation" experiment, supported by the John A. Hartford Foundation of New York. Each hospital is paid a fixed monthly sum for every Blue Cross member living in its geographic area, rather than daily rates for hospitalization.

PROFIT INCENTIVE FOR HOSPITAL

Since the hospital keeps as profit that portion of the capitation fee it does not spend, the theory is that the institution will have a strong incentive to shorten hospital stays. "The primary focus is not on changing patient behavior, but the way hospitals and doctors look at patients and each other," said the creator of the idea, Robert Sigmond, a Philadelphia-based adviser to Blue Cross.

To stimulate such experiments, the Robert Wood Johnson Foundation recently offered $16.2 million in grants, to be administered by Mr. Sigmond, to local communities.

Hospital reimbursement methods are widely considered a major villain. Thus much attention is focused on nine hospitals in Rochester, N.Y., that have formed the Rochester Area Hospitals' Corporation. Under waivers of Federal and state Medicare and Medicaid rules, the hospitals agree in advance what each institution's revenue for the year will be, based on a complex formula keyed to the preceding year's revenues. Thus limited, they find more ways to save money. The hospitals also cooperate in planning, to avoid duplication of facilities. Spending by the hospitals was up 9 percent in 1980 over 1979, as against 17 percent nationally.

With medical costs gobbling up a growing share of corporate profits, private employers are taking new interest in holding the line. From 60 to 75 "employer coalitions" that seek to use corporate financial clout to restrain medical costs have cropped up around the nation.

For example, the Fairfield/Westchester Business Group on Health tries to encourage physical fitness, cooperative hospital planning and the development of health maintenance organizations in the two New York area counties. It is unclear how much success such coalitions will have.

"I favor the opportunity for many different solutions. There is not a single universal solution," said Walter Unger, associate director for professional affairs of the Hospital Financial Management Association. He added that such solutions would emerge if the existing financial incentives were significantly altered. "We know what needs to be done—all that's needed is the political will to do it," he said.

Many economists contend that the ultimate solution lies in national change to spur more cost-effective medicine. Walter McClure, a leading theoretician of the competition school, who is president of the Center for Policy Studies in Minneapolis, says that American doctors practice a broad range of acceptable medicine, from the economical and conservative to the elaborate and costly. Public policy, he said, should encourage the efficient doctors and hospitals and drive out the wasteful. "I am not talking about going from a Cadillac to a Chevette, but from a Cadillac to an Olds," he said.

Few expect any speedy remedies through large-scale private or Government programs, however, given the political and technical barriers to sweeping change in such a complex system with many vested interests.

Mr. EAGLETON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the time allowed for Senator SPECTER under the special order be transferred to me, the next 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE FALKLAND ISLANDS

(Submission of resolution regarding U.S. response to Argentine invasion.)

Mr. MOYNIHAN. Mr. President, 1 week and 1 day ago, the Senate having just returned from its Easter recess, I spoke to the most powerfully important event that had occurred during the period of our absence, which was the Argentine invasion of the Falkland Islands.

At that time, I proposed that the United States should view this matter in its NATO context. I reminded the Senate that this was the first occasion since the establishment of the North Atlantic Treaty Organization in 1949 that the territory and the nationals of a NATO country had been overrun by military aggression from a non-NATO power.

I said that the reaction of the United States to the invasion of the Falkland Islands would be viewed in Western Europe as a test of the proposition set forth two decades ago by General DeGaulle, then President of France that, in an emergency, the United States, by virtue of its wide range of interests in the world, would always find a regional consideration in some other part of the world that would preclude its keeping its commitment to the NATO alliance. It was on this basis that Mr. DeGaulle withdrew French military forces from the alliance.

In time, the headquarters left Fontainebleau and moved to temporary headquarters in Brussels—where they remain, very much temporary headquarters, symbolic of an increasingly shaky alliance.

In the week since I spoke, precisely these views have been offered, with ever greater insistence, in Great Britain on both sides of the House of Commons, among all parties and sectors. The view is there that the United States should not, indeed cannot, be neutral in a matter where one party has committed aggression and the other is resisting aggression. On both sides of the aisle and among the four parties in the House of Commons it is said that the role of honest broker as between parties clearly in the right and parties clearly in the wrong is not appropriate and cannot be sustained.

It seems that this view is becoming so widespread that Britain is on the verge of asking itself the same question that was asked in France, and possibly coming to the same answer.

Meantime, Mr. President, a second theme of the speech I delivered Tuesday a week ago seems also to have been validated. The American policy of mediating has clearly failed. It was bound to fail because our country sought to interpose itself between a party we had already declared, in Security Council Resolution 502 of April 3, to be in violation of the nonaggression pledge of article 2, section 4 of the U.N. Charter and a party which

we declared to have been the victim of that aggression.

I take no satisfaction in the fact that there has been a failure of American policy. It would not under most ordinary circumstances be of great value even to point out this failure, save for the failure of perception and perception of principle that underlies the failure of this policy. Our policy has failed because our position is untenable.

We cannot go to the Security Council and ask that an aggressor immediately desist in his aggression and then go to that same aggressor and say "Can we be of help to you?" I do not want to caricature the extraordinary efforts the Secretary of State has made, which have been good-faith efforts if ever there could be such. But he was acting on premises which did not admit the possibility of success.

The leakage of reality in the current administration about which I have spoken reasserts itself in the notion that a military dictatorship in Argentina could be mediated out of an act of aggression when there can be no rewards according to its own standards for any compliance with international law. The Government of Argentine exists in violation of law. General Galtieri came to power last December in a palace coup. He replaced another general in a military government whose conduct in recent years has ranged from unacceptable to unspeakable.

To think that a general who rules in defiance of Argentine law and without regard to international law would see any advantage in suddenly coming into compliance with international law is to ask what never was nor ever will be possible with autocrats. Inevitably, Mr. Haig's shuttle diplomacy has failed, and the prospect of war looms.

Mr. President, what is baffling at this point is that the President does not denounce violence and the use of violence by the aggressor party, the Argentine Government.

It is commendable and potentially constructive for the President to appeal to both sides for restraint but, as a member of the House of Commons recently put it, in this particular case that is akin to being neutral as between the fire and the fire brigade. That is hardly to establish the basis on which one could be successful in diplomacy.

Mr. President, this crisis threatens the NATO alliance. It threatens the tenure of an allied government which has been an especial friend of ours. It threatens to replace it with a government which may not be as friendly. While I do not wish to in any way prejudge the disposition of a government which might follow that of Mrs. Thatcher, we should keep in mind that a government that might take power in Britain as a consequence of the current crisis would do so in the aftermath of events in which the United States would be seen in a very poor light. Not since the settlement of the Venezuelan dispute during the Presidency of Grover Cleveland in the late 19th century would the United States and Britain have been at such odds with each other.

We will fritter away a relationship which cannot be replaced, indeed for which there is no alternative, if we declare ourselves neutral as between an ally without equivalent in the world and a distant, hostile, neo-Fascist and anti-Semitic military regime. What kind of people have we become, Mr. President?

The papers are filled with the assertion that we do this owing to some alleged support that the Argentines give us in Central America, perhaps in the belief that Argentina is a great model for the Central American governments. "Why don't you El Salvadorans govern yourselves as does Argentina? Why don't you poor campesinos of Guatemala emulate what my friend, Paul Samuelson, has called the miracle of economic nongrowth in Argentina?"

Leaving aside the idea of Argentina's potential utility as a role model in Central America, let us ask ourselves what are our responsibilities?

Sophistication is the great enemy of clarity in these matters. I propose a simple statement that should guide American policy: "Stand by your friends, stand by your principles."

There cannot be an alternative that could be successful. If there was, our Secretary of State would have found it by now.

Mr. President, it seems to me it is past time that the Senate told the administration we will stand by it in this if it stands by American principles. It is time for us to say that Congress will stand by the clear implications of the Security Council Resolution 502, and desires to impose economic sanctions against Argentina just as the European Community has done in support of Britain.

The United States has the right to do this, Mr. President. We have the duty to do it. Further, the President has the power to do it.

The trade involved is considerable. Last year the United States imported more than $1 billion worth of exports from Argentina. The bilateral trade amounted to $3.3 billion, one-third of which was imports from Argentina and two-thirds exports.

Mr. President, there is an extensive corpus of law giving the President of the United States the power to embargo trade when the international interests of the United States are threatened and require such embargo. This was done when the American diplomats in Tehran were held hostage by the Iranian Government. More recently, on March 10 of this year, President Reagan exercised this authority to bar the further import of Libyan oil.

Mr. President, I will list simply four of these statutes: The Trade Expansion Act of 1962, as amended, authorizes the President to bar imports if such imports "would threaten to impair the national security."

In my view, the NATO implications of the Falkland dispute, mean that anything which supports the Argentine economy, and this allows Argentina to persist in its aggression, does threaten to impair our national security.

The International Emergency Economic Powers Act, successor to the better known Trading With the Enemy Act, authorizes the President to regulate or prohibit international trade to deal with any unusual and extraordinary threat, which has its source in whole or substantial part outside the United States, if the President declares a national emergency with respect to such threat.

It is an emergency indeed if NATO is at issue.

The Export Administration Act of 1979 authorizes the President:

To restrict the export of goods and technology which would make a significant contribution to the military potential of any other country or combination of countries which would prove detrimental to the national security of the United States.

Finally, Mr. President, the National Emergencies Act authorizes the President to declare the national emergency that is the prerequisite for his use of the International Emergency Economic Powers Act I have just cited.

As James Reston writes in this morning's New York Times, we cannot have it both ways. We cannot remain neutral as between the fire and the fire brigade, to use the British image. As between the lawful and the lawless there is no having it both ways. One cannot do that. Therefore let us stand by our friends, stick by our principles.

SENATE RESOLUTION 368

Mr. President, I send to the desk and ask that it lay on the desk a resolution stating the sense of the Senate that:

That, should the government of Argentina not undertake promptly to implement Security Council Resolution 502 adopted April 3, 1982, the President should exercise the authority granted him by statutes of the United States, including the Internal Economic Powers, the National Emergencies Act, the Export Administration Act, and the Trade Expansion Act, to embargo trade between the United States and Argentina until such time as Argentina does implement Security Council Resolution 502, or the Government of the United Kingdom declares the crisis to be otherwise resolved.

Be if further resolved that it is the sense of the Senate that the Secretary of State should convey to the members of the United Nations what the Senate has herein resolved.

Mr. President, I ask unanimous consent that the entire text of the resolu-

tion be printed at this point in the RECORD.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

S. RES. 368

Whereas, on April 2, 1982, without warning or provocation, the armed forces of Argentina invaded the Falkland Islands, long recognized as territory of Great Britain;

Whereas, Argentina armed forces have since April 2, 1982 occupied the Falkland Islands and the Falkland Islands Dependencies (South Georgia and the South Sandwich Islands) against the will of the inhabitants of the islands;

Whereas, Great Britain has over the course of 149 years clearly satisfied the three traditional tests of sovereignty under international law with respect to the Falkland Islands and Dependencies, namely history, effective possession, and display of sovereignty;

Whereas, successive Governments of Great Britain have nevertheless engaged over many years in negotiations intended to satisfy Argentina's claims to the islands in a manner consistent with Great Britain's commitments to respect the wishes of the majority of the inhabitants of the islands;

Whereas, the Argentina invasion of April 2, 1982 is a violation of the United Nations Charter, according to which Member states of the United Nations have pledged to "refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state";

Whereas the Security Council of the United Nations on April 3, 1982 adopted Resolution 502 (1982), demanding "an immediate withdrawal of all Argentine forces from the Falkland Islands:"

Whereas the nations of the European Community on April 16, 1982 announced an embargo on imports of goods and services from Argentina, effective immediately, as a demonstration of support for the merit of Great Britain's claim to the Falkland Islands and opposition to Argentina's unilateral and unjustified assertion of force to claim the islands;

Whereas, it is in the American national interest to cooperate with allies of the United States in international programs to uphold the rule of international law: Now therefore, be it

Resolved, That it is the sense of the Senate that, should the Government of Argentina not undertake promptly to implement Security Council Resolution 502 (1982) adopted April 3, 1982, the President should exercise the authority granted him by statutes of the United States, including the International Emergency Economic Powers Act, the National Emergencies Act, the Export Administration Act of 1979 and the Trade Expansion Act of 1962, to embargo trade between the United States and Argentina until such time as Argentina does implement Security Council Resolution 502 or the Government of the United Kingdom declares the crisis to be otherwise resolved.

Be it *Further Resolved,* That it is the sense of the Senate that the Secretary of State should convey to the Members of the United Nations what the Senate has herein resolved.

The PRESIDING OFFICER. Is it the request of the Senator that the resolution be held at the desk?

Mr. MOYNIHAN. It is my request.

The PRESIDING OFFICER. If there is no objection, it will be received and lie at the desk.

Mr. MOYNIHAN. I thank the Chair for his most gracious action.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the observations by Mr. James Reston, as reported in the New York Times this morning in an essay entitled "Beyond the Falklands," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 21, 1982]

BEYOND THE FALKLANDS

(By James Reston)

WASHINGTON, April 20.—President Reagan keeps trying to charm Britain and Argentina into a compromise over the Falkland Islands, as if there was no difference between the aggressors and the defenders. But there is a problem beyond the Falklands.

In his latest brief news conference, while the British Navy was approaching Argentine waters, the President praised Secretary of State Haig for a "magnificent effort" to arrange a compromise, and said the United States would try "to continue the mediation process."

Considering the failure of Al Haig's "magnificent effort," it's odd that the President didn't come out clear and strong against the military conquest of these islands by the Argentine generals.

For this may be the only thing at this late date that might avoid a war in the South Atlantic, and restrain the use of force to settle political controversies vital to U.S. interests elsewhere.

Much more is at stake here than the Falklands. There are conflicts over territory and sovereignty all over the world: in divided Germany, in divided Korea, along the Asian border between China and the Soviet Union, in Sinai between Israel and Egypt, in Kashmir between India and Pakistan, and even in Canada over the independence of French-speaking Quebec.

The United States can be even-handed about who has "sovereignty" over the Falklands, or what should be done with the conflict between the Soviet Union and Japan over the Russians' occupation of the Kurile Island chain, or who has the most meritorious claim in the innumerable border disputes between the new independent nations of Africa.

But on the use of military force to settle these questions, to which the Argentine Government has committed itself in the Falklands, there is general agreement that such an avenue may well to chaos and maybe even to world war.

In the first place, the United States is bound by treaty under the United Nations Charter to oppose the use or threat of military force to settle international disputes, and even if the world body doesn't have the authority to sustain this principle, it is still in the interests of the United States to do so.

The Reagan Administration has been confused and selective in applying this principle. With good reason, it has condemned Moscow for using force to achieve its political objectives in Afghanistan, and for using the Cubans to apply force in Africa, and for applying indirect threats of military intervention in Poland.

At the same time it has been hesitant to condemn Israel for bombing the nuclear facilities in Iraq or taking over the Golan Heights or using force against the Arabs on the West Bank. And while it murmurs against this use of force, it continues to finance Israeli policies it opposes.

Accordingly, there is now confusion even among the allies about whether the United States can be relied upon to defend the principle of opposing the use of force to settle international disputes. For example, The Economist of London, which used to be on Mr. Reagan's side, wondered the other day about the consequences of his amiable evenhandedness in the face of Argentina's aggression in the Falklands.

This "have-it-both-ways irresolution on the part of the United States," The Economist said, "will lose British popular support for America's nuclear policies and deployment, and for its European, its NATO and its Soviet policies.

"The tendencies towards neutralism in West Germany and the Low Countries," the Economist article added, "and toward belligerent abstention from the alliance in France will be vindicated. . . . Russia will start encouraging new local challenges to European interests, feeling more confident that help is unlikely to come from America, and that therefore the Europeans are less likely to resist. . . ."

There is perhaps still time before a naval clash in the South Atlantic for the U.S. Administration to defend the principle of the peaceful settlement of disputes, but so far Mr. Reagan has not got around to thinking about it or even to considering what the British will do if they are humiliated by Argentina and abandoned by the United States. For the weaker they are, the prouder they get, and the more likely they are to fight.

"It is a curious fact about the British Islanders," Winston Churchill wrote in "The Gathering Storm." "They hate drills but have never been invaded for nearly a thousand years. For as danger comes nearer and grows, they have become progressively less nervous; when it is imminent, they are fierce; when it is mortal, they are fearless. These habits have led them into some very narrow scrapes."

Well, as President Reagan is accustomed to say, the British are in a scrape now, and they're wondering whether they really have the support of the American President in Washington.

Mr. MOYNIHAN. Mr. President, it is my hope that Senator MATHIAS, Senator PRESSLER, Senator HART, and others who have already spoken on this matter will continue to press our colleagues to understand how much is at issue in this dispute, how close it is to crisis, and how likely it is that the outcome will be profoundly deleterious to the interests of the United States.

It is not just the substance of the dispute that compels our attention, but the origins of our incapacity in this crisis—a seeming indifference to principle, a leakage of the reality about NATO that has served us so well for 30 years.

We need not declare either party to be our enemy, but we need not stand beside a nation that would act as if it

were an enemy of our principles. Argentina has done that.

The Security Council of the United Nations has declared, with the People's Republic of China and the Soviet Union not objecting, that the use of force in the settlement of international disputes violates the Charter, that Argentina has done so and is, accordingly, in violation of the Charter.

Thereafter to be neutral as between those who stand by our principles and those who blatantly defy them is to see the end of those principles and the beginning of the end of the authority of those principles as well.

Mr. President, I thank the Chair for his kind indulgence. Seeing no other Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HATCH). Will the Senator withhold?

Mr. MOYNIHAN. I am most happy to do so.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. There will now be a period for the transaction of routine morning business, not to extend beyond the hour of 12 noon during which Senators may speak for 5 minutes each.

Mr. MOYNIHAN. Mr. President, seeing no other Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2410—PROHIBITING RESTRICTIONS ON THE EXPORT OF CERTAIN AGRICULTURAL COMMODITIES

Mr. DURENBERGER. Mr. President, the legislation which I am introducing today is designed to complement S. 2357, which Senator LUGAR, others, and I introduced on Tuesday, April 13. It provides a mechanism to restore fairness for American agricultural producers, and to restore international confidence in the United States as a reliable source for foreign feed grain needs. The legislation requires the U.S. Government to honor the sanctity of all agricultural commodity export contracts except during periods of a declared national emergency or war.

The future of American agriculture lies in aggressive market development, but a strategy of market development can never succeed with the specter of the Federal Government hovering over the market every time it believes food can be used to achieve foreign policy objectives.

Mr. President, the United States has imposed at least four major grain embargoes since 1973, either for domestic political reasons or for foreign policy—national security reasons. Aside from their obvious impact in preventing new sales, the embargoes have seriously damaged U.S. agriculture. First, when embargoes have been imposed, the Federal Government served outstanding commercial export contracts, forcing large amounts of previously sold grain and oil seeds back on the domestic and international markets. The impact of the contract severance has caused a precipitate decline in the prices farmers receive and an enormous increase in Federal outlays.

Second, the greatest cost of the embargoes, in the opinion of many observers, has been the fact that foreign buyers no longer consider the United States a reliable supplier of commodities. Only the United States has acted to sever outstanding commercial contracts. Even the U.S.S.R. has respected commercial contractual obligations. Today, many of our important foreign buyers, even our allies, are increasingly questioning whether the United States will honor its contractual commitments.

Adoption of this legislation would not only assure our trading partners that all agricultural commodity export contracts would be honored, except under the most dire circumstances; it would encourage the Soviet Union to buy its feed grain needs on a consistent basis if it wanted to guarantee the delivery of its purchases.

Mr. President, 2 years ago, on January 4, 1980, President Carter announced that he would embargo all grain sales to the Soviet Union to punish that country for its invasion of Afghanistan.

At the time President Carter made his announcement, I was traveling around the rural areas of our State. I am sure that my colleagues heard the same message I did. Almost to a person, Minnesota farmers told me how much the grain embargo would hurt, but that they were willing to support the action because they wanted to help the country.

Their courage was overwhelming. These were the same farmers who, in the preceding year, 1979, suffered through a drought, a crippling strike at the Duluth Port, railroad failures, and a truckers strike. Also 1979 was a year in which prices dropped so low that the results of a year's work lay piled on farms and elevators.

President Carter's embargo did exact its toll on Minnesota farmers. In fact, there is considerable evidence that they are still paying the price. There is no doubt that another embargo would be devastating to the agriculture community that is already devastated by low prices and soaring production costs. While the rest of the country is suffering through a recession, farmers are in a depression.

If anyone has any doubt about that, they should have spent this January with me in Minnesota. I traveled around our State holding hearings on the economy in seven communities. Time and again, I heard the same stories: Interest rates have dried up the farmers' sources of borrowing at a time when they are making decisions about spring planting; commodity prices in many cases are lower today than they were last year; and production costs keep going up.

That should be reason enough to oppose the use of food as a weapon. But, I know Minnesota farmers. I suspect that if their President called on their patriotism, they would not let him down. They would tighten their belts another notch or two and rally to support their President and their country.

The sad truth, though, is that American farmers have already tightened their belts so much that they are choking. Another embargo may win a battle, but I am afraid we would lose the war by losing the American farmer.

Mr. President, the use of food as a weapon is bad policy. Despite America's immense market power, we simply cannot embargo the world. Competitors such as Brazil, Argentina, and the EEC have the resources to increase production and move into the markets we vacate. We also must recognize the near impossibility of monitoring the actions of those who purchase American grain and pass it through to the embargoed nations.

To put it simply, we do not have an OPEC of grain and the United States cannot go it alone.

Beyond the difficulty of imposing an agricultural embargo, there is a more fundamental reason to oppose the use of food as a weapon. Food embargoes punish people, not the governments whose actions we are trying to change. The success of food embargoes depends on the ability of the people in the embargoed nations to change the attitudes and policies of their government.

Would the voice of a Russian peasant—of even a thousand or a million Russian peasants—be heard in the Kremlin? I doubt it. History has taught us that a totalitarian government will change its policies only when change is in the best interests of the Government.

Mr. President, as I said earlier, during January, I held hearings on the economy in Minnesota. I want to share with this Senate the testimony I received from Jerry Benz, a farmer in Martin County, Minn. Jerry said:

Our problems seem to stem from the fact we have been encouraged by past administrations and the current administration to produce more and more efficiently and rely less and less on government support. I cannot argue with that position. It can be made to work.

However, if we are to compete in the free market we have to be allowed a free market. In effect, past administrations and currently the present administration have determined they will use food as a weapon in determining policies. I cannot be expected to raise a crop and compete with world markets if this is going to be the case. If the government continues to pursue this policy we may be better off removing farm programs from the Department of Agriculture and putting them in the Defense Budget, because that is what we are doing. We are supplying weapons in much the same manner that Lockheed does. They are guaranteed costs plus a percent. If the government is going to continue to pursue this policy of using food as a weapon we should have the same guarantees.

Mr. President, Jerry Benz is painting a detailed picture of the American farmer's situation: The Government tells the farmers to produce as much as possible, but then robs them of their markets.

The American farmers are saying to the Government, "Let us produce freely and let us market freely. If food is to be used as a weapon, then put the farmer in the defense budget and give him the same opportunities and benefits as any other defense contractor."

Mr. President, we know that is not the answer. The answer is simply this: No more food embargoes. The legislation we introduce today is a step toward that answer.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2410

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 812 of the Agricultural Act of 1970 (7 U.S.C. 612c-3) is amended by adding at the end thereof the following new sentence: "Notwithstanding any other provision of law, the President may not prohibit or curtail the export of an agricultural commodity sought to be exported under an export sales contract (1) entered into before the President announces an action which would otherwise prohibit or curtail the export of the commodity, and (2) reported pursuant to this section, except that the President may prohibit or curtail the export of the commodity during a period for which the President has declared a national emergency or for which the Congress had declared war.".

The PRESIDING OFFICER. The Senator from Minnesota (Mr. BOSCHWITZ) is recognized.

Mr. BOSCHWITZ. Mr. President, I join with my colleague (Mr. DURENBERGER) introducing the bill which would, in effect, disallow the cutting across of agricultural contracts for 1 year after the imposition of an embargo if such an embargo is indeed imposed. As my colleague has mentioned, we are introducing this for the purpose of making the contracts sacrosanct so that people can deal with us and understand that contracts that they sign, contracts that they enter into, will indeed be delivered, which has not always been the case in the past. Each of the last three Presidents has stated very feelingly particularly in campaigns, his opposition to the idea of an embargo.

Each of the last three Presidents—President Carter, President Ford, and President Nixon—proposed an agricultural embargo, a selective agricultural embargo, Mr. President; not an embargo that was broad and covered every aspect of the economy, but, indeed, only covered the agricultural parts of the economy. As a result, this country, unfortunately, which is the greatest agriculture-producing country in the world, has become the source of last resort. The buyers in the agricultural market have found the United States to be the marketplace where they buy as a last resort, because they cannot rely upon us as a supplier.

This bill means that in the event they did come and buy, those contracts would remain sacred.

Is agriculture really worth protecting from the standpoint of the Nation as a whole?

Mr. President, last year exports in agricultural trade were $43 billion, imports were $17 billion, leaving a net trade surplus of $26 billion. That is far and away the largest net trade surplus of any item. That is far and away the most important aspect of our international trade in creating a smaller deficit. It is strengthening our dollar. It is strengthening our economy. It is a major element of our foreign trade. It is something that needs to be protected.

Secretaries of State in former years have often felt that grain embargoes were a great source of foreign policy, a great tool of foreign policy, so it was particularly rewarding to me to see that Secretary of State Alexander Haig said that the embargo would be self-defeating.

Most significantly, he made his remarks before the AFL-CIO convention in Miami in February. Very often we have different forms of embargo, and one of the forms of embargo that we have experienced is when longshoremen themselves decide that foreign policy is within their purview. Of course, they are Americans, and it is well within their purview. But they take matters into their own hands when they refuse to load ships, which is effectively an embargo.

The Secretary said:

An embargo would not influence and affect the Soviet Union one bit. It might indeed provide even lower prices to the grain that they, the Soviets, would get. And it would be an unjustified punishment of the American farmer without any payoff.

I agree with the Secretary of State, that embargoes have not worked, that embargoes have indeed not resulted in any payoff.

The Secretary continued by saying:

The President has made it very, very clear that a unilateral selective embargo of American grain would not be undertaken.

Indeed, the Agriculture Committee has made it very, very clear that such an embargo should not and cannot be undertaken without great penalties being assessed against the Government. Really, that is quite correct, that it should be so.

The last embargo was on January 4, 1980, Mr. President, and we are still feeling the effects of that embargo. After that embargo was announced by President Carter, he brought together some of the other major grain exporting countries: Canada, Australia, the European Community, and got them to agree that they would not ship more than the normal amount—I believe those were the terms that were used—of grain to Russia during the period that we embargoed grain. The Argentines did not come to that meeting.

What is a normal amount? The Australians, who are one of the four major grain exporting countries, during the year of 1980 shipped more to the Russians than in the 4 preceding years combined. The Canadians increased their shipments to the Russians by 50 percent. The European Community was not far behind.

So that we do not find we have many friends when we embargo grain. Indeed, when you embargo grain, people mill it into flour and ship the flour. The flour was not embargoed. Other countries shipped grain and then replenished stocks from the United States.

Embargoes, as the Secretary of State and other members of this administration have said, do not work. There is no payoff in embargoes, and this bill that we have introduced this morning will help make that clearer and our trading partners feel more secure when they buy from us. This bill provides that agricultural contracts cannot be cut across.

My good and distinguished colleague, Senator LUGAR from Indiana, has introduced a similar bill. I am a cosponsor of his bill, as is my colleague from Minnesota. However, Senator LUGAR'S bill has in it a provision that says only 6 months from the date of the imposition of an embargo will the contracts be held sacrosanct. Our bill says 1 year. Really, that is the only difference. We look forward to working out that one difference with Senator LUGAR. We expect that we will be able to do so. We expect that we will join with him or he with us, and that

the cosponsors of his bill will join with us and we will move this legislation forward rapidly, with the speed that it deserves, and with the emphasis that it deserves. As everyone knows, our agricultural economy is on its knees. It needs help. Exports are the most important aspect of help that we can give, because, Mr. President, over half the wheat we produce is shipped abroad, two-thirds of the soybeans, one-third of the corn. Much of what we produce from the heartland of our country, which I represent, goes abroad, and the health of our agricultural community is very, very closely tied to this bill that we have introduced this morning.

Mr. President, I yield the floor.

Mr. EXON. Mr. President, I have listened with great interest and intent to my colleague from Minnesota on the introduction of this bill this morning. I intend to look at this bill to see if it addresses the heart of the problem that I think we all recognize, which has been the failure of the United States to emphasize its position as a reliable supplier of grain and other articles of food which are needed around this world.

I want to say though that I do not believe the Secretary of State is as enthusiastically behind those of us who promote agriculture as was indicated in the statement made by the Senator from Minnesota.

It may be that the Secretary of State has had a complete change of heart. I know full well that shortly after—I think a week—the Secretary of State became Secretary of State, there was a meeting with several of us, including the President and the Secretary of State, and after the Presidential campaign, during which the now President lacerated and called the grain embargo one of the worst actions that had ever been taken, he refrained from the early lifting of that embargo that everyone had assumed would take place when and if he became President.

I remember during that particular meeting the President and the Secretary of State said that the time was not opportune, as I remember their words, to lift the grain embargo at that time. The RECORD will show that some months went by before the President was forced by his commitments during the Presidential campaign to indeed lift the embargo that was then in place.

I believe also, just for the RECORD, when the President finally lifted that grain embargo, it was over the objections of the then Secretary of State, Mr. Alexander Haig. As far as I know, that is the same Alexander Haig that is now the Secretary of State. So, indeed, if the Secretary of State has changed his attitude on embargoes, then I salute him for that effort and I thank him for joining those of us who have been against these basically for a long, long time.

Mr. BOSCHWITZ. Mr. President, will the Senator yield?

Mr. EXON. I am happy to yield.

Mr. BOSCHWITZ. Mr. President, I do not disagree with some of the remarks that my distinguished colleague from Nebraska has made.

During campaigns, as he well knows, attitudes are sometimes different, not only in agriculture but also in other matters, from attitudes of folks when they are elected.

This President really is distinguished by the fact that he is the only President who has ever lifted an embargo. So that the fact that it took him a little time should be understood. I believe he made the statement at the end of 1980, if I am not mistaken, and that is pretty quick action. He arrived on the scene toward the end of January.

I believe the Senator is right when he says that the State Department at that time was not rhapsodic about the lifting of the grain embargo. We recently held hearings about the grain embargo. I do not recall whether the Senator from Nebraska was present at that hearing; he is not a member of the Agriculture Committee. But I know of his deep interest in agriculture, as any Senator from Nebraska would be, and his great understanding for it, which is appreciated by this Senator and by others who are seeking to promote the interests of agriculture.

There is no question that those around the Secretary of State were not rhapsodic about the lifting of the grain embargo. However, at the hearings we held about grain embargoes, the Secretary of Agriculture came and spoke out most forcefully. One might say it is reasonably to be expected that a Secretary of Agriculture would speak out forcefully about embargoes on agricultural products, but it must be understood and remembered that his testimony was cleared by the White House; it was reviewed and cleared by the State Department.

I believe there is a difference in attitude and a greater understanding at our State Department today, from the situation which prevailed early on, about the futility of grain embargoes—the fact that they have not worked, the fact that they have been a great penalty not only to the farmer but also to our entire economy. I am extremely heartened by this apparent changing and strengthening of attitude.

I thank the Senator.

Mr. EXON. Mr. President, I am delighted at the remarks that have been made by my friend from Minnesota. Certainly, we agree that we have a grave situation with regard to the family-size farmer today which I think is not fully understood by many of our colleagues, either in the U.S. Senate or on the other side of the Hill.

However, I should like to sound a warning or two, because I believe that, most of all, we must remember that realistically facing the future and making our plans accordingly is an integral part of some of the sheer optimism that I continue to hear in many quarters these days.

I am not very much impressed with this talk that we are not going to have a selected embargo. That means, of course, that agricultural products, particularly grain, are not going to be singled out by this administration. However, they retain the right to use that weapon in international affairs, simply by saying that it would not be a selected embargo; but it would be, if we find it necessary to take some other action with regard to what the Soviet Union is doing or is not doing—we want to have that across-the-board embargo. Therefore, the implication is there that it is not fair.

The contrary is true, because 80 percent of the trade that goes on between this country and the Soviet bloc involves agricultural products. So you can eliminate all the other trade that goes on, and it amounts to only 20 percent.

Therefore, I am not totally enamored with the fact that we have simply solved this problem by saying that we are going to be fair to agriculture, because supposedly they would be penalized only about the same amount as under trade.

The facts that exist with regard to the Soviet Union and their surrogate nations do not back up that it would be anything but unfair to the American food producers.

In this regard, I suppose we must try to figure out how we are going to proceed. One of the criticisms I have had of this administration—and I think justifiably so—is the fact that they have been dragging their heels on the matter of renewing long-term grain purchase agreements with the Soviet Union.

We all know that the 5-year program by which the Soviet Union could purchase up to 8 million metric tons a year—and more, if they receive permission from the United States—really expired last fall. Rather than renewing the negotiations at that time, the administration simply extended them for 1 more year. They ran out on October 1 of last year.

About 3 weeks ago, this Senator introduced a sense of Congress resolution that called upon the administration to immediately begin negotiations with the Soviet Union for a long-term contract for the purchase of grain, which is now scheduled to expire October 1.

It seems to me that this was particularly timely because we have a reliable

report that the Soviet Union, because of the failure of their agricultural system and because of the weather difficulties connected therewith, will have to be in the market in the near future to feed not only the people of the Soviet Union but also the people of many of the nations allied with them economically and militarily.

I am pleased to say that some 3 weeks after that resolution was introduced, and either in spite of it or because of it, the administration announced, within the last few days, that they are indeed reopening negotiations with the Soviet Union, I believe in Geneva, next month, in May, for some type of continuance of a 5-year program for no less than the purchase of 8 million metric tons per year.

What we have to do is to recognize that in a land of abundance, where we are blessed with the genius of the family-size farm producer, it seems to me that in these particular times, it is important that we not expect the American food producer not only to produce all the food but also to store it until someone else wants to buy it.

Therefore, I am pleased that, for whatever reason, the administration has seen fit to proceed with attempting to come forth with a workable agreement with the Soviet Union with regard to the purchase of food.

Mr. STENNIS. Mr. President, will the Senator yield to me for 15 seconds?

Mr. EXON. I yield.

Mr. STENNIS. I commend the Senator for his remarks on this subject.

Mr. EXON. I thank my friend from Mississippi.

Mr. BOSCHWITZ. Mr. President, will the Senator yield?

Mr. EXON. I yield.

Mr. BOSCHWITZ. I should like to add to the Senator's statement that many folks assume that we are selling to the Russians on credit—we are not. We are selling our goods to them for cash. They are cash buyers.

I, too, am pleased that negotiations are resuming.

EXTENSION OF TIME FOR ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that the time for the transaction of routine morning business be extended to not later than 12:30 p.m. and that Senators may speak on the same terms and conditions as previously ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2411—JUSTICE ASSISTANCE ACT OF 1982

Mr. SPECTER. Mr. President, today I introduce a bill that redesigns and reauthorizes Federal criminal justice assistance to aid State and local law enforcement efforts. As recognized by the Attorney General's Task Force on Violent Crime, and well appreciated by those serving in law enforcement and by the American people, crime is a national problem that gravely threatens this country's welfare.

As chairman of the subcommittee of the Senate Committee on the Judiciary with jurisdiction over Federal assistance to State and local law enforcement, I have begun hearings into this entire area. I gratefully acknowledge the interest and legislative suggestions already introduced by my colleagues on the Committee on the Judiciary, the distinguished Senators from Kansas (Mr. DOLE), Delaware (Mr. BIDEN), and Alabama (Mr. HEFLIN). In addition, our colleague from Hawaii (Mr. MATSUNAGA) has shown his interest in these matters. I look forward to working with each of them and with the distinguished chairman of the Committee on the Judiciary (Mr. THURMOND) in what I hope will be a bipartisan effort to serve the Nation's vital interest in a renewed and reauthorized criminal justice assistance effort. I am especially gratified that the ranking minority member of the Committee on the Judiciary, the distinguished Senator from Delaware (Mr. BIDEN) and the distinguished jurist and senior Senator from Alabama (Mr. HEFLIN) are joining with me as original cosponsors of this measure.

The anticrime proposal I introduce today fully recognizes the predominately State and local nature of law enforcement with express guarantees of their sovereignty and explicit limitation on the Federal authority involved. In addition, the bill envisions only a minimum of administrative and management structure. Indeed, the bill eliminates both the Office of Justice Assistance, Research and Statistics, and the Law Enforcement Assistance Administration.

In their place I call for a streamlined Office of Justice Assistance, and reauthorization of the National Institute of Justice and Bureau of Justice Statistics, to fulfill the Federal Government's proper role in assisting local law enforcement—that of financing research, collecting statistics and funding demonstration projects for promising, innovative approaches to fighting crime. In addition, in light of the inextricable limitations and conflicting demands on the resources of local and State governments, this bill establishes a small fund to assist local communities to implement the acknowledged programs of proven effectiveness that have been developed over the past decade. The mechanism for delivering this assistance is intended to insure local commitment and institutionalization of the project by gradually increasing the contribution made by the local community to the program and decreasing that of the Federal Government. I am confident that this will insure maximum effectiveness for the limited Federal investment.

In addition, this bill creates authority for emergency criminal justice assistance to States and localities faced with a criminal justice disaster. Such authority is sorely needed. Although none of us wish to see such a program invoked, as the Attorney General's task force recognized, the Federal Government should have such resources at the ready so as not to lose precious time responding in compelling circumstances such as those recently experienced in Atlanta.

In addition, this bill seeks a new set of solutions to the bureaucratic problems that have plagued OJARS and were, in large part, responsible for the demise of LEAA. I fulfill a request of the Department of Justice for an Assistant Attorney General to provide a spokesperson to the academic community and a link between the Department and its necessarily insulated assistance, research, and statistics efforts. I require each of the assistance offices, the research institute and the statistics bureau to be responsible to interlocking advisory boards and provide for coordination of efforts by making sure the head of each office knows what the other components of this complementary Federal assistance effort are doing.

In seeking to realize every economy and maximize the effectiveness of the Federal participation in its proper assistance role I have been able to formulate a program without a prohibitive price tag. Indeed, the authorization included in this bill is only $125 million a year for efforts Congress had, not so many years ago, authorized over $1 billion a year to accomplish. In order to achieve this economy I have structured a program that does away with State block grants and their cumbersome regulatory framework. In this way, all applicants, including States, will be allowed direct access to the competitive application process.

Finally, after careful consideration, I have concluded that the problems of juvenile delinquency are best confronted by a separate and coordinated office of juvenile justice. The Juvenile Justice and Delinquency Prevention Act, which was last amended in 1980 and reauthorized through 1984, continues to provide a sound framework for such activities and should be retained.

I urge my colleagues to join me in an expedited consideration of this measure so that we may move forward to conference with the House, which on February 10, 1982, passed its version of a Federal criminal justice assistance package, and can have a viable pro-

gram in place before the end of the year.

Mr. President, I ask unanimous consent to have printed in the RECORD the full text of the bill which I am introducing.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2411

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Justice Assistance Act of 1982".

DECLARATION AND PURPOSE

SEC. 2. The declaration and purpose contained in title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3701) is amended to read as follows:

"DECLARATION AND PURPOSE

"The Congress finds and declares that the high incidence of crime in the United States is detrimental to the general welfare of the Nation and its citizens, and that criminal justice efforts must be better coordinated and intensified, and made more effective and equitable at all levels.

"Congress further finds that juvenile delinquency constitutes a growing threat to the national welfare requiring immediate and comprehensive action by the Federal Government to reduce and prevent delinquency by developing and implementing effective programs to improve the quality of juvenile justice in the United States.

"Congress further finds that there is an urgent need to encourage basic and applied research, to gather and disseminate accurate and comprehensive justice statistics, and to evaluate methods of preventing and reducing crime.

"Congress further finds that although crime and delinquency are essentially local problems that must be dealt with by State and local government, the financial and technical resources of the Federal Government should be made available to assist in the development of innovative and effective national, state, and local efforts.

"Congress further finds that the future welfare of the Nation and the well-being of its citizens depend on the establishment and maintenance of viable and effective justice systems which require systematic and sustained action by Federal, State, and local governments; and continuing efforts at all levels to streamline programs and upgrade the functioning of agencies responsible for planning, implementing, and evaluating efforts to improve justice systems.

"It is, therefore, the declared policy of the Congress to aid in strengthening and improving justice systems by providing assistance with maximum certainty and effectiveness and minimum delay and waste. It is the purpose of this title to authorize funds and technical assistance (1) to be used to strengthen justice systems; (2) to develop and fund new methods and programs to enhance the effectiveness of justice systems; (3) to support the development of National, State, and local priorities and programs to meet the problems confronting justice systems; (4) to reduce court congestion and trial delay; (5) to support community and neighborhood anticrime efforts; (6) to improve and modernize the correctional systems and encourage rehabilitation; (7) to encourage the undertaking of promising, innovative projects and programs to combat crime; (8) to encourage research directed toward the improvement of justice systems and new methods for the prevention and reduction of crime and delinquency and the detection, apprehension, and rehabilitation of criminals; (9) to encourage the collection and analysis of statistical information concerning crime and juvenile delinquency and the development and operation of justice information systems; (10) to develop and implement programs assisting victims, jurors, and witnesses; (11) to support law enforcement related personnel development and training efforts; and (12) to provide emergency Federal financial assistance when necessary to combat a criminal justice disaster.

"It is further the policy of the Congress that the Federal assistance made available under this title not be utilized to reduce the amount of State and local financial support for justice activities below the level of such support prior to the availability of such assistance.".

OFFICE OF JUSTICE ASSISTANCE

SEC. 3. (a) Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711-3713) is amended in the heading to such part by striking out "LAW ENFORCEMENT ASSISTANCE ADMINISTRATION" and inserting in lieu thereof "OFFICE OF JUSTICE ASSISTANCE".

(b) Section 101 of part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711) is amended—

(1) in the heading of such section by striking out "LAW ENFORCEMENT ASSISTANCE ADMINISTRATION" and inserting in lieu thereof "OFFICE OF JUSTICE ASSISTANCE",

(2) by striking out "a Law Enforcement Assistance Administration (hereinafter referred to in this title as the 'Administration')" and inserting in lieu thereof "an Office of Justice Assistance",

(3) by striking out "Administration" each place it appears and inserting in lieu thereof "Office of Justice Assistance",

(4) by striking out "Administrator" each place it appears and inserting in lieu thereof "Director",

(5) by striking out "Deputy Administrators" and inserting in lieu thereof "Deputy Directors",

(6) in the second sentence by striking out "by the Attorney General" and inserting in lieu thereof "by the Director", and

(7) by adding at the end thereof the following: "The Director shall select for employment such employees as are necessary to perform the functions of the Office of Justice Assistance.".

(c) Section 102 of part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712) is amended—

(1) by striking out "Administrator" each place it appears and inserting in lieu thereof "Director",

(2) in paragraph (1) by—

(A) striking out "States and units of local government" and inserting in lieu thereof "applicants", and

(B) striking out "D" and inserting in lieu thereof "D and E",

(3) by amending paragraph (2) to read as follows:

"(2) establish national priorities for programs and award and allocate funds and technical assistance consistent with parts D and E;",

(4) in paragraph (4) by striking out "Administration" and inserting in lieu thereof "Office of Justice Assistance",

(5) in paragraph (8) by striking out "H" and inserting in lieu thereof "G" and by striking out the final "and",

(6) in paragraph (9) by striking out the period and inserting in lieu thereof "; and",

(7) by adding the following new paragraph at the end thereof:

"(10) exercise authority under part M to assist in combatting criminal justice disasters.", and

(8) in the heading for such section by striking out "ADMINISTRATOR" and inserting in lieu thereof "DIRECTOR".

(d) Section 103 of part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3713) is amended to read as follows:

"ESTABLISHMENT OF A JUSTICE ASSISTANCE BOARD

"SEC. 103. (a) There is established a Justice Assistance Board (hereafter referred to as the 'Board'). The Board shall consist of—

"(1) fifteen voting members who shall be appointed by the President;

"(2) the Director of the National Institute of Justice, the Director of the Bureau of Justice Statistics, and the Administrator of the Office of Juvenile Justice and Delinquency Prevention, who shall be nonvoting, ex officio members; and

"(3) two nonvoting, coordinating members each from the National Institute of Justice Advisory Board, the Bureau of Justice Statistics Advisory Board, and the National Advisory Board for Juvenile Justice and Delinquency Prevention.

"(b) Members shall represent the public interest and shall be knowledgeable and experienced in the criminal and juvenile justice systems; such as law enforcement personnel, prosecutors, defense attorneys, judges, court administrators, probation and correctional personnel, researchers and scholars, representatives of public and private nonprofit and voluntary organizations, representatives of neighborhood and community-based groups and representatives of local and State governments. A majority of the voting members serving on the Board shall not be employees of local, State, or Federal government.

"(c)(1) Voting members of the Board shall be appointed for three-year terms, except in order to provide for continuity in its operations and to establish staggered groups of vacancies, five members of the initial Board shall be appointed for four-year terms, five members of the initial Board shall be appointed for three-year terms, and five members of the initial Board shall be appointed for two-year terms.

"(2) The initial appointment of members shall be made not later than 90 days after the effective date of this Act. Vacancies among Board members shall be filled within 90 days of the vacancy. Any member appointed to fill a vacancy occurring before the scheduled expiration of a term shall be appointed for the remainder of such term. Members shall be eligible for reappointment, but shall serve consecutively no more than two terms or six years, whichever is less.

"(d) The Board shall elect from among its voting members a Chair and Vice Chair. The Board shall select from among its voting members two representatives to serve as nonvoting coordinating members on the National Institute of Justice Advisory Board, two representatives to serve as nonvoting coordinating members on the Bureau of Justice Statistics Advisory Board, and two representatives to serve as nonvoting coordinating members on the National Advisory Committee of Juvenile Justice and Delinquency Prevention.

"(e) The Board shall meet at the call of the Chair, but not less than quarterly. Notice of all Board meetings shall be published. Ten voting members of the Board shall constitute a quorum.

"(f) The Board shall—

"(1) recommend to the Director funding priorities and selection criteria to be used in determining the award and allocation of funds through the Office of Justice Assistance;

"(2) recommend to the Director such policies and program priorities as it deems advisable;

"(3) review and evaluate the activities of the Office of Justice Assistance and make such recommendations to the Director as it considers necessary or appropriate;

"(4) in the event of a vacancy, recommend to the President at least three candidates for the position of Director;

"(5) review and evaluate Federal policies and priorities in justice assistance; and

"(6) coordinate its activities with the National Institute of Justice Advisory Board, the Bureau of Justice Statistics Advisory Board, the National Advisory Committee for Juvenile Justice and Delinquency Prevention, and the Coordinating Council on Juvenile Justice and Delinquency Prevention.

"(g) Beginning January 1, 1983, the Board shall submit an annual report to the President and to the Congress not later than March 31 of each year and may submit such interim reports as it considers advisable to the President and to the Congress. Each annual report shall describe the activities of the Board and shall contain such findings and recommendations as the Board considers necessary or appropriate.

"(h) The Board shall have staff personnel, appointed by the Chair with the approval of the Board, to assist it in carrying out its responsibilities. The head of each Federal agency shall make available to the Board and staff such information and other assistance as it may require to carry out its responsibilities. The Board shall not have any authority to procure any temporary or intermittent services of any personnel under section 3109 of title 5, United States Code, or under any other provision of law.

"(i)(1) Members of the Board shall, while serving on Board business, be entitled to receive compensation at a rate not to exceed the daily rate specified for grade GS-18 of the General Schedule in section 5332 of title 5, United States Code, including traveltime.

"(2) Members of the Board shall be entitled to reimbursement for travel expenses, including per diem in lieu of subsistence, while serving away from their place of residence or regular place of business, in the same manner as the expenses authorized by section 5703 of title 5, United States Code, for persons in the Federal Government service employed intermittently.

"(j) To carry out the provisions of this section there is authorized to be appropriated such sums as may be necessary, not to exceed $500,000 for each fiscal year.".

NATIONAL INSTITUTE OF JUSTICE

SEC. 4. (a) Section 202 of part B of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3722) is amended—

(1) in subsection (b)—

(A) by adding after the third sentence the following: "The Director shall select for employment such employees as are necessary to perform the functions of the Bureau.", and

(B) by adding at the end thereof the following: "The Director shall also be a nonvoting member of the Justice Assistance Board.",

(2) in subsection (c)—

(A) in paragraph (2)(A) by striking out ", including programs authorized by section 103 of this title", and

(B) in paragraph (10) by striking out "as national priority grants under part E and discretionary grants under part F ", and inserting in lieu thereof "under parts D and E", and

(3) in subsection (d)(5) by striking out "part H" and inserting in lieu thereof "part G".

(c) Section 204 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3724) is amended—

(1) in subsection (a) in the second sentence by striking out "twenty-one" and inserting in lieu thereof "fifteen",

(2) in subsection (b) by striking out "The Administrator of the Law Enforcement Assistance Administration," in inserting in lieu thereof "The Director of the Office of Justice Assistance,", and

(3) by adding at the end thereof the following new subsections:

"(f) In order better to coordinate the activities of the Institute with other aspects of the Federal Government's efforts against crime and delinquency—

"(1) the Board shall also include two nonvoting, coordinating members each from the Justice Assistance Board, the Bureau of Justice Statistics Advisory Board, and the National Advisory Committee for Juvenile Justice and Delinquency Prevention, which shall each designate from among its members two such representatives, and

"(2) the Board shall select from among its members two representatives to serve as nonvoting, coordinating members on the Justice Assistance Board, two representatives to serve as nonvoting, coordinating members on the Bureau of Justice Statistics Advisory Board, and two representatives to serve as nonvoting, coordinating members on the National Advisory Committee for Juvenile Justice and Delinquency Prevention.

"(g) There are authorized to be appropriated such sums as may be necessary, not to exceed $500,000 for each fiscal year, to carry out the provisions of this section.".

BUREAU OF JUSTICE STATISTICS

SEC. 5. (a) Section 301 of part C of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3731) is amended in the first sentence by adding after "and to support the development" the following: "and operation".

(b) Section 302 of part C of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3732) is amended—

(1) in subsection (b)—

(A) by adding after the third sentence the following: "The Director shall select for employment such employees as are necessary to perform the functions of the Bureau.", and

(b) by adding at the end thereof "The Director shall also be a nonvoting member of the Justice Assistance Board.",

(2) in subsection (c)(13) by amending such subsection to read as follows:

(13) provide financial and technical assistance to States and units of local government relating to development, operation, collection, analysis, or dissemination of justice statistics and information systems;",

(3) in subsection (c)(16) by amending such subsection to read as follows:

"(16) insure conformance with security and privacy regulations issued pursuant to section 818 and assist in the development of guidelines for statistics, privacy and security, and information policy;",

(4) in subsection (c)(17) by striking out "H" and inserting in lieu thereof "G", and

(5) in subsection (d) by—

(A) striking out the "and" at the end of clause (3),

(B) striking out the period at the end of clause (4) and inserting in lieu thereof "; and", and

(C) adding at the end thereof the following:

"(5) provide assistance to encourage replication, coordination, and sharing among criminal justice agencies regarding information systems, information policy, and statistics.".

(c) Section 304 of part C of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3734) is amended—

(1) in subsection (a) in the second sentence by striking out "twenty-one members who shall be appointed by the Attorney General" and inserting in lieu thereof "fifteen members who shall be appointed by the President",

(2) in subsection (b) by striking out "The Administrator of the Law Enforcement Assistance Administration," and inserting in lieu thereof "The Director of the Office of Justice Assistance,", and

(3) by adding at the end thereof the following new subsections:

"(f) In order better to coordinate the activities of the Bureau with other aspects of the Federal Government's efforts against crime and delinquency—

"(1) the Board shall also include two nonvoting, coordinating members each from the Justice Assistance Board, the National Institute of Justice Advisory Board, and the National Advisory Committee for Juvenile Justice and Delinquency Prevention, which shall each designate from among its members two such representatives, and

"(2) the Board shall select from among its members two representatives to serve as nonvoting, coordinating members on the Justice Assistance Board, two representatives to serve as nonvoting, coordinating members on the National Institute of Justice Advisory Board, and two representatives to serve as nonvoting, coordinating members on the National Advisory Committee for Juvenile Justice and Delinquency Prevention.

"(g) There are authorized to be appropriated such sums as may be necessary, not to exceed $500,000 for each fiscal year, to carry out the provisions of this section.".

NATIONAL PRIORITY IMPLEMENTATION AND REPLICATION PROGRAMS

SEC. 6. Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3741-3745) is amended by striking out part D of title I and inserting in lieu thereof the following:

"PART D—NATIONAL PRIORITY IMPLEMENTATION AND REPLICATION PROGRAMS

"PURPOSE

"SEC. 401. It is the purpose of this part to provide Federal assistance to States, units of local government, public and private nonprofit organizations, and neighborhood and community-based groups to implement programs and projects that have a record of proven success in improving the functioning of the criminal justice system.

"FEDERAL SHARE

"SEC. 402. (a) The Federal share of any grant made under this part shall be used to help finance national priority implementa-

tion programs for a period of up to four years.

"(b) Financial awards shall be made to encourage local institutionalization of the project or program. Accordingly, the Federal share of project or program costs for four-year grants made under this part shall be—

"(1) 90 percent for the first year of the grant;

"(2) 75 percent for the second year of the grant;

"(3) 50 percent for the third year of the grant; and

"(4) 25 percent for the fourth year of the grant.

"(c) Applicants must provide cash match to contribute to the costs of the project or program. For grants of less than four years the Federal contribution shall similarly decrease in such a manner as to encourage local institutionalization. In no case shall the Federal contribution exceed 60 percent of the total project or program costs over the term of the grant.

"USES

"SEC. 403. (a) The Director of the Office of Justice Assistance is authorized to make grants providing assistance to implement programs and projects that address critical problems of violent and serious crime and which programs are certified by the Director as having proven a success on the basis of objective, empirical, or statistical information or evaluation in accordance with criteria developed by the Office of Justice Assistance. The Director shall consider effort—

"(1) providing community and neighborhood programs that enable citizens and police to undertake initiatives to prevent and control neighborhood crime;

"(2) disrupting illicit commerce in stolen goods and property;

"(3) combatting arson;

"(4) effectively investigating and bringing to trial white-collar crime, organized crime, public corruption crimes, and fraud against the Government;

"(5) identifying and processing within the criminal justice system persons (including juvenile offenders) with a history of serious criminal conduct;

"(6) developing and implementing programs which provide assistance (other than implementation) to jurors, witnesses, and victims of crime:

"(7) providing alternatives to pretrial detention, jail, and prison for persons who pose no danger to the community;

"(8) providing programs which identify and meet the needs of drug-dependent offenders;

"(9) providing programs which alleviate prison and jail overcrowding;

"(10) providing training, management, and technical assistance to justice personnel;

"(11) providing management information systems for justice agencies;

"(12) providing programs which address the problem of serious and violent offenses committed by juveniles;

"(13) providing programs which address offenses committed against the elderly;

"(14) coordinating the activities of components of the criminal justice system; and

"(15) providing assistance for the development and operation of justice information systems.

"(b) The Director of the Office of Justice Assistance shall annually establish funding priorities and selection criteria for assistance after first providing notice and an opportunity for public comment.

"(c) The National Institute of Justice shall be responsible for objectively evaluating all projects funded under this part.

"APPLICATIONS

"SEC. 404. (a) No grant may be made pursuant to this part unless an application has been submitted to the Director in accordance with criteria established by the Office of Justice Assistance. Awards shall be given to those applicants that most clearly satisfy the funding priorities and selection criteria as established by the Office of Justice Assistance.

"(b) Applications must include a commitment and evidence of ability to fulfill the applicant's share of project on program costs over the term of the grant by cash match and evidence a commitment to continuing the project or program beyond the term of the grant.".

NATIONAL PRIORITY GRANTS

SEC. 7. Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3701 et seq.) is amended by striking out part E.

DISCRETIONARY GRANTS

SEC. 8. (a) Sections 601, 602, and 603 of part F of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751-60) is amended to read as follows:

"PART E—DISCRETIONARY GRANTS

"PURPOSE

"SEC. 501. The purpose of this part is to provide additional Federal assistance to States, units of local government, combinations of such units, public and private nonprofit organizations, and neighborhood and community-based groups for the purposes of—

"(1) undertaking educational and training programs for criminal and juvenile justice personnel;

"(2) providing technical assistance directly to—

"(A) recipients of assistance under part D or to the jurisdictions in which such programs and projects are undertaken; and

"(B) jurisdictions that wish to replicate national priority implementation programs but are not receiving assistance under part D; and

"(3) national demonstration programs which, in view of previous research or experience, are likely to prove successful after testing, evaluation, and refinement and are not likely to be funded from other sources.

"(4) The National Institute of Justice shall be responsible for objectively evaluating all projects funded under this part.

"PERCENTAGE OF APPROPRIATION FOR DISCRETIONARY GRANT PROGRAM

"SEC. 502. Of the total amount appropriated for this part in any fiscal year—

"(1) 50 percent shall be reserved and set aside for this part in a special discretionary fund for use by the Office of Justice Assistance in making grants to carry out the purposes specified in paragraphs (1) and (2) of section 501;

"(2) 50 percent shall be reserved and set aside for this part in a special discretionary fund for use by the Office of Justice Assistance in making grants to carry out the purpose specified in paragraph (3) of section 501;

"(3) the Federal portion of any grants made under this part may be made in amounts up to 100 percent of the costs of the program or project; and

"(4) at least 30 percent of the funds reserved and set aside for this part shall be allocated to private nonprofit organizations and neighborhood and community-based groups for the purposes specified in this part.

"PROCEDURE FOR ESTABLISHING FUNDING AND SELECTION CRITERIA

"SEC. 503. The Director of the Office of Justice Assistance shall annually establish funding priorities and selection criteria for assistance after first providing notice and an opportunity for public comment.".

(b) Section 604 of part F of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3764) is amended by striking out "Administration" each place it appears and inserting in lieu thereof "Office of Justice Assistance" and by striking out "part" each place it appears and inserting in lieu thereof "title".

(c) Section 605 of part F of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3765) is amended—

(1) by striking out "Administration" each place it appears and inserting in lieu thereof "Office of Justice Assistance",

(2) by striking out the third sentence, and

(3) by striking out "type of section 402 eligible jurisdiction" and inserting in lieu thereof "State".

(d) Section 606 of part F of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3766) is amended by striking out "Administration" each place it appears and inserting in lieu thereof "Office of Justice Assistance".

(e) The heading for part F of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3761-3766) is amended by striking out "Part F" and inserting in lieu thereof "Part E".

(f) Part E of title I, as so redesignated, is amended by redesignating sections 604, 605, and 606 as sections 504, 505, and 506, respectively.

TRAINING AND MANPOWER DEVELOPMENT

SEC. 9. (a) Part G of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3701-3775) is amended by redesignating sections 701, 702, 703, 704 and 705 as sections 601, 602, 603, 604 and 605.

(b) The heading for part G of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3771-3775) is amended by striking out "Part G" and inserting in lieu thereof "Part F".

ADMINISTRATIVE PROVISIONS

SEC. 10. (a) Section 801 of part H of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3781 et seq.) is amended to read as follows:

"ASSISTANT ATTORNEY GENERAL FOR JUSTICE ASSISTANCE

"SEC. 801. (a) There is hereby authorized within the Department of Justice an Assistant Attorney General for Justice Assistance who shall be appointed by the President by and with the advice and consent of the Senate.

"(b) The Assistant Attorney General shall provide staff and services support from the Department of Justice for the Office of Justice Assistance, National Institute of Justice, Bureau of Justice Statistics, and the Office of Juvenile Justice and Delinquency Prevention.

"(c) Nothing in this section shall be construed as limiting the policy setting, grant making and management authority of the Director of the Office of Justice Assistance, the Director of the National Institute of Justice, the Director of the Bureau of Justice Statistics or the Administrator of the

Office of Juvenile Justice and Delinquency Prevention.".

(b) Section 802 of part H of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3782) is amended—

(1) in subsection (a) by striking out "The Office of Justice Assistance, Research, and Statistics, the Law Enforcement Assistance Administration," and inserting in lieu thereof "The Office of Justice Assistance, the Office of Juvenile Justice and Delinquency Prevention,", and

(2) in subsection (b)—

(A) by striking out "Law Enforcement Assistance Administration" each place it appears and inserting in lieu thereof "Office of Justice Assistance",

(B) by inserting "and the Office of Juvenile Justice and Delinquency Prevention," after "Bureau of Justice Statistics,",

(C) by striking out "parts D, E, and F" and inserting in lieu thereof "parts D and E",

(D) by striking out the second sentence,

(E) by amending the third sentence to read as follows: "In conducting evaluations described in this subsection, the Office of Justice Assistance shall, when practical, compare the effectiveness of programs conducted by similar applicants and different applicants.", and

(F) by striking out "administration" and inserting in lieu thereof "Office of Justice Assistance".

(c) Section 803 of part H of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3783) is amended—

(1) by striking out "Law Enforcement Assistance Administration" each place it appears and inserting in lieu thereof "Office of Justice Assistance",

(2) by inserting "the Office of Juvenile Justice and Delinquency Prevention," after "Bureau of Justice Statistics," each place it appears,

(3) in subsection (b) by striking out "State" every place it appears, and

(4) in subsection (c) by striking out "Administration," and inserting in lieu thereof "Office of Justice Assistance,".

(d) Section 804 of part H of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3784) is amended—

(1) by striking out "Law Enforcement Assistance Administration" and inserting in lieu thereof "Office of Justice Assistance", and

(2) by inserting after "Bureau of Justice Statistics," the following: "the Office of Juvenile Justice and Delinquency Prevention,".

(e) Section 805 of part H of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3785) is amended—

(1) by striking out "Office of Justice Assistance, Research, and Statistics, the Law Enforcement Assistance Administration," each place it appears and inserting in lieu thereof "Office of Justice Assistance,",

(2) by inserting "the Office of Juvenile Justice and Delinquency Prevention," before "or the National Institute of Justice" each place it appears, and

(3) in subsection (a) by striking out "section 803, 804, or 815(c)(2)(G)" and inserting in lieu thereof "section 703, 704, or 713(c)(2)(G)", and

(4) in subsection (b) by inserting "the Office of Juvenile Justice and Delinquency Prevention" before "or the Bureau of Justice Statistics".

(f) Sections 806 and 807 of part H of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3786-3787) are each amended—

(1) by striking out "Office of Justice Assistance, Research, and Statistics,", and

(2) by striking out ", and the Law Enforcement Assistance Administration" and inserting in lieu thereof "the Office of Juvenile Justice and Delinquency Prevention, and the Office of Justice Assistance".

(g) Sections 810 and 811 of part H of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3788-3789) are amended—

(1) by striking out "Office of Justice Assistance, Research, and Statistics," each place it appears,

(2) by striking out ", and the Law Enforcement Assistance Administration" and inserting in lieu thereof "the Office of Juvenile Justice and Delinquency Prevention, and the Office of Justice Assistance".

(h) Section 812 of part H of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3789a) is amended by striking out "Director of the Office of Justice Assistance, Research, and Statistics, the Administrator of the Law Enforcement Assistance Administration," and inserting in lieu thereof "Director of the Office of Justice Assistance, the Administrator of the Office of Juvenile Justice and Delinquency Prevention,".

(i) Section 813 of part H of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3789b) is amended in subsections (a) and (b)—

(1) by striking out "Office of Justice Assistance, Research, and Statistics" each place it appears and inserting in lieu thereof "Office of Juvenile Justice and Delinquency Prevention", and

(2) by striking out "Law Enforcement Assistance Administration" and inserting in lieu thereof "Office of Justice Assistance".

(j) Section 814 of part H of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3789c) is amended—

(1) in subsections (a) and (b)—

(A) by striking out "Office of Justice Assistance, Research, and Statistics," and inserting in lieu thereof "Office of Juvenile Justice and Delinquency Prevention,", and

(B) by striking out "Law Enforcement Assistance Administration" and inserting in lieu thereof "Office of Justice Assistance", and

(2) in subsection (c) by striking out "Administration" and inserting in lieu thereof "Office of Justice Assistance".

(k) Section 815 of part H of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3789d) is amended—

(1) by striking out "Office of Justice Assistance, Research, and Statistics" each place it appears and inserting in lieu thereof "Office of Juvenile Justice and Delinquency Prevention, the National Institute of Justice, the Bureau of Justice Statistics, or the Office of Justice Assistance", and

(2) in subsection (b) by striking out "or the Law Enforcement Assistance Administration" and inserting in lieu thereof "the Office of Juvenile Justice and Delinquency Prevention, or the Office of Justice Assistance".

(l) Section 816 of part H of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3789e) is amended to read as follows:

REPORT TO PRESIDENT AND CONGRESS

"SEC. 816. Not later than April 1 of each year the Director of the Office of Justice Assistance, the Director of the Bureau of Justice Statistics, and the Director of the National Institute of Justice shall each submit a report to the President and to the Congress, on their activities under this title during the preceding fiscal year."

(m) Section 817 of part H of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3789f) is amended—

(1) by striking out "Office of Justice, Research, and Statistics" each place it appears and inserting in lieu thereof "Office of Juvenile Justice and Delinquency Prevention, the National Institute of Justice, the Bureau of Justice Statistics, and the Office of Justice Assistance",

(2) in subsection (d) by striking out "section 815(c)" each place it appears and inserting in lieu thereof "section 713(c)", and

(3) in subsection (f)—

(A) by striking out "Law Enforcement Assistance Administration" and inserting in lieu thereof "Office of Justice Assistance", and

(B) by striking out "Administrator" each place it appears and inserting in lieu thereof "Director".

(n) Section 818 of part H of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3789g) is amended by striking out "Office of Justice Assistance, Research, and Statistics" each place it appears and inserting in lieu thereof "Office of Juvenile Justice and Delinquency Prevention, the National Institute of Justice, the Bureau of Justice Statistics, and the Office of Justice Assistance".

(o) Section 819 of part H of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3789n) is amended—

(1) by striking out "Office of Justice Assistance, Research, and Statistics," and inserting in lieu thereof "Office of Juvenile Justice and Delinquency Prevention,", and

(2) by striking out "Law Enforcement Assistance Administration" and inserting in lieu thereof "Office of Justice Assistance".

(p) Section 820(a) of part H of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3789i(a)) is amended by striking out "Administration" and inserting in lieu thereof "Office of Justice Assistance".

(q) Section 823 of part H of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3789l) is amended by striking out "Administration" and inserting in lieu thereof "Office of Justice Assistance".

(r) Section 826 of part H of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3789o) is amended—

(1) by striking out "council" each place it appears,

(2) by striking out "Law Enforecement Assistance Administration" and inserting in lieu therof "Office of Justice Assistance", and

(3) by striking out "Administration" each place it appears and inserting in lieu thereof "Office of Justice Assistance".

(s) The heading for part H of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3781-3789o) is amended by striking but "Part H" and inserting in lieu thereof "Part G".

(t) Part G, as so redesignated, of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3781-3789o) is amended by redesignating sections 801, 802, 803, 804, 805, 806, 807, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, and 826 as sections 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, and 724, respectively.

(u) Part G, as so redesignated, of title I of the Omnibus Crime Control and Safe

Streets Act of 1968 (42 U.S.C. 3781-3789o) is amended by striking out sections 808, 809, and 827.

(v) The following is added to Part G as section 725 (as redesignated):

"REPAYMENT

"SEC. 725. (a) If Federal financial assistance provided under this part is used by the recipient of such assistance in violation of section 604 or for any purpose other than the purpose for which it is provided, then such recipient shall promptly repay to the United States an amount equal to the value of such assistance.

"(b) The Director may bring a civil action in an appropriate United States district court to recover any amount required to be repaid under subsection (a).".

DEFINITIONS

SEC. 11. (a) Section 901 of part I of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791) is amended by striking out "Administration" each place it appears and inserting in lieu thereof "Office of Justice Assistance".

(b) Section 901(a)(4) of part I of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791(a)(4)) is amended—

(1) by inserting "renovation, repairs, remodeling," after "acquisition,", and

(2) by striking out ", but does not include renovation, repairs, or remodeling".

(c) section 901(a)(20) of part I of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791(a)(20)) is amended by striking out "and".

(d) Section 901(a)(21) of part I of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791 (a)(21)) is amended by striking out the period and inserting in lieu thereof "; and".

(e) Section 901(a) is amended by adding at the end thereof the following new clause:

"(22) 'public and nonprofit organization' includes youth serving agencies.".

(f) The heading for part I of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791) is amended by striking out "Part I" and inserting in lieu thereof "Part H".

(g) Part H, as so redesignated, of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791) is amended by redesignating section 901 as section 801.

FUNDING

SEC. 12. Part J of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793) is amended to read as follows:

"PART I—FUNDING

"FUNDING

"SEC. 901. (a) There is authorized to be appropriated to carry out the function of the National Institute of Justice $25,000,000 for each of the fiscal years ending September 30, 1983, September 30, 1984, September 30, 1985, and September 30, 1986.

"(b) There is authorized to be appropriated to carry out the functions of the Bureau of Justice Statistics $25,000,000 for each of the fiscal years ending September 30, 1983, September 30, 1984, September 30, 1985, and September 30, 1986.

"(c) There is authorized to be appropriated for part D $20,000,000 for each of the fiscal years ending September 30, 1983, September 30, 1984, September 30, 1985, and September 30, 1986.

"(d) There is authorized to be appropriated for part E $20,000,000 for each of the fiscal years ending September 30, 1983, September 30, 1984, September 30, 1985, and September 30, 1986.

"(e) There is authorized to be appropriated for part F and the educational and training functions of parts D and E $10,000,000 for each of the fiscal years ending September 30, 1983, September 30, 1984, September 30, 1985, and September 30, 1986.

"(f) There is authorized to be appropriated for purposes of administering parts D, E, F, G, and H $5,000,000 for each of the fiscal years ending September 30, 1983, September 30, 1984, September 30, 1985, and September 30, 1986.

"(g) There is authorized for the fiscal year ending September 30, 1983, $20,000,000 for Emergency Assistance, $20,000,000 for the fiscal years ending September 30, 1984, September 30, 1985, and September 30, 1986.".

CRIMINAL PENALTIES

SEC. 13. (a) Section 1101 of part K of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3795) is amended by striking out "Law Enforcement Assistance Administration" and inserting in lieu thereof "Office of Justice Assistance".

(b) Section 1103 of part K of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3795-3795b) is amended by striking out "Law Enforcement Assistance Administration" and inserting in lieu thereof "Office of Justice Assistance".

(c) The heading for part K of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3795-3795b) is amended by striking out "Part K" and inserting in lieu thereof "Part J".

(d) Part J, as so redesignated, of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3795-3795b) is amended by redesignating sections 1101, 1102, and 1103 as sections 1001, 1002, and 1003, respectively.

PUBLIC SAFETY OFFICERS' DEATH BENEFITS

SEC. 14. (a) Sections 1201 and 1204 of part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797-3797c) are amended by striking out "Administration" each place it appears and inserting in lieu thereof "Office of Justice Assistance".

(b) The heading for part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797-3797c) is amended by striking out "Part L" and inserting in lieu thereof "Part K".

(c) Part K, as so redesignated, of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797-3797c) is amended by redesignating sections 1201, 1202, 1203, and 1204 as sections 1101, 1102, 1103, and 1104, respectively.

TRANSITION

SEC. 15. (a) Section 1301 of part M of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3799(a)) is amended—

(1) in subsection (a)—

(A) by striking out "the Office of Justice Assistance, Research, and Statistics or",

(B) by striking out "Law Enforcement Assistance Administration" and inserting in lieu thereof "Office of Justice Assistance", and

(C) by striking out "or the Administrator of the Law Enforcement Assistance Administration" and inserting in lieu thereof "the Administrator of the Office of Juvenile Justice and Delinquency Prevention, or the Director of the Office of Justice Assistance",

(2) by striking out subsection (j), and

(3) by redesignating subsection (k) as subsection (j).

(b) The heading for part M of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3799) is amended by striking out "Part M" and inserting in lieu thereof "Part L".

(c) Part L, as so redesignated, of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3799) is amended by redesignating section 1301 as section 1201.

(d) Part L, as so redesignated, of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797) is amended by adding at the end thereof the following new section:

"TITLE TO PERSONAL PROPERTY

"SEC. 1202. Notwithstanding any other provision of law, title to all expendable and nonexpendable personal property purchased with funds made available under this title shall vest in the criminal justice agency or nonprofit organization that purchased the property if it certifies to the appropriate State criminal justice council, or its successor agency, that it will use the property for criminal justice purposes. If such certification is not made, title to the property shall vest in the State criminal justice council, or its successor agency, which shall seek to have it used for criminal justice purposes elsewhere in the State prior to using it or disposing of it in any other manner.".

EMERGENCY FEDERAL LAW ENFORCEMENT ASSISTANCE

SEC. 16. Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3771-3775) is amended by adding at the end thereof the following new part:

"PART M—EMERGENCY FEDERAL LAW ENFORCEMENT ASSISTANCE

"APPLICATION

"SEC. 1301. (a) In the event that a crime problem of serious and epidemic proportions exists throughout a State or locality, a State (on behalf of itself or another appropriate unit of government) may submit an application under this section for Federal financial assistance.

"(b) An application for assistance under this section shall be submitted in writing by the chief executive officer of a State to the Director, in a form prescribed by rules issued by the Director. The Director shall, after consultation with the Board of Justice Assistance, and appropriate members of the Federal law enforcement community, approve or disapprove such application. Funds provided under this subsection will be in accordance with selection criteria as established by the Office of Justice Assistance.

"(c) Federal financial assistance may be provided if such assistance is necessary to provide an adequate response to a crime problem described in subsection (a). In determining whether to approve or disapprove an application for assistance under this section, the Director shall consider—

"(1) the nature and extent of the crime problem throughout a State or in any locality,

"(2) the emergency or extraordinary circumstances which produced the problem,

"(3) the availability of State and local criminal justice resources to resolve the problem,

"(4) the need to avoid unnecessary Federal involvement and intervention in matters primarily of State and local concern, and

"(5) any assistance which the State or other appropriate unit of government has

received, or could receive, under any provision of this title.

"DEFINITIONS

"SEC. 1302. For purposes of this part—

"(1) the term 'Federal financial assistance' means funds to provide equipment, training, and personnel,

"(2) the term 'Federal law enforcement community' means the heads of the following departments or agencies:

"(A) the Federal Bureau of Investigation,

"(B) the Drug Enforcement Administration,

"(C) the Criminal Division of the Department of Justice,

"(D) the Internal Revenue Service,

"(E) the Customs Service,

"(F) the Immigration and Naturalization Service,

"(G) the United States Marshals Service,

"(H) the National Park Service,

"(I) the United States Postal Service,

"(J) the Secret Service,

"(K) the Coast Guard,

"(L) the Bureau of Alcohol, Tobacco, and Firearms, and

"(M) other Federal agencies with specific statutory authority to investigate violations of Federal criminal laws, and

"(3) the term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, or the Commonwealth of the Northern Mariana Islands.

"LIMITATION ON AUTHORITY

"SEC. 1303. (a) Nothing in this part shall be construed to authorize the Director or the Federal law enforcement community to exercise any direction, supervision, or control over any police force or other criminal justice agency of an applicant for Federal financial assistance.

"(b) No funds provided under this part may be used to supplant State or local funds that would otherwise be made available for such purposes.

"(c) Nothing in this part shall be construed to limit any authority to provide emergency assistance otherwise provided by law.

"REPORT TO CONGRESS

"SEC. 1304. Not later than April 1 of each year, the Director shall submit to the President and the Congress a report describing emergency Federal financial assistance provided under this part during the calendar year preceding the date such report is made.

"ISSUANCE OF RULES

"SEC. 1305. The Director, after consultation with the Justice Assistance Board, appropriate members of the Federal law enforcement community, and with State and local officials, shall issue rules to carry out this part.".

TABLE OF CONTENTS

SEC. 17. The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3701-3799) is amended—

(1) by amending the item relating to part A to read as follows:

"PART A—OFFICE OF JUSTICE ASSISTANCE"

(2) by amending the item relating to section 103 to read as follows:

"SEC. 103. Establishment of a Justice Assistance Board."; and

(3) by amending the items relating to parts D, E, F, G, H, I, J, L, and M, to read as follows:

"PART D—NATIONAL PRIORITY IMPLEMENTATION AND REPLICATION PROGRAMS

"Sec. 401. Purpose.
"Sec. 402. Federal share.
"Sec. 403. Uses.
"Sec. 404. Applications.

"PART E—DISCRETIONARY GRANTS

"Sec. 501. Purpose.
"Sec. 502. Percentage of appropriation for discretionary grant program.
"Sec. 503. Procedure for establishing funding and selection criteria.
"Sec. 504. Application requirements.
"Sec. 505. Criteria for award.
"Sec. 506. Period for award.

"PART F—TRAINING AND MANPOWER DEVELOPMENT

"Sec. 601. Federal Bureau of Investigation training of State and local criminal justice personnel.

"PART G—ADMINISTRATIVE PROVISIONS

"Sec. 701. Assistant Attorney General for Justice Assistance.
"Sec. 702. Consultation; establishment of rules and regulations.
"Sec. 703. Notice and hearing on denial or termination of grant.
"Sec. 704. Finality of determinations.
"Sec. 705. Appellate court review.
"Sec. 706. Delegation of functions.
"Sec. 707. Subpena power; authority to hold hearings.
"Sec. 708. Employment of hearing officers.
"Sec. 709. Authority to use available services.
"Sec. 710. Consultation with other Federal, State, and local officials.
"Sec. 711. Reimbursement authority.
"Sec. 712. Services of experts and consultants; advisory committees.
"Sec. 713. Prohibition of Federal control over State and local criminal justice agencies.
"Sec. 714. Report to President and Congress.
"Sec. 715. Recordkeeping requirement.
"Sec. 716. Confidentiality of information.
"Sec. 717. Authority to accept voluntary services.
"Sec. 718. Administration of juvenile delinquency programs.
"Sec. 719. Prohibition on land acquisition.
"Sec. 720. Prohibition on use of CIA services.
"Sec. 721. Indian liability waiver.
"Sec. 722. District of Columbia matching fund source.
"Sec. 723. Limitation on civil justice matters.
"Sec. 724. Reimbursement for unused equipment.
"Sec. 725. Repayment.

"PART H—DEFINITIONS

"Sec. 801. Definitions.

"PART I—FUNDING

"Sec. 901. Funding.

"PART J—CRIMINAL PENALTIES

"Sec. 1001. Misuse of Federal assistance.
"Sec. 1002. Falsification or concealment of facts.
"Sec. 1003. Conspiracy to commit offense against United States.

"PART K—PUBLIC SAFETY OFFICERS' DEATH BENEFITS

"Sec. 1101. Payments.
"Sec. 1102. Limitations.
"Sec. 1103. Definitions.
"Sec. 1104. Administrative provisions.

"PART L—TRANSITION—EFFECTIVE DATE—REPEALER

"Sec. 1201. Continuation of rules, authorities, and proceedings.
"Sec. 1202. Title to personal property.

"PART M—EMERGENCY FEDERAL LAW ENFORCEMENT ASSISTANCE

"Sec. 1301. Application.
"Sec. 1302. Definitions.
"Sec. 1303. Limitation on authority.
"Sec. 1304. Report to Congress.
"Sec. 1305. Issuance of rules.".

REFERENCES IN OTHER LAWS

SEC. 18. (a) Any reference to the Law Enforcement Assistance Administration, or to the Administrator of the Law Enforcement Assistance Administration, in any law other than this Act and the Omnibus Crime Control and Safe Streets Act of 1968, applicable to activities, functions, powers, and duties that after the date of the enactment of this Act are carried out by the Office of Justice Assistance shall be deemed to be a reference to the Office of Justice Assistance, or to the Director of the Office of Justice Assistance, as the case may be.

(b) Any reference to the Office of Justice Assistance, Research, and Statistics, or to the Director of the Office of Justice Assistance, Research, and Statistics, in any law other than this Act and the Omnibus Crime Control and Safe Streets Act of 1968, applicable to activities, functions, powers, and duties that after the date of the enactment of this Act are carried out by the Bureau of Justice Statistics, the National Institute of Justice, or the Office of Juvenile Justice Delinquency Prevention shall be deemed to be a reference to the Bureau of Justice Statistics, National Institute of Justice, or Office of Juvenile Justice Delinquency Prevention, or to the Director of the Bureau of Justice Statistics, the Director of the National Institute of Justice, or the Administrator of the Office of Juvenile Justice and Delinquency Prevention, as the case may be.

TECHNICAL AMENDMENTS TO OTHER LAWS

SEC. 19. (a) Section 5314 of title 5, United States Code, is amended by striking out "Director, Office of Justice Assistance, Research, and Statistics.".

(b) Section 5315 of title 5, United States Code, is amended—

(1) by striking out "Administrator of Law Enforcement Assistance.", and

(2) by adding at the end thereof the following new item:

"Director, Office of Justice Assistance.".

(c) Section 1761(c) of title 18, United States Code, is amended by striking out "Administrator of the Law Enforcement Assistance Administration" and inserting in lieu thereof "Director of the Office of Justice Assistance".

EFFECTIVE DATE

SEC. 20. This Act shall take effect on October 1, 1982.

Mr. SPECTER. I thank very much the distinguished Senator from Minnesota for those very generous comments.

Mr. HELMS. Mr. President, will the Senator yield briefly?

Mr. SPECTER. I yield to the distinguished Senator from North Carolina.

Mr. HELMS. Mr. President, I join the able Senator from Minnesota in paying respect to ARLEN SPECTER. Senator SPECTER has brought a breath of fresh air to this Chamber.

I was here many years ago as administrative assistant to a couple of Senators from North Carolina, and at that

time one of the leaders in this body was the Honorable Richard Brevard Russell of Georgia, and there has never been a more able Senator than he. Senator Russell had an expression which he often voiced and which I find applicable to the Senator from Pennsylvania. Senator Russell would comment that in this body there are showhorses and workhorses. Mr. President, ARLEN SPECTER is a workhorse.

I compliment him for the constructions that he has made, is making, and will continue to make to the Senate. I compliment him, and I want him to know that it is an honor to serve in the Senate with him.

Mr. SPECTER. Mr. President, I am very gratified for those very generous remarks from the distinguished Senator from North Carolina (Mr. HELMS) and I thank him very much.

JUSTICE ASSISTANCE ACT OF 1982

Mr. BIDEN. Mr. President, today I introduced with my colleague from Pennsylvania, ARLEN SPECTER, a bill to reestablish the Federal criminal justice assistance program. I wholeheartedly support Senator SPECTER in introducing what we believe a bipartisan approach to helping State and local criminal justice agencies. Senator SPECTER, as chairman of the Judiciary Subcommmittee having jurisdiction over Federal assistance efforts, has worked very hard on developing a proposal that will help State and local law enforcement.

As the ranking member of the Judiciary Committee and chairman of the Democratic Task Force on Crime, I joined with my colleagues on this side of the aisle in introducing a comprehensive legislative package last June. One of the components of that package was a limited Federal assistance proposal for State and local government that focused on successful concepts and would allow for research and development of new crime fighting concepts.

This same approach is included in this bill, which was very well drafted by the Senator from Pennsylvania who must take, if not full credit, the lion's share of credit for the bill which I am cosponsoring.

Too often in the past, under the old LEAA program, assistance money was used to purchase equipment or pay salaries. Also, the former program resembled a scatter-shot approach with few dollars being spread so thin that achievement of success was difficult to measure.

Instead, this bill would take into account the lessons learned from the old LEAA program. Using a modest annual investment of $125 million, it would enable State and local governments to make criminal justice improvements by implementing effective program approaches in criminal justice operations.

PROGRAMS OF PROVEN EFFECTIVENESS

One of the features of this bill, similar to that which I introduced last June, would be funding programs of proven effectiveness such as career criminal prosecution; integrated criminal apprehension program (ICAP); sting; treatment alternatives to street crime (TASC); victim-witness assistance; arson prevention and control; prosecutor's management information system (Promis); violent juvenile offenders program (New Pride); and comprehensive crime prevention, and so forth.

We further intend that this program link research and actual program operation by having the National Institute of Justice be responsible for testing, evaluating, and recommending adjustments in the types of programs to be funded. It is our intent that this program be streamlined administratively and avoid a return to previous LEAA mistakes when limited Federal dollars were often spent in an ineffective manner.

TRAINING AND TECHNICAL ASSISTANCE

One provision of this bill calls for the Federal Government to provide grants up to 100 percent of the cost to State and local jurisdiction that request specific training or technical assistance. The intent is to provide the requesting jurisdictions with written material, training workshops, direct onsite technical assistance so that new concepts and programs of proven effectiveness can be started. It will be the responsibility of the requesting jurisdiction to cover the operating and day-to-day costs of the program.

Training and technical assistance will also be available for management problems or specific concerns that may not necessarily entail the development of one of the concepts listed above.

In this bill we recognize that there are certain programs that can best be undertaken on a national basis because of their long-term nature. These are programs that will assist State and local criminal justice systems throughout the country. Examples of such programs include the correctional and law enforcement standards and accreditation programs. These programs are in varying degrees of improving, monitoring, and evaluating correction and law enforcement services and facilities. The development of standards and their accreditation of correction and law enforcement agencies meeting those standards, provides an opportunity for State and local agencies to demonstrate they meet their profession's highest performance criteria.

Another program in the bill will be the emergency assistance funding program. When there occurs a crime problem of such a serious or epidemic proportion such as the Atlanta child murders or the drug-related violence in south Florida, the prompt support by the Federal Government to local and State agencies should be available.

We have carefully written this language to insure that the Federal Government does not needlessly intervene in matters of State and local concern. This program will only be implemented for crime emergencies of extraordinary circumstances and when State and local resources are not geared to expeditiously resolve the problem. In all situations in which these funds are used, primary responsibility for responding to the situation rests with the local or State jurisdiction. These funds are to be used to help coordinate and expediate resolution of the crime problem, following the request for assistance by the local jurisdiction.

Mr. President, this proposal represents a very modest authorization of $125 million a year. It is a far cry from the $1 billion a year investment that was going into Federal criminal justice assistance only a few years ago. It is important that assistance funds be made available to States and cities, but in a streamlined and efficient manner. This bill is intended to do just that.

There are several bills pending in the Senate that address this issue of State and local assistance. On the House side, Congressman HUGHES' criminal justice assistance bill was overwhelmingly passed out of the House in February by a vote of 289 to 73. It is clear that Congress recognizes the need for redesigning and continuing criminal justice assistance to States and cities.

Although the administration has yet to support any criminal justice assistance program or offer an alternative to those introduced, the Attorney General's Task Force on Violent Crime recommended in August 1981 that funds be available for implementing demonstration programs of proven effectiveness that require a reasonable match of State and local funds. I believe that is what this bill calls for.

I encourage my colleagues in the Senate to join Senator SPECTER and me in getting down to the business of working out the best possible approach to assisting States and cities with our most paramount domestic concern. Let us move forward on this Nation's crime problem.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER (Mr. HUMPHREY). The Senator from North Carolina.

Mr. HELMS. Mr. President, I thank the Chair for recognizing me.

LIMITING FORCED BUSING

Mr. HELMS. Mr. President, on March 2, the Senate adopted the Helms-Johnston amendment limiting court-ordered busing as part of the 1982 Department of Justice authorization bill.

89-059 O-85-13 (Pt. 6)

As the distinguished occupant of the Chair will recall, a number of our distinguished colleagues took exception to that measure and they argued rather vehemently that it ushers in the end of the American constitutional government.

As Senator JOHNSTON and I and others have repeatedly said, we strongly disagree with our colleagues on this point, and we based our disagreement on the explicit language of article III of the Constitution which clearly gives Congress power to control the jurisdiction of the Federal courts, and on section 5 of the 14th amendment.

Now, Senator EXON and I were just talking about this, and I was reminded during our conversation that Senator Sam Ervin, who used to sit yonder in that seat, often observed that judicial tyranny is not different or less oppressive from other types of tyranny. He argued strongly and persuasively that the Congress of the United States not only has the authority but the duty to limit the activities of a runaway court.

Mr. President, with all due respect to my distinguished colleagues who persist in making their doomsday constitutional arguments, I suggest that if they do not want Congress to have the power to limit the jurisdiction of the Federal courts, including the appellate jurisdiction of the Supreme Court, that my colleagues should propose a constitutional amendment to change article III.

Likewise, if they do not want Congress to have the power to enforce the 14th amendment they should seek to alter section 5 thereof in the same manner.

Mr. President, these comments were prompted by an article in the Washington Post of yesterday by the able columnist, editor, and student of Government, a good friend of mine, James Jackson Kilpatrick. Addressing himself to the constitutional "doomsayers," Jack Kilpatrick labels their arguments as balderdash. In five short paragraphs he puts such arguments in a proper perspective.

Mr. President, I ask unanimous consent that the Kilpatrick article entitled "The Busing Bill Is Quite Proper," be printed in the RECORD at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE BUSING BILL IS QUITE PROPER

(By James J. Kilpatrick)

A vast deal of foolishness continues to be written and propounded about the Senate's vote of March 2 in the matter of racial-balance busing. The Neighborhood School Act of 1982, tacked on to the Justice Department's authorization bill, says that in its exercise of powers "under Article III, Section 1, and under Section 5 of the 14th Amendment," Congress forbids the federal courts to impose certain remedies in school desegregation cases. Specifically, the courts may not issue any writ ordering a pupil to be bused, for purpose of achieving racial balance, for more than 10 miles or more than 30 minutes.

To listen to the thunderous calamity-howling of such senators as Bumpers of Arkansas, Dodd of Connecticut and Specter of Pennsylvania, you might suppose the torch of human freedom had been extinguished by the Senate's action. Indeed, Bumpers says almost that: the vote was "the beginning of the end of constitutional guarantees."

This is balderdash. Opponents of the measure are crying that it would limit the appellate jurisdiction of the Supreme Court. Nonsense. The bill would simply regulate the remedies that could be applied by federal judges in a certain class of cases arising under the 14th Amendment. But even if the bill were cast specifically in terms of a limitation upon the Supreme Court's jurisdiction, there seems to me not the slightest question of the power vested in Congress to do precisely that. The relevant clause in Article III says in plain language that the high court shall have original jurisdiction in certain cases, but in all the other cases coming before it the court shall have appellate jurisdiction "with such exceptions, and under such regulations as the Congress shall make." This power to make "exceptions and regulations" was vested in the Congress for a sound reason—to provide a legislative check and balance against the abuse of judicial power.

In point of fact, the act voted upon by the Senate last month was not predicated primarily on Article III but on Section 5 of the 14th Amendment. All the school cases rest on the same contention, that any manifestation by a state of racial discrimination is a denial of equal protection of the laws. But the 14th does not vest exclusive power in judges to say how such deprivations shall be corrected. On the contrary, "The Congress shall have power to enforce, by appropriate legislation, the provisions of this article." The hysterical reaction of various bar associations to last month's action cannot be justified. If the pending bill finally is written into law, no child, black or white, will be denied judicial review of his constitutional rights. All that will be denied is a court order compelling the child to be bused long distances from his home.

THE CHANNEL ISLANDS: A SOLUTION TO THE BRITISH/ARGENTINE DISPUTE?

Mr. HELMS. Mr. President, Secretary of State Haig has returned from Buenos Aires and London after hours of discussions on the crisis over the islands which in Argentina are called the Malvinas, and in Great Britain are called the Falklands. The problem of choosing which to call them is indicative of the deeply rooted disagreement over the question of sovereignty. Even by choosing one name or the other we tend to show bias in one direction or the other.

As chairman of the Western Hemisphere Affairs Subcommittee, I urged both countries to back up and cool off, to avoid a shooting war in our hemisphere. I made the plea that both sides should enter into negotiations concerning their differences. Both the Western Hemisphere and our European relationship are historically important to us. It is noteworthy that the European nations have largely lined up with Great Britain, while the Latin American nations have largely lined up with Argentina on the merits of the underlying issue of sovereignty.

The dispute between Great Britain and Argentina is complicated, and both sides can make points having some appeal and logic. But, in the final analysis, history appears to be on the side of Argentina in the dispute over sovereignty. The weight of scholarly and historical opinion, expressed in studies that were published long before the dispute became an international crisis, substantiates Argentina's claim, which has never been relinquished in over 149 years.

The very fact that this claim has never been relinquished, and indeed has been pressed by every Argentine Government of every political persuasion, is sufficient to establish that the British assertion of sovereignty has never been a settled question.

Nevertheless, it is important to remember that both our NATO allies and our Western Hemispheric allies are important to the defense of the free world. If a war broke out in the Western Hemisphere, say in the Caribbean, we need to have hemispheric unity. Such a catastrophe would almost certainly require that military assets now deployed for the defense of Europe would have to be diverted to this hemisphere, undermining NATO defense. By the same token, a substantial percentage of supply to support any NATO action in Europe would have to go through the Caribbean. We must not look at this as an either/or situation, where we are forced to choose between NATO and the Rio Pact.

It is time, therefore, for both the Argentines and the British to find some formula which will allow the national interests of both nations to be satisfied. I think that such a formula can be found. I would suggest, for instance, that a suitable model for the solution could be found in the special situation of the Channel Islands, a situation which is intimately familiar to the British, and one which they, perhaps, could be comfortable with.

The Channel Islands lie between England and France. They were once part of the Duchy of Normandy. They are inhabited by persons of French—that is, Norman—stock. During the Conquest of 1066, William the Conquerer ascended the British throne, and the Channel Islands became part of the British dominions. But the islands of Jersey, Guernsey, Alderney, and Sark maintained the privilege of being administered according to their own ancient laws and customs, being grouped into two bailiwicks of Guern-

sey and Jersey with differing constitutions.

This status grew up through custom and the isolation of the islands. But no one would dream of changing it today.

A Channel Islands solution for the Malvinas/Falklands dispute would simply reverse Britain's role. Argentina would have its sovereignty over the islands recognized by Britain. But Argentina, on the other hand, would grant the islanders a charter which would establish the rights of the British islanders and their descendants to maintain their cultural heritage and laws. The islanders might be Argentine citizens, or they could carry dual passports, as many of the Anglo-Argentine community on the mainland already do.

Such a formula would allow Argentina to achieve its political goal of sovereignty, as well as the goal of national security. The British would achieve their goal of seeing that the rights of the islanders are guaranteed in an acceptable fashion.

I suggest to the leaders of both countries that they look carefully at the historical precedent which already lies within Britain's experience. It would be a great tragedy if this dispute served to divide allies who should be working in concert. The only beneficiary of such a division would be the Soviet Union. Such a result would be seriously detrimental to the United States, Great Britain, Argentina—and indeed to the free world.

Mr. President, a number of people in my own State and from other States have written to me asking for detailed comments on the dispute between Great Britain and Argentina. It has been my experience that media reports concerning my statement of a couple of weeks back, to say the least, have been inadequate. I have prepared a rather comprehensive letter in response to the citizens who have written to me.

Mr. President, I ask unanimous consent that this letter, which I am sending to my constituents, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,
Washington, D.C.

DEAR FRIEND: Many have written or otherwise contacted me, as you did, about the situation in the so-called Falkland (or Malvinas) Islands. I appreciate hearing from so many—both pro and con—because I am thereby accorded this opportunity to state my position in greater detail than has appeared in the news media.

First of all, I should mention that no other member of Congress has been more supportive of Prime Minister Thatcher than I. No one has a greater pre-disposition to support the British people than I. As for Mrs. Thatcher, in the years prior to her becoming Prime Minister (when she was regarded almost as persona non grata by the U.S. State Department), she literally operated out of my office when she came to Washington.

By the same token, I have long been apprehensive about the U.S. foreign policy that seemed determined to discard any hope of a coalition of non-communist countries in Central and South America, countries that clearly have wanted to be friendly and helpful to the United States.

Regardless of any pretense to the contrary, there is much at stake in this dispute that, unless we exercise great care, could directly and destructivley influence the national interests—indeed, the security—of the United States. Our primary goal in mediating a settlement should be to keep the inter-American system intact.

The great danger now is that if the United States is perceived as tilting towards Europe, rather than maintaining a legitimate interest in our allies in the Western Hemisphere, we could find ourselves isolated and cut off from our neighbors. There is little question in my mind that the Spanish-speaking and Portuguese-speaking nations, regardless of ideological coloration, will rally to support Argentina's claims. Nor can we risk having our friends abandon their willingness to defend this Hemisphere against Marxism and Communism, because of apparent rejection by the United States.

I knew that I would be misunderstood, and that I would have to endure criticism, but I felt obliged to state publicly my view that *both* nations should back up and cool off. The British have little to gain in this dispute, and a lot to lose.

I repeat: I have great affection for the British people, and admiration for Prime Minister Thatcher, whom I regard as a personal friend. But there are ominous implications in seeing the British over-extend themselves in an effort to hold on to dubious claims on islands 8,000 miles away from home. In the past 30 years, the British have dismantled their empire under the pressures of liberalism, surrendering vital economic and political interests without a murmur. As a result, today the British cannot even afford to retain the vessel H.M.S. Invincible, which is leading their fleet. The Invincible has been sold to Australia.

Now, let's examine the dispute between Argentina and Great Britain: It has existed for more than 150 years. It has been under intensive negotiation for the past 20 years. Those negotiations recently broke down when the British Foreign Secretary, Lord Carrington, refused to put substantive issues on the agenda. Moreover he ignored very clear signals that the Argentines were preparing to occupy the islands. In an admission of the failure of his policy, Lord Carrington resigned.

The fact is, however, that the British themselves occupied the islands by force in 1833, and established a colony on what was without question Argentine territory—territory which had been part of Argentina even under the Spanish. The colonization of disputed territory is a breach of faith which cannot be justified no matter how long ago the aggressive act occurred. Furthermore, it invalidates the British claim that the dispute should be settled by "self-determination" of the illegal colonists.

In addition, it must be remembered that the occupation of the islands by the British was a violation of the Monroe Doctrine, which had been proclaimed in 1823. The sending of an armed armada by a European power into the waters of the Western Hemisphere in 1982 is another violation of the Monroe Doctrine, and a threat to the integrity of the inter-American system. Our obligations under the Rio Treaty antedate our obligations under the NATO treaty, and are of equal importance to our national interests.

At this point, it should be mentioned that Secretary of State Haig was privy to the decisions of the British, yet he failed to persuade them to keep hostile warships out of the Western Hemisphere. This failure may have grave consequences upon our relations with the rest of the nations in the Western Hemisphere.

Nevertheless, as often happens in disputes between friends, neither side is wholly in the right. The Argentine action in dispatching their military forces to the islands must be condemned. At the same time, we must recognize that, in doing so, President Galtieri gave orders that no loss of British life should take place. This policy was adhered to, even though some Argentine military personnel were killed or wounded by British fire. Meanwhile, it should be noted that the residents on the islands have nothing to fear from Argentine administration. They remain free to leave the island, if they choose, or to stay. If they wish to leave, transportation will be provided, and just compensation awarded. Those who wish to stay may continue their present activities; the Argentine government has even offered to sell more land to the residents, which they have been unable to obtain under British rule.

I would ask: Is it not ironic that the British concern for the future of the island colonialists was not matched by British concern for their fellow citizens in Zimbabwe, formerly Rhodesia? In that case, the British forced Zimbabweans to set aside free and fair elections based upon a constitution which would have guaranteed future rights for all. Instead, the British imposed a weak constitution, and then allowed Marxist terrorists to intimidate the electorate. The result is that a Marxist-Leninist government now controls Zimbabwe, and the guarantees of the Lancaster House agreement have been abrogated.

I would reiterate that I am perhaps the only U.S. Senator who has a personal relationship both with Prime Minister Thatcher and with the Argentine government. I have called upon the British fleet to turn around at the half-way point, and I have called upon the Argentine government to take their fleet back into home port. Obviously, a negotiated settlement must include real guarantees for the island residents. In this regard, it must be noted that thousands of families with British citizenship have lived in Argentina for two or three generations, without losing their language or cultural rights. Indeed, they have participated with distinction in the social, agricultural, and business elites of Argentina at the very highest level of acceptance.

The islands in dispute are an integral part of Argentina's national consciousness, and of great strategic and economic importance to Argentina's national integrity. All Argentine governments of every political philosophy have sought to get them back. The only stated concern of the British is for the future of the British colonialists living there.

Regrettably, both countries have overreacted to this dispute. Both face severe economic problems at home. In each case, those problems have been generated by the attempt to withdraw their respective countries from the ravages of socialism. Thus both have turned to highly dangerous and

economically ruinous military adventures as a basis for national solidarity. We must try to be understanding of the problems of both countries.

The only basis for settlement is one which does not dismiss Argentina's underlying sovereignty. There are many compromises possible on the other issues. But it is important for the United States to realize that a paramount United States interest lies in building Hemispheric unity in the Americas.

The increasing Finlandization (neutralization) of Europe, the volatility of the Middle East, the disintegration and decline of Africa, and the occupation of Asia by Marxist and Maoist governments all make it all the more crucial to the security of our own nation to build friendly relations with the countries of the Americas, and to cement hemispheric unity. That is why we must work for a peaceful resolution of this dispute.

I could have kept silent about my concerns, but my conscience would not allow me to do and say nothing when I see disaster lying down the road for the United States—indeed for the survival of freedom in the world.

The communists understand that the United States is the key to solidarity among the non-communist nations of Central and South America. They also understand that if the hope of such solidarity can be destroyed, then they will be free to confront the United States in our own front yard.

I regret that some of my friends have not understood my position. I appreciate those who have understood. As I write, I have high hopes that there will be a negotiated settlement between two friendly nations. If that happens, only the communists will be disappointed.

I am grateful to all who have contacted me about this matter.

Sincerely,

JESSE HELMS.

Mr. HELMS. Mr. President, I was asked a question the other day by a good friend, who put it in a rather terse fashion:

What is it to us who has the Falkland Islands, Great Britain or Argentina?

I said to him, that is not the point. The point is that the United States must be evenhanded in its approach to this problem because the Communists are trying to take over Central America, and they have made deep inroads already.

The Latin American nations, as is evidenced by the action of the OAS yesterday, are going to stick together on the Falklands matter. We are counting on our friends in Latin America to resist the intrusion of communism in this hemisphere. If we back off, if we withdraw our friendship with the nations which want to be our friends, then I fear that the coalition against communism in Central America will collapse. Then we must ask ourselves, what happens then?

Look back to Vietnam, Mr. President, when we sent a half million American men to fight a war we did not let them win, and we let the Communists take over.

Do you remember the boat people, Mr. President? Ten percent of the population of Vietnam, I am told, were willing to climb aboard leaky boats trying to escape the oppression of communism in Vietnam and the slaughter in Cambodia. Many hundreds lost their lives.

Now, let us apply that to the 100 million people who live between our southern borders and Panama. They will not have to be boat people. They can walk north. They will need no boats. They will be feet people, and they will flood over our borders. If you want to use the 10-percent figure—I think it would be greater—but if you want to use the 10-percent figure that happened in Vietnam when the Communists were allowed to take over, then you have 10 million people flooding over our borders, people who do not speak English, who have no housing, no clothing, and no jobs.

I ask those who are so quick to sit in judgment of our friends in Latin America: What would they propose to do about those 10 million aliens flooding over our borders? We cannot stop them, Mr. President, because we have more security guards protecting this U.S. Capitol than we have protecting our southern borders. So that is the question that a lot of editors and a lot of political figures would do well to consider.

Mr. President, I yield the floor.

Mr. BAKER. Mr. President, will the Senator yield to me?

Mr. HELMS. Yes.

EXTENSION OF TIME FOR ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I was about to ask for an extension of time for the transaction of routine morning business, if there is any need for that. If the Senator from North Carolina has finished, and if there is no other Senator seeking recognition, I will withhold that request, but I am agreeable to it.

There will be a cloture vote this afternoon at 2:45. I do not anticipate any extensive debate on Senate Resolution 20 prior to that time, so we could devote that time to morning business if there is any need for it. I believe the safe thing to do might be to extend the time for the transaction of morning business briefly and if there is no speaker, then, of course, we can close it.

Mr. EXON. Mr. President, will the majority leader yield?

Mr. BAKER. Yes, I yield.

Mr. EXON. Mr. President, on this side of the aisle we have had no request for further morning business, so we would be happy to go along with the thoughts and wishes of the majority leader.

Mr. BAKER. I thank the acting minority leader.

Mr. President, I ask unanimous consent that the time for the transaction of routine morning business be extended to not past the hour of 1 p.m., in which Senators may speak under the same terms and conditions as previously ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE FIRST NATIONAL ORGAN DONATION AWARENESS WEEK

Mr. GORTON. Mr. President, due to the graciousness of the wife of the Vice President of the United States, work of the American Medical Association and of the Washington State Medical Association to create a greater awareness of the necessity for organ donation for the benefit of those who will come after us, Senator JACKSON and I have signed a proclamation for our own State designating April 25 through May 1 of this year as "The First National Organ Donation Awareness Week."

Mr. President, I ask unanimous consent that the proclamation signed by my senior colleague from the State of Washington and myself be printed in the RECORD.

There being no objection, the proclamation was ordered to be printed in the RECORD, as follows:

PROCLAMATION

Whereas, many who are afflicted, sightless, or dying—whose kidneys, eyes, skin, or human growth are unable to sustain them—can, through organ donation, be restored to sight or otherwise helped or cured; and

Whereas, through organ donation, those who care and have foresight thus may give the gift of life and living to those in need when they, themselves, depart; and

Whereas, as a result of Washington State's recognition of the First Annual Organ Donation Week in 1981, all states of the Union and the American Medical Association Auxiliary have made similar observances;

Now therefore, We, Henry M. Jackson and Slade Gorton, United States Senators from the State of Washington in order to create for the citizens of our Nation an awareness of both the need for, and opportunity for this gift of life and of living through organ donation, hereby proclaim the week of April 25 through May 1, 1982 as "The First National Organ Donation Awareness Week" and invite all citizens to consider this transference of life from themselves to those who are less fortunate.

Mr. GORTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOLE-SOURCE CONTRACTS

Mr. DIXON. Mr. President, a few weeks ago I spoke on this floor against the Army's proposed "sole-source" contract for the M-9 armored combat earthmover. I said then that I feel it is foolish to award any contract on a "sole-source" basis when companies of good reputation are anxious to bid competitively. Now, Mr. President, a new example of "sole-sourcing" a defense contract has come to my attention.

The U.S. Navy is considering the procurement of a new low-altitude aerial reconnaissance camera for the RF-4B aircraft. My extensive inquiries indicate strongly that the Navy is circumventing both competitive procurement procedures and U.S. industrial sources in acquiring this camera. It has created a purchase requirement that can be met only by a single foreign manufacturer, to the detriment of U.S. workers and the domestic mobilization base.

Mr. President, the Navy did publish an announcement on September 1, 1981, in the Commerce Business Daily, seeking suppliers for an "off-the-shelf" low-altitude reconnaissance camera meeting a list of detailed specifications. No U.S. firm was able to respond, because of the specifications listed and the short 14-day period for response. The Navy had made a decision to procure these cameras for the RF-4B on a "sole-source basis" before test and delivery of the camera was complete and long before U.S. companies were notified of the need for such a camera. In a letter to me dated March 26, 1982, Assistant Secretary of the Navy George A. Sawyer, stated:

There is not sufficient time to develop a camera from U.S. sources for use in the RF-4B before the end of the projected life of the aircraft. Even if time permitted, we could not justify the expenditure of funds to develop such a camera when one has already been developed and can be procured off-the-shelf.

Mr. President, I must strongly disagree with that statement. There are U.S. companies that could have acted on this requirement back in 1979, when the Navy indicated a need for this type of camera. A company from my own State, CAI, a division of Recon/Optical, Inc. is prepared to develop a camera meeting the Navy's current requirements at its own expense if it is assured of a fair opportunity to compete. A competitive procurement would undoubtedly result in a lower camera price. Mr. President, the Navy intends to spend approximately $13.8 million between now and 1985 on two cameras, the K107C and K108. It will be spent with the U.S.-based subsidiary of the German camera company, Carl Zeiss.

Mr. President, the "sole-source" language of the Armed Services Procurement Act (title 10 U.S.C. section 2304(a)(10)) states that such procurement must be "for property or service for which it is impractical to obtain competition."

In reality, though, the Defense Department's tendency is to award contracts frequently on a sole-source, noncompetitive basis. This serves only to bar business from the defense supply picture, and increase procurement cost to the Government.

Mr. President, the Illinois congressional delegation intends to discuss this matter at its next meeting. I have written the Secretary of the Navy, Mr. Lehman, requesting a meeting to discuss the situation.

I ask unanimous consent to have printed in the RECORD my letter to Secretary Lehman.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., April 15, 1982.

Hon. JOHN F. LEHMAN,
Secretary of the Navy, Department of the Navy, Washington, D.C.

DEAR SECRETARY LEHMAN: I am in receipt of a letter from Assistant Secretary George A. Sawyer responding to my letter of February 4, 1982 to you regarding the Navy's planned procurement of a low altitude aerial reconnaisance camera for the RF-4B aircraft.

Assistant Secretary Sawyer's letter of March 26, 1982, had convinced me that the Navy is seriously considering sole-sourcing this contract for the low altitude aerial reconnaisance camera to the Carl Zeiss Foundation of the Federal Republic of Germany.

My study of the March 26 letter indicates that the Navy made a decision to procure the KA-107 camera for the RF-4B on a sole-source basis from Zeiss before test and delivery of the camera were complete, and long before United States companies were notified of the requirement for such camera. (See attached chronology of events.)

The awarding of a $320,000 contract to Zeiss for the Automatic Test Set for the KA-107C/KA-108A before testing of the 107C camera had even been completed can be justified only if the Navy had already made the decision to procure the camera for the RF-4B fleet.

Assistant Secretary Sawyer's letter further states ". . . There is not sufficient time to develop a camera from U.S. sources for use in the RF-4B before the end of the projected service life of the aircraft. Even if time permitted, we could not justify the expenditure of funds to develop such a camera when one has already been developed and can be procured off-the-shelf." Mr. Secretary, this statement is not correct.

There are U.S. companies that could have acted on this requirement in 1979 had the Navy indicated a need to them for this type of camera.

American companies, such as CAI, a division of RECON/OPTICAL, Inc., have consistently demonstrated their willingness to respond to the Navy's requirements for aerial reconnaissance cameras when those requirements were identified to U.S. industry and more importantly, CAI is now prepared to develop a camera meeting the Navy's current requirements at their own expense if it is given a fair opportunity to compete with Zeiss.

CAI has the capability and is prepared to produce a camera meeting the Commerce Business Daily's specifications and the Navy delivery schedule, if the Navy conducts a fair, competitive procurement. A competitive procurement would undoubtedly result in a lower camera price.

Mr. Secretary, a further study of Assistant Secretary Sawyer's letter indicates that in addition to freezing U.S. industry out of the KA-107C camera procurement, the Navy appears to be positioning itself to make an additional sole-source procurement from Zeiss of production quantities of the KA-108 camera as well.

Mr. Secretary, the Illinois Congressional Delegation will be meeting at the end of April and I have been in contact with some members of the delegation regarding this sole-source situation.

As the Secretary/Treasurer of our delegation, I have been asked to add this subject to our April agenda.

I would hope that the Navy reconsiders its decision to sole-source this camera to Zeiss. I would like to meet with you and members of your staff along with appropriate personnel from CAI and Zeiss to discuss this entire matter before any additional action is taken by the Illinois Congressional Delegation.

Sincerely,

ALAN J. DIXON.

ATTACHMENT 1.—CHRONOLOGY OF KA-107/108 PROGRAM

Navy contract to Zeiss for 1 each KA-107 and 1 each KA-108, March 30, 1979.

Zeiss delivery to Navy of KA-107, April 1980.

Flight test of KA-107, July to October 7, 1980.

Navy contract to Zeiss for KA-107/KA-108 automatic test set ("O" and "I" level), July 16, 1980.

Navy completed and approved integrated logistic support plan for KA-107C, April 21, 1981.

Navy issued modification to automatic test set contract, May 22, 1981.

USMC submittal of formal operational requirement for KA-107C/KA-108A type cameras, June 22, 1981.

Commerce Business Daily notice for KA-107C-type camera published by Navy, September 1, 1981.

Mr. DIXON. Mr. President, at a time when the Government is facing large deficits and unemployment is at record heights, I find it impossible to condone the continued practice by the Defense Department of "sole-sourcing" contracts.

I will support many of the Defense Department's budget requests, as I have in the past, but I cannot support its noncompetitive approach to procurement. These "sole-source" contracts must be halted, and the Defense Department must begin to realize that we in Congress will closely examine each request to spend the taxpayers' money.

It is our responsibility to renew a commitment to an efficient, cost-effec-

tive procurement policy that has, sadly, been allowed to lapse.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FINANCIAL DISCLOSURE OF SENATOR DeCONCINI

Mr. DeCONCINI. Mr. President, pursuant to my long-standing belief that all public officials should make financial disclosures, I am submitting for the record this date a financial report dated December 31, 1981, for Susan and DENNIS DeCONCINI. We filed a financial statement immediately upon my admission to the Senate and have filed a financial statement each year after that. I have supported the "Senate Code of Conduct," and, in addition, I believe in strict financial disclosures. I strongly urge that all of my colleagues comply with such disclosures because it is necessary that the public have confidence in its public officials, and total disclosure by all Members of Congress would make that public confidence more likely. Our public officials should approach their constituents with total candor, and the exemplary efforts of Members of Congress to make financial disclosure a way of life are to be commended.

Mr. President, additionally, I urge the executive and judicial branches of Government to make similar financial disclosures. We need not fear the American people whom we all serve, and I believe they are entitled to a total and complete accounting.

Additionally, I should like to state at this time that I am rejecting the recent tax deduction of $75 per day that Congress voted itself last year. I am both outraged and appalled by that recent congressional action. As Senators are aware, I have consistently opposed congressional pay raises, and this new law is nothing but a back door pay raise. The very idea that our lawmakers would not be subject to the same taxes as the rest of the population is repugnant in a democracy.

I am working actively to reverse this new law. Particularly in this time of economic uncertainty, it is unconscionable that while the rest of the country suffers from a recession, Congress shall allow itself this additional tax deduction.

You may be assured that I will continue my efforts to repeal this legislation, but until these efforts are successful I will not take advantage of this new tax break for my tax return in 1981. I will only use the exemption provided for under the provisions of the 1953 law. The new law would have allowed me at least a $19,200 deduction, but I cannot support such a deduction. Allowable deductions should be documented expenses. We should not tolerate the allowance of deductions for nonitemized amounts, which only Members of Congress can claim.

I ask unanimous consent that the financial report be printed in the RECORD.

There being no objection, the financial report was ordered to be printed in the RECORD, as follows:

DENNIS AND SUSAN DeCONCINI BALANCE SHEET AND ACCOMPANYING SCHEDULES, DECEMBER 31, 1981

SCHORR, LEONARD & FELKER, P.C.,
Tucson, Ariz., April 13, 1982.

Hon. and Mrs. DENNIS DeCONCINI,
Dirksen Senate Office Building,
Washington, D.C.

DEAR SENATOR AND MRS. DeCONCINI: Pursuant to your instructions, we have prepared a Balance Sheet with accompanying schedules for the year ending December 31, 1981 which includes your separate and community property.

The Balance Sheet and its schedules were prepared without audit but from information we believe reliable, including information supplied by you and information available to our firm by reason of representing you and members of your family in matters involving state and federal taxation, including preparation of federal and state income tax returns. We conducted such other inquiries that we deemed necessary to determine the assets in which you have an interest and the extent of your interests therein.

Based on the foregoing, it is our opinion that the Balance Sheet and schedules adequately disclose all property, including, without limitation, real property, partnerships, corporations, trusts or other entities in which you have a financial interest and the extent of your financial interest therein.

In addition to the preparation of the Balance Sheet and schedules, you requested an estimate of your consolidated net worth if your assets were valued at market value. We made such inquiries as we deemed necessary to determine the market value of your consolidated assets. Accordingly, it is our opinion that your consolidated net worth, based on market value, falls within a range of 3.1 to 3.5 million dollars.

This acknowledges that our firm does not have a financial interest in any of the assets.

Sincerely,

SIDNEY LEX FELKER.

Dennis and Susan DeConcini balance sheet, Dec. 31, 1981

Assets:	
Current assets:	
Cash in banks	$21,905
Time deposits	16,474
Accounts receivable	425
Total current assets	38,804
Income properties at cost (schedule I):	
Buildings	672,836
Less accumulated depreciation	139,103
Total	533,733
Land	151,053
Net income properties	684,786
Other assets:	
Stocks and bonds (schedule II)	31,183
Undeveloped land	63,896
Real estate mortgages and contracts receivable	226,657
Real estate partnerships (schedule III)	364,085
W. M. Investments, an investment club	8,253
Southwest Radio & Television, Ltd., a partnership	20,907
Cash surrender value (life insurance)	9,725
Residence (Virginia)	160,565
Personal property	48,004
Prepaid expenses	2,496
Office furniture	1,058
Accounts receivable—Committee for DeConcini for Senate [1]	72,026
Assets owned by Susan DeConcini (schedule IV)	375,168
Total other assets [2]	1,384,023
Total assets	2,107,613
Liabilities and net worth:	
Current liabilities:	
Current portion of long-term debt	18,348
Deposits Payable	800
Total current liabilities	19,148
Long-term debt:	
Debt secured by mortgages on rental property (schedule I)	526,718
Debt secured by mortgage on residence	111,937
Loans payable (family members)	124,372
Debt secured by assets owned by Susan DeConcini	46,013
Total	809,049
Less current portion	18,348
Total long-term debt	790,692
Total liabilities	809,840
Net worth at cost: Consolidated net worth of Dennis and Susan DeConcini	1,297,733
Total liabilities and net worth [3]	2,107,613

[1] Represents loans made by Dennis DeConcini to the committee for DeConcini for Senate. It is unknown as of this date whether the balance or any portion thereof will be paid.

[2] Dennis DeConcini owns 0.469 percent capital interest in Roadrunner Television, a partnership, having a negative capital balance of $20,947.

[3] Dennis and Susan DeConcini are a contingently liable (i) for $20,000 by reason of a continuing guarantee executed in connection with a mortgage loan against real estate owned by the Kino Learning Center, Tucson, Ariz., (ii) $15,000 as partial guarantor to a financial institution for a loan to a family partnership.

SCHEDULE I.—DENNIS DeCONCINI, DEC. 31, 1981: INCOME PROPERTIES

Description	Land	Improvements	Accumulated depreciation	Net book value	Mortgages
Part of lot 2 of lot 3, block A, National City Annex, Pima County, Ariz.	$8,300	$27,000	$18,626	$16,674	$9,250
Lot 24, block A, National City Annex, Pima County, Ariz.	4,665	35,070	26,977	12,758	0
Portions of lots 45, 46, 47, 48, block 38, Ocean Beach, Calif.	26,830	85,170	25,552	86,448	57,922
Lot 23, block 5, Nettleship tract No. 1, Pacific Beach, Calif.	28,574	100,426	30,636	98,364	54,955
234 N. Norton, Tucson, Ariz., assessor's code 125–08–0530	4,000	64,920	12,984	55,936	8,698
Unit 303 Henlopen Condominiums, Lakeview St. and Grenoble Place, Rehobeth Beach, Del.	10,497	87,502	8,531	89,468	59,589
Canyon View Apartments, 305 Cedar Lane, Sedona, Ariz., assessor's code 401–13–006, 007, 008	68,187	272,748	15,797	325,138	336,304
Total	151,053	672,836	139,103	684,786	526,718

SCHEDULE II.—DENNIS DeCONCINI, DEC. 31, 1981: STOCKS AND BONDS

Name	Number of shares	Amount
State of Israel bond	1	$1,000
IBM	40	2,692
Inter Isle resorts	100	516
Communcation system	505	1,738
Liberty Corp.	200	1,772
Valley National Corp	1,050	14,398
Homestake Mining	60	1,440
Fidelity Trend Fund	137	4,474
A.T.&T.	3	153
National Bank of La Jolla	300	3,000
Total		31,183

SCHEDULE III.—DENNIS DeCONCINI, DECEMBER 31, 1981: REAL ESTATE PARTNERSHIPS [1]

	Total	3–D properties	2–D properties	4–D properties	DeConcini-Hurley	2–D Larriva
Assets:						
Real estate less accumulated depreciation:						
Buildings	$1,106,713	$877,443	$41,524	$92,195	$95,551	
Furnishings	298,583	292,031			6,552	
Total	1,405,296	1,169,474	41,524	92,195	102,103	
Less: Accumulated depreciation	398,635	347,177	4,383	11,390	35,685	
Net depreciable assets	1,006,661	822,297	37,141	80,805	66,418	
Land	1,290,436	125,685	64,318	1,010,050	48,835	$41,548
Net real estate	2,297,097	947,982	101,459	1,090,855	115,253	41,548
Other assets at cost less applicable depreciation:						
Other partnership interests	194,668	9,721		184,947		
Shopping Centers, Inc. stock	400,000			400,000		
Mortgage notes receiveable	203,384	34,385	136,435	26,105		6,459
Accounts receivable	52,431	13,446	38,985			
Prepaid expenses	5,323	5,323				
Cash	17,923	26	5,830	5,187	3,587	3,293
Net other assets	873,729	62,901	181,250	616,239	3,587	9,752
Total assets	3,170,826	1,010,883	282,709	1,707,094	118,840	51,300
Liabilities:						
Long-term debt	711,156	52,991		658,165		
Due to financial institutions	981,691	861,941		88,800	30,950	
Total long-term debt	1,692,847	914,932		746,965	30,950	
Other liabilities:						
Current maturities	176,965	147,365		29,600		
Other	3,051	2,812		239		
Deferred gains—installment sales	77,566		74,343			3,223
Total other liabilities	257,582	150,177	74,343	29,839		3,223
Partners capital:						
Dennis DeConcini	364,085	(17,876)	104,183	221,752	43,944	12,082
Other partners	856,312	(36,350)	104,183	708,538	43,946	35,995
Total partners capital	1,220,397	(54,226)	208,366	930,290	87,890	48,077
Total liabilities and capital	3,170,826	1,010,883	282,709	1,707,094	118,840	51,300
Dennis DeConcini's interest in the capital, profit and losses of each partnership is (percent)		33⅓	50	25	50	25

[1] The partnerships are composed primarily of members of the DeConcini family.

Schedule IV.—SUSAN DeCONCINI: Balance Sheet, Dec. 31, 1981

	Amount
Assets:	
Current assets:	
Cash in banks	$10,401
Total current assets	10,401

Schedule IV.—SUSAN DeCONCINI: Balance Sheet, Dec. 31, 1981—Continued

	Amount
Real property at cost less accumulated depreciation:	
California properties:	
Buildings and Improvements	87,034
Less: Accumulated depreciation	67,777
	19,257
Land	39,355
Total	58,612

Schedule IV.—SUSAN DeCONCINI: Balance Sheet, Dec. 31, 1981—Continued

	Amount
Arizona Properties:	
Buildings and Improvements	175,398
Less: Accumulated depreciation	76,429
Land	120,786
Total	219,755

Schedule IV.—SUSAN DeCONCINI: Balance Sheet, Dec. 31, 1981—Continued

	Amount
Other land:	
One-half interest in 137 acres, Maricopa County, Ariz	55,395
Net real property	333,762
Other assets:	
DeConcini-Gallo, a partnership	10,506
Security deposits	588
Cash surrender value—Life insurance	16,911
Shares—Monterey Water	3,000
Total	31,005
Total assets	375,168
Liabilities:	
Mortgage payable to institution	26,635
Loan payable to institution	18,000
Security deposits payable	1,378
Total liabilities	46,013
Net worth at cost	329,155
Total liabilities and net worth	375,168

DISCHARGE AGREEMENT ON THE VENUE BILL

Mr. DECONCINI. Mr. President, last month during consideration of S. 1080, an agreement was worked out between the floor managers of that bill and leadership concerning the method for handling printed amendment 1267, which I had offered to S. 1080 that amended the venue provisions of title 28 of the United States Code. It was agreed that in return for pulling the amendment off S. 1080, I would introduce a separate bill substantially similar to the printed amendment which would be referred to the Committee on the Judiciary and if that committee had not reported the bill by April 30, 1982, the bill would be considered as having been discharged and placed on the Senate Calendar. Leadership further assured me that the bill would be called up within a reasonable period of time following April 30.

Because of a delay in introducing the bill and the intervening Easter recess, I have agreed to extend the discharge date by an additional 2 weeks. With that background in mind, I ask unanimous consent that the bill be referred to the Committee on the Judiciary, with the following proviso: That if the committee has not reported the bill by May 14, 1982, the bill be considered as having been discharged, and that it be placed immediately on the Senate Calendar.

The PRESIDING OFFICER. Is there objection?

Mr. BAKER. Mr. President, reserving the right to object, I must say to my friend from Arizona that I was not aware of the unanimous-consent request in respect to the reference and the time for action by the Judiciary Committee. I wonder if the Senator will withhold that request until we can check it through our clearance procedure.

Mr. DECONCINI. I will be happy to do so.

I ask unanimous consent that the request be withheld for the time being.

The PRESIDING OFFICER. Without objection, it is so ordered.

If the Senator will yield, the Chair understands that the Senator wishes to have the bill introduced at this time.

Mr. DECONCINI. Yes. I wish to have the bill introduced and the unanimous-consent request setting forth the date here withheld subject to the approval of the majority leader.

The PRESIDING OFFICER. Without objection, the bill is received.

MODIFICATION OF VENUE PROVISIONS OF U.S. CODE

Mr. DECONCINI. Mr. President, today I am introducing a bill to modify those provisions of title 28 of the United States Code that deal with venue, that is, where a case is heard assuming the court has jurisdiction. The purpose for this bill is my concern that the present venue law potentially causes a substantial injustice to occur by allowing cases to be heard and decided in judicial forums far removed from where the impact of a decision will be felt. A more equitable system would be one that assured, other factors being equal, that justice be conducted within the general locale of those affected by the outcome. In some cases this will add to the inconvenience of the Government and it will result in a forum selection that is not the first choice of the plaintiff. I believe these considerations should be secondary and must yield to the rights of those people affected by the ruling of the court.

I, together with several of my distinguished colleagues on the Committee on the Judiciary such as Senators LAXALT, SIMPSON, and HATCH, have had a great interest in this subject matter for the past several years since some egregious examples of forum shopping came to our attention. During the past Congress, hearings were held on bills introduced by Senator LAXALT and myself before the Courts Subcommittee. The result was S. 3023 of the 96th, Congress which was approved by the Judicary Committee but never brought before the full Senate. The language of this amendment includes major portions of that bill and extends its application to other than simply environmental matters. For instance, much of the seminal work on the title 28 United States Code 1391(e) district court amendments, was done by Senator SIMPSON and with his approval and cosponsorship has been added to the venue revision encompassed by this bill.

Within the past decade we have witnessed a growing disillusionment with the concentration of power in our Federal Government in Washington. A part of this feeling has been the consequence of actions taken by judges in the Federal courts of the District of Columbia in cases which had little or no impact on the residents of Washington, but which deeply affected the lives of citizens living thousands of miles away from the Capital. In many of our States, these judges are viewed as just another extension of the Federal Government, and their rulings are viewed suspiciously as just another attempt by the Federal Government to intrude upon the lives of the people. I know that the people of Arizona or Nevada would feel much better and have a much greater sense of participating in our Government's workings if it were judges in those States, or the ninth circuit, that were making the decisions that affected their lives, particularly in those situations where they are the only people affected.

I hope to receive the support of all of my colleagues who believe that their district and circuit court judges are equally as competent to hear cases and render justice as are judges of the District of Columbia; I hope to receive support from all those who believe that democracy is best served by facilitating the participation of the people in the workings of their Government especially when they will be affected by the action of that Government; I hope to receive support from all those who do not want to place their constituents in the difficult position of possibly being forced into a distant forum, such as the District of Columbia, to adjudicate the grievances against the Government. This amendment will complete the effort begun two decades ago in the Mandamus and Venue Act of 1962 to return justice to the people and not force them to come to Washington, D.C. This amendment will return the wheels of justice to the four corners of the country and dissolve Washington, D.C., courts as the hub of litigation affecting people and interests far removed from the Nation's Capital when there is no significant impact on the people of the District.

A source of information for those interested in venue is the monograph recently published by the National Legal Center for the Public Interest entitled "Venue at the Crossroads," copies of which were distributed to all Senate offices in early March. I commend all of the authors for their scholarship and the insight their articles have given to the complicated issue of venue reform. Also, in conjunction with introduction of my printed amendment 1267 to S. 1080, I inserted into the February 10, CONGRESSIONAL RECORD a lengthy explanation of the

amendment as well as a discussion of the purpose and background that led to its development. In the interest of saving printing cost I shall not have that material reprinted as part of this introducing statement but rather refer interested parties to the CONGRESSIONAL RECORD of February 10, 1982, pages 1559 to 1565.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2419

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2112 of title 28, United States Code, is amended—

(1) by striking out the last three sentences of subsection (a);

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively, and

(3) by inserting the following new subsection:

"(b)(1) If proceedings have been instituted in two or more courts of appeals with respect to the same agency action and the first such proceeding was instituted more than five days before the second, the record shall be filed in that court in which the proceeding was not instituted more than five days before the institution of a later proceeding with respect to the same agency action, and the agency, board, commission, or officer concerned has received written notice from the parties instituting each of these proceedings, the agency, board, commission, or officer concerned shall promptly advise the Administrative Office of the United States Courts, in writing, with respect to the first proceeding and all proceedings initiated within five days after the first proceeding, that such multiple proceedings have been instituted and shall identify each court for which it has notice that such proceedings are pending. Pursuant to a system of random selection devised for this purpose, the Administrative Office thereupon shall select the court in which the record shall be filed from among those identified by the agency. Upon notification of such selection, the agency, board, commission, or officer concerned shall promptly file the record in such court. For the purpose of review of agency action which has previously been remanded to the agency, board, commission, or officer concerned, the record shall be filed in the court of appeals which remanded such order.

"(2) Where proceedings have been instituted in two or more courts of appeals with respect to the same agency action and the record has been filed in one of such courts pursuant to paragraph (1), the other courts in which such proceedings are pending shall promptly transfer such proceedings to the court of appeals in which the record has been filed. Pending selection of a court pursuant to paragraph (1), any court in which a proceeding has been instituted may postpone the effective date of the agency action until fifteen days after the Administrative Office has selected the court in which the record shall be filed. Such postponement by the court may thereafter be modified, revoked, or extended by the court in which the record is to be filed.

"(3) Any court in which a proceeding with respect to any agency action is pending, including any court selected pursuant to a system of random selection pursuant to paragraph (1), may, in the interests of justice, transfer such proceeding to any other court of appeals and shall, upon motion by any party thereto, transfer such proceeding to the court of appeals for a circuit in which the action under review would have a substantially greater impact, unless the interests of justice require the court to—

"(A) retain such proceedings, or

"(B) transfer the proceedings to a circuit other than one in which the impact would be substantially greater.

"(4) Notwithstanding any other provision of law, a petition for review of any agency rule reviewable directly in a circuit court of appeals may be filed in the judicial circuit in which the person seeking review resides or has its principal place of business.".

SEC. 2. Section 604(a) of title 28, United States Code, is amended—

(1) by redesignating paragraphs (17) and (18) as paragraphs (18) and (19), respectively, and

(2) by inserting after paragraph (16) the following new paragraph:

"(17) Pursuant to section 2112 of this title, where proceedings with respect to action of any agency, board, commission, or officer have been instituted in two or more courts of appeals, administer a system of random selection to determine the appropriate court in which the record is to be filed.".

SEC. 3. (a) Section 1391 of title 28, United States Code, is amended—

(1) by amending subsection (e) to read as follows:

"(1) A civil action in which a defendant is an officer or employee of the United States or any agency thereof acting in his official capacity or under color of legal authority, or an agency of the United States, or the United States, may, except as otherwise provided by law, be brought only in a judicial district in which—

"(1) a defendant in the action resides;

"(2) the cause of action arose;

"(3) any real property involved in the action is situated; or

"(4) the plaintiff resides if no real property is involved in the action,

except that no such action may be brought in a judicial district pursuant to paragraph (1) or (4) hereof unless the agency action or failure to act that is the subject of the lawsuit would substantially affect the residents of that judicial district. A cause of action pursuant to paragraph (2) hereof shall be deemed to arise in the judicial district or districts in which the residents would be substantially affected by the agency action or failure to act that is the subject of the lawsuit. Additional persons may be joined as parties to any such action in accordance with the Federal Rules of Civil Procedure and with such other venue requirements as would be applicable if the United States or one of its officers, employees, or agencies were not a party.

"The summons and complaint in such an action shall be served as provided by the Federal Rules of Civil Procedure except that the delivery of the summons and complaint to the officer or agency as required by the rules may be made by certified mail beyond the territorial limits of the district in which the action is brought."; and

(2) by adding at the end thereof the following:

"(g) (1) In any action brought in the United States District Court for the District of Columbia under subsection (e) that may be an action of a local environmental nature as defined in paragraph (3) of this subsection, the plaintiff shall, at the time the action is filed—

"(A) forward a copy of the complaint to the attorney general of each State in which a judicial district described in paragraph (3) of this subsection is located, subject to the limitation provided in paragraph (2); and

"(B) file a statement with the clerk of the court indicating compliance with the requirements of subparagraph (A).

"(2) The provisions of paragraph (1) (A) do not require the plaintiff to forward a copy of the complaint to more than five State attorneys general.

"(3) An action is an action of a local environmental nature if—

"(A) the action primarily affects local or regional interests in one or more contiguous judicial districts other than the district in which the action was originally filed; and

"(B) the action arises under any Act of Congress pertaining to wildlife, public lands, water rights, or any other Act of Congress relating to environmental quality.

"(4) Compliance with this subsection does not constitute as admission by the plaintiff that the action is an action of a local environmental nature as defined in paragraph (3) of this subsection. Failure to comply with this subsection may be cause, in the discretion of the court, for appropriate sanction, including dismissal of the action without prejudice.".

(b) Nothing in the amendments made by subsection (a) of this subsection shall be construed to affect venue in an action relating to civil rights.

SEC. 4. Section 1404 of title 28, United States Code, is amended—

(1) in subsection (a) inserting before the period the following: ", except that the court shall transfer actions described in subsection (e) of this section in accordance with that subsection"; and

(2) by inserting at the end thereof the following:

"(e) In any civil action in which a defendant is an officer or employee of the United States or any agency thereof acting in his official capacity or under color of legal authority, or the defendant is an agency of the United States, or the United States, a district court shall, upon motion of any party thereto, transfer the action to a district or division, where the action might have been brought, and in which the action would have a substantially greater impact, unless the interests of justice require the court to—

"(1) retain the action, or

"(2) transfer the action to a district or division other than one in which the impact would be substantially greater.".

EXTENSION OF ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that the time for the transaction of routine morning business be extended until not later than 2 p.m. under the same terms and conditions as ordered earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered.

SHOPPING CENTER PROTECTION IMPROVEMENTS ACT OF 1982

Mr. DECONCINI. Mr. President, I rise today to speak in support of S. 2297, the Shopping Center Protection Improvements Act of 1982, a bill which I cosponsored along with Senator HATCH. This bill would improve the protections in the bankruptcy code for shopping centers and their solvent tenants in the event of the bankruptcy of other tenants.

It is important to understand that S. 2297 makes changes in the code that only make effective provisions already contained in the code. These changes strengthen protections which Congress sought to provide in the Bankruptcy Reform Act of 1978; they are not a departure from the basic principles of the 1978 act.

It is important that Congress act very quickly on these changes because without them many viable small businesses may be threatened with insolvency as an unintended and unnecessary consequence of the administration of other bankruptcies under the code. An important goal of these proposed changes is to protect shopping center tenants—often small businesses trying to survive in a difficult economy—against a bankruptcy domino effect. Under current law, the administration of a shopping center lease by the debtor or his trustee can and has caused the bankruptcies of other tenants by hurting the business of the entire shopping center.

Shopping centers are unique real estate arrangements. They are unique because of the high degree of interdependence of many businesses—some of which are direct competitors—and because of the nature of the agreements between merchants and the shopping center which are necessary to make such competition profitable to all parties. A successful shopping center is the product of sophisticated planning and negotiation which results in a carefully chosen balance of merchants. Tenants are chosen on the basis of their business use, their type of operation, the market they will serve, their financial viability and business experience, and the needs of the surrounding community. All of these factors determine the appeal of the shopping center, as a whole, to a broad segment of the population to be served. To insure that the desired tenant mix is maintained in a shopping center, the landlord and all of the tenants enter into agreements which specify in detail the business use permitted for each tenant space.

Shopping center leases are necessarily made on a long-term basis. Generally, the tenants make large financial investments in preparing their establishments for the contemplated business, and the value of these investments is dependent upon the success of the entire shopping center. To be successful, the tenant space in a shopping center must be fully occupied by establishments operating at full capacity and offering products or services which, in conjunction with those offered by other tenants, are designed to maximize the attraction of customers to the shopping center.

To avoid the disruption of the business of a shopping center and all of its solvent tenants in the event of the insolvency of a tenant, it is necessary that tenant space not be left vacant, operated at a curtailed level, or changed to a new business use. Prior to the Bankruptcy Reform Act of 1978, shopping centers were able to prevent such disruption by incorporating into the leases clauses which permitted the landlord to take the lease back in the event of the insolvency of a tenant. These clauses were made unenforceable by the 1978 act.

However, Congress recognized the unique nature of shopping centers and sought to avoid or at least minimize the disruption of the business of a shopping center and its other tenants by incorporating specific protections into the bankruptcy code. These protections generally provide that in the event a trustee chooses to assume or to assign an unexpired shopping center lease, he must make certain assurances, including that the use provisions of master agreements will not be substantially breached and that the tenant mix will not be substantially disrupted.

Unfortunately, experience has shown that the protections provided by Congress in 1978 are inadequate. Because the bankruptcy code sets no deadline for the trustee to decide whether to reject or to assume an unexpired shopping center lease, tenant space has been boarded up for extended periods of time. Such a situation has a depressing effect on the business of all of the other tenants of a shopping center and has caused the bankruptcy of other tenants in some cases. Where the debtor's establishment is an anchor store—for example, the grocery store anchor of a small strip center—the entire shopping center can be destroyed.

Another problem which has arisen regards the assignment of unexpired leases to businesses not conforming with the use restrictions of the lease. Although this is plainly contrary to the intent of Congress, it appears that the use of the word "substantially" regarding breach of the lease provisions and disruption of the tenant mix has enabled debtors to avoid these restrictions.

These and other problems which have occurred under the bankruptcy code need to be expeditiously remedied. In recent months, bankruptcies of large national chain stores, as well as small merchants, have occurred which are affecting dozens of shopping centers across the country. The vacancy, curtailed operation, or deviation from the specified use of this space will affect hundreds of other shopping center tenants. Many of these other tenants are presently operating under difficult circumstances due to the recession. There is a substantial danger, therefore, that further reductions in the business of the shopping center due to the actions of the debtor or his trustee could create a ripple effect, causing the bankruptcies of other tenants in affected shopping center. For example, in a Michigan shopping center where an anchor department store was vacant for several months the business in the center dropped over 50 percent, leading to the bankruptcy of a neighboring store.

For these reasons, it is important that Congress act quickly to make the necessary changes in the bankruptcy code. Trustees or debtors in possession should be required to decide whether to assume or reject an unexpired shopping center lease within 60 days of the filing of the bankruptcy petition. The word "substantially" should be deleted from the provisions requiring assurances that an assignment of a shopping center lease would not breach lease agreements and would not disrupt the tenant mix. The trustee should be required to perform all of the obligations of the tenant under the lease until the lease is assumed or rejected.

These and other changes in the bankruptcy code contained in S. 2297 are needed to make effective the protections which Congress sought to provide shopping centers and their tenants in the 1978 act. Indeed, these protections are needed by the economy as a whole to avoid jeopardizing the solvency of the large number of merchants in shopping centers with a bankrupt tenant.

Hearings on this bill have been set for May 3, before the Courts Subcommittee of the Judiciary Committee. I urge them to give this measure rapid consideration and report it within a timeframe that will allow for final Senate action and House consideration.

THE POLISH DEBT

Mr. DECONCINI. April 13 marked the beginning of the fifth month of military dictatorship in Poland. The gathering trouble in the South Atlantic, however fascinating and dangerous, must not be allowed to divert attention from that oppressive reality, nor from the heroic struggle of the Polish people who continue to defy Moscow and its bemedalled lackeys in Warsaw. Their courage is an inspiration to free men and women everywhere and should compel not only our

admiration but our unswerving support as well.

And let there be no misconception about what is at stake in Poland. The crux of the conflict is whether the Soviet—and at the level of more fundamental historical forces, great Russian—empire will succeed in maintaining its dominion by naked military coercion despite massive popular opposition. General Jaruzelski and the Warsaw junta are nothing more than Soviet proxies; better still, to use the obvious petard, they should be seen as the executive committee of the Moscow ruling class suppressing a revolt by the toiling masses. They and their Soviet-Russian sponsors, in this perspective, represent a moribund system of relations, while Solidarity and its supporter become the vanguard of the emerging new order.

It is within the context, Mr. President, that American policy with respect to the Polish situation should be framed. We and our allies must summon the courage to challenge Moscow's imperial ambitions not only in the Third World but in Eastern Europe as well. It is in our interest, clearly, to support the stirrings of discontent and change that are once again making absolute Soviet hegemony in that part of the world more and more problematical.

The administration's initial reactions were encouraging. The President's Christmas speech strongly denouncing the crackdown in Poland and the Soviet role in its planning and execution set the stage for firm action which, I am convinced, would have had the full support of the Congress and the American people. They certainly would have had mine. As it was, the sanctions announced fell somewhat short of what was warranted and necessary, although they represented a step in the right direction.

But let us face facts. A highly selective embargo coupled with suspension of scientific exchanges, official credits and certain routine commercial relations, while irritating, provide minimum leverage on Soviet behavior. Taken together they represent little more than mosquito bites on the rump of the Russian bear and are hardly commensurate to the outrages being perpetrated against the Polish people. If we and our allies really mean what we say, we should have called the Polish debt and imposed a blanket embargo on all trade with the Soviet Union until such time as the Polish authorities lift martial law, free Lech Walesa and other political prisoners, and agree to reinstitute the political and economic reforms Solidarity had won. The costs exacted by such a tough line might well have caused the Kremlin to reconsider its position. Certainly the Soviet leadership has, historically, shown that it respects strength and firmness and has, on occasion, adapted policy accordingly.

In dealing with such an adversary, it is, at the very least, essential to avoid giving the impression of weakness and vacillation. Yet that is precisely what has been done with respect to the Polish debt. Contrary to what I believe is the clear intent of the pertinent statute, the administration has concocted a scheme whereby banks will be reimbursed for payments due on guaranteed Polish debt without requiring that the loans be declared in default. The effect, as the Wall Street Journal has pointed out, is "tacit collaboration with martial law by making it easier for the Soviet bloc to finance repression * * *" This is hardly the sort of resolute stance which I believe the Polish situation demands and which one might have expected listening to the President's speech last Christmas. Helping the Warsaw junta and the international bankers out of their financial predicament is not only ineffectual insofar as our immediate policy objectives are concerned. It is dangerous as well. For as Senator MOYNIHAN has so forcefully argued, it provides reinforcement to the antirational, millennarian strain in Marxism-Leninism. In particular, it would appear to confirm a prediction attributed to Lenin which holds that the capitalist world, out of an insatiable desire for profits, will supply the resources necessary to its own destruction. In Lenin's words:

* * * The capitalists of the whole world and their governments in their rush to conquer the Soviet market will close their eyes * * * and will thereby be turned into blind deaf mutes. They will furnish credits which will serve us for the support of the Communist Party in their countries and, by supplying us materials and technical equipment which we lack, will restore our military industry necessary for our future attacks against our suppliers. To put it in other words, they will work on the preparation of their own suicide * * *

For these reasons, Mr. President, I am pleased to join Senator KASTEN in sponsoring legislation (S. 2155) which would prohibit payment of loan guarantees unless the loans in question have been declared in default. In the meantime I urge the administration to reassess its policy. Surely eastern bloc dictatorships are entitled to no better treatment than our own citizens. What cotton farmer in Arizona could expect to have the U.S. Government assume his obligations on loans owed to a private bank?

Finally, Mr. President, the Foreign Operations Subcommittee under Chairman KASTEN's leadership has held several days of hearings on the Polish debt issue. I found the testimony of Mr. Thomas W. Gleason, president of the International Longshoremen's Association (AFL-CIO) and Ambassador Richard T. Davies, former Ambassador to Poland, most informative and ask unanimous consent that their statements be printed in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

STATEMENT OF THOMAS W. GLEASON

My name is Thomas W. Gleason, and I am President of the International Longshoremen's Association, AFL-CIO.

I welcome this opportunity to present the views of my union on the Polish debt issue. Our views are in complete accord with the positions taken by the AFL-CIO, whose President, Lane Kirkland, has authorized me to speak for him on this occasion.

When a "state of war" was declared in Poland on December 13, there were people in the West who refused to see this event for what it was—the brutal repression of Solidarity and of the reforms it had won.

Some saw the imposition of martial law as an alternative to a Soviet invasion, as if the Soviets were not the real authors of the crackdown.

Not only some European politicians, but American foreign policy experts like George Kennan saw the Polish junta as a force for "moderation," which would preserve many of the reforms promised in the Gdansk agreement. They suggested that Solidarity had gone "too far" and warned against a harsh Western response to the crackdown.

This view was not shared by the AFL-CIO, and we were both pleased and relieved when the President of the United States, in his televised Christmas message, denounced the marital law, demanded the release of Lech Walesa and the other imprisoned Solidarity members—and placed the blame where it belonged: on the Soviet Union.

While we were pleased by the President's words, we were disappointed by the mild sanctions he announced against Poland.

On December 28, in testimony before the Joint Commission on Security and Cooperation in Europe, the AFL-CIO urged the Administration to take a number of strong steps against Poland and the Soviet Union for their assault on the human rights of the Polish people, in violation of the Helsinki Accords.

Among those steps, we urged that the Polish debt be called in and that no further credit be extended to the Soviet Union or Eastern Europe.

The following day, the President announced additional sanctions, some of which we had recommended, and the AFL-CIO welcomed these sanctions, even though they fell short of our demands.

At that time the President promised stronger measures if the situation in Poland did not improve.

He repeated this warning again on January 19 and on January 30, before an international television audience of 160 million.

Mr. Chairman, the situation in Poland has not improved since the President spoke. It has deteriorated.

Lech Walesa remains a prisoner, and the Polish government refuses to negotiate with him in the presence of his advisors and colleagues.

Workers are being sentenced to jail terms. Thousands of Solidarity activists are being threatened with deportation. Polish citizens are being pressured to sign loyalty oaths. The authorities have made it clear that they have no intention of lifting martial law.

Still, the President has not come forth with the additional sanctions he promised.

Instead, the Administration has thrown out one of the most effective weapons at its disposal, the weapon we urged it to use two and a half months ago—calling in the Polish debt.

At its February meeting, the AFL-CIO Executive Council criticized the Administration for covering the $71 million owed by the Polish government to American banks while skirting a regulation that would have required that Poland's debt be declared in default.

As the Council pointed out:

"The effect of calling in the Polish debt would be to dry up the flow of easy credit to the Soviet bloc, cripple the construction of the Siberian gas pipeline, and stem the diversion of resources into Moscow's military buildup. This is precisely the cost the West should impose on the Soviet Union . . . ."

We are told by the Administration that a declaration of default would relieve pressure on Poland and the Soviet Union to repay the Polish debt, which now amounts to $27 billion. But who can believe that Poland, on the verge of bankruptcy, can repay the debt?

And what reason is there to believe that the Soviets will cover these loans? The Administration has repeatedly told us how sick the Soviet economy is.

Another argument against default is that it would disrupt the international banking system, so large is its investment in the Soviet bloc. But as the Executive Council stated:

"The estimates of the dislocation are exaggerated and self-serving; they are suspect coming from bankers who claim handsome rewards from risk-taking but immunity from the penalties of bad judgment."

This, Mr. Chairman, is the essence of the matter. Western banks have lent $70 billion to Russia's European satellites. These were bad loans to begin with. They were based on the cynical assumption that Communist societies are stable and orderly—and that, in any case, if the banks got into trouble, their governments or the Soviet Union would bail them out.

Unfortunately, there is a price to be paid for bad judgment, but the banks don't want to pay that price. They want the taxpayers to foot the bill while they continue to carry these bad loans as assets rather than as liabilities.

As the Economist put it: "Western bankers are unwilling to chop off these imprudent loans lest this looks ugly on their balance sheets."

The Wall Street Journal, which certainly knows the banking business, agrees: "They have refrained from declaring a default in Poland because the write-downs would hurt their earnings."

The issue here, Mr. Chairman, is whether American policy toward Poland and the Soviet bloc should be determined by the priorities of the bankers.

I believe that where questions of human freedom are at stake, we cannot look to bankers for guidance.

What guidance can we get from Citibank, where vice president, Thomas Theobald, says: "Who knows what political system works best? All we ask is: can they pay their bills?"

And what can we learn about human rights from David Rockefeller, who says:

"I don't think an international bank such as ours ought to try to set itself up as a judge of what kind of government a country wishes to have. We have found that we can deal with just about any kind of government, provided they are orderly and responsible."

Mr. Chairman, David Rockefeller and his bank may be able to deal with any kind of government, but the AFL-CIO cannot. Our dealings are not with governments but with workers, with free trade union movements.

The bankers want to do business with the Polish government. We want to do business with Solidarity. We are not allowed to do our business. We are prevented from working with Solidarity by the Polish government that the bankers want to work with.

We are interested in restoring the human rights of the Polish people. The bankers are interested in underwriting, with workers tax money, the jailers of Lech Walesa.

American workers, who are told that there is no money for unemployment benefits, food stamps, and other social programs, are being asked to fork over $400 million in guaranteed bank loans to the Polish junta.

We regret that the Administration has chosen to listen to the bankers rather than to its own declarations of support for the Polish workers.

We commend you, Mr. Chairman, for your own efforts to reverse the Administration's policy on default. The AFL-CIO will continue to support legislative action toward this end.

Thank you.

STATEMENT OF RICHARD T. DAVIES

At the end of February, 1980, I retired from the Foreign Service after nearly 33 years as a career officer. I served twice in Warsaw, from 1947 to 1949 and 1973 to 1978, living there for more than 7 years. I also served twice in the U.S. Embassy in Moscow, from 1951 to 1953 and 1961 to 1963. In all, I spent 25 years in assignments in the field and in Washington involving U.S. relations with the Soviet Union and the countries of Eastern Europe. Among these were 2 years as Deputy Assistant Secretary of State for European Affairs and 3 years as Assistant Director (Soviet Union and Eastern Europe) of the United States Information Agency.

Should the U.S. Government require banks that apply for payment of Polish Government debts to declare the debtor government in default before it acts upon their applications?

The answer depends upon the intentions of the U.S. Government and whether it plans to take the further steps that the President and Secretary of State earlier said would be taken if the situation in Poland did not improve.

The situation in Poland has not improved. Martial law remains in effect, the imprisoned Polish trade-union leaders have not been released, and, despite recurrent stories planted in the Western press about impending talks, negotiations with the leadership of Solidarity have not resumed. On March 8, the Polish Government spokesman, Jerzy Urban, announced that trials were being prepared against about 100 of the Solidarity activists arrested on December 13, 1981. He made this announcement despite the statement of General Jaruzelski proclaiming the imposition of martial law, in which amnesty was promised for activities which took place before December 13. Priests have been arrested. The Polish Government continues to enforce the state of war against the Polish people.

On January 19, at a press conference, President Reagan said, "We're not going to wait forever for improvement in the situation" in Poland before consideration would be given to other things "that can add to the steps that we've already taken."

Both the President and Secretary of State Haig have said a number of times that we would not do "business as usual" with the Soviets and the Polish regime. In his nationwide television address of December 23, the President said, "I want to state emphatically that, if the outrages in Poland do not cease, we cannot and will not conduct 'business as usual' with the perpetrators and those who aid and abet them. Make no mistake: their crime will cost them dearly in their future dealings with America and free people everywhere."

But we are still doing "business as usual" with both the Soviets and the Polish regime in important areas of commercial and financial relations.

The U.S. is still doing "business as usual" with the Soviets by selling them massive quantities of grain, thus relieving the pressure on the Soviet leaders to make necessary reforms in their agricultural economy. Clearly, it was the signal sent by the President to the Soviet leadership in April, 1981, that he valued the profits from grain sales more than he did a peaceable resolution of the unsettled Polish crisis, that led that leadership to conclude it and its Polish proteges could get away with the imposition of martial law.

Our West European allies are still doing "business as usual" with the Soviets by financing the Urengoy pipeline on very favorable terms—much more favorable terms than their own citizens can obtain when they seek to borrow. (I forebear to mention the still less favorable terms at which U.S. citizens are able to obtain loans.)

American banks are still doing "business as usual" by avoiding declaring Poland in default, and the U.S. Government is assisting those banks by paying off Polish debts for them.

Now, Under Secretary of State Buckley is in Europe holding discussions with our NATO allies about the future of sanctions.

Even before Under Secretary Buckley left on his trip, however, Secretary of Defense Weinberger appeared to have given up on the effort to convince the West Europeans to reconsider their position on the pipeline, although the removal of one American division from Western Germany—a move which is long overdue on other grounds, in any case—would focus the attention of the Government of the Federal Republic as effectively as being hit over the head with a two-by-four is said to focus that of a Missouri mule.

In this as in other instances, the Reagan Administration appears to be long on threats and short on the kind of actions which are an essential ingredient of leadership.

Is it not likely, therefore, that Under Secretary Buckley will return from his trip convinced that there is nothing we can do to stop our West European allies from proceeding with the Urengoy pipeline and that, in addition to permitting Caterpillar to sell the pipelaying machines to the Soviet Union, we should go ahead and permit General Electric to supply the rotors for the turbines?

If that is to be the outcome of the current wavering in the Administration's policy, then I should strongly support requiring our Government to make the banks declare Poland in default before making any more guarantee payments.

The requirement that banks holding Commodity Credit Corporation credit guarantees declare Poland in default before they could collect overdue payments from the U.S. Government would, under the circum-

stances I have outlined, be a measure of desperation, signalling that all U.S. efforts to achieve the imposition of meaningful sanctions were at an end. It is unlikely that banks in this country not involved in loans carrying CCC credit guarantees, banks in Western Europe or Japan, or official lenders outside the United States would follow suit. The U.S. Government would thus stand isolated on this issue.

The President has said that the action of the U.S. Government in repaying overdue Polish Government loans, backed by CCC credit guarantees, resulted in giving the U.S. Government "increased leverage" vis-a-vis the Polish regime. So far, however, the U.S. Government has not used that leverage.

In my view, it would be preferable now not to require that the banks declare Poland in default, but to use the leverage implicit in the threat of the imposition of such a requirement in an effort to impose meaningful sanctions on both the Soviet and Polish Government, instead of the symbolic ones now in effect.

If the President is not just bluffing again, but really means to do what he said he would, i.e., to stop conducting "business as usual" with the Soviet and Polish Governments and to make their crime cost them dearly in their future dealings with America and free people everywhere, he should:

1. Embargo all U.S. exports to the USSR, including grain and phosphates, as well as the Caterpillar pipelayers and the General Electric rotors (or rotors made elsewhere on GE license).

Convoke parallel conferences of the creditor governments and creditor banks.

The purpose of these conferences would be to forestall the precipitation of default by offering the Polish regime the following deal.

If the Polish Communist authorities will:

1. Lift martial law immediately;

2. Release all political prisoners and detainees;

3. Revoke all decrees and regulations issued by the martial-law regime [1];

4. Sit down with the Presidium of the Independent Self-governing Trade Union "Solidarity" and its advisers and start to negotiate the social contract which, by the signatures of its Deputy Prime Ministers, Ministers, and Vice Ministers to more than 700 agreements with Inter-enterprise Strike Committees during August and September, 1980, the Polish government obligated itself to conclude.

Then the Western creditor governments and banks will:

Grant a moratorium on all payments due or about to become due, with the proviso that, if agreement has not been reached within three months, the clock which stopped as of the date on which negotiations began would start to run again and the creditor governments and banks would reassemble to consider anew the question of whether Poland was in default.

As soon as agreement was reached between the two Polish parties, urgent and sympathetic consideration would be given to Poland's application for membership of the International Monetary Fund and to the establishment of a schedule for the extension of balance-of-payment credits to Poland in installments keyed to the implementation of the various provisions of the agreement with Solidarity.

Those who know the Polish people know that they cannot be made to work productively at the point of a gun or under the shadow of a tank.

The question the Polish leaders now confront is this. Can they turn the clock back permanently to the conditions of the Stalin period? Eventually, they will have to conclude that they cannot. It is possible, of course, that they will be unable to resolve this dilemma in their own minds in the next few months and that martial law or something by another name with the same content and practical effect will drag on for half a year or a year. Sooner or later, however, "normalization"—the Communist code-word for re-Stalinization—must give way to the resumption of life under conditions which recognize that Stalin is dead and buried, his political culture of unrestrained terror cannot be revived, and a new and fearless generation has been born and grown up in Poland during the past 30 years.

Under these circumstances, the task of the West is to offer a reasonable way out to the Polish leaders. The choice should be theirs. They must choose either to follow the path of the confederates of Targowica, who, in 1792, conspired to betray Poland to the Tsaritsa Catherine II of Russia, or to try yet again to find the "Polish road to socialism."

The policy I suggest places that choice squarely before them, in the sight of the entire Polish nation and the world.

[1] These decrees and regulations are illegal in any case, since the martial-law regime was not approved by the Polish Diet (Sejm), which was in session when the proclamation was issued, but was not asked to approve it, as the Constitution requires.

JOINT MEETING OF THE TWO HOUSES—ADDRESS BY THE QUEEN OF THE NETHERLANDS

ORDER FOR RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. BAKER. Mr. President, I ask unanimous consent that at 3:10 p.m. on Wednesday, April 21, the Senate stand in recess subject to the call of the Chair, and proceed as a body to the House of Representatives to hear Queen Beatrix of the Netherlands address a joint meeting of the Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I yield the floor.

Mr. GLENN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SCHMITT). Without objection, it is so ordered.

SENATE RESOLUTION 370—RELATING TO A COMPREHENSIVE ARMS CONTROL POLICY

Mr. GLENN. Mr. President, a few weeks ago I rose to object to statements that indicated the Soviet Union now enjoys a "definite margin of superiority" which the President had stated with regard to nuclear weaponery, and called for the administration to adopt a comprehensive arms control policy.

Since that time both the Secretary of Defense and the Joint Chiefs of Staff have pointedly failed to embrace the idea of this alleged Soviet superiority. Such a conclusion is accurate only if one considers a narrow part of the overall balance for, if anything, the United States continued to maintain an edge even without the assets of our NATO allies in overall strategic nuclear capability vis-a-vis the Soviet Union.

Now the Soviets do possess more total launchers, some 2,500 to our 2,000, and greater overall explosive power or megatonnage as it is called. But we maintain the advantages of a more balanced, a less targetable, force, greater systems accuracy, superior flexibility and, most important of all, 9,000 deliverable warheads compared with the Soviets' 7,000. That gives us a 30-percent advantage in terms of the number of targets that can be hit.

The President focuses primarily on the Soviet advantage in large, powerful land-based missiles, which has produced the so-called window of vulnerability. But the Russians decided long ago to concentrate some 75 percent of their capability in more vulnerable, big land-based missiles while we opted for a more-balanced triad deterrent force.

Twenty-three percent of our deliverable nuclear weapons are on land-based missiles; 52 percent are now nontargetable submarine-launched missiles, and 25 percent on long-range bombers.

Naturally, if you compare their strength with only part of our triad the Soviets appear to have superiority.

But computer scenarios that suggest the Soviets could use this alleged advantage to launch a successful nuclear first strike ignore a crucial consideration: The risk of national suicide that is inherent in such an attack. No computer scenario I am aware of even remotely suggests that the Russians could knock out a high percentage of our retaliatory capability in a first strike, that means that even if the Soviets were to launch everything they had at us, we would still possess enough nuclear capability to completely obliterate their society. Only computers and madmen would dare to take such a risk. And whatever else they are, I do not believe the Soviets are mad.

Having said this, let me hasten to add that if present deployment trends continue, we could lose our margin of safety by the end of the decade. But by coming to agreement on balanced, incremental reductions in strategic weapons we can reverse that trend and preserve our security.

Finally, I believe it is unfortunate that the President decided to "go public" with his narrowly based analysis of Soviet "superiority." Such pronouncements not only contribute to lessened confidence among our allies and the American public, but could conceivably encourage the Soviets to believe that a successful first strike is possible.

On my second point, the administration's adoption of a comprehensive arms control policy, there has been no discernible progress. Moreover, I do not believe that Congress with its various freeze proposals has done all that it could do to promote a comprehensive, workable arms control policy.

The nuclear freeze movement currently sweeping this country and, indeed, the world, is motivated by some very primal instinct—that instinct for survival. It is motivated by both a recognition of the monstrous consequences that would accompany a nuclear exchange, and by the fear that the chances of stumbling into such a war are greater today than at any time since the Cuban missile crisis. People are also questioning the need for a continuing arms race at a time when both sides already possess enough bombs to obliterate each other several times over. The public wants these arsenals reduced, and they want them reduced now. But it takes two to agree: How can we get similar public concern expressed in the Soviet Union? Some in the freeze movement recently attempted to present their views to Soviet citizens publicly. Although Russian officials quickly silenced the group, I hope others in the movement, despite this setback, will continue efforts to publicize the objectives of a freeze among the Soviet people.

Here in the United States the congressional freeze proposals advanced so far have established a desirable end—the reduction of nuclear weaponry—but none has established the means by which we can attain it. If we truly want arms reductions—and not just satisfying rhetoric to rush out and spout at demonstrations—then we must have a reasonable, step-by-step plan for bringing about the prayed-for end. That is, Mr. President, I have put forward a practical five-point package that starts with nuclear arms limitations between the superpowers, moves to reductions, promotes the cause of nonproliferation, involves other nuclear weapons states, and seeks conventional arms control.

First, I would seek to freeze testing, production, and deployment of strategic weapons at the SALT II levels through 1985, and thereby formally agree to the limitations it took us almost 7 years to negotiate, and which we have been observing de facto for the past 2 years. It is what we are living with right now.

Since this would require the U.S.S.R. to fulfill their earlier pledge to reduce their strategic arsenal by 250 to 300 launchers within a year, we would find out early if the Soviets are as interested in freeze discussions as they say they are.

Because pressures are already building on both sides to abandon their observance of other SALT II provisions, it is unlikely that our unofficial arrangement with the Soviet Union can last much longer. Since we now have much improved means to verify Soviet compliance with the treaty, Senate ratification, I believe, is much likelier now than it was in 1979. Indeed, unless we proceed, and soon, to ratify the SALT II treaty or negotiate an executive agreement that formalizes the SALT II reductions and limitations, or variations thereof that we can get an agreement with the Soviets on even at this time, I think we face the very real prospect of a breakdown in the arms control process and another round of superfluous strategic weapons purchases.

Second, after locking in the SALT II limitations, we should then seek an agreement on balanced, incremental reductions in strategic weaponry. Such reductions should preserve deterrence and of course, be adequately verifiable.

Third, limitations and reductions between the superpowers must be accompanied by new and better efforts toward preventing the spread of nuclear weapons to more and smaller nations around the world. That is why I authored the Nuclear Nonproliferation Act of 1978, which limited the sale of reprocessing and uranium enrichment equipment to nations not already in possession of nuclear weapons. I believe the President should give top priority to finding more effective ways for the six nuclear supplier nations to halt the worldwide sale of equipment used for making nuclear weapons.

Indeed, Mr. President, it was almost a year ago that we voted in this Chamber 88 to 0 to ask the President to bring up exactly that subject at the Ottawa summit, and it was not done.

Fourth, the United States should attempt to bring other nations possessing nuclear weapons into these arms control negotiations and related activities at the earliest appropriate time. Obviously, no long-term freeze or reductions agreement will be acceptable to the Soviet Union if France and Britain, for example, are not ultimately included.

Fifth, we should address the question of arms control in its totality by: A continuation of good-faith negotiations to reduce intermediate-range and other nuclear weapons deployed on the European Continent; by also emphasizing expanded United States-Soviet negotiations to reduce conventional armaments in Europe; and by adopting a sensible policy of restraining conventional arms transfers to the Third World. The fact that nuclear weaponry introduces elements into warfare almost too horrible to even contemplate does not mean it can be considered in some sort of isolation from other war-making potentials.

I disagree with those who argue that the Soviets have no incentive to participate in the negotiations called for by my proposal. They have the same incentives we do. No one profits from an unconstrained arms race. We both risk the horrors of a nuclear war. The comprehensive five-point package that I have outlined—limit, reduce, prevent spread, involve other nations, and arms control—offers what may be our last, best hope for avoiding that cataclysm.

Finally, let me comment briefly on the question of verification. My concern about verification of arms control agreements is well known, and I believe that confidence in Soviet compliance must be a vital ingredient in any comprehensive arms control program. Although the American people want to reduce the risk of war, they know that we cannot lower the danger merely by lowering our guard.

That is why we must have reasonable assurances that limits or reductions are mutual, balanced and verifiable. At the same time, however, we must not allow an overly strict requirement for 100-percent verification to delay or stall consideration of prudent arms control proposals.

In this spirit, Mr. President, I wish to introduce a resolution that expresses the sense of the Senate with respect to a halt by the United States and the Soviet Union of further production and deployment of nuclear warheads while beginning strategic arms negotiations.

The resolution I will send to the desk reads as follows:

S. RES. —

Expressing the sense of the Senate with respect to a halt by the United States and the Soviet Union of further production and deployment of nuclear warheads while beginning strategic arms negotiations.

Whereas the number of nations possessing nuclear arms or the capacity to produce nuclear arms is growing;

Whereas the sophistication of nuclear weapons technology is advancing so rapidly that verification of the numbers and capabilities of weapons is becoming increasingly difficult;

Whereas nuclear war would be an unprecedented catastrophe;

Whereas the likelihood of accidental nuclear war is increasing with expanding and proliferating nuclear arsenals;

Whereas, it is in the interest of the United States, the Soviet Union, and all the peoples of the world for the nuclear arms race to be halted in a verifiable manner which builds confidence that additional steps can and will be taken;

Whereas the Nuclear Nonproliferation Treaty should be strengthened and universally adhered to;

Whereas Article VI of the Nuclear Nonproliferation Treaty calls upon the United States and the Soviet Union to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date;

Whereas the United States and the Soviet Union should provide the example and the leadership for other nations to follow;

Whereas strategic arms negotiations have not been conducted between the United States and the Soviet Union since June 1979; and

Whereas a verifiable freeze followed by reductions in nuclear warheads, missiles, and other delivery systems is needed to halt the nuclear arms race and to reduce the risk of nuclear war;

Now therefore be it resolved by the Senate of the United States of America that:

The President should adopt a serious and comprehensive arms control package that includes the following goals and means to those goals:

(1) To limit strategic weapons—a negotiated freeze through 1985 of testing, production and deployment of strategic weapons to within the SALT II limitations, with attainment of those levels to occur within one year of agreement;

(2) To reduce existing weapons stockpiles—agreements on balanced, incremental reductions in nuclear weaponry. Such reductions should both preserve deterrence and be adequately verifiable;

(3) To prevent the spread of nuclear weapons—the establishment of additional measures by nuclear supplier nations designed to halt the world-wide proliferation of nuclear weapons;

(4) To involve all nuclear weapons states in the arms control process—a commitment to bring all nations possessing nuclear weapons into the negotiations and related activities at the earliest appropriate time;

(5) To address the question of arms control in its totality by—

a. a continuation of good-faith negotiations to reduce intermediate-range and other nuclear weapons deployed on the European continent;

b. an emphasis on expanded U.S.-Soviet negotiations to reduce conventional armaments in Europe; and by

c. adopting a sensible policy of restraining conventional arms transfers to the Third World.

Mr. President, I think that resolution will provide a means as well as the desirable end that has been called for in the earlier nuclear freeze proposals.

Mr. President, I have considered for the last couple of weeks putting in a resolution that would call upon the Foreign Relations Committee to take up the matter of the SALT II Treaty, which has been a pending action now before the committee, and give it priority attention.

I believe that while there might be some changes that would be necessary to make it satisfactorily acceptable to this country and to the Soviets, since some time has gone by since we considered that treaty, nevertheless the situation has also changed in another area, and that is the area of verification, about which I was particularly concerned when we considered the SALT II Treaty in the committee before.

We have not sent a resolution to that effect to be considered by the committee because I think we can handle it on the committee itself, but I would note that in the five points I made with regard to the nuclear freeze resolution, the No. 1 area that I called for in that is that we do in fact limit ourselves to the de facto limitations we have been operating under for the last couple of years. It seems to me that we should be able to negotiate something on that with the Soviet Union because we have spent 7 years getting up to the point of the limitations that we are now living with.

The first of my proposals was that I would seek to freeze testing, production, and deployment of strategic weapons at the SALT II levels through 1985, which was the original date of the treaty and one which we are still living by, and thereby formally agree to at least a step of limitations. In other words, for the President to just go the next step and say we will suddenly leap over any limitations even though they are already agreed upon, and suddenly expect that the Soviets are going to agree to major arms reductions when we cannot even get limitations in place, seems to me to be largely wishful thinking.

Mr. President, that is the reason why I have called for a five-point program which would first limit strategic weapons along the lines of the SALT II limitations we are living with; No. 2, then go to reduction talks, and while we are doing those two things then it will do us all little good if we do not prevent the spread to more and more nations of the ability to produce nuclear weapons. We can prevent that spread if all the nuclear supplier nations, the half-dozen or so which provide the equipment for uranium enrichment and reprocessing, would agree not to ship such equipment. It would prevent the spread of nuclear weapons, No. 3. No. 4, we must involve all nuclear weapons States if we are to expect to have a long-term agreement. No. 5, I do not feel we can separate out nuclear matters from other weapons and armament controls.

I would say that the arms control problem must then be addressed in its totality by the means I have suggested.

The problem, I would repeat once again, with the freeze proposals that have been put in to date, Mr. President, is that they provide an end that we all wish would happen, but they do not provide for the means of getting there. The five-point package I have put forward this afternoon, it seems to me, will go a long way toward providing that means.

Mr. President, I yield the floor.

Mr. BIDEN. Mr. President, I would like to compliment the Senator from Ohio on a very thoughtful statement and for his continued leadership in this area. I would be a bit facetious to suggest that great minds travel the same path. But we have arrived at the same conclusion.

I had brought to the desk a resolution which does precisely what the first part of the Senator's proposal does.

We may not disagree at all on this, but to the extent that we do, we disagree on only one thing I heard the Senator say: He is confident that the Committee on Foreign Relations will handle this. I am not at all confident it will handle this and I have therefore drafted a resolution which will require the Committee on Foreign Relations to make recommendations on the SALT II Treaty, which is presently in the committee.

A RETURN TO SALT II

Mr. President, in June of 1979, President Carter traveled to Vienna to sign, with Secretary General Brezhnev, a treaty on strategic arms limitation which represented the culmination of 7 years of negotiation by three American administrations. For several months thereafter, the Senate Foreign Relations Committee held intensive hearings on the treaty, considering the agreement in all aspects and receiving testimony from scores of learned witnesses representing all points of view. In October and November of that year, the committee took action, first adopting a series of clarifications and reservations and then voting to report the treaty to the full Senate with a recommendation favoring ratification.

At that time, it was generally understood that a majority in the Senate intended to support the treaty, and that the additional support needed to obtain the necessary two-thirds vote for ratification was being developed in the course of discussions between certain Senators and the administration concerning changes in the U.S. defense budget. Ratification, however, never occurred. As many will remember, the political climate of that period was bedeviled by a dubious but resilient notion known as linkage, a concept which prescribes that the United States should not consummate agreements with nations if they behave contrary to our standards or interests, notwithstanding that the agreements thereby foregone could directly serve our interests.

Mr. President, I should note parenthetically that a lot of people, not the Senator from Ohio but a lot of other people in this body who were calling for linkage, all of a sudden found out that the people want something done about arms control. I have not heard anybody use the word "linkage" lately. The same ones who castigated me and

others on this floor for not being realistic about linkage now are talking about arms control. If anything, Soviet behavior has gotten worse instead of better—it has gotten worse on Poland, there is still Afghanistan. At least maybe we are finally putting to rest the notion that linkage is the basis upon which we should make arms control agreements.

When the Soviets invaded Afghanistan in December 1979, the bizarre logic of linkage took hold, and further consideration of SALT II was placed in abeyance. With the passage of time and the advent of a new Congress, the treaty was returned, in accordance with Senate procedure, to the Foreign Relations Committee, where it continues to reside as a standing item on the committee agenda.

Meanwhile, public attitudes toward arms control have evolved considerably.

I argue that they were always what they are today, and were not what my rightwing friends suggested they were. The public always supported SALT, but we politicians, being what we are, believe our own myths, are afraid of our own shadows. So, all because single interest groups traipsed around the country saying, "If you are for SALT, you are weak; if you are for SALT, you are pink; if you are for SALT, you are bad"—it is not the American public that has changed its mind on arms control. It is the U.S. Senate that has figured out it is safe to be for arms control; it is necessary to be for arms control; it is essential for survival to be for arms control.

During the SALT II debate in 1979, the dominant impact on national opinion came from the political right, which portrayed the treaty—never persuasively, in my view—as a symbol of American decline.

The whole message that was put forward at that time, although fallacious, was nonetheless effective in the sense that it scared off many people in Washington who thought that they would be hurt by continuing to be for arms control and the SALT treaty. At the same time, our allies looked at us with somewhat an air of disbelief and wondered, "what are those guys doing over there? What has happened? After three Presidents, both political parties, 7 years of negotiation—why now, all of a sudden, is the notion a bad idea?" That is what they were saying.

The propagation of this message was nonetheless effective; and in November 1980, the American people elected to the Presidency a candidate who avowed the principle of linkage, while denouncing East-West accords in general and SALT II in particular. For our European allies, who preponderantly favored SALT II and who have long relied on American leadership in the conduct of East-West relations, this posture was of immediate concern. Among Americans, concern grew more slowly. But after 15 months of the Reagan Presidency, the American people are clearly dismayed, if not alarmed by the apparent indifference of this administration to the control of nuclear arms.

Mr. President, I notice many Senators coming to the floor to talk about the need to do something about controlling nuclear weapons, who are the same Senators who told us how flawed the SALT process was, how we had to build before we negotiated, how there was a window of vulnerability that the SALT treaty would not close. Then those maple syrup farmers, good old conservative Republicans from Vermont, one day walked into their county courthouses and town meetings and said, "Hey, freeze." And guess what? Washington froze.

All of my colleagues on both sides of the aisle froze in dismay. They were startled. This was not a bunch of "leftist Commie symps" marching on college campuses, undermining the military might of America. These were red-blooded conservative Yankee farmers.

Guess what happened next? On the floor of this Chamber people started to say, "Hey, we have to do something about arms control. We are very concerned about the notion that we are not moving."

And here we are and here we go. Now what is happening? The public attitude toward arms control became vocal not only here in America but all throughout the free world, the result is a surging public demand for a freeze on nuclear deployments. Some observers have misinterpreted this movement as a call for unilateral disarmament. But it is not. For most Americans advocating a freeze, our goal should be a mutual cessation of deployments by both the United States and the Soviet Union.

In my own judgment, the appearance in the United States of a substantial arms control constituency is a very positive and long overdue development, one which is likely, in several ways, to strengthen the Atlantic Alliance, on which American security depends.

EFFECT ON EUROPEAN ATTITUDES

An immediate effect should be to reassure our allies that Americans and Europeans have not diverged fundamentally on the need to restrain East-West conflict and avoid nuclear war. Given the limbo of SALT II, Reagan administration pronouncements have raised serious doubts among Europeans as to whether they can any longer rely on the United States for prudent leadership in the conduct of East-West relations. The emerging U.S. arms control constituency, drawing support from all portions of our political spectrum, is helping to reaffirm, at a time when clear reaffirmation is needed, the abiding American commitment to nuclear sanity, notwithstanding this administration's idiosyncrasies.

EFFECT ON AMERICAN ATTITUDES

The appearance of a broad-based U.S. arms control movement should also have a favorable effect on American attitudes toward the Alliance—by undercutting the tendency of opinion-makers on this side of the Atlantic to portray the European peace movement as anti-American, neutralist, and pacifist.

I have not heard anybody portray the people of Vermont as anti-American, neutralist or pacifist. And maybe when we realize that the same thing is happening in Europe, we will have a more realistic attitude toward the Europeans.

Third, this will have an effect upon arms control negotiations. In addition to favorably influencing European and American attitudes toward the Alliance, the U.S. movement should eventually, if it has not already done so, register an effect on the actual policy of this administration, shifting it away from the disparaging attitude toward arms control that it has displayed until very recently. This more serious U.S. arms control effort should benefit NATO substantially, not only because the very process of arms control contributes to Alliance solidarity, but also because a well-conceived arms control agreement can positively enhance Western security.

Fourth and finally, through its public questioning of the current NATO doctrine, which envisions the possible first use of nuclear weapons, the U.S. freeze movement may help to create the transatlantic consensus needed for an Alliance effort to embrace and enhance NATO conventional strength. Heretofore, public support for NATO conventional force improvements has been undercut by accepting the theory that nuclear weapons could compensate for conventional deficiencies. The emerging nuclear debate, which the American public has now joined in full force, could help to foster an Alliance-wide consensus that rejects this antiquated theory and supports the conventional force improvements long needed in NATO but often delayed.

Having described these positive aspects of the emergence of a strong arms control constituency, I must draw a distinction between the public movement, from which I draw considerable encouragement, and the specific freeze proposal which I find flawed. One important drawback of a freeze is its impact upon Europe, where the prospect for successful East-West negotiations to limit theater nuclear weapons is heavily dependent upon NATO's clear and explicit willingness to undertake nuclear modernization if negotiations fail.

Among Europeans who strongly favor arms control—and I have specifically in mind Chancellor Helmut Schmidt and the Foreign Minister of Germany, Mr. Genscher—the concept of a freeze is a worrisome concept precisely because it could undercut the effective arms limitation.

From the strategic, as opposed to the theater, perspective the freeze concept is also flawed, and for the very plain reason that we have already negotiated something better and the Soviets have already agreed to it. That agreement is the SALT II treaty now languishing in the Foreign Relations Committee. For American interests, SALT II if far superior to a freeze because it would require the Soviets to begin immediately to dismantle some 250 strategic launchers, which is 10 percent of the Soviet force, now targeted on the United States. It would, moreover, place a verifiable limit—what we call a "fractionation" limit—on the number of warheads the Soviets may place on even their most powerful intercontinental ballistic missiles.

Meanwhile, SALT II would leave the United States unconstrained in implementing the U.S. defense improvements which the Reagan administration has described as a necessary foundation for future arms negotiations.

I have already acknowledged some skepticism about this administration's avowed interest to negotiate seriously on arms control. But regardless of whether or not a successor arms control agreement lies in our future, the ratification of SALT II would prove useful, for it would lock into place, and it would lock into place now—not next year, not 2 years, not 5 years from now—limitations already agreed upon, leaving those limitations to be superseded at such time as this or another administration produces a better agreement.

There is thus no inconsistency between SALT II ratification and any negotiation strategies now being contemplated by this administration.

The President of the United States would not have his hands tied. The American public would have their freeze and more. They would actually have the dismantling of nuclear weapons under SALT II.

Mr. President, the advantages of SALT are clear—immediate Soviet reductions, fractionation limits on Soviet missiles, and a renewed confidence of our allies and our own people that we are committed to the process of doing something about nuclear weapons. The liabilities are none, and I emphasize none. The Senate owes it to the American people to move on with what we already have in hand.

Let me remind my colleagues that we already have a negotiated treaty between the United States and the Soviet Union, which is verifiable and calls for more than a freeze. It calls for an actual reduction in the number of launchers now in place. It does not constrain this administration or any future administration from moving beyond that point.

I have been involved with the SALT agreement, it seems, my entire life in the Senate. There is nothing I have spent more time on than the SALT agreement. I constantly hear the disingenuous statements made by my colleagues on both sides of the aisle, "Oh, we don't like SALT. What we want is deep cuts."

Every President comes along and says he is going to have deep cuts. We had the SALT I agreement. Gerald Ford came along. At Vladivostok he negotiated a framework for further arms control. But my friend and my Democratic President, President Carter, came along and said, "We can do better than that." And rather than nailing down the Vladivostok limits right then and there and moving on, the President said, "I am going to have SALT II."

There was a second barrage of negotiations which further delayed additional limitations another several years. Then we had SALT II. The President sent it up here. This President says it is flawed—it is flawed because it is not deep enough; he wants deeper cuts. So we will spend another 4 years talking about deeper cuts. In the meantime, 10 years have passed. The generals in America and the generals in the Soviet Union have continued the forward momentum of research, development, testing, and deployment. The genie is not only out of the bottle; she continues to grow in size. In the name of deep cuts, in the name of wanting real arms control, we do nothing.

It is time for the Senate to vote on the SALT agreement, to tell the President that we have an agreement that has been negotiated by his predecessors; it is still alive, if not well, in the Senate. He has not called it down; it is still up here, and all we need do is ratify it.

Why do we not do that? If you count the number of people in the next 6 months on this floor who will tell you they want arms control, who will tell you they want some kind of freeze, I will lay you 8 to 5 that it will be three-quarters of this body, not just the two-thirds as needed for a treaty.

I think it is about time the American public asks all of us: "If you really mean it, Senators, why do you not take what you have now? It does not need any more done. Pass it and get on with the business of further cutting."

Mr. President, let me say one more thing: We public officials should not and must not misread the basic commonsense and good judgment of the American people. They are smarter than we are. They understand that there is no security in nuclear superiority when you have a total of 50,000 warheads floating around in all the nations of the world combined. They understand that the nuclear theologians are like those medieval thinkers, debating scholastic logic and the question of how many angels can be put on the head of a pin.

They understand that much of the debate is not particularly relevant. They understand that their survival is at stake. They understand, without being melodramatic, that the passage of time acts on nuclear weapons the way the passage of time acts upon a cancer. When you do not move on cancer, if it is malignant, it does nothing but get worse and eventually will kill you. If you do not act on arms control now, the nuclear threat becomes nothing but worse, until it will kill you.

Many people in this body treat nuclear weapons as we in our daily lives treat cancer.

God forbid that anyone in this body or their families be stricken with cancer. I suspect they would react as members of my family reacted. Your mother, brother, aunt, or uncle feels a lump in the stomach or in the breast. They are intelligent people. They know that the smartest thing to do is immediately to go to a doctor, because it cannot get better. It can only get worse if it is cancer.

However, because the fear of cancer is so deep and broad, and because they know there are certain circumstances under which the doctor may say, "It is already too late," what do they do? They do what all of us do. They feel that lump in their stomach and they say, "That has always been there." Or, if they feel that lump in their breast, they say, "I just bumped into a chest of drawers when I was cleaning, and it will go away," because they do not want to face it; because failure to be able to control it means the end.

That is what we do in this body on nuclear weapons. We are afraid to face it. The reason we are afraid to face it is that we are not sure there is an answer. We are not sure that we can eliminate it. Therefore, we do not speak to it.

Although I have not calculated the number, I will bet that we spent in 1982, in 1981, and in 1980 10 times as many hours on this floor debating abortion as we have in debating the control of nuclear weapons.

I will bet that we spent 20 times as much time on this floor debating Federal regulations relating to Drug Enforcement Administration by the FDA than we have spent on nuclear weapons.

I will bet that if you went back and calculated all the hours of debate, compiled them all, you would find that of all the major issues facing the

United States of America and the world, none received less attention than arms control.

I suspect it is not because there are stupid men and women in this body. I suspect that is for two reasons: One, the feeling of futility about being able to do anything about it and, two, the misreading—the tragic misreading—of American public opinion on how we would be viewed if we continued to support the notion of limiting nuclear weapons.

These people are not kooks, I say to my colleagues. I was up in Syracuse, N.Y., on Monday night, at Lemoyne College, giving a speech on this subject. The very night I was there, in conservative upstate New York, where I went to law school, guess what? The Syracuse City Council—not a Berkeley commune—the Syracuse City Council passed a resolution calling for the U.S. Senate and the President of the United States to freeze nuclear weapons.

When are we going to get the message here?

If we all mean what we say, those who say we should limit nuclear weapons, why do we not pass SALT II now?

In hopes of bringing that about at the earliest possible date, I had intended today to propose the following resolution:

S. RES. —

Resolved, by the United States Senate, That:

SEC. (a) The Committee on Foreign Relations shall, not later than July 1, 1982, report to the Senate the SALT II Treaty, together with any recommendations with respect to whether the Senate should give its advice and consent to the ratification of such treaty.

SEC. (b) For purposes of this section, the term "SALT II Treaty" means the treaty between the United States of America and the Union of the Soviet Socialist Republics on the limitation of strategic offensive arms and the protocol relating thereto, both signed at Vienna, Austria on June 18, 1979, and related documents (Ninety-sixth Congress, first session; Executive Y).

I am told, however, by the learned Parliamentarian that if I were to submit this resolution as an amendment to the resolution dealing with television in the Senate, it would be out of order; it would not be germane. I am told that in order to get a vote on this at this moment, or very shortly, I would have to ask for a suspension of the rules, three different Senate rules.

I am told, also, that this resolution, on its own, could stand as a resolution while we are in executive session.

Mr. President, because I respect the rules of the Senate, I will not attempt to prostitute the rules even for this important issue.

However, I do want to put my colleagues on notice that at every opportunity, I am going to pursue the point of getting the Senate to vote on the issue of whether or not the U.S. Senate should take up, once and for all, the SALT II Treaty. I think it is imperative that that be done.

I will search whatever parliamentary means there are to obtain and up-and-down vote on that—today, tomorrow, next week, or next month. I want very badly to see us move on the issue we all say we want to move on, and that is arms control.

Let us reaffirm in the minds of the American people, the people of Europe, and the people of the world that we are rational, we are sane, we do have a mutual and verifiable way to deal with this horrendous problem and let us get about the business of moving to SALT III, IV, and V.

I thank my colleagues for their indulgence and I yield the floor.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, I expect to have an announcement to make in a few moments on the pending business but for the moment I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. BAKER. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

TELEVISION AND RADIO COVERAGE OF SENATE PROCEEDINGS

The Senate continued with the consideration of Senate Resolution 20.

Mr. BAKER. Mr. President, for a number of reasons that I believe are important to both sides of the aisle, I ask unanimous consent that the time for the vote on cloture under the provisions of rule XXII be changed until 4 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KASTEN). Without objection, it is so ordered.

UP AMENDMENT NO. 872

Mr. BAKER. Mr. President, there is an amendment at the desk offered by me and the distinguished minority leader and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Tennessee (Mr. BAKER), for himself and Mr. ROBERT C. BYRD proposes an unprinted amendment No. 872.

On page 1 line 2 add "/or" at the end of the line. On page 2 line 3 strike all to the end of the resolution and insert the following: This Resolution shall become effective on the date on which the Senate adopts a resolution which is hereby required to be reported by the Senate Committee on Rules and Administration 60 days from adoption of this Resolution containing such regulations and/or rules changes needed to implement television and/or radio coverage of the Senate.

Mr. BAKER. Mr. President, if I could have the attention of the Senate, I hope that we can have a vote on this amendment by rollcall before the Senate recesses to proceed as a body to the Hall of the House of Representatives for a joint meeting.

Before I make a brief explanation of the purpose here, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BAKER. Mr. President, from the beginning, one of the principal concerns of many expressed in this Chamber about the resolution, Senate Resolution 20, as reported from the Rules Committee, was the authority granted within that resolution for the Rules Committee to make such rules and regulations to govern the conduct of radio and television activities in the Senate without further review by the Senate.

The purpose of this amendment, Mr. President, is to provide that the Rules Committee shall make those rules and regulations as they may see fit, but they must report them then to the Senate of the United States 60 days from the adoption of this resolution, when and if this resolution is adopted. It also makes clear, Mr. President, that it is within the authority of the Rules Committee to consider television coverage, radio and television coverage, or radio coverage. I believe that is implicit in the resolution as it was already drafted, but this clarifies that point and I believe will avoid some controversy in respect to the passage of Senate Resolution 20.

Mr. President, I urge the adoption of this amendment.

Mr. LONG addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. LONG. Mr. President, I will vote for this amendment. I believe it improves the procedure and it will give Senators a better idea of what they

are voting for in the event that the Senate should implement radio or television coverage, or both, in the Senate.

I want to make it clear, Mr. President, that in voting for the amendment, the Senator from Louisiana does not commit himself to support television coverage. He reserves all of his rights, including the right to oppose the proposal completely. Until such time as the Rules Committee resolution described in this amendment is agreed to by the Senate, television and/or radio coverage will not come to the U.S. Senate.

I have said on occasion, Mr. President, that I do not oppose television coverage for ceremonial occasions and I do not believe I would oppose television coverage when unanimous consent can be obtained, such as we do when we agree to divide time and limit the amount of time when we are debating a particular matter.

I will await, with interest, the judgment of the Rules Committee. I think this is a fair compromise of the positions that exist at this moment. I hope very much that the Rules Committee can bring us a very good set of proposals that will answer the questions that many Senators have in their minds which, of course, have been troubling Senators in the course of this debate.

Mr. BAKER. Mr. President, before the minority leader seeks recognition, if he will permit me, there is one statement I meant to make. If this amendment is agreed to, it is my intention to ask unanimous consent to vitiate the order for a cloture vote at 4 o'clock this afternoon.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. ROBERT C. BYRD. Mr. President, I have upon several occasions introduced resolutions pertaining to television in the Senate. It was by my approval that the first televised proceedings ever to occur in this Chamber were conducted at a time when Mr. Mansfield, the then majority leader, was in the Far East. That was upon the occasion of the inauguration of the late Vice President Nelson Rockefeller.

I have introduced resolutions in the past to provide for closed-circuit television of the Senate proceedings. I have introduced legislation in the past to provide for televised proceedings of the anticipated debate on the SALT II Treaty and also with respect to radio coverage in connection with the Panama Canal Treaty. I voted yesterday against cloture for the reason that the distinguished majority leader has just stated. Had that resolution, as then written, been adopted, it would have meant turning over to the Rules Committee, of which I am a member, lock, stock, and barrel the development and writing of regulations, or making of changes in the rules, even, if that committee had seen fit to do so, without any further voice in connection with those regulations or changes in the rules by the U.S. Senate itself.

I did not feel that the Senate ought to turn over to the committee—and I respect the committee, I respect the chairman, and I respect the members on both sides of the aisle of that committee—the full, complete, and final authority to establish regulations and guidelines governing television and/or radio coverage of Senate proceedings. I felt that the Senate itself ought to be the final arbiter and ought to have the final voice in determining whether or not such resolution should pass, as reported back by the Rules Committee, and should have the opportunity to debate it fully and to amend it, if necessary.

This pending amendment provides, as the distinguished majority leader has said, the the Rules Committee must report back 60 days from passage of the pending resolution as amended, such changes in the rules and regulations as are necessary to implement television and/or radio coverage of Senate proceedings. The Senate would then be able to debate that resolution at such time as it is called up, and the Senate would also have the opportunity to amend it or change it in any way the Senate sees fit.

I think this is a good amendment. I hope it will be adopted. I would share the view of the distinguished majority leader that, once this amendment is adopted, as I hope and believe it will be—and I urge the Senate to adopt it—there would be no further amendments to the resolution and that the resolution be immediately voted upon.

Mr. STENNIS. Will the Senator from Tennessee yield?

Mr. BAKER. Mr. President, I am pleased to yield.

Mr. STENNIS. Mr. President, I understand there is some urgency about voting, but I certainly am correct, am I not, in saying that there is no implication whatsoever in sending this resolution back to the committee that that is an approval of it or the first step toward approval of it. It would still be a wide-open question as to all of its major points. Is that correct?

Mr. BAKER. Mr. President, it is correct, it is still a wide open point, because clearly the Rules Committee could make such rules and regulations in respect to these matters as it wishes. I must say technically it does not send the resolution back to the committee, but it requires the committee to report a resolution within 60 days for the further consideration of the Senate.

Mr. STENNIS. So what becomes of Senate Resolution 20 during that period? Does it stay on the calendar?

Mr. BAKER. Senate Resolution 20, as amended, if amended, I hope will be passed today without the necessity of cloture. But Senate Resolution 20, then by its terms, would require that the Rules Committee report within 60 days such conditions on which the Senate would consider implementing radio and/or television.

Mr. STENNIS. It has been such a short time, too. This was the first I knew that we were going to vote on Senate Resolution 20 today or any time while it is still pending.

Mr. BAKER. I think, Mr. President, the fair answer to that is that if this amendment passes, Senate Resolution 20 itself would probably not be controversial. Indeed, the next step would be 60 days away. That is, to hear the report of the Rules Committee.

The answer to the question of the distinguished Senator form Mississippi is that Senate Resolution 20, I hope, would be dealt with today and presumably by voice vote.

Mr. STENNIS. My point is, would there be any implication here if we adopt this amendment that that is an approval, in effect, of Senate Resolution 20?

Mr. BAKER. I really do not know how to answer further, Mr. President. I must say to the Senator that that is a matter of perception by each Member or by others. But the net effect of this is to amend Senate Resolution 20 so that the provision for the writing of rules is mandated once more to the Rules Committee, which would report within 60 days. The Senate, of course, would be free to do what it wishes with regard to those regulations or rules changes as may be reported by the Rules Committee. But Senate Resolution 20, itself, as a title would be passed, I hope and trust, by the Senate by voice vote today.

Mr. LONG. Will the Senator yield at that point?

Mr. BAKER. Yes.

Mr. LONG. Would this be correct: With this amendment, Senate Resolution 20 would become effective when the recommendations of the Rules Committee to implement it have been agreed to. It does not become effective until the second resolution containing rules change and regulations have been passed.

Mr. BAKER. The Senator is absolutely correct.

Mr. LONG. So that when a Senator sees the recommendations of the Rules Committee and does not like them, he can continue to oppose coverage. If he is opposed to any television whatsoever in the Senate, as the Rules Committee recommendations proceed to recommend any sort of television coverage, we would anticipate, then he can simply oppose the second resolution. If the second resolution does not pass, Senate Resolution 20 simply does not become effective for the lack of an effective date.

Mr. BAKER. The Senator is correct.

Mr. STENNIS. Will the Senator from Louisiana yield to me for one word?

Mr. BAKER. Mr. President, it is 6 minutes after 3 and under the order previously entered the Senate will recess at 3:10, in 4 minutes, to go to the House for a joint meeting to hear an address by the Queen of the Netherlands. I think it would be unseemly of the Senate to be late for that event. I wish to announce that the rollcall on this amendment will not occur until after that joint session.

Mr. President, as well, I ask unanimous consent that the time for the cloture vote be changed from 4 o'clock, as just ordered a few moments ago, until 5 o'clock so that we will not be pressed for time in returning to the Senate Chamber and considering further the matters now under discussion.

The PRESIDING OFFICER (Mr. QUAYLE). Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Will the distinguished majority leader yield?

Mr. BAKER. I yield.

Mr. ROBERT C. BYRD. Would there be objection to further modifying the amendment by striking all after the period on line 4, after the words "Senate Chamber,"—striking all after the period there, rather than all after line 2 on page 2?

Mr. BAKER. Mr President, I do not have any objection to that.

I ask unanimous consent that the amendment be modified in that manner.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

Mr. GLENN. Reserving the right to object, would the Senator read it again?

Mr. BAKER. The way the resolution will read now will be as follows:

That the Committee on Rules and Administration is authorized and directed to provide for television and/or radio coverage, including video tapes and radio broadcast recordings of proceedings in the Senate Chamber.

Then it will read:

This resolution shall become effective on the date on which the Senate adopts a resolution which is hereby required to be reported by the Senate Committee on Rules and Administration 60 days from adoption of this resolution containing such regulations and/or rules changes needed to implement television and/or radio coverage of the Senate.

Mr. GLENN. I have no objection.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

On page 1 line 2 add "/or" at the end of the line on page 1 line 4 after the period strike all to the end of the resolution and insert the following: This Resolution shall become effective on the date on which the Senate adopts a resolution which is hereby required to be reported by the Senate Committee on Rules and Administration 60 days from adoption of this Resolution containing such regulations and/or rules changes needed to implement television and/or radio coverage of the Senate.

Mr. BAKER. Mr. President, there are 2 minutes now before the automatic recess. I am prepared to yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT MEETING OF THE TWO HOUSES—ADDRESS BY QUEEN BEATRIX OF THE NETHERLANDS

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. BAKER. Mr. President, I ask that the Senate stand in recess pursuant to the order previously entered, and that the Senate proceed as a body to the Hall of the House of Representatives for a joint meeting of the House and the Senate.

Thereupon, the Senate, at 3:09 p.m., took a recess, subject to the call of the Chair, and the Senate, preceded by the Sergeant at Arms, Howard S. Liebengood; the Assistant Secretary of the Senate, Marilyn Courtot; and the Vice President, proceeded to the Hall of the House of Representatives to hear the address by Queen Beatrix of the Netherlands.

(The address delivered by the Queen of the Netherlands to the joint meeting of the two Houses of Congress is printed in the proceedings of the House of Representatives in today's RECORD.)

At 4:13 p.m., the Senate, having returned to its Chamber, reassembled, and was called to order by the Presiding Officer (Mr. SYMMS).

TELEVISION AND RADIO COVERAGE OF SENATE PROCEEDINGS

The Senate continued with the consideration of Senate Resolution 20.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

Mr. President, I believe we are about ready to proceed to vote on the amendment. Before we do so, however, and since it was put together in somewhat of an informal way, I am now going to ask for the clerk to read the amendment as it has been modified by unanimous consent.

Mr. LONG. If the Senator will yield, can we ask him to read the whole resolution? It is very brief.

Mr. BAKER. That is what I had in mind. Begin with Senate Resolution 20. The language will not take very long to read. Begin with Senate Resolution 20, on page 1, line 1, and read that part of the resolution which remains, together with the amendment which has been offered as if it were adopted.

I have one further request, Mr. President. I ask unanimous consent that in the amendment, the word "adopt" be changed to the words "agreed to," in the sentence which reads "This resolution shall become effective on the date on which the Senate agrees to a resolution."

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, if the Chair is prepared to do so, I ask that the language of the resolution be stated to the Senate, together with the language of the amendment which is now pending.

The PRESIDING OFFICER. The clerk will state the resolution, as amended.

The assistant legislative clerk read as follows:

Resolved, that the Committee on Rules and Administration is authorized and directed to provide for television and/or radio coverage (including videotapes and radio broadcast recordings) of proceedings in the Senate Chamber. This Resolution shall become effective on the date on which the Senate agrees to a resolution which is hereby required to be reported by the Senate Committee on Rules and Administration 60 days from adoption of this Resolution containing such regulations and/or rules changes needed to implement television and/or radio coverage of the Senate.

Mr. LONG. Mr. President, I have been requested to ask three questions of the majority leader. I would appreciate his responding.

If the resolution provides for both television and radio when it comes before the Senate, would an amendment to limit coverage to radio be then in order?

Mr. BAKER. Yes.

Mr. LONG. Two, if the Rules Committee cannot agree on the rules and regulations within 60 days, what would then be the status of Senate Resolution 20?

Mr. BAKER. Mr. President, no provision is made for that contingency, and I assume that the Rules Committee can and will report on the 60th day as the resolution provides. I would address a question to the Chair, if I may.

If the Rules Committee does not report at that time, is it correct that the Rules Committee would be discharged from further consideration of this resolution and it would return to the floor for further action by the Senate itself?

The PRESIDING OFFICER. The resolution that is required to be reported is not this resolution but a further resolution. It would be returned to the Senate.

Mr. BAKER. The committee would then technically be in contempt of the Senate for failure to comply with a direct order. I guess that is the answer I should give to the distinguished Senator from Louisiana. I must say I observe the presence of the distinguished chairman of the Rules Committee. I would like to yield to him for any further comments he wishes to make.

Mr. MATHIAS. I have every confidence that within 60 days we can in fact bring back to the Senate a resolution containing the rules and regulations. If for some unforeseen reason that should not be possible, it would certainly be my thought that the committee would then report to the Senate that we had reached some impasse and seek the further instructions of the Senate at that time.

Mr. LONG. The third question is on the same subject. Am I correct that the language of Senate Resolution 20 as it is to be amended is a directive but does not amount to an automatic discharge on the failure of the committee to report the resolution within 60 days?

Mr. BAKER. It does not provide for an automatic discharge. However, as the Chair has advised and as the chairman of the committee, the Senator from Maryland, has indicated, it is their intention to report then and the committee would be in contempt of the Senate if they did not make its report within 60 days.

Mr. LONG. Mr. President, I wish to make this point for the record on behalf of Senators who have opposed TV coverage and who may remain adamantly opposed to TV coverage. This does not prejudice their right to continue to oppose TV coverage. Their right to oppose it would be limited to the right to oppose the resolution to implement the rules.

Mr. BAKER. Yes, that is correct, as I understand it.

Mr. JOHNSTON. Will the Senator yield for a question?

Mr. BAKER. Yes, Mr. President, I yield.

Mr. JOHNSTON. Mr. President, is it contemplated here that a change of the rules of the Senate would be required and, if so, what would be the vote necessary to do so under this procedure?

Mr. BAKER. Mr. President, while the resolution in its amended form—indeed in its original form—provided for regulations and/or rules changes, I am not certain by any means that rules changes will be necessary in order to effectuate the purpose of providing radio and/or television coverage of the Senate. However, if the Rules Committee chose to recommend rules changes, then, of course, the procedures outlined in the Standing Rules of the Senate for the amendment of the rules would apply without change. The most significant one of those, other than notice, would be the provision that it would require two-thirds of those present and voting rather then three-fifths of the Senate duly qualified to close debate on a rule XXII matter.

Mr. LONG. Mr. President, I believe it is to close debate on a motion to proceed.

Mr. BAKER. I believe it is on both.

Mr. JOHNSTON. Is this resolution itself a rules change, Mr. President?

Mr. BAKER. No, it is not.

Mr. JOHNSTON. I thank the Senator.

Mr. STENNIS. Will the Senator yield to me?

Mr. BAKER. Yes, Mr. President, I will.

Mr. STENNIS. What is the status of proceeding now that we are almost down to a vote?

Mr. BAKER. Mr. President, the pending question is the amendment offered by the distinguished minority leader and myself, which strikes all of the resolution beginning after the first sentence in Senate Resolution 20 and substitutes new language. I am prepared to vote on that. The yeas and nays have been ordered. As soon as the notice can be given to certain Senators that we are ready to proceed, we can have a vote in a few moments, I believe.

Mr. STENNIS. Mr. President, I just want to be sure that—I think the reference to the committee will improve the situation greatly. I know the committee will work on it diligently in fairness to all. There is no doubt about that. But the objection to the resolution will be the objection that relates to rules all being left in the hands of the committee, plus the fact that there are those of us who seriously question the advisability of having television cameras in the Chamber while proceedings are going on in that way, rather than a more formal and customary way.

Mr. BAKER. Mr. President, the Senator from Mississippi will not be surprised when I say he has made his views on that subject clear.

Mr. STENNIS. I think so, Mr. President, but when this matter comes back to the floor, it will still be, in substance, an open question then whether or not we are going to proceed to televise the proceedings of the Senate.

Mr. BAKER. Mr. President, if, when the Rules Committee reports, the Senate cannot agree on rules and regulations for the installation of radio or television, television could not begin.

Mr. STENNIS. And arguments will still be relevant, of course, that the idea of televising does not fit in and therefore, that is an objection in itself to the rules. But there will still have to be a full adoption of the concept of televising and televising under certain rules approved by the Senate, is that correct?

Mr. BAKER. Mr. President, the resolution provides that television cannot begin in the Senate, nor can radio, without the adoption by the full Senate of rules and regulations as recommended by the Committee on Rules subsequently.

Mr. STENNIS. Well, again, Mr. President, I state my confidence in the committee, ably led by the Senator from Maryland, but this is a matter that goes to the whole question of the nature of this parliamentary body. That is the basis, really, of my objection.

Mr. President, I do not know, but I judge the membership has been advised about this change in the contents of this resolution now. I just happened to be here when the matter came up. Is there any time set for any further debate on this amendment?

Mr. BAKER. Mr. President, there is no limitation on debate on this amendment, but the distinguished minority leader and I, together with the chairman of the Committee on Rules and the distinguished senior Senator from Louisiana, began discussing this some hour and a half ago, well in advance of the recess for the purpose of a joint meeting with the House of Representatives to hear the message by the Queen of the Netherlands. I rather suspect both cloakrooms have notified Senators that this is going to be offered.

Mr. LONG. Mr. President, will the Senator yield at that point?

Mr. BAKER. Yes, I yield.

Mr. LONG. Mr. President, is it not true that, other than the 60-day period, this amendment was at the desk of Senators under the name of the Senator from West Virginia (Mr. ROBERT C. BYRD)? In other words, this amendment has been printed and was available to Senators as—as a matter of fact, the amendment that was a precedent to this, was that the amendment of Senator ROBERT C. BYRD pending modification?

Mr. ROBERT C. BYRD. Yes, Mr. President, that was an amendment which I prepared and which would have been germane to the pending resolution, which I intended to call up in the event cloture was invoked.

Mr. LONG. But is it true that the Senator from West Virginia, the minority leader, had proposed this amendment and had it printed and at the desk prior to the time we discussed it? That is, the proposal that the effective date should be the date on which the Senate agrees to change the rules or the regulations.

Mr. ROBERT C. BYRD. That is correct, Mr. President.

It provided for debate and approval by the Senate on the recommendations of the Committee on Rules. It did not have the 60-day provision in it,

because that would not have been germane under cloture.

Mr. STENNIS. Mr. President, if the Senator will yield further, I just make the point that we are expecting to vote on this motion for cloture; within an hour and a half, I believe it has been estimated, this matter has been substantially changed. I believe there are only 11 Senators on the floor now and one in the Chair. I have been here all this time except for a few minutes and I think that is about the highest attendance we have had since this new turn of events.

Mr. LONG. If the Senator from Mississippi will yield, Mr. President, I believe it is fair to say that the point we are discussing here, the point at issue, has been before the Senate for days now. The Senator from Connecticut (Mr. DODD) and the Senator from Missouri (Mr. DANFORTH) took the floor a few days ago to make the point that if we are going to act on this measure, we should at least have before us the rules and regulations that would be indicated to make it effective, to assure fairness and equal opportunity in matters of that sort. That was discussed here, on the floor, before we even voted on cloture the first time. Those Senators actually had the amendment at the desk.

The matter that this amendment involves, Mr. President, has been discussed by Senators on both sides of the aisle. It has been proposed by Senators on both sides of the aisle. It has been proposed by the majority leader in his own right, individually.

So, Mr. President, what we are talking about here is not new. It was even discussed in debate prior to that time. I believe the distinguished chairman of the committee (Mr. MATHIAS), during the course of the debate, early in the debate, mentioned that he would not object to modifying this measure so it would be the Senate rather than the Rules Committee that would spell out the terms and conditions under which television would take place.

Mr. MATHIAS. Mr. President, the Senator from Louisiana is right as he almost always is.

Mr. LONG. So it is not new, I say to the Senator from Mississippi, that this has been suggested. It has been rather thoroughly discussed. This is an amendment which has been indicated as a very desirable amendment on both sides of the aisle several times now.

Mr. STENNIS. Mr. President, I thank the Senator.

Mr. DANFORTH. Mr. President, may I address an inquiry to the sponsor of this amendment and also to the chairman of the committee?

Mr. BAKER. Mr. President, I seek the floor, and I yield now to the distinguished Senator from Missouri.

Mr. DANFORTH. I think, Mr. President, that this amendment is very useful and that it is the sort of thing that Senator DODD and I discussed last week on the floor. I would like to reassure myself on this.

When the amendment provides that the Committee on Rules will consider such regulations and rules changes needed to implement television and/or radio coverage in the Senate, that, to me, would be—there would be two possible constructions on what that means. One would be a very narrow construction: That is, what sort of rules changes or regulations would be necessary to physically place cameras in the Senate, what kind of lighting changes, if any, would be required, and so on. There is a broader possible understanding of it.

That would consider such matters as whether there should be any changes in rules relating to unlimited debate, whether quorum calls will serve the same function when television comes in as they do now, whether the printed RECORD will be considered as the primary source of ascertaining legislative intent, if that is in conflict with the television record, changes relating to the scheduling of Senate business, when committee meetings are held, voting procedures, floor conduct, where people speak from, how time is allocated between proponents and opponents of amendments and so on. Is it the intention of the majority leader and the chairman of the Rules Committee that the inquiry to be undertaken pursuant to this amendment would be broad in scope or narrow in scope?

Mr. BAKER. Mr. President, I do not presume to speak for the chairman and I urge him to speak on that himself, but as a member of the Rules Committee and as a sponsor of this amendment, may I say that the broader interpretation I believe is the only logical one.

I have no idea, no expectation that the Rules Committee will be as broad in their recommendations as the Senator from Missouri has enumerated, but I do think that under this amendment the Rules Committee is not restrained, it is not restricted in making recommendations that are necessary and reasonable or relevant to the question of providing television and/or radio coverage in the Senate.

I yield now to the chairman of the committee, if I might.

Mr. MATHIAS. I thank the majority leader.

I certainly do not presume to say what the committee will do. I can say that my own personal view has always been that the introduction of television and/or radio into the Senate ought to be accomplished with the least amount of commotion that is possible, and that I would not personally see it necessary for changing any rules. But the distinguished minority leader, for example, has raised some questions about procedure that might impact on the rules. I do not know. He is a member of the Rules Committee. I think that he will have every right to raise that question and have it discussed and a recommendation considered by the Rules Committee. I certainly want to facilitate that process.

Mr. DANFORTH. Let me just pursue this point. The majority leader, when he testified before the Rules Committee over a year ago, stated in part:

> Indeed, I believe that television will bring changes in the Congress, in the Senate. It will necessarily bring changes in the scheduling of the great debates that must occur. It may perhaps change the way we conduct ourselves on the floor, maybe even change some of the provisions of the manual of procedure that was written by Thomas Jefferson, which we still utilize in the senate, in order to make the deliberations of the Senate more adaptable to a more general public examination.

That indicates that at least it was anticipated by the majority leader a year ago that some very far-reaching changes should be considered. On the other hand, when the resolution was reported by the Rules Committee, the Rules Committee, as I understand it, indicated that no major changes in the rules would be required. Therefore, I hope that during the 60-day period of time the committee would at least analyze whether broader changes than simply the placement of cameras and so on would be required.

Mr. MATHIAS. I think it is very clear that it is the desire of the Senate to have that done. I have every confidence that the Rules Committee will do just that.

Mr. DANFORTH. May I ask if it is the opinion of the chairman of the Rules Committee that 60 days is a sufficient time to get the job done?

Mr. MATHIAS. I believe it is. We considered 30 days and thought that probably would not be adequate. We thought about 90 days and thought that might be more than enough. So we settled on 60 as a reasonable estimate for getting the job done.

Mr. DODD. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The majority leader has the floor.

Mr. BAKER. I am prepared to yield the floor or yield to my friend from Connecticut.

Mr. DODD. I thank the majority leader for yielding.

Mr. President, I want to commend the majority leader, Senator BAKER, and the minority leader, Senator BYRD, for working out this amendment. As has been pointed out earlier, this amendment tracks substantially the language of an amendment that was proposed by the Senator from Missouri (Mr. DANFORTH) and myself

last Thursday. That amendment strongly suggested that in order to accommodate television, we ought to first consider the impact which that institution would have on this institution. That very point has been made eloquently over these many days by the distinguished Senator from Louisiana, whose perseverance and insights on this issue have enlightened substantially this debate. I am inclined to be supportive of this amendment, but like my colleague from Missouri I have a couple questions that I hope the majority leader or the chairman of the Rules Committee might respond to.

The first has to do with the scope of the study that will be done. Like the Senator from Missouri, I am deeply concerned that the study be broad in its analysis and not a narrow study so that we will fully look at the effect of television on this institution.

The Senator may have responded to that already. If he has, I apologize for addressing the question again, but possibly the Senator from Maryland might accommodate me by responding to that question.

Mr. MATHIAS. I am happy to respond to the Senator from Connecticut.

I think it is clear from what has been said in the debate today that there is desire in the Senate that the Rules Committee look very broadly at this question. While I have said to the Senator from Missouri that I personally had hoped we could implement some television and/or radio coverage without changing the rules—and I still hope that that may be the case—we have to look at that. There is no doubt about that. The Senator from Tennessee and the Senator from West Virginia, both of whom are members of the Rules Committee, understand that. The minority leader I think has some suggestions of his own that may involve changes. So we will be looking at it very broadly.

Let me say that I will be happy to invite the Senator from Missouri and the Senator from Connecticut, as well as, of course, at any time the Senator from Mississippi, the Senator from Louisiana, and any other Senators, to come and give us the benefit of their wisdom and experience in this matter.

Mr. DODD. If the majority leader will yield further, I should like to raise another point or two. Under the amendment as proposed—I am looking at the last two lines—the key text reads, "60 days from adoption of this resolution containing such regulations and/or rules changes needed to implement television and/or radio coverage of the Senate."

In the language that was proposed by the Senator from Missouri and myself, which is extremely similar to this proposed amendment, we included not only rules and regulations but we also mentioned "the precedents and traditional practices of the Senate."

What I am thinking of is illustrated by rule XIX dealing with recognition.

The rule itself is only eight lines long in the Senate Procedure Book. However, the precedents take up an additional 10 pages, and there are some 82 footnotes to support and interpret 8 lines of the rule. Can we limit the study or the analysis just to the rules and not take a serious look as well at the precedents, which if changed as a result of television would actually require a rule change? I would ask if the authors of this amendment might be willing to modify their present amendment to include the words "precedents and traditions" as well as that we would have the assurance that this study would include an analysis of things other than just the rules hurdles that we will have to surmount to implement television.

Mr. MATHIAS. Let me suggest to the Senator from Connecticut that it is an old rule of law that the calf goes with the cow, and I think that you cannot look at the rules without looking at the practical application of the rules through the precedents. We will clearly do that. I give the Senator every assurance that that will be done.

Mr. DODD. I thank the Senator for that. I am delighted at the response that this will be a broad-based study and not a narrow one, that we will be looking beyond the mere language of the Senate rules themselves. I hope we can look at the effects of television on the rules as well.

In other words, Mr. President, to begin television broadcasting may not necessarily require a change, say, in rule XXII. To bring a camera on to the floor of the Senate may not require any change in rule XXII. But it is possible that, as a result, over a period of time, of having television here, in order to conduct the orderly debate of the Senate, we may decide that we will have to change rule XXII.

What I am suggesting—and I think the distinguished Senator from Louisiana has also suggested this—is that while, for example, rule XXII may not need to be changed to bring the camera on the floor, over a period of time we may discover, in the course of trying to conduct business in this institution, that it will require some changes.

In the response of the distinguished Senator from Maryland to my question about a broad-based study, I hope we will seriously look at the potential effects on rules that may not require modification to install the equipment but may require modification in the months and years ahead, as we discover how this institution functions with television cameras in place around the galleries.

So I ask the distinguished chairman of the Rules Committee whether or not we will look at the effects, the potential long-term effects, on rules, not just what it might be necessary to change in order to accommodate electronic equipment in the first place.

Mr. MATHIAS. Mr. President, the majority leader is present, and he can describe what he meant when he spoke about this.

I think that is what the Senator clearly meant when he testified in the Rules Committee—that you look at the long-range effects, and you can see if there is a way to predict what might flow from any changes in our practices here.

Mr. BAKER. Mr. President, if I may add to that, let me repeat now the private assurance I gave voluntarily to the minority leader: As long as I have the opportunity to speak to the subject or to exert any influence on it, I will do whatever is necessary and within my power to make sure that television and/or radio coverage of the Senate does not work in favor of or against either political party in this Chamber, nor for or against any Member, and to deal equitably and fairly.

The reason I repeat that statement here—other than wanting the Senator from Connecticut to know it—is that implicit in it is the assurance that, either in the Rules Committee as I may participate there or on the floor or subsequently, if it develops that matters are not working out equitably, I pledge that I will cooperate with any Member to see that it does work out equitably. I have no desire to see the Senate create a situation in which anyone can take advantage of anyone else.

I rather expect that it is not possible to fully provide against every eventuality in the Rules Committee. Assuming that this resolution is agreed to today and assuming that the regulations and/or rules as reported by the Rules Committee are adopted by the Senate, my guess is that we will still have to tinker with that procedure as we go along. I pledge to the Senator from Connecticut to monitor that and cooperate with both sides of the aisle, to make sure that there is no advantage for either party or any Member.

Mr. DODD. I thank the Senator for that response. Again, I commend him and the minority leader for this language. As I mentioned at the outset, it tracks the idea that the Senator from Missouri (Mr. DANFORTH) and I offered a week ago.

I must say to the majority leader that my concern has little to do with political favoritism in the institution. I understand that that is a legitimate worry of some Senators. My concern is how television particularly will affect the fundamental nature and operation of the Senate.

The distinguished Senator from Mississippi (Mr. STENNIS) several months ago said to a group of us, when we were discussing this issue, "What the Senate is, if you boil it down to its simplest definition, is a second look." The Senate, he said, was specifically designed to be the deliberate body, to take its time, to think carefully about things.

Television has not covered any institution that it has not unalterably and profoundly changed.

So my concern has more to do with the functioning of the Senate as a vehicle of the legislative process than it does with whether Democrats or Republicans get more air time.

My concern is whether we are going to affect this institution's, historic role as the deliberate body that considers efficiency far less important than how thoroughly and carefully we do our business. That is my fundamental concern.

Again, I commend the majority leader and the minority leader for this amendment. I think it helps us substantially. It alleviates the fears I have. I hesitate to say that, as one who has spent only 13 months in this body, others having been here many more years. As a newly arrived Member of this body, I like to think that there might be another Senator from Connecticut sitting here one day who would like to see this institution function in its historic role as a deliberate, thoughtful body that slows things down occasionally to make sure that what we do is in the best interests of this country. My concern is that television may alter that most essential function of the Senate, which the Senator from Mississippi clearly described as "the second look."

Mr. DANFORTH. Mr. President, may I ask another question of the majority leader?

Mr. BAKER. I yield.

Mr. DANFORTH. Would it not make more sense to recommit this resolution to the Rules Committee, so that when we first vote on the question of whether or not to televise the Senate at all, we do so with a full understanding of what rule changes would be involved, rather than to vote on the concept of televising the Senate and then perhaps have an argument on what rule changes are necessary, and end up with insufficient amendments to the rules, changes in the rules, to accommodate the changed situation in the Senate?

Mr. BAKER. I say to the Senator from Missouri, who is one of our most dedicated Members and who has contributed much to the Senate, that he is aware, as I am, that almost never do we get everything we want in this Chamber.

Just as he would, I suspect, like to recommit this resolution and start over in the basic consideration of it, I would like that agreed to now, in its original form. I am not going to get quite what I wanted, and I suspect that if this amendment is adopted, that will not entirely satisfy the Senator from Missouri.

We spoke of traditions and the precedents of the Senate. The most uniformly exercised precedent and the most honored tradition of the Senate is that, one way or the other, we finally arrive at a result, and that is what we have done here. This amendment is a bipartisan leadership amendment. Senator ROBERT C. BYRD and I are the cosponsors. This amendment has been worked over. It has been honed and polished by people on both sides, by the distinguished Senator from Louisiana, by the distinguished chairman of the committee.

Nobody is getting everything he wants. I think it is the best resolution of this issue at this time, and I urge that we proceed to vote on the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Colorado (Mr. ARMSTRONG), the Senator from Mississippi (Mr. COCHRAN), the Senator from New York (Mr. D'AMATO), and the Senator from Iowa (Mr. JEPSEN) are necessarily absent.

I further announce that, if present and voting, the Senator from Mississippi (Mr. COCHRAN) would vote "yea".

The PRESIDING OFFICER (Mr. GRASSLEY). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 95, nays 1, as follows:

[Rollcall Vote No. 83 Leg.]

YEAS—95

Abdnor	Garn	Mitchell
Andrews	Glenn	Moynihan
Baker	Goldwater	Murkowski
Baucus	Gorton	Nickles
Bentsen	Grassley	Nunn
Biden	Hart	Packwood
Boren	Hatch	Pell
Boschwitz	Hatfield	Percy
Bradley	Hawkins	Pressler
Brady	Hayakawa	Proxmire
Bumpers	Heflin	Pryor
Burdick	Heinz	Quayle
Byrd, Harry F., Jr.	Helms	Randolph
	Hollings	Riegle
Byrd, Robert C.	Huddleston	Roth
Cannon	Humphrey	Rudman
Chafee	Inouye	Sarbanes
Chiles	Jackson	Sasser
Cohen	Johnston	Schmitt
Cranston	Kassebaum	Simpson
Danforth	Kasten	Specter
DeConcini	Kennedy	Stafford
Denton	Leahy	Stennis
Dixon	Levin	Stevens
Dodd	Long	Symms
Dole	Lugar	Thurmond
Domenici	Mathias	Tower
Durenberger	Matsunaga	Tsongas
Eagleton	Mattingly	Wallop
East	McClure	Warner
Exon	Melcher	Weicker
Ford	Metzenbaum	Zorinsky

NAYS—1

Laxalt

NOT VOTING—4

Armstrong	D'Amato
Cochran	Jepsen

So Mr. BAKER's amendment (UP No. 872, as modified) was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the cloture vote be vitiated.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BAKER. Mr. President, I do not think there are other amendments.

The PRESIDING OFFICER. The question is on agreeing to the resolution, as amended.

The resolution (S. Res. 20), as amended, was passed, as follows:

S. RES. 20

Resolved, That the Committee on Rules and Administration is authorized and directed to provide for television and/or radio coverage (including videotapes and radio broadcast recordings) of proceedings in the Senate Chamber. This resolution shall become effective on the date on which the Senate agrees to a resolution which is hereby required to be reported by the Senate Committee on Rules and Administration 60 days from adoption of this resolution containing such regulations and/or rules changes needed to implement television and/or radio coverage of the Senate.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXPLANATION OF VOTE ON AMENDMENT TO SENATE RESOLUTION 20

Mr. STENNIS. Mr. President, ordinarily I am content not to give an explanation of a vote. My vote was "aye" for the amendment to the resolution that we had before the Senate. I was, nevertheless, opposed to the passage of the resolution, because there is an implication there in the matter even though the amendment was more to my liking. I voted for it for that reason. I thought I should make a record of that for the information of the membership.

CLOTURE VOTE TOMORROW VITIATED

Mr. BAKER. Mr. President, I am not sure it is necessary, since the resolution has been disposed of, but, under the rules, there would be a vote on cloture on the resolution tomorrow. I ask unanimous consent that, if necessary, that order for a cloture vote tomorrow be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, there will be no more rollcall votes today. I wish to advise Senators that it is possible that a motion may be made to proceed to the consideration of the criminal code bill, but if we do, there will not be votes on it prior to tomorrow.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, it will take a few moments to decide whether the managers of that measure are ready to proceed, so, for the moment, I ask unanimous consent that there be a brief period for the transaction of routine morning business to extend not past the hour of 5:25 p.m., under the same terms and conditions as previously ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

ARGENTINA'S NUCLEAR PROGRAM AND THE DANGERS OF NUCLEAR PROLIFERATION IN THIS HEMISPHERE

Mr. CRANSTON. Mr. President, the continuing tense confrontation in the South Atlantic gives cause for renewed concern about the direction of Argentina's nuclear power program. As one who has been following the potential for nuclear proliferation in this key South American country for several weeks prior to Argentina's seizure of the Falkland Islands, I am deeply concerned by the implications of information I have received from independent sources in the past few days which has been confirmed to my satisfaction.

Argentina is a country which clearly has maintained the option of developing nuclear weapons. Argentina has refused to sign the Nuclear Nonproliferation Treaty and has not ratified the regional Treaty of Tlateloco which would establish a nuclear weapons free zone in Latin America. It disputes the official U.S. Government position that there is no difference between a peaceful nuclear explosion and a nuclear weapon and it rejects interpretations of the Tlateloco accord which would bar nuclear explosions.

Adm. Carols Castro Madera, chairman of the Argentine National Atomic Energy Commission, recently contended in a March 10 interview with the Argentine publication Noticias Argentinas that:

> There is no project underway for the construction of nuclear explosives for peaceful purposes * * * but we cannot keep our hands tied if they prove useful in the future * * * Argentina has reserved its right to build explosives for peaceful purposes.

Last February 28, Madera was asked by the Brazilian publication O Globo "if Brazil and Argentina are in a position to manufacture an atomic bomb?" Madera stated:

> The two countries do have the capability to manufacture it * * * some people believe that Argentina and Brazil want to manufacture the bomb but they can't. This is nonsense.

In a similar vein, Madera told the Argentine publication Telam on March 14, 1982 that "Argentina believes that it is necessary to have freedom of action" in the realm of atomic development. Earlier this year, the Jornal do Brasil quoted Madera as saying Argentina had "reached a degree of scientific and technological development that would allow us to build an atomic bomb," adding that "only a little more research and a few more installations—including a uranium reprocessing plant—are needed for the country to have bomb-making capacity."

Mr. President, these statements are of particular concern in light of the isolation from the European community which Argentina is enduring as a result of its seizure of the Falkland Islands. An isolated country ruled by generals and admirals, which has already shown its contempt for international norms by occupying territory in violation of the U.N. Charter, might well choose to exploit its carefully maintained nuclear option if pushed to the wall.

New developments in the Argentine program suggest that Argentina is in fact retaining the option to build nuclear bombs and is moving in a determined manner to develop this capability. To accomplish this end, Argentina is marching down the same road traveled by the Indians and the Pakistanis before them: they are developing two nuclear programs. One is put together only with international assistance and international inspection. The other is indigenous, and in some cases, clandestine, and clearly suitable for weapons production. Weaknesses in International Atomic Energy Agency (IAEA) safeguards for CANDU-type reactors provide the possibility that even the inspected program may be a source of weapons grade material. Given the Argentine junta's contempt for international law—as evidenced by their occupation of the Falklands and the massacre over the past 6 years by government security forces of thousands of their own citizens—there is reason to fear that the Argentines may simply breach safeguards agreements when they deem it desirable.

An informed analysis of the Argentine nuclear program shows that they are carefully putting all the elements in place to have an entire fuel cycle—not subject to international inspection safeguards—and thus a ready source for bomb-grade plutonium. They already have Atucha I, a 370 megawatt reactor, with the Atucha II and Embalse reactors under construction. These reactors are ideal types for maximizing plutonium production. And these will be under safeguards of dubious utility, since the IAEA Director General has admitted to the difficulty of detecting diversions from such reactor types when the country involved can manufacture its own nuclear fuel and run it through the reactor without accounting.

Argentina has just such an indigenous nuclear fuel fabrication capability. They mine their own uranium. They produce their own zircalloy tubing. And they fabricate their own fuel—none of it accounted for by the IAEA.

My information is that Argentina is now pressing toward completion of the missing links in this chain. They are building a pilot heavy water plant for reactor moderation that will not be safeguarded. They are also moving to complete a key facility, an unsafeguarded reprocessing plant at Ezeiza, on the outskirts of Buenos Aires, where plutonium can be recovered for atomic bombs. This clandestine reprocessing plant will be completed some time in the latter half of 1982, giving Argentina the potential to produce enough pure, weapons grade plutonium for at least one atomic bomb less than 6 months after this plant begins operations. A final concern regards persistent reports that Argentina has on the drawing boards plans for "Re7", an unsafeguarded production reactor of from 25 to 75 megawatts, which would eliminate the need to circumvent or breach IAEA inspection of its existing, safeguarded reactors. This would give them a steady source of unaccounted plutonium for military use.

Thus, Mr. President, Argentina clearly has at least the theoretical capability to produce nuclear bomb grade material in significant quantities within the next 2 years.

Mr. President, if we are to avoid the danger that nuclear proliferation will spread to this hemisphere—escalating regional tensions to a point where nuclear weapons may be used, we must press further both on European suppliers of nuclear hardware, and the Argentine recipients to accept full international safeguards on their nuclear development. The Europeans should not renew or continue nuclear trade with Argentina if that country continues to reject inspection of its most sensitive nuclear facilities. Argentina should be pressed to ratify the Tlateloco accords and to forswear nuclear explosions. And the Reagan ad-

ministration should use whatever leverage has been gained from cozying up to the Argentine junta to press that nation to step away from the brink of developing nuclear explosives.

The current confrontation in the South Atlantic would be far more serious if the Argentine generals and admirals were rattling a nuclear saber. This fact should help us to recognize the urgency of these antiproliferation tasks.

TAX-EXEMPT STATUS OF STATE FAMILY FARM DEVELOPMENT AUTHORITY SMALL ISSUE DEVELOPMENT BONDS.

Mr. THURMOND. Mr. President, because of the high interest rates and the sharp cutbacks in Federal loan and guarantee programs, the farmers of South Carolina have had a great deal of difficulty in obtaining financing for the acquisition of new farmland. The State of South Carolina, in an effort to replace these lost funds, established the State family farm development authority. Through the issue of small issue industrial development bonds, the authority is helping the farmers of South Carolina to acquire the land needed to keep their family farms a going concern. This program was put in jeopardy when the Treasury Department introduced a proposal to restrict the use of tax-exempt industrial development bonds. This proposal will kill South Carolina's program by eliminating its source of financing.

In response to this proposal, the Senate of the State of South Carolina adopted a resolution memorializing the President and the Congress of the United States to support the continuation of the tax-exempt status of State family farm development authority small issue development bonds.

Mr. President, in behalf of Senator HOLLINGS and myself, I ask unanimous consent to have this resolution printed in the RECORD following these remarks.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

A SENATE RESOLUTION

Whereas agriculture is the primary industry providing jobs and income for the economy of rural and small communities in South Carolina; and

Whereas twenty-five percent of South Carolina farmers are over sixty-five years and will soon retire from farming; and

Whereas sharp cut backs in federal loan and guarantee programs for beginning farmers have increased the need for the states to develop loan programs for qualified beginning farmers needed to fill the void left in our rural economy by retiring farmers; and

Whereas South Carolina has accepted the challenge of new federalism and established the South Carolina State Family Farm Development Authority, which is authorized to issue its revenue bonds for loans to beginning farmers for purchases of farmland, improvements, and depreciable farm property such as equipment and brood stock, all of which are essential to farming; and

Whereas the South Carolina Family Farm Development Authority revenue bonds can most economically and successfully be marketed in composite lots of small issue, tax exempt, industrial development bonds: Now, therefore, be it *Resolved* by the Senate of the State of South Carolina:

That the President and Congress of the United States are memorialized to support the continuation of the tax exempt status of State Family Farm Development Authority small issue development bonds, to repeal revenue ruling 81-216 and comparable treasury department regulations barring composite marketing of small issue industrial development bonds and retain as allowable purposes a farmer's purchase of land to be used for farming: Be it further *Resolved*, That a copy of this resolution be forwarded to the President of the United States and to each member of the Congress of the United States representing South Carolina.

UNITED STATES OLYMPIC FUND CHECKOFF ACT OF 1981

Mr. HOLLINGS. I am pleased to join with the senior Senator from Hawaii, Mr. INOUYE, and the senior Senator from Alaska, Mr. STEVENS, on their bill S. 1595 known as the United States Olympic Fund Checkoff Act of 1981.

U.S. athletes are seen as emissaries of this country and our amateur athletes deserve recognition and support from the people and Government of the United States.

At present, the U.S. Olympic Committee is the only 1 of 147 national olympic committees not to receive support from its government. We have the greatest athletes in the world if they are given appropriate opportunities to excel. We cannot expect our athletes to be competitive if they are not given a proper chance.

S. 1595 can help bring the United States back to the top of amateur athletics. Moneys raised under this bill will help in building new facilities, providing better equipment, improving the Olympic Training Center, and broadening the scope of athletic programs that are offered to people of all ages and abilities, not only the elite athlete. I wholeheartedly support S. 1595 and its desired results.

RIGHT OF POSTAL SERVICE TO OFFER E-COM UPHELD BY APPEALS COURT

Mr. STEVENS. Mr. President, I am pleased to be able to inform the Senate that on April 20 the U.S. Court of Appeals for the District of Columbia upheld the Postal Service's right to offer its electronic computer originated mail service (E-COM).

The court denied a petition brought by the Justice Department on December 31, 1981, 1 business day before the service was scheduled to start, which sought to prevent the Postal Service from offering or continuing to offer E-COM. The Postal Service inaugurated E-COM on January 4, 1982, as scheduled. The court noted that the Postal Service Governors' decision of August 15, 1980, announcing the initiation of E-COM service was final, noting that any party wishing to challenge that decision should have done so within the 15 days prescribed by law for an appeal.

I am now very optimistic that the way is clear for customers to use E-COM without reservation.

Since the service started, over 400 mailers have applied for certification to use E-COM, which utilizes private telecommunications services to transmit computer generated messages from the mailer to computers in 25 specially equipped E-COM serving post offices throughout the country. The messages are then printed and delivered within 2 delivery days of the transmission.

In the last 3½ months, the Postal Service has proven that E-COM works and works well.

E-COM allows the Postal Service to meet its traditional and mandated responsibility to utilize new technology and provide efficient, universal mail service at reasonable cost.

E-COM combines the universal delivery system of the Postal Service with the telecommunications technology of the private sector to the benefit of all Americans.

Mr. President, I ask unanimous consent that the opinion of the U.S. Court of Appeals for the District of Columbia Circuit be printed in the RECORD.

There being no objection, the opinion was ordered to be printed in the RECORD, as follows:

[NO. 81-2402]

IN RE UNITED STATES OF AMERICA, PETITIONER, BEFORE WRIGHT, ROBB AND EDWARDS, CIRCUIT JUDGES

ORDER

The Court has considered the petition for extraordinary writ in the above-captioned case, and the following additional submissions, all of which are hereby ordered filed, if not already done;

Petitioner's appendix to the petition for extraordinary writ;

Response of the United States Postal Service in opposition to the petition for extraordinary writ, and appendices;

Petitioner's reply to the response of the United States Postal Service, as corrected;

Joint response of Graphnet, Inc. and GTE Telenet Communications Corporation in support of the petition for extraordinary writ;

The brief of the Postal Rate Commission as *amicus curiae;*

The brief of the United States Senators as *amicus curiae;*

The supplemental response of the United States Postal Service.

Upon consideration of all these submissions, it is

Ordered that the petition for extraordinary writ is denied, for the reasons set forth in the attached memorandum of the Court.

PER CURIAM.

MEMORANDUM

The petition for extraordinary writ in aid of the Court's jurisdiction seeks an order under 28 U.S.C. § 1651, preventing the Postal Service from continuing to offer electronic mail (E-COM) service. Granting this requested relief, however, would not aid this Court's present or potential jurisdiction.

The Postal Service issued on August 15, 1980 a decision announcing the Postal Service's plan to initiate ECOM service on January 4, 1982, regardless of the outcome of the Postal Service's challenge in this Court to the Postal Rate Commission's approval of E-COM service on an experimental basis. The August 15, 1980 decision was never appealed by the parties or amici. 39 U.S.C. § 3628 provides that a decision by the Governors of the Service to allow under protest or modify a recommended decision of the Postal Rate Commission must be appealed within fifteen days of the publication of the decision; the section further provides that "[n]o court shall have jurisdiction to review a decision made by the Commission or Governors under this chapter except as provided in this section."

The Court is of the opinion that the August 15, 1980 decision of the Service had effect of authorizing the Service's institution of E-COM service and that this decision was unaffected by this Court's decision in *Governors, United States Postal Service* v. *United States Postal Rate Commission*, 654 F.2d 108 (C.D. Cir. 1981). Any party wishing to challenge the Service's August 15, 1980 decision should have done so by the exclusive means provided in 39 U.S.C. § 3628. No such challenge was made. An order under the All Writs Act "may not appropriately be used merely as a substitute for the appeal procedure prescribed by the statute." *Roche* v. *Evaporated Milk Association*, 319 U.S. 21, 26 (1943).

Other statutory provisions appear to offer petitioner, intervenors and amici the opportunity to challenge the Postal Service's continued operation of E-COM Service. See 39 U.S.C. §§ 409, 3623 and 3662. This Court's potential appellate jurisdiction over appropriate actions brought pursuant to those provisions is not thwarted by the Postal Service's continued operation of E-COM service. Therefore, relief under the All Writs Act would be inappropriate.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

SCIENCE AND TECHNOLOGY REPORT—MESSAGE FROM THE PRESIDENT, PM-128

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

I am pleased to submit to the Congress the fourth Annual Science and Technology Report as required under the National Science and Technology Policy, Organization, and Priorities Act of 1976. This is the first such report of my Administration.

Science and technology are essential to the accomplishment of the goals of this Administration and the needs of the American people for jobs, enhanced national security, increased international competitiveness, and better health and quality of life. The continued advancement of both theoretical and applied scientific knowledge is of vital importance to continued human progress and the resolution of the complex problems facing the world in the years ahead.

This Report emphasizes the important role of the Federal government in supporting our scientific enterprise. But it also emphasizes that some things can best be done by the private sector. I believe that together we will be able to harness science and technology to meet the needs and aspirations of all our people.

RONALD REAGAN.

THE WHITE HOUSE, *April 21, 1982.*

MESSAGE FROM THE HOUSE

At 3:09 p.m., a message from the House of Representatives, delivered by Mr. Gregory, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1093. An act for the relief of Sandra Reyes Pellecer.

The message also announced that the House agrees to the amendments of the Senate to the amendments of the House to the following bill:

S. 266. An act to foster greater coordination and sharing of health-care resources between the Veterans' Administration and the Department of Defense, and to amend title 38, United States Code, to authorize appropriate coordination and sharing of such health-care resources; and for other purposes.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3592. An act for the relief of Uili Tuifua, Talameafoou Tuifua, Heta Tuifua, Sateki Tuifua, Ilaisaane Tuifua, and Ofa Hemooni Tuifua; and

H.R. 6038. An act to amend section 235 of the National Housing Act.

HOUSE BILL REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 3952. An act for the relief of Uili Tuifua, Talameafoou Tuifua, Heta Tuifua, Sateki Tuifua, Ilaisaane Tuifua, and Ofa Hemooni Tuifua; to the Committee on the Judiciary.

HOUSE BILL PLACED ON CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 6038. An act to amend section 235 of the National Housing Act.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3257. A communication from the Director of the Office of Management and Budget transmitting, pursuant to law, the cumulative report on the status of 1982 rescissions and deferrals; jointly, pursuant to the order of January 30, 1975, to the Committee on Agriculture, Nutrition, and Forestry; the Committee on Appropriations; the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs; the Committee on the Budget; the Committee on Commerce, Science, and Transportation; the Committee on Energy and Natural Resources; the Committee on Environment and Public Works; the Committee on Finance; the Committee on Foreign Relations; the Committee on Governmental Affairs; the Committee on the Judiciary; the Committee on Labor and Human Resources; and the Committee on Small Business.

EC-3258. A communication from the Secretary of Agriculture transmitting a draft of proposed legislation authorizing the Secretary of Agriculture to establish methods for efficient and equitable marketing of tobacco; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3259. A communication from the Secretary of Commerce transmitting, pursuant to law, the 1981 annual report of the Export Administration; to the Committee on Banking, Housing, and Urban Affairs.

EC-3260. A communication from the Chairman of the National Credit Union Administration transmitting, pursuant to law, the third annual report of the Board; to the Committee on Banking, Housing, and Urban Affairs.

EC-3261. A communication from the Chairman of the Board of Governors of the Federal Reserve System transmitting, pursuant to law, the 68th annual report of the Board; to the Committee on Banking, Housing, and Urban Affairs.

EC-3262. A communication from the Vice President for Government Affairs of Amtrak transmitting, pursuant to law, a report for January 1982 on certain passenger and ontime data for the system; to the Committee on Commerce, Science, and Transportation.

EC-3263. A communication from the Acting Secretary of the Interior transmitting a draft of proposed legislation to amend the act establishing the Cape Cod National Seashore, Mass.; to the Committee on Energy and Natural Resources.

EC-3264. A communication from the Energy Information Administration entitled "Energy Information Report to Congress," March 1982; to the Committee on Energy and Natural Resources.

EC-3265. A communication from the Acting Secretary of the Interior transmit-

ting a draft of proposed legislation to amend the act establishing the Cape Lookout National Seashore, N.C.; to the Committee on Energy and Natural Resources.

EC-3266. A communication from the Acting Secretary of the Interior transmitting a draft of proposed legislation to amend the act establishing the Sleeping Bear Dunes National Lakeshore, Mich.; to the Committee on Energy and Natural Resources.

EC-3267. A communication from the Assistant Secretary for Legislative Affairs of the Department of the Treasury transmitting pursuant to law, project performance audit reports of the International Bank for Reconstruction and Development, Interamerican Development Bank, and the Asian Development Bank; to the Committee on Foreign Relations.

EC-3268. A communication from the Attorney-Advisor, Department of State, transmitting, pursuant to law, copies of international agreements other than treaties entered into by the United States within the previous 60 days; to the Committee on Foreign Relations.

EC-3269. A communication from the Administrator of the General Services Administration transmitting pursuant to law, the second biennial report on excess and surplus personal property programs; to the Committee on Governmental Affairs.

EC-3270. A communication from the Secretary of Education transmitting, pursuant to law, final regulations for the PLUS program; to the Committee on Labor and Human Resources.

EC-3271. A communication from the Secretary of Education transmitting, pursuant to law, final regulations for service of process; to the Committee on Labor and Human Resources.

EC-3272. A communication from the Secretary of Education transmitting, pursuant to law, final regulations for grants to State educational agencies to improve the interstate and intrastate coordination of migrant education activities; to the Committee on Labor and Human Resources.

EC-3273. A communication from the Secretary of Education transmitting, pursuant to law, final regulations for consolidated grant applications for insular areas; to the Committee on Labor and Human Resources.

EC-3274. A communication from the Under Secretary for International Affairs and Commodity Programs of the Department of Agriculture transmitting, pursuant to law, the annual report on Public Law 480 activities for fiscal year 1981; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3275. A communication from the Secretary of Agriculture transmitting, pursuant to law, the fiscal year 1981 report of the Forest Service; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3276. A communication from the Assistant Secretary of the Air Force for Research, Development, and Logistics transmitting, pursuant to law, notice of a decision made to convert the refuse collection and disposal services function at Grand Forks Air Force Base, N. Dak., to performance under contract; to the Committee on Armed Services.

EC-3277. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report on the Department of the Air Force's proposed letter of offer to Bahrain for defense articles estimated to cost in excess of $25 million; to the Committee on Armed Services.

EC-3278. A communication from the Secretary of the Army, transmitting, pursuant to law, a report on the per unit cost and the changing situation surrounding the Patriot program; to the Committee on Armed Services.

EC-3279. A communication from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting, pursuant to law, notice that the Department of the Navy plans to study the conversion from in-house operation to commercial contract of various functions at different installations; to the Committee on Armed Services.

EC-3280. A communication from the Acting Director, Facility and Requirements, Office of the Assistant Secretary of Defense for Manpower, Reserve Affairs, and Logistics, transmitting, pursuant to law, notice of 21 construction projects to be undertaken by the Army National Guard; to the Committee on Armed Services.

EC-3281. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting a draft of proposed legislation to amend and extend the Export-Import Bank Act of 1945, as amended; to the Committee on Banking, Housing, and Urban Affairs.

EC-3282. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the annual report of the Federal Maritime Commission for fiscal year 1981; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 2271. A bill to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards for fiscal year 1983, and for other purposes (Rept. No. 97-337).

By Mr. THURMOND, from the Committee on the Judiciary, without amendment:

S. 189. A bill for the relief of Marlon Dolon Opelt (Rept. No. 97-338).

S. 222. A bill for the relief of Lydia Delos Santos Colcol (Rept. No. 97-339).

S. 224. A bill for the relief of Isoo Kojima (Rept. No. 97-340).

S. 1048. A bill for the relief of Braun Green (Rept. No. 97-341).

S. 1364. A bill for the relief of Jose Ramon Beltron Aivenda Ostler (Rept. No. 97-342).

S. 1494. A bill for the relief of Pandelis Perdikis (Rept. No. 97-343).

S. 1781. A bill for the relief of Ezekiel Trail Clemons (Rept. No. 97-344).

H.R. 1624. A bill for the relief of Theresa Macam Alcalen (Rept. No. 97-345).

H.R. 1796. A bill for the relief of Jacobo Cosio-Franco (Rept. No. 97-346).

H.R. 1977. A bill for the relief of Maria Gloria (Joy) C. Villa (Rept. No. 97-347).

H.R. 3478. A bill for the relief of Mrs. Maruko Kubota Smith (Rept. No. 97-348).

By Mr. THURMOND, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 198. A bill for the relief of James G. Reese (Rept. No. 97-349).

S. 521. A bill for the relief of Benjamin Bane (Rept. No. 97-350).

By Mr. THURMOND, from the Committee on the Judiciary, with an amendment in the nature of a substitute and an amendment to the title:

S. 1569. A bill for the relief of Professor Ramarao Inguva (Rept. No. 97-351).

By Mr. THURMOND, from the Committee on the Judiciary, with an amendment and an amendment to the title:

S. 1331. A bill for the relief of Florence Louis Barry (Rept. No. 97-352).

By Mr. THURMOND, from the Committee on the Judiciary, with an amendment to the title:

S. 79. A bill for the relief of Joseph Y. Quijano, his wife Marichu Larrazabal Quijano and his son, Franz Joseph Quijano and his daughter, Maria Estrella Quijano (Rept. No. 97-353).

By Mr. THURMOND, from the Committee on the Judiciary, with amendments:

S. 275. A bill for the relief of Dante Soriano Loo and Rhodora Guerrero Loo, his wife (Rept. No. 97-354).

S. 1092. A bill for the relief of Luis Monzon (Rept. No. 97-355).

By Mr. THURMOND, from the Committee on the Judiciary with amendments, and with an amendment to the title:

S. 1330. A bill for the relief of Jose Garcia-Nunez and Maura Garcia-Nunez, his wife (Rept. No. 97-356).

By Mr. THURMOND, from the Committee on the Judiciary, with amendments:

S. 1523. A bill for the relief of Stephen Hassan Abdul (Rept. No. 97-357).

H.R. 1681. A bill for the relief of Andre Bartholo Eubanks (Rept. No. 97-358).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DOMENICI:

S. 2405. A bill to further amend the boundary of the Cibola National Forest to allow an exchange of land with the city of Albuquerque, N. Mex.; to the Committee on Energy and Natural Resources.

By Mr. EAGLETON:

S. 2406. A bill to create the United States Revitalization Bank and to authorize such Bank to issue obligations and provide loans and loan guarantees to qualifying business enterprises and local government units; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. PROXMIRE (for himself and Mr. THURMOND):

S. 2407. A bill to repeal provisions of law providing for salary adjustments for Members of Congress, to assure that Members are not exempt from requirements for justification of income tax deductions, and to provide that legislation increasing Member's compensation, Federal income tax benefits, or limitations on outside earnings is considered separately from other legislation, is adopted only by a recorded vote, and does not take effect until the start of the Congress following the Congress in which approved; to the Committee on Governmental Affairs.

By Mr. WEICKER (for himself and Mr. NUNN):

S. 2408. A bill to amend the Small Business Act; to the Committee on Small Business.

By Mr. WEICKER (by request):

S. 2409. A bill to amend the Small Business Act; to the Committee on Small Business.

By Mr. DURENBERGER (for himself and Mr. BOSCHWITZ):

S. 2410. A bill to amend the Agricultural Act of 1970, to prohibit restrictions on the export of certain agricultural commodities; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SPECTER (for himself, Mr. BIDEN, and Mr. HEFLIN):

S. 2411. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968; to the Committee on the Judiciary.

By Mr. HAYAKAWA:

S. 2412. A bill to amend the Bilingual Education Act, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. LONG:

S. 2413. A bill to delete the provisions of the Internal Revenue Code of 1954 which treat Members of Congress separately with respect to living expense deductions; to the Committee on Finance.

By Mr. INOUYE:

S. 2414. A bill to amend the Shipping Act, 1916, to provide for jurisdiction over common carriers by water engaging in foreign commerce to and from the United States utilizing ports in nations contiguous to the United States; to the Committee on Commerce, Science, and Transportation.

By Mr. MELCHER:

S. 2415. A bill to provide that food stamp adjustments for the elderly and disabled are coordinated with cost-of-living adjustments; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MATSUNAGA:

S. 2416. A bill for the relief of Julieta Rabara Rasay; to the Committee on the Judiciary.

By Mr. CRANSTON:

S. 2417. A bill to amend the Federal Reserve Act to provide for the increased responsiveness and accountability of the Federal Reserve System to Congress and citizens, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CRANSTON (for himself and Mr. HAYAKAWA):

S. 2418. A bill to authorize the Twenty-nine Palms Band of Luiseno Mission Indians to lease for 99 years certain lands held in trust for such band; to the Select Committee on Indian Affairs.

By Mr. DECONCINI (for himself, Mr. SIMPSON, Mr. HATCH, Mr. ZORINSKY, Mr. LAXALT, Mr. ABDNOR, Mr. DOMENICI, Mr. GRASSLEY, Mr. BURDICK, Mrs. HAWKINS, Mr. COCHRAN, Mr. MURKOWSKI, Mr. GOLDWATER, and Mr. GORTON):

S. 2419. A bill to amend title 28, United States Code, regarding venue, and for other purposes; to the Committee on the Judiciary.

By Mrs. HAWKINS (for herself, Mr. DENTON, Mr. SYMMS, Mr. ABDNOR, Mr. BURDICK, Mr. CHILES, Mr. DIXON, Mr. DOMENICI, Mr. GORTON, Mr. HELMS, Mr. MATTINGLY, Mr. BAUCUS, Mr. KASTEN, Mr. HEFLIN, Mr. DECONCINI, Mr. RANDOLPH, Mr. STAFFORD, Mr. HOLLINGS, Mr. D'AMATO, Mr. QUAYLE, Mr. KENNEDY, Mr. MOYNIHAN, Mr. DOLE, Mr. GRASSLEY, Mr. SPECTER, Mrs. KASSENBAUM, Mr. HATCH, and Mr. TOWER):

S.J. Res. 189. A joint resolution to authorize and request the President to designate May 25, 1982, as "Missing Children Day."; to the Committee on the Judiciary.

By Mr. BURDICK:

S.J. Res. 190. A joint resolution to authorize and request the President to designate "National Family Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MOYNIHAN:

S. Res. 368. A resolution regarding the U.S. response to the Argentine invasion of the Falkland Islands; submitted and read.

By Mr. MITCHELL (for Mr. CHAFEE (for himself, Mr. MITCHELL, Mr. PELL, Mr. COHEN, Mr. STAFFORD, Mr. MATTINGLY, Mr. MATSUNAGA, Mr. INOUYE, Mr. LEAHY, Mr. WEICKER, Mr. TSONGAS, Mr. KENNEDY, Mr. MOYNIHAN, Mr. RUDMAN, Mr. HUMPHREY, and Mr. DODD)):

S. Res. 369. A resolution opposing the imposition of import fees on the importation of any crude oil or refined petroleum products; to the Committee on Finance.

By Mr. GLENN:

S. Res. 370. A resolution expressing the sense of the Senate with respect to a halt by the United States and the Soviet Union of further production and deployment of nuclear warheads while beginning strategic arms negotiations; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOMENICI:

S. 2405. A bill to further amend the boundary of the Cibola National Forest to allow an exchange of lands with the city of Albuquerque, N. Mex.; to the Committee on Energy and Natural Resources.

EXCHANGE OF CERTAIN LANDS

● Mr. DOMENICI. Mr. President, today I introduce legislation which will culminate years of effort at the local, State, and Federal level to include roughly 7,000 acres of land known as the Elena Gallegos tract, which will be included into the Cibola National Forest System and into the existing Sandia Wilderness. This legislation is very simple. It readjusts previous legislation with reference to the boundaries of this tract of land as well as the size.

Acquisition of the Elena Gallegos tract was first authorized by Congress in 1978. Then in 1980 the authorization was modified in order to insure that once the Elena Gallegos tract was acquired by the U.S. Forest Service, it would be placed into existing wilderness.

Originally, it was thought that acquisition of the parcel would come through a purchase from the Land and Water Conservation Fund. However, there currently is a moratorium on new land purchases by the Federal Government. Innovative methods must therefore be utilized in land acquisition programs.

The city of Albuquerque and the State of New Mexico had already contractually committed well over $6 million toward the purchase of the land in order to keep this price of the tract fixed. Faced with a dilemma of how to acquire this land without expending Federal dollars, the citizens of Albuquerque came up with an answer.

They adopted a special sales tax to assist in the purchase of this parcel. This was an action that involved and generated widespread public support throughout the local community.

The city thereupon renegotiated the existing contract to lower the purchase price and set a 3-year timetable for raising necessary revenues. As I said before, this bill is a simple bill. It amends the 1978 act by making small adjustments in acreage that have been made in order to make this exchange possible. For many years the U.S. Forest Service has been attempting to acquire this land because it has recognized that the land is a very valuable addition to our wilderness system.

I think the people of New Mexico have risen to the challenge that we have given them. They have found a way to place a tract into the national wilderness system without depending solely on Federal money. They have found a way to preserve a piece of our Nation's heritage for generations to come. And finally, they have once again shown us that all solutions do not necessarily come from Washington, D.C.●

By Mr. EAGLETON:

S. 2406. A bill to create the U.S. Revitalization Bank and to authorize such Bank to issue obligations and provide loans and loan guarantees to qualifying business enterprises and local government units; to the Committee on Banking, Housing, and Urban Affairs.

(The remarks of Mr. EAGLETON on this legislation appear earlier in today's RECORD.)

By Mr. PROXMIRE (for himself and Mr. THURMOND):

S. 2407. A bill to repeal provisions of law providing for salary adjustments for Members of Congress, to assure that Members are not exempt from requirements for justification of income tax deductions, and to provide that legislation increasing Member's compensation, Federal income tax benefits, or limitations on outside earnings is considered separately from other legislation, is adopted only by a recorded vote, and does not take effect until the start of the Congress following the Congress in which approved; to the Committee on Governmental Affairs.

OMNIBUS CONGRESSIONAL COMPENSATION REFORM ACT OF 1982

Mr. PROXMIRE. Mr. President, today I am introducing, on behalf of

myself and the Senator from South Carolina (Mr. THURMOND), an omnibus congressional pay reform bill. This bill is designed to streamline and open to public view the process by which Members of Congress vote on pay increases, tax benefits, and outside income limitations.

The purpose of this bill is to change the way Congress votes on pay, tax, and outside compensation. Instead of minor amendments on obscure bills and changes without substantial debate, the Congress should face these decisions squarely, out in the open, and without subterfuge.

The bill has four major provisions:

First. No change in compensation, tax treatment, or outside earnings for a Member of Congress will become effective until the seating of the Congress following the Congress in which the change was approved.

Second. No Member of Congress shall be eligible for automatic cost-of-living adjustments to pay.

Third. No Member of Congress shall be uniquely exempt from Internal Revenue Service provisions demanding item-by-item justifications of business expense tax deductions.

Fourth. No change in compensation, tax treatment, or outside earnings of a Member of Congress shall be considered by the Congress in any legislation which does not deal exclusively with such change. And any such legislation may be approved only by a recorded vote of the Members.

These reforms would force the Congress to deal with items of direct interest to Members in a regular and open manner. No longer could amendments be attached to other bills. They would have to stand on their own and be subject to a recorded vote in both bodies.

Further, any vote increasing pay, outside income, or tax treatment would not go into effect until the next Congress was seated. A version of this language was narrowly dropped from our Constitution. Its intent then, as now, was to preclude, as much as possible, the appearance of conflict of interest in voting for measures that would accrue to the personal benefit of Members.

I welcome cosponsors to this legislation and hope that the appropriate committee will report out such a reform package before the Congress once again must deal with these issues in a piecemeal fashion.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD:

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2407

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Omnibus Congressional Compensation Reform Act of 1982".

SEC. 2. ELIMINATION OF PROVISIONS OF LAW PROVIDING FOR SALARY ADJUSTMENTS FOR MEMBERS OF CONGRESS.

(a) ELIMINATION OF ANNUAL ADJUSTMENT.—Section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) is amended by striking out paragraph (2), relating to congressional salary adjustments.

(b) QUANDRENNIAL COMMISSION RECOMMENDATIONS TO BE ASVISORY ONLY.—

(1) AMENDMENT TO FEDERAL SALARY ACT OF 1967.—Section 225(i) of the Federal Salary Act of 1967 (2 U.S.C. 359) is amended by adding at the end thereof the following new paragraph:

"(3) Any part of the recommendations of the President which relate to offices and positions within the purview of subparagraph (A) of subsection (f) of this section shall be of an advisory nature only and, unless otherwise provided by law, shall not take effect under this subsection.".

(2) TECHNICAL AND CONFORMING AMENDMENTS.—(A) Section 225(i)(1) of the Federal Salary Act of 1967 (2 U.S.C. 359(1)) is amended by inserting "(other than recommendations with respect to those offices and positions within the purview of subparagraph (A) of subsection (f) of this section)" before "shall become effective".

(B) Section 225(j) of the Federal Salary Act of 1967 (2 U.S.C. 360) is amended—

(i) by inserting "which are" before "transmitted"; and

(ii) by inserting "and which take effect under subsection (i) of this section" before "shall, if approved by the Congress".

(C) Section 225(f) of the Federal Salary Act of 1967 (U.S.C. 356) is amended—

(i) by striking out "The Vice President of the United States" in subparagraph (A); and

(ii) by inserting "the Vice President of the United States and" before "offices" in subparagraph (D).

(c) MEMBERS' CURRENT SALARY RATE TO CONTINUE UNTIL CHANGED BY LAW.—Section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31(a)) is amended to read as follows:

"SEC. 601. (a)(1) Until otherwise provided by law, the annual rate of pay for—

"(A) each Senator, Member of the House of Representatives, and Delegate to the House of Representatives, and the Resident Commissioner from Puerto Rico,

"(B) the President pro tempore of the Senate, the majority leader and the minority leader of the Senate, and the majority leader and the minority leader of the House of Representatives, and

"(C) the Speaker of the House of Representatives, shall be the rate payable for such positions, respectively, on the date of the enactment of the Omnibus Congressional Compensation Reform Act of 1982.".

(d) ELIMINATION OF PERMANENT APPROPRIATIONS FOR MEMBERS' COMPENSATION.—Section 130 of the joint resolution entitled "Joint resolution making continuing appropriations for the fiscal year 1982, and for other proposes" (approved October 1, 1981; Public Law 97-51) is amended by striking out subsection (c).

SEC. 3. MEMBERS NOT TO BE EXEMPT FROM REQUIREMENTS FOR SUBSTANTIATION OF LIVING EXPENSE DEDUCTIONS.

(a) IN GENERAL.—Paragraph (4) of subsection (f) of section 280A of the Internal Revenue Code of 1954 (relating to coordination with section 162(a)(2) and substantiation of deductions) is amended to read as follows:

"(4) COORDINATION WITH SECTION 162(a)(2).—Nothing in this section shall be construed to disallow any deduction allowable under section 162(a)(2) (or any deduction which meets the tests of section 162(a)(2) but is allowable under another provision of this title) by reason of the taxpayer's being away from home in the pursuit of a trade or business (other than the trade or business of renting dwelling units).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1975, except that in the case of taxable years beginning after December 31, 1975, and before January 1, 1980, the amendment made by subsection (a) shall apply only to taxable years for which, on December 29, 1981, the making of a refund, or the assessment of a deficiency, was not barred by law or any rule of law.

SEC. 4. REQUIREMENTS APPLICABLE TO ADOPTION OF FUTURE SALARY INCREASES, TAX BENEFITS, AND ADJUSTMENTS TO OUTSIDE EARNINGS LIMITS.

(a) BENEFITS DEFERRED UNTIL START OF FOLLOWING CONGRESS.—

(1) DEFERRAL.—Congressional benefits subject to this paragraph shall not take effect before the beginning of the Congress following the Congress during which the law or resolution providing such benefits is enacted or adopted. Such a law or resolution shall not be considered to supersede this paragraph unless it specifically refers to this paragraph and expressly states that it supersedes this paragraph.

(2) CONGRESSIONAL BENEFITS SUBJECT TO PARAGRAPH (1)—The following shall be subject to paragraph (1):

(A) any increase in the rate of pay payable to Members of Congress occurring because of—

(i) an adjustment to such rates by or under any law enacted after the date of the enactment of this paragraph, or

(ii) the lapse or adjustment of any limitation on the availability of appropriated funds;

(B) any amendment to the Internal Revenue Code of 1954 which provides tax credits, deductions, exclusions, exemptions, or other tax benefits for Members of Congress as a separate and distinct class; and

(C) any amendment to any law or rule of Senate or the House of Representatives if the effect of such amendment is to increase the amount of outside earned income (including honoria) permitted to be received by Members of Congress.

(3) ACTIONS TAKEN IN POSTELECTION SESSION TREATED AS IF TAKEN IN FOLLOWING CONGRESS.—For purposes of this subsection, any law or resolution enacted or adopted during the period which begins on the Tuesday following the first Monday of November of during any even-numbered year of any Congress and which ends at noon on the following January 3 shall be considered as enacted or adopted during the first session of the following Congress.

(b) PROCEDURAL RULES APPLICABLE TO ADOPTION OF CONGRESSIONAL BENEFITS.—

(1) RULEMAKING AUTHORITY.—The provisions of paragraphs (2) and (3) are enacted by the Congress—

(A) as an exercise of the rulemaking power of the Senate and the House of Representatives and as such they shall be considered as part of the rules of each House,

and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(B) with full recognition of the constitutional right of such House to change such rules at any time, in the same manner, and to the same extent as in the case of any other rule of each House.

(2) AMENDMENT OF HOUSE RULES.—Rule VIII of the Rules of the House of Representatives is amended by inserting at the end thereof the following new clauses:

"4. The yeas and nays shall be considered as ordered when the Speaker puts the question upon final passage or adoption, as the case may be, of any bill or resolution that would—

"(A) adjust the rate of pay of Members;

"(B) affect the limitations on outside earned income of Members as set forth in rule XLVII or any law; or

"(C) provide income tax credits, deductions, exemptions, exclusions, or other tax benefits for Members of Congress as a separate and distinct class.

"5. It shall not be in order in the House to consider any bill or resolution which would be subject to clause 4 if the bill or resolution contains any item other than those set forth in such clause.

"6. It shall not be in order in the House to consider any bill or resolution which would be subject to clause 4 unless the provisions of such bill or resolution take effect at the beginning of the Congress following the Congress during which the bill or resolution involved is enacted or adopted, as the case may be.

"7. The requirements of clauses 4, 5, and 6 shall apply (in the same manner as such clauses apply to a bill or resolution) to any amendment to any bill or resolution previously passed by the House.".

(3) AMENDMENT OF STANDING RULES OF THE SENATE.—Rule XII of the Standing Rules of the Senate is amended by inserting at the end thereof the following new paragraphs:

"5. The yeas and nays shall be considered as ordered when the Senate orders a final vote on the final passage or adoption, as the case may be, of any bill or resolution that would—

"(1) adjust the rate of pay of Members;

"(2) affect the limitations on outside earned income of Members as set forth in rule XXXVI or any law; or

"(3) provide income tax credits, deductions, exemptions, exclusions, or other tax benefits for Members of Congress as a separate and distinct class.

"6. It shall not be in order in the Senate to consider any bill or resolution which would be subject to paragraph 5 if the bill or resolution contains any item other than those set forth in such paragraph.

"7. It shall not be in order in the Senate to consider any bill or resolution which would be subject to paragraph 5 unless the provisions of the bill or resolution take effect at the beginning of the Congress following the Congress during which the bill or resolution involved is enacted or adopted, as the case may be.

"8. The requirements of paragraphs 5, 6, and 7 shall apply (in the same manner as such paragraphs apply to a bill or resolution) to any amendment to any bill or resolution previously passed by the Senate.".

(c) EFFECTIVE DATE.—Subsections (a) and (b) shall take effect on the date of the enactment of this Act and shall apply to any bill or resolution (or amendment thereto) enacted or adopted on or after such date.

SEC. 5. MEMBERS OF CONGRESS DEFINED.

For purposes of this Act, the term "Member of Congress" means—

(1) each Senator, Member of the House of Representatives, and Delegate to the House of Representatives, and the Resident Commissioner from Puerto Rico, and

(B) the President pro tempore of the Senate, the majority leader and the minority leader of the Senate, the majority leader and the minority leader of the House of Representatives, and the Speaker of the House of Representatives.

SEC. 6. EFFECTIVE DATE.

Except as provided otherwise in this Act, the provisions of this Act shall take effect on the date of the enactment of this Act.

Mr. THURMOND. Mr. President, today, I am joining with Senator PROXMIRE to introduce legislation addressing the controversial and recurrent issue of salary increases and tax treatment for Members of Congress. An identical bill is being introduced in the House of Representatives by Congressman GARY A. LEE.

This bill is simple, straightforward, and addresses the issue in a reasonable and responsible fashion. The bill has four major provisions as follows:

First, changes in compensation, tax treatment, or outside earnings limitations for Members of Congress will not become effective until the seating of the next Congress.

Second, Members of Congress will not be eligible for automatic cost-of-living adjustments to their pay.

Third, Members of Congress, just as other taxpayers, will be required to provide item-by-item justifications of business expense tax deductions.

Fourth, any changes in compensation, tax treatment, or outside earnings limitations for Members of Congress shall only be considered in legislation which deals exclusively with such changes and may be approved only by a recorded vote of the Members.

These changes will require Congress to face the issues of pay increases, tax treatment, and outside earnings limitations squarely and in an open and honest fashion while avoiding any appearance of impropriety or conflict of interest.

Several of the concepts embodied in this bill are similar to provisions in a bill, S. 2061, which I authored in the 96th Congress to reform the method of providing pay increases for all Federal employees, including Members of Congress. Mr. President, I strongly feel that these recurrent, troublesome issues relating to compensation for congressional Members must be faced in a responsible, deliberate manner. This bill sets out a policy framework for confronting these questions in a statesmanlike fashion, and I am pleased to join with the distinguished Senator from Wisconsin in presenting it to our colleagues for thoughtful consideration.

By Mr. WEICKER (for himself and Mr. NUNN):

S. 2408. A bill to amend the Small Business Act; to the Committee on Small Business.

SMALL BUSINESS VENTURE CAPITAL ACT OF 1982

● Mr. WEICKER. Mr. President, I am pleased to introduce along with my distinguished colleague and the ranking member of the Senate Small Business Committee, Senator NUNN, the Small Business Venture Capital Act of 1982.

This bill would provide for a modest increase in the maximum authorization levels of funds that are available for the small business investment co. (SBIC) and minority enterprise small business investment co. (MESBIC) programs administered by the Small Business Administration; it would increase the maximum authorization level for SBA guarantees of loans made available by the SBA to socially and economically disadvantage individuals under the economic opportunity loan (EOL) program; and it would free up the audit resources of the SBA Inspector General by permitting him to conduct audits of SBIC's and MESBIC's once every 2 years rather than annually.

Mr. President, SBIC's and MESBIC's are SBA licensed companies which, through a unique private and public sector partnership provide equity capital, long-term loans and management assistance to small business concerns and to small business concerns owned by socially of economically disadvantaged persons. By combining business expertise, management assistance and venture capital, SBIC's and MESBIC's, in compliance with SBA rules and regulations, often assist small and minority small business concerns to survive, grow and prosper at times when other traditional lending institutions have turned their backs on them. In this respect, they are some of our most valuable economic development tools.

In return for a commitment to invest in small businesses, SBIC's are licensed by SBA and authorized to borrow money from the Federal Government at the full cost of money to the Treasury, plus a premium; MESBIC's which go through the same licensing procedure, obtain leverage capital from the Government which purchases preferred securities in the MESBIC itself. To be licensed as an SBIC or MESBIC, the company must first have a minimum of $500,000 in private sector paid-in capital. Before an SBIC can borrow any funds from the Government, it must have already committed at least 60 percent of its own capital to investments in small business concerns; in addition, MESBIC's no longer receive an automatic first tier of funding from the Government but must first show a specific

need before they can obtain leverage funds.

Mr. President, I am particularly concerned about the need of SBIC's and MESBIC's for funding over and above the authorization levels provided for under current law and those recommended by the President. This bill would increase the funding level of SBIC's from $160 million under current law to $225 million. This level would provide SBIC's with new leverage funds of approximately $130 million. At the same time, it would provide approximately $95 million to SBIC's who need to apply to SBA for a refunding of prior loans in order not to be forced to liquidate their small business portfolio investments.

In addition, this bill would increase the authorization level for MESBIC's under current law from $35 million to $41 million. This action is consistent with the administration's recommendation to increase the MESBIC funding level in order to insure their ability to continue to provide debt and equity capital to minority firms.

Mr. President SBIC's and MESBIC's epitomize the long-standing recognition of the Senate Small Business Committee that Government works best when its programs involve and to a large extent rely on the private sector. Although the Government has established reasonable regulations that must be complied with, all decisions and all assistance is rendered by the licensed company itself. Furthermore, potential losses in this industry are initially borne by the companies themselves before any potential loss attaches to the dollars borrowed from the Government. But the real advantage of the program is to the small and minority small business owners who are assisted by, and form a partnership with, the SBIC's and MESBIC's. SBIC's and MESBIC's can make a profit from their investments only if the small business itself prospers and grows. Therefore, there is a built-in incentive for the SBIC and MESBIC to foster the growth of the small business concern through the infusion of venture capital and management assistance.

At a recent hearing held by the Small Business Committee, the committee learned of two recent cost-benefit studies on the SBIC industry prepared by the accounting firm of Deloitte, Haskins and Sells. These studies demonstrate the very positive impact of this industry on the economy as a whole and on the small business community in particular. The first study revealed that of the $4 million spent by the Federal Government on the SBIC program in 1979 half was for the cost of administering the program, while the other half was used to cover SBA's losses on loans to SBIC's. In return for that $4 million, however, the Government received a total of $440 million from increased taxes paid by SBIC's, their portfolio companies, and their employees—a 1 to 110 cost-benefit-ratio. The second phase of the Deloitte, Haskins and Sells 1981 study analyzed the cost of creating a job through the SBIC program. It found that the cost to the Federal Government of each permanent job created in private businesses was a mere $270—quite an achievement I might add.

The committee also received testimony at this same hearing concerning the benefits of the MESBIC program. In 1980, $42 million of the MESBIC funds were invested in minority businesses, which generated an additional $84 million of private financing. Of this total $126 million, only $22 million represented leverage funds from SBA, providing a cost-benefit ratio of almost 1 to 6. When taxes, potential reduced unemployment costs, and other relevant factors are taken into consideration, the final cost-benefit ratio is almost 1 to 40—an impressive efficiency rate few other government programs are able to achieve.

Mr. President, this is not to say that the SBIC and MESBIC programs are not without some problems. As with any government program that involves a substantial amount of capital, there will always be those few who take advantage of it and threaten to ruin the program for the other, honest participants. As a result of these "rotten apples," both the SBIC and MESBIC program have suffered in recent years from regulatory abuses at the borrowing end, which have been compounded, in some cases, by an attitude of laxity at the SBA.

As a chairman who places great emphasis on the oversight responsibility of his committee, let me say that I recognize, and have been greatly concerned by, these problems. More importantly, however, I am pleased to say that with the change in administrations, SBA has also recognized the abuses that have taken place in the SBIC and MESBIC program, and already, steps have been taken to see that they do not occur again.

During the past year SBA has begun a number of initiatives to improve the management of the program and eliminate regulatory violations. In March 1981, SBA imposed a 90-day moratorium on licensing of new companies while the agency worked to gain a stronger handle on the program. In July 1981, SBA issued a new regulation requiring MESBIC's to demonstrate a financial need before providing a loan to or investing in a minority-controlled small business. Previously, only the economic or social disadvantage of the company was considered. Earlier this year, SBA issued new regulations to insure upgraded managerial experience requirements for officers of newly licensed companies.

Today, as I noted, SBA is preparing to issue new, tougher regulations for the program. And so there can be no doubt, SBA and the Small Business Committee will work together to assure that these regulations are fair and enforceable.

Mr. President, the bill I am introducing today also proposes a modest increase in the maximum authorization level for SBA guarantees of loans made available under the EOL program to socially or economically disadvantaged individuals. This proposal represents part of the Small Business Committee's continued support of programs targeted to assist the minority small business community. This particular program assists minority-owned firms located in urban or rural areas with high proportions of unemployed or low-income individuals. At a time when small businesses across the board are finding it difficult to survive, minority small businesses in particular are finding the way even tougher. Accordingly, programs in the SBA, such as the EOL program, which assist minority-owned firms, must be given our unwaivering support.

Mr. President, the final provision in this bill deals with the approximate 500 annual examinations that the SBA's Inspector General must conduct each year of licensed SBIC's and MESBIC's. In his last semiannual report, the Inspector General recommended an expansion of this 1-year examination cycle to a maximum 2-year cycle. He pointed out that during the past 6 years, because of a substantial increase in commitment of Government funds to SBIC's and MESBIC's, his audit resources have been severely strained by the need to audit annually both active and idle companies—those without previous or recent regulatory violations as well as those with chronic regulatory control problems.

The amendment that I have proposed would permit the Inspector General's office to forego the necessity under current law of expending his efforts every year in examinations of financially sound SBIC's and MESBIC's with no significant history of regulatory violations. His office could then devote its efforts to more intensive examinations of those SBIC's with chronic regulatory or financial problems. It would also permit his office to more effectively address on a timely basis other critical program activities requiring audit oversight, which have had to be subordinated from time to time due to the requirements of the Small Business Investment Act for annual examinations of all licensees.

Mr. President, the Small Business Venture Capital Act is a small but necessary step that must be taken to insure that small businesses continue to have access to debt and equity cap-

ital in these difficult economic times. Accordingly, I urge all my colleagues to join me in supporting this modest but essential legislative proposal.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2408

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Small Business Venture Capital Act of 1982".

SEC. 2. (a) Paragraph 2 of subsection 20(k) of the Small Business Act is amended by striking out "$60,000,000" and inserting in lieu thereof "$70,000,000".

(b) Paragraph 3 of subsection 20(k) of the Small Business Act is amended by striking out "$35,000,000" and inserting in lieu thereof "$41,000,000", and by striking out "$160,000,000" and inserting in lieu thereof "$225,000,000".

SEC. 3. (a) Paragraph 2 of subsection 20(n) of the Small Business Act is amended by striking out "$60,000,000" and inserting in lieu thereof "$70,000,000".

(b) Paragraph 3 of subsection 20(n) of the Small Business Act is amended by striking out "$35,000,000" and inserting in lieu thereof "$41,000,000", and by striking out "$160,000,000" and inserting in lieu thereof "$225,000,000".

SEC. 4. (a) Paragraph 2 of subsection 20(q) of the Small Business Act is amended by striking out "$60,000,000" and inserting in lieu thereof "$70,000,000".

(b) Paragraph 3 of subsection 20(q) of the Small Business Act is amended by striking out "$35,000,000" and inserting in lieu thereof "$41,000,000", and by striking out "$160,000,000" and inserting in lieu thereof "$225,000,000".

SEC. 5. The second sentence of subsection 310(b) of the Small Business Investment Act of 1958 is amended by striking out "each year" and inserting in lieu thereof "every two years".●

● Mr. NUNN. Mr. President, as the ranking minority member of the Senate Small Business Committee, I am pleased to join Senator WEICKER, the chairman of the committee, in introducing this bill, the Small Business Venture Capital Act of 1982.

This legislation is simple, but it will be effective. It is short, but is necessary to accommodate two of the President's fiscal year 1983 budget recommendations for the Small Business Administration. Although the legislation proposes to increase the statutorily authorized levels for three SBA financial assistance programs, in my view, no increase in the total budget authority for SBA will be required. I believe the guaranteed increases for the three provisions, can, and should, be accommodated within the total guarantee levels already made available to the agency by law.

Mr. President, one section of this bill increases the total guarantee for the SBA economic opportunity business loan program. Historically, this lending program has benefited minority entrepreneurs. In his state of the Union address last January, the President announced his commitment to a $500 million minority business development program. A component of that program included an elimination of the SBA direct loans, but a request for a substantial increase in the guaranteed loans targeted to minority business.

Under legislation proposed by the administration, the authorization for guarantees for economic opportunity loans would be increased in fiscal year 1982 from $60 million to $100 million; in fiscal year 1983, the ceiling would be raised from $60 million to $167 million. The bill we are proposing today would increase the statutory authorization for this program in fiscal years 1982, 1983, and 1984 from its current $60 million to $70 million. Actual guarantee commitments entered into by SBA in this program in fiscal year 1981 totaled only $20.4 million. This fact, coupled with the changes which Congress approved last year in "reconciliation" making the terms of many of the SBA lending programs uniform, might limit demand for the bank-made, SBA-guaranteed program. However, should the demand push against the statutory limits that are recommended in this legislation, I would work with the administration to insure that its program can be accommodated.

A second element of this bill raises the authorization ceiling for minority enterprise small business investment companies (MESBIC). Current law establishes the annual fiscal year 1982-84 ceiling on the direct purchase of debentures and preferred securities at $35 million. The President has proposed an increase in the program to $41 million for fiscal years 1982 and 1983. This bill sets the level at $41 million for each of fiscal year 1982-84. On February 3, 1982, I introduced legislation, S. 2060, which would increase the statutory ceiling for MESBIC's to $45 million. While I support the $45 million level, having both the $41 million and the $45 million level pending before us in committee will provide us with the opportunity to insure that sufficient funds are made available to this successful program.

A third provision raises the statutory authorization ceiling on guarantees of debentures for the small business investment company (SBIC) program from $160 million to $225 million. The President's budget proposed a reduction in SBIC guarantees to $125 million in fiscal year 1983. Fiscal year 1983 may be somewhat unique in terms of the amount of SBIC debentures maturing. It is unlikely that the President's recommendations would leave much room for any significant, and expected, refunding, let alone leave any authority available for new leveraging.

The final provision amends the Small Business Investment Act of 1958 relating to the examination and investigations of licensed SBIC's. Under current law, the agency, through the Inspector General, must annually examine each SBIC unless the license is in litigation or receivership.

When this annual program review was enacted, and even during the first decade of the program, this annual review did not create any difficulties. But as the number of licensed SBIC's grew, and the dollars and sophistication of the investments grew, this annual review has severely taxed the ability of the 25 auditors which the SBA Inspector General has assigned full time to the task. Under this legislative proposal, which has the support of the SBA Inspector General, the annual examination of all SBIC's would be changed to "not less than" biannually. This change would thus permit the IG to target his audits and investigations to those licenses which appear to have problems. Those SBIC's in regulatory compliance could be spared the regular annual audit, but no company would go more than 2 years without a review.

Despite the greater auditing flexibility which this provision would provide the Inspector General, it would be my expectation that the IG and the Investment Division would closely coordinate their work so that, to the extent that the program officials identify difficulties, or need a special review, the IG would be in a position to comply with that request.

This provision cannot be read as a sign that the Congress is backing off its interest in the enforcement of the SBIC Act or regulations. The contrary is more accurate. A comprehensive rewrite of the SBIC regulations is underway to clarify longstanding ambiguities and update the rules. This regulatory action, when coupled with the greater flexibility the statutory recommendation provides the IG to investigate problems, and to target companies, should signal an increase in program oversight.

Mr. President, I believe these provisions are necessary to insure that part of the President's program for SBA can be accommodated, and that needed programs remain viable. I urge the Small Business Committee to quickly consider this, and other related legislation.●

By Mr. WEICKER (by request):

S. 2409. A bill to amend the Small Business Act; to the Committee on Small Business.

CHANGES IN AUTHORIZATION LEVELS OF CERTAIN SMALL BUSINESS PROGRAMS

Mr. WEICKER. Mr. President, at the request of the administration, I am introducing today a bill which would amend subsections 20(k), 20(n), and 20(q) of the Small Business Act to reflect changes in authorization levels for certain Small Business Administration programs proposed in the 1983 Presidential budget.

89-059 O-85-14 (Pt. 6)

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2409

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SEC. 101. (a) Paragraph 2 of subsection 20(k) of the Small Business Act is amended by deleting the figure "$60,000,000" therein and substituting "$100,000,000" therefor.

(b) Paragraph 3 of subsection 20(k) of the Small Business Act is amended by deleting the figure "$35,000,000" therein and substituting "$41,000,000" therefor.

SEC. 102. (a) Paragraph 2 of subsection 20(n) of the Small Business Act is amended by deleting the figure "$60,000,000" therein and substituting "$167,000,000" therefor.

(b) Paragraph 3 of subsection 20(n) of the Small Business Act is amended by deleting the figure "$35,000,000" therein and substituting "$41,000,000" therefor.

SEC. 103. (a) Paragraph 2 of subsection 20(q) of the Small Business Act is amended by deleting the figure "$60,000,000" therein and substituting "$167,000,000" therefor.

(b) Paragraph 3 of subsection 20(q) of the Small Business Act is amended by deleting the figure "$35,000,000" therein and substituting "$41,000,000" therefor.

By Mr. DURENBERGER (for himself and Mr. BOSCHWITZ):

S. 2410. A bill to amend the Agricultural Act of 1970, to prohibit restrictions on the export of certain agricultural commodities; to the Committee on Banking, Housing, and Urban Affairs.

(The remarks of Mr. DURENBERGER, Mr. BOSCHWITZ, and Mr. EXON on this legislation appear elsewhere in today's RECORD.)

By Mr. SPECTER:

S. 2411. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968; to the Committee on the Judiciary.

(The remarks of Mr. SPECTER on this legislation appear earlier in today's RECORD.)

By Mr. HAYAKAWA:

S. 2412. A bill to amend the Bilingual Education Act, and for other purposes; to the Committee on Labor and Human Resources.

BILINGUAL EDUCATION IMPROVEMENTS ACT

Mr. HAYAKAWA. Mr. President, today I am introducing legislation which will make federally funded bilingual education programs more responsive to the needs of local school districts serving immigrant children. My legislation, entitled the Bilingual Education Improvement Act, will authorize funding for a broadened range of instructional approaches for teaching English to children of limited English proficiency under title VII of the Elementary and Secondary Education Act. This bill will also target funding on projects which serve children whose usual language is not English, and authorize bilingual vocational education, teacher training, and materials development under title VII. I have consulted with Education Secretary Terrel Bell who agrees fully with the provisions of this legislation and plans to work with me to encourage its passage.

Communication has been the central theme of my professional career. As an English teacher, writer, and now a U.S. Senator, I have worked extensively with the science of communicating thoughts and feelings. It was very apparent to me some time ago that clear communication is the key to any successful relationship whether it be negotiations between countries or a conversation between an American citizen and a newly arrived immigrant. It is the lifelong interest in improving the lines of communication between all people that has compelled me to introduce this bill today, as well as to propose a constitutional amendment declaring as the law of the land what is already a political and social reality: that English is the official language of the United States. This is necessary for clear communication among all our residents whether they are long-time citizens or recent immigrants from Cambodia.

In considering the issue of a common language for Americans, we must address the question of how best to deal with foreign-speaking immigrants who must learn English in order to join the mainstream of education and our society. I believe the first duty of any immigrant is to learn the language of his new homeland. Therefore, I am appalled by recent implications to new immigrants that English is unnecessary for full participation in our democracy. My constitutional amendment stresses that differing languages can fracture and fragment a society, while a common language unifies. I believe that my constitutional amendment as well as the legislation I am proposing today will prevent a crisis similar to the separatist movement of French Canadians. That confused state of affairs is a result of controversy about which language shall be the official one used in Canada.

Congress recognized the importance of teaching English to immigrants in 1968 when they passed title VII of the Elementary and Secondary Education Act. This act permitted the development of pilot projects to teach English to underprivileged immigrant children and was expanded in 1978 and renamed the Bilingual Education Act. These amendments introduced the option of providing academic instruction in the native language of the immigrant student, coupled with English instruction. The expansion of this program has resulted in federally mandated adherence to this method of teaching immigrants, with few exceptions. Unfortunately, Congress 1978 Bilingual Education Act deprived local schools of their flexibility to determine the best method of instruction for their particular immigrant group.

Bilingual education programs were originally designed to help non-English-speaking children learn English quickly so they could join the mainstream of education and our society. But the term bilingual education has been giving me some problems. Chances are that when five people are asked for a definition, five very different answers will be given.

According to one interpretation, it simply means the teaching of English to immigrant students. This is the method I prefer and is usually called English-as-a-second-language or ESL. However, the definition used to determine eligibility for title VII funding involves teaching academic subjects to immigrants in their own language with a secondary emphasis on English, often called transitional bilingual education. Some immigrant groups argue that this provision is necessary to preserve equal educational rights for non-English-speaking students while they are learning English.

I believe that this requirement actually results in discrimination in the administration of title VII programs. The cost of providing academic subjects in a language other than English limits such programs in local schools to immigrant groups which have large numbers of students speaking the same language such as Spanish. This excludes many of our recent Indochinese immigrant groups who speak a variety of languages. Imagine the cost to a local school of providing academic instruction in Cambodian, Hmong, Laotian, and Vietnamese. These students are no more proficient in English than the traditional immigrant groups funded under title VII. However, because of the limited instructional approaches allowed for funding, these schools cannot apply for title VII money. Section 2, subsection 2 of the Bilingual Education Improvement Act would allow funding for projects which use a variety of methods for teaching children with limited English proficiency including but not limited to transitional bilingual education, ESL, or immerson. Section 2, subsection b insures educational quality for immigrants by requiring applicant schools to show that they have selected instruction methods that will complement the special needs and characteristics of the children to be served by the project.

I agree wholeheartedly that we need to do all we can to teach the English language to non-English-speaking students. However I cannot support a rigid mandate prescribing a single method of instruction. I believe that, given the flexibility to choose their

own program, local schools will emphasize English instruction. Through my personal communications studies, I have observed that the more academic instruction children get in their immigrant parents' language, the less quickly they learn English. What the learning of a new language requires, as is well known in U.S. military language schools, is total immersion in the new language, or as close to total immersion as possible. Though I personally support intensive methods of English instruction, the point is that the bill I am proposing will allow local schools the freedom to choose the teaching method that will serve their immigrant population and maintain their eligibility for Federal bilingual education funds.

The learning capabilities of children are at their highest from the ages of 2 to 10. None of us is as brilliant a student of language as we were when we were 6 years old. A child brought up in a trilingual family, for example, with father speaking one language, mother speaking another language, and let us say a maid speaking a third language, will grow up trilingual without knowing that he has gone through a complicated learning process. It just comes naturally. But after the age of 16, it is an extremely difficult process to even learn one language as many of us have experienced.

The second provision of this legislation would give priority funding to title VII projects which serve children who are both of limited English proficiency and whose usual language is not English. Current definitions of eligible students are broad enough to include many pupils who are actually proficient in English, though they may also speak another language.

Students have been admitted to bilingual programs based on their surnames, Census Bureau data, and other grounds which do not necessarily measure their ability to speak, understand, read, and write English. It is clear that limited Federal funds cannot serve the approximately 3.5 million students who are technically eligible for title VII aid. The new provision in my bill will be immensely helpful in clarifying a target population of students who are the most limited in their ability to speak English.

The third provision in this legislation would authorize several programs under title VII which were previously part of the Vocational Education Act. Vocational training for immigrant adults and out-of-school youth, training funds for teachers of immigrant students, and bilingual materials development have all proved to be small but effective programs. This provision would remove the set-aside for each program required under the Vocational Education Act and would allow the Department of Education to set priorities for the use of these funds. The focus of this funding will be for demonstration projects which will identify successful teaching methods rather than service programs which merely maintain the status quo. I am very encouraged by Secretary Bell's interest in using these programs as catalysts of research and development which will encourage State and local education agencies to share in the formulation of new training methods. I would also like to call your attention to the provisions of the bill which require that instructors teaching immigrants under title VII must themselves be proficient in English. Secretary Bell and I agree that the intent of title VII is to teach English to immigrants. Such a priority necessitates a full knowledge of English by the instructors involved in its programs.

Bilingual education programs were originally intended to help non-English-speaking children learn English quickly so they could join the mainstream of our society. I urge all of my colleagues to join me in support of this legislation. The Bilingual Education Improvement Act will return our federally funded bilingual education programs to their original mission of equipping immigrants for full participation in our democracy.

Mr. President, I respectfully ask that when the Committee on Labor and Human Resources holds its hearing on Friday, April 23, on the subject of bilingual education, that this bill be included for consideration.

I also ask unanimous consent that the text of my bill be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Bilingual Education Improvements Act of 1982".

DEFINITION OF A PROGRAM OF BILINGUAL EDUCATION

SEC. 2. (a) Section 703 (a)(4)(A) of the Bilingual Education Act (hereinafter referred to in this Act as the "Act") is amended to read as follows:

"(A) The term 'program of bilingual education' means a special program of instruction, designed for children of limited English proficiency in elementary or secondary schools, in which—

"(i) there is instruction for the acquisition of English language skills and such instruction is given with appreciation of the cultural heritage of such children and is designed (I) to meet the educational needs of children of limited English proficiency and (II) to provide such children equal opportunity in all required courses or subjects of study; and

"(ii) the requirements in subparagraphs (B) through (F) of this paragraph and those established pursuant to subsection (b) of this section are met.

Nothing in this definition or in any provision of this title shall be construed to require a recipient of funds under this title to use any particular method or approach for providing education to children of limited English proficiency.".

(b) Section 703(a)(4)(E) of the Act is amended—

(1) by striking out "An application for a program of bilingual education shall—" and inserting in lieu thereof "To ensure that the educational needs of children of limited English proficiency are met, an application for a program of bilingual education shall—";

(2) by redesignating clauses (i) through (iii) as clauses (ii) through (iv), respectively; and

(3) by inserting before clause (ii), as redesignated by this subsection, the following new clause:

"(i) be accompanied by evidence that the applicant has selected methods of instruction designed to meet the special needs and characteristics of the children in the target population to be served by the program;".

PERSONNEL; TARGETING

SEC. 3. (a) Section 721(b)(3)(C)(i) of the Act is amended by striking out "including only those personnel who are proficient in the language of instruction and in English, to the extent possible" and inserting in lieu thereof "including only those teachers who are proficient in English and, to the extent possible, in any other language used to provide instruction".

(b) Section 721(b)(3)(H) of the Act is amended to read as follows:

"(H) the applicant demonstrates that persons other than teachers involved in instruction in projects and activities under this title are, to the extent possible, proficient in English and any other language used to provide instruction.".

(c) Section 721 (b) (4) of the Act is amended by inserting after "underserved by programs of bilingual education," the following: "and which propose to assist children of limited English proficiency whose usual language is not English,".

TRAINING PROGRAMS

SEC. 4. Section 723 (a) (1) of the Act is amended—

(1) by striking out "In carrying out the provisions of clauses (1) and (3) of subsection (a) of section 721, with respect to training, the" and inserting in lieu thereof "The";

(2) by striking out "and" at the end of clause (A);

(3) by striking out the period at the end of clause (B) and inserting in lieu thereof a semicolon and the word "and"; and

(4) by inserting after clause (B) the following new clause:

"(C) the establishment, operation, or improvement of vocational training programs that are designed (i) to enable persons with limited English proficiency, including out-of-school youth and adults, to participate in job training programs which assist such persons in acquiring work-related skills, (ii) to train instructors and counselors for job training programs that serve persons with limited English proficiency, or (iii) to assist eligible applicants to develop and disseminate instructional materials and methods that meet the job training needs of persons with limited English proficiency.".

RESEARCH

SEC. 5. Section 742 (b) of the Act is amended—

(1) by striking out the period at the end of clause (8) and inserting in lieu thereof a semicolon and the word "and"; and

(2) by inserting after clause (8) the following new clause:

"(9) studies to determine alternative methods of approaches of providing educational services to children of limited English proficiency.".

AUTHORIZATION OF APPROPRIATIONS

SEC. 6. Section 702(b)(1) of the Act is amended to read as follows:

"(b)(1) For the purpose of carrying out the provisions of this title, there are authorized to be appropriated $95,000,000 for the fiscal year 1983, and such sums as may be necessary for the fiscal years 1984 and 1985.".

EFFECTIVE DATE

SEC. 7. The amendments made by this Act shall take effect on October 1, 1982.

By Mr. LONG:

S. 2413. A bill to delete the provisions of the Internal Revenue Code of 1954 which treat Members of Congress separately with respect to living expense deductions; to the Committee on Finance.

LIVING EXPENSE DEDUCTIONS FOR MEMBERS OF CONGRESS

Mr. LONG. Mr. President, today I am introducing legislation which will eliminate from the Internal Revenue Code all special provisions relating to deductions claimed by Members of Congress. This legislation will permit Members to be subject to the same tax rules that govern all other taxpayers.

The bill would eliminate the legislative authority for the controversial "$75 a day" regulations. The bill would also eliminate the special rule in the Internal Revenue Code that provides that a Member's principal place of business for Federal tax purposes is always considered to be in the State or district he or she represents.

This bill would have no effect on a Member's legal residence for purposes of State income taxes, voter registration, or other similar questions. It would simply mean that Members of Congress would be governed by the rules applicable to other taxpayers whose jobs require a division of time between two distant locations. Under these rules, a taxpayer may not deduct expenses for living near his principal post of duty or principal place of business. On the other hand, a taxpayer may deduct all reasonable expenses for travel, meals, and lodging incurred while the taxpayer is away from his principal post of duty or principal place of business.

I should point out that a taxpayer can have only one principal place of business for Federal tax purposes. This was an issue in the late 1940's and early 1950's, and the concern then that a Member of Congress might be treated as having two principal places of business, and thus be denied any deductions for traveling expenses, was at least part of the reason the Congress chose to specify a Member's State or district as his only principal place of business. Today, however, the law is clear that a taxpayer cannot have two such places at the same time.

The location of the principal place of business of a Member of Congress would be determined by all the facts and circumstances. Without prejudging the question for all Members, I would suppose that Washington would be seen as the principal post of duty or place of business for many Members of Congress—even though their legal domicile would be elsewhere. If Washington is treated as a Member's principal post of duty, then his expenses for personal meals and a personal home in the Washington area would not be allowed. His expenses for travel away from Washington would be deductible business expenses, subject to the general rule that only reasonable expenses are deductible.

The heart of this proposal is the elimination of references in the tax law to the deductions of Members of Congress. It would not permit Members of Congress to receive better treatment or to suffer worse treatment than taxpayers at large. It simply provides equal treatment.

By Mr. MELCHER:

S. 2415. A bill to provide that food stamp adjustments for the elderly and disabled are coordinated with cost-of-living adjustments; to the Committee on Agriculture, Nutrition, and Forestry.

COORDINATION OF CERTAIN PROGRAMS FOR THE ELDERLY

● Mr. MELCHER. Mr. President, today I introduce a bill intended to rectify an unfortunate situation for millions of elderly and disabled households created by the lack of coordination in the timing of cost-of-living adjustments in Federal programs. The problem is due to the fact that the cost-of-living adjustment (COLA) in social security, supplemental security income (SSI), railroad retirement, and veterans' pensions is provided on July 1 while the COLA in the food stamp program is now provided on October 1 of each year.

This disparity in the timing of inflation adjustments creates a "yo-yo" effect for most of the 2.15 million food stamp households with elderly or disabled members. Since income from programs such as social security and SSI is counted in determining food stamp benefit levels, the July 1 COLA for these programs causes an immediate drop in the amount of food stamps provided to participating households. The reduction in food stamp benefits will ordinarily be 30 to 45 percent of the increase they just received from the other program. However, when the food stamp COLA is implemented just 3 months later, these benefits would be partially or totally restored.

For example, an elderly woman who currently receives the Federal SSI minimum of $265 a month and has monthly shelter costs of $150 qualifies for $34 a month in food stamps. Assuming the COLA due for SSI on July 1, 1982, will be about 7.5 percent, she would lose about $9 a month, or 26 percent, of her food stamp benefits as of July 1. However, on October 1, 1982, the scheduled thrifty food plan increase in the food stamp program would result in her food stamp benefits rising to $35 a month, or just about where she was 3 months before.

This sequence of events has a most confusing and disheartening effect on low-income elderly and disabled people. Just when they receive their much needed social security of SSI increase, they lose a significant portion of it in decreased food stamp benefits. It creates the impression that the Federal Government is giving with one hand and taking with the other.

The lack of coordination also adds to administrative burdens. State and local food stamp agencies must adjust benefits for most elderly and disabled households twice in a 3-month period. Especially for States without significant computerization, this can be a major chore.

The ideal way to address the problem I have described would be to require that the food stamp COLA be provided at the same time as the COLA for social security, SSI and other programs—whether this be July 1 or any other date.

My proposal is simply that any July COLA in social security, SSI, railroad retirement, and veterans pensions not be counted in computing food stamp eligibility and benefits until October. As of October 1, State and local food stamp agencies could make one adjustment in food stamp benefits to reflect cost-of-living increases in all programs.

This solution is not costly. It is the same proposal I suggested last year during conference on the farm bill. At that time, the conferees decided to accept the House proposal to delay the thrifty food plan adjustment in the food stamp program from April 1, 1982, until October 1, 1982, for a savings of $700 million. The Congressional Budget Office estimated that my proposal would result in a loss of only $25 million of those savings.

Although my proposal was not accepted in the farm bill conference last year, the conferees did acknowledge the problem I raised and I received assurances that it would be addressed in a timely fashion this year. I am very much concerned that Congress take action on this issue immediately. The law needs to be changed well before July 1, 1982, so that States can receive instructions and reprogram computers prior to that time.

Mr. President, this bill may not seem all that important when compared to the monumental issues confronting Congress now on taxes, defense spend-

ing, and the deficit. However, it is the type of bill that affords us the opportunity to show that the huge, impersonal Federal Government has a heart—that Congress really is sensitive to the needs of its most vulnerable citizens. I am told that just a couple of weeks ago, Agriculture Committee staff heard, unprompted, from caseworkers about this very issue when on a field visit to Philadelphia. Fixing this situation really will make a difference in the day-to-day lives of those whose struggle to exist is the most difficult. We need this correction now.

I ask unanimous consent that a copy of a letter of December 2, 1981, endorsing my proposal from the chairman and ranking minority member of the Special Committee on Aging be included as part of the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SPECIAL COMMITTEE ON AGING,
Washington, D.C., December 2, 1981.

Hon. JESSE HELMS,
Chairman, Committee on Agriculture, Nutrition, and Forestry, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: We are writing to express our serious concern over an issue that is pending before the conference on the farm bill regarding cost-of-living adjustments for elderly and disabled food stamp participants.

It is our understanding that the conferees have tentatively agreed to postpone the cost-of-living adjustment in food stamp benefits scheduled for April 1, 1982. In our view, this delay will have an unfortunate and confusing effect on the over two million food stamp participants who also receive Social Security and Supplemental Security Income (SSI) benefits. On July 1, 1982, these households will receive their Social Security and/or SSI cost-of-living adjustment. That increase will then be counted against their food stamp benefits, resulting in a reduction in these benefits equal to 30 to 45 percent of the increase they have just received. However, when the food stamp adjustment is made three months later, these benefits will be partially or totally restored.

While we recognize the need to restrain the growth of the food stamp program, we believe that the effective loss of a substantial portion of Social Security and SSI increases because of decreased food stamp benefits will have a confusing and disheartening effect on the elderly and disabled. Further, state agencies will be forced to cope with the added expense and administrative burden of adjusting benefits for these households twice in a three month period.

We urge the conferees to remedy this situation by providing that Social Security and SSI cost-of-living increases not count against food stamp benefits until October 1, 1982. This delay would simply synchronize the two programs and does not require any fundamental program changes. The Congressional Budget Office estimates that this recommendation would reduce the $700 million in cost savings from the cost-of-living delay by $25 million.

While our suggestion would slightly reduce potential savings, it would result in more compassionate treatment for many needy Americans and would further sound program management. We appreciate your consideration of this recommendation.

Sincerely,

JOHN HEINZ,
Chairman.
LAWTON CHILES,
Ranking Minority Member.●

By Mr. CRANSTON:

S. 2417. A bill to amend the Federal Reserve Act to provide for the increased responsiveness and accountability of the Federal Reserve System to Congress and citizens, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

FEDERAL RESERVE SYSTEM REFORM ACT

Mr. CRANSTON. Mr. President, I am introducing legislation today to give Congress and the President greater influence over the Federal Reserve Board and monetary policy.

The purpose of my bill is to provide for participation of elected, politically accountable persons and their representatives in the formation of monetary policy. The bill would end the political insulation and isolation of monetary policymaking. It would provide a greater opportunity for coordination of monetary and fiscal policy.

Monetary policy—whether it brings about high- or low-interest rates—should be part of the economic policy of the elected administration, supported by a majority of the elected Members of Congress.

The present high-interest rate policies of the Fed may be right or wrong. That is arguable. But I do not believe it is arguable that it is inconsistent with representative democracy for such tremendous power to be wielded by a board that is not politically accountable.

There is considerable disagreement among public officials and economists over the wisdom and correctness of the Fed's conduct of monetary policy. Many believe that the Fed's policies are, along with huge Federal deficits, responsible for our ruinously high interest rates and the consequent deep recession, high unemployment, and mounting bankruptcies. It is time we faced up to the fact that those policies are made for 232 million Americans by seven unelected, unaccountable and, for the most part, unknown individuals.

Answerable to no one, their power is awesome. They can, without any accountability, heat up the economy or cool it down, bring housing construction to a dead halt and throw hundreds of thousands of people out of work, force credit rates so high that retailers go broke. Even a fractional change in their calculations can raise or lower the gross national product by tens of billions of dollars.

Monetary policy is important, and to paraphrase Milton Friedman, it is too important to be left in the hands of central bankers.

I favor abolishing the Fed as an independent agency and making it part of the Treasury Department.

That would be the simplest, most effective solution to the plaguing national problem of division of responsibility for monetary and fiscal policy when both should be the responsibility of the elected administration.

But, realistically, the chance of getting such a drastic change enacted at this time is, I recognize, virtually nil.

My bill would amend the Federal Reserve Act to require the Fed to get its operating funds through a congressional appropriation, the procedure followed by all other executive and independent agencies.

Congressional power over the Fed's purse would for the first time make congressional oversight effective when we feel the Fed's monetary policy is dangerously off track.

Currently, the Federal Reserve gets its operating budget independently of Congress from the Reserve's surplus funds account which derives from profits earned on its open market transactions.

The Federal Reserve's operating expenses this year were $144 million. Board expenses accounted for about $58.5 million and $84.8 million was spent for printing, issuance, and redemption of Federal Reserve notes. Board property additions claimed the remainder, less than $1 million.

My bill would give the President a greater voice in determining monetary policy by returning to the Secretary of the Treasury the seat he once held on the Fed's Board. The Secretary of the Treasury originally was designated a member of the Board when the Fed was established in 1913, but his seat was abolished in 1936.

The Secretary, who is the principal economic figure in the executive branch, should sit on the Fed Board of Governors so that an administration can have a formal opportunity to push for monetary policies consistent with its own program. The Secretary's presence on the Fed Board would provide a greater opportunity for coordination of monetary and fiscal policy.

The bill further strengthens the President's voice by making the 4-year term of the Board's Chairman and Vice Chairman coterminous with that of the President. The President should be able to name a Chairman sympathetic to his economic views at the very outset of his administration.

Under current law, the Chairman of the Board of Governors of the Federal Reserve, who is second only to the President in power over the Nation's economy, is always a holdover from the prior administration.

President Reagan, as matters now stand, will not be able to name a Chairman until August 6, 1983, when the term of Paul A. Volcker, who was

appointed by President Carter expires. President Reagan's appointee, in turn, will continue to serve as Chairman nearly 3 years into the next President's term unless my reform bill becomes law. Previously, Arthur Burns who was first appointed by President Nixon served as Chairman through half of President Carter's term.

My bill also proposes to shorten the term of the members of the Board from 14 years to 7 years. It would not affect the terms of any of the present incumbents.

Mr. President, what I have proposed actually is very moderate. Shortening the terms of the Board of Governors and the proposals to make the terms of the Chairman and Vice Chairman coterminous were recommended in 1961 by the prestigious Commission on Money and Credit.

Placing the Secretary of the Treasury on the Board returns to the Federal Reserve System an important part of its original structure. The reasons for removing the Secretary from the Board in 1936 are not entirely clear. In large part it occurred at the insistence of Senator Carter Glass who thought that the Secretary contributed very little to the Board's deliberations. I think to the contrary that there must be vastly improved communications between the Fed and the elected administration. The best way to accomplish this, short of placing the Fed within the Treasury, is to make the Secretary of the Treasury a voting member of the Board and to permit the President to name his chairman at the start of his administration.

Finally, it is time for Congress to assert the power of the purse over the Fed. Congress should remind the Federal Reserve Board that it works for all the people and specifically, we must remind the Board and its employees here in Washington that they are our representatives in the Nation's banking system, and are not acolytes of a self-perpetuating, quasi-central banking institution.

It has been and will be argued by some that my proposal would subject monetary policy to politically expedient actions and that this would undermine the stability of the monetary system.

Independence, however, is not a guarantee of a sound monetary system.

Nor has independence of the Fed rendered it immune from suspicion that monetary policy has been quietly modified on occasion to meet the election year requirements of various administrations.

As for confidence of the markets, that depends entirely upon performance.

Even under the present situation the markets perceptively realize that the Federal Reserve can resist the widespread needs of the Government and the economy for additional credit just so long. The marketeers see yielding on a strict monetary policy which collides with fiscal policy as inevitable.

If the present situation remains unchanged we face a very destabilizing moment next year when a new Chairman will be named to the Fed's Board. Unfortunately, this will occur under the worst of all possible conditions, with a nominally independent Fed, headed by a new, politically appointed Chairman, but without any accountability on anyone's part, about 1 year away from critical national elections. Under my proposal the political communications with the Fed will be open for all to know about, to see and to judge.

I have confidence that monetary policy arrived at through democratic political processes can serve the Nation better and more consistently than the present secretive process conducted within a very small enclave of persons.

I know that the process of politically responsible determination of monetary policy is not easy, but I am convinced that the success of our economic future depends upon it. It is not healthy in a democracy for important policymaking to become alienated from the general public. This is happening with monetary policy.

Thus, my bill really is a monetarists' bill.

It is legislation that is a friend to sound monetary policy.

I urge my colleagues to consider my proposal carefully in this light.

I ask unanimous consent that the text of my bill be printed in full at the end of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2417

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Reserve System Reform Act".

BOARD OF GOVERNORS SUBJECT TO APPROPRIATIONS

SEC. 2. (a) The last sentence of the first paragraph of section 7 of the Federal Reserve Act (12 U.S.C. 289) is amended by striking out "surplus fund of the Federal Reserve bank" and inserting in lieu thereof "general fund of the Treasury".

(b)(1) The third paragraph of section 10 of the Federal Reserve Act (12 U.S.C. 243) is amended to read as follows: "There are authorized to be appropriated such sums as may be necessary for the salaries and operating and administrative expenses of the Board in carrying out the provisions of this Act, and the Board may not expend any amount not appropriated pursuant to such authorization. The Board may enter into agreements with the Administrator of General Services with respect to the maintenance, operation, or protection of any building owned by the Board.".

(2) The amendment made by paragraph (1) shall not be construed to prohibit the Board of Governors of the Federal Reserve System from retaining amounts held by such Board on the date of the enactment of this Act and using such amount for purposes of carrying out its responsibilities under the Federal Reserve Act (12 U.S.C. 221 et seq.) other than for its salaries and operating and administrative expenses.

(c) The fourth paragraph of section 10 of the Federal Reserve Act (12 U.S.C. 244) is amended by striking out the fourth sentence.

(d) The amendments made by this section apply to fiscal years beginning on or after October 1, 1982.

TERMS OF MEMBERS AND EXECUTIVE OFFICERS OF BOARD OF GOVERNORS

SEC. 3. (a) The first paragraph of section 10 of the Federal Reserve Act (12 U.S.C. 241) is amended by inserting after the first sentence thereof the following: "On and after the date of enactment of the Federal Reserve System Reform Act—

"(1) the Secretary of the Treasury shall serve as a member of the Board ex officio; and

"(2) the term of office of each member shall be seven years.".

(b) The third sentence of the second paragraph of section 10 of such Act (12 U.S.C. 242) is amended by striking out "term of four years" each place it appears and inserting in lieu thereof "until such time as the term of the President making such designation shall expire".

(c) The amendments made by this section shall apply to individuals appointed to be members of the Board of Governors of the Federal Reserve System or designated to serve as Chairman or Vice Chairman of the Board of Governors of the Federal Reserve System on or after the date of enactment of this Act.

By Mr. CRANSTON (for himself and Mr. HAYAKAWA):

S. 2418. A bill to authorize the Twenty-nine Palms Band of Luiseno Mission Indians to lease for 99 years certain lands held in trust for such band; to the Select Committee on Indian Affairs.

LEASING OF CERTAIN INDIAN LANDS

Mr. CRANSTON. Mr. President, I am today introducing legislation for myself and Senator HAYAKAWA to authorize the addition of Twenty-nine Palms Band of Luisena Mission Indians to the list of those tribes permitted to lease trust lands for 99 years.

Conventionally, Indian trust land may be leased for periods of up to 25 years with an option to renew for an additional 25 years. Exceptions to this practice have in the past been authorized by statute on a case-by-case basis primarily for the purpose of facilitating commercial development for the benefit of the leasing tribe. It is such an exception that this legislation would create.

The southern portion of Twenty-nine Palms Reservation, arid and unsuitable for either agrarian enterprise or human habitation, lies adjacent to the Valley Sanitation District. The existing Valley Sanitary District treatment facility must expand to meet the burgeoning demands for waste dispos-

al of the city of Indio, but is limited by the nonavailability of space in the area it serves.

The tribe desires to lease to the Valley Sanitary District an otherwise nonproductive parcel adjacent to the VSD facility, thereby converting this wasted space into a sizable economic benefit to the tribe. The tribe plans to use the proceeds of this lease for much needed housing and business development. However, both parties agree that such a facility should have the semipermanency a 99-year lease would afford. Hence, the need for this legislation.

I strongly support providing this opportunity to permit beneficial use of the meager resources of this reservation to provide revenue for development of the reservation, and for the benefit of the neighboring community as well.

I am advised that the Secretary of the Interior supports this legislation.

Mr. President, I urge early adoption of this bill.

By Mr. DECONCINI (for himself, Mr. SIMPSON, Mr. HATCH, Mr. ZORINSKY, Mr. LAXALT, Mr. ABDNOR, Mr. DOMENICI, Mr. GRASSLEY, Mr. BURDICK, Mrs. HAWKINS, Mr. COCHRAN, Mr. MURKOWSKI, Mr. GOLDWATER, and Mr. GORTON):

S. 2419. A bill to amend title 28, United States Code, regarding venue, and for other purposes; to the Committee on the Judiciary.

(The remarks of Mr. DECONCINI on this legislation appear earlier in today's RECORD.)

By Mrs. HAWKINS (for herself, Mr. DENTON, Mr. SYMMS, Mr. ABDNOR, Mr. BURDICK, Mr. CHILES, Mr. DIXON, Mr. DOMENICI, Mr. GORTON, Mr. HELMS, Mr. MATTINGLY, Mr. BAUCUS, Mr. KASTEN, Mr. HEFLIN, Mr. DECONCINI, Mr. RANDOLPH, Mr. STAFFORD, Mr. HOLLINGS, Mr. D'AMATO, Mr. QUAYLE, Mr. KENNEDY, Mr. MOYNIHAN, Mr. DOLE, Mr. GRASSLEY, Mr. SPECTER, Mrs. KASSEBAUM, Mr. HATCH, and Mr. TOWER):

Senate Joint Resolution 189. Joint resolution to authorize and request the President to designate May 25, 1982, as "Missing Children Day"; to the Committee on the Judiciary.

MISSING CHILDREN DAY

● Mrs. HAWKINS. Mr. President, today I am introducing a joint resolution declaring the sense of the Senate to be that the President is authorized and requested to issue a proclamation designating May 25, 1982, as "Missing Children Day." My colleague in the House of Representatives, Congressman PAUL SIMON of Illinois, is today introducing a similar joint resolution.

The day of May 25 is significant because, on that day in 1979, 6-year-old Etan Patz disappeared from his home in New York City. Etan was on the way to school when he disappeared on May 25, 1979. He has never been found. Etan is but one example of the hundreds of thousands of children who disappear from their homes annually.

I have found that the children of this Nation are its most vulnerable and unprotected resource. Many of the children who disappear from their families are very simply the victims of crime. It is also true that thousands of these children are runaways who return safely to their families. However, this Nation has often misunderstood or completely ignored the reasons why these children run from their homes. Many are fleeing from abuse, physical and sexual, or from intolerable home lives. Regardless of the reason that these children are missing from their homes, once they are on the street they are fair game for child molestation, prostitution, and other exploitation.

A survey conducted in a major southern city indicated that 60 percent of the children who are gone from their homes and are on the streets claim sexual abuse during the time that they are away from home. It has become too painfully clear that the search for missing children is very frequently a low-priority investigation in many law enforcement agencies. Coordination between Federal and local law enforcement agencies in child abduction cases is usually uncoordinated, haphazard, and ineffective.

Mrs. Julie Patz of New York City, in testimony before the Subcommittee on Investigations and General Oversight of the Labor and Human Resources Committee, has stated, "When the police have gone, the burden falls back on the parents. Usually they are emotionally distraught, financially limited, untrained in search methods, and totally lacking any official leverage necessary for obtaining information."

Mr. President, the purpose of this resolution is to increase public understanding and awareness of this national tragedy. The declaration of a missing children day will assist parents, law enforcement agencies, and concerned citizens around this country in bringing the true picture of this national tragedy to all our citizens.

I urge all of my colleagues to support the principles and purposes of this joint resolution to convince our Nation that we must not forget our missing children and their grieving families.

Mr. President, I ask unanimous consent that the text of this resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. Res. 189

Whereas on May 25, 1979, six-year-old Etan Patz disappeared from his home in New York City and is still missing;

Whereas over one million eight hundred thousand children disappear from home annually;

Whereas children who are missing from home and are not living in a family environment are frequently the victims of sexual and physical exploitation;

Whereas an estimated 60 percent of missing children are sexually abused while away from home;

Whereas the search for missing children is frequently a low priority investigation in many law enforcement agencies;

Whereas efforts between Federal and local law enforcement agencies in child abduction cases are usually uncoordinated, haphazard, and ineffective; and

Whereas the problem of the missing child has been plagued by misinformation and there is a need to increase public understanding and awarnesses of this problem: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized and requested to issue a proclamation designating May 25, 1982 as "Missing Children Day", and calling upon all government agencies and the people of the United States to observe the day with appropriate ceremonies, programs, and activities.●

By Mr. BURDICK:

S.J. Res. 190. Joint resolution to authorize and request the President to designate "National Family Week"; to the Committee on the Judiciary.

NATIONAL FAMILY WEEK

Mr. BURDICK. Mr. President, I am today introducing a joint resolution to authorize the President to issue a proclamation designating November 21 through 27, 1982 as "National Family Week."

The purpose of National Family Week is very simple: It is a specific time to recognize the importance of the family in American life and the fundamental role it has played in forming the values upon which our Nation is based. National Family Week is simply a way to encourage people to pause for a moment and reflect on the way families have affected their lives and the course of this Nation.

In the past, National Family Week has been designated as the week in November which includes Thanksgiving. I am again following that tradition because of the appropriate and customary family gatherings that take place on Thanksgiving.

Congress has approved National Family Week resolutions for the last 7 years as well as in 1972. Last year 32 Senators cosponsored the National Family Week resolution with me, and over half the Members of the House cosponsored a similar measure. I urge both Houses to again recognize the

value of National Family week and approve the joint resolution I am introducing today.

I ask unanimous consent that the joint resolution be printed in the RECORD.

There being no objection, the resolution was/were ordered to be printed in the RECORD, as follows:

S.J. RES. 190

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating the week of November 21 through 27, 1982, as "National Family Week," and inviting the Governors of the several States, the chief officials of local governments, and the people of the United States to observe such week with appropriate ceremonies and activities.

ADDITIONAL COSPONSORS

S. 312

At the request of Mr. LEVIN, the Senator from Alaska (Mr. MURKOWSKI), and the Senator from Connecticut (Mr. WEICKER) were added as cosponsors of S. 312, a bill for the relief of Maria and Timofei Chmykhalov, and for Lilia, Peter, Liubov, Lidia, and Augustina Vashchenko.

S. 1215

At the request of Mr. PROXMIRE, the Senator from Virginia (Mr. HARRY F. BYRD, JR.) was added as a cosponsor of S. 1215, a bill to clarify the circumstances under which territorial provisions in licenses to distribute and sell trademarked malt beverage products are lawful under the antitrust laws.

S. 1595

At the request of Mr. INOUYE, the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 1595, a bill to provide for the designation of income tax payments to the U.S. Olympic Development Fund.

S. 1844

At the request of Mr. JOHNSTON, the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1844, a bill to facilitate the national distribution and utilization of coal.

S. 2002

At the request of Mr. HUDDLESTON, the Senator from California (Mr. HAYAKAWA) was added as a cosponsor of S. 2002, a bill to assure that an intensive course of English instruction is an integral part of the bilingual education program and that participation in the bilingual education program will in most cases be limited to 1 year, and for other purposes.

S. 2048

At the request of Mr. CRANSTON, the Senator from Pennsylvania (Mr. HEINZ) was added as a cosponsor of S. 2048, a bill to amend title 38, United States Code, to restore eligibility for burial benefits in the case of certain veterans of war whose bodies are not claimed, and for other purposes.

S. 2217

At the request of Mr. HATFIELD, the Senator from Florida (Mrs. HAWKINS) was added as a cosponsor of S. 2217, a bill to establish nationally uniform duties or taxes for purposes of financing operations, maintenance and development of deep draft commercial channels and harbors, and to provide for an expedited procedure for the approval and permitting of approved navigation improvement projects and related landside facilities in deep draft ports, and for other purposes.

S. 2226

At the request of Mr. LUGAR, the Senator from Minnesota (Mr. BOSCHWITZ) was added as a cosponsor of S. 2226, a bill to amend the National Housing Act to provide for emergency interest reduction payments and for other purposes.

S. 2270

At the request of Mr. LUGAR, the Senator from Wisconsin (Mr. KASTEN) was added as a cosponsor of S. 2270, a bill to amend section II of the Social Security Act to provide generally that benefits thereunder may be paid to aliens only after they have been lawfully admitted to the United States for permanent residence, and to impose further restriction on the right of any alien in a foreign country to receive such benefits.

S. 2277

At the request of Mr. MITCHELL, the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of S. 2277, a bill to amend the Internal Revenue Code of 1954 to make certain changes to stimulate the housing industry.

S. 2320

At the request of Mr. THURMOND, the Senator from Alabama (Mr. DENTON) was added as a cosponsor of S. 2320, a bill to amend section 1936 of title 18, United States Code, and the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 801 et seq.) to provide for criminal forfeiture of the proceeds of racketeering activity, to provide for the sanction of criminal forfeiture for all felony drug offenses, to facilitate forfeitures in drug related and racketeering cases, and for other purposes.

S. 2338

At the request of Mr. PERCY, the Senator from Maine (Mr. COHEN), the Senator from Connecticut (Mr. WEICKER), the Senator from Nebraska (Mr. ZORINSKY), and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 2338, a bill to expand the membership of the Advisory Commission on Intergovernmental Relations to include elected school board officials.

SENATE JOINT RESOLUTION 110

At the request of Mr. HATCH, the Senator from Missouri (Mr. EAGLETON) was added as a cosponsor of Senate Joint Resolution 110, a joint resolution to amend the Constitution to establish legislative authority in Congress and the States with respect to abortion.

SENATE JOINT RESOLUTION 131

At the request of Mr. EXON, the Senator from Idaho (Mr. MCCLURE), and the Senator from Texas (Mr. TOWER) were added as cosponsors of Senate Joint Resolution 131, a joint resolution designating "National Theater Week."

SENATE JOINT RESOLUTION 161

At the request of Mr. THURMOND, the Senator from Louisiana (Mr. JOHNSTON) was added as a cosponsor of Senate Joint Resolution 161, a joint resolution to designate the week commencing with the fourth Monday in June of 1982 as "National NCO/Petty Officer Week."

SENATE JOINT RESOLUTION 163

At the request of Mr. HATFIELD, the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of Senate Joint Resolution 163, a joint resolution on Nuclear Weapons Freeze and Reductions.

SENATE JOINT RESOLUTION 181

At the request of Mr. D'AMATO, the Senator from Florida (Mr. CHILES), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. TSONGAS), the Senator from Florida (Mrs. HAWKINS), the Senator from Indiana (Mr. QUAYLE), the Senator from California (Mr. HAYAKAWA), the Senator from Ohio (Mr. METZENBAUM), the Senator from Pennsylvania (Mr. HEINZ), the Senator from Nevada (Mr. LAXALT), the Senator from Pennsylvania (Mr. SPECTER), and the Senator from Illinois (Mr. PERCY) were added as cosponsors of Senate Joint Resolution 181, a joint resolution to authorize and designate the President to issue a proclamation designating April 25 through May 2, 1982, as "Jewish Heritage Week."

SENATE JOINT RESOLUTION 182

At the request of Mr. LEAHY, the Senator from Michigan (Mr. RIEGLE), the Senator from Utah (Mr. HATCH), the Senator from Maine (Mr. COHEN), the Senator from Alaska (Mr. STEVENS), and the Senator from Arizona (Mr. DECONCINI) were added as cosponsors of Senate Joint Resolution 182, a bill to designate January 1983 as "National Snowmobiling Month."

SENATE RESOLUTION 231

At the request of Mr. PERCY, the Senator from Idaho (Mr. SYMMS), and the Senator from Alaska (Mr. MURKOWSKI) were added as cosponsors of Senate Resolution 231, a resolution regarding the management of U.S. assets.

SENATE RESOLUTION 340

At the request of Mr. ROBERT C. BYRD, the Senator from New York (Mr. MOYNIHAN), the Senator from

Michigan (Mr. LEVIN), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from Mississippi (Mr. STENNIS), the Senator from Kentucky (Mr. FORD), the Senator from Massachusetts (Mr. TSONGAS), and the Senator from North Dakota (Mr. BURDICK) were added as cosponsors of Senate Resolution 340, a resolution to express the sense of the Senate that no action be taken to terminate or otherwise weaken the community service employment program under title V of the Older Americans Act of 1965.

SENATE RESOLUTION 369—RESOLUTION OPPOSING THE IMPOSITION OF OIL IMPORT FEES

Mr. MITCHELL (for Mr. CHAFEE) (for himself, Mr. MITCHELL, Mr. PELL, Mr. COHEN, Mr. STAFFORD, Mr. MATTINGLY, Mr. MATSUNAGA, Mr. INOUYE, Mr. LEAHY, Mr. WEICKER, Mr. TSONGAS, Mr. KENNEDY, Mr. MOYNIHAN, Mr. RUDMAN, Mr. HUMPHREY, and Mr. DODD) submitted the following resolution; which was referred to the Committee on Finance.

S. RES. 369

Whereas an import fee on crude oil or refined petroleum products would have a highly inflationary, direct effect on the United States economy and would have an adverse impact throughout the United States;

Whereas such a fee, even though applied only to imports, would increase the price of all oil consumed in the United States because the price of domestically-produced crude oil and domestically-refined products would increase to the same level as imported oil;

Whereas each dollar of such a free would increase consumer petroleum costs in the United States by approximately $6,800,000,000 per year;

Whereas such a fee would also have widespread indirect inflationary effects by raising the cost of all consumer goods;

Whereas the adverse inflationary effects of such a fee would far outweigh the marginal increase in Federal revenues;

Whereas the authority of the President under section 232 of the Trade Expansion Act of 1962 (19 U.S.C. 1862) should not be used for the purpose of increasing revenues: Now, therefore be it.

Resolved, That it is the sense of the Senate that neither the President nor the Congress should impose any import fees on the importation of any crude oil or refined petroleum products.

Mr. MITCHELL. Mr. President, I am pleased to join Senator CHAFEE in sponsoring this resolution, which expresses the sense of the Senate that neither the President nor the Congress should impose an oil import fee.

Last December, we submitted a similar resolution that focused on the President's authority to impose a fee on imported oil. At that time, we were concerned that, because of the need to raise revenues, the President would be tempted to exceed his authority and impose an import fee administratively. Fortunately, the President rejected the advice of some of his advisers and decided against imposing a fee.

Lately, there has been a renewed interest in an oil import fee. As before, this interest has been triggered more by budget concerns than by concern for sound energy or tax policies.

The unusual nature of this year's budget process has prompted us to act now, before a formal proposal has been announced. Any agreement reached in the informal budget negotiations now underway may tie an oil import fee to a broader budget package, making separate debate on the oil import fee more difficult. Our purpose in submitting this resolution is to register in advance our opposition to an oil import fee.

Clearly in our budgetary efforts we should not act hastily and enact faulty tax and energy policies. A brief examination of the issue highlights the disadvantages of enacting an oil import fee.

First, a fee would cancel the only good economic news that consumers have had in recent years. In recent months we have witnessed a dramatic decline in the inflation rate, which has been due largely to a reduction in oil prices. Rather than allow consumers to continue to enjoy this relief from higher prices, the imposition of a $5 per barrel oil import fee would raise the price of gasoline and other petroleum products by 8 to 12 cents a gallon. In terms of the consumer price level, the $5 fee would raise prices by nearly 1 percent, after secondary effects are considered.

The unemployment rate would also be affected by an import fee. By draining purchasing power from the economy, and by raising the costs for energy-intensive firms, an oil import fee would increase the total number of unemployed workers in the economy.

These general economic effects have adverse budget consequences that minimize the effectiveness of the fee as a revenue-raising device. CBO estimates that the fee would result in $1 to $2 billion in higher expenditures for COLA's because of its inflationary impact. Revenues would decline somewhat because of the additional unemployment.

A second major disadvantage is that an oil import fee is perhaps the least efficient revenue-raising option now under serious discussion. The Federal Government would collect about $10 billion of the $20 to $30 billion that a $5 fee would cost consumers. Because domestic oil prices would rise to match the increase in imported oil prices, oil companies would realize higher revenues. The windfall profit and corporate income taxes will not recoup all of these revenues, so oil companies will reap part of the benefits of an oil import fee. I believe that the Congress should pursue more efficient revenue-raising options.

A third disadvantage is that the burden of the fee is not evenly distributed among industries, regions, or income classes. Consequently, an oil import fee would be very distorting and regressive.

Just as the oil producers benefit from a fee, many industries would be adversely affected. These firms include those engaged in the transportation sector and utilities, because of their energy intensiveness, and petrochemical firms, whose international competitive position would be damaged by higher oil prices. The New England region, which is more dependent on oil than any other region, and low- and middle-income individuals, who devote a greater share of their income to energy purchases, will also bear the brunt of an oil import fee.

Given all of these problems with an oil import fee, it is hard to understand its attraction to Members of Congress and administration officials. Ostensibly, these individuals view the recent reduction in oil prices as an unfortunate development, because incentives for conservation and energy development are thought to be declining.

I believe that this point of view is absurd. It overstates the actual decline in energy prices, ignores the beneficial effects of the price decline for consumers and the economy, and exaggerates the perceived benefits of the fee.

Oil prices increased from the $2 to $3 per barrel level in the early 1970's to just over $13 in early 1979. Over the next 2 years, the price of a barrel of oil tripled to nearly $38 in March of 1981. Since then, prices have dropped almost 12 percent, hardly negating the tremendous surge in price of the last several years. Recent reports by oil market analysts indicate that this price decline is near an end. Therefore, energy users will still have substantial incentives to conserve.

Rather than viewing these price developments with alarm, we should acknowledge the beneficial effects of the price decline. For the first time in years, consumers are getting real relief from inflation. In turn, the economy will benefit from the increase in real purchasing power. To negate these benefits by imposing an import fee would threaten what chances we now have for a sustained economic recovery.

Finally, proponents of oil import fees claim that national energy policy objectives would be served. Again, this claim is exaggerated, as the effectiveness of the fee in encouraging conservation is severely limited. In the short term, energy users simply cannot reduce their oil use significantly. One estimate of the impact of a $5 fee is that consumption would decline by less than 2 percent over the next 2 years. Over the long-term energy users will probably base their future con-

sumption and investment plans on market developments rather than governmentally induced higher prices, which would likely be viewed as transitory.

Last week, a wide range of consumer, business, and labor groups met to announce their opposition to an oil import fee, I ask for unanimous consent to include in the RECORD the list of groups represented at that meeting.

In conclusion, I believe that an oil import fee is perhaps the worst revenue-raising option now being considered. Its implementation would create many distortions and inequities, while achieving virtually no energy policy objectives. If our purpose is to raise revenue, we can do better than to levy a tax on one commodity, particularly one that plays such a major role in so many family and business budgets.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

GROUPS REPRESENTED AT MEETING

American Farm Bureau Federation.
Chemical Manufacturers Association.
Congress Watch.
Consumer Energy Council of America.
Empire State Petroleum Association.
Energy Action Project of the Citizen/Labor Energy Coalition.
Independent Fuel Terminal Operators Association.
Independent Gasoline Marketers Council.
National Council of Farmer Cooperatives.
National Oil Jobbers Council.
New England Fuel Institute.
Northeast Coalition for Energy Equity.
The Petrochemical Energy Group.
Society of Independent Gasoline Marketers of America.
Travel and Tourism Government Affairs Policy Council.
Citizen/Labor Energy Coalition.
United Food & Commercial Workers.
American Federation of Labor and Congress of Industrial Organizations.
Independent Refiners Association of America.
Edison Electric Institute.
American Federation of Government Employees.
American Public Power Association.
International Association of Machinists and Aerospace Workers.

● Mr. CHAFEE. Mr. President, last December, Senator MITCHELL and I submitted a resolution stating our opposition to the imposition of an oil import fee by Executive order. Over the past few months, there has been a great deal of talk about including an oil import fee as part of a compromise budget package. My opposition to an oil import fee remains strong. That is why Senator MITCHELL and I are submitting a second resolution opposing the imposition of an oil import fee, either by Executive order or congressional action.

The imposition of an oil import fee would have disastrous effects not only on the economy of New England, but on the Nation as well. We in New England are particularly sensitive to this issue because of our dependence on oil and the immediate impact it would have on home heating oil prices.

For example, in my home State of Rhode Island, petroleum use accounts for 61 percent of our total energy consumption. In New England, a $5-a-barrel import fee would mean a price increase of $1.9 billion in oil prices. This price increase would affect 2.7 million households in New England and would mean an average increase in the cost of home heating oil of $115 per household.

While it is true that an import fee would have a particularly devastating impact in New England, we must not ignore the negative impact the fee would have on our economy in general. A $5-a-barrel fee would mean a total increase of more than $30 billion in oil prices and an overall increase in consumer prices of $34 billion.

The ultimate irony in all of this is that while an import fee of $5-a-barrel would raise $10 billion in revenues, it would do so at a direct cost to consumers of $30 billion.

The only authority the President has to impose an import fee is under the Trade Expansion Act of 1962 upon finding that oil imports are a threat to national security.

The President does not have the authority to impose an import fee solely for the purpose of raising revenues. Congress should not act to impose an oil import fee for the simple reason that the costs to consumers outweigh any revenue benefits.

I urge my colleagues to support this resolution to send a strong message to the members of the Finance and Budget Committees that an oil import fee is not an acceptable revenue-raising measure.●

SENATE RESOLUTION 370—RESOLUTION RELATING TO PRODUCTION OF NUCLEAR WARHEADS

Mr. GLENN submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 370

Whereas the number of nations possessing nuclear arms or the capacity to produce nuclear arms is growing;

Whereas the sophistication of nuclear weapons technology is advancing so rapidly that verification of the numbers and capabilities of weapons is becoming increasingly difficult;

Whereas nuclear war would be an unprecedented catastrophe;

Whereas the likehood of accidental nuclear war is increasing with expanding and proliferating nuclear arsenals;

Whereas it is in the interest of the United States, the Soviet Union, and all the peoples of the world for the nuclear arms race to be halted in a verifiable manner which builds confidence that additional steps can and will be taken;

Whereas the Nuclear Nonproliferation Treaty should be strengthened and universally adhered to;

Whereas article VI of the Nuclear Nonproliferation Treaty calls upon the United States and the Soviet Union to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date;

Whereas the United States and the Soviet Union should provide the example and the leadership for other nations to follow;

Whereas strategic arms negotiations have not been conducted between the United States and the Soviet Union since June 1979; and

Whereas a verifiable freeze followed by reductions in nuclear warheads, missiles, and other delivery systems is needed to halt the nuclear arms race and to reduce the risk of nuclear war: Now therefore be it

Resolved by the Senate of the United States of America, That the President should adopt a serious and comprehensive arms control package that includes the following goals and means to those goals:

(1) To limit strategic weapons—a negotiated freeze through 1985 of testing, production and deployment of strategic weapons to within the SALT II limitations, with attainment of those levels to occur within one year of agreement;

(2) To reduce existing weapons stockpiles—agreements on balanced, incremental reductions in nuclear weaponry. Such reductions should both preserve deterrence and be adequately verifiable;

(3) To prevent the spread of nuclear weapons—the establishment of additional measures by nuclear supplier nations designed to halt the world-wide proliferation of nuclear weapons;

(4) To involve all nuclear weapons states in the arms control process—a commitment to bring all nations possessing nuclear weapons into the negotiations and related activities at the earliest appropriate time;

(5) To address the question of arms control in its totality by—

a. A continuation of good-faith negotiations to reduce intermediate-range and other nuclear weapons deployed on the European continent;

b. An emphasis on expanded United States-Soviet negotiations to reduce conventional armaments in Europe; and by

c. Adopting a sensible policy of restraining conventional arms transfers to the Third World.

SENATE EXECUTIVE RESOLUTION 5—EXECUTIVE RESOLUTION RELATING TO REPORTING THE SALT II TREATY

Mr. BIDEN submitted the following executive resolution; which was referred to the Committee on Foreign Relations:

S. EX. RES. 5

Resolved, by the United States Senate that:

SEC. (a) The Committee on Foreign Relations shall, not later than July 1, 1982, report to the Senate the SALT II Treaty, together with any recommendations with respect to whether the Senate should give its advice and consent to the ratification of such treaty.

SEC. (b) For purposes of this section, the term "SALT II Treaty" means the treaty between the United States of America and the Union of the Soviet Socialist Republics on the limitation of strategic offensive arms and the protocol relating thereto, both

signed at Vienna, Austria on June 18, 1979, and related documents (Ninety-sixth Congress, first session; Executive Y).

SENATE EXECUTIVE RESOLUTION 6—EXECUTIVE RESOLUTION RELATING TO CONSIDERATION OF SALT II TREATY

Mr. HART submitted the following executive resolution; which was referred to the Committee on Foreign Relations:

S. EX. RES. 6

Whereas, it is essential that the United States and the Soviet Union actively cooperate to prevent the use of nuclear weapons and the outbreak of nuclear war, and

Whereas, it is in the national security interest of the United States to limit the size and capabilities of Soviet strategic nuclear forces, and

Whereas, the SALT II Treaty is the result of careful negotiations by three Administrations, Democratic and Republican, and

Whereas, the SALT II Treaty is a balanced, well-crafted and verifiable agreement which the Joint Chiefs of Staff have determined would enhance strategic stability and mutual security, and

Whereas, the SALT II Treaty permits the necessary modernization of U.S. stategic nuclear forces to ensure an adequate deterrent, and

Whereas, our national security has been enhanced because of American and Soviet adherence to the provisions of the SALT II Treaty since it was negotiated and signed,

Therefore, be it resolved, it is the sense of the Senate that the SALT II Treaty should be reported to the full Senate by the Senate Foreign Relations Committee within thirty days for amendment and disposition and that it shall become the pending business at that time.

● Mr. HART. Mr. President, I am today introducing an executive resolution expressing the sense of the Senate that the SALT II Treaty should be taken up for amendment and disposition as the first step toward reducing the threat of nuclear war.

My resolution calls for the Senate Foreign Relations Committee to report the SALT II Treaty to the full Senate for consideration within 30 days.

The SALT II Treaty is the result of careful negotiations by three administrations, Democratic and Republican. It is a balanced, well crafted and verifiable agreement which the Joint Chiefs of Staff have determined would enhance strategic stability and mutual security. It is a modest but useful treaty which constrains the growth of Soviet nuclear weapons capabilities and thus reduces uncertainty over Soviet intentions. At the same time, it permits the necessary modernization of U.S. strategic nuclear forces to insure an adequate deterrent.

It is as essential to the national security of the United States that we limit the size of the Soviet nuclear threat through reliable arms control agreements as it is that we maintain a strong and prudent defense. Ratification of the SALT II Treaty would enhance our national security in the following ways:

It would limit Soviet nuclear weapons capabilities. By 1985 the Soviets will have the technical capacity to vastly increase their nuclear arsenal. They will be able to more than double the number of silo-killer warheads that SALT II would have permitted, deploy additional heavy missiles, and nearly double their force of land-based missiles with multiple warheads. Regardless of whether the SALT limits are, by themselves, adequate, right now we are living without any constraints whatsoever.

It would enable us to focus more of our resources on conventional forces. If we embark on an uncontrolled nuclear buildup, pressures on the Soviet Union to do the same would be enormous. An administration so sensitive to Soviet adventurism should be alert to the dangers of an unconstrained nuclear arms race. And it would divert both our attention and our resources from the conventional forces we and our allies need to discourage Soviet ambitions. It is in our national security interest for the Soviets not to embark on a nuclear weapons buildup which would violate the provisions of SALT II.

The administration has already committed itself to abide by the provisions of the SALT II Treaty as long as the Soviets do the same. I suggest that as we prepare to resume the negotiations, we take advantage of what has already been achieved.●

AMENDMENTS SUBMITTED FOR PRINTING

NUCLEAR WASTE DISPOSAL ACT

AMENDMENT NO. 1371

(Ordered to be printed and to lie on the table.)

Mr. CANNON submitted an amendment intended to be proposed by him to the amendment No. 1350 to the bill (S. 1662) to establish a limited program for Federal storage of spent fuel from civilian nuclear powerplants, to set forth a Federal policy, initiate a program, and establish a national schedule for the disposal of nuclear waste from civilian activities, and for other purposes.

LOCATION OF STORAGE SITES

● Mr. CANNON. Mr. President, a policy for safe disposal of spent nuclear fuel and high-level radioactive waste resulting from our Nation's usage of atomic energy is now among our most urgent national needs. Such a policy must address and reconcile all the key issues involved. I use the word reconcile because certain of the issues are in mutual conflict.

A sound policy must provide total isolation of this highly toxic waste from the habitable areas of our planet for countless generations of human and all other forms of life on our planet. It must provide safe storage during the entire period of years needed to develop and construct adequate permanent repositories. It must permit and provide onsite interim storage until such offsite facilities are available. It must enable continued supply of electricity from nuclear powerplants without interruption attributable to lack of any of those facilities. It must not burden any but the users of nuclear power with the cost of such nuclear waste storage of disposal. It must give the people of every State or Indian tribe the opportunity to share fully, and at no cost to them, in the evaluation of any site in their State for construction of such a storage or disposal facility. And finally, it must provide those people, through their Governor or tribal representative, the right to "veto" selection of such site when in their view it was inadequately evaluated or harmful to their best interests.

Mr. President, I commend the three committees which have shared jurisdiction over S. 1662 in submitting to the floor a bill which addresses all those issues. Indeed, I cosponsored the submittal of this bill just prior to our recent recess. However, my numerous discussions of its provisions with the people of my home State during that recess have convinced me that the bill can and should be amended to more clearly fulfull the last indicated requirement. Indeed, more than 3 years ago I cosponsored an amendment to an earlier bill on this matter to guarantee full participation by any State in any decision to store nuclear waste within its borders. Accordingly, I am submitting amendment No. 1371, which provides "veto" right to a Governor or tribal representative which would stand unless overruled in a very timely fashion by both Houses of Congress. On an issue so vital to so many people of mine, or any State, it is only just that their elected Governor have a right of "veto" comparable to that of the President which can be overturned only by joint action of both Houses of the Congress.

I ask unanimous consent that the amendment be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 1371

On page 63, line 19, strike "if during" and all thereafter through page 64, line 2 and substitute the following: "unless during the first period of 75 calendar days of continuous session of the Congress following submittal to the Congress of the objections, the Congress passes a resolution pursuant to section 703 approving such repository or facility, and such resolution thereafter becomes law.".

On Page 64, line 23 insert "joint" immediately before "resolution".

Strike the language beginning on page 64, line 25, and continuing through page 65, line 9 and substitute the following: "That there is hereby approved for the proposed development of a , the site at within the State of , with respect to which written objections were submitted by on ." The first blank space in such resolution shall be filled in with the term "repository" or "monitored, retrievable storage facility", as appropriate; the second blank space in such resolution shall be filled in with the geographic location of the proposed repository or facility; the third blank space shall be filled in with the name of the State in which such geographic location is situated; the fourth blank space of the resolution shall be filled in with the name of the State Governor or Indian Tribe which submitted the objections to the Secretary; and the last blank space in such resolution shall be filled in with the date of such submission.

On page 66, line 7, strike "604" and substitute "704".

On page 68, insert the following between lines 2 and 3:

(e) If one House of the Congress receives a resolution from the other House with respect to a proposed repository or monitored retrievable storage facility—

(1) the resolution of the other House shall not be referred to a committee; and

(2) the procedures with respect to any resolutions of the first House concerning such repository or facility shall be the same as if no resolution from the other House had been received; except that on any vote on final passage of any resolution of the first House in which the text is identical to the text of the resolution received from the other House, the resolution of the other House shall be automatically substituted for the resolution of the first House.●

TELEVISION AND RADIO COVERAGE OF THE SENATE

AMENDMENT NO. 1372

(Ordered to be printed and to lie on the table.)

Mr. DODD (for himself and Mr. DANFORTH) submitted an amendment intended to be proposed by them to the resolution (S. Res. 20) providing for television and radio coverage of proceedings of the Senate.

AMENDMENT NOS. 1373 AND 1374

(Ordered to be printed and to lie on the table.)

Mr. DIXON submitted two amendments intended to be proposed by him to the resolution (S. Res. 20), supra.

AMENDMENT NO. 1375

(Ordered to be printed and to lie on the table.)

Mr. FORD submitted an amendment intended to be proposed by him to an amendment to Senate Resolution 20, supra.

VOTING RIGHTS ACT EXTENSION BILL

AMENDMENTS NOS. 1376–1378

(Ordered to be printed and to lie on the table.)

CONSTITUTIONAL PROVISIONS OF VOTING RIGHTS ACT

Mr. EAST submitted three amendments intended to be proposed by him to the bill (H.R. 3112) to amend the Voting Rights Act of 1965 to extend the effect of certain provisions, and for other purposes.

Mr. EAST. Mr. President, I am submitting three printed amendments that would introduce needed elements of reasonableness and commonsense to the extension of certain provisions of the Voting Rights Act of 1965. My principal purpose in submitting these amendments is to call attention to the constitutional infirmities of H.R. 3112 which is the same as the Kennedy-Mathias bill, S. 1922.

As you know, the Kennedy-Mathias bill was referred to the Judiciary Committee for consideration according to the usual deliberative processes of the Senate, but contrary to normal parliamentary practice, H.R. 3112 was placed directly upon the Senate Calendar so that it might be brought up for consideration by the Senate at any time. I am submitting my amendments at this time because I want the Senate to be able to consider my recommended amendments in case the Judiciary Committee is bypassed and we find ourselves debating H.R. 3112 without the benefit of the Judiciary Committee's consideration of the identical Kennedy-Mathias bill.

Of course, the Judiciary Committee and its Subcommittee on the Constitution have been diligent in considering the Kennedy-Mathias Voting Rights Act extension bill. Under Senator HATCH's chairmanship, the Constitution Subcommittee has held extensive hearings balanced with testimony expressing opinions on both sides of the issue. I have attended many of the hearings and I have concluded that the voting rights issue carries with it constitutional issues of the greatest importance.

Indeed, Mr. President, as many distinguished academicians have testified in the hearings, the Kennedy-Mathias bill would change the fundamental nature of our American political system. This alarming aspect of the Kennedy-Mathias bill deeply troubles me, and I would caution my colleagues against being swept up in a mad rush to approve all aspects of such a bill that will have serious consequences for the way in which American political systems will operate in coming years.

"RESULTS" TEST WOULD RADICALLY ALTER AMERICAN POLITICAL SYSTEM

I am especially concerned with the consequences that would ensue from the proposed results standard that the Kennedy-Mathias bill would substitute for the intent standard that is in section 2 of the existing Voting Rights Act. The results standard would radically alter the whole character of American democracy by establishing—perhaps unwittingly—a system of proportional representation throughout the country. I am opposed to this system of proportional representation since such a system has proved to be unworkable and generally hostile to good government in Western parliamentary democracies. Indeed a system of proportional representation was responsible for the chaos and alternating periods of governmental paralysis and authoritarian rule that characterized the Governments of the German Weimar Republic and the French Third Republic before World War II.

Dr. Walter Berns in his March 1982 article in Commentary magazine explained how the Kennedy-Mathias bill subverts the language of the Voting Rights Act:

> The words "to deny or abridge" the right to vote were deleted; in their place were put the words "in a manner which *results* in a denial or abridgment" (emphasis added) of the right to vote. This new language will make Section 2 the key section of the Act, one that will affect the electoral laws and practices of every state and political subdivision in the nation. There is reason to doubt that this was understood by all the Congressmen and Senators who lined up quickly in support of the bill.

Section 2 of the current Voting Rights Act is a restatement of the 15th amendment's guarantee of the right to vote. The Kennedy-Mathias bill's new proposed results language is designed to go beyond guaranteeing access to the ballot box and the right to vote as such. The new language is designed to guarantee the right to an effective vote, so that the minority voters would be guaranteed the right to have an election system in which their votes resulted in the election of a candidate of their own choice, by which is often meant, a candidate of their own race. As Justice Potter Stewart warned in Mobile against Bolden, the theory of the dissenting opinion which embraced the results test "appears to be that every political group, or at least every such group that is in the minority, has a Federal constitutional right to elect candidates in proportion to its numbers."

The results test of the Kennedy-Mathias bill would eliminate at-large election systems, systems that, proponents of the results test complain, do not result in the election of enough minority politicians. Many communities instituted these at-large systems of voting in the 1910's and 1920's in response to unusual instances of corruption within ward systems of government and absolutely no evidence exists that at-large voting discriminates against minorities. At present, more than two-thirds of about 18,000 municipalities in the country elect their officials under the at-large system. If the proposed change to section 2 is adopted, every local election in these

communities would be open to challenge should the proportion of racial minorities elected to office be less than the proportion of racial minorities living in the community.

Frankly, Mr. President, I fail to understand why some are heralding this extreme restructuring of our political system as an extension of voting rights. The Kennedy-Mathias bill has nothing to do with access to the ballot box or with the right to vote as such. When the effects or results test is applied one looks to the racial makeup of government after the votes have been counted, not before. What is more, a results test is no guarantee that racial minorities will have any greater influence than they enjoy under the present standard. Instead of encouraging the Madisonian model of consensus-building and government by coalitions of minorities, we may well be erecting political ghettos for racial minorities. It stands to reason that because whites would no longer have any reason or incentive for campaigning outside of them, all candidates would appeal only to their own racial bloc. The moderating influence of the at-large system, which forces all candidates to approach members of all races and interests, would be gone, and we might well be opening the door to a new wave of political fanaticism. The influence of racial minorities under the new district system might well be undermined further by the fact that the white majority in control of the local unit of government would now be free to ignore the wishes of the minority community and would be able simply to outvote the minority officeholders. Thus coalition politics might break down after the election as well as before.

Proportional representation is contrary to the American political tradition and is inconsistent with the Founding Fathers' ideal of consensual politics. Proportional representation encourages bloc voting by discrete groups, including racial and ethnic groups. The Founding Fathers referred to such groups as factions and in the Federalist Papers Madison repeatedly explained how important it is to minimize the influence of factions by creating a political system that encourages consensus building.

"RESULTS" TEST WOULD HAVE THE GREATEST IMPACT IN THE SOUTH

The law with respect to the standard for identifying section 2—or 15th amendment—violations has always been an intent standard. That standard was reaffirmed by the Supreme Court in its 1980 decision of Mobile against Bolden, 446 U.S. 55. In the Mobile case, plaintiffs challenged the practice of electing city commissioners in an at-large election system that dated back to 1911. There was no proof of discriminatory purpose in the original establishment of the at-large election system and there were clear and legitimate nondiscriminatory reasons for having such a system. Nevertheless, the U.S. district court was willing to use section 2 of the Voting Rights Act as a basis for interfering with the local conduct of elections and ordered a new governing board consisting of a mayor and a city council with members elected from single member districts. The Supreme Court reversed and Justice Stewart's opinion concluded that section 2 of the Voting Rights Act had the same meaning as the fifteenth amendment itself, and therefore reaches only the intentional abridgements of the right to vote. There is no decision of the Court either prior to or since Mobile that has ever required anything other than an intent standard for the 15th amendment or section 2.

Much of the South has already had some experience with the results test under the preclearance standards of section 5 of the Voting Rights Act. Section 5 has been transformed from its original design of insuring equal access by minorities to the registration and voting processes into insuring equal electoral outcome. Only changes to voting procedures and election systems are subject to challenge under section 5 preclearance procedures, however. Existing election systems in covered jurisdictions, such as the at-large election system in Mobile, have been immune from challenge on the basis of the results standard. The proposed results standard of the Kennedy-Mathias bill is intended to reverse the Mobile decision and would authorize the Federal courts to require States to change their laws to insure that minorities will be elected in proportion to their numbers.

Prof. Donald Horowitz of Duke University Law School has stated the problem as follows:

> What the courts are going to have to do under the new test is to look at the proportion of minority voters in a given locality and look at the proportion of minority representatives. That is where they will begin their inquiry and that is very likely where they will end their inquiry. We will have ethnic or racial proportionality.

Former U.S. Attorney Griffin Bell has warned that "To overrule the Mobile decision by statute would be an extremely dangerous course of action under our form of government," and the present U.S. Attorney General William French Smith has concurred that under the results test, "any voting law or procedure in the country which produces election results that fail to mirror the population's makeup in a particular community would be vulnerable to legal challenge."

While the results test would apply to voting laws and procedures throughout the country, the results test would at first be especially disruptive to elections in the South. Plaintiffs in such cities as Birmingham, Ala. and Norfolk, Va., would undoubtedly file a new suit challenging the cities' at-large election systems, and, if the Kennedy-Mathias results test has been adopted, the Federal courts would have the authority to order new governing boards for the cities with members elected from single member districts.

Just as suits for school busing began in Charlotte, N.C., and other places in the South before they spread to the North and West, suits demanding proportional representation would begin in Birmingham, Ala., Norfolk, Va., and other places in the South before they spread to the North and the West. Prof. Edward Erler of the National Humanities Center observed:

> It would be difficult to imagine a political entity containing a significant minority population that was not represented proportionately that would not be in violation of the new section.

Since the Southern States have more significant concentrations of minority populations than many other regions of the country, it is likely the Southern States will be hardest hit at first by suits challenging voting systems and procedures.

The debate over whether to reverse the Supreme Court's decision in Mobile against Bolden by establishing a new results test is probably the most important constitutional issue that will be considered by this Congress. By redefining the basic standard for a violation of section 2, this part of the Kennedy-Mathias bill would transform the objective of the Voting Rights Act from equal access to the ballot box into equal results in the electoral process. The proposal of a new results standard that would lead to proportional representation by race is the primary reason why the Kennedy-Mathias bill should be defeated. There are, however, a number of other respects in which the Kennedy-Mathias bill is ill-conceived.

The amendments that I am submitting today demonstrate that there are specific, concrete ways in which the Kennedy-Mathias bill should be improved. While the Subcommittee on the Constitution reported a bill that would extend certain aspects of the Voting Rights Act for 10 years, that proposal should also be improved since it would deny jurisdictions covered by the preclearance requirement of section 5 the first opportunity in 17 years to seek bailout from section 5 coverage. I agree with President Reagan's statement on November 6, 1981, in which he states:

> As a matter of fairness, I believe that states and localities which have respected the right to vote and have fully complied with the Act should be afforded an opportunity to "bail out" from the special provisions of the Act. Toward that end, I will support amendments which incorporate rea-

sonable "bail out" provisions for states and other political subdivisions.

REASONABLE BAILOUT PROVISIONS ARE NEEDED

There are several reasons why a reasonable bailout provision is needed. First, many of the jurisdictions originally covered by the act have made such great strides in improving minority voter registration statistics that several of these jurisdictions have a much higher rate of minority voter registration than many noncovered jurisdictions. For example, the Census Bureau reports that in 1980 the registration rate for black voters in Mississippi was 72.2 percent and in Massachusetts it was 43.6 percent while the national average registration rate for black voters was 60 percent. It violates commonsense principles of fairness to subject some States to the onerous preclearance requirements while other States with worse records are exempt. In addition, one must remember that it was only because the Supreme Court found preclearance to be a temporary response to extraordinary circumstances that it found section 5 of the Voting Rights Act constitutional. See South Carolina against Katzenbach, 382 U.S. 301, 334 (1966).

Second, literacy tests have been banned nationwide by the permanent provisions of the Voting Rights Act and such tests have not been used in the original covered jurisdictions for years. Originally, covered jurisdictions included all States or political subdivisions which met the two-part test of section 4: (1) Such a State or subdivision must have employed a test or device as of November 1, 1964. Such a test or device was defined to include literacy tests, tests of morals or character, or tests requiring educational achievement or knowledge of some particular subject; and (2) such a State or political subdivision must have had either a voter registration rate of less than 50 percent of age-eligible citizens on that date, or a voter turnout rate of less than 50 percent during the 1964 election.

Now that literacy tests have been permanently suspended nationwide, the basis for continuing section 5 preclearance in the original covered jurisdictions has become highly questionable.

Third, a reasonable bailout provision will further the original purposes of the Voting Rights Act and will encourage compliance with the act by making a realistically achievable bailout an incentive for compliance with the act. Since many in Congress have lost sight of the original purposes of the act, a brief review will help put my proposed amendments in a proper perspective.

The 1965 Voting Rights Act marked a significant departure from earlier statutes in the same area by establishing, for the first time, an administrative process aimed at eliminating voting discrimination. The preclearance requirements of section 5 were intended to insure expeditious resolution of alleged voting rights difficulties and to avoid the often-cumbersome process of case-by-case decisionmaking. Under section 5, States are permitted to enact measures affecting voting only if they are acceptable to the Attorney General or the U.S. District Court for the District of Columbia. The established principle that the States have the right to enact their own electoral laws, good or bad, and await a judicial determination of constitutionality was thus rejected. In effect, section 5 imposed an affirmative duty on the States and their political subdivisions to enact legislation conforming to guidelines laid down by the Federal Government, and placed a single district court in the position of issuing advisory opinions on State proposed electoral changes.

Under the 1965 act, however, covered jurisdictions were to be eligible for bailout from preclearance coverage after a 5-year period during which they were required to preclear voting law changes and to abolish the use of all tests or devices. In establishing such a time period, Congress recognized that the remedy of preclearance was an extraordinary one that deviated sharply from traditional notions of federalism and State sovereignty over State electoral processes. In South Carolina against Katzenbach, Chief Justice Warren conceded that—

(T)his may have been an uncommon exercise of power—

But, invoking the emergency doctrine, he insisted that—

the Court has recognized that exceptional conditions can justify legislative measures not otherwise appropriate. 383 U.S. 301, 334, (1966).

The point of this discussion is to remind the Senate that the preclearance provision of section 5 was originally an extraordinary remedy to be applied for a short period after which time Congress presumed the residual effects of earlier discrimination were likely to be sufficiently attenuated, and the covered jurisdictions would be allowed to seek bailout.

THE KENNEDY-MATHIAS BILL WOULD ALMOST COMPLETELY ELIMINATE THE OPPORTUNITY FOR COVERED JURISDICTIONS TO ACHIEVE BAILOUT

In the past, the test for bailout has always been that for a specified number of years, the petitioning jurisdiction had not used a test or device "for the purpose or with the effect of denying or abridging the right to vote on account of race or color." Although the original period of coverage was for 5 years past 1965, voting rights legislation in 1970 and 1975 aggregated this period to 17 years. Accordingly, absent congressional action, those jurisdictions originally covered in 1965 would have an opportunity after August 6, 1982 to petition the U.S. District Court for the District of Columbia for release from section 5 coverage. This is what proponents of the Kennedy-Mathias bill have misleadingly referred to as the "expiration of the Voting Rights Act."

As Congress has extended the Voting Rights Act in 1970 and 1975, it has become clear that substantial modification of the bailout provisions of the act is necessary. Broader opportunity should exist for political jurisdictions that have complied with the letter and spirit of the law to terminate their coverage under the special preclearance provisions of the act and to regain their equal and sovereign status within the federal system. Complying with the onerous requirements of section 5 involves not only frustration but significant expense. Texas estimated that compliance with the preclearance provisions for 1 year would cost its taxpayers at least $190,000 and require more than 35,000 man-hours of work. A reasonable bailout with stringent yet achievable requirements would give political subdivisions the incentive to comply fully with the law. To deny any realistic chance for bailout is to rely entirely on negative enforcement practices in achieving the goals of the Voting Rights Act.

Because of the compelling need for a new bailout provision, the President and members of the administration have asked that Congress modify the Voting Rights Act to provide a meaningful mechanism for bailout. The purported response is S. 1992, the Kennedy-Mathias bill. Unfortunately this measure was not formulated with a genuine interest in establishing a bailout system that really works. In order to achieve bailout a political subdivision must satisfy over 10 jurisdictional requirements that are so stringent and artificial that no jurisdiction will be able to bail out unless it can reach some sort of settlement with all parties concerned.

A number of these requirements, indeed, seem especially designed to guarantee that any person who wishes to block a jurisdiction's bailout will be assured of success. Since the Kennedy-Mathias bill bars bailout where actions are pending that allege denials of the right to vote, litigious parties or organizations could effectively preclude bailout by continuing to file suit after suit. Equally effective as guaranteed blocks to bailout are three criteria requiring 100-percent compliance with section 5: a jurisdiction must have precleared all changes in voting procedures before they were enforced; it must have repealed all changes to which the Attorney General has objected; and it must demonstrate that the Attorney General has entered no objection to proposed changes in voting procedure. One hundred per-

cent compliance with section 5 is, as a practical matter, next to impossible. No matter how well an election administrator plans in advance of election, there will always be changes that of necessity must be implemented before they can be precleared. Careful students of section 5, moreover, could always dig up additional violations because of the continuing uncertainty as to just what sort of changes a jurisdiction must preclear. A probate judge, for example, who conscientiously submits changes in the location of polling places might inadvertently fail to submit the rearrangement of tables and booths at one polling place.

The no-objection requirement is onerous in that it would place the discretion to bar bailout in the hands of bureaucrats in the Department of Justice. Even if the practice to which the Attorney General has objected does not actually violate the law or even if a political subdivision accedes immediately to the demands of the Attorney General, his mere entering of an objection would bar bailout for 10 years. Of similar effect would be the requirement denying bailout to political subdivisions to which Federal examiners have been assigned. Under section 6 of the Voting Rights Act, the Attorney General may, at his unreviewable discretion, assign examiners. Such assignment of examiners gives no real indication that discrimination has occurred. In fact, a future Attorney General might designate examiners and observers in a bad faith attempt to prevent a covered jurisdiction from bailing out. Moreover, since designation of Federal examiners is a prerequisite to sending in Federal observers, recent practice has been to designate counties as examiner counties simply in order to send Federal observers there.

Not all the jurisdictional requirements in the Kennedy-Mathias bill create automatic blocks to bailout. One requirement, however, would have the unfortunate side effect of chilling efforts at voluntary and informal conciliation voting rights disputes. Unaccountably the bill requires that bailout be denied any subdivision that has entered into a consent decree resolving a contested voting practice. Consent decrees do not identify the wrongdoer in a particular dispute and parties frequently enter into such decrees voluntarily to avoid costly litigation. To discourage their use is to deprive the Government of a major tool for securing prompt compliance with the Voting Rights Act.

Remaining requirements of the Kennedy-Mathias bill are replete with vague and untested language, language that courts, at the loss of a good deal of time and effort, will have to construe. The bill requires that a jurisdiction have eliminated methods which inhibit or dilute equal access to the electoral process. A jurisdiction must also have engaged in constructive efforts to end intimidation and harassment of persons exercising rights protected under the act. It must further have engaged in other constructive efforts to expand opportunities for people to register and vote and for minority persons to serve as election officials. Such terminology would give activist courts excessively broad authority to create new law requiring covered jurisdictions to implement policies and practices not specified in the statute's broad terminology.

EXPLANATION OF AMENDMENTS

Reasonable bailout. One of the amendments I am proposing would remove artificial tests from the Kennedy-Mathias bill and would provide for two kinds of bailout. Jurisdictions that eliminated the use of tests and devices would automatically bail out at the close of the 10-year period for which the Voting Rights Act is being extended. During the interim, however, they would also have the opportunity to bail out if, during the 5 years preceding bailout, they have not violated the law with respect to discrimination or voting on account of race or color, other than violations which were trivial, promptly corrected, and not repeated.

My amendment would allow a court to get at what should be the real issue in a bailout case: whether a jurisdiction has actually violated the law and been guilty of discrimination. Instead of applying artificial and mechanical tests like the "no consent decree test" and the "no objection test," the Federal courts, which have certainly not been lax in enforcing the laws in this area, would have the discretion to examine the actual facts in particular cases. As a result, under this amendment the numerous States, cities, towns, and local boards, which for many years have given all their citizens access to the political process would gain a realistic opportunity of escaping the stigma, frustration, and expense of having to comply with the preclearance requirements of section 5.

Venue in appropriate Federal court. Another amendment I am submitting would establish venue for bailout and preclearance in "an appropriate court of the United States." This is the traditional standard for venue that should be used to afford litigants a trial in a location near the covered jurisdiction. One of the basic aspects of a just trial is that there be some reasonable relationship between the facts to be determined and the location of the court which will make those fact determinations. Under both the Kennedy-Mathias bill and the existing law, however, the U.S. District Court for the District of Columbia has sole jurisdiction to hear declaratory judgment actions for bailout under section 4 and litigation with respect to preclearance under section 5. The Kennedy-Mathias bill would continue to impose upon counties and States the tremendous expense of bringing the required battery of facts, lawyers, witnesses, and evidence to Washington. Local jurisdictions would continue to have to hire counsel licensed to litigate in the District of Columbia. Restricting venue to the District of Columbia would also make it much more difficult for an aggrieved minority voter to take an active part in an action.

Those who support retaining venue only in the District of Columbia contend that there is a need for uniform interpretation of the law relating to bailout. They suggest further that courts outside Washington cannot be trusted to make unprejudiced decisions about voting rights cases. The record of civil rights cases in the 11th and 5th circuits proves that this fear is groundless, courts in these jurisdictions having handed down many civil rights decisions that completely disregarded contrary local sentiments.

Make Attorney General bear burden of proving violation. Section 5 currently provides that a voting change by a covered jurisdiction is treated as presumptively discriminatory and the jurisdiction must seek preclearance before it can be enforced. In addition, in order to overcome the presumption of discrimination, the jurisdiction must prove the absence of discrimination. These two aspects of section 5 violate commonsense principles of jurisprudence and my amendment would make preclearance litigation more consistent with all litigation in American law. The presumption of discrimination violates the principle that parties are presumed innocent until proven guilty. Requiring the covered jurisdiction to prove the absence of discrimination makes the covered jurisdiction anticipate all possible contentions of discrimination by the Attorney General. This is an unreasonable burden and an inefficient way of conducting litigation.

One of my proposed amendments accordingly would permit voting law changes to go into effect automatically unless, within 60 days after the required submission to the Attorney General, the Attorney General objected to the proposed change. The Attorney General would then have 90 days to institute an action in an appropriate U.S. district court to prove that the procedure has a discriminatory purpose and effect.

CONCLUSION

By even submitting amendments that I believe would improve the House-passed Voting Rights Act extension bill, I may well be subjected to attacks from those proponents of the bill that are reluctant to subject the legislation to full and fair debate. I

urge my colleagues to resist the pressure to rush through consideration of this issue in the manner of the House of Representatives last October. Representative HENRY HYDE, in remarks before the Senate Subcommittee on the Constitution expressed the following concerns about the House consideration of H.R. 3112:

The Voting Rights Act is a very complex piece of legislation which has been merchandised in extraordinarily complex terms. By the time it reached the floor, suggestions that alternate views should be considered were quickly met with harsh charges that any deviation whatsoever from what was pushed through the full Judiciary Committee merely reflected "code words for not extending the Act." This intimidating style of lobbying had the ironic effect, although clearly intended, of limiting serious debate and creating a wave of apprehension among those who might have sincerely questioned some of the bill's language. No one wishes to be the target of racist characterizations and the final House vote reflected more of an overwhelming statement of support for the principle represented by the Act than it did concurrence with each and every sentence or concept it contains.

I am also concerned that Senators from regions of the country outside of the South might not take the time to reflect on the problems raised by the extension of the preclearance provisions. Over 20 States, however, throughout the Nation are subject to the preclearance provisions, either because the entire State or some of its subdivisions are covered. As I have previously argued, the extension of the preclearance provisions in perpetuity would permanently institutionalize the States or their subdivisions into what was originally considered an extraordinarily reordering of the Federal structure of our Government.

Despite the seriousness of my concerns over the issue of extending the preclearance requirements without any improving amendments, I am even more deeply troubled by the radical changes that would result from implementing the "results" test in section 2 of the Kennedy-Mathias bill. There would be little point in establishing reasonable opportunities to bail out of the "frying pan" of section 5 preclearance if the covered jurisdictions were only to land in the "fire" of a section 2 "results" standard.

As President Reagan remarked last fall, the Voting Rights Act has reflected the American belief that "[t]he right to vote is the crown jewel of American liberties." Congress should not alter the permanent provisions of the act, and accordingly I intend to do all that I can to see that the "intent" test is retained. A defeat on the "intent" issue would have serious consequences for the entire Nation.

NOTICES OF HEARINGS

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. COHEN. Mr. President, I wish to announce that the Subcommittee on Oversight of Government Management, of which I am chairman, will conduct a hearing on S. 2059—the Ethics in Government Act Amendments of 1982, on Wednesday, April 28, at 9:30 a.m., in room 3302 of the Dirksen Senate Office Building.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BAKER. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be authorized to meet during the session of the Senate at 10 a.m. on Wednesday, April 21, to discuss oversight of the reorganization of the U.S. Fire Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be authorized to meet during the session of the Senate at 2 p.m. on Wednesday, April 21, to hold a nomination hearing to discuss the nomination of Herbert Ellingwood, of Virginia, to be Chairman of the Merit Systems Protection Board.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BAKER. Mr. President, I ask unanimous consent that the Judiciary Committee be authorized to meet during the session of the Senate at 1:30 p.m. on Wednesday, April 21, to hold a full committee business meeting to discuss S. 1030, the McClure-Volkmer gun control bill.

The PRESIDING OFFICER. Without objection it is so ordered.

SUBCOMMITTEE ON AGRICULTURE CREDIT AND RURAL ELECTRIFICATION

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Agriculture Credit and Rural Electrification, of the Senate Agriculture Committee, be authorized to meet during the session of the Senate at 10 a.m. on Wednesday, April 21, to discuss S. 2314, authorization of funding levels for farmers home loan programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EDUCATION

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Education of the Committee on Labor and Human Resources be authorized to meet today during the session of the Senate at 10 a.m. on Wednesday, April 21, to hold a hearing to discuss proposals to establish a Peace Academy.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TRANSPORTATION

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Transportation, of the Committee on Environment and Public Works, be authorized to meet during the session of the Senate at 2 p.m. on Wednesday, April 21, to conduct a hearing on the monetary reauthorizations of the Federal-aid highway program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. BAKER. Mr. President, I ask unanimous consent that the Labor and Human Resources Committee be authorized to meet during the session of the Senate at 9:30 a.m. on Wednesday, April 21, to hold a nomination hearing to discuss the following nominees to be members of the Board of Directors for the Legal Services Corporation: Howard Dana; Harold de Moss; William Earl; William Harvey; Clarence McKee; William Olsen; George Paras; Marc Sandstrom; and Robert Stubbs.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERGOVERNMENTAL RELATIONS

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Intergovernmental Relations, of the Committee on Governmental Affairs, be authorized to meet during the session of the Senate at 9:30 a.m. on Monday, April 26, to hold an oversight hearing on the Office of Management and Budget's Circular A-95, which deals with the Federal planning requirements for Federal grant programs and OMB's recent policy revisions for this circular.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Intergovernmental Relations, of the Committee on Governmental Affairs, be authorized to meet during the session of the Senate at 2 p.m. on Thursday, April 22, to hold a legislative hearing on S. 2363, which would amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate on Thursday, April 22, at 2 p.m., to hold a meeting with the National Small Business Advisory Council.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTE ON GOVERNMENTAL AFFAIRS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the session of the Senate at 10 a.m. on Thursday, April 22, to hold a hearing on S. 2397, a bill dealing with cost growth in major Federal acquisitions and cost reduction in major procurement acts.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON THE CONSTITUTION

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on the Constitution, of the Committee on the Judiciary, be authorized to meet during the session of the Senate at 1:30 p.m. on Thursday, April 22, to mark up S. 585, a bill to provide a special defense to the liability of political subdivisions of States under section 1979 of the Revised Statutes relating to civil action for the deprivation of rights.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BAKER. Mr. President, I ask unanimous consent that the Judiciary Committee be authorized to meet during the session of the Senate at 2 p.m. on Thursday, April 22, to hold a hearing to discuss the nomination of Evan Hultman, of Iowa, to be U.S. attorney for the northern district of Iowa.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

ARMY AND AIR NATIONAL GUARD PANEL ENDORSES SOME MILITARY REFORM CONCEPTS

● Mr. HART. Mr. President, earlier this week I distributed to the Members of the Senate a paper prepared for the Military Reform Caucus entitled, "Options for Action on the FY 1983 Defense Budget." The paper outlines 28 actions intended to improve our defense capabilities. While these options are neither endorsed nor disapproved by the caucus, all the suggestions do, in my view, reflect reform thinking.

Since sending out the options paper, I have had an opportunity to review a recent paper produced by a panel from the Army and Air National Guard, Vista 1999. The study attempts to look at the future of the National Guard, and to determine what sorts of changes are needed to enhance the Guard's effectiveness. Interestingly, a number of the proposals made in Vista 1999 are identical to suggestions in the reform options paper, including:

Selecting an air superiority fighter for the Air National Guard through a competition between austere versions of the F-16 and the F-5.

Developing an inexpensive ground support aircraft for the Air National Guard. This should be a small, agile aircraft, designed to use a 30-millimeter gun as its main armament.

The Vista 1999 study goes on to reflect a number of basic military reform ideas, including the need to change to a maneuver style of warfare, the need to integrate air action with the ground force's scheme of maneuver, doubts about current levels of complexity in weapons, and questions about dependence on long-range, radar-guided, air-to-air missiles for air combat.

Mr. President, the Vista 1999 study shows that military reform is not a matter of civilians debating against uniformed military experts. The authors of this study are distinguished military officers. But a great deal of what they have said is exactly what the reformers have been saying.

The most recent issue of Aviation Week includes a story about Vista 1999. For the better information of my colleagues, I ask it be printed in the RECORD.

The material follows:

INCREASE PROPOSED FOR AIR GUARD FLEET

(By Paul Mann)

WASHINGTON.—The National Guard should combine its air and ground forces under a doctrine of maneuver warfare that would require large numbers of new but less expensive tactical aircraft, a new study by Guard officers said.

The study, titled Vista 1999, recommended procuring 750 close-air-support aircraft of new design at a flyaway cost of under $3 million per aircraft and the purchase of about 670 air-superiority fighters in austere versions of either the General Dynamics F-16A or the Northrop F-5G Type 1.

It also recommended equipping the Guard's Fairchild A-10, Vought A-7 and McDonnell Douglas RF/F-4 aircraft with Raytheon AIM-9M and Raytheon-Ford AIM-9L air-to-missiles and upgrading the electronic countermeasures of all the Guard's tactical fighter and reconnaissance aircraft.

NEEDS ASSESSED

Commissioned in December, 1980, to assess the needs of the Army and Air National Guard through 1999, the study concluded that U.S. airlift capability, both strategic and tactical, needs improvement and that "Air National Guard units provide the most cost-effective means of obtaining some of the required improvements." The study, completed last month, recommended that:

Air National Guard units be equipped with Lockheed C-141 cargo aircraft as the McDonnell Douglas KC-10A transport and new aircraft enter the inventory.

Lockheed C-130A/Ds be replaced quickly with new C-130Hs.

A systematic program for modernizing the remaining C-130 fleet be established "which will insure their combat capability indefinitely."

The Guard be furnished with sufficient airlift capacity to meet its training responsibilities. "Used [McDonnell Douglas] DC-9 and [Boeing] 727-200 aircraft are economical alternatives for satisfying this need."

Existing forward air controller capability "is grossly inadequate to satisfy all requirements," the study said. "Air National Guard forward air controllers are in such demand they are not able to satisfy all requests for exercise and training." It is often difficult to get the controller and attack fighter effort coordinated and "the forward air controller requirement has not been provided for adequately in Dept. of Defense planning. There is no programed solution for this deficiency."

The study said to achieve a minimally adequate number of controllers, combined forces units should include six forward air control aircraft having:

The light weight of the Cessna 182/0-1 class but with acceleration twice that of the 0-1's.

Long loiter time of 3-plus hours on station and aerobatics capability with a minimum of 3g.

Short field takeoff and ability to land on unprepared surfaces.

Tube-launched, optically sighted, wire-guided (Hughes TOW) light antitank battalions and TOW sections of mechanized infantry battalions "urgently need backup weapons and reorganization for Army National Guard purposes," the study said. It said some of these units should be provided the Army/Hughes Improved TOW "if they are scheduled for early deployment and employed with mechanized armor units."

A task force of 24 officers, chaired by Air National Guard Maj. Gen. Francis R. Gerard, adjutant general, N.J., prepared the Vista 1999 study. The air panel of the task force was headed by Maj. Gen. Raymond A. Matera, adjutant general, Wis., the Army panel by Maj. Gen. C. Emerson Murry, adjutant general, N. Dak.

Asked if the Guard's request for more than 1,400 new tactical aircraft were realistic Gerard said: "If we are going to meet the threat and fulfill our national objectives, it is what we need. It is not a wish list. It's a reasonable approach." He conceded, however, that given budget constraints, the request is not realistic.

"But we have an obligation to point out what we should have," he said. He added he envisioned procuring the new tactical aircraft over an extended period, between now and 1992.

The combined forces concept endorsed by the study would integrate fully the Guard's tactical air forces with the fire and movement of ground forces and would require intensified joint training. The combined forces would concentrate on maneuver tactices, the study said, because "combined force and maneuver warfare are inherently complementary concepts. Since both ground and air elements are available, the possibilities of maneuver are greatly expanded. Simultaneous or closely timed sequential attacks by both ground and air magnify greatly the enemy's vulnerabilities—the essence of combined forces."

MANEUVER WARFARE

The study said maneuver warfare is well suited to the National Guard "since it has older, less complex equipment, which is generally lighter than the heavy equipment likely to be encountered."

While attrition warfare tries to dominate an enemy force with continuing application of firepower over time and focuses on enemy strengths, maneuver warfare seeks rapid exploitation of enemy weaknesses. "Tactical air is the fastest force available to exploit the vulnerabilities of a Warsaw Pact force that has broken through and is moving," the study said.

It added: "The Soviets depend very heavily on centralized command, control and communications. Their plans, once established, leave little in the way of flexibility on the part of field commanders. It is here that the defeat of the opposing army's plan—not the army, but the army's plan—can take place."

Equipment and weapons needed to support the combined forces concept "will generally be less complex and tailored for specific mission capabilities," the study said. "Specifically, this will reduce the overall cost and allow procurement in greater quantities. Three benefits are derived from this: less complex equipment requires less maintenance, the supply tail is reduced and the amount of airlift required for deployments is reduced. This last point is especially significant in view of our airlift shortages."

Expensive, complex equipment "has created a fundamental contradiction between what we have and what we need," the study said, "and since the National Guard depends primarily on handed-down equipment from the active force, the negative impact of current procurement practices falls on the National Guard first." It said U.S. defense spending and defense management remain undisciplined by stategic guidance, so "substrategic reflexes govern what we do" and "unguided technical ambitions dominate the scene."

Economies could be realized, the study said, by placing 24 F-16s at an existing Air National Guard F-14 unit, instead of adding a new unit to the active force. That could save more than $28 million a year, the study said, and "the displaced F-4s would be redistributed to Air National Guard units authorized 18 aircraft to increase their authorization to 24 aircraft."

Citing a Defense Dept. plan to add units to the Air Force as the KC-10 transports and more airlift aircraft enter the inventory, the study said: "Tremendous out-year costs can be avoided if the active force is not increased in size, but rather, new aircraft replace older aircraft in the active force with older aircraft absorbed in the Air National Guard force structure, through consolidation or retirement of obsolescent aircraft such as the C-130A. There is no compelling reason why the Air National Guard could not operate the KC-10 or any strategic airlift aircraft as effectively as the active force and at less cost. This proposal would avoid significant conversion costs."

The study said using combined forces in a major European war "means the Air National Guard needs to acquire, over and above its existing A-10 aircraft, more than six wings of fighters suitable for the combined forces mission." About 750 more aircraft would be needed and although the study acknowledged that objective could be met by procuring more A-10s, it expressed a preference for developing a new fighter, tailored to the air/ground combined forces mission.

"At $10-12 million, the A-10 is too expensive to permit an adequate force size," the study said, and it criticized the A-10 as too big, too slow and lacking in maneuverability. "Design studies by several aerospace companies show a more lethal, more agile, more survivable fighter than the A-10 can be built for under $3 million flyaway," the study said.

Calling for a combined forces fighter weighing less than 7,000 lb. and having a thrust-to-weight ratio of more than 0.7 at takeoff weight with full ammunition, the Vista study recommended these other characteristics:

Increased maximum g forces, much improved acceleration, better roll/pitch transients than the A-10, especially between 150 and 350 kt.

2-hr. low-altitude loiter at a radius of 200 naut. mi. and 2,500-naut.-mi. ferry range with external fuel to enhanced deployability.

30-mm cannon capable of at least 18 shots in the first half-second to achieve high lethality with short bursts and enough ammunition to sustain 20 half-second firing bursts. Calling the gun the easiest air-to-ground weapon with which to train, the study said gun kills improve chances of survival by allowing minimum tracking time of 2.5 sec. and single pass attacks.

"ACHILLES' HEEL"

"The electro-optical [Hughes] Maverick missile requires two to three times the exposure of the gun per pass, 10-plus seconds to lock-on," the study said, "but its Achilles' heel is the requirement to make multiple pass attacks. Only operations against a stationary black tank on a white background can be accomplished in one pass using the Maverick missile. An alerted enemy will be much more effective in countering follow-on Maverick missile attacks."

Furthermore, the study indicated, the need for the pilot to maintain a straight flight path during the attack compounds his risks.

Supportable by truck-mounted maintenance facilities and safe for "hot" refueling and rearming for quick turnaround; landing and takeoff from roads and grass fields to eliminate dependence on vulnerable air bases.

The study said a three-way or four-way competition for a prototype would help save "the last of our rapidly disappearing fighter design teams" and that a new combined forces fighter would have an unusually large export market because it would be well-suited for allies faced with the threat of armored invasions or a massive seaborne landing craft invasion.

The Air National Guard objective for the air-superiority mission is eight wings of air-to-air fighters, enough to sustain one wing in the air over a battlefield on a continuous 12-hr. per day basis. "Assuming 72 primary authorized aircraft per wing, this equates to a need for about 670 fighters," the study said.

Distinguish Friend or Foe

No beyond-visual-range missiles would be needed, the study said, because the air-superiority fighter would be confined to a local area, with friend distinguished from foe visually.

Finding the F-4 deficient in several aspects and finding too few McDonnell Douglas F-15s and General Dynamics F-16s being procured to permit furnishing as few as 200 to the Air National Guard by the mid-1990s, the study asked Congress to establish a formal Air Force program (and budget line item) to procure 670 air-to-air fighters for the Air National Guard. Formal, fixed-price bids for austere versions of both the F-16 and the Northrop F-5G Type 1 should be requested, the study said, and the better of the two selected on the basis of:

Small size and minimum visual signature.

Minimum avionics and cockpit complexity to maximize sortie rate and the combat skill level achievable by Air National Guard pilots flying fewer than 15 hr. per month.

Best possible infrared missile and air-to-air cannon with a fire control system of minimum complexity.

Highest possible transonic acceleration at low and high altitude and maximum roll and pitch transients under high g force.

Maximum numbers and maximum sortie rate that can be bought for a fixed investment.

"Congress seems inclined to buy new air-to-air fighters for the Air National Guard by adding some extra aircraft each year to the annual buy of F-16s for the regular Air Force," the study said.

This approach missed the opportunity "to save substantial sums by competitive bids for a preplanned multiyear buy of fighters, rather than ad hoc, year-by-year sole sourcing add-on buys," according to the Vista 1999 study.

The study said the F-4 could make "a signficant interim contribution" to the air-to-air arena if equipped with all-aspect heat-seeking missiles.●

NO TO OIL IMPORT FEE

● Mr. COHEN. Mr. President, recent press reports indicate that serious consideration is being given to imposing a tariff on imported oil as one element of a package to reduce the projected budget deficits for fiscal year 1983 and beyond. That such a step is under serious consideration is unfortunate at best.

While an oil import fee would raise a substantial amount of revenue, it would also lift prices for gasoline, home heating oil, and other petroleum products by several cents a gallon, add to the inflation rate, and discriminate against oil-dependent regions such as New England. For these reasons and others, I am strongly opposed to such a fee.

The principal defects of an oil import fee were recently discussed in editorials that appeared in the Washington Post and the New York Times. I ask that these editorials be printed in the RECORD.

The editorials follow:

[From the New York Times, Apr. 18, 1982]

THE WRONG WAY TO TAX ENERGY

It now seems clear: any deal between Congress and the President to cut the 1983 deficit will include an energy tax. That is certainly welcome news. It would both ease the nation's fiscal pains and reduce dependence on foreign energy imports. What is not welcome is the lack of open discussion of the form the tax will take.

The Reagan Administration is reportedly leaning toward a fee on imported oil. But the fee has serious drawbacks. Senator Howard Baker's preference, a broad-based tax on fuels, would spread the burden more fairly and ruffle fewer diplomatic feathers.

The simplest energy tax is an oil import fee. It could generate much revenue and would require no new legislation; the President could impose a fee by executive order. A $5-a-barrel tax would yield about $9 billion at the port. The price of domestic oil would go up by a like amount so severance, corporate profit and personal income tax collections would also go up. Just how much revenue would result is not certain; back-of-the-envelope calculations put the figure between $8 billion and $12 billion.

But simplest doesn't mean best. For one thing, a fee would anger the nations that export oil, which see a selective tax on imports as economic warfare. Pleasing the oil exporters is surely not the highest goal of American policy. But neither is offending friendly countries like Mexico and Nigeria when the offense can be easily avoided.

More important, an import fee would hit some consumers much harder than others, notably people in the Northeast who heat their homes with oil. Those who heat with natural gas would escape much of the burden. Then, too, an import fee would create a new windfall for domestic oil producers: at least a fourth of any price increase would end up as after-tax profit.

An attractive alternative to the oil import fee would be taxes on all oil and natural gas, set neutrally to match the relative energy or "B.T.U." content of the two fuels. A barrel of oil contains about six times as much energy as 1,000 cubic feet of natural gas. Thus a $6 oil tax would mesh with a $1 levy on natural gas.

That particular combination could yield as much as $50 billion a year in revenues, more than either the Administration or the Congressional leadership is likely to ask for. But the tax rate could, of course, be scaled down to meet more modest objectives. The crucial point is to design an energy tax package that spreads the burden as broadly as possible and creates no unnecessary friction. By these tests, the B.T.U. tax is a winner.

[From the Washington Post, April 9, 1982]

A BETTER TAX ON ENERGY

The idea of a tax on imported oil seems to be gaining favor at the White House. That's unfortunate, because it's a bad choice. But you can see its appeal. Its promoters claim that it will raise a lot of money, that OPEC will have to absorb most of the cost and the American consumer won't feel it. Even better, the argument goes, it can be imposed by a stroke of the presidential pen without any inconvenient votes in Congress.

It would certainly raise a substantial amount of money. A tax of $5 a barrel—that's 11.9 cents a gallon—would bring in about $10 billion a year. But the rest of the argument is dangerously wrong.

Why would OPEC absorb an American tax? It hasn't absorbed other countries' taxes. If there's one thing that the past decade can be said to have demonstrated to anybody's satisfaction, it is the truth that an American president can't force down the world price of oil.

A $5 tax on each barrel of imported oil is going to mean a price increase of roughly $5 for all oil used in this country, whether imported or domestic. The past decade has also shown pretty clearly that American domestic faithfully follow the import prices. An import tax simply raises the prices for the American oil producers—which gives you a broad hint about one important source of support for the scheme.

The tax would be paid by consumers, but not by all consumers equally. The family that heats its house with oil would pay more, but the family that uses natural gas would not. It means that the impact would fall disproportionately heavily on the Northeast, where oil heating is most prevalent. As a way to encourage people to conserve energy, a tax makes a lot of sense. But why single out New England? Why not encourage all consumers equally?

Along with its other defects, a presidentailly imposed import tax is probably illegal. The plan is to invoke the president's authority under the trade laws to protect the national interest. That's what President Ford did when he established an import fee briefly in 1975, and the Supreme Court upheld him. But Mr. Ford was able to argue plausibly that he was mainly trying to protect the country from a dangerous degree of dependence on foreign oil. It's highly uncertain that the court would countenance an attempt to use that same authority for the different purpose of simply raising revenue. The Constitution assigns that responsibility to Congress.

There's a better solution—a flat tax on all oil, foreign and domestic alike, and an equivalent tax on natural gas as well. A tax of $3 a barrel—that's just over 7 cents a gallon—on all oil, and 55 cents a thousand cubic feet on gas, would raise nearly $30 billion a year. It would avoid the further enrichment of the already adequately prosperous oil producers. It would avoid unfair discimination among types of users, or among regions of the country. It would avoid dubious attempt to circumvent the Constitution. It would support conservation throughout the country. It would make an enormous contribution toward reducing the deficit. If there's to be a tax on energy, a broad and equal tax on all oil and natural gas is the right one.●

NUCLEAR POWERED AIRCRAFT CARRIERS

● Mr. HART. Mr. President, within a few days the Senate will face the question of whether to approve authorization of two nuclear-powered aircraft carriers of the *Nimitz* class. Dr. William R. Van Cleave, a noted defense expert and adviser to the Reagan transition team, has published a thoughtful article in the most recent issue of the Armed Forces Journal which discusses the carrier issue. He states:

The centerpiece of the Navy's fiscal year 1983 shipbuilding request are two nuclear-powered carriers, priced at a whopping $3.4 billion each. Even with these, carrier levels will not exceed 14.

Yet, one of the most self-evident facts of strategy is that numbers are important. Whatever the cost-effectiveness experts say, restricting an otherwise awesome offensive capability to a very few aim points is not a particularly good idea * * * The fewer and more valuable the targets, the more they invite attack. Likewise, the fewer and more valuable the individual assets one has, the greater the pressure to keep them as much as possible out of harm's way * * * Building a Navy cannot be done with a sense of urgency; it takes time. With that in mind, there should be more attention to threat realities and to their impact on strategy. If that is not done, perhaps it would be a blessing if Congress withheld funding for the carriers this year, to encourage rethinking the problem of too few aim points filled by lucrative and vulnerable targets for an opponent who has nuclear weapons and a doctrine for their use.

Mr. President, I hope the Members of the Senate will keep these words in mind when they vote on my amendments to the fiscal year 1983 defense authorization. One amendment will defer one nuclear carrier, and the other will replace the remaining nuclear ship with two smaller carriers which we can afford in substantially greater numbers.

Mr. President, I ask that the article by Dr. Van Cleave, "Strategy and the Navy's 1983-87 Program: Skepticism Is Warranted!" be printed in the RECORD at this point.

The article follows:

STRATEGY AND THE NAVY'S 1983-87 PROGRAM: SKEPTICISM IS WARRANTED!

(By Dr. William R. Van Cleave)

The fiscal year 1983 annual DOD report is deficient when it comes to strategy, but wherever U.S. strategy is heading, it's clear that the projected role for the Navy is not diminished.

More than the other Services, the Navy has been successful in persuading the Secretary of Defense of the merits of its program. The Navy's share of DOD's budget is up almost two percentage points for FY 83, while the other Service shares each declined. Of course, there are cogent reasons for this. Through our own neglect and vigorous Soviet effort, the Soviets have been making deep cuts into an area in which the U.S. has always depended upon having an advantage. At the same time, our naval requirements have increased.

Strategy becomes more and more important as one's force advantages decline and the opponent approaches equality, or in some areas superiority. The U.S. continues to follow a strategy that depends upon clear naval superiority when our Navy has become "only marginally capable of carrying out our national strategy." Clearly a change in the adverse trends is overdue. Unfortunately, the change is not qualitative, and even the quantitative ones remain uncertain.

For example, the symbolic goal is a 600-ship Navy by 1987 and, if one can expect that the five-year program describes reality, we seem to be heading in that worthy direction. However, skepticism is warranted. The 18 ships and 288 aircraft to be funded in FY 83 represent a significant increase over last year, but, even so, the number of ships is at the lower margin of what is needed merely to maintain current levels, and the number of aircraft is below what is required to maintain force levels.

Over half the growth in the Navy's hardware accounts is scheduled for the last two years of the five-year plan, leaving the Navy once again dependent upon the magical out years, which in eventual funding never seem to arrive. This historic phenomenon is demonstrated by the fact that the Navy has actually received less than 50% of the ships contained in the past 15 completed Five Year Defense Plans. In spite of the 600-ship goal, the Navy will continue to have trouble just funding the number of ships and aircraft it needs to sustain current force levels.

The centerpiece of the Navy's FY83 shipbuilding request are two nuclear-powered carriers, priced at a whopping $3.4-billion each. Even with these, carrier levels will not exceed 14.

Yet, one of the most self-evident facts of strategy is that numbers are important. Whatever the cost-effectiveness experts say, restricting an otherwise awesome offensive capability to a very few aim points is not a particularly good idea. The strides that have been made, and the further advances likely—in maritime surveillance and targeting, and in weapon delivery at sea—are bringing warfare at sea close to a one

weapon/one target condition. This is certainly so for nuclear weapons.

The fewer and more valuable the targets, the more they invite attack. Likewise, the fewer and more valuable the individual assets one has, the greater the pressure to keep them as much as possible out of harm's way.

Increased offensive capability foreshadowed for the Navy by the five-year program is welcome, but a distribution of that capability across a larger number and wider variety of platforms would help. The Tomahawk cruise missile, which will become operational on submarines this year and on surface ships (with the recommissioning of the *New Jersey*) in early 1983, is a step in the right direction. A proliferation of that capability might reduce the focus on the carrier as the sole surface target of high interest to the Soviets; but it does not change the fact that the carrier will remain the number-one surface target.

The debilitating effects of low numbers of highly valuable, highly costly platforms bear on the strategic force of the Navy as well. Overall, particularly given the Administration's failure to solve the problem of land-based ICBM (and bomber) vulnerability, we seem to be moving in the direction of increased reliance on the sea-based portion of the strategic Triad. With the welcome D-5 decision, its capability and flexibility will be increased. But is the US paying sufficient attention to its vulnerability problems?

The Navy asserts semi-infinite invulnerability for its at-sea SSBNs, refusing to recognize that their vulnerability might grow significantly, for example, through continued advances in ocean surveillance technology. With the Trident submarines, we will be packing much more capability into individual boats, but we will be reducing the numbers of SSBNs in the force, shrinking at the same time the number of Soviet aim points, and not substantially improving the submarine's defenses against Soviet antisubmarine warfare (ASW). The US is moving to a very small number of highly lucractive targets while Soviet ASW capabilities increase.

While the expansion of our naval program is long overdue, major components of it do not seem to be influenced strongly by Soviet capabilities; they do not address the realities of nuclear threats at sea, or of offensive and defensive ASW, and hence fail to improve sufficiently the survivability of the major parts of our general purpose and strategic naval forces.

If "more of the same" is a fair description of the Administration's military program, the Navy stands as the epitome.

Building a Navy cannot be done with a sense of urgency; it takes time. With that in mind, there should be more attention to threat realities and to their impact on strategy. If that is not done, perhaps it would be a blessing if Congress withheld funding for the carriers this year, to encourage rethinking the problem of too few aim points filled by lucrative and vulnerable targets for an opponent who has nuclear weapons and a doctrine for their use. At the same time, the navy might revisit the question of the security of the sea-based strategic force and the Pentagon its decision to increase our reliance on it.●

AMENDMENT TO CARIBBEAN BASIN INITIATIVE (CBI) PACKAGE

● Mr. COHEN. Mr. President, I am pleased to cosponsor an amendment which would exempt the footwear and leather industries from the duty-free treatment for products entering the United States from countries that are beneficiaries of the Caribbean Basin Initiative. I congratulate the President on his dedication to the laudable goals of promoting economic and political stability in the Caribbean region. I cannot ignore, however, the potential economic difficulties which this plan could cause for these industries that are vital to the Nation and to my State.

The U.S. footwear and leather industries have already been crippled by the effects of imports which have taken increased shares of the U.S. market in recent years. In 1967, 27 percent of leather handbags were imported, but by 1980, this figure had risen to nearly 75 percent. In 1968, nonrubber footwear imports accounted for 21 percent of the U.S. domestic market; by 1980, the import share was 50.7 percent, accounting for 8 percent of the U.S. merchandise trade deficit.

These imports have been a substantial cause of the reduction in number of plants, employment levels, and production in these industries in recent years. Between 1968 and 1980, the shoe industry was forced to close 336 plants, and 90,000 jobs were lost in direct manufacturing alone.

In the State of Maine, the largest footwear-producing State in the country, the industry has been struggling to compete with foreign imports from countries with very low labor costs. In 1968, there were 82 plants employing 26,900 employees, with an annual production level of 58.4 million pairs. By 1980, there were only 63 plants employing 17,000 and producing 49.5 million pairs. This represents a 15-percent decline in production levels over that time period, a 23-percent reduction in the number of factories, and a 36-percent decline in employment levels.

The complexity and expense of our domestic trade laws add to the frustration of industries in this country which are harmed by import competition. Out of 45 investigations by the International Trade Commission under section 201 of the Trade Act of 1974, only 9 have resulted in import relief. Since import relief is so difficult to obtain, we need to take advantage of opportunities such as this amendment to ease the effect of imports on our domestic industries.

I believe that it is unfair to subject an industry which already has the highest import penetration levels of any major industry, including autos and steel, to the threat of further job losses from import competition. Because of the labor intensiveness and the import sensitivity that characterize the textile and apparel industries, they have already been granted an exemption from the duty-free provisions of the Caribbean Basin Initiative. I believe that the same rationale which has provided the basis for this determination should be extended to the footwear and leather industries.

For these reasons, I am happy to join with Senator HEINZ in support of this amendment which is a vital concern to the footwear and leather industries in the State of Maine.●

COMMODITY FUTURES TRADING COMMISSION

● Mr. LUGAR. Mr. President, in my role as chairman of the Agriculture Research and General Legislation Subcommittee of the Committee on Agriculture, Nutrition, and Forestry, I have had a unique opportunity to examine in detail the activities of the Commodity Futures Trading Commission. The subcommittee recently conducted extensive hearings into the CFTC's operations as part of the reauthorization process, and considered proposed amendments to the Commodity Exchange Act that both the subcommittee and the full committee have now endorsed in S. 2109. I would like to share with my colleagues some impressions of the CFTC that I have gained from that process.

The CFTC is a relatively new agency. It was created by Congress in 1974 and began operations in 1975. The CFTC assumed certain regulatory duties that had been performed by the Department of Agriculture since 1922, as well as a number of new responsibilities. During the early years of the CFTC, the commodities industry grew at a rate that would be the envy of any business sector. Trading volume more than tripled in a brief period of several years. New futures contracts were inaugurated in agricultural products as well as in metals, fuels, construction materials, Treasury instruments, bank paper, and other items. The new CFTC had its hands full attempting to monitor this growth and to administer new programs at a time when it was creating the bricks and mortar of the agency itself. There was no gradual beginning: all of these tasks had to be performed simultaneously.

Under these burdens, the CFTC appeared to start slowly. Within about 2 years, however, the agency was fully operational. In the ensuing years, the CFTC confronted major market disruptions in coffee, potatoes, and wheat, as well as the Soviet grain embargo. It tackled each of these problems, relying in several instances upon its potent emergency powers. The Commission also confronted a major crisis in the silver market that was unlike any disturbance in the 125-year history of futures trading. Nothing quite comparable to this crisis has occurred before or since; there was no record of tradition or experience to

draw upon in responding to this crisis. The CFTC monitored the situation, and applied pressure to the exchanges to take remedial action. In retrospect, we might assign blame for the difficulties of this period to the CFTC, to the industry and to other Federal agencies—but the fact remains that no one has yet come forward with a realistic blueprint as to how the situation could better have been handled at that time.

Despite these crises which occurred infrequently in a vast and varied futures market, I have been impressed by the maturity that the CFTC has demonstrated in responding to these events and in developing responsible new procedures to regulate futures trading. The risk of a repeat of the silver market crisis, for example, has been greatly reduced by the CFTC, which now requires limits on the size of holdings by speculators.

I am equally impressed by the CFTC's commitment to address its tasks in a timely manner. For example, the agency has processed 22 new futures contracts, many of them novel and complicated, since last summer. During the same period, the CFTC constructed an options pilot program, approved the new National Futures Association, established speculative position limits, reviewed two major exchanges' self-regulatory programs, and reached an agreement on jurisdiction with the SEC.

Last year, the CFTC assessed nearly $2 million in penalties, or about 10 percent of its entire budget. It has rendered useful service in safeguarding Americans against fraudulent boiler-room operators and has closed more than 100 of those offices, saving millions of dollars in customer funds. During reauthorization, the CFTC urged a number of changes in the law to strengthen its enforcement powers and sought greater powers for other law enforcement agencies.

Reauthorization of the CFTC is a period of intense review, and its purpose is to identify areas for improvement. This process can be used to highlight shortcomings in the agency's performance and to portray the agency in a negative way. It is important to maintain a sense of proportion, however, and to weigh the need for further improvement against the already very considerable achievements of the CFTC.●

PUBLIC WANTS BALANCED CLEAN AIR POLICY

● Mr. LUGAR. Mr. President, an article by political scientist Everett Carll Ladd of the University of Connecticut, in the February/March 1982 issue of Public Opinion magazine, provides an excellent interpretation of the results of recent polls on the Clean Air Act. Dr. Ladd shows that the American public "wants both environmental protection and economic growth prudently pursued." Dr. Ladd argues persuasively that those pollsters who have asked questions which demand that Americans trade off environmental protection against economic growth and jobs are postulating a false dichotomy. The vast majority of Americans believe that we can achieve both clean air and economic well-being. They will hold us responsible if we do not.

I ask that the article be printed in the RECORD.

The article is as follows:

CLEARING THE AIR: PUBLIC OPINION AND PUBLIC POLICY ON THE ENVIRONMENT

(By Everett Carll Ladd)

Over the last fifteen years or so, environmental issues and concerns have become vastly more central in American policy debates. This new centrality can be seen in the sweep of laws, regulations, and court actions on environmental problems, and in the greatly expanded roster of interest groups that lobby actively on these matters. Now in 1982, the debate swirling around congressional action in amending the Clean Air Act—the country's most significant and controversial piece of environmental legislation—testifies further to the prominent place environmental issues have assumed on the American political agenda.

The various questions raised in the clean air debate are replete with technical complexities. Any citizen attempting to follow the argument must contend with such terms and acronyms as NAAQS (National Ambient Air Quality Standards); PSD (Prevention of Significant Deterioration) provisions; RACT (Reasonably Available Controlled Technology); among many, many others. Behind such terms are complicated questions of policy choice.

One important part of the clean air arguments has nothing to do with technical policy, but involves public opinion. What do Americans really want done? What are their preferences and concerns?

Attention to public opinion in a democracy is surely nothing new. What is quite new, and increasing, is the heavy recourse to poll data in an effort to establish favorable terms for the larger policy debate. Even the devil, it is said, can quote scripture: Certainly many different groups and interests have learned that they can quote public opinion data to support the objectives they seek to advance. In the battle over the Clean Air Act, those wanting major changes, and those who oppose such changes, have been citing public opinion data from major surveys which seem to confirm impressively their respective, diametrically opposed positions.

CONGRESSIONAL POLL . . . UTION

Appearing before the House Subcommittee on Health and the Environment last October 15, at the invitation of the subcommittee's Democratic majority, pollster Louis Harris made the case that Americans say emphatically that they want the Act left alone. "The largest single group, a majority of 51 percent, want to keep the Act without change. But another 29 percent opt for making the Act even stricter, while no more than 17 percent want it made less strict. This means that by 80 to 17 percent, a sizable majority of the public does not want to see any relaxation in existing federal regulation of air pollution."

As impressive as the overall distribution, Harris argued, "is the fact that not a single major segment of the public wants the environmental laws made less strict." Even those who voted for Ronald Reagan in 1980 (by a margin of 76 to 22 percent), Republicans (75–22 percent), and conservatives (76–21 percent) opposed any relaxation of the clean air legislation, according to Harris. ". . . this message of the deep desire on the part of the American people to battle pollution is one of the most overwhelming and clearest we have ever recorded in our twenty-five years of surveying public opinion," Harris concluded in his prepared testimony.

In the colloquy, Harris was even more emphatic.

To Democrat John Dingell of Michigan: ". . . I am saying to you just as clear as can be that clean air happens to be one of the sacred cows of the American people, and the suspicion is afoot, however you slice it, that there are interests in the business community and among Republicans and some Democrats who want to keelhaul that legislation. And the people are saying: 'Watch out. We will have your hide if you do it.' "

To Republican Don Ritter of Pennsylvania: "But I also said you mess around with the Clean Air and Clean Water Acts, and you're going to get into the deepest kind of trouble. I said earlier the Republican party is at a crossroads on this, and I will repeat it again; you people will go on and try to amend this Act. . . . [Congressman Ritter interjects: "Mr. Harris, your own data . . ."] All I can say to you, Mr. Ritter, is try it and you will see that you lose the '82 election."

THE ORC SURVEY FOR THE U.S. CHAMBER

This would suggest that public opinion is reasonably clear about what Congress should now do. But other opinion experts see the matter differently. Reporting on a national survey conducted in November 1981 (Harris's was taken two months earlier, in September) for the Chamber of Commerce of the United States, the Opinion Research Corporation (ORC) found the people quite prepared to see the Act amended.

"There is no question about the American public's desire for clean air and for continuing efforts to improve the country's air quality," ORC noted, but interpreting "such survey findings as evidence of public opposition to any change in the Act" is "erroneous." "Most people are uninformed about the goals of the Act and about how the public and business are to achieve these goals. The public can distinguish between changes that are administrative and procedural and those that would affect air quality standards. There is sizable support for reviewing the Act in light of past experience and current technology. There is sizable support for administrative changes that do not affect standards. There is sizable agreement that changes in the Act probably can be made so that the cost of compliance can be reduced without lowering air quality. There is sizable support for the proposition that air pollution controls should vary from area to area, depending on the local situation, rather than requiring in all areas the stricter controls that are necessary in a few areas to combat particularly bad air."

Indicative of the general receptivity to change that ORC reported is the finding that even environmental activists endorse it. Seventy-eight percent of those who classified themselves as "active participants" in the environmental movement agreed that "changes in the Act probably can be made so that air quality will be protected at a lower cost than now."

WHAT DO WE KNOW ABOUT ENVIRONMENTAL OPINION?

Clearly both Harris and ORC cannot be right. Fortunately, we can find out which one is right—or, at least, is less wrong. There has been extensive polling on environmental issues that allows us to reach some firm conclusions.

"Environmental issues seem to have become an enduring social concern," wrote Robert Cameron Mitchell in 1980, "much like health care, education, and other basic issues."[1] Mitchell noted that some people thought in the early 1970s "that public enthusiasm [for environmental protection] was a fad that would die as soon as the cost of pollution control programs became apparent." In fact, "the overall results of the Resources for the Future (RFF) survey [conducted in early 1980]—and those of numerous other polls taken in the past decade—demonstrate the fact that environmental protection enjoys continued strong backing. . . . The answers to a broad range of probing questions show abiding public support for national efforts to protect environmental quality."

Mitchell is unquestionably correct. In reviewing the corpus of survey information on environmental questions for this article and for the center section display (pp. 32-37), I was struck again by the emphatic nature of public backing for environmental protection. Representative of the type of opinion distributions one finds regularly are the responses to a September 1981 Roper Organization question whether "you think environmental protection laws and regulations have gone too far, or not far enough, or have struck about the right balance." Just one-fifth (21 percent) thought environmental regulations has been carried too far.

TABLE 1.—DIRECTION OF ENVIRONMENTAL REGULATION, 1981

Question: There are . . . differing opinions about how far we've gone with environmental protection laws and regulations. At the present time, do you think environmental protection laws and regulations have gone too far, or not far enough, or have struck about the right balance?

	Gone too far	Struck about right balance	Not far enough	Don't know
National	21	38	31	10
Region:				
Northeast	17	36	35	12
Midwest	25	40	27	9
South	20	36	31	13
West	24	39	32	6
Party:				
Democrat	18	38	33	11
Republican	30	39	24	7
Independent	20	37	33	10
Ideology:				
Conservative	26	37	29	9
Moderate	19	40	30	12
Liberal	16	35	42	7
Family income:				
Less than $10,000	18	36	30	16
$10,000 to 19,999	20	38	33	10
$20,000 to 29,999	20	40	32	7
$30,000 and over	28	36	28	7
Race:				
White	23	38	29	10
Black	12	32	41	14

Note: For Additional demographic breaks, see Opinion Roundup, page 32.
Source: Survey by Roper Organization Inc., conducted late September 1981.

It is not that the public sees pollution problems in "crisis" terms. Rather, the sense is one of a continuing problem which is manageable but which requires continuing attention. For example, the Opinion Research Corporation poll of November 1981 found that only 19 percent believed "air quality in the country" to be poor—but an even smaller 4 percent thought it was excellent. The large majority, some 70 percent of the population, ranked air quality in the fair-to-good range. Asked to compare present air pollution to that of five years ago, only 16 percent thought the problem had been reduced, while 37 percent said it had actually gotten worse, and 42 percent considered it essentially unchanged. Thus, the populace doesn't see a crisis, but neither does it think pollution problems are well in hand. Viewed in terms of end result, there is hardly a sense the country has gone too far in cleaning up the environment.

THE ENVIRONMENT AS A NEW "MATERIALIST" VALUE

One of the most striking features of public opinion on environmental questions is the evenness of support across various groups in the population. Harris's point that backing for the Clean Air Act is much the same across the various age, income, occupational, educational, and even partisan and ideological groupings in the populace, is borne out on environmental questions generally. Older people are somewhat less supportive of environmental legislation and regulations than the young, men less than women, Republicans and conservatives less supportive than Democrats and liberals—but these inter-group differences are fairly modest. The Roper Organization's question on whether "environmental protection laws and regulations have gone too far. . . ." (see table 1) typifies the general pattern—in which environmental issues do not elicit group polarization.

Special note should be made of the essential similarity in response of educational, occupational, and income groups—outside the fact that more people of low socioeconomic status profess unfamilarity. In an earlier issue of this magazine, I had suggested that there are significant class differences in environmental policy preference: "College educated professionals, more than grade-school and high-school-educated manual workers, support environmental protection and reduced energy consumption even at the cost of unemployment and inflation."[2] Other commentators made this argument more forcefully. We were wrong—as Robert Cameron Mitchell has pointed out in this magazine.[3] A few environmental questions do reflect the class alignment I had described, but they are exceptions, not the rule.

TRACING AN ERROR

In what is perhaps the most systematic study of value change in advanced industrial democracies, Ronald Inglehart described the shift occurring "from an overwhelming emphasis on material well-being and physical security toward greater emphasis on the quality of life."[4] He identified the motive force for this shift, as have I and many other observers, in the vast increase in material well-being that occurred after World War II. Quite simply, wrote Inglehart, "a desire for beauty may be more or less universal, but hungry people are more likely to seek food than aesthetic satisfaction. Today, an unprecedentedly large proportion of western populations have been raised under conditions of exceptional economic security." As a result, issues that "derive more from differences in lifestyle than from economic needs" have become far more prominent. Inglehart cited as examples "such things as protection of the environment, the quality of life, the role of women, the redefinition of morality, drug usage, and broader public participation in both political and non-political decision-making."[5]

Inglehart described the older economic security issues as involving "materialist" goals, while the newer lifestyle and cultural questions posed "post-materialist" values. Those with formal college training and in upper status occupations—especially the younger members of these socioeconomic groups—were the furthest removed from material scarcity and hence the most inclined to post-materialist stands.[6] A decade earlier, Charles Reich had made essentially this point—albeit more poetically and polemically—in "The Greening of America"; it appears as well in much of the literature on "the new class."[7]

Those of us associated with this general line of argument were not wrong in noting that over the 1960s and 1970s the American (and European) political agenda changed as many newer social, cultural, and lifestyle issues crowded their way upon it. And we were surely not wrong in detecting clear socioeconomic group differences on many of these new questions—where higher status groups, especially the college educated and those in professional occupations, took the more "liberal" and individual-choice-emphasizing positions. But we were wrong in assuming that environmental issues would behave like the new cluster generally.

It is now evident that two different sets of value change were occurring at the same time—sets which should have been kept separate because they reveal different patterns of group response. On the one hand, there was indeed a rise of values and interests that can properly be called "post-materialist," since they emphasize elements quite distinct from tangible economic or material positions. Many of the lifestyle and cultural issues fit in here. But the other set involves not something "after materialism," but rather an enlargement and extension of materialistic demands. Over the 1960s and 1970s, for example, Americans in all social and economic positions came to include such objectives as cleaner water and air as among those they wanted to "buy." Environmental concerns, at the mass public level, were not "post-materialist"; rather, they were a later-generation material emphasis.

There really is nothing puzzling about this distinction, although many of us missed it. If average American families came to feel in the 1920s that having a motor car was something they were entitled to, why shouldn't Americans in the 1960s and 1970s, in a vastly richer society, have come to feel that clean rivers and clean air are something they have a basic claim to—not as an

[1] Robert Cameron Mitchell, "Public Opinion on Environmental Issues," a report to the Council on Environmental Quality, 1980, p. 2.

[2] Ladd, "The New Lines are Drawn: Class and Ideology in America," Public Opinion, July/August 1978, pp. 52-53.

[3] Robert Cameron Mitchell, "Silent Spring/Solid Majorities," Public Opinion, August/September 1979, pp. 19-20, 55.

[4] Ronald Inglehart, The Silent Revolution: Changing Values and Political Styles among Western Publics (Princeton, New Jersey: Princeton University Press, 1977) p. 3.

[5] Inglehart, The Silent Revolution, p. 13.

[6] Inglehart, The Silent Revolution, especially pages 72-89.

[7] Charles Reich, The Greening of America (New York: Random House, 1970). For a useful rendering of many of the different themes in the "new class" argument, see B. Bruce-Briggs (ed.), The New Class (New Brunswick, New Jersey: Transaction Books, 1979).

exotic new cultural expression but as plain garden-variety materialism? Americans have continued to want "more." The meaning of "more" has changed throughout American history with economic development—and today it includes a clean and healthy environment just as securely as it does good housing, motor cars, vacations, and television sets.

It is possible in theory, of course, to fit environmental issues into a larger scheme of "post-materialist" values—as many of us in fact did. But the theory simply has to be revised. Americans generally have responded to a clean environment as a basic material value. Referring to it in that way is not to play a semantic game. The pattern of response which the issue elicits across the population is one consistent with a general, widespread claim for "a better life"—not what one sees with regard to those highly contentious issues of change involving moral choice and styles of personal and cultural expression. Describing a clean environment as a "materialist" value renders it the way Americans clearly have—and accounts for both the persisting high support for environmental protection and the absence of significant group differences.

CONFUSIONS IN SURVEY RESEARCH

Most survey researchers seem to have accepted, at least implicitly, the view that environmentalism is a "post-materialist" value set off from materialist claims. Following upon this, polls again and again have presented respondents with "trade-offs" in which they are asked to choose between the environment and some obvious material good, like economic growth or an adequate energy supply.

While we often use them, we know that trade-off questions are always tricky to construct since it is hard to phrase the alternatives to reflect fairly the actual choice—especially as the public sees the choice. To be avoided are trade-off questions with choices between objectives each of which is favored, or opposed, well-nigh consensually at the abstract level. And especially to be avoided are forced choices where the alternatives are nothing more than differing pieces of one basic value that the public wants, and believes it possible to attain.

Yet the latter is precisely what many of the polls have fallen into with their *environment* versus *growth* (or *jobs*, or *energy*) trade-offs. Americans have shown repeatedly that they want both of these facets of a more bountiful life—a healthy and growing economy, and a healthful and safe environment. If environmentalism were really some exotic new "post-materialist" value, there might have been something to be said for asking people whether they wanted it or more of the "old time religion." But as it is, the growth versus environment trade-offs have simply asked people to choose between two parts of one condition—which they favor strongly and, indeed, almost consensually.

I do not mean to suggest that policy makers are not required in some instances, in the complex application of environmental laws and regulations, to make difficult economic choices. Neither do I question that there are some people who have strong ideological preferences for economic growth at almost any price, while others have equally strong preferences for "learning to live with somewhat less" and a special environmental consciousness. But most Americans are not in either of these camps, any more than they are required to make highly technical and specific policy trade-offs.

Since people are uncomfortable and uncertain about the growth versus environment choice, they answer very differently depending on the emphasis which a question gives. Consider these examples. The ABC News/Washington Post poll of February 1981 asked:

". . . Can you please tell me if you tend to agree or disagree . . . [that] some important regulations aimed at protecting the environment should be dropped so we can improve the economy?

"Agree, 54 percent; disagree, 40 percent; no opinion, 6 percent.

"By a decisive margin, the public says it wants to draw back on environmental regulations in the interest of economic growth. But is that what people intend to say?"

In September 1981, CBS News/New York Times asked:

"Which of these statements comes closer to your own feelings? . . . We need to relax our environmental laws in order to achieve economic growth, or . . . we need to maintain present environmental laws in order to preserve the environment for future generations?

"Relax environmental laws, 21 percent; maintain present environmental laws, 67 percent; both/neither (volunteered), 4 percent; no opinion, 8 percent."

The conclusion one would draw from the CBS asking would be diametrically opposite that from the ABC question. In fact, both are highly misleading.

One of the clearest indications of where people in fact stand on the environment versus growth question comes from the Opinion Research Corporation survey of November 1981 referred to at the beginning of this article. ORC asked its respondents to indicate which statement among three they most agreed with:

We must accept a slower rate of business and new job growth in order to protect our environment.

We can achieve our current national goals of environmental protection and business and new job growth at the same time.

We must relax environmental standards in order to achieve business and new job growth.

Accept slower growth, 15 percent; can achieve both, 59 percent; relax environmental standards, 22 percent; no opinon, 4 percent.

Majorities of virtually every group chose the "we can do both" response. Thus, it was the position of 61 percent of liberals and 58 percent of conservatives, of 65 percent of easterners and 62 percent of westerners, 58 percent of men and 58 percent of women, of 51 percent of those with less than high school education and 67 percent of the college trained.

I recognize the ORC's middle response can be criticized as too undemanding—inviting people to have their cake and eat it too. But there is nothing wrong with an item's being undemanding if it captures a clear preference and perspective. It is one thing to insist on avoiding alternatives which, by their consensual attractiveness, rule out differences in public assessments of an issue which need to be explicated. It is quite another to force respondents to choose between two failures, neither of which they want, as many of the environmental trade-offs seem to do. "Would you rather mess up the environment in the reckless pursuit of more jobs, or close factories in the reckless pursuit of a clean environment?" No, the questions haven't been flawed so obviously, but they have boiled down to an unwise and misleading casting of alternatives. Which way do you want to deny a bountiful material future, Americans, by environmental damage or diminished economic growth?

It's a false choice. It doesn't conform to the way the public views the issues. It assumes a distinction Americans generally don't make, between a materialist economy and a post-materialist environment. It is just plain bad survey research.

POLLING AND CLEAN AIR POLICY

All we have learned from most of the trade-off questions involving jobs and the environment is something already demonstrated amply by many other survey data—that Americans are strongly committed to a clean environment and will say so clearly even in forced-choice questions that express alternatives that don't render the problem as they see it. This unequivocal environmental support is the decisive general predisposition which accounts for numerous specific findings—like those indicating that Americans favor strong clean air legislation and regulation.

When Louis Harris testified before the House Subcommittee on Health and the Environment, he was on firm ground in stressing that most Americans want a healthful environment. But Mr. Harris was on very weak ground indeed when he went further and argued that the citizenry had made a clear choice between the environment and other material values, in favor of the former, and would thus rise up in wrath at any modification of the Clean Air Act.

The latter interpretation is simply not defensible. An abundance of survey data show beyond any shade of doubt that Americans want the environment protected and they want to achieve other material objectives like an adequate energy supply and economic growth. There is not one iota of evidence suggesting that the public thinks it must choose between the two. It wants both environmental protection and economic growth prudently pursued.

Most people know little about specific technical provisions of the Clean Air Act—or any other such legislation. Indeed, when ORC asked "how much have you heard or read about the Federal Clean Air Act—a great deal, a fair amount, a little, or nothing at all," 31 percent said "nothing" and another 34 percent said "little." With 65 percent of the populace stating they know little or nothing about the specific legislation, Mr. Harris's suggestion that Americans insist passionately that Congress keep its "cottonpicking hands" off the legislation is little short of ludicrous.

It seems to this observer that the people have spoken clearly on the Clean Air Act, in their proper democratic role as the ultimate arbiters of general policy direction. They have said they do not want the move toward a cleaner environment abandoned or set back but that, of course, their sense of a sound and bountiful material existence extends somewhat beyond an absence of air pollution. Having spoken thus, the people can only look to leadership for the appropriate legislative and administrative "translations."

It is always helpful, in a democracy, to be able to claim that the people are on one's side. Opinion researchers should hardly be troubled that the contenders in this year's important clean air debate have maneuvered to position themselves advantageously with reference to public opinion. But we

should hold firmly to our own clear responsibility—of letting the people's opinions stand out, unadorned by the preferences of interests and activists.

TESTIMONY OF PROF. DAVID R. CONRAD REGARDING THE U.S. PEACE ACADEMY

● Mr. LEAHY. Mr. President, as a cosponsor of S. 1889, the U.S. Academy of Peace Act, I would like to submit the excellent testimony presented today to the Senate Education Subcommittee by Prof. David Conrad, codirector of the Center for World Education at the University of Vermont.

It was with great pride that I announced on this floor earlier this spring that Vermonters voted overwhelmingly at a town meeting to freeze the production and deployment of nuclear weapons. I commend Professor Conrad's testimony to the attention of my colleagues as an eloquent expression of many Americans' commitment to and interest in the issue of peace.

I share Professor Conrad's belief that this interest in peace goes beyond nuclear disarmament issues and that many Americans want to study alternatives to violence as well as to develop peacekeeping and peacemaking skills.

I want to thank Professor Conrad for taking his time to travel to Washington to speak on this vital issue.

The testimony follows:

TESTIMONY OF PROFESSOR DAVID R. CONRAD, CO-DIRECTOR, CENTER FOR WORLD EDUCATION, UNIVERSITY OF VERMONT, BEFORE THE SUBCOMMITTEE ON EDUCATION OF THE LABOR AND HUMAN RESOURCES COMMITTEE, UNITED STATES SENATE, WASHINGTON, DC, APRIL 21, 1982.

I am honored to have this opportunity to comment upon the proposed United States Academy of Peace. I am tremendously impressed by the Report of the Commission and its recommendations. The United States Peace Academy will make an outstanding contribution to the cause of world peace and all Americans should be proud that at last such a sensible idea is close to reality.

I am especially interested in the Peace Academy as a teacher educator and community educator who focuses on what the Commission appropriately calls "peace learning." As co-director of the Center for World Education at the University of Vermont, I teach courses in global awareness and peace education. Our Center features a curriculum resource library containing instructional units, filmstrips and background information on global issues, including peace and conflict resolution. Materials are loaned to any educator in Vermont who requests them. Teacher education workshops are offered on the University campus as well as in schools, though we have not been able to offer workshops in different parts of the state in recent years because our resources are so limited.

As a member of the steering committee of the American Friends Service Committee in Vermont, I have also been involved in community education centering on the bilateral nuclear weapons freeze issue which recently was debated and passed as a resolution in 161 Vermont Town Meetings. For several years, the Vermont AFSC has been helping citizens of our state deal with the threat of nuclear weapons. Films, presentations, vigils, a petition drive and last summer a very successful peace walk from Washington (Vermont) to Moscow (Vermont) have helped educate people about nuclear disarmament. Vermont AFSC's Field Secretary, David McCauley, has spoken in dozens of schools, churches, and town halls throughout the state. Interest in peace and a mutual weapons freeze is very great in Vermont. The level of concern has grown rapidly from 18 towns supporting a freeze last year to 161 towns this year. Recently, a group of Buddhist monks on the World Peace March in support of the Second Special Session on Disarmament at the United Nations passed through the state and were welcomed by churches for supper and an educational program almost every evening. From tiny towns to larger cities, they were greeted by hundreds of peace-loving Vermonters.

But I believe Vermonters and other Americans want more than a heightened awareness of peace and disarmament issues. Many people want to study, examine and actively pursue peace as the most important issue facing the world today. They agree with the Commission that peace learning is the responsibility of every citizen. And they agree that peace learning includes skill training, early education and self-education. It is my understanding that the Peace Academy will support a variety of problem-solving methods on all levels, from elementary education to adult education. Each branch of peace learning—peace as the absence of war, peace as social justice, and peacemaking techniques—will be explored, but application of these ideas in elementary, secondary and community education is critical. Support by the Peace Academy of efforts like ours in the Center of World Education would enable us to expand peace learning to hundreds of teachers around the state through workshops, conferences and seminars. We could help teachers look at history as more than a sequence of wars and help them explore alternatives to violence. Support by the Peace Academy for community education would assist young and old to be peace-caring and peace-seeking so that peace becomes everyone's business, as the Commission aptly puts it. I am encouraged by the Commission's conclusion that: "The United States Academy of Peace will advance the national interest by developing peacemaking expertise that can reduce the chance that this nation or any other nation will, for compelling security reasons, breach peace and risk nuclear war by escalating conflicts into violence."

Since I am employed by an institution of higher education, I would like to comment on the need for colleges and universities to strengthen their involvement in peace education and research. I believe the Peace Academy would further this goal in a number of ways. The Academy could act as a stimulus and catalyst for peace learning on undergraduate and graduate levels. Outstanding students exploring peace issues in an undergraduate college could later purse peace studies on the graduate level at the Academy. University faculty wanting to improve their skills in conflict resolution or engage themselves in peace research could spend a sabbatical at the Peace Academy. The Academy, in turn, might provide seed money to develop a new course or start an innovative program in the field of peace learning at a college or university. The dynamic interaction between institutions of higher education and the Academy of Peace is fascinating to imagine. Both parties could gain a great deal from this relationship. Students and faculty would be enriched and the country served well through development of citizen scholars knowledgeable about and committed to peace learning in its many forms.

The proposed creation of regional sites, perhaps affiliated with colleges and universities for skill training, seminars and research is of great interest in Vermont because of the demonstrated concern for peace in our state. Recognition of the value of voluntary organizations is of considerable interest, too. The Commission views voluntary association in the United States today as " . . . bedrock institutions in this democracy and as important as government and private enterprise to the peacemaking role of this Nation." Though I cannot speak for the American Friends Service Committee, I think it is commendable that voluntary groups like the AFSC are seen as active partners with the Peace Academy in work for peace. Voluntary organizations seldom have adequate time to reflect upon or do research on issues they are actively pursuing. The Peace Academy could provide opportunities for reflection and analysis, as well as assist voluntary organizations in research efforts. Organizations, on the other hand, could provide internship opportunities for Peace Academy students who would benefit from the experience of working with voluntary groups on local, national and international levels.

In conclusion, I view establishment of the United States Academy of Peace as a very encouraging development, an optimistic statement about the future at a time when peace seems more elusive than ever. It is gratifying to know that the United States is finally giving formal recognition to peace as a priority concern. At last, we are responding positively to a concern expressed so well by General Omar N. Bradley in his 1948 Armistice Day Address: ". . . The world has achieved brilliance without wisdom, power without conscience. Ours is a world of nuclear giants and ethical infants. We know more about war than we know about peace; more about killing than we know about living." I believe the time has come to admit, as the Commission suggests, that peace is a fundamental right of all human beings. Independent, cautious and thoughtful Vermonters asserted this right recently by streaming to town meetings all over the state and voting overwhelmingly for a bilateral nuclear weapons freeze. Vermonters know the value of peace and know that national security must be redefined in a world overflowing with lethal nuclear weapons. The wisdom of those Vermonters and millions of other Americans will be confirmed and enhanced by establishment of a Peace Academy dedicated to peace learning by and for every citizen of this country.

NEW COMMITTEE APPOINTMENTS FOR THE 97TH CONGRESS

● Mr. SASSER. Mr. President, I wish to welcome Senator NICHOLAS BRADY to the U.S. Senate. I hope that his term is a fruitful one, and I know that the people of New Jersey wish him well in his new post.

Mr. President, I also wish to thank my Senate colleagues for bestowing on me the honor of serving on the Senate Banking, Housing, and Urban Affairs Committee. I welcome the opportunity to serve on this most important committee.

Service on the Senate Banking Committee is a challenge in these turbulent times.

The committee has a number of important questions that it will be asked to resolve in the months and years ahead.

First, and most significantly, the committee carries jurisdiction for overseeing the activities of the Federal Reserve Board.

As all my colleagues know, the Federal Reserve Board is charged with the day-to-day conduct of our Nation's monetary policy.

Properly exercised, a sound monetary policy can help reduce inflation, and at the same time create the economic climate for sustained and growing business investment.

Now I do not think that, to date, the Federal Reserve Board has exercised the best possible monetary policy. I feel that their tight money policy has served to hinder the economic recovery many of us hoped for with the passage of the administration's tax and spending reduction program.

The economic damage of high interest rates is all around us. Recorded business failures, which last year were at the 17,000 level, have been running 50 percent ahead of last year's failure rates.

Housing starts are now below a million units per year, and at least 10,000 homebuilders have gone out of business.

Automobile production is at a 20-year low, and we may produce only about 5 million automobiles this year. We once use to produce some 9 million autos per year.

Farmers, small businessmen, homebuilders, auto dealers—the people who have been the economic strength of main street—are going under. They are being crushed by the high interest rate policies of the Federal Reserve Board.

And it will be my top priority to work with my colleagues on the Banking Committee to examine ways in which we can make the Federal Reserve Board a constructive force once again, so that we can have a monetary policy that will help American business grow and expand in the years ahead—creating the jobs we so desperately need for full employment.

But the Banking Committee will be addressing many other challenges as well.

The committee has before it legislation dealing with a fundamental restructuring of our Nation's banking system.

We are all aware of the economic problems facing the banking industry, most particularly our thrift institutions. Daily we see reports of savings and loans institutions that have to be merged with stronger institutions. And some contend that a severe financial strain is being placed on the resources of the Federal institutions that guarantee the security of the savings deposits of individual savers.

It will be my intention to provide for a banking system that meets the credit needs of American business but that will also be diverse enough so as to prevent an overcentralization of our banking system.

Finally, the committee will pass on housing and banking development legislation that can make our country a better place to live.

I am convinced that the Banking Committee can make a strong contribution to a revitalized housing industry.

It has before it legislation offered by Senator LUGAR and by Senator RIEGLE that will provide much-needed assistance to the homebuilding industry and the home buying public.

Mr. President, as I noted earlier, the high-interest rate policies that the Federal Reserve Board has carried out have helped to produce a housing depression in the country. Mortgage rates continue to hover around 16–18 percent. Very few American families can afford to buy a home—perhaps as few as 5 percent of the American home buying public.

And because of high interest rates, we are creating a cumulative housing shortage that will sow the seeds of housing inflation for the years to come.

So again it will be my intention to push for early action on housing legislation that can help revive the battered housing and realty industry in this country.

And, of course, the committee will continue its work on a wide variety of urban development legislation.

Community development block grants and urban development action grants have been important programs in the development of downtown renewal programs in Tennessee's major cities and around the country.

These programs should continue in order to assist local governments that engage in positive programs of urban development, creating permanent jobs and expanding the tax base.

In short, Mr. President, I welcome the opportunity to serve on the Senate Banking, Housing, and Urban Affairs Committee, and again I thank my Senate colleagues for bestowing this honor on me.

SOFTWOOD LUMBER IMPORTS

● Mr. BAUCUS. Mr. President, the International Trade Commission recently responded to the request of the Senate Finance Committee for an analysis of factors relating to the importation of Canadian softwood lumber into the United States.

The gravity of the situation facing American lumber producers can be seen in just one of the Commission's findings: From 1975 to 1981, imports of softwood lumber have risen from 19 percent of U.S. consumption to 30 percent. In the face of unprecedented mill closings and unemployment in timber producing regions across the country, this finding is very disturbing.

While the Finance Committee must give serious consideration to the ITC report, I am also hopeful that the U.S. forest products industry will consider seeking relief under our trade laws. As now written, U.S. law allows industries which have been injured by unfair foreign competition to seek the imposition of import duties. The law provides for a relatively quick, nonpolitical review of the complaint.

Because this is an issue which affects all regions of the United States, I would like to draw the attention of my colleagues to the problem by asking that the "Executive Summary" of the ITC report be reprinted in the RECORD.

The summary follows:

CONDITIONS RELATING TO THE IMPORTATION OF SOFTWOOD LUMBER INTO THE UNITED STATES

EXECUTIVE SUMMARY

Softwood lumber production in the United States began to decline in late 1979 in response to low demand in the U.S. homebuilding industry. Continued low demand during 1980 and 1981 and thus far in 1982 has resulted in further production curtailments and mill closings.

Softwood lumber consumption in the United States increased from 30.0 billion board feet in 1975 to over 41.2 billion board feet in 1978, followed by a decline from 1979 to 1981, the year in which consumption totaled 29.8 billion board feet. Imports of softwood lumber accounted for almost 19 percent of U.S. consumption in 1975, and continued to increase as a share of consumption to 30 percent in 1981. During 1976–80, the cost of raw materials, as reflected in average prices bid for U.S. Forest Service timber in Oregon and Washington, increased, rising from an average of $104 per 1,000 board feet in 1976 to $254 per 1,000 board feet in 1980.

The information presented in this report was obtained from fieldwork and Commission data files, and from information obtained from private individuals and organizations and Government sources in the United States and Canada. A listing of written submissions, statements presented at the hearing held in Portland, Oreg., and other sources of information are given in appendix C. The principal issues raised by U.S. producers concerning the importation of softwood lumber from Canada were (1) the lower prices that Canadian producers pay for timber and (2) the lower transportation costs generally available for Canadian lumber shipments. Representatives of Canadian producers and railroads countered that Canadian producers pay comparative prices for comparable species of wood when all fac-

tors are taken into consideration, and that competitive bidding for timber from U.S. Government sales is a more significant reason for U.S. producers' difficulty in competing with imports.[1]

The major findings of this study are summarized below in accordance with questions posed by the Senate Finance Committee request:

1. The U.S. market

There are virtually no barriers to trade in softwood lumber between the United States and Canada. The two countries constitute a single market in which softwood lumber is distributed according to conditions of supply and demand. The United States is the net importer, owing in large part to a much smaller timber resource per capita and the strong export orientation of the Canadian lumber industry. The supply of economically harvestable timber in Canada significantly exceeds its domestic demand, and exports accounted for nearly 70 percent of its production during 1976-80. During those 5 years, an annual average of 80 percent of Canada's exports were to the United States. Such exports to the United States have decreased each year since 1978, although the Canadian share of U.S. consumption has been in an upward trend since 1975. It would appear from material and data collected during the course of the investigation that the primary reason for Canada's increasing market share is the lower cost of raw materials for Canadian lumber producers. Such factors as product differentiation, marketing and pricing policies, transportation costs, and tax policies appear to have less significant impact on the competitive posture of the industries in both countries.

Since 1979, production of softwood lumber in both the United States and Canada has been declining. During 1979-81, U.S. production declined 24 percent, from 29.9 billion to 22.9 billion board feet, and Canadian production declined 11 percent, from 18.5 billion to 16.4 billion board feet. Canadian exports to the United States as a share of Canadian production declined from 58 percent in 1979 to 51 percent in 1980, and then increased to 55 percent, totaling 9.0 billion board feet in 1981.

The U.S. supply situation is complicated by the variety of timberland ownership, which differs significantly by region. In the North and South, private ownership dominates. In the West, two segments of the sawmilling industry emerge: Those producers dependent on others, especially Government, for timber, and those producers with significant holdings of their own. In Canada, with a few exceptions, the sawmilling industry is entirely dependent on public timber.

Major lumber producers who own large holdings of timber have better capital resources and lower cost timber which enable them to weather poor lumber markets much better than smaller producers who are dependent upon public timber sales. For example, U.S. Forest Service, Region 6 bid stumpage prices rose 60 percent during 1977-81, dramatically increasing future raw material costs for those mills dependent upon public timber. In Region 6 over half of the mills are dependent on public timber for their raw materials supply. The increase was even more dramatic from 1977 to 1980 when prices bid for stumpage rose 82 percent prior to a moderation in 1981 when bid prices declined due to weak lumber markets.

The exchange rate of the U.S. dollar per the Canadian dollar fell from near par in 1972 to approximately 0.83 in 1981. This has given the Canadian producers an advantage in pricing lumber for the U.S. market.

The industries in both countries are organized along similar lines, use similar technology, and produce a product virtually indistinguishable by mill, much less by country. The labor force in both countries is comparably skilled, and compensation tends to be similar. Major competitive conditions differ primarily because of factors controlling the raw-material supply, and secondarily because of laws and regulations relating to commerce in each country.

2. A comparison of U.S. and Canadian stumpage prices and appraisal methods

In the United States, about 72 percent of the commercial timberlands are managed and owned principally by private industry and individuals. In the Western United States, however, only about 32 percent of the commercial timberland is so owned. Nearly 90 percent of Canada's commercial timberland is publicly owned, principally administered by the Provinces.

Standing timber on public land in the United States is auctioned to the highest bidder, but in Canada it is offered under license to private companies, which generally pay an appraised price, usually set by the Provinces. As long as they comply with Provincial regulations concerning their licenses, these companies are certain of a given supply of timber over extended periods of time. The supply of timber available now in most regions of Canada is more than sufficient to meet the productive capacity of the license holders. However, in the United States, the supply from Government lands has been held at fairly constant levels in recent years, resulting in intense competitive bidding for sales of Government timber.

Timber on lands owned by U.S. lumber producers is generally carried on company books at acquisition costs, but valued at current market prices when processed. Timber sold from private land to lumber processors is sold at a negotiated price which generally reflects market conditions.

The appraisal systems used for sales of timber from Government lands in the United States and Canada are similar. Both are based on a residual system in which costs of converting the standing timber to final products, plus an allowance for profit and risk, are deducted from a price determined for the final products, resulting in an appraised price for the standing timber.

After appraisal, standing timber on public lands in the United States is auctioned to the highest bidder (the appraised price is the minimum at which the timber will be sold). In Canada, timber is offered and usually sold at the appraised price. After appropriate adjustment, the 1981 average price for coastal British Columbia stumpage was about one-sixth the comparable U.S. Forest Service price per 1,000 board feet for western Oregon and Washington stumpage: US$18 versus US$118. In better market years, such as 1979, British Columbia prices were roughly half of comparable U.S. prices: US$60 versus US$127.

3. Fixed and variable costs of production in the United States and Canada

Variable production costs such as material costs and wages for coastal British Columbia and Oregon and Washington were the highest for all Provinces and States. In 1980 the average variable costs for the two areas were US$261 and US$312 per 1,000 board feet of lumber produced, respectively.

Information obtained during the course of this investigation indicates that the costs for wood delivered to the mill are lower in Canada than in the United States. For example, in 1980 the average delivered wood costs for Canada were US$146 per 1,000 board feet of lumber produced and those for the United States were US$173.

When neighboring Provinces and States are compared, similar differences in average delivered wood costs are apparent: $138 per 1,000 board feet of lumber produced for British Columbia compared with US$205 for Oregon and Washington, US$77 for the interior of British Columbia compared with US$148 for Idaho and Montana, and US$93 for Quebec compared with US$155 for Maine.

Canadian statements that logging costs are higher in coastal British Columbia than in western Oregon and Washington seem to be confirmed when stumpage prices are compared with the price of logs in log markets, which incorporates such costs. In 1981, for instance, average Forest Service stumpage prices in western Oregon and Washington exceeded those for coastal British Columbia (adjusted for species differences) by about US$100 per 1,000 board feet, whereas average domestic prices in western Washington log markets exceeded those in the Vancouver, British Columbia, log market (adjusted for species differences) by about US$65 per 1,000 board feet. This reduction in the difference between stumpage prices and log prices is attributed to higher logging costs in British Columbia.

Wages are the second most important variable cost of production after wood costs. In general, these averaged US$12 per 1,000 board beet of production higher in Canada than in the United States and accounted for 28 and 22 percent of production costs, respectively, in 1980.

Other variable costs of production such as fuel, work contracted to others, incidental materials, and packaging do not significantly differ for the U.S. and Canadian softwood lumber industries. On the average, these other costs accounted for 24 and 23 percent of total variable costs or US$72 and US$69 per 1,000 board feet of lumber produced for the United States and Canada, respectively, in 1980.

Fixed costs appear to be higher for the United States than for Canada. This may be partly due to costs associated with ownership of timberlands for many U.S. firms.

4. U.S. and Canadian transportation costs

Canadian lumber shippers to markets in the Eastern United States generally have lower costs for rail and water transport than do Western U.S. lumber shippers. The higher U.S. costs are a result of the U.S. regulatory environment.

Rail shipments are the preferred method of shipment over long distances. Canadian shippers have lower in-country freight charges than do shippers in the United States. However, recent changes in U.S. regulations concerning freight charges may lead to more competitive rates in the United States.

Waterborne shipments of lumber from the U.S. west coast to the U.S. Atlantic coast are small and sporadic. Factors associated with the provisions of the Merchant Marine Act of 1920 have had the effect of reducing waterborne shipments, and lumber shipments from British Columbia are now

[1] These issues are discussed in this report principally in the sections entitled "Timber Procurement," "Production Methods and Costs," and "Transportation and Distribution."

virtually the only shipments by water to the U.S. Atlantic coast.

5. A comparison of U.S. and Canadian marketing practices

The U.S. and Canadian industries use virtually the same marketing practices; competition for sales of similar lumber sizes and grades is almost entirely by price. When demand for lumber is declining, as it has been since late 1979, price competition is intense.

Canadian imports are shipped predominantly into the Northeastern and North Central States. In this market area, the imports compete strongly with local production and shipments from producers in the West and South.

Over the last 10 years, shipments by producers in the Western United States into the Northeastern and North Central States have gradually decreased. This is due to several factors, including high transportation costs, competition from Canadian and Southern U.S. shipments to these States, and, at least until 1979, growing markets in the Southwestern United States.

Shipments from British Columbia to the Northeastern and North Central States have also declined in recent years. These have been replaced mostly by shipments from Eastern Canada. It is likely that these shipments will continue to compete strongly with Western and local U.S. supplies as well with shipments from British Columbia, owing to shorter transport distances and lower production costs.

6. A comparison of U.S. and Canadian Government policies and regulations

For Government-controlled lands in the United States, management functions are retained by the Government, and timber is put up for auction on a sale-by-sale basis. Purchasers compete for each sale. In Canada, cutting rights are leased or licensed under a variety of arrangements to private companies that hold these rights over extended periods.

Policies to reserve Government-controlled forest land in the United States for purposes other than timber production limit the availability of supplies from these lands. In Canada, although there are similar policies, no constraints in the supply to producers have yet been apparent.

Policies to promote or assist industries exist in both countries. These are generally instituted to improve economic conditions in certain regional locations, but are also instituted to improve employment opportunities and industrial expansion.

Tax policies in both countries are designed first for the collection of adequate revenue and second to promote certain social or economic goals. The tax rates differ between the countries, but the net effect of taxes on the competitiveness of the industries is small. Taxes paid by the U.S. and Canadian industries are a small percentage of sales, and differ at most by a few percentage points.●

SENATOR LUGAR'S BILL AND RECOVERY IN HOUSING

● Mr. HATFIELD. Mr. President, the Senate Banking Committee, under Senators LUGAR's and GARN's leadership, this morning reported out the Lugar bill by a vote of 15-1. With 31 cosponsors in the Senate and such a strong commitment of support from the Senate Banking Committee, I believe it is imperative that we move quickly on this legislation.

The Lugar bill will insure that we have a recovery in housing. In my State, the people have been waiting for a recovery since 1979. They simply can wait no longer. Mr. President, I ask that an article from the Wall Street Journal on the Oregon economy be printed in the RECORD at the conclusion of my remarks.

The Wall Street Journal is running a series of articles on the uneven recession. Oregon's unemployment rate ranks fifth in the Nation, but this figure does not accurately reflect the true employment picture of the State. Outside of Portland we have unemployment rates of 23 to 24 percent because of the importance of timber to our economy. The recession in Oregon is now in its third year and the looming deficits for the next 5 years will mean that housing—and Oregon in particular—will continue to bear the brunt of the current mix of monetary and fiscal policy.

The Lugar bill is a must for my State, for housing in general, and for all those young families who are striving to purchase their first home.

The article follows:

IN OREGON, THE RECESSION IS SEVERE BECAUSE OF FOREST-PRODUCTS SLUMP

(By Erik Larson)

COOS BAY, OREG.—The union hall once occupied by Local 3-116 of the International Woodworkers of America is for sale. So many of the union's members lost their jobs that the local couldn't survive.

"We lost 800 members over two years," says Harold Walton, business agent of the local, which has merged with another in neighboring North Bend. Those 800 members had made up about 70% of the local's normal membership.

But then, times have been far from normal in Oregon. Like Michigan, it is dependent on one industry. Oregon's is forest products, now in its third year of deep recession as a consequence of the bust in housing. Oregon ranked fifth among the states in unemployment, at 12.5%, in February. In five counties, the rate was 20% or higher.

Tax delinquencies are rising. People are moving out of the most depressed counties. The shrinkage in revenue from timber sales off federal lands in the state now threatens to create more layoffs and governmental spending cuts around the state. "I think we're right on the edge of a full-fledged depression," says Edward Stevenson, chairman of the board of commissioners of Coos County.

Ever since 1856, when Coos Bay shipped its first load of lumber to San Francisco, it has been a leading port for wood products. Big and small companies built mills near the great forests of the nearby Klamath Mountains, and the Coast and Cascade Ranges. Along Route 101, the port's thoroughfare, a ridge of wood chips towers as high as the freighter moored behind it. Year round, the Christmas odors of sawed lumber, chipped wood and burning fir perfume the air.

South of town, the Al Peirce Lumber Co. stands empty. On a two-block stretch of North 10th Street, for-sale signs advertise five houses. "We were having a basketball game in my neighborhood," says Bruce Laird, a vice president of Western Bank and president of the Coos Bay Port Commission. "I was the only employed guy on my team."

The trouble started late in 1979. High interest rates began discouraging new-home construction. That drove lumber prices down, but producers' costs stayed high. Companies began shutting down their mills and plants. In August 1979, Georgia-Pacific Corp. closed a plywood mill, tolling the bell for Local 3-116; 200 of its members had been working there, Mr. Walton says. In December, Al Peirce Lumber closed; in October 1980, a Georgia-Pacific hardboard plant, and in May 1981, Coos Head Timber Co.'s Bunker Hill sawmill. Temporary closings and curtailed work schedules generally prevail at those shops still operating. At another Coos Head Timber plant, Mr. Walton says, 65 union members have worked only three days a week for the past 14 to 15 months.

For many jobless workers, state benefits have run out. "We've had people running out of benefits for some time," says James D. Cunningham, manager of the Oregon state employment division's Coos Bay office. Mr. Walton says, "We've had quite a few people losing their homes or their automobiles." Mr. Stevenson says retail sales have probably shrunk by 20%, although no formal survey has been done.

Of the for-sale and for-rent signs around town, says banker Laird, "Three years ago there were no vacancies to speak of." Mr. Walton knows of workers who have left for Alaska, Texas, Oklahoma and Wyoming to get jobs. "I think people have faced reality," says John Anderson, a state labor economist.

LOST TIMBER REVENUE

Reality is closing in on Oregon's county governments. It's not that taxpayers are merely delaying payments. They also recently rejected 72% of 82 operating levies proposed by school districts across the state, according to the Oregon School Boards Association. Tax receipts are falling 20% below taxes payable in Coos County, Mr. Stevenson says.

Historically, 34 of Oregon's 36 counties have depended to some degree on revenue they got as their share of timber sales from federal lands within their boundaries. Those revenues are dropping sharply. A third of Coos County's revenue typically came from former Oregon & California Railroad lands, now administered by the U.S. Bureau of Land Management. In 1981, the county got $5.8 million in federal land revenue; this year, it expects only $2.3 million.

"That's an impact you can't pick up by cutting the so-called fat," says Kessler Cannon, public lands specialist for the Association of Oregon Counties. Coos County may lay off civil servants or cut pay by 20%, reduce county services and eliminate some operations, such as an immunization clinic. Other counties have taken such steps. Deschutes County has laid off half its employes, Mr. Cannon says. "The biggest problem," he says, "is getting your priorities. What do you cut out? Cut out the library? Those are wrenching problems."

Coos Bay is trying—had been trying, in fact, even before the recession—to diversify the local economy. The slump set in just as the area was ready to start hawking space in a planned industrial park on a stretch of land called the North Spit. There's a coal field in the county, and there are hopes to export coal from the North Spit.

The state government, too, is trying to bolster tourist business and encourage cottage industry.

Some business does continue as usual. A Coos Bay shipbuilder has a string of back orders for barges, Mr. Laird says. Weyerhaeuser Co., with brief curtailments, has kept running, largely because the company remains a big exporter and owns so much of its own timberland that it can avoid costly purchases from federal lands. In February, 920 jobs were added to the machinery industry's payroll, largely because the Hewlett-Packard Co.'s Corvallis division, according to Jeff Hannum, a state labor economist.

But only a rebound in lumber can restore general prosperity, and that will require a large decline in interest rates and a pickup in housing construction. "I'm very pessimistic at this point," Mr. Stevenson says. "I don't think we're going to see enough change to have any significant effect on the local economy before summer-spring 1984."●

COACH JOHN MERRITT OF TSU: A WINNER IN FOOTBALL AND IN LIFE

● Mr. SASSER. Mr. President, on next Saturday I will participate in tributes to coach John A. Merritt, the legendary leader of the Tennessee State University of Nashville, Tenn., who has won 200 games during his career. A boulevard is being dedicated in his honor Saturday and I wanted to pay a tribute to him at this time.

The dedication of John A. Merritt Boulevard is a fine tribute to a great man—a leader in his field, truly a legend in his own time.

Superlatives seem to diminish when used to describe the career and the accomplishments of Coach "Big John" Merritt.

But just listen to a few of the highlights:

Tennessee State University has never had a losing football season during the 19 years that John Merritt has been coach.

Tennessee State University has never lost a homecoming game during Coach Merritt's career here.

His teams have won more than 200 games.

More than 200 of the players he has coached and trained have gone to play in professional football—stars like Ed "Too Tall" Jones of the Dallas Cowboys and Claude Humphreys of the Philadelphia Eagles.

Those are some of the numbers that quantify the success of Coach Merritt's service as coach.

But those do not capture the inspiration and winning spirit and the contagious enthusiasm that Coach Merritt instills in his players and in the students and the alumni.

He is a winner. He is royal blue—a king in his profession. He is Big John—he dominates his opposition. But more than that—he teaches his players the important ingredients of a successful life.

He leads them down the right path. His creed is: pride and poise, self-respect, and self-control; that is what he instills in his players. And his success as a teacher and coach is reflected in the success of his players in later life.

So I am honored today to have this opportunity to pay tribute to a man whose heart is as broad as the boulevard being named in his honor—whose courage is as profound as any philosophical doctrine—and whose abilities have brought Tennessee State University fame and renown throughout the land.●

SAFE-HARBOR LEASING AND ACRS

● Mr. BAUCUS. Mr. President, Members of this body have joined increasingly in the call to end the sale of business tax breaks and with good reason,

Those sales have been made possible by special leasing rules in last year's Tax Act. The rules "safe harbor" certain artificial leasing arrangements from the taxation tests which had previously been used to distinguish between real leases and other agreements which simply provided financing.

I was pleased in February when the chairman of the Finance Committee joined those of us who had been calling for an end to that inefficient and deceptive subsidy for business property. Senator DOLE's dramatic announcement raised the prospect that a repeal of safe-harbor leasing might be retroactive to the time of his announcement. That immediately curbed the use of the provision, even though there had not yet been any legislative action.

The current situation is precarious. As current newspaper reports chronicle the flood of Treasury money which took place last year, they do not help motivate many to plug the dike permanently. The urgency seems to be gone, given the Dole announcement.

On the other hand, those businesses which have benefited from safe-harbor leasing want it preserved and those who have not seen benefits want leasing provisions modified to give them a share. Industries suffering under the Reagan recession understandably test every source of funds available, sometimes forgetting concerns about the national interest. I believe that to be the case with the safe-harbor leasing issue.

What I find to be most disturbing is that attention is being diverted from the basic issues involved in the safe-harbor leasing controversy.

Probably the most damning thing about safe-harbor leasing, taken by itself, is how it accomplishes a cash subsidy to businesses which do not pay taxes. Whether it is appropriate to make that subsidy is a separate issue. Refundability would have been more honest, except that the administration believed that the public would not support the provision if they understood what it was. In order to wear the respectable label of "leasing", safe-harbor leasing sacrifices efficiency and equity.

We should also understand that safe-harbor leasing is a problem which does not stand alone. There would have been no strong force for the refundability or transferability of tax benefits if it were not for the extraordinary tax subsidies provided to taxpaying businesses in last years Tax Act. That act provided both a very fast depreciation method called the accelerated cost recovery system (ACRS) and liberalized the granting of investment tax credits.

Investment tax credits have been around for all but 1 year since 1962. They openly provide from 6 percent to 10 percent of the cost of buying business equipment and other property, while still permitting the business to depreciate, over time, the full cost of the items.

ACRS, also known as 10-5-3, hopelessly muddles the income-determination function of depreciation with a subsidy function which treats industries unequally. ACRS provides, in effect, an interest-free loan from the Treasury. It does so by permitting a business to use a portion of the cost of its equipment and other property to offset prematurely its measure of income for tax purposes. The extent of that loan effect is scheduled to increase in 1985 and again in 1986, according to formulas built into the law.

In 1985 the total revenue cost for investment tax credits and ACRS will exceed $50 billion.

Policymaking in the area of taxation is complicated enough without provisions, such as ACRS, which disguise the form and amount of business subsidies. We should, I believe, separate subsidy provisions from depreciation provisions and let depreciation have the same function for tax purposes as it does for reports to stockholders and the SEC—an objective measure of income.

I understand that there are still questions about the proper type of depreciation calculations, particularly in an environment of changing inflation rates, but those decisions must be made separately from decisions about business incentives.

We should clarify the issues which face us as we try to stimulate American industry. Should our goal be to provide relief from inflation or from high interest rates. Or rather, should our focus be on long-term economic efficiency? Do we seek to promote increases in the rate of productivity improvement or do we want to produce a one-time jump in productivity level?

Should tax subsidies be oriented to investments in capital plant and equipment exclusively, or should it include investments in human capital and R. & D.? If we are going to provide cash subsidies to industries, should we be industry selective or across the board? How much subsidy is appropriate, $50 billion? Why? Should subsidies be given through the tax system to businesses which pay no taxes?

The answer to each question has major impact on the form of our business tax incentives, but we have not yet had the discipline on the tax side of the budget to look at these questions cold and hard. The result seems to be that we are spending much more in tax expenditures, or revenue losses, than we need to in order to reach our industrial goals.

In order to take that hard look, we must view ACRS as expendable—something that could be replaced by an earlier set of rules or by a newer alternative which sticks closer to true economic depreciation measures.

I call your attention to resources which place the discussion of ACRS and safe-harbor leasing in fuller context.

An article in the current issue of Tax Notes, dated March 15, 1982, provides a particularly good analysis of safe-harbor leasing and identifies the key role of ACRS in creating underlying problems. In "The Defects of Safe Harbor Leasing and What To Do About Them," authors Donald Lubick and Harvey Galper mention an alternative to ACRS called the Jorgenson-Auerbach proposal.

Although modifications of the original Jorgenson-Auerbach proposal have been developed, one of the best explanations of the approach was presented in a 1980 Harvard Business Review article by Alan J. Auerbach and Dale W. Jorgenson, themselves, the article was entitled, "Inflation-Proof Depreciation of Assets."

Those who want a better understanding of the history of depreciation, both for accounting purposes and in tax policy, would do well to read a 1978 article by Henry J. Lischer, Jr. The article, "Depreciation Policy; Whither Thou Goest," appeared in the June 1978 issue of the Southwestern Law Journal.

Mr. President, I submit for the RECORD the articles from Tax Notes and the Harvard Business Review. The article from the Southwestern Law Journal is 58 pages long and is available to congressional offices from the Congressional Research Service main file as Document S-78 09164.

The articles follow:

THE DEFECTS OF SAFE HARBOR LEASING AND WHAT TO DO ABOUT THEM

(By Donald C. Lubick and Harvey Gaiper)

The safe harbor leasing rules were enacted in the 1981 Tax Act (without hearings and with little discussion) as the mechanism to permit sale of cost recovery tax deductions and credits by one corporation to another.[1] The widespread misgivings over these leasing rules, and serious concern expressed over the revenue loss from these transactions, usually overlook the true source of the problem: the substitution of cost recovery deductions under the Accelerated Cost Recovery System (ACRS) for a realistic set of depreciation deductions. Compared to prior law, ACRS has been estimated to cost $51.5 billion of corporate income tax receipts in 1986, of which less than 20 percent of $9.4 billion arises from the leasing rules.[2]

The defects of leasing expose, and in large part derive from, the fact that ACRS combines into one allowance both the income measurement function of the depreciation deduction and the incentive function of a special cost recovery allowance over and above the existing investment credit (ITC). Safe harbor leasing permits the sale and transfer of more than the incentive; it allows the lessee to cash out a portion of an ordinary income measurement deduction.

A sensible decision on what to do about the leasing rules requires an understanding of the distortive effect of the cost recovery incentives arising from ACRS. As is well known by now, ACRS permits recovery deductions of the cost of most equipment over either 3 or 5 years and most buildings over 15 years. An ITC of 6 percent applies to 3-year recovery property and 10 percent to equipment in other classes. The generosity of these cost recovery allowances will almost halve receipts from the corporate income tax by 1988.

Ironically, the richness (before leasing) of the new allowances intended to stimulate corporate investment left many corporations, particularly in industries most in need of substantial investment outlays for plant and equipment modernization, without the ability to utilize them in full. There were two principal alternatives to help these corporations take advantage of the new tax breaks: "refundability"—a direct payment by the Treasury of a portion of the cost of the investment—or "transferability" (e.g., by a fictitious sale and lease) to another taxpayer who can use the allowance to ofset its liability to the Treasury.

Some argue that nothing should be done for corporations that cannot use tax subsidies for want of tax liability. They argue that the tax subsidies reduce the "tax wedge" on capital income. Entities that already have a zero tax rate, e.g., governments or charities, should get no tax subsidy since their return on investment is not affected by taxes. The opponents of both refundability and transferability would place perennial losers (e.g., Chrysler, AMC) in the position of exempt entities. They also argue that refundability and transferability subsidize inefficient businesses.

We believe that the investment subsidies have as a major function the encouragement of all American industry to modernize and acquire new productive assets. To allow neither refundability nor transferability would have left the incentives in place for the prosperous, well-established and profitable corporations least in need of government largesse, but withheld assistance from weaker corporations that most need it to restore themselves and some of our major industries to profitability as well as from rapidly growing businesses or those just starting up. To the extent that a loss corporation anticipates future profits and taxes, it must price its products and calculate its projected income from a capital acquisition to cover that tax liability. Hence the tax wedge exists as for the currently profitable business. True, one might theoretically distinguish those corporations that will never pay taxes, as opposed to those temporarily in a negative income position. Operationally, such a distinction is virtually impossible.

OBJECTIVES OF COST RECOVERY ALLOWANCES

To understand fully the problem addressed by the leasing rules and to evaluate their efficacy, we must review the two main objectives (other than administrative simplicity[3]) of capital cost recovery allowances. They are as follows:

1. Income measurement: This is the traditional function of depreciation and is still the purpose of depreciation claimed for non-tax accounting purposes. The cost of equipment is appropriately charged as a series of deductions over its useful life against the income the equipment produces for the investor. It has also been argued that accurate income measurement requires an appropriate adjustment for inflation. This was in no small part a justification encouraging the enactment of fast write-offs under ACRS. With rapid inflation, the projected value of deferred deductions based on the original cost of the equipment when it was placed in service is seriously diminished.[4] One aspect of ACRS is to allow earlier cost recovery deductions than would be appropriate in a noninflationary environment and thus to provide some rough compensation for the impact of inflation. Of course, such compensation may be either excessive or insufficient depending upon the rate of inflation.

2. Subsidy: To the extent that allowances exceed those obtained by proper measurement of income—in the case of ACRS the acceleration of tax benefits by greater deductions in the early years of an asset's use—a portion of the income generated by the asset is exempt from tax. The tax cost of the investment is thereby reduced and the investment becomes more profitable. Thus the excess of benefits over properly measured (economic) depreciation effectively removes a part of income from the tax base and is an implicit subsidy to the investor. The subsidy is reflected in an effective tax rate that is below the statutory tax rate. If the rate of subsidy is greater in one particular industry than in another, it will be more profitable to invest in the former industry. The flow of capital is thus encouraged toward those industries enjoying artificially high rates of return by reason of the tax subsidy.

Since subsidies in the form of allowances in excess of economic depreciation are, in effect, reductions in the rate of tax on income from eligible investments, a valid criticism of ACRS is that, under the new system, effective tax rates vary greatly among industries. When combined with the ITC, some industries have relatively high effective tax rates, some have low effective tax rates and some even have negative rates of taxation—where the government actually increases the return of the investor.[5]

SCRAMBLING OF THE OBJECTIVES

The defects in the operation of the safe harbor leasing rules are primarily caused by the amalgamation of income measurement and incentive subsidy into one cost recovery allowance under ACRS. ACRS is intended to give the allowance needed to measure income (including compensation for the erosion of depreciation allowances in periods of

[1] Footnotes appear at the end of article.

inflation) and at the same time to grant a subsidy in the form of reduced taxes as an incentive to invest in equipment. The mixture of the subsidy objective and the income measurement objective of cost recovery allowances was carefully avoided in 1962 when the ITC was adopted.[6]

If the element of subsidy were separated from the element of income measurement, the objective of the leasing rules—delivery of the subsidy—could be achieved easily. The straightforward solution would be to pay the subsidy to eligible recipients by an offset against taxes, or if there is no tax liability due, by direct Treasury check.

The investment credit delivers the subsidy in this way for profitable corporations. If corporation A invests $1,000,000 and the desired subsidy is 10 percent, it simply deducts $100,000 from the taxes it would otherwise pay the government. Corporation B, however, that has made the desired investment, but owes no taxes because it is struggling to become profitable (hence the investment in new equipment) cannot get its $100,000 by offset against its tax liability, which is zero. Of the two principal alternatives referred to above, the straightforward one of "refundability" would require corporation B to notify the Treasury that it made the investment, but owes no taxes. Then the IRS could send corporation B its $100,000. It is very simple and logical if the subsidy is in the form of a credit, since the credit represents subsidy and nothing else.

The other solution of "transferability" would permit corporation B to sell its unusable credit to coporation A. B gets its money and A gets the tax benefit as an offset to A's tax liability. By a roundabout route, however, it is the IRS that pays whatever subsidy B receives. The safe harbor leasing rules adopt the latter solution of transferability for both ITC and ACRS but imperfectly and erroneously to the extent that transferability goes beyond the subsidy to include income measurement elements of the ACRS deduction.

The sale of the tax benefits is usually done by artificially characterizing B as first selling a qualifying asset to A for cash (which B actually receives) and a nonrecourse note to be paid off with interest over an agreed upon time period and then leasing back the asset from A at a specified rental over this same time period. Neither B's possession of the asset nor B's legal title to the asset is affected. As the characterized tax owner, however, A claims the ITC and ACRS deductions that would otherwise be B's. Each assumed installment of interest and principal from A to B on the note is exactly matched by an assumed installment of rent from B to A on the lease. Usually no actual further payment is made and neither party has any legal liability to make further payments.[7] Thus, what B gets in return for selling the tax benefits to A is (1) an up front cash payment from A and (2) a future stream of tax deductions representing the negative difference between the rental payments under the putative lease and the interest received under the putative note. At the same time, A incurs the cost of making offsetting tax payments reflecting the positive difference between hypothetical rental income received and hypothetical interest paid.[8]

If under safe harbor leasing only the subsidy elements were transferred to A, the results would not be much different from refundability of a credit. Whether the Treasury gives B $100,000 by a refund check (refundability) or whether B gets it $100,000 by a sale of tax benefits to A (of course, this disregards the reality that A, its lawyers and its brokers, will each have to get a cut), and A gets the $100,000 from the Treasury by an offset to its tax liability (leasing) is of little import in theory.

In practice, safe harbor leasing leads to very different consequences from refund ability.

THE SHORTCOMINGS OF SAFE HARBOR LEASING AS A SUBSIDY DELIVERY MECHANISM

1. Overgenerosity. The leasing rules permit corporation B to cash out much more than the subsidy. For this purpose we may define the subsidy to include the ITC (and the additional tax savings due to the ability of the taxpayer to depreciate the ITC, since there is no basis reduction on account of the ITC)[9] and the tax savings from the excess of the present value of ACRS deductions over the present value of prior law ADR deductions. This definition of the transferable subsidy may be considered generous to the taxpayer in the position of corporation B to the extent that the acceleration of ACRS over prior law involves a compensation for inflation. Such a compensation may be regarded as an income measurement adjustment, although here it is taken to be part of the subsidy.

Since B can transfer to A the tax savings from the whole ACRS deduction, including the portion that represents prior law depreciation and hence measurement of income, A may be willing to make an up front cash payment that is greater than the subsidy element of the ITC and the ACRS deductions. This may be true even after A takes into account its subsequent tax liability from the excess of hypothetical rent to be received over hypothetical interest to be paid. Table A-4 of the Appendix shows that the up front cash payment can easily exceed twice the amount of the subsidy.

B is thus able to cash out much more than the amount of the subsidy, even though B at the same time may have a properly measured economic loss from current operations. Suppose B had $10,000 of gross income before depreciation and expenses, $15,000 of ACRS deductions, of which $6,000 is subsidy and only $9,000 represents actual or economic depreciation under proper income measurement, and $8,000 of other expenses—wages, entertainment or any other business expense. The $9,000 of ACRS and $8,000 of other deductions equal $7,000 of excess deductions ($17,000 minus $10,000) and produce no immediate tax benefit to B, until it turns a profit in some other year. By the leasing rules, however, B can sell to A its entire $15,000 of ACRS deductions—both the $6,000 of subsidy and the $9,000 of income measurement deductions. B thus receives an immediate cash benefit from at least a portion of the tax value of the income measurement deductions, as well as the subsidy.

B can do this even though its other deductions also needed to properly measure income have no comparable immediate value. To the extent that B can sell deductions that represent more than the subsidy, i.e., that represent actual income measurement, B is able to accomplish through safe harbor leasing what other firms in similar economic circumstances, but with deductions resulting from wages, materials, rents and the like, cannot accomplish. This is patently unfair. It is one thing to make the subsidy available to all; it is something else again to cash out the actual economic costs that result only from the acquisition of depreciable assets without being able to cash out costs from any other source.

It is true that to equalize the cost of acquiring a physical asset between A with large taxable income and B with no taxable income (but with expected future profits and taxes), refundability (whether by leasing of directly) is required as to the whole tax benefit of the investment—the income measurement portion as well as the subsidy portion. That argument proves too much, however. Such equalization of opportunity from capital investment for profitable and loss corporations has never led to serious Congressional consideration of refundability for any other type of loss that is a function simply of proper income measurement.

To be consistent with the aspect of leasing that permits transferability of the value of an income measurement deduction, Congress would similarly have to provide that any business that has an economic loss, i.e., expenses greater than its income, even if that economic loss were the result of its own poor management, should receive a refund of 46 percent—a negative income tax for corporations. The rhetoric of the Administration on cutting back welfare payments could well and appropriately be directed to the future of the leasing rules that permit such immediate refunds on account of business losses attributable to measurement of economic income. This amounts to a gigantic welfare program for corporations. Payments are even being granted to highly profitable corporations (as where a domestic loss would otherwise be wasted by offset against foreign source income). These bailouts represent more than a government-designed subsidy to invest. They represent, in effect, a refundable operating loss.[10]

It has been argued that safe harbor leasing also provides a device to enable the lessee corporations to obtain financing for the acquisition of investment assets, much in the nature of leveraged financial lease transactions under the rules operative in distinguishing "true leases" from "purchases." There is no reason why the upfront cash payment in a safe harbor lease cannot also include an additional loan element to be repaid by rentals on a recourse basis over the lease term. In the typical safe harbor case, however, the financing element beyond the government subsidy is the cashing out of the income measurement deduction. To say that it involves financing is both obvious (why would a business sell a deduction except to raise money to finance itself?) and is irrelevant (why should a business be able to sell any true income measurement deduction—depreciation—but not others, to raise money for the business and why should a business be able to sell any true income measurement deduction to raise money for the business?)

The argument is made that old style financial leveraged leases involve the transfer of income measurement depreciation deductions by lessees to lessors under the standards permitted by the IRS in Rev. Proc. 75-21, 1975-1 C.B. 715. Without defending the IRS guidelines in distinguishing leases from purchases, at least the old guidelines required an equity risk of the lessor in the property. The tax benefits—ITC and depreciation—were associated with a substantial at risk minimum investment in the property. Under safe harbor leasing, tax deductions are totally divorced from real economic interest in the asset. The safe harbor lessee may still sell, mortgage, pledge, or lease the asset and it is contemplated that for state law purposes the safe harbor lessor

does not exist. Likely, the rules as to conventional leveraged financial leases should be tightened to make transfer of economic depreciation more difficult. Refundability of the ITC would doubtless reduce their appeal. But throwing out all need to have an economic interest in the asset hardly seems the appropriate response to the rules of Rev. Proc. 75-21.

The choice of leasing rather than refundability also implies a revenue loss greater than would be the case if the subsidy were delivered by a refundable credit. Corporations with zero rate of taxation (e.g., with unusable net operating loss carryovers) or lower than a 46 percent rate applicable to income (incomes under $100,000) can transfer not only the subsidy but the income measurement portion of their ACRS deduction to a corporation that will use it to offset 46 percent taxation. Hence, the overall revenue loss to the government under leasing is greater than if the subsidy were delivered directly, because even corporations that can use normal deductions can increase their value if they are taxed at lower than 46 percent rates by selling them to a 46 percent corporate taxpayer.[11]

2. Public perception: A second major problem with leasing is the public perception of what is involved. The Chairman of the U.S. Chamber of Commerce, Donald Kendall, is quoted on the front page of BNA's Daily Tax Report for February 17, 1982 as saying of safe harbor leasing: "I think it is a lousy piece of legislation." To the extent that profitable large corporations end up paying no tax, and to the extent that there is trafficking in deductions by businesses, there is a significant demoralization of taxpayers generally. The public will not perceive that leasing is a delivery mechanism for an investment subsidy such as the ITC. A number of articles describing fictional leases of dependents, unusable personal deductions and the like have already appeared.[12] Furthermore, the concealment of the subsidy element leaves the public less able to evaluate what is going on, particularly as the years pass.

3. Third party costs: The leasing rules also introduce transactional complexity that would not exist if direct refundability were the means to deliver the subsidy. Typical safe harbor leases executed so far may run scores of pages and require hundreds of hours of time of sophisticated legal counsel to complete. Brokerage commissions running up to 1 percent of the cost of the equipment are required to match lessors and lessees.

A PROPER SOLUTION

If the present leasing rules are wanting, what is the solution? First, it is essential to recognize and state correctly the nature of the problem. As indicated above, it is necessary to segregate the element of subsidy from the element of income measurement in ACRS. Once that is done, once the subsidy implicit in ACRS becomes explicit, then we can rationally determine whether the subsidy is of a scale that we can afford. The unevenness of the subsidy element among industries would also be obvious.[13] Income from capital investment would be seen to be subject to varying rates of taxation in different industries ranging from negative rates to perhaps 40 percent. ACRS would then be seen for the distortion of market allocation of capital that it is.

The appropriate solution therefore includes the following:

1. Provide a system of cost recovery based upon true principles of income measurement: The problems of income measurement, inflation protection, and administrative simplicity should be separated from the tax incentive or subsidy. A mandatory use of deductions approximating actual depreciation for a limited number of industry classes would deal with income measurement and administrative simplicity. If it is necessary to deal with inflation protection within the income measurement calculation, either the depreciation base could be indexed each year or the Jorgenson-Auerbach proposal could be adopted.[14]

2. Provide a uniform investment subsidy: Whatever subsidy is appropriate should be provided on as neutral a basis as possible. The easiest and most direct approach would not strictly speaking be a subsidy at all, but would be a direct cut in corporate tax rates to reduce the tax wedge on capital income. In terms of a subsidy approach, however, two alternative techniques suggest themselves. One is a flat percentage credit such as a larger across the board ITC. The other is a uniform percentage amount of expensing deduction over and above the allowance for economic depreciation. This latter technique is readily adaptable to a conventional approach to depreciation by simply applying the subsidy percentage to the difference between the present value of the allowed depreciation deductions and full expensing. However, it can best be illustrated in the context of the Jorgenson-Auerbach proposal in which the first year allowance itself consists of the present value of (economic) depreciation deductions. The subsidy would then be a percentage of the difference between the first year allowance and 100 percent. If the subsidy percentage were 25 percent, a taxpayer entitled to a 76 percent first year write-off would be entitled to a 6 percent additional deduction (100 percent minus 76 percent = 24 percent × 25 percent subsidy = 6 percent). A taxpayer with an 80 percent first year write-off would be entitled to 5 percent deduction, etc.[15] The subsidy would be relatively the same for all industries. Refundability of the subsidy would be complex, however, because existing rate differentials among corporations (zero for loss corporations, graduated rates up to $100,000, then 46 percent) make it difficult to cash out the subsidy.

Therefore, it seems better to provide a uniform refundable ITC for all taxpayers as an explicit subsidy of equal value to all investors. Direct payment would be made by the Internal Revenue Service to any investor with no tax liability. It would be preferable to reduce depreciable basis by the amount of the subsidy, to minimize distortion among long-and short-lived assets,[16] and to avoid part of the subsidy being delivered through depreciation of an amount equal to the ITC itself.

The subsidy would thus be available to all who invest and would not be conditional on an investor's tax circumstances. It would serve its purpose of encouraging investment. Income measurement deductions would not be refundable, whether labeled as cost recovery or not. They would appropriately have the same status as all other income measurement deductions. Whether such deductions should be benefited greater than present law is an independent question that should be answered the same way for all similar deductions.

Some have argued against refundability as opening up chances of fraudulent claims. They argue that leasing is self-policing because of the lessor's interest in the qualification of the lessee's property. Such concerns seem highly exaggerated in light of experience under the leasing rules. Few purchaser-lessors on November 13, 1981, ever knew whether the assets they acquired actually existed or were qualified leased property. They relied on paper records and indemnities submitted by the seller-lessees. The government could require substantiation at least as great in the case of a refundable investment credit without inconvenience to investors. As a matter of fact, since an audit of a safe harbor lease involves the IRS and two taxpayers, usually in different districts, not one as in the case of refundability, safe harbor leasing will be more complicated for the IRS to administer.

A HOLDING PATTERN SOLUTION

What if ACRS is too changed? Suppose, however, it is not in the cards to revise ACRS in order to provide both an explicit and a reasonably neutral subsidy. It is still possible to change the leasing rules to limit the transferability of tax benefits to just the subsidy elements. As noted above, the subsidy elements arise from the ITC and the tax savings from the excess of the present value of ACRS deductions over the present value of prior law ADR deductions. Limiting the transfer to just the subsidy can be accomplished by constraining the permissible terms of a qualifying safe harbor lease.

Such an alternative rule can be designed to preclude the transfer of the income measurement element as opposed to the subsidy element as an aid to finance the acquisition of the depreciable asset. To the extent that the law under Rev. Proc. 75-21 permits the transfer of an income measurement deduction, the purchaser of the asset would be able to operate under pre-1981 rules. But financing by sale of economic depreciation apart from disposition of an economic interest in the asset would still be precluded. The alternative rule is not offered as a permanent solution to capital recovery tax allowances intended to subsidize business investment. It retains the lease format rather than refundability or some better transferability device. And more importantly it does not address the fundamental question of the appropriate form of the investment stimulus—accelerated depreciation, investment tax credit or (perhaps even more appealing in view of the transferability question) a cut in corporate rates. In short, the alternative rule is a Band-Aid, postulated upon the unlikelihood that the Administration and both houses will be able to agree upon a substitute for ACRS in 1982.

Under the terms of a safe harbor lease, the tax cost to the lessor (A) from inclusion in taxable income of excess hypothetical rentals over hypothetical interest, i.e., the amortization of the hypothetical principal—is a factor in determining the up front cash paid to the lessee (B). A slower schedule of principal amortization implies a longer deferral of tax liability, which in turn implies a greater up front cash payment. Conversely, a faster principal amortization implies a shorter deferral of tax liability, which in turn implies a smaller up front cash payment. Obviously, the size of the hypothetical note itself varies inversely with the up front cash.

The present value of the deferred tax cost to A is a function of the length of the hypothetical lease term and the hypothetical interest rate under a level payment mortgage loan. Longer hypothetical lease terms and higher hypothetical interest rates mean slower amortization of principal, defer the income inclusions to A from excess rental

receipts, and hence reduce tax costs in terms of present value. They thus allow greater up front payments.

Since the up front cash payment directly reflects the terms for amortizing the hypothetical note, the cash payment that a purchaser of tax benefits would be willing to pay could be limited to the ITC (including tax savings from its depreciation) and the tax savings from the excess present value of ACRS deductions over ADR deductions by appropriately restricting this amortization schedule. The 1981 Act permits level payments of interest and principal (hence back loading of principal as in the typical home mortgage) for a lease term of up to 150 percent of the per-1981 ADR class life. The Temporary Regulations (Sec. 5c. 168(f)(8)-7(b)) permit an interest rate of up to 3 percentage points over prime. An appropriate reduction of the permissible lease term with a mandated interest rate could limit the up front cash payment to the subsidy elements.

Alternatively, the rate of amortization of principal of the hypothetical note can be specified directly. For example, if level amortization of principal were required, the lessor would be restoring taxable income earlier than under a constant payment schedule and the offset (in present value terms) to the ACRS tax benefits would be increased. Hence, the up front cash payment would have to be lower. Furthermore, level amortization of principal would aid simplification, since the rate of interest becomes immaterial in affecting the rate of principal amortization. It is even possible to front-end load principal repayment to restrict the initial cash payment to the subsidy value only. The Appendix (Table A-2) demonstrates how to compute the tax savings from the excess of ACRS over prior law ADR for various classes of assets and how to use lease terms such as period and rate of principal amortization under an appropriate discount rate to limit the cash payment to the present value of the subsidy elements (see Table A-4).

Based upon the material in Table A-4 of the Appendix, for example, one could suggest a generous solution, but still a considerable improvement over the 1981 safe harbor provisions, that would require amortization of the principal of the hypothetical note in a safe harbor sale and lease back to be accounted for in level semi-annual amounts over a hypothetical lease term of no more than 50 percent of the class life under ADR. This solution would also permit the simplification of eliminating restrictions on the interest rate assumed in the note. It would still allow an up front cash payment of 6-12 percent over the subsidy element assuming a 12 percent after-tax discount rate. For a $10,000 asset that was depreciated over 10 years under ADR, the up front cash payment would be reduced from $3,943 to $1,909, although about six percent of this payment would still represent the transfer of an income measurement deduction. Other variations obviously can be designed to limit the cash payment.

Our suggestion of a modification of the leasing rules along the lines described above is intended only as a temporary salvage operation to permit the subsidy—but not too much more—of ACRS and the ITC to be enjoyed by corporations suffering a dearth of profits. It retains the variable and inefficient ACRS subsidy itself. It fails to cure the defects of leasing that arise from the bad public image suffered by the tax system as a result of the purchase and sale of tax benefits and that arise from the excessive third-party costs involved in brokering these transactions. The development of a more neutral refundable credit is still far and away the preferred solution.

FOOTNOTES

[1] Although the law permits unincorporated businesses to sell tax benefits (but not to buy them), as a practical matter almost all transactions are between corporations.

[2] Table 2, Statement of Assistant Secretary John E. Chapoton at hearing, December 10, 1981, by Senate Finance Committee.

[3] The determination of the proper periods in which costs of investment are charged against income and the proper portion of the costs allocable to each period is necessarily imprecise. It is based upon considerations of useful life, rate of obsolescence, and a number of other factors that involve both a priori judgment as well as systematic analysis. Historical experience is a guide but not a guarantee of accuracy. A system of mandatory periods of recovery that provides certainty and eliminates controversy between the taxpayer and the tax collector is a desirable component of depreciation reform. It can be obtained under a system based on economic depreciation as well as under ACRS. Hence, we omit it as a consideration in choosing among cost recovery systems.

[4] For example, if appropriate income measurement in 1981 would assign 10 percent of an asset's cost against income the asset will produce in 1990, and if inflation reduces the value of a dollar by 50 percent between 1981 and 1990, income will not be measured properly by a depreciation charge based on historic cost. In 1990 income from selling the output produced by the asset will presumably have been increased by inflation. If the depreciation deduction in that year remains that based on 1981 values, an insufficient deduction will have been allowed in 1990 and the measurement of 1990 income will be excessive. Of course, if funds were borrowed in 1981 to purchase the asset and the loan were repaid over the ten year period, the loss to the firm from inadequate deductions may be matched by the gain from the declining real value of its debt. The need for any system of inflation indexing to deal with debt-financed asset acquisitions depends upon such factors as whether or not the inflation was correctly anticipated, the relative tax rates of borrowers and lenders and the ability of market interest rates to adjust to inflation. An analysis of these issues is beyond the scope of this paper.

[5] We recognize that effective tax rates reflect the ITC as well as ACRS and that a deliberate policy objective may have been to increase the attractiveness of industrial investment relative to housing (in part in response to the tax benefits already available to housing). However, to maintain wide tax rate variations across all other industries depending upon each industry's asset mix can only lead to resource misallocations and loss of productivity. For a presentation of the wide variations in effective tax rates resulting from ACRS and a comparison with prior law, see *Economic Report of the President*, Feb. 1982, pp. 122-126, esp. Table 5-7. The table shows variations in 1982 effective tax rates on new depreciable assets by industry from 37.1 percent (services and trade) to −11.3 percent (motor vehicles)!

[6] The Senate Finance Committee Report on the 1962 Act states:

Finally, the statement sometimes made that the credits as subsidy overlooks the fact that other alternatives, such as faster depreciation, for example, share the same characteristics of giving the investor in equipment a monetary reward beyond what he would receive on the basis of realistic accounting. The credit, however, is preferable to higher depreciation charges because the latter tend to distort income accounting.

[7] There are situations where cash payments are made after the initial entering of the safe harbor lease, but not in most cases. The subsequent analysis of this paper assumes only a single up front cash payment.

[8] Other restrictions apply to the terms of the transaction such as the maximum lease period and the maximum interest rate. See the Appendix. Table A-1, for an example of this kind of transaction. The tax deductions available to B are smaller and considerably deferred in time, relative to the ACRS deductions. Therefore, they are more likely to be usable by B. But even if they are not, B still gets the up front cash payment. This payment is tax free since the hypothetical purchase price, cash plus note, equals B's adjusted basis.

[9] In addition to the ITC itself, a further benefit to the taxpayer under current law arises from the lack of a basis adjustment for the ITC, thereby allowing the taxpayer to depreciate the entire cost of the asset including that portion contributed by the government. This benefit of the ITC is equal to the present value of the tax savings from depreciation and, therefore, depends on the rate at which depreciation or cost recover deductions may be taken over the life of the asset. ACRS has had the effect of increasing this tax benefit by accelerating cost recovery relative to prior law. This new, larger tax benefit of the ITC is included in our definition of the subsidy and in the calculations in the Appendix.

[10] Indeed, some have noted that since the 1981 Act, the acronym AFDC (Aid to Families with Dependent Children) should refer to "Aid to Financially Depressed Corporations."

"We recognize that the selling corporation with fully unusable loss carryovers will not be able to "cash out" 100 percent of the value of the income measurement portion of the ACRS deduction. The benefit to the selling corporation is solely the cash payment it receives in the safe harbor lease transaction, since the rental deductions (net of interest receipts) are by hypothesis not usable in such cases. The purchasing corporation, however, will have determined a cash payment up front to take account of the required inclusion in its taxable income of the excess of hypothetical rentals over interest payments, and therefore the up front payment is necessarily less than 100 percent of the value of the income measurement deductions. However, this same calculation of the up front cash payment that the purchaser is willing to make shows why this payment will exceed the value of the subsidy. In addition to the subsidy as we have defined it, the lessor/purchaser is also willing to pay for the present value of tax savings from depreciation under prior law (the income measurement benefit in our terms) *minus* the present value of tax payments from including in its taxable income the excess of rentals over interest payments. Since this latter stream of tax payments is so deferred relative to the tax savings from depreciation under ADR, the lessor will always be willing to pay more than the subsidy. This result will hold even if the measurement of the subsidy itself may be subject to some debate, resulting, for example, from disagreement over the appropriate discount rate, the additional tax benefit associated with depreciating the ITC, and the like.

[12] See for example, Dianne Bennett, "A Modest Proposal," Tax Notes, December 7, 1981, p. 1352.

[13] The unevenness exists in different tax rates applied to income from capital depending on whether this income is derived from depreciable or nondepreciable assets and within the category of depreciable assets, from which particular assets.

[14] Under Jorgenson-Auerbach, a taxpayer in the year of acquisition would be entitled to a one-time write-off against income of the present value of the stream of deductions for economic depreciation. If under an appropriate discount rate, the present value of economic depreciation deductions over the anticipated period of use is 75 percent of the cost of the equipment, that would be the deduction in the year of acquisition. Since it is economic depreciation that is being discounted, no one industry is being favored over another if the relative first year allowances approximate actual relative economic depreciation. Market distortion by tax allowances would be, as far as humanly possible, eliminated. The inflation problem would be eliminated because there are no future deductions to be eroded by inflation. As indicated in note 4, we have not discussed indexing other elements of income measurement.

[15] This form of subsidy was suggested by Prof. Arnold Harberger of the University of Chicago, "Tax Neutrality in Investment Incentives," The Economics of Taxation, Aaron and Boskin, eds., (Brookings Institution, 1980), p. 299, and Prof. E. Cary Brown of M.I.T., "The 'Net' versus the 'Gross' Investment Tax Credit," Depreciation, Inflation & The Taxation of Income from Capital, Hulten, ed. (The Urban Institute, 1981), p. 133. It provides a neutral subsidy in the sense of the same reduction in effective tax rates for all subsidized depreciable assets. The depreciation rule implicit in this proposal is a linear combination of two other neutral rules for depreciation (neutral among the assets included): economic or actual depreciation (in which each

taxpayer pays an effective tax rate on depreciable assets equal to the statutory tax rate) and expensing (in which each taxpayer pays an effective tax rate of zero regardless of the statutory rate.)

[16] While a basis adjustment for ITC moves toward neutrality among eligible assets, a flat rate ITC would not produce equal effective tax rates for all asset durabilities. For complete neutrality the percentage ITC allowed would have to vary directly with the expected life of the asset. See Emil M. Sunley, Jr., "Tax Neutrality Between Capital Services Provided by Long-lived and Short-lived Assets," OTA Paper No. 10 in Compilation of OTA Papers, Robbins and Kaufman, eds. (U.S. Treas. Dept., Office of Tax Analysis, 1978); David F. Bradford, "Tax Neutrality and The Investment Tax Credit," The Economics of Taxation, op. cit., p. 281.

APPENDIX

CONSTRAINING THE UP FRONT CASH PAYMENT UNDER SAFE HARBOR LEASING

Tables A-1 and A-2 provide an example of a safe harbor lease under the 1981 Act involving a $10,000 asset eligible for a $1,000 investment tax credit. The other assumptions underlying the calculations in these two tables are:

(1) the asset has a 12.5 year class life under the old Asset Depreciation Range system (and hence a minimum depreciation period of 10 years under ADR);

(2) the hypothetical lease has an 18-year term and the hypothetical note is a level payment mortgage bearing an interest rate of 18 percent;

(3) the discount rate for calculating present values is an after-tax rate of 12 percent;

(4) the asset is acquired and the lease transaction entered into in the middle of the tax year by both the lessor and lessee;

(5) the lease is payable in semi-annual installments; transactions occurring in the first taxable year are not discounted; those occurring in the second year are discounted by a factor of 1.12; those occurring in the third year are discounted by a factor of $(1.12)^2=1.2544$, etc.

TABLE A-1.—DEPRECIATION DEDUCTIONS AND TAXABLE INCOME OF A LESSOR UNDER A SAFE HARBOR LEASE[1]

Year	ACRS deductions	Rental income received	Interest paid	Taxable income from lease
1	$1,500	$571	$545	$26
2	2,220	1,142	1,083	59
3	2,100	1,141	1,072	69
4	2,100	1,142	1,059	83
5	2,100	1,141	1,043	98
6		1,142	1,025	117
7		1,141	1,003	138
8		1,142	977	165
9		1,141	946	195
10		1,142	910	232
11		1,141	866	275
12		1,142	814	328
13		1,141	752	389
14		1,142	680	462
15		1,141	592	549
16		1,142	489	653
17		1,141	366	775
18		1,142	221	921
19		570	47	523
Total	10,000	20,547	14,490	6,057

[1] Assumptions are given in appendix. The lessee's deductions are equal to the rental income received and the lessee's income is equal to the interest paid. Hence, the lessee's net deductions equal the lessor's taxable income from lease.

[2] Since the amount of the note is $6,057, the up front cash payment is $3,943.

Table A-1 shows the ACRS deductions purchased by the lessor and the increments to the lessor's taxable income from the amortization of the note, that is the excess of rental income received over interest paid. The terms of the lease examined here are close to the most generous allowed to the taxpayer under the safe harbor leasing provisions in order to show the maximum up front cash payment a lessor would be willing to make to purchase the tax benefits. The calculation of this cash payment is shown in a recent article in *Tax Notes* by Emil M. Sunley.[1] The difference between Sunley's formula and the calculations presented here is that transactions assumed to be occurring in the first taxable year such as the investment tax credit, the first year's deduction under ACRS, and the first hypothetical payment of rent and interest are not discounted. Allowing for this difference, the Sunley formula is modified to read as follows:

$$(1)\ C=ITC+uPV(R_t)-uAPV(a_{n\cdot r})/1-uPV(a_{n\cdot r})$$

where ITC is the investment tax credit; u is the corporate tax rate; $PV(R_{ntr})$ is the present value of cost recovery deductions under ACRS discounted at rate i; A is the price of the asset; and PV $(a_{n\cdot r})$ is the present value of $1 of amortization payments made semi-annually under a level payment mortgage for n years at interest rate r, discounted at rate i, where the first semi-annual payment is not discounted.

Under the assumptions given, the up front cash payment is $3,943 and the amount of the note, shown at the bottom of the last column in Table A-1 entitled "Taxable Income From Lease" is $6,057.[2]

Table A-2 calculates the subsidy provided under the 1981 Act and compares this subsidy to the up front cash payment received by the lessee. As noted in the text, the subsidy is equal to the investment tax credit, including the additional tax savings due to depreciation of the ITC, plus the excess of the present value of cost recovery deductions under ACRS over depreciation deductions under ADR. This calculation shows the subsidy to be $1,793 and, thus for the lease terms presented in Table A-1, the cash payment is 2.199 times the subsidy.

TABLE A-2.—CALCULATION OF TAX SUBSIDY UNDER ACRS

Year	ADR deductions (D_t)[1]	ACRS deductions (R_t)
1	$1,000	$1,500
2	1,800	2,200
3	1,511	2,100
4	1,333	2,100
5	1,156	2,100
6	978	
7	800	
8	622	
9	444	
10	267	
11	89	
Total	10,000	10,000
PV (R_t)		[2]$7,968
PV (D_t)		[2]7,041
Difference		927
Tax saving at a 46-percent tax rate		426
ITC		1,000
Tax saving from depreciation of ITC		367
Total subsidy		1,793
Cash payment (from Table A-1)		3,943
Ratio: cash payment to subsidy		2.199

[1] Double declining balance with switch to sum-of-the-years digits after second year. A half-year of depreciation is taken in the 11th year for a 10-yr. asset, since only a half-year of depreciation is taken in the first year under ADR.

[2] Calculated using a 12-percent discount rate and not discounting the 1st year.

[1] See Emil M. Sunley, "The Analytics of Safe Harbor Leases," Appendix, p. 1222, *Tax Notes*, November 23, 1981.

[2] In terms of the formula shown in equation (1), ITC=$1,000; u=.46; $PV(R_t)$=$7,968 at a 12% discount rate; A=$10,000; and $PV(a_{n\cdot r})$=.259. C, therefore, equals $3,943.

This example illustrates the general conclusion discussed in the text that the safe harbor leasing rules of the 1981 Act are excessively generous in allowing the seller of tax benefits (the lessee) to receive considerably more than the subsidy as a cash payment from the lessor. As pointed out in footnote 11 of the text, the cash payment is necessarily greater than the subsidy since, in addition to the subsidy, the lessor is buying, and willing to pay for, a stream of tax savings from depreciation deductions under prior law (the income measurement deductions) that more than offsets in present-value terms the increased tax payments from including in taxable income the amortization of the principal of the note.

To determine how to restrict the leasing rules to allow the transfer of only the subsidy, but no more, three steps are required.

Step one: Find the target value of the up front cash payment. Following the definition of the subsidy in the text, the target value for the cash subsidy, C*, is the investment tax credit, including the tax savings from its depreciation, plus the tax savings from the excess of the present value of ACRS deductions over ADR deductions. Thus,

$$(2)\ C^*=ITC+k\cdot uPV(R_t)+uPV(R_t)-uPV(D_t),$$

where k is the percentage ITC (10% for 5-year property), D_t are depreciation deductions under ADR, all other terms are as defined earlier, and the discount rate is 12 percent. As shown in Table A-2, the target value of the cash payment is $1,793 for an asset depreciated over a 10 year life under ADR and eligible for the investment tax credit.

Step two: Find the general terms of the lease/note such that the buyer of the tax benefits would be willing to pay no more than the target cash payment calculated in step one. This involves substituting C* for C in equation (1) and solving the resulting equation for $PV(a_{n\cdot r})$, or to use even more general notation, solving for PV(amort), where PV(amort) is the present value of $1 of amortization payments under any form of loan that may be considered here, not just a level payment mortgage. The equation to be solved for PV(amort) is:

$$(3)\ PV(amort)=ITC+uPV(R_t)-C^*/u(A-C^*)$$

For the asset shown in Table A-2, PV(amort) equals .761. The difference between this value and the value of .259 in footnote 2 for $PV(a_{n\cdot r})$ is another way of characterizing the excessive generosity of the safe harbor leasing provisions in allowing the deferral of tax liability by the lessor (and a lower value of PV(amort)) on the amortization payments of the note.

Step three: Find the specific lease/note terms that come as close as possible to the value of PV(amort) calculated in step two. The value of PV(amort) can be increased in several ways. The form of the loan can be changed from a level payment mortgage to straight-line amortization of principal or even more accelerated amortization payments; the length of the note can be shortened; the interest allowed under a level payment mortgage can be reduced.

TABLE A-3.—CASH PAYMENTS AND SUBSIDY UNDER ALTERNATIVE LEVEL AMORTIZATION NOTES

Term in years of lease/note	Cash payment[1]	Subsidy[2]	Ratio: Cash payment to subsidy
18	$3,348	$1,793	1.87
15	3,128	1,793	1.74
12	2,839	1,793	1.58

TABLE A–3.—CASH PAYMENTS AND SUBSIDY UNDER ALTERNATIVE LEVEL AMORTIZATION NOTES—Continued

Term in years of lease/note	Cash payment [1]	Subsidy [2]	Ratio: Cash payment to subsidy
10	2,594	1,793	1.45
7	2,111	1,793	1.18
6	1,909	1,793	1.06
5	1,679	1,793	.94
4	1,416	1,793	.79

[1] Caculated using equation (1) but replacing PV($a_{n,r}$) with the present value of a $1 level amortization note of the term indicated, payable semiannually, using a 12 percent discount rate and not discounting the first payment.

[2] From table A–2; equal to the investment tax credit and the tax savings from depreciating the ITC plus the present value of the tax savings from the excess of ACRS deductions over ADR deductions at a 12 percent discount rate.

TABLE A-4.—TAX SUBSIDIES AND CASH PAYMENTS FOR VARIOUS ASSETS AND ALTERNATIVE LEASE/NOTE ARRANGEMENTS

Class life in years under ADR	Level payment mortgage under safe harbor leases		Level amortization note under restricted lease		Subsidy [3]	Ratio: Cash payment to subsidy	
	Term in years	Cash payment [1]	Term in years	Cash payments [2]		Safe harbor lease	Restricted lease
20	30	$4,465	10	$2,594	$2,322	1.92	1.12
17	25	4,321	8	2,291	2,163	2.00	1.06
15	22	4,191	7	2,111	1,988	2.11	1.06
12.5	18	3,943	6	1.909	1,793	2.19	1.06
10	15	3,678	5	1,679	1,576	2.33	1.07
8	11	3,168	4	1,416	1,331	2.38	1.06

[1] Calculated using equation (1) assuming an 18-percent interest rate and a 12-percent discount rate.
[2] Calculated using equation (1), but substituting PV (amort) under a $1 level amortization note of the term indicated for PV ($a_{n,r}$); a 12-percent discount rate is used.
[3] Subsidy is equal to the investment tax credit including the tax saving from its depreciation plus the tax savings from the present value of the excess of ACRS deductions over ADR deductions at a 12-percent discount rate.

In the work below, we simplify the search for ways of constraining the lease/note terms, that is for ways of increasing the value PV(amort), by considering only the case of level amortization of principal payments. This has the additional advantage that the particular interest rate used for the rental calculation is irrelevant since only repayment of the note enters into the taxable income of the lessor. Thus, the only other restriction required is the maturity or term of the lease/note. Table A–3 shows that effects of changing the term of the lease/note under a level amortization schedule, again for an asset depreciated over a 10-year period under prior law.

A six year level amortization note discounted at a 12 percent rate yields a value for PV(amort) of .740, not far below the value of .761 derived in step two for equating the cash payment to the amount of the subsidy. Consequently, the resulting cash payment of $1,909 is only 6 percent more than the subsidy of $1,793. In fact, to allow for some slippage in the system (since there are third party costs that do not directly benefit the lessee), one may want to allow the cash payment to exceed the subsidy by some amount. This example, in fact, raises the possibility of a fairly simple set of restrictions for leasing: a level payment amortization of the note combined with a term of the lease/note equal to one-half of the class life allowed under ADR.

Table A–4 calculates the cash payments a lessor would make under this simple rule for assets having various class lives under ADR. This table also compares the cash payment under these restricted lease terms with the cash payments lessors would be willing to make under current safe harbor leases. The restricted rules reduce the cash payments by roughly one-half for the assets illustrated. The restricted lease terms are also fairly robust in that the cash payment is consistently 6–12 percent larger than the subsidy, even though the subsidy itself increases for longer-lived assets. The current leasing rules, in contrast, provide considerably higher cash payments relative to the subsidy for shorter-lived assets. For these shorter-lived assets, therefore, a larger share of the income measurement deductions can be cashed out under safe harbor leases.

Inflation-Proof Depreciation of Assets

(Alan J. Auerbach and Dale W. Jorgensen)

Since 1973, while the U.S. economy has been suffering from unprecedented rates of inflation, capital formation has stagnated and economic growth has slowed considerably. A very important reason for the capital stagnation is the widening gap between economic depreciation and capital consumption allowances for tax purposes. As a result, businesses cannot recover the real costs of their investments in plant and equipment.

Growing misallocations of capital, caused by distortions in depreciation allowances under the tax system, have further diminished the contribution of capital to productivity growth. Inflation exerts a differential impact on assets with different useful lives; and the greater the inflation rate, the greater the distortions in depreciation among asset classes.

The system for capital recovery governed by tax law has developed through many liberalizations of depreciation formulas and lifetimes for tax purposes and through the investment tax credit. One motive for these changes was the need to bring capital consumption allowances into line with economic depreciation. Double-digit inflation in recent years, however, has undercut the effectiveness of these reforms, so that revision of the depreciation provisions of the tax code is again under serious consideration.

The most widely supported proposal for revision is the bill introduced in the last session of Congress by Representatives Barber B. Conable, Jr., and James R. Jones. The measure, widely endorsed by business groups and supported by nearly 300 of the 435 members of the House and 51 of the 100 members of the Senate, proposes a "10–5–3" method of capital recovery. Structures would be written off in ten years, long-lived equipment in five years, and short-lived equipment (such as light trucks and autos) in three years. The bill would retain the investment tax credit for equipment.

Laudable as it is in its simplicity and liberality, the 10–5–3 idea is not the best solution. We propose a better approach, based on the recovery of capital consumption during the year the asset is acquired. Hence depreciation allowances would be unaffected by inflation or by variations in the rate of inflation.

Our so-called first-year capital recovery system directly attacks the problem confronting tax policy-makers: to design an approach that can cope with high, moderate, and low degrees of inflation without the distortions resulting from the tax structure in use. The first-year system would greatly stimulate capital formation and enhance its impact on productivity and economic growth.

Admittedly, the 10–5–3 approach would give a substantial impetus to capital formation. Much of that effect, however, would still be dissipated through misallocations of the capital stock. The Conable-Jones proposal would widen, rather than narrow, the substantial differentials in tax burdens that classes of assets now bear.

In addition, these differentials would become more sensitive to variations in the rate of inflation. Subsidies of some types of assets would replace taxes under moderate inflation rates, and these subsidies would grow dramatically under low inflation rates.

In this article we describe the first-year capital recovery system and compare it with capital recovery under current tax law and under the Conable-Jones proposal. Then we analyze the macroeconomic impact of the first-year system by simulating the U.S. economy under the assumption that the structure will be phased in over the five-year period 1981–1985.

THE FIRST-YEAR SYSTEM . . .

Under our proposal, taxpayers could deduct the present value of economic depreciation as an expense in arriving at income for tax purposes. To avoid inflation-caused deterioration in the value of capital consumption allowances, the present value of economic depreciation would be allowed as a deduction in the same year that an asset is acquired.

(To arrive at present value, future depreciation must, of course, be discounted back to the present. For example, the present value of one dollar's worth of investment in a long-lived asset such as a manufacturing plant might be 50 cents, while the present value of one dollar's worth of investment in a short-lived asset such as a pickup truck might be 75 cents.)

Capital consumption allowances would be described by a schedule of present values of economic depreciation for one dollar's worth of investment in each class of assets. We propose use of about 30 classes—perhaps 10 types of structures and 20 types of equipment. The whole arrangement could be described in terms of only 30 numbers.

Rather than, as now, choosing among a range of asset lifetimes and a number of depreciation formulas, taxpayers would simply apply the particular first-year capital recovery allowances to their purchases of depreciable plant and equipment. No purchase records would be necessary to substantiate allowances taken in a given year.

Many assets are sold before the end of their useful lives. To ensure efficient allocation of the existing capital stock, it is important to provide for capital recovery on used assets. Under current tax law, to arrive at a basis for resale the purchase price is reduced by the capital consumption allowances. If the proceeds from the sale exceed this basis, the taxpayer is subject to tax on the difference.

Under the first-year capital recovery system, a buyer of a used asset could deduct the present value of economic depreciation on it in the year of acquisition. The seller of a used asset would be subject to ordinary income tax on the same amount; this amount would always be less than the price of the asset. If purchasers and sellers have the same marginal tax rates, transactions in used assets would not affect federal revenue.[1]

Would the establishment of large deductions in the first year of investment encourage creation of tax shelters? Perhaps high-bracket taxpayers could purchase assets to take the deductions, then lease the assets to low-bracket taxpayers using them in production. Actually, the new procedure would, if anything, discourage such leasing schemes and other tax shelters based on capital recovery. While high-bracket buyers would obviously get a bigger deduction in the first year, they would lose all subsequent deductions. This is a trade-off similar to that faced by prospective low-bracket purchasers.

It is reasonable to assume that high-bracket individuals have a lower discount rate than others do, precisely because they must pay a higher rate of tax on capital income. Low-bracket investors, with a higher discount rate, would perceive the conversion of all future deductions to a single current deduction as generous. They would prefer to acquire assets directly instead of lease them from high-bracket individuals.

ADMINISTRATIVE ASPECTS

The first-year system would greatly reduce the administrative burden imposed on taxpayers and tax authorities. Taxpayers could dispense with the cumbersome systems of capital accounts for tax-reporting purposes. Since tax liabilities and deductions arising from transactions in new and used assets would depend only on the prices paid, taxpayers would not need to keep records of past transactions.

The results of a study for the Treasury Department in 1979 by Charles Hulten and Frank Wykoff demonstrate the feasibility of a system for capital recovery that covers structures and equipment by a uniform method.[2] Like the present approach, this method would be based on a system of asset classes, but they would be far fewer than those in the asset depreciation range (ADR) system used now.

The declining-balance method for estimating economic depreciation would be employed for all assets. The rate of decline of the price of assets with age could be estimated for each asset class on the basis of Hulten and Wykoff's methods. The real rate of return could be taken to be 4%.[3] Distortions caused by departures from perfect measurements of economic depreciation or the real rate of return would be very small compared with distortions under current tax law or 10-5-3.

Although the first-year system would not rely on data required for financial reporting, it could be integrated with a financial reporting procedure and thus lead to major simplification. At present, many taxpayers maintain separate sets of books of capital accounts for tax purposes and for financial reporting. Since the new system would not require capital accounts, one set could be eliminated.

EXHIBIT 1.—SELECTED ASSETS AND THEIR CHARACTERISTICS

Asset class (type)	Years of tax life [1]	Economic depreciation rate [2]	Percentage of 1974 nonresidential investment
Construction machinery (equipment)	5.5 (7.0*)	0.172	2.8
General industrial equipment (equipment)	8.6	.122	4.4
Trucks, buses, and trailers (equipment)	5.5 (7.0*)	.254	9.0
Industrial buildings (structures)	23.8	.036	5.2
Commerical buildings (structures)	31.8	.025	11.0

[1] Equals guideline lives for structures and 80 percent of guideline lives for equipment, as legally permitted (* except where a lengthening of the tax lifetime is preferred in order to obtain a full investment tax credit).
[2] Annual rates of decline in asset value with age, as estimated by Hulten and Wykoff.

EXHIBIT II.—EFFECTIVE TAX RATES UNDER 3 CAPITAL RECOVERY SYSTEMS

Asset class	Current system [1]		Conable-Jones [2]		1st-yr
	6 percent inflation rate	12 percent inflation rate	6 percent inflation rate	12 percent inflation rate	
Construction machinery	0.06	0.34	−.23	0.16	0.46
General industrial equipment	.16	.36	−.17	.13	.46
Trucks, buses, and trailers	.09	.42	.22	.45	.46
Industrial buildings	.49	.53	.36	.43	.46
Commercial buildings	.48	.51	.32	.39	.46

[1] Assumes adoption of the double-declining balance method (equipment) or 150 percent declining balance method (structures), with optimal switchover to straight-line, plus a 10 percent investment tax credit on equipment.
[2] Assumes tax lives of 5 yr (equipment) or 10 yr (structures), plus a 10 percent investment tax credit on equipment.
Note: The real discount rate is assumed to be 4 percent.

Rather than require a system of vintage accounts, as in the ADR approach, the declining-balance method would oblige the taxpayer to maintain a single account for each asset class. Capital recovery would be a constant fraction of the undepreciated balance remaining from all previous expenditures on assets in that class.

If, in addition, some kind of reevaluation were necessary for financial reporting purposes, the undepreciated balance in each account could be revalued at the end of each accounting period. The basis would be the change in the acquisition prices of new assets during that period.

. . . AGAINST TWO OTHERS

To compare the first-year capital recovery system with that under existing law and with the 10-5-3 proposal, we have analyzed their impact on five representative classes of assets (see *Exhibit I*). For each asset we give the tax lifetime embodied in current law and the economic depreciation rate as calculated in the Treasury Department study. We also give the proportion of nonresidential investment in 1974 for each asset class. Together these five assets accounted for about one-third of all investment that year.

To analyze the impact of changes in capital recovery provisions of the tax law after World War II, we calculated the effective tax rate for each class of assets.

As the table in the Appendix to this article shows, the effective tax rates for the five asset classes have varied widely since 1952, depending on the provisions of the tax code and the rate of inflation. The figures we use in our analysis represent the average tax rate for each new asset over its lifetime.

Exhibit II compares the effective tax rates for the five classes of assets under current tax law, the Conable-Jones approach, and the first-year system. Because the effective tax rates under the first two systems depend on the degree of inflation, we calculated those rates at 6% and 12% inflation. The effective tax rate under the first-year system of course, equals the statutory rate and is unaffected by inflation.

Current tax law imposes a greater tax burden on structures than equipment, so the allocation of the capital stock is biased toward the latter. More output could be produced from the existing capital stock by a shift in its composition from equipment toward structures.[4]

The most striking feature of the Conable-Jones proposal is the substantial reduction in effective tax rates for all assets. In fact, with either 6% or 12% inflation, the effective tax rates under 10-5-3 would fall below the 46% statutory rate. Conable-Jones, however, has a very undesirable feature: in a time of moderate inflation, such as a 6% rate, the combined effect of greatly accelerated depreciation and the investment tax credit would produce negative tax rates for construction machinery and general industrial equipment. Rather than tax income produced by the assets, the government would, in effect, pay taxpayers to hold them!

As Exhibit II indicates, the current system causes sizable distortions of economic depreciation, and the size depends on the inflation rate. The Conable-Jones proposal would create greater gaps between capital consumption allowances and economic depreciation than under current law, and these gaps would be more sensitive to the rate of inflation.[5] Under the first-year capital recovery system, capital consumption allowances would equal economic depreciation under any degree of inflation.

FUTURE ECONOMIC IMPACT

In view of the emphasis today on reducing the federal deficit to combat inflation, a critical issue in tax reform is the effect of a proposed change on the budget. To assess the macroeconomic impact of adoption of the first-year system and its impact on federal revenue, we simulated the U.S. economy under the assumption that the system had been adopted for tax years beginning in 1981. (We assumed that any shortfall would result in creation of additional government debt and that the Federal Reserve would not adjust monetary policy to accommodate a revenue loss.)

[1] Footnotes at end of article.

We supposed that the system would be phased in over five years. In the 1981 tax year, 20% of the value of assets acquired would be included, and 20% more in each subsequent year until 1985, when all capital assets installed would be included. This pattern coincides with those following the liberalization of depreciation allowances in 1954 and the shift to the ADR system in 1971.

The results of our simulation, using the Data Resources, Inc. (DRI) quarterly econometric model of the U.S. economy,[6] can be seen in *Exhibit III.* The base line simulation, denoted B, traces the course of the economy without the first-year capital recovery system. The alternative simulation, denoted A, assumes adoption of the new approach and discontinuance of the investment tax credit. The difference between the two simulations, denoted D, shows the impact of the new procedure. We also give the difference in percentage terms.

As *Exhibit III* demonstrates, the new system provides a very substantial stimulus to capital formation. By 1985, real investment in equipment has grown by $6 billion and real investment in nonresidential structures by $9.1 billion. The greater stimulus to the latter is the result of removal of the distortions between capital consumption allowances and economic depreciation that exist under current law. (Although the system offers no particular incentive to owner-occupied housing, real investment in residential structures increases by $2.3 billion in the five years.)

DRI forecasts a declining, but still high, unemployment rate through 1985. The first-year system, according to the simulation, would reduce the rate somewhat by 1984.

The stimulus to investment would increase the real gross national product by substantial amounts. The inflation rate, as measured by the GNP deflator (not shown in *Exhibit III*), would rise by .2% per year by 1984.

As a result of adoption of the first-year system, the projected federal deficit for 1981 would be turned into a surplus—partly because of elimination of the investment tax credit. Thereafter the federal accounts would show surpluses with both simulations, but lower surpluses under the first-year system. The revenue loss during the five years would total $50.9 billion.

EXHIBIT III.—FIVE-YEAR IMPACT OF THE NEW SYSTEM

[Except for the unemployment rate, figures in billions of dollars]

	1981	1982	1983	1984	1985
Gross national product: [1]					
A	1430.5	1485.6	1537.0	1597.4	1648.7
B	1430.6	1487.1	1531.2	1582.8	1635.3
D	−0.1	−1.5	5.8	14.6	13.4
Percent	−0.0	−0.1	0.4	0.9	0.8
Investment, producers' durable equipment: [1]					
A	97.6	94.4	94.8	101.2	107.8
B	97.8	98.9	98.2	99.1	101.8
D	−0.2	−4.5	−3.4	2.1	6.0
Percent	−0.2	−4.6	−3.5	2.1	5.9
Investment, nonresidential structures: [1]					
A	47.1	47.7	50.6	54.9	59.2
B	47.0	46.7	47.1	48.4	50.1
D	0.1	1.0	3.5	6.5	9.1
Percent	0.2	2.1	7.4	13.4	18.2
Investment, residential structures: [1]					
A	45.7	59.6	66.8	73.9	74.7
B	45.5	57.8	62.3	69.3	72.4
D	0.2	1.8	4.5	4.6	2.3
Percent	0.4	3.1	7.2	6.7	3.2
Unemployment rate:					
A	8.0	7.7	7.4	6.9	6.5
B	8.0	7.7	7.5	7.2	6.8
D	0.0	0.0	−0.1	−0.3	−0.3
Percent	0.0	0.0	−0.8	−4.3	−4.4
Federal surplus:					
A	1.0	14.5	10.2	22.6	21.1
B	−4.0	20.5	19.4	34.6	49.8
D	5.0	−6.0	−9.2	−12.0	−28.7
Percent	−123.8	−29.3	−47.4	−34.7	−57.6

[1] 1972 dollars.

Note: Based on DRI's 6-yr control simulation as of Apr. 26, 1980.

A BETTER WAY

In considering measures to stimulate U.S. economic growth, policymakers should give top priority to the design of a new approach to capital recovery. Such an arrangement should bring capital consumption allowances into line with economic depreciation. It should also enhance the impact of capital formation on economic growth through more efficient allocation of capital.

The first-year capital recovery system would eliminate the differentials between economic depreciation and capital consumption allowances that have arisen under current law. These allowances would be unaffected by inflation or by variations in its rate. At little revenue loss to the federal government, the system would give capital formation a great boost. It would also improve the allocation of capital and maximize the contribution of capital formation to growth in productivity and economic activity.

The first-year approach could be implemented within the present framework of the Treasury Department. Simplification of the system would greatly ease the administrative burden on the tax authorities. Moreover, it would drastically reduce taxpayers' reporting requirements and permit easy integration with their financial reporting procedures.

FOOTNOTES

[1] Here we are consistent with the principle of tax neutrality of exhanges of assets proposed by Gerard M. Brannon and Emil M. Sunley, Jr. See their article, "The 'Recapture' of Excess Tax Depreciation on the Sale of Real Estate," *National Tax Journal,* December 1976, p. 413.

[2] Charles Hulten and Frank Wykoff, "Tax and Economic Depreciation of Machinery and Equipment: A Theoretical and Empirical Appraisal," Report to the Office of Tax Analysis, U.S. Department of the Treasury, 1979.

[3] This rate is suggested in Barbara M. Fraumeni and Dale W. Jorgenson, "The Role of Capital in U.S. Economic Growth, 1948-1976," in George von Furstenberg, ed., *Capital Efficiency and Growth* (Cambridge, Mass.: Ballinger, 1980).

[4] For a treatment of capital investment biases under current tax law, see Alan J. Auerbach, "Inflation and the Choice of Asset Life," *Journal of Political Economy,* June 1979, p. 621.

[5] For further discussion of the Conable-Jones bill and other capital recovery systems, see Martin Feldstein, "Adjusting Depreciation in an Inflationary Economy: Indexing versus Acceleration," *Discussion Paper No. 731* (Cambridge: Harvard Institute for Economic Research, December 1979).

[6] For a description of the model, see Otto Eckstein and Allen Sinai, *The DRI Model of the U.S. Economy* (Amsterdam: North-Holland, forthcoming).●

THE FUTURE OF THE MIDDLE EAST

● Mr. CRANSTON. Mr. President, writing in the San Francisco Examiner, Mr. William M. Brinton recently offered a thoughtful analysis of problems ahead for U.S. policy in the Middle East. A prominent San Francisco attorney and scholar of Middle East issues, Mr. Brinton examined the many challenges we face as the deadline for final Israeli withdrawal from Sinai nears and that phase of the Camp David process draws to a close.

I commend this thoughtful piece to my colleagues and ask that the full text of the article be included in the RECORD at this point.

The article follows:

U.S. POLICY IN THE MIDDLE EAST

(By William M. Brinton)

This administration does not appear to have a Middle Eastern policy, so it may be time to think about what is likely to happen there before April 25, 1982. In fact, King Hussein was quoted a few days ago as saying that U.S. foreign policy there has "eroded to the point where it has now adopted the role of a postman, a carrier of messages." What there is of an administration policy relies heavily on Saudi generosity in supporting bases for the United States and Riyadh's ability to defend itself against a Russian attack on Persian Gulf oil through Iran—both totally unrealistic propositions. Without a sensible or any realistic policy, the United States, by looking to a watered-down version of Crown Prince Fahd's plan, including a Palestinian state on the West Bank, instead of the Camp David peace process, may force Israel to extend its law and jurisdiction to the West Bank and Gaza.

Except for the return of the Sinai on April 25, 1982, the Camp David peace process seems to be at a standstill, even though the administration has committed itself to this. Jordan, with whom Israel is still technically at war, has consistently refused to join this process, even though invited to do so in the Camp David agreements. These agreements call for "full local autonomy" for the Palestinian Arabs living in the West Bank and Gaza areas, not an independent Palestinian state.

There is one now. It is Jordan. Palestine is a geographic and historical entity comprising a territory of approximately 43,000 square miles and extending on both sides of the Jordan River. In 1922, Great Britain established Emir Abdullah, King Hussein's grandfather, as the Hashemite ruler of eastern Palestine. After four wars beginning in 1948, Palestine consists of Jordan (in 76.9 percent of Palestine), Israel (in 17.8 percent) and a disputed area called the West Bank and Gaza (in 5.3 percent of Palestine). The refugees of the 1948 War simply entered the Arab part of Palestine, now Jordan. Some Arabs remained in the West Bank and Gaza areas.

It is worth noting that the United Nations General Assembly created a Jewish state in part of what was Palestine to the west of the Jordan River. It did so by Resolution 181 (III), the Partition Resolution. One day after the last British troops left Palestine, Jordan and other Arab states attacked the nascent state of Israel in violation of the U.N. Charter and Resolution 181 (III). In 1950, Jordan unlawfully annexed the West Bank, another violation of the U.N. Charter. Thereafter, in 1967, Jordan and other Arab states, including Syria, attacked Israel again. In the exercise of a right guaranteed to them by the U.N. Charter, self-defense, the Israelis displaced the Jordanians from the West Bank, the Syrians from the Golan Heights and the Egyptians from Gaza. In 1973, one more Arab attempt to carve up Israel was defeated, and in 1977 President Sadat decided negotiations were a substitute

for war. The Camp David Agreements were then hammered out and signed.

King Hussein, however, still claims the West Bank "is Jordanian territory." He said so in a 1972 interview, and there is no evidence he has changed his position since then. He sees Jordanian acquisition of the West Bank as an expansion of his Hashemite Kingdom. There can be no basis for this Hashemite Kingdom. There can be no basis for this claim except the unlawful Jordanian annexation of the West Bank in 1950. It is axiomatic that territorial change cannot properly take place as a result of the unlawful use of force. Moreover, neither the West Bank nor Gaza represent territory "occupied by Israel" within the meaning of that phrase in Security Council Resolution 242. Only the Sinai and the Golan Heights fall within the meaning of the quoted phrase. No responsible legal scholar has argued to the contrary.

In a 1972 interview, Yasser Arafat said, "Peace for us (the Palestinian Liberation Organization) means the destruction of Israel and nothing else." Since then, the PLO has not changed its policy. Indeed, it is unwilling to state publicly that the PLO recognizes the right of Israel to exist in any form.

In 1975, the United States and Israel signed a Memorandum of Agreement. In part, it provided that, "The United States will continue to adhere to its present policy with respect to the Palestinian Liberation Organization, whereby it will not recognize or negotiate with (it) so long as the (PLO) does not recognize Israel's right to exist and does not accept Security Council Resolution 242."

Section 9 of a separate "Memorandum of Agreement" between Israel and the United States, dated September 1, 1975, commits the latter "not (to) join in and (to) seek to prevent efforts by others to bring about consideration of proposals which it and Israel agree are detrimental to the interests of Israel."

These then and now are the underlying, relevant facts. It would be difficult to imagine a proposal more "detrimental to the interests of Israel" than the one made by Crown Prince Fahd of Saudi Arabia last fall. In part, it called for the establishment of an independent Palestinian state in the West Bank and Gaza areas.

If the United States now supports the Fahd proposal, it will dishonor its 1975 Memorandum of Agreement with Israel. Even worse, administration support for the Fahd proposal will force Israel to act unilaterally out of interest in its own national security.

The prime minister can and probably will initiate a debate in the Knesset on a bill introduced on December 22, 1981. The bill in question called for the extension of Israeli law to the West Bank and Gaza. If passed, the bill would, as a "basic law" become part of the constitution of Israel. In the debate, the Labor Party vote would divide, but the bill will pass.

All of this is quite likely to happen because the United States will have failed to honor two still-valid international agreements with Israel. The public outcry from the administration will all sound quite hypocritical, but it will be strident, offensive and unnecessary. By agreement, the United States is committed to the security of Israel, and any "strategic consensus" in the Arab world to agree on common measures of defense against Russia, if it ever existed, has fallen apart.●

CRIMINAL CODE REFORM ACT

Mr. BAKER. Mr. President, I indicated earlier that I would ask the Senate to proceed to the consideration of the criminal code, S. 1630. I have been advised now that certain Senators who are necessarily absent from the floor and wish to be present at the time that request is made cannot be present. Therefore, I will postpone making a unanimous-consent request to proceed to the consideration of this matter until in the morning.

I understand, as well, that the distinguished Senator from Idaho has certain parliamentary inquiries that may relate to this matter and that he may wish to propound them to the Chair at this time.

It is my present plan then, after those parliamentary inquiries are addressed and responded to by the Chair, to have a brief period for the transaction of routine morning business to take care of details that may be disposed of by unanimous consent, and then to go over until tomorrow.

ORDER FOR RECESS UNTIL 10 A.M. TOMORROW

Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m. on tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, will the Senator yield?

Mr. BAKER. Yes; I yield.

Mr. HELMS. Can the distinguished majority leader give some approximation of what time he may make his motion tomorrow?

Mr. BAKER. Yes.

Mr. President, I anticipate that there may be a requirement for special orders tomorrow and that we will be ready to attempt to go to this bill again at about 11 o'clock.

Mr. McCLURE. Mr. President, will the Senator yield?

Mr. BAKER. Yes; I yield.

Mr. McCLURE. Mr. President, I desire to propound the parliamentary inquiries to the Chair before we go to the bill because it might affect the judgment of myself and others with respect to the treatment of the bill.

I say to the distinguished chairman of the Judiciary Committee and to others that one of the perplexing problems in dealing with this question is that the criminal code in effect recodifies all of the criminal laws of the United States. There can be broad or narrow construction of germaneness questions with relation to existing law, changes of words, striking and inserting, a number of different kinds of questions with respect to the germaneness. A broad construction legitimately may say, since we have the entire criminal code of the United States before us, all of the criminal laws, anything that deals with criminal law is germane to the bill.

I will seek before we move to the bill to get some definition from the Chair in four or five of those areas, as to how the Chair would rule with respect to the breadth or narrowness of the germaneness question.

Mr. BAKER. Is the Senator prepared to put the parliamentary inquiries at this time?

Mr. McCLURE. Mr. President, I thought in fairness to the chairman of the committee and to the Parliamentarian, rather than hit them cold, I might just simply furnish both with a copy of the inquiries which I will propound tomorrow so that they may be in a position to have looked at them and then answer. I am not trying to trap anybody. I just want to understand where we are going once we get into this process.

Mr. BAKER. I see the smile of approval on the face of the Parliamentarian, and I must say I understand why he would have that attitude.

I appreciate the remarks by the Senator from Idaho.

Mr. McCLURE. Mr. President, I thank the Senator for yielding.

Mr. BAKER. We will certainly provide an opportunity for him to propound those questions before the request is made to proceed by unanimous consent to the consideration of this bill or before a motion to proceed to this bill.

Mr. McCLURE. I thank the Senator.

Mr. HELMS. Mr. President, will the Senator yield?

Mr. BAKER. Yes; I yield.

Mr. HELMS. I want to add to the breadth of the smile on the Parliamentarian's face and say that I would like the privilege of submitting some amendments and some questions myself.

Mr. BAKER. I thank the Senator from North Carolina and I am sure I speak for the Parliamentarian as well.

EXTENSION OF TIME FOR ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, has the time for morning business expired? I believe it expired at 5:25 p.m.

The PRESIDING OFFICER. The time has expired.

Mr. BAKER. I ask unanimous consent that the time be extended to 6:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATOR CRANSTON ON NUCLEAR NONPROLIFERATION

Mr. PELL. Mr. President, in a thoughtful opinion piece recently published in the New York Times, our colleague ALAN CRANSTON argues for new initiatives on nuclear nonproliferation. Senator CRANSTON offers some specific criticism of the administration's cur-

rent course on nuclear export policy. And he offers some detailed proposals on how we might better combat the perilous spread of nuclear weapons capability.

I read this piece by Senator CRANSTON, who has done considerable work on this subject as a member of the Foreign Relations Committee, with great interest. I commend it to my colleague's attention and ask unanimous consent that the full text be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 2, 1982]

A PLUTONIUM PERIL

(By ALAN CRANSTON)

WASHINGTON.—The Reagan Administration's efforts to promote nuclear exports are hastening arrival of a "plutonium economy"—a perilous world in which bomb-grade plutonium is a legitimate article of daily international commerce. To avert this danger, we urgently need initiatives to curb proliferation of material used in nuclear weapons.

For many years, efforts to stop proliferation of nuclear bombs have been spurred by fear of a drift toward a plutonium economy. During such a proliferation, plutonium would become the preferred fuel for reactors instead of the safer, low-enriched material that cannot be used for weapons and is used to generate electricity. Such a power-generating "economy" would draw upon the 140 tons of plutonium now locked in used reactor fuel worldwide. These 140 tons represent some 70,000 potential weapons if the plutonium is extracted through reprocessing.

President Reagan began reversing long-standing nonproliferation policies by naming a former lobbyist for foreign nuclear utilities to the State Department post involved in making policy on nuclear exports. The appointee, James Malone, survived a Senate challenge to his confirmation raised on conflict-of-interest grounds, and has moved toward wholesale repeal of key nonproliferation laws.

Mr. Reagan has lifted the ban on reprocessing plutonium for commercial purposes that was first imposed by Gerald R. Ford and maintained by Jimmy Carter. Mr. Reagan persuaded Congress to waive restrictions imposed on aid to Pakistan because of its clandestine nuclear-weapons program and rewarded its leader, Gen. Mohammad Zia ul-Haq, with a $3.2 billion military and economic assistance package.

Energy Department aides are sponsoring a proposal to reverse American efforts dating from the Eisenhower Administration to build a high barrier between our Atoms For Peace program and atomic bombs. They want to use commercial nuclear-power reactors as a source of plutonium for nuclear weapons—precisely the military diversion that bipartisan nonproliferation policies have tried for three decades to prevent. In addition, in recent weeks the Administration has approved the retransfer, to breeder reactors in West Germany, of plutonium from fuel originally sent to Switzerland for generating power. This is a milestone in movement toward a "plutonium economy."

The past year has seen other proliferation shocks. Alarmed by an Iraqi drive to use its "oil weapon" to blackmail nuclear-supplier nations into giving Iraq the means to make nuclear bombs, Israel bombed Baghdad's nuclear facilities. Pakistan pressed ahead with its nuclear-weapons program, and continued preparations for a bomb test. India prepared another test site. There were numerous disclosures about the grave inadequacy of the nuclear-inspection procedures administered by the International Atomic Energy Agency to detect diversions of the "peaceful" atom for weapons purposes.

It is reasonable to wonder if it is too late to avoid a plutonium economy and a "proliferated" planet.

I do not believe it is. Certain steps, if taken with firm American leadership, could reduce the dangers that nuclear proliferation pose to our interests and to international security.

First, America should ban all commercial use of plutonium fuel and prohibit the use abroad of fuel from United States sources in this dangerous and unnecessary manner. This would not harm current nuclear-energy generation, all of which relies on low-enriched uranium.

Second, we should prohibit the exporting of highly enriched uranium and plutonium for research reactors—again an unnecessary, dangerous practice that legitimizes everyday use of bomb-grade material.

Third, we should press for an urgent reconvening of the Conference of Nuclear Supplier Nations in order to impose strict sanctions on countries that reject international safeguards and to tighten vigorously the terribly deficient I.A.E.A. procedures.

Fourth, our delegation to the I.A.E.A. should press hard for more numerous and unannounced inspections, increased funding for the agency, and publication of inspection reports.

Fifth, we should consolidate in the independent Nuclear Regulatory Commission all nuclear-export and retransfer authority to remove the taint of nuclear boosterism so apparent in the State and Energy Departments.

Sixth, we must demonstrate a willingness to live up to our nonproliferation treaty obligations to pursue immediately strategic-arms reductions with Moscow despite other irritants in our relations.

Such steps could produce a new beginning for American nonproliferation efforts. This could postpone, or even cancel, the arrival of a "plutonium economy" and could thus lead to a less insecure world for us and our children.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF TIME FOR ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that the time for morning business be extended until 6:30 p.m. under the same terms and conditions.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF CERTAIN SENATORS ON TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that, after the recognition of the two leaders under the standing order on tomorrow, the following Senators be recognized on special orders of not to exceed 15 minutes each: the distinguished Senator from West Virginia (Mr. ROBERT C. BYRD), the distinguished Senator from Massachusetts (Mr. TSONGAS), and the distinguished Senator from Pennsylvania (Mr. HEINZ).

The PRESIDING OFFICER. Without objection, it is so ordered.

THE EXECUTIVE CALENDAR

Mr. BAKER. Mr. President, there are certain nominations that are cleared on the Executive Calendar on this side for action by unanimous consent. I inquire of the minority leader if he would be in a position to consider the nominations appearing on page 3 on today's Executive Calendar, beginning with the Department of Justice, Calendar Order No. 721, and continuing through Calendar Order No. 728, under "New Reports."

Mr. ROBERT C. BYRD. Mr. President, there is no objection.

Mr. BAKER. I thank the minority leader.

EXECUTIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now go into executive session for the purpose of considering the nominations just identified.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF JUSTICE

The legislative clerk read the nomination of Robert W. Merkle, Jr., of Florida, to be U.S. attorney for the middle district of Florida.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The legislative clerk read the nomination of James L. Fyke, of Illinois, to be U.S. marshal for the central district of Illinois.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The legislative clerk read the nomination of Gary Loy Richardson, of Oklahoma, to be U.S. attorney for the eastern district of Oklahoma.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The legislative clerk read the nomination of John T. Callery, of Tennessee, to be U.S. marshal for the western district of Tennessee.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The legislative clerk read the nomination of Stanley I. Marcus, of Michigan, to be U.S. attorney for the southern district of Florida.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask that the President be immediately notified that the Senate has given its consent to these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONFIRMATION OF NOMINATIONS OF ROBERT W. MERKLE, JR., TO BE U.S. ATTORNEY FOR THE MIDDLE DISTRICT OF FLORIDA, AND STANLEY I. MARCUS TO BE U.S. ATTORNEY FOR THE SOUTHERN DISTRICT OF FLORIDA

Mrs. HAWKINS. Mr. President, I am extremely pleased that the Senate has acted today to confirm the nominations of Stanley Marcus to be U.S. attorney for the southern district of Florida and Robert W. Merkle, Jr., to be U.S. attorney for the middle district of Florida. I am proud that I was able to recommend to the President the nomination of two such capable and aggressive prosecutors to fill these vitally important positions in the State of Florida.

As you may be aware, Florida has had its share of problems with crime, drug smuggling, and illegal immigration in recent months. I believe, however, that we have come to a turning point in those problems, and I am confident that men like Mr. Marcus and Mr. Merkle will bring leadership and direction to the Federal Government's criminal justice program in Florida.

Prior to his nomination by President Reagan and his appointment as interim U.S. attorney for the southern district, Stanley Marcus was attorney in charge of the U.S. Justice Department's Detroit strike force on organized crime and racketeering, a position he held since 1980 after serving as deputy attorney in charge of the strike force. Mr. Marcus has been a prosecutor for the Justice Department since 1975, and has gained a well-deserved reputation for being both an outstanding attorney and successful public advocate.

As attorney in charge, he was responsible for the investigation and prosecution of all organized crime and labor racketeering cases in Michigan. Among the cases he supervised was the investigation and prosecution of an international narcotics ring involved in smuggling heroin from Palermo, Sicily, into the United States through New York and Detroit. This experience will serve him well in south Florida, which sadly has become the gateway for smuggling so many illegal drugs into the United States.

My recommendation of Mr. Marcus was the result of a nationwide search to find the best possible U.S. attorney for south Florida.

I conducted an equally diligent search to find the best U.S. attorney for the middle district of Florida, and I am extremely pleased by the confirmation of Robert Merkle to this position.

Mr. Merkle is a resident of Clearwater, Fla., who has been a prosecutor with the Criminal Fraud Division of the U.S. Justice Department since May 1981, working primarily on cases in central Florida. Prior to that assignment, he served as assistant State attorney for Florida's sixth judicial circuit since 1977, where he was deputy director of the habitual felony program, which concentrates on identifying and prosecuting repeat offenders.

Mr. Merkle also has gained wide respect for being an experienced, fair, and effective prosecutor, and he is extremely well qualified to handle the duties of U.S. attorney in the rapidly growing central Florida area.

Stanley Marcus and Robert Merkle will serve the criminal justice system of the United States and the citizens of Florida well in their new positions. It is indeed an honor and privilege to have played a role in their selections.

LEGISLATIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I see the distinguished Senator from North Carolina is in the Chamber. Is he seeking recognition in morning business?

Mr. HELMS. Yes.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

LABOR COSTS AT GOVERNMENT PRINTING OFFICE TOO HIGH

Mr. HELMS. Mr. President, as my colleagues know, the Government Printing Office is a part of the legislative branch of government, and its budget for congressional printing and binding is really our own budget. The projected cost for congressional printing in fiscal year 1983 comes to $90,247,000. I am sure Senators will agree that $90 million is an enormous sum of money.

I fully realize that printing costs have risen dramatically in recent years. A visit to any bookstore will convince you that the "dime novel" is a thing of the past. We have all come to expect the costs of congressional printing to climb also. Nevertheless, I learned recently an important reason for the dramatic rise in printing costs at the GPO—the wages paid GPO employees are excessively high. In fact, wages now constitute 80 percent of the costs associated with printing at the GPO.

Mr. President, in September 1981 the average hourly wage paid those engaged in private sector printing was $8.39. At GPO the average hourly earning came to $11.78. That is a difference of $3.39 per hour. Mr. President, I do not understand why the wages at GPO must be so high. Congress has the ability to control the wages of GPO employees. Under section 305 of title 44 of the United States Code, the Joint Committee on Printing is empowered to settle wage disputes at GPO, and according to the law, "the decision of the Joint Committee is final."

Congress has a serious responsibility to the American people to exercise fiscal restraint whenever possible and to keep our own house in order. It is not fair to ask others to make sacrifices that we ourselves are not prepared to make. I call upon the Congress to take charge of this colossal budget for congressional printing and pare it down to size, and I encourage the Joint Committee on Printing to use its authority judiciously and forcefully to control the escalating wages at the Government Printing Office.

MISLEADING UNEMPLOYMENT FIGURES

Mr. HELMS. Mr. President, Disraeli said, "There are three kinds of lies; lies, damned lies, and statistics."

A good case in point, Mr. President, involves the Nation's official unemployment figures, which are released monthly by the Department of Labor's Bureau of Labor Statistics. The release of these figures in each of the past 4 or 5 months has attracted considerable attention in the national media. Recently we were treated to a headline in the Washington Post that read: "Unemployment Rises to 9 Percent, Matching the Postwar Peak."

But, Mr. President, as the old saying goes, "no matter how thin your pour your pancakes they always have two sides." I have here a column by William F. Buckley, Jr., entitled "Unemployment Isn't That High" that appeared recently in the Washington Post. This column presents the other side of the unemployment picture.

Mr. Buckley points out the need to put the official unemployment figures in perspective, reminding us that the unemployment figures reflect the percentage of Americans who want to work but cannot find jobs. The official unemployment figures do not, as popularly believed, necessarily reflect the number of Americans who lose their jobs.

Now let us look at the other side of the official figures. In 1979, 59 percent of working-age Americans had jobs. This is the highest percentage of employed working-age Americans in history.

Mr. Buckley reminds us that in March of this year we had the highest official rate of unemployment since World War II. But 57 percent of all working-age Americans had jobs in March, just 2 percentage points below the all-time high reached in 1979.

So in the same month that we had the highest official unemployment figure since World War II we also were only 2 percentage points away from the highest rate of employed working-age Americans. The reason for this dichotomy, of course, is that today more Americans than ever before want to work.

Mr. President, unemployment is indeed a serious problem. It has a devastating effect on the fabric of our Nation—breaking up families, raising the Federal deficit, and undermining our economic well-being. But as Mr. Buckley admonishes, let us keep the statistics in perspective.

Mr. President, I ask unanimous consent that Mr. Buckley's column be printed in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

UNEMPLOYMENT ISN'T THAT HIGH

(By William F. Buckley, Jr.)

It becomes necessary to open all statements on the general subject of unemployment by professing one's disapproval/dislike/hatred of same, and this I do with good conscience, even while resenting the psychological intimidation. So let us say, to keep the record straight, that if one human being who desires employment cannot find it, then that datum is to be deplored. But having said this, one needs perspective. Suppose that tomorrow, 10 million Americans who traditionally did not work—let us say they had been retired or were raising large families—put themselves on the job market. What then would happen to the unemployment figures?

Consider trends in America. In 1947, 28 percent of American women (of working age) worked. In 1979, that percentage had risen to 42 percent. The year 1979 is otherwise interesting in that it was the year in which the highest percentage of working-age Americans had jobs (59 percent). If absolutely everyone who desired a job had had a job, then the figure would have risen to 65 percent; i.e., 6 percent were unemployed. Now it is widely known that for March we are said to have reached the highest unemployment figures since World War II. But what actually happened in March? To begin with, 57 percent of all working-age Americans were at work. Since this shows only a 2 percent decrease in employment from the peak year of 1979, whereas the unemployment percentage rose from 6 percent to 9 percent, then we see that the scary part of the relative figures resulted from more Americans wanting to work than ever before.

And then get this: in March, the Bureau of Labor Statistics reveals, unemployment had increased by 280,000. But the number of employed had declined by only 98,000. If you probe the figures, you discover that the number of unemployed in March was actually 88,000 less than in February, not 280,000 more; and the number employed was 525,000 more, not 98,000 less. One asks: how can the bureau acknowledge an actual increase of more than half a million in employed, and a reduction of 88,000 in unemployed, and report that as: 98,000 fewer employed, 280,000 more unemployed? The answer is that the bureau uses the past five years for purposes of projecting the unemployment statistics it issues. Using that five-year trend, it predicts how many Americans will be employed and unemployed at a given time. The bureau had predicted the increase in employment would be 623,000. Since it came to only 525,000, the bureau reported a 98,000 shortfall. By the same token, its prediction for unemployed was a reduction of 367,000. When that decrease turned up at only 88,000, it labeled this an increase in unemployment of 280,000.

In fact: unemployment in February stood at a little less than 10.38 million. In March, the figure declined to 10.29 million. But the official unemployment figures are that they are up from 8.8 percent to 9 percent. If you are confused, you should not be self-conscious about it. It happens to the Bureau of Labor Statistics.

PROGRAM

Mr. BAKER. Mr. President, when the Senate completes its business today it will stand in recess, under the order previously entered, until the hour of 10 a.m. on tomorrow. After the recognition of the two leaders under the standing order, three Senators will be recognized on special orders of not to exceed 15 minutes each. It is possible that there will be a brief period for the transaction of routine morning business to follow on after the execution of the special orders just referred to.

It is hoped and anticipated, Mr. President, that at approximately 11 o'clock tomorrow, a unanimous consent request will be sought or, in the alternative, a motion will be made to proceed to the consideration of S. 1630, the Criminal Code Reform Act of 1981.

Mr. President, I anticipate that there may be votes during the day tomorrow. I would not anticipate that tomorrow will be a late day. As I indicated previously, I do not expect to ask the Senate to be in session on Friday, absent extraordinary circumstances. It would be my estimate, Mr. President, that the Senate would convene on Monday and have business to transact as will be determined and announced during the day tomorrow.

Mr. President, I have no further business to transact. I inquire of the minority leader if he has any matter he wishes to address to the Senate.

Mr. ROBERT C. BYRD. Mr. President, I have no further business to transact.

RECESS UNTIL 10 A.M. TOMORROW

Mr. BAKER. Mr. President, I see no Senator seeking recognition. Therefore, I move, in accordance with the order previously entered, that the Senate stand in recess until the hour of 10 o'clock a.m. on tomorrow.

The motion was agreed to; and, at 6:25 p.m., the Senate recessed until Thursday, April 22, 1982, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 21, 1982:

DEPARTMENT OF JUSTICE

Robert W. Merkle, Jr., of Florida, to be U.S. attorney for the middle district of Florida for the term of 4 years.

James L, Fyke, of Illinois, to be U.S. marshall for the central district of Illinois for the term of 4 years.

Gary Loy Richardson, of Oklahoma, to be U.S. attorney for the eastern district of Oklahoma for the term of 4 years.

John T. Callery, of Tennessee, to be U.S. marshall for the western district of Tennessee for the term of 4 years.

Stanley I. Marcus, of Michigan, to be U.S. attorney for the southern district of Florida for the term of 4 years.

EXTENSIONS OF REMARKS

NUCLEAR ARMS WEEK

HON. NICHOLAS MAVROULES
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. MAVROULES. Mr. Speaker, with the advent of the nuclear bomb, thoughtful people everywhere came to realize the dire consequences of a nuclear arms race.

Since that time, an army of concerned Americans has been enlisted sharing that same concern about nuclear annihilation. Hundreds of thousands of mainstream Americans this week are raising their voice across this land in protest to the nuclear arms race.

Two nations, the United States and the Soviet Union, possessing nuclear weapons in numbers great enough to reduce the globe to a ball of cinder and ash, now bear the final responsibility for this peril.

No graver issue confronts humankind today than the threat of nuclear war.

This threat, moreover, is compounded by a certain strain of contemporary strategic thinking that posits it may be possible to fight and win such a war.

Such thinking is dangerous, Mr. Speaker. Nuclear war would result in death, injury, and disease on a scale unprecedented in the history of civilization. There is no effective medical response, no effective civil defense. Nor is there a chance for recovery. There are no winners in a nuclear war.

Nor is there anything so important in life to compel us to push the button that would end all life as we know it.

We must find a way to reduce nuclear weapons on both sides.

I am confident that we can.

All across the country, religious leaders, college students, lawyers, business executives, local legislators, to name a few, are organizing to demand a halt to the nuclear arms race.

President Eisenhower once said:

> People in the long run are going to do more to promote peace than are governments. Indeed, I think that people want peace so much that one of these days governments had better get out of their way and let them have it.

There is a sense of immediacy that has not been felt before. And there is a very human cry that is being expressed for the first time: Individuals demanding the right to be allowed some control over their destinies.

And it is an eloquent cry.

Let me share with you one such voice, Ms. Jeane Knox Gibb, whose article I place in the RECORD along with my remarks.

Jeane Gibb is a retired social worker and cochairwoman of Cape Anne Action for Nuclear Disarmament.

She forcefully argues that the freeze offers us a way to halt the nuclear arms race, to reduce the chance of disaster and to proceed with negotiations to preserve our gift of life on Earth. She seeks to "make this a safer world to grow up in."

Our defense planners should share the same sentiment.

I am deeply grateful to Jeane Gibb, and the hundreds of thousands of other Americans who stepped forward to protest the accelerating nuclear arms race. And we all should be.

STOP, BEFORE IT IS TOO LATE!

(By Jean Knox Gibb)

In the main entrance of the Nebraska State Capitol a magnificent bas-relief depicts a prairie family walking West beside their ox-drawn covered wagon. Beneath it is carved in stone, "The Salvation of the State Is Watchfulness in the Citizen."

I used to think my Nebraska grandchildren were safe because they live in a small town near Lincoln, away from nuclear-targeted population centers. Then I learned about the shift in military policy from Mutual assured Destruction to "flexible targeting," which puts at risk the very missiles in the mid-West that are supposed to defend us across the North Pole. Gradually I came to realize that the risk is much greater than can be calculated in terms of target areas. The change in nuclear doctrine means that the old ideas of "preventive war," which we thought we had rejected as immoral, are still around. The unthinkable has become do-able.

To illustrate: Peace, or at least order, based on the threat of massive retaliation sounds like this exchange between small boys on a playground:

"If you hit me I'll hit you back,"

"If you pick up a stick I will pick up a stick."

"If you come at me with your stick I will hit it with my stick,"

Deterrence is undermined and the likelihood of a real fight escalates with selective targeting: "If I even think you are going to hit me or my stick, I will hit you or your stick first." At this level of weaponry one boy may win and one may lose.

MAD, or Mutual Assured Destruction, sounds like this: "Our weapons have become so terrible that if either of us strikes first we will both die." This doctrine, which may or may not be what has prevented World War III so far, has now been undermined by "flexible targeting," or the capability of both sides to destroy each other's missiles in their silos. So now offense can be justified as defense, and the threat of a first strike has become a weapon of diplomacy. At the same time, nuclear weaponry has developed a diabolical momentum of its own beyond any human being's conscious intent. This situation can only lead to all sides losing everything.

Trying to be a watchful citizen and study all sides of the issue, I have been browsing in the Magazine of the Air Force Association and the writings of military experts such as Beilanson and Cohen ("A New Nuclear Strategy," N.Y. Times Magazine, Jan. 24, 1982). It is hard going at first, but once I get over my initial revulsion—a gut reaction that seems to be triggered by macho language—military literature begins to make a lot of sense. I grasp the difference between "counterforce," (against military targets) and "countervalue" (against cities). I learn that 20 million civilian deaths are "unacceptable," and that "fratricide" means that tendency of bombs in a multiple warhead to bump into each other if detonated before launch. With a few hours of this I learn a lot, but something is missing. I am not feeling anything; I am numb. Though brief, the experience takes me back to another time of numbness—the burnout of working in a state hospital. There the staff called it "affective neutrality" in themselves "blunted affect" in the patients.

I have found it healthier to focus on more positive developments. I find encouragement in the words of people who have had a change of mind and heart, who have turned away from death to life-related work. It must be very difficult for a person to confront the possibility that his own life work may be instrumental in the destruction of everything he has lived for. Some brave men have done it. At the end of a long and brilliant career as general and commander-in-chief, Dwight Eisenhower warned of the self-perpetuating power of the military-industrial complex. Shortly before he died, Albert Einstein expressed regret that he had ever written that letter to President Roosevelt, suggesting the A-bomb. Admiral Gene LaRoque spoke amost apologetically of his background as a military man as he addressed 2,000 people at the benefit concert of Musicians Against Nuclear Arms in Symphony Hall. An organization of High Technology Professionals is helping disenchanted members to relocate from defense industries.

But what can the rest of us do, as watchful citizens? We have already done a lot by participating in the grassroots movement for a mutual Freeze that is sprouting everywhere this spring in the form of petitions and Town Meeting and City Council resolutions. It has come to a head right now in the bi-partisan Kennedy-Conte Resolution before both houses of Congress, calling for a "mutual and verifiable freeze on the production, testing and further deployment of nuclear warheads, missiles and delivery systems."

There is much more to be done. We can support our Congressman, Nick Mavroules, an influential member of the House Armed Service Committee, who has staked his career on his new belief that "any use of nuclear weapons would spell disaster for civilization on this planet." He endorsed the Mutual Freeze in December, even before receiving the petition from over 10,000 citizens of the 6th District. Recently he shared the podium with Dr. Helen Caldicott at a

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● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

huge church gathering in Ipswich, discussing "You, Your Family and the Nuclear Arms Race." Now, God bless him, he is taking the initiative in the Massachusetts Congressional delegation for carrying the Mutual Freeze petition to Washington. Even as I write this, comes the news that he has written to President Reagan urging him to meet with President Brezhnev to discuss a Mutual Freeze.

As watchful citizens we can learn about civil defense, study all aspects, and make up our own minds what we will personally do in case of a nuclear alert. We can each write a letter, call a friend, do at least one thing every day to join in the tremendous groundswell of public opinion the world over that is crying out to our leaders, "Stop, before it is too late!"●

SENIORS SPEAK OUT AGAINST CLEAN AIR BILL

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. WYDEN. Mr. Speaker, amidst the struggle to preserve the Clean Air Act from crippling amendments a new voice has emerged—that of senior citizens.

Senior citizens have a big stake in the outcome of the Energy and Commerce Committee's markup of H.R. 5252—and they know it. We hear so much in Washington today about the bottom line. The human bottom line for the elderly under H.R. 5252, is that their health is being traded to Detroit for a paltry sum.

Consider the facts. It has long been acknowledged that dirty air conditions cause adverse health affects. Among those effects are serious impairment of central nervous system functions, dangerous blood carbon monoxide levels, severe eye and respiratory irritation, and, in extreme pollution conditions, even increased hospitalizations and death.

What is not so well known, however, is the extreme nature of the adverse health affects on the elderly at pollution levels well below the national standards.

A recent State of Illinois study, indicates the elderly run an increased risk of aggravating lung and heart conditions, as well as asthma, at particulate matter and sulphur dioxide levels less than half of that permitted under the current Clean Air Act.

And a study just completed by the American Lung Association shows that in 66 countries of Ohio alone, there are more than 1 million people 65 years of age or older whose health is threatened because they live in areas where pollution levels exceed national standards.

And that is just in Ohio. All told, there are some 154 million people living in 620 U.S. counties who must breathe dirty air because their county does not meet health standards. And that is under the current Clean Air Act. One can imagine how much worse it would be if the act was weakened.

Because of my concern for those whose health is endangered, I recently held a press briefing with representatives from the American Lung Association and a number of senior citizen's groups. I would like to share with my colleagues portions of their statements:

NATIONAL RETIRED TEACHERS ASSOCIATION—AMERCIAN ASSOCIATION OF RETIRED PERSONS

Wise people and anyone who suffers from a chronic illness, will tell you that good health is the most important asset for a happy and full life . . . An aroused and concerned nation insisted on tough clean air legislation in 1970 and the public support for it remains strong in 1982.

The Clean Air Act Amendments of 1982 supported by . . . Chairman Waxman and others improve the 1970 legislation by streamlining procedures, extending deadlines and addressing the controversial questions of toxic air pollutants and acid rain.

The Associations believe that these amendments offer the best opportunity for clearer air, better health and a better quality of life".

NATIONAL COUNCIL ON THE AGING, INC.

Since its founding in 1950, the National Council on the Aging (NCOA) has been concerned about protecting the health of our older Americans. We believe that, in 1982, a major aspect of protecting the health of our elderly is protecting and improving the quality of the air they breathe. That means supporting the tougher standards called for in HR 5555 . . .

Whether it's sulfur oxides or particulates or ozone or carbon monoxide, or some combination, it is clear that persons over 65 are more susceptible to different health decrements from air pollution than their children are.

[T]his is a matter that cuts across age groups. Clean air is a heritage that older Americans want to leave their children and grandchildren, one they cannot purchase no matter how high their income, one that the House of Representatives and its Energy and Commerce Committee should preserve by passing the provisions of HR 5555".

NATIONAL CAUCUS AND CENTER ON BLACK AGED, INC.

The National Caucus and Center on Black Aged (NCBA), is very concerned about issues and problems which impact on the elderly—particularly on the Black elderly. The Clean Air Act is one of these.

The majority of Black elderly who reside in urban areas live in and around heavily industrialized portions of the city where . . . the air is more often than not polluted.

Consequently, in addition to their health problems such as arthritis, hypertension, cardiovascular conditions and cardiopulmonary diseases, they are often forced to further curtail their day to day activities, such as shopping and/or visits to the doctor and friends, finding that they must remain inside because they cannot breathe the air in the streets which surround them.

[T]he Black elderly . . . are exposed to an additional health hazard which, in this day of modern technology, can and should be controlled.

The NCBA therefore supports . . . efforts to maintain a healthful and clean environment—not only for the elderly, but for all of us".

THE GRAY PANTHERS

The Gray Panthers, a national organization of over 40,000 people with local networks in over 100 localities across the United States, support the efforts . . . to maintain standards of air quality control".

THE AMERICAN LUNG ASSOCIATION

It is on the basis of our knowledge of the adverse health effects of air pollution that the ALA places high priority on the reauthorization of a strong Clean Air Act.

Elderly people, over 65 years of age, have more chronic respiratory disease than other segments of the population. In addition, effectiveness of the body's immune system decreases with age, thereby increasing susceptibility to respiratory infections and adverse effects from air pollution.

The Subcommittee on Health and Environment . . . has developed a bill which will significantly weaken the Clean Air Act and have an adverse impact on the programs to provide clean and healthful air for all Americans. The American Lung Association cannot support such action.

The subcommittee action to retain the health-based National Ambient Air Quality Standards is a meaningless gesture to the health community upon review of key amendments adopted by a 12-member majority.●

CONGRATULATIONS TO THE ATLANTA BRAVES

HON. WYCHE FOWLER, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. FOWLER. Mr. Speaker, it is with particular pride and pleasure that I rise to commend the Atlanta Braves baseball team for its record-breaking performance at the beginning of the 1982 season. With their 12th consecutive win, against the Cincinnati Reds on Tuesday night, the Braves broke the post-1900 major league record set last year by the Oakland A's for victories at the start of the baseball season.

The combination of pitching, defense, and timely hitting that the Braves have displayed throughout spring training and the opening of the regular season are a tribute to Manager Joe Torre, his coaching staff, and his players. I have had the privilege of getting to know this fine group of athletes and I am delighted with the national recognition they are justly receiving.

All of us in Atlanta are looking forward to a most successful season for our Braves and I hope that many of my colleagues will plan to join me in Atlanta during October for the world series.●

LAURENT AND THE LATE ROGER LAFERRIERE, RHODE ISLAND SMALL BUSINESS PERSONS OF 1982

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. ST GERMAIN. Mr. Speaker, each year the Small Business Administration selects an outstanding example of small business enterprise in each State. It is an honor to be chosen to represent the many small business owners and operators who play such a vital role in maintaining the health and productivity of our economy. These award recipients are representative of the finest traditions of American energy, efficiency, and productivity. We are glad to honor them during National Small Business Week.

This year the representatives from my State so honored are Laurent and the late Roger Laferriere of Woonsocket, who developed the Red Top Dyeing Corp. into a thriving family enterprise now employing 56 people. As a consequence, the Providence District Office of the Small Business Administration is nominating them as the Small Business Persons for 1982.

Laurent and Roger Laferriere were born in Woonsocket, R.I., a city which at one time was a major textile center of the United States. They were brought up in this field, specifically in the dyeing business. Red Top Dyeing Corp. was a family business operated by the father until his death in 1968. Larry and Roger continued operations for 3 years to pay the creditors of that business. Early in 1971, Larry developed a process for the dyeing of hand knit yarns, in multi colors. The equipment was assembled with spare parts from many types of machinery and hours of hand work. Thus, Sevico, Inc., came into existence. The name is a compilation from the dyeing process known as SEveral VIgoreau COlors. Production at the start was only in the dyeing process of skeins of yarn supplied by the customers. With completion of the dyeing, the yarn was returned and had to be rewound on to cones for a further procedure, known as backwinding by the customer.

In November 1971, the decision was made to expand the operations into the winding process. They proceeded to acquire the machinery needed to add the new procedure. With personal funds of $1,500 and a bank loan of $2,500 the conversion began.

Ten machines were purchased from a bank—eight of which were operational and two for spare parts—one 60-spindle backwinder—in pieces which were assembled in a "Rube Goldberg" manner—and other ancillary equipment from a closed-bid sale of the Internal Revenue Service. When in place, this allowed the firm to dye the yarn and rewind from reel skeins to cones to pull skeins. Full production started in December 1971 with four employees in 5,000 square feet of space. It did not take long for the new phase of operations to grow which required larger quarters and more equipment and the dyeing process was phased out. In July 1972, the Woonsocket Institution Trust Co., with an SBA guaranty, granted a loan of $62,000 to the firm.

This allowed for the purchase of eight automatic pull skein machines and two backwinding machines. Larger quarters were located and the firm was moved over one weekend. Production capacity increased to allow the processing of 20,000 pounds of yarn weekly but actual production over the year averaged to 10,000 pounds per week. Income for that fiscal year amounted to $174,000 and increased to $397,000 in fiscal year ending March 1976.

In August 1976, a new loan by the bank and SBA was granted in the amount of $90,000. This allowed for the pay out of the balance of the first loan and acquisition of two 6-spindle and two 10-spindle automatic pull skein machines which increased the production capacity considerably. Unfortunately, one of the major customers of the firm, Grants, Inc., filed bankruptcy and income dropped for the fiscal year to $228,000. To assist in the recovery of income loss, the firm acquired two backwinders to process machine knit yarns and solicited any and all work available. Neither brother was able to take a salary during the summer of 1977 which historically had been a slow period in this field. Sales gradually increased during this period to an amount of $288,000 in fiscal year 1978. In 1979, another loan of $40,000 was granted by the bank, with SBA guaranty, to purchase an automatic labeler and an additional automatic pull skein machine. With this equipment, the production capacity improved again. Sales volume for fiscal year 1980 increased to $391,000. Early in 1981, the machine knit machines were sold and the income allowed for the purchase of an additional automatic machine. Also, in 1981, the bank, on its own, loaned the firm $42,000 to purchase a second automatic labeler, an automatic bagging machine and installed a second bulking oven to supplement the original oven installed in 1971.

The present operations now occupy 44,000 square feet of floor space on two floors and have a production capacity of 90,000 pounds per week as opposed to the 20,000 pounds per week in 1971. Present weekly capacity is the equivalent of over 5,600 hand-knitted sweaters. The number of employees has increased to 56 people from the original number of 4 in 1971. Among that present number, 45 are women which includes both handicapped and minority individuals. Two of the minority persons are Laotians who cannot converse in English. The brothers and a number of the employees are of French origin and are able to converse with the Laotians in that language.

This firm has grown steadily since its inception in 1971 through the hard work and dedication of these two brothers. Based on the activity for the first 6 months of fiscal year 1982 and income of $403,000 in this period, the prospect for the full fiscal year of 1982 would indicate probable income of just under $1 million. The abilities of these two brothers have dovetailed well in the management of the business. Larry is the production person who has, since the start, devised and improvised in adapting of the equipment to secure the highest possible production capacity. Roger, who unfortunately passed away in August 1981 at his desk, was the office person and responsible for the financial activities of the business. His knowledge and penchant for detail are best shown in the internal financial data included in this nomination. He was seldom far off in the pro forma projections and the actual activities of any given year.

The Providence district office is proud to nominate Laurent and the late Roger Laferriere as the small business persons for 1982. The history of the firm under their direction is a perfect example of the concept upon which the United States has been built. The dream syndrome that anyone with the desire and dedication can be a small business person. The awarding of this honor to Laurent and Roger Laferriere is a small way of saying: "A job well done."●

A TRIBUTE TO BOB LOGAN

HON. HENRY J. NOWAK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. NOWAK. Mr. Speaker, recently a testimonial dinner was held in the Buffalo, N.Y., area for Robert Logan, who was stepping down after 30 years as executive vice president of the Construction Industry Employers Association, which represents more than 200 contractors in western New York.

Having worked on many public improvements and community issues over many years with Bob, I know the tributes he was accorded at that dinner were richly deserved.

The spirit of that evening and the depth, breadth and quality of Bob Logan's contribution to his industry and our community at large were cap-

tured crisply yet thoroughly in the "Labor Comment" column in the Buffalo Evening News on April 10, 1982.

Written by the News' highly regarded labor writer, Ed Kelly, the article, which follows, is a nice tribute to a sterling citizen:

LOGAN BUILT REPUTATION FOR SERVICE

Many an industry and union leader recently had a lot of nice things to say about Bob Logan. He deserved them.

Logan, who's 66, was stepping down after 30 years as executive vice president of the Construction Industry Employers Association, an organization of more than 200 contractors.

The association negotiates and oversees the implementation of labor contracts with area unions of bricklayers, carpenters, cement masons, ironworkers, laborers, operating engineers and truck drivers.

The occasion for the kudos for Logan, who'll stay on as a consultant for the Contractors' organization, was a testimonial dinner at the Marriott Inn.

Contractors from all over the state noted the contributions he made in his three decades of service to the industry.

Especially indicative of the high esteem in which Logan is held were warm words from representatives of labor organizations who sat across from him, as adversaries, at collective bargaining time.

Bricklayers' business agent Joe McGovern, speaking for the Building Trades Council of Buffalo and Vicinity (AFL-CIO), lauded Logan's ability and fairness. So did Buddy Bodewes, chief of area carpenters.

A former marine combat engineer who saw action in the Pacific in World War II and in the Korean War, Logan served the local construction industry during some of its most difficult and tumultuous years. His record in its behalf is remarkable.

The Bennett High and Penn State graduate figured prominently in the industry's involvement in affirmative action. The experience began here in the 1960, with an early justice training program for minorities with some skills. It exploded in 1969 when Gov. Rockefeller suspended construction of the new State University of Buffalo Amherst Campus when students objected to minority-hiring practices on the project.

Logan was in on many of the subsequent negotiations that led to creating the Buffalo Affirmative Action Program for the construction industry and lifting the UB building moratorium 11 months after it was imposed.

During the years that followed, he played large roles in helping to keep the program viable and guiding it through periods of change.

Logan's foresight aided the Construction Industry Employers Association in reaching historic early contract agreements in 1980. It was the first time the contractors and unions worked out accords 8 months before their then-current pacts expired. The achievement guaranteed industry stability into 1984.

Though busy for his employers, Logan found time for service to his community.

When the state's Taylor Law went on the books in 1967, confronting nervous local governments with the necessity of bargaining for the first time with unions of their employees, Logan volunteered his negotiating expertise to the Town of Tonawanda.

To help it over the trauma of the initial round of bargaining, he represented the town board in contract talks with its blue-collar union and police union.

Logan, who lives in the village, has been chairman of the Kenmore Housing Authority since its establishment 10 years ago. The 100-unit Kenmore Village Apartments for the elderly, at Colvin and Kenmore avenues, was built during his tenure.

Knowledgeable, accessible, co-operative, forthright, he has been successful at projecting to the public the positions and aspirations of his industry.

Throughout his 30 years, in good times and bad, in tense circumstances or calm, Logan has been a true professional.

The construction industry, the labor-management community, and the community at large, are fortunate to have him.●

OPPOSITION TO LEGAL SERVICES CORPORATION FUNDING CUTS

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. GARCIA. Mr. Speaker, today I am introducing for the RECORD a letter from the New York State Bar Association concerning the funding for Legal Services Corporation (LSC). The proposed zero funding for LSC in 1983 represents a major step backward in the society's fulfillment of one of the most basic goals of democracy; equal justice.

Without the LSC the poor of this society will be denied adequate legal representation, and effectively denied even minimal access to our Nation's courts.

The letter from the New York State Bar reads as follows:

Hon. ROBERT GARCIA,
Bronx, N.Y.

DEAR CONGRESSMAN GARCIA: We have recently learned of the Administration's proposal of zero funding for Legal Services Corporation (LSC) in the fiscal year 1983 and its additional recommendation that funding for LSC be terminated when the current Continuing Resolution runs out of March 31, The New York State Bar Association continues wholeheartedly to support adequate funding for LSC. We have had the opportunity to become more familiar with the work of legal services programs within New York State during the past year. The value of these programs is enormous not only because they insure access to our system of justice which would otherwise not be provided but also because the services are rendered in a high-quality, cost-effective fashion.

I am pleased to report to you that the New York State Bar Association and local Bar Associations throughout New York are working diligently to expand the role of the private bar in providing legal services to low income people. New programs are being established and existing programs are being augmented. Although the private bar is cooperating to a great extent to help fill the void created by the 25% reduction in funding this year, even that void cannot nearly be filled by the involvement of the private bar. There simply are far too many poor people in need of legal services in New York (100,000 low income people were served by legal services programs in 1981, many with specialized problems) and the private bar can only undertake to represent a small percentage of these people.

The New York State Bar Association will continue its efforts to help insure equal access to our system of justice for poor people; however, we believe that adequate funding from the Legal Services Corporation is essential if meaningful access is to be maintained.

I urge you strongly to resist any attempt to eliminate or reduce funding for the Legal Services Corporation either this year or next year.

Thank you for your attention to this matter.

Very truly yours,

DAVID S. WILLIAMS,
President,
New York State Bar Association.●

CARIBBEAN INITIATIVES AND CARIBBEAN NEEDS

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. FASCELL. Mr. Speaker, I want to call attention to a pair of recent articles in the New York Times, in which former Ambassador Sally Shelton has drawn on her considerable expertise in Caribbean affairs to put forward some important considerations regarding that area, which is of such crucial importance to the United States. She is a former Deputy Assistant Secretary of State for Inter-American Affairs, and was U.S. Ambassador to five eastern Caribbean countries and Special Representative to five more. She is now a fellow at the Center for International Affairs at Harvard University.

While supporting the administration's Caribbean Basin initiative as innovative and long overdue, Ambassador Shelton makes the very valid point that the principal problems of the region are "the severe poverty and double-digit unemployment plaguing nearly every island." She correctly stresses the need for us to pay attention to the West Indians own perception of their problems.

Ambassador Shelton also reminds us that the problems of Central America and of the Caribbean nations are not the same, and that while Central America has a substantial private sector able to respond to stimulation, too many Caribbean nations need significant help in the public sector before meaningful private development will be possible. Such basics as adequate internal transportation and an educated work force will have to be developed if real economic growth is to take place. This means that assistance cannot be limited to the private sector, but will have to address critical public needs as well.

The articles follow:

[From the New York Times, Apr. 1, 1982]

THE U.S. AND THE WEST INDIES—I: THE SAME CARIBBEAN

(By Sally Shelton)

CAMBRIDGE, MASS.—In his generally laudable speech announcing the new Caribbean basin initiative, President Reagan depicted Cuban adventurism and subversion as the core of Central America's and the Caribbean's problems. Whether his grim picture is accurate or not for Central America, it left many West Indians wondering whether he was talking about the same Caribbean they call home.

The Administration's view of the Caribbean, and Cuba's role there, seems based less on West Indian realities than on the Administration's insistence on fusing the Caribbean islands with the Central American isthmus. The roots of today's turmoil in Central America—decades of gross social and economic inequities, authoritarianism, right-wing repression, and, more recently, Cuban exploitation of these problems—generally do not exist in the moderate parliamentary democracies of the Caribbean. Moreover; the nature and extent of Cuba's role in the Caribbean differs significantly from its role in Central America.

Although Cuba's presence and influence in Central America have bloomed through successful support for rebel forces, Cuba's conduct in the Caribbean is different. In the islands, Cuba avoids identification with subversion and, in fact, pragmatically recognizes the benefits of normal diplomatic relations with West Indian governments. Cuba maintains diplomatic ties with virtually all the governments of the Caribbean and uses the diplomatic tools that most governments use to gain influence: scholarships, technical assistance, disaster relief, cultural exchange, friendship associations. Available evidence reflects very limited Cuban financial support for minuscule far-left groups, probably just enough to keep them afloat. And in neither of the two recent instances of revolutionary change in the Caribbean—Grenada and Suriname—can responsibility be laid at Cuba's doorstep.

Nonetheless, not all is going well for Cuba. In recent years, Cuba has suffered a series of blows that appear to have substantially reduced its influence in the Caribbean. Its major setback undoubtedly was the defeat of Michael Manley, Jamaica's former Prime Minister, and the subsequent cooling of relations. Recent elections in six other Caribbean countries have resulted in victories of moderate-to-conservative governments, with leftist groups overwhelmingly defeated in country after country. But Cuba's worst diplomatic setback came in 1980, when a Cuban Air Force plane strafed a Bahamas coast guard vessel in then disputed waters, killing several Bahamians. Cuba apologized and indemnified the families, but the incident sent shock waves through the Caribbean, and washed out much of the good will Cuba had accrued through well publicized programs of health care, education, literacy, and housing.

Cuba's most significant gain has been establishment of a close relationship with tiny Grenada (population 115,000) after the 1979 coup that ousted the island's corrupt and despotic Prime Minister, Eric Gairy. Cuba has since provided fisheries experts, doctors, teachers—and security assistance. Most important has been sizeable Cuban aid to build a new international airport, which every Grenadian—indeed every West Indian—feels his island deserves as the key to expanding tourism, a prime earner of foreign exchange. But it is possible that Grenada, one of the poorest countires in the Southern Hemisphere and with a not altogether popular government, may end up as something less than an asset for Havana. Marginal improvements in Cuba's relations with Suriname and with Guyana (led by an increasingly isolated and unpopular authoritarian Government) constitute the limited list of Cuban achievements in the Caribbean.

West Indian opinion-shapers unanimously consider the main threat to their security not Cuba but rather the severe poverty and double-digit unemployment plaguing nearly every island.

The Reagan Administration would do well to heed West Indians' own perceptions of their problems rather than insist on an analysis made in Washington. The potential for Cuban mischief-making should not be ignored but neither should it be exaggerated. The United States could enhance its influence far more by promptly and generously responding to the region's pressing economic needs. It could thereby inhibit future inroads that the Cubans might make among West Indians suffering from unemployment and poverty. Washington should deal now with the economic crisis in the Caribbean that spills daily onto United States shores in the form of dramatically increasing illegal migration. Washington should also avoid "Cubaphobe" rhetoric that exaggerates the real threat posed by Havana. Such a mindset contributes to the perception among West Indians that our attention to the region derives more from a preoccupation with Cuba than from a true commitment to economic development and political amity with close neighbors.

[From the New York Times, Apr. 2, 1982]

THE U.S. AND THE WEST INDIES—II: AID THE PUBLIC SECTOR

(By Sally A. Shelton)

CAMBRIDGE, MASS.—As Prime Minister Vere Bird of the tiny Caribbean country of Antigua puts it: You can't pull yourself up by the bootstraps if you don't have the bootstraps.

He echoes the concern felt by many West Indian leaders that the Reagan Administration's Caribbean basin initiative, in keeping with the President's own philosophy for the United States' economy, focuses on the private sector as the main path to economic development while downplaying urgently needed aid for the public sector. In fact, the main thrust of the Administration's new program for economic recuperation in the Caribbean and Central America does just that: It is aimed largely at stimulating private investment and at steering development aid and technical assistance into private-sector activities; help for the underdeveloped public sector, desperately short of capital, gets short shrift.

In a region suffering from double-digit unemployment, declining production, severe shortages of technical skills, and virtually nonexistent capital markets, an initiative aimed at breathing new life into the sluggish private sector is innovative and long-overdue. That sector can provide much-needed technology, managerial know-how, market development, and, perhaps most important, production for exports. Most Caribbean countries welcome the spirit behind the proposed private-sector plan, which could be an effective tool for dealing with the most urgent problem in the area: rates of unemployment averaging 25 to 30 percent, perhaps double that figure among the young (who, as in many developing countries, account for at least one-half the population).

The problem, West Indians argue, is that a private-sector strategy alone will not suffice. Time and again, West Indian government and business leaders assert that, in addition to a private-sector approach, the United States should assist the fledgling public sector in order to develop the economic infrastructure—roads, water facilities, assured energy supplies, transport, communications, the ability to handle cargo, a trained workforce—without which no investment, local or foreign, is likely to be attracted.

One of the Caribbean's leading businessmen told me of the concern of many others over Mr. Reagan's linking Central America and the Caribbean into one development plan. Central America's main economic problem, he pointed out, is to stimulate the private sector. The Caribbean's, however, is to create a private sector—but first there must be an infrastructure upon which to build that sector.

Even allowing for a bit of hyperbole, the point is well taken. In the tiny country of Dominica, for example, foreign businessmen are faced with a grueling two-hour drive around mountainous hairpin curves just to get from the airport to the capital. That island has yet to supply electricity to one-quarter of its population since the devastating hurricanes of 1979 and 1980. On Grenada, the manager of the major agro-industry plant cannot use his relatively sophisticated machinery because of daily, prolonged power outages. Haiti's agricultural produce, an important source of income, is so seriously damaged by the time it gets to port along poor or nonexistent roads that it neither can be exported nor marketed at home.

The West Indian workforce is similarly handicapped, lacking even rudimentary technical skills. The Caribbean educational system needs to be thoroughly overhauled in order to make it less oriented toward white-collar work and more directed toward teaching basic technical skills and a work ethic to the blue-collar workforce. Both are scarce in the Caribbean yet both are prerequisites to attracting private investment. More than one West Indian country has lost United States investment because the labor force cannot meet production targets.

Civil servants, who help development governments' economic-growth strategies and who deal extensively with the private sector, lack adequate education and technical training as well. In a recent survey, West Indian government and business leaders placed the technical skill of the average West Indian civil servant at 4 on a scale of 1-to-10—a serious indictment of the public sector's ability to provide necessary support for the private sector's development efforts.

West Indian needs are different from those of Central America's, and United States aid programs should recognize the distinction. Private-sector development in the Caribbean will be hobbled by stunted public sectors, unless Washington comes to grips with this fact. The Caribbean basin initiative will not produce the best possible results unless Washington accords the public sector a higher priority.●

CRIME PROBLEMS

HON. WILLIAM M. BRODHEAD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. BRODHEAD. Mr. Speaker, crime is one of the most serious problems facing us today.

In many communities, law-abiding citizens are becoming victims or live in fear of becoming victims of violent crime. Robberies and thefts are on the increase. The dockets of our courts are jammed with cases, many of which take months for disposition. Reports indicate that the U.S. prison population is increasing at the highest rate in 56 years, and many of our penal institutions are dangerously overcrowded.

All this is happening at a time when many communities are forced by the current recession to lay off police, and many States are unable to take up the slack because of decreased revenues and increased demands of our citizens for needed services.

The need is greater than ever for assistance to law enforcement agencies, and President Reagan recently called for a "war on crime." However, according to a recent article in the Christian Science Monitor, the President proposes to fight crime with little more than cliches.

According to the Monitor, the President has asked for cutbacks of more than one-third of a billion dollars for the FBI, the Drug Enforcement Administration, U.S. attorneys, U.S. marshals and immigration officials, including the possible elimination of the Bureau of Alcohol, Tobacco and Firearms. Experts say this will cripple local law enforcement agencies, at precisely the time when the need for Federal aid to protect our citizens is greatest.

The article follows:

BUDGET CUTS THREATEN TO TAKE PUNCH OUT OF REAGAN'S "WAR ON CRIME"

(By Brad Knickerbocker)

WASHINGTON.—The Reagan administration may have declared "war on crime," but it will be a battle with reduced troops and equipment. This is the judgment of many members of Congress as well as local law-enforcement officials as they weigh the words from the President's self-styled "bully pulpit" against the actions he is taking.

Federal crime-fighting programs are not being spared the kinds of spending cuts widespread in Washington these days. The administration's recent second round of budget reductions for 1982 raised Justice Department cuts to more than $350 million. This includes about $50 million from the Federal Bureau of Investigation and $35 million from the Drug Enforcement Administration. U.S. attorneys, marshals, and immigration officials will be affected, and there are strong indications that the Bureau of Alcohol, Tobacco, and Firearms will be disbanded, its duties reduced and delegated to other agencies.

Such cuts, says an official with the International Association of Chiefs of Police, are likely to have an adverse impact on local law-enforcement efforts. For example, says IACP spokesman Robert Angrisani, the FBI will no longer be able to search nationwide criminal history records based on fingerprints taken by local officials.

The Drug Enforcement Administration has provided 208 special agents to local task force groups pursuing major drug dealers. But this will be reduced to 94 agents, complains Rep. William J. Hughes (D) of New Jersey, chairman of the House subcommittee on crime.

The Bureau of Justice Statistics reported this week that the US prison population is increasing at the highest rate in 56 years, putting more than 20,000 additional people into already overcrowded facilities. The attorney general's violent crime task force earlier this year recommended a $2 billion federal program for new prisons, but the White House rejected this as too costly. The administration also has sharply reduced funding for some 400 halfway houses.

"When one looks at the increase in the number of violent crimes and the number of firearms used in those crimes, it becomes clear that the federal government must play a larger role in combating the problem," says Police Chief Pat Minetti of Hampton, Va. Mr. Minetti recently testified on Capitol Hill on behalf of the Police Executive Research forum, a group of police chief executives.

While acknowledging that the Bureau of Alcohol, Tobacco, and Firearms (BATF) "does face substantial budget cuts," Assistant Treasury Secretary John Walker says "no final decision has been made to dismantle or abolish BATF." Yet, according to an internal Treasury Department memorandum, a "steering committee on the phase-out of BATF" has been named.

Fire officials and insurance companies, as well as police executives, are concerned about the future of the BATF since the agency provides major support for arson control.

"Many of the Newark arson squad's investigations have progressed beyond our capabilities only because of the intervention of the Bureau of Alcohol, Tobacco, and Firearms," said Battalion Chief Robert Fitzpatrick of the Newark, N.J., fire department.

Noting that arson-for-profit increases during tough economic times, Penelope Farthing of the American Insurance Association says, "now is the least appropriate time to reduce the federal law enforcement presence in arson detection and enforcement."

On Capitol Hill, many Republicans as well as Democrats agree with Representative Hughes who says "we need to praise the Lord and pass the ammunition." Rep. Hamilton Fish (R) of New York (who was robbed at gunpoint on Capitol Hill earlier this year) has proposed a new block grant that would help local authorities hire more police officers.

"Many, many of us are in favor of cuts says Rep. Harold Sawyer of Michigan, ranking Republican on the House crime subcommittee. "But I do think law enforcement is the essence of governmental functions."●

SHOWCASE IN ECOLOGY

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday April 21, 1982

● Mr. STARK. Mr. Speaker, the Ninth Congressional District is fortunate to have one of the most creative, innovative business operations in America, Mudd's Restaurant in San Ramon, Calif.

In addition to serving great meals, the restaurant is operated with an unprecedented attention and respect for ecology. The restaurant building is designed for maximum use of solar energy and is a model for the homes and businesses of the future. The restaurant operators are to be commended for this demonstration of natural design features that prove to all of us how we can better use nature, rather than abuse it.

The following article from the Oakland Tribune describes the restaurant:

[From the Oakland Tribune, Jan. 24, 1982]

RESTAURANT IS SHOWCASE IN ECOLOGY

(By Patricia Radin)

SAN RAMON.—When Virginia Mudd Madden planted corn and tomato seeds next to her new restaurant last spring, she may have been figuratively planting the seeds of a commercial revolution as well.

She combined a commercial enterprise with a parklike demonstration ecology project.

Mudd's Restaurant, as she dubbed it, and its nine-acre grounds are a working model of water- and energy-conscious technology: solar-heated buildings, organic garden, native-plant landscaping, even a water-saving Swedish toilet.

"I was compelled to do this thing," she shrugs. "I got the idea almost six years ago and—well, you could almost say it possessed me."

The idea of founding a restaurant-ecology center gained an eager following of ecology-minded San Ramon Valley residents.

One follower, Kerry Marshall, became so enthusiastic he quit his job three years ago to help develop the garden and watch over the construction. His staff position now includes responsibility for the visitors' center.

"This project is unusual because most of the time, people who want to see solar power and organic gardening demonstrated go the evangelistic non-profit corporation route," he said.

"We think it's time to take it one step further, to show that the technology can work in a competitive business situation."

The restaurant, with sculptured cedar paneling, brightly woven tablecloths and trellised patios, exudes artless country charm. But underpinning the breezy-looking design is the newest technology.

Eight-inch-thick concrete floors, painted to look like red tiles, absorb the sun's heat by day and release it after dark. The floors function like a sidewalk that warms during a hot summer day and still feels toasty to bare feet in the chilly dusk air.

Like the floors, Mudd's 3-inch-thick plaster walls help keep it comfortable, complemented by double-glazed windows that are

impervious to drafts. The result is even, cozy warmth in winter. There is little use for the backup gas heater.

In the scorching summers of the San Ramon Valley, the same heavy walls and floors stay cool. An evaporation cooling system—outdoor air blown past drizzling water and then circulated through the restaurant—is the building's only air-conditioning system.

Windows and overhangs are oriented to take in the low-lying winter sun but to block out the direct overhead rays of summer.

Thirty-three-year-old Madden attended Stanford University for a year, tried the University of California's Berkeley campus for her sophomore year and then dropped college altogether, concluding that "life was much more interesting."

Devoted to her ideals, she worked in the local office of Rep. Fortney H. "Pete" Stark.

A few years later, she and a woman friend took a cross-continental bicycle trip. The rugged experience, she says gave her the confidence to take other big risks—like starting the restaurant.

Blueprints, photos and books about the project are available in the Visitors' Center, a place with a crackling wood-burning stove and soft armchairs.

Those who become inspired to start their own gardens can even buy carefully chosen seeds, pitchforks and hoes at the center.

Even in midwinter, an organic garden behind the restaurant overflows with cabbage, cauliflower, lettuce, broccoli, herbs and flowers for Mudd's tables. By summer, the garden will be enlarged to a small farm where enough foods and flowers will be raised to supply other Bay Area restaurants, she says.

Mudd's five gardeners eagerly take school groups and restaurant visitors on tours of the plot and lend them books and pamphlets on organic farming.

The restaurant and bar—featuring live classical and jazz piano music—has been open evenings since June. Lunches will be served beginning this spring. Like most new businesses, the restaurant has not made money yet for its owner. But because of its location and setting, it may become the first profit-making project of its kind.●

NEW FEDERALISM COMMENTARY

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. ROSENTHAL. Mr. Speaker, there have been numerous reports and articles published on the President's program for a New Federalism. Of the commentaries I have seen so far, one stands out as particularly penetrating.

In the March 30, 1982, edition of Newsday, my colleague from New York, THOMAS DOWNEY, articulated best what I believe are the true implications of President Reagan's New Federalism plan. I would like to share that article with the rest of my colleagues.

As a Member who helped build the programs the President seeks to dismantle, I can appreciate Mr. DOWNEY's perspicacity in addressing this complex issue. In the 1960's when many of these programs were conceived, those of us who helped create them felt, and still feel, that programs such as income security, nutrition, and basic health care were national responsibilities. The Federal Government has a role in serving people, providing the most uniform system of health maintenance, and promoting the general welfare of all society.

Are there some responsibilities that can be returned to the States and local governments? Maybe some changes can be made. It may be possible to turn over programs to the States and local governments without drastically diminishing the quality of services and without draining State and local sources of revenue. But now is not the time to be considering such a radical restructuring of State and local responsibility. Rather, we should concentrate on the health of our economy, and how it is affecting the lives of millions of Americans.

NEW FEDERALISM IS BADLY TIMED

(By Thomas J. Downey)

Michael Barone's recent article on "New Federalism and American Poverty" [Ideas, Feb. 21] only scratches the surface of potential problems with President Reagan's proposal.

In this period of recession, the President's program for "new federalism" is poorly timed. When we should be concentrating on the problems of rising unemployment, high interest rates, skyrocketing budget deficits, and growing tensions in the Middle East and Central America, the President should not be shifting national attention to his philosophical goals.

This new federalism simply is not an important issue. At no time, in no poll, have the American people given any priority to a fundamental restructuring of powers within the federal system. To throw out such a radical, complex plan at this point deflects attention from our economic problems without responding to any of the most important concerns of the public.

The President has proposed a swap of programs between the federal state governments: federal assumption of the costs of Medicaid, in exchange for state financing of food stamps and Aid to Families with Dependent Children. Even if this turned out to be an equal trade in terms of cost, it betrays surprising confusion over the proper roles of different levels of government. Food stamps, welfare, and Medicaid have one thing in common: They are all income maintenance programs. So why should one of these programs be paid for by the national government and the other two by states?

Whatever else it offers us, the new federalism does not help resolve the debate over what functions belong at what levels of government.

Constitutional philosophy aside, serious consideration must be given to how money would be raised on the local level to pay for programs now financed by the federal government. Even if we accept the argument that local and state governments can operate these programs more effectively and at lower cost, we must realize that local and state tax systems are more regressive than those of the federal government. They depend on such sources as sales taxes, property taxes, and excise taxes, all of which hurt ordinary American consumers and homeowners much more than the wealthy.

A dramatic shift of responsibilities to the states threatens to shift more of the burden of taxation onto the middle class, and property taxes will likely increase—not a pleasant prospect for Long Islanders, who already pay the highest property taxes in the nation.

This is not to say that some return of power and responsibility to the states would not be desirable. Some changes certainly can be made, especially in education, public works, roads, transportation and municipal functions. However, federal responsibility for income security, nutrition and food programs and basic health care should be maintained. These are national responsibilities, and we should not encourage those in need to shop among states for the best benefits.

We also must consider the long-range stability of the American economy. According to a recent Congressional Research Service report: "Programs such as unemployment insurance, food stamps and Medicaid provide income to individuals whose earnings have been reduced by recession. Although these transfer payments are unlikely to replace all lost income, they prevent sharp declines in consumer spending which would aggravate the downturn and impose severe hardships."

One reason we have not had a repeat of the Great Depression, and why recessions in the post-World War II years have been shorter and milder than in earlier decades, "is undoubtedly due to the automatic stabilizers which became features of the federal budget after the Great Depression," according to the Congressional Research Service. The President's program would go a long way toward removing these stabilizers. State budgets would not increase automatically to fill the demand gap, because many state constitutions do not allow defict spending. We had better think about the implications of this for the health of the economy before we launch into a radical redistribution of government responsibilities.●

A SALUTE TO TOM JACKSON

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. HAWKINS. Mr. Speaker, I would like to take this opportunity to commend the extraordinary community efforts of Mr. Tom Jackson, a member of the city council in Huntington Park, Calif., and one of my district representatives for a number of years.

Mr. Jackson, in addition to his present community duties, is president of the California Contract of Cities Association. He is currently completing his term as the head of this vital association. During his tenure, Mr. Jackson's quality character and genuine concern for the welfare of the community were well evidenced.

Through Mr. Jackson's able leadership, the Huntington Park City Council forged a number of important com-

munity initiatives which positively impacted on the residents they served. As president of the California Contract of Cities Association he provided responsible and professional direction for the entire Los Angeles area.

Mr. Speaker, in recognition of his excellence and service as the president of the California Contract of Cities, I ask my colleagues to join me in saluting the efforts of Tom Jackson.●

JEFFERSON'S VISION

HON. WILLIAM G. WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. WHITEHURST. Mr. Speaker, while the Congress was in recess during its district work period, our country observed one of its most ignored memorable events on April 13—the birthday of Thomas Jefferson.

The contributions of Mr. Jefferson to our developing Nation are, perhaps, unparalleled. Certainly, few persons in our country's brief history can match his awesome intellect and list of accomplishments. The principles for which he stood, including limited government, a balanced budget, and the free enterprise system, have withstood the test of time and remain as pertinent as ever before.

Today I am inserting a column by John McClaughry, who served until recently as senior policy adviser in the White House's Office of Policy Development, which appeared in the New York Times. I think Mr. McClaughry makes a number of keen observations, not the least of which is that the Republican Party should recapture its Jeffersonian heritage.

The article follows:

JEFFERSON'S VISION

(By John McClaughry)

McLEAN, VA.—It is unfortunate that Thomas Jefferson's birthday, today, is so rarely commemorated, for Americans need to be reminded of the enduring philosophy of that great, many-sided man.

Foremost among his principles were individual liberty and the rights of man. All men, he wrote in the summer of 1776, are endowed by their Creator with the unalienable rights to life, liberty, and the pursuit of happiness. Writing from France in 1787, he successfully urged upon his friend James Madison a "bill of rights providing clearly, and without aid of sophism, for freedom of religion, freedom of the press, protection against standing armies, restriction of monopolies, the eternal and unremitting force of the habeas corpus laws, and trials by jury in all matters of fact triable by the laws of the land."

Jefferson saw that America's experiment in liberty and democracy could not succeed unless most of its citizens were economically independent. Thus, he enthusiastically promoted independent farm ownership, and sought to discourage the importation of the European factory system, in which workers owned no stake in their enterprise.

His prescription of a widespread distribution of ownership of private property, opportunity for the energetic and talented to succeed in competitive free enterprise, and curbs on all forms of monopolistic conduct continue to command the allegiance of most Americans. Today, his policy would call for strong encouragement not only of family-owned farms but also of independent owner-operated businesses and increased employee ownership of larger corporations.

Another Jeffersonian tenet, of particular relevance to modern times, was his abhorrence of public debt, and paper money unbacked by anything of value. Jefferson, like Andrew Jackson after him, recognized that only a stable hard currency could preserve the just rewards of labor, industry, and thrift, and thus the economic health of the Republic. The accumulation of Government debt and the printing of greenbacks (now known as Federal Reserve notes) led directly to financial manipulation, destruction of honest value, and a swindling of the ordinary citizen for the benefit of barons of high finance. One wonders what kind of person Jefferson would have appointed to the chairmanship of the Federal Reserve Board.

Keeping the functions of government limited and close to home, while relying upon the people themselves for works of charity and civic improvement, was another Jeffersonian passion.

"A wise and frugal government," he announced in a first Inaugural Address similar to President Reagan's, "shall restrain men from injuring another, shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned." His belief in the wisdom of local "ward republics" is echoed today in the strong, growing movement for neighborhood power in cities and the demand for local control in rural areas.

Here, then, are principles Americans can live by. The curious question is why no political leader has arisen—in either party—to explicitly make the Jeffersonian creed his own. Liberal Democrats, wedded to ever-increasing government spending, taxes, and printing of money, are obviously uncomfortable with the Jeffersonian tradition that dominated their party's history until 1844. Republicans, for the most part, do not question Democratic claims to Thomas Jefferson as one of their own, despite the ringing pronouncement of the first Republican national platform (1856) that election of the republican ticket would "restore the action of the Federal government to the principles of Washington and Jefferson."

In Ronald Reagan, this country has probably the most Jeffersonian President since Martin Van Buren. Four years ago, he paid tribute to Jefferson in these words: "Yes, Thomas Jefferson has gone on to that corner of heaven reserved for those who fought for Liberty and the Rights of Man. But we Americans, his spiritual descendants, would do well to pluck a flower from Thomas Jefferson's life, and wear it in our soul forever,"

A more conscious affirmation of Jeffersonian principles, and a creative effort to give them practical application in today's circumstances, would do much to win new support for the Administration, and to recapture for America the wisdom and vision of its third President.●

LUIS VARGAS

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. BINGHAM. Mr. Speaker, I regret to report the passing of a good friend and a stalwart worker in the political vineyards, Mr. Luis Vargas, of 1495 Grand Concourse, Bronx, N.Y.

Mr. Vargas was born in Panama almost 78 years ago. For a number of years he made his home in New Orleans, and there he became active in support of candidates for public office that he believed would serve the people well. I have in my possession a copy of a letter Luis Vargas received from the late Hale Boggs, who served for many years with such distinction in this body, expressing his appreciation to Mr. Vargas for his "outstanding support."

I came to know Mr. Vargas in the early 1970's when he became active in the Bronx. He was of enormous help to me on a number of occasions and was a tireless worker, in spite of his advancing years. In 1976 he vigorously supported the Presidential candidacy of our esteemed colleague, MO UDALL; he was named to the Udall Slate in the Democractic primary, running for the post of alternate delegate, but because the popularity of Senator JACKSON in the 22d Congressional District, Mr. Vargas' candidacy was not successful.

In addition to his campaigning, Luis Vargas took an active interest in various social agencies, especially senior citizen centers.

On behalf of my staff and of the many other citizens of the Bronx who knew him as a committed person who was always a pleasure to be with, I extend to his widow and family my deepest sympathy.●

VOICE OF DEMOCRACY CONTEST WINNER FROM VERMONT

HON. JAMES M. JEFFORDS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. JEFFORDS. Mr. Speaker, the Voice of Democracy contest, sponsored by the Veterans of Foreign Wars, was established 35 years ago. This year's theme was "Building America Together." Our Vermont State winner is Heidi Wightman of Danville, Vt. I would like to insert her very excellent speech into the RECORD, for all Members to have.

BUILDING AMERICA TOGETHER

(By Heidi A. Wightman)

"We, the people in order to form a more perfect union,"—the beginning of the Preamble of our Constitution—the foundation for a new government formed by the people and for the people ever striving to build a stronger America together. When the founding fathers wrote the first sentence of our Constitution, they could not have expected to foresee the challenges that we Americans would face today—challenges like equal opportunity for all, environmental resources, energy alternatives, security from terrorism and political intimidation, unemployment, and welfare. Although these and other current challenges would mystify even patriots like Washington, Jefferson and Adams, they understood the ways to solve our country's problems—"we, the people"—together to form a more perfect union—building a better America together.

In January of 1981, we elected a "people's" President, who dared us to increase defense spending in order to strengthen our military defensive capabilities. He also summoned us to help him revitalize our economy, so we would remain a prestigious, prosperous, respected and freedom-loving nation. Our defense and economic system are two major concerns which require our total unified support. All Americans, every one of us, must recognize the importance of solving these two critical concerns. Only by working together can we keep the United States a shining beacon of freedom for the world to admire and respect.

As President Reagan said in his inaugural speech, "the price of freedom is constant vigilance." Throughout our history the United States has always come to the aid of countries where democracy and freedom have been jeopardized by selfish interests. Now, it is the American people's turn to look inward and support our own military system. Our defense must never rest—no matter how much a humanitarian society we are. Sacrifices are sometimes necessary and as American citizens, we should have pride in our democratic beliefs. There should be a willingness of all to serve, defend, and protect our country. The problem of draft evasion is an example of Americans not working together—this lack of unity can be detrimental to building a stronger America. In times of crisis we must be ready to pull together to maintain peace or protect our well-being.

The revitalization of our economy is a longterm investment; not an overnight accomplishment. President Reagan warned us that before we can establish a healthy economy all Americans must make sacrifices. Some Americans are not willing to wait or sacrifice and give our President's proposal ample time to achieve its purposes. Again, it will take a unified effort across our great country to rejuvenate our economy. We must return to the incentives of free enterprise—equal opportunity for all Americans. Together, we can come through these difficult times and make this pursuit successful.

Yes, it is up to us—"we, the people"—working together, in unity, on all issues and striving to reach our common goals as a democratic society. Two hundred years ago our forefathers understood that by working together they could overcome their problems. Today we know this concept is still true. Who knows what new dilemmas will confront future Americans two hundred years from now, but whatever they may be the same answer to these questions will exist—building a better America together.●

ADMINISTRATION'S INSENSITIVITY TOWARD STUDENT AID PROGRAMS

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. GARCIA. Mr. Speaker, the administration's apparent insensitivity to minority rights becomes evident once more. The administration will exclude from Federal civil rights enforcement numerous schools of business and other proprietary schools whose only Federal aid is guaranteed student loans.

The administration not only has decided to exempt the Government's most extensive student aid program from Federal law governing discrimination, but one Education Department official stated:

If those schools wish to discriminate against students in the future, we can't keep them from doing so.

The administration's indifference toward the increasing financial burden of higher education only confirms the unresponsive attitude toward minority, handicapped, and economically deprived individuals.

To add insult to injury, Secretary of Education Terrel Bell wanted the Government to change the definition of "Federal financial assistance" in civil rights laws to exclude grants to needy students, as well as guaranteed student loans, on the grounds that aid went to students, not directly to the schools.

Guaranteed student loans are not only beneficial to the student but to the schools, in that the student uses the aid for tuition which does directly benefit the schools.

Because discrimination policies are individual school administrative decisions, schools that discriminate on the basis of race, sex, and handicap should be vigorously scrutinized. If such schools are unable to comply with nondiscriminatory policies, as set forth by law, the school should bear the brunt of whatever chastisement is necessary for compliance, but the student should not be made to suffer an undue hardship. Redefining Federal financial assistance as it relates to guaranteed student loans would cause an unnecessary hardship for individuals seeking economic prosperity through educational assertion, and would deprive countless numbers of individuals from achieving their educational goals.

The administration's support for tax-exempt status for schools that discriminate not only caused furor throughout the Nation but was totally consistent with the administration's repeated actions to cut back civil rights enforcement.

Must economically disadvantaged individuals who are attempting to improve their status be forced to suffer the imprudent decisions of an administration clearly insensitive to the needs of an ever-increasing segment of the American population, or should there be a unification of Americans interested in the preservation of what our country was found upon: The promotion of the general welfare and securing the liberties of freedom and justice for all?●

VILLA CRESTA SCHOOL TOURS CAPITOL

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. LONG of Maryland. Mr. Speaker, on Thursday, April 22, 1982, 90 young men and women from the Villa Cresta Elementary School in Parkville, Md., will journey to Washington for a firsthand look at their Nation's Capitol.

These students, accompanied by parents and teachers, will tour the Capitol Building.

I am delighted these students have taken the opportunity to visit with us, and I hope their interest in our Nation's political process will continue.

Students who will visit us Thursday are:

Paul Clippinger, Melvin Eberwein, Anthony Fussell, Jeffrey Kloiber, Troy Penman, Andrew Potter, Eric Puppe, John Ramey, Charles Scheiner, Chadd Schneeman, Kevin Trussell, Frank White, Gary Bressler, Donovan Clifford, Richard LeCompte, Jennifer Alvarez, Lisa Bell, Kindra Berwanger, Kami Buckley, Jennifer Franz, Jennene Graul, Kelly Hopkins, Dona McKenzie, and Christine Sturla.

Michael Griffee, Sarah Kelly, Shawn Kelly, Joseph Lease, Michael Martini, Jennifer Moraski, Colleen O'Keefe, David Ricci, Rebecca Rodgers, Jennifer Steffey, Christopher Wagner, Amy Warner, Aaron Albers, David Baraloto, John Bonomo, John Bradford, Richard Coyle, Del Lipscomb, Earl Miller, Tony Phillips, Hongito Shenk, and Nelson Smith.

Elizabeth Bannan, Chris Colaianni, Terry Frick, Tori Horner, Tracey LeCompte, Gina Los, Jennifer Malinosky, Heather Moore, Lisa Sharpe, Bonnie Stith, Alison Thompson, Niki Wilgis, and Kerri Wilson.

Laura Berner, Laura Myers, Amy Greely, Melissa Read, Sandra Flannery, Casey Kavanagh, Dawn Perry, Elene Hartlove, Shannon Schaffner, Emily Reich, Leea McFaul, Michele

Davis, Kristen Wilmot, Kim Garbe, Kevin Lang, Tommy Emich, Paul Snyder, Jason Hines, Kevin Hewitt, Jimmy Edwards, Josh Battaglia, Steven Lindauer, Todd Covert, Jimmy Zavakos, David Trojanowski, Michael Watts, Jimmy Lambert, Danny Jenkins, and Joey Reagle.

Parents and teachers who are visiting us are:

Mrs. Barbara Willson, Mrs. Nancy Clippinger, Mr. Melvin Eberwein, Mrs. Jackie Johnson, Mrs. Kathy Kloiber, Mrs. Natalie Cook, Mrs. Diana Wittler, Mr. John Ramey, Mrs. Sharon Schneeman, Mr. and Mrs. Christopher Clifford, Mrs. Sandra LaFlame, Mrs. Olga Bell, Mrs. Nina Buckley, Mr. Griffee, Mrs. Warner, Mrs. Horn, Mrs. Moraski, Mrs. Rodgers, Mrs. Ricci, Mrs. Collins, and Mrs. Coyle.

Mrs. Lipscomb, Mrs. Phillips, Mrs. Lorenz, Mr. Shenk, Mrs. Smith, Mrs. Colaianni, Mrs. Moore, Mr. and Mrs. Sharpe, Mr. Rowan, Mrs. Berner, Mrs. Greely, Mrs. Flannery, Mrs. Perry, Mrs. Schaffner, Mrs. McFaul, Mrs. Wilmot, Mrs. Lang, Mr. Snyder, Mr. Hewitt, Mrs. Battaglia, Mrs. Covert, Mrs. Trojanowski, Mr. and Mrs. Greensfelder, Mrs. Barbara Lipp, and Mrs. Dorothy Holland.●

A SALUTE TO THE ANGEL DRILL TEAM

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. McCLORY. Mr. Speaker, my last appearance as a Member of Congress at the annual performance of the champion Angel Drill Team of the Great Lakes/North Chicago/Waukegan area will occur on Saturday at the North Chicago High School. This outstanding group of young women has been trained by retired Navy Chief Petty Officer Nathaniel Hamilton since the Angel Drill Team was established more than 8 years ago.

The Angel Drill Team has performed throughout the United States and has won many honors and championships across the Nation.

As reviewing officer at this year's eighth annual premiere, I am honored to call this event to the attention of my colleagues in this Chamber. In addition to the Angel Drill Team, other ROTC precision and rifle drill teams, color guards, and drum and bugle corps will perform to the delight of an audience of parents and friends at the North Chicago High School.

Mr. Speaker, in addition to the personal pride which I take in this championship drill team group from my congressional district, I will extend greetings from this body and extend warm congratulations and good wishes to Chief Hamilton and the Angel Drill Team members.●

DAYS OF REMEMBRANCE—HOLOCAUST

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. PEYSER. Mr. Speaker, this week, 39 years after the dramatic struggle at the Warsaw Ghetto, we are commemorating this period as "Yom Ha Shoa" or the "Days of Remembrance of Victims of the Holocaust."

At first glance, one may ask why we remember this vicious era of genocide and degradation. Is it not better to put these unfortunate memories aside? We cannot and must not forget the atrocities that occurred at Buchenwald, Treblinka, Auschwitz, Bergen-Belsen, and Dachau. Six million innocent children, men, and women were brutally tortured and murdered, not for what they had done, but for the simple fact that they were Jews. The Nazi government successfully divided a nation, splitting human society and eliminated individuals they thought to be undesirable. An annihilation of this magnitude cannot be compared to anything else in history.

The world's failure to recognize the truth over 40 years ago permitted this action to happen. Methodically, the Nazis attempted total destruction, one step at a time. With each move—from the establishment of concentration camps to the extermination of human beings—they waited for a reaction. None came and thus the genocide began. Butchers and bankers, mechanics and merchants, students and teachers were all systematically killed and, sadly, few spoke up.

Today, we remember this despicable era in history. The U.S. Holocaust Memorial Council, chaired by Elie Weisel, was established to remind us that this dreadful period in history did exist. Legislation that this Congress passed last year provided for a memorial to be established that will speak, not only of the victim's deaths, but of their lives—"a memorial that can transform the living by transmitting the legacy of the Holocaust." We can hope that all who see this memorial will be reminded of our past omissions and of our determination to prevent a recurrence of such actions anywhere on this planet in the future.

George Santayana once wrote that "those who cannot remember the past are condemned to repeat it." Today, let us remember the heroes of Warsaw, the children of Dachua, and the other victims of repression throughout Europe during this era. Let our reaffirmation of human rights for all individuals ring clear at this time, and let us work together in the future to erase prejudice, racism, and terrorism from this world forever.●

MR. JOHN RODGERS

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. SHUSTER. Mr. Speaker, it is an honor for me to have this opportunity to memoralize one of my constituents, Mr. John Rodgers of Belleville, Pa. Mr. Rodgers was an exemplary citizen and spent his 71 years in service of his fellow man.

A native of Pennsylvania, John Rodgers graduated from the Pennsylvania State University in 1935 and began his career in business in Lewistown. He served as president and chairman of the board of Mann Edge Tool Co. and on the board of Metimex Corp. and American Hickory. Before the merger of the First National Bank of Lewistown with Central Counties Bank, John Rodgers was its chief executive officer and president. After the merger he served on the board of Central Counties Bank. He had also been instrumental in the earlier merger of the Citizens National Bank and the Mifflin County Bank into the First National Bank of Lewistown. John Rodgers made many contributions to the Mifflin County area during his years as a banker and businessman.

In addition to his banking and business interests, John Rodgers was the chairman of the board of Capital Blue Cross and its representative as a charter member of the Health Systems Agency. He carried his love of his fellow human beings into his work in the health and insurance areas.

John Rodgers will long be remembered for his contributions to the betterment of the lives of those around him. He was an active member, trustee, and elder of his church and served three terms as president of the Mifflin Juniata United Fund. He and his wife Rebecca were the recipients of the Brotherhood Citation in 1970 for their many years of outstanding community service.

I had the privilege of knowing John Rodgers for many years, and I feel blessed that I could bask in the glow of such a fine man. He set the highest standards for himself and never ceased to look for ways to benefit those people whose paths crossed his own. However, despite the exemplary life that he led, John Rodgers' greatest contribution was the fine family that he and Rebecca created. He leaves behind to carry on the fine traditions of the Rodgers family two children and nine grandchildren. I have never met a more wonderful man, husband,

father, and grandfather than John T. Rodgers.●

THE PUBLIC UTILITY HOLDING COMPANY ACT SHOULD BE REPEALED

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. COLLINS of Texas. Mr. Speaker, I have long been an advocate of eliminating unnecessary and outdated Federal regulation, particularly when it imposes undue burdens on American businesses and the public they serve. In this regard, I am today introducing legislation to repeal the Public Utility Holding Company Act of 1935.

Congressional review of the Public Utility Holding Company Act (PUHCA) is long overdue. The purposes for which it was enacted in 1935 were accomplished many years ago, and its continued existence imposes severe and unnecessary burdens on utility companies with resulting disadvantages for electric and gas consumers. Repeal of the act has been recommended unanimously by the Securities and Exchange Commission, which has sole responsibility for its enforcement.

It is clear that the main purposes of the Public Utility Holding Company Act of 1935 have been accomplished. The public utility holding company empires of 1935 have been eliminated. The few remaining holding company systems have been reorganized. Their electric or retail gas utility operations are limited, in most cases, to a single geographically integrated electric or gas utility, and their capital structures have been simplified. Implementation of the act's reorganization and simplification requirements has been so complete that only 12 active holding company systems remain subject to direct regulation under the act.

The provisions of the act limiting activities of public utility holding companies were intended to prevent recurrence of the abuses by public utility holding company systems which led to its original enactment. However, these abuses have been virtually eradicated. Such abuses appear unlikely to recur, even absent continued regulation under the act, given the regulatory requirements of other Federal statutes, the significant changes since 1935 in the accounting profession and the investment banking industry, and the ability of State public utility commissions to regulate utilities.

The Nation's electric and retail gas utilities are currently experiencing significant financial difficulties which raise questions concerning the industry's ability to meet the future energy needs of individuals, communities, and businesses dependent on it or to provide an adequate return to investors. The act imposes significant additional regulatory burdens that are no longer necessary or appropriate on those few holding company systems that remain registered under it. The act also imposes limitations on the structure and business activities of those electric and retail gas utility holding companies operating pursuant to exemptions from the registration and other provisions of the act and, in addition, effectively precludes other electric or retail gas utilities from using a holding company structure. These burdens and limitations have hindered the electric and retail gas utilities in developing innovative methods for meeting the changing needs of the utility industry and the needs of their consumers and investors. In addition, the Public Utility Holding Company Act of 1935 discourages nonutilities from becoming involved in projects for the generation of electricity or cogeneration projects, contrary to the national interest in encouraging the development of new energy sources.

Even in the absence of the Public Utility Holding Company Act, the interests of consumers and investors in public utility holding company systems would continue to be protected under other Federal statutes. The full disclosure and financial reporting requirements of the Securities Act of 1933, the Securities Exchange Act of 1934, and, where applicable, the Trust Indenture Act of 1933 assure that adequate information will continue to be made available to the public in connection with the purchase or sale of the securities of public utility holding company systems.

In addition, State regulation can adequately protect the interests of consumers. State legislatures can and have enacted public utility legislation that, as implemented by State public utility commissions, protects the financial integrity of local public utilities and assures the reasonableness of charges included in the rate base, including charges made in transactions between the utility and other companies within the same holding company system.

I feel that Congress should review the need for the continued existence of the Public Utility Holding Company Act and that repeal of the act, as provided in my bill, should be seriously considered.

The text of the bill follows, along with a letter from SEC Chairman John S. R. Shad to Senator ALFONSE M. D'AMATO presenting the SEC's position in favor of repeal:

SECURITIES AND EXCHANGE COMMISSION,

Washington, D.C., December 21, 1981.

Re proposals to Amend the Public Utility Holding Company Act of 1935 (S. 1869, S. 1870, and S. 1871).

Hon. ALFONSE M. D'AMATO,

Chairman, Subcommittee on Securities, Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, D.C.

DEAR CHAIRMAN D'AMATO: In response to a request from your staff, I am writing to advise you of the Commission's general views relating to the above three bills. These bills would substantially reduce regulation under the Public Utility Holding Company Act of 1935. The Commission, however, unanimously believes that Congress should instead repeal the Act. Based on the information available to the Commission and its experience under the Act, we believe that this statute has served its basic purpose and that continued federal regulation of utility holding companies is unnecessary and inappropriate.

The Securities and Exchange Commission has administered the 1935 Act for nearly forty-seven years. There is a consensus—shared by the Commission—that the Commission's task of reorganizing the Nation's gas and electric utility holding company systems was completed twenty years ago. The Commission's administration of the Act in more recent years has primarily involved review of registered holding company financings, mergers, and acquisitions and the consideration of requests for exemptions from the Act. These remaining Commission responsibilities are intended to prevent recurrence of the abuses which led to the original passage of the Act. The Commission believes, however, that these abuses are unlikely to recur in light of the extensive changes since 1935 in the public utility and investment banking industries, the accounting profession, state utility regulation, expansion of the disclosure requirements under the Securities Act of 1933 and the Securities Exchange Act of 1934, and the development of more efficient and well-informed securities markets. If the 1935 Act is repealed, all publicly-owned utility holding company systems will, of course, continue to be subject to the financial disclosure requirements and other provisions of the federal securities laws.

Moreover, certain features of the 1935 Act set it apart from the other statutes which the Commission administers. The federal securities laws focus primarily on disclosures to investors and on the integrity of the securities markets. In contrast, acquisitions, financings, and other actions by registered public utility holding company systems require prior Commission approval under the 1935 Act. The Commission must base its approval or disapproval of these transactions on its determination of their economic merits. Thus, unlike the other statutes it administers, the 1935 Act involves the Commission very deeply in the substance of fundamental management decisions.

Only twelve active holding company systems remain subject to direct regulation under the 1935 Act. The Act, however, continues to have significant influence on the financing and diversification decisions of a much larger portion of the industry. Approximately eighty holding company systems operate under various exemptions from the Act, and many utilities may be reluctant to form holding companies because

they would then have to register under the Act or qualify for an exemption. Furthermore, in this time of energy shortages and the recognized need to develop new energy resources, the Act may deter non-utilities from participating in cogeneration projects or other such activities because of the consequences of becoming subject to the Act.

The Commission finds it difficult to support any of the three legislative proposals presently before Congress because each primarily addresses only those aspects of the Act that affect one segment of the industry. Each would have the practical effect of virtually repealing the Act as it affects that particular industry segment. Taken together, the three proposals approach total repeal and would leave the Commission with responsibility for administering only the very limited surviving provisions of the Act with no clear regulatory purpose. None of the three proposals takes the further step of addressing the basic rationale for continued regulation under the Act.

For these reasons, it is appropriate and timely for Congress to revisit the 1935 Act. Congress should not, however, limit its evaluation to the merits of these specific proposals, but should also reexamine the underlying premises of the Act to determine the extent to which those premises have continuing viability today.

Because of the importance I attach to eliminating unnecessary regulatory burdens, I wanted to inform you promptly of the Commission's general positions on the pending bills. The Commission will submit a detailed, formal statement of views at an appropriate time. In the interim, if members of your staff would like additional information, they should contact our General Counsel, Edward F. Greene, or Elinor Gammon in the Office of the General Counsel.

Sincerely yours,

JOHN S. R. SHAD.

H.R. 6134

A bill to repeal the Public Utility Holding Company Act of 1935, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

CONGRESSIONAL FINDINGS

SECTION 1. The Congress finds that—

(1) the Public Utility Holding Company Act of 1935 is no longer required to prevent the abuses and practices which led to its enactment;

(2) public gas and electric utilities organized as either exempt or nonexempt holding companies under such Act are subject to regulation under a broad array of other Federal and State laws which are adequate to prevent the recurrence of such abuses and practices and to protect consumers and investors;

(3) the Public Utility Holding Company Act of 1935 unnecessarily impedes utility managers without regulatory benefit from making investment and operational decisions in a manner which best promotes the financial health of utilities and the reliability of their services to consumers; and

(4) the Congress, through appropriate oversight activities, can review the activities of Federal and State regulatory agencies to assure that the interests of investors and consumers are adequately protected and can take appropriate action to supplement those authorities should such action be determined to be necessary or appropriate.

SEC. 2. The Public Utility Holding Company Act of 1935 (15 U.S.C. 79 et seq.; 49 Stat. 803) is repealed.

REPEAL OF RELATED PROVISION OF THE FEDERAL POWER ACT

SEC. 3. Section 318 of the Federal Power Act (16 U.S.C. 825; 49 Stat. 863), providing an exemption from that Act for persons subject to the Public Utility Holding Company Act of 1935, is repealed.

SAVINGS PROVISION

SEC. 4. This Act shall not be construed to affect any enforcement proceeding instituted under the Public Utility Holding Company Act of 1935 prior to the date of enactment of this Act.●

PROBLEMS WITH THE LAW OF THE SEA: PART I

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. YOUNG of Alaska. Mr. Speaker, the Convention on the Law of the Sea is presently meeting in New York to decide on a draft treaty which would regulate nearly every activity involving the oceans. This draft treaty, which has been referred to as the "Cartel of the Sea" and the "Global Money Grab" has been criticized by such diverse entities as the National Review, the New Republic, U.S. News & World Report, and the Wall Street Journal.

Unfortunately, much of the discussion has centered around those provisions of the draft treaty that deal with seabed mining. This ignores other serious problems which affect the U.S. fishing industry and the oil industry, to name two. I think that the Members of this House should recognize that this is not a simple argument over who gets to mine the ocean floor but rather a fight to prevent the giveaway of all ocean resources.

The following analysis of those portions of the draft treaty which affect the U.S. fishing industry was prepared by my staff. I ask that it be included in the RECORD so that Members can understand the dangers that we will face if this treaty is signed by the United States.

IMPACT OF THE PROPOSED CONVENTION ON THE LAW OF THE SEA ON THE U.S. FISHING INDUSTRY

In 1981, President Reagan announced that his administration would conduct a review of the proposed Convention on the Law of the Sea (CLOS) to determine whether U.S. interests were adequately protected. Upon completion of the review, the President identified six changes that he felt should be made for CLOS to be acceptable to the United States. These changes primarily dealt with deep sea mining. However, the problems with CLOS are much broader. In particular, ratification of CLOS by the U.S. would result in an unfavorable situation for the U.S. fishing industry.

Generally, the sections of CLOS having an effect on U.S. fishing interests are found in Part V. Additional references are found in Part VI, Article 77; Part VII, Section 2; Part XV, Article 297; and Annex V, Section 2.

Part V establishes an exclusive economic zone (EEZ) for each coastal State extending 200 nautical miles from the baseline from which the territorial sea is measured.[1] This corresponds to the existing U.S. Fishery Conservation Zone (FCZ) established pursuant to the Magnuson Fishery Conservation and Management Act (MFCMA).

Within the EEZ, the coastal State has sovereign rights for the purpose of "exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the sea-bed and subsoil and superadjacent waters." This would seem to give a coastal State the authority to fully manage the fisheries within its EEZ. However, this is not necessarily the case.

Article 59 speaks to conflicts between a coastal State and other States within the coastal State's EEZ. While the language seems general enough, one needs to look further at Part XV and Annex V, Section 2, where one finds that the States involved may be forced into compulsory conciliation on matters concerning: 1) the determination of the total allowable catch; and 2) the allocation of the surplus to other States. This works directly against the "fish and chips" policy established in the MFCMA, whereby fisheries allocations to foreign States are based on certain criteria established by U.S. law. The "fish and chips" policy is the major tool available to the U.S. government for insuring that fisheries allocations result in benefits to the U.S. fishing industry in terms of market access (including the purchase of fish at sea from U.S. fishermen), cooperation in research, and technology transfer. At best, compulsory conciliation would delay the management process. At worst, it would force the U.S to modify allocation policies in favor of other States that fish in the U.S. EEZ. For example, the "delayed release" policy adopted by the Department of State this year has come under attack by Japan and Korea. Since this policy involves the allocation of surplus fish, it would be a likely subject of dispute and thus conciliation. The easiest course for the Department of State to follow in this event would be to suspend the "delayed release" policy, regardless of the adverse effect on the U.S. fishing industry.

Article 62 further erodes the benefits available to the U.S. fishing industry under existing U.S. law. Paragraph 2 provides that coastal States shall give other States access to any surplus amount of fish which is not entirely harvested by the coastal State. Refusal to do so leads to the compulsory conciliation mentioned above. While full utilization of marine protein resources seems to be a laudable goal, experience has shown that, in the short term, a requirement for full utilization can prevent U.S fishermen and fish processors from gaining access to markets because of competition with foreign-caught fish. The North Pacific Fishery Management Council and the Department of Commerce recognized this in 1980 by decreasing the optimum yield for tanner crab in the Bering Sea, thus prohibiting further Japanese harvest of tanner crab in the U.S. FCZ, even though U.S. fishermen did not harvest every last crab that

[1] Note: For the purposes of the Convention, "State" refers to a nation, not a political subdivision of the United States.

might possibly be available. Although U.S. crab fishermen would presumably continue to be protected in view of the fact that tanner crabs are creatures of the continental shelf pursuant to Part VI, Article 77, CLOS would prevent future flexible use of optimum yield figures for economic gain involving other species.

Paragraph 3 of the same Article discusses the factors which should be considered by a coastal State in providing access to its resources. Although the list can be construed as being similar to the "fish and chips" language found in Section 201(e) of the MFCMA, there is one important distinction: the coastal State must consider the need to minimize economic dislocation of the nationals of other States who have traditionally fished in the EEZ. Thus, for example, the U.S. could be required to allow access to the EEZ by Japan, Korea, Mexico, and the Soviet Union, among others, even though it might not be in our best interest to do so. Further, the question would be raised as to what level of fishing by these countries is necessary to prevent economic dislocation.

Article 64, concerning highly migratory species, seems to provide some protection to U.S. tuna fishermen. However, the language is vague in regard to how access to tuna stocks is to be handled. Article 56 appears to grant jurisdiction over highly migratory species to the coastal States. Article 61 describes the management guidelines to be used. Articles 63 and 64 merely require coastal States to cooperate in conserving stocks and achieving optimum utilization. These Articles do not continue the protections for U.S. tuna fishermen that are not found in international practice and domestic law. Although the provisions of Article 62 requiring a minimization of economic dislocation may provide some protection to U.S. tuna fishermen, these same provisions work against the rest of the U.S. fishing industry. Further, Mexico, and perhaps other Latin American countries could point to other language in Article 62 which requires consideration of the significance of the living resources (i.e.—tuna) to the economy of the coastal State.

Finally, it should be noted that billfish are considered to be highly migratory species for the purposes of CLOS. This does not conform with domestic law. Thus, even if the case were made that highly migratory species were to be managed by international organizations, we would lose the control over billfish that is found in domestic law. Either way, some segment of the U.S. fishing industry would lose.

Article 66, dealing with stocks of anadromous fish, poses another problem. For many years, Japan has conducted a gillnet fishery for salmon in the Bering Sea and Western Pacific. Due to the intermingling of stocks, the gillnet fleets have harvested considerable numbers of salmon of North American origin, thus depriving U.S. and Canadian fishermen of fish in the nearshore fisheries. Both the U.S and Canada have worked through the International North Pacific Fisheries Commission to decrease the Japanese high-seas harvest, with the goal of eventually ending such harvest. Under the terms of Article 66, however, coastal States must minimize the economic dislocation of other States which fish on anadromous stocks in all of the areas in which fishing has occurred. Further, Part VII, Article 116, grants States the right to allow their nationals to fish on the high seas. Thus, it is unlikely that sufficient pressure can be brought to bear to terminate the high seas gillnet fishery.

Articles 69 and 70 also work against the U.S. fishing industry. Pursuant to these articles, land-locked States and States with special geographic characteristics can gain access to the EEZ (and thus the fish stocks) of a coastal State in the same region, even though the coastal State may have the capacity to fully utilize all fisheries resources in its EEZ. Thus, the upper limit on harvesting capacity of a coastal State may be below that which could be biologically and economically sustained. To date, no definition of "region" has been developed. Pursuant to these Articles, coastal States eligible for special access to the U.S. EEZ might include Mexico ("western hemisphere region"), Cuba (Caribbean region), South Korea (Pacific region) or Bulgaria ("Western Europe and others" region).

In a recent appearance before the House Committee on Merchant Marine and Fisheries, Ambassador James Malone, the head of the U.S. delegation at the CLOS Conference, indicated that the administration did not plan to reopen discussions on any of the fisheries issues in CLOS. He did suggest that some changes would be sought through consensus but that no attempt would be made to renegotiate any of the language dealing with fisheries. Given that the existing language is far more beneficial to foreign nations than it is to the U.S., it is highly unlikely that consensus can be achieved. Further, no attempt has yet been made by the U.S. delegation to seek such changes.

There have already been attempts by two nations (Japan and Korea) to change existing fisheries agreements in order to reflect language in CLOS, even though such changes would be contrary to U.S. law and policy. To date, the Department of State has refused to comply with these suggestions. However, if CLOS were to be signed and ratified by the U.S. with the fisheries language in its present form, these agreements would have to be changed, as would domestic law. Even if CLOS was not ratified by the Senate, there would be pressure on the U.S. government to change U.S. policies so as to reflect what would be new international law. This could be done fairly easily. For example, Section 201(e) of the MFCMA allows the Secretary of State to consider "other matters as he deems appropriate" when granting fishing allocations. This would allow the Secretary to consider the economic dislocation which might be suffered by Japan, for example, if allocations were reduced. This alone would be a serious setback to U.S. fisheries management efforts.

It appears that the U.S. fishing industry would fare better under existing domestic law and international policy than it would under CLOS. Thus, from the standpoint of the U.S. fishing industry, CLOS should either be changed significantly or rejected.●

A TRIBUTE TO OUR NATION'S VOLUNTEERS

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. MAZZOLI. Mr. Speaker, this National Volunteers Week we pay tribute to the thousands of Americans across the country who so unselfishly give of their time, talents and energies.

I want to add my compliments, to those of my colleagues, to the people who have made life so much more livable and enjoyable for their fellow man and woman by their volunteer efforts.

Volunteers represent every race, creed, color, and social class—in essence, every phase of American life, and it is the spirit with which they so willingly serve that keeps this Nation strong.

During National Volunteer Week, I extend my sincere thanks to these individuals who ask so little, and yet give so much.●

TAX LEGISLATION

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. VANDER JAGT. Mr. Speaker, I am introducing a bill today to address the issue of tax deductions for conventions and business meetings held outside the United States.

The bill attempts to inject some reason into the determination of what meeting and convention expenses would be deductible, in contrast to the arbitrary rules and exemptions in the current Tax Code (section 274(h)) which are based primarily on artificial geographical considerations. I have consistently maintained that the test for deducting business convention expenses should be based on what goes on at the meetings, not where they are held.

I have no intention of opening the door for taxpayers to claim deductions for the cost of exotic junket vacations, disguised as a convention of some sort, and my bill contains language limiting deductions to legitimate business conventions. To qualify as a deductible expense under the terms of my bill, the purpose of a convention must be directly related to the active conduct of a taxpayer's trade or business, and the time spent at the convention must be primarily devoted to business-related activities, rather than social, leisure or recreational activities.

Only business-related expenses would be eligible for a deduction, and no deduction would be permitted for the cost of personal activities, such as social entertaining, sightseeing, or recreation, incidental to a business convention. No deduction would be permitted for expenses that are considered lavish or extravagant.

If the purpose of restrictions on deductions for foreign conventions is to eliminate abusive writeoffs for pleasure junkets, then the language of the Tax Code should be so directed. How-

ever, the current restrictions, adopted in 1980, permit deductions for conventions held in the United States, its possessions, Mexico, Canada, and now Jamaica—through a tax treaty agreement rather than a normal change in the Tax Code via an act of Congress. No expenses for conventions held in other countries are deductible under section 274(h) unless that it can be determined that it is as reasonable for the meeting to be held outside the North American area as within it. Such geographical factors have nothing to do with the nature of business conducted at a convention, and are quite arbitrary.

It seems obvious to me that an abusive junket convention can be held in Las Vegas, Atlantic City, Miami, or Acapulco just as easily as other locations not on the approved North American list. It is ironic that a taxpayer could be denied a deduction for attending a hard-working, legitimate business meeting in London or Bermuda and receive one for attending a leisurely convention in Mexico, Palm Springs, or Jamaica.

The denial of deductions for meetings and conventions held aboard cruise ships also appears to be misdirected. Most organizers of business meetings from whom I have heard agree that a meeting aboard a ship is far more conducive to conducting legitimate business than most locations on land. Those attending a meeting on a ship are essentially captive, and are far more likely to attend the meetings, seminars, and so forth, than they would be if they could wander off to the golf course or on a shopping trip.

The Committee on Ways and Means Subcommittee on Select Revenue Measures recently examined the convention issue during consideration of a bill offered by my colleague from New Jersey (Mr. GUARINI) to permit deductions for conventions held on board U.S.-flag cruise ships, H.R. 3191. While the bill is perhaps a step in the right direction in eliminating the current restrictions, it does point to the irrationality of permitting deductions for activities conducted in one place while denying deductions for identical activities held somewhere else. Allowing a deduction for a convention on a U.S. cruise ship but not on a foreign-flag ship operating in generally the same waters is clearly discriminatory, and could be considered a protectionist subsidy.

The U.S. travel and tourism industry generally does not want such protection, and the organizations who have contacted me support eliminating the geographical restrictions on convention deductions. In fact, concern has been expressed by some international organizations that other nations, particularly in Europe, might consider limiting the ability of their citizens to claim deductions for business conventions held in the United States, in retaliation for the restriction we have enacted. In the interest of preserving free and open trade, our income tax laws should not include the discriminatory restrictions now contained in section 274(h).

I want to point out that President Reagan expressed similar sentiments in a November 1980 letter to the editor of Travel Trade magazine. In that letter, the President said, in part:

With respect to proposals intended to discourage American corporations from holding conventions outside the United States, my general approach is that such decisions should be left in the hands of business groups and companies themselves. Punitive taxes to restrict legitimate business expenses serve no useful purpose and constitute unwarranted interference by government into the decision-making prerogatives of the private sector.

In summary, there are many valid reasons for changing the section 274(h) restrictions on deductions for foreign convention expenses. The restrictions do nothing to eliminate deductions for junket conventions, an abuse that we all want to prohibit. They are arbitrary and discriminatory, based on artificial geographical factors. By discriminating against conventions held abroad, our Tax Code might be construed as contrary to principles of free trade, possibly in violation of our multilateral trade agreements. President Reagan has indicated his opposition to such restrictions on business activities.

It is my hope that this bill will serve as a vehicle for considering this issue, and I look forward to a more thorough and rational examination of the foreign convention deduction issue in the Committee on Ways and Means.●

THE IRS STRIKES—WITH X-RATED BEHAVIOR

HON. GEORGE HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. HANSEN of Idaho. Mr. Speaker, I have been outraged by the overzealous practices of the Internal Revenue Service in their tax collection practices. Passage of my bill H.R. 4931, the Taxpayer Protection Act (TPA), will correct these overzealous actions and restore the public's confidence in our voluntary tax system.

The integrity of our tax system is often dependent upon the acts of its representatives or agents. Some examples of IRS agents' activities that damage this integrity and which management does not seem prone to root out have been made public in the press, whether it is the "mooning" of certain IRS agents as recently reported in the media or the following account of what appears to be a whole nest of "kinky" agents.

[From the New York Post, Oct. 28, 1981]

COPS SMASH KINKY IRS SEX RING

(By Mike Pearl, Charles Lachman and George Carpozi)

A phantom "movie producer" who has plagued the metropolitan area for more than six years by spanking thousands of college coeds in a phony search for the perfect "screamer," was unmasked yesterday as a Manhattan IRS collector.

Authorities suspect a number of other tax agents are involved in the widespread racket that produced tens of thousands of color photographs of the spankings he administered.

The photos were said to have been sold to girlie magazines, pornography stores in Times Square and distributed among IRS employes at 120 Church Street, Manhattan, where the agent worked.

He was arrested yesterday morning at the World Trade Center's Path Station by Manhattan District Attorney detectives Michael Lopez and James Lynam.

DA Robert M. Morgenthau identified the suspect as Stephen J. Davidson, 42, a $50,000-a-year tax collector from Glen Rock, N.J.

He was charged with victimizing women undergraduates from NYU, CCNY, Columbia, Hofstra, and other colleges by inviting them for "auditions" in a studio he maintained on West 56th Street.

Last night, Davidson phoned a doleful plea to his home for bail money. His wife's angry response, according to a DA's source, was:

"I'm not getting you out on bail. I'm not coming to pick you up."

A DA's investigator told the The Post that Davidson's duties as a tax agent enable him to carry on the scam.

A 22-year old NYU student, Karen Carreras, played detective and cracked the case.

Miss Carreras, who works in the student employment office, tumbled onto the scam after Davidson listed his phony movie jobs and her fellow students complained.

"He seemed to get off on the spankings," the DA's investigator said, "He acted out elaborate fantasies. There were many sexual overtones, but so far we have no direct evidence of any overt sex."

However, he did have one "hangup," according to the prober.

"He always asked the girl afterward whether she got any sexual gratification from the spanking."

Davidson had what the investigator termed "way-out Victorian techniques."

"The girls, who were always topless, were always give a red micro-mini-skirt to wear, a straw boater's hat, and Peter Pan collar. He administered 25 spanks to each of his movie hopefuls, who really believed he was going to sign them to a film contract if they gave him the screams he wanted to hear.

"He would put the girls across his knee, lift their miniskirts, and slap their buttocks until they were screaming for mercy."

Davidson recorded all the sounds in addition to filming the "auditions," according to the DA's man.

The DA's office had heard bits and pieces about the phoney movie producer since 1975, but couldn't turn up leads on him.

Then two weeks ago—after an NYU girl answered the audition call—she went to Morgenthau's office and told her story to

Assistant DA Linda Fairstein, head of the Sex Crimes Unit.

With a search warrant, detectives entered Davidson's office and secreted a television camera in the false ceiling. While there, the probers culled office records and found lists of girls who had been given "auditions."

The women who complained, returned to the studio on Miss Fairstein's instructions, stepped into the paraphernalia Davidson supplied, and let herself be spanked—giving an Academy Award performance with her screams.

So far, from the names that came into their possession, the DA's probers have found 20 young women who admitted they were victimized by Davidson.

"We believe there are thousands of others," said Miss Fairstein. "Now that the story is out, we expect those who were too ashamed to come forward and complain, will do so at last."

The investigator who spoke with The Post shook his head.

"Would you believe the irony in this whole thing is that none of the girls had anything bad to say about Davidson for the spankings he gave them? They were merely angry because he didn't pay them."●

NEED FOR 20-CENT INCREASE IN CIGARETTE EXCISE TAX

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. OBERSTAR. Mr. Speaker, the health effects of cigarette smoking cost the American economy billions of dollars annually. The Federal Government should do more to insure that those costs are borne by those who incur them.

The excise tax on cigarettes has been 8 cents per package since 1951. The Consumer Price Index has increased 260 percent in that period.

I have introduced H.R. 5629, which would increase the tax to 28 cents per package. Twelve of our colleagues have already joined in cosponsoring H.R. 5629.

The American Heart Association has prepared an excellent paper in support of the increase in the excise tax on cigarettes. I ask unanimous consent to include this paper at this point in the RECORD. I urge the Members of this House to review the paper and join with us in supporting an increase in the cigarette excise tax.

CIGARETTE SMOKING, HEALTH AND THE FEDERAL EXCISE TAX

I. CIGARETTE SMOKING HEALTH FACTS

Cigarette smoking is the single most preventable cause of premature death and illness in the United States.

Cigarette smoking is a causal factor for coronary heart disease and arteriosclerotic peripheral vascular disease.

Cigarette smoking causes cancer of the lung, larynx and cavity and esophagus, and chronic bronchitis and emphysema.

Maternal smoking is associated with retarded fetal growth, an increased risk for spontaneous abortion and prenatal death.

Cigarette smoking acts synergistically with oral contraceptives to enhance the probability of coronary and cerebrovascular disease; with alcohol to increase the risk of cancer and with occupational hazards (such as asbestos, cotton dusts) to increase the risk of a variety of diseases.

Cigarette smoking accounts for over 300,000 premature deaths per year and accounts for the disability of an additional ten million persons.

II. THE ECONOMIC COSTS OF CIGARETTE SMOKING

Cigarette smoking continues to place a heavy burden on not only the health of the American people but also on the health care system and on the economic productivity of the Nation as a whole. As was pointed out in both the 1979, "Surgeon General's Report on Smoking and Health," and the more recent "Smoking, Tobacco, and Health; a Fact Book," smokers are ill more often than nonsmokers, lose more days from work and are more apt to suffer from chronic conditions which limit activity. The National Center for Health Statistics estimated that each year, "an excess of nearly 150 million days in bed are due to the extra amounts of illness experienced by cigarette smokers who also have more than 81 million "excess" days of absenteeism."

Although it has been difficult to estimate the actual costs of cigarette smoking on the American people and the economy some attempts have been made. One thing is for certain however, and that is that the costs are high. The National Center for Health Statistics has recently compiled some figures which although they are approximations highlight the economic and health burdens imposed on the Nation by cigarette smoking. These are noted below:

1. 1980 Estimated Medicare and Medicaid Expenditures for Persons Suffering from Tobacco-related Diseases.

Luce and Schweitzer (in New England Journal of Medicine, March 9, 1978, v. 298, no. 10, 569-571) estimated health care costs of smoking at $8,224,000,000, for 1976.

The Health Care Financing Administration estimated total Personal Health Care Expenditures at $131,276,000,000 in 1976 (Health Care Financing Review, Summer 1980).

Thus, costs of smoking were 6.2 percent of total expenditures in 1976.

In 1980 HCFA estimates Medicare expenditures at $35.6 billion and Medicaid expenditures at $25.3 billion for a total of $60.9 billion. Taking 6.2 percent of this total gives an estimate of $3.78 billion of Medicare and Medicaid expenditures for persons suffering from smoking.

2. Medical Costs of Smoking.

The Health Care Financing Administration estimates personal health care expenditures at $131 billion in 1976 and $218 billion in 1980, an increase of 66 percent between 1976 and 1980.

The Luce and Schweitzer study estimated medical costs due to smoking at $8.2 billion in 1976. Inflating this by the 66 percent increase in personal health care expenditures between 1976 and 1980 gives an estimate for medical care costs of smoking in 1980 of $13.6 billion.

3. Value of Production Lost Due to Smoking.

The Luce and Schweitzer study estimated production lost because of smoking at $19.1 billion in 1976. The primary factor that would cause this to increase between 1976 and 1980 is the increase in worker earnings. Between 1976 and 1980 private sector earnings increased 35 percent (Employment and Earnings, v. 28, no. 6, June 1981, p. 1971).

Inflating lost production in 1976 by the increase in earnings gives an estimate for 1980 of the value of production lost due to smoking of $25.8 billion.

4. Social Security Beneficiaries and Families Receiving Disabled-worker Allowances.

The Luce and Schweitzer study considers neoplasms, disease of the circulatory system, and diseases of the respiratory system to be related to smoking with the factor being 20 percent for neoplasms, 25 percent for diseases of the circulatory system and 40 percent for diseases of the respiratory system. In 1975 the Social Security Administration allowed benefits to 592,049 disabled workers. (Characteristics of Social Security Disability Insurance Beneficiaries, 1975, SSA Pub. No. 13-11947, December 1979). This included 59,821 for neoplasms, 117,276 for diseases of the circulatory system, and 39,472 for diseases of the respiratory system.

Applying the Luce and Schweitzer factors for smoking to the number of disability allowances: (.20) of (59,821) equals 11,964 for (Neoplasms); (.25) of (117,276) equals 44,319 for (Circulatory); and (.40) of (39,472) equals 15,789 for (Respiratory) for a total of 72,072.

This gives an estimated number of allowances due to smoking of 72,072 or 12 percent of the total allowances.

As of December 31, 1978 there were 4.87 million disabled worker beneficiaries (Social Security Bulletin, v. 44, no. 6, June 1981, p. 90). Multiplying this by 12 percent gives 584,000 beneficiaries receiving allowances due to smoking. As of December 31, 1978 there were 2.88 million disabled-worker families. Multiplying this by 12 percent gives 346,000 disabled-worker families receiving allowances due to smoking.

Summing Up Some of the Approximations by the NCHS:

[In billions of dollars]

	1976	1980
Total medical costs due to smoking	8.2	13.6
Lost productivity due to smoking	19.1	25.8
Total	27.3	39.4
Cost to medicare and medicaid program		3.78

III THE FEDERAL CIGARETTE EXCISE TAX

The present federal excise tax of 8 cents per package was first imposed in 1951 and has not changed in the intervening thirty year period.

In 1951 the cigarette excise tax yielded 2.7 percent of all federal revenue but today accounts for about only 0.6 percent.

Each year there are over 600 billion cigarettes or over 30 billion packages of cigarettes sold in this country. Cigarette consumption has continued to climb since the beginning of this century. For example, in 1915 only about 18 billion cigarettes were consumed in this country.

Since 1951 when the 8 cent tax was first imposed federal revenues have continued to grow—the increase being tied to the increased consumption. Increased consumption has in turn resulted in an increase in death and disabilities which has added to health care costs and lost productivity.

Federal tax collected on cigarettes (1951-80)

	Thousands
1951	$1,294,000
1952	1,474,100
1953	1,586,800

	Thousands
1954	1,513,700
1955	1,504,200
1956	1,549,000
1957	1,610,900
1958	1,668,200
1959	1,771,100
1960	1,863,600
1961	1,923,500
1962	1,956,500
1963	2,010,500
1964	1,976,700
1965	2,069,700
1966	2,006,500
1967	2,023,100
1968	2,066,200
1969	2,082,100
1970	2,036,100
1971	2,149,500
1972	2,151,200
1973	2,221,000
1974	2,383,000
1975	2,261,100
1976	2,434,800
1977	2,279,200
1978	2,374,100
1979	2,356,100
1980	2,604,400

Source: "The Tax Burden," Tobacco Tax Council (1980).

COMPARISON OF FEDERAL EXCISE TAX WITH MEDICAL COST AND LOST PRODUCTIVITY DUE TO CIGARETTE SMOKING

	1976	1980	Percent change
Federal excise tax (all tobacco products)	$2,487,900,000	$2,648,300,000	+6.4
Medical costs due to smoking	8,200,000,000	13,600,000,000	+66
Lost economic productivity due to smoking	19,100,000,000	25,800,000,000	+35

Comparison of Federal, State and local taxes on cigarettes with total health care costs and care and lost economic productivity due to cigarette smoking 1980

Federal, State and local excise taxes on cigarettes, $6,551,084,000.

Health care costs and lost economic productivity due to cigarette smoking, $39,400,000,000.

The Federal cigarette excise tax compared with the changes of the Consumer Price Index (CPI) 1951–80

Federal Excise Tax: No change.

Consumer Price Index: (rate of inflation), +255.9 percent.

TAXES (STATE AND FEDERAL) AS A PERCENT OF ACTUAL RETAIL PRICE OF CIGARETTES 1954–78

Year	Cents per pack: Weighted average price	Cents per pack: Equivalent 1967 prices [2]	Cents per pack: State and Federal taxes	Taxes as percent of actual retail price [1]
1954	22.7	28.2	11.0	48.7
1955	23.2	28.9	11.0	47.4
1956	23.8	29.2	11.0	48.8
1957	25.0	29.7	12.0	48.0
1958	25.6	29.6	12.0	46.6
1959	26.1	29.9	13.0	48.9
1960	26.1	29.4	13.0	48.6
1961	26.9	30.0	13.0	48.3
1962	26.8	29.6	13.0	49.4
1963	27.9	30.4	14.0	49.3
1964	28.2	30.4	14.0	49.8
1965	30.0	31.8	16.0	51.4
1966	30.5	31.4	16.0	50.8
1967	32.3	32.3	16.0	49.2
1968	32.8	31.5	16.0	48.7
1969	37.1	33.8	18.0	47.7
1970	38.9	33.4	19.0	46.8
1971	40.0	33.0	20.0	47.7
1972	40.3	32.2	20.0	48.4
1973	41.8	31.4	20.0	47.6

TAXES (STATE AND FEDERAL) AS A PERCENT OF ACTUAL RETAIL PRICE OF CIGARETTES 1954–78—Continued

Year	Cents per pack: Weighted average price	Cents per pack: Equivalent 1967 prices [2]	Cents per pack: State and Federal taxes	Taxes as percent of actual retail price [1]
1974	44.5	30.1	20.0	44.5
1975	47.9	29.7	20.0	41.4
1976	49.2	28.9	20.0	40.5
1977	54.3	29.9	20.0	37.1
1978	56.8	29.4	20.0	35.5

[1] Calculations by Office on Smoking and Health.

Source: Tobacco Tax Council, Inc.

No one will disagree with the view that this country's economy is undergoing some very difficult times. With the Social Security System said to be close to crumbling it does not make sense for the federal government (through taxpayer dollars) to continue to pay for unnecessary health care costs or for businesses to pay for lost economic productivity that results from the number one preventable cause of death and disability in the country—cigarette smoking.

Our free enterprise system and in particular the mood of the present Administration to keep government out of the private sector whenever possible will not allow the cigarette to be banned from the market place nor is such action a realistic alternative. However, it is equally not right for the American taxpayer to bear the burden of increased costs and lost productivity that results from the use of cigarettes.

The need for a cigarette—user tax

The Tobacco Tax Council in its most recent edition of *The Tax Burden on Tobacco* (1980) noted that there is an *"injustice imposed upon cigarette users who secure no special benefits by virtue of their paying the tax." (Emphasis added.)*

Presently the 8 cent tax revenue goes into the general treasury, and therefore is only very indirectly being applied to the costs attributable directly to cigarette smoking. If the federal cigarette excise tax is to be increased it is important that the increase be levied for the purposes of earmarking the revenue to those particular areas where those who pay the taxes may benefit in a positive way. Such a "user tax" could be earmarked for the purposes of paying medical expenses associated with cigarette smoking as well as funding a moderate educational program through the Department of Health and Human Services aimed at informing persons about the specific dangers associated with cigarette smoking.

The Issue of Elasticity

One of the arguments which has been made against a substantial increase in the present 8 cent tax is that it will be seriously disruptive to the tobacco market. How disruptive will of course depend upon the size of the increase.

Great Britain has recently increased its tax on cigarettes in a two step process by close to 30 cents per package, bringing the average retail price of a package of cigarettes to $1.75. Tobacco company executives in Great Britain have reported that the increase in the tax has resulted in a decrease in consumption by 10 percent.

Assuming that the British and American smokers are comparable we could, based on a twenty cent or less increase, expect to see less than a 10 percent disruption. It should also be pointed out that the average price of a package of cigarettes would be $.83 with the twenty cent increase while the average price in Great Britain as we noted above is $1.75.

Studies on the elasticity of demand for cigarettes have made varying estimates. This is because price is only one factor in determining whether or not a person will continue to smoke. Other social, psychological and economic concerns enter the picture and such influences varying from person to person.

Projected revenues based upon estimate of 30 billion packages of cigarettes sold:

28¢ tax (CPI)—Estimated total revenues, $8,400,000,000; 25¢ tax—Estimated total revenues, $7,500,000,000; and 18¢ tax—Estimated total revenues, $5,400,000,000.●

WOMEN AND CHILDREN: ALONE AND IN POVERTY

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. HAWKINS. Mr. Speaker, one of the most tragic findings of the changing demographics of our Nation is the increasing "feminization" of poverty. Increasingly, it is women who find themselves mired in poverty. Female-led households have the highest incidence of poverty of any type of households. Thus, the budget cuts in support and income assistance programs are especially damaging to women and their children. I submit today a report published by the late National Advisory Council on Economic Opportunity entitled: "Women and Children: Alone and in Poverty." Other Members will be submitting individual sections of this valuable document. I urge my colleagues to study this report and heed its findings.

WOMEN AND CHILDREN: ALONE AND IN POVERTY

(By Diana Pearce and Harriette McAdoo)

FINANCIAL SUPPORTS IN FEMALE-HEADED FAMILIES

Ironically, as the proportion of female family heads who are widows has decreased, the financial and social security of widows has increased. Table 2 indicates the wide variation in the incidence of poverty by marital status, which reflects class differences (desertion is often the "divorce" of the poor) and the different sources of support each marital status group receives.

TABLE 2.—TYPE OF FAMILY IN 1980 AND 1970 AND MEDIAN FAMILY INCOME IN 1979 AND 1969 BY RACE: UNITED STATES

Year and race	All families	Married couple families: Wife in paid labor force	Married couple families: Wife not in paid labor force	Male householder, no wife present	Female householder, no husband present
PERCENT					
All races:					
1980	100.0	40.7	41.8	2.9	14.6
1970	100.0	34.1	52.6	2.4	10.9
Black:					
1980	100.0	32.8	22.7	4.3	40.2
1970	100.0	36.3	31.8	3.7	28.3

TABLE 2.—TYPE OF FAMILY IN 1980 AND 1970 AND MEDIAN FAMILY INCOME IN 1979 AND 1969 BY RACE: UNITED STATES—Continued

Year and race	All families	Married couple families		Male householder, no wife present	Female householder, no husband present
		Wife in paid labor force	Wife not in paid labor force		
MEDIAN FAMILY INCOME					
All races:					
1979	$21,521	$24,973	$17,791	$16,888	$9,933
1969[1]	$18,677	$23,025	$17,580	$16,513	$9,547
Black:					
1979	$11,648	$20,704	$11,616	$12,497	$6,907
1969[1]	$9,916	$15,099	$9,277	$10,287	$5,523
Black as percent of all races:					
1979	54.1	82.9	65.3	74.0	69.5
1969	53.1	65.6	52.8	62.3	57.9

[1] In terms of 1979 dollars.

Source: Paul Glick (Senior Demographer, Bureau of Census), "A Demographic Picture of Black Families," in Harriette McAdoo (ed.) Black Families, Beverly Hills, CA: Sage Publishers, 1981.

The typical outcome of a marital breakup in a family with children is that the man becomes single, while the woman becomes a single parent. Unlike widows whose economic loss has been made less devastating by Social Security, including Supplemental Security Income (SSI) and Old Age Survivor Disability Insurance (OASDI), other groups of single parents rarely find private and public transfers sufficient to make up the deficit.

A national survey in 1975 found that only 25 percent of those eligible actually received child support, and that 60 percent of those who did, received less than $1,500.[26] These awards tend to be low, in part because they are based on the needs of two-parent families with no child day care costs, and in part because judges permit the absent parent to deduct the cost of maintaining his household—including the costs of time payments on cars, recreation and entertainment—from what he would pay as child support. The result is that half the fathers who did pay support were contributing less than 10 percent of their income.

In the group of single families that result from divorce, black women fared worst in terms of child-support payments. Child-support payments were awarded by the court to 71 percent of the white women, 44 percent of the Hispanic women, and only 29 percent of the black women. The level of support payments showed the same pattern: The white mother was awarded $2,800; the Hispanic mother, $1,320; and the black mother $1,290.

Poorly educated women are less likely to receive alimony, child support or maintenance payments.[27] Less than half of the 12 million divorced women received property following divorce, but in 1979 the median value of property received was only $4650.[28]

For the 1.4 million mothers who have never been married, the situation is extremely bleak. Only 8 percent were slated to receive support, and only 5 percent ever received any payments.[29]

For women who rely on public transfer payments, the picture is equally dismal. Depending on the state, welfare payments range from 49 to 96 percent of the poverty level.[30] The average family payment in 1977 was $241 per month. (The average size of a family on welfare is approximately three persons.)[31] The real value of the average welfare payment, accounting for inflation and the declining size of recipient households, has decreased by approximately 20 percent in the last decade.[32] Table 3 shows payment levels of some states. Female-headed families that were maintained on non-employed income averaged $5314 in 1978, while all female-headed families averaged $10,689.

TABLE 3.—*Maximum monthly AFDC payments per mother with 2 children, Jan. 5, 1981 (by State)*

	Maximum Payment
Mississippi	$96
Alabama	118
Texas	118
Illinois	302
Indiana	255
District of Columbia	286
New York	394
Maine	279
North Dakota	334
Arizona	200
California	463
Washington:	
Area I	442
Area II	408
Virginia:	
Region I	217
Region II	237
RegionIII	288

Source: Center on Social Welfare Policy and Law, Memorandum to Welfare Specialists: "AFDC—A Review of Current States Needs Standards and Maximum Benefits" (1029 Vermont Ave., NW., Washington, D.C. 20005), Jan. 5, 1981.

These amounts stand in stark contrast to the average income for families headed by men (including husband-wife families), which was $21,703.[33] While death halts the "private transfer," or sharing of income from husband to wife, divorce or desertion has virtually the same effect on a woman's economic status. The woman whose former partner is still alive is likely to be more devastated economically than a widow, whose plight is addressed through Social Security and other assistance programs.

Aid to Families with Dependent Children (AFDC) originally grew out of concern about the damage the loss of a father would be to the family, yet today there is virtually no sanction, either legal or informal, against the father who contributes little or nothing for the support of his offspring. Nor, where fathers cannot or will not pay, is the attempt to ameliorate the poverty of the mothers and children even minimally adequate.

STRESS, POVERTY, AND THE SINGLE MOTHER

The most vulnerable aspect of the female-headed home with minor children is finances. All families of all races experienced a loss of real income between 1973 and 1978.[34] The lower income of black families, and specifically black female-headed families, placed many at or below the poverty level (Table 1). To meet even the most minimal developmental needs of children and mothers, the family support system must be augmented by external resources. Since not all single mothers function with a kin-help network, their support needs must be augmented by community-based programs.

Research has shown that single-parent mothers experience a level of stress significantly higher than that experienced by other groups. Within the single-parent mother population, those who have never been married experience even greater strain. Their children, often the result of out-of-wedlock teenage pregnancies, are born into the most precarious mother-child units in our society. Several authors have detailed the unfavorable physical, emotional and social impact of teenage pregnancy.[35]

The ecology of the black family predisposes it to continuous stress, in addition to the normal developmental strains experienced by all families. Despite the cultural preference for meeting crises and family needs within the extended kin-help network and then through friends, families may often experience a level of stress and lowered personal satisfaction that forces them to seek assistance from the wider community.

Even when they were well above the poverty level, single mothers in one study experienced significantly more tension than those who were married.[36]

The stress experienced by low-income mothers is occasioned by crises as well as ongoing conditions—especially insufficient money to meet basic human needs. On a checklist of 91 life events requiring change and readjustment, most community surveys have shown that individuals experience an average of two such events a year.[37] In contrast, mothers in a Boston study of 43 black and white low-income women reported an average of 14 such events during the past two years.[38] Though their lives included violent and emotionally exhausting events, the lack of money took greatest toll on their mental and physical health. Depression levels were high in these women living in high-density, high-crime urban areas.

A later study showed that working-class single mothers who were employed but still earned salaries that placed them just above the poverty level, were under extreme stress caused by finances, housing concerns and problems at work, in that order.[39] Many felt they were underpaid but wanted to work because, as one woman stated, she had once been on welfare and that was "the worst experience in my life." Safe, dependable and affordable/subsidized child day care was needed. Mothers tended to be particularly bothered by the conflicting demands of motherhood, employment and their social and private lives.

EXTENDED FAMILY HELP PATTERNS

One of the strongest black and ethnic-minority cultural patterns is extensive help systems. The family's effective environment is composed of a network of relatives, friends and neighbors that provide emotional support and economic supplements and, most important, protects the family's integrity from assault by external forces.

Viewing the higher proportion of one-parent families as unstable ignores the extended family adaptation bonds.[40] Many groups maintain a strong extended family system despite mobility.[41] Only recently have researchers begun to recognize similar patterns in black families. Functionality of the home is positively related to the parent's ability to manipulate the American economic system. The black extended family has demonstrated that it is a source of strength and a protection against isolation in the larger society.[42]

The degree of kin interaction is often overlooked in research studies that focus only on structural features. There is a need to determine the norms and values of family interaction and to examine how the process related to the forces shaping it.[43] The kinship network is more than an extension of family relationships.[44] It can be considered a system of social relationships derived from birth and marriage and pertaining to an individual's place in society. The major activity of the kin network is the exchange of ma-

Footnotes at end of article.

terial and nonmaterial help. Friends and relatives often support the mother's activities outside of the home, but they may not attempt to intervene as a family member might do. They also care for the children when the mother must be alone or when she attempts to establish a social life.

The use of social networks has been shown to be important to the functioning of successful single parents.[45] In one study, the support system and proven coping patterns of single Puerto Rican mothers were found to be most important to maintaining their stability. Their support structures were composed of their relatives (usually their mothers and sisters), boyfriends or former husbands, neighbors and religious beliefs. Ability to control their own fertility and the ability to participate in community affairs and advanced education were most helpful.

Of course, inherent in any support is a degree of reciprocity. These informal supports are often the only means of survival for a mother working outside the home. Not all mothers live near relatives or desire to be totally dependent upon kin. The ties they form with other mothers and close friends increase their ability to cope with the stress of their multiple roles.

Many tactics are used to increase the number of individuals who share in the reciprocal obligations. Enlarging the circle of persons who may be called upon in cases of need beyond the household increases the security of the individual. The "friend-network" can be considered a kind of community, a social world outside of the single parent's home.[46]

While often emotionally supportive, the extended family can provide only limited financial help to a poor family in poverty, for kin networks are not responsible for creating or alleviating poverty itself.

FOOTNOTES

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[29] Ibid.

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[31] Dorothy T. Lang, "Poor Women and Health Care," Clearinghouse Review, February 1981.

[32] Unpublished memorandum.

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U.S. ENERGY POLICY DOES NOT REFLECT REAL WORLD

HON. BERKLEY BEDELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. BEDELL. Mr. Speaker, as we confront the task of expanding our energy supply options in the 1980's, it is vital to our national security and economic well-being that we do everything possible to take extra care not to impede the development of alternative energy sources.

According to the Department of Energy, the United States relied on fossil fuels—oil, gas, and coal—for 92 percent of its energy consumed in 1980. Hydropower and geothermal energy accounted for an additional 4.3 percent of our energy consumption. Nuclear power, despite past Government subsidies running in the billions of dollars, accounted for only 3.7 percent of our 1980 energy consumption.

The fact that we only reduced our dependence on fossil fuels since the Arab oil embargo 10 years ago from 96 percent to 92 percent does not mean that our efforts in those years were a failure. In fact, I happen to believe that we are on the verge of a major breakthrough in the development of alternate energy sources. These breakthroughs clearly are due to the leadership and investments our Federal Government has made in the past decade.

Perhaps more now than ever before, Federal Government involvement is needed to bring promising new energy technologies to the marketplace. Because of current high interest rates and the scarcity of private capital, the current investment climate in the United States is not conducive to the development of many of these new technologies that show such great promise.

Critics are quick to say that solar energy, alcohol fuels, decentralized power generation, and other small scale energy projects cannot cut it in the marketplace. Commonsense and experience, however, tells us that decentralized energy sources, including conservation, can and will make a large impact on our energy future. All we need to do is release these technologies from the restrictive Federal policies that are holding back their development. We must balance out or eliminate the huge Federal subsidies that our Government hands out to favored energy options, such as fossil fuels and nuclear power.

As an example, Mr. Speaker, I would like to point out what the administration is planning to do to the photovoltaic research and development program at the Department of Energy. Photovoltaics is an exciting energy technology first developed in this country as part of our early space exploration efforts. In the past decade the cost of photovoltaic systems have been reduced to the point of being price competitive for installation in developing countries. They are already used in communications systems and other remote access applications throughout the world.

The Department of Energy projected that photovoltaics would be economical for domestic residential use here in the United States in the mid-1980's. Now that goal is in jeopardy.

In recent years the budgets for DOE's photovoltaic research programs were:

$150,045,000—Fiscal year 1980
$160,200,000—Fiscal year 1981

For fiscal years 1982 and 1983 the Department of Energy has proposed to cut the photovoltaic research budget to:

$53,000,000—Fiscal year 1982
$27,000,000—Fiscal year 1983

These cuts obviously reflect the Reagan administration's intention to dismantle one of the Federal Government's most soundly conceived and well managed research and development programs.

"Soundly conceived and well managed" are the words of the Solar photovoltaic Energy Advisory Committee (SPEAC), a group of businessmen and energy experts that reports directly to the Secretary of Energy, making recommendations as to the course of DOE's photovoltaic programs. SPEAC states in its October 30, 1981, report to Energy Secretary James Edwards:

A cutback of the scope and severity now being contemplated would seriously retard progress in the near term and would jeopardize national preeminence in the field in the long term, with adverse economic consequences.

Much of the activity in the private sector has been undertaken in response to enthusiastic government leadership, not simply government support. The result has been vigorous and wholesome growth. This healthy trend is on the verge of being destroyed.

The retrenchment that is setting in occurs at a most-inopportune moment. Instability in other regions of the world upon which the Nation is dependent for energy supplies emphasizes the continuing importance of renewable energy sources. If the government program in photovoltaics is abandoned now, the results would be economically and politically detrimental both domestically and abroad.

In view of all that is transpiring, we believe that continuing vigorous federal effort in photovoltaics is clearly required to undergird and complement work in the private sector. Private industry still needs to be en-

couraged by sustaining the climate for growth. In summary, it is important that the federal presence be maintained at a level of funding commensurate with the benefits that photovoltaics now clearly offer.

In stark contrast to the United States, other nations are developing rational energy strategies that balance near-term needs with long-range goals. I attended the United Nations Conference on Energy in Kenya last summer as an official observer for Congress. The consensus at the conference was that renewable energy sources, most notably photovoltaics, will provide the long-term energy solutions that will emerge in the coming years. Many of our Nation's world economic competitors are designing their national energy and economic plans to meet the challenge of supplying the world market with renewable energy technologies.

I quote now from a Japanese Trade Center Information Service report dated March 17, 1980:

[O]ur greatest national priority is to establish long term energy security. For that purpose, diversification of energy sources and conservation of energy are essential.

Japan must seek to diversify sources of oil supply as well as to develop alternative and new energy sources, to increase stockpiles and to step up energy conservation efforts. . . . Japan must emphasize investment in energy measures and technological development. Japan must stimulate investment by the private sector in equipment for energy conservation.

We need to develop and introduce local energy sources including solar energy, geothermal energy, small and medium-scale hydroelectric power plants, factory waste heat, methane reproduced by fermenting waste, wave power, wind power, tidal power and biomass.

This Japanese trade document goes on to describe their government's role in the development of these alternative energy technologies:

In the area of energy-related technologies and in other pressing areas requiring a large amount of development funds, the government must launch national projects on its own initiatives.

Efforts must be made to increase the budget available for research and development of (alternative energy) technologies.

Recognizing that research and development of technologies are for the nation's best interest, the government must make every effort to find a new source of funds for funding such projects.

This national resolve on the part of the Japanese Government is in dramatic contrast to our present administration's reliance on the laissez-faire approach to our energy future. I quote from the Reagan administration's national energy plan:

Public spending for energy-related purposes is secondary to ensuring that the private sector can respond to market realities. The collective judgment of properly motovated technical innovators, businessmen, and consumers is generally superior to any form of centralized programing. Public spending is appropriate (and will continue) in long term research with high risks, but potentially high payoffs. In most cases, however, using public funds to subsidize either domestic energy production or conservation buys little additional security and only diverts capital, workers and initiative from uses that contribute more to society and the economy.

It was obvious at the United Nations World Energy Conference that the United States stands alone in this hands-off energy philosophy. Both the lesser-developed countries and the other industrial nations of the world are following the Japanese approach by encouraging the development and commercialization of alternative energy resources. The U.S. Government meanwhile, is pursuing the hazardous course of committing us to such harmful near-term solutions as nuclear power, questionable synthetic fuels programs, and increased use of nonrenewable fossil fuels. This dangerously echoes the attitudes that got us into our energy mess in the first place. Our present national energy plan commits us even further to the capital intensive, centralized energy systems that pollute our environment, encourage monopoly pricing by a limited group of suppliers, and continue our dependence on scarce and unstable fuel sources.

Again in contrast to other nations' energy policies, we are slashing budgets for energy conservation, solar, geothermal, hydroelectric power, biomass, wind, ocean thermal, and energy storage research and development efforts. While development of these decentralized technologies is being discouraged by the Reagan administration, centralized energy sources such as nuclear power and synthetic fuels are being subsidized by billion dollar Government research and development outlays and multibillion-dollar tax breaks.

This is a very critical period for our society. I believe the future course of events in the world may well be determined by how we approach our long-term energy supply problems. The health of our economy and our national security are at stake. It disturbs me greatly that the priorities set by this administration are so inadequate and shortsighted.●

DR. SAMI I. SAID, CHIEF OF THE PULMONARY DISEASE SECTION, OKLAHOMA CITY VA MEDICAL CENTER, WILLIAM S. MIDDLETON AWARD RECIPIENT

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. BOLAND. Mr. Speaker, last Wednesday, April 14, 1982, the Veterans' Administration's highest honor for medical research, the William S. Middleton Award, was presented to Sami I. Said, M.D., Chief of the Pulmonary Disease Section at the Oklahoma City VA Medical Center.

Dr. Said, an endocrinologist and pulmonary physiologist, received the award at a special ceremony in Washington, D.C. The award, named for the late Dr. Middleton, a researcher, clinician and educator who led the VA's Department of Medicine and Surgery from 1955 to 1963, was presented by VA Administrator Robert P. Nimmo.

Dr. Said was one of the first to look at the lung as something more than an animated bellows. He has worked to demonstate the metabolic nature of the lungs and has shown that the lung is the site for the synthesis, metabolism, and release of biologically active substances that play a role in several serious pulmonary disorders.

In his acceptance remarks at the Middleton ceremony, Dr. Said noted that, "Today there is a growing consensus that this type of research holds the clue to many of the remaining mysteries or unsolved problems of lung disease, including emphysema, bronchial asthma, and some forms of pulmonary edema."

His research could have a major impact on veterans' health problems. VA has more than 41,000 veterans on its roles with disabilities due to emphysema and bronchial asthma, and in fiscal year 1982, more than 5,600 veterans were treated and discharged from the agency's medical centers for these ailments.

Dr. Said also participated in the discovery of vasoactive intestinal peptide (VIP). This is one of the first peptides identified outside of the nervous system that has wide neurotransmitter and neuroregulatory effects. Dr. Said's characterization and assay for VIP have become benchmarks for the identification of a growing number of peptides.

Dr. Said's clinical and research careers have been closely associated with the VA. After serving as a pulmonary consultant to the Richmond VA Medical Center from 1970-71, he became Chief of the Pulmonary Disease Section at the Dallas VA Medical Center from 1971 to 1981. He has been Chief of the Pulmonary Disease Section at Oklahoma City since July 1981.

Mr. Speaker, I congratulate Dr. Said on receiving the Middleton Award. It is the dedication and accomplishments of individuals like him who are responsible for the excellence of the VA's medical research program.●

THE IRS STRIKES—AND PEOPLE DIE

HON. GEORGE HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. HANSEN of Idaho. Mr. Speaker, another example of the heavy-handed and abusive tactics of the Internal Revenue Service in their tax collection practices which would be stopped by passage of H.R. 4931, the Taxpayer Protection Act (TPA), is the following story wherein the IRS arbitrarily drew an unauthorized check on a taxpayer's account of $39.65. This citizen decided to fight the illegal practice, and as all too often happens, he lost—in this case his life.

There are many episodes involving death attributed to the strain of dealing with the IRS but the facts outlined in this account make it especially tragic.

DONALD MCGRATH

Donald McGrath did not believe that he owed the IRS $39.65. He wrote to them and told them so. He asked to have an Internal Revenue Service official meet with him and explain to him why he owed thirty-nine dollars and change. The IRS never did respond.

According to McGrath, "Sensing that the IRS may try to implement a seizure on my account, I wrote to the bank and asked them not to honor any IRS demands other than by my consent or an order issued from a competent court. I then received a note from the bank stating that they . . . would honor an IRS levy. . . . Shortly I received another letter from the bank stating that they had turned my money over to Mr. Thoen of the IRS and sent me a canceled check they had forged on my account ($39.65)."

It was a small sum, but Mr. McGrath was furious. Donald McGrath, crop duster and farmer, acting as his own attorney, filed a claim against his bank in district court.

In the meantime, McGrath agreed to pay half of a $3,000 loan he had taken out with his bank to purchase combine, but, because of displeasure with the bank over the IRS incident, he refused to pay the remainder until the courts made a decision on the levy made by the IRS. The battle in the local courts between McGrath and his bank and the IRS raged on for months until Tuesday, July 29, 1980, when an order to seize McGrath's combine was issued by a local court.

The Grand Forks, Minnesota, *Herald* carried the following account of the next fateful day:

"The incident occurred after Schroeder, Lt. Larry Bangle and Sheriff Deputy Robert Rost escorted an implement dealer's truck to a farm field where McGrath's combine was located. Officers had served notice on McGrath Tuesday warning him that they intended to seize the vehicle.

Sheriff Taylor said the deputies arrived at the field about 11:30 a.m. and were told by someone on the site that McGrath had said not to move the combine because he was coming back with a gun. Taylor said the person was not a member of the McGrath family."

The combine was picked up and sheriff's vehicles escorted it toward Grand Forks on County Road 4 with one car heading the entourage and another behind.

Taylor said McGrath's car approached the group from the rear when they were less than two miles from Grand Forks and passed one car and the truck with the combine, cutting in front of the two vehicles.

McGrath, his wife and son were in the car. McGrath jumped out and words were exchanged, Taylor said. He said one sheriff's car pulled in front and blocked the road, warning McGrath on his loudspeaker that they were from the sheriff's department and that he was under arrest and should drop his weapon. The trucker towing the combine pulled into a ditch.

Taylor said McGrath got in his car, which drove straight toward the sheriff's car. His son was driving while McGrath leaned out of the passenger's side window with a pistol. A number of shots were exchanged between McGrath and Schroeder, Taylor said, and the flurry ended when McGrath was shot [in the head] through the windshield with a 12-gauge shotgun. Schroeder was the only one from the department to fire. [The police report admits that Schroeder many have fired first. McGrath was the only person injured in the foray.]

Taylor said that McGrath, 51, appeared to be the only one in the car who fired at officers. [It is far from clear that McGrath was actually firing at the officers since his bullets only hit the tire of the other car.]

The sheriff said McGrath apparently has no criminal record.

McGrath was taken to the hospital in critical condition. His son, who had driven McGrath's car during the incident, was charged with attempted murder. Mrs. McGrath was charged with being an accomplice to attempted murder—even though she was merely riding in the back seat of the car when her husband was shot.

A week later, Donald McGrath died from extensive brain damage he suffered as a result of "a shotgun wound to the head and massive loss of blood leading to shock from the time he was injured until he received medical care." *All of this stemming from a disagreement over $39.65—arbitrarily assessed and arbitrarily collected.*

SOME TRUTHS ABOUT THE ENVIRONMENTAL MOVEMENT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. YOUNG of Alaska. Mr. Speaker, the environmental movement is becoming a powerful and active force in American politics. Environmental groups have organized political action committees to finance and assist environmentally oriented candidates. A coalition of environmental groups recently released a report which strongly denounced President Reagan's environmental record. The environmental organizations have made it clear that their enemy is not merely Interior Secretary James Watt, but President Reagan and his entire administration.

These are fairly powerful accusations to be issued by a coalition of organizations which claim to represent the bipartisan interests of environmental protection. In light of the growing activism of the environmental movement, I think my colleagues should be aware of the composition and motives of environmentalists. In an insightful article entitled "The Environmental Era," William Tucker concludes that environmentalists are typically elites and are "a privileged minority." He suggests that the affluent status of most environmentalists and their desire to preserve their privileged social status contributes to their environmental protection views.

Although Mr. Tucker's argument is provocative, I think it is fundamentally sound and merits careful consideration by my colleagues. Therefore, I insert excerpts from William Tucker's article which appeared in the February/March edition of the American Enterprise Institute publication Public Opinion.

EXCERPTS FROM "THE ENVIRONMENTAL ERA"

(By William Tucker)

• • • The environmental movement has become an extremely conservative doctrine—fearful of the future, despairing of human effort, worried about change, and wed to the status quo. What has soured these people on progress? The unavoidable answer is: privilege. The environmental movement has entwined itself with the protection of privilege.

* * * * *

THE NEW ELITE

• • • Who are they, and why do they do the things they do? The answer is that environmentalists are simply an elite. They are people who have benefited from the economic system much more than the average person. Then, instead of wanting or allowing others to do the same, they have set their sights much higher than normal—much higher than anyone who is not in a privileged position could set them. The not-unintended effect of these efforts has been to make it much more difficult for people who have not already climbed the ladder of affluence to achieve what environmentalists themselves have already attained. Far from being a new departure, this behavior exactly matches the way most elites in history have reacted to their positions of privilege. Their values and positions are those of a nation's aristocracy.

Yet, there is nothing that environmentalists resist more than the idea that they are elitists. They will respond by waving polls showing that 80 percent of the nation wants cleaner air. They will point to impoverished residents of an obscure valley in Virginia who joined them in opposing construction of a new dam when the people found their homes were to be obliterated. They will tell the story of Minnesota farmers who locked hands with environmentalists in opposing construction of a power line.

It is easy enough to see why, in certain instances, almost anyone would be personally opposed to a particular form of economic advance. Even the staunchest advocate of progress may have a few misgivings when the state transportation department starts drawing plans to run a new expressway through his living room. But why do environmentalists oppose every form of econom-

ic growth and progress in every instance? What motivates them?

The same questions can be addressed to the argument that everyone is in favor of cleaner air. This may be true, but it is not the whole story. People may be in favor of clean air, but at what cost? One of the fundamental accomplishments of environmental groups has been in persuading Congress to adopt legislative provisions that clean air and clean water regulations will be determined without regard to cost. The question, "How can you put a price on clean air?" can be answered very easily. You put a price on it the way you put a price on any other good or value that people have the option of pursuing.

Yet the current legislative enactment of environmental goals does not allow for many such choices. Environmental goals must be pursued regardless of their relative benefits to other social purposes. They are not weighed against other social endeavors but are given priority above every other activity of a modern industrial society. Environmentalists have essentially rediscovered, and in some cases reinvented, the conventions of aristocratic conservatism.

* * * * *

THE MOVEMENT'S EVOLUTION

* * * the birth of environmentalism represented a withdrawing of upper-middle-class attention from the interests of the poor and a turning in another direction. The liberal agenda represented an effort by upper-middle-class people to leap over their adversary neighbors in the lower middle class and make friends with the poor. But by 1970 this effort was showing its limitations.

And so, many original thinkers in the upper middle class began to realize that there was still another possible "enemy-of-your-enemy" alliance in the other direction. This was the old wealth, lying on the far side of the business elite, above the upper middle class on the economic scale.

* * * * *

Every survey that has ever been taken (including the Sierra Club's extensive polling of its own membership) has shown that support for environmentalism has been concentrated in the upper-middle-class, professional segment of society.

* * * * *

In addition to numbers and energy, the upper middle class brought skills to the cause of aristocratic conservatism. Aristocracies, besides being small, also have a habit of letting their skills erode. Upper-middle-class people are, above all, immensely skilled at legal and bureaucratic performance. They know how to draw up laws, lobby legislators, write newspaper stories, sway public audiences, and generally push their opinions both popularly and legally upon the public. The rafts of environmental literature and the astonishingly rapid institutionalization of the environmental movement after only a few short years in the public domain are the monument to these abilities. With almost religious intensity, the upper middle class has made environmentalism its sacred cause.

THE CONSERVATISM OF THE LIBERALS

Environmentalism has been the mass adoption of aristocratic values by America's burgeoning upper middle class. It is the "conservatism of the liberals." Once the liberal program of upper-middle-class people creating government programs to sponsor disadvantaged people began to exhaust itself, a very predictable turn of events occurred. Upper-middle-class people decided that they too were "disadvantaged" and deserved a liberal program. This accounts for one of the more annoying aspects of the environmental movement—the tendency of its exponents to borrow rhetorical terms from previous liberal programs and try to picture themselves as an "abused minority." The truth is, in fact, the very opposite. One does not become an environmentalists until one achieves some kind of privilege and feels one has something worth protecting. Environmentalists are a privileged minority.

* * * * *

Environmentalism, because it is oriented toward the status quo, had an inevitable appeal to people toward the top of the social ladder, and a negative appeal to those nearer the bottom. When environmentalists said "we already have enough," and "it's time to stop all this growth-for-growth's-sake," they were very accurately representing their own newly acquired position of economic security. But anyone who was further down the scale and was depending on future growth and progress to improve his lot would be instinctively opposed to the environmental doctrine. The basic flaw of environmentalism—and indeed of all the previous "environmental movements" of history—was beginning to emerge. At heart, environmentalism favors the affluent over the poor, the haves over the have-nots.

* * * * *

Who was against environmentalism then? Initially, blacks were one of the few groups heard expressing some reservations about the sudden turn in liberal thought. On Earth Day, 1970, when a group of California college students buried an automobile in order to symbolize their renunciation of materialism, the event was picketed by a group of black students, who said that resources, rather than being wasted in such a conspicuous fashion, should be put to work in improving the lot of the poor.

* * * * *

This constant dissent of articulate blacks from the environmental agenda has been a running source of embarrassment to a movement that has tried desperately for over a decade to preserve the illusion that it is a liberal crusade. As late as 1979, for example, Vernon Jordan, director of the Urban League, was asked to attend a joint conference on urban and environmental affairs, intended to heal the breach in the liberal ranks. He responded with these remarks:

"Walk down Twelfth Street [in Washington, D.C.] and ask the proverbial man on the street what he thinks about the snail darter and you are likely to get the blankest look you ever experienced. Ask him what he thinks the basic urban environmental problem is, and he'll tell you jobs. I don't intend to raise the simple-minded equation of snail darters and jobs, but that does symbolize an implicit divergence of interests between some segments of the environmental movement and the bulk of black and urban people * * *

"[Environmentalists] will find in the black community absolute hostility to anything smacking of no-growth or limits-to-growth. Some people have been too cavalier in proposing policies to preserve the physical environment for themselves while other, poorer people pay the costs."

* * * * *

Labor unions have also been in the forefront of opposition to the environmental movement. By the early seventies, labor columnist Victor Reisel was repeating the joke about God telling Moses that before He parts the Red Sea, He is first going to have to get permission from the Environmental Protection Agency. The bumper sticker "If You're Hungry and Out of Work, Eat an Environmentalist!" was originated by labor unions. Considering that many, many environmental campaigns have involved opposition to large-scale construction projects, power plants, highways, and factories, this is not at all surprising. Whenever enthusiastic college students go out to picket a nuclear plant, they always find a group of hardhat construction workers ready to throw bricks at them. As one union official put it: "These environmentalists are a bunch of bloody elitists * * *. [I]f it's 'no growth' they're advocating, then what they're really saying is: 'We've got enough for ourselves, but you stay down there.'"

The working-class, labor-union revolt against both environmentalism and the poor-oriented thrust of the Democratic liberal agenda, finally made up the major factor in Ronald Reagan's 1980 presidential majority, particularly in the western part of the country. This revolt has often been called "populist," and I think the term is justified. In general, this neopopulist revolt against environmentalism has been literally a quarrel between the "haves" and the "have-nots," between the urban and suburban liberal establishment intent on protecting its positions of privilege and the broad reaches of lower-middle-class and poor people, who feel that they do not yet have enough.

* * * * *

WAITING FOR DOOMSDAY

Perhaps the most perceptive criticism of this upper-middle-class conservatism was written right at the dawn of the environmental era by Chicago newspaper columnist Jon Margolis. In an article entitled "Our Country 'Tis of Thee, Land of Ecology," published in Esquire in 1970, Margolis noted:

"Searching for their hundred-fifty-year-old Vermont farmhouses, conservationists wonder how people can actually want to live in a new, $25,000 split-level in the suburbs, apparently never thinking that for most people the alternative is a three-room walk-up in the downtown smog. The suburbs are open to them, as is Vermont to the more affluent, because of technology, because draining swamps and dirtying streams and damming rivers and polluting the air gave them high-paying jobs. Shouting about the environmental catastrophe, urging an end to growth, the conservationists are $20,000-a-year men telling all the $7,500-a-year men simply to stay where they are so we can all survive."

Writing in a similar vein about affluent prep-school boys and how they were adjusting to the "era of limits" in the late 1970s, Nelson Aldrich, Jr., penned this prescient sentence about modern Doomsday attitudes:

"Just discernible in this new Preppie idealism is a wish, barely disguised as a fear, that the era of economic growth may really be finished, and that a New Dark Age may be upon us."

It is this fervent wish for an environmental day of reckoning—the hope that some grand historical turning point has been reached where economic growth will be halted—that constitutes the secret of the upper middle class's fervent embrace of environmentalism. If further progress is im-

possible, then perhaps the status quo will harden and remain forever.

In this kind of framework, the only disappointment occurs when the great Environmental Doomsday doesn't come.●

HANDGUN BODY COUNT

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. LEHMAN. Mr. Speaker, the handgun body count for the month of February totaled 632. I am particularly disheartened by the fact that 110 of the reported handgun deaths occurred in my own State of Florida. Such tragic news does not surprise me, since the number of handguns being purchased by people who claim to fear the violence in our society has drastically increased. Presently, a new gun is purchased every 13 seconds.

Stronger gun control laws may not have saved all these persons, but I am convinced that many of them would be alive today if we had had the courage to pass antihandgun legislation.

The list follows:

HANDGUN BODY COUNT

ALABAMA (3)

Horace Goodwin, Wallace Havis, James Vandiver.

ARIZONA (8)

Francis Capaldi, Ramon Gonzales, Earl Johns, Herbert Meacham, Howard Mitchell, Police Officer J. Ross, Jesus Urias, Willie Williams.

ARKANSAS (10)

Alyene Ballard, John Crossno, James Dobbs, Roosevelt Duncan, Phyllis Griggs, Larry Jarry, J. N. Maples, Dixie Morris, William Naramore, Mark Turner.

CALIFORNIA (64)

Rafael Anaya, Yolanda Aragon, Mary Barker, Francisco Barrera, Steven Beaumont, Debrah Bedwell, Wayne Bedwell, Brook Bettencourt, Debbie Bettencourt, Iain Black, Ken Blyth, Melvin Brown, Adelaido Candelas, Frank Carso, Henry Castro, Gail Cook, Joseph Crampton, Donald Dixon, Jeffrey Dixon, Pedro Erami, Vincent Gonzales, George Griffiths, David Hernandez, Francisco Herrera, Terry Land, Fidel Lepe, Rafael Lopez, Delin Martin, Guadelupe Martinez, Urbano Martinez, Molly McGowin, James McGuire, Roderic McKenney, Matthew Milan, Lisa Miller, Ronald Milliron, Francisco Mireles, Gonzalo Moreno, David Myles, Sr., Roy Nakase, Rollin Newton, James Nolan, Librarda Olivarez, Delissa Pitts, Ernest Powell, Jr., Barbara Poure, James Poure, George Purdon, Carlos Ramirez, Frank Saltzman, Blanche Skinner, Linda Taylor, Larry Tsuji, David Wallace, Charles White, Vicie Youngblood, Tony Zatata, unidentified males (7).

COLORADO (10)

Galen Broyles, Patrick Burke, Michael Cates, Anthony Duran, Fritz Elie, Arthur Garcia, John Garrick, Jr., Deborah Haynes, Elaine Reynolds, Roland Witkowsky.

CONNECTICUT (4)

Edwin Berrios, Leonardo Delavega, Evelyn Faford, Ella-Jean Streeter.

DELAWARE (2)

James Feeley, Sr., John Hillard, Jr.

DISTRICT OF COLUMBIA (5)

Clifton Carrey, Paul Dixon, Arlene Flowers, Reginald Lee, Thomas Meyer.

FLORIDA (110)

Lance Anderson, Juan Araujo, Jorge Arias, Fabian Barrientos, Mark Blackford, David Brown, John Brown, Charles Benjamin, Larry Brown, Carlton Butler, Ellen Cilibert, James Cillibert, Ijany Clark, Orazio Colella, Robert Colleton, Fawn Coon, Alan Coull, Thomas Cower, Jorge Cruz-Alonso, Carlos Dager, Michael Dalfo, Daniel Davis, Guillermo Diaz, Frances Dickey, Douglas Dodson, John Downing, Steven Early, Ruth Edward, Richard Fiorenza, George Galton, Ramon Garcia, Edward Gibbons, Florence Gibbons, Peter Gibbons, Donnie Gillis, Edna Goldberg, Alfredo Gonzalez, Jorge Gonzalez, Horace Goodwin, Allen Green, William Hammond, Richard Healey, William Hemmer, Oscar Hernandez, Eliadi Hidalgo, Collin Hixon, Kenneth Holtman, Ibad Irelia, Patrick Johnson, William Kamin, Henry Kluger, Noah Lane, Samuel Lattimore, Albert Lennon, Margaret Lewin, Betty Marshall, Carlos Martin, Arnaldo Mellado, Pate Miller, John Mitchell, Jorge Moreno, James Murphy, Vernon Odom, Richard Padgett, Osmel Patterson, Carlos Perez, Nelson Perez, Silvio Perez, Gerard Pitner, Linda Ponton, Charles Rankin, Oliver de Jesus-Rendon, Rafael Roca, Nestor Rodda, Henriquet Rodriquez, Derrick Scott, Paul Shaddinger, Carlynda Shannon, Jacob Shaw, Nancy Sheppard, Elizabeth Shulkin, Larry Silver, Michelle Silver, James Stephan, Gwendolyn Terry, Ronald Thagard, George Thompson, Edward Threw, Felix Toca, Ceasar Vitale, Patricia Vitale, Louis Vitolo, Tharale Ward, Saint Weaver, Gordon Yost, unidentified males (15).

GEORGIA (6)

Alexander Bailey, Jean Breedlove, Elizabeth Combs, Welton Dodson, Alice Ridgeway, Arthur Riggs.

HAWAII (1)

Laureto Valdez.

ILLINOIS (57)

David Action, Gregory Baker, Melvin Brown, Patricia Burke, Dong Kuen Cha, Garcia Chacon, Miguel Chacon, Donald Cisewski, Robert Clarkson, David Cobb, Robert Conway, William Cox, Jerry Davis, Donnell Douglas, Patrolman James Doyle, Bernice Elrod, Henry Ervin, William Fahey, Bruce Foys, Odon Garcia, Art Gilmore, Thomas Gordon, Walter Grace, Nick Guerrero, Winford Gurley, Claudette Hampton, McArthur Harris, James Hauad, Tyrone Wilson, Jerome Johnson, Fred Kemp, Lee Lampley, Earl Leavy, Karen Marquez, Shirley Marshall, Ismal Martinez, William Maupim, Samuel McBride, Bobby McCray, Andre McCullum, Joseph Moran, Casimir Novak, Sr., Inocencio Noyola, Richard O'Brien, Edwin Pedrza, Bruce Reynolds, Eugene Rodriquez, Curtis Schwartz, Earl Steele, Nina Thorne, Lester Todd, Jerome Unick, Jesus Valdivia, Frankie Vaughn, Juanita Wheeler, Dwight Whitley, Police Officer Valentas.

INDIANA (12)

Robert Anderson, Nancy Corley, Billy Evans, Keno Lewis, Joseph Midday, Roy Edwards, Stephen Plummer, Evelyn Ramer, Nancy Rehm, Bonnie Thomas, James Thomas, Daryl Winston.

IOWA (1)

Lloyd Lindsley.

KANSAS (2)

Epimerio Otero, Shirley Otero.

LOUISIANA (13)

Sherry Alford, Irma Allen, Richard Blaire, Donald Borne, Hudson Burton, Jeanie Burton, Diane Doss, Terri Edwards, Daryll Landry, Henderson McInnis, Telfy Moses, Clifton Portalis, Limaus White, Jr.

MARYLAND (20)

Andrew Anderson, Jr., James Brown, Beatrice Butler, Gary Coleman, Scott Crist, Llewellyn Hall, Raymond Hubbard, Lebard Jones, Victoria Kalbarczyk, Jack Lowery, Henderson McInnis, Edgar Mercer, Keese Milford, Kevin Miller, Calvin Peacock, Jr., Steven Poindexter, Charles Rawlings, Doris Shaumburg, Witold Szukiewicz, Frank Wooten.

MASSACHUSETTS (6)

Ralph Freeman, Enrique Hernandez, Bobby Manzo, Kenneth Ridley, Charles Silvestri, John Tinker.

MICHIGAN (41)

Csi Jin Ahn, John Barnes, Jr., Ricky Bell, Jamie Burgess, Jessie Turnage, Herby Colbert, Mary Combs, Herbert DeFoe, Jackie Eaton, Mary Ferrin, Ronald Ferrin, Margaret Furca, Harry Hamacker, Mae Henry, Dwight Hudson, Clyde Irby, Eric Irvin, William Jamieson, Irvin Jefferies, Felix Jefferson, Mark Kroll, Joseph Marlin, James McCanney, Claude McConner, William Mitchell, Darnell Moore, Christopher Mordell, William Nabors, Douglas Pageau, James Parnell, Diane Ray, Craig Scott, Sylvester Scott, Frank Siemion, William Simmons, Eddie Sterling, David Stewart, Milton Taylor, Jr., Kenneth Welch, Ernestine Wright, Frank Yermaka.

MINNESOTA (4)

Dennis Breene, Derrio Green, William Hall, Albert James.

MISSOURI (19)

Warren Bell, Jeffrey Bronaugh, Leonardo Binion, John Crackler, Dennis Callaway, Gregory Critten, Ernest Curry, Terry Ford, Dr. Mary Groom, Adell Hardy, Steven Houston, James Montgomery, Billy Morris, Herbert Pruitt, Brian Reece, Mae Riley, Damon Robertson, Don Voepel, Hemer Ware.

NEVADA (3)

Benito Martinez, Bert McMahon, Ken Stewart.

NEW HAMPSHIRE (3)

Alan Miner, unidentified female, unidentified male.

NEW JERSEY (9)

Miguel Benites, Lynn Falzarano, Thomas Kerr, Frank Kormady, Melvin Mann, Patricia Riley, Mario Smeriglio, James Smith, Henry Smith.

NEW MEXICO (5)

David Eastman, Alejandro Mahle, Jane Overby, Juan Serrano, Matthew Shorty.

NEW YORK (30)

Vito Ajello, Howard Baker, Kent Beam, Francis Breakey, Rose Curatolo, Leatrice Davis, Lois Delacruz, Pearlene Early, John Garvey, Mark Hertzan, Alexander Innis, Bonnie Martin, Tomas Mendez, Daisy Miranda, Miguel Montalvo, Roberto Ortiz, Juan Rivera, Luis Rivera, Robert Scheff, Stanley Stoerher, Carlos Torres, N. Triantafillou, Ibram Wahba, Officer Werdann, Lorraine Young, unidentified female, unidentified female, unidentified male (3).

NORTH CAROLINA (12)

Pervis Baize, Cheryle Bolton, Bobby Hord, Irene McMillan, Terry McMillan, Cindy Milton, Troy Milton, Lou Montgomery, Clyde Robinson, Roger Stowe, Ralph Thomas, Linda Walters.

OHIO (24)

Michael Bell, Richard Boyd, Deanna Campbell, Raymond Childers, Sammy Conner, Rodney Cupe, Harold Gibson, Kathy Hillis, Donita Hoffman, Robert Lowrey, Tim May, Brian McConaha, Sandra Meade, Willie Ousley, Corey Perkins, Eric Polzin, Rev. H. Rickerson, Mattileen Ringer, Boyd Ross, Jr., Ivan Schoen, Arthur Stewart, Steve Tincher, Catherine Wanner, David Wolfe.

OKLAHOMA (5)

Deborah Brown, Lawrence Huffman, Marilyn Buffman, David Tackett.

OREGON (6)

Daniel Patrick, Mrs. Daniel Patrick, Michael Palumbo, Gerald Speas, Mrs. Gerald Speas, unidentified female.

PENNSYLVANIA (23)

Mohammad Aslam, Ronald Cunningham, Lillian DeNicola, Dominick DeVito, Michelle Dymkoski, John Hilliard, Billy Hool, Jr., Robert Johnson, Charles Jones, Hwa Kim, William Lawrence, Thomas Mangeri, Howard Maynard, Michael Palumbo, Joseph Pileggi, Douglas Redden, Benjamin Repep, Larry Repep, Jr., Larry Repep, Sr., Ruth Repep, Riley Sederick, Ralph Yellets, Jr., Thomas Zylinski.

RHODE ISLAND (2)

Joan Ditiberio, Thomas Iozzi.

SOUTH CAROLINA (1)

Michael Ward.

TENNESSEE (12)

Rayford Bond, John Bright, Willie Carruthers, Hazel Hinton, Paige Leonard, James Mitchell, James Nichols, Kenthearl Pope, Rebecca Summerhill, William Turner, Frank Williams, Maggie Williams.

TEXAS (71)

Ellen Aleman, James Armstrong, Raymond Banks, Leroy Barcelo, Sr., W. L. Barnes, Luis Bautista, Kenneth Beck, Enrique Calderone, David Carreon, Henry Carroll, Jr., Adrian Castro, David Chatham, Joseph Cipolla, Fortunato Cordero, Gary Cousins, Florentino Delatorre, Baudelio Delgedillo, Otto Diaz, Donna Dunn, Genie Dunn, Joel Evans, Larry Foster, Michael Fowler, Daniel Garcia, Manuel Garcia, Ruben Gillezeau, Virginia Gillezeau, Niel Grueland, Abraham Guerra, William Hale, Wanz Hanson, Victor Hernandez, Har Hey, Teng Meng Hey, Gilbert Hutchins, Jr., Eustace Ible, Ralph Jackson, Rick Jackson, Lonnie Jones, Cerildo Labrada, Warren Lassien, Ed Martin, Lazaro Martinez, Michael McConnell, M. Mendoza, Leonel Ochoa, Deborah Ozuna, Jona Palvadore, Rogelo Ponce, Orlando Portillo, Maria Proscelle, Robin Randall, Harold Rhone, Evelyn Richardson, Ronald Rothman, Oscar Salinas, Randal Smith, Ralph Thomas, Earnest Warner, Paul Watson, Kenneth Whitt, Dwight Wilson, Merlyn Wright, Joseph Zapollo, unidentified male (7).

UTAH (1)

Guy O'Bannion.

VIRGINIA (14)

Roy Alexander, Nicky Beasley, Ercelle Cook, Mae Dunford, Joseph Kancso, Sr., Howard Kauffman, John Lindamood, Police Officer Maloney, Kevin Maltby, Franklin Mann, Thomas Roy, Larry Wilson, unidentified male (2).

WASHINGTON (7)

Robert Becker, Joseph Chapman, Alvin Hunter, Michael Johnston, Rodney Lindenmuth, Larry Stover, John Widman.

WEST VIRGINIA (1)

Carl Davisson.

WISCONSIN (5)

Karl Biami, Derrio Green, Lula Stinson, Debra Taylor, Lloyd Vanzant.●

A LEGACY OF COMMUNITY SERVICE

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. HAWKINS. Mr. Speaker, I rise today to pay special tribute to four outstanding individuals from Los Angeles, Calif., who will be honored at the fourth Annual Mothers Day Luncheon sponsored by the Good Neighbor Council on May 8, 1982.

Mr. Speaker, these four outstanding mothers, Annie P. Sharpe, E. Grace Payne, Montana McNealy, and Theresa Mary Johnson, through their timeless commitment to improve the community have touched the lives of countless people in a special way. Each one deserves special recognition here today.

Mrs. Annie P. Sharpe has been actively involved in community affairs for a great number of years. Her activities include offering assistance in the summer youth employment program, summer lunch program, Community Activities Group, community garden program, and Foundation for the Junior Blind. Mrs. Sharpe also served as my community representative for the 29th Congressional District.

Annie Sharpe has been the recipient of numerous awards including a Congressional Medal of Merit for 20 years of outstanding community service.

Mrs. E. Grace Payne currently serves as executive director of the Westminister Neighborhood Association, Inc., a community service center in South Central Los Angeles which offers invaluable assistance to needy residents. Mrs. Payne has always been active in community affairs and has an outstanding record in civic activities.

In July 1979, the city of Los Angeles honored Mrs. Payne by naming and dedicating a city-owned facility auditorium in her honor, "The E. Grace Payne Auditorium." On March 4, 1981, KUSC-FM radio station honored Mrs. Payne for the "Women of Achievement Award" with a live radio interviews.

Mrs. Montana NcNealy has been a resident of Los Angeles since 1933. She has been involved extensively in civic, social and community services, having performed volunteer work as director of the National Association for Colored Girls; chairwoman of the World Fellowship of the Angeles Mesa Branch YWCA; Basileus, Gamma Phi Delta Sorority, Alpha Delta chapter of Los Angeles; and assistant secretary and chairperson of the Moral Philosophy of the Phys Art Lit Mor Club.

Mrs. Montana's sorority honored her with the "Regional Woman of the Year Award" for the most outstanding service to the community.

Mrs. Theresa Mary Johnson is the mother of 10 children and 25 grandchildren. Her participation in community affairs started in 1955 when she initiated a petition drive to erect an overpass at Manchester and Avalon Boulevards for safe crossing for children as a result of the death of a youngster.

Mrs. Johnson's community work encompassed the following activities: Campaign work for Assemblyman Bill Greene; president of the 107th Street School PTA; board member for the Federation of Nursery School; community advisory chairperson for Locke High School and representative for the community.

Mrs. Johnson has also served as a youth counselor; a den mother; Head Start program representative; teacher and representative on the Los Angeles Housing Urban Development Committee from the eighth district.

Mr. Speaker, I only mentioned but a few of the community activities and positions achieved by these remarkable women. There is no way to measure the countless hours they gave in pursuit of bettering the community. Through their meritorious community activism they have graced South Central Los Angeles with a distinctive quality of excellence and service.●

LOUISVILLE WINS NATIONAL DEBATE CHAMPIONSHIP

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. MAZZOLI. Mr. Speaker, I wish to call to the attention of my colleagues in the House, the recent victory of the University of Louisville's debate team at the National Debate Championship.

Although the university has consistently placed in the semifinals and finals for regional and national tournaments, this is the first time in the 4-year history of the team, that Louisville has won a national championship. A total of 62 schools from across the country participated in the tournament.

I commend the efforts of the team's two seniors, Dan and David Suther-

land, whose skill and preparation lead the university to victory, as well as the efforts of Dr. Thomas Hynes, the team's coach.

I extend my congratulations and best wishes to the team for an honor well deserved, and wish them much continued success.●

THE IRS STRIKES—WITH KILLER INSTINCT

HON. GEORGE HANSEN
OF IDAHO
IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. HANSEN of Idaho. Mr. Speaker, I have shared many examples of some of the outrageous practices used by the Internal Revenue Service in their tax collection practices. Another example of these heavyhanded and abusive practices, which would be stopped by passage of H.R. 4931, the Taxpayer Protection Act (TPA), is the following letter I received from a former IRS agent.

DEAR SIR; Just wanted to let you know that your book on the IRS is right on the mark. Having been a Revenue Officer with the Internal Revenue Service (for five years) . . . perhaps I can add a few personal comments you might be interested in reading.

First, the entire IRS has a virtually automatic reaction to anyone who thumbs his nose at them—and especially anyone who does so publicly. In sports I think it would be known as the killer instinct. When I was in (name of city withheld) I saw a file on its way from the Washington office to a Revenue Officer in (another city) on (name withheld) in which Washington said that a levy on royalties from his writings had to be served because this dirty so-and-so is really a pain in the rear and included clippings. He was a speech writer for (a U.S. Senator) once—if he was less of a public figure he might not have gotten so vigorously chased.

Second, no matter what it says in the Internal Revenue Manual, Part V about a careful definition of what constitutes an "illegal tax protestor" the typical Revenue officer probably believes that all those he comes into contact with are illegal tax protestors. And I think IRS management does little if anything to try to change that impression. You have to realize that there are two completely different things: The way the IRS operates according to the way the Manual says it operates and then the way it really operates. Most Revenue officers, strange as it may sound, are decent people and if it were not for management breathing down their necks they would treat people like human beings. However, management has everything on their side, if the Manual favors what they want to do anyway, then to heck with the individual problems of a particular taxpayer and they can write up (give a bad chit) to a Revenue officer who doesn't follow the Manual. If they want to do something that doesn't follow the Manual, they just tell you to do it and if you balk they find some method for a reprisal on you later. I personally was ordered to (and did) seize a vehicle from a woman that was old and of hardly any worth at a group manager's orders. As that group manager . . . said one time in response to a question about treating the taxpayers equitably: "Of course, sock it to those whole bunch of mothers."

Third, the IRS is absolutely paranoid about the posse comitatus. Even though in the areas I worked there wasn't any known activity by that group, we frequently heard about it. As a matter of fact, in 1980 we were told to be careful not to meet anyone who wanted to get together on some lonely country road late at night because it might be one of those possee guys wanting to kill you. It was alleged they had made such a threat or had some such plans. As a matter of fact, I got the impression the IRS had infiltrated that group or had informers. In my five years with the IRS, I was only threatened once and never was assaulted—as a matter of fact I know of only one Revenue officer of my own acquaintance who was attacked in his work (an angry patron—a third party—in a bar threw a beer bottle at him, he wasn't seriously hurt). In a way that is strange considering the nature of the work—but then again I guess it is pretty common knowledge that an assault on a Federal officer is a serious matter.

Fourth, the way the IRS treats its own people is probably the reason IRS people frequently treat "the people" so poorly. The pressure is unbelievable and Revenue Officers burn out, get sick, have marital problems, etc. at probably a higher rate than most folks. It would be good if you could get a copy from the National Treasury Employees Union of the mass grievance that was put in by virtually all the Revenue Officers at (one) office a couple of years back. It would make for good reading—for one thing, the management at one point had made it virtually impossible to get an installment agreement on a business account approved regardless of what the Manual said about that being okay. I regret I don't have my copy still—the response of the Chief of the Collection Division for the . . . district was (as he was overheard leaving a group manager's office): "Get the trouble makers out of here!" However, most IRS people feel themselves caught between a bureaucratic union on the one hand and a bureaucratic management on the other—in other words, for most there appears no way things can be appealed, one is all alone.

Fifth, your advice that one can always go to one's Congressman and complain may or may not work. More likely not. If someone gets the ear of a top management person about an irregular procedure and keeps the pressure on, then maybe something will be done. However, for the most part, the IRS just views Congressional inquiries as just so much "control" correspondence and a nuisance. Worse, down at the working level, some Revenue Officers resent high-level interference and will go out of their way to gum up a taxpayer. A complaint to a group manager will seldom get relief either—though there are some group managers who bend under pressure, so it might be worth trying. And sometimes one wonders if anything can be done—I put through an adjustment several times (and it never came back to me as rejected so I have to assume it was done right) and each time service center conveniently lost it, the changes were never made to their account. And each time they would get a fresh bill they would run to their Congressman that (I said I would straighten it out and yet,) here is a fresh bill. It can get frustrating. Besides which, often a taxpayer will send in information to correct an account while it is still in Office Branch—at least in (one) district they just let such replies pile up. Once or twice a year they will take such correspondence to the terminal to see where the case is—and behold the case has worked its way to the Field Branch where a Revenue Officer has been bugging a taxpayer for information he has already supplied!

Sixth, as for the taxpayer being able to count on the Revenue Officer being unarmed since that is the rule and I followed it. However, if I now met up with a Revenue Officer I wouldn't count on it. One of my co-workers was a gun nut and even showed a revolver openly in the office once. The last I heard this particular Revenue Officer was going to be prosecuted for falsely making statements in cases that were not true, that Federal Tax Liens had been filed when they were not, etc. (and I was one of those who helped the Inspectors on the case) and he was going to try and beat the rap by claiming mental incapacity! What a combination, a mental nut with a gun out there with the taxpayers! Don't bother to ask managment, you see management never seems to know that these things go on. The rumor could be all over the place for years, but management never knows. You see? And there is also a code of silence, no one—management or employees—is ever supposed to go to Inspection except for outside types of things (bribes and threats). That's the code.

Am I better? Not really, but a bit disillusioned. As you said, the FBI and CIA excesses are nothing as compared with the way the IRS has run wild. But it has succeeded, in the sense that a large body of the public really fears it. And, as you said, Congress must accept some of the blame for not getting this monster under control.

I just decided enough is enough and I didn't want to be a part of the federal government's terror squad. My reviews over those five years were good. But when I got sick . . . I had time to think and decided to resign, especially as they had decided to rotate Revenue Officers for spells in lower level work. That's an interesting story too, they sent a police officer to my door (they apparently did not believe I was sick) and then sent me a letter saying the police officer said you are okay, so get back to work. How a police officer has medical qualifications I don't know. When I sent them a doctor's certificate, they shut up about that. Then when the doctor said I was okay (to go back to work) I asked for a few days leave without pay and they said okay and then later called it absent without leave because I hadn't applied to the right level of management. You see, even if one is sick and weak you are supposed to go through their red tape.

Again, I enjoyed your book and if I can ever be of any assistance as a former insider in the IRS, please let me know. You are free to employ any of the information in this letter in any way you choose with one stipulation: do not have my name on anything going beyond you and your immediate staff . . . so they can't figure out who talked. I am afraid the IRS would just love to do a job on a former employee writing a Congressman. At the very least I would be put on the violence list!

I'm afraid though even the IRS may get overwhelmed there are so many non-filers. I don't think anyone really knows how many. I remember one guy in the U.S. attorney's office . . . saying that there were so many sending in blank returns with Fifth Amendment written on it that he thought the IRS

should just send such direct to Audit, that is just have Audit (examination) set up an assessment. I'm not sure, but pretty much I think that is what they are doing. If you've been patient enough to read this far, I hope you have learned something.

Sincerely,

——— ———.●

THE LATE LOUIS M. LYONS

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. BOLAND. Mr. Speaker, on April 11, Louis M. Lyons, one of the most respected individuals in American journalism, died in Boston. His death brings to a close a career in print and broadcast journalism that has been an inspiration to a generation of reporters and commentators.

For more than 50 years, Mr. Lyons had an association with the Boston Globe and the radio and television stations affiliated with that newspaper. During that time he achieved a reputation for excellence as a journalist that few members of his profession could match. He covered the news in a manner that was acknowledged by his peers and the public to be thorough, accurate, and fair. I cannot think of a finer tribute to a journalist than to have his work characterized in that manner.

In addition to the role model he established as a working journalist, Mr. Lyons took a direct interest in the education of journalism students. For 25 years he headed the Nieman Foundation at Harvard University and through his efforts the Nieman fellowships became one of the most sought after prizes in journalism. The value of those efforts was perhaps best described by Harvard when, in awarding him an honory degree, it called him the "conscience of his profession."

Mr. Speaker, although Louis Lyons spent most of his working life in Boston, the people of western Massachusetts were well known to him. Educated at the University of Massachusetts and for a time a member of the staff of the Springfield Republican, Mr. Lyons had strong ties to the western part of the State and was regarded with a special fondness in that area. His many contributions to journalism will keep his memory alive for years to come.

I would like to insert, at this point in the RECORD, the fine tribute to Louis Lyons which appeared in the Boston Globe on April 13:

LOUIS LYONS

Louis M. Lyons, who did more than anyone else in these parts for the caliber of broadcast news, died after a losing battle malignant lymphoma.

Louie Lyons was the right person in the right place, at the right time. His background was uncomplicated—born in Dorchester, moved to a farm in Plymouth, graduated from the University of Massachusetts when it was still a cow college instead of a major university.

He worked for The Globe and eventually headed the Nieman program for journalists at Harvard. In 1951, when televison and educational broadcasting were both in their infancy, Louie's low-key style gave little hint of the bite that he wove into his account of local, national and international events.

He had none of the passion for the sensational event that plagued so many broadcasters. His news was level-headed balance of reporting and commentary that illuminated events themselves and the way they were portrayed in the rest of the media, print as well as broadcast.

Louie Lyons had the rare knack of performing two services at once. He gave his listeners a lucid view of the day's events that was based on a strong sense of what was important and what was not. More than that, his standards were a guide for uncountable numbers of print and broadcast journalists. They were all made better by his performance, to the further benefit of the public.

"Well, that's the news," Louie Lyons always said quietly, almost tentatively at the end of each broadcast. It was the perfect coda to his low-key but strong treatment of a difficult world.●

UNICO HONORS MAYOR RODGERS

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. RODINO. Mr. Speaker, the dean of New Jersey's mayors, and one of the most respected mayors in America, is being honored this week by the Kearny, N.J., chapter of UNICO National.

Frank Rodgers, mayor of Harrison, N.J., since 1947, is a man whose name is synonomous with good government on the State and local levels. Besides mayor, he wears the hats of State senator and clerk to the Hudson County Board of Freeholders; and in the past he has served with distinction on the Garden State Parkway and Arts Center Commission, on the New Jersey Racing Commission, and as superintendent of roads for Hudson County.

In recognition of his public achievements and his continuing concern for the people of his community, UNICO National's Kearny chapter will bestow its most prestigious award—Man of the Year—on Mayor Rodgers. It is not difficult to explain why there is such an overflow of admiration and affection for my friend of over three decades. Frank Rodgers is a natural leader and man of principle who never stops working to solve community problems. Yet he is warm, compassionate, and humble, a leader who listens and who acts with purpose.

Frank Rodgers has made a difference in the lives of thousands of New Jersey families over the years, and he continues as an inspiring example to all those who aspire to public office.

UNICO's guiding principle is "service above self," and there could be no more fitting person to represent this ideal than my friend Frank Rodgers. He is a great statesman and a man of the people, and in honoring him we do honor to ourselves.●

IT'S NOT CHARITY

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. PATTERSON. Mr. Speaker, I rise to share with my colleagues a recent editorial from the Christain Science Monitor on the rediscovery of the value of multilateral development banks to the developing countries of the world and to the self-interest of the United States.

As the editorial points out, the recently completed U.S. Department of Treasury assessment of the World Bank, Asian Development Bank and Fund, Inter-American Development Bank and African Development Bank and Fund shows a more sophisticated appreciation of the operations of the banks than did some of the administration's earliest pronouncements. The assessment indicates that MDB lending generally cannot efficiently be replaced by private lending and does not weaken or compete with the private sector in borrowing countries.

I believe that the Members of Congress who have studied and worked with the MDB's share these conclusions and I appreciate the Monitor's efforts to highlight the work of the banks.

IT'S NOT CHARITY

From the time he came into office President Reagan has made no bones about how he thinks the poor nations of the world can best be helped. Stress the private sector and shift the balance from multilateral aid to bilateral agreements with countries deemed important to US strategic interests. It is therefore noteworthy that experts in his own administration have found the international development organizations to be far more useful than some might have thought. A study by the Treasury Department released recently gives the World Bank, the Asian Development Bank, and other multilateral lending institutions high marks for efficiency and effectiveness. So high, in fact, that it should prod the President to alter his perceptions—and foreign aid policies.

Among Treasury's findings:

Bilateral aid and multilateral aid complement each other. Multilateral assistance primarily serves long-term US interests, is cost-effective, and encourages market-oriented

policies in the developing countries. It will remain "highly important" for the 1980s.

The "soft loan" activities of the MDBs (multilateral development banks), which are targeted on the poorest countries, are particularly effective in promoting U.S. humanitarian interests.

The MDBs have served U.S. commercial interests well.

Contrary to critics, the MDBs do not "bail out" the commercial banks by providing debt relief; their lending is tied primarily to the foreign exchange costs of specific projects.

A high proportion of the lending is not competitive with the private sector, and the policy prescriptions recommended for poor countries are along market lines.

Private capital markets by and large cannot substitute for MDB financing. Relying fully on private lenders, moveover, would favor the more advanced developing nations and be a "serious disadvantage" to the poorest and middle-income countries.

World Bank aid emphasizes primarily economic growth through capital investment and not "redistribution" of income.

MDBs have made major efforts to ensure that the poor—not the rich—receive a greater proportion of benefits from aid projects.

Loans for MDB projects in general are well prepared and the projects themselves well supervised.

To be sure, the Treasury probers did find some areas warranting criticism. For one, they recommend more emphasis on loan quality rather than loan quantity, i.e. more selectivity and a closer link between loan programs and effective economic policies in the countries being helped. They also call for improving "maturation/graduation" policies—that is, phasing out hard loans to borrowers no longer in severe need and nudging the "richest" of the poor soft-loan borrowers (India, say) into the hard-loan category. But the overall conclusion is a positive one. The World Bank and others are not, it turns out, socialist organizations.

In light of the Treasury report, one hopes that in the years ahead it will be reflected in the administration's actual policies. It is not at the moment. Present US foreign aid policy is heavily weighted in favor of the Middle East and countries where the US has political and strategic interests. Meantime such an essential aid tool as the World Bank's soft loan agency, the International Development Association, has fallen under the budget ax. The US is way behind in its commitments to IDA, providing less money ($750 million in fiscal 1982 as against $1.08 billion pledged under the current replenishment) and stringing out the payments over longer periods (five years instead of three). The pity of it is that the needs of the poorest countries remain immense and that, under the present IDA replenishment agreement, the other donor countries must scale back their own contributions in proportion to the US reductions. The crucial leadership which America has provided in the aid field since World War II thus risks being eroded.

Ironically, the slippage in US support comes at the very time when there is solid evidence of progress in the developing world. The very fact that the administration officials can urge some countries to "graduate" out of the MDB system is heartening evidence of such growth. It bears reminding, too, that multilateral development assistance to poor nations is not a charitable giveaway. It is sound investment for the future. Some 40 percent of all US exports now goes to the third world and trade is growing by leaps and bounds. Yesterday's impoverished nations are today's healthy competitors. Lifting countries economically, furthermore, can be the best way to fostering political stability and preventing the kind of revolutionary turmoil now rampant in Central America.

Can the United States afford not to be a weighty participant in multilateral aid for the up and coming nations of tomorrow?●

ROBERT BISHOP, 1982 OUTSTANDING PEACE CORPS VOLUNTEER

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. MAVROULES. Mr. Speaker, during National Volunteer Week (April 18–24), we are honoring a special breed of Americans—our 85,000 active and returned Peace Corps volunteers. For the past two decades, these volunteers from all walks of life, age groups, and economic and social backgrounds, have selflessly donated years of their lives toward fostering a better way of life throughout the developing world, and promoting world peace and friendship.

Today, Mr. Speaker, I would like to commend especially Mr. Robert Bishop, a fellow native from Massachusetts, who is serving now as a Peace Corps volunteer in Micronesia. Robert has been named the 1982 outstanding Peace Corps volunteer for the North Africa, Near East, Asia and Pacific (NANEAP) operations of Peace Corps.

For 3 years, Robert has been attached to the Community Action agency in the Republic of Palau, Micronesia. He primarily works with the Palau East Coast Farmers Association.

In his role as a Peace Corps volunteer, Robert has set up proper management procedures, determined the production trends of the farmers, surveyed and analyzed the demand for produce, and made recommendations on crop production. He also has helped with the marketing of native crafts.

More recently, Robert has been involved with the opening of new markets, training personnel in management cooperative principles, and establishing a revolving fund to help farmers with their cash flow.

Robert will be completing his Peace Corps service in October of 1982.

I would like to applaud his efforts, as well as those of the other 5,000 volunteers from Massachusetts who left their homes to help people in distant lands. Because of volunteers like Robert Bishop, we are successfully building bonds with developing countries of understanding, friendship, and peace.●

BISHOPS PROTEST UNITED STATES IN EL SALVADOR

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. LELAND. Mr. Speaker, traditionally, American leaders of the Catholic Church have chosen the role of silent spectator when U.S. foreign policy is at issue. For the most part, this position has been a wise one. The separation of church and state is, after all, one of the tenets of our Constitution.

Yet there are those issues that, though born of the political realm, transcend it. In such situations, the cost in human life, suffering, and injustice becomes too great to ignore. Then the boundaries between religion and politics fade and merge. The Vietnam war was such an issue and American Catholic leaders rallied in protest of U.S. involvement in that tragic quagmire. Now, closer to home, the bloody civil war in El Salvador has become another.

Several weeks ago, through a series of official statements and congressional testimony, the National Conference of Catholic Bishops became a forceful opponent of Reagan administration policy on Central America. The 372 bishops oppose all forms of military aid to the Government of El Salvador and favor a negotiated settlement between the country's ruling junta and its left-wing guerrillas.

I am proud of the bishops' stand. I am especially proud because one of the leading voices of that opposition belongs to Auxiliary Bishop John E. McCarthy of Galveston-Houston, a diocese that includes my congressional district.

The position these religious leaders have taken is a brave one. They may face criticism from those who say that they are wading into waters where they should not swim. Also, since the Pope has not raised a voice on American involvement in El Salvador, the bishops could face accusations of insubordination. Finally, there is the real and constant physical danger that American Catholic missionaries and church leaders face in El Salvador. The murders last year of Archbishop Oscar Arnulfo Romero and four American missionaries stand as stark and ugly reminders of that threat.

In an interview with Time magazine, Bishop McCarthy brought the issue home. He said:

> Those 22-year-old rebels are not risking their lives for the good of the Soviet Union or Cuba. They are risking their lives because they have seen their sisters raped and their homes burned.

Bishop McCarthy is right. The carnage in El Salvador has exceeded any

possible political boundary. It has become an issue of human rights. I salute these members of the American Catholic clergy for recognizing the harm that U.S. foreign policy could inflict upon its Central American neighbors. I thank them for crossing the line.

I am including the following articles to explain in more detail this bold and significant stand:

[From Time Magazine, Mar. 8, 1982]

THE AMERICAN BISHOPS PROTEST

As debate over the U.S. policy in El Salvador has intensified, the National Conference of Catholic Bishops has emerged as a highly vocal opponent of the Reagan Administration's position. The American bishops are against all forms of military aid to El Salvador and favor a negotiated settlement between that country's ruling junta and its left-wing guerrillas.

Other clergy have also spoken out against the Administration. Last week a group of more than 350 church leaders, most of them Protestant but including Catholics and Jews, called for an end to U.S. military aid to El Salvador. But the crucial role of the Roman Catholic Church in Central America makes the position of Catholic leaders in the U.S. particularly relevant. Some church sources say that the U.S. Ambassador to El Salvador, Deane Hinton, has cited the bishops' position as the most serious obstacle to the Administration's efforts to increase military aid to the Salvadoran government.

The 372 American bishops have understandably been influenced by the tragedies that have befallen a number of clergy and church workers in El Salvador, including the slaying of liber Archbishop Oscar Arnulfo Romero in March 1980 and the murders of four American women missionaries later that year. Right-wingers are suspected of killing the archbishop and five former national guardsmen have been charged with killing the missionaries. The bishops have contended for two years that the U.S. must not become too closely identified with the Salvadoran government. Archbishop James A. Hickey of Washington last year told the House Subcommittee on Inter-American Affairs: "Our position is to oppose military aid and intervention from all outside powers." The bishops favored diplomatic pressure to "stop the flow of arms from Cuba through Nicaragua to El Salvador." he said, "but we earnestly and vigorously oppose the sending of U.S. military assistance to El Salvador." In November, the Conference of Bishops reaffirmed that position, with only a dozen members at the meeting dissenting.

As Archbishop Hickey has argued, the Catholic leaders fear a Communist takeover in El Salvador but nonetheless are against sending in U.S. arms. The bishops' rationale: the weapons will strengthen repressive elements in the security forces and, says Bishop Raymond A. Lucker of New Ulm, Minn., drive more and more people "into the hills and into the hands of the guerrillas." Says Auxiliary Bishop John E. McCarthy of Galveston-Houston: "Those 22-year-old rebels are not risking their lives for the good of the Soviet Union or Cuba. They are risking their lives because they have seen their fathers murdered, their sisters raped and their homes burned." His fear, says McCarthy, is that "the intensity and blindness of American policy will produce the opposite effect of what lovers of freedom want—a situation leading to a Communist takeover." For these reasons, says Archbishop John R. Roach of St. Paul and Minneapolis, president of the Bishops' Conference, the group has taken its stand and asked Washington to refrain from "massively increasing the destructive capability of the armed forces." The bishops have not addressed themselves to what the U.S. should do if such restraint should lead to a guerrilla victory, as the Administration fears would happen.

Although Pope John Paul II has not commented on their political statements concerning El Salvador, the American bishops believe that he does not oppose their policies. Says Lucker: "Clearly he cannot be saying that we shouldn't be taking stands on moral issues that have political implications. Look at his own statements on Poland." A Vatican official describes the Pope's views on El Salvador to be threefold: to prevent bloodshed, encourage social reform and avoid the emergence of "another Cuba." Neither the bishops nor the Reagan Administration would disagree with those goals; the question is how to attain them.

[From the New York Times, Feb. 21, 1982]

U.S. CATHOLIC BISHOPS OPPOSING ADMINISTRATION'S SALVADOR POLICY

(By Kenneth A. Briggs)

Responding to growing debate over United States involvement in El Salvador, the National Conference of Catholic Bishops has become a forceful opponent of Reagan Administration policy, toughening its stand against all forms of military aid to the Central American country and demanding a negotiated settlement there.

Many other religious groups have attacked the Administration's strategy, including an interfaith coalition of 350 people who, in a letter to members of Congress last week coordinated by Clergy and Laity Concerned, demanded an end to military aid. But the special place of the Roman Catholic Church in the lives of 90 percent of Latin America's people makes the voice of the church hierarchy in the United States especially powerful.

MAJOR TURNING POINT SEEN

The State Department has carefully studied the bishops' protests and church sources say the United States Ambassador to El Salvador, Deane R. Hinton, has privately singled out the church's opposition as the main obstacle to the Administration's effort to increase military aid to the Salvadoran Government, which is fighting leftist guerrillas.

The solid position of the hierarchy in the United States, expressed in a series of official statements and in Congressional testimony, stems from a history of close contact with Latin American Catholics and signals a major turning point in the church's readiness to criticize United States foreign policy. A similar climate of objection has developed around the issue of disarmament.

In broader church terms, the move is an outgrowth of an approach to the third world that began in the early 1960's with the Second Vatican Council's appeal for human rights. It continued in Pope Paul VI's 1967 encylical on social justice, "Progress of the Peoples," and was taken further at the meetings of Latin American bishops in 1968 and in 1978 that called for the church to side boldly with the poor. During the same period, the establishment of regional episcopal conferences encouraged bishops to make more of their own decisions.

We feel an obligation to heed the voice of the South American church," Bishop John E. McCarthy of Houston said in discussing El Salvador. "And we feel it is our duty to challenge the public policy of the American Government, which is arming, training, and guiding military forces which are obviously oppressing its people."

In stepping up the criticism, the bishops say they are gaining confidence in their ability to make distinctions. "The biggest hurdle," said Archbishop Rembert G. Weakland of Milwaukee, "is the idea that if you're not pro-U.S. policy, then you're pro-Communist, that there's only black and white, no middle ground. We're calling for a new, realistic policy. We can side with the poor and not be Communist."

Archbishop James A. Hickey of Washington began visiting El Salvador in 1975 when, as the Bishop of Cleveland, he supervised many church workers from his diocese, including two of the four churchwomen slain more than a year ago. In a letter this month to Representative Michael D. Barnes, Democrat of Maryland and chairman of the House subcommittee on inter-American affairs, Archbishop Hickey expressed a common view among bishops that the United States must press for negotiations between the Salvadoran Government and the guerrillas. He also called for an international peacekeeping force as a prelude to fair elections.

"My attempt is to present a balanced case," Archbishop Hickey said, commenting on the letter. "I don't want a Communist government there, but I don't want arms supplies going there either."

VATICAN STAYS MOSTLY ALOOF

Meanwhile the Vatican itself has caused some uneasiness among American churchmen by remaining largely aloof from the public debate, reportedly because of worries over the possibility of Communist expansion in the region.

Some of the anxiety in the United States has stemmed from the delay in naming a permanent head of the San Salvador Archdiocese to replace Archbishop Oscar Arnulfo Romero, the outspoken foe of military conflict and of Salvadoran Government policies who was shot dead while saying mass two years ago. Archbishop Romero's plea to President Carter to withhold arms to El Salvador had first prompted action by the Catholic hierarchy in this country.

Bishop Arturo Rivera Damas, who is widely believed to hold views similar to those of Archbishop Romero, has been acting Archbishop since the prelate was killed, but the long process of choosing a permanent replacement troubles some churchmen.

TENSIONS REPORTED IN CURIA

Some Catholic leaders attributed the Vatican's silence on the Salvador issue to tensions among high officials of the Curia, the central administration of the church, over how best to address the human rights problems in the region in the face of what some prelates see as a growing threat of Marxist influence in Nicaragua and El Salvador. "Basically," said one leader, "the Vatican doesn't want little Cubas all over the area."

The situation is complicated by the fact that the acting Archbishop is virtually the only progressive in the Salvadoran hierarchy and that the president of the country's Bishops Conference, Bishop Pedro Arnoldo Aparicio y Quintanilla, is a staunch conservative who favors United States military assistance. Some critics of the United States

bishops, including State Department officials, have drawn on Bishop Aparicio's statements, but the bishops insist their primary reponsibility is to weigh the actions of their own Government, which, they say, are wrong.

The United States bishops have taken independent initiatives without seeking outright approval from the Vatican. At a closed-door session in November that discussed the position of the bishops' conference regarding El Salvador, some prelates wanted to consult the Vatican, but the suggestion was rejected by a large majority on grounds that the Americans knew better than Rome how to respond to the situation.

"TACIT APPROVAL" SEEN

Archbishop John R. Roach, president of the conference, noted that the Vatican is "fully aware of our position" and said the lack of any explicit objection constituted "tacit approval."

Such decisiveness mirrors a changing role for the bishops as they expand their concern for moral issues and human rights to the realm of international affairs. In so doing, they are taking greater responsibility for assessing the policies of their own country.

Archbishop Roach sharply attacked military assistance to El Salvador in a letter released at the outset of Senate hearings on the matter. He called to "present direction" of Administration policy "a dangerous course, with a result potentially as damaging to us as it is to the Salvadorans."

The Archbishop repeated the call by the full conference last November for an end to all "outside military assistance" and urged Washington to encourage talks among conflicting parties rather than "massively increasing the destructive capability of the armed forces."

CHURCH HAS NEW CONFIDENCE

The adamant support for this stand among most United States bishops indicates a degree of confidence and determination unusual for a church once disposed to approve Washington's foreign policy with few if any reservations. "We were an immigrant church during the last century and most of this one," said Bishop Raymond A. Lucker of New Ulm, Minn., "and we went through a period when we bent over backwards to prove we were American."

By comparison, church opposition to United States actions in Vietnam grew more gradually, beginning as support for American involvement in 1966 and culminating in a call for the total withdrawal of American troops in 1971.

"The Southeast Asian experience is in back of everybody's mind," Bishop McCarthy said.

Among the chief differences between reactions by the church to the two conflicts was that ties between the Catholics in the United States and in Central America go much deeper and are more personal. For more than two decades, since Pope John XXIII called on United States bishops to send personnel to South America, hundreds of priests, nuns and lay people have gone to serve poor parishes in the region, under the direction of bishops who usually traveled to the missions and learned firsthand of the problems there.

BISHOPS BECAME AWARE

"Those bishops who went there became aware on an experiential basis," said Bishop Weakland. "That took the church out of its inner circle to another part of the world. It gave us knowledge and courage to take stands otherwise we probably wouldn't have taken. We have our own sources of information and people we trust. We can speak forcefully and feel good about speaking out."

Administration officials have been concerned about the strength of the bishops' stand. A year ago, Secretary of State Alexander M. Haig, Jr., along with Under Secretary James L. Buckley, met with several top Catholic officials to press the Administration's case. Subsequent meetings have been held between small groups and individuals from both sides, but neither side has appeared to give ground. The bishops seem to have stiffened their resolve.

"I don't think we can stay in the sacristy and talk about holy things," Bishop Lucker said. "These are holy things. People are holy."

THE IRS STRIKES—WITH VIOLENCE

HON. GEORGE HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. HANSEN of Idaho. Mr. Speaker, another example of the heavy-handed and abusive tactics of the Internal Revenue Service in their tax collection practices, which would be stopped by passage of H.R. 4931, the Taxpayer Protection Act—TPA—is their use of violence in disregarding any lawful procedures, constitutional rights, or basic decency and respect which should be extended to all citizens.

The IRS has been known to hit an entire community with a heavily armed strike force or even to use a force of 40 armed men against 1 nonviolent Amish individual.

The following account is one of many where violent measures have been used to inflict IRS demands upon the public.

In 1977, Mona and Stephen Oliver of Fairbanks, Alaska, received notification from the Internal Revenue Service Regional Office in Ogden, Utah, that they owed the IRS $3,300. No explanation of how this sum was determined accompanied the bill. The Olivers, while examining the IRS bill, discovered an error in arithmetic, so they wrote to the IRS and pointed out the mistake.

IRS bureaucrats made no response at first, but several months later the IRS informed the Olivers that they now owed $4,700, again failing—or refusing—to state how this figure was selected. The Olivers, who have always filed their income tax returns, continued to write to various IRS officials but received no adequate explanation.

By February 1979, the IRS had grown tired of the "obstinate" Olivers who refused to comply with the manifestly arbitrary assessment of the IRS. During this time the IRS changed its mind again and decided that the correct amount of taxes owed was $4,200. Then the agency proceeded to place a levy on Stephen Oliver's wages, which reduced the Olivers' income below the poverty level.

On August 1, 1979, the Olivers were informed that they now owed $9,600 in back taxes. That same morning, Stephen and Mona Oliver drove to Fairbanks federal building on business relating to the IRS. According to Mona Oliver, she and her husband were on the top floor of the federal building when "someone came up and said, 'They're towing away your car outside!' We were in such a hurry that we didn't even wait for the elevator . . . we ran down the stairs."

The Olivers found their car hitched to a tow truck. It had been towed off of the public street in front of the federal building and into the building's parking lot.

"I was upset, I was shaking. There must have been ten IRS agents around it [the car]. I said, 'Is it all right if we remove our personal belongings?" They said that was all right, so we started to take our things out of the car. I was so close to breaking into tears, but that was the last thing that I wanted to do in front of them," Mrs. Oliver said.

The Olivers claim that they were never notified by the IRS that their property was going to be seized. In any event it is unusual and perhaps foolish to place a levy on a person's wages and then seize his only means of transportation to work.

As she was unloading her belongings, Mrs. Oliver thought to herself, "Where are they taking my car? If they're taking my car somewhere, I want to know where."

She said, "So then I just sat down on the seat, closed the door, and locked it."

Stephen Oliver quickly joined her in their small dilapidated Volkswagen. He sat in the driver's seat and locked his door too.

This defiance of the IRS infuriated the agents, who began yelling threats and warnings at the Olivers. IRS agents quickly summoned the city police to help them against the unarmed Olivers and from the rapidly gathering crowd of onlookers.

The operator of the truck towing the Olivers' Volkswagen was shaken when he learned that the IRS agents did not have a court order allowing them to seize the car. The driver uncoupled his truck from the Olivers' car and left. The IRS agents immediately surrounded the Volkswagen with vehicles of their own. Members of the large group of bystanders sympathetic to the Olivers' plight suggested that they might remove the IRS vehicles and set the Olivers free. Stephen Oliver vetoed the idea. Minutes later his car was chained to an IRS agent's jeep.

For seven hours the determined Olivers held their position inside their car until the IRS secured a search warrant from a magistrate brought in by the IRS specifically for that purpose. (It is difficult to imagine what the IRS was "searching" for in the Olivers' car.)

"With no warning at all, they began smashing the windows with billy clubs," Mona Oliver said. "I saw them start on the driver's side; my husband's arm was right up against the glass. I thought, 'If I put my hand up against the window they'll see it and won't break the glass.' But they smashed the window right into my hand, " she said.

After the IRS agents had hurled Stephen from the car, they went after Mona. Several agents dragged her across the broken glass and shoved her onto the pavement, leaving her bruised and bleeding. Even under the authority of a search warrant, what these IRS ruffians did is tantamount to assault and battery. These agents seem to have knowingly committed the crime of assault by using excessive force against non-criminal, nonviolent citizens in a civil matter.

A government-owned tow truck soon whisked the car away. The next day the IRS informed the Olivers that they now owed "only" $4,010.

On August 23, 1979, the Olivers' Volkswagen was auctioned for $500. The crowd of protesters who had gathered outside the building where the auction took place was photographed by IRS agents. License-plate numbers of those at the rally were taken down.●

SETON HALL ATHLETIC HALL OF FAME

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. RODINO. Mr. Speaker, Seton Hall University in South Orange, N.J., will hold a very special event this Saturday evening—its 10th annual Athletic Hall of Fame dinner, honoring those Seton Hall alumni who excelled in athletics.

Seton Hall is celebrating its 125th year of quality higher education, and the individuals who will be honored at the Hall of Fame dinner are a tribute to the well-rounded educational experience offered at Seton Hall. This year's Seton Hall alumni elected into the Athletic Hall of Fame are Rick Cerone, the all-star catcher for the New York Yankees; Ben Fields, U.S. Olympic high jumper; Howard Brock, who has possession of six Seton Hall track records; Tom Boutsikaris, All-American fencer; Richard Wieczezak, All-American third baseman; basketball standouts Al Senavitis and John Suminski; track star Frank Fletcher; and Father Francis Reynolds, now deceased, who was a standout basketball and baseball player for Seton Hall.

New Jersey State Senator John Caufield and Gerard Dalton, vice president of New Jersey Bell Telephone Co., were elected honorary members of the Athletic Hall of Fame.

Mr. Speaker, those of us who have followed Seton Hall athletics over the years hold a special appreciation for all these athletes, but the most famous of the Seton Hall alumni is undoubtedly Yankee star Rick Cerone. For those of us who watched Rick grow up playing baseball and football on the sandlots of Newark, and then for Essex Catholic High School in Newark, it came as no great surprise that he blossomed into a major league star. After three record-setting seasons at Seton Hall in which he became a baseball All-American and academic All-American, Rick became the No. 1 draft pick of the Cleveland Indians in 1975. He honed his skills for 2 years with Cleveland and 3 with the Toronto Blue Jays until the Yankees called him, and Rick came home to become the American League's all-star catcher in 1980.

Mr. Speaker, I join all the citizens in New Jersey in proclaiming how proud we are of all the Seton Hall Athletic Hall of Famers for their courage and determination. They brought us many moments of excitement, and in the process carried on the rich tradition of Seton Hall University.●

THE CITY OF CYPRESS PUBLIC SAFETY EMPLOYEES ASSOCIATION HONORS

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. PATTERSON. Mr. Speaker, last Friday, April 16, 1982, the city of Cypress Public Safety Employees Association, in cooperation with the Cypress Chamber of Commerce, presented the 14th Annual Police Officer of the Year Awards Banquet.

The city of Cypress always seems to be associated with success and persistance. Cypress does things in a big way. For instance, growing in population by 1,670 percent in the 1960's and gaining notoriety as Orange County's fastest growing city.

The honoree for the 1981 police officer of the year was Officer James Weuve, a 9-year veteran of the force. In addition, Kathleen Mary Tautkas had been selected as the Cypress employee of the year for 1981 by her fellow employees and Phoebe Mason was honored as city of Cypress citizen of the year. These three individuals typify the quality of the city of Cypress.

For example, Officer Weuve has been the recipient of citations from the chief's office for his caring concern and compassion for his fellow human being, while, at the same time, he has been honored by the district attorney's office for outstanding work.

Kathleen Mary Tautkas is known to be a city employee who easily adapts to various assignments, thrives on challenging assignments and works hard for Cypress citizens.

Phoebe Mason, a long-time crossing guard for Cypress schoolchildren, can always be found at her post without regard to the weather or traffic conditions. She always serves with a smile on her face, and with a concern for the safety of our children.

Mr. Speaker, please join with me and my colleagues in the U.S. House of Representatives in cheering the city of Cypress and its honorees: Officer James Weuve, police officer of the year; Kathleen Mary Tautkas, employee of the year; Phoebe Mason, citizen of the year.●

RESPONSIBILITY TO THE DEAF AND HEARING IMPAIRED

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1982

● Mr. BONIOR of Michigan. Mr. Speaker, I would like to address my colleagues today on the principal of responsibility. Specifically, Government responsibility, corporate responsibility, and personal responsibility to guarantee the civil rights of this country's deaf and hearing impaired population.

In 1973, the U.S. Congress passed into law the Vocational Rehabilitation Act. It is commonly known as the Handicapped Civil Rights Act. With the passage of that act, the Federal Government assumed responsibility for guaranteeing handicapped citizens open access to public facilities and a public life. But the Government cannot create and maintain open access for handicapped people without the steadfast cooperation of American business.

This Nation's airwaves are owned by the public and are licensed by the most public of all institutions, the Federal Government. The 16 million deaf and hearing impaired citizens who make up a large portion of the public have every right to expect open access to television programing. It is the corporate responsibility of the television industry to make their product available to the deaf and hearing impaired. There is a lot of talk these days about increased corporate responsibility and deceased Government control. I am sorry to say, that while two networks are making efforts, the television industry as a whole has not taken seriously its corporate responsibility to provide open access to its programing.

PBS leads the pack of networks in providing access to television programing for the deaf and hearing impaired by closed captioning about 27 of its shows. Close behind is ABC which captions about 16 of its shows. Far behind the leaders is NBC which captions only two of its programs and has plans to discontinue the closed captioning service altogether at the end of this season. Rating a complete zero for its efforts, CBS has not one captioned program available to the deaf and hearing impaired. CBS claims to be working on a captioning system of its own but it will probably not be available for another 4 to 5 years. The National Captioning Institute has tried to work with CBS to make sure their system would be compatible with television adaptors already being purchased by the deaf and hearing impaired. So far, the institute reports

that CBS cooperation has been minimal.

I recognize that there have been problems associated with the distribution of the television adaptors needed to bring closed captioned programing to the deaf and hearing impaired. However, the captioning service began only 2 years ago and the National Captioning Institute is currently making great efforts to overcome past problems.

The Institute is mounting a massive awareness campaign to make more deaf and hearing impaired viewers aware of the adaptors and how to obtain them. There have already been over 50,000 machines sold and the Institute feels it can significantly expand the number of machines in use through its awareness campaign.

The Institute is also making it easier for people to obtain the adaptors. Today, an adaptor costs about $300. While they cannot be purchased any cheaper because they are already being sold at cost, the Institute is becoming very successful at getting service clubs, churches, and other organizations to help defray the cost. The Institute has also begun to distribute the machines themselves. In the past, Sears was the only distributor and because the machines were sold at cost, the marketing efforts were inadequate. In addition, the IRS will now consider the cost of an adaptor a deductible medical expense. The Institute has informed the networks of these activities, but network closed captioning continues to decrease.

While there are so few television shows available to the deaf and hearing impaired, it is interesting that the world of advertising is rapidly opening up to them. The Institute reports that they do closed captioning for 150 advertisers. They include Sears, IBM, Xerox, Kellogg, Nabisco, Brystol-Myers, Colgate Palmolive, Johnson & Johnson, Proctor & Gamble, General Foods, General Motors, Mobile Oil, and Kraft to name just a few. If all these other industries recognize the importance of the deaf and hearing impaired in their markets, why do the networks continue to virtually ignore them? Is it the cost of closed captioning that deters them? I don't think so.

I called NBC to find out what they charge for 1 minute of advertising on "Little House On the Prairie," one of their two closed captioned programs. Depending on the time of year, the time sells for between $160,000 and $200,000 per minute. The National Captioning Institute charges $2,200 to caption the entire 1 hour episode. There are 6 minutes of advertisements during the program. The network takes in between $960,000 and $1,200,000 per episode. Do you think $2,200 is too much to pay to bring entertainment and enjoyment to millions of people? In this case, corporate responsibility would come cheap.

The Federal Government has the responsibility to guarantee the deaf and hearing impaired open access to as much as possible. The television industry has a corporate responsibility to provide expanded closed captioned programing for deaf and hearing impaired viewers and I have a personal responsibility to the deaf and hearing impaired community to help the National Captioning Institute in its awareness campaign. I will be sponsoring along with the Deaf Advocacy Council of Metro Detroit, a meeting with a person from the Institute who will provide much needed information on their campaign. The meeting will be held on May 21, 1982, at 7:30 p.m. The UAW region 1 has kindly offered their facility at 12000 Twelve Mile Road for the meeting. I invite anyone interested to attend.

Closed captioning is coming into its own and now is the time to be expanding not eliminating the service. I applaud the efforts of PBS and ABC and encourage them to expand their closed captioned service. It provides tremendous pleasure and important information to a large group of people who otherwise could not enjoy television. The deaf and handicapped need the cooperation of the networks and they are a population the networks cannot continue to ignore.●

MOST REVEREND CHRISTOPHER J. WELDON

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. BOLAND. Mr. Speaker, on March 19, 1982 the people of western Massachusetts lost one of their best friends and most local supporters. The death of the Most Reverend Christopher J. Weldon, retired bishop of the Springfield Roman Catholic Diocese brought to a close of lifetime of dedicated service to God and to his fellow man.

Bishop Weldon was a man of deep religious faith and tremendous compassion. During the more than 27 years in which he headed the Springfield Diocese, Bishop Weldon also proved himself to be a skillful administrator. Monuments to his ability, in the form of schools, hospitals, and homes for the young and the old who had no other place to go, abound in the diocese. His vigorous efforts to improve the diocese's social welfare programs were a good example of his belief that his church and the people who compose it, have a duty to act on behalf of those in need. In countless ways, both tangible and intangible, he touched the lives of people of all faiths and people in all walks of life.

The love which Bishop Weldon engendered was evidenced by the crowds which came to pay their last respects to him. Their presence was an indication of their conviction that our lives and the life of our community, had been made better by Bishop Weldon's having been with us. He was truly a good shepherd who led his flock in an appreciation of God and humanity.

Mr. Speaker, Bishop Joseph F. Maguire, the current bishop of the Springfield diocese, delivered a moving eulogy to his predecessor at the funeral services. I ask that Bishop Maguire's tribute be inserted at this point in the RECORD:

[From the Daily News, Mar. 24, 1982]

MAGUIRE TRIBUTE TO CAREER OF BISHOP WELDON

(Following is the text of the eulogy delivered by Bishop Joseph F. Maguire at funeral services today for retired Bishop Christopher J. Weldon).

"Ut Christum Ferum", "That I May Bear Christ", sums up an urgency and a history. Christopher Joseph Weldon took these words as his motto when he became Springfield's fourth bishop. He lived these words. He challenged us with these words. He leaves them with us as a reminder of his love for the Lord—and his fidelity to the end.

It is more than coincidence that we come to bury Bishop Weldon on the exact date he was consecrated 32 years ago.

It is a symbol and a summary of the man. His episcopacy and his death are one totality.

His sisters, Alice and Margaret, and his brother, Edward, remember March 20, 1950, as a bright, brisk and sparkling day. It was just about this time that church bells on Fifth Avenue began to peal as the long line of priests and prelates entered Saint Patrick's Cathedral in New York.

GREAT CHURCHMEN

From that Cathedral, the destiny of the American church was carved by great churchmen like Archbishops Hughes and Corrigan, Cardinals McCloskey, Farley, Hayes and Spellman.

Among those in procession on that chilly morning were heroes of our time. Monsignor Fulton Sheen, Archbishop Cushing of Boston, Bishop John Wright of the new Diocese of Worcester—and scores of bishops and priests, some of whom are with us this morning. In a setting of pageantry and splendor, Christopher Weldon was ordained to be a servant, a shepherd, an overseer, a bishop.

There are many in this church who recall his arrival at Union Station in Springfield—a smiling, friendly, dynamic prelate, with a prophecy on his lips: "Don't rush," he said, "I intend to be here a long time."

Many of you remember him 27 years later, after the years had taken their toll, standing in the sacristry before a ceremony, stiffened with pain, ashen and tired from a sleepless night but, as he said so often, rising to "full stature," meticulously vested, staff in hand, the imposing Michael mitre on his head, the red of his zucchetto accenting the silver of his hair, a trace of wistfulness in his smile, eyes flashing and a flush

of excitement lighting every feature as he rallied all his energies to be bishop.

NO WEARY SIGH

There was no stiffness in his gait, no weary sigh as he preached to the last ounce of strength and then moved on to the next task—not drained but rejuvenated.

The compelling, unrelenting urgency of his life was to be what he was consecrated to be—a bishop.

In our Catholic tradition, it is in the manner as well as in the words of Jesus that we understand the ministry of bishop. He called the Twelve to a close and intimate friendship.

He required that they be men of prayer; that they tend the flock; that they be healers; that they seek the lost and abandoned and that they preach unceasingly his Good News.

Early Christian communities, blessed with overflowing gifts of the spirit, quickly began to develop various ministries. But the prime concern of those struggling churches was to hand on intact the Gospel—"the pledge entrusted."

Thus, in the rite of the laying on of hands, the gift of the Holy Spirit is given to help the bishop preserve and proclaim the Apostolic tradition. In the pastoral letters, Paul emphasizes the bishop's responsibility to preach "in season and out, whether convenient or inconvenient" and to remain faithful to the pledge entrusted, especially when sound doctrine is in jeopardy.

True to this tradition, Christopher Weldon wanted to be, as Saint Paul says, "a man approved."

But he did not seek this or desire it for himself. He wanted it for what he was. He knew that within the church, the bishop has unique responsibilities. "He exercises the office of teaching, of sanctifying and of governing." He is the sign of our communion with our brothers and sisters called from every land and nation into the one, holy people of God.

He is the Good Shepherd joined by sacred tradition to the historic past—anointed with the spirit as prophet, leading the church to promises ever to be fulfilled. "Behold, I make all things new."

KINGLY MINISTRY

The bishop gathers all the people of God "called in baptism and confirmation to share in the priestly, prophetic and kingly ministry of Christ."

It is his happy burden to call forth the gifts of God's people and to make use of these gifts in the building up of the kingdom. Without his presence or his office, we have no visible sign of unity or community.

Bishop Weldon knew that we have no other agenda. Buildings and institutions, drives and programs exist not for their own sake but, as he would say, "for the cause."

Brightside, Cathedral High School, the Newman Center, homes for elderly men and women, the modernization of Catholic hospitals—all these have diocesan character and identity because they are signs of our common commitment to bring to perfection the Gospel message "in this area of the Lord's vineyard."

Bishop Weldon was involved in brick and mortar, in color schemes and blueprints. He knew about health care and building codes. He chided, insisted, corrected, argued, reproved and persisted because, like it or not, this was what he had to do.

He was not afraid to sacrifice personality or risk losing friends to live more fully his idea of what it meant to be a bishop.

He truly loved his family. Yet he returned to Springfield immediately after his mother's funeral to attend a fund-raising meeting for Brightside.

It would be a grave injustice to think of him simply as an overseer of buildings and institutions.

He was an overseer in the exact sense that the term was used in the early church. He was a builder of community.

RISE TO FULL STATURE

He called upon every individual "to rise to full stature," to accept responsibility in and for the community.

Proof of that, I believe, is in the compassion that people of Western Massachusetts have for "their less fortunate brothers and sisters."

Long ago he directed that collecting monies for agencies and institutions would be "exercises in charity" rather than fundraising campaigns. He established a network of lay involvement through the Confraternity of Christian Doctrine, Parish Councils and Boards of Trustees.

To the end, he maintained that support for the education of our children in a religious environment is the obligation of every Catholic.

Constantly, he emphasized the importance and necessity of sound teaching. The spirit he engendered has taken root and flourishes among us.

APOSTOLIC TRADITION

Contained in the apostolic tradition is the indisputable truth that the Twelve were different—especially Peter—and that tensions and clashes have prevailed in the church and will always be part of our journey.

Many of you could tell by the set of his chin and his resolute eyes whether or not Bishop Weldon had made up his mind. And all of you knew that once he had decided, it was difficult, indeed, to sway him.

There was much of Saint Peter in Bishop Weldon—so much strength, so much discipline, so much love. Today's Gospel strips away Peter's defenses and shows us what he really was.

According to John, Jesus meets Peter for the first time after the Resurrection in the early morning by the Lake of Genesareth. He does not question Peter about his denial or his guilt.

DO YOU LOVE ME?

He simply asks: "Simon, son of John, do you love me?" Certainly Peter had guilt feelings and was troubled about his denial.

But when Jesus asks, "Do you love me?"—he makes Peter aware of the depth of his love. That knowledge healed Peter.

He knew that whatever else he felt, his love for the Lord was the strongest force in his life. "Yes, Lord, you know I love you." Then Jesus said: "Feed my sheep."

There are some people we know almost instantly. What they are becomes apparent at our first meeting.

As friendship grows, we appreciate more deeply their gifts and qualities. With others, there is a more gradual revelation. We discover than in bits and pieces.

LEGEND AND HISTORY

During the past six years, I learned the legend and heard the history of Bishop Weldon.

I sat with him often in visits that were mutually enjoyable. Monday, March 15, 1982, at Mercy Hospital, will long be part of my memory.

I saw this great priest and prelate, this once physically powerful man, now frail and thin, his body arched and wracked with pain.

It was then that I knew the measure and the mystery of this man—then that I knew him as I had never known him before. In his last spoken words to a friend, he said: "I am offering my suffering for the priests and the people of the diocese."

"Do you love me?" "Yes, Lord, you know I love you."

HEART HAD WORN OUT

After his death, Bishop Weldon's doctor said that his heart had worn itself out and was beyond repair.

In his lifetime, with amazing resiliency, he had given all his energies for his people and his God. For him, "To Bear Christ," was an urgency—a call he accepted, as he accepted his death for his flock.

And so, on this day, March 24, 1982, ends a story that began on March 24, 1950.

We have come full cycle in the life of Christopher Joseph Weldon. An idealist, a perfectionist, a bishop—what he asked and expected of others, were never more than he demanded and gave of himself.

"Do you love me?" "Yes, Lord, you know that I do." "Feed my sheep."●

THE IRS STRIKES—MUSCLING THE MIDDLE CLASS

HON. GEORGE HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. HANSEN of Idaho. Mr. Speaker, another example of the heavy-handed and abusive tactics of the Internal Revenue Service in their tax collection practices, which would be stopped by passage of H.R. 4931, the Taxpayer Protection Act (TPA) is the following letter I received from a disgruntled accountant in the Northeast:

DEAR SIR: I would like to commend you for the initiative you are taking by introducing the Taxpayer Protection Act (H.R. 4931). Of all the problems which face legislators today, few if any, represent such a direct contradiction to the nature of our country and the intent of our Constitution than the illegal powers granted to and/or established by the Internal Revenue Service. This power, together with the overwhelming complexity of our laws, gives the IRS virtually total unencumbered ability to interpret a taxpayer's liability and enforce collection in any way it (the IRS) chooses. My major, in college, was accounting and I worked in public accounting for about six years. I have prepared hundreds of tax returns and have had encounters with the IRS at various levels and for various reasons during those years. I could relate to you stories known to me, because of my professional interests, during that time. However, I am certain that you know these same stories as well as I, if not better. There have been newspaper and magazine articles, books and television documentaries on the subject. So the question is: Why have "we the people" allowed this to go on for so long? It should suffice to say that my empathy for the taxpayer and disdain for the system of tax collection precluded me, ethically, philosophically, morally, and emotionally, from taking part in this process. I no longer work in the

field of public accounting. However, sometimes I feel guilty for abandoning the taxpayer and leaving him one less advocate. Therefore, I will throw caution to the wind (for our sake) and allow you to use this letter, in anyway, if you feel that it could be of some benefit.

The middle class, of which I am a member, the W-2 wage earner bears the brunt of this burden and exploitation. We support the country with our taxes and are the target of the greatest number of audits made by the IRS. Strangely enough, we are the least likely to cheat on our taxes because the vehicles for cheating are not available to us. However, the middle class provides the most efficient means for the IRS to enforce collection through its use of intimidation. Because the middle class comprises the largest block of taxpayers, we provide tremendous "word-of-mouth advertising" for the IRS. This is not conjecture or theory. While I was in public accounting, attending tax seminars, I listened to IRS Directors explain this principle of effective, low cost, high benefit, efficient tax collection. The IRS was, and probably still is, proud of this technique. However, my clients, at that time, were frustrated and almost paranoid. I learned, first hand, that if this country ever has another major revolution it will be the middle class in a tax revolt. God help us! It isn't necessary. It's our country, our laws, our taxes. Isn't it?

In conclusion, Congressman Hansen, I support you and urge you to continue towards your goals of tax collection reform and tax reform in general. I am confident that you can only receive tremendous public support. This issue transcends all partisan affiliations for any person who calls himself a citizen of the United States. It is the duty of all elected representatives to tackle these difficult issues. Please, make our system work!●

NATIONAL BOYS CLUB WEEK

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. RODINO. Mr. Speaker, the Nation celebrated National Boys Club Week earlier this month, and my home city of Newark marked the occasion in grand style. The Boys and Girls Clubs of Newark are very important to the Newark community. They provide a place to learn, to work at a craft, to compete in athletics, to relax, and to socialize for over 5,000 young people. Their participation in National Boys Club Week was an excellent example of their involvement in the community.

The David L. Warner division of the Boys and Girls Club held a junior boxing show and a series of basketball tournaments. The central ward unit held a brunch and a talk by Gladys Hillman, deputy executive superintendent of schools. It also gave awards to Essex County Warden Albert T. Collier, the Men of Essex, and the Alpha Phi Alpha Fraternity.

The commitment of the Newark Boys and Girls Clubs to the youths of our city does not stop at the end of National Boys Club Week, however. The dedication to helping our young people become confident contributors to their community is an ongoing purpose of the Boys and Girls Club; and I would like to take this opportunity to congratulate all those involved with the clubs who have worked so hard to make them a success in Newark.●

UNFAIR TRADE BARRIERS

HON. LYNN MARTIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mrs. MARTIN of Illinois. Mr. Speaker, job stability is a justifiable concern to all workers. That stability, however, is threatened not only by a sluggish economy, but also by international trade imbalances.

In 1981 alone, the United States had an imbalance of trade with Japan of almost $16 billion, of which $12.8 billion reflected automotive vehicles, parts, and engines. In other words, we buy more Japanese automobiles than they buy U.S. automobiles. While a portion of this trade imbalance may, in fact, be due to the competitive price and gas mileage of Japanese automobiles, a good portion of this imbalance is indicative of unfair trade barriers against United States autos sold in Japan. Although Japan has no import duties or content laws, their nontariff barriers inflate the purchase price of a United States auto sold in Japan. Obviously, a Buick Century that sells in the United States for $9,000 is unattractive at a price tag of $23,000 in Japan. Likewise, a Ford Mustang and Chevrolet Chevette price tag in Japan of over $13,000 is certainly not a "good buy."

But this scenario is not peculiar to Japan, or the auto industry. That is why we must look at our international trade policies and see if the United States is indeed becoming the "underdog" in trade, a situation costing thousands of Americans their jobs.

One suggestion to save U.S. auto jobs is domestic content requirements. Although this type of legislation is indeed an interesting approach to auto job stability, I think many people would agree that protectionism is not the best policy in the long run for the U.S. auto industry. Competition, whether it be domestic or foreign, provides the impetus to produce better and more attractive automobiles for the cost-conscious car-buying consumer.

It is easy to understand, of course, why U.S. autos are unattractive in foreign countries; they carry inflated price tags which reflect informal trade barriers. In light of this, I am a cosponsor of legislation which gives the President authority to terminate trade agreements concerning tariff reductions or other import restrictions, if it is determined that our trading partners have failed to provide equivalent competitive opportunities for U.S. commerce in their home markets. This piece of legislation is an important first step in restoring overall reciprocity with our trading partners who raise informal barriers against U.S. goods while subsidizing what they send us. Another proposal I support requires a review of the major nontariff barriers that deny the United States commercial opportunities relatively equivalent to those offered by the United States.

I believe the special and close relationship we have had with our international trading partners should continue, but perhaps in a slightly different framework. I am unconfortable with the fact that some of our trading friends can export cars with little difficulty to the United States, but U.S. manufacturers face unacceptable informal barriers when they attempt to export cars. Steps must be taken to remedy this imbalance and to save U.S. jobs. They should not be, however, hasty and politically expedient ones that will isolate or protect our manufacturers from necessary and productive competition.●

NO PRESS FREEDOM IN SANDINIST NICARAGUA

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. RUDD. Mr. Speaker, the state of press freedom in Sandinist Nicaragua is, in a word, nonexistent. While human rights activists are crowding into El Salvador, Guatemala, and Honduras, the Marxist totalitarian regime of self-professed people's liberators have either closed down or threatened to a point of submission all media outlets.

Buried somewhere beneath the pile of press reports coming out of Central America in the American press is the short, but telling, statement bearing on the status of the press and free expression in Nicaragua issued by the Committee To Protect Journalists, chaired by Walter Cronkite. This statement calls the situation of journalists "profoundly threatening." It says that Sandinista-sponsored mobs and government officials have attacked and harassed the few remaining active journalists who are opposed to the Government.

For the attention of my colleagues, I am including an article which recently appeared in the Wall Street Journal, "The State of Press Freedom in Sandinist Nicaragua." Allen Weinstein, of

the Center for Strategic and International Studies at Georgetown, wrote the following article:

[From the Wall Street Journal, Apr. 16, 1982]

THE STATE OF PRESS FREEDOM IN SANDINIST NICARAGUA

(By Allen Weinstein)

Six American journalists and a lawyer returned recently from a tour of Nicaragua, El Salvador and Guatemala arranged by a group known as "The Committee to Protect Journalists," whose honorary chairman is Walter Cronkite.

None of us could be considered a specialist in Central American affairs. Our group included Jonathan Larsen of Life magazine; George Watson of ABC News; Randolph Ryan, an editorial writer for the Boston Globe; Gloria Emerson, formerly a reporter for the New York Times; and Michael Massing, executive editor of the Columbia Journalism Review. I was accompanied by my wife, a Washington attorney who is fluent in Spanish.

The group returned with a report that condemned the jailing, assault and murder of press figures in El Salvador and in Guatemala. The report criticized the guerrilla left as well as rightists for the periodic acts of violence directed against journalists. And the report denounced both the total repression of the free press in Nicaragua under Sandinista rule and the many threats to the physical safety of journalists in that country. No sterner indictment of that regime's abuse of press freedom has appeared in this country.

The status of the press in Nicaragua, alas, failed to interest most of the reporters who attended a New York City press conference called by the committee. The journalists present virtually ignored the Nicaraguan section of the report to concentrate on El Salvador, an understandable interest given the recent election and the international attention on the four Dutch journalists whose deaths remain a matter a great controversy.

At the same time, two members of our delegation were so uncomfortable with our group's statement on Nicaraguan press abuses that at the press conference they expressed their rejection of this part of the statement, which is printed below. All of us had agreed previously on this section after extensive discussion during the drafting process in Central America.

The inner history of our group's arguments over the virtues and failings of Sandinista leadership need not concern us here. What matters is the report itself. A three-day round of meetings in Nicaragua was arranged for the committee by a member of the U.S. Maryknoll religious order, a woman clearly sympathetic to government perspectives. As the report indicates, a majority of the delegation found unpersuasive the efforts there of "official" journalists, radical priests and pro-government "human-rights" advocates to discredit their current adversaries in Nicaragua's democratic opposition, including genuine human-rights activists and the dwindling band of independent journalists.

Indeed, correspondents in Nicaragua informed me yesterday that a La Prensa editorial writer-reporter, Roger Alonzo Ocampa, was arrested in Managua under the emergency laws on April 2 and has not been seen since then. In Mr. Alonzo's possession at the time of his arrest was a statement prepared by La Prensa's employes' union protesting the recent Sandinista decree that required all Nicaraguan workers to remain on the job during traditional Holy Week observances.

Sandinista chic remains infectious in Western countries, nowhere more obviously perhaps than in the Orwellian praise heaped upon the new tyrants of Nicaragua by the Socialist International for the Sandinistas' alleged commitment to "pluralism" and "democracy," both of which the regime is apparently eliminating as quickly as world opinion allows.

The Nicaraguan tragedy deserves at least as much attention from the press—and the U.S. Congress—as the question of American involvement in El Salvador. Independent journalists in Nicaragua practice their craft at peril to their continued existence as professionals. Should the Sandinistas maintain their "state of emergency" indefinitely, there will be no independent journalists left practicing there, only pro-government flacks whose numbers grow steadily.

At that point, perhaps, the Committee to Protect Journalists could send a second expeditionary force not only to Nicaragua but also to Cuba and Grenada, both omitted from its recent itinerary. Of course, once free expression has disappeared from a country and the independent press has been crushed, there exist no journalists worthy of the name in need of protection except those in jail or in exile.

The following is the portion of the committee's statement bearing on the status of the press and free expression in Nicaragua:

In Nicaragua, we found the situation of journalists profoundly threatening. The 1979 Nicaraguan revolution, which generated the most sweeping national liberation movement in modern Central American history, has been degenerating into an uneven struggle between the Sandinista government and its opponents. Despite Sandinista commitments and promises prior to taking power that the revolutionary government would foster pluralistic and democratic institutional development, the government of Nicaragua and its military forces now rule by decree under a recently declared state of emergency.

They are challenged by a wide range of private-sector opponents—including the independent daily newspaper, La Prensa, church officials, independent radio stations and business and professional leaders (most of these persons had participated in the revolution). They have united openly, if loosely, in a democratic opposition coalition. Several of their leaders have been prevented from leaving the country, attacked by Sandinista-sponsored mobs (called "Turbas") and subjected to arbitrary imprisonment.

Even before the state of emergency, La Prensa had been closed down six times for printing articles which violated vague and sweeping government regulations prohibiting publication of information on economic and national security matters. A restrictive press code enforced on La Prensa a wide measure of self-censorship and resulted in the periodic closing of several independent news programs and radio stations. Archbishop Obando y Bravo has been prevented from broadcasting his weekly sermon, which had been aired regularly for the past 10 years, on the sole state-run television channel. The radio station of the Catholic Church, Radio Catolica, has been closed down indefinitely, and all attempts to create an independent TV channel have been rebuffed.

Today, as a result of the recent state of emergency imposed in March, all independent radio news programs have been shut down and newspapers—La Prensa and its two government-aligned competitors—must submit all copy for pre-censorship; those journalists opposed to the government have been harassed and even assaulted by the "Turbas." Several journalists have served jail sentences under a broadly worded "Law to Maintain Order and Public Security," passed shortly after the Sandinistas took power, which subjects violators to military jurisdiction.

Such intimidation has taken a heavy toll on news gathering and dissemination even by La Prensa, which under the leadership of Pedro Chamorro, is struggling to maintain its role as a beacon of free expression throughout Central America. Virtually all independent journalists to whom we spoke believe that the government has begun a drive either to emasculate through censorship or to close the few radio stations and single newspaper which today uphold the tradition of independent journalism in Nicaragua.●

IN RECOGNITION OF THE WHITMAN COUNCIL, INC.

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. FOGLIETTA. Mr. Speaker, I wish to take this opportunity to recognize the Whitman Council, Inc., on its 25th anniversary.

Philadelphia is a city of neighborhoods. The special character of these neighborhoods and the strong bond between neighbors, are the essential ingredients in making Philadelphia a liveable city, which combines the comforts of a small town with the opportunities of a major urban center. Nowhere is this commitment to neighborhood more evident than in Whitman.

The special spirit of Whitman begins with the people who live there. The tradition of generations marrying and settling in the community in which they were raised, close to parents and childhood playmates, has made Whitman like an extended family, in which neighbors are almost as close as kin.

The Whitman Council is also an important factor in maintaining this spirit. The council has drawn its strength from the commitment of the people. It has also reinforced this commitment by serving as a cohesive force, expressing the aspirations of the community, and producing tangible improvements which have greatly enhanced the neighborhood.

The boundaries of Whitmen, Snyder Avenue to Bigler Street, between 6th and Lee Streets, were originally designated as the Whitman Urban Renewal Area on December 3, 1957. Within this designated area a small group of concerned neighbors formed the Whitman Area Improvement Council to provide community input in federally funded renewal plans for the area.

Among the pioneers and founders of the Whitman Council, Inc. (as it was renamed in 1977) were Fred Goldstein, Morris Jacobs, the late J. Otis Ford, the late Father Edward Burke, Emily Davis, the late Bernard Tonkin, the late Joe Skale, the late Morris Levitt, and Angelo Manaco. It first president, Morris Levitt, was succeeded by John Daly, followed by Morris Jacobs, Alice Moore, and its present leader Fred Druding.

Over the years, the council conscientiously labored on behalf of the neighborhood to establish a full service community. Its accomplishments, all of which are too numerous to mention, are highlighted by a new public library, a $10 million shopping center (Whitman Shopping Plaza), a new playground (Burke Playground) a new park (Weinberg Park), offstreet public parking at Front and Snyder and Forth and Porter, construction of new homes and the rehabilitation of existing properties, and a nursing home (Whitman Convalescent Center) now in progress.

All of these accomplishments represent a lasting tribute to the Whitman Council, its leadership, and the countless dedicated volunteers who have devoted their energies and talents to bring these dreams to fruition. On the occasion of the council's 25th anniversary, I am making this statement in the CONGRESSIONAL RECORD to afford the council the national recognition which it deserves, and to express my personal appreciation and best wishes for the future.●

THE REAGAN REVOLUTION

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. LOWERY of California. Mr. Speaker, one of my constituents, Mr. P. R. Garner, recently wrote a letter to the editor of Newsline, a local San Diego newspaper. Mr. Garner's comments demonstrate remarkable insight into our current budget dilemma. In fact, Mr. Speaker, I could not have said it better myself. Therefore, I would like to commend Mr. Garner's remarks to the attention of my colleagues.

THE REAGAN REVOLUTION

DEAR NEWSLINE: Hans Jovishoff complained about the Reagan administration's ". . . exceedingly wasteful spending for 'defense' or, rather, overkill . . . while eliminating practically all social programs . . ." Let's have a look at budget comparisons cited from Congressman Bill Lowery's most recent newsletter: "Shift in Budget Priorities":

PERCENT COMPOSITION OF OUTLAYS

	1962	1981	1984
Department of Defense	44	24	32
Safety net programs	25	37	41
Net interest	6	10	9
All other	25	29	18

During former President Johnson's first full year in office, 1964, $34 billion or 28.8 percent of the federal budget went for "human services" (entitlement programs: health, education, veterans, welfare, nutrition, civil service and railroad pensions, Social Security, etc., most of which are "indexed" for inflation). By 1981, with successive increases in these entitlement programs, spending for human services increased to $349 billion or 53.3 percent. Reagan's fiscal year 1982 budget (and projections) for human services (or resources) is about $344 billion or 51.8 percent of the federal budget; a reduction of 1.5 percent, assuming he gets all his planned cuts in the next few years. (Source: Patrick J. Buchanan, The Union, 1/13/82).

Buchanan points out also that, "In short, not only all the FDR, but almost all the LBJ social programs endure and grow; taken together, they will continue to consume a near record share of an ever-expanding federal budget." But the current budget for Health and Human Services (HHS) is $250 billion or 35 percent of the federal budget (funding, by the way, 284 programs) (Source: *Senior World*, San Diego, Feb. 1982). This is what the liberals (to borrow several cliches) call "shredding the social safety net," "salvaging the social budget," "balancing the budget on the backs of the poor," and "writing off the minorities."

As regards defense, DoD has been underfunded for several years in respect to the mammoth growth of Soviet military power. Funding has necessarily had to be increased (witness, e.g., Cuba and Central America). However, "the Reagan administration in the past year actually presided over a significant reduction in strategic nuclear weapons on alert as well as in the development of new weapons for the future." Moreover, at "the *conclusion* of the Reagan program, the U.S. share of gross national product going to defense will be half the Soviets; it will consume a smaller percentage of GNP (6 percent) and budget (33 percent) than in any of the Eisenhower or Kennedy peacetime years." If Reagan were a Democrat, Republicans would be accusing him of "unilateral disarmament." (Buchanan, *The Union*, 1/13/82; 11/18/81).

In sum, President Reagan's fiscal 1982 budget reduced the *increase* in federal spending by about $40 billion. There were, however, increases in 13 of the 18 budget categories, but increases smaller than former President Carter called for. Hardly "severe and deep" cuts as some would have us believe, and certainly not "resurrecting the Robber Barons of days past" or "welfare for the greedy" as Reagan's tax cuts have been labeled.

As for the automobile industry that Mr. Jovishoff believes "to be in greater trouble than ever," it has been in deep trouble for many years. Excessive wage and benefit demands by union leaders has drastically reduced productivity, forcing up costs. The average hourly wage of U.S. auto workers is about $19.00. In Japan the average is about $11 per hour. How can we compete under these conditions?

Certainly inflation is a factor Price inflation is caused by *monetary expansion*, and monetary expansion has been used for most of the past 45 years (certainly excessively in the past 20 years) to finance much of federal deficit spending. Revenues were not adequate and still are not. We must blame past Congresses and administrations for that—and much of Reagan's deficit problems today. More than 78 percent of the federal budget is accounted for by automatic cost-of-living adjustments, entitlement programs, subsidies and other built-in spending increases, according to Sen. William B. Armstrong (R-Colorado).

The "Reagan Revolution" is regrettably causing some temporary hardship, but it could hardly be otherwise under the circumstances. And "revolutions" are never pleasant. America has been on a spending binge for many decades and restoring the free-enterprise economy to health will be difficult but the goal is worthy. It can be done with the cooperation and understanding of the people and Congress. This may well be our last chance. Let's work at it!

P. R. GARNER.●

CLEAN AIR ACT

HON. DOUGLAS APPLEGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. APPLEGATE. Mr. Speaker, I urge the White House and Members of Congress in their deliberations on the reauthorization of the Clean Air Act that a cautious and pragmatic approach be used and not allow overzealous environmentalists to continue to retard the economic growth of this Nation through extreme and rigid requirements.

I know of no one who is not anxious to achieve an absolute purification of our Nation's air so that future generations will have a cleaner environment, but we can't do it today. Time and enforcement is needed but during this time period it is imperative that the economic health of this Nation as well as the physical and biological health be a criteria.

Sure, we always hear "if it will save one life it is worth it." Well, I have never heard of a single death caused directly by acid rain or sulphur dioxide emissions in the air. I'm not saying it does not have an adverse effect on health, it does; but not to the degree that has been stated in irresponsible statements. But using this premise, and if we are really interested in saving lives, using the health and safety criteria only, then I say to you we should outlaw automobiles in which 55,000 lives are lost each year as well as cigarettes and liquor which add hundreds of thousands more lives to the list. There are other examples, but the point is that the economic health of the country has been taken into consideration in these industries even when the safety and health of the American people are effected more severely.

These are billion dollar industries employing hundreds of thousands of people and no legislation is going to affect them adversely because of the economic benefits to the Nation as well as the Federal coffers through high unemployment.

There are other industries, such as steel and coal, that are declining in their ability to compete in the world and American markets because of the cost of retrofitting or facilitating plants for pollution equipment.

Much has been accomplished with the implementation of the Clean Air Act by the U.S. EPA and the respective State environmental agencies that is good, however, it comes at the heavy expense of the American worker and consumer and this was not the intention of Congress.

Again, commonsense must prevail if we are to see this Nation rise up out of the depths of economic despair. People are hurting and they want action by the Congress and the administration to revitalize the economy but such recovery can only be fully accomplished if everyone cooperates.

A healthy economy is as important in the overall equation of this Nation's and its people's future as is a healthy physical environment.

Ask the autoworker, the coal miner, the steelworker, the pottery maker, and other industrial and factory workers and those dependent upon them working and contribution to their business and livelihood.●

STATE DEPARTMENT SELLING OUT ON LAW OF THE SEA TREATY

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. FIELDS. Mr. Speaker, there is a familiar saying that what is needed most at the U.S. State Department is an American desk. The wisdom of that statement is evidencing itself anew with the heavyhanded and deceptive manner in which the leadership of the U.S. LOS delegation is undermining the six major objectives of President Reagan in New York. Not only have they attempted to do an end-run around the White House and interested Members of Congress, but they are presently pressing in a direction that will lead to an immense embarrassment for the President.

Mr. Speaker, the U.S. delegation is totally out of order and out of control. I urge the President to act swiftly to insure that the U.S. delegation head is brought back into line before it does serious and irreparable damage to the United States.

Two articles upon the subject follow. It should be noted that some press reports may be misleading on particular points. For example, the Safire article indicates that U.S. industry concerns are in agreement with the positions now being taken by the head of the U.S. delegation. In point of fact, Mr. Speaker, as reported in the authoritative Platt's Oilgram News, U.S. industry is violently opposed to the delegation's position; and contends that it could not proceed into deep seabed mining under the regime being promoted by the U.S. delegation head.

[From the Oilgram News, Apr. 16, 1982]

U.S. "BENDING OVER BACKWARDS" TO REACH SEA-TREATY ACCORD

United Nations 4/15—Leigh Ratiner, deputy chairman of the U.S. delegation to the Law of the Sea Conference told a plenary meeting today that "the U.S. at its highest level is ready, willing, able and anxious to be part of the consensus in adopting the (UN Law of the Sea) convention April 30."

"We've done all that is possible consistent with our vital interests to revise our negotiating demands and bring ourselves into a format for negotiations which might enable us to reach that goal," he said, adding that the U.S. government "is bending over backwards" to get a settlement (see story elsewhere in this issue).

After several days of discussions in plenary, the president of the conference Tony Koh will call for last-minute private negotiations on all of outstanding issues in order to reach an agreement enabling every country, including the U.S., to sign the treaty April 30.

SPECIAL REPORT: OCEAN INDUSTRY CRIES "SELLOUT" BY UNITED STATES; OUTCOME OF SEA TREATY TALKS STILL CLOUDY

New York 4/15—Although U.S. Law of the Sea negotiators are claiming victory, the ocean industry is charging a "sell-out." That situation makes any final outcome of the negotiations impossible to predict at this time and at least for the moment is capping a round of negotiations that started troubled and hasn't improved since (ON 4/15, 4/1).

The new ruckus between the negotiators and industry stems from a set of proposed amendments the U.S. submitted to the conference on April 13. In an eleventh hour maneuver, the U.S. won the support of six other industrialize nations—UK, W. Germany, Japan, France, Belgium and Italy—as cosponsors.

The industry charges that the U.S. delegation has so softened its stand on basic issues that there is real doubt whether any company would attempt to mine the oceans under those conditions.

Conrad G. Welling, senior vice president of Ocean Minerals, the consortium that includes affiliates of Amoco and Royal Dutch/Shell, said the industry is "very upset. I don't see how anybody could proceed" under the latest U.S. amendments to the proposed treaty text.

Welling said the U.S. negotiating team pushed through the amendments, with industry given only two days' notice. He added that industry representatives met with chief U.S. negotiator James L. Malone only a few hours before the amendments were formally presented to the conference at 6 p.m. on April 13.

FAST FOODWORK

The industry group, including representatives from Sedco, argued with Malone for changes before the amendments were submitted, then filed a four-page report documenting industry objections on April 14.

In addition to charges that "grandfather" protection of companies is severely eroded and that companies will be subjected to production controls while losing control of the "council" that will set the rules, the industry complains that the U.S. negotiating team headed by Malone and his deputy Leigh S. Ratiner have used fast footwork to keep the negotiations going. When the hard line dictated in January by President Reagan produced no results at the conference, Malone met with secretary of State Haig and convinced him that the U.S. had to soften its position.

INTERIOR PROTESTS

A hurried meeting was called with the senior interagency task group comprised of top officials of the departments of Interior, Defense, Commerce and Treasury and White House officials to get approval to weaken the U.S. demands.

Malone won approval on some issues, and—industry charges—went beyond what the interagency group authorized. Some departments, notably interior, memoed strong protests against the softened position.

The change also brought a blast from Rep. Breaux (D-LA) who came here last week to berate the U.S. delegation for operating in secrecy and not keeping Congress informed on shifts in negotiating tactics.

Delegation officials justify the shift on grounds that they are now taking a broad interpretation of Reagan's January instructions instead of the narrow one originally presented to the UN conference. Industry counters that such reasoning is merely a way for the negotiators to bend and in the process are "giving away the store," says one official who wouldn't be named.

Even in its softened position, there is no certainty that the conference will adopt the proposed U.S. amendments. The test will be when the matter comes up for a vote possibly late next week (see story elsewhere in this issue).

[From the New York Times, Apr. 9, 1982]

REAGAN'S SEA-LAW SELLOUT

(By William Safire)

WASHINGTON, Apr. 8—The Law of the Sea Conference is an attempt by third-world nations to set up a "new order" in the world's production of minerals. Their idea is to subject all exploration and mining of the ocean bottom to international control. Their vehicle would be modeled on OPEC: a cartel capable of price-fixing by enforcing control of mineral production—run by an "authority" certain to provide permanent employment for thousands of third-world diplomats.

For centuries, the treasures that lay beyond anyone's territory belonged to nobody, and therefore were available for the taking for any explorer or miner with the wit, courage and capital to go get it.

In the last decade, however, a collectivist notion took hold that all such treasures were "the common heritage of mankind," which meant that an international bureaucracy, not the explorer, would decide who could develop what resource. A combination of third-world greed and liberal-world guilt brought us to the brink of signing a treaty that would sound the death knell of free enterprise in the 21st century.

The Reagan Administration put a stop to that—or so we thought. Many of us cheered when the United States finally told the rest

of the world that we had awakened to the danger of negotiating away our freedoms in the Law of the Sea conference. We hailed the stand that rejected price-fixing by an unaccountable "authority."

That Reaganaut defense of free enterprise collapsed last Monday night in the office of Under Secretary of State James Buckley. As Bernard Nossiter of The New York Times reported, a new American position was secretly decided upon that accepts the principle that a global cartel—and not free-market forces—would have the power to limit America's or any other country's production of minerals mined from the sea.

The abandonment of the basic principle on which our economy is founded—and which has yielded far more prosperity than any Socialist scheme—was made possible by buying off the American companies who had been objecting loudly. "Preliminary investment protection"—some pip of an idea—is to be given to private mining companies that lead the way for the exploration of the seabed; their technology and know-how will later be taken over by the competing third-world bureaucracy. As usual, some businessmen can be found who will sell their birthright for short-term profit.

Everyone watching these negotiations knows full well what the thirdworld game is: First, establish the cartel principle by getting industrial nations to sign a treaty submitting to an international body's production limits. Second, improve on the United Nations by making it impossible for the industrial countries to veto thirdworld majorities. Third, make it possible to amend the by-laws of the cartel—thereby eliminating private competition—without having to go back to such stumbling blocks as the U.S. Senate for approval.

When the Senior Interagency group met to cave in under Mr. Buckley's aegis, it was agreed that (1) production limits would be accepted, provided there was "no bite" in them in the beginning; (2) we would not have a veto, but perhaps we could talk bravely about a "blocking capability" if industrial nations stuck together; but (3) it might be awfully hard to get the Senate to hand over a power to amend without future Senate agreement.

That supine position is typical of foreign affairs in the Second Reagan Administration, which began when pragmatists James Baker and William Clark fell in step with Al Haig in February and process triumphed over policy. The same middle-level crew (Secretary Buckley, Assistant Treasury Secretary Marc Leland) that brought us no-default in Poland and winking at the European-Siberian pipeline is in charge of the planned cave-in on Law of the Sea. (Incredibly, they have even approved export licenses for six C-130's to be sent to Iraq.) Because businessmen applaud—weak policy is good for business—Mr. Reagan is persuaded he is doing the conservative thing.

He is not. The betrayal of capitalism, not to mention freedom of the seas, is a radical lurch to the left. And for what? We are warned that the rest of the world will sign a treaty without us, which might mean that our banks would ask for Government guarantees to finance exploration. That's scare talk; we can get other industrial nations to sign a separate free-market treaty if need be.

In return for their hard work inhibiting competition and driving up world inflation, third-world diplomats envision a bonanza from their supranational authority: lifetime jobs, highrise offices, limousines, elite schools for their children, studies farmed out to friendly academics, everything a potato-shaped manganese nodule can bestow. Best of all, no control of their budget from individual nations, because the cartel bureaucracy would fix world prices to its profit.

No wonder the diplomatic community is putting such pressure on our hapless negotiators. The Law of the Sea Treaty bids fair to become the biggest boondoggle in the history of the earth, setting the example for Socialism in outer space.●

CARIBBEAN CRUSADE

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. LAGOMARSINO. Mr. Speaker, the following article by William Randolph Hearst, Jr., editor in chief, appeared in the February 28, 1982, issue of the Hearst newspapers. The article pertain to President Reagan's Caribbean Basin Initiative. Since the issue is currently being reviewed in the Congress, I urge my colleagues to read the article carefully. The text is as follows:

CARIBBEAN CRUSADE

(By William Randolph Hearst, Jr.)

NEW YORK.—President Reagan has launched a crusade aimed at saving the nations of the Caribbean Basin from oppression and poverty. Although the word "crusade" can have a ring of militarism to it, the president's program clearly emphasizes a desire to seek political and economic solutions rather than a military one.

The president fired the first volleys of his campaign in a speech at the Washington headquarters of the Organization of American States, OAS. He did so amid a heating up of the civil war in El Salvador, and continuing threats of communist expansion originating in Moscow and Havana.

His package did include a promise of $60 million more in military aid, but such aid would be limited to small arms, partrol boats, helicopters and communications equipment. The question naturally rose, as it has for weeks, about the possibility of involvement of America combat troops. An administration spokesman gave an unequivocal answer to that one It was:

"Absolutely not."

Mr. Reagan knew that one of the first criticisms of his pledge of economic aid to Central America would be that it is unprecedented, so he responded to that in advance, and headon:

"This economic proposal is an unprecedented as today's crisis in the Caribbean. This commitment makes unmistakably clear our determination to help our neighbors grow strong."

In my opinion he got to the heart of the crisis when he said: "A new kind of colonialism stalks the world today and threatens our independence. It is brutal and totalitarian. It is not of our hemisphere but it threatens our hemisphere and has established footholds on American soil for the expansion of its colonialist ambitions."

In other words, extraordinary trouble demands extraordinary, but peaceful efforts to keep it from our shores.

The Reagan initiative in the Caribbean has been compared to the Marshall Plan, an American crusade started in 1948, whose aim was to use economic weapons to save Western Europe from the threat of communist expansion. It is my hope, and surely that of all Americans, that this latter day Marshall Plan will have a similar measure of success.

Although the nature of the initiative was set forth by the president in somewhat general terms, here are some details that suggest the shape it will take:

All told, President Reagan has programmed a Caribbean Basin initiative for $350 million with an additional $75 million earmarked for assorted military assistance. In these inflationary days these sums don't sound staggering but they show U.S. good will in preparing to aid have-not little countries start helping themselves.

His sweeping proposal, aimed against further communist expansion as practiced by the U.S.S.R. and its Cuban surrogates with arms transfers into Nicaragua, is unprecedented in the history of the U.S. which decades ago encouraged "The Good Neighbor Policy" as articulated by FDR.

To suit action to his words, the president intends to obtain congressional authorization for free trade from the inflamed regions except for textiles and some apparel. Any U.S. industry that could conceivably be hurt by the imports he intends to protect with a careful congressional safety net.

Importantly, this isn't another "foreign aid" package in which taxpayer's money is handed to governments with practically no questions asked.

The unique phase to the plan is that the money will be in interest-bearing accounts deposited in U.S. banks. It's intended to build up the middle classes and entrepreneur systems. If a Central American has a project that merits creditworthiness for an idea but no money, his project will get serious consideration at the banks with money on deposit here.

That is a sound idea, I believe, and should eliminate skimming by individual and greedy government officials in the Caribbean Basin. I don't agree with those skeptics who say President Reagan's deposit scheme shows him to distrust our neighbors. Not at all. It is a plain and simple exercise in free enterprise.

As a matter of fact, if you study the president's program, you see that the concept of his "new federalism" is being applied to Central America. This is imaginative as it is bold and I hope it will be appreciated and welcomed by all our friendly neighbors fighting for survival against alien ideologies based on totalitarian terror.

In his presentation, the president sent the Russians and Castro Cubans a message. It essentially stems from our own Revolutionary times and rings vibrantly true today as it did over 200 years ago: "Don't tread on me."

I'm glad the president is making this bold move. The Hearst Newspapers under my father and in later years through this column have continually warned that we would some day have to protect the Western Hemisphere from communism.

Russia already controls part of Asia, half of Europe and a large chunk of Africa. The only way to keep the insatiable Bear out of this hemisphere is to react powerfully and often.●

UNEMPLOYMENT RATE

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. YATRON. Mr. Speaker, the unemployment rate has reached an alarming level and the recession is our Nation's most pressing concern. The economic situation is being aggravated by unfair and illegal trade practices of foreign countries, which include: The proliferation of nontariff barriers such as inscrutable and unreasonable health and safety standards and testing procedures; discriminatory Government procurement policies; and, export subsidies, which many times enable a foreign company to sell goods in the United States below the cost of production.

Our Government has been trying for years to negotiate fair trade principles to provide consumers with more reliable and cheaper products, and to provide more jobs with choice. Unfortunately, the result has been making our country safe for Japan.

Many businesses in my district are failing and hundreds of workers are unemployed because other countries have erected barriers against our goods while subsidizing what they send us. Trade must be a two-way street and other countries must be willing to abide by the accepted international norms, principles, and laws of free trade.

American industry is not without its problems; but a full faith effort is being made to correct the existing difficulties. I firmly believe that, for the most part, American products are well made, and can compete with foreign products which do not have the advantages of protection and subsidization.

With a trade deficit of $40 billion, $18 billion with Japan, it is time for our Government to take corrective measures. Under section 126 of the Trade Act of 1974, Congress adopted the principle of reciprocal nondiscriminatory treatment whereby the President was required to determine if major industrial countries had failed to provide competitive opportunities for the United States equivalent to the opportunities provided to our trading partners in this country. If such determination were made the President could take certain steps to restore "reciprocity." This authority expired in 1979.

I have cosponsored legislation to restore the President's authority in a strengthened form and I urge my colleagues in the Congress to do likewise. This legislation would require the President to take steps to terminate the benefits of trade agreements entered into under the trade laws of the United States with respect to tariff reductions or other import restrictions if it is determined that our trading partners have failed to provide equivalent competitive opportunities for the commerce of the United States in their home markets.

Rather than being inimical to free trade, this initiative helps to restore a mutual trade relationship. I am confident that American industry will prosper, and American goods will succeed in such an environment.●

CONGRESSMAN TONY P. HALL SPEAKS ON NORTH KOREAN POLITICAL PRISONERS

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. HALL of Ohio. Mr. Speaker, with considerable fanfare and propaganda, North Korea last week observed the 70th birthday of its only ruler since 1948, Kim Il Sung. The event was marked in the manner one would expect from the society termed "one of the most highly regimented and controlled in the world today" by the State Department's Country Reports on Human Rights Practices.

The forced festivities clearly were in keeping with the rigid personality cult established by Kim Il Sung. As the Country Reports notes, ". . . individual rights are subordinated in practice to the overriding aim of imposing a social revolution and marshalling a show of unanimous popular support for the country's governing system and its leaders."

For at least 105,000 North Koreans, however, the birthday of Kim Il Sung was not a cause for celebration. The reason was that they are being held in camps for ideological offenders.

According to reports by defectors from Communist North Korea and from South Korean intelligence, North Korea is holding over 105,000 political prisoners, most of them without trial, in eight isolation camps in various parts of the country.

This latest information serves to confirm that the Kim Il Sung government is one of the most cruel totalitarian regimes on the earth today. We must not forget the suffering and misery of the people living in North Korea, which the Kim Il Sung government tries to hide from the outside world.

I commend to my colleagues' attention the following article from The New York Times of April 11, 1982, concerning the tens of thousands of imprisoned dissidents in North Korea:

[From the New York Times, Apr. 11, 1982]

NORTH KOREA IS SAID TO HOLD 105,000 AS DISSIDENTS

(By Henry Scott Stokes)

Seoul, South Korea, April 10—South Korean intelligence officials say that at least 105,000 North Koreans are being held in camps for ideological offenders.

The existence of the camps, long suspected by intelligence officials, was disclosed in recent interviews here with three North Korean defectors and with high-ranking officials of the South Korean Agency for National Security Planning, formerly the Korean Central Intelligence Agency.

Until recently, the intelligence officials said, it was difficult to check the existence of the camps. But now, with the aid of the defectors from North Korea, and with information that is believed to derive from American aerial reconnaissance, eight major camps for political offenders have been located, according to experts in Seoul, in addition to 25 separate conventional prisons for ordinary criminals.

South Korea also has forced labor camps, which Seoul officials said held more than 3,200 people late last year. However, according to political dissidents, only a minority of the internees are political prisoners.

APRIL CELEBRATION SET

The disclosures about the camps come as North Korea prepares huge celebrations to mark the 70th birthday of its leader, Kim Il Sung, next Thursday. Intelligence officials here insisted that they were not trying to overshadow that event. The disclosures, they said, followed years of efforts to confirm the presence of the camps.

In an interview at the national security agency's headquarters in Seoul, a high official said: "Our hope is that by showing the truth about North Korea, including the camps, we will broaden international knowledge about society there, paving a way for reunification in the long run."

American officials here declined to confirm the camps' existence, saying they had "no knowledge" of aerial photos of the facilities. But diplomats here believe that such places exist and are used to bolster President Kim's authority. He has ruled North Korea since it was founded in 1948.

The three defectors are Kim Yong Joon, who fled to the South in January; Kang Hyung Soon, who left North Korea in 1979, and Shin Young Man, a former North Korean agent in Japan who defected there in 1977. They told of their experiences at a joint interview at a Seoul hotel.

Mr. Kim, 30 years old, said that he had repaired farm implements in Onsung County, in North Hamgyong Province, near the Chinese border. He said that several times in 1978 he entered a large camp there for political offenders to repair equipment during a government campaign to "reclaim" lost land. Intelligence officials said that the camp was the largest of the eight and probably held about 27,000 people.

Mr. Kim said that he had first become aware of the camp in 1962, when as a teenager he explored the vicinity to search for tree bark to make string. "There were high fences, notices saying 'keep out' and 'danger,'" he said. "Everyone in the locality knew about the place. It was no secret that it held 'ideological criminals.'"

Intelligence officials said at a separate briefing that a second camp, holding about 20,000 prisoners, was in nearby Hoeryon County. They said other camps were in

kyongson County, which is also in North Hamgyong Province, with 15,000 prisoners; at Yodongmyon in South Hamgyong Province, with 13,000 captives, and in Chongpyong County in the same province, with 10,000 prisoners. Two camps in North Pyongyang Province hold 5,000 and 15,000 prisoners and a third in Chagang Province holds an undetermined number, according to the officials.

105,000 PRISONERS MINIMUM

"About 105,000 is the minimum figure we came with up for the total in the camps," said a high official in charge of North Korean affairs at the security agency, "but there may be more and there may be other camps. We can't be sure yet."

None of the three defectors interviewed had been held in a camp. But Mr. Shin, 57, said that he was taken to Chuulli in North Hamgyong Province on a tour in the spring of 1972 to see a camp, shortly before he was smuggled into Japan as an agent. He said the visit was apparently a warning of what could happen if he failed in his mission.

Mr. Shin said that he got a close look at prisoners and buildings at the Chuulli camp.

FORMER AGENT IN NORTH KOREA

"They were not normal homes but wretched huts, half cave and half home," he said. "It was early spring, a bit cold. The people's clothes were really ragged, with flesh showing through the holes. They were very pallid, scrawny and miserable."

He said he had left his wife and six children in North Korea and presumed that they were now interned in a camp. "When I think about them I want to cry," he said, breaking into tears.

Mr. Kang, 26, said he had been trained as an agent of the North Korean State Political Security Department and had been responsible for tracking down people suspected of holding views contrary to the principles of the North Korean Workers Party. He said he had studies at the political security department of Kim Il Sung University in Pyongyang, the North Korean capital.●

THE IRS STRIKES—WITH GUNS

HON. GEORGE HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. HANSEN of Idaho. Mr. Speaker, another example of the heavy-handed and abusive tactics of the Internal Revenue Service in their tax collection practices, which would be stopped by the passage of H.R. 4931, the Taxpayer Protection Act (TPA), is their overzealous enforcement using weapons.

The IRS should go to great lengths to prevent armed confrontation with the taxpaying public. However, it appears that many times they go overboard with their militia to publicly make their presence known, to instill fear, and to remind the public not to question their awesome authority.

The following story is a good example of these unbelievable practices.

Hallie Snyder was alone in her home in Oakland, Md., with her 5-year-old daughter on the morning of February 20, 1980.

She had just sent her 9-year-old son off to school. Her husband, Dwight, was working in his small cabinet shop located next to their home.

At 9 a.m., someone knocked on the door of the Snyder residence. As Hallie Snyder walked across the living room toward the door, it was flung open by a man carrying a high-powered automatic rifle. Eight men, all heavily armed, burst into the room with weapons pointed and ready to fire.

Next door, James Dwight Snyder was busy at his saw cutting out a set of custom-made cabinets. He heard the door to his shop swing open and turned his head instinctively. "Freeze!" someone shouted. Snyder looked down at the floor in front of the entry to his shop. Several men carrying M16's and submachine guns lay in the prone position with their weapons aimed at Snyder.

Outside, in front of Snyder's shop, State policemen had blocked off the road. Federal marshals and IRS special agents armed with M16's had surrounded the Snyder property. More than 30 men had just captured the unarmed Snyder family.

James Dwight Snyder is no criminal. He has no criminal record and has never been accused of a crime, and neither has his wife.

In fact, the IRS agents who attacked Snyder and his family knew this. The Internal Revenue Service had not come to arrest Snyder, but to seize his property for his alleged failure to pay income taxes in 1971 and 1972. Whether or not Snyder actually owes the money claimed by the IRS has not yet been decided. At the time of this writing, Snyder has two cases pending in the Fourth Circuit Court of Appeals. The Snyders had no idea that the IRS was going to grab their property.

About 10 of the IRS agents immediately began tagging various household goods, equipment in Snyder's workshop, vehicles, a tractor, and numerous other items belonging to Snyder. (They even tagged Snyder's mother's pickup truck.) The 20 remaining storm troopers camped around the edge of the Snyder property keeping an eye on Snyder, his wife, and their daughter "preventing them from interfering in the seizure of Federal property," Late that afternoon the IRS brought in a moving van and three wreckers and proceeded to haul their loot away.

All of this done without a search warrant. Because Snyder had committed no crime—indeed, the IRS would not accuse him of a crime because this would have given Snyder the opportunity to a trial by jury—a search warrant could not be issued. The IRS, however, got around this obstacle by a technicality called a writ of entry. This order of entry, along with section 6331 of the IRS Code, allows the IRS to seize, by force, a citizen's property without due process of the law. The IRS seized thousands of dollars' worth of property from the Snyders and sold some of it at public auction.

The Snyder case dramatically demonstrates the police-state power and mentality of the IRS. An Internal Revenue Service official in Baltimore who was asked to explain why the IRS sent in more than 30 armed men stated, "When resistance is anticipated, steps are taken to assure the safety of the IRS officials * * * involved."

Yet Snyder, a father of three who has never had as much as a traffic ticket, a member of the Dunkard Brethren Church, a fundamentalist group that, like his Amish neighbors, hews to ideals of pacifism, hard work, family values and plain living and frowns on television, movies and similar worldly diversions, was considered such a threat to require more than 30 armed men, without a search warrant, to illegally seize his humble possessions.●

GET MOVING ON TRADE

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. HYDE. Mr. Speaker, I am pleased to share with my colleagues the Chicago Sun-Times editorial of April 13, which strongly supports Export Trading Company legislation.

We have an opportunity to enact legislation that will create jobs, reduce the deficit and increase the GNP—but only if the bill is scheduled for subcommittee consideration.

I urge my colleagues to join me in calling upon Chairman PETER RODINO to schedule this important legislation at the earliest opportunity. As the Sun-Times has said, "the bill deserves bipartisan support," and it deserves it now.

The Sun-Times editorial follows:

[From the Chicago Sun-Times, Apr. 13, 1982]

GET MOVING ON TRADE

Like a spring thaw, Congress may soon break the ice jam blocking the most vital trade bill in years. The bill, if OKd, could remedy major economic woes at home and ease diplomatic strains with a key ally, Japan.

The measure would help expand U.S. trade by creating exporting trading companies, like the world-famous sogo shosha trading giants that have fueled Japan's economic miracle.

The results could be dramatic here, too. As Rep. Henry J. Hyde (R-Ill.) notes, this is valuable legislation. It could:

Create 300,000 jobs nationwide as early as 1985—more than 14,000 of them in Illinois.

Reduce the swollen federal deficit by as much as $11 billion.

Increase this country's gross national product about $30 billion.

The ideas behind the Export Trading Companies Act work. Such companies handle two-thirds of all Japanese exports. Look, too, at success in West Germany, France and Hong Kong with similar trade expediters. Yet our cumulative trade deficit for the last five years has reached $100 billion.

Trading companies help export products by providing knowledge and financial resources that small- and medium-sized companies lack. Thousands of small businesses know little of foreign customs, laws or the risks in trade ventures. Thus they hold back—losing both markets abroad and jobs for workers at home.

Former Sen. Adlai E. Stevenson (D-Ill.) first pushed a similar export bill to passage in the Senate. It died in the House. Last year, the Senate voted 93-0 to ease antitrust obstacles to trading companies. A House version, with more than 100 co-sponsors, was approved March 31 by a Foreign Affairs subcommittee.

Unfortunately, the bill is hung up in the House Judiciary subcommittee. Chairman Peter W. Rodino (D-N.Y.) should look at our 9 percent unemployment rate and other aspects of the sagging economy and then show the kind of dash he became known for during the Watergate hearings. Push the trade bill out.

In dealing with global competitors in the 1980s, anti-trust adjustments are required. Once-valid objections to banks entering commerce should be revised, too. Foreign banks are key sources of capital funds for our competitors. To ease our disadvantage in that area. Stevenson's wise plan permitted banks to own part of a trading company.

The Commerce Department estimates that every $1 billion increase in exports will create 31,000 U.S. jobs. Unlike foolish protectionists bills aimed at Japan, this bill is a positive way to compete with allies. As Hyde urges, the bill deserves bipartisan support.●

TAX INCENTIVES FOR DAY CARE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. GILMAN. Mr. Speaker, on March 25, 1982, I introduced H.R. 5965, to amend the Internal Revenue Code and to provide for additional incentives for individuals to use, and for firms to provide facilities for, day care.

Present law provides a number of such incentives, including the fact that a credit of between 20 and 30 percent of the first $2,400—$4,800 in the case of more than one dependent—of day care expenses may be applied against one's tax bill. However, many low income families do not earn enough for the tax credit to be of use to them, since they have tax bills of less than the applicable credit. For this reason, I feel it is important that the tax credit be made refundable, so that it can be as useful to the lower-income as the upper-income taxpayer.

But where are these children going to be cared for? Many of them are placed in existing profitmaking or not-for-profit centers. Even though there is Federal funding for day care—although its has been reduced in many States because of the priorities set by States under the social services block grant—and even though there have been some tax benefits available in the past for the construction or operation of day care centers—which were increased by last year's Economic Recovery Tax Act—there are still many more children in need of day care than there are slots available to them.

In order to stimulate the supply side of this equation, my bill also makes provision for tax credits to go to firms which construct of equip day care centers. A 10-percent credit, over and above existing investment tax credits, would be granted to a taxpayer for the expenses incurred in equipping a day care center. A 5-percent credit would be available for the costs of the actual construction of such a center.

Mr. Speaker, last year the other body passed a measure making the day care tax credit refundable. It also proposed even more liberal tax credits for business. Thus, this proposed legislation is not a radical measure, but a reasoned proposal directed at further gentle stimulation of the day care industry so that children who need quality day care can get it and parents who need day care services in order to work can obtain them at a reasonable price.

Accordingly, I urge my colleagues to become cosponsors of H.R. 5965, and ask unanimous consent that the full text of the bill be printed in the RECORD at this point.

H.R. 5965

A bill to amend the Internal Revenue Code of 1954 to make the credit for dependent care expenses a refundable credit and to allow an additional investment tax credit for dependent care center property.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CREDIT FOR DEPENDENT CARE EXPENSES MADE REFUNDABLE.

(a) In general.—Subsection (b) of section 6401 of the Internal Revenue Code of 1954 (relating to excessive credits treated as overpayments) is amended—

(1) by inserting "44A (relating to expenses for household and dependent care services necessary for gainful employment)," after "lubricating oil),", and

(2) by inserting ", 44A," after "31, 39".

(b) Technical Amendments.—

(1) Section 44A of such Code (relating to expenses for household and dependent care services necessary for gainful employment) is amended by striking out subsection (b).

(2) Sections 44C(b)(5), 44D(b)(5), 44E(e)(1), 44F(g)(1), 44G(b)(1)(B) of such Code are each amended by inserting "44A," after "31, 39,".

(3) Subsection (a) of section 53 of such Code (relating to limitation based on amount of tax) is amended by inserting "and" at the end of paragraph (5), by striking out ", and" at the end of paragraph (6) and inserting in lieu thereof a period, and by striking out paragraph (7).

(4)(A) Paragraph (2) of section 55(b) of such Code (defining regular tax) is amended by inserting ", 44A," after "31, 39".

(B) Paragraph (2) of section 55(c) of such Code (relating to credits) is amended by inserting "44A," after "31, 39," each place it appears.

(C) Clause (i) of section 55(c)(4)(A) of such Code (relating to carryover and carryback of certain credits) is amended by inserting "44A," after "33, 39,".

(5)(A) Subsection (c) of section 56 of such Code (defining regular tax deduction), as in effect for taxable years ending before January 1, 1983, is amended by inserting "44A," after "31, 39,".

(B) Subsection (c) of section 56 of such Code (defining regular tax deduction), as in effect for taxable years ending after December 31, 1982, is amended by inserting "44A," after "39, 43,".

(6) Subsection (b) of section 6096 of such Code (relating to designation of income tax payments to Presidental Election Campaign Fund) is amended by striking out "44A,".

SEC. 2. ADDITIONAL INVESTMENT TAX CREDIT FOR DEPENDENT CARE CENTER PROPERTY.

(a) IN GENERAL.—Subparagraph (A) of section 46(a)(2) of the Internal Revenue Code of 1954 (relating to amount of investment tax credit) is amended by striking out "and" at the end of clause (iii), by striking out the period at the end of clause (iv) and inserting in lieu thereof ", and", and by adding at the end thereof the following new clause:

"(v) in the case of dependent care center property, the dependent care percentage."

(b) DEPENDENT CARE PERCENTAGE.—Paragraph (2) of section 46(a) of such Code (relating to amount of credit) is amended by adding at the end thereof the following:

"(G) DEPENDENT CARE PERCENTAGE.—For purposes of this paragraph—

"(i) IN GENERAL.—The dependent care percentage is—

"(I) 10 percent in the case of dependent care center property not described in subclause (II), and

"(II) 5 percent in the case of dependent care center property which (but for section 48(q)(1)) would not be section 38 property.

"(ii) REGULAR PERCENTAGE NOT TO APPLY TO PROPERTY NOT OTHERWISE SECTION 38 PROPERTY.—The regular percentage shall not apply to any dependent care center property to which subclause (II) of clause (i) applies."

(c) DEPENDENT CARE CENTER PROPERTY DEFINED.—Section 48 of such Code (relating to definitions; special rules) is amended by redesignating subsection (q) as subsection (r) and by inserting after subsection (p) the following new subsection:

"(q) DEPENDENT CARE CENTER PROPERTY.—For purposes of this subpart—

"(1) TREATMENT AS SECTION 38 PROPERTY.—for the period beginning after December 31, 1981, dependent care center property shall be treated as meeting the requirements of paragraph (1) of subsection (a) (other than the penultimate sentence of such paragraph).

"(2) DEPENDENT CARE CENTER PROPERTY DEFINED.—The term 'dependent care center property' means property for use by a dependent care center property' means property for use by a dependent care center if—

"(A) such center meets the requirements of subparagraphs (C) and (D) of section 44A(c)(2), and

"(B) more than 90 percent of the gross revenue of such center is from one or more of the following sources:

"(i) payments which are employment-related expenses (within the meaning of section 44A(c)(2)) for the care of a qualifying individual (within the meaning of section 44A(c)(1)) outside the taxpayer's household,

(ii) amounts paid or incurred by an employer which are excludable from the gross income of an employee under section 129 (relating to dependent care assistance programs), and

"(iii) grants received from a State or political subdivision thereof, the District of Columbia, or an organization described in section 501(c) which is exempt from tax under section 501(a)."

SEC. 3. EFFECTIVE DATE.

(a) FOR SECTION 1.—The amendments made by section 1 shall apply to taxable years beginning after December 31, 1981.

(b) FOR SECTION 2.—The amendments made by section 2 shall apply to the period after December 31, 1981 (under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1954) in taxable years ending after such date.●

TRIBUTE TO UNION FIRE COMPANY NO. 1

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. YATRON. Mr. Speaker, I rise today to honor the members of Union Fire Company No. 1, of Hamburg, Pa., who will be celebrating their 150th anniversary beginning with a banquet on April 24, 1982.

The Union Fire Company No. 1, enjoys the enthusiastic support of the community it serves and not only works to protect the lives of the citizens and property of the Hamburg area, but has tirelessly contributed time and effort on many projects to benefit their neighbors and friends.

The members of this company demonstrate every day, the community spirit of helping one another, which is the very foundation of our Nation. I think that it is indeed fitting that their accomplishments should be recognized in the U.S. Congress. I know my colleagues will join me in paying tribute to the Union Fire Company No. 1, of Hamburg and will wish them many more years of continued success. It is my hope that their excellent example of what can be accomplished continues to underline the importance of aiding those in need.●

NUCLEAR WASTE—LET US DISPOSE OF THE PROBLEM

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. LOWERY of California. Mr. Speaker, the past few years have been extraordinarily difficult for electric utilities using nuclear power. The accident at Three Mile Island was the most serious in the history of the U.S. nuclear industry. However, despite these difficulties, nuclear energy continues to provide the lowest cost, most reliable, and environmentally reasonable source of electric energy.

In 1979, 70 licensed nuclear powerplants, representing 9.6 percent of the Nation's total installed generating capacity, supplied approximately 12 percent of our total national output of electricity. This represented the energy equivalent of 1.4 million barrels of oil per day, which was the total Alaskan region oil production in that year. The present installed electric capacity of approximately 50,000 megawatts from nuclear plants alone is more than the entire U.S. electric generating capacity from all available sources at the end of World War II. In addition to the nuclear plants currently operating, there are on order, and in various stages of construction, 96,000 megawatts of nuclear generation which, when completed and in operation, will serve to increase nuclear electrical generation to the equivalent of 4.5 million barrels of oil per day—the maximum oil importation level set by President Carter after 1980.

Nuclear energy unquestionably helps to reduce our foreign oil imports. No one needs to be reminded of the severe economic effects that the recent rise in foreign oil has had on the U.S. economy. In 1979 alone, official OPEC prices about doubled. By 1980 the cost of imported oil had risen to $35 per barrel—a far cry from the $2 to $4 per barrel that foreign oil cost prior to 1973-74 Yom Kippur war, which precipitated the Arab oil embargo.

The cost of this fuel is the basic reason electric rates have increased dramatically in recent years. In southern California there is no coal, no hydroelectric power, and only a limited supply of natural gas. The primary fuel San Diego Gas & Electric is required to use by State regulation is expensive, low sulfur oil which has risen in cost from $2 a barrel in 1970 to around $45 recently. Consequently, San Diego Gas & Electric is spending 63 cents out of every utility bill dollar for its fuel and purchased energy. Their customers would be paying significantly less had the utility been permitted to quickly build and operate the Sundesert nuclear power plant. However, the permit for this plant was denied after years of expensive regulatory overkill.

As serious as the rapid escalation in the price of oil may be, even more serious is the distinct possibility of a serious curtailment in the supply of foreign oil, not only to the United States, but to the entire Western World. Nearly 50 percent of the oil imported by the Western World originates in the Persian Gulf. As demonstrated in the 1973-74 oil embargo and the more recent loss of the Iranian oil supply, any sudden cutoff or loss of oil from the Persian Gulf will have a major economic impact on not only the United States, but the entire world.

If we are to reduce our dependence on imported oil, we must develop our capability to substitute alternative fuels for that oil. One method is to increase the uses of electricity. Mass transportation and the development of electric automobiles will require significant increases in our electric energy supply. And, in many areas, particularly in the northern sections of the country, the only practical substitute for oil-fired heating units will be electric heating using heat pumps. However, the only practical methods of supplying the necessary increases in future electrical energy usage will be from coal and nuclear-powered utility plants. And, of the two, the nuclear alternative is clearly the better choice from an environmental perspective.

That the nuclear option is a sound environmental choice is supported by Ansel Adams, world-famous photographer and a member of the Sierra Club board of directors for 35 years. He demonstrates his support for nuclear energy in the following quote:

> The fight against nuclear power has turned into a holy war without rhyme or reason. I get annoyed with people who are opposed to things because it's fashionable. And the southwestern United States is suffering because of it. Stripping the land for the production of coal and utilizing coal-burning plants are, I think, far more dangerous than utilizing clean, controlled nuclear plants. Now, that doesn't mean that plants shouldn't be run under disciplined management with safety and security guidelines. But, after all, Three Mile Island has set off what you'd think is the next Civil War. And yet nothing really happened. Certainly nothing that compares to the stuff I've seen in the Southwest at the Four Corners coal plant. The sky is no longer blue, the country's being raped by strip mining, precious water is being used to sluice out the coal. And someday that coal will give out. Nuclear power is very clean, and, if well managed, I think it is the only logical source of energy we have. I don't go along with the holy war at all.

Therefore, as even Ansel Adams agrees, from an environmentalist standpoint, nuclear is the best near-term option for increasing our energy capacity. Therefore, environmentalists will be much better served by working to make nuclear energy as safe as possible. That is what we are trying to do in H.R. 5016, the Nuclear Waste Management Policy Act, which I have cosponsored, which establishes a comprehensive national policy for the disposal of nuclear waste.

One of the most significant obstacles blocking the nuclear option is the public concern over the disposal of nuclear wastes—often referred to as the

Achilles heel of the nuclear industry. However, when viewed objectively, the waste problem is manageable.

Assuming a rapidly expanding nuclear program, the total volume of waste generated in the entire United States annually in the year 2000 could be stored in a cube less than 40 feet on a side. In contrast, a year's worth of ash from just one modern coal plant piled 40 feet high would cover 4 acres of land.

Furthermore, the technology required to dispose of nuclear waste has already been developed. Key steps in the process are currently in operation on a commercial scale both in this country and abroad. We are entirely capable, from a technological standpoint, of moving to institute a safe and environmentally acceptable waste management program.

What we do not seem to be able to do is resolve the issue from a political standpoint. Every year we go round and around. And while we debate the issue, unprocessed nuclear wastes continue to build up in temporary storage facilities nationwide. This poses more of a threat to the environment and to the public health and safety than any permanent repository could possibly be.

The issue is not so much whether we can solve the problem. We can. The question is how and when. The "how" will hopefully be resolved by the various committees of jurisdiction in the House and Senate. And the "when" will hopefully be during the 97th Congress. We simply cannot afford to prolong the issue any longer.●

HELP FOR THE SMALL FARMER

HON. HAROLD S. SAWYER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. SAWYER. Mr. Speaker, today no one can deny that our small farmers rest on the brink of financial disaster. Faced with low revenues, a tight credit market, and high production costs, their future looks bleak and disheartening. But there also exists an underlying snag in current taxation law, of which many are unaware, that could cause enough financial hardship to break the small farmer. I have introduced legislation, H.R. 6082, to correct this snag by amending the present unemployment compensation taxation ruling which applies to agricultural labor. Under law created in 1976, a farmer becomes locked into unemployment compensation taxes if the farmer: First, during any calendar quarter in a calendar year paid wages of $20,000 or more for agriculture labor, or second, employs at least 10 individuals on each of some 20 weeks during the calendar year. I am sure this statute served its purpose in 1976, but with an inflation rate of 69.5 percent occurring within a 6-year period, the figures set under previous law become quickly outdated. Statistics show that the $20,000 wage limitation would be equal to $33,900 today. Needless to say, our small farmers are finding it extremely difficult to stay under such a limitation and still pay decent wages to their workers.

My bill proposes to raise this paid wages figure to a more realistic one of $35,000. This figure is then to become indexed annually with the rate of inflation so that these gaps previously created by inflation will no longer strangle our small farmers.

I propose to further amend the statute by increasing the number of employees permitted to work to the number of 15, before compensation taxation can occur. Many farmers would gladly hire additional help when needed, but again, constraints through present law forbid this without the additional financial repercussions.

Yes, we all hope the interest rates will soon fall, the credit markets ease, and inflation continues its decline so our farmers can again prosper. But until then, they need our help and they need it now. This small but significant change in current law may be enough to save them from financial hardship today. I hope my colleagues will join with me in supporting H.R. 6082.●

CALIFORNIA'S BOTTLE INITIATIVE

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. ANDERSON. Mr. Speaker, I take this opportunity to bring to the attention of my colleagues an interesting article by Peter Steinhart in the Los Angeles Times of March 27, 1982.

California has long been the leading State in the use of the initiative process enabling our citizens to directly pass those laws they wish to initiate themselves. In our general elections this November we will have a number of these propositions to consider and pass judgment upon.

One such measure placed on the ballot by Californians Against Waste will require a 5-cent refundable deposit on all beer and soft drinks sold in cans and bottles, and will require stores to redeem empty containers of those brands they sell. Mr. Steinhart's article is well worth thoughtful reading.

The article follows:

CALIFORNIA'S BOTTLE INITIATIVE, IF PASSED, MAY SAVE MORE THAN BOTTLES

(By Peter Steinhart)

For more than a decade, Fred Martin, a founder of Citizens Against Waste, has been trying to get people to think about garbage. It isn't an easy task. "It's an unglamorous problem," Martin acknowledges. "For most people, it ends at the curbside when they put out their garbage cans. And out of sight is out of mind."

But it isn't out of Martin's mind. And it isn't really out of sight. You see it everywhere. Garbage bags slopped down the sides of a gully. Junked cars in the bushes. Bottles along the roadside. The leavings of a society swelled on production but not too interested in decomposition. For some, the sight of it is heartless. It speaks of a people who feel no responsibilities to things or to men. A bottle tossed out the window of a car says, "I don't care where it came from or where it's going. And I'm not too fond of you, either."

Beverage containers are a large part of litter. Californians throw away 7 billion of them a year, about 15,000 of them a minute. With cans and bottles in mind, Martin helped to form Citizens Against Waste, an organization that has pressed the state Legislature to pass a deposit law. For more than 10 years, the Legislature has considered and rejected the law. But now it looks as if Martin's efforts will bear fruit. Californians Against Waste has qualified a bottle bill as an initiative on the November ballot. If approved by the voters of California, the bottle bill will require a 5-cent refundable deposit on all beer and soft drinks sold in cans and bottles, and will require stores to redeem empty containers of those brands they sell.

It wasn't the heartlessness of litter that got Martin interested in deposit laws. Ten years ago, he began to realize that we were running out of places to put garbage. Around the edges of San Francisco Bay, for example, mountains of trash were rising, and already pressing ominously against limits imposed by the U.S. Army Corps of Engineers. The city of San Francisco has filled its own dumpsite and now trucks waste 40 miles south to Mountain View, which uses it to fill baylands for a future shoreline park. But next year, Mountain View's parksite will be filled, and San Francisco must look farther afield, to the hills east of San Jose or to the San Joaquin Valley. Cities all over the country are facing similar problems. As existing dumps fill, garbage must be trucked greater distances.

Garbage also brings political problems. Cities often move their dumps far beyond the city limits, imposing their refuse upon country folk who, in all likelihood, moved out of the city to get away from just such indignities. Disputes over the location of dumpsites have been fought recently in a half dozen California counties. At Los Angeles' Mission Canyon, residents have fought for years over the siting of a landfill dump.

Martin understood the waste of waste early. When others were talking of composting and live Christmas trees, he was trying to work out ways to reuse solid waste as an energy source or a building material. Those were disappointing times. Garbage does not convert to energy cheaply. And people persist in thinking of garbage as something to be abandoned, rather than reused. Californians still toss out 46 million tons of garbage a year. It piles high in trash mounds, leaches an increasing amount of toxic chem-

ical residues, and requires us to use enormous amounts of energy to replace the used-up artifacts.

What Martin has come to understand is that there is no overall solution to garbage. It will arrive, like the problem, in pieces. And Martin has what he hopes will be a piece of the solution in the bottle bill—6% of our municipal wastes are made up of beverage containers.

The bottle bill has regularly been buried in the Legislature by steel and aluminum companies, brewers and soft-drink bottlers, retailers who don't want to clear merchandise off shelves to make room for empty bottles, and labor leaders who fear the loss of jobs in bottling plants. But polls show that more than 80% of Californians want such a law. The bottle bill is endorsed by a wide range of interest groups including the California Farm Bureau Assn., the Sierra Club, the Women's Christian Temperance Union, the California Federation of Co-ops and the California College Republican Lobby.

At first sight, the bottle bill is an anti-litter law. Federal studies show that in the seven states that have passed such laws, roadside litter declined by 80% or more. Supporters of the bill say the state of Michigan saved $15 million a year in roadside cleanup costs after passing a bottle bill. The beverage industry's advertising organization, Keep America Beautiful, hopes to counter the argument with television ads which proclaim "only people pollute," a slogan that echoes the opponents of handgun control, as if to say, "when throwaways are outlawed, only outlaws will have throwaways." It is ironic that in the 1930s, when throwaway containers were introduced, the bottlers advertised them with pictures of fishermen gaily tossing them into lakes.

But for Martin, the bottle bill is much more than a question of litter. "Litter is certainly a big component and one of the things we are going to stress. But the important reasons for this bill are materials use and energy savings." A variety of studies show that deposit laws save energy. An Illinois study concluded that refillable bottles use less than half the energy that one-way bottles use. A Federal Energy Administration study contends that nationwide use of refillable bottles, as recommended by a National Commission on Supplies and Shortages under President Gerald R. Ford, could save 29 million barrels of oil a year. Citizens Against Waste estimates that an all-returnable system in California could save 104 million gallons of oil a year.

Reusable containers also save materials. A national returnable container system would reduce the demand for imported bauxite, now used most heavily in the manufacture of aluminum cans, by 80%. Returnable cans also save water. A refillable bottle that makes 10 trips back to the bottler uses less than half the water required to manufacture and process a new bottle.

But bottlers claim that because recycled bottles are bulkier, they require more trucks and fuel to transport and therefore use up more energy than throwaways. Other criticisms of the bill center upon its effect upon employment. Some jobs will be lost in the manufacture of bottles and cans. But it is clear that more jobs will open up to truckers, retail clerks and bottling company employees. A California Public Interest Research Group study estimates that there would be a net gain of 4,781 jobs in California if the bill passes. In Michigan, a similar law created 3,500 more jobs than it eliminated. Most of the jobs gained are at the lower skills level, and would benefit groups like teen-agers that have high unemployment rates.

And there may also be savings to the consumer. Proponents of the deposit bill point out that returnables are 30% to 65% cheaper than throwaways. The president of Coca-Cola, U.S.A., told a Senate subcommittee that "Coke sold in food stores in non-returnable packages is priced, on the average, 30% to 40% higher than Coca-Cola in returnable bottles." The contents of a soft-drink can cost only a few pennies; most of the cost is in the packaging. The Federal Energy Administration estimated that under a national returnable system, consumers could save more than $1 billion a year.

If deposit legislation is so commendable, why didn't the Legislature pass a bottle bill? Largely because the bottlers have long experience arguing against deposit legislation. Deposit laws were first proposed in the 1940s, not as anti-litter laws, but as attempts by local bottlers to impede the growth of national beverage distributors. The laws were not passed, and national bottlers and brewers, using lightweight containers and the public subsidy of municipal dumps, enjoyed competitive advantages over local bottlers, who relied upon returnables.

Bottlers and metal companies oppose the recycling law for a variety of reasons. Bottlers fear that the public, having put up a deposit, may conclude the product is more expensive and buy less of it. Steel companies oppose the bill because it reduces the market for their product. Aluminum companies would have an increased market for aluminum under a returnable system. But the older aluminum foundries, which have paid off their construction costs and which operate under energy contracts signed in the days of cheap electricity, use bauxite rather than recycled aluminum. The bookkeeping favors the old plants over newer plants which are still paying off construction costs and higher electricity rates.

Because of these costs, bottlers, metal companies and retailers have ponied up a fair amount of money for political campaigns. Brewer William Coors once estimated that bottlers spent $20 million a year to defeat deposit laws. In most of the states that have deposit laws, the beverage industry defeated the laws in the legislatures, but succumbed to popular initiative campaigns.

But the California bottle bill currently looks promising. And in qualifying it for the ballot, Martin has gotten people to think about the problem of garbage. The bottle bill could go a long way toward convincing people that garbage is not something that simply vanishes at the curb. And that, in a materialistic age, could be a revolutionary idea.●

"NEVER AGAIN"—DAY OF REMEMBRANCE OF THE HOLOCAUST

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. BIAGGI. Mr. Speaker, on April 20, under an act passed by Congress with my support, our Nation officially observes the "Day of Remembrance of Victims of the Nazi Holocaust"—known as Yom Ha Shoa to those of the Jewish faith.

On this day we are reminded of perhaps the most abhorrent of all eras in modern world history—the era of the Nazis where, in the period before and during World War II, some 6 million innocent Jewish men, women, and children were murdered.

It is not enough that we dwell on the horrors of the Holocaust on the Day of Remembrance. We should use this occasion to rededicate ourselves to the principle that such a travesty should never again be allowed to happen. Never again should the mass murder of innocent people be conducted by a government or regime and ignored by the rest of the civilized world. Never again must tyranny be allowed to completely overrun freedom. Never again should man's inhumanity to man be manifested in such a fashion as the Holocaust.

Two years ago Congress also created the U.S. Holocaust Memorial Council as a permanent part of our Government. Its purpose is to make our citizens of all faiths aware of the unspeakable crimes committed by the Nazis.

Last year, a dramatic meeting was conducted under the auspices of the U.S. Holocaust Council. It was the first International Liberators Conference in Washington. At this meeting those who were liberated from the concentration camps met those who helped to liberate them. The stories that were exchanged gave us perhaps the most compelling of all reasons why we as a nation should lead the effort to avert any future Holocaust.

On the Day of Remembrance, let us pledge to rid our own Nation of the various forms of religious intolerance which shows disturbing signs of increase. Acts of anti-Semitism have increased dramatically in the past 2 years, evoking new levels of anxiety among those of the Jewish faith. We must set the example as the greatest democracy in the world that we consider freedom of religion to be of the highest importance in fulfilling our purpose as a nation.

Finally on this day, let us not forget the oppression which Jews face in nations such as the Soviet Union, Ethiopia, Poland, and Syria. Let us raise our voice in protest and let us use whatever leverage we have over those offending nations who persecute persons because of their religious beliefs. Let the world 40 years after the Holocaust show itself to be more enlightened and tolerant of all people.●

MENACHEM Z. ROSENSAFT SPEAKS OUT FOR ETHIOPIAN JEWRY

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. GREEN. Mr. Speaker, on Sunday, April 11, Menachem Z. Rosensaft spoke at a rally to condemn persecution of the Falasha Jews in Ethiopia. The rally was held by the International Network of Children of Jewish Holocaust Survivors, of which Mr. Rosensaft is president. I attended this rally and was very pleased to have the opportunity to lend my support to the International Network's efforts to free the Falashas from the persecution of the Ethiopian Government.

The Falasha, many believe, are more threatened by genocide than any other group of Jews in the world. The International Network has taken up their cause, because, explains Mr. Rosensaft, "As the heirs of the 6 million Jews who perished during the Holocaust, we constitute a moral force whose voice can have an impact on mankind. We must—and we shall—raise this voice on behalf of all, Jews and non-Jews alike, who are subjected to persecution and oppression anywhere in the world."

Not only children of the Holocaust, but all of us, share the responsibility to speak out against persecution wherever it occurs. I am hopeful that greater public awareness of the plight of the Falasha will bring about increased efforts to bring them to Israel and to improve the lot of those who remain in Ethiopia.

I ask that Mr. Rosensaft's remarks be printed in the RECORD at this point.

STATEMENT BY MENACHEM Z. ROSENSAFT, CHAIRMAN OF THE INTERNATIONAL NETWORK OF CHILDREN OF JEWISH HOLOCAUST SURVIVORS

For more than six months—almost since its formal establishment on September 13, 1981—the International Network of Children of Jewish Holocaust Survivors has been deeply involved in the struggle to save the persecuted and largely abandoned Jewish community of Ethiopia from annihilation. We swore to ourselves that we would bring their desperate plight to public consciousness, and that we would do everything in our power to enable them to live in freedom, safety and dignity in the State of Israel.

Why? What prompted us to take up the cause of Jews whom we have never seen, with whom we have nothing in common except our Jewishness? The reason is simple and fundamental to our collective being. If our parents survived the greatest cataclysm in history and had the courage and strength, despite all their suffering, to give us life, it was for a purpose. We have a solemn responsibility to them, to the past and to ourselves. While the commemoration of the Holocaust and its victims lies at the heart of all our activities, that alone is not sufficient to justify our existence as human beings and Jews.

We do not have the right to be exclusively retrospective and introspective, to concentrate only on the past and on ourselves. As the heirs of the Six Million Jews who perished during the Holocaust, we constitute a moral force whose voice can have an impact on mankind. We must—and we shall—raise this voice on behalf of all, Jews and non-Jews alike, who are subjected to persecution and oppression anywhere in the world, or who are threatened by annihilation.

We have learned from our parents' tragic experiences that the greatest crime is indifference to the suffering of others. Because of who we are, we may never be passive, or allow others to be passive, in the face of anti-Semitism or any other form of racial, ethnic or religious hatred, for we know only too well that the ultimate consequence of apathy and silence was embodied forever in the flames of Auschwitz and the mass-graves of Bergin-Belsen.

Forty years ago, the world—including most of the Jewish world—closed its eyes and ears to the slaughter of European Jewry. Today, some 25,000 Ethiopian Jews face destruction, and once again there is almost universal silence. With a few notable exceptions, Jewish organizations and Jewish leaders have placed the cause of Ethiopian Jewry near the bottom of their list of priorities, and have remained silent. The Government of the United States pleads helplessness, and is silent. The United Nations is busy defaming and harassing Israel to concern itself with the fate of persecuted Jews, and reaffirms its utter venality by its silence.

Only the State of Israel exists as a refuge for the Jews of Ethiopia. These victims of brutality and evil desperately want to go to Israel, and Israel stands ready to receive them just as it stands ready to receive all Jews. We want to assure Consul General Lavie and the Government of Israel that we wholeheartedly support each and every endeavor to bring the Jews of Ethiopia to Israel, and that we stand ready to do whatever we can to help.

Today, we proclaim to the Jewish community and the world: So long as Jews will be persecuted, whether in Ethiopia or the Soviet Union, whether in Arab countries or elsewhere, so long as the enemies of our people persist in their efforts to destroy us, so long as human beings anywhere will be oppressed, our united voice will be heard and our presence will be felt. We, whose roots are embedded in ashes, will never forget that above all else, we are our brothers' keepers.●

SOVIET JEWISH EMIGRATION

HON. LYNN MARTIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mrs. MARTIN of Illinois. Mr. Speaker, there exists widespread documentation of the drop in Soviet Jewish emigration and of gross human rights violations on the part of Soviet officials. I rise today to voice my objection to that state of affairs.

Emigration of Jews from the Soviet Union has dropped drastically in recent years, from 21,471 exits in 1980 to 9,447 in 1981, and is now at a rate that is the lowest of the past decade. Reduced emigration reflects not only a denial of basic and accepted human rights, but a direct violation of provisions of the Final Act of the Helsinki Conference on Security and Cooperation in Europe. The Soviet Union, a signatory to the act, has consistently violated that portion of the act which establishes the right of all persons to emigrate.

Various explanations for the reduced emigration level exist. The Soviet Union allows Jews to leave only in two cases—in order to return to their homeland of Israel and in order to be reunited with direct family. In most cases, application to emigrate is contingent on having an invitation to join family members in Israel. Having won release from the Soviet Union, some emigrants drop out of the migration to Israel and choose to settle in some other country instead. This contradicts the emigrant's stated interest in returning to his homeland or family, and points to discontent with life in the Soviet Union as the real reason for emigration. Obviously, these cases embarrass Soviet officials and challenge their claim that human rights in the Soviet Union are fully protected.

Probably a more powerful reason for the reduced level of emigration, however, is the decline in détente between the United States and the Soviet Union. Increasing hostility in relations among the superpowers leaves the Soviet Union little incentive to behave in accordance with declared American interests.

Simultaneous with the decrease in emigration has been an increase in Soviet anti-Semitism. Personal harassment of known Jews by the KGB and the MVD is manifest, and, increasingly, reports revealing official Soviet efforts to suppress and eradicate expression of Jewish culture are heard. Disruption of Jewish religious meetings and celebrations, confiscation of religious property, and incarceration of prominent Jewish leaders and worshippers, are not unusual. Like its emigration policy, the Soviet Union's official anti-Semitism contradicts its declaration to honor international agreements on human rights—agreements which in this case call for an end to racial discrimination and a prohibition on efforts to promote racial superiority.

Congressional attempts to secure the release of several well-known refuseniks—Jews who have been refused permission to emigrate—reflect admirable concern for the plight of Soviet Jews. The effort to broaden Jewish emigration from the Soviet Union must not be relaxed, but should be expanded to show concern for all Russians who

desire, for any reason, to leave the Soviet Union. The contradictions and injustice inherent in Soviet emigration policy are obvious, and I am hopeful that my colleagues of both political parties will urge the Soviets to adopt a fair and open emigration policy.●

UNITED CAMPUSES TO PREVENT NUCLEAR WAR

HON. MATTHEW F. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. McHUGH. Mr. Speaker, I would like to bring to my colleagues' attention a new organization that is working on our Nation's colleges and universities to bring about a more rational and acceptable national policy on nuclear weapons.

The United Campuses To Prevent Nuclear War (UCAM), chaired by Dr. Peter Stein, vice provost at Cornell University, is currently organizing lectures, seminars, and other events focused on the threat of nuclear war on more than 335 campuses, including at least one college or university in each of the 50 States. Most of these events will be held this Thursday, April 22. Some events have already been held and others have been scheduled for later in the week.

These activities are being conducted in conjunction with Ground Zero, which, as our colleagues know, is a nonpartisan, educational group that has organized community-based events dealing with the threat of nuclear war for this entire week.

I strongly support the work that UCAM is doing, and I hope that it will continue to educate the American people about the dangers posed by nuclear war and what can be done to prevent such a terrible catastrophe from occurring.

It is of the utmost importance that the people of this country raise their voices to let their Government know where they stand on these most critical issues. As elected representatives, we have the responsibility of exploring every possible option for reducing the threat of a nuclear conflict. Thus, I commend UCAM for the work it is doing in this regard.

Mr. Speaker, I believe that our colleagues will be interested in knowing at which schools UCAM has been active. Thus, I am inserting a list of these schools in the RECORD at this point. Additional information about the work of UCAM can be obtained from its national office, which is located at 1346 Connecticut Avenue NW., suite 1101, in Washington, D.C. (telephone: 202-296-5600).

LIST OF SCHOOLS

(NOTE.—Asterisks indicate representatives on Steering Committee.)

ALABAMA

University of Alabama, University of Alabama at Birmingham, Auburn University, Birmingham-Southern College, University of South Alabama, Spring Hill College, Tuskegee Institute.

ALASKA

University of Alaska, Northwest Comm College, Sheldon Jackson College.

ARIZONA

Arizona State University, University of Arizona, Scottsdale Comm College.

ARKANSAS

University of Arkansas, Arkansas State University, Arkansas Tech, Hendrix College, Ouachita Baptist University.

CALIFORNIA

UC Davis, UC Davis Medical Center, UC Los Angeles, UC San Diego, UC Santa Barbara, UC Santa Cruz, Canada Comm College, Jesuit School of Theology, Mt. San Jacinto College, Pepperdine University, St. Patrick's College, Salano Comm College, San Diego State University, University of San Francisco, Stanford University.*

COLORADO

Adams State College, Colorado State University.

CONNECTICUT

Central Connecticut State College, Connecticut College, Fairfield University, Middlesex Comm College, Wesleyan University, Yale University.*

DELAWARE

University of Delaware.

DISTRICT OF COLUMBIA

American University, Catholic University, Georgetown University.

FLORIDA

Eckerd College, University of Florida, Florida Atlantic University, Florida State University,* North Florida Junior College, Palm Beach Comm College, University of South Florida, St. Vincent de Paul Seminary, U Western Florida.

GEORGIA

Emory University, Floyd Junior College, Georgia Southern College, Georgia Tech, Mercer University.

HAWAII

University of Hawaii.

IDAHO

Boise State University and University of Idaho.

ILLINOIS

Argonne National Labs, Barat College, Bethany Seminary, Brandley University, University of Chicago, Columbia College, DePaul University, Highland College, Illinois College, University of Illinois, Illinois State University, Morton College, Northwestern University, Southern Illinois University.

INDIANA

Anderson College, Ball State University, Indiana State University, Notre Dame University, St. Joseph's College, Wabash College.

IOWA

Clarke College, Clinton Comm. College, Grinnell College, University of Iowa, Luther College, Marshalltown Comm. College, Mt. Mercy College, Mt. St. Claire College, University of Northern Iowa.

KANSAS

University of Kansas, Marymount College, Ottowa University.

KENTUCKY

University of Kentucky, Midway College, Morehead State University.

LOUISIANA

L.S.U. and McNeese State University.

MAINE

University of Maine and University of Southern Maine.

MARYLAND

Frostburg State College, Goucher College, Hood College, Johns Hopkins University, University of Maryland, Montgomery Comm. College.

MASSACHUSETTS

Amherst College, Berkshire Comm. College, Boston College, Boston University, Bradford College, Brandeis University,* Clark University, Fitchburg State College, Hampshire College, Harvard University, Harvard Medical Area.

College of Holy Cross, Lesley College, University of Lowell, U Massachusetts-Amherst, M.I.T.,* Mt. Holyoke College, Northeastern University, Regis College, Salem State College, Smith College, Tufts University, William College.

MICHIGAN

Ferris State College, Kendall School of Design, Macomb Comm College, U of Michigan—Ann Arbor, U of Michigan—Dearborn, Michigan State University, Oakland University, Washtenaw County College, Wayne State University,* Western Michigan University.

MINNESOTA

Bemidje State University, Carleton College, Mankato State University, McAlister College, U Minnesota—Duluth, U Minnesota—Minneapolis, St. Mary's College, Winona State College.

MISSISSIPPI

Meridian Jr. College, University of Mississippi, Mississippi State Univ., U Southern Mississippi, Tougaloo College.

MISSOURI

U Missouri—Kansas City, Washington University, Webster College.

MONTANA

University of Montana and Montana State University.

NEBRASKA

Creighton University and University of Nebraska.

NEVADA

University of Nevada—Reno.

NEW HAMPSHIRE

Colby-Sawyer College, Dartmouth College, Keene State College, University of New Hampshire, White Pines College.

NEW JERSEY

Caldwell College, County College of Morris, Drew University, Princeton University, Rutgers—New Brunswick, Stockton State College, Trenton State College.

NEW MEXICO

New Mexico State University and Western New Mexico University.

NEW YORK

Adelphi College, Albany Medical College, Albert Einstein College of Medicine*, Bard College, Barnard College, CUNY, CUNY Graduate School, Colgate University, Columbia University*, Cooper Union.

Cornell University*, Cortland College, Eisenhower College, Elmira College, Empire State College, Hamilton College, Hartwick

College, Hobart College, Hofstra University, Hunter College.

Ithaca College, Jefferson Comm College, John Jay College, Keuka College, Lehman College, Manhattan College, Manhattan Comm College, Manhattanville College, Nassau Comm College, New School for Social Research.

NY Medical College, NYC Technical College, NYU—Washington Square, Public Health Research Inst, R.P.I.,* University of Rochester, Saint Lawrence University, Skidmore College, Sloan-Kettering Institute, SUNY—Albany.

SUNY—Binghamton, SUNY—Buffalo,* SUNY—Fredonia, SUNY—New Paltz, SUNY—Stony Brook, Syracuse University,* Utica College, Vassar College, Wagner College, William Smith College.

NORTH CAROLINA

Duke University, East Carolina University, Guilford College, North Carolina Central,* North Carolina State, UNC—Chapel Hill, UNC—Charlotte, UNC—Greensboro, UNC—Wilmington, Shaw University, Wake Forest University, Western Carolina University.

NORTH DAKOTA

Mary College.

OHIO

Antioch College, Bowling Green University, Case-Western Reserve, Cleveland State University, Dyke College, Hiedelberg College, John Carroll University, Miami University, College of Mt. St. Joseph, Mt. Union College, Oberlin College, Ohio State—Lima, Ohio University, Ursuline College, Youngstown State University.

OKLAHOMA

Cameron University, Oklahoma Baptist University, Oklahoma State University.

OREGON

Lewis & Clark College, University of Oregon, Oregon State University, Pacific NW College of Art, Warner Pacific College.

PENNSYLVANIA

Bryn Mawr College, Carnegie-Mellon University, Clarion State College, Dickinson College, Elizabethtown College, Gettysburg College, Haverford College, Juniata College, Lehigh County Comm College.

Mansfield State College, Muhlenberg College, Penn State University, University of Pennsylvania, Philadelphia College of Textiles and Sciences, Slippery Rock State College, Swarthmore College, Theil College, Villanova University.

RHODE ISLAND

Brown University, Rhode Island College, Rhode Island School of Design, University of Rhode Island.

SOUTH CAROLINA

Coker College, Furman University, Lander College, Presbyterian College, University of South Carolina.

SOUTH DAKOTA

South Dakota School of Mines and South Dakota State University.

TENNESSEE

Belmont College, Maryville College, Middle Tennessee State U, Southwestern at Memphis, University of the South, University of Tennessee, Vanderbilt University.*

TEXAS

Baylor University University of Houston, Incarnate Word College, Our Lady of the Lake Univ St. Edward's University St. Mary's University, University of St. Thomas, San Antonio College, Southern Methodist University, Texas Christian University.

Texas Lutheran College, Texas Tech University, Texas Wesleyan College, U Texas—Austin, U Texas—Dallas, U Texas—El Paso, U Texas—Health Science Center U Texas—San Antonio, Trinity University, West Texas State University.

UTAH

Utah State University.

VERMONT

Middlebury College, School for International Training, Vermont Technical College, University of Vermont.

VIRGINIA

Eastern Mennonite College, Emory and Henry College, Hollins College, University of Virginia, Virginia Commonwealth University, College of William and Mary.

WASHINGTON

Central Washington University, Gonzaga University, University of Washington, Washington State University, Whitworth College.

WEST VIRGINIA

Bethany College, Concord College, Davis & Elkins College, West Virginia Inst. of Technology, West Virginia University, Wheeling College.

WISCONSIN

Carroll College, Marquette University, Mt. Senario College, Northland College, Viterbo College, U Wisconsin—LaCrosse, U Wisconsin—Madison, U Wisconsin—Platteville, U Wisconsin—Stevens Point.

WYOMING

University of Wyoming.

CANADA

University of Toronto.*●

THE IRS STRIKES—AND THE RULES KEEP CHANGING

HON. GEORGE HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. HANSEN of Idaho. Mr. Speaker, another example of the heavy-handed and abusive tactics of the Internal Revenue Service in their tax collection practices which would be stopped by passage of H.R. 4931, the Taxpayer Protection Act (TPA), is the following letter I received from a citizen in Pennsylvania.

Dear Sir: Why should we taxpayers have to combat the IRS as though they were an enemy? They are not. They must obey the rules the same as anyone else. Rules that Congressmen, like you, lay down in the House.

I am a Kings Pointer, class of 1942, and I am thoroughly familiar with "Rules and Regulations." When the rules are laid down, they go for "all hands" which includes the admirals.

The IRS has just tried their "hassle" act on my 1979 tax return. I promptly wrote back, quoting their rules and regulations, and told them "You are in error!" Scare me? No way! I've already faced death many times in torpedoings, bombings, strafings, and worse through the eye of two hurricanes.

I am, however, fed up with the way they change the rules month by month. You Congressmen are going to have to lay down rules for them to abide by and set up definite prison terms if they fail to obey the rules. No wrist slaps. No dismissals. Prison terms like everyone else gets when they disobey.

Good luck in your fight. I am with you all the way.●

DICK OTTINGER PROTESTS REAGAN'S HAITIAN REFUGEE POLICY

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. FAUNTROY. Mr. Speaker, I am including in today's RECORD an excellent speech which was presented by my good friend from New York, Representative DICK OTTINGER, at a symposium on Haitian refugees held at the Grace Episcopal Church, White Plains, N.Y., on April 18, 1982.

As the Chairman of the Congressional Black Caucus, I commend Representative OTTINGER for his steady voice of outrage over the Reagan administration's ideologically biased refugee and human rights policies. DICK OTTINGER has helped to lead the fight against President Reagan's callous disregard for the rights of blacks in the United States as well as those abroad.

I thank DICK OTTINGER for his leadership in these grave matters, and commend to the attention of my colleagues his recent speech on the plight of Haitian refugees:

I have been asked to discuss the tragic plight of Haitian refugees, and the political dimensions to this important issue.

The Reagan Administration's alarming tilt to the racist government of South Africa, its support for tax exemptions for racist institutions in the United States, and its decision to eliminate the "extended voluntary departure program" for Ethiopian refugees are all indicative of this Administration's total disregard for the human rights of blacks in the United States as well as those abroad.

The Administration's policies toward Haitian refugees constitutes a shocking discrimination inconsistent with the treatment of other refugees. These policies violate rights that have traditionally been afforded to those seeking political asylum in the United States.

Indeed, it's the President's Haitian refugee policy which is the most flagrant example of a racially biased refugee and human rights policy.

In the past 20 years, about 800,000 Haitians left their country, according to the State Department. During January through September, 1981, over 1,000 Haitians per month entered the United States.

On July 31, 1981, the Reagan Administration announced that its policy would be one of indefinite imprisonment of Haitians until they receive exclusion hearings. This policy was an abrupt change from that which allowed for the release of detained Haitians to

voluntary agencies and sponsors while the refugees awaited hearings.

Today, there are well over 2,000 Haitians at 17 detention centers throughout the United States. In a recent article in *Newsweek*, these detention centers were described as resembling "concentration camps."

Detention in remote facilities clearly impedes fair hearings of asylum claims. First, it is extremely difficult for fair consideration of an asylum claim in a prison setting. Second, it is virtually impossible for the detainee to seek witnesses which may be crucial to the claim. Finally, the policy of detention in remote facilities thwarts the Haitians rights to effective counsel as provided for in immigration regulations.

This policy also has a chilling effect on our historical commitment to those who have valid claims to political asylum. The Administration is simply reversing America's humanitarian tradition of aiding individuals fleeing repressive regimes that engage in brutal violations of human rights.

The United States, of course, is bound by treaty and by law to grant political asylum to undocumented non-citizens who have a well-founded fear of persecution should they be returned to their homelands.

However, as is consistent with Reagan's ideologically and racially biased refugee and human rights policy, the Administration has argued that Haitians are fleeing Haiti for strictly *economic* reasons and that there is no well-founded fear of persecution should they be returned. This is a transparently discriminatory program designed to deport Haitian nationals.

By the Department of State's very own admission, the human rights climate in Haiti is exceedingly repressive. In its Report to Congress on international human rights practices in 1981, the State Department reported that "Haiti has had a long and troubled history of autocratic rule characterized by many periods of political instability and human rights abuses."

Many of the refugees currently in American detention centers insist that economic conditions in Haiti simply cannot be separated from the political conditions. For example, Haitian officials expropriate peasant farmland with the passive consent of the government. The Haitian Government exploits its people economically, in conjunction with massive arbitrary arrests and imprisonment, total disregard for the right to fair trial, and absolutely no toleration whatsoever for political dissent.

Indeed, in a ruling that indicated that a large number of Haitian refugees have valid claims to political asylum that are being ignored by our Immigration and Naturalization Service, Judge James L. King of the U.S. District Court for the Southern District of Florida ruled that the mere act of seeking asylum elsewhere was viewed by the Haitian regime as an act of opposition to its leader, Jean Claude (Baby Doc) Duvalier. Judge King went on to note that an applicant for political asylum could expect to be "imprisoned and executed" in Haiti.

Judge King's ruling clearly shows that the Reagan Administration is engaged in racist policies to deny refugees the freedoms that have been extended to so many other refugees. In his ruling, the Judge wrote: "These Haitians who came to the United States seeking freedom and justice did not find it. Instead, they were confronted with an Immigration and Naturalization Service determined to deport them."

For these reasons, I have been opposing the Reagan Administration's racist refugee and human rights policies. I have written to Attorney General William French Smith, urging the Administration to renew the policies which allow for detainees to be temporarily released to voluntary agencies. Some of you may have seen my letter to the Editor which recently appeared in *Newsweek*, pointing out the devastating plight of Haitian refugees. I have also been in touch with the Haitian Refugee Center, which is currently involved in a federal lawsuit challenging the legality of I.N.S. procedures and the policy of indefinite imprisonment of Haitian refugees. Finally, I initiated a letter to President Reagan, which nearly 70 of my colleagues in the House co-signed, protesting his immigration policies.

I would urge you to join me in this fight by expressing your sentiment to Attorney General William French Smith. We simply cannot let this racist Administration reverse America's humanitarian tradition of aiding those who flee from the worst human rights offenders in the world.●

STUDENTS AT CARNEGIE-MELLON UNIVERSITY COMPLETE A REPORT ON FIRE SAFETY

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. WALGREN. Mr. Speaker, I am proud to announce the publication of a study undertaken by students from the School of Urban and Public Affairs, the Department of Engineering and Public Policy and the Department of Social Sciences at Carnegie-Mellon University, Pittsburgh, Pa. This report, "Fire Safety: A Comparative Risk Assessment," identifies key issues in fire safety with a view to formulating effective policies in these areas. The report demonstrates how important the careful analysis of outside study groups can be in providing objective guidelines and benchmarks for people in public policy positions.

The report makes two key recommendations to reduce fire loss in our Nation:

One. Improved data collection can be cost effective in meeting the goal of national fire loss reduction by helping to target efficient investment in intervention and prevention strategies; and

Two. A greater effort by government agencies is needed to introduce the public to fire safety detection and suppression devices as well as to educate people to react appropriately to fires.

The report also suggests other important areas for exploration such as tax incentives, government assistance, reduction in insurance premiums, litigation for failure to install fire safety devices and government surveillance and stimulation of private sector solutions.

This report highlights several of the major fire safety problems to focus on the development of a more coordinated national fire prevention policy. In addition, this report suggests important roles for the Federal Government in helping to reduce fire loss. However, the future of having a coordinated national fire prevention program seems bleak because the Reagan fiscal year 1983 proposed budget does not include funding for the U.S. Fire Administration (USFA), the lead agency for coordinating the Federal fire prevention and control effort.

The possible dismantling of the USFA has become a matter of great concern to firefighters, State and local government officials, and community leaders around the country. The Subcommittee on Science, Research and Technology, which I chair, will hold hearings this spring on this Nation's fire problem and the USFA.

Inquiries regarding "Fire Safety: A Comparative Risk Assessment" should be addressed to Mrs. Sandra Rocco, Department of Engineering and Public Policy, Carnegie-Mellon University, Pittsburgh, Pa. 15213.●

PEACE * * * AND LET IT BEGIN WITH ME

HON. MARTY RUSSO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. RUSSO. Mr. Speaker, recently former Secretary of State Mike Howlett, of Illinois, addressed the Cardinal Stritch Assembly of the Fourth Degree, Knights of Columbus. This group is made up of more than 30 councils from throughout the southern suburbs of Cook County.

As his theme, Mike chose, "Peace * * * And Let It Begin With Me." It was a fine message he delivered, one geared to our troubled times, and today I want to share it with my colleagues.

[From the Chicago Catholic, Jan. 15, 1982]

PEACE * * * AND LET IT BEGIN WITH ME

The following speech was presented to the Samuel Cardinal Stritch Assembly of the Knights of Columbus Fourth Degree at its annual "Patriotic Night."

(By Michael J. Howlett)

In 1955, a Jewish song writer in Beverly Hills, Calif., and his wife—Sy Miller and Jill Jackson—wrote a song everybody here has heard.

Many of the people in this room must know it from memory. It is in the monthly missals printed by J. S. Paluch Co. and distributed throughout the archdiocese.

It has been sung at the Vatican in Italian. It has been sung by an Illinois high school choir at the Pioneer Palace in Kiev, Russia. Mahalia Jackson sang it in Thailand. Billy Graham sang it in Portuguese with a chorus of 2,500 voices in Brazil.

Each of you, I'm sure, has either sung it or listened to it at the Offertory of the Mass in your own parish church. Don't be frightened; I'm not going to sing it here myself.

I'm only going to speak the lines. But the melody will spring immediately to your mind.

Let there be peace on earth, and let it begin with me!
Let there be peace on earth, the peace that was meant to be.
With God as our Father, brothers all are we.
Let me walk with my brother in perfect harmony.

Even spoken, without music, the words have a poetic rhythm. The melody is equally simple, up and down the scale in the key of C with only one accidental F-sharp, they emphasize the words "peace" and "walk" and "step."

The range is short. You don't have to be Pavarotti to be able to sing it. The simplicity of it sticks in your mind, like "Silent Night" or the Londonderry Air or Stephen Foster's tunes. You leave the church humming.

But it wasn't just the melody of "Peace on Earth" that won the George Washington Honor Medal from the Freedom Foundation, or the Brotherhood award from the National Conference of Christians and Jews, or the hearts of millions around the world.

It was the thought expressed in the lines. It appeals to a world that has had it with strife, and violence, and hatred.

There's not much we can do about the conflicts in northern Ireland, or Afghanistan, or the Middle East. Or the assassination of Sadat. Or the attempted assassination of our President . . . or our Pope. Or the race to find who can build the deadliest weapons the quickest to blow up the human race.

But we can do something for peace on earth. We can let it begin with each of us. It is a do-it-ourselves project. We can recognize God as our Father and every man as our brother. We can live in peace, moment by moment, starting with ourselves.

Tonight is "Patriotic Night" in the Cardinal Stritch Assembly. But the Fourth Degree of our order is the patriotism degree, and every day is really a day to be patriotic.

Every fourth degree member must swear to support the Constitution. This implies support of social justice and brotherhood as much as bearing arms for national defense.

Patriotism is love of country—in peace as in war. We are obliged to fight when our country needs us, but millions of patriots never fired a gun in their lives.

Here in the Chicago archdiocese, largest in the United States, we have special reasons to love our country and be thankful for the encouragement it has given our faith.

The first white men around here were Catholic Frenchmen who came specifically to bring our faith to the Indians. Father Jacques Marquette said Mass in 1673 in what is now Chicago.

The first settler in Chicago was a black Catholic, Jean Baptiste Point du Sable. We had a Catholic parish in Chicago, St. Mary's, before we had a city government.

Today, more than 40% of the total population in the two counties of Lake and Cook are members of our faith, 2,386,000 souls in 444 parishes. Our parochial school system also is the largest in the country, with 190,000 students.

The freedom of worship we enjoy is guaranteed by our government, the oldest constitutional democracy in the world—and the best. The love of country which motivated our first president, George Washington, should be a beacon to all of us.

In 1790, President Washington said: "The government of the United States, which gives to bigotry no sanction, to persecution no assistance, requires only that they who live under its protection should demean themselves as good citizens in giving it on all occasions their effectual support."

Under the protection of our Bill of Rights, the Catholic faith has had a phenomenal growth. In 1776, the year of Independence, we had one Catholic for every 120 citizens. By 1800, it was one for 53; by 1850, one for 11. Since 1950, it has been better than one for five.

The acceptance of the Church among our fellow countrymen was made obvious with the election of a Catholic president, John F. Kennedy, in 1960. In the city of Chicago, every mayor since 1933 has been a Catholic.

Between 125,000 and 150,000 adults convert to our faith in the United States every year. We hear only of the famous ones, such as Knute Rockne, Clare Booth Luce, Heyward Broun, Sen. Stephen Douglas or Sen. Robert Wagner, author of the Wagner labor relations act. Some became religious leaders, such as Mother Seton and Frances Allen, daughter of the Revolutionary patriot, Ethan Allen.

We can be proud of the contributions of Catholics to the growth and strength of our country. The list would fill a library with books. But it serves no purpose to brag. There is work to be done.

We can express our love of our country by our work with men and women of other faiths for social justice, and by an example of sacrifice for the common good.

There is no problem we cannot solve by work and sacrifice, be it inflation, high interest rates, energy shortages, unemployment, crime, a decline in moral standards, or international tensions.

For a place to start, we can find inspiration in the peace song of the Beverly Hills Married couple. Sy Miller has been dead for more than 10 years, but Jill Jackson Miller, a grandmother now, is still going strong from coast to coast, carrying her message to peace committees of the United Nations and anybody else willing to listen.

To find peace, we start with ourselves. As the song concludes:

Let peace begin with me; let this be the moment now.
With every step I take, let this be my solemn vow:
To take each moment and live each moment in peace eternally.
Let there be peace on earth. And let it begin with me.●

ROY N. WINKLER

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. RAHALL. Mr. Speaker, as commander of the Congressional Squadron of the Civil Air Patrol, I have had the opportunity to meet many fine individuals. One of them is Roy Winkler.

Lt. Col. Roy N. Winkler will be retiring from active duty in the U.S. Air Force after 26 years and 16 days of service. He began his military career in May 1956 after getting his commission from the ROTC program at Rutgers University in New Jersey. He entered pilot training at Kinston Air Base in North Carolina and got his wings at Vance AFB in Enid, Okla. From pilot training he was assigned to the 962d Airborne Early Warning and Control Squadron of the 551st AEW Wing (ADC) at Otis AFB, Mass.

As a pilot and aircraft commander he flew over 4,500 hours in the RC-121 Super Constellation radar patrol aircraft. For career broadening, he volunteered for the air traffic control field in 1962. After graduating from the ATC officers school at Keesler AFB, Miss., he was assigned to Okinawa. He served as a crew chief and later as a watch supervisor in the highly complex Kadena approach control facility.

Upon his return from overseas in 1965, he was assigned as the Flight Facilities Officer in the 1908th Communications Squadron at England AFB, La. A year had not yet gone by when he was alerted for a Vietnam assignment in "Project Phylis Ann." He assisted in establishing the flying training portion of this project while at England AFB. The venerable C-47 "Gooney Bird" was the aircraft flown in this program. It has received a $2.5 million retrofit of classified equipment and was designated as an EC-47. An interesting sidelight of this assignment was that he was designated as a pilot on a ferry crew. These ferry crews flew the aircraft from a base on the east coast of the United States to Saigon via Alaska, Midway, Wake Island, Guam, and the Philippines.

After flying 947 hours in combat—160 missions—he returned to Westover AFB, Mass., in February 1968. Here, then Major Winkler served as a squadron commander for the 1917th Communications Squadron.

In 1970 Major Winkler was assigned to the Pentagon, where he served as a staff officer in the air traffic control branch of the Flight and Airspace Management Division. In 1972 an opportunity arose to move across the Potomac River to downtown Washington, D.C., to serve in the Federal Aviation Administration headquarters. Now a lieutenant colonel, Winkler worked as an air traffic controller specialist in the terminal procedures branch of the Air Traffic Services. His valuable input in this area provided an update, an improvement in the entire air traffic system.

In 1977, Lieutenant Colonel Winkler was assigned as the liaison officer for the National Capital Wing, Civil Air Patrol, at Bolling AFB, District of Columbia. In early 1979 he was additionally assigned as the liaison officer to the Congressional Squadron, Civil Air Patrol.

During his 26-year career, Lieutenant Colonel Winkler has amassed over 8,000 flying hours. His decorations include the Distinguished Flying Cross, Meritorious Service Medal, Air Medal with 8 oak leaf clusters, Air Force

Commendation Medal, and the Vietnam Service Medal.

After such a distinguished career, I would just like to take this opportunity to thank and commend Roy Winkler on the contribution he has made to this country, and its people.●

STUDENT AID: NATIONAL INVESTMENT

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. DORGAN of North Dakota. Mr. Speaker, it is time to refocus the debate on college student aid.

The Reagan administration argues that student aid is a luxury that we cannot afford. Others bemoan the cuts merely because they have become accustomed to such aid.

SPENDING OR INVESTING?

I wonder if both may be missing the point. The debate concentrates too much on budget questions and not enough on what investments make sense for the country. I believe that cutting our investment in higher education will only worsen our current economic troubles and degrade our long-term productivity.

Sure, we can cut waste in student aid programs by targeting aid to students with the greatest needs and by speeding up the collection of delinquent loans. As a matter of fact, I wholly support efforts to target aid to those students with proven needs.

But a needs test is one thing. Making wholesale cuts and changes in the student aid program is another. Those cuts would shut out millions of students from our colleges and universities.

That could foster an intellectual recession.

THE ADMINISTRATION'S PROGRAM

The administration's fiscal year 1983 proposals would cut student aid by about 50 percent from fiscal year 1981. The combined proposals would eliminate about 2.4 million student aid awards nationwide and prevent some 600,000 graduate students from participating in the guaranteed student loan program.

In North Dakota, these administration proposals would also cut aid in half, dropping it from $15 million to $7.5 million. As a result, our State's colleges and universities would distribute 10,000 fewer awards to students with real needs. Some 2,000 graduate and professional students would become ineligible for guaranteed student loans, on which so many depend.

Reagan administration officials say that these cuts will help to balance the budget, and that college education is the responsibility of students and parents, not the responsibility of the Federal Government. Hard work will solve the problems, they say.

In my view, things are not that simple.

NORTH DAKOTA'S PLIGHT

Self-support is no answer for low- and moderate-income students in North Dakota. With the farm economy at a 50-year low and jobs in sharp decline, many students simply cannot earn enough to cover all college costs. Nor is the State of North Dakota able to fill this gap itself.

Cutting aid to most college students would put them in the same Catch 22 as our farmers: How do you make it when your income is falling and your costs are rising?

Hundreds of North Dakota college and graduate students—and their parents—have written to me to say they might have to quit college if Congress approves the administration's plan.

This deeply concerns me.

Higher education for the wealthy alone is no education; it is an affront to a democratic society.

A FRESH LOOK AT STUDENT AID

We should remember that a well-targeted program of student aid—aid to students with proven need—is not a drain on the Federal Treasury. It is an essential investment in our economic well-being.

Nor should we regard a solid student aid program as a competitor with our national defense. Instead, we should see that "Education is the cheap defense of the Nation," as Edmund Burke once said.

The point is, we cannot even build a competitive economy or a strong defense without the requisite brain power.

Our economic and political rivals understand this. Japan, for example, trains more engineers that we do with half of the population. The Soviet Union, our major political rival, produces five times as many engineers. In both these countries, the national government plays a major role in educating professionals in agriculture, business, and education as well.

We can not afford to fall behind.

HOPEFUL SIGNS

It looks like Congress will oppose most of the administration's student aid proposals. House committees have rejected plans to change the guaranteed student loan program, recommended that we retain campus-based aid, and urged that we increase funding for Pell grants and work-study programs.

I have joined with over 100 of my colleagues in cosponsoring House Resolution 422 to urge that Pell grants and other student aid programs should be fully funded and that there should be no legislative changes in the guaranteed student loan program which would deny eligibility to graduate and professional students.

Twenty-five years ago, President Eisenhower said that the bedrock of our democracy is a highly educated population. He pledged that "no student of ability will be denied an opportunity to attend college because of financial need." He recognized that student aid is a wise investment.

In my view, Ike is still right.

I would like to insert here in the RECORD a contemporary view which shows that sensible student aid is a sound national investment—not a frivolous luxury. The article is by Carl T. Rowan and is entitled "The Old Rob the Young of Education."

[From the Washington Post, Mar. 16, 1982]

THE OLD ROB THE YOUNG OF EDUCATION

(By Carl T. Rowan)

There was a time when, to get my children from underfoot and out to the baseball field or skating rink, all I had to do was start to tell anew the hard-times stories of my youth.

"I left McMinnville with 77 cents in my pocket, my clothes in a cardboard box, hitching a ride on a truck when I went to Nashville to go to college . . . " I would begin.

They had vanished to a pickup football game, or something, before I got around to talking about how I worked for $1 a day scrubbing floors and sloshing up food at a TB hospital to get my $20-a-quarter tuition money.

I grew up on Booker T. Washington, and "Up From Slavery," the way Ronald Reagan grew up on Horatio Alger. Boy works hard; boy conquers all; boy becomes president—or even gets rich, preferably both.

That "All-American-boy-conquers-all" pabulum sticks high in the craw these days as we watch the old Booker T. Horatio Alger hogwash mashed into the faces of millions of American youngsters who won't go to college next fall because their government is snatching away the grants and subsidized loans that really made it possible for kids from "ordinary" families to believe that their horizons were as far-reaching and bright as those of the children of the superrich.

I told my "Up from Slavery" stories to my children in half-jest and half-hope that I might produce a little inspiration. But now I see President Reagan, Treasury Secretary Donald Regan, budget director David Stockman trying to make their Horatio Alger Braggadocio a sort of national religion. Stockman told a congressional committee that the federal government has no obligation to help anybody get a higher education because "If people want to go to college bad enough, then there is opportunity and responsibility on their part to finance their way through the best way they can."

Regan told me shortly after he took office that poor parents have to remember that "state universities and community colleges do not cost the same as my alma mater, Harvard."

It is a matter of theology for the Reaganauts to say, "No more crutches, young Americans. No Pell grants, no Guaranteed Student Loan Program. You work your way through college the way we real Americans did."

So young Americans who cannot now find work at the minimum wage of $3.35 an hour are supposed to grub for $25,950 for first-year tuition in the Georgetown University

Medical School, plus $2,040 for books and instruments and $6,650 for living expenses. Or those wanting to be lawyers are supposed to mow lawns and wash cars and come up with at least $8,000 to meet first-year bills at George Washington University.

The Reaganauts have got the village idiot laughing, because everybody knows that in this pitiful economy, even the most motivated youngster can hardly work his or her way through a state institution that may set tuition at $1,000 or so a year.

Well, I'm ready to confess to my children: Daddy would never have gone to Oberlin College, or to postgraduate study in journalism at the University of Minnesota, but for a costly, giveaway, federal welfare program called "The GI Bill." I could never have washed enough floors at TB hospitals, or mowed enough lawns, or hoed enough bulb grass, to get a degree in math at Oberlin and journalism at Minnesota. Only the wise largesse of Uncle Sam made it all possible.

In terms of relative dollars spent, that GI Bill has done more to give America a preeminent place in the world than the Marshall Plan, the Korean War, the Vietnam conflict or anything else I can think of. When educated, finely trained people are sure to be the key to national security in the years ahead, it strikes me as lunacy for the federal government to make it difficult if not impossible for millions of Americans to get the best educations that their God-given talents will absorb.

The problem is that old men like to glorify the achievements of their youth, even to the detriment of the current generation. This is a government of old men—older in mentality than chronology—who turn blind eyes to the reality that without help, even upper-middle-class youngsters cannot become doctors, lawyers, scientists.

They are so elitist that they could hardly give a damn that in economically troubled Washington state, the number of students in community colleges dropped from 101,000 to 89,000 when tuition was raised from $306 to $519.

The Reaganauts are doing more than produce a system where the Donald Regans go to Harvard and tell other Americans that they must be happy with a state or community college. They are saying that the appetite for college and the professions should not be developed among those "lower-class" Americans, other than the few Horatio Algerists who can work enough to make their own way.

This is combining old-man's ego and right-wing theology to forge policies that will cripple America for many generations.

EAST-WEST APPROACHES

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. LAGOMARSINO. Mr. Speaker, a recent commentary by William Randolph Hearst, Jr., puts into proper perspective the Soviet proposal for a nuclear arms freeze in Europe and the NATO response. I urge my colleagues to give serious attention to what a nuclear arms freeze would actually mean.

[From the Hearst Newspapers, Mar. 28, 1982]

EAST-WEST APPROACHES

(By William Randolph Hearst, Jr.)

NEW YORK.—At the foothills of the majestic Rocky Mountains where Colorado Springs nestles against a backdrop of spectacular scenic splendor, NATO defense ministers grappled with a thorny issue. They pondered the problem of nuclear arms to defend the West against sweet-talking but ever-threatening Soviet missile superiority. A decision was taken to install 572 new U.S. medium-range missiles on Western allied European territory but the story hardly ends with the NATO consensus, which I believe is fully justified in the face of an aggressive Russian buildup and encroachment.

Nearly all our allies, excluding the British government of tough-minded Prime Minister Margaret Thatcher, are presently under heavy protest pressure by electorates to go for what has popularly become known as "The Freeze." That option briefly accepts the Soviet peace salvo shot out by President Leonid Brezhnev in offering to dismantle his SS-20s pointed at Westen Europe in front of the Ural Mountains, if NATO abandoned our missiles.

President Reagan tellingly rebuffed the Brezhnev offer, I thought, pointing out that the U.S.S.R. was really so far ahead of NATO already that the sly Soviet suggestion was meaningless. He bluntly detailed that the U.S.S.R. had stockpiled 300 new, devilishly advanced SS-20s, with a new one being produced every 72 hours without letup. President Reagan then repeated his November appeal to Brezhnev, the thrust of which was "Let Us Both Dismantle All Stockpiles And Make Them Verifiable." The Russians had a quick, No, to the initial Reagan recommendation and haven't even had the grace to respond to the president's most recent repeat offer.

Soviet reasoning for pursuing the Brezhnev gambit isn't hard to figure. The Russians see that Washington's ties with major allies in Western Europe and Japan are being strained. While demonstrations against emplacing our missiles gather momentum on the continent, the "freeze" complex also has taken hold among congressional critics and municipalities in this country. As readers of this column recall, I wrote recently that Soviet propaganda and "disinformation" machinery never takes a holiday but emphasizes peace which in Orwellian terms really means war——or surrender on their terms.

In taking precautions against Soviet aggression, it seems to me that many folks have lost sight of multiple brutalities committed by the Brezhnev regime against their own people and regions unfortunate enough to be under Soviet might or its communist surrogates. Think for a moment about Poland and its 36 million people held in the grip of martial law. Or Afghanistan, invaded by the Red Army where a puppet regime is unable to govern most areas by night. Only 100,000 Russian troops, backed by the latest equipment in armor and air power, keeps that country from determining its own future.

Those are only two of the most recent examples of Soviet "peace-making" achievements. Look at the U.S.S.R. at home: The regime denies its 235 million people the average consumer necessities that Western societies cannot live without. Even daily bread can come into question frequently because the greatest slice of Russia's gross national product goes into armaments. Who's there to question this bizarre imbalance? There's none to speak of, because critics and dissidents are hustled off to labor camps. When Brezhnev needs additional wheat, he buys it on world markets.

Western communities are, of course, rightly concerned about the prospects of a nuclear holocaust. But in the last analysis, the West must protect itself against Russian encroachment, or it will be gobbled up piecemeal.

We need deeds to prove what the West really means. So, when the West declares that it must take adequate precautions in the face of a massive Soviet superiority in nuclear weapons, we should go ahead and do so. This is always complicated in parliamentary democracies. West German Chancellor Helmut Schmidt, to his deep chagrin, just learned how rough the road can be. In key regional elections, Schmidt lost what is regarded as a national test in the Federal Republic. He previously was pledged to accept new medium range missiles and may now, after eight years in office, resign. It would be a major blow to NATO should he do so. In West Germany the real winners will be leftists of his Social Democratic Party and antinuclear groups demonstrating against new weapons.

In Colorado Springs, NATO's defense ministers unanimously rejected Brezhnev's proposal. They pointed out that the Russians were replacing shorter range missiles with new SS-22s, which have the range to zero in on all Western European capitals. In addition, the U.S.S.R. is working feverishly to develop an SS-23 with fiercer capabilities. The Western defense ministers, working from the latest intelligence data, reaffirmed their decision to deploy 572 new medium range missiles next year.

As is proper, it is now up to all their elected parliaments to accept or deny what the defense ministers decided. I believe that after lots of soul-searching—and more protest pressure—Western parliaments will take the same step of backing their defense representatives. We should take the lead and do it first to show the Soviets and the world that the alliance is alive and well.●

ILLITERACY IN NEW YORK CITY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. RANGEL. Mr. Speaker, during Easter adjournment an article appeared in the New York Times unveiling the depressing results of a New York City task force on literacy. Nearly 8 percent of New York City youths between 14 and 21 are functionally illiterate. Experts have speculated that this figure is accurate for urban areas across the Nation.

Reading and writing are skills essential to our Nation. An illiterate population is virtually unemployable, and unable to participate effectively in our political process. As the report notes, "Illiteracy is highly correlated with criminal behavior, with unemployment, and with the receipt of public assistance." In other words, pinching pennies in education will result in tre-

mendous funding outlays in social service programs. The smartest investment that this country can make, in terms of building a strong economy, expanding the tax base, and strenghtening national defense, is in the education of our Nation's youth.

Yet education programs are being drastically cut by the Reagan administration. In doing so, the President is crippling the future of the United States and eroding the Nation's long-term intellectual capital, all in the name of short-term budgetary concerns. We in Congress cannot stand by and allow this to happen. We must be generous with funds for education, because, in the long run, investment in education will pay back this country a thousandfold.

I have included the text of the Times article for the information of all of my colleagues.

[From the New York Times, Apr. 7, 1982]

TASK FORCE REPORTS 8 PERCENT OF CITY YOUTHS ARE ILLITERATE

(By Gene I. Maeroff)

Nearly 8 percent of the 788,100 youths in New York City between the ages of 14 and 21, both in and out of school, cannot read above a fifth-grade level, according to a report recently issued by the Youth Literacy Task Force.

The 60,000 young people, according to the report, are functionally illiterate and "constitute a form of social dynamite whose costs—both in quality of life and in municipal dollars—can mortgage the city's future."

"Illiteracy is highly correlated with criminal behavior, with unemployment, and with the receipt of public assistance," it continues.

The task force, formed last year by the Board of Education and the Office of the Deputy Mayor for Policy, Robert F. Wagner Jr., recommends the creation of a series of projects, some modeled on smaller existing efforts, to teach reading in schools and in connection with job training out of school.

"Eighty percent of the youthful illiterate population can learn to read within 18 months," the report asserts. It maintains that the existing literacy programs provide a framework that could be expanded within practical fiscal and institutional limits.

SIXTH GRADE LEVEL IN 18 MONTHS

Furthermore, the report says it is feasible to expect most of the young people to reach at least a sixth-grade reading level in 18 months because this timetable has been fulfilled in smaller programs.

"A major factor in the failure of many literacy programs, both in and out of school, was the failure of most program operators to realize that such rates of achievement are possible and can be set as a performance standard," the report concludes.

An estimated 19,000 of the illiterate young people are still in school, the report says, and the rest are dropouts. The number in need of reading instruction was determined by school test scores, figures from the State Education Department and surveys of the reading levels of out-of-school youths entering literacy programs.

Officials at the National Center for Education Statistics and the Literacy Volunteers of America said comparable figures were unavailable for other cities. But the proportion of illiterate youths is probably similar elsewhere since dropout rates and reading achievement levels in many urban school systems resemble those in New York.

The report also describes how the illiteracy of the young people makes it difficult to help them, which is why City Hall became involved in the study.

BARRIER TO TRAINING PROGRAMS

"The city's private and public youth employment, child care and juvenile justice agencies cited the illiteracy of their clients as a major barrier to the effectiveness of their training and rehabilitation programs," the report says.

The three-pronged attack on illiteracy proposed by the task force involves the development of 10 in-school' reading academies, the creation of six pilot employment training centers combining instruction in literacy and job skills and the expansion of part-time evening adult education centers.

In addition, the task force recommends setting up a technical assistance center to support the three programs, especially by attracting private money, training literacy teachers and coordinating cooperation among city agencies.

"Virtually the entire program can be carried out without new money if staff members are redeployed." said Marian L. Schwarz, an education aide to Mr. Wagner and a cochairman of the task force.

The task force found that successful programs involved at least 12 to 30 hours of instruction a week, set goals for the participants, monitored progress, had classes of 10 to 20 students and were linked to job training.●

THE UNITED STATES CANNOT BE DEFEATED BY A SOVIET NUCLEAR STRIKE

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. BROWN of California. Mr. Speaker, one of the main fallacies of the Reagan administration's nuclear policies is the premise that the United States is vulnerable to a Soviet nuclear attack. Frankly, I doubt that those who espouse this view truly believe it. Rather, it appears this is a rationalization to justify efforts to develop a first strike capability in the United States, or at the very least nuclear superiority for the United States.

One of the more candid and insightful statements on the nuclear arms race was recently made by the noted nuclear scientist, Dr. Hans Bethe. His basic point is that the United States is not vulnerable to the Soviet Union, nor is it likely to be. Rather, the actions of the United States in nuclear weapons development are a major cause of the arms race.

I highly commend the following interview with Dr. Hans Bethe to my colleagues:

The interview follows:

[From the Los Angeles Times, Apr. 11, 1982]

AMERICA'S DEAN OF ATOMIC PHYSICISTS SAYS UNITED STATES NOT VULNERABLE

(By Robert Scheer)

Nobel Prize-winning theoretical physicist Hans A. Bethe has been continuously involved with the U.S. nuclear weapons program since his participation in the Manhattan Project, which developed the first atomic bomb. Bethe, a refugee from Nazi Germany, was the chief of the theoretical physics division of the Los Alamos Scientific Laboratory in New Mexico during the war years and later returned to the laboratory to work on the development of the hydrogen bomb.

From 1959 to 1969, Bethe served as a member of the strategic military panel of the President's Science Advisory Committee which, among other things, dealt with the development of the anti-ballistic missile. He continued as a consultant to the U.S. government on nuclear weapons matters through the Carter years.

A professor at Cornell University, Bethe was recently interviewed while he was a visiting professor at the California Institute of Technology, Pasadena. Caltech President Marvin L. Goldberger, himself a leading physicist and the chairman of the President's Science Advisory Committee on which Bethe served, has called Bethe "one of the great physicists of the 20th Century."

SCHEER. Do you agree with the Reagan Administration that we need more nuclear weapons to counter the Soviet threat?

BETHE. I would like to state that there is no deficiency in armaments in the United States, that we don't need to catch up to the Russians, that, if anything, the Russians have to catch up to us. The Russians have their forces mostly in ICBMs (intercontinental ballistic missiles), a type of weapon that is becoming more and more vulnerable. I think our military people know this, but they always talk about the vulnerability of our nuclear ICBMs, and never talk about those of the Soviets. The Russians are much more exposed to a possible first strike from us than we are to one from them.

Q. Do we have the means of deterring a Soviet first strike?

A. I don't think that either country is going to make a first strike because it is absolutely crazy to do so. But suppose there were a first strike from the Russians, and suppose they could destroy all our Minuteman missiles. It wouldn't make the slightest difference. Would we be defenseless? Not at all. We have the submarine force with an enormous striking power.

Q. But the submarine-launched missiles are said to lack the necessary accuracy to retaliate effectively.

A. The submarine-launched missiles, the new generation, are going to be extremely accurate. President Reagan himself has said the Trident II missile will be accurate enough to hit any hard target. This is one point where I would endorse the Administration's program: we should have the most accurate missile for our submarines. Also, we have a good bomber force.

Q. Yet the President refers to the bomber force of B-52s as ancient and incapable of penetrating into the Soviet Union.

A. They themselves cannot penetrate Russia, either today or tomorrow, but they are getting equipped with cruise missiles. Cruise missiles are probably the most accurate weapon that has yet been invented. The Russians don't have them, and I consider them most important, just as a penetra-

tion aid for our bomber force. Our bombers don't need to penetrate the Soviet Union. It would be an unnecessary exposure. Once they have cruise missiles on board, they launch them from outside the Soviet Union and to get, say, within 200 miles of the Soviet Union, they don't need to penetrate a screen of Russian air defenses. The cruise missiles, as you know, have devices to follow the terrain, and find their way by comparing with a map. And they are going on our bombers this year, perhaps even this month.

Q. What about the general argument that the Carter Administration's policies left this country vulnerable to a Soviet attack?

A. On the contrary, the most important progress in weapons in the last decade, I would say, was the cruise missile, which was developed under Carter. Now, in case of an all-out Soviet attack, of course, some of our bombers would probably be destroyed on airfields. However, a long time ago we dispersed our bombers over many many smaller airfields so that, on warning, a lot of them will take off. And, of course, you take off those which are armed with cruise missiles before any others. I don't see that there is any cause for us to be alarmed by the possibility of a major Soviet attack.

Q. So what is this emphasis on U.S. weakness all about?

A. I believe we are repeating the mistake of 1960 when people talked about the missile gap. The missile gap did, in fact, exist, but it was the other way around. We had lots of missiles and the Russians didn't. It took the Russians a decade before they caught up with us, and even then their missiles were not as good as ours because they largely used liquid missile propellant, whereas we went to solid propellant in the 1960s. I believe we have repeated the missile gap story once more, and it is just as wrong today as it was in 1960.

Q. But what about these statements that President Reagan and others make that the Soviets have just undertaken the "most unrelenting military buildup in the history of the world"?

A. That is true, they have kept building missiles, constantly, and in tremendous number, and in much larger numbers than makes any sense. Why? Chiefly, they wanted to catch up with us. Now they have more missiles than we, but in general the numbers are very comparable in the Soviet arsenal and in ours. Both are close to the ceiling permitted by SALT II (Strategic Arms Limitation Treaty). The only way to ensure that they don't surpass us more is to have an arms control agreement.

Actually, ours is a much better arsenal because our forces are better distributed. Less than half our missiles are ICBMs, a weapon, as I said before, which is getting vulnerable; we have 1,050, they have 1,400. In submarines, while the numbers are about the same, we have more serviceable ones. Then we have the bombers which, together with the cruise missiles, are a formidable force, while they have not paid any attention to their bombers at all. Most of their bombers are propeller driven, totally obsolete, and without penetration aids; you can write them off. Yes, the Russians have built, unrelentingly, more and more missiles. There is no question—but it is irrelevant.

One more point on that. The SALT agreements are very much to our advantage because they limit the number, on which the Russians are very good, and they don't limit the technology, on which we are very good. So we can put the most sophisticated technology into the given number of missiles, which is what we have done in the case of the cruise missile, for instance.

Q. One justification of the arms race is that the Soviets are aiming at gaining the capability to win a nuclear war.

A. I quite believe that we could win an arms race. But it is, of course, absolutely crazy to think of winning a nuclear war. You cannot win a nuclear war, neither they nor we, even if some fraction of the population might survive. The Russians are very cautious, so they will not risk starting a nuclear war. They have publicly stated that they want arms control, and probably we could get arms control more easily from them now than ever before. I don't think we were doing badly before. I think SALT I was excellent, and SALT II was good, though not excellent. In my opinion, we could get a lot of agreements from them, but our negotiators have to be willing to negotiate, which means to make concessions. There was the Russian proposal of a two-thirds cutback (in Europe); instead of rejecting it out of hand. I think what we should have done is to say, "This is a possible negotiating position, now let's talk. Just how do we specify that cutback? What do we do about missiles, what do we do about your SS-20, what do we do about planes carrying nuclear weapons? Could we agree, perhaps, that this be a first step, and that further steps are to follow which would make us free of missiles in Europe?" But instead of accepting it as a basis for negotiations, we said, "No, that's impossible." I think that way you don't get an agreement.

Q: What do you make of the decision to build the MX missile?

A: The MX is a first-strike weapon. It makes no sense in any other way. The MX has extremely good accuracy. I want to give President Reagan credit for abolishing that completely crazy shell game with Carter and (former Secretary of Defense Harold) Brown had proposed. I think that was out of this world. Instead, Reagan proposes, "Let's develop the MX and, in the meantime, let the Pentagon think where to deploy it. They will probably find some way to do it." It would have been politically impossible to say immediately, "Let's not develop the MX at all." Maybe in three years the Pentagon will not have come up with any good method of deployment, and then they can say, "All right, we give it up."

One other point concerning arms control. I think it is just paradoxical to build up your weapons and then have arms control. Any weapons buildup on our part is only an incentive to the Russians to do the same. So if we want reduction in armaments, let's reduce from our present position. But negotiations are always a lengthy affair. Perhaps a challenge would be a quicker way to get results. Professor (Robert F.) Bacher of Caltech and George Kennan of Princeton have, therfore, proposed a series of small steps: We reduce the number of our weapons by, let us say, 5%, and challenge the Russians to do likewise. If they don't, we go no further. If they do, we continue and perhaps a new spirit grows.

Q. We talked before about how you cannot win or survive a nuclear war. What do you make of the view of, say, Edward Teller, who believes that you can? Do you meet with Teller?

A. I meet Teller from time to time. I agree with Teller on the matter of nuclear electric power generation, which is a totally different subject from nuclear weapons. One of the things I wish you would emphasize from time to time in your writings is that the two things have very little to do with each other. They have less to do with each other than dynamite for mining purposes and explosives in conventional bombs. So Teller and I agree on the need for energy, including nuclear energy, but we don't talk about military matters. I did, at one time—it must have been two years ago; I listened to him about some of the specific military equipment that he advocated, just in order to learn not to argue and when it comes to matters like surviving a nuclear war, we agree not to discuss it.

Q. How is it that there is a disagreement about the presumably objective scientific question of whether or not we can survive a nuclear war?

A. I think there are many different ways you can understand the word "survival." Surely, if the attack were limited to ICBM's, even though fallout spread across the country without an attack on cities the country would survive, there is no question about that. There would be lots of casualties, but recovery would be entirely possible, and might even be fairly quick. But if you talk about an all-out nuclear war, with attacks on industry and attacks on cities and so on, then I would think that, while there will be survivors, the United States as a functioning society would not survive. Such an attack, it has been estimated by the Defense Department, could mean 100 million casualties, but that doesn't fully describe it. The important thing is the aftereffect.

For instance, there would almost certainly be a total breakdown of transportation. Everything in this country depends on transportation. Once many highways and railroad beds are made into rubble and the remaining highways are so radioactive that no truck driver will go on them, you cannot bring food to the cities. Nor can you bring fertilizer to the farms, nor energy to either place. I simply cannot understand how anybody can believe that we can recover from that in any short order.

One of the great mistakes that most people make when they talk against nuclear war is that they put the emphasis on radioactivity. That isn't the worst part. It may be the most widely spread effect, but it is not the worst part. The worst part is the death of people by third-degree burns, and that there is no possible medical help for them. We must expect that many of the explosions would be set off in the air, not on the ground. Heat radiation from the fireball, that is infrared rays and even visible light, is enormous. It increases faster than the area of destruction by blast, so most of the death would come from this source. Many people would be burned directly. Many people would get third-degree burns, and you cannot save a person like that if you don't bring medical help immediately. There will be no medical help because hospitals will be destroyed along with other buildings.

However, that is not the end of it. The thermal radiation sets newspapers on fire, even stacked newspaper. it sets wooden buildings on fire. So even if people are inside the normal kind of houses that we have in this country, which are mainly built of wood, they will burn up inside the house. If they go outside the house, they will burn up directly. The next thing, of course, is buildings collapsing by blast and burying people. If you talk about a large city with office buildings, people can go into shelters in the cellar but, in the meantime, the building above them will collapse or, at least, there will be yard-deep layers of shat-

tered glass. How will they ever get out? Even if they get out, the heat radiation will cause fires all over the place, and many secondary fires, because blast will destroy gas lines and the gas will begin to burn. It is not certain but there is a high possibility that these fires will cause a so-called firestorm, which means the fire consumes all oxygen, and the people down in the shelter will not get any oxygen. So I think that protection of the city population by shelters is totally futile if you have a direct attack on the city. Let me add here that I do not think that even an all-out nuclear war would destroy all life on earth.

Q. How do you feel, I mean you've been with this issue, with this bomb, for such a long time, and then one day you pick up the newspaper and some person says we can recover from general nuclear war in two to four years. What are your thoughts?

A. He is crazy.

Q. What about the clock on the cover of the Bulletin of Atomic Scientists showing how close we are to midnight? Are we now in a more dangerous moment? What has happened to our thinking?

A. The main increase of danger, in my opinion, is psychological. People are scared when the Reagan government says we are in mortal danger and need to increase our armaments. But I am scared when he claims that more arms, especially nuclear ones, can protect us. It creates a war psychology. Human beings who are very scared don't act rationally. My greatest fear is that it will make the American people less rational, and then anything can happen. Many of the wars in history have happened because of fear. If there comes an all-out nuclear war, I think it will come because of fear. I believe that in this respect Franklin Roosevelt is right again: we have nothing to fear but fear itself. In my opinion, we have nothing to fear from the Russians, nor the Russians from us, but fear itself, namely the fear that each country creates about the other.

Q. Did you think at the time of the atomic bomb's discovery that we would be here now?

A. No. I was very much afraid in 1946. My wife and I discussed this matter and concluded that probably within 10 years there would be a nuclear war. That has not happened and it is a ray of hope. It has not happened because the statesmen, both in this country and in the Soviet Union, have clearly recognized that nuclear war is unthinkable. It is impossible, it would make such destruction that we have to use every means to avoid it. This realization seems to have escaped the present government. I think the real danger lies in this loss of understanding. Until the end of the Carter Administration, whether the President was Republican or Democrat, it was a generally recognized principle: Nuclear war must be avoided by all means. We are now told that this is not so. So here is a psychological difference. I think it is traditional, and therefore perfectly legitimate, if you want to win an election to play up the relative armaments of the United States and the Soviet Union; that is good election propaganda. But once you are the government, you must not make this primitive approach the basis of your military and foreign policy. That is very dangerous.

Q. We've all read about (Dr. J. Robert) Oppenheimer and his feelings of guilt. What can you add to that? You've been intimately connected with this for much of your life.

A. Having worked on the weapon does not give me a monopoly on deciding. All I can do is to try to tell people what I think about nuclear weapons, and I will continue to do so as long as they let me. The decision has to be made by the government.

A single missile will destroy a city without having any soldier putting his life on the line. We have some 9,000 strategic weapons. Every one of them is bigger than the Hiroshima bomb. The Russians have a similar force. After hitting military targets, if you direct the remaining weapons against cities, you can destroy at least 5,000 cities of over 100,000—there are maybe 200 of those in each country. Why would you need more than 200 weapons?

Warfare has become totally different because the destructive power is greater than the totality of the things you can destroy. That has never happened before. The destruction can happen in an hour or two, instead of in five years. If it happens over five years, you can recover in part, again and again, you can adjust to it, you can bring help to the city which has been hit. If in two hours all our cities are destroyed, no help can be brought. That is not a difference in size, but a difference in kind. Against missiles there is no defense. This is a subject on which I worked quite carefully and industriously for many years before '68, looking at many ways how to tell decoys from missiles, and so on. Whatever you did, the offense could always fool the defense and could do it better. So anti-ballistic missiles for city defense are technically nonsense.

Let me come back to the question of survival once more. If there is an all-out attack on the Soviet Union and the United States, there will afterwards be no United States nor a Soviet Union.●

ACID RAIN: A CLOSE LOOK AT AN UNRESOLVED ISSUE

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. RAHALL. Mr. Speaker, on Thursday, April 22, the Congressional Coal Group will sponsor a symposium on acid rain. The purpose of this meeting is to provide further information to Members and their staffs on the causes and effects of acid rain from the perspective of the scientific community along with the impacts any new control program would have on employment and consumers of electricity.

During the meeting presentations will be made by Kathleen Bennett, Assistant Administrator for Air, Noise and Radiation, EPA; Dr. Volker Mohnen, director of the Atmospheric Sciences Research Center, State University of New York; Sam Hall, assistant vice president for general planning, American Electric Power System; and Mike Buckner, research manager, United Mine Workers of America.

The symposium will begin at 2 p.m. in 2167 Rayburn House Office Building. All Members and their staffs are invited to attend.●

RIVERA Y DAMAS ASKS GUERRILLAS TO LAY DOWN ARMS

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. LAGOMARSINO. Mr. Speaker, although the media gave broad coverage to the elections in El Salvador and the overwhelming turnout, I saw no mention of comments by Salvadoran Bishop Rivera y Damas calling for the guerrillas to lay down their arms. The Salvadoran prelate's remarks characterize the elections as a valid expression of the Salvadorans' desire for peace and a political solution to the conflict in that country.

RIVERA Y DAMAS ASKS GUERRILLAS TO LAY DOWN ARMS

(PAO51931 Panama City ACAN in Spanish 1735 GMT 4 Apr. 82)

[Text] San Salvador, 4 Apr (ACANEFE).—Following last Sunday's elections for a Constituent Assembly, the various Salvadoran sectors must strive for the country's pacification, apostolic administrator of San Salvador Arturo Rivera y Damas stated today. During the Sunday homily at the metropolitan cathedral, Rivera y Damas indicated that this week the Salvadorans had lived through unprecedented elections held in the unusual environment of a civil war.

Rivera y Damas explained that the quantitative and qualitative vote of the Salvadorans should be analyzed, because no one can complain about the turnout, and the parties must be satisfied because the electoral process concluded happily. Qualitatively, Rivera y Damas added, we must analyze why the people voted massively. And here we must explain that they did so "because they are tired of violence and hope that this will be the beginning of a solution in this sea of confusion and sorrow in which we live." He added that the political parties now have "the tremendous responsibility of realizing that those who voted chose a given party because they really believed there were different ideologies among them."

Rivera y Damas asked: "If the belief had existed that all were ideologically the same, why were there so many different parties? Why didn't they use one banner? The parties must think about this, because the will of the people cannot be mocked," the prelate added.

Rivera y Damas said that the people hope the socioeconomic reforms underway will be continued and strengthened into a veritable political platform that will satisfy their hopes for peace and justice.

Rivera y Damas said that the leftwing FDR and the FMLN must accept the will of the Salvadoran people expressed at the polls for peace, democracy and justice. "The guerrillas must leave the path of arms and destruction to seek other paths that will permit them to gain credibility and confidence to contribute to the country's reconstruction and to secure peace," Rivera y Damas added. The prelate noted that all international observers unanimously recognized that the elections were honest, although security and surveillance measures did not permit the voting to be quicker. The apostolic administrator concluded by saying

that despite the enlightening lapse of the elections, the life of the Salvadorans is filled with clouds, of uncertainties "as when a storm is approaching."●

ENDANGERED SPECIES ACT AUTHORIZATION

HON. JOHN B. BREAUX

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. BREAUX. Mr. Speaker, I am today introducing, by request, legislation to extend the authorization of the Endangered Species Act. The legislation has been submitted by the Department of Commerce and cleared by the administration. It provides for a 2-year authorization of funds to allow Commerce to carry out its activities under the act.

We are now preparing amendments to the Endangered Species Act in the Subcommittee on Fisheries and Wildlife Conservation and the Environment, which I am privileged to chair. We are working closely with all of the interest groups concerned with the act, and we believe that we are close to developing a package of amendments that will solve some of the problems in the act and make it a more effective and workable law to protect endangered species. We will use the bill introduced today as a vehicle and develop the legislation as we proceed through the committee process.●

ANDERSON SALUTES KNIGHTS OF COLUMBUS ON 100TH ANNIVERSARY

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. ANDERSON. Mr. Speaker, as you are well aware, this year marks the centennial anniversary of the Knights of Columbus. I rise today to congratulate and commend the Knights of Columbus on 100 years of service to the Nation and the world.

It was on March 29, 1882, in the then small community of New Haven, Conn., that Father Michael McGivney organized a group of 25 local laymen and founded the Order of the Knights of Columbus at St. Mary's Church. Today, the membership of the Knights exceeds 1,350,000 and their supreme knight, Virgil C. Deckert, presides over 7,165 local councils—the foundation on which the order is built and functions—located in the United States and 8 foreign countries.

The members of this Catholic fraternal organization should be extremely proud of their longstanding heritage and unblemished record of dedicated service to their church and community. Through my years of public service, I have had frequent contact with the Knights of Columbus and am quite familiar with their very worthwhile projects. Their leadership and devotion to the community—particularly those less fortunate than us—is truly an inspiration and should set an example for all to follow.

As reported in the March 25, 1982, edition of the Catholic Standard:

In 1980 individual Knights distributed $31.7 million for various activities to help the handicapped, the elderly, the young and others. They also donated 9.2 million volunteer hours to community and church services.

The article goes on to point out that—

By choosing Columbus as their patron, the founders were stressing Catholic legitimacy in the predominantly Protestant culture 100 years ago. Their strong pride in being American and Catholic eventually led to the forming of the Fourth Degree Knights, who have patriotic work as their goal. This patriotism also led the Knights to establish Knights of Columbus "Huts" as recreational facilities of U.S. troops fighting on the Mexican border against Pancho Villa in 1916 and then in Europe during World War I. This $40 million venture in World War I carried an invitation to the Huts set up near the front: "Everybody welcome, everything free." The 1920's were a busy time for the society. Involved in a long battle with the Ku Klux Klan over Catholic bigotry, the Knights also set up a million dollar fund to help Mexicans fight Catholic persecution in that country. The decade also saw the successful fight against an Oregon law that would have prevented children from attending parochial schools. The law was found unconstitutional in 1925 by the Supreme Court. The Knights founded the construction of the Knights' Tower at the National Shrine of the Immaculate Conception and donated the bells for it. They also established the "Luke E. Hart Memorial fund" in 1979 to promote Marian devotion at the shrine.

Clearly, Mr. Speaker, we have been fortunate, as a nation, to have the Knights of Columbus and its extensive membership working on our behalf this last 100 years in order to make this a better place to live. The contributions attributable to the Knights are many and far reaching. My wife, Lee, joins me in congratulating all the members of the Knights of Columbus—particularly those in the Los Angeles Basin—for a job well done. We hope that 100 years from now, the Knights of Columbus will be celebrating their bicentennial anniversary and the House of Representatives will again pass legislation commending them on another century of dedicated work to millions of people worldwide who benefit from their unselfish service.●

THE 70th ANNIVERSARY OF THADDEUS KOSCIUSZKO SOCIETY

HON. LAWRENCE J. DeNARDIS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. DeNARDIS. Mr. Speaker, last Sunday I had the high privilege of participating in the 70th anniversary celebration of the Thaddeus Kosciuszko Society of Milford, Conn. At the turn of the century, as now, the Polish people were seeking freedom from the unrest in their homeland. Many found that freedom in the United States. In 1912, a group of these immigrants, concerned for the welfare of themselves and their families, formed a fraternal, nonprofit society to render aid to the sick. As hard-working farmers and devout Christians, they had but 1 day of rest on which to hold their meetings, namely, the Sabbath. The tradition of Sunday afternoon gatherings survives to this day.

The pride of these people in this, their adopted country, as well as in their Polish heritage, is manifest in the name they chose for their society. Thaddeus Kosciuszko was a civil engineer from Poland who distinguished himself as a patriot during America's fight for independence. Serving under Gen. George Washington, he designed and built our fortifications at Ticonderoga and West Point. In recognition of Thaddeus Kosciuszko's great contribution to the cause of American liberty, Washington commissioned him a brigadier general.

Like us 200 years ago, the Polish people today are faced with a grave threat to their freedom. The Soviet oppression of Poland is at least as pervasive and certainly more brutal than that of the British which led to the American Revolution. Naturally, the Polish crisis weighs heavily on the minds of those in the Thaddeus Kosciuszko Society. Their brethren have been systematically stripped of the most elemental of personal liberties, the rights to which every human being is justly heir. The Soviet Union, the last true imperialist nation on Earth, has sacrificed the liberty and happiness of millions of people in its raw quest for global dominance.

The founders of the Thaddeus Kosciuszko Society were earnest working men. They came to our shores seeking freedom, stability, and opportunity for a better life for themselves and their families. Democracy and free enterprise allowed them and their descendants to realize that dream, and in bettering themselves they have made our country better, too. The Polish laborers who comprise Solidarity are just

the same kind of men—earnest, hard working, and desirous of a better life. The only difference is that they lack—rather that they are denied—the freedom and opportunity to achieve it. The existence of a workers' organization in opposition to the Communist regime shatters the last flimsy pretense that communism is a workers' government. The very proposition would be comical, were it not used to veil injustice of such depth and magnitude.

The situation in Poland is cause for outrage. But not for despair. It is not in the nature of the Polish people to succumb to oppression. Thaddeus Kosciuszko showed that. The Polish immigrants to America at the turn of the century showed that. And the members of Solidarity are showing it now. That is not to say that we should be content to let them struggle on their own, however. There is always the danger when good people see all the force of law, all the power of government on the side of evil—and witness no other way of life—that they will lose perspective and begin to believe that cruelty, injustice, and suffering are the way of the world, everywhere, always. Then the spirit of resistance weakens, and tyranny grows that much stronger.

That is a situation we can do something to prevent. By our history, culture, social attitudes, and our Christian faith, we and the Polish people share a Western heritage. They need to know that the free Western World has not forgotten them. All they have of freedom is a vision. We must fuel that vision to keep it burning bright. The governments and people of the free world should sustain constant, vigorous denunciation of the Soviet actions in Poland, and persistent, enthusiastic encouragement of the Solidarity movement. That is what we can do to hasten the outcome of freedom in Poland. And I believe it is the least we can do to repay our Polish compatriots, like Thaddeus Kosciuszko and the members of the society which memorializes him, for their inestimable contribution to the birth and growth of freedom in America.

At this time, Mr. Speaker, I should like the RECORD to show the names of the members of the society, including those who were specially honored at the centennial dinner. For their kind hospitality and warm fellowship, I am deeply grateful to all of them.

The officers are:

Society Officers: President, Joseph Tirita; Vice President, Frank Zielenski; Financial Secretary, Joseph Kaluzynski; Treasurer, Peter Penkala; Recording Secretary, Michael Fogler; Trustees, Joseph Gaidish, Edward J. Kozlowski, and Edward Sobocinski; Sick Committee, Joseph Stawski and Anthony Walakiewicz; Marshal, William Paskiewicz; Doorman, Emil Potsiadlo; Chaplain, Edward Tomaszek; Refreshment Committee, Edward A. Kozlowski and Richard Kaczmarczyk.

The following gentlemen received awards for their distinguished service:

Service Awards: Albert Olenski, President, 1955; Edward J. Kozlowski, President, 1956-62; Frank Zielinski, President, 1963; Steve Siekierski, President, 1964; Edward Fogler, President, 1965, 1976-78; Edward Sobocinski, President, 1967-68; Anthony Walakiewicz, President, 1969; Joseph Stawski, President, 1970; Robert Kapusta, President, 1971-72; Joseph Gaidish, President, 1973-74; Joseph Bogdan, President, 1975; Paul Pjura, President, 1979-81; Joseph Kaluzynski, Financial Secretary, 1967-81; Peter Penkala, Recording Secretary, 1970, 1973-77; and Eugene Ksiezak, Special Service Award.

One of the society's beneficent activities is the fostering of mental development by providing scholarships to worthy students of Polish descent who seek higher education. The following young men and women were scholarship recipients over the last 5 years:

Scholarship Recipients: 1975, Catherine Zielinski; 1976, Catherine Penkala and Carolyn Zielinski; 1977, Catherine Penkala; 1978, Thomas Olenski, Judith Guido, Peggy Guido, Cecilia Zielinski, and Camilla Wypychowski; 1979, Maria (Tomaszek) Harrington, Thomas Gaidish, and Terry Fogler; 1980, Thomas Gaidish, Ramona Prokoski, and C. Lumpinski; 1981, Marie (Tomaszek) Harrington, Thomas Gaidish, and Reena Olenski.

Lastly, the full roster of the Thaddeus Kosciuszko Society of Milford follows:

MEMBERSHIP

John B. Anderson, Ronald Benkoski, Joseph Bogdan, Clarence F. Dabrowski, Joseph Deleski, Henry Deptula, Leon R. Dolinski, Stanley Dudzinski, Edward Fogler, Michael Fogler, Robert Fogler, Stephen R. Fogler, Steve Fogler, Christian Fricke.

Walter Gabryszewski, Joseph Gaidish, Donald German, Harry F. Gill, Raymond Guido, Edward Janik, Richard Kaczmarczyk, Joseph Kaluzynski, Stanley Kaluzynski, Robert Kapusta, George J. Kasson, Andrew V. Kozlowski, Edward A. Kozlowski, Edward J. Kozlowski, John B. Kozlowski, Michael J. Kozlowski, Richard Kozlowski.

Eugene Ksiezak, Bruce S. Kuryla, Al Lumpinski, Chester Malinowski, Richard Merenda, James F. Miaski, Boleslaw Mieszkiel, James R. Mullenix, John P. Nowicki, Albert Olenski, Frank Pankiewicz, William Paskiewicz, Peter Penkala, Gary M. Pjura, Paul Pjura, Donald Potsiadlo, Emil Potsiadlo, Frank Rakocz.

Robert D. Sala, Joseph Salamon, Walter Salamon, David Siekierski, Leon Siekierski, Robert Siekierski, M. Steve Siekierski, Joseph Slonka, Donald Sobocinski, Edward Sobocinski, Wallie Sobocinski, Joseph Stawski, Joseph Surgalis, Joseph Tirita.

Edward Tomaszek, Adam Urbonas, Anthony Walakiewicz, Jan Wankowicz, Sr., Joseph Wojcinowicz, Jr., John Worozilcak, Edward Wypychowski, John Wypychowski, John Yasak, Joseph S. Yednasty, Frank Zielinski, Frank Zielinski, Jr., Walter Zientek.

They all deserve our heartiest congratulations on the proud occasion of the society's 70th anniversary.●

THE NUCLEAR RESOLUTIONS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, April 21, 1982, into the CONGRESSIONAL RECORD:

No. 15—THE NUCLEAR RESOLUTIONS

One of the most surprising political developments so far in 1982 has been the sudden increase in public concern about the growth of nuclear arsenals in the United States and the Soviet Union. Localities across the land have passed resolutions calling for an immediate end to the arms race and for a new arms control accord. Members of Congress have introduced resolutions for the same purpose. President Reagan recently opened a news conference with remarks intended to slow the momentum of a congressional initiative calling for a freeze on nuclear arsenals. The national news media have covered the developments thoroughly and have even promoted them in some instances. Public opinion polls show a heavy majority of Americans favoring a freeze on nuclear weapons.

Several factors have converged to raise concern about the possibility of nuclear war and to create the demand for reductions in nuclear arsenals. The second Strategic Arms Limitation Treaty was never ratified by the United States Senate and was not supported by candidate Ronald Reagan, who after his election chose tacitly to abide by the treaty's terms. Although he has indicated an interest in doing so, the President has not resumed negotiations on strategic weapons with the Soviet Union. His military budget contains major increases for strategic forces. Also, cutbacks in social programs and record budget deficits have focused attention on the growth of the military budget. In Europe, demonstrations against nuclear weapons brought pressure to bear on political leaders there for a more vigorous effort to control arms. The Reagan Administration is widely seen as having failed to take the limitation and reduction of nuclear arms seriously.

A number of proposals to freeze or reduce the nuclear arsenals of both superpowers have been made. The President has proposed that the United States and the Soviet Union eliminate certain European theater nuclear forces entirely. The Soviet Union has suggested staged reductions in intermediate-range missiles to 300 for each side, with a moratorium on further deployment of these missiles in the European part of the Soviet Union as an act of good faith. One congressional resolution calls for a freeze on the testing, production, and further deployment of nuclear weapons as an immediate objective of strategic arms control. It also calls on the two superpowers to work to cut the size of their nuclear arsenals. Another such resolution, considered a counter to the first one, calls on the President to propose to the Soviet Union a freeze at equal and reduced levels, leaving room for modernization of America's nuclear deterrent.

These resolutions bring several thoughts to mind.

First, we must acknowledge the legitimacy of people's anxiety about nuclear war. It is

no exaggeration to say that many people are very frightened—for good cause. They are concerned about the survival of life on earth. They are right to demand that we get on with the task of arms control.

Second, the two main resolutions under consideration in Congress have common features: they assert the dangers of nuclear war, seek deep cuts in nuclear arsenals, accept negotiation as the best method of achieving mutual cuts, and demand verification of any agreements. However, the one resolution would halt and then reverse the arms race while the other would allow the United States to match the Soviet strategic buildup prior to a freeze. Despite their similarities, these resolutions do not lend themselves to compromise.

Third, I consider the value of the initial freeze resolution to be primarily symbolic. Debate on it can educate all of us and help push the nation forcefully toward arms control as an integral element of our policy of national security. The passage of such a resolution would send a useful signal to the world that we are interested in arms control.

Fourth, this resolution has great appeal in a world which madly builds more and more nuclear arms as it careens toward nuclear holocaust. However, it is not a substitute for specific arms control negotiations or specific development of military capability, whether conventional or strategic.

Fifth, there are some very real problems with the resolution. For example, a freeze at present levels would lock the United States into certain military disadvantages. It would require extensive on-site inspection, something the Soviet Union has traditionally rejected. It would not allow us to modernize our strategic forces and thus might undercut our bargaining position.

Sixth, some opponents of the freeze argue that the United States has fallen behind in the arms race and needs to catch up. This argument is a serious one which must be considered carefully, but I am not persuaded by it at the present time. It is true that the West is behind in intermediate-range nuclear forces in Europe, that the Soviet Union could probably destroy many of our land-based ballistic missiles in a pre-emptive strike, and that the American strategic position is relatively weaker than it was ten years ago. However, it is also true that the United States is ahead in the number of strategic warheads it fields and in the capabilities of its nuclear submarines, of the ballistic missiles they carry, and of its strategic bombers. The balance is one of "essential equivalence" (as President Carter described it) or "rough parity" (as President Ford called it). No one really knows what will happen if these nuclear weapons are used. That uncertainty is one of the principal ingredients of deterrence.

The most pressing tasks before us are to reopen talks with the Soviet Union leading to control of strategic nuclear forces, to pursue energetically the negotiations on intermediate-range nuclear forces in Europe, and to start discussions on limitation of short-range nuclear forces.●

RABBI IRWIN GRONER CELEBRATES 25TH YEAR

HON. WILLIAM M. BRODHEAD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. BRODHEAD. Mr. Speaker, I would like to take this opportunity to honor Rabbi Irwin Groner, who is marking his 25th year as a rabbi and his 15th year as spiritual leader of Congregation Shaarey Zedek in Southfield, Mich.

I have known Rabbi Groner for several years, and I have been deeply impressed with his moral conviction, social concern, and intelligent leadership. He has been a tireless worker on behalf of the poor and the oppressed in this country and throughout the world and has not hesitated to speak out on the major issues of our day. He has sought to provide guidance in the midst of confusion, and understanding in the place of ignorance.

In a recent article of Federal budget cuts, Rabbi Groner wrote:

It is a false and repugnant idea that somehow the poor are the cause of our economic problems and that solutions at their expense are permissible. . . . We believe that the spirit of America and the moral teaching of our religious faiths require of us that we not remain silent in the midst of injustice.

It is typical of Rabbi Groner to speak out against injustice and on behalf of those who are oppressed—the poor here at home, Soviet Jews who are persecuted because of their desire to live and practice their faith in freedom, the citizens of Israel who seek security and peace in the face of intransigent hostility.

Rabbi Groner exemplifies the highest values of personal, religious, and community leadership, and we are enriched by his efforts. I hope that my colleagues will join me in honoring this remarkable man for his achievements and in wishing him every success in the future.●

CAN THE UNITED STATES BE TRUSTED TO COMPLY WITH NUCLEAR WEAPONS TREATIES?

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. BROWN of California. Mr. Speaker, yesterday's Los Angeles Times carried an interesting article on one of the latest plans for the basing the MX missile system. As we all know, the basing mode for the MX missile is a matter of great controversy and uncertainty. Less known is the growing concern over whether the MX missile itself is necessary, and whether a U.S. commitment to the MX missile implies a U.S. commitment to a first strike capability.

The news article which caught my attention deals with the latest plans to orbit MX missiles into outer space, in spite of the provisions of the Outer Space Treaty and the SALT II treaty. As one who has been concerned about an arms race in space, this report of U.S. military interest in moving the MX into space is a matter of great concern. It should interest every Member of Congress. I include the text of this article below.

Mr. Speaker, there are many reasons to avoid and prevent an arms race in space. There are also many reasons why the Reagan administration should quickly disavow any intention to abrogate existing or pending international treaties. Perhaps the most important reason is the need for U.S. leadership in the effort to achieve and maintain world peace. My own congressional district has expressed concern about the Reagan administration's handling of nuclear weapons issues. In my recent postal patron poll, an overwhelming majority wanted negotiations on the limitation and reduction in nuclear weapons. And local editorials, such as the one which follows these remarks, have criticized the President for his failure of leadership in this most important matter.

I commend the following articles to my colleagues:

[From the Los Angeles Times, Apr. 20, 1982]

PLAN TO ORBIT MX'S STUDIED DESPITE TREATY VIOLATIONS

(By David Wood)

WASHINGTON.—A proposal to orbit MX missile warheads in space is being given "a close look" by Pentagon planners, even though the technology for controlling the orbiting warheads is uncertain and the scheme would violate arms control treaties according to defense officials.

Under the proposal, which is being studied at the Air Force Ballistic Missile Office at Norton Air Force Base near San Bernardino, Calif., the missiles would be launched into orbit at the first sign of a Soviet attack. The warheads would orbit high above the Earth, where they could either be activated and released toward their targets, or recalled to fall harmlessly in a remote area.

Although the proposal will likely be attacked by anti-nuclear forces, Thomas Summers, a research engineer with the Eyring Research Institute in Provo, Utah, who helped develop the MX orbiter concept, called it "the first step toward practical disarmament."

"The Russians aren't going to shoot if they know our missiles will be gone before their missiles get here," he said.

The orbiting warhead plan illustrates the pressure on the Defense Department to develop a method for deploying the MX missile in a way that is both militarily and politically acceptable. Just about every other plan the Pentagon has proposed has run into trouble.

What has attracted defense officials to the proposal is that the missiles would be

relatively invulnerable in orbit, rather than being exposed to a Soviet preemptive attack while sitting in undefended silos.

The issue of vulnerability of the 96-ton new-generation MX missiles, scheduled to come off the production line in 1986, is behind the controversy over the MX. Under current Administration plans, 40 missiles would be placed in existing silos as an interim solution. Government planners then would decide on a permanent basing plan by 1984 and carry it out at the end of the decade.

But Congress, reflecting the military's discomfort over the vulnerablity of the missiles during the interim period, has been prodding the Administration to advance its planning schedule. Last month the Senate Armed Services Committee voted to kill the interim basing plan and to demand that the Administration come up with a final basing plan by December.

Pentagon officials had suggested that a basing plan called "dense pack," which involves clustering MX silos to make them more defendable, was the most probable final solution. But the officials said the idea of orbiting warheads, a concept that previously had been studied and rejected because of technological problems, is now gaining support.

One of the proposal's attractions is that it would be relatively inexpensive, involving only the addition of rocket booster power and command and control facilities to the MX system. It would not require massive new ground bases, which was a drawback to the Multiple Protective Shelters plan proposed by the Carter Administration.

"The proposal does have merit, and we are looking at it," an Air Force official said. "This is getting more of a close look than some of the other ideas that have been proposed."

A congressional weapons expert called the orbiting scheme "a little flakey," but he said the idea had aroused some interest in Congress.

Air Force officials involved in the study of the proposal concede, however, that it would violate provisions of the United Nations treaty on space as well as the second Strategic Arms Limitation treaty, both of which specifically prohibit maintaining nuclear weapons in space.

Although the Senate failed to approve the SALT II treaty and the United States never ratified it, both the United States and the Soviet Union have complied with its provisions. Administration officials say a deliberate violation of SALT II by the United States would be a major step that should not be taken lightly.

The treaty provides that neither side "develop, test or deploy . . . systems for placing into earth orbit nuclear weapons or any other kind of weapons of mass destruction."

But the proposal being studied calls for orbiting the U.S. warheads only after there had been signs that the Soviets had launched missiles toward this country—circumstances under which disarmament treaties probably would be considered moot.

Although the technology exists for placing the warheads in orbit, officials said that controlling the orbiting warheads is far more difficult. The proposal calls for as many as 500 mobile command and tracking stations, housed in tractor-trailers that could be driven around to avoid being targeted by Soviet missiles.

Additional tracking and command stations would be built outside the United States, and satellites would provide additional navigational and targeting information.

The officials said that under present technology, precise command and control systems could be knocked out by attacks on U.S. satellites by Soviet satellite killers. Additionally, the high-altitude explosion of Soviet nuclear warheads over the United States could wipe out long-range communications entirely.

"In a war situation, we don't know if we could control or recall the warheads properly," one official said, indicating that the control technology is the focus of current research.

Summers, the research engineer who worked on the plan, said the main benefit of the system could be that "it would move the whole concept of nuclear war 150 miles out in space. The initial exchange, to determine who's going to win, would be in space. That will make life a lot safer for everybody."

[From the Morning Press-Enterprise, Apr. 2, 1982]

ARMS IN PLACE OF LEADERSHIP

Americans, like the rest of the world, have lived in fear of nuclear war for more than a generation.

But not in the last 20 years has there been anything to compare with the apparent grass-roots nuclear freeze movement that first swept Europe and now has taken hold in the United States.

Popular sentiment, as illustrated by California's own initiative drive, town hall votes, congressional resolutions and mass demonstrations, has reached such a high pitch that President Reagan was forced to face the issue at his press conference Wednesday. He had to say what form of freeze he favored.

He came down in support of a freeze only after the U.S. had been allowed to "catch up" to the Soviets. A counter proposal, favored by Senators Kennedy and Hatfield, calls for an immediate freeze on Soviet and U.S. nuclear arsenals to be followed by arms reduction talks.

The Kennedy-Hatfield version is based on the premise that each side has enough nuclear firepower to blow the other away, no matter who presses the button first. The latter version assumes that the Soviet Union could launch a nuclear war, absorb a U.S. retaliation, and fire again.

The president may, indeed, be right. But because he has failed to set forth a clear and sensible arms policy, a growing number of people seem to believe that Mr. Reagan is not only contemplating a nuclear war but getting the country ready to "win" it. In the last 15 months, the president or his top aides have mused about the possibility of a limited nuclear war in Europe or firing a nuclear warning shot to scare the Soviet Union. There has been Pentagon speculation that the United States could completely recover from a nuclear war in four years—tops. And early last month, the administration secretly put the country's emergency nuclear attack communications system through its paces—just to let Russia know it still works.

The otherwise budget-cutting president wants to pour billions into a civil defense program and trillions into defense. But even congressional supporters aren't sure where he wants to put the money.

True, Mr. Reagan proposed to halt missile deployment in Europe if the Soviets get their already installed missiles out. That was good poker, perhaps, but not realistic. And even that proposal didn't emerge until thousands of protesting Europeans finally got the message through that Ronald Reagan was scaring the hell out of them.

So far it has been Ronald Reagan the follower—waiting for a movement to build, then trying to defuse it with belated reassurances. If this is "leadership," it is an example of bad leadership.

On perhaps the most critical issue—nuclear arms control—it is the president, but not necessarily the United States, who has a demonstrated window of vulnerability.●

CONGRESS HAS A CHANCE TO ACT ON PAY REFORM

HON. WAYNE GRISHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. GRISHAM. Mr. Speaker, I am pleased to join with my colleague from New York (Mr. LEE) in introducing the most comprehensive package of bipartisan reforms to the congressional pay system since ratification of the Constitution.

It has become obvious, after the events of last December when Congress voted itself a hefty tax break, that reform is needed. This country is in a time where we are asking American citizens to sacrifice for the sake of economic recovery. Members of Congress have that same obligation. We are not royalty. We are elected representatives of the people and it is time for Congress to get its own house in order.

The Omnibus Congressional Compensation Reform Act of 1982 incorporates seven major reforms of the procedures used by Congress to give itself pay, tax treatment or outside earning improvements.

Congress frequently loses its perspective when faced with setting its own economic conditions. It responds instead to its own whims and wants. It is imperative that all provisions of the legislation are acted upon in a swift manner.

The bill has received the support of Members on both sides of the aisle. An identical companion measure was introduced in the Senate. Chief among its sponsors is the Senate President pro tempore, STROM THURMOND.

Mr. Speaker, I have stated numerous times that proper legislation is needed if we are going to preserve the integrity of the institution of Congress in the eyes of the people. Our first and primary responsibility is to our constituents.

Just recently I saw an advertisement in the Los Angeles Times. It said, "If the people will lead, then the leaders will follow." Let us hope the ad is not correct. Congress must set the example. What better way to start then to deal with the issue of our own pay in a responsible way.

I urge my colleagues to show their support for this legislation by signing

on as a cosponsor. Fairness and integrity know no party.●

IN OBSERVANCE OF NATIONAL VOLUNTEER WEEK

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. ROE. Mr. Speaker, I take great pleasure today in rising to salute the many Americans who unselfishly give up their time to help the less fortunate members of our society.

I, of course, refer to that great army of American volunteers, who every year, with little or no public recognition, give time and services to our Nation worth millions of dollars.

It is only fitting and proper that we salute these true American heroes by designating this week as National Volunteer Week.

In this hectic age we live in, it is most heartening to know that the American tradition of voluntarism is still thriving. Whether they be teenagers working as candy stripers in our hospitals, scout leaders, the Kiwanis Club or other civic organizations, they all share the sense of community involvement and care for their neighbors that has made our Nation great.

During this era of economic distress, we must do all that is possible to insure that our volunteer organizations remain fiscally solvent. It is for that reason that I have cosponsored H.R. 768, the volunteer mileage bill, which provides that the standard mileage rate used in computing Federal imcome tax deductions be the same for charity workers as they are for business-related driving.

We must keep the American volunteer spirit alive. Allowing this income tax deduction would be a key step in insuring that our volunteers will be able to continue with their vital work.●

THE B-1 "PEACEMAKER"

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. DORNAN of California. Mr. Speaker, the former distinguished minority leader, the gentleman from Arizona (Mr. RHODES) in a major speech before the floor of the House, has offered us his reflections regarding the critical issue of the defense of our Nation. While a number of his points are well-taken, others are sure to provoke vigorous debate and none more so than his views on the B-1 bomber or, as I prefer to call it, the B-1 "Peacemaker" because that is its primary function—to act as a deterrent and so keep the peace.

Mr. Rhodes recommends that the B-1 be scrapped as a budget savings measure in favor of a Stealth bomber. He then goes on to candidly admit that "not building the B-1 may result in a defense 'gap' in the middle and late 1980's. Personally, I will take a chance on that."

Mr. Speaker, the fundamental difference between the former minority leader and myself is that he is willing to accept that dangerous defense gap whereas I, in good conscience, cannot. Let me briefly go into the reasons why I cannot support my distinguished colleague.

While Mr. RHODES is content to wait for the development of the Stealth bomber, it is a well-known fact that the Soviet Union already has its version of the B-1, namely, the Backfire bomber which is capable of reaching the United States. Placed in service in the mid-1970's, the Backfire is a twin-engine, swing-wing, turbofan powered bomber capable of carrying freefall bombs and air-to-surface missiles. Over 70 Backfires are presently deployed with long-range aviation with a like number assigned to Soviet naval aviation. The Backfire is a versatile, multipurpose aircraft capable of performing nuclear strikes, conventional attacks, antiship and reconnaissance missions and is currently being produced at the rate of about 2½ aircraft a month or 30 a year. In short, the Soviet Union considers it imperative to have a sophisticated bomber now.

As my distinguished colleague knows from his years on the Defense Subcommittee of the House Appropriations Committee, two legs of our defensive strategic triad are dangerously weak. Our land-based missiles must be significantly strengthened to be able to sustain a Soviet first strike while the air-breathing leg of the triad—our B-52 bombers—are ancient relics from the early 1950's with the pilots, in many instances, younger than the aircraft they fly. Time has taken its toll on the B-52's. As recently as October 30 of last year (1981), a member of the Air Force Reserve, 1st Lt. Navigator Kendall Wallace, crashed in a B-52 D model 10 miles from LaJunta, Calif. Can we in good conscience jeopardize the lives of our young men with inferior, obsolescent aircraft? A fleet of slow, aging, subsonic aircraft is hardly a match for the sophisticated Backfire, particularly when you consider that, as they near Soviet airspace, our B-52's would face the world's most impressive air defense, including thousands of supersonic surface-to-air missiles and fighters.

Mr. Speaker, as I have endeavored to point out on numerous occasions the B-1 aircraft—the first squadron of which is expected to be operational in 1986—is acknowledged by the majority of aviation experts to be the best bomber ever developed by man. As a former U.S. Air Force fighter pilot and as one who has personally piloted the B-1, I can attest to the sophistication, the versatility, and the aerodynamic superiority of this remarkable aircraft. The B-1 is not a prisoner of a predetermined, computerized course. It can take swift, evasive action. It can dodge and weave and avoid enemy weapons. It can be recalled if launched while the United States is under possible, but not confirmed, surprise Soviet nuclear attack. The flexible B-1, armed with cruise missiles, can respond to an infinite variety of battle conditions in a fashion that even the most sophisticated drone aircraft or missile never could. We simply cannot rely on missiles alone—the Soviets do not.

Gen. Douglas MacArthur once wrote: "The history of failure in war can be summed up in two words: too late. Too late in comprehending the deadly purposes of a potential enemy; too late in realizing the mortal danger; too late in preparedness; too late in uniting all possible forces for resistance; too late in standing with one's friends."

Mr. Speaker, at this point I would like to resubmit my remarks of November 18, 1981, regarding the B-1 for the RECORD.

[From the Congressional Record, Nov. 18, 1981]

B-1 PROJECT

● Mr. DORNAN of California. Mr. Chairman, I join with my colleagues here today in support of President Reagan's efforts to restore funding for the B-1 bomber project which President Carter had terminated. Now that we have a President more committed to maintaining the delicate strategic balance between the United States and the U.S.S.R. In pursuit of that balance, President Reagan has announced his intention to build the long-delayed B-1 bomber. This aircraft is acknowledged by the majority of aviation experts to be the best bomber ever developed by man. It is capable of penetrating Soviet air space undetected and may continue to have that ability until the 1990's or later. Only after the Soviets spend massive funds on improved radar systems will they be even able to detect the B-1.

The citizens of my 27th Congressional District can be particularly proud of the B-1 bomber project; much of the research/development and manufacture is the work of local citizens. The Reagan decision to recommend funding for the construction of the B-1 is based upon some logically accepted assumptions. The United States must depend heavily on bombers—and seabased forces—while we take steps to strengthen our land-based missiles. We cannot afford the luxury to wait for the Stealth bomber, which presently exists only on paper. There are currently technical uncertainties about the Stealth bomber. It is expected that these uncertainties will be resolved during development and the advanced technology bomber will be a very effective aircraft when ultimately deployed. Without the B-1, there would be pressures to accelerate the

Stealth bomber, which would increase program risks and possibly result in a less capable aircraft being deployed. Building two bombers will stimulate competition and give the Defense Department the flexibility to adjust bomber production in accordance with any changes in estimates of the cost and effectiveness of the two aircraft, as well as any changes in the Soviet military capabilities.

President Reagan has proposed building 100 of the variant bombers. The term variant is used because research and development has continued on the B-1 since the Carter cancellation. Innovations and efficiencies developed in the 5 years since its cancellation will be incorporated in the new variant model. The first B-1 squadron is expected to be operational in 1986.

Mr. John W. R. Taylor, editor of Janes All the World's Aircraft, is universally recognized as one of the foremost experts on every type of military and civilian aircraft. Mr. Taylor warns,

"It is therefore vital for all people to understand that the fragile co-existence maintained for generations by balanced East-West military power is being allowed to slip inch by inch from our grasp."

When Mr. Taylor was asked about his thoughts on the opposition that has been raised to the B-1, he replied:

Most of that has been due to the high cost. But really, I do not think that the cost is the main consideration. It is a question of what it does for you. Does it keep you alive? If there is anything else that will do the job less expensively, by all means build it. But, in this case, there just isn't anything else.

The decision to build the B-1 is a clear move away from the previous administration's policy of unilateral arms restraint. The Reagan administration wants to be sure that any weapon system forgone by the U.S. Government is reciprocated by the Soviet Union. The new policy direction will increase the Soviet incentive to seriously discuss arms limitation agreements. In turn, assisting our Nation in achieving its most important foreign policy goals: Preservation of peace and valid arms limitation agreements with verifiable provisions in any treaty that is agreed upon.

The B-1 bomber will have advantages that no other leg of our triad of strategic nuclear forces possesses. Some of these are:

Bombers are the only element that can be launched prior to a decision to employ these weapons, and permits a trained crew to take actions and accept responsibilities that cannot be anticipated or preprogramed in missile systems.

Weapons-carrying bombers can be launched to insure their survivability, or to signal national resolve during times of crisis with the confidence that the crew can be redirected or recalled as the situation develops. Bombers can be put on increased ground alert, dispersed to remote airfields, flown on airborne alert, or dispatched to trouble spots throughout the world without a final commitment to use their weapons. In a time when the availability of foreign bases and ports is uncertain, the B-1 will provide the quickest, and in some cases probably the only, means to mount a rapid show of force.

Bombers provide the only capability to engage unanticipated or mobile targets by using the crew and aircraft sensors to determine target location at the times of delivery.

In assisting maritime roles, bombers have the inherent capability to provide an important supplement to U.S. Naval Forces. They can provide collateral maritime support in long range sea surveillance and interdiction, mine laying and, potentially, in antisubmarine warfare.

As a reusable strategic weapons system, bombers have the capability to accurately deliver large nuclear or conventional payloads throughout the course of the conflict, regardless of the level.

The B-1 is going to enter into the defense of our Nation's borders much later that it could have or should have. It will nevertheless play a vital role on our strategic defense until the year 2000, and perhaps beyond. First as a penetrating bomber, later as a bomber capable of standing off the coast of an adversary nation and launching cruise missiles. Its manufacture sends a strong signal to the Soviets that we are as serious about our defense as we are about pursuing arms agreements.

And one more item before I close. I will be circulating a letter to colleagues which will be sent to the President asking him to appoint the Nation's No. 1 "junkyard dog" and a bona fide "cheap hawk" as the project manager for the B-1 project. I of course refer to A. Ernest Fitzgerald who was removed some 10 years ago from his position of authority in the C-5A cargo plane project because he "committed a truth" with respect to the C-5A cost overruns in testimony before a congressional committee. I think that the appointment of Mr. Fitzgerald will further add credibility to the President's efforts to build up the defenses of the United States without at the same time breaking the national treasury.●

IN CELEBRATION OF DUTCH-AMERICAN FRIENDSHIP

HON. GERALD B. H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. SOLOMON. Mr. Speaker, the occasion of Queen Beatrix's address to today's joint session of Congress is the highlight of our national celebration of 200 years of Dutch-American friendship, marked by the Queen's visit to the United States.

I join with the voices of countless other Americans in welcoming our visitors from the Netherlands. I am privileged to represent an area of the Nation which is of strong Dutch heritage—the 29th Congressional District of New York. In fact, this region of New York was graced by a visit of then-Princess Beatrix to Hudson, N.Y., where she was officially received and honored in 1959.

The 350 years before that occasion, in 1609, Capt. Henry Hudson navigated the waters of what is today the Hudson River and sailed through what is now the 29th Congressional District of New York. To this day, one of the cities of the 29th District is named after Henry Hudson's ship, the *Half Moon.* This exploration marked the beginning of a long and fruitful relationship between the New York Hudson Valley and the Dutch people. Many of the first permanent settlements in this area were founded by Dutch settlers, and their constant industriousness was unrivaled in other settlements in the American colonies. These Dutch settlers constituted some of the most important farming families anywhere in the colonies, firmly establishing the Hudson Valley as a vital agricultural area. One enterprising group of Dutch-descendent colonists in Coxsackie, N.Y., even drafted their own declaration of independence, predating Thomas Jefferson's immortal document by slightly more than 1 year. And equally important, one of the three American Presidents of Dutch heritage, Martin Van Buren, was born and lived in the Hudson Valley and returned there after the expiration of his term of office as our eighth President. Throughout our Nation's history, these Hudson Valley dwellers of Dutch descent have made astounding contributions to the growth and development of the Northeastern region of the United States.

Today, a large number of my constituents are of Dutch descent. They join with me and all other Americans in commemorating 200 years of strong, unfailing friendship between the United States and the Netherlands, and in heralding the continuation of this most special relationship for many, many years to come.●

LLADRO BROTHERS BRING "THE BEST OF LLADRO" TO WASHINGTON, D.C., FOR EXHIBIT

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. DICKS. Mr. Speaker, last week, the Washington area was privileged to have an exhibit of "The Best of Lladro" at the L'Enfant Plaza Hotel. The three Lladro brothers, together the founders of the unique Lladro porcelain figurines, were in the Nation's Capital with the most comprehensive collection of Lladro ever exhibited in the United States. Lladro porcelains are renowned worldwide and this area was privileged to host such an extensive exhibition of these figurines.

Lladro porcelain is the creation of the three Lladro brothers—Juan, Jose, and Vincente. All three studied painting and sculpture at the Escuela de Artes y Officios de Valencia in Valencia, Spain, just 4 miles from their home in Almacera.

In 1951, the three started their ceramic atelier in their family home. Their first products were ceramic flowers, used as decorative elements on lamps and sold in Valencia's shops. Soon the demand was so great for decorative flowers that the brothers were training young artists from their area

as flower modelers. In 1955 a retail outlet was opened in Valencia and in 1958 a factory was established in Tabernes Blanques. At that time, production centered solely around decorative flowers and ceramic figures. By the mid-1960's a wide variety of moderately priced, stylized figures, modeled after characters of the Italian Commedia dell'Arte, Shakespeare and Oriental folklore, as well as religious figures, historical groups, and animals and wildlife subjects, had become popular throughout the world.

The Lladro collection expanded into vases, mermaids, and chess pieces in the next few years. Today, the Lladro brothers still have their factory at Tabernes Blanques and employ 2,000 workers and craftsmen. Their work has added an important element to Spanish art and has added an even more important element to the venerable history of the art of porcelain.

I am pleased that the Lladro brothers selected Washington, D.C., to introduce additions to their distinguished fine line of porcelain. I know their exhibit has been a great success and has generated a great appreciation for and interest in the art of producing porcelain.●

TRIBUTE TO BOYS' TOWNS OF ITALY

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. SMITH of New Jersey. Mr. Speaker, more than three and one-half decades have passed since the founding of the Boys' Towns of Italy by Msgr. John Patrick Carroll Abbing. I would like to take this opportunity to recognize the thousands of men and women in the United States who have given so much of themselves in service to the homeless and forgotten teenagers of Italy and the world.

The story of Boys' Towns of Italy is a reminder of the great love of the American people for the children of the world. When Msgr. John Patrick Carroll Abbing founded Boys' Towns to care for the abandoned children left homeless by the war, his actions were based on faith, love, and trust. Now the services of this organization have spread to many nations and to both young men and women who have been neglected by society.

Through the caring citizens of Italy, America, and the world, these children are given homes, a sense of purpose in life and a feeling of responsibility toward their fellow men. Dwight Eisenhower once noted that "the success of Boys' Towns is a tribute to the great heart of the American people." I believe that we have much to be proud of.

The battle to save the lives of these young people has not ended. Many thousands are still in great need, including great numbers who still remain victims of the recent shattering earthquakes in Italy.

Local chapters of Boys' Towns of Italy are still working to mold fine citizens of the world from the homeless teenagers living in the streets of Italy today. American men and women remain dedicated to lifting up these young people from the devastation which exists in their lives today.

I cannot possibly mention everyone who has helped in this cause, but I want to pay a special tribute to the Mercer County Chapter of the Boys' Towns of Italy for their tremendous work. Under the leadership of Samuel J. Plumeri, this chapter has done a great deal to increase public awareness of the plight of young people in Italy and around the world. They continue to support Msgr. John Patrick Carroll Abbing's work through their love and dedication to troubled youth.

Mr. Speaker, I want to urge all of my colleagues in the House of Representatives to join me in commending the American volunteers to Boys' Towns of Italy. They have sacrificed of themselves, and have contributed to a new generation of magnificent men and women. We owe them a debt of thanks.●

EL SALVADOR: THE MEANING OF THE ELECTIONS

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. OBERSTAR. Mr. Speaker, The March 28 elections in El Salvador have produced conflicting analyses of the significance of those elections and their impact on the civil war within that country.

It is clear, however, the elections did not produce the result for which the State Department had hoped and upon which U.S. policy had been based. The Christian Democrats did not win control of the Legislative Assembly.

I visited El Salvador in February because of my concern over deepening U.S. involvement in the armed conflict in that country. Prof. Jorge Lawton of the University of Maryland Baltimore County accompanied our congressional delegation as academic adviser. The Baltimore Evening Sun published an analysis of the March 28 election written by Professor Lawton in its April 6 edition. I ask unanimous consent to include the Lawton article in the RECORD, and urge my colleagues to consider very carefully this informed, realistic appraisal of the Salvadoran elections.

[Baltimore (Md.) Evening Sun, Apr. 6, 1982]

SALVADOR'S ELECTION SOLVED NOTHING

(By Jorge A. Lawton)

Much of El Salvador has voted. Amidst an ongoing war which already has claimed more than 30,000 lives in the past 30 months, an entire people is aching for peace. Their vote, even within the sadly stunted range of candidates, is a desperate cry of "Bata Ya"—"Enough"—to the killings.

If nothing else, these elections should lay to rest the insulting stereotype that El Salvador's excruciating suffering somehow derives from a "culture of violence," endemic to those people. Such racial stereotypes only obscure the uncomfortable fact that there are conscious authors of these killings. The truth is that the people of El Salvador value life just as much as the people of Baltimore.

But in essence what will change in El Salvador's war as a result of the March 28 elections? The destabilizing factors of long-term structural injustice and today's civil war continue. The war is now likely to intensify. Suffering and killing will increase rather than decrease.

The locus of power was and is in the army. The chance for moderate civilians to press the army for reforms is now weakened, if not eclipsed entirely. In fact, these elections have returned to political office the same oligarchy which for 50 years had crushed any hope of peaceful evolution in El Salvador.

Short term expediency—the U.S. insistence on holding elections at a time when center and center-left candidates could not participate—may well have complicated further the search for long-term stability in El Salvador. Just this past month Archbishop Riveray Damas lamented to a U.S. congressional delegation that it was "the least appropriate moment for democratic elections." In fact, the elections have narrowed the policy options still open for the United States in the crisis.

The last time meaningful elections were held in El Salvador was in 1972. Then centrist Christian Democrats and Social Democrats could and did participate. Their centrist coalition won on overwhelming majority of the votes. But this came before the days of armed guerrilla forces. No international observers were present. The army's National Conciliation Party (PCN) declared itself the victor and installed itself in power. The Centrist coalition's appeal to the United States to support electoral integrity in tiny El Salvador fell on deaf ears.

Repeated attempts by more and more grass roots organizations to gain some degree of participation in the political system by peaceful means were rejected and repressed by the military. The United States remained silent. As frustration over all attempts at peaceful reform continued to swell, political options in El Salvador naturally grew more and more polarized.

Finally, on October 15, 1979, a mix of younger, reform-minded military officers together with other traditional, older officers negotiated the removal of the latest in a long line of dictators, General Romero, in a bloodless coup. Part of the price for Romero's departure, unharmed and well financed, was that the dictator's trusted comrade-in-arms, Colonel Garcia, stay.

Garcia successfully blocked each attempt by the reformist young officers, grouped around Colonel Majano, to implement any democratic opening of Salvadorean society. A small group of progressive Christian Dem-

ocrat and Social Democrat civilians struggled to tip the balance of the military in favor of limited reforms and to plead with the Salvadorean people once more for their continued patience and trust.

Within 80 days the internal power struggle had been decided. All but one of the 39 cabinet and sub-cabinet officers resigned in protest. That one member was Colonel Garcia.

Still another patchwork coalition of more conservative Christian Democrats formed another Junta with Colonel Garcia. Their attempt lasted only 60 days. Massive evictions and an increase in peasant killings to 20 per day made a mockery of the agrarian reform. Centrists within the Christian Democrat Party resigned in protest, leaving only the conservative Old Guard.

In March 1980 the opposition political forces, swollen now by the former Christian Democrats, created the Revolutionary Democratic Front (FDR) umbrella group. On March 24, El Salvador's beloved Archbishop, Oscar Romero, was assassinated after calling for the United States to stop supplying weapons to the army.

The Old Guard remnants of the Christian Democrats reacted to the massive defections of progressives and centrists from their party by moving farther to the right. Clinging to an ever decreasing possibility for reforms, these Old Guard Christian Democrats lent their civilian image to the now ascendant military. They called upon Jose Napoleon Duarte, political veteran of the 1960s, to serve as their titular head. The inevitable policy differences between civilian Duarte and military strongman Garcia were settled by the latter.

In 1982, ten years after it had ignored the military's electoral fraud against Duarte, the U.S. attempted to revive and legitimize the Old Guard wing of the Christian Democrats. The United States now felt that it needed the PDC to preempt the alternative program presented by the FDR. Under conditions where the FDR candidates could not compete and where only far right parties remained as opponents, the U.S. now pressed for elections.

The Reagan administration strategy was that given the people's exhaustion with the war, the extremely narrow and stark choice of candidates, and the obligatory nature of voting in El Salvador, a majority of those voting would opt in favor of Duarte's Christian Democrats. In the process the FDR would appear as anti-electoral and lose prestige.

But there was little appreciation of just how discredited Duarte's Christian Democrats has become after sharing power with the Army during the past two years. Nor did the administration take seriously enough until too late the simplistically appealing promise of "Bobby" d'Aubisson for a quick, military solution to the nation's crises.

Neither the Christian Democrats nor any other single party won a simple majority on March 28. The PDC tally of 41 percent can only be converted to a voting majority in coalition with one of two far-right parties. These are, (1) the National Conciliation Party (PCN), through which the dictatorships governed from 1961-1979, with 17 percent of the vote, and (2) the Nationalist Republican Alliance (ARENA), with 29 percent.

ARENA's leader, ex-Army Major d'Aubisson, can be accused of many things, but not of ambiguity. He has equated any negotiations with "total surrender" (as have General Garcia and the Salvadoran Joint Chiefs), threatened to assassinate Mr. Duarte, and pledged to solve Salvador's crisis militarily by "wiping out all the guerrillas in three months" using napalm as needed. Founder of the White Warriors Union death squad, Major d'Aubisson attempted two military coups against Mr. Duarte in 1980, and was indicted under Salvadoran law for the murder of Monsignor Romero. Subsequently d'Aubisson was freed and the judge fled the country.

Such are the fruits of the constituent assembly elections. The far-right parties have threatened to form a "government of national unity" excluding the Christian Democrats entirely. The Reagan administration's efforts to salvage their flawed electoral strategy by insisting that the far-right parties at least prominently display a few token Christian Democrats while hiding Major d'Aubisson behind the scenes, will only prolong the Salvadorean people's agony. But now that they have painted themselves into a corner few other options are still open to the Reagan administration.

Depolarization and detoxification continue to be urgently needed in El Salvador in order to lay the minimal preconditions for any genuinely democratic choice. Such may have to wait until the deaths of hundreds or thousands more Salvadoreans punctive the myth that social peace can be reached through a "military solution."

Once again the common working people of El Salvador, renowned for their industriousness and endurance through the daily hell, have reached out for a democratic solution. Once again they are being defrauded of the only basis for lasting stability and true peace. Only by seizing without further delay the Mexican initiative for unconditional negotiations between all the warring factions can that basis be begun.●

UNION CAMP IN NEW JERSEY: A SUCCESS STORY

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1982

● Mr. SMITH of New Jersey. Mr. Speaker, recent news stories have dwelled on the problems besetting American business. We hear so much about low worker morale, aging plants and equipment, and low productivity that it seems many industries have gone into an irreversible decline.

One plant in my district, Union Camp Corp. corrugated container plant in Trenton, N.J., is proving that the problems of manufacturers in the United States are not insurmountable. The company has made a commitment to building productive relationships between workers and management and opening up lines of communication. The plant has coupled this commitment with a sound business plan and a competitive spirit. In so doing it has demonstrated that it is possible to turn an operation around even in difficult economic times.

Union Camp has manfactured corrugated boxes in Trenton for 35 years. In the mid-1970's the plant on East State Street suffered a serious drop in profits. In 1978 the plant lost nearly three-quarters of a million dollars.

Union Camp's planners, based at the corporate headquarters in Wayne, N.J., believed that the plant's basic business, box manufacturing, was sound, and that New York area market, though extremely competitive, could still be highly lucrative. It made a commitment to keep the plant alive.

A newly appointed general manager, John R. Thomas, concentrated first on worker attitudes. "When I came on board, a lot of people felt they were on a sinking ship," Thomas said. "I had to convince them that the ship was strongly built, and, with the right direction, could carry us along."

Thomas worked hard to eliminate an adversarial relationship between management and union workers. To help achieve this, he brought in Frank Lesnock, a plant superintendent at a Union Camp facility in Pennsylvania, and soon promoted him to manufacturing manager. Lesnock's approach made a big difference. According to Thomas, Lesnock "can assess people quickly, find out what makes them tick and create a desire in them to work for him."

Gradually the barriers between workers and management came down. Workers felt free to offer constructive suggestions. They became personally involved in the success or failure of the plant. According to Thomas, "they began to realize that if their productivity and quality were a notch above the competition, they would strengthen their job security."

Thomas also encouraged managers to communicate directly among themselves. He scheduled management meetings every Tuesday and Thursday at 7:45 a.m. to discuss shipping dates, set deadlines and resolve problems. Memo writing has practically stopped, and information moves freely throughout the plant. To make sure information moves up and down the organization, Thomas has maintained a policy of seeing any employee at any level who has a constructive suggestion. He encourages supervisors to do likewise.

These improvements in attitude have more than intangible value. "Our greatest asset is our people's ability to work with one another," Thomas said.

Having established a positive climate, the managers tackled the business problem. A key problem was the business mix. The plant was serving too many marginally profitable accounts and producing too high a percentage of low-profit products. Management carefully studied which boxes produced the most profit. Richard Hostinsky, the plant's sales manager, successfully carried out a plan to bring in more customers who needed the profitable products. The plant also in-

vested in new machinery to increase productivity.

All this activity, and the determination to succeed, have dramatically altered the picture for Union Camp's 130 Trenton employees. In 1979, for example, it took 8.4 man-hours to produce 1 ton of finished boxes. In 1980 it took 7.3 man-hours, a productivity improvement of 15 percent, representing an annual saving of over $200,000. The plant now operates at profit.

Mr. Speaker, my own visit to the Trenton plant left me very impressed. I can confirm John Thomas' claim that the plant's hourly workers are "hard working and dedicated" and "some of the best in the business." Workers, supervisors, and senior managers seemed to know each other and get along well. The plant was busy filling orders. Its recent profitability record speaks for itself.

Union Camp Corp.'s Trenton plant sets an excellent example for all American manufacturers. I want to commend its efforts to Congress.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, April 22, 1982, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 23

9:00 a.m.
Finance
Taxation and Debt Management Subcommittee
To hold hearings on miscellaneous tax proposals, including S. 473, S. 474, S. 710, S. 1854, and S. 1923.
2221 Dirksen Building

9:30 a.m.
Banking, Housing, and Urban Affairs
Consumer Affairs Subcommittee
To hold oversight hearings on the role of the Federal Reserve Board in the operation of automated clearinghouse services.
5302 Dirksen Building
Judiciary
Security and Terrorism Subcommittee
To hold oversight hearings on activities of the Drug Enforcement Administration, Department of Justice, and on proposed authorizations therefor.
2228 Dirksen Building
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on S. 2002, proposed Bilingual Education Amendments of 1981, and other related proposals.
4232 Dirksen Building
Special on Aging
To hold hearings on the impact of the Administration's housing proposals on older Americans.
5110 Dirksen Building

10:00 a.m.
Appropriations
Military Construction Subcommittee
To continue joint hearings with the Committee on Armed Services' Subcommittee on Military Construction on S. 2205, authorizing funds for fiscal year 1983 for military construction programs of the Department of Defense, and S. 1990, revising certain provisions of law relating to military construction and military family housing.
212 Russell Building
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Urban Mass Transportation Administration, Department of Transportation.
1318 Dirksen Building
Armed Services
Military Construction Subcommittee
To continue joint hearings with the Committee on Appropriations' Subcommittee on Military Construction on S. 2205, authorizing funds for fiscal year 1983 for military construction programs of the Department of Defense, and S. 1990, revising certain provisions of law relating to military construction and military family housing.
212 Russell Building
Energy and Natural Resources
To hold hearings on the world petroleum outlook.
3110 Dirksen Building
Rules and Administration
To hold hearings on proposed budget recommendations for fiscal year 1983 for the Secretary of the Senate, Sergeant at Arms of the Senate, and the Architect of the Capitol.
301 Russell Building

APRIL 26

9:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 2172, creating a jurisdictional framework to apportion the authority regulating cable systems between the Federal and state governments, and providing for a competitive marketplace for cable systems in the telecommunications industry.
235 Russell Building
Energy and Natural Resources
Energy Research and Development Subcommittee
To resume oversight hearings on the Department of Energy research and development programs.
3110 Dirksen Building

9:30 a.m.
Foreign Relations
To resume hearings on S. 2227, authorizing funds for fiscal years 1983 and 1984 for international security and development assistance programs, focusing on assistance to Asia.
4221 Dirksen Building
Governmental Affairs
Intergovernmental Relations Subcommittee
To hold oversight hearings on the Office of Management and Budget's Circular A-95, focusing on Federal planning requirements for Federal grant programs, and to review recent OMB policy revisions therefor.
3302 Dirksen Building
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume hearings on S. 2002, proposed Bilingual Education Amendments of 1981, and other related proposals.
4232 Dirksen Building

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Federal Aviation Administration, Department of Transportation.
1318 Dirksen Building
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Office of the Secretary, International Affairs, Bureau of Government Financial Operations, Bureau of the Public Debt, and the Bureau of the Mint, Department of the Treasury.
1114 Dirksen Building
Environment and Public Works
Environmental Pollution Subcommittee
To hold hearings on proposed authorizations for programs of the Resource Conservation and Recovery Act.
4200 Dirksen Building

1:30 p.m.
Foreign Relations
To continue hearings on S. 2227, authorizing funds for fiscal years 1983 and 1984 for international security and development assistance programs, focusing on assistance to Asia.
4221 Dirksen Building

2:00 p.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the U.S. Customs Service, U.S. Secret Service, Bureau of Alcohol, Tobacco and Firearms, and the Federal Law Enforcement Training Center, Department of the Treasury.
1114 Dirksen Building

Finance
Oversight of the Internal Revenue Service Subcommittee
To hold hearings on S. 2369, clarifying standards for determining whether certain individuals qualify as independent contractors for employment income tax purposes, and improving the level of tax compliance among independent contractors exempt from mandatory wage withholding.
2221 Dirksen Building

3:00 p.m.
Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To hold hearings on S. 2367 and S. 2377, bills authorizing funds through fiscal year 1986 for programs of the Urban Mass Transportation Administration, Department of Transportation.
5302 Dirksen Building

APRIL 27

8:30 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Office of the Federal Inspector, Alaska Natural Gas Transportation System, Bureau of Mines, Department of the Interior, and the National Endowment for the Arts.
1318 Dirksen Building

9:00. a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To continue hearings on S. 2172, creating a jurisdictional framework to apportion the authority regulating cable systems between the Federal and state governments, and providing for a competitive marketplace for cable systems in the telecommunications industry.
6226 Dirksen Building

9:30 a.m.
Banking, Housing, and Urban Affairs
Securities Subcommittee
To hold hearings on S. 1869, S. 1870, S. 1871, and S. 1977, bills revising or repealing certain provisions of the Public Utility Holding Company Act of 1935.
5302 Dirksen Building

Foreign Relations
To resume hearings to review U.S. policy in Central America and the Caribbean; to be followed by a business meeting, to consider pending legislation and nominations.
4221 Dirksen Building

*Labor and Human Resources
Labor Subcommittee
Business meeting, to mark up S. 1785, increasing the penalties for violations of the Taft-Hartley Act, requiring immediate removal of certain individuals convicted of crimes relating to his official position, broadening the definition of the types of positions an individual is barred from upon conviction, increasing the time of disbarment from 5 to 10 years, escrowing a convicted official's salary for the duration of his appeal, and clarifying the jurisdiction of the Department of Labor relating to detection and investigating criminal violations relating to ERISA; and S. 2349, authorizing funds for fiscal year 1983 for the National Science Foundation.
4232 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Science Foundation.
1224 Dirksen Building

Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building

Environment and Public Works
Business meeting, to resume markup of proposed amendments to the Clean Air Act (Public Law 95-95).
4200 Dirksen Building

Select on Intelligence
Closed business meeting, to resume markup of proposed legislation authorizing funds for fiscal year 1983 for the intelligence community.
S-407, Capitol

11:00 a.m.
Judiciary
Business meeting, to mark up S. 1992, extending the effects of certain provisions of the Voting Rights Act of 1965; and other pending calendar business.
2228 Dirksen Building

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Peace Corps, and the Inter-American Foundation.
S-128, Capitol

Foreign Relations
To hold hearings on the nomination of Selwa Roosevelt, of the District of Columbia, for the rank of Ambassador during the tenure of her service as Chief of Protocol for the White House.
4221 Dirksen Building

Judiciary
Immigration and Refugee Policy Subcommittee
Business meeting, to mark up S. 2222, revising and reforming U.S. immigration laws.
412 Russell Building

APRIL 28

9:30 a.m.
Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for certain programs which fall within the jurisdiction of the subcommittee, receiving testimony from public witnesses.
S-146, Capitol

Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To resume hearings on S. 2367 and S. 2377, bills authorizing funds through fiscal year 1986 for programs of the Urban Mass Transportation Administration, Department of Transportation.
5302 Dirksen Building

Governmental Affairs
Oversight of Government Management Subcommittee
To hold hearings on S. 2059, revising the special prosecutor provisions of the Ethics in Government Act of 1978, to insure independent investigations of high-ranking Federal officials and to remove inequities in the present law.
3302 Dirksen Building

Committee on Veterans' Affairs
Business meeting, to mark up S. 349, providing for limited judicial review of the administrative action of the VA, and for reasonable fees to attorneys representing legal counsel for veterans; S. 2384, extending for one year VA authority to provide contract health care to veterans in Puerto Rico and the Virgin Islands; S. 2383, extending VA authority to provide construction grants to State veterans' home facilities; S. 1034, providing an equitable formula for computing per diem rates for the cost of care provided veterans in State nursing homes; S. 2385, authorizing funds for the VA health professional scholarship program; S. 2389, maintaining and improving the VA health-care system, and authorizing funds for certain VA health-care programs, and other related measures.
412 Russell Building

10:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To continue hearings on S. 2172, creating a jurisdictional framework to apportion the authority regulating cable systems between the Federal and State governments, and providing for a competitive marketplace for cable systems in the telecommunications industry.
235 Russell Building

Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building

*Environment and Public Works
Environmental Pollution Subcommittee
Business meeting, to mark up S. 1018, prohibiting the Federal Government from funding commercial and residential growth on undeveloped barrier beaches and islands; S. 327 and H.R. 1486, bills authorizing funds for the establishment of the Protection Island National Wildlife Refuge in Jefferson County, Wash.; and H.R. 1952, authorizing funds for fiscal years 1982, 1983, and 1984 for certain conservation programs on military reservations and public lands.
4200 Dirksen Building

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold oversight hearings on the implementation of guidance and counseling programs of the Department of Education.
4232 Dirksen Building

1:00 p.m.
Environment and Public Works
To hold hearings on S. 1606, establishing a Federal supplemental property insurance fund for nuclear powerplants, and providing funds for the cleanup of the damaged Three Mile Island Unit No. 2 nuclear power reactor (TMI-2).
4200 Dirksen Building

1:30 p.m.
Conferees
On S. 1193, authorizing funds for fiscal years 1982 and 1983 for the Department of State, authorizing funds for fiscal year 1982 for the Arms Control and Disarmament Agency, authorizing funds for fiscal years 1982 and 1983 for the International Communications

Agency, and authorizing funds for fiscal years 1982 and 1983 for the Board for International Broadcasting.
S-116, Capitol

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Bureau of Indian Affairs' education programs.
1224 Dirksen Building

Judiciary
To hold hearings on pending nominations.
2228 Dirksen Building

APRIL 29

9:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for fossil research and development and fossil construction programs of the Department of Energy.
1318 Dirksen Building

Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
235 Russell Building

9:30 a.m.
Foreign Relations
To hold hearings to review capabilities of U.S. Armed Forces to carry out U.S. foreign policy commitments and treaty obligations worldwide.
4221 Dirksen Building

Governmental Affairs
Energy, Nuclear Proliferation and Government Processes Subcommittee
To hold hearings on S. 2284, proposed Federal Radiation Protection Management Act.
3302 Dirksen Building

Judiciary
Criminal Law Subcommittee
To resume hearings on proposals providing for a ban on the manufacture or sale of nonsporting handguns, mandatory sentences for the use of a firearm in committing a felony, and a preclearance procedure for the sale or transfer of any handgun.
Room to be announced

Select on Indian Affairs
To hold oversight hearings on current economic development programs as they affect Indians.
5302 Dirksen Building

10:00 a.m.
Energy and Natural Resources
To hold hearings on S. 2332, extending until July 1, 1983, the expiration date of section 252 of the Energy Policy and Conservation Act, which provides a limited antitrust defense for U.S. oil companies participating in the international energy program.
3110 Dirksen Building

Environment and Public Works
Business meeting, to resume markup of proposed amendments to the Clean Air Act (Public Law 95-95).
4200 Dirksen Building

10:30 a.m.
Veterans Affairs
To hold hearings to receive legislation recommendations for fiscal year 1983 from officials of AMVETS and the Military Order of the Purple Heart.
318 Russell Building

1:00 p.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for activities of the Secretary of Education.
1114 Dirksen Building

1:30 p.m.
Conferees
On S. 1193, authorizing funds for fiscal years 1982 and 1983 for the Department of State, authorizing funds for fiscal year 1982 for the Arms Control and Disarmament Agency, authorizing funds for fiscal years 1982 and 1983 for the International Communications Agency, and authorizing funds for fiscal years 1982 and 1983 for the Board for International Broadcasting.
S-116, Capitol

3:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for international security assistance programs of the Department of State.
S-128, Capitol

APRIL 30

9:30 a.m.
Commerce, Science, and Transportation
To hold oversight hearings on the implementation of the Magnuson Fishery Conservation and Management Act Amendments (Public Law 94-263), and on proposed authorizations thereto.
235 Russell Building

Environment and Public Works
Transportation Subcommittee
Business meeting, to mark up proposed legislation authorizing funds for the Federal-aid highway program.
4200 Dirksen Building

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for programs of the Department of Transportation and related agencies.
1318 Dirksen Building

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Internal Revenue Service, Department of the Treasury, and the Executive Office of the President (excluding the Office of Management and Budget).
1114 Dirksen Building

Energy and Natural Resources
Energy Regulation Subcommittee
To hold oversight hearings to review certain programs administered by the Office of Federal Inspector, Alaska Natural Gas Transportation System, and the Economic Regulatory Administration and Federal Energy Regulatory Commission, Department of Energy.
3110 Dirksen Building

2:00 p.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for activities of the Office of the Secretary of the Treasury.
1114 Dirksen Building

MAY 3

9:30 a.m.
Energy and Natural Resources
To hold hearings on S. 2305, insuring all energy and mineral resources on public lands and on the Outer Continental Shelf are provided for under the direction of the Secretary of the Interior.
3110 Dirksen Building

Governmental Affairs
Federal Expenditures, Research and Rules Subcommittee
To hold hearings on proposed legislation improving the efficiency of the Federal procurement system.
3302 Dirksen Building

10:00 a.m.
Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
235 Russell Building

Labor and Human Resources
Alcoholism and Drug Abuse Subcommittee
Business meeting, to mark up proposed legislation authorizing funds for the National Institute on Drug Abuse, and the National Institute on Alcohol Abuse and Alcoholism.
4232 Dirksen Building

1:30 p.m.
*Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for the Department of Labor; and the Health Services Administration, Centers for Disease Control, and the National Cancer Institute, Department of Health and Human Services.
1114 Dirksen Building

2:00 p.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for programs of the Department of Transportation and related agencies.
1318 Dirksen Building

MAY 4

8:30 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Smithsonian Institution, Holocaust Memorial Council, and the Advisory Council on Historic Preservation.
1318 Dirksen Building

9:00 a.m.
Office of Technology Assessment
The Board, to hold a general business meeting.
S-120, Capitol

9:30 a.m.
*Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Heart, Lung and Blood Institute, National Institute of Neurological and Communicative Disorders and

Stroke, and the National Institute of Arthritis, Diabetes, Digestive and Kidney Diseases, Department of Health and Human Services.
1114 Dirksen Building

Environment and Public Works
Business meeting, to resume markup of proposed amendments to the Clean Air Act (Public Law 95-95).
4200 Dirksen Building

Labor and Human Resources
To hold oversight hearings on the Office of Federal Contract Compliance Programs, Department of Labor.
4232 Dirksen Building

10:00 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the General Services Administration.
1224 Dirksen Building

Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building

1:30 p.m.
*Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Institute of Child Health and Human Development, National Institute of General Medical Sciences, National Institute of Dental Research, National Institute on Aging, National Institute of Environmental Health Sciences, National Eye Institute, Division of Research Resources, Health Care Financing Administration, and the Social Security Administration (including Office of Refugee Resettlement), Department of Health and Human Services.
1318 Dirksen Building

2:00 p.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Administrative Conference of the United States, Advisory Commission on Intergovernmental Relations, Advisory Committee on Federal Pay, Committee for Purchase from the Blind, and the Federal Elections Commission.
1224 Dirksen Building

MAY 5

9:30 a.m.
*Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Alcohol, Drug Abuse, and Mental Health Administration, Office of the Assistant Secretary for Health, and the Health Resources Administration, Department of Health and Human Services.
1114 Dirksen Building

Commerce, Science, and Transportation
To hold hearings on the nominations of Vice Adm. James S. Gracey, U.S. Coast Guard, to be commandant, and Rear Adm. Benedict L. Stabile, U.S. Coast Guard, to be vice commandant, each for the U.S. Coast Guard.
235 Russell Building

Labor and Human Resources
To hold oversight hearings on the Department of Labor's handling of labor union pension fund abuses.
4232 Dirksen Building

Select on Indian Affairs
To resume oversight hearings on current economic development programs as they affect Indians.
6226 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Aeronautics and Space Administration.
1224 Dirksen Building

Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building

Environment and Public Works
Environmental Pollution Subcommittee
Business meeting, to consider proposed legislation authorizing funds for programs of the Resource Conservation and Recovery Act, Marine Protection, Research and Sanctuaries Act, and the Federal Water Pollution Control Act.
4200 Dirksen Building

Veterans Affairs
To hold hearings on a Veterans' Administration proposal to decentralize certain medical automated data processing facilities.
412 Russell Building

1:30 p.m.
Appropriations
*Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Office of Human Development Services, Office of Community Services, and certain health and human services programs, Department of Health and Human Services; and for elementary and secondary education programs, bilingual education program, and the impact aid program, Department of Education.
1318 Dirksen Building

2:00 p.m.
Environment and Public Works
Environmental Pollution Subcommittee
Business meeting, to mark up proposed legislation authorizing funds for the Endangered Species Act.
4200 Dirksen Building

Governmental Affairs
Federal Expenditures, Research and Rules Subcommittee
To resume hearings on proposed legislation improving the efficiency of the Federal procurement system.
3302 Dirksen Building

MAY 6

9:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the U.S. Fish and Wildlife Service, and the Institute of Museum Services.
1318 Dirksen Building

Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 604 and S. 2355, bills providing adequate telephone service to persons with impaired hearing.
235 Russell Building

9:30 a.m.
Appropriations
*Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for education programs for the handicapped, rehabiltation services, vocational and adult education, higher education, and the National Institute of Education, Department of Education.
1114 Dirksen Building

Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the care of the U.S. Supreme Court Building by the Architect of the Capitol, U.S. International Trade Commission, Federal Maritime Commission, and the Marine Mammal Commission.
S-146, Capitol

Labor and Human Resources
Business meeting, to consider pending calendar business.
4232 Dirksen Building

10:00 a.m.
Agriculture, Nutrition, and Forestry
Soil and Water Conservation Subcommittee
Agricultural Production, Marketing, and Stabilization of Prices Subcommittee
To hold joint hearings on S. 1825, prohibiting the Federal price support program to be used to subsidize crops grown on certain lands in the western part of the United States which have not been cultivated in the past 10 years.
324 Russell Building

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Office of Personnel Management, Merit Systems Protection Board, Federal Labor Relations Authority, and the U.S. Tax Court of the Judicial Branch.
1223 Dirksen Building

Environment and Public Works
Business meeting, to resume markup of proposed amendments to the Clean Air Act (Public Law 95-95).
4200 Dirksen Building

1:30 p.m.
*Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for student financial assistance, libraries/special institutions, civil rights, women's educational equity, and related agencies.
1114 Dirksen Building

2:00 p.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the U.S. Postal Service.
1223 Dirksen Building

Finance
International Trade Subcommittee
To resume hearings on S. 2094 and related proposals, establishing the concept of reciprocity of market access as an objective for U.S. trade policy where American products are competitive.
2221 Dirksen Building

MAY 7

9:30 a.m.
*Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for certain programs which fall within the jurisdiction of the subcommittee.
1114 Dirksen Building
Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To hold hearings on S. 1877, S. 1908, S. 1909 and S. 1941, bills providing for the reinstatement and validation of certain U.S. oil and gas leases, S. 2095, directing the Secretary of the Interior to issue a certain oil and gas lease, and S. 2146, extending the lease terms of various Federal oil and gas leases.
3110 Dirksen Building
Governmental Affairs
Federal Expenditures, Research and Rules Subcommittee
To continue hearings on proposed legislation improving the efficiency of the Federal procurement system.
3302 Dirksen Building
10:00 a.m.
Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
Business meeting, to mark up proposed legislation authorizing funds for environmental research and development programs; and other pending business.
4200 Dirksen Building

MAY 10

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold oversight hearings to review Pension Benefit Guaranty Corporation premium rate increases.
4232 Dirksen Building
10:00 a.m.
Commerce, Science, and Transportation
To hold hearings on S. 1929, establishing an Interagency Committee on Smoking and Health to coordinate Federal and private activities to educate the public about the health hazards of smoking.
235 Russell Building
Energy and Natural Resources
To hold hearings on S. 1844, permitting the development of coal pipelines as part of the national energy transportation and distribution system.
3110 Dirksen Building
Finance
To hold hearings on the administration's New Federalism proposal.
2221 Dirksen Building

MAY 11

8:30 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Endowment for the Humanities, National Capital Planning Commission, and the Office of Surface Mining of the Department of the Interior.
1114 Dirksen Building
9:30 a.m.
Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Judiciary.
S-146, Capitol
Governmental Affairs
Intergovernmental Relations Subcommittee
To hold oversight hearings on the implementation of block grant programs.
357 Russell Building
Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold hearings on the extended family.
4232 Dirksen Building
10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Institute of Building Sciences, Federal Home Loan Bank Board, and National Credit Union Administration.
1224 Dirksen Building
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Office of Management and Budget.
1318 Dirksen Building
Armed Services
To hear and consider the nomination of Gen. John W. Vessey, Jr., Army of the United States (major general, U.S. Army), to be Chairman of the Joint Chiefs of Staff.
1202 Dirksen Building
Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building
Environment and Public Works
Business meeting, to resume consideration of proposed legislation authorizing funds for programs which fall under its legislative jurisdiction.
4200 Dirksen Building
2:00 p.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for programs which fall within the jurisdiction of the subcommittee, receiving testimony from public witnesses.
1318 Dirksen Building

MAY 12

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold oversight hearings on activities of the Student Loan Marketing Association (Sallie Mae).
4232 Dirksen Building
2:00 p.m.
Governmental Affairs
Federal Expenditures, Research and Rules Subcommittee
To hold hearings on Senate Joint Resolution 93, and related proposals, reaffirming the policy of relying on the private sector to meet public requirements for goods and services, S. 1782, eliminating retainage on Federal Government construction contracts, and proposed legislation improving the effectiveness and fairness of the Federal Government's contractor suspension and debarment programs.
3302 Dirksen Building

MAY 13

9:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for territorial affairs of the Department of the Interior.
1114 Dirksen Building
10:00 a.m.
Environment and Public Works
Business meeting, to resume consideration of proposed legislation authorizing funds for programs which fall under its legislative jurisdiction.
4200 Dirksen Building
1:30 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for territorial affairs of the Department of the Interior.
1114 Dirksen Building
2:00 p.m.
Governmental Affairs
Federal Expenditures, Research and Rules Subcommittee
To continue hearings on Senate Joint Resolution 93, and related proposals, reaffirming the policy of relying on the private sector to meet public requirements for goods and services, S. 1782, eliminating retainage on Federal Government construction contracts, and proposed legislation improving the effectiveness and fairness of the Federal Government's contractor suspension and debarment programs.
3302 Dirksen Building

MAY 18

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To resume oversight hearings to review Pension Benefit Guaranty Corporation premium rate increases.
4232 Dirksen Building
10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Department of Housing and Urban Development.
1224 Dirksen Building
Commerce, Science, and Transportation
To hold hearings on the nomination of Heather J. Gradison of Ohio, to be a Member of the Interstate Commerce Commission.
235 Russell Building

Energy and Natural Resources
To hold oversight hearings on Federal property management and disposal.
3110 Dirksen Building

Environment and Public Works
Business meeting, to consider pending calendar business.
4200 Dirksen Building

Select on Indian Affairs
To hold oversight hearings on the implementation of Indian education programs.
6226 Dirksen Building

MAY 19

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for the Department of Housing and Urban Development, and the Neighborhood Reinvestment Corporation.
1224 Dirksen Building

Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To resume hearings on S. 1866, revising regulatory procedures relating to safe drinking water requirements, and S. 2131, authorizing funds through fiscal year 1986 for the safe drinking water program.
4200 Dirksen Building

Select on Indian Affairs
To continue oversight hearings on the implementation of Indian education programs.
6226 Dirksen Building

MAY 20

10:00 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Production, Marketing, and Stabilization of Prices Subcommittee
To hold oversight hearings on the implementation of the Federal crop insurance program of the Department of Agriculture.
324 Russell Building

MAY 21

9:30 a.m.
Energy and Natural Resources
Energy Regulation Subcommittee
To hold hearings on S. 1626, removing the requirement for Federal regulation to allow the competitive market system to establish petroleum pipeline transportation rates while maintaining safeguards to protect the industry and consumers against unlawful discrimination.
3110 Dirksen Building

10:00 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Production, Marketing, and Stabilization of Prices Subcommittee
To continue oversight hearings on the implementation of the Federal crop insurance program of the Department of Agriculture.
324 Russell Building

MAY 24

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1224 Dirksen Building

MAY 25

9:30 a.m.
Agriculture, Nutrition, and Forestry
Rural Development, Oversight, and Investigations Subcommittee
To hold oversight hearings to review the energy needs of rural communities.
324 Russell Building

Energy and Natural Resources
Energy Regulation Subcommittee
To resume hearings on S. 1626, removing the requirement for Federal regulation to allow the competitive market system to establish petroleum pipeline transportation rates while maintaining safeguards to protect the industry and consumers against unlawful discrimination.
3110 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1224 Dirksen Building

Environment and Public Works
Business meeting, to consider pending calendar business.
4200 Dirksen Building

MAY 26

9:30 a.m.
Agriculture, Nutrition, and Forestry
Rural Development, Oversight, and Investigations Subcommittee
To continue oversight hearings on the energy needs of rural communities.
324 Russell Building

10:00 a.m.
Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To resume hearings on S. 1866, revising regulatory procedures relating to safe drinking water requirements, and S. 2131, authorizing funds through fiscal year 1986 for the safe drinking water program.
4200 Dirksen Building

JUNE 9

9:30 a.m.
Select on Indian Affairs
To hold hearings on law enforcement problems on Indian reservations including the authority and effectiveness of the Bureau of Indian Affairs police, tribal police, and the Federal Bureau of Investigation, and the quality of U.S. prosecution of criminal offenses.
6226 Dirksen Building

SEPTEMBER 21

10:30 a.m.
Veterans Affairs
To hold hearings to receive American Legion legislative recommendations for fiscal year 1983.
318 Russell Building

CANCELLATIONS

APRIL 28

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for programs which fall within the jurisdiction of the subcommittee, receiving testimony from congressional and public witnesses
1318 Dirksen Building

APRIL 29

9:30 a.m.
Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for international organizations, Securities and Exchange Commission, and the Federal Trade Commission.
S-146, Capitol

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for programs which fall within the jurisdiction of the subcommittee, receiving testimony from congressional and public witnesses.
1224 Dirksen Building

2:00 p.m.
Environment and Public Works
Water Resources Subcommittee
To resume hearings on certain inland waterway projects, including S. 810, prescribing a system of user fees to be levied on commercial transportation, amendment No. 32, thereto, expediting inland waterway construction, and assuring that the users of such projects repay a fair percentage of the cost of such works, amendment No. 637, thereto, clarifying the intent of the bill, and other related measures.
4200 Dirksen Building

SENATE—*Thursday, April 22, 1982*

(Legislative day of Tuesday, April 13, 1982)

Senate met at 10 a.m., on the expiration of the recess and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

Rabbi Sidney S. Guthman, D.D., Congregation Sholom, Leisure World, Seal Beach, Calif., offered the following prayer:

O God, source of all hope and faith, we thank You for the hope and faith which these our national legislators have inspired in their respective communities. We thank You for the competence and conscientiousness which these men and women manifest in the performance of their public duty.

May they never forget that the words of the pledge of allegiance are to be more than lipservice. "Liberty and justice for all" must mean just that. "Liberty and justice for all"—town and city, poor and rich, old and young—of every race and background.

May the day come speedily when equal rights for all will signify more than a cliché. For if our Nation is to remain true to its essential character then the Levitical command engraved on our Nation's Liberty Bell should become a reality in our lives! "Proclaim liberty throughout the land unto all the inhabitants thereof." Then, blessed by You, O God, shall we be a blessing to each other, and a shining example for all mankind to emulate. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

THE JOURNAL

Mr. BAKER. Mr. President, I ask unanimous consent that the Journal of the proceedings of the Senate to be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that after the recognition of the two leaders under the standing order and the execution of the three special orders provided for this morning, there be a brief period for the transaction of routine morning business in which Senators may speak for not more than 2 minutes each, and which may not extend beyond the hour of 11 a.m.

The PRESIDENT pro tempore. Without objection, it is so ordered.

CRIMINAL CODE REFORM ACT OF 1981

Mr. BAKER. Mr. President, it is anticipated that at or approximately 11 a.m., I will ask the Senate to proceed to the consideration of S. 1630, the Criminal Code Reform Act of 1981. I am not certain that the Senate will grant unanimous consent to proceed to that measure at this time. Senators should be on notice that if there is objection to the request, which I anticipate, then it will be my intention to move to the consideration of that matter this morning.

Mr. President, I think the Senate will probably be occupied with the Criminal Code debate for the remainder of this day. I would not expect the day to be a long day, extending well into the afternoon but not into the evening.

ORDER FOR RECESS UNTIL MONDAY, APRIL 26, 1982

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 12 noon on Monday next.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I have no further requirement for my time under the standing order. I am prepared to yield it to any Senator who wishes additional time. I see no Senator seeking it. I am prepared to add that to the time allocated to the minority leader, if he has a need for my time.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The minority leader is recognized.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished majority leader for his offer. I will not seek his time.

At this time I will yield 3 minutes to the Senator from Wisconsin.

Mr. President, I ask unanimous consent that the remainder of my time under the standing order be combined with my special order. If there is no objection, I ask unanimous consent that my special order go third in the series.

Mr. BAKER. Mr. President, I have no objection. I make that request.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I yield back the remainder of my time under the standing order.

The PRESIDING OFFICER (Mr. HAYAKAWA). The Senator from Wisconsin is recognized.

Mr. PROXMIRE. I thank my good friend the minority leader.

NUCLEAR ARMS CONTROL

Mr. PROXMIRE. Mr. President, it is very heartening that the American people have acted so broadly and widely to plead with their Government to take action to end the nuclear arms race. It is probably the most significant popular movement I have seen in my life. It is one that is heartening to all of us because there is no more important issue than human survival—none.

The fact is that a full-scale, all-out nuclear war would end this country as an organized society, the Soviet Union as an organized society, and kill hundreds and hundreds of millions of people. So this widespread action by Republicans and Democrats, by liberals and conservatives, overwhelmingly approved throughout our country, I would hope would stir this great body into action.

This body has been known as the greatest deliberative parliamentary body in the world. At times we deserve that title; at times we do not. I hope we rise to the occasion in this instance.

There have been a number of resolutions introduced, such as the Kennedy-Hatfield resolution and the Warner-Jackson resolution. Senator SPECTER, of Pennsylvania, introduced an interesting resolution the other day. Some people say we should simply revive and act on SALT II. I understand the Foreign Relations Committee is expecting to engage in a series of hearings in the middle of next month.

All this activity is most welcome. I hope that the Senate can find a way not only to debate and discuss these matters, which we should do at great length, but also to act and pass a resolution that will call on our President to meet with the Soviet Union and, of

course, safeguard our freedom through arms control. This is the most important challenge in the world now, and it would also protect the lives of future generations.

In the next few days I will be calling to the attention of my colleagues some excerpts from an article by two experts, Arthur M. Katz, who has served as consultant to the Joint Congressional Committee on Defense Production, for which he wrote "Economic and Social Consequences of Nuclear Attacks on the United States" in 1979 and Sima R. Osdoby, a graduate student in the department of political science, at the Johns Hopkins University. Each day I will discuss a different consequence of a limited "surgical" strike against our country. For this purpose the Katz and Osdoby article assumes the targets would be the U.S. ICBM arsenal and Strategic Air Command bases. The United States has about 1,000 ICBM's, which are based in the States of South Dakota, North Dakota, Missouri, Kansas, Arkansas, Montana, Wyoming, and Arizona. The 46 Strategic Air Command bases are spread throughout the Nation.

For each ICBM target, it is assumed that two weapons, each one megaton, would be dropped at ground level. The bomber or submarine bases would be attacked by three and one, one-megaton weapons, respectively, exploded to maximize blast damage, rather than fallout.

Mr. President, for the next several days I intend to place in the RECORD the consequences of such an attack including casualties, medical response, food production effort on the economic system, evacuation and relocation, psychological effects and international consequences. Each of these will come from the Katz-Osdoby study.

INDIAN RIGHTS UNDER ATTACK IN LATIN AMERICA

Mr. PROXMIRE. Mr. President, the abuse of Indians in this hemisphere is a continuing, tragic story filled with acts of destructive negligence and outright oppression. A recent editorial in the New York Times describes the situation in discouraging detail.

In Chile, the Times reports, about 500,000 Mapuches are losing their land rights; in Paraguay, the Toba-Maskoy Tribe has been forcibly removed to arid land; in Brazil, the Yanomani must contend with an invasion of mineral prospectors; and, in Guatemala, the Indians have been cleared out by a government intent on security and oil exploration. Many of these Indians are now refugees in Mexico.

But this is not the worst of it. In a letter to the New York Times, Leonard Sussman of Freedom House reminds us of the plight of the Miskito Indians in Nicaragua. He paints a grim picture of obliterated Indian communities, of destroyed property and livestock, of forced marches, and of murdered Miskito men.

Clearly, the persecution of Indians in this hemisphere is an international phenomenon, one demanding international concern. Of course, persecution of these Indians may not be genocide. We simply do not have all the facts. But it is a serious violation of human rights nonetheless. However, the United States is crippled in its ability to address this issue because it has not ratified the Genocide Convention.

For example, when we criticized Nigeria for its massacre of Biafrans during the Nigerian civil war, critics of U.S. policies responded by saying that we had no right to talk because we had not ratified the Genocide Convention. The same situation could easily arise if we were to criticize Latin American nations.

The convention is an international response to the problem of mass murder. It seeks to protect national, ethnic, racial, and religious groups from the threat of extermination.

Ratification of the Genocide Convention would be a good step toward helping people like the Miskitos of Nicaragua. It would polish up our record and improve our ability to criticize oppressive regimes.

Mr. President, I urge the Senate to ratify this important human rights treaty and thereby make clear its readiness to fight against persecution.

I thank my good friend, the minority leader, and suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. TSONGAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF SENATOR TSONGAS

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

THE FALKLAND ISLANDS AND U.S. POLICY

Mr. TSONGAS. Mr. President, I have watched the Falkland Islands crisis evolve now for some 20 days, and frankly, I am dismayed. Dismayed that Argentina has committed an act of blatant aggression; and dismayed deeply over the policy of neutrality adopted by President Reagan and his administration.

Whatever its motivation, the Argentine regime of General Galtieri took the law into its own hands and attacked the British troops protecting the Falkland Islands. There is simply no question who has broken the law—title to and sovereignty over those islands are British. The U.N. Security Council evidently regards the issue in that same light—it adopted a resolution on April 3, condemning the invasion and calling on Argentina to evacuate.

Argentina has violated international law and the Charter of the United Nations, an act which is most serious in its implications for the future resolution of similar territorial disputes. Just imagine, Mr. President, if the Argentine approach to this diplomatic issue were to become accepted practice in the world today. Wherever a long-standing border dispute was under negotiation, the most determined of the affected states would simply attack its neighbor and seize the disputed territory. It is hard to imagine many countries without such potential disputes. All of Africa, with its artificial boundaries imposed by colonial powers a century ago, comes to mind very clearly. So does the Middle East.

I believe that this unfortunate precedent still could be reversed. It is well known that Argentina has long disputed on legal grounds British sovereignty over the Falklands. Great Britain claims that sovereignty is clearly theirs. My eminent colleague (Mr. MOYNIHAN) proposed last Tuesday in this Chamber that the International Court of Justice might be an appropriate means to settle this legal dispute and defuse the crisis. I, for one, concur. With both parties agreeable on the procedure and with Argentina forces evacuated from the Falklands, I believe that peace and justice would be well served by the International Court of Justice hearing this case.

Unfortunately, there is no such legal resolution in sight. The world community is faced with a military fait accompli. The Argentine Army, some 10,000 strong, are digging in on the islands, preparing for a British assault. Secretary Haig has launched his version of shuttle diplomacy, urged on by President Reagan's proclamation that the United States shall remain neutral in this conflict between two "friends." I can appreciate, Mr. President, the importance of negotiating a peaceful resolution of this affair.

A full-scale war between Argentina and Great Britain would devastate two important Western nations, and deplete, probably, the military resources of a crucial NATO ally. I think the Soviet Union would welcome such a war—it would certainly welcome any damage to the cohesion and strength of NATO. The Soviets might attempt to supply Argentina with arms or intelligence during such a war and hope to receive a generous reward once the conflict was over. Soviet options are numerous and attractive.

Those are good reasons for Secretary Haig to seek a peaceful settlement, and I have supported his efforts. He has tried to wring concessions from the Galtieri government under the most difficult diplomatic circumstances. If he fails as a mediator, it will not be for any shortage of skill, determination, or talent on his part.

Secretary Haig's role aside, I am deeply disappointed in the failure of the administration to condemn, unequivocally, openly, and loudly the Argentine invasion. I was shocked by the almost pro-Argentine remarks of Ambassador Kirkpatrick after her ill-advised attendance at an Argentine Embassy affair the night of the invasion. I am struck by the inherent bias of a so-called policy of neutrality which treats a blatant aggressor and its victim as equals. I am appalled that a stalwart ally, Great Britain, and a good friend to this administration, should find itself steaming 8,000 miles toward a well-armed foe with nothing more than platitudes of support from the United States. I am mystified as to why the administration is continuing this policy of neutrality when Argentina is actively seeking to gather diplomatic and possibly military support from the Organization of American States. One cannot help but conclude that Argentina has reaped a few rewards for its strong support of the administration's Central American policy.

The Argentine tactic in this crisis is not that mysterious. They wish to drag out the negotiations and avoid a confrontation with the British Fleet. Mr. President, let there be no illusions—to prolong the negotiations is to place the British forces at a disadvantage. With a harsh winter only weeks away from the South Atlantic, the British Fleet has only so much time in which to operate at full efficiency.

The Argentines must understand that our patience is limited, our mediation efforts a temporary service. Yes, we must seek a peaceful resolution, but we must do so from a very explicit position of support for international law, self-determination, and nonaggression. Argentina has provoked this crisis, and full responsibility must fall where it belongs. For the United States to do otherwise not only undercuts our closest ally, it also assaults the principles on which our Nation has and will stand firm.

When and if negotiations give way to the use of force, I believe we must make a bottom-line assessment of where our interests lie. Do they lie with a 3-month-old military regime, the product of a coup d'etat? Do they coincide with a government that has willfully ignored U.S. policy on the grain embargo of the Soviet Union, sanctions against Poland, and human rights? Does the government which has still not accounted for over 5,500 "disappeared" Argentinians deserve equal treatment from the country which founded the principles of democratic government?

Do our interests reside with a country which refused to ally itself with the United States until the last moments of World War II? Do our interests dictate support for a country which is developing a major trade relationship with the Soviet Union in beef, grain, and industrial equipment? Should a nation which has not signed the Nuclear Non-Proliferation Treaty and which has arranged to buy enriched uranium, heavy water, and radio isotopes from the Soviet Union stand as an equal with a staunch opponent of nuclear proliferation and our closest NATO ally?

The answers to those questions are clear to me, Mr. President. President Reagan should place the pressure, the blame, and the onus of making the major concessions precisely where they belong—on Argentina. And if the negotiations fail, let there be no ambiguity, no confusion as to where American loyalties lie—with Great Britain. International law, the NATO Alliance, and the stature of our most valued ally stand in the balance, and I sincerely hope that President Reagan will come to understand these sober imperatives.

Finally, Mr. President, let me say that if I were a citizen of Great Britain, knowing the history of my country's support for the United States, knowing that this is one crucial issue where finally we turn to the United States for support, and I witnessed the so-called neutrality, I would be very upset. I believe there has been a lot of damage done in the relationship between the United States and Great Britain. I for one abhor the discussions that have gone on that somehow suggested Argentina did what was right. If Argentina has claim to the Falkland Islands, then Mexico has a claim to much of the Southwest United States. I call upon those who support Argentina's position to tell me how they would react to that eventuality.

Great Britain has been a good friend, and I submit, Mr. President, they will not be as good in the future. We have paid an enormous price in this case. My own view is we paid it because of our own Latin American policy; that we are pursuing policies in El Salvador and Nicaragua that are dependent on Argentine support. Argentina knows that and took advantage of us, and we were not in a position to put pressure on them for that very reason.

So that Latin American policy comes back to haunt, not only in terms of Latin America itself but also in the deterioration of the strongest relationship we have ever had with any country, that of Great Britain and the United States. I lament that; I wish it were not the case, and I hope we do all we can as Members of the Senate to make it clear to the British people that at least some of us feel very strongly that Great Britain is in the right, that Argentina is in the wrong, and the United States should stand strongly with Great Britain.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HEINZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2420—OMNIBUS VICTIMS PROTECTION ACT OF 1982

Mr. HEINZ. Mr. President, today I am joined by the distinguished Senator from Nevada (Mr. LAXALT) and 25 other Senators in introducing the Omnibus Victims Protection Act of 1982.

President Reagan, in declaring this week as "Crime Victim's Week," noted that the "plight of innocent citizens, victims of lawlessness, deserves immediate national attention."

Our comprehensive legislation, which is the product of the work of a year and a half in the Committee on Aging and in the Committee on the Judiciary, precisely meets the goal, we believe. Our approach is comprehensive. It insures that the Federal Government does all that is possible to assist crime victims, without additional Federal expenditures and without infringing on the constitutional rights of defendants.

I will take a moment to read into the RECORD the names of the cosponsors of this measure. In addition to myself and Senator LAXALT, they are Senators HATCH, KENNEDY, DECONCINI, BAUCUS, DOMENICI, PERCY, KASSEBAUM, COHEN, DURENBERGER, CHILES, GLENN, PRYOR, BURDICK, GARN, DIXON, STEVENS, FORD, MOYNIHAN, MITCHELL, ABDNOR, EAGLETON, INOUYE, EXON, SCHMITT, and HAYAKAWA.

Violent crime is a problem of significant magnitude in our country. Every 24 seconds in the United States a violent crime occurs. Every 6 minutes a women is raped. Every 58 seconds a robbery occurs. Every 48 seconds an aggravated assault occurs. And every 23 minutes a murder is committed.

For each of these crimes there is at least one victim, oftentimes at least one witness. During hearings of the Special Committee on Aging, on "Older Americans Fighting the Fear of Crime" which we held last September 22, older Americans who had been crime victims testified that the crimi-

nal act—the mugging, rape, or purse snatching—was just the beginning of a long arduous process that in many cases was as terrifying and upsetting as the initial crime itself. Perhaps the saddest commentary on the American criminal justice system is the fact the victim is victimized twice—first by the criminal and then again by those in the system who bend over backward to make sure that the rights of the defendant are protected while the rights and the needs of the victim are callously ignored.

This insensitivity to the victim is a tragic failing in our criminal justice system and one which hurts us all for without the cooperation of victims and witnesses not one criminal could be brought to justice. Without the cooperation of victims and witnesses the criminal justice system would simply cease to function. Yet with few exceptions victims and witnesses are either ignored by the criminal justice system or simply used as tools to identify and punish offenders. The victim of a violent crime often finds that he or she is treated as only a piece of evidence, not as a person, in the State's case against the offender.

While the defendant is provided with counsel who can explain to him both the criminal justice process and the rights of the defendant, let us look at what happens to the victim. The victim or witness has no such assistance and few rights. The victim does not even receive information regarding the status of the case, is usually not even notified when the defendant is apprehended or released on bail, and is not consulted before important decisions are made, such as whether to dismiss the case or reduce the charges to a lesser plea.

The victim and witness who cooperate with the prosecutor often do so also at their own risk. There is little hope of protection from the Government if the defendant out on bail or his friends or family decide to harass or threaten. By the way, that is frequently the case. This same victim or witness also usually finds that cooperation with the system means personal sacrifice. Simple assistance such as transportation, parking facilities, child care, are very seldom provided. Some times days must be taken off from work with no pay as court dates are changed at the last minute, continuances are granted, and finally while the trial takes place. To make matters worse, during the criminal proceedings the victim and witness are often made to share the same waiting room either with the defendant or with his friends or family, thereby suffering needless trauma.

And pity the victim who has property stolen and then recovered by the law enforcement agency that insists on keeping it as evidence until the trial, even though many State and local jurisdictions have shown through practice that usually a photograph or description of those articles will suffice. Sometimes the property held onto by the court is either damaged or lost. This lack of concern for the victim is particularly stressful, especially for the elderly, the poor, or anyone else who is unfortunate.

Mr. President, it is time to proceed with a comprehensive package of revisions to Federal criminal procedures that will correct these flaws and will sensitize the criminal justice system to the needs of victims and witnesses.

Let me cover some of the provisions of our bill so that we can focus on each of the elements.

VICTIM IMPACT STATEMENT

Mr. President, the omnibus bill's first provision calls for a victim's impact statement—also known as a victim injury assessment provision—to be included in the sentencing report sent to the judge. This nonargumentive statement will assess the financial, social, psychological, and medical impact upon, and any cost to, the victim of the crime in question. The purpose of this provision, and I view it as an absolutely essential provision, is to insure that the judge considers the effect of the crime on the victim before sentencing the accused.

It makes no sense to treat two people who have committed a crime the same. Maybe $25 was involved, but in one case in a purse snatching from a 75-year-old lady in the act of snatching that purse the mugger has shoved her down, she has fallen off the curb, she has broken her hip, and she will never walk again.

Yet that mugger is just as likely to get 90 days or a suspended sentence as if no injury had been entailed. It is that kind of cruel, inhuman impact as well as the others I have mentioned that this statement is made explicitly to take into account.

PROTECTION OF VICTIMS AND WITNESSES

Three provisions in the bill insure protection of victims and witnesses. The first provision provides criminal penalties for any intimidation or retaliation against not only witnesses, which is current law, but victims as well. That is not, amazingly enough, in the law today.

The American Bar Association found through extensive hearings that witness and victim retaliation is a "widespread and persistent" problem even though there is no way of knowing about those attempts that have been successful.

Mr. President, here are the people who are the foundation of putting any criminal who has violated the law in jail. Without victims and witnesses, as I said a moment ago, our system does not operate, and our system today permits widespread and persistent intimidation. Because intimidation or retaliation against a witness or victim inherently undermines the criminal justice system, the ABA recommended that the Attorney General should have every tool possible to prevent this abuse. We have incorporated such authorities in the statute.

Under the second provision the Attorney General is given broader authority to relocate or protect any witness or potential witness. Currently that power is limited to organized crime cases, or to persons who have already testified before a grand jury or other legal proceedings. In essence, this provision would enable the Attorney General to protect whomever he feels needs it and in any manner he feels is necessary. This provision gives him the flexibility to relocate or protect, since in many cases witness relocation—with the burdens of providing a new identity for the witness—is simply not necessary. Under this new provision, simple and inexpensive protective measures—such as putting up a witness in a motel outside of town until the trial is over—would now be available.

The third protection provision would give the Attorney General authority to initiate civil proceedings to restrain intimidation of a witness or victim. Upon a finding of harassment or intimidation the court would be able to issue cease-and-desist orders against certain prescribed activities or communications. Currently the court can offer no assistance to a victim or witness who is either harassed or threatened. There are countless tragic cases reported when a victim is killed by the accused even after this same victim has reported the threats to law enforcement officials.

RESTITUTION

This provision would require the judge, when personal injury or loss of property has occurred, to order restitution or state for the record the reasons restitution shall not apply. Thus criminals who can afford to pay costs such as out of pocket (for example, uninsured) medical expenses; property losses; and funeral and burial expenses would be required to do so. Since this is not a solution for all victims, the bill also requires the Attorney General to report to Congress within 6 months on ways to insure that all victims of crime are compensated for their losses and expenses directly related to a criminal act. I believe all victims should be compensated for these expenses. Because there was disagreement among the cosponsors as how to implement the funding of compensation for victims, this issue has been left to the Attorney General to recommend an approach which could be self-supporting. However, I feel it would be helpful to have a specific proposal. I will submit today a separate bill to establish a victim compensation fund, through the use of fines on all persons convict-

ed of Federal crimes. This bill, I might add, is modeled after a similar proposal found within the Criminal Code bill, S. 1630.

GUIDELINE FOR FAIR TREATMENT OF CRIME VICTIMS

The Chief Justice of the United States, in his annual state of the judiciary address, declared that the rights of crime victims should be given equal time with the rights of the accused and convicted criminals. The Attorney General's Task Force on Violent Crime called on the Attorney General to develop and promulgate Federal standards for the fair treatment of victims of serious crime. This provision of the bill requires the Attorney General to promulgate such standards within 6 months. The guidelines address such problem areas as the need for prosecutors to consult with victims before decisions are made to dismiss a case, reduce charges or agree to a plea bargain; the need to return recovered property promptly to the victim instead of being held by courts until all pleas have been exhausted; the need to notify victims and witnesses about changes in court appearances before they show up at the courthouse. These guidelines are commonsense courtesy for the victim and should drastically improve the way victims are treated by the Federal system. They will also provide a model for State and local authorities to follow.

PROFIT BY A CRIMINAL FROM SALE OF HIS STORY

One of the most appalling omissions of the Federal criminal justice system is that which allows a criminal to reap financial gain from the notoriety emanating from the crime. New York State, for example, after the "Son of Sam" situation now requires that money flowing to the criminal solely on account of the crime's notoriety will be placed into an escrow fund against which victims' compensation suits may be brought. Because of the complexity of administering a fund at the Federal level and the relationship with the compensation provision, we have again asked the Attorney General to recommend to the Congress the most effective procedure to insure that no Federal felon derives any profit from the sale of his crime story until the victim of the offense has had a chance to seek restitution.

FEDERAL ACCOUNTABILITY FOR RELEASE OR ESCAPE OF FEDERAL PRISONER

Another very serious problem highlighted by the Attorney General's Task Force on Violent Crime are the situation where extremely dangerous criminals are precipitously released to society by prison officials, parole boards or mental institutions. Once at large in society these dangerous criminals have murdered, raped, and mutilated innocent victims. Survivors of such attacks have rightly felt that their Government failed in its obligation to protect them and have therefore brought suit against the Government. However, currently even in cases where gross negligences can be proved, because of the doctrine of sovereign immunity, victims have been without legal recourse against those ultimately responsible decisionmakers. The task force recommended that carefully crafted legislation which clearly sets parameters, for such responsibility would act as both an incentive for professional and efficient administration and as a deterrent to grossly negligent actions that result in the release of obviously dangerous persons. This provision in this bill was developed after lengthy consultation with many groups including the Department of Justice, and I believe it would permit the number of cases brought against the Government to only those few where gross negligence was shown.

Mr. President, the treatment of crime victims and witnesses by the criminal justice system is unacceptable. We need to strengthen public confidence in the Government's ability to assist and protect victims and witnesses. I believe that this comprehensive legislation, developed in cooperation with so many organizations and individuals will correct wrongs and restore a much needed balance. It will help restore the criminal justice system so that it is no longer a system for the criminal but a system which helps protect and assist the victims.

In closing I would like to thank the many organizations which helped develop this omnibus bill. These include the Attorney General's Task Force on Violent Crime and other officials of the U.S. Department of Justice, the American Bar Association, the National Organization for Victim Assistance, the Crime Victim's Legal Advocacy Unit, the Washington Legal Foundation, the American Civil Liberties Union, the National Retired Teachers Association/American Association of Retired Persons, the National Council of Senior Citizens, the New York State Victim Compensation Board, the Administrative Office of the U.S. Courts, and the National Coalition Against Sexual Assault.

Victimization in our society takes many ugly shapes. Here we have an opportunity through the prompt enactment of this legislation to put our fingers on a specific group of victims and reach out directly to give them a hand.

I urge my colleagues to study this proposal. I urge them to join us as cosponsors and to support its speedy enactment as soon as possible.

Mr. President, I ask unanimous consent that Senator JACKSON be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HEINZ. Mr. President, before I close, I also ask unanimous consent that the text of the bill be printed in full immediately following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HEINZ. Mr. President, the last two observations I would like to make are these: First, I want to particularly thank Senator LAXALT, my good friend, our outstanding Senator from Nevada, for the work that he and his staff, both his personal staff and judiciary staff, have done for us in the preparation of this legislation.

Senator LAXALT had planned to be here this morning, but he has been a party to what are known as discussions between various governmental bodies, both in the House of Representatives, the Senate, and the White House, and he cannot be here at this time. He has asked me to introduce his statement.

Mr. President, I want to point out that with respect to this bill introduced today, although there are some parallel provisions to some of the provisions in the Criminal Code reform bill which the Senate will be taking up today, S. 1630, it is not the intention of the sponsors to offer this as an amendment to S. 1630.

We do not intend to offer it as an amendment to S. 1630 for two reasons: First, although I expect S. 1630 to pass the Senate I cannot give as optimistic an appraisal with respect to the House. We have in this body passed a Criminal Code reform bill, and we have been sadly disappointed by the lack of reciprocal response from our colleagues in the other body.

I know of no reason to believe why we should expect a change of heart this year in the other body. So one reason I am not going to offer our bill as an amendment to S. 1630 is that there is no guarantee it will see enactment through that procedure.

The second is that even if S. 1630 were—and we certainly hope that is the case—to be not only acted on favorably by the Senate and by the House and the conference committee did whatever if had to do and we got the bill to the President sometime before the end of the year, the provisions in the Criminal Code reform bill do not take effect for some 3 years.

Mr. President, the problems that victims and witnesses have today are urgent. We cannot wait 3 years to start giving victims and witnesses the kind of protection in this bill. So this bill is introduced as a freestanding piece of legislation.

It is our intention, those of our sponsors, particularly Senator LAXALT, who serves on the Judiciary Committee, to move this bill independently of the Criminal Code reform and to bring it to the floor of the Senate as a freestanding piece of legislation just as quickly as possible.

Mr. President, I wish to thank all my cosponsors for their support of this measure.

Mr. President, I ask unanimous consent that Senator METZENBAUM also be added by a cosponsor to the Omnibus Victims Protection Act.

The PRESIDING OFFICER (Mr. COCHRAN). Without objection, it is so ordered.

EXHIBIT 1

S. 2420

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Omnibus Victims Protection Act of 1982".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds and declares that:

(1) Without the cooperation of victims and witnesses, the criminal justice system would cease to function; yet with few exceptions these individuals are either ignored by the criminal justice system or simply used as tools to identify and punish offenders.

(2) All too often the victim of a serious crime is forced to suffer physical, psychological, or financial hardship first as a result of the criminal act and then as a result of contact with a criminal justice system unresponsive to the real needs of the crime victim.

(3) Although the majority of serious crimes fall under the jurisdiction of State and local law enforcement agencies, the Federal Government, and in particular the Attorney General, has an important leadership role to assume in insuring that victims of crime, whether at the Federal, State, or local level, are given proper treatment by agencies administering the criminal justice system.

(4) Under the current system law enforcement agencies must have cooperation from victims of crime and yet neither the agencies nor the law can offer protection or assistance when this same victim as a result of this cooperation, is threatened or intimidated.

(5) While the defendant is provided with counsel who can explain to him both the criminal justice process and the rights of the defendant, the victim or witness has no counterpart and is usually not even notified when the defendent is released on bail, the case is dismissed, a plea to a lesser charge accepted, or the court date changed.

(6) The victim and witness who cooperate with the prosecutor often find that the transportation, parking facilities, and child care services at the court are unsatisfactory; they must often share the pretrial waiting room with the defendant or his family and friends.

(7) The victim may lose valuable property to a criminal only to lose it again for long periods of time to Federal law enforcement officials, until the trial is over; many times that property is damaged or lost, which is particularly stressful for the elderly or poor.

(b) The Congress declares that the purpose of this Act is—

(1) to enhance, ensure, and protect the necessary role of crime victims and witnesses in the criminal justice process;

(2) to ensure that the Federal Government does all that is possible within available resources limits to assist victims or witnesses of crime without infringing on the constitutional rights of the defendant; and

(3) to provide a victim/witness model for State and local law enforcement officials.

TITLE I—VICTIMS IMPACT STATEMENT

SEC. 101. Subsection (c)(2) of rule 32 of the Federal Rules of Criminal Procedure is amended by adding at the end thereof the following new sentence: "The report shall also contain verified information stated in a nonargumentative style assessing the financial, social, psychological, and medical impact upon and cost to any person who was the victim of the offense committed by the defendant.".

TITLE II—PROTECTION OF VICTIMS AND WITNESSES FROM INTIMIDATION

SEC. 201. (a) Chapter 73 of title 18, United States Code, is amended by adding at the end thereof the following new sections:

"§ 1512. Tampering with a witness, victim, or an informant

"(a) OFFENSE.—Whoever—

"(1) uses force, threat, intimidation, or deception with intent to—

"(A) influence the testimony of another person in an official proceeding; or

"(B) cause or induce another person to—

"(i) withhold testimony, or withhold a record, document, or other object, from an official proceeding;

"(ii) evade legal process summoning him to appear as a witness, or to produce a record, document, or other object, in an official proceeding; or

"(iii) absent himself from an official proceeding to which he has been summoned by legal process; or

"(C) hinder, delay, or prevent the communication to a law enforcement officer of information relating to an offense or a possible offense;

"(2) with intent to annoy, harm, or injure another person, hinders, delays, prevents, or dissuades—

"(A) a witness or a victim from attending or testifying in an official proceeding; or

"(B) a witness, victim, or a person acting on behalf of a victim, from—

"(i) making a report of an offense or a possible offense to a judge, a law enforcement officer, a probation officer, or an officer of a correctional facility;

"(ii) causing a criminal prosecution, or a parole or probation revocation proceeding, to be sought or instituted or assisting in such prosecution or proceeding; or

"(iii) arresting, or causing or seeking the arrest of, a person in connection with an offense; or

"(3) does any other act with intent to influence improperly, or to obstruct or impair, the—

"(A) administration of justice;

"(B) administration of a law under which an official proceeding is being or may be conducted; or

"(C) exercise of a legislative power of inquiry;

shall be punished as provided in subsection (b).

"(b) PUNISHMENT.—Whoever is guilty of an offense set forth in subsection (a)(1) shall be fined not more than $250,000, or imprisoned not more than six years, or both. Whoever is guilty of an offense set forth in subsection (a)(2) or (a)(3) shall be fined not more than $250,000 or imprisoned not more than three years, or both.

"(c) DEFINITIONS.—As used in this section—

"(1) 'witness' means an individual—

"(A) having knowledge of the existence or nonexistence of facts relating to an offense;

"(B) whose declaration under oath is received in evidence for any purpose;

"(C) who has reported an offense to a judge, a law enforcement officer, or probation officer, or an officer of a correctional facility;

"(D) who has been served with a subpena, including a grand jury subpena, issued under the authority of a court of the United States; or

"(E) who a reasonable person would believe to be an individual described in this paragraph; and

"(2) 'victim' means an individual against whom an offense has been or is being committed.

"(d) AFFIRMATIVE DEFENSE.—It is an affirmative defense to a prosecution under subsection (a)(1)(A) that the conduct engaged in to threaten or to intimidate consisted solely of lawful conduct and that the defendant's sole intention was to compel or induce the other person to testify truthfully. If the defendant raises such affirmative defense at trial, the defendant has the burden of proving the defense by a preponderance of the evidence.

"(e) DEFENSES PRECLUDED.—It is not a defense to a prosecution under this section that—

"(1) an official proceeding was not pending or about to be instituted; or

"(2) the testimony, or the record, document, or other object, would have been legally privileged or would have been inadmissible in evidence.

"(f) JURISDICTION.—There is Federal jurisdiction over an offense described in this section if—

"(1) the official proceeding, offense, or prosecution is or would be a Federal official proceeding, offense, or prosecution;

"(2) the officer is a federal public servant and the information or report relates to a federal offense or a possible federal offense;

"(3) the administration of justice, administration of a law, or exercise of a legislative power of inquiry relates to a federal government function;

"(4) the United States mail or a facility in interstate or foreign commerce is used in the planning, promotion, management, execution, consummation, or concealment of the offense, or in the distribution of the proceeds of the offense; or

"(5) movement of a person across a State or United States boundary occurs in the planning, promotion, management, execution, consummation, or concealment of the offense, or in the distribution of the proceeds of the offense.

"§ 1513. Retaliating against a witness or an informant

"(a) OFFENSE.—Whoever—

"(1) engages in conduct by which he causes bodily injury to another person or damages the property of another person because of—

"(A) the attendance of a witness or party at an official proceeding, or any testimony given, or any record, document, or other object produced, by a witness in an official proceeding; or

"(B) any information relating to an offense or a possible offense given by a person to a law enforcement officer; or

"(2) unlawfully subjects a federal public servant or, with respect to a government contract, to economic loss or injury to his business or profession because of any matter described in subparagraph (A) or (B) of paragraph (1);

shall be punished as provided in subsection (b).

"(b) PUNISHMENT.—Whoever is guilty of an offense set forth in subsection (a) (1) shall be fined not more than $250,000 or imprisoned not more than three years, or both. Whoever is guilty of an offense in any other case under this section shall be fined not more than $250,000 or imprisoned for not more than one year, or both.

"(c) Jurisdiction.—There is federal jurisdiction over an offense described in this section if—

"(1) the official proceeding is a federal official proceeding;

"(2) the law enforcement officer is a federal public servant and the information relate to a federal offense or a possible federal offense;

"(3) the United States mail or a facility in interstate or foreign commerce is used in the planning, promotion, management, execution, consumption, or concealment of the offense, or in the distribution of the proceeds of the offense; or

"(4) movement of a person across a State or United States boundary occurs in the planning, promotion, management, execution, consummation, or concealment of the offense, or in the distribution of the proceeds of the offense."

(b) The analysis for chapter 73 of title 18, United States Code, is amended by adding at the end thereof the following new items:

"1512. Tampering with a witness, victim, or an informant. "1513. Retaliating against a witness or an informant.".

(c) Subsection (a) of section 3146 of title 18, United States Code, is amended by adding at the end thereof the following: "Notwithstanding any other provision of this subsection, the pretrial release of any person pursuant to this section or section 3148 shall be deemed to include a condition that the defendant not commit any act proscribed by section 1512 and 1513 of this title.".

SEC. 202. (a) Title 18 of the United States Code is amended by adding after chapter 223 the following new chapter:

"CHAPTER 224—PROTECTION OF WITNESSES

"Sec.
"3521. Witness relocation and protection.
"3522. Reimbursement of expenses.
"3523. Civil action to restrain witness or victim intimidation.
"3524. Definition for chapter.

"§ 3521. Witness relocation and protection

"(a) RELOCATION.—The Attorney General may provide for the relocation or protection of a government witness or a potential government witness in an official proceeding if the Attorney General determines that an offense described in section 1512 or 1513, or a State or local offense that is similar in nature or that involves a crime of violence directed at a witness, is likely to be committed. The Attorney General may also provide for the relocation or protection of the immediate family of, or a person otherwise closely associated with, such witness or potential witness if the family or person may also be endangered.

"(b) RELATED PROTECTIVE MEASURES.—In connection with the relocation or protection of a witness, a potential witness, or an immediate family member or close associate of a witness or potential witness, the Attorney General may take any action he determines to be necessary to protect such person from bodily injury, and otherwise to assure his health, safety, and welfare, for as long as, in the judgment of the Attorney General, such danger exists. The Attorney General may—

"(1) provide suitable official documents to enable a person relocated to establish a new identity;

"(2) provide housing for the person relocated or protected;

"(3) provide for the transportation of household furniture and other personal property to the new residence of the person relocated;

"(4) provide a tax free subsistence payment, in a sum established in regulations issued by the Attorney General, for such times as the Attorney General determines to be warranted;

"(5) assist the person relocated in obtaining employment; and

"(6) refuse to disclose the identity or location of the person relocated or protected, or any other matter concerning the person or the program after weighing the danger such a disclosure would pose to the person, the detriment it would cause to the general effectiveness of the program, and the benefit it would afford to the public or to the person seeking the disclosure.

"(c) CIVIL ACTION AGAINST A RELOCATED PERSON.—Notwithstanding the provisions of subsection (b)(6), if a person relocated under this section is named as a defendant in a civil cause of action, arising prior to the person's relocation, for damages resulting from bodily injury, property damage, or injury to business, process in the civil proceeding may be served upon the Attorney General. The Attorney General shall make reasonable efforts to serve a copy of the process upon the person relocated at his last known address. If a judgment in such an action is entered against the person relocated, the Attorney General shall determine whether the person has made reasonable efforts to comply with the provisions of that judgment. The Attorney General shall take affirmative steps to urge the person relocated to comply with any judgment rendered. If the Attorney General determines that the person has not made reasonable efforts to comply with the provisions of the judgment, he may, in his discretion, after weighing the danger to the person relocated, disclose the identity and location of that person to the plaintiff entitled to recovery pursuant to the judgment. Any such disclosure shall be made upon the express condition that further disclosure by the plaintiff of such identity or location may be made only if essential to the plaintiff's efforts to recover under the judgment, and only to such additional persons as is necessary to effect the recovery. Any such disclosure or nondisclosure by the Attorney General shall not subject the government to liability in any action based upon the consequences thereof.

"§ 3522. Reimbursement of Expenses

"The provision of transportation, housing, subsistence, or other assistance to a person under section 3523 may be conditioned by the Attorney General upon reimbursement of expenses in whole or in part to the United States by a State or local government.

"§ 3523. Civil action to restrain witness or victim intimidation

"(a) INITIATION OF ACTION.—The Attorney General may initiate a civil proceeding to prevent and restrain an offense involving a witness or a victim under section 1512. Upon a finding, which may be based upon hearsay or the representation of the attorney for the government or the counsel for the defendant, that an offense under section 1512 involving a witness or a victim has occurred or is reasonably likely to occur, the court may order that a defendant, a witness, or other person connected with the case, or an individual in the courtroom—

"(1) refrain from engaging in conduct in violation of section 1512;

"(2) maintain a prescribed distance from a specified victim or witness; and

"(3) refrain from communicating with a specified victim or witness except under such conditions as the court may impose.

"(b) JURISDICTION.—A district court of the United States in which a proceeding is initiated under this section has jurisdiction to hear and determine the matter so presented, and to prevent and restrain an offense referred to in subsection (a). In a proceeding initiated under this section, the court shall proceed as soon as practicable to a hearing and determination.

"§ 3524. Definition for chapter

"As used in this subchapter 'government' includes the federal government and a State or local government.".

(b) The table of chapters for part II of title 18, United States Code, is amended by adding after the item for chapter 223 the following new item:

"224. Protection of witnesses..... 3521".

TITLE III—RESTITUTION

SEC. 301. (a) Chapter 227 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 3579. Order of restitution

"(a) ORDER.—The court, in imposing a sentence on a defendant for any offense under this title, may order the defendant to make appropriate restitution. The order of restitution shall require that the defendant—

"(1) in the case of an offense causing bodily injury or death, make restitution to the victim of the offense or estate of the victim in an amount that does not exceed the expenses necessarily incurred by the victim for medical services and, if applicable, the expenses for the funeral and burial of the victim; or

"(2) in the case of an offense in the course of which the defendant unlawfully obtained, damaged, or destroyed the property of another—

"(A) restore the property to the victim of the offense; or

"(B) make restitution to the victim of the offense in an amount that does not exceed the value of the property; and

"(3) make such other restitution as the court deems appropriate.

If the court does not order restitution, the court must state for the record the reasons. The court shall limit the order of restitution to the extent necessary to avoid unduly complicating or prolonging the sentencing process.

"(b) RELATIONSHIP TO CIVIL PROCEEDINGS.—The court shall not order restitution as to any victim who is bound by a judgment entered in, or a settlement of, a civil proceeding involving the same injury, obtaining, damage, or destruction. Any amount paid to a person pursuant to an order of restitution shall be set off against an amount otherwise recoverable by such person in any civil proceeding. The fact that restitution was ordered or paid shall not be admissible in evidence in the trial of any civil proceeding. Notwithstanding any other provision of law, an order of restitution shall be satisfied by the defendant before any Federal lien.

"(c) RESTITUTION AS CONDITION.—If a defendant is placed on probation or paroled pursuant to this title any restitution ordered under this section shall be a condition of such parole or probation. Failure to comply with an order of restitution shall be grounds for the revocation of parole or probation.".

(b) The analysis for chapter 227 of title 18, United States Code, is amended by adding at the end thereof the following new item:

"3579. Order of Restitution.".

(c) Within six months after the date of enactment of this title, the Attorney General shall report to Congress concerning any laws necessary to ensure that all victims of crime are justly compensated in those cases where restitution is not possible. The Attorney General shall consider funding methods such as imposing additional fines on all individuals convicted of Federal crimes.

TITLE IV—FEDERAL ACCOUNTABILITY FOR ESCAPE OR RELEASE OF A FEDERAL PRISONER

SEC. 401. (a) Section 1346(b) of title 28, United States Code, is amended by inserting "(1)" immediately after "(b)".

(b) Section 1346(b) of title 28, United States Code, is amended by adding at the end thereof the following:

"(2)(A) Subject to the provisions of chapter 171 of this title and subparagraph (B) of this paragraph, the district courts, together with the United States District Court for the District of the Canal Zone and the District Court of the Virgin Islands, shall have exclusive jurisdiction of any civil action on a claim against the United States for damages, accruing on and after the date of enactment of this paragraph, for injury or loss of property, or personal injury or death directly caused by any dangerous offender charged with or convicted of a Federal offense who is released from, or who escapes from, lawful custody of an employee of, or any person acting as the lawful agent of, the United States as a result of the gross negligence of such employee or person.

"(B) For the purposes of this paragraph—

"(i) 'gross negligence' includes the failure to warn reasonably foreseeable victims that the person charged with or convicted of the offense was released or has escaped, or the violation of a statute, regulation, or court order which results in such release or escape; and

"(ii) 'dangerous offender' means a person charged with or convicted of a crime involving the use, attempted use, or threatened use of violence against the person or property of another.".

TITLE V—FEDERAL GUIDELINES FOR FAIR TREATMENT OF CRIME VICTIMS AND WITNESSES IN THE CRIMINAL JUSTIC SYSTEM

SEC. 501. (a) Within six months after the date of enactment of this title, the Attorney General shall develop and implement guidelines for the Department of Justice consistent with the purposes of this Act. In preparing the guidelines the Attorney General shall consider the following objectives:

(1) SERVICES TO VICTIMS OF CRIME.—Law enforcement personnel should ensure that victims routinely receive emergency social and medical services as soon as possible and are given information on the following—

(A) availability of crime victim compensation (where applicable);

(B) community-based victim treatment programs;

(C) their role in the criminal justice process, including what they can expect from the system as well as what the system expects from them;

(D) key points in the criminal justice process at which they might want to request information as to the status of their particular case and suggestions on how best to request this information; and

(E) ability of law enforcement officers to protect victims and witnesses from intimidation.

(2) SCHEDULING CHANGES.—All victims and witnesses who have been scheduled to attend criminal justice proceedings should either be notified as soon as possible of any scheduling changes which will affect their appearances or have an "on call" or telephone alert system available.

(3) PROMPT NOTIFICATION TO VICTIMS OF MAJOR SERIOUS CRIMES.—Victims and witnesses of serious crimes should be given the opportunity to request advance notification of important criminal justice proceedings. Victims and witnesses who provide the appropriate official with a current address and telephone number should receive prompt advance notification of all judicial proceedings relating to their case, including—

(A) arrest or initial appearance before a judicial officer of the accused;

(B) initial bond decision of the accused; and

(D) disposition of the case (including trial, sentencing, and eventual release of accused).

(4) CONSULTATION WITH VICTIM.—The prosecution should obtain the views of victims of serious crimes, or in the case of a minor child or homicide, the victim's family, prior to making a recommendation to the court, when the victim has provided a current address and telephone number. These views would be nonbinding. The key points for consultation include—

(A) dismissal;

(B) plea negotiations;

(C) pretrial release hearings (if feasible); and

(D) pretrial diversion program.

(5) SEPARATE WAITING AREA.—Victims and witnesses should be provided with a separate waiting area during court proceedings that is separate from all but prosecution witnesses.

(6) PROPERTY RETURN.—Law enforcement agencies and prosecutors should promptly return victim's property held for evidentiary purposes unless compelling law enforcement reason for retaining.

(7) NOTIFICATION TO EMPLOYER.—Victim and witness should be asked if they would like their employer to be notified of need for victim/witness to cooperate and, therefore be absent from work. If the victim or witness has to take time off from work to assist in the investigation or prosecution of the case, employers should be encouraged to continue to pay the victim or witness as if they had actually worked. In situations when as a direct result of a crime or cooperation with law enforcement officials, the victim or witness is subjected to serious financial strain, a law enforcement official should offer to contact creditors to explain the circumstances.

(8) TRAINING BY FEDERAL LAW ENFORCEMENT TRAINING FACILITIES.—The Attorney General and Secretary of the Treasury should instruct the directors of the Federal training facilities to ensure that victim assistance training be offered to law enforcement so that victims are assisted properly immediately following the commission of crime and throughout the duration of the criminal justice proceedings; and to ensure that criminal justice personnel are familiar with these guidelines.

(9) GENERAL VICTIM ASSISTANCE.—The guidelines should also ensure that when feasible other important means of assisting victims and witnesses, such as the adoption of transportation, parking, and translator services for victim in court are provided.

(b) Nothing in this title shall be construed as creating a cause of action against the United States.

SEC. 502. All Federal law enforcement agencies, outside of the Department of Justice, shall adopt guidelines consistent with section 501.

TITLE VI—PROFIT BY A CRIMINAL FROM SALE OF HIS STORY

SEC. 601. Within one year after the date of enactment of this title, the Attorney General shall report to Congress regarding any laws that are necessary to ensure that no Federal felon derives any profit from the sale of the recollections, thoughts, and feelings of such felon with regards to the offense committed by the felon until any victim of the offense receives restitution.

● Mr. LAXALT. Mr. President, I am pleased to join my distinguished colleague, Senator HEINZ, in introducing the Omnibus Victims Protection Act. This legislation is very much needed and long overdue. It represents, what I believe to be, an important first step in an effort to make our law enforcement and criminal justice systems more responsive to the needs of Federal crime victims.

In a time when our society is becoming more violent and when a disturbing number of crimes are being committed, it seems to me it is time that Congress set an example, at the national level, for States to follow at their choosing. Although this legislation appropriately would apply only at the Federal level, it is intended that the States would also seek to make many of the necessary statutory changes in State law that are incorporated in this bill. To do so is not only sound public policy, but good law.

Before I speak to some of the many important provisions of this bill, Mr. President, I would like to recognize a number of people and organizations whose ideas and assistance have shaped this legislative initiative. First of all, Senator HEINZ and his dedicated staff have assembled in this bill some of the best thinking in the victim's area. You will not find anything in this bill that increases the load on the already over-burdened taxpayer. This bill is intended to enhance the role of the victim in our system of justice. This can be done by changing procedures and by making important shifts in emphasis.

Second, executive branch personnel, both in the Department of Justice and in the White House, have encouraged many of the bill's provisions. President Reagan, as a candidate, formed the first task force on victims ever in a national Presidential campaign. As President, he created the Task Force on Violent Crime, headed by his Attorney

General, William French Smith. The report from that Task Force provided the genesis for a good portion of this bill.

Third, the American Bar Association's section on criminal law, chaired by Prof. William Greenhalgh, provided important sections of this bill which will remedy many of the problems associated with victim-witness intimidation. Their model statute, technical assistance, and legal expertise have made an invaluable contribution.

Finally, the National Organization of Victim Assistance (NOVA) has labored many years at both the Federal and State levels to redirect criminal justice and law enforcement resources so that they respond to the needs of victims. Their seminal and well respected work on behalf of victims may be found in almost every section of this bill. Moreover, their efforts at the State level have resulted in the passage of victims legislation far more comprehensive than anything we have in the Federal system.

Mr. President, for a moment I would like to focus on a small but very important section of this bill that provides for the preparation of a victims impact statement. This change in the law will require the probation office to include in a guilty defendant's presentence report, a statement containing "* * * verified information stated in a nonargumentative style containing an assessment of the financial, social, psychological, and medical impact upon, and cost to, any individual against whom the offense has been committed." This provision, currently used in Baltimore Federal courts, will give the sentencing judge information that might not otherwise be available. Many times, especially in cases where there has been plea bargaining, the judge must pass sentence on the defendant while never having seen or heard the victim, let alone the impact of the crime on that victim. Take for example, a woman who was the victim of an assault and suppose she suffered a broken arm. It is very important that the judge also be informed if the woman lost her job because of the injury. Moreover, this type of information is not only relevant to the sentencing process, but it is readily available and easily verified.

There is a widely held perception that sentences served by violent criminals do not adequately reflect the trauma, both physical and psychological, inflicted on innocent victims. This mandated change will guarantee that the judge will have the information necessary to assist him in making sure the sentence given reflects the severity of the crime and its consequences to the victim. It is intended that this information become part of the felon's permanent file, to follow him throughout his time in our courts, our prisons, and the Nation's parole system. Violent criminals must be made to pay dearly for their deeds. This is not just to express our collective outrage at the crime committed, but to incapacitate the criminal and to keep him away from the rest of our law-abiding society for as long as it is necessary to provide for the public safety.

Once a person has been convicted and sentenced to prison, it becomes important to society that the departments and agencies of the Government charged with that person's custody perform their duty at an acceptable level. One provision of this bill will place liability on the Federal Government in cases where convicts are released or escape through the gross negligence of Federal officials. In my view, public policy would be well served by allowing such suits under the Federal Tort Claims Act. I think this represents good policy for three reasons: First, parole and probation officers would be considerably more cautious in releasing potentially dangerous convicts; second, it would force these officials to be publicly accountable—although not personally liable—for what are often grossly negligent acts. Finally, and most important, victims would be provided a Federal cause of action. Damages would be awarded if gross negligence caused the premature release or the escape of a violent Federal prisoner who went on to prey on society.

The budgetary impact of this provision will be thoroughly studied by the Judiciary Committee. There will be those who will predict dire fiscal consequences. I must strongly disagree. If Government officials charged with our protection cannot be held to a "gross negligence" standard, then those that govern have forgotten who we work for. There is a sound public interest in holding the Federal Government responsible for the outrageous conduct of its officials, especially when they are charged with protecting our society from those already convicted of a violent crime.

Parts of this bill require the Attorney General to establish guidelines within the Department to improve the treatment of crime victims and witnesses. Other sections expend the law to enable it to reach instances of victim-witness intimidation, not currently reachable. Another allows the court to order that the criminal pay restitution to the victim. This can also be made a condition of probation or parole. It is expected that these provisions, and the many others not mentioned, will not increase the budgets of any department or agency.

In conclusion, Mr. President, this bill would dramatically change the criminal justice system's treatment of the victims of crime. However, in doing so, it does not deprive the criminal of any right, procedural or substantive. I believe that to correct the systematic injustices currently visited upon the victim is to remedy an evil that works at cross purposes with traditional notions of justice and fair play. To do this at the expense of the defendant is neither required nor good law. Senator HEINZ and I have fashioned this proposal to benefit the victim and the witness. They are vital players in a justice system that could neither exist nor function without their cooperation and assistance. I urge my colleagues to study this proposal and to give it their support.●

● Mr. JACKSON. Mr. President, I am pleased to join as a cosponsor to the Omnibus Victims Protection Act of 1982. While we must not lose sight of the importance of waging a relentless, comprehensive battle against the crime epidemic we currently see in our country, we have an opportunity with this legislation to improve an important aspect of the Federal justice system. Until recently, the law enforcement system has overlooked one of the key elements of the crime scenario—the victim. This legislation will improve the treatment of victims and witnesses of crime in order that they are not discouraged from bringing or continuing cases because of a system unresponsive or insensitive to the victim's needs.

In a recent Gallup poll, results showed that crime and violence ranked third behind inflation and unemployment as the most important problem facing the country today. I share that concern. It is unconscionable for us to live in fear for our personal safety and our lives. It is not a reassuring statistic that nearly one in every three U.S. households is hit by crime every year. My own house in Everett, Wash., was burglarized just last December.

Studies indicate that crime increases when the economy sags; when unemployment is up, people are more in need to become involved with crime. In these times, victims can least afford to bear the brunt of the financial loss or the time involved in processing the case.

As crime continues to rise nationwide, we are all affected psychologically. Senior citizens in particular become easy victims for criminals. They are afraid to venture out to cash social security checks. Victims suffer during the commission of the crime, but they continue to endure great suffering after the crime has been committed. I think attention to the victim and his family is a vital part of alleviating the damaging effects of crime and the fear surrounding this problem. With a strong victim assistance program in place, people will know where to turn to on becoming a victim.

This Omnibus Victims Protection Act will stimulate public awareness and open an avenue for participation

in such programs. More importantly, it will help alleviate fear for the victim in going through the process of the criminal justice system. I support this legislation and urge my colleagues to be supportive as well.●

● Mr. MITCHELL. Mr. President, I rise in support of the Omnibus Victims Protection Act of 1982.

It is a well-known fact that crime, especially violent crime, is on the rise in this country. According to the national crime survey, between the years of 1973 and 1979 an estimated 40 million Americans, 1 out of 5, were victims of rape, robbery, or assault.

In my home State of Maine, which is a rural State with less crime than some other areas of the country, the statistics are nonetheless shocking. In 1981, there was on robbery every 24 hours; one burglary every 37 minutes; and one violent crime every 3 hours. In the same year, the crime of murder increased by the rate of 12.5 percent.

In all of this, the victims of these crimes suffer most: First, as subjects of the crime in question; and second, as subjects of a judicial system designed to address the rights of the accused.

When a person is arrested for allegedly committing a serious crime, the arresting officer must read the accused his rights. If the defendant cannot afford an attorney, the State will appoint one for him. Prior to going to trial the defendant is usually counselled extensively as to the law and his rights under the law.

But what about the victim?

What about the elderly woman whose purse is snatched; or the man who is mugged and robbed; or the couple whose home is broken into?

This bill would attempt to address this problem in our system by placing a greater emphasis on the rights of the victim. In so doing, we are not attempting in any way to diminish the rights of the accused. Rather, we want to consider, to a greater extent than is done today, the rights of the victim.

Mr. President, I am particularly supportive of a provision in this bill requiring that the sentencing report given to the judge in a criminal proceeding contain information assessing the financial, social, psychological, and medical impact upon the victim of a particular crime. As a former Federal judge, I know from firsthand experience how helpful this information would be.

As a former prosecutor at the State and Federal levels, I also strongly support the requirement that the Attorney General develop and implement guidelines within 1 year to address the need for prosecutors to inform victims of a decision to dismiss a case; the need to have recovered property returned promptly to the victim, rather than being held for months on end—as is now the case; and the need to inform victims and witnesses about changes in court appearances before they arrive at the courthouse.

It is common knowledge that victims and witnesses of crimes today often do not want to "get involved." Is it any wonder?

This bill will not solve our crime problem. But it will go a long way in providing consideration for the rights of the victim. I urge my colleagues to support this important piece of legislation.●

● Mr. MOYNIHAN Mr. President, I am pleased to join my colleagues, Senators HEINZ and LAXALT, in introducing the Omnibus Victims Protection Act of 1982. This important measure would provide much needed protection and assistance to the all-too-often forgotten victims and witnesses of criminal activity.

I have a longstanding interest in this issue. While serving as an Assistant Secretary of Labor during President Kennedy's administration, I helped develop what was perhaps the first national scheme for providing compensation to crime victims. In the 95th Congress I was a cosponsor of S. 551, the Victims of Crime Act, which was designed to provide grants to States to compensate victims of crime. Unfortunately, legislation to achieve that objective has not yet been enacted. I join my colleagues today in introducing this measure in the hope that we can begin to take steps toward achieving that goal now.

The incidence of crime against persons and property has increased dramatically in recent years. From 1976 to 1980, violent crime increased by 33 percent and property crime rose 16 percent. In 1980, over 13 million criminal offenses were recorded on the FBI's Crime Index. Such offenses have a profound impact on millions of Americans who suffer personal injury or property losses as a direct result of criminal activity. In response to the sharp increase in crime, Congress and the States are now embarked on additional efforts designed to curb crime. All too often, however, such efforts are aimed solely at the arrest and conviction of the criminal, while largely ignoring the victims and witnesses who not only must play a crucial role in helping the Government prosecute those charged with a criminal offense, but who may continue to be deeply affected by the crime long after the trial is over.

The legislation we introduce today seeks to correct that imbalance. It would afford protection for victims and witnesses of crime from being intimidated, encourage restitution whenever possible for losses due to personal injury or property loss, and would provide for witness relocation and protection when necessary.

The bill directs the Attorney General to develop guidelines to assure the fair treatment of victims and witnesses by the criminal justice system. In addition, the Attorney General is directed to make recommendations to Congress within 1 year about proposals that would end the practice whereby criminals are able to profit from crime. Federal felons should not be permitted to benefit financially from the sale of books, movie rights, or interviews with the news media based on their notoriety. Finally, this measure would provide for a review about the desirability of removing the sovereign immunity that presently shields the Federal Government from a cause of action when a person is injured as a result of the early release of a prisoner or mental patient. The Government should be accountable for the adverse consequences that result from the improper release or supervision of persons held in Government custody.

I commend my colleagues for their attention and work in this important area and urge prompt enactment of this legislation.●

● Mr. METZENBAUM. Mr. President, I am pleased to cosponsor the Omnibus Victims Protection Act. I strongly support efforts to protect and compensate crime victims. I think the bill being introduced today is a good start in that direction. I look forward to working with my colleagues on the Judiciary Committee and with the other cosponsors of this measure to produce a bill that provides much-needed help for victims of crime.●

● Mr. CHILES. Mr. President, I am pleased to join with my Senate colleagues in cosponsoring the Omnibus Victims Protection Act of 1982.

The introduction of this bill coincides with national "Crime Victims Week." It is important that we give attention to the victims of crime because they are often overlooked in the criminal justice system. Violent crime has increased at an alarming rate in recent years. We have been concentrating on ways to stem this increase, and rightly so. I have introduced a number of bills in the Senate that would increase our law enforcement activities, impose stiffer penalties on offenders, and reform our court system. These bills address the perpetrators of crime. The bill we are introducing today helps the person on the receiving end who suffers the most from crime—the victim.

This bill goes a long way toward providing the necessary assistance to victims of crime. I'm particularly concerned about the impact of crime on our elderly citizens. Last year the Senate Special Committee on Aging held a hearing on "Older Americans: Fighting the Fear of Crime." We learned firsthand the debilitating effects of crime against the elderly. The fear of crime poses a large obstacle in the lives of our senior citizens. A recent study by the Department of

Justice revealed that 3 out of 4 elderly persons deliberately limit their activities because of fear of crime. They even barricade themselves in their homes during certain hours of the day. One of the reasons for this high level of fear is the severe consequences the elderly crime victim faces. The trauma—physically, financially, and psychologically—is often more severe than for younger persons. What can we do to ease this fear among our senior citizens? Well, we can enact new laws to promote deterrence through increased apprehension and punishment. But we cannot wait for these initiatives to take effect—we must aid the crime victim now. The bill we are introducing today will provide a "helping hand" to all victims of crime, including the elderly, by protecting them in a critical period and by helping them to resume a normal life.

This bill will give the Federal Government the ability to protect and assist crime victims in a number of ways. It provides the remedy of restitution as a sentencing tool for judges faced with criminals convicted of offenses involving property losses or personal injuries. Restitution would cover out-of-pocket medical expenses, property losses, and the funeral and burial expenses of deceased victims. Current Federal law does not allow the judge to order a convicted felon to pay for those expenses of the victim. The bill would expand the Federal Government's tort liability and create a cause of action under which victims could sue the Federal Government for gross negligence in releasing or failing to supervise dangerous criminals. Under this provision, the Federal Government would be liable for damages when a person is injured by the Federal Government's gross negligence in either prematurely releasing a prisoner or mental patient, or in failing to supervise an obviously dangerous person. Further, under the provisions of this bill, all sentencing reports would have to include a "victim's impact statement" which would assess the financial, social, psychological, and medical impact on the victim of the crime.

This bill also requires the Attorney General to develop guidelines for the fair treatment of victims and witnesses in the criminal justice system. For too long, the rights and feelings of the victims and witnesses have been overlooked by our criminal justice system. This bill addresses the need for prosecutors to consult with victims before decisions are made to dismiss a case, reduce charges, or to plea bargain. The bill also works to get recovered property returned promptly to victims instead of that property sitting in police storage while the convicts exhaust their appeals. In addition, the bill mandates that victims and witnesses be promptly notified when changes are made in their scheduled court appearances, so that they do not show up at the courthouse and find out that the date has been changed.

The bill has other helpful features. Crime victims and witnesses would receive information on the availability of social and medical services in the community, as well as information on crime compensation programs. The bill also provides a shelter for victims and witnesses who are intimidated, threatened or subjected to retaliation, and it even provides for relocation when the circumstances require. Finally, the bill stipulates that no Federal felon should profit from television interviews, books, movies, or other notoriety that is directly related to the criminal act until all innocent parties have been made whole.

I urge my colleagues to consider this bill, which requires no additional expenditure of Federal funds, and join us in cosponsoring it.

In closing, I would like to share an excellent article by columnist Charles Whited from the April 18, 1982, edition of the Miami Herald, which expresses the problems encountered by crime victims.

The article follows:

[From the Miami Herald, April 18, 1982]

"RIGHTS WEEK" POINTS UP HOW WEAK THEY ARE

Their names occupy no prominent place in the order of things. You'll find them in manila-bound court files, homicide files, morgue files, newspaper files.

I list merely a random sampling here: Elvira Sanchez, age 19. Heide Marie Zock, 21. John V. Hardeman II, 27, and his wife Gail, 25. Wendy Preston, 22. Beverly Novak, 20. There are many more.

These are victims. All were murdered in Dade, Broward or Palm Beach County. All, in one way or another, represent cases in which justice—that is, the process of crime and punishment—was wholly or partly thwarted.

Thwarted by judges who set free killers or potential killers. Thwarted by laws that let killers cop insanity pleas, and psychiatrists and lawyers who are party to this legal strategy for escaping punishment. Thwarted by nit-picking legal technicalities that override the horror of the deed and allow vital criminal evidence to be squelched.

The stories of the victims above have been reported in the news media many times over, so I won't repeat them here. Suffice it to say that, for them, justice has been largely denied. And that denial, I think, points to a critical imbalance in our system of dealing with violent crime. Routinely, the victim is ignored.

Catherine G. Lynch puts it a better way: "So often the mechanics and ritual of the 'criminal justice' process take precedent over recognition of what actually happened—one person destroyed another."

The assessment is timely. This week, the second week after Elvira Sanchez's confessed murderer walked free for the second time on legal technicality—is Victims' Rights Week.

Catherine Lynch is director of Dade County's Victims Advocate program. It is an eight-year-old effort to help those who survive violent crime: Help them to cope; to thread through the maze of unfamiliar social, legal and medical procedures; to come to grips with terror; and to restore their lives to normalcy if possible.

Lynch's staff deals with the nitty-gritty of life on the violent side, from victims of street assault and rape to battered women in need of shelter to sexually abused children. Last year the program served more than 1,000 victims, and 2,000 more received crisis counseling by telephone. Victims Advocate has offices at 1515 NW Seventh St., Suite 213, and the telephone number is 547-7933.

As I see it, these are ironic times. The criminal, Public Enemy No. 1, is accorded every consideration at public expense. The defendant has a mandate for pretrial release, virtually unlimited appeal, tax-paid legal counsel, a right to decent jail comforts with recreation and television, free meals, free counseling and rehabilitation, early parole. While the criminal is in prison, tax-paying victims help to care for his or her family with welfare assistance.

The victim suffers loss of employment because of injuries, medical costs, intimidation, browbeating by defense attorneys; is summoned repeatedly for hearings that are canceled; experiences pressure from family and friends to drop the whole thing; has no protection from retaliation if the criminal goes free; and is given little access to information about the progress of a case.

A bill to require that judges read a "victim's impact statement" was killed in the last Legislature.

How can things be changed?

"Involve the victim in the criminal-justice system," Lynch said. "A victim impact statement would be a damned good way to start . . . The system has lost track of what it was set up to do, lost track of justice and bogged down in technicality."

Elvira Sanchez, 19, Heide Marie Zock, 21, John V. Hardeman II, 27, and his wife Gail, 25, Wendy Preston, 22 . . .

S. 2433—VICTIM COMPENSATION FUND

Mr. HEINZ. Mr. President, a few minutes ago, in my remarks on the introduction of the Heinz-Laxalt victims protection bill, I indicated I would introduce an amendment to that bill so we might have a specific proposal available on a victim compensation fund.

I am introducing this amendment at this time because of the fact that each year there are more than 40 million individuals who become victims of crime, who experience not only physical or psychological injury, but also financial hardship. Money or valuables may be taken, and doctor and hospital expenses incurred. There may be a loss of future income, as well.

I believe the Government must do all it can to address this problem. Therefore, the separate bill that I am introducing, which I may well offer as an amendment to this bill, the victims protection bill, at an appropriate time, is a bill and may be an amendment which will establish a victim compensation fund to insure that all victims of Federal crimes which involve per-

sonal injury or property loss receive equitable restitution.

The funding for this program proposed in this piece of legislation will not require new taxes or appropriations, but will come from new fines to be levied against all persons convicted of Federal crimes. These fines would be small—either $10 for misdemeanors or $25 for felonies—or a 10-percent surcharge on fines owed to the Federal Government, whichever is greater. Other components of the victim compensation fund would be similar to those contained in the Criminal Code legislation now before the Senate, S. 1630.

I believe that this proposal must be included in any comprehensive victims protective package. Accordingly, I have introduced this bill separately today in the hope that a specific working proposal will help the members of the Judiciary Committee focus on this critical issue and reach an agreement on the proper approach to what I view as an extremely vital and important aspect of fair and complete victims assistance.

I ask unanimous consent, Mr. President, that the text of my bill be printed in the RECORD.

S. 2433

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) part II of title 18, United States Code, is amended by adding at the end thereof the following new chapter:

CHAPTER 239—ACTIONS FOR COMPENSATION OF VICTIMS OF CRIME

"Sec.
"3801. Establishment of a Victim Compensation Fund.
"3802. Claim for Compensation.
"3803. Limitation on Compensation.
"3804. Subrogation.
"3805. Definitions.

"§ 3801. Establishment of a Victim Compensation Fund

"There is established in the Treasury of the United States a revolving fund, to be known as the Victim Compensation Fund, that shall be the depository of fines paid by all individuals convicted of federal offenses in the amount of—

"(1) $10 for each misdemeanor and $25 for each felony; or

"(2) an additional 10 percent surcharge on all federal fines paid in the courts of the United States;

whichever is greater. No payment of compensation provided for by this chapter shall be made except from the Fund established by this section, and then only to such extent or in such amounts as are provided in advance in appropriation acts.

"§ 3802. Claim for Compensation

"(a) CLAIM.—The victim of an offense involving violence or the threat of violence over which federal jurisdiction exists, or of an attempt to commit such an offense, or a surviving dependent of such a victim, may file a claim with the Unites States Victim Compensation Board, established under chapter 40 of title 28 of the United States Code, for compensation for personal injury in accordance with this chapter.

"(b) HEARING ON CLAIM.—A hearing on a claim filed under this chapter shall be open to the public unless the Board determines that, in the interest of justice, the hearing, or a portion of the hearing, should not be open to the public.

"(c) SCOPE OF COMPENSATION.—The Board, subject to the provisions of sections 3801 and 3803, shall order the payment of compensation for personal injury to—

"(1) a victim who has suffered personal injury as a result of the offense;

"(2) the estate of a victim who has suffered personal injury as a result of the offense; or

"(3) a surviving dependent of a victim who has suffered death as a result of the offense.

"(d) AMOUNT AND PAYMENT OF COMPENSATION.—The Board shall determine the amount of, and shall order payment of, compensation for pecuniary loss to be awarded to a claimant. If the pecuniary loss occasioned by loss of anticipated earnings or support continues for a period of ninety days or more, payment for the loss may be in the form of periodic payments during the period for which the loss continues or during a period of ten years, whichever is less.

"(e) EMERGENCY COMPENSATION.—If, prior to taking final action upon a claim, the Board determines that such claim is one with respect to which compensation will probably be ordered to be paid, the Board may order emergency compensation to be paid, not to exceed $1,500, pending final action on the claim. The amount of any emergency compensation ordered and paid shall be deducted from the amount of any final order for compensation. If the amount of any emergency compensation ordered and paid exceeds the amount of the final order for compensation, or if no final order for compensation is made, the claimant may be ordered to make reimbursement to the Fund of the difference between such amounts.

"(f) RECONSIDERATION OF CLAIM.—The Board at any time may reconsider a claim and modify or rescind an order for the payment of compensation based upon a change in circumstances of the claimant.

"(g) BAR TO CLAIM.—No claim may be brought under this chapter if the injury or the death was caused by the operation of a vehicle, unless the injury or death was intentionally inflicted through the use of the vehicle, or unless the vehicle was an implement used in the commission of an offense to which this chapter applies.

"(h) BAR TO CLAIM PRECLUDED.—It is not a bar to a claim brought under this chapter that, by reason of immaturity, incompetency, or otherwise, the person engaging in the conduct that caused the injury or death could not be convicted for the offense.

"(i) OTHER RIGHTS UNAFFECTED.—Except as otherwise provided, the availability or payment of compensation under this chapter does not affect the right of any person to recover damages from any other person by a civil action for the injury or death.

"(j) EXECUTION OR ATTACHMENT BARRED.—An order for the payment of compensation under this chapter is not subject to execution or attachment.

"(k) ABORTIONS PROHIBITED.—No funds authorized under the provisions of this chapter shall be used for abortions.

"§ 3803. Limitation on Compensation

"(a) PREREQUISITES TO RECOVERY OF COMPENSATION.—An order for the payment of compensation under this chapter shall not be made unless—

"(1) the offense giving rise to the claim was reported to a law enforcement officer within seventy-two hours after its occurrence, unless the Board finds that the failure to report within such time was justified by good cause;

"(2) the claim is filed within one year after the date of the offense giving rise to the claim, unless the Board finds that the failure to file the claim within such time was justified by good cause; and

"(3) the claimant has suffered a pecuniary loss exceeding $100 or an amount equal to a week's earnings or support, whichever is less, as a proximate cause of the offense giving rise to the claim.

"(b) MAXIMUM AMOUNT OF COMPENSATION.—An order for the payment of compensation for pecuniary loss under this chapter may not exceed a total of $50,000, including lump-sum payments and periodic payments, for each incident involving an offense against a victim.

"(c) RESPONSIBILITY OF VICTIM OR CLAIMANT FOR THE OFFENSE.—The Board, in determining whether to order payment of compensation and the amount of compensation to be ordered, shall consider the behavior of the victim or claimant with regard to the circumstances of the offense giving rise to the claim, shall determine whether the victim or claimant bears any share of responsibility for the offense because of provocation or otherwise, and shall—

"(1) reduce the amount of compensation to the claimant in accordance with its assessment of the degree of such responsibility attributable to the victim or claimant; or

"(2) deny compensation if the behavior of the victim or claimant was a substantial contributing factor to the offense giving rise to the claim.

"(d) CONTINUING DUTY OF VICTIM OR CLAIMANT TO COOPERATE.—The Board, upon finding that a victim or claimant has not substantially cooperated with all government agencies involved in the investigation or prosecution of the offense that gave rise to the claim, may deny, rescind, or reduce the amount of any order for the payment of compensation under this chapter.

"(e) EFFECT OF COMPENSATION FROM OTHER SOURCES.—In the event that a claimant—

"(1) recovers damages from any other source or receives restitution, based upon an offense giving rise to a claim under this section and subsequently receives compensation under this section based upon such offense, in determining the amount of compensation to be awarded under this section such damages shall be assumed to compensate for losses other than pecuniary losses compensable under this chapter unless the damages clearly compensate for pecuniary losses; or

"(2) receives compensation under this section and subsequently recovers damages from any other source or receives restitution, based upon the offense that gave rise to compensation under this section, the claimant shall be ordered to make reimbursement to the Fund for the compensation previously paid to the same extent that compensation would have been reduced under paragraph (1) had recovery preceded compensation.

"§ 3804. Subrogation

"The Attorney General, to the extent practicable, shall institute against an offender convicted by a federal, State, or local court of an offense giving rise to a claim under this chapter, an action for the recovery of all or part of such compensation in

the United States District Court for any judicial district in which such person resides or is present. Such action must be instituted within three years after the entry of an order for the payment of compensation under this chapter. A conviction of a defendant by a federal court of an offense involving the act giving rise to a claim under this subsection shall estop the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceeding brought by the United States under this section. Such court shall have jurisdiction to near, determine, and render judgment in any such action. Recovery of any amount by the Attorney General pursuant to this section does not affect the obligation of the defendant to pay a fine for the offense giving rise to the claim for compensation. Any amounts recovered under this subsection shall be forwarded to the Treasury of the United States for credit to the Victim Compensation Fund.

"§ 3805. Definitions.

"As used in this chapter—

"(1) 'dependent' means—

"(A) a spouse;

"(B) an individual who is a dependent within the meaning of section 152 of the Internal Revenue Code of 1954 (26 U.S.C. 152); or

"(C) a posthumous child;

"(2) 'pecuniary loss' means—

"(A) in the case of personal injury—

"(i) all appropriate and reasonable expenses resulting from the personal injury necessarily incurred for ambulance, hospital, surgical, nursing, dental, prosthetic, and other medical and related professional services relating to physical or psychiatric care, including nonmedical care and treatment rendered in accordance with a recognized method of healing, but excluding any expenses incurred because of an induced abortion;

"(ii) all appropriate and reasonable expenses resulting from the personal injury necessarily incurred for physical and occupational therapy and rehabilitation; and

"(iii) actual loss of past earnings and anticipated loss of future earnings because of a disability resulting from the personal injury, at a rate not to exceed $150 per week, if the loss continues for a period of ninety days or more; and

"(B) in the case of death—

"(i) all appropriate and reasonable expenses necessarily incurred for funeral and burial expenses; and

"(ii) loss of support to a dependent of a victim, not otherwise compensated for as a pecuniary loss for personal injury, for such period of time as the dependency would have existed but for the death of the victim, at a rate not to exceed a total of $150 per week for all dependents;

"(3) 'personal injury' means bodily injury, or mental distress or nervous shock connected with bodily injury;

"(4) 'offense involving violence or the threat of violence' does not include an offense over which there is federal jurisdiction only because the offense affects, delays, or obstructs interstate or foreign commerce or the movement of an article or commodity in interstate or foreign commerce, or because the offense occurred during the commission of an offense over which there is federal jurisdiction only for that reason, unless an indictment or information charging such an offense is filed in a court of the United States.".

(b) The table of chapters for part II of title 18, United States Code, is amended by adding at the end thereof the following new item:

"239. Actions for Compensation of Victims of Crime ..... 3801.".

SEC. 2. (a) Part II of title 28 of the United States Code is amended by adding a new chapter as follows:

"CHAPTER 40—UNITED STATES VICTIM COMPENSATION BOARD

"Sec.
"595. Organization and Membership.
"596. Powers of the Board.
"597. Procedures.
"598. Review.

"§ 595. Organization and Membership

"The United States Victim Compensation Board is hereby established within the Department of Justice to administer the victim compensation program set forth in chapter 239 of title 18. The Board shall be composed of not more than three members to be appointed by the Attorney General. The Attorney General shall designate one of the members of the Board to serve as chairman.

"§ 596. Powers of the Board

"Under regulations promulgated by the Attorney General, the Board is authorized in carrying out its functions to—

"(1) appoint and fix the compensation of such personnel as the Board deems necessary in accordance with the provisions of title 5;

"(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, but at rates not to exceed $100 a day for individuals;

"(3) designate representatives to serve or assist on such advisory committees as the Board may determine to be necessary to maintain effective liaison with federal agencies and with State and local agencies developing or carrying out policies or programs related to the provisions of chapter 239 of title 18;

"(4) request and use the services, personnel, facilities, and information (including suggestions, estimates, and statistics) of federal agencies and those of State and local public agencies and private institutions, with or without reimbursement therefor;

"(5) enter into and perform, without regard to section 529 of title 31, such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of its functions, with any public agency, or with any person, firm, association, corporation, or educational institution, and make grants to any public agency or private nonprofit organization;

"(6) request and use such information, data, and reports from any federal agency as the Board may from time to time require and as may be produced consistent with other law;

"(7) arrange with the heads of other federal agencies for the performance of any of its functions under this part with or without reimbursement and, with the approval of the Attorney General, delegate and authorize the redelegation of any of its powers under this section;

"(8) request each federal agency to make its services, equipment, personnel, facilities, and information (including suggestions, estimates, and statistics) available to the greatest practicable extent to the Board in the performance of its functions;

"(9) pay all expenses of the Board, including all necessary travel and subsistence expenses of the Board outside the District of Columbia incurred by the members or employees of the Board under its orders on the presentation of itemized vouchers therefor approved by the Chairman or his designate; and

"(10) establish a program to assure extensive and continuing publicity for the provisions relating to compensation under chapter 239 of title 18, including information on the right to file a claim, the scope of coverage, and procedures to be utilized incident thereto.

"§ 597. Procedures

"(a) The Board—

"(1) may subpoena and require production of documents in the manner of the Securities and Exchange Commission as provided in subsection (c) of section (18) of the Act of August 26, 1935 (15 U.S.C. 79r(c)), except that such subpoena shall only be issued under the signature of the Chairman, and application to any court for aid in enforcing such subpoena shall be made only by the Chairman, but a subpoena may be served by any person designated by the Chairman;

"(2) may administer oaths or affirmations to witnesses appearing before the Board, receive in evidence any statement, document, information, or matter that may, in the opinion of the Board, contribute to its functions under this chapter, whether or not such statement, document, information, or matter would be admissible in a court of law, provided it is relevant; and

"(3) may, at the discretion of the Chairman, appoint an impartial licensed physician to examine any claimant under this chapter and order the payment of reasonable fees for such examination.

"(b) The provisions of chapter 5 of title 5 shall not apply to adjudicatory procedures to be utilized before the Board.

"(c) A claim for compensation under chapter 239 of title 18 of the United States Code may be acted upon by a member designated by the Chairman to act on behalf of the Board. In the event the disposition by a member as authorized in the preceding sentence is unsatisfactory to the claimant, the claimant shall be entitled to a de novo hearing of record on his claim by the full Board.

"(d) Decisons of the full Board shall be in accord with the will of a majority of the members and shall be based upon a preponderance of the evidence.

"(e) A claimant at such times as the full Board shall sit shall have the right to produce evidence and to cross-examine such witnesses as may appear.

"(f) The Attorney General shall publish regulations providing that an attorney may, at the conclusion of proceedings under this chapter, file with the Board an appropriate statement for a fee in connection with services rendered in such proceedings. After such a fee statement is filed by an attorney, the Board shall award a fee to such attorney on substantially similar terms and conditions as are provided for the payment of representation under section 3006A of title 13 of the United States Code.

"§ 598. Review

"The United States Court of Appeals for the District of Columbia shall have jurisdiction to review all final orders of the Board. No finding of fact supported by substantial evidence shall be set aside.".

(b) The table of chapters for part II of title 28, United States Code, is amended by adding at the end thereof the following new item:

"40. United States Victim Compensation Board ..... 595.".

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business, during which Senators may speak for 2 minutes each.

Mr. HEINZ. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unamimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CRIMINAL CODE REFORM ACT OF 1981

Mr. BAKER. Mr. President, I had indicated yesterday, and I believe again this morning, that at approximately 11 o'clock I would ask the Senate to proceed to the consideration of S. 1630, the Criminal Code Reform Act of 1981.

I hope that the principals on both sides will be available and on the floor in the next few moments so that I can go forward with that.

As I indicated earlier, if there is an objection to the unanimous-consent request, as there may well be, it is my intention to move to the consideration of that measure, a motion, of course, which is debatable.

Mr. President, I would urge those Senators who have an interest in this legislation to come to the the floor so that we may proceed.

Mr. McCLURE. If the majority leader will yield, I indicated last evening that I wished to propound some parliamentary inquiries. I would want to do that before we proceeded with the legislation, when the principals involved are on the floor. I would like to make those inquiries.

Mr. BAKER. I recall the Senator from Idaho had a number of parliamentary inquiries. I believe he has submitted them to the Parliamentarian in advance.

As those parliamentary inquiries are propounded and replied to by the Chair, I think it would be a good idea for the principals to be here.

Once again I would urge those who are directly involved to come to the floor so that we can deal with this matter.

Mr. McCLURE. I thank the majority leader.

EXTENSION OF TIME FOR ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that the time for the transaction of routine morning business now be extended under the same terms and conditions, not to extend past the hour of 11:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Ohio.

COAL MINE HEALTH AND SAFETY

Mr. GLENN. Mr. President, coal is a vital segment of the U.S. economy. It provides over 50 percent of our electricity and is essential for the production of steel. It also has become a major item for export as our allies seek to diversify energy supply sources. Because of this, coal is making a significant contribution to our balance of trade.

At a time when we continually hear about sagging industrial production in the United States, the coal industry is a shining star. In the last 6 months of 1981 coal production was at record levels. Coal miner productivity is rising while other industries show steady decline. U.S. coal miners are far more productive than their counterparts in Europe.

All reliable projections indicate that worldwide demand for coal will increase significantly in the next decade and that the United States will assume the lion's share of that market. National energy and economic policies require that we ask our coal miners to produce more coal. I strongly believe that our Nation's miners are willing and able to meet the increased demand.

One factor that cannot be ignored, however, is that increased demand for coal production must be accompanied by serious efforts to improve safety and health in the mines.

Despite a 10-week coal strike that shut many underground mines, 153 coal miners died in 1981—the highest fatality figure since 1975. For the first time since the passage of the 1969 Coal Mine Health and Safety Act the death rate is going up. Despite this record, the Mine Safety and Health Administration assessed 27 percent fewer notices of violation during 1981 than in 1980. In line with overall Reagan cutbacks, MSHA's budget and manpower are falling. The MSHA budget in 1981 was $153 million, the budget for 1982 was $146 million, and the administration proposes only $139 million for fiscal year 1983. The agency employed 3,570 workers in 1981 and estimates it will have 2,838 onboard by the end of the current fiscal year. In response to these appalling figures, the administration has said it will raise its fiscal year 1983 proposal by $15 million to add more inspectors. However welcome this recognition is that the cuts have gone too far, much more needs to be done, including a careful examination of actions and proposals of the Mine Safety and Health Administration that may result in less safety and health protection for the Nation's miners.

Recently, MSHA held a series of hearings on a proposal to institute a policy of routine $20 fines for coal companies charged with so-called nonserious violations of the law. It is my understanding that hundreds of coal miners attended the hearings to voice their opposition because they recognize the dangers inherent in such a proposal. The miners argued that Congress intended the civil penalty system to serve as an incentive for coal operators to comply with the law and that $20 penalties would fail to accomplish that goal. I share that belief.

Another frequent concern of the miners is the anticipated effect of the current MSHA reorganization. Many miners feel that the reorganization will result in cursory inspections and that mine safety and health will be jeopardized. They fear that MSHA is shifting its focus away from enforcement.

A third concern of miners that needs attention is the proposal for inspectors to make "compliance assistance visits" that would not include citations for violations. While there is nothing wrong with such a proposal in theory—mine operators may require assistance in understanding how to specifically comply with specific regulations of MSHA—we must make sure that the potential for abuse is minimized, and that compliance assistance visits are not used as a substitute for strict enforcement backed up by citations for violations.

The requirements of the law are not so abstruse that operators usually do not know proper procedures and mandated safeguards without an inspector at their elbow. Moreover, most mines have worker health and safety committees, and the well-trained committeemen gladly will point out current or potential problems to any operator who seriously wants assistance.

I believe Congress should assure the miners that every effort will be made to provide safe and healthful conditions in the mines. It is our responsibility to insure that the intent manifest in congressional passage of mine safety measures in recent years is not distorted by those who place profits—or abstract theories of regulatory procedure—above the health and safety of miners. I, for one, intend to live up to that responsibility.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EARTH DAY

Mr. PROXMIRE. Mr. President, today is the 12th anniversary of Earth Day. I am happy and proud to say that my former colleague, Gaylord Nelson, was the founder of Earth Day.

In honor of this important occasion, I am joining several of my colleagues in sharing an important document with the Senate.

This document entitled, "Indictment: The Case Against the Reagan Environmental Record," was prepared by staff members of 10 nationwide environmental groups and deals with subjects as varied as hazardous waste regulation and energy conservation.

I have chosen to include in the RECORD sections on synthetic fuels and energy leasing.

I am especially concerned with synthetic fuels development. At a time when our economy is suffering, the continued expenditure of huge sums of Federal dollars on speculative and environmentally damaging synthetic fuels projects makes no sense.

I ask unanimous consent that the text of this document be printed in the RECORD.

There being no objection, the document was ordered to be printed in the RECORD, as follows:

SYNTHETIC FUELS

President Reagan attacked subsidies for synthetic fuels while he was campaigning, but in office he has maintained them. Meanwhile his Administration has essentially halted efforts to develop rules to control pollution from synthetic fuel plants.

Preamble

Coal and oil shale can be converted into liquid and gaseous fuels. The United States has huge reserves of both coal and oil shale. We do not now use them to make liquid and gaseous fuels, because the resulting products would cost much more than the oil and gas available as alternatives.

The Carter Administration proposed and won approval of a multi-billion dollar synthetic fuels subsidy to be administered by an autonomous, federally financed Synthetic Fuels Corporation. The Corporation spends public money, but is exempt from the laws that make other federal agencies accountable to the public.

Synthetic fuels production is potentially a source of large quantities of hazardous waste, air, and water pollution. Because we have little experience with synthetic fuels plants, we do not know how effective pollution controls will be.

Ronald Reagan attacked the use of tax funds to subsidize synthetic fuels when he was campaigning, and members of his transition team recommended that he abolish the corporation.

Charges

Continuing Subsidies

Instead of abolishing synthetic fuels subsidies, President Reagan personally approved over three billion dollars in loan and price guarantees for three projects in the West, two owned by oil companies.

He has also refused to cut back on the Synthetic Fuels Corporation. The Corporation will soon begin to award an additional 12 billion dollars in subsidies to other synthetic fuels projects.

Disregarding Environmental Controls

The EPA had initiated intensive efforts to develop a program to assure that the massive synthetic fuels plants built with Federal assistance would use the best possible pollution control technology. Gorsuch terminated that effort. Since she took office EPA has

Scrapped pollution control guidance documents for synthetic fuels plants that had been developed to provide guidance for plant designers and environmental officials.

Proposed to virtually eliminate research on the health, safety, and environmental effects of synthetic fuels plants.

ENERGY LEASING

The people of the United States own vast coal, oil shale, oil, and gas resources. These are resources that belonged to the nation when it was founded or were acquired by treaty or by purchase from other nations.

For many decades the nation's energy resources, like other public resources, were made available for private use essentially on demand. Payments to the public treasury were shockingly low, and enormous reserves were leased—not be be developed, but for speculation.

A dozen years ago, President Nixon imposed a moratorium on coal leasing to reassess the way in which leasing decisions were made. In the years that followed, Congress enacted a series of laws requiring the Department of the Interior to consider the interests of the nation as a whole in making energy leasing decisions. The law requires the Department to adhere to five principles. It must (1) Balance potential energy development against alternative uses for the same property, selecting that use that maximizes the benefit to the public. (2) Assure a fair return to the nation for private development of its energy resources. (3) Make resources available only for necessary development, not for speculation. (4) Permit development only where it will not cause irreparable harm to the environment. (5) Provide full and fair opportunities for the public to participate in the decision on how to use the nation's resources.

The Reagan Administration has acted to subvert each of these principles. It seeks to make energy resources available on demand once again. It has truncated the planning process, ignored agricultural, wilderness, environmental, and recreational values, and has excluded the public and state and local governments from the process.

COAL LEASING

The Administration has subverted the leasing system, handing over basic decisions to industry and denigrating the importance of agricultural, environmental, and social and cultural values.

Preamble

There are 16.5 billion tons of federal coal under lease, enough to last over 200 years at the present rate of production of coal from federal leases. In all, the United States owns over 400 billion tons of coal, almost all of it in the West.

Until 1971, coal leasing on federal lands was virtually unregulated. The federal government leased the public lands at giveaway prices. Speculation in coal leases was rampant. Leases were resold at many times the price the government received from the original lease holder. Industry selected the land it wanted to lease and then held the leases idle without producing coal. There was little concern with the public receiving a fair price for leases, with protection of the agricultural or environmental resources, or with the impact of leasing on state and local governments.

President Nixon imposed a moratorium on coal leasing in 1971. And in 1976 Congress sought to end coal leasing abuses with passage of the Federal Coal Leasing Act Amendments, requiring the Interior Department to obtain fair value for the public's coal, to prevent speculation, and to balance coal against other resource values before deciding which tracts to lease.

The Carter Administration put in place a leasing program that met those requirements and proposed to lease federal coal as needed to meet demand for coal production.

Charges

Transferring Control to Industry

The Reagan Administration has abandoned the reforms mandated by the Congress and implemented by the previous administration, and proposes to return to the policies of the past. The Administration has proposed to change the coal leasing regulations to—

Permit industry to make the initial selection of tracts for leasing instead of determining which tracts it is in the public interest to lease, based upon a consideration of alternative uses and environmental values.

Eliminate independent federal analysis of the level of leasing necessary to meet demand, relying instead on industry to decide how much coal it wants. Leasing in 1981 was up 420 percent from 1980, although the Congressional Office of Technology Assessment recently concluded no new leasing was necessary to meet demand.

Effectively eliminate restraints on speculation in federal coal by weakening regulations requiring lease-holders to begin production within ten years after obtaining a lease.

Make consideration of potential economic, social, and environmental effects of coal leasing on a region entirely discretionary.

Sharply curtail opportunities for participation by the public and by state and local governments in leasing decisions and reduce the amount of information available to the public about leasing.

Eliminate requirements that lease applicants submit information to the U.S. Attorney General for antitrust review.

Cutting Back Planning and Environmental Analysis

Since coming to office the Administration has not only massively increased leasing, but at the same time has significantly reduced the funds and personnel for environmental planning and management. The result is that the Department of the Interior is simply unable to assess or consider the value of any other use than coal development for tracts requested by industry.

OUTER CONTINENTAL SHELF OIL LEASING

The Reagan Administration has proposed changes in the program for offshore oil and gas leasing which will have devastating impacts on our coasts, on state planning functions, on public participation, and, ironically, on our ability to inventory and develop our offshore resources. These new policies will deprive the public of a fair return for the sale of public oil and gas and will ultimately delay their development.

Preamble

The United States owns over 1 billion acres of offshore submerged lands on the Outer Continental Shelf (OCS). Since the Outer Continental Shelf Lands Act was enacted in 1953, the Department has leased

approximately 27 million acres for oil and gas development, resulting in 8,000 producing wells yielding 5 billion barrels of oil and 44 trillion cubic feet of gas. Offshore waters currently produce about 9 percent of our nation's oil and 20 percent of our domestic gas. In 1980, the Carter Administration proposed to double the amount of leased acreage by 1986.

Charges

Accepting Low Royalties and Allowing Speculation

The Administration has proposed

Leasing every year nearly ten times as many acres offshore as have been leased in the entire 29-year history of the leasing program.

Allowing only 2 years between sales in frontier (not previously leased) areas, despite the fact that most coastal states have argued repeatedly that they need 3 years to deal with the impacts of each new lease sale in these undeveloped areas.

Elimination of both tract-specific geohazard analysis and tract-specific geologic analysis (estimating the amount of oil and gas which underlies a particular tract). This Administration has often touted the importance of knowing the costs and benefits of an action. Yet they propose to eliminate two of the most important factors in any cost-benefit analysis: the value of the resource, and the potential risk from geohazards.

Repeal of the Failure and Inventory System (FIRS), which the National Academy of Sciences in a recent report said should be strengthened.

Elimination of the requirement that detailed development and production plans be filed in the western Gulf of Mexico and the Santa Barbara Channel, even though they are required elsewhere.

Changing the regulations which required an exploration plan to be filed at the end of the second year of a five-year lease. The exploration plan will not be required until the end of the fourth year of a five year lease, thus reducing the incentives for leaseholders to diligently develop the resource.

Lowering the royalty rate on many offshore areas from 16⅔ percent to 12½ percent. Is this the way to balance the budget?

Disregarding Public Concerns

Accelerated OCS oil and gas development threatens habitat, offshore and onshore. Problems include disposal of drilling muds, construction of onshore support facilities, operational as well as catastrophic oil spills, and aesthetic impacts. Damage to local economies dependent on tourism and commercial fisheries is of significant concern to Governors of several states.

The Administration has proposed

Repeal of the regulation which requires public notification of the filing of an offshore development and production plan.

Zero funding for coastal zone management grants to states—the only mechanism which encourages state planning for the impacts of offshore and coastal development.

Several states have sued the Administration when their views were not taken into account. The Commerce Department issued and then was forced by public opposition to withdraw regulations that would have prevented states from having any meaningful role in OCS planning.

12TH ANNIVERSARY OF EARTH DAY

Mr. CRANSTON. Mr. President, today, on the 12th anniversary of Earth Day, I want to take note of the great strides we have made as a nation in the protection of our environment. In the last dozen years, Congress has enacted the Clean Air Act in 1970, the Clean Water Act in 1972, the National Forest Management Act in 1976, the Solid Waste and Toxic Substances Control Acts in 1976, the Federal Land Policy and Management Act in 1976, the Surface Mining Act in 1977, Superfund legislation in 1980, and many more. We have begun the effort of cleaning up pollution, managing our public lands and water resources wisely, and encouraging the development of safe, clean energy for America's future.

Unfortunately, in 1981—the first year of the Reagan administration—this progress for the first time was retarded, and even reversed. Recently, 10 of the Nation's largest environmental organizations—Friends of the Earth, Natural Resources Defense Council, The Wilderness Society, Sierra Club, National Audubon Society, Environmental Defense Fund, Defenders of Wildlife, and Solar Lobby—issued a report critiquing the Reagan administration's policies and record on the environment and resource conservation.

In "Indictment: The Case Against the Reagan Environmental Record," these groups provide over 200 examples of the failure of the Reagan administration to carry out its responsibilities under the law to protect our environment. Instead, as the indictment documents, Reagan and his appointees have been dismantling established conservation programs and sound public policy regarding our Nation's environment and natural resources. They have been cutting back on enforcement of virtually every kind of environmental regulation and handing over to private interests the clean air and water, forests and other public lands that belong to all Americans. As one who cares deeply about preservation of our Nation's natural heritage for this and future generations, I deplore the shift the Reagan administration has made in the role of the Federal Government away from protector to exploiter of our wild lands—opening wilderness areas to mining, sacrificing wildlife protection for energy and grazing interests, ignoring threats to our national parks.

I wish to share with my colleagues portions of the indictment which relate to the Federal public lands and natural resources. I ask unanimous consent to have that material printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BLM LANDS MANAGEMENT

The 328 million acres of public lands under the care of the Bureau of Land Management must be managed, under the law, for multiple use and long-term conservation. The Reagan Administration has tilted management of BLM lands toward resource development by private interests at the expense of resource conservation, and has cut the public out of the planning process.

PREAMBLE

A century ago, federal policy was to give away the federally owned public lands and their resources to private interests. Gradually, the public and the Congress came to a consensus that the lands should be managed for a broad array of public interests, including both commercial resource development and non-commercial uses.

In 1976 Congress passed the Federal Land Policy and Management Act—the long awaited Bureau of Lands Management Organic Act. It directed BLM, the nation's largest landowner, to manage its lands for multiple resource use and sustained yield, so as to protect their scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archaeological values. The law calls for prompt development of land use plans with public involvement.

CHARGES

Sacrificing Conservation for Resource Exploitation—Secretary of the Interior James Watt has poured money and staff into accelerated energy development on the public lands, while taking them away from renewable resource management and environmental protection. For the Bureau of Land Management, Watt has

Sharply increased staff for onshore and offshore oil and gas leasing—40 new full-time positions in FY 1982 and 144 more proposed in FY 1983.

Cut 130 full-time staff in FY 1982, with 195 further staff cuts scheduled in FY 1983, for resource inventories and environmental analyses in forest, range, recreation, wildlife habitat, and soil, water, and air management. This despite the increased need for analyzing the impacts of stepped-up oil and gas activities.

Cut 28 positions for technical and environmental studies of coal development, while proposing the sale of 2.4 billion tons of federally owned coal in the Powder River Basin—five times larger than any sale in history—and seeking to speed up the leasing of publicly owned coal elsewhere.

Cut the BLM planning budget by 48 percent. BLM planners are those who identify and try to reconcile conflicts among competing uses of the public lands. This cut could invite litigation, delay even well-conceived development, and impose extra costs on industry.

Historically, the staff and resources devoted to conservation on the public lands has closely matched the resource committed to resource development. The Reagan Administration is destroying the balance. The tilt is unprecedented and threatens serious long-term harm to the environmental quality and ecological health of the public lands.

Cutting the Public Out of BLM Planning—Claiming that many of the public participation rules under the Federal Land Policy and Management Act were "burdensome and unnecessary," the BLM has not only cut the public out of the planning but has trivialized the plans themselves. In proposed amendments to the FLPMA regulations, BLM would

Make proposed planning criteria available only on request, rather than publishing them for comment.

No longer require that changes in criteria be made public.

Select the land use plan on the basis of internal agency "guidance" (not subject to public review), rather than the planning criteria.

Allow BLM managers to take any action that does not "clearly contradict the land use plan," whereas previously such actions were to be "clearly consistent" with the plans.

The result of these changes would be to cut the connections between the criteria and the plans, between the plans and the real decisions, and between the public and the whole process. The last change would all but eliminate judicial review of planning decisions, since the difficulties of proving that an action "clearly contradicts" a land use plan would be insurmountable.

In short, decisions on the use of the public lands will be made behind closed doors by Interior Department officials unwilling to subject those decisions to the light of public review.

THE SAGEBRUSH REBELLION

The Reagan Administration is satisfying some of the demands of the "Sagebrush Rebels" by dropping conservation goals in managing western public lands. The Administration also proposes to reduce its huge budget deficits by selling off National Forest and other public lands. This one-time profit taking would deprive the nation forever of revenue-producing resources, would end multiple use management and conservation of important national lands, and would violate the intent of laws governing the public lands.

PREAMBLE

The Federal Land Policy and Management Act of 1976 gave BLM real authority for the first time in its history. The next year the Surface Mining Act became law. Ranchers, miners, offroad vehicle users, and others who had been accustomed to doing as they pleased on the public lands discovered they could no longer do so. Led by livestock interests, they launched a political campaign that came to be known as the Sagebrush Rebellion. Its goal was to seize the federal public lands (including the National Forests) from public ownership, turn them over to the states, and move them into private ownership or private control.

Six western states, led by Nevada, laid claim to federal lands in court. None have won their cases. Some Western Congressmen introduced legislation to give the public lands to the states but because of popular opposition they received little serious attention.

CHARGES

Campaigning for President, Ronald Reagan said in Salt Lake City: "I am a Sagebrush Rebel." Once elected, he

Appointed another self-professed Sagebrush Rebel Secretary of the Interior and another, Colorado rancher Robert Burford, to head the Bureau of Land Management.

Though court suits and legislation inspired by the Sagebrush Rebellion have failed, the Reagan Administration has satisfied some of its aims piecemeal. The Administration has

Crippled BLM's land use planning (see BLM Lands Management).

Changed grazing policy to put ranchers back in charge of the public range (see Grazing).

Emasculated the Office of Surface Mining, upset regulations, and failed to enforce the law (see Coal Mining).

Weakened regulations to control surface damage at mines and drilling sites.

Ignored the BLM regulations governing use of offroad vehicles on the public lands. Secretary of the Interior Watt has tried—unsuccessfully so far—to get President Reagan to rescind the Nixon and Carter Executive Orders requiring control of ORV damage on the public lands.

Invited the minerals industry to enter wilderness areas (see Wilderness).

The Administration now proposes to reduce its alarming budget deficit by selling off public lands—"privatize them," in the words of a White House economic advisor. The Administration plans to

Sell $17 billion worth of National Forest and BLM lands over five years. This could amount to 35 million acres. The sale would deprive the nation of valuable revenue-producing resources (timber, minerals, range) and put an end to multiple use and environmentally protective management of those lands.

GRAZING

The public range has been seriously damaged by more than a century's overgrazing. The Reagan Administration's remedy is to spend federal money improving a part of the public range, and turn the improved portion over to private ranchers for their dominant use and control.

PREAMBLE

Of the 328 million acres (including land in Alaska) managed by BLM, about 170 million acres are classified as "rangelands" for livestock grazing. Some 55 percent of this land is officially described as in "low or moderately low" condition. "Low" means that soil and vegetation meet 20 percent or less of the potential of the site. The federally owned rangelands have been abused primarily by overgrazing in the past; and overgrazing is still going on.

A major purpose of the land use plans required by the Federal Land Policy and Management Act is to protect and restore grazing lands—not only for the use of livestock, but also for the elk herds, mule deer, bighorn sheep, and pronghorn antelope that depend on the public lands for forage. Another important reason for restoring the Western grasslands is to contol water and wind erosion, thus helping to reverse conditions that are threatening to create a new Dust Bowl.

CHARGES

Allowing Rangeland to Deteriorate and Ranchers to Dominate Rangeland Use. Rather than trying to heal the wounds caused by overgrazing, the Reagan Administration wants to reduce drastically federal regulation of livestock grazing on the public lands.

Watt has cut 60 staff positions and $3.8 million from grazing management activities in the FY 1983 budget.

Whatever funds are available for range improvement would go into land that is set aside mainly for production of red meat. Needs of wildlife and other non-commercial values would be all but ignored.

The new BLM grazing policy

Divides rangeland into "custodial," "maintenance," and "improvement" categories, with funds targeted to the last category with the principal objective of yielding "maximum economic return." The policy appears to contradict FLPMA's multiple use mandate, which requires that consideration be given to the relative value of resources and not necessarily to the combination of uses that will give the greatest economic return or the greatest economic output.

Separates grazing decisions from overall land use planning. It demonstrates the effect (prematurely since the rules have not yet been finally changed) of dropping the requirement that management decisions shall be consistent with land use plans.

The Administration has made no effort to stop the gross subsidies of livestock grazing on the public lands. The public land grazing fee in 1982 will be $1.86 per animal unit month (which is the grazing of one cow or five sheep in one month). Comparable private grazing lease rates are $8.83. The artificially cheap price for grazing on the public lands invites the overgrazing which has badly damaged so much of the public land.

NATIONAL PARKS

For 110 years the National Park System has grown with the nation. It has offered the enjoyment of scenery, wildlife, and "natural wonders" to increasing numbers of Americans, while conserving those resources for future generations. The Reagan Administration has halted the park system's growth and is ignoring threats to the parks from air and water pollution and development on adjacent land. Its policies threaten the unique values that the park system is meant to preserve.

PREAMBLE

The National Park System Organic Act of 1916 says the purpose of the parks is "to conserve the scenery and the natural and historic objects and the wildlife . . . and to provide for the enjoyment of the same in such manner . . . as will leave them unimpaired for the enjoyment of future generations." Today the system includes not only the great old parks like Yellowstone and Yosemite, but also national seashores and recreation areas, monuments, historic sites, sites for the performing arts, scenic rivers and trails, and open spaces in the nation's capital.

In 1980, about one American in four visited a National Park unit. Visits to parks are multiplying rapidly, reaching 300 million in 1980—ten times the number of visits in 1950 and 300 times the number in 1930.

For more than a century, Congress has continually added to the park system by designating suitable lands from the public domain and by buying privately held land. In 1965, Congress created the Land and Water Conservation fund, which receives income mainly from offshore oil and gas leasing. Congress is authorized to appropriate up to $900 million a year from the Fund to buy land for national parks, wildlife refuges and forests and to help states plan, purchase, and develop state parks. In that way, Congress provided that a modest share of the offshore oil and gas revenues (which totalled $9.8 billion in 1981) will be used to conserve irreplaceable natural landscapes historic places, and important recreation areas.

CHARGES

Stopping Growth of the Park System.—The Reagan Administration opposes buying parkland already authorized by Congress, creating new parks, helping states buy and develop parks, and supporting urban parks in any way.

Shortly after taking office, Secretary of the Interior James Watt imposed a complete moratorium on all federal land purchases from the Land and Water Conservation Fund. He also stopped all federal grants from the Fund to states. He stated publicly that he believes most "truly

unique" park areas have already been acquired, and that the federal government should not provide urban or regional parks. In other words, the Administration policy is that the park system need grow no further.

In the fiscal year 1982 budget request for the National Park Service, Secretary Watt asked for approximately $39 million from the Land and Water Conservation Fund for acquisition of federal parkland. Those funds were to cover only court awards and administrative costs for purchases already in progress. That amount compares with an average appropriation of about $550 million for each of the previous five years. Rejecting Watt's policy, Congress actually appropriated $150 million in fiscal year 1982 for federal parkland acquisition.

Secretary Watt asked for no money for state grants in fiscal years 1982, and 1983. Congress appropriated none in fiscal year 1982, but made it clear the moratorium was for one year only.

The Reagan Administration's total cutoff of funds for parkland is a radical departure from policies over 100 years old. It violates the intent of Congress in creating the Land and Water Conservation Fund. The nation's growing population will have to share a fixed number of ever more heavily used National Parks. Critical lands needed to protect unique natural areas or to buffer existing parks against development will be lost or will have to be purchased later at much higher prices. There are now approximately 65 National Park units in 32 states for which land acquisition (presently valued at more than $1 billion) has been authorized by Congess but not completed. Among the critical lands are the Appalachian Trail corridor, the Channel Islands off California, the Big Cypress Swamp in Florida, and the Santa Monica Mountain National Recreation Area near Los Angeles.

Ignoring Threats to the Parks—Secretary Watt's announced policy for the National Park System is to emphasize restoration, improvement, and maintenance of facilities in existing parks, rather than to continue to acquire land. He has asked Congress to amend the Land and Water Conservation Act to allow the Fund to be used for maintenance purposes. He has asked for $105 million for restoration and maintenance of park facilities in FY 1983.

Maintaining park facilities to meet health and safety standards is important. However, Secretary Watt's priorities go in the wrong direction.

The Watt proposal to dip into the Land and Water Conservation Fund for maintenance would rob it of money needed for buying additional parklands.

The maintenance funds Secretary Watt is seeking for FY 1983 would go almost entirely to refurbishing roads, bridges, buildings, sewers, and park facilities, rather than for protection of the irreplaceable natural resources which are the park system's reason for existence. Indeed, emphasis on improvement of roads and park facilities may promote further heavy use of much-visited parks and add to the wear and tear on natural resources. The result could be first-rate plumbing and roads in a second-rate park system.

The most immediate and serious threat to the national parks is pollution from internal and external sources. In a 1980 report to the Congress, the National Park Service listed the threats which are causing severe degradation of park resources. Approximately 60 percent of the parks reported significant threats to scenic resources. Air and freshwater quality, mammals and plants were reported threatened in about 40 percent of the parks. The Park Service staff has singled out specific threats to the natural resources of individual parks and has proposed research and protection measures. Yet Secretary Watt has asked for minimal funds to mitigate existing resource damage and to prevent new threats from developing.

In fact, the Administration has taken actions which increase pollution and other threats to the parks.

The Administration has proposed amendments to the Clean Air Act that would eliminate protection of air quality and scenic vistas in national parks and wilderness areas. Air pollution, reduced visibility, and a closing in of vistas is already a major problem in national parks that are near large powerplants. For example, the Four Corners complex in New Mexico causes air pollution in Mesa Verde, Zion and Bryce Canyon National Parks; Everglades National Park in Florida is affected by a Florida Power and Light plant nearby.

Secretary Watt tried to reverse a decision by former Secretary Cecil Andrus barring stripmining within 5 miles of Yovimpa Point, the most spectacular vista in Bryce Canyon National Park in Utah. Secretary Watt wanted to permit stripmining within view of the park. A federal district court in Utah refused to remand the case to Watt for review.

Watt has reversed a Park Service decision to phase out motorized rafts operated by private concessioners in the Grand Canyon.

Watt has supported proposals by snowmobile, offroad vehicle, and airboat organizations to open up certain national park and seashore areas to their uses. Watt has opened Lassen Volcanic National Park in California to snowmobile use; and the Park Service has decided to continue to allow snowmobile use in the Potholes region of Grand Teton National Park, despite a recommendation to the contrary by a blue ribbon panel.

WILDERNESS

Since the Wilderness Preservation System was created in 1964, it has been the policy of every Administration to protect wilderness from energy and minerals development. The Reagan Administration policy is to open the system to oil, gas, and mineral development, and close off major additions of new lands.

PREAMBLE

Congress created the National Wilderness Preservation System in 1964 "to secure for the American people of present and future generations the benefits of an enduring resource of wilderness." In the terms of the Wilderness Act, "wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain."

The Wilderness System constitutes about 3 percent of the land base of the United States. It includes 23.4 million acres in the lower 48 states and 56.4 million acres in Alaska. All of the wilderness areas are within the federal public lands—in the National Forests, Parks, and Wildlife Refuges, and in the lands managed by the Bureau of Land Management (BLM).

From 1977 to 1979, the Forest Service reviewed 62 million acres of large roadless areas in the National Forests to determine what lands should be recommended to Congress for addition to the wilderness system and what lands should be made available for other uses. When that long study process was complete, the Carter Administration recommended that Congress designate a total of 15 million acres as wilderness. BLM is presently reviewing approximately 24 million acres to determine which lands under its jurisdiction should be recommended to Congress for wilderness designation.

The Wilderness Act allows prospecting and other activities in wilderness areas to collect information about mineral or other resources and requires the Department of the Interior to conduct periodic surveys to determine resource values. In addition, the Wilderness Act allows, but does not require, the Secretary of the Interior to issue energy and mineral leases in wilderness areas until December 31, 1983.

Recognizing that wilderness areas serve vital ecological functions, that they are the last remnants of America's primeval splendor, that they do not contain relatively large amounts of minerals or energy resources, and that they are irreplaceable, every Secretary of the Interior up to the present has, as a matter of policy, opposed minerals or energy development in designated wilderness areas.

Under the Wilderness Act, lands approved for inclusion in the wilderness system will be closed, except for valid existing claims and leases, to mineral and energy development after December 31, 1983.

CHARGES

Opening Wilderness to Development.

In May 1981 Secretary Watt directed his Solicitor to find a way to "open wilderness areas." That directive repudiated the policy of every Secretary of the Interior since the Wilderness Act was passed in 1964.

Secretary Watt advocated a 20-year delay, until 2003, of the date when wilderness lands will be closed to energy and minerals development. Secretary Watt misleadingly stated that delay of the deadline was necessary to inventory oil and gas and other minerals resources. In fact, the Wilderness Act allows, indeed requires, exploration and inventory without any time limit.

The Forest Service issued draft recommendations to issue leases in the Washakie Wilderness adjacent to Yellowstone National Park, the Ventana Wilderness on California's Big Sur coast, and the Caney Creek Wilderness in Arkansas.

The Forest Service considered a proposal for seismic exploration in its Bob Marshall Wilderness in Montana. In response, in May 1981, the House Interior Committee directed Secretary Watt to withdraw this area from minerals leasing.

In November 1981 the Interior Department actually issued a lease for slant drilling into the National Forest's Capitan Wilderness in New Mexico. In recommending this lease, the Forest Service failed to comply with the requirements of law for public notice, public comment, or environmental impact studies.

Expressing alarm at Secretary Watt's actions and advocacy to open up wilderness, the House Interior Committee voted in November 1981 for a six-month moratorium on leasing in wilderness areas.

Faced with firm Congressional opposition, the Administration tried different tactics. In January 1982, Secretary Watt extended the Congressional moratorium on leasing in wilderness until after the current session of Congress and the 1982 elections. Then, in February 1982 Secretary Watt announced a new program, billed as "protection" of wil-

derness, which actually pursues the same policy of opening wilderness, but under a new guise. He presented the Administration's proposed Wilderness Protection Act of 1982, which would

Allow the President, without Congressional approval, to open any wilderness area by declaring an undefined "urgent national need." Under the present law, lands designated by Congress as wilderness remain closed to development after December 31, 1983 forever, unless Congress determines otherwise.

Automatically end protection for the entire wilderness system, opening all wilderness areas to mineral and energy development in the year 2000.

Shutting Off Additions to the Wilderness System.—The administration wants not only to open the whole wilderness system to energy and mineral development in 2000 but to make sure that, in the meantime, little if any new land is added to the system. The Administration's bill would:

Set short, rigid deadlines for Congress to act on Forest Service and BLM lands recommended for wilderness designation, or recommended for study for designation.

Give no second chances. Lands not actually designated as wilderness by the deadlines would be permanently released for development. The Forest Service would be barred from ever again studying its lands for wilderness or managing those lands as wilderness, without Congressional approval. Under existing law, wilderness values must be considered in the ongoing, periodic forest planning process.

Take away from Congress and give to the President the power to determine which BLM wilderness study areas should be released to development. All BLM wilderness study areas would be subject to immediate development.

In addition to its anti-wilderness legislation, the Reagan Administration has, by executive action, attempted to block or limit additions to the Wilderness System.

Assistant Secretary of Agriculture John Crowell eliminated almost 1 million acres from the previous administration's recommendation to Congress for addition of Forest Service land to the wilderness system.

Assistant Secretary Crowell has testified against designation of lands recommended for wilderness in the Cranberry area of the Monongahela National Forest, West Virginia; the Big Gump Swamp in the Osceola National Forest, Florida; and Cougar Lakes in the Wenatchee National Forest, Washington.

FISH AND WILDLIFE

In the Reagan Administration, protection of fish and wildlife takes second place to resource development. Secretary Watt has weakened protection of endangered species, downgraded wildlife protection in his crash energy program, sacrificed wildlife for grazing interests, and refused to acquire wildlife habitat authorized by Congress.

PREAMBLE

The federal government is steward of much of the nation's wildlife. Federal wildlife refuges cover over 89 million acres of our public lands. In addition, half a billion acres of publicly owned lands (in National Forests and public lands managed by BLM) are required by law to be managed for multiple uses, one of which is conservation of fish and wildlife.

In addition, several federal laws protect wildlife habitat in state, local, or private ownership against destruction brought about by federal government activities such as dam building and construction of sewers and water treatment plants.

CHARGES

The Reagan Administration does not have an explicit program for weakening protection of wildlife. Indeed, Secretary of the Interior James Watt lays claim to good stewardship of the nation's wildlife refuges and habitat. The claims are misleading. In fact, under the present Administration, when wildlife and resource development are in conflict, wildlife loses. With few exceptions, whatever gains have been made in wildlife protection during the Reagan Administration were forced on it by Congress, or were a legacy from the past.

Weakening Protection of Endangered Species.—The Reagan Administration has

Paralyzed listing of endangered species. In 14 months the Administration listed only one of the more than two dozen species which had been proposed for listing when President Reagan took office. Listing of that one species (the Hays Spring Amphipod, a tiny invertebrate) has no economic effect whatever, since its only habitat is the Washington Zoo.

Refused, until threatened with a lawsuit, to list four species that had been finalized by President Carter.

Bottled up 70 additional listings.

Proposed cutting 34 percent ($7.9 million) in FY 1982 from the endangered species program, which was already charged with more responsibilities than it could handle on a limited budget. Congress allowed a cut of 24 percent. Secretary Watt has proposed a further cut of $1.2 million for FY 1983.

Proposed cutting the program for recovery of endangered species in FY 1982. Congress blocked that proposal. The Administration is now claiming credit for completing recovery plans.

Proposed to reduce endangered species law enforcement staff by 15 positions out of 203, despite increased killing of bald eagles and a large trade in protected species.

Eliminated $3.9 million in federal funding for state programs to conserve endangered species habitat.

Sacrificing Wildlife Protection for Energy and Grazing Interests.—The Reagan Administration has—

Accelerated plans for oil and gas exploration in wildlife refuges in Alaska while proposing a 50 percent cut (from $8 million to less than $4 million) in the Alaska Refuge Management Budget for FY 1982.

Withdrawn final regulations under the Fish and Wildlife Coordination Act that would have elevated the importance of wildlife habitat values in considering federal permits and federally funded projects.

Systematically cut funding for vegetation inventories, habitat evaluation, instream flow studies, environmental analyses, and other programs to determine the carrying capacity of public lands to support fish and wildlife and to determine the compatibility between energy development and fish and wildlife protection. At the same time, the Administration has added funds for energy development—thereby increasing the need for the studies being cut.

Put all of BLM's resources for improvement of the public range into areas where ranchers will get first call for red meat production, leaving little for wildlife.

President Reagan personally

Rescinded a ten-year-old Executive Order issued by President Nixon that banned the use on the public lands of 1080, a highly toxic poison used to kill coyotes and other predators.

EPA had cancelled registration of 1080 as a predicide and severely limited its use as a rodenticide ten years ago because it poisons nontarget species such as raccoons, badgers, and eagles as well as coyotes.

Under the Reagan Administration.

EPA has begun proceedings to re-examine the 1080 ban. EPA Administrator Gorsuch stated that "new information" justified reopening the issue. A University of California scientist, whose work was cited as the major source of the "new information" has charged that EPA and Gorsuch distorted his findings. "EPA needed some pivotal scientific basis to justify and trigger these hearings," said a spokesman for the University, "so they . . . misrepresented [the scientist's] statements to justify the hearings."

The Fish and Wildlife Service applied to EPA to approve 1080 for some uses as a predator poison.

Blocking Acquisition of Refuges.—Watt claims credit for acquisition of land for several federal and state refuges, all of which he opposed until he was overruled by Congress. Specifically, the Administration has

Proposed zero funding from the Land and Water Conservation Fund for wildlife refuge acquisition in FY 1982 and only $1.6 million in FY 1983 for partial acquisition of endangered species habitat. At least $54 million is needed from the Fund for buying priority areas, already authorized by Congress for acquisition, to protect them from development and habitat destruction. The two new refuges for which purchase has begun (Bogue Chitto, Louisiana, and Bon Secour, Alabama) were ordered by Congress over Watt's objections.

Opposed acquisition of privately owned enclaves in refuges in New Jersey, California, and Maine. Congress overruled him.

Eliminated grants from the Land and Water Conservation Fund for state habitat acquisition.

Proposed zero funding for wetlands acquisition under the Wetlands Loan Act in FY 1983.

In 1977 the Fish and Wildlife Service identified 1,947,000 acres of wetlands in need of protection under its 10-year duck stamp program.

The Fish and Wildlife Service purchased only 24,349 acres of wetland—paid for by duck stamps—in the first year of the Reagan Administration. At the Reagan rate of acquisition, it would take 78 years to complete the program. Meanwhile, the nation is losing 600,000 acres of wetland to development every year.

Watt proposed no new funding for wetlands acquisition under the Wetlands Loan Act in FY 1983. Authority to acquire wetlands under this program expires at the end of FY 1983.

The Administration has announced that it actually intends to divest the National Wildlife Refuge System of a key refuge area. It proposes to

Transfer National Wildlife Refuge Lands on Matagorda Island to Texas, which wants to use the land for recreation. That use is incompatible with the conservation objectives and special qualities of Matagorda, which provides critical habitat for the highly endangered whooping crane and habitat for several other endangered species.

Cutting Cooperation with States.—The Reagan Administration wants to eliminate all federal funding for the Cooperative Wildlife and Fisheries Units. In this pro-

gram, the Fish and Wildlife Service cooperates with land grant universities and state wildlife agencies in wildlife and fishery research and training. The program trains four out of five of the country's wildlife biologists. Federal funds pay for about one-third of the costs. The Reagan Administration has—

Proposed to cut funding to zero, in both FY 1982 and FY 1983, for the Cooperative Units. Congress restored $4.4 million for the program in FY 1982.

One positive accomplishment of this Administration is the speedup of the ecological mapping inventory of fish and wildlife resources of the Pacific Coast and a start on mapping of the Gulf Coast.

This solitary accomplishment must be judged against the record, outlined above, of relegating fish and wildlife protection to secondary importance.

THE REAGAN ADMINISTRATION ENVIRONMENTAL RECORD

Mr. LEAHY. Mr. President, I submit for the record some material which has been compiled indicting the Reagan administration for its record on environmental issues, specifically toxic substances and hazardous wastes. It is ironic, but appropriate, that this material be provided on the 12th anniversary of Earth Day, a day which made so many Americans conscious of the dangers of environmental pollution.

As a member of the Appropriations Subcommittee which oversees the Environmental Protection Agency (EPA), I am dismayed and concerned over the semblance of a budget which has been proposed for fiscal 1983. This week I questioned Administrator Gorsuch on her recommendations, and became even more convinced that proposed cuts in EPA pose a real threat to the health and to the safety of the American public. The fiscal 1983 budget would decimate EPA, despite national polls which show that a majority of Americans favor a stronger EPA.

I urge my colleagues carefully to read this material as well as the entire "indictment" document, which was compiled by 10 environmental groups. It makes a compelling case that the environmental policies of the Reagan administration are harming the Nation and run counter to the wishes of the majority of Americans.

I ask unanimous consent to have printed in the RECORD the report on toxic substances.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TOXIC SUBSTANCES

Progress in controlling toxic chemicals that threaten public health and the environment has been disappointingly slow. Now even the little that has been achieved is unravelling. Under the Reagan Administration, EPA's attention is focused on easing requirements on industry, not on increasing protection for the public.

PREAMBLE

Industrial chemicals are pervasive in our world. There are over 40,000 chemicals produced or used in the United States. Ten to twenty new chemical compounds enter the stream of commerce every week. Manmade chemicals are a part of virtually all commercial products used today.

Many chemicals are benign, but some are extraordinarily dangerous, even in tiny quantities. Some cause cancer, birth defects, heart and lung disease, and a host of other ailments. Because the damage they do may take years, even decades, to show up in humans, people often suffer long exposure to hazardous chemicals before their effects are fully known. Vinyl chloride was widely used for many years—despite laboratory tests showing it caused cancer in animals—before we learned that it causes human cancer. Asbestos was used in talcum powder, wallboard, hair dryers, brake linings, and many other products for decades before epidemiological studies definitively showed it is a human carcinogen. Animal studies implicating asbestos as a carcinogen had been done much earlier.

Because of these tragedies in which humans have served as guinea pigs, and because of the proven ability of positive animal testing to predict effects in humans, the federal government established cancer policies which treat animal data as a sufficient basis for regulation. This established policy rejects the view that human evidence ("counting dead bodies") is necessary to initiate protective regulation.

The Toxic Substances Control Act (TSCA) was enacted in 1976 to assure that "innovation and commerce in chemical substances and mixtures do not present an unreasonable risk of injury to health or the environment." TSCA authorizes EPA to require testing of certain existing chemicals to determine whether they are hazardous; to restrict or prohibit the manufacture of chemicals that pose an unreasonable risk to human health; and to screen new chemicals to identify potential "bad actors" before, rather than long after, human beings are exposed to them.

TSCA is a complicated law, and the Carter Administration moved very slowly in carrying it out. It did make a useful beginning, preparing several rules that require manufacturers to test highly suspicious chemicals and proposing quality standards for the data industry submits.

CHARGES

The Reagan Administration has cancelled the slow progress made so far under TSCA to identify and control toxic chemicals. It has made a dangerous decision, in defiance of the overwhelming weight of scientific opinion, not to accept animal test data alone as presumptive evidence that a chemical is a human carcinogen. It is negotiating with industry on controversial chemicals behind closed doors, with the public and impartial scientists excluded. It has failed to finalize rules that require manufacturers to test priority chemicals that are already in use and is withdrawing proposed testing standards. It is relying instead on "voluntary" compliance by industry. It is retreating on protection against asbestos, a known dangerous substance.

Rejecting a Protective Cancer Policy. Long-term testing using laboratory animals is a scientifically sound way of identifying likely human carcinogens. The other generally accepted approach is through epidemiological studies comparing people exposed to a possible carcinogen with those who are not exposed.

Epidemiological studies are always costly, are usually relatively insensitive, and are often difficult or impossible to do. Many cancers do not show up until years after the exposure; most people are exposed to a great many carcinogens during their lives, which makes it hard to isolate the effect of one substance; and it is often difficult to find a suitable group of people who have not been exposed to particular substances, for comparison with others who have been. Animal tests, on the other hand, can be done under controlled conditions and can provide clearcut results. The International Agency for Research on Cancer, a federal interagency panel, and many other scientific groups have recommended that carcinogens identified in well-conducted animal tests be treated as potential human carcinogens. Up until now, government agencies have done so. A number of pesticides and carcinogens found in the workplace have been regulated on that basis.

President Reagan's EPA has suddenly reversed the established policy.

Dr. John Todhunter, the new EPA Assistant Administrator for Toxics, decided that results of valid animal tests of formaldehyde, plus the fact of widespread human exposure, were not a sufficient basis for protective action. This decision flies in the face of the scientific consensus. It reverses EPA's former prudent approach of assessing and regulating cancer risks *before* they affect human beings.

Consulting Privately with Industry. In the fall of 1980 EPA received the results of animal experiments indicating that formaldehyde and di(2-ethylhexyl)phthalate (DEHP), both widely used chemicals, are carcinogens. Formaldehyde is used in plywood, particle board, home insulation, furniture, and fabrics, cosmetics, and toothpaste, DEHP is used in hundreds of plastic products, including building materials, food wrappers, toys, rubber baby pants, and milking machine hoses. After receiving the animal data, the staff of EPA recommended formal proceedings to determine the extent of the risk to human health, and action by EPA to limit human exposure.

Instead, the new leaders at EPA

Convened a series of private meetings with industry—the Formaldehyde Institute, the Chemical Manufacturers Association, Exxon, and others—to evaluate the studies and the risk of the substances.

Did not notify or invite the public, environmentalists who had formally requested action on formaldehyde and DEHP, or even some of EPA's top cancer experts.

After the meetings, rejected the prior staff recommendations and refused to institute proceedings (priority assessment) on the two chemicals.

Later, in a separate action, the Consumer Product Safety Commission concluded that the evidence against formaldehyde was compelling and banned urea formaldehyde foam insulation.

Relying on Voluntary Compliance by Industry. The Toxic Substances Control Act requires EPA to set rules for industry to test the safety of existing chemicals that a committee of experts concludes may pose a risk of cancer or injury to health or the environment. A 1981 court order requires EPA to issue test rules or explain why testing is unnecessary for 37 priority chemicals in the next two years. Instead of moving ahead with the critical task, EPA has—

Failed to issue pending test rules and delayed action on additional rules;

Cut back sharply on resources necessary to develop test rules;

Engaged in negotiations with industry to substitute "voluntary" testing for legal requirements.

Under another section of TSCA, the manufacturer of a new chemical must give EPA advance notice so that EPA can review the data available on potential hazards to human health. In 1982, EPA will receive 500 to 1000 such notices. EPA has:

Failed to finalize the program for new chemical reporting;

Cut back review staff, so that most notices of new chemical manufacture will receive only rubberstamp review;

Retreated from efforts to set minimum standards for data to be submitted by the manufacturers of new chemicals;

Begun developing a rule at the request of the Chemical Manufacturers Association to exempt an estimated 75 percent of new chemicals from the notice requirement.

Retreating on Control of Known Dangerous Substances. Asbestos fibers cause asbestosis (fibrosis of the lungs), cancer of the lungs and digestive tract, and mesothelioma. Despite the proven health hazards of asbestos, the new EPA has—

Cut back on efforts to identify schools in which building materials expose children to asbestos;

Weakened the warning on asbestos in schools approved by its own Science Advisory Committee.

At least 3 million students and 250,000 teachers may be affected by the retreat from protection against asbestos in schools.

Polychlorinated biphenyls (PCBs) are extremely toxic industrial chemicals. They have been widely used in electrical transformers, and they are pervasive in our environment. They are present in human breast milk and adipose tissue at toxicologically significant levels. PCB contamination has closed several rivers to fishing. In 1979 the leakage of 200 gallons of PCBs from a single transformer at the Pierce Packing Plant in Billings, Montana contaminated feed and food in 19 states and required the destruction of millions of dollars worth of contaminated livestock and food. Congress included in TSCA a provision that EPA ban the use of PCBs.

Under the Carter Administration, EPA issued regulations exempting the vast majority of PCBs in use from the ban. These regulations were overturned in court. Now, EPA is studying the question of new regulations, but has reduced the resources available to carry out the Congressional mandate.

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HAZARDOUS WASTES

Millions of pounds of hazardous wastes are disposed of every day in America creating a terrible hazard to human health and our environment. During the past year the Reagan Administration has retreated from its responsibility to control hazardous dumps, clean up abandoned dumps, and prosecute illegal dumpers.

PREAMBLE

In 1976, faced with overwhelming evidence that improper disposal of huge quantities of hazardous wastes was endangering the health of millions of Americans, Congress enacted the Resource Conservation and Recovery Act. The Act is designed to impose "cradle to grave" controls on "the treatment, storage, transportation, and disposal of hazardous wastes which have adverse effects on health and the environment . . . " Some 130 billion pounds of hazardous wastes are created each year. The goal of the hazardous waste law is to assure safe, tightly regulated handling and disposal of newly created wastes.

In 1980 Congress enacted legislation creating a "Superfund" to provide for cleanup of abandoned dumpsites and dangerous spills of toxic materials and to facilitate compensation of victims. The law imposes a tax on chemical producers, the revenues from which are placed in a fund to be used exclusively to clean up dumps and spills. The intent of Congress was that EPA aggressively seek to compel the responsible parties to complete the required cleanup and, failing that, use Superfund resources to do so.

CHARGES

From Love Canal to the Valley of the Drums, the need for action is urgently apparent, yet during the past year EPA Administrator Anne Gorsuch and other officials of the Agency have made it unmistakably clear to polluters that hazardous waste controls are being undone.

Loosening controls on wastes

Shortly after Gorsuch took office, enforcement actions against illegal dumpers came to a halt. Enforcement staff are not even permitted to request information from suspected violators without top-level headquarters approval.

Regulations to control incineration and surface storage of wastes, required by law to be issued by October 1978, were finally promulgated in January 1981. Gorsuch suspended implementation of these regulations for existing facilities in July 1981 and three months later proposed to withdraw them.

The law also required regulations for the disposal of hazardous wastes in landfills to be issued by October 1978. EPA planned to get them out in 1981, but Gorsuch, ignoring an outstanding court order, has delayed them.

Financial responsibility rules designed to assure that firms handling hazardous waste have the necessary resources to protect the public and pay for damage or injuries resulting from spills, fires, and explosions were issued in January 1981. Gorsuch postponed these rules until April 1982 and has indicated she will suspend them altogether.

In February 1981, without notice or public comment, Gorsuch suspended the prohibition against burial of liquid wastes in drums, the practice that created Love Canal. The public reaction to the suspension was so strong that EPA was forced to reimpose the ban. However, Gorsuch still proposes to permit the burial of liquid wastes in drums in 25 percent of the area of a landfill.

In negotiations with industry attorneys in a pending litigation, EPA agreed to weaken permitting requirements for hazardous waste facilities. Facilities may now expand up to 50 percent without having to meet federal requirements.

In March 1982 EPA deferred reporting requirements for hazardous waste generators. This action prevents citizens from obtaining information about local dumps, impedes enforcement, and deprives EPA of data needed to develop effective regulations.

Gorsuch has proposed to slash the funds available to states and EPA Regional offices to implement and enforce hazardous waste requirements.

Delaying implementation of Superfund

EPA has listed 115 of the most dangerous dump-sites around the nation. Legal action had been taken against 20 before Gorsuch took office. Since then the EPA enforcement section's major action has been to write letters to invite those responsible for creating the remaining dumps in to talk.

The Superfund legislation required EPA to develop by June 1981 a National Contingency Plan to guide the search for and cleanup of dangerous sites and to prepare to respond to emergencies such as spills and explosions. A plan was finally proposed in March 1982. The proposal is so vague as to provide no guarantee that Superfund resources and authority will be used to clean up any site. The plan implies that EPA cares more about saving money than cleaning up sites to protect human health.

In the first use of its Superfund authority, after a toxic dump site in Santa Fe Springs, California, caught fire in July 1981, top EPA officials quickly negotiated a private settlement with one of the responsible parties. The settlement limited the company's cleanup responsibility instead of requiring the cleanup to continue until the hazard was removed. It also committed EPA to testify on behalf of the Company in any subsequent lawsuit against it arising from the dump and the fire.

To direct the Superfund effort, Gorsuch has appointed Rita M. Lavelle, public affairs specialist for Aero Jet Liquid Rocket, a company that has, according to EPA, the third worst pollution record in the state of California, including a massive release of arsenic, phenols, sulfates, and a variety of carcinogens into unlined ponds.

The result of these actions is to increase the public health risk from hazardous wastes, as earth, air, surface and groundwater continue to be contaminated. The result is to undercut those responsible industries that have invested in safe waste disposal technologies, and to destroy the credibility EPA had sought to build, enabling it to convince communities across the nation they could safely allow new, regulated waste disposal facilities to be built. The Administration's retreat increases the likelihood of a new Love Canal.

Mr. RIEGLE. Mr. President, I join my colleagues in bringing to the Senate's attention some of the recent actions and policies implemented by the administration. The 12th anniversary of Earth Day is certainly an appropriate moment to reflect on the progress that we have made toward a safe and clean environment, and to asssess the obstacles that lie before us in this continuing effort. Two areas of concern are the water quality policies that EPA and other agencies are pursuing, and a related matter of our role in the international environment.

Water quality is an issue that can truly become life and death for us all. We passed a law in 1972 that declared a goal of "fishable and swimmable" waters by 1983. While that goal has not been realized, the Detroit River, the Hudson, and even the Potomac are approaching that mark. Another threat has emerged, however, that is potentially more serious; the prospect of ground water contamination by chemical pollution. We have only recently become aware of that problem, and we have seen the administration retreat from an aggressive program of monitoring and control of ground water pollution.

Another issue of concern is our role in the international environment.

Without the active cooperation of all the nations of the world to combat common pollution threats, or sources which transcend all national boundaries, the fight will invariably end in wasted moneys and little progress. I am most troubled by our new policies toward Canada. We have signed several boundary pollution and water quality agreements in this century, and our commitment to these treaties has never been questioned. Now, however, funds are being eliminated for vital pollution monitoring and Great Lakes research, and this is contrary to the spirit of the treaties. Canada has protested the cuts, but to date we have seen no changes in policies. This poses both an environmental and diplomatic threat to our country.

Mr. President, I ask unanimous consent to have printed in the RECORD two articles which describe in detail the antienvironment decisions and policies of the administration with respect to water quality and the international environment.

I urge all of my colleagues to examine these articles and to reflect on the potential harm that may occur if we do not act to modify recent decisions of the administration.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE INTERNATIONAL ENVIRONMENT

When the Reagan Administration took office, the United States was a recognized world leader in protecting the international environment. Now we are bringing up the rear. Despite a few bright spots, the overall Reagan record is poor.

PREAMBLE

U.S. concern for protection of the world environment is longstanding, dating at least from the seal and migratory bird treaties early in this century. With the environmental ferment of the early 1970s and the preparations for the 1972 Stockholm Conference on the Human Environment, we stepped into a strong world leadership position.

The Carter Administration undertook a systematic approach to interrelated global resource, population, and environmental problems. Following the appearance in July 1980 of the Global 2000 Report to the President, an interagency study recommended a strong, integrated approach and many specific U.S. initiatives to address these problems.

CHARGES

The Reagan Administration was presented with a unique opportunity for leadership on vital issues affecting the world environment, resources, and population. With only few exceptions, its response has been negative.

Sacrificing Protection of the International Environment in Favor of Business Interests. The Reagan approach in general has been one of boosterism for private business interests, with little regard for dangers to the international environment and public health. The President or his appointees have

Greatly relaxed U.S. efforts to prevent nuclear weapons proliferation by restricting trade in weapons-usable materials, most notably plutonium. The Administration has returned to a policy of promoting nuclear exports with scant regard to the danger of the spread of nuclear weapons.

Revoked President Carter's Executive Order controlling U.S. exports of banned products and substances.

Jeopardized approval by the world community of a Law of the Sea Treaty resulting from more than 10 years of negotiations involving more than 100 nations.

Stalling Action on Urgent Issues. Reagan or his appointed officials have

Fired the nonpolitical head of the Department of Energy's research program on the effects of carbon dioxide buildup on the earth's climate.

Stalled vital international negotiations aimed at harmonizing regulation of toxic substances by the Western industrialized nations.

Reversed the U.S. position favoring increased regulation of trade in certain endangered or rare species (e.g., parrots), signaling abandonment of U.S. leadership in this important area.

Downgraded international efforts by the National Park Service and the Fish and Wildlife Service, which have historically provided substantial assistance to other nations in natural resource management.

Proposed cutting to zero the U.S. funding, under the World Heritage Convention, for protection of natural areas of unique importance.

Proposed to slash the U.S. contribution to the United Nations Environment Programme by 80 percent in Fiscal Year 1982 and, after the Congress refused to go along, recommended a 70 percent cut for fiscal year 1983.

Refused to provide any funds for a major program of regional cooperation to stop pollution of the Caribbean. Several European countries, including France and Great Britain, are contributing to the program.

Threatened to cut drastically U.S. support for international population programs, and relented only under an avalanche of criticism.

The do-nothing attitude of the Administration has sometimes reached the level of absurdity. Recently, for example, the head of EPA's international office made repeated, time-consuming, and highly visible efforts to prevent the public release of an innocuous staff report by an international agency on global resource issues.

The Administration has taken positive steps in a few areas.

The Administration took excellent positions at the July 1981 meeting of the International Whaling Commission.

A number of Federal agencies co-sponsored a November 1981 conference on conserving the earth's biological diversity.

The Administration established in September 1981 a Global Issues Working Group to discuss a coordinated response to population, resource, and environmental issues. However, the Working Group has accomplished little thus far.

The few positive actions have been far outweighed by negative actions and by malign neglect in the form of prolonged delays.

WATER QUALITY

The water that sustains our nation, our rivers, lakes, and underground aquifers, is threatened by sewage, sediments, and toxic chemicals. The law says the discharge of pollutants into the nation's waters must end by 1985. The Administration has chose to abandon that goal and seeks to weaken the Clean Water Act.

PREAMBLE

Water pollution affects us all. There are over 100,000 dischargers of industrial wastewater in the United States. Waters in every state in the nation are affected by industrial discharges.

Pollution from municipal sewage is even more prevalent. Runoff from city streets and rural lands adds still more pollution to streams, lakes, and coastal waters.

The water we drink may be unsafe. The General Accounting Office recently reported that there were 146,000 violations of safe drinking water standards across the nation in 1980 alone. Fisheries are being destroyed. Industrial discharges of kepone interrupted commercial fishing in Virginia's rich James River, and PCBs did the same to the Hudson River. Swimming, boating, and agriculture are affected.

The Clean Water Act, passed in 1972 and strengthened in 1977, directs the Environmental Protection Agency to develop and enforce rules to achieve the goal of "fishable and swimmable" waters by 1983 and the elimination of all discharge of pollutants by 1985. Both the Act and an outstanding court order require EPA to set rules to control the discharge of toxic water pollutants.

The Safe Drinking Water Act was passed in 1974 in response to evidence that the drinking water of many Americans was laced with dangerous chemicals ranging from asbestos to vinyl chloride. Ground water, which provides drinking water for half our citizens, has been contaminated in many places across the nation.

The Safe Drinking Water Act requires EPA to set minimum drinking water quality standards to protect human health and to establish rules to prevent the injection of contaminants into underground aquifers.

Progress has been made in improving water quality. Overall, further deterioration of surface waters seems to have ceased—which is progress, considering that our population and industrial activity are rising. There are numerous individual success stories. Rivers such as the Savannah, the Hudson, the Naugatuck, the Detroit, the Connecticut, and many others showed remarkable improvement. But control of toxic chemical pollution is still at a primitive stage. Ground water pollution is a special worry. It is not well monitored; yet there is mounting evidence that wells from Gray, Maine, to the San Gabriel Valley in California are being polluted by toxic chemicals. Once those chemicals get into ground water, they are terribly difficult and costly to remove.

A huge job remains to protect drinking water sources and achieve the "fishable and swimmable" goal.

CHARGES

The Reagan Administration has begun to implement policies that will not only halt progress but threatens to cause declines in water quality. Especially alarming is the Administration's retreat on control of toxic pollutants, which affect both surface and groundwaters and make water unfit for drinking and for acquatic life.

Retreating from Contol of Toxics. During the past year, the Reagan Administration has

Suspended the entire national pretreatment program for over one year and suspended critical portions of that program indefinitely. The purpose of the pretreatment program is to curtail toxic discharges into

municipal treatment plants by over 60,000 industrial sources.

Delayed the national program for setting toxic effluent limits on industrial discharges from tens of thousands of sources. Since January 1981, EPA has not issued a single regulation to limit toxic discharges, but has twice requested extensions in court-ordered deadlines. If granted, the delays would extend deadlines from 1981 to mid-1984—resulting in tens of millions of pounds of inadequately treated toxic chemical discharges yearly.

Sought to escape from its court-ordered responsibility to clean up toxic "hot spots" of chemical pollution. Those are specific locations where even the best available technology will not be sufficient to protect human health and water quality. EPA has done virtually nothing to address this problem.

Sought to escape from its court-ordered duty to identify dangerous toxic water pollutants that will not be controlled by regulations under development in the Agency.

Proposed to amend the Clean Water Act by adding variances and deadline extensions to the Act's uniform national toxic cleanup requirements. Those amendments would seriously delay cleanup, add tremendous burdens to state permitting authorities, and ultimately fail to control toxic discharges because of lack of data and scientific methods.

Decided not to impose new, stricter limits on toxic discharges in revised permits for thousands of industrial dischargers, who will thus be allowed delays in adopting best available technology. Instead of using the Agency's authority to issue, case by case, permits with stricter toxics limitations than those now in existence, EPA has decided to wait until nationally uniform standards are promulgated—even if it takes 2-3 more years to develop those rules. Of course, the permitting budget was cut accordingly.

Weakened the standards designed to protect aquifers and eliminated protections against injections of hazardous wastes.

Failed to develop permanent drinking water quality standards that protect against toxic organic contamination.

Relaxing Other Water Quality Requirements. The Reagan Administration also has—

Developed a regulation (soon to be proposed) that would significantly relax treatment requirements for municipalities. EPA plans to "redefine" the requirement of secondary treatment so that the horrible noncompliance rate by cities suddenly will disappear.

Developed a regulation (soon to be proposed) that would assist those states wishing to use their waterways for waste transport. In effect, the regulation would encourage states to downgrade their water quality standards, instead of enforcing the Act's national goal of fishable, swimmable water quality.

Mr. TSONGAS. Mr. President, 10 of the Nation's largest and most respected environmental groups have just released a detailed indictment of the Reagan administration's environmental policies. I hope that all of my colleagues will take the time to examine this impressive document.

Today, I want to speak briefly about the solar energy section of the report, which provides an excellent brief on the administration's efforts to eliminate the solar option.

Every major energy study in recent years has concluded that renewable resources can provide a very attractive and practical alternative to the increased use of finite conventional energy sources. Renewables are central to our energy future, but the administration has proposed to end virtually every solar program that the last three Congresses have enacted to eliminate market and nonmarket barriers to the development of solar energy. The targets range from tax credits to information programs, from the Solar and Conservation Bank to solar R. & D. The administration's approach is fundamentally inconsistent—leaving solar to the free enterprise system while keeping and increasing subsidies for nuclear power.

The administration has ignored the mounting international competition from Europe and Japan, where government support for renewable resources is increasing. Not only will we lose the opportunity to sell on the world market, but we could end up importing solar technologies for use in this country.

Our energy problem may have abated for now, but it has not gone away. It is still among the most serious of threats to our military and economic security. Developing a balanced, comprehensive energy policy—one that recognizes the necessity and the environmental benefits of renewable resources—is an urgent national priority.

Mr. President, I ask unanimous consent that the solar energy section of the report be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SOLAR ENERGY

Government support for solar energy is in eclipse. While opinion polls show the public favors solar energy over all the alternatives, President Reagan has done his best to end federal support for renewable energy. If solar energy ultimately prospers, it will be in spite of federal policy.

PREAMBLE

The public has good reasons for supporting solar energy. It is clean, infinitely renewable, and cannot be embargoed or dominated by a cartel. The use of solar energy does not pollute the air, poison our waters, or produce material for nuclear weapons. The production of renewable energy equipment creates more jobs and distributes them more fairly than the search for oil and gas, and the money stays in the United States.

Because of these special qualities, President Carter set a goal of meeting 20 percent of all our energy needs from renewable sources by the year 2000. Repeated studies, including one by the Harvard Business School and another by the Solar Energy Research Institute, have documented that this goal could be met at a lower cost than getting the same amount of energy from traditional sources.

However, numerous obstacles hinder the achievement of this goal. Solar energy systems often cost more to buy; the savings accrue over time with the reduction or elimination of fuel bills. The higher first cost is particularly troublesome during periods of high interest rates. The price of fossil fuels and nuclear energy remains artificially low due to the effect of past and continuing subsidies. Consumers and businesses need to be assured that the new technologies will work as well as the old. Some solar technologies, particularly photovoltaic cells and biomass systems, require more research and mass production to reduce costs. All of these problems were the subject of government efforts initiated by the Ford and Carter Administrations.

CHARGES

In little more than a year, the federal solar energy program has been reduced to shambles.

Heading the Solar Budget Toward Zero

The Reagan Administration has cut the solar budget by 87 percent and will seek to eliminate the solar program. The Administration has already

Slashed federally supported research at the very time when other countries, notably Germany, France, and Japan, are stepping up their support for solar research. Thus, the United States is likely to lose world markets.

Stopped the flow of information on solar systems to consumers. Millions of consumers have received practical and reliable information on solar from the government in the past.

Fired the Director and 300 staff members of the Solar Energy Research Institute, (SERI) the world's premier solar laboratory.

Suppressed a SERI study showing the potential of solar and conservation measures and reporting on public opinion surveys that show popular support for renewable energy development.

The Administration has abandoned efforts to stimulate growth of a photovoltaics industry (using sunlight to make electricity directly), dropping efforts to use photovoltaics in government installations.

There are few solar regulations. However, the few that exist have not been overlooked in the Administration's war on solar energy.

Eliminating Assistance to Consumers

The Administration has sought to cut the programs that would provide direct aid to consumers. It has

Fired the staff, stopped the regulations, and asked Congress to abolish the Solar and Conservation Bank, which would provide low-interest financing for individuals installing solar devices and for builders. When Congress twice refused to abolish the bank, the Administration simply defied the law and did nothing to set up the bank.

Proposed to eliminate the tax credit for persons installing solar equipment. This average citizens' energy tax loophole was to be closed, while the oil industry's loopholes were enlarged. Congress rejected the proposal. The Administration is trying again to abolish this credit for businesses (not for residences).

Asked Congress to eliminate the Residential Conservation Service Program, which provides homeowners with energy audits for a nominal charge. When Congress refused to do so, the Administration proposed changes in the regulations that would make it extremely difficult to include in the audits an evaluation of the cost-effectiveness of solar energy.

Proposed to repeal the law that requires utilities to use electricity generated by wind-

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mills, very small hydropower projects and industrial co-generators of steam and electricity.

12TH ANNIVERSARY OF EARTH DAY

Mr. EAGLETON. Mr. President, I am pleased to join my colleagues today in celebrating the 12th anniversary of Earth Day. It is a tribute to the great efforts of the environmental community that we are here today to address the "Case Against the Reagan Environmental Record." If it were not for all the hard work of the past, our environment today would be under even greater siege than it is. Earth Days of the past have led to some landmark public laws, like the Clean Air Act, the Clear Water Act, the National Environmental Policy Act, and the Endangered Species Act. These same laws provide us a yardstick by which to judge the activities of the current administration.

In particular, I wish to focus my remarks today on the state of our national forests. The Mark Twain National Forest is one of Missouri's greatest natural resources, and the home of Missouri's 10,000 acres of wilderness.

It has been an uphill battle over the years to balance the many conflicts of public policy between our national forests. There is, of course, tremendous pressure to increase timber harvests on the 90 million acres of national forests. The RARE II review that the national forest conducted to inventory the usage requirements of our forest lands was an excellent beginning for shaping our long-term forest plan, and providing a means to resolve conflicts.

Unfortunately, John Crowell, Assistant Secretary of Agriculture, appears to have abandoned the RARE II information and is striking out on a new plan; a plan that troubles me greatly.

The March 1982 Indictment, "The Case Against the Reagan Environmental Record," has outlined the Reagan administration plan for our forests. I ask unanimous consent that the text of that section be printed in full at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE FEDERAL PUBLIC LANDS AND NATURAL RESOURCES

Some 500 million acres of federal public land owned by all Americans—190 million in the National Forests and 328 million under the Bureau of Land Management—are required to be managed, under law, for multiple use, sustained yield of renewable resources, and long-term conservation. The Reagan Administration has tilted management away from conservation toward rapid development and control by private interests.

By accelerating the leasing of oil, gas, and coal on federal lands, without regard for demand and at royalty rates that are too low, the Reagan Administration is conducting a giveaway of the resources that belong to the nation.

It continues to subsidize the western livestock industry through grazing fees far below market value. It has adopted a new "Grazing Management Policy" and has proposed regulation changes that will allow ranchers to dominate—practically dictate—rangeland decisions. While passing effective control of publicly owned range to the livestock operators, the Administration is practically closing the door on government programs to benefit fish and wildlife and public recreation.

Ignoring both market realities and multiple use principles, President Reagan's Department of Agriculture has forced upon the Forest Service a policy of selling timber faster than it grows and of cutting timber on steep and arid lands where it should not be cut—all at an economic loss to the public, and damaging to wildlife, recreation, and watershed values. The Reagan policy not only subsidizes the timber industry, but gives it greater control over the National Forests.

The Administration set out to open the National Wilderness Preservation System to oil and gas drilling and mining—a goal blocked by Congress. Recently, proclaiming an intent to "protect" the wilderness areas, Secretary of the Interior James Watt recommended legislation that would open all widerness to energy and minerals development after the year 2000. The Administration has signalled its clear intent to open to development lands being studied for wilderness designation, and to make certain there are no further major additions to the system.

Mr. Reagan himself has endorsed the goals of the "Sagebrush Rebellion" whose leaders have tried to get federal public lands turned over to the states and eventually to private ownership. Now the Administration has proposed to "privatize" large areas of National Forests and BLM lands by selling them to private interests.

Two other major systems of federal public lands, the National Parks and the National Wildlife Refuges, are endangered by this Administration. While vowing to rehabilitate National Parks, Secretary Watt has systematically reduced the capability of the Park Service by cutting staff and funds for operations. He has tried to block further land acquisitions for the National Park System.

Likewise, he has tried to stop acquisition of National Wildlife Refuges, and has curtailed important activities of the Fish and Wildlife Service. His particular target for decimation has been the Endangered Species Program.

NATIONAL FORESTS

Eighty years ago, President Theodore Roosevelt built the National Forest System on a strong foundation of conservation principles. The Reagan Administration is discarding this heritage. It is evading the express mandate of federal law to manage National Forests for many purposes, commercial and noncommercial. It is proposing an unbalanced, economically unsound, environmentally damaging program that would serve private timber and mining interests at the expense of broader public benefits.

PREAMBLE

The conservation movement in this country had its origin in forest protection. Toward the end of the last century, rapacious "cut and run" commercial timbering left a legacy of scarred landscapes, erosion and floods. In response, publicly owned national forest reserves were established in 1891, and were greatly expanded and strengthened ten years later by President Theodore Roosevelt.

Congress has many times reaffirmed and strengthened the Roosevelt conservation policy for the National Forests. It has established a philosophy of management for sustained yield and multiple uses—outdoor recreation, range, timber, watershed, wilderness, and fish and wildlife habitat. In recent years, the Forest and Rangeland Renewable Resources Planning Act of 1974 created a long-term planning process to achieve those goals. Congress spelled out forest management guidance in more detail in the National Forest Management Act of 1976. With that law, Congress meant to stop abuses caused by dominant use of national forests for timber production, and to require greater attention by federal forest managers to resource protection and noncommodity uses.

CHARGES

The Reagan Administration is offering the timber industry a $150 million-a-year subsidy for a timber sale that is too big, makes no sense economically, and threatens serious harm to the environment. The Administration's policy is to impose commercial resource extraction as the dominant use of the National Forests. It wants to undo years of professional planning for wise, balanced management of our National Forests—planning based on wide public participation and under standards prescribed by law. Moreover, President Reagan has put in charge of the nation's publicly owned forests a former timber industry executive and outspoken advocate of the industry's interests.

SUBSIDIZING THE TIMBER INDUSTRY

Despite a current low demand for timber and an all-time high backlog of sold but uncut timber in the National Forests, the Reagan Administration proposes to increase timber sales dramatically.

The Reagan budget requests a timber sale from the National Forests of 12.3 billion board feet for FY 1983. That is 4 billion board feet higher than the amount cut last year. The excessive FY 1983 sale is planned despite the depressed housing industry and a record high backlog of approximately 34 billion board feet. The backlog amounts to more than three years' worth of average timber sales from the National Forests.

The proposed timber sale conceals at least a $150 million subsidy. The sale will cost the U.S. Treasury $665 million (mostly for road construction). The Forest Service has in the past acknowledged that 22 percent of its timber sales are below cost. If these subsidized sales were eliminated, the sale could be reduced to a more realistic 9.6 billion board feet. Savings to the taxpayers would be $150 million.

The proposed sale is environmentally unsound. The budget for the sale shows $585 million for road building, $200 million more than in 1982. As the Reagan budget itself explains, the sharply higher cost is for roads in "difficult terrain" with "access problems." Forest Service research shows road construction is the prime cause of soil erosion, silting of streams, and damage to trout fisheries in the National Forests. Those problems are doubly acute in "difficult terrain."

Some of the sales would be made in virgin areas of the National Forests that have never before had roads. Opening roads into them would remove them forever from possible designation as wilderness.

Federal sales below cost do not necessarily increase national supplies. In fact, they can unfairly compete with production for profit on private lands and discourage investments there.

MAKING RESOURCE EXTRACTION THE DOMINANT USE

The wasteful expenditures for roads and subsidized timber sales robs the Forest Service of funds needed for other multiple use responsibilities. The Administration's FY 1983 budget request for the Forest Service slashes funds for recreation, fish and wildlife, and watershed protection, while sharply increasing support for timber and mineral activities.

The Forest Service's 1980 long-term program was drawn up by professionals under the Resources Planning Act and was adopted by Congress, with some revision, in 1980. This current, Congressionally approved RPA Program gives balanced consideration to all the resources of the National Forests. The Reagan FY 1983 budget proposal skews the Forest Service's program planning out of all proportion. It meets or exceeds the goals for timber sales, mineral development, and livestock grazing, but cuts fish and wildlife management goals by 64 percent, trail construction by 90 percent, and soil and water protection by 99 percent.

Further examples are:

The Reagan FY 1983 budget would cut trail maintenance by 30 percent from 1982 levels. Already, in the 1982 budget, maintenance was abandoned for 10,000 miles of the 100,000-mile trail system in National Forests. The further cut would mean that another 30,000 miles would be allowed to deteriorate.

No allowance is made in the FY 1983 Reagan budget for wildlife habitat protection, except in timber sale areas.

The Osceola National Forest in Florida is a victim of the Reagan Administration's policy to sacrifice multiple uses of the public forests to resource extraction.

After almost 10 years of opposing the issuance of leases for open pit mining of phosphate in the Osceola National Forest because of severe adverse impacts on wildlife, recreation, and air and water resources, the Department of the Interior and EPA have recently reversed their position. The Interior Department, which has the authority to issue those leases under the Mineral Leasing Act of 1920, is apparently disregarding existing regulations, as well as a 1981 solicitor's opinion, in processing the pending lease applications.

FRUSTRATING THE REFORMS IMPOSED BY LAW

Changes proposed by the Reagan Administration in forest planning regulations are of dubious legality and will frustrate the reforms Congress called for in the National Forest Management Act. Regulations under the Act had been adopted in final form in 1979, after three laborious years of drafting, public comments, redrafting, and reaching a workable compromise among the many interests using the National Forests. Discarding that carefully crafted compromise, the Reagan Administration would:

Abandon sustained yield management to allow rapid increases in cutting the old, pristine forests in the Pacific Northwest. The law requires that departures from sustained yield management must be carefully controlled exceptions. Under the proposed changes, the exceptions would become the rule. The Chief of the Forest Service would no longer have to personally approve departures from the sustained yield principle. In fact, individual forest supervisors would be required to consider departures from the principle in a broad range of circumstances—which virtually guarantees the liquidation of the forests.

Require strict cost-benefit tests to be applied to noncommodity public uses of the forests but, ironically, allow timber production even from areas where the timber industry would never invest because production there is not economically sound. The effect will be to water down the protection of environmentally fragile areas from road construction and logging.

Arbitrarily restrict consideration of especially scenic or ecologically valuable lands for wilderness designation.

Eliminate portions of the regulations designed to encourage public participation in the forest planning process.

Eliminate integrated pest management (IPM) as the principle for dealing with pests in National Forests. IPM involves minimal use of environmentally harmful chemical pesticides.

Remove the requirement to maintain or improve habitat for valuable species such as trout or elk.

These changes come from the office of Assistant Secretary of Agriculture John B. Crowell. He was formerly general counsel of the Louisiana-Pacific timber firm, one of the largest timber cutters on federal lands. He was also chairman of a timber industry panel when the original regulations were developed. His chief deputy also comes from the timber industry. The proposed changes in regulations adopt almost exactly the positions the timber industry took as the regulations were being developed.

"INDICTMENT" OF THE REAGAN ADMINISTRATION'S AIR POLLUTION POLICIES

Mr. HART. Mr. President, on the 12th anniversary of the original Earth Day, It is particularly fitting to assess our efforts to improve the quality of the air we breathe.

The Clean Air Act, which was enacted in 1970, the year of the original Earth Day, was the first major Federal environmental regulatory program. Under this act and the amendments to it adopted in 1977, we have made important progress in slowing and, in many cases, reversing the increases in the levels of dangerous pollutants.

That progress is threatened by the actions and policies of the Reagan administration. All of us who breathe should be concerned about the administration's combination of legislative proposals, regulatory policies, enforcement actions, and budget cuts. Taken as a whole, these efforts would fundamentally undercut our Nation's commitment to clean air.

The air pollution portion of the "indictment" of the administration's environmental policies prepared by the Nation's major conservation and environmental groups is the best single compilation I have seen of the administration's tragic actions on clear air issues. I commend that summary to my colleagues and to the public. Read it in sorrow, and in anger. After reading it, I invite you to join me, and the millions of other Americans who still share the spirit of the original Earth Day, in a commitment to doing all we can to prevent the Reagan administration from rolling back the clock on our national effort to clean up the air.

I ask unanimous consent to have the air pollution portion of the environmental groups' "indictment" printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AIR POLLUTION

The Clean Air Act, our flagship environmental law, is under attack. The Reagan Administration's legislative proposals, regulatory changes, and budget actions are crippling the nation's clean air program. They threaten to bring back an era of dangerous, damaging, dirty air.

PREAMBLE

Air pollution can kill people and make them ill; it attacks the natural environment; it destroys property. Air pollution of various kinds causes or aggravates cancer, emphysema, bronchitis, heart disease, and other diseases. Acid rain destroys lakes and forests. Ozone causes billions of dollars in crop damage.

The clean air legislation passed a dozen years ago and strengthened five years ago requires EPA, with the help of the states, to clean up our air. For a decade there was progress. A start has been made on controlling pollution from automobiles, powerplants, smelters, refineries, and scores of other sources.

But enormous tasks remain: ensuring that existing nationwide health standards are met; regulating highly toxic pollutants, such as benzene and arsenic, that are still uncontrolled; controlling acid rain, and inspecting existing controls to ensure that they continue to work.

CHARGES

Instead of tackling these tasks, the Administration has marched backwards, abandoning the goal of clean air.

Weakening National Clean Air Standards. The Administration has proposed or supported amendments that would emasculate the Clean Air Act, has dragged its feet on issuing regulations the law requires, and has abolished or watered down exisiting regulations. Specifically, the Administration has called for amendments to the law that would:

Weaken health standards to cover only so-called "significant risks." This means abandoning protection of specially sensitive groups such as children, the elderly, people with heart and lung disease, and others. The Congress has already blocked this attack on health standards.

Allow deadlines for attaining the air quality standards that protect the public health to slip from 1982 and 1987 to as late as 1993.

Weaken auto emissions standards to allow more than a doubling of nitrogen oxide and carbon monoxide emissions—a change that would expose millions of people in as many as 16 major urban areas to continued unhealthy air.

Cripple the requirement that new cars must meet emission standards before they are sold and the provisions for recall when they do not.

Do away with requirements that, in polluted areas, new sources of pollution (such as powerplants, refineries, chemical plants) use the most effective pollution controls available.

Repeal protection for areas with air that is still clean, thus allowing new polluters to locate there and use less than the most effective pollution control technology.

Drastically weaken the carrot-and-stick provisions by which the federal government encourges states to adopt effective pollution control plans. Conscientious states that adopt good plans would be at the mercy of industries which threaten to move to states having weaker controls.

Allow greatly increased pollution of the air in National Parks and wilderness areas.

While mounting this assault on the law itself, EPA has taken administrative action to undo existing clean air requirements and has failed to issue long-overdue regulations. Some of these changes are subtle but far-reaching. For example, the Clean Air Act program to meet health standards in polluted areas depends on review by the states of proposals to build new industrial sources of pollution. Illegally redefining the word "source," EPA has effectively exempted most new polluting industrial installations from state reviews.

EPA has also

Proposed to weaken by up to 5 times heavy truck emission standards, even though the National Commission on Air Quality found that emissions from heavy trucks must be controlled if we are to meet national health standards for air quality.

Proposed to weaken the automobile emissions standard for hydrocarbons to permit an increase of approximately 25 percent in hydrocarbon emissions (one of the constituents of photochemical smog).

Proposed to weaken particular emissions standards for diesel automobiles, the fastest growing and least controlled part of the automobile fleet.

Failed to develop a particulate standard for diesel trucks.

Failed to set required standards for industrial boilers and the most dangerous fine particulates.

The Administration has even proposed a retreat in control of lead, a pollutant which is especially dangerous to children. EPA itself has sponsored recent research which shows that even extremely low blood levels of lead affect the brain patterns of young children. Yet EPA has:

Developed proposals to allow increased use of lead in gasoline, thereby increasing human exposure, most significantly the exposure of inner city children. These proposals reverse a longstanding policy of the federal government to protect the health of the nation's children by reducing lead in the environment.

Failing to Act on Toxic Air Pollution. The Reagan Administration's failure to move on toxic air pollution is especially threatening to millions of Americans who live in the shadow of chemical plants, coke ovens, and other factories which emit chemicals that can cause cancer and other deadly diseases. Recent research indicates that as much as 10 to 20 percent of lung cancer is due to air pollution. According to EPA, more than 300 plants in 39 states and territories emit large amounts of unregulated chemicals that are known or suspected to cause cancer or other serious diseases. Yet, after years of study, EPA has:

Failed to act on a list of 37 pollutants which threaten severe hazards to human health.

Cut the budget for action on toxic air pollutants so sharply that it may be more than a decade before action on all these chemicals is even begun.

Failing to Act on Acid Rain. From West Virginia to Maine, aquatic life in lakes and streams is dying. Thousands of lakes in Minnesota alone are in jeopardy, and hundreds are dead as sulfur from industrial stacks creates acid precipitation. In many states, acid rain is blamed for damaging forests and farmland and eroding buildings. Acid rain is a disaster that is real and growing.

The Reagan Administration claims that more study is needed before acting to control acid rain. The Administration opposes strengthening the Clean Air Act to mandate control measures. The Administration even seeks to weaken controls in current law limiting sulphur emissions from new plants. Even the words "acid rain" are out of fashion at EPA: Mrs. Gorsuch prefers the expression "non-buffered precipitation."

The Reagan Administration wants changes in the Clean Air Act to

Exempt new large industrial coal-fired boilers from requirements that assure that a minimum percentage of sulfur oxides are removed from their emissions.

Allow extensions of deadlines for meeting sulfur dioxide standards, which would allow delays and relaxations until 1993.

The Reagan Administration is also, by administrative action, changing the sulfur emission levels allowed from existing sources. It has:

Increased authorized sulfur dioxide emissions by 1.5 million tons a year, a very significant amount. Nationwide SO_2 emissions are currently 29 million tons per year.

The Administration has also undone a requirement proposed two years ago that powerplants with tall smoke stacks must reduce their SO_2 emissions by 412,000 tons per year. Now, EPA:

Is requiring a reduction of only 166,800 tons per year of SO_2 emissions from powerplants with tall stacks. Since present SO_2 emissions from tall stacks are over 500,000 tons per year, this means that more than 333,000 tons will still be contributing to acid rain in states and nations downwind of the powerplants.

Although the Reagan Administration has provided extra funds for acid rain research ($22 million in FY 1983, up $12 million over FY 1982), the addition may have a fatal drawback if research is simply being "accelerated" for a 5-year study, instead of the 10-year study originally planned by EPA. Many of the most serious effects of acid rain do not show up in the first 5 years.

Decreasing Enforcement. EPA has reduced the credibility and effectiveness of the entire regulatory program by a sudden and radical decrease in enforcement actions.

After a series of jolting reorganizations and sharp budget cuts, the cases filed in federal court have declined almost 75 percent since Mrs. Gorsuch took office.

Gorsuch personally undercut enforcement when she agreed in a private meeting with corporate officials to look the other way when Thriftway Refiners violated the Clean Air Act by increasing the amount of lead they put in their gasoline.

Reducing Research and Monitoring. Budget cuts proposed by the Reagan Administration will cripple research for air programs. Overall, the Reagan budget for FY 1983 proposes cuts of 23 percent from the level of two years ago in air quality. Specifically, the Reagan Administration budget would:

Eliminate human epidemiological research on the health effects of air pollution.

Cut clinical research on health effects by 50 percent, eliminating investigation of volatile organic chemicals.

Cut research on hazardous air pollutants severely. The Agency will look at three hazardous pollutants in 1983. At that rate, it will take a decade to examine the list of substances deemed priority because of their threat to human health.

The budget for monitoring air programs and assisting states has also been drastically cut. The proposed Reagan budget for FY 1983 would:

Cut back by 40 percent monitoring of air quality to determine the levels and kinds of pollution already present in our air.

Cut grants and technical assistance to state air programs by 30 percent, thus crippling state efforts to implement clean air requirements.

Mr. LEVIN. Mr. President, I am pleased to join with many of my colleagues in presenting an analysis of the administration's environmental program. Prepared by 10 environmental groups, this document is a telling indictment of the administration's approach to environmental questions.

Introducing this material on the anniversary of Earth Day should serve as a reminder of how far we have come in promoting environmental protection in the last 12 years—and how valuable are the goals that the administration seems intent on subverting.

I want to share with my colleagues the section of the indictment that discusses nuclear power and energy conservation. The approach of this administration toward nuclear power and conservation sums up for me the fundamental flaw in its approach. Despite copious statements outlining their commitment to the free market, this administration is desperately trying to prop up a nuclear power industry that is collapsing precisely because of the free market. As the costs of nuclear power increase, the market moves away from investing in nuclear powerplants. And this administration pours more and more money into promoting, protecting, and subsidizing nuclear power.

Contrast this with their opposition to conservation measures. It is common knowledge that conservation is the cheapest, safest, and environmentally least damaging source of energy. Yet this administration has sought to reduce conservation funding to almost nothing.

Mr. President, I think this administration has made serious mistakes in devising these policies. I also think they have misread the commitment to conservation and environmental protection shared by the American public and, I hope, a majority of my colleagues.

I ask unanimous consent to have printed in the RECORD the portion of the report I referred to.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NUCLEAR POWER

The free market is killing nuclear power. Instead of letting it fend for itself, Presi-

dent Reagan wants to rescue the industry with continued heavy subsidies, watered down safety regulations, and reduced safeguards against the spread of nuclear weapons.

PREAMBLE

Since the Reagan Administration took office, six nuclear power plants already under construction have been cancelled. The Nuclear Regulatory Commission staff predicts nineteen more cancellations in the near future of plants under construction. Although the cancellations involve billions of dollars in losses, the utilities involved concluded that completion of the plants would cause far greater financial losses. More proposed reactors have been cancelled during the past ten years than are now operating in the United States.

The nuclear industry has also been plagued by safety problems and mismanagement. The accidents at Brown's Ferry and Three Mile Island exposed serious flaws in reactor safety systems. Middle-aged plants are now suffering unexpected breakdowns. The recent accident at Ginna, New York, where a ruptured pipe released radioactive gas, was the fourth such incident in recent years. The Nuclear Regulatory Commission suspended the operating license of the controversial Diablo Canyon plant only days after it was granted because critical parts of the reactor's earthquake protection system were built backwards. A Nuclear Regulatory Commission investigation found many more design errors that affect safety.

The abiding problems of nuclear weapons proliferation and waste disposal were a serious concern to both the Ford and Carter Administrations. President Ford deferred commercial reprocessing of spent nuclear fuel pending an assessment of international safeguards against proliferation. President Carter deferred commercial reprocessing and tabled development of the plutonium breeder reactor because of dangers of proliferation.

CHARGES

President Reagan has abandoned his predecessors' caution on nuclear power. Contrary to his own free market philosophy, he has spared nuclear power from the budget axe. Ignoring the industry's real financial, management, and technical problems, he blames the industry's plight on "overregulation," and has moved to weaken safety regulations and safeguards against proliferation.

Maintaining Subsidies. The Reagan budget for FY 1983 would maintain direct subsidies to the nuclear power industry at a level of more than $1 billion per year—added to estimated subsidies of at least $37 billion which the taxpayers have already sunk in the industry.

The Reagan budget would

Commit more than twice as much energy research and development money to the Liquid Metal Fast Breeder Reactor (LMFBR) as to all other forms of energy (coal, shale, solar, conservation), despite the fact that the LMFBR is outmoded and uneconomic.

Pour $253 million into the Clinch River Breeder Reactor, a demonstration LMFBR for which total projected costs have skyrocketed from $700 million to $3.5 billion. Taxpayers would be stuck with 90 percent of the bill, although industry had originally agreed to pay half.

The Carter Administration's position was to close out the Clinch River project while pursuing basic research. All the available facts on costs show it is folly to put hundreds of millions of the taxpayer's dollars into the Clinch River project. For example, France dropped plans to build five more LMFBRs after paying the bill for the first one, which cost twice as much as a comparable light water reactor.

Dropping Barriers to Proliferation. The Clinch River Breeder Reactor is not only hugely wasteful; its use of plutonium for fuel creates dangers of proliferation of nuclear weapons. So does the commercial reprocessing of spend nuclear powerplant fuel which the Reagan Administration is supporting. Even worse is the proposal, now under active consideration, to use plutonium recovered from commercial powerplant fuel for a greatly accelerated program of making bombs for the U.S. military.

President Reagan has lifted the Ford-Carter ban on private reprocessing of nuclear fuel and the Administration is now actively promoting such private ventures in the United States.

The Reagan Administration has reversed a decade-long policy of slowing the spread of sensitive nuclear technologies, and is considering the export of classified technology for enriching uranium. It has also lifted the ban on supplying military and economic aid to Pakistan, a country known to be developing nuclear weapons, without any new guarantees of Pakistan's future direction in this sensitive area.

The Department of Energy is developing an advanced enrichment technology which would make it possible to obtain weapons grade plutonium from commercial spent fuel, and is actively considering proposals to "mine" commercial spent fuel pools for bomb material. Such a course of action would effectively destroy the distinction between the civilian and military uses of nuclear power, ending forever the "Atoms for Peace" idea and making nuclear nonproliferation a clear impossibility.

Weakening Safety Protection. The Administration, in echoing the industry's complaints about overregulation, is ignoring real safety problems which can be controlled only by effective government regulation. The Administration is also pushing ahead with nuclear waste disposal plans, without adequate scientific knowledge and technical preparation.

The Nuclear Regulatory Commission has shifted resources away from safety issues into an accelerated licensing program.

The Department of Energy has dumped the comprehensive, conservative, safety-oriented nuclear waste policy developed by a broad interagency group under the Carter Administration. Stating that the major technical problems have been solved, the Reagan Administration is rushing ahead with waste burial plans. It is de-emphasizing the rights of states and localities to adequate information and a voice in siting.

ENERGY CONSERVATION

Energy conservation is the cheapest, quickest and cleanest way to meet the nation's energy needs. The Administration has sought to abolish, dismantle, or destroy almost every Federal program that promotes conservation.

PREAMBLE

The United States now spends more than $385 billion a year on energy. The bill would be far larger if we had not made improvements over the last decade in the efficiency with which we use energy. Almost 90 percent of the growth in the U.S. economy between 1973 and 1980 was made possible by energy conservation (the economy grew 19 percent in real terms, energy consumption only grew 2 percent.)

Energy from new sources costs more than energy from old sources because it costs more to build a powerplant or find new oil than it used to. Thus, the only way to reduce the cost of energy to the nation is to reduce the amount we consume by using energy more efficiently. Indeed, the temporary oil "glut" that has lowered world oil prices is partly due to reduced demand resulting from energy conservation.

For low and moderate income families, the issue may be survival as heating costs consume up to half of their income. The only way they can reduce their costs other than freezing is by insulating, caulking, and adding storm windows so as to use less energy and less money to keep warm.

The Oak Ridge National Laboratory estimates that federal conservation programs saved the United States $12 billion during 1980 alone. The Administration's own estimates put the 1980 savings at $3.4 billion. And once in place, conservation measures continue to yield savings year after year.

CHARGES

Cutting the Conservation Budget. The Administration has sought to eliminate virtually every federal energy conservation program. It has proposed to reduce the budget for conservation by 97 percent. That would:

Halt federal research on conservation that has already yielded innovations that have saved many times the cost of the program.

Eliminate most state energy conservation offices.

Eliminate federal assistance for the weatherization of schools and hospitals.

Halt the flow of technical information to consumers, businesses and local governments on the means to improve energy efficiency.

Eliminating Assistance for Individuals. The Administration has:

Tried to abolish the Solar and Conservation Bank, despite the intent of Congress. Congress passed legislation creating the Bank in 1980 to provide low interest financing for solar and conservation measures. The Administration proposed to eliminate it. When Congress said "no," the Administration simply refused to obey the law and did nothing to set up the Bank.

Sought to eliminate the conservation tax credit while expanding tax benefits for energy producers.

Proposed to eliminate the low income weatherization program. Under this program, the federal government directly assists low income people to invest in caulking and insulating their homes. This investment could remove the need for continuing government assistance to people unable to pay huge heating bills.

Dismantling Regulatory Programs Designed to Help Consumers. The Administration has—

Refused to obey the law that requires it to issue efficiency standards for furnaces, refrigerators, and other appliances. American appliances, as American automobiles did, are falling far behind their Japanese competitors. Efficiency improvements would save literally billions of dollars as well as energy.

Sought to abolish the Residential Conservation Services Program that provides low cost home energy audits to consumers.

Abandoned stricter fuel efficiency standards for automobiles after 1985.

Conservation is the energy program that puts money back in the pockets of individ-

ual American citizens. The Administration regards it with contempt.

Mr. METZENBAUM. Mr. President, the Department of the Interior is charged with the important task of managing the vast hydrocarbon and mineral resources located on Federal lands and owned by the people of the United States. The Department is required to protect the interests of the people by adhering to the following five principles:

First. Balance potential energy development against alternative uses of the same property and select the use that maximizes the benefit to the public.

Second. Assure a fair return to people of this Nation for private development of its energy resources.

Third. Make resources available only for necessary development, and not for speculation.

Fourth. Permit development only where it will not cause irreparable harm to the environment.

Fifth. Provide full and fair opportunities for the public to participate in the decision on how to use the Nation's resources.

Mr. President, the Reagan administration is working to ignore each of these principles. Instead of striving to strike a balance between energy development and competing environmental goals, Secretary Watt is handing large energy companies a blank check. For example, in the area of coal leasing, the administration has proposed to allow the coal industry to make the initial selection of tracts for leasing, and to eliminate independent Federal analysis of the level of leasing necessary to meet demand. In 1981, leasing was up 420 percent over the previous year, even though the Office of Technology Assessment recently concluded no new leasing was necessary to meet demand.

In the area of oil and gas leasing on the Outer Continental Shelf, the story is the same. The administration's recently announced 5-year plan would lease every year nearly 10 times as many acres offshore as has been leased during the 29-year history of the OCS program.

The Secretary has refused to experiment with alternative bidding systems that would permit smaller companies to compete with the large energy firms. This administration prefers to rely exclusively on the traditional cash-bonus bidding method that permits only companies with large amounts of available cash to bid on new leases.

At the same time the industry is receiving a blank check, the American people are being shortchanged. Federal lands continue to be leased at bargain basement rates. For land where there is no known mineral seam, the price is a paltry $1 an acre without competitive bids. Where there is a mineral seam, the onshore royalty rate is a merely 12½ percent—a rate a private landowner would laugh at. For OCS tracts, the royalty is only 16⅔ percent, a rate the administration believes is too high.

This administration's record on traditional oil, gas, and coal leasing practices is bad enough. But it pales in comparison to what it proposes for oil shale. The administration has endorsed S. 1484, an oil shale leasing bill presently on the Senate Calendar. That bill would give Secretary Watt the authority to lease tens of thousands of acres of Federal oil shale lands on a noncompetitive basis. The bill sets no minimum royalty rate, once again leaving it in the hands of the Secretary. The rental rate is an unbelievable 50 cents an acre, the same rate originally authorized in 1920. The administration is even opposed to an amendment to raise the rate to a mere $5.26 an acre, which is an amount equal to 50 cents in 1920 dollars.

The American people, however, are losing more than an adequate return on their ownership rights in our Federal lands. They are being removed from the selection process. For example, the administration has proposed to repeal the regulation which requires public notification of the filing of an offshore development and production plan. For coal leasing, the administration wants to curtail the opportunities for participation by the public and State and local governments in leasing decisions. The administration-backed oil shale bill would allow the Secretary to ignore the views of the Governors in the three Western States where the oil shale is located. Judicial review of the Secretary's decisions would be severely restricted.

Mr. President, on the 12th anniversary of Earth Day, I believe it is important to reaffirm our commitment to environmental protection. Environmental protection means clean air and water, and proper regulation of hazardous wastes and toxic substances. But our commitment must also be toward a rational energy leasing policy that discourages speculation, promotes competition, and insures a proper return for the people of this Nation. To date, the Reagan administration has fought against each of these goals. Ten environmental groups have recently released a report entitled, "Indictment: The Case Against the Reagan Environmental Record." That report includes a chapter on energy leasing that discusses in greater detail the administration's sad record in this area. Mr. President, I ask unanimous consent that this chapter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ENERGY LEASING

The people of the United States own vast coal, oil shale, oil, and gas resources. These are resources that belonged to the nation when it was founded or were acquired by treaty or by purchase from other nations.

For many decades the nation's energy resources, like other public resources, were made available for private use essentially on demand. Payments to the public treasury were shockingly low, and enormous reserves were leased—not to be developed, but for speculation.

A dozen years ago, President Nixon imposed a moratorium on coal leasing to reassess the way in which leasing decisions were made. In the years that followed, Congress enacted a series of laws requiring the Department of the Interior to consider the interests of the nation as a whole in making energy leasing decisions. The law requires the Department to adhere to five principles. It must:

1. Balance potential energy development against alternative uses for the same property, selecting that use that maximizes the benefit to the public.

2. Assure a fair return to the nation for private development, of its energy resources.

3. Make resources available only for necessary development, not for speculation.

4. Permit development only where it will not cause irreparable harm to the environment.

5. Provide full and fair opportunities for the public to participate in the decision on how to use the nation's resources.

The Reagan Administration has acted to subvert each of these principles. It seeks to make energy resources available on demand once again. it has truncated the planning process, ignored agricultural, wilderness, environmental, and recreational values, and has excluded the public and state and local governments from the process.

COAL LEASING

The Administration has subverted the leasing system, handing over basic decisions to industry and denigrating the importance of agricultural, environmental, and social and cultural values.

Preamble

There are 16.5 billion tons of federal coal under lease, enough to last over 200 years at the present rate of production of coal from federal leases. In all, the United States owns over 400 billion tons of coal, almost all of it in the West.

Until 1971, coal leasing on federal lands were virtually unregulated. The federal government leased the public lands at giveaway prices. Speculation in coal leases was rampant. Leases were resold at many times the price the government received from the original lease holder. Industry selected the land it wanted to lease and then held the leases idle without producing coal. There was little concern with the public receiving a fair price for leases, with protection of the agricultural or environmental resources, or with the impact of leasing on state and local government.

President Nixon imposed a moratorium on coal leasing in 1971. And in 1976 Congress sought to end coal leasing abuses with passage of the Federal Coal Leasing Act Amendments, requiring the Interior Department to obtain fair value for the public's coal, to prevent speculation, and to balance coal against other resources values before deciding which tracts to lease.

The Carter Administration put in place a leasing program that met those requirements and proposed to lease federal coal as needed to meet demand for coal production.

Charges

Transferring Control to Industry

The Reagan Administration has abandoned the reforms mandated by the Congress and implemented by the previous administration, and proposes to return to the policies of the past. The Administration has proposed to change the coal leasing regulations to:

Permit industry to make initial selection of tracts for leasing instead of determining which tracts it is in the public interest to lease based upon a consideration of alternative uses and environmental values.

Eliminate independent federal analysis of the level of leasing necessary to meet demand, relying instead on industry to decide how much coal it wants. Leasing in 1981 was up 420 percent from 1980, although the Congressional Office of Technology Assessment recently concluded no new leasing was necessary to meet demand.

Effectively eliminate restraints on speculation in federal coal by weakening regulations requiring leaseholders to begin production within ten years after obtaining a lease.

Make consideration of potential economic, social, and environmental effects of coal leasing on a region entirely discretionary.

Sharply curtail opportunities for participation by the public and by state and local governments in leasing decisions and reduce the amount of information available to the public about leasing.

Eliminate requirements that lease applicants submit information to the U.S. Attorney General for antitrust review.

Cutting Back Planning and Environmental Analysis

Since coming to office the Administration has not only massively increased leasing, but at the same time has significantly reduced the funds and personnel for environmental planning and management. The result is that the Department of the Interior is simply unable to assess or consider the value of any other use than coal development for tracts requested by industry.

OUTER CONTINENTAL SHELF OIL LEASING

The Reagan Administration has proposed changes in the program for offshore oil and gas leasing which will have devastating impacts on our coasts, on state planning functions, on public participation, and, ironically, on our ability to inventory and develop our offshore resources. These new policies will deprive the public of a fair return for the sale of public oil and gas and will ultimately delay their development.

Preamble

The United States owns over 1 billion acres of offshore submerged lands on the Outer Continental Shelf (OCS). Since the Outer Continental Shelf Lands Act was enacted in 1953, the Department has leased approximately 27 million acres for oil and gas development, resulting in 8,000 producing wells yielding 5 billion barrels of oil and 44 trillion cubic feet of gas. Offshore waters currently produce about 9 percent of our nation's oil and 20 percent of our domestic gas. In 1980, the Carter Administration proposed to double the amount of leased acreage by 1986.

Charges

Accepting Low Royalties and Allowing Speculation

The Administration has proposed:

Leasing every year nearly ten times as many acres offshore as have been leased in the entire 29-year history of the leasing program.

Allowing only 2 years between sales in frontier (not previously leased) areas, despite the fact that most coastal states have argued repeatedly that they need 3 years to deal with the impacts of each new lease sale in these undeveloped areas.

Elimination of both tract-specific geohazard analysis and tract specific geologic analysis (estimating the amount of oil and gas which underlies a particular tract). The Administration has often touted the importance of knowing the costs and benefits of an action. Yet they propose to eliminate two of the most important factors in any cost-benefit analysis: the value of the resource, and the potential risk from geohazards.

Repeal of the Failure and Inventory System (FIRS), which the National Academy of Sciences in a recent report said should be strengthened.

Elimination of the requirement that detailed development and production plans be filed in the western Gulf of Mexico and the Santa Barbara Channel, even though they are required elsewhere.

Changing the regulations which required an exploration plan to be filed at the end of the second year of a five-year lease. The exploration plan will not be required until the end of the fourth year of a five year lease, thus reducing the incentives for leaseholders to diligently develop the resource.

Lowering the royalty rate on many offshore areas from 16⅔ percent to 12½ percent. Is this the way to balance the budget?

Disregarding Public Concerns

Accelerated OCS oil and gas development threatens habitat, offshore and onshore. Problems include disposal of drilling muds, construction of onshore support facilities, operational as well as catastrophic oil spills, and aesthetic impacts. Damage to local economies dependent on tourism and commercial fisheries is of significant concern to Governors of several states.

The Administration has proposed:

Repeal of the regulation which requires public notification of the filing of an offshore development and production plan.

Zero funding for coastal zone management grants to states—the only mechanism which encourages state planning for the impacts of offshore and coastal development.

Several states have sued the Administration when their views were not taken into account. The Commerce Department issued and then was forced by public opposition to withdraw regulations that would have prevented states from having any meaningful role in OCS planning.

OIL SHALE LEASING

The Administration seeks to accelerate private acquisition of publicly owned shale reserves, when neither the economic nor the environmental consequences of shale development are known.

Preamble

About 80 percent of the nation's 400 million barrels of recoverable shale oil, most of it in Colorado and Utah, is on federal public lands. Shale development enjoyed a brief boom and then suffered a quick bust more than half a century ago. Shale oil was then and remains now more expensive to produce than oil.

In 1974 the United States leased four shale tracts in Colorado and Utah to a consortium of oil companies at a 2 percent royalty plus a bonus of 8.5 cents per recoverable barrel of oil. The price of oil was then about $8 per barrel. A variety of government agencies have poured research and development money into shale projects over the past half century. The Reagan Administration recently gave several billion dollars in loan and price guarantees to two oil company shale projects in Colorado.

Shale development is surrounded by uncertainties both economic and environmental. There are no commercial size shale operations in the United States and no one can say with certainty whether shale oil can be produced at a price competitive with crude oil. Nor has industry yet shown that it can safely dispose of the vast quantities of waste generated by shale production. These uncertainties led Interior Secretary Morton to conclude in 1974 that further leasing should await data from the development of tracts already under lease.

Charges

Leasing at High Risk and Low Gain for the Public

The Administration has put aside caution and supports legislation that would:

Increase the number of leases and the amount of land that could be held by a single company. This will permit concentration of control of our shale resources among a few companies.

Fail to provide any guarantee that leased shale would be developed. Industry will be permitted to hold leases for speculation and resell them at inflated prices.

Ignore the need for environmental and socioeconomic planning.

Establish no guarantee that the public will receive a fair price from the private developers of its shale resources.

Secretary Watt has ordered BLM to write shale leasing regulations to:

Permit leasing on industry demand without consideration of the need for leasing and with little analysis of the impact of shale development on water resources, local communities, or wildlife.

Allow leasing without requiring diligent development of leased resources, or securing a fair economic return for the public.

CRIMINAL CODE REFORM ACT OF 1981

Mr. BAKER. Mr. President, before I make the unanimous-consent request to proceed with the consideration of the Criminal Code Reform Act of 1981, S. 1630, it is my understanding that the Senator from Idaho (Mr. McCLURE) has a number of parliamentary inquiries he wishes to propound. I yield the floor with the expectation that the Senator from Idaho will seek recognition for that purpose.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. McCLURE. Mr. President, on yesterday, I indicated that I had some inquiries that I wished to address to the Chair and I provided the chairman of the committee, the distinguished Senator from South Carolina (Mr. THURMOND), with a copy of the parliamentary inquiries. That is appropriate because of my respect for him and the fact that he is the manager of this legislation and, secondly, because the parliamentary inquiries relate to an

amendment which the distinguished Senator from South Carolina will offer.

I also submitted copies of those inquiries to the Parliamentarian so that he would be able to give it some consideration.

Mr. BAKER. Mr. President, will the Senator yield to me briefly?

Mr. McCLURE. I am happy to yield.

EXTENSION OF TIME FOR ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, since it appears to be desirable procedurally to pursue these parliamentary inquiries in morning business, and since they should be responded to before an effort is made to proceed with the bill, it seems desirable to extend the time for the transaction of routine morning business. I ask unanimous consent that the time for the transaction of routine morning business be extended until not later than 12:30 p.m.

I ask unanimous consent, further, Mr. President, that Senators may speak therein without limitation as to time.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. McCLURE. I thank the majority leader.

PARLIAMENTARY INQUIRIES—CRIMINAL CODE REFORM ACT OF 1981

Mr. McCLURE. Mr. President, I have the following parliamentary inquiry: Is the amendment on page 5, line 14, of amendment 1340 nongermane because it introduces a new word which changes the meaning of the amended section, in that it replaces, "interferes with, hinders, delays, or prevents," with "causes interference with, or hindrance, delay, or prevention of"?

The PRESIDING OFFICER. Changing the meaning of the section is permissible if the change does not broaden the effect of the section.

Mr. McCLURE. It would not be germane because it adds new language, if that new language does not change the meaning—excuse me—if it does not add new material in spite of the fact that it may change the meaning.

The PRESIDING OFFICER. It is permissible within the germaneness standard to change the meaning so long as you do not broaden the meaning.

Mr. McCLURE. Mr. President, I understand the words: I am not sure I understand the implication. I can change it but not broaden it. That is one of my concerns.

The PRESIDING OFFICER. The meaning could be restricted by the change.

Mr. McCLURE. It could be restricted but not broadened?

The PRESIDING OFFICER. The Senator is correct.

Mr. McCLURE. And the addition of the word "causes" in that particular place—does that restrict or does that expand?

The PRESIDING OFFICER. The original meaning included both a conduct and a result test. The new meaning only includes a result test.

Mr. McCLURE. Therefore, it is a restriction? Do I understand the Chair correctly?

The PRESIDING OFFICER. The Senator is correct.

Mr. McCLURE. The second inquiry: Is the amendment on page 20—again I refer to amendment No. 1340—line 18, nongermane because it introduces new subject matter not pertaining to criminal law in that it adds a new section bringing the bill into conformity with the Budget Act?

The PRESIDING OFFICER. That amendment restricts the power which would be otherwise available; therefore, it would be germane.

Mr. McCLURE. Is the amendment on page 3, line 2 nongermane because it adds new crimes to the list of exemptions from the inchoate offenses?

The PRESIDING OFFICER. If the amendment added a new crime to a list of crimes for which penalties could be assessed, it would be nongermane. This amendment adds a restriction on the bill; therefore, it is germane.

Mr. McCLURE. That is true because, Mr. President, it adds to a list of exemptions; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. McCLURE. Is the amendment on page 12, line 4, nongermane because it adds a new section dealing with safety offenses to the bill?

The PRESIDING OFFICER. This indeed does add a new crime, and therefore would be considered nongermane.

Mr. McCLURE. Is the amendment on 21, line 1, nongermane because it references in a new section?

The PRESIDING OFFICER. This amendment expands the effect of the bill and therefore is nongermane.

Mr. McCLURE. Mr. President, I have some other inquiries I should like to address in view of the responses to these inquiries. I apologize to the Chair and the Parliamentarian for not having submitted these in advance, but I can see the clear and consistent pattern that is being developed in these parliamentary rulings. I do not quarrel with the rulings. I agree with the Chair and the Parliamentarian in this regard, but I want to carry it just a little further to make certain that I know where we are heading.

I make reference to amendments which I have introduced and had printed for the benefit of all the Members, and those amendments start with No. 1285 and run through amendment No. 1304.

Amendment No. 1285 would strike section 402. Since it would be an amendment to strike, it would not be subject to the germaneness test; is that correct?

The PRESIDING OFFICER. No amendment to strike, regardless of its effect, can be ruled nongermane.

Mr. McCLURE. Amendment No. 1287, an amendment which is similar but somewhat less broad than amendment 1266, which has been submitted by another Senator, would prohibit funds form the victims compensation program being used to perform abortions. Would that amendment be nongermane?

The PRESIDING OFFICER. This amendment appears to be a restrictive amendment, and therefore it would be germane.

Mr. McCLURE. Amendment No. 1288 would restore current law with respect to the jurisdiction of the Bureau of Alcohol, Tobacco, and Firearms and would affect the the bill by removing several broad jurisdictional expansions, but it would add to the bill current law while restricting the bill with respect to the broadening of jurisdiction. Would that be nongermane?

The PRESIDING OFFICER. Amendment 1288, since it is fashioned as an amendment to strike, is per se germane.

Mr. McCLURE. Amendment No. 1289 would restore current law with respect to the general level of criminal fines and would remove the structure that has been created in the proposed legislation. Would that amendment be nongermane?

The PRESIDING OFFICER. The amendment appears to be an attempt to strike a figure and substitute in lieu thereof another figure and therefore would be germane.

Mr. McCLURE. Amendment No. 1290 would repeal the order of notice provisions which would allow businessmen to be ordered to notify customers to sue them. Would the amendment be in order?

The PRESIDING OFFICER. Since the amendment is an amendment to strike, it would be per se germane.

Mr. McCLURE. Amendment No. 1291, the amendment would restore the current assimilative crimes language. Would the amendment be nongermane?

The PRESIDING OFFICER. The amendment in question is two amendments. The first is an amendment to strike and would be germane. The second appears to expand the scope of the bill and therefore would not be germane.

Mr. McCLURE. Might I ask one other question with respect to 1291. Since it is in two parts and could be divided, would the amendment as a whole, if divided, fall because one portion might be nongermane?

The PRESIDING OFFICER. The answer to these parliamentary inquir-

ies assumes that the Senate would be either under cloture or operating under a unanimous-consent agreement. Under cloture an amendment cannot be divided.

Mr. McCLURE. The germaneness question would not be relevant unless there is a unanimous-consent agreement that requires germaneness or unless cloture is invoked on a bill?

The PRESIDING OFFICER. The Senator is correct.

Mr. McCLURE. I understand that. Therefore, if we were in either unanimous-consent agreement requiring germaneness or in a postcloture situation, the entire amendment would fall because a portion of it is nongermane?

The PRESIDING OFFICER. Only under cloture are you precluded from dividing an amendment. Under unanimous-consent agreement the amendment could be divided.

Mr. HELMS. Will the Senator yield?

The presumption, of course, is that there had been no qualifying by unanimous consent; is that correct?

Mr. McCLURE. The Senator is correct. I am trying to find out whether we have to be careful about the question of qualification before we get into the question of whether we proceed to the consideration of this legislation, so that it may be an aid to all of the Senators who are interested in amendments that might be offered.

Mr. HELMS. The Senator as always is wise in getting the ground rules absolutely established, and I thank him.

Mr. McCLURE. I thank the Senator.

Amendment No. 1293 would restore current law in a number of specific instances dealing with obscenity statutes and the use of the mails. Would this amendment be nongermane?

The PRESIDING OFFICER. Once again the amendment is actually two amendments. The first is an amendment to strike and is germane. The second is an amendment which would actually expand the bill and therefore is not germane.

Mr. McCLURE. Amendment No. 1294 would restore current law with respect to dangerous drug sale and use. Would that amendment be germane?

The PRESIDING OFFICER. This amendment is also two amendments. Both of these amendments are germane. However, a point of order would lie against the amendment because it amends the bill in two places.

Mr. McCLURE. I appreciate that response. Amendment 1295 would restore current law with respect to first degree murder. Would that amendment be germane?

The PRESIDING OFFICER. This is another amendment that is in fact two amendments. The first is an amendment to strike, and would be germane. The second expands the effect of the bill, and would not be germane.

Mr. McCLURE. I might pursue that one step further, in that the subject matter to be added with respect to line 4 of the amendment, being the numeral 1111, is language that deals with the same subject matter but in a manner different from that contained in the bill, in the first half of the amendment, which would be stricken.

The PRESIDING OFFICER. The germaneness test has never been interpreted as a subject matter test. It is basically a technical amendment test, and even expanding the bill dealing with the same subject matter has been ruled nongermane.

Mr. McCLURE. I will not debate the issue with respect to this particular amendment. I simply wish to point out that that which is in 1111 is the same subject matter—does not expand the bill. It is a substitution for the bill language with respect to the law relating to first degree murder. If we get to that point, I might wish to discuss that a little further, because I am not certain in this instance that if you look past the number to what is contained in page 522, line 2, it would be discerned that 1111 is the same subject matter and not a broadening of the subject matter of the bill.

I might renew that parliamentary inquiry when, as, and if we get to the point when that becomes pertinent.

The PRESIDING OFFICER. The Senator has not propounded an additional inquiry?

Mr. McCLURE. No; I have not.

Amendment No. 1296: This amendment would strike section 1325. Is that amendment germane?

The PRESIDING OFFICER. This amendment is two amendments. The first is an amendment to strike, and would be germane. The second appears to expand the effect of the bill, and therefore would not be germane.

Mr. McCLURE. If, as a matter of fact, the language contained in "1503, 1505," referred to in line 4 of the amendment, is more restrictive than the language being stricken in the first half of the amendment, would it then survive the germaneness test?

The PRESIDING OFFICER. Once language has been stricken, it no longer sets the parameters for germaneness.

Mr. McCLURE. Even though it is in the same amendment?

The PRESIDING OFFICER. The Chair has observed that this is not one amendment but is two amendments.

Mr. McCLURE. I understand. If a point of order were made, the Chair could indeed rule that it was two amendments and therefore out of order. If a point of order were not made, then the language that is being stricken and substituted with the language that would be added is really a strike and insert, even though expressed in two, and they deal with the same subject matter, but what would be added is more restrictive than that just stricken.

I suppose we could redraft the amendment to indicate that the bill be amended to read as follows, including the more restrictive language, and whatever question there might have been about the striking and the broadening would be eliminated by that redraft. Would that be correct?

The PRESIDING OFFICER. If the amendment hit only one part of the bill and the substitute were more restrictive than underlying language, the amendment would be germane.

Mr. McCLURE. I thank the Chair.

Amendment No. 1297: The amendment would strike section 1324, in similar effect as the last amendment is structured. Would it be the subject of the same kind of ruling as the previous amendment?

The PRESIDING OFFICER. It would.

Mr. McCLURE. Amendment No. 1298 would strike broad language in section 1302 in several respects. I have two parliamentary inquiries: One, without looking at the question of amending the bill in several places, is the amendment otherwise germane?

The PRESIDING OFFICER. This amendment appears to expand the effect of the bill and therefore would not be germane.

Mr. McCLURE. Amendment No. 1299: The amendment would remove exceptions to the coverage of the solicitation provision, being a motion to strike, and I assume it would not be subject to the germaneness rule.

The PRESIDING OFFICER. The Senator is correct.

Mr. McCLURE Amendment No. 1300: The amendment would remove exceptions. Again, being a motion to strike, I assume it is not subject to the germaneness rule.

The PRESIDING OFFICER. The Senator is correct.

Mr. McCLURE. Amendment No. 1301: The amendment would remove the exceptions to the coverage of the attempt provisions—again, a simple motion to strike language, not subject to the germaneness rule. Am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. McCLURE. Amendment No. 1302: Again, a motion to strike new language, and being a motion to strike, not subject to the germaneness rule. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. McCLURE. Amendment No. 1303: Again, a motion to strike, with a similar effect, I assume.

The PRESIDING OFFICER. That is correct.

Mr. McCLURE. Amendment No. 1304: The amendment would strike and insert. I assume we need to look at the effect of the insertion, since, although it is two amendments in two different places, lines 14 and 15, it is

one provision and it would change one word in each of those two lines. Is that subject to the germaness rule?

The PRESIDING OFFICER. The amendment substitutes a knowing standard for a reckless standard. This question would have to be submitted to the Senate, as to whether the knowing standard would be broader than the reckless standard. The interpretation of the law is not given to the Chair.

Mr. McCLURE. I understand, and I appreciate that statement.

I simply state, for the record at this time, that knowing is a more strict standard than reckless, and I believe that the Senate, in that event, would say that this is a restrictive change rather than a broadening change. But I appreciate the response of the Chair.

Mr. President, I apologize to my friends who are interested in this measure and are anxious to go forward with it for taking the time that has been consumed in these parliamentary inquiries.

I and others are very much concerned about some of the changes of law, and allow me at this time to state in rather broad fashion my concern. I have discussed this with the distinguished Senator from South Carolina and other members of the committee on a number of times in the past. But while this bill flies under the guise of recodification, it is not simple recodification. It is a rewrite of the criminal code, and it is rewritten in such a fashion that it makes it very difficult for many of us who do not wish to see those changes in the law to get at them by the simple amending procedure.

I wish to highlight at this time because although it will not be a problem on the germaneness question unless we get in a cloture situation, it will become a severe problem if we get into the cloture situation and I will not attempt now to get a fix for all of my problems to the exclusions of the problems that other Senators may have, but I would hope before we get to the request of the majority leader to proceed to the consideration of this legislation or absent unanimous consent to do so that he moves to proceed to the consideration of this legislation, we might be able to come to an agreement by unanimous consent that will allow us to approach these problems in a very direct way where the parliamentary procedure restrictions may make it more difficult.

Let me highlight one point: There are massive changes in the law by omission. This bill does not recodify the existing law. It leaves much of existing law out.

Therefore, any attempt to put that existing law back into the bill becomes subject to the germaneness question of broadening the effect of the bill, unless that current language is more restrictive than a provision, and there we get into one of the problems we discussed just a moment ago where we substitute one section number for another section number and it is a strike and insert, and we are subject to another parliamentary rule with respect to that strike and insert.

We can rewrite amendments if necessary to be amending the bill to read as follows. We could indeed cure a lot of the problem by offering a substitute text.

Mr. President, I am very reluctant to do that because if you will note, the taxpayers have paid a very high price already to get us this far just in the printing of the bill, and I know that after 15 years of work the printing of a bill is a very minor part of the total expense that has gone into this, but the first 424½ pages of this bill are simply to memorialize the fact that the committee changed its mind and came out with a different product.

I do not want us to have to go through again and reprint 424½ pages of language that have been stricken along with substantial portions of the remaining 400 pages of the bill that would have to be restated in a different fashion just in order to satisfy the strict application of parliamentary procedure with respect to strike and insert and add new material and touching the bill in two places.

I hope before we get to that point we will have been able to accommodate to the desire of a number of Members who wish to raise specific policy issues with respect to what the Criminal Code of the United States should be, and I feel very strongly that we should have the opportunity to present those issues without the interposition of parliamentary objections and the strictures of parliamentary procedure that make it tedious, time-consuming, difficult, and costly to the taxpayers to do that because there are ways in which each of these issues can be raised within the rule. They just happen to be more obtuse in some instances. Many, many times they would require the reprinting of hundreds and hundreds of pages of language, over which there is no argument, just in order to be able to phrase the question in such a way that it would not be subject to the strictures of the parliamentary procedure.

I am hopeful that we will avoid the result of forcing us into other less productive and more costly and more time-consuming channels.

I thank the Chair, and I thank the Chair and the Parliamentarian for the responses to these questions. I think it has helped all of us as we approach the consideration of this legislation.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, I thank the Chair.

May I ask if we are still in morning hour.

The PRESIDING OFFICER. The Senator is correct. The order is for us to be in morning hour until 12:30 p.m.

Mr. HELMS. I thank the Chair.

Mr. President I commend my able and distinguished friend from Idaho. He has laid the predicate for what some of us feel we must do in order to have a degree of satisfaction with this piece of legislation.

I would have the distinguished manager of the bill, Mr. THURMOND, know that it is not comfortable for this Senator and I am sure for others to appear to be putting the brakes on the consideration of the legislation. But at the same time I know he recognizes that we must each follow the dictates or our own judgment and conscience.

I wonder if I might ask the Chair to turn its attention to amendment No. 1308? This amendment would restore the criminal provisions of the Hatch Act by reenacting sections 591 through 607 of title 18, United States Code, verbatim. In the event of cloture would this amendment be germane?

The PRESIDING OFFICER. It would depend upon the effect of the substitution, and without examining the language of the bill no statement could be made about as to whether it would be germane or not.

Mr. HELMS. I thank the Chair.

Let us turn then to amendment No. 1309, which would strike the sentencing commission in its entirety.

The PRESIDING OFFICER. As a motion to strike it would be per se germane.

Mr. HELMS. I thank the Chair.

I inquire about amendment No. 1310. This amendment would remove section 1344, tampering with a Government record, and so forth.

The PRESIDING OFFICER. The amendment is an amendment in the first degree to the motion to strike which would be an appropriate amendment.

Mr. HELMS. I thank the Chair.

Let me return to 1308. I would say to the Chair I will consult the Parliamentarian privately on that.

Amendment No. 1311, Mr. President.

The PRESIDING OFFICER. This is an amendment which is a motion to strike, which would be germane.

Mr. HELMS. Mr. President, if I may return to 1310, would the distinguished occupant of the Chair and the Parliamentarian look at the second part of that amendment and advise as to lines 3 through 6.

The PRESIDING OFFICER. It appears that this part of the amendment inserts a section of the Code which is not currently contained in the bill as reported by the committee and, therefore, it would not be germane.

Mr. HELMS. You see, Mr. President, this is the problem that the able Sena-

tor from Idaho addressed in his series of inquiries. If we may assume that a cloture motion will be filed early on—and you always have to assume cloture will be voted—then we who have serious questions about this piece of legislation would be powerless to confront what we think are inadequacies in the legislation, save our appealing the ruling of the Chair, which this Senator always hesitates to do.

In any case, may I inquire about 1312.

The PRESIDING OFFICER. This amendment would be strike language and would, therefore, be germane.

Mr. HELMS. I thank the Chair.

We move on to the next number, amendment 1313, to restore current law with respect to discrimination.

The PRESIDING OFFICER. This is another amendment that is an amendment to the amendment and is a motion to strike and is germane.

The second adds a new section by reference and, therefore, would not be germane.

Mr. HELMS. In the event of cloture.

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. If I may inquire about amendment No. 1314, would that be the same, Mr. President?

The PRESIDING OFFICER. The Senator is correct. The answer would be the same with respect to 1314.

Mr. HELMS. In other words, line 22 would be germane; lines 3 and 4 would not be.

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. 1315. I assume the same would prevail. Lines 1 and 2 would be germane and lines 3 and 4 would not?

The PRESIDING OFFICER. That is correct.

Mr. HELMS. I do not want to be making the rulings for the Chair.

Mr. President, I ask the indulgence of the Chair and I suggest the absence of a quorum because I want to consult with my friend from Idaho.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, a little later this afternoon I understand there is going to be a unanimous-consent request propounded by the majority leader that we proceed to the Criminal Code Reform Act, S. 1630. At that time I was going to reserve the right to object and propound some inquiries to the distinguished chairman of the committee. Rather than doing it at that time I think it would be agreeable with him, as it is to me, that I propound these inquiries now in the same manner I would if there were a reservation of rights.

With that, Mr. President, I would like to ask the chairman just a couple of questions. In the event that an amendment were offered to this bill, the Criminal Code reform bill, reinstituting the death penalty or a substitute were offered which included a death penalty provision, is it the chairman's intention to move to table such amendment or substitute?

Mr. THURMOND. Mr. President, I personally favor the death penalty. But it is not included in this Code because it is a highly controversial matter, and I would move to table if such an amendment is offered.

Mr. LEVIN. I thank the chairman.

My other question is this, Mr. President: In the event the motion to table such amendment or substitute failed, will the chairman then use his best efforts to prevent the filing of a cloture motion before at least a full day's debate on the death penalty?

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, to the extent that I am able to control those events, I will.

Mr. LEVIN. I appreciate that and I thank the Chair.

Mr. HELMS. Mr. President, may I ask the distinguished Senator what his question was?

Mr. LEVIN. Which question?

Mr. HELMS. The last one.

Mr. LEVIN. The question is in the event that a motion to table such amendment or substitute failed——

Mr. HELMS. The death penalty we are talking about?

Mr. LEVIN. Yes; including the death penalty, would the chairman then use his best efforts to prevent the filing of a cloture motion before at least a full day's debate on the death penalty?

Mr. HELMS. I am sorry that I did not hear the question clearly and I did not hear the response clearly. Could I ask the Senator from South Carolina what the response was?

Mr. THURMOND. Mr. President, I would favor allowing at least a day's debate on the death penalty question, if it came up.

Mr. HELMS. That was the point I was interested in.

Mr. LEVIN. I thank the Senator.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. JEPSEN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, as I recall, the distinguished minority leader asked this morning that his leader time, together with his special order time, be aggregated and postponed. Is further action required to make sure that the distinguished minority leader can utilize that time at some time later in this day? If so, I am prepared to make a unanimous-consent request to that effect.

The PRESIDING OFFICER. The Senator's request would be in order at this time.

Mr. BAKER. Mr. President, I ask unanimous consent that the time heretofore provided to the minority leader by reason of the standing order and the special order be aggregated and the total time resulting therefrom be reserved for him until his request during the remainder of this calendar day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I understand that for the reason of the convenience of Senators it is desirable not to try to proceed to S. 1630 until approximately 12:30. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I thank the Chair.

THE KILLING WILL NOT STOP

Mr. HELMS. Mr. President, in the judgment of the Senator from North Carolina, indisputably one of the most impressive young men in America is George F. Will.

That does not mean that everyone always agrees with George on every position he takes, but he is a remarkably dedicated young man. Senator BAKER and I were just discussing that we both wished we had his vocabulary.

I first met George shortly after I came to the Senate when he served briefly as a member of my staff. Since that time his career has taken flight. I think it is obvious that he is one of the most respected journalists in America.

Mr. President, in this morning's Washington Post is a column by George Will entitled "The Killing Will Not Stop."

Indirectly, George Will addresses himself to the abortion issue, but most specifically addresses that final question that we all must confront at one time or another in this legislative body, the question of the deliberate termination of an innocent human life.

Mr. President, I am not going to attempt to discuss George Will's comments as published this morning, but I

do hope that all Senators will take the time to read his column because it is based on a personal experience by George and Mrs. Will with a little fellow now 10 years old named Jonathan Will.

I will say no more except to exphasize the difference between a court decision within recent days and the attitude taken by Mr. and Mrs. George Will.

For that reason, Mr. President, I ask unanimous consent that the aforementioned article by George F. Will be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 22, 1982]

THE KILLING WILL NOT STOP

(By George F. Will)

The baby was born in Bloomington, Ind., the sort of academic community where medical facilities are more apt to be excellent than moral judgments are. Like one of every 700 or so babies, this one had Down's syndrome, a genetic defect involving varying degrees of retardation and, sometimes, serious physical defects.

The baby needed serious but feasible surgery to enable food to reach its stomach. The parents refused the surgery, and presumably refused to yield custody to any of the couples eager to become the baby's guardians. The parents chose to starve their baby to death.

Their lawyer concocted an Orwellian euphemism for this refusal of potentially lifesaving treatment—"Treatment to do nothing." It is an old story: language must be mutilated when a perfumed rationalization of an act is incompatible with a straightforward description of the act.

Indiana courts, accommodating the law to the Zeitgeist, refused to order surgery, and thus sanctioned the homicide. Common sense and common usage require use of the word "homicide." The law usually encompasses homicides by negligence. The Indiana killing was worse. It was the result of premeditated, aggressive, tenacious action, in the hospital and in courts.

Such homicides can no longer be considered aberrations, or culturally incongruous. They are part of a social program to serve the convenience of adults by authorizing adults to destroy inconvenient young life. The parents' legal arguments, conducted in private, reportedly emphasized—what else?—"freedom of choice." The freedom to choose to kill inconvenient life is being extended, precisely as predicted, beyond fetal life to categories of inconvenient infants, such as Down's syndrome babies. There is no reason—none—to doubt that if the baby had not had Down's syndrome the operation would have been ordered without hesitation, almost certainly, by the parents or, if not by them, by the courts. Therefore the baby was killed because it was retarded. I defy the parents and their medical and legal accomplices to explain why, by the principles affirmed in this case, parents do not have a right to kill by calculated neglect any Down's syndrome child—regardless of any medical need—or any other baby that parents decide would be inconvenient.

Indeed, the parents' lawyer implied as much when, justifying the starvation, he emphasized that even if successful the surgery would not have corrected the retardation. That is, the Down's syndrome was sufficient reason for starving the baby. But the broader message of this case is that being an unwanted baby is a capital offense.

In 1973 the Supreme Court created a virtually unrestricted right to kill fetuses. Critics of the ruling were alarmed because the court failed to dispatch the burden of saying why the fetus, which unquestionably is alive, is not protectable life. Critics were alarmed also because the court, having incoherently emphasized "viability," offered no intelligible, let alone serious, reason why birth should be the point at which discretionary killing stops. Critics feared what the Indiana homicide demonstrates: the killing will not stop.

The values and passions, as well as the logic of some portions of the "abortion rights" movement, have always pointed beyond abortion, toward something like the Indiana outcome, which affirms a broader right to kill. Some people have used the silly argument that is impossible to know when life begins. (The serious argument is about when a "person" protectable by law should be said to exist.) So what could be done about the awkward fact that a newborn, even a retarded newborn, is so incontestably alive?

The trick is to argue that the lives of certain kinds of newborns, like the lives of fetuses, are not sufficiently "meaningful"—a word that figured in 1973 ruling—to merit any protection that inconveniences an adult's freedom of choice.

The Indiana parents consulted with doctors about the "treatment" they chose. But this was not at any point, in any sense, a medical decision. Such homicides in hospitals are common and will become more so now that a state's courts have given them an imprimatur. There should be interesting litigation now that Indiana courts—whether they understand this or not—are going to decide which categories of new-borns (besides Down's syndrome children) can be killed by mandatory neglect.

Hours after the baby died, the parents' lawyer was on the "CBS Morning News" praising his clients' "courage." He said, "The easiest thing would have been to defer, let somebody else make that decision." Oh? Someone had to deliberate about whether or not to starve the baby? When did it become natural, even necessary, in Indiana for parents to sit around debating whether to love or starve their newborns?

The lawyer said it was a "no-win situation" because "there would have been horrific trauma—trauma to the child who would never have enjoyed—a quality of life of—of any sort, trauma to the family, trauma to society." In this "no-win" situation, the parents won: the county was prevented from ordering surgery; prospective adopters were frustrated; the baby is dead. Furthermore, how is society traumatized whenever a Down's syndrome baby is not killed? It was, I believe, George Orwell who warned that insincerity is the enemy of sensible language.

Someone should counsel the counselor to stop babbling about Down's syndrome children not having "any sort" of quality of life. The task of convincing communities to provide services and human sympathy for the retarded is difficult enough without incoherent lawyers laying down the law about whose life does and whose does not have "meaning."

The Washington Post headlined its report: "The Demise of 'Infant Doe'" (the name used in court). "Demise," indeed. That suggests an event unplanned, even perhaps unexplained. ("The Demise of Abraham Lincoln"?) The Post's story began:

"An Indiana couple, backed by the state's highest court and the family doctor, allowed their severely retarded newborn baby to die last Thursday night. . . ."

But "severely retarded" is a misjudgment (also appearing in The New York Times) that is both a cause and an effect of cases like the one in Indiana. There is no way of knowing, and no reason to believe, that the baby would have been "severely retarded." A small fraction of Down's syndrome children are severely retarded. The degree of retardation cannot be known at birth. Furthermore, such children are dramatically responsive to infant stimulation and other early interventions. But, like other children, they need to eat.

When a commentator has a direct personal interest in an issue, it behooves him to say so. Some of my best friends are Down's syndrome citizens. (Citizens is what Down's syndrome children are if they avoid being homicide victims in hospitals.)

Jonathan Will, 10, fourth-grader and Orioles fan (and the best Wiffle-ball hitter in southern Maryland), has Down's syndrome. He does not "suffer from" (as newspapers are wont to say) Down's syndrome. He suffers from nothing, except anxiety about the Orioles' lousy start.

He is doing nicely, thank you. But he is bound to have quite enough problems dealing with society—receiving rights, let alone empathy. He can do without people like Infant Doe's parents, and courts like Indiana's asserting by their actions the principle that people like him are less than fully human. On the evidence, Down's syndrome citizens have little to learn about being human from the people responsible for the death of Infant Doe.

Mr. HELMS. I thank the Chair.

CRIMINAL CODE REFORM ACT OF 1981

Mr. BAKER. Mr. President, I see the principals who are directly involved in the management of S. 1630 or have expressed a particular interest in it are now in the Chamber.

Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of the Criminal Reform Act of 1981, S. 1630.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BAKER. Mr. President, as I indicated a number of times, I anticipated that there might be objection, and indeed, there might be objections on both sides of the aisle. But I believe in keeping with the commitments I have made it is necessary to move to the consideration of that item.

Mr. President, I now move that the Senate proceed to the consideration of S. 1630, the Criminal Code Reform Act of 1981.

Mr. CRANSTON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BAKER. Mr. President, I am advised that Senators may wish to debate that motion. I have no desire to deprive anyone of that privilege. Therefore, in order to permit Members to gather up on each side before they subject themselves to the tender mercies of my motion, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HEFLIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ALBERTVILLE HIGH SCHOOL 25TH REUNION

Mr. HEFLIN. Mr. President, it has recently been brought to my attention that the Albertville High School class of 1957 will soon be celebrating their 25th class reunion. The reunion will be held on Saturday, May 8 at the lovely Guntersville State Park. I was very pleased to learn that a good friend of mine, Hal Hayes, will be presiding over the festivities that night, just as he served as class president 25 years ago.

Albertville High School, located in the heart of Marshall County in northeast Alabama, has a fine history, replete with the contributions its alumni have made to my home State. The class of 1957 is surely no exception, and I take this opportunity to honor these fine alumni of Albertville High School by including their names here, in the CONGRESSIONAL RECORD.

Mr. President, I ask unanimous consent that a list of the class of 1957 be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

CLASS OF 1957, ALBERTVILLE HIGH SCHOOL

Joyce Alexander Buchanan, Bobby Joe Allen, Jerry Anderson, Ray Arnold, Carolyn Bailey Perry, Carolyn Baird Jones, Jean Baker Gibson, Jim Beam, Jerry Beam, Helen Benefield Strange, Barbara Benson Elliott, Dot Bishop Cooper, Margaret Bobo Hinson, Leona Brandon Terrell, Harold Brothers, Jerry Burgess, Jo Ann Camp Masters, Mary Joan Camp Ward, Joyce Carr Smith, Wendell Charles, Albert Childress, Eugene Clines, Mary Coffey Leonard, Marie Cook Monroe, Ann Culbert Johnson, Hughie Lee Davis, Syble Duckett Allen, Ernest Duke, Wayne Dye, Jody Elrod, Mary Frances Elrod Whitaker.

Barbara Ellis Hinton, William England, Ann Ennis McMurray, Jean Ennis Ratcliff, Mona Fricks Eason, J. C. Garrison, Martha Gillilan Vinson, James Gore, Julian Ann Greer Hampton, Betty Faye Hall, Dorothy Hall Lee, Edwin Hall, Lona Hall Charles, Larry Haney, Marlene Hill Hard, Wayne Harper, Hal Haynes, Martha Hunt Nelson, Jack Henry, Jackie Johnson Randolph, Jo Ann Pell Johnson, Loyce Ann Johnson Bearden, Hamp Johnston, Clara Jones Phillips, Margaret Nell Karr Cornett, Jim Lang, Jimmy Lindsey, Marrell Lusk Reynolds, David Luther, Forrest Mardis, Peggy Maroney Hill, Franklin Mayes, Olan Morton, Ralph Morton, Joyce Miller Oliver, Stan Nelson, Geneta Moore, Mary Moore Baker, Gay Mason. Johnny Ownes, Jerry Perkins, Helen Currie Morrison, John Gordon Pierce, Margaret Pope Ellis, Marie Pope Carter, Myra Ragsdale, Joyce Rains Westbrooks, Mary Sue Reaves.

Gaynell Holmes, Gerald Richey, Jerome Richey, Mike Richey, Jimmie Rives Phillips, Alton Rogers, Milton Rogers, Franklin Rutledge, Doyle Slaten, Una Slaton Battles, Benny Frank Smith, Gerald Smith, Joyce Smith Cavett, Roy Smith, Maylar Spear Huckeba, Norma Jean Stephens, Ruth Spurgeon Ballentine, Johnny Starnes, Brenda Sue Gass, Bobby Stephens, Carole Teague Bailey, Dean Templeton, Ronald Thompson, Barbara Warren Todd, Lynda Wilson Haney, Claire Williamson Gray, Sandra Wilson Hackney, Sue Wilson McCoy, Gerald Wolfe, Robert Bain, Dillard Amos, Jerry Cordell, Ovella White Edmundson, Donald Gray, Jimmy Holder, Tommy Owens, Shirley Knight Troxtel, Mary Hooper Johnson, Carolyn Jones Stoner, Jerry Snow, Frank Garrison, Margaret Benefield Grice.

THE NIGHT BELONGED TO BEVILL

Mr. HEFLIN. Mr. President, I want to bring to the attention of the Senate and to insert in the CONGRESSIONAL RECORD the following article which appeared in the St. Clair News-Aegis, a newspaper published in Pell City, Ala.

The article, entitled "The Night Belonged to Bevill," certainly shows the depth of respect, admiration, and love the citizens of TOM BEVILL's congressional district hold for him.

Mr. President, I share in their respect and admiration for my distinguished colleague. I have known TOM BEVILL for a number of years and have come to realize just how important this able legislator is to the Fourth Congressional District and to the entire State of Alabama.

I would be on my feet for hours if I even attempted to list the many accomplishments of this great and distinguished Representative. However, I feel compelled to tell my colleagues in the Senate of one particular achievement of Representative BEVILL that is of paramount importance to his district and to the people of our State. Like our good friend and distinguished colleague in the Senate, Mississippi Senator JOHN STENNIS, TOM BEVILL has been called the Father of the Tennessee-Tombigbee Waterway. In his position as chairman of the powerful House Appropriations Subcommittee on Energy and Water Development, TOM BEVILL has won battle after battle for continued funding of the crucial Tennessee-Tombigbee Waterway.

It is with only partial jest that I suggest that this crucial public works project may one day be known not as the Tennessee-Tombigbee, but rather the Tennessee-Tombevill Waterway.

TOM BEVILL is a gifted, honest, and dedicated public servant. I feel fortunate to count him as a colleague and I shall always cherish his friendship.

Mr. President, I ask unanimous consent that the article "The Night Belonged to Bevill" be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE NIGHT BELONGED TO BEVILL

(By Mike Moser)

He could have been a movie star, the long hours in Washington D.C. having no effect on his handsome, trim frame. He stands tall and erect, as one would expect a pillar in the community to stand.

He has aged gracefully and the gray that runs through his hair actually complements his appearance. One feels like he is listening to a school master and when he finishes speaking, you get the impression that he has spoken to you individually, instead of to a room of 175 people.

You feel the authority this man carries, as he enters the room. Instead of feeling intimidated by the position he holds, one feels a kinship to him and you are glad you got to see, even if you don't give a hoot about politics.

He's the kind of man you would want for a grandfather of your kids, and at the same time, the kind of man you want your children to grow and be like.

A gentleman's gentleman.

It's little wonder the people of St. Clair County love Tom Bevill.

And it's always nice to honor a man in his own time. Too often we forget to say thanks while we still can and the gratitude is never heard by the honoree until it is read at the final parting.

Of all the places I have worked, all the elected officials and politicians I have been associated with, talked to and observed, I have never met a man of Tom Bevill's stature.

Congressman Tom Bevill is a man of power and position in Washington these days. He is a respected leader in the House of Representatives and, like Judge H. E. Holladay stated the other night, his achievements and successes are too numerous to mention.

Said Holladay, "Tom Bevill has distinguished himself in every endeavor he has been in." Distinguished. Marked by eminence, or excellence, Webster defines. It couldn't have been better said.

In this day of suspicion and mistrust of our elected leaders, here is a man who carries the absolute trust of his constituents and 98 percent of the voters can't be all wrong.

The Congressman brushed off that percentage with a joke, commenting that he couldn't be that upset that two percent of the voters mismarked their ballots. He could very well have been right.

What makes this man so popular?

Certainly all the qualities listed above, and they are genuine (you won't find the hypocritical Southern drag in his accent) and have not hurt him.

Of personal experience, I can testify that his office is responsive and efficient. Certainly, all problems cannot be solved, not even by Tom Bevill. But I have found his staff to be responsive and accommodating and if the job can be done, it will be done by Tom Bevill and his staff.

We will never get over the amazement of Bevill's role in getting a national food stamp regulation clarified within a day after he was made aware of a snafu in newly adopted policies that prevented a Pell City family from emergency aid. I just never would have believed that Washington could respond that fast.

There have been so many other cases of his assistance across this Congressional District that we will never know just how much Tom Bevill's presence in Washington has benefited us.

In a time when this country so desperately needs honest men, St. Clair County has Tom Bevill, and with the tandem representation of Bevill and Congressman Richard Shelby, St. Clair will be one of the most well-represented counties in the country.

Mr. HEFLIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MATTINGLY). Without objection, it is so ordered.

CRIMINAL CODE REFORM ACT OF 1981

Mr. BAKER. Mr. President, this quorum and the immediately preceding quorum, which was interrupted only briefly by the Senator from Pennsylvania for another purpose, has been going now for roughly an hour and a half.

The pending business before the Senate is a motion to proceed to the consideration of the Criminal Code measure. I have no desire to rush this along; but, by the same token, I have no desire to waste the time of the Senate. We need to put the question on the motion or there must be significant debate or there must be some other arrangement to provide some certainty to Senators as to when we are going to resolve this issue.

So, Mr. President, I hope that Members will now engage in debate on this motion, if they care to. If they do not care to, I hope the Chair will put the question on the motion to proceed.

I also understand that the distinguished Senator from South Carolina intends to file a cloture motion, under rule XXII, on the motion to proceed. I have signed that cloture motion; I support that effort.

The Senate has to deal with this issue. It is before the Senate after having been reported by the Committee on the Judiciary. The chairman has urged its consideration, and I had committed to him that when we had the opportunity, I would schedule it, and I am attempting to do that.

Mr. President, with that statement, I urge that if there is to be debate on this motion, it occur now. Otherwise, I intended to do one of several things, including either asking the Chair to put the question on the motion to proceed or having a live quorum to assemble Senators, so that we can try to arrange further procedure of the Senate. But we certainly should not consume the remainder of this day in dilatory quorums.

I yield the floor.

ORDER OF PROCEDURE

Mr. ROBERT C. BYRD addressed the Chair.

The PRESIDING OFFICER. The minority leader.

Mr. ROBERT C. BYRD. Mr. President, I believe I have some time reserved under the order.

The PRESIDING OFFICER. The Senator has 22 minutes.

Mr. ROBERT C. BYRD. I will not need that much time. I may need 5 minutes, and I ask unanimous consent to speak out of order at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

LET'S START THE BUDGET PROCESS

Mr. ROBERT C. BYRD. Mr. President, it is now time for action on the budget. Ten weeks ago, the President submitted a budget that was rejected—not by vote, but by expressions of sentiments, publicly and otherwise—by Democrats, many Republicans—Senators, Governors, mayors, and other public officials—the financial markets, and businessmen across the Nation. The day after the President submitted that budget, I asked him to take it back and resubmit a budget with acceptable deficits. This was a thing I had done before with the President of my own party, Mr. Carter. I suggested that Mr. Carter revise his budget on one occasion, and he did.

Five weeks ago, I was directed, by unanimous vote of the Democratic Caucus—41 members out of the 46 who attended the caucus—to send budget and revenue proposals to the President that, if implemented, would have slashed more than $100 billion from the deficit over 3 years.

We Democrats considered these to be important proposals. However, in that regard, we were disappointed that the answer to our correspondence came not from the President but from an assistant to the President.

This was not encouraging. I do not even know that the President ever saw the response that was sent to me.

I wrote the letter at the direction of my colleagues, and I wrote representing the unanimous vote of the 41 Senate Democrats in the conference, in the spirit of a continuing dialog and cooperation on this vital issue. I believe my Democrat colleagues in the Senate deserved a reply from the President of the United States, not from an aide.

Our letter was written to the President in good faith. We felt that we made worthwhile proposals, and we thought then—and we think now—that the response should have come to us from the President, not from an assistant to the President.

Four weeks ago, secret negotiations began between the White House and some Members of Congress. A few days later, the President downgraded those negotiations from "negotiations" to "discussions" and said that his Chief of Staff, Jim Baker, could listen but could not bargain for him, the President.

I am certain that every participant in these discussions has been working in absolute good faith and with the best interests of the Nation in mind. Unfortunately, the President has remained on the sidelines, and without him, little may ever be accomplished.

None of these avenues has brought a bit of relief to our Nation's economy. Meanwhile, thousands of businesses have been forced into bankruptcy, unemployment has reached 40-year record levels, and the gross national product, we are told today, has dropped another 3.9 percent.

It is my understanding that there will be further discussions this afternoon between Mr. Jim Baker, of the White House, and certain Members of the other body and possibly one or two Democratic Members of the Senate—and Senate Republicans. But we cannot afford to wait any longer for the Senate to begin action on this budget.

Last week, the distinguished majority leader indicated that the Senate Budget Committee should begin its work by the end of this week. I agree with that assessment. The Senate Budget Committee should meet in the next few days to consider the President's budget and all suggested alternatives to it, and the members on my side of the aisle stand ready to participate in those budget meetings.

With long-term interest rates staying at near record levels, we should be exploring every possible way to reduce these astronomical deficits.

We may not all agree in every instance with whatever proposal may be submitted, but at least we ought to be working and voting. We are not voting. The committee is not voting; the Senate is not voting. The Senate Budget Committee must act quickly—and I should say act now—because if these talks fail, we will be left later with nothing for all our patience except gaping deficits, and even

higher interest rates, and additional time lost.

The Senate has a constitutional and moral responsibility to legislate. It has a statutory responsibility to report a first budget resolution by May 15. If we miss that deadline, we will face the harsh judgment of the American people. The American people want action. They do not want lines drawn in the dirt, and they do not want to hear high public officials telling one another to "put up or shut up". They do not want just talk. They want lower deficits, not high theatrics.

I hope all my colleagues, on both sides of the aisle, understand the urgent necessity to begin action in our Budget Committee at least by early next week. If we do not act now, when the country most needs it and the people cry out for it, I do not doubt that a harsh verdict of the American people this November will be rendered.

Mr. President, I ask unanimous consent that the letter I wrote to the President on February 10, 1982, and the reply dated February 17, 1982 signed by Kenneth M. Duberstein, Assistant to the President, and my letter on behalf of the Democractic Caucus dated March 16, 1982, to the President, and the letter addressed to me under date of April 16, 1982, 1 month later, and signed again by Kenneth M. Duberstein, Assistant to the President, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, D.C., February 10, 1982.

THE PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I am writing to you with a most sobering request. I believe you should withdraw the Administration's proposed fiscal 1983 budget, and re-submit a budget that provides for much lower deficits, and makes use of more realistic assumptions.

There has been bipartisan concern in Congress, and among state officials, about the size of the deficits projected in your budget. Economists of all political stripes believe that it contains economic assumptions which are overly optimistic.

The lesson of last year's budget and tax bills should be clear. Inaccurate economic forecasts do not help the Nation. In fact, the ability of investors to trust government predictions is crucial to the economic recovery we all earnestly desire.

Mr. President, I am looking for a document we in Congress can work with; one based on realistic assumptions; one which shows a much clearer trend toward a balanced budget. In 1980, under similar circumstances, President Carter took the bold step of substantially revising his fiscal year 1981 budget.

It is my hope you will take the same kind of courageous step, as a necessary start to true economic recovery.

Sincerely,

ROBERT C. BYRD.

THE WHITE HOUSE,
Washington, February 17, 1982.

Hon. ROBERT C. BYRD,
Democratic Leader, U.S. Senate,
Washington, D.C.

DEAR SENATOR BYRD: The President has asked me to reply to your letter of February 10, requesting that he withdraw his fiscal year 1983 budget and submit a revised one.

There can be little doubt that the economy today is far different from the one we inherited a little more than a year ago. It was because policies of recent decades did not work that President Reagan initiated his Program for Economic Recovery with submission of his fiscal year 1982 budget last year. That budget was based on fundamental reductions in the growth of Federal expenditures, reductions in taxes that sap business investment and personal savings, and reductions in regulation and inefficiency that compromise the productive capacity of the American economic system. President Reagan's program also called for consistent monetary policy to reduce inflationary pressures.

The President believes very strongly that significant progress has been made. We are bringing the budget under control. We are winning the battle against inflation. We are bringing down interest rates. And, as the President recently stated, "we are returning resources and responsibilities to the people that will mean more savings, more freedom, more economic opportunity and more jobs for all Americans."

There can be no doubt that much remains to be done. The economic mess that developed over the last 50 years is not going to disappear overnight. The President's fiscal year 1983 budget holds firm to the course he has charted for recovery, a course that is as clear as it is essential.

As the President has suggested, "there will always be room for improvement in any budget and any economic policy. Where further savings can be found, or a better way of meeting agreed upon goals can be worked out, I pledge my full cooperation."

But nothing would be more misunderstood by the American people or by the financial markets than for the President to change policies which are fundamentally sound.

The President hopes that in the spirit of furthering this country's economic recovery that you will join us in making this year's budget effort a truly bipartisan one.

With best wishes,

Sincerely,

KENNETH M. DUBERSTEIN,
Assistant to the President.

U.S. SENATE,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, D.C., March 16, 1982.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: At the instruction of the Senate Democratic Conference, I am writing to you about the frightening budget outlook. According to the bipartisan Congressional Budget Office, your deficits will add $390 billion to the national debt in the next three years. The deficit will be $140 billion in FY 1985 alone. Deficits of this magnitude will contribute significantly to continued high interest rates which, in turn, will retard or abort economic recovery. Unless swift and effective action is taken to reduce these deficits we will face continued recession and high unemployment, record business failures, the possible collapse of the housing, auto and thrift industries and, according to many economic forecasters, a possible depression. The country needs an immediate mid-course correction in the economic plan.

You recently said that these large deficits are a "necessary evil." We do not agree with that. You have also said that any budget reduction by Congress must come without changes in your defense buildup or the 1981 tax act. We do not agree with that either.

The simple fact is that the budget will never be balanced under your conditions. To eliminate deficits by 1985 without altering your defense or tax policies would require a 60% cut in all non-defense, non-social security activities of the federal government. This is not a political statement, nor an ideological one. This is a statement of simple arithmetic. We cannot get there from here under your conditions.

Mr. President, we are not attempting to provoke a political deadlock but to avoid one. We believe that the seriousness and magnitude of our present economic crisis permits neither Democrats nor Republicans, neither the Administration nor the Congress to adopt a position of ideological or political rigidity. For our part, Senate Democrats are willing to consider carefully all of your spending cut proposals. We will also give responsible consideration to your revenue enhancers and management initiatives.

We ask that you submit a new FY 1983 budget incorporating lower deficits and a commitment to a balanced budget. To that end, we suggest that you consider the following proposals designed to help meet these goals:

1. Scrutinize all parts of the federal budget including the Pentagon budget to eliminate waste, fraud, and abuse, to improve management, and to explore all areas of potential savings;
2. Defer the third year of the 1981 individual income tax cut;
3. Defer indexing the tax code;
4. Significantly modify the leasing provision of the 1981 tax cut, and close other tax loopholes.

Furthermore, we believe that this effort to reduce the budget deficit must be met by a more moderate monetary policy. Only then will interest rates be reduced and recovery permitted. Therefore, we recommend that the Administration urge the Federal Reserve Board, in response to fiscal tightening, to move to a less restrictive monetary policy and thereby reduce interest rates.

Mr. President, our economy needs a new economic policy. The American people rightly expect us to quit trying to blame each other and to work together in a nonpartisan fashion to help solve our nation's serious problems. We are ready to work with you to reach a reasonable compromise that will get our economy moving again.

Sincerely,

ROBERT C. BYRD.

THE WHITE HOUSE,
Washington, April 16, 1982.

Hon. ROBERT C. BYRD,
Democratic Leader, U.S. Senate,
Washington, D.C.

DEAR SENATOR BYRD: The President has asked me to reply to your letter of March 16 which you transmitted at the instruction of the Senate Democratic Conference.

As you know, the President feels very strongly that:

We must get deficits under control and lay the groundwork for succeeding lower defi-

cits each year until our balanced budget goal is reached.

The Federal Government has for too long taken, in the form of taxes, too much from American citizens.

We must ensure a strong national defense.

The evils of inflation must be dealt with in a permanent way.

Government spending is out of control and for the good of all Americans must be restrained at a reasonable level, provided a safety net is in place to protect Americans who truly need Federal assistance.

It was with these basic principles in mind that our budget was prepared. We have stated many times that we are quite willing to review comprehensive budget alternatives presented to us by Members of Congress. However, we hold firm to the principles outlined above.

As you know, there have been intensive bipartisan discussions on the budget over the last several weeks between representatives of the Congress and the Administration. We've approached these talks in a constructive and conciliatory spirit and will continue to do so. As the President has said, "We must join together to bring down deficits, bring down interest rates and revive the economy." We know that you agree with this and we look forward to working with you to achieve these results.

With best wishes,

Sincerely,

KENNETH M. DUBERSTEIN,
Assistant to the President.

Mr. RIEGLE. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield the floor.

Mr. RIEGLE. Mr. President, I associate myself with the remarks of the minority leader who, I think, has made a very important statement about the need to move ahead here in the Senate with the issue of crafting a Federal budget. I say that as a member of the Budget Committee and as a Member of the Senate.

I think it is important for us to know, however, that we have a budget before us now from the Reagan administration that, insofar as I have been able to judge, is unacceptable to all 100 Senators.

I have not been able to find a single Senator on either side of the aisle who is prepared to support the budget proposed by the administration in its present form. Some have very wide areas of difference, others less so, but I cannot find a person who is supporting it as is.

As a matter of fact, many of the people who are in the administration and work for the President apparently do not support the budget either despite the fact that it is a statement of the administration that is sitting on the table today in the Budget Committee, and there have been no suggestions or recommendations by the administration as to how it might be changed.

The problem I think is this, that the economic plan that is in place right now is not working. Reaganomics is not working. The country is in serious economic trouble. My State is in the worst shape of the 50 States. The unemployment rate in Michigan at the present time is 17 percent. We have 725,000 people out of work in my State that we know by name. We have another 100,000 people out of work in my State who are not even counted in the statistics any more because they have exhausted their unemployment compensation benefits. I know we have other discouraged workers and workers who are underemployed in the State. So, I think it is accurate to say that there are at least a million people in my State who are either not working or not approaching anything like the kind of job level and income level that they should be achieving.

So there is an urgent need for a change in the economic strategy. And a central part of that is a change in the budget of the administration that can start to bring down these enormous projected Federal deficits, as high as $240 or $250 billion by 1985. But the fact of the matter is that the President himself in statements around the country and in different parts of the country has said time and again that he thinks the plan is working, that there is no need to change the budget. He has not sent over one specific suggestion as to how the budget might be changed. They are defending high deficits, they are defending high unemployment, and they are defending high interest rates.

I have not heard this administration say that the interest rates must come down. I have not seen them say to the Fed that they want to see the rates come down. No; the high interest rates are part of their economic strategy. And on the unemployment issue I have seen David Stockman say that high unemployment is part of the cure that we have to take in this country to somehow solve our economic problems.

I think he is wrong. I think, if he believes that, he should take the cure. Let him try an unemployment line. The President has so belittled the unemployment issue that he made the much celebrated comment about complaining that the national news media was focusing too much attention on unemployed workers. He used the phrase of some "unemployed worker out in South Succotash," which was his quote, as a way of demeaning the issue.

We have 10 million unemployed in this country today who want to go back to work but there is not a single sign that this administration understands the seriousness of this problem or has any serious intent to want to change the economic strategy and to bring down these outyear deficits, get the interest rates down, and get people back to work.

The President has not convened a single meeting that I know of to try to take and do something about revising this budget that not a single Senator supports.

There has been a lot of talk and a lot of posturing, but there has been no action by the administration and, frankly, the budget that sets on the table today coming from this administration has made this administration a laughing stock on fiscal policy. There is not anyone who is prepared to support it.

I cannot find one national organization in the country today that is prepared to support the budget as it is presently before us. But we have seen no revisions asked for by the administration. There have been no proposals put forward as to how it might be adjusted. No; we are into a period of time where everything this administration says from its leader, the President himself, it is that we are to accept these high deficits, that they are necessary, that that is part of the economic strategy that the country needs and with it, of course, the high unemployment and the high interest rates.

So I hope that the President could be persuaded by his friends on that side of the aisle and by others of us who want to be part of a bipartisan effort to work our way out of this dilemma. I hope the President could be persuaded to involve himself directly in this problem and to perhaps convene some meetings himself and to participate himself with leaders on both sides of the aisle in the House of Representatives and Senate to see what might be done about getting people back to work, getting the deficits down, and getting the interest rates down.

I see no sign of that. There is time for everything else under the Sun, but there is apparently no time for that kind of a meeting. I do not understand it. The country does not understand it.

So, I have yet to see any tangible sign that says that this administration feels that this budget needs to change. If it needs to change, it is their budget, let them change it. Let them change the proposal and send a different proposal in here. They could do it this afternoon.

But they are not prepared to do that because they like what is happening. This is their plan that is in effect today.

The President, from everything I have seen, thinks the plan is working. He thinks the plan is working. And that is what David Stockman and the others are saying. The high unemployment, that is part of the price we have to pay. The high interest rates, that is part of the price we have to pay. The sky-high deficits, that is part of the price we have to pay. The fact that the country is sinking today, that our loss in GNP was nearly 4 percent in the last quarter, that is the price we have to pay.

Well, they are wrong. They are making a terrible mistake and they are hurting this country and they are hurting millions of people. But the only people right now who can change that, the only people who can change the administration budget in terms of what they presented to us is the administration itself.

I do not know why others who look at this problem—outside observers—have not figured that out. But a lot of the articles that I see and the stories that I see suggest somehow that the administration, despite the fact that it has an implausible economic strategy before the country that is not working, bears no responsibility for trying to fix it, to try to recommend some change in it.

I respect Jim Baker, of the White House staff. I think he works hard. I think he is a smart member of this administration. He is appearing in these secret meetings, and yet he apparently does not represent the President. I do not know who he does represent, but it has been made clear that he is not there to be able to speak and act for the President. Apparently no one is.

Maybe the President himself should go to the meetings. I will tell you this: People in Michigan want the meetings to take place and they want results. I think they feel that that is what they are paying the President to do and they are paying those of us who are in Congress to do, and that is to go to those meetings and get something done.

But there are no meetings. There are no real meetings. There are make-believe meetings, secret meetings.

It is not even clear who goes to the meetings. But it is obvious that the President is not there and no one is there with a direct grant of authority to work in his behalf.

So here we sit and we have the budget of the Reagan administration, and it is not credible to a single group, to a single Senator, to a single Member of Congress.

How do we change that? I hope the administration will decide to change it themselves. It is their document. That is where it came from. It did not come from outer space. It came from the Reagan administration, and if it is not workable then they ought to take it back and give us something that is. If they are not prepared to do that, then they ought not to dance around the issue, not while the economy is going down the drain.

We have had 5,000 companies in these United States go out of business since the 1st of January. I have more companies in chapter 11 in my State of Michigan right now than I can keep track of.

I have got people who are in desperate straits losing their houses. I have got people who cannot eat. Yet we cannot get any action. We cannot get any action; all we get is posturing.

Well, I think this is a job for the No. 1 person in our Government. I think this is what Presidents are for, and when they submit budgets that do not make any sense and they are unworkable and that sends the country into a deep recession and maybe into a depression, then they have a responsibility, when that is clear, to step up to it and change it and to recommend changes and not dance around the issue and try to put the blame off on somebody else.

The other day they were blaming Carter, going down to Plains, Ga., exhuming Jimmy Carter to blame Jimmy Carter for today's recession. Well, Carter may be responsible for a lot of things, but he is not responsible for today's recession. This is Reaganomics. This is Reaganomics we have got working today in this country, and it is producing results that are intolerable, and we have got to change it. We need a midcourse correction, and we have got to get these deficits down. We need a new budget. We have to get the interest rates down.

I think it would be healthy if the President called a meeting, invited the members of the Federal Reserve Board, the leaders of the Republican and Democratic parties in the House and Senate and we had continuous sessions that might run for days or 2 or 3 weeks to hammer out some kind of a change in the economic strategy and a change in the budget.

But to let this thing languish and to let the days go by and let people and companies be ground up in the process because this administration is unwilling to change this phony budget is absolutely unacceptable. It is an insult to this country and to the people who are suffering as a result of an economic plan that is not working.

Even Secretary Regan the other day, who has been one of the main cheerleaders for this program, finally became so discouraged that in a moment of candor he finally admitted that the economy is dead in the water. That is his quotation.

Well, the economy is dead in the water and going to stay right there until something is done to change it. This adminstration that has put its plan in place has an obligation to step forward and recommend the changes needed in that plan. But do you hear them saying it, anything about reducing defense spending? No. The President has not proposed to reduce 1 cent in that bloated defense budget.

Anything on the revenue side? No; not one additional proposal to make one change on the revenue side.

Anything else in terms of other areas of spending cuts? No; not one additional suggestion.

Monetary policy, something to do with getting the interest rates down? No; not one single suggestion. Nothing. Zero.

Well, that is not good enough. So, yes, I think it is time for the Budget Committee here in the Senate to meet and act. The President's party is in control of the U.S. Senate, and I think it is time to meet and start marking up this budget.

I would just as soon that the first vote we take be on the President's budget and let us get the record vote so it is clear to the country and clear to him exactly where Members of this body stand on this issue.

Everybody is on record on it. People have already spoken on it in committee and on the floor and publicly. Now let us have a vote. Let us have a vote so that we can start over before this country goes down the drain. That is the responsibility of the administration. That is the responsibility of the party in power today, and that is to step forward and lead and not hide out on this issue and try to blame it on somebody else.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Kanasas.

Mr. DOLE. Mr. President, I will take only a minute. I listened with interest, thinking I might hear something new but, as usual, it is the same old speech.

It appears to me that the document that is being waved about on the floor is the Criminal Code Reform Act, not the budget. So if that is how much the budget process is misunderstood, I can understand the confusion.

Many in this body still seem to be running against Herbert Hoover; give us a few years to run against Jimmy Carter, and then we can balance things later on.

I rise to inform the Senator from Michigan and others who have an interest, that 17 bipartisan members of a working group have been meeting for a period of 30 days, up to 60 total hours, trying to put together a budget compromise that hopefully will be supported by Democrats and Republicans. I would hope that the message from the minority leader today is not the first effort to torpedo what many of us have been working on for literally hour after hour after hour, day after day after day.

I had a report yesterday that some of the Senate Democrats went to the House Democrats to say, "Don't do anything. We can retake the Senate if the economy collapses." I hope that is inaccurate because we have been working, as the minority leader has indicated, in bipartisan good faith. This afternoon we are going back to the White House to meet on the budget as soon as we find out whether there is going to be a vote.

As far as the President's position on the budget is concerned, I think the

record clearly shows that he has indicated a willingness to go the extra mile. We brought inflation down since President Reagan was elected. Interest rates have come down 5 points since the high in the Carter administration. We have reduced the volume of Federal regulation. We have a recession that cannot be charged up to the President, but he has to deal with it. He has indicated as recently as yesterday that he hopes we can put together a budget compromise, one that will be supported by Republicans and Democrats. If we cannot then we cannot. But we are not going to give up at this point.

I believe there are 12 Members of Congress involved in these budget discussions: 7 House Members, 2 Democratic Senators, 3 Republican Senators; and as far as I know—and I have been to every meeting—it has been free of partisanship. We understand that if we do not do something the result will be calamitous, and that is what has been keeping us together.

I hope we will have the support of Senators on both sides, since we are going to need that support. I know some on this side who are not going to like the package if, in fact, we can make an agreement; I also know some on the other side who are not going to like any package. But I do not know anyone who likes 16.5 percent interest rates or $200 billion deficits for the next 3 years. The President does not, the Senator from Michigan does not, the Senator from Kansas does not, nor does the distinguished minority leader, or any other Senator on this floor.

So I would hope that we have the blessing of the Senate leadership and every Member of this body as we try to forge a compromise with the active participation of the President of the United States.

As recently as 2 days ago, the President talked privately with the distinguished Senator from South Carolina. The President offered to come to the meetings we were holding in the White House, but because someone thought it might look as though the President was trying to set up the group, he did not do it. But he offered to come.

So I hope we understand that the President is totally willing to work hard for a budget compromise. I have gone so far as to say that the President will make house calls. Just leave your address and name and he will come and knock on the door.

Mr. RIEGLE. Mr. President, will the Senator yield?

Mr. DOLE. Yes, briefly.

Mr. RIEGLE. What is the President's proposal?

Mr. DOLE. The President's proposal is right here. What is the Senator from Michigan's proposal?

Mr. RIEGLE. So the President does not have another proposal, is that the point?

Mr. DOLE. I am afraid the Senator from Michigan will offer a proposal containing more spending and higher deficits. I do not recall him being a vigorous advocate for spending cuts.

Mr. RIEGLE. I thank the Senator for saying he does not have a proposal. It has been discredited.

Mr. DOLE. He has a proposal. It has been before the Congress for several months.

Mr. RIEGLE. Are you willing to have a vote?

Mr. DOLE. Are you willing to have one this afternoon? If you are bring it up.

Mr. RIEGLE. All right.

Mr. ROBERT C. BYRD. Mr. President, I ask that we have the regular order.

The PRESIDING OFFICER. The Senator from Kansas has the floor.

Mr. ROBERT C. BYRD. The regular order is that Senators address other Senators through the Chair and not in the second person.

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. Mr. President, will the Senator from Kansas yield to the Senator from New Mexico?

Mr. DOLE. In fact, the Senator from Kansas will yield the floor.

I would like to feel as we go back to these budget compromise deliberations that the compromise effort was not undertaken just to give us something to do. It has been undertaken in the same way that we have undertaken other efforts in this body, with the Democratic leadership and the Republican leadership, to try to work out a compromise. In many cases, an acceptable compromise has been accomplished.

The Senator from Kansas believes that we are fairly close together without being specific about some of the proposals. We believe that if there is going to be a compromise, the President has to give some, the Congress has to give some, and the Speaker has to give some. The Democrats control the House of Representatives, and all parties have to give some.

This Senator is prepared, as chairman of the Senate Finance Committee, to be responsible, as I am certain the distinguished leader of the Democrats, Senator LONG, will be on that commmittee. Together, we try to help put together a package to reduce the deficits and bring down interest rates, because the alternative is unthinkable.

In the State of Michigan, the Senator may be correct. It is true in many other States, I might add, to a lesser degree, but we are not dependent on the auto industry.

So I just hope that we continue the spirit that we have had for the past 30 days in these discussions and not try to chip away around the fringes to frustrate the efforts that we have been undertaking.

Mr. ROBERT C. BYRD addressed the Chair.

The PRESIDING OFFICER. The minority leader.

Mr. ROBERT C. BYRD. Mr. President, I was distracted during some of the time that the distinguished Senator from Kansas was speaking. I understand he made some references to me. Would he mind repeating those?

Mr DOLE. There was no reference to the Senator from West Virginia, except to indicate that I trust that the statement made by the minority leader was not an effort to torpedo the negotiations which have been going on for the last 30 days.

Mr. ROBERT C. BYRD. Was that all the Senator said with respect to the minority leader? Did he say he heard the minority leader went over to see——

Mr. DOLE. No. I said I heard some Senate Democrats may have called on some House Democrats. I did not mention the minority leader.

Mr. ROBERT C. BYRD. I thank the Senator.

Mr. President, the Senate Democrats, who went to visit with the House leadership on yesterday, did not suggest that the meetings be stopped; or that the economy, if it remained in the condition that it is now, would mean the election of Democrats. I am told that is what the distinguished Senator said.

Now, that may not be an accurate statement. But we Democrats do not want to see the economy remain as it is.

Mr. DOLE. The statement of the Senator from Kansas was that it would mean that the Democrats could retake control of the Senate, if nothing was done about the economy; that was considered good politics.

Mr. ROBERT C. BYRD. Mr. President, that is a totally inaccurate statement.

Mr. DOLE. The Senator from Kansas hopes it is.

Mr. ROBERT C. BYRD. It is. That is a totally inaccurate statement. Now, the Senator from Kansas may have heard that. I do not say he did not hear it.

But I do not need anybody anywhere to defend me. I am perfectly capable of defending myself in anything I say here or anywhere else. That statement is totally, indubitably, and unquestionably inaccurate.

Now the second business, as to my statement's being an effort to "torpedo the discussons," the Senator from Kansas has totally misjudged me and apparently was not listening to what I said in my speech. I said that the meetings have been taking place in good faith by all participants, including JIM BAKER. And I said it was my understanding that there would be further discussions this afternoon. I

hope some compromise can come out of those discussions.

But I did say that they have been going on a long time. It has been 10 weeks since the budget document was sent here, I think it is time for the budget process to get underway. And I do not think that anyone should disagree with that.

After all, under the Budget Reform Act, the First Concurrent Resolution is to be adopted by May 15. That does not leave us much time, and time is running and we are not voting.

So I am simply saying, let the discussions continue, may I say to the distinguished Senator from Kansas, let the discussions continue if they are productive, but let us get on with the budget process in the Senate.

Now that is my position. The Senator does not have to misinterpret it. He does not have to even interpret it. I have stated it plainly and anyone who can understand English knows precisely what I have said and precisely what I mean.

Mr. DOLE. Will the Senator yield?

Mr. ROBERT C. BYRD. Yes; I yield.

Mr. DOLE. I listened very carefully to what the Senator from West Virginia said, as I always have in the years I have been in the Senate, because I know the Senator says precisely what he has in mind. But the Senator from Kansas is a participant in these discussions and I could give you a lengthy explanation of why we have not completed them more quickly. The facts are that the House has been in recess. The House Members are now back. In fairness to every Member, every Democrat and every Republican, they need the time to check back to the steering committees and different groups. This consulting process is pretty hard to do in a day or two.

Now if it is suggested that we should now proceed to marking up another budget while we are working on a bipartisan compromise, then the Senator from Kansas would indicate that dual track process is going to be very difficult. We were starting to mark up certain tax measures in the Finance Committee. But it is pretty hard to say that we are going to mark up a bill in the Finance Committee while we are trying to compromise these very issues with 15 or 17 members downtown. That is the only point the Senator from Kansas makes.

And I said, I hope—I did not say what the import was in what the Senator from West Virginia said—there is not an effort to torpedo these discussions, because they have been going on, as he indicated, in good faith for the past 30 days. They should be allowed to come to a successful conclusion. And I am pleased to know that that is the result the Senator from West Virginia hopes for, too.

Mr. ROBERT C. BYRD. I thank the distinguished Senator, Mr. President. When the Senator says he "hopes" it is not an "effort to torpedo", he might as well have just said it is an attempt to torpedo, as far as I am concerned. The implication is clear. It is not an attempt to torpedo.

The distinguished Senator from Kansas has been participating in those discussions, and he has been participating in good faith. He is a very able chairman of the Committee on Finance. And I have not said one word in criticism of any Member of this body on the Republican side or on the Democratic side or in the other body or of JIM BAKER. I simply said that the President has been sitting on the sidelines. He is an observer. He has said that his representative, the chief of staff of the White House, does not speak for him; he will not be bound by what that representative says. If that is the case, I do not see why the talks continue.

But I did say that the discussions this afternoon, as far as I am concerned, the discussions can continue. But I think that we have a responsibility in this body to begin the budget process. And the distinguished chairman of the Budget Committee has indicated, if I read the newspapers correctly, that he is ready to begin. And Mr. BAKER, who sits in this chair, and who does an excellent job as majority leader, has himself said that if those negotiations, which the President refers to as "discussions", are not successful soon, he has himself said that the budget process ought to begin this week. Now, was the majority leader trying to torpedo the discussions in so stating?

I said the same thing the majority leader has reportedly stated heretofore publicly. He has said that if the discussions are not completed this week that the budget process ought to start next week. Now, I am saying the same thing.

And if the Senator from Kansas is going to imply that I am trying to torpedo the discussions by my statement, let him say the same about his own majority leader. I believe his majority leader spoke in good faith, and I too think it is time we got on with the budget process.

The majority leader certainly did not seek to torpedo the discussions that have been underway. He said that the budget process ought to start soon if the talks do not produce results. That is precisely what I said and say again.

Mr. DOLE. Will the Senator yield?

Mr. ROBERT C. BYRD. Yes, I yield.

Mr. DOLE. I think the Senator from Kansas has been saying something, too. For the last 30 days, I have been trying to nudge this process along. I have suggested that the President ought to suit up and the Speaker ought to suit up. You cannot play the game from the sidelines. Now they are participating. They are not really all the way into the game, but they have got everything but their helmets on. And they are going to be more and more active participants.

It just seems to this Senator that we are right at a critical stage. Maybe they can settle it this afternoon. Since I am not there and the distinguished Senator from New Mexico is not there, they may get the compromise worked out. [Laughter.]

But that is the point the Senator from Kansas wishes to make. A compromise could be achieved this weekend, tomorrow, Friday, or Saturday, Sunday, or it could evaporate this weekend. But hopefully we will put it together. The Senator from Kansas believes we are so close to either getting a compromise budget or not getting it that it may not take much longer.

Mr. ROBERT C. BYRD. I hope that the Senators will reach a compromise. And I hope the President, once that compromise is reached, will say that he is behind it. And I hope that he will go before the American people and will say what he himself advocates. He is the President and he should get up front and onto the ballfield and off the sidelines.

Mr. DOMENICI. Will the Senator yield?

Mr. ROBERT C. BYRD. Yes, I yield to the distinguished Senator.

Mr. DOMENICI. Mr. President, I do not think the Senator intended to say that the chairman of the Budget Committee was delaying matters, either, and I hope I read him right.

Mr. ROBERT C. BYRD. I did not, nor did I imply it.

Mr. DOMENICI. I thank the Senator.

Mr. ROBERT C. BYRD. And if I was misunderstood as having said that, I certainly did not mean it that way. I know that the distinguished Senator is ready to press ahead.

Mr. DOMENICI. I thank the Senator. I am ready and my committee is ready.

I think what we want is not to have a budget produced by the Budget Committee of the U.S. Senate, or even a budget that the U.S. Senate itself produces.

I think what we want is something that has the backing of the President of the United States, and of a number of Democrats in the Senate, and of a number of Democrats in the House, and of a number of Republicans in leadership positions in both bodies. In an effort to make that hope a reality, we have unavoidably taken some time. I can assure the Senator that I am in those negotiations because our majority leader asked me to go, and because the White House asked me to go. I have spent as much time and effort as I can put forth, with as much exper-

tise as I can generate, and as much consultation with my Members here on both sides as I can put together, in an effort to contribute.

I agree with my friend from Kansas, that we ought to either make a deal or determine that we cannot make one and then get on with the normal business here in the Senate of producing a budget. I think one of the two will occur quickly.

I hope, however, that no one thinks that if we do not get a compromise that our President supports and that the Speaker of the House supports, and which has bipartisan support here, that we will produce a budget quickly in the Senate. The issues are tough. The goal is simple: reduce the deficit substantially, as my good friend the minority leader and the good Senator from Michigan both said. We have to reduce the deficit substantially.

How you get there is not easy. There are many ways, many ideas.

I am ready to go to work in the committee. We will bring you a budget, but I hope it is not just the Budget Committee's best efforts. That is why I am working hard. I hope the President will be behind a new budget. I am not reluctant to say publicly that he needs a new budget. I do not think we have to rehash that one over here again. If his budget was going to pass, we would have passed it. The deficits in it are too large. The economic facts are different than assumed in January when it was put together. We have to change it. Hopefully, he recognizes that today. I do not think anybody close to him denies that he is willing to go along with a compromise. I do not think he can say it more clearly. I think he has handled it just about right to this point. He has put his people in the negotiations. We ought to get on with our budget work, and we will. I hope others will not take the floor and suggest that we are wasting time, that we do not know the problems, or that we do not understand the difficulties of this recession. I am not talking now about the distinguished minority leader.

We understand the difficulties clearly, and we know we have to make major changes in the budget. And we know that none of them are easy decisions. We are trying to make the changes somewhat easier to achieve by getting broad agreement at the front end. If we cannot get that, we will bring a budget to the floor from the committee, and it will be a tough budget. I assure you of that. It will reduce the deficit substantially. I assure the Senator of that.

To my good friend from Michigan who wants the budget event to occur, in fact he started wanting it to move at least 2 months ago. We anxiously await his support in the committee for actions to get the deficits down. We anxiously await his support on the floor, I say that in all sincerity. The Senator knows that. He has worked hard on the committee, and I hope he is here, I say to my friend from Michigan, when we bring up the budget produced in the Budget Committee, since that is exactly what we must do if we do not get a compromise.

I yield the floor.

Mr. ROBERT C. BYRD. Mr. President, the distinguished Senator from New Mexico has spoken reasonably. I say again that he and others have been working and continue to work in good faith to bring about some kind of compromise. I agree with him that we ought to get on with the deal or to get off it and get the budget process going because we have less than a month to meet the budget deadline.

Mr. RIEGLE. Will the minority leader yield?

Mr. ROBERT C. BYRD. I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. RIEGLE. Will the Senator yield in light of the fact that my name was mentioned just a moment ago? In light of the fact that remarks were directed at me specifically, I would like to have a moment to respond. I think I am entitled to that privilege.

Mr. STEVENS. I will be happy to yield to the Senator. I do not think there were any remarks that I heard concerning a matter of personal privilege. But since the Senator wishes me to yield, I will yield.

Mr. RIEGLE. I thank the Senator for his courtesy.

I think it is clear that the chairman of the Budget Committee, for whom I have great respect and regard, does believe that the budget needs to be changed. He has been very outspoken about that.

That is not the issue here. The issue is whether the President believes the budget needs to be changed. I have yet to hear from him that he thinks that. Of course, anyone on the floor can indicate whether he has said that to them in private, but he has not said that publicly. He is the only one in the position, of course, to change his budget. After all, that is the problem, and that must be the starting point.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr President, I was personally at the White House meeting of the joint leadership of our party with the President this week and heard him indicate he was willing and ready to enter into a change in his budget when a consensus was reached between the House and the Senate.

I did not hear the remarks of my distinguished friend from West Virginia. I will say this: I was one of those who has urged that we proceed slowly here on the floor, that we not get ourselves in the position where we have passed legislation that we may have to either call back from the House or ask the President to veto, because we do not yet know what the version the compromise may be.

I do believe that the House has a role in this. The President said at the time we met with him that he hoped we could reach an agreement, the result of which would be that no one can claim credit for but everyone will realize that the economy is on its way to being restored. We are looking for an honest, bipartisan compromise on this budget.

I would point out that the thing that bothers me more than anything in the budget is the $133 billion in gross interest on the national debt. That interest is not on a debt that has occurred since President Reagan became President. It is an accumulation of debts over several administrations on a bipartisan basis. There is no finger to be pointed at anyone as to who caused the national debt to go over $1 trillion. Certainly, this President did not.

He has sent us a budget. He has made his decisions. I think he has every right to ask us if we want to have changes in that budget to get together as a Congress and submit them to him so that he, too, then might be in the process of making revisions of the budget on a bipartisan basis, on the basis of responsibility.

I congratulate my good friend the Senator from New Mexico (Mr. DOMENICI) and his counterparts in the House who have been working night and day to fashion a budget. Even though we may not have been busy on the floor I have heard my good friend from West Virginia say many times:

A Senator does not have to be present on the floor to be busy.

We are making progress. I believe we are making progress. I am very hopeful that we will have an agreement to report back to the Senate.

Not every Member of the Senate will support it, but I do hope we will have a consensus that a majority of the Senate will support after these meetings with the President and the House of Representatives.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, if I could have the attention of the assistant minority leader before he leaves the Chamber, I have been seeking recognition to ask some of the powers that be in the Senate what is going on.

I picked up a hint of partisanship in the discussion I have just been listening to. Maybe it is my imagination, but I thought it was there. I submit, as a member of the Budget Committee, that this in not a Democratic issue, it

is not a Republican issue, it is an American issue. This country is in deep, deep trouble, Mr. President, in the economy, regardless of whose fault it is. I suggest it is about time we quit faultfinding and get on with the business of reducing the deficits and the high interest rates that those deficits are causing.

Mr. President, if the Senator will yield for a question——

Mr. STEVENS. I am happy to yield for a question.

Mr. EXON. Let us assume that the negotiations, as much as we hate to recognize it, fail this afternoon or tomorrow or Sunday or Monday. What then? Are we going to go back with the exercise some people have suggested we go through, or is there some alternative in between?

We have been dancing around the issue here, but the real issue is whether or not the President of the United States and the leader of the House of Representatives have the courage to meet eye to eye with their assistants to try to work out something. I suggest that both the President of the United States and the leader of the House of Representatives have been dancing merrily around the issue, making statements in front of television cameras, rather than getting down in the trenches, which they had better do to try to work out this problem.

My question, Mr. President, is this: If the present negotiations break down, does the distinguished acting minority leader have any indication that, at that time and in that event, the President of the United States will provide the leadership that I hope he will provide at that time if it happens? Will he call the leadership of the House of Representatives and the U.S. Senate, Democrats and Republicans alike, up to Camp David, where he would get down in the trenches with them, along with the leader of the House of Representatives and others, and try to work out something rather than dance around the issue?

Mr. STEVENS. Mr. President, I am certain there was nothing in the comments of the distinguished Senator from Nebraska that would imply any partisanship. There was nothing in the comments that I made that would imply any.

I say to my good friend from Nebraska that the President is waiting upon the duly elected leaders of the Congress on both sides to resolve issues that presently exist between Members of Congress in reaction to the President's budget. The President has made his decision. He has given us a budget. If we were to pass the budget, we would have a deficit somewhere around $90 billion.

Mr. EXON. If the Senator will stand corrected, I think even the President said it is over $100 billion.

Mr. STEVENS. Because of the impact of interest rates and recomputation, I think that might be so, as interest rates continue to go up. But as far as spending programs, the President has made no recommendations of increase in spending.

Mr. EXON. Mr. President, will the Senator yield?

Mr. STEVENS. Yes; I yield.

Mr. EXON. I simply advise the assistant minority leader——

Mr. STEVENS. I correct my good friend, assistant majority leader.

Mr. EXON. I am sorry, Mr. President, the assistant majority leader. I will stand corrected on that if he will stand corrected on the statement he just made.

The facts of the matter are that within 2 weeks after the President sent up his budget, administration officials, high administration officials, testified in front of a subcommittee on the Budget Committee that they had underestimated the potential expenditures in one area I happen to know something about, agriculture. The President has indeed and the Director of the Office of Management and Budget and the Secretary of Agriculture have indeed raised their spending levels. I think it is wrong for us to stand here on the floor of the U.S. Senate and say the President has not changed his position one iota.

Back to the question; we are getting sidetracked. I simply ask, Am I to understand that if these negotiations break down, that is the end and the President would not, because of the economic situation that this country is in today, provide leadership to make one last try under his sponsorship of a Camp David-type summit to try to bring attention to this serious economic situation that faces us, in the opinion of the assistant majority leader?

Mr. STEVENS. Mr. President, responding again to my good friend from Nebraska, I would say the country cannot contemplate failure of this effort. I cannot contemplate the President abandoning the leadership he has already provided in trying to seek a solution to these economic problems.

I do accept the correction. As I understand it, there have been some revisions of the budget that were submitted in terms of numbers. But to my knowledge, there has been no request for increased spending.

We are talking about a series of revenue measures where options are under consideration. We are talking about a series of changes in the way that the Consumer Price Index is applied to certain entitlement programs. There is a whole range of things being discussed among Members of Congress, with the cooperation of representatives of the President, seeking to find a common ground.

Mr. President, I sometimes think it is too bad that some things get lost. One of the recommendations in the President's budget is to do away with aid to impacted areas. His budget assumes we are going to pass that and reduce spending to that extent. Every President since Harry Truman has made that request and every Congress since Harry Truman's Congress has refused it. The President wants some responses from Congress. If we are not going to make that cut, what cut are we going to make? This time, we do not have the option of borrowing more money. The option of borrowing more money will simply press the interest rates up further, a consequence that no one wants to envision.

Mr. President, I say to my good friend that I see no indication at all that the President has in any way indicated he will not continue to provide leadership on this issue. He has provided it. I think the way he is handling it, by not dictating terms, by not saying, "There it is, it is that or nothing," indicates to me he is willing to work with Congress as a separate branch of the Government on a bipartisan basis.

I must say, Mr. President, and again, it is not entirely in a political connotation, but the manner in which the President has handled this crisis is distinctly different from the manner in which past Presidents have handled similar crises in dealing with the Congress over economic matters. This President is seeking a compromise, a consensus, with those of us who represent our individual States. I still congratulate him for the process.

Mr. President, I must say to my good friend, there is one thing with which I cannot agree. I do love the Speaker of the House, but for the life of me, I cannot see the Speaker of the House and the President dancing around together on any issue. I hope the Senator will accept that in the facetious manner in which it was said.

Mr. EXON. Mr. President, I shall respond very briefly. I did not say they are dancing around together; I said they are both dancing around. I wish they would get together and not dance, but start talking about the things that, basically, they and they only are in a position to do something about.

In closing, Mr. President, I just say that I hope my friend from Alaska, the distinguished assistant majority leader, would at least pass along to the White House and to the President, if possible, my suggestion that if these talks fail, I hope that the President would then recognize his additional leadership responsibilities, notwithstanding anything that he has done in the past, to move forward with a Camp David-type summit meeting.

I yield the floor.

Mr. STEVENS. Mr. President, are we in the morning hour?

The PRESIDING OFFICER. The motion to proceed to the consideration of S. 1630 is the pending question.

Mr. STEVENS. I thank the Chair.

NATIONAL DEBT LIMIT

Mr. HARRY F. BYRD, JR. Mr. President, as of March 31, 1982, the Nation's public debt was $1.061 trillion. The statutory debt limit which the Congress enacted last year—and which was to have taken care of this matter—through September 30, 1982, is $1.08 trillion.

One can see that the debt already, as of last month, is very close to the ceiling which is permitted.

I invite the attention of Congress to this matter, because I think it is one of great importance. Every indication is that the current fiscal year will end with a deficit well exceeding $100 billion. Every indication is that fiscal 1983, next year, will end with a deficit substantially exceeding $100 billion. Every indication is that the year following that—namely, fiscal 1984—the deficit will substantially exceed $100 billion.

Mr. President, I say that Washington, D.C.—this Congress—is living in a fool's paradise. To me, it is totally inconceivable that the people's representatives, be they in Congress or the administration, would contenance deficits of that magnitude over such a long period of time. These projected deficits are piled on top of all the other deficits of the last 20 years.

The taxpayers, in the current budget, the one on which the Government is operating now, will pay $115 billion in interest charges on the national debt. For the upcoming year—namely, fiscal 1983—it is projected that the interest cost will be $133 billion.

Those interest figures, in each year, will be more than one-half of the total amount our Nation will spend on national defense.

This country is in a very grave economic condition. I cannot see how it can improve. I do not see how a real recovery can be stimulated so long as the Nation is faced with the unbelievably high deficits of more than $100 billion per year for 3 years in a row.

One good aspect—if it could be called good—of the national debt figure is that the ceiling is very close to being reached; and when that ceiling is reached, the President and Congress must face this issue squarely. The sooner it can be faced, the better.

QUORUM CALL

Mr. HARRY F. BYRD, JR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. RIEGLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIEGLE. Mr. President, earlier we had a somewhat spirited discussion on national economic policy, the need to reduce the projected Federal deficits, bring down interest rates, and get people back to work. Several Senators, including myself, participated in that exchange. Other matters came before the Senate that brought that discussion to an earlier end than might otherwise have been the case.

In light of the fact that the Senate is not acting on any other matter at the moment, I shall raise two additional points for the sake of the record with respect to that discussion that we were having on national economic strategy and upon the budget.

The first point is that there are specific alternative budget proposals that have been presented by me and others that would serve our economy much better than the economic plan that is now in place or the fiscal plan that is proposed in the administration's budget.

As a member of the Senate Budget Committee, along with two other Members on our side of the aisle on the Budget Committee, Senators SASSER and MOYNIHAN, we have presented an alternative budget proposal. We have done so publicly at a press conference and it has been distributed and made available. I ask unanimous consent to have printed in the RECORD a summary of it as well as an article from the Wall Street Journal at the conclusion of my remarks.

THE PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. RIEGLE. That proposal envisions making basic changes in the fiscal plan to restrain Federal spending and bring down the deficits. It also incorporates an instruction to the Federal Reserve System to modify the money-supply aspect of monetary policy and reduce interest rates. We took our budget plan to an outside group to test what its effect would be on the national economy.

We took our different budget assumptions to a national economic forecasting firm, Data Resources, run by Otto Eckstein because they have at that company a major macroeconomic model of the national economy, and we asked them if they would take the budget proposals we were putting forward as an alternative and run those proposals through their econometric model to see what the results would be.

As you will see from the summary that will be included at the end of my remarks, our budget proposals would result in lower interest rates, would result in a substantially lower Federal deficit, would aim the Federal budget in the direction of a balanced budget, and would have the effect of substantially bringing down the unemployment rate.

It would induce a spurt in sales of new cars, in the construction of new homes, and it would put the economy back on a healthy path toward economic recovery.

So there are practical alternatives that have been suggested, and there is that specific one that has been suggested by me in conjunction with the two colleagues whom I mentioned. So there are alternatives on the table, thoughtful ones, workable ones, that merit, I think, serious consideration.

The second point I wish to raise, however, relates to something different, and that is what I believe is the political strategy being followed at the moment by the Reagan administration and the Republicans generally, I guess you could say, on how to avoid having to face up to the economic disaster that is occurring in the country that is the product of the Reagan economic strategy.

I can understand why there is a great reluctance on the part of the administration and its supporters to want to have to face the hard facts and to take the responsibility for what their economic plan has produced.

I think they have, however, an obligation to the country to do exactly that. They have put their plan in place, it is not working. It needs to be adjusted; there needs to be a midcourse correction, and I think it is necessary and proper that they acknowledge that fact and come forward to make those needed changes.

As a matter of fact, many Members of this body on the Republican side of the aisle have in various ways said publicly that they would like to see some of those adjustments made. So I think it is fair to say that there has been a buildup of some bipartisan concern in terms of wanting to persuade the administration that there is a need for a major midcourse correction.

As recently as this morning in the Wall Street Journal there is a summary of the positions of various noted national business organizations and, with the exception of only one such organization, all the rest have come to the judgment that the economic plan is not working, it needs to be adjusted, and they have suggested a number of modifications. Groups like the Business Roundtable, which has gone to the President to try to persuade the President to change the economic strategy, have apparently had no success in doing so. The President, from all of his public statements, is still absolutely wedded to his program, thinks it is working, thinks that anyone who criticizes it or suggests changes in it is somehow just not seeing things the

right way now or is, in effect, suggesting that they are just not staying steady during a difficult time.

There was one celebrated incident, as a matter of fact, not very long ago where the President himself went out to New Mexico, where our friend and colleague, the chairman of the Senate Budget Committee, Senator DOMENICI, is the Senator, and in a very-much-publicized speech in that State leveled criticism at those Members of the Senate who were suggesting any change in the budget program.

Well, it was quite awkward because that comment, whether intended or not, was taken by some as an admonishment to everybody here who has called for changes in the budget, including the chairman of the Budget Committee. So there has been much said about that incident.

But the problem now is this: The administration clearly within the last 2 weeks has undertaken a campaign effort to find a way, to draw the Speaker of the House of Representatives, TIP O'NEILL, into a position of appearing to be the person who, along with the President, is somehow responsible for the fact that the economy is in trouble and there is a need to do something about it.

I think it is an effort, a calculated effort, to try to make it appear that somehow the failure of the economic strategy is something that only these two individuals, namely, the President and the Speaker of the House, can somehow fix or somehow correct.

Well, that is a phony notion. It is clever PR, and I think it ought to be seen for exactly what it is.

The Republican Party in 1980 spent millions of dollars on national television in an attempt to, I think improperly, represent the Speaker of the House of Representatives as a caricature for the Democratic Party. With these widely publicized national ads, and their O'Neill characterization, which was designed to be negative, I think they felt they had an influence on the elections of 1980 that was helpful to the Republican Party.

So it seems clear to me that what is being attempted now is that the administration, not wanting to take responsibility for the effects of its own economic program, wants to draw the Speaker of the House out there on a 50-50 basis with the President and to clearly create the inference and the impression that the only way the economy can be fixed is if somehow the President and the Speaker of the House get together to work this thing out.

Well, that is absolute nonsense. The Speaker of the House had nothing to do with this economic program. This is the Reagan program. In 1981 the Reagan administration was not willing to make any compromises. They steamrollered the Democratic Party here in the Senate and in the House and they put in place exactly what they wanted.

There was great celebration at the White House and by the Reagan administration in the summer of last year because they had gotten their economic program in place. They got it in place despite the opposition of TIP O'NEILL, despite the opposition of many Democrats here in the Senate, and it is their program and it is their responsibility, and they ought to accept the responsibility for how it has worked. That is where the rub comes now because it has not worked very well and the country is in serious economic trouble.

What all of this public relations rain dance that has been going on for the last 2 or 3 weeks here is for the administration to find a way not to have to accept responsibility for the failure of their economic program. That is what they are trying to avoid, and it is very painful.

They do not want to have to admit that it is not working. They are trying to protect the image of the administration. They want to dissociate the administration from its plan and from how its plan is working. How do you do that? Well, they have obviously devised the strategy of creating the impression that somehow or other the only way to get the economy working again is if the Speaker of the House and the President of the United States sit down together and work out a deal. That is an obvious public relations ploy, and the dead giveaway to anybody who follows politics is in watching the content of the political comments being made by the leaders of the President's party. If one looks at what several leading Senators from the President's party and other prominent spokespersons from the President's party across the country are saying, they are all sounding the same theme that any kind of economic recovery depends upon getting TIP O'NEILL into a room with Ronald Reagan and somehow or other between them they can work this thing out, and that somehow the responsibility for what has gone wrong and how to fix it a 50-50 proposition to be divided between these two people.

Well, that is just a lot of nonsense. That is show business. I mean that is political conniving and show business, and it ought to be seen for exactly what it is. TIP O'NEILL did not produce this economic plan and he cannot produce an alternative economic plan by himself, and the President knows that and the supporters of the President know that. The administration needs to accept the responsibility for its own program. That is the issue here. They need to accept the responsibility for what has happened to the economy by virtue of the program they asked for and put into place. Because that program is not working and needs to change, that we find ourselves now with the Reagan administration literally standing on its head attempting to justify budget deficits that go as high as $240 billion or $250 billion by 1985. It is absolutely unbelievable.

And every serious financial observer in this country looks at that and says, "That administration budget plan is impossible. It can't work."

This budget that the administration has presented is so bad and so far from what we need that not a single Senator supports it. But in order to protect the myth of the soundness of this administration's economic policy, the administration cannot say that. They cannot admit what happened. They have to pretend somehow that it is different, and it is very difficult to do this.

So the President, in effect, has gone into hiding on this issue. He cannot come to the meetings. And when he speaks publicly, he has to keep saying, "Everything is fine; the program is working." David Stockman goes out and says, "Unemployment is part of the cure. We are going to have to live with this. Ten million people out of work. You might as well get used to it. This is the way it is supposed to be."

Well, any sensible person knows that is wrong. And so what is happening here in the Senate, some of the leaders on the other side of the aisle who are connected to reality and know that it has got to be changed, they are trying to persuade the administration to change its thinking, to change its opinion. And they seem to have failed in doing that. They seem not to be able to convince the President to face the hard realities and to come forward and to ask for the changes in the plan, the midcourse correction that is needed. And so because he is unwilling to do that and they cannot persuade him, now they have got to find a way to shift the blame off on somebody else.

The first attempt was to try to shift the blame off on Jimmy Carter; that somehow or other the failures of the Carter administration were what was giving us today's recession. Well, that is nonsense. Anybody that understands economics realizes that that is just not so and it does not wash. So that was blame dodging of the sort that they could not get away with very long.

So now they have invented a new strategy. And the new strategy is the Reagan-O'Neill strategy; that is, to somehow continue to project the message day after day, through spokesmen all over the place, that this is really an issue that boils down to the stubbornness between these two likable Irish politicians—the President on

one side and the Speaker of the House on the other.

And the obvious inference and the heart and the guts of the strategy is to leave the impression with the American people that the failure of the economic program somehow is the shared responsibility of O'NEILL and Reagan. So they get rid of half the blame. They slice half the blame off for the failure of the Reagan program and they dump it in O'NEILL's lap. That is what is going on here. And I do not understand why people do not figure it out, because it is not that complex a strategy; it is not all that imaginative. But that is what is going on.

And the problem is that this hurts the country. Because TIP O'NEILL, who I like and worked with in the House for 10 years, cannot solve this administration's problems. He cannot fix the President's budget. He cannot singlehandedly bring down these deficits. He cannot reach into the Federal Reserve Board and bring down the interest rates, although, I might say, the President can.

If you look at the Credit Control Act authority, which is on the books today, the President of the United States has the power, if he thinks that interest rates are too high and there is a credit emergency, the President has the power to reach into the Fed this afternoon and to do something about interest rates. But he apparently does not think there is a real problem there, at least not one that he is talking about, at least not one that he is prepared to act on. And so it is business as usual and we just drift right along into a deeper and deeper recession with more and more people being hurt and more and more companies being driven out of business.

So I would hope that anybody who pays attention to what is said here on the Senate floor and who is trying to follow this economic debate and make sense out of it will not be fooled by this Reagan-O'Neill package which has been put forward by the Reagan administration.

The failure of the Reagan economic program to work as advertised is the responsibility of that program itself. It could not possibly work, it could not possibly work the way it was put together. And even people like GEORGE BUSH, the Vice President, saw that as long ago as the campaign of 1980, when he made the celebrated comment about "voodoo economics." He is not saying that now. He cannot say that now. It is a little awkward to use that phrase these days if you are part of the administration. But this was seen a long time ago by thoughtful observers.

So let us not allow the misconception to exist out in the country and this propaganda to be successful in suggesting that the Speaker of the House is somehow half of the answer to the failure of Reaganomics. The failure of Reaganomics can only be corrected, first of all, by admitting that that is what has happened; that the plan is not working. And, my friends, the plan is not working. All of the objective data shows that. Every single statistic that counts shows that the plan is not working.

But have you heard the President say that? Have you heard the President say the plan is not working? Have you heard the Secretary of the Treasury say it? Have you heard any other leading economic spokesperson in this administration say it? Of course not. They do not want to say that. It is very embarrassing.

But until they say that, it is not possible then to go onto the next step, which is the key step, and that is: How do we change it? Because unless you start out by admitting there is a need for a change, you do not then make the next step of going forward and making the change. And that is why the President will not touch this with a 10-foot pole. That is why he has gone into hiding on the issue, because he does not want to admit that the plan is not working. That is what this is all about. He does not want to have to admit that, because it is embarrassing and because it means that an awful lot of people are going to have some egg on their face until this thing gets fixed.

But that is the admission that needs to take place. There needs to be a public recognition of the fact that the plan is not working, that the budget is absolutely unworkable in its present form, that it has got to be revised, that deficits have to be brought down, that the Fed has to be involved, that the interest rates have to be brought down, and then we can make the necessary adjustments, get an economic recovery underway and people can go back to work. But the President has to believe that and he has to say it.

I do not know whether he believes it privately. There is no clue that he believes it privately, at least not that I can see. It is not what he is saying publicly. So maybe we still have to convince the President. I do not know about that. I do not know what his private thoughts are. I only know what he is saying publicly. And what he is saying publicly is that he believes in the plan, the plan is sound, the plan is working, and there is no need for basic changes in it.

And so, if that is the situation, we do not get off square one. We get stuck right there. With that happening, it is not surprising what has followed—secret meetings all over town, meeting in people's living rooms, meeting in, apparently, the movie studio down at the White House. All these meetings are going on with everybody scrambling around. Somebody found out that the President's Chief of Staff, Jim Baker, was appearing at the meeting. Somebody said, "What does this mean? Does this mean that the President is admitting that the program isn't working; that he needs to change it?" They answer, "No, it doesn't mean that. The fact that the Chief of Staff of the President is in the meeting, he is in there on his own and he has no authority to go in there and negotiate for the President." Because if they said he had authority to go in and negotiate for the President, that would mean, by implication, that they were admitting that there is a need for a change. And that is what they cannot do, because they want to pretend everything is fine, everything is terrific; it is working out right according to plan.

And this is what is driving sane people crazy. That is what is driving so many of my good friends on the Republican side of the aisle literally to the point of complete frustration, because they do not know what to do. They keep making nice, veiled public comments, from different colleagues on the other side of the aisle, that are obviously aimed at trying to get the President to face these hard facts.

But the President will not do it. So out of all this has come this strategy that I have referred to. That is that, "If we cannot get the President to face reality, let us grab TIP O'NEILL and pull him into the center of the stage and make sure that at least half of this blame falls on him."

I am here to say that that is what the strategy is and that is a phony way to approach this problem. People ought to see it for what it is. It is dishonest and it is not going to lead us to an answer because it is a completely extraneous matter. It does not even start us down the road toward the answer.

You know, the President probably has the votes here in the Senate for a change in the budget if he is prepared to ask for one. The problem is he will not ask for one, because if he does he has to admit that the program is not working.

So that is where we are. The people across the country, waiting to see some actions by the leadership, some change in economic policy to get people back to work, cannot understand all of this maneuvering, all of this blame dodging, all of this scapegoating that is going on around here in an effort to try to avoid responsibility, avoid facing hard facts, avoid telling the truth.

That is what is going on here, plain and simple.

I do not know how many people who are here, within the sound of my voice, or who will read this RECORD saw last night on television the CBS special program by Bill Moyers on the effect of some of the cuts in Federal pro-

grams on people in different categories and circumstances across the country. I think Bill Moyers is an honest and fair journalist. I thought his approach last night was a balanced one in terms of the way the show was presented and what people were saying in terms of the different stories that were told on camera.

If anybody with any sensitivity at all saw that program last night, I do not see how they could not come away with a very sad feeling about what is happening in our country to a lot of people. Those were just a few examples of what is happening to millions of people across the country who are caught in these policies, caught in this economic program, caught either by the budget cuts, by the high interest rates, by the unemployment, or by the notion that there is not going to be any chance to go on for a higher education if you are somebody from a middle-income family and you do not have the financial resources in the family to pay for college, when you are not able to get student loans.

This is what is at stake here, the tremendous amount of damage and hardship being inflicted on the people of this country, in all of the 50 States.

I have business people coming in to my office every day, people who supported the President, people who like the President. They are of different party affiliations, some Republicans, some Democrats, some independents. But they are all saying the same thing to me. They are saying that the economic strategy has to be adjusted; there has to be an effort to bring down the deficits; there has to be an effort to bring defense spending under control; we have to go after some of the pork-barrel items in the budget.

A lot of people think tobacco subsidies should not exist in the Federal budget when we are cutting out school lunch, cutting help to the elderly people, and a lot of other things which are seen by them and me to have a much higher priority.

There are the contradictions that exist today. These companies are going out of business, people who have been in business, maybe, for four or five decades, three or four generations of a family, a well-managed business being driven out of business, because of the fact that the economic policy is not sound, is not working, is giving us these high interest rates. They do not understand it. They want it changed.

It all wends its way back here, and the administration will not acknowledge any of this. They do not want to admit that this is true because it is just too painful a thing to have to face up to. They do not want to have to say that there is a need for a change in the strategy, that they miscalculated, that they did not get it quite right the first time around. They just do not want to do that. As a result, a lot more people are going to suffer because of the failure of a willingness to face reality as it is, to accept responsibility, and go on from there.

I will conclude by saying what I have said many times before. I said it last year before the Congress went out over the holiday season, and I have said it recently on the floor, in the committee, and in other public forums. I am willing to work with my colleagues on the Republican side to rework this budget and get the deficits down, and, in conjunction with that, to take whatever actions are needed in the area of monetary policy, directly or indirectly, to get the interest rates down so that we can get people back to work.

I am prepared to meet as long as it takes, any time, any place, with anybody, in Budget Committee meetings or here on the Senate floor, wherever, to try to work out a package of this kind. But until the President stands up and publicly says that the program needs to be changed, and that he is prepared to be a part of the leadership effort to make those changes, we are not going to get anywhere. It is just that simple. We are not going to be able to get it down without him. We cannot provide the political cover to the administration and get this job done. It just will not work.

That is the basic, hard truth which has to be faced here.

I hope nobody will be fooled by the political strategy which is being used here. It is probably the best one that can be devised under the circumstances, when you have an administration that feels it just cannot face the realities and the effects of its own policies.

I hope we can get past that phase. It has nothing to do with TIP O'NEILL or anybody else. It has to do with the fact that the economic policy in place has to be changed. Until the administration says that and is willing to engage in a serious effort to bring about those changes, those changes will not happen.

Mr. President, I yield the floor.

EXHIBIT 1

A BUDGET PROGRAM TO RESTORE ECONOMIC PROSPERITY

The nation's economy and the congressional budget process face a serious crisis. Deficit projections, rising year by year to over $240 billion in FY 1985, jeopardize prospects for a lasting economic recovery. The President is frustrating efforts to resolve this crisis by his unwillingness to consider a mid-course correction—despite overwhelming rejection of his proposals by the nation's economists, business community, and financial markets, by average Americans and even by the congressional leaders of his own party.

It is time for Congress to break this impasse, and we are ready to join in a constructive, bipartisan approach. We commend Senator Domenici and Senator Hollings for their efforts. After careful examination, however, we believe that a congressional budget program must meet three fundamental criteria.

1. The plan must ensure declining deficits and spur an early economic recovery. In particular it must ease the crisis in interest-sensitive industries, such as housing, automobiles, farming, and small business generally. No plan can successfully address the problem of budget balance without alternating the mix of fiscal and monetary policy in a fundamental way.

2. The plan must distribute the burdens of fiscal restraint fairly and equitably. A fiscal crisis does not suspend the government's obligation to address the needs of different regions. Nor can we accept the proposition that the root causes of our economic crisis are those programs designed to provide basic security or equal opportunity for the nation's disadvantaged, unemployed, disabled, and elderly.

3. The plan must conserve the social and economic foundations for long-term growth and productivity. We must maintain a solid commitment to educational opportunities for all Americans and adequate investment in the nation's human and physical capital.

We announce today our readiness to join a bipartisan effort that embraces these principles. As a major step towards achieving the necessary congressional consensus, we offer a program that incorporates a prudent economic response to high interest rates and high unemployment, and a reasoned budgetary response to high deficits.

JIM SASSER,
DONALD W. RIEGLE, JR.,
DANIEL PATRICK MOYNIHAN,
U.S. Senate.

DESCRIPTION OF THE PROGRAM

This program depends upon lower interest rates and full economic recovery beginning this year, and is designed to ensure this outcome. This will be possible only if the present mix of fiscal and monetary policy is changed in a fundamental way.

Congress must act immediately to close the budget deficit through responsible fiscal restraint.

In response, monetary policy must be altered to permit lower interest rates and a rapid return to economic growth.

Together, the policy changes we propose would accelerate the movements towards a balanced Federal budget. Projected deficits would fall as lower interest rates reduce interest payments on the national debt and as higher economic growth increases federal revenues. An econometric analysis performed by Data Resources, Inc. estimates that our program can lower the deficit to $75.7 billion in FY 1983, $49.7 billion in FY 1984, and $44.9 billion in FY 1985. This represents a total reduction of $216.7 billion from the $387.0 billion cumulative deficit for the next three years under the President's Budget (as reestimated by the Congressional budget Office), and a reduction of $380.8 billion from the $551.1 billion cumulative deficit under the CBO baseline.

We propose the following measures:

I. Monetary policy

The present monetary and fiscal policy mix is wrong and should be corrected. The current monetary targets endorsed by the Administration should be revised by the Federal Reserve to permit interest rates to decline in relation to the rate of inflation. We propose a return to the monetary growth plan originally proposed by the Administration in A Program for Economic Recovery (February 18, 1981): "The growth

rates of money and credit are steadily reduced from the 1980 levels (7.3%) to one half those levels by 1986." This path, then, assumed average 0.6 percentage point annual reductions in M1 growth for the years 1981 through 1986. The growth path for 1982 would now be adjusted upward to compensate for the actual shortfall in 1981.[1]

Accordingly, we will offer the following amendment to the Budget Resolution:

"It is the sense of the Congress that, as Congress moves to restore fiscal responsibility and to reduce projected budget deficits, the Federal Reserve System should ease current monetary target ranges, so as to conform to the growth rate path proposed by the Administration in "America's New Beginning: A Program for Economic Recovery" issued by the White House February 18, 1981.

Once this is accomplished, we can anticipate a rapid recovery from the recession of 1981-1982, beginning late this year and continuing strongly through 1983. Given the economy's current high unemployment and low capacity utilization, such a recovery would generate a sharp increase in Federal revenues without risking renewed severe inflation. The DRI computer analysis confirms that inflation would rise from 6.7% in 1982 to 7.5% in 1983 and fall to 7.4% in 1984—a small, short-term cost in view of the benefits from declining deficits and 6.4% real growth in 1983.

The budgetary benefits of a corrected monetary-fiscal policy mix arise from two distinct sources. First, the program produces substantial direct savings in the net interest paid by the Federal Government on the national debt. CBO currently estimates that net interest payments will rise from $102.3 billion in 1982 to $125.5 billion in 1983, $150.1 billion in 1984, and $161.7 billion in 1985. These enormous burdens, a direct result of the high deficits and high interest rates produced by the current program, can be avoided. Our program reduces annual deficits and average interest rates, and as a result pares net interest payments to about $100 billion annually in the next three fiscal years.

Second, our program will rapidly revive the interest-sensitive sectors of the economy: housing, automobile sales, agriculture, small business, and productive capital investment. As a result, economic growth will increase sharply late this year and continue strongly through 1983. This renewed growth will expand the tax base and produce a "growth dividend" in the form of substantially increased federal revenues.

To estimate the size of the "growth dividend" from a proper fiscal-monetary policy mix, we submitted our budget and monetary plan to Data Resources, Inc. DRI projected the consequences of our proposals and found the resulting spur to economic growth would increase federal revenues by $27.2 billion in fiscal year 1983 and $40.6 billion in fiscal year 1984. We anticipate that the growth dividend will continue to increase from 1984 to 1985, but in our projections we have adopted the conservative assumption of a constant growth dividend in fiscal year 1985.

It is no exaggeration to say that huge deficits and high interest rates are strangling the American economy. The Administration's policy is to blame. By reversing that policy, we can reap the benefits of renewed growth without sacrificing the reduction in inflation already achieved.

II. Revenues

We propose three steps to restore fiscal restraint in taxation.

1. Indexing income tax rates would be misguided if it produces unmanageable deficits in the out-years. Tax rate indexing should be reassessed and, if necessary, deferred until economic conditions warrant. In any event, indexing should begin no later than FY 1987.

2. A realistic examination of the Administration's proposals to improve tax collection and undertake tax revisions leads us to conclude that these proposals will generate about half of the additional revenues anticipated in the President's budget.

3. Outdated tax expenditures and loopholes that have no clear economic justification should be reformed or eliminated. We believe that $15 billion can be raised from this source in FY 1983, $32 billion in FY 1984, and $39 billion in FY 1985. We can begin by reassessing the recent tax breaks for oil, gas and other energy interests. The investment and depreciation provisions of the 1981 Tax Act should be reexamined to identify improvements which can effect savings and promote economic efficiency.

III. Expenditures

1. Entitlements: We refuse to balance the federal budget on the backs of the nation's poor, unemployed, disabled, and elderly. America's children, students and retirees bore a disproportionate share of last year's budget reductions, and we will not support deep cuts in entitlement benefits during a time of economic distress.

2. Discretionary Programs: Last year, Congress cut $35.2 billion from discretionary spending programs. 1983 should be a year to consolidate and evaluate the impact of these reductions, not to expand government. At the same time, we remain firm in our resolve to protect the nation's investment in human and physical capital. Further reductions in areas such as transportation, energy conservation, community development, and education would recklessly jeopardize the long-term growth, efficiency and productivity of the economy. While additional funding for such programs may be desirable, present budgetary constraints dictate that we maintain expenditures at current policy levels.

3. National Defense: America's security can best be protected by maintaining the readiness, operations and maintenance of our Armed Forces. Budgetary restraints dictate more rigorous scrutiny of weapons procurement policies. The national defense can be effectively and safely maintained with 5 percent real annual growth in defense budgetary authority.

4. Social Security: Changes in COLAs and social security benefits should not be considered at this time. When the President's Social Security Commission presents its recommendations in December 1982, actions to guarantee the integrity and solvency of the Social Security System should be undertaken.

5. Net Interest: The deficit reductions produced by the fiscal restraint of our program, combined with reduced interest rates generated by eased monetary policy, will lower net interest payments (from the CBO baseline estimates) by $26.6 billion in 1983, $49.7 billion in 1984, and $61.3 billion in 1985.

6. Management Initiatives: We join in the bipartisan commitment to combat waste, fraud and abuse and to enhance the managerial efficiency of federal operations. But we also oppose waste, fraud, and abuse in the budget process. A realistic evaluation of the Administration's proposed management initiatives persuades us that we can realize about half the projected outlay savings assumed by the President's budget.

This program offers hope. Failure to make the changes in both monetary and fiscal policies recommended here would seriously jeopardize the prospects for recovery and the foundations of the budget process.

TABLE I—A BUDGET PROGRAM TO RESTORE ECONOMIC PROSPERITY—COMPARISON WITH CBO BASELINE

[In billions of dollars]

	Fiscal year		
	1983	1984	1985
Revenues:			
CBO baseline	647.3	696.3	757.8
Defer indexing			9.8
Half of improved tax collection and revisions	6.4	9.5	9.1
Tax expenditures (loopholes)	15.0	32.0	39.0
Growth dividend [1]	27.2	40.6	40.6
Total revenues	695.9	778.4	856.3
Outlays:			
CBO baseline	805.0	884.4	963.1
Half of management initiative	−7.4	−9.3	−9.6
Cost-of-living adjustments			
Discretionary spending			
Defense (5 percent real growth)	+0.6	+2.7	+8.7
Net interest [2]	−26.6	−49.7	−61.3
Total outlays	771.6	828.1	901.2
Deficits	75.7	49.7	44.9
CBO baseline deficit	157.7	188.1	205.3
Savings	82.0	138.4	160.4
President's request reestimated by CBO	121.8	128.8	136.4
Savings	46.1	79.1	91.5
CBO baseline with President's defense request (reestimated by CBO)	167.6	207.9	242.0
Savings	91.9	158.2	197.1

[1] Additional revenues forecast by DRI to result from improved fiscal/monetary mix in 1983 and 1984, projected to 1985.

[2] Based on $99 billion in fiscal year 1983, $100.4 billion in fiscal year 1984, and $100.4 billion in fiscal year 1985, consistent with DRI econometric forecast.

TABLE II—ECONOMIC FORECAST RESULTING FROM IMPLEMENTATION OF A BUDGET PROGRAM TO RESTORE ECONOMIC PROSPERITY

	Calendar year		
	1982	1983	1984
Percent:			
Nominal GNP growth	11.4	15.0	11.4
Real GNP growth	.5	6.4	3.9
Cosumer Price Index	6.7	7.5	7.4
91-day Treasury bill rate	8.4	10.25	7.75
Unemployment	8.8	7.2	6.3
Millions:			
Housing starts	1.32	1.96	1.9
Automobile sales	9.6	11.2	12.3

TABLE III—A BUDGET PROGRAM TO RESTORE ECONOMIC PROSPERITY (FUNCTION 050: NATIONAL DEFENSE)

[The budget program, compared to the President's request reestimated by CBO and to the CBO baseline]

	Fiscal year 1983		Fiscal year 1984		Fiscal year 1985	
	BA	Out	BA	Out	BA	Out
President's request, reestimated by CBO	$263.2	$222.9	$290.9	$254.8	$338.2	$294.0
New budget program (5 percent real growth)	242.4	214.6	272.6	240.7	306.0	272.0
Change from President's reestimate	−20.8	−8.6	−18.3	−14.1	−32.2	−22.0
CBO baseline	242.2	214.0	264.8	238.0	283.9	263.3
Change from CBO baseline	+0.2	+0.6	+7.8	+2.7	+22.1	+8.7

[1] M1 growth under this plan would follow a path of 7.3% (1980) 2.3% (1981), 9.8% (1982), 5.5% (1983), 4.9% (1984), 4.3% (1985) and 3.7% (1986).

[From the Wall Street Journal, Apr. 22, 1982]

BUSINESS SPLIT ON TAXES ISSUE FOR U.S. BUDGET

(By Kenneth H. Bacon)

WASHINGTON.—Major business groups are divided over what—if any—tax increases they should support as part of a federal budget compromise.

Tensions surfaced last Friday, after the U.S. Chamber of Commerce told top White House officials it opposes all tax increases. The group said its opposition extended to any tax boosts considered necessary to win a deficit-trimming budget compromise between Congress and the Reagan administration.

The Chamber's stance angered other major business groups, such as the National Association of Manufacturers, which are willing to support some tax increases to ensure a budget compromise they consider crucial to promoting lower interest rates and economic recovery. Today, representatives of the manufacturers group, the Business Roundtable, the American Business Conference and the National Federation of Independent Business are to meet with White House officials to express their willingness to support tax increases.

But even the pro-compromise group is split over what tax increases it would support to narrow the deficit. The Roundtable, which includes the chief executive officers of some 200 major corporations, has suggested a possible delay or modification of President Reagan's third-year, 10% cut in personal income-tax rates. The other groups oppose such a move. There also are differences over the administration's proposed alternate minimum corporate tax. Some business lobbyists are beginning to discuss the possibility of substituting a surcharge on gross corporate income.

This squabbling is quite a change from last year, when business groups unified behind the administration's tax-cut proposal and mobilized their members to lobby hard for its passage. "The business community isn't together this time," one business lobbyist says."We're dealing with a very difficult political situation."

Despite current differences, the White House expects business to support and work for passage of any compromise that is worked out. Business "will be solidly in the President's camp if a vehicle emerges" from the compromise negotiations, predicts Wayne Valis, a presidential assistant for business relations.

But the Chamber of Commerce hasn't shown any willingness to support higher taxes. Last week Richard Lesher, the group's president, told budget director David Stockman, White House counsellor Edwin Meese and other administration officials that the President should resist all tax inceases.

According to accounts of the meeting, Mr. Lesher predicted that a firm stance against tax increases would produce a strong business recovery in the second half of the year and enable the Republicans to pick up three seats in the Senate and 10 seats in the House in the November elections. By contrast, most political analysts predict Republican losses this fall as voters express displeasure with the economy's performance.

Mr. Stockman, who has been working hard for a budget compromise including spending cuts and tax increases, "couldn't keep a straight face," according to one account.

In addition, Mr. Lesher said the 236,000-member Chamber would be able to win nationwide business support for a firm presidential stand against any tax increases. This angered other business-group leaders, who say their members generally support tax increases to trim the deficit. Yesterday, the National Association of Manufacturers and the American Business Conference called for a quick bipartisan budget compromise to help lower interest rates.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

CRIMINAL CODE REFORM ACT OF 1981

CLOTURE MOTION

Mr. STEVENS. Mr. President, on behalf of the Senator from South Carolina (Mr. THURMOND), I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the motion to proceed to the consideration of calendar number 427: S. 1630, a bill to codify and reform title 18 of the United States Code and for other purposes.

Strom Thurmond, Howard Baker, John Heinz, Ted Stevens, Robert Dole, Pete V. Domenici, Mark O. Hatfield, William S. Cohen, Dennis DeConcini, John W. Warner, J. James Exon, Alan J. Dixon, Charles E. Grassley, Alan K. Simpson, Orrin G. Hatch, Paul Laxalt.

RECESS FOR 20 MINUTES

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate stand in recess for 20 minutes.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, at 4 p.m., recessed for 20 minutes; whereupon, at 4:20 p.m., the Senate reconvened when called to order by the Presiding Officer (Mr. ABDNOR).

JEWISH HERITAGE WEEK

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House Joint Resolution 448, requiring the President to designate the week of April 25, 1982, as Jewish Heritage Week.

The PRESIDING OFFICER. The joint resolution will be stated.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 448) to authorize and request the President to issue a proclamation designating April 25 through May 2, 1982, as "Jewish Heritage Week."

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to the consideration of the joint resolution.

Mr. ROBERT C. BYRD. Mr. President, I fully support this resolution, and I ask unanimous consent that my name be added as a cosponsor of the Senate joint resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I send to the desk the names of Senators who are cosponsors of Senate Joint Resolution 181, a companion measure presently in the Judiciary Committee. I ask unanimous consent that their names be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The names are as follows:

Mr. D'AMATO, Mr. BOSCHWITZ, Mr. MOYNIHAN, Mr. LEVIN, Mr. DURENBERGER, Mr. HEFLIN, and Mr. RIEGLE.

The joint resolution (H.J. Res. 448) was ordered to a third reading, was read the third time, and passed.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the joint resolution was agreed to.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NORTHERN PACIFIC HALIBUT ACT OF 1982

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 462, S. 2244.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 2244) to give effect to the Protocol Amending the Convention for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea, signed at Washington, March 29, 1979.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

UP AMENDMENT NO. 873

Mr. STEVENS. Mr. President, on behalf of the chairman of the committee, Senator PACKWOOD, I send to the desk two amendments.

The PRESIDING OFFICER. The amendments will be stated.

The assistant legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS), for Mr. PACKWOOD, proposes an amendment numbered 873.

Mr. STEVENS. Mr. President, I ask unanimous consent that the amend-

ments be considered en bloc and that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

Amend page 17, strike line 3 and "vide," on line 4 and insert:

"SEC. 13. There are hereby authorized to be appropriated such sums as may be necessary for the Secretary of State to provide for fiscal year 1983 and beyond,".

On page 6, line 7, insert the following immediately before the period: ": *Provided,* That the Regional Council may provide for the rural coastal villages of Alaska the opportunity to establish a commercial hailbut fishery in areas in the Bering Sea to the north of 56 degrees north latitude during a three year development period".

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

The amendment (UP No. 873) was agreed to.

Mr. STEVENS. Mr. President, I thank the distinguished chairman, Mr. PACKWOOD, for including the amendment to this protocol which I requested. The amendment provides rural coastal villages in Alaska the opportunity to participate in the commercial halibut fishery if a limited access scheme is adopted by our North Pacific Fishery Management Council.

At the February 1982 meeting of the International Pacific Halibut Commission, representatives of the village fishermen from the Pribilof Islands and the Nunivak/Nelson Island vicinity requested that the halibut fisherman, composed of groups represented on the Commission's Conference Board provide an opportunity for participation in the halibut fishery. The representatives proposed that the years 1979–81 be used as the base years for the existing halibut fishermen. The village fishermen were to be given an additional 3 years to enter the fishery and develop a harvest level that would serve as their base. If they were able to develop a commercial halibut fishery, they would be given shares in the limited entry program that correspond to the catch level that they achieve and if they did not the fishery would be limited to those fishermen who had fished during the 1979–81 period.

Residents of these villages are to have 3 years to establish themselves. In order to do this and not be subject to premature cutoffs in the fishing season because of attainment of the Bering Sea area quota, these fishermen are to be allowed to fish during the months of June and July without any limitations. By the end of the 3-year period, they will have established themselves and become a part of the limited entry system or if they do not pursue a commercial halibut fishery, they will not receive shares in the limited entry system.

The Conference Board members also recognized that the fishing effort in the Bering Sea area is concentrated in the southern regions near the Aleutian Islands and that the more northern areas have not experienced the harvest that could possibly be directed there.

Mr. GORTON. Mr. President, as a member of the Senate Commerce Committee, I have had an opportunity to consider this important legislation in committee, and I am pleased today to rise in support of it on the Senate floor.

S. 2244, the implementing legislation for the halibut treaty between the United States and Canada, is a statement of the positive relationship enjoyed by our country and Canada in management of the halibut fishery, a resource of tremendous economic value. In the spirit of continuing to build upon this relationship, agreements were reached between the United States and Canada regarding the halibut fishery of the Northern Pacific Ocean and the Bering Sea. A treaty was signed in March 1979, and that treaty was ratified by the Senate in March 1980.

S. 2244 provides for U.S. Commissioners to the International Pacific Halibut Commission, outlines the authority of the Secretaries of State and Commerce, contains procedures for halibut management, contains direction for the North Pacific Fishery Management Council, and authorizes sums for implementation of the legislation. In addition, S. 2244 provides authority to the Council and to the Secretary of Commerce to establish a system of limited access, provided that such a system comports with all of the requirements of the Magnuson Fishery Conservation and Management Act.

S. 2244 represents the culmination of years of effort by both United States and Canadian negotiators in reaching an understanding as to management of a valuable and important fishery resource, a significant share of which is produced by the Seattle-based fleet. I am happy to have had an opportunity to play a role in the contribution this legislation will make to the enhancement and promotion of United States/Canada fishing relations.

The PRESIDING OFFICER. The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2244

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Northern Pacific Halibut Act of 1982".

SEC. 2. As used in this Act the term:

(a) "Convention" means the Convention between the United States of America and Canada for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea, signed at Ottawa, Canada on March 2, 1953, as amended by the Protocol Amending the Convention, signed at Washington March 29, 1979, and includes the regulations promulgated thereunder.

(b) "Commission" means the International Pacific Halibut Commission provided for by article III of the Convention.

(c) "Fishery conservation zone" means the fishery conservation zone of the United States established by section 101 of the Magnuson Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 et seq.).

(d) "Convention waters" means the maritime areas off the west coast of the United States and Canada described in article I of the Convention.

(e) "Halibut" means fish of the species Hippoglossus stenolepis inhabiting Convention waters.

(f) "Fishing vessel" means—

(1) any vessel engaged in catching fish in Convention waters or in processing or transporting fish loaded in Convention waters;

(2) any vessel outfitted to engage in any activity described in paragraph 1; or

(3) any vessel in normal support of any vessel described in paragraph (1) of (2).

(g) "Secretary" means the Secretary of Commerce.

Sec. 3. (a) The United States shall be represented on the Commission by three United States Commissioners to be appointed by the President and to serve at his pleasure. The Commissioners shall receive no compensation for their services as Commissioners. Each United States Commissioner shall be appointed for a term of office not to exceed 2 years, but is eligible for reappointment. Any United States Commissioner may be appointed a term of less than 2 years if such appointment is necessary to ensure that the terms of office of not more than two Commissioners will expire in any 1 year. A vacancy among the United States Commissioners shall be filled by the President in the manner in which the original appointment was made, but any Commissioner appointed to fill a vacancy occurring before the expiration of the term for which the Commissioner's predecessor was appointed shall be appointed only for the remainder of such term. Of the Commissioners—

(1) one shall be an offical of the National Oceanic and Atmospheric Administration; and

(2) two shall be knowledgeable or experienced concerning the Northern Pacific halibut fishery; of these, one shall be a resident of Alaska and the other shall be a nonresident of Alaska. Of the three commissioners described in paragraphs (1) and (2), one shall be a voting member of the North Pacific Fishery Management Council.

(3) Commissioners shall not be considered Federal employees except for the purposes of injury compensation or tort claims liability as provided in section 8101 of title 5, United States Code, et seq. and section 2671 of title 28, United States Code, et seq. Section 3(a) shall take effect on the 90th day after the date of enactment of the Act.

(b) The Secretary of State, in consultation with the Secretary, may designate from time to time alternate United States Commissioners to the Commission. An Alternate United States Commissioner may exercise, at any meeting of the Commission, all powers and duties of a United States Commissioner in the absence of a duly designated Commissioner for whatever reason. The number of such alternate United States Commissioners that may be designated for

any such meeting shall be limited to the number of authorized United States Commissioners that will not be present.

SEC. 4. The Secretary of State, with the concurrence of the Secretary, may accept or reject, on behalf of the United States, recommendations made by the Commission in accordance with article III of the Convention and paragraph 14 and 15 of the annex to the Convention.

SEC. 5. (a) The Secretary shall have general responsibility to carry out the Convention and this Act.

(b) In fulfilling this responsibility, the Secretary—

(1) shall, in consultation with the Secretary of the department in which the Coast Guard is operating, adopt such regulations as may be necessary to carry out the purposes and objectives of the Convention and this Act; and

(2) may, with the concurrence of the Secretary of State, cooperate with the duly authorized officials of the Government of Canada.

(c) The Regional Fishery Management Council having authority for the geographic area concerned may develop regulations governing the United States portion of Convention waters, including limited access regulations, applicable to nationals or vessels of the United States, or both, which are in addition to, and not in conflict with regulations adopted by the Commission. Such regulations shall only be implemented with the approval of the Secretary, shall not discriminate between residents of different States, and shall be consistent with the limited entry criteria set forth in section 303 (b)(6) of the Magnuson Fishery Conservation and Management Act. If it becomes necessary to allocate or assign halibut fishing privileges among various United States fishermen, such allocation shall be fair and equitable to all such fishermen, based upon the rights and obligations in existing Federal law, reasonably calculated to promote conservation, and carried out in such manner that no particular individual, corporation, or other entity acquires an excessive share of the halibut fishing privileges: *Provided*, That the Regional council may provide for the rural coastal villages of Alaska the opportunity to establish a commercial halibut fishery in areas in the Bering Sea to the north of 56 degrees north latitude during a three-year development period.

SEC. 6. Any agency of the Federal Government is authorized upon request of the Commission, to cooperate in the conduct of scientific and other programs, and to furnish on a reimbursable basis, facilities and personnel for the purposes of assisting the Commission in carrying out its duties under the Convention. Such agency may accept reimbursement from the Commission.

SEC. 7. It is unlawful—

(a) for any person subject to the jurisdiction of the United States—

(1) to violate any provision of the Convention, this Act or any regulation adopted under this Act;

(2) to refuse to permit any enforcement officer to board a fishing vessel subject to such person's control for purposes of conducting any search or inspection in connection with the enforcement of the Convention, this Act or any regulation adopted under this Act;

(3) to forcibly assault, resist, oppose, impede, intimidate or interfere with any enforcement officer in the conduct of any search or inspection described in paragraph (2);

(4) to resist a lawful arrest or detention for any act prohibited by this section;

(5) to ship, transport, offer for sale, sell, purchase, import, export or have custody, control or possession of, any fish taken or retained in violation of the Convention, this Act, or any regulation adopted under this Act; or

(6) to interfere with, delay or prevent, by any means, the apprehension, arrest or detention of another person, knowing that such person has committed any act prohibited by this section.

(b) for any foreign fishing vessel, and for the owner or operator of any foreign fishing vessel, to engage in fishing for halibut in the fishery conservation zone, unless such fishing is authorized by, and conducted in accordance with the Convention, this Act and regulations adopted under this Act.

SEC. 8. (a) Any person who is found by the Secretary after notice and opportunity for a hearing in accordance with section 554 of title 5, United States Code, to have committed an act prohibited by section 7 shall be liable to the United States for a civil penalty. The amount of the civil penalty shall not exceed $25,000 for each violation. Each day of a continuing violation shall constitute a separate offense. The amount of such civil penalty shall be assessed by the Secretary, or his designee, by written notice. In determining the amount of such penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violation, the degree of culpability, and history of prior offenses, ability to pay, and such other matters as justice may require.

(b) Any person against whom a civil penalty is assessed under subsection (a) may obtain review thereof in the appropriate court of the United States by filing a notice of appeal in such court within 30 days from the date of such order and by simultaneously sending a copy of such notice by certified mail to the Secretary and the Attorney General. The Secretary shall promptly file in such court a certified copy of the record upon which such violation was found or such penalty imposed, in accordance with rules prescribed pursuant to section 2112 of title 28, United States Code. The findings and order of the Secretary shall be set aside by such court if they are not found to be supported by substantial evidence, as provided in section 706(2) of title 5, United States Code.

(c) If any person fails to pay an assessment of a civil penalty after it has become a final and unappealable order, or after the appropriate court has entered final judgment in favor of the Secretary, the Secretary shall refer the matter to the Attorney General of the United States, who shall recover the amount assessed in any appropriate district court of the United States. In such action, the validity and appropriateness of the final order imposing the civil penalty shall not be subject to review.

(d) The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty which is subject to imposition or which has been imposed under this section.

SEC. 9. (a) A person is guilty of any offense if he commits an act prohibited by section 7(a), (2), (3), (4), or (6); or section 7(b).

(b) Any offense described in subsection (a) is punishable by a fine of not more than $50,000 or imprisonment for not more than 6 months, or both; except that if in the commission of any offense the person uses a dangerous weapon, engages in conduct that caused bodily injury to any officer authorized to enforce the provisions of this Act, or places any such officer in fear of imminent bodily injury the offense is punishable by a fine of not more than $100,000, or imprisonment for not more than 10 years or both.

(c) There is Federal jurisdiction over any offense described in this section.

SEC. 10. (a) Any fishing vessel (including its fishing gear, furniture, appurtenances, stores, and cargo) used, and any fish taken or retained, in any manner, in connection with or as a result of the commission of any act prohibited by section 7 shall be subject to forfeiture to the United States. All or part of such vessel may, and all such fish shall, be forfeited to the United States pursuant to a civil proceeding under this section.

(b) Any district court of the United States shall have jurisdiction, upon application by the Attorney General on behalf of the United States, to order any forfeiture authorized under subsection (a) and any action provided for under subsection (d).

(c) If a judgment is entered for the United States in a civil forfeiture proceeding under this section, the Attorney General may seize any property or other interest declared forfeited to the United States, which has not previously been seized pursuant to this Act or for which security has not previously been obtained under subsection (d). The provisions of the customs laws relating to—

(1) the disposition of forfeited property;

(2) the proceeds from the sale of forfeited property;

(3) the remission or mitigation of forfeitures; and

(4) the compromise of claims;

shall apply to any forfeiture ordered, and to any case in which forfeiture is alleged to be authorized, under this section, unless such provisions are inconsistent with the purposes, policy, and provisions of this Act. The duties and powers imposed upon the Commissioner of Customs or other persons under such provisions shall, with respect to this Act, be performed by officers or other persons designated for such purpose by the Secretary.

(d)(1) Any officer authorized to serve any process in rem which is issued by a court having jurisdiction under section 11(d) shall—

(A) stay the execution of such process; or

(B) discharge any fish seized pursuant to such process;

upon the receipt of a satisfactory bond or other security from any person claiming such property. Such bond or other security shall be conditioned upon such person delivering such property to the appropriate court upon order thereof, without any impairment of its value, or paying the monetary value of such property pursuant to an order of such court. Judgment shall be recoverable on such bond or other security against both the principal and any sureties in the event that any condition thereof is breached, as determined by such court.

(2) Any fish seized pursuant to this Act may be disposed of pursuant to the order of a court of competent jurisdiction or, if perishable, in a manner prescribed by regulations of the Secretary or the Secretary of the department in which the Coast Guard is operating.

(e) For purposes of this section, it shall be a rebuttable presumption that all fish found on board a fishing vessel which is seized in connection with an act prohibited by section

7 were taken or retained in violation of the Convention and this Act.

SEC. 11. (a) The Convention, this Act, and any regulation adopted under this Act, shall be enforced by the Secretary and the Secretary of the department in which the Coast Guard is operating. Such Secretaries may, by agreement, on a reimbursable basis or otherwise, utilize the personnel, services, equipment (including aircraft and vessels), and facilities of any other Federal agency, and of any State agency, in the performance of such duties.

(b) Any officer who is authorized by the Secretary, the Secretary of the department in which the Coast Guard is operating, or the head of any Federal or State agency which has entered into an agreement with such Secretaries under subsection (a) to enforce the Convention, this Act or any regulation adopted under this Act may—

(1) with or without a warrant or other process—

(A) arrest any person, if he has reasonable cause to believe that such person has committed an act prohibited by section 7;

(B) board, and search or inspect, any fishing vessel which is subject to this Act;

(C) at reasonable times enter, and search or inspect, shoreside facilities in which fish taken subject to this Act are processed, packed or held;

(D) seize any fishing vessel (together with its fishing gear, furniture, appurtenances, stores, and cargo) used or employed in, or with respect to which it reasonably appears that such vessel was used or employed in, an act prohibited by section 7;

(E) seize any fish (wherever found) taken or retained in the course of an act prohibited by section 7, or the proceeds of the sale of such fish; and

(F) seize any other evidence related to an act prohibited by section 7;

(2) execute any warrant or other process issued by any court of competent jurisdiction; and

(3) exercise any other lawful authority.

(c) If any officer authorized to enforce this Act (as provided for in this section) finds that a fishing vessel is operating or has been operated in the commission of an act prohibited by section 7, such officer may, in accordance with regulations issued jointly by the Secretary and the Secretary of the department in which the Coast Guard is operating, issue a citation to the owner or operator of such vessel in lieu of proceeding under subsection (b). If a permit has been issued pursuant to this Act for such vessel, such officer shall note the issuance of any citation under this subsection, including the date thereof and the reason therefor, on the permit. The Secretary shall maintain a record of all citations issued pursuant to this subsection.

(d) The district courts of the United States shall have exclusive jurisdiction over any case or controversy arising under this Act. Any such court may, at any time—

(1) enter restraining orders or prohibitions;

(2) issue warrants, process in rem or other process;

(3) prescribe and accept satisfactory bonds or other security; and

(4) take such other actions as are in the interest of justice.

(e) When requested by the appropriate authorities of Canada, officers or employees of the Coast Guard, the National Oceanic and Atmospheric Administration or any other agency of the United States may be directed to attend as a witness, and to produce such available records and files or duly certified copies thereof as may be necessary for the prosecution in Canada of any violation of the Convention or any Canadian law relating to the enforcement thereof.

(f)(1) In cooperation with such other agencies as may be appropriate, the Secretary may conduct or cause to be conducted such law enforcement investigations as are deemed necessary to carry out the purposes of this Act.

(2) For the purpose of all investigations which, in the opinion of the Secretary, are necessary and proper for the enforcement of this Act, the Secretary or any officer designated by him is empowered to administer oaths and affirmations, subpena witnesses, take evidence, and require the production of any books, papers, or other documents which the Secretary deems relevant or material to the inquiry. Such attendance of witnesses and the production of such documentary evidence may be required from any place in the United States at any designated place or hearing.

(3) Process of the Secretary may be served by anyone duly authorized by him either—

(A) by delivering a copy thereof to the individual to be served, or to a member of the partnership to be served, or the President, Secretary, or other executive officer or a director of the corporation to be served; or the agent designated for service of process;

(B) by leaving a copy thereof at the residence or the principal office or place of business of such individual, partnership, or corporation; or

(C) by mailing a copy thereof by registered or certified mail addressed to such individual, partnership, or corporation at his or its residence or principal office or place of business. The verified return by the individual so serving such complaint, order, or other process setting forth the manner of service shall be proof of same, and the returned post office receipt for such complaint, order, or other process mailed by registered or certified mail shall be proof of the service of the same.

SEC. 12. There is hereby authorized to be appropriated for fiscal year 1983 and beyond, such sums as may be necessary for carrying out the Convention and this Act, including—

(a) necessary travel expenses of the United States Commissioners or alternate Commissioners; and

(b) the United States share of the joint expenses of the Commission: *Provided*, That the Commissioners shall not, with respect to commitments concerning the United States share of the joint expenses of the Commission, be subject to section 262(b) of title 22, United States Code, insofar as it limits the authority of United States representatives to international organizations with respect to such commitments.

SEC. 13. There are hereby authorized to be appropriated such sums as may be necessary for the Secretary of State to provide for fiscal year 1985 and beyond, by contract, grant, or otherwise, facilities for office and any other necessary space for the Commission. Such facilities shall be located on or near the campus of the University of Washington in the State of Washington and shall be provided without regard to the cost-sharing provisions in the Convention.

SEC. 14. The Northern Pacific Halibut Act of 1937, as amended (50 Stat. 325, 67 Stat. 494, 79 Stat. 902), is repealed as of the ninetieth day after the date of enactment of this Act.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

WAIVING CONGRESSIONAL BUDGET ACT

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 473, Senate Resolution 347, the budget waiver to accompany Calendar No. 463.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 347) waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1233.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to, as follows:

S. RES. 347

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of S. 1233. Such waiver is necessary because S. 1233 authorizes the enactment of new budget authority which would first become available in fiscal year 1982, and such bill was not reported on or before May 15, 1981, as required for such authorizations by section 402(a) of the Congressional Budget Act of 1974.

It is anticipated that the program outlined in S. 1233 will be implemented through a reallocation of existing resources. No new appropriations should be required for fiscal year 1982.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SERVICE INDUSTRIES DEVELOPMENT ACT

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 463, S. 1233.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1233) to establish a program in the Department of Commerce to promote United States service industries, enhance their competitiveness, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation with an amendment to strike out all after the enacting clause, and insert the following:

That this Act may be cited as the "Service Industries Development Act".

FINDINGS

SEC. 2. The Congress finds that—

(1) the United States is a service-oriented economy, in which seven of ten working Americans are employed in the service sector and approximately 65 percent of the gross national product derives from services;

(2) the importance of services in commerce has been overlooked in the development of United States economic analysis and policy;

(3) services, including investments, are an important factor in the United States international trade, accounting for almost 30 percent of total United States trade, and provided the United States with a surplus of more than $34,000,000,000 in 1980; and

(4) American service industries are encountering increased foreign competition and impediments to international operations and require the support of the United States Government to maintain their international competitiveness.

DECLARATION OF PURPOSE

SEC. 3. The Congress declares that—

(1) the governmental organization to assist and promote American service industries can and should be improved in order to study and collect information, focus attention on industries' problems and assist in the resolution of such problems, and develop service-related policies which promote the national interest;

(2) the Department of Commerce shall have, in coordination with other appropriate agencies, lead responsibility in the executive branch for insuring the implementation of policies to enhance the competitiveness of American service industries and for achieving the objectives of this Act; except that, it is not the intent of this Act that the Commerce Department assume the duties of any agency which currently has clear responsibility for any individual service industry;

(3) the United States Government should make available adequate financial resources and personnel to implement the objectives of this Act;

(4) it is the objective of the United States Government to promote the free world trade in services to the maximum extent feasible and to utilize the full resources of the Government to obtain reciprocal rights and benefits for United States traders and investors; and

(5) the United States Congress supports multilateral discussions of service sector trade issues and urges that such discussions commence as soon as possible.

DEFINITIONS

SEC. 4. As used in this Act, the term—

(1) "Secretary" means the Secretary of Commerce;

(2) "Department" means the Department of Commerce;

(3) "United States" means the fifty States, the District of Columbia, Puerto Rico, Guam, Samoa, and the Virgin Islands; and

(4) "services" means economic outputs which are not tangible goods or structures, including, but not limited to, transportation, communications, retail and wholesale trade, advertising, construction, design and engineering, utilities, insurance, real estate, professional services, entertainment, and tourism, and overseas investments which are necessary for the export and sale of such services.

ESTABLISHMENT AND PURPOSES OF PROGRAM

SEC. 5. (a) The Secretary is authorized to establish in the Department a service industries development program.

(b) The purposes of the program shall be to—

(1) promote the competitiveness of United States service firms and American employees through appropriate economic policies;

(2) promote actively the use and sale of United States services abroad and develop trade opportunities for United States service firms;

(3) develop a data base for policymaking pertaining to services;

(4) collect and analyze information pertaining to the international operations and competitiveness of the United States service industries;

(5) analyze—

(A) United States regulation of service industries;

(B) tax treatment of services, with particular emphasis on the effect of United States taxation on the international competitiveness of United States firms and exports;

(C) antitrust policies as they affect the competitiveness of United States firms;

(D) treatment of services in commercial and noncommercial agreements of the United States; and

(E) adequacy of current United States financing and export promotion programs;

(6) document trade impediments to United States services firms and seek to resolve complaints by such firms;

(7) provide staff support, as requested, for negotiations on service-related issues by the United States trade representative and the domestic implementation of service-related agreements;

(8) collect such statistical information on the domestic service sector which is readily available from within the Federal establishment and which may be necessary for the development of governmental policies toward the service sector;

(9) monitor significant Federal and non-Federal governmental activities affecting the service sector;

(10) conduct sectoral studies of domestic service industries;

(11) collect comparative international information on service industries and policies of foreign governments toward services;

(12) develop policies to strengthen the competitiveness of domestic service industries relative to foreign firms;

(13) conduct a program of research and analysis of service-related issues and problems, including forecasts and industrial strategies; and

(14) provide statistical, analytical, and policy information to State and local governments and service industries.

AUTHORIZATION OF APPROPRIATIONS

SEC. 6. There are authorized to be appropriated such sums as may be necessary to carry out the activities authorized by this Act.

UP AMENDMENT NO. 874

Mr. STEVENS. Mr. President, I send to the desk an amendment on behalf of Mr. PACKWOOD.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS), for Mr. PACKWOOD, proposes an unprinted amendment numbered 874.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 12, strike lines 2 through 4 and insert the following:

SEC. 6. There are authorized to be appropriated for the fiscal year ending September 30, 1983, and in each year thereafter, such sums as may be necessary to carry out the activities authorized by this Act.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (UP No. 874) was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of an amendment, as amended, was agreed to.

Mr. PRESSLER. Mr. President, the Senate is today considering final passage of S. 1233, the Service Industries Development Act.

This is a measure which Senator INOUYE and I introduced almost 1 year ago. Since that time we have witnessed a growing interest and awareness of the importance of the service sector of our economy. This awareness has grown in Washington, D.C., in the business community, and across the country.

Although it has taken a long while, we are finally recognizing the fact that service industries now account for over two-thirds of our gross national product and employ the majority of American workers. It is already past the time when Federal economic planners, trade officials, and the Congress should have recognized the need to pay more attention to this sector.

As chairman of the Senate Subcommittee on Business, Trade and Tourism, I have had the opportunity to deal directly with many of the issues confronting the service sector; issues which can, and are, inhibiting the growth of certain service industries. We have discussed during Commerce Committee deliberations the troubles of the tourism, communications, aviation, railroad, and bus industries, among others. We find that there are numerous instances where the Federal Government should be doing more to promote the growth and competitiveness of these industries. And in saying this I do not mean to imply that we should be throwing money at the problems which exist. More efficient utilization of existing resources would

do a great deal by itself in providing the necessary services.

In large part, this is the approach adopted by S. 1233. We would like to see the Commerce Department devote more of the resources located in the International Trade Administration to the needs of the service sector. And in that regard I am pleased to note that this process has already begun. Through the reorganization of the Commerce Department's trade functions we are seeing a new emphasis being placed on service issues. This is also true at the Office of the United States Trade Representative. This country has a large advantage in international trade in services, but we should not be complacent; we should be trying to expand that edge and increase exports and investment income.

Because I see the Service Industries Development Act as a useful tool for us to accomplish these objectives, I am pleased that we have reached the point where the full Senate can express its support for the measure and the concept behind it.

I would also like to mention another item which relates to the growing attention being focused on the service sector: the need for reliable data. It became clear during the hearings we held on S. 1233 that the Federal Government does not have a clear picture of the dimensions of service industries or of the investment posture of the United States vis-a-vis other nations.

The Federal agencies involved have begun to discuss the need for better data and how it might be obtained. Although we have made it clear in the bill that we do not want any new, potentially burdensome data collection programs to be established, we do want to emphasize that we agree there is a need for better data and that we encourage the agencies involved to use existing programs to build a more reliable base of information on services and investment.

Again, I want to express my pleasure that S. 1233 has come before the full Senate. If my colleagues should give their approval, I would hope that the appropriate committees of the House of Representatives would be able to give S. 1233 their prompt consideration.

Mr. INOUYE. Mr. President, today the Senate takes up S. 1233, the Service Industries Development Act, which I introduced with Senator LARRY PRESSLER on May 20, 1981.

This measure is, to my knowledge, the first bill to address specifically the role of the service sector in the U.S. economy. It would establish policy guidelines for U.S. Government agencies toward the service sector, including putting the full weight of the Federal Government behind efforts to reduce barriers to the export of U.S. services.

Second, it would establish a program within the Department of Commerce to promote the competitiveness of U.S. service firms, to improve the data base and statistics on services in the U.S. economy, and to identify and analyze the treatment of services in the United States.

Hearings have confirmed that the absence of reliable information on services is a major deficiency, and one of the responsibilities of the Department of Commerce will be to improve the data base. To the extent possible in meeting this objective, we believe that it should rely on existing information in the Government and the private sector. However, the language in the bill should not be read to restrict in any way the existing authority of an agency to establish new data collection programs as are necessary to comply with this act. It is our hope and expectation that any new statistical collection program will be reasonable in length and reasonable in the burden it imposes on the private sector.

Within recent months it has become fashionable to talk about the barriers to the trade in services and investment and the need for multilateral negotiations to reduce these trade obstacles. I agree wholeheartedly with these objectives and am a cosponsor of S. 2058, the Trade in Services Act, which is drafted to give such negotiations higher priority and to give the President new authority to act against these barriers.

However, it should not be forgotten that the service sector has an even larger domestic component. Service industries are concerned about domestic issues, too, such as taxation, regulation, legal impediments to their operations, et cetera. I would hope that we in the Congress will not forget these domestic concerns and that wherever possible we can achieve a better integration of international and domestic issues to enhance the competitive vitality of this crucial sector.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1233

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Service Industries Development Act".

FINDINGS

SEC. 2. The Congress finds that—

(1) the United States is a service-oriented economy, in which seven of ten working Americans are employed in the service sector and approximately 65 percent of the gross national product derives from services;

(2) the importance of services in commerce has been overlooked in the development of United States economic analysis and policy;

(3) services, including investments, are an important factor in the United States international trade, accounting for almost 30 percent of total United States trade, and provided the United States with a surplus of more than $34,000,000,000 in 1980; and

(4) American service industries are encountering increased foreign competition and impediments to international operations and require the support of the United States Government to maintain their international competitiveness.

DECLARATION OF PURPOSE

SEC. 3. The Congress declares that—

(1) the governmental organization to assist and promote American service industries can and should be improved in order to study and collect information, focus attention on industries' problems and assist in the resolution of such problems, and develop service-related policies which promote the national interest;

(2) the Department of Commerce shall have, in coordination with other appropriate agencies, lead responsibility in the executive branch for insuring the implementation of policies to enhance the competitiveness of American service industries and for achieving the objectives of this Act; except that, it is not the intent of this Act that the Commerce Department assume the duties of any agency which currently has clear responsibility for any individual service industry.

(3) the United States Government should make available adequate financial resources and personnel to implement the objectives of this Act; and

(4) it is the objective of the United States Government to promote the free world trade in services to the maximum extent feasible and to utilize the full resources of the Government to obtain reciprocal rights and benefits for United States traders and investors; and

(5) the United States Congress supports multilateral discussions of service sector trade issues and urges that such discussions commence as soon as possible.

DEFINITIONS

SEC. 4. As used in this Act, the term—

(1) "Secretary" means the Secretary of Commerce;

(2) "Department" means the Department of Commerce;

(3) "United States" means the fifty States, the District of Columbia, Puerto Rico, Guam, Samoa, and the Virgin Islands; and

(4) "services" means economic outputs which are not tangible goods or structures, including, but not limited to, transportation, communications, retail and wholesale trade, advertising, construction, design and engineering, utilities, finance, insurance, real estate, professional services, entertainment, and tourism, and overseas investments which are necessary for the export and sale of such services.

ESTABLISHMENT AND PURPOSES OF PROGRAM

SEC. 5. (a) The Secretary is authorized to establish in the Department a service industries development program.

(b) The purposes of the program shall be to—

(1) promote the competitiveness of United States service firms and American employees through appropriate economic policies;

(2) promote actively the use and sale of United States services abroad and develop trade opportunities for United States service firms;

(3) develop a data base for policymaking pertaining to services;

(4) collect and analyze information pertaining to the international operations and

competitiveness of the United States service industries;

(5) analyze—

(A) United States regulation of service industries;

(B) tax treatment of services, with particular emphasis on the effect of United States taxation on the international competitiveness of United States firms and exports;

(C) antitrust policies as they affect the competitiveness of United States firms;

(D) treatment of services in commercial and noncommercial agreements of the United States; and

(E) adequacy of current United States financing and export promotion programs;

(6) document trade impediments to United States services firms and seek to resolve complaints by such firms;

(7) provide staff support, as requested, for negotiations on service-related issues by the United States trade representative and the domestic implementation of service-related agreements;

(8) collect such statistical information on the domestic service sector which is readily available from within the Federal establishment and which may be necessary for the development of governmental policies toward the service sector;

(9) monitor significant Federal and non-Federal governmental activities affecting the service sector;

(10) conduct sectoral studies of domestic service industries;

(11) collect comparative international information on service industries and policies of foreign governments toward services;

(12) develop policies to strengthen the competiveness of domestic service industries relative to foreign firms;

(13) conduct a program of research and analysis of service-related issues and problems, including forecasts and industrial strategies; and

(14) provide statistical, analytical, and policy information to State and local governments and service industries.

AUTHORIZATION OF APPROPRIATIONS

SEC. 6. There are authorized to be appropriated for the fiscal year ending September 30, 1983, and in each year thereafter, such sums as may be necessary to carry out the activities authorized by this Act.

Mr. STEVENS. Mr. President. I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MEASURES INDEFINITELY POSTPONED

Mr. STEVENS. Mr. President, I ask unanimous consent that the following measures be indefinitely postponed: Calendar No. 97, S. 1194; Calendar No. 130, S. 1200; Calendar No. 284, H.R. 1520.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE RESOLUTION 372—AUTHORIZING PRODUCTION OF DOCUMENTS

Mr. STEVENS. Mr. President, I send to the desk a resolution on behalf of the majority leader and the minority leader and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The bill clerk read as follows:

A resolution (S. Res. 372) to authorize production of documents in *Rose Hall, Ltd., et al.* v. *Chase Manhattan Overseas Banking Corp. and Holiday Inns, Inc.*, C.A. No. 79-182.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. STEVENS. Mr. President, this resolution, according to my information, has been cleared on both sides.

This resolution, under Senate rule XI, would authorize Senators ROTH and BIDEN, and former Senator Richard A. Schweiker, to produce documents sought by subpenas to them from the defendant Holiday Inns, Inc., in the case of *Rose Hall, Ltd., et al.* v. *Chase Manhattan Overseas Banking Corp. and Holiday Inns, Inc.*, C.A. No. 79-182, pending in the U.S. District Court for the District of Delaware. The Senate has previously adopted a resolution authorizing the Senate Legal Counsel to represent the three Senators in this matter.

The resolution was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 372

Whereas, in the case of *Rose Hall, Ltd., et al.* v. *Chase Manhattan Overseas Banking Corp. and Holiday Inns, Inc.*, C. A. No. 70-182, pending in the United States District Court for the District of Delaware, the defendant Holiday Inns, Inc. has subpoenaed Senators William V. Roth, Jr., and Joseph R. Biden, Jr., to provide testimony and documents at depositions;

Whereas, in that case the defendant Holiday Inns, Inc., has subpoenaed former Senator (now Secretary of Health and Human Services) Richard S. Schweiker to provide testimony and documents at a deposition concerning his activities during his tenure as Senator;

Whereas, on March 24, 1982, the Senate adopted Senate Resolution 351, 97th Cong., 2d Sess., directing the Senate Legal Counsel to represent Senators William V. Roth, Jr., and Joseph R. Biden, Jr., former Senator Richard S. Schweiker, and any other Senators or employees of the Senate, in proceedings concerning subpoenas to them in the case of *Rose Hall, Ltd., et al.* v. *Chase Manhattan Overseas Banking Corp. and Holiday Inns, Inc.*, C. A. No. 79-182.

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that documents, papers, and records under the control of or in the possession of the Senate are needful for use in any court for the promotion of justice, the Senate will take such action thereon as will promote the ends of justice consistently with the privileges and rights of the Senate: Now, therefore, be it

Resolved, That Senators William V. Roth, Jr., and Joseph R. Biden, Jr., and former Senator Richard S. Schweiker, are authorized to produce documents sought by the subpoenas to them in the case of *Rose Hall, Ltd., et al.* v. *Chase Manhattan Overseas Banking Corp., and Holiday Inns, Inc.*, C. A. No. 79-182, except concerning matters for which the Senate Legal Counsel asserts a privilege from disclosure.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. ROBERT C. BYRD. I move to lay that motion on the table. The motion to lay on the table was agreed to.

SENATE RESOLUTION 373—AUTHORIZING PRODUCTION OF DOCUMENTS

Mr. STEVENS. Mr. President, I send to the desk a resolution on behalf of the majority leader and the minority leader and I ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The bill clerk read as follows:

A resolution (S. Res. 373) authorizing production of documents by the Senate permanent Subcommittee on Investigations.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to the consideration of the resolution.

The resolution was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 373

Whereas, certain memoranda of interviews and related documents of the Senate Permanent Subcommittee on Investigations relating to commodity fraud may be useful to law enforcement agencies in investigations of commodity fraud;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that documents, papers, and records under the control of or in the possession of the Senate are needful for use in an investigation for the promotion of justice, the Senate will take such action thereon as will promote the ends of Justice consistently with the privileges and rights of the Senate: Now, therefore, be it

Resolved, That the chairman and ranking minority member of the Senate Permanent Subcommittee on Investigations, acting jointly, are authorized to produce to the Postal Inspection Service, the Commodity Futures Trading Commission, and the Federal Bureau of Investigation memoranda of interviews and related documents relating to commodity fraud.

89-059 O-85-19 (Pt. 6)

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE FALKLAND ISLANDS DISPUTE

Mr. MATHIAS. Mr. President, the United States is torn by conflicting imperatives in the dispute between Great Britain and Argentina over the Falkland Islands. On the one hand, we seek to retain the friendship of both countries. A negotiated settlement of the dispute offers hope of facilitating such an end. We have successfully contributed to the resolution of conflicts and potential conflicts between other countries in other regions of the world, so it is proper that we try now.

However, we run risks in attempting to maintain an evenhanded position in this dispute. These may become unmanageable if we devote too much attention to diplomatic tactics and too little attention to the implementation of a comprehensive strategy.

Our current approach should be evaluated against the following considerations:

Argentina used force to carry out its claim to sovereignity over the Falkland Islands.

Great Britain is one of our oldest and most valued allies. Argentina has, as yet, demonstrated no equivalent claim on our friendship.

We remain committed to the principle of self-determination in the case of territorial disputes. That principle has been ignored by Argentina in this instance.

Thus, important principles with respect to our conduct of international affairs are at stake in this dispute—loyalty to allies, peaceful settlement of disputes, and support of self-determination of peoples. They all argue for Great Britain's position in this affair.

We are, in short, treading a dangerous path. We risk encouraging others to press their claims to territory by force. We risk seeing others trample on the principle of self-determination. And we risk placing in jeopardy the mutual bonds of history and interest which bind us to a good and valued friend.

A distinguished U.S. diplomat once said that the "side effects of human actions are not less important than those intended or expected." The side effects of evenhandedness in this dispute could, at some point, be catastrophic.

Let us not forget at the time when a choice might become necessary that our foreign policy must be strategic in approach and it must be grounded in sound principle.

ADDRESS BY ATTORNEY GENERAL WILLIAM FRENCH SMITH AT THE UNIVERSITY OF SOUTH CAROLINA LAW SCHOOL LAW DAY BANQUET

Mr. THURMOND. Mr. President, it was my pleasure to have been in attendance at the Law Day Banquet at the University of South Carolina on April 2, 1982, and there to have heard the outstanding address of the Honorable William French Smith, Attorney General of the United States.

The remarks of the Attorney General on that occasion reflected the concerns of the American people for the preservation of our liberties, including the basic freedom to be secure in their persons and homes from criminal activities.

Attorney General Smith reminded the audience that crime has reached "crises levels." He pointed out that crime has risen some 85 percent in the last 10 years alone. Because of this increase, there is a most critical need for cooperation between the Federal and State law enforcement agencies in order to reverse this trend.

As chairman of the Senate Judiciary Committee, it has been my pleasure and privilege to work with the Attorney General and his Justice Department staff in an effort to bring before Congress legislation which will aid in the fight against crime. One piece of legislation of great importance currently being considered by the Senate is the new Federal Criminal Code, dealing with statutes that affect crimes on the Federal level. Other measures which the Attorney General mentioned in his address and in which he and I have a strong interest are in a bill to modify the exclusionary rule pertaining to the admissibility of evidence, reform of the habeas corpus laws, more severe penalties for repeat offenders, bail reform, and others.

Mr. President, I was particularly pleased that the Attorney General stressed that, in recent years, the courts seem to have become so concerned about protecting the rights of the accused that they lost sight of the main purpose for which criminal laws were established; that is, to protect citizens from crime. By strengthening Federal criminal laws we do not threaten individual liberty; rather, we enhance the safety and security of all Americans.

Mr. President, I would like to take this opportunity to say that I have come to know Attorney General Smith as a man of great integrity, capacity, and dedication. I have found him to be an outstanding attorney and public servant dedicated to the preservation of ordered liberty based on sound principles of law.

Mr. President, in order that my colleagues and others may have an opportunity to peruse this fine speech by the Attorney General, I ask unanimous consent to have his remarks printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS OF THE HONORABLE WILLIAM FRENCH SMITH, ATTORNEY GENERAL OF THE UNITED STATES

A celebration of Law Day is traditionally a time for reflection on the basic values and objectives of our system of government. And the urge to think deeply about our laws and institutions is heightened by this historic setting at the University of South Carolina—the Nation's oldest educational institution entirely supported by state funds, and the alma mater of one of my predecessors, Huge Legaré, who served as U.S. Attorney General from 1841 to 1843. Tonight, I am going to succumb to the spirit of the day and the setting to talk at the most basic level about the objectives of a government based on ordered liberty.

It is a little-known historical fact that the law in South Carolina and the federal Constitution share something of a common ancestry. In 1669 the group of eight English proprietors authorized by the King to colonize what is now South Carolina hired an English philosopher to draw up the first constitution for the province. That philosopher was John Locke, who did in fact draft what was known as the Fundamental Constitution of the new colony. Of course, Locke's more celebrated writings on government would, over a century later, profoundly influence the framing of the Constitution of the United States.

In one of those writings, the "Second Treatise of Government", South Carolina's first lawmaker wrote:

"The end of law is not to abolish or to restrain, but to preserve and enlarge freedom: for in all the states of created beings capable of laws, where there is no law, there is no freedom."

Both in this passage and in his most famous statement—"Where law ends, tyranny begins"—Locke recognized that the objective for a government of laws was to secure liberty for its citizens. There can be no liberty if all the citizenry is not subject to the restraint of the law. Perhaps Judge Learned Hand captured this basic truth best when he wrote:

"And what is this liberty which must lie in the hearts of men and women? It is not the ruthless, the unbridled will; it is not freedom to do as one likes. That is the denial of liberty, and leads straight to its overthrow. A society in which men recognize no check upon their freedom soon becomes a society where freedom is the possession of only a savage few. . . ."

The most basic restrictions that a government imposes in order to secure greater liberty for all are embodied in the criminal laws. Senator Strom Thurmond, who so richly deserves the honors bestowed upon him today, once wrote that "the primary purpose of government is to protect its citizens against foreign and domestic enemies—and domestic 'enemies' include the common criminal." Enforcement of the criminal laws is the principle means by which government increases the security and liberty of all.

But the criminal laws must be effectively enforced if government is successfully to discharge its "primary purpose" and basic responsibility. To quote Locke once again, "Where the laws cannot be executed it is all one as if there were no laws." Without ef-

fective laws, government cannot secure greater liberty by protecting us from those who would prey upon us. As Alexander Hamilton noted in the very first Federalist Paper, it is often "forgotten that the vigor of government is essential to the security of liberty."

The government has simply not been vigorous enough in its efforts to secure for all citizens the most basic freedom—freedom from crime. Americans today do not feel free to walk the streets of their own communities, nor do they feel free from the threat of violence in their own homes. Far from being free, many Americans are imprisoned by fear of crime—a fear which the statistics demonstrate is all too real.

The incidence of crime—particularly violent crime—has reached crisis levels. In the last decade violent crime jumped eighty-five percent. In the time it takes to deliver my remarks this evening, an average of 50 violent crimes will be committed across the country. During that same period, over 400 property crimes will be committed. Last year one out of every three households in our Nation was victimized by some form of serious crime. And these dry statistics do not begin to tell the tale of human suffering caused by the criminal.

We in the federal government have been quite active over the past year trying to do something about this truly alarming situation. We recognize that law enforcement is largely a local problem, so we have stressed cooperation and coordinaton between federal officials and their state and local counterparts. I have directed each U.S. Attorney to form in his or her district a law enforcement coordinating committee to achieve this goal. I was able to attend the first meeting of the South Carolina law enforcement coordinating committee in Columbia last fall, and I can tell you from personal experience that the concept is important and is working. As part of our effort to improve the effectiveness of law enforcement, we have also increased the availability of federal training programs for state and local officials.

We have for the first time brought the resources and expertise of the FBI into the war on illegal drug trafficking, which breeds so much violent crime. We fully expect the new partnership between the FBI and the Drug Enforcement Administration to cause a truly significant reduction in the drug problem.

On the legislative front, we have been working closely with Senator Thurmond, chairman of the critical Senate Judiciary Committee, with responsibility for criminal reform measures. We have proposed a broad package of reforms which will, if enacted, help in the fight on crime. The most significant of these is the proposed Federal Criminal Code, which would completely modernize the confused and often out-moded body of federal criminal statutes. As Senator Thurmond has written, "It would be hard, indeed, to think of a more basic crime-control issue than reform of this country's criminal code. The administration of the law, as well as the people dealing with it, are all highly dependent upon the existence of rationally formulated criminal statutes." Passage of the Criminal Code would give us such a rationally formulated body of law.

We have also proposed modification of the exclusionary rule so that evidence obtained by officers in the reasonable good faith belief that they were acting in conformity to the Fourth Amendment would be admissible. In such a case the rationale of the rule—deterrence of unlawful conduct—simply does not apply. We have proposed comprehensive reform of the habeas corpus laws, to increase the finality of state court judgments in criminal cases. The current endless availability of review saps the deterrent effect that accompanies sure and swift punishment.

Criminal forfeiture legislation submitted by the Administration is pending which will permit us to get at the profits of crime. We recently supported career criminal legislation that would subject repeat offenders to federal law and tougher sentences. We have already succeeded in amending the Posse Comitatus law so that the military can aid in spotting drug traffic by air or sea. Our bail reform proposals would for the first time permit courts to deny bail to certain individuals whose release would clearly present a danger to the community. We support the enactment of a constitutionally valid death penalty for certain federal offenses. I am gratified to be able to say that Senator Thurmond has either sponsored legislation or actively supported our efforts in all of these areas.

In developing and proposing this broad array of reforms, we have been met at almost every turn by the reflexive accusation of some that our proposals would somehow infringe on civil liberties or individual rights. This is of course not the case, as I and other Department officials have explained in testimony, often before Senator Thurmond's Committee. Rather than dealing with every objection in turn tonight, however, I would like to consider the broader philosophical question implicit in the debate.

As a society we have focused so much on protecting the accused that we have lost sight of the purpose for which government itself was established—to protect citizens from those who would prey upon them. James Madison wrote in Federalist 51 that government must meet two basic challenges:

"In forming a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself."

In our focus on controlling the government, we have neglected the need for government to control the governed—that is, for the laws to be enforced vigorously to secure liberty by controlling those who would break the law. Let us be ever mindful of the need to safeguard individual liberty. But let us also recognize that the most basic individual liberty is freedom from violence, and that liberty can be secured only by effective and vigorous enforcement of the criminal laws. As Judge Learned Hand recognized fifty years ago: "Our dangers do not lie in too little tenderness to the accused . . . What we need to fear is the archaic formalism and the watery sentiment that obstructs, delays, and defeats the prosecution of crime."

The debate in the area of criminal law enforcement seems to have fallen into a rut. There is a disturbing tendency on the part of certain individuals and interest groups to view anything that promises to strengthen law enforcement as a threat to individual liberties. It is almost as if effective law enforcement and protection of individual liberties were viewed as competing components in a zero-sum game.

I do not believe that to be the case. What I would like to suggest this evening is that we need to rethink the time-worn battlelines in the debate on crime. Efforts to enforce the criminal laws more effectively and to bring more criminals to book should not be reflexively viewed as colliding with civil liberties. Rather, they must be recognized as efforts to secure the most basic civil liberty of personal security and safety, for which government itself was formed. Those self-proclaimed civil libertarians who do not recognize the need for more effective law enforcement to secure freedom from crime have a short-sighted view of liberty. Our liberty is ordered liberty—the only kind which can be attained—and it depends upon effective enforcement of the laws. The need for effective law enforcement if liberty is to prevail is what Edmund Burke had in mind when he wrote: "the restraints on men, as well as their liberties, are to be reckoned among their rights."

I would urge all of you to consider what you can do to help in the fight against crime. And I would urge all of you to recognize that strengthening law enforcement is not an idle exercise that inevitably infringes individual liberty, but an effort to attain for us all the security and safety necessary for the enjoyment of liberty. Government has no higher objective. Promoting more effective law enforcement is, I submit, the civil liberties issue of the eighties—for without more effective protection against crime, all our other liberties are hollow and meaningless.

John Calhoun, the South Carolina statesman born 200 years ago, once stood on the floor of the United States Senate and admonished his countrymen that "it is harder to preserve than to obtain liberty." Faced with this rising tyranny of crime, we must forge the protections necessary to preserve our liberty.

Today, another South Carolina statesman—Chairman Strom Thurmond—is helping to provide the leadership in the U.S. Senate necessary to restore the balance between the forces of law and the forces of lawlessness. With that kind of leadership, we surely will find the means to preserve the right of all Americans to life, liberty, and the pursuit of happiness. Government can and will fulfill its most basic domestic obligation to its citizens—ensuring their safety from crime.

GROUND ZERO WEEK

Mr. PELL. Mr. President, Sunday, April 18, marked the beginning of Ground Zero Week. Under the sponsorship of Ground Zero, a nonpartisan educational project, bike races, fasts, prayers, dances, seminars, and teach-ins, rallies, marathons, and other events are being held as part of a nationwide campaign to alert Americans to the dangers of nuclear war and the need to halt the nuclear arms race. According to Ground Zero, 10 million Americans in 750 cities and towns, in 450 college campuses, and in 1,000 high schools will participate. Their participation reflects the concern and fear which is steadily growing among Americans about the prospect of nuclear war between the United States and the Soviet Union.

The situation in which the United States and the Soviet Union now find themselves reminds me of a sailboat

race that I saw last summer in Rhode Island. As two large, powerful vessels converged on each other, people on observation boats sounded warnings. To my amazement and dismay, neither helmsmen heeded the warnings and, consequently, the boats collided. One of them was demasted and the other was severely damaged.

Just like those two sailboats, the United States and the Soviet Union are today on a collision course that could lead to nuclear war. An all-out nuclear war would be, in the words of Gen. David C. Jones, Chairman of the Joint Chiefs of Staff, "the greatest catastrophe in history by many orders of magnitude." I believe that we must, above all, avoid such a catastrophe. As policymakers, we must listen to the American people who have perceived this obvious danger of collision and who are desperately trying to warn us that we must take steps now to avoid the impending disaster.

American concern about nuclear war did not begin with Ground Zero Week. It has been developing for many months. On Veterans Day last year, a campaign to dramatize the dangers and consequences of nuclear war was mounted at 151 college campuses across the United States. Countless churches and other organizations have joined in organizing conferences to heighten public and official awareness of nuclear war. In recent months, I have been struck by the depth and breadth of feeling which has developed in my home State of Rhode Island on this issue. I have received a very large number of letters from Rhode Islanders expressing genuine fear about nuclear war. A great number of these were from young people—from students in grade schools, high schools, and colleges—who realize that their future and the future of their children and grandchildren is at stake.

Rhode Islanders are actively taking part in Ground Zero Week. For example the students of Brown University have been voting on a nuclear freeze and arms control referendum and yesterday, a disarmament rally was held on the college green. One of our local high schools, on Thursday, organized 20 seminars on various aspects of Soviet-American relations and nuclear war and weaponry. The students also saw a slide show, entitled "The Last Epidemic," which portrayed the effects of a nuclear attack on Providence, our State capital. These activities are part of the ongoing campaign among Rhode Islanders to prevent nuclear war.

Ours is a society which has traditionally cherished the life, rights, and accomplishments of the individual. A nuclear war between the United States and the Soviet Union would bring an end to our society as we know it, and in the words of Jonathan Schell in his book "Fate of the Earth," "create an abyss in which all human purposes would be drowned for all time." For far too long policymakers and defense planners in the East and the West have acted as if they seriously contemplated the use of nuclear weapons in a crisis. We do not have the right to this contemplation. Today, we do not have the luxury, as we had in 1898 when we fought the Spanish, of having a splendid little war with the Soviet Union at the nuclear level. Once the conflagration begins, there will be no way to limit the damage that ensues. Therefore, the challenge before us is to take action now. Only in this way will we be able to save future generations from a holocaust which will have almost unfathomable, and clearly unacceptable, effects.

I believe that the first and most crucial step is to bring an immediate halt to the nuclear arms race. Unless we act now in cooperation with the Soviet Union, a renewed arms race could lead to the nuclear war that we want so desperately to avoid. That is why I have joined a number of my colleagues in cosponsoring a resolution calling for a freeze on Soviet and American nuclear weapons to be followed by major, mutual and verifiable reductions in the nuclear arsenals of the two superpowers. It is clear that Americans are coming to view the freeze as an important first step in curbing the nuclear arms race. There are organized efforts on behalf of the freeze in 43 States and 279 House districts. In New England alone, profreeze resolutions have been passed at 309 town meetings.

I also believe that the United States and its NATO allies should adopt the policy of nonfirst use of nuclear weapons. In an era of United States-Soviet nuclear parity, it is simply not credible to threaten the use of nuclear weapons in a nonnuclear conflict. If such a threat were carried out, I am convinced that both sides would quickly escalate to an all-out exchange of nuclear weapons. In the process, everything that we have tried to preserve would be destroyed.

Jonathan Schell has characterized the 50,000 nuclear warheads in the world today as a "pit in which the whole world can fall—a nemesis of all human intentions, actions, and hopes." I believe that with determination, faith, and hope we can rid the world of this nemesis. The American people, through participation in Ground Zero Week and support of the freeze, the nonfirst use policy, and other measures—are reminding us that we have an urgent need and moral obligation to act. If we work together, I believe that we can set the course for a secure and stable peace and create a world in which future generations can live free from the fear of nuclear conflagration.

THE EQUAL ACCESS TO VOTING RIGHTS ACT ENDORSEMENTS

Mr. DURENBERGER. Mr. President, 2 weeks ago I introduced legislation to remove the physical barriers that prevent countless numbers of elderly and handicapped Americans from exercising the right to vote granted by the Constitution, and by the Voting Rights Act of 1964. That bill—S. 2334, the Equal Access to Voting Rights Act—is not an amendment to the Voting Rights Act. It is an entirely separate bill, a piece of implementing legislation designed to insure that the basic rights granted by that act are not thwarted by physical barriers, or the psychological barriers they create.

In the 2 weeks since the bill was introduced, a significant number of national organizations committed to voter participation, senior citizens' rights, and handicapped access have endorsed the bill. I am tremendously grateful for their help, and ask unanimous consent that these letters of endorsement be reprinted at this point in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL CENTER FOR HANDICAPPED RIGHTS, INC.,
Atlanta, Ga., April 15, 1982.

Hon. DAVID DURENBERGER,
Senator,
Washington, D.C.

DEAR SENATOR DURENBERGER: Members of the National Center for Handicapped Rights, Inc. (NCHR) would like to take this opportunity to thank you for sponsoring S. 2334, the "Voting Rights for the Elderly and the Handicapped Act". We wholeheartedly support this bill and will work with our resources to promote its passage.

Thousands of disabled persons are denied their right to vote, or are deterred from exercising their fundamental right to vote, due to a variety of barriers and inconveniences found at both registration and polling places. S. 2334 will provide a remedy for the problems which disabled persons encounter while attempting to vote throughout the Nation.

NCHR members addressed the voting problems in Georgia during 1980 by proposing legislation which now requires mandatory access to all voting polls by July 1, 1984. Since July 1980 we have been successfully working with state and local officials to bring about full compliance with the Georgia "Voting Access" law. The response to date by officials has been overwhelmingly positive in that election officials, poll managers, and others have assisted NCHR in conducting hundreds of voting poll surveys within Georgia's 159 counties. The survey results have formed the compliance guidelines which are being used to bring about full compliance by July 1, 1984.

Since S. 2334 was modeled in part after Georgia's "Voting Access" law, we feel confident that officials in other states will be equally enthusiastic to comply with the "Voting Rights for the Elderly and Handicapped Act" as they strive to provide the opportunity to vote to all citizens, irrespective of their physical limitations.

Historically, we realize that "full" citizenship has never been obtained by any group of Americans without first acquiring the right to vote. The same holds true whether we are speaking of women, minorities or disabled citizens. Passage of S. 2334 will signify an end to second-class citizen status for disabled Americans who want to live as all other citizens in the community with the same dignity, respect and social value.

We urge you to seek timely hearings on this bill so that the right to vote will become a reality for disabled persons as soon as possible. Thanks again for your many efforts on behalf of disabled persons.

Very truly,

JAMES L. CHERRY, J.D., Ph. D.,
President.

PARALYZED VETERANS OF AMERICA,
April 16, 1982.

Hon. DAVID DURENBERGER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DURENBERGER: On behalf of the members of Paralyzed Veterans of America, I sincerely appreciate your efforts to provide greater accessibility and opportunity for handicapped and elderly citizens to participate in the federal election process. Your introduction of S. 2334, the "Voting Rights for the Elderly and Handicapped Act," clearly indicates your understanding and concern regarding the obstacles faced by the over thirty-five million elderly and disabled Americans when they attempt to exercise their fundamental right to vote.

Paralyzed Veterans of America strongly supports your legislative proposal and believes that the passage of S. 2334 is essential if disabled and elderly citizens are to be full participants in American life. The provisions of the bill address and attempt to eliminate the many impediments that presently exist which create undue hardships for many individuals in exercising their franchise. By providing for barrier-free polling places and registration sites and affording necessary aids to voters, S. 2334, if it becomes law, will encourage and enable greater citizen participation in the federal election process.

Again, on behalf of Paralyzed Veterans of America and all disabled and elderly citizens, I strongly endorse your efforts in introducing the "Voting Rights for the Elderly and Handicapped Act." Hopefully, the Members of the Senate and House of Representatives will join with you in recognizing the importance and necessity of this legislative proposal and will work quickly in securing its passage.

Sincerely yours,

MICHAEL F. DELANEY,
National President.

NATIONAL REHABILITATION ASSOCIATION,
Washington, D.C., April 15, 1982.

Hon. DAVID DURENBERGER,
Russell Senate Office Bldg.,
Washington, D.C.

DEAR SENATOR DURENBERGER: The National Rehabilitation Association would like to thank you for introducing S. 2334, the Voting Rights for the Handicapped and the Elderly Act. This legislation, which would insure that handicapped and elderly individuals have an unrestricted opportunity to exercise their right to vote, has our wholehearted support.

S. 2334 addresses the provisions in current state voting laws which now discourage handicapped and elderly voters. For instance, many polling places present architectural barriers to voters in wheelchairs. S. 2334 would require that registration and polling places be accessible, either by locating them in buildings which already comply with federal accessibility requirements, or through the use of temporary, inexpensive structural additions.

S. 2334 also makes certain voting aids available to handicapped and elderly voters. For example, the oral instructions usually given at the polling place are of no help to the deaf voter. Written instructions, as required by S. 2334, provide a simple, low cost solution. In addition, paper ballots would be available for those unable to operate a voting machine, as well as absentee ballots for those unable to travel to the polls for reason of handicap or age. When needed, these voters would also be permitted to choose someone to assist them in voting.

Sensible, inexpensive requirements such as these will help insure that handicapped and elderly Americans enjoy the same opportunity to vote as other citizens. With a major election coming up in the fall, we are hopeful that Congress will move quickly toward passage of this legislation.

Sincerely,

DAN MCALEES,
President.

AMERICAN CIVIL LIBERTIES UNION,
Washington, D.C., 14 April 1982.

Re S. 2334.

Hon. DAVID DURENBERGER,
Russell Senate Office Building,
Washington, D.C.

DEAR SENATOR DURENBERGER: The American Civil Liberties Union supports S. 2334—the "Voting Access for the Handicapped and the Elderly Act" which you recently introduced. We commend you for your efforts in introducing this important legislation.

S. 2334 is sorely needed and long overdue. Currently, over thirty-five million disabled and elderly citizens face numerous barriers when they attempt to vote. Individuals in wheelchairs are commonly unable to enter the polling place because architectural structures prohibit their entry. Blind citizens are unable to vote because they cannot operate the voting machines. Deaf citizens find useless the oral instructions commonly used for registration and voting. Moreover, many individuals are prevented from using absentee voting procedures because of burdensome requirements such as obtaining a doctor's statement or a notarized ballot.

The bill takes simple measures to assure that the handicapped and elderly citizens of America are no longer effectively denied the right to vote. S. 2334 would enhance voting participation by making polling facilities accessible to wheelchairs; providing voting and registration aids, including large print instructions, paper ballots for those unable to operate voting machines; easier access to absentee ballots; and physical assistance in the voting booth. These procedures are simple to comply with and will cost little. With minimal effort Congress can take another step toward extending the fundamental right to vote to all citizens, including the handicapped and elderly.

Again, we commend your initiative on this important legislation.

Sincerely,

JOHN SHATTUCK,
Director.

MCACLD, INC.,
Rockville, Md., April 15, 1982.

Senator DAVID DURENBERGER,
Russell Senate Office Building,
Washington, D.C.

DEAR SENATOR DURENBERGER: The Executive Board of MCACLD, Inc., which represents approximately 500 families in Montgomery County, strongly endorses the Voting Rights for the Handicapped and the Elderly Act.

Section 4(a)(4) in particular, which deals with voting and registration aids, will be beneficial to our membership. Certain learning disabled adults—who, as a result of a reading disability, perceptual impairment, or visual motor problem now find it difficult or impossible to cast their ballots without assistance—would be able to "select a person of his or her choice to accompany such individual into the polling place to assist in the casting of the vote," and therefore find it possible to exercise this right and responsibility of citizenship.

Sincerely,

J. PATRICK REILLY,
President.

INSTITUTE FOR PUBLIC REPRESENTATION, GEORGETOWN UNIVERSITY LAW CENTER,
Washington, D.C., April 13, 1982.

Re Voting Rights for the Elderly and Handicapped Act (S. 2334, H.R. 6036).

Hon. DAVID DURENBERGER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DURENBERGER: I am writing on behalf of the Institute for Public Representation to express our strong support for the proposed Voting Rights for the Elderly and Handicapped Act. We noted your recent introduction of this legislation with interest and enthusiasm, and urge that you and your colleagues continue your work to ensure prompt consideration of this important legislation.

As you may know, several of the Institute's attorneys and interns have had the privilege of working with a number of citizens groups to analyze the voting access problems faced by handicapped and elderly persons. Among the problems our staff has seen documented are: 1) the inability of citizens in wheelchairs to enter polling places inaccessible because of architectural barriers; 2) the inadequacies of polling instructions furnished in oral form only, which cannot be utilized by deaf voters; and 3) the difficulties faced by disabled persons attempting to use state absentee voting procedures requiring submission of doctors' statements and/or notarization of their ballots.

We believe that your proposed legislation addresses these and other voting access problems in a thorough, fair, and practical way. The legislation includes cost-effective methods for resolving major access problems, and allows state and local voting officials the flexibility they need to guarantee all qualified citizens the right to vote.

On behalf of both the Institute for Public Representation and those citizens groups with whom we have been working, we thank you and your skilled staff for the initiative you have shown in introducing S. 2334. We hope that many other Senators and members of the House of Representatives will join you in seeking early hearings and prompt passage of this legislation in order to guarantee that all citizens, including disabled and elderly citizens, have an equal op-

portunity to exercise their fundamental right to vote.

Sincerely,

DOUGLAS L. PARKER,
Director

AMERICAN COALITION OF CITIZENS WITH DISABILITIES INC.,
Washington, D.C., April 9, 1982.

Senator DAVID DURENBERGER,
Russell Senate Office Building,
Washington, D.C.

DEAR SENATOR DURENBERGER: This letter, written on behalf of the American Coalition of Citizens with Disabilities (ACCD) is directed to you to express our enthusiastic wholehearted support of S. 2234, Voting Rights for the Handicapped and the Elderly Act. We convey our appreciation and commend you for your interest in leadership in sponsoring legislation designed to assure equal opportunity for disabled and elderly citizens in the exercise of the most important basic right under the Constitution and Bill of Rights, the right to vote.

ACCD is an umbrella organization representing virtually all disability groups through our national, state, and local member organizations and individual members. ACCD has 130 member organizations representing the interests of approximately 8 million disabled people.

The words, "Right to Vote", have been empty words for countless numbers of disabled and elderly citizens, who, by reason of architectural barriers and other impediments, have been disenfranchised of the basic right of citizenship. Stairways and steps and narrow entry ways in places of voter registration and the polls exclude many who are in wheelchairs, or have serious heart or respiratory conditions, or other conditions which impair walking. Visually impaired voters require reading assistance and assistance in manipulating the voting machines and completing paper ballots. Voters who are deaf require written, not oral, instructions. The conditions which prevent participation in the voting process for other disabled and elderly people are too numerous to be mentioned here.

The absentee ballot is not an acceptable solution. Many states require medical certificates or notary signatures, the cost of which is tantamount to a poll tax. Early absentee ballot submission requirements deprive the voter of the benefit of candidate information disseminated in the days and hours immediately prior to the election day.

Costs are nominal. There is no cost involvement in moving a registration place or polling place from an inaccessible location to a location that is accessible. Temporary and portable inexpensive ramps can be used and stored for further use, along with other election equipment.

ACCD initiated the activity that has lead to the introduction of this legislation and regards the measure as vital to the full participation of disabled and elderly citizens in our society.

Sincerely yours,

REESE H. ROBRAHAN,
Executive Director.

UNITED CEREBRAL PALSY ASSOCIATIONS, INC.,
Washington, D.C., April 12, 1982.

Senator DAVID DURENBERGER,
Russell Senate Office Building,
Washington, D.C.

DEAR SENATOR DURENBERGER: On behalf of United Cerebral Palsy Associations, Inc., I am writing to endorse S. 2334, the "Voting Rights for the Handicapped and Elderly Act." It is my understanding that you introduced this legislation on April 1, 1982.

UCPA, Inc., is an organization which is committed to enabling persons with cerebral palsy to reach their full human potential. Clearly, the ability to exercise one's right to vote is a fundamental liberty which must be enjoyed by all Americans. For this reason, we are pleased to endorse the thrust of S. 2334. Further, we appreciate your willingness to sponsor this legislation.

We look forward to working with you on this and other matters of importance to disabled persons. If the UCPA Governmental Activities Office can assist you, please let us know.

Sincerely,

KATHLEEN M. ROY,
Assistant Director.

GOODWILL INDUSTRIES OF AMERICA, INC.,
Washington, D.C., April 12, 1982.

Hon. DAVID DURENBERGER,
U.S. Senate
Washington, D.C.

DEAR SENATOR DURENBERGER: Goodwill Industries of America (GIA) adds its voice to that of many others in support of the Voting Accessibility Rights Act (S. 2334) for disabled and elderly Americans.

Goodwill's mission is to expand the employment opportunities and occupational abilities of disabled people, and others with special needs, through vocational rehabilitation and training. Although learning to be productive citizens is a major step toward building a healthy psyche, Americans with disabilities hold additional social, physical, and emotional needs which must be recognized before complete integration can take place.

Among those needs is the desire to exercise their full franchise as citizens—to vote. This is a fundamental right promised all American citizens, and yet those with mobility or sight or hearing problems are often discouraged from voting because polls are inaccessible or absentee voting procedures are long, tedious, and complex.

Although GIA is primarily concerned with integrating people with disabilities into the work force, we earnestly and strongly offer our support for S. 2334 because it enables people with disabilities additional opportunities to enter the mainstream of American life.

Thank you for your interest and sponsorship.

Sincerely,

DAVID M. COONEY.

LEAGUE OF DISABLED VOTERS,
Washington, D.C., April 7, 1982.

DEAR SENATOR DURENBERGER: One of the goals of the League of Disabled Voters is to encourage all eligible disabled people to register and vote in all elections. As you know, they can do so in numbers only if the places and procedures for voting and registering are accessible to them.

We are glad to be among the many national and community groups which sought your leadership in this effort. Many groups representing legal, civic, and civil rights and consumers who are handicapped are behind you in this cause.

In our view, action is needed now to assure hearings on your bill, and the one introduced in the House by Congressman Fish of New York.

We appreciate your leadership and that of others such as Senators Mathias and Ford who can help much to move this proposal to enactment.

Sincerely yours,

DURWOOD MCDANIEL,
President.

NATIONAL RETIRED TEACHERS ASSOCIATION, AMERICAN ASSOCIATION OF RETIRED PERSONS,
April 8, 1982.

Hon. DAVID DURENBERGER,
U.S. Senate,
Russell Senate Office Building,
Washington, D.C.

DEAR SENATOR DURENBERGER: On behalf of the thirteen million members of the National Retired Teachers Association and the American Association of Retired Persons, I would like to commend you for introducing the Voting Rights for the Elderly and the Handicapped Act. The Associations heartily endorse this legislation and hope that the Congress will do the same.

There is no justification for denying the vote to any subgroup of the American electorate—yet, effectively, access to the polls has been blocked for many elderly and disabled persons due to barriers not apparent to others. Voting sites which do not accommodate wheelchairs, for instance, have the effect of excluding a number of otherwise able voters, while voting instructions presented orally (instead of in writing) inadvertently discourage the deaf and hearing-impaired from participation. Still another problem for some elderly and handicapped voters has been cumbersome and confusing absentee ballot procedures.

The states vary widely in their requirements in all of these areas, and the result has been a patchwork pattern of voting booth accessibility for those whose mobility is restricted in some way. The legislation you have introduced will eliminate the barriers these individuals presently face at the polls and will encourage a fuller use of the franchise. Happily, the cost of implementing the Act will be minimal, since numerous accessible locations are already available, and since alterations, where needed, could be made on a temporary and therefore inexpensive basis.

Thank you again for your help in assuring full access to the electoral process for all American citizens.

Sincerely,

PETER W. HUGHES,
Legislative Counsel.

AMERICAN FOUNDATION FOR THE BLIND, INC.,
Washington, D.C., April 8, 1982.

Re S. 2334, Voting Rights for Handicapped and Elderly.

Hon. DAVID DURENBERGER,
Russell Senate Office Building,
Washington, D.C.

DEAR SENATOR DURENBERGER: Thank you very much for your efforts on behalf of the voting rights of the elderly and handicapped, in introducing S. 2334 on April 1, 1982.

The American Foundation for the Blind has expressed our strong support for this legislation in letters to the members of the Senate Committee on Rules and Administration, also to members of the Committee on House Administration in support of companion legislation H.R. 6036.

I am enclosing a copy of our letter, together with its enclosures. I hope you will let us know how we can be of further assistance.

With sincere appreciation,

BARBARA D. MCGARRY,
Specialist in Governmental Relations.

AMERICAN FOUNDATION FOR THE BLIND, INC.,
Washington, D.C., April 8, 1982.

Re Voting Rights for the Elderly and Handicapped Act (H.R. 6036, S. 2334).

DEAR—— ——: The American Foundation for the Blind wishes to express our strong support for the proposed Voting Rights for the Elderly and Handicapped Act, introduced on April 1, 1982, in identical form in both the House and Senate.

As indicated by the enclosed copy of AFB's "Disabled Voter's Guide", a compilation of state voting laws completed in October 1980, we are especially aware of wide variations in state statutes aiding the physically handicapped voter. There are many states, in fact, which still fail to meet the four criteria essential to the needs of the 500,000 legally blind or the 1,500,000 seriously visually imparied among our country's 35 million disabled citizens. These four criteria are:

1. registration assistance;
2. accessibility of polling places;
3. personal assistance in the voting booth; and
4. availability of absentee ballots for the severely disabled.

Under section 3 of the proposed legislation, a copy of which is enclosed, each of these criteria is addressed, with subsequent provision for enforcement. We also note that the question of minimal cost is addressed in section 2, by providing states with sufficient flexibility through utilizing temporary ramps where necessary, rather than installing costly permanent fixtures. As you know, Federal law already requires that buildings which house Federal programs or are built with Federal funds must be accessible to the handicapped; utilizing these buildings for registration sites and polling places could lower costs still further, as also provided in this legislation.

We would greatly appreciate your support of this legislation, through your cosponsorship and in expediting committee consideration. It is our hope, with reference to the attached list of Congressional primary dates, that enactment of this legislation might take place in time to accommodate at least the later primaries.

Thank you for your kind consideration.

Sincerely,

BARBARA D. MCGARRY,
Specialist in Governmental Relations.

Mr. DURENBERGER. The Equal Access to Voting Rights Act can be landmark legislation if we have the foresight and the courage to push it through the legislative process. It is my sincere hope that this bill will receive legislative action this year, and I urge all of my colleagues to help that process by joining as a cosponsor.

MESSAGES FROM THE HOUSE

At 11:11 a.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 828. An act for the relief of George G. Barrios, doctor of medicine, his wife Olga T. Cruz, and their children Kurt F. Barrios and Karl S. Barrios, and Katrina Adelaida Theresa.

ENROLLED BILLS SIGNED

At 11:23 a.m., a message from the House of Representatives, delivered by Mr. Berry, announced that the Speaker has signed the following enrolled bills:

S. 266. An act to amend title 38, United States Code, to promote greater sharing of health-care resources between the Veterans' Administration and the Department of Defense and to direct the Secretary of Defense and the Administrator of Veterans' Affairs to plan for the provision of health care by the Veterans' Administration during periods of war or national emergency to members of the Armed Forces on active duty; and for other purposes; and

S. 1093. An act for the relief of Sandra Reyes Pellecer.

The enrolled bills were subsequently signed by the President pro tempore (Mr. THURMOND).

At 1:33 p.m., a message from the House of Representatives, delivered by Mr. Berry, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2330) to authorize appropriations to the Nuclear Regulatory Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and section 305 of the Energy Reorganization Act of 1974, as amended, and for other purposes; agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. UDALL, Mr. BINGHAM, Mr. SEIBERLING, Mr. MARKEY, Mr. DINGELL, Mr. OTTINGER, Mr. MOFFETT, Mr. LUJAN, Mr. MARRIOT, Mr. BROYHILL, and Mr. MOORHEAD as managers of the conference on the part of the House.

The message also announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 448. Joint resolution to authorize and request the President to issue a proclamation designating April 25 through May 2, 1982, as "Jewish Heritage Week."

HOUSE BILL REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 828. And act for the relief of George G. Barrios, doctor of medicine, his wife Olga T. Cruz, and their children Kurt F. Barrios and Karl S. Barrios, and Katrina Adelaida Theresa; to the Committee on the Judiciary.

ENROLLED BILLS PRESENTED

The Secretary reported that on today, April 22, 1982, he had presented to the President of the United States the following enrolled bills:

S. 266. An act to amend title 38, United States Code, to promote greater sharing of health care resources between the Veterans' Administration and the Department of Defense and to direct the Secretary of Defense and the Administrator of Veterans' Affairs to plan for the provision of health care by the Veterans' Administration during periods of war or national emergency to members of the Armed Forces on active duty; and for other purposes; and

S. 1093. An act for the relief of Sandra Reyes Pellecer.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. McCLURE, from the Committee on Energy and Natural Resources:

Samuel Kenric Lessey, Jr., of New Hampshire, to be Inspector General of the U.S. Synthetic Fuels Corporation for a term of 7 years; and

Robert W. Gambino, of Virginia, to be Deputy Inspector General of the U.S. Synthetic Fuels Corporation for a term of 7 years.

(The above nominations were reported from the Committee on Energy and Natural Resources with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. HATCH, from the Committee on Labor and Human Resources:

James B. Wyngaarden, of North Carolina, to be Director of the National Institutes of Health.

(The above nomination was reported from the Committee on Labor and Human Resources with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HEINZ (for himself, Mr. LAXALT, Mr. HATCH, Mr. KENNEDY, Mr. DECONCINI, Mr. BAUCUS, Mr. DOMENICI, Mr. PERCY, Mrs. KASSEBAUM, Mr. COHEN, Mr. DURENBERGER, Mr. CHILES, Mr. GLENN, Mr. PRYOR, Mr. BURDICK, Mr. GARN, Mr. DIXON, Mr. STEVENS, Mr. FORD, Mr. MOYNIHAN, Mr. MITCHELL, Mr. ABDNOR, Mr. EAGLETON, Mr. INOUYE, Mr. EXON, Mr. HAYAKAWA, Mr. SCHMITT, Mr. JACKSON, Mr. METZENBAUM, Mr. MELCHER, Mr. DANFORTH, Mr. MATSUNAGA, and Mr. THURMOND):

S. 2420. A bill to protect victims of crime; to the Committee on the Judiciary.

By Mr. GLENN (for himself and Mr. CANNON):

S. 2421. A bill to establish the National Coordinating Council on Technical, Engineering, and Scientific Manpower and Education, and for other purposes; to the Committee on Governmental Affairs.

By Mr. INOUYE (for himself, Mr. GOLDWATER, Mr. MOYNIHAN, Mr. DURENBERGER, and Mr. HUDDLESTON):

S. 2422. A bill to provide for equitable sharing by the spouses of qualifying Central Intelligence Agency officers in benefits paid by the Central Intelligence Agency retirement and disability system; to the Select Committee on Intelligence.

By Mr. McCLURE:

S. 2423. A bill for the relief of the Aetna Insurance Co. and other insurance companies; to the Committee on the Judiciary.

By Mr. HEINZ (for himself, Mr. PACKWOOD, Mr. PRYOR, Mr. BURDICK, and Mr. MELCHER):

S. 2424. A bill to amend the Internal Revenue Code of 1954 to allow a credit against tax for expenses incurred in the care of elderly family members; to the Committee on Finance.

By Mr. ROTH:

S. 2425. A bill to amend the Internal Revenue Code of 1954 to clarify certain requirements which apply to mortgage subsidy bonds, to make tax-exempt bonds available for certain residential rental property, and for other purposes; to the Committee on Finance.

By Mr. HELMS (by request):

S. 2426. A bill to clarify and extend the authority of the Secretary of Agriculture to collect fees to cover U.S. Government costs incident to the issuance of phytosanitary certificates with regard to plants and plant products intended for exportation and for the testing, certification, inspection, and quarantine of import and export animals and certain products and materials; to the Committee on Agriculture, Nutrition, and Forestry.

S. 2427. A bill to authorize civil penalties for violations of various laws for preventing the introduction and dissemination of livestock and poultry diseases, plant diseases, and plant pests; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MATHIAS:

S. 2428. A bill to amend title 18 of the United States Code to strengthen the laws against the counterfeiting of trademarks, and for other purposes; to the Committee on the Judiciary.

By Mr. DeCONCINI (for himself and Mr. DOMENICI):

S. 2429. A bill to direct the Administrator of General Services to acquire copper for the national defense stockpile; to the Committee on Armed Services.

By Mr. DANFORTH (for himself, Mr. PACKWOOD, Mrs. KASSEBAUM, Mr. PERCY, Mr. DIXON, Mr. EXON, and Mr. CANNON):

S. 2430. A bill to provide authorization of appropriations for railroad rehabilitation and improvement financing, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CHAFEE:

S. 2431. A bill to amend and extend the Solid Waste Disposal Act, as amended, for 2 years; to the Committee on Environment and Public Works.

By Mr. CHAFEE (for himself, Mr. STAFFORD, Mr. RANDOLPH, and Mr. MITCHELL):

S. 2432. A bill to amend and extend the Solid Waste Disposal Act, as amended, for 2 years; to the Committee on Environment and Public Works.

By Mr. HEINZ:

S. 2433. A bill to establish victim compensation fund; to the Committee on the Judiciary.

By Mr. CRANSTON:

S.J. Res. 191. Joint resolution to achieve a nuclear freeze and reductions; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. McCLURE (for himself and Mr. SYMMS):

S. Res. 371. Resolution to refer the bill, S. 2423, entitled "A Bill for the Relief of Aetna Insurance Co., and other Insurance Companies" to the Chief Commissioner of the U.S. Court of Claims; to the Committee on the Judiciary.

By Mr. STEVENS (for Mr. BAKER (for himself and Mr. ROBERT C. BYRD)):

S. Res. 372. Resolution to authorize production of documents in *Rose Hall, Ltd., et, al.* v. *Chase Manhattan Overseas Banking Corp. and Holiday Inns, Inc.*, C.A. No. 79-182; considered and agreed to.

S. Res. 373; Resolution authorizing production of documents by the Senate Permanent Subcommittee on Investigations; considered and agreed to.

By Mrs. HAWKINS (for herself, Mr. CHAFEE, Mr. MATTINGLY, Mr. QUAYLE, Mr. ABDNOR, Mr. LUGAR, Mr. ANDREWS, Mr. DURENBERGER, Mr. STEVENS, Mr. PRYOR, Mr. STENNIS, Mr. BURDICK, Mr. NUNN, Mr. BOREN, and Mr. MITCHELL):

S. Con. Res. 82. Concurrent resolution expressing the sense of the Congress that the people of the United States should observe the month of May 1982 as Older Americans Month; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HEINZ (for himself, Mr. LAXALT, Mr. HATCH, Mr. KENNEDY, Mr. DeCONCINI, Mr. BAUCUS, Mr. DOMENICI, Mr. PERCY, Mrs. KASSEBAUM, Mr. COHEN, Mr. DURENBERGER, Mr. CHILES, Mr. GLENN, Mr. PRYOR, Mr. BURDICK, Mr. GARN, Mr. DIXON, Mr. STEVENS, Mr. FORD, Mr. MOYNIHAN, Mr. MITCHELL, Mr. ABDNOR, Mr. EAGLETON, Mr. INOUYE, Mr. EXON, Mr. HAYAKAWA, Mr. SCHMITT, Mr. JACKSON, Mr. METZENBAUM, Mr. RIEGLE, Mr. MELCHER, Mr. DANFORTH, and Mr. MATSUNAGA):

S. 2420. A bill to protect victims of crime; to the Committee on the Judiciary.

(The remarks of Mr. HEINZ on this legislation appear earlier in today's RECORD.)

By Mr. GLENN (for himself and Mr. CANNON):

S. 2421. A bill to establish the National Coordinating Council on Technical, Engineering, and Scientific Manpower and Education, and for other purposes; to the Committee on Governmental Affairs.

NATIONAL ENGINEERING AND SCIENCE MANPOWER AND EDUCATION ACT OF 1982

Mr. GLENN. Mr. President, on behalf of myself and my distinguished colleague, Senator CANNON, I rise to introduce the National Engineering and Science Manpower and Education Act of 1982.

The recipe that led to the success of America as a world power rests upon four major ingredients: A rich pool of human resources from which the builders of America have come; a system of universal education so that every person can obtain the fundamental tools that he or she needs in order to fulfill his or her human potential, including the potential to make significant contributions to knowledge through research; a free society and a free enterprise system that nurtures the human spirit and provides for new ideas to be translated into new products and new services for the benefit of all our people; and an abundance of natural resources to draw upon in realizing our productive capacity.

We have done well, particularly in this century. In less than 100 years we have gone from being a technological backwater, to being the most advanced technological nation on Earth. The lesson is out there for all to learn. If nations wish for economic success, for an increase in the standard of living of their people, for enhanced national security, then technological development is the road to take. The result is not too surprising—we are now in a worldwide competition for leadership in technological development across a broad range of industrial areas. The maintenance of our own economic health and security demands that we not falter in this competition.

In previous statements on the floor of the Senate—December 11, 1981, March 4, 1982, and March 22, 1982—I have documented a trend toward decline in the relative position of the United States vis-a-vis some of the other industrialized countries in research, development, and productivity. Of particular concern to me are the growing deficiencies in our education system that must be overcome if we are to effectively meet the international challenge.

Let us examine the magnitude of the problem we may be faced with a few years down the road. Last year, the American Electronics Association conducted a national survey of its members asking them to project their technical work force needs in 21 job categories through 1985. Approximately one-third of the entire industry responded in the survey. Now, I recognize the flaws that are associated with forecasting of this kind, especially in an industry where optimism runs rampant. However, we can certainly look at the figures that came out of

that survey as a worst-case possibility and in that case, we see the following results:

There will be a need for an additional 113,000 technical-professionals in light-job categories—that is an increase over current staff of 76 percent.

There will be a need for an additional 140,000 technical-paraprofessional in 13 job categories—an increase over current staff of 102 percent.

The projections through 1985 for degrees to be awarded in the area of electrical engineering and computer science from all U.S. colleges and universities will be about 70,000 graduates. The demand, based on the survey, will be for nearly 200,000 graduates, thus the shortfall between supply and demand for computer engineers and for electronic engineers will be about 25,000 annually. That means that to meet the needs of the electronics industry alone, the engineering schools would have to triple their output of electrical engineering and computer science engineers each year for the next 5 years.

I suggest, Mr. President, that even if the shortfall is only a fraction of this we could still be in serious difficulty. It is important to understand that shortfalls are not our only manpower problem in the area of science and engineering. There are technical areas in which surpluses have occurred and in which underutilization of technical talent is the rule rather than the exception. A recent survey of the membership of the Institute for Electrical and Electronic Engineers revealed that this problem is as serious to some people as the problem of shortages may be to others. Regardless of the extent of shortages of technical personnel and where such shortages actually may be, there is no denying the fact that whereas the United States graduated 58,000 engineers in 1980, the Japanese, with half our population, graduated 74,000 engineers, and the Soviet Union is reputed to have graduated 300,000 engineers. It should be noted that approximately 70 percent of Soviet graduate students are enrolled in science and engineering fields, whereas the most recent data suggests that only about 20 percent of U.S. graduate students are in science and engineering, mostly the former.

Our system is failing to provide sufficient incentives for young people to go on to graduate study in science and engineering fields. Low stipends for graduate fellowships, poor salaries for university professors, and obsolete laboratory equipment are turning American science and engineering graduates to private industry which offers high pay and state-of-the-art equipment with which to work. The result—46 percent of our engineering Ph. D.'s in the United States in 1980 were foreigners and two-thirds of those were here on temporary visas. It is estimated that 10 to 15 percent of the total number of engineering faculty positions in the United States are currently unfilled. Using electrical engineering as an example, we had 490 fewer master's degrees in electrical engineering awarded in 1980 than in 1970, and 356 fewer Ph. D.'s in electrical engineering awarded in 1980 than in 1970, a decrease of 40 percent. Similar figures are available for other fields of engineering, making it apparent that the current faculty shortfall is going to be perpetuated in future years.

Mr. President, some of those problems are going to be alleviated, to some extent, by cooperation between industry and universities. Graduate fellowship programs are being or have been set up by various companies and associations including EXXON, IBM, DuPont, the Semiconductor Industries' Association, and others. Cooperative arrangements allowing faculty to have access to industry state-of-the-art equipment for research purposes are blossoming in some places. Other initiatives involving the establishment of endowed chairs and adjunct professorships are proceeding. Yet I think it is important to note that despite all this activity, it is a drop in the bucket in comparison to the need. And, ultimately, the need must be met from the pool of young people who have made a decision to enter science and engineering careers. That means, Mr. President, that it is the precollege school system, the primary and secondary schools, that must provide at least some of the motivating force that causes young people to choose such careers. It is here that the weakest link in the chain has been forged. In 1979 the President of the United States required the Director of the National Science Foundation and the Secretary of Education to submit to him a report concerning the state of science education in the United States. That report indicated that a serious crisis exists today. The report said that we are slipping in our ability to attract and properly train sufficient scientists and engineers of the highest quality; that the business, political, educational, and other nonscientist leaders in the Nation are not receiving an education in science and mathematics appropriate to the times and to the kinds of problems and issues they face in their everyday work; that our security and our economic health are being undermined by our failure to produce high school graduates who are well enough educated in science and mathematics to meet the needs of the Armed Forces and the industrial and public service enterprises; and that the gap between the public understanding of science and technology and the requirements of citizenship in a participatory democracy is wide and growing.

Mr. President, a recent study of State-legislated curricula shows that only half the States in the United States require at least one science course before high school graduation, five require two or more courses, and the rest mandate none. In seven States the mandated course is physiology, and in five States health and hygiene courses satisfy the science requirement.

Teachers receive very little continuing education in science and mathematics. Low salaries and poor working conditions have created an extreme shortage of high school teachers of science and mathematics. In a recent interview in the New York Times, the dean of science at the City College of New York pointed out that in the State of Connecticut last year, there were no graduates produced that were equipped to teach high school science. In the State of Minnesota only one such graduate was produced. It is not surprising, therefore, to find that there is only one certified physics teacher for every two high schools in the city of Chicago. Meanwhile, students in Germany, Japan, and the Soviet Union receive a much heavier emphasis on science and mathematics in their primary and secondary schools and, as a result, graduates of secondary schools in those countries are much better prepared than graduates of American high schools to deal with technical matters, and to enter the technical work force. It is any wonder then that only 6 percent of American undergraduate students major in engineering, whereas in Japan it is 20 percent, and in Germany 35 percent?

Yet, at the very time when it is becoming more and more apparent that we have a serious problem with respect to technical, scientific, and engineering manpower, and with respect to our educational system, the Federal Government, instead of moving ahead with programs and support to bolster the educational system and to meet our needs, is retreating and appears to be about to abandon altogether any serious effort to help upgrade the quality of American science education. Funds for the science education division of the National Science Foundation for fiscal year 1983 have been eliminated except for $15 million for graduate fellowships. The Director of NSF, Dr. John Slaughter, has accordingly disestablished the Science Education Division and is instead contemplating naming a commission to deal with the problem.

In my view, Mr. President, nothing short of a statutorily mandated effort by the Federal Government to deal with this problem will do. We need a national policy on technical, scientific, and engineering manpower and education and a mechanism for implementing it.

Mr. President, the bill I am introducing today, the National Engineering and Science Manpower and Education Act of 1982, creates a special coordinating council on engineering and science manpower and education within the National Science Foundation reporting directly to the National Science Board. The Council is authorized to collect and analyze data in order to monitor and assess the needs for technical, engineering, and scientific personnel including educators at all levels for industry, academia, the military, and the Government. The Council will also coordinate all Federal efforts in the area of science and engineering, manpower, and education. In addition, the Council has the responsibility to encourage high quality of scientific and mathematical education at the primary and secondary school levels and to promote opportunities designed to introduce young people to technical, engineering, and scientific careers. The Council's activities are to be carried out within the framework of a policy statement which declares that it shall be the continuing policy of the United States to:

First, maintain an adequate and efficiently employed supply of technical, engineering, and scientific personnel in accordance with the need for insuring the scientific, technological, and economic strength and security of the Nation; and

Second, encourage the availability of sufficient human, educational, and material resources to maintain an adequate supply of qualified educators in science and mathematics at the precollege, collegiate, and graduate levels.

In carrying out its responsibilities, the Council will establish goals and devise strategies to meet those goals. Such goals and strategies will be contained in an annually updated plan called the national technical manpower and education plan.

The implementation of the national technical manpower and education plan would be financed through a special engineering and science manpower and education fund, with the latter administered by the chairman of the Council under the policy direction and authority of the Council and through any other Federal agency which may be designated by the President for that purpose. Moneys for grants from the fund are expended through a system of matching grants on a 1-to-1 basis with such other private or public sector funds as may be made available. The fund is established for a period of 5 years after enactment and the continuance of the fund beyond such period requires the specific authorization of the Congress.

The bill requires that the first annual report of the Council, including the first national technical manpower and education plan to be submitted to the Congress no later than December 31, 1983.

The engineering and science manpower and education fund is authorized at the level of $5 million for fiscal year 1983, and $50 million for each of the fiscal years 1984, 1985, 1986, and 1987.

Mr. President, I recognize that there is much discussion that needs to take place before the Congress takes as important a step as the establishment of the Council and the fund which are contained within this bill. My intent in introducing the bill is to raise the visibility of this most important issue, to indicate that a substantial Federal role is needed in this area, and to get the debate going that will lead to a consensus position on precisely what the Federal role ought to be.

We cannot afford to wait or be complacent. Action is needed if we are to halt the erosion of our store of human and educational resources that have made America the great Nation it is. If we do not make the investment and the effort to produce the technical, scientific, and engineering manpower that we are surely going to need in great numbers in the future, we will one day look back with regret at this time and mark it as the time when the United States began its slide into becoming a second-rate technological power. Nothing less than our future economic health and national security are at stake.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2421

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Technical, Engineering, and Scientific Manpower and Education Act of 1982".

FINDINGS

SEC. 2. The Congress finds that—

(1) technical, engineering, and scientific manpower and education is an integral part of the Nation's economic and security needs, and is necessary for the maintenance and enhancement of the Nation's international economic competitiveness;

(2) there is a pressing need for trained technical manpower for the Nation's academic institutions, industries, and military, particularly in such high technology fields as electronics, information systems, and energy;

(3) in the past decade, there has been a continuing decline in the level of scientific and mathematical skills of primary and secondary school students;

(4) such decline is incompatible with rising needs for a technically skilled work force and armed forces;

(5) such decline is also incompatible with the development of a scientifically and technologically literate population, which is necessary for the appropriate formulation and realization of national economic and social objectives in a democratic society;

(6) there is a need for improving the quantity and quality of graduate engineering researchers and faculty;

(7) the Nation is failing to attract sufficient numbers of minorities and women to technical, engineering, and scientific fields, and is thereby failing to take proper advantage of all of the Nation's human resources;

(8) there are potential national shortages of trained personnel in scientific, engineering, and technical fields as Federal support for research and education is reduced; and

(9) the United States should have a comprehensive policy regarding the Federal role in technical, engineering, and scientific manpower and education.

POLICY

SEC. 3. The Congress declares that it shall be the policy of the United States to—

(1) maintain a competent employment force of technical, engineering, and scientific personnel in order to meet the need for ensuring the scientific, technological, and economic strength and security of the Nation; and

(2) encourage the availability of sufficient human and material resources to maintain an adequate supply of qualified precollege, college, and graduate educators in science and mathematics.

POLICY IMPLEMENTATION

SEC. 4. (a) The President shall take all actions which may be necessary to coordinate the activities of all executive agencies in carrying out the policy described in section 3, including actions to—

(1) set appropriate objectives in carrying out such policy and identify the technical, engineering, scientific, and educational human resource needs necessary to attain such objectives;

(2) establish and maintain an annual assessment of the short-term and long-term technical, engineering, scientific, and educational human resource needs of the United States; and

(3) disseminate the assessment required by paragraph (2) promptly and facilitate coordination of public and private sector efforts aimed at satisfying the needs identified pursuant to paragraph (1).

(b) Each executive agency shall establish, and cooperate with State and local governments and private organizations in establishing, such programs and activities for the training and education of technical, engineering, and scientific personnel as may be necessary to carry out the functions of such agency. All such programs and activities shall be reviewed by the Director of the Office of Science and Technology Policy and shall be coordinated by the Council.

NATIONAL COORDINATING COUNCIL ON TECHNICAL, ENGINEERING, AND SCIENTIFIC MANPOWER AND EDUCATION

SEC. 5. (a) There is established in the National Science Foundation a National Coordinating Council on Technical, Engineering, and Scientific Manpower and Education. The Council shall report directly to the National Science Board.

(b) The Council shall be composed of sixteen voting members, as follows:

(1) the Chairman appointed under subsection (c);

(2) three individuals representing high technology industries;

(3) three individuals representing the Nation's academic installations;

(4) three individuals representing the precollege vocational training, science, and mathematics teaching professions;

(5) a representative of the National Governor's Association;
(6) the President of the National Academy of Sciences;
(7) the Director of the Office of Science and Technology Policy;
(8) the Director of the National Science Foundation;
(9) the Chairman of the National Science Board; and
(10) the Under Secretary of Defense for Research and Engineering.

(c) There shall be a Chairman of the Council, who shall be appointed by the President by and with the advice and consent of the Senate. The Chairman shall serve at the pleasure of the President.

(d) The members of the Council described in paragraphs (2), (3), and (4) of subsection (b) shall be appointed by the Chairman of the Council for a term of three years, except that—

(1) any member appointed to fill a vacancy shall serve for the remainder of the term for which his predecessor was appointed, and

(2) of the members first taking office—

(A) three shall serve for terms of one year;

(B) three shall serve for terms of two years; and

(C) three shall serve for terms of three years; as designated by the Chairman at the time of appointment.

(e) A majority of the voting members of the Council shall constitute a quorum, but a lesser number may conduct hearings. Any vacancy in the Council shall not affect its powers but shall be filled in the same manner in which the original appointment was made.

(f) The Council shall be composed of eight nonvoting, ex officio members, as follows:

(1) the President of the American Association for the Advancement of Science;
(2) the President of the American Association of Engineering Societies;
(3) the Executive Director of the Engineering Manpower Commission;
(4) the Executive Director of the Scientific Manpower Commission;
(5) the Director of the Division of Science Resources Studies of the National Science Foundation;
(6) the Commissioner of the Bureau of Labor Statistics of the Department of Labor;
(7) the Assistant Secretary for Employment and Training of the Department of Labor; and
(8) the Assistant Secretary for Vocational and Adult Education of the Department of Education.

(g) Each member of the Council described in paragraphs (2), (3), and (4) of subsection (b) shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level III of the Executive Schedule under section 5314 of title 5, United States Code, for each day (including traveltime) during which such member is engaged in the actual performance of duties as a member of the Council. Each member shall be reimbursed for travel, subsistence, and other necessary expenses incurred by such member in the performance of duties as a member of the Council.

RESPONSIBILITIES AND AUTHORITIES OF THE COUNCIL

SEC. 6. (a) The Council shall—

(1) monitor and assess the need for trained technical, engineering, and scientific personnel, including educators at all levels, for industry, academia, the military, and the Government;

(2) develop mechanisms to coordinate Federal efforts in technical, scientific, and engineering manpower and education and ensure that executive agency efforts reinforce and support State, municipal, and private sector efforts;

(3) cooperate, as may be necessary, with the Office of Science and Technology Policy, the National Science Board, the Office of Management and Budget, and other executive agencies in reviewing all Federal programs in technical, engineering, and scientific manpower and education;

(4) encourage high quality scientific and mathematical education at the primary, secondary and higher education levels and promote opportunities designed to introduce young people to technical, engineering, and scientific careers;

(5) encourage access into the technical, engineering, and scientific fields for minorities and women;

(6) assist in the preparation of such long range technical manpower assessments and policy recommendations as are required or authorized by the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 et seq.); and

(7) prepare annually a National Technical Manpower and Education Plan which shall identify the goals and strategies to be used by the Council in carrying out paragraphs (1) through (6).

(b) In carrying out its responsibilities under this section, the Council may—

(1) appoint and compensate not more than eight staff personnel, without regard to the provisions of title 5, United States Code, governing appointments in the competitive services, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classifications and the General Schedule pay rates;

(2) use the personnel of any executive agency, with the consent of such agency, with or without reimbursement, as the Council may consider necessary to carry out this Act;

(3) procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code;

(4) accept reimbursement from any private organization, from any executive agency, or from any State or local government, for reasonable travel expenses incurred by any member or employee of the Council in connection with the attendance of such member or employee at any conference, seminar, or similar meeting;

(5) notwithstanding section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)), utilize voluntary and uncompensated services in carrying out this Act;

(6) formulate and enter into contracts for such studies, analyses, and assessments as it may consider necessary in carrying out this Act, to such extent or in such amounts as may be provided for in appropriation Acts;

(7) enter into contracts necessary for its operation to such extent or in such amounts as may be provided for in appropriation Acts;

(8) publish or arrange to publish such information as it may consider useful to the public and private sector consistent with the purposes of this Act;

(9) prescribe such rules and regulations as may be necessary to carry out this Act; and

(10) exercise such authorities as may be necessary for and incidental to carrying out its other responsibilities and duties under this Act.

ESTABLISHMENT OF TECHNICAL, ENGINEERING, AND SCIENTIFIC MANPOWER AND EDUCATION FUND

SEC. 7. (a) In order to further the national development of adequate and necessary technical, engineering, and scientific manpower and education resources, there is established a Technical, Engineering, and Scientific Manpower and Education Fund.

(b)(1) The Fund shall be available—

(A) in the first year after enactment of this Act to pay the costs of activities needed to prepare the first National Technical Manpower and Education Plan, including the collection and analysis of data on the supply and demand of the technical, engineering, and scientific manpower and education needs of the United States and of any other information needed by the Council to produce such Plan, and

(B) after the first year, to pay the Federal share of such research, fellowships, grants, capital equipment, salaries, instrumentation, and other activities as the Council considers to be necessary in carrying out this Act,

in accordance with the provisions of this section.

(2) The Federal share of carrying out any application for financial assistance under this section shall not exceed 50 percent.

(C) The Fund shall be administered by the Chairman of the Council under the policy direction and authority of the Council and through any other executive agency which may be designated by the President for that purpose. In directing the policies, priorities, and goals of the Fund, the Council shall take into account the current status and forecasts of supply and demand for skilled technical manpower in each discipline or specialty.

(d) The Council shall review and approve any obligation or expenditure of moneys through the Fund that exceeds $500,000 to an institution or $200,000 to an individual.

(e) The Fund shall terminate five years after the date of enactment of this Act.

REPORTING REQUIREMENTS

SEC. 8. By December 31, 1983, and annually thereafter, the Council shall prepare and transmit a report to the Congress, which shall include—

(1) a statement of the funds obligated and expended from the Fund;

(2) a listing and brief description of all research, fellowships, grants, capital equipment, instrumentation, and other items used by the Council in carrying out this Act;

(3) a description of the state of the Nation's engineering, technical, and scientific manpower and education resources, including information on the regional and skill distribution of the technical work force;

(4) legislative recommendations for appropriate incentives to develop adequate technical, engineering, and scientific personnel to meet the needs of the Nation; and

(5) the National Technical Manpower and Education Plan required under section 6(a)(7) for the succeeding year.

SALARY OF CHAIRMAN

SEC. 9. Section 5313 of title 5, United States Code, is amended by adding at the end thereof the following:

"Chairman, National Coordinating Council on Technical, Engineering, and Scientific Manpower and Education.".

DEFINITIONS

SEC. 10. For purposes of this Act—

(1) the term "Council" means the National Coordinating Council on Technical, Engi-

neering, and Scientific Manpower and Education established by section 5 of this Act;

(2) the term "Fund" means the Technical, Engineering, and Scientific Manpower and Education Fund established by section 7 of this Act; and

(3) the term "executive agency" has the same meaning as in section 105 of title 5, United States Code.

AUTHORIZATION OF APPROPRIATIONS

SEC. 11. (a) There are authorized to be appropriated to carry out the provisions of this Act (except section 7) $1,000,000 for fiscal year 1983, and such sums as may be necessary for the succeeding fiscal years.

(b) There are authorized to be appropriated to the Technical, Engineering, and Scientific Manpower and Education Fund $5,000,000 for fiscal year 1983, and $50,000,000 for each of fiscal years 1984, 1985, 1986, and 1987.

By Mr. INOUYE (for himself, Mr. GOLDWATER, Mr. MOYNIHAN, Mr. DURENBERGER, and Mr. HUDDLESTON):

S. 2422. A bill to provide for equitable sharing by the spouses of qualifying Central Intelligence Agency officers in benefits paid by the Central Intelligence Agency retirement and disability system; to the Select Committee on Intelligence.

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM SPOUSES EQUITY ACT

● Mr. INOUYE. Mr. President, on behalf of Senator GOLDWATER, and accompanied by Senators MOYNIHAN, DURENBERGER, and HUDDLESTON as cosponsors, I rise to introduce the Central Intelligence Agency Retirement and Disability System Spouses' Equity Act. This act would provide for equitable sharing by the spouses of qualifying Central Intelligence Agency officers in benefits paid from the Central Intelligence Agency retirement and disability system.

The CIARDS system, which provides for improved retirement and disability benefits for qualifying CIA employees, has been made available to certain employees of the Agency due to the nature of their work, usually involving difficult periods of service abroad. The act would recognize that such service to the country, rendered by CIA officers, often involves the dedicated support of their spouses. These spouses are called upon to serve in posts overseas, subject to frequent transfers and often difficult and sometimes dangerous conditions, as part of a joint effort with the Agency employees to whom they are married to further vital foreign policy objectives of the United States.

This legislation would recognize in a small but important way the significance of this service, to help to insure that this class of people are protected later in life regardless of their marital circumstances at that time. The act would create no significant additional financial obligations for the U.S. Government. It would provide for proportional sharing by qualified former spouses of the retirement benefits of CIA officers participating in CIARDS.

THE CIRCUMSTANCES OF THE SPOUSES OF CIA OFFICERS IN CLANDESTINE SERVICE ABROAD

Mr. President, I need not dwell in great detail about some facts of which we are all well aware. The prevalence of divorce in our country is increasing with changing attitudes toward marriage and personal fulfillment. Increasingly, divorces are granted in accordance with a "no fault" model in which it is sufficient for the party seeking divorce to demonstrate his or her personal incompatibility with the marriage partner.

While divorces have thus become easier to obtain, there has not necessarily been an accompanying development of legal concepts to provide for divorced spouses. Especially in traditionally oriented families in which the husband has had primary wage-earning responsibilities and the wife child-rearing and housekeeping duties, easier divorce has often worked disadvantages on women who have sacrificed their own career opportunities and personal development in order to fulfill their commitments to their husbands and families. For these women, access to the courts and the availability of divorce judgments has not always provided the security, especially later in life, that they had expected based on their traditional service to their families. As a result of this situation, several Federal systems of retirement benefits—including the Foreign Service and civil service systems—have been amended to make automatic payments to qualified former spouses or at least to make such benefits provided to the participant accessible to their former spouses through judicial action or legal settlements or other agreements.

Even more than in the ordinary case, the spouses of CIA officers serving in a clandestine capacity provide valuable support to their families and to their partner's professional service, as well as make great personal sacrifices. I will discuss several factors which illustrate this situation:

The spouses of CIA officers in clandestine service are routinely located abroad for long periods of time and are subject to continual transfers. They are required to live without the personal and social support groups that would often be available to spouses located within the United States. Because of the nature of their service, some such spouses may not even be able to avail themselves of the social connections provided by American consular and diplomatic staff.

As a result of their foreign location and frequent transfers, such spouses often forgo the opportunities for personal and professional development that are available to others. Living in foreign countries and moving from place to place may make finding a job difficult. Employment abroad for such spouses may be legally barred or unavailable. Even when employment is obtained, its short-term nature may make normal career advancement, as well as participation in retirement plans, impossible. Employment of a spouse in connection with activities at a CIA station abroad may be subject to nondisclosure agreements that prevent it from being included in personal résumés and similar forms of professional documentation. Also, certain occupations—such as writing—may be effectively foreclosed because they would tend to endanger the clandestine nature of the CIA officer's activities by increasing the visability of the couple or even compromising certain information about the CIA officer's activities.

The spouse of a CIA officer in clandestine service also may provide more support to the officer, the family, and the country than do others. If the officer is under diplomatic cover, the spouse may be called upon to provide domestic and other services in connection with the diplomatic mission. It has been estimated, by the Association of American Foreign Service Women, that the total hours spent in such service per month may amount to fully 127 hours or more. But the spouse of a CIA officer may be obligated to provide such services in addition to others, which are often also substantial, specifically connected with CIA activities.

A CIA spouse may have special social and personal obligations resulting from CIA activities under cover. Such activities may place special personal demands on the spouse. The occurrance of clandestine activities may cause the spouse special problems in the management of the household.

While spouses may not become directly involved in clandestine activities, situations may arise when the nature of the activities undertaken inevitably affects the officer's spouse and family. Spouses and sometimes entire families are subject to social pressures resulting from the secrecy that the officer's work entails. There is also the inevitable fear by the spouses for the physical safety of their partners.

Occasionally officers in clandestine service become exposed, with unavoidable effects on the entire family. Some exposures have occurred in recent years due to the "naming of names" of purported intelligence officers by persons deliberately involved in compromising U.S. intelligence activities abroad; the Congress has recently moved to protect intelligence officers from exposure in this fashion through passage of the Intelligence Identities Protection Act of 1982.

In many ways, the situation of the spouses of CIA officers in clandestine

service abroad resembles that of the spouses of Foreign Service officers. If anything, the circumstances of the CIA spouse may be even more severe and his or her contribution to the family, the officer, and the country even more significant. In recognition of the unique service provided by Foreign Service spouses, Congress in 1980 passed section 814 and related provisions of the Foreign Service Act to provide for equitable sharing by qualified former spouses of Foreign Service officers in the special retirement benefits for such officers provided under that act. In recommending the adoption of such provisions, the Foreign Relations Committee made the following observations:

The nature of a Foreign Service career makes it particularly difficult for spouses of members of the Foreign Service to attain any independent economic security. Not only do the frequent transfers among Foreign Service posts around the world militate against the establishment of an independent career for a spouse, but the opportunity for paid employment of any kind in most foreign countries for a spouse is minimal due to legal, language, and cultural barriers. Foreign Service spouses, therefore, have little opportunity either to establish pensions in their own right or to develop marketable skills which can be put to use when the need arises. At the same time, they often contribute countless unpaid hours to the Service. Under current law, in the event of divorce, a former spouse of a Foreign Service member is denied retirement or survivorship rights under the Foreign Service Retirement System. In contrast, under social security today, a nonworking spouse can acquire a pension based on the work of his or her spouse. However, payments of sums otherwise due to an annuitant or participant may be made to another person pursuant to the terms of any court decree of divorce, annulment, or legal separation or to the terms of any court order or court-approved property settlement incident to divorce, annulment, or separation.

This policy has resulted in an apparent "Catch-22" for spouses of Foreign Service members. . . . [T]he Foreign Service tradition of husband-wife "teams" and of the participation of wives in the vital representational activities of the post is still very much alive. Nonetheless, these full-time activities are not compensated in any way, so a spouse is left with no marketable skills.

Equally unsatisfactory is the decision to leave this problem to solution by court order. Access to the courts is expensive, particularly for individuals such as Foreign Service spouses who typically have no jobs, no insurance, and no other income to speak of. There is no real precendent for awarding to former spouses a percentage of pensions of survivor annuities. In addition, widely varying divorce laws from state to state would result in different awards of a Federal benefit for the same deprivations. Furthermore, there is little or no awareness among the legal community of the special problems faced by Foreign Service spouses. Finally, overseas service frequently results in cutting off these individuals from their community roots, thereby exacerbating the problems normally faced by women seeking divorce. In particular, this results in reliance on a husband's lawyer or on his recommendation. Section 814, therefore, seeks to provide some protection for these individuals through the mechanism of the retirement system.

OBJECTIVES OF THE PROPOSED AMENDMENTS

The proposed amendments to the CIARDS system would provide qualified former spouses of participating CIA employees an automatic share in the retirement benefits of the participant while the participant is alive, as well as a survivorship payable from the system after the participant's death. Such a survivorship could not be waived without the express written consent of a current spouse, or by a spousal agreement or court order involving a former spouse. In the case of both retirement annuities and survivor payments, the amounts of these benefits would be pro rata based on the amount of time that the former spouse was married to the participant during the period of creditable government service. Where there have been multiple spouses, each would receive a pro rata share of payments under the system. In such a situation the participant could, however, elect to reduce any annuity received under the system, or to make additional contributions into the fund, to provide greater survivorship benefits for such spouses.

Mr. President, I believe that an automatic sharing in such retirement annuities and an automatic survivorship for former spouses would help to recognize the indispensable role played by the spouses of CIA officers in clandestine service and to relieve for these persons the difficulties that have been attendant upon divorce. The amendments to CIARDS which are proposed in this bill would establish a uniform Federal scheme for the disposition of CIARDS retirement benefits to former spouses and secure their survivorship rights. The retirement and survivorship benefits established under these amendments would be paid to qualified former spouses directly from the CIARDS fund based on the period of marriage, without the necessity of securing these interests through court proceedings.

Former spouses of CIA officers who have been in clandestine service are uniquely disadvantaged in attempting to obtain an interest in their partner's CIARDS benefits. Like the spouses of Foreign Service officers, they have in many cases provided substantial support to the professional career of their partner. They have often relocated in ways and to locations and into circumstances in which their personal career development has been impeded. It would be difficult for them, like former Foreign Service spouses, to obtain full recognition of their contribution to the marital unit in judicial divorce proceedings. For them, as for other classes of Federal employees, court decrees requiring alimony payments by their former partners as part of an overall divorce decree may be defeated through procedural devices and jurisdictional means. For example, former partners may avoid making court-directed alimony payments by leaving the jurisdiction in which their former spouses are located, making collection time-consuming and difficult. Such a situation can be especially harsh for former spouses who have voluntarily neglected their own professional development and employment career to provide essential personal support for their partners.

In addition to these ordinary obstacles, former spouses of CIA officers in clandestine service may be prevented from revealing in open court the details of their personal circumstances during certain periods of the marriage. While special procedures—such as the use of cleared attorneys and in camera judicial proceedings—may be available to surmount such difficulties, these additional complications may make enforcing their rights in court difficult. Even if the CIA is willing in principle to provide essential security services in connection with such proceedings, such as clearing attorneys and providing sanitized employment records when necessary, the Agency could be overwhelmed if the volume of such requests were large. And for some former spouses, due to their personal circumstances, any delay or additional complication of legal proceedings may cause extreme difficulty.

Providing automatic payments from CIARDS in such cases, accompanied by a mechanism to modify them by court order or spousal agreement when mutually agreeable or necessary, will go a long way toward alleviating these problems. The spouses of CIA officers in clandestine service can be assured that they, like the spouses of Foreign Service officers, are protected in their retirement for the personal sacrifices they have made and continue to make in advancing the careers of their partners and the interests of the country.

Former spouses would be eligible for an automatic share in retirement annuities under CIARDS as well as have a secured survivorship, subject to their election otherwise. Lengthy and expensive judicial proceedings connected with divorce could be avoided, at least for these benefits. Certain former spouses could be partially protected by the existence of such benefits during the period in which a final determination is made by a court of the terms of the divorce settlement or judgment.

PROVISIONS OF THE PROPOSED CIARDS AMENDMENTS

Mr. President, this bill is closely modeled on section 814 and accompanying provisions of the Foreign Service Act of 1980, concerning benefits payable from the Foreign Service retirement and disability system to

qualified former spouses of Foreign Service officers. The proposed amendments to CIARDS would bring this system into conformity with these new provisions of the Foreign Service retirement system, in which Congress recognized the special rigors for spouses of certain types of Government service abroad. Bringing the statutory provisions of CIARDS into conformity with the Foreign Service approach will demonstrate to the spouses of CIA employees abroad that their situation has been recognized in the same way as that of Foreign Service spouses. It will also do a great deal to assure these dedicated Americans, both CIA officers in clandestine service and their spouses, that the U.S. Government is aware of their personal situation and duly appreciative of their efforts. Four provisions of the proposed amendments should be highlighted:

First. Equitable sharing of retirement annuities by qualified former spouses. The proposed amendments to CIARDS would make former spouses who were married to CIA officers participating in CIARDS for at least 5 years during the officers' period of credible service eligible to a share of the participant's retirement annuities proportional to one-half of the participant's annuity in the same ratio that the duration of the marriage bears to the period of service. Qualified spouses would thereby obtain a vested right to one-half of the retirement annuity benefits accruing to the participant during the period of marriage, in recognition of their contribution to the professional development of the participant and to the Agency's mission.

Such former spouses would become eligible for these payments upon commencement of such payments to the participant at retirement. Their right to such payments would be vested and payment would automatically be made to them directly from the CIARDS fund.

Former spouses would not, as under existing law, be required to seek an interest in such entitlements through a spousal agreement with their marital partner or a divorce judgment requiring payment of such sums. But in cases in which the marital situation prior to divorce was such that some other disposition of the retirement benefits would be preferable, then the right to such payments could be modified by agreement between the participant and the spouse or former spouse or by a judicial order issued in connection with a divorce proceeding.

Second. Automatic survivorship, with equitable sharing by former spouses in survivorship payments. The proposed amendments to CIARDS would also make qualified former spouses automatically eligible to a prorated share of survivorship benefits to be paid from the CIARDS fund based on the service of the participant. In no case would such survivorship payments to former spouses bring the total of such payments over 55 percent of the amount of the retirement annuity of the participant, the current figure for spouses of participants, except when the participant has specifically elected to provide additional survivorship benefits for a current or former spouse by reducing current retirement annuity payments or making supplementary contributions to the fund.

The amendments would also codify the existing administrative practice of requiring a written election submitted by both spouses to waive survivorship rights in favor of full retirement annuity payments during the lifetime of the participant. By including this provision in statute, current spouses may be assured that their potential survivorship rights will not be withdrawn without their notification and consent.

The automatic provision of survivorship benefits to qualified former spouses is aimed directly at a critical problem that often occurs in divorces. While the divorced spouse of a working or retired partner may be careful to seek an equitable division of current marital assets in the divorce decree, future assets like survivor benefits are often not considered. This can leave a former spouse unprovided for in the long term. Furthermore, no current transfer of marital assets may be sufficient to provide the same degree of security as would such assured continuing survivorship benefits.

Third. Spousal agreements or court orders in individual cases. The proposed amendments to CIARDS would also provide that benefits payable from the fund under the provisions of the CIARDS Act would be subject to modification through spousal agreement or court order incidental to divorce or separation proceedings. This provision is similar to a provision adopted by Executive order in 1980 conforming this aspect of CIARDS to civil service principles. The Civil Service Act was amended in 1978 to provide that the disposition of civil service retirement benefits be subject to such domestic legal actions. The proposed provision would establish this principle in statute for CIARDS, thereby assuring parties involved in divorce or related proceedings of their ultimate right to reach a voluntary or judicial determination based on the totality of their marital circumstances. This provision would also insure that the general assessment of the equities of the marital situation established in the provisions discussed previously, concerning the distribution of retirement and survivorship benefits between such parties, would remain subject to a voluntary or judicial decision otherwise in particular cases. Any judicial proceedings undertaken under this provision could be conducted with the assistance of the CIA in insuring that necessary procedures to protect secrecy were followed.

Fourth. Effective date; optional survivor benefits for ineligible former spouses. These amendments to CIARDS would take effect upon their enactment. The automatic retirement benefits for qualified former spouses established in these amendments would become available to spouses who become divorced after the effective date, providing their partner separates from service with the CIA after this date. Thus, the amendments to the retirement annuity provisions would not affect retirement benefits already being paid to retired CIARDS participants. The survivorship benefits would apply only to spouses who are divorced after the effective date.

Mr. President, I realize that establishing the effective date in this way would leave certain former spouses, who are divorced before enactment of the amendments, without additional protection. While this group has certainly made important contributions in the ways I have described previously, I have decided to pursue a statutory remedy in their favor at this time. This is because to do so would be retroactively to change the amount of payments already being received and possibly even to affect the validity of existing decrees. Nevertheless, I feel that at some future date we should consider providing additional benefits to this group in recognition of their important service.

Survivorship benefits could, however, be secured for certain ineligible former spouses through a voluntary election by their former partners who are participants in CIARDS. These participants could elect to receive a reduced annuity in order to provide survivor benefits for their ineligible former spouses.

RELATED ISSUES

Mr. President, the previous action of this body in the Foreign Service Act of 1980 indicates that the Senate has been responsive to the situation of the spouses of certain classes of U.S. Government employees serving abroad, especially those serving in connection with our vital foreign policy goals. Nevertheless, there are certain special considerations relevant to CIARDS that should be mentioned at this time.

First. Personnel management considerations. CIARDS was adopted to provide special benefits for certain CIA employees serving in difficult conditions. The existence of the CIARDS benefits system helps the Agency to attract employees into this category of service, usually involving clandestine service overseas. CIARDS also provides for early retirement, in recognition of the fact that this form of serv-

ice is not always suitable for older employees. It could be argued that these amendments to CIARDS would adversely affect the personnel management objectives of the system by making the retirement provisions of CIARDS less attractive to Agency employees. Several factors indicate otherwise, however:

In my view, CIARDS will remain an attractive system of benefits, in view of its terms and conditions including early retirement, despite any incremental loss of attractiveness due to the adoption of these amendments. Furthermore, it is not at all unlikely that other Federal retirement benefits systems, like the civil service system, will also be affected by similar legislation. S. 888, introduced by my distinguished colleagues Senators DURENBERGER and MOYNIHAN, among others, and currently before this House, would make similar changes in the civil service system.

In addition, I do not believe it unfair or unjust to adjust the distribution of benefits in an existing system of entitlements in this way, especially in a case in which basic equities arising out of the domestic situations of the participants are involved. The Senate in 1980 worked just such a change in the Foreign Service retirement and disability system. For CIARDS participants, since CIARDS eligibility results from a determination by the Director of Central Intelligence as well as the potential participant, CIARDS participants who are so inclined could possibly choose to opt out of the system as amended and return to the civil service system. As I stated earlier, however, I do not expect this to happen in a significant number of cases, especially in view of the generally more favorable terms of CIARDS.

The proposed amendments to CIARDS could make the CIARDS system, the clandestine service, and even CIA employment generally more attractive by bringing the retirement benefits system more into line with modern concepts about the role of spouses in the careers of professional employees in the Agency and elsewhere. Couples who may have had doubts about the nature and advantages of this employment could thus be attracted to Agency service, especially well-educated couples who might otherwise be expected to pursue a two-career married life. Although the precise causes have not been determined, applications for Foreign Service careers have been running at 20 percent above projections after passage of the Foreign Service Act of 1980, which contains similar provisions.

The equitable payment of retirement benefits to former spouses should not be a disincentive, at the "front end" well prior to the eventuality of divorce, for CIA officers to choose clandestine service that would make them eligible for CIARDS. Well-adjusted potential operatives in the clandestine service would probably not oppose their spouses, who provide them valuable support in their careers, obtaining a vested right in their retirement and survivorship benefits.

Second. Applicability of the amendments of CIARDS. The argument could also be made that not all CIARDS participants are employed abroad and that some CIA employees not participating in CIARDS are, whereas the thrust of the proposed amendments to CIARDS was to protect the spouses of CIA officers serving abroad. While this may be true to a certain extent, several points should be made:

The vast majority of CIARDS participants have been employed abroad for significant periods by the Agency.

Relatively few qualified overseas employees of the Agency are not participants in CIARDS or do not intend to join CIARDS when they become eligible to do so.

Since CIARDS provides more favorable retirement benefits for eligible CIA employees, largely based on their overseas service in a clandestine capacity, these enhanced benefits should be matched in some way for their spouses, who are also subject to the difficult conditions that CIARDS was intended to compensate.

The proposed amendments would, like the recent similar amendments to the Foreign Service system, institute the changes I have previously described on a system-by-system basis. This would appear to be an eminently reasonable approach to a problem that exists for various classes of employees participating in numerous Government retirement systems. As I have mentioned, similar amendments have also been proposed for the civil service system as a whole. Proceeding on a system-by-system basis will avoid the difficult situation of having different rules applying to various participants in Federal retirement systems according to their agency affiliation or category of employment. This situation could result if we were to adopt similar amendments for certain CIA employees or other types of Government employees regardless of which retirement system they participate in.

CONCLUSION

Mr. President, in view of my preceding remarks I would urge the Members of the Senate to give full consideration to the bill I have introduced on behalf of Senator GOLDWATER, the chairman of the Select Committee on Intelligence, and myself, along with other distinguished cosponsors. By enacting this legislation, the Congress could go a long way in recognizing the difficult service of the spouses of the officers of the CIA serving in a clandestine capacity abroad. By doing so, we would demonstrate to these Americans that the country respects their service in the interest of our foreign policy and national security and recognizes its unique difficulties.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2422

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Central Intelligence Agency Retirement and Disability System Spouses' Equity Act of 1982".

ANNUITANTS

SEC. 2. Section 204 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended—

(1) by inserting "former spouses," after "including surviving wives and husbands,"; and

SEC. (2) by adding at the end thereof the following:

"(4) 'Former spouse' means a former wife or husband of a participant or former participant who was married to such participant for not less than 10 years during periods of service by that participant which are creditable under sections 251 and 252 of this Act.".

COMPUTATION OF ANNUITIES FOR OTHER THAN FORMER SPOUSES

SEC. 3. Section 221 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees is amended—

(1) by inserting immediately above the section the following section heading: "COMPUTATION OF ANNUITIES FOR OTHER THAN FORMER SPOUSES"; and

(2) by amending subsection (b) to read as follows:

"(b)(1)(A) Except to the extent provided otherwise under a written election under subparagraph (B) or (C), if at the time of retirement a participant or former participant is married (or has a former spouse who has not remarried before attaining age 60), the participant shall receive a reduced annuity and provide a survivor annuity for his or her spouse under this subsection or former spouse under section 222(b), or a combination of such annuities, as the case may be.

"(B) At the time of retirement, a married participant or former participant and his or her spouse may jointly elect in writing to waive a survivor annuity for that spouse under this section (or under section 222(b) if the spouse later qualifies as a former spouse under section 204(b)(4)), or to reduce such survivor annuity under this section (or section 222(b)) by designating a portion of the annuity of the participant as the base for the survivor benefit. If the marriage is dissolved following an election for such a reduced annuity and the spouse qualifies as a former spouse, the base used in calculating any annuity of the former spouse under section 222(b) may not exceed the portion of the participant's annuity designated under this subparagraph.

"(C) If a participant or former participant has a former spouse, the participant and such former spouse may jointly elect by spousal agreement under section 263(b) to waive a survivor annuity under section 222(b) for that former spouse if the election is made (i) before the end of the 12-month

period after the divorce or annulment involving that former spouse becomes final, or (ii) at the time of retirement, whichever occurs first.

"(D) The Director may prescribe regulations under which a participant or former participant may make an election under subparagraph (B) or (C) without the participant's spouse or former spouse if the participant establishes to the satisfaction of the Director that the participant does not know, and has taken all reasonable steps to determine, the whereabouts of the spouse or former spouse.

"(2) The annuity of a participant or former participant providing a survivor benefit under this section (or section 222(b)), excluding any portion of the annuity not designated or committed as a base for any survivor annuity, shall be reduced by 2½ percent of the first $3,600 plus 10 percent of any amount over $3,600. The reduction under this paragraph shall be calculated before any reduction under section 222(a)(5).

"(3) (A) If a former participant entitled to receive a reduced annuity under this subsection dies and is survived by a spouse, a survivor annuity shall be paid to the surviving spouse equal to 55 percent of the full amount of the participant's annuity computed under subsection (a), or 55 percent of any lesser amount elected as the base for the survivor benefit under paragraph (1)(B).

"(B) Notwithstanding subparagraph (A), the amount of the annuity calculated under subparagraph (A) for a surviving spouse in any case in which there is also a surviving former spouse of the participant who qualifies for an annuity under section 222(b) may not exceed 55 percent of the portion (if any) of the base for survivor benefits which remains available under section 222(b)(4)(B).

"(C) An annuity payable from the fund to a surviving spouse under this paragraph shall commence on the day after the participant dies and shall terminate on the last day of the month before the surviving spouse's death or remarriage before attaining age 60. If such a survivor annuity is terminated because of remarriage, it shall be restored at the same rate commencing on the date such remarriage is dissolved by death, annulment, or divorce if any lump sum paid upon termination of the annuity is returned to the fund.".

RIGHT OF ELECTION

SEC. 4. Section 221 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended by section 3 of this Act, is further amended in subsection (g)—

(1) by inserting "(1)" after "(g)";

(2) by redesignating paragraphs (1) and (2) as clauses (A) and (B), respectively; and

(3) by adding at the end thereof the following:

"(2) A surviving former spouse of any participant or former participant shall not become entitled to a survivor annuity or to the restoration of a survivor annuity payable from the fund unless the survivor elects to receive it instead of any other survivor annuity to which he or she may be entitled under this or any other retirement system for Government employees on the basis of a marriage to someone other than that participant.".

SUPPLEMENTAL ANNUITIES; RECOMPUTATION OF ANNUITIES

SEC. 5. Section 221 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended by sections 3 and 4 of this Act, is further amended by adding at the end thereof the following:

"(m) (1) Any married annuitant who reverts to retired status with entitlement to a supplemental annuity under subsection 271 (b) shall, unless the annuitant and his or her spouse jointly elect in writing to the contrary at that time, have the supplemental annuity reduced by 10 percent to provide a supplemental survivor annuity for his or her spouse. Such supplemental survivor annuity shall be equal to 55 percent of the supplemental annuity of the annuitant and shall be payable to a surviving spouse to whom the annuitant was married at the time of reversion to retired status or whom the annuitant subsequently married.

"(2) The Director shall issue regulations to provide for the application of paragraph (1) of this subsection and of subsection 271(b) in any case in which an annuitant has a former spouse who was married to the participant at any time during a period of recall service and who qualifies for an annuity under section 222(b).

"(n) An annuity which is reduced under this section or any similar prior provision of law to provide a survivor benefit for a spouse shall, if the marriage of the participant to such spouse is dissolved, be recomputed and paid for each full month during which an annuitant is not married (or is remarried if there is no election in effect under the following sentence) as if the annuity had not been so reduced, subject to any reduction required to provide a survivor benefit under section 222 (b) or (c). Upon remarriage the retired participant may irrevocably elect, by means of a signed writing received by the Director within one year after such remarriage, to receive during such marriage a reduction in annuity for the purpose of allowing an annuity for the new spouse of the annuitant in the event such spouse survives the annuitant. Such reduction shall be equal to the reduction in effect immediately before the dissolution of the previous marriage (unless such reduction is adjusted under section 222(b)(5)), and shall be effective the first day of the first month beginning one year after the date of remarriage. A survivor annuity elected under this subsection shall be treated in all respects as a survivor annuity under subsection (b).

"(o) The Director shall, on an annual basis—

"(1) inform each participant of his or her right of election under subsections (f)(2) and (n); and

"(2) to the maximum extent practicable, inform spouses or former spouses of participants or former participants of their rights under this section and section 222.".

COMPUTATION OF ANNUITIES FOR FORMER SPOUSES

SEC. 6. Part C of title II of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees is amended by adding at the end thereof the following:

"COMPUTATION OF ANNUITIES FOR FORMER SPOUSES

"SEC. 222. (a)(1) Unless otherwise expressly provided by any spousal agreement or court order under section 263(b), a former spouse of a participant or former participant is entitled to an annuity—

"(A) if married to the participant throughout the creditable service of the participant, equal to 50 percent of the annuity of the participant; or

"(B) if not married to the participant throughout such creditable service, equal to a proportion of 50 percent of such annuity which is the proportion that the number of days of the marriage of the former spouse to the participant during periods of creditable service of such participant under this Act bears to the total number of days of such creditable service.

"(2) A former spouse shall not be qualified for an annuity under this subsection if before the commencement of that annuity the former spouse remarries before becoming 60 years of age.

"(3) The annuity of a former spouse under this subsection commences on the later of the day the participant upon whose service the annuity is based becomes entitled to an annuity under this title or the first day of the month in which the divorce or annulment involved becomes final. The annuity of such former spouse and the right thereto terminate on—

"(A) the last day of the month before the former spouse dies or remarries before 60 years of age; or

"(B) the date the annuity of the participant terminates (except in the case of an annuity subject to paragraph (5)(B)).

"(4) No spousal agreement or court order under section 263(b) involving any participant may provide for an annuity or any combination of annuities under this subsection be given effect if it is issued more than 12 months after the date the divorce or annulment involved becomes final.

"(5)(A) The annuity payable to any participant shall be reduced by the amount of an annuity under this subsection paid to any former spouse based upon the service of that participant. Such reduction shall be disregarded in calculating the survivor annuity for any spouse, former spouse, or other survivor under this title, and in calculating any reduction in the annuity of the participant to provide survivor benefits under subsection (b) or section 221(b).

"(B) If any annuitant whose annuity is reduced under subparagraph (A) is recalled to service under section 271, or reinstated or reappointed, in the case of a recovered disability annuitant, or if any annuitant is reemployed as provided for under sections 272 and 273, the salary of that annuitant shall be reduced by the same amount as the annuity would have been reduced if it had continued. Amounts equal to the reductions under this subparagraph shall be deposited in the Treasury of the United States to the credit of the fund.

"(6) Notwithstanding paragraph (3), in the case of any former spouse of a disability annuitant—

"(A) the annuity of that former spouse shall commence on the date the participant would qualify on the basis of his or her creditable service for an annuity under this title (other than a disability annuity) or the date the disability annuity begins, whichever is later, and

"(B) the amount of the annuity of the former spouse shall be calculated on the basis of the annuity for which the participant would otherwise so qualify.

"(7) An annuity under this subsection shall be treated the same as a survivor annuity under subsection (b) for purposes of section 221(g)(2) or any comparable provision of law.

"(b)(1) Subject to any election under section 221(b)(1)(C) and unless otherwise expressly provided by any spousal agreement or court order under section 263(b), if a former participant who is entitled to receive an annuity is survived by a former spouse, the former spouse shall be entitled to a survivor annuity—

"(A) if married to the participant throughout the creditable service of the participant, equal to 55 percent of the full amount of the participant's annuity, as computed under section 221(a), or

"(B) if not married to the participant throughout such creditable service, equal to a proportion of 55 percent of the full amount of such annuity which is the proportion that the number of days of the marriage of the former spouse to the former participant during periods of creditable service of such former participant under this Act bears to the total number of days of such creditable service.

"(2) A former spouse shall not be qualified for an annuity under this subsection if before the commencement of that annuity the former spouse remarries before becoming 60 years of age.

"(3) An annuity payable from the fund to a surviving former spouse under this subsection shall commence on the day after the annuitant dies and shall terminate on the last day of the month before the former spouse's death or remarriage before attaining age 60. If such a survivor annuity is terminated because of remarriage, it shall be restored at the same rate commencing on the date such remarriage is dissolved by death, annulment, or divorce if any lump sum paid upon termination of the annuity is returned to the fund.

"(4)(A) The maximum survivor annuity or combination of survivor annuities under this section (and section 221(b)(3)) with respect to any participant or former participant may not exceed 55 percent of the full amount of the participant's annuity, as calculated under section 221(a).

"(B) Once a survivor annuity has been provided for under this subsection for any former spouse, a survivor annuity for another individual may thereafter be provided for under this subsection (or section 221(b)(3)) with respect to a participant or former participant only for that portion (if any) of the maximum available base for survivor benefits which is not committed for survivor benefits for any former spouse whose prospective right to such has not terminated by reason of death or remarriage.

"(C) After the death of a participant or former participant, a court order under section 263(b) may not adjust the amount of the annuity of any former spouse under this section.

"(5)(A) For each full month after a former spouse of a participant or former participant dies or remarries before attaining age 60, the annuity of the participant, if reduced to provide a survivor annuity for that former spouse, shall be recomputed and paid as if the annuity had not been so reduced, unless an election is in effect under subparagraph (B).

"(B) Subject to paragraph (4)(B), the participant may elect in writing within one year after receipt of notice of the death or remarriage of the former spouse to continue the reduction in order to provide a higher survivor annuity under section 221(b)(3) for any spouse of the participant.

"(c)(1) In the case of any participant or former participant providing a survivor annuity benefit under subsection (b) for a former spouse—

"(A) such participant may elect, or

"(B) a spousal agreement or court order under section 263(b) may provide for,

an additional survivor annuity under this subsection for any other former spouse or spouse surviving the participant, if the participant satisfactorily passes a physical examination as prescribed by the Director.

"(2) Neither the total amount of survivor annuity or annuities under this subsection with respect to any participant or former participant, nor the survivor annuity or annuities for any one surviving spouse or former spouse of such participant under this section or section 221, shall exceed 55 percent of the full amount of the participant's annuity, as computed under section 221(a).

"(3)(A) In accordance with regulations which the Director shall prescribe, the participant involved may provide for any annuity under this subsection—

"(i) by a reduction in the annuity or an allotment from the salary of the participant,

"(ii) by a lump sum payment or installment payments to the fund, or

"(iii) by any combination thereof.

"(B) The present value of the total amount to accrue to the fund under subparagraph (A) to provide any annuity under this subsection shall be actuarially equivalent in value to such annuity, as calculated upon such tables of mortality as may from time to time be prescribed for this purpose by the Director.

"(C) If a former spouse predeceases the participant or remarries before attaining age 60 (or, in the case of a spouse, the spouse does not qualify as a former spouse upon dissolution of the marriage)—

"(i) if an annuity reduction or salary allotment under subparagraph (A) is in effect for that spouse or former spouse, the annuity shall be recomputed and paid as if it had not been reduced or the salary allotment terminated, as the case may be, and

"(ii) any amount accruing to the fund under subparagraph (A) shall be refunded, but only to the extent that such amount may have exceeded the actuarial cost of providing benefits under this subsection for the period such benefits were provided, as determined under regulations prescribed by the Director.

"(D) Under regulations prescribed by the Director, an annuity shall be recomputed (or salary allotment terminated or adjusted), and a refund provided (if appropriate), in a manner comparable to that provided under subparagraph (C), in order to reflect a termination or reduction of future benefits under this subsection for a spouse in the event a former spouse of the participant dies or remarries before attaining age 60 and an increased annuity is provided for that spouse in accordance with this section.

"(4) An annuity payable under this subsection to a spouse or former spouse shall commence on the day after the participant dies and shall terminate on the last day of the month before the former spouse's death or remarriage before attaining age 60.

"(5) Section 291 shall not apply to any annuity under this subsection, unless authorized under regulations by the Director.

"(d) Section 221(l) shall not apply—

"(1) to any annuity payable under subsection (a) or (b) to any former spouse if the amount of that annuity varies by reason of a spousal agreement or court order under section 263(b), or an election under section 221(b)(1)(B), from the amount which would be calculated under subsection (a)(1) or (b)(1), as the case may be, in the absence of such spousal agreement, court order, or election; or

"(2) to any annuity payable under subsection (c).".

SURVIVOR BENEFITS FOR CERTAIN FORMER SPOUSES

SEC. 7. Part C of title II of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended by section 6 of this Act, is further amended by adding at the end thereof the following:

"ELECTION OF SURVIVOR BENEFITS FOR CERTAIN FORMER SPOUSES

"SEC. 223. (a) Any participant or former participant in the Central Intelligence Agency Retirement and Disability System who has a former spouse not eligible for survivorship benefits under subsection (b) of section 222 may, by a spousal agreement, elect to receive a reduced annuity and provide a survivor annuity for such former spouse under that subsection.

"(b)(1) If the participant or former participant has not retired under such system, an election under this section may be made at any time before retirement.

"(2) If the participant or former participant has retired under such system, an election under this section may be made within such period after retirement as the Director may prescribe.".

SPOUSAL AGREEMENTS; COURT DECREES

SEC. 8. The Central Intelligence Agency Retirement Act of 1964 for Certain Employees is further amended—

(1) by striking out "None" in section 263 and inserting in lieu thereof "(a) Except as provided in subsection (b) of this section, none"; and

(2) by adding at the end thereof the following:

"(b) Payments under this Act which would otherwise be made to a participant or the child, survivor, or former spouse of a participant based upon the service of the participant shall be paid (in whole or in part) by the Director directly to a former spouse if and to the extent expressly provided for in the terms of any legally enforceable spousal agreement or recognized court decree of divorce, annulment, or legal separation between the participant and that former spouse, or the terms of any recognized court order or court-approved property settlement agreement incident to any such spousal agreement or court decree of divorce, annulment, or legal separation. Any payment under this subsection to a party to a spousal agreement, or court decree of divorce, annulment, or legal separation or property settlement agreement incident thereto shall bar recovery by any other person.".

TECHNICAL AMENDMENTS

SEC. 9. The Central Intelligence Agency Retirement Act of 1964 for Certain Employees is further amended—

(1) by striking out in the first sentence of section 221(f) "Any" and inserting in lieu thereof the following: "Subject to the rights of former spouses under sections 221(b) and 222, any"; and

(2) by adding to subsection 221(l) the following paragraph:

"(4) This subsection shall not apply to the extent provided in section 222(d).".

EFFECTIVE DATE

SEC. 10. (a) Except as provided in subsections (b) and (c) of this section, this Act shall take effect on the date of its enactment.

(b) The provisions of section 222(a) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as added by this Act, regarding the rights of former spouses to an annuity shall apply in the case of any individual who after the effective date of this Act becomes a former spouse of an individual who separates from service with the Agency after such date.

(c) Except to the extent provided in section 223 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, the provisions of sections 221(b) (as amended by this Act) and the provisions of subsections (b) and (c) of section 222 of such Act, as added by this Act, regarding the rights of former spouses to receive survivor annuities shall apply in the case of any individual who after the effective date of this Act becomes a former spouse of a participant or former participant in the Central Intelligence Agency Retirement and Disability System.●

● Mr. GOLDWATER. Mr. President, I am please to join my good friend, the distinguished former chairman of the Senate Select Committee on Intelligence, Senator INOUYE, as a cosponsor of the Central Intelligence Agency Retirement and Disability System Spouses' Equity Act.

The purpose of this bill is to set up a system that would provide CIA spouses with rights to survivors pensions. It would also give some degree of protection to spouses whose marriages end in divorce proceedings. These benefits are not now available to CIA spouses although they have been provided to Foreign Service spouses. I believe that it is high time we give this consideration to CIA spouses as well.

Senator INOUYE's bill, which I am cosponsoring, would allow the equitable sharing by spouses of qualifying CIA officers in benefits paid from the Central Intelligence Agency Retirement and Disability System (CIARDS). Under this bill, CIA spouses would get the same treatment available to Foreign Service spouses by allowing qualified former spouses of CIARDS participants to share in their divorced partner's retirement benefits. It also makes them eligible for survivorship benefits from the CIARDS fund.

In my judgment, CIA spouses deserve this consideration. They are called upon to serve in remote posts overseas. They are subject to frequent transfers, and often live under difficult and dangerous conditions. They play a very important part in the success of the overall American mission abroad.

Mr. President, because of our debate on the Intelligence Identities Protection Act earlier this year, many of our colleagues have become familiar with the pernicious activity of naming names. As you know, naming names is an activity where certain disloyal Americans ferret out the names of our covert agents abroad, and publish these names for all to see.

We all know that Richard Welch was assassinated because of naming names. Has anyone ever stopped to think how Mr. Welch's wife and family were affected by this murderous act? When the Kinsman family home was machinegunned and bombed in Jamaica 2 years ago, did anyone ever stop to think how this vicious act affected Mrs. Kinsman and her family? Did anyone ever wonder that the Kinsman's young daughter must think about the fact that her bedroom was riddled with bullet holes?

Mr. President, let me give you an example of the type of adverse publicity that spouses of American CIA agents serving abroad often have to face. On page 292 of Louis Wolf's book titled "Dirty Work 2: The CIA in Africa," the following two paragraphs were written of the CIA spouse in the context of pernicious activity of naming names:

Where available, we have included the name of the person's spouse, as of the most recent available official source, to aid in further identification. We have tried to give the wife's maiden name. The divorce rate in the CIA is high, so these will sometimes not be current.

In this connection, it must be said that CIA wives (and husbands) nearly always know what agency is employing their spouses. Normally, they have an active role to play in maintaining cover, even on occasion taking part in specific operational activities. Thus, the spouse of CIA officer is not "just a wife or husband."

I think we can draw two important points from this quote.

First, the enemies of American intelligence, such as Louis Wolf, consider the CIA spouse to be equal to their partner when serving overseas. They imply, therefore, that it is OK to treat them in the same fashion that our CIA agents have been treated in recent years. They suggest in this quotation that you can harass CIA spouses, or throw bombs at their homes, or threaten their children, and that is OK. This is the sort of situation that the CIA spouse and family may be forced to cope with when serving overseas.

Second, divorce rates among CIA families are unusually high. Probably this is because of the many pressures the CIA family must face while serving this Congress and the Nation on difficult missions overseas.

I for one believe that this legislation would recognize in a small but important way the significance of the service of these loyal and patriotic Americans. It would go a long way to help insure that these people are protected later in life, regardless of their future marital circumstances. It would recognize in a small way their vital service to their Nation.

Mr. President, this bill, if enacted, would create no significant costs to the U.S. Government. I commend Senator INOUYE for his leadership in bringing this situation to our attention. It has been overlooked for a long time. I believe it is time we do something about it, and Senator INOUYE's bill seems to me to be a very good place to start. I urge my colleagues to support this important legislation.●

● Mr. DURENBERGER. Mr. President, I am delighted to join today with my esteemed friends and Intelligence Committee colleagues in introducing the Central Intelligence Agency Retirement and Disability System Spouses' Equity Act of 1982. This legislation recognizes in a specific manner and in appropriate human terms what we on the Intelligence Committee have long realized:

That spouses of CIA officers serving abroad perform valuable services for their families and their country;

That these CIA spouses deserve the same benefits accorded Foreign Service spouses in the Foreign Service Act of 1980; and

That the pledge of equitable shares in retirement and survivorship benefits for qualifying CIA spouses will assist the CIA by making intelligence employment more attractive to modern families weighing the costs and benefits of such service.

The Select Committee on Intelligence will hold hearings on this bill next month. I am confident that out of these hearings will come a persuasive record of the services performed by CIA spouses, the difficulties under which they labor, and the special reasons why they require legislative assurance of their retirement and survivorship rights.

This bill merits the support of every Member of this body, for each of us has a stake in CIA benefits that are attractive and equitable. By helping the CIA to continue to attract top quality personnel, we will help the country's first line of defense, the eyes and ears that alert our policymakers to dangers and opportunities in the world.

It is especially gratifying to note how closely this bill parallels my S. 888, the Economic Equity Act. That bill modifies the military and civil service retirement provisions in essentially the same manner that the present bill modifies the CIA retirement and disability system.

The present bill was not spawned by S. 888. It grew out of the Foreign Service Act of 1980 and the recognition that CIA spouses deserve equal treatment regarding retirement and survivorship annuities. The fact that all these retirement equity bills are arriving at very similar language, however, suggests that we have found a good solution to some of these problems. I look forward to seeing S. 888, too, move forward, so that the military and civil service retirement systems will also provide this basic equity to the spouses of participants.●

By Mr. McCLURE (for himself and Mr. SYMMS):

S. 2423. A bill for the relief of the Aetna Insurance Company, and other insurance companies; to the Committee on the Judiciary.

RELIEF OF AETNA INSURANCE CO.

Mr. McCLURE. Mr. President, I am today introducing legislation on behalf of myself and my colleague from Idaho, Senator SYMMS.

Mr. President, the legislation we are introducing today seeks to resolve one remaining problem resulting from the Teton Dam disaster.

On June 5, 1976, the Teton Dam, located in southeastern Idaho, collapsed during the initial filling of its reservoir, causing the deaths of 11 people and approximately $400 million in property damage.

Subsequent to the failure, Congress enacted the Teton Dam Disaster Assistance Act of 1976, Public Law No. 94-400, 90 Stat. 1211 (1976), which, without admitting liability, purported to provide full compensation for death, personal injury or loss of property. While the Disaster Assistance Act precluded any recovery under the act for the subrogation claims of insurance companies, it specifically provided that this limitation would not prevent an insurance company from "exercising any right of action against the United States to which it may be entitled under any other laws for payments made" to its insureds for losses arising from the dam's collapse.

Insurance carriers subsequently filed their subrogation claims under the Federal Tort Claims Act. Despite the Government's own admissions of negligence in the various investigative reports issued following the dam's failure, these claims were denied by the Bureau of Reclamation without consideration of the merits of the claims. Lawsuits were then filed in the U.S. District Court for the district of Idaho, alleging that the cause of the failure of the Teton Dam was the extremely careless and negligent conduct of the BOR in designing, constructing and operating the Teton Dam.

Without a consideration of the merits of the claims, the ninth circuit court of appeals overruled the Idaho Federal district court and dismissed the suits, holding that the Federal Government was totally immune to any claim arising out of flooding, regardless of whether or not the BOR's negligence was the sole cause of the dam's collapse and the claimed damages.

Because insurance companies were permitted no recourse against the United States either under the Disaster Assistance Act or the Federal Tort Claims Act, and because the insurance companies have equitable claims amounting to over $10,000,000 against the United States, the insurance companies are entitled to have their claims determined pursuant to the provisions of title 28 United States Code, sections 1492 and 2509, which govern the congressional reference of private claims to the Chief Commissioner of the U.S. Court of Claims.

The last chance for equity and justice for the insurance carriers—and for their policyholders who ultimately must bear the brunt for the as yet uncompensated Teton Dam disaster—lies with the Congress of the United States. Through what is known as the congressional reference process, where no legal remedy through the court system exists, a claim such as that of the insurance carriers may be evaluated on its merits by the Court of Claims to determine whether or not the Government is responsible for damages claimed and therefore in fairness and equity ought to compensate the claimants.

This procedure removes from Congress the burden of determining the merits of a claim and places that burden upon the Court of Claims. Once the Court of Claims has reached a conclusion and made its recommendation, Congress can then resolve the matter in a fair and equitable manner on the basis of the findings of this tribunal.

The bill and resolution accompanying it are intended to implement this special statutory process. I ask unanimous consent that the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2423

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior shall pay, out of remaining unobligated funds appropriated under the Act approved July 12, 1976 (Public Law 94-355) or the Act approved September 30, 1976 (Public Law 94-438), pursuant to the Teton Dam Disaster Assistance Act of 1976 (Public Law 94-400), to each of the following companies the amount listed below in full settlement of all claims of each company against the United States based upon damages suffered by such insurance companies as a result of the failure of the Teton Dam on June 5, 1976, and upon subrogation rights retained by such insurance companies for the recovery of all sums paid by such insurance companies to their insured for losses as a result of the failure of the Teton Dam:

Name of Claimant, Address, Amount of Claim.

Aetna Insurance Company, 55 Elm Street, Hartford, Conn., $62,598.46.

North American Company, 650 Madison Ave., New York, New York, $1,926,727.50.

Highlands Insurance Company, 600 Jefferson Street, Houston, Texas, $18,750.00.

Global Aviation Insurance Managers and Brokers, Inc., P.O. Box 3995, San Francisco, Calif., $916,571.97.

Sentry Insurance, 1800 North Point Drive, Stevens Point, Wisconsin, $93,115.10.

H. R. Rokeby-Johnson, as Representative of those Underwriters at Lloyds of London, Signatory to Policy Nos. JGQ 0205 and JGA 0090, 52561/RC, c/o Sedgewick, Detert, Moran & Arnold, 111 Pine Street, San Francisco, Calif., $41,376.91.

Preferred Risk Mutual Insurance Company, 1111 Ashworth Road, West Des Moines, Iowa, $5,582.50.

Federal Insurance Company, 100 William Street, New York, New York, $1,516.40.

Motors insurance Corporation, 767 Fifth Avenue, 21st Floor, New York, New York, $7,772.02.

Appalachian Insurance Company, Allendale Park, Johnston, R.I., $3,714,074.00.

Protection Mutual Insurance Company, 300 So. N.W. Highway, Park Ridge, Illinois, $43,368.86.

Clearfield Insurance Limited, c/o P.O. Box 200, Boise, Idaho, $99,000.00.

Canners Exchange Subscribers, 4300 Peterson Avenue, Chicago, Illinois, $27,000.00.

Warners Reciprocal Insurers, 4210 Peterson Avenue, Chicago, Illinois, $10,500.00.

American Mutual Reinsurance Company, 1 East Wacker Drive, Chicago, Illinois, $95,368.10.

Foremost Insurance Company, 5800 Foremost Dr. S.E., Grand Rapids, Mich., $326,280.47.

Mutual of Enumclaw, Enumclaw, Washington, $697,761.80.

Balboa Insurance Company, 620 Newport Center Dr., Newport Beach, Calif., $415,609.08.

Farm Bureau Mutual Insurance Company of Idaho, P.O. Box 4848, Pocatello, Idaho, $306,156.09.

Mid-American Fire and Marine Insurance Company, P.O. Box 4848, Pocatello, Idaho, $4,260.58.

Allstate Insurance Company, P.O. Box 7385, Boise, Idaho, $169,627.01.

Allstate Indemnity Company, P.O. Box 7385, Boise, Idaho, $600.00.

United Pacific Insurance, Suite 100, 1755 Westgate Drive, Boise, Idaho, $213,225.77.

Reliance Insurance Company, Suite 100, 1755 Westgate Drive, Boise, Idaho, $30,106.76.

The Travelers Indemnity Company, 1 Tower Square, Hartford, Conn., $339,083.78.

The Travelers Indemnity Company of Rhode Island, 1 Tower Square, Hartford, Conn., $15,224.19.

The Charter Oak Insurance Company, 1 Tower Square, Hartford, Conn., $12,400.71.

Universal Underwriters Insurance Company, Fifty-one Fifteen Oak, Kansas City, Missouri, $51,879.80.

Centennial Insurance Company, Norton Building, Suite 616, Seattle, Washington, $12,333.55.

National Farmers Union Property and Casualty Company, P.O. Box 39251, Denver, Colorado, $57,586.11.

Florists' Mutual Insurance Company, 500 St. Louis Street, Edwardsville, Illinois, $61,156.24.

Great American Insurance Company, 400 South Jefferson St., Spokane, Washington, $35,034.34.

American Modern Home Insurance Company, P.O. Box 85323, Cincinnati, Ohio, $28,999.50.

Transamerica Insurance Company, P.O. Box 2105, Pocatello, Idaho, $97,139.50.

Uniguard Insurance Company, P.O. Box 6237, Salt Lake City, Utah, $34,297.98.

Uniguard Mutual Insurance Company, P.O. Box 6237, Salt Lake City, Utah, $3,387.79.

American Hardware Mutual Insurance Company, 68 Willow Road, Menlo Park, Calif., $12,286.87.

Minnehoma Insurance Company, P.O. Box 45185, Tulsa, Oklahoma, $11,204.93.

Summit Home Insurance Company, 1629 East Highland Ave., Phoenix, Arizona, $30,194.13.

Safeco Insurance Company of America, P.O. Box 580, Idaho Falls, Idaho, $103,144.58.

General Insurance of America, P.O. Box 580, Idaho Falls, Idaho, $5,580.33.

H. R. Rokeby-Johnson, on behalf of Underwriters at Lloyd's of London and British Companies Signatory to Policy No. 3066021, c/o Toplis and Harding, Inc., 222 South Riverside Plaza, Chicago, Illinois, $143,009.00.

H. R. Rokeby-Johnson, on behalf of Underwriters at Lloyd's of London and British Companies Signatory to Policy No. 58 71026, c/o Sedgewick, Detert, Moran and Arnold, 111 Pine Street, San Francisco, Calif., $16,750.00.

State Farm Mutual Automobile Insurance Company, 4600 25th Ave., N.E., Salem, Oregon, $382,655.93.

State Farm Fire and Casualty Company, 4600 25th Ave., N.E., Salem, Oregon, $28,270.52.

State Farm General Insurance Company, 4600 25th Ave., N.E., Salem, Oregon, $235,296.64.

American Bankers Insurance Company of Florida, 600 Brickell Avenue, Miami, Florida, $163,544.08.—Total Claims, $10,207,409.88.

By Mr. HEINZ (for himself, Mr. PACKWOOD, Mr. PRYOR, Mr. BURDICK, and Mr. MELCHER):

S. 2424. A bill to amend the Internal Revenue Code of 1954 to allow a credit against tax for expenses incurred in the care of elderly family members; to the Committee on Finance.

TAX CREDIT FOR CARE OF ELDERLY FAMILY MEMBERS

Mr. HEINZ. Mr. President, today I am introducing, along with my colleagues, Mr. PACKWOOD, Mr. PRYOR, Mr. BURDICK, and Mr. MELCHER, legislation to make tax credits available to families for a portion of home health and respite care expenses they incur in caring for elderly family members. This legislation will provide some financial relief to families who are struggling to help their chronically ill elderly relatives remain independent.

Mr. President, most families in our country want to provide care to help their chronically ill family member—in most instances a parent or grandparent—remain at home. However, almost no financial assistance or support for their efforts is now available. As a matter of fact, our public programs and private insurance often work against the millions of American families who want to help their elderly remain independent and at home.

Currently, reimbursement under medicare, medicaid, and private health insurance is directed almost entirely toward acute care or institutional care services. These programs do not provide adequate home health assistance for chronically ill individuals—individuals who, for instance, have had a stroke, or are suffering from senile dementia, arthritis, or similar problems. Families are responsible for almost all noninstitutional chronic care services. It is estimated that families provide 60 to 80 percent of the home health services for the almost 4 million elderly afflicted with functional disabilities.

When, over time, families exhaust financial and emotional resources in caring for their chronically ill member, the only federally assisted option now available to them is institutional care, medicaid-financed nursing home care. The Congressional Budget Office estimates that 10 to 40 percent of the 1.3 million people in nursing homes could live at home if they and their families received adequate assistance.

The legislation we are introducing today will provide families with financial relief to help them continue caring for their elderly relatives at home. Specifically, our bill will provide tax credits for a portion of expenses incurred for the support services that the chronically ill elderly and their families most need: Home health aide services, adult day care, respite care, nursing care, and medical or health-related equipment and supplies.

Assistance in this form—a tax credit—will give families a choice as to what kind of services are most appropriate and helpful to enable their elderly relatives to remain at home.

The bill is targeted to provide the greatest relief to those families most in need. The amount of credit will be determined on a "sliding scale" based on families' annual income. The sliding scale is based on the same formula as the dependent care tax credit adopted by Congress as part of the Economic Recovery Tax Act of 1981.

Families with incomes of $10,000 or less can claim a tax credit for 30 percent of the expenses listed above, up to a maximum credit of $1,050. Low-income families who do not pay enough taxes to get the full benefit of the credit will have the credit refunded directly to them. Families with adjusted gross incomes in excess of $50,000 will be ineligible for the credit. In no case will a family be eligible to claim a credit if the elderly relative's adjusted gross income exceeds $15,000.

Families may claim the credit for services provided to chronically ill individuals aged 75 and over, or individuals diagnosed with Alzheimer's Disease, a form of premature senile dementia.

The legislation is designed to encourage independence of the elderly person. Therefore, it does not impose a financial dependency requirement. Furthermore, the elderly relative may live either independently, or in the families' home.

There are safeguards built into the legislation to guard against abuse or overuse. In addition to the absolute cutoffs placed on family income at $50,000 and elderly income at $15,000, the bill requires that only billable services can qualify for the credit, thus facilitating documentation. The Internal Revenue Service will be required to report annually to Congress on the credit's users, their incomes, the services claimed, and the absolute amounts paid. Furthermore, the tax credit will not apply to those services reimbursed under medicare, medicaid, or other insurance plans.

Mr. President, our legislation addresses a longstanding problem—one that has most recently been called to the public's attention by representatives to the White House Conference on Aging. That problem is the overwhelming need for alternatives to institutional care for our Nation's elderly.

Finally, Mr. President, I would just like to note that all of us in Congress today—reflecting the mood of the country today—are concerned about excessive Government spending. This legislation will help put an end to Government spending for unnecessary, inappropriate institutional care. It provides a less expensive alternative for families that will help avert longrun costs. Studies have demonstrated that often even a small amount of assistance can help a family extend the period of time they can provide care for their elderly at home, rather than resorting to institutional care.

Mr. President, the family has always been the mainstay of support for older people. Our policies should encourage and strengthen that support. The tax credit provided by this bill could make the difference in the ability of millions of American families to help their elderly remain in the best possible environment—the home.

Mr. President, if I may, I will make a brief further explanation.

This legislation really builds upon the tax credit for dependent care that was in the tax bill last year. It is the same sliding scale. We believe that it is a very equitable scale.

At the present time, because there is very little in the way of assistance for, or incentives for, home health care, what happens is that as many as one-quarter of the 1.5 million elderly in nursing homes today—that is to say, in other words, over 350,000 of them—are inappropriately, unfairly, unnecessarily, and very inhumanely institutionalized.

We do have insurance programs; we have medicaid that will pay and pay a good deal to reimburse skilled nursing care, and for intermediate care under medicaid. We spend billions. Indeed, of all the money we spend in the medicaid program, 55 percent of a roughly $25 billion program goes for institutional care; for the most part, intermediate care, nursing home care for the elderly. Fifty-five percent of $25 billion is in excess of $13 billion.

The costs of this legislation are a tiny fraction, a tiny percentage of that. And, of course, if you do the cal-

culation of the extent to which the Federal Government will be better off in terms of payments, we will obviously come out billions of dollars better off if this legislation is enacted and has the effect I anticipate it would. That is to have perhaps only a modest effect on those people who are already in nursing homes, but prevent the unnecessary and inappropriate institutionalization of millions of other Americans in the future at great expense to the Government, to other insurance carriers, and, of course, at great human expense to themselves and their families.

Mr. President, I hope my colleagues will take a very good look at this bill. It will, I anticipate, be referred to the Senate Committee on Finance. I am very pleased that Senator PACKWOOD also, as a member of that committee, is one of my cosponsors. I hope we can move ahead with this legislation and build on the rather modest but important foundation that we put into the law last year when we enacted as part of the Economic Recovery Tax Act the so-called dependent care tax credit.

Mr. President, I ask unanimous consent that the text of the bill and a fact-sheet on the specifics of the bill be printed in the RECORD.

There being no objection, the bill and factsheet were ordered to be printed in the RECORD, as follows:

S. 2424

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits allowable against tax) is amended by inserting before section 45 the following new section:

"SEC. 44H. EXPENSES FOR CARE OF ELDERLY FAMILY MEMBER.

"(a) ALLOWANCE OF CREDIT.—

"(1) IN GENERAL.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the applicable percentage of qualified elderly care expenses paid by such individual for the care of a qualifying family member during the taxable year.

"(2) APPLICABLE PERCENTAGE DEFINED.—For purposes of paragraph (1), the term 'applicable percentage' means 30 percent reduced (but not below 20 percent) by 1 percentage point for each $2,000 (or fraction thereof) by which the adjusted gross income of the taxpayer (and the spouse of the taxpayer in the case of a married individual filing a separate return) for the taxable year exceeds $10,000.

"(b) LIMITATIONS.—For purposes of this section—

"(1) LIMIT ON INCOME OF TAXPAYER.—No credit shall be allowable under subsection (a) for a taxpayer with an adjusted gross income of $50,000 or more for the taxable year ($25,000 or more in the case of a married individual filing a separate return).

"(2) DOLLAR LIMITATIONS ON AMOUNT OF CREDIT.—

"(A) MAXIMUM QUALIFIED ELDERLY CARE EXPENSES TAKEN INTO ACCOUNT.—The amount of qualified elderly care expenses taken into account under subsection (a) by any taxpayer for any taxable year shall not exceed $7,000, except that not more than $3,500 may be taken into account with respect to any qualifying family member.

"(B) SPECIAL RULES FOR MARRIED INDIVIDUALS FILING SEPARATE RETURNS.—In the case of a married individual filing a separate return, paragraph (1) shall be applied by substituting '$3,500' for '$7,000' and '$1,750' for '$3,500'.

"(C) 2 OR MORE INDIVIDUALS MAKING EXPENDITURES WITH RESPECT TO SAME QUALIFYING FAMILY MEMBER.—If 2 or more individuals have qualified elderly care expenses with respect to any qualifying family member during any calendar year, then—

"(i) the amount of the qualified elderly care expenses taken into account with respect to such qualifying family member shall be determined by treating all of such individuals as one taxpayer whose taxable year is such calendar year, and

"(ii) the amount of such expenditures taken into account by each of such individuals for the taxable year in which such calendar year ends shall be equal to the amount which bears the same ratio to the amount determined under subparagraph (A) as the amount of such expenditures made by such individual during such calendar year bears to the aggregate of such expenditures made by all of such individuals during such calendar year.

"(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) QUALIFYING FAMILY MEMBER.—The term 'qualifying family member' means any individual (other than the spouse of the taxpayer) who—

"(A) is related to the taxpayer by blood or marriage,

"(B) is at least 75 years of age (or is diagnosed by a physician as having senile dementia of the Alzheimer type), and

"(C) has a family income of $15,000 or less for the taxable year.

"(2) FAMILY INCOME.—The term 'family income' means—

"(A) in the case of an individual who is not married, the adjusted gross income of such individual; and

"(B) in the case of a married individual, the adjusted gross income of such individual and his spouse.

"(3) QUALIFIED ELDERLY CARE EXPENSES.—The term 'qualified elderly care expenses' means payments by the taxpayer for home health agency services (but only if provided by an organization certified by the Health Care Financing Administration), homemaker services, adult day care, respite care, or health-care equipment and supplies which—

"(A) are provided to such qualifying family member,

"(B) are provided by an organization or individual not related to the taxpayer or to the qualifying family member, and

"(C) are not compensated for by insurance or otherwise.

"(4) APPLICATION WITH OTHER CREDITS.—Notwithstanding any provision of this part, the amount of the credit allowable under subsection (a) shall be allowed as a credit against the tax imposed by this chapter before any other credit allowed by this subpart.

"(d) DENIAL OF DOUBLE BENEFIT.—No deduction or credit shall be allowed under any other provision of this chapter with respect to any amount for which a credit is allowed under subsection (a).".

(b) CREDIT MADE REFUNDABLE.—

(1) Subsection (b) of section 6401 of such Code (relating to excessive credit is treated as overpayments) is amended—

(A) by striking out "and 43 (relating to earned income credit)," and inserting in lieu thereof "43 (relating to earned income credit), and 44P (relating to elderly care credit,", and

(B) by striking out "39 and 43" and inserting in lieu thereof "39, 43, and 44H".

(2) Paragraph (2) of section 55(b) of such Code (defining regular tax) is amended by striking out "39 and 43" and inserting in lieu thereof "39, 43, and 44H".

(c) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting before the item relating to section 45 the following new item:

"Sec. 44H. Expenses for care of elderly family member.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1982.

(e) REPORTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall prepare a report for taxable years ending in 1983 (and each of the 4 calendar years thereafter) which estimates—

(A) the number of individuals who were allowed a credit under section 44H of the Internal Revenue Code of 1954 for taxable years ending during such calendar year,

(B) the utilization of such credit by income group for such calendar year,

(C) the utilization of such credit by category of qualified elderly care expenses (as defined in paragraph (3) of subsection (c) of section 44H of such Code) during such calendar year, and

(D) the total effect on the revenues of the United States of allowing such credit during such calendar year.

(2) TIME FOR FILING.—Any report required under paragraph (1) shall be submitted to the Congress no later than September 15 of the calendar year following the calendar year for which it is required.

FACTS ABOUT FAMILY TAX CREDIT FOR ELDERLY HOME CARE

WHY DO FAMILIES NEED THIS SUPPORT?

Currently Medicare and private health insurance reimburse only for acute care services. Care for chronic illnesses are not covered.

For example, home health services provided for elderly suffering from senile dementia, stroke, arthritis, and similar problems are not covered. Families, therefore, are responsible for almost all non-institutional chronic care services. Almost no financial assistance or support is available to them through the government's health programs. Most families in our country want to provide the care that can help their chronically ill family member remain at home. However, when, over time, families exhaust financial and emotional resources, the only Federally-assisted option now available to them is institutional care—Medicaid-financed nursing home.

Families need some financial assistance to help them continue their efforts in keeping their elderly independent.

HOW MANY FAMILIES NEED THIS SUPPORT?

It is estimated that 25 percent of the 1.4 million people in nursing homes could live at home if their families received adequate assistance. Furthermore, 3.4 to 4 million non-institutionalized elderly have functional disabilities that require assistance, and 3

to 5 percent of this group are incapacitated and confined to bed. Studies indicate that 60 to 80 percent of the home care elderly receive is provided by their families. Therefore, it appears that the vast majority of these families and their elderly relatives will be eligible for the assistance of this tax credit.

WHAT ARE THE PURPOSES OF THIS TAX CREDIT?

(1) To assist families in their efforts to help chronically ill elderly relatives remain at home.

(2) To provide families and their elderly relatives with a choice amongst the most appropriate services necessary for the elderly family member to remain independent.

(3) To begin to establish a public policy which supports family care and independence for the chronically ill elderly.

WHO IS ELIGIBLE TO RECEIVE THE TAX CREDIT?

The tax credit will be targeted towards those families most in need. This will be accomplished by using a sliding income scale to determine the amount of credit a family will receive, and by placing income limits on eligibility for the credit.

To be eligible, a person or family must: Be a taxpayer with an adjusted gross income of $50,000 or less, and incur qualified expenses caring for an individual (other than a spouse) age 75 or older, or diagnosed to have senile dementia of the Alzheimer type, whose adjusted gross income is $15,000 or less.

WHAT IS THE AMOUNT OF THE TAX CREDIT?

For families with adjusted gross incomes of $10,000 or less, the allowable tax credit will be 30 percent of qualified expenses. The credit will be reduced by 1 percent for each $2,000 (or fraction thereof) of income above $10,000, to a maximum of 20 percent of qualified expenses for taxpayers with adjusted gross incomes between $26,000 and $50,000. The Maximum amount of qualified expenses taken into account for this tax credit will be $3,500 for one elderly family member, and $7,000 for two or more. Therefore, the maximum tax credit a family can claim is $1,050 for one elderly relative, and $2,100 for two or more.

HOW CAN A POOR FAMILY PAYING LITTLE IN TAXES BENEFIT?

This tax credit is refundable for low-income families. In other words, families who do not pay enough taxes to get the full benefit of the credit will have the credit refunded directly to them.

WHAT EXPENSES QUALIFY FOR THE TAX CREDIT?

Qualified expenses include the cost of services directly related to home health and respite care which supplement the care provided by the family and help the older person remain at home. These services include: Home health aide services, nursing care, adult day care, respite care, and medical or health related equipment and supplies.

A portion of the cost of these services will qualify for the tax credit, whether the elderly relative lives independently or with the family. The above expenses will be eligible for the tax credit if not otherwise reimbursed by Medicare, Medicaid or other insurance programs, or taken as other tax credits or deductions.

ARE THERE ANY SAFEGUARDS AGAINST MISUSE INCLUDED IN THE LEGISLATION?

Yes. In addition to the income eligibility limits, the bill has been designed to include two strong controls on the use of the tax credit. First, the credit can be claimed only for billable services. This will ensure that the IRS will have documentation of the expenditures for specific services. Second, the bill requires the IRS to report to Congress information regarding the number of people using the credit, their income distribution, the services for which the credit is claimed, and the dollar amounts claimed for those services. This will enable the Congress to assess the utilization of the tax credit, and make any necessary modifications.

HOW DOES THIS TAX CREDIT DIFFER FROM OTHER TAX CREDITS OR DEDUCTIONS FOR FAMILIES PROVIDING THIS CARE?

Although several tax benefits are currently available to families caring for elderly relatives, they require older persons to be almost totally dependent upon their families. Specifically, there are currently a tax credit and several deductions which require that: The family (taxpayer) must contribute over 50 percent of the elderly family member's support, and the elderly dependent cannot have over $1,000 a year in taxable gross income.

In addition to these dependency requirements, the one currently available tax credit can be used only for work-related expenses, such as adult day care.

This bill, to the contrary, is designed to help families maintain the independence of their elderly relatives, and to permit them to choose the level of care they most need.

By Mr. HELMS (by request):

S. 2426. A bill to clarify and extend the authority of the Secretary of Agriculture to collect fees to cover U.S. Government costs incident to the issuance of phytosanitary certificates with regards to plants and plant products intended for exportation and for the testing, certification, inspection, and quarantine of import and export animals and certain products and materials; to the Committee on Agriculture, Nutrition, and Forestry.

COLLECTION OF FEES TO COVER CERTAIN INSPECTION COSTS

● Mr. HELMS. Mr. President, at the request of Secretary of Agriculture, John Block, I introduce a bill to clarify and extend the authority of the Secretary of Agriculture to collect fees to cover Government costs incident to the issuance of phytosanitary certificates with regard to plants and plant products intended for exportation; and for the testing, certification, inspection, and quarantine of import and export animals and certain products and materials. It would amend existing law to allow the U.S. Department of Agriculture to prescribe charges for services provided, first, to exporters requesting phytosanitary certificates for plants and plant products; second, to importers and exporters of animals—including poultry and birds—animal products or materials; and, third, for cleaning and disinfecting means of conveyances. The bill would provide that moneys collected shall be deposited into the Treasury of the United States and credited to the current appropriations account from which costs are incurred to pay the expense of the Secretary of Agriculture incident to providing such services.

Mr. President, I ask unanimous consent that the transmittal letter from the Secretary of Agriculture as well as the text of the bill be printed in the RECORD.

There being no objection, the bill and letter were ordered to be printed in the RECORD, as follows:

S. 2426

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is authorized to prescribe charges to cover, as nearly as practicable, costs incurred by the United States Government in connection with inspection, testing, certification, and quarantine of any animals (including poultry and birds), products, or materials, imported or intended for export, pursuant to requirements under sections 6 through 10 of the Act of August 30, 1980, 26 Stat. 416-417, as amended (21 U.S.C. 101-105); sections 4 and 5 of the Act of May 29, 1884, 23 Stat. 32, as amended (21 U.S.C. 112, 113); sections 1 and 2 of the Act of February 2, 1903, 32 Stat. 791 and 792, as amended (21 U.S.C. 111, 120, 121); the Act of July 2, 1962, 76 Stat. 129-132 (21 U.S.C. 134-134h); the Act of May 6, 1970, 84 Stat. 202 (21 U.S.C. 135-135b); section 306 of the Act of June 17, 1930, 46 Stat. 689, as amended (19 U.S.C. 1306); the Act of March 3, 1891, 26 Stat. 833, as amended (46 U.S.C. 466a, 466b); or other laws administered by the Secretary of Agriculture and intended to prevent the introduction or dissemination of diseases of livestock or poultry into or from the United States or assuring humane treatment in the transportation of animals in foreign commerce, or the regulations issued under such laws; and in connection with the inspection and disinfection of means of conveyances used in the importation or exportation of animals (including poultry and birds), products or materials required by section 10 of the Act of August 30, 1890, 26 Stat. 417 (21 U.S.C. 105); and in connection with the inspection and certification of plants and plant products intended for export pursuant to section 102 of the Act of June 17, 1949, 58 Stat. 735, as amended (7 U.S.C. 147a). The Secretary shall prescribe charges to recover, as nearly as practicable, costs to the United States Government for, among other things, operation and maintenance of quarantine facilities owned or operated by the Government (including any costs to the Government for the care of such animals, products, or materials at any such facilities), rent of facilities, compensation of employees performing such inspections, tests, or certification, or related services, at any such quarantine facilities or elsewhere, and clerical and all other costs to the Government in connection with such inspection, testing, certification, or quarantine, but not including costs of purchase of land for, or of construction of capital improvements of, any quarantine or other facilities.

SEC. 2. The charges authorized by section 1 of this Act shall be credited to the current appropriations account from which costs are incurred to pay the expenses of the Secretary incident to such activities. The owner or principal operator of a means of conveyance required to be inspected or disinfected as described in section 1 shall be liable for payment of charges assessed for such service. The importer or exporter, as the case may be, shall be liable for payment of the charges assessed by the Secretary for other

activities described in section 1 of this Act. Upon failure of payment of such charges when due, the Government shall have a lien for the charges against such plants, animals, plant or animal products, materials or means of conveyances and any other plants, animals, plant or animal products, or materials thereafter imported of by such importer or exporter. The Secretary may, in case of nonpayment of the charges when due, after giving reasonable notice of default to the owner or principal operator, or to the importer or exporter, repectively, and to the owner of the plants, animals, plants and animal products, materials, or means of conveyances, if ascertainable, sell at public sale after reasonable public notice, or otherwise dispose of such plants, animals, plant or animal products, materials, or means of conveyances in his custody, as he may by regulation direct. If the sale proceeds exceed the charges due and the expenses of the sale, the excess shall be paid, in accordance with regulations of the Secretary to the owner upon his making application therefor, with proof of ownership, within six months after such sale, and otherwise the excess shall be credited to the current appropriations account from which costs are incurred to pay the expenses of the Secretary incident to such activities.

SEC. 3. An action for the recovery of charges which have not been paid in accordance with this Act may be brought against any person obligated for payment of such charges under this Act in any United States District Court or other United States Court for any Territory or possession in any jurisdiction in which such person is found or resides or transacts business, and such Court shall have jurisdiction to hear and decide such action.

SEC. 4. Section 2(c) of the Act of July 2, 1962, (21 U.S.C. 134a(c)) is amended by deleting the third sentence thereof.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., March 16, 1982.

Hon. GEORGE BUSH,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Transmitted herewith for the consideration of the Congress is a draft bill "To clarify and extend the authority of the Secretary of Agriculture to collect fees to cover United States Government costs incident to the issuance of phytosanitary certificates with regard to plants and plant products intended for exportation; and for the testing, certification, inspection and quarantine of import and export animals and certain products and materials."

The Department of Agriculture recommends that the draft bill be enacted.

The purpose of this draft bill is to allow the Department to prescribe charges for services provided to: (1) exporters requesting phytosanitary certificates for plants and plant products; (2) importers and exporters of animals (including poultry and birds), animal products or materials; and (3) for cleaning and disinfecting means of conveyances. The draft bill provides that the money collected shall be deposited into the Treasury of the United States and credited to the current appropriations account from which costs are incurred to pay the expense of the Secretary incident to providing such services.

Under present procedures, costs are financed from appropriated funds except for the cost of care (including attendants) and feed for imported animals while quarantined in Government owned or operated import centers. These latter costs are paid from charges collected from the importers and/or exporters and deposited into a trust fund. We believe costs associated with these activities should be borne by the persons who directly benefit from the services provided, and not by the general public.

An identical letter has been sent to the Speaker of the House of Representatives.

Enactment of this bill is consistent with the President's Fiscal Year 1983 budget, and would reduce 1983 outlays by some $3.6 million. The proposal is also consistent with recent General Accounting Office recommendations (see GAO report CED-81-49).

The Office of Management and Budget advises that there is no objection to the presentation of this proposed legislation from the standpoint of the Administration's program.

Sincerely,

JOHN R. BLOCK.●

By Mr. HELMS (by request):

S. 2427. A bill to authorize civil penalties for violations of various laws for preventing the introduction and dissemination of livestock and poultry diseases, plant diseases, and plant pests; to the Committee on Agriculture, Nutrition, and Forestry.

PENALTIES FOR THE DISSEMINATION OF CERTAIN DISEASES

● Mr. HELMS. Mr. President, at the request of Secretary of Agriculture, John Block, I introduce a bill to authorize civil penalties for violations of various laws for preventing the introduction and dissemination of livestock and poultry diseases, plant diseases, and plant pests. The bill would authorize the Secretary of Agriculture to impose, administratively, civil money penalties for violations, if and when he believes that such penalties are appropriate to effectuate the purposes of the act involved.

Mr. President, I ask unanimous consent that the transmittal letter from the Secretary of Agriculture as well as the text of the bill be printed in the RECORD.

There being no objection, the bill and letter were ordered to be printed in the RECORD, as follows:

S. 2427

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person (as defined in section 1 of title 1 of the United States Code) who does any act prohibited by any provision of section 6 or 8 of the Act of August 30, 1890 (26 Stat. 416, as amended; 21 U.S.C. 103, 104); section 6 of the Act of May 29, 1884 (23 Stat. 32, as amended; 21 U.S.C. 115); section 2 or 4 of the Act of March 3, 1905 (33 Stat. 1264, as amended; 21 U.S.C. 124, 126, 128); section 306 of the Act of June 17, 1930 (46 Stat. 689, as amended; 19 U.S.C. 1306); section 103 of the Act of May 23, 1957 (71 Stat. 32; 7 U.S.C. 150bb); the Act of August 20, 1912 (37 Stat. 315, as amended; 7 U.S.C. 151-164, 167); or any regulation promulgated under any provision of those Acts or of the Act of February 2, 1903 (32 Stat. 791, as amended; 21 U.S.C. 111-113, 120, 121), the Act of July 2, 1962 (76 Stat. 129; 21 U.S.C. 134-134h), or the Act of January 31, 1942 (56 Stat. 40, as amended; 7 U.S.C. 149), or who does any act penalized by section 2 of the Act of May 6, 1970 (84 Stat. 202; 21 U.S.C. 135a), or section 108 of the Act of May 23, 1957 (71 Stat. 34; 7 U.S.C. 150gg), may be assessed a civil penalty by the Secretary of Agriculture of not more than $1,000 for each violation. Each violation shall be a separate offense. The Secretary's determination shall be made on the record after notice and opportunity for a hearing with respect to the alleged violation, and the order of the Secretary assessing a penalty shall be final and conclusive unless the affected person files an appeal from the Secretary's order with the appropriate United States court of appeals. Such court shall have exclusive jurisdiction to enjoin, set aside, suspend (in whole or in part), or to determine the validity of the Secretary's order and the provisions of sections 2341, 2343 through 2350 of title 28, United States Code, shall be applicable to such appeals and orders. Judicial review of the order shall be upon the record upon which the findings and order are based. The findings of the Secretary shall be set aside only if found to be unsupported by substantial evidence. Where the court upholds the Secretary's order, it shall enter judgment in favor of the United States in the amount of the penalty, which judgment may be registered in any district court of the United States in accordance with the provisions of, and have the effect provided in, section 1963 of title 28 of the United States Code. Upon any failure to pay the penalty assessed by a final order under this section and not reduced to judgment, the Secretary shall request the Attorney General to institute a civil action in any appropriate district court of the United States to collect the penalty. In such action, the validity and appropriateness of the final order imposing the civil penalty shall not be subject to review.

SEC. 2. (a) Section 6 of the Act of August 30, 1890 (26 Stat. 416, as amended; 21 U.S.C. 104), is amended by striking out the last sentence and inserting in lieu thereof the following: "Any person who shall knowingly violate the foregoing provision shall be guilty of a misdemeanor and shall, on conviction, be punished by a fine not exceeding $5,000, or imprisonment not exceeding one year, or both.".

(b) Section 8 of the Act of August 30, 1890 (26 Stat. 416; 21 U.S.C. 103), is amended by adding before the period at the end of the first sentence the following: ", and any person who knowingly violates such prohibition shall be deemed guilty of a misdemeanor and shall, on conviction, be punished by a fine not exceeding $1,000, or by imprisonment not exceeding one year, or both".

SEC. 3. Section 3 of the Act of February 2, 1903 (32 Stat. 792, as amended; 21 U.S.C. 122), section 6 of the Act of March 3, 1905 (33 Stat. 1265, as amended; 21 U.S.C. 127), and section 6 of the Act of July 2, 1962 (76 Stat. 131; 21 U.S.C. 134e) are hereby amended by striking out "$1,000" and inserting in lieu thereof "$5,000".

SEC. 4. Section 103 of the Federal Plant Pest Act (71 Stat. 32; 7 U.S.C. 150bb) is amended by striking out "knowingly" wherever it appears.

SEC. 5. Section 108 of the Federal Plant Pest Act (71 Stat. 34; 7 U.S.C. 150gg) is amended to read as follows:

"SEC. 108. Any person who knowingly violates section 103 of this Act, or any regulation promulgated under this Act, or who forges or counterfeits, or who knowingly, without authority from the Secretary, uses,

alters, or defaces any permit or other document provided for by this Act or the regulations thereunder, shall be guilty of a misdemeanor and shall be punished by a fine not exceeding $5,000, or by imprisonment not exceeding one year, or both.".

SEC. 6. Section 10 of the Plant Quarantine Act of August 20, 1912, is amended to read as follows:

"SEC. 10. That any person who knowingly shall violate any of the provisions of this Act, or who shall forge or counterfeit, or who knowingly, without authority from the Secretary, shall use, alter, deface, or destroy any certificate provided for in this Act or in the regulations of the Secretary of Agriculture, shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine not exceeding $5,000, or by imprisonment not exceeding one year, or both.".

SEC. 7. The Act of January 31, 1942 (56 Stat. 40, as amended; 7 U.S.C. 149), is amended by inserting at the end thereof the following: "Any person who knowingly violates any such regulation shall be guilty of a misdemeanor and shall be punished by a fine not exceeding $5,000, or by imprisonment not exceeding one year, or both.".

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., March 16, 1982.

Hon. GEORGE BUSH,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Transmitted herewith for the consideration of the Congress is a draft bill "To authorize civil penalties for violations of various laws for preventing the introduction and dissemination of livestock and poultry diseases, plant diseases, and plant pests."

The Department of Agriculture recommends that the draft bill be enacted.

The purpose of the draft bill is to expand the scope of sanctions for violations of certain so-called "Animal Quarantine" and "Plant Quarantine" acts intended to prevent the introduction into the United States and the dissemination within the United States of livestock and poultry diseases and plant diseases and pests.

The draft bill would authorize the Secretary of Agriculture to impose, administratively, civil money penalties for violations, whenever he believes that such penalties are appropriate to effectuate the purposes of the act involved. Provision is made for affording the alleged violator an opportunity for hearing in connection with such action. The acts to be amended now contain no authority for the imposition of civil money penalties. The additional authority will enable the Department to handle many violations more expeditiously, provide greater flexibility in sanctions for more effective enforcement, and insure a greater degree of consistency in the sanctions. The provisions for civil money penalties are consistent with "Recommendations 72-6: Civil Money Penalties as a Sanction" adopted on December 14, 1972, by the Administrative Conference of the United States.

The draft bill retains the sanction of criminal prosecution now provided for in the acts but increases the fines applicable to such violations. The maximum fine for violation of the Act of February 2, 1903, the Act of March 3, 1905, or the Act of July 2, 1962, or the regulations promulgated thereunder, would be raised from $1,000 to $5,000 (21 U.S.C. 122, 127, 134e). The sanction of imprisonment for a period of not more than one year would also be maintained. This accords with the provisions in the Act of May 29, 1884, as amended (21 U.S.C. 117). The maximum fine of $5,000 would be retained in section 6 of the Act of August 30, 1890 (21 U.S.C. 104). However, the maximum period of imprisonment in that section would be reduced from three years to one year, to be in accord with the definition of a misdemeanor prescribed in 18 U.S.C. 1 and to conform to the term of imprisonment prescribed in the other "Animal Quarantine" acts as cited. A maximum fine of $1,000 and imprisonment not exceeding one year would be provided for a knowing violation of section 8 of the 1890 Act (21 U.S.C. 103) for which no penalties are currently provided in the act.

The forfeiture provision of section 6 of the Act of August 30, 1890 (21 U.S.C. 104) would be deleted. The present provision is not applicable to all means of conveyance. This forfeiture authorization has never been used. The administrative officials of the Animal and Plant Health Inspection Service do not view the provision as a practical tool in their disease control and eradication programs and find more practical recourse under other authorizations contained in the Animal Quarantine laws and this bill.

In the Act of May 23, 1957 (7 U.S.C. 150gg) and the Act of August 20, 1912 (7 U.S.C. 163), the maximum fine would be increased from $500 to $5,000 and the provisions for a maximum one year period of imprisonment would be retained. However, knowledge would be specifically required as an element of additional criminal offenses under these two acts. Currently, knowledge is specifically required only for certain offenses under these two acts. The bill also would add to the 1912 Act, provisions for civil and criminal penalties for the knowing unauthorized use of certificates provided for under the act and limit the provisions on alterations, defacing or destroying such certificates to such actions when unauthorized by the Secretary.

The bill would also provide for the imposition of civil and criminal penalties for violation of regulations under the Act of January 31, 1942 (7 U.S.C. 149). Such authority is not presently provided.

This Department believes that the bill, if enacted, would substantially aid in the protection of the livestock and poultry populations, plants and other agricultural interests of this country.

Enactment of the draft bill will result in an estimated additional cost to the Department of approximately $100,000 annually.

An identical letter has been sent to the Speaker of the House.

The Office of Managment and Budget advises that there is no objection to the presentation of this proposed legislation from the standpoint of the Administration's program.

Sincerely,

JOHN R. BLOCK,
Secretary.●

By Mr. MATHIAS:

S. 2428. A bill to amend title 18 of the United States Code to strengthen the laws against the counterfeiting of trademarks, and for other purposes; to the Committee on the Judiciary.

TRADEMARK COUNTERFEITING ACT OF 1982

● Mr. MATHIAS. Mr. President, today I am introducing the Trademark Counterfeiting Act of 1982. This bill, if enacted, will help eliminate billions of dollars in losses legitimate businesses suffer every year to the commercial counterfeiters. Counterfeiting has extended into virtually every aspect of our lives.

To most people, the word "counterfeit" conjures up visions of bogus $20 bills or phony New York City subway tokens, but the problem reaches almost all manufacturing activity.

Counterfeit watches, automobile parts, and high fashion leather goods come first to mind, but its ramifications are not limited to the disappointment a teenager feels when her counterfeit designer jeans shrink on first contact with water or the annoyance a rich dowager feels when a fake gold watch turns her wrist an unsightly green. Counterfeit articles can also kill.

The Bell Helicopter Co. attributes several fatal crashes to counterfeited rotor gears, and a British bus manufacturer traced a series of fatal brake failures to counterfeit brakedrums that a Hong Kong customer had returned as unsold merchandise. In reality, the drums had been counterfeited in Taiwan. Even our own space program is not off limits to counterfeiters. In 1976, it seems, NASA discovered fake transistors in vehicles destined for outer space.

Obviously, commercial counterfeiting has become a slick, sophisticated, and dangerous business. It can no longer be dismissed as a minor irritant with only minor economic consequences. It is a growth industry. It is international. And it is hurting us badly.

A study prepared by the Anti-Counterfeiting Coalition cites a Justice Department estimate that the U.S. loses $16 billion every year through commercial counterfeiting. Just think what that means in terms of jobs, and in terms of our balance of payments. In many countries, counterfeiting has come out of the back alleys and dark garages of the slums and into the mainstream of commerce. Little fly-by-night operations have moved into modern factories; their owners have moved from the shadows of the underworld into the respectable ranks of the Rotary Club.

The bill I introduce today would establish criminal penalties of up to $250,000 or 5 years' imprisonment for the offense of trafficking in counterfeit brand name labels. I expect that the deterrent effect of the measure will be especially useful. It also allows treble damages for private victims of counterfeiting.

I urge all of my colleagues to give this bill their careful scrutiny and to consider joining me as cosponsor. The problem it addresses is an important one, and it grows worse every day. We need adequate laws to help us fight it, and this bill is a step in that direction.

I request unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2428

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Trademark Counterfeiting Act of 1982".

SEC. 2. (a) Title 18, United States Code, is amended by inserting after section 2318 the following:

"§ 2319. Criminal trafficking in counterfeit marks

"(a) Whoever in the foreign or domestic commerce of the United States traffics or attempts to traffic in a counterfeit mark knowing the mark to be counterfeit shall, if such offender is an individual, be fined not more than $250,000 or imprisoned for not more than 5 years, or both, or, if such offender is a corporation, be fined not more than $1,000,000.

"(b) As used in this section—

"(1) 'counterfeit mark' means any mark that is counterfeit as defined in section 45 of the Act entitled 'An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes', approved July 5, 1946 (60 Stat. 427; 15 U.S.C. 1127), and that is used or is intended to be used on or in connection with goods or services for which the genuine mark is registered on the principal register in the United States Patent and Trademark Office; and

"(2) 'traffic' means to—

"(A) transfer, assign, or in any manner dispose of, or transfer to another as consideration for anything of value;

"(B) advertise, promote, or in any manner offer to dispose of, or to transfer or assign to another as consideration for anything of value; or

"(C) receive, possess, transport, or in any manner exercise control of, with intent to so transfer, assign, or dispose of, or with intent to assist another in so doing.

"(c)(1) Any owner of a mark registered on the principal register in the United States Patent and Trademark Office, or his or her designee, who is injured in his or her business or property by reason of a violation of this section may sue in any district court of the United States in the district in which the defendant resides, is found, has an agent, or transacts business, without regard to the amount in controversy, and, upon establishing said violation by a preponderance of the evidence, such civil claimant shall recover—

"(A) treble damages,

"(B) defendant's profits, and

"(C) the costs of investigating the violation and prosecuting the suit, including reasonable investigator's and attorney's fees.

"(2) The court, on a motion promptly made, may in its discretion award prejudgment interest on the actual damages sustained, at an annual interest rate established under section 6621 of the Internal Revenue Code of 1954 commencing on the date of the service of the civil claimant's pleadings which set forth the claim for damages, and ending on the date such judgment is awarded or for a shorter time as the court deems appropriate. Process in any civil action under this section may be served in accordance with the Federal Rules of Civil Procedure.

"(3) A final judgment or decree rendered in favor of the United States in any criminal proceeding brought by the United States under this section shall estop the defendant from denying the essential allegations of the criminal offense in any civil proceeding brought by any civil claimant pursuant to this section.

"(d) In any civil or criminal proceeding brought under this section the district courts of the United State shall have jurisdiction to prevent and restrain trafficking in counterfeit marks by issuing appropriate orders upon the request, ex parte and without notice, of an attorney for the United States or for any civil claimant, including ordering any person to deliver to the court or to any person designated by the court any and all means of making any counterfeit mark and any and all goods, articles, or matter of any kind bearing any counterfeit mark. Following the execution of any such order, due notice and an opportunity to be heard will promptly be afforded to any party interested in such materials, after which, if the court determines that the mark is counterfeit, such court may order the destruction of such materials or, after obliteration of the counterfeit mark, the disposal of such materials to the United States, the civil claimant, an eleemosynary institution, or, in the court's discretion, any appropriate person other than the person from whom the materials were obtained.

"(e) Notwithstanding any other provision of law or rule, a warrant to search for and seize any property or other matter that constitutes evidence of the commission of a violation of this section, or that is or has been used or is designed or intended to be used in the commission of a violation of this section, may be issued by an appropriate district court upon the request, ex parte and without notice, of an attorney for the United States or for any civil claimant who adduces probable cause to believe that the person whose person or premises is to be searched is knowingly trafficking in a counterfeit mark of which the claimant is the lawful owner. In the case of the civil claimant, the warrant must be executed by a public officer. As so modified, the Federal Rules of Criminal Procedure shall govern the issuance and execution of warrants issued pursuant to this subsection and the seizure of property thereunder.

"(f) Nothing in this section shall supersede any provision of Federal, State, or other law imposing criminal penalties or affording civil remedies in addition to those provided for in this section, except that no civil claimant who recovers treble damages pursuant to this section shall also be entitled to collect damages pursuant to section 35 of the Act entitled 'An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes' approved July 5, 1946 (60 Stat. 427; 15 U.S.C. 1117) in connection with the same underlying occurrences or transactions.".

(b) The table of sections for title 18, United States Code, is amended by adding after the item relating to section 2318 the following:

"2319. Criminal trafficking in counterfeit marks.".●

By Mr. DECONCINI (for himself and Mr. DOMENICI):

S. 2429. A bill to direct the Administrator of General Services to acquire copper for the national defense stockpile; the the Committee on Armed Services.

COPPER STOCKPILE PURCHASE

Mr. DECONCINI. Mr. President, we are today introducing legislation which addresses our national security concerns and at the same time our deteriorating economic conditions. We believe we have a rare opportunity to actually take advantage of currently depressed markets while improving economic conditions which have caused the declines.

Our specific concern is with the depleted state of the national defense materials stockpile. For example, we have a long-established stockpile goal of 1 million tons of copper, but we have on hand less than 30,000 tons of copper. I repeat, Mr. President, we have an existing national stockpile goal of 1 million tons. The need to stockpile copper for strategic purposes for national security is firmly established and undisputable.

It is also beyond dispute, Mr. President, that it is in the Nation's interest to operate the stockpile—to buy and sell commodities—in an economically responsible manner. Economic health is no small part of national security, and is totally compatible with military access to strategic materials.

What we are proposing—myself and other cosponsors—is very direct. Copper is now selling at about 72 cents a pound and even lower in certain quantities. There is up to $300 million available in the transaction fund established by Public Law 96-41, the Critical and Strategic Stockpile Revision Act. The administration is currently recommending that $120 million be appropriated from this fund to finance the purchase of critical and strategic materials in conformity with the established priorities. The fiscal year 1983 budget request is now being considered by the appropriate committees. Even if the full amount of the President's budget request is appropriated by the Congress, $150 to $180 million will still be available in the fund.

Mr. President, these moneys are the proceeds from the sale of excess commodities from the stockpile. These funds are earmarked by law, for the purchase of needed materials and can be used for no other purpose. This bill directs the General Services Administration to use these additional funds, the $150 to $180 million, to purchase copper as soon as possible.

It is estimated that the sum which will be available to the fund, in addition to that amount requested by the President for purchases of other commodities, will buy 200,000 to 225,000 tons. Although it is only one-quarter of the established goal, it is probably the realistic quantity which could be purchased in a short period of time.

When additional purchases are feasible, we believe moneys could be shifted to the fund from other accounts; preferably from the aggregate request for foreign assistance, and without burdening the American taxpayer by raising the deficit. In the meantime I will ask the General Accounting Office to study the relationship between the need to stockpile certain commodities and our foreign assistance priorities.

Mr. President, we suggested this bill would also improve domestic economic conditions. The price of copper, adjusted for inflation, is at its lowest level in decades. It is for this reason that copper right now is a good buy. But it is also for this reason that the copper industry is in its worst shape since the depression in the thirties. When we say "industry" we, of course, mean people. It is the people who are employed by the industry, and the towns they live in, which are devastated. In Arizona alone, over 8,000 copper workers are out of work. The impact of this disaster on top of other crippling blows to our economy, such as the virtual collapse of the housing industry, and the greatest number of business failures since the Great Depression year of 1932, will send a paralyzing shock wave through many of our communities and will have a multiplyer effect throughout the Southwest.

However, the purchase of 225,000 tons—and eventually a million tons—to meet our stockpile of domestic copper at this time with funds already on hand, or to be shifted from foreign assistance or other places, without increasing the deficit, will prevent the possible collapse of the copper industry and put thousands of workers back on the job. This, Mr. President, is the essence of our national security.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2429

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Defense Stockpile Copper Acquisition Act of 1982".

SEC. 2. (a) The Administrator of General Services shall acquire such quantities of copper from domestic producers as may be acquired for the amount of funds available for such purpose under section 9(d) of the Strategic and Critical Materials Stock Piling Act (as added by section 3 of this Act) (50 U.S.C. 98h (d)).

(b) The acquisition of copper under authority of subsection (a) shall be made in accordance with subsection (b) of section 6 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98e), but without regard to the provisions of subsections (c) and (d) of such section.

(c) Copper acquired under authority of subsection (a) shall be added to and made a part of the National Defense Stockpile described in section 3(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98b (a)).

SEC. 3. Section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) is amended by adding at the end thereof the following new subsection:

"(d) (1) Notwithstanding subsections (b) and (c), the moneys in the fund shall be available to carry out section 2 of the National Defense Stockpile Copper Acquisition Act of 1982 in an amount calculated as provided in paragraph (2).

"(2) For the purpose of paragraph (1), the amount available shall be the greater of—

"(A) the amount necessary to acquire 200,000 short tons of copper; or

"(B) the excess of the amount of moneys in the fund on the effective date of this subsection over $120,000,000."

By Mr. DANFORTH (for himself, Mr. PACKWOOD, Mrs. KASSEBAUM, Mr. PERCY, Mr. DIXON, and Mr. EXON):

S. 2430. A bill to provide authorization of appropriations for railroad rehabilitation and improvement financing, and for other purposes; to the Committee on Commerce, Science, and Transportation.

FEDERAL RAILROAD FINANCIAL ASSISTANCE

● Mr. DANFORTH. Mr. President, today I am introducing legislation to extend the authorization for Federal financial assistance for the rehabilitation and improvement of the Nation's railroad system. I am pleased to have join with me as cosponsors of this legislation, Senators DIXON, EXON, KASSEBAUM, PACKWOOD, and PERCY.

This financial assistance program, commonly known as the preference share program, now provides low interest loans to aid in the rehabilitation of railroad lines and the acquisition of lines abandoned by the Milwaukee and Rock Island Railroads. Since its creation back in 1976, this program has permitted a number of marginal railroads to eliminate deferred maintenance on their mainlines and to provide safer, more efficient rail service to shippers. In the case of some bankrupt railroads, like the Boston and Maine and the Milwaukee Road, it has been the primary source of financial support and has helped them resume their positions as competitive railroads. This program has also insured that communities and States threatened with the loss of essential railroad service have been able to maintain such service.

With the authorization for this program due to expire at the end of the fiscal year, the Surface Transportation Subcommittee, of which I am chairman, held hearings to determine whether this program has met congressional goals and whether it is needed in the future. My colleagues and I were impressed not only with the success of the program to date, but with the importance of continuing it in the future. It is clear that the financial status of the railroad industry has improved since this program was established and, thus, its ability to get private sector financing. It is equally clear that there remain essential railroad projects that will never be completed or even get off the ground without some form of Federal financial assistance. This includes the restructuring and modernization of the East St. Louis Railway terminal facility.

The St. Louis area is the country's second largest railroad transportation center. However, its efficiency has been reduced significantly by antiquated railroad facilities. This has adversely affected shippers throughout the country. It has also taken an economic toll on East St. Louis and surrounding communities whose revitalization depends on the consolidating and improving of existing railroad facilities. During the subcommittee's hearing, witnesses testified that the preference share program has been and will continue to be the catalyst for doing the necessary work on the terminal facilities. Further, I personally believe that the program is consistent with the administration's proposals to stimulate economic growth in the private sector.

I hope that my colleagues will join me in supporting the continuation of this financial assistance program, which is important to the national railroad system, shippers, and communities alike.

I ask unanimous consent that this bill be printed in the RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2430

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 505(e) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 825(e)) is amended by striking all from "The total par value" through "except that—" and inserting in lieu thereof "With respect to the purchase of redeemable preference shares—".

SEC. 2. Section 507 (a) and (d) of the Railroad Revitalization and Regulatory Reform Act (45 U.S.C. 827 (a) and (d)) are amended by striking "September 30, 1982," and inserting in lieu thereof "September 30, 1986,".

SEC. 3. Section 509 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 829) is amended—

(1) by inserting "(1)" immediately after "(a); and

(2) by adding at the end of subsection (a) the following:

"(2) Notwithstanding the provisions of subsection (a) of this section or any other provision of law, in order to carry out the purposes of the Fund—

"(A) monies in the Fund derived from monies appropriated to the Secretary of the Treasury under this subsection before October 1, 1982, shall remain available to the Secretary of Transportation until expended; and

"(B) monies appropriated to the Secretary of the Treasury under this subsection before October 1, 1982, shall remain available until expended, pursuant to section 507(a) of this title (45 U.S.C. 827(a)).

"(3)(A) There is authorized to be appropriated to the Secretary of the Treasury in fiscal year 1983, for the purposes of the Fund, not to exceed $100,000,000. Amounts appropriated under this section are authorized to remain available until October 1, 1986.

"(B) Fifty percent of the funds received by the Secretary of the Treasury from amounts appropriated under subparagraph (A) of this paragraph shall be reserved and made available for meritorious applications regarding that restructuring of rail freight facilities and systems specified in the last sentence of section 505(b)(2) of this title (45 U.S.C. 825(b)(2)).".

SEC. 3. (a) Section 509(b) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 829(b)) is amended—

(1) by striking "(a)" in paragraph (1) and inserting in lieu thereof "(a)(1)";

(2) by striking "Not less than" in paragraph (2) and inserting in lieu thereof "Not more than"; and

(3) by striking "50 percent" in paragraph (3), and inserting in lieu thereof "25 percent".●

By Mr. CHAFEE:

S. 2431. A bill to amend and extend the Solid Waste Disposal Act, as amended, for 2 years; to the Committee on Environment and Public Works.

AMENDMENT AND EXTENSION OF SOLID WASTE DISPOSAL ACT

● Mr. CHAFEE. Mr. President, I am introducing today by request a bill to amend and extend the Solid Waste Disposal Act, as amended, for 2 years. In addition to providing authorizations for appropriations through 1984 for carrying out the provisions of the act and for financial assistance to the States, the administration bill would delete several sections of the act.

It is my intention to address the administration bill and the reauthorization bill which I just introduced at hearings on April 26 before the Senate Subcommittee on Environmental Pollution.

I ask unanimous consent that the text of the administration's bill also be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2431

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) Section 2007(a) of the Solid Waste Disposal Act, as amended (42 U.S.C. 6916), is amended by striking "and" immediately following "1981," and by inserting immediately before the period at the end thereof ", $38,628,000 for the fiscal year ending September 30, 1983, and such sums as may be necessary for the fiscal year ending September 30, 1984".

(b) Sections 2007(b) and 2007(d) of the Solid Waste Disposal Act, as amended (42 U.S.C. 6916), are hereby repealed and section 2007(c) is redesignated as section 2007(b).

SEC. 2. Section 3011(a) of the Solid Waste Disposal Act, as amended (42 U.S.C. 6931), is amended by striking "and" immediately following "1981," and by inserting immediately following "1982" the following: ", $35,137,000 for the fiscal year 1983, and such sums as may be necessary for the fiscal year 1984".

SEC. 3. (a) Section 4008(a)(3)(A) of the Solid Waste Disposal Act, as amended (42 U.S.C. 6948), is hereby repealed and sections 4008(a)(3)(B) and 4008(a)(3)(C) are redesignated as sections 4008(a)(3)(A) and 4008(a)(3)(B) respectively;

(b) Section 4008(f)(2) of the solid Waste Disposal Act, as amended (42 U.S.C. 6948(f)(4), is hereby repealed and section 4008(f)(3) is redesignated as section 4008(f)(2); and

(c) Section 4008(f)(4) of the Solid Waste Disposal Act, as amended (42 U.S.C. 6948(f)(3), is hereby repealed.

SEC. 4. (a) Section 8002(j)(5) of the Solid Waste Disposal Act, as amended (42 U.S.C. 6982), is hereby repealed; and

(b) Section 8002(m)(3) of the Solid Waste Disposal Act, as amended (42 U.S.C. 6982), is hereby repealed.●

By Mr. CHAFEE (for himself, Mr. STAFFORD, Mr. RANDOLPH, and Mr. MITCHELL):

S. 2432. A bill to amend and extend the Solid Waste Disposal Act, as amended, for 2 years; to the Committee on Environment and Public Works.

REAUTHORIZATION OF SOLID WASTE DISPOSAL ACT

● Mr. CHAFEE. Mr. President, today I am introducing on behalf of myself, Senator STAFFORD, Senator RANDOLPH, and Senator MITCHELL, a bill to reauthorize appropriations for the Solid Waste Disposal Act for fiscal years 1983 and 1984. The current authorization will expire on September 30, 1982.

The Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, requires the Environmental Protection Agency to issue and enforce regulations governing the disposal of various solid wastes and hazardous wastes. In addition, the act provides assistance to States, municipalities and regional authorities to aid them in planning and managing disposal facilities which meet the standards of the act.

The bill provides authorizations for appropriations of $38,628,000 for fiscal year 1983 and $42,500,000 for fiscal year 1984 to carry out the provisions of the act. Further, the bill authorizes appropriations of $45,000,000 for fiscal year 1983 and $45,000,000 for fiscal year 1984 for financial assistance to the States for development and implementation of authorized hazardous waste programs.

The Senate Subcommittee on Environmental Pollution will hold hearings on April 26, to consider reauthorization of the Solid Waste Disposal Act. At that time, the subcommittee will focus on the appropriate level of funding for implementing the law and whether the law needs to be amended substantively at this time.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2432

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 2007(a) of the Solid Waste Disposal Act, as amended (42 U.S.C. 6916), is amended by striking "and" immediately following "1981," and by inserting immediately before the period at the end thereof ", $38,628,000 for the fiscal year ending September 30, 1983, and $42,500,000 for the fiscal year ending September 30, 1984."

SEC. 2. Section 3011(a) of the Solid Waste Disposal Act, as amended (42 U.S.C. 6931), is amended by striking "and" immediately following "1981," and by inserting immediately following "1982" the following: ", $45,000,000 for the fiscal year 1983, and $45,000,000 for the fiscal year 1984." ●

ADDITIONAL COSPONSORS

S. 757

At the request of Mr. Jackson, the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 757, a bill to amend title 10, United States Code, to authorize medical and dental care and related benefits for reservists and members of the National Guard who contract a disease or become ill while on duty for 30 days or less, and for other purposes.

S. 758

At the request of Mr. JACKSON, the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 758, a bill to amend title 10, United States Code, to authorize medical and dental care for dependents of reservists and members of the National Guard, and for other purposes.

S. 759

At the request of Mr. JACKSON, the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 759, a bill to amend titles 10, 32, and 37, United States Code, to authorize medical and dental care, and related benefits for reservists and members of the National Guard under certain conditions, and for other purposes.

S. 973

At the request of Mr. RIEGLE, the Senator from Nebraska (Mr. ZORINSKY) was added as a cosponsor of S. 973, a bill to amend the Internal Revenue Code of 1954 to allow a refundable income tax credit for the purchase of new automobiles manufactured by certain companies which have substantially increased their average fuel economy.

S. 1947

At the request of Mr. WEICKER, the Senator from Tennessee (Mr. SASSER) was added as a cosponsor of S. 1947, a

bill to improve small business access to Federal procurement information.

S. 1951

At the request of Mr. BENTSEN, the Senator from Florida (Mrs. HAWKINS) was added as a cosponsor of S. 1951, a bill to change the penalties for possession of controlled substances under section 401(b) of the Controlled Substances Act.

S. 1958

At the request of Mr. DOLE, the Senator from Tennessee (Mr. SASSER), and the Senator from California (Mr. CRANSTON) were added as cosponsors of S. 1958, a bill to amend title XVIII of the Social Security Act to provide for coverage of hospice care under the medicare program.

S. 2013

At the request of Mr. INOUYE, the Senator from Arizona (Mr. GOLDWATER) was added as a cosponsor of S. 2013, a bill to amend the Controlled Substances Act to establish a temporary program under which heroin would be made available through qualified hospital pharmacies for the relief of pain of cancer patients.

S. 2127

At the request of Mr. COHEN, the Senator from Wisconsin (Mr. PROXMIRE), and the Senator from Maine (Mr. MITCHELL) were added as cosponsors of S. 2127, a bill to revise the procedures for soliciting and evaluating bids for Government contracts and awarding such contracts, and for other purposes.

S. 2214

At the request of Mr. SCHMITT, the Senator from Florida (Mrs. HAWKINS) was added as a cosponsor of S. 2214, a bill to amend the Internal Revenue Code of 1954 to provide a partial exclusion for dividends and interest received and to eliminate the deduction for consumer interest paid or accrued.

S. 2215

At the request of Mr. THURMOND, the Senator from West Virginia (Mr. ROBERT C. BYRD), the Senator from New Mexico (Mr. DOMENICI), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Georgia (Mr. NUNN), the Senator from Montana (Mr. MELCHER), the Senator from Iowa (Mr. GRASSLEY), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Florida (Mrs. HAWKINS), the Senator from Alabama (Mr. DENTON), the Senator from Rhode Island (Mr. PELL), the Senator from North Dakota (Mr. ANDREWS), the Senator from Oklahoma (Mr. BOREN), the Senator from Virginia (Mr. HARRY F. BYRD, JR.), the Senator from New York (Mr. MOYNIHAN), the Senator from New Mexico (Mr. SCHMITT), the Senator from Ohio (Mr. GLENN), the Senator from Wisconsin (Mr. KASTEN), the Senator from North Carolina (Mr. EAST), the Senator from Pennsylvania (Mr. HEINZ), and the Senator from North Dakota (Mr. BURDICK) were added as cosponsors of S. 2215, a bill to recognize the organization known as the National Association of State Directors of Veterans Affairs, Incorporated.

S. 2283

At the request of Mr. GLENN, the Senator from Kentucky (Mr. HUDDLESTON), and the Senator from Illinois (Mr. DIXON) were added as cosponsors of S. 2283, a bill to authorize negotiations directed toward liberalizing international trade and investment in high technology goods and services, and for other purposes.

S. 2335

At the request of Mr. WEICKER, the Senator from Mississippi (Mr. STENNIS), and the Senator from Nebraska (Mr. EXON) were added as cosponsors of S. 2335, a bill to amend the Internal Revenue Code of 1954 to provide that any small issue which is part of a multiple lot shall meet the requirements of the small issue exemption.

S. 2346

At the request of Mr. RIEGLE, the Senator from Kentucky (Mr. HUDDLESTON) was added as a cosponsor of S. 2346, a bill to amend the National Housing Act to provide additional authorization for the Government National Mortgage Association tandem program and to express congressional opposition to certain rescissions, and for other purposes.

S. 2403

At the request of Mr. THURMOND, the Senator from Florida (Mr. CHILES) was added as a cosponsor of S. 2403, a bill to recognize the organization known as the Fleet Reserve Association.

SENATE JOINT RESOLUTION 161

At the request of Mr. THURMOND, the Senator from Virginia (Mr. HARRY F. BYRD, JR.), the Senator from Kansas (Mr. DOLE), the Senator from Rhode Island (Mr. CHAFEE), and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of Senate Joint Resolution 161, a joint resolution to designate the week commencing with the fourth Monday in June of 1982 as "National NCO/Petty Officer Week."

SENATE JOINT RESOLUTION 162

At the request of Mr. ROTH, the Senator from Arkansas (Mr. BUMPERS), the Senator from North Carolina (Mr. EAST), the Senator from Minnesota (Mr. BOSCHWITZ), and the Senator from Georgia (Mr. NUNN), were added as cosponsors of Senate Joint Resolution 162, a joint resolution to authorize and request the President to designate the week of June 20, 1982, through June 27, 1982, as "National Safety in the Workplace Week."

SENATE JOINT RESOLUTION 172

At the request of Mr. HELMS, the Senator from Idaho (Mr. MCCLURE), the Senator from New Jersey (Mr. BRADLEY), the Senator from Minnesota (Mr. DURENBERGER), and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of Senate Joint Resolution 172, a joint resolution designating "Baltic Freedom Day."

SENATE JOINT RESOLUTION 181

At the request of Mr. STEVENS, the Senator from South Carolina (Mr. THURMOND), the Senator from West Virginia (Mr. ROBERT C. BYRD), and his name were added as cosponsors of Senate Joint Resolution 181, a joint resolution to authorize and designate the President to issue a proclamation designating April 25 through May 2, 1982, as "Jewish Heritage Week."

SENATE JOINT RESOLUTION 183

At the request of Mr. SPECTER, the Senator from Virginia (Mr. HARRY F. BYRD, JR.) was added as a cosponsor of Senate Joint Resolution 183, a joint resolution to authorize and request the President to issue a proclamation designating October 19 through October 25, 1982, as "Lupus Awareness Week."

SENATE CONCURRENT RESOLUTION 80

At the request of Mr. EXON, the Senator from Oklahoma (Mr. BOREN) was added as a cosponsor of Senate Concurrent Resolution 80, a concurrent resolution relating to interest rates.

SENATE RESOLUTION 340

At the request of Mr. ROBERT C. BYRD, the Senator from Wisconsin (Mr. PROXMIRE), the Senator from Montana (Mr. MELCHER), and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of Senate Resolution 340, a resolution to express the sense of the Senate that no action be taken to terminate or otherwise weaken the community service employment program under title V of the Older Americans Act of 1965.

SENATE RESOLUTION 348

At the request of Mr. BENTSEN, the Senator from Illinois (Mr. DIXON) was added as a cosponsor of Senate Resolution 348, a resolution to request the Secretary of Agriculture to make loans available to farmers under the economic emergency loan programs.

SENATE RESOLUTION 355

At the request of Mr. DECONCINI, the Senator from West Virginia (Mr. RANDOLPH), the Senator from Missouri (Mr. EAGLETON), and the Senator from Tennessee (Mr. SASSER) were added as cosponsors of Senate Resolution 355, a resolution expressing the sense of the Senate with respect to the need to continue Federal funding for energy conservation and renewable energy resources.

AMENDMENT NO. 1270

At the request of Mr. DENTON, the Senator from Pennsylvania (Mr. SPECTER), the Senator from New Mexico (Mr. DOMENICI), the Senator from Arizona (Mr. GOLDWATER), the Senator from Idaho (Mr. SYMMS), the Senator from Iowa (Mr. GRASSLEY), the Senator from Iowa (Mr. JEPSEN), the Sena-

tor from North Carolina (Mr. HELMS), the Senator from North Carolina (Mr. EAST), and the Senator from Arizona (Mr. DECONCINI) were added as cosponsors of amendment No. 1270 intended to be proposed to S. 1630, a bill to codify, revise, and reform title 18 of the United States Code, and for other purposes.

STAR PRINT OF S. 2401

Mr. INOUYE. Mr. President, I am sending to the desk a corrected version of S. 2401, the bill I introduced on April 20, 1982, to amend the Central, Western, and South Pacific Fisheries Development Act to extend the appropriations authorization through fiscal year 1985. There are two words in the original bill that need to be changed, so I ask unanimous consent that a star print be made of S. 2401.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE CONCURRENT RESOLUTION 82—CONCURRENT RESOLUTION TO DESIGNATE OLDER AMERICANS MONTH

Mrs. HAWKINS (for herself, Mr. CHAFEE, Mr. MATTINGLY, Mr. QUAYLE, Mr. ABDNOR, Mr. LUGAR, Mr. ANDREWS, Mr. DURENBERGER, Mr. STEVENS, Mr. PRYOR, Mr. STENNIS, Mr. BURDICK, Mr. NUNN, and Mr. MITCHELL) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 82

Whereas older Americans have contributed many years of service to their families, their communities, and the Nation;

Whereas the population of the United States is comprised of a large percentage of older Americans representing a wealth of knowledge and experience;

Whereas acknowledgment should be given to older Americans for the contributions they continue to make to their communities and the Nation; and

Whereas many States and communities provide such acknowledgment of older Americans during the month of May: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That, in recognition of—

(1) the designation of the month of May, 1982, as "Older Americans Month" by the President of the United States, and

(2) the repeated expression by the Congress of its appreciation and respect for the achievements of older Americans and its desire that these Americans continue to play an active role in the life of the Nation,

It is the sense of the Congress that the people of the United States should observe Older Americans Month with appropriate program, ceremonies and activities.

● Mrs. HAWKINS. Mr. President, I rise to submit a concurrent resolution to designate the month of May as Older Americans Month.

Our Nation's senior citizens have made a major and lasting contribution to improving the quality of American life. While we should honor and thank these special Americans every day, we have traditionally set aside the month of May to pay special tribute to the accomplishments and contributions of our elderly citizens. During May, communities, churches, businesses, and organizations combine to pay honor to the Nation's senior citizens through a variety of activities, tributes, and discounts.

While one out of nine Americans is now over age 65, in 50 years the number of Americans over age 65 will double to 55 million. This demographic shift will be caused by the aging of the postwar baby boom and medical developments that increase life expectancy. But as the demographics of aging change, so do the characteristics of the elderly. We must realize that less than 5 percent of our Nation's elderly are institutionalized. Most elderly citizens continue to lead active and useful lives. To quote Oliver Wendall Holmes who wrote his first great book, "The Common Law," at age 72 and was an adviser to the President at age 90, "To be 70 years young is sometimes more hopeful than to be 40 years old."

Other great Americans who have done some of their finest work after age 65 include: Noah Webster who wrote his monumental dictionary at age 70; Charles Kettering who helped create the Sloan-Kettering Institute for cancer research at age 69 and was director of General Motors research laboratories at age 71; Anna Mary Moses, known as Grandma Moses, who was still painting at age 100; Frank Lloyd Wright, who began his most creative and prolific work at age 69; Arthur Rubenstein who gave one of his greatest recitals in New York's Carnegie Hall at age 89; and Benjamin Franklin who helped draft the Declaration of Independence at age 75, negotiated the peace with Great Britain at 75 and effected the compromise that brought the Constitution into being at age 81.

These accomplishments of notable older Americans illustrate the great creative potential of our Nation's elderly. But we must also recognize the contributions and accomplishments of all of our elderly, not just the well-known. The contributions of the elderly from all walks of life are reflected in their participation in ACTION, VISTA, SCORE, foster grandparents program and other volunteer programs.

The ability and willingness of the elderly to continue to work and contribute to quality of American life is very encouraging. While we should prepare for this dramatic change in demographics by insuring that our retirement, health, employment and housing programs are flexible enough to adapt to this changing population, we should not regard it as a problem or a burden. Instead, our Nation's elderly should be regarded as the vast natural resources they are. A wealth of wisdom, knowledge, and experience ready to be tapped. Not a problem, but a resource to assist us in dealing with the mutual problems we face.

So this May, as we meet to honor older Americans, we should honor and pay tribute to them not just for their past achievements, but for the ongoing and continuing contributions that they are making to improving the quality of American life.●

SENATE RESOLUTION 371—RESOLUTION TO REFER S. 2423 TO THE COURT OF CLAIMS

Mr. McCLURE (for himself and Mr. SYMMS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 371

Resolved, That the bill S. 2423, entitled, "A Bill for the Relief of Aetna Insurance Company, and Other Insurance Companies" now pending in the Senate, together with all accompanying papers, is referred to the Chief Commissioner of the United States Court of Claims pursuant to section 1492 of title 28, United States Code, for further proceedings in accordance with the provisions of section 2509 of title 28, United States Code.

(The remarks of Mr. McCLURE on this resolution are contained in his statements on S. 2423.)

AMENDMENTS SUBMITTED FOR PRINTING

CRIMINAL CODE REFORM ACT

AMENDMENT NO. 1379

(Ordered to be printed and to lie on the table.)

Mr. DENTON (for himself, Mr. HELMS, and Mr. EAST) submitted the following amendment intended to be proposed by them to amendment No. 1351 to the bill (S. 1630) to codify, revise, and reform title 18 of the United States Code, and for other purposes.

TECHNICAL AMENDMENTS

● Mr. DENTON. Mr. President, I am offering today a number of technical and conforming amendments to my substitute amendment 1351. These amendments reenact a number of necessary criminal statutes and provide a means whereby the Justice Department can make necessary changes and improvements in the bill which will be submitted to the Congress within 6 months of the date of the enactment of this bill.

It is apparent to me that there will be a number of flaws in any proposal of this size, however, this amendment should permit us to enact this substitute with greater confidence that it is a reenactment of the law and not a

substantial reformation such as that presently being offered.●

AMENDMENT NO. 1380

(Ordered to be printed and to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill S. 1630, supra.

INSPECTION AMENDMENT

● Mr. HELMS. Mr. President, this amendment would make two changes in Code sections 1851 and 1852 relating to fraud in a health-related industry and distributing adulterated food. The first change would delete the parenthetical references to marking, labeling, and packaging of and distribution of adulterated products in paragraphs (1), (2), and (3) of subsection (a) of both sections 1851 and 1852. The parenthetical references are misleading since the sections of the inspection acts cited cover more than marking, labeling, and packaging, and distribution of adulterated products.

The second change would delete the specific sections of the Federal Meat Inspection Act which are cited in paragraph (2) of Code sections 1851(a) and 1852(a) and would provide that the offense occurs if a person violates "any provision" of the Federal Meat Inspection Act. Section 406 of the Federal Meat Inspection Act (7 U.S.C. 676) makes it a crime for a person to violate "any provision of this Act for which no other criminal penalty is provided". On the other hand, both the Poultry Products Inspection Act and the Egg Products Inspection Act provide penalties for violation of specific sections of those acts. Therefore, while specification of the particular sections is appropriate in the case of those two acts, it is not in the case of the Federal Meat Inspection Act.●

AMENDMENT NO. 1381

(Ordered to be printed and to lie on the table.)

Mr. WALLOP (for himself and Mr. CRANSTON) submitted an amendment intended to be proposed by them to the bill S. 1630, supra.

STATE FELONY KIDNAPING

● Mr. WALLOP. Mr. President, I rise to submit the attached amendment as a printed amendment to S. 1630, the Criminal Code Reform Act of 1981. I am joined by my colleague from California (Mr. CRANSTON) as a sponsor of this amendment.●

FOREIGN MISSIONS ACT

AMENDMENT NOS. 1382 THROUGH 1384

(Ordered to be printed and to lie on the table.)

Mr. MATHIAS submitted three amendments intended to be proposed by him to the bill (S. 854) to promote the orderly conduct of international relations by facilitating the operation of foreign missions in the United States, thereby promoting the secure and efficient operation of U.S. missions abroad.

FOREIGN MISSIONS ACT AMENDMENTS

Mr. MATHIAS. Mr. President, I send to the desk amendments to the Foreign Missions Act and ask unanimous consent that they be printed.

There being no objection, the amendments were ordered to be printed in the RECORD, as follows:

AMENDMENT No. 1382

On page 26, line 11, insert "(a)" immediately after "Sec. 211.".

On page 26, between lines 15 and 16, insert the following:

"(b) Upon the request of any department or agency of the United States, of any of its States, or political subdivisions thereof, or of any business or individual that proposes to enter into a contract or other transaction with a foreign mission, the Secretary shall determine and certify to such department, agency, business, or individual whether a foreign mission is in compliance with the provisions of this Act.

AMENDMENT No. 1383

Beginning with page 15, line 1, strike out all through line 5 on page 21 and insert in lieu thereof the following:

"PREEMPTION

"SEC. 206. Nothing in this title may be construed to preempt any act of a Federal agency or of a State or municipal governmental authority, except that a recommendation by the Secretary or the Director as to the Federal interest in any State or local proceeding or determination involving the according of benefits to foreign missions within the jurisdiction of the respective State or local government shall be given substantial weight.

On page 21, strike out lines 6 through 11.

On page 21, line 13, strike out "Sec. 208." and insert in lieu thereof "Sec. 207.".

On page 25, line 4, strike out "Sec. 209." and insert in lieu thereof "Sec. 208.".

On page 26, line 2, strike out "Sec. 210." and insert in lieu thereof "Sec. 209.".

On page 26, line 11, strike out "Sec. 211." and insert in lieu thereof "Sec. 210.".

On page 26, line 17, strike out "Sec. 212." and insert in lieu thereof "Sec. 211.".

On page 28, strike out lines 1 through 10.

AMENDMENT No. 1384

On page 24, beginning with "Except" on line 10 strike out all through the period of line 13.

CRIMINAL CODE REVISION ACT

AMENDMENT NO. 1385

(Ordered to be printed and to lie on the table.)

Mr. DECONCINI (for himself and Mr. DENTON) submitted an amendment intended to be proposed by him to the bill (S. 1630) to codify, revise, and reform title 18 of the United States Code, and for other purposes.

NOTICES OF HEARINGS

SUBCOMMITTEE ON SECURITIES

Mr. D'AMATO. Mr. President, the Subcommittee on Securities has scheduled two additional days of hearings on pending proposals to amend or repeal the Public Utility Holding Company Act of 1935. The hearings will take place on June 8 and 10, 1982, in room 5302 of the Dirksen Senate Office Building, beginning at 9:30 a.m. During these hearings, the subcommittee will continue its consideration of S. 1869, S. 1870, S. 1871, and S. 1977.

Persons or organizations wishing to testify at these hearings should submit a written request to me as soon as possible. For further information, interested persons may contact Diane Sanger of my staff at 224-6542 or John Daniels of the Banking Committee staff at 224-1561.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON WATER AND POWER

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, April 22, at 10 a.m., to hold a hearing on S. 956, a bill to amend the Reclamation Safety of Dams Act of 1978 to authorize additional appropriations; S. 1573, a bill to amend the Water Resources Development Act of 1976 with respect to Lake Oswego; S. 1621, a bill to authorize the replacement of existing pump casings in southern Nevada water project pumping plants 1A and 2A; and S. 2177, a bill to amend title III of the Colorado River Basin Project Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

FARMERS SIGN UP FOR RAP IN UNPRECEDENTED NUMBERS

● Mr. HELMS. Mr. President, I am so gratified that the farmers of this Nation are willing to use the tools provided for in the 1981 farm bill to help provide for increased farm income using market forces. Signup in the Department of Agriculture's voluntary reduced acreage program (RAP) is now complete, and the results just could not have been more favorable.

Agriculture Secretary Block and his staff at USDA have done an outstanding job of informing farmers about the program, and in making it one farmers are eager to utilize.

Nationwide, signup for the program has achieved the highest level in recent memory. Over 79 percent of eligible crop acreage has been enrolled in the program for the next crop year. Signup levels vary from crop to crop, including 74 percent for corn and grain sorghum and 71 percent for barley and oats.

Wheat acreage signup is even higher, with 83.95 percent enrolled. Upland cotton and rice acreage reached signup levels of over 90 percent each.

Mr. President, it should be noted that the final enrollment figure could be even higher. Although the signup period officially ended on April 16, USDA has not been able to tabulate all the forms received just before the deadline. A final version of the summary should be published in approximately 2 weeks.

Such strong signup reflects both the distressed state of the farm economy currently, and the fact that the Secretary selected a good mix of program incentives to encourage farmers to participate.

Signup is only the first step, however. Actual compliance with the acreage reduction will not be certified until later. Only those farmers who actually reduce their acreage by the specified amount will be eligible for program benefits.

I hope my colleagues will encourage farmers to follow through and actually reduce acreage by participating in the programs they have signed up for in such unprecedented numbers.

By reducing the acreage planted to these crops, we can reduce the oversupply of these commodities. That is certain to strengthen farm prices. Improved prices will not only help farm families, they will generate economic growth which is good for rural communities and the Nation's economy.

What is more, improved farm prices will reduce the possibility that the Government must make deficiency payments, thus providing savings to the taxpayers.

Now I know that Secretary Block and almost all farmers share my aversion of excessive Government involvement in agriculture or any other private enterprise. However, we also share a dislike of the unacceptably low farm prices. With good participation, this program, will help to strengthen farm prices using market forces, making more stringent Government action unnecessary.

Mr. President, through the voluntary reduced acreage program which Secretary Block had developed from authorities found in the 1981 farm bill, farmers can help themselves to improve farm prices. Signup has reached excellent levels. Now compliance must also be high if farmers are to get back on the road toward profits in the marketplace.

Mr. President, so that each Senator may see how the signup has fared in his or her State, I ask to have printed in the RECORD the USDA tables depicting signup by State and by crop.

The tables follow:

State and area	Farms with corn and/or grain sorghum acreage bases			Corn and grain sorghum acreage bases		
	Total number	Number enrolled	Percent enrolled	Total acres	Acres enrolled	Percent enrolled
Alabama	25,961	3,973	15.30	572,869.8	140,213.7	24.48
Arizona	477	241	50.52	60,517.4	41,078.2	67.88
Arkansas	8,413	4,634	55.08	394,790.4	272,695.0	69.07
California	3,781	1,624	42.95	384,830.5	230,447.9	59.88
Colorado	7,582	6,322	83.38	1,217,527.6	1,116,130.7	91.67
Connecticut	2,401	1,651	68.76	53,431.5	37,482.0	70.15
Delaware	2,926	556	19.00	177,509.4	54,237.7	30.55
Florida	7,638	2,269	29.71	380,266.4	173,584.1	45.65
Georgia	36,260	11,487	31.68	1,666,607.8	711,729.3	42.71
Idaho	2,946	1,134	38.49	84,759.1	38,553.7	45.49
Illinois	150,257	95,499	63.56	11,423,293.9	8,413,079.5	73.65
Indiana	101,806	59,816	58.75	6,181,556.5	4,489,002.7	72.62
Iowa	152,829	112,979	73.93	14,776,921.7	11,807,182.3	79.90
Kansas	77,346	64,856	83.85	6,047,580.0	5,571,661.4	92.13
Kentucky	48,310	13,351	27.64	1,558,562.9	631,825.0	40.54
Louisiana	2,119	683	32.23	125,154.3	63,874.6	51.04
Maine	1,640	1,402	85.49	35,089.5	32,663.9	93.09
Maryland	9,340	4,406	47.17	501,330.8	318,660.5	63.56
Massachusetts	2,098	954	45.47	37,317.8	19,740.3	52.90
Michigan	54,957	33,490	60.94	2,739,137.5	2,100,989.1	76.70
Minnesota	90,550	47,202	52.13	7,072,804.0	4,392,125.0	62.10
Mississippi	13,179	4,092	31.05	258,466.0	114,536.2	44.31
Missouri	63,944	35,627	55.72	3,510,527.3	2,467,189.7	70.28
Montana	1,200	1,054	87.83	69,041.5	67,358.7	97.56
Nebraska	82,301	66,479	80.78	10,065,182.4	8,896,957.6	88.39
Nevada	47	41	87.23	1,937.9	1,544.1	79.68
New Hampshire	1,031	866	84.00	21,808.2	19,656.7	90.13
New Jersey	2,355	709	30.11	107,490.7	54,724.4	50.91
New Mexico	3,074	2,380	77.42	510,793.2	444,295.8	86.98
New York	22,442	13,367	59.56	1,076,508.4	821,926.0	76.35
North Carolina	85,141	23,750	27.89	2,136,235.5	808,529.6	37.85
North Dakota	10,931	10,389	95.04	981,199.6	944,394.5	96.25
Ohio	77,358	47,570	61.49	3,492,886.8	2,677,720.1	76.66
Oklahoma	9,800	6,510	66.43	763,404.2	621,062.0	81.35
Oregon	744	476	63.98	47,184.6	37,924.6	80.37
Pennsylvania	40,071	15,031	37.51	1,183,256.9	525,745.4	44.43
Rhode Island	57	49	85.96	2,235.0	2,020.7	90.41
South Carolina	26,702	5,389	20.18	735,566.4	262,949.1	35.75
South Dakota	42,304	34,201	80.85	4,270,877.0	3,694,846.9	86.51
Tennessee	35,724	13,142	36.79	867,046.5	444,683.8	51.29
Texas	69,735	47,991	68.82	6,757,731.7	5,748,440.4	85.06
Utah	1,535	981	63.91	40,879.3	29,539.1	72.26
Vermont	2,143	627	29.26	65,189.6	22,957.9	35.22
Virginia	34,812	20,774	59.67	847,594.9	601,639.9	70.98
Washington	1,583	783	49.46	148,216.9	91,326.8	61.62
West Virginia	3,572	2,116	59.24	85,985.2	63,939.1	74.36
Wisconsin	75,588	30,227	39.99	3,928,962.8	2,365,026.4	60.19
Wyoming	1,004	322	32.07	64,011.9	29,040.6	45.37
U.S. total	1,498,014	853,472	56.97	97,532,079.2	72,516,932.7	74.35

State and area	Farms with barley and/or oats acreage bases			Barley and oats acreage bases		
	Total number	Number enrolled	Percentage enrolled	Total acres	Acres enrolled	Percentage enrolled
Alabama	1,038	168	16.18	28,591.7	9,561.6	33.44
Alaska	49	29	59.18	18,406.7	17,774.6	96.57
Arizona	475	171	36.00	41,090.6	17,766.1	43.24
Arkansas	905	142	15.69	33,049.5	5,977.6	18.09
California	4,720	1,928	40.85	772,352.5	499,529.3	64.68

State and area	Farms with barley and/or oats acreage bases			Barley and oats acreage bases		
	Total number	Number enrolled	Percentage enrolled	Total acres	Acres enrolled	Percentage enrolled
Colorado	4,237	2,879	67.95	288,944.0	190,989.9	66.10
Connecticut	19	16	84.21	187.0	149.1	79.73
Delaware	775	114	14.71	31,422.4	5,806.1	18.48
Florida	613	180	29.36	32,943.4	12,023.3	36.50
Georgia	4,602	326	7.08	106,677.5	13,441.4	12.60
Idaho	13,094	8,599	65.67	1,192,245.7	1,019,248.8	85.49
Illinois	12,375	4,960	40.08	176,779.0	74,700.1	42.26
Indiana	6,016	1,426	23.70	63,691.9	18,560.9	29.14
Iowa	57,566	9,589	16.66	1,062,507.0	252,395.0	23.75
Kansas	17,955	9,718	54.12	400,573.0	242,685.9	60.58
Kentucky	1,234	221	17.91	34,917.7	10,468.7	29.98
Louisiana	140	49	35.00	7,778.0	2,465.8	31.70
Maine	1,109	789	71.15	53,790.6	44,106.5	82.00
Maryland	2,323	755	32.50	62,275.2	25,627.5	41.15
Massachusetts	38	27	71.05	398.0	334.4	84.02
Michigan	17,206	10,192	59.24	308,364.5	198,171.3	64.27
Minnesota	55,800	24,082	43.16	2,360,871.0	1,487,451.0	63.00
Mississippi	208	32	15.38	6,583.1	1,553.1	23.59
Missouri	8,600	1,999	23.24	139,098.2	41,044.3	29.51
Montana	11,919	11,318	94.96	1,941,574.9	1,922,733.3	99.03
Nebraska	20,957	11,566	55.19	559,344.0	346,082.5	61.87
Nevada	371	305	82.21	41,791.9	38,369.1	91.81
New Hampshire	2	2	100.00	(1)	14.5	0.00
New Jersey	546	157	28.75	12,677.6	5,775.5	45.56
New Mexico	909	620	68.21	51,641.3	35,621.7	68.98
New York	9,345	5,838	62.47	193,222.1	141,975.0	73.48
North Carolina	10,615	2,076	19.56	123,753.7	33,427.0	27.01
North Dakota	35,640	33,754	94.71	3,412,471.8	3,279,640.3	96.11
Ohio	12,892	5,650	43.83	128,090.5	69,564.9	54.31
Oklahoma	8,416	1,767	21.00	224,705.2	58,518.3	26.04
Oregon	7,418	2,975	40.11	272,903.0	221,545.0	81.18
Pennsylvania	20,085	7,489	37.29	239,827.5	105,371.6	43.94
Rhode Island	2	2	100.00	55.5	55.5	100.00
South Carolina	5,387	748	13.89	93,100.2	20,580.4	22.11
South Dakota	38,404	29,813	77.63	2,977,583.0	2,458,507.2	82.57
Tennessee	972	280	28.81	15,329.7	5,367.8	35.02
Texas	17,235	5,380	31.22	662,781.9	256,244.0	38.66
Utah	3,998	2,556	63.93	140,072.8	109,828.2	78.41
Vermont	563	105	18.65	7,881.8	1,516.8	19.24
Virginia	7,151	3,112	43.52	120,578.1	62,210.3	51.59
Washington	6,087	4,796	78.79	810,008.1	791,752.9	97.75
West Virginia	854	422	49.41	7,581.5	4,025.3	53.09
Wisconsin	52,739	13,491	25.58	947,849.6	316,723.4	33.41
Wyoming	2,386	817	34.24	150,295.7	69,896.8	46.51
U.S. total	485,990	223,430	45.97	20,358,659.6	14,547,179.6	71.45

[1] Not available.

State and area	Farms with wheat acreage bases			Wheat acreage bases		
	Total number	Number enrolled	Percent enrolled	Total acres	Acres enrolled	Percent enrolled
Alabama	11,855	1,220	10.29	516,737.8	92,429.5	17.89
Alaska	7	4	57.14	183.5	149.4	81.42
Arizona	1,015	358	35.27	207,611.4	84,789.8	40.84
Arkansas	19,322	7,555	39.10	1,813,376.6	919,921.6	50.73
California	7,464	2,967	39.75	1,360,333.3	793,898.4	58.36
Colorado	14,713	12,823	87.15	3,616,812.2	3,414,294.0	94.40
Connecticut	14	4	28.57	260.0	11.1	4.27
Delaware	1,279	337	26.35	53,536.9	12,118.1	22.64
Florida	1,395	310	22.22	68,548.6	20,105.9	29.33
Georgia	19,039	3,242	17.03	1,101,999.4	270,893.9	24.58
Idaho	12,743	8,466	66.44	1,715,254.9	1,532,557.1	89.35
Illinois	62,547	29,638	47.39	2,001,485.5	1,140,293.1	56.97
Indiana	48,434	20,795	42.93	1,267,691.2	683,094.3	53.88
Iowa	5,379	1,987	36.94	153,868.1	75,868.1	49.31
Kansas	110,438	93,807	84.94	13,918,345.6	12,958,820.1	93.11
Kentucky	15,972	3,850	24.10	713,438.1	272,693.7	38.22
Louisiana	2,896	1,019	35.19	317,242.9	147,653.7	46.54
Maine	34	26	76.47	670.6	543.8	81.09
Maryland	4,223	1,482	35.09	139,793.4	66,986.7	47.92
Massachusetts	7	0	0.00	86.5	0.0	0.00
Michigan	30,602	15,147	49.50	813,357.3	489,322.2	60.16
Minnesota	41,890	27,120	64.74	3,880,643.7	3,123,267.0	80.48
Mississippi	8,904	1,687	18.95	732,143.7	197,428.5	26.97
Missouri	66,074	30,077	45.52	3,280,167.4	1,953,584.4	59.56
Montana	16,116	15,535	96.39	6,327,556.0	6,264,280.5	99.00
Nebraska	42,124	32,461	77.06	3,133,336.7	2,871,795.1	91.65
Nevada	232	205	88.36	26,781.5	25,303.3	94.48
New Jersey	1,129	380	33.66	44,670.1	22,530.6	50.44
New Mexico	3,275	2,488	75.97	764,864.4	604,276.2	79.00
New York	5,513	3,466	62.87	165,751.7	134,367.2	81.07
North Carolina	32,776	9,882	30.15	706,522.0	308,015.6	43.60
North Dakota	58,507	55,562	94.97	12,529,992.4	12,320,323.7	98.33
Ohio	51,550	30,597	59.35	1,417,947.2	981,815.5	69.24
Oklahoma	56,239	43,763	77.82	7,526,111.4	6,666,340.0	88.58
Oregon	7,209	5,282	73.27	1,329,028.4	1,248,695.9	93.96
Pennsylvania	13,482	4,855	36.01	187,685.7	85,061.6	45.32
South Carolina	11,873	2,738	23.06	467,663.4	165,811.4	35.46
South Dakota	28,860	25,637	88.83	4,598,752.0	4,411,153.1	95.92
Tennessee	19,685	8,404	42.69	901,596.7	489,364.4	54.28
Texas	61,878	44,166	71.38	7,157,073.5	6,110,404.4	85.38
Utah	2,569	1,912	74.43	300,861.4	297,852.8	99.00
Vermont	30	6	20.00	629.0	125.2	19.90
Virginia	15,793	8,384	53.09	372,756.0	228,266.6	61.24
Washington	10,939	8,836	80.78	3,104,040.7	3,001,234.2	96.69
West Virginia	464	225	48.49	6,562.3	3,532.7	53.83
Wisconsin	5,755	2,836	49.28	122,510.8	80,237.7	65.49
Wyoming	1,623	1,377	84.84	362,937.2	340,334.4	93.77

State and area	Farms with wheat acreage bases			Wheat acreage bases		
	Total number	Number enrolled	Percent enrolled	Total acres	Acres enrolled	Percent enrolled
U.S. total	933,867	572,918	61.35	89,229,219.6	74,911,846.5	83.95

State and area	Farms with rice acreage bases			Rice acreage bases		
	Total number	Number enrolled	Percent enrolled	Total acres	Acres enrolled	Percent enrolled
Arkansas	11,325	10,092	89.11	1,543,074.4	1,429,958.2	92.67
California	2,412	1,728	71.64	606,374.3	587,369.0	96.87
Florida	15	12	80.00	13,197.9	12,814.0	97.09
Kentucky	1	0	0.00	8.3	0.0	0.00
Louisiana	5,213	4,488	86.09	664,886.7	653,819.2	98.34
Mississippi	1,543	1,157	74.98	359,329.2	313,994.3	87.38
Missouri	723	571	78.98	87,017.2	72,454.4	83.26
Oklahoma	5	0	0.00	1,332.0	0.0	0.00
South Carolina	4	0	0.00	22.6	0.0	0.00
Tennessee	N/A	1	0.00	(1)	23.6	0.00
Texas	2,585	1,546	59.81	652,980.7	490,608.6	75.13
U.S. total	23,826	19,595	82.24	3,928,223.8	3,561,041.3	90.65

[1] Not available.

State and area	Farms with upland cotton acreage bases			Upland cotton acreage bases		
	Total number	Number enrolled	Percent enrolled	Total acres	Acres enrolled	Percent enrolled
Alabama	7,354	4,798	65.24	399,529.2	338,607.0	84.74
Arizona	2,090	1,575	75.36	599,043.2	512,638.9	85.58
Arkansas	8,380	5,758	68.71	664,984.7	490,518.8	73.76
California	6,384	4,591	71.91	1,532,786.2	1,370,113.8	89.39
Florida	299	213	71.24	17,684.7	12,940.1	73.17
Georgia	2,876	1,641	57.06	202,123.0	156,469.8	77.41
Kansas	5	2	40.00	738.0	10.6	1.44
Kentucky	1	0	0.00	.5	0.0	0.00
Louisiana	7,546	6,560	86.93	719,049.1	681,467.6	94.77
Mississippi	12,739	9,920	77.87	1,297,494.2	1,175,143.4	90.57
Missouri	4,368	3,627	83.04	262,748.7	243,969.0	92.85
Nevada	8	7	87.50	1,035.1	1,021.1	98.65
New Mexico	2,292	1,832	79.93	163,959.8	148,801.1	90.75
North Carolina	2,286	1,711	74.85	89,203.8	80,386.5	90.12
Oklahoma	9,713	8,339	85.85	742,307.8	689,812.7	92.93
South Carolina	1,864	1,212	65.02	130,091.1	108,671.2	83.57
Tennessee	7,643	6,182	80.88	332,722.8	301,871.9	90.73
Texas	62,728	52,897	84.33	8,041,352.2	7,555,776.7	93.96
Virginia	11	10	90.91	392.7	375.1	95.52
U.S. total	138,587	110,875	80.00	15,197,310.5	13,868,595.3	91.26

ELIMINATION OF NONTARIFF BARRIERS TO TRADE IN SERVICES RECOMMENDATIONS FOR FUTURE NEGOTIATIONS

● Mr. INOUYE. Mr. President, as I have pointed out in previous floor statements, there has been very little of scholarly or legal value written about the subject of the international trade in services. This deficiency is particularly disturbing since it is our expectation that the GATT ministerial scheduled for this autumn will take up this subject at the request of the United States.

Although the executive, led by the U.S. Trade Representative and the Secretary of Commerce, has taken the lead to insure that this relatively rare GATT ministerial considers this American initiative, there are many uncertainties even within our country about the best way to proceed. For example, should services and investment be treated discretely or should they be considered in context of the existing codes on nontariff trade barriers? Which existing codes or agreements, if any, are the best models to follow? Should services even be raised in the context of a multilateral negotiation?

Recently, writers have noticed the absence of substantive literature on the service sector, particularly on the international trade issues, and have begun to address themselves to this problem. Last week I remarked that Mr. Ron Shelp, vice president for American International Group, a New York City based insurer, had recently written a book entitled "Beyond Industrialization" concerning the role services play in policy and the economy and the reasons for the impotency of the dominant service sector in economic policy.

Today, I would like to draw the attention of my colleagues to an article which recently appeared in the journal Law and Policy and International Business. It is entitled "Elimination of Nontariff Barriers to Trade in Services: Recommendations for Future Negotiations" by Michael Cohen and Thomas Morante.

The article is too long to print in full. However, I would like to ask unanimous consent that the introduction and conclusions be reprinted in the RECORD.

Mr. Cohen is the manager for public affairs for the American International Group, and Mr. Marante is an attorney in private practice in Florida. They correctly point out that we are at the beginning of a negotiating process that will last for many years. Certain countries which have a large stake in services are not yet conscious of their stake in this issue.

Although the United States is the leader among the industrialized countries on this issue, there is much that must be done here as well to prepare us to undertake what promises to be arduous multilateral negotiations. For example, we must improve our statistical base and gather better information about the nature of nontariff trade barriers on our service industries and individual firms.

I submit for the RECORD excerpts from this thoughtful and helpful article.

The excerpts follow:

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ELIMINATION OF NONTARIFF BARRIERS TO TRADE IN SERVICES: RECOMMENDATIONS FOR FUTURE NEGOTIATIONS

(By Michael Cohen and Thomas Morante)

Services account for a substantial portion of U.S. foreign trade and contribute heavily to the gross national product of the United States. Services have also become increasingly important in the economies of other nations. Despite this flourishing trade in services, service industries face numerous nontariff trade barriers, especially in developing nations. While the Multilateral Trade Negotiations sought to remove or limit nontariff barriers to goods, the barriers to services trade have not been eliminated and there is at present little consensus to establish the framework for discussion.

Much of the difficulty in initiating an international discussion of the problem of nontariff barriers to trade in services may be traced to the lack of an accepted definition of services, to the failure to catalogue nontariff trade barriers, and to the absence of data showing the impact of such barriers on trade in services. In addition, developed nations must demonstrate their willingness to make concessions to developing nations, the latter often erecting nontariff barriers to service trade to protect their own nascent service sector.

This article proposes a system for developing a workable definition of services and for cataloging nontariff barriers to trade in services. The article also discusses the nature of the data that will be needed to focus the world's attention on the need to remove barriers to services. The article concludes by examining the attitudes that must be fostered if negotiation of a "Services Code," similar to the Multilateral Trade Negotiation Codes, is to be successful.

INTRODUCTION

Services have become an increasingly significant sector of the world's economy. The U.S. economy has also become increasingly services-oriented, reflecting and furthering the trend in the world economy. In the U.S. economy the services sector accounts for approximatley two-thirds of the gross national product (GNP) and provides employment for almost 70 percent of the work force. The 1978 U.S. service account trade—which includes U.S. imports and exports of service sector products as well as direct investment flows, fees, and royalties—totaled approximately $129 billion, nearly 30 percent of all U.S. trade. Moreover, the $23 billion surplus in the services sector helped to offset the $34 billion deficit in merchandise trade.

Despite the importance of the services sector in world trade, international economic policy has traditionally emphasized goods rather than services. The six rounds of trade negotiations preceding the Tokyo Round, conducted under the auspices of the General Agreement on Tariffs and Trade (GATT), focused on removing tariff barriers to trade in goods. The Multinational Trade Negotiations (MTN) were aimed at removing nontariff barriers (NTBs), but focused on trade in goods rather than trade in services. Thus numerous barriers to international trade in services still exist.

This article will examine trade in services, concentrating on the difficulty and necessity of defining and cataloguing various types of services, the need to eliminate barriers to trade in services, and U.S. legislation and policy dealing with trade in services. The treatment of services in the MTN will be discussed briefly. Finally, the article will propose a framework for an international agreement covering trade in services and will discuss the definitions and data that would have to be developed, the attitude that should be discussed, and the issues that would have to be resolved during the negotiations of such an agreement.

CONCLUSION

In international trade, NTBs to service trade serve two basic purposes—either they are a form of retaliation created by other countries or they are a means of overcoming the natural competitive advantage that would, if left unfettered, result in the concentration of services providers in a few countries. Because many countries want to preserve and promote their own services sector, they resort to the imposition of NTBs to limit service sector imports where imports enjoy a comparative advantage. Apart from their value as a symbol of economic nationalism, however, the NTBs serve only to distort and disrupt trade and to disrupt natural commercial development.

One way of removing NTBs to trade in services is to use the format of multilateral negotiations. This approach has proven successful in reducing or eliminating both tariff and nontariff barriers to trade in goods. Before liberalizing trade agreements can be reached, service barriers must be identified and all nations convinced that they have something to gain from the reduction of obstacles to trade in services. This realization will not suddenly materialize—it is born out of years of discussion, negotiation, and struggling with other means of resolving the difficulties that exist.

At present, most countries do not recognize the importance of services trade for their own and for the world economy. Many countries, including the LDCs, have focused on developing a strong industrial sector and have only recently turned their attention to the services sector. As these countries develop their services sectors and begin searching for service export markets, they should begin to recognize the need for an MTN style code covering services.

The new administration appears to have taken the proper steps to insure that consideration is given to the services area. U.S. Trade Representative William Brock recently proposed that his agency focus its efforts on achieving some international consensus on service trade problems. The very recent efforts of Senators Roth, Chafee, and Inouye to introduce draft legislation entitled the Trade in Services Act of 1982, manifests growing Congressional concern over the expansion of service industry NTBs. Given the existing governmental efforts in services, such as those undertaken by the Department of Commerce's International Services Division, and the private efforts of the International Service and Investment Subcommittee of the U.S. Chamber of Commerce, the next decade should witness a dramatic shift in attention from the obstacles impeding the flow of international goods trade, to the barriers circumscribing the services trade. Since the value of trade in services now constitutes approximately one quarter of the value of all international trade, it is imperative that all nations begin to participate in developing an international consensus on removing existing barriers to international trade in services.●

GET TOUGH WITH CRIMINALS

● Mr. EAST. Mr. President, America has suffered a shameful increase in violent crime over the last decade. Some well meaning but misguided citizens have blamed the rising tide of criminal violence on the existence of handguns. Others, including myself, believe a better explanation lies in a near collapse of our criminal justice system. For too long, lenient or overworked judges and prosecutors have allowed dangerous career criminals to plead guilty to reduced charges and receive soft sentences.

It is a commonplace of criminology that a small percentage of career criminals commit a large proportion of serious crimes. In Chicago, recognition of the need to put recidivists away has led to an experiment with promising results. Chicago's repeat offenders court program was described in an excellent article by Peter Michelmore in the April 1982 Reader's Digest. I ask that this article be printed in the RECORD.

The article referred to is as follows:

A NEW ANTI-CRIME PROGRAM THAT WORKS

(By Peter Michelmore)

On a steamy August night in 1980, a young thief stole through the bedroom window of 86-year-old Bertha Epstein's apartment on Chicago's North Side. When she stirred, the intruder beat her until she lost consciousness. Pocketing a wristwatch from the bedside table, the assailant fled down the fire escape.

In the alley below, he walked into the arms of two policemen checking reports of a prowler. The suspect, James Robinson, 23, was soon making his way through Cook County's tough new criminal-justice system. These special courts, with a strict no-coddling philosophy, already have dramatically reduced felonies, and they are being studied as models in other American cities where crime is out of hand.

Robinson seemed unconcerned at first; he had dealt with courts before. For a 1974 petty-theft conviction, he had been sentenced to serve five days, and for a 1976 armed-robbery conviction, he had spent a mere three years in prison. Experience had taught him that Chicago's crowded court calendars typically meant long delays, offers to plead guilty to reduced charges, and soft sentences.

But at his arraignment, Robinson got a sobering surprise. Because of his record, he was separated from the mainstream and sent to a Repeat Offenders Court (ROC). Angrily displaying pictures of the battered old woman, prosecutors went after Robinson relentlessly. Judge Robert L. Sklodowski disallowed defense attempts to delay proceedings. Within six months Robinson had been found guilty by a jury and was sentenced by Sklodowski to 45 years in the penitentiary. He will not be eligible for parole until the year 2003.

"It bothers me greatly to say this, but I warehoused him," says Sklodowski. "There was no alternative. His pattern was one of increasingly heinous crimes. For the protection of our citizens, he had to be removed from the streets."

Designed by the county's chief criminal judge, Richard J. Fitzgerald, Chicago's pioneering ROC program brings down the full wrath of the law swiftly and surely on chronic offenders. "When we send a repeat offender to the penitentiary, we are locking

up the man and his potential crimes," says Fitzgerald. "These defendants commit ten crimes on the average for every one for which they're caught. Put away 10,000 pathological criminals and you prevent 100,000 crimes."

Eighty percent of armed robberies, rapes and burglaries are committed by a relatively small, hard core of men in their late teens and twenties, asserts Fitzgerald. Practical crime deterrence, therefore, depends not on futile attempts to rehabilitate these men but on locking them away until the criminal urge lessens.

"The older they get the more dried out they become," Fitzgerald says. "At age 55, a man is not so hellbent anymore. The desire to rape goes. He'll go on relief in preference to pulling an armed robbery."

Fitzgerald conceived the idea for ROC in the spring of 1977, after seeing an article in Reader's Digest citing the work of New York's Career Criminal Program.[1] He took the concept one step futher. Because of crowded court dockets, he decided that prosecuting repeat felons could be truly effective only if special courts were reserved exclusively for such cases.

With county funds, three felony courts were set up, and each has assigned three prosecutors. Recidivist defendants were flagged for ROC at arraignment if, for example, they had two or more felony convictions and now faced another serious felony charge such as armed robbery. Every case was treated with the urgency and importance formerly restricted to crimes such as rape and murder.

ROC judges rarely set low bail; prosecutors rarely agree to reduce a charge. The time it takes to dispose of a case has been cut from as long as 18 months to an average of less than 6 months. So far, nine out of ten defendants either have pleaded guilty or were found guilty, and 90 percent of these went to the penitentiary. December 1981 was a typical ROC month: 58 cases disposed of; 48 guilty findings, 45 sent to prison. Prosecutors did not permit a single defendant to plead to a lesser charge than the original.

The courts quickly established a reputation in the criminal world, says prosecutor Ken Malatesta, supervisor of the career-criminal unit. One defendant, according to Malatesta, on arriving in a ROC courtroom, turned to his defense attorney and demanded, "Get me another court. This place is a one-way ticket to the pen." His fears were justified. Found guilty of armed robbery, he was sentenced to 60 years.

Defense attorneys challenged the constitutionality of ROC before the Illinois court of appeals in 1978 on the grounds that it inherently stigmatized defendants and therefore denied them equal protection and due process. Not so, said the court of appeals. Other procedures by which prior crimes are brought to the attention of courts already exist in law. Besides, ROC judges insist that a defendant's criminal record has no more bearing on guilt or innocence than in any other court. Judges do not see records until the time of sentencing.

On the other hand, prosecutors assure victims and witnesses that hoodlums are going to get harsh treatment. The public defender's office agrees there's no question that an offender is treated differently in ROC. Says Bob Gevirtz, a public-defender trial supervisor, "Always the case must proceed as soon as possible; there is always pressure for conviction."

Public defenders recall a 1981 case involving a 32-year-old man with previous robbery and murder convictions. (The murder conviction had later been reversed and the charges subsequently dropped.) He was brought to Sklodowski's court on multiple charges, including armed robbery and rape. He had been posing as a Social Security investigator, gaining entry to the apartments of elderly people in city housing projects, then robbing his victims at knifepoint. In one of the seven home invasions for which he stood accused, he had raped the woman of the house. The defendant pleaded guilty and threw himself on the court's mercy.

The defense introduced the man's Vietnam-war record—two decorations for bravery, two times wounded in combat. While in the service, he had become addicted to heroin, it was claimed, and he burglarized now to get money to buy it. "This veteran clearly needs help," said the public defender.

Sklodowski was unmoved. "A great number of military personnel served in Vietnam without acquiring a drug habit," he said. "It is no excuse for these crimes." He could muster scant sympathy for men he called "rape bombs ready to explode at any time." The man was sentenced to 55 years.

The ROC program's demonstrated success in making the guilty pay for their crimes has stimulated expansion of the Cook County judicial system. Three years ago there were 11 felony judges; today there are 40. Prosecutors used to plea-bargain 90 percent of their cases just to get them out of the system. Today the figure is 63 percent.

The new courts alone accounted for 2400 convictions by the end of 1981. ROC judges believe those convicted were hardened professionals, repeaters stopped dead in their tracks. And Chicago police crime figures bear them out. In 1975 some 236,000 felonies were reported in the city. The figure dropped to fewer than 200,000 in 1980 and 180,000 in 1981.

Cook County was the first to give prosecutors swift and exclusive access to special courts. It won't be the last. Following studies of the ROC program, similar systems have been established in Philadelphia and St. Louis County.

Criminologists believe that the special courts will reduce crime not only by incarcerating chronic offenders but also by turning repeaters away from crime. "It is the certainty of punishment that deters, rather than the severity," says University of Pennsylvania's noted criminologist Marvin E. Wolfgang. "These courts improve that certainty."

Nearly 3,000 criminals have tasted Cook County's ROC justice. Very few have come back for a second dose.●

[1] See "I Catch a Burglar." Reader's Digest, February '77.

MAINE'S ECONOMY

● Mr. MITCHELL. Mr. President, today's Wall Street Journal contains a very illuminating article on Maine's economy. It highlights the accomplishments of, as well as the challenges facing, Maine's businesses, workers, and elected officials.

Maine had adjusted well to the dramatic economic changes that have occurred over the last several years. Its economic base is changing, as new industries are moving in and existing ones become stronger. The high quality of the labor force and Maine's national amenities make the State an attractive place to live, and have accounted for much of this change.

At the same time, however, Maine has not escaped the effects of the recession. As the article points out, certain areas of the State and certain sectors of the economy are particularly hard hit.

Nonetheless, the adjustments that Mainers have made are helping the State to weather the current recession and are laying the foundation for a diversified and growing economic base.

I ask that the article be printed in the RECORD.

MAINE'S ECONOMY TURNING AROUND AFTER 25 YEARS OF HIGH JOBLESSNESS

(By Liz Roman Gallese)

PORTLAND, MAINE.—While recession haunts much of the country, Maine is on the rebound.

Last year, unemployment in the state fell below the national average for the first time in a quarter-century. Around Portland, the state's largest city and the core of its especially prosperous southern region, unemployment in February hit 6.6 percent, three points below the comparable national figure of 9.6 percent. (Seasonally adjusted, which state rates aren't, the national rate was 9 percent.) "Something dramatic has happened," says Stephen T. Honey, city manager. Even more striking: In the previous 1973–75 recession, Portland-area joblessness, at 11 percent, was nearly double its current rate.

Technological change and geographical advantage help explain Maine's turnaround. High technology, defense-related and service businesses, resistant to recession, have started or expanded in Maine, partly because of its skilled but moderately paid work force.

"Basically, the electronics boom spread out of Massachusetts and into Maine," says Lester Thurow, professor of economics and management at Massachusetts Institute of Technology. Maine is receptive to new business. It has a reputation as a good place to live. And 10 years of redevelopment have changed the face of Portland.

PEOPLE HAVE MONEY

The changes are hard to miss. It's 5 p.m. normal dinner hour only for the child-weary, but customers are already packing Amigo's, a Mexican restaurant near Portland's historic waterfront. "They tell me there's a recession," says Eugene Russell, the proprietor. "But I can't really buy it. Just go around town. People have money to spend."

For the boating soon to start, seasonal membership in the Portland Sailing Club has nearly reached its limit of 70. Last winter, music lovers jammed performances of the Portland Symphony Orchestra, and subscription sales hit a 15-year high. A big seller at Necessities Etcetera, a boutique in the heart of the Old Port Exchange, the city's renewed downtown section, is a 24-inch imported toy rabbit—at $73.

Across town in middle-class Munjoy Hill, Tommy's Hardware store just wound up the best year in its 56-year history. Jeff and Theda Shafran, the owners, talk about expanding into camping gear and other sporting goods. "Expansion sounds insane in this economy," says Mrs. Shafran, a 29-year-old

Mainer whose family founded Tommy's. "I don't know what it is—I haven't done a survey—but I've never seen more prosperity."

Maine employers keep hiring. In downtown Portland, the law firm of Murray, Plumb & Murray has added a lawyer and two paralegal assistants to its staff since last fall, and another lawyer will be hired this summer. More than 300 people got work last year at Unionmutual Corp., a life insurance company, one of the state's biggest employers. The company will add 200 employes, at least, over the next three years. And by 1986, some 1,000 jobs will open at a single new employer. That is Bath Iron Works Corp., the shipbuilding subsidiary of Congoleum Co., which chose Portland over Boston for expansion of its ship-repair business.

Even in this single state, however, the economy has served up its benefits selectively. In the rural north, heavily dependent on potato farming, and in industry-scarce coastal regions, unemployment topped 10% last year. In Portland, too, some industries are suffering. Housing, as elsewhere, has turned down. Dartmouth Co., a Portland building subsidiary of Consumers Water Co., plans to finish only 10 condominiums this year. Three years ago, it built 25. Sales are expected to be slow."It will take months to sell them," says Curtis Scribner, president of Dartmouth. "A few years ago, they would have been sold by now."

Some Portland employers have laid off workers. General Electric Co. announced its intent last July to close a plant in South Portland that makes equipment for nuclear power plants. About 400 of 550 employes will lose their jobs over an 18-month period. GE will offer the rest transfers elsewhere.

MAINE BUSINESS ADAPTS

Per-capita income in Maine still runs just about 80 percent of the national average. But that's partly because of the lower wages that help attract business. "Typically, it takes a phenomenal amount of economic development before per-capita income begins to change," says Mr. Thurow.

Yet, for perhaps the first time in generations, Maine business is adapting rather than merely shrinking in recession. Though more than 4,000 manufacturing jobs were lost last year, the shipbuilding and shoemaking industries added to their payrolls. Portland has continued to grow as a center for banking, other finance and service industries. Those industries and others around Portland added 2,800 jobs last year.

Professionals whose services are essential to much of the new business "have settled in Portland because they like the city," says Mark Lauritano, an economist at Data Resources Inc., the economic research firm. "They say the quality of life is better."

Portland, and the rest of Maine, for that matter, was moribund until the 1970s. For 50 years no big office buildings went up. Job openings scarcely existed. Young people left to seek work elsewhere. When Robert Masterton, now president of Maine Savings Bank, arrived in Portland in the early 1960s, he says, "I felt I had walked to the edge of the plank. One more step, and I'd be over the edge."

Since then Portland has tended to its infrastructure. Sidewalks, streets and other public facilities have been repaired. The three big banks have put up buildings in the center of town. Parking garages, a library, a civic center and an art museum have been built. All that work "helped put a floor under the region's economy," says James Howell, an economist at the First National Bank of Boston, and it made it easier for businessmen to stick with the place.●

TRIBUTE TO S. D. "DUKE" CADWALLADER

● Mr. HELMS. Mr. President, as the National Right to Work Committee prepares to celebrate its 27th anniversary this May, I would like to pay tribute to a man who helped found this organization, Mr. S. D. "Duke" Cadwallader.

I am sad to say that Duke Cadwallader will not be with us to celebrate this anniversary because he passed away on October 5, 1981, at the age of 70, in Scottsdale, Ariz. But his spirit remains with those who, inspired by his dedication and tireless commitment, strive today for the principle of free choice in union membership.

Duke Cadwallader was a charter member of the board of directors of the National Right to Work Committee and an ardent supporter of voluntary unionism.

In 1952, he was a member of the Brotherhood of Railway Trainmen when the union demanded a union shop contract with the Baltimore & Ohio Railroad. He objected to the compulsory unionism demand and was expelled from his union. In December 1954, he met with a coalition of railroad employees and a few small businessmen in the basement of a Washington, D.C., hotel to launch a national educational and information program that was to become the National Right to Work Committee.

In keeping with his commitment to "right to work" and unionism, he later affiliated with the Order of Railway Conductors and Brakemen where membership was voluntary.

His allegiance is reflected in the present board of directors: clergymen, homemakers, educators, and rank-and-file industrial workers, many of whom are former or current voluntary union members.

Cadwallader's devotion to free choice led him to serve as chairman of the National Right to Work Committee Board of Directors from 1957-62, and as president from 1962-76. He also helped organize the National Right to Work Legal Defense Foundation to provide free legal aid to employee victims of compulsory unionism abuse.

In his last public address, President Abraham Lincoln noted: "Important principles may and must be inflexible."

Mr. President, Duke Cadwallader's lifelong dedication to freedom of choice and individual liberty is a legacy to all who value fairness and dignity for America's working men and women.●

RESTORE THE RIGHTS OF GREEK CYPRIOTS

● Mr. RIEGLE. Mr. President, on July 20—less than 3 months from today—Cyprus will enter its 8th year of occupation by Turkish invaders. It is time for our Government to play a more active part in bringing about unification and self-determination for the people of Cyprus. Cyprus is unique in the Mediterranean region as a nation where most of the inhabitants are refugees in their own land. A Greek majority has been forced to submit to the harsh rule of a belligerent and hostile Turkish minority. The fact is that less that 20 percent of the Cypriot population is Turkish and over 80 percent is Greek. Yet the Turkish minority has taken over schools, the administration of justice, and commercial production—wrecking the economy in the process.

Cypriot governmental institutions have been undermined and civil rights severely curtailed. Thousands of Greeks have disappeared and thousands more forced to abandon their homes and other property. Today I join my distinguished colleague, Senator SARBANES, in speaking out on the Cyprus question. As a longtime supporter of the Greek cause, I once again add my voice to those of my constituents in urging the President to move swiftly to restore the rights of Greek Cypriots and to seek lasting peace on the Island of Cyprus.●

THE ATLANTA BRAVES

● Mr. MATTINGLY. Mr. President, it has been some time since Atlanta baseball fans had much to cheer about. But the way this season has begun, we may make up for all those years in just one summer.

With their victory over the Cincinnati Reds Tuesday night, the Atlanta Braves became the first baseball team in modern history to win their first 12 games in a season. This broke the record set last year by Oakland.

The amazing thing about their victories is that they are the result of pitching and defense. From the days of Hank Aaron, Rico Carty, and Ralph Garr, the Braves have always been known for their hitting. Only Phil Neikro has consistently pitched through the years. Now it does not seem to matter what pitcher is called on in the bullpen. Rookie Steve Bedrosian and veteran Gene Garber were the heroes on Tuesday night. On other nights, it has been Al Hrabosky or Rick Camp who helped keep the streak alive. The defense has been marvelous, as demonstrated by the four double plays turned in the record-setting 12th win.

Now the streak has been extended to 13 games after a 9th inning rally capped by a clutch single by Claudell

Washington. For every game, a new hero steps forth.

The Braves have given Atlanta and Georgia baseball fans something to cheer about this spring. I congratulate owner Ted Turner, Manager Joe Torre, and all of the team, and hope the records keep falling in 1982.●

GIVING OLDER WORKERS A CHOICE

● Mr. DODD. Mr. President, as the post-World War II baby boom approaches middle age today, demographers tell us that we should start to think about the "graying of America." The baby boom generation will retire with fewer young people to help support them and provide them with nursing care than any previous generation of older Americans. More senior citizens will be dependent on social security but there will be far fewer younger workers to contribute to the trust funds.

Seniors will not be the only ones to feel the effects of a shortage of younger workers. Industry, too, will feel it in the not too distant future. Some demographers predict that, within the next 15 years, there may be anywhere from 7 to 14 million more jobs in this country than there are workers under age 65 to fill them.

These statistics are hard to believe today, when close to 10 million people in this country are unemployed. But unless we start now to prepare to meet such future labor shortages, we shall be forced to confront a crisis of mammoth proportion within the next two decades.

Some companies have already taken the lead in retaining or reemploying older workers to insure the continuity of their work forces. In my own State of Connecticut, for example, Travelers Insurance Co. has established special programs both to rehire its own retirees on a part-time basis and to counsel younger workers about employment options available after they turn 65. I commend Travelers Insurance Co. for its leadership in expanding opportunities for older workers.

Mr. President, I ask that the following article by Vice President Robert W. Feagels of Travelers Insurance Co. be printed in the RECORD.

The article referred to is as follows:

THE GRAYING OF AMERICA

(By Robert W. Feagles)

The changing age structure in our nation—the so-called graying of America—will make the status of the elderly a central issue for years. And it will take many hands—young and old, government and private industry alike—to pull the wagon. The task ahead is to improve the economic position of older Americans, their social well-being and physical health, and to ensure that they have equal opportunities to sustain full and productive lives beyond retirement.

Today, business has a special opportunity to deliver, not only in terms of economic performance, but also in terms of public responsibility. Business can't be expected to take over in all areas now eliminated or cut back by government. But we have a real opportunity to demonstrate our capabilities to help America solve some critical national problems, particularly in the area of aging.

I believe that U.S. business has a vital role to play, perhaps a decisive role, in shaping the future status of older Americans in one key area in the workplace. And that is expanding employment opportunities.

We are beginning to understand that millions of our nation's older people want to work even after they reach age 65. America's older citizens, to be sure, have by no means given up their dreams of leisure in retirement. But growing numbers seem to be rejecting the notion of being totally sidelined. Many people are willing, even eager, to work—especially part-time.

For business, the aging of America means that the composition of the work force is changing dramatically. The labor force, which grew by almost 2.5 percent each year in the seventies, will grow only 1.5 percent annually in the eighties—and less than 1 percent a year in the nineties. Meanwhile, the over-65 segment of the population will grow by 28 percent between now and the year 2000.

In short, the supply of younger workers will be contracting, while the supply of older workers will be growing more abundant. Demographic reality will make it simple common sense for businesses seeking employees to find them where the potential supply is greatest. Fortunately older citizens represent a vast repository of skill, knowledge, experience and potential productivity.

One more important dividend will be gained from increasing job opportunities for older workers. That is the creation of a more diverse, age-integrated society. This could be a highly effective preventive to the so-called "intergenerational conflict" that some observers fear if younger workers find themselves paying higher taxes to support more and more retired citizens in future years.

Given these potential benefits, one would expect a strong national trend toward expanded employment of older people keen to work.

Yet, this is not the case.

Indeed, since World War II, no social trend in America has been more pronounced than the decline in labor-force participation by older people. In 1950, for example, more than 40 percent of men over 65 were in the labor force; by 1980, the proportion had been cut by more than half.

Even as we have built a system that allows more people to enjoy retirement, we have unwittingly created a structure that severely limits choice for older people. In reality, most people over 65, whatever they may wish to do, face two stark alternatives: either full-time work or full-time retirement, with few other options.

What can we do?

We need to broaden employment options for older workers.

Above all, we should begin experimenting, on a much larger scale than at present, with a whole range of work options for older people: part time jobs, job sharing, flextime, phased retirement, job transfers and retraining, and rehiring of retirees.

At The Travelers, we have been exploring what we can do to help older workers and retirees. We began by eliminating all mandatory retirement ages—even the 70-year age still permitted by federal law.

Last year, after months of testing, we launched a retirement counseling program for employees 55 years and older. This program is designed to help our employees set financial goals and plan for the future. An important aspect is a review of employment and retirement options for older workers.

In view of the fact that so many of our older employees expressed interest in some form of paid employment after retirement, we hit on another idea: Why not make it possible for our retirees to fill temporary jobs in our home office?

Our retirees, after all, know our company and its systems. And establishing our own temporary agency of retirees made it possible to pay our retirees more than they could earn by working for an outside agency.

This led to another idea: to create opportunities for retirees who want more than occasional part-time work. We created The Travelers Retirees Job Bank.

Through the job bank, our retirees can register to fill temporary positions with the company. And, as permanent, shared-job opportunities open up, retirees can find these also through the job bank. The job bank, by the way, is run by two retirees (one, 72 years old), sharing one position.

The only obstacle to our new job bank was a longstanding company policy: one that specified a loss of pension benefits in an month for any retiree who worked more than 40 hours for the company. We decided to change that policy and eliminated the monthly restriction. Sine last March, it has been company policy that any retiree can work for the company 960 hours a year—roughly half-time—with no loss of pension.

In the first two weeks of our temporary employment, several hundred retired workers called in to express interest in getting work through the job bank. Since then, 112 people have been enrolled.

Each day at The Travelers, 35 retirees, on average, are at work in clerical and secretarial jobs, in recordkeeping, in maintenance jobs and on special projects. Roughly 58 percent of all temporary positions in our home office are now filled by retirees.

In addition, 13 positions are being filled by retirees sharing full-time jobs. And 10 retirees are working in permanent part-time jobs.

We are looking forward to some interesting next steps. We hope, for example, to experiment with the sharing of part-time jobs as well as with full-time positions. And we'd like to offer "skills refresher" courses in the secretarial area.

We believe these initiatives will give us the capacity to meet the employment needs of our future retirees.

Based on our Pre-Retirement Opinion Survey, roughly 50 percent of our current older workers expressed a desire for post-retirement, part-time work with the company. In our home office area, this means we would need roughly 600 part-time positions to meet the needs of older workers. We believe we can provide that number. This is because we estimate that our temporary employment program and 300 permanent part-time positions can provide almost 650 half-time equivalent jobs, more than enough to meet the projected needs of older workers.

Our current objective is to take these programs to our offices across the nation—a process just begun.

If we act now to broaden employment options for all workers, especially older workers, we can expand individual choices; create opportunities to do the "things we wish we could have done;" and foster conditions that

could lead to greater personal fulfillment and a finer quality of life.

NAM ON AGING

The NAM helped come up with recommendations on behalf of the nation's older population at the recent White House Conference on Aging. Dominant topics were equal employment and Social Security.

David W. Braithwaite, director of corporate employment for U.S. Steel Corp., and Ed Dowd, Jr., president of Central Piedmont Employers Association, Inc., were appointed NAM delegates to the conference. Both participated, through issue committees, in forging recommendations for a national policy on aging. Final recommendations will be sent at some point this year to the president for review.

Two NAM staff members, Bill Bartolone, associate director of human resources and equal opportunity; and Ann Combs, program analyst, employee benefits; also attended the conference as members of a business coalition offering information to participants.

The conference was prompted by the dramatic increase in the number of persons 55 years and older. In the past 20 years, that number has jumped by nearly 14 million.●

A GOLD STANDARD—SOON?

● Mr. McCLURE. Mr. President, on March 18, the Washington Financial Marketing Council heard an important address by Howard Segermark, executive director of the Institute on Money and Inflation and Economic Counsel to the distinguished senior Senator from North Carolina, Mr. HELMS.

Howard's speech was on the topic of "Financial Markets, the Economy and Gold," and expertly outlined some of the problems facing our economy today. He pointed out that a key problem in the economy today is not fiscal, but monetary. The debate over budgets pales in comparison, he says, to the importance of doing something about our rag-tag monetary system.

Unfortunately—

He stated—

there is no correlation between deficits and high interest rates. When Council of Economic Advisors member William Niskanen released a study showing this information he was roundly criticized for allegedly saying that deficits don't count. As one journal reported, he had the audacity to introduce reality onto a theological argument.

He went on to show how the present instability in our monetary system may lead to a situation in which the President may find it politically necessary—as well as economically correct—to propose a new gold standard for the United States.

Because the arguments presented have insight both to politics and economics, his comments make worthwhile reading to anyone interested in the current debate.

Mr. President, I ask that the address of Howard Segermark before the Washington Financial Marketing Council be printed in the RECORD.

The address follows:

FINANCIAL MARKETS, THE ECONOMY AND MONEY

(By Howard Segermark)

Let us talk first, of financial markets—there is an upside.

There are opportunities and examples of success. I happen to know personally, of a small businessman who started only three years ago—an "only in America" story. This man reported last quarter profits greater than the profits of Ford, Chrysler and GM, combined.

But there is, if I may say, even a less sanquine face to the economy.

A friend who is a trading partner in one of the oldest stock brokerage houses in the country called and said after one of the more dismal days in the market last week said, "When is this carnage going to stop?"

Cynically, I said, "What, you're afraid of a 700 Dow?"

He said, "700? Hell, we'll see that in two weeks."

The anecdote is illustrative of a problem that might be clear only to economic historians.

The problem is that in 1966, the stock market peaked at 1000, and hasn't seen that level since.

The lesson is that in today's dollars, the market level of 1966 is about 3,000. If the U.S. stock market was only as prosperous as it was in 1966, we'd have a 3,000 Dow.

Put it another way, if the U.S. had had a growth rate in the past 25 years of that of France—not Japan or Germany, the nations pointed to as great examples—only the growth rate of France; had we that growth rate, we would today have a GNP approximately $1.6 trillion greater than we have. The average per capita income in America would be 50% higher. Federal revenues under present tax levys would be $320 billion greater.

But let's address the facts in financial markets today. Take goods and services. We are in a situation in which the rate of price level increase is falling rapidly. We actually have real price reductions in many commodities. But, in addition, the prices of all financial assets as well are falling. The stock market is, one lesson in point.

That is not, of course, unique. In the 1970's, in the go-go inflation years, we saw the financial markets decline in real value.

What we saw then was a shift of resources out of financial markets and into tangibles. We saw real estate prices go up, we saw commodities go up. We saw the market for stamps, wines and collectibles go up.

What do we have today?

We have a general collapse in the value of all assets. Real estate, stocks, gold, or antiques, are no longer good hedges.

The only thing people go into today are money market funds the asset which is more liquid than anything else.

Put it another way: the store of value today is the one with the shortest future.

No one goes long today.

The long term bond market today is minimal. Industry is financing what capital expenditures there are from the short-term market.

What do we have? What causes this ironic situation when the bond market had a small rally a week or so ago and the stock market continued to crumple?

What causes markets to react as they did when we learned that money supply went up in January at a 22% annualized rate and the gold price declined?

A friend asked me for my guess on what interest rates will be in the near future. My response is that no one knows in these market conditions whether interest rates will be up or down in the next few months. He said that some economists were predicting increased interest rates—a new peak—and others were predicting lower rates. I said, "Here is my answer: no one can give you a decent answer where interest rates are going in the near term, and that, my friend, is the worst answer of all."

In other words, the predictibility of financial markets is almost nonexistent. Dun's Review put it this way. "After puzzling over the mixed bag of messages, many experts concluded that what looked like good news was actually bad news—and vice versa." So much for our distinguished economists.

As one who has been accused of being an economist, I will be the first to admit that economists have much to be humble about. It should go without saying that my comments should be grounds for neither taking the last of your assests and investing in T-bills, or leaving tonight's dinner via the window, rather than the elevator.

I would like to explore some interpretations of our economy today—interpretations that might seem unorthodox—and conclude with some predictions on politics and monetary policy and interest rates.

No, let me give you a prediction first, and then I'll show you how I get there.

I believe we will have a prime rate of 6% by November 1 of this year.

I'd like to start by looking at the financial markets today and comparing them with similar periods in the past. We've all heard recent predictions of great economic disruption just around the corner; well, the gloom-and-doom predictions have some application.

We really don't have a doomsday in history we can look at, but we have something close to it.

Can you remember back? Perhaps more then remember because it was about 40 generations ago. Most of Europe was dominated by Christians who believed that on the eve of the second millennium, the Second Coming would occur, the saved would go to Heaven, and everybody else would not. Obviously, in economic terms the potential return on assets which would accrue after the year 1000 were nil.

One particular asset was a "permanent grace," sold by the Church to raise revenue, which entitled the owner to sin without penalty. As the time to the year 1000 grew short, the price of long term "permanent graces" fell sharply. Toward the year 1000, short term "graces" declined in value as well. As one scholar put it, "In the last months before the conclusion of the millennium, the economy of western Christendom was, by all accounts, at tether's end, as evidenced by an absence of everything, including abstinence."

Today we have an extreme lack of predictibility in financial markets. Instability has destroyed the relationship between current savings and future income. The instability is caused today not by anticipated doomsday, but by anticipated rising taxes on future income and erosion of future value by inflation.

The evidence is in the stock market decline as prospects for future return on investment declines.

It is in the decline in the value or purchasing power of gold, antiques, real estate and other tangibles as the time horizon for the utility of these items shrink.

In other words, we saw financial assets peak in the 1960's and decline relatively

steadily ever since. In the 1970's, the time was ripe for alternatives to declining dollars, and investment was made in tangible assets.

Today almost all assets are declining in value.

In particular gold, "the first refuge of the cautious," has declined in price over 23% in each of the past two years. Associated with the decline in stock and bond markets, this long lived asset's price decline is ominous.

The only boom industry in the last couple years is the market for investment seminars that tell you how to survive the coming depression or "How to prosper during the end of the world," as one friend of mine refers to this crowd. (Have you seen the Howard Ruff, etc. advertisements?)

But even the gloom-and-doom seminar industry has been declining in recent months and maybe that is an optimistic sign.

In other words, doomsday is not inevitable.

But there are ways of thinking—arguments and analyses of our problems—that I think are not going to help things along. The present myopia concerning the economic debate is going to do at least one of two things—(1) postpone the time when we can do something about the problem or (2) cause more damage.

Today, the question in our economic debate is this: "Do we raise taxes or cut spending or both?" The Democrats want to raise taxes and cut Defense, and Republicans want to raise taxes and cut Food Stamps, and the President just wants to cut Food Stamps.

Why do they want to cut spending and maybe raise taxes? Answer? The deficit.

Why worry about the deficit? Well, because Henry Kaufman, Dave Stockman, Senator Domenici, Senator Hollings and Alice Rivlin tell us that big deficits cause high interest rates.

In fact, high deficits tend to indicate greater debt servicing costs in the future, and therefore a greater future tax burden, and that is a depressant to the economy. Important, yes, but not seminal to this debate.

What about interest rates? Unfortunately, there is no correlation between deficits and high interest rates. When the Council of Economic Advisors member William Niskanen released a study showing this information, he was roundly critized for allegedly saying that deficits don't count. As one journal reported, he had the audacity to introduce reality into a theological argument.

Our friend, David Stockman, tells us that if we reduce the size of the "federal whale", other folks will be able to get in the swimming pool of capital. (Have you heard this?) In other words, we get the federal deficit down and there'll be a billion or two left over with which to build homes and finance the capital needs of our $3 trillion economy.

Let's look at the proposition that the swimming pool is static and reducing the federal whale is the only way to allow interest rates to come down. Is there anyone here who thinks that there is the same relative volume of capital out there today as there was 10 years ago. One hundred year bonds have to be sold within the life-time of all of us in this room, but now we're talking about three year mortgages!

No, Dave is wrong. The swimming pool is not static. It is shrinking. And as for the size of the whale—well, let's put him on a diet, but we've seen bigger federal deficits relative to the size of the economy.

At his February 18 press conference, the President stated, that interest rates are "the greatest single threat today to a healthy, fast recovery," but he also embraced the present monetary policy. At the Washington Financial Marketing council's last meeting, Federal Reserve Board Governor Emmett Rice pointed with evident pride at the President's statement. He said, interestingly, that Fed policy has concentrated in recent years almost exclusively on the problems of inflation, and not other issues.

As we know, since Paul Volcker's announcement of October 6, 1979, we have had what amounts to a monetarist policy at the Fed. Instead of "targeting" interest rates, the Federal Reserve has attempted to concentrate on stabilizing the growth rates of certain measurements of the money supply. The chief guru of this policy, Professor Milton Friedman, said 8 or 9 weeks ago in January, "I know of no prior historical example of the kind of interest rate fluctuations that have bedeviled the economy during the past two years." Last month he was asked why interest rates were where they were and to his credit he said, "I don't know."

Not only have interest rates been volatile but money supply growth rates have never been more erratic than they were last year, lending credence to the other Nobel Laureate Frederic Von Hayek's criticism of Monetarists and Keynesians. They possess, he said, a "pretense of knowledge." They think they know what money is, and they don't. They think they know what its supply should be and they don't. And they think they can control it and can't

The Fed's 1981 record on controlling money supply is an indication that maybe it can't.

And what other precedent do we see for the goings-on in financial markets today?

If we look at the post Civil War period, we will see an interesting parallel.

During the Civil War, the North abandoned the gold standard and issued millions of greenbacks, with predictable inflation.

But after the War, the issuance of greenbacks stopped and a tax was imposed on the issuance of notes by states thus limiting money growth.

In other words, the nation had a semblance of a monetarist money "supply" rule after the Civil War. What did we see? Well, we saw price levels drop about 5% per year during the late 60's.

And what about interest rates?

In the late 1860's, they had about as much luck with interest rates as we do today. In 1968, the high of the year was 10%, in '69, 11.4%; in '70, 9%; in '71, 10%; '72, 11.6%; in '73, 16.5%. This interest rate level occurred when price levels were falling.

What happened in 1973? Well the Coinage Act of '73 was passed which laid the groundwork for the Specie Resumption Act of 1975, the restoration of the gold standard. What happened by 1974? Interest rates fell to an average of 5.9%. The high that year was 7.4%.

The market did not wait for the actual resumption of gold covertibility—which would come later in that decade—that provided long term currency stability. Interest rates immediately fell to levels previously associated with a stable dollar.

In the post Civil War period, we saw markets react negatively to the constriction of money supply as they have today, but respond positively to the future expectations of currency stabilization. As the future becomes more secure, more predictable, those in the market become willing to lend at rates closer to the real rate of interest. The currency stabilization of the 1870's laid the groundwork for the greatest period of economic growth in the history of the nation. It was a period not without its problems, but compared to the past decade, it looks good, indeed.

And what about today's financial markets? "Is he," you ask, "proposing to turn the clock back a hundred years and recommend a gold standard?"

Were it possible to turn it back, I'd be rather hesitant. I think today's gold standard will be considerably better than the last.

Briefly, it would operate similarly to the Bretton Woods system abandoned in 1971. Though full of defects, Bretton Woods did give us a generation of price stability. The key to the system would be the administration of monetary policy through reserve requirements, open market operation and the discount window—much as monetary policy is administered today. But, it would be administered to assure not the supply of money, but its quality. The policy goal would be to fix the value of the dollar—not its supply.

As you know, Article 1, Section 8 of the Constitution provides that Congress not only has the power to "coin money and regulate the value thereof", but to establish a system of uniform weights and measures. Just as we establish that there is a standard foot, a standard pound, a standard gallon, so we care little how many rulers or scales, or jugs there are in existance. A "standard" is just that, and the monetary standard should be a uniform one as well.

The Fed—should we keep it (and by the way, there are two schools of thought on whether the Fed is really necessary under a new gold standard. The Moderates would burn down the buildings. The extremists would sow the ground with salt.)—would be required to allow money to expand to fill the demand in the market. Should that demand be exceeded, what would happen? Would individuals or nations perceive that there were excess dollars and gold would be a more attractive asset? A demand for gold is the signal the Fed would use to govern monetary policy: tighten.

Conversely, a demand for dollars, indicated by gold flows into the Bank means too few dollars and the Fed would relax.

Now how will this come about? How will we get a new gold standard? Will Murray Weidenbaum, Beryl Sprinkle and Paul Volcker suddenly become born again gold bugs? (I doubt it.)

Will Milton Friedman, John Kenneth Galbraith and Paul Samuelson burn the books they have written in the past 30 years that have made them millionaires? (I doubt it a lot.)

I expect someone like Dick Wirthlin, the President's pollster, to tell him that unless something is done quick about interest rates, the Republicans will lose 50 seats in the House and control of the Senate, and Ronald Reagan will spend years 73 and 74 of his life vetoing legislation coming from a Democratic controlled Congress.

His choices will be: (1) raise taxes a la Kaufman and Wojnlower. (2) slap on wage, price and credit controls a la Ken Galbraith and Richard Nixon; or (3) he can move to convertibility.

1. Tax hikes will have no economically salutory effects. The book on tax increases in recessions was written by Herbert Hoover in 1932. He was able to keep Republicans out of the White House until Eisenhower.

2. Controls will be greeted with some popular support. Remember that Nixon's

August 15, 1971 actions netted him a 21-point increase in approval rating. But the record of controls helping unemployment isn't so good, and Ronald Reagan knows his economic speech on controls. In the Illinois Republic primary debate, he pointed out that price controls have been tried and have failed since the Emperor Deocletion.

3. Convertibility. Well, positive action as perceived by the public is always good for a popularity boost. People like to see the President doing something, and this would be action.

A gold standard has almost no popular opposition. A poll we've recently released indicates 10 percent people oppose it, 14 percent favor it. 75 percent don't know or care. The relevant polls are what people think about high interest rates and inflation.

And Ronald Reagan didn't come to the White House to learn economics. And he knows the gold speech without 3 x 5 cards.

A week ago today at the meeting of Republican Committee Chairman of the Senate, the President was asked, "Mr. President, how long can we wait for interest rates to come down? Some economists think the gold standard is the only way to restore stability to financial markets—and by the way keep us from getting whipped this fall."

The President said, "Well, it is my conviction that we must eventually have a gold standard. Never in the history of the planet has a nation survived with a fiat currency."

To recap: If the economy gets much worse, and more Republicans start putting distance between themselves and the President, you have to ask yourself, will he act or not?

If he acts, which alternative is he going to take? Tax increases, controls, or a gold standard?

We have no 100 percent guarantee that utopia would follow the President's intention to use his authority in the gold markets and the Fed's willingness to accommodate the new policy.

One economist said that the day after the President took action, the bond market would go up 500 basis points. I think that five months after he acts, we would again see the 6 percent prime I mentioned in my opening comments. I don't know for certain that would be the case, but history teaches us that the stabilization of currencies is associated with rapid declines in interest rates and rapid increases in economic activity. My guess is that the President will tell us at about 10:00 EST on May 16, "You know, I'm old enough to remember when inflation was a textbook word, and 'sound as a dollar' was a complement. And if we want to give truth to the phrase 'sound as a dollar,' we have to make the dollar as good as gold." ●

THE GROWING HOSPICE CARE MOVEMENT

● Mr. SASSER. Mr. President, I am pleased to announce today my cosponsorship of S. 1958, a bill to extend medicare coverage to include hospice care.

Interest in hospice care as an alternative to traditional treatment of terminally ill patients is a fairly new phenomenon in this country. However, the concept has long been practiced in England.

The root of the word "hospice" is from the Latin "hospes" or host. It has come to mean a lodging for travelers. But in the context of the terminally ill, it is a philosophy of caring—meeting the special needs of the terminally ill patient and his or her family.

A hospice can be many things. It can be an institutional setting designed specifically for a dying patient. It can be home care services which permit the patient to remain in familiar and comfortable surroundings. It can be counseling services—services to help the patient adjust to his or her condition, and to help the patient's family adjust to their loss.

But really, a hospice is all of those things. It is a compassionate and humane answer to the needs and prayers of those touched by terminal illness.

I was deeply moved by a program on hospice care that aired in the Washington area some months ago. As many of my colleagues may recall, the program followed the stories of three families in this area—each with a dying family member.

The most satisfying aspect of that program was the open communication between the families of these patients, their physicians, and their counselors. In each of these cases, because of the availability of hospice care, there was an opportunity for expressing fears, doubts, concerns, anger and frustration. And I believe, in each of these cases, that the lives of the patients and their families were enriched.

I am proud to note that there are now 16 hospice groups in Tennessee in various stages of development. And I hope that congressional action in this area will increase their ability to serve Tennessee's terminally ill.

Without question, expanding Federal involvement in hospice care must be approached with care.

To date, a great deal has been accomplished through a groundswell of public sentiment. A large network of volunteers, church groups, community leaders, and people in the medical and nursing professions have made the hospice movement what it is today.

Giving medicare patients the option of hospice care is an important step. It will, I believe, prove to be cost efficient. But most importantly it will offer to those who choose it an alternative to traditional care.

I urge my Senate colleagues to look closely at this matter and to add their support for this important legislation.●

NATIONAL LIBRARY WEEK

● Mr. D'AMATO. Mr. President, during this, National Library Week, I call upon my colleagues to pause and recognize the invaluable role of public libraries in the growth and development of this country.

The benefits of public libraries are reaped by all. In recent years our public libraries have extended their services to the physically handicapped, the institutionalized, and even the immigrant who speaks little or no English at all. In New York State alone people will borrow more than 80 million books this year from public libraries.

Public libraries are the cornerstone of our democracy. They guarantee free access to knowledge and information to all of our peoples. This liberty of inquiry is essential to the discovery and pursuit of truth, for only through the endless testing and debate of ideas can man enjoy opportunities for human progress. Indeed, our public library system is a bastion for human progress.

I take enormous pride in our library system which one day will utilize communications satellites to transmit informational and educational materials to the most rural and remote parts of this country.

I am particularly proud to represent a State which boasts one of the finest public library systems in the Nation.

During this week of recognition of our libraries I salute all those who volunteer their time and effort in making our public library system the envy of the free world.●

CYPRUS DAY

● Mr. TSONGAS. Mr. President, I support today's efforts in the House of Representatives to commemorate the nation of Cyprus by declaring April 22 as "Cyprus Day."

Congressmen YATRON and BROOMFIELD have called for a special order to address the need for a prompt and just settlement to the conflict in Cyprus, and to bring the special nature of the Cyprus problem to open debate on the House floor.

Since the Turkish invasion of Cyprus in 1974, over 200,000 Greek Cypriots live as refugees in their own country; another 2,000 are listed as missing persons. Turkish military forces continue to occupy the island at an enormous cost to the Government of Turkey. This situation is a strong deterrent to any solution which may otherwise be reached.

The United Nations Special Representative to Cyprus has been conducting intercommunal talks between the Greek and Turkish Cypriots for several years in an effort to reach a negotiated settlement. To date, little or no substantial progress has been made in solving their differences.

It is evident that this administration has failed to act on, or even to take seriously, the problems that still exist in a divided Cyprus. Cutting economic aid to Cyprus, as President Reagan proposed, ignores the real needs there and certainly is an insensitive response to the concerns of Greeks, Cypriots and Greek-Americans alike.

Like many items, Cyprus aid has fallen victim to the budget constraints of the Reagan economic program. But I believe that continuing aid is essential both as a symbol of the American commitment to a viable Cyprus and as a substantive contribution to continuing needs there.

With an administration nearly obsessed by the larger East-West struggle, and with intermittent attention demanded by flash points as diverse as Central America, the Falklands, and the Middle East, it is easy for an issue like Cyprus to fall by the wayside. But it must not.

This special order will send a clear message to both Turkey and our own administration—that Cyprus will not and cannot be forgotten. A settlement on Cyprus is essential to their humanitarian and economic goals, as well as to U.S. foreign policy objectives in the Aegean. I remain committed to working for a peaceful resolution to this tragic problem.●

"ISABELLE"

● Mr. D'AMATO. Mr. President, today I appeared before the Subcommittee on Energy and Water Development to speak on behalf of the "Isabelle," intersecting particle accelerator project at Brookhaven National Laboratory. I questioned the administration's witness regarding the Department of Energy's plans for this project. I expressed my very strong support for continued funding for "Isabelle" because of the importance of this issue to our continued leadership in high energy physics. I ask that my opening statement before that subcommittee be printed in the RECORD so that it will be available for my colleagues' information.

The statement follows:

STATEMENT BY SENATOR ALFONSE D'AMATO

Mr. Chairman, I thank you for your courtesy in allowing me to be present here today. I am here to call attention to an important project, one which I ask the members of this committee to support. The project is "Isabelle," the intersecting particle accelerator now under construction at Brookhaven National Laboratory.

I strongly request that $10 million be appropriated for the construction of "Isabelle" during fiscal year 1983, in excess of Brookhaven National Laboratory's other appropriations for high energy physics. While I recognize that $10 million is considerably below the level required for rapid completion of the project, I also recognize that fiscal restraint is necessary in light of the large deficits projected for fiscal year 1983. The allocation of $10 million, however, is needed to preserve the project's momentum and key staffing as well as to provide for modest progress and protect the Government's substantial investment. With improvements in the economy, I will press for full funding in future years to complete "Isabelle" in a timely and economically efficient manner.

Last year, this committee explicitly stated its strong support for continued progress on "Isabelle." Despite that expression of intent, the administration proposes that no funds be appropriated for "Isabelle" this year, and that the construction and research already done be used to support some much less capable scaled-down accelerator which has not yet been defined.

The administration has stated that it is dedicated to a three-laboratory high energy physics program. They rightly point out that Stanford, Fermilab, and Brookhaven provide the required regional support for advanced scientific research and the diversity of tools and approaches to problem solving required to keep our high energy physics program a world leader.

To make that three-laboratory program a reality, all three facilities must have the research tools they need to probe the boundaries of human knowledge. Without "Isabelle," Brookhaven's program in high energy physics will lose its attractiveness to physicists. Over time, we will fall back to a two-laboratory program.

Without "Isabelle," opportunities for graduate students to do meaningful new research under the guidance of our most senior and capable scientists will be seriously decreased. Without "Isabelle," we run the risk of abandoning our leadership in high energy physics to foreign countries. Without "Isabelle," we do slow, serious, and long-lasting damage to the scientific and technical communities in the Northeastern United States.

The high energy physics community has continuously reviewed and supported the construction of this colliding beam facility. Most recently the High Energy Physics Advisory Panel's Subpanel on Long Range Planning for the U.S. High Energy Physics Program, stated that it "strongly recommends that the Isabelle project be built and completed during this decade. This investment in the program will enable the U.S. to maintain an active and healthy high energy physics program near the end of the decade and into the 1990's."

The major performance goals of "Isabelle," namely its high energy and high proton currents were chosen to attain a large step in accelerator and physics capability. To reach these goals it was desirable to employ as much advanced technology as seemed prudent and feasible. In particular, this required development of high field superconducting magnets and the associated cryogenics. Although some unanticipated difficulties and accompanying delays were encountered, these technical problems have essentially been solved. The other technical components of the accelerator have progressed in an acceptable and normal fashion. The conventional construction has proceeded on-schedule, on-cost, and is 70 percent complete.

I wish to emphasize that "Isabelle" will be a unique and powerful research facility, on both a national and international scale. It will enable the United States to maintain its leadership in the important field of high energy physics for many years to come. To this end I again quote from the recent report: "'Isabelle' is the largest American high energy facility construction project during the 1980's, and represents a major new center for experimentation in the U.S. beginning around 1989. As a dedicated facility, it will permit a diverse broad-based research program, which can support six major experiments simultaneously. The facility is unique because of its combination of high energy and high luminosity. 'Isabelle' has high potential for exploratory work which could lead to discoveries in the multi-hundred million electron volt mass range. Further, the growth potential is excellent. It will complement facilities that are likely to exist in Europe at that time and also the other facilities in the U.S. program."

Historically the United States has been at the forefront of high energy research due to our highly developed technology and our willingness to use it for the advancement of scientific knowledge. This results not only in progress in pure science but also aids the furtherance of technological advancement through spinoffs. High energy physics, together with the space program, provided, for example, the impetus for the development of small computers and fast microcircuitry. Other medical breakthroughs such as C.A.T. scanning have resulted from the electronic and analysis techniques developed for high energy particle detectors. The list goes on and on.

While industry must surely take the leadership in pursuing applied research, only the Government can provide the long term direction and substantial funding which basic research requires. Without the breadth provided by Government involvement and without the freedom from the mission of product development, basic research will ultimately wither and die. Our future generations will be left without a firm scientific foundation upon which to build.

In order not to lose the momentum in this important project which is the cornerstone of the U.S. High Energy Physics Program of the late 1980's and 1990's I strongly urge your support for increased construction funding of the "Isabelle" project.●

LIBRARY SERVICE AND CONSTRUCTION ACT

● Mr. DODD. Mr. President, local libraries provide an important role in serving the educational needs of almost every community in this country. They supply information on how to bake a cake, tune a car, get a job. For millions of people they give ready access to poetry, literature, and history.

Unfortunately, access to information through local libraries is threatened, not only through budget reductions but through an unwarranted impoundment of funds. The Office of Management and Budget has refused to release the funds appropriated by Congress for the Library Service and Construction Act (LSCA) causing unnecessary difficulties for State and local libraries.

In the past, the LSCA has assisted States in extending and improving library services for those who need them most: The handicapped, the disadvantaged, the elderly, and citizens who speak and read languages other than English. Impoundment of funds has caused vital, ongoing programs to be cut short. Fifty-six percent of LSCA public library services involve long-term programs which may now be terminated. Budget uncertainty has made long-term planning impossible.

In fiscal year 1981, the LSCA was funded at $74.5 million and the con-

tinuing resolution appropriates $70.5 million for the act. But in January of this year the U.S. Department of Education informed State libraries that funding would be based on the OMB requested level of $61.8 million—with some programs cut as much as 33 percent from the continuing resolution amount. It was not until February that this rescission was formally proposed in the President's budget request. It has not yet been voted by either Chamber but it is in effect. At this time, libraries have received 51 percent of the OMB determined level.

The situation is intolerable: To library administrators in their effort to plan for public needs, to those who use the Nation's libraries, and to those of us who believe strongly that OMB action in this matter was inappropriate.

The Connecticut State Library Board recently passed a resolution articulately stating the need for library funding.

I ask that this resolution be printed in the RECORD.

The resolution follows:

RESOLUTION ON FEDERAL SUPPORT FOR THE LIBRARY SERVICES AND CONSTRUCTION ACT (LSCA)

Whereas, it has been the policy of the Federal Government to establish, support, and expand educational opportunities for individuals of all ages through the promotion of universal library and information services; and

Whereas, the national Library Services and Construction Act program now in effect has extended and led to the improvement of public and state library programs to meet special user needs, including library services for blind and physically handicapped, institutionalized, functionally illiterate, to persons with limited English language skills and economically and educationally disadvantaged individuals, and to encourage and support interlibrary cooperation for the benefit of all citizens; and

Whereas, the Executive Branch of the Federal Government has acted to reduce the 1982 appropriation approved by Congress and to eliminate totally appropriations for 1983, and now, therefore be it

Resolved, That the Connecticut State Library Board, reaffirming its strong belief in the importance of a shared role of the Federal Government along with the State and Local Governments in the support of library and information services for all citizens, urges Congress to support the Congressional appropriation approved for this current year and to continue its support in 1982/1983 at the authorized levels, and be it further

Resolved, That the State Librarian cause copies of this Resolution to be sent to members of the Connecticut Delegation in Congress.●

150TH ANNIVERSARY OF BUFFALO, N.Y.

● Mr. D'AMATO. Mr. President, I rise to recognize the 150th anniversary of one of New York's most accomplished cities. This city lies at the mouth of the Niagara River at the eastern end of Lake Erie, and during its early years was the gateway to the West, linking the Erie Canal to the Great Lakes.

The city of Buffalo was incorporated as a city in 1832. Today Buffalo offers many cultural and recreational facilities to serve its citizens and visitors, including a great number of public parks. Buffalo also is home to a wide variety of professional sports teams.

Two Presidents of the United States are linked to Buffalo. President Millard Fillmore not only lived in Buffalo but is buried in Forest Lawn Cemetery. President McKinley is honored by the beautiful McKinley monument located in the center of Niagara Square.

Buffalo's many manufacturing plants offer employment to more than one-third of the total metropolitan area population, resulting in many economic benefits for the city, the State, and the Nation.

I wish to congratulate Buffalo on this memorable occasion and wish it every success in the future.

Both the city and its citizens have been an asset to the great State of New York.●

FOREIGN GOVERNMENT SUBSIDIZED EXPORT CREDIT FINANCING

● Mr. BENTSEN. Mr. President, I delivered to the chairman of the Finance Committee, Senator ROBERT DOLE, on Monday of this week a request that he schedule at the earliest possible time a meeting of the Finance Committee at which I can urge the committee to approve a resolution for a study of the impact upon the domestic commuter aircraft industry of foreign subsidized export financing under section 332 of the Tariff Act of 1930. The study would be conducted by the U.S. International Trade Commission (ITC). Yesterday, the Chairman responded to me saying he would shortly schedule the matter.

When this country decided to deregulate its airlines, the service of small towns and cities was naturally put at peril, since major trunklines were then free to drop that often unprofitable service. To substitute for it, hopefully at a more efficient level, commuter airlines were promoted, using aircraft which would be efficient on short hauls with passenger seating of 15 to 30 or 40 individuals. An additional and important spinoff of commuter aviation development, it was hoped, would have been the manufacture and sale to such airlines of American-made aircraft.

I believe that the airlines that serve small towns and cities ought to be able to buy the most efficient, hardworking and sensible airplanes for their needs at the lowest possible price, regardless of whether they are manufactured here or abroad. But it is increasingly clear that other governments compete against the United States in commuter aircraft with government-subsidized export financing. Simultaneously, domestic small aircraft makers are suffering tough times. At least one such domestic producer, the Fairchild Swearingen Co. of San Antonio, Tex., is laying off workers who produce the Fairchild Swearingen competitor in the commuter aircraft business.

I should like to know whether sales of commuter aircraft are moving toward foreign manufactured articles; what portion of those articles are manufactured abroad or in the United States; whether those articles benefit from export credit financing that is subsidized by foreign governments, and if a causal connection exists between whatever subsidized financing exists and lost sales of American producers.

This information will, I believe, be useful in deciding what position the United States should take in the continuing international discussions of the existing but somewhat shopworn international arrangement on export credit subsidies, as well as perhaps providing a basis on which U.S. negotiators can broaden membership in these arrangements to newly-industrialized countries, such as Brazil, that are becoming important competitors.

Finally, such a study may be helpful to domestic companies which feel that they are the victims of subsidized export financing, although the burden will remain on those firms to exercise their rights and prove their cases under the U.S. countervailing duty law if they feel the results of the study are indicative of a substantial economic problem.

For these reasons, Mr. President, I am pleased that Chairman DOLE will schedule a markup of my proposed committee request to the International Trade Commission at the earliest time.●

SUBSEQUENT PRINTING OF CERTAIN AMENDMENTS TO THE VOTING RIGHTS ACT

● Mr. EAST. Mr. President, yesterday I submitted three amendments intended to be proposed to the bill (H.R. 3112) to amend the Voting Rights Act of 1965 to extend the effect of certain provisions, and for other purposes. In my statement yesterday I summarized the provisions in the amendments and I explained why these amendments would improve H.R. 3112. Mr. President, inadvertently these amendments were not printed at the end of my statement.

I ask unanimous consent that the amendments be printed in the RECORD.

There being no objection, the amendments were ordered to be printed in the RECORD, as follows:

AMENDMENT No. 1376

On page 1, beginning with line 3, strike out through line 9 on page 8 and insert in lieu thereof the following: That section 4(a) of the Voting Rights Act of 1965 is amended—

(1) by striking out "seventeen" each place it appears and inserting in lieu thereof "twenty-seven"; and

(2) by striking out "ten" each time it appears and inserting in lieu thereof "seventeen".

(b) Section 4(a) of the Voting Rights Act of 1965 is further amended—

(1) by inserting "(1)" after "(a)";

(2) by inserting after the second sentence of the first paragraph of such subsection the following new paragraph:

"(2) Notwithstanding any other provision of this subsection, a declaratory judgment shall issue before the expiration of the twenty-seven year period referred to in the first sentence of paragraph (1) or the seventeen-year period referred to in the second sentence of paragraph (1), as the case may be, with respect to any State or political subdivision thereof, if the State or political subdivision shows that during the five years preceding the commencement of the action and during the pendency of such action the State or political subdivision, as the case may be, has not engaged in violations of any provision of the Constitution or laws of the United States with respect to discrimination in voting on account of race or color, or in contravention of the guarantees of subsection (f)(2), other than violations which were trivial, promptly corrected, and not repeated.

(3) by inserting "(3)" before "An action" in such section;

(4) by inserting "(4)" before the first paragraph of section 4(a) that begins with "If the Attorney General"; and

(5) by inserting "(5)" before the second paragraph of section 4(a) that begins with "If the Attorney General".

AMENDMENT No. 1377

On page 9, between lines 2 and 3, insert the following:

"SEC. 5. (a) Section 4(a) of the Voting Rights Act of 1965 is amended—

(1) by striking out "the United States District Court for the District of Columbia" each place it appears and inserting in lieu thereof "an appropriate United States district court";

(2) by inserting "(except as otherwise provided in this subsection)" after "accordance".

(b) Section 5 of the Voting Rights Act of 1965 is amended—

(1) by striking out in the first sentence of such section "the United States District Court for the District of Columbia" and inserting in lieu thereof "an appropriate United States district court";

(2) by inserting in the last sentence of such section "(except as otherwise provided in this subsection)" after "accordance".

(c) Section 14 of the Voting Rights Act of 1965 is amended—

(1) by striking out in subsection (b) "the District Court for the District of Columbia" and inserting in lieu thereof "an appropriate district court";

(2) by striking out in subsection (d) "the District Court for the District of Columbia" the first time it appears and inserting in lieu thereof "a district court";

(3) by striking out from subsection (d) "the District of Columbia" the second time it appears and inserting in lieu thereof "the district in which such action for declaratory judgment has been brought"; and

(4) by striking out from subsection (d) "the District Court for the District of Columbia" the second time it appears and inserting in lieu thereof "the district court".

(d) The amendments made by subsections (a), (b), and (c) of this subsection shall take effect on August 6, 1982.

On page 9, line 3, strike out "Sec. 5" and insert in lieu thereof "Sec. 6".

AMENDMENT No. 1378

On Page 8, between lines 17 and 18, insert the following:

SEC. 3. Section 5 of the Voting Rights Act of 1965 is amended by inserting "(a)" after the section designation, and by striking out all that follows "1972," in such section and inserting in lieu thereof the following: "the chief legal officer or other appropriate official of such State or subdivision shall submit such qualification, prerequisite, standard, practice, or procedure to the Attorney General. Such qualification, prerequisite, standard, practice, or procedure may be enforced sixty days after submission to the Attorney General unless an objection has been interposed by the Attorney General. If the Attorney General interposes an objection, then such qualification, prerequisite, standard, practice, or procedure may not be enforced for an additional ninety days unless the Attorney General withdraws the objection. If during the additional ninety-day period the Attorney General institutes an action in an appropriate United States district court for a declaratory judgment that such qualification, prerequisite, standard, practice, or procedure has the purpose and the effect of denying or abridging the right to vote on account of race or color, or in contravention of the guarantees set forth in section 4(f)(2), then such qualification, prerequisite, standard, practice, or procedure may not be enforced until the United States district court enters final judgment denying relief or until the Attorney General withdraws the action for declaratory judgment, or otherwise withdraws the objection that had been interposed. Such qualification, prerequisite, standard, practice, or procedure may be enforced at any time thereafter. Any action under this section shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code and any appeal shall lie to the Supreme Court.

"(b)(1) It shall be the duty of the chief judge of the circuit (or in his absence, the acting chief judge) in which the case is pending immediately to designate a panel of three judges to hear and determine the case.

"(2) It shall be the duty of the judges designated pursuant to this subsection to assign the case for hearing at the earliest practicable date and to cause the case to be in every way expedited.".

On page 8, line 18, strike out "Sec. 3." and insert in lieu thereof "Sec. 4.".

On page 8, line 21, strike out "Sec. 4." and insert in lieu thereof "Sec. 5.".

On page 9, line 3, strike out "Sec. 5." and insert in lieu thereof "Sec. 6.".●

CRISIS ON CYPRUS

● Mr. KENNEDY. Mr. President, the human and political tragedy of Cyprus has been crowded off the pages of our newspapers by newer problems in other parts of the world. But we must not forget that the tragedy—and the injustice—of the Cypriot people continues since the Turkish invasion of that island in 1974.

So I an pleased to join with my friend and colleague from Maryland (Mr. SARBANES)—as well as Congressmen GUS YATRON and WILLIAM BROOMFIELD who have today taken a special order in the House—to call for a peacful settlement to the Cyprus problem which continues to fester.

Eight years after the Turkish invasion, little has changed on Cyprus since I issued a report on it, as chairman of the Subcommittee on Refugees, in 1975 and, again, in 1976. Then, as now, Cyprus remains divided and militarily occupied. The plight of the refugees, and their right to return home, remains unfulfilled. The missing are still unaccounted, and the dispossessed are still without compensation. Worse still, there has been no real progress toward an honorable and just resolution of the human and political tragedy of Cyprus.

Mr. President, the recommendations of our report in 1976 are still relevant today, especially the call for the full restoration of the independence, sovereignty and territorial integrity of Cyprus, and the pledge of continued American humanitarian assistance. I ask that the recommendations from this report be printed in the RECORD.

The recommendations follow:

[From "Crisis on Cyprus 1976: Crucial Year for Peace" a staff report prepared for the use of the Subcommittee To Investigate Problems Connected With Refugees and Escapees, Jan. 19, 1976]

RECOMMENDATIONS

1. THE CYPRUS PRIORITY IN REPAIRING U.S. RELATIONS WITH GREECE AND TURKEY

Whether American diplomats like it or not, real progress toward an honorable and just resolution of the Cyprus problem is crucial in repairing our traditionally good relations with the people and governments of both Greece and Turkey, and in stabilizing our security interests in the Eastern Mediterranean. It is illusory to assume that these relations can be fully repaired and our interests fully stabilized without real progress on Cyprus.

Moreover, the routine promises of progress in the past have brought little comfort to the refugees and distressed people on Cyprus. Their plight remains unchanged.

1976 must finally bring a new priority to the Cyprus problem in American diplomacy and a new determination by our Government to facilitate real progress in normalizing the lives of the Cypriot people. As the President reported to Congress on December 8, 1974: any further delay "in resuming the inter-communal talks will harden attitudes and make future progress more difficult."

The imperative for American diplomacy has rarely been more clear, and, if we fail to act, so too are the dangers of new conflict on Cyprus and the threat of further erosions in our relations and interests in the Eastern Mediterranean.

2. RESTORATION OF THE FULL INDEPENDENCE, SOVEREIGNTY AND TERRITORIAL INTEGRITY OF CYPRUS

Despite the stubborn occupation of Northern Cyprus by Turkish forces, the *de facto* partition of the island, and the pronounced drift toward the creation of a quasi-state in the occupied areas, the restoration of the full independence, sovereignty, and territorial integrity of Cyprus must be a fundamental objective of American policy and diplomacy.

No other goal better satisfies justice or the bringing of peace and relief to the unhappy people of Cyprus—both Cypriot-Greeks and Cypriot-Turks.

As noted in this report, there have been recent reaffirmations of this cardinal point by President Ford and Secretary of State Kissinger. This is an encouraging development, and fully reflects numerous United Nations resolutions since 1974, including the General Assembly resolution of November 20, 1975.

3. OPPOSITION TO A UNILATERAL DECLARATION OF INDEPENDENCE BY THE CYPRIOT-TURKISH ADMINISTRATION

The Cypriot-Turkish leadership threatens to declare the Turkish-occupied area of Cyprus as an independent, sovereign state.

Given its record of fulfilling other threats over the past eighteen months—including the creation of the Turkish Federated State of Cyprus in February 1975—the reckless threat of a Unilateral Declaration of Independence must be taken with some degree of seriousness.

A Unilateral Declaration of Independence would clearly violate the publicly stated policy of Ankara and would not be in the best interests of the Cypriot people. It would also threaten needless violence and conflict, and would enormously complicate any subsequent efforts to reunify the island.

The United States should make clear, now, that it will not recognize a Unilateral Declaration of Independence by the Cypriot-Turkish leadership, and will actively oppose its recognition by other nations. Diplomatic efforts must be made to dissuade the Cypriot-Turkish leadership from pursuing such a policy and Ankara from encouraging or condoning it.

4. SUPPORT FOR IMPLEMENTING INTER-COMMUNAL AGREEMENTS AND THE RESUMPTION OF INTER-COMMUNAL TALKS

The United States, in concert with others, must use its influence and good offices with turkey to persuade Ankara to give its full and active support to the implementing of inter-communal agreements and the resumption of inter-communal talks under U.N. auspices.

In good faith the Cypriot-Greek leadership, the Government of Cyprus, has negotiated with the Cypriot-Turkish leadership over the resolution of inter-communal problems and the future of Cyprus, and the Government of Cyprus is prepared for an early resumption of these negotiations under U.N. auspices.

The same cannot be said, however, for the Cypriot-Turkish leadership and the Government in Ankara. For one thing, the Cypriot-Turkish leadership has flagrantly violated last August's inter-communal agreement on the treatment, protection, movement and normalizing of life among both Cypriot-Greeks and Cypriot-Turks.

The agreement, concluded in Vienna under UN auspices, in part provided for the free movement to the occupied areas of Cypriot-Turks residing in Government controlled areas, and for the protecting and normalizing of life among Cypriot-Greeks remaining in the occupied areas.

The Government of Cyprus scrupulously carried out its part of the agreement, and today all but a handful of Cypriot-Turks now live in the occupied areas. But the condition of Cypriot-Greeks remaining in the occupied areas has steadily deteriorated, and the Cypriot-Turkish leadership has declared the agreement null and void.

The situation not only calls into question the good faith of the Cypriot-Turkish leadership in negotiating the agreement, but also raises troubling questions over Ankara's intent on Cyprus.

The obstructionist attitudes and actions displayed by the Cypriot-Turkish leadership toward the implementation of some past agreements and understandings with the Cyprus Government—and toward the early resumption of intercommunal talks—must not be permitted to prolong the Cyprus problem and further aggravate America's and other nations' interests and relations in the Eastern Mediterranean.

Turkey, as the occupying power in northern Cyprus, clearly has some influence over the attitudes and actions of the Cypriot-Turkish leadership. Ankara should move firmly and expeditiously to promote the Cypriot-Turkish leadership's implementation of solemn agreements with the Government of Cyprus concerning Cypriot-Greeks in the occupied areas, and to promote as well the very early resumption of the intercommunal talks under U.N. auspices and meaningful progress toward a just and honorable resolution of the Cyprus problem.

The United States Government will hopefully give some better evidence that it is seriously working to accomplish these ends.

5. IMMEDIATE WITHDRAWALS OF TURKISH FORCES

The heavy presence of Turkish forces on Cyprus, and other factors associated with Turkey's consolidation of its position in the occupied areas of the island, is impeding meaningful inter-Communal negotiations and a resolution of the Cyprus problem.

In the spirit of the Geneva Declaration of July 30, 1974—agreed to by Greece and Turkey—and the numerous United Nations resolutions on Cyprus, Turkey should immediately begin the withdrawal of substantial numbers of its occupational forces on the island.

No viable solution to the Cyprus problem or lasting peace is possible without the timely and phased withdrawal of Turkish occuption forces and armaments. Especially now, at this crucial juncture of the Cyprus problem, Ankara should begin this withdrawal process—as a gesture of goodwill to the people of Cyprus and as a sign of good faith in meaningful progress at a new round of inter-communal talks under U.N. auspices.

6. A BASIC PRINCIPLE: THE RETURN OF REFUGEES TO THEIR HOMES

The plight and fate of the Cypriot-Greek refugees—who were driven from their homes and deprived of their livelihoods during the Turkish invasion of 1974—remains central to the resolution of the Cyprus issue. A viable and just solution to the Cyprus problem will not be found unless and until the basic principle of the right of refugees to return to their lands and homes, or to be fully compensated for their losses, is recognized by all parties concerned.

During the past year and a half, the issue of Cypriot-Greek refugees returning to their homes has been increasingly complicated by events on the island, such as the mass movement of virtually all Cypriot-Turks, who resided in Government-controlled territory, to the occupied areas in the northern part of the island. Most of these Cypriot-Turks have moved into houses belonging to Cypriot-Greek families who are now refugees in the south.

The return of refugees to their homes is further complicated by the "colonization" of the occupied areas by mainland Turks transported from Turkey, or by third country nationals, such as Pakistani laborers. This continuing population movement from mainland Turkey threatens to alter dramatically the demographic patterns of Cyprus. Regrettably, the United States and others have been remiss in failing to speak out strongly against this apparent "colonization" policy of the Turkish Government in Ankara.

However, despite such developments, the principle of the right of the return of Cypriot-Greek refugees to their homes must be reaffirmed, as well as the corollary principle of full and generous compensation for those who do not return home. These principles are central to any meaningful negotiations of the Cyprus question, and the United States must give them full support.

7. RELIEF, REHABILITATION AND RECOVERY ASSISTANCE TO CYPRUS

The United States must generously support international efforts to help meet relief, rehabilitation, and recovery needs on Cyprus.

Over the past 18 months, the United States has responded commendably to international humanitarian appeals from the International Committee of the Red Cross and the United Nations High Commissioner for Refugees. And the recently enacted International Development and Food Assistance Act of 1975 includes an amendment, offered by the Chairman of the Refugee Subcommittee, authorizing an additional $30,000,000 for humanitarian purposes on Cyprus.

With the passage of time, requests for humanitarian assistance by Cypriot authorities have increasingly shifted from the general relief to the rehabilitation and recovery areas. Special emphasis is being put on measures and proposals to assist displaced and needy persons in regaining a degree of economic self-sufficiency. The shattering effect the Turkish invasion and occupation have had on the economy of Cyprus is well documented, and so too are the rehabilitation and recovery needs of the people and government of Cyprus.

U.S. funds allocated to Cyprus should be on a grant basis, preferably through international channels, and their use should be flexible and reflect the changing patterns of need on the island.

The Ford Administration's new policy of linking the allocation of foreign assistance funds to national actions and voting patterns at the U.N. is disturbing, and should in no way affect the allocation of needed humanitarian assistance to the people and Government of Cyprus.

Mr. KENNEDY. Finally, Mr. President, I want to echo the sentiments expressed by the distinguished Senator from Maryland (Mr. SARBANES), that the peaceful resolution of the Cyprus conflict is crucial not only for the people of Cyprus, but also for the

long-term stability of the Eastern Mediterranean.

It is also important to all nations and peoples who value the rule of law—international law against unilateral military action and the violent invasion of one nation against another.●

A GOOD EXAMPLE

● Mr. SPECTER. Mr. President, small businesses have always played a major role in the economy of the State of Pennsylvania. These organizations have provided many jobs in our State, as well as a tremendous impetus for economic development. Because of their small size, however, these businesses, and in many cases, self-employed individuals, are not able to deal effectively with the many problems they face. Not only do they lack the equipment and staff of large corporations, but they also do not have the money to acquire outside professional assistance.

Fortunately, these problems can be dealt with.

For their efforts in trying to overcome the obstacles faced by small businesses, I commend the Pennsylvania Chamber of Commerce. Their establishment of the Pennsylvania Small Business Advocacy Council, PASBAC, has been a great step in helping these businesses to more effectively cope with the problems they face. The council utilizes both voluntary and professional staff to provide workshops, seminars, and other information to its members.

I support this effort on behalf of the small business community. Its success will be an excellent example for the rest of the Nation.●

KEEP EMERGENCY FEED PROGRAM

● Mr. SASSER. Mr. President, the administration has recently made known its intention to eliminate the Department of Agriculture's emergency feed program. This program has come to the rescue of thousands of farmers since its inception in 1978, and should not be done away with.

The farmers of this country are now in the midst of the most severe farm depression since the Great Depression of the 1930's, and this is no time to cut this emergency aid.

A respected Nashville newspaper, the Tennessean, expressed similar sentiments recently on its editorial page. I ask that a copy of this editorial be printed in the RECORD.

The editorial follows:

KEEP EMERGENCY FEED PROGRAM

The Reagan administration's elimination of an emergency feed program for farmers could mean the difference between survival and bankruptcy for some Tennessee farmers already hard-pressed by falling prices and high operating costs.

Agriculture Secretary John R. Block told a Senate appropriations subcommittee last week the program probably will not be renewed, declaring it had not been very popular with farmers.

However, Sen. Jim Sasser, D-Tenn., responded that the program, which helped farmers feed their livestock after droughts in 1977 and 1980, had been quite popular with farmers in this state. He said 1,900 Tennessee farmers received benefits of $2.4 million in 1977 and another 4,744 farmers got $8.8 million in 1980.

The program provided that eligible farmers could be reimbursed up to 50% of the cost of buying feed when their crops were damaged or destroyed by floods, drought, storms and other natural causes. Last year 136,721 farmers nationwide received $328.5 million in emergency aid under the program.

The help Tennessee farmers received under the program probably is the reason some of them are still in business producing crops and livestock. Farm profits—especially those of small family farmers representative of this state—have been falling off during the current recession. Mortgage foreclosures on Tennessee farmers have climbed rapidly.

A severe drought or other natural disaster at this time could be devastating to many Tennessee farmers if they did not have access to emergency aid. The amount of money involved is miniscule in terms of government spending for other purposes. Yet the good it does could be enormous.

Cutting off such aid and forcing farmers into bankruptcy would be practicing false economy on the part of the administration. The emergency feed program should remain in effect and Tennessee's representatives in Congress should use their influence to see that it is.●

LEAVE INDIVIDUAL INCOME TAX REDUCTION IN PLACE

● Mr. McCLURE. Mr. President, I am pleased to rise today in support of the individual income tax reductions established in the Economic Recovery Tax Act of 1981. There has been a great deal of speculation recently that part of the 1982 or 1983 reduction should be deleted or modified in an effort to reduce the Federal deficit. I am opposed to this and any other proposal that would further burden the American taxpayer.

The American people delivered a clear mandate to Congress in November 1980: cut taxes, reduce the size of the Government, and return control to the people. Last year we set out on a clear and steady course to accomplish that goal. October 1, 1981, marked the start of a beginning that Congress orchestrated months ago, a start with indisputable direction and long-term prospects of economic reemergence. Now, before the program is completely in place, threats surface daily that the tax cut was excessive and should be repealed in an unfair attempt to balance the budget.

I would like to share several essays with my colleagues concerning the individual income tax reduction provision. While I have differences with some of these opinions, I do agree with the major thrust of them.

In a recent editorial in the Washington Post, R. Emmett Tyrrell, Jr., states that the Federal budget grows more obese every day. Mr. Tyrrell goes further and states the obvious: that it is the interest on the national debt and the swelling entitlements that are the problems we need to address now. In the past two decades the expense of the Government has skyrocketed without any plans from Congress, as the responsible party, to bring about control. During these two decades our best answer to these skyrocketing expenses has been to raise taxes; a poor solution that has not worked before and will not work now.

There are three ways to get a deficit under control. One is to raise taxes, another is to cut spending, and the most beneficial way is to promote economic productivity. Raising taxes is a short-term answer that further magnifies a long-term problem that we need to address now. We owe the American people more of an effort to reduce the deficit that an initially painless stroke of a pen that inceases revenue and momentarily takes the pressure off of us in Congress and onto the backs of the taxpayer. By cutting taxes and reducing the burden of Government we encourage economic productivity.

As we all know, we are now past the April 15 deadline and many people are comparing this year's return to last year's only to find out that with the tax reduction and with a moderate increase in income their net disposable income has decreased during this year. It is very apparent that we have not yet realized the the full benefits of the individual income tax cuts and threats are becoming more and more common to eliminate them.

The next tax cut scheduled for July of this year is to be at a 10-percent annual rate making its effective rate a meager 5 percent. Last October's reduction of 5 percent amounted to an even more minute sum of 1.25 percent, which for the most people did not cover the increase in social security taxes. Figures like these make me think that we should increase the tax cut, not attempt to eliminate it.

In another editorial in the Wall Street Journal, Paul Craig Roberts correctly states that the individual income tax reduction raises peoples cash flow on their existing income levels and allows them to retain a larger part of their income gains. This is precisely the economic stimulus that the economy needs; added incentive to save and invest. Raising taxes now takes away these favorable incentives that were established in the Economic Recovery Tax Act of 1981. George Gilder takes this argument further and states that the individual income tax cuts are so small that the full ben-

efits to the economy are being delayed. Delaying the tax cuts any further will only compound the problem.

The goal we set last year was not easy but we must not change course now. The current economic crisis demands something more substantial than a superficial effort. The economic policies we have been following for the past 20 years have not worked. We have set in place part of an economic program for recovery. We must not lose our nerve and back away from the progress we have made in the past year, and we cannot back away from the challenge we now face. The challenge today is to have the political courage to administer further cuts in inefficient agencies and to restrict many social welfare programs which shower benefits to the non-needy.

Mr. President, I ask that the essays I have included be printed in the RECORD.

The essays follow:

AN OBESE BUDGET

(By R. Emmett Tyrrell, Jr.)

Even with the Reagan budget cuts, the federal budget is larger this year than last. That is true also of expenditures for the poor, with the estimates for fiscal year 1981 at $239.2 billion and for 1982 at $263.6 billion. Even with the Reagan tax cuts, we are all paying more taxes this year—$20 billion. Either out of stupidity or out of willfulness, multitudes of our pols are making the economic debate seem more complicated than it is. The exquisite truth of the matter is that our federal budget grows more obese every day, and while the honorable gentlemen on Capitol Hill solemnize over the grave deficits and the heartless budget cuts, only the president and a handful of stalwarts are taking action to restrain the beast and to return vigor to the economy that sustains us all.

You might recall that at the outset of his administration the president asked for a $695.5 billion budget for fiscal 1982. Now, despite the president's fabled niggardliness, that $695.5 billion budget has increased to $722 billion, and the deficit has grown from an estimated $45 billion to an estimated $109 billion. Why does it grow even against the wishes of the Great Miser in the White House?

It grows because of interest on that national debt that the solons have been so blissfully amassing for over two decades. It grows because of the entitlement programs of our milch-cow state, programs devised so recklessly that they can increase whether there are funds available or not, and whether taxpayers have approved or not. Then too, the budget grows because so very few of our modern-day Alexander Hamiltons are able to say no to lobbyists with outstretched palms. With all these leeches on the budget, does anyone really believe that the president's tax cuts are to blame for that huge deficit? Rep. Jack Kemp is estimating that 80 percent of OMB's projected deficits will result from economic slowdown, causing tax revenues to drop and entitlement costs to rise.

Suzanne Garment, The Wall Street Journal's indefatigably fruitful spy in Washington, put it just so when she observed that the republic's politics suffer from "a failure of responsibility," particularly in the legislative branch. Think of such fabled conservatives as the Hon. Jesse Helms and the Hon. Howard Baker pleading for economics in government and blandly greasing the skids for farm subsidies and giant waterways projects. Think of such extravagant Democrats as the Hon. Henry S. Reuss setting off sirens over last week's estimated budget deficit of $109 billion. For two decades, these spendthrifts have jeered and hooted at any sourpuss unwilling to go along with their red ink, ballooning budgets, higher taxes and higher inflation.

And dwell on the blubbering of such artists as Detroit Mayor Coleman Young. "There is no safety net. It's been ripped to shreds." Half of our federal budget goes to pay for that safety net. In 1979, George Gilder tells us, the average welfare family of four received almost $18,000 worth of subsidies, making the inducements of welfare a leading cause of American "poverty" and all the problems that go with it. In the 1950s, only one-fifth of our budget went toward such programs. How is it that with this enormous increase in social spending things are now so desperate for the poor?

Moreover, what would all the grumblers have us do as an alternative to the president's modest cuts? If they are opposed to deficits and to budget cuts, what is their alternative? They believe that the taxpayer must pay more! Some will say that the military must get less, but at the rate our budget fattens that economy would matter little. Of course, thanks to bracket creep and to increases in the Social Security tax, even with the Reagan tax cuts we are paying more. Just how much more do the honorable gentlemen believe we should pay? Their government agencies—federal, local and state—now slurp up some 40 percent of the nation's wealth. In listening to their lamentations over how little money is available today for government good works, it becomes apparent that the pols are not satisfied with 40 percent. They want still more of our payroll checks.

That is the nub of their rancorous opposition to the Reagan cuts. We have reached that point in our history when the expense of government, thanks to the imprudence of legislators, has simply blasted through the roof. It is heading for the moon, and the pols' only response is to cavil and to strut and to raise our taxes.

[From the Wall Street Journal, Mar. 25, 1982]

WHOSE ECONOMICS REALLY HELPS THE POOR?

(By George Gilder)

The gapologists are at it again, attempting to foster class war. Raising continual alarms about "the gap between the rich and the poor," speculating on TV about the likelihood of summer riots against Reaganomics, flaunting absurd statistics on income distribution. The gapologists seek to envenom the frustrations of the poor, while proposing programs that would make their problems worse.

This time the source of the venom is the Congressional Budget Office (CBO), the supposedly non-partisan agency headed by liberal economist Alice Rivlin. Its conclusion, trumpeted by the media, is that the administration's tax and budget cuts will (you guessed it) widen the gap between the upper income groups and the poor.

This report, instigated by Sen. Ernest Hollings of South Carolina and Rep. James R. Jones of Oklahoma, the ranking Democrats on the Senate and House Budget committees, lends momentum to the drive to depict the Reagan budgetary proposals as an assault on the "neediest" Americans and a bonanza for the "greediest."

Enhancing the effect of these charges has been the incoherence of the Republican response and the utter unwillingness of the media to come to terms with supply-side theory. The predictable result will be a continuation of the very policies that have been destroying the jobs, lives and families of the poorest Americans for some 20 years.

WELFARE DESTROYS BREADWINNER

These redistributional schemes, by eroding the incentive to work, save or support families, have created in our inner cities a tragic wreckage of demoralization, rage, unemployment and crime and have left more than half of black children without a father in the home. When welfare destroys the breadwinner role of the fathers by offering a package of benefits more than double the minimum wage, the liberal answer is to take the mothers out of the home as well by giving them government jobs and day care centers.

Poverty is less a matter of income than of prospects. While the incomes of the poor have steadily risen through Great Society largesse, their prospects have plummeted as families have broken into dependent fragments and jumbled together in crime-ridden and welfare-addicted ghettos. In this heartbreaking harvest of liberal "compassion," all the necessary disciplines of upward mobility and small business activity have given way to the vandalism and chaos of gangs and drugs, illegitimacy and prostitution. Thus poverty has been intensified and perpetuated by income redistribution.

The Reagan administration, at long last, has resolved to reverse this vicious circle of dependency by promoting economic growth. Growth and opportunity are the only effective ways to lift the prospects of the poor. But this courageous effort is being undermined and thwarted by the constituents and administrators of the utterly failed programs of the past.

These programs are actually being defended as essential to the employment of poor blacks when they chiefly employ middle-class bureaucrats. In fact, the War on Poverty managed to triple black unemployment during the very decade of the 1970's when a higher proportion of Americans got jobs than ever before in peacetime and some 12 million immigrants, many of whom did not even know English, found or created work in the very urban areas where black unemployment soared.

The CBO study exactly reverses the truth. If the Reagan program can be put into effect, it in fact will benefit the poor the most—by providing them jobs and opportunities—while the tax cuts will make the rich bear a larger share of the tax burden.

The central fallacy of the study is its assumption that people with incomes over $40,000 "will receive half of the projected $82 billion in revenue that the federal government expects to lose in 1983 as a result of the cut in individual income taxes." Although the Reagan administration has made similar projections, these estimates of forgone revenue are groundless. Without the personal tax cuts, the economy, already in deep recession, would likely stagnate further, if indeed it avoided depression.

There is no chance that an additional $83 billion could be collected under those circumstances no matter how high the tax rates were allowed to climb. Unemployment and poverty, however, would surely spread,

as usual blighting the lives of the supposed beneficiaries of the abortive redistributions.

These recessionary effects aside, the CBO analysis implies that the rich are stupid enough to go on paying taxes in the 50 percent to 70 percent brackets when the tax shelter industry is probably the fastest growing business outside of personal computers (often themselves used for tax planning). All the CBO projections ignore the overwhelming spread of legal tax avoidance and underground economic activity provoked by the continuation of bracket-creep tax increases (caused by inflation pushing taxpayers into higher brackets without any real increase in their buying power).

The chief result of the administration's tax cuts will be to induce the rich to move out of tax shelters and pay more taxes. Michael Evans of Evans Economics has estimated that the reduction in the top rate alone, from 70 percent to 50 percent, will increase tax payments from the rich by some $3 billion, as current tax avoiders move into taxable investments.

RICH WILL NOT GET RICHER

This movement out of tax shelters does not mean that the rich get richer; it merely means that more of the current poor get rich and that wealthy individuals pay more of their income to the government and less to tax lawyers and tax shelter finaglers.

This is not a novel supply-side theory. Every U.S. across-the-board tax cut has increased the share of taxes paid by the rich. For example, our history's largest cut—in which the top rate was dropped from 73 percent to 25 percent in the mid 1920s—increased the share of total taxes paid by the rich from 27 percent to 63 percent. The smaller Kennedy-Johnson cut of 1964 increased tax payments in the brackets above $100,000 by 80 percent.

The Reagan administration does not like making such arguments because they confuse the claims of "huge tax cuts." In fact, if inflation continues near the present pace, the Reagan income tax program will merely compensate for bracket creep and Social Security tax hikes. There will be virtually no real tax cuts.

The crucial problem in economic policy today is that the income tax cuts are so small and so slow that the full benefits to the economy and thus to the poor are being delayed. But to delay the tax cuts further, in the name of a false fairness, will only compound the tragic problems of the poor. There are no winners in class war, except possibly the gapologists.

[From the Wall Street Journal]

THINKING THINGS OVER

(By Vermont Royster)

"The individual income tax reduction raises people's cash flow on their existing income levels and also allows them to retain a larger part of their income gains."

I know this must be true because I read it in The Wall Street Journal in an article by Paul Craig Roberts. Mr. Roberts was lately Assistant Secretary of the Treasury for economic policy and was formerly an editorial writer himself for the Journal.

But the statement has made it harder to answer a flood of letters (three) from readers wanting to know where the tax cut went. One, in a burst of candor, sent me a photocopy of his 1980 and 1981 tax returns, which made depressing reading. Another wrote of his 80-year-old aunt who has a $10,000 taxable income (no Social Security, no welfare) and who owed more tax in '81 than '80.

They led me to seize my handy-dandy calculator and compare my own '80-'81 statutory income reports. There I found if not cause for weeping at least a puzzlement.

I did have a slight increase (1.8 percent) in gross income between the two years, although with one thing and another a decrease (2.28 percent) in my taxable income, which should have pleased me. But somehow in spite of aid from my wife, a lawyer and a certified public accountant the total due the federal government increased by 1.3 percent.

One cause of this was the increase in the taxes I pay for the privilege of employing myself. I'm charged this in lieu of Social Security even though I've long since been a "retired" Senior Citizen, have paid Social Security taxes since its inception and have never received a nickel from it. In my case this boost amounted to 78 percent from one year to the next.

To continue this melancholy tale I also owe income taxes to a city (New York, where I neither live nor work) and to a state; also school, county and town property taxes which increased. Moreover, I live where, unhappily, I have to pay taxes on cash-in-the-bank and my paltry stock portfolio. It all adds up.

The point of this otherwise futile figuring is that when it is added up, then what economists call my "net disposable income"—i.e., what's left after various taxgatherers take their slice—shrank between 1980 and 1981.

Others, I'm sure, managed more astutely than I or my plaintive correspondents. But there must be enough of us similarly affected by the vaunted tax cut bill to offer a clue to why its promises of economic stimulation haven't been fulfilled, at least not yet.

For one thing, as Mr. Roberts noted, President Reagan and the Congress between them opted for the piecemeal approach. Taxes were nibbled at, not assaulted boldly. Not only was the cut spread over three years but the first segment didn't take effect until last October, which meant that for 1981 it was so small it was hardly noticeable.

Here the politicians forgot a lesson known to all successful generals. Never commit forces by dribs and drabs. Whatever you're planning to do, do it. Otherwise the effect is muted, if indeed not wholly undone by being swallowed up in the tide of battle.

Also the politicians, whether from obtuseness or want of courage, looked at only one part of the tax battlefield.

While they made a stab at attacking direct federal income taxes, they did nothing about for what to many is the heavies tax bite of all, those Social Security taxes. For millions of wage earners these payroll deductions from the wage envelope cut as deep or deeper into their take-home pay (disposable income) as the income tax withholding. Those to whom wages represent their whole income may have heard about the tax cut. They hardly felt it; it was swallowed up by the Social Security increase.

Between 1980 and 1981 the Social Security tax rate rose from 6.13 percent to 6.63 percent, or an increase of 8.5 percent. Meanwhile the amount of wages subject to this tax rose from $25,900 to $29,700, an increase of 14.7 percent. The effect was to raise the maximum Social Security tax from $1,587 to $1,975—or a tidy increase of more than 24 percent. All this on top of the regular income taxes.

Obviously, for thousands of wage and salary employes it would take a heftier cut in federal income tax rates than they got in 1981 to offset this rise in Social Security deductions which come out of the paycheck before the employe ever sees it. It should be pointed out that the employer, too, matches this Social Security tax, raising his total payroll cost.

Take it all in all, then, I find it not surprising that the stimulating effect on the economy—through increased savings or more consumer spending—has turned out to lag the promises. Only those lucky enough to get a large boost in wages or salaries found themselves with any increase in "disposable" income at all. Others stood still and some, as my letter writers told me, went backward.

What the result would have been if, instead of nibbling at people's tax bill, the whole 25 percent cut had been made at once, I can't measure. But it would certainly have had a greater effect in improving everyone's cash flow and retained earnings and hence a more stimulating effect through people's ability to save or put more into the spending stream.

That's what may well happen, in fact, by the time we complete the three-year cycle of tax cuts, assuming fickle politicians let the program run its cycle. By 1984 the promises of supply-side economics could be realized.

So I've no quarrel with Mr. Roberts' view that tax reductions will happily increase people's tax flow and leave them more money for their own use. It's just that the timidity of politicians makes the promise premature. And 1984 is a long time to wait.

[From the Los Angeles Times, Dec. 29, 1981]

DEBUNKING BALANCED-BUDGET MYTHS

(By Arthur B. Laffer)

President Reagan has again shown that he intends to remain the President the people elected. His rhetoric during the primaries and general election is his policy today. The severity of the decline of the U.S. economy now, however, fuels the debate over fiscal policy. Will there be deeper spending cuts and tax increases or larger deficits? The choice is unavoidable, so they say.

The choice today, as in the past, is a myth. During the eight years of the Eisenhower Administration, tax cuts were rejected in favor of balanced budgets. A then-record peacetime deficit of $12.2 billion was posted in 1958. In the Kennedy-Johnson era, tax rates were reduced across the board and the budget balanced. During the last 13 years, taxes have increased, as have deficits.

The fiscal-policy debate was brought back into sharp relief by the recent Atlantic Monthly article, "The Education of David Stockman." Budget Director Stockman, in what must stand as an admission of one of the most flagrant cases of public dissembling since former President Richard Nixon, confessed that supply-side economics had been the "bill of goods" to usher in "trickle down." Stockman had publicly defended Kemp-Roth before Congress as a good policy for all. At the same time, Stockman was privately prescribing it as a veil for a walloping big tax cut for the rich. Deficits, he confided, would soar after the cuts. To balance the budget, taxes would have to be raised, not lowered and defense spending would have to be gutted. According to Stockman, $30 billion or $40 billion of waste swilled in the Defense Department's trough.

HIGH EMPLOYMENT AND STEADY EXPANSION

The duplicity of Stockman's public and private representations captures the seemingly contradictory elements of today's fiscal-policy debate: How does a budget get balanced and who cares? The issues aren't new. In a time of uncanny parallel, 1961 and 1962, President Kennedy was forced to confront the same issue.

Kennedy's commencement address to the Class of 1962 at Yale University put the issue to rest within the context of his Administration's policies. Deficits, he argued, are caused by bad economic policies; they are not the cause of a bad economic policy.

"The national interest," Kennedy said, "lies in high employment and steady expansion of output and stable prices and a strong dollar.

"The myth persists that federal deficits create inflation and budget surpluses prevent it . . . Obviously, deficits are sometimes dangerous—and so are surpluses. But honest assessment plainly requires a more sophisticated view than the old and automatic cliche that deficits automatically bring inflation."

Lacing his speech with example after example, President Kennedy concluded that balanced budgets as an objective of public policy constitute a pernicious "myth." Deficits were common in the Eisenhower era, yet inflation was low and economic growth substandard. Not only could periods of high deficits be found that were correspondingly periods of low inflation, but high deficits occurred during periods of low growth, something Keynesian theory denies.

Every percentage point increase in the rate of unemployment swells the deficit by more than $25 billion. Unemployment, then as now, was the biggest spender. And Kennedy advocated reinstilling private incentives by lowering excessively high tax rates as the way to reduce unemployment.

Today's problem is that Reagan's program of tax cuts was delayed a year. Lower tax rates in the future will lead people to postpone earning income at today's high tax rates in anticipation of future lower rates. Thus, the delay in tax cuts that Stockman foisted on Reagan has not only delayed the recovery but has caused the economy's sharp decline. As the tax cuts were delayed, the estimates of federal deficits soared.

Ironically, the result has been the economic scenario Stockman feared most. In January, Stockman wrote: "Stagnant or declining real GNP growth . . . would generate staggering political and policy challenges. These include a further worsening of an already dismal budget posture and a profusion of 'quick fix' remedies from various 'wounded' sectors of the economy."

Stockman warned that the potential budget deficit is likely to elicit "coronary contraction among some, produce an intense polarization between supply-side tax cutters and the more fiscally orthodox. An internecine struggle over deferral or temporary abandonment of the tax program could ensue. The result would be a severe demoralization and fractionalization of GOP ranks and an erosion of our capacity to govern successfully and revive the economy before November, 1982."

Stockman is the major perpetrator of the "Economic Dunkirk" he so avidly warned against. Stockman's view is "trickle-down": Wealth should be redistributed to corporations through the swapping of depreciation deductions and tax credits for cash. Resources are transferred without changing incentives. Transfer payments in effect increase tax rates on all other market activity, thereby inhibiting growth.

Unfortunately, these were the parts of the tax program that Congress was willing to make fully effective in 1981. Such measures create political benefits for those who support them but little if any increase in economic activity. Thus, they were sure to increase the size of the deficit and thereby increase pressures to defer the tax cut.

The most blatant of these corporate transfer payments was the provision permitting depreciation deductions and investment tax credits from prior years' operations to be sold to other corporations as tax shelters. It is impossible to stimulate economic activity retroactively.

THE TAX CUT RUSE

The midyear effective dates for the 1982 and 1983 personal income tax cuts, too, are based on trickle-down concepts of how tax cuts affect economic activity.

The central idea is that what matters is putting money into people's pockets, rather than changing incentives. Of course, reducing withholding does increase the cash in the taxpayers' pockets, but it also decreases the cash in the U.S. Treasury, dollar for dollar. Government borrowing must go up by the exact amount withholding has been reduced, taking dollars out of the pockets of lenders to the government.

The July 1 effective date for the 1982 tax cut is in every economic sense of the word a ruse. Not even the IRS can discriminate between income earned in February and November of the same year. The July effective date of the 10 percent cut means that rates will be cut by 5 percent for the whole year and nothing more. Combined with the 1981 changes, total tax rates will be lowered by 10 percent in 1982, 20 percent in 1983 and 25 percent in 1984. Who wouldn't postpone earnings to the extent feasible?

The economic and political consequences of Stockman's success in deferring the tax cuts are enormous. Unpublished Administration reports now project that unemployment will average 8.5 percent next year instead of 7.3 percent as in Reagan's original projection. Of the $230 billion increase in the cumulative projected deficits for fiscal years 1982, 1983 and 1984, $185 billion is due to the current recession and projected slower growth.

While detailed analysis is far outside the range of existing data, common sense makes it difficult to illustrate that higher taxes reduce deficits. Switzerland, for example, has about the lowest rax rates in Western Europe and it also has a balanced budget. Britain and Sweden, on the other hand, have inordinately high tax rates and large deficits. The history of European fiscal policy during the past years is one of ever-higher tax rates and ever-larger deficits. This is especially true in Britain with the enormous tax increases of the Thatcher government and the sharp increase in Britich deficits.

In Asia, Hong Kong stands out as an extreme example where low tax rates means rapid growth and fiscal solvency.

By resisting the calls for tax increases, Reagan is increasing the chances of balancing the budget during his first term. Advancing the tax budget cut to a Jan. 1 effective date would increase the cumulative personal income tax rate cut going into the November elections to 15 percent. The early return of rapid economic growth and rising unemployment would advance the day of a balanced budget as well.

[From the Wall Street Journal, Jan. 19, 1982]

THE JOB OF REDUCING THE FEDERAL DEFICIT

(By Martin Feldstein)

Speculating about the President's reaction to the budget advice of his economic counselors is such an absorbing activity that it's easy to forget that the administration's proposals are only the first step in the budget process. Congress will ultimately determine the shape of the budget for 1983 and beyond. Because both taxes and spending are in transition, it is particularly important that Congress make its budget decision as part of a long-term strategy.

The immediate focus in Congress will be on controlling the federal deficit. Only a few months ago, the administration shocked many people by acknowledging that tax rules and spending patterns imply a 1984 deficit of $160 billion. Such a deficit would be about 4 percent of 1984's $4 trillion gross national product, or about twice the rate of fiscal 1981. How did the prospective deficit get so large? And what will be done to reduce it?

It would be wrong to say that the 1984 deficit figure is due to a massive cut in personal tax rates. The 25 percent reduction that Congress enacted will be just about enough to prevent bracket creep from raising the share of income that is taken in taxes. It would also be wrong to say that the prospective deficit is due to a major rise in defense spending since the 7 percent a year real increase that the President has called for would raise defense spending only from 5.5 percent of GNP in 1980 to 6.5 percent in 1984.

ROOTS OF THE DEFICIT

The main reason that the prospective 1984 deficit is 4 precent of GNP is that the administration inherited a deficit that had grown over the past decade to 2 percent of GNP. The increase in defense spending over four years will add an additional 1 percent of GNP to 1984 deficit. The business tax reductions (primarily the accelerated cost recovery system) and the personal tax cuts (including the bracket reductions, the saving incentives and the end of the marriage penalty) each increase the 1984 deficit by about 0.75 percent of GNP. Offsetting these increases are the spending cuts enacted in 1981 that, by 1984, will reduce outlays by about 0.5 percent of GNP. Combining the inherited deficit with these changes in taxes and spending implies a 1984 deficit of 4 percent of GNP, or $160 billion.

Some analysts have overreacted to this figure, saying that such deficits would cause financial chaos. Some administration spokesmen and their outside friends have overreacted in the opposite direction and said such deficits don't matter. Neither extreme position is correct. Large deficits in 1983 and beyond wouldn't cause financial chaos but they would be a very serious economic problem.

Continued deficits put pressure on product markets that makes prices increase faster than they otherwise would. Though the Fed may be able to prevent a significant rise in inflation by allowing high real interest rates to crowd out private spending, large deficits surely put the Fed's monetarist determination to a severe test. Moreover, such a policy could strain Congress' tolerance of high interest rates to the point where it forces the Fed back to the inflationary accommodation policies of the past decade.

But even if their inflationary effect is small, sustained deficits would be pernicious by crowding out private investment. In recent years, net private investment has been only 6 percent of gross national product. A rise of the deficit by another 2 percent of GNP could reduce net private investment by one-third of its current value to just 4 percent of GNP.

Of course the tax incentives enacted this year may raise total saving and increase the flow of saving into business investment by enough to permit the government deficit to rise substantially without reducing the current ratio of business investment to GNP. But even if that occurs, it wouldn't change the fact that the deficit would have prevented the increased capital formation that would otherwise have occurred.

It would surely be unfortunately if the important new tax incentives for saving and investment serve only to prevent our rate of investment from becoming lower than it has been in recent years.

What then should be done to decrease the deficit? The key is reducing federal nondefense spending. The overgrowth of government spending that has occurred in the past two decades would deserve substantial pruning even if there were no deficit. Much of the increase in government spending during these years has been due to the introduction and expansion of programs that are wasteful and are the source of serious distortions in economic incentives.

The issue is whether Congress and the administration will have the political fortitude to make the necessary legislative changes, especially in Social Security and the other "entitlement" or cash-transfer programs. Every proposed spending cut brings howls from those who would lose benefits and from the industries and professional groups that serve them. Moreover, the status quo acquires such an appearance of legitimacy that many others also rush to defend every existing program. But this plethora of programs cannot be legitimized by reference to their history.

Anyone contemplating the possibility of major reductions in government spending should recognize just how recently many of the spending programs were created or expanded. In 1960, federal civilian spending accounted for 9 percent of gross national product. That increased to 13 percent by 1970 and to 17 percent by 1980. Returning such spending to 1970's share of GNP—hardly back to the Dark Ages in terms of economic and social spending—would reduce outlays by 4 percent of GNP or $160 billion at the 1984 level, enough to eliminate the entire deficit.

Though such a reduction of the federal government's share in GNP will not occur by 1984, it could be achieved over a somewhat longer period. If the growth of federal civilian spending were slowed to 2 percent less than the inflation rate, the share of such spending would be reduced to 1970's 13 percent in less than six years. Slowing the growth of spending in this way would obviously be politically difficult. But the existing legislative commitment to future tax cuts and the justifiable dislike of budget deficits may together provide the political pressure that Congress needs to enact this spending slowdown.

Canceling the personal tax cuts or increasing other taxes at the present time would reduce this pressure on Congress and thereby make it more difficult to achieve desirable cuts in government spending. Nevertheless, the failure to raise taxes implies larger deficits in the next few years and therefore more undesirable crowding out of private investment. How should this dilemina be resolved?

It is clear that if Congress is never going to get the spending share down to match the tax revenue that current tax rules imply, the tax rules must be changed to provide more revenue. Repealing the 1983 tax cut of 10 percent would add 1984 revenue of about $40 billion or 1 percent of GNP as a permanent tax increase. Similarly, the changes in excise taxes and other tax rules that the administration has discussed could permanently add some $30 billion to future tax revenue.

It would be wrong, however, to assume that the administration and Congress will lack the courage to control the growth of spending. Making such an assumption and therefore voting a permanent tax increase now would, by reducing the political pressure that a prospective deficit provides, make it more difficult for Congress to continue to slow the growth of spending.

My preference would therefore be to avoid a permanent tax increase but to obtain a temporary increase in tax revenue by stretching out the personal tax cut. For example, the 10 percent rate cut scheduled for July 1983 could be postponed until July 1984 or even divided between 1984 and 1985. Such a stretch-out would reduce the crowding out of investment during the next few years while the spending reductions bring total outlays into line with the tax structure.

BRACKET INDEXING VITAL

It is crucial for Congress to remain committed to both the series of personal tax rate cuts and the bracket indexing that together will keep the tax share from being increasd by inflationary bracket creep. Because bracket indexing is scheduled to begin only in 1985 and is still not widely understood, it is vulnerable to the political pursuit of additional tax revenue. The abandonment of bracket indexing would virtually guarantee a return to spiraling increases in taxes and government spending.

Any extra tax receipts that result from raising excise tax rates or from other changes in tax rules should be only a temporary revenue increase designed to limit crowding out during transition to a lower government-spending level. It would be appropriate therefore for Congress to vote in 1982 to return any such revenue in future years by gradually increasing the $2,000 IRA deduction limit or by making other tax changes designed to encourage saving.

In short, the legitimate fear of a permanent deficit cannot justify a reversal of the 1981 tax cuts or a permanent increase in taxes from other sources. Even more important, a desire to eliminate the deficit should not be used as a rationale for undoing the structural tax changes that were enacted to stimulate saving and business investment. If that were to happen, the favorable long-term consequences of the 1981 tax changes would be destroyed.●

CONFLICT IN CYPRUS

● Mr. SARBANES. Mr. President, today Congressman GUS YATRON of Pennsylvania and Congressman WILLIAM BROOMFIELD of Michigan have taken a special order in the House of Representatives to call for a peaceful settlement to the conflict in Cyprus. I commend the numerous statements made in connection with the special order to the attention of my colleagues in the Senate.

Nearly 8 years have passed since the Turkish troops, in a calculated and brutal act of aggression, occupied 40 percent of the Republic of Cyprus. The Turkish seizure of territory drove 200,000 people from their homes, destroyed hundreds of churches, schools, and hospitals, and in effect expropriated 70 percent of the island's productive capacity. Thousands of persons simply disappeared.

Little has changed since the 1974 aggression. Turkish troops continue to occupy the territories seized almost 8 years ago, and thousands of Turkish citizens, from the mainland have been settled there as colonists. For the most part, the missing remain unaccounted for.

On November 1, 1974, the U.N. General Assembly unanimously adopted Resolution 3212, calling for noninterference in the affairs of the Republic of Cyprus and the withdrawal of all Turkish troops, return of refugees to their homes, and negotiations by the parties directly concerned to achieve a settlement on Cyprus insuring peace, justice, and respect for human rights. The principles set forth in that resolution have been reaffirmed on numerous occasions by the General Assembly but, sadly, they remain to be implemented.

In his first report to the Congress on the Cyprus negotiations, President Reagan said:

> A just, fair and lasting resolution to the problems of Cyprus will remain a priority for my administration.

In his most recent report less than a month ago, President Reagan, taking note of recent intercommunal negotiations, said:

> I wish to reemphasize the concern of my Administration over Cyprus and the commitment of the United States to assist the United Nations in its effort to foster a just, fair and lasting settlement to the Cyprus problem.

Mr. President, bimonthly expressions of concern are not enough. Now is the time to focus anew on the Cyprus issue. We must impress upon the parties involved, most especially Turkey whose troops continue to occupy large portions of Cypriot territory, the importance of a just solution on Cyprus and we must work with other peace-loving nations in a concerted effort to achieve it. The tragic injustice which has prevailed on Cyprus since the 1974 aggression has not disappeared or even diminished with the passsage of time, and it must not be allowed to continue to fester.

A just and peaceful resolution of the Cyprus conflict will mean new hope for the people of Cyprus. It is important to more than the people of Cyprus; it is important to all nations

and peoples who cherish peace, justice, and freedom.●

RURAL HOUSING REAUTHORIZATION

● Mr. SCHMITT. Mr. President, I announce my intention to introduce a three-part plan to assist in meeting the need for safe and sanitary housing in the rural areas of America. I believe we have reached a crossroads in rural housing policy and this bill will give us a unique opportunity to chose a new method of improving the alarming housing conditions which exist in the most needy and remote areas of our country.

Low-income residents of rural areas face a housing situation that is quantitatively and qualitatively different from their urban counterparts. According to the annual housing survey, rural areas have a significantly higher percentage of substandard housing units than the Nation as a whole. One of every 13 housing units in rural areas are in substandard condition, compared to one of every 12 in urban areas. The problems which exist in housing quality are compounded by the intrinsic characteristics of rural areas.

Nonmetropolitan areas contain 30 percent of the population below the poverty level in our Nation, and have only 20 percent of the population. Since the specific defects found in rural housing, such as problems with plumbing and sewage tend to be more severe and expensive to correct than those in nonrural substandard housing, a greater percentage of rural families are forced to live in homes which are not safe and sanitary.

Perhaps the greatest qualitative difference between urban and rural areas is population density. Seventy-five percent of the substandard housing in nonmetropolitan areas is in communities with a population of 2,500 or less. Government programs have been especially ineffective in meeting the magnified needs of these low-density areas. Despite the high levels of Federal spending for rural housing in the past, most of the benefits have not gone to those who need help the most. The Farmers Home Administration estimates that only 0.2 percent of the very low-income rural households living in inadequate housing are expected to be assisted by their housing programs in fiscal year 1982. Given the proposed budget levels and the inefficient delivery system now in place, these needs will continue to go unmet.

This distressing prognosis makes it clear that immediate and positive changes must be made to improve the delivery services in rural areas. Therefore, I am developing a proposal which creates a rural housing block grant to administer all housing subsidy functions and allows FmHA to make and insure loans made at market rate. The New Federalism concept announced by the administration has encouraged us to take a sharp look at the capabilities which have been developed by State governments. It is my opinion that given the opportunity, the flexibility, and the resources, States will address the housing needs of rural areas. States have the capacity to develop programs that will meet the unique conditions of their population in a way that a Federal program cannot.

I am using the existing small cities block grant program to develop a rural housing block grant. Adaptability has been the key component in the success of the new small cities program because it allows areas with diverse needs to develop responsive programs. The rural housing block grant will be a complementary program and allows a State to structure a housing program based on its community and economic development needs.

The program has been restricted to insure that assistance will be used in rural areas to serve the most needy as it limits eligibility to families with an income below 50 percent of area median income.

While we intend to shift the subsidy functions of FmHA to the States we want to insure that credit remain available in rural areas. The Farmers Home Administration would be authorized to enxtend credit for housing through direct loans and to insure loans made by private lenders. The agency would serve the same population but would function purely as a credit agency and offer market-rate loans. This will address the concern that many rural areas are beyond the reach of private lending institutions and maintains a ready source of credit to rural areas. By insuring loans made by private lenders, we will encourage more private lending and continue to provide a source of credit for higher risk loans.

During this legislative period Congress is faced with both limited resource for rural housing and a magnitude of severe housing needs for low-income persons in these areas. In the best housed nation in the world, we have far too many rural citizens housed in conditions that are simply unsuitable by contemporary standards. It is evident that rural housing programs administered by the Federal Government are missing the mark. If we continue to believe in a continuing national role in improving the quality and quantity of rural housing, then we must make changes now. We must redirect our resources to those who need them the most, we must stretch and enhance their impact with greater public and private investment, other than Federal assistance, and we must make the administration of the programs more efficient and responsive to specific local needs.

Therefore, I intend to propose a bold new partnership with the States to restructure and refocus Federal rural housing assistance. My proposal will embrace the important relationship already developed with States through last year's small cities community development block grant program. But specifically, it will couple the specific knowledge of rural housing needs and the growing capacity of the States to meet these needs with the limited Federal resources available in these tight budget times. Through this linkage, we can change the face of the rural housing dilemma in a positive and lasting way. I ask my colleagues to join me in this undertaking and look forward to your constructive suggestions as we move this legislation forward in the next several weeks.●

RULES OF PROCEDURE—COMMITTEE ON FINANCE

● Mr. DOLE. Mr. President, I submit the Committee on Finance rules of procedure for the RECORD in accordance with the requirements of rule XXVI of the Standing Rules of the Senate.

I ask that the rules be printed in the RECORD.

The rules follow:

COMMITTEE ON FINANCE RULES OF PROCEDURE

(Adopted January 19, 1981)

Rule 1. *Regular Meeting Days.*—The regular meeting day of the committee shall be the second and fourth Tuesday of each month, except that if there be no business before the committee the regular meeting shall be omitted.

Rule 2. *Committee Meetings.*—(a) Except as provided by section 133(a) of the Legislative Reorganization Act of 1946 as amended by section 102(a) of the Legislative Reorganization Act of 1970 (relating to special meetings called by a majority of the committee) and subsection (b) of this rule, committee meetings, for the conduct of business, for the purpose of holding hearings, or for any other purpose, shall be called by the chairman. Members will be notified of committee meetings at least 48 hours in advance, unless the chairman determines that an emergency situation requires a meeting on shorter notice. The notification will include a written agenda together with materials prepared by the staff relating to that agenda. After the agenda for a committee meeting is published and distributed, no nongermane items may be brought up during that meeting unless at least two-thirds of the members present agree to consider those items.

(b) In the absence of the chairman, meetings of the committee may be called by the ranking majority member of the committee who is present, provided authority to call meetings has been delegated to such member by the chairman.

Rule 3. *Presiding Officer.*—(a) The chairman shall preside at all meetings and hearings of the committee except that in his absence the ranking majority member who is present at the meeting shall preside.

(b) Notwithstanding the rule prescribed by subsection (a) any member of the com-

mittee may preside over the conduct of a hearing.

Rule 4. *Quorums.*—(a) Except as provided in subsections (b) and (c) seven members, including not less than one member of the majority party and one member of the minority party, shall constitute a quorum for the conduct of business.

(b) Notwithstanding the rule prescribed by subsection (a), one member shall constitute a quorum for the purpose of conducting a hearing.

(c) Once a quorum as prescribed by subsection (a) has been established for the conduct of business in executive session, the committee may continue to conduct business so long as five or more members are present, including not less than one member of the majority party and one member of the minority party.

Rule 5. *Reporting of Measures or Recommendations.*—No measure or recommendation shall be reported from the committee unless a majority of the committee is actually present and a majority of those present concur.

Rule 6. *Proxy Voting; Polling.*—(a) Except as provided by section 133(d) of the Legislative Reorganization Act of 1946 as amended by section 106(a) of the Legislative Reorganization Act of 1970 (relating to limitation on use of proxy voting to report a measure or matter), members who are unable to be present may have their vote recorded by proxy.

(b) At the discretion of the committee, members who are unable to be present and whose vote has not been cast by proxy may be polled for the purpose of recording their vote on any rollcall taken by the committee.

Rule 7. *Order of Motions.*—When several motions are before the committee dealing with related or overlapping matters, the chairman may specify the order in which the motions shall be voted upon.

Rule 8. *Bringing a Matter to a Vote.*—If the chairman determines that a motion or amendment has been adequately debated, he may call for a vote on such motion or amendment, and the vote shall then be taken, unless the committee votes to continue debate on such motion or amendment, as the case may be. The vote on a motion to continue debate on any motion or amendment shall be taken without debate.

Rule 9. *Public Announcement of Committee Votes.*—Pursuant to section 133(b) of the Legislative Reorganization Act of 1946 as amended by section 104(a) of the Legislative Reorganization Act of 1970 (relating to public announcement of votes), the results of rollcall votes taken by the committee on any measure (or amendment thereto) or matter shall be announced publicly not later than the day on which such measure or matter is ordered reported from the committee.

Rule 10. *Subpoenas.*—Subpoenas for attendance of witnesses and the production of memoranda, documents, and records shall be issued by the chairman, or by any other member of the committee designated by him.

Rule 11. *Open Committee Hearings.*—To the extent required by section 133A of the Legislative Reorganization Act of 1946 as amended by section 112(a) of the Legislative Reorganization Act of 1970 (relating to limitations on open hearings), each hearing conducted by the committee shall be open to the public.

Rule 12. *Announcement of Hearings.*—The committee shall undertake consistent with the provisons of section 133A of the Legislative Reorganization Act of 1946 as added by section 111(a) of the Legislative Reorganization Act of 1970 (relating to public notice of committee hearings) to issue public announcements of hearings it intends to hold at least one week prior to the commencement of such hearings.

Rule 13. *Witnesses at Hearings.*—(a) Each witness who is scheduled to testify at any hearing must submit his written testimony to the staff director not later than noon of the last business day preceding the day on which he is scheduled to appear. Such written testimony shall be accompanied by a brief summary of the principal points covered in the written testimony. Having submitted his written testimony, the witness shall be allowed not more than ten minutes for oral presentation of his statement.

(b) Witnesses may not read their entire written testimony, but must confine their oral presentation to a summarization of their arguments.

(c) Witnesses shall observe proper standards of dignity, decorum and propriety while presenting their views to the committee. Any witness who violates this rule shall be dismissed, and his testimony (both oral and written) shall not appear in the record of the hearing.

(d) In scheduling witnesses for hearings, the staff shall attempt to schedule witnesses so as to attain a balance of views early in the hearings. Every member of the committee may designate witnesses who will appear before the committee to testify. To the extent that a witness designated by a member cannot be scheduled to testify during the time set aside for the hearing, a special time will be set aside for that witness to testify if the member designating that witness is available at that time to chair the hearing.

Rule 14. *Audiences.*—Persons admitted into the audience for open hearings of the committee shall conduct themselves with the dignity, decorum, courtesy and propriety traditionally observed by the Senate. Demonstrations of approval or disapproval of any statement or act by any member or witness are not allowed. Persons creating confusion or distractions or otherwise disrupting the orderly proceeding of the hearing shall be expelled from the hearing.

Rule 15. *Broadcasting of Hearings.*—(a) Broadcasting of open hearings by television or radio coverage shall be allowed upon approval by the chairman of a request filed with the staff director not later than noon of the day before the day on which such coverage is desired.

(b) If such approval is granted, broadcasting coverage of the hearing shall be conducted unobtrusively and in accordance with the standards of dignity, propriety, courtesy and decorum traditionally observed by the Senate.

(c) Equipment necessary for coverage by television and radio media shall not be installed in, or removed from, the hearing room while the committee is in session.

(d) Additional lighting may be installed in the hearing room by the media in order to raise the ambient lighting level to the lowest level necessary to provide adequate television coverage of the hearing at the then current state of the art of television coverage.

(e) The additional lighting authorized by subsection (d) of this rule shall not be directed into the eyes of any members of the committee or of any witness, and at the request of any such member or witness, offending lighting shall be extinguished.

(f) No witness shall be required to be photographed at any hearing or to give testimony while the broadcasting (or coverage) of that hearing is being conducted. At the request of any such witness who does not wish to be subjected to radio or television coverage, all equipment used for coverage shall be turned off.

Rule 16. *Subcommittees.*—(a) The chairman, subject to the approval of the committee, shall appoint legislative subcommittees. All legislation shall be kept on the full committee calendar unless a majority of the members present and voting agree to refer specific legislation to an appropriate subcommittee.

(b) The chairman may limit the period during which House-passed legislation referred to a subcommittee under paragraph (a) will remain in that subcommittee. At the end of that period, the legislation will be restored to the full committee calendar. The period referred to in the preceding sentences should be 6 weeks, but may be extended in the event that adjournment or a long recess is imminent.

(c) All decisions of the chairman are subject to approval or modification by a majority vote of the committee.

(d) The full committee may at any time by majority vote of those members present discharge a subcommittee from further consideration of a specific piece of legislation.

(e) Because the Senate is constitutionally prohibited from passing revenue legislation originating in the Senate, subcommittees may mark up legislation originating in the Senate and referred to them under Rule 16(a) to develop specific proposals for full committee consideration but may not report such legislation to the full committee. The preceding sentence does not apply to nonrevenue legislation originating in the Senate.

(f) The chairman and ranking minority member shall serve as nonvoting *ex officio* members of the subcommittees on which they do not serve as voting members.

(g) Any member of the committee may attend hearings held by any subcommittee and question witnesses testifying before that subcommittee.

(h) Subcommittee meeting times shall be coordinated by the staff director to insure that—

(1) no subcommittee meeting will be held when the committee is in executive session, except by unanimous consent;

(2) no more than one subcommittee will meet when the full committee is holding hearings; and

(3) not more than two subcommittees will meet at the same time.

Notwithstanding paragraphs (2) and (3), a subcommittee may meet when the full committee is holding hearings and two subcommittees may meet at the same time only upon the approval of the chairman and the ranking minority member of the committee and subcommittees involved.

(i) All nominations shall be considered by the full committee.

(j) The chairman will attempt to schedule reasonably frequent meetings of the full committee to permit consideration of legislation reported favorably to the committee by the subcommittees.

Rule 17. *Amendment of Rules.*—The foregoing rules may be added to, modified, amended or suspended at any time.

DOUBLE STANDARDS IN THE DEMOCRATIC PROCESS?

Mr. HELMS. Mr. President, the elections in El Salvador are about to bear fruit of the convening of a constituent assembly reflecting the desires of a majority of the population of that country. The unelected junta of military men and Christian Democrats, which never submitted to the democratic process and which ruled by decree for the past 2 years and more, will be replaced. These are promising signs.

Nonetheless, I am troubled by some developments which may frustrate the will of the people of El Salvador as expressed on so grand a scale on March 28. Almost 1½ million Salvadorans went to the polls, defying the threats of the leftist guerrillas who opposed the elections and refused to participate.

First of all, Mr. President, in this Chamber I have heard voices demanding the imposition on the democratic government of El Salvador of certain arbitrary conditions which must be met in order to merit continued U.S. aid. These demands have nothing to do with those conditions which have been incorporated into law, and which continue in force at this time; rather, they insist that one party, which might not emerge on the majority side of a coalition, be included—or else.

Mr. President, I hardly consider this type of demand. Consistent with principles repeatedly expressed in this Senate in support of democratic processes in other countries: Do we support that process only—only when our side wins? I would ask my colleagues who have made such demands, if the party they prefer had won a majority of seats in the constituent assembly, would they now be demanding with equal vigor that the other party—which they oppose—be given a large share of the governing power in the name of democratic fairness? Or would they merely say good riddance, and be done with them?

Second, Mr. President, I have heard reports today that the military in El Salvador is trying to manipulate the duly elected members of the constituent assembly into accepting into the new government only those who would pass muster with the military.

Mr. President, does not this constitute a breach of the neutrality of the Salvadoran military with regard to politics, a neutrality which many in this Chamber have encouraged during the past months? Indeed, it is reported that the Army has even been attempting to force minority party members into accepting the Army's own prescription for a coalition, a coalition which would then name the Army's favorites to key posts in the new government.

Mr. President, I think the Salvadoran army should understand that many in this country would consider such a blatant manipulation to be tantamount to a military coup, and a tragic breakdown of the fragile democratic process which so many here have supported during the past few months. Let the word go out to El Salvador that we encourage the democratic assembly and the development of truly representative government, and that this Senator would deplore the intimidation of that process, either from this country or from the Salvadoran armed forces.

GOVERNMENT PRINTING COSTS

● Mr. EAST. Mr. President, the other day I came across a statistic which aroused my curiosity and subsequently my ire. It concerns the amount of Government printing which the Government Printing Office procures commercially, and the percentage of work actually printed in house at the GPO. Approximately 70 percent of all the print orders placed at GPO are printed by commercial printers. This printing cost the taxpayers of this country $475 million this past year.

I asked the GPO why so much of Federal printing is commercially procured, and I was told that it is 50 percent cheaper to procure printing commercially than it is to print it at the Government Printing Office. The proposed fiscal year 1983 budget for congressional printing and binding comes to $90,247,000. Almost all congressional work is done in house at the GPO. It seems to me that we could save a considerable sum of money if we could procure commercially the congressional work now printed at GPO.

One reason why the GPO is not competitive with commercial printers is the high cost of labor at GPO. In 1981 the average hourly wage for printing industry workers was $8.39 per hour. At GPO the average hourly rate was $11.78—a difference of $3.39 an hour. When you compare GPO wages to those paid in other Government agencies to individuals doing the same job, the results are even more unbelievable. For example, painters at GPO make $14.35 an hour. In any other Government agency, they make $10.76. Carpenters at GPO make $14.35 an hour, and elsewhere in Government they make $11.32 per hour. With wages such as these, it is no wonder printing in house at the GPO is so expensive.

Mr. President, under the law, the Joint Committee on Printing is the court of last resort in pay disputes between the Public Printer and the workers at GPO. I call upon our colleagues who serve on this distinguished committee to give careful consideration to reducing the cost of congressional printing by any means in their power. There is no reason whatsoever for this Congress to spend more for printing than is absolutely necessary.

ORDER FOR THE RECOGNITION OF CERTAIN SENATORS ON MONDAY

Mr. STEVENS. Mr. President, I ask unanimous consent that, after the recognition of the two leaders under the standing order, the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Montana (Mr. BAUCUS) be recognized on a special order for not to exceed 15 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that to the list of special orders already entered for Monday there be added a special order for the Senator from Colorado (Mr. HART) for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I wonder if the distinguished acting Republican leader would ask for 15 minutes for me on Monday and 15 minutes for himself on Monday, so that if I need the time, I might have 30 minutes.

Mr. STEVENS. Mr. President, I ask unanimous consent that there be a special order for the distinguished minority leader, for myself, and for the majority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, will the distinguished Republican whip enter a similar order for me on Tuesday in case I cannot take advantage of it on Monday?

ORDER FOR THE RECOGNITION OF SENATOR ROBERT C. BYRD AND SENATOR STEVENS ON TUESDAY, APRIL 27, 1982

Mr. STEVENS. Mr. President, with pleasure I ask unanimous consent that there be a special order for the distinguished minority leader of 15 minutes on Tuesday, after the time set aside under the standing order for the two leaders; and I make a similar unanimous-consent request for myself on Tuesday.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I thank the Senator from Alaska, my friend.

RECESS UNTIL MONDAY, APRIL 26, 1982

Mr. STEVENS. Mr. President, is there further business to come before the Senate? If not, I move that the Senate stand in recess in accordance with the previous order.

The motion was agreed to; and, at 4:30 p.m., the Senate recessed until Monday, April 26, 1982, at 12 noon.

HOUSE OF REPRESENTATIVES—*April 22, 1982*

The House met at 11 a.m.

The Reverend Charles Mallon, permanent deacon, Holy Family Church, Mitchellville, Md., offered the following prayer:

Why do the nations rage and the people utter folly?

The kings of the earth rise up, and the princes conspire together against the Lord and against his anointed:

"Let us break their fetters and cast their bonds from us."—Psalm 2: 1-3.

Father, it must sadden You to know that throughout the history of man, we have failed to learn that our relationship with You builds upon peace and unity.

When will we learn that when one nation breaks the peace with another, that the bonds of unity are cast away and that a conspiracy of self interest is embraced.

We, Your people, wish to turn from this folly and to pray on behalf of our current conflicting world powers that You might lead them into a more perfect union.

We ask this through the intercession of the Prince of Peace, Christ our Lord. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

REQUEST FOR APPOINTMENT OF CONFEREES ON H.R. 2330, NUCLEAR REGULATORY COMMISSION AUTHORIZATIONS, 1982 AND 1983

Mr. UDALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2330) to authorize appropriations to the Nuclear Regulatory Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and section 305 of the Energy Reorganization Act of 1974, as amended, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to a conference with the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

Mr. WALKER. Mr. Speaker, reserving the right to object, I have reserved the right to object in order to inquire of the gentleman from Arizona whether or not this has been cleared. I understand from some Members on my side that they are not aware of a clearance on this matter, and we would like to get that clearance before the gentleman goes ahead with his request.

Mr. UDALL. Mr. Speaker, if the gentleman will yield, I would say to the gentleman that this has been cleared with the senior minority staff. The gentleman from New Mexico (Mr. LUJAN) is in the hospital, as the gentleman knows, for surgery. The gentleman from Utah (Mr. MARRIOTT) was to be here today.

I know of no objection. I think the staff will reassure the gentleman of that. We simply want to go through with this. It has been hanging around for a long time. We are ready, and the Senate is ready.

Mr. WALKER. Mr. Speaker, further reserving the right to object, I am sure the gentleman is right. I am just stating that we do want to check a little further.

Could the gentleman possibly withhold his request until we get through with the 1-minute speeches and until the floor leader has a chance to check the matter out?

Mr. UDALL. Mr. Speaker, if the gentleman wishes to slow us down, all right, but I thought we could get it done. I was concerned about this. We are having a short day, with no business scheduled, and we did not want to lose another several days.

Mr. WALKER. Mr. Speaker, further reserving the right to object, I am not objecting in order to slow the business of the House down. I am just fearful on our side here that we do not feel we have the proper clearances at this point, and we would like to have them before acceding to the gentleman's wishes. I would prefer not to object.

Mr. Speaker, if the gentleman would just withhold his request for a few moments, we would appreciate it.

Mr. UDALL. Mr. Speaker, I withdraw my request.

Mr. WALKER. Mr. Speaker, I thank the gentleman.

PEOPLE LIKE US

(Mr. WOLPE asked and was given permission to address the House for 1 minute.)

Mr. WOLPE. Mr. Speaker, I rise to pay tribute today to Bill Moyers and CBS News, the maker and producer of an extraordinary news documentary that aired last night, entitled "People Like Us." It confronted all of us with two realities we Americans would just as soon ignore—that poverty in the United States is still very real and alive, and that the poor are real people, just like us. What a tragedy it is that we should need to be reminded of both of these truths.

Mr. Speaker, I don't know what will be the ultimate impact of last night's terribly moving account of four proud and frightened families—caught up in circumstances they do not fully comprehend and over which they have no control, betrayed by a government they desperately want to trust and to believe in. But if it does nothing more than remind all of us in this body of the human reality behind all of those statistics and labels—it will have done a great deal. Yes; there is fraud and abuse in the welfare system. But "People Like Us" reminded all of America that there are poor people—people with real needs and real feeling—who are dependent upon that system—a system that, in the name of reform, is in fact being rapidly dismantled.

Mr. Speaker, there was one comment made by a nurse who was interviewed by Mr. Moyers that struck me with particular force. Referring to some of the proposed changes in medicaid and the visiting nurse program. She observed, "it's going to make enemies out of our own people." Would it be too much to expect that the administration and this Congress might—even at this late hour—heed this woman's warning. We need to heal our divisions in this country, not open new wounds and conflicts. Current economic policies and budget priorities, however well-intentioned they may be, are pitting American against American, and dividing us precisely at a time when the need for national unity could not be greater.

Finally, Mr. Speaker, "People Like Us" pointed up the ultimate irony that many of the budget cuts designed to save money are actually adding to rather than lessening taxpayer costs. By forcing unnecessary institutionalization of the disabled, and by creating new incentives for many working welfare recipients to quit their jobs and go on welfare full time, many budget cuts are turning out to be extraordinarily counterproductive, even from a fiscal standpoint.

Mr. Speaker, our Nation—and this body—owe a major debt of gratitude to Mr. Moyers and CBS News for helping us all to better understand the human meaning of the decisions we have already made and those we are about to make.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

TROUBLE FOR THE FAMILY FARMERS

(Mr. DORGAN of North Dakota asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. DORGAN of North Dakota. Mr. Speaker, those of us who spent some time in the Farm Belt during this Easter recess understand once again very dramatically that the farmers in this country are in very serious trouble. Anyone who had lunch in the cares in the Farm Belt understands that those auction sale posters on the front door represent a failure in farm programs in this Government. There is a blizzard of those auction posters hanging up, and all of those represent a family farm that is not going to survive this trouble.

In this body people say that it is too expensive to provide price supports that will help those family farmers.

We formed a farm crisis group now in this Congress to try to see if we can deal with that.

I think we can do a couple of things for America. No. 1, I think we ought to increase price supports for the family farmers in a farm program that makes sense and allows farmers to survive.

Second, I think we can easily pay for that by trimming just one corporate tax loophole, the buy-and-sell-a-tax-break plan. We can pay for it by trimming that tax loophole that costs $3 billion in lost revenues in fiscal year 1983. One-third of that tax loophole would pay for a good farm program to help family farmers survive in this country, and $2 billion would be left over to help reduce the Federal deficit.

I think that would be good for the farmers, it would be good for tax fairness, and it would be good for this country as a whole.

Next week, Mr. Speaker, we are going to have a special order on the floor of the House to talk about this family farm program in this country. It is more serious than it has ever been since the 1930's, and this body has a responsibility to try to do something about it.

THE LAST WORD ON "PEOPLE LIKE US"

(Mr. ROUSSELOT asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. ROUSSELOT. Mr. Speaker, it is always nice to grab the last word in a debate. Bill Moyers, Lyndon Johnson's great press flak, certainly had the last word last night in the CBS show entitled, "People Like Us."

Bill Moyers, who wrote much of the logic and rhetoric of the great L. B. J. programs of the Great Society—that is the Great Society he got us into—was once again given a forum, this time as a CBS reporter commentating on the supposed effects of the Reagan administration.

Having L. B. J.'s press secretary reporting on the Reagan administration is like sending out Jack the Ripper to babysit for lonely girls. Next time, CBS might ask Jody Powell, Jimmy Carter's press secretary, to do a news report on the Reagan administration or the shortage of peanuts in Georgia.

Now, credibility flies out the window when CBS allows Bill Moyers, a man with an ideological axe to grind, to report on an administration he disagrees with. And his facts were wrong. Ronald Reagan had nothing to do with those four people who had problems with the Social Security Administration.

This is not journalism; it is CBS letting the Great Society's chief flak, Bill Moyers, have the last hurrah. It really was the last burp.

THE RAPID DEPLOYMENT FORCE

(Mr. BADHAM asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. BADHAM. Mr. Speaker, yesterday I called attention to the fact that recently our former minority leader, my friend, the distinguished gentleman from Arizona, Mr. JOHN RHODES, gave to the House his ideas for changing the entire military defense posture of the United States of America. I do not think that Mr. RHODES was acting in a way that demonstrated that he had full and complete information. I know he believes strongly in his views, and each of us is entitled, of course, to our views.

I said yesterday in a 1-minute speech that I would attempt to answer the various things point by point that were pointed out by Mr. RHODES. Today I bring before the House a comment on the rapid deployment force and its need for utilization, its need for training, its need for the defense of the United States, and its mission rather than to have it seriously curtailed.

Mr. Speaker, recent suggestions on ways to reduce military spending have, in part, focused on the restructuring of American policy and defense strategy. Although the continued examination of U.S. strategy is certainly healthy, I believe that alterations of our military policy should be made only when reasonable alternatives which meet our vital strategic objectives are available.

One recent proposal which would alter U.S. military doctrine advocates the drastic reduction of the rapid deployment force (RDF or RDJTF). Critics of the RDF state that the RDF would not, by itself, be able to withstand a Soviet onslaught in the Persian Gulf. Thus, according to this line of reasoning, a rapid deployment force really provides no deterrent to foreign aggression and so is a waste of money. I believe that if we were living in a world where the United States relied solely on our nuclear arsenal to prevent foreign aggression, the drastic reduction of the RDF would make sense. However, this is clearly not the case. The need for a rapid deployment force has been recognized by numerous strategic planners over the last 20 years. Events as recent as the Falkland Islands crisis have shown the need to be able to respond to conventional aggression in remote regions of the world. This military requirement is highlighted in areas such as the Persian Gulf, where the vital strategic interests of the free world are at stake.

The continuing Soviet occupation of Afghanistan, Cuban intervention in northern Africa, the Iran-Iraq war, Israeli-Arab conflicts, and many other regional disputes exemplify the complexity of strategic planning in southwest Asia. In order to protect the flow of oil and other strategic minerals which are extracted and shipped from this region, the United States must be able to project military force with a minimum of warning. Reliance on our nuclear force, or inadequately equipped and prepared regular divisions will leave the United States without the ability to respond to an immediate crisis. A mobile, well-equipped military strike force can be a highly effective means of response in a variety of situations. It can be used to gain a coastal toe-hold, or to secure airfields until a larger contingent can arrive; or it can be used to help quell internal or regional strife, when requested by an afflicted ally. The presence of an effective RDF will send a strong signal to friend and foe alike: That the United States is ready to stand by our allies in crisis situations, and that we are able to protect our own vital interests when threatened. The RDF not only strengthens our deterrent in southwest Asia, it also strengthens our credibility and deterrence worldwide.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3496, SALES REPRESENTATIVES PROTECTION ACT

Mr. SHUMWAY. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of the bill, H.R. 3496, the Sales Representative Protection Act.

The SPEAKER pro tempore (Mr. DORGAN of North Dakota). Is there objection to the request of the gentleman from California?

There was no objection.

THE LAW OF THE SEA TREATY

(Mr. FIELDS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. FIELDS. Mr. Speaker, I take the floor today to give my colleagues an update on the Law of the Sea Treaty.

The treaty text still contains the philosophical concepts and provisions of the common heritage of mankind, a new international economic order, mandatory technology transfer, participation by so-called liberation groups like SWAPO, the PLO, and even the guerrillas in El Salvador, revenue sharing, and decisionmaking production limitations, just to name a few of the concepts alien to the average working American.

This text is expected to be considered for adoption by a consensus by the Law of the Sea Conference within the next 10 days. Consensus means that we as a country would now officially take a position of recorded opposition to the treaty text, that we in an arguable sense would acquiese to horrendous principles and concepts that would set precedents for further treaties like a "Law of Space" treaty.

In other words, Mr. Speaker, consensus is a back-door approach to U.S. approval of a bad treaty, a treaty that is not in the interests of this country.

Mr. Speaker, I urge my colleagues and all Americans who believe in free enterprise and competition and who believe that this country has a national interest in the determination of our own destiny to convey your feelings with all haste to Ambassador Jim Malone, Alexander Haig, and our great President, President Reagan.

APPOINTMENT OF CONFEREES ON H.R. 2330, NUCLEAR REGULATORY COMMISSION AUTHORIZATIONS, 1982 AND 1983

Mr. UDALL. Mr. Speaker, I renew my request that I made earlier.

Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2330) to authorize appropriations to the Nuclear Regulatory Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and section 305 of the Energy Reorganization Act of 1974, as amended, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to a conference with the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

The Chair hears none, and, without objection, appoints the following conferees: Messrs. UDALL, BINGHAM, SEIBERLING, MARKEY, DINGELL, OTTINGER, MOFFETT, LUJAN, MARRIOTT, BROYHILL, and MOORHEAD.

There was no objection.

BILL MOYERS' CBS SHOW

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, as you know I was preoccupied with budget matters last evening and I did not personally view the Bill Moyers show on CBS.

I have heard enough about it, however, that there has to be some basic concerns expressed about the treatment being given to the rich versus poor issue in general.

I do not recall when a national dialog has been reduced to such exploitation, to such emotionalism, and to such sensationalism.

This is one of those special issues that politicians and media must treat with exceptional care and caution. What we do not need under any circumstances is for the seeds of class warfare to be planted in the minds and hearts of people in our society who have legitimate concerns about the welfare of their fellow man.

Just for the record, let me say this: I am following a course and perusing legislative goals that I believe will do more for the "truly needy," for the disadvantaged, and for the dependent in our society than the floodtide of government intervention and regulation from which we have been drenched since Bill Moyers helped bring it all about in the White House.

I will engage in debate of programs and principles and goals, but I will not be a party to public criticism of the personal motivation, morality, or compassion of any of those responsible for determining the Nation's cause and I hope my colleagues will do the same in the few weeks ahead.

□ 1115

PROPAGANDA OR INFORMATION?

(Mr. McEWEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McEWEN. Mr. Speaker, the dictionary defines propaganda as "the spreading of ideas, information or rumor for the purpose of helping or injuring an institution, a cause or a person."

Last night that definition came to life on the Columbia Broadcasting System in an alleged documentary written by and starring Lyndon Johnson's chief propagandist, Bill Moyers.

According to the Washington Post this morning, when the White House asked for part of that program to be reserved for a response, CBS News refused because the administration's budgetary, economic, and social policies have been the subject of intense and detailed coverage for over a year.

In other words, CBS News equates reports made by CBS newsmen on news shows with slanted documentaries made by a well-known ideological activist like Moyers.

If that is true, someone at CBS should rethink the mission of the news department.

CBS and the Moyers Great Society program gave us in the first 2 or 3 months of the last year 22 percent interest rates and 18 percent inflation, an economy that was giving us poverty that was growing by leaps and bounds. Mr. Moyers and company should spend their time doing other things than heaving handgrenades at the firemen that are attempting to clean up the mess that they gave this Nation.

One more fiasco like this one and they will be the laughingstock of the industry.

INTRODUCTION OF LEGISLATION AUTHORIZING U.S. CONTRIBUTION TO THIRD REPLENISHMENT OF AFRICAN DEVELOPMENT FUND

(Mr. PATTERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PATTERSON. Mr. Speaker, the United Nations has a classification for the world's poorest countries which, at present, includes 43 nations. Of these, 29 are regional members of the African Development Fund. Over the next half decade, these countries will have the world's highest per capita population growth and lowest per capita economic growth rates.

Because of the overwhelming need for assistance and because of U.S. moral, economic, and security interest in aiding the poorest African nations, we have been members of the African Development Fund since 1976. This year, negotiations on a third replenishment of the fund's resources are nearing completion and the President has requested the Congress to authorize our country to participate in that replenishment. Funds will go to the poorest countries of the continent, with absolute priority to those with per capita GNP of less than $280. Strong emphasis will again be given to growing food. Agricultural loans have been steadily increasing as a proportion of fund activity since 1976 and now account for almost half of all lending. Emphasis on transportation facilities will also continue to be high.

The gentleman from Delaware and I, as ranking minority member and chairman of the Subcommittee on International Development Institutions and Finance, are today introducing this legislation, as requested, for the consideration of the Members of

this body. The language of the bill follows:

H.R. 6149

A bill to provide for increased participation by the United States in the African Development Fund

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the African Development Fund Act (22 U.S.C. 290g et seq.) is amended by adding at the end thereof the following new section:

"SEC. 213. (a) The United States Governor of the Fund is authorized to contribute on behalf of the United States $150,000,000 to the Fund as the United States contribution to the third replenishment of the resources of the Fund, except that any commitment to make such contribution shall be made subject to obtaining the necessary appropriations.

"(b) In order to pay for the United States contribution provided for in this section, there is authorized to be appropriated, without fiscal year limitation, $150,000,000 for payment by the Secretary of the Treasury.".

SEC. 2. This Act shall take effect on the date of its enactment, except that no funds authorized to be appropriated by the amendment made by the first section of this Act may be made available for use or obligation prior to October 1, 1982.

CBS REPORTS SHOW

(Mr. SHANNON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHANNON. Mr. Speaker, I had not intended to rise today to make any remarks, but I am prompted to do so by the several attacks on the "CBS Reports" program which aired last night, particularly from those who did not see it. I want to address my remarks to the critics of that program.

Why is it that every time a flesh and blood case, a human circumstance, a result of the Reagan program is pointed out to the people on the Republican side that is emotionalism and the only thing you want to talk about is numbers. The only thing you want to talk about is anecdotes. The only thing you want to talk about are welfare cheats.

Many of the people who are being hurt by this program are not welfare cheats, as the program so ably pointed out last night.

I would hope that every Member of the Republican side and every Member of the House of Representatives that voted for the Reagan program last year will take the opportunity to see that program. I am sure the leadership in the House of Representatives will make that program available to all, because behind the facts and figures, behind the phony statistics that are being used, there are real people in this country who are being hurt by the Reagan economy, who are being hurt by the Reagan program, who are not going to go away.

CBS REPORTS PROGRAM

(Mr. FOWLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOWLER Mr. Speaker, I would like to follow up on the remarks of the gentleman from Massachusetts (Mr. SHANNON). I heard the minority leader, my distinguished friend, Mr. MICHEL, admit that he did not see the program. Nor did I see the program.

But I do think that we ought to commend finally the news media of this country who are doing what we refused to do last year when we enacted the Reagan program. We did not examine the human trauma behind the statistics.

We finally got an admission from the Director of the Office of Management and Budget, Mr. Stockman, that the program, the budget adopted, lacked statistical integrity, that the numbers had been manipulated. Now we are seeing what many people warned, that also the budget of the United States, presented by the President, lacked ethical integrity.

Whenever we take from those who have the least and give the most to those who have the most, we find that the ethical integrity along with statistical integrity has been shown to cause the human trauma that is now being shown across the land.

I commend the media, at times often criticized, for the revelations of the truth.

INTRODUCTION OF LEGISLATION DESIGNATING "MISSING CHILDREN DAY"

(Mr. SIMON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SIMON. Mr. Speaker, on the morning of May 25, 1979, 6-year-old Etan Patz left his home to walk the short two-block distance to his school-bus stop. The day began differently for Etan because it was the first time he was allowed to walk to the bus stop alone. It was an unusal day for another reason as well: Etan would never reach his classroom that day, and his parents would not see him that night. Etan disappeared between his home and the bus stop and he has not been seen or heard of since then.

Local law enforcement agencies and the mass media launched extensive efforts to locate the 6-year-old. All attempts to this point have been unsuccessful.

Etan's disappearance first brought the tragedy of America's missing children to national attention. I first learned of Etan's disappearance, and of the problems in locating missing children generally, in November of 1980, when I read a followup account on the story by the Associated Press. In that article Mrs. Julie Patz, the child's mother, said that there was nowhere for her to turn, that there appeared to be nothing that anyone could do to help. That troubled me and I asked my staff to investigate further.

The story that unfolded during that inquiry was a tragic and startling one. We learned that Etan was one of 50,000 children who disappeared in the United States that year, and each year recently. And we learned of the helplessness of thousands of parents like Mrs. Patz who discover that very few tools are available to help in the search for their missing sons or daughters. Similar lessons were being learned by parents in Atlanta, as that tragedy began to unfold. These discoveries ultimately led to introduction of the proposed Missing Children's Act on June 3, 1981.

The persistance of the Patz family and their willingness to share their story have helped awaken the Nation to a plight facing additional thousands of families each year. Because of that new awareness, we are closer than ever to taking an important step forward in assisting law enforcement agencies in these searches.

Therefore it is befitting that the anniversary of Etan's disappearance serve as the date we hope will be observed this year as "Missing Children Day."

Senator PAULA HAWKINS and I this week have introduced identical joint resolutions to request the President designate May 25, 1982, as "Missing Children Day." I urge my colleagues to join in cosponsoring this measure.

THE 13TH ANNIVERSARY OF EARTH DAY

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mrs. SCHROEDER. Mr. Speaker, today marks the 13th anniversary of Earth Day. In 12 years a new environmental consciousness spread across the country and reminded us of our responsibility to prevent environmental degredation. In 1970, the National Environmental Protection Act was signed into law. Soon the Clean Air Act amendments followed along with the Pesticide Control Act in 1971; 1972 saw the passage of the Water Pollution Control Act amendments, Coastal Zone Management Act, and restrictions on ocean dumping. The 93d Congress blazed new trails by approving the Endangered Species Act and provided Federal protection of drinking water standards.

In 1975 we insured the authorization of $18 billion for sewage construction grants. The next year both the Resource Conservation and Recovery Act

and the Toxic Substances Control Act were passed into law. The 95th Congress led the way toward passage of the Clean Air Act Amendments of 1977 and finally won the battle to establish surface mining control regulations. In 1978 Congress approved the Federal Pesticide Act. The 96th Congress tackled the Alaska lands bill that doubled wilderness areas in the United States. We also managed to push the superfund bill through.

Then came 1981 and the Reagan administration took office. The Senate was now under control of the Republicans. James Watt became the Secretary of the Interior, Anne Gorsuch, the Administrator of EPA. Environmental progress came to a halt.

The Reagan administration was stocked with people who had spent the previous 10 years battling against the very legislation that the Congress had worked so hard to pass. Many had publicly renounced the programs they were now in charge of enforcing. The Reaganites seized control and immediately began selling off environmental protection to private interests.

In light of 2½ more years of the Reagan administration, whither Earth Day? Today we should take the time to ponder the President's nonsensical approach to environmental protection. Corporate executives have a responsibility to their shareholders to make money. Government employees, of which President Reagan is one, have a responsibility to insure the protection of environmental values. Let us keep our minds on our jobs.

CBS REPORTS PROGRAM

(Mr. JOHNSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSTON. Mr. Speaker, Bill Moyer's report last night was an example of emotional journalism that can create positive results. There is no doubt that in this country we have exceptions, people who are not cared for by existing programs. But rather than condemn a Government that is spending $17,000 for each needy family as a Government lacking in compassion, let us study the reasons why some of these families are not being helped. No one can seriously believe that these programs were designed to omit these people. What should concern us is why the billions we are spending are not hitting the target.

A reasonable conclusion from the Moyer report could be that the New Federalism may be the answer to many of these problems. State and local governments are in a far better position to allocate the resources needed to help those who cannot help themselves. The Federal Government does not create welfare programs out of thin air; it pulls money from the States and localities, runs it through the bureaucratic mill, stipulates how it should be spent and then returns it, though never in its original amount. Furthermore, the Washington-controlled money may be spent in areas where it is not needed or may bypass areas where it is truly needed.

Our State and local governments can boast a knowledge of the people unknown in Washington. They are more responsive than any Washington bureaucrat. They understand the needs of the people they serve. They know where and how money can be spent to accomplish the greatest good. Let us decide on this basis that someone other than this Congress and this Federal bureaucracy deserves the authority and the resources to meet the needs of our Nation's less fortunate citizens. The Federal Government is less equal to the task than its counterparts on the State and local levels. Washington has failed, despite massive spending programs. Let us set some of the responsibility aside for those better qualified to bear it. Then perhaps we will see fewer examples that we have failed to meet the needs of our citizens.

AMERICANS ANGRY THAT CONGRESS IS NOT WORKING

(Mr. NELLIGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NELLIGAN. Mr. Speaker, like most of the Members of this body I was home during the recess for 2 weeks. I was confronted by small businessmen fighting for survival who said: "What are you doing home? Why aren't you in Washington working?" I was confronted by young people who cannot buy homes because of high interest rates and they said: "What are you doing home? Why aren't you in Washington working?"

I was confronted by the unemployed who said: "What are you doing home? Why aren't you in Washington working?"

I notified them that I was one of 173 who voted to stay here and work. I was embarrassed, not embarrassed for myself, Mr. Speaker, but I was embarrassed for you and your party who voted overwhelmingly to take that recess, to go back to the district and to play your golf and play your politics and to let the country slowly but surely slide down the drain.

POSITIVE RESULTS OF REAGANOMICS

(Mr. WALKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALKER. Mr. Speaker, I think it is important that if the CBS television network reported on the rich versus the poor issue last night, as I understand they did, that we also look at another statistic that came out yesterday, and that is that for the first quarter of this year the inflation rate in the country had dropped to 3.6 percent.

What does that mean to the poor in this country? To the poor in this country it means they are much better off. That is the success of Reaganomics.

Under the big-spending liberal policies of the past, created by the Great Society and sustained by the Democratic Party, the family making $10,000 a year was having $1,300 of those dollars taken away from them in inflation at the end of the Carter administration. The family getting $5,000 a year was having $650 taken out of their pockets by inflation.

We have cut that inflation rate by 10 points. By cutting that inflation rate by 10 points we have put money directly back into the pockets of the poor. That is what is going on in this country. That is the success of the Reaganomics program. It is the kind of success that the media had better begin to pay attention to because it is the kind of success that is going to make the poor really working citizens in this country in the future and really gives them opportunities for improving their own futures.

THE LAST MILE

(Mr. EVANS of Delaware asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EVANS of Delaware. Mr. Speaker, I am not certain these days if we are witnessing a budget debate or a discussion about the Boston Marathon.

President Reagan said he is willing to go "the extra mile." The Speaker replies in his typically witty way by saying the President would walk a mile "for a camera."

May I suggest a solution to this impasse?

Let the Speaker meet the President in a mutually agreeable place and see which of the two can walk, run, or jog a mile in faster time.

Each will have a handicap. The Speaker will have to carry with him 20 years' worth of the inflationary policies of the National Democratic Party leadership and the President will have to carry all of the inflationary policies of his administration.

Since inflation is now hovering around 3 to 4 percent, there will be those who say the race will be unfair to the Speaker.

Those are the breaks, Mr. Speaker.

□ 1130

AN ALTERNATIVE TO THE PRESIDENT'S BUDGET PROPOSALS

(Mr. LOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOTT. Mr. Speaker, I and other Members on this side of the aisle have been guilty in recent weeks of accusing the Democratic leadership of not having any alternative to the President's budget proposals. Contrary to popular belief, however, the Democrats do have an alternative budget, and an alternative deficit of $38.1 billion more than that of the President.

Mr. Speaker, under the Budget Act, the committees of the Congress are required to submit their recommendations on the budget for the next fiscal year to the Budget Committee by March 15. A review of the March 15 committee reports indicates that the majority of the Democrat-dominated committees in the House want to return to business as usual and ignore the painful economic realities in this country.

What have the committees recommended? Exactly what the financial markets fear and the American people do not want—more Federal spending. Many of the committees rejected, without debate, the President's proposals; Republican-sponsored savings were defeated. Instead the final committee recommendations provided for increases of at least $38.1 billion in outlays over the President's proposals, and I might point out that this figure includes all CBO and administration reestimates.

Now, Members on the other side are advocating further tax increases. More taxes. More spending. Cuts in defense. Higher deficits. If this is the Democratic alternative, then I would challenge the Democratic leadership to bring it to the floor. It would be soundly rejected.

I would urge Members to take a close look at the Democratic alternative, to see what we would be paying for with more taxes and higher deficits. It would certainly not be fiscal responsibility.

INTRODUCTION OF OLDER AMERICANS MONTH RESOLUTION

(Mr. McCOLLUM asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. McCOLLUM. Mr. Speaker, in appreciation for providing all Americans with the quality of life we now enjoy, I am introducing today a resolution expressing the sense of the Congress that May be designated Older Americans Month.

I think it is important that Congress publicly and officially join in the annual recognition of the contributions our senior citizens have made to our country. The President early this month declared May to be Older Americans Month, a designation that has been made each year since 1974.

Our country did not become highly developed and technologically advanced overnight. It took the lifetimes of today's older Americans to build the foundation for the standard of living we now have. Their efforts have given us the knowledge to send men into space, as well as to build businesses and communities that make our lives productive and enjoyable.

In affirming congressional support for Older Americans Month, we are able to honor those who are still in the labor force enriching our business sector with their years of experience, and those who are volunteering their time in both the private and public sectors.

By taking an active role in the social and business endeavors of today, these Older Americans are providing us with wisdom that goes far beyond a college degree. It is important that we recognize their contributions as the valuable resources that they are.

I ask for your support for this concurrent resolution to declare May as Older Americans Month.

A copy of the text of this proposed resolution follows:

H. CON. RES. 318

Concurrent resolution expressing the sense of the Congress that the people of the United States should observe the month of May 1982 as Older Americans Month

Whereas older Americans have contributed many years of service to their families, their communities, and the Nation;

Whereas the population of the United States is comprised of a large percentage of older Americans representing a wealth of knowledge and experience;

Whereas acknowledgment should be given to older Americans for the contributions they continue to make to their communities and the Nation; and

Whereas many States and communities provide such acknowledgment of older Americans during the month of May: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That, in recognition of—

(1) the designation of the month of May, 1982, as "Older Americans Months" by the President of the United States, and

(2) the repeated expression by the Congress of its appreciation and respect for the achievements of older Americans and its desire that these Americans continue to play an active role in the life of the Nation.

it is the sense of the Congress that the people of the United States should observe Older Americans Month with appropriate programs, ceremonies, and activities.

IT IS TIME FOR A COMPROMISE

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, there is a headline in this morning's Washington Post, which we can only hope is inaccurate. It says: "O'Neill, Mocking Reagan Vow, Says President Must 'Go First.'"

We are faced with economic times in this country such as we have not seen in 40 years. We have high unemployment, high interest rates, we have a crisis of confidence in the entire structure of our financial system.

I commend those Democrats and Republicans who have been willing to work together and who, for the last 3 weeks, have tried to find a bipartisan approach to creating a prosperous and healthy America. Putting Americans back to work, saving American businesses and creating American jobs are issues too important for the kind of petty partisanship that the Washington Post reported this morning, and I hope the Speaker of the House will reconsider his position and will agree that it is time for a true compromise.

We on the Republican side are looking forward to working with those Democrats who are willing to place the country ahead of partisan advantage.

ARMS CONTROL TALKS

(Mr. SKEEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKEEN. Mr. Speaker, I applaud the approach to arms control talks with the Soviets recently outlined by President Reagan in his speech to the Nation. As a cosponsor of the Jackson-Warner resolution, which embodies negotiating principles similar to those of the President, I would like to take this opportunity to explain the concept underlying the President's approach. I believe that President Reagan is committed to negotiating substantial, verifiable and equalizing cuts in nuclear weapons with the Soviet Union. But the key to this approach is the word equalizing. The Soviet leaders respect power, but they take advantage of weakness. This is clearly demonstrated by the fact they were willing to join us in intermediate-range nuclear weapons (INF) negotiations in Geneva this year only when they became convinced that NATO would go ahead and deploy its new Pershing II and cruise missiles in Europe. Any arms control treaty or "freeze" which results in unequal force levels provides the Soviet leaders with no incentives to comply and no incentives to reduce further. The art of verification is an everchanging and complex art, and without incentives to comply, monitoring becomes even more difficult.

It is vital that we proceed with positive, equalizing and verifiable proposals to the Soviets at the negotiating table. Just as it takes time to prepare such negotiating positions, it takes time and hard bargaining to conclude an agreement. I hope that the American public understands this approach, and will remain committed to step-by-step arms control negotiations as a means toward achieving a stable and lasting nuclear peace.

LEGISLATION TO CLARIFY JURISDICTION OF SECURITIES AND EXCHANGE COMMISSION

(Mr. WIRTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WIRTH. Mr. Speaker, today I am introducing legislation to clarify the jurisdiction of the Securities and Exchange Commission over options. I am joined in this bipartisan effort by my good friends and colleagues Mr. COLLINS, Mr. MARKEY, Mr. RINALDO, Mr. TAUKE, and Mr. BLILEY.

A recent 2-1 decision of the Seventh Circuit Court of Appeals has cast uncertainty on the SEC's jurisdiction to regulate options on exempt securities and other non-stock options. In *Board of Trade* v. *SEC*, No. 81-1660 (7th Cir. March 24, 1982), the court held that: First exchange-formed options on mortgaged-backed securities guaranteed by the Government National Mortgage Association (GNMA's) are not themselves securities; second, the SEC has no authority to regulate the exchange trading of options on GNMA's; and third, the CFTC has exclusive jurisdiction over exchange-traded GNMA options.

The decision may have disruptive ramifications that go far beyond the SEC's ability to regulate new options products. By concluding that options on GNMA's securities are not themselves securities, the Court has raised serious questions about the Federal Reserve Board's authority to prescribe margin requirements for options on equity securities and about the States' ability to play an enforcement role with respect to such options. The decision also raises doubts concerning the SEC's authority to regulate the options markets to prevent fraud and manipulation and whether the insurance protections provided by the Securities Investor Protection Corp. for the options customers of securities broker-dealers will apply. Moreover, it raises the possibility that the Chicago Board Options Exchange may not be considered a "national securities exchange" within the meaning of the Securities Exchange Act of 1934.

Petitions for rehearing have been filed, and the case may ultimately be overturned. Many believe the Court's decision was incorrect and did not accurately construe the state of the law.

The case is but one result of a long-standing debate on whether the SEC or CFTC is the appropriate agency to regulate trading in a number of new financial instruments. In recent years the market in new and proposed new financial futures and options has grown exponentially, in response to high and volatile interest rates, economic uncertainty and innovations by, and competition among, exchanges and members of the commodities and securities industries. The rapid development of new trading instruments has blurred the historic distinctions between the securities and commodities futures industries. Since at least 1975, the SEC and CFTC have been involved in a dispute over their respective jurisdictions over a number of the new products, including the GNMA options which were the subject of the Court's decision.

In December 1981, the SEC and CFTC attempted to settle their dispute and reached an agreement on their jurisdictions over certain options and futures instruments. The agencies transmitted to the respective legislative committees of Congress draft legislation which would codify their agreement. The amendments proposed to the securities laws would make it clear that any put, call, straddle or other option is itself a security and subject to the SEC's regulation, notwithstanding other provisions of law.

Pending congressional action to codify or alter their accord, the agencies moved forward to implement the agreement administratively.

The CFTC is rapidly approving new products to be traded on the commodity exchanges, many of which will compete with proposed securities options products planned to be traded on the securities exchanges. As a result of the court's decision, however, the SEC is in a "judicial straightjacket" and is prevented from approving certain new products to be traded on the securities exchanges. Until there is a reversal of the decision, or until there is congressional action to clarify the SEC's authority, substantial problems may arise in the regulation of option products. In addition, the securities industry may be placed at a severe competitive disadvantage in offering new products.

The securities amendments which I am introducing today are substantially similar to draft legislation requested by the SEC and CFTC as part of the agencies' recent agreement. More importantly, however, this legislation addresses the immediate problems and uncertainties that flow from the court's decision, and will make the securities statutes more clearly reflect congressional intent that the SEC is the appropriate agency to regulate options.

A number of Members of Congress, myself included, have concerns about the SEC/CFTC jurisdictional accord as a whole and the questions it raises concerning investor protection, capital formation, the market regulation of manipulative practices and other abuses, and the regulatory efficiency and competitive fairness in having two agencies regulating functionally equivalent instruments under two different regulatory schemes. These concerns, as well as specific concerns about stock index futures raised by Representative DINGELL's bill, H.R. 5515, will be addressed in hearings on April 23, 1982, in the Subcommittee on Telecommunications, Consumer Protection and Finance. The enactment of the legislation introduced today will not preclude a full discussion of those issues.

LEGISLATIVE PROGRAM

(Without objection, Mr. MICHEL was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I have asked for this time for the purpose of inquiring of the distinguished majority whip the program for the balance of the week and next week.

Mr. FOLEY. If the distinguished Republican leader will yield, Mr. Speaker, today a unanimous consent may be requested for the purpose of considering a resolution establishing Jewish Heritage Week. Other than that, we have no business for today, and the House will not be in session tomorrow.

The House will meet on Monday at noon. There is no legislative business scheduled. It is District day, but we have no bills scheduled, so there will be no legislative business scheduled that day.

On Tuesday, April 27, the House will meet at noon to consider four bills under suspension of the rules: H.R. 5106, the Clayton Act amendments, to permit foreign governments to recover only the actual damages in suits for antitrust law violations; H.R. 4703, amendments to payroll deductions statutes; H.R. 5432, gold medal for Admiral Rickover; and House Concurrent Resolution 317, patriation of the Canadian Constitution. Recorded votes will occur on Tuesday at the end of debate on all four suspensions.

On Wednesday and Thursday, April 28 and 29, the House will meet at 3 p.m. on Wednesday and at 11 a.m. on Thursday, to consider H.R. 5998, the International Communications Agency Authorization, subject to a rule being granted, and H.R. 5539, the Federal reclamation laws amendments, subject to a rule being granted.

The House will not be in session on April 30.

This announcement, of course, is made subject to the usual reservations

that a further program may be announced at a later time.

Mr. MICHEL. Might I inquire if the distinguished gentleman has any information with regard to the supplemental appropriation bill that was reported, I think, way back about March 23.

Mr. FOLEY. Well, we are hoping to be able to schedule that legislation in the very near future.

Mr. MICHEL. And how about, again, that regulatory reform measure? That also has been reported, I think as far back as February, and many Members have been inquiring about the future of that legislation.

Mr. FOLEY. Yes. As the gentleman knows, I am a cosponsor of the legislation, and I am anxious to see it reach the floor. My understanding is that the committee of jurisdiction, the Committee on the Judiciary, has not requested a rule from the Rules Committee. And, as the gentleman knows, because of the appointment of Mr. Danielson, the distinguished author of that legislation, to a judicial post in California, the gentleman from Texas (Mr. HALL) has just assumed the chairmanship of the subcommittee.

I am not aware at this time when the legislation will be scheduled. I am satisfied it will be scheduled, but it would, of course, require the normal procedure of the chairman of the full Committee on the Judiciary requesting a meeting of the full committee.

Mr. MICHEL. Well, it has been 2 months on that legislation and, while I know it is normally the majority's prerogative to request a hearing before the Rules Committee, I am wondering if there is any sentiment for the minority initiating a move before the Rules Committee. Would we get the time of day, or even the scheduling of an appearance to make that kind of a request?

Mr. FOLEY. I think the gentleman can be satisfied that he would get the time of day.

Mr. MICHEL. I would like to have a little bit more than that.

Mr. LEVITAS. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Georgia.

Mr. LEVITAS. I thank the distinguished Republican leader for yielding, and I would simply like to add my word of support to the inquiry that has been made by him with respect to the regulatory reform bill. It is an important piece of legislation, with substantial bipartisan support. I really believe—and I am not, I think, overstating it—it is getting to be somewhat unconscionable that a major piece of legislation of this sort is not being brought to the floor for action. I think that no one can say there has been any manifestation of impatience or a rush to use procedures of the House to interfere with actions on the floor, but it just seems to me unconscionable to take a major piece of legislation, with substantial bipartisan support, and bottle it up the way this is being bottled up. And I would hope that the leadership of the House, the majority leadership of the House, would exercise their influence to see if we can get the bill before the Members of this House so that the will of the American people as manifested by the Members of this House can be worked on this important piece of legislation.

Mr. MICHEL. I would surely agree with the gentleman, because we are at a time here, in waiting for either a resolution or some tentative resolution on the budget situation, where there would be time available to give it adequate debate, discussion, opportunity for amendments, and all of the rest, rather than spinning our wheels. I certainly have to agree with the gentleman's comments.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Mr. Speaker, the gentleman also mentioned the supplemental appropriation bill.

Mr. MICHEL. Yes.

Mr. WALKER. Is it the gentleman's understanding, as it is mine, that we have got several things which are coming to a crisis point with regard to appropriations?

Mr. MICHEL. Well, it was initially called an urgent supplemental. It obviously became something less than urgent.

Mr. WALKER. I understand—and the gentleman probably has better information than I do—that the guaranteed student loan program in one of those that is coming up to a very definite crisis point.

Mr. MICHEL. Yes.

Mr. WALKER. And I wonder if the gentleman shares my concern that one reason for delaying the scheduling of the supplemental appropriations bill is so that we can bring that crisis, really, to the brink and, thereby, shove through the supplemental appropriation and not allow us the amendment, the Evans-Corcoran amendment, that is going to seek to try to transfer some money from the synfuels program over to the housing industry and try to give the housing industry some kind of rebirth.

What we often have happen around here is, if you can shove a bill completely to the brink, then you can make the argument on the House floor that, well, we cannot afford to fool around with this amendment and we cannot afford to look at this issue because we have got such an urgent bill.

I think the gentleman, in raising the point of the supplemental appropriations, raises a very, very good point, and the fact is that the timeclock around here is ticking away; we are not taking up any of this major legislation. I really think we are creating some severe problems, not only in terms of scheduling for the future, but in terms of the way in which we are going to be asked to deal with these major bills when they come to these kinds of brinks of crisis.

Mr. MICHEL. I thank the gentleman for his great eloquence. The gentleman is right on target.

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Washington.

Mr. FOLEY. Mr. Speaker, I appreciate the gentleman's courtesy. I have asked for this opportunity to respond to the suggestions of the gentleman from Pennsylvania.

Mr. Speaker, I can say unreservedly that the suggestions that the gentleman has made that the urgent supplemental appropriation is being delayed deliberately for the purpose of creating a crisis over student loans is not—repeat, not—correct. It is totally and absolutely incorrect. I can assure the gentleman that the legislation will reach the floor in sufficient time to continue those guaranteed loans. It is, in fact, as the gentleman knows, a concern of both parties in the House that the administration has recommended in its budget recommendations severe cuts in the student loans, I think those are the anxieties that are being created today, rather than the delay of the supplemental.

Second, as far as the notion that the housing program would be disadvantaged by preventing an amendment to reach the floor, I think that the gentleman from Pennsylvania should direct his remarks to the Secretary of Housing and Urban Development, or perhaps to the President himself, because it is the administration that has rejected, publicly rejected, any proposal to advance the pressing housing problems in this country by some action, action taken either in the Senate or action taken here in the House.

□ 1145

It made only very minor adjustments in the administrative rules which the Secretary himself indicates are going to have virtually no impact at all on the housing industry.

So rather than suggest some conspiracy here, I think the gentleman from Pennsylvania ought to address his remarks to the Secretary of his own administration which has publicly and clearly indicated its proposal would grant no relief to housing of any significance.

Mr. MICHEL. Mr. Speaker, if I might make one further comment, I

do not know if it is altogether accurate for my friend to say that the administration has dismissed out of hand every housing proposal. I know they have had an adverse reaction to the Lugar proposal in the other body because of the $5 billion additional outlay. The one that the gentleman from Pennsylvania makes reference to would call for no additional outlays but would, rather, simply take from what has been appropriated for synfuels just $1 billion from that $15 billion, as I recall, and divert it to doing something immediately to spur the housing industry. I personally think that is a good, sound approach.

Mr. FOLEY. Mr. Speaker, I think the gentleman from Illinois would agree with me that not one word of endorsement of this proposal has come forward from this administration.

Mr. MICHEL. There have been things passed in the House many, many times without the endorsement of any administration. That is what we are here to do, to initiate legislation from time to time, and if it is so bad that the President has to veto it, he vetoes it; if it is good enough, he signs it.

I think we ought to take advantage of the opportunity we have, and, of course, the vehicle we have is to get to the floor that urgent supplemental legislation.

ADJOURNMENT TO MONDAY, APRIL 26, 1982

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon on Monday, April 26, 1982.

The SPEAKER pro tempore (Mr. ECKART). Is there objection to the request of the gentleman from Washington?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

JEWISH HERITAGE WEEK

Mr. WOLF. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 448) to authorize and request the President to issue a proclamation designating April 25 through May 2, 1982, as "Jewish Heritage Week," and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

(Mr. ADDABBO asked and was given permission to revise and extend his remarks.)

Mr. ADDABBO. Mr. Speaker, reserving the right to object, I will not object, but I will just take this opportunity to thank the gentleman from Virginia (Mr. WOLF) and our colleagues on the Committee on Post Office and Civil Service for bringing forth this resolution. I think it is very important at this time, especially as we commemorate Holocaust Week and Jewish Solidarity Week.

Mr. Speaker, I strongly urge my colleagues to join me in support of Joint Resolution 448, to authorize and request the President to issue a proclamation designating April 25 to May 2, 1982, as "Jewish Heritage Week." I would like to thank the many cosponsors who have demonstrated their commitment to help promote these understandings, and thank the gentleman from Virginia for bringing forth the resolution I have sponsored.

"Jewish Heritage Week" is an attempt to foster intergroup understanding through an appreciation of the culture, history, and traditions of the Jewish community and its contributions to our country and society.

The month of April commemorates many events which represent great joy and deep sorrow for the Jewish community—Passover, the anniversary of the Warsaw ghetto uprising, Holocaust remembrance, Israeli Independence Day, and Solidarity Sunday for Soviet Jewry. Traditionally, this weeklong celebration is an educational time during which the universal significance of these events is explored. It is hoped that national recognition will give added impetus to local efforts, and encourage the development and sharing of materials, programs, and understandings. It is an attempt to understand the mingling of the past and present worldwide, where people were, and still are being denied the basic human rights that most of us in the free world take for granted. Most importantly, it is a reminder of the strength and courage we need for molding the future so that all citizens of the United States and the world may live together in peace and understanding.

I am a firm believer that all ethnic groups who helped found and nurture this great country have made their own individual and collective contributions. An understanding of the heritage of each binds us all. American Jews have made their heritage—a heritage of struggle for freedom, knowledge, and human dignity—part of the heritage of all Americans.

At this time, I would like to add my thoughts on one of the major events in Jewish history—the Nazi Holocaust. Six millions Jews were brutally massacred in a systematic campaign of annihilation as the world remained largely silent. We watched as our fellow human beings were stripped of their humanity, defiled, and murdered by the Nazis.

This complete desecration of human rights and disrespect for life endangers the dignity and rights for all people everywhere. Nothing we can say today can relieve us of our shame, anger, and sorrow. But, by joining with those who care enough to remember, and learn from the Holocaust, we can contribute something to the cause of human freedom and human rights. As Americans we must continue to promote moral objectives which make clear our support for the hopes and aspirations of mankind.

As we pay tribute to the martyrs of that terrible time, we would do well to remember the famous words of George Santayana:

> Those who are not willing to learn from history are condemned to relive it.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 448

Whereas the Congress recognizes that an understanding of the heritage of all American ethnic groups contributes to the unity of our country; and

Whereas intergroup understanding can be further fostered through an appreciation of the culture, history, and traditions of the Jewish community and the contributions of Jews to our country and society; and

Whereas the months of April and May contain events of major significance in the Jewish calendar—Passover, the anniversary of the Warsaw Ghetto Uprising, Israeli Independence Day, Solidarity Sunday for Soviet Jewry, and Jerusalem Day: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating April 25 through May 2, 1982, as "Jewish Heritage Week" and calling upon the people of the United States, State and local government agencies, and interested organizations to observe that week with appropriate ceremonies, activities, and programs.

The SPEAKER pro tempore. The gentleman from Virginia (Mr. WOLF) is recognized for 1 hour.

Mr. WOLF. Mr. Speaker, House Joint Resolution 448 designates April 25 through May 2, 1982 as "Jewish Heritage Week." The Congress recognizes that an understanding of the

heritage of all American ethnic groups contributes to the unity of our country and intergroup understanding can be further fostered through an appreciation of the culture, history, and traditions of the Jewish community and the contributions of Jews to our country and society.

This bill has been cosponsored by more than 218 Members.

● Mr. DERWINSKI. Mr. Speaker, I rise in support of House Joint Resolution 448 designating the week of April 25 through May 2, 1982, as "Jewish Heritage Week."

Today in America and throughout the world, Jews are leaders in all walks of life. Neither discrimination nor anti-Semitism has, in the long run, stopped them from becoming outstanding citizens as well as major contributors in the fields of art, business, and government.

Long the victims of discrimination, Jews have turned their suffering into compassion, struggling to bring civil rights and equal opportunity to all.

I urge my colleagues to join me in supporting Jewish Heritage Week as a responsible and effective means of promoting the pride and heritage of the Jewish community. Like the Jewish community, we are all in pursuit of two common goals—peace and freedom.●

● Mr. COURTER. Mr. Speaker, I rise in support of House Joint Resolution 448 designating April 25 through May 2, 1982 as "Jewish Heritage Week." By doing so, we as Americans are recognizing the history of the Jewish people and their contribution to our American way of life.

For over 3,000 years, the Jewish people have left a major impact on the societies in which they have lived. Equally so in the more than 200-year history of the United States, Americans of Jewish faith have made important contributions in all areas of business, science, culture, and politics.

By designating the week of April 25 to May 2 we are giving all Americans the opportunity to reflect and learn of the significant achievements that the Jewish religion, history, and culture have made to the world and, in particular to the United States.●

● Mr. BROOMFIELD. Mr. Speaker, I wholeheartedly support House Joint Resolution 448, which requests the President to proclaim April 25 to May 2, 1982, as Jewish Heritage Week. It is completely appropriate that we recognize the accomplishments and contributions that Jewish Americans have made throughout our country's history. Every major field of endeavor has witnessed the contribution of Jewish Americans. They have infused life, creativity, and professionalism into education, the sciences, the arts, politics, the legal profession, medicine, business, and a host of other activities. As with many other ethnic groups in America, Jews have fought in time of war to defend the principles that civilized man cherishes most. In time of peace, Jews have often led the fight for true equality and justice for all.

By proclaiming Jewish Heritage Week, we are not only honoring Jewish Americans for their achievements, but recognizing their determination to overcome obstacles in American life. Religious discrimination is found in all societies. While official barriers no longer exist in this country and personal prejudice has profoundly dissipated, the past was quite different. Often Jews were the subject of discrimination and ridicue. Despite such abuse, Jewish Americans sought improvements both in their personal lives and for society as a whole. Rather than turning inward and rejecting their homeland, they stayed the course, invigorated new energy into communities throughout the Nation, and sought excellence in all walks of life.

I am proud to support this resolution. It recognizes the accomplishments of Jewish Americans and recognizes America's debt for their contributions over two centuries.●

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WOLF. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, on the joint resolution just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

STUDENT AID CUTBACKS: THE VIEW IN PITTSBURGH IS DIFFERENT THAN IT IS IN BARBADOS

(Mr. WILLIAM J. COYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILLIAM J. COYNE. Mr. Speaker, in a recent radio broadcast from the island of Barbados, President Ronald Reagan defended his proposed reduction in college student aid by suggesting that young people have a "great misperception" as to his purpose.

That is the "view from Barbados." I would like to share with my colleagues the "view from Pittsburgh."

Considering the scope of the proposed student aid cuts, the perception by Pittsburgh students that the administration is not acting in their interests can only be expected. It is not based on faulty information, it is based on facts.

For fiscal 1983, the administration proposes a 33-percent reduction in Department of Education programs. If approved, these cuts will contribute to an American public less well educated, seriously impeding our Nation's ability to compete effectively in the world economy.

According to the Department of Education, the administration's fiscal 1983 budget would eliminate 2.9 million students from Federal higher education programs. To comprehend the magnitude of that number, we must take a closer look at how drastically these programs are affected.

In fiscal year 1983, the administration would eliminate an estimated 1 million students from the guaranteed student loan program (GSL). For those who continue to qualify under the new rules, borrowing costs would increase, including: A doubling of the loan origination fee, to 10 percent; a raising of interest rates to market levels 2 years after graduation; a needs test for all applicants. In addition, graduate and professional students would become ineligible for these loans. Currently, 600,000 students—over half the Nation's graduate enrollment—receive these loan. Without such assistance they would be forced to scramble for more costly financing.

The Pell grants, the largest of the Nation's need-based student aid programs, will provide 2½ million grants in 1982. The administration proposes to slash funding by more than 39 percent below the already reduced 1982 level. Some 700,000 students from low- and moderate-income families would likely lose their grants as a result. While costs continue to spiral, the maximum grant amount would be reduced.

Campus-based aid would be cut roughly 60 percent, from $1 billion to $400 million. The administration requests no new funding for supplemental employment opportunity grants, State student incentive grants, and national direct student loans. The sole survivor, the college work study program, would be reduced 25 percent—a loss of 1.2 million awards.

If these destructive reductions are approved by Congress, the educational consequences would be devastating. We would create a segregated higher education system, with private education available for the elite while low- and moderate-income students are forced to attend State and city universities.

In my own city of Pittsburgh, the student aid cutbacks would have a debilitating effect on students attending public as well as private schools.

According to data compiled by my office—based on information provided by Pittsburgh colleges and universi-

ties—45 percent of Pittsburgh students now receiving title IV education funds face a reduction in their educational aid.

Students at the University of Pittsburgh, Carnegie-Mellon University, Duquesne, Point Park College, Carlow College, Robert Morris, Chatham, and Allegheny Community College could expect aid reduction totaling $34.9 million.

The biggest cutback would come in graduate student loans, which the administration would reduce by 62 percent. This would mean an $18.8 million loss to Pittsburgh students. Pell grants would be reduced by $5.8 million, reducing funds available to 6,318 students. A $2.1 million cutback in national direct student loans would mean a 42-percent decrease in funds available to 4,556 Pittsburgh students. The elimination of $3.3 million in supplemental education opportunity grants would force 5,310 students to look elsewhere for this needed assistance.

This Nation has a proud and longstanding commitment to education, a commitment honored by Republicans and Democrats alike. It was a Republican President, Dwight Eisenhower, who initiated a Federal program to insure quality education for all Americans, whatever their economic circumstance.

Our economic strength, indeed our national security depends on our ability to produce trained, well-educated students capable of leading and revitalizing our American society. The demands on our Nation's creativity have never been greater. An investment in education is the best investment we can make to foster a sound base for that creativity. It is an investment most taxpayers, I am certain, do not choose to shirk.

We in Congress must stop the erosion of Federal support for higher education. Congress must send the administration a message. If we can show the administration that opposition to student aid cutbacks is bipartisan and deeply felt, it may begin to look for a tactful way to withdraw its destructive proposals. The administration changed course when massive public opposition developed to its social security cuts last year. I hope that congressional opposition to the student loan cutbacks sparks a similar reaction.

RESOLUTION OF THE CONFLICT IN CYPRUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. BROOMFIELD) is recognized for 60 minutes.

Mr. BROOMFIELD. Mr. Speaker, first of all, I would like to yield 30 minutes of my time to the gentleman from Pennsylvania (Mr. YATRON).

The SPEAKER pro tempore. Without objection, the gentleman from Pennsylvania (Mr. YATRON) will be recognized for 30 minutes.

There was no objection.

GENERAL LEAVE

Mr. BROOMFIELD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of this special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. BROOMFIELD. Mr. Speaker, it is with great satisfaction that I cosponsor with Congressman YATRON of this special order on Cyprus Day and of House Concurrent Resolution 310, which calls for a peaceful settlement to the conflict in Cyprus. It is tragic that the people of Cyprus have had to suffer through an 8-year occupation of 40 percent of their country by Turkish troops. This continued disgraceful occupation has denied self-determination to the people of Cyprus. It had further placed an abhorrent economic, social, and cultural burden on the Cypriot population, as well as creating a significant refugee problem in Cyprus. Approximately 200,000 native Cypriots have been forced from their homes and villages.

On a related matter, I am reminded that some of our own citizens, living in Cyprus at the time of the invasion, have to this day not been accounted for by Turkish authorities. The case of then 17-year-old Andrew Kassapis is one such matter. Kassapis, an American citizen and Michigan resident was abducted by Turkish Cypriot troops from his parents' House, turned over to Turkish Army forces, and sent to prison in Turkey. Although fellow prisoners, as well as official Turkish documents, confirm his arrest and imprisonment, Turkish officials have denied his whereabouts for 7 years. He committed no crime, was not charged, but was arrested in a general roundup of Greek-Cypriots. This is but one example of Turkish unwillingness to respect the basic principles of human rights of those living on Cyprus.

Since 1974, the United Nations Special Representative has sought a solution to the complex problems of the Cyprus dispute, but progress has been nil. Once again the United Nations has demonstrated its inability to successfully negotiate a matter of profound concern. Rather than injecting life into the discussions, the U.N. has allowed them to flounder. Rather than seizing a leadership role in the talks, the U.N. has been content to merely follow the flow. I believe that it is necessary for the U.S. Congress to again assert its deep-seated desire for a peaceful resolution of the situation. We cannot sit on the sidelines during this major dispute between two of our Western partners. With each passing year that the problem continues, the participants become further entrenched in their negotiating positions. The result is that people of Cyprus are further denied self-determination, and the foundation of our most vital alliance is destabilized.

By supporting this resolution, the Congress will be signaling to Turkey our strong and unmistakable dissatisfaction with Turkish intransigence in resolving the Cyprus dispute. We will again be declaring our endorsement for the removal of Turkish troops from Cypriot soil, and the obtainment of a political settlement acceptable to all sides. Turkey must understand that as long as this problem continues to fester, Turkey's security interests are not furthered over the long haul, Soviet interests are enhanced, and that our entire posture in the Mediterranean and Middle East is jeopardized. Let us be clear, the southern flank of NATO is in danger.

The resolution also expresses the sense of Congress that the President should consider appointing a high-level official of recognized international stature to be the President's personal representative in seeking a solution to the Cyprus conflict. The resolution further calls for Presidential consideration of seeking NATO's political assistance in resolving the problem if the U.N. negotiations cannot make sufficient and timely progress. In view of the consequences of failure in resolving the dispute, we can ask no less.

I am sure my colleagues recognize that Congressman YATRON has long been a powerful advocate of reaching a just settlement in Cyprus. We appeal for a bipartisan effort in support of this resolution. The issue is vitally important for the people of Cyprus. It is no less significant for the United States. A copy of the resolution is attached for the RECORD.

H. CON. RES. 310

Whereas Turkish troops have been occupying approximately 40 per centum of Cyprus since Turkey's 1974 invasion of Cyprus;

Whereas negotiations held under the auspices of the United Nations have failed to resolve the dispute and have failed to obtain the withdrawal of Turkish forces from Cyprus;

Whereas the Turkish invasion has created a significant Cypriot refugee and displaced persons problem;

Whereas failure to resolve the Cyprus conflict undermines the southern flank of the North Atlantic Treaty Organization by creating hostility between Greece and Turkey; and

Whereas continued occupation of Cyprus by Turkish forces denies the Cypriot people the right of self-determination: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that the President should—

(1) consider appointing a high level official of recognized international stature to be

the President's personal representative in seeking a solution to the Cyprus conflict;

(2) call upon the Government of Turkey to withdraw their forces from Cyprus, noting that the continual occupation of Cyprus weakens the North Atlantic Treaty Organization's southern flank, causes ill will toward Turkey throughout the North Atlantic Treaty Organization alliance, and undermines Turkish attempts to improve their political and economic relations with other Western nations;

(3) diligently pursue every appropriate avenue to persuade the United Nations to seek a prompt resolution of this conflict, including the withdrawal of all Turkish forces and illegal colonists from Cyprus; and

(4) in the event that sufficient and timely progress is not made in resolving this conflict under United Nations auspices, consider placing this issue before the appropriate North Atlantic Treaty Organization body for assistance and resolution.

Mr. Speaker, I yield at this time to my friend, the gentleman from Pennsylvania (Mr. YATRON).

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. YATRON) is recognized for 30 minutes.

Mr. YATRON. Mr. Speaker, I thank the gentleman from Michigan (Mr. BROOMFIELD) for yielding this time to me.

Mr. Speaker, I would first like to commend, our distinguished colleague from Michigan (Mr. BROOMFIELD) for the outstanding leadership he has provided over the years, in seeking a just and lasting peace in Cyprus.

Mr. Speaker, as you know, in 1974, Turkish troops, using U.S.-supplied NATO arms, invaded Cyprus forcing 200,000 Greek-Cypriots, to flee their homes and villages, abandoning most, or all, of their worldly possessions. The Turkish military occupation of approximately 40 percent of Cypriot soil has forced thousands of innocent people to live as refugees in their own homeland, and severely strained relations with our allies in the southeastern flank of NATO.

Before the Turkish invasion, Cyprus had a productive economy, stimulated by a strong private sector. However, since 1974, the economy has been strangled. Turkish occupation forces, and illegal colonists, have claimed 40 percent of Cyprus, which represents 70 percent of that country's economic wealth. The displacement of 40 percent of the Cypriot population has skyrocketed unemployment rates, placing an overwhelming burden on the Cypriot Government.

Further, Cyprus must now rely on dangerously high export levels to keep its economy afloat, placing the country at the mercy of foreign demands.

Mr. Speaker, this July will mark the eighth anniversary of the invasion and occupation of Cyprus by Turkish troops. Last July, I conducted a special order in the House to mark the sad occasion of the seventh anniversary. With the strong support of many of our colleagues, including Congressman BROOMFIELD, we called for the withdrawal of Turkish troops and a negotiated settlement in Cyprus. Unfortunately, I suspected that under the present conditions, there would be no settlement to the Cyprus conflict, and the presence of Turkish troops, would prevail for another year.

The intercommunal negotiations, between Greek and Turkish Cypriots, under the auspices of the United Nations Special Representative on Cyprus, has been an exercise in futility.

The refusal of the Turkish Government to remove its troops has been the single most prevailing factor which has prevented a just and lasting solution to be reached in Cyprus. The very presence of these troops makes any proposals to resolve this conflict contingent upon the approval of the Turkish Government. Clearly, this indicates the Turkish Government's desire to control northern Cyprus, against the will of the majority of the Cypriot people.

As the gentleman from Michigan indicated earlier, we have introduced House Concurrent Resolution 310, calling for the President to undertake specific actions to help promote a settlement in Cyprus. The United Nations, for the most part, has failed, and it is our firm belief that without the direct participation of the United States in negotiations, a just and lasting peace in Cyprus will never come to pass. The resolution we have introduced embodies the recommendations which we strongly feel, if implemented, will fairly resolve the Cyprus conflict. I urge my colleagues to support this initiative in hopes of impressing upon the administration the importance of reaching a peaceful solution in Cyprus.

Mr. Speaker, the revolution in Iran, and the Soviet invasion of Afghanistan, make it absolutely essential that we foster an evenhanded, strategic, and political relationship with both Turkey and Greece. Turkey, because of its internal political instability, and shared border line with Russia, is more fearful of a Soviet threat than ever before. This concern is shared by the administration, which is recommending an exorbitant sum of $820.1 million in economic and military aid for Turkey. However, when you consider that Turkey violated U.S. arms transfer laws by using U.S. military hardware to invade Cyprus, and the present military regime's dismal record on human rights, the administration's recommendation seems all the more unjustified.

Turkey's fear of the Soviet Union and dependence on the United States for assistance, put us in a stronger position to pressure Turkey into making meaningful concessions in Cyprus.

Mr. Speaker, a peaceful solution in Cyprus is long overdue. The President and the Congress must act now if we are going to salvage our strategic interests in the eastern mediterranean and enable the Cypriot people to determine their own political destiny as a unified independent nation.

□ 1200

Mr. BROOMFIELD. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Illinois, Mr. HYDE, a member of the Foreign Affairs Committee.

The SPEAKER pro tempore (Mr. GONZALEZ). Without objection, the gentleman from Illinois (Mr. HYDE) is recognized.

Mr. HYDE. Mr. Speaker, I commend my colleague, Mr. BROOMFIELD, for taking this important special order and I am pleased to join the colloquy today calling for a peaceful resolution to the conflict in Cyprus and for the removal of Turkish troops from Cypriot soil. The present division of the island, dating from 1974, reflects deep distrust between the Greek and Turkish Cypriot communities and basic differences over how the island should be governed. It is readily apparent that a good deal of painstaking negotiation lies ahead.

In endorsing this resolution, I join in sending the message that Members of Congress are extremely dissatisified with the 8-year occupation by Turkish troops of 40 percent of Cyprus. I support the removal of Turkish troops from Cypriot soil and urge the adoption of a fair and enduring settlement that is acceptable to both sides. Until this happens, there will be a continuing weakening in NATO's southern flank, a continuing denial of self-determination for the Cypriot people, and an uncertain status for over 200,000 refugees that have been forced from their homes.

It is absolutely wrong that the stationing of Turkish troops, resulting from their intervention in 1974, continues to this day. This action has constituted a massive violation of human rights. Over 200,000 Greek Cypriots have been forced from their homes and have been given the status as displaced persons. The Turkish Cypriot authorities have not allowed the return of these displaced persons or permitted Greek Cypriots to travel within territory that is under Turkish Cypriot control. This continuing action is completely inconsistent with basic human rights, and cannot be tolerated.

The United Nations Special Representative has worked toward a resolution of the problem in Cyprus since 1974, but unfortunately has been unsuccessful. Through current U.N.-sponsored talks, the problem will continue to receive United Nations attention. The introduction of the U.N. "evaluation" of the intercommunal ne-

gotiations in November 1981, provided an historic opportunity for negotiators to focus on the important issues dividing both sides. These intercommunal talks are closer to being real negotiations than they have been in the past, and are bringing appropriate attention of the United Nations.

There have been indications of returning the problem to the United Nations General Assembly for debate, or the calling for an international conference on the issue. General Assembly debates, with their potential for inflammatory rhetoric, can only stimulate intercommunal animosities and thus limit any possible progress in these talks. Likewise, I do not believe that an international conference, which would require the participation of many states, including the U.S.S.R. would be of any great help toward the achievement of resolution to the problem.

The United States believes that the most effective way to achieve progress is through the U.N.-sponsored intercommunal talks. I strongly urge all interested parties to negotiate seriously and be flexible and innovative in their proposals. The presence of Turkish troops poses a major stumbling block in negotiations, and a successful conclusion to the intercommunal talks must deal with the question of non-Cypriot military forces on Cyprus. The presence of military forces remains a concern of U.S. foreign policy and must be addressed.

We are witnessing ever-increasing Soviet activity in the Mediterranean, Iran, and the Middle East. Peace and stability in the region must be achieved, yet a major roadblock to the achievement of this goal is the situation in Cyprus. Our alliances in the region must be solidified. I endorse this special order to send a signal of dissatisfaction concerning the presence of Turkish troops in Cyprus that is undermining the attainment of a political settlement that would be acceptable to both sides. Current situations are allowing a slow erosion of our most vital alliance in the region. A peaceful resolution to the conflict must be reached, and the removal of Turkish troops would greatly enhance the attainment of this goal.

In supporting this resolution I urge a strong commitment to assist in promoting a mutually acceptable solution and support efforts to secure a just, fair, and lasting settlement of the Cyprus problem.

Mr. YATRON. Mr. Speaker, at this time, I would like to yield to my colleague, the gentleman from Pennsylvania (Mr. WILLIAM J. COYNE).

Mr. WILLIAM J. COYNE. Mr. Speaker, I rise today, on Cyprus Day 1982, to express my deep concern that 27,200 Turkish occupation troops remain on Cypriot soil while thousands of Greek refugees have not been allowed to return to their homes.

The United Nations has attempted to resolve this dispute through low-key, intercommunal talks. I strongly support any such effort which will bring about a peaceful resolution to the 8-year occupation.

The eventual solution must involve the withdrawal of the Turkish occupational forces. I would hope that the Turkish Government, the clear aggressor in this unfortunate conflict, will give a detailed account of the hostages taken after hostilities ceased on the island. Once these conditions are met, I am hopeful that a political solution acceptable to both sides can be worked out.

Mr. Speaker, I strongly urge the present administration to pursue a vigorous course of action at the United Nations to impress upon the Government of Turkey the fact that the United States strongly opposes its continued military presence in Cyprus.

Further, the United States must act to reestablish true democracy in Cyprus and to do so in a manner which recognizes the rights of all citizens of Cyprus to determine their own destiny.

Mr. YATRON. Mr. Speaker, at this time, I would like to yield to our colleague, another distinguished Member from the State of Michigan, Congressman WOLPE.

Mr. WOLPE. Mr. Speaker, I want to commend the distinguished gentleman from Pennsylvania (Mr. YATRON) and my distinguished colleague from Michigan (Mr. BROOMFIELD), for their leadership on this entire issue, and I welcome this opportunity to call attention, once again, to the tragic failure to find a just and lasting solution to the problems of Cyprus. It is a matter of profound concern that, nearly 8 years after the Turkish invasion of Cyprus, Turkish troops continue to occupy some 40 percent of the island.

That occupation is in clear violation of international law, the United Nations Charter, repeated U.N. resolutions, and the charter of the North Atlantic Treaty Organization. It has brought personal and economic hardship to the people of Cyprus, some 200,000 of whom are still unable to return to their homes. It represents a denial of human rights, a denial of freedom, a denial of self-determination.

That alone would be sufficient reason for the United States to raise its voice in protest. Our concern for the people of Cyprus is, however, compounded by the fact that the two main parties to the dispute are both our NATO allies, and between them occupy absolutely key strategic positions at the eastern end of the Mediterranean. Perpetuation of the conflict between these two allies represents a serious potential threat to our collective security.

This is not a problem that we can allow to go unattended in the hope that it will somehow resolve itself. The status quo is not an acceptable solution to the problem of Cyprus. The situation there remains extremely unstable, and there is no prospect of reducing the tension between the two parties to the conflict while the fate of Cyprus continues to hang in the balance.

It is time for us, once again, to remind our Turkish allies that the lifting of the arms embargo in 1978 was based on the expectation that such action would enhance the prospects for a settlement on Cyprus. The first step toward such a settlement must be the withdrawal of Turkish troops from the island. Let us today leave the Turkish Government in no doubt that the United States remains committed to an early, peaceful solution to the conflict; to a united Cypriot nation; and to the return of basic human and political freedoms to the people of Cyprus. That is the only solution that offers the prospect of long-term stability in the region. Because I believe the resolution that has just been introduced represents a constructive step in this direction, I am pleased to lend my name as a cosponsor of House Concurrent Resolution 310.

Mr. YATRON. Mr. Speaker, I certainly appreciate the statement of the gentleman from Michigan (Mr. WOLPE) and commend him for his very strong support.

At this time, I yield to my distinguished colleague from Missouri (Mr. YOUNG).

Mr. YOUNG of Missouri. Mr. Speaker, our action in the House today calls to mind once again that in 1974 the Turkish Government, without provocation and in clear violation of international law, invaded the island of Cyprus. Now 8 years later that island is still occupied and we are no closer to a peaceful resolution than we were then.

We have tried an arms embargo against Turkey, but that did not solve anything. We have tried diplomacy, yet the United Nations has not only been unable to resolve the conflict, they have been unable to resolve the well-documented human rights violations perpetrated by the Turkish Government.

Further, I want to reiterate the following points made by my colleagues; first, to the Turkish Government that we in the Congress want a peaceful settlement to the Cyprus conflict; and second, to the United Nations, that we are dissatisfied with your lack of progress on the diplomatic front; and finally, to the Greek Cypriots, that we have not forgotten you, that we stand

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behind you in your search for self-determination.

I agree with my colleagues, Mr. BROOMFIELD and Mr. YATRON, that it is important for the Congress to once again express its strong desire for a peaceful resolution of this situation and I wholeheartedly support their efforts to focus national attention on this matter and I join them in urging this body to seek every appropriate means at our disposal for a peaceful solution to the Cyprus conflict.

Mr. YATRON. Mr. Speaker, I want to thank the gentleman for his support and insightful comments.

Mr. Speaker, at this time I yield to the distinguished gentlewoman from the State of Maryland (Ms. MIKULSKI).

Ms. MIKULSKI. Mr. Speaker, since 1974, this Chamber has spent endless hours on the topic of Cyprus and its illegal occupation by Turkish military forces. It is unconscionable that this situation continues unchanged. In fact, the grotesque pattern of systematic human rights violations has worsened.

There seems to be very little disagreement that the Government of Turkey violated its bilateral agreements with the United States and provisions of American law in invading and occupying 40 percent of the Island of Cyprus, an independent, sovereign republic, throwing some 200,000 Greek-Cypriots into refugee status.

In recent days, many Members of Congress have joined in denouncing Soviet human rights violations. To ignore severe and brutal human rights violations of such friends as Turkey is, at best expedient, and, at the very least, hypocritical. Why should we sanction one nation which violates human rights and then turn around and sell weapons to another nation? If the United States expects to be effective as a voice for human rights, we must be morally consistent.

There has been a systematic accounting of the brutal human rights violations committed by Turkish forces in Cyprus. A report by the Council of Europe in 1979 presented a sad picture of abuses by the American-equipped Turkish forces on Cyprus. Turkish troops have systematically killed innocent civilians on a substantial scale. Turkish occupation forces have been found guilty of raping women of all ages. The Human Rights Commission also found that prisoners and those detained for questioning have suffered inhumane tortures. With the force of American arms, the Turkish troops refuse to allow the return of refugees to their homes. Little has changed in fact, the situation has gotten worse.

The real tragedy of this matter is that 4 years ago we were assured in the strongest possible terms that a lifting of the arms embargo would be a critical step in encouraging the Turks to reach a negotiated settlement. The Turkish Government has not moved at all. The pattern of repression continues. The intercommunal talks between Greek and Turkish Cypriots continue with no real progress toward the removal of Turkish troops from Cypriot soil.

Since the United States resumed arms sales to the Turks with such cavalier disregard for the human rights of Greek Cypriots, is is now our duty to insure that those arms are not used as instruments of repression against the population of Cyprus. We must take whatever steps are necessary to reach a final, peaceful removal of Turkish troops from Cyprus.

Mr. YATRON. Mr. Speaker, I thank the gentlewoman for an excellent statement. I want to commend her for being in the forefront in fighting for human rights throughout the world.

Mr. Speaker, as an aside, I was greatly concerned to read in this morning's Wall Street Journal that the Turkish Government is hoping to coproduce advanced U.S. jet fighters in its own plants as an ongoing effort to modernize its armed forces. Without a settlement on the Cyprus dispute, a proposal of this nature would have a negative impact on our overall defense posture in NATO's southeastern flank.

Mr. Speaker, I yield back the balance of my time and relinquish the floor to my colleague, the gentleman from Michigan (Mr. BROOMFIELD).

□ 1215

Mr. BROOMFIELD. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Virginia (Mr. BLILEY).

The SPEAKER pro tempore. Without objection, the Chair recognizes the gentleman from Virginia (Mr. BLILEY).

There was no objection.

Mr. BLILEY. Mr. Speaker, I want to commend my colleague for taking this special order today.

I join this special order so that I can add my voice and my support to the effort to encourage a peaceful settlement to the situation in Cyprus. Just as we are using every means available to achieve the removal of Argentine troops from the Falkland Islands after their illegal invasion, we must also expend every effort to have the Turkish troops occupying the island of Cyprus withdrawn back to Turkey. Only after an end to this military occupation can a settlement of justice, fairness, and equality be negotiated for all of the citizens of Cyprus.

The current situation in Cyprus has dragged on for 8 years now. It is time for a resolution to the dispute. Forbearance and good will is needed by the Greeks, the Turks, and, most of all, by the Cypriots themselves. I am confident that no problem is too tough for men of good will to settle peacefully. I urge my colleagues and the President to exert whatever influence is necessary to promote peace and freedom in Cyprus.

Mr. BROOMFIELD. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Ohio (Mr. WEBER).

The SPEAKER pro tempore. Without objection, the Chair recognizes the gentleman from Ohio (Mr. WEBER).

There was no objection.

Mr. WEBER of Ohio. I thank the gentleman from Michigan for yielding, and I wish to commend him and the gentleman from Pennsylvania for bringing this resolution to the House in this bipartisan manner.

Mr. Speaker, I rise to join my colleagues in support of a peaceful resolution to the very unfortunate situation in Cyprus. Turkish military forces have been in Cyprus since they invaded the island in 1974 and they now control 40 percent of the country. This has denied the Cypriots the right of self-determination and turned 200,000 Greek Cypriots into refugees in their own country. Eight years is too long a time for this situation to continue.

However, we should not lose sight of the fact that while the current crisis started in 1974, it is a continuation of a long history of trouble between the Greek and Turkish Cypriot communities. As this is a problem which has developed over a number of years, a quick solution will not be found. For that reason, we need to encourage the United Nations Special Representative on Cyprus to work more diligently for a political solution. The way to achieve such a solution is through the U.N. efforts to bring both the Greek and Turkish communities together. Talks currently being conducted are offering ideas and concepts to bridge some of the major differences between the communities. These efforts by the U.N. offer the one hope to resolve this situation and lead to the withdrawal of the Turkish military.

The United States should continue fully to support the United Nations effort. There is no alternative. A solution will result when both sides recognize that an acceptable resolution of the problem necessitates extended negotiations and flexibility. This process can ultimately lead to a just solution and the removal of the Turkish military presence.

There are broader implications to the Cyprus problem. The hostility between Greece and Turkey weakens the southern flank of NATO at a time when it needs to be strong. The Soviet Union is currently increasing its influence, both politically and militarily, in the Middle East and Mediterranean areas. The NATO alliance needs strength and unity to counter activities by the Soviets. There is no hope for such unity until a solution can be found to the current Turkish military presence in Cyprus. Therefore the res-

olution of this problem is in the long-term interest of both Greece and Turkey.

Therefore I urge the support of my colleagues in the Congress and of President Reagan for the efforts of the U.N. Special Representative to bring about such a solution, which would restore the right of self-determination to Cyprus, to repatriate the 200,000 Cypriot refugees, and to remove the Turkish military presence.

Mr. BROOMFIELD. I thank the gentleman for his contribution.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Maine (Mrs. SNOWE), a member of the Foreign Affairs Committee.

The SPEAKER pro tempore. Without objection, the Chair recognizes the gentlewoman from Maine (Mrs. SNOWE).

There was no objection.

Mrs. SNOWE. Mr. Speaker, I want to commend my colleagues, Mr. BROOMFIELD and Mr. YATRON, for calling this special order on the Cyprus situation. Unfortunately, it is all too necessary. It is necessary because the tragedy and the travesty on Cyprus continues.

We are fast approaching the eighth anniversary of the Turkish invasion of Cyprus in the summer of 1974. At that time more than one-third of the Cypriot population, 200,000 people, were driven from their homes, deprived of all their possessions, and reduced to the status of refugees. More than 2,000 people, including 8 American citizens, have been missing since then. The Turks seized 40 percent of the land mass of Cyprus, representing 70 precent of the economic wealth of the country. The invasion was a tragedy. The travesty is that most of the Turkish invasion force is still there, over 25,000 troops. The Turkish occupied sector of Cyprus is nothing more than a military base for these 25,000 troops.

As we approach the eighth anniversary of the Turkish invasion, we don't seem to be any closer to a solution to this problem. The Turks seem to have an abundance of patience, and a mountain of stubbornness at their disposal. Would that they possessed an ounce of wisdom to see that this mess benefits no one.

The U.N. resolutions regarding Cyprus call for the withdrawal of all foreign troops, the return of the refugees to their homes, and the respect of the sovereignty and territorial integrity of the Republic of Cyprus. President Reagan has pledged his committement to a just, fair, and lasting solution to the Cyprus problem. President Kyprianou has committed himself to exhausting all possible options to solve the Cyprus problem. The missing element in this equation is a good faith effort on the part of the Turks. There will be no solution until that is forthcoming.

I will be severely disappointed if we have to reassemble on the floor of this House in 3 months to mark the eighth anniversary of the Turkish invasion of Cyprus. Unfortunately something tells me we will. I sincerely hope that I am wrong.

Again, my thanks to my colleagues for bringing this important issue to the attention of the House and the Nation.

Mr. BROOMFIELD. I thank the gentlewoman for her excellent statement and for her contribution to the discussion of this subject.

Mr. Speaker, I yield 4 minutes to the gentleman from Indiana (Mr. COATS).

The SPEAKER pro tempore. Without objection, the Chair recognizes the gentleman from Indiana (Mr. COATS).

There was no objection.

Mr. COATS. Mr. Speaker, I appreciate the opportunity to address the important issue of peace in Cyprus. There are a number of individuals in northeastern Indiana who are vitally interested in this issue and I am particularly indebted to one of these, Prof. Evangelos Coufoudakis, of Indiana-Purdue University at Fort Wayne, for his assistance in providing me over a period of years a better and deeper understanding of the Cyprus problem.

Upon assuming office, President Reagan stated that a "just and lasting" solution to the Cyprus problem would be a priority of his administration, and I commend the President for his awareness and interest in the Cyprus issue. However, I regret that, despite the optimism expressed in the reports submitted by the President to Congress every 60 days, the problem of Cyprus has yet to be resolved, even though the arms embargo on Turkey was lifted in August 1978.

On July 20 of this year, 8 years will have passed since the Turkish invasion of Cyprus. It is important to remember that after 8 years, at least 25,000 Turkish troops remain on the island of Cyprus, occupying nearly 40 percent of its territory. The Turkish military occupation has created not only a severe economic dislocation, but also the dislocation of almost half the population of Cyprus. Some 200,000 Greek Cypriots have been forced from their homes, and their properties have been confiscated. Nearly 2,000 persons, including 8 U.S. citizens, remain missing, and the Turkish Government refuses to account for their whereabouts. Moreover, in violation of international law, Turkey brought to Cyprus some 40,000 settlers from mainland Turkey in an attempt to alter the demographic, cultural, and political makeup of the island.

We must continue to seek a just and workable solution to the Cyprus problem. The talks currently underway under the auspices of the U.N. Secretary General must offset a solution which reflects the spirit of U.N. General Assembly Resolution 3212. It must also reflect the agreements reached in 1977 between the late President Makarios of Cyprus and Turkish Cypriot leader, Mr. Denktash, and in 1979 by the current President of Cyprus and Mr. Denktash. Further, such a solution should accomplish the following three objectives.

First, an equitable solution must safeguard the sovereignty, territorial integrity, the independence and unity of a Federal Cypriot Republic.

Second, an agreement must provide for the withdrawal of all Turkish troops from the island. As evidence of good faith, the Cypriot Government has also proposed the demilitarization of the Cypriot Republic and an expanded role for the U.N. peacekeeping force in Cyprus.

Third, and finally, a solution must provide protections for the human rights of all Cypriots, including the right to property and freedom of movement, and for the return to their homes of the maximum possible number of refugees.

Other proposed solutions, such as those that have been presented in the intercommunal talks by Turkey and the Turkish Cypriots, amount to the establishment of the loosest form of confederation, which is another name for the partition of Cyprus. Solutions such as these must be avoided at all costs. Partitions rarely result in just, stable or even viable solutions.

Turkey, as a NATO ally, continues to receive generous economic and military assistance from the United States, despite the documented violations of human rights that were committed in Cyprus by the Turkish forces, evidence of which is found is the report by the Human Rights Commission of the Council of Europe in 1976. The United States has the diplomatic means to influence Turkey to adopt a more flexible stand in the intercommunal talks, and thus strengthen the position of the representative of the U.N. Secretary General in his attempt to break the deadlock in these talks.

It is in the interest of the United States to use its good offices to assist in the search for a just and viable solution to the Cyprus problem. The credibility of U.S. foreign policy is at stake when a NATO ally violates international law and U.N. resolutions. A just and viable solution will likely contribute to the restoration of stability in the strategic eastern Mediterranean region, and to the improvement of Greco-Turkish relations, and consequently to the strengthening of NATO's southeastern flank. Finally, a solution along the suggested lines also meets our longstanding foreign policy objectives of support for the principle of self-determination and human rights.

Mr. BROOMFIELD. Mr. Speaker, I yield the balance of my time to the cosponsor of this special order, the gentleman from Pennsylvania (Mr. YATRON).

The SPEAKER pro tempore. Without objection, the Chair recognizes the gentleman from Pennsylvania (Mr. YATRON).

There was no objection.

Mr. YATRON. Mr. Speaker, I want to thank the gentleman for yielding some time, and at this time I yield briefly to the gentleman from North Carolina (Mr. NEAL).

Mr. NEAL. I thank the gentleman for yielding, and I would like to commend him and the ranking minority member on the Foreign Affairs Committee for taking this time to promote the cause of peace in Cyprus.

Mr. Speaker, in 1974 the Turkish Army illegally invaded the island of Cyprus. For 8 years now the Cypriot people have had to endure the illegal and unjustified occupation by the Government of Turkey. During that period, some 2,000 Greek Cypriots have disappeared and an additional 200,000 native Cypriots have been forced to flee their homes and villages as some 40 percent of their homeland has been occupied.

Repeated efforts by the United Nations Special Representative to resolve the conflict between our two allies has been to no avail. I believe, Mr. Speaker, that it is time that the U.S. Government impressed upon the Government of Turkey the importance of ending this stalemate which threatens many other political and security interests in the region. As long as these two NATO partners remain at odds, our posture in the Middle East and the Mediterranean is weakened and Soviet interests enhanced. Each year that passes makes the issues more polarized and the participants more determined.

Mr. Speaker, today's congressional activity on this issue should serve as a signal to Turkey of Congress strong dissatisfaction with its intransigence in resolving the Cyprus dispute. Turkey should withdraw its troops immediately from Cypriot soil, and either through the United Nations or the good offices of the United States, seek a political settlement acceptable to all sides.

□ 1230

Mr. YATRON. I thank the gentleman for his support and comments, and, Mr. Speaker, at this time I yield 5 minutes to the gentleman from Michigan (Mr. BONIOR).

The SPEAKER pro tempore. Without objection, the gentleman from Michigan (Mr. BONIOR) is recognized for 5 minutes.

There was no objection.

Mr. BONIOR of Michigan. Mr. Speaker, I thank the gentleman for yielding me 5 minutes.

Let me initially state my appreciation to my colleague from Michigan (Mr. BROOMFIELD), and to my dear friend, the gentleman from Pennsylvania (Mr. YATRON), for taking this special order to address this very important international situation.

Mr. Speaker, I rise today to add my voice to the growing chorus of people who demand the removal of Turkish troops from Cypriot soil. Today, Members of Congress have an opportunity to deliver a strong message to the Turkish Government that continued intervention in the affairs of the independent Republic of Cyprus will not be tolerated by the United States.

When Turkish military forces invaded Cyprus July 20, 1974, in retaliation for a Greek-supported coup against the government of Archbishop Makarios, Turkey claimed it had acted justifiably to maintain "the independence, territorial integrity, and security" of Cyprus. Now, 8 weary years later, it is apparent that the very dangers Turkey sought to prevent are being maintained and even exacerbated by the presence of 30,000 foreign troops holding 36 percent of the island. Furthermore, though Turkey holds only 36 percent of Cyprus, the troops control an area responsible for 70 percent of the gross national product, since the northern occupied section is also the richest. This has led to disruption of the economy and the populace. Over 200,000 Greek Cypriots, one-third of the population, have been driven from their homes by the military, forced to become refugees in their own land; 2,000 Greek Cypriots have been left unaccounted for.

The presence of the Turkish troops in Cyprus is a constant reminder of the intercommunal strife which has plagued this small island since it first gained independence in 1960. The armed forces constitute the greatest impediment to a peaceful solution. Both sides report that the negotiations are finally approaching a fruitful stage. In the last 6 months the Greek Cypriot and Turkish Cypriot interlocutors have both submitted comprehensive proposals for the other's attention. Among the crucial issues considered negotiable are territorial arrangements, power sharing, and the number of refugees who will be allowed to return to their homes. The progress in these negotiations has been slow, but it has been coming. We cannot risk losing this progress by allowing the Turkish armed forces to remain.

● Mr. ATKINSON. Mr. Speaker, I join with my colleagues on this serious occasion to express my deep concern and this Nation's deep concern about the deteriorating situation on the island nation of Cyrus.

As we meet today, 27,000 Turkish troops of occupation are on Cypriot soil and none of the 200,000 Greek refugees displaced by the Turkish invasion in 1974 has been returned to their homes.

Teh struggle between Greece and Turkey over Cyprus is a great threat to the Atlantic alliance. It is not a matter of choosing sides in the conroversy; it is a simple matter of justice.

Greek Cypriots have suffered and continue to suffer tremendous losses at the hands of Turkish occupants. The strain on the NATO alliance can not long continue. Unless justice and honor is returned to the Cypriot homeland by the removal of the Turkish invaders, the return of Cypriot property, and the release of all Cypriot nationalists from imprisonment on Cyprus and Turkey, there will be no peace or justice in that part of the world.

I believe strongly that Turkey should cooperate with the United Nations and that our President and Secretary of State should make their good offices available for meaningful negotiations toward an immediate solution.

The situation on Cyprus is a shame and onerous. Freedom-loving nations all over the globe feel pain at the intransigence shown by the Turkish Government in this matter. This Congress must urge the immediate reduction of this situation and quick resolution. Eight years is much too long. The time has come to settle this matter.

As President Reagan proclaimed at the time of the Madrid Conference on the Helsinki Accords last February:

> The Helsinki Final Act embodies our rejection of the self-serving sovereignty that equates might with right. It reflects the international consensus that all principles are equally binding. No state has the right to calim selective exemption.

Those words are most appropriate and should be heeded by the Turkish Government. We are bound together with Greece and Turkey in a vital international alliance. We all need each other, but we cannot continue to ignore the violation of human and territorial rights on Cyprus. The time is now for creative and positive action toward removing Turkish occupation from the nation of Cyprus. There can be no turning away from this obligation.

The force of my colleagues' words today on this matter should serve as a warning to the Turkish Government that unless significant progress is made very soon, this Congress wil have to undertake the serious business of cutting off all grants of assistance, foreign aid and military assistance to Turkey. Further recalcitrance by Turkey cannot be tolerated by this country. New and immediate steps are necessary to bring this situation to final and peaceful resolution.●

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. If the gentleman from Michigan (Mr. BONIOR) will suspend, under the rules, since the gentleman from Michigan (Mr. BROOMFIELD), who controlled the hour under which the gentleman from Michigan has been recognized, has yielded the floor, inasmuch as he has left the Hall, and under the rules, therefore, his time has expired, the Chair at this point will announce that fact and recognize the gentleman from Pennsylvania (Mr. YATRON) in his own right on his request previously granted for 60 minutes.

THE CONFLICT IN CYPRUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. YATRON) is recognized for 60 minutes.

Mr. YATRON. I thank the Speaker for providing the time for me and at this point I would like to yield for the additional time that is needed to the gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR of Michigan. Mr. Speaker, as I was saying, we cannot lose risking the progress that is moving in the right direction and the problem with risking that momentum, of course, is the continued presence of the Turkish Armed Forces on the island.

I ask the question: How can a truly fair and peaceful settlement be reached when the talks are held under the shadow of the guns and soldiers of one of the negotiators?

Some charge that removal of Turkish troops will lead to danger for the Turkish Cypriots. But, this is not necessarily true. The Cypriot people realize they must live together in peace. As Cypriot President Spyros Kyprianou has said, "Events of the past have been a lesson for everybody." He has further proposed that the Turkish Cypriots can be protected by a U.N. police force for as long as necessary. Contrary to statements coming out of Ankara, evidence is pointing to the fact that the Turkish Cypriots do not want the Turkish troops either, with whom they have little in common, and under whose rule they have experienced economic hardship. Turkey is not supporting her Cypriot cousins; she is merely promoting her own self-interest in a future partitioned island.

If the conflict is not resolved at the negotiating table, it could grow into a crisis with international ramifications. Greek Prime Minister Andreas Papandreou, whose country has a great interest in the conflict's outcome, has gone on record stating that unless Greek sensitivities in Cyprus were respected, Greece would withdraw from the NATO alliance and deny the United States continued use of base facilities. Such action would leave the southern flank of NATO precariously exposed. This is no idle threat. Through his historic 3-day visit to Cyprus last month, Papandreou has shown his primary interest to be solving the crisis.

In 1977 I addressed this floor to voice my opposition to military assistance to Turkey. Then, as now, I did not feel that membership in NATO and opposition to communism granted license for the pillage, rape, and arbitrary seizure of property reported by the United Nations Cyprus Peacekeeping Force and the European Commission on Human Rights. With our actions in the next few months, we can follow a course we should have taken 5 years ago—a path which shall lead to a peaceful resolution of the conflict, not the belligerent standoff we have witnessed thus far. A country that prides itself on its freedom and its belief in human rights cannot ignore the injustices suffered by the Greek Cypriot refugees at the hands of the Turkish Army.

We all share the common goal of an independent Cyprus free from foreign influence in its internal affairs. A peaceful resolution must be based upon mutual trust between the two communities. If Turkey truly wants peaceful coexistence in Cyprus, as her foreign ministers have consistently maintained, let her remove her arms and troops of war from this island, as urged by U.N. Resolution 3212. The people of Cyprus have suffered far too long.

Mr. YATRON. Mr. Speaker, I want to thank the gentleman from Michigan for his strong support. The gentleman has been a strong advocate in the Congress in bringing about a just and lasting peace in Cyprus and his continued support in this issue is greatly appreciated.

Mr. Speaker, at this time I yield 4 minutes to the gentlewoman from New York (Ms. FERRARO).

The SPEAKER pro tempore. Without objection, the gentlewoman from New York (Ms. FERRARO) is recognized for 4 minutes.

There was no objection.

Ms. FERRARO. Mr. Speaker, I would like first to commend my colleagues, the gentleman from Pennsylvania (Mr. YATRON) and the gentleman from Michigan (Mr. BROOMFIELD), for introducing House Concurrent Resolution 310 and for their continuing efforts on behalf of the cause of peace for the people or Cyprus.

As one who has visited that troubled island and witnessed firsthand the suffering of the brave Cypriot people, I fully share the noble goal of restoring their homeland to the people of Cyprus.

Mr. Speaker, simply stated, the time has come for the Turkish occupation of Cyprus to end. It has been 8 long years since the Turkish Army, using U.S.-supplied NATO armaments, illegally invaded Cyprus and forced some 200,000 Greek Cypriots to flee their homes and become refugees in their own homeland. The continuing occupation of 40 percent of Cypriot soil has devastated the island's economy and created massive human suffering.

Besides the human concerns, there are also important U.S. security interests that are threatened by the crisis in Cyprus. At this time of great instability in the Middle East, it is vital that the southern flank of NATO not be weakened by the strain in Turkish-Greek-United States relations that is the direct result of the invasion and occupation of Cyprus.

We must bring this situation to a peaceful resolution, and any peaceful resolution must include the complete withdrawal of Turkish troops. While I support the intercommunal talks between Greek and Turkish Cypriots that are being conducted by the United Nations Secretary General's Special Representative on Cyprus, the fact is that those talks have produced no meaningful progress toward the removal of Turkish troops.

It is my hope that the Cyprus problem can be resolved and that good relations can be maintained with all countries in the area so we will be able to strengthen the NATO alliance along its southern flank. But I believe we have a responsibility to the people of Cyprus to restore peace and tranquility to that island, and I believe we fail to meet that responsibility if we do not make the Turkish Government aware that the price of further U.S. military aid will be meaningful progress on the removal of their troops from Cyprus. I would urge the Reagan administration to use all appropriate means to persuade the Turkish Government to bring peace to Cyprus. It is time for the occupation to end.

I urge my colleagues to join me in supporting House Concurrent Resolution 310.

Mr. YATRON. Mr. Speaker, I thank the gentlewoman for her very meaningful contribution and outstanding support.

At this time, Mr. Speaker, I yield to the distinguished gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I want to commend the gentleman from Pennsylvania (Mr. YATRON) and the gentleman from Michigan (Mr. BROOMFIELD) for presenting an opportunity in this forum to discuss the critical issue and for the introduction of House Concurrent Resolution 310 addressing the Cyprus issue.

Mr. Speaker, when so much attention is focused on the Falkland Island

crisis, I think it is well to remember that two of our other allies, Greece and Turkey, are also in dispute over an island. The tension, controversy, and suffering on the island of Cyprus remains as great today as it was in July 1974 when the Turkish Army entered and occupied northern Cyprus. We can no longer sit idly by and watch as this terrible situation continues. The well-being of thousands of Cypriots and the continued harmony and cooperation of the North Atlantic Treaty Organization in this important part of the world are at stake.

There are still 200,000 Cypriots, both Greek and Turkish, who have been forced from their homes. In spite of the work done by the United Nations, these people are still no closer in returning to their homes. It seems clear that the current discussions have not helped the people of Cyprus and have not noticeably moved the sides any closer to agreement. The fact that Turkey has encouraged thousands of its citizens to settle in the occupied northern part of Cyprus clearly indicates their desire to prolong the occupation and delay or prevent the eventual return of the refugees to their homes.

In 1974, the United States placed an arms embargo on Turkey because of its misuse of American arms in Cyprus. This was done as a means of diplomatic pressure toward a settlement of the crisis. In 1978, the embargo was lifted even though Turkey had done little to merit that action. I feel we should again look at the embargo option. Turkey must be encouraged to actively work toward a resolution in this tragic situation. Until Turkey withdraws its army from Cyprus, no final solution can be found.

In February, Greek Prime Minister Andreas Papandreou visited Cyprus in an attempt to bring new attention to the continuing problem. His efforts should be followed by renewed U.S. action on the matter. As a member of NATO and a friend of Cyprus, the United States is in a very good position to help find a solution that is acceptable to everyone. An end to the division of Cyprus and an end to the Greek-Turkish conflict is in everyone's best interest. I hope we can take this action soon.

Mr. YATRON. Mr. Speaker, I would like to commend the gentleman from Minnesota for his very articulate comments on this very pressing matter.

Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. SEIBERLING).

The SPEAKER pro tempore. Without objection, the gentleman from Ohio (Mr. SEIBERLING) is recognized for 1 minute.

There was no objection.

Mr. SEIBERLING. Mr. Speaker, I want to commend the gentleman from Pennsylvania for holding this special order.

At the time of the Cyprus invasion by Turkey, I spoke with Secretary of State Kissinger and asked him when the administration was going to take action to stop Turkey from going farther on Cyprus, and he said, "Oh, don't worry, we are not going to let them go too far."

Well, unfortunately his assurances did not materialize and the Turks proceeded to occupy 40 percent of the island. So I was glad to join with the gentleman from Pennsylvania and other Members in the action we took successfully to impose the arms embargo on Turkey.

Unfortunately, that arms embargo, when it was finally lifted, was not done in such a way that there were any conditions attached. In particular, no assurances were required of the Turkish Government that they would move on a settlement of the Cyprus dispute.

I spoke personally with President Carter prior to the lifting of the embargo, and asked him if he had any such assurances from the then Prime Minister of Turkey. The President said, "No," but he said, "I do think it will create a better atmosphere, that will lead to progress in the negotiations." In response, I said, "Well, Mr. President, with all due respect, if you do not have any assurances, then, in my opinion, nothing is going to happen."

I am sorry to say that my prediction has been borne out by subsequent events.

But it is time that there was some progress, some movement, on this matter, and I commend my colleagues for taking this opportunity to see if we cannot prod the parties into action to resolve this situation. Certainly such action is way overdue.

It has now been nearly 8 years since Turkey invaded and occupied Cyprus. Although Cyprus gained independence from Britain in 1960, its people have had to endure nearly a decade of hardship caused by the invasion. Almost 40 percent of the island continues to be occupied by Turkish military forces, and 200,000 Greek Cypriots are still refugees from their homes in the Turkish zone of control. Cyprus President Kyprianou alleged in a recent interview that Turkish settlers are being brought into the occupied sector—an indication that a negotiated solution to the Cyprus conflict may still be far off. Indeed, negotiations under the auspices of the United Nations have thus far failed to produce a breakthrough in resolving the issue.

The occupation of Cyprus also poses a dilemma for the United States since both Greece and Turkey are keys to NATO's southern flank. In 1975, the United States imposed an arms embargo on Turkey as a response to the invasion of Cyprus. The embargo was lifted in 1978, on the assumption that its lifting would improve possibilities for a successful conclusion to the negotiations. Regrettably, that has not proved to be the case. As long as Cyprus continues to be an issue NATO's southern defenses are vulnerable.

It is, therefore, vital to all parties concerned that the Cyprus negotiations move forward with all deliberate speed. I commend our colleague GUS YATRON for holding this special order, and I urge the United States to continue to press for a speedy resolution to the occupation.

Mr. YATRON. Mr. Speaker, I would like to thank the gentleman from Ohio (Mr. SEIBERLING) for his insight into this very critical issue.

● Mr. RITTER. Mr. Speaker, I am pleased to join with my colleagues in observing the eighth anniversary of the Turkish occupation of Cyprus and express my concern that a satisfactory and permanent solution to this problem has not yet been found.

Shortly after his election, President Reagan called for a just, fair and lasting resolution to the problems of Cyprus and one that will benefit and serve all of the Cypriot people. The occupation of Cyprus has caused enormous hardship and difficulty for the Cypriot people and as long as Turkish forces are present their basic human rights and freedom of self-determination will continue to be denied. The results of this invasion and occupation are devastating. After the 1974 invasion, Cyprus lost 40 percent of its land which contained 70 percent of its resources. It is almost impossible for a country to recover from such a blow.

Over the past year the United Nations has reported that talks between Turkey and Greece were continuing. While progress has been slow, we should remain optimistic that these talks could arrive at a peaceful solution to this international problem. We have some reason to be encouraged with this information.

At the convergence of three continents—Europe, Asia, and Africa—Cyprus holds a strategic position in the political geography of the Mediterranean. Yet this small nation remains divided. As a source of contention between Greece and Turkey, the fate of Cyprus is therefore a threat to our own security and the security of our allies. Beyond the strategic importance of Cyprus is the serious consequences for literally thousands of homeless Cypriots who have taken refuge in camps or live in temporary shacks with relatives.

Cyprus has survived since time immemorial the domination of one conqueror after another and this reflects the tenacity and spirit of its people as well as their indomitable determina-

tion to survive whatever the odds. We cannot let the passage of time diminish our feelings or desire to see the freedom of Cyprus restored. The United States has a moral obligation to press for a swift and equitable agreement for self-government in Cyprus. And as a Nation committed to international stability and mutual cooperation, we must pursue all avenues to promote peaceful democratic self-determination in this important area of the world.

I would also like to share with my colleagues the concern of the Greek community in the Lehigh Valley of Pennsylvania for the occupied people of Cyprus. For the past 8 years, they have also been viewing the events in Cyprus with great concern. As with Cyprus, Greece has a long and glorious history and, recently, on March 25, Greeks celebrated their 161st independence day anniversary. For the Greek-Americans of the Lehigh Valley as well as Greek people all over the world, the issue of Cyprus will not be settled until every Turkish soldier is off the island of Cyprus.

Mr. Speaker, the issues involved in Cyprus are far bigger than the fate and future of a small nation and its people. They are universal issues underlying world understanding and peace. Therefore, the settlement of the Cyprus problem should not only be the concern of the Cypriots and those countries which are closely connected with Cyprus, such as Greece and Turkey, but also other countries and their governments, who believe in human dignity, freedom, justice, and human rights. It is my hope that a final and satisfactory solution will be achieved soon so that in 1983, instead of observing the ongoing Turkish occupation, we can be giving the Cypriot people words of encouragement as they begin to rebuild their country.●

● Mr. LEWIS. Mr. Speaker, I wish to express my complete support for the special order which calls for a peaceful resolution of the conflict in Cyprus. During the summer of 1974, Turkey used the short-lived coup against the legitimate Cyprus Government by the military junta then ruling Greece as a pretext to invade Cyprus. Turkey did not stop the fighting until it had occupied 40 percent of the island, an area still under Turkish control. Since 1974, 200,000 Cypriots have been refugees in their own land. This situation has become a threat, not only to the stability of the eastern Mediterranean area, but also to a strong NATO and the security of the United States.

Uppermost in our considerations must be our commitment to our loyal friend and ally, Greece. In times of dire need, the country of Greece is one of the first of our allies to come to our side. They deserve no less from the United States. The Greek Cypriots wish to live in peace; however, the practicality of such a development must include the removal of Turkish troops from Cyprus. This country is one of the few places in the world where most of its inhabitants are refugees in their own homeland. As long as this dilemma persists, the people of Cyprus are denied full self-determination.

Through this special order, I join my colleagues in reaffirming our commitment to the Greek community and in sending a clear message to Turkey that the Congress and the entire country supports the removal of Turkish troops from Cypriot soil.●

● Mr. FISH. Mr. Speaker, I join my colleagues today in calling for a peaceful resolution to the conflict in Cyprus, which has perpetuated bitterness between our NATO allies—Greece and Turkey—and, on three occasions, brought them to the brink of war. The last crisis of July 1974, has generated considerable concern and renewed American involvement in seeking a permanent political solution of the Cyprus problem in order to stabilize Greco-Turkish relations.

The coup and subsequent Turkish intervention on Cyprus has displaced about one-third of the island's population and has increased bitterness and decreased compassionate attitudes between Greek and Turkish Cypriots. It has also caused economic disruption, including extensive damage to the industrial and agricultural sectors.

Pertinent issues remaining to be resolved by a political solution include: The problem of power-sharing between Greek and Turkish Cypriots; the withdrawal of Turkish forces; the disarmament of both sides; disposition and relief of the refugees; and security for the Turkish Cypriot community. It is important to refresh our memories that the central issue to any solution to the Cypriot crisis revolves around the ability of the two ethnic communities—about 78 percent of some 640,000 inhabitants of Greek origin and 18 percent of Turkish descent—to negotiate a mutually acceptable resolution. This was observed firsthand during a factfinding mission in May of 1976, and again during my observations in 1977, when the prevalent view toward a peaceful resolution through intercommunal talks seemed highly uncertain for the foreseeable future.

While it is highly commendable that the United States remains fully committed to assisting in achieving a settlement in Cyprus, giving its wholehearted support to the United Nations and the U.N. Secretary General's Special Representative, Ambassador Hugo Gobbi, we must not lose sight of the fact that over 200,000 people continue to be displaced in their own land. This clearly perpetuates the human suffering of the refugees and families of individuals who have been missing since the Turkish occupation, in which the northern 36 percent of the island is still held in de facto partition that has separated the ethnic communities. Vigorous efforts must continue to establish a more effective vehicle in which to locate these missing individuals. The humanitarian concern cannot be overstated.

It is imperative that renewed efforts address these crucial issues, with an eye toward the possibility that a continued dispute between Greece and Turkey over Cyprus has the potential for weakening NATO deployments in the eastern Mediterranean, disrupting U.S. relationships with key allies, and providing the Soviet Union with new strategic opportunities.●

● Mr. BENJAMIN. Mr. Speaker, I join the Cyprus Day special order proceedings to reemphasize the urgency for a peaceful and lasting resolution to the Cypriot conflict.

Pertinent issues relating to the political solution of the Cypriot crisis include the problems of government of the Greeks and Turks; the disposition and relief of the refugees; and the security for all Cypriot communities. These are difficult but resolvable problems. I am here because I believe that the crisis in Cyprus can and must be resolved.

The American interest and involvement in Cyprus relate to a peaceful settlement. The United States needs to bolster its strategic relations with Greece and Turkey. Historically, the United States has been seen as siding with Greece and Turkey at different times regarding the Cypriot question. To void accusation of siding with either country, Greek and Turkish interests must be treated fairly and equitably to reach a lasting and unbiased resolution.

The contribution from this cradle of civilized thought and philosophy to the enlightenment of the Western World is incalculable and invaluable. The failure of a peaceful resolution to the Cypriot crisis is contrary to the sage reflections of its people which have been passed through the ages.

Mr. Speaker, Cyprus Day accentuates the wisdom that Cyprus must become a single sovereign and independent country. It cannot survive as a partitioned or divided nation.

I hope for the day when the Cypriot people can exercise their own political destiny as a sovereign nation, free of external aggression.

I urge that the United States press for a peaceful settlement based on the withdrawal of Turkish troops and resolution of problems of the Cypriot economy, protection of its people and reestablishment of its independent government. Nearly 8 years have passed since the arrival of Turkish troops on July 20, 1974. It is time for permanent peace and the restoration

of independence and its everlasting guarantee.

An internationalization of the Cypriot issue will aid the critical state of Cyprus. The United Nations intercommunal talks must succeed and the United States must encourage their early success as Cyprus is entitled to the peace and independence guaranteed under international law.●

● Mr. DINGELL. Mr. Speaker, I join my colleagues in this commemoration marking the eighth anniversary of the Turkish invasion of Cyprus. The Turkish military occupation of Cyprus has virtually destroyed that country's economy and has forced thousands of Cypriots to either flee their homeland or remain on Cyprus as a captive people. This senseless oppression of that country and its people no longer can be tolerated.

The 7 years of negotiations between Greek and Turkish Cypriots, which is being conducted by the United Nations Secretary General's Special Representative to Cyprus has produced little resolve to this dilemma. The Turkish troops continues to occupy 40 percent of Cypriot soil. There is no question that the United States must pursue efforts to bring about a settlement of this destructive controversy. A peaceful settlement must be reached soon and the United States must reestablish a meaningful relationship with both Turkey and Greece.

It is essential that the United States continue to promote the existence of free and democratic societies throughout the world where people can live free from oppression and intimidation.

An expeditious resolve to the situation on Cyprus would be in everyone's interest.●

● Mr. ADDABBO. Mr. Speaker, I am pleased and honored to join my colleagues here on Cyprus Day to call for a peaceful and acceptable resolution to the troubles on that island.

As you know, in 1974 Turkish troops invaded the small Aegean island of Cyprus, violating U.S. arms transfer law by the use of American-supplied military equipment in the intervention. This aggressive action displaced approximately one-third of the island's population; caused economic disruption including extensive damage to the agricultural and industrial sectors; and increased bitterness and hostility between the Turkish and Greek Cypriot communities. The Turkish forces occupied roughly half the island, where Greek Cypriots compose more than 82 percent of the population. The Turks have continued their occupation, and have also brought in more Turkish settlers from the mainland to reside in the north—an area originally inhabited by Greek Cypriots. For the past 8 years, tensions and confusion have increased over the many solutions offered to the problems—solutions concerning methods of government, percentage of representative participation, rights for the Turkish minority population, and other ethnic and nationalistic feelings.

A solution will only come when Turkey withdraws its forces and allows the Cypriots themselves, both Greek and Turkish, to work out their differences. This is definitely the feeling of the Greek Cypriots, as expressed by Cypriot President Kyprianou, and there is quite strong evidence that the vast majority of Turkish Cypriots feel the same way. Some people have expressed concern that if Turkey withdraws its forces, there will be a danger of renewed violence between the Cypriots. However, facts show that if Cyprus and its people are reunited, chances of violence are remote. The events of the past have been a lesson for everybody, and the Turkish Cypriots as well as the Greeks are being harmed by the continued Turkish military presence.

Definitely, the issues are complex, and I am aware that for all concerned, Cyprus is a very emotional issue. But, there is much at stake here. The strategic location of Cyprus in the Mediterranean, and the delicate balance of our relationship with both Turkey and Greece are both factors in the role that the United States must play.

But most importantly, we must recognize the violation of Cyprus' independence and integrity. Turkey must be persuaded to end its occupation which is the primary stumbling block in resolving the conflict. Until such time, there can never be freedom, implementation of the U.N. resolutions, and justice.●

● Mr. BARNES. Mr. Speaker, I am pleased to join my distinguished colleague from Pennsylvania (Mr. YATRON) in his special order on the still unresolved and troubled situation on the island of Cyprus.

The people of Cyprus have undergone tremendous change and turmoil up to and since the independence of the island in 1960. Tensions between the Greek Cypriot and Turkish Cypriot communities have made it difficult for Cypriots to live peacefully together and ethnic ties to the motherlands broaden the dispute beyond the Cyprus coast. In 1974, when Turkey invaded Cyprus for the second time that year, the Turkish Armed Forces took 40 percent of the island under its control. The Turkish Government's aggressive action, in an effort to protect the Turkish Cypriot community, was extremely disruptive, particularly to the Greek Cypriot population, and the continued presence of Turkish forces has made the task of progress toward a peaceful solution for the island that much more complex. The occupation displaced 200,000 Greek Cypriot refugees and now, 8 years later, these thousands of people have still not been able to retrieve their homes and other personal property.

The people of Cyprus need the optimum circumstances for a resolution of the deep-seated conflicts that have divided the nation over the years. Now, almost 22 years after independence, a new generation born and raised in Cyprus must have the chance to make their homeland grow and prosper without the constant threat of outside intervention. The success of their efforts and the future of Cyprus depend most of all on the progress of ongoing intercommunal talks among the Cypriots and with the Greek and Turkish Governments.

In a world of increasing tensions, our role must be one which promotes peaceful conflict resolution and fosters cooperation and understanding. Greece and Turkey are our strategic allies and we must do what we can to help to bring our two friends closer to a common answer to the Cyprus problem

Both Greece and Turkey agree that Cyprus must be a sovereign and independent state and both countries have tried to work together to insure this. The consistent effort with which both sides have participated in the ongoing intercommunal talks is to be commended. These talks, held under the auspices of the United Nations, are the most sure way to success and the United States must now renew its commitment to this vitally important endeavor.

Above all, our commitment to human rights and self-determination compel us to reflect again this year upon the troubled situation in Cyprus and commit ourselves to a more active role in assisting the negotiating parties in arriving at a workable solution. Unfortunately, we now face the eighth year of this ongoing crisis, but I join my colleagues today in the hope that we may soon see a successful effort at the negotiating table. The well-being of the Cypriots and the future of a truly independent Cyprus depend upon it.●

● Mr. KILDEE. Mr. Speaker, after almost 8 years, the tragedy of Cyprus is still with us. Unfortunately, with the passage of time, the world's attention has shifted away from the continuing problems of Cyprus to other areas.

Previous speakers have detailed the statistical dimensions of this tragedy. I would merely add that we have a responsibility to do everything we can so that an aura of legitimacy is never given to the Turkish occupation of the island nation. I am disturbed that the present administration does not feel that it is a priority item. They have merely counseled patience in the hope that the negotiations being conducted under the auspices of the United Nations will be fruitful. Only the most

naive would contend that these talks have been productive. There can be little doubt that the major obstacle has been Turkish intransigence.

For several years, the Carter administration told us that we could not expect the Turkish Government to make concessions because of political instability and slim parliamentary majorities. As my colleagues are aware, under the current Government, that can no longer be used as an excuse for an intractable stance in the negotiations. I would call on our Turkish friends to take the steps which would have been difficult at an earlier time. Those who would be respected as statesmen should realize that courage sometimes lies in taking actions which may be politically difficult.

There are several reasons why our own Government should encourage the Turkish Government to take positive actions. If encouragement is not sufficient, there are reasons why direct pressure should be applied. First, it is contrary to our basic value structure to even tacitly consent to the occupation of a sovereign nation by the troops of another nation. It is reprehensible whether the nation is Afghanistan or Cyprus. Our responsibility is deeper in this instance because American weapons were used when Turkey occupied Cyprus. The use of such weapons was a direct violation of American law. Second, by continuing to furnish military aid to Turkey, we are indirectly subsidizing the Turkish occupation. I think it is deplorable that the administration continues to advocate a massive program of military assistance to Turkey while simultaneously asking for the termination of aid to the Cypriot Government designed to alleviate the human problems caused by the invasion. Finally, because Turkey is a friend and ally, we should have a greater degree of influence in convincing them to take actions which would be welcomed by the international community. These actions would also be to our advantage because they could help reinforce the southern flank of NATO. If Turkey takes positive steps, one of the sources of friction between Greece and Turkey could be removed, and perhaps the good will generated could help in resolving the other issues.

Mr. Speaker, we cannot allow the situation on Cyprus to be perpetuated until we are confronted with a fait accompli. De facto partition of the island is not an acceptable solution. With each day that goes by, a generation of displaced children can only be learning enmity toward those who have made them refugees in their own land. The problem will only fester. Each day that goes by reduces the chances for cooperation between the two communities. If we sow seeds of hatred, our harvest can only be further injustice, violence, and human suffering.●

● Mr. McHUGH. Mr. Speaker, I would like to commend our colleagues from Pennsylvania (Mr. YATRON) and Michigan (Mr. BROOMFIELD) for arranging this special order to discuss the continuing impasse in efforts to bring about a peaceful resolution of the conflict on Cyprus.

The facts are well known, Mr. Speaker. Almost 8 years have passed since Turkey invaded Cyprus, and almost 4 years have passed since the Congress voted to lift the arms embargo that was imposed following that invasion. Yet, we appear to be no closer to a resolution of this conflict today than in the weeks and months immediately following the invasion.

If only for humanitarian reasons, the continued displacement of over 200,000 people in their own land and the lack of information on the missing deserves our renewed attention. Beyond this, however, we need to remind ourselves that the current deadlock in efforts to resolve this issue contributes to continuing instability in that region of the world and seriously threatens the NATO alliance.

As long as the two NATO allies who anchor the southern flank of the alliance remain in constant conflict with one another, the potential for a serious crisis will exist in the eastern Mediterranean that could explode into conflict at almost any time. Such a development could split NATO and thus jeopardize U.S. security interests in the region.

Mr. Speaker, when Congress voted to lift the arms embargo on Turkey almost 4 years ago, we did so only conditionally. Before arms could be provided to Turkey, Congress required the President to certify that Turkey was acting in good faith to achieve:

First, a just and peaceful settlement of the Cyprus problem;

Second, the early peaceable return of refugees to their homes and properties;

Third, the removal of Turkish troops from the island; and

Fourth, the early serious resumption of intercommunal talks aimed at a just settlement.

While the intercommunal talks have resumed, Mr. Speaker, they have made virtually no progress. Thus the problem remains unresolved and thousands of Greek Cypriots remain refugees in their own land.

Yet, despite of this lack of progress, U.S. arms aid to Turkey has grown substantially over the course of the last 4 years. In fiscal year 1979, for example, the first year following the lifting of the embargo, U.S. military assistance amounted to approximately $175 million. However, if Congress approves the budget submitted by President Reagan earlier this year, that assistance would increase to approximately $465 million.

At the same time, the Reagan administration is proposing to eliminate the $15 million that Congress has provided in recent years to meet the very real human needs of the refugees on Cyprus because of what it terms budget constraints within the United States. Those budget constraints apparently do not apply to the $65 million increase that the Reagan administration is requesting in arms aid to Turkey over what was provided in the fiscal year 1982 budget.

Mr. Speaker, these actions make little sense to me. It is clear that much remains to be done to alleviate the plight of the refugees on Cyprus and thus I will oppose eliminating the $15 million for Cyprus when the Foreign Operations Subcommittee of the House Appropriations Committee marks up the fiscal year 1983 budget later this year.

At the same time, I believe that we need to signal Turkey of our determination on this issue. Thus, I will oppose the increase in arms aid to Turkey being recommended by President Reagan. We cannot continue to increase arms aid to Turkey indefinitely while no progress is being made to resolve the outstanding issues on Cyprus.

As I said, Mr. Speaker, the continued human suffering of the refugees on Cyprus deserves our renewed attention, and I can only hope that our discussion today will encourage the Reagan administration to press for meaningful attempts to resolve this problem. That is in our own national interest, and it is also in the interest of those who remain displaced on Cyprus.●

● Mr. BRODHEAD. Mr. Speaker, I am pleased to join with my colleagues in calling for a peaceful settlement to the conflict in Cyprus.

The Turkish invasion of this troubled island nation in 1974 resulted in many deaths and the disappearances of many island residents, including Andreas Kassapis, an American citizen living in Cyprus with his family at the time of the invasion. Andreas Kassapis' fate is unknown to this day, along with hundreds of other Greek Cypriots who "disappeared" after the invasion.

More than 200,000 Cypriots were forced from their homes to live as refugees in their own country—a tragic legacy of Turkey's illegal invasion.

The United Nations Special Representative on Cyprus has spent many months negotating with Greek Cypriot and Turkish Cypriot representatives in an effort to bring about a settlement to the crisis. The United Nations has gone on record in calling for the removal of all Turkish troops and

colonists as an essential first step to a just and lasting peace.

I believe the United States must use its influence and resources to promote this goal and do everything possible to hasten an end to the injustice and misery which Cypriots have suffered for the last 8 years. I hope that our efforts today will strengthen our resolve to achieve this end.●

● Mr. BIAGGI. Mr. Speaker, today is Cyprus Day and on this occasion I am honored to join with my colleagues as we use this occasion to renew our call for an end to the 8-year Turkish occupation of the sovereign island of Cyprus.

The date of July 20, 1974, will be recorded in history, for on this date the Government of Turkey unleashed an unwarranted invasion of the island of Cyprus. To make the situation even worse, Turkey was aided in their invasion by U.S. arms which they converted to offensive purposes in violation of the Foreign Assistance Act. In retaliation, Congress slapped an arms embargo on Turkey which lasted for several years.

In 1974, I was the author of an amendment which provided $25 million in relief and rehabilitation aid to Cyprus to help with the aftermath of the invasion and strife. The aid was needed because, in the aftermath of the invasion—approximately one-third of the population was displaced—there was widespread economic disruption with special damage to the industrial and agricultural sectors. Tourism, another mainstay in the economy, was also heavily disrupted by the invasion.

Today, the problem remains with us—unresolved. This issue is further exacerbated by the fact that 200,000 Cypriot refugees remain in limbo as a result of the Turkish occupation of over 40 percent of the island—an island both Greece and Turkey agree should be maintained independently. Yet, the Turkish forces remain, plundering the economy and local resources, and leaving the Cypriot population without a land to call their own.

I was heartened to learn that the issue of missing persons received initial attention by both sides last year. In a letter I sent to President Reagan on February 2 of this year protesting the possible sale of fighter aircraft to Turkey, the administration, in their reply, noted their continued support of the intercommunal talks which have begun under the auspices of the United Nations. Further, the letter notes that both parties in the negotiations have agreed to set up a "Committee on Missing Persons" to address this issue—clearly one of the most difficult—as well as critical aspects of the problem.

The talks now being sponsored by the United Nations, under the supervision of the U.N.'s Special Representative on Cyprus, Ambassador Hugo Gobbi, have witnessed major developments in the past year. For the first time since the invasion, both sides have submitted concrete proposals dealing with the territorial issues at hand—proposals which include maps and constitutional provisions for a comprehensive settlement. The good offices of the United Nations will now submit to the negotiations an "evaluation paper" which will outline common areas of agreement by both parties in the hopes of generating further resolution of the Cyprus question.

The United Nations deserves high praise for its commitment to resolving the Cyprus question. The Greek Cypriots—who comprise 82 percent of the island's total population—can no longer be denied the freedom and the sovereignty that was once theirs. While the talks under the U.N. have begun to bear fruit, we cannot lose sight of the fact that while these negotiations are going on, Turkey continues to occupy over one-third of the land. The continued presence of Turkish troops there can no longer be tolerated, if negotiations are expected to continue in good faith. Good faith cannot mean the maintenance of the status quo; it must mean a demonstration that Turkey is committed to a solution and the best way of showing this commitment would be to withdraw immediately from the island.

I also wish to hail the recent statements of the newly elected Greek Prime Minister, Andreas Papandreou, during his recent visit to the island. He pledged his full efforts to work to resolve this issue which will surely generate some much-needed impetus into the talks at hand.

Mr. Speaker, it has been 8 long years that the island of Cyprus has been under Turkish occupation—8 years of suppression of economic, civil, and human rights—8 years of exploitation of the territorial rights of 82 percent of the citizens—8 years of total disregard for the splendid tradition that began 2,500 years ago in ancient Athens when the Greek Empire began its countless and priceless contributions to Western civilization.

As a nation of immigrants and a nation of democracy—which was born in Greece and passed to the rest of the free world—we must continue to work to return Cyprus to the hands of its citizens and allow them to continue their already disrupted lives in peace and security. I pledge my continued commitment to opposing any efforts to support the Turkish presence there—in the form of arms or foreign assistance. The Greek community in this country was intrumental in generating support for this issue in 1974, and I pledge to them my continued efforts at helping to achieving a final, just resolution for the nation of Cyprus and its people.●

● Mr. FASCELL. Mr. Speaker, 1 month ago we honored the anniversary of the beginning of the independence of Greece from the Turkish Empire. On this occasion, I would like to bring to the Members' attention another unresolved conflict in the region which continues to keep two of our NATO allies at odds with each other. For the past 8 years, Turkey has illegally occcupied almost half of the island of Cyprus. Over 2,000 Greek Cypriots have disappeared, while 10 times that number have chosen to flee their homes.

We, as a nation, cannot stand by idly as the basic human rights of Cypriots are being denied. Beyond the humanitarian concerns, we must not allow Turkey to believe that we have lost interest in this matter. Only when Cyprus has regained full control of its territory will its security interests and consequently those of the region be well served. To permit this disastrous situation to continue will only weaken our own posture in this part of the world.

Mr. Speaker, I wish to thank Congressmen YATRON and BROOMFIELD for giving us this opportunity to voice our deep disappointment over Turkey's failure to find a just solution acceptable to all parties. I urge my colleagues to take advantage of this special order to voice their own thoughts on this matter.●

● Mr. DERWINSKI. Mr. Speaker, it is certainly timely, necessary, and practical for us to address the need for a prompt and peaceful settlement of the tragic division in Cyprus and to renew our attention to this major trouble spot.

May I remind the Members that Cyprus lies only 40 miles from Turkey and 500 miles from Greece. Despite the island's proximity to Turkey, close to 80 percent of its 639,000 population is of Greek origin and adheres to the Greek Orthodox Church, while less than 20 percent is of Turkish descent and Muslim. Throughout its history, Cyprus has had a majority of Greek inhabitants.

Since the invasion of Cyprus by Turkish troops in 1974, the people of Cyprus have endured 8 anguished years of a partition maintained by a foreign military force. The 200,000 Cypriot refugees, one-third of the native population, have not been allowed to return to their homes and properties. The large number of refugees, caused by this occupation as well as the 2,000 missing persons who have not been accounted for as a result of the turmoil in that country, contributes to a disrupting force in that part of the world.

Positive decisions on the Cyprus question have been too long neglected. The occupation and partition continuing for such a long period of time are

extreme hardships on the people of Cyprus. The Greek Cypriots wish to live in peace and mutual prosperity with their Turkish Cypriot brothers. However, the practicality of such a development must include the removal of the Turkish colonizers who have come to the island since the partition, and the withdrawal of Turkish occupation troops from Cyprus. Not only does Turkey occupy and has colonized close to 40 percent of the most productive sections of Cyprus, but it has also violated the human rights of Greek Orthodox faithful in the country.

The continuing Turkish occupation in Cyprus keeps two NATO allies who anchor the southern flank of NATO, in constant tension with each other. This presents a dangerous situation in the eastern Mediterranean.

Therefore, the United States must play a positive role in maintaining the diplomatic momentum needed for the success of reconvened intercommunal talks. The goal of the United States should be to end this tragic Cyprus problem, reestablishment and maintainment of good relations between Greece and Turkey, and the strengthening of the commitment of these two countries to the North Atlantic Treaty Organization.

The truth is that we are no closer to a resolution of the Cyprus problem than we were almost 8 years ago. The United Nations should redouble its efforts to persuade Turkey that it is in the latter's own best interests to withdraw from Cyprus. Its own security would be greatly enhanced—militarily, economically, and politically—by a solution to the Cyprus problem. As long as the Turkish troops remain on the island, Turkey is in direct violation of the U.N. Charter, international law, existing treaties, U.N. resolutions, and the explicit provisions of the NATO charter, all of which Turkey is a signatory, as well as the fundamental concept of human rights.

A peaceful settlement is not possible as long as Turkish troops remain on the island. A just and lasting settlement on Cyprus is imperative and must remain a primary foreign policy objective of the United States.

A number of other major points come to mind. First, the Turkish occupation of Cyprus is a financial drain on Turkey. Since the Turkish economy is in such sad shape, economic logic would certainly make a good case for the Turkish withdrawal. A second point has been the argument to justify the military regime in Turkey on grounds that it could make difficult political decisions that weak civilian governments could not make. This not the case.

To sum it up, Mr. Speaker, the issue is the same as it was in 1974, when the House first addressed the Cyprus invasion by the Turks. We must have progress in solving this problem.●

● Mr. ROBINSON. Mr. Speaker, the present situation on the island of Cyprus has persisted much too long—nearly 8 years. Thousands of families, of varying ethnic backgrounds, have been held in suspension—pawns in diplomatic and even militaristic power plays which many of them do not understand. The result has been an appalling atmosphere of fear and distrust.

If there is anywhere in the world in which human rights have been abused today, Cyprus must stand as a cruel example. Human beings, of whichever ethnic or national heritage, have been dislocated. Their essentially peaceful and simple lifestyles have been abused.

We cannot ignore this deplorable situation, and the failure of diplomacy to correct it.

The Greek people have been our longtime friends. We have had similar longtime friendly relations with the Turkish people.

This discussion is important, and, I hope useful, in emphasizing the concern of many Members of this House in an early settlement of the Cyprus problem. The best efforts of our State Department, of the comparable agencies of other concerned governments, and of the United Nations should be directed to this problem on an urgent basis. Its solution is important to the NATO organizational plans for the defense of Europe, but—more significant to our national commitment to human rights and self-determination—it is important to the fates of the people of Cyprus.●

● Mr. ROSENTHAL. Mr. Speaker, today, Members of Congress are taking specially reserved time to speak out against the tragic situation in Cyprus that has gone on far too long. Nearly 8 years ago, Turkey invaded the island of Cyprus, illegally and without any justification. Today, we are no closer to achieving any semblance of equity or justice for the Republic of Cyprus than we were on the day the Turkish Army stormed its shores.

In fact, tragically, U.S. efforts have stepped backward. While 40 percent of Cyprus continues under the occupation of Turkish troops, negotiations—if they can be called that—drag on without any movement. The United States has done nothing to press for more positive talks; 200,000 Cypriots remain displaced and homeless in their own land, living victims of the Turkish siege. The reaction of the administration is to cut out any further humanitarian aid to Cyprus—assistance which has been vital to the Cypriots' efforts to rebuild their homeland; 2,000 Greek Cypriots are still missing since the Turkish invasion in 1974 and the United States perpetuates its do-nothing posture.

I am personally dismayed at the insensitivity that we have displayed toward these events. And I am outraged at the hypocrisy that lies behind the administration's policy of not-so-benign neglect of these conditions as they attempt to strengthen U.S. relations with Turkey through increased military and economic assistance.

The Reagan administration is asking the U.S. Congress to increase military and economic aid to the military regime in Turkey to well over $800 millions for fiscal 1983, while it is denying the needy Cypriot refugees even the small and minimal sum of $15 million with which to enable the Government of Cyprus to heal the wounds caused by American arms in the hands of the Turk invaders and illegal colonizers in northern Cyprus.

We must ask ourselves some compelling questions. What interests can we possibly be promoting when we open the floodgates of military aid to Turkey—the invading country—and simultaneously shut off humanitarian aid to the invaded country? What signal do we send to the rest of the world as we sit back and watch almost 2 years of negotiations produce nothing more than ambiguous rhetoric without making any attempts to exercise the influence we have at our disposal to force the withdrawal of Turkey's troops from Cyprus.

Today we are expressing our concern and demonstrating our support for a free Cyprus. Free of Turkish troops. And free from the catastrophes that remain from the invasion.

But these are just words which mean nothing unless there is also a conviction and commitment to act. The immediate restoration of the $15 million in assistance to Cyprus is one such action that Congress must take. Equally important, Congress must stand firm against any carte blanche increases in military aid to Turkey—if any assistance is to be forthcoming it must come only after Turkish troops have ended their siege of Cyprus. Only through these means will Congress show its resolve to help free Cyprus.●

● Mr. LONG of Maryland. Mr. Speaker, we are here today not only to pay tribute to the courageous people of Cyprus but to renew our search for a just and peaceful settlement to this longstanding dispute and above all to bring an end to the Turkish occupation.

July 20 will mark the eighth anniversary of the Turkish invasion of Cyprus and we are nowhere closer to achieving justice for that Mediterranean island republic than we were the day the Turkish army stormed ashore. Forty percent of Cyprus is occupied by 30,000 Turkish troops equipped with American weapons; 40,000 mainland Turks have been shipped into the occupied area as colonists. Some 200,000

of the indigenous Greeks uprooted by the invasion still are refugees in the southern part of Cyprus.

Despite international pressure including repeated calls for withdrawal by the United Nations the Turks have refused to leave or to seek any other solution. Talks between Greek and Turkish Cypriots conducted by the U.N. Secretary General's Special Representative on Cyprus supported by the United States have not yet produced meaningful progress toward Turkish withdrawal.

The United States should recognize the failure of these negotiations and once again take a firm stand against rewarding aggression. U.S. military aid to Turkey continues to be provided under two false assumptions; that such arms are necessary for Turkey's defense capabilities and that the arms provide an incentive for Turkey to negotiate a settlement on Cyprus.

These arms are not being used for NATO purposes. As Drew Middleton of the New York Times recently concluded:

> Eastern Turkey which borders Syria, Iraq, Iran and the Soviet Union should be, in the eyes of Western planners, a base for strong Turkish forces. But largely because of the continuing feud with Greece, there are only three Turkish divisions in the region and they are poorly armed.

Nor does sending arms provide an incentive for negotiations. On the contrary. After the Ford administration used this argument to lift the arms embargo, Turkey intensified its holdings on the island.

The only way that justice will come to Cyprus is when the United States takes a firm stand against aggression, supports the restoration of an independent Cyprus, and continues to provide adequate levels of economic and military aid to both Greece and Cyprus. In fact during the past 5 years as chairman of the Foreign Operations Subcommittee I have helped provide $977 million, nearly $1 billion in military aid for Greece and $75 million in humanitarian aid for Cyprus. This has been an investment not only in the security of Greece, but has clearly demonstrated our friendship and commitment to the independence of the Greek people. It is the least we can do for a brave and faithful ally.●

● Mr. PORTER. Mr. Speaker, it has been nearly 9 years since the Turkish Army invaded Cyprus. Today, 30,000 Turkish troops occupy 40 percent of Cypriot territory, a U.N. peacekeeping force of 2,500 soldiers patrols a buffer zone which stretches across the whole island, and 200,000 of the indigenous Greeks uprooted by the invasion still are prevented from returning to their homes.

In 1974, the Turks attempted to justify their actions in Cyprus on the grounds that a coup which was taking place then would inevitably result in Cyprus becoming part of Greece, making it Turkey's duty to take whatever actions were necessary to guarantee Cyprus independence. And yet it is the Turkish military presence itself, with no apparent intention of eventual withdrawal, which stands in the way of freedom for Cyprus.

Of course, in addition to the suffering this situation has inflicted on the Cypriots, it is clear that finding a quick and equitable settlement in Cyprus is crucial to American interests. Cyprus has been the object of constant tension and hostility between Greece and Turkey, the two countries which form NATO's southeastern flank. This continuing feud has distracted Turkish attention away from the military requirements of defending eastern Turkey, which borders Syria, Iraq, Iran, and the Soviet Union, and has prompted Greece to threaten its withdrawal from NATO.

Therefore, I commend my colleagues Mr. BROOMFIELD and Mr. YATRON and the others who have spoken on this subject today for their efforts to reaffirm the commitment of the Congress to find a peaceful solution to Cyprus' problems. On behalf of the American and the Cypriot peoples, we must restate our Government's willingness to mediate between the parties concerned, and to express our determination, through our foreign aid programs, to reward cooperation and to punish intransigence in this matter, as was done so successfully with Israel and Egypt following the historic signing of the historic Camp David peace accord.

The Congress has endorsed this approach toward peace in Cyprus in the past. The International Security Assistance Act of 1978 specifies that "any future aid requests for Turkey be analyzed in terms of the steps Turkey has taken to facilitate a Cyprus settlement, with emphasis on removal of Turkish troops from Cyprus and the return of refugees to their homes." Since then, there has been virtually no progress toward Turkey's withdrawal of its troops, and yet Congress has increased military aid to Turkey to the extent that the 1982–83 foreign aid authorization provides Turkey with the third highest amount of foreign military sales direct credits, a sum less than only that committed to Israel and Egypt.

Further, the 1983 budget proposal contains an increase of $115 million in military and economic assistance in addition to the $704 million already authorized, which includes $300 million in FMS direct credits. I suggest to my colleagues that in return for such generosity, the Congress, on behalf of Cyprus, deserves assurance from the Turkish Government that a just solution in Cyprus is being actively sought. In fact, I believe it is our duty to the American people to require such cooperation as a condition of any further aid to Turkey.

Mr. Speaker, I urge my colleagues in the Congress to think of the suffering of the Cypriots, the neglect of NATO security, and the growing resistance of the American people to sending their money abroad without evidence or expectation that aid recipients will heed their legitimate interests, which in this case is the freedom of Cyprus, when the 1983 foreign aid bill comes before them for consideration.●

● Mr. YATES. Mr. Speaker, the world community has been justifiably concerned and distressed over the invasion of a small British island by the junta that rules Argentina. We have condemned the armed aggression of Argentina in the United Nations, and for the past several weeks our Secretary of State, Mr. Haig, has devoted full time to the crisis.

My purpose today is not, however, to discuss what is happening in the Falklands but to remind the House and the Secretary of State about the 1974 invasion of a much larger and much more important island nation in the Mediterranean. I refer, of course, to the invasion of Cyprus by Turkey. That 1974 invasion divided the island, produced 200,000 refugees, and wrecked the small nation's economy. Its cruel effects continue to this moment. Years have gone by and no progress has been made in restoring the island to its previous situation through negotiations between the States affected. The State Department has been most remiss in not pressing for an equitable solution which will provide restoration of the rights of the Greek Cypriots.

I am quite troubled by the administration's fiscal year 1983 foreign aid budget request. Unless there are some very significant changes in its attitude and its lack of action in helping achieve a fair solution upholding the rights of the Greek Cypriots, I will not look with favor on the administration's proposed increase in assistance to the Turkish military.●

● Mr. GILMAN. Mr. Speaker, I am pleased to join my distinguished colleagues on the Foreign Affairs Committee, the gentleman from Pennsylvania, Mr. YATRON, and the gentleman from Michigan and our ranking minority member, Mr. BROOMFIELD, in participating in this special order to reemphasize the need for a peaceful settlement of the conflict in Cyprus. I wish to take this opportunity to commend them for their leadership on this issue and for bringing it before the Congress. July 20, 1982, will mark the eighth year of Turkish occupation of Cyprus. Since 1974 the Turkish Army has been illegally controlling approximately 40 percent of Cyprus and during this period 200,000 native Cypriots have been forced to flee their

homes and villages, and some 2,000 Greek Cypriots have disappeared.

Because of the humanitarian issues at stake as well as international political and international security interests, the United States must continue to press Turkey for removal of their troops from Cyprus as a basic first step toward settling the issues of Cypriot unification and self-determination.

Equally important is the need to reestablish NATO's superiority on its southern flank. This dispute between Greece and Turkey, two of our Western allies, must not be allowed to continue indefinitely since it poses a threat to the West's vital oil lifeline, it enhances Soviet interests, and it jeopardizes peace in the Middle East. Full cooperation is, therefore, essential.

With this special order, the Members of Congress are sending a clear message to Turkey that strong dissatisfaction is still present in the United States regarding Turkish intransigence in resolving the Cyprus dispute. We cannot allow a major dispute between two of our Western partners to continue indefinitely. Every year that the problem exists, the participants grow more firm in their negotiating positions, the people of Cyprus are further denied self-determination, and the foundation of our most vital alliance crumbles a bit more. The United Nations must press harder to persuade Turkey that it is in their own best interests to withdraw from Cyprus. The issues at stake are important not only to Cypriots but to all our friends and allies in the region as well as the United States. I fully support the continuation of U.S. aid to Cyprus. The modest amount of refugee assistance authorized by the Congress represents an important symbol of a continued commitment by this country to the people of Cyprus. I urge strong bipartisan support in calling for a just and lasting peace in Cyprus and encourage the President to make this objective one of his highest priorities.●

● Mrs. HOLT. Mr. Speaker, I rise today to lament the continuing tragedy of a divided Cyprus. Despite years of efforts by the United Nations Secretary General to negotiate a just and lasting solution to the problem, such a settlement remains elusive. A United Nations peacekeeping force remains in place to prevent violence between the Greek and Turkish communities.

We Americans have many reasons to hope that Cypriots will ultimately achieve a way of living together. From our own experience as a nation of many cultures, we know it is possible for different peoples to live together in mutual toleration and respect.

The problem on Cyprus, of course, is aggravated by the ancient and enduring animosity between Greece and Turkey, and these two American allies on the southern flank of Europe are important for the defense of Europe. We have a profound national interest in encouraging a peaceful and lasting settlement of the Cyprus problem.

I have friends from that beautiful island, and I know of their prayers for its future peace and prosperity. I believe there are people of good will on both sides of the Cyprus dispute and that they will ultimately find the way to accommodation. I join my Cypriot friends in prayer for their island homeland.●

● Mr. HOWARD. Mr. Speaker, I would like to join with my colleagues in designating April 22 as Cyprus Day in order that we draw attention to the continuing conflict that persists on that Mediterranean island.

The problem is sensitive to the United States because both Greece and Turkey are allies and comembers of NATO. Their strategic position on the southern flank of NATO makes it crucial that the Cyprus issue be resolved.

Our Government must register, in no uncertain terms, its strong disapproval of the failure of the Turkish Government to withdraw its troops from Cypriot soil.

On July 20, 1974, Turkish forces invaded and captured 40 percent of the island. As a result, 200,000 Greek Cypriots were thrown out of their homes and forced to abandon their possessions and businesses. It is estimated that 70 percent of Cyprus' economic wealth is situated in that portion of the island that Turkey occupies. The refugees are forced to live in substandard housing that at present levels is dangerously overcrowded. In addition to the refugees, 2,000 to 3,000 Greek Cypriots, including 8 Americans, have been missing since the invasion.

In early 1975, the United States placed an arms embargo against Turkey for violating U.S. arms sales policy and for the intra-NATO conflict that it created. In 1978 the embargo was lifted in hopes that the Turkish Government would enter into negotiations. This hope has not materialized. Turkey still maintains 30,000 troops on the island and there are no recognizable signs that the troops will be withdrawn. The Turkish Government in Ankara must be sent the message that the U.S. Government will not tolerate Turkey's military and economic stranglehold over Cyprus. The Greek Cypriots have the natural right of self-determination, but at the present time, that right is nonexistent. The occupation of their island by a foreign power has caused the Greek Cypriots economic hardship and emotional distress. Their once thriving community has been interrupted by a physical barrier known as the Attila Line that literally divides the country in half.

It is the duty of the United States to see that this situation be resolved, for its own interest, and that of the people of Cyprus who are being denied their freedom and way of life.

● Mr. YOUNG of Florida. Mr. Speaker, a peaceful settlement to the continuing tension in Cyprus is necessary for both humanitarian and strategic reasons.

Eight years ago, Turkish troops invaded Cyprus, occupying half of the island country, and forcing 200,000 Cypriots to flee from their homes and villages. The presence of Turkish troops has wrecked the country's economy and has forced its residents to live in a constant state of fear.

Added to these humanitarian problems is the fact that the strife in Cyprus has strained the Mediterranean sector of our NATO alliance. As the Soviet military continues to expand and the threat of aggression persists, it is vital that we have a strong and unified European alliance, especially along the Mediterranean Sea.

It is my hope that the leaders of Cyprus and Turkey can reach a peaceful solution to their problem so that the Cypriot people regain their freedom and join the United States and other NATO countries in our effort to stem Soviet expansionism throughout the world.●

● Mr. GUARINI. Mr. Speaker, 8 years have gone by since Turkish troops invaded Cyprus. For 8 years, the people of Cyprus have lived under Turkish occupation. During this time, many thousands of Greek Cypriots have been forced from their homes, the economy of their country has been left in shambles, and the basic human rights of Greek Cypriot citizens have been continuously abused.

The need to resolve this matter is of the greatest consequence to the United States. In this time of heightened international tensions, we cannot afford to have two NATO countries, Greece and Turkey, at odds with one another on the southern flank of NATO. It is also clear that the interests of Cyprus are not served by its occupation by Turkish troops. For these reasons, I believe that it is important for the Congress to state its clear desire for a settlement to this longstanding problem.

Mr. Speaker, we are all familiar with the work of the United Nations Secretary General's Special Representative on Cyprus. He has convened negotiations between Greek and Turkish Cypriots in the hopes of achieving a lasting peace. However, in 8 years of talks, little, if anything, has been accomplished. The Turkish troops have remained, and the rights of Cypriots to exercise their own political determinations as a sovereign nation continue to be denied.

We must make it clear to Turkey that its military presence in Cyprus is as unwanted today as it was in 1974. With the withdrawal of Turkish

troops we must press forward with a political settlement that is agreeable to both Turkish and Greek Cypriots. And, we must go about the job of restoring 200,000 Greek Cypriots who became refugees as a result of the Turkish invasion to their homes.

I would like to thank my colleagues, Mr. YATRON and Mr. BROOMFIELD, for making this special order on Cyprus Day a possibility. They are to be commended for the knowledge, dedication, and commitment that they bring to resolving this most pressing matter.●

● Mr. ZEFERETTI. Mr. Speaker, each year since I was first elected to Congress, I have spoken to remind my colleagues of the continuing unwarranted Turkish occupation of Cyprus. Almost 8 years later, the situation has not changed—over 200,000 Greek and Turkish Cypriots have been displaced from their homes and jobs. In addition, the Cypriot people have been continually subjected to acts of aggression by the Turkish military.

We would be deceiving ourselves if we were to say that any progress has been made toward a solution. The Reagan administration has been in office for a little more than a year. Yet, I have not heard a word spoken or seen any definitive action about the situation on Cyprus. In my opinion, the situation is in danger of becoming a forgotten problem.

The passage of each year after the invasion has seemingly brought the occupation closer to legitimacy and permanence. The United States must, therefore, actively encourage the resumption of serious talks aimed at seeking an equitable and peaceful settlement to the Cypriot problem. As a nation, we neither condone nor accept the occupation of a sovereign nation by the army of another nation. We must be as concerned about the invasion of Cyprus by Turkey as we would be about the occupation of any other country.

It is my firm belief that the administration should do everything in its power to end this tragic situation and return the Greek Cypriot refugees to their homes. As long as the Turkish military occupy that country, the instability of the eastern Mediterranean will act against the best interests of the United States. But, above all else, the Cypriot people will continue to endure undue economic hardship and human rights violations. Our foreign policy in this region must be directed toward a just and lasting settlement. Self-determination is a basic right—and a right which has, for the past 8 years, been denied to the Cypriots. As the leader of the free world, our Nation not only has a moral obligation but an ethical commitment to work for a political settlement for the people of Cyprus, who have been refugees of their own homeland for much too long.●

● Mr. BLANCHARD. Mr. Speaker, I would like to take this opportunity to join in the special order taken today by my distinguished colleagues, Mr. YATRON and Mr. BROOMFIELD, on the tragic situation in Cyprus.

I join my colleagues in calling for a peaceful resolution of the conflict in Cyprus and for the removal of all Turkish troops from Cypriot soil. The continued presence of Turkish troops on Cyprus causes continued hardship for the people of Cyprus and threatens vital American national security interests. In my judgment, it is essential that a peaceful resolution of the situation on Cyprus be worked out as soon as possible—in order to restore peace for the Cypriot people and in order to restore stability to NATO's southern flank.

I would like to take this opportunity to urge that the President and the Secretary of State make resolving the Cyprus problem one of their highest priorities. Peace and stability in that region can only be of lasting benefit to the United States and for our allies. It would also bring long-awaited calm to a highly volatile part of the world.●

● Mr. RUSSO. Mr. Speaker, as we approach the eighth anniversary of the Turkish invasion of Cyprus, I am disheartened that a peaceful resolution for this continuing conflict has not yet been realized. The Turkish Cypriots, representing only 18 percent of the Cypriot population are still forcibly holding 40 percent of Cyprus at bay. Two hundred thousand Greek Cypriots remain homeless refugees, compelled to relinquish most or all of their possessions by Turkish forces. It is past the time to put an end to such oppression and injustice.

In a world of growing international complexities, when a seemingly local incident may proliferate into one with international ramifications, a final resolution to the Cypriot conflict is of immediate importance. Presently, this conflict contributes to a weakened NATO alliance on the south flank, by pitting Greece against Turkey. This prolonged conflict has also influenced some factions within Greece to favor pulling out of NATO, if NATO cannot convince Turkey to reach a settlement on this issue once and for all. An immediate solution to the Cyprus issue that is fair to both Greek and Turkish Cypriots, is thus, the only way to insure a firm and unified NATO security presence a presence which is an essential element, in our strategic concerns in the eastern Mediterranean area.

In addition to the international tension created, the blatant abuse of human rights in Cyprus must be of deep concern to us. Turkey's cruel and inhuman actions, the dislocation of Greek Cypriot refugees, and the underlying uncertainty that instills a sense of fear within the Cypriot population must not be allowed to continue. A peaceful settlement of this conflict in which the Cypriots are allowed to return to a safe and harmonious way of life, would lend strength to the cause of human rights throughout the world.

With these views and goals in mind, I am giving my full and unflagging support to the special order that is being held on Cyprus Day, April 22. It is my heartfelt hope that this act will aid in bringing about a long overdue resolution to the conflict in Cyprus and the removal of Turkish troops from Cypriot soil.●

● Mr. PEYSER. Mr. Speaker, I would like to thank my colleagues for calling this special order. The subject we are discussing today is of increasing importance to the people of Cyprus as well as to the United States and the international community.

For 8 years Cyprus has been a divided country. In 1974 an invasion by Turkish troops resulted in the capture of 40 percent of Cypriot territory by the military. The consequences for the Cypriot people were devastating: 280,000 refugees, 4,000 killed, and 2,100 missing. Unfortunately, these numbers only tell the beginning of the suffering endured by the Cypriots. Who among us wasn't strongly moved after reading the reports about the murder and rape of civilians, and the destruction of villages that occurred after the invasion. Nor can we forget the thousands of refugees who fled from the fighting and are denied any compensation for the homes and land they left. I am sure that all Members of the House are aware of the violation of human rights which has persisted in occupied Cyprus, documented and reported by the European Commission of Human Rights and Amnesty International. It is only appropriate for this country to call for a complete end to such atrocities and complete disregard of basic human rights. We must continue to push for an end to these terrible actions. The removal of Turkish troops from Cypriot soil is the first step in attaining a fair, lasting, and peaceful settlement to this conflict.

Cyprus is also suffering economically. Skyrocketing unemployment plagued the southern portion of Cyprus after the enormous influx of refugees. Today after several years of expansion the economy is again showing signs of strain. Northern Cyprus, which is closely tied to the weak Turkish economy, continues to suffer major economic problems of its own. After 8 years of economic hardships the time has come to finally resolve this dispute involving our close allies, Greece and Turkey, and allow a unified Cyprus to devote the attention and time needed to strengthen its economy.

In addition, our NATO alliance is weakened by the prolonged dispute between Greece and Turkey. NATO deployments in the eastern Mediterranean are threatened by the possible withdrawal of an ally from NATO and the possible denial of bases and facilities to the United States. The eastern Mediterranean is vital to the security interests of all Western Europe. The close proximity to both the Middle East and the Soviet Union demonstrates the fundamental importance of this area. Turkey must understand that if the Soviet Union is allowed to continue expanding its influence in southeast Europe its own security interests will be threatened. By returning stability to the eastern Mediterranean the Soviet Union will not be prompted to further its own interests at the expense of the West, and NATO will be strenghtened. Eliminating the problem in Cyprus will relieve tensions and strengthen common ties with our allies. Both sides must make serious strides toward reaching a just and lasting agreement.

Soon after the invasion Resolution 3212 was adopted by both the United Nations General Assembly and the Security Council calling for the speedy withdrawal of all foreign armed forces from the republic. As we are all aware, this condition has not yet been met. In keeping with an essential principle of the United Nations Charter, this Congress should continue to express its strong feeling and belief that all foreign military forces must evacuate the island so that progress can be made in the negotiations. Continued military occupation will only obstruct the path to a peaceful settlement.

In 1978, the Congress voted to give the President the authority to lift the arms embargo against Turkey. The language of this bill specified that Turkey must in turn act "in good faith to achieve a just and peaceful settlement of the Cyprus problem, the early peaceable return of refugees to their homes and properties, and continued removal of Turkish military troops from Cyprus, and the early serious resumption of intercommunal talks aimed at a just negotiated settlement."

Today, 4-years later, the Turkish military is even more entrenched on the island, no relief has been provided to refugees, and negotiations have not produced a settlement.

Against this background the administration is proposing $465 million in military aid to Turkey. In effect, the United States will be contributing to the occupation of Cyprus and supporting the actions of Turkey. It is my strong feeling that we cannot continue to provide aid to a nation that denies independence to another country. Only when Turkey has removed all of its troops from Cyprus and acknowledged its obligation to the refugees should we consider providing military aid to Turkey. It is hoped that Turkey will take these necessary steps.

Eight years is already too long for Cyprus to be divided. Control of the political destiny of their country must be returned to the Cypriot people. First and foremost among our concerns is achieving the independence of Cyprus. Cyprus has its own national interests and culture that provides the basis for a single self-identity. Recent conflicts between Turkish troops and Turkish mainlanders and the Turkish Cypriots draws attention to the separate culture of Cyprus. In the Turkish-occupied north the Turkish Cypriots are terrorized and intimidated. Human rights are violated and the Cypriots are discriminated against in terms of jobs, housing, and land. As we examine these facts it becomes evident that the foundation for a peaceful and just settlement will be in the intercommunal talks and the removal of all foreign forces from the island.

For over a year now the intercommunal talks between Turkish Cypriots and Greek Cypriots have proceeded under the auspices of the United Nations. Secretary General Perez de Cuellar remains committed to resolving this dispute, and his special experience and background of the Cyprus problem gives us renewed hope that we will soon see a breakthrough in the negotiations.

In this era the United States and all members of the international community must give priority to ending any dangerous and harmful conflicts. Today we send a message to the parties involved in Cyprus that past intransigence must stop. Flexibility, initiative, and a spirit of cooperation by both parties is needed to begin moving toward a fair and final resolution of the dispute. It is time to end the stalemate, and we must strongly urge Turkey to remove all of its troops from Cyprus as a first step toward an ultimate settlement.

The United States will continue to support and offer its assistance to the United Nations in its negotiating efforts. We must be prepared to play any role requested by the parties that will further the process toward the independence of Cyprus.●

● Mr. FORSYTHE. Mr. Speaker, too often in the recent past we have witnessed the invasion and occupation of sovereign territory by opportunistic governments. Today, sadly enough for the Greek Cypriot people, we observe the eighth year of occupation of their island by Turkish forces. Since Turkey invaded Cyprus in 1974, the economy and morale of the island have steadily declined, yet the Turkish Government persists in its occupation. This occupation is not only catastrophic for Cyprus, but has had a divisive effect on the NATO alliance as well, which the alliance can little afford in this region so critical to Western stability. The proximity of the U.S.S.R. and the Russian Government's undeniable expansionist policy make it imperative for Western nations to demand the immediate restoration of Cyprian rights. For the 200,000 Cypriot refugees forced to flee without belongings 8 years ago, the time has long since arrived for the restoration of their national sovereignty.●

● Mr. HOLLENBECK. Mr. Speaker, I welcome this opportunity to rise and join my colleagues in calling for a peaceful resolution to the conflict in Cyprus and for the removal of Turkish troops from Cypriot soil. For the past 8 years, the Cypriot people have been denied their right to self-determination. What is more, they were forcefully driven from their homes and were given no choice but to leave their worldly possessions behind. I want to praise the president of the republic for his pledge that the Greek Cypriot side would continue to show all good will and make every possible effort to achieve an honorable solution.

I strongly believe that U.S. foreign policy for Cyprus should reflect America's desire for a just and lasting peace—a settlement to terminate the human rights violations that are taking place on a daily basis. We must bring an end to the ugly specter of continuing human rights violations. Clearly, it is in America's best interests that peace and stability be restored to Cyprus in a manner consistent with the ideals of liberty and justice.●

● Mr. PEASE. Mr. Speaker, as the chair of the Human Rights Committee of Members of Congress for Peace Through Law, I take great pleasure in participating in this special order to mark the observance of Cyprus Day.

I would like to congratulate the leaders of this bipartisan effort, my colleagues GUS YATRON and WILLIAM BROOMFIELD, for their efforts in bringing the unresolved conflict in Cyprus to the attention of all the Members of this body.

The Falkland Islands crisis, so much in the news of late, serves as a poignant reminder that the right of self-determination is under concerted attack throughout the world. What the Falkland Islanders have endured at the hands of the Argentine military over the past 3 weeks should make us all the more aware of the hardships suffered by close to 200,000 Cypriots forced from their homes and villages by the 8-year occupation of Cyprus by Turkish troops.

Since the 1974 Turkish invasion and the subsequent occupation of 40 percent of this island nation by 20,000 Turkish troops, the U.N. General Assembly has adopted numerous resolutions condemning Turkey as the aggressor nation and asking for that

country's prompt withdrawal of its troops.

Very few nations recognize travel documents issued by the "Turkish Federated State of Cyprus." Further underlining Turkey's international isolation on this issue is the fact that neighboring states in the Middle East, where Islam is the principal religion, have consistently voted against its position on the Cyprus conflict.

For the past 2 years, a Special Representative from the U.N. has been conducting intercommunal negotiations between the Greek and the Turkish Cypriot communities. Progress on political and constitutional questions has been glacially slow despite the personal attention of the past and present Secretaries General of the U.N., Kurt Waldheim and Perez de Cuellar.

Human rights issues in Cyprus, including the restricted freedom of movement within the country and the unresolved problem of disappearances from the 1963-74 period of intercommunal violence and the 1974 Turkish invasion, reflect a long history of troubled relations between the Greek and the Turkish Cypriot communities. Neither side is blameless, but the continuing presence of Turkish troops on the island creates insuperable obstacles to the much-needed reconciliation between the two communities.

Both Greece and Turkey are U.S. allies and members of NATO. Yet these countries are in frequent conflict, especially over the Cyprus issue. The U.S. and the NATO alliance will be the only clear losers if a peaceful solution is not found in the near future.●

● Mr. WALGREN. Mr. Speaker, I want to join with my colleagues on both sides of the aisle in observing Cyprus Day. We gather together in this special order as Americans and Members of Congress who are deeply troubled over the continued illegal Turkish occupation of Cyprus.

The Government of Turkey now has 27,000 occupation troops and 40,000 colonialists on the island of Cyprus. At no point since the invasion in 1974 has Turkey indicated any willingness to negotiate a peaceful solution to this situation. The United States cannot condone this ongoing violation of international law. As a Nation we raised our voices in outrage against the Soviet invasion of Afghanistan and the imposition of martial law in Poland. We must be just as vigilant for the cause of human freedom on Cyprus as we are in the cases of Poland and Afghanistan. For this administration to do otherwise is highly hypocritical.

Mr. Speaker, I make these comments as the Reagan administration proposes to increase military and economic aid to Turkey from $704 million to $820 million for fiscal year 1983. Although U.S. aid was restored in 1978 on the premise that Turkey would soften its position, Turkey has not shown any willingness whatsoever to change. In effect, American aid subsidizes the Turkish occupation of Cyprus. American aid should be given only on the condition that Turkey will remove its troops from Cyprus and return the refugees to their homes.

Today we all join together in our mutual desire to see justice brought to the island of Cyprus. If we remain united in our support for the rule of law and human rights, I am confident we will prevail.●

● Mr. FOWLER. Mr. Speaker, for almost 8 years, the people of Cyprus have endured the military occupation of 40 percent of their territory. Two hundred thousand native Cypriots have been forced from their homes. Despite periodic negotiations in the intercommunal talks between the Greek and Turkish communities on Cyprus and despite the efforts of the UN Special Representative, we appear no nearer today to a resolution of this calamity.

The history of the Cyprus problem is a painful one for all sides. For many years the Cypriots, their neighbors, and other interested parties have grappled with the status of the island, which is ethnically bound to Greece but geographically bound to Turkey.

The present difficulties stem directly from the tragic events of 1974, which started with the plotting of the military junta then ruling Greece against the Makarios government on Cyprus. This was followed by the overthrow of the Makarios government, which culminated in the Turkish invasion of Cyprus and, in the lone positive development, in the restoration of democracy in Greece.

While it is fairly obvious what the people of Cyprus have suffered as a result of all this, it is equally true that all of the central parties to the events of 1974 have been harmed. For Greece, the continuing deprivation of the Cypriots of Greek descent has been a constant irritant, adversely affecting Greece's relations with Turkey, and its NATO allies. For Turkey, the 8-year occupation of Cyprus has placed a serious drain on an already strained economy. And for the United States, it has damaged our reputation with Greece, Turkey, and Cyprus alike.

It is clear to me, therefore, that the United States has a direct and abiding interest in resolving the Cyprus dispute. We have a national security interest in strengthening NATO's southern flank. We have a foreign policy interest in removing a major obstacle to better relations with two of our major allies in the region, Greece and Turkey. We have a humanitarian interest in securing basic human rights, including the right to self-determination, for the people on Cyprus.

The basis for a just settlement of the Cyprus dispute can be found in numerous international declarations that have been made since 1974:

Withdrawal of all Turkish military forces;

Preservation of the political independence and territorial integrity of Cyprus; and

Establishment of a national government that will provide maximum local autonomy and guaranteed individual rights to both Greek and Turkish Cypriots.

I commend Representatives BROOMFIELD and YATRON for calling this special order to demonstrate congressional support for a prompt nonviolent resolution of the conflict over Cyprus. We must make it unmistakably clear that the United States places a high priority on such a settlement and will pursue all diplomatic and other foreign policy channels to achieve this result.●

● Mr. ROE. Mr. Speaker, I rise today to join my colleagues in expressing my great concern over the tragic situation that exists today in Cyprus. It has been 8 years since the island nation of Cyprus was invaded by Turkish forces and it is sad indeed to note that since that time, little success has been achieved in efforts to resolve the continuing conflict that exists there.

During the Turkish invasion in 1974, an estimated 200,000 Cypriots were forced to flee from their homes and villages and today remain refugees in their own homeland.

Since the time of the Turkish invasion, the United Nations Special Representative on Cyprus has sought a diplomatic solution to the crisis there. But meetings between both Turkish, Greek, and Cypriot representatives have not resulted in any substantial progress toward reaching a peaceful settlement of that dispute.

In addition to the fact that hundreds of thousands of Cypriots are suffering as a result of the Turkish occupation of Cyprus, the conflict between the two nations has brought about a highly dangerous security situation that could threaten the NATO alliance.

Mr. Speaker, it is imperative that we send a loud and clear message to Turkey that the United States strongly opposes its occupation of Cyprus and that we avidly support the removal of all Turkish troops as called for by United Nations Resolution 3212.

Turkey must realize the direct threat to its own security that would exist if Greece, our longstanding partner in NATO, dropped out of the alliance because of the Cyprus situation.

Mr. Speaker, a speedy peaceful settlement of the Cyprus situation must

be made a key foreign policy objective of our Nation.●

● Mr. HALL of Ohio. Mr. Speaker, today is being observed as Cyprus Day to mark the eighth year of Turkish occupation of the Republic of Cyprus. I hope that it will be the last year.

Currently, the presence of approximately 30,000 Turkish troops is creating a strain on the Cypriot economy and, simultaneously, resulting in the persecution of the Greek Cypriot population.

The 1974 invasion hurt the island's economy and contributed to a ruinous unemployment rate. Immediately following Turkish intervention, Cyprus' joblessness rate jumped to 25 percent. The economic situation has become further aggravated by a severe housing shortage among the island's refugees.

Presence of Turkish troops has not only resulted in a geographical political division of Cyprus, it has also served as an instrument of repression against the Greek Cypriots. The Turkish invaders ousted all Greek Cypriots from their homes in the northern portion of the island. Afterward, a political and geographical division was created known as the Attila Line. This split gave the Turkish minority, representing about 20 percent of the population, 40 percent of the land and 70 percent of Cyprus' wealth.

This problem is not only an injustice to the people of the island, it is also a threat to an important component of NATO. Prolonged tension can only undermine the alliance and reduce security.

Greece and Turkey must resolve their differences if we are to properly protect the southern flank of the Western World.

This unnecessary thorn can be removed from the side of NATO with the end of Turkish occupation in Cyprus. Then and only then can a dialog pertaining to the reunification of the island be of any meaning. We must not permit hostility between Greece and Turkey to continue at the expense of NATO strength.

Therefore, Mr. Speaker, I ask my colleagues to join me in commemorating Cyprus Day and calling for a peaceful resolution to the conflict in Cyprus—a conflict which can be erased by the removal of Turkish troops from the island of Cyprus. As long as Turkish troops occupy Cyprus, our policies in that region of the world will continue to erode. Equally as important, we have an obligation to the Cypriot people to strongly support them in their struggle to exercise their own political destiny as a sovereign nation, free of external aggression.●

● Mr. GINN. Mr. Speaker, I am pleased to participate in the special order called for by my colleagues BILL BROOMFIELD and GUS YATRON advocating a peaceful settlement to the conflict in Cyprus.

Cyprus, the third largest island in the Mediterranean, lies only 40 miles from Turkey. Despite this geographical bond, 77 percent of its population is of Greek origin and adheres to the Greek Orthodox Church.

Although Cyprus received its independence from Great Britain in 1960, a peaceful solution to the inner struggles between Greek and Turkish residents has yet to be resolved.

The eruption of fighting in Cyprus on two occasions in 1963 and 1967 almost resulted in military intervention by Greece and Turkey. Continued failure to resolve the impasse resulted in the Turkish invasion of Cyprus on July 20, 1974.

Today, about 40 percent of the island is under Turkish military control, and approximately one-third of the island's population has been displaced. Economic disruption has resulted, including extensive damage to the industrial and agricultural sectors. Furthermore, attitudes between the two communities have worsened.

I believe it is important that we reaffirm our strong desire for a peaceful resolution of this ongoing crisis in Cyprus. We cannot continue to allow a major dispute between our two Western allies to continue. A peaceful resolve is in the best interests of Cyprus, and in our best interests as well. Continued dispute between Greece and Turkey over Cyprus has the potential for weakening NATO developments in the eastern Mediterranean, disrupting U.S. relations with key allies, and providing the Soviet Union with new strategic opportunities.

I applaud the efforts of Congressmen BROOMFIELD and YATRON to reemphasize our country's strong dissatisfaction over the 8-year occupation of Cyprus by Turkish troops.

We simply must pursue all diplomatic avenues to achieve a just settlement which protects Cypriot independence and recognizes the major religious and cultural differences between the Greek and Turkish communities.

I am proud to join with the people of Greece, and millions of Americans of Greek descent, and countless other people throughout the world who want peace and justice restored to Cyprus.●

● Mr. ANNUNZIO. Mr. Speaker, I rise to join my colleagues, Hon. GUS YATRON and Hon. WILLIAM S. BROOMFIELD, in support of a just and peaceful settlement of the conflict in Cyprus. This year marks the eighth anniversary of the brutal invasion of Cyprus by Turkish Armed Forces, and our Nation must continue to stand firm in its condemnation of this tragic aggression.

Turkey has established a colony on 40 percent of the island of Cyprus which contains the island's most productive land and 70 percent of its national resources. Some 200,000 men, women, and children, more than one-third of the entire Cypriot population, remain refugees in their own country. I have voted against financial assistance to Turkey in the past because of its continued aggression and human rights violations in Cyprus, and I join my colleagues in urging the administration to withdraw its request to Congress for additional increases in assistance to Turkey.

The Hellenic American League, located in the 11th district I am honored to represent, recently wrote to me regarding the continuing crisis in Cyprus, and I contacted the Department of State on the League's behalf. The letters follow:

HELLENIC AMERICAN LEAGUE,
Rosemont, Ill., March 15, 1982.

Hon. FRANK ANNUNZIO,
House of Representatives, House Office Building, Washington, D.C.

DEAR REPRESENTATIVE: The National Security Record issue of January 1982 makes an impressively thorough and objective analysis of the precarious relationship between the two important allies Greece and Turkey, and between them and the U.S.A.

Turkey has demonstrated through her intransigence and stratagems since her 1974 invasion of Cyprus that she covets partitioning Cyprus and leaving her options open for eventual control of the entire island when a pseudo-opportunity arises again.

The current status is as follows:

Turkey still occupies with military force 40% of Cyprus and 70% of Cyprus' national resources, and keeps more than one-third of the entire Cypriot population refugees in their own tiny country.

The new Greek government is more independent vis-a-vis NATO and the U.S.

The long drawn U.N. initiated talks between the Greek and Turkish Cypriots have proven to be an exercise in futility.

The danger of disintegration of NATO's Southern Flank is now more real than ever.

The U.S. has a vital interest in a non-turbulent and friendly Eastern Mediterranean.

In view of these facts the National Security Record quite perceptively recommends top priority for an effective initiative by our government to terminate the military occupation of Cyprus and the injurious dispute before Turkey changes with her flow of settlers to the island the demographic character so much that the problem will become extremely acute and much more difficult to resolve.

Henry Kissinger's mistakes relating to Cyprus promise to intensify the strain existing between Greece and Turkey and its ramifications for the West unless our government undertakes the long overdue role of the fair mediator, befitting a leader, to terminate the Turkish continuing flagrant aggression and give life again to asphyxiating Cyprus. Our government is the only one in the position to bring about a lasting solution to this ever increasing problem.

Hoping for a locally or U.N. generated settlement is not more than a head in the sand syndrome. Allowing the conflict to continue beyond the eleventh hour may well damage irreparably Cyprus, Turkey and Greece and certainly our national interests by letting our adversaries, the Soviets, encroach even more in the area. Considering the upheavals that brew in so many parts of the world we

surely do not need the Cyprus issue to continue unresolved.

Sincerely,

JOHN G. BALAFOUTIS,
Vice President.

DEPARTMENT OF STATE,
Washington, D.C., April 6, 1982.

Hon. FRANK ANNUNZIO,
House of Representatives.

DEAR MR. ANNUNZIO: Thank you for your message forwarding the letter of Mr. Balafoutis with his suggestion that the United States perform a mediator role in the Cyprus problem.

We believe that a U.S. mediating role would not be acceptable to the parties. Both Greek and Turkish Cypriots have repeatedly affirmed that the United Nations Secretary General is the only acceptable interlocutor. Additionally, we believe that no third party, no matter how well qualified, can substitute for the direct negotiation currently taking place in the intercommunal talks.

This position does not mean that we have abdicated any interest in or concern for the resolution of the Cyprus problem. We have for example appointed a Special Cyprus Coordinator, Reginald Bartholomew, to coordinate U.S. policy on the Cyprus problem. In this regard, we have frequently and regularly encouraged all concerned parties to conduct the intercommunal talks in a serious, patient manner concentrating on substance and avoiding polemics.

We believe that the intercommunal talks are closer to being real negotiations than they have been in the past. The introduction of the United Nations' "evaluation" of the intercommunal negotiations in December 1981 provides an historic opportunity for the negotiators to focus on the important issues which divide them. We have urged both communities to be flexible and innovative in their negotiations.

That said, I should note that the present division of the island, dating from 1974, reflects deep distrust between the Greek and Turkish Cypriot communities and basic differences over how the island should be governed. Thus, a good deal of painstaking negotiation lies ahead.

We are in close, frequent communication with United Nations officials and have made it clear that we are willing to assist their negotiating effort in any manner they might suggest. Likewise, we and our Allies have encouraged Greece and Turkey to urge their compatriots on Cyprus to negotiate seriously.

Mr. Speaker, the United States, the United Nations, and freedom-loving countries all over the world have condemned this shameful Turkish aggression and Turkey's stranglehold on Cyprus continues to violate international law, the United Nations Charter, and the Charter of NATO. The lives, freedom, and dignity of the Cypriot people must be a high priority in the actions of our own Government toward Turkey, and oppression in all of its forms must be condemned.●

● Mr. BAILEY of Pennsylvania. Mr. Speaker, I strongly support my colleagues in commemorating today as Cyprus Day and I very strongly support calling for a peaceful settlement to the dispute in this embattled Mediterranean nation. The tragedy in Cyprus has gone on for entirely too long. In 1974 Turkish troops, equipped with weaponry supplied by the United States, invaded Cyprus and succeeded in overrunning and occupying over 40 percent of Cypriot soil. Over 200,000 Greek Cypriots were forced to flee their homes, many of them with only the clothes on their backs, to escape the terror and violence of the Turkish onslaught. Today, these refugees live as strangers in their own land with no home and, for many of them, no hope of returning to regain what is rightfully theirs.

We must not stand idly by while the Greek Cypriots languish in despair and desolation. Negotiations between Greek and Turkish Cypriots aimed at producing a just and equitable solution to this tragedy have produced no meaningful progress toward the complete withdrawal of Turkish troops. Withdrawal is the only viable and acceptable solution to restoring true peace and concord to Cyprus. There can be no permanent solution to the Cyprus issue unless the 200,000 Greek Cypriot refugees are permitted to return to their homes and assume, once again, their birthright.

Turkish violation of the sovereignty of the Republic of Cyprus has seriously strained the already tenuous relations between Greece and Turkey and weakened the southern flank of the NATO Alliance to which both nations belong. In addition, we find ourselves in the unacceptable situation in which arms and equipment supplied by the taxpayers of the United States for the use of the NATO Alliance are, instead, being used by Turkey to maintain control over conquered Cypriot territory.

I am, today, calling upon our Government to reimpose and fully implement the embargo of all arms, foreign aid, grants, and assistance of any kind against Turkey if all 200,000 Greek Cypriot refugees are not allowed to return to their homes and properties. In addition, all 40,000 Turkish nationals brought from Turkey to Cyprus to colonize the conquered territories there should be returned to Turkey along with all Turkish Armed Forces. I am calling upon President Reagan to act quickly and expeditiously in this matter so that this matter can be rectified.

In the year A.D. 965, the Byzantine Emperor Nicephorus II Phocas freed Cyprus from Arab conquerors who had established a hegemony over the island in the midseventh century. The Byzantines were able to wrest control of Cyprus away from the Arabs only through force of arms. Today, much of Cyprus is again under foreign domination. Let us not forget or forsake them in their hour of need. We must employ all the means at our disposal to impress upon the Turkish leaders that their policy in Cyprus is unjust. The principles of individual freedom and dignity which ancient Athens delivered to the world over 2,000 years ago burn brightly today in the hearts of the American people. Free men should not allow the situation in Cyprus to continue.●

● Mr. FLORIO. Mr. Speaker, a just and lasting solution to the Cyprus conflict continues beyond reach as we enter this ninth year of Turkish troops occupying Cypriot soil.

The current round of intercommunal negotiations have continued in Cyprus for over 1 year under the direction of a special United Nations Representative, but little progress has been made toward ending the dispute.

It is important, therefore, that we not allow Turkey to believe that the United States has lost interest in the Cyprus conflict. The freedom-loving Cypriots require our aid against Turkish oppression which has forcibly partitioned their nation and prevented 200,000 Greek Cypriots to return to their homes and businesses.

The policies and actions of the Turkish Government continually seek the establishment of false borders between the Greek and Turkish communities in Cyprus. More than 40,000 mainland Turkish colonists, backed by armed troops, have illegally established a Turkish Federated State of Cyprus, recognized only by the Ankara Government. Relations between the Greek and Turkish Cypriots are further hampered by the refusal of Turkey to cooperate with the International Red Cross and the U.N. on the fate of 2,100 persons missing since the 1974 invasion.

Mr. Speaker, representatives of the United Nations have attempted to mediate a just settlement of the Cyprus conflict for many years. The administration reported March 25 to the Congress that "the U.N. deserves our high praise for its rare combination of patience and energy in working to resolve the Cyprus problem."

In addition to praise the administration must exert all necessary pressure on Turkey to end its illegal occupation of Cyprus. Not until Turkey removes its illegal troops and colonists will a united Cypriot nation be realized. We cannot allow this conflict to continue indefinitely, further oppressing the Cypriot peoples and weakening the NATO alliance.

Mr. Speaker, a peaceful and just solution to the Cypriot conflict deserves the highest priority within the Congress and the State Department. We should not wait any longer to demonstrate to Turkey, in tangible terms, that the Congress is committed to a single Cypriot nation, with the freedom to determine its own affairs. I look forward to working with my colleagues to insure that a free, united Cyprus remains a cornerstone in the conduct of American foreign relations.●

● Mr. SANTINI. Mr. Speaker, almost 8 years have passed since the Turkish invasion of Cyprus. As a result of this occupation, thousands of people have been left homeless, living as prisoners and refugees in their own homeland. An additional 2,000 people are missing, lost to their friends and families. Included in this 2,000 are 5 American citizens.

In the troubled times our world now finds itself in, a unified and harmonious NATO alliance is imperative. The continual Turkish oppression of Cyprus endangers a strong and peaceful alliance in the eastern Mediterranean. We can no longer afford to have feuding among friends and neighbors.

With the interest of world peace in mind, I urge Turkey to concur with the United Nations' Resolution 3213, and remove all Turkish troops and colonists from Cyprus. I thank Mr. BROOMFIELD and Mr. YATRON for bringing this matter to the immediate attention of the House and join with them in hoping for a quick and peaceful end to the conflict among the eastern Mediterranean nations.●

IS NATO DEAD?

The SPEAKER pro tempore (Mr. YATRON). Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, I am compelled to rise in pursuance of the subject matter that I raised here on the House floor earlier this year, this session, at which time I raised the question about: "Is NATO dead?"

And in pursuance of it, because as I have stated in other cases, when I rise in the well of the House it is because I feel that it is a process in which I am involved in a national capacity, that is, when a Member gets elected from a geographical unit known as the congressional district, he, nevertheless, must participate in the flow of national trends and events, and nothing has been of greater concern to me for some time than the matters that are under the jurisdiction of the Foreign Affairs Committee, and at times I have raised issues and I have channeled the inquiries and the remarks I have made through the proper sources, in this case the chairman of the Committee on Foreign Affairs.

But in pursuance of that, as I said then, I intend to continue. I had inserted a copy of my letter to the distinguished chairman, Mr. ZABLOCKI, and since then I have received an answer which I shall insert in the RECORD, the reply that I received from the chairman of the Foreign Affairs Committee.

In the last Presidential campaign, the question of strategic arms control became a partisan issue. The question of whether or not to ratify the SALT II Treaty was not decided on the merits of the treaty but on the convenience of using that treaty as a partisan issue.

As well I might say by parentheses, as the concluded treaty in the Senate with respect to Panama.

In that climate, those Senators who might have favored the treaty dare not say anything or do anything in its favor. If they happen to be Republican, for example, then the policy of their candidate was to oppose a treaty. For them to have taken a contrary position would have been disloyal to their candidate and destructive to his campaign.

□ 1245

This political climate made it impossible to consider the question on the basis of merit, and so the SALT II Treaty failed.

After the election, it was up to President Ronald Reagan to crack the nuclear nut. He failed to put forward any recommendations. He stalled in setting up negotiations. His only real policy was campaign-style Red-baiting, like the following comment made on January 29 of last year, and I quote:

> The only morality they (the Soviet Union) recognize is what will further their cause, meaning they reserve the right to commit any crime, to lie, to cheat, in order to attain that.

Certainly we have ample reason to fear and distrust the Soviet Union. Yet it is equally clear that there are areas of mutual interest.

And let me again say by way of parentheses something that I have discovered to my interest is startling when I say it to some, and let me also say by way of parentheses that I have never visited Soviet Russia, and I have yet to meet a live and kicking Russian, believe it or not. I have yet to meet such a character. So I hope there will not be any insinuations that I have been influenced or am what they used to call a sympathizer, a "Comsymp."

Now, as I said, and repeat, we have fear and ample reason to be apprehensive. But when it reaches the point that I believe it has, and as is well reflected in the remarks made by President Reagan, we also overlook some definitive historical facts.

For example, in all the history of the world up to now, there is only one instance in which any two nations of any consequence in size, in influence, have an unbroken history of peace between them. And, interestingly enough, that only case in history is Russia and the United States.

Now, if there has been any kind of aggression, it has been on our side, because we participated with England and France and one or two other nations right toward the end of World War I in invading Russia and trying to put down the revolution. We actually had our soldiers in Russia, and in fact had quite a bit of campaigning there. We did not succeed. And the Russian Revolution went on.

But nevertheless, the Russians, looking at it from their standpoint, can truly say that as far as any aggressive action on their part toward us, it just is not recorded.

We must never forget that we got Alaska from Russia for around $12 million, which to all intents and purposes could be considered to have been a donation.

This history should not be overlooked because I think that if we could visualize somebody coming extraterrestrially and looking over the human situation, they would say it is impossible to believe that these two countries would be so now locked into a position where it seems inescapable that a destructive war, not only to both countries, but to the entire world, is almost irreversible and inevitable.

And I think we should not lose our rationality.

And if these are facts, and I stand ready to be rebutted if they are not, then we should not lose sight of them. And I think that this was clearly reflected in the pattern of historical development and evolvement.

So that in assessing the reasons why we have led to this locked-in situation, I think we must be very cognizant of history, and I do not think I have seen any evidence on the part of our leaders.

The American people simply have not been confronted with the basic issues.

Let me say that I consider, for example, the German question as the central issue. And until that is decided in some mutually satisfactory way, there is no reason we should think that an ultimate catastrophic event can be successfully prevented.

Now, let me explain a little bit about that.

We go into situations, whether it is the Far East, Middle Europe, or the Middle East, acting as if we are sort of babes in the political woods because of our ignorance of that history.

Certainly it is a fact that our ventures in Southeast Asia, whether it was Korea or later fatefully Vietnam, overlooked strongly historical facts that because of this inordinate fear, because of this misinterpretation of the reality of the world, which by the way we are repeating in the case of our own neighbors on our front porch and back porch in the Western Hemisphere, not only Latin America, but even Canada. And that is the central issue, which is Germany and its reunification.

We must never lose sight of the fact that this is a central concern of Germany.

Just the other day I had the privilege of having been asked to preside

while the outgoing distinguished minority leader, JOHN RHODES of Arizona, made what I consider to be one of the most impressive and meaningful and significant speeches that has been made on this House floor. He startled his comrades, and I notice several speeches subsequent to that in which they are trying to disown him, or trying to explain that maybe he had some lapse.

But in his speech, Mr. RHODES mentioned that he had reached the point now where he felt that we ought to seriously consider the withdrawl of our soldiers from Germany.

Well, whether and how that could be done or not, the question is that he is addressing something that America and even some of its allies have refused to confront, and I think the time is running out on us, and that the danger now is just like in the case of this issue in Cyprus, where our NATO allies are the ones that created the havoc and placed the United States in a similar situation as it is confronting now with respect to Great Britain and Argentina.

But leading to these fateful situations is an abysmal ignorance of history and our insistence on trying to conceive of the world as we think it is, as we structure it, as we imagine it to be, what I call the American myth of the reality of what the world really is. And that is not the world such as it is.

In the case of Germany, for example, there is no question. The German Constitution, West Germany, the first thing it says is that the main point is reunification.

We changed the designation of our troops about 8 years ago from occupation to defense. But they are still looked upon as occupation, and more so now.

Oh, yes, there are some disclaimers now by some of the West German leaders, such as, "Well, we don't go along with you on your basic recommendations as to the strategic positioning of nuclear weapons. However, it would be horrible if you were to withdraw that nuclear umbrella. We cannot think of it. On the other hand, we want to do business with Russia, and therefore we are a little bit more scared of you because of the implications of Presidential atomic bomb rattling" in which the President unfortunately referred to the possibility of a confined nuclear war or battle in the European locale, which would be Germany.

Now, how in the world anybody could make those remarks and not scare the devil out of the people involved is beyond my ability to comprehend.

And yet the President's reaction was, "Oh, well, that reaction and manifestation and demonstrations by the Germans and the Dutch in Holland" where Holland had over 500,000 demonstrators, the like of which has not happened since World War II actively finished, because it really has not terminated; if it had, we would not have 300,000 Americans in Germany alone. But in any event, the President's reaction was to blame it on the Communists in Russia, that they are the ones that incited the West Germans, they are the ones that were so successful that they were able to incite 500,000, half a million Dutchmen.

Well, now, this is a terrible, terrible error. And because it is really giving the Russian Communists credit that they are not entitled to, because they just are not that successful.

Just as in the case in our own backyard, we are the ones that have made a hero and a leader out of Castro. Fidel Castro is really a third-rater. But we made him the hero. We made him the hero through the same sequence of events as we are doing and have done in these other sectors, such as in Europe.

But then we forget history, and we cannot afford to.

So we ought to try to imagine what it would be like if instead of the United States, we imagine that our country were Russia. Let us imagine for the moment we are Russia. And let us imagine for another moment that north of us, Canada, is China, and south of us in Mexico is Germany. And let us them imagine that Mexico invaded us, and after a tremendously destructive war, and after we had lost 20 million Americans, with the help of some friends across the sea known as this other country, in this case it would be the United States and England and France, we rolled back this tide of invasion from Mexico and we said never again are we going to allow this to happen; though this had been the history of Middle Europe for 200 years.

Poland is a good example. Poland has been invaded even by the Swedes at one time.

So that this tussle is historical. And we are coming in like a bunch of babes in the woods without taking into cognizance this long history of development.

In today's Poland, for example, sure, we can talk about the Russian domination. But the average Pole is far more scared of a German revival, what the Russians call revanchism, revengist, than they are of the Russians, believe it or not.

If we bothered to read what is being written in Poland by distinguished intellectuals, we would find that out easily.

We cannot overlook that history.

So then when the Germans keep panting for reunification, you do not read one work about that in our press, in our statements from our leaders.

Now, it has reached the point where now the generations that are coming to the front, mostly the ones that are demonstrating and the ones right ahead of them that are now reaching the seats of power, were too little or too young to remember the reasons why our troops got there to begin with.

□ 1300

First and foremost, we must remember that.

Second, as has been the issue all along, I remember the conference between Conrad Adenauer and President Johnson years ago. In fact, back home in Texas I was present at that meeting, and I remember one of the collateral issues that Conrad Adenauer was bringing almost to the forefront, and that was, what about reunification?

So then the issue has been between Russia and the United States, as Germany sees itself trying to survive and seek that eventual goal of reunification.

Let us go back to this example I was referring to. We rolled back the tide of invasion from Mexico after losing 20 million Americans. In the meanwhile, we have had a history of at least 150 to 200 years of violence and aggression between Canada—in this case, China—and ourselves—and we are now Russia. Then, after the war we roll into Mexico and say, "We are going to keep you from ever getting into a position where you can invade us again in that way." And every country in between is in consonance with that—Poland and Czechoslovakia, which had been invaded by Germany—and they felt the same way. But then all of a sudden we start getting ugly confrontations. No sooner is the physical war terminated and we are in possession of Mexico than we say, "We are going to split it up with our allies who rolled back the tide." But all of a sudden we hear that our allies are saying, "Wait awhile. In that section that we are going to occupy we might have to do something because we are leery of you. We do not like your system."

And let us not forget this. I am old enough to remember that our feelings all along have been ambivalent about Russia. Even during the war I can remember when the Russians were being pushed all the way back and it looked as if the Germans would conquer the Russians. I saw and read things and I heard speakers who said, "Well, what do you expect from a bunch of Communists? They are not going to be able to stand up. They are going to be defeated."

Well, for whatever reason, our help or whatever, they rolled back the tide. And then we said, "Oh, oh, wait awhile. Doggone, those are Communists. That is a Communist system." We better look out.

And then, of course, there was the way they did come in, into what we

call East Germany, which is Prussia, and they dismantled German industries and factories and turned them over to Russia.

We were torn between Morgenthau's plan, which he said was to make peasantry out of Germans.

In other words, it was about the same thing, but we did not do it. We had the humanitarian view, and we had what was a proper victorious attitude. But when we started to talk about rearming Germany, at that point we had the beginning of what turned out to be the Cold War and the other factors that have led to this fateful confrontation now—as simply said, the big crisis, the big issue, the big confrontation.

In the meanwhile, not only do we, who have lost 20 million, see this erstwhile ally doing this and all of a sudden talking about rearming Mexico but we also see them coming over and making deals with Canada—the Chinese—as Haig and President Reagan did last year.

We actually made an arms deal. Most of it is still secret, that is, the terms of it. They have not been revealed to the American people. Let us not forget that.

So that we have that situation and the remarks such as President Reagan has made about the Russians. Now, here is President Reagan saying they are nothing but a bunch of criminals. Yet he says, "I offer to meet with you at some time maybe." But his predecessor partisan President, that is, a fellow President of the same party, Mr. Nixon, and his successor, Mr. Ford, and his successor, Mr. Carter, all of them went over and cheek by jowl toasted the same Russian leaders that Mr. Reagan says are criminals. Mr. Nixon even gave Mr. Brezhnev a limousine. And we had détente, and we had President Nixon tell us they could be trusted.

Now, how in the world can we expect anything but irrationality to be the interpretation of that kind of folderol that goes by the name of makeshift policy?

So I think, if nothing else, we ought to be very cognizant of these historical factors and our contribution to the discord, because, no matter how we like to make it look, this kind of situation has contributing factors on both sides, and, of course, the decision now is a very fateful one.

I think that we have got to sit down and discuss these things rationally. The President evidentally is of two minds about the Soviet Union. On the one hand, his comments about their aims and intentions are typified by his remarks that he made on January 29 last year. On the other hand, it was President Ronald Reagan who campaigned against the grain embargo and who ultimately lifted it. And it was Ronald Reagan who first expressed outrage about the Russian gas pipeline in Europe that we tried to pressure the Germans and the French not to enter into, though we helped the Russians to build it. If we had not given the Russians the know-how and the material, they could not be building that pipeline. Yet we are asking the Germans not to have anything to do with it, and we are asking the French not to have anything to do with it.

So with that kind of contradictory situation, is it remarkable that our so-called allies are not allied with us in that respect?

It was Ronald Reagan who expanded trade with the Soviet Union even as he pushed the arms race to the outer limits of our economic capacity. It is Ronald Reagan who said that the arms race is hurting the Russian economy, but apparently he feels it is not harming our own, notwithstanding the universal judgment to the contrary.

Even as the arms race moves into high gear, the NATO alliance is questioning its own worth and mission. NATO does not see the world as divided between East and West or between red and free, nor does it see American troops as necessarily their friends. They tend to see American troops as armies of occupation and themselves as hostages to an arms race that will most likely destroy them as kernels between grindstones.

As for ourselves, the American people see that it is impossible to justify support for dictatorial and corrupt governments whose only claim to American support is that they are not Communist. A dictatorship is a dictatorship, despite any hairsplitting by Jeane Kirkpatrick. The pain of a tormented political prisoner in Buenos Aires is no different than that of a political prisoner in Cuba. Our people have come to see that our country is best served by a policy that is true to our own principles and our beliefs, a policy that is true to freedom and based on humanitarian concerns. When we stray from these basic concepts, we are embarrassed to find ourselves on the side of the latter day Fascists who run Argentina and who could by simple stupidity set off a great war over a tiny group of islands that are remnants of a 19th century feud.

Let me say by addition that Argentina and South America have always been considered the Texas of Latin America. They have always been independent, arrogant, and what not. In fact, when the English had Prime Minister Canning, he had one experience with the Argentinians that is very reminiscent of what is happening now.

But the Argentinian regime now is one of the most, if not the most oppressive and corrupt in the whole world—not just in Latin America but in the whole world. They have thousands of Argentinians who simply are not accounted for; they disappeared. Some are being tortured even now. There are at least over 300 children who have just simply been picked up, and they have disappeared; there is no accountability for them.

This is a regime that Jeane Kirkpatrick, our Ambassador to the U.N., said was not guilty of any antihumanitarian actions. And she on her last visit to Argentina refused to see some of the poor Argentinian moderate intellectuals, and because of her refusal two of them who shipped out of Argentina the next day after Ms. Kirkpatrick left, because Ms. Kirkpatrick says that there is a difference in degree, that you can have authoritarian permissible dictatorships.

I do not know how that can be defined when you have that kind of violation and when you have it on a continuing basis. But maybe it is because of Secretary Haig, a general turned diplomat. And let me say also by way of explanation truthfully what my thinking has been about General Haig all along: That is that he is one of the most dangerous men that America has ever seen. In fact, I will say this—that America in its history has not seen the likes of General Haig since Aaron Burr, and only fateful time will show the high cost of his appointment.

There are many reasons for that. I could document the reason why I think that way, but they are not appropriate for this occasion. All that remains to be seen is that up to now his only success diplomatically has been the expotential number of weaponry and arms sales that he has succeeded in making in the brief time he has been Secretary of State. There are such things as Mexico; we just recently gave Mexico two of our destroyers. Oh, we said we sold them at the price of scrap, which means giving them away. But these were two destroyers that were on our active duty list.

Why would Mexico want two destroyers? I raised the issue because I was the one who exposed that, and I asked the question—and have not had it answered—what assurances do we have that Mexico will not use those to pick up our shrimp boats from Texas or California? We do not know.

We also made a deal to let Mexico have over a dozen—14—F-5's. What does Mexico want with sophisticated jet weaponry when Mexico has always prided itself on saying, "We are not militaristic. We don't have to have the kind of standing army that an aggressive nation has. We are nonintervention-ists. We are a self-determining Nation—'auto determinacion,'" as they say there.

Why all of a sudden all this insistence that they have arms?

Let us take Venezuela. We just recently made a deal to let Venezuela

have more than 14 F-16's. Now we are sewing dragon's teeth all up and down the Caribbean with very little debate, or none at all here—in fact, no debate. The only remarks have been those that I have made here on this House floor.

So I say these things because they show the pattern and because I think that the American people, really, if they had a choice, would say there can be no realistic policy except that which is based on our traditional American humanitarian principles.

Now, that does not mean that America has no right to protect its legitimate interests. Of course we have. We have everything at stake from a defense standpoint in the Caribbean and south of us, and they are proper areas. But the way we are going about it is not right. For instance, in El Salvador I raised the issue that we are doing the same thing we did in Vietnam. We have soldier boys there. In fact, some of them are my constituents. They were there, and up to the last I heard they were still there in a capacity, as they say, of advisers, but without the right to defend themselves. They were not allowed to have a gun.

But our Embassy officials who actually go to work in a fortress—we have made our embassies real fortresses—travel from their work, back and fro, in armored cars and are given 60 percent extra pay for being in a hazardous occupation, but our soldier boy, who is going to be just as dead whether he is an adviser or a military there, is not allowed to have that and is not even given hazardous duty pay, what we call hostile area duty pay.

□ 1315

Is that not insane? We did that in Vietnam.

I raised the issue and was the only one raising the issue as of May 1963 when the President was President Kennedy. The difference was that President Kennedy was accessible. I could reach him, and I did. On the last trip to Texas I was on *Air Force One* with him and that is exactly what he told me. He grinned and he said, "Well, Senator"—he used to call me Senator because I was a State senator in Texas. He said you know, in other words he was referring to my having importuned him since May because I started out by going through channels just as I did in this case of El Salvador, and absolutely the channels were the same. He said: "I have done something about your problem. The advisors are going."

I first brought it to the attention of the head of the Far Eastern Desk at that time who was William McBundy, and he gave me the same folderol and doubletalk the State Department always will.

But I went further because I had access.

President Reagan is not accessible. In fact, he does not even answer a Congressman's letter. He delegates that to an assistant. This is the first President in 20 years that I have worked with that does not reply to a Congressman's letter and is inaccessible.

There is no way you can get in there to see President Reagan. Fine. OK. That is OK.

What we do then is resort to the only thing we have, which is this forum, and that is what I am doing. But I am doing it because there is more than just a desire to hear my views. I have direct impact or direct responsibility because I have constituents just like I did in 1963. The reason I found out was that I had constituents that came back from Vietnam and told me about this silly, Alice-in-Wonderland situation in which our country was putting them to be exposed to serious bodily harm or death without even giving them the right of self-protection.

If that was not crazy then, I do not know what was. And if it is not crazy now, I do not know what is.

There is only one difference, and this is the reason I have not had an answer to my inquiries, and that is now we have the War Power Limitation Act. So the President must do one of two things. What they have chosen to do is to cover it up.

But I say that if it is legitimate for us to intervene, and I am the last to tell you that maybe it would not be, just like it was in the case of Greece with the British and the Greeks. Churchill was very clear. He said to his commanding British general, he said, "You go in there and you stop the Communists, hopefully without bloodshed; but, if necessary, with bloodshed."

I say hopefully the United States will not have reached a point, though I think we have, where the only way will be a direct intervention. But if we are, let us do it rightfully. Let us do it in the right way for our own men and in the right way for our whole country as a matter of basic policy, and for the whole world.

But this other way makes it look what I think it has been up to now, and that is a mistaken notion on the part of our leaders that in the name of anticommunism we can go in and be identified by the masses in Latin America as oppressors.

Remember this, Latin America is and has been for years in turmoil. It is going to continue. The only fateful decision is how it will be channeled. Will it be channeled in a way that will be consistent to our peaceful future development in America or will it be in such a way that we will irretrievably, and I am saying that that is the issue, I say irretrievably lost, because that is the issue.

There are now more Latin Americans than there are Americans. Our population at best is about 231 million. For about a decade or a decade and a half the population in Latin America exceeds by far that number, by far. Those masses are downtrodden in the main. They are oppressed. They are living in abject hunger and poverty. Either we are identified with the aspirations of those people for social justice or we are identified as we are now as against them.

It is ironic in El Salvador we have had an average of 20,000 per year Salvadorans killed. I mean innocent civilians, young girls 12 years old, 9 years old, young boys, young kids, and older people, exterminated by the right, by the left.

We had an archbishop murdered. The man directly responsible for that just recently ran for election that we sponsored and is now taking over the power.

What is our policy? Are we going to continue this outworn and mistaken policy of mythology or are we going to be realistic?

But the irony is that whether those people got killed by one side or the other, they all got killed with weapons made in America, because the left, the revolutionaries, or the Communists, or whatever you want to call them, most of their arms have come, directly and indirectly, from Czechoslovakia, Yugoslavia, Cuba, and other countries, from the armaments that we left in haste and pellmell in Vietnam.

So as far as Salvadorans are concerned, they are being killed by weapons made in America.

If we allow ourselves to be jockeyed into being identified with these oppressive classes, with those oligarches who have nothing but hatred and cruelty and disrespect for their own, if we want to be identified with them, if we want to sacrifice our American soldiers to trying to keep that in power, let me tell you that not only will we be defeated, but who says that we will not merit defeat?

HOME OWNERSHIP BOND BILL

The SPEAKER pro tempore (Mr. PATMAN). Under a previous order of the House, the gentleman from Arizona (Mr. RUDD) is recognized for 45 minutes.

Mr. RUDD. Mr. Speaker, after agribusiness, the construction industry is the largest industry in our great Nation.

Mr. Speaker, the home construction industry is in a state of collapse across our land, as is the savings and loan and like lending institution business, which have provided the monetary sinew to make housing possible for our people.

Mr. Speaker, in America it is every citizen's dream to have a home or house of his own.

Mr. Speaker, only in America can a person hope to make that dream come true.

Mr. Speaker, if I were speaking to our great President Ronald Reagan about these concerns, I would discuss this grave problem forthrightly.

Mr. Speaker, let me share with you and my colleagues of this magnificent legislative body the discussion I would have with our President in the following manner:

Mr. President, you have told us this Nation is facing serious economic problems. We know this is true. Hundreds of thousands of auto workers have been laid off in Detroit. About half the copper miners in my State of Arizona will be out of work next week. All across this Nation home construction is at the lowest level in almost 20 years.

You have told us, Mr. President, the measures you have instituted—tax cuts—reductions in the rate of increase in Federal spending—the elimination of unnecessary costly Federal regulations—will in time produce a vigorous, healthy national economy.

As one who has supported your economic proposals in committee and on the floor of the House, and in front of my constituents at home, I believe what you say is true.

But, Mr. President, will the American people—will the American political system—grant you enough time to make your predictions come true?

Unemployment continues to rise. Businesses, small and large, are going bankrupt. Every savings and loan institution is in deep financial trouble. Millions of construction workers are out of a job. Building materials suppliers are operating at half speed or less. And Mr. President, millions of American families desparately in need of new housing are unable to acquire that new housing because of high interest rates.

The remedy my colleagues and I are proposing, a home ownership bond bill, H.R. 4833, has a number of cosponsors. We believe, Mr. President, this remedy will go a long way toward putting the carpenters, plumbers, bricklayers, shinglers, painters, plasterers, and concrete finishers now out of work, back to work.

The remedy we are proposing, Mr. President, will we believe, make it possible for those Americans who now cannot buy the housing they need, because of the high interest rates, to acquire that housing.

The remedy we are proposing, Mr. President, will go a long way toward rescuing the savings and loan institutions.

It is a simple, easy to understand remedy, Mr. President. The people are not buying new houses because interest rates of 16 or 17 percent have priced them out of the market.

The savings and loans, traditional financers of new home construction, cannot provide the mortgage money at less than 16 or 17 percent without going broke.

No money—no market—no building. No employment in the trades. Very little employment in the woods or the factories or the mines.

We believe, Mr. President, that if mortgage money were available at 12 percent those families needing new housing would buy. The carpenters, plumbers, painters, concrete men, and plasterers would go back to work to provide that new housing, because H.R. 4833 is identified solely with new housing.

How then can we make 12-percent mortgage money available?

The remedy we propose, Mr. President, is to reward those savers who will lend their money to the financial institutions for a 10-percent return with a tax credit amounting to enough to give the saver a net 14-percent return after taxes.

We propose, Mr. President, a variable rate of tax credit so the rich man who is in the 50-percent bracket gets no better break than does the investor in the 30-percent tax bracket.

Mr. Speaker, I would also tell our President this:

We believe investors will buy these bonds when they understand they have a locked in return of 14 percent after taxes for 5 years.

We believe the issuers of the national home ownership bonds will have enough new mortgage money on deposit to finance a large percentage of the housing we need.

The savings and loans have assured us they will be able to operate and make a profit on the 200 basis point spread between 10 percent (which they pay for the funds) and the 12 percent they will get for their funds.

We propose the authorization for the issuance of these bonds be terminated in 3 years.

We propose the life of the bonds be limited to 5 years. At the end of that 5-year period the borrower and the lender will renegotiate the loan.

If you are right in your projections, Mr. President—If interest rates will have returned to a reasonable level in 5 years—the borrower and the lender can negotiate a new loan at a rate of interest acceptable to both.

Mr. President, it can be demonstrated that each $100,000 of new home construction will generate at least $75,000 in new taxable income—income in the hands of carpenters, bricklayers, plumbers, painters, and plasterers who are now out of work and on relief.

This $75,000 of new income taxed at a low predictable 20 percent will produce $15,000 of new tax income in the year of construction—an amount which will probably be greater than the total amount of tax credit allowed to the investors who put up that $100,000.

In addition to this initial increase in tax collection, Mr. President, the interest differential will generate a substantial amount of new tax income for the Treasury.

Now, who is in favor of this proposal, Mr. President? All of the carpenters, plumbers, bricklayers, painters, plasterers, concrete finishers now out of work are looking to this administration to do something to help them get their jobs back.

The several thousand savings and loans and thrift institutions in the United States who are in deep financial trouble are looking to this administration to help them climb back on the road toward solvency and profit.

The more than 1 million American families who cannot now afford the housing they need are looking to this administration to help them satisfy their aspirations.

Now, who is opposed to these remedies, Mr. President?

The commercial bankers object to this program because they say it amounts to credit allocation. They do not want to be committed to borrowing funds at 10 percent and lending them out at 12 percent.

Many of these commercial bankers, Mr. President, believe that as a nation we have done too much to encourage the American people to own their own homes. They call it a subsidy because homeowners are permitted to deduct the cost of the interest on their mortgages from their income taxes.

Well, Mr. President, you have effectively employed the principles of tax incentive as applied to the business community of this Nation. Should we not now employ tax incentives to put the construction trades back to work?

In the depths of the Great Depression, President Franklin D. Roosevelt proposed the Federal Housing Administration. This was a simple bill. It permitted the working man to capitalize his future earnings and to acquire the housing he desired.

Prior to the appearance of FHA anyone could acquire a home if he had 50 percent to pay down and could pay off the mortgage in 3 years. And prior to the FHA, Mr. President, we were a nation of renters, not of homeowners.

As a result of the FHA we are now a nation of homeowners.

Homeownership, Mr. President, is a part of the American dream. It helps to stabilize society. It helps to maintain families.

Your programs, Mr. President, have provided incentive for savings in the liberalized individual retirement account laws and the Keogh plan laws.

There are those who say that any time the Government lets a citizen keep any part of his earnings it is costing the Government in taxes.

I do not think you believe this, Mr. President. I do not believe it. The money Americans earn does not ipso facto become the property of the Federal tax collector.

Mr. Speaker, I would ask our President whether anyone suffers if the homeowner can deduct the amount of his interest expense from his tax liability? The receiver of that interest payment must pay taxes on what he receives.

Mr. Speaker, I would continue with this:

Is it wrong, Mr. President, to let the saver and the worker acquire a home of his own? Would it better serve the Nation's interest to have that money go into the hands of commercial bankers—become a part of the credit pool to be claimed by spenders in Government—by the great multi-national business corporations?

What is the tradeoff involved in this measure? The Treasury gives up a modest amount in tax credits and immediately receives far more in taxes on newly created taxable income.

This would not be so if all of the unemployed carpenters, bricklayers, plumbers, painters, cement finishers, and plasterers could find work in other fields at satisfactory wages. But they cannot.

Mr. President, America needs housing. Millions of our people live in substandard housing. And while the rate of growth and demand of new housing may not be as great in the next 10 years as it has been in the past, the immediate demand is for at least a million new housing units each year.

Mr. President, if the economy were sound and growing—if the unemployment rate were down to 4 or 5 percent—we could fold our hands in our laps and do nothing. But that is not the case.

The American people are looking to this administration—looking to you, Mr. President, to take action—to do something—something which will start moving the country ahead again.

Our remedy, Mr. President, is temporary. If, as I believe and you believe, interest rates will come down as you continue to win your battle against inflation, the program we propose may not be needed even 3 years from now. But today something must be done.

Something must be done to restore the people's confidence in our economy and in the competence of our Government.

Mr. President, we implore you to carefully consider the remedy we have proposed. Under the limited terms in the legislation there will be no direct tax loss to the Federal Treasury. Under the limited terms we have proposed the remedy will only extend for a maximum of 8 years and then only if 3 years from today the interest rates are still at 15 or 16 percent.

You, Mr. President, have done a remarkably admirable thing in providing tax relief for the American business community.

If it is in the best interest of our future to permit rapid writeoffs, investment tax credits and other incentives to the business community, is it not also in our future interest to act now to put the construction workers back on the job—to permit American families to acquire adequate new housing?

We do not ask any Federal guarantee for the homeownership bonds. We do not ask the Federal Government to appropriate $3, or $5, or $10, or $15 billion to finance housing, as has been proposed elsewhere.

All we ask is a small amount of tax forgiveness to the investor who is willing to put his money into homeownership bonds at 10 percent, with the assurance he will have 14 percent after tax return.

Mr. President, if the interest rates come down this program will self-destruct. And if millions of American workers go back to work—and if the lending institutions which have traditionally financed new housing move from a loss to a profit—this program would no longer be needed or employed.

You, Mr. President, do not have the authority to order the interest rates lowered—but you do have the authority to advance a program which will, in effect, lower the rates of interest on new housing.

Such a move, Mr. President, would have a dramatically beneficial effect on the employment rate. Such a move, Mr. President, would satisfy the aspirations of at least a million American families who are now pessimistic about their future.

Such a move, Mr. President, will be accepted as a signal to the American people that this administration has the will and the understanding to adopt a temporary measure which will improve the present situation for millions of Americans.

Who else will benefit, Mr. President, beyond the carpenters, bricklayers, plumbers, painters, plasterers, and cement finishers who will go back to work?

Who else will be benefited beyond the million American families who desperately desire new housing?

Why the answer, Mr. President, is that every segment of the American economy will benefit.

The automobile industry will have new customers. The carpetmakers—the furniture builders—the manufacturers of home appliances—the real estate—the list goes on and on.

Subsidy, Mr. President, is repugnant to all true conservatives. But this is not a subsidy.

This, Mr. President, is a program of sensible employment of a tax incentive. In this case a tax incentive which will result in a greater net tax collection by the Treasury. A tax incentive, Mr. President, which will take people off the rolls of the unemployed and put them back to work providing a needed product.

A tax incentive, Mr. President, which will reinforce our faith in the American dream.

This, Mr. Speaker, is what I would tell our great President Ronald Reagan.

Mr. Speaker, this is the recommendation I give to you, to our colleagues, and to the administration on how to improve the sad state of our construction industry.

INTRODUCING LEGISLATION TO CORRECT INEQUITIES IN BENEFITS FOR BLINDED VETERANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of New Jersey. Mr. Speaker, I am introducing legislation today that would correct some major inequities in title 38, section 314 that treat blinded veterans unfairly.

First, I am introducing legislation that would classify totally blinded veterans without light perception under subsection n of the current schedule instead of subsection m where they are now rated. This would equalize benefits for totally blinded veterans without light perception with those who have suffered the enucleation of the eyes or deformity or scarring.

In the case of the loss of extremeties, the code already provides not only for the "loss of" the extremeties but also for the "loss of use of" the extremeties. I believe the same standard should apply to those veterans who have lost their vision. A totally blinded veteran without light perception has suffered the total "loss of use of" his eyes and, therefore, he should be rated the same as someone who has suffered the anatomical loss of his eyes. Medical experts also can attest to the more severe nature of blindness without light perception. Light perception is an important aspect of balance, and the loss of light perception can make blindness a more debilitating condition.

Additionally, I am introducing legislation that would amend the schedule to provide additional compensation for blinded veterans who also have incurred losses in hearing or suffered loss of extremities. Even a minor hearing loss in a blinded veteran is a greater hardship than if that hearing loss affected someone who was not blinded. Currently, hearing losses are evaluated by the VA as if they occurred in someone who was not blind.

In the case of a blinded veteran who has lost an extremity, he has essentially lost contact with the world around him. The loss of a tactile sense in someone who is blind is a serious situation and should be judged so by the VA.

Mr. Speaker, both of these bills are cost-effective measures. Neither would exceed $1 million each—a modest amount considering the group that would be helped.

Both bills would make minor changes to the schedule and impact on an estimated 1,000-plus veterans—service-connected veterans who incurred their disabilities in defense of their Nation.

I do not need to stress the great sense of commitment this Nation has to its service-connected disabled veterans. Our veterans served their country when they were most needed. And we should never forget the great sacrifice they have made.

Mr. Speaker, I believe that the two provisions which I have cited today that impact harshly on blinded veterans are simple oversights in the current schedule. They were not instituted to treat blinded veterans unfairly, but their effect is the same.

In the interest of those who have given of themselves in service to our Nation, I would ask for the support of my colleagues for this legislation.

Mr. Speaker, I yield back the balance of my time.

NEGOTIATIONS CONTINUE ON BUDGET COMPROMISE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGRICH) is recognized for 60 minutes.

Mr. GINGRICH. Mr. Speaker, I will not use the entire 60 minutes today, but I do want to take a few moments to talk about the situation we find ourselves in as negotiations go on this very afternoon to try to develop a budget compromise.

The situation is simple. The President of the United States offered his budget several months ago. Almost everyone had improvements. From their standpoint, liberals wanted more social spending, conservatives wanted less social spending, liberals wanted higher taxes, conservatives wanted a smaller deficit. But it was a budget. Whatever one may say about the President's first efforts, they were in writing, they were clear, they were through, and they represented his best first effort as he and his staff saw it at that time. They were a starting point.

Now, several months later, several months during which interest rates have remained high, during which economic anxiety has increased, during which the people of America have worried, we are at an impasse—an impasse we have been at almost from the day the President offered his budget.

The major cause of that impasse is in this body, the House of Representatives. The liberal Democratic leadership in this body has refused to produce any alternative budget. They have produced criticisms, they have produced counterattacks, they have produced comments; but they have not shown how they would solve the fundamental problems.

For the last 3 weeks, the Republican leadership in the House and the Senate has been meeting with the Democratic leadership in the House and the Senate, with the help and assistance of the White House team. That effort, going on day after day, in negotiating sessions seeking to find an answer that will bring down the budget deficit, that will bring down interest rates, that will create new jobs, that will restart the housing and automobile industries—that effort is still going on.

But today, thanks to the Speaker's comments yesterday, the effort is a little more doubtful, the chance of success is a little weaker. Frankly, in an election year, it is tempting for all of us to be partisan. It is tempting for everyone to seek advantage for their party. But the fact is that, while we talk in Washington, people are laid off across the country. While we talk in Washington, high interest rates cripple housing and automobiles. While we talk in Washington, small businesses are forced into bankruptcy.

I hope that the people of America will decide that their Congressmen and their Senators should join in an effort to seek a compromise. I hope that there will be a nationwide outpouring of telegrams and letters and phone calls, demanding that both parties join in an effort to seek compromise.

Surely, the Nation's economy, the jobs, the hopes of the American people are too important for petty partisan advantage. The current maneuvering is beneath the dignity of all of us, it is beneath the dignity of a free people. What we need is to get the options out in the open. We need either in the next 2 days to see a true compromise or, as a legitimate alternative, we need to see a Democratic budget. We need to see a negotiating document which says, "Here is how we would raise taxes, here is how we would spend money, this is what we would do differently than the President."

The economy of this country is too vital for mere partisan maneuvering. It is legitimate to disagree about tax rates, it is legitimate to disagree about spending on social programs, it is legitimate to disagree on the size of the defense budget. But it hurts all of us when one side, the side which controls the House of Representatives, the Democratic Party, hides behind a cover of no figures, no documents, no budget, and simply nitpicks the President's proposals.

Hopefully, this compromise effort will yield results in the next 2 days. However, if we return next week and there are no results, there is no compromise, then I think it is urgent in the name of saving jobs and in the name of selling cars and selling houses, in the name of revitalizing the American economy and bringing down interest rates, it is vital that the Democratic leadership bring their budget out in the open so that the American people can then choose, so that we can get on with the business of rebuilding the American economy.

APRIL 24—DAY OF MOURNING FOR ARMENIANS THE WORLD OVER

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Illinois Mr. (DERWINSKI) is recognized for 5 minutes

● Mr. DERWINSKI. Mr. Speaker, there is probably no American family of Armenian origin which did not have at least one member who died in the massacre of Armenians by the Ottoman Turkish Government. About 1½ million people out of approximately 3 million Armenians were murdered in the first genocide of this century.

April 24 is a day of mourning for Armenians the world over. This date marks the 67th anniversary of the systematic effort by Ottoman Turks to exterminate the Armenian Christian community within their country. In 1915, Armenian intellectuals and community leaders in Turkey were murdered. Over the next several years, the entire Armenian population in eastern Turkey were deported or killed in an attempt to obliterate the people, the religion, and the culture of Armenia. Nevertheless, enough Armenians survived to establish, after World War I, a Republic of Armenia. Unfortunately, this small and weakened State fell only 2 years later to the Soviet Union. Those Armenians now are subjects of the Armenian Soviet Socialist Republic. Thus, Armenia is one of the nations held in bondage by the U.S.S.R.

We should recognize the commitment of the Armenian people throughout the world to the cause of justice and human rights and the terrible price they have paid in pursuit of these principles. Despite the horrors inflicted upon them, the spirit of the Armenian people lives on. The Armenian people have demonstrated, throughout history, their fortitude, stamina, and tenacity in maintaining their unique church, culture, and language. The exisitence today of the Armenian spirit is the foundation that will lead to the ultimate restoration of a free Armenian nation.

It is especially appropriate that Armenian Americans continue as they have, to maintain the Armenian culture and church here in the United States. Our country has been greatly enriched by the many contributions the Armenian immigrants who came to the United States after the tragedies inflicted upon them by the Turkish authorities.

To the hundreds of thousands of Americans of Armenian origin, I express my ongoing feelings for the great loss they have suffered as a people, and I pay homage to those whom they lost.●

SURPLUS AGRICULTURAL COMMODITIES DISPOSAL ACT OF 1982

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from IOWA (Mr. BEDELL) is recognized for 5 minutes.

● Mr. BEDELL. Mr. Speaker, today I am introducing, along with my colleagues, Messrs. FINDLEY, DASCHLE, HAGEDORN, ROBERTS of Kansas, GLICKMAN, ENGLISH, JONES of Tennessee, EVANS of Iowa, VOLKMER, and STENHOLM, legislation entitled the "Surplus Agricultural Commodities Disposal Act of 1982." This measure, if adopted, would allow the U.S. Department of Agriculture to dispose of its excessive supplies of surplus stocks at a significant cost savings to the Government without displacing current market demand for these agricultural commodities. The bill would also send a strong signal of support to the young alcohol fuels industry.

Our proposal calls upon the Secretary of Agriculture to dispose of excessive supplies of government-owned commodities by contracting with fuel alcohol producers to process these commodities into alcohol and agricultural byproducts. The alcohol thus obtained would be used solely by the Federal Government as a transportation or industrial fuel. This restriction is important to assure that the alcohol does not interfere with the private alcohol market or that the processed commodities do not displace private stocks currently being made into alcohol.

The merits of such a proposal are obvious. First, according to the U.S. Department of Agriculture, it now costs the Government at least $1.72 in interest, storage, transportation and handling charges just to hold the surplus grain for 2 years. And this figure does not take into account losses associated with the deteriortation in the quality of the grain stocks, nor does the estimate include the impact of the Government-owned stocks in depressing the price of commodities held by commerical firms and farmers.

Second, processing the commodities into alcohol and earmarking that alcohol solely for government use assures

that the stocks are removed from the market forever and transformed into a very usable commodity—liquid fuel. Furthermore, this effort would expand the market for alcohol fuel by requiring the Government to use all of the alcohol for its own energy needs. The Government uses only a limited amount of alcohol at this time.

Under the manner in which we view our proposal working, the Secretary of Agriculture would contract with alcohol processors possessing idle production capacity to convert the commodities to alcohol and agricultural byproducts in return for an established fee or a share of the byproducts. All of the alcohol would be returned to the Government for its own use as a transportation or industrial fuel.

Mr. Speaker, with privately held stocks of agricultural commodities at near record levels, and with Government-owned stocks of corn increasing by nearly 2 million bushels per week, it is critical that we develop this important new outlet for Government surplus grain. The outlook for our agricultural economy has rarely been bleaker than it is today—parity and farm income are at Depression-era levels, grain export demand has stagnated, insufficient storage capacity and the likelihood of good crops again this year offer the prospect of lower prices and storage congestion this fall—and this proposal offers the opportunity to reduce our surplus at an actual savings to the Government.

Mr. Speaker, we urge the prompt consideration of this legislation, and we hope that our colleagues will offer it their full support.

The text of the bill follows:

H.R. 6142

A bill to require the Commodity Credit Corporation to dispose of government-owned stocks of agricultural commodities

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Surplus Agricultural Commodities Disposal Act of 1982".

SEC. 2. The Agricultural Act of 1949 is amended by adding a new section as follows:

"SEC. 423. (a) Notwithstanding any other provision of law, in order to prevent the accumulation of excessive stocks of commodities through the price support operations of the Commodity Credit Corporation, the Commodity Credit Corporation shall contract, to the extent feasible, under terms and conditions established by the Secretary, for the processing of its accumulated stocks of commodities into liquid fuels and agricultural commodity byproducts. Such liquid fuels shall be made available to help meet the needs of the Federal Government for transportation and industrial fuel.

(b) In determining the feasibility of contracting for the processing of Commodity Credit Corporation stocks of commodities under subsection (a), the Secretary shall consider the nature of the commodities, the acquisition, transportation, handling, storage, interest, and other costs associated with acquiring and maintaining such stocks, including the effect of such stocks in depressing agricultural commodity prices, as well as the value and utility of such stocks when processed into liquid fuels and agricultural byproducts.

(c) Within 120 days after the enactment of this section, and annually thereafter, the Secretary shall report to the Congress with respect to the operation of this section, including any recommendations for legislative changes the Secretary finds necessary with respect to the authority provided in this section.●

MEIMAN PROCLAMATION STATEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. WIRTH) is recognized for 5 minutes.

● Mr. WIRTH. Mr. Speaker, the city of Boulder, Colo., has never hesitated to address important issues beyond its borders. In keeping with this tradition, the Boulder City Council proclaimed April 4, 1982, as "Prof. Nohim Meiman Day," to both honor and help this Soviet human rights activist.

With the fine cooperation of the Boulder Conservative Synagogue, the Boulder Council of Churches and Synagogues, and the Commission on International Jewish Affairs, the day was a great success. A letterwriting campaign was organized, and sermons addressing the plight of Professor Meiman were given in places of worship throughout the city.

Nohim Meiman, a leading mathematician, has sought an exit visa from the Soviet Union since 1974. The Soviet Government has denied him his right to emigrate on the grounds that he possesses state secrets. This allegation is false—it is a shallow pretext for holding at bay a man who has been tireless in his efforts to broaden academic freedom and human rights in the Soviet Union.

The city of Boulder is privileged to have as residents Professor Meiman's daughter, Olga Plam, and his son-in-law, Misha Plam. It is therefore especially fitting that Boulder act on Nohim Meiman's behalf, and in doing so, add its voice to the worldwide call for human rights in all nations.

I am submitting the text of the city council's proclamation for printing at this point in the RECORD:

PROCLAMATION: PROF. NOHIM MEIMAN DAY

Whereas, Nohim Meiman has repeatedly petitioned the government of the U.S.S.R. for the right to emigrate and has repeatedly been refused this basic human freedom; and

Whereas, Professor Meiman is an eminent mathematical physicist and, together with his friend Andrei Sakharov, is an active human rights advocate within the Soviet Union and a member of the Helsinki Monitoring Committee; and

Whereas, we understand that recently Soviet authorities intensified their harassment of Professor Meiman, subjecting him to prolonged interrogation and threatening that he would never leave Russia; and

Whereas, there is reason to fear that Professor Meiman may be arrested and that, because he is 71 and in poor health, the isolation and uncertain future he faces could further jeopardize his health; and

Whereas, Professor Meiman's daughter and son-in-law, Olga and Mikhail Plam, are residents of the City of Boulder; and

Whereas, the people of the City of Boulder, in accordance with international agreements on human rights, support the right of free emigration from the Soviet Union and all other nations, and abhor the violation of such rights;

Now, therefore, I, Ruth A. Correll, Mayor of the City of Boulder, Boulder, Colorado, do hereby proclaim April 4, 1982, as "Prof. Nohim Meiman Day" in the City of Boulder, and urge all citizens to join with the Commission on International Jewish Affairs, the Boulder Council of Churches and Synagogues, the Boulder Conservative Synagogue, and others, in the international academic effort to secure Nohim Meiman's freedom to emigrate so that he can joins his family.●

EXPORT-IMPORT BANK FINANCING NOTIFICATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. NEAL) is recognized for 5 minutes.

● Mr. NEAL. Mr. Speaker, I am notifying the House today of a U.S. Export-Import Bank proposal to authorize a credit of $13,086,000 to the Republic of Indonesia for the purchase in the United States of radioisotope and pharmaceutical equipment and services for a new nuclear reactor facility to produce medical isotopes.

The credit would enable the Indonesian Government to buy the equipment and services valued at $17,448,000 from the General Atomic Co. of San Diego, Calif. German firms were awarded the bulk of contracts for the basic research reactor.

The General Atomic Co. would provide a laboratory facility for the research project, being built near Jakarta, which is expected to produce 80 percent of Indonesia's medical isotopes and to provide basic research and proof testing of fuel for power reactors.

This Eximbank notification was referred to me as chairman of the Banking Committee's Subcommittee on International Trade, Investment and Monetary Policy. Under section 2(b)(3)(iii) of the Export-Import Bank Act of 1945, as amended, the Eximbank must notify Congress of proposed loans or guarantees involving the export of nuclear technology or equipment. Unless Congress determines otherwise, the Eximbank may give final approval to the transaction after 25 days of continuous session of the Congress after notification.

I am submitting for the RECORD the full Eximbank notification, which includes details of the proposed Indonesian transaction and the terms of the financing arrangement. I would welcome any comments or questions my

colleagues might have regarding this proposed loan.

The Eximbank material follows:

EXPORT-IMPORT BANK
OF THE UNITED STATES,
Washington, D.C., March 18, 1982.

Hon. STEPHEN L. NEAL,
Chairman, Subcommittee on International Trade, Investment and Monetary Policy, House Banking Committee, U.S. House of Representatives, Rayburn House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: Eximbank has submitted a statement to the Speaker of the House of Representatives and the President of the Senate in accordance with the provisions of Section 2(b)(3)(iii) of the Export-Import Bank Act of 1945. I am taking the liberty of providing you with a copy of this statement.

Sincerely,

NANCY S. PIGMAN,
Congressional Relations Officer.

Enclosure.

EXPORT-IMPORT BANK
OF THE UNITED STATES,
Washington, D.C., March 17, 1982.

The SPEAKER,
House of Representatives,
The Speaker's Room,
U.S. Capitol, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to Section 2(b)(3)(iii) of the Export-Import Bank Act of 1945, as amended, Eximbank hereby submits a statement to the United States House of Representatives with respect to the following transaction involving U.S. exports to the Republic of Indonesia ("ROI").

A. DESCRIPTION OF TRANSACTION

1. Purpose

Eximbank is prepared to authorize a Credit of $13,086,000 to the Republic of Indonesia to facilitate the purchase in the United States of radio-isotope and pharmaceutical production equipment and technical services for a pharmaceutical laboratory near Jakarta, Indonesia for use by BATAN, the national atomic energy agency of the ROI. The ROI has selected the General Atomic Company of San Diego, California, to provide the goods and services. The total U.S. export value of this sale is $17,448,000. A portion of this transaction was included in a preliminary commitment issued previously for potential U.S. suppliers of goods and services for the project. The Germans were awarded the bulk of the procurement for the basic research reactor, the scope of which included the pharmaceutical laboratory equipment and services which are to be financed by Eximbank.

2. Identity of the Parties

The ROI will be the borrower and will issue an unconditional full faith and credit obligation to repay the Eximbank Credit. The Indonesian National Atomic Energy Agency (BATAN) will be the user of the equipment and service.

3. Executive Branch Approval

Eximbank requested through the Department of State the views of the Executive Branch on the proposed transaction. The State Department has advised Eximbank that the Executive Branch has no objection to our proceeding with this transaction.

4. Nature and Use of the Services

The goods and services to be exported from the United States will relate to a research reactor being built by BATAN near Jakarta which is expected to produce 80% of the Indonesian national demand for medical isotopes. The reactor will also be used for basic research and proof-testing of fuel for power reactors. The General Atomic Company received the order for the associated laboratory facility which will be used to produce radio-pharmaceuticals as well as radio-isotopes for industrial applications. The scope of supply for this work will include preliminary facility design, design and supply of equipment, process specifications, training and transfer of technology.

B. EXPLANATION OF FINANCING

1. Reasons

In August, 1980, Eximbank issued a preliminary commitment offering to provide financing for a research reactor and related equipment and services. The preliminary commitment was issued on terms considered necessary to meet officially supported foreign competition. While the bulk of the research reactor was awarded to the Germans, a portion of the original project was awarded to General Atomic. Eximbank will finance the $9,448,000 portion of the proposed transaction covered by its preliminary commitment on the terms provided therein but will finance the remainder under Eximbank's current terms resulting in the blended financing charges described in paragraph 2(a) below.

The procurement of the goods and the performance of the services will provide more than 84 man-years of employment for General Atomic's employees and its suppliers. Financing for the export of the services will provide employment in a sector where there are limited employment opportunities in the United States inasmuch as very few new nuclear reactors are being built here. Also, the financing permits General Atomic to keep its employees involved in a very important technological area so that they may maintain their skills and expertise.

2. The Financing Plan

The total cost of the U.S. goods and services to be exported from the United States for the project is estimated to be $17,448,000, which will be financed as follows:

FINANCING PLAN

	Amount	Percentage
Cash payment	$2,617,200	15
Supplier financing (without an Eximbank guarantee)	1,744,800	10
Eximbank credit	13,086,000	75
Total	17,448,000	100

(a) Eximbank charges.—The Eximbank Credit will bear interest at the rate of 10.25 percent per annum, payable semiannually. There will be a commitment fee of 0.5 percent per annum charged on the undisbursed portion of the Eximbank Credit and a credit application fee of .92 percent of the amount of the Eximbank Credit. In addition, the Supplier Financing to be provided by General Atomic will bear interest at the rate of 10.25 percent per annum.

(b) Repayment terms.—Indebtedness incurred by the ROI under the Supplier Financing and the Eximbank Credit will be repaid in twenty equal semiannual installments of principal beginning April 1, 1986. This date is six months after the estimated completion date of the facility. The Supplier Financing will be repaid from the earlier installments and Eximbank will be repaid from the later installments.

Attached is additional information on Eximbank activity in and economic data on the Republic of Indonesia.

Sincerely,

WILLIAM H. DRAPER III.

Attachment.

ECONOMIC INDICATORS

Exchange rate: U.S. $1. = 625 rupiah [1]	1979	1980	Percent change 1979–80	1981 estimate
Population (million midyear)	143	147	2.1	150
GDP ($ million, in constant 1973 prices)	15,983	17,526	9.6	18,750
GDP ($ million, current prices)	49,637	70,024	40.9	85,000
Per capita GDP ($)	347	476	37.2	567
Consumer Price Index	143	168	17.1	(Oct.) 179
Money supply ($ million—Dec. 31)	5,405	8,018	48.3	(Aug.) 9,277
Foreign investment approvals (nonoil) ($ million)	[2] 1,069	814	—24.0	(June) 267
Federal official international reserves ($ million—Dec. 31)	4,145	6,531	57.6	(Sept.) 6,735
External official debt [3] (disbursed—$ million—Dec. 31)	13,570	14,482		(Mar.) 14,875
Debt service ($ million)	1,679	1,777	5.9	2,051
	Fiscal year 1979–80 (actual)	Fiscal year 1980–81 (budget)	Percent change 1979–80	Fiscal year 1981–82 (budget)
Government budget ($ million): [4]				
Routine expenditure	6,499	9,280	42.8	12,002
Development expenditure	6,423	9,466	47.4	10,239
Domestic revenues	10,715	16,363	52.7	19,639
Development receipts (external assistance)	2,210	2,390	8.1	2,601
	Fiscal year 1979–80	Fiscal year 1980–81 (estimate)	Percent change 1979–80	Fiscal year 1981–82
Official balance of payments ($ million): [4]				
Overall balance (change in official reserves)	1,690	2,724	61.2	500
Current account	2,192	887	59.5	—1,500
Exports, merchandise	17,814	22,424	25.9	23,500
Oil and LNG (gross)	(11,649)	(16,669)	43.1	(19,500)

ECONOMIC INDICATORS—Continued

Exchange rate: U.S. $1. = 625 rupiah [1]	1979	1980	Percent change 1979–80	1981 estimate
Nonoil	(6,165)	(5,755)	—.7	(4,000)
Imports, merchandise	12,833	15,569	21.3	18,000
Oil and LNG	(3,534)	(3,781)	7.0	(4,000)
Nonoil	(9,299)	(11,788)	26.3	(14,000)

	1979	1980	Percent change 1979–80	1981 estimate
U.S.-Indonesian Trade ($ million):				
Indonesia exports to the United States	3,170.7	[5] 4,303.3	35.7	5,700
U.S. share of Indonesian exports (percent)	20.3	19.6		17
Indonesian imports from the United States	1,027.8	[5] 1,409.2	[5] 37.1	1,500
U.S. share of Indonesian imports (percent)	14.3	[5] 13.0		13

[1] At exchange rate (effective Nov. 15, 1978) of U.S. $1 = 625 rupiah.
[2] Includes Japanese-sponsored Ashan aluminum/hydroelectric complex.
[3] Government debt, including debt of State corporations such as Portamina.
[4] Indonesian fiscal year April 1 to March 31. (Source: Fiscal year 1981–82 budget). The 1981–82 figures are Embassy estimates.
[5] U.S. export data for 1980 is not consistent with that quoted above. According to U.S. Department of Commerce trade statistics, U.S. exports to Indonesia grew by 58 percent to $1.5 billion in 1980, while Indonesian exports to the U.S. grew 43 percent to $5,280 million for the same period.

Source: Bank Indonesia, Central Bureau of Statistics, Investment Coordinating Board, Embassy Estimates.

Eximbank exposure in the Republic of Indonesia as of February 28, 1982

	Thousands
Direct loans	404,843
Financial guarantees	35,000
Bank guarantees and other	200
Insurance	7,908
Medium term	(1,731)
Short term	(6,177)
Total exposure	447,951

REPAYMENT EXPERIENCE

Payment of principal, interest and fees due on Eximbank loans to Indonesian borrowers have usually been prompt.●

HISTORY OF PRESS BIAS

(Mr. ROUSSELOT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. ROUSSELOT. Mr. Speaker, for centuries the American system of democracy has been based on the public's access to knowledge from which intelligent decisions can be formed. This knowledge usually comes from our well-established and very advanced media, the oldest portion of which is the press. In fact, the role of the press is so widely acknowledged that it is referred to as the fourth branch of Government, and its actions are protected by the first amendment to our Constitution. Too often, however the press forgets that with such rights go responsibilities.

In the last century there have been numerous examples of where press actions have only served to undermine American credibility and self-esteem. Blatant fabrications and misrepresentations have served their ideas of how things should be. Facts become twisted and biased in ways which restrict Americans from making up their own minds. Editorials are presented as fact. This is just as brazen an example of the misuse of power as a President covering up a break-in.

On April 2, 1982, I had the privilege of attending the American Mining Convention in Phoenix, Ariz. One of the guest speakers was Jeffrey St. John, a Mutual Radio Network news commentator, columnist, and author of several published works on domestic and international affairs. Currently Mr. St. John is the president of the Private Sector Institute, a Washington-based communications foundation. As a correspondent covering Latin America since 1959, he has had the opportunity to travel through the area on numerous occasions.

On more than one occasion Jeffrey St. John has been able to witness the actions of the American press in the field. The address he gave at the Mining Convention is an excellent history of his observations in this area. I recommend it to my colleagues.

The address follows:

SURVIVAL IS FALSEHOOD DETECTED IN TIME: CENTRAL AMERICA—A CASE STUDY IN NEWS MEDIA DISTORTION

(By Jeffrey St. John)

In January 1916 the Mexican revolutionary, Pancho Villa, murdered in cold blood seventeen mining engineers. Villa's vicious act was intended to provoke President Woodrow Wilson into an act of military intervention in the Mexican Revolution, which had exploded in 1910.[1]

Villa was disappointed when President Wilson did not order military intervention because of the brutal murder of those seventeen mining engineers. So two months later, in March 1916, Villa crossed over into what was still the New Mexico Territory, raided Columbus, New Mexico, burned the small town and murdered sixteen U.S. citizens. A month later, President Wilson ordered 6,000 U.S. Army troops to Mexico commanded by General John "Blackjack" Pershing. Pershing failed to capture and punish Villa and the growing prospect of U.S. involvement in World War I forced President Wilson to withdraw U.S. troops from Mexico.[2]

Among the many journalists who covered the 1910 Mexican Revolution was the son of a wealthy Oregon businessman who had attended Harvard University. His name was John Reed. Recently the Warren Beatty film, "Reds"—nominated for 12 academy awards and winning 3—rescued Reed from obscurity. Reed had ridden for four months with Pancho Villa and published glowing and romantic accounts of this one-time bandit turned revolutionary.

Reed later wrote an influential work titled "Insurgent Mexico" which was widely read among Reed's fellow Socialists and Communists in America and, in time, distorted the American intellectual view of the Mexican Revolution, however, Reed's most influential and enduring book was "Ten Days That Shook the World," a highly subjective eyewitness account of the 1917 Bolshevik Revolution in Russia. No single work was so influential in misleading, for a time, an entire generation of Americans as to the real nature of the Russian Revolution. It became for the Soviets the prime propaganda answer to the critics of the Soviet Revolution. Reed the journalist was so highly regarded by Lenin that when he died in Russia in 1920 he was buried in the Kremlin Wall with other heroes of the Revolution.

The late Walter Lippmann, who was a friend of Reed's and a Harvard classmate, wrote a penetrating analysis of Reed the journalist. Lippmann pointed out that Reed "did not judge but identified himself with the struggle, and gradually what he saw mingled with what he hoped. Whenever his sympathies marched with the facts, Reed was superb. . . . But where his feelings conflicted with the facts, his vision flickered." [3]

This, I believe, is a good summary of a profound problem that has beset American journalists since the Mexican Revolution of 1910. John Reed was the forerunner of the journalist as a political propagandist and a promoter of violent revolution.

Journalists who with Reed covered the 1917 Russian Revolution sometimes fabricated events and invented slogans out of thin air that were misleading. For example, Reed's Socialist sidekick, muckraking journalist Lincoln Steffens, had not yet even been to Russia but on a train from Finland prior to his arrival to cover the Russian Revolution in 1919 invented the slogan: "I have been over into the future, and it works." [4] This slogan would be repeated by unthinking Western supporters of Lenin to whitewash the crimes of the Soviet Reds well into the 1930's. Some journalist during the political purge trials of the 1930's that were conducted by Stalin, persisted in the propaganda line that the purge trials were nothing but revolutionary justice.[5] We now know, largely because of the heroic literary efforts of Alexander Solzhenitsyn's eye-witness accounts, the enormity of the crimes committed by Stalin and that the purge trials of the 1930's were the forerunner of Stalinist barbarism that overshadow but do not for a minute minimize the crimes of Hitler.[6]

The British writer George Orwell, himself a combatant on the Communist side during the Civil War in Spain in the 1930's, re-

turned to England profoundly shaken by his experience. Orwell was an eye-witness to how jounalists committed to the Red Republican cause, among them author Ernest Hemingway, made lies and murder romantic and respectable. It was Orwell's experience in Spain that led him eventually to write about the political perversion of language, coining in his classic novel "Nineteen Eighty-Four" the terms "Doublespeak," "Doublethink," and "Newspeak."[7]

During World War II, as in World War I, American journalists and the press were harnessed by Western governments and became an important weapon in winning the war against Germany and Nazism. A by-product of this process was the deliberate suppression by the press of some unsavory facts about the Soviets and about Stalin's plans for the post-war era.[8]

In the post-World War II period, the journalistic spirit of John Reed reappeared in China as American journalists found, in Walter Lippmann's superb phrase, that their committed feelings for Mao Tse-tung conflicted with brute facts about the true nature and probable consequences of Mao's revolution in China. Mass murder, as in Russia a generation ago, was one consequence. Another was the conquest of Tibet by China and the destruction of that ancient pacifist religious mountain kingdom.

Another lethal consequence of Mao's revolution in China was the death and wounding of thousands of American and allied troops during the Korean War when the Soviets and Chinese supported the invasion of South Korea in 1950. The inconclusive nature of that conflict was due in no small measure to the War of Words waged in the Western news media.

One of those who was at the forefront of such an effort was the Australian Communist journalist, Wilfred Burchett. It was he who first fabricated the charge that the U.S. was using germ warfare in Korea. Burchett was also active in squeezing propaganda out of brainwashed captured Americans who were prisoners of war. Later Burchett, using his cover as a journalist, was active in the campaign to undermine the French during the first Indo-China War of the 1950's. It was a war lost not in the rice paddies of Indo-China but in the streets and newspapers of Paris. Just as from 1965 to 1975 the Vietnam War was lost in the streets of Washington and on the nightly network news programs. Burchett was also active in this War of Words and only in the last few years has the New York Times stopped using his propaganda articles disguised as dispassionate news reports.[9]

As a young reporter in Cuba in 1959 I remember vividly how New York Times correspondent Herbert L. Matthews extolled Fidel Castro as a democrat. This was done despite the fact that the New York Times' permanent correspondent in Havana, Ruby Hart Phillips, had repeatedly warned her editors in New York that Castro was anything but a democrat.[10] Earl T. Smith, President Eisenhower's ambassador to Cuba, issued much the same warnings to Washington but he was not believed. Largely, I believe, because Ambassador Smith's first-hand reports conflicted with what the Times and others were reporting in the national media about Castro.

Nearly all reporters at the time did not know that Matthews had been an apologist for the Communist cause during the Spanish Civil War in the 1930's. But few reporters bothered to dig deeply into Castro's background, or expose his Communist student days at the University of Havana and his involvement in terrorist activities in Colombia.[11]

The lethal consequence of allowing Castro to establish a Soviet outpost in this hemisphere has had a far-reaching impact. Besides creating the 1962 Cuban Missile crisis, two decades ago this year, Castro's Cuba has become an armed fortress of the Soviets, 90 miles from our shores. Additionally, Castro's military has become the foreign legion for the Kremlin in the Middle East and Africa. The purpose of this policy is the waging of a "Resource War" to deny the West, the United States in particular, the vital petroleum, minerals and metals necessary for the free world economies.

Most of us are familiar with how the war in Vietnam was waged in the news media. The former Saigon bureau chief of the Washington Post, Peter Braestrup, caused an angry stir in the journalistic profession several years ago when he published an exhaustive analysis of the news media coverage of the January 1968 Vietnam "Tet" offensive. Braestrup, now editor of the Wilson Quarterly in Washington, demonstrated that the national news media was guilty of gross distortion in reporting "Tet" as a defeat for the U.S. In fact, it was a devastating military defeat for the North Vietnamese and Viet Cong. Braestrup personally admitted to me when this work was first published that he, as bureau chief of the Washington Post in Saigon, must share some of the blame for providing Hanoi the means to conceal a crushing military defeat and turn it into a propaganda victory.[12] General Giap, the North Vietnamese supreme military commander, later admitted that he could not have defeated the United States without winning the War of Words in the Western news media.[13]

The consequences of the U.S. defeat in Vietnam were principally two-fold. First, the consequences fell most heavily on the people of Vietnam, Laos and Cambodia—millions perished in bloody purges and a campaign of mass genocide. When during the decade of 1965-to-1975 there were those of us who warned this would happen if Hanoi won in Southeast Asia. Such warnings were dismissed by many in the media and the anti-war movement as scare tactics.

The second and longer-range consequence of the U.S. defeat in Vietnam was the widespread demoralization of America as a world power. The immediate geopolitical consequence of this defeat was the Soviet-Cuban triumph in Angola and the furtherance of their Resource War. American impotence over Iran and Afghanistan was another tragic consequence, placing the Soviets in a strategic position to dominate Persian Gulf petroleum.

The Western news media, for reasons that remain a mystery, have refused to take seriously the Soviet strategic doctrine of a Resource War. For example, when writing and reporting on the Persian Gulf, the national media rarely mention that at least sixty percent of the oil from the Persian Gulf and the Middle East ends up in the Caribbean ports for refining or transshipment to the U.S. The national new media, with few exceptions, have also refused to take seriously the proposition that the neutralization of the U.S. position in the Panama Canal Zone and Soviet-Cuban support of terrorist insurgents in Central America are aimed at Control of Mexican oil fields and the eventual interruption and piecemeal destruction of the annual $39 billion in U.S. exports to Central and South America and the Caribbean. Also at stake is the billions in U.S. investment throughout the region and Venezuela's oil fields South of Panama.[14]

What we are seeing today in Central America is a historic struggle with far-reaching consequences in which the world and national news media is playing a critical, if not decisive, role. For most in the media, covering events in this hemisphere is a new and unfamiliar experience. Until the Carter administration decided in 1977 to push for the passage of the Panama Canal Treaties, the national news media focus and experience had been in Asia, Africa, and the Middle East and Europe. The same is true with the U.S. Senators and Congressmen who voted to renounce U.S. sovereignty over the Panama Canal. They were heavily influenced by the War of Words that was waged in the national news media during the historic debate about the Panama Canal Treaties.

When the Senate and later the House of Representatives voted to renounce U.S. sovereignty over the international waterway, both their supporters and the national news media hailed the Treaties as a new beginning for U.S. relations with Latin America. Few wanted to admit that we agreed to renounce our rights in Panama out of a post-Vietnam demoralization syndrome of guilt. In the process, they paved the way for the violent events in Central America that now appear on the nightly network news and in our daily newspapers and weekly news magazines. The violent events in Central America repudiate the belief widely held by political leaders and members of the news media that with the approval of the Panama Canal Treaties a new era of peace and prosperity would be launched in Latin America.[15] Just as the brutal facts about Castro repudiate the claims and feelings that he would be a democratic leader in Cuba.

What U.S. politicians and the national news media refused to believe was that when we renounced our rights in Panama dictators like Panama's General Omar Torrijos saw that as an act of weakness of a world power and not one of enlightened statesmanship. The evidence for this conclusion is provided by the former chairman of the Inter-American Defense Board, now retired Major General Gordon Sumner. He reported to the chairman of the Joint Chiefs of Staff on a November 1977 face-to-face meeting he had in Panama City with General Torrijos. In this meeting, according to General Sumner, Torrijos openly vowed to support with men and munitions a campaign to overthrow violently pro-American governments in Nicaragua and El Salvador.[16]

It is, nevertheless, not possible to understand how Central America came to be engulfed in the current wave of violence and bloodshed unless we look hard and long at a series of falsehoods and fallacies that political, intellectual, and media leaders live by when it comes to Latin America.

The first fallacy is the long ingrained belief that has become gospel: that Latin America is a continuing struggle between the Democrats and the Dictators. In 1959 many Americans bought this bogus argument when they looked on Castro as the Democrat and on Cuban President Batista as the Dictator. Two decades later in July of 1979 the media and politicians bought the same bogus set of beliefs when it came to Somoza. Now that Nicaragua is going the way of Cuba with a Marxist-Leninist leadership the media have shifted their focus away from Nicaragua and applied the line of

the Democrats versus the Dictators to El Salvador and Guatemala. We are told by the news media, as we were told about Vietnam, that existing regimes (before the junta coup in Guatemala) are guilty of hideous crimes of indiscriminate murder and massacres. Left unexamined, as in Vietnam, is the part Communist guerrillas play in such bloody events when they deliberately use the civilian population as part of their insurgent terrorist strategy.

In looking at news stories of massacres in Central America, we would do well to recall that such horror stories have always been the hallmark of Communist propaganda. Take, for example, Cuba prior to Castro's coming to power. Carleton Beals, a left-wing historian sympathetic to Castro and the Viet Cong, recalled in his 1970 book that Castro had charged that Batista murdered or massacred twenty-thousand Cubans, a charge that alienated many in the Cuban population, including the Catholic Church.[17]

The second fallacy and falsehood deeply ingrained in the minds of the American news media, intellectuals and politicians is that somehow the insurgents will be less dictatorial and less bloodthirsty than the regimes they are seeking to overthrow and supplant. In Cuba and in Southeast Asia, the objective evidence demonstrates that the people of Cuba, Vietnam, Laos, and Cambodia are far worse off now than they were before. Just as the evidence clearly shows that the Russian and Chinese people are suffering far greater hardships under the Communists than under the regimes that had been supplanted.

However, one of the great afflictions of intellectuals and journalists during most of this century is that evidence and experience are not their guiding principles for making judgments. Many in the media, like John Reed, identify themselves with the so-called struggle and what they gradually see is mingled with a hope that something better will happen. In short, their vision flickers when the facts conflict with their feelings. They refuse to face what their profession has helped create in the past and have little inclination to look critically at what they are promoting and supporting in Central America and what consequences it will create for the future.

The historian Otto J. Scott observed recently that "Ever since the media elected itself as an unofficial arm of the government of this country, it has helped bring the power of the Soviet empire closer to these shores. And if the media persists in its illusion, and persists in providing illusions instead of facts to this nation, it is likely to get us all killed."[18]

The news media and the political leaders who are advocating a negotiated settlement in Central America refuse to face the consequences for their own country if the region ends up as a proxy for the Soviets and the Cubans. Just as some of these same people refuse to face the consequences of the negotiated settlement in Southeast Asia. In fact, to this day few in the news media and the anti-war movement can bring themselves to believe that by their deeds and actions and words they bear no small amount of responsibility for what has taken place in Vietnam, Laos and Cambodia since 1975.

It is not hard to forecast that with Central America dominated by Marxist-Leninist dictatorships, Mexico will, in a matter of a short time, become Marxist also. Mexico's internal political situation is far more perilous than the world news media has reported. A Marxist Mexico would raise the clear and present prospect that Southern California, Arizona, New Mexico and Texas would be confronted with the threat of a terrorist insurgency not unlike that which Central America has been experiencing. The current immigration problem could be used for fueling the insurgency. From a strategic point of view, with Central America and Mexico in the hands of pro-Cuban and pro-Soviet regimes the United States would be effectively cut off from the Latin nations South of Panama!

Should the United States allow Central America to go Marxist those former friends would likely seek to make their own deal with Havana and Moscow. Throughout the rest of the world a U.S. default in Central America would make the U.S. commitment elsewhere in the world suspect if not worthless. If we will not defend our own interests within a few flying hours from the Continental U.S., it would be logical for governments around the globe to conclude that we cannot be counted on to keep our commitments and word elsewhere in the world. A U.S. default in Central America and a Marxist Mexico would also force the U.S. to redeploy its military commitments away from other parts of the globe.

Given the current distortion by the national news media of events in Central America, one has to conclude that the United States as a whole may not be aroused to the clear and present danger it faces until it is confronted with something resembling Villa's murders in 1916 of those seventeen mining engineers in Mexico and sixteen civilians in Columbus, New Mexico. But if it takes something on this order to arouse America, will it then be too late?

We are confronted in the 1980's with a clear choice between survival or submission. If I am wrong and have overstated what I conceive to be a danger compounded by the news media, then no harm will have been done—and we will be supporting our friends in Central America. But if I am right, that the falsehoods we daily take for fact and reality will have far-reaching consequences, no one in this nation will remain untouched, including those of you here today and the vital industries you represent.

Dr. Paul Johnson, in his book, "The Enemies of Society," published in 1977, put into succinct perspective what I have said here today. He wrote the following:

"At all times civilization has its enemies, though they are constantly changing their guise and weapons. The great defensive art is to detect and unmask them before the damage they inflict becomes fatal. . . . Survival is falsehood detected in time."[19]

This should be the task of the U.S. news media, which is sustained and made prosperous by the profits of the private economic sector. It is quite obvious from the evidence and experience of the last few decades that the American news media appear capable of putting under their microscope the flaws and shortcomings of just about every institution except their own. The situation has grown so serious that the private sector must seriously contemplate doing something more than just complaining. And for a very simple reason: its very survival, long-term survival is dependent on detecting falsehoods in time.

There are a number of things that the private sector can do that would not divert individuals and companies from their main business of business. The private sector has been slow to recognize that it is no longer enough to have political representation in places like Washington. The enemies of the private sector know this well, organizing their efforts along three principles: an intellectual cadre to write the message, a media operation to carry the message, and grass roots political lobbying to the lawmakers to reinforce that message. Business has lost a string of battles in the past, and it is losing in Central America, because they lacked and still lack access to the media and refuses to hold the media accountable for misrepresentation. And it is the media that sets the political agenda for this country!

It is important to recognize that this War of Words has been going on in different disguises since the time of John Reed and the Mexican and Soviet Revolutions in the earlier part of this century. The main target has always been the private economic system of which each of you is a vital part.

Max Eastman, the man who raised the money to send John Reed to Russia in 1917 and later published his articles that became Reed's famous book, "Ten Days That Shook the World," eventually came to realize that his faith in Lenin and revolution was a dangerous delusion and a snare. Until he died in 1969 at the ripe old age of 86, Eastman then spent the rest of his life advocating free minds, free men and women, and free markets. I think since I began this talk with John Reed, I should end it with a statement from one of his closest collaborators who, unlike Reed and others in most of this century, awoke from his long sleep to see the world as it was and not as we would like it to be. In 1955 Eastman wrote the following that sums up our current problem with the news media in America.

"I still think," Eastman observed, "the worst enemy of human hope is not brute facts, but men of brains who will not face them."[20]

SOURCES AND FOOTNOTES: "SURVIVAL IS FALSEHOOD DETECTED IN TIME"

[1] Samuel Eliot Morison, "The Oxford History of the American People." Oxford University Press, N.Y. 1965, pg. 846.

[2] Ibid.

[3] Ronald Steel, "Walter Lippmann and the American Century," Vintage Books, Random House, N.Y. 1981. Pg. 82.

[4] Charles L. Mee, Jr. "The End of Order, Versailles 1919," E. P. Dutton, N.Y. 1980, pg. 115. Historian Mees writes: "Aboard the train, Steffens, ever the working journalist, considered how he could write the story he had not yet got—and long before he had reached the Russian border, he came up with the ringing phrase that became the famous conclusion of his first hand, in depth report: 'I have been over into the future, and it works.'"

[5] Eugene Lyons, "Assignment in Utopia," Twin Circle Publishing, N.Y., 1967 reissue of 1937 edition is an account of the author's experience in Soviet Russia in the late 1920's and early 1930's as a correspondent and how the Soviets used and manipulated committed Western news correspondents to conceal the crimes of Lenin and Stalin.

[6] Robert Conquest, "The Great Terror, Stalin's Purges of the Thirties," The Macmillan Company, N.Y. 1968. Author Conquest notes that Stalin was able to hide his crimes from the outside world because "Scholars and Russian experts were duped to the same degree as journalists and lawyers." Pg. 505.

[7] "The Collected Essays, Journalism and Letters of George Orwell," edited by Sonia Orwell and Ian Angus. Vol. 3, "As I Please, 1943-1945," Harcourt, Brace Jovanovich,

N.Y., 1968, pg. 87. Orwell wrote: "During the Spanish civil war I found myself feeling very strongly that a true history of the war never would or could be written. Accurate figures, objective accounts of what was happening, simply did not exist."

[8] Robert Conquest, "The Great Terror," Op. Cit. Pg. 513. Author Conquest observes: "The effects of the Stalin era took a long time to sink in the West. Indeed they were rejected by many. . . . A curious persistence prevailed, in which evidence which would have been adequate about any other regime was rejected."

[9] James L. Tyson, "Target America: The Influence of Communist Propaganda on U.S. Media," Regnery Gateway, Chicago, 1981, pp. 27-28. The author writes: "Wilfred Burchett . . . carried out an assignment for Ho Chi Minh to work with the Pathet Lao communists in Laos and he has been reported by other sources to have been active in North Korea during the Korean War, attempting to propagandize American prisoners and assisting in interrogation."

[10] Nathaniel Weyl, "Red Star Over Cuba, The Russian Assault on the Western Hemisphere," Devin-Adair Company, N.Y. 1960. Pg. 170. The author writes that while Matthews had deceived many American correspondents in Havana, Ruby Hart Phillips recognized her own earlier errors and "in sound, penetrating dispatches, exposed the Communist subversion in Cuba."

[11] Ibid. Introduction, ix. The author contends that "as early as 1948, he (Castro) was not merely an implacable enemy of the United States, but a trusted Soviet agent as well. In the case of at least one foreign correspondent, sympathy for Communism and Communist causes seems to have been a motivating reason for a consistent failure to report the facts with anything approximating objectivity."

[12] Westview Press, New York, 1980, "Big Story."

[13] Marguerite Higgins, "Our Vietnam Nightmare—The Story of U.S. Involvement in the Vietnamese Tragedy with Thoughts on Future Policy," Harper & Row, N.Y., 1965, pg. 312. The author, a former correspondent in Korea before covering Vietnam in the early 1960's, forecast with considerable accuracy the heart of the Giap strategy of war on the battlefield and a war of words when she wrote in 1965: "The only way that the Communists could make the United States welsh on its commitment to Vietnam is if American public opinion in the 1960's were to become as demoralized as French public opinion in the 1950's. This is something the Communists are working very hard to accomplish and there are a great many Americans unwittingly serving the Viet Cong objective of undermining the nation's will and stamina."

[14] M. Peter McPherson, Text of Testimony as Administrator of Agency for International Development, House Subcommittee on Inter-American Affairs, Washington, D.C. December 15, 1981. pp. 3-4.

[15] Associated Press, Panama City, Panama June 16, 1978. On a visit to Panama City, President Carter was quoted by the AP as saying, "This is a moment of historic promise. Transferring control of the Canal continues and strengthens the bonds forged in its building. There will be no more bloodshed, no more bitterness."

[16] Transcript of Testimony before Subcommittee on the Panama Canal of the Committee of Merchant Marine and Fisheries, Washington, D.C., June 7, 1979. Pg. 2.

[17] Carleton Beals, "The Nature of Revolution," Thomas Y. Crowell, N.Y. 1970. Pp. 245-46.

[18] Otto J. Scott, Text of Speech, "Foreign Policy and the Media," given before the Philadelphia Society Eastern Meeting, N.Y. City, November 22, 1980.

[19] Paul Johnson, "Enemies of Society," Atheneum, N.Y., 1977. Pg. 85.

[20] Max Eastman, "Reflections on the Failure of Socialism," The Devin-Adair Co., N.Y. 1955. Pg. 57.●

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. GONZALEZ, for 60 minutes, today.

Mr. GONZALEZ, for 60 minutes, on Tuesday, April 27.

Mr. GONZALEZ, for 60 minutes, on Wednesday, April 28.

(The following Members (at the request of Mr. STATON of West Virginia) to revise and extend their remarks and include extraneous material:)

Mr. RUDD, for 45 minutes, today.

Mr. CONTE, for 15 minutes, today.

Mr. WALKER, for 30 minutes, today.

Mr. SMITH of New Jersey, for 5 minutes, today.

Mr. GINGRICH, for 60 minutes, today.

Mr. GINGRICH, for 60 minutes, April 26.

Mr. DERWINSKI, for 5 minutes, today.

(The following Members (at the request of Mr. WILLIAM J. COYNE) to revise and extend their remarks and include extraneous material:)

Mr. WOLFE, for 15 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. COELHO, for 5 minutes, today.

Mr. BEDELL, for 5 minutes, today.

Mr. WIRTH, for 5 minutes, today.

Mr. NEAL, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. ROUSSELOT, and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $1,428.

(The following Members (at the request of Mr. STATON of West Virginia) and to include extraneous matter:)

Mr. SCHULZE.

Mr. CORCORAN.

Mr. DUNN in two instances.

Mr. GILMAN.

Mr. BEREUTER.

Mr. ROUSSELOT in two instances.

Mr. CONABLE.

Mr. SHUMWAY in two instances.

Mr. WILLIAMS of Ohio.

Mr. GRISHAM.

Mrs. SNOWE.

Mr. HYDE.

Mr. DORNAN of California in two instances.

Mr. RITTER.

Mr. FINDLEY.

Mr. JOHNSTON.

Mr. FORSYTHE.

Mr. MCGRATH in two instances.

Mr. SPENCE.

Mr. EVANS of Delaware in two instances.

Mr. DANIEL B. CRANE.

Mr. MCDADE.

Ms. FIEDLER.

Mr. MICHEL in two instances.

Mr. PAUL.

Mr. LAGOMARSINO in two instances.

(The following Members (at the request of Mr. WILLIAM J. COYNE) and to include extraneous matter:)

Mr. STOKES.

Mr. GORE.

Mr. DYMALLY.

Mr. STARK.

Mr. ROSENTHAL.

Mr. WALGREN.

Mr. OBERSTAR in two instances.

Mr. RANGEL.

Mr. YATRON.

Mr. FOWLER.

Mr. GINN.

Mr. GUARINI in two instances.

Mr. BAILEY of Pennsylvania.

Mr. LAFALCE.

Mr. MCHUGH.

Mr. SANTINI in three instances.

Mr. SIMON.

Mrs. SCHROEDER.

Mr. WIRTH.

Mr. FLORIO.

Mr. PEYSER.

(The following Members (at the request of Mr. MCCURDY) and to include extraneous matter:)

Ms. FERRARO.

Mr. GORE.

Mr. EDWARDS of California.

Mr. BRODHEAD.

Mr. DYSON.

Mr. PEYSER.

Mr. OBERSTAR.

Mr. LONG of Maryland.

Mr. VENTO.

Mr. MCDONALD in 10 instances.

Mr. DASCHLE.

Mr. PHILLIP BURTON.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 266. An act to amend title 38, United States Code, to promote greater sharing of health-care resources between the Veterans' Administration and the Department of Defense and to direct the Secretary of Defense and the Administrator of Veterans' Affairs to plan for the provision of health care by the Veterans' Administration during periods of war or national emergency to members of the Armed Forces on active duty; and for other purposes; and

S. 1093. An act for the relief of Sandra Reyes Pellecer.

ADJOURNMENT

Mr. ECKART. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 49 minutes p.m.) under its previous order, the House adjourned until Monday, April 26, 1982, at 12 o'clock noon.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports of various House committees, delegations traveling under an authorization from the Speaker, and miscellaneous reports filed with the Committee on House Administration, concerning the foreign currencies and U.S. dollars utilized by them during the first, second, third, and fourth quarters of calendar year 1981 and the first quarter of calendar year 1982 in connection with foreign travel pursuant to Public Law 95-384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 30, 1982

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Delegation to South America, Jan. 4–16, 1982:											
Badham, Congressman Robert E	1/4	1/5	Venezuela	492.20	115.00					492.20	115.00
	1/5	1/8	Brazil	3,624.60	285.00					3,624.60	285.00
	1/8	1/10	Argentina	2,660,000	280.00					2,260,000	280.00
	1/10	1/12	Chile	10,452	268.00					10,452	268.00
	1/12	1/14	Peru	77,400	150.00					77,400	150.00
	1/14	1/16	Mexico	4,095	156.00					4,095	156.00
Transportation, Department of the Air Force							3,473.37				3,473.37
Daniel, Congressman Robert W., Jr	1/4	1/5	Venezuela	492.20	115.00					492.20	115.00
	1/5	1/8	Brazil	3,624.60	285.00					3,624.60	285.00
	1/8	1/10	Argentina	2,660,000	280.00					2,660,000	280.00
	1/10	1/12	Chile	10,452	268.00					10,452	268.00
	1/12	1/14	Peru	77,400	150.00					77,400	150.00
	1/14	1/16	Mexico	4,095	156.00					4,095	156.00
Transportation, Department of the Air Force							3,473.37				3,473.37
Dickinson, Congressman Wm. L	1/4	1/5	Venezuela	492.20	115.00					492.20	115.00
	1/5	1/8	Brazil	3,624.60	285.00					3,624.60	285.00
	1/8	1/10	Argentina	2,660,000	280.00					2,660,00	280.00
	1/10	1/12	Chile	10,452	268.00					10,452	268.00
	1/12	1/14	Peru	77,400	150.00					77,400	150.00
	1/14	1/16	Mexico	4,095	156.00					4,095	156.00
Transportation, Department of the Air Force							3,473.37				3,473.37
Mollohan, Congressman Robert H	1/4	1/5	Venezuela	492.20	115.00					492.20	115.00
	1/5	1/8	Brazil	3,624.60	285.00					3,624.60	285.00
	1/8	1/10	Argentina	2,660,000	280.00					2,660,00	280.00
	1/10	1/12	Chile	10,452	268.00					10,452	268.00
	1/12	1/14	Peru	77,400	150.00					77,400	150.00
	1/14	1/16	Mexico	4,095	156.00					4,095	156.00
Tranportation, Department of the Air Force							3,473.37				3,473.37
Price, Congressman Melvin	1/4	1/5	Venezuela	492.20	115.00					492.20	115.00
	1/5	1/8	Brazil	3,624.60	285.00					3,624.60	285.00
	1/8	1/10	Argentina	2,660,000	280.00					2,660,000	280.00
	1/10	1/12	Chile	10,452	268.00					10,452	268.00
	1/12	1/14	Peru	77,400	150.00					77,400	150.00
	1/14	1/16	Mexico	4,095	156.00					4,095	156.00
Transportation, Department of the Air Force							3,473.37				3,473.37
White, Congressman Richard C	1/4	1/5	Venezuela	492.20	115.00					492.20	115.00
	1/5	1/8	Brazil	3,624.60	285.00					3,624.60	285.00
	1/8	1/10	Argentina	2,660,000	280.00					2,660,000	280.00
	1/10	1/12	Chile	10,452	268.00					10,452	268.00
	1/12	1/14	Peru	77,400	150.00					77,400	150.00
	1/14	1/16	Mexico	4,095	156.00					4,095	156.00
Transportation, Department of the Air Force							3,473.37				3,473.37
Bauser, Edward J	1/4	1/5	Venezuela	492.20	115.00					492.20	115.00
	1/5	1/8	Brazil	36,240.60	285.00					36,240.60	285.00
	1/8	1/10	Argentina	2,660,000	280.00					2,660,000	280.00
	1/10	1/12	Chile	10,452	268.00					10,452	268.00
	1/12	1/14	Peru	77,400	150.00					77,400	150.00
	1/14	1/16	Mexico	4,095	156.00					4,095	156.00
Transportation, Department of the Air Force							3,473.37				3,473.37
Emmerichs, Robert M	1/4	1/5	Venezuela	492.20	115.00					492.00	115.00
	1/5	1/8	Brazil	36,240.60	285.00					36,240.60	285.00
	1/8	1/10	Argentina	2,660,000	280.00					2,660,000	280.00
	1/10	1/12	Chile	10,452	268.00					10,452	268.00
	1/12	1/14	Peru	77,400	150.00					77,400	150.00
	1/14	1/16	Mexico	4,095	156.00					4,095	156
Transportation, Department of the Air Force							3,473.37				3,473.37
Ford, John J	1/4	1/5	Venezuela	492.20	115.00					492.20	115.00
	1/5	1/8	Brazil	36,240.60	285.00					36,240.60	285.00
	1/8	1/10	Argentina	2,660,000	280.00					2,660,000	280.00
	1/10	1/12	Chile	10,452	268.00					10,452	268.00
	1/12	1/14	Peru	77,400	150.00					77,400	150.00
	1/14	1/16	Mexico	4,095	156.00					4,095	156.00
Transportation, Department of the Air Force							3,473.37				3,473.37
Gilleece, Mary Ann	1/4	1/5	Venezuela	492.20	115.00					492.20	115.00
	1/5	1/8	Brazil	36,240.60	285.00					36,240.60	285.00
	1/8	1/10	Argentina	2,660,000	280.00					2,660,000	280.99
	1/10	1/12	Chile	10,452	268.00					10.452	268.00
	1/12	1/14	Peru	77,400	150.00					77,400	150.00
	1/14	1/16	Mexico	4,095	156.00					4,095	156.00
Transportation, Department of Air Force							3,473.37				3,473.37
Local transportation for entire Delegation			Mexico				3,247.62				3,247.62
Local transportation and other expenses for entire Delegation.			Chile				3,016.91		764.10		3,781.01
Local transportation and other expenses for entire Delegation.			Argentina				668.00		2,620.85		3,288.85
Wehrkunde Conference, Feb. 12–15, 1982:											
Stratton, Congressman Samuel S	2/12	2/15	Germany	101.36	42.95					101.36	42.95
Transportation, Marine Corps							2,086.88				2,086.88
Committee total					12,582.95		43,753.11		3,384.95		59,721.01

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

MELVIN PRICE, Chairman, Mar. 30, 1982.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1982

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Davidson, Lynne	2/4	3/13	Spain	287,819	2,850.00		1,430.00				
Willett, Cynthia	2/4	3/4	Spain	218,467	2,175.00		1,430.00				
Sandstrom, John	2/4	3/4	Spain	218,197	2,175.00		1,430.00				
Van Housen, Lynn	2/21	3/13	Spain	160,837	1,575.00		1,430.00				
Sletzinger, Martin	2/24	3/12	Spain	130,402	1,275.00		1,443.00				
Cosman, Catherine	2/7	2/26	Spain	150,157	1,500.00		1,430.00				
	3/1	3/1	England	59.26	108.00						
Brescia, Christopher	3/22	3/31	Switzerland	1,519.10	801.00		1,096.00				
Oliver, R. Spencer	2/2	2/3	Germany	210.04	89.00		1,978.00				
Car from Germany to Strasbourg, France, and return.							212				
	2/3	2/6	Austria	5,657.95	344.00						
	2/7	2/12	Madrid, Spain	44,684.50	450.00						
	2/13	2/14	Germany	14,985	150.00						
	2/14	2/27	Madrid, Spain	90,487	900.00						
Oliver, R. Spencer	3/2	3/12	Madrid, Spain	84,810	825.00		1,478.65				
Committee totals					15,217.00		13,357.65				28,574.65

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DANTE FASCELL, Chairman, Apr. 2, 1982.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT OPERATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1982

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Toby Moffett	1/5	1/7	Italy		[3] 1,163.00		[4] 765.94				1,928.94
	1/7	1/10	Austria		357.00		[5] 202.49				559.49
	1/10	1/16	Italy				[6] 36.03				36.03
							[7] 574.36				574.36
Hon. William F. Clinger	1/4	1/6	Belgium	7,507	196.00		[8] 1,478.58		17.03		1,691.61
							48.19				48.19
	1/6	1/8	Netherlands	436.10	178.00		[9] 736.47		37.15		951.62
Peter Barash	1/24	1/27	Israel		270.00		[8] 3,711.00				3,981.00
	1/27	1/30	Greece	13,252.50	225.00						225.00
Committee total					2,389.00		7,553.06		54.18		9,996.24

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Received per diem advance for 14 days in Italy, Jan. 5–9, as originally scheduled. Overpayment of 6 days at $85=$510 (Jan. 7 to Jan. 10 reimbursed in Austria and terminated trip Jan. 16). Expended $304.55 of personal funds on official business while in Austria. Per diem amount overpayment paid back to U.S. Treasurer equals $205.45.
[4] Military aircraft from United States to Genoa.
[5] Commercial travel, Genoa-Milan-Vienna-Florence.
[6] Bus, Florence-Pisa; military aircraft, Pisa-Naples.
[7] Commercial flight, Rome to United States.
[8] VIA military aircraft 1-way.
[9] Return commercial aircraft 1-way.

JACK BROOKS, Chairman, Apr. 19, 1982.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON POST OFFICE AND CIVIL SERVICE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1982

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Robert Garcia	1/18	1/21	Cuba		249.00						249.00
Commercial transportation							100.00				100.00
William Danvers	2/12	2/17	Switzerland	902.50	475.00		495.16			902.50	970.16
Commercial transportation							1,014.00				1,014.00
Committee total					724.00		1,609.16				2,333.16

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

WILLIAM D. FORD, Chairman, Apr. 6, 1982.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1982

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Bill Frenzel	1/4	1/6	Belgium	7,507	196.00		48.19		17.03		261.22
	1/6	1/10	Netherlands	1,090.25	445.00				37.15		482.15
	1/11	1/12	Switzerland	347.30	190.00		61.69		9.46		261.15
Transportation by Department of Defense							2,957.15				2,957.15
Don J. Pease	1/4	1/6	Belgium	7,507	196.00		48.19		17.03		261.22
	1/6	1/10	Netherlands	1,090.25	445.00				37.15		482.15
	1/11	1/12	Switzerland	347.30	190.00		61.69		9.46		261.15
Transportation by Department of Defense							2,957.15				2,957.15
Guy Vander Jagt	1/4	1/6	Belgium	7,507	196.00		48.19		17.03		261.22
	1/6	1/10	Netherlands	1,090.25	445.00				37.15		482.15
	1/11	1/12	Switzerland	347.30	190.00		61.69		9.46		261.15
Transportation by Department of Defense							2,957.15				2,957.15
Thelma J. Askey	2/18	2/20	Switzerland	364.40	190.00		1,270.00				1,460.00
Refund					80.00						80.00
Flaig DuLaney	3/24	3/28	Switzerland	676.40	356.00		1,296.00				1,652.00
Refund				169.10	89.00						89.00
David B. Rohr	2/18	2/20	Switzerland	364.40	190.00		1,270.00				1,460.00
Mary Jane Wignot	3/24	3/28	Switzerland	676.40	356.00		1,272.70				1,628.70
Refund				169.10	89.00						89.00
Committee total					3,327.00		14,309.79		190.92		17,827.71

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAN ROSTENKOWSKI, Chairman, Apr. 2, 1982.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1981

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Amend Report for Delegation to Paris Air Show and North Atlantic Assembly, May 21–June 10, 1981:											
Local transportation expenses for entire delegation, France.							7,873.67				7,873.67
Control room expenses for the entire delegation, France.									1,156.36		1,156.36
Committee total							7,873.67		1,156.36		9,030.03

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

MELVIN PRICE, Chairman, Mar. 30, 1982.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1981

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Amended report for delegation to Europe and Middle East, June 27–July 3, 1981:											
Nelligan, Congressman James L	6/27	6/29	Ireland	78.49	120.88					78.49	120.88
Committee total					120.88						120.88

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

MELVIN PRICE, Chairman, Mar. 23, 1982.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1982

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Amended Report for Delegation to South America, Jan. 4–16, 1982:											
White, Congressman Richard C	1/4	1/5	Venezuela	452.20	105.65					452.20	105.65
Committee total					105.65						105.65

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

MELVIN PRICE, Chairman, Mar. 30, 1982.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO EL SALVADOR AND NICARAGUA, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 12 AND FEB. 14, 1982

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
John Murtha	2/12	2/13	El Salvador	187.50	75		3,518.13				3,593.13
	2/13	2/14	Nicaragua	920.00	92				510.80		602.80
Kirk O'Donnell	2/12	2/13	El Salvador	187.50	75		3,518.13				3,593.13
	2/13	2/14	Nicaragua	920.00	92				510.80		602.80
Committee total											8,391.86

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOHN P. MURTHA, Chairman, Mar. 16, 1982.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO PAPUA, NEW GUINEA, AND FIJI, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 13 AND JAN. 19, 1982

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Eustaquio, George C.	1/13	1/16	New Guinea		100.65						100.65
	1/17	1/19	Fiji		80.00						80.00
Mansfield, Donald W.	1/17	1/19	Fiji		80.00						80.00
Larson, Nancy L.	1/17	1/19	Fiji		80.00						80.00
Committee total					340.65						340.65

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

GEORGE C. EUSTAQUIO, Chairman, Mar. 16, 1982.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PETER A. ABBRUZZESE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAR. 24 AND MAR. 28, 1982

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Peter A. Abbruzzese	3/25	3/28	Great Britain	179.70	324.00		1,626.00				1,950.00
Committee totals					324.00		1,626.00				1,950.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

PETER A. ABBRUZZESE, Chairman, Apr. 15, 1982.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, STUART F. FELDMAN, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND JAN. 24, 1982

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Stuart F. Feldman	1/2	1/24	England	389.69	756.00		596.00				1,352.00
Per diem for Jan. 17–23				30	58.20						58.20
Committee total											1,410.20

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

STUART F. FELDMAN, Employee, Feb. 21, 1982.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HONORABLE ROBERT GARCIA, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 12 AND FEB. 16, 1982

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Robert Garcia	2/11	2/16	Switzerland	902.50	475		2,943.86				3,418.86
Committee total					475		2,943.86				3,418.86

[1] Per Diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used enter amount expended.

ROBERT GARCIA, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, BILLIE GAY LARSON, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 4 AND 16, 1982

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Billie Gay Larson	1/4	1/5	Venezuela	492.20	115.00						
	1/5	1/8	Brazil	36,240.60	285.00						
	1/8	1/10	Argentina	2,650,000	280.00						
	1/10	1/12	Chile	10,452	268.00						
	1/12	1/14	Peru	77,400	150.00						
	1/4	1/16	Mexico	4,095	156.00						
Committee total					1,254.00		3,136.65				

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BILLIEE GAY LARSON, March 10, 1982.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MICHAEL MAREK, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAR. 2 AND 9, 1982

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Michael Marek	3/2	3/4	Belgium		73.51						73.51
	3/4	3/7	Poland		241.49						241.49
	3/7	3/8	Austria		83.00						83.00
	3/8	3/9	Italy		78.00						78.00
Total Transportation (military aircraft)							4,348.00				4,348.00
Committee total					476.00		4,348.00				4,824.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

MICHAEL MAREK, Apr. 7, 1982.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HON. JOHN J. RHODES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 20 AND FEB. 25, 1982

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
John J. Rhodes	2/21	2/25	England		438.14		1,232.00				1,670.14
Committee total					438.14		1,232.00				1,670.14

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOHN J. RHODES, Mar. 4, 1982.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HON. JOHN J. RHODES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 20 AND FEB. 25, 1982

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
John J. Rhodes	2/21	2/25	England		432		1,232				1,664
Committee total					432		1,232				1,664

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOHN J. RHODES, Mar. 18, 1982.

MISCELLANEOUS REPORTS (Reports filed with the Committee on House Administration and forwarded to the Clerk to be handled in the same manner as foreign travel reports filed by committees)

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, CANADA-UNITED STATES INTERPARLIAMENTARY GROUP, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1981

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Barnes, Michael D.	5/22	5/26	Canada		206.59		263.07				469.66
Eckart, Dennis E.	5/22	5/26	Canada		197.38		263.07				460.45
Fascell, Dante	5/22	5/26	Canada		372.40		263.07				635.47
Frenzel, Bill	5/22	5/26	Canada		197.38		263.07				460.45
Gibbons, Sam	5/22	5/26	Canada		220.46		263.07				483.53
Martin, David	5/22	5/26	Canada		198.63		263.07				461.70
Mitchell, Donald	5/22	5/26	Canada		211.21		263.07				474.28
Oberstar, James L.	5/22	5/26	Canada		205.08		263.07				468.15
Rousselot, John H.	5/22	5/26	Canada		197.38		263.07				460.45

MISCELLANEOUS REPORTS (Reports filed with the Committee on House Administration and forwarded to the Clerk to be handled in the same manner as foreign travel reports filed by committees)—Continued

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Winn, Larry	5/22	5/26	Canada		197.38		263.07				460.45
Hickey, Deborah	5/22	5/26	Canada		167.58		263.07				430.65
Illsley, Julie	5/22	5/26	Canada		167.59		263.07				430.66
Ingram, George	5/22	5/26	Canada		211.08		263.07				474.15
	6/4	6/7	United States		34.01		278.00				312.01
	10/14	10/19	Canada		45.12		147.16				192.28
Kurz, Robert	5/22	5/26	Canada		203.66		263.07				466.73
Nelson, Steve	5/22	5/26	Canada		197.38		263.07				460.45
Schlundt, Virginia	5/22	5/26	Canada		167.59		263.07				430.66
Delegation expenses:											
Inflight and control room expenses									994.87		
Xeroxing									35.78		
Stationery purchases									12.37		
Miscellaneous									20.19		1,063.21
Committee total					3,397.90		4,634.28		1,063.21		9,095.39

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DANTE B. FASCELL, Mar. 18, 1982.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1981

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
de la Garza, E	6/11	6/15	Mexico		626.82		765.58				1,392.40
Dreier, David	6/11	6/15	Mexico		484.00		765.58				1,249.58
Gilman, Benjamin A	6/11	6/12	Mexico		254.35		529.78				784.13
Goodling, William F	6/11	6/15	Mexico		496.59		765.58				1,262.17
Kazen, Abraham, Jr	6/11	6/15	Mexico		532.27		765.58				1,297.85
Kogovsek, Ray	6/11	6/15	Mexico		500.50		765.58				1,266.08
Lagomarsino, Robert J	6/11	6/15	Mexico		498.00		765.58				1,263.58
Mica, Dan	6/11	6/15	Mexico		487.50		765.58				1,253.08
Miller, George	6/11	6/15	Mexico		484.00		765.58				1,249.58
Rudd, Eldon	6/11	6/15	Mexico		486.25		765.58				1,251.83
Skelton, Ike	6/11	6/15	Mexico		484.00		765.58				1,249.58
Wright, Jim	6/11	6/15	Mexico		572.00		765.58				1,337.58
Yatron, Gus	6/11	6/15	Mexico		572.00		765.58				1,337.58
Castillo, Mario	6/11	6/15	Mexico		485.50		765.58				1,251.08
Chester, J. C	6/11	6/15	Mexico		484.00		765.58				1,249.58
Daoust, Elizabeth	6/11	6/15	Mexico		484.00		765.58				1,249.58
	9/22	9/25	United States		386.04		866.00				1,252.04
Fox, J. Edward	6/11	6/15	Mexico		484.00		765.58				1,249.58
Johnson, Victor	6/11	6/15	Mexico		484.00		765.58				1,249.58
Livingston, Shelly	6/11	6/15	Mexico		484.00		765.58				1,249.58
Delegation expenses:											
Planning sessions									243.00		
Stationery items									317.35		
Embassy assistance									243.09		
Inflight expenses and control room									998.92		
Miscellaneous									3.00		
Deposit on 1982 conferences									500.00		2,305.36
Committee totals					9,769.82		15,176.22		2,305.36		27,251.40

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

E. DE LA GARZA, Mar. 8, 1982.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, NORTH ATLANTIC ASSEMBLY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1981

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Phillip Burton	5/21	5/25	Italy	827.430	722.65		1,280.35				2,003.00
Jack Brooks	5/21	5/25	do	806.830	704.65		1,280.35				1,985.00
Frank Annunzio	5/21	5/25	do	810.080	707.49		1,319.45				2,026.94
Charles Rose	5/21	5/25	do	804.030	702.21		1,280.35				1,982.56
Mary Rose Oakar	5/21	5/25	do	672.170	587.05		1,280.35				1,867.40
Robert Garcia	5/21	5/25	do	804.030	702.21		1,347.55				2,049.76
William Broomfield	5/21	5/25	do	804.030	702.21		1,280.35				1,982.56
Paul Findley	5/21	5/25	do	804.030	702.21		1,280.35				1,982.56
G. Wm. Whitehurst	5/21	5/25	do	644.110	562.54		1,280.35				1,842.89
Clair Burgener	5/21	5/25	do	804.030	702.21		1,280.35				1,982.56
Elliott H. Levitas	5/21	5/25	do	804.030	702.21		1,282.45				1,984.66
Norman Dicks	5/21	[3] 5/24	do	644.110	562.54		578.75				1,141.29
Frank Horton	5/21	5/25	do	848.730	741.25		1,280.35				2,021.60
William Gray	5/21	[3] 5/24	do	644.110	562.54		578.75				1,141.29
Peter Peyser	5/21	5/25	do	653.910	571.10		1,280.35				1,851.45
Peter A. Abbruzzese	5/21	5/25	do	804.030	702.21		1,280.35				1,982.56
D. Sharon Matts	5/21	5/25	do	442.400	386.38		1,280.35				1,666.73
Emily C. Howie	5/21	5/25	do	299.446	261.53		1,280.35				1,541.88
Delegation expenses (control room and overtime)								7,182,230	6,060.95		6,060.95

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, NORTH ATLANTIC ASSEMBLY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1981—Continued

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Committee total					11,285.19		21,751.50		6,060.95		39,097.64
Phillip Burton	10/10	10/16	Germany	1,466.28	672.60		994.00				1,666.60
Phillip Burton	10/16	10/18	England	131.91	248.00		1,498.00				1,746.00
Jack Brooks	10/10	10/16	Germany	1,466.28	672.60		994.00				1,666.60
Jack Brooks	10/16	10/18	England	131.91	248.00		1,498.00				1,746.00
Robert Garcia	10/12	10/16	Germany	977.72	448.36		1,296.00				1,744.36
Robert Garcia	10/16	10/18	England	131.91	248.00		1,498.00				1,746.00
Elliott H. Levitas	10/11	10/16	Germany	1,171.90	537.59		98.73				636.32
Mike Lowry	10/10	10/16	Germany	1,466.28	672.60		994.00				1,666.60
Mike Lowry	10/16	10/18	England	131.91	248.00		1,498.00				1,746.00
Robert E. Badham	10/10	10/18	Germany	1,466.28	672.60		994.00				1,666.60
Peter Abbruzzese	10/10	10/16	Germany	1,466.28	672.60		994.00				1,666.60
Peter Abbruzzese	10/16	10/18	England	131.91	248.00		1,498.00				1,746.00
Julie Illsley	10/10	10/16	Germany	1,406.28	645.08		994.00				1,639.08
Julie Illsley	10/16	10/18	England	131.91	248.00		1,498.00				1,746.00
D. Sharon Matts	10/10	10/16	Germany	1,406.28	645.08		994.00				1,639.08
D. Sharon Matts	10/16	10/18	England	131.91	248.00		1,498.00				1,746.00
Judith Lemons	10/10	10/16	Germany	1,406.28	645.08		994.00				1,639.08
Judith Lemons	10/16	10/18	England	131.91	248.00		1,498.00				1,746.00
Delegation expenses (control room and overtime)			Germany						4,334.10		4,334.10
			England					692.69	1,281.47		1,281.47
Committee total					8,268.19		21,330.73		5,615.57		35,214.49

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Departed delegation on other committee travel.

PHILLIP BURTON, Chairman, Mar. 24, 1982.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, SPRING MEETING OF THE INTERPARLIAMENTARY UNION, MANILA, PHILIPPINES/COMMITTEE OF NINE PLUS, CANBERRA, AUSTRALIA, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 14 AND 26, 1981

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Claude Pepper	4/15	4/17	United States		169.40						169.40
	4/18	4/25	Philippines		450.13						450.13
	4/25	4/26	Korea		57.51						57.51
DOD transportation							3,999.17				3,999.17
Hon. Edward J. Derwinski	4/15	4/17	United States		180.84						180.84
	4/18	4/25	Philippines		665.00						665.00
	4/25	4/26	Korea		74.00						74.00
DOD transportation							3,999.17				3,999.17
Hon., J. J. Pickle	4/15	4/17	United States		186.35						186.35
	4/18	4/25	Philippines		608.00						608.00
	4/25	4/26	Korea		90.00						90.00
DOD transportation							2,999.17				3,999.17
Hon. E (Kika) de la Garza	4/15	4/17	United States		200.00						200.00
	4/18	4/25	Philippines		665.00						665.00
	4/25	4/26	Korea		90.00						90.00
DOD transportation							3,999.17				3,999.17
Hon. George E. Danielson	4/15	4/17	United States		200.00						200.00
	4/18	4/25	Philippines		665.00						665.00
	4/25	4/26	Korea		90.00						90.00
DOD transportation							3,519.68				3,519.68
Hon. David R. Bowen	4/14	4/16	Australia		500.00		2,355.38				2,855.38
	4/21	4/23	Philippines		190.00						190.00
DOD transportation							1,448.68				1,448.68
Hon. Antonio B. Won Pat	4/15	4/17	United States		169.17						169.17
	4/18	4/25	Philippines		556.00						556.00
	4/25	4/26	Korea		71.40						71.40
DOD transportation							3,999.17				3,999.17
Hon. Robert McClory	4/15	4/17	United States		189.00						189.00
	4/18	4/25	Philippines		448.00						448.00
DOD transportation							2,173.02				2,173.02
Hon. Guy Vander Jagt	4/15	4/17	United States		200.00						200.0
	4/18	4/25	Philippines		665.00						665.00
DOD transportation							2,173.02				2,173.02
Donald R. Petit	4/15	4/17	United States		196.32						196.32
	4/18	4/25	Philippines		505.03						505.03
	4/25	4/26	Korea		60.00						60.00
DOD transportation							3,999.17				3,999.17
Vance Hyndman	4/15	4/17	United States		175.00						175.00
	4/18	4/25	Philippines		545.00						545.00
	4/25	4/26	Korea		64.00						64.00
DOD transportation							3,999.17				3,999.17
Ann D. Bolton	4/15	4/17	United States		158.70						158.70
	4/18	4/25	Philippines		357.96						357.96
	4/25	4/26	Korea		74.75						74.75
DOD transportation							3,999.17				3,999.17
Ellen P. Rayner	4/15	4/17	United States		150.04						150.04
	4/18	4/25	Philippines		357.60						357.60
	4/25	4/26	Korea		69.60						69.60
DOD transportation							3,999.17				3,999.17
Diane Lyn Stoner	4/15	4/17	United States		180.00						180.00
	4/18	4/25	Philippines		389.22						389.22
	4/25	4/26	Korea		65.00						65.00
DOD transportation							3,999.17				3,999.17
Delegation expenses:											
Control room	4/15	4/17	United States		162.54						162.54
	4/18	4/25	Philippines		1,972.52						1,972.52
	4/25	4/26	Korea		160.76						160.76
Official meals	4/15	4/17	United States		210.35						210.35

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, SPRING MEETING OF THE INTERPARLIAMENTARY UNION, MANILA, PHILIPPINES/COMMITTEE OF NINE PLUS, CANBERRA, AUSTRALIA, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 14 AND 26, 1981—Continued

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	4/18	4/25	Philippines		2,566.07						2,566.07
	4/25	4/26	Korea		399.38						399.38
Gratuities	4/15	4/17	United States						15.00		15.00
	4/18	4/25	Philippines						44.15		44.15
Overtime (Embassy personnel)	4/18	4/25	Philippines						889.48		889.48
	4/25	4/26	Korea						868.52		868.52
Official calls	4/15	4/17	United States						9.50		9.50
	4/18	4/25	Philippines						242.25		242.25
Transportation	4/18	4/25	Philippines				240.25				240.25
Duplicating	4/15	4/17	United States						6.00		6.00
	4/18	4/25	Philippines						9.11		9.11
Miscellaneous	4/18	4/25	Philippines						51.34		51.34
Committee total					16,199.64		51,901.73		2,135.35		70,236.72

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
Note: DOD transportation provided pursuant to 31 U.S.C. 22A.

CLAUDE PEPPER, Mar. 24, 1982.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, INTERPARLIAMENTARY UNION FALL CONFERENCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN SEPT. 14 AND SEPT. 24, 1981

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Edward J. Derwinski	9/19	9/24	Cuba		460.00		2,884.11				3,344.11
Hon. George E. Danielson	9/19	9/24	Cuba		417.75		2,884.11				3,301.86
Hon. Geo. W. Crockett, Jr	9/14	9/19	Cuba		321.55		2,172.27				2,493.82
Hon. Antonio Borja Won Pat	9/14	9/19	Cuba		432.00		2,172.27				2,604.27
Vance Hyndman	9/14	9/24	Cuba		640.00		3,086.48				3,726.48
Ellen P. Rayner	9/14	9/24	Cuba		528.00		3,269.82				3,797.82
Diane Lyn Stoner	9/14	9/19	Cuba		213.85		2,355.61				2,569,46
Ann D. Bolton	9/19	9/24	Cuba		258.40		2,884.11				3,142.51
Delegation expenses:											
Official meals	9/14	9/24	Cuba		1,219.29						1,219.29
Control room	9/14	9/24	Cuba		1,355.31						1,355.31
Transportation	9/14	9/24	Cuba				6,098.63				6,098.63
Gratuities	9/14	9/24	Cuba						65.00		65.00
Official calls	9/14	9/24	Cuba						77.10		77.10
Miscellaneous	9/14	9/24	Cuba						88.66		88.66
Committee total					5,846.15		27,807.41		230.76		83,884.32

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ED DERWINSKI, Mar. 24, 1982.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3764. A letter from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of plans to study the conversion from in-house operation to contractor performance of various functions at different military installations, pursuant to section 502(a) of Public Law 96-342; to the Committee on Armed Services.

3765. A letter from the Secretary of Health and Human Services, transmitting the annual report on the National Health Service Corps scholarship program for fiscal year 1981, pursuant to section 338A of title III of the Public Health Service Act, as amended; to the Committee on Energy and Commerce.

3766. A letter from the Director, U.S. International Development Cooperation Agency, transmitting the annual report of the Minority Resource Center, pursuant to section 123 of Public Law 96-53; to the Committee on Foreign Affairs.

3767. A letter from the Postmaster General, transmitting a draft of proposed legislation to amend title 5, United States Code, to entitle officers and employees of the Postal Service who transfer to other Government agencies to the standard Federal reimbursement for their travel, transportation, and relocation expenses; to the Committee on Government Operations.

3768. A letter from the Comptroller General of the United States, transmitting a report on the status of major Federal acquisitions, (MASAD-82-24, April 22, 1982); to the Committee on Government Operations.

3769. A letter from the Chairman of the Board, and the Executive Director, Pension Benefit Guaranty Corporation, transmitting the seventh annual report of the Pension Benefit Guaranty Corporation, pursuant to section 4008 of the Employee Retirement Income Security Act of 1974, as amended; jointly, to the Committees on Education and Labor and Ways and Means.

3770. A letter from the Deputy Secretary of Energy, transmitting notice of delay in submission of the report required by section 231(d) of Public Law 96-294; jointly, to the Committees on Energy and Commerce and Science and Technology.

3771. A letter from the Comptroller General of the United States, transmitting notice of access to records agreement between the Drug Enforcement Administration and the General Accounting Office; jointly, to the Committees on Government Operations, the Judiciary, and Energy and Commerce.

SUBSEQUENT ACTION ON A BILL INITIALLY REFERRED UNDER TIME LIMITATION

Under clause 5 of rule X, the following action was taken by the Speaker:

Referral of H.R. 4627 to the Committee on Foreigh Affairs extended for and additional period ending not later than May 15, 1982.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BEDELL (for himself, Mr. FINDLEY, Mr. DASCHLE, Mr. HAGEDORN, Mr. ROBERTS of Kansas, Mr. GLICKMAN, Mr. ENGLISH, Mr. JONES of Tennessee, Mr. EVANS of Iowa, Mr. VOLKMER, and Mr. STENHOLM):

H.R. 6142. A bill to require the Commodity Credit Corporation to dispose of Government-owned stocks of agricultural commodities; to the Committee on Agriculture.

By Mr. CARMAN (for himself, Mr. DOWNEY, Mr. LENT, and Mr. MCGRATH):

H.R. 6143. A bill to prohibit the disposal of dredged material in Long Island Sound and to establish the Long Island Sound Dredged Material Commission to study the impact of and alternatives to the disposal of dredged material in Long Island Sound; jointly, to the Committees on Public Works and Transportation and Merchant Marine and Fisheries.

By Mr. CLAUSEN (for himself and Mr. ANDERSON):

H.R. 6144. A bill relating to the disposal of low-level radioactive waste in ocean waters; to the Committee on Merchant Marine and Fisheries.

By Mr. CONABLE:

H.R. 6145. A bill to amend title XVIII of the Social Security Act to establish a program of long-term-care services within the medicare program, to provide for the creation of community long-term-care centers and State long-term-care agencies as part of a new administrative structure for the organization and delivery of long-term-care services, to provide a significant role for persons eligible for long-term-care benefits in the administration of the program, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. DUNN:

H.R. 6146. A bill to amend the Arms Export Control Act to require that, in considering proposed military coproduction arrangements with foreign countries, there be greater interagency coordination within the executive branch, increased consideration of the economic and trade implications of these arrangements, and consultation with the Members of Congress representing areas which may be adversely affected by the coproduction abroad; to the Committee on Foreign Affairs.

By Mr. HAGEDORN:

H.R. 6147. A bill to amend the Internal Revenue Code of 1954 to make certain local organizations of police and firefighters exempt from taxation; to the Committee on Ways and Means.

By Mr. OBERSTAR:

H.R. 6148. A bill to amend the Agricultural Act of 1949 to increase the levels of loans available with respect to the 1982 through 1985 crops of wheat and feed grains, to require the Secretary of Agriculture to exercise certain existing authority with respect to agricultural loans, and for other purposes; to the Committee on Agriculture.

By Mr. PATTERSON (for himself and Mr. EVANS of Delaware) (by request):

H.R. 6149. A bill to provide for increased participation by the United States in the African Development Fund; to the Committee on Banking, Finance and Urban Affairs.

By Mr. PAUL:

H.R. 6150. A bill to amend the Internal Revenue Code of 1954 to provide each taxpayer with a $75 a day deduction; to the Committee on Ways and Means.

By Mr. PRICE (for himself and Mr. DICKINSON) (by request):

H.R. 6151. A bill to authorize appropriations for the Department of Energy for national security programs for fiscal year 1983, and for other purposes; to the Committee on Armed Services.

By Mr. ROE:

H.R. 6152. A bill to repeal the provision of the Omnibus Reconciliation Act of 1981 which provides that certain ex-service-members will not be eligible for unemployment compensation; to the Committee on Ways and Means.

By Mr. SKEEN (for himself and Mr. LUJAN):

H.R. 6153. A bill to change the name of the landing strip at White Sands Missile Range in the State of New Mexico, to "White Sands Space Harbor"; to the Committee on Armed Services.

By Mr. SMITH of New Jersey (for himself, Mr. SMITH of Alabama, and Mr. SMITH of Pennsylvania):

H.R. 6154. A bill to amend title 38, United States Code, to increase the amount of compensation payable to veterans who have suffered total blindness without light perception as a result of a service-connected disability; to the Committee on Veterans' Affairs.

H.R. 6155. A bill to amend title 38, United States Code, to increase the amount of compensation payable to certain blinded veterans who are suffering from additional service-connected disabilities; to the Committee on Veterans' Affairs.

By Mr. WIRTH (for himself, Mr. COLLINS of Texas, Mr. MARKEY, Mr. RINALDO, Mr. TAUKE, and Mr. BLILEY):

H.R. 6156. A bill to clarify the jurisdiction of the Securities and Exchange Commission and the definition of security, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SIMON:

H.J. Res. 463. Joint resolution to authorize and request the President to designate May 25, 1982, as "Missing Children's Day"; to the Committee on Post Office and Civil Service.

By Mr. STANGELAND:

H.J. Res. 464. Joint resolution to authorize the Secretary of Energy, the Governor of the State of Washington, and the President to take certain actions respecting the location, construction, and operation of that portion of the northern tier pipeline which is within the State of Washington, and for other purposes; to the Committee on Energy and Commerce.

By WYLIE:

H. Con. Res. 315. Concurrent resolution to congratulate radio station WOSU-AM on the anniversary of its 60th year of operation; to the Committee on Post Office and Civil Service.

By Mr. WILLIAM J. COYNE:

H. Con. Res. 316. Concurrent resolution expressing the sense of the House of Representatives concerning higher education assistance programs; to the Committee on Education and Labor.

By Mr. FASCELL (for himself, Mr. WINN, and Mr. BARNES):

H. Con. Res. 317. Concurrent resolution relating to the patriation of the Canadian Constitution; to the Committee on Foreign Affairs.

By Mr. McCOLLUM (for himself, Mr. ROTH, Mr. SANTINI, Mr. LEE, Mr. YOUNG of Alaska, Mr. HORTON, Mr. ROBERTS of South Dakota, Mr. DORNAN of California, Mr. WOLF, Mr. MARRIOTT, Mr. BAFALIS, Mr. MURPHY, Mr. LENT, Mr. MCCLORY, Mr. LOWERY of California, Mrs. CHISHOLM, Mr. MORRISON, Mr. WHITEHURST, Mr. OTTINGER, Mr. WEBER of Minnesota, Mr. FAUNTROY, Mr. LEACH of Iowa, Mr. COUGHLIN, Mr. WEISS, Mr. CORCORAN, Mr. CORRADA, Mr. PASHAYAN Mr. GRISHAM, Mr. WORTLEY, Mr. MOTTL, Mr. WILLIAMS of Ohio, Mr. UDALL, Mr. SMITH of New Jersey, Mr. EMERSON, Mr. LAGOMARSINO, Mr. SHUMWAY, Mr. PERKINS, Mr. EDGAR, Mr. BEVILL, Mr. MYERS, Mrs. HOLT, Mr. FUQUA, Mr. CHAPPIE, Mr. CLAUSEN, Ms. FERRARO, Mr. BAILEY of Pennsylvania, Mr. BARNES, Mr. BEARD, Mr. BENEDICT, Mr. HUTTO, Mr. MITCHELL of New York, Mr. PEPPER, Mr. WEBER of Ohio, Mr. BADHAM, Mrs. MARTIN of Illinois, and Mr. HYDE):

H. Con. Res. 318. Concurrent resolution expressing the sense of the Congress that the people of the United States should observe the month of May 1982, as Older Americans Month; to the Committee on Post Office and Civil Service.

By Mrs. SMITH of Nebraska (for herself, Mr. ROBERTS of South Dakota, Mr. SCHUMER, Mr. SKEEN, Mr. FOLEY, Mr. LONG of Louisiana, Mr. HOPKINS, Mr. GUNDERSON, Mr. MORRISON, Mr. EMERY, Mr. PASHAYAN, Mr. LAGOMARSINO, Mr. THOMAS, Mr. HUBBARD, Mr. FOGLIETTA, Mr. MOLLOHAN, Mr. GIBBONS, Mr. EMERSON, Mr. BAFALIS, Mr. SIMON, Mr. AKAKA, Mr. KILDEE, Mr. SHAW, Mr. LEWIS, Mr. SILJANDER, Mr. OTTINGER, Mr. YATRON, and Mr. KOGOVSEK):

H. Con. Res. 319. Concurrent resolution expressing the sense of Congress concerning the proposed closure of certain National Weather Service offices; to the Committee on Science and Technology.

By Mr. FINDLEY (for himself, Mr. MADIGAN, Mr. WAMPLER, Mr. HAGEDORN, Mr. JONES of Tennessee, Mr. ROBERTS of Kansas, Mr. BEDELL, Mr. ERDAHL, Mrs. SMITH of Nebraska, Mr. ENGLISH, Mr. ROBERTS of South Dakota, Mr. VOLKMER, Mr. BEARD, Mr. EVANS of Iowa, Mr. HOPKINS, Mr. STENHOLM, Mr. WHITTAKER, Mr. HUCKABY, Mr. COLEMAN, Mr. SKEEN, Mr. RAILSBACK, Mrs. MARTIN of Illinois, Mr. MARLENEE, Mr. DAUB, Mr. WINN, Mr. BEREUTER, Mr. TAUKE, Mr. JEFFORDS, Mr. MYERS, and Mr. HARKIN):

H. Res. 435. Resolution to urge the President of the United States to take appropriate action to protect U.S. exports of corn gluten feed; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

357. The SPEAKER presented a memorial of the House of Representatives of the State of Kansas, relative to a National Academy of Peace and Conflict; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1918: Mr. EMERSON.

H.R. 2389: Mr. ROBERTS of South Dakota, Mrs. SCHNEIDER, Mr. SMITH of Oregon, and Mr. YOUNG of Alaska.

H.R. 2488: Mr. ST GERMAIN and Mr. MOTTL.

H.R. 3298: Mr. BARNARD, Mr. GINGRICH, Mr. HENDON, Mr. MARKEY, Mr. SMITH of Pennsylvania, Mr. WINN, and Mr. PANETTA.

H.R. 4147: Mr. HOYER.

H.R. 4340: Mr. BEARD.

H.R. 4467: Mr. BROWN of California, Mr. WILLIAMS of Montana, and Mr. GUARINI.

H.R. 4751: Mr. DICKINSON, Mr. CORCORAN, Mr. LUNGREN, Mr. ROEMER, and Mr. MCDADE.

H.R. 4773: Mr. SIMON, Mr. DAUB, Mr. GOODLING, and Mr. GRISHAM.

H.R. 5078: Mr. ECKART, Mr. RUDD, and Mr. BEREUTER.

H.R. 5098: Mr. SMITH of Pennsylvania, Mr. FORSYTHE, Mr. RICHMOND, Mr. SIMON, Mr. VENTO, Mr. EDGAR, Mr. BEDELL, Mr. COURTER, Mr. FOGLIETTA, Mr. HOYER, Mr. GRISHAM, and Mr. RATCHFORD.

H.R. 5192: Mr. ASPIN, Mr. CLAY, Mr. GUARINI, Mr. GUNDERSON, Mr. HOYER, Mr. HUCKABY, Mr. LIVINGSTON, Mr. MOLLOHAN, Mr. PARRIS, Mr. RAHALL, Mr. ROE, Mrs. SCHROEDER, Mr. SMITH of Alabama, Mr. SOLARZ, and Mr. LOWRY of Washington.

H.R. 5214: Mr. BADHAM and Mr. CORCORAN.

H.R. 5242: Mr. MONTGOMERY, Mr. JEFFORDS, Mr. MARRIOTT, Mr. COUGHLIN, Mr. PEPPER, Mr. HILER, and Mr. GOODLING.

H.R. 5389: Mr. WALKER, Mr. MCGRATH, Mr. SENSENBRENNER, Mr. FORD of Michigan, Mr. ERDAHL, Mr. PEYSER, Mr. EDGAR, Mr. MOTTL, Mr. HERTEL, Mr. FORSYTHE, Mr. SCHUMER, Mr. KILDEE, Mr. GUARINI, Mr. PERKINS, and Mr. SMITH of Alabama.

H.R. 5424: Mr. MARKEY and Mr. MINETA.

H.R. 5432: Mr. BEREUTER, Mr. SIMON, and Mr. BARNARD.

H.R. 5485: Mr. LANTOS.

H.R. 5792: Ms. OAKAR, Mr. HORTON, Mr. MINISH, Mr. FORSYTHE, Mr. DORNAN of California, Mr. LEHMAN, Mr. MITCHELL of Maryland, Mr. WASHINGTON, Mr. DENARDIS, Mr. WEAVER, Mr. SMITH of Pennsylvania, Mr. MADIGAN, Mr. DOUGHERTY, Mr. MCGRATH, Mr. SCHEUER, Mr. BIAGGI, Mrs. BOUQUARD, and Mr. EDGAR.

H.R. 5828: Mr. LOWRY of Washington, Mr. STUDDS, Mr. SEIBERLING, Mr. MILLER of California, Mr. FRANK, Mr. BROWN of California, Mr. CONYERS, Mr. DOWNEY, Mr. JOHN L. BURTON, Mr. JACOBS, Mr. FOGLIETTA, Mr. MATSUI, Mr. MCHUGH, Mr. BRODHEAD, Mr. MOAKLEY, Mr. STARK, Mr. OTTINGER, Mr. KASTENMEIER, Mr. EDWARDS of California, Mr. BONKER, Mr. OBERSTAR, Mr. MOFFETT, Mr. SABO, Mr. MITCHELL of Maryland, Mr. WOLPE, Mr. WEISS, Mr. BEDELL, Mr. VENTO, Mrs. CHISHOLM, Mr. EDGAR, Mr. RICHMOND, Mr. DELLUMS, and Mr. ECKART.

H.R. 5833: Mr. VENTO, Mr. FRENZEL, Mr. ROE, and Mr. RICHMOND.

H.R. 5848: Mr. MURPHY, Mr. FOGLIETTA, Mr. FAUNTROY, Mr. CLAY, Mr. FORSYTHE, Mr. HORTON, Mr. SUNIA, Mr. ROE, Mrs. CHISHOLM, Mr. HUGHES, Mr. MATSUI, Mr. MAVROULES, Mr. SCHUMER, Mr. MITCHELL of Maryland, Mr. DYMALLY, Mr. EDGAR, Ms. FERRARO, Mr. OTTINGER, and Mr. FROST.

H.R. 5865: Mr. MAVROULES.

H.R. 5869: Mr. MITCHELL of New York.

H.R. 5995: Mr. HOYER, Mr. FAUNTROY, and Mr. TRAXLER.

H.R. 5999: Mr. ADDABBO and Mr. HANSEN of Idaho.

H.R. 6054: Mrs. HOLT and Mr. HANSEN of Utah.

H.J. Res. 144: Mr. ANNUNZIO, Mr. BONIOR of Michigan, Mr. WOLF, and Mr. SANTINI.

H.J. Res. 411: Mr. BARNARD, Mr. BEVILL, Mrs. BOUQUARD, Mrs. CHISHOLM, Mr. CORRADA, Mr. DASCHLE, Mr. FAUNTROY, Mr. FAZIO, Mr. FISH, Mr. FORSYTHE, Mr. FRENZEL, Mrs. HOLT, Mr. HUCKABY, Mr. KEMP, Mr. LAGOMARSINO, Mr. LEWIS, Mr. LOWERY of California, Mr. LUNGREN, Mr. MARRIOTT, Mr. MAZZOLI, Mr. MINISH, Mr. MURPHY, Mr. PASHAYAN, Mr. ROE, Mr. SCHEUER, Mr. SIMON, Mr. STUMP, Mr. SUNIA, Mr. TAUKE, Mr. WAXMAN, Mr. ALEXANDER, Mr. BEARD, Mr. BOLAND, Mr. BREAUX, Mr. BROWN of Ohio, Mr. JOHN L. BURTON, Mr. CAMPBELL, Mr. DANNEMEYER, Mr. DERWINSKI, Mr. EDGAR, Mr. FARY, Mr. FOGLIETTA, Mr. FOLEY, Mr. HANSEN of Idaho, Mr. HATCHER, Mr. HORTON, Mr. HOYER, Ms. MIKULSKI, Mr. PURSELL, Mr. RICHMOND, Mr. ROBINSON, Mr. SMITH of Pennsylvania, Mr. STANGELAND, Mr. STENHOLM, Mr. TAUZIN, Mr. WALGREN, Mr. DONNELLY, Mr. LUNDINE, Mr. MAVROULES, Mr. PARRIS, Mr. WHITTAKER, Mr. DOUGHERTY.

H.J. Res. 436: Mr. DUNCAN, Mr. MINETA, Mr. MURPHY, Mr. VENTO, Mr. WOLPE, Mr. TAUKE, Mr. JOHN L. BURTON, Mr. DYMALLY, Mrs. HECKLER, Mr. FIELDS, Mr. DOUGHERTY, Mr. WON PAT, Mr. DANIEL B. CRANE, Mr. LONG of Maryland, Mr. MARRIOTT, Mr. DAUB, and Mr. FOGLIETTA.

H.J. Res. 444: Mr. CARMAN, Mr. JEFFRIES, Mr. PORTER, Mr. HANSEN of Utah, Mr. HIGHTOWER, Mr. BRINKLEY, Mr. SPENCE, Mr. HARTNETT, Mr. WON PAT, Mr. NICHOLS, Mr. KILDEE, Mr. SAWYER, Mrs. HOLT, Mr. MARRIOTT, Mr. MOORHEAD, Mrs. SNOWE, Mr. DENARDIS, Mr. RITTER, Mr. LUNGREN, Mr. HAMMERSCHMIDT, Mr. BETHUNE, Mr. ROUSSELOT, Mr. BROOMFIELD, Mr. NATCHER, Mr. SIMON, Mr. KOGOVSEK, Mr. RATCHFORD, Mr. DAN DANIEL, Mr. HUTTO, Mr. APPLEGATE, Mr. GLICKMAN, Mr. RAHALL, Mr. FROST, Mr. NAPIER, Mr. FIELDS, Mr. BADHAM, Mr. ROTH, Mr. FORD of Tennessee, BEDELL, Mr. WYLIE, Mr. REUSS, Mr. BROYHILL, Ms. SMITH of Nebraska, Mr. SMITH of Oregon, Mr. WORTLEY, and Mr. MILLER of Ohio.

H. Con. Res. 273: Mr. FRANK.

H. Con. Res. 274: Mr. MINETA and Mr. BARNARD.

H. Con. Res. 298: Mr. HAWKINS, Mr. SOLARZ, Mr. WAXMAN, Mr. DYMALLY, Ms. OAKAR, Ms. FERRARO, Mr. DOUGHERTY, Mr. GUARINI, and Mr. GAYDOS.

H. Con. Res. 303: Mr. EVANS of Delaware, Mr. WEISS, Mr. JOHN L. BURTON, Mr. FORD of Tennessee, Mr. LELAND, Mr. FOGLIETTA, Mr. FAUNTROY, Mr. MATSUI, Mr. DYMALLY, Mr. HATCHER, Mr. EDGAR, Mr. WEAVER, Mr. HOYER, Mr. MURPHY, Mr. BARNES, Mr. ROSENTHAL, Mr. MARKEY, Mr. PEPPER, Mr. STARK, Mr. LUNDINE, Mr. LANTOS, Mr. FRANK, Mr. MINISH, Mr. BEILENSON, Mr. ECKART, Mr. FAZIO, Mr. CROCKETT, Mr. EDWARDS of California, Mr. LOWRY of Washington, and Mr. WILLIAMS of Montana.

H. Res. 377: Mr. GARCIA, Mr. EDGAR, and Ms. FERRARO.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3496: Mr. SHUMWAY.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

399. By the SPEAKER: Petition of Lewis County 'I' rate, Morton, Wash., relative to the Bonneville Power Administration suit against initiative 394; to the Committee on Interior and Insular Affairs.

400. Also, petition of Constitution Commemoration Study Group, Newport Beach, Calif., relative to the anniversary commemoration of the Constitution of the United States; to the Committee on Post Office and Civil Service.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H. Res. 415

By Mrs. SMITH of Nebraska:

—Page 2, lines 23 through 25, strike out "; and page 11, lines 13 through 16 ("National Oceanic and Atmospheric Administration—Operations, Research, and Facilities")" and on line 21, insert "and" immediately after the semicolon.

Page 3, line 11, immediately after the semicolon insert "beginning on page 11, lines 13 through 16;".

EXTENSIONS OF REMARKS

STILL—MORE ON: WHERE YOUR TAX DOLLARS GO

HON. LARRY McDONALD
OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mr. McDONALD. Mr. Speaker, I find it totally reprehensible in these difficult times, that we are trying to restore fiscal responsibility, that we are asking Americans to fund homosexuals, feminists, nude lesbian shows, pamphlets on sodomy laws, radical pacifists, and yes, even the Council on Foreign Relations. And yet, that is exactly what is happening.

Yes, I find it totally disgusting that multimillionaire, or perhaps, billionaire, David Rockefeller, and his Council on Foreign Relations (CFR) have the gall to accept half a million dollars to advance the cause of forgetting the national interests of the United States. Since 1928, this organization, in its own writings, advanced the preemption of local and State governments, the debauching of our currency via the Federal Reserve System, the Government seizure of energy producing lands in order to make us more dependent on foreign nations, and, yes, even the eventual disintegration of our national sovereignty to accept interdependence or a one world Socialist government. Perhaps it is not too hard to understand in light of what has just been mentioned, that David Rockefeller revels in acceptance of subsidized taxpayer's money not only for his CFR, but the promotion of the status quo in Poland to the detriment of Solidarity and the individual freedom of the Polish people.

In any event, for, again, the benefit of my colleagues, I submit yet another article from the Conservative Digest of April 1982. The title of this one: "Leftist Causes Your Money Supports."

The article follows:

LEFTIST CAUSES YOUR MONEY SUPPORTS

(Not all of the activist groups receiving taxpayer money are as easily recognized as the AFL–CIO, the Sierra Club or Planned Parenthood. Here are some of the causes funded by federal dollars, quite often by local cities or groups as subgrantees.)

HOMOSEXUALS

Homosexual groups have received federal grants, often through local governments.

HHS FUNDS GAY STUDIES

Many grants for gay studies come from the Department of Health and Human Services (HHS) in the areas of alcohol and drug abuse, and mental health. New Ways Ministry of Mount Rainier, Md., received $18,416 in 1979–80 to study the "coming-out process and coping strategies of gay women." New Ways received its grant through the help of Dignity, a national organization of homosexuals and "concerned Catholics."

California State University at San Francisco has formed a Center for Homosexual Education, Evaluation and Research, and is receiving federal funds for its studies. For example, in 1979–80, HHS gave the center $167,724 to study "civil liberties and sexual orientation." The University of Southern California received a $65,285 grant from HHS that same year to conduct "a study of successful heterosexual and homosexual men."

CETA DOLLARS FOR L.A. GAY CENTER

The CETA jobs and training program has provided much direct and indirect federal funding to gay groups, especially on the West Coast. CETA gave the Gay and Lesbian Community Services Center in Los Angeles funding for nearly half of its full-time staff of 84. The purpose of the $640,000 grant was to provide "education about gay lifestyles and gay people's problems."

TAX-FUNDED GAY THEATER

The City of Seattle, Washington, paid 14 young gays and lesbians with CETA money to sponsor a production of the Seattle Gay Youth Summer Theatre Project entitled "Lavender Horizons." According to In Unity, a gay newspaper, the project was a social as well as theatrical success; "Most of the young women and men in the group had no other gay friends their age until the Theatre Project."

PAMPHLETS ON SODOMY LAWS

CETA also funded the National Gay Task Force's Public Education Program. Its activities included publication of pamphlets detailing the sodomy laws of the 50 states, and surveys on "patterns of employment discrimination faced by gay people" in New York City businesses.

DOLLARS FOR NUDE LESBIAN SHOW

"The Leaping Lesbian Follies" was another CETA project. $41,000 was given to a feminist organization for women (only) to perform in the nude.

GAYS SLAM FAMILY PROTECTION ACT ON PUBLIC RADIO

The federally financed National Public Radio Satellite Program Development Fund awarded $14,695 to the National Lesbian and Gay Men's Radio Project last October. The gay group will produce a series of 30-minute documentaries on the Family Protection Act and other issues. The programs will be broadcast nationwide over 230 taxpayer-funded public radio stations.

FEMINISTS

Feminist organizations have been well-financed by federal grants in recent years. At the same time, the feminist coalition has lobbied hard against Reagan's programs.

TAX-FUNDED GROUPS ATTACK REAGAN

In March, 1981, 42 feminist and liberal groups denounced Reagan's policies, saying they would "destroy or severely impair many of the programs and endanger the rights for which women have struggled over the last several years." Among those groups attacking Reagan were the League of Women Voters, the Women's Equity Action League, Wider Opportunities for Women, the YWCA, and the National Organization for Women's Legal Defense and Education Fund—all of which receive federal funds.

FEMINISTS USE BATTERED-SPOUSE ISSUE TO GET FEDERAL GRANTS

The problem of battered wives has brought hundreds of thousands into feminist coffers from the HHS Administration on Children, Youth and Families. W.O.M.A.N., Inc., of San Francisco received $200,000 in 1980–82, half of which would help "develop an advocacy model program for battered women." The Center for Women Policy Studies received $129,000 in 1980–81 from HHS to "educate service providers . . . in the field of domestic violence."

The Department of Justice manages to duplicate the HHS battered spouse program with funding by the Law Enforcement Assistance Administration (LEAA). The Center for Women Policy Studies received $1,221,751 from LEAA alone in 1978–82 for similar work on battered spouses as in its HHS program. Another $299,908 in LEAA money went to Wider Opportunities for Women, Inc. for "a model program and clearinghouse for women offenders in nontraditional work."

CETA JOBS MONEY FOR FEMINISTS

CETA public jobs and training grants, which have provided critical financial support for many Left organizations, are not unknown in feminist circles. The National Council of Negro Women received a whopping $2,231,106 in six CETA grants from 1978 to the present. Another group, National Women's Employment Education, received $570,980 in two 1980–81 CETA grants.

REAGAN'S EDUCATION DEPARTMENT GIVES $300,000 TO FEMINIST PRESS

Still, money from the Department of Education reaches more feminist groups than other types of funding. The Feminist Press received $313,224 from two July 1981 grants, "for the improvement of postsecondary education." W.O.M.A.N.'s Dorchester, Mass. office also received $123,026 last July. In the last year alone, Brooklyn's National Congress of Neighborhood Women received $177,806 for the same purpose. The hard-left Women's Equity Action League pulled down $659,837 from three education grants in 1980 alone.

Providing important seed money is the Women's Educational Equity Act Project of the Department of Education. A program run by feminists for feminists, it has managed to give two grants in one year to the National Organization for Women's Legal Defense and Education Fund, which is against government policy.

FOREIGN POLICY: MILITANT STUDENTS GET TAX DOLLARS

Militant leftism for America's students in the evocation of the United States Student Association (USSA), some of whose members have apparent ties with the Marxist international youth group, the International Union of Students.

USSA worked hard against the Reagan budget proposals and participated in Soli-

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

darity Day. It has called for the United States to pay World War II reparations to the Japanese people, condemned U.S. sanctions against Cuba, and actively opposes American aid to non-Marxist countries in Latin America.

Since Reagan's inauguration, the USSA has received $107,630 from the Department of Education's fund "for the improvement of post-secondary education." USSA's "educational" front group, the National Student Educational Fund (located in the same Washington office), has also received two grants totaling more than $275,000 from the Education Department's Women's Educational Equity Act Program (WEEAP).

Amazingly, the grants for these extremist groups were increased over earlier grants by the Carter administration.

ROCKEFELLER GROUP GETS U.S. FUNDS

The Council on Foreign Relations, founded and dominated by David Rockefeller, was given $200,000 in 1979-80 and $300,000 in July, 1981 in federal funds. The grants were made by the National Endowment for the Humanities, for CFR's International Fellowship Program.

RADICAL PACIFISTS ON RADIO

No less surprising was the NEH's support of the SANE (Scientists Against Nuclear Energy) Education Fund. In 1979 and 1980, the radical pacifist organization received more than $105,000 to produce "13 weekly radio shows to examine the impact of nuclear weapons on American culture."

MORE DOLLARS FOR 'PEACE' GROUPS

The World Without War Council received $32,000 in 1980 "to identify and assess the primary teachings and organizations active in the public peace effort," i.e. a pacifist bibliography.

Another Left-oriented pacifist recipient is the American Friends Service Committee, based in Philadelphia, Pa. In addition to a $183,804 CETA grant in 1978-81, AFSC has received at least two grants since President Reagan has taken office, totaling more than $150,000 (from ACTION and the Department of Education.)

The AFSC also lobbies Congress to further its interests. The group joined 62 other Leftist groups in May 1981 to stop the Reagan block-grant proposals. (Many other federally funded organizations participated.)

AGED: TAX DOLLARS FOR GRAY PANTHERS

The most notorious leftist organization for the elderly, the Gray Panthers, received $30,000 for media activities during the 1981 White House Conference on Aging. VISTA provided four volunteers in 1980-81 "to organize, guide, train, and motivate seniors to become members of the Gray Panthers network in Nevada," and in the same period five volunteers "trained in community organizing" as part of the Iowa Gray Panthers.

FEDS FUND 95 PERCENT OF LOBBY GROUP'S BUDGET

The National Council of Senior Citizens received $12,347.58 from the Community Services Administration for "2,000 annual subscriptions to Washington Weekly newsletter," and $49,042 from the Department of Justice for "the creation of a model for a victim/witness senior citizen volunteer corps." NCSC also received two CETA grants. In all, $50 million of the Council's $52.5-million budget comes from federal taxes.

COUNCIL ON AGING GETS $900,000

The White House Conference on Aging subsidized the National Council on the Aging with 10 grants, including $173,000 for 150 trainers to "train at senior centers and voluntary organizations." The trainers might very well use material provided under a $760,907 grant in 1979-80 from the National Endowment for the Humanities for "humanities material in senior centers."

EPA GIVES HUGE GRANT TO LEFT GROUP

The Environmental Protection Agency gave the National Retired Teachers Association 10 grants for 1980-82, totalling more than $2 million, the largest subsidy given by EPA to any Left organization. Also recieved by NRTA was a $199,971 grant from the Department of Justice in 1979-81 "to more economically and efficiently implement the crime analysis process." In 1981, $40 million of the association's $90-million budget came from Uncle Sam.

SOCIAL ACTIVISTS $110 MILLION FOR NATIONAL URBAN LEAGUE

A major recipient of government grants is the National Urban League, which got about $110 million in federal aid in 1980, according to the Washington Post. In the past five years, NUL and its affiliates have taken at least 66 grants from the Department of Housing and Urban Development's Housing Counseling Program, 28 grants from CETA, and 5 different grants from the Department of Education for "talent searches."

In at least two cases, NUL has received grants to study the results of other grants: $396,000 from the Justice Department to "assess completed research on the topic of minorities, crime and criminal justice," and $135,000 from the Department of Health and Human Services for "knowledge resulting from an earlier study relevant to the adoption of black children."

MORE URBAN GROUPS TAKE TAX DOLLARS

The National Urban Coalition has done a softshoe with the Department of Labor, receiving eight grants for "national emphasis." The Urban Institute got $149,820 to "coordinate transportation problems for the elderly." (One wonders what sort of bus was used to transport the problem to and fro.) The Institute has also recieved Economic Development Administration grants of $22,000 to "examine the geographic distribution of the structurally employed" and $210,000 for "industrial performance and productivity in the nation's cities."

STATE AND LOCAL LOBBYISTS DEPENDENT ON FEDERAL HANDOUTS

According to the National Journal, several state and local government lobby groups are greatly dependent on federal aid for their existence. Among them:

U.S. Conference on Mayors: In 1981, federal money accounted for $3.1 million of its $4.3-million budget. The 1982 budget of $2.8 million has $1.6 million in federal funds.

National League of Cities: In 1981, $3.6 million of the league's $7.7-million budget came from the federal government; this year, $3.1 million of the $7.2 million emanates from Washington.

National Association of Counties: NACO, which lobbied hard against Reagan's block-grant proposals, receives half of its $5-million budget from Uncle Sam.●

NO CIVIL RIGHTS CHAMPION IN JUSTICE DEPARTMENT?

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mr. EDWARDS of California. Mr. Speaker, the issue in the Bob Jones University and the Goldsboro Christian Schools case is whether racist schools should get Federal tax breaks. For a while the Reagan Justice Department rightly said no, and filed briefs supporting that view.

But now the Justice Department has come out for tax exemptions for schools that discriminate. So there are no longer government lawyers to argue for their former, and correct, stand.

The following New York Times editorial of April 19 deplores the necessity of the Supreme Court itself finding it necessary to appoint a lawyer to fill the void left by the retreat of the Justice Department.

Is it not sad that it is necessary to go outside the U.S. Justice Department for a civil rights champion?

A TRUE FRIEND OF THE COURT

The Supreme Court's choice of William Coleman Jr. to argue against tax exemptions for racist schools is superb, even though the occasion for inviting him is deplorable. His very presence in the case is a rebuke to the Reagan Administration. When has it ever been necessary to go outside the Justice Department for a civil rights champion?

The Court often assigns lawyers to represent the indigent but it rarely has to retain a lawyer to defend an entire court. In this instance the lawyer will defend the judgment of the United States Court of Appeals for the Fourth Circuit, which followed a decade of sound precedent in a case involving Bob Jones University, the Goldsboro Christian Schools and their financial supporters. The court held that they were not entitled to the tax breaks the Federal Government permits for charitable donations that benefit the public.

Initially, the Reagan Justice Department endorsed that view of the law, even in briefs prepared for the appeal to the Supreme Court. But suddenly, in January, it reversed policy. Astonishingly, the department with responsibility for protecting civil rights came out for tax exemptions for segregated schools—and thus created a new problem. Government lawyers were no longer available to argue for their former stand when the case went to the Supreme Court. A friend of the Court—an *amicus curiae*—was required.

Against this shameful background, the Court's invitation to Mr. Coleman is a brilliant response. It assures first-class representation for Americans, black and white, who protest this tax subsidy. It insures that the arguments the Federal Government should be making will be made forcefully.

Mr. Coleman was an obvious choice for this unwelcome task. He personifies minority achievement in the face of deep societal prejudice. An honor student at Harvard Law

School, he integrated the ranks of the Supreme Court's own law clerks, then prestigious law offices and later corporate boardrooms. He continued to battle for civil rights as chairman of the NAACP Legal Defense Fund and as President Ford's Secretary of Transportation.

The Supreme Court has often had self-proclaimed "friends" whose legal briefs show more concern with their own causes than with helping the justices solve legal and constitutional problems. Mr. Coleman, too, has a cause, but the Court should nevertheless welcome his counsel. The Justice Department's default has made him indispensable to a fair fight.●

NEED FOR EXPANDED UNEMPLOYMENT COMPENSATION PROGRAM

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mr. OBERSTAR. Mr. Speaker, unemployment in the United States is now 9 percent. Ten million Americans are unemployed. Congress must enact an extended unemployment benefits program to alleviate this nationwide problem.

I testified this morning before the House Ways and Means Subcommittee on Public Assistance and Unemployment Compensation. I asked the committee to approve H.R. 6085, legislation to provide for a 100-percent federally funded extended benefits program. In addition, I spoke in support of H.R. 5284, legislation to repeal the disastrous provisions of the Omnibus Reconciliation Act of 1981 relating to unemployment compensation.

I ask that my statement be included in the RECORD.

STATEMENT OF HON. JAMES L. OBERSTAR

Mr. Chairman, Members of the Subcommittee, I am here today because I want this Committee to act immediately and favorable on HR 6085, legislation to provide unemployed Americans with an additional 13-weeks of unemployment compensation to be funded from general revenues. Unemployed Americans in this country desperately need the assistance which this Subcommittee alone can initiate.

With the national unemployment rate at 9 percent, the need for action is critical. Delay will be intolerable for the millions of unemployed.

I am here on behalf of those of my constitutents for whom "trickle down" economics is an empty promise, a mere incantation offered as a justification for ignoring Americans who cannot find the jobs they desperately want.

My Congressional district in good times produces two-thirds of the Nation's iron ore. The taconite industry, with a normal work force of 14,000 men and women, will by June 6, actually employ 2,000.

The unemployment problem in the mining industry of northern Michigan is no better. All 4,000 iron ore miners will be laid off by the end of May.

The people of the Mesabi Iron Range, and throughout all northeastern Minnesota, are afraid—not just worried—afraid— that they are facing a reincarnation of the Great Depression

The lay-off figures are devestating:

National Steel—600 current; 450 more in April

U.S. Steel—2,000 laid off since October; 2200 more June 1

Inland Steel—300 workers to be laid off on May 30

Erie—1500 to be laid off July 4

Hibbing Taconite—900 on July 4

On July 1, 3400 unemployed miners will have exhausted their extended unemployment benefits.

There are no jobs for these workers in northeastern mines. Unemployment in the other major employment sector—construction—stands at 75%.

The Administration is telling these workers to leave their communities and vote with their feet. Where do 12,000 iron miners go in a nation with 10 million people unemployed.

While the mining industry suffers the most intense unemployment problem, it is a problem throughout the communities of my District. Double digit unemployment is prevalent in almost all counties, with rates up to 19.6% as of February.

I am here because I believe that the United States has the resources and the obligation to alleviate the suffering of the millions of Americans who are unemployed because national economic policies cannot stimulate productivity, investment, and employment.

The people on behalf of whom I testify today are not freeloaders. They are hard-working Americans who are enduring one of the most difficult trials which individuals face in an industrialized society—unemployment, with it financial worries and personal crises and the terrible sense of failure. For the first time in a decade, there is a pervasive fear and sense of hopelessness about the future.

I am not here to plead that these people need welfare or charity, or to ask the pardon of this Subcommittee. The people of northeastern Minnesota are too proud for that—they want to work, and if jobs aren't available, they only want help for their families.

Congress must pass remedial legislation to correct the serious mistakes enacted in the hasty consideration last year of the Omnibus Reconciliation Act. Its unemployment provisions would be analogous to cutting Medicare because too many people got old and sick. We must pass legislation which reflects not theory and myth, but the economic reality of unemployment at post World War II record high levels, and which addresses the consequences of that level of unemployment.

The Subcommittee has before it a number of important legislative proposals. In addition to approving Chairman Ford's bill to provide for a 100% federally funded extended benefits program, HR 6085, I urge the Subcommittee to take the following actions:

1. repeal the provisions of the Omnibus Reconciliation Act which eliminated the "national trigger" for extended federal/state unemployment benefits. Nine percent unemployment is a national problem. The national trigger reflected, for example, the fact that high unemployment in Michigan auto industry, translated into the loss of steel producing jobs in Pennsylvania and mining jobs in Minnesota.

2. Modify the increase in the state trigger scheduled to take effect October 1, 1982.

3. establish a sub-state trigger mechanism for extended benefits which would effectively target benefits to high pockets of unemployment within a State.

As high as unemployment is throughout my District, unemployed workers in northern Minnesota were not eligible for extended benefits until the week of February 28. There are virtually no employment opportunities in our area, and yet, without either the national trigger or a sub-state trigger, these workers were ineligible for the extended benefits. The insured rate in Minnesota is hovering around 4.7%. I very much wish it would drop and quickly. When it drops, however, it will mean no extended benefits, but it will not mean that prosperity has returned to my District.

I understand the difficulties in enacting and administering a sub-state trigger. I urge this Subcommittee to develop the framework so that it will exist, if not in time for the current crisis, then at least so that it will be in place to serve a future need.

My primary purpose today is to urge prompt action on HR 6085 and modification of the trigger mechanism so that the relief provided by HR 6085 will reach all high-unemployment areas in our country.●

CITIZEN PROBLEMS FOR U.S. TERRITORIES' RESIDENTS

HON. WILLIAM HILL BONER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mr. BONER of Tennessee. Mr. Speaker, Delegate RON DE LUGO recently gave testimony before the House Veterans' Affairs Committee concerning medical care for veterans who reside in the American Virgin Islands. His statement was of such clarity and excellence that I am commending it to my colleagues for their own information.

Those of us who reside within the continental United States seldom have an appreciation for the unique problems which are encountered by the citizens of our territories. Just the logistics and the communication problems add a burdensome dimension to the problems for veterans who reside in the Virgin Islands.

Mr. Speaker, I also have the privilege of serving on the House Public Works and Transportation Committee with RON DE LUGO and have seen him tenaciously fight for additional funding for the Virgin Islands. If all of us were as single minded in representing the best interests of our own districts as is RON DE LUGO, then finding solutions to the problems which face our country certainly would be much easier.

STATEMENT BY RON DE LUGO

Mr. Chairman, I would like to thank you and the members of your Committee for this opportunity to testify on the proposed extension of the Veterans' Administration's

authority to provide contract medical care in Puerto Rico and the U.S. Virgin Islands.

I must fully support the extension for I have no other choice. Let me explain that statement.

Public Law 95-520 of October 26, 1978, authorized the VA to continue to rely on private sector care until December 31, 1981 to meet the health care needs of veterans in Puerto Rico and the U.S. Virgin Islands. At that same time, the Congress directed the VA to study the health care needs of veterans in Puerto Rico and the U.S. Virgin Islands. That report was due on Februrary 1, 1980, but deferred for one year by Public Law 96-330. The study was finally completed and forwarded to the Congress on March 10, 1981.

In brief, the study documents that, and I quote, ". . . a somewhat worse state of health of the people of PR/VI than of the U.S. as a whole, a limited availability of alternative medical care resources apart from the VA, a greater proportion of service-connected disabilities among the veterans of PR/VI than among all U.S. veterans, and a difficult economic status both for the individual PR/VI veteran." The report identifies as the major problem areas, which necessitate the extension of contract medical care authority in Puerto Rico and the U.S. Virgin Islands as:

Low quantity and quality of non-VA psychiatric care; Inadequate ambulatory care facilities; Near absence of nursing home beds; Inaccessibility of health care outside the VA; and, Isolation of Virgin Islanders.

The last phrase, Mr. Chairman, only hints at the problems encountered by U.S. Virgin Islands veterans. I am disappointed that the report glances over the problems of our veterans in the U.S. Virgin Islands. Despite the fact that the Congressional mandate stipulated an analysis of economic factors in both territories, the economy of Puerto Rico was analyzed extensively, but the economy of the U.S. Virgin Islands received not even a footnote. We did receive one footnote, on page 16 of the study, which states that "because the records concerning contract care and fee-basis care are not processed by patient origin, the Virgin Islands information cannot be extracted from the Puerto Rican information."

What this means, Mr. Chairman, is that specifics on U.S. Virgin Islands veterans were not extrapolated; the problems are not analyzed. We see allusions in the report of how much graver are their problems, how the number of doctors, hospital beds, nurses, and dentists are lower per population ratio in the U.S. Virgin Islands. Finally, on page 32 of the report, there are three sentences that give a little picture, albeit understated, of conditions faced by veterans in the U.S. Virgin Islands. The study states:

"Although there are three VA outpatient clinics in Puerto Rico, there is no VA presence in the Virgin Islands. Veterans in the Virgin Islands must rely on the fee basis method to receive care under VA auspices. If a local physician or facility is not capable of providing adequate treatment for the veteran, or if he prefers VA staff care, he travels to the San Juan VAMC for treatment."

The phrase "he travels to San Juan" makes it sound simple and easy, but this is hardly the case. Long distance phone calls must be made; travel plans arranged; vouchers approved, and in many cases, disapproved; transportation must be arranged to and from airports; ambulances—and only private ones at that—must be coordinated in advance. Additionally, the U.S. Virgin Islands veteran, once finally arrived at the VA center in Puerto Rico, encounters language and cultural problems. Logistics and communication add a burdensome dimension to the problems for the U.S. Virgin Islands veteran that veterans in Puerto Rico and the mainland do not have to deal with.

The study, Mr. Chairman, concludes with four options for inpatient care; six options for outpatient care and five options for nursing home care, for which there are now no VA facilities at all in either Puerto Rico or the U.S. Virgin Islands. Of the ten options for inpatient and outpatient care, the study states that four would continue the NSC eligibility inequity between veterans residing in the United States and veterans in Puerto Rico and the U.S. Virgin islands; two would further exacerbate the inequity; two would decrease service levels for non-service connected veterans' and, two would ration VA health care to both service and non-service connected veterans and, as the study puts it, "create dissatisfaction with the VA and the U.S. Government on the part of the veteran, veteran service organizations, and the Puerto Rico and Virgin Islands governments."

This summary is telling evidence of the attitude of indifference toward veterans in the U.S. Virgin Islands.

So, given the current state of affairs, and given those options contained in the report, I say, Mr. Chairman, I do support extension of the VA's authority to provide medical care in Puerto Rico and the U.S. Virgin Islands. I have no other choice.

The VA does, however, have the choice to at least improve on the situation in the U.S. Virgin Islands. On page 38, the report states that satellite outpatient clinics are generally restricted to Standard Metropolitan Statistical Areas of 150,000 or more inhabitants, and settings at least 40 miles from any existing VA health care facility. Option 2 of outpatient options raises the possibility of a VA presence in the U.S. Virgin Islands through a contract clinic or a VA-operated outpatient facility on both St. Thomas and St. Croix. There is no question that this is the minimum that should be done.

Our population and distance from Puerto Rico warrant such facilities by the VA's own guidelines. For inpatient care, I would suggest a very logical and easy solution to the problem, which frankly, I am surprised was not proposed in the study. The position of medical care ombudsmen should be established within the medical facility in Puerto Rico and staffed by a Virgin Islander to coordinate the arrangement of appointments, logistics, and communications between that facility and veterans in the U.S. Virgin Islands. A similar position should be established within the outpatient care facilities that should be created in the U.S. Virgin Islands as stated above. These proposals combined would ultimately lower costs for the VA in the long run. And in the short, long, or any run the VA by so doing would honor its obligation to the too-long neglected Virgin Islands veteran. The men and women of the U.S. Virgin Islands have served their time and done their duty the equal, if not more in many cases than their colleague veterans in Puerto Rico and the mainland. They deserve, in fact, it is their right to have equal treatment and equal benefits.

I would urge, Mr. Chairman, that the extension of contract medical care be extended, and at the same time, that the VA be required to establish an outpatient clinic in St. Thomas and one in St. Croix with an ombudsman in each district and in San Juan for inpatient services.

Thank you, Mr. Chairman, for this opportunity to bring this to the attention of your Committee.●

WELCOME TO OUR NEWLY NATURALIZED AMERICANS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mr. GILMAN. Mr. Speaker, it is with sincere pleasure that I congratulate the Orange and Rockland County residents of New York's 26th Congressional District who have recently chosen to become citizens of the United States, with all of the privileges, freedoms, and responsibilities that American citizenship entails.

Our Hudson Valley region in New York State is proud of its newest citizens, and I invite my colleagues to join in welcoming the following newly naturalized Americans and extending to them our best wishes for a happy and prosperous life in their new homeland:

NEWLY NATURALIZED AMERICANS

Doreen Lily Abernathy, Islam Ahmedi, Vjollca Ahmedi, Serge Andre, Rosa Ernestina Aponte, Alicia Arguelles, Yona Bar-Zeev, Mirlande Bastien, Souad Battista, Marie Claudette Beauvais, Daniel Beauvais, Marie Doctorest Belotte, Marie Magdolna Bercze, Toby Berger, Peter Bliziotis, Fritz Bonaventure, Heinz Karl Borowski, Sabine J. Bridges, Delmy Brooks, Susanne Schou Carroll, Vijaya Chander, John Ker-Chiang Chang, Deborah Lin Chiang, Tsu-Rong Chao Chiang, Nea Chun Chin.

Nea Sum Chin, Joseph Choi, Cathy Choi, Linda Choi, Elza Choi, Sook Ja Chong, Kum Seok Chong, Tae Yun Chong, Young Chang Chu, Yong Commins, Antonia Escolastica De La Cruz, Laura Miranda Guison, Ana Dahan, David Dahan, Nikolaos Dellaportas, Daniella Desir, Rosario Maria Diaz, Adriana Hilda Diaz, Antonio Luis Diaz, Rachella Doucet, Aleyamma Eapen, Margarette Edouard, Jean Robert Edouard, Marie Edouard, Christine Elias.

Alexandru Evian, Anca Ioana Evian, Miriam Falkowitz, Magda Ferrante, Nelson Fisch, Marie Wye-Chan Foo, Petros Foundas, Kyongwon Fregeau, Michele Friscia, Timothy You Hsia Fu, Ramon Manas Fullon, Mary Agnes Gadry, Sebouh Galian, Denise Gassant, Angel Rafael Germosen, Genuelfa Giusto, Lokesh Chandra Goswami, Sudershan Goswami, Filippo Greco, Henya Heifets, Elieser Heifets, Marguerita Herman, Rafael Antonio Herrera, Abraham Hershkowitz.

Cornelia Hoerstgen, Andreas Hoffmann, Valentino Iandiorio, Gilberto Irias, Kurt Zekeriya Itil, Julie Lea Jean-Francois, Joy Illiparampil Joseph, Aelemma Joseph, Feigy Kaufman, Itamar Kaufman, William Michael Kelly, Gouthartaj Keshmirian, Venkatarathnam Lolla, Letizia Lafasciano, Dominique Lattinelli, Angela LeClair, May Dean-Ming Lee, Pao Hwa Li, Janet Lim, Chin Shin Lin, Mei Hui Lin, Hildegard Therese Log, Betty Licksom, Luckner Malivers, Jacqueline Martinez.

Graciela McCormack, Sean McElgunn, Kenneth McGinty, Merdella Margret

McGregor, Miriam Medellin, Pessie Melamed, Marie Louna Montinat, James Moore, Ursula Morasse, Asim Mukherji, Hemda Naim, Yosef Naim, Loredo Blanco Navarro, Kam Cheung Stephen Ng, Kim Anh Nguyen, Gerald A. Paul, Maria de la Pena, Ricela Altagracia Pena, Margarita Peralta, Joanny Pons, Vasant Prajapati, Robert Prati, Rosa Elena Pricoli, Victoria Corpuz Quilop.

Lolita Raina, Denise Regis, Constance Reilly, Lidio Rosario, Jack Iaakov Rosen, Cynthia Rosmarino, Assunta Rossi, Maura Rostran, Igor Alexander Rudnik, Michael Migirdic Rusenian, Yousuf Saeed, Alejandro Samson, Jesus Emmanuel Canoza Serrano, Mostafa Shahroozi, Edouard Jean Simon, Wilhelmina Villarosa Solis, Julito Rizal Javier Solis, Lucy Spiteri, Shaindel Steinmetz, Moshe Steinmetz,

Purificacion Margarita Sullivan, Catherine Thomas, Eduardo Toranzo, Carina de la Torre, Ricardo Valdebenito, Roberto Valdez, Carmen Vargas, Raquel Velez, Olga Velez, Damini Kirtanlal Vyas, Rudolph Karl Wagner, Hilde Wagner, Andreas Wagner, Pinkas Rudolf Weis, Mark Sheek Yoo.●

WHERE YOUR TAX DOLLARS GO: CETA

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mr. McDONALD. Mr. Speaker, I wonder if our constituents back home would be happy if they knew their money was being spent to stage, "Lavender Horizons," featuring 14 homosexuals for gay youth in Seattle, Wash. Or if they knew that $41,000 of those hard-earned dollars went for females parading in the nude in the stage production titled, "The Leaping Lesbian Follies."

No, I don't think even under the most remote possibility that any American taxpayer would be happy with any such expenditure. Yet it is happening, and I have had much to say on this subject in the past 2 days. This time the subject of abuse is CETA.

For the benefit of my colleagues and their constituents, I again submit information contained in a short article from the Conservative Digest of April 1982. Here is yet another example of where millions of dollars can be saved to return this Nation to fiscal sanity.

The article follows:

[From the Conservative Digest, April 1982]

FROM INQUIRY MAGAZINE—CETA JOBS PROGRAM AIDS LEFT, SPENDS $51 BILLION IN 8 YEARS

Since 1973, the CETA jobs and training program has spent more than $50 billion with slight success in curbing unemployment. A 1979 survey found that more than 60 percent of CETA public-service workers were unemployed 90 days after their "training" ended.

Carter's Labor Secretary, Ray Marshall, admitted to Congress that CETA was a make-work program designed to alter unemployment statistics a bit. "If you're going to stimulate the economy, we think this is a good way to do it," Marshall said.

President Reagan succeeded in ending the wasteful CETA jobs program. This year he hopes to scrap the equally suspect job-training portion of CETA.

In an August 1981 article for Inquiry magazine, freelance investigator Jim Bovard uncovered the following examples of CETA waste and abuse:

In Atlanta, a Communist activist was paid $500 a month, in his words, "to organize for demonstration and confrontation."

$640,000 went in 1980–81 to the Gay and Lesbian Community Services Center in Los Angeles "to provide education about gay lifestyles and gay people's problems." At one point, CETA paid for half of the Center's staff of 84.

Leftist organizations often receive CETA money. In New York, for example, CETA workers helped organize a tenant strike against landlords.

Big CETA dollars flow into minority-advocacy groups. Jesse Jackson's PUSH received $2.5 million in 1980–81, and the National Urban League got 28 CETA grants nationwide. Both groups actively lobby against Reagan's budget and tax plans.

In Florida, CETA trainees went door-to-door, trying to get more people to register for food stamps.

In Bath County, Va., CETA paid county employees to attend dance classes.

In Arizona, CETA paid college students to train for a track meet.

$41,000 in CETA money was spent to stage "the Leaping Lesbian Follies," which featured women (only) cavorting in the nude. The show was sponsored by a militant feminist group.

In Chicago, CETA jobs are used as political payoffs. An audit by the state of Illinois called CETA "a refuge of cronyism."

The American Friends Service Committee, which favors U.S. disarmament, received $183,804 from CETA in 1978–81.

In Montgomery County, Md., CETA paid nine women $145 a week to attend ballet school.

In Seattle last year, CETA paid 14 young homosexuals to stage "Lavender Horizons," a production of the Seattle Gay Youth Summer Theatre Project.

A female CETA worker in Chicago was paid for "playing checkers" with other employees, according to her own account.

A Washington, D.C. organization received $261,933 to help other groups like it get CETA money.●

JOINT TAX DISCLOSURE FOR 1981

HON. STAN LUNDINE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mr. LUNDINE. Mr. Speaker, the controversy surrounding income tax deductions for Members of Congress, and the failure of current disclosure laws to really provide meaningful information regarding our income, assets or taxes prompts me to publish this summary of my 1981 Federal income tax so that it may become a matter of public record.

Since my first year in Congress, I have been an outspoken advocate for sensible legislative measures which will enable both Members of Congress and the public to approach the question of congressional compensation clearly, openly, and fairly. The controversial action taken by Congress in December 1981 to repeal an outdated limitation on congressional tax deductions has at least paved the way for more equitable tax treatment of those who serve in the public trust, often at considerable financial sacrifice. However, along with many of my colleagues and a concerned public, I deplore both the method used to attain this result and the extent to which unsubstantiated deductions are allowed under the IRS ruling.

For this reason, I have recently cosponsored legislation which requires that a recorded vote be taken on any measure affecting congressional compensation, provides that such changes in compensation be the only thing considered, and insures that any changes in compensation can only become effective in the Congress following their enaction.

I hope that successful passage of this measure eliminates the mistrust and anger recently felt toward Congress by the American public over this unfortunate matter.

Gross income	$71,894
Less: Business expense [1]	24,179
Adjusted gross income	47,715
Federal income tax paid	8,714
New York State income tax paid	2,872
1980 Federal income tax	10,764
1981 Federal income tax	8,714
Total	2,050

Notes:[1]

New York income tax	2,872
Real estate tax	1,401
Mortgage interest	5,465
Cost of living D.C.	13,100
Travel expenses	891
Total	24,179

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THE RETIREMENT OF ROBERT L. HAMM

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mr. LAGOMARSINO. Mr. Speaker, I would like to bring to the attention of my colleagues the retirement of the Ventura County clerk and recorder, Mr. Robert L. Hamm. Although Bob is a resident of Ojai, Calif., his civil service has extended far beyond that area.

Bob first came to California in 1939 to serve as a park ranger in Yosemite National Park. After a brief period away, he returned to the State in 1941 to serve in the Air Force. Following re-

lease from active duty as a captain in the Air Corps in 1946, he was employed by the Bank of America in both Ojai and Oxnard.

Since then, he has served the area in many ways. Not only was Bob superior court clerk and supervisor of elections, but he was also elected county clerk and recorder in 1958, and was reelected without opposition in 1962, 1966, 1970, 1974, and 1978. Furthermore, he has been a charter member of the Ojai Junior Chamber of Commerce; member, past president and past zone chairman of the Ventura Downtown Lion's Club; member and past president of the Ojai Masonic Lodge; member of Santa Barbara Scottish Rite; member of board of directors and past president of the American Cancer Society, Ventura County Unit; member, board of directors of AID-United Givers of Ventura County; and member and past president of the County Clerks Association of California.

Bob has had an outstanding career. In the elections division, he initiated and pioneered the electronic data processing of election information, an election ballot card system, the election information management system (EIMS), and a voter Outreach program in Ventura County, all of which increased the efficiency and reduced the cost of elections. In the recorder's office, Bob initiated the conversion from photostat to microfilm and the conversion of type indexes to data processing increasing efficiency to serve private industry and the public.

In recognition of his contributions, Bob has earned a number of awards. The Passport Office of the U.S. State Department presented him the Outstanding Community Service Award Through Excellence in Performing Passport Work for Citizens of Ventura County, and the Society of Professional Journalists, Sigma Delta Chi, conferred on him the Freedom of Information award for "his untiring efforts to maintain the free flow of information to the true decisionmakers, the public." In March, 1979, the Ventura Region Criminal Justice Planning Board resolved to commend Bob for his commitment, diligence, and faithful service in the various roles he played as a "change agent" in the criminal justice system.

Bob Hamm's retirement marks a conclusion to a part of his career, and I am sure it will not stop his devoted service to his friends and community. Bob is a close friend of mine and I ask colleagues to join me in congratulating him on his accomplishments to date and on best wishes in the future.●

REHABILITATION ACT OF 1973 ANNIVERSARY OBSERVED

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mr. LaFALCE. Mr. Speaker, I would like to call my colleagues attention to the candlelight vigil being held throughout the Nation commemorating the ninth anniversary of the Vocational Rehabilitation Act of 1973. This vigil will be held throughout our Nation on Wednesday evening, April 28, 1982. I am proud to report that in my own district the vigil will be held under the auspices of the Blind Association of Western New York in conjunction with various other area handicapped groups. This event will be held on the steps of the Federal Building in Buffalo, N.Y., between 7 and 12 p.m.

Section 504 of this act has been among the finest laws ever enacted to aid the handicapped in their quest for equal treatment in our society. Examples of local accomplishments in my district resulting from the institution of section 504 include; equal access provided at the State University of New York at Buffalo, elevators and escalators provided in Buffalo's new mass transit system, Niagara Frontier Transit Authority buses with ramps providing wheelchair access, an increased number of recreational facilities such as swimming pools and community centers which have taken into account the needs of the handicapped, and the development of educational programs for the handicapped including itinerant teachers and interpreters for the hearing impaired.

It has come to my attention however, that in the wake of the administration's quest for regulatory reform section 504 stands to be substantially attenuated during the rewrite of the legislation by the Vice President's Task Force on Regulatory Reform. The weakening of the legislation will come in five areas.

First, the law would no longer guarantee free and appropriate primary and secondary education for handicapped children. It is proposed that language in the act which currently assures this right be removed.

Second, new federally funded construction will no longer be required to be accessible to handicapped individuals if the recipient of the funds determines that the facility is not one which will require handicapped access.

Third, alcoholics, emotionally ill, and drug addicted individuals would no longer be included under the definition of a handicapped individual.

Fourth, auxiliary aids such as braille texts and interpreters for the hearing impaired will no longer be considered a right but a privilege.

Finally, under the proposed rewrites, handicapped individuals would have to prove that anyone who denies access to the handicapped does so with the intent to discriminate. Proving this standard would be very difficult.

I am deeply disturbed by these proposed changes to a law which has served the needs of our Nation's handicapped so well. I ask that the administration consider the potentially catastrophic effects of altering this highly successful piece of legislation. We must not turn back the clocks in providing equal treatment of this Nation's handicapped people.●

ST. LAURENTIUS CHURCH

HON. JOSEPH F. SMITH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mr. SMITH of Pennsylvania. Mr. Speaker, I rise today to pay tribute to the parishioners of St. Laurentius Church, which is located in my district. On Sunday, April 18, 1982, Archbishop of Philadephia John Cardinal Krol celebrated Mass at this parish to celebrate its 100th anniversary. This church is special because it is the first Polish Roman Catholic Parish in Philadelphia, and through the years it has made many great contributions to the spiritual and civic life of our community.

The following article from the Fishtown Star of April 14, 1982, commends the history of this parish, and reviews its many contributions to the surrounding area:

ST. LAURENTIUS OBSERVES 100TH ANNIVERSARY

St. Laurentius Parish, for the Polish-speaking people, was founded by the Most Reverend James F. Wood, Archbishop of Philadelphia in 1882. The Reverend Emil Kattein is credited with organizing the first Polish Roman Catholic Parish in Philadelphia. The first services were held in the basement of St. Boniface Church located at Norris and Sepviva Streets. The title of the new Parish was Holy Cross but this was later changed to St. Laurentius, the latinized version of the name Lawrence. In seeking a place for the erection of a church, various obstacles were placed in the way by the Orange Men—Protestants—in this vicinity. Finally, Father Kattein's efforts brought about the purchase of the properties and erection of a basement church on the corner of Vienna (presently East Berks) and Memphis Streets in 1885.

Upon his death in 1887, Reverend Adalbert Malusecki became the second pastor. He was responsible for the initial steps in organizing a parochial school. In 1890, four teachers of the Felician Sisters were invited from Detroit to take charge of the school—which they are successfully continuing to this day. In that same year, the upper

church was erected over the basement and solemnly blessed by Archbishop Ryan.

The church is of a beautiful Gothic style. 114 feet long and 60 feet wide. In the interior, there are three naves—the center nave being 57 feet high. Three Gothic wood carved altars and statues along with eleven stained glass windows depicting various Saints were imported from Munich, Germany. Adorning the ceiling on either side of the center nave are twelve original—now priceless—oil paintings on canvas portraying treasured scenes from the life of Christ and His Saints. These add a crowning touch to the beautifully decorated interior. Properties adjoining the Chruch were purchased and demolished with a Rectory being erected in 1892. Father Malusecki was transferred to Reading in 1895 and Reverend Mathias Tarnowski succeeded him for the next two years before leaving for Europe.

The next Rector in 1897 was Reverend Gabriel Kraus who spent 35 years as pastor of the Church. The enrollment in the school was encreasing which necessitated the purchase of two properties adjoining the Rectory. A new three story school building was erected in 1899. In 1917, the Parish purchased two homes in the block above the block above the Church which were then converted into larger quarters as a convent. In 1958, the Sisters moved into a fully modernized convent erected on the same spot as the previous one.

In 1932, Reverend Michael Wyborski was appointed Rector of the Parish. His tenure was indeed trying for during these years much effort was exerted to pay off the financial debt of the parish. With the death of Father Wyborski in 1956, Reverend Stanislaus J. Gartska succeeded as Pastor. In the last two decades, many improvements, both physical and spirtual, have been initiated by Reverend Stanley Polityka and his successor, Reverend Anthony F. Ziemba, presently pastor, who was appointed in 1974.●

A DAY FOR REMEMBRANCE

HON. BOBBI FIEDLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Ms. FIEDLER. Mr. Speaker, as on each April 24, we honor the memory of the Armenians who suffered and perished in the massacres that began on this day in 1915. In honoring them, we also honor the roots of Armenian culture and the Armenian spirit, which spread throughout the world and which have made my own home of southern California much the richer for their vigor. Armenians throughout the world are joining together today in observance of the past and, through that, affirming their faith in the future.

On April 24, 1915, we saw the start of the ultimate refinement of the limitless capacity of human cruelty—genocide. Since that day, genocide has become part of a century of total war, total ideology, and total destruction. Its victims have become more numerous and more widespread with each decade. The Armenian people, as the first victims of this horror, stand as symbols for all that depravity can attempt. Yet, with the spirit of Armenia still blooming, still strong, these many years after those tragic events, I see the Armenian people also as showing us that strength can be drawn from the past, even a tragic past. The events of 1915 have brought home to every Armenian the faceless impersonal horror of the modern world, and yet they have found, within themselves and in their community, the strength not only to endure, but to excell. Today, while we honor the dead, there is no finer memorial to them than that which exists in the hearts and minds of our Armenian-American friends and neighbors. As long as this spirit lives and thrives, which it does today, genocide has failed in its attempt to kill a people.

Today, we honor the victims of 1915, we honor Armenian-Americans, and we, through them, honor the spirit that has been kept burning even in the darkest moments of history. Armenia may not exist as a free country in the maps of the world, but it surely does in the hearts of its people.●

MORE ON: WHERE YOUR TAX DOLLARS GO

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mr. McDONALD. Mr. Speaker, I do not think it even remotely plausible to ask the American people to tighten their belts, make sacrifices, or give up anything they have earned throughout their lives, when the Federal Government is literally squandering their money to advance for purposes and organizations that 90 percent of the people, if they were polled, do not believe in.

Again, as I have in other sections of this CONGRESSIONAL RECORD today, add a bit more fuel that should both incense my colleagues as well as their constituents back home. If there are those who believe in causes, and want to put their money where their mouth is, then so be it. But the taxpayers of these United States under no circumstances, should be fleeced of the fruits of their labor, to see money spent without their direct consent. And I am willing to bet that the average man, woman, or child in the homes of America, would never contribute on a door-to-door canvas to any of the organizations I am about to submit for the RECORD.

Through the courtesy of the April 1982 Conservative Digest, I submit for my colleagues' information and dissemination the names of 175 organizations that are receiving our money. The introduction commentary and detailed list follows:

THE 175 LEFT-LEANING GROUPS THAT GET YOUR TAX DOLLARS

The following 175 organizations were given federal tax dollars at least once in the last five years.

All have associated themselves with causes and objectives of the Left, primarily through lobbying, litigation and grass-roots organizing.

Some groups claim they're impartial, but work to achieve liberal goals.

For example, the American Bar Association pushed hard for the Legal Services program, while the League of Women Voters joined a feminist coalition to attack the Reagan budget cuts.

Others on this list appear under nice-sounding names that conceal their true natures.

For example, the Midwest Academy is a training school for radical leftists. The Center for Auto Safety is a Ralph Nader front-group, as are the various Public Interest Research Groups. The organization called Dignity is made up of homosexuals and "concerned Catholics."

The use of tax dollars by these groups is difficult to track. Examples of tax-funded projects appear on the following pages.

LEGAL-ORIENTED

American Bar Association, Chicago, Ill.

American Civil Liberties Union, Atlanta, Ga.

American Indian Lawyer Training Program, Oakland, Calif.

California Rural Legal Assistance, San Francisco, Calif.

Center for Community Legal Educations, San Francisco, Calif.

Center for National Housing Law Reform, Ann Arbor, Mich.

Children's Legal Rights Information & Training Program, Washington, D.C.

Community Action for Legal Services, Inc., New York, N.Y.

Detroit Youth in Advocacy & Community Organization, Detroit, Mich.

Grey Law, Los Angeles, Calif.

Idaho Legal Services, Inc., Boise, Idaho.

Institute for Political/Legal Education, Sewel, N.J.

Institute for the Development of Indian Law, Washington, D.C.

Lawyers for Housing, Calif.

Legal Aid Society of Central Texas, Austin, Tex.

Legal Services for Children, Inc., San Francisco, Calif.

Mental Health Law Project, Washington, D.C.

Mexican American Legal Defense/Education Fund, San Francisco, Calif.

Migrant Legal Action Program, Washington, D.C.

National Center for Immigrant Rights, Los Angeles, Calif.

National Center for Youth Law, San Francisco, Calif.

National Consumer Law Center, Boston, Mass.

National Economic Development Law Center, Berkeley, Calif.

National Employment Law Project, Inc., New York, N.Y.

National Institute of Street Law, Washington, D.C.

National Juvenile Law Center, Inc., St. Louis, Mo.

National Law Center Inc., Boston, Mass.

National Legal Aid and Defender Assn., Washington, D.C.

National Public Law Training Center, Washington, D.C.

National Senior Citizens Law Center, Washington, D.C.
Native American Rights Fund, Boulder, Col.
Nassau/Suffolk Legal Services Committee, Inc., Hempstead, N.Y.
Neighborhood Justice Center, Inc., St. Paul, Minn.
Neighborhood Legal Aid Society, Richmond, Va.
Philadelphia Public Interest Law Center, Philadelphia, Pa.
University Legal Services, Washington, D.C.
Youth Policy & Law Center, Inc., Madison, Wisc.

AGED

Asociacion Nacional Pro Personas Mayores, Los Angeles, Calif.
Gray Panthers, Las Vegas, Nev.
Legal Research & Service for the Elderly, Boston, Mass.
National Citizens Coalition for Nursing Home Reform, Washington, D.C.
National Council of Senior Citizens, Washington, D.C.
National Retired Teachers Association, Washington, D.C.
The National Council on the Aging/National Institute of Senior Citizens, Washington, D.C.
Urban Elderly Coalition, Inc., Washington, D.C.

LATIN AMERICAN

Latin American Task Force, Chicago, Ill.
League of United Latin American Citizens, Washington, D.C.
National Council of La Raza, Washington, D.C.

SOCIAL ACTIVISM

Association of Community Organization for Reform Now (ACORN) Washington, D.C.
Center for Community Change, Washington, D.C.
Coalition for Community Action, Chicago, Ill.
Lawyers' Committee for Civil Rights Under Law, Washington, D.C.
Community Organization Research Action Project, Washington, D.C.
Institute for Social Justice, New Orleans, La.
Martin L. King Jr. Center for Social Change, Atlanta, Ga.
Massachusetts Fair Share, Boston, Mass.
Organizing for Social Change, Providence, R.I.
Push-Excel, Chicago, Ill.
Research for Social Change, Inc., Brookline, Mass.
Statewide Youth Advocacy Project, Rochester, N.Y.
Voice in Community Action, Cedar Rapids, Iowa
The Youth Project, Washington, D.C.

HANDICAPPED

Center for Independent Living/Disability Rights Education & Defense Fund, Berkeley, Calif.
The National Center for a Barrier-Free Environment, Washington, D.C.

ENERGY/ENVIRONMENT

Alternative Energy Collective, Inc., Oakland, Calif.
Audubon Society, Washington, D.C.
Center for Renewable Resources, Washington, D.C.
Citizens Environmental Coalition Education Fund, Houston, Tex.
Citizens/Labor Energy Coalition, Washington, D.C.
Friends of the Earth, San Francisco, Calif.
Institute for Environmental Action, Washington, D.C.
Mississippi Solar Council, Jackson, Miss.
National Center for Appropriate Technology, Butte, Mont.
Pennsylvania Alliance for Jobs & Energy, Pittsburgh, Pa.
Sierra Club, San Francisco, Calif.
Solar Action, Washington, D.C.
Solar America, Albuquerque, N.M.
The Black Hills Alliance, Rapid City, N.D.
The Environmental Action Foundation, San Francisco, Calif.
The Environmental Defense Fund, New York, N.Y.
The Natural Resources Defense Council Centers, San Francisco, Calif.
The National Wildlife Federation, Washington, D.C.
Union of Concerned Scientists, Washington, D.C.

FOREIGN POLICY

Americans Friends Service Committee, Washington, D.C.
Council on Foreign Relations, Washington, D.C.
National Student Educational Fund, Washington, D.C.
National Council of Churches, Washington, D.C.
SANE Education Fund, Philadelphia, Pa.
United States Student Association, Washington, D.C.
World Without War Council, New York, N.Y.

EDUCATION

American Federation of Teachers, Washington, D.C.
Bay Area Bilingual Education League, Inc., Oakland, Calif.
United Federation of Teachers, New York, N.Y.
National Education Association, Washington, D.C.

UNIONS/LABOR-ORIENTED

AFL-CIO, Washington, D.C.
AFSCME Career Development, Washington, D.C.
Amalgamated Clothing & Textile Workers, Washington, D.C.
Florida Farmworkers Council, Inc., Ft. Lauderdale, Fla.
George Meany Center for Labor Studies, Washington, D.C.
International Association of Machine Aerospace Workers, Washington, D.C.
International Ladies Garment Workers Union, New York, N.Y.
International Union of United Auto Workers, Washington, D.C.
Labor Education Film Center, Washington, D.C.
Labor Policy Institute, Washington, D.C.
Migrant & Seasonal Farmworkers Association, Raleigh, N.C.
National Association of Farmworkers Organizations, Washington, D.C.
National Ironworkers Training Program, Alexandria, Va.
United Food & Commercial Workers, Washington, D.C.
United Mine Workers of America, Washington, D.C.
Workers Institute for Safety and Health, Washington, D.C.
United Farmworkers Association, San Francisco, Calif.

FEMINIST

Center for Law & Social Policy, Washington, D.C.
Center for Women Policy Studies, Washington, D.C.
Feminist Press, Old Westbury, N.Y.
Feminist Radio Network, Washington, D.C.
Institute for Women's Concerns, Arlington, Va.
The League of Women Voters, Washington, D.C.
National Congress of Neighborhood Women, Brooklyn, N.Y.
National Council of Negro Women, Washington, D.C.
National Manpower Institute Center for Women & Work, Washington, D.C.
National Organization for Women-Legal Defense & Education Fund, Washington, D.C.
National Womens Employment Education, San Antonio, Tex.
Nine to Five, Boston, Mass.
Wider Opportunities for Women, Inc., Washington, D.C.
Women's Action Alliance, Inc., New York, N.Y.
Women's Development Corporation, Inc., Newport, R.I.
Women's Equity Action League, Washington, D.C.
Working Women, National Association of Office Workers, Cleveland, Ohio.

HOMOSEXUAL

California State University, San Francisco, Center for Homosexual Education, Evaluation & Research, San Francisco, Calif.
Dignity, San Diego, Calif.
Gay Community Services, Inc., Minneapolis, Minn.
New Ways Ministry, Mt. Rainier, Md.
Stonewell National Media Collective, Washington, D.C.
Universal Fellowship of Metropolitan Community Churches, Los Angeles, Calif.

WELFARE ADVOCACY

Coalition for Economic Justice, Anchorage, Alaska.
Federation of Southern Cooperatives, Atlanta, Ga.
Food Research Action Center, Washington, D.C.
National Urban Coalition, Washington, D.C.
National Urban League, Washington, D.C.
National Welfare Rights Organization, Washington, D.C.
Ozark Institute, Eureka Springs, Ark.
Public Interest Research Groups, New York, N.Y.
The Children's Foundation, Albuquerque, N.M.
The Urban Institute, Washington, D.C.
The Workers Rights Institution, Milwaukee, Wisc.

BIRTH CONTROL ABORTION

National Family Planning Forum, Inc., Washington, D.C.
Planned Parenthood, Washington, D.C.

TRAINING SCHOOLS

Laurel Springs Institute, Los Angeles, Calif.
Midwest Academy, Chicago, Ill.

CONSUMERIST/NADERITE

Americans for Democratic Action Consumer Committee, Washington, D.C.
Center for Auto Safety, Washington, D.C.
Coalition for Consumer Justice, Providence, R.I.
Community Nutrition Institute, Washington, D.C.
Consumer Action, Inc., Washington, D.C.
Consumer Action Now, New York, N.Y.
Consumer Federation of America, Washington, D.C.

Consumers Union of U.S., Washington, D.C.
National Consumers League, Washington, D.C.
Public Interest Research Groups, New York, N.Y.

GENERAL MISCELLANEOUS

Americans for Democratic Action, Washington, D.C.
Brookings Institute, Washington, D.C.
COACT, Brainard, Me.
California Housing Action and Information Network, Sacramento, Calif.
Coalition of Indian-Controlled School Boards, Baraga, Mich.
Everyday People, Columbia, Mo.
National Association for the Advancement of Colored People, New York, N.Y.
National Association of Black Social Workers, New York, N.Y.
National Association of Neighborhoods, Washington, D.C.
National Association of Neighborhood Health Centers, Washington, D.C.
National Association of Social Workers, Washington, D.C.
Pacifica Foundation, Berkeley, Calif.
Pennsylvania Prison Society/West Pa. Chapter, Pittsburgh, Pa.
Rural America, Washington, D.C.
The Conference of Alternative State & Local Policies, Washington, D.C.
The Woodlawn Organization, Chicago, Ill.●

THE QUESTIONABLE MORALITY OF OUR CURRENT TAX SYSTEM

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mr. PAUL. Mr. Speaker, April 15—that most dreaded date on the calendar for many American people—has once again come and gone. Despite the highly touted "tax cuts" (in reality, tax rate cuts) that Congress passed last year, millions of American taxpayers are growing more and more disillusioned with the Federal income tax establishment. The crushing tax burden placed on honest, hard-working citizens has aroused genuine anger, more than a fair amount of resistance, and an almost desperate need for honest tax reform.

The basic issue of taxation lies, I believe, in the questionable morality of it all. To steal openly is wrong and a violation of our laws—but to steal in the name of the law is much, much worse.

The following two articles, which appeared in Reason magazine and the New York Times, present strong arguments against our current system of taxation. They make fine reading for everyone—but particularly for those of us who make the laws and can change them.

STOP THIS STEALING!

The natural right to private property is not protected in these United States. Such is the sorry state of a supposedly free society that uses its alleged freedom to excuse its spending billions on defending itself against communism, a political system that is distinguished, primarily, by its abolition of private property rights. At least the natural right to speak one's mind freely is still relatively safe here. And so, herewith, a response to Ronald Reagan's appointee as IRS commissioner, Roscoe L. Egger, Jr.

Mr. Egger recently sounded off about taxes—that insidious denial of the individual's right to honestly acquired property—before an annual meeting of the National Association of Tax Administrators. His words would put to shame the founding heroes of our republic. "We cannot," he declaimed, "tolerate self-styled saviors of our constitutional system who flaunt their defiance of the law in the name of tax reform and spurious constitutional theories."

With this rhetoric, which could not fail to endear him to his assembled cohorts in the legalized robbery system, Mr. Egger was condemning the many autoworkers in Flint, Michigan, who tried last spring, vainly, to take a stand in defense of private property rights. Admittedly, they didn't put their fight this way. Instead, they probably thought of it simply as trying to hold on to a bit more of what they honestly earned by the sweat of their brows. But the full meaning of the autoworkers' mass protest was nothing less than the meaning of the historic Boston Tea Party—"Stop this stealing of what is ours!"

Frowning upon such a show of principle, Mr. Egger would have us turn to what he and his fellow "tax administrators" charmingly call the law. "California Proposition 13 and similar measures in other states," exhorted the esteemed leader of government's legalized extortion ring, "give ample proof that Americans have legal remedies available when they feel their taxes are too high." Has Mr. Egger ever heard of civil disobedience? of unjust laws and the need at times to defy them in order to prod complacent governments to recognize their perpetration of injustice? of slave rebellions? He would have counseled the foes of slavery to wait for the bright sunny day when the enforcers and sanctioners of lifetime forced labor would willingly, without the force of moral resistance, have relinquished their awesome power!

To advocate breaking the law is irresponsible, because one cannot know whether the millions of people who might follow such advice can really afford to confront the powers that be. Yet breaking the law is clearly quite proper—indeed, morally required—at times. The sure examples are those of Nazi Germany and Soviet Russia; and who could morally blame the black and colored people in South Africa who defy the cruelty of apartheid and jump various color lines?

Other cases might be more difficult to cite in simple terms, but any intelligent human being can easily imagine them. Certainly poets, novelists, playwrights, and orators throughout the ages have managed to point to credible human situations in which breaking the law was the only decent thing to do. When the president and most of his staff admit that taxation has gone way beyond even the level that is acceptable in polite, conventional society, it is sheer boorishness to write off tax protestors as antisocial rabble-rousers. Next the members of Poland's Solidarity will be called yippie anarchists.

Mr. Egger tried offering this lame excuse for his harsh words and policies against tax protestors: "To let them get away with it would insult the vast majority of law-abiding taxpayers whose honesty makes our tax system the envy of the world." Balderdash! We of the vast majority pay because we know well and good that we are powerless to wage an effective, winning war against the arms of the State. It would be foolish to try to resist in a piecemeal fashion. Even Soviet citizens know better than to argue with the forces of the Kremlin, which does not make compliance with its tyranny a case of "honesty" worthy of the "envy of the world."

Fear, Mr. Egger, of the brutes whom you send after us when we resist your expropriation of our hard-earned income—that is what leads to the system that may very well, of course, be the envy of bureaucrats across the globe. You have armed yourself very well, with our property. And now, should we get fed up with your practice of devouring us more and more every year, you can, and do, use these arms against us.

What of the legitimate questions that can be raised about claims of the impropriety of taxation or the morality of resisting it? For example, could society be provided with the necessary legal protection—courts, police, military, etc.—without taxation? Like so many "practical" men, Mr. Egger did not bother with such abstract, philosophical questions. Had he bothered to ask, he would have invited volumes of answers, in the midst of which he might have found out that yes, indeed, solutions to financing public services—bona fide, genuine public services, not the mishmash of special-interest wishes politicians are so eager to lump in with the "public sector"—are available. Such solutions, furthermore, do not breach fundamental principles of morality such as the injunction against theft. (For let us never forget it, taxation is theft; only politicians, bureaucrats, and their intellectual apologists like to weasle out of this harsh conclusion.)

Government can indeed pay for itself by charging for its bona fide services—maintenance of contracts, for example, and enforcement of judgments and police protection of individual liberties. There are good discussions of this in the literature of public finance, but one must be better than a hired bully in a grey flannel suit to consider them.

Of course, most of us will pay up. It is better than being in jail. "Your money or your life," says the masked thug, and we will give him our money if we are streetwise. But let us not go around pretending that this is the way a decent society ought to be run.

[From the New York Times, Apr. 15, 1982]

AGAINST IRS AID CUTBACKS AND TAXES, TOO

(By Tom G. Palmer)

ANNAPOLIS, MD.—Hundreds of thousands of taxpayers will rush to file their 1981 income tax forms at the last minute tonight. In all the furor in Washington over how much to raise taxes, the taxpayers seem to have been left out of the discussion. The disbursement of tax funds—for El Salvador's junta, for the Department of Health and Human Services, for water projects and MX missiles—has come to dominate questions of tax policy, as politicians wrangle over how big the deficit will be and how much must be raised to meet expenditures. The collection of taxes has been ignored in the debate.

Suppose someone were to stop you at gunpoint and demand that you hand over half of your hard-earned income. Wouldn't you consider him a thief and consider yourself justified in resisting the robbery?

Now suppose that the thief is carrying a paper certifying him as an agent of the state. In addition, he claims that the robbery is being carried out for your own good. Is his act any different now?

While the Internal Revenue Service boasts of a "voluntary compliance" system of tax collection, the fact is that taxation is carried out at the point of a gun. If you choose not to pay—for whatever reason—armed men will seize you and forcibly take you to jail. If you resist, violence will be used against you. This is not "voluntary compliance." It is theft.

Of course, we are constantly reminded that there is a difference between the two cases, and the difference is that government exists to provide us with services, like police and fire protection and national defense, and that we have consented to allow ourselves to be taxed.

By contrast, you never consented to allow the "freelance" thief to take your money, nor does he do so in order to provide you with services like police and fire protection and national defense.

Most goods and services are provided on the market through voluntary and contractual agreement. Indeed, recent analyses and historical studies by free market economists—for example, Ronald Coase and David Friedman—have lent strong support to the view that all goods and services can be provided in this voluntary manner, from lighthouses to defenses to fire protection. The free market provides such services in many communities, with no coercion of consumers.

The consent to be taxed turns out, upon closer examination, to be a less attractive notion than it might appear at first. The drapery of consent is wrapped around taxation in an attempt to make it appear no different from the voluntary purchase of, say, a clock radio. After all, the argument goes, if you vote for a policy (or a politician), you have agreed to bind yourself to that policy or to the policies of that politician. And if you voted against the policy or the politician? Why, then, you have participated in the very system by which such decisions are made, thereby agreeing to bind yourself to the result of the process. And if you had no opinion or did not vote? Then you have forfeited your right to complain, as you refused to exercise your option to influence the process. Thus, the individual has consented to be taxed, no matter how he or she acted.

This kind of "consent" surely is of a different kind from that found in voluntary agreements to purchase goods or services. One might conclude that it does not deserve the name "consent" at all.

If the facade of "consent" is stripped from taxation, government becomes merely an instrument for the advancement of powerful interests, at the expense of the public good.

As the English statesman Lord Bolingbroke (1678–1751) confessed in a letter to Sir William Windham: "I am afraid that we came to court in the same disposition that all parties have come; that the principal spring of our actions was to have the government of the State in our own hands; that our principal views were the conservation of this power, great employments to ourselves, and great opportunities of rewarding those who had helped to raise us, and of hurting those who stood in opposition to us."

True, those who make decisions for the American state are not members of a strictly hereditary class. The results, however, are little different. The few ("special interests") are subsidized by the many. It's not an accident, nor is it the result of some nefarious conspiracy. It is the inevitable result of statism, of the systematic imposition of coercion.

One shouldn't be surprised that an institution whose members are devoted to, in Bolingbroke's terms, "great employments to ourselves," and which is founded on violence, engages in theft. Let's just use the right word.●

VOLUNTARISM

HON. RALPH REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mr. REGULA. Mr. Speaker, the American willingness to volunteer has always been one of our most unique national characteristics. It was once the product of colonial necessity—it was volunteers who provided the defense and manpower necessary to begin and maintain life in early America.

In observance of National Volunteer Week, it is with pride that we recognize the volunteers of America. Their spirit remains as alive today as it was in colonial America. The fact that citizens of all socioeconomic levels volunteer in over 35,000 agencies is testimony to the continuing importance of the volunteer movement.

A 1977 Gallup survey found that 27 percent of Americans engaged in volunteer work. In 1981, the level of involvement was 29 percent.

National agencies and local programs continue as living symbols of American generosity. The recent Public Opinion magazine shows that volunteers do so from a desire to help others. Community life is enhanced, they feel, by volunteers who participate in useful work.

Voluntarism is clearly important for a number of reasons. Certainly it fosters a spirit of self-reliance and independence. Individuals can and do make a difference. People effect many of the changes for much of what needs to be done in providing services for their fellow men.

It is because voluntarism is deemed so important that it is thus encouraged. During National Volunteer Week, I applaud the ongoing efforts of those who are a part of the volunteer movement.

The character of the American people is illustrated clearly by these wonderful people.●

NATIONAL VOLUNTEER WEEK

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mr. FRENZEL. Mr. Speaker, in light of National Volunteer Week I want to express my gratitude to a group of people who rarely are heard in debate, rarely make the national news or newspaper headlines, and certainly are not enjoying financial compensation for their endless hours of service. I am referring to all volunteers throughout the United States.

Volunteers wear many faces, they might be your son or daughter's scout leader, your local church group, community activists, Kiwanis Club members, Rotary Club members, the chamber of commerce or the candy striper who helps to check you into the hospital—the list is endless. They all have one basic goal in common—to better the Nation and improve the quality of life of its citizens. Volunteers generally place this goal above all else donating time and energy and forgoing monetary compensation to achieve this goal.

Volunteers such as these have historically played a major role in building and improving our young Nation. Although we have come a long way, we must continue the building and improvement process, especially during this time of economic hardship and budget tightening. Many people still insist that the government owes them the solutions to all of the Nation's woes. Volunteers, on the other hand, continue to give, work, and care. In their own individual ways, they accomplish success that government cannot even attempt. Volunteers are a priceless national resource.

Volunteers are vital to the Nation for both the services they render, and the inspiration they instill, in a country that must now more than ever pull together and work together to achieve healthy conditions. I hope that the deserved praise for volunteers will not only be heard today, but also will continue to be echoed throughout the year.●

TIME FOR FARM LAW CHANGE

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mr. LAGOMARSINO. Mr. Speaker, I would like to share with my colleagues a thoughtful editorial in the March 22 edition of the Press-Courier, Oxnard, Calif., with regard to pending reclamation reform legislation. I be-

lieve, as the editorial points out, that the 1902 statute governing the amount of land on which a farmer could receive subsidized irrigation water, is outdated and unrealistic for present agricultural practices. The enactment of H.R. 5569 is needed to modify this unworkable law for our Nation's farmers and our Nation's economy.

TIME FOR FARM LAW CHANGE

The House Interior Committee presently has rewritten an 80-year-old law limiting the size of farm holdings that could legally receive inexpensive water from federal reclamation projects.

The 1902 statute, long-ignored by growers, declared that a farmer could own no more than 160 acres of land and receive federal water, or no more than 320 acres for an owner and spouse.

It has been the practice for large farm businesses to lease such land, often holding thousands of acres. This practice has been attacked on grounds it violates the spirit of the law.

But the fact is that small holdings in the 160-acre and 320-acre categories are not practical. They usually are not profitable under modern agricultural practices.

The new Interior Committee legislation would permit the holding of up to 960 acres by one person and authorize unlimited leasing. Those who hold more acreage under lease, however, will be required to pay higher costs for the federal water.

Raising water rates to cover costs, estimated at $50 an acre foot, could save the government as much as $375 million in five years. The bill does not force changes in existing contracts with farmers.

It is believed the legislation can move through both the House and the Senate this year. It should be enacted. The old statute was workable in 1902 but makes little economic sense today.●

SUPPORT PUBLIC BROADCASTING

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mr. MARKEY. Mr. Speaker, earlier this year, the House showed its support for public broadcasting by authorizing and appropriating a level of funding that was, albeit the bare minimum to survive, acceptable.

After undergoing a 25-percent cut in funding, public broadcasting has once again been targeted for more severe cutbacks. The most recent proposal is to slash public broadcasting by 50 percent over the next 3 years. In my opinion, this would totally undermine the viability of our Nation's outstanding Public Broadcasting System.

I found the comments of Timothy Wirth, chairman of the House Telecommunications Subcommittee, before the Public Radio Conference last week, to be particularly compelling. I urge my colleagues to review these comments and not waiver in our commitment to public broadcasting.

The comments follow:

It could be difficult to justify fighting for a program that doesn't feed anyone when there is hunger, clothe anyone when there is need, shelter anyone who is homeless or care for anyone when there is illness. And that is the administration's justification for attempting to zero out the Public Telecommunications Facilities Program, which helps us bring public radio and television to America's 230 million people—a cost of 7 cents per American.

But just look at what the administration is spending its money on. Do you know how many Cubans there are in Cuba? Ten million. And do you know how much this administration wants to spend to establish one new radio station in Florida—Radio Marti—to broadcast propaganda to Cuba? About $10 million—or about $1 per Cuban.

There is a compelling need for a modest investment in public broadcasting—a service that brings the world to a country so misunderstood abroad, that brings an understanding for our society closer to the millions who care about it and want to make it work better, that brings a knowledge of the sometimes Byzantine workings of government to a people who are increasingly alienated from it and cynical about it.

To say this is a non-essential service is patent nonsense. Over half our $2.5 trillion GNP is devoted to the provision of services and information. And this sector of our economy is growing. . . . Our society depends on the gathering, processing and delivery of information. . . . For only a handful of dollars we can ensure the survival of the finest news and information and arts performance programming in America.●

REAGAN GRANTS TO ANTI-REAGAN GROUPS

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mr. McDONALD. Mr. Speaker, probably one of the most serious threats to honesty in Government today, is the use of taxpayers hard earned money to promote those causes which are totally alien to the moral and political beliefs, cherished by Americans since the founding of the Republic.

The consensus among those hard-working Americans was that this practice had to stop. Now, however, we find that those who believed this would end with the administration of President Reagan were sadly mistaken.

I call the attention of my colleagues to the funding of over $6 million of constituent money in the year 1981 by just four departments of Government. I challenge my colleagues to poll their voters and ask if they agree with their hard-earned money being used and abused by this small sample. I shall have much more to submit this day and other days on the same subject.

The documentation referred to in this introduction is taken from one page of the Conservative Digest issue of April 1982:

REAGAN GRANTS TO ANTI-REAGAN GROUPS.—30 OF THE GRANTS TO LEFT GROUPS SINCE HE TOOK OFFICE

If you thought funding for leftists ended with Carter, think again.

President Reagan has made some progress in the past year to stop funding of the Left. But he's been fought every step of the way—sometimes by people in his own administration. As the evidence shows, he still has a long way to go.

Reagan's successes in 1981 included elimination of the CETA public-jobs program, the ending of leftist domination of the volunteer agencies VISTA and ACTION, and the slashing of "intervenor funding" for Naderite consumerists.

The President's budget cuts will help—though they are not large enough to prevent record deficits—but most of them will not change the structure of the Great Society bureaucracy. Reagan must look to the roots of the problem—entrenched career leftists at the lower levels of the bureaucracy, where most grant decisions are made.

Reagan is still being attacked by liberal groups funded by his own Executive Branch. He must expand his campaign against waste and fraud to include tax-funded liberal activism.

The Department of Education is a good example of a bad agency that Reagan should either eliminate or purge of leftist influence. In 1981, extreme-Left students, anti-draft activists, radical feminists, hard-core unionists and Jesse Jackson all received grants approved by Education Secretary Terrel Bell.

As this chart shows, there's much to be done before Reagan can claim no tax dollars are being spent for leftist political and social activisim.

Organization	Date	Amount of grant
Department of Education		
American Friends Service Committee	June 30, 1981	$64,923
Federation of Southern Cooperatives	September 25, 1981	23,656
Feminist Press	July 2, 1981	64,635
Feminist Press	July 30, 1981	131,114
Institute for Labor Education Research.	July 15, 1981	99,933
International Ladies Garment Workers Union.	July 31, 1981	137,267
League of United Latin-American Citizens.	May 31, 1981	1,237,600
Mexican-American Legal Defense and Education Fund.	June 25, 1981	115,573
NOW Legal Defense and Education Fund.	June 30, 1981	170,178
NOW Legal Defense and Education Fund.	September 18, 1981	105,577
National Student Educational Fund	February 27, 1981	86,428
National Student Educational Fund (arm of United States Student Association).	June 25, 1981	117,411
PUSH-EXCEL (Jesse Jackson)	September 30, 1981	656,664
Planned Parenthood/San Francisco	August 1, 1981	110,364
United States Student Association	July 31, 1981	55,284
Urban Coalition	August 28, 1981	46,935
Women's Action Alliance	June 30, 1981	136,807
Working Women (National Association of Office Workers.	April 27, 1981	82,202
Environmental Protection Agency		
Center for Renewable Energy Resources.	June 3, 1981	787,510
Citizens/Labor Energy Coalition	May 29, 1981	10,000
Environmental Action Foundation	June 17, 1981	179,644
National Retired Teachers Association.	July 1, 1981	544,640
National Retired Teachers Association (Lobbies strongly for social legislation, e.g., the Kennedy national health-insurance plan).	July 1, 1981	100,000
National Urban League	February 1, 1981	240,000
National Wildlife Federation	August 28, 1981	43,437

Organization	Date	Amount of grant
Community Services Administration [1]		
Migrant and Seasonal Farmworkers Association.	July 1, 1981	411,184
National Congress of Neighborhood Women.	September 1, 1981	157,326
National Economic Development Law Project.	July 13, 1981	350,000
Wider Opportunities for Women, Inc	February 1, 1981	45,000
Department of Housing and Urban Development		
The Urban Institute	June 22, 1981	285,000

[1] Now Office of Community Services.●

DELAWARE EFFORTS TO PREVENT DRUG AND ALCOHOL ABUSE

HON. THOMAS B. EVANS, JR.

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mr. EVANS of Delaware. Mr. Speaker, I rise to commend the efforts of many people in the State of Delaware to prevent drug and alcohol abuse. This abuse has cost our Nation an extraordinary toll in human suffering: on highways, in families, and in our communities. These problems have undermined the attention span of young people in school, led to disruption in the home, and prompted destruction in the community.

Drug and alcohol abuse have also damaged our productivity in the marketplace and our military preparedness.

Furthermore, drug use has contributed to our crime problem. Criminals who use drugs and alcohol have committed every conceivable antisocial act. Most of our communities live constantly with fear we would never have accepted a few years ago.

Preventing drug and alcohol abuse problems before they occur is the most effective means of combating these problems.

Our task now is to build a broad partnership to extend the effective work already taking place. We need to involve all of the key community leaders in a coordinated prevention program—parents, educators, clergy, law enforcement officials, business and civic leaders, and elected officials.

My office, the office of the Governor and the Delaware State Legislature are committed to working together on these problems. The frontline of attack has been law enforcement, primarily the interdiction of illegal drugs. The addition of effective, community-based prevention efforts is equally important.

We can all be better informed about the harmful nature of certain drugs and drug combinations, more aware of early signs of problems, and better prepared to be involved with the prevention of these problems.

The following summary gives us a portion of the prevention story in Delaware.

SUMMARY OF DRUG AND ALCOHOL PREVENTION STRATEGIES IN THE STATE OF DELAWARE

PREVENTION/EARLY INTERVENTION

Parent Organization movement

The YMCA of Wilmington and New Castle County has long been very active in the drug and alcohol abuse prevention effort with the support of the State Bureau of Alcoholism and Drug Abuse and a variety of other agencies and organizations. The Resource Center, the YMCA, always approached prevention as a community effort, and a recently initiated Parent Organization and Training effort, funded on a one time basis by the Bureau, holds promise as the most significant step forward to date.

The initial reaction to the burgeoning Parent Organization movement throughout the country was one of concern to many prevention professionals who feared a reactionary response to the problems of alcohol and drug abuse. Delaware prevention people almost unanimously welcomed the entry of organized parent groups into the field, seeking only to assist and provide support and guidance to a powerful ally in the effort to prevent alcohol and drug abuse. The Resource Center's effort seeks to assist Parent Organization on a Statewide basis and to provide training to parents enabling them to assist the school system to provide students and teachers with community support in prevention. Initially, effort will be concentrated on prevention programs targeted towards grades 3 through 8.

The Resource Center Parent Organization project will not be working alone, of course. Many other agencies, both public and private are already involved in compatible efforts. Among the most notable of these is the People's Place II (Milford, DE) and Kent County Counseling Services (Dover) joint effort in school based Prevention in grades K–6, also Bureau supported; the recently initiated Mothers Against Drunk Drivers (MADD) group in Delaware; and Turnabout Counseling Center's (Seaford) efforts in the schools.

Community response to the drinking driver

The issue of punishment versus treatment for persons arrested for driving while under the influence of alcohol has long been debated and has recently been given premier attention in Delaware as well as nationally. Delaware was among the first states to experiment with a rehabilitation model for drunk drivers in 1974, and continues to seek an equitable balance between the seriousness of the offense itself and the potential for treating offenders for a serious alcohol abuse problem. Currently, Delaware is in the process of revising and continuing its DUI statute which provides for education and/or treatment rather than punishment of offenders under specific circumstances.

This issue is not new nor in and of itself a uniquely noteworthy one. What is noteworthy is the almost unprecedented degree of community concern and agency cooperation that this issue has engendered. Almost universal cooperation among diverse community groups in discussing the issue has been the norm, not the exception. Once almost combative groups have joined forces to sponsor workshops on the DUI issue and the need to approach the problem rationally. Mothers Against Drunk Drivers (MADD) just now gaining strength in Delaware has joined previously existing groups like the Delaware Safety Council and the Office of Highway Safety in cooperative efforts. Further, a Statewide Coalition for Adequate Alcoholism and Drug Abuse Programs, formed in response to concerns over the Block Grant funding mechanism, and spearheaded by the Delaware Alcoholism Council, has coalesced both the Alcohol and Drug Abuse constituencies into a working group of agencies concerned about this and other issues. The noteworthy element is not so much the DUI issue, but the amount of community and Public/Private sector cooperation it has provoked.

TREATMENT

Family based treatment

The Eastern Family Institute (Dover), a division of the Delaware Alcoholism Council, initiated an outpatient treatment program focusing primarily on the Family as a unit in late 1980 under contract to the Bureau of Alcoholism and Drug Abuse. Although is has long been recognized that the family as a functioning unit was deeply affected by the excessive use of alcohol by any of its members, and that the family held the most potential as a tool in treating alcoholism, this program is the first in Delaware to focus primarily on the family in treatment. Beginning with family intervention techniques based on the Johnson Institute model and progressing through the complete therapeutic process with family involvement, the Eastern Family Institute program has proven to be a successful addition to the treatment resources available in Delaware. In an interesting application of prevention and early intervention methods to the concept of family based treatment approaches, Eastern Family Institute has utilized a Peer Counseling program in local high schools as an avenue to access families in trouble with alcohol.

Like most successful treatment programs, regardless of methods used, Eastern Family Institute relies greatly on the assistance of Alcoholics Anonymous and its associated Alanon and Alateen programs to complement its efforts.

The success of the Eastern Family Institute program has resulted in increased interest in initiating similar programs in other areas of the State.

THE RESOURCE CENTER OF THE YMCA

The Resource Center is a conglomerate of outreach and prevention programs of the YMCA. The center evolved from the DIAL (Drug Information Action Line) program which was founded in 1970 by a strong community volunteer effort, and has grown to include numerous prevention activities in New Castle County and the State of Delaware. The program could not have existed without the staff cooperation and financial assistance from the State's Bureau of Alcoholism and Drug Abuse, under the direction of Mr. William B. Merrill.

NEED ASSESSMENT AND INCIDENCE AND PREVALENCE STUDIES

The Resource Center, working with the College of Urban Affairs and Public Policy, University of Delaware, has produced several studies over the past several years identifying the extent of the problem and documenting the need for prevention. These studies, authored by Dr. Robert Wilson, include:

A Drug and Alcohol Abuse Warning System for Delaware. The Substance Abuse Surveillance System (SASS).

1980 Delaware School Drug and Alcohol Survey.

Prevention of Drug and Alcohol Abuse.

Results of Survey of Delaware Service Agencies.

These studies have provided valuable information for identifying target populations and designing appropriate prevention strategies.

RESOURCES

A film library of over 50 films is maintained and organized so that teachers and other community leaders can call, reserve, pick up and return films. Other materials, research, pamphlets and books are available at the center for reading on the premises or for loan.

SPEAKING ENGAGEMENTS

Requests for speakers are received by Stephen Moores (571-6974) who will take the request and fill it with either staff, other agency personnel or a volunteer.

CONSULTATION

Resource Center staff is available to New Castle County residents, community leaders, church groups, school officials or other agency personnel for purpose of planning, cooperating and collaborating on prevention related programs or projects.

TRAINING

Training programs are considered to be the most important aspect of the Resource Center's services. The greater commitment of time in both cognitive and affective education around substance abuse issues results in greater degrees of change among participating individuals The following training models are currently in use:

Peer Counseling.—This program is an 18 hour course for adolescents that focuses on training peer leaders to be able to listen empathically and enter into a responsible helping relationship with their peers who may be experiencing problems. In the course, they learn about community resources and where to refer their peers for the help they require.

Basic Training In Prevention.—This is a training program for school personnel or other interested community groups. It is a comprehensive drug and alcohol education program with the emphasis on prevention strategies. It is adaptable to various time constraints and participant needs.

Positive Parenting.—A widely used model of parent education, Positive Parenting is for those parents who are interested in improving their parenting skills. Its focus is on communication, effective listening, discipline by design, conflict resolution and values clarification. It is not for parents in trouble, but designed instead to make good parents better.

Family-Based Prevention Workshops.—This format, designed by Dr. Fred Streit, involves parents and adolescents together and its focus is on improving communications in the family around typically explosive teenage issues, such as drug and alcohol use and teenage sexualilty.

Parent Education and Support Groups.—The national movement of parents for drug free youth has become active in Delaware as well as other states. Several parent groups currently exist and continue to function for the purpose of education and support to those parents either experiencing problems with their teenagers use of drug and alcohol or who are concerned about preventing drug and alcohol use by their children.

SPECIAL PREVENTION PROJECTS

Peer Action Hotline.—This hotline is run by youth for youth. Trained peer counselors answer the phone every day from 1:00 p.m. until 5:00 p.m. giving information and referring for further assistance where needed. Many times the persons calling are in need of a listening ear from a person trained to help them sort out their feelings, values and make decisions in their own best interest. The number is 738-5555.

Parents Organized for Support and Training (POST).—This project is a special one year effort to recruit and train parent volunteers who will be able to assist with drug and alcohol education in the schools and other community groups.

Channel One Projects.—There are four Channel One projects in Delaware that were funded by a special grant from the National Institute of Drug Abuse to the Bureau of Alcoholism and Drug Abuse who contracted with the Resource Center of the YMCA to administer the projects. The sites are: Lewes, West Center City, Wilmington, Middletown and Newark. These are community based youth project geared to helping youth identify with positive adult role models, increase their decision-making and organizational skills and learn new job-related skills.

Youth Alternatives Projects.—Traditional YMCA programs such as Youth in Government, Model U.N. and International projects are used to provide positive alternatives activities to young people. Other youth-directed programs that can reach a broad spectrum of youth, while also increasing their life skills, are constantly being explored and developed.●

DAYS OF REMEMBRANCE

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mrs. SNOWE. Mr. Speaker, this week has been designated "Days of Remembrance of Victims of the Holocaust," by the U.S. Holocaust Memorial Council. The events of over 40 years ago are so horrific, so reprehensible, that society might be tempted to try and forget such ugly memories. But if we are to prevent the reoccurrence of such a nightmare in the future we cannot forget the nightmare of the past. The Nazi flag and the racism, hatred, and cruelty it symbolized, must never fly again.

I commend to my colleagues the following article, "We must remember the Holocaust" that appeared in the Portland Press Herald recently. It was written by a young reporter, Michael D'Antonio, and the excellence of the thought, expression, and emotion speaks for itself.

[From the Portland Press Herald, Apr. 19, 1982]

WE MUST REMEMBER HOLOCAUST

(By Michael D'Antonio)

WASHINGTON.—Over the weekend, we watched a television documentary about Auschwitz, the death camp that symbolizes the Holocaust. When it was over, my wife Toni, couldn't hold back all the tears. She's a Jew.

The height of the senseless persecution came under the Nazis, who murdered 6 million Jews at places like Dachau and Buchenwald. Since the liberation of the camps—27 years ago this month—millions have vowed, "Never again," and worked to make that vow come true.

This week at the White House, President Reagan will preside over ceremonies commemorating the Holocaust. Leaders of Congress will do the same. And in every state, Maine included, community leaders and synagogues and libraries and churches will also mark the official Days of Remembrance.

Incredible as it seems, Jews and other minorities are still persecuted, in small ways, even in America. Maine Sen. William S. Cohen, whose father is Jewish, remembers beaches posted with signs that warned "No Jews Allowed." He remembers the attacks hurled by fans at ballgames who just couldn't resist a mindless assault on his heritage.

The terror that Auschwitz holds for today's Jews is that it could happen again. "It's like someone deciding that everyone with auburn hair is going to be killed," Toni explained after the documentary was over. "And there's nothing you can do about it. If it happened here, I would be killed. You probably would be too."

For a non-Jew, though, it's all theory. It's like a white trying to understand a black man's life in America today. He can empathize and understand much of it. But he can't feel it. Auschwitz happened to the Jews. They can cite some experience to justify their terror.

"It's just a very big part of me; I can't really explain it," Toni says as she talks about it. To be Jewish is to share a common nightmare, to understand the hatred and persecution that continues today in the Soviet Union, in Poland and even in the United States.

The Days of Remembrance were organized because "there has been a growing national concern to understand the Holocaust," say Elie Weisel, a Holocaust survivor who chairs the U.S. Holocaust Memorial Council.

There are "moral implications" in the events of Nazi Germany "which are important to us now," Weisel adds. "To remember the victims of the past is to save those of tomorrow."

There are those today who want to believe it all never happened. There are even fanatics who say it didn't happen, that the Holocaust is a huge Jewish myth.

But at the bank in our neighborhood there's a teller with a number burned onto her wrist. She believes it happened. The Holocaust happened to Toni's relatives, who didn't survive. It happened to 6 million, who may as well have had auburn hair, for all the crimes they were guilty of.

With all the articles, movies and television specials, some people may be sick and tired of hearing about the Holocaust. That's why an annual week of observance makes sense. The lessons of Auschwitz can't be repeated too many times. And local observances will bring the message home. Survivors tell the story best themselves.

In Maine, according to the Holocaust Memorial Council, there are hundreds of survivors still living. The state's Jewish community is small, but these people have a message that transcends religion and culture.

So during this week of national observance, make a point of watching one of the series of special programs offered by the Public Broadcasting Service. Or attend a local memorial service. Or speak to your

Jewish neighbor, or the bank teller with the numbered wrist.

The lessons of the Holocaust are lessons that must be repeated if we are to live by them.

To be Jewish is to have a personal connection with the tragedy. But to be human is to keep the vow—never again.●

SILLY TAX

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mr. SHUMWAY. Mr. Speaker, as we return from recess, we all have experiences to relate about our visit to the "grassroots." I doubt that we all got the same message, but I would like to share a message I got loud and clear: The folks back home do not want taxes raised. They do not know a lot about different types of taxes, and the distinction between "marginal" and "average" tax rates is lost on many of them, but they know they do not want their taxes going up.

With that basic message in mind, Mr. Speaker, I have to say that I do know the difference between marginal and average tax rates, and I know where savings come from. They come from those with the highest rates of marginal taxes. The point of that particular piece of information is that if you want to produce additional savings, you reduce the rates of marginal taxes. That is exactly what the supply-side tax proposals were designed to do. Unfortunately, as they were actually passed, the tax cuts of last year were less supply side than buyoff, but they were a start.

Well, why would you want to increase savings? For years we heard that people were saving too much, and that that was what reduced "aggregate demand," and made it necessary for Government to spend in deficit. We seem to have gotten over that misimpression finally, and come to realize that it is savings that provides the pool of capital needed not only to meet the borrowing needs of the Government, but also the borrowing needs of those who start new companies and create new jobs. In other words, they lower unemployment and increase the supply. That is, they do if they can find the money to borrow.

Increased savings also reduces interest rates, as more money becomes available for lending, and the competition drives down rates. Those interest rates were another primary concern of the voters out there, I found in my trip back to my district. In fact, I would not be surprised if interest rates were the No. 1 concern.

So now I am back in Washington, and what do I find? I find people actually proposing to increase taxes. Now that is not a total surprise, since some of them were talking about it even before I left. The surprise is that they claim the President is listening to them—although we have heard that one before—and that they are proposing exactly the worst kind of tax, a tax that can only reduce the supply of saved capital, and increase interest rates.

I am speaking, of course, of the 4-percent surcharge that the editors of our major newspapers have so taken to heart. This tax will fall on those with incomes above $35,000. In other words, it will fall on those already paying the highest marginal tax rates. It will reduce the savings of those who do most of the saving. That can only drive up interest rates, as lendable capital dries up, and Government remains first in line to borrow. The reduction in lending will further cripple entrepreneurs just starting out, so unemployment will rise.

All in all, Mr. Speaker, this is the silliest tax I have heard talked about for some time.

They used to say that the Nation was safe only when Congress was not in session. If this is the kind of tax proposals that are floating around while we are gone, maybe we had better stay in town.●

ENTERPRISE ZONE LEGISLATION

HON. DOUGLAS K. BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mr. BEREUTER. Mr. Speaker, the Sioux City (Iowa) Journal recently published an editorial on the recently proposed enterprise zone legislation. As the Congress begins to look seriously at enactment of this concept into law, I think the points made in this editorial should be considered by my colleagues, and I insert this piece in the CONGRESSIONAL RECORD for this purpose:

[From the Sioux City Journal, Apr. 5, 1982]

JOBS VERSUS WELFARE

Decades of public spending schemes have done little more for dwellers in decaying inner cities than to subsidize their poverty. It is time, as President Reagan said recently, to find out if private initiative can do more.

If we have learned anything from the failure of welfare and make-work programs to put a dent in chronic poverty, it is that jobs, rather than handouts, are the keys to self respect and independence. That is the purpose of the Reagan administration's legislative package to provide urban enterprise zones through tax incentives to businesses creating jobs for the poor in inner cities.

Reagan's proposal, the brainchild of Rep. Jack Kemp, R-N.Y., offers new hope to inner city residents by allowing the Department of Housing and Urban Development to designate 25 urban enterprise zones during each of the program's first three years. Business and industries willing to set up shop in these zones would receive investment and construction tax credits, and an income tax credit for 50 percent of the wages paid to poor residents.

To make enterprise zones even more attractive, HUD will require municipalities seeking them to make concessions on income, real estate, and sales taxes and to waive the usual zoning, licensing and permit requirements.

For all of its excellent features, the legislation fails to come to grips with the particularly pressing problems of poor urban youth, 42 percent of whom are unemployed. Unfortunately, plans to provide a special inducement to hire unskilled young people by waiving the $3.35-an-hour minimum wage for them were dropped in the face of opposition from organized labor. This urgent problem, therefore, remains to be addressed.

Nonetheless, the urban enterprise zone program is a real breakthrough for the disadvantaged in America's inner cities because of its promise of jobs instead of welfare checks. This pragmatism is one of the most hopeful expressions of Reagonomics philosophy.●

WHERE YOUR TAX DOLLARS GO: 30 MORE GROUPS AT A HALF BILLION DOLLARS

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mr. McDONALD. Mr. Speaker, with all the ballyhoo of that so-called "mean President Reagan," taking away from the poor and giving to the rich, it is more than high time that the record should be set straight.

I have, in several entries, the past day or two, entered several items on where the real culprits are, that are wasting the taxpayers' money. Evidence has been presented that scoundrels, perverts, overpaid nonaccountable attorneys, militants, Communists, super-rich internationalists, and others, have benefited handsomely at the expense of the taxpayer. At the same time, and with that same taxpayer money, we are being accused of hurting the poor.

I think that if the senior citizens of this Nation were fully aware that their social security is in jeopardy due to wild and unaccountable spending by groups mentioned herein, they would be extremely upset. After all, no matter how one slices it, inflation is caused by an increase in the supply of the money due only by Government spending beyond its means. I cannot help but repeat what Harry Hopkins said during the Roosevelt administration: "Spend and spend, elect and elect, the people are just too damned dumb to understand."

Well, the people will understand, if they are shown some of the items I have entered on where their money is going. And now they will blame the right parties. It is high time this body, which controls appropriations, halted

this nonsense. Once again, I am indebted to the April 1982 Conservative Digest for the detailed accounting of where over half a billion dollars went. Article follows:

[From Conservative Digest, April 1982]

THIRTY LIBERAL GROUPS: WHO FUNDED THEM, HOW MUCH THEY GOT

The following shows 30 leftist groups that took tax-funded grants in the last five years, the agencies that gave them grants, when they were given and the total amount received. The totals are taken from available grant lists supplied by the agencies. They represent the minimum amount of money received by these groups. (VISTA-funded volunteers are included in grant totals below.)

ORGANIZATIONS, FEDERAL AGENCIES THAT GAVE THEM MONEY, YEARS, AND TOTAL AMOUNTS

Amalgamated Clothing and Textile Workers: HHS, NEH, Labor, 1979-81, $2,979,799.

AFL-CIO (Appalachian Council): Labor, Transportation, 1977-82, $20,275,347.

American Friends Service Committee: ACTION, Labor, Education, HHS, State, NEH, 1978-82, $1,354,052.

Association of Community Organizations for Reform Now (ACORN): ACTION, VISTA, NEH, FTC, CSA, 1976-81, $231,370, (plus funding for 4 volunteers).

Center for Renewable Resources: Energy, HUD, Education, 1979-81, $1,309,570.

Citizen/Labor Energy Coalition, ACTION, Energy, CSA, VISTA, 1979-81, $288,490 (plus 8 volunteers).

Council on Foreign Relations, NEH, 1980-85, $500,000.

Feminist Press, Education, 1979-81, $446,299.

Food Research Action Center, CSA, 1981, $645,000.

Gray Panthers, HHS, VISTA, EPA, 1978-82, $121,483 (plus 16 volunteers).

International Union of United Auto Workers, Education, Labor, NEA, 1979-82, $6,475,579.

League of United Latin American Citizens, Education, Labor, 1980-82, $2,728,526.

League of Women Voters of the United States, State, NEH, EPA, Energy, 1977-82, $1,396,842.

Massachusetts Fair Share, ACTION, 1979-81, $525,631 (plus 34 volunteers).

National Association of Farmworkers Organization, ACTION, Labor, CSA, 1978-81, $1,852,406.

National Council on the Aging, HHS, CSA, NEH, Labor, Education, 1977-82, $83,930,480.

National Council of Senior Citizens, CSA, FTC, HHS, Justice, Labor, 1976-81, $154,062,880.

National Retired Teachers Association, Labor, Justice, EPA, Legal Services, 1979-82, $229,768,783.

National Student Education Fund, Education, 1979-81, $512,486.

National Urban Coalition, Labor, Education, 1977-81, $2,800,717.

National Welfare Rights Organization, ACTION, 1979-82, $5,900 (plus 71 volunteers).

Natural Resources Defense Council, Energy, EPA, 1978-82, $1,367,768.

NOW-Legal Defense and Education Fund, Education, 1980-81, $595,961.

Pacifica Foundation, NEH, 1979-81, $408,968.

Push-Excel, Labor, Education, Commerce, 1978-82, $5,201,669.

Sierra Club, NEH, EPA, 1978-81, $757,946.

U.S. Student Association, Education, 1980-81, $159,976.

Wider Opportunities for Women Inc., Justice, CSA, 1980-82, $344,908.

Women's Action Alliance, Education, 1980-81, $702,471.

Women's Equity Action League, Education, 1978-80, $1,067,591.●

THE LAW OF THE SEA

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mr. FIELDS. Mr. Speaker, law of the sea advocates, such as Elliot Richardson and a few of our colleagues, readily admit that the treaty has serious deficiencies. However, they market the claim that the provisions regarding passage through straits so greatly advance American interests that they justify dangerous concessions in the seabed mining provisions.

I inquire of my colleagues: Who in all the world is going to enforce the passage and overflight provisions?

May I remind my colleagues that the seizure of the American Embassy and personnel by Iran in 1979 was a flagrant violation of accepted international law. It drew nothing from the world community but useless denunciations.

By contrast, the American reaction to Libya's attempt in 1981 to block passage through the Gulf of Sidra illustrates a principle of reality: Unless an aggrieved nation either uses force or credibly threatens to do so, it must endure the violation of its rights.

Adding to this reality the gross ambiguities of the treaty text, the clear-eyed see that treaty advocates would cede sovereignty over two-thirds of the Earth to a hostile, socialist international structure in exchange for a mess of pottage.

Speaking as a Texan, I will no more surrender to this lunacy than Travis would to Mexico.●

A PARTNERSHIP TO RECLAIM THE DRUG ISSUE

HON. THOMAS B. EVANS, JR.

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mr. EVANS of Delaware. Mr. Speaker, I rise to praise the efforts of parent groups all over America to prevent the abuse of alcohol and drugs. Working with educators, clergy, law enforcement officials, members of the business community, and elected officials, they have been able to claim responsibility for a profoundly troubling problem in America. During National Volunteers Week, the week of April 18, it is especially fitting to honor the work of volunteer groups such as those making an effort to prevent the needless loss of life and hope.

A recent article in the Wall Street Journal provides an excellent summary of the prevention goals of the parent groups. Mr. Speaker, I ask unanimous consent to include the article in the RECORD at this point:

THE MIDDLE CLASS STARTS TO RECLAIM THE DRUG ISSUE

(By Suzanne Garment)

The big public do at the White House this week was not some opulent state dinner but an event called the White House Briefing on Drug Use and the Family. ACTION, the government's agency in charge of volunteerism, put it on to spread the idea of doing more about drug use among kids. The cast of characters included parents' group representatives, business executives and foundation heads, with participation by Mrs. Ronald Reagan. At first blush, it looked like an exercise in worthy futility. It turned out to be something quite different.

The topic of drugs and children is fairly absorbing to large parts of this country. But few issues would seem to be worse targets for a bigger federal policy initiative, or indeed for any initiatives, at all. First, no one knows exactly what to do about the problem. More important, we have gone through some 15 years of increasing disagreement over just what the problem is. The confusion began, of course, with the counterculture, which tried to legitimize the use of drugs other than alcohol. The counterculture phenomenon itself was as short-lived as such fashions usually are, but by the time it faded it had left our disapproval of drugs in a seriously weakened state.

We were all still against heroin, of course, and drug-related muggings in the streets, but the rest of the lines had been blurred. We had been taught the difference between hard drugs and soft drugs and had learned that using a drug for occasional recreation is different from being a junkie. Everyone had heard how pot was less hazardous to the health of the rest of us than alcohol or tobacco. And parents were told that they should see to it that their little ones learned to use their drugs of choice in a responsible manner.

This new sophistication informs many of the drug education programs run by professionals in schools and other community institutions. But meanwhile, in the past few years, something largely unheralded has arisen in response to the situation: parents' self-help groups.

These groups appear to be a truly spontaneous phenomenon. But they now have a peak organization, the National Federation of Parents for Drug Free Youth, which claims some 3,000 affiliated groups and offers help in starting new ones. And the most definite message its members delivered at the White House briefing was that they do not like the language in which many of the professionals and enlightened opinion leaders have been talking about the children's drug problem.

William Barton, the group's president, is at pains to emphasize that it is not a bunch of Moral Majoritarians sitting around condemning this generation's sin while condoning its own. "We adopt a 'no-blame' attitude toward the situation," he states repeatedly. They fully accept the seriousness of the alcohol abuse problem, and they are less concerned with the theoretical evils of drugs than with concrete effects on the emotional

development of adolescents. But they won't go for the idea that parents who like their beer with the Sunday afternoon football game give up the right to raise the roof about marijuana. And the group is hardly retiring in its policy ambitions.

Its members encourage anti-drug education in the schools. They push legislative acts like the current moves among states to ban the sale of drug paraphernalia and raise drinking ages. They round up medical and other expects to shore up their anti-drug case. They aim to put on the pressure to reduce what they call the "do drugs" message spread by cultural media from rock songs to advertising.

Parents' group representatives at the briefing described these activities in consistent phrases. "We had thought that our children used drugs because of our neglect," said one. "We were told that marijuana was harmless, that we shouldn't hassle our kids, that we were hypocrites if we drank alcohol."

"The government policymakers who thought drug use was here to stay," ran a complaint, "said we had to teach kids how to 'use them responsibly.' This was part of the drug education programs. Parents seeking help from the established drug counselors got this—and the message that 'it's your fault.'"

"We have moved from a position of helplessness," one woman summed up, "to a position of strength." "There has been a change," ran another version, "from a feeling of impotence to one of contol over our lives."

These people are moved, of course, by the concrete reality of their kids' drug problem. But they seem moved as much by a sense that for a long time, opinion leaders have deprived them of the moral right to deal with it. They are resentful at having been told that what they perceived as a momentous threat was not such a big deal, and that the anger they felt must be directed against themselves. This meeting was not a group of workers from the helping professions telling the middle class what is good and bad for it; it was the middle class trying to take back this piece of their lives from those professionals who told them they were helpless to control it.

The techniques they propose—the education efforts, the pressure on legislators, the moral suasion—may of course be only marginal in their effect on teen-age drug use. What may be more significant is that these people are organizing in a mode Tocqueville would have recognized to address their problem through common action and mutual encouragement. It is a small sign. But after decades of the unraveling of the many pieces that make up national will, it is something to see people try to take a step toward knitting it up again.●

PARENTS SHOULD KNOW

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mr. SHUMWAY. Mr. Speaker, the Sunday Washington Post contains a full-page ad by Planned Parenthood asking: "If your daughter had sex, should the government be the one to tell you?"

The answer to that question is obviously "No," for all of us, but as is usual with self-interested polemicists, Planned Parenthood asks the wrong question. Suppose the headline read: "If your daughter was receiving drugs and devices so dangerous that they are occasionally removed from the market and which have serious and uncertain long-term side effects, wouldn't you like to be informed?"

That is the question I would like to see answered. Because, Mr. Speaker, that is the situation. As things stand right now, under Supreme Court rulings, girls as young as 12 and 13 are receiving prescription drugs and devices, and their parents are not even informed though they retain ultimate moral and financial responsibility for those children.

Even worse, those drugs and devices are being furnished by taxpayer-funded clinics. That is, those parents who are kept in the dark are being asked to subsidize those who furnish the drugs and devices to their children without their permission, without even their knowledge.

As the Planned Parenthood ad indicates, the Department of Health and Human Services has proposed regulations which would at least require notification after the fact, when Federal funds are involved. It is a small step, but the least we can do.

Mr. Speaker, Eunice Kennedy Shriver has written a thoughtful statement in support of this modest HHS proposal. As executive vice president of the Joseph P. Kennedy Foundation, Mrs. Shriver has had ample opportunity to observe family planning and parental counseling programs in the field. Her views are well worth considering, and I ask unanimous consent that they be printed at this point in the RECORD.

YES, PARENTS SHOULD KNOW

(By Eunice Kennedy Shriver)

Health and Human Services Secretary Richard Schweiker is embroiled in controversy over the comparative rights of parents and children. The controversy concerns changes in regulations requiring notification of parents whose minor children 17 and under are given prescription contraceptives by federally funded agencies.

As a mother of five children and a worker with pregnant teen-agers, I support Secretary Schweiker. I believe that while minor children have rights, parents have rights too. These rights include the right at least to know when their children are embarking on any course that is hazardous to their health and well-being; the right to know when secrets are being encouraged that can destroy family communication and family trust.

What are the facts about these regulations?

First, the regulations require parental notification within 10 days of the provision of contraceptive materials to the minor child.

Second, they apply only to prescription methods of contraception; that is, pills, diaphragms and IUDs. They do not apply to non-prescription methods such as condoms or spermicides. They do not apply to family planning information, counseling or testing for pregnancy.

Third, they specifically protect the child by withholding parental notification that could result in physical abuse, ejection from the home or similar harm.

There are two strong reasons for the proposed regulations.

The first is to alert parents to the possible hazards to the health of their children through the use of contraceptive pills or IUDs.

These hazards range from a significant increase in pelvic infections, uterine inflammations and ectopic pregnancies among adolescents to a variety of long-term hazards to health associated with the pill, including hypertension, blood clotting problems, pulmonary embolisms, tumors and strokes, to name just a few.

No parents should be kept in the dark about their children's exposure to such dangers. No physician should be asked to treat a child without knowing she is on the pill. No child should be encouraged to bear such risks, including always the risk of pregnancy, alone and in secret.

But the argument concerning hazards to health is only one reason why these regulations should be approved. The second and more compelling reason is that notification can expand and strengthen the support system of the family. It rejects the notion that there is a natural antagonism between the generations.

A leading family therapist, Dr. Salvadore Minuchin, has said, "I have found that the great majority of parents are concerned with their children's well-being. Intervening within the family network is a support for adolescents. For what we are addressing is their growth and development into maturity."

When children are on drugs or alcohol, when they are driving recklessly or perform acts of vandalism, it is the parents who are held accountable. Will anyone say that they are less accountable for actions that can harm the emotional and physical health of a 13-, 14- or 15-year-old girl, perhaps for life, or expose her to the risk of pregnancy, injury or disease?

Some say that counseling the adolescent is the answer. I have found that counseling the child without the parents is empty and futile. It perpetuates misunderstandings and widens the gulf between generations. What is more, it does not work.

There are, however, some significant examples where mobilizing the family support system has made a difference. Families have intervened to reduce significantly the use of marijuana among high school students because they were concerned about the health of their children. This same mobilization of the family support network is also possible in the area of sexual activity among children. Moral discourse should be fostered between generations which affirms that good sexual relationships are built on the human values of love, commitment and family—and yes, even marriage, though this idea may seem remote and old-fashioned.

In the adolescent pregnancy programs I have worked with such as the one at the Johns Hopkins Hospital in Baltimore, research has shown that when the family is involved, the young women are more likely to stay and finish school, have a better chance of getting a job, are less likely to have an early repeat pregnancy, are more likely to take better care of their babies and have more respect for themselves. If this type of family support works with adoles-

cents already pregnant, why shouldn't it work for the non-pregnant teen-ager?

The new regulations will encourage this kind of family network and support system for families, and will give parents the chance to decide the course of action they will take when they are aware of their children's sexual lives. They can choose to do nothing, but I believe the vast majority will deal with the situation responsibly and with love. I believe also that most children will be relieved that an intense and troubling part of their lives does not have to be lived in secret.

At the very least, our nation's laws and regulations should give parents the chance to communicate with and support their children. This is what the new regulations seek to accomplish. Then, it is up to us as parents to provide the kind of understanding, moral guidance and protective love that will make us a community of caring, not a society of coldness, secrecy and misunderstanding. This is the least we can do for our children and for ourselves.●

TWELFTH ANNIVERSARY OF EARTH DAY

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mr. FLORIO. Mr. Speaker, on this 12th celebration of Earth Day I think it is important that the American people be aware of the destructive havoc that is occurring at EPA. I am inserting segments of a report prepared by several environmental groups which show a systematic policy at the Agency to dismantle the environmental programs of the past decade. The portions of the report I am submitting relate to hazardous wastes, toxic substances, and Superfund, all programs within my subcommittee's jurisdiction.

Hearings and investigations of the subcommittee over the past several months have demonstrated a pattern of decisions designed to weaken regulations, halt enforcement actions, and drastically reduce program personnel and resources. Hundreds of millions of dollars in surplus are accumulating in the Superfund Trust Fund while thousands of dangerous waste sites go unattended.

These are not the policies of an administration which is concerned about the preservation of our environmental resources and the protection of the public health, and the American people are beginning to realize the potential impact of these kind of callous attitudes.

HAZARDOUS WASTES

Millions of pounds of hazardous wastes are disposed of every day in America creating a terrible hazard to human health and our environment. During the past year the Reagan Administration has retreated from its responsibility to control hazardous dumps, clean up abandoned dumps, and prosecute illegal dumpers.

PREAMBLE

In 1976, faced with overwhelming evidence that improper disposal of huge quantities of hazardous wastes was endangering the health of millions of Americans, Congress enacted the Resource Conservation and Recovery Act. The Act is designed to impose "cradle to grave" controls on "the treatment, storage, transportation, and disposal of hazardous wastes which have adverse effects on health and the environment . . . ." Some 130 billion pounds of hazardous wastes are created each year. The goal of the hazardous waste law is to assure safe, tightly regulated handling and disposal of newly created wastes.

In 1980 Congress enacted legislation creating a "Superfund" to provide for cleanup of abandoned dumpsites and dangerous spills of toxic materials and to facilitate compensation of victims. The law imposes a tax on chemical producers, the revenues from which are placed in a fund to be used exclusively to clean up dumps and spills. The intent of Congress was that EPA aggressively seek to compel the responsible parties to complete the required cleanup and, failing that, use Superfund resources to do so.

CHARGES

From Love Canal to the Valley of the Drums, the need for action is urgently apparent, yet during the past year EPA Administrator Anne Gorsuch and other officials of the Agency have made it unmistakably clear to polluters that hazardous waste controls are being undone.

Loosening controls on wastes

Shortly after Gorsuch took office, enforcement actions against illegal dumpers came to a halt. Enforcement staff are not even permitted to request information from suspected violators without top-level headquarters approval.

Regulations to control incineration and surface storage of wastes, required by law to be issued by October 1978, were finally promulgated in January 1981. Gorsuch suspended implementation of these regulations for existing facilities in July 1981 and three months later proposed to withdraw them.

The law also required regulations for the disposal of hazardous wastes in landfills to be issued by October 1978. EPA planned to get them out in 1981, but Gorsuch, ignoring an outstanding court order, has delayed them.

Financial responsibility rules designed to assure that firms handling hazardous wastes have the necessary resources to protect the public and pay for damage or injuries resulting from spills, fires, and explosions were issued in January 1981. Gorsuch postponed these rules until April 1982 and has indicated she will suspend them altogether.

In February 1981, without notice or public comment, Gorsuch suspended the prohibition against burial of liquid wastes in drums, the practice that created Love Canal. The public reaction to the suspension was so strong that EPA was forced to reimpose the ban. However, Gorsuch still proposes to permit the burial of liquid wastes in drums in 25 percent of the area of a landfill.

In negotiations with industry attorneys in a pending litigation, EPA agreed to weaken permitting requirements for hazardous waste facilities. Facilities may now expand up to 50 percent without having to meet federal requirements.

In March 1982 EPA deferred reporting requirements for hazardous waste generators. This action prevents citizens from obtaining information about local dumps, impedes enforcement, and deprives EPA of data needed to develop effective regulations.

Gorsuch has proposed to slash the funds available to states and EPA Regional offices to implement and enforce hazardous waste requirements.

Delaying implementation of Superfund

EPA has listed 115 of the most dangerous dumpsites around the nation. Legal action had been taken against 20 before Gorsuch took office. Since then the EPA enforcement section's major action has been to write letters to invite those responsible for creating the remaining dumps in to talk.

The Superfund legislation required EPA to develop by June 1981 a National Contingency Plan to guide the search for and cleanup of dangerous sites and to prepare to respond to emergencies such as spills and explosions. A plan was finally proposed in March 1982. The proposal is so vague as to provide no guarantee that Superfund resources and authority will be used to clean up any site. The plan implies that EPA cares more about saving money than cleaning up sites to protect human health.

In the first use of its Superfund authority, after a toxic dump site in Santa Fe Springs, California, caught fire in July 1981, top EPA officials quickly negotiated a private settlement with one of the responsible parties. The settlement limited the company's cleanup responsibility instead of requiring the cleanup to continue until the hazard was removed. It also committed EPA to testify on behalf of the company in any subsequent lawsuit against it arising from the dump and the fire.

To direct the Superfund effort, Gorsuch has appointed Rita M. Lavelle, public affairs specialist for Aero Jet Liquid Rocket, a company that has, according to EPA, the third worst pollution record in the state of California, including a massive release of arsenic, phenols, sulfates, and a variety of carcinogens into unlined ponds.

The result of these actions is to increase the public health risk from hazardous wastes, as earth, air, surface and groundwater continue to be contaminated. The result is to undercut those responsible industries that have invested in safe waste disposal technologies, and to destroy the credibility EPA had sought to build, enabling it to convince communities across the nation they could safely allow new, regulated waste disposal facilities to be built. The Administration's retreat increases the likelihood of a new Love Canal.

TOXIC SUBSTANCES

Progress in controlling toxic chemicals that threaten public health and the environment has been disappointingly slow. Now even the little that has been achieved is unravelling. Under the Reagan Administration, EPA's attention is focused on easing requirements on industry, not on increasing protection for the public.

PREAMBLE

Industrial chemicals are pervasive in our world. There are over 40,000 chemicals produced or used in the United States. Ten to twenty new chemical compounds enter the stream of commerce every week. Manmade chemicals are a part of virtually all commercial products used today.

Many chemicals are benign, but some are extraordinarily dangerous, even in tiny quantities. Some cause cancer, birth defects, heart and lung disease, and a host of other

ailments. Because the damage they do may take years, even decades, to show up in humans, people often suffer long exposure to hazardous chemicals before their effects are fully known. Vinyl chloride was widely used for many years—despite laboratory tests showing it caused cancer in animals—before we learned that it causes human cancer. Asbestos was used in talcum powder, wallboard, hair dryers, brake linings, and many other products for decades before epidemiological studies definitively showed it is a human carcinogen. Animal studies implicating asbestos as a carcinogen had been done much earlier.

Because of these tragedies in which humans have served as guinea pigs, and because of the proven ability of positive animal testing to predict effects in humans, the federal government established cancer policies which treat animal data as a sufficient basis for regulation. This established policy rejects the view that human evidence ("counting dead bodies") is necessary to initiate protective regulation.

The Toxic Substances Control Act (TSCA) was enacted in 1976 to assure that "innovation and commerce in chemical substances and mixtures do not present an unreasonable risk of injury to health or the environment." TSCA authorized EPA to require testing of certain existing chemicals to determine whether they are hazardous; to restrict or prohibit the manufacture of chemicals that pose an unreasonable risk to human health; and to screen new chemicals to identify potential "bad actors" before, rather than long after, human beings are exposed to them.

TSCA is a complicated law, and the Carter Administration moved very slowly in carrying it out. It did make a useful beginning, preparing several rules that require manufacturers to test highly suspicious chemicals and proposing quality standards for the data industry submits.

CHARGES

The Reagan Administration has cancelled the slow progress made so far under TSCA to identify and control toxic chemicals. It has made a dangerous decision, in defiance of the overwhelming weight of scientific opinion, not to accept animal test data alone as a presumptive evidence that a chemical is a human carcinogen. It is negotiating with industry on controversial chemicals behind closed doors, with the public and impartial scientists excluded. It has failed to finalize rules that require manufacturers to test priority chemicals that are already in use and is withdrawing proposed testing standards. It is relying instead on "voluntary" compliance by industry. It is retreating on protection against asbestos, a known dangerous substance.

Rejecting a Protective Cancer Policy. Long-term testing using laboratory animals is a scientifically sound way of identifying likely human carcinogens. The other generally accepted approach is through epidemiological studies comparing people exposed to a possible carcinogen with those who are not exposed.

Epidemiological studies are always costly, are usually relatively insensitive, and are often difficult or impossible to do. Many cancers do not show up until years after the exposure; most people are exposed to a great many carcinogens during their lives, which makes it hard to isolate the effect of one substance; and it is often difficult to find a suitable group of people who have not been exposed to particular substances, for comparison with others who have been. Animal tests, on the other hand, can be done under controlled conditions and can provide clearcut results. The International Agency for Research on Cancer, a federal interagency panel, and many other scientific groups have recommended that carcinogens identified in well-conducted animal tests be treated as potential human carcinogens. Up until now, government agencies have done so. A number of pesticides and carcinogens found in the workplace have been regulated on that basis.

President Reagan's EPA has suddenly reversed the established policy.

Dr. John Todhunter, the new EPA Assistant Administrator for Toxics, decided that results of valid animal tests of formaldehyde, plus the fact of widespread human exposure, were not a sufficient basis for protective action. This decision flies in the face of the scientific consensus. It reverses EPA's former prudent approach of assessing and regulating cancer risks before they affect human beings.

Consulting Privately with Industry. In the fall of 1980 EPA received the results of animal experiments indicating that formaldehyde and di(2-ethylhexyl)phthalate (DEHP), both widely used chemicals, are carcinogens. Formaldehyde is used in plywood, particle board, home insulation, furniture, and fabrics, cosmetics, and toothpaste. DEHP is used in hundreds of plastic products, including building materials, food wrappers, toys, rubber baby pants, and milking machine hoses. After receiving the animal data, the staff of EPA recommended formal proceedings to determine the extent of the risk to human health, an action by EPA to limit human exposure.

Instead, the new leaders at EPA convened a series of private meetings with industry—the Formaldehyde Institute, the Chemical Manufacturers Association, Exxon, and others—to evaluate the studies and the risk of the substances.

Did not notify or invite the public, environmentalists who had formally requested action on formaldehyde and DEHP, or even some of EPA's top cancer experts.

After the meetings, rejected the prior staff recommendations and refused to institute proceedings (priority assessment) on the two chemicals.

Later, in a separate action, the Consumer Product Safety Commission concluded that the evidence against formaldehyde was compelling and banned urea formaldehyde foam insulation.

Relying on Voluntary Compliance by Industry. The Toxic Substances Control Act requires EPA to set rules for industry to test the safety of existing chemicals that a committee of experts concludes may pose a risk of cancer or injury to health or the environment. A 1981 court order requires EPA to issue test rules or explain why testing is unnecessary for 37 priority chemicals in the next two years. Instead of moving ahead with this critical task, EPA has

Failed to issue pending test rules and delayed action on additional rules.

Cut back sharply on resources necessary to develop test rules.

Engaged in negotiations with industry to substitute "voluntary" testing for legal requirements.

Under another section of TSCA, the manufacturer of a new chemical must give EPA advance notice so that EPA can review the data available on potential hazards to human health. In 1982, EPA will receive 500 to 1,000 such notices. EPA has:

Failed to finalize the program for new chemical reporting.

Cut back review staff, so that most notices of new chemical manufacture will receive only rubber stamp review.

Retreated from efforts to set minimum standards for data to be submitted by the manufacturers of new chemicals.

Begun developing a rule at the request of the Chemical Manufacturers Association to exempt an estimated 75 percent of new chemicals from the notice requirement.

Retreating on Control of Known Dangerous Substances. Asbestos fibers cause asbestosis (fibrosis of the lungs), cancer of the lungs and digestive tract, and mesothelioma. Despite the proven health hazards of asbestos, the new EPA has

Cut back on efforts to identify schools in which building materials expose children to asbestos.

Weakened the warning on asbestos in schools approved by its own Science Advisory Committee.

At least 3 million students and 250,000 teachers may be affected by the retreat from protection against asbestos in schools.

Polychlorinated biphenyls (PCBs) are extremely toxic industrial chemicals. They have been widely used in electrical transformers, and they are pervasive in our environment. They are present in human breast milk and adipose tissue at toxicologically significant levels. PCB contamination has closed several rivers to fishing. In 1979 the leakage of 200 gallons of PCBs from a single transformer at the Pierce Packing Plant in Billings, Montana contaminated feed and food in 19 states and required the destruction of millions of dollars worth of contaminated livestock and food. Congress included in TSCA a provision that EPA ban the use of PCBs.

Under the Carter Administration, EPA issued regulations exempting the vast majority of PCBs in use from the ban. These regulations were overturned in court. Now, EPA is studying the question of new regulations, but has reduced the resources available to carry out the Congressional mandate.●

CINCO DE MAYO—1982

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mr. ANDERSON. Mr. Speaker, on Cinco de Mayo, millions of Americans will observe an historic landmark in mankind's age-old struggle against tyranny, and in the New World's efforts to rid itself of the oppression of the Old World. For on that day, in the year of 1862, Mexico's great President Benito Juarez led a force of patriots to victory over the armies of France and her puppet Emperor Maximilian.

It is entirely fitting that America's second largest minority, those among us whose heritage includes Hispanic culture, the Spanish language, Indian blood, and Mexican ancestry, should join with their brothers of the Republic of Mexico in observance of this event. And it is fitting, too, that the people of the United States, speaking through this freely elected Congress,

should recognize this day as fateful, not only in the history of Mexico but for all of the peoples of the New World. For the victory of Juarez marked a turning point; hard fought proof that the peoples of Mexico would not endure foreign rule and that they would find the strength to successfully resist it. Surely every American, North and South, is indebted to the brave people of Mexico for that.

In my own State of California, schools, cities, and organizations throughout the State will be observing this event, partly for the reasons I have already mentioned, but also as a gesture of solidarity with and affection for the people whose heritage is part of our own. For to the extent that California, a relatively new and yet not unpromising place, has a heritage, a culture, and a tradition, that heritage is inextricably bound up with the people of Mexico. And in observing Cinco de Mayo we honor not merely a gracious tradition and a great blow struck for human freedom in the past, we honor the present and, hopefully, the future as well. Indeed, we honor ourselves, for we Californians began as Mexicans and part of that heritage remains with us in the names of our cities and streets, in our history, our music, our literature, and our customs.

Cinco de Mayo celebrates the past, but it also recognizes that the struggle against tyranny and oppression is unending. Within recent years the people of the Southwest have witnessed the resumption of that struggle by a new brand of patriots, who call themselves Hispanics and who have already added to the rolls of humanity's heroes a new name that is honored everywhere in the world where men respect courage and love justice—the name of César Chavez.

THE HISPANICS

The United States prides itself on being a nation of free, independent, and prosperous citizens. Time and again throughout our history we have declared war on poverty. The Hispanic means to help us win that war, and proposes that we fight it as though we intended to win. Over 40 years ago, in a land caught in a cruel economic depression, a prophetic voice arose from the fields and orchards of California decrying the cruelty and injustice to those whose toil brought food to the table of our Nation, but who themselves were condemned to poverty and ignorance and often to hunger. The man was John Steinbeck and the book was "Grapes of Wrath." And he told a story of injustice and depression that shocked the conscience of the world and brought him a Nobel Prize. Today, over four decades later, those who pick the grapes and harvest the lettuce are still struggling to win rights that other Americans assume as their birthright: Decent wages, job security, collective bargaining, education for their children, and respect for their culture.

However, I do not wish to dwell too much on the unhappy side of a complex story. The Hispanic is, in fact, an amalgam of three cultures: The Hispanic, the Indian, and the North American. And from the beginning of these three traditions, he was created, indeed, he embodies, something new and unique in the world. A new man with an old culture. And rather than fear this new man. I think we might well try to understand and perhaps even learn from him.

THE POWER OF FAITH

One of the things we can learn, I believe, has something to do with the power of faith. For the Mexican-American community, as we all know, is above all a religious community. The spiritual and mystical approach to life, which finds itself under attack and even in decline in so many areas of modern life, remains as strong in today's barrio as it was two centuries ago. The church, it is true, has changed. Some of the priests and nuns have changed. Even some of the saints have been changed. But the people's faith does not change. Surely there is something profoundly satisfying in this fact. For it means that people, having found something which nourishes life and gives men hope, will not abandon it for the sake of transient pleasure and advantages.

THE HISPANIC FAMILY

Second, I should like to mention the Hispanic family—La Raza. Again there are voices among us which assert that the American family is finished; that the family system grew out of certain economic and historical conditions and that since these circumstances no longer remain, the family has lost its function. I have never known a Mexican-American scholar to write or speak in this vein.

Nor are there many who dwell upon such themes as "the generation gap." On the contrary, hardship and struggle has cemented the Hispanic family and made it stronger than ever. In the great majority of cases the children remain at home and respect the authority of their parents, regardless of age, until they are themselves ready to assume responsibilities of their own.

For most Mexican Americans the home and family remains a kind of sanctuary, a complete society. The very old and the very young often live side by side, depending upon each other. Whatever their fortunes may be in dealing with the outside world, the family remains united, interdependent, and fiercely loyal. What the family has, it shares. What it must suffer, it endures together. I think we might all learn something from the seamless robe of the Hispanic family. For surely we do not need more loneliness, more alienation, more isolation from one another.

A HUMANIST TRADITION

Finally, I would speak of the Hispanic as the bearer of a rich humanist tradition, rooted in the beauty of the Spanish language and the natural poetry of those who retain a feeling for nature and the land. I refer not merely to a superficial formality in manners and language, but rather to that innate courtesy which characterizes a highly social way of life.

The ethic of personal success, of material acquisition, of competitive individualism, has not been a prominent part of Hispanic culture. There is instead a sense of community and of lives shared. Their leaders seem to possess a ready eloquence, perhaps the product of a bilingual culture, which we can only envy.

Perhaps no group of Americans has been more willing to fight for the United States, certainly none has fought with greater valor or suffered higher casualties proportionate to their numbers in the total population, and yet the Hispanic in civil society is truly a gentle man. In personal address, in the conduct of the ordinary business of life, he rarely forgets the purely human element.

Faith, family, humanity—these I think are some of the virtues of our fellow Americans whose heritage is Mexican, whose language is Spanish, and in whose veins is the blood of the Aztecs. Doubtless one could name many others, perhaps more important. But I can only speak of my own knowledge and experience as a friend and lifelong neighbor of Mexican-American people.

I have chosen the occasion of Cinco de Mayo to make these remarks partly because I feel the time is appropriate, and also because a new age demands new insights. The familiar stereotypes by which the Mexican American has been portrayed in the movies, and, shamefully, is too often still portrayed on advertisements, has created a totally false and dehumanizing picture.

The comical Bandido, the lazy peon sleeping under a cactus, are the products of greedy men eager to exploit the ignorance of the general public. Stereotypes have been created which, deliberately or not, were meant to reinforce the Anglo's good opinion of himself by dehumanizing others.

In recent years we have begun to learn, slowly and painfully, of the terrible price that this Nation must pay for the all too human tendency to think of certain groups within our society as "other." Much has been written and spoken about the Nation's largest minority. But we are only beginning to realize that there are even minorities among the minorities. Not with the aim of pitting one exploited group against another. But simply to recognize that diversity is not the exclusive province of the affluent.

But is not only the problems of the Hispanic people—the poverty, poor housing, lack of equal opportunity, that demand our attention. It is also the successes. Their distinguished record in the Armed Forces, the rising numbers of Hispanic students attending our colleges and universities who will surely be the instruments of a profound social change for their entire people in the not too distant future; and the growing authority of their leaders who embody the deepest aspirations for peace and justice not simply of the Mexican American, but for all the American people.

I am confident that the coming of Cinco de Mayo, 1982, will see us closer to the day when this strong people, so long denied their proper place in our legislatures, our schools, our corporate, and business life, will cease to pick "the grapes of wrath." And that this generation of Hispanics which has progressed so rapidly in so many areas—which has a clear idea of its own destiny, will fulfill the words of the prophet who foretold that the day would come when—"Those who have labored in the vineyard shall keep the fruit thereof."●

OLYMPIC DEVELOPMENT FUND CHECKOFF ACT

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mr. FIELD. Mr. Speaker, several weeks ago we learned that those private companies who intended to sell Olympic coins to the general public have decided to withdraw from this program.

While I understand the reasons for this decision, I believe it is tragic that unless financial support is forthcoming—America's amateur athletes will once again have to compete in the upcoming Olympic games with one hand tied behind their backs as a result of poor facilities and lack of training funds.

Mr. Speaker, I believe as a nation we must provide our athletes with the proper resources to effectively compete in international competition. While I am not suggesting direct Federal appropriations to the USOC, we should provide the American people with additional opportunities to financially support our Olympic movement.

I believe one excellent mechanism for this support is contained within legislation I have introduced, with over 140 cosponsors, which would allow a taxpayer to check off a box on their Federal tax return, indicating they wished to send $1 of their money to the USOC.

By using these private funds, all Americans can fully share in our Olympic successes and can enthusiastically support our athletes by donating $1 a year.

Mr. Speaker, with the 1984 Olympic games growing closer, the time for action on this legislation is upon us. I urge the immediate consideration of H.R. 4454.●

WHERE YOUR MONEY GOES: WHO ARE THE GOOD GUYS?

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mr. McDONALD. Mr. Speaker, I have had much to offer my colleagues on the matter of education and exposure of how our and our constituents' hard earned money is literally wasted down the drain by those special interest groups that hate what this country is really all about.

Now a word about the "good guys." There are not too many of them, but rest assured they are not spending your money and mine. The Conservative Digest of April 1982, had a bit to say about this true minority group, and I would like to share this information for the benefit of all taxpayers whose lifeblood is being sucked away by the "leech army" of America.

"The Grant Watchers," so all of us may know who some of our true friends are is presented herewith:

[From the Conservative Digest, April 1982]

THE GRANT WATCHERS

Fortunately, there are a few good guys tracking fraud, waste and abuse.

Washington power is money power. The most influential are those who carve up the federal pie. And many—too many indeed—never received a vote in an election.

As the federal budget has grown to more than $700 billion, lower-level bureaucrats have been given control of sizable sums of money. Though political appointees like Cabinet secretaries have veto power over grants made at the lower levels, they rarely use it.

Where the money goes is a big game in Washington. Anonymous civil servants have found it convenient to assemble personal networks of allies and organizations—and most all are leftist.

But for the Freedom of Information Act and a very few persistent individuals, there would be little or no public awareness of the public-funding game and how it affects Americans. They are the grant watchers.

HOWARD PHILLIPS, THE PIONEER

Back in 1970, after a race for Congress, Howard Phillips returned to Washington to serve in the Office of Economic Opportunity. There he gained an intimate knowledge of the bureaucracy and its grant programs.

President Nixon named Phillips Acting Director of OEO in 1973. Phillips was determined to dismantle the self-perpetuating agencies of the Great Society, but received only luke-warm support from above. He resigned, and soon thereafter founded the Conservative Caucus.

Phillips kept his eye on the grant system through voracious research. Concluding that Left activists were being widely funded with taxpayer money, he set out to document and publicize the situation. To the task he committed the resources of his research group, The Conservative Caucus Research, Analysis and Education Foundation.

The Foundation, once a one-man operation, now has a sizable staff. Susan Phillips, Howard's sister, directs the research department, which has taken on the "funding-of-the-Left" issue on a nearly full-time basis. In so doing, she learned the pitfalls of the bureaucracy beat.

"My first Freedom of Information request was for the ACTION agency, which we'd heard was funding a Tom Hayden-Jane Fonda organization called the Laurel Springs Insitute," Susan Phillips said.

"We were stonewalled by the agency personnel. From then on, I haven't stopped. In the last six months, we've filed more than 400 information requests."

ENORMITY OF THE TASK

Even with two full-time researchers, she says, it's difficult to keep up. "The departments keep stalling. Despite the public-access laws, they still send us incomplete information. Often they tell us we'll get the computer print-outs when they're available—and then we're never contacted."

As the public becomes more aware of the grant abuses, the Foundation receives numerous requests for information. "If we had the money to publish what we have in the files, there'd be more time for new research," Susan Phillips says. "Just following up our present requests from the agencies is impossible without more personnel."

Despite these limitations, The Conservative Caucus Foundation is a unique resource center specializing in Washington's Other Executive Branch.

DONALD LAMBRO, THE INVESTIGATOR

As journalists go, no one yet matches the mastery of the bureaucracy beat achieved by Donald Lambro, author of "The Federal Rathole" and "Fat City: How Washington Wastes Your Taxes."

"Americans have more government than they need, more than they want, and more than they can afford," says Lambro, a former correspondent in United Press International's Washington bureau. "Government can be reduced in size, and not a single truly needy American has to be denied benefits he or she truly deserves."

Where reporters of a previous generation balked at naming specific wasteful programs that could be cut, Lambro is wide-ranging and comprehensive. His specialty is the detailed list or catalog of marginal government projects. In prefacing his proposal of 100 cutable programs in "Fat City," he wrote:

"No longer should anyone be forced to remain inarticulate when challenged by the question, 'Okay, where would you cut?" There are at least 100 possible replies to that question provided here."

Lambro has launched a successful newspaper column, which benefits the new mood in Washington. (Reagan is a fan). His PBS television special, "Star-Spangled Spenders" was shown recently throughout the nation. However, both of Washington's public stations refused to air it.

Another prime resource for grant-watching is the National Journal. NJ, the lesser-known tandem publication to the widely read Congressional Quarterly, trains its efforts on the Executive Branch.

Rochelle Standfield, a veteran NJ reporter, has long covered the grants beat. While she retains a keen eye for the you-scratch-my-back-and-I'll-scratch-yours pattern in Washington, Stanfield also is skeptical of conservative hopes of significantly de-funding the Left.

In a recent NJ report, Stanfield said, "The assertion that a substantial number of civil rights, social action and other liberal interest groups would go out of business without federal aid is a faulty one." Hardest hit, she said, would be the lobbying groups of state and local governments. Many liberal groups would be hurt by cuts in grant funding, she suggested, but most would survive.

National Journal also tracks the movement of several career bureaucrats and agency insiders, as each new administration brings its crew to the capital.

With the enormous discretionary power given to many careerists, this coverage may be more important than documenting specific grants.

From the Great Society and OEO to Reagan and Fat City: the grant watchers have come far. PBS-Washington's piggishness should remind them that the great deal they don't know can still hurt.●

STUDENT LOANS

HON. DANIEL B. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mr. DANIEL B. CRANE. Mr. Speaker, I wish to submit the attached article from Money Magazine, April 1982, for the attention of my colleagues. This article, written by Ms. Gail Bronson, outlines methods for financing a college education other than through Federal Government loans.

Ms. Bronson states that "neither students already in college nor those who will enroll for the first time this fall have any cause to panic." She explains how State governments, banks, and colleges are taking steps to help students obtain a college education, and how these students can avail themselves of this assistance.

Knowing of the very real concerns of many of our fine students in Illinois I want to pass along this article for your perusal in the belief that it might help some of the young people in your States finance their education, which is important not only to them but to this great Nation. Our students are our investment in the future.

RAISING LAST-MINUTE CASH FOR COLLEGE

DESPITE THE FEDERAL CUTS, THERE'S PLENTY OF MONEY AVAILABLE—BUT DON'T DELAY

(By Gail Bronson)

No one can accuse Carol-Anne Choiniere, 19, a sophomore at Boston University, of living in an ivory tower. She spends almost as much time working to pay for her education as she does to maintain her 3.0 average. During the school year, she earns about $60 a week as a part-time counselor in BU's financial-aid office. This summer she hopes to be employed 50 hours a week—days as an intern with a nonprofit organization, which will qualify her for a $1,900 work-study grant from the university, and evenings and weekends as a $4.75-an-hour waitress at the Friendly Restaurant in Webster, Mass., her home town. Nonetheless, Carol-Anne fears that she may have to juggle two part-time jobs this fall because of the deep cuts in federal grant and loan programs. She got $2,800 in federal aid this school year. In June she'll learn how much less she'll receive for the next year.

Carol-Anne has plenty of companionship in uncertainty. Several million college students who got about $11 billion in federal loans and grants this academic year are anxiously waiting to hear what—if anything—they'll get for 1982-83. Because of aid reductions already made by Congress, a student whose family has an annual income of $30,000 or more now must demonstrate need to qualify for a Guaranteed Student Loan of up to $2,500; a year ago any student could get a GSL Pell Grants of up to $1,670 each will go only to students with family incomes under about $25,000; the ceiling for the current year was $27,000. Congress is debating further cuts that could make federal aid even scarcer this fall; for example, all applicants for GSLs may have to demonstrate need. Meanwhile, costs at many colleges are galloping ahead at a double-digit pace. Even Harvard, with a $1.6 billion endowment—the largest in the U.S.—is boosting its 1982-83 bill nearly 15%, to $12,100, partly to compensate for reduced government funding.

However, neither students already in college nor those who will enroll for the first time this fall have any cause to panic. More than three-fifths of the students at private four-year colleges get aid of some sort; that figure is not expected to change substantially because state governments, banks and the colleges are taking steps to offset the federal cuts. But you'll have to search more diligently than ever to make sure you don't overlook a source of help. Moreover, if you aren't already hunting for aid, you'd better start—fast.

SHOPPING FOR DEALS

If you're a high school senior who has been accepted by several colleges—and don't have your heart set on one—you can shop among them for the best deal. High-priced schools often offer more aid than low-priced ones. For help in comparison shopping, you can consult "After Scholarships, What?" (Peterson's Guides, $8), which lists the kinds and amounts of financial aid available at 1,600 four-year colleges in the U.S.

You should take two other steps immediately, if you haven't already:

First, apply for a Guaranteed Student Loan, even if you don't think you'll qualify for one, because your college and other sources of assistance will want you to make every effort to get government help. You can find an application at any bank that makes the loans; college financial-aid officers can give you the names of the banks near you that do.

Second, apply for a so-called needs analysis from the College Scholarship Service in Princeton, N.J. or the American College Testing Program in Iowa City, Iowa. High school guidance counselors and college financial-aid officers can give you applications. Nearly all colleges base their financial-aid decisions on the CSS or ACT analyses, which take into account family income, assets, medical expenses, mortgages and other obligations. At your request, the results will be sent to the colleges to which you've applied and to state and federal agencies that provide student grants and loans.

As the federal government reduces its role in student aid, colleges are stepping up theirs, often with state backing. This year Illinois officials plan to begin issuing the first of $200 million in tax-exempt bonds to provide loans for students at the state's private colleges. The repayment period, interest rate and loan maximums haven't been determined. But a consultant to the program expects that undergrads will be able to borrow $3,000 to $5,000 a year and graduate students $5,000 to $8,000. The Massachusetts legislature recently approved a similar loan program for students at both public and private institutions; Florida, Iowa and Maryland may follow—although not in time for the fall semester.

In other states, colleges are greatly expanding loan programs on their own. A typical example: Dickinson College in Carlisle, Pa., is taking $1.2 million from its reserves to set up a loan fund for parents whose children don't qualify for federally guaranteed loans. Parents may borrow up to $2,500 a year per student. The interest rate this year will be 13%; in the future it will be three percentage points below what banks charge for personal loans. The loans must be repaid within six years of graduation. Wisconsin's Beloit College has launched a campaign to raise $600,000 by this fall for perhaps the most unusual loan program: "moral obligation scholarships" that won't have to be paid back. But Beloit president Roger H. Hull will ask recipients to return the money after graduation as tax-deductible gifts.

Two other possible sources of loans:

State governments. In 23 states, parents can borrow $3,000 a year for each child in college through a federal-state program called PLUS (for Parent Loans for Undergraduate Students). The other 27 states are expected to set up PLUS programs by the end of the year. You can get loan applications from banks or college financial-aid offices. Repayment, at 14% interest, starts 60 days after the loan is made but can be spread over 10 years.

Banks. They remain the primary source of loans for college—but at stiff interest rates, currently 18 percent or more, if you don't qualify for a government guarantee. Increasingly, banks are devising imaginative student loan programs to entice customers. The Citizens Bank of Dallas, Ga. will lend depositors an amount equal to 2½ times their savings account balance. For example, a depositor with $15,000 in his account can get a written commitment from the bank for a $37,500 loan over four years at an interest rate of 12 percent a year. Two hitches: he must immediately start making payments of $426.96 a month, and for four years he can't invest his savings in something more profitable, such as a money-market fund.

MAKING ENDS MEET

Students who can't put together the full price of a college education from parents, scholarships and loans will have to do extra part-time work. To make additional jobs available to students, more and more states are subsidizing their pay. Minnesota, for instance, allocates $3.89 million a year for 5,000 grants to students who work as janitors, police dispatchers and even Boy Scout leaders. In Washington, the state pays 65 percent of eligible students' salaries for jobs in private industry the employer the rest.

Colleges also are making stronger efforts to help students work, both part time during the school year and full time in the summer. Tennessee State University in

Nashville has rescheduled business school courses in the morning and during lunch hours so that students can work in the afternoon. Carnegie-Mellon University in Pittsburgh has a full-time counselor who helps students find jobs in private business.

A few fortunate students land jobs that give them a head start on their careers as well as help them pay for their education. Cyndi Strand, 22, a graphics student at Washington's Corcoran School of Art, works 15 hours a week as a designer in a print shop. Her earnings, plus federal grants, still aren't enough to make ends meet, so she has had to borrow. When she graduates next year she will owe some $12,000. "I barely make it from one week to the next," she says. "I'll be close to 40 when I pay back my debt. But I wouldn't be in school without the loans."●

MINDING AMERICA'S BUSINESS: THE DECLINE AND RISE OF THE AMERICAN ECONOMY

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mr. STARK. Mr. Speaker, I would just like to call to the attention of my colleagues and the readers of the CONGRESSIONAL RECORD a very important, new book which has just been published: "Minding America's Business: The Decline and Rise of the American Economy," by Ira C. Magaziner and Robert B. Reich.

I would like to include in the RECORD a review of the book which appeared in the April 1, 1982, New York Review of Books, by economist Lester C. Thurow.

As Professor Thurow writes:

If the Reaganauts fail to make America economically competitive again, as now seems highly likely, the debate about whether the United States ought or ought not to have industrial policies is apt to be the key economic debate of the 1980s. Minding America's Business is an excellent introduction to explaining why the United States needs industrial policies and what other countries are doing in their industrial policies.

As the Magaziner-Reich book makes clear, "industrial policy" does not mean Government bureaucrats running the economy—it means an America with a vision for the future and society pulling together toward that future. As their book points out, the United States already has an industrial policy, but to quote Thurow, "it just happens to be an industrial policy to shoot ourselves in the economic foot" by supporting inefficient, declining industries, instead of promoting the growth opportunities for the sunrise industries.

I believe that from the debris and ashes of the Reagan trickle down economic policy, we will need to construct a national economy which concentrates on the hi-tech, hi-growth industries of the future. This book helps describe how to construct such a policy—supported by all elements of society—so that it will work.

As Thurow's review concludes:

To say that Americans cannot run industrial policies—even though as Magaziner and Reich show, others are effectively using them to run us out of business—is simply to say that America's day in the economic sun is over. It is to admit that we are so administratively and politically incompetent that we must inevitably sink in the economic rankings. Tied for tenth today, but falling to * * *? tomorrow.

The review follows:

HOW TO RESCUE A DROWNING ECONOMY

(By Lester C. Thurow)

America does not need economic planning if planning means the centralized, detailed, input-output planning associated with the Soviet Union. America does need planning, however, if planning means the strategic coordination of planning associated with a corporate finance committee in a large corporation. Corporate finance committees do not plan the detailed activities of the various divisions in a large firm, but they exercise strategic judgments on where the firm should expand when they allocate investment funds. Some kinds of activities are pushed as the "growth areas" of the future; others are milked as cash cows with none of their earnings plowed back into future expansion.

At the national level such decisions are called industrial policies. If the Reaganauts fail to make America economically competitive again, as now seems highly likely, the debate about whether the United States ought or ought not to have industrial policies is apt to be the key economic debate of the 1980s. Minding America's Business is an excellent introduction to explaining why the United States needs industrial policies and what other countries are doing in their industrial policies.

Everyone should know by now that the United States is becoming poor relative to the rest of the industrial world and is losing one industrial competition after another; but the details of this decline are superbly documented by Magaziner and Reich. In per capita GNP the United States is now tied for tenth place among industrial countries, after Switzerland, Denmark, Sweden, Germany, Iceland, Norway, Belgium, Luxembourg, and the Netherlands. The French are tied with us and the Japanese rapidly pulling up behind us. German workers have twice as many paid holidays and vacations as American workers. American males can expect to live four years less than those of Switzerland, the world leader, while American females lag "only" three years behind. America ranks eighteenth in infant mortality. Air pollution in the US exceeds that in other industrial countries. The homicide rate is eight to nine times that of other major industrial countries. The authors give a blow-by-blow description of how American industry was knocked out of international competition in the production of steel, the manufacture of TV sets, and the manufacture of electrical generators. Wherever they look, they find something that a country that lies to call itself "number one" can be ashamed of.

The common explanations for foreign success and American failure are that our competitors are catching up and that we have too much government. It is easier to catch up economically than it is to break new paths, or so the argument goes. If so, it is now the United States that has the "easy" task of catching up. We, not they, are the ones who are behind. Since the United States is the only industrial country in the world that has had no growth in productivity over the past four years, we seem to be failing at even the "easy" tasks.

Too much government is the Reagan administration's answer, but this argument runs into problems. However you measure government intervention, our foreign competitors have more of it than we do. Try firing a worker in Europe and see what happens. America is the easiest place in the world to fire workers. If the American businessman frets because he has to cope with intrusive government bureaucrats, he should try living under the "administrative guidance" of the Ministry of Industry and Trade (MITI) and the Bank of Japan. Minding America's Business rightly dismisses the "too much government" explanation and instead finds that the problem with American business is American business: the time horizons for investment and development are too short; we are badly deficient in process engineering, quality control, and in programs that would encourage exports.

In any case, the "too much government" hypothesis is not one that will have to be disproved theoretically. The Reaganauts will prove whether this hypothesis is true or false during the next three years. If current policies restore economic growth, Reaganomics will have been proven right and debates about industrial policies will die out. If current policies do not restore economic growth, then it will be obviously true that salvation does not lie in the direction of "getting the government off the backs of the people." Debates about less government will die out and be replaced with debates not about more government but about what the government should do to promote economic growth.

The strongest argument for industrial policies is not that they are needed, although they are, not that they can be made to work, although they can, and not that other countries used them to beat us, although they did; but that the United States is now developing a horribly inefficient set of industrial policies based on congressional investment banking. With the loans to Chrysler and Lockheed, Congress decided upon a strategy of keeping declining and ultimately doomed "sunset" industries open—while real industrial policies would speed up the closure of the sunset firms. With the Alaskan trans-Canada natural gas pipeline bill, Congress decided to assume all of the risks of a project few would describe as one that supports the sunrise industries of either today or tomorrow. In carrying out really effective industrial policies, government never takes 100 percent of the risk.

"Trigger pricing" in the steel industry keeps open old, obsolete facilities by holding the price of steel above what it can be produced for in new, modern facilities. Inefficient steel managers earn high profits as a result and plow them into acquiring energy companies such as Marathon Oil. Real industrial policies make sure that inefficient managers do not have the funds to contaminate the rest of industry with their incompetence.

By deciding to eliminate the corporate income tax through the back door with accelerated depreciation allowances rather than having the courage to eliminate that tax through the front door, Congress decided to subsidize old, inefficient, capital-intensive industries such as steel rather than

new, efficient, labor-intensive firms such as semiconductors and computers.

Under the provisions of the corporate tax law adopted last July, firms are allowed to buy and sell depreciation allowances—technically called "leasebacks." It was this provision, in combination with the accelerated depreciation, that led to the de facto elimination of the corporate income tax, as far as the federal government is concerned.

If an efficient firm is making taxable profits, it can buy unused depreciation allowances from inefficient firms and use them to eliminate federal tax payments. In 1981, for example, IBM reduced its federal tax by buying unused Ford depreciation allowances. Since one dollar in tax credits can be purchased for 80 to 85 cents, the purchasing firms get a net tax reduction but they still essentially pay taxes. Instead of going to the federal government, however, the money goes to the inefficient firms that sold their unused depreciation allowances. The net result is a corporate tax system that collects little revenue but reallocates substantial amounts of money from efficient to inefficient firms—hardly what a rational industrial policy would call for.

America now has an industrial policy. It just happens to be an industrial policy to shoot ourselves in the economic foot. The de facto industrial policy of supporting sunset industries comes about for a simple political reason. Those in the sunset industries demand that something be done. They are voters, often influential ones, and will be listened to.

There are only two possible responses. A country can have an industrial policy of protecting its sunset industries and watch its national economic sun set as it prolongs the agony of decline. Or a country can have a policy of promoting sunrise industries so that there are new and better job opportunities for the workers of sunset industries. Whatever the rhetoric, no government "does nothing." The Reagan administration could have vetoed the guarantees for the Alaskan trans-Canada natural gas pipeline, but it did not.

Since industrial policies are going to exist it is important to design institutions that work. No government investment bank could be worse than Congress when it comes to investment banking. No set of overtly designed industrial policies could give as much support to sunset industries as the present covert industrial policies do. The time has come to recognize what we are doing and start doing it right.

Other successful economies are marked by aggressive investment banking—usually backed by the government. For all practical purposes, the US do not have investment banks. Some institutions, such as Morgan Stanley, are called investment banks, but none of them has major amounts of money that can be committed to long-run investments. They are instead middlemen or brokers between potential industrialists and investors.

The starting point for a national industrial policy is to alter banking and antitrust regulations to allow the formation of real private investment banks that could devote major amounts of their own resources to industrial investment. Current financial mergers—such as the acquisition of Shearson Loeb Rhoades by American Express—are headed in this direction, anyway, but they need to be encouraged by changes in rules and regulations toward investment banking rather than more and more elaborate systems of consumer finance. With our low savings rates and high usage of consumer credit, America has a banking system that is all too good when it comes to servicing the consumer. What we need is long-run investment funds.

To make a system of industrial banking work it will be necessary to make some changes in our financial regulations. When it comes to representation on boards of directors, we need to follow the German example and collapse the distinction between debt and equity. If an investment bank makes major long-term loans to an industrial firm, it deserves representation on the firm's board of directors just as if it had made an equity investment. No investment bank is going to make major commitments unless it gets some "hands-on" management and information. There should also be an easy mechanism for converting loans into equity. The combination of these two items would prevent hostile takeover bids from being successful. It would stop management from having to manipulate quarterly profits to keep their stock market price-earnings multiples up and the chances of hostile takeovers down. The time horizons used by management for making investments and developing improved technology could lengthen in a healthy way.

While private investment banks can play a major part in industrial policies, as they do in Germany, it will also be necessary to go beyond private investment banking to publicly backed investment banks. The problem is essentially one of risk. Risks that seem enormous to one firm can seem small if they are spread across all of society.

Moving into new sunrise industries is always risky. If a move requires major amounts of capital, private firms undertake it only slowly and gradually. This is all right if the rest of the world is working on the same principles, but it isn't. Seventy percent of all robots in the world now work in Japan. With that head start, others are unlikely ever to be able to compete successfully. By recognizing the robot industry as a sunrise industry and backing it with government and private research funds and investment funds, and innovative leasing arrangements, the Japanese have essentially conquered the robot industry before Americans ever realized that it was a potential sunrise industry.

Industrial policies may come under political influence and they may end up backing losers. But this charge is both irrelevant—since we are now in fact backing losers for political reasons, we could hardly be worse off—and easily avoided. Public investment banks or funding agencies for industrial research and development could be limited to taking no more than 50 percent of the risk or putting up no more than 50 percent of the funds. If private partners cannot be found to risk an equal amount of money, the project simply wouldn't be undertaken.

If you look at the histories of government investment banks abroad, in France, for example, the problem is not that they become "industrial welfare agencies" pouring money into crippled companies, but precisely the opposite. They become so interested in making a profit and being regarded as "sound" financial institutions that they stop being willing to take the high-risk projects that they were originally set up to take. They simply become conservative banks like most private banks. The countries with industrial welfare programs, such as Britain, did not recognize what they were doing; they dealt with every claim for help on an ad hoc basis, and had no general policy of fostering industries with a strong potential for growth. This inevitably leads to "lemon socialism."

The problem is not to pick the sunrise industries of the year 2000. No one can do that. The problem is to strengthen the industries that are now sunrise industries and to promote cooperation between public and private institutions on research and development projects that might lead to the sunrise industries of the year 2000. In Japan such private public cooperative research projects are the heart of MITI's current industrial development strategy. They ought to be the heart of ours since they avoid the charge that government funds are being used unfairly to "subsidize" the research efforts of this or that private firm. Any firm that wants to cooperate in a specific joint research project and is willing to contribute its share of the funds can participate.

To say that Americans cannot run industrial policies—even though as Magaziner and Reich show, others are effectively using them to run us out of business—is simply to say that America's day in the economic sun is over. It is to admit that we are so administratively and politically incompetent that we must inevitably sink in the economic rankings. Tied for tenth today, but falling to * * *? tomorrow.●

A NUCLEAR FREEZE IS VERIFIABLE

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mr. BROWN of California. Mr. Speaker, this week I have made a number of statements on the nuclear arms race, the need for a nuclear weapons freeze and arms reductions, and my concerns about the policies of the Reagan administration. At this time I wish to briefly address the issue of verification.

Verification is an important issue in an arms control agreement. The means of verification are many and varied. Some means have a relatively low level of reliability, especially if one needs to get down to the most specific details, rather than learn whether the basic framework of the treaty is being followed. The chances of any treaty being violated to the degree that it would endanger the national security of the other side remains highly remote and improbable.

As elaborated on in interviews with Robert McNamara and Hans Bethe which I inserted in the RECORD earlier this week, the United States is in no danger from a Soviet first strike, nor is it likely to be under any plausible scenario. This does not rule out total nuclear war; it only rules out either side being able to win one, which rules out nuclear war as a rational choice by either us or the Soviets.

Today I would like to add to these statements the views of Dr. Herbert Scoville, Jr., former Deputy Director

of the Central Intelligence Agency, his arguments in favor of a nuclear weapons freeze, and his reasoning on why a freeze can be verified, Frankly, if any one can read this article and still argue that a freeze is a national security risk, they either do not understand the issue, or they do not share the goal of ending the nuclear arms race.

I commend this article to my colleagues.

[From the Los Angeles Times, Apr. 11, 1982]

EX-CIA OFFICIAL SAYS NUCLEAR WEAPONS FREEZE COULD BE VERIFIED

(By Herbert Scoville Jr.)

WASHINGTON.—The dramatic decision last week by four former top U.S. officials to break publicly with the Reagan Administration's declared willingness to be the first to use nuclear weapons in the event of a conventional war in Europe is perhaps the most significant sign yet of the seriousness of the nuclear debate now sweeping Europe and America.

Dissenting from the Administration's policy—most recently articulated by Secretary of State Alexander M. Haig Jr.—were Robert S. McNamara, secretary of defense in the Kennedy and Johnson administrations; McGeorge Bundy, national security adviser in the Kennedy Administration; George F. Kennan, former ambassador to the Soviet Union, and Gerard C. Smith, chairman of the Arms Control and Disarmament Agency during the Nixon Administration.

The four men urged the Administration to renounce its "first-strike" policy. They called their proposal "imperative for the long-run survival of our society and, indeed, of civilization as we know it." Their proposal has focused even more attention on the call—heard on both sides of the Atlantic—for a nuclear weapons freeze and reductions.

The arguments against an immediate freeze are serious and ought not to be ignored. Opponents of the freeze argue that it would keep the United States in a position of inferiority vis-a-vis the Soviet Union; that a freeze now would remove any incentives for the Soviets to agree to reductions later, and that a freeze could not be satisfactorily verified. Do these objections stand up to careful scrutiny?

In his press conference on March 31, President Reagan claimed the "Soviets now have a definite margin of superiority over the United States." He added that the "Soviets' great edge is one in which they could absorb our retaliatory blow and hit us again."

But the President doesn't seem to realize that even if all our intercontinental ballistic missiles (ICBMs) are destroyed, we would still have 3,000 warheads at sea placed on invulnerable submarines and another 2,000 on bombers on alert status. Each of these warheads has an explosive force many times that of the bomb that destroyed Hiroshima. These can destroy military as well as industrial targets. They could contaminate hundreds of thousands of square miles with deadly radioactivity.

Much is made of an imbalance of strategic nuclear forces in Europe, ignoring that these are only a part of the overall deterrent. In the past, NATO quite wisely deployed untargetable submarine missiles—not land-based missiles—as a response to the Soviet intermediate range SS-20 missiles aimed at Europe. President Reagan is misinformed when he says we have nothing to counter the SS-20s. NATO has more than 400 Poseidon warheads assigned to its use and in addition more than 100 British and French submarine missiles. These are a better deterrent than the Pershing and cruise missiles because they cannot be destroyed by a Soviet strike.

Even though superiority is meaningless in a world of thousands of nuclear weapons, there is no question that the United States with its strategic forces is better off than the Soviet Union. Survivability is the key characteristic of a deterrent force, and the United States with its submarine missiles and bombers has fewer vulnerable weapons than do the Soviets. They place too much reliance on land-based missiles, which are now becoming theoretically vulnerable; their submarines can launch fewer warheads, are noisy, which makes them vulnerable to detection, and their intercontinental bombers are currently limited in numbers and date back to the mid-1950s.

A freeze today would not leave America in a dangerous position of inferiority; we would still be very strong. We would have 9,000 strategic warheads to the Soviet Union's 7,000.

The second argument, that a freeze now would remove Soviet incentives for reductions, is just another version of the old bargaining-chip theory—buy new weapons in order to blackmail the Soviets into halting their programs. It is an effective way of ensuring that weapons stockpiles increase; but it has proven ineffective in persuading the Soviets to exercise restraint.

A classic example of the failure of this policy is the deployment of MIRVs, the multiple warheads put on single missiles beginning in the early 1970s. The United States was about five years ahead of the Soviets in this technology, and rather than attempt to negotiate a halt to MIRV procurement, the United States decided to move ahead without any limitations. Henry Kissinger argued that this program was necessary to get the Soviets to back out of a MIRV race.

As might have been expected, the opposite occurred. The Soviets followed in our MIRV footsteps, first with tests, then with deployment of first-generation types and finally with sophisticated guidance systems. Now we see these as a major threat to our ICBMs. President Reagan becomes alarmed over a "window of vulnerability" brought on by the MIRVs, proposes to spend hundreds of billions of dollars as a response to this threat, and now says we can't freeze our nuclear programs until this imagined Soviet superiority is eliminated.

Finally, verification is the one issue that applies to all alternatives: a freeze at current levels, reductions and even continued buildups. Can we verify the size and characteristics of the Soviet strategic nuclear forces and can we be sure that reductions are actually being made?

First, it should be understood that satisfactory verification of an agreement to freeze or reduce nuclear weapons does not require that any violation, no matter how insignificant, has to have a high probability of detection as some who wish to foreclose any arms limitation would like the public to believe. When we have 2,000 strategic delivery vehicles, the secret Soviet production of 100 missiles is not a security risk. President Reagan's negotiator, Paul Nitze, has in the past testified that verification capabilities should be tailored to the security significance of any violation. Much more detailed information is required if we seek to maintain parity or build up to superiority in the absence of an arms control agreement.

Second, a freeze would mean a stop to all activities in any weapons program. The detection of even one missile or bomber would be evidence of a violation. This greatly simplifies verification over that required for monitoring a ceiling such as was agreed to in SALT II. For example, a ceiling on the small, mobile, land- or sea-based cruise missiles would be hard to verify because one could never be sure whether a specific missile was in the allowed quota or not. A total ban on testing, production and deployment could be checked with high confidence since the chances would be high of detecting a single missile out of any significant deployment.

In a freeze, certain elements would have a higher probability of detection than others. Thus, although the production of new missiles is difficult to monitor, particularly small ones that can be confused with other types of hardware, testing and deployment would be much easier by the use of intelligence means. Therefore, some uncertainty on production can be compensated for by information on the other two phases of the weapons cycle.

Most recent public attention has been focused on missiles and bombers, but if the freeze were to include nuclear testing and the production of fissionable material for more warheads, this too can be verified. The Comprehensive Test Ban negotiations have already worked out the essential verification arrangements, which include unmanned seismic stations in the Soviet Union and on-site inspections by invitation. Satisfactory verification of fissionable material production is eased by the existence on both sides of hundreds of thousands of pounds of weapons-grade uranium and plutonium. Secret diversion from nuclear power plants or new clandestine production facilities that could significantly enlarge these stockpiles could not possibly escape detection by our intelligence.

Reductions in strategic arms can also be verified without intrusive inspection. To be meaningful any reductions must be accompanied by a verified freeze. There now exist procedures for monitoring by our intelligence agencies the destruction of strategic delivery systems. Procedures were worked out and actually tested in the 1960s for withdrawing nuclear weapons from stockpiles and transferring the fissionable material in them to peaceful programs.

In sum, verification cannot be used as an excuse for failing to proceed now with a freeze at current levels. We don't need to build up our stockpiles to achieve parity first. We can reduce and be confident that the existing strategic deterrent balance is maintained. A freeze now would be a sound mechanism for starting the process of reducing nuclear arms and reducing the risk of nuclear war.●

NATIONAL ASSOCIATION OF PRO-AMERICA

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mr. ROUSSELOT. Mr. Speaker, over the years that I have been in the House of Representatives, it has been

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my pleasure to work on occasion with a distinguished volunteer group known as the National Association of Pro America. Founded in 1933 by Mrs. Teddy Roosevelt, this nationwide group is dedicated to the principals of our Founding Fathers—the safeguard of State's rights from Federal power, pride in individualism and respect for industry and thrift, and a return to Government of and by the people. I take great pride in the fact that their current resolutions back stands I have taken on the floor for many years. I submit to my colleagues their resolutions for the 1981-82 conference year.

SUPPORT PRESIDENT REAGAN'S PROGRAM FOR THE ECONOMIC RECOVERY OF THE UNITED STATES

Whereas the United States government today does almost everything it should not and almost none of the things it should, i.e. provide for the common defense, maintain internal order and see to the administration of justice; and

Whereas a major part of the problem is the sheer enormous size of the federal government which has grown to such monstrous proportions that it is profoundly changing the nature of our federal system; and

Whereas the federal government penalizes work (by transferring payments from people who are working to people who are not working) and rewards idleness by various welfare programs which amount to 53% of its budget; and

Whereas some of the horrible examples of the criminal waste and larceny on the part of the federal government are:

Comprehensive Employment Training Act (CETA) which has used approximately eleven billion dollars of the taxpayer's money to provide patronage jobs on state and city payrolls, to finance "counterculture" programs such as "Gay Community Services," to pay an avowed Marxist-Leninist to "keep an eye" on local government in Atlanta, and to finance "outreach" workers to recruit people to apply for food stamps;

Department of Energy (DOE) has a budget for fiscal 1981 of upwards of eleven billion dollars—more than the 1978 profits of the seven major oil companies combined, with 87% of its budget paid to consultants and contractors working on such important projects as an energy deskbook and a solar racquet club in California;

Department of Health, Education & Welfare (HEW) (now divided into Department of Health and Human Services and Department of Education,) which was established in 1953 to consolidate the scattered welfare programs and which began with a budget of two billion dollars (less than 5% of expenditures for national defense) but, by 1978 had a budget of one hundred and sixty billion dollars (one and one/half times as much as total spending on army, navy and air force) and which constituted the third largest budget in the world, exceeded only by the entire budget of the United States government and that of the Soviet Union; and

Whereas the true numbers of federal employees, including "consultants" and other invisible federal payrollers, is between eleven and fourteen million rather than the 2.8 million officially acknowledged; and

Whereas United States business is drowning in a sea of paper work and restrictive regulations caused by the multiplicity of bureaucratic agencies which are grinding out rules, guidelines and standards to govern the life of the nation, but succeeding only in dangerously reducing its productivity; and

Whereas one of the most dangerous and far-reaching results of the government tax take of over 40% of the national income is the shortage or absence of investment capital, without which business will continue to decline, the rate of productivity will continue to decline and unemployment will continue to rise; and

Whereas President Reagan has stated, "The taxing power of government must be used to provide revenues for legitimate purposes of government. It must not be used to regulate the economy or bring about social change. We've tried that and surely must be able to see that it doesn't work"; and

Whereas the Reagan Administration has promised a "single, integrated, long-term plan" for spending control, a three-year tax reduction plan, a balanced budget, regulatory reform and monetary restraint, and has insisted that only a comprehensive package plan will be effective; now, therefore, be it

Resolved That the members of the National Association of Pro America support President Reagan's program to balance the federal budget, reduce the size and explosive spending of the federal government, contain inflation, stimulate economic growth, provide incentives for work and investment, reduce the regulatory clamp on private actions and return to the free market system which made the United States the leading nation of the world.

URGE STRICT PROTECTIONS IN INITIATIVE AND REFERENDUM

Whereas the United States Government embodies the unique concept that the rights to life, liberty and property (or the ability to maintain that life and that liberty) are natural rights granted by God, not by any man or group of men; and

Whereas the Founders of the United States of America, guided by Christian principles, rejected the idea of the perfectibility of man and determined, in the words of Thomas Jefferson, to ". . . bind him down from mischief with the chains of the Constitution," and established a representative republic, a federal union of states with a written Constitution which provided checks and balances against excessive power in any one place or person; and

Whereas the people of this new government delegated to the central authority few and specified powers and retained all other power in themselves; and

Whereas the people of the states of this Union, possessing all power, nevertheless chose, by limiting themselves to indirect action, to restrict even their power in order to prevent too rapid and possibly unwise implementation of their wishes; and

Whereas great thinkers for thousands of years have sharply distinguished between "democracy" (a *type* of government, rule by majority or the mob) and a "republic" (nature or quality of government, regarded by the Romans as a government in which both the rulers and the ruled were subject to the Law, i.e., a government of law and not of men); and

Whereas based on their great knowledge of the history and philosophy of governments and of the nature of man, our Founders considered democracy to be the worst possible form of government and never mentioned the word except in a derogatory sense—

Madison: ". . . democracies have ever been spectacles of turbulence and contention; have ever been found incompatible with personal security or the rights of property; and have in general been as short in their lives as they have been violent in their deaths. Theoretic politicians, who have patronized this species of government, have erroneously supposed that by reducing mankind to a perfect equality in their political rights, they would, at the same time, be perfectly equalized and assimilated in their possessions, their opinions, and their passions. A republic, by which I mean a government in which the scheme of representation takes place, opens a different prospect, and promises the cure for which we are seeking."—Federalist #10; and

Hamilton: "We are a Republican government. Real liberty is never found in despotism or in the extremes of Democracy."—

Samuel Adams: "Remember, Democracy never lasts long. It soon wastes, exhausts and murders itself! There never was a democracy that did not commit suicide!"

Whereas because of constant propagandizing for "democracy" by educators, politicians and the media since the time of Franklin D. Roosevelt, the people of the United States know very little of the possibilities of direct democracy; and

Whereas, the dangers of direct action by masses of people have been greatly increased by the influence of the media, manipulation by demagogic leaders, the influx of hundreds of thousands of aliens from totally different cultural, religious and political backgrounds, and by the unconstitutional interference by federal judges into the field of voting qualification laws of the states; and

Whereas Initiative and Referendum are tools for direct action by the people, i.e.

Initiative—right of the people to initiate legislative action—a procedure enabling a specified number of voters, by petition, to propose a law and secure its submission to the electorate or to the legislature for approval, and

Referendum—the practice of submitting to popular vote a measure passed upon or proposed by a legislative body—actually a potential popular veto upon the judgment of a legislative body; and

Whereas over twenty states have now adopted measures giving their citizens the right of Initiative and Referendum, with various degrees of protection against the horrors of mob rule; and

Whereas because of the constantly increasing tax-take by government at all levels, assumption of unconstitutional powers by all departments of the federal government, overwhelming growth of government in recent years, and unresponsiveness of many present-day legislative bodies to the needs or wishes of responsible, taxpaying citizens, there has been an increasing and understandable demand for more direct action on the part of the people; and

Whereas this nation cannot survive as a constitutional republic if direct action by the people on the national level; is achieved, now, therefore, be it

Resolved That the members of the National Association of Pro America study carefully any plans for Initiative and Referendum in their respective states and insist on careful checks against too frequent or too easy implementation into action of the possibly temporary passions of the people, and

Be it further resolved, That the National Association of Pro America and all its chapters resist a national Initiative or Referendum which would sink our representative Republic into the ruin of direct Democracy.

EXPOSE THE SOVIET DISINFORMATION PROGRAM

Whereas the Disinformation Department (the term "disinformation" comes from the Russian and Polish words "dis informacia" and means a deliberate attempt to mislead an opponent as to one's real intentions is one of the five principal Directorates of the Soviet State Security Committee or Secret Police (KGB); and

Whereas the novel "The Spike," which is solidly based on fact, describes how the KGB conducts a disinformation program which feeds lies to the American Press and influences United States foreign, military and economic policies; and

Whereas the Director of the KGB has stated, "We must constantly encourage Western journalists to write precisely the opposite of our real intentions . . . anyone who writes about our real intentions accurately and impartially . . . must quickly be dismissed and ridiculed as a cold-war thinker, a man . . . who wants to bring back McCarthyism"; and

Whereas the primary purpose behind Soviet activities is to bring about the strategic defeat of the United States and the North Atlantic Treaty Organization; and

Whereas among their methods are efforts to (1) recruit people of influence in Western countries to act as espionage agents, (2) discredit Western leaders with character assassination campaigns, (3) sponsor strikes and demonstrations, (4) spread false information to drive a wedge between the United States and Europe and between the industrial West and the Third World, (5) infiltrate and manipulate new left groups, (6) support covert action for terrorism, and (7) manipulate the Western media; and

Whereas hundreds of KGB agents virtually control the United Nations (for example, the Deputy Chief of the central world patent office is a KGB agent); and

Whereas the basic belief of Soviet leaders is expressed in the following words: "Fighting is the most primitive way of making war on your enemies. Therefore, you must cover with ridicule all of the valid traditions in your opponent's country . . . implicate their leaders in criminal affairs . . . aggravate existing differences . . . agitate the young against the old, because the supreme excellence . . . is to subdue the armies of your enemies without ever having to fight them";[1] now, therefore, be it

Resolved That the National Association of Pro America urge its members to remain vigilant to the world-wide threat of Communism and educate others concerning the intent, methods and goals of the Soviet disinformation program.

ELIMINATE THE DEPARTMENT OF EDUCATION

Whereas the Department of Education, a payoff to the politically powerful National Education Association (NEA), states that its function is to establish policies and administer and coordinate federal education programs; and

Whereas the policies of the NEA have been to stress the "social mission" and the "psychological development of students" rather than and to the detriment of academic achievement; and

Whereas in 1980 the Department of Education spent nearly 13 billion dollars, which was 2 billion dollars more than was earmarked for education by the Department of Health, Education and Welfare (HEW), and present plans are for 16.8 billion dollars in 1983; and

Whereas the power to educate the young is not delegated to the federal government by the United States Constitution (the subject was not even mentioned in the debates in the Constitutional Convention of 1787) so it is one of the powers reserved to the people at the state level by the nature of our federal system and, specifically, by the Tenth Amendment; now, therefore, be it

Resolved That the National Association of Pro America urge President Reagan to accomplish with all possible speed his promise to eliminate the newly-created Department of Education.

DISMANTLE THE DEPARTMENT OF ENERGY

Whereas the Department of Energy (DOE) was allegedly created to solve the energy problems of the United States; and

Whereas the DOE had an annual budget of 10 billion dollars for its first year of operation (more money than the total profits of the seven largest oil companies) and its budget for fiscal '81 is more than 11 billion dollars; and

Whereas it is government restrictions on production and development which are preventing America's energy independence; and

Whereas instead of providing any kind of solution, the DOE has resulted in more government waste, fraud, and incompetency; now, therefore, be it

Resolved, That the National Association of Pro America urge President Reagan to honor his promise to dismantle the Department of Energy with all possible speed.

EXEMPT YOUTH FROM MINIMUM WAGE LAW

Whereas recent unemployment statistics show an alarming increase in the unemployment rate of the youth of the nation; and

Whereas the situation is directly attributable to the minimum wage rates which price these inexperienced workers out of the labor market; and

Whereas the United States Congress has increased the minimum wage to $3.35 per hour and has refused even to consider a subminimum wage for the young workers which would alleviate to some extent the unemployment problem; and

Whereas every increase in the minimum wage has been followed by an increase in the ratio of teenage unemployment compared to joblessness among adults; and

Whereas keeping youth employed at productive, rewarding labor would reduce teenage delinquency, idleness, drug use and the tendency to drift into criminal activities; now, therefore, be it

Resolved That the National Association of Pro America go on record as advocating legislation at the federal level to exempt anyone under nineteen years of age from the requirements of the minimum wage law.

RESTORE CRIME FIGHTING AND INTELLIGENCE-GATHERING AGENCIES

Whereas the Central Intelligence Agency (CIA), the Federal Bureau of Investigation (FBI) and the Secret Services are being ridiculed and maligned by some elements of the media, which are influenced by the disinformation disseminated by the enemies of our country; and

Whereas a legal and legislative climate has been created in the United States, which hampers the performance of crime fighting and counter intelligence agencies; and

Whereas the Privacy and Amended Freedom of Informations Acts have opened hitherto closed files of all government agencies to anyone, friend or foe, and are prohibiting the keeping of records on revolutionary and subversive groups; thus, vital sources of information have understandably dried up; and

Whereas counterintelligence units of the Army, Navy, Air Force and Coast Guard, as well as those of State and local police departments, have been decimated along with the destruction of virtually all of their files relative to potential terrorism and espionage; now, therefore, be it

Resolved That the National Association of Pro America recognize the truth of the statement that "The best hope that the free world will remain free lies in an efficient, constitutional, freedom-loving—but adequately secret—CIA and FBI"[2], and be it further

Resolved That the National Association of Pro America recommend that Congress restore the effectiveness of these agencies by exempting them from hampering guidelines and legislation, including the Freedom of Information Act.

ABOLISH ALL ESTATE AND GIFT TAXES

Whereas the estate and gift tax became a part of the tax law in 1916 with the apparent goal of redistributing the wealth, and is essentially a tax on capital, directly pulling five to seven billion dollars per year out of the nation's accumulated capital stock, the reinvestment of which is absolutely necessary to the productivity of United States industry and to the economic well-being of this country; and

Whereas the very wealthy are able virtually to avoid the tax through trusts and other means; and

Whereas the burden on the middle class in disproportionate as shown by the fact that in 1976, of 200,747 estate tax returns, 71 percent represented estates of less than $200,000, the bulk of which were real estate and farms; and

Whereas the inflated value of real estate often represents the only wealth of survivors whose property must then be sold to pay taxes, and

Whereas the tax is equally hard on the heirs of small business owners who must often sell for taxes; now, therefore, be it

Resolved That the National Association of Pro America support legislation to abolish all estate and gift taxes.

LIMIT EPA BUREAUCRACY

Whereas to the activists in the Environmental Protection Agency (EPA), any relaxation of the unbridled rush to 100 percent purity of water and air is heresy and the Reagan Administration is committed to eliminating as much regulation as possible while still moving toward a cleaner environment; and

Whereas the steel, automobile, coal and textile industries, for example, are facing tremendous competition from abroad from nations which have virtually new industrial plants competing with United States plants many of which are relics from the 19th century; and

Whereas the cost of implementing the EPA's standards would often raise the cost of production to the point where United States industry cannot compete with for-

[1] Quotations from the Chinese Clausewitz, San Tzu (400 BC), used as guiding principles by the Soviet KGB, testimony of Arnaud de Borchgrave published in *Washington Report*, Feb. 1981.

[2] M.R.D. Foot, Professor of Modern History, University of Manchester, in The Economist, March 15, 1980, quoted in an article, "Can Counter-Intelligence Come In From the Cold?", Winter, 1981 Policy Review, by Arnold Beichman.

eign products or to the level that the products are unmarketable; now, therefore, be it

Resolved, That the National Association of Pro America support the Reagan Administration's policy that industry should not be burdened by unrealistic EPA regulations.

OPPOSE SOCIAL SECURITY SYSTEM CHANGES WHICH WOULD HARM THE HOMEMAKER

Whereas as long as we have an institution as actuarily unsound as the Social Security System, it should at least not contribute to the destruction of the family; and

Whereas the Social Security System was purportedly designed as a means of protecting not just individuals but the family from financial hardship by providing that the husband's contributions from wages would protect his dependent children until their maturity and his wife after age 62; and

Whereas forcing the husband or the wife to pay an extra tax for the wife's benefits in her own right (which she does not now pay) would cause financial hardship for most families, often driving the wife and mother into the work force; and

Whereas the family unit is the mainstay of our country, and studies increasingly show the greater benefits of caring for children in the home as opposed to public child care programs; be it therefore

Resolved That the National Association of Pro America encourage the support of the traditional family system by opposing changes in the Social Security law which would remove the present protection of the wife by the husband's Social Security contribution, and insist that any inequities in benefits for women who work should be resolved by other means than increasing the financial burden on the family unit.

EXPOSE THE INSTITUTE FOR POLICY STUDIES

Whereas the Institute for Policy Studies, the apparent goal of which is the implementation of worldwide socialism, operates as the center of a network of organizations such as The National Lawyers Guild, the Transnational Institute, the Pacific News Service and the National Committee for State and Local Policies which aim to dismantle our national economic and political institutions, impair our military and intelligence services and influence our government to abandon existing alliances and encourage revolutionary change, often by terrorist activities in the underdeveloped world; and

Whereas the influence of this organization gains momentum as its operatives move into the National Security Council, the United States State Department, the Congress and our educational institutions and increasingly molds public opinion through the printed and electronic media (an example is the Report entitled "The Southern Connection," a report prepared by the Institute's Transnational Institute program, which recommended, among other ruinous courses, the United States abandonment of the Panama Canal); and

Whereas the work of this organization is financed by tax-exempt foundations; be it, therefore

Resolved That the National Association of Pro America expose the propaganda of the Institute for Policy Studies for what it is and request that the Commissioner of the Internal Revenue Service justify the tax exempt status of this subversive organization and its interlocking organizations.●

HOW THE U.N. FUNDS THE PLO

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mr. McGRATH. Mr. Speaker, the Charter of the United Nations mandates that "All members shall settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered."

Despite this, the U.N.'s own records show that since 1975, at least $116 million has been budgeted or spent to support what the U.N. calls national liberation movements. About 25 percent of this has been and is being contributed by the American taxpayer.

More important than the actual aid and development projects is the international legitimacy which U.N. recognition confers on these movements. One organization which enjoys such recognition is the Palestine Liberation Organization (PLO), the world's most notorious international terrorist organization.

A recent report by the Heritage Foundation, entitled "How the U.N. Aids Marxist Terrorist Groups" paints a clear picture of U.N. support of the PLO—with American tax dollars.

I include a portion of that report in the RECORD for the benefit of my colleagues.

WHAT THE PLO GETS FROM THE U.N.

Before U.N. recognition, the PLO was viewed as an unpredictable and dangerous intentional terrorist organization. The world's law enforcement agencies have not changed their minds about that. But since Yassir Arafat's speech at the U.N. and the creation of two PLO-dominated U.N. committees—the Inalienable Rights Committee and the "Special Unit on Palestinian Rights"—the PLO is now able to wave its U.N. identification badge and call itself a legitimate national liberation movement. PLO spokesman Abdul Abdu Massur, for example, broadcast a startling statement on Radio Damascus as justification for the murders of two innocent Israelis by a PLO terrorist assault group on June 15, 1975. He declared:

"We sponsored the operation because it is our right to fight for our rights, and the whole world sponsored it and our operations along with us, because the United Nations General Assembly has approved the right of the Palestinians to pursue their struggle *with all means* to regain usurped rights."[2]

The Damascus broadcast, intended for an Arab audience, demonstrates how the PLO uses its U.N. credentials to boost its image among other Arabs. This kind of public relations campaign is essential to the PLO's political existence, especially since 70 percent of the Palestinians in the Middle East live in either Jordan or the West Bank, where the PLO is banned. It was an Arab leader, King Hussein, who banned the PLO in Jordan.

In 1975, following a PLO initiative, the General Assembly created "the Committee on the Exercise of the Inalienable Rights of the Palestinian People." Though not a member of the Committee, the PLO was allowed to participate in the closed sessions of the Committee's drafting group. Consequently, the Committee's recommendations essentially echo the PLO Convenant—rejecting conciliation or negotiation with Israel. Thus, the U.N. tacitly endorses terrorism by its recognition of the PLO, an avowedly terrorist group, as the only legitimate representative of the Palestinians.

Through the creation of the Inalienable Rights Committee, the U.N. also makes itself a propaganda voice of the PLO, giving PLO terrorist attacks respectability. The Committee on Inalienable Rights, with the PLO as its chief consultant, was able to persuade the General Assembly in 1977 to create another U.N. organ, the Special Unit on Palestinian Rights.[3] Established within the U.N. Secretariat, this unit has been useful to the PLO in several ways. Its mandate instructs it to turn out publications and direct a public relations campaign for the Palestinian cause, including an annual "International Solidarity Day with the Palestinian People." All these activities are under the direction of the Inalienable Rights Committee, which, in turn, is heavily influenced by the PLO.[4]

The pamphlets of the Special Unit implicitly support the PLO as the only real representative of the Palestinians. One such booklet, sold in the U.N. bookstore and distributed to U.N. centers worldwide, is entitled "The International Status of the Palestinian People." It lauds Yassir Arafat as a freedom fighter. It justifies Arafat's and the PLO's use of terrorism by noting how successful the "Palestinian commandos" have been through terrorism in bringing the Palestinian question to the world's attention.

Last year's annual U.N. Palestinian Solidarity Day saw the PLO set up an unapproved exhibition in a U.N. corridor feature a PLO flag and a map of "Palestine" that did not include Israel. Despite protests from Israel, the PLO propaganda display was allowed to stand after the PLO representative, Zehdi Labib Terzi, told U.N. security guards he would "use force if necessary" to keep the flag and the map in place.[5]

Full observer status for the PLO has been voted by several U.N. agencies, including: UNESCO, the International Labor Organization (ILO), the World Health Organization (WHO) and the International Civil Aviation Organization (ICAO). When ICAO awarded this privilege to the PLO in October 1977, it allowed the PLO to send observers to all meetings where the U.N. discusses air security. The rationale for this: the PLO has had considerable experience with air piracy (as skyjackers, of course) and the PLO's advice could prove valuable to these meetings.[6]

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[2] Letter from the National District Attorney's Association, Chicago, Illinois to Gerhard Mueller, Executive Secretary, 5th U.N. Congress on the Prevention of Crime and the Treatment of Offenders, August 27, 1975, p.4.

[3] Harris O. Schoenberg, "Terror Legitimized," Midstream, March 1979, pp. 7-8.

[4] Ibid.

[5] Washington Post, December 1, 1981, p. All.

[6] Robert W. Lee, "The United Nations Conspiracy" (Boston, Los Angeles: Western Islands, 1981), p. 211.

A few years earlier, the PLO was invited to attend the "Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders," held in Geneva, Switzerland, September 1, 1975. This drew a vigorous protest from the U.S. National District Attorneys Association, which called for the withdrawal of the invitation to the terrorist group. In its letter, the NDAA quoted from the "PLO Spokesman," the official newspaper, which boasted only months after the Munich massacre, in its September 1972 issue: "We have to kill the most famous. Since statesmen are difficult to kill as they are well protected, we have to kill artists and athletes."

Gerhard O. W. Mueller, an American who is Executive Secretary of the U.N. crime prevention congress, refused to withdraw the invitation, citing the PLO's official observer status. Mueller futher noted that: "those acts of violence which are caused by political and ideological frustration cannot be expected to cease until the world community succeeds in dealing with the underlying causes." In the case of PLO terrorism, the underlying cause, according to the PLO's own Covenant, is the existence of Israel.

On July 27, 1977, the PLO was admitted to the U.N. Economic and Social Council's (ECOSOC) Commission for Western Asia. This was the first time that full membership status was ever given to a non-country. The PLO since has been allowed to chair the Commission.●

GEORGIA HOUSE OF REPRESENTATIVES OPPOSES MOST FAVORED NATION STATUS FOR ROMANIA

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mr. McDONALD. Mr. Speaker, I have risen on numerous occasions in this body to speak out against religious persecution in Romania. Year after year, some of us have testified against renewal of Romania's Most-Favored-Nation status. The Georgia House of Representatives views this as an important matter and passed Resolution No. 978 on March 26, 1982, calling on the United States not to renew MFN status. I agree and urge my colleagues to carefully consider the cases of religious persecution mentioned in this resolution. If we are so concerned about human rights, a good place to start would be to strip Romania of her MFN status. The resolution follows:

A RESOLUTION

Urging the United States not to renew the Most Favored Nation trading status of the Socialist Republic of Romania.

Whereas, five leading Romanian Baptist pastors of Bucharest, Joseph Sarac, Vasile Talos, Vasile Brinzei, Pascu Geabau, and Buni Cocar, have been falsely accused by the Romanian authorities of embezzling $57,285.00. These funds were spent without the knowledge of the Romanian Ministry of Cults, but with the full knowledge and approval of the various congregations involved; and

Whereas, Klaus Wagner of Sighisoara, Romania, who is a member of the Brethren Church and Maria and Fibia Delapeta of Carpinis, Romania, who are members of the Army of the Lord/Romanian Orthodox Church, were arrested on October 1, 1981, and tried in the Romanian courts. They were sentenced to six years, five years, and five years imprisonment, respectively, as well as levied unspecified monetary fines; and

Whereas, Silviu Cioata and Costel Georgescu of Ploesti, Romania, were arrested on November 11, 1981, and Nicu Rotaru of Bacau, Romania, was arrested on December 11, 1981, for distributing Bibles in the Socialist Republic of Romania and are now awaiting trial; and

Whereas, John Teodosiu of Cluj, Romania, was arrested and charged on December 16, 1981, for espionage due to his information-gathering activities for western human rights organizations relating to the arrests and persecution of religious believers in the Socialist Republic of Romania. These information-gathering activities were religious, not political, in nature and have resulted in John Teodosiu being held incommunicado by the Romanian Secret Police; and

Whereas, relatives of Christian believers are being impelled by the Romanian authorities to sign statements which would subject their loved ones, because of their religious beliefs, to treatment in psychiatric institutions; and

Whereas, 13 other Christian believers in the towns of Bucharest, Ploesti, Bacau, and Alba are currently being subjected to daily interrogations by the Romanian Secret Police because of their involvement in distributing Bibles; and

Whereas, numerous reports are reaching the United States which indicate that those individuals arrested are being held and tortured with electric shock treatments and severe beatings; and

Whereas, in August of 1975, the Romanian government signed the Final Act of the Helsinki Accords, pledging to "recognize and respect the freedom of the individual to profess and practice, alone or in community with others, religion or belief acting in accordance with the dictates of his own conscience"; and

Whereas, in accordance with Section 402 (Jackson-Vanik Amendment) of the 1974 Trade Act, Romania's emigration and human rights record is to be studied annually by the administration, as well as both houses of Congress to determine whether that country is eligible to receive Most Favored Nation trading status for an additional year.

Now, therefore, be it resolved by the House of Representatives that this body:

(1) Urges President Reagan not to renew the Most Favored Nation trading status which the Socialist Republic of Romania now enjoys with the United States.

(2) Encourages the members of the Georgia Congressional Delegation to testify before the House Subcommittee on Trade and the Senate Subcommittee on International Trade against the renewal of Romania's Most Favored Nation trading status in protest of the repression of Christian believers by the Romanian government.

(3) Urges the United States Helsinki Commission to block the selection of Bucharest, Romania, as the next location for the review of the Final Acts of the Helsinki Agreement by the Commission for Security and Cooperation in Europe.

Be it further resolved that the Clerk of the House of Representatives is authorized and directed to transmit an appropriate copy of this resolution to President Reagan, the members of the Georgia Congressional Delegation, the United States State Department, the Commission for Security and Cooperation in Europe, the Embassy of the Socialist Republic of Romania, Radio Free Europe/Radio Liberty, and the Voice of America.

In the House: Read and Adopted March 26, 1982.

GLENN W. ELLARD, *Clerk.*●

LEGISLATIVE FIAT VERSUS CONSTITUTIONAL AMENDMENT

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mr. ANDERSON. Mr. Speaker, much of our time this session will be quite properly taken by trying to enact a unified budget, however, I hope that we do not lose sight of an equally important—though perhaps less dramatic—issue which challenges the very basis of our Government. I am referring to the spate of bills which seek to overturn by legislative fiat the decisions of the U.S. Supreme Court on such controversial issues as abortion, busing to achieve school desegregation, and school prayer.

One's personal views on these topics are irrelevant here; for instance, I personally did not approve busing to achieve school desegregation. However strongly one's views may be on a particular issue, I am convinced that there is one thing to which he or she should be even more dedicated: The process developed by our Founding Fathers which insures that the people's voice will be heard through their legislature, but that the Supreme Court has the right to declare the legislature's actions contrary to the Constitution. The wisdom of our system does not stop there, for the Founding Fathers included a provision allowing the people's voice, again acting through their legislature, to change the Constitution. They made it very difficult to do this, because they recognized that it was necessary to protect minority and unpopular views from the tyranny of the majority. I, for one, am very glad they did this. Where would we be today if Congress had removed the Supreme Court's jurisdiction to hear any cases involving State laws enforcing racist attitudes after the Civil War?

Mr. Speaker, if we do not like abortion, if we do not like school busing, or the prohibition of prayer in public schools, let us amend the Constitution, but let us not begin to destroy our system of government. I offer for my colleagues' consideration two items which address this basic issue, the first an editorial from the April 12 edition of the Washington Post, and the

second a resolution adopted January 30 of this year by the Conference of State Chief Justices.

[From the Washington Post, April 12, 1982]

UNDERMINING FEDERAL COURTS

What development on the Hill has constitutional scholars profoundly worried and legal bigwigs warning about the prospect of a crisis in the government? It is the introduction of legislation in Congress to limit the jurisdiction of the federal courts to decide constitutional questions. Sen. Max Baucus of Montana has referred to this issue as "the single most important item on our nation's non-economic agenda in the 1980s," and he is not alone in this view.

More than 30 bills have now been introduced in the House and Senate that would take from the federal courts the power to decide certain cases. Most of the bills are responding to controversial Supreme Court decisions on subjects such as prayer in the schools, busing, and abortion. These rulings, because they are grounded in the Constitution itself, cannot be overturned by statute. A constitutional amendment would be required in each instance, but amending the Constitution takes time and great political strength. Amendments must be proposed by a two-thirds vote of each house of Congress and then ratified by the legislatures of three-fourths of the states. Because each of the single-issue constituencies opposing a Supreme Court decision would find it difficult to mobilize enough support to amend the Constitution, their leaders in Congress have proposed another tactic designed to accomplish the same result. They would pass a law—by simple majority vote—removing a certain class of cases from the jurisdiction of the federal courts, thus, leaving constitutional questions in sensitive areas up to the 50 individual state courts.

This approach to constitutional law, like the Roosevelt court-packing plan of the '30s, seeks to control the decisions of the courts by undermining their very structure. If the strategy succeeds, the judiciary would no longer be an independent and equal branch of government, and no rights would endure without the consent of Congress.

David Brink, the president of the American Bar Association, warns, "If we permit Congress, or even the people, to avoid [the amendment] process at will by simple majorities, we have . . . lost our Constitution as the supreme law of the land." Four former attorneys general and three former solicitors general have advised members of the House and Senate judiciary committees that "Congress is not empowered by the Constitution selectively to restrict the jurisdiction of the federal courts."

Tipping the balance of power so carefully crafted by the Founding Fathers is a dangerous game, and Congress should refuse to play.

CONFERENCE OF STATE CHIEF JUSTICES RESOLUTION

RESOLUTION I—RESOLUTION RELATING TO PROPOSED LEGISLATION TO RESTRICT THE JURISDICTION OF THE FEDERAL COURTS

Whereas, there are presently pending in the United States Congress approximately twenty bills that would strip the federal courts, including the United States Supreme Court, of substantive jurisdiction in certain areas involving prayer in public schools and buildings, abortion, school desegregation and busing, and sex discrimination in the armed services; and

Whereas, the Conference of Chief Justices, without regard to the merits of constitutional issues involved, expresses its concern about the impact of these bills on state courts and views them as a hazardous experiment with the vulnerable fabric of the nation's judicial systems, arriving at this position for the following reasons, among others:

A. These proposed statutes give the appearance of proceeding from the premise that state court judges will not honor their oath to obey the United States Constitution, nor their obligations to give full force to controlling Supreme Court precedents;

B. If those proposed statutes are enacted, the current holdings of those Supreme Court decisions targeted by this legislation will remain the unchangeable law of the land, absent constitutional amendments, beyond the reach of the United States Supreme Court or state supreme courts to alter or overrule;

C. State court litigation constantly presents new situations testing the boundaries of federal constitutional rights. Without the unifying function of United States Supreme Court review, there inevitably will be divergence in state court decisions, and thus the United States Constitution could mean something different in each of the fifty states;

D. Confusion will exist as to whether and how federal acts will be enforced in state courts and, if enforced, how states may properly act against federal officers;

E. The proposed statutes would render uncertain how the state courts could declare a federal law violative of the federal Constitution and whether Congress would need to wait for a majority of the state courts to so rule before conceding an act was unconstitutional;

F. The added burden of litigation engendered by the proposed acts would seriously add to the already heavy caseload in state courts;

Now, therefore, be it *Resolved*, That the Conference of Chief Justices expresses its serious concerns relating to the above legislation, approves the report of the Conference's Subcommittee of the Committee on State-Federal Relations, and directs its officers to transmit that report, together with this resolution, to appropriate members of Congress.

Adopted at the Midyear Meeting in Williamsburg, Virginia on January 30, 1982.

REPORT TO THE CONFERENCE OF CHIEF JUSTICES ON PENDING FEDERAL LEGISLATION TO DEPRIVE FEDERAL COURTS OF JURISDICTION IN CERTAIN CONTROVERSIAL AREAS INVOLVING QUESTIONS OF CONSTITUTIONAL LAW

Pending in the United States Congress are approximately twenty bills that would strip the federal courts, including the Supreme Court, of substantive jurisdiction in certain areas involving prayer in public schools and buildings, abortion, school desegregation and busing, and sex discrimination in the armed services.[1] Several of these proposals would prohibit Supreme Court review of state court decisions within the defined areas,[2] as well as withdraw all jurisdiction from the federal district courts.

Provisions of the United States Constitution that are implicated directly in these proposed measures are found in article III:

SECTION 1

The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish.

SECTION 2

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the Supreme Court shall have original Jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate Jurisdiction both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

Those supporting these bills reason that the withdrawal of jurisdiction is authorized by the article III, section 2, "exception" provision, a congressional power that they assert has been recognized in several Supreme Court decisions commencing with *Ex parte McCardle*, 74 U.S. (7 Wall.) 506, 513–14 (1868).[3] Supporters point out that until 1889 no criminal cases were appealable to the Supreme Court, because Congress had not authorized the right.[4] They further rely on prior partial jurisdictional restraints imposed on Federal courts in the Norris-LaGuardia Act of 1932[5] and the Tax Injunction Act.[6]

Opponents of the proposed legislation assert the exception cannot swallow up the rule:[7] That the article III, section 1, delegation of "the judicial Power" to the Supreme Court cannot be diminished, for example, to a limited right in the court to pass only on patent claims.[8] They rely on the language of several Supreme Court decisions starting with *United States* v. *Klein*, 80 U.S. (13 Wall.) 128 (1872). These opponents argue the exceptions "must not be such as will destroy the essential role of the Supreme Court in the Constitutional Plan,"[9] that depriving the Supreme Court of jurisdiction to review the constitutionality of state enactments would nullify the supremacy clause,[10] and that the "exceptions clause" cannot be used to deprive the Supreme Court of appellate jurisdiction in cases involving fundamental constitutional rights.[11]

It is not the intent of this subcommittee nor the purpose of this report to explore the constitutionality of these congressional efforts to nullify or contain the effect of Supreme Court constitutional interpretations involving the above issues. The published efforts of qualified scholars and commentators have illuminated the opposing views.[12] Further, several state constitutions contain language analogous to that in article III of the United States Constitution, quoted above, and members of this Conference may be confronted with issues involving the constitutionality of similar legislative measures in their own courts.[13] Nonetheless, this subcommittee would reject its assignment if it failed to express its concerns relating to these bills, and mark the potential fall-out that might accompany their enactment.

First, these proposed statutes give the appearance of proceeding from the premise that state court judges will not honor their oaths to obey the United States Constitution,[14] nor their obligation to follow Supreme Court decisions interpreting and applying that constitution, thus breaking with a 200 year practice and tradition. So viewed, these efforts to transfer jurisdiction to the state courts for these purposes neither enhance the image of those institutions nor demonstrate confidence that state court judges will do their duty.[15] Changes in substantive constitutional law amounting to amendments should not be attempted by excluding federal jurisdiction in the hope that state courts will give less than full force to

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Footnotes at end of article.

controlling Supreme Court precedents. The procedure that should be used for such amendments is provided in the constitution itself.

Second, when state court judges honor their oaths, the holdings of those Supreme Court decisions targeted by this legislation will be cast in stone, beyond the reach of the Supreme Court to alter or overrule.

Finally, it must be recognized that state court litigation constantly presents new situations testing the boundaries of federal constitutional rights and requiring judgment calls on applicability of federal constitutional principles. Without the unifying function of Supreme Court review, the United States Constitution could well mean something different in each of the fifty states. Aside from the obvious effect of this anomaly on the nation's citizens, the resulting inconsistencies in legal precedent and the more frequent jurisdictional disputes would further overload state courts.

We believe these considerations, without regard to constitutional issues, should red-flag the above legislation in Congress. We question the wisdom of these bills and view them as a hazardous experiment on the vulnerable fabric of the nation's judicial systems.

Respectfully submitted,

Chief Judge Robert C. Murphy, Chief Justice Clement Clay Torbert, Jr., Justice Robert F. Utter, Chief Justice Robert N. Wilentz, Chief Justice W. Ward Reynoldson, *Chairman.*

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FOOTNOTES

[1] Proposed legislation to limit review of sex discrimination in the armed services may be mooted by the decision in *Rostker* v. *Goldberg.* — U.S. — 101 S. Ct. 2646, 69 L. Ed. 2d 478 (1981).

[2] See, e.g., H.R. 326, 97th Congress, 1st Session (1981). ("[T]he Supreme Court shall not have jurisdiction to review, by appeal, writ of certiorari, or otherwise, any case arising out of any State statute, ordinance, rule, regulation or any part thereof, or arising out of any Act interpreting, applying, or enforcing a State statute, ordinance, rule or regulation, which relates to voluntary prayers in public schools and public buildings.").

[3] Rice, "Limiting Federal Court Jurisdiction: The constitutional basis for the proposals in Congress today," 65 Jud. 190, 192-93 (No. 4 October 1981).

[4] See *United States* v. *Sanors.* 144 U.S. 310, 319, 12 S. Ct. 609, 612-13, 36 L. Ed. 445, 449 (1892).

[5] 29 U.S.C. §§101, 107 (1976).

[6] 26 U.S.C. §7421(a) (1976).

[7] Ratner, "Congressional Power over the Appellate Jurisdiction of the Supreme Court," 109 U. Pa. L. Rev. 157, 172 (1960).

[8] Hart, "The Power of Congress to Limit the Jurisdiction of the Federal Courts: An Exercise in Dialectic," 66 Harv. L. Rev. 1362, 1364 (1953).

[9] Id. at 1365.

[10] U.S. Const. art. VI.

[11] Taylor, "The unconstitutionality of current legislative proposals," 65 Jud. 199, 203-04 (No. 4 October 1981).

[12] See the attached bibliography.

[13] See, e.g., Ala. Const. art. 6, §140(c); Alas. Const. art. 4, §1; Ark. Const. art. 7, §4; Conn. Const. art. 5, §1, Hawaii Const. art. 6, §1; Iowa Const. art. 5, §4; Kan. Const. art. 3, §3; Neb. Const. art. 5, §2; Ohio Const. art. 4, §§2, 3; Pa. Const. art. 5, §2; S.D. Const. art. 5, §5; Tenn. Const. art. 6, §2; Tex. Const. art. 5, §§3, 6; Vt. Const. ch. 2, §3; Va. Const. art. 5, §1; W.Va. Const. art. 8, §3.

[14] These oaths are required by the supremacy clause, U.S. Const. art. VI.

[15] Typical of observations made by commentators is this from remarks prepared by Professor Paul Gewirtz, Yale Law School, dated Mar. 27, 1981, and entitled "Why Proposed Legislation is Unwise and Unconstitutional"; The sponsors of the bills have obviously made the judgment themselves that many state courts will enforce existing rights with far less vigor and effectiveness than their federal court counterparts; that is the point of the proposed legislation."●

COMMUNISM THE GREAT ECONOMIC FAILURE

HON. BALTASAR CORRADA

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mr. CORRADA. Mr. Speaker, Mr. Jerónimo Esteve-Abril, chief executive officer of Bella International Corp. in Puerto Rico and who recently was appointed to the Small Business Administration's National Advisory Council has brought to my attention an article published on March 1, 1982, in the U.S. News & World Report entitled "Communism: The Great Economic Failure."

This article makes an extensive study of the social and economic development of the Soviet Union and their satellite states demonstrating the monumental disasters and inefficiency of the Soviet system. The same makes a comparison between the Western European countries and the Eastern European countries and shows how the economic development of Western Europe outproduces Eastern Europe almost 2 to 1.

Since this article rejects arguments made by Communist propagandists about that economic system, I would like, Mr. Speaker, to have the same inserted in the RECORD.

COMMUNISM THE GREAT ECONOMIC FAILURE

For the 1.5 billion inhabitants of the Communist world, the Marxist promise of a worker's paradise has turned into a nightmare of permanent scarcity, economic stagnation and discontent.

Poland's economic disaster, which spawned a now aborted revolt by disillusioned workers, is the most dramatic symptom of a wider crisis gripping the Soviet Union and a dozen other nations that copied its economic system.

In Russia itself, 65 years after the revolution, the masses of people still must queue for hours, not just for luxuries but even for meat. Grim as they are, living standards in the U.S.S.R. and much of Eastern Europe are expected to deteriorate. Economic growth rates, impressive in the '50s and '60s, are sliding to near zero levels. Officially regulated prices are skyrocketing—up by as much as 400 percent for foodstuffs in Poland.

Intensifying the pressure on supplies and costs in Russia is the fact that a worker produces only half the goods and services turned out by his American counterpart. The economic squeeze is likely to be increased by the loss of easy access to Western loans that have been used to import technology and industrial equipment. Banks in the West have provided an 80-billion-dollar crutch for limping Soviet-bloc economies—surpassing the Marshall Plan aid that helped to rebuild Western Europe after World War II.

Not just money and technology have been imported from the West on a lavish scale. Features of the free-market system increasingly have been copied by a number of Eastern European countries as well as by China in an effort to escape from the crippling vise of Soviet-style "command economies." The Soviet-bloc states that are doing best have reformed the most.

Economists stress that the crisis in the Communist world differs fundamentally from the recession plaguing the West today. The slump in the U.S. and Europe is seen as cyclical, with the prospect of recovery over the next year. By contrast, the economic crisis in the Soviet bloc stems from structural problems within the system itself and is

expected to persist—perhaps even worsen—unless basic reforms are introduced.

The Soviet system, as it operates now, has what many economists see as formidable built-in obstacles to progress. A central planning group—Gosplan—sets wages, prices and production goals and allocates resources more on a political than economic basis. The first objective for an industrial manager is to persuade the planners to set low targets that can be easily achieved and win rewards rather than press for higher output.

Also: With prices set arbitrarily, planners cannot tell whether their decisions will produce a balance of supply and demand. Shortages crop up suddenly, and the system is too rigid to adjust. Finally: Workers and managers have no incentive to work hard since laborers rarely get fired and there are few material rewards for greater efficiency.

To examine the fate of the Marxist economic experiment and the prospects for revitalizing the system, staff members of U.S. News & World Report talked to experts in this country and abroad and conducted on-the-spot inquiries in major Communist countries. This is what they found:

THE SOVIET ECONOMY—SHACKLED BY INERTIA

Despite its standing as one of the world's two superpowers, the Soviet Union provides its populace with one of the lowest living standards among industrial nations. Although the U.S.S.R. has a vast store of natural resources, economic growth has slowed dramatically from the sharp upward trends of the '50s and '60s. The increase in the national product, according to one authoritative study, is now crawling along at 1.2 percent a year.

Nicholas Daniloff, the magazine's correspondent in Moscow, reports: "The fact that the Soviet economy is an economy of scarcity is underlined by long lines at stores, black marketeering, bribe giving and bribe taking—and the government's new harsh campaign to stamp out speculation and corruption."

Especially grim is the situation in Soviet agriculture. For the third year in a row, Russia has suffered a major crop failure. As a result, says Marshall Goldman, associate director of the Russian Research Center at Harvard, "the Soviet Union finds itself with a disaster of unprecedented magnitude on its hands."

Adverse weather is a factor, but basically the disaster stems from the monumental inefficency of the Soviet system of collectivized agriculture. Almost a quarter of the Soviet workers are in agriculture, and they still can't feed the nation. By contrast, only 3 percent of the American labor force is engaged in farming and produces vast surpluses. Each U.S. farm worker feeds 60 Americans; each U.S.S.R. farmer feeds only eight Russians.

Ironically, the only bright spot in this bleak picture of Soviet agriculture is the island of free enterprise in the otherwise collectivized society: The tiny private plots that workers on collective and state farms are allowed to cultivate—occupying less than 2 percent of the farmland but producing one third of the total meat-and-vegetable output.

The recurrent agriculture disasters multiply Russia's industrial troubles. To pay for imports of grain to feed its people, the Kremlin was compelled to sell 224 tons of gold abroad in 1981. This impedes the drive to modernize Soviet factories by limiting funds available to buy Western technology.

U.S. vs. U.S.S.R. A comparison of the world's two largest economies

Total output:	
U.S. (trillions)	$2.9
U.S.S.R. (trillions)	$1.4
Land area (square miles):	
U.S. (millions)	3.6
U.S.S.R. (millions)	8.6
Population:	
U.S. (millions)	230
U.S.S.R. (millions)	268
Urbanization (percentage living in urban areas):	
U.S. (percent)	73
U.S.S.R. (percent)	65
Energy use per person (equivalent of metric tons of coal):	
U.S.	12.4
U.S.S.R.	6.1
Computers (value of general purpose computer mainframes, end of 1980):	
U.S. (billions)	$58.2
U.S.S.R. (billions est)	$9.2
Oil (barrels produced per day):	
U.S. (millions)	8.57
U.S.S.R. (millions)	12.18
Steel (production in metric tons):	
U.S. (millions)	100.8
U.S.S.R. (millions)	148.0
Auto (production):	
U.S. (million)	6.4
U.S.S.R. (million)	1.3
Farmworkers (as percentage of total work force):	
U.S. (percent)	3
U.S.S.R. (percent)	24
Meat produced per person:	
U.S. (pounds)	256
U.S.S.R. (pounds)	126
Grain produced per person:	
U.S. (pounds)	2,552
U.S.S.R. (pounds)	1,571

Note: Figures are for latest year available from both countries—usually 1980.

Source: U.S. Government and industry sources:

However much they value technology developed in the West, the Russians resolutely reject any notion of importing any of the features of the free-enterprise system that spawns the advanced technology. Kremlin leaders even spurn suggestions that the small slice of private enterprise permitted to farmers be extended to repair services, restaurants and small shops. The central management of virtually every aspect of Soviet work seems firmly entrenched and stands out as a fundamental reason for the country's economic malaise. Says one Western expert based in Moscow: "They will tinker, but that's all they will do."

Compounding the problems is the fact that the people seem to have lost whatever incentive they had to work hard. Industriousness seems to have disappeared because the incentive of private gain has been banned. Ideological jawboning—exhortations to avoid waste and work harder—no longer has much effect.

Soviet officialdom makes no secret of its concern. Radio Moscow recently compared the Tolyatti plant, built by Fiat on the Volga River, and the Daimler-Benz plant in West Germany. The broadcast complained that Soviet output lags far behind in quantity and quality because of chronic absenteeism and extended tea breaks.

Aside from the inefficiencies of the system itself, what virtually rules out the prospect of a better life for the Russian people is the massive diversion of resources to the military. America's investment in defense, even with the increases now proposed, is modest by comparison. Although the Soviet economy is about half that of the U.S., the Russians devote 12 to 14 percent of total output to the military, compared with 6 percent in the United States. The defense establishment not only has first call on material resources but also on the best engineers and scientists.

On top of the military burden is the cost of preserving the Russian empire, which further drains scarce resources at the expense of the Soviet consumer. The U.S. Defense Intelligence Agency estimates that Soviet aid of all kinds to other Communist regimes soared from about 2 billion dollars in 1971 to nearly 24 billion in 1980.

The goal of a world converted to Communism is a pillar of Kremlin doctrine. But foreign aid, particularly goods shipped to Eastern Europe, is a source of bitterness to the Russian worker. He grumbles that the Eastern Europeans already are better off than he is—and he is right.

EASTERN EUROPE—ON A RISKY ROAD TO REFORM

Nowhere is the search to break out of the Communist economic straitjacket more evident and risky than in Eastern Europe, where 109 million people in six countries have struggled under a Kremlin economic system imposed by Soviet might after World War II. The satellite states have little room to maneuver.

The tragedy of Poland today is cited as an object lesson of the penalty for going beyond the strict limits imposed by Moscow. Still, Czechoslovak economist Jaroslav Vejvoda admits publicly: "It is becoming clear that for a full 30 years we have been unable to solve problems associated with production under socialism, either in theory or in practice."

Today, most of the Soviet-bloc countries in Eastern Europe face economic stagnation, with growing shortages of basic materials, a hard-currency debt of 60 billion dollars to the West and dim prospects for the future. But even the countries with the best performance records, such as Hungary and East Germany, are now in serious trouble. Over all the average yearly growth rate of Communist economies in Eastern Europe has plunged from 5.7 percent in 1976 to 1.2 percent in 1980, according to the International Monetary Fund. And an even worse slump is predicted in the period ahead.

A Communist Party newspaper in Czechoslovakia recently admitted: "It is no use covering it up. The economic situation today is much worse than five or 10 years ago. We have to make rapid adjustments or the whole system will be seriously threatened."

Government-ordered price increases make inflation in the U.S. look like stability. Romania on February 15 ordered price hikes on basic food products and cigarettes by an average of 35 percent. Meat prices went up 64 percent. Czechoslovakia just raised meat prices 137 percent. Poland on February 1 jumped the cost of foodstuffs between 200 and 400 percent.

Why the sharp economic deterioration throughout Eastern Europe? The Polish crisis is one factor—but by no means the most important one. Shortages of food, coal, sulfur and industrial goods have been aggravated through much of the Soviet bloc, which depended on Poland as a major supplier. But the crisis also has made Western banks much more cautious about financing East-West trade. Many analysts think that a cutoff of hard-currency loans would confront Eastern Europe with a real economic disaster.

Even before the Polish crisis, it was becoming evident that Eastern Europe's economic game plan was failing. Alfred Zanker, the magazine's European Economic Editor, reports that the strategy has been to borrow from Western banks to purchase advanced technology from the West. New plants and equipment were supposed to produce goods, such as typewriters, that could be exported to pay off the Western debt.

The hitch is that exports to the West have not increased enough to ease the debt because of the poor quality of their products or other shortcomings.

In an effort to bail out its Eastern European empire, the Soviet Union has been buying the inferior made-for-export goods from satellite nations and selling them oil at cut-rate prices. For example, Poland in 1980 bought Soviet oil at about 46 percent of the world dollar price.

But this year the Russians, themselves caught in a worsening squeeze, are refusing to increase oil shipments to the Eastern Europeans. The Soviets are committed to send oil at the 1980 level for the next five years, which actually means a sharp cut from 1981 levels and not enough for economic expansion. Furthermore, the oil is now being provided at near the world price, which adds greatly to the drag on Eastern European economies. The result, say some economists, could be to push Eastern Europe to the brink of an economic calamity. A new study by the Central Intelligence Agency says that the cutback would virtually wipe out even the modest growth predicted this year. Czechoslovakia's annual growth rate would drop to 0.3 percent, and even in Hungary, the most buoyant of the Eastern European states, the rate would slide to 0.7 percent, a reduction of two-thirds from the projected 1982 rate.

Damaging as the external setbacks have been, economists stress that the most basic problem in Eastern Europe is a fatal flaw in the system—the lack of incentives. Lester Thurow, economics professor at the Massachusetts Institute of Technology, points out that because of shortages there are few material rewards for hard work. Thus, the worker has no incentive to labor productively. Production falls, and stores end up with even fewer goods.

TWO EUROPES—WHICH PRODUCES THE MOST?

	Total output per person	Economic growth 1980 vs. 1979 (percent)	Energy use per person (U.S. = 100)	Proportion of workers in farming (percent)
Western Europe:				
Austria	$10,250	+3.1	42	9
Belgium	11,800	+2.5	55	3
Britain	9,400	−1.8	46	2
Denmark	13,000	−0.2	48	7
Finland	10,450	+5.0	51	12
France	12,150	+1.2	40	9
West Germany	13,350	+1.8	54	4
Greece	4,200	+1.7	23	38
Ireland	5,400	+1.9	31	19
Italy	6,900	+4.0	28	11
Luxembourg	13,000	+0.6	(1)	(1)
Netherlands	11,850	+0.5	55	6
Norway	14,000	+3.8	97	8
Portugal	2,450	+5.5	12	25
Spain	5,700	+1.5	23	15
Sweden	14,750	+1.4	69	5
Switzerland	15,850	+4.4	42	5
Average	10,000	+1.5	41	9
Eastern Europe:				
Bulgaria	4,500	−0.3	44	38
Czechoslovakia	7,650	+2.0	55	11
East Germany	8,100	+2.6	71	10
Hungary	4,950	+0.2	33	16

TWO EUROPES—WHICH PRODUCES THE MOST?—Continued

	Total output per person	Economic growth 1980 vs. 1979 (percent)	Energy use per person (U.S. = 100)	Proportion of workers in farming (percent)
Poland	4,650	−2.7	47	31
Romania	5,250	+1.0	39	33
Average	5,700	+0.4	49	25

Thus, on average, Western Europe outproduces Eastern Europe almost 2 to 1.

[1] Not available.

Note.—Output per person is for 1980—latest available.

Source: Central Intelligence Agency, World Bank, International Monetary Fund, Organization for Economic Cooperation and Development, Population Reference Bureau, Inc.

There also is little incentive for managers to experiment. Charles H. Movit of Wharton Econometrics notes that the system gives the greatest reward to managers who year after year overfulfill their production quotas by only 1 percent. A new approach that might improve production by 10 percent is not worth the risk.

In efforts to shake loose from this straitjacket, several of the Soviet-bloc countries are adopting Western-style incentive systems. Stewart Powell, the magazine's London-based correspondent who has traveled widely in Eastern Europe, reports that East Germany, for instance, offers bonuses, longer vacations and a shorter workweek for more productive workers. Also, 247,000 of the country's 8 million workers now are engaged in private enterprises in areas such as meat processing, building maintenance and retail trade.

Even so, East Germans seem dissatisfied. A major reason: Nightly they see on West German television what they lack in their own stores.

The most satisfied consumers in Eastern Europe are in Hungary and Bulgaria, primarily because those two countries have junked as much of the Kremlin model as they think they can get away with. Hungary already is so tied to Western economies, correspondent Powell reports, that were a trade embargo clamped on, half of Hungary's factories would be forced to close within 90 days because of lack of key components for finished products.

Experimentation with free-market concepts in Hungary, East Germany and Bulgaria is tolerated by the Kremlin, because, unlike in Poland, the political power of the Communist Party is in no way being challenged.

CHINA—TAKING THE LEAP TO FREER ENTERPRISE

All of the changes in European Communist countries are dwarfed by China's rush to embrace free-market practices. Reports James Wallace, the magazine's Asia correspondent: "Emphasis now is on productivity rather than equality, on pragmatism instead of ideology. Incentives such as bonuses and higher wages are replacing political exhortation. Profits are not only permitted; they are demanded by government leaders."

The reforms reflect Peking's acknowledgment of failure of its past economic policies, among the most doctrinaire in the Communist world. In its far-reaching effort to overhaul the economy, the Chinese government no longer assigns all workers to government jobs at fixed pay, under orders to fill production quotas set by central planners. It is encouraging free enterprise by offering tax exemptions and low-interest loans to the self-employed. Of the 40 million Chinese entering the job market each year, more than 2 million will end up working for themselves or for privately financed groups, mostly collectives.

The biggest departure is the planned reorganization of industry. As in Western economies, the bottom line—profits or losses—will become the major factor. Each enterprise will pay to the state part of its profits, an amount roughly comparable to corporate taxes in the West. The rest will be used for higher wages, expansion or whatever the enterprise itself decides.

Furthermore, China's Communist leaders are offering new incentives in an effort to attract increased foreign investment. To reassure Westerners, they have introduced tax and other laws regulating foreign investments, joint ventures and co-production agreements. So far, such investment amounts to less than 1 billion dollars. Several Chinese provinces are competing to attract foreign business, much as American states do, with favorable tax rates, low-cost land and labor.

Such radical changes are not being made without a fight. Correspondent Wallace reports: "The most fundamental objection comes from Communist Party stalwarts who fear loosening economic controls will destroy firm central political control vital to any Communist system. So far, however, the reformers are winning. But they could be undone if the reforms do not produce quick, visible results."

Not only has the Kremlin model fallen flat in the more industrialized countries, but it also has proved to be a failure in the underdeveloped areas. Mozambique and Ethiopia, in Africa, are the most recent to embrace the Kremlin economic model as a fast way to prosperity through industrialization. They are both impoverished. Vietnam remains viable only with substantial subsidies from the Kremlin. Cuba needs billions in Russian aid to stay afloat.

The two Koreas provide a striking example of the difference the free-enterprise system can make. South Korea has one of the new miracle economies of the world, with a growth rate last year of more than 14 percent. Communist North Korea, with one fourth the output of the South, uses half its work force to feed its people, compared with little more than one third in South Korea.

All in all, the Communist economies of the world are at a crossroads. Central planning and collective agriculture appear to be failures. While still rejected by Russia as a threat to Communist Party political control, a switch to Western-style free markets and individual incentives is taking place in China and several Eastern European countries. Russia's willingness to join this trend and allow its satellites to go far enough with reforms could well determine whether the decline continues inexorably in the Soviet bloc or whether the slide can be reversed.●

UTILIZE SURPLUS COMMODITIES

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mr. DASCHLE. Mr. Speaker, today I am pleased to join with Congressman BEDELL and others in introducing the "Surplus Agricultural Commodities Disposal Act of 1982." This legislation, if enacted, would offer one of the few

near-term release valves for Commodity Credit Corporation surplus stocks of wheat and feed grains. While in no way a panacea, the implementation of this proposal would not only provide a significant, direct budgetary savings to the Federal Government, but it would also stimulate the domestic alcohol fuels industry, thus providing a productive outlet for surplus grains that would create jobs, reduce oil imports, and help to stabilize agricultural income.

This proposed legislation would allow the Secretary of Agriculture to award processing contracts on a competitive bid basis to alcohol production facilities that could guarantee the delivery back to the CCC of a specified amount of fuel-grade alcohol by a specified date. The significant savings that would result from reduced Government storage, handling, and interest costs that would otherwise have accrued to the surplus grain (see attachment) would enable the CCC to sell the fuel alcohol to Federal fleet users at a price low enough—less than or equal to the price of unleaded gasoline—to require its purchase under existing Federal law and Executive Order 12261. As the attached rough worksheet suggests, this entire program could be implemented in a way that would bring about direct budgetary savings for each bushel of wheat or feed grains processed into alcohol.

Mr. Speaker, the Secretary of Agriculture has recently announced the Department of Agriculture's intent to implement a pilot program that is quite similar to the proposed legislation. The Secretary is to be commended for taking this action. However, while the pilot program certainly legitimizes the legislation's concept, it does not in any way obviate the need for the legislation. This is due primarily to the fact that the pilot program is of a relatively limited geographic scope, and the indicated intentions are for the USDA to sell the alcohol into the private market, which is already extremely soft due to the current gasoline oversupply situation. Clearly, the private alcohol fuels industry should be expected to have to compete against Government-subsidized alcohol fuel in the marketplace. Consequently, the enactment of this legislation is imperative in order to assure that the alcohol fuel is utilized directly in the Federal fleet, where it can also save taxpayer dollars by way of lowered fuel costs.

Mr. Speaker, I think that it is extremely important to underline the fact that, while no value has been taken for these benefits on the worksheet, this program will positively benefit the Nation's economy in a number of ways beyond the reduction of Government grain storage costs. Such benefits include the creation of jobs, the reduction of oil imports, the expansion of Federal and State tax bases, and the stabilization and improvement of severely depressed agricultural income. Even more importantly, it offers the potential of establishing a badly needed alternative outlet for grains, which will assist in breaking the vicious circle in which American agricultural producers now find themselves trapped: Overproduction in an attempt to meet rising costs; depressed prices due to excessive supplies; and once again overproduction and mounting debt. This circle has to be broken if we are to preserve our family farm system of agriculture in this country, and it must be done soon.

I should also point out, Mr. Speaker, that the enactment of this legislation could make possible the establishment of a very cost-effective means of maintaining a Strategic Alcohol Fuel Reserve (SAFUR), which would provide a network of dispersed storage facilities for fuel alcohol that could be used in rural areas in the event of a oil supply interruption. While this legislation does not provide the authority, the establishment of this program would facilitate the creation of such reserve at any time when fuel alcohol production under the CCC program exceeded Federal fleet requirements, which is approximately 500 million gallons of gasoline annually (50 million gallons of ethanol on a 10-percent blend basis). Costs for alcohol fuel storage are very reasonable, ranging from 5 cents to 10 cents per gallon annually, and it should be remembered that, unlike crude oil stored in the Strategic Petroleum Reserve, the alcohol fuel is ready to use, and no further refining is required.

Mr. Speaker, I strongly urge my colleagues to support this legislation. It provides us with a rare opportunity: To utilize surplus commodities in the production of a high-grade liquid fuel alternative in a way that stimulates domestic economic activity, yet offers the taxpayer a direct savings for each bushel of grain used. It deserves immediate enactment.

Worksheet on CCC/alcohol fuel balance

Acquisition	$2.50
Transportation	.30
Handling	.138
Storage (year I)	.31
Total	3.25
Interest (year I) (14 percent)	.455
Total cost (year I)	3.705
Storage (year II)	.38
Total	4.085
Interest (year II) (14 percent)	.571
Total cost of CCC acquisition, handling, storage, and interest for 2 years for 1 bushel of corn	4.656

Proposal: CCC contracts with alcohol fuel producers to bid on a competitive basis for surplus grain. CCC retains title to grain, pay a "processing fee" and allows producer to keep high protein co-products. CCC takes back fuel alcohol, and sells it to the Federal fleet to recapture costs.

Rough budget impacts in per bushel costs and returns to Federal Government

Costs:	
Processing fee[1] ($0.50/gal. x 2.5 gal./bu.)	$1.25
Value of coproducts foregone	1.34
Total costs per bushel	[2]2.59
Value:	
Sale of alcohol fuel to Federal fleet @ $1.00/gal	2.50
Storage, handling, and interest costs foregone	2.15–4.65
Intangibles, e.g., reduced oil imports, jobs created, farm income stabilization, lower Federal fuels costs	([3])
Total value per bushel	4.65–7.15
Total net budgetary gain per bushel	[4]2.06–4.56

[1]The figure for processing fees is only suggestive. In view of the fact that bids would be taken on a competitive basis, it is entirely conceivable that this cost could be much lower under many circumstances.

[2]It should be stressed that only the processing fee dimension here involves direct outlays. The need for any outlays at all under this program could be eliminated by various means, including the withholding of processing fees until the fuel alcohol had been delivered and sales returns then used to pay processing fee obligations.

[3]No value taken.

[4]The reason for this range stems from the fact that there could be instances in which the CCC would ultimately not be able to recoup even its acquisition costs, especially in the event that stocks accumulation rose to such a level that the retention period would stretch out for several years.

A NUCLEAR FREEZE IS NEGOTIABLE

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mr. BROWN of California. Mr. Speaker, the psychology of the nuclear arms race, rather than technology, is probably the most important factor we must consider. If the U.S. policymakers consider the Soviet policymakers utterly evil and totally dishonest, and technological means for verifications unreliable, negotiations probably are impossible. Fortunately, the situation is not this bad.

Regardless of what one thinks of the Soviet leaders, we can negotiate with them. And regardless of what one tells you about verification, we can, within the limits necessary to guarantee our national security, verify nuclear arms agreements.

Mr. Speaker, the public groundswell for a nuclear freeze is an understandable reaction to the policies of the Reagan administration. As a recent editorial by the noted scholar, Fred Warner Neal, notes that the nuclear

freeze movement is "a response to the bellicosity of the Reagan administration, whose spokesmen reject SALT II and advocate a massive increase in nuclear weapons to achieve nuclear superiority."

Richard L. Strout, the dean of the Washington press corps recently wrote that "a great groundswell of antinuclear feeling is pressing on Washington. * * * I have rarely seen anything like it. In the past at times of war hysteria it was directed at some concrete enemy; now the apprehension is generalized." The Congress is clearly reacting with the growing support for nuclear freeze resolutions. The central question remains, what will President Reagan do?

Mr. Speaker, at this time I wish to insert the editorials by Fred Warner Neal and Richard L. Strout in the RECORD. I commend them to my colleagues.

The articles follow:

[From the Los Angeles Times, Apr. 21, 1982]

ANTI-NUCLEAR CONSENSUS SAYS WE'VE GONE TOO FAR

CHORUS OF MANY VOICES WANTS U.S. TO ACT AND PUT MOSCOW TO THE TEST IN A FREEZE ON WEAPONS

(By Fred Warner Neal)

The massive wave of active concern about nuclear weapons currently sweeping the United States is a new and dramatic phenomenon. While it is difficult to know what it portends, there is no gainsaying its importance.

What has happened—swiftly and in many ways surprisingly—is that the anti-nuclear movement no longer consists primarily of "peaceniks" and Cassandra-like scientists. It now encompasses not only many thousands of usually uninvolved ordinary citizens but also highly respected and conservative political leaders and members of the national-security establishment.

As the public-opinion polls show, the new movement is snowballing. In city after city, anti-nuclear rallies fill public squares. The Roman Catholic Church at the highest levels of its usually conservative hierarchy has become a leading voice in the new movement. Congressional Republicans and Democrats alike have embraced it. In Washington earlier this month, four former presidential advisers on foreign policy and defense joined in. In California, it has resulted in an enthusiastic response to a signature-gathering campaign to put a nuclear-freeze initiative on the ballot.

It is easier to say what the anti-nuclear movement is not than what it is. It is not "pacificist," in the sense of opposing defense. It is not defeatist, in the sense of "better Red than dead." It does not necessarily involve putting greater trust in the Soviets.

In terms of goals, the new movement is amorphous and often unfocused. Its adherents include those demanding a nuclear freeze, advocates of arms reduction (unilateral and bilateral), proponents of a "no-first-use" policy and people who are simply afraid of a thermonuclear holocaust. But its general thrust is clear. What the anti-nuclear movement is saying with one voice is: Stop! We have gone too far. More nuclear weapons would threaten us more than they would protect us. Numerical equality in our present condition of gigantic overkill is beside the point and dangerously counterproductive.

The American people have lived for 30 years in apparent indifference to the thermonuclear sword of Damocles that has been dangling over their heads. Why, suddenly, has reaction come to a boil?

In part, certainly, it is a response to the bellicosity of the Reagan Administration, whose spokesmen reject SALT II and advocate a massive increase in nuclear weapons to achieve nuclear superiority. For the last year, they have been talking matter-of-factly of first-strike capability, of the need for American nuclear superiority and of the possibility of limiting casualties to a few million.

One is reminded of the Duke of Wellington's remark while inspecting his ill-trained troops on the eve of Waterloo: "They may not frighten the enemy, but, by God, sir, they frighten me."

It is also apparent that the American people have come to understand that a thermonuclear war would be a disaster beyond imagining. Many view the Administration's absurdly impractical civil-defense plans as an affront to their sense of realism. When the first advocates of bomb shelters appeared in the 1950s, comparatively few citizens grasped the full meaning of nuclear weapons. We had few H-bombs in those days and an unquestioned, vast superiority over the Soviet Union. In the intervening years, the stockpile of nuclear weapons has grown astronomically, as has their destructive capacity. With the acceleration of the arms race, increasing numbers of national leaders and scientists have described the perils of nuclear war. Gradually, with a nudge from protests in Europe, all of this is sinking in.

It is clear that the new anti-nuclear movement, regardless of its precise goals, is at odds with the Reagan Administration in several important respects. A basic premise of the Administration is that numbers do matter, that we do need a vastly expanded nuclear arsenal, and that the Soviet Union will never agree to mutual reductions unless we first achieve "superiority." The implicit premises of the anti-nuclear movement are that the weapons numbers-games is no longer relevant and that a unilateral halt might persuade the Soviet Union to go along.

What are the realities? The Soviets say that they would join us in a freeze and general reduction. But would they? Obviously we will never know unless we put them to the test. That is what the new anti-nuclear movement wants our government to do.

Will the Administration respond, or can it? If one looks at what this Administration does, rather than what it says, one can detect a strong strain of political pragmatism. One cannot rule out the possibility that the President will reverse himself on this issue. But the President and his advisers are so ideologically committed to the idea of the "Soviet menance" and to the necessity for meeting it with increased nuclear strength, that they may simply "tune out" the surge of anti-nuclear sentiment.

The new anti-nuclear movement may or may not have an effect on survival of the human race. But there's no question that if it persists, it will ultimately have a major impact on domestic politics as well as foreign policy.

[From the Christian Science Monitor, Apr. 16, 1982]

SHOULD U.S. AND U.S.S.R. FEAR EACH OTHER?

(By Richard L. Strout)

Russians and Americans try to understand each other. It is a strange relationship. Each fears the other; each wonders about the other. And I suppose (without being morbid about it) that each could destroy the other. There have been various stages in this confrontation; under Nixon, Ford, and Carter things for a while seemed to be getting better and the SALT I treaty was signed; then came the reverse with Afghanistan, Poland, and the rejection of SALT II.

Roly-poly Soviet premier Khrushchev came to America in 1959 and he did not seem very terrifying on our special train that toured the West. I remember one morning on the hill in San Francisco how impressed he was with a municipal pick-up truck that took the trash, compressed it, and ingurgitated it before you could wink. Everybody was careful not to say to him directly, "They don't have things like that in the Soviet Union."

But that was the thought that Khrushchev expressed at the 21st Soviet Communist Party gathering in Moscow that year where he made the seven-hour keynote address. He said Russia was going to bury the United States. The new seven-year plan, he said, would expand Soviet production 8.6 percent annually compared to the paltry 2 percent annual expansion in America, and it would give Russia the "decisive edge" by 1970. I knew economists here who worried about it. He warned, too, about US planes flying around the USSR with atomic bombs. "Someone may lose his head; anything can happen," he said. That was 23 years ago.

How preposterous those Russian boasts were. Newsweek has just published (April 12) an article, "A System That Doesn't Work," about the Soviet economy. The Russians can't feed themselves, they import grain from us, the factories are inefficient, and their immense war machine puts a terrible burden on the people. In the slow-motion economy and repressive system a quarter of the Soviet work force remains on the farm compared with less than 4 percent in the US.

Should Americans sneer or tremble at Russia? Perhaps both. President Reagan at his June 29th press conference last year said the Russians would "commit any crime . . . to lie, to cheat . . ." And on his trip last week to Barbados he said that Grenada had joined the Soviets to "spread the virus" of Marxism in the region.

Now and then comes a voice that asks if we are carrying this thing too far. In his Dartmouth speech last November George F. Kennan, former ambassador to Moscow, said that the tendency to view all aspects of the relationship in terms of a "supposed total and irreconcilable conflict" is unrealistic; such sentiments, he argues, "are not the marks of the maturity and realism one expects of the diplomacy of a great power; they are the marks of an intellectual primitivism and naiveté unpardonable in a great government . . ."

There is certainly danger in a situation where fearful antagonists confront each other with nuclear weapons. Professor John E. Mack in the current issue of Harvard magazine asks if the two nations are not in the grip of what he calls "the devil theory." He quotes law professor Roger Fisher to the effect that the more nations disagree the more urgent it is that "we maintain lines of

communication and talk about our differences."

Now a great groundswell of antinuclear feeling is pressing on Washington and a dozen new books describe the risk of war. I have rarely seen anything like it. In the past at times of war hysteria it was directed at some concrete enemy; now the apprehension is generalized. It is a kind of antiwar hysteria. The argument runs that conventional war leads to nuclear war; that nuclear war can in no way be limited; and that there are no victors. It is a predicament for war-prone mankind.

George Kennan calls our fear of Russia a "morbid preoccupation." Perhaps this is as much a religious matter as it is a temporal matter. He urges us to "turn our attention to the real challenges and possibilities that loom beyond it, and in this way restore to ourselves a sense of confidence and belief in what we have inherited and in what we can be."●

MEDICARE LONG-TERM CARE ACT OF 1982

HON. BARBER B. CONABLE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mr. CONABLE. Mr. Speaker, today I introduced the Medicare Long-Term Care Act of 1982. This proposal will establish a new program of long-term care of the elderly that will provide alternatives to expensive and confining medical care by expanding the options available. By including services provided in settings other than institutions, as well as institutional medical care, in the program, we can offer our elderly citizens who need it a more secure and less worrisome future, less family strain, and less demands on their savings.

The resources of older people can be wiped out by a long stay in a nursing home since neither medicare nor most private insurance plans cover many expenses for necessary long-term care, especially for those who do not require skilled nursing care services. The only program that does provide some funds for such services is medicaid—the program of health care for the poor.

In too many cases what we are doing today amounts to incarceration, rather than considerable care, because too great a reliance is put on placing people in institutions when many of them could be cared for better in other surroundings, including their own homes. That is why the emphasis of the bill I have introduced is on care in the home or on an outpatient basis. This proposal calls for a system of community long-term care centers in every area of the country to coordinate and direct long-term care services for the elderly, including homemaker, health, nutrition, and day care, as well as institutional care.

In the past, efforts to secure assistance for older Americans have not been successful mainly for three reasons. First, we do not have an effective and rational method of meeting the costs of long-term care services, including institutional care when it is required. Older people with chronic conditions have been left to their own devices because the costs to any public program of institutionalized care are prohibitive. So we have resisted program involvement and we have developed a defeatist attitude toward one of society's most vexing problems.

Second, a great majority of our communities do not have available the types of services which are better alternatives to institutionalization.

And third, in most communities, no single person or agency, public or private, takes full responsibility for helping older people and their families meet their needs as health and family status change.

I have deliberately constructed the bill to deal directly with these problems. My bill is modeled on the medicare program and would meet the first problem by establishing a new program under medicare which would provide protection against the costs of long-term care, both institutional and noninstitutional, without concern about drawing an arbitrary and unnecessary line between health care services and nonhealth care services. However, payment to nursing homes would be made on a prospective basis, which would bring about a reform to the present system that many knowledgeable people have advocated for quite some time.

The bill would meet the second problem, the lack of adequate community services, in several ways. First, the benefits covered by the bill would include services which can be alternatives to institutionalization. Provision of these services can help people in their own homes or other family settings. Second, the bill would require that placement in an institution could occur only after all other avenues have been explored. And third, even when placement in a nursing home has been designated as the only possible alternative, the patient will have a continuing opportunity to move out of the home or improve his situation in the home.

And finally, my bill would meet the third problem by creating for every community a long-term care center which would act as the coordinator and paying agency for long-term care services. Whenever a question arose in a family about what to do about a change in health or family situation, the center would be responsible for helping find the best answer and for providing the needed services, after careful consultation with the individual and his or her family.

The bill contains certain other features which I would like to highlight.

While the program would be national in application, just like medicare now, the administration of the program would be decentralized and involve, on a local basis, the people who are to be served by the program. Specifically, a new State agency would be established which would divide up the State geographically, assure the establishment of a community long-term care center in each area, approve such centers for participation in the program, and pay the centers for services furnished.

The community long-term care center would be required to have a governing board with at least one-third of its members from among persons who are eligible for benefits. In addition, one-third of the board would be elected by providers of long-term care services, and one-third appointed by officials of local government.

The program would be financed by a $9 premium paid by those aged who choose to enroll in the program, by a contribution from States of 10 percent of program costs, with the balance from Federal general revenues. My bill would increase by $9 the amount of SSI benefits to everyone receiving them so the program will represent no additional cost to these individuals.

No estimates of the cost of the bill have been made, largely because making estimates in this area are very difficult. However, the States and the Federal Government now pay more than $11 billion a year for nursing home care under the medicaid program. Medicare pays an additional several hundred million dollars for extended care services. Numerous studies have shown that large numbers of older people now in nursing homes do not need to be there, particularly if realistic alternatives are available. Thus, I think it is fair to conclude that under my bill the costs of institutional care would be held in check.

But regardless of how the costs might turn out, the important point is that we need to rationalize the system of providing long-term care, and I believe my bill has the potential to do that with possibly no increase in overall costs.

A summary of the bill follows this statement. I urge Members, people with special interest in the aging, and the general public to study the bill carefully. I am aware that since I introduced this bill for the first time several years ago, a number of other proposals have been discussed and introduced as legislation, that are designed to achieve objectives similar to those of this proposal. It is certainly the case that, for reasons of cost and otherwise, such alternative approaches should also be given careful scrutiny. The complexity of the problems requires that broad input be received

and studied in arriving at any legislative solution.

I have introduced this bill so that this subject will get the attention it deserves in a rapidly aging society. I am hopeful that hearings can be held on the bill so that it and the issues it addresses can be fully explored.

The summary follows:

MEDICARE LONG-TERM CARE ACT OF 1982

(Introduced by Congressman BARBER B. CONABLE, JR.)

1. *Brief Description:* Amends the Medicare program by adding a new voluntary Part D to Title 18 of the Social Security Act which would:

Establish a comprehensive program of long-term care services available to those who enroll under the program;

Provide for the creation of community long-term care centers in all areas of the nation and State long-term care agencies as part of a new administrative structure for the organization and delivery of long-term care services; and

Provide a significant role for people eligible for long-term care benefits in the administration of the program.

2. *Eligibility:* Anyone who is (1) eligible for hospital insurance under Part A of Medicare (aged or disabled), or (2) is age 65 and a resident, or (3) is eligible for supplemental security income (SSI) benefits is eligible to enroll under the new program if he has also enrolled under the Part B medical insurance part of Medicare. Enrollment procedures are similar to those which now apply to the Part B program.

Premiums of $9 a month would be collected just as Part B premiums are now collected.

3. *Financing:* A Federal Long-Term Care Trust Fund would be established to handle the financial operations of the program.

The Trust Fund would receive its monies from the $9 premiums of those who enroll, 10 percent from the States and the balance from Federal general revenues.

4. *Functions of Community Long-Term Centers:* Provide directly or through arrangements covered items and services to each individual residing in the area who is eligible;

Provide evaluation and certify the long-term needs of individuals through a term approach involving the individual and his family;

Maintain a continuous relationship with individuals receiving any items or services; and

Provide an organized system for making its existence and location (which must be accessible in the community) known to the individuals in the service area.

In carrying out the above a community long-term care center shall not certify the need for inpatient institutional services for an individual unless a determination has been made that the needs of such individual cannot be met through covered types of care or other community resources.

5. *State Long-Term Care Agency:* Each State must establish an agency—either a separate agency, or major division of the health department—which will:

Designate service areas in the State;

Certify the conditions of participation for a community long-term care center;

Promote and assist in the organization of new community long-term care centers in areas where they do not exist; and make payments to and monitor the activities of all long-term care centers in the State; and

Provide local government offices where a nonprofit agency does not exist.

6. *Conditions of Participation for Community Long-Term Care Centers:* Community Long-Term Care Centers must:

Have policies established by a group of professional personnel and approved by the governing board;

Maintain medical and other records on all beneficiaries;

Have an overall plan and budget;

Meet other conditions the Secretary may prescribe; and

Be either a public or non-profit organization.

The governing board of a community long-term care center must be composed as follows: one-third of people covered under the program who reside in its service area; at least one-third elected by providers of long-term care services; and at least one-third appointed by locally elected government officials.

Members can serve only two terms and full membership must change at least every six years.

7. *Detailed Description of Covered Services:*

a. Nutrition Services. Limited to meals on wheels and similar programs and services provided in the place of residences of such individual by a nutritionist.

b. Homemaker Services. Services provided in the home designed to maintain the individual in his home.

Preparing and serving meals in the home of an individual.

c. Institutional Services. Extended care benefits in a skilled nursing facility (same as social security definition).

Intermediate care services.

Institutional day care services.

d. Home Health Services. (Same as under present Medicare program.)

e. Day Care and Foster Home Care Services. Care provided on a regular daily basis in a place other than the individual's home; and

Placement of individual on a full-time basis in a family setting.

f. Community Mental Health Center Outpatient Services.

8. *Payment Method for Community Long-Term Care Centers:* Secretary will develop prospective payment methods after consultation with States and other interested parties, and States will follow them in paying the community long-term care centers.

9. *Miscellaneous Provisions:* If an individual stays in a nursing home for more than 6 months, beginning with the 7th month his social security cash benefits are reduced by 80 percent (in recognition of such a person's reduced living costs) and the remaining 20 percent would be placed in an escrow fund that would be available to the individual when he or she no longer is in the nursing home. As soon as the recipient leaves the nursing home, full benefits would be restored immediately.

The bill would increase SSI benefits by $9 a month so that the premium payment could be met without a reduction in cash income.

10. *Effective Date:* Benefits would first become payable on July 1, 1983, thus allowing sufficient time for the organization of the new system.●

CRITICS ATTACK AEA OPPOSITION TO SMALL BUSINESS INNOVATION DEVELOPMENT ACT

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mr. LAFALCE. Mr. Speaker, the American Electronics Association has taken it upon itself to lead a crusade against the Small Business Innovation Development Act.

Many of you have received "Dear Colleagues" presenting AEA's—criticisms of the bill. The impression is left that AEA is united in its hostility to this very important piece of innovation legislation and that it is speaking for the entire electronics industry.

Nothing could be further from the truth!

I am placing in the RECORD an article that appeared recently in Electronic Engineering News that presents the other side of the AEA campaign and shows how unrepresentative AEA really is. Electronic Engineering News is the largest circulation newspaper of the electronics industry.

The article states that:

AEA is the only industry trade association to oppose the innovative bill. The bill is strongly supported by the Electronics Association of California, the National Council for Industrial Innovation, the U.S. Chamber of Commerce, the National Federation of Independent Business, the National Small Business Association, Small Business United, and the Smaller Business Association of New England.

AEA does not represent the companies that would be helped by the innovation bill. Most of the AEA member companies are product-oriented, not R. & D.-oriented. The bill is aimed at assisting small R. & D. companies that have new ideas and products.

AEA has misused and manipulated data in its fight against the bill.

AEA looks after the special interests of its product-oriented members by pushing to extend R. & D. tax credits to include preincorporation expenses. "That is just a set-aside for product-oriented companies," charges an AEA member who owns a small R. & D. firm.

AEA failed to poll its members to find their position on the innovation bill. In contrast, the Electronics Association of California conducted a membership poll and found its members backing the bill by a 2 to 1 margin.

AEA's opposition to the innovation bill is ideologically motivated. It is not motivated by concern for the needs of small R. & D. companies and the serious need to stimulate innovation in the United States.

I urge Members to pay careful attention to this article.

Following is the article from the April 12, 1982, edition of Electronic Engineering News:

[From the Electronic Engineering Times, Apr. 12, 1982]

AEA HIT FOR BATTLE AGAINST SMALL-BUSINESS SET-ASIDES

(By Tom Cullem)

PALO ALTO, CALIF.—A diverse group of critics has blasted the American Electronics Association (AEA) for opposing legislation that reserves a fixed share of federal R&D contracts for small business. But the AEA feels it will weather the storm.

The critics include Congressional proponents of the set-aside bill, a trade association claiming to be more representative than the AEA of the type of companies the legislation benefits, and several AEA members. Even within the AEA hierarchy, at least one regional government affairs council has declined to lobby against the bill.

At issue is the Small Business Innovation Research Act. A Senate version (S. 881) passed unanimously last year, but the House bill (H.R. 4326) is still being mulled by various committees. One version, voted out last month by the House Science and Technology Committee, would follow the Senate bill; it would require all Federal agencies with more than $100 million in budgeted R&D to phase in a small business set-aside of up to one percent.

The AEA went on record against more government set-asides a year ago, but the organization's stand did not spark controversy until January. That's when spokesmen Randy Knapp and Edwin Zschau told the House Science and Technology Committee about the AEA's objections (See "AEA Attack on R&D Funding Stuns Congress, EE Times, February 1, p. 1).

Knapp, who is chairman, president and CEO of Wespercorp, noted at the time that more than 80 percent of AEA's members would qualify for special treatment under the proposed set-aside program. But he said that both the Small Business Services Committee and the board of directors of the AEA were unanimous in rejecting any more set-aside.

Knapp traced the AEA stance to philosophical grounds. He said AEA members don't want special procurement treatment because of their free-market ideology, as well as the corruption, inefficiency and regulatory restrictions they find in 80 or so existing set-aside programs.

Dr. Zschau cited other AEA concerns about H.R. 4326. He said there is ample venture capital funding available for the firms the bill would help, and that small business already receives a share of federal R&D contracts on par with the number of R&D scientists and engineers small business employs.

DISPUTED MANTLE

Critics of the AEA dispute most of the major points the trade organization makes. But so far the big sore spot to the critics seems to be AEA's claim to represent companies that would benefit from the Small Business Innovation Research Act.

Senate proponents of the set-aside bill have picked on the composition of the AEA. According to Senators Edward Kennedy (D-MA), Warren Rudman (R-NH) and Lowell Weicker (D-CT), co-sponsors of S. 881, the AEA "is dominated by giant corporations." To prove their case, they note that 16 or 23 companies on two key AEA legislative committees are traded on the New York Stock Exchange, and two others on the American.

Other critics are more concerned about the nature, rather than the size, of the typical AEA firm.

Robert Armistead, president of Advanced Research and Applications (ARACOR) in Sunnyvale, an AEA member, argues that less than 15 percent of AEA members are in the contract R&D business. "Most AEA companies are product-oriented," he contends, meaning they deal with commercial accounts rather than with the government.

As to the unanimous vote of the AEA's Small Business Services Committee against more set-asides, Armistead responds: "Not one member of that committee has a federal R&D contract."

ARACOR was one of about 35 electronics companies (and only one of two AEA members) to receive contracts in the first round of grants under the Defense Small Business Advanced Technology Program (DESAT), a set-aside experiment started last April that is similar in approach to H.R. 4326.

Because of that contract, Armistead admits, he has a vested interest in the set-aside issue. But he belittles the AEA's professed philosophical rejection of the principle. Instead of set-asides, the AEA has called for extending recently enacted R&D tax credits to include pre-incorporation expenses. "That's just a set-aside for product-oriented companies," Armistead states.

RIVAL TRADE GROUP RESPONDS

Another group disputing the AEA's credentials as a representative of small R&D contractors is the Electronics Association of California. Formed about five years ago, the EAC has about 450 members, or about three-fourths as many as the older AEA has in California, says Terry Bibbens, a past chairman of the younger group.

In testimony before the House Armed Services Research and Development Committee—which is also reviewing H.R. 4326—Bibbens faulted the AEA for not polling its members about the set-aside bill. The EAC did conduct such a poll, he said, receiving about 150 responses, with about 65 percent of respondents favoring H.R. 4326.

Notably, about half of all respondents have joint membership in both the AEA and EAC, adds Bibbens. In this group, the vote was split about 50-50. He interprets this to mean that there is more controversy in the AEA over the official position on set-asides than the AEA has let on.

While the EAC may have its own ax to grind, the fact is that at least one regional group within the AEA does not share the national establishment's willingness to fight passage of H.R. 4326. The New England Council Government Operations Committee was asked to lobby against the bill, but no one stepped forward reports a committee member.

According to this insider, the Council "agreed with the AEA position that set-asides are bad, but did not agree that the AEA should take an active role against it." One reason for the New England Council's reluctance, he said, was that several large member firms felt "they shouldn't take a position against small business in this part of the country."

Besides the flap over who represents the small R&D contractor, the AEA finds itself criticized for its analysis of R&D employment and the availability of venture capital.

METHODOLOGY QUESTIONED

Bibbens, for example, faults AEA spokesman Zschau, of Systems Industries, for suggesting that small companies already receive their fair share of R&D contracts.

According to Zschau, the National Science Foundation has estimated that firms with less than 1000 employees employ only about 5.5 percent of all R&D scientists and engineers. He sees that as being on par with the 6.8 percent of federal R&D contracts that go to such companies, as estimated by the Federal Procurement Data Center.

Bibbens responds that the unpublished NSF data that Zschau cites is based on a Bureau of Labor Statistics (BLS) survey that asked only how many professionals are currently engaged in R&D, and not how many are available to do such work. Bibbens says the latter question is the relevant one, and he has asked the BLS to delve into its data bank for the answer.

So far, says Bibbens, the BLS has not responded. In the meantime, he interprets the existing figures as showing that small companies don't put more R&D professionals to work precisely because they don't receive a large enough share of federal R&D contracts to make it worthwhile.

On the venture capital issue, Zschau argues that liberalized capital gains taxes have attracted huge amounts of funding for high-tech companies. Investments by venture capital firms in young companies jumped from $550 million in 1978 to $1.2 billion in 1981. And small companies raised about 13 times as much capital ($1.8 billion) on public markets last year as in '78, according to studies Zschau cited in testimony before the House Armed Services Research and Development Subcommittee last month.

With all that money floating around, society has already solved "the problem of risk capital shortage that plagued small companies a few years ago," Zschau claimed.

ARACOR's Armistead doesn't agree. "Venture capitalists aren't interested in an R&D contract. What they want to see is a product that can go out the factory door." He argues that the set-aside procedure or some other form of government support is the only way to "give a high-risk, high payoff idea a chance" of reaching fruition, especially one that involves research rather than product development.

Officials at Machine Intelligence Corp. (MIC)—the only other AEA member besides ARACOR to receive a DESAT grant—agree with Armistead. Earl Sacerdoti, MIC's director of R&D and a founder of the firm, says that a $25,000 NSF grant was crucial to the Palo Alto company's initial success.

Dispensed under a small business set-aside program that has since inspired both DESAT and the Small Business Innovation Research Act, the NSF grant "accounted for about one-fourth of our total start-up capital," Sacerdoti recalls.

AEA HANGS TOUGH

Despite the heavy flak, AEA officials appear ready to stick to their guns. Wespercorp's Knapp, who chairs the AEA's Small Business Service Committee, has an answer for all the main charges AEA critics have brought to bear.

On the question of who represents the small R&D contractor, Knapp says, "I haven't polled the Small Business Committee." But he is sure that, like Wespercorp, committee members have had R&D contracts with the U.S. The key point, he states, is that 80 percent of AEA members "fit the profile" of the type of company that the Small Business Innovation Research Act aims to assist.

On venture funding, Knapp agrees that basic research doesn't attract much interest, but he argues, "Entrepreneurs aren't interested in that either." On the other hand, if a small firm "is talking about an innovative application, that kind of money is available" from venture capitalists, he contends.

As to whether small R&D companies receive their fair share of R&D funds, Knapp counters that H.R. 4326, when fully funded, could force the government to forcefeed over $10 billion to small firms over the next few years. Many of those companies aren't ready for that kind of windfall, he contends. "It's like overfertilizing" a garden, he adds; the plants die from too rich a diet.

In the final analysis, Knapp is confident that the AEA argument will carry the day. The Small Business Innovation Research Act is "a poorly thought-through bill," he maintains. He says that the Senate is having second thoughts about S. 881, and predicts that several Congressmen "will start rescinding their sponsorship" of H.R. 4326.●

ROLE OF FEDERAL VOCATIONAL EDUCATION FUNDING

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mr. PEYSER. Mr. Speaker, I want to bring to the attention of my colleagues excerpts from a recent statement which was delivered by Mr. Samuel Cohen, a member of the New York State Advisory Council on Vocational Education, to the American Vocational Association on March 1, 1982. It is a succinct summary of the role of Federal vocational education funding.

Mr. Cohen makes a vital contribution to the education and future of the young people of my State. As the president of Excelsior Transparent Bag Manufacturing Corp., a prosperous small business in Yonkers, he has been active in the city's vocational education programs, as well as in CETA programs. Additionally, he plays a leadership role at the State level in both vocational education and employment training programs.

I want to commend this statement to my colleagues and ask that it be inserted in the RECORD.

STATEMENT OF SAMUEL COHEN, MARCH 1, 1982

Although the expiration date of the Federal Vocational Education Act (Public Law 94-482) has been extended to September 30, 1984, hearings on reauthorization are continuing and several proposed bills have been drafted. The State Advisory Councils on vocational Education were created by Congress in 1968 to provide citizen input to vocational education policy, planning and evaluation. The State Advisory Councils have prepared the enclosed position paper as a reflection of local opinions on changes needed in new and proposed Federal legislation. The Councils have agreed on the following summarized recommendations:

The Federal role of vocational education and training should be to provide resources to the states towards resolution of national priorities through a coordinated state vocational education system.

There should exist at the federal level an education entity to provide national leadership for vocational education. The Federal entity should assist states through a sole state education agency.

In accordance with required state planning mechanisms, Federal funding for vocational education should flow through the state's sole education agency to the local level.

These Federal dollars should be provided to fund those activities which are universally beneficial and/or directly related to national priorities.

Federal funding should be provided: (1) in support of the involvement and participation of business, industry, labor, agriculture and the general public on advisory councils at the Federal and state levels, assuring their continued operation and fiscal autonomy; (2) for the continuation of program improvement; (3) to expand the capacity of the population's work force by improving and increasing the development of the collective states vocational education and training programs; (4) as incentives to ensure access for all populations; (5) for vocational student organizations.

Vocational education plays a key role in the nation's economy. Federal support, while small relative to state and local effort, is vital to addressing national priorities such as reindustrialization, improved productivity and defense.●

REMEMBERING ANDREW J. BIEMILLER

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mr. RODINO. Mr. Speaker, when Andy Biemiller died on April 3 I lost a good friend and the Nation lost a great patriot and fighter for human rights.

Andy Biemiller's commitment to social justice began in the 1930's when he became involved in progressive political action in Wisconsin. His heart and his energies were always with the working people of our country and the disadvantaged Americans who suffered from poverty and discrimination.

As Congressman from Milwaukee, he was the primary author of the strong civil rights plank which Hubert Humphrey introduced into the Democratic platform at the 1948 Democratic Convention. Many members of our party were reluctant at that time to move so swiftly on civil rights reform—but Andy Biemiller insisted that there was no compromising on basic human decency. He won that fight, and continued to be an effective and eloquent leader for the rights of society's forgotten members. As a freshman Congressman from New Jersey in 1949 I came to know this warm and inspiring man, who was my colleague from Wisconsin, and we became fast friends. When Andy took the job as legislative director for the AFL-CIO in 1956, he started on a path that would make him one of the true giants at influencing public policy in the post-World War II era. For over 20 years Andy Biemiller's intelligence and compassion pervaded the Halls of Congress, firmly but patiently coaxing Members of the House and Senate to support and sponsor a wide range of social programs which helped to lift millions of Americans out of poverty.

I will never forget working with Andy on the equal employment provisions of the 1964 Civil Rights Act. His courage and determination to accept nothing but the strongest language to guarantee the right to hold a job played a vital role in enacting a law which has opened the door of opportunity to a whole class of previously denied Americans.

Andy Biemiller's friendly and informative style of lobbying was an enormous help to Members of Congress who were listening and learning about the needs and aspirations of the American people. Along with civil rights, Andy led fights for health and safety in the workplace, equal educational opportunity and improved education for all our people, and reform of our labor and election laws. A brilliant tactician and legislative strategist, Andy Biemiller enjoyed his craft immensely—and we admired and respected him because of his integrity and sincerity.

Mr. Speaker, Andy Biemiller has left us with much tangible results by which to remember him, a legacy of social progress for our people. I am proud that he was my friend.●

TRIBUTE TO RALPH J. EDSELL, JR.

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mr. McGRATH. Mr. Speaker, it was with sadness that I learned of the untimely death last week of a friend and former Fifth District resident, Ralph J. Edsell, Jr.

Mr. Edsell was long active in Republican Party politics in New York State and was a distinguished businessman and public citizen. A graduate of Cornell University Law School, he served for several years as chief counsel to Joseph Carlino, speaker of the New York State Assembly, and later as administrative assistant to our colleague, Representative NORMAN LENT. In 1964, he was a candidate for Congress in the Fifth District against former Representative Herbert Tenzer.

Mr. Edsell, who was a former Republican committeeman in his hometown of Cedarhurst, was a member of numerous fraternal and civic organizations, including the American Legion,

VFW, Community Chest, and the Five Towns District Nursing Association.

Ralph Edsell was a man who could always be counted on for his sound judgment and his commitment to the principles he believed in. Those of us who had the privilege of knowing Ralph and working with him will miss him very much.

Mr. Edsell is survived by his wife, June; his children, Ralph J. III, Lisa, and John; and his mother, Geraldine. To his family I offer my sincere condolences.●

BILL MOYERS' INJUSTICE

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mr. MICHEL. Mr. Speaker, I have asked for and obtained from the administration some specific information on the cases cited in the Bill Moyers' program on CBS the evening of April 21.

The facts in those specific cases suggest very strongly that Mr. Moyers' theme that the Reagan administration has created additional hardships for the people featured is inaccurate, unfair and does a gross injustice to the President and to all of us who support him.

In the first case of the handicapped individual whose disability benefits were denied, the denial apparently resulted from passage in 1980 of the social security disability amendments and the ensuing reports and recommendations from the General Accounting Office. The Reagan administration was not the culprit.

In the second case of the woman who had to quit her job so that her ill son would be eligible for medicaid, the difficulty arose after the State of New Jersey set limitations on family income that were mandated by the Reconciliation Act. The limitations on the income of AFDC recipients was included in Reagan budget proposals but it was left to the discretion of the States to set the specific amounts. It is regrettable, or more accurately tragic, that we have a welfare system in this country that discourages individuals from holding down jobs, but to suggest that this set of circumstances is the fault of, or has only surfaced since the advent of the Reagan administration is absurd. Our system has for years discouraged work, it discouraged family cohesion and family life, and discouraged honesty and forthrightness on the part of those seeking Federal assistance.

The third case was badly misrepresented. The decision to move the child in question to a special facility in Wisconsin was not made as the result of any action by the Reagan administration or any change in Federal regulations, programs, or policy. The move was made by the mother apparently because the State of Wisconsin discontinued subsidies for over-the-counter drugs and she was convinced the visiting nurses program was about to be terminated.

Mr. Moyers, however, left the distinct impression that the move to special facilities at greater expense to the Government was the direct result of action by the Reagan administration.

Finally in the fourth instance, the Reagan administration was the target of serious criticism because the lines at a volunteer-run, privately funded church food program were on the increase. Apparently, the greater number of people participating in the food program according to Mr. Moyers was the direct result of higher unemployment and changes in the food stamp program. He then concluded that President Reagan is therefore responsible for hunger in the United States.

There are two very critical statements of rebuttal that have to be made. The first is that the Moyers program was by an interpretation a direct indictment of the Reagan administration and its policies and that the indictment was based on faulty evidence, misinterpretation of fact, a purposeful distortion of fact and a deliberate exclusion of facts and information that would have offered another perspective to the story and the cases cited.

Second, the program also completely neglected to mention, explain or visualize those efforts and initiatives being undertaken by the administration to provide a "safety net" either through Federal Government programs, State and/or local government programs or major increases in private sector activities.

The omission of any perspective in the program and the degree of its innuendo and insinuation lead me to the conclusion that Mr. Moyers' intent was to discredit the President and his policies. He obviously had his conclusions drawn before he assembled his facts.

One has to raise the issue of media fairness here, and I believe we have to challenge the accuracy of the material and the conclusion drawn from it. Finally, we have to question the judgment of CBS in airing such a program at all. At this point in the RECORD, I am inserting a factsheet on the background of the cases cited in the Moyers' program.

OHIO CASE

WHAT ARE THE FACTS OF THIS CASE

Larry Ham has been receiving disability benefits since 1974. A medical review of his case was undertaken by the Disability Determination Service of the State of Ohio in October 1981. Based on this review, it was determined that his disability ended in October 1981. He was informed of this decision on November 14, 1981, and was given 10 days to submit additional evidence. On December 14, 1981, he was notified that his benefits would be terminated. Payments are made for the month disability ends and the two succeeding months. Mr. Ham's last check was for December 1981. He requested a reconsideration of his case on April 5, 1982.

WHAT CHANGE IN FEDERAL POLICY CREATED THIS SITUATION

Basic Federal policy has not changed—there has been no change in the definition of disability since 1967. Disability benefits are paid only as long as the beneficiary continues to meet the requirements of the law—that is, he is unable to work because of a severe impairment.

The Social Security Administration (SSA) has always reexamined disability claims to make sure payments are made only to those who continue to be disabled. Previously, only certain cases were reviewed. In 1980, however, the Congress passed the Social Security Disability Amendments, which require all disability claims to be reviewed periodically. The reviews were required to begin in January 1982.

WHAT IS THE JUSTIFICATION FOR THIS POLICY CHANGE

The Congress enacted the 1980 provision in response to concerns expressed by the General Accounting Office (GAO) and others that SSA was not reevaluating enough cases. SSA decided to begin the periodic reviews in March 1981, in a response to a GAO report estimating that as many as 20 percent of disability beneficiaries, who receive about $2 billion a year in benefits, are ineligible. In fiscal year 1982, about 565,000 cases will be reviewed, rather than the 155,000 scheduled under the old law.

WHAT FEDERAL POLICIES EXIST TO AVOID HARDSHIP IN CASES LIKE THIS

The Social Security Act and regulations provide a thorough appeals process to assure claims receive all due consideration. This includes a reconsideration within the state agency, the opportunity for a hearing before a Federal Administrative Law Judge, appeal to the SSA Federal Appeals Council, and appeals to the Federal Courts.

Note: No Reagan Administration policy changes caused Mr. Ham's disability review. In addition, Mr. Ham still has four levels of appeal left open to him.

NEW JERSEY CASE

WHAT ARE THE FACTS IN THIS CASE

Mrs. Frances Dorta, a divorced mother of three children, received AFDC from 1973 until October 1981. In September 1981, she obtained employment at $600 per month. Her 10-year-old son has a serious medical problem for which surgery was needed. In September 1981 she obtained employment at $600 per month. Because this income exceeded the State's need standard by 150 percent, she was terminated from assistance ($590 is the income cutoff in New Jersey), which also resulted in termination of the Medicaid eligibility. Mrs. Dorta quit her job and in January reapplied for assistance. She now receives an AFDC grant of $414 per month and is eligible for Medicaid.

WHAT CHANGE IN FEDERAL POLICY CREATED THIS SITUATION

The Omnibus Budget Reconciliation Act, which took effect on October 1, 1981, amended the AFDC program to require States to set an overall limit, 150 percent of

their standard of need, on the total income a family may have to be eligible for aid under the State plan. The States, not the Federal Government, set the standard of need against which the 150 percent limit is applied. If the family income before applying any "disregarded" amounts exceeds that amount ($590 for a family of four in New Jersey), the family is not eligible for AFDC. This is the case with respect to Mrs. Dorta.

WHAT IS THE RATIONALE FOR THIS FEDERAL POLICY CHANGE

The income eligibility limit of 150 percent of the state-determined standard of need was enacted by Congress to make families with adequate incomes ineligible for AFDC. Prior to this change, in 15 States (including New Jersey), families of four with incomes over $15,000 per year were eligible for AFDC. Prior law also permitted AFDC recipients who obtained employment to receive, through wages and continued AFDC benefits, significantly more income than working families who never received AFDC. In addition, the evidence was that the prior law permitting AFDC families to receive significant income without losing AFDC eligibility did not result in more AFDC families obtaining employment. Preliminary indications from States are that the vast majority of families whose eligibility for AFDC was terminated by the Reconciliation Act changes are not leaving jobs to return to the AFDC rolls.

WHAT FEDERAL POLICIES EXIST TO AVOID HARDSHIPS IN CASES OF THIS KIND

The hardship in Mrs. Dorta's case arises from excessive medical costs associated with her son's condition. Federal safety net policies provide two mechanisms to avoid hardships in cases of this kind:

(1) States, not the Federal government, set the AFDC standard of need for individuals in that State, against which the 150 percent cap is applied. New Jersey is free to raise the standard applicable to New Jersey residents. Twenty-one States have raised their respective standards of need since the Reconciliation Act changes became effective.

(2) Under the Medicaid program, States may establish medically needy programs to provide Medicaid eligibility to low income families which, although not eligible for AFDC due to their incomes, have special medical needs. Although New Jersey does not have a medically needy program, 33 States do.

Note: In this case, Mrs. Dorta was protected by the "safety net." She did receive the Medicaid assistance for her son's operation that she needed.

WISCONSIN CASE

WHAT ARE THE FACTS OF THIS CASE

Carrie Dixon, age 13, became eligible for Supplemental Security Income (SSI) in 1979. In addition, the Dixon family is AFDC eligible and thus categorically eligible under Medicaid.

In January 1982, Carrie was institutionalized at Central Wisconsin Center for the Developmentally Disabled, an intermediate care facility for the mentally retarded (ICF/MR). Prior to that time, she received various services at home under the Medicaid program. Apparently, Mrs. Dixon decided to move Carrie to the institution because the State of Wisconsin would no longer pay for some over-the-counter drugs and her fear that there might be cuts in the visiting nurse home health services program under Medicaid in Wisconsin.

WHAT CHANGE IN FEDERAL POLICY CREATED THIS SITUATION

There have been no changes in the provision of Medicaid home health service benefits, such as visiting nurses, in the Wisconsin program during this Administration. The only reduction in services made by Wisconsin that relates to this case is a limit on some non-prescription drug services. This change became effective November 1, 1981.

No change in Federal policy required Wisconsin to alter its drug coverage policy. Historically, drugs have been an optional State service under Medicaid.

WHAT IS THE JUSTIFICATION FOR THIS POLICY CHANGE

State option under Medicaid.

WHAT FEDERAL POLICIES EXIST TO AVOID HARDSHIPS IN CASES LIKE THIS

The Omnibus Budget Reconciliation Act of 1981 provides waiver authority to the Secretary of Health and Human Services under Medicaid for home and community-based services in lieu of more costly institutional care. We understand Wisconsin has developed a waiver submission to HCFA.

Note: There is no Reagan Administration policy or requirement preventing Carrie Dixon from being cared for at home at any time.●

PAUL C. FISHER

HON. JIM SANTINI

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mr. SANTINI. Mr. Speaker, on April 1, 1982, I had the distinct pleasure of hearing Mr. Paul C. Fisher's testimony before the House Ways and Means Committee. Mr. Fisher is an engineer, an inventor, and a resident of the State of Nevada. It is very likely that most of us have heard of Mr. Fisher because of his contributions to the ballpoint pen industry. Mr. Fisher has several successful patents to his credit, including the pressurized ball point pen which is used by astronauts in outer space and the popular new erasable ink pens.

In addition, Mr. Fisher has applied his knowledge of science to economics. I would like to take this opportunity to share Mr. Fisher's novel and inspiring testimony before the House Ways and Means Committee.

I AM THE FIRST REAL SCIENTIST IN THE FIELD OF ECONOMICS!

Chairman Rostenkowski, Ladies and Gentlemen: I am Paul Fisher. I represent only myself. I thank you for this opportunity.

I am a successful small business man, accountant, engineer and the inventor along with my associates of the pressurized ball pen used by our Astronauts in Outer Space. My patent also covers the popular new erasable ink pens.

I first learned to apply the scientific technique to machines, chemicals, and things like ball pens. It is the only technique that can successfully solve any problem of any type in any field. It has been proven in the physical sciences by creating jet planes, space travel, television, computers and the many other wonders of this marvelous scientific age.

I believe, that together we can successfully apply the scientific technique to America's economic problems with some astounding results.

Let us try.

The scientific technique is simple to use, if we are able to admit and accept our ignorance and not try to hide that ignorance behind some phony theory. The scientific technique requires, only, the ability to learn and to use, accurately, the facts that experience can teach us.

The key is objectivity and complete accuracy.

No one ever got the correct answer to any problem without accuracy.

We will not solve America's problems until we put aside our pet theories and prejudices and deal strictly with the few proven facts that we can learn from experience.

Economics as taught today is not a science because those who teach it have neglected the basic fundamentals. Today's economists deal largely with interest rates, the gross national product, the rate of inflation, supply and demand, the stock exchange, the banks, and other business organizations.

To be true scientists in economics, we must first be philosophers, because we have to decide what is important and where we want to go.

I cannot tell you what your goals are, nor what they should be—but as for myself, I know:

I am, primarily, concerned about what is happening to the American people. My goal is the happiness, the health, the security, the progress, and the survival of the American people.

The most important, the most sacred thing in the world is a human being. His life, his happiness, his progress is my concern.

Organizations have no value within themselves and are indirectly valuable, only, when they help people.

If you share my views, then let us look at our tax laws with this in mind.

If a human being is the most important thing in the world, why do we discriminate against people by taxing them at a higher rate than we tax organizations?

A corporation doesn't have to pay an income tax until it makes a profit. But, a human being may not be earning enough to pay his necessary room and board, yet we take 15 to 30 percent of his paycheck away even before he gets it.

Our Government is actively training people not to work by penalizing those who work and rewarding those who don't.

The payroll tax, also, punishes those who hire and create jobs. This reduces the number of jobs available and adds directly to the unemployment problem.

Are we or are we not concerned with people, their security, their rights, their freedoms, their happiness and their opportunities?

The opportunity to work constructively for a livable wage is Man's most sacred right. That opportunity has been destroyed for millions of Americans by our Government through its unfair tax laws which discriminate, unjustly, against those who work or need to work for a living and, also, against those who hire and create jobs. This is the major cause of unemployment.

Unemployment and under-employment cause intolerable human suffering. They are the major cause of our increasing crime rate.

When we deprive a man or a woman of the opportunity to do constructive work, we destroy his life, take away its meaning and sometimes drive him to crime. Welfare and charity is no substitute for an opportunity.

Unemployment and under-employment are now destroying the happiness and ruining the lives of countless millions of Americans, fostering a crime wave that is a threat to everyone.

The major cause of unemployment, today, is our terribly unfair income tax laws, including the payroll taxes which are the worst of all.

The income tax is counter-productive. It destroys incentive. It tends to depress the economy, lowering the tax base and, thereby, increasing the deficit.

Experience has proven that we can never balance the budget by increasing our income taxes, particularly the payroll taxes which have gone up, not down under this present administration.

We desperately need a substitute for the income tax.

Some have suggested additional excise taxes, a value added tax or some other kind of sales tax. Sales taxes are also counter-productive because they tend to slow down the sale of goods. They are directly the most inflationary of all taxes. We don't need more inflation and we don't need the Government forcing an increase in prices which slows the turnover, depressing the economy and adding to the unemployment problem.

So, what can we tax? Our Government is in deep economic trouble. Sure, it should cut expenses, but it also needs to raise enough money to live within its means. Over fifty years without a balanced budget. Deficit financing is a time bomb and that bomb is already beginning to explode.

What shall we tax? How can the Government raise the necessary funds that it absolutely requires?

We've eliminated the tax on incomes and the tax on sales. The only practical thing left to tax is assets.

America is the richest nation in the world with over six trillion dollars worth of assets that are now largely untaxed.

But, since the prosperity and the economic security of our people requires a wide distribution of buying power, those people with few assets should be taxed very lightly or not at all.

I suggest a graduated tax on assets—the more assets, the higher the tax rate—exempting the first $200,000 worth of assets owned or controlled by any individual or any organization.

I suggest that all assets (land, buildings, machinery, inventory, cash, accounts receivable, notes, deposits, stocks, bonds and any and everything else of value) be taxed on as equal a basis as practical with no credit allowed for liabilities.

I suggest that all organizations and all individuals be taxed equally at the same rate without any discrimination.

I believe, that such a revolutionary tax program can balance the budget, pay off the national debt, stop inflation, reduce unemployment, give us a new birth of freedom, restore prosperity to our people, and make America, again, the Land of Opportunity.●

GROUND ZERO WEEK

HON. TIMOTHY E. WIRTH

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mr. WIRTH. Mr. Speaker, I would like to commend the following speech by my colleague from Massachusetts, Mr. MARKEY, to all those concerned about the nuclear arms race. Mr. MARKEY has been working diligently to build public and congressional support for efforts to freeze the nuclear arms race. Certainly there is no more important task before us. During this Ground Zero Week, people and organizations around our Nation are engaging in educational efforts designed to build awareness that there could be no winners in a nuclear war. Many people now are talking about this topic, considered unthinkable until recently. The following speech, given to the Lawyer's Alliance for Nuclear Arms Control in Boston at the start of Ground Zero Week is an important step in this growing debate.

GROUND ZERO WEEK

I want to thank the Lawyer's Alliance for Nuclear Arms Control for allowing me the opportunity to speak at this conference.

We are witnessing this week what may be a historic and extremely important debate for this country. All this week, which has been designated Ground Zero Week, organizations across the country are gathering to discuss the ultimate issue—nuclear war.

It is a discussion that is long overdue.

For too long we have avoided the unthinkable simply by not thinking about it. For too long we have left the fate of this Earth to the experts in the Pentagon, the White House, and the State Department.

And now the American people are afraid. They want a strong defense, but they're afraid that the Reagan Administration's $1.7 trillion defense buildup will only heat up the arms race.

They do not want nuclear war, but they are afraid when their leaders talk of waging nuclear war and winning.

So all over the country, religious leaders, business executives, lawyers, doctors, college students, and local legislators are organizing to demand a halt to the nuclear arms race.

The one initiative gaining the most momentum nationwide is the proposal for the United States and the Soviet Union to freeze their nuclear arsenals. Millions of people have signed freeze petitions. Hundreds of New England towns have endorsed freeze resolutions.

Representative Silvio Conte and I have introduced a resolution in the House calling on the United States and the Soviet Union to negotiate a mutual and verifiable freeze on the testing, production and further deployment of nuclear warheads, missiles and other delivery systems. The resolution then calls on the superpowers to begin major, mutual and verifiable reductions in their nuclear arsenals.

So far, more than 160 representatives have signed on to the resolution. Senators Kennedy and Hatfield have introduced the same resolution in the Senate, where more than 20 senators have endorsed the measure.

Both resolutions, as you know, are in response to a loud and clear message from the grass roots. That message is: Enough is enough. The superpowers must cut back their arsenals before we blow ourselves off the face of the earth.

This call for nuclear disarmament is really nothing new.

It's just been sitting on the shelf collecting dust for the past three decades.

There indeed was a surge of concern over the horrors of nuclear war, just after the Hiroshima and Nagasaki explosions. With those horrors fresh in their minds, President Truman and the other Western leaders did call for a renunciation of nuclear weapons.

But the disarmament fervor soon faded as the Cold War heated up and distrust between the two superpowers mounted.

Both sides began vigorous research and development programs into nuclear war systems.

By 1948, the United States had begun replacing its World War II propeller bombers with intercontinental jets. The Soviets exploded their first nuclear bomb a year later.

By the beginning of the 1960's both sides had satellites in orbit and intercontinental ballistic missiles that could deliver up to a 10-megaton payload to the others homeland.

We had our first nuclear-powered sub in 1960; the Soviets had theirs in 1968. We produced multiple warhead missiles in 1966; the Soviets had theirs two years later.

And by the end of the 1960's, both sides had enough of a retaliatory capacity to insure that nuclear conflict would result in both sides being effectively destroyed.

The United States and the Soviet Union had thus formed a suicide pact. It was called MAD—for mutually assured destruction.

Also about this time, a new approach for containing the arms race came into being—called arms control.

Thoughts of nuclear disarmament had long fallen by the wayside. Under arms control, the United states began to negotiate treaties with the Soviet Union that attempted to manage the dangers and costs of a nuclear arms race and attempted to lessen the damage if a nuclear conflict broke out.

And if nuclear weapons had to be built, the arms controllers tried to make sure that the ones the superpowers did build wouldn't increase the chances that a nuclear war would occur.

The arms control approach has chalked up some worthy achievements. It has produced the Washington-Moscow hotline, the Limited Test Ban Treaty, the Nonproliferation Treaty, SALT I, the Anti-Ballistic Missile Treaty, and SALT II, to name a few.

All these arms control agreements were steps in the right direction. They all furthered the cause of strategic stability. And I think it is a tragic mistake that the United States has not ratified SALT II.

But we mustn't let too much nostalgia creep into our assessment of the arms control record.

We must remember that many of the arms control agreements prohibited weapons deployments, which the two superpowers had no intentions of deploying in the first place.

We must remember that, even with all their restrictions, all of the treaties and agreements have still allowed the superpowers to gorge themselves with nuclear weapons.

In the final analysis, the only things that have really constrained the arms race be-

tween the superpowers has been the costs of the weapons and the technological limitations of producing them.

But now that technology is producing weapons that will be harder to control in a crisis—deadly weapons like the Soviet SS-18 and the American MX missile that improve each sides' ability to knock out the other's missiles and that put a hair trigger on nuclear deterrence.

That technology is producing the ground- and sea-launched cruise that can easily be hidden and therefore will make verification of future treaties even more difficult.

Now we hear dangerous talk of limited nuclear war. We see both sides talking nuclear deterrence out of one side of their mouths but building nuclear weapons that increase their nuclear war fighting capabilities.

Now all of a sudden the nuclear bomb—which George Kennan said "is the most useless weapon ever invented"—now all of a sudden it has supposedly achieved a military utility.

Now all of a sudden, the American public—which had learned to live with the bomb—now all of a sudden the public has been asked to learn to live the bomb exploding.

The American public, thank heavens, has more common sense than to swallow this alternative. The people realize that there is no such thing as a limited or winable nuclear conflict.

Once the button is pushed, everyone loses.

The people can count and they realize that 50,000 warheads stockpiled among the weapons states is much too much overkill.

They realize that the problem is not who's ahead of the other in the race to develop particular weapons system. The problem is the arms race itself.

So the people have begun to mobilize. The arms controllers, who during the anti-SALT years were lonelier than Maytag repairmen, have now been scrambling to catch up with the movement.

The Reagan Administration, whose plans for an arms buildup are being spoiled by this new disarmament fervor, at first branded our resolution as "bad arms control policy." But how can wanting to stop the arms race be bad arms control policy?

Then the Administration tried to defuse the movement by endorsing the Jackson-Warner resolution calling for a long-term nuclear weapons freeze. That way, the administration could complete the arms race—build a few thousand more weapons—and then talk about a freeze. But the public knows that the arms race can never be completed. When we build more, they build more.

No, the public is now saying it's time to disarm.

They're saying, we've waited long enough. We've heated up the arms race to try to get rid of these weapons and that hasn't worked. We tried to contain the arms race to reduce the danger of these weapons and that hasn't really worked.

And the Reagan Administration wants to complete the arms race, and we know that won't work.

We now must stop the arms race.

That's what the people are telling this Administration.

And it better start listening.

Thank you.●

THE 90TH ANNIVERSARY OF THE CITY OF REDONDO BEACH

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mr. DYMALLY. Mr. Speaker, I am pleased to share with you the 90th anniversary of the incorporation of the city of Redondo Beach. Its rich history is reflected in their governmental, business, and multiethnic heritage.

In 1854 Juan Jose Dominguez sold a portion of his ranch which was a part of the Salt Lake to Henry Allenson and William Johnson who formed the Pacific Salt Works. The Redondo Development Co. in 1885 purchased a 433-acre tract from the Dominguez family to start a city; however, it proved not to be the proper time.

Those persons in the early history of Redondo Beach credited with its formation were Henry Ainsworth and Henry Huntington. These men, along with others, succeeded in 1892 in obtaining cityhood of the sixth class. The town involved itself in a myriad of activities, from taking its first census (population 668) to the opening of its first hotel, Redondo, with 225 rooms.

Beginning in 1895 and ending in 1908 with the erection of city hall, at a cost of $100,000, Redondo Beach constructed its second wharf, and reorganized its railway. The second census showed an increase of 187 citizens. They opened their first bank, Farmer's & Merchants, converted the railroad from steam to electricity, and built 150 homes, as well as the first high school.

The chamber of commerce was organized and the Pacific Light and Power erected a steam-generating plant at a cost of $500,000. Redondo Beach was growing: It now had its own city hall; banking institutions; wharfs and piers; railway station; electrical plant; library; and, a population of 2,930. Their city charter was adopted in 1936.

After World War II, President Harry Truman signed an authorization bill for the construction of a breakwater; and, the citizens voted approval for tidelands oil drilling. The South Bay Shopping Center became a reality and the $9 million harbor bond issues passed. The Federal Housing and House Finance Agency plan was approved with the cost of property acquisition set at $3,372,000.

From 1966 until the present, the years have been spent with expansion and improvement of Redondo Beach. King Harbor opened, a $150,000 addition to city hall was completed and the Federal Government released funds for the $15 million Redondo Plaza Redevelopment project on 50 acres in the old downtown section. The city constructed an $8 million parking structure and the council voted $1 million on deposit to purchase a garage site which was financed by parking revenues. Lincoln Development Co. completed the first phase of the planned 2,000 units, with 332 rental apartments, and finally in 1980 the harbor bond was paid off.

The future plans for Redondo Beach involves the revitalization of their blight areas, completion of their parks and improvement of the delivery of services to their citizens. The elected officials are committed to maintaining their high standard of response to the citizens of Redondo Beach.

I personally congratulate the city of Redondo Beach on the celebration of its 90th anniversary.●

MR. AND MRS. AUGUST SICILIANO

HON. LYLE WILLIAMS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mr. WILLIAMS of Ohio. Mr. Speaker, two erstwhile residents of Youngstown, Ohio, the late Mr. and Mrs. August Siciliano of 375 Broadview Avenue, share a rare distinction, they are among only four known parents to have had five sons on active duty with the U.S. Armed Forces during the Second World War.

Even though two of their sons were married and three were taken out of school, Mr. and Mrs. Siciliano did not complain. They loved America, they said, and were willing to sacrifice to help keep it free. Strong, indeed, was their love for America.

All five of their sons served honorably and were honorably discharged from the Armed Forces.

Three of their sons, James, Paddy, and Rocco served in the U.S. Army, with Paddy serving in the Air Corps. The two other sons, Tony and John, served in the U.S. Navy.

How many families have risked so much to defend our Nation and our way of life? Not many. It is indeed fortunate that the Siciliano family and others were willing to make sacrifices on behalf of our country during time of war. It is to the Siciliano family and other families like them that this august body and the rest of the Federal Government owe their very existence.

It is indeed an honor and a gratifying experience to be able to honor the Siciliano family in the CONGRESSIONAL RECORD, the official log of the U.S. Congress. My hat goes off and my heart goes out to the brave members of the Siciliano family. No Sunday patriots were they. They rose and came to the aid of the United States during

a time of grave danger. They took their place in the ranks of Americans who were willing to give to the Nation in which they believed.

So, to my fellow Members of the U.S. House of Representatives, I commend the Siciliano family for its unselfish and gallant devotion to the ideals that have made our Nation the greatest in the history of the world.●

DOMINICAN SISTERS OF SPRINGFIELD, ILL., SPEAK OUT ON GUATEMALA

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mr. FINDLEY. Mr. Speaker, events continue to go from bad to worse in Guatemala. The recent elections did nothing to improve the situation in that tragic nation and now, of course, with the coup, the circumstances for the people of Guatemala are even more discouraging.

I would like to call the attention of my colleagues to the great concern which exists in this country about the situation in Guatemala. In particular, the Sacred Heart Convent of the Dominican Sisters, Springfield, Ill., passed a resolution on March 2, 1982, calling upon the President and the Congress to enforce human rights sanctions against Guatemala and not to provide any military assistance to Guatemala. This resolution was sent to me by Mother M. Dominica Brennan and the sisters of the convent.

This resolution is extremely thoughtful and demonstrates sincere humanitarian concern for the people of Guatemala. Therefore, I am placing it in the CONGRESSIONAL RECORD so that we may all benefit from its message.

DOMINICAN SISTERS,
SACRED HEART CONVENT,
Springfield, Ill., March 2, 1982.

Whereas, the Guatemalan Government is carrying out a well thought-out plan to intimidate the Church and silence its prophetic voice and are directly attacking the Church as an institution; (In recent months 12 priests have been assassinated and/or kidnapped, 91 male religious and 64 women religious have left Guatemala because of death threats, 60 parishes are without a priest, 1 Catholic Radio Station has been destroyed, 1 closed and 3 silenced, 30 centers of Christian formation have been closed and all Church groups are being watched);

Whereas, the gross and systematic violation of human rights in Guatemala has been amply documented and the number of persons killed in political violence since 1954 is estimated at 80,000;

Whereas, during the current government of General Romeo Lucas Garcia, more than 7,000 persons have been murdered or "disappeared" and often brutally tortured;

Whereas, the daily and monthly averages of these events continue to escalate and in recent months have included attacks against entire villages;

Whereas, the international community has widely recognized that "the human rights issue that dominates all others in the Republic of Guatemala is that people who oppose or are imagined to oppose the government are systematically seized without warrant, tortured and murdered, and that these tortures and murders are part of a deliberate and long-standing program of the Guatemalan Government." ". . . the deployment of official forces for extra-legal operations can be pin-pointed to secret offices in an annex of Guatemala's National Palace under the direct control of the President of the Republic" (Amnesty International 1981);

Whereas, Section 502(B) of the Foreign Assistance Act of 1961 as amended expressly prohibits the extension of military assistance to governments regarded as gross violators of human rights;

Whereas, in 1977 the U.S. Congress suspended military assistance to the Government of Guatemala because of its record of gross and consistent violation of human rights;

Whereas, the present Congress has specified in a report of the Committee of Foreign Affairs on the International Security and Development Cooperation Act of 1981 (May 19, 1981) that "there is no formal request for military assistance, grant military training, or foreign military sales financing for Guatemala and consequently the committee has not considered any provision for Guatemala. The committee would expect that no military assistance, training, or foreign military sales (FMS) financing will be provided to Guatemala without prior approval by the Committee on Foreign Affairs;"

Whereas, in spite of the clear intent of existing legislation, the present administration has recently sold $3.2 million of jeeps and trucks to the Guatemalan government and is presently considering the sale of helicopter spare parts to that government;

We, the members of the General Council of the Dominican Sisters of Springfield, Illinois, address ourselves to the members of Congress and to the Reagan administration and express our urgent demand that—

In the case of Guatemala, all human rights sanctions be enforced through bilateral and multilateral actions;

That there be no military assistance, no commercial cash sales of equipment with military or potential military use, no transfers of discretionary funds for military supplies;

In short, that no support of any kind be extended by the government of the United States, either directly or through third parties, to the current government of Guatemala nor to any continuation of that regime under whatever guise.

Mother M. DOMINICA BRENNAN, O.P.,
Mother General.
Sister M. GLORIA HANLEY, O.P.,
Vicaress.
Sister M. AQUINAS DU CHENE, O.P.,
Second Councilor.
Sister MARGARET ROSE AULTZ, O.P.,
Third Councilor.
Sister MARY LAWRENCE GREEN, O.P.,
Fourth Councilor.●

AMERICAN ACHIEVEMENTS

HON. JIM SANTINI

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mr. SANTINI. Mr. Speaker, sometimes we take for granted all the freedoms and blessings we enjoy as Americans. I would like to share with you today an article written by a Nevada student which brings into focus many of the achievements we Americans can point to with pride. The piece was written by Daniel P. Biewener who is a senior at Reed High School in Sparks, Nev. Daniel entered his thesis in the Veterans of Foreign Wars "Voice of Democracy" contest and was selected first prize winner for the State of Nevada. I found his article to be quite inspiring and I hope you do, too.

1981-82 VFW VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM—NEVADA WINNER DANIEL P. BIEWENER

"• • • That they are endowed by their Creator with certain unalienable Rights, and among these are Life, Liberty, and the Pursuit of Happiness • • •"

With these words, our nation was forged into existence in 1976, and this newly forged nation was tempered with the blood of millions of its defenders. A nation built upon sacrifice and achievement has not been defended in vain, for never in this world's history has a nation accomplished so much for itself and for mankind in so little time as our United States of America.

I love being an American. It is an honor, for being an American means being a welcome member of a very successful family. In just two hundred years, we have made technological advancements that are unsurpassed, in both number and nature, by any other country in the world. It was in this country that the cotton gin was invented. It was here that Bell invented the telephone, Scholls invented the typewriter, and Edison invented the light bulb. America is the birthplace of the phonograph, the skyscraper, the assembly line, the telegraph, the computer chip, Mickey Mouse, the oil derrick, the transistor, dixieland jazz music, and even the zipper. Yes, most of the things that I now take for granted are the results of tremendous efforts by other Americans in my history. My generation will never have to know what an iron lung is, for an American conquered polio. In fact, through the research of Americans, I will never have to worry about typhus, diptheria, smallpox or even tuberculosis.

From the time that two American brothers conquered mechanical flight for the first time, it was only sixty-years before an American became the first man to walk on the moon. Yes, we are a nation of firsts. First to plant our flag on the north pole and on the moon, first to break the sound barrier, and most recently, first to launch and return the same ship into space more than once.

We are a model family too. We have proven time and time again that democracy works best. We have a lasting family, symbolized by our beautiful flag. Yes, our flag, which is the oldest existing flag in the world, even older than the present day

Union Jack of Great Britain. Our flag has survived the growth of our nation, the turmoil of a civil war, the flames of protesters and militants, and the famous bombardment of it at Fort McKinley, which inspired the words for our beloved national anthem.

Our family is growing too, not only from the inside, but from the millions of souls we have adopted from the outside. Being a melting pot of nations, races, and backgrounds, we have the supreme advantage of acquiring all the positive aspects and influences that other countries have to offer. Our great success as a nation may be due greatly to the combined ingenuity and culture of all our varied immigrants. America has been the home for many productive immigrants, like Albert Einstein, Andrew Carnegie, Zubin Mehta, Igor Sikorsky, and Werner Von Braun. No nation but the United States can boast such a list of great men, and that's what I like about America; here, every man is free to reach for his own greatness.

There is nothing that a nation with our experience, our ingenuity, and our glorious spirit cannot accomplish. In building America together, we have the momentum of all our historical achievements from the past combined with the potential and prospect of even more and better ones to come.

With this in mind, I can't help but feel a little bit boastful when I say: "I'm an American, and I live in the United States of America!"●

STALIN IN THE WINGS

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mr. DORNAN of California. Mr. Speaker, increasingly, voices are being raised across our land arguing that the interests of the Soviet Union and those of the United States are converging, that our goals are the same and only the means of achieving them differ, and that the Soviet Union is only interested in helping solve the world's problems.

In a penetrating essay on the future of Soviet leadership, Soviet emigrants Vladimir Solovyov and Elena Klepikova cast a dark shadow over such unrealistic assumptions. The authors point out how the power of the present Soviet gerontocracy has dramatically declined vis-a-vis the ideological apparatus, the KGB, and the top-ranking officers of the armed forces. And, most ominously, waiting in the wings to replace the present pragmatic leadership of Brezhnev is someone in the mold of one of the most feared dictators and tryants of this century—Josef Stalin. At this point, I would like to submit the excellent essay, "The Frightening 'New' Soviet Leaders," for the RECORD:

[FROM THE LOS ANGELES (CALIF.) TIMES, APR. 15, 1982]

THE FRIGHTENING "NEW" SOVIET LEADERS

(By Vladimir Solovyov and Elena Kkepikova)

The political and physical longevity of Soviet President Leonid I. Brezhnev is astounding. The 18-year period of his rule has seen changes in the leadership of most nations. And, in all the 1,000-year history of Russia, not one of its functioning leaders lived to Brezhnev's advanced age of 75. Emperor Nicholas II was shot at 50. Ivan the Terrible, Peter the Great and V. I. Lenin died at 53. Nicholas I died at 59. Alexander II. 63, Catherine the Great, 67. Even Josef Stalin, despite the tradition of Georgian longevity, lived to be only 73.

Brezhnev has outlived, physically or politically, not only all his rivals (four of them—Alexander N. Shelepin, Dmitri S. Polyansky. Nikolai V. Podgorny and Kirill T. Mazurov—were removed from the Politburo) but also all his comrades-in-arms. Of the 1966 Politburo that overthrew Nikita S. Khrushchev, only one member remains: Brezhnev himself. One other Andrei P. Kirilenko, nominally still a Politboro member, has actually ceased to function as such, and no longer appears in public, supposedly because of old-age infirmities. Yet, recently, some Kremlinologists were regarding him as a possible successor to Brezhnev.

Having outlived not only his rivals and comrades-in-arms but many of his potential heirs, too, the frail, ailing Kremlin leader is left to face his last enemy, whose victory is predetermined: time.

It makes little sense to try to guess which of the Kremlin gerontocrats will occupy Brezhnev's throne because, given the age of most members of the Politburo (the average is 70), their chances for imminent death are equal. Soon, at least 10 Politburo members will be gone, so the job will not be one of finding Brezhnev's successor among its members, but of filling so many vacancies at the summit of the Kremlin hill.

For example, who will replace Marshal Dmitri F. Ustinov, 73 minister of defense? Will it be the commander-in-chief of the Warsaw Pact forces, Marshal Victor G. Kulikov, who, if he did not conduct the military coup in Warsaw, in any case exerted a decisive influence on its initiators? Will it be Marshal Nikolai V. Ogarkov, chief of the general staff of the Soviet armed forces, who believes in the advantages of an atomic first strike—an idea that he insistently advocates (taking no account of the opinion of the Kremlin elders) in his articles and in a recently published brochure? Or will it be Gen. Alexei A. Epishev, chief of political administration for the Soviet army, the initiator and organizer of the blitzkrieg in Afghanistan, who is known for his ultrachauvinist views? And what if not one or two of them, but all three, become members of the Politburo? What if one of them replaces Brezhnev, following the Polish model? Or what if Brezhnev is replaced by Yuri V. Andropov, the present chairman of the KGB, and the Politburo takes in yet another general, Andropov's successor?

Within the Politburo, there is another ominous figure, the Leningrad party boss, Grigory Romanov, 59, who is also shooting for Brezhnev's position, or one of those close to it that will soon be open: premier or secretary of the Central Committee. A current joke predicts that, thanks to his last name, he will restore the dynasty of the Romanovs, who ruled Russia for three centuries, until the Revolution of 1917, and will bring the capital back to Leningrad from Moscow. It would be worse if, after becoming ruler of the country, Romanov also brought to Moscow the military-police regime that he has established in Leningrad.

The problem of an aging leadership was noted in a magazine published in Moscow, Our Contemporary, in a poem calling for the replacement of the feeble gerontocrats by younger and more resolute leaders capable of leading the country in case of war:

I cast an anxious eye toward the East,
And an equally anxious one toward the West . . .
Who is ready to lead us in the campaign?
Are the young princes yet in the saddle?

The question is strictly rhetorical. Such a poem could not have appeared in the Soviet press if the impatient 50-year-old "young princes" were not already in the saddle and ready to come into the arena, where Brezhnev lingers with his ceremonial retinue, creating an optical illusion of being in power. In fact, the power has slipped from their sclerotic hands, and there has been a weakening of the Politburo's own role in running the country due to a strengthening of other centers of power: the ideological apparatus, the KGB and the top-ranking officers of the armed forces. This can be judged from the anti-Brezhnev tone and numerous chauvinist and anti-Semitic publications issuing from the Soviet press, the stepping up of censorship, the persecution of dissidents, the extinction of emigration and especially the Afghanistan morass—something unprecedented in the post-Stalinist era.

The most recent round in the Kremlin battle, with heavy losses for both sides (the arrest of friends of Brezhnev's daughter, the suicide of Brezhnev's relative, Gen. Semyon Tsvigun, deputy chief of the KGB, the replacement of several high officials) was nonetheless something like an exchange of chess pieces, leading not to qualitative changes but to a simplification of positions. And a look at that simplified position makes it even more obvious that in the second rank of Soviet leaders there are no pragmatists like those who have ruled Russia for the last 18 years. Among the heirs of Brezhnev, it is easy to discern only an heir of Stalin. There are many candidates for that role.●

THE NUCLEAR ARMS FREEZE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mr. RANGEL. Mr. Speaker, I rise today in support of House Joint Resolution 434, the nuclear arms freeze resolution.

The arms race has been the greatest tragedy of our time. Weapons originally designed to protect us and preserve our liberty have become the greatest threat to our existence.

The arms race today threatens us in two ways. On the home front, it threatens to drain the dollars out of our civilian economy, starving all programs, all industry that is not related to building nuclear weapons. Think of the billions we have spent on nuclear

weapons that we could instead have spent on education, medicine, housing, art, or the environment. Instead we have paid and paid for bigger missiles, faster subs, and sleeker bombers. Our own policies are threatening to turn us into a modern Sparta, a Nation devoted above else to supremacy in waging war.

And all this is damage done us if a single one of our nuclear weapons is never used. Should, by any horrible chance, there ever be a nuclear war, civilization as we know it would end. Both the Soviet Union and the United States would be reduced to thousands of square miles of nuclear rubble. The democracy that we have built for 200 years would be lost in the downfall of civilization.

So we cannot win if we continue the arms race. In the best case, where there is no nuclear war, we cripple ourselves domestically by siphoning into armaments money that could be better used to strengthen our civilian economy. In the worst case, nuclear war, we destroy the Earth.

We must take steps to insure the future of the world. We must bring the arms race under control. To build and build, to threaten the Soviets and be threatened by the Soviets can, in the long run, lead only to destruction. Now, while the United States and the Soviet Union enjoy relative equality in arms, let us both freeze what we have. No one, today, could win a nuclear war. We enjoy superiority in some areas, they in others. The overall situation is one of balance, one in which each nation can feel that the other enjoys no overwhelming superiority. Let the two superpowers freeze things where they are. And from there, after that crucial first step, both nations can begin actually to reduce, and thus to bring this deadly menace under control.

We, in Congress, have the chance to begin this process. The nuclear weapons freeze resolution is a statement of high principles to which every reasonable man and woman can subscribe. I strongly commend it for your support.●

PROTECTING THE STRONG FROM THE WEAK

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mr. HYDE, Mr. Speaker, I had always believed, as a lawyer and a legislator, that the function of the law was to protect the weak from the strong. As a result of a recent decision of the Indiana Supreme Court which sanctioned the death by starvation of Baby Boy Doe, it is apparent that the law exists to protect the strong from the weak.

The brilliant columnist George Will has treated this subject with the sensitivity it deserves. I commend his column to everyone who cares about the kind of humane, caring society we ought to live in, but as yet do not.

The column follows:

[From the Washington Post, Apr. 22, 1982]

THE KILLING WILL NOT STOP

(By George F. Will)

The baby was born in Bloomington, Ind., the sort of academic community where medical facilities are more apt to be excellent than moral judgments are. Like one of every 700 or so babies, this one had Down's syndrome, a genetic defect involving varying degrees of retardation and, sometimes serious physical defects.

The baby needed serious but feasible surgery to enable food to reach its stomach. The parents refused the surgery, and presumably refused to yield custody to any of the couples eager to become the baby's guardians. The parents chose to starve their baby to death.

Their lawyer concocted an Orwellian euphemism for this refusal of potentially lifesaving treatment—"Treatment to do nothing." It is an old story: language must be mutilated when a perfumed rationalization of an act is incompatible with a straightforward description of the act.

Indiana courts, accommodating the law to the *Zeitgeist*, refused to order surgery, and thus sanctioned the homicide. Common sense and common usage require use of the word "homicide." The law usually encompasses homicides by negligence. The Indiana killing was worse. It was the result of premeditated, aggressive, tenacious action, in the hospital and in courts.

Such homicides can no longer be considered aberrations, or culturally incongruous. They are part of a social program to serve the convenience of adults by authorizing adults to destroy inconvenient young life. The parents' legal arguments, conducted in private, reportedly emphasized—what else?—"freedom of choice." The freedom to choose to kill inconvenient life is being extended, precisely as predicted, beyond fetal life to categories of inconvenient infants, such as Down's syndrome babies. There is no reason—none—to doubt that if the baby had not had Down's syndrome the operation would have been ordered without hesitation, almost certainly, by the parents, if not by them, by the courts. Therefore the baby was killed because it was retarded. I defy the parents and their medical and legal accomplices to explain why, by the principles affirmed in this case, parents do not have a right to kill by calculated neglect any Down's syndrome child—regardless of any medical need—or any other baby that parents decide would be inconvenient.

Indeed, the parents' lawyer implied as much when, justifying the starvation, he emphasized that even if successful the surgery would not have corrected the retardation. That is, the Down's syndrome was sufficient reason for starving the baby. But the broader message of this case is that being an unwanted baby is a capital offense.

In 1973 the Supreme Court created a virtually unrestrictable right to kill fetuses. Critics of the ruling were alarmed because the court failed to dispatch the burden of saying why the fetus, which unquestionably is alive, is not protectable life. Critics were alarmed also because the court, having incoherently emphasized "viability," offered no intelligible, let along serious, reason why birth should be the point at which discretionary killing stops. Critics feared what the Indiana homicide demonstrates: the killing will not stop.

The values and passions, as well as the logic of some portions of the "abortion rights" movement, have always pointed beyond abortion, toward something like the Indiana outcome, which affirms a broader right to kill. Some people have used the silly argument that is is impossible to know when life begins. (The serious argument is about when a "person" protectable by law should be said to exist.) So what could be done about the awkward fact that a newborn, even a retarded newborn, is so incontestably alive?

The trick is to argue that the lives of certain kinds of newborns, like the lives of fetuses, are not sufficiently "meaningful"—a word that figured in the 1973 ruling—to merit any protection that inconveniences an adult's freedom of choice.

The Indiana parents consulted with doctors about the "treatment" they chose. But this was not at any point, in any sense, a medical decision. Such homicides in hospitals are common and will become more so now that a state's courts have given them an imprimatur. There should be interesting litigation now that Indiana courts—whether they understand this are not—going to decide which categories of newborns (besides Down's syndrome children) can be killed by mandatory neglect.

Hours after the baby died, the parents' lawyer was on the "CBS Morning News" praising his clients' "courage." He said, "The easiest thing would have been to defer, let somebody else make that decision." Oh? Someone had to deliberate about whether or not to starve the baby? When did it become natural, even necessary, in Indiana for parents to sit around debating whether to love or starve their newborns?

The lawyer said it was a "no-win situation" because "there would have been horrific trauma—trauma to the child who would never have enjoyed a—a quality of life of—of any sort, trauma to the family, trauma to society" In this "no-win" situation, the parents won: the county was prevented from ordering surgery; prospective adopters were frustrated; the baby is dead. Furthermore, how is society traumatized whenever a Down's syndrome baby is not killed, it was, I believe, George Orwell who warned that insincerity is the enemy of sensible language.

Someone should counsel the counselor to stop babbling about Down's syndrome children not having "any sort" of quality of life. The task of convincing communities to provide services and human sympathy for the retarded is difficult enough without incoherent lawyers laying down the law about whose life does and whose does not have "meaning."

The Washington Post headlined its report: "The Demise of 'Infant Doe'" (the name used in court). "Demise", indeed. That suggests an event unplanned, even perhaps unexplained. ("The Demise of Abraham Lincoln"?) The Post's story began:

"An Indiana couple, backed by the state's highest court and the family doctor, allowed their severely retarded newborn baby to die last Thursday night. . . ."

But "severely retarded" is a misjudgment (also appearing in The New York Times) that is both a cause and an effect of cases

like the one in Indiana. There is no way of knowing, and no reason to believe, that the baby would have been "severely retarded." A small fraction of Down's syndrome children are severely retarded. The degree of retardation cannot be known at birth. Furthermore, such children are dramatically responsive to infant stimulation and other early interventions. But, like other children, they need to eat.

When a commentator has a direct personal interest in an issue, it behooves him to say so. Some of my best friends are Down's syndrome citizens. (Citizens is what Down's syndrome children are if they avoid being homicide victims in hospitals.)

Jonathan Will, 10, fourth-grader and Orioles fan (and the best Wiffle-ball hitter in southern Maryland), has Down's syndrome. He does not "suffer from" (as newspapers are wont to say) Down's syndrome. He suffers from nothing, except anxiety about the Orioles' lousy start.

He is doing nicely, thank you. But he is bound to have quite enough problems dealing with society—receiving rights, let alone empathy. He can do without people like Infant Doe's parents, and courts like Indiana's asserting by their actions the principle that people like him are less than fully human. On the evidence, Down's syndrome citizens have little to learn about being human from the people responsible for the death of Infant Doe.●

THE IMPORT FEE

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mrs. SNOWE. Mr. Speaker, several newspapers have editorialized against any imposition of a fee on imported oil. Included in this group is a newspaper in my congressional district, the Bangor Daily News.

While the oil import fee might briefly catch our eye as an attractive means of raising revenue, I believe it should be quickly discarded. The oil import fee is an inflationary, regressive tax on a basic necessity to residents of Maine. An oil import fee would add significantly to the cost of energy for Maine residents and for other citizens of New England. It is estimated that a $5 per barrel fee would take about $34 billion from consumers, causing an 11.5-cents-per-gallon increase in petroleum products.

An oil import fee would be disastrous for our economy, causing an increase in unemployment and adding to inflation. In addition, an oil import fee would probably require the establishment of a costly regulatory framework with a host of special features and loopholes. Once again the oil companies would benefit and the consumers would suffer.

I commend the following editorial to my colleagues.

[Bangor Daily News, Apr. 12, 1982]

THE IMPORT FEE

In casting about for ways to trim a $180 billion deficit without whittling down the defense budget or the size of tax reductions approved for the next two years, the Reagan administration has come up with a partial solution: a $5-per-barrel fee on imported oil that will spread the grief about as far west as Minnesota and about as far south as Connecticut.

Although the president's personal view on the matter has not been made public, his chief budget operatives and influential members of Congress are reportedly enamored of the idea of socking the North and Northeast with a surtax on imported oil.

This tax would net Uncle Sam $11 billion to $13 billion per year—a substantial take and a politically painless method of confiscating money if you live in Washington and your constituents hail from states where the federal government provides cheap hydro power or price-regulated natural gas.

That is why such courageous lawmakers as Sen. Robert Dole of Kansas and Sen. Pete Domenici of New Mexico, both Republicans and the respective chairmen of the Senate's finance and budget committees, can be so enthusiastic about this tax.

There are two problems with the tax—one practical and philosophical and the other political.

The budget deficit is not a regional problem with regional roots—it is a national problem that has emanated from Washington, D.C. Consequently, any significant measure to deal with it—and this $5 tax is significant—should be national in application and impact.

Such a tax would also seem to be philosophically repungent to any administration that purports to respect the value and sanctity of the individual states.

Singling out states, by region, for the imposition of federal taxes is a mockery of the New Federalism.

One can also wonder at the fairness of it to industrious people. The residents of Maine have led the nation in cutting back on petroleum consumption. What justice is there in hiking their cost of heating oil and gasoline by 12 cents per gallon?

Such arrogant discrimination by the budget manipulators should strike terror in the hearts of Republicans across the country who see, in the Reagan presidency, opportunity for long-term gain by their party.

If the North and Northeast can be treated so callously by the administration and Republican leadership, other sectional interests may be looking over their shoulders, wondering who will be next.

An energy tax should either be applied uniformly, on a national basis, or the idea should be abandoned.●

OUTSTANDING RECORD OF SERVICE OF THE WESTMORELAND COUNTY (PA.) BOROUGHS ASSOCIATION

HON. DON BAILEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mr. BAILEY of Pennsylvania. Mr. Speaker, people can and do make the difference. The Westmoreland County Boroughs Association is living proof of that. Now in its 34th year, the association has grown from only 15 boroughs in 1948 to 38 boroughs today. Down through the years they have promoted the concept of honest and effective local self-government, and the citizens of Westmoreland County have reaped the bounty and the benefits of those labors.

Working in conjunction with civic and community leaders, the boroughs association has been able to make meaningful and substantial progress in the betterment of the lives of Westmoreland County residents. This progress has occurred on many fronts, and I would like to enumerate some of their accomplishments over the years.

The police departments of Westmoreland County communities have been upgraded and improved because of the efforts of the association. Improvements have been realized in police efficiency and training, and the association has worked to rally popular support and recognition for the bravery and resolution, too often unsung and unnoticed, of our fine police officers.

In addition, the boroughs association has promoted the concept of efficient retirement plans for employees of the various boroughs. These retirement plans have been praised for their sensitivity and concern for the comfort and security of these employees.

Zoning laws are another area in which the boroughs association has addressed its concern and its effort. Thanks to the association, more effective zoning laws have been promulgated to insure the protection and maintenance of citizens' property.

Working closely with the Pennsylvania State Association of Boroughs, the Westmoreland association has helped to formulate money management policies to provide high-yield investments for surplus funds of local borough governments. In addition, the association has worked for the concept of collective bargaining for local government employees. This aspect of the association's activity has paid rich dividends in worker satisfaction and the resultant job efficiency and job performance which employees have reflected in their everyday efforts to serve the people of their respective communities.

No organization can function and succeed without the dedication of its membership. To each and every one of the members of the Westmoreland County Boroughs Association I say, "thank you." Their service and their untiring dedication have improved the quality of all our lives. the association members have given unselfishly and unceasingly of their expertise, their knowledge, their time, and their good faith and concern for other citizens.

The association is an example to us all and we should strive to emulate their civic concern and their achievements on behalf of local government and the freedom and democratic ideals that are America's greatest strength

and an inspiration to all peoples who cherish individual dignity and liberty.●

A TRIBUTE TO ARTHUR F. GERDES

HON. WAYNE GRISHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mr. GRISHAM. Mr. Speaker, on May 27, 1982, the many friends and associates of Arthur F. Gerdes will gather in Norwalk, Calif., to pay tribute to a man who has given 23 years of public service to the citizens of Norwalk and the metropolitan area.

It is an honor for me to stand before my colleagues and bring to your attention a few of Art's many achievements in his long and accomplished career.

Art Gerdes has been a member of the Norwalk City Council since 1962. During his 20 years of continuous service, he was selected four times by his peers to serve as mayor.

An active member in the real estate community, Art is the owner of a real estate/insurance firm. He has maintained the business since 1955. He has also taught a number of evening graduate classes to adult students from throughout southern California.

Art's dedication to his community is evident from his many years of service. He has served on the Norwalk Planning Commission, Los Angeles County Sanitation District, Mosquito Abatement District, League of California Cities and numerous local, county, State, and national commissions and task forces.

My friendship with Art, and his lovely wife Phora, goes back many years. We share the same profession, and we also share the same goal of making Norwalk one of the finest cities in California.

Art and I share membership in the California Association of Realtors and the Norwalk-La Mirada Realty Board. Art has also been active in the Shriners and the American Legion.

The city of Norwalk is very fortunate that a man the caliber of Art Gerdes was able to give of himself to the city for over 20 years. I join with Phora and their three children, Bret, Colleen, and Stephanie in offering my sincerest congratulations on this night of tribute and wish you all the best. Perhaps Art will now be able to recapture that precious gift that seems to elude most public servants—time. He sure is deserving.●

HOW TO FINANCE DEFENSE

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mrs. SCHROEDER. Mr. Speaker, I hope my colleagues will read the following article by Eliot Janeway. It is a creative idea that might be employed during the budget debate.

[From the Baltimore Sun, Mar. 2, 1982]

How To Finance Defense

(By Eliot Janeway)

The overseas world respects America for its unrivaled economic strength and it regards U.S. military potential as only a by-product of that.

So the spectacle of Reaganomics in receivership is hardly putting plausibility behind presidential proclamations of a "new American resolve" to meet the Russians on every terrain and with every weapon of their choice.

Leaving aside forebodings of what may be in store for the economy if it slips into a depression, and for the country if Russia is invited to emerge as the beneficiary of America's default in the race for military modernization, there is a simple, safe financing technique for putting the Pentagon into business without putting the Treasury out of business.

It is to revive the wartime expedient of the V-Loan.

It would use the reservoir of liquidity backed up in the financial markets to fill the government's needs, and to reconnect it to the economy's idled capacities—fast.

The V-Loan worked once, under circumstances admittedly different from today, in the aftermath of Pearl Harbor. It was the standard form of war finance in its day. The "V" stood for victory.

Companies with war contracts and in need of money (and everyone with contracts needed money) qualified to go to the banks to get it. They did so on presentation to the lending bank of a government guarantee to repay both principal and interest. The cost of money then was 1 percent. Excess cash was piling up in the banks faster than anyone could use it. The banks, therefore, greeted with open arms every contractor and sub-contractor sent them by the armed services.

The same condition holds true today, with one exception. The prime rate is 17 percent, though the banks are offering their biggest and best borrowers rates under 15 percent.

As always happens when the economy collapses, weak borrowers who need money can't get it even at usurious rates and strong borrowers who can always get it won't take it at cut rates. Without more decisions to borrow by strong borrowers, there can't be any recovery.

The Pentagon's contractors and their suppliers are important enough as money users to make the difference between economic collapse and instant revival. All of them would do the government, the banks, the economy and themselves a favor by scooping money out of the banks in large lots the moment the Pentagon guaranteed the loans.

A bad situation for any government is a simultaneous inflation of defense budget obligations for future years, a slowdown in current-year outlays for actual military strength and a collapse in the economy. Yet the economy's cash flows are needed to finance the arms build-up. Mr. Reagan can't hope to manage either the economy or foreign affairs by presiding over a defense bulge on paper, a defense slowdown in practice and hand-wringing over an economic collapse.

Senator Ernest Hollings of South Carolina has criticized the administration for putting so many chips on the B-1 bomber while it tolerates an ammunition shortage for troops on a payroll the Pentagon can't afford to meet. His criticism is sharpened by the administration's simultaneous toleration of a shutdown in U.S. copper mines and brass mills.

A word is in order on the functional impact the V-Loan system had. V-Loans are safe for lending not just because the taxpaying borrower is armed with a contract or sub-contract backed up by a government guarantee making it as secure as a Treasury Bill.

The Treasury is in a class by itself financially. It is the only borrower which can always get money, and which is always good for payment. Its guarantee of the V-Loan is the one kind of credit guarantee that is always gilt-edged, because the guarantor—the U.S. Treasury—is the customer as well as the underwriter of the borrowing.

The Treasury is good for the Pentagon's bills. They would not fall due until months after the Pentagon sped up its orders and sent its suppliers scurrying to the banks. Long before the time came for the Pentagon to pay its suppliers for deliveries and to let them repay the banks, Treasury tax collections from the speed-up in the economy would be on the rise again. So reactivation of the V-Loan would free the Treasury to collect first and the Pentagon to spend later.

Strong defense companies and their basic industry suppliers of common items would gather a rich harvest of tax collections for the Treasury, reversing the present hemorrhage of tax refunds. Collections from the individuals employed and from the suppliers reactivated would dwarf those from the contractors themselves. There's no way to step up defense schedules without bringing back overtime; and there's nothing like overtime to flood the Treasury with cash and to send the customers to the stores and the showrooms.

The economy's most urgent need is for a broad cross-section of companies, now in shrinkage and losing their entitlements for bank loans, to start making productive loans again. Government-guaranteed loans to qualified borrowers would overnight reemploy the banks' idled liquidity and, with it, the country's idled resources of plants and people. They would cut the effective net cost of the Treasury's own borrowings in half (assuming all V-Loan borrowers would be in the 50 percent bracket). More importantly, they would substitute productive corporate borrowings from the banks for Treasury offerings to the credit markets. That's the necessary first step toward encouraging interest rates to come down without shutting down the economy.

Long before the time came to repay V-Loans, they would start earning the Treasury more without exposing it, the president, Congress or the over-taxed public to the agony of the new war of words over tax increases. Any expedient that gets the economy off to a quick new start will lessen the risk of a confrontation with Russia that a defense catch-up is advertised to avoid. If it

is axiomatic that the Soviets respect strength, it is a truism institutionalized in the history of Marxist thought that the strength they respect as fundamental to every other source of strength is economic—particularly in their scrutiny of America.

Tragically, however, instead of leading from its economic strength to Russia's weakness, America is allowing its economic strength to erode. The United States has all along been living in a high-risk atmosphere militarily, but without a sense of urgency about it. Suddenly, America is living in a high-risk atmosphere economically, and it is driving us to desperation while provoking Russia to aggression. A defense catch-up financed by the tried and tested V-Loan method is the safe and cheap way to regain lost competitiveness on both fronts. The tool the nation improvised as a wartime necessity can be used again to dig the economy out of its hole and the Pentagon out of its rut.●

THE PERSPECTIVE OF YOUTH

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mr. DYSON. Mr. Speaker, recently a number of seventh graders from the Benjamin Stoddard Middle School of Waldorf, Md. wrote to me, as part of their class project, to propose legislation for the 97th Congress to consider. I would like to share their suggestions with my colleagues, for I have found them to shed some light on issues which disturb America's youth as they view the world around them.

The perceptions of 12- and 13-year-olds concerning congressional authority is both limited and wildly exaggerated. Their "bills" are often little more than a notion that something has gone wrong in the world, and something should be done about it. The influence of contemporary issues and the perceptions of youth have combined to create an interesting, entertaining, and certainly enlightening picture.

Among the bills students have proposed are to:

Ban the use of handguns (in two instances).
Require the installation of seat belts in school buses.
Provide for a faster postal system.
Require every child under the age of 10 to wear seat belts.
Lower the driving age to 14.
Require licensing of "boat drivers."
Provide for equal rights for women.
Eliminate unemployment for citizens over the age of 18.
Provide equipment for the handicapped.
Establish a mandatory sentence for drunk driving.
Protect the white seals.
Lower the immigration quotas.
Ban the production of nuclear weapons.
Provide for more student scholarships.
Raise the tax on cigarettes.
Ban the sale of cigarettes.
Set a mandatory death penalty for murder.
Raise liquor taxes.
Require that all soda bottles be returnable.
Require that all newly-constructed homes be solar-heated.
Ban taxes on consumer goods.
Ban taxes on food.
Establish a minimum age of 18 for the purchase of cigarettes.
Provide for lower gasoline prices.
Ration gasoline.
Prohibit nuclear waste dumping in crowded areas.
Lower inflation.
Permit the sale of firecrackers in every state.
Require that cars be inspected every two years.
Provide more jobs for handicapped persons.
Establish a wildlife preserve for white-tail deer.
Raise the national speed limit to 65.
Subsidize the price of school lunches.
Establish a national drinking age of 21.
Provide for more public parks.
Outlaw alcohol commercials on TV.
Keep America clean and stop pollution.
Pass the ERA.
Make marijuana legal.
Create a wildlife preserve.
Kids should not walk a mile to school.
Save the Harp Seals.
Stop drunk driving.
Reduce the interest payment on federal education loans to two percent.
Provide for federal job training.
Require the installation of "filters" for factories, houses and cars.
Establish a national retirement fund.
Increase job training, Social Security and Medicare by 20%.
Require "equal pay for equal work."
Increase military salaries.
Step up funding levels for the Humane Society.
Make sidewalks mandatory.
Increase defense spending.
Deny animal abusers the right to own animals.
Increase fines for littering.
Require that hurricane or tornado evacuation drill be carried out in each country.
Outlaw abortion.
Outlaw hunting.
Outlaw smoking on interstate buses.
Outlaw verbal harassment.
Increase federal railroad subsidies.
Establish a national holiday in honor of Dr. Elizabeth Blackwell.
Provide ramps for handicapped persons in public places.
Raise the drivers age to 17.
Provide free insurance for the poor.
Limit defense budget spending.
Require that cars be made "heavier" for safety purposes.
Shorten the school week to four days (Nine instances).
Create horse paths.

Mr. Speaker, while some of these "bills" are unrealistic or are already laws, I find it encouraging that the youth of Maryland have taken an interest in those issues which bother them. In future years, I am convinced that many of these same individuals will, indeed, go on to influence their environment and destinies. Their proposals show a degree of creativity, but graphically demonstrate the benefits the American educational system provides us.●

STATEMENT FOR INTRODUCTION OF H.R. 6147, EXEMPTION OF POLICE AND FIRE ORGANIZATION PENSION

HON. TOM HAGEDORN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mr. HAGEDORN. Mr. Speaker, today I am introducing a bill to insure the future financial stability of pension funds for volunteer fire organizations and certain local paid police and fire organizations.

Unfortunately, the pensions funds of these deserving organizations "fall between the legal cracks" of the Internal Revenue Code. They are not government pensions per se and therefore not eligible for tax exemption under section 401. Yet there is room for the interpretation that they do not qualify as a social welfare organization under section 501(c)(3).

Last August, IRS revenue ruling 81-58 threatened the future of this exemption as a social welfare organization. While these organizations have won a short reprieve under this administration, I would like to set the record straight for future years by permanently amending the Code to allow for their exemption. This exemption means a great deal to those men and women who serve their communities and in many cases receive this pension as their only reward. To tax these relief organizations over a matter of semantics is truly unjust.

I wish to emphasize that this amendment does not provide a new exemption and therefore will not result in any additional cost to taxpayers. It simply insures the future of the organizations' rightful place within the Internal Revenue Code and allows these organizations the security to budget for future years.

I cannot think of a more deserving group of individuals than these citizens who selflessly provide service to their communities. Our country was founded on the principles of citizen involvement. Let us allow these volunteers and civil servants this just reward for their part in making America a better place to live. I urge my colleagues to join me in this effort.●

THE SINAI PENINSULA

HON. ROBIN L. BEARD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mr. BEARD. Mr. Speaker, this Sunday the world will witness one of the most magnanimous and selfless gestures in recent memory—the trans-

fer of the Sinai from Israel to Egypt. In doing so, Israel has suffered far more than the relinquishment of vital property, but has watched a normally united people part. As a Christian, it is with great sorrow that I watched Israeli soldiers uprooting Israeli citizens—as a Jew, I can imagine that the picture would be acutely painful.

The Sinai Pennisula has played a pivotal role in the short but spectacular history of Israel. If one is to fully comprehend the significance of this abjuration, we must understand this role in terms of both Israel's security and history.

The Sinai was formally secured by the State of Israel during the phenomenal Six-Day War of 1967. Responding to Egyptian violations of the United Nations armistice line and the refusal to permit Israeli ships through the Strait of Tiran, Israel took control of the Sinai, but indicating that the territory would be returned to Egypt upon formalization of guaranteed peace. The Yom Kippur War in 1973 did not alter this resolution, as Israeli forces again secured possession of the Sinai from Arab forces, reiterating a fervent desire for constructive negotiations.

On March 26, 1979, Israel made good this promise and signed the Egyptian-Israeli Peace Treaty, calling for a permanent withdrawal from the Sinai by April 25, 1982. Despite their commitment to peace in the Middle East, this was not an easy sacrifice for Israel, nor has actual withdrawal been an easy process.

Since 1969, the peninsula has offered a home to many Israeli citizens—schools have been built, roads laid, electricity installed, military bases established and vital oil wells excavated. This vast military and industrial infrastructure represents a $17 billion investment, including $5 billion for energy exploration and development. Moreover, it has been estimated that the cost of relocation to the Negev region will amount to some $5 billion. As one who has grappled with unwieldy Federal budgets for years, I can appreciate the difficulties the Israeli Government has encountered in financing this relocation.

Complicating the relocation is the necessity that Israel maintain constant military readiness in this period of heightened tensions to the north. The Israeli Air Force has abandoned two of the most modern tactical airbases in the world—Eitam and Etzion—as well as eight additional airfields. The naval base of Sharm-el-Sheikh has been relinquished, forcing the Israeli Navy to operate from less than 5 miles of coastline. Ammunition dumps, logistic centers, and military distribution installations, which could formerly be dispursed over a large geographic area, must now be concentrated in the highly vulnerable Negev. In short Israel has severely disadvantaged its own military in its quest for peace.

Few could argue that Israel has not sacrificed much in exchange for simple recognition. When contemplating a possible resolution of the conflicts with Lebanon, one must wonder how much more can be asked of the Israelis?●

A HELPING HAND FOR THE FARM ECONOMY

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mr. OBERSTAR. Mr. Speaker, high production costs, outrageously high interest rates, low prices and an inadequate farm bill have placed the American farmer in a very poor financial position. Our farmers are going broke at record levels. In my home State of Minnesota, nearly 50 percent of the farmers holding Farmers Home Administration loans are delinquent on their loan payments—not through neglect, but because of the farm economy and the national economy.

We in the Congress have an opportunity and a responsibility to act within the next few weeks to avert ruin for thousands of farmers. We must act to provide an immediate solution to the major problem facing American farmers today—inadequate income.

Mr. Speaker, today I am introducing legislation which will help alleviate the current economic crisis facing rural America.

My bill has three major provisions:

First, it sets the Commodity Credit Corporation loan rate for wheat at $4.30 and for corn at $3.10 a bushel. The loan program included in the 1981 farm bill is clearly inadequate. The table below shows the financial predicament facing wheat and corn farmers.

	Production costs	Selling price	Current CCC loan rate	Oberstar Proposal
Wheat	$5.30	$3.45	$3.55	$4.30
Corn	3.12	2.33	2.55	3.10

Second, it directs the Secretary of Agriculture, immediately upon enactment of this act, to make loans available to farmers under the already authorized economic emergency loan program. The administration has repeatedly refused to release the $600 million available in economic emergency loan funds despite the current credit crisis faced by farmers.

Third, it requires the Secretary of Agriculture during the 1-year period beginning on the date of its enactment, to permit the deferral of the payment of principal and interest on, and foreclosure of, outstanding loans made under laws administered by the FmHA to farmers who are already experiencing temporary economic hardship. Failure to enact authority for a moratorium on farm foreclosures will lead to the continuing financial ruin of small family farmers, implement dealers, bankers, and small businessmen who are already carrying the burden of the downturn of the Nation's economy and who will face increasing pressures with the worsening of both the farm and national economy. This section incorporates provisions of H.R. 5711, which I introduced on March 3.

Mr. Speaker, the responsibility to alleviate the low-income problem faced by our agricultural producers lies solely with the Federal Government. I urge my colleagues to join me in this attempt to bring some stability to the farming sector of our economy.●

COMMUNITY COLLEGES

HON. JIM DUNN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mr. DUNN. Mr. Speaker, one of the greatest educational challenges being met today can be seen in the changing roles of our community colleges. Decreasing numbers of high school graduates and a continuing recession in our economy have combined in altering traditional educational objectives. Community colleges are listening to those who live and work around them, and to those who are finding themselves unemployed. Their cry is for job retraining, an opportunity to help themselves out of a financial corner.

WJIM-TV in Lansing, Mich., took a closeup look at this situation in one of its recent public affairs programs. This program, aired April 4, 1982, did an admirable job in presenting this issue, one which I feel is worthy of the attention of my colleagues in the House. In interviews with three local community college presidents, Dr. Phil Gannon of Lansing Community College, Dr. Robert Rue of Mott Community College in Flint, and Dr. Clyde Le Tarte of Jackson Community College, the show made the point that job retraining is becoming a most important role for that type of institution. This is good for the colleges and good for the community. With fewer public resources available, especially in hardhit States like Michigan, community colleges are filling this heretofore neglected area and spending their dollars in such a way as to help the economy by putting people back to work.

Community colleges are becoming a magnet for those already in the labor force. During this WJIM interview with moderator Jon Schwartz, Dr. Gannon pointed out that "80 percent

of the students at Lansing Community College are currently employed, and they are looking for new directions and advancement." Community colleges are becoming an integral part of the work force adapting to an evolving marketplace. Dr. Le Tarte concluded that in Michigan, "community colleges are part of the solution to the State's problems."

Mr. Speaker, it is important for the Congress to recognize the changing educational needs of today and the role of these colleges in meeting these needs. Retraining is a big part of the answer to unemployment; the part to be played by community colleges in this effort cannot be overemphasized.●

THE FACTS ABOUT THE CASES SHOWN IN THE MOYERS CBS PROGRAM—APRIL 21

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mr. ROUSSELOT. Mr. Speaker, since there has been so much discussion here today about the television program entitled "People Like Us" which Bill Moyers presented to the Nation April 21, 1982, on the CBS Network, let me review the facts.

Four genuinely heartrendering cases of struggling human beings were presented. The clear implication of the Moyers report was that the Reagan administration was responsible for the distress that these individuals and their families are now experiencing.

This is just not so!

Let me now review the facts of three of these cases for my colleagues:

OHIO CASE

WHAT ARE THE FACTS OF THIS CASE

Larry Ham has been receiving disability benefits since 1974. A medical review of his case was undertaken by the Disability Determination Service of the State of Ohio in October 1981. Based on this review, it was determined that his disability ended in October 1981. He was informed of this decision on November 14, 1981, and was given 10 days to submit additional evidence. On December 14, 1981, he was notified that his benefits would be terminated. Payments are made for the month disability ends and the two succeeding months. Mr. Ham's last check was for December 1981. He requested a reconsideration of his case on April 5, 1982.

WHAT CHANGE IN FEDERAL POLICY CREATED THIS SITUATION

Basic Federal policy has not changed—there has been no change in the definition of disability since 1967. Disability benefits are paid only as long as the beneficiary continues to meet the requirements of the law—that is, he is unable to work because of a severe impairment.

The Social Security Administration (SSA) has always reexamined disability claims to make sure payments are made only to those who continue to be disabled. Previously, only certain cases were reviewed. In 1980, however, the Congress passed the Social Security Disability Amendments, which require all disability claims to be reviewed periodically. The reviews were required to begin in January 1982.

WHAT IS THE JUSTIFICATION FOR THIS POLICY CHANGE

The Congress enacted the 1980 provision in response to concerns expressed by the General Accounting Office (GAO) and others that SSA was not reevaluating enough cases. SSA decided to begin the periodic reviews in March 1981, in a response to a GAO report estimating that as many as 20 percent of disability beneficiaries, who receive about $2 billion a year in benefits, are ineligible. In fiscal year 1982, about 565,000 cases will be reviewed, rather than the 155,000 scheduled under the old law.

WHAT FEDERAL POLICIES EXIST TO AVOID HARDSHIP IN CASES LIKE THIS

The Social Security Act and regulations provide a thorough appeals process to assure claims receive all due consideration. This includes a reconsideration within the state agency, the opportunity for a hearing before a Federal Administrative Law Judge, appeal to the SSA Federal Appeals Council, and appeals to the Federal Courts.

Note: No Reagan Administration policy changes caused Mr. Ham's disability review. In addition, Mr. Ham still has four levels of appeal left open to him.

NEW JERSEY CASE

WHAT ARE THE FACTS IN THIS CASE

Mrs. Frances Dorta, a divorced mother of three children, received AFDC from 1973 until October 1981. In September 1981 she obtained employment at $600 per month. Her 10 year-old son has a serious medical problem for which surgery was needed. In September 1981 she obtained employment at $600 per month. Because this income exceeded the State's need standard by 150 percent, she was terminated from assistance ($590 is the income cutoff in New Jersey), which also resulted in termination of the Medicaid eligibility. Mrs. Dorta quit her job and in January reapplied for assistance. She now receives an AFDC grant of $414 per month and is eligible for Medicaid.

WHAT CHANGE IN FEDERAL POLICY CREATED THIS SITUATION

The Omnibus Budget Reconciliation Act, which took effect on October 1, 1981, amended the AFDC program to require States to set an overall limit, 150 percent of their standard of need, on the total income a family may have to be eligible for aid under the State plan. The States, not the Federal Government, set the standard of need against which the 150 percent limit is applied. If the family income before applying any "disregarded" amounts exceeds that amount ($590 for a family of four in New Jersey), the family is not eligible for AFDC. This is the case with respect to Mrs. Dorta.

WHAT IS THE RATIONALE FOR THIS FEDERAL POLICY CHANGE

The income eligibility limit of 150 percent of the state-determined standard of need was enacted by Congress to make families with adequate incomes ineligible for AFDC. Prior to this change, in 15 States (including New Jersey), families of four with incomes over $15,000 per year were eligible for AFDC. Prior law also permitted AFDC recipients who obtained employment to receive, through wages and continued AFDC benefits, significantly more income than working families who never received AFDC. In addition, the evidence was that the prior law permitting AFDC families to receive significant income without losing AFDC eligibility did not result in more AFDC families obtaining employment. Preliminary indications from States are that the vast majority of families whose eligibility for AFDC was terminated by the Reconciliation Act changes are not leaving jobs to return to the AFDC rolls.

WHAT FEDERAL POLICIES EXIST TO AVOID HARDSHIPS IN CASES OF THIS KIND

The hardship in Mrs. Dorta's case arises from excessive medical costs associated with her son's condition. Federal safety net policies provide two mechanisms to avoid hardships in cases of this kind:

1. States, not the Federal Government, set the AFDC standard of need for individuals in that State, against which the 150 percent cap is applied. New Jersey is free to raise the standard applicable to New Jersey residents. Twenty-one States have raised their respective standards of need since the Reconciliation Act changes became effective.

Under the Medicaid program, States may establish medically needy programs to provide Medicaid eligibility to low income families which, although not eligible for AFDC due to their incomes, have special medical needs. Although New Jersey does not have a medically needy program, 33 States do.

[Note: In this case, Mrs. Dorta was protected by the "safety net." She did receive the Medicaid assistance for her son's operation that she needed.]

WISCONSIN CASE

WHAT ARE THE FACTS OF THIS CASE

Carrie Dixon, age 13 became eligible for Supplemental Security Income (SSI) in 1979. In addition, the Dixon family is AFDC eligible and thus categorically eligible under Medicaid.

In January 1982, Carrie was institutionalized at Central Wisconsin Center for the Developmentally Disabled, an intermediate care facility for the mentally retarded (ICF/MR). Prior to that time, she received various services at home under the Medicaid program. Apparently, Mrs. Dixon decided to move Carrie to the institution because the State of Wisconsin would no longer pay for some over-the-counter drugs and her fear that there might be cuts in the visiting nurse home health services program under Medicaid in Wisconsin.

WHAT CHANGE IN FEDERAL POLICY CREATED THIS SITUATION

There have been no changes in the provision of Medicaid home health service benefits, such as visiting nurses, in the Wisconsin program during this Administration. The only reduction in services made by Wisconsin that relates to this case is a limit on some nonprescription drug services. This change became effective November 1, 1981.

No change in Federal policy required Wisconsin to alter its drug coverage policy. Historically, drugs have been an optional State service under Medicaid.

WHAT IS THE JUSTIFICATION FOR THIS POLICY CHANGE

State option under Medicaid.

WHAT FEDERAL POLICIES EXIST TO AVOID HARDSHIPS IN CASES LIKE THIS

The Omnibus Budget Reconciliation Act of 1981 provides waiver authority to the Secretary of Health and Human Services under Medicaid for home and community-based services in lieu of more costly institu-

tional care. We understand Wisconsin has developed a waiver submission to HCFA.

[Note: There is no Reagan Administration policy or requirement preventing Carrie Dixon from being cared for at home at any time.]●

MISSING CHILDREN

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mr. SIMON. Mr. Speaker, since the introduction of the proposed Missing Children Act last year, and the subsequent hearings which in the House were conducted by Mr. EDWARDS, chairman of the Subcommittee on Civil and Constitutional Rights, we have come to learn a great deal more about the full extent of the frustration and anguish endured by the parents of these children.

Some 50,000 children vanish from their neighborhoods or school yards each year in the United States, not including those who run away, and between 4,000 to 8,000 of these are later found dead.

The problem is truly nationwide in scope, affecting all States, and reaching into thousands of American neighborhoods.

A recent article by reporter Patrick Thorne in the Spectrum, published in Salt Lake City, Utah, recounts the stories of four such missing children in Utah. Danny Davis, Alonzo Daniels and Claude K. Peterson, Jr., are still missing, with few clues. Maria Martin's case had a better ending. She was found and her kidnapers were apprehended.

The purpose of the Missing Children's Act is to assist these searches through fuller use of an existing crime-fighting resource: The FBI's National Crime Information Center. If we are successful, I believe we will have fewer stories of missing children which end tragically, or which simply do not end at all.

I commend the article to the attention of my colleagues:

UTAH'S MISSING CHILDREN

(By Patrick Thorne)

If your car is stolen, chances are you will get it back. If your child disappears, there is a good chance you will never see him or her again.

That grim scenario is getting a hard look on Capitol Hill, as Congress considers a Missing Children's bill. It caught the eye of Representative Dan Marriott (R-Utah) as the bill was introduced by its author, Representative Paul Simon (D-Illinois). Marriott is now one of the most active supporters of the measure, and the bill has been introduced in the Senate by Senator Paula Hawkins (R-Fla.) with Senator Orrin Hatch (R-Utah) as a co-sponsor.

"If jewelry or money is taken from an individual, police immediately respond and investigate fully," Simon explained. "In 1977, the FBI even investigated the disappearance of a horse in Kentucky. Yet we do practically nothing to find missing children."

The measure would direct the FBI to expand the use of its National Crime Information Center (NCIC) computer as a clearinghouse for information about missing children and unidentified bodies. The data would be immediately available to thousands of police departments nationwide to aid in the critical first hours in searches for missing youths.

"Each year over 50,000 children disappear from their homes," Marriott said. "These are not habitual runaways. They are innocent victims, many of whom are later found brutally murdered."

He added that the tragedy is compounded by the more than 1,000 bodies found each year in this country which are never identified, while the families of these persons are left to "wait and wonder" about the fate of their loved one.

The proposal would require that missing children and unidentified bodies be registered on the NCIC computer much the same as stolen goods are registered. "Children up to age 17 who disappear would be listed, as long as they don't have a history of running away and parental abduction is not a factor," Marriott asserted. "We must use all available technology to protect our children. In a day and age when a stolen car can be traced across the country, surely there is more that we can do to find these missing children.

Simon contends that "assumptions" work against finding missing children. The assumption is made that a missing child is a runaway, Simon complains. "Police feel that when a child runs away it is a family problem that should be worked out within the family," he said. "But the assumption ignores the 50,000 children who disappear each year who are not runaways," and policies that demand a 72 hour waiting period before declaring these children missing gives an abductor a headstart. "After that period, the abductor and child can be anywhere," he added.

The lawmaker said that many missing children are never listed at all. In order for the child to be included on the NCIC computer the FBI requires the child to have been seen "in the company of another person under circumstances indicating that his physical safety is in danger," or "missing under circumstances indicating that the disappearance was not voluntary," or have been abducted as defined by state or local laws. "Since most children disappear unnoticed, they do not meet the criteria necessary to be listed on the computer," Simon declared.

The whole issue comes close to home for Utahans who have been living the unfolding drama of the Danny Davis case. Danny is the 4-year-old boy reportedly taken from Smith's Food King in Murray on October 20, 1981. He has not been heard from since, and numerous "leads" in the case have produced nothing.

Salt Lake County Sheriff's Department Detective Lieutenant Dean Carr has been involved in the investigation of the Danny Davis incident. In December, Lt. Carr appeared on a radio interview with Rep. Marriott. "We feel we're making progress," Carr said. "The Sheriff's office is unable at this time to narrow the scope of the investigation to any one particular theory, such as child kidnapping or whatever. We're unable to establish a reason why Danny was taken. Therefore, we have to direct our energies in many different directions until such time as we do establish a motive." To date, no motive has been found.

Carr indicated that two other cases are still active, involving 4-year-old Alonzo Daniels in 1979 in Salt Lake City and 11-year-old Claude K. Peterson, Jr., in 1980 in South Salt Lake. "We do not feel there is a connection between any of the three cases," Carr told Marriott.

And yet another case, involving 4-year-old Maria Martin, daughter of Donald and Margan Martin of Provo, although with tragic overtones, has an admittedly happier conclusion.

Maria was abducted from her mother and four other children from a hotel in Coronado, Ca., where the family was vacationing. Mr. Martin was en route to join the family when the youngster disappeared.

On his December broadcast, Marriott explained, "The parents were told something rather alarming. They were told by the authorities that probably Maria had been taken and sold in Mexico on the black market. After several days, friends and relatives urged the Martins to give up, it would be hopeless, but the Martins indicated their faith in God and that they knew they would see their daughter again.

"On the ninth day, the parents received a ransom call from the kidnappers. With the help of the local police, the child was recovered during the transfer of ransom and the kidnapper was apprehended," Marriott said.

The Congressman reported the police surmised that the kidnapper had failed in attempts to sell the child because of the extensive news coverage of the case.

Donald Martin exclaimed to Marriott, "Many times children are missing and there's no publicity and there's no information out there. They need the information out there that is not there otherwise. We were fortunate in the case of Maria in that we got almost worldwide publicity. We were very fortunate. Other cases out there are not so fortunate."

Incidentally, the kidnapper of Maria has been sentenced to life in prison for the abduction in Coronado.

Mrs. Martin strongly endorsed the Missing Children's bill. "It would make it more difficult to get away with the kidnapping if there were some nationwide network established."

The Chief of the State Criminal Indentification Bureau, Byron Penrod, appearing with Marriott on a broadcast interview, said the bill is definitely needed. "I think the problem nationwide is definitely increasing," he said. "I think we're seeing many more cases across the United States where people are focusing on young children for any number of activities. I think in Utah we haven't seen as much as some other areas of the nation, but it could be on the increase and not yet to a point where we are able to identify it. I think it is a serious problem that needs to be addressed."

Penrod and Mrs. Martin believe other steps need to be taken also. "I think one area in missing persons that really is a problem is the lack of programs for prevention, nationally, at the state level and locally. If we could increase education of our children, it would help. If an adult drives up to a child on a street, it's natural for the child to approach the car to answer a question. I really think we need to take a look at prevention as well as what we do after the child is gone," Penrod said.

Mrs. Martin said parents need to be instructed on how to be prepared for an emer-

gency. "For example," she said, "one day the police said to me I need four things from you right now to help with identification. I need a hair sample, I need her blood type, I need dental charts, and I need for you to give me her fingerprints. And I didn't have them."

Sheriff's Detective Lieutenant Carr declared, "There's no question in my mind that there's a need for it (the bill). Right now all of the police agencies involved throughout the United States are limited to teletypes to communicate with each other. Not all departments have those. We're continually receiving information on found dead bodies. We try and keep a record of that so we can go back through it when we receive an inquiry. But a system (computerized) such as you're advocating would be of great value."

With the preoccupation of Congress on Federal Budget matters, progress on the Missing Children's bill is slow. Sponsors are still optimistic, however, that it will be enacted into law this year.●

GOODWILL FIRE COMPANY

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mr. YATRON. Mr. Speaker, on May 1, 1982, the Goodwill Fire Company No. 4 of Pottsville, Pa., will be celebrating its 100th anniversary. This outstanding company is a completely volunteer organization with 230 members who every day demonstrate their dedication to protecting the lives of the citizens and property of their community.

I think that it is certainly appropriate that their accomplishments should be recognized. The members of the Goodwill Fire Company No. 4 have unceasingly contributed their time and efforts on many projects to benefit their neighbors and friends. I consider myself privileged to represent an area served by such a dedicated and committed organization. Their leadership and devotion to their fellow man have been an inspiration and encouragement to all.

I know my colleagues will join me in paying tribute to the Goodwill Fire Company No. 4 of Pottsville and will wish them many more years of continued success. I know that they will continue to maintain their very fine tradition of community service and humanitarian activity.●

PROFILE OF A SYNFUEL SEMIFINALIST: HAMPSHIRE ENERGY LIQUEFACTION PROJECT

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mr. CORCORAN. Mr. Speaker, the Synthetic Fuels Corporation has selected the Hampshire liquefaction project located in Gillette, Wy., as one of five projects to merit further consideration for financial assistance under phase II of the SFC's first profect solicitation. The project is sponsored by a joint venture comprised of KANEB Services, Inc., Coppers Co., Inc. and the Northwestern Mutual Life Insurance Co. Standard Oil of Ohio is also a sponsor of the project but is not requesting SFC assistance. If the sponsors obtain the price and loan guarantees which they have sought from the Synthetic Fuels Corporation (reportedly more than $1 billion), they intend to build an indirect coal liquefaction plant which will produce gasoline, propane, and mixed butanes. Commercial production is planned for early 1987.

The selection of this project for further consideration came as a surprise to many synfuel project analysts. Hampshire project sponsors have thus far failed to secure access to a watere supply, as required in the Synthetic Fuel Corporation's strength criteria, and have even failed to supply adequate information to allow for such a permit decision. Although the project sponsors have filed the necessary permit applications, as recently as February 20, 1982, the appropriate State permitting agencies indicated that the applications are incomplete. Thus, the industrial siting permit upon which construction of the facility is dependent may not be obtained until February 1983. The construction startup date has already been delayed by 1 year from the 1982 date set forth in Hampshire's December 1980 application for assistance, to mid-1983. It does not seem productive for the Corporation to expend significant time and resources to negotiate with sponsors of a project who, if assistance is received, will be able to do nothing other than place the funds in escrow until such time as construction on the project can be begun.

The Hampshire sponsors' failure to obtain the necessary permits suggests that the design work required to produce the information upon which permitting decisions are based has simply not been done. Hampshire seems unwilling to incur the expenses for the necessary design development until assurance of Federal financial assistance is received. Such conduct, however, is not what the sponsors of the Energy Security Act intended. Rather than providing limited financial assistence to projects which are ready to begin construciton, the SFC is being used as a springboard upon which to develop projects.

It is natural that when a governmental entity is established for the purpose of developing a viable synthetic fuels production industry, those staff that entity will do all that they can to accomplish that end, even if it means condidering and fostering projects that have not yet been demonstrated to be technologically or economically viable and in which sponsors have not invested sufficient time and resources to prove that the project is creditworthy. Although one can certainly be sympathetic with desire of the synthetic Fuels Corporation to accomplish it ligislative mandate, that mandate is not furthered when the Corporation answers the question which the project have not yet progressed far enough to consider and answer for themselves.●

TRIBUTE TO THOMAS J. STANTON, JR.

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mr. GUARINI. Mr. Speaker, Thomas J. Stanton, Jr., one of New Jersey's most prestigious citizens and chairman of the board of the First Jersey National Bank has been selected as New Jersey Business Statesman of the Year by the Sales Executives Club of New Jersey. I would like to take this opportunity to note the illustrious career of my friend Tom Stanton.

The Sales Executives Club selected Thomas Stanton for this award "not only because of his outstanding achievements in business, but also because he has given his time and energies to causes and events extending beyond the immediate interests of his own career. His enlightened perspective and enthusiastic labors for various organizations and public-spirited groups have been of benefit to the entire business community and the State."

Tom Stanton graduated from St. Peter's Prep in Jersey City, and received a bachelor's degree at Georgetown University. During World War II, he served in the Far East as a first lieutenant, field artillery, in the 24th Infantry Division. In the Korean conflict he served as a captain of the 43rd Infantry Division. Tom Stanton attended the New York University Graduate School of Business for 4 years, and has received honorary doctorates from St. Peter's College and Jersey City State College. He is married to Jane E. Maloney Stanton and they have eight children.

Renowned in the financial community, Tom began his career at the First Jersey National Bank in 1954. In 1957 he became assistant vice president, and soon after was named vice president, and executive vice president. He became a member of the board of directors, and in 1967 was elected president of the bank and its chief executive officer. In 1975 the bank had

assets over $1 billion, and Tom had contributed to this growth and success as chairman and chief executive officer.

Tom Stanton is known for his commitments to community service in business, charities and other services. In addition to heading the State chamber of commerce, Tom is vice chairman of the New Jersey Banker's Association, chairman of the Hudson County Tax Research Council, a director of the Hudson County Chamber of Commerce and Industry, a member of the Government Relations Council of the American Banker's Association and of the board of regents of St. Peter's College. He is the former regional chairman of the New Jersey Commission on Budget Priorities, director of Minbanc Capital Corp. of the American Banker's Association, and a member of the Commission on Government Costs and Tax Policy. He serves as trustee for Stevens Institute of Technology, St. Vincent's Hospital in Montclair, Newark Museum, Greater Newark Hospital Development Fund, the Foundation of the University of Medicine and Dentistry of New Jersey. He also serves as a director for Brooks Fashion Stores, Inc., Hennessy Industries, Inc., New Jersey Bell Telephone Co., Reliance Group, Inc., and Reliance Insurance Co. of Philadelphia.

I know that my colleagues will join me in honoring Thomas Stanton as a glowing example of service to the community, and as an example of success both in business and as a humanitarian and leader of men.●

PHOENIXVILLE PHANTOMS

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mr. SCHULZE. Mr. Speaker, I would like to take this opportunity to recognize the outstanding performance of the Phoenixville Phantoms wrestling team. As always, head coach, Lonny Moore and assistant coach, Robert Slack, led the team through a tough season to bring about their commendable record of 13–2.

Wrestling is a prime example of a sport that requires not only individual talent and determination, but a sport that demands that each member of the team puts forth his best effort in a 1-on-1 competition to reach the ultimate goal of a team championship. Included among the young men who have been recognized for their admirable achievements are district I south individual champion, Derrick Harper and southeast region individual champion, Dean Trevelino. Nick Vodantis and Tom Bearden have managed to secure both of these titles. Other members of the Phantoms who have played a large part in gaining the 1982 AAA team champions of the P.I.A.A. Southeast Region are: Joe Tornetta, Tim Smoyer, Paul Ribble, Josh Weinstock, John Hensel, Jim Joyce, Jim Richards, Pat Dixon, Doug Stewart and team manager, Josh Gould.

Principal Vincent Daher, Assistant Principal James Calhoun, and Athletic Director Edward Aurand of the Phoenixville Area High School, have reason to be proud of the unity and overall school spirit that the Phantoms have promoted. I am proud to have these eager young individuals represent the future of America.

PETITION TO REDIRECT OUR MIDDLE EAST POLICY

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mr. FORSYTHE. Mr. Speaker, in a region as politically unstable as the Middle East, it is not only dangerous but ultimately self-defeating for the United States to supply advanced weapons to the enemies of Israel. Not only do we jeopardize our important and long-standing friendship with Israel, but we also increase the chances of hostility in an area already burdened with too much violence. We must not supply more weapons to Israel's enemies as efforts to achieve peace in this volatile region go forward at a painstaking pace. We must support a strong Israel and work toward the day when the Middle East will no longer be rent by dissension, but will be a land of peace for all inhabitants.

In accordance with these remarks I include here a letter from the concerned members of the Jewish Community Relations Council, who have petitioned President Reagan to redirect our Middle East policy. Such a redirection is necessary if we expect Israel to remain our staunch friend.

NATIONAL JEWISH COMMUNITY
RELATIONS ADVISORY COUNCIL,
New York, N.Y., February 23, 1982.

President RONALD REAGAN,
The White House,
Washington, D.C.

DEAR PRESIDENT REAGAN: We have been gratified by your own deep personal commitment to the security of Israel and, therefore, we were pleased that you reaffirmed America's unique bond with Israel in your letter of February 16, 1982 to Prime Minister Begin, assuring him of your intention to maintain Israel's qualitative technological military edge in the region.

Nevertheless, as the presidents of 12 national American Jewish organizations and 108 local Jewish community relations councils, member agencies of the National Jewish Community Relations Advisory Council, we are as one in our alarm that the United States, rather than acting to stem the massive arms buildup in the Arab world, continues to be a major purveyor of weaponry. Such a policy endangers peace in the region, threatens the security of Isreal, and undermines the long-term interests of the United States.

Nor have the $8.5 billion arms sale to Saudi Arabia and the recent approach to Jordan yielded concessions that advance peace in the Middle East. Jordan remains adamant in its rejection of the Camp David framework as does Saudi Arabia. Indeed, Saudi Arabia just rejected assurances you gave to the Senate pertaining to the use of the F-15's and AWACS as well as U.S. proposals seeking to strengthen U.S. strategic capabilities in the region.

Mr. President, it is, indeed, time to "redirect" our policy in the Middle East away from the sale of arms to unstable and uncooperative regimes. Rather, what is called for is a reassertion of unambiguous support for those reliable allies, like Israel, which have demonstrated the sincerity of their desire for peace by negotiating and signing treaties that have entailed great national risk and sacrifice, and which clearly recognize the Soviet-inspired threat to their own and United States' national interests in the region.●

ARMENIAN MARTYRS' DAY

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mr. HUGHES. Mr. Speaker, Saturday, April 24, 1982, marks the 67th anniversary of the Armenian Martyrs' Day. We commemorate this day as the commencement of years of tragic and brutal events perpetrated by the Ottoman Empire, which resulted in the slaughter of over 1.5 million people.

Armenians trace their heritage to the territories surrounding Mount Ararat (later seized by Turkey) where tradition holds that Noah's ark came to rest. The Armenian nation evolved through the development of a distinctive language and the original sect of Christianity. It was a sense of this unique nationality that fostered Armenian prosperity and demands for independence. Armenia, once an empire between Turkey and the Soviet Union, was forcibly made a part of Turkey by 1914 after repeated massacres by the occupying Turks beginning in 1876. Muslim Turks claimed that Armenian Christians were becoming a threat to the Turkish Government.

Then, on April 24, 1915, hundreds of Armenian leaders were gathered for execution. This incident escalated into a national Armenian catastrophe in which 1.5 million died as the direct result of Turkey's national aims.

Let us not allow the Armenian experience of genocide to be forgotten because it has been overshadowed in the wake of more recent holocausts or because it has been dubiously challenged as a historic fact. Rather, let us speak

out in support and admiration of the fortitude so evident in the Armenian culture. Let us also call for a halt to the more recent campaign of systematic torture of Armenian political prisoners in Istanbul which takes place even today. Remembering these senseless massacres provides us with an opportunity to reflect on the valiant qualities of the Armenian people. Armenians have demonstrated throughout history their determination to maintain Armenian heritage. These efforts personify and foreshadow the dream of ultimate restoration of a free Armenian nation.●

CAMBODIA: A GARDEN OF DEATH

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mr. DORNAN of California. Mr. Speaker, I would like to bring to my colleagues' attention an article I came across from the Los Angeles Times by T. D. Allman titled "Cambodia: A Garden of Death." Mr. Allman's descriptive portrayal of life in this small Southeast Asian nation is both accurate and overwhelming. I encourage all of you to read this truly visual account of a country that is struggling for renewal and rebirth after years of oppression. The article is as follows:

[From the Los Angeles Times, Apr. 15, 1982]

CAMBODIA: A GARDEN OF DEATH

(By T. D. Allman)

PHNOM PENH, CAMBODIA.—Three years after its deliverance from the Khmer Rouge, Cambodia still is a land to make you weep.

The chief difference is that this blood-soaked country of bleached-white skulls now occasionally can provoke tears of joy as well as despair.

The sources of despair could cripple the spirit of a nation a dozen times Cambodia's size: as many as 2 million people murdered; industry, agriculture and commerce destroyed; every city depopulated. Even now, to traverse Cambodia is to travel across a tropical Auschwitz.

As for the sources of joy in Cambodia, they would be scarcely worth mentioning anywhere else.

Near the village of Puok, between Angkor Wat and the Thai border, for example, the arrival of foreign visitors brings scores of Khmer children surging out of a little bamboo-and-thatch schoolhouse. A barefoot doctor shows the visitors the neighboring dispensary with obvious pride. The little hut is as clean as a whistle, but all that it has to offer the sick is a near-empty jar of antibiotics and another jar, three-quarters full, of anti-malarial tablets.

What makes a visit to this village noteworthy is that there is a dispensary and an school. And there are children.

In Kbal Danrei, a village about 90 miles northwest of Phnom Penh, children are one of the many sources of human joy that were expunged.

"The Khmer Rouge said they were taking our children for education," one man explained, "but they only worked them and beat them, and when they killed them they threw them in a mass grave." More than 2,000 children were murdered here.

The horror of Kbal Danrei makes the little sprouts of hope all the more moving. The villagers have rebuilt the Buddhist temple that the Khmer Rouge destroyed, just as they are trying to rebuild their lives. And a few children did survive.

The head man of Kbal Danrei sums up the end result of all the years of hell and murder with a concise, simple eloquence: "Now we have a new government. It no longer kills us, but it is unable to help us. We have no tools or books or medicines, and so we are obliged to live as you see us now."

In Battambang, the country's second-largest city, the market thrives on the cross-border trade with Thailand. There is electricity a few hours each evening, and a little telephone exchange has been jerry-built out of the twisted wires that the Khmer Rouge left behind.

One of the few surviving Cambodian business executives, now heading the government recovery program there, explains that with steady aid, and no resumption of warfare, the province of Battambang might return to the level of industrial and economic production that it enjoyed in 1969 by the year 2007.

The city of Phnom Penh epitomizes both the continuing horror and the capacity for resurrection that jointly define the Khmer condition.

Such a short time after the Khmer Rouge imagined that they had reduced this capital and river port into the new Angkor Wat—just another ruin—Phnom Penh again is a lively and fairly populous city, back up to about half a million people.

The markets are thriving. Bicycles, motorbikes, rickshaws and even a few buses and automobiles fill the streets. Where Pol Pot once tried to expunge both foreign and traditional culture, youths in blue jeans listen to Rod Stewart Albums in coffee shops decorated with airline posters of Paris and San Francisco.

But in many ways Phnom Penh is no more than a giant version of Kbal Danrei. Every day hundreds still visit the Tuol Sleng extermination camp in the suburbs, hoping to find among the thousands of photographs of the dead the face of a relative or friend.

In the beginning, there was fear that the Khmer were headed for literal extinction. It is likely that as many as two-thirds of all Khmer males of marriageable age were killed, and public-health experts feared that most women of prime child-bearing age had been rendered infertile by forced labor and chronic malnutrition.

It is now clear that the Cambodians have been spared this biological doomsday. In fact, there has been a tidal wave of new marriages, and the population is growing fast, though it still is far below its 1969 level. But it is another thing to reproduce a nation's doctors, teachers, engineers, administrators, mechanics and agronomists. The truth is that almost nothing works in Cambodia now, not just because so much was destroyed but because there are so few left alive to fix what remains.

Though mass famine no longer is a specter, drought and floods have made chronic undernourishment the norm. Cambodia's highway system, unrepaired for more than 10 years, is rapidly disintegrating into a morass of gravel and viscous mud.

Both the horror and the hope of Cambodia are overwhelming from the first moment that one steps foot in the country, but it takes time to appreciate fully the depth of both.

The full horror of what the Khmer Rouge did, for example, cannot be conveyed even by the photographs of the mountains of skulls. One has to travel to an orchard near the seaside port of Kampot to grasp what depravities of the human spirit were committed here. For in that orchard, after they killed their victims the Khmer Rouge used the cadavers for compost. Under every tree the hoe yields a foot, a spinal column, a skull. One is standing in a garden of death, with the fruits of death weighing down every bough.

Yet, only a day later, a small party of Cambodians stands in the darkness of rural Cambodia—utterly transfixed by the miracle of what they are seeing. Out of the darkness, its headlight penetrating the night, a train is coming.

As the train draws closer, the soldiers riding the flatcar, the engineers in the cab, the Cambodians clinging to the dilapidated freight cars all wave and cheer. They are ecstatic that the train is actually running, that such a wondrous event could occur here in Cambodia.

CONSIDER DOMESTIC IMPACT OF COPRODUCTION AGREEMENTS

HON. JIM DUNN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mr. DUNN. Mr. Speaker, today I am introducing a resolution that amends the Arms Export Control Act to require that in considering proposed military coproduction arrangements with foreign countries, (1) there be increased consideration of the economic and trade implications of these arrangements, (2) consultation with the Members of Congress representing businesses which may be adversely affected by the coproduction abroad, and (3) greater interagency coordination within the executive branch.

According to the General Accounting Office March 18, 1982 report, the Departments of State and Defense have not given adequate attention to the economic implications of coproduction agreements along with the political and military objectives. In addition, GAO found that: (1) the military technology transfer of military technology transfer arrangements can be a one-way street with the technology flowing from the United States; (2) the transfer of military technology with commercial application could contribute to the erosion of our technology based comparative advantage; (3) under the current administrative arrangement, the Department of State approves and the Department of Defense has responsibility for the negotiation and implementation of military

coproduction arrangements, with little or no input from other Government agencies, and (4) the Department of State and Department of Defense alone have too narrow a perspective to address adequately the economic, industrial, trade, and labor interests and perspectives relevant to military coproduction arrangements.

While it is appropriate for Japan and other countries to consider their economic interests when addressing defense issues, it is our job to see to it that the United States does the same.

The Mutual Defense Assistance Agreement between the United States and Japan, signed in 1954, provided the basis for U.S.-grant aid, foreign military sales, and coproduction of U.S.-developed weapon systems. Grant-aid funds were terminated in 1964 and today Japan regularly purchased military equipment from the United States and coproduces a number of U.S.-developed weapons systems. It has been U.S. policy not to enter into coproduction agreements for significant weapons except with members of the North Atlantic Treaty Organization, Australia, New Zealand, and Japan as the economics of U.S. allies have developed, the trend toward coproduction has increased.

The United States enters into coproduction arrangements to achieve national security objectives. Major U.S. objectives of coproduction projects, as defined by Department of Defense directives, are to (1) enable eligible countries to improve military readiness through expansion of their technical and military support capability, and second, to promote U.S. allies' standardization of military material and equipment, which would generate the establishment of uniform procedures and logistic support and expand multinational operational capabilities. Also, through coproduction arrangements, the United States and its allies try to prevent redundant R. & D. efforts. Japan and other foreign nations entering into such arrangements enhance their military capabilities, and at the same time benefit through the development of their high-technology industries.

Coproduction, along with other security assistance programs, is an instrument of foreign policy. Certainly, State and Department of Defense should take the lead in such efforts. However, other agencies more concerned with U.S. domestic policies should provide badly needed input to insure that coproduction agreements give adequate attention to all factors including political, military, and economic considerations. The GAO reports that State has indicated its desire to see more attention devoted to the economic dimensions of coproduction agreements.

Therefore, the bill I am introducing today expands Department involvement in coproduction agreements from State and DOD to other agencies including the Office of the U.S. Trade Representative, the Departments of Commerce, Treasury, and Labor, and other relevant Government agencies. The bill also requires these agencies to develop criteria for conducting economic assessments—including the impact on U.S. industry of technology transfers—before the United States enters into military coproduction arrangements with foreign countries. Finally, this legislation requires that before beginning negotiations on any military coproduction arrangement, the executive branch must consult with those Members of the Congress who represent districts which produce the defense articles or the components or parts of defense articles, which under the coproduction arrangement, might be produced abroad.

I urge my colleagues to join in supporting this resolution.

The text of the new bill follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Congress notes that the General Accounting Office in its report to Congress on March 18, 1982, found that—

(1) military technology transfer arrangements can be a "one-way street" with the technology flowing from the United States;

(2) the Department of State and the Department of Defense, in pursuing the political and military objectives of military coproduction, have not given adequate attention to the economic implications of coproduction arrangements;

(3) the transfer of military technology with commercial application could contribute to the erosion of our technology based comparative advantage;

(4) under the current administrative arrangement, the Department of State approves and the Department of Defense has responsibility for the negotiation and implementation of military coproduction arrangements, with little or no input from other Government agencies; and

(5) the Department of State and the Department of Defense alone have too narrow a perspective to address adequately the economic, industrial, trade, and labor interests and perspectives relevant to military coproduction arrangements.

(b) Chapter 3 of the Arms Export Control Act is amended by adding at the end thereof the following new section:

"SEC. 40. ECONOMIC AND TRADE IMPLICATIONS OF COPRODUCTION ARRANGEMENT.—The Congress declares that United States military coproduction policy should fully recognize trade and economic implications of coproduction arrangements, as well as political and military goals. Therefore, the President—

"(1) shall establish procedures requiring coordination among the Department of State, the Department of Defense, and the Office of the United States Trade Representative, the Departments of Commerce, Treasury, and Labor, and other relevant Government agencies, when the United States Government is considering a proposed military coproduction arrangement involving high-technology items;

"(2) in consultation with industry, shall develop criteria for conducting economic assessments (including the impact on United States industry of technology transfers) before the United States enters into military coproduction arrangements with foreign countries; and

"(3) before beginning negotiations on any military coproduction arrangement, shall consult with those Members of the House of Representatives who represent districts and those Senators who represent States in which, under existing contractual arrangements, there are produced the defense articles or the components or parts of defense articles which, under the coproduction arrangement, might be produced abroad.".●

POLLUTION CONTROL

HON. ALBERT GORE, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mr. GORE. Mr. Speaker, 12 years ago today the American people observed the first Earth Day. We did this not only in celebration of the natural heritage that made this country a beautiful land of plenty, but in recognition of the need to choose between keeping it that way or moving toward an ecological disaster born of manmade wastes and environmental exploitation. Accordingly, over the past decade Congress passed a series of watershed environmental statutes and began rigorous oversight of the agencies it created to administer those laws. These efforts created a safety net to protect our Nation's drinking water, the air we breathe, our natural resources, wildlife and refuge areas, and other public and private lands from the threat of irreparable contamination by toxic chemicals and industrial pollutants.

Mr. Speaker, it is particularly fitting to note on the anniversary of Earth Day the overwhelming public affirmation of the commitment to the task of maintaining this environmental safety net. Seldom have the American people been so united in their determination to see a problem solved, and this resolve has been repeatedly demonstrated in the last year by polls, media attention, and the burgeoning membership of numerous environmental organizations.

Despite this unprecedented mandate, the Reagan administration is systematically erecting a roadblock to public and congressional efforts to clean up our environment, increase our energy efficiency, and liberate this country from its dangerous dependence on foreign oil. This is a step backwards, taken in the name of budgetary controls and regulatory reform, which simply satisfies the economic interests of industries inconvenienced by these remedial efforts.

Mr. Speaker, the stakes are too high, and the responsibility for insuring a clean, safe and ecologically sound environment for future generations is too great to allow this administration to sanction the unregulated and unrestrained activites of these industries.

I insert a portion of the indictment recently issued by a group of national conservation organizations of the administration's retreat from the programs which protect public health and the environment from pollution and toxic contamination.

POLLUTION CONTROL

A dozen years ago there was no national program to protect the public from the hazards of pollution. The federal laws that were on the books were weak and ineffective, and pollution was getting worse. The problem could be seen, felt, tasted, and smelled. Scientific evidence of the seriousness of environmental degradation mounted. Human health, basic biological systems, recreation, and the natural beauty of our land and waters were being destroyed.

The American public decided to put a stop to it. They demanded action and over the ensuing decade the Congress responded, passing by overwhelming, bipartisan votes a series of strong and innovative laws mandating federal action to protect the nation from poisons in the air, in the water, and on the land. Among the statutes enacted by Congress were:

Statute:	Year passed
Clean Air Act	1970
Clean Water Act	1972
Federal Insecticide, Fungicide, and Rodenticide Act	1972
Marine Resources, Research, and Sanctuaries Act	1972
Safe Drinking Water Act	1974
Solid Waste Disposal Act	1976
Toxic Substances Control Act	1976
Surface Mining Control and Reclamation Act	1977
Superfund	1980

These statutes were not the results of a brief fad or legislative caprice. They were major legislative initiatives enacted as a result of intense public concern with real problems that cause injury, sickness, death, and material devastation.

All of these laws, except for the Surface Mining Act, which is administered by the Office of Surface Mining in the Department of Interior, are the responsibility of the Environmental Protection Agency. EPA has been devastated by budget cuts. OSM staff is being decimated. Both agencies have cut back sharply on enforcement and drastically weakened regulations. Neither is doing the job Congress told it to do.

AIR POLLUTION

The Clean Air Act, our flagship environmental law, is under attack. The Reagan Administration's legislative proposals, regulatory changes, and budget actions are crippling the nation's clean air program. They threaten to bring back an era of dangerous, damaging, dirty air.

PREAMBLE

Air pollution can kill people and make them ill; it attacks the natural environment; it destroys property. Air pollution of various kinds causes or aggravates cancer, emphysema, bronchitis, heart disease, and other diseases. Acid rain destroys lakes and forests. Ozone causes billions of dollars in crop damage.

The clean air legislation passed a dozen years ago and strengthened five years ago required EPA, with the help of the states, to clean up our air. For a decade there was progress. A start has been made on controlling pollution from automobiles, powerplants, smelters, refineries, and scores of other sources.

But enormous tasks remain: ensuring that existing nationwide health standards are met; regulating highly toxic pollutants, such as benzene and arsenic, that are still uncontrolled; controlling acid rain, and inspecting existing controls to ensure that they continue to work.

CHARGES

Instead of tackling these tasks, the Administration has marched backwards, abandoning the goal of clean air.

Weakening National Clean Air Standards. The Administration has proposed or supported amendments that would emasculate the Clean Air Act, has dragged its feet on issuing regulations the law requires, and has abolished or watered down existing regulations. Specifically, the Administration has called for amendments to the law that would:

Weaken health standards to cover only so-called "significant risks." This means abandoning protection of specially sensitive groups such as children, the elderly, people with heart and lung disease, and others. The Congress has already blocked this attack on health standards.

Allow deadlines for attaining the air quality standards that protect the public health to slip from 1982 and 1987 to as late as 1993.

Weakens auto emissions standards to allow more than a doubling of nitrogen oxide and carbon monoxide emissions—a change that would expose millions of people in as many as 16 major urban areas to continued unhealthy air.

Cripple the requirement that new cars must meet emission standards before they are sold and the provisions for recall when they do not.

Do away with requirements that, in polluted areas, new sources of pollution (such as powerplants, refineries, chemical plants) use the most effective pollution controls available.

Repeal protection for areas with air that is still clean, thus allowing new polluters to locate there and use less than the most effective pollution control technology.

Drastically weaken the carrot-and-stick provisions by which the federal government encourages states to adopt effective pollution control plans. Conscientious states that adopt good plans would be at the mercy of industries which threaten to move to states having weaker controls.

Allow greatly increased pollution of the air in National Parks and wilderness areas.

While mounting this assault on the law itself, EPA has taken administrative action to undo existing clean air requirements and has failed to issue long overdue regulations. Some of these changes are subtle but far-reaching. For example, the Clean Air Act program to meet health standards in polluted areas depends on review by the states of proposals to build new industrial sources of pollution. Illegally redefining the word "source," EPA has effectively exempted most new polluting industrial installations from state reviews.

EPA has also:

Proposed to weaken by up to 5 times heavy truck emission standards, even though the National Commission on Air Quality found that emissions from heavy trucks must be controlled if we are to meet national health standards for air quality.

Proposed to weaken the automobile emissions standard for hydrocarbons to permit an increase of approximately 25 percent in hydrocarbon emissions (one of the constituents of photochemical smog).

Proposed to weaken particulate emissions standards for diesel automobiles, the fastest growing and least controlled part of the automobile fleet.

Failed to develop a particulate standard for diesel trucks.

Failed to set required standards for industrial boilers and the most dangerous fine particulates.

The Administration has even proposed a retreat in control of lead, a pollutant which is especially dangerous to children. EPA itself has sponsored recent research which shows that even extremely low blood levels of lead affect the brain patterns of young children. Yet EPA has: Developed proposals to allow increased use of lead in gasoline, thereby increasing human exposure, most significantly the exposure of inner city children. These proposals reverse a longstanding policy of the federal government to protect the health of the nation's children by reducing lead in the environment.

Failing to Act on Toxic Air Pollution. The Reagan Administration's failure to move on toxic air pollution is especially threatening to millions of Americans who live in the shadow of chemical plants, coke ovens, and other factories which emit chemicals that can cause cancer and other deadly diseases. Recent research indicates that as much as 10 to 20 percent of lung cancer is due to air pollution. According to EPA, more than 300 plants in 39 states and territories emit large amounts of unregulated chemicals that are known or suspected to cause cancer or other serious diseases. Yet, after years of study, EPA has:

Failed to act on a list of 37 pollutants which threaten severe hazards to human health.

Cut the budget for action on toxic air pollutants so sharply that it may be more than a decade before action on all these chemicals is even begun.

Failing to Act on Acid Rain. From West Virginia to Maine, aquatic life in lakes and streams is dying. Thousands of lakes in Minnesota alone are in jeopardy, and hundreds are dead as sulfur from industrial stacks creates acid precipitation. In many states, acid rain is blamed for damaging forests and farmland and eroding buildings. Acid rain is a disaster that is real and growing.

The Reagan Administration claims that more study is needed before acting to control acid rain. The Administration opposes strengthening the Clean Air Act to mandate control measures. The Administration even seeks to weaken controls in current law limiting sulphur emissions from new plants. Even the words "acid rain" are out of fashion at EPA: Mrs. Gorsuch prefers the expression "non-buffered precipitation."

The Reagan Administration wants changes in the Clean Air Act to:

Exempt new large industrial coal-fired boilers from requirements that assure that a minimum percentage of sulfur oxides are removed from their emissions.

Allow extensions of deadlines for meeting sulfur dioxide standards, which would allow delays and relaxations until 1993.

The Reagan Administration is also, by administrative action, changing the sulfur

emission levels allowed from existing sources. It has

Increased authorized sulfur dioxide emissions by 1.5 million tons a year, a very significant amount. Nationwide SO_2 emissions are currently 29 million tons per year.

The Administration has also undone a requirement proposed two years ago that powerplants with tall smoke stacks must reduce their SO_2 emissions by 412,000 tons per year. Now, EPA is requiring a reduction of only 166,800 tons per year of SO_2 emissions from powerplants with tall stacks. Since present SO_2 emissions from tall stacks are over 500,000 tons per year, this means that more than 333,000 tons will still be contributing to acid rain in states and nations downwind of the powerplants.

Although the Reagan Administration has provided extra funds for acid rain research ($22 million for fiscal year 1983, up $12 million over fiscal year 1982), the addition may have a fatal drawback if research is simply being "accelerated" for a 5-year study, instead of the 10-year study originally planned by EPA. Many of the most serious effects of acid rain do not show up in the first 5 years.

Decreasing Enforcement. EPA has reduced the credibility and effectiveness of the entire regulatory program by a sudden and radical decrease in enforcement actions.

After a series of jolting reorganizations and sharp budget cuts, the cases filed in federal court have declined almost 75 percent since Mrs. Gorsuch took office.

Gorsuch personally undercut enforcement when she agreed in a private meeting with corporate officials to look the other way when Thriftway Refiners violated the Clean Air Act by increasing the amount of lead they put in their gasoline.

Reducing Research and Monitoring. Budget cuts proposed by the Reagan Administration will cripple research for air programs. Overall, the Reagan budget for FY 1983 proposes cuts of 23 percent from the level of two years ago in air quality. Specifically, the Reagan Administration budget would:

Eliminate human epidemiological research on the health effects of air pollution.

Cut clinical research on health effects by 50 percent, eliminating investigation of volatile organic chemicals.

Cut research on hazardous air pollutants severely. The Agency will look at three hazardous pollutants in 1983. At that rate, it will take a decade to examine the list of substances deemed priority because of their threat to human health.

The budget for monitoring air programs and assisting states has also been drastically cut. The proposed Reagan budget for FY 1983 would:

Cut back by 40 percent monitoring of air quality to determine the levels and kinds of pollution already present in our air.

Cut grants and technical assistance to state air programs by 30 percent, thus crippling state efforts to implement clean air requirements.

WATER QUALITY

The water that sustains our nation, our rivers, lakes, and underground aquifers, is threatened by sewage, sediments, and toxic chemicals. The law says the discharge of pollutants into the nation's waters must end by 1985. The Administration has chosen to abandon that goal and seeks to weaken the Clean Water Act.

PREAMBLE

Water pollution affects us all. There are over 100,000 dischargers of industrial wastewater in the United States. Waters in every state in the nation are affected by industrial discharges.

Pollution from municipal sewage is even more prevalent. Runoff from city streets and rural lands adds still more pollution to streams, lakes, and coastal waters.

The water we drink may be unsafe. The General Accounting Office recently reported that there were 146,000 violations of safe drinking water standards across the nation in 1980 alone. Fisheries are being destroyed. Industrial discharges of kepone interrupted commercial fishing in Virginia's rich James River, and PCBs did the same to the Hudson River. Swimming, boating, and agriculture are affected.

The Clean Water Act, passed in 1972 and strengthened in 1977, directed the Environmental Protection Agency to develop and enforce rules to achieve the goal of "fishable and swimmable" waters by 1983 and the elimination of all discharge of pollutants by 1985. Both the Act and an outstanding court order require EPA to set rules to control the discharge of toxic water pollutants.

The Safe Drinking Water Act was passed in 1974 in response to evidence that the drinking water of many Americans was laced with dangerous chemicals ranging from asbestos to vinyl chloride. Ground water, which provides drinking water for half our citizens, has been contaminated in many places across the nation.

The Safe Drinking Water Act requires EPA to set minimum drinking water quality standards to protect human health and to establish rules to prevent the injection of contaminants into underground aquifers.

Progress has been made in improving water quality. Overall, further deterioration of surface waters seems to have ceased—which is progress, considering that our population and industrial activity are rising. There are numerous individual success stories. Rivers such as the Savannah, the Hudson, the Naugatuck, the Detroit, the Connecticut, and many others showed remarkable improvement. But control of toxic chemical pollution is still at a primitive stage. Ground water pollution is a special worry. It is not well monitored; yet there is mounting evidence that wells from Gray, Maine, to the San Gabriel Valley in California are being polluted by toxic chemicals. Once those chemicals get into ground water, they are terribly difficult and costly to remove.

A huge job remains to protect drinking water sources and achieve the "fishable and swimmable" goal.

CHARGES

The Reagan Administration has begun to implement policies that will not only halt progress but threatens to cause declines in water quality. Especially alarming is the Administration's retreat on control of toxic pollutants, which affect both surface and groundwaters and make water unfit for drinking and for aquatic life.

Retreating from Control of Toxics. During the past year, the Reagan Administration has:

Suspended the entire national pretreatment program for over one year and suspended critical portions of that program indefinitely. The purpose of the pretreatment program is to curtail toxic discharges into municipal treatment plants by over 60,000 industrial sources.

Delayed the national program for setting toxic effluent limits on industrial discharges from tens of thousands of sources. Since January 1981. EPA has not issued a single regulation to limit toxic discharges, but has twice requested extensions in court-ordered deadlines. If granted, the delays would extend deadlines from 1981 to mid—1984—resulting in tens of millions of pounds of inadequately treated toxic chemical discharges yearly.

Sought to escape from its court-ordered responsibility to clean up toxic "hot spots" of chemical pollution. Those are specific locations where even the best available technology will not be sufficient to protect human health and water quality. EPA has done virtually nothing to address this problem.

Sought to escape from its court-ordered duty to identify dangerous toxic water pollutants that will not be controlled by regulations under development in the Agency.

Proposed to amend the Clean Water Act by adding variances and deadline extensions to the Act's uniform national toxic cleanup requirements. Those amendments would seriously delay cleanup, add tremendous burdens to state permitting authorities, and ultimately fail to control toxic discharges because of lack of data and scientific methods.

Decided not to impose new, stricter limits on toxic discharges in revised permits for thousands of industrial dischargers, who will thus be allowed delays in adopting best available technology. Instead of using the Agency's authority to issue, case by case, permits with stricter toxics limitations than those now in existence, EPA has decided to wait until nationally uniform standards are promulgated—even if it takes 2-3 more years to develop those rules. Of course, the permitting budget was cut accordingly.

Weakened the standards designed to protect aquifers and eliminated protections against injections of hazardous wastes.

Failed to develop permanent drinking water quality standards that protect against toxic organic contamination.

Relaxing Other Water Quality Requirements. The Reagan Administration also has:

Developed a regulation (soon to be proposed) that would significantly relax treatment requirements for municipalities. EPA plans to "redefine" the requirement of secondary treatment so that the horrible noncompliance rate by cities suddenly will disappear.

Developed a regulation (soon to be proposed) that would assist those states wishing to use their waterways for waste transport. In effect, the regulation would encourage states to downgrade their water quality standards, instead of enforcing the Act's national goal of fishable, swimmable water quality.●

HOUSE OF REPRESENTATIVES—*Monday, April 26, 1982*

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore (Mr. WRIGHT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, D.C.,
April 22, 1982.

I hereby designate the Honorable JIM WRIGHT to act as Speaker pro tempore on Monday, April 26, 1982.

THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Blessed are the peacemakers, for they shall be called sons of God.—Matthew 5: 9.

O God, our hearts go out to all this day who live in danger and face uncertainty in their lives. While our world experiences the tensions of struggle and conflict we pray for the peacemakers that they may do the work You would have them do. Bless those, be they soldier or statesman, who consider themselves stewards of power and yet custodians of the peace, that people will know resolution of fear and hostility, and better enjoy the fruits of Your kingdom. In Your holy name, we pray. Amen

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

IMMEDIATE NEED FOR PROGRESS IN STRATEGIC ARMS CONTROL

(Mr. ZABLOCKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ZABLOCKI. Mr. Speaker, the growing number of proposals to reduce the global stockpile of nuclear weapons and to provide for mutual freezes on the testing, production, and deployment of nuclear weapons clearly reflect mounting anxiety in the United States over the Reagan administration's nuclear arms control policy.

Recognizing that concern, and in an effort to bring together Reagan administration officials and their critics who have called for a nuclear weapons freeze, I introduced House Joint Resolution 443 over a month ago. That resolution calls for an immediate beginning of the START talks on strategic arms. It now has 50 cosponsors from both sides of the aisle, including the distinguished majority leader, our colleague from Texas, JIM WRIGHT.

My resolution reflects a realistic attempt to develop an overarching national security framework that integrates strategic and theater arms control efforts while preserving both needed nuclear modernization efforts and existing arms limitations. I believe such an approach enhances the prospects for mutual, verifiable reductions in the nuclear arsenals of the two superpowers.

Mr. Speaker, during the Easter district work period, various editorials and articles written by a diverse cross section of individuals reflected deep concern over the administration's strategic arms control policy, in particular, the failure to convene negotiations on such weapons. The tragic fact remains that in the absence of arms control agreements the only effect has been to prevent a 10-percent reduction in Soviet nuclear systems mandated by SALT II.

Former Secretary of Defense Melvin Laird, former Under Secretary of the Air Force Townsend Hoopes, my colleague from Wisconsin, Representative LES ASPIN, syndicated columnist James Kilpatrick, and the New York Times editorial board and others have expressed views that it is imperative for the Reagan administration to begin strategic arms reduction talks immediately.

Their views are consistent with the approach embodied in House Joint Resolution 443. I include their recent articles as well as a copy of House Joint Resolution 443 and its current cosponsors for the benefit of my colleagues:

[From the Washington Post, Apr. 12, 1982]

WHAT OUR DEFENSE REALLY NEEDS

(By Melvin R. Laird)

The United States must send strong, clear—and sustained—signals to the Soviet Union about our national security resolve, and that is why we need to redirect the focus on the defense budget.

If we do this, if we ensure that our nation has a realistic deterrent, we can increase strategic and conventional readiness, and avoid overwhelming "out year" expenditures that will tax congressional and public staying power.

As we face major changes in the makeup of the leadership of the Soviet Union, I am concerned about the dual problems of security in the world in which we will live and the extraordinary threat posed by nuclear weapons.

The zero nuclear policy advocated by President Reagan last fall on intermediate nuclear forces in Europe was a major start toward responsible arms control negotiations. A worldwide zero nuclear option with adequate verification should now be our goal in all arms control negotiations—the freeze-now option is dangerous.

The principal strategic needs of the United States and the West have little to do with a multiplicity of nuclear weapons systems. This is particularly true inasmuch as I am confident that our missile-firing submarines will remain invulnerable through this century. New fiber optic detective systems and other breakthroughs may make attack submarines vulnerable during this period because of the speeds they are required to travel. This is not the case with ballistic-missile-firing submarines because of their different operational requirements.

Our principal defense needs in this decade have instead to do with such requirements as the ability to keep open the sea and air links of the alliance, the ability to hold ground without resort to nuclear weapons, and the ability to project and sustain power at great distance.

The general perception of the current Defense Department and of many Americans seems different. Multiple nuclear weapons systems are accorded highest priority and are seen to be central to military strength. Nothing could be further from reality. This is a bad misconception.

The security of the United States, the Western alliance and the Free World deeply concerns me. The United States and its allies must take the lead to provide and maintain a realistic deterrent and usable military strength in the service of freedom.

In the long run, the danger of nuclear war can be averted only by serious negotiation with the Soviet Union for reductions in nuclear weapons of all kinds to zero. These weapons of mass destruction may be important for political purposes, but they are useless for military purposes. They do increase enormously the dangers of military confrontation.

Our true strategic military needs have little to do with nuclear weapons except to deter their use against us. These needs have much to do with the fact that America and its allies are a far-flung array of nations, separated by distance and by oceans. The Warsaw Pact, in contrast, dominates the heartland of Eurasia. It follows that we must be able to keep open the sea and air links that bind together the alliance, to hold ground on the borders of Europe and elsewhere, and to project and sustain power at great distance. None of these objectives requires nuclear weapons.

It is essential that we recognize and support the increased emphasis given defense

in allocation of resources. But this emphasis is seriously misdirected in giving priority to nuclear weapons systems. We need instead to focus on quality people, on usable military technology, on operations and maintenance and on coherent military organization. If we are not prudent in our defense buildup, we will lay the basis for a defense let-down.

[From the Washington Post, April 18, 1982]

QUESTIONING THE NUCLEAR PRIESTHOOD

(By Townsend Hoopes)

The most significant achievement of the nuclear freeze movement thus far is its challenge to the administration's lopsided assessment of the Soviet threat. The threat assessment is central to the nuclear debate. The freeze idea is simplified code, symbolizing a rising public fear and frustration at what is perceived as a growing danger of nuclear war, but its advocates are not unilateral disarmers, and they seek more than a literal freeze. They represent a grass-roots demand for the prompt resumption of serious, comprehensive nuclear arms talks without preconditions.

The movement reflects a potentially momentous public understanding that massive nuclear overkill and unstoppable delivery systems on both sides make nuclear war between the superpowers not only unwinnable but also mutually catastrophic; that the enduring reality in U.S.-Soviet nuclear relations is parity and stalemate; that the Reagan decision to build more numerous, more powerful, more accurate weapons is unnecessary and dangerous; that the Soviet leaders, while they will not stand still for a new U.S. effort to effect a favorable shift in the strategic balance, clearly prefer a stabilizing agreement to a new arms race.

The administration argues that the Soviet Union has achieved, or may soon achieve, a clear "nuclear superiority" and that this poses a dire threat because the Soviets are prepared to use it as an instrument of diplomatic coercion against the West. The administration's policy has been to launch a massive arms buildup, including significant new nuclear weapons. For the far-out anti-Soviet Reaganites, the goal seems nothing less than restoration of U.S. military superiority, which most clear-headed observers regard as illusion. But even for administration moderates, the effort to play "catch-up" is a prerequisite to arms control negotiations. In its own view, the administration was forced prematurely into theater nuclear force talks by the outbreak of anti-nuclear feeling in Western Europe, and it seems quietly determined to make sure these talks do not produce an agreement that would forestall deployment of 572 new U.S. missiles in Europe. So far its stonewalling has been quite effective. The U.S. "zero-option" proposal is a sure non-starter, more broadly, the attempt to isolate the control of "tactical" nuclear weapons is artificial and futile. A purely European nuclear agreement is beyond reach for the reason that many of the weapons systems targeted on that area (from both sides) are based outside the region. To be meaningful, a European nuclear arms agreement must be part of a wider agreement covering intercontinental systems, but this requires a return to SALT (or START).

The administration has strongly opposed the early resumption of comprehensive talks on the grounds that this would inhibit the U.S. military buildup. The contrary argument of the freeze movement is that the nuclear balance is not unfavorable to the United States and that the resumption of comprehensive nuclear talks should be treated as a matter of utmost urgency. The groundswell of public support for the latter view has pushed the president to speak publicly of possible comprehensive arms talks as early as June.

In defending its massive arms buildup and negative negotiating stance, the administration has relied on the same abstract, narrowly mathematical arguments that were used by Paul Nitze and his band of nuclear theologians to frustrate Senate ratification of SALT II. The central assertion is that the Soviets will soon have a theoretical ability to knock out 80 to 90 percent of our ICBMs and that they might indeed try such a "limited" attack with the aim of cowing the U.S. president into forgoing any retaliation at all for fear of bringing down the total holocaust. It seemed astonishing at the time, and seems equally so in retrospect, that Nitze's senatorial and journalistic auditors allowed him to slide over the extremely awkward fact that such a Soviet first strike would leave untouched at least the entire U.S. submarine-launched missile force and probably most of the U.S. bomber force—meaning that the Soviets would be vulnerable to retaliation by at least 50 percent of our nuclear hitting power, somewhere between 4,000 and 6,000 warheads. Even more surprising is the fact that two years ago public opinion accepted the Nitze argument that SALT II would lock us into a permanent inferiority—an assertion without any factual basis, as the treaty imposes no prohibitions on the deployment of the B1, the MX, the Trident submarine or the Trident missiles I and II.

The climate of opinion is palpably changing. What is new is the assertiveness of senatorial and public reaction to the administration's flawed reasoning. Fortified by spreading evidence of common sense at the grassroots, Sens. Kennedy, Hatfield, Cranston, Hart and Levin—to name only a few of the leaders—are beginning to puncture the hermetically sealed thought chambers in which the nuclear theologians live, and to expose their esoteric calculations to public scrutiny. The introduction of political fresh air into these arid domains is healthy. It shows up the thinness of much of the data, the highly subjective assessments of Soviet policies and intentions—and, perhaps most important, the divorcement of fine-spun scenarios from the governing political realities in both Soviet and American societies.

The immediate goal should be ratification of SALT II as the basis for prompt resumption of comprehensive arms control talks.

[From the Washington Post, April 15, 1982]

FREEZE? WHY NOT JUST OKAY SALT II?

(By LES ASPIN)

Ford had a better idea. Gerald Ford, that is.

He wanted the country to approve the nuclear weapons accord he worked out at Vladivostok. But Jimmy Carter rejected that agreement, and spent years negotiating a slightly different package, SALT II. Now we are being urged to push for a freeze on nuclear weapons. We could do better, however, if we ratified SALT II, the bird in the hand. SALT II, which is still pending before the Senate, wouldn't freeze the Soviet arsenal; it would reduce it.

The nuclear freeze debate is very helpful. It has reached right down into town meetings and alerted far more people to the dangers of a runaway arms race. But there are three key problems with making a freeze our official negotiating position.

First, it would simply be one more jolting change in our negotiating stance. We already have an "A" for lack of consistency; let's not try for an A+.

Where once we had a nonpartisan foreign policy, we have now made arms control the most partisan of foreign policy issues. Ford negotiated the Vladivostok accords. He did a good job. We should have ratified Vladivostok. But, no, along came Jimmy Carter saying he could do better. The ceilings on weapons were too high, he said. Chuck Vladivostok, and I will work out a better deal. So we chucked Vladivostok, and years later Carter came up with SALT II. It was a good package. But, then, Ronald Reagan came along saying he could do a better job. The ceilings in SALT II were too high, he said. Chuck SALT II, and I will work out a better deal.

The freeze people are now agreeing with Ronald Reagan's wish to chuck SALT II and pursue the better deal. But why? SALT I, Vladivostok, SALT II—each is of limited duration. None was designed as the final word. Each was designed as a stepping stone, an earnest of good intentions to prepare the ground for broader arms control measures. An important step in this continuing process would be to ratify SALT II so we could move on to SALT III (or START I, or whatever acronym).

The second problem with the freeze concept has already been pointed out—correctly for a change—by President Reagan. A freeze clamps down on the strategic issues that make Kremlin planners sweat, but it doesn't address those issues that make American planners sweat. To have any hope of negotiating successfully, each side must have something the other would like to get at. Otherwise, there is no incentive to make a deal.

We are worried that the huge numbers of Soviet MIRVed missiles or their inventory of very large missiles could successfully wipe out our land-based ICBMs in a first strike. We want reductions in either or both of those categories. The freeze simply leaves those threatening missiles in place.

On the other hand, what worries the Soviets is what we are preparing to do. We are working on a new Trident D5 sea-based missile that will make their land-based missiles vulnerable. Then there's the MX missile, which would also make their land-based missiles vulnerable. Third, we are developing sea-launched cruise missiles, and fourth, we are working on the Pershing II missile, which could be launched from Europe to hit Soviet targets in a matter of minutes. The Russians want to get at all four of these weapons. For us to get what we want, we need both a freeze and reductions. For the Soviets to get what they want, all they need is a freeze. At that point, there is no incentive for them to talk about reductions.

The third problem with the freeze proposal is that two moves away in this chess game we are presented with nothing but bad alternatives; we can give up either our knight or our bishop. Either way we get rooked. The freeze is proposed as an open-ended policy to last until reductions are agreed upon. The Soviets will have every incentive to hold religiously to the freeze while stonewalling on the reduction talks. Any proposal to drop the freeze will be seen by freeze advocates as a step backward and perceived around the world as American perfidy—while the Soviets sit quietly at the negotiating table behind their Cheshire grins.

We will be forced either to stick with the freeze and its disadvantages or to play the role of ogre and resume the arms race. Neither is to our benefit. Neither advances the cause of arms control.

The freeze debate is the best thing to come down the pike in years, because it is awakening the public concern about nuclear weapons. Arms control is, after all, a very political process. The Kennedy-Hatfield resolution before the Senate helps to focus the political issues and give the public a flag around which to rally.

The freeze proponents say the freeze is only the first step; the second step is to get reductions in nuclear weapons. Fine. But how about going straight to the second step? Let's ratify SALT II.

Under SALT II, the Soviets would have to dismantle about 10 percent of their most threatening weapons. That's a reduction in arms. And reductions are what both the freeze advocates and the Reagan White House have declared as their goal.

We are following the SALT II numerical restrictions right now. Every time we build a new missile submarine, we dismantle an old one. The Russians are doing the same thing; every time they build a new missile sub, they dismantle an old one. The only provision that hasn't been put into effect—and which won't go into effect until and unless there is a ratified treaty—is the one that would limit the total number of strategic delivery vehicles (missile launchers and heavy bombers) to 2,250 on each side. Under that provision, the Soviets would have to get rid of more than 250 of their missiles or bombers. The United States is already under the ceiling.

SALT II also forbids either side from developing and deploying more than one new type of ICBM; that's one new type after ratification. That would put a real brake on the arms race.

The Reagan people ought to like SALT II. The administration, after all, is abiding by SALT II just as if it were ratified. And there is not a single weapons sytem in Reagan's five-year defense plan that is inconsistent with SALT II. In fact, the plan looks as if it were drafted with ratification of SALT II in mind.

Freeze advocates may find some drawbacks to SALT II. Granted. There are drawbacks to any policy one can think of. But SALT II has two key advantages over a freeze. First, it goes beyond a freeze and provides for reductions. Second, it has already been worked out with the Russians. It has been signed and sealed. Unlike the freeze proposal, we don't have to invest time negotiating the fine print with Moscow.

Freeze advocates say they want a freeze now followed by efforts toward reductions. If we ratify SALT II, we get reductions now and can then sit down at the negotiating table to pursue broader and deeper reductions.

[From the Washington Post, Apr. 13, 1982]

. . . BUT BY ALL MEANS, LET'S GO

(By James J. Kilpatrick)

This is the perfect time of year in our capital city—a time of tulips and daffodils and cherry blossoms, of greening willows and warming sun. For the next several weeks Washington will be the most beautiful capital in the world, lovelier than London, more enchanting than Paris.

It is thus a most appropriate time to think of Washington in flames, of Washington destroyed.

For the first time since we incinerated the people of Hiroshima, 37 years ago come August, Americans are beginning to think upon such things. We are beginning to comprehend the consequences of atomic war. The spring brings a stirring of imagination, of apprehension, and if God please, of determination also.

It is an astonishing development in our public affairs, this awakening from a deep sleep. From time to time in these 37 years, generally on anniversary observances, we have heard talk of Hiroshima. We have been kept informed of nuclear tests, of new members joining the multinational nuclear club. Our political leaders have engaged in well-publicized debates upon the limitation by treaty of nuclear arms.

Yet, it is a curious thing. It is only now, in the spring of 1982, that both here and abroad the unthinkable is being truly thought. Three books about atomic war are scheduled for April publication; the news magazines are filled with analyses and interviews; two earnest resolutions, impressively sponsored, are pending in the Senate. Last week, after a faltering start, Mr. Reagan seized the initiative. He proposes face-to-face talks in June with Leonid Brezhnev on measures that might be taken now toward arms control.

Victor Hugo once remarked upon the impossibility of resisting an invasion of ideas. That is what we are seeing this spring. Some of the invading ideas are horrifying. The idea of Washington in ruins is such an idea. We are beginning to understand, in ways we could not or would not understand before, what nuclear holocaust would mean.

Other ideas, constructive ideas, are gathering force. A conviction is growing that the mind of man, having conceived the idea of self-destruction, is equally capable of conceiving self-salvation. An earthly Armageddon is avoidable. Means can be found—prudent, achievable means—for preventing the ultimate, irreversible madness of nuclear devastation.

In this awakening process, we grow impatient with petty haggling over imaginary numbers. What earthly difference does it make if the Soviet Union has 7,868 megatons of destructive capacity and we have only 3,505 megatons? Is it really material that we have 9,480 warheads and the Soviets have but 8,040? Does any person seriously suppose that if we were to double our nuclear arsenal, while the Soviets obligingly stood still, such "parity" would have meaning?

I doubt that the figures have meaning even to the military or the diplomatic mind. The theory of mutual assured destruction is a fine theory. It lacks only the virtue of reality. A point was reached long ago at which both the United States and the Soviet Union had such monstrous arsenals that further accreations, became senseless. These have been 37 years of lunacy, of idiots racing against imbeciles, of civilized nations staggering blindly toward a finish line of unspeakable peril.

The immediate necessity is to call a truce, to stop the further buildup of nuclear weapons by either side. Such a freeze, we are told, would leave a dangerous "imbalance" of nuclear arms in Europe, but this is the kind of hypothetical tally-stick computation by which medieval penitents once counted their indulgences. Dangers are relative; risks can be calculated. Where is the greater danger and the greater risk—in accepting this supposed imbalance or in continuing the perilous race?

No one would minimize the difficulties in reaching an accord with the Soviet Union, but neither should these problems be magnified. In any event, the effort must be made, and it must be made now.

[From the New York Times]

HOW MUCH IS ENOUGH?

What now passes for a "debate" of nuclear strategies is understandably passionate, but it is becoming romantic, confused, even irrelevant.

The spreading anxiety owes something to the insensitive diplomacy of the Reagan Administration. But a more telling criticism is that the ferment caught it off balance. It has been worrying about having too few nuclear weapons just when many people concluded it already has too many.

Still, the rhetorical techniques of the opposition are hollow. With the future of arms control in the balance, the Russians can think of nothing better than cheap propaganda against the United States, as though they bear no responsibility in the arms race. Western politicians leap to the front of the disarmament parade with barren formulas to freeze the race. And the champions of "humanism" cry enough is enough; they want survival in this world but are unwilling to engage the problems that poses.

The problems are "How much is enough?" and "Enough for what?"

Secretary of State Haig says enough means enough to deter the use of nuclear weapons anytime, anywhere. And that means a capacity to respond with such devastation that war between the superpowers cannot be a rational policy. This balance of terror has worked, he observes, for 36 years. And since even a non-nuclear war would be the most destructive in history, such deterrence is "pre-eminently moral."

Deterrence is immoral, contends Jonathan Schell in a touted tract, "The Fate of the Earth." Leading voice to a widening circle of concern, he thinks no conceivable value of civilization is worth defending by means that threaten an end of civilization. If deterrence fails, as he thinks it eventually will, there's no second chance for humanity.

How much, for him, is enough? Mr. Schell can't be bothered with policy. Having confirmed, at numbing length, that nukes are dangerous, he airily departs for higher ground. The planet must be purged of nuclear weapons and the way to do that is to invent a higher allegiance than the war-making sovereign state. Let conflicts be settled without violence through global law—or dictatorship or religion—he's too worked up to dwell on details.

But the rest of us are left in the real world, stuck with the only available alternative to catastrophe. Deterrence it will have to be. But how much is enough to deter?

The answer lies not in the number of weapons but in their capacity. A relatively modest number, long since surpassed, is enough if there were no way to limit or avoid their devastation. The surer the threatened catastrophe, the greater the odds that no one will risk it.

But deterrence is breaking down, says the Reagan team, because the Russians have built weapons that could destroy much of our retaliation force. And that, it is feared, will enable them to impose a "nuclear ultimatum" that leaves the bitter choice of accepting a terrible blow or responding in ways that end civilized life.

Don't ask for proof of this American "vulnerability." Its theoretical possibility was

too quickly conceded by past Administrations and has become a psychological fact. Mr. Reagan thinks there are only two possible responses and he straddles them both: match the Russians in such diplomatically "usable" weaponry or get them to abandon theirs.

To match the Russians means building more weapons that will be harder for them to hit and that also threaten to hit more of theirs. "Hit my missiles only and I'll hit your missiles only." Stripped of cant, this is a desperate doctrine to justify a "limited" nuclear war—limited to appalling but supposedly survivable levels.

But President Reagan says he understands that this doctrine is the enemy of deterrence. Once nuclear war appears survivable, it again becomes thinkable. So he hopes, after showing the Russians some of his new missiles, to get them to concede the danger and negotiate them out of existence. He thinks Moscow won't listen until then because Jimmy Carter failed in one brief approach and settled for a treaty that failed to stop the race.

Mr. Reagan did not invent this competition for weapons of "limited" war, but he has surely invited the pressures he is now getting by delaying diplomacy and choosing at least some advisers who trust no agreements, only hardware.

And now come four distinguished strategists with a rude reminder that America, too, has been promoting ideas of "limited" nuclear war—in a European conflict. To calm and better defend Europe, say McGeorge Bundy, George Kennan, Robert McNamara and Gerard Smith, America should reverse its policy of three decades and promise never to use nuclear weapons first.

Whatever its specific merit in alliance strategy, this proposal has a larger value: its skepticism about "limiting" any nuclear war. Even one weapon that begs to be used, by promising something less than worldwide holocaust, is too much.

Both superpowers have more than enough nuclear weapons if they were satisfied that life-ending devastation is their only purpose. Regulate the character of the weapons and you can finally begin to reduce their number. There is no alternative to deterrence with some number of these awful weapons. And no matter how unsettling the risk of catastrophe in 20 minutes, it has kept the industrial world at peace for the longest stretch in this century.

The freeze movement creates welcome pressure for negotiation. But the preoccupation with numbers evades the main problem. Enough weapons must finally mean enough to keep nuclear war unthinkable, unmanageable, unsurvivable. The imperative now is to resume the diplomacy to define those terms and to forbid the weapons that defy them. That done, the arms race can subside. Unless it is done, there will never be enough.

H.J. RES. 443

Joint resolution with respect to nuclear arms reductions

Whereas the greatest challenge facing the Earth is to prevent the occurrence of nuclear war by accident or design;

Whereas the increasing stockpiles of nuclear weapons and nuclear delivery systems by both the United States and the Soviet Union have not strengthened international peace and security but in fact enhance the prospect for mutual destruction;

Whereas President Reagan, on November 18, 1981, stated that the United States "will seek to negotiate substantial reductions in nuclear arms", and Congress has also urged the President to seek reductions in strategic arms;

Whereas the United States has already proposed to the Soviet Union in Geneva a treaty embodying dramatic reductions in nuclear forces; and

Whereas reductions in nuclear weapons and nuclear delivery systems are essential to reducing the risk of nuclear war: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States and the Soviet Union should immediately begin the strategic arms reduction talks (START) and that those talks should have the following objectives:

(1) Preserving present limitations and controls on current nuclear weapons and nuclear delivery systems while pursuing substantial, equitable, and verifiable reductions through numerical ceilings, annual percentages, or any other equally effective and verifiable means of strengthening strategic stability.

(2) Seeking every possible means to avoid the testing and deployment of new and destabilizing nuclear weapons which complicate further progress in preserving deterrence and encouraging strategic arms reduction.

(3) Incorporating ongoing negotiations in Geneva on land-based intermediate-range nuclear missiles into the START negotiations.

LIST OF COSPONSORS OF H.J. RES. 443

Mr. Wright, Mr. Price, Mr. Udall, Mr. Annunzio, Mr. Barnes, Mr. Coelho, Mr. Bennett, Mrs. Boggs, Mr. Bowen, Mr. Dwyer, Mr. DeNardis, Mr. Edgar, Mr. Erlenborn, Mr. Fary, Mr. Fazio, Mrs. Fenwick, Mr. Ford, Mr. Forsythe, Mr. Frenzel, Mr. Gilman, Mr. Goodling, Mr. Gray, Mr. Heftel, Mr. Hertel, Mr. Horton.

Mr. Jacobs, Mr. Lantos, Mr. LeBoutillier, Mr. Lent, Mr. Lowery, Mr. Lowry, Mr. McCloskey, Mr. Miller, Mr. Mineta, Mr. Murphy, Mr. Nowak, Mr. Patterson, Mr. Pepper, Mr. Porter, Mr. Mica, Mr. Rahall, Mr. Roe, Mr. Richmond, Mr. Sabo, Mr. Seiberling, Mr. Sensenbrenner, Mrs. Snowe, Mr. Weiss, Mr. Yatron, Mr. Zeferetti.

OLYMPIC COIN LEGISLATION HEARINGS

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANNUNZIO. Mr. Speaker, because of the large interest that has been manifest in the Olympic coin legislation, I am delighted today to announce a schedule of hearings and mark up on the Olympic coin legislation.

On Thursday, April 29, at 9 a.m., in room 2128, we shall hear from Angela Buchanan, Treasurer of the United States.

On Tuesday, May 11, at 10 a.m., we shall be hearing from the coin collectors and coin collectors' trade associations in room 2128, Rayburn.

On Wednesday, May 12, in room 2128, at 10 a.m., we shall be hearing from the private marketeers.

On Thursday, May 13, hopefully the subcommittee will meet in executive session at 10 a.m., in room 2128, to mark up the Olympic coinage legislation.

TRIBUTE TO FORMER CONGRESSMAN PAUL ROGERS

(Mr. MICA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICA. Mr. Speaker, it is with a great deal of pleasure that I rise today to honor my good friend and our former colleague that many in this chamber know, Congressman Paul Rogers. Paul Rogers is to receive a National Academy of Sciences award this evening in recognition of the distinguished contributions he has made in the application of science to the public welfare during his illustrious 24-year congressional career.

I might also add that of the 11 awards being given this evening, only one will be to the nonscientist, and that is to Congressman Paul Rogers.

I had the privilege of working for 10 years with Paul, 8 of which he served as chairman of the Health and Environmental Subcommittee, and it is not a fluke that during this period he gained the title in this body of "Mr. Health."

It would not be an exaggeration to say that during the 1970's virtually every major piece of health legislation carried the trademark of Paul Rogers, from the Noise Control Act to the National Cancer Act, the Health Manpower Training Act, the Neighborhood Health Center Act, the National Health Planning legislation, Emergency Medical Services, Medical Devices Amendments, the Community Mental Health Center Act, the Migrant Health Act, Health Maintenance Organizations, the Safe Drinking Water Act, and of course, the Clean Air Act.

This only touches the tip of the iceberg of his achievements. But in each case Paul Rogers led the way and set the standard for others to follow.

In the Halls of the House, Congressman Rogers was known as a skilled legislator, statesman, and gentleman. His contributions to this body and the Nation are well documented. To the millions of Americans who he touched through legislation he championed, he is revered as a man of deep compassion and concern for the well-being of every individual.

I believe and I think my colleagues who know Congressman Rogers will agree that the National Academy of Sciences could have made no better choice for their award.

To Paul and his lovely wife Becky I offer my heartfelt congratulations.

REAGONOMICS IS WORKING

(Mr. WALKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALKER. Mr. Speaker, are Americans better off today as a result of the Reagan economic policies? Last week the consumer price figures suggest that the answer to that question is a resounding "yes." Those figures represented some of the best economic news in a quarter of a century.

Let us look at what they mean. If one compares those figures with what was happening in the economy in March of 1980, the last full year of the Carter administration, one will find that inflation was running 567 percent higher under the Carter administration at that time than the inflation is running today.

If one looks at the misery index which the Carter administration and Democrats told us could be used to measure the economy, in other words, tell us how well off people are, one will find the misery index was 326 percent higher in March of 1980 than it is today.

That says something that is very dramatic is happening in the economy. This administration is improving it. I think the American people need to hear some of that kind of positive news. They need to know that the Reagan economic efforts are beginning to work.

REAGAN ADMINISTRATION SUCCESS WITH OSHA

(Mr. JOHNSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. JOHNSTON. Mr. Speaker, we hear a lot here in Washington about programs that are not working. We hear a lot about various agencies and bureaucracies that are in conflict and not succeeding in accomplishing their goals.

It is with a great deal of pleasure as a member of the Health and Safety Subcommittee of the Education and Labor Committee that I commend to my colleagues an article from the Washington Post of last week concerning the Occupational Safety and Health Administration and the steps that Assistant Secretary Thorne Auchter has taken to reduce confrontation and to reduce workplace hazards.

[From the Washington Post, Mar. 10, 1982]

OSHA Chief Charts His Measured Pace

(By Felicity Barringer)

Almost every inch of free wall space in Thorne Auchter's office is covered with charts—organizational charts, management theory diagrams and more than 20 computerized, color-coded graphs showing how many work places federal inspectors visit, how many problems they report and how often employers slam the door in their faces.

Like badges on a uniform, the charts reflect how the man responsible for health and safety at 3 million worksites measures his progress a year into the job. They offer clear evidence of what businessmen like about the assistant labor secretary for occupational safety and health: he knows what he wants—and what he wants is less confrontation between the Occupational Safety and Health Administration and employers.

Just as clearly, the charts show the traits that antagonize Thorne Auchter's opponents: a tendency to reduce complexities to numbers without nuance, to impose an artificial certainty on things that are difficult to measure. And, perhaps most of all, his belief that employers are willing to provide safe work places with little government prodding.

When he was nominated to the OSHA job, the 37-year-old Florida construction executive took over an agency that has always been a hybrid—part chemist and part cop. It is supposed to set safety standards for such tangible hazards as machinery and scaffolding and such ill-defined ones as airborne carcinogens.

By the end of Auchter's first year, OSHA's cops had put on a decidedly friendly face and its chemists were going over old work, looking at such controversial and expensive standards as the one for worker exposure to cotton dust, a suspected villain in the lung problems of textile workers, and lead, a poison encountered by workers in 46 different industries, from steelmaking to shipbuilding.

Auchter had his setbacks—a Supreme Court decision on cotton dust that effectively blocked him from applying a cost-benefit analysis to health standards, an embarrassing incident involving the attempted firing of a scientist who allegedly misrepresented agency policy on the cancer-causing potential of formaldehyde, and the loss of 250 positions over two years because of budget cuts. But his charts show he is still getting much of what he wants.

For instance, Auchter's moves to cooperate with employers—combined with a 9 percent cut in OSHA's $210 million budget—resulted in a sharp drop in monthly OSHA inspections (down 18 percent), particularly in inspections following up on earlier violations (down 70 percent).

However, so-called "targeted" inspections have doubled in the past year. Under these, if an accident is severe enough to keep an employe off the job, it is designated a "lost workday case." If the rate of lost workday cases is higher in one steel mill than the industry average, OSHA sends an inspector. If not, it won't.

Under Auchter, the percentage of OSHA citations contested in court by employers has dropped from 22 percent a year ago to 8 percent today, and the number of penalties levied on employers has dropped by more than half.

"We are trying to minimize confrontational) situations," Auchter said in a recent interview. "I don't think they're beneficial for anyone. They're certainly not beneficial for the employer, because ultimately he loses [time and legal fees]. They're certainly not beneficial for the employe because during the time the confrontation is going on there is no legal requirement that the hazard be abated."

"The impression he's giving the business community is that only a very few serious hazards will be looked at by OSHA and the business community can relax about all but the most serious hazards," said critic Nicholas Ashford, author of a 1976 Ford Foundation study on worker health and safety.

Eric Frumin, a safety expert for the Amalgamated Clothing and Textile Workers' Union, objects to Auchter's new requirement that citations involving more then $10,000 in penalties be reported to headquarters, as well as new questionnaires on the inspector's performance that are given to employers and some employes. The message to inspectors, Frumin says, is "ease up."

"I think it's absolutely appropriate to know what's happening out there in the field," Auchter replies. "Ten thousand dollars—that's a huge number. . . . If this encourages some [inspector] to be more sure of what he's doing, that's fine with me.

It's also fine with the conservative political community. During the transition, the Heritage Foundation set the same goals for the agency that Auchter later did, including expanding the responsibility of state health and safety programs approved and monitored by OSHA. Now the group praises his "strong commitment to achieving these objectives."

While many union safety experts are concerned about the inspections policy, they are more worried about Auchter's attitude towards health standards, his failure to fill the top job in the health standards office until this month, his tendency to look for ways to change existing standards instead of working to set new ones.

Three times during the past year, Auchter was asked to set emergency standards for work-place chemicals—ethylene dibromide, an agricultural fumigant; ethylene oxide, a sterilizing agent, and formaldehyde, a chemical linked to cancer in labortory animals. Each time, Auchter refused—citing the agency's poor (one for five) record in defending such standards in court.

But why spend scarce staff time reworking the lead and cotton dust standards when they have been upheld by the courts, asks Peg Seminario, an AFL-CIO safety and health expert. And why reexamine the policy used to determine whether a workplace chemical poses a cancer risk?

"When you get new information about a standard, it's appropriate to take a look at that standard." Auchter said. "The standards are a long way from being perfect."

"Health standards are a harder area for Thorne than safety standards," said one longtime OSHA watcher who asked to remain anonymous. "His background is in the construction industry. . . . It's very different managing scientists, managing ideas and intellectual processes."

"He takes things that are very complicated and wants them reduced to two pages. . . . None of this is an exact science," said another employe. Safety hazards—and their solutions—can be more easily defined and the results more easily tracked than the effects of a health standard that could prevent a few cases of cancer two decades hence, the employe added.

"It's not a question that safety is easier to deal with, it's a question of what we're equipped to deal with," Auchter responds. "It would be absolutely inappropriate to devote more resources to the health area than we could show results for."

A UNITED STATES BEHIND A UNITED KINGDOM

(Mr. LEACH of Iowa asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEACH of Iowa. Mr. Speaker, as the Falkland crisis heightens, several observations from the American Congress would appear in order.

First, with regard to the Argentine claim that the Treaty of Rio demands support of all American States for its position, the most apt response would be that of Charles Dickens, "It is humbug."

Argentina, not Great Britain, is the aggressor. The Treaty of Rio is irrelevant in this instance.

Second, we in America must understand what is at stake, the Atlantic Alliance itself and the unity therefor. If the negotiations break down we have a moral obligation to stand behind Great Britain and as a first step to join our European and Commonwealth allies in curtailing Argentine exports to the United States.

We also have an obligation to make clear to our British friends that ironically there is more support in America for British foreign policy in the Falklands than our own in Central America. We are a United States behind a United Kingdom.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. MICA) laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
April 26, 1982.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker,
House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the permission granted in the Rules of the House of Representatives, the Clerk received at 5:00 p.m. on Thursday, April 22, 1982, the following message from the Secretary of the Senate: That the Senate passed without amendment House Joint Resolution 448.

With kind regards, I am,
Sincerely,
EDMUND L. HENSHAW, Jr.,
Clerk, House of Representatives.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
April 26, 1982.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker,
House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the permission granted in the Rules of the House of Representatives, I have the honor to transmit a sealed envelope from the White House, received in the Clerk's Office at 12:30 p.m. on Friday, April 23, 1982 and said to contain a message from the President wherein he transmits the Eleventh Special Message for Fiscal Year 1982 under the Impoundment Control Act.

With kind regards, I am,
Sincerely,
EDMUND L. HENSHAW, Jr.,
Clerk, House of Representatives.

ELEVENTH SPECIAL MESSAGE FOR FISCAL YEAR 1982 UNDER IMPOUNDMENT CONTROL ACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 97-171)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed:

(For message, see proceedings of the Senate of today, Monday, April 26, 1982.)

THE LATE HONORABLE JOHN M. ASHBROOK

(Mr. LATTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LATTA. Mr. Speaker, it is my sad duty to announce the passing on Saturday last of one of our friends and colleagues, the Honorable JOHN ASHBROOK of Johnstown, Ohio.

JOHN had many, many friends throughout the Nation, throughout the State of Ohio, his district, and in this body and he will be sorely missed.

JOHN was a believer in his convictions. He never hesitated to speak out for what he believed in. He was one of the most articulate Members of this body.

He was a conservative through and through. He was a conservative when it was not popular to be a conservative.

Let me say that services for JOHN will be held at 1 p.m., in Johnstown, Ohio, on Wednesday next at the Johnstown Baptist Church. The arrangements are in charge of the Crouse & Son Funeral Home. The delegation will leave the steps of the Capitol Building for the funeral at 10 a.m. on Wednesday morning.

Our deepest sympathy goes to his wife, Jean, and to his three daughters, Barbara, Laura, and Madeline.

□ 1215

Mr. MICHEL. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I yield to the gentleman from Illinois.

Mr. MICHEL. I thank the gentleman for yielding.

Mr. Speaker, I do not know when I have been so shocked as I was this past weekend when hearing the tragic news of JOHN ASHBROOK's passing away while out in his district. This House has certainly lost a giant of a man, a big voice in this House and, as the gentleman from Ohio said, a most articulate spokesman for the conservative cause. If ever there was a bona fide conservative Member of this body, through and through, without any particular trappings, it was JOHN ASHBROOK. He never was averse to standing alone, to dare to be a Daniel out there, if he felt strongly enough about the issue or the subject. He was a gifted speaker, as the gentleman so well knows, an able debater, certainly one of the most effective Members of this body in my tenure of serving here. I know that we will surely want to set aside a special occasion for appropriate eulogies when all the Members are here in town. But I could not resist the opportunity to at least say a few words here this morning, and I suspect that there will be a large contingent and delegation to attend the funeral.

I want to join the gentleman from Ohio in expressing my heartfelt and deepest sympathies and condolences to his wife, Jean, and his three children, all of the members of the family, and those constituents of his out in Ohio who have come to revere the name and life of JOHN ASHBROOK.

Mr. LATTA. Mr. Speaker, I thank the gentleman for his comments.

Mr. REGULA. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I yield to the gentleman from Ohio.

Mr. REGULA. I thank the gentleman for yielding.

Mr. Speaker, the death of our highly respected colleague, JOHN ASHBROOK, came as a profound shock to all of us who treasured his friendship.

As a legislator, JOHN was the epitome of dedication to principle. He never waivered and he never compromised in maintaining the integrity of his well-thought-out positions.

I remember that last year, as we worked with the budget reconciliation legislation, his compassion for others was clearly evident as he, the ranking minority member of the Committee on Education and Labor, fought valiantly and, I might add, successfully, to strengthen programs for the handicapped and for those desiring vocational education.

The Nation has lost an outstanding citizen and an outstanding patriot. We in the Ohio delegation will miss the wise counsel of a colleague we all cherished.

Mr. LATTA. I thank the gentleman for his comments.

Mr. PETRI. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I yield to the gentleman from Wisconsin.

Mr. PETRI. I thank the gentleman for yielding.

Mr. Speaker, over the weekend, this body was struck by a terrible loss. It was with great shock and sadness that I learned of the unexpected death of JOHN ASHBROOK.

I had the privilege of serving with JOHN on the Education and Labor Committee. As the ranking Republican, JOHN was always ready and willing to work with the junior Members to find solutions to the problems of our country.

JOHN ASHBROOK was one who never shirked controversy. He was never afraid to buck the political odds—no matter how steep.

JOHN was a prodigious worker. He was an effective and articulate spokesman on behalf of fiscal restraint in government.

I first heard him speak a few years ago when he addressed a GOP caucus in Wisconsin. JOHN was always willing to help the party in places outside of Ohio.

His passing is a loss to the Congress—to his party, and to the Nation. I extend to his family my most sincere condolences.

Mr. LATTA. Mr. Speaker, I thank the gentleman for his comments.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Mr. Speaker, I, too, want to express my deepest sympathy to the family of JOHN ASHBROOK and to the people of Ohio on their great loss. JOHN ASHBROOK was one of the most effective Members of Congress we have ever had on the floor of the House, in my experience. He was certainly someone who understood the parliamentary procedures and was willing to use those parliamentary procedures to fight for his cause. Time and time again, he took steps which sometimes angered Members of Congress here, in order to make a point or in order to see to it that an issue got articulated, and we are going to miss that kind of leadership on the floor. I think the Nation is going to miss that leadership, too.

Mr. LATTA. Mr. Speaker, I thank the gentleman for his comments.

Mr. PERKINS. Mr. Speaker, will the distinguished gentleman from Ohio yield?

Mr. LATTA. I yield to the distinguished chairman of the Committee on Education and Labor with whom JOHN served many, many years here in this Congress.

Mr. PERKINS. Mr. Speaker, the Committee on Education and Labor is saddened by the untimely death on Saturday of our colleague of many years, JOHN ASHBROOK of Ohio.

And if I may inject a personal word, JOHN's passing is especially painful to me, for we had worked together with increasing closeness in my capacity as chairman and his capacity as ranking minority member of the committee.

Never did a chairman have a more constructive, cooperative partner in expediting the legislative business assigned to the committee by the House, and I shall certainly miss the opportunity for close relations that had grown up between us.

JOHN ASHBROOK was a great American. He came to the House more than two decades ago an idealist. He never lost his idealism. A man of principle, he staked out his public positions with the compass and sextant of his philosophy. It did not occur to him to look for the signposts of expediency.

In the more than 20 years of our acquaintance, JOHN and I disagreed hundreds of times, both in committee and on this floor. We simply saw many issues differently—he through the lens of his central Ohio upbringing, I through the eyes of my eastern Kentucky district. But there was never any doubt in my mind where JOHN ASHBROOK stood, and never any question but that he had arrived there by the lights of his conscience and his intellect.

You can respect a man like that, and you are lucky if you can have him as your friend.

In his passing, this House has lost a brilliant mind and a superb tactician. The Seventh District of Ohio has lost an able representative. And his family has suffered a grievous loss of a devoted father and husband. And we who knew him well and worked with him day by day, have lost a good friend.

May he rest in peace.

Mr. LATTA. Mr. Speaker, I thank the committee chairman for his comments.

Mr. WEBER of Ohio. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I yield to the gentleman from Ohio.

Mr. WEBER of Ohio. I thank the gentleman for yielding.

Mr. Speaker, as a fellow Member from Ohio, and being in my first term in this House of Representatives, let me express my personal appreciation for the life of Congressman JOHN ASHBROOK. In every sense of the word he was a dedicated American, unselfish, absolutely hard working, and very helpful to me personally on so very many various occasions and in so many various ways. He was a man of deep principle, and he was devoted to his wife and family. He once expressed that one of his regrets about service in this House was the fact that it did leave him very little time for his family because of his devotion to his duty and his obligations as a Representative of his constitutents. He was respected greatly by Members of both parties in this House, and I wish to associate myself and join in the expression of regret and sympathy already extended to Congressman ASHBROOK's loving wife Jean and to his three daughters.

Mr. LATTA. I thank the gentleman for his comments.

Mr. Speaker, let me say that I will be asking for a special order date certain very soon so that other Members may have an opportunity to express their thoughts in the passing of our friend and colleague, JOHN ASHBROOK.

THE LATE HONORABLE JOHN M. ASHBROOK

Mr. LATTA. Mr. Speaker, I send to the desk a privileged resolution (H. Res. 436) on the death of the Honorable JOHN M. ASHBROOK.

The Clerk read the resolution as follow:

H. RES. 436

Resolved, That the House has heard with profound sorrow of the death of the Honorable JOHN M. ASHBROOK, a Representative from the State of Ohio.

Resolved, That a committee of such Members of the House as the Speaker may designate, together with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That when the House adjourns today, it adjourn as a further mark of respect to the memory of the deceased

The Resolution was agreed to.

A motion to reconsider was laid on the table.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Saunders, one of his secretaries, who also informed the House that on the following dates the President approved and signed a bill and joint resolutions of the House of the following titles:

On March 31, 1982:

H.J. Res. 409. Joint resolution making further continuing appropriations for the fiscal year 1982.

On April 2, 1982:

H.R. 4482. An act to establish a U.S. Court of Appeals for the Federal Circuit, to establish a U.S. Claims Court, and for other purposes.

On April 3, 1982:

H.J. Res. 272. Joint resolution to authorize and request the President to issue a proclamation designating April 4 through 10, 1982, "National Medic Alert Week"; and

H.J. Res. 447. Joint resolution to authorize and request the President to issue a proclamation designation April 4, 1982, as the "National Day of Reflection."

April 6, 1982:

H.J. Res. 435. Joint resolution to provide for the designation of April 12, 1982, as "American Salute to Cabanatuan Prisoner of War Memorial Day."

On April 12, 1982:

H.J. Res. 410. Joint resolution to designate April 19, 1982, as "Dutch-American Friendship Day."

1981 ANNUAL REPORT ON OPERATION OF THE ALASKA RAILROAD—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Energy and Commerce:

(For message, see proceedings of the Senate of today, Monday, April 26, 1982.)

FIFTH ANNUAL REPORT OF NATIONAL INSTITUTE OF BUILDING SCIENCES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Banking, Finance and Urban Affairs:

(For message, see proceedings of the Senate of today, Monday, April 26, 1982.)

□ 1230

GOOD NEWS ABOUT THE ECONOMY

The SPEAKER pro tempore (Mr. MICA). Under a previous order of the House, the gentleman from Georgia (Mr. GINGRICH) is recognized for 60 minutes.

Mr. GINGRICH. Mr. Speaker, I asked for a special order today because we have had some really good news about the economy last Friday and I think it is news worth dwelling on.

We have learned that inflation is not merely declining, but that in fact for the first time in 17 years we have stable money; that in March inflation actually stopped and prices went down for the first time in over 200 months.

Think of it. What this means is if you had a $1 bill and you kept it for a month, that for 17 years every time you kept this dollar bill for a month it was worth less at the end of that month.

Last month, for the first time in 17 years, if you kept that dollar bill, it was worth more at the end of a month.

What does that mean?

It means that if you are on social security your social security check drew more, not less, in goods and services last month. It means if you are poor, that the money you did have bought more, not less, last month.

It means that if you are a working American your take-home pay for the first time in 17 years bought more, not less.

It means if you are retired and have a little savings, that your savings actually increased in value for the first time in 17 years, instead of declining.

This has a real impact on people. For example, in a comparison of the inflation rate of the last Democratic President, with the inflation rate under President Reagan's first year we found that a carton of eggs in January 1982 would have cost 10 cents more under the Democratic administration, that hamburger would have been 14 cents a pound higher, that milk would have cost 9 cents a half gallon more. That was before the tremendous record of the last 3 months.

Now what happened in the last 3 months is that inflation has dropped so dramatically that in fact for the first 3 months of 1982 the compound annual rate of consumer price index inflation was 1 percent a year.

President Carter invented what he called the misery index. He added together the inflation rate and the unemployment rate. The fact was, that when Ronald Reagan took over the White House, that misery index was at around 19. By January of this year, it had dropped to 12. In February it was down to 11. In March, it was under 10.

Now that is a pretty dramatic change cutting the misery index in half in 1 year.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding because I think it is extremely important to understand that that is a measurement created not by Republicans to measure the economy, but created by Democrats to measure the economy.

In fact, 2 years ago, in March 1980, the misery index stood at 23.

That means that that was the last full year of the Carter administration. If you compare month to month, the misery index actually stood at 23 at that point. Now if you take a look at the misery index and you annualize it, annualize based upon last month's figures, announced in the Consumer Price Index, it is down to 5.4 percent. That is a 326-percent drop in the misery index in a 2-year period of time, and can be attributed to only one thing: the Reagan economic policies.

Mr. GINGRICH. I thank my colleague for his comment because I think the reality is we are in fact beginning to turn this economy around, that we inherited what was frankly a mess, that that mess was compounded by both a recession and inflation simultaneously, that we were both putting people out of work and making what little money they had worth less and less in 1980, and that we have begun to change this.

In fact, the impact is fairly dramatic. I mentioned earlier that you could buy hamburger for 14 cents a pound cheaper under this administration than you would have had, had the same administration continued, the Democrats, as they were in 1980.

Let us talk about it in terms of the poor. One of the things Bill Moyers did not say last week, is that for a family of four, at the 1980 poverty level of $8,414, Ronald Reagan in 1981 saved them $294 in buying power.

But for a family of four with an average income of $24,332, Ronald Reagan saved them in 1981 $851 in buying power.

The reason this is crucial is because we are so used to living in a liberal welfare state, we are so used to taking inflation for granted, we are so used to the business as usual of decaying American industries, of putting people on welfare, that I think literally the news media is finding it difficult to believe the scale of change that is now going on. But there are glimmers of hope.

In this week's Newsweek, and I quote, in an article entitled "Ready for a Take-Off," the first real glimmerings of news media understanding I think are going to be seen.

"We could be on the threshold of a major breakthrough in the battle against inflation," declared Mellon Bank economist Norman Robertson, "Attitudes and expectations are beginning to shift."

Now we go on to quote Newsweek, which said:

> Robertson could be right, and if he is, the American economy may be poised for its most prosperous run since the 1960's.

The most prosperous run since the 1960's is a long way from the scare rhetoric we have heard, and it is a long way from some of the tactics we have seen in this city.

Let me carry it a step further. Not only is Newsweek projecting a real improvement, more jobs, more takehome pay, but they are pointing out that takehome pay buys more.

And again I quote:

> More slowly rising prices mean that consumers and corporations alike can buy more for their money than they expected, encouraging them to spend more freely. American consumers, for instance, are an estimated $35 billion a year richer because of the recent sharp drop in oil prices alone.

Let me make that point.

President Reagan's policies have been effective enough in helping bring spending under control and helping bring the inflation rate under control, that this year Americans are $35 billion richer, just for this year, because of the drop in the price of gasoline.

I again suggest in a liberal welfare state it is hard to look at that because that increased wealth was not in the form of more paper money, it occurred by making the money you have worth more. In a sense, if we had an expandable and shrinking dollar, what was happening was that under the liberal Democrats the dollar was shrinking steadily.

Now under President Reagan the dollar is beginning to expand again, and in a real sense we almost need rubber money which allows you to see what happened to your dollar. For 17 years each month your dollar got tinier.

Last month for the first time in those 17 years your dollar is getting a little bigger.

Newsweek closes in a fairly optimistic vein:

> Assuming that we can bring the deficits under control if the deficits are pared and inflation continues to abate, what economists foresee is a decade marked by real increases in economic growth of 2.5 to 3.5 percent a year.

That 2.5 or 3.5 a year in real growth leads to a tremendous increase in real buying for working Americans by the end of the 1980's.

The possibilities are here for us to have a tremendous breakthrough in creating new opportunities and building a healthier America.

Mr. LUNGREN. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from California.

Mr. LUNGREN. I thank the gentleman for yielding.

I think the gentleman is to be commended for pointing out something that seems to be missed in much of the debate that has gone on, on the floor, and certainly much of what has been written in news magazines and newspapers and been broadcast on television and over the airways, and that is, that those people who are most affected by fluctuations in inflation are working men and women of America, and, even more importantly, the poor of America.

Why? Because the people at the lower end of the economic spectrum are required to use a larger percentage of whatever income they may have, whether it is earned income or whether it is from different programs from government, toward the essentials of life. They spend a far greater percentage of their income on food, clothing, shelter, education, et cetera, than people who are in the upper middle or upper income groups. The impact of inflation on them is far worse in terms of being able to sustain themselves and sustain their families.

That is why it is disconcerting, to say the least, to see news story after news story, argument after argument, suggesting that somehow the Reagan program is hurting the poor, when in fact, as pointed out by William Buckley just a couple of weeks ago, using the article that was presented in Newsweek, where it said the poor get poorer.

If you took isolated elements of that article, you could find out, for instance that, the person, the family under $10,000 that is basically the poverty family in America, have twice as much increase in purchasing power as a result of the Reagan programs as they lost in marginal benefits.

That is another way of saying what the gentleman has said. That even though you do not have more dollars behind the dollar sign on your paycheck or your welfare check, or whatever it is you are getting, the fact of the matter is you can purchase more with that money than you could otherwise.

The gentleman has suggested an elastic dollar. Perhaps what we need to do is through some manner clip the dollar every month, when it becomes less in the area of purchasing power, such that people can see themselves how they actually lost money. As the gentleman suggested, instead of clipping this dollar this last month we would increase the size of the dollar because the average American was better off in the last month than they had been the month before.

The gentleman has made reference to a news magazine known as Newsweek. There is also one called "Time," and Time magazine this week has an article called "Prices Take a Big Tumble." In there it says:

> While consumer prices are unlikely to continue dropping indefinitely, the March decline was not simply some statistical aberration. It came after nearly half a year of steadily sliding inflation. Instead of the vicious cycle of ever higher costs, the economy has now entered a virtuous cycle of declining inflation. Says Data Resources Chairman Otto Eckstein: "We still have not seen the full impact of declining mortgage rates turn up in the CPI figures. Consequently, I expect to see at least one or two more months of deflation this year."

Most economists are suggesting one of the reasons that the interest rates, perhaps the prime reason that interest rates have remained so high, compared to the inflation rate over the last 6 months, was that we had not turned the corner in expectations, meaning that most people still had to be convinced that we were defeating inflation.

These latest figures suggest that there is every reasonable prospect to believe that in fact we have turned the corner on inflation, and if the American people start to understand and believe that, their expectations will be changed such that we will see a drop in the interest rates that are prevailing at the present.

Another point that I think complements the gentleman's points so well is the fact that on the floor we have heard over the last few months, as we are dealing with the budget, criticisms of the projections of this administration in terms of the budget and the economic impact of the budget.

On that point, I would cite my colleagues to a further statement made in Time magazine this week where it says:

> In February 1981, the Reagan Administration unofficially forecast that inflation would drop to 5.7 percent during 1982. At the time the projection was dismissed as outrageously optimistic, yet that figure now seems, if anything, pessimistic. The Data Recourses Inc. economic consulting firm projects inflation this year will be no more than 3.9 percent, and the experts say that it could wind up still lower.

The gentleman will recall that when we had the major debate on economic proposals last year, forthcoming from the administration, that some of their projections were ridiculed. They were suggesting that they were being absolutely unrealistic in saying that we could bring inflation down to 5.7 percent and that, therefore, we should not even accept the figures that they were presenting.

Yet I have not heard any recanting on the part of those who would have us change the basic policies that we are following at the present time.

Perhaps the question ought to be asked: "Are the projections being made by those who criticize the administration's overall program outrageously pessimistic"?

□ 1245

Have they suggested to us when we are on the verge of restoring health to this economy that, in fact, the economy is going to remain in an ill state and, therefore, we have got to try something new?

I would suggest to my colleagues that perhaps we ought to realize that the economic well-being of the United States was in a sad state when this administration took over, that the victim, the patient, was very sick, far sicker than we had thought, that the patient perhaps was in death's throes, when you look at the continuing high temperature, high interest rates, high inflation rates that we are running, the low level of activity or energy reflected in negative productivity growth rates and absolutely the poor health reflected in the overall loss in gross national product in the last year under Dr. Carter. Since Dr. Reagan has taken over, we have seen some glimmers of hope, some glimmers of life coming back into the economic body here and now when we are just

about ready to see some real recovery, it would not be very well for us to change back again, back to the quackery of economics that we saw in the last administration.

I think the gentleman is to be commended for bringing these facts forward; although I had hoped and expected that those Members on the other side of the aisle who have lined up month after month with every new bit of economic information about where inflation was, about the economic rate and how bad the economy is, would come in here and tell us now that maybe they were wrong or maybe they ought to take a second look at it, because you know the inflation rate is going in the opposite direction; but since that is not forthcoming, I guess we will have to reply on people such as the gentleman in the well.

Therefore, I again commend the gentleman for bringing this well, well thought out information and analysis to the House of Representatives.

Mr. GINGRICH. I thank my friend.

Mr. WALKER. Mr. Speaker, would the gentleman yield again to me?

Mr. GINGRICH. Certainly. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding, because I, too, think that the point the gentleman makes is an excellent one, particularly as it affects people on fixed incomes and the poor.

The gentleman pointed to a Newsweek article that is talking about the impact of deflation and the fact that the economy may well be on the brink of taking off again; but I think that we ought to refer back to that Newsweek article of a couple weeks ago, saying that the poor are getting poorer, because the statistics used in there came from the Congressional Budget Office.

One of the things they said in there was, " Families under $10,000 had lost $240 as a result of the Reagan programs." I think the point that the gentleman makes certainly with deflation annualized to 3.3 percent, those same poor people under this program would be getting back an average of $330 a year at the $10,000 level.

Mr. GINGRICH. That is exactly right.

Mr. WALKER. Meaning that family now, if you put both those figures together—which, of course, CBO did not do and admitted that they did not do—if you put both of those figures together, the family is actually $90 better off under the Reagan programs; so it kind of shows just how phony some of this talk is, that the program when seen in total is hurting the poor, that the poor are actually better off in a deflationary situation, and the fact that we have had some budget cuts along the way in order to get to deflation when put together in a macroeconomic sense shows that the poor have actually the benefactors of that kind of stabilized economy.

I would hope that the kind of points the gentleman has made here today will now be figured into some of the rationale that is going on about the overall economic program and that we would begin to look at the economy in a macroeconomic way, so that all the statistics can be seen and so that the real plight of the poor can be looked at.

I thank the gentleman for yielding.

Mr. GINGRICH. I think my colleague has raised a crucial point, which is that in real dollars, what you can really buy, that this administration has begun to quietly help every American and that in fact for senior citizens who, as a general rule, rely far more heavily on savings than do active workers, that this economy under President Reagan is beginning to increase their real savings very dramatically.

I think that there is hope when you compare us with the record of the last administration that people will see the difference.

It almost forms this sort of shape, because when Jimmy Carter and the liberal Democrats took over in 1977, they left a 5-percent inflation rate, which President Ford had gotten us down to.

In 1977, they went up to 7 percent.

By 1978, they were at 9 percent.

By 1980, they were at 13-percent inflation. They were eating away at the very heart of this Nation. They were destroying the savings of retired Americans. They were crippling the ability of the poor to buy anything. What we now see in the first 2 years under President Reagan and under the conservative Democrat-Republican coalition is the beginning of a real slide; so it really is like this. We took over when we had peaked at the rate of the economic cancer that was destroying this country and we are now bringing us back down to good economic health. When you earn a dollar, there is a real chance that that dollar will be worth a dollar under this administration.

Mr. DUNN. Mr. Speaker, will the gentleman yield for a question?

Mr. GINGRICH. I yield to my good friend, the gentleman from Michigan.

Mr. DUNN. No. 1, I thank the gentleman for yielding and thank the gentleman for bringing this to the attention of the floor.

Like the gentleman, on Friday in watching the news releases, I was amazed.

The nature of my question is, why are those who advocate a concern for the poor unwilling to talk about the same kind of things you are talking about? The three major networks on Friday in carrying the story about inflation, unlike when they carry stories about budget cuts and they say the President does this, the President does that, to the poor?

In this story, the headlines were that the Reagan administration gets a good piece of news. That was not a good piece of news for the Reagan administration. It was a good piece of news, as the gentleman has so aptly pointed out, for the country.

Why when Murray Weidenbaum went to the committee to tell them this did our very liberal friends from the other side of the aisle not even take the time, not even take the time to come to the committee hearing and listen to the kind of things the gentleman is talking about, that the President has been talking about and its impact on these people?

I know I spent a lot of time in my district on the concern expressed by the gentleman in the well and the gentleman from Pennsylvania (Mr. WALKER), about how these people saved all our lives and all of a sudden the size of the dollar, when they started out, was going to be this for their savings.

Now, all of a sudden, it ended up being a much smaller chunk. Why is the press doing this? Does the gentleman have any good idea?

Mr. GINGRICH. Well, I think the gentleman has raised a good question. I guess, as a former history teacher, my answer would be that we have been in a liberal welfare state for half a century and we are only now beginning to move toward a conservative opportunity society.

In the liberal welfare state, if a politician gets up and says, to go back to the example of the value change in oil and the fact that it was worth $35 billion, in the liberal welfare state, if a politician gets up and says, "Here is a program to give you $35 billion," that is big news. However, in the liberal welfare state, if the Government takes steps which quietly allow you to keep $35 billion of your own dollars, that is not a news story.

Now, I think as we move toward a conservative opportunity society, we are going to see people begin to recognize that it is not how much paper you have, it is how many goods and services you can buy, and if you can buy milk for 9 cents a half gallon less, if you can buy hamburger for 14 cents a pound less, if you can buy eggs for 10 cents a dozen less, then you are better off.

I think we are beginning to see people understand that, but it is going to take many people like the gentleman, doing the kind of yeoman work the gentleman has been doing, going out and helping explain to your local newsmen and local audiences that, in fact, the quiet hidden help may be the most effective and the most real that is available.

Mr. PARRIS. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I would be glad to yield to my friend, the gentleman from Virginia.

Mr. PARRIS. I certainly do not believe that the gentleman from Georgia intends, nor would I want to be part of it, for a blanket indictment of the media; but I, too, was very much concerned about a characterization that I heard in the media report on Friday morning that as a result of the cost of living adjustments, the inflation rates, and the words that were used were, "This is bad news, bad news" for social security beneficiaries, the elderly of this Nation, our senior citizens, who depend so greatly on those benefits.

I submit that that is nothing but a demonstration of a basic misunderstanding of what those numbers indicate, and what that indicates is that it is not bad news. It is great news, particularly for the senior citizens of this Nation, because instead of having the problem of 8-, 9-, and 10-percent inflation, which is the cruelest tax of all, particularly on our senior citizens who can control it the least, it is magnificent news that the cost, as the gentleman has so eloquently stated a moment ago, of eggs and bread and rent and the simple things in life have not increased to the kind of dramatic examples that we have seen in the recent past; so I submit that the characterization that we will adjust the social security benefits by only this amount indicates that we have, I think, begun to win the battle against inflation and that news in and of itself is magnificent news; it is great news for the senior citizens of this country. I think it can only lead to additional benefits and stability in their lives in the future.

Mr. GINGRICH. I want to thank the gentleman for his comments. The gentleman has raised a very interesting point. It goes back, as I said, to the liberal welfare state model, which says if you get a 13-percent increase, obviously you are better off, which is not true, if, in fact, you have 13-percent inflation.

In fact, let us take the example that our good friend, the gentleman from Pennsylvania, was raising a minute ago about trying to tie together inflation. We will have to come down here some day with a chalk board if we can get permission to put it on here and show exactly what this means; but let us take that example. If you have 13-percent inflation, which we did in 1980 under the liberal Democrats, and you have a 13-percent increase in social security, if you had a $1,000—not very much, just $1,000—if you were 65 years old and in your entire lifetime you had saved $1,000 and you put that over and you hid it away in a safety deposit box and let it sit there just in a safety deposit box, paper money, a thousand of these paper dollars, at the end of the year you are not getting ahead. The Government, through inflation, had taken $130 away from you. You were $130 poorer and that 13-percent cost-of-living increase did not get you anywhere. It just barely kept you up with the inflation that was already there.

Well, we are doing it. Henry Walleck, a Governor of the Federal Reserve Board said: "Inflation is like a country where nobody speaks the truth."

Now, what he meant by that was that when you have massive inflation, you literally steal from everyone quietly and steadily every day and every night.

Now, what makes this round of deflation of bringing prices under control so exciting is that for the first time since 1949, real average purchasing power is going up in a recession; that, in fact, the collapse of inflation, bringing under control the price increases, is improving the average family, including those families that currently are unemployed.

Take the entire Nation—the Nation as a whole is better off this month than it was in 1980 and this is the first time in a recession that real purchasing power has gone up since 1949.

Mr. WALKER. Mr. Speaker, will the gentleman yield again?

Mr. GINGRICH. I yield to my friend, the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

I was just doing some quick calculations here based upon the present social security figures. The average recipient of social security right now gets around $600 a month. If you take that annualized figure of a 3.3-percent deflation and calculate that on a monthly basis, that means that even though there would be no cost-of-living increase, that social security recipient is $18, or about $20 a month, better off just as a result of the deflation.

Now, if, indeed, they also get a cost-of-living increase, that will be an additional help to them, but they are $20 a month better off just as a result of that deflationary policy on the $600 average that they are getting; so that in fact, they really gain. When they saw that deflation taking place last month, they were the winners. They gained, because the amount of money that they got in their paycheck that month was worth $20 more to them.

Mr. GINGRICH. Let me go back, as I did earlier, without being boring, I want to repeat, because it is exactly at the human level that people have been talking about that this program means that you can buy eggs for 10 cents a dozen less; you can buy milk for 9 cents a half gallon less; you can buy hamburger for 14 cents a pound less. Those are real changes that help every retired American. They help every poor American. They help every young child.

I yield to my friend, the gentleman from California.

Mr. LUNGREN. I thank the gentleman. You know, talking about the expectations that people have and the false impressions people have when you have an inflationary rate that destroys currency, maybe if you put it in terms of if you had someone starting off from the west coast of the United States in Los Angeles, wanting to walk all the way to Washington, if that person were able to actually make some progress, every step that he takes in an easterly direction would get him closer to Washington, but if that person were on a treadmill, he could walk as long as he wanted for years and years and at the end of his journey would be no closer to Washington than when he started. In fact, if you take the impact of inflation and progressive tax rates in the Carter administration, that person who started on the treadmill in Los Angeles would now be floating out somewhere in the Pacific because he actually moved backward because they jimmied up this treadmill so fast that he was losing, despite the fact that he was working as hard as he could to walk toward Washington.

What we have done now is take average persons off the treadmill and allow them an opportunity to start not only walking, but jogging toward Washington.

That is the point we have got to get across here. I suggest to the gentleman when he says, when he asked the question, why do we not get better news? I do not have the answer, but I wonder, what would have happened if a member of the major media would have written a story on the eve of President Reagan's inauguration, and said, "I predict that within a year and a half of President Reagan taking office and getting some of his programs through, we will take inflation down from double-digit inflation, which has been running for over 24 months, not only down to single-digit inflation, but in fact I predict that within a year and a half, he will have it running below zero deflation."

□ 1300

That he will take interest rates that have gone from about 5 percent under Jimmy Carter to 21½ percent, double digits; not only double digits but heading toward 30. And he will, at least in his first year, bring them down by 4½ points, bring them down to 16½ points.

It will take productivity that ran 3 years in a row negative and have real productivity growth for the first time in 4 years.

They would have said we cannot publish that, because we are in a pursuit of truth, and obviously that is so farfetched that no one could believe it. Yet that is what happened.

It is just as if you had said when Jimmy Carter was running against Gerald Ford, well, if Jimmy Carter wins, he is going to take inflation from 4.8 percent to 12.4 percent; he is going to take productivity growth from a positive 3.3 percent down to a negative 2 percent. He is going to take inflation rates at 5 percent, move them up to 7½ percent. You would have been called an alarmist, excessive in your rhetoric—you could not be trusted. Yet that is what happened.

I think what all this points out to us is that we have a tremendous job of education to do, that we have got to turn people away from looking at Washington continually as the fount of all knowledge and wisdom, an answer to every problem, and realize that, in some cases, Government has caused many of the problems, and that if you really want to get the economy moving, what you have to do is somehow reach in and touch the heart and soul of America, which means you have to show people that we appreciate it when they work harder, when they invest, when they save, when the personal ingenuity of the average American is allowed full play, rather than when it is stifled by overprotective government, by big brotherism, and by great planning here in Washington, D.C.

I think the biggest thing we have to do is to change the terms that we use. You cannot just say that people are going to be continually helped if they have a larger and larger adjustment of CPI on the benefits they receive; that, in fact, they will be far better off and far less dependent on Government and have far greater purchasing power if we defeat inflation caused by excessive Government spending and ridiculous fiscal policy and taxing policy than any other single thing we would do to help them.

I thank the gentleman for drawing the dichotomy between the liberal welfare state and the conservative opportunity state. I think if the average American is allowed to answer the question. "Do you support a continuation of the liberal welfare state or a compassionate conservative opportunity state where people have an opportunity to work as they wish and to express themselves as they wish, and to support themselves as they wish?" that the answer is going to be clearly they would like the conservative opportunity state. And I think the gentleman is one of the leaders in this House in continually posing that question, which is a question that we have to have always in front of us if we are going to make reasonable decisions when we reach taxing and spending policies in this year.

I thank the gentleman.

Mr. GINGRICH. I thank my colleague for commenting because, in fact, he brings us to, I think, the second point of this special order.

The first point is, in fact, we are gaining on the inflation front, we are bringing down the cost of living, but there is still work to be done, and the key to that work, the key to economic health, is interest rates, and the key to interest rates is the deficit.

President Reagan said on Saturday if you look just at economic factors, we ought to be paying around a 10-percent prime rate right now. I think, frankly, that is a little high. I think he could make a case out that it ought to be 8 percent. But let us take the President's figure, 10 percent. The question has to be, if economic factors would lead to a 10-percent prime rate, why are they at 16½ percent? I think the reality is that the market that sets the price for interest rates is looking at the future; that that market looks at the Presidency, the Senate, and the House, and says to itself, in that complex chain of events, what will happen to deficits?

The House is the weak link in that chain, and I think, frankly, we are paying a 6½-percent premium on interest for the current Speaker, Mr. O'NEILL; that, in effect, the money markets are saying as long as the liberal Democrats control the House, they have a veto over what happens, given the current strategy. The money markets are saying, we do not trust the policies that have led us to inflation in the past, and we are very worried about the size of the deficit in the future. And if the liberal Democrats, in fact, have a majority in the House, then we are very worried about our money.

Let us explore why they would ask the 6½-percent premium, the O'Neill premium.

First, the people who lend money worry about the deficits and how they would be paid. There are only four ways to deal with the deficit when the Government spends more than it brings in. First of all, it can raise taxes and match the amount of spending. Second, it can borrow money. Third, it can print paper money to make up the difference. Or fourth, it can cut spending.

Now, if it prints paper money, we are immediately back to massive inflation, we are immediately back to the cancer eating away at our buying power and we have lost everything we have gained. There is a general agreement we will not print paper money, at least not in the near future.

But if we do not print paper money, what should we do? There are only three choices left: To cut spending, to borrow money, or to raise taxes.

The liberal Democrats are deeply opposed to cutting spending, particularly in the amounts necessary to keep the fight on inflation, to bring down the interest rates, to create jobs. That leaves them only two choices. If you are a liberal, you want to either raise taxes or borrow the money. Now, the problem with that is that if you borrow the money, there is a fancy term called crowding out. That is if the Federal Government goes to New York and it borrows $100 billion, that $100 billion is not available in Lancaster, Pa., or Los Angeles, Calif., or in Carlton, Ga. And then we cannot borrow it, we have been crowded out, pushed out of the borrowing market by the Government.

But the problem with those liberal analysts who say let us not have crowding out, let us bring down interest rates by raising taxes, is that raising taxes is just a sneakier kind of crowding out. When you raise taxes, you reach right into people's wallets and you take the money away from people, and if you do that, they cannot borrow the money anyway, because they cannot pay it back.

Either solution, either borrowing the money in New York or taking the money by higher taxes, crowds out private individuals, local governments, local churches, local schools. You can crowd out just as surely by raising taxes and stopping people from borrowing because they will not have the take-home pay to pay off the debt as you can by borrowing the money directly.

Now, that means if you do not want inflation, if you do not want high interest rates crushing the automobile industry, collapsing the housing industry, weakening every small business in America, and if you do not want to raise taxes dramatically, the only solution left is to cut Federal spending.

Let me repeat that, because I think the logic of this is all too often missed in the emotionalism and the rhetoric of Washington.

If you do not want inflation, if you are glad for the first time in 17 years we have stable money, if you like the idea that prices will steady out and you will be able to actually buy real things with your income, if you do not want to see the Government borrow so much money that it crushes your business, breaks up the automobile industry, collapses housing, and if you do not want to raise taxes, which would simply take the money away from you in a different form, then the only solution left is to cut Federal spending.

One man wrote in and said, you know, if you have a leaky bucket, and you are trying to carry water, you do not just keep pouring more water in at the well; you stop up the leaks. And he said what made him angry was every time he looked at the Federal bureauc-

racy and the Federal budget, he found all sorts of leaks of his money, things he did not want, things he was not willing to pay for, things he thought could be cut. But instead, he was being told, no, no, we are going to take more money out of your pocket to put back into the same leaky bucket.

Now, I think America stands at a crossroads. We were on the verge of collapse in 1980. We had 13½-percent inflation. We had 21-percent prime rates. We had growing unemployment. We had an automobile industry that was collapsing. We had a housing industry that was decaying.

We have begun to turn all of that around. We have begun to improve the buying power of all Americans, old and young, rich and poor. We have begun to improve the chances of founding new businesses and creating new opportunities. However, we can only continue down this path if we adopt a budget which brings down borrowing, which keeps down taxes, which leads to a growth of real jobs and real opportunity.

There are two paths to that budget. The more desirable path, the one I want to again commend the Republican leadership and some of the moderate Democrats for pursuing, is the path of the compromise in which both parties would submerge their partisan interests and produce a joint budget which keeps taxes down, which cut spending, and which brought down the borrowing so that interest rates would drop dramatically. I hope that we can achieve a compromise budget.

I hope that it is possible for the White House, the Senate and the House leaderships to jointly produce a budget which cuts taxes, which cuts spending, which cuts borrowing, which allows interest rates to drop, and thereby creates jobs, creates opportunity, and creates prosperity.

However, if the liberal Democrats prove unwilling to adopt a genuine compromise, then I hope this President will announce a budget lean enough to bring down interest rates, will promise every American who loans money, every American who saves, that he will veto every appropriation above that budget, and I think we can assure him in this House that we have 145 Members necessary to give him the constitutional majority to sustain that veto.

I think at that point this President is in a position to fight for a continuation of the polices which have already stopped inflation, and which have every possibility of creating real prosperity. We are not negotiating from a position of weakness. We have every reason to believe that the American people, given a choice between a courageous President fighting against inflation, fighting to keep down the cost of living, fighting to cut taxes, and a liberal Democratic majority trying to override him on behalf of a bigger walfare state, bigger spending, higher taxes, more borrowing and higher interest rates, that given that choice, the American people would overwhelmingly favor the President and we would handily sustain his veto, and a President with a veto is a constitutional majority.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

The gentleman has used one word about this President that I think demonstrates what is to be needed in this House as well, the word "courage."

The President has been courageous in many of the decisions he has made. It appears to me as though we are going to need some courage in this House if we are going to put into action the kind of program the gentleman is suggesting.

But I know the gentleman is a historian and has probably heard of the historic continuum that says that courage does have a great deal to recommend it. The continuum, it is said, moves from bondage to courage, from courage to freedom, from freedom to abundance, from abundance to complacency, from complacency to dependency, and from dependency back to bondage.

I think the gentleman is right that we are at a period of time when we are going to have to choose whether we are going to be a Nation of courage, freedom and abundance, or whether we are going to lull ourselves into complacency, dependency, and ultimately bondage again.

I think that the gentleman points out correctly that this President has decided that it is time for courage, freedom and abundance. I think we should be able to find a majority in the House and the Senate to choose freedom, courage and abundance, too, because if that is the case, America has a very bright future indeed.

Mr. GINGRICH. I thank the gentleman.

The gentleman mentioned courage. In this week's Time article on the inflation rate, it gives the administration, Ronald Reagan, credit first of all for his tough stand on wages last fall with the air traffic controllers during their strike.

This is one which I am fascinated by, the way in which it has been dealt with by a number of people. They say it is not Ronald Reagan's victory because, after all, oil prices have been coming down. Let me quote one paragraph from Time magazine which everyone willing to deny him this legitimate victory I think should be aware of.

Another Reagan policy that has paid off in lower inflation is the President's decision last January to scrap remaining controls on crude oil and refined petroleum products. That helped to increase the glut in world oil markets which caused the drop in world petroleum prices.

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Now, I can remember many of my good liberal friends who were leaping up and down when Ronald Reagan eliminated the controls on crude oil and refined petroleum products. They were saying, "This is a windfall for big oil."

Yet, if you look at the Time magazine chart, gasoline is down 28 percent since January 1; home heating fuel is down 10 percent, and my good friends from New England and the Midwest will recognize how vital the collapse of the home heating fuel costs will be in helping every senior citizen in that area who uses heating oil during the winter.

All I am suggesting is that a courageous President has brought inflation under control with remarkable speed, cut taxes dramatically and courageously, that he does have the option of turning to his friends in the Congress, and his friends will not desert him. We will, in fact, stand with him. But, if worst comes to worst, if there can be no compromise, this President can rally the Nation, and over the next 6 months he can force budget discipline. He can bring down interest rates by bringing down spending, by the simple act of vetoing continuing resolutions and appropriations bills.

However, with statesmanship, with a willingness on all sides to listen to talk, there is no reason for that policy of confrontation. This week is the week for the liberal Democratic leadership to decide that it is time to compromise, it is time to produce a joint budget. I think the conservative Democratic-Republic coalition that has worked together for the last year would be delighted to join with them in offering a coalition budget, a compromise budget, which all Members, as a matter of statesmanship and citizenship could support, to bring down interest rates, create jobs, and continue our efforts toward stable money.

CHOKING OFF RECOVERY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. FORD) is recognized for 5 minutes.

● Mr. FORD of Michigan. Mr. Speaker, at a recent conference sponsored by the Bipartisan Northeast-Midwest coalition, the evils of the administration's economic policies were vividly demonstrated. Speaker after speaker spoke of plant closings, devastating mass layoffs, and the tremendous human suffering such events can cause. Most of the speakers made it clear that the Federal Government is

failing to meet its responsibility to help workers and communities respond and adjust to major economic catastrophes which are becoming increasingly common.

I would go further. I believe this administration has adopted policies that make business failures and plant closings far more likely, while stripping the Government of any constructive role in assisting the victims of economic misfortune. The story of McLouth Steel Corp. is particularly instructive.

McLouth, the Nation's 10th largest steelmaker, possesses the most modern and efficient production process in the Nation. It's labor costs, despite good wages and benefits bargained by the United Steelworkers, are the lowest of any major steel company. Yet McLouth, its customers squeezed by high interest rates and import competition, is in bankruptcy proceedings and may shut its doors on 3,100 workers any day.

Why? Because the administration's tight money policies have dried up the automobile market and have made the cost of corporate borrowing fatally expensive. Money is not lent to efficient, productive manufacturers like McLouth; it is invested in money market funds or shipped overseas to finance factories and construction projects in low-wage countries—investments that benefit a wealthy few in the United States to the detriment of the increasingly jobless many.

We need new policies to stimulate productive investment here in the United States, not in Taiwan, Guatemala, and Malaysia.●

PENSACOLA SPECIAL STEPPERS IN WASHINGTON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. HUTTO) is recognized for 5 minutes.

● Mr. HUTTO. Mr. Speaker, I rise today to pay tribute to a group of young people from my district called the Pensacola Special Steppers. They are square dancers from the Escambia County Association for Retarded Citizens who were selected to perform before the President's Committee on Employment for the Handicapped and raised the money to travel to Washington for what is indeed a very significant event for these citizens.

While they are in the Nation's Capital, the Special Steppers will put on an exhibition at a reception sponsored by the National Folk Dance Committee in support of House Joint Resolution 151. The resolution, of which I am a cosponsor, would designate the square dance as the national folk dance of the United States of America.

Frank and Nancy Cherry, parents of Janet, one of the dancers, brought the group together about 4 years ago. Since that time, word has spread about these incredible youngsters and their ability to learn and demonstrate complicated manuevers. As a result they have put on many shows along the gulf coast, as well as on TV, and hope next to be invited to the Grand Old Opry in Nashville.

I heartily support Mr. Cherry in his belief that, by demonstrating mentally retarded people can learn intriciate dance steps and execute them accurately, it will help to educate employers and provide employment opportunities for the handicapped. These enthusiastic young adults are truly an inspiration for everyone.●

ARCHBISHOP'S ASSASSIN TO RECEIVE AMERICAN AID

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 15 minutes.

● Mr. GONZALEZ. Mr. Speaker, the very disturbing and tragic course of events in South America involving Argentina and Great Britain—as important as it is—has served the purpose of distracting national attention and congressional attention from the equally—if not more—serious situation in El Salvador.

A few weeks ago, I raised questions concerning the diversion of substantial American military force in El Salvador. My questions have not as yet been answered but I can categorically state that the American intervention in El Salvador is substantial in every single way. How many Americans or Congressmen know that the taxpayers of this country defrayed the cost of the recent elections in El Salvador? At least half a million dollars of American taxpayers' money was used to pay for and defray the cost of the various and sundry observers from various countries that our Government persuaded to witness the election. The CIA funneled millions of dollars through numbered accounts in Panama earmarked in behalf of the election of Gen. Napoleon Duarte, thereby directly involving ourselves in that electoral process, only to have Duarte defeated at the polls. And now the American Ambassador Hinton was quoted over the weekend as saying that the United States will do business and continue to support financially and otherwise the new leader, the rightwinger D'Aubusson, one of the murderers of Archbishop Romero.

Is this what America wants?●

HUGH HILL RECEIVES THE 1982 DANTE AWARD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, I rise to call the attention of my colleagues to the achievements of television reporter, Hugh Hill, who will receive the 11th Annual Dante Award of the Joint Civic Committee of Italian Americans on May 17 at a luncheon given in his honor at the Como Inn in Chicago.

Hugh Hill is a political reporter for WLS-TV, channel 7, in Chicago, where he has covered national and international news since 1963. He is best known by the citizens of Chicago for his objective, hard-hitting, and responsible coverage of the Chicago City Council, as well as for his reporting of State and local politics.

The Dante Award was established by the Joint Civic Committee of Italian Americans, an umbrella organization comprised of more than 40 civic organizations in the Chicago area, to extend recognition annually to an individual in the media communications field who has made a positive contribution toward fostering good human relations.

Mr. Hill has maintained high standards of responsibility and integrity in his journalistic career, which has spanned almost three decades. He is a most deserving recipient of the Dante Award, for his actions have been representative of Dante Alighieri's statement in his "Divine Comedy" that "man should never be timid about the truth."

After receiving his degree in journalism at the University of Missouri, Hugh served for 1 year as news director for WEXI radio in St. Charles, Ill., and for 3 years as news/sports reporter for WJOB in Hammond, Ind. In 1953, he became special events director for WBBM-TV and radio in Chicago, where he handled news and feature stories.

Since 1963, Hugh Hill has become well known by Chicago audiences as one of the foremost political reporters in the city for WLS-TV. He appears in a daily feature on the WLS program "4:30, The Eyewitness Newsmagazine," called "Letters to 7," where he takes viewer complaints and questions to the appropriate station staff member and records their answers on videotape.

In addition to his professional activities, Hugh is known for his humanitarian and civic achievements. When a devastating earthquake struck southern Italy in 1980, he was instrumental in raising $5,000 for the relief drive. He was honored by the Chicago Press Club, and received the prestigious Sigma Delta Chi Award. In 1977, the Chicago Academy of Television Arts and Sciences honored him with an Emmy for his participation in the WLS-TV special, "George Halas: An American Legend." He also received an Illinois UPI broadcasting award for "best reporting of a spot news story."

The 11th Annual Dante Award luncheon to honor Hugh Hill will be attended by many political dignitaries,

civic leaders, and leaders of the communications industry. John Calloway will serve as master of ceremonies, and the invocation will be offered by Father Lawrence Cozzi, C.S. JCCIA President James L. Coli and Jerome N. Zurla, program chairman, will present the Dante Award to Mr. Hill.

For the seventh straight year, the John Fischetti Scholarship will be awarded. The scholarship was established by the Joint Civic Committee of Italian Americans to further the study of Italian American students in communications and named after the Pulitzer Prize-winning political cartoonist. This year's recipient of the scholarship is Daniel Pompei of 1420 South Ridgeland Avenue, Berwyn, Ill.

Mr. Speaker, I extend my warmest congratulations to Hugh Hill on this honor, an for the strong and constructive impact he has made on our community. His career, his character, and his record confirm that he is indeed a "friend of truth."●

THE OLYMPIC COMMEMORATIVE COIN ACT SECTION-BY-SECTION ANALYSIS

(Mr. ANNUNZIO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, the following is a section-by-section analysis of a bill that I am introducing today providing for the minting of coins emblematic of the 1984 Los Angeles summer Olympic games:

THE OLYMPIC COMMEMORATIVE COIN ACT—SECTION-BY-SECTION ANALYSIS

Sec. 1. The short title of the bill is the "Olympic Commemorative Coin Act."

Sec. 2. The bill authorizes the minting of up to 50 million 90 percent silver dollars of the same weight and size as the traditional American "cartwheels". They would contain .7734 ounce of pure silver. The bill also authorizes two million ten dollar gold coins, containing .48375 ounce of gold each. The dollar coins would be issued in two designs, one in 1983 and one in 1984. Both would be emblematic of the 1984 Olympic Games to be held in Los Angeles. There would be one design of the gold coin. The coins would be legal tender for their face value.

Sec. 3. In the United States the silver coins will be sold directly to the public by the Treasury at a price equal to their face value plus the cost of manufacturing, plus a surcharge of at least $10. The gold coins would be priced in a similar manner with a $50 surcharge. The Treasury would make bulk sales at a reasonable discount to reflect the lower costs of bulk sales. The Treasury would accept prerelease orders at a special discount price.

Sec. 4. The Secretary would assign the overseas marketing rights to a private marketing organization.

Sec. 5. A committee consisting of the Secretary of the Treasury, the Executive Director of the United States Olympic Committee and the President of the Los Angeles Olympic Organizing Committee would select the private marketer for overseas sales based upon the financial resources, marketing experience, and commitment of the marketing organization to guarantee some specified minimum proceeds to the Los Angeles Olympic Organizing Committee and the United States Olympic Committee.

Sec. 6. Fifty percent of the surcharges would go to the United States Olympic Committee to train Olympic athletes, to support local or community amateur athletics, and to erect training facilities. Fifty percent of the surcharges would go to the Los Angeles Olympic Organizing Committee to stage and promote the 1984 Olympic Games.

Sec. 7. After the overseas marketing organization was selected, the Secretary of the Treasury would enter into an agreement governing the terms of the overseas sales. The Secretary would have the right to terminate the marketing agreement if it is in the best interest of the United States to do so.

Sec. 8. Monies spent and received from the sale of these coins would flow through the Coinage Profit Fund, which is a special Bureau of the Mint account that requires no budget authorization.

Sec. 9. The General Accounting Office would have the right to audit the United States Olympic Committee and the Los Angeles Olympic Organizing Committee to assure that the money they receive is spent for the specified purposes.

Sec. 10. The Secretary is required to take all actions necessary to assure that the coin program will not cost the taxpayers anything. The Secretary must certify compliance with this section each quarter.

Sec. 11. The Secretary of the Treasury would make quarterly reports to Congress on the program.

Sec. 12. The Act would take effect on October 1, 1982.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate has passed bills of the following titles, in which the concurrence of the House is requested:

S. 1233. An act to establish a program in the Department of Commerce to promote United States service industries, enhance their competitiveness, and for other purposes; and

S. 2244. An act to give effect to the Protocol Amending the Convention for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea, signed at Washington, March 29, 1979.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. LUJAN (at the request of Mr. MICHEL), for today and the balance of the week, on account of surgery.

Mr. STANTON of Ohio (at the request of Mr. MICHEL), for today and an indefinite period, on account of surgery.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. ZABLOCKI for 60 minutes, on April 28, 1982.

(The following Members (at the request of Mr. WEBER of Ohio) to revise and extend their remarks and include extraneous material:)

Mr. DORNAN of California, for 60 minutes, April 27, 1982.

(The following Members (at the request of Mrs. SCHROEDER) to revise and extend their remarks and include extraneous material:)

Mr. FORD of Michigan, for 5 minutes, today.

Mr. HUTTO, for 5 minutes, today.

Mr. GONZALEZ, for 15 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. COELHO, for 5 minutes, today.

(The following Member (at the request of Mr. SWIFT) to revise and extend his remarks and include extraneous material:)

Mr. LAFALCE, for 20 minutes, on April 28, 1982.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. WEBER of Ohio) and to include extraneous matter:)

Mrs. ROUKEMA in two instances.

Mr. FIELDS in two instances.

Mr. ROBERTS of South Dakota.

Mr. BROYHILL.

Mr. GILMAN.

Mr. DORNAN of California.

Mr. COURTER.

Mr. LOWERY of California.

Mr. LAGOMARSINO.

(The following Members (at the request of Mrs. SCHROEDER) and to include extraneous matter:)

Mr. FORD of Michigan.

Mr. ZABLOCKI in two instances.

Mr. HALL of Ohio.

Mr. MINETA.

Mr. GUARINI.

Mr. RODINO.

Mr. SMITH of Iowa.

Mr. AUCOIN.

Mrs. KENNELLY.

Mr. ST GERMAIN.

Mr. DYSON in two instances.

Mr. HUCKABY.

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. MCDONALD in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. JONES of Tennessee in 10 instances.

Mr. BONER of Tennessee in five instances.

Mr. LANTOS.

Mr. HOYER in two instances.

Mr. EARLY.

Mr. MOFFETT.

Mr. MAZZOLI.

ADJOURNMENT

Mr. SWIFT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 19 minutes p.m.), pursuant to House Resolution 436, the House adjourned until tomorrow, Tuesday, April 27, 1982, at 12 o'clock noon in memory of the late Honorable JOHN M. ASHBROOK of Ohio.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3772. A letter from the Secretary of Agriculture, transmitting the annual report on costs of producing selected crops in the United States, pursuant to Public Law 93-86; to the Committee on Agriculture.

3773. A letter from the Secretary of Health and Human Services, transmitting a report on a violation of the Anti-Deficiency Act, pursuant to section 3679(i)(2) of the Revised Statutes, as amended; to the Committee on Appropriations.

3774. A letter from the Acting Secretary of Interior, transmitting, certification that adequate soil survey and land classification has been made on certain additional lands within the central Arizona project, and that additional lands to be irrigated are susceptible to the production of agricultural crops by means of irrigation, pursuant to Public Law 172, 83d Congress; to the Committee on Appropriations.

3775. A letter from the Director, Defense Security Assistance Agency, transmitting a report on the impact of U.S. readiness of the Navy's proposed sale of certain defense articles and services to Egypt (Transmittal No. 82-56), pursuant to section 813 of Public Law 94-106; to the Committee on Armed Services.

3776. A letter from the Director, Defense Security Assistance Agency, transmitting a report on the impact of U.S. readiness of the Air Force's proposed sale of certain defense articles and services to Israel (Transmittal No. 82-58), pursuant to section 813 of Public Law 94-106; to the Committee on Armed Services.

3777. A letter from the Acting Assistant Secretary of the Air Force (Research, Development and Logistics), transmitting notice of conversion to contractor performance of the transient aircraft services function at Barksdale Air Force Base, La., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

3778. A letter from the Deputy Secretary of the Treasury, transmitting a draft of proposed legislation to authorize the appropriation of funds for the improvement of mint facilities; to the Committee on Banking, Finance and Urban Affairs.

3779. A letter from the General Counsel, Federal Emergency Management Agency, transmitting a draft of proposed legislation to amend the National Flood Insurance Act of 1968, and the Flood Disaster Protection Act of 1973, and title XII of the National Housing Act to reflect organizational changes, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

3780. A letter from the District of Columbia Auditor, transmitting the annual report on depository activities, pursuant to section 455 of Public Law 93-198; to the Committee on the District of Columbia.

3781. A letter from the District of Columbia Auditor, transmitting the Advisory Neighborhood Commission's annual report, pursuant to section 455 of Public Law 93-198; to the Committee on the District of Columbia.

3782. A letter from the Secretary of Education, transmitting proposed final regulation to govern the training program for special programs staff and leadership personnel, pursuant to section 431(d)(1) of the General Education Provisions Act, as amended; to the Committee on Education and Labor.

3783. A letter from the Chairperson, National Advisory Council on Indian Education, transmitting the eighth annual report of the Council, pursuant to section 442(b)(6) of Public Law 92-318; to the Committee on Education and Labor.

3784. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Air Force's intention to offer to sell certain defense articles and services to Israel (Transmittal No. 82-58), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3785. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Navy's intention to offer to sell certain defense articles and services to Egypt (Transmittal No. 82-56), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3786. A letter from the Assistant Secretary of State for Congressional Relations, transmitting notice of the proposed issuance of a license for the export of certain defense equipment sold commercially to Israel (Transmittal MC-7-82), pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3787. A letter from the Administrator, Health Care Financing Administration, Department of Health and Human Services, transmitting notice of a proposed new record system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3788. A letter from the Chairman, National Transportation Safety Board, transmitting a report on the Board's activities under the Freedom of Information Act during calendar year 1981, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3789. A letter from the Executive Vice President/Chief Administrative Officer, Federal Home Loan Mortgage Corporation, transmitting the annual report for the Federal Home Loan Corporation employees' pension trust fund, pursuant to Public Law 95-595; to the Committee on Government Operations.

3790. A letter from the Director, Office of Personnel Management, transmitting a report on the agency's activities under the Freedom of Information Act during calendar year 1981, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3791. A letter from the Acting Director, National Park Service, Department of Interior, transmitting a report for fiscal year 1981 on surplus Federal real property for parks and recreation, pursuant to section 203(o) of the Federal Property and Administrative Services Act of 1949; to the Committee on Government Operations.

3792. A letter from the Chief, Forest Service, U.S. Department of Agriculture, transmitting legal descriptions and maps for 14 wilderness areas in Alaska, pursuant to section 103(b) of Public Law 96-487; to the Committee on Interior and Insular Affairs.

3793. A letter from the Secretary of Energy, transmitting a comprehensive program management plan for the Ocean Thermal Energy Conversion Research, Development and Demonstration Act, pursuant to section 3 of Public Law 96-310; to the Committee on Science and Technology.

3794. A letter from the Deputy Secretary of the Treasury, transmitting a draft of proposed legislation to implement the Customs Convention on Containers, 1972; to the Committee on Ways and Means.

3795. A letter from the Comptroller General of the United States, transmitting a report on discontinuing social security's insured benefit provision (HRD-82-51, April 23, 1982); jointly, to the Committees on Government Operations and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of the rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ST GERMAIN: Committee on Banking, Finance and Urban Affairs. Report on monetary policy for 1982 (Rept. No. 97-483). Referred to the Committee of the Whole House on the State of the Union.

Mr. FUQUA: Committee on Science and Technology. H. Con. Res. 288. Concurrent resolution expressing the sense of the Congress that State and local governments should support the fire safety efforts of the U.S. Fire Administration to reduce lives and property damage lost by fire; with an amendment (Rept. No. 97-484). Referred to the House Calendar.

Mr. FUQUA: Committee on Science and Technology. H.R. 5842. A bill to authorize appropriations for activities of the National Science Foundation for fiscal years 1982 and 1983, and for other purposes; with amendments (Rept. No. 97-485). Referred to the Committee of the Whole House on the State of the Union.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. BOLAND: Permanent Select Committee on Intelligence. H.R. 6068. A bill to authorize appropriations for fiscal year 1983 for intelligence and intelligence-related activities of the U.S. Government, for the intelligence community staff, for the Central Intelligence Agency retirement and disability system, to authorize supplemental appropriations for fiscal year 1982 for the intelligence and intelligence-related activities of the U.S. Government, and for other purposes; referred to the Committee on Armed Services for a period ending not later than May 7, 1982, for consideration of such provisions of the bill as fall within the jurisdiction of that committee pursuant to clause 1(c), rule X (Rept. No. 97-486, Pt. I.). And ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WHITTEN (for himself and Mr. CONTE):

H.R. 6157. A bill making urgent supplemental appropriations for the fiscal year ending September 30, 1982, and for other purposes; to the Committee on Appropriations.

By Mr. ANNUNZIO:

H.R. 6158. A bill to provide for the minting of coins emblematic of the 1984 Los Angeles summer Olympic games; to the Committee on Banking, Finance and Urban Affairs.

By Mr. RITTER (for himself, Mr. FUQUA, Mr. WALGREN, and Mr. BROWN of California):

H.R. 6159. A bill to establish a program under the coordination of the Office of Science and Technology Policy for improving the use of risk analysis by those Federal agencies concerned with regulatory decisions related to the protection of human life, health, and the environment; to the Committee on Science and Technology.

By Mr. ROYBAL:

H.R. 6160. A bill to amend section 202 of the Housing Act of 1959 to provide for additional borrowing authority for the housing for the elderly and handicapped program, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. PEYSER:

H.R. 6161. A bill to repeal the price support program applicable to the 1982 through 1985 crops of sugar; to the Committee on Agriculture.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

358. By the SPEAKER: Memorial of the Assembly of the State of New York, relative to Northern Ireland; to the Committee on Foreign Affairs.

359. Also, memorial of the Legislature of the State of California, relative to the National Weather Service budget; to the Committee on Science and Technology.

360. Also, memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to budgetary cutbacks; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 100: Mr. GINGRICH, Mr. MATSUI, and Mr. SUNIA.

H.R. 1852: Mr. MOORHEAD and Mr. BADHAM.

H.R. 2007: Mr. MITCHELL of New York, Mr. BAFALIS, and Mr. SANTINI.

H.R. 3619: Mr. RAHALL.

H.R. 3984: Mr. DANIEL B. CRANE and Mr. BOWEN.

H.R. 4588: Mr. ASPIN, Mr. AUCOIN, Mr. BEREUTER, Mr. BOWEN, Mr. CLAY, Mr. JAMES K. COYNE, Mr. DORNAN, Mr. GEJDENSON, Mr. GINGRICH, Mr. HOLLENBECK, Mr. KASTENMEIER, Mrs. KENNELLY, Mr. LANTOS, Mr. LUNDINE, Mr. MARKEY, Mr. MCHUGH, Mr. MINISH, Mr. SCHUMER, Mr. SHARP, Mr. SIMON, Mr. STATON of West Virginia, and Mr. WHITEHURST.

H.R. 4733: Mr. STUMP.

H.R. 4931: Mr. DICKINSON, Mr. ARCHER, Mr. GOLDWATER, Mr. YOUNG of Florida, Mr. FINDLEY, Mr. HANSEN of Utah, Mr. PASHAYAN, Mr. CHAPPIE, Mr. SKEEN, Mr. SHUSTER, Mr. FISH, Mr. LAGOMARSINO, Mr. EVANS of Delaware, Mr. BAFALIS, Mr. KRAMER, Mr. COATS, Mr. DANNEMEYER, Mr. MCEWEN, Mr. JEFFRIES, Mr. NEAL, Mr. WHITTAKER, and Mr. BLILEY.

H.R. 5133: Mr. ZEFERETTI, Mr. FAZIO, Mr. GILMAN, Mr. EVANS of Delaware, Mr. RITTER, Mr. YOUNG of Florida, Mr. WINN, Mr. SHELBY, and Mr. SAM B. HALL, JR.

H.R. 5324: Mr. COLLINS of Texas.

H.R. 5341: Mr. MCKINNEY.

H.R. 5494: Mr. HARTNETT and Mr. MOLINARI.

H.R. 5507: Mr. EDWARDS of Oklahoma, Mr. JACOBS, Mr. LEHMAN, Mr. AUCOIN, Mr. ERTEL, Mr. GRISHAM, Mr. LEBOUTILLIER, Mr. MATSUI, Mr. MCKINNEY, Mr. MORRISON, Mr. STUMP, Mr. VENTO, Mr. EDGAR, Mr. YOUNG of Florida, Mr. OBERSTAR, Mr. TAUKE, Mr. SIMON, and Mr. COLEMAN.

H.R. 5514: Mr. MOTTL and Mr. OTTINGER.

H.R. 5515: Mr. MCKINNEY and Mr. VENTO.

H.R. 5531: Mr. FINDLEY, Mr. DAUB, and Mr. DUNN.

H.R. 5568: Mr. LAFALCE, Mr. GUARINI, Mr. CORRADA, Ms. MIKULSKI, Mr. SIMON, Mr. DE LA GARZA, Mr. CONYERS, Mr. DERWINSKI, Mr. HENDON, Ms. FERRARO, Mr. PEPPER, Mr. DE LUGO, and Mr. WOLPE.

H.R. 5583: Mr. JONES of North Carolina.

H.R. 5667: Mr. ALBOSTA, Mr. APPLEGATE, Mr. BENJAMIN, Mr. BRODHEAD, Mr. CROCKETT, Mr. ERTEL, Mr. FORD of Michigan, Mr. HERTEL, Mr. KINDNESS, Mr. MITCHELL of Maryland, Mr. NOWAK, Mr. OBERSTAR, Mr. RAHALL, and Mr. YOUNG OF MISSOURI.

H.R. 5742: Mr. HUGHES, Mr. FORD of Tennessee, Mr. CORRADA, Mr. YATRON, and Mr. MCHUGH.

H.R. 5824: Mr. MOFFETT, Mr. FORD of Tennessee, Mr. OTTINGER, Mr. LEHMAN, Mr. PEPPER, Mr. FROST, Mr. MINETA, Mr. WEISS, Mr. EDWARDS of California, Mr. WYDEN, Mr. MINISH, Mr. WAXMAN, Mr. FRANK, Mr. WEAVER, Mr. HARKIN, Ms. FERRARO, Mr. GUARINI, Mr. VENTO, Mr. JACOBS, Mr. ATKINSON, Mr. FLORIO, and Mr. OBERSTAR.

H.R. 5833: Mr. MITCHELL of New York and Mr. HOLLENBECK.

H.R. 5862: Mr. SMITH of New Jersey.

H.R. 6032: Mr. STARK, Mr. DWYER, Mrs. CHISHOLM, Ms. OAKAR, Mr. STUDDS, Mr. HAMILTON, Mr. PORTER, and Mr. BEDELL.

H.R. 6108: Mr. MCCOLLUM.

H.R. 6148: Mr. FAUNTROY.

H.J. Res. 151: Mr. MCCURDY, Mr. MITCHELL of New York, Mr. KAZEN, Mr. STENHOLM, Mr. MOORHEAD, Mrs. HOLT, Mr. LEVITAS, Mr. RODINO, Mr. GAYDOS, Mr. MARRIOTT, Mr. DYMALLY, Mr. DANNEMEYER, Mr. EVANS of Delaware, Mr. DANIEL B. CRANE, Mr. KRAMER, and Mr. SAM B. HALL, JR.

H.J. Res. 363: Mr. LANTOS, Mr. HYDE, Mr. GUARINI, Mr. TAUZIN, Mr. DAUB, and Mrs. SCHROEDER.

H.J. Res. 417: Mr. CORRADA, Mr. EARLY, Mr. RICHMOND, Mr. SCHEUER, Mr. SIMON, Mr. WAXMAN, Mr. O'BRIEN, Mr. LOWERY of California, Mr. LUNGREN, Mr. MAZZOLI, Mr. BETHUNE, Ms. MIKULSKI, Mr. SNYDER, Mr. FRANK, Mr. WHITEHURST, Mr. DAUB, Mr. NATCHER, Mr. WEISS, Mr. ANNUNZIO, Mr. PERKINS, Mr. GEPHARDT, and Mr. DERWINSKI.

H. Con. Res. 308: Mr. FAZIO, Mr. DWYER, Mr. HUGHES, Mr. MCCLOSKEY, Mr. JEFFORDS, Mr. SCHUMER, Mr. LEBOUTILLIER, and Mr. FORSYTHE.

H. Res. 264: Mr. DAUB.

H. Res. 420: Mr. SCHUMER, Mr. SABO, Mr. MINETA, Mr. DOWNEY, Mr. MOFFETT, Mr. ROEMER, Mr. MCDADE, Mr. PORTER, Mr. COURTER, Ms. FIEDLER, Mr. MURPHY, Mr. HUGHES, Mr. BARNES, Mr. STOKES, Mrs. HECKLER, Mr. DORNAN of California, Mr. LOWERY of California, Mr. HOYER, Mr. MITCHELL of New York, Mr. GOLDWATER, Mr. BIAGGI, Mr. AUCOIN, Mr. RODINO, Mr. PEPPER, Mr. LONG of Maryland, Mr. MARKEY, Mrs. ROUKEMA, Mr. NOWAK, Mr. DERWINSKI, Mr. FAZIO, Mr. WYDEN, Mr. BLANCHARD, Mr. BOWEN, Mr. WIRTH, Mr. MILLER of California, Mr. DAUB, Mr. ZEFERETTI, Mr. BINGHAM, Mr. GILMAN, Mr. STARK, Mr. CORCORAN, Mr. MCGRATH, Mr. OTTINGER, Mr. CARMAN, Mr. FLORIO, Ms. FERRARO, and Mr. GREEN.

H. Res. 426: Mr. MCCURDY, Mr. JEFFRIES, Mr. ROEMER, Mr. HYDE, Mr. SHUMWAY, Mr. MURPHY, Mr. MINETA, Mr. LEBOUTILLIER, Mr. ANDREWS, and Mr. RITTER.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

401. By the SPEAKER: Petition of the Hernando County Board of Commissioners, Brooksville, Fla., relative to production of military equipment; to the Committee on Armed Services.

402. Also, petition of the Greater Los Angeles Unity Chapter, National Council of Senior Citizens, Los Angeles, Calif., relative to social security; to the Committee on Ways and Means.

403. Also, petition of the Council, Borough of Lincoln Park, N.J., relative to nuclear weapons freeze; jointly, to the Committees on Foreign Affairs and Armed Services.

404. Also, petition of the Municipal Assembly, Ponce, Puerto Rico, relative to the Caribbean Basin initiative; jointly, to the Committees on Ways and Means, Agriculture, Public Works and Transportation, and Merchant Marine and Fisheries.

SENATE—*April 26, 1982*

(Legislative day of Tuesday, April 13, 1982)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, LL.D., D.D., offered the following prayer:

*The steadfast love of the Lord never ceases, His mercies never come to an end; they are new every morning; great is Thy faithfulness * * *. The Lord is good to those who wait for Him, to the soul that seeks Him. It is good that one should wait quietly for the salvation of the Lord.*—Lamentations 3: 22, 23, 25, 26.

Let us unite in silent prayer that the Sovereign Lord will overrule in human affairs that we may have peace.

Almighty God, who dost use history to serve Thy sovereign purposes, with whom is all power and all knowledge; the leadership of our Nation has called upon Thee in times of great need in the past and Thou hast answered. Thy word declares that what is impossible for man is possible for God. At a time when leaders find agreement difficult, when ideas are conflicting and the heat of emotions rise, grant to the Members of Congress and the administration the humility to seek wisdom from above which transcends the best of human thought. Help them to know and believe that the future is known to Thee and that Thou art able to guide them in the present in a direction which guarantees justice, equity, and peace in the future. We pray this in the name of Him who is the Lord of history. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

THE JOURNAL

Mr. BAKER. Mr. President, I ask unanimous consent that the Journal of the proceedings of the Senate be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

AMERICAN LETTER

Mr. BAKER. Mr. President, in his memory, I ask unanimous consent that "American Letter," by Archibald MacLeish be printed in the RECORD.

There being no objection, the poem was ordered to be printed in the RECORD, as follows:

AMERICAN LETTER FOR GERALD MURPHY

The wind is east but the hot weather continues,
Blue and no clouds, the sound of the leaves thin,
Dry like the rustling of paper, scored across
With the slate-shrill screech of the locusts.
The tossing of
Pines is the low sound. In the wind's running
The wild carrots smell of the burning sun.
Why should I think of the dolphins at Capo di Mele?
Why should I see in my mind the taut sail
And the hill over St.-Tropez and your hand on the tiller?
Why should my heart be troubled with palms still?
I am neither a sold boy nor a Chinese official
Sent to sicken in Pa for some Lo-Yang dish.
This is my own land, my sky, my mountain:
This—not the humming pines and the surf and the sound
At the Ferme Blanche, nor Port Cros in the dusk and the harbor
Floating the motionless ship and the sea-drowned star.
I am neither Po Chü-i nor another after
Far from home, in a strange land, daft
For the talk of his own sort and the taste of his lettuces.
This land is my native land. And yet
I am sick for home for the red roofs and the olives,
And the foreign words and the smell of the sea fall.
How can a wise man have two countries?
How can a man have the earth and the wind and want
A land far off, alien, smelling of palm-trees
And the yellow gorse at noon in the long calms?
It is a strange thing—to be an American.
Neither an old house it is with the air
Tasting of hung herbs and the sun returning
Year after year to the same door and the churn
Making the same sound in the cool of the kitchen
Mother to son's wife, and the place to sit
Marked in the dusk by the worn stone at the wellhead—
That—nor the eyes like each other's eyes and the skull
Shaped to the same fault and the hands' sameness.
Neither a place it is nor a blood name.
America is West and the wind blowing
America is a great word and the snow,
A way, a white bird, the rain falling,
A shining thing in the mind and the gulls' call.
America is neither a land nor a people,
A word's shape it is, a wind's sweep—
America is alone: many together,
Many of one mouth, of one breath,
Dressed as one—and none brothers among them:
Only the taught speech and the aped tongue.
America is alone and the gulls calling.
It is a strange thing to be an American.
It is strange to live on the high world in the stare
Of the naked sun and the stars as our bones live.
Men in the old lands housed by their rivers.
They built their towns in the vales in the earth's shelter.
We first inhabit the world. We dwell
On the half earth, on the open curve of a continent.
Sea is divided from sea by the day-fall. The dawn
Rides the low east with us many hours;
First are the capes, then are the shorelands, now
The blue Appalachians faint at the day rise;
The willows shudder with light on the long Ohio:
The Lakes scatter the low sun: the prairies
Slide out of dark: in the eddy of clean air
The smoke goes up from the high plains of Wyoming:
The steep Sierras arise: the struck foam
Flames at the wind's heel on the far Pacific.
Already the noon leans to the eastern cliff:
The elms darken the door and the dust-heavy lilacs.
It is strange to sleep in the bare stars and to die
On an open land where few bury before us:
(From the new earth the dead return no more.)
It is strange to be born of no race and no people.
In the old lands they are many together. They keep
The wise past and the words spoken in common.
They remember the dead with their hands, their mouths dumb.
They answer each other with two words in their meeting.
They live together in small things. They eat
The same dish, their drink is the same and their proverbs.
Their youth is like. They are like in their ways of love.
They are many men. There are always others beside them.
Here it is one man and another and wide
On the darkening hills the faint smoke of the houses.
Here it is one man and the wind in the boughs.
Therefore our hearts are sick for the south water.
The smell of the gorse comes back to our night thought.
We are sick at heart for the red roofs and the olives;
We are sick at heart for the voice and the foot fall . . .
Therefore we will not go though the sea call us.
This, this is our land, this is our people,
This that is neither a land nor a race. We must reap
The wind here in the grass for our soul's harvest:

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Here we must eat our salt or our bones starve.
Here we must live or live only as shadows.
This is our race, we that have none, that have had
Neither the old walls nor the voices around us,
This is our land, this is our ancient ground—
The raw earth, the mixed bloods and the strangers,
The different eyes, the wind, and the heart's change.
These we will not leave though the old call us.
This is our country-earth, our blood, our kind.
Here we will live our years till the earth blind us—
The wind blows from the east. The leaves fall.
Far off in the pines a jay rises.
The wind smells of haze and the wild ripe apples.
I think of the masts at Cette and the sweet rain.

SENATE SCHEDULE

Mr. BAKER. Mr. President, after the recognition of the two leaders under the standing order, there are special orders in favor of six Senators to be recognized for 15 minutes each. After that there is a provision by previous order for a period for the transaction of routine morning business not to extend beyond 30 minutes in length in which Senators may speak for not more than 5 minutes each.

At the expiration of the time for the transaction of routine morning business the Senate will resume consideration of the motion to proceed to the consideration of S. 1630, the Criminal Code Reform Act of 1981. It is expected, Mr. President, that the debate on the motion to proceed will consume most of the day.

It is my hope that we can dispose of that motion today and proceed to the consideration of the bill itself. I will discuss that with Members as they reach the floor and will have a further announcement to make later in the day.

I do not anticipate, Mr. President, asking the Senate to remain in beyond the usual hour of recess or adjournment today.

Mr. President, this is Monday, We have much to do. It is my hope that we can finish the Criminal Code bill and that, in addition, it is the hope of the leadership that we might also this week be able to consider the Department of Defense authorization bill, the nuclear waste bill, the Foreign Missions Act, perhaps a new urgent supplemental appropriations bill, and other matters that may come before the Senate in the course of this week.

I understand that that is an ambitious schedule. It may be difficult to accommodate, but it is necessary that we try. Therefore, Senators should be on notice that this week a Friday session will be held and that business will be transacted throughout the entire week.

ORDER FOR PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. President, I have no further need for my time under the standing order. I am advised that there was not a previous order for the transaction of routine morning business. I was in error in my previous statement. I now ask unanimous consent that after the recognition of the two leaders under the standing order and the execution of the special orders as heretofore provided, there be a period for the transaction of routine morning business of not more than 30 minutes in length in which Senators may speak for not more than 5 minutes each.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, I am prepared to yield time to any Senator who seeks recognition on leader time.

Does the Senator from Idaho wish to be recognized at this point?

Mr. SYMMS. If it would be possible. I would like a couple of minutes but I do not want to interfere with the transaction of business.

Mr. BAKER. Mr. President, I yield 3 minutes to the distinguished Senator from Idaho.

Mr. SYMMS. I thank the distinguished majority leader.

(Mr. HUMPHREY assumed the chair.)

TRIBUTE TO THE LATE REPRESENTATIVE JOHN M. ASHBROOK

Mr. SYMMS. Mr. President, like so many of my colleagues, I was shocked and saddened by the sudden death of JOHN ASHBROOK of Ohio. I respected JOHN as a man of uncommon dedication and idealism, and I certainly treasured him as a friend, and I extend my sympathy to Jean and the family out in Johnstown, Ohio.

For more than 20 years, Representative ASHBROOK served his country, his constituents—and his conscience—with distinction and devotion. Always putting principle ahead of partisan or personal interests, he was a model of integrity, an inspiration to so many others who shared his love for liberty and his abiding faith in America's greatness.

JOHN was born into politics and journalism. His father, William Ashbrook, founded the Johnstown Ohio Independent and served 10 terms in Congress between 1906 and 1940. Like his father, who was a conservative, anti-New Deal Democrat, JOHN refused to go along to get along. He was a gadfly in the House and a maverick in the Republican Party, often challenging its leaders or the establishment when he thought they were putting politics or partisanship ahead of principle.

He never shirked his responsibilities or shied from a battle, no matter what the risk or the consequences. And he once remarked that his strongest political asset was that, "I'd rather be a printer, so I don't have to worry that much about a political future, and I don't have to trim."

The fact that he never trimmed, that he always remained true to his principles, and yet was so successful politically, winning every election he was ever in except his protest campaign for the Presidency in 1972, should be an important lesson for all of us. It is certainly one reason why he won the respect of all who knew him, whatever their own political or philosphical leanings.

Even before I met him, he was something of a hero to me. I remember quoting him in a statement in early 1972 when I announced that I was going to run for Congress.

Some of the people in Washington do know what they are for—

I said:

Thank God for John Ashbrook—thanks to him we still hear that Adam Smith is alive and kicking and that capitalism is a moral philosophy.

I once ran in an a opposed primary. I recall the State senate majority leader was in the race, as well as myself. He had the policial establishment with him and I ran as an Ashbrook Republican. I may be the only person who ever ran in a congressional primary with that distinction and got elected.

When I came to Congress a year later, I looked to JOHN as a friend and a mentor. He provided badly needed intellectual leadership in so many areas and he was a master of the legislative process.

He rearely left the floor of the House. From gavel to gavel, he demanded rollcalls on unpopular spending bills, raised objections and points of order, offered amendments to bills that were being steamrollered by the leadership. Most of those amendments were viewed as mere delaying tactics at the time, but many of them today are written into the law, protecting our freedoms and perfecting countless Federal programs or policies for the American people.

JOHN had an almost boyish charm and personal modesty that surprised those who knew him only by his public speeches and statements or by his reputation as an ardent conservative and a tenacious parliamentarian.

But in debate, as in everything else he did, JOHN never gave an inch. His mind focused day and night on the principles he espoused. He lived every moment for the cause he believed in, never slowing down, and driving himself beyond the limits of human endurance.

A month ago, while campaigning for the Senate in Ohio and, as usual, running full throttle and doing everything himself, JOHN collapsed of exhaustion. I flew to Ohio and filled in for him at a Lincoln Day speech. That was one of the last times I had the privilege of visiting with JOHN. And like so many of his friends, I urged him that night when I saw him to get some rest and take it easy. But he did not know the meaning of those words. He went right back to work because he lived every moment of his life for the cause that he believed in. The tragedy is that he had fewer moments left than any of us knew. Because he spent them so well and so vigorously in the cause of individual freedom, however, he has left us a legacy we can treasure, as well as a void that will be very hard to fill.

I thank the majority leader and yield back my time.

Mr. BAKER. Mr. President, I wish to express my appreciation to the distinguished Senator from Idaho for the statement he has just made. I knew Congressman ASHBROOK and came to have great respect and high regard not only for him, but for his opinions and the courage with which he held them.

JOHN ASHBROOK and I did not always agree on every issue, but we were always friends and we understood that a decent respect for differing points of view is an essential element for a civil government of the United States.

JOHN ASHBROOK was a candidate for the U.S. Senate in the Republican primary in Ohio. Mr. President, I think it is safe to say that he was clearly the frontrunner in that contest and had he survived and been elected to the Senate of the United States, he would have been not only eminently qualified to serve here but I think he would have made a valuable contribution on this side of the aisle and to the deliberations of the Senate as a whole. The party, the country, and certainly the State of Ohio have suffered a great loss.

Mr. President, I wish to join with the Senator from Idaho in expressing my sympathy to the family, my understanding of the points made by the distinguished Senator from Ohio, and to express my own regret of this untimely departure from the political scene of a great American.

TRANSFER OF SPECIAL ORDERS

Mr. BAKER. Mr. President, I see no other Senator seeking recognition. Before I yield the floor, I am told that the special order for the distinguished Senator, who is the acting minority leader this morning, should be transferred to the Senator from Oklahoma. If that is correct, I am prepared to do that at this time.

Mr. BAUCUS. Mr. President, I thank the Senator for asking. As far as this Senator is concerned, the Senator from Tennessee is correct.

Mr. BAKER. I thank the Senator.

Mr. President, I ask unanimous consent that the special order in favor of the distinguished acting minority leader be transferred to the distinguished Senator from Oklahoma and that the special order in favor of the minority leader be transferred to the distinguished Senator from Georgia (Mr. NUNN).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I have no further need for my time under the standing order. I am prepared to yield it to the acting minority leader, if he wishes.

TRIBUTE TO JOHN M. ASHBROOK

Mr. BAUCUS. Mr. President, I join with the Senator from Idaho and the Senator from Tennessee in paying the deepest respects to the Congressman from Ohio.

Like the Senator from Idaho, I served with Congressman ASHBROOK. I cannot think of very many Members of Congress who held their views with greater tenacity, greater courage, greater perserverance, and greater principles than Congressman ASHBROOK. These days when all of us, not only in Congress but in other pursuits, are buffeted about with different points of view and different concerns, it is sometimes difficult to set a steady course and hold a firm rhetoric based upon one's very solidly and soundly based principles. Congressman ASHBROOK, however, did not let all of these various buffetings in life deter him from views he sought and sought so very effectively.

As the Senator from Idaho mentioned, there is another side of Congressman ASHBROOK which I saw in the House, and that is his boyish good nature and camaraderie, the basic good will and grace with which he spoke and worked with his colleagues in the House. It is a trait which I feel is somewhat lacking in both bodies in my experience, and he certainly had it.

I join with the Senator from Idaho in paying my deepest respects.

THE PATRIATION OF THE CANADIAN CONSTITUTION

Mr. BAUCUS. Mr. President, I send a concurrent resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the concurrent resolution.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 83) relating to the patriation of the Canadian Constitution.

Mr. BAKER. Mr. President, I wish to commend the distinguished Senator for his initiative in this respect and to announce that the matter has been cleared on this side for immediate consideration.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

Mr. BAUCUS. Mr. President, it is a great honor for me to rise today in this Chamber and offer a resolution, which is being offered concurrently in the House of Representatives by the Honorable DANTE FASCELL and LARRY WINN in honor of the patriation of the Canadian Constitution Senators STEVENS and ZORINSKY join me as cosponsors of the measure.

On April 17, Elizabeth II, Queen of Canada, presided over the House of Commons and Senate of the Parliament of Canada as the Constitution Act of 1982 was proclaimed. The new act makes important changes to Canada's present Constitution and is a milestone in the constitutional and political history of Canada.

With this proclamation, Canada "patriates" its Constitution and sheds the last antiquated vestige of its colonial past. For Canada, patriation means the end of the role of the U.K. Parliament in the amendment of parts of the Canadian Constitution. Although consisting of many laws, as well as political conventions and judicial practice, the Canadian Constitution has for its main document a British law of 1867, the British North America Act, which defines the separation of powers in the federal system. Canada's Founding Fathers took the attitude that if future changes to the act were needed, Canadians could simply ask the British Parliament to amend it. This has happened 23 times in 115 years, the last amendment being passage of legislation allowing the Constitution Act of 1982 to come into force.

The proclamation of the Constitution Act of 1982 signifies the creation of the Canadian Constitution. Canada is finally fully independent in the legal sense.

Mr. President, our great neighbor to the north has just passed a historic occasion. We are indeed fortunate to have a constitutional democracy to our north and fortunate that we share so many ideals and principles of government. The event which just occurred has much symbolism, but for those who are wedded to the constitutional system we know how important such events and such symbols can be.

Mr. President, let us not permit such an important event to pass unnoticed. I urge all my colleagues in the Senate to join me in approving this resolution, today.

Mr. BAKER. Mr. President, I thank the Senator for his presentation. I join him in my expression of good wishes

to the Canadian people and to their Government for their monumental achievement, an event of historic proportions.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (S. Con. Res. 83) was agreed to, as follows:

S. CON. RES. 83

Resolved by the Senate (the House of Representatives concurring), That the Congress of the United States notes with pleasure the proclamation in Ottawa on April 17, 1982, by Her Majesty Queen Elizabeth II, Queen of Canada, announcing the patriation of the Canadian constitution from the United Kingdom to Canada and extends to the Parliament, the Government, and the people of Canada its warmest congratulations on the attainment of constitutional patriation.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President with the request that such copy be further transmitted to the Government of Canada.

Mr. BAUCUS. Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. Four minutes and forty-six seconds.

Mr. BAUCUS. I yield that time to the Senator from Wisconsin.

Mr. BAKER. Mr. President, does the Senator from Wisconsin require additional time?

Mr. PROXMIRE. No, Mr. President, I do not. I thank the distinguished majority leader and the distinguished acting minority leader.

NUCLEAR CASUALTIES

Mr. PROXMIRE. Mr. President, last week I said on the floor of the Senate that I would regularly report to this body from the study on the consequences of nuclear war by Arthur Katz, who has served as a consultant to the Joint Congressional Committee on Defense Production, which is a part of the Senate Banking Committee. The fundamental report made by Mr. Katz was made when I was chairman of that committee in 1979. Mr. Katz wrote a perceptive study on the "Economic and Social Consequences of Nuclear Attacks On The United States in 1979." The more recent nuclear study was also authorized by Sima R. Osdoby, of Johns Hopkins University, and provides some interesting data in several areas.

First, as far as nuclear casualties are concerned, the study first addressed the consequences of a limited attack scenario.

The study assumes the targets would be the U.S. ICBM arsenal, 1,000 minuteman bases that we have, and Strategic Command bases including both bomber and submarine bases. For each ICBM target it is assumed that two weapons, each 1 megaton, would be dropped at ground level. The resulting fallout from the ICBM attacks would cover substantial parts of the Farm Belt, the Midwest and some of the South and Southeast. The bomber or submarine bases would be attacked by three and one, 1-megaton weapons, respectively, exploded to maximize blast damage, rather than fallout.

Under these circumstances what would be the casualties? An initial Department of Defense projection in 1974 estimated less than 1 million fatalities in the original version of a "limited" attack scenario. The Office of Technology Assessment reviewed attack scenarios and produced estimates of 7 to 15 million deaths. Other projections estimate 10 to 20 million injuries, most resulting from radiation exposure due to fallout. For comparison, during World War II over a period of 4 years all of the U.S. combat fatalities were only 290,000.

On the other hand, if this is contrasted with a narrowly targeted surgical strike that I have been describing, simply trying to take out this deterrent, an attack against this country's economic targets, depending on the size of the attack, 40 to 90 million Americans would be killed and 20 to 30 million injured.

Tomorrow, Mr. President, I will report on the finding of these experts on the medical facilities available after a nuclear attack to handle the surviving injured.

As Senators, Mr. President, we have a duty to look squarely and fully at these grim and terrible consequences. Other Americans may choose to avoid thinking of the consequences. We cannot. So, let us think about it.

PROTECTING THE ASIAN COMMUNITY IN KENYA

Mr. PROXMIRE. Mr. President, the Asian community in Kenya faces discrimination by the Government of that nation. The group, primarily of Indian and Pakistani origin, has served as a target for President Daniel Arap Moi's nationalist rhetoric.

The Asians pose no political threat to the people of Kenya. Most of them were brought to this African nation at the turn of the century by the British to build public works projects. They have prospered there ever since. Although they comprise less than 1 percent of the population, they account for about one-quarter of Kenya's gross domestic product. They have attained this wealth in the face of 80 years of British and African hostility.

Over the last two decades, the Asian population has dropped to about half the number at independence. The Asian flight has occurred due to recurring pressure on the Government to rescind their Kenyan citizenship and to the mounting calls on President Moi to "emulate the wholesale expulsion of Asians carried out by neighboring Uganda under dictator Idi Amin in the early 1970's," according to Jay Ross of the Washington Post.

In addition, Ross has drawn similarities between the plight of the Asians in Kenya and the Jews in Europe during the 19th and early 20th centuries—both possessing great wealth but no political power. I need not recount what happened to the Jews when Hitler came to power.

Mr. President, in no way am I labeling the Kenyan Government's treatment of its Asian population an act to geneocide. Genocide is the systematic attempt to exterminate a racial, national, religious, or ethnic group. The Moi regime in Kenya has taken no such action, but it has threatened the Asians for its own political purposes. The climate in Kenya today has the Asians fearing for their lives.

Mr. President, there exists an international convention that helps to protect cultural groups such as the Asians in Kenya. The Genocide Treaty, unanimously passed by the United Nations General Assembly on December 9, 1948 and signed on behalf of the United States 2 days later, was drafted to safeguard the lives of all peoples.

To date, 86 nations have ratified the treaty but the most powerful and important one of all has not. For over 30 years the Senate has neglected its duty, and the United States still is not a party to this treaty. Without official American support the treaty lacks substantial political clout to deter criminals from launching or threatening to launch extermination campaigns. Let us do our part to protect the Asians in Kenya and all other groups who live in fear.

Mr. President, I urge swift ratification of the Genocide Convention.

Once again, I thank the acting minority leader for yielding.

RECOGNITION OF SENATOR SPECTER

The PRESIDING OFFICER. Under the previous order, the Senator from Pennsylvania (Mr. SPECTER) is recognized for not to exceed 15 minutes.

A.T. & T. DIVESTITURE QUESTIONED

Mr. SPECTER. Mr. President, I rise today to propose a sense-of-the-Senate resolution aimed at protecting the telephone users from excessive, exorbitant, and multiple increases in the costs of local telephone service which might be occasioned by the divestiture of A.T. & T.

Mr. President, I propose a resolution to provide the U.S. Senate with a data base for intensively monitoring the proposed divestiture of the Bell System local operating companies from A.T. & T., Western Electric, and the Bell Telephone Laboratories. This resolution defines the dimensions of the Senate's responsibilities, which in

my view are broad, and identifies the General Accounting Office as the congressional agency responsible for providing the data base for the Senate's analyses and judgments.

Mr. President, the U.S. Senate must, once adequate data for sound judgments are available, in my considered view, answer the following questions:

First. Is the proposed divestiture in the public interest? Should it be permitted to proceed?

Second. Will the proposed divestiture mean further increases in local phone rates? If so, how much? Will rate increases be disproportionate in rural areas?

Third. How will the assets be allocated between the parties? Will stockholders and investors, not all of whom are wealthy businessmen, be protected by an appropriate allocation of assets?

Fourth. What steps will we take to assure the economic and technological viability of the operating companies?

Fifth. Who will receive the revenues of the highly profitable yellow page advertising?

Mr. President, we must send a signal now that the Senate is concerned and intends to protect the interests of local telephone users. When we passed S. 898 last year, we were careful to include a provision that exchange access charges and other mechanisms were intended to insure the universal availability of telephone service at reasonable charges. We should affirm rather than retreat from the position.

Mr. President, this resolution calls upon the General Accounting Office to assist the Congress as we pursue this matter. On January 21, I wrote the Comptroller General requesting that GAO give prompt consideration to the likely impact of the proposed settlement on local telephone rates. I have since been informed that GAO is backlogged with other requests and will not likely begin studying this matter during this Congress. In my view, the potential doubling or tripling of local telephone rates across this country is too important a matter to be delayed so long. It is a matter of priority affecting as it does virtually all residents and businesses in each of our respective constituencies. I have chosen, accordingly, to include in this sense-of-the-Senate resolution a direction to GAO to make its consideration of this matter a first priority.

I hope that my colleagues will join with me in reaffirming our concern over the possibility that the settlement of the Government's antitrust actions against A.T. & T. might result in sharp increases in local telephone rates. We must reaffirm our resolve to move ahead with measures to protect local telephone users from inequitable increases in charges, protect Bell System shareholders and the viability of local operating companies in the allocation and valuation of assets and to prevent anticompetitive practices in the telecommunications industry.

It would be an insufferable paradox and the supreme irony if this antitrust action, brought by the Federal Government to increase competition and, thereby, lower costs, should result in sharply increased costs for local users, as widely predicted by public utility commissioners across the country. We must send a signal now that the Senate is concerned and intends to protect the interests of local users.

Severed from the large revenues produced by long-distance charges, yellow page advertisements, and other sources, autonomous local telephone companies could suddenly be vulnerable to steep economic pressures without readily available capital sources or reserves.

I am particularly concerned about possible rate increases in telephone service for rural areas.

Already requiring the most expensive lines to construct, serve, and repair, these rural areas may face brutal rate increases or lose service altogether, when forced to fend for themselves after divestiture.

In a Nation of our size and in a society of our complexity, access to affordable telephone service is not a luxury, it is a modern necessity. I submit that access to telephone service is important to all Americans, too important to be left to an uncertain prospect due to the impact of this gigantic antitrust settlement, too important for Congress to sit idly by while the dust settles.

Notwithstanding the extensive litigation by the Government against A.T. & T. in the effort directed toward divestiture, if it should develop that divestiture is contrary to the public interest by setting the scene for significant increases in local telephone rates, then the remedy of divestiture should be abandoned. Neither the Court nor the Congress should permit the corporate reorganization of A.T. & T. to provide an excuse of doubling or tripling of local telephone rates. That setting could well provide a backdrop for such unconscionable increases. If the review by the General Accounting Office or the Court's supervision of the settlement procedures show that the public interest is not served by divestiture, the Congress and/or the Court should not hesitate to abandon the divestiture proposal.

Mr. President, I ask unanimous consent that the full text of the sense of the Senate resolution be printed in the RECORD.

There being no objection, the text of the resolution was ordered to be printed in the RECORD, as follows:

S. RES. 376

Whereas it is in the interest of all Americans that they have access to reasonably priced and high quality telephone service;

Whereas the proposed dismissal of *United States* v. *American Telephone and Telegraph Company*, Civil Action No. 74-1698 (D.D.C.) and proposed Modification of Final Judgement in *United States* v. *Western Electric Co.*, Civil Action No. 82-0192 (D.D.C.), look toward the divestiture of Bell System local operating companies from AT&T, Western Electric, and the Bell Telephone Laboratories;

Whereas the local operating companies currently provide local telephone service to most Americans;

Whereas the impact on local telephone rates of the proposed settlement of the Government's anti-trust actions against the Bell System is a matter of great importance to the American people;

Whereas the local telephone rates should not be allowed to increase on account of the reorganization of the Bell System and divestiture of the local companies;

Whereas the likely impact on local telephone rates of the proposed settlement is a matter of which knowledgeable and interested parties disagree and a matter of congressional concern; and

Whereas the Senate of the United States must have an independent, objective data base to examine and form judgements on the merits and/or demerits of the proposed divestiture from the viewpoint of the general public, the rate payers, the A.T. & T. stockholders and the operating companies; Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) Members of the United States Senate have a profound responsibility to determine whether or not the proposed divestiture should be permitted to occur,

(2) The proposed divestiture must be specifically examined with a view toward protecting local ratepayers from increases in local telephone rates on account of the reorganization, protecting the interests of Bell System shareholders and the viability of the local operating companies in the allocation and valuation of assets, and preventing anticompetitive practices.

(3) The Congress would be greatly aided by a prompt and thorough evaluation by the General Accounting Office of the likely effects of the proposed divestiture.

(4) The General Accounting Office shall immediately begin a report to the Congress on the likely effects of the proposed divestiture, including but not limited to the likely impact on local rates, and the likely effects of the proposed limitations on the activities and sources of revenues (such as "yellow pages" and customer premises equipment) of the local operating company.

(5) The General Accounting Office shall include in its report an evaluation of exchange access charges and alternative mechanisms to ensure the universal availability of telephone service at reasonable charges.

(6) The U.S. District Court, which is reviewing the settlement proposals, should utilize all resources at its disposal to protect local ratepayers, the interests of Bell System shareholders and the viability of the local operating companies.

(7) If the conclusion of the Congress and/or the Court is that the public interest is not served by the proposed divestiture, then such divestiture plans should be abandoned.

Mr. SPECTER. Mr. President, I yield the floor.

RECOGNITION OF SENATOR BOREN

The PRESIDING OFFICER. Under the previous order, the Senator from Oklahoma (Mr. BOREN) is recognized for not to exceed 15 minutes.

Mr. BOREN. I thank the Chair.

TIME FOR LEADERSHIP ON THE BUDGET

Mr. BOREN. Mr. President, it was with dismay, frustration, and concern that I read the media reports of the last few days indicating that there has been no major breakthrough in the negotiations aimed at producing a budget package.

There must be a solid bipartisan budget package developed right away. It must be a package which dramatically reduces the budget deficits and sends a forceful message to the markets. A Band-Aid will not stop the bleeding. A major revision, moving us toward a balanced budget, is needed to bring down interest rates rapidly. Continuing declines in our economy are definitely fueled by high interest rates and by looming deficits of $1 trillion or more in the next 5 years.

Our other major enemy is uncertainty, Mr. President. It is an uncertainty caused by the current political stalemate. Uncertainty undermines confidence. Uncertainty causes investors to postpone making decisions.

High deficits, high interest rates, and political stalemates are a sure formula for economic trouble.

Mr. President, the public has a right to be thoroughly disgusted with everyone involved in the political maneuvering. The press reports that each side is waiting for the other to act first. Concern about political credit or blame seems to the public to be placed ahead of what's best for the Nation. As one Oklahoman said to me recently, "We're sick of politics. What we need is statesmanship." The lady who made that statement is absolutely right.

If the economy collapses, there will be plenty of blame for everyone in a position of responsibility—Republicans and Democrats alike.

Mr. President, I am very hopeful that the President will read these floor remarks. I intend to send them to him.

I am convinced that as long as the President remains on the sidelines, the chances of ending the stalemate are slim. It is time for him to step forward and, in Harry Truman fashion, declare that "The buck stops here." We have only one President. Over 500 Members of Congress speaking with different voices cannot lead.

I urge the President to personally call together the key principals. The two Republican and two Democratic leaders of both Houses, and the chairman and ranking minority members of the two or three key committees should be summoned by the President to a meeting.

It is time for the President to sit at the head of the table, in person. It is time for Democrats and Republicans alike to come to that table in a spirit of unity.

The meeting should be held at a place like Camp David, where the participants can be kept together as long as necessary to reach an agreement. It is important that the process not be interrupted by constant leaks to the press of offers and counteroffers.

Mr. President, there should be no public report to the press and the public until the package is completed. Then the credit for the popular portions can be shared equally by the Congress and the White House. Likewise, the blame for the less popular sacrifices which may be required will also be shared equally.

It has been said, but it bears repeating: We do not have a Republican economy or a Democratic economy. We have an American economy. We need an American budget package that we all can rally behind. Our people are willing to make sacrifices if we pull together and reach an agreement which is fair and responsible.

Mr. President, the people are trying to send us a message. It reads, "Stop playing politics; be statesmen. Bury the hatchet and do what is right for America."

The message has been sent to both the President, who has yet to become personally involved in these negotiations, and the Congress. Let us all be wise enough to heed it.

RECOGNITION OF SENATOR HART

The PRESIDING OFFICER. Under the previous order, the Senator from Colorado (Mr. HART) is recognized for not to exceed 15 minutes.

THE TIME TO RATIFY SALT II IS NOW

Mr. HART. Mr. President, I have introduced an executive resolution to discharge the Senate Committee on Foreign Relations of its responsibilities with respect to the SALT II Treaty, to amend the treaty as needed and to bring the treaty to the floor of the Senate for ratification at the earliest possible date but in any event, no later than 30 days from today. Mr. President, in the judgment of this Senator, it is time to ratify the SALT II Treaty. That treaty remains the most detailed, the most comprehensive, and the most carefully negotiated arms control agreement yet concluded.

That treaty is not incompatible with more ambitious arms control efforts. It would advance the objectives of those who call for a nuclear weapons freeze; and it would facilitate the achievement of "deep reductions" as advocated by the administration.

The SALT II Treaty continues to be very much in this country's national security interest. Why should we overlook an arms control agreement, at a time when there is much consideration and debate in this country about whether we should proceed with arms control, which took 6 years to negotiate and which is an important vehicle to restrain the arms race and begin real reductions?

Why should we ignore an arms control agreement which would provide an excellent basis for further negotiations which many of us believe should be undertaken forthwith and operate as a baseline from which to achieve new accords?

Why leave unratified an agreement which places significant constraints on Soviet strategic nuclear capabilities and which even Soviet leaders characterize as worthy of preserving?

Mr. President, I remind my colleagues that the SALT II Treaty is the result of painstaking negotiations by three administrations, Democrat as well as Republican. It is a well-balanced and well-crafted agreement which the Joint Chiefs of Staff have determined would improve strategic stability and mutual security. And it is adequately verifiable by national technical means of verification, as witnessed to both by the Joint Chiefs of Staff and by our national intelligence community.

Limiting the size of the Soviet nuclear threat through effective, reliable arms control is as essential to the security of the United States as maintaining a strong and prudent defense.

Mr. President, ratification of the SALT II Treaty would enhance our national security in at least six ways:

It would compel the Soviets to retire approximately 250 central strategic nuclear systems, or 10 percent of their entire force.

It would limit Soviet nuclear weapons capabilities. By 1985, the Soviets will have the technical capability to increase vastly their nuclear arsenal. They could more than double the number of hard-target counterforce warheads, significantly expand their force of land-based missiles with multiple warheads, and deploy more heavy missiles. The SALT II Treaty would prevent such a dramatic buildup.

I noticed in this morning's Washington Post a column complaining about the Soviet nuclear threat in terms of the number of new warheads that could be loaded onto the existing force of Soviet SS-18 missiles. The SALT II Treaty would prevent the deployment of more than 10 warheads on each Soviet SS-18.

It would also reduce uncertainty over Soviet intentions by setting specific limits on a number of Soviet

weapons-related activities, all of which we can monitor reliably.

It would confirm certain agreed-to procedures for monitoring compliance with treaty provisions, such as the prohibition against interfering with "national technical means of verification" and the ban on SALT-related telemetric encryption.

It would guarantee regular United States-Soviet exchanges of information on sensitive strategic nuclear issues, such as compliance with treaty provisions, through the Standing Consultative Commission. The treaty would permit the necessary modernization of U.S. strategic nuclear forces to insure not only a deterrent but a survivable deterrent, including deployment of long-range air-launched Cruise missiles, a more survivable land-based system, and a continuation of the Trident program.

SALT II may not be the perfect arms control agreement, but it is a valuable incremental step in what all responsible participants in the arms control debate understand to be a long and difficult process.

Moreover, this particular treaty has been negotiated and signed by both sides.

After SALT II, we must move on to a new arms control agenda, focusing on ways to prevent the use of nuclear weapons. We must reduce those weapons systems which are especially destabilizing, including highly MIRV'ed and accurate ICBM's. We must undertake additional steps to prevent the outbreak of nuclear war through accident or miscalculation.

Finally, Mr. President, we must focus our efforts on new and more inclusive measures to prevent the development by other countries of the capability to produce nuclear weapons.

On February 24, I introduced a resolution to this effect which calls for United States-Soviet strategic talks on the prevention of the use of nuclear weapons.

But before we move on to that agenda, we can—and I think as a U.S. Senator we should—take a step which is in our power to take, and that is to complete the unfinished business of the SALT II Treaty by its early ratification.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NUNN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DURENBERGER). Without objection, it is so ordered.

RECOGNITION OF SENATOR NUNN

The PRESIDING OFFICER. Under the previous order the Senator from Georgia (Mr. NUNN) is recognized for not to exceed 15 minutes.

Mr. NUNN. I thank the Chair.

NUCLEAR DEBATE—THE MISSING LINK

AMENDMENT NO. 1386

Mr. NUNN. Mr. President, I rise for the purpose of introducing an amendment to the Department of Defense authorization bill which is S. 2248.

Mr. President, in all of the current focus on nuclear freezes, so-called "no first use" and arms control policies in general, there is an extremely important element missing—the need to deal constructively with the prospect of a nuclear war triggered by a third country or terrorist group. No change in NATO's nuclear doctrine and none of the freeze proposals would decrease or prevent the chances of such a catastrophe. An accidental nuclear war or war by miscalculation should be of mutual concern to both superpowers even in periods of great tension between the two superpowers.

I have been concerned about the potential of an accidental nuclear exchange between the two superpowers for some time. On March 10, 1981, I wrote the Commander of the Strategic Air Command, Gen. Richard Ellis, and asked SAC, as the premier defense command in nuclear matters, to analyze the potential for this type of exchange and to recommend some initiatives for dealing with the problem. General Ellis is now retired and serving as the U.S. representative on the Standing Consultative Committee and is one of the most thorough and knowledgeable military men in the arms control area as well as an expert in nuclear policies and weapons.

I ask unanimous consent to have printed in the RECORD my letter dated March 10, 1981, to General Ellis.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, D.C., March 10, 1981.

Gen. RICHARD H. ELLIS,
CINCSAC,
Offutt AFB, Nebr.

DEAR GENERAL ELLIS: The March 6th Subcommittee hearing on Strategic Communication, Command and Control as well as connectivity was important and informative. I have the impression we are at least making a beginning in this crucial area. You and your staff are to be commended for your leadership.

I have believed for some time that our strategic arms control efforts are concentrated almost exclusively on the number of launchers and warheads and the "bolt from the blue" premeditated strategic strike. While I certainly agree with the importance of this focus and these negotiations, I feel that we should also begin to think seriously about other perhaps more likely catalysts which could lead to nuclear war. There are many other factors that need assessment as to how the US/USSR would interact at the strategic level in times of crises and conflict. For example, a disguised third country attack on one of the superpowers could precipitate a U.S./Soviet nuclear exchange.

Pursuant to our conversation during the hearing break, I look forward to a visit to SAC sometime this spring. While there, I would like, among other topics, to discuss this with you and your staff with several questions in mind:

(1) Is our C-3 capable of discerning the source of attack under this type scenario?

(2) What capabilities do the Soviets have in this respect (warning and threat assessment)?

(3) What other scenarios should be considered in terms of US/USSR strategic interaction in periods of crises and conflict?

(4) Are there arms control innovations and initiatives that can be proposed in this general area as well as the overall C-3/connectivity area?

I look forward to seeing you again in the near future.

Sincerely,

SAM NUNN.

Mr. NUNN. Mr. President, in the letter, I outlined my belief that our strategic arms control efforts have for some time concentrated almost exclusively on the number of launchers and warheads and the so-called bolt from the blue premeditated strategic strike. While I certainly agree with the importance of this focus and these negotiations, I feel that we should also begin to think seriously about what could be more likely catalysts which could lead to nuclear war. There are many factors that need assessment as to how the U.S.-U.S.S.R. would interact at the strategic level in times of crises and conflict. For example, a disguised third country attack or third party attack on one of the superpowers could precipitate a U.S.-U.S.S.R. nuclear exchange.

I asked General Ellis to examine four key areas in his study as follows:

First, Is our communications, command and control capable of discerning the source of attack under this type scenario?

Second, What capabilities do the Soviets have in this respect; that is, warning and threat assessment?

Third, What other scenarios should be considered in terms of U.S.-U.S.S.R. strategic interaction in periods of crises and conflict?

Fourth, Are there arms control innovations and initiatives that can be proposed in this general area as well as the overall command, control and communications connectivity area?

General Ellis established a study group that spent many months working on these issues, and in July of that same year, that is 1981, I went to the Strategic Air Command in Omaha to discuss the results of their study.

Mr. President, I believe that their conclusions are even more relevant today. The SAC analysis showed that the United States and the Soviets must dramatically improve their warning and attack characterization to deal with the use of a nuclear device by a third party in either peacetime or a crisis situation.

The SAC analysis dealt with the potential third party threat by examining the various unconventional delivery systems that could be utilized to explode such a device on United States or Soviet soil.

SAC also identified many unconventional methods of delivery other than the normally discussed platforms such as fighter planes, missiles, or bombers that a Third World nation might utilize.

The Strategic Air Command also analyzed the capability of each country, that is the United States and the Soviet Union, to respond to some type of conventional attack by Third World countries or by a terrorist group.

Mr. President, by the end of the decade over 20 nations will have the industrial capability to build nuclear weapons, and the possibility of possession of these weapons by terrorists cannot be dismissed.

After talking to many other experts in the field, I wrote an article for the Washington Post which appeared on November 12, 1981. I ask unanimous consent that this article be included in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ARMS CONTROL: WHAT WE SHOULD DO

(By SAM NUNN)

America's arms control goals have been vague and poorly understood by the public. Our tactics have been short-term, and our strategy ambiguous. Our patience at the negotiating table has been short-lived. Our timing has too often been driven by election considerations and our expectations have swung between euphoria and despair.

Three arms control treaties with the Soviet Union have been signed (by Presidents Nixon, Ford and Carter) but have not been ratified by the Senate. This may demonstrate that our "separation of powers" is alive and well, but it also raises serious questions as to whether any American President can conclude an arms control treaty any more.

THE SETTING

The United States is now abiding (without formal agreement) by a SALT treaty that President Reagan himself declared "fatally flawed." While awaiting leverage from newly announced but as yet unapproved strategic programs, we are not renegotiating this unratified treaty. Testimony indicates it will be at least the late 1980s before any new strategic programs close the "window of vulnerability" and bring us back to "parity." Several key parts of the recently announced strategic program, which are not yet well-defined, will have major arms control implications.

We are about to begin negotiations with the Soviets on tactical nuclear weapons, an area in which the United States has little leverage and NATO is at a pronounced military disadvantage. These negotiations provide the Soviet Union a considerable opportunity to prevent the long overdue NATO tactical nuclear force modernization. They also create an increasingly unrealistic separation between strategic and theater nuclear weapons and allow the Soviets skillfully to manipulate growing European skepticism of American leadership.

Under these circumstances, should we be puzzled when we look over our shoulder and our allies aren't following our lead? They don't know where we're going. Do we? Whether we like it or not, our arms control efforts and NATO's future are now linked. A clear, consistent arms control approach that enjoys the support of Congress and the American people is a national security imperative.

CONTINUITY

If the American position on arms control is to have more credibility with our allies, our adversaries and the American people, we must bring some continuity to our process for formulating and executing arms control policy and integrating it with military policies. We must develop a clear set of long-term goals, objectives and priorities that can be understood by the public, our allies and, ideally, even our adversaries.

Procedures within our government must be developed to ensure that strategic weapons programs and arms control measures mesh together better. We can no longer separate the two functions, giving civilians the job of controlling arms and the military the job of procuring weapons. U.S. military planners must have a greater input in shaping our arms control objectives so that arms control measures can also be treated as viable instruments for attaining required security objectives.

For more than a decade, the Soviets have had essentially the same people negotiating SALT. During that same period, the United States has had six chief negotiators and the major support staff has been changed many times. Why shouldn't the Soviets be confident they can wait out the Americans? Why shouldn't our allies and our adversaries believe that our patience and our horizons are limited in the arms control arena?

One way to improve arms control continuity would be to upgrade substantially the current General Advisory Committee on Arms Control. The present committee is colocated with the Arms Control and Disarmament Agency, and, rightly or wrongly, is viewed as an adjunct of that agency. We should consider creating a bipartisan presidential commission to be the board of directors for our arms control efforts.

The commission would be appointed by the president and confirmed by the Senate for overlapping terms long enough to give it independence and continuity. It could not and should not supersede the constitutional prerogatives of the executive branch to negotiate, and the Senate to ratify, treaties. It could, however, be asked to bring some coherence to our arms control philosophy and implementation. Reporting directly to the president, the board should have a broad charter to consider arms control under the rubric of overall national security and foreign policy.

It could provide a publicly respected review board to:

Help formulate long- and short-term arms control objectives, goals and priorities consistent with our national security and our defense policies;

Monitor negotiations; and

Keep the American public informed of the goals, objectives and priorities of our arms control efforts in a way that can be separated from partisan political considerations.

STABILITY

The U.S. arms control process has had a narrow scope that undermines its potential positive impact in military terms and in international opinion. Over the last decade, most of our arms control effort has been directed at limiting the size of nuclear arsenals rather than avoiding or limiting the potential use of nuclear weapons in crises—so-called "crisis-stability." We hope to reduce the number of weapons in the long run, but reductions in numbers do not automatically or necessarily increase crisis stability. We hope to save money with a sound arms control agreement, but an even larger strategic budget would be well worth the money if the result were the reduced likelihood of nuclear war. With thousands of nuclear warheads available to each side, control of their use in crises is more important than reduction of numbers, cost or technological development.

We must begin to think about arms control initiatives that will address crisis stability.

How would the Russians react if a low-flying aircraft with U.S. markings delivered a nuclear device on one of their cities? Do they have the capability to determine the true origin of the aircraft? Would stunned and angry Russians react calmly and cautiously or would they draw immediate conclusions and launch a nuclear attack against America? How would we react if a nuclear device exploded in a ship of unknown origin in San Francisco harbor and obliterated the city? Will we sit idly by while the possibilities grow in the years ahead that a fanatical leader may attempt to rid the world of the superpowers by pulling a Third World trigger?

Are these unreal science fiction fantasies or is there a growing possibility of a third-party or terrorist use of nuclear weapons? At my request last spring, Gen. Richard Ellis, then commander of the Strategic Air Command, undertook the evaluation of the possibility of a third party triggering a superpower nuclear exchange under a variety of scenarios. Unfortunately, this evaluation showed that there are real and developing dangers in this area.

Do the U.S.S.R. and the United States have a mutual interest in preventing a Third World trigger or a terrorist use of nuclear weapons? Should both nations have a mutual interest in working together to be able immediately to identify the source of a nuclear strike from a third country or from a terrorist attack? Can arms control efforts be made relevant to the growing dangers of this type of nuclear catalyst?

The point is not to frighten, but to stimulate the best minds in both the United States and the Soviet Union to think soberly about the future potential for destruction facing the world. There are an increasing number of scenarios that could precipitate the outbreak of nuclear war that neither side anticipated or intended. By 1990, our government believes that more than 20 nations may have the industrial capability to build nuclear weapons.

Terrorist possession of nuclear warheads in the future cannot be dismissed. Several nations are now also developing rockets for "commercial purposes." The simple fact is that we really don't have an international

framework or mechanism for quickly and decisively controlling or containing these possibilities. In a world growing more dangerous with proliferation of nuclear weapons and delivery systems, the United States and the Soviet Union, as well as other nuclear powers, have growing reason to work together to prevent nuclear war.

UNITED STATES-SOVIET COOPERATION

While there is still time, serious thought should be given by ourselves and the Russians to our possible mutual interest in establishing a military crisis control center for the monitoring and containment of nuclear weapons used by third parties or terrorist groups. This could take the form of joint U.S.-Soviet information-sharing combined with a multinational center for crisis management. A precedent for this type of effort can be found in the four-power Berlin center for movement of aircraft in the Berlin corridors.

The crisis management group could be a permanent standing team of highly qualified civilian and military personnel, in full operation 24 hours a day, 365 days a year, with access to the top political and military leadership. Its purpose would be to provide a mechanism that gives each side more confidence in the facts during a nuclear crisis. It would afford the leaders of both nations a better chance to determine, independently and jointly, the origin and parties responsible for any explosion of nuclear weapons. It has the potential for encouraging cooperation and building confidence between the superpowers, even when political relations are at a low ebb. These steps could contribute to crisis stability. They could also add a significant degree of deterrence to third-country or terrorist attempts to light the nuclear bonfire.

This will not be a simple task completed quickly, but the discussions and negotiations should begin. These negotiations could be broadened to address other mutual arms control steps, such as confidence-building measures to enhance verification, strengthening the U.S.-Soviet hot line, as well as reducing the vulnerabilities of command, control and communications of both nations. We could also begin discussions on a possible nuclear weapons deployment agreement that would lengthen the warning time both nations would have of a nuclear attack.

The nuclear powers must begin to improve our capacity to control a nuclear crisis—regardless of origin. Our nation must adopt clear goals that establish a foundation for arms control that has long-term continuity and less vulnerability to domestic partisan politics. We must find an arms control policy we can live with.

Mr. NUNN. A major part of this article dealt with the whole issue of the Third World trigger and accidental nuclear war. After pointing out the real and growing dangers in this area, and the fact that this is certainly an area of U.S./U.S.S.R. mutual interest in preventing such a crisis, I made two major recommendations.

The first recommendation was that the U.S. and U.S.S.R. establish a joint military crisis control center for the monitoring and containment of nuclear weapons used by third parties or terrorist groups. The second major recommendation was to address other mutual arms control steps such as strengthening and enhancing the United States-Soviet hotline.

Mr. President, I am convinced that both the U.S. and U.S.S.R. have a common and mutual interest in preventing such a Third World trigger or a terrorist use of nuclear weapons. I am convinced that both nations have a mutual interest in working together to identify the source of a nuclear strike from a third country or from a terrorist attack. I am convinced that arms control efforts can be made relevant to the growing danger of this type of a nuclear catalyst.

Everyone now seems to be in search of an easy solution in the arms control area, but there are no nuclear quick fixes. What we can begin to do jointly with the Soviet Union is to build a capability and mutual trust to reduce the likelihood of accidental nuclear war or war by miscalculation. This step could add a strong element of deterrence to any party contemplating the use of nuclear weapons for the purpose of provoking a confrontation between the superpowers.

For this reason, Mr. President, I am introducing an amendment to the fiscal year 1983 defense authorization bill directing the Secretary of Defense to conduct a full and complete study of initiatives for improving the containment and control of the use of nuclear weapons including:

First. Establishment of a multinational military crisis control center for monitoring and containing nuclear weapons used by third parties or terrorist groups;

Second. Development of a forum for joint U.S.-U.S.S.R. sharing of information on nuclear weapons that could be used by third parties or terrorist groups; and

Third. Development of U.S.-U.S.S.R. confidence-building measures for crisis stability and arms control to include:

An improved U.S.-U.S.S.R. communications hotline for crisis control;

Enhanced verification procedures for any arms control agreements;

Measures to reduce vulnerability of command, control, and communications on both sides; which, I might add, Mr. President, would certainly get into the question of where we station our nuclear delivery capability and where they station theirs, including submarines.

Mr. WARNER. Mr. President, will the Senator yield?

Mr. NUNN. I would be glad to yield.

Mr. WARNER. Mr. President, would the Senator be thoughtful enough to have me as a cosponsor on this amendment? I wish to commend the Senator from Georgia for his research and for his development of a very important subject. I know how long he has worked on it, and I wish to commend him and I wish to be associated with him.

Mr. NUNN. I thank my friend from Virginia.

I might add the Senator from Virginia and I have discussed this on several occasions. He is certainly one of the leaders in this area, so I am delighted to have him on this particular amendment.

I might say to my friend from Virginia that I have talked to people in the State Department and in the Department of Defense about this, and I have the sense that there is the beginning of a little momentum in the executive branch on this subject.

The Strategic Air Command did a classified study. They have an unclassified study which has a lot of the material deleted, which is understandable, because it gets into the capabilities of weapons systems, and so forth, which would be most vulnerable and those of the Soviets would be most vulnerable too. I am preparing this afternoon to send a copy or to at least notify the White House of the availability of the classified version by the Strategic Air Command which, I believe, would be of direct attention and certainly of interest to the President of the United States.

I believe the President of the United States would benefit from this kind of analysis. I do not believe he has seen this yet, and I hope he will give serious consideration to incorporating some proposal like this into the overall arms control proposals coming up within the next few weeks.

Mr. WARNER. I just finished a hearing of our subcommittee, of which the distinguished Senator from Georgia is a member and a half-million dollars will be the reduction of money for the research and development in nuclear warheads in fiscal 1983, and I am likewise endeavoring to make that information, which we learned this morning in executive session, available to the public because I feel it is an encouraging move on behalf of the general public now to become more and more acquainted with understanding the complexity of our nuclear policy and the weapons situation used for defense, and I hail that move, as you well know. Now is the time to trust our public to learn more providing we give them the direction and the facts.

Mr. NUNN. I agree. I think this is a real challenge to the leadership, and I think we have an opportunity now to form a constructive move for a firm, patient, and very meaningful arms control effort that will continue for some time until we are able to better cope with the overall dangers of nuclear war in this country and in the world.

Mr. WARNER. I thank the Senator.

Mr. NUNN. I thank my friend from Virginia.

Finally, Mr. President, the proposal would also include a suggestion that

the study addressed itself to measures to lengthen the warning time each nation would have to potential nuclear attack.

I think one of the more stabilizing things we could do in the whole arms control area is to take certain steps by mutual agreement, steps that are verifiable, that would give both sides a sense that they do not have to have their fingers so heavy on the nuclear trigger, that is to say, there would be more warning time before any nuclear attack, if that occurs, and then we can take a slight bit of easing on the nuclear trigger, and certainly that would be of benefit to both countries.

This study and report would be provided to the Congress by August 1, 1982, and I would further require that the President review the results of the DOD analysis and submit to the Congress within a month—by September 1, 1982—his views on the merits of the proposals and their relevance to U.S. arms control policies and proposals.

Mr. President, I believe this amendment will provide a sound analytical framework for the key agencies in our Government and the public to deal with the issue of accidental nuclear war. There has been very little work done in this area other than the pioneer study by SAC under General Ellis' direction at my request and, as I said, Mr. President, I do intend to forward that study to the White House or let them know of the availability of that study as a very sound beginning point for a comprehensive analysis.

This amendment will also serve to focus attention on this important element of the nuclear issue which is missing in the current debate and discussion and which is a more likely contingency, in my view, than a premeditated nuclear attack or "bolt out of the blue."

I will have a more detailed statement when this amendment is discussed on the floor, when the military authorization bill comes up. I ask unanimous consent that a copy of the amendment be printed in the RECORD, and I urge my colleagues in the Congress to study this prior to the floor discussion on the defense authorization bill.

The PRESIDING OFFICER. The amendment will be received and will lie on the table.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT No. 1386

At the end of the bill add the following section:

SEC. . (a) The Secretary of Defense shall conduct a full and complete study and evaluation of initiatives for improving the containment and control of the use of nuclear weapons, particularly in crises. Such study and evaluation shall include but not be limited to the following initiatives:

(1) establishment of a multi-national military crisis control center for monitoring and containing nuclear weapons used by third parties or terrorist groups;

(2) development of a forum for joint U.S./USSR sharing of information on nuclear weapons that could be used by third parties or terrorist groups; and

(3) development of U.S./USSR confidence-building measures for crisis stability and arms control to include:

(A) an improved U.S./U.S.S.R. communications hotline for crisis control;

(B) enhanced verification procedures for any arms control agreements;

(C) measures to reduce vulnerability of command, control and communications on both sides; and

(D) measures to lengthen the warning time each nation would have of potential nuclear attack.

(a) this report shall be provided to the Committees on Armed Services and Foreign Relations of the House and Senate by August 1, 1982 and should be available in both a classified, if necessary, and unclassified format.

(b) the President shall report to the Committees on Armed Services and Foreign Relations one month later on September 1, 1982, on the merits of such initiatives developed in section (a) to the arms control process and on the status of any such initiative as they may relate to any arms control negotiation with the Soviet Union.

Mr. NUNN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VITIATION OF SPECIAL ORDERS FOR SENATOR BAKER AND SENATOR STEVENS

Mr. BAKER. Mr. President, am I correct that there are two special orders remaining unexecuted?

The PRESIDING OFFICER. That is correct.

Mr. BAKER. Mr. President, I believe they are in favor of the senior Senator from Tennessee (Mr. BAKER) and the distinguished senior Senator from Alaska (Mr. STEVENS); is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. I am advised that neither special order is required. I ask unanimous consent that they be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period of 30 minutes for the transaction of routine morning business.

REPRESENTATIVE JOHN ASHBROOK

Mr. HUMPHREY. Mr. President, I am sure that everyone who knew him was terribly shocked to learn of the untimely passing of Representative JOHN ASHBROOK.

Unfortunately, Representative ASHBROOK's fame was not commensurate with his abilities or his character as so often is the case in this upside down city and upside down world. Had he been elected to the Senate, an office he was actively seeking at the time of his death and which he might well have achieved, no doubt his fame would have been much greater during his lifetime. But all of that is unimportant really because JOHN ASHBROOK left a legacy that will serve as an example and inspiration for many years to come.

When one pictures the smiling visage of JOHN ASHBROOK, it is very hard to believe that he is gone. He served as an inspiration to a generation of young people. He served as an inspiration to many who ultimately went on to serve in Government of which this Senator is one.

Certainly his most sterling quality was his absolute dedication to principle.

On each and every vote JOHN ASHBROOK was willing to risk his political career because he preferred to go back to the private sector where he no doubt could have been much more comfortable, lived in more affluent circumstances, and without any doubt lived a much longer and more healthy life.

JOHN ASHBROOK surely wore himself out in service to his country.

If his untimely death served any purpose, it is to remind each of us that we can be called away at any moment on any day and that on this day we should adhere to principle because tomorrow we might not have an opportunity to make amends.

I thank the Chair.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

EXTENSION OF ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that the time for the transaction for routine morning business be extended until not past the hour of 3 p.m. under the same

terms and conditions as previously ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I might say for the information of Members who may be listening in their office that the principals involved in the debate on the motion to proceed to the consideration of the Criminal Code Reform Act are engaged in conversations at this time. It is my belief that permitting them to proceed on that may expedite the ultimate proceedings of the Senate in this matter. That is why I have extended the time for the transaction of routine morning business rather than going now to further debate on the motion to proceed in respect to S. 1630.

At this time, once again, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROLIFE UNITY

Mr. HELMS. Mr. President, since the Supreme Court decided Roe against Wade in January 1973, legalizing abortion on demand, we have seen the growth of an amazing movement in the United States. At first it was a lonely handful of Americans who recognized the singular evil of abortion and thereby became charged in conscience with the duty of alerting their fellow citizens. These concerned Americans called themselves the right-to-life movement. They performed their duty well, patiently operating at first in small groups and one to one. Under the weight of the urgent message that children were being killed legally, their numbers swelled, and the handful became hundreds of thousands.

With the increase in the numbers of right-to-lifers there has necessarily come an increasing sophistication and diversity of their activities. Some now write scholarly journals; some provide foster homes for children who would otherwise have been victims of abortion; some engage only in public educational efforts; and some—as we on Capitol Hill know well—do battle in the political arena.

At this date that part of the right-to-life movement engaged in political action is known, I daresay, to every single American politician—Federal, State, and local. Unlike virtually every other lobby in Washington, however, they do not argue on their own behalf and they do not pursue their own private interest. Instead, they advance the cause of nameless and unknown babies who are in jeopardy of abortion. Their message is simple and compelling: The killing must stop.

As the number of political groups has grown with the right-to-life movement as a whole, there has been a corresponding increase in the proposals for a legal remedy. Needless to say, the variety of proposals has led to debate and differences of opinion within the right-to-life movement itself. In general, the internal debate is a healthy sign, indicating a degree of sophistication and a pool of legal talent not always present in the early days of the movement. Doubtless there will be differences of opinion among reasonable men and women, even when they are united on the fundamental principle that individual human life is a special gift of God which the law must protect. On the other hand, differences may sometimes become strained and counterproductive.

In order to provide a common basis for unity in the right-to-life movement, I introduced a new antiabortion bill on March 1, 1982, S. 2148. The bill includes permanent Hyde amendment language, a freedom-of-conscience provision for medical personnel, legal personhood for the purpose of the right-to-life guaranteed by the 14th amendment, and a severability clause. It was my hope that this bill would have broad appeal and provide a rallying point for all sections of the right-to-life community.

I am happy to report today that to a very large extent S. 2148 has proved a source of unity for the prolife movement. Recently I received a letter dated April 19, 1982, supporting S. 2148 signed by 38 major prolife groups or prominent individuals in the movement. In addition to those signing the letter, the National Right to Life Committee endorsed the bill on March 28, 1982—less than a month after its introduction. The groups included by the letter of support and the National Right to Life Committee endorsement represent a broad cross section of the prolife movement. Such broad support of S. 2148 would indicate that the right-to-life constituencies are in agreement on a legislative vehicle.

I am also pleased to note that President Reagan sent me and others a letter on April 5, 1982, in which he urges Congress to act on antiabortion legislation in the near future. The President said:

> In recent years, sentiment has increased in the Congress to enact legislation that would restore protection of the law to children before birth. It may be possible for the 97th Congress to take that important step. I write simply to express my own hope that we will not miss this long delayed opportunity.

I call my colleagues' attention to these letters from prolife groups and from President Reagan. The Senate should act and act soon on the abortion issue. I ask unanimous consent that the letter dated April 19, 1982, from right-to-life groups, and the letter dated April 5, 1982, from the President, be printed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

APRIL 19, 1982.

Hon. JESSE HELMS
Dirksen Office Building,
Washington, D.C.

DEAR SENATOR HELMS: We the undersigned pro-life leaders urge immediate action on the strongest possible version of S2148 so that as President Reagan said in his recent letter to pro-life leaders: ". . . we will not miss this long delayed opportunity."

We hope that action can be taken prior to May 15th when the budget battle begins and we pledge our total support to your efforts.

God Bless you.

LIST OF SIGNATURES

John P. Mackey, Ad Hoc Committee in Defense of Life.

Paul Brown, LAPAC.

Joseph M. Scheider, Pro Life Action League.

Dr. John S. Kelly, Family Life League.

Rosemary T. Stokes, Citizens Against Planned Parenthood.

Joan Solms, Family Life League.

W. Douglas Badger, Christian Action Council.

Judie Brown, American Life Lobby, Inc.

Howard Phillips Conservative Caucus.

Paul Marx, O.S.B., Human Life International

Mrs. Yvonne Abercrombie, Alabama Citizens Concerned For Life.

Mrs. Jane Muldoon, Michigan Right to Life.

Ann O'Donnell, R.N., Missouri Citizens for Life Board Member.

Mrs. Charlotte Goodwin, New Mexico Right to Life.

Mrs. Anna Sullivan, Rhode Island Right to Life.

Helen DeWitt, R.N., Kansas Right to Life.

Mrs. Madeleine Applebey, New Hampshire Voters for Life.

Olga L. Fairfax, Ph.D., United Methodists for Life.

Edwin P. Elliott, Jr., Reformation Educational Foundation.

Dr. Joseph Stanton.

Dr. Ron Godwin, Vice President, Moral Majority.

Mrs. Marianne Rea-Luthin, President, Massachusetts Citizens for Life.

Mr. Murray Norris, Christian Family Renewal.

Thea Rossi Barron, Esq., Right to Life Crusade.

Ms. Pam Cira, President, Feminists for Life of America.

Ms. Eileen Dawson, South Carolina Citizens for Life.

Dr. Eugene F. Diamond, M.D., World Federation of Doctors Who Respect Life.

Dr. Bentin K. Partin, II, Columbus (N.C.) Christian Action Council.

Dr. Adrian Rogers, Pastor, Belleville Baptist Church, Memphis, Tennessee; (Immedi-

ate past president of Southern Baptist Convention).

J. A. Parker, President, Lincoln Institute.

Joseph W. MacPherson, Esq., Maryland Right to Life.

Most Rev. Leo A. Pursley, D.D., retired bishop of Fort Wayne-South Bend, Indiana.

Mr. Stan Shelley, Blue Ridge (N.C.) Christian Action Council.

Mr. Ed McAteer, Round Table Issues and Answers.

Edward C. Smith, Assistant Professor, American University.

Mrs. Margaret Hotze, Editor, Life Advocate, Houston, Texas.

Paul Haring, Catholic Truth Society of America.

Nancy T. Mullan, M.D., President, California Pro-Life Medical Association.

THE WHITE HOUSE,
Washington, April 5, 1982.

Hon. JESSE A. HELMS,
U.S. Senate,
Washington, D.C.

DEAR JESSE: In recent years sentiment has increased in the Congress to enact legislation that would restore protection of the law to children before birth. It may be possible for the 97th Congress to take that important step. I write simply to express my own hope that we will not miss this long delayed opportunity.

A few weeks back I said that, "We must, with calmness and resolve, help the vast majority of our fellow Americans understand that the more than one-and-one-half million abortions performed in America in 1980 amount to a great moral evil and assault on the sacredness of life." Whether or not our fellow citizens will understand the duty we owe to future citizens depends largely on what action the Congress takes.

I know that on this issue, sad to say, as on many others of great importance, there are sharp differences of opinions as to which action is the best one. Naturally, I hope that these differences will be resolved in favor of the common goal.

But most important, it seems to me, is that the Congress consider one or more of the proposals in the near future. And I want you to know that you have not only my best wishes but also my prayers for success.

Sincerely,

RONALD REAGAN.

Mr. HELMS. Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF TIME FOR ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that the time for the transaction of routine morning business be extended 15 minutes under the same terms and conditions as previously ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMENDATION ON THE COMPLETION OF THE CURRENT PHASE OF THE CAMP DAVID AGREEMENT

Mr. BAKER. Mr. President, in a moment, after there has been an opportunity to reproduce a resolution, I intend to ask for its immediate consideration. May I inquire, does the clerk have the resolution at the desk?

The PRESIDING OFFICER. The resolution is at the desk.

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the resolution at the desk in respect to the Israeli withdrawal from the Sinai.

The PRESIDING OFFICER. The resolution will be stated.

The legislative clerk read as follows:

A resolution (S. Res. 374) commending the completion of the current phase of the Camp David agreement.

S. RES. 374

Whereas, on Sunday, the 25th of April, 1982, in accordance with the Treaty of Peace between the Arab Republic of Egypt and the State of Israel, Israel completed final withdrawal from the Sinai Peninsula; and

Whereas, this step represents the willingness of the Government and the people of Israel to make difficult and painful decisions and also to take risks for peace; and

Whereas, this step symbolizes the continuing and enduring commitment of Israel and Egypt to the process of achieving a comprehensive peace in the region envisioned in the Camp David Accords;

Therefore be it resolved, That the Senate of the United States:

Commends the Government and the people of Israel for this historic and courageous step in the name of peace; and

Expressed confidence that Israel and Egypt will continue the process of normalization and realize fully the fruits of peaceful coexistence.

Mr. BAKER, Mr. President, will the clerk please state the cosponsors of the resolution?

The PRESIDING OFFICER (Mr. SPECTER). The clerk will state the cosponsors.

The legislative clerk read as follows:

The resolution was submitted by the majority leader, Mr. BAKER, for himself, Mr. ROBERT C. BYRD, Mr. EAGLETON, Mr. CHAFEE, and Mr. METZENBAUM.

Mr. PERCY. Mr. President, will the Senator yield for the addition of one consponsor?

Mr. BAKER. Yes.

Mr. HUDDLESTON. Mr. President, I ask unanimous consent that I be added as a cosponsor.

Mr. MATSUNAGA. Mr. President, I ask unanimous consent that my name be added as a cosponsor.

Mr. BAKER. I thank the Senators.

Mr. President, I ask unanimous consent that the resolution may remain open for cosponsorship until 5 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

The names of the following Senators were added as cosponsors of the resolution: Mr. BENTSEN, Mr. BIDEN, Mr. BOSCHWITZ, Mr. BRADLEY, Mr. BURDICK, Mr. CANNON, Mr. DODD, Mr. FORD, Mr. GLENN, Mr. GORTON, Mr. HOLLINGS, Mr. HUDDLESTON, Mr. KASTEN, Mr. LEVIN, Mr. MATSUNAGA, Mr. MITCHELL, Mr. MOYNIHAN, Mr. PELL, Mr. PERCY, Mr. RANDOLPH, Mr. RIEGLE, Mr. SASSER, Mr. SPECTER, Mr. STENNIS, Mr. TSONGAS, Mr. WARNER, Mr. ZORINSKY, Mr. JOHNSTON, Mr. EXON, and Mr. LEAHY.

Mr. BAKER. Mr. President, yesterday, Sunday, April 25, 1982, in accordance with the treaty of peace between Israel and Egypt, Israel withdrew from the last portion of the Sinai Peninsula that it has held since 1967.

The decision to complete the withdrawal from the Sinai has been an extraordinarily difficult one for both the Government and the people of Israel. It has been a wrenching and painful decision that has gone to the very heart of Israeli emotions. The once barren, lifeless desert, had become a sanctuary of progress and national spirit; leaving the area must surely be among the most strenuous and grievous episodes in what is already an arduous national history.

Many have opposed this couragous decision, citing tremendous costs—the loss of important military facilities, strategic depth, and supplies of energy. Clearly, the exchange represents incalculable risks which are great in comparison to the uncertain returns of peace.

Nonetheless, by their decision, the Israeli people have reaffirmed their willingness to pursue peace, and for our part, I believe we should commend the Israeli people for abiding by their commitment.

All of us hope and pray that this historic exchange enhances the prospects for peace in the Middle East. For now, I can only repeat my heartfelt gratitude and admiration for the people of Israel, and the completion of their dramatic step in the search for peace.

Mr. PERCY addressed the Chair.

Mr. BAKER. I yield, Mr. President.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. PERCY. Mr. President, I cosponsor this resolution with high and deep regard for both Israel and Egypt; they have made remarkable contributions to the Mideast peace process. In meeting this phase of the Camp David accords, Israel has lived up to its commitment to withdraw from the Sinai at very considerable expense in land and oil and has given the world an example of the dynamism of the peace process and the dynamism of the democracy that exists in Israel.

There was a minority, a tenacious, strong minority that violently objected to this transfer. Extraordinary measures had to be used. Who would have ever envisioned Israeli soldiers

having to evict Israeli citizens, but in this case a democracy must work according to the rules of the game.

The Knesset voted unanimously to transfer these lands in accordance with the agreement that they had signed at Camp David and ratified by the Knesset.

When I left the Middle East, in January I had said in Israel and in 13 Arab countries, in my judgment, even though there was skepticism evidenced throughout the world and sometimes skepticism evidenced right here as to whether Israel would honor its agreements, I had no doubt, not a shadow of doubt, that these agreements would be honored. Certainly, Prime Minister Begin, Defense Minister Sharon, Foreign Minister Shamir; Moshe Arens, who was at that time the chairman of the Committee on Defense and Foreign Affairs, had given me absolute assurance of the withdrawal. They are men of honor. They are men of their word, and they believe in the democratic principle. And when the majority said they were going to do something, they were going to do it.

I gave that assurance in 13 Arab countries, in some of them with some considerable skepticism, but I saw no skepticism whatsoever in Egypt. They had gotten to know the Israelis, they had worked with them, and they felt they would adhere to their agreement.

I think it is important that we point out that Egypt, which benefits greatly from the withdrawal, has shown that international disputes of the most profound consequence can be resolved through negotiation based on good will. The extraordinary gesture of the late President Sadat in breaking the barriers to peace by going to Jerusalem, by addressing the Knesset, and Prime Minister Begin's positive response to that initiative, set the stage for the Camp David agreements.

Let us not forget the creativity and boldness of President Sadat, whom I called 7 years ago in a report to the Senate, the greatest man of peace I had met in the Middle East. This was met by derision on the part of many people who said, "How can you call a man like this, who has waged war against Israel, a man of peace?" I said I had never been more profoundly affected and influenced by a meeting with any person than when I heard from the depth of his heart how much President Sadat yearned for peace and to come together in common accord to make peace between Israel and Egypt.

They had all the risk, and they did it on faith. The did it on faith that the Israelis, once they would agree to something, would stick with that agreement. They gave up their relationships with the Arab world. It was the Egyptians who were evicted from the Arab League. They were cut off from billions of dollars of assistance from the oil-producing countries.

They did that in the faith that they would get back their land at the cost of disenfranchising themselves from the Arab world. They had faith in the Israeli people, and that faith was justified.

I commend the Government and the people of Egypt for their enduring commitment to a just and lasting peace.

We all pray that this step this magnificent step taken yesterday, which the world must applaud—and we certainly in this Chamber fully applaud—will lead to other steps, because other steps are necessary now for peace.

I have said in every Arab country it is now up to you to come forward with proposals, and it is up to Israel to give consideration to those proposals, to renew the negotiating process to sit down the way the Egyptians and the Israelis did, face to face across the table.

They need each other so much. Look at the fact that the Israelis in a matter of three decades have become the leading experts of irrigation and medical research. All types of technical assistance can be provided to that whole region. That is what is now available to the people of Egypt, not just the thousands of Israeli tourists that for the first time are able to see the pyramids, see the wonders of Egypt and begin to appreciate the history and culture of that great country. The door is also open for any Egyptian to go to Israel to see that great historic area and see what the Israelis have done, to see the leaders of the world in solar energy, reaching out to the future, a technology that they have offered freely to the people of Africa and other developing nations of the world that would be available, I think, to the people of the whole region once peace is established.

That is the great goal that we must work for. That is the end objective: Peace and stability and progress for all the people of the entire region.

We all pray that this step will lead to others, that Israel and Egypt will press ahead with the uncompleted negotiation for full autonomy in the West Bank and Gaza.

Prime Minister Begin proudly said to me:

"Full autonomy" were the words I suggested to President Carter. Those were my words, and they were accepted by Egypt and accepted by the United States.

We all pray that Israel and Egypt will press forward with full autonomy in the interest of a more comprehensive peace in the region.

It is up to the parties to negotiate what that term means, and they must work that out. I hope they will press forward steadily and consistently and demonstrate that the process of peace is a process that pays for the people of Egypt and the people of Israel. It is deep in their hearts.

I talked with hundreds of people in both countries on my recent trip, and I can testify to my colleagues that peace is deep seated and ingrained in the hearts and minds of the people.

As a villager stands in the middle of his village in Egypt, he points to one house and says, "In that house they lost a son in the second war. In that house they lost a son in the third war. I lost a son. Are we going to lose sons in the fifth war? No; so far as we are concerned, there is not going to be a fifth war."

That is what has been accomplished with the magnificence of Prime Minister Begin in creatively receiving the gesture made by President Sadat.

I hope that will be an inspiration to others in the Middle East who seek peace and stability and who can work against the real enemies of the world—poverty, deprivation, disease—all those problems on which we should work together, instead of pouring money into armaments. We should pour money into the benefit of humankind. This is the end objective and goal we should seek.

I commend my distinguished colleague and thank him for permitting me to expand my comments as to the significance I attach to this resolution.

Mr. BAKER. Mr. President, I am extremely pleased to have the distinguished chairman of the Committee on Foreign Relations, Senator PERCY, as a cosponsor of this resolution. I will not take very long, but I have two points to make.

The first is that I do not believe the Senate has ever had a more capable chairman of the Foreign Relations Committee than it has now in Senator PERCY. I have seldom known a man as dedicated to his responsibility and duty as CHUCK PERCY, or who devotes more of his time and energy to the tasks that the Senate gives him in the administration of the responsibilities of that standing committee, or who travels more effectively and with greater purpose.

It is not an exaggeration to say that without his efforts, without his inspiration, not only is it less likely that we would reach this point today, where we can observe the withdrawal of Israeli troops from the Sinai, but also, it will be recalled that his dedication and diligence and good efforts and inspiration were a major contributing factor to the overall formula for peace in this region, which we refer to as the Camp David accords.

I commend him for what he has done, and I am sure I express the gratitude of the Senate for the good work he has done in this respect.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. PERCY. Mr. President, I am deeply grateful for the thoughtful comments of my distinguished colleague. Again, I thank him for retaining his membership on the Foreign Relations Committee, which I strongly urged upon him.

It is unusual for a majority leader to be able to take the time, but in this case, his presence on certain occasions has been absolutely crucial. He has been a very, very valued member of the committee, and I think he is the greatest majority leader we have ever had in the Senate.

I should like to make one other point: When we do spend time on foreign relations and the majority leader spends time on the leadership job, both of us remember—and never forget it, every hour of every day—that we have duties and obligations to our States as well. The State of Tennessee is served well. The chairman of the Foreign Relations Committee has turned more attention of that committee toward trade, toward exports. If I go to any country, I go there with a bag full of information on corn, soybeans, coal, manufactured goods, and landing rights for United Airlines in Tokyo, for example. Whatever it may be, I am trying to sell Illinois. That is an important part of my job.

We are Senators from our States, and we cannot let our committee responsibilities interfere with the fact that we have a major responsibility to serve the constituents of Tennessee and Illinois and every other State.

I thank my colleague for his most gracious and thoughtful comments.

Mr. BAKER. Mr. President, not only has the chairman of the Foreign Relations Committee served us well in that State, but also, I do not know any other Member who travels as regularly to his own State and performs more constituent work, which all of us attempt to undertake, than does Senator PERCY, and I congratulate him for it.

I join the distinguished Senator from Illinois, the chairman of the Foreign Relations Committee, in expressing my high regard for the contribution made by Egypt in their willingness to undertake this risk for peace.

As he pointed out to me once in a conversation, Egypt not only took a great gamble in agreeing to the Camp David accords, but also, in a very real way, the late President Sadat sacrificed his life in the cause of peace.

I knew Sadat. I had the privilege of visiting with him on many occasions, and I believe history will record him as a noble figure, dedicated to peace.

The people of Egypt, I am sure, are proud of their contribution to this process and will not lose sight of the fact that it was a real risk for them, as it was for Israel; and they are entitled to the highest praise for their courageous stand and dedication, for their standing by the commitments that were made mutually by Egypt and Israel in the course of the Camp David accords.

Mr. METZENBAUM. Mr. President, as one of the cosponsors of this resolution, I commend my colleagues for their leadership in bringing this resolution to the floor of the Senate.

I join them in commending the late President Sadat and Prime Minister Begin of the State of Israel for the acts that made it possible for the event of yesterday to occur.

Israel's return of the Sinai to Egypt is indeed a very momentous occasion. And let us hope that it will provide a major step forward with respect to the process of peace.

Now that this great step has been taken, let us also hope that Egypt will not in any way turn back from its commitment toward the process of peace in the Middle East. From the comments that have been made heretofore by Mr. Mubarak, I think it is reasonable to assume that he will proceed along these lines. He seems to recognize, like President Sadat before him, that there has been enough tension and enough bloodshed in the Middle East.

I believe that one of the most significant aspects of yesterday's event has not really been discussed much in the press. The columnists haven't yet mentioned it, nor have those who are students of history. That very unique aspect of the return of Sinai is the fact that, this is one of the very few instances in history in which tremendous amounts of land were given back by a victorious nation—given back even after four wars that took the lives of many of Israel's dear sons and daughters.

I believe that the return of the Sinai to Egypt indicates beyond any doubt the firm commitment of the State of Israel toward peace.

Israel has been the target of criticism, and negative remarks by many in the media. But Israel has not been given the credit to which it is entitled for each of the substantial givebacks that have occurred in moving forward toward the process of peace in the Middle East.

How can anyone ever doubt Israel's sincerity? But each time Israel has given back some land, we hear that Israel has to give more. Israel is told to do this and then to do that as the price of peace.

Yet little is said publicly about the fact that the Saudi, to whom we sold the F-15's AWACS and Sidewinders, still do not speak with real strength and conviction about bringing about peace in the Middle East.

Almost immediately after the Senate had voted to confirm the sale of the AWACS and the Sidewinder—and when Mr. Haig, our Secretary of State, had publicly indicated that the AWACS and the Sidewinder would make it possible for the Saudis to defend themselves against Soviet aggression—Mr. Yamani, speaking for Saudi Arabia, said, "Oh, no; our real enemy and our first enemy in the Middle East is the State of Israel, not the Soviet Union."

Where are the words indicating a commitment to peace on the part of the other Arab nations? We who sold the AWACS and the Sidewinder cannot overlook the fact that the King of Saudi Arabia is the one who called last year for a jihad, a "holy war," against the State of Israel.

But, in spite of this talk of a holy war, in spite of the fact that day after day, week after week, month after month its sons and daughters are the victims of senseless acts of terror, Israel was determined to live up to its commitment to give back the Sinai. And anyone who is half a realist will recognize that the Sinai provided a tremendous barrier, a tremendous saftey cordon for the State of Israel.

Israel did this in spite of the fact that the Egyptian leadership since the death of President Sadat has made it clear that somehow it wishes to establish its former liaison with these other Arab nations who are so determined to destroy the State of Israel.

Permit me, Mr. President, to reemphasize the rarity of what Israel has done.

When did Great Britain ever give back any land as the price of peace? When did Germany? When did France? When did China? When did the Soviet Union? When did any Arab nation give back any land as the price of peace? But day after day, Israel is criticized in the press for being tough, for being bellicose, for being willing to stand up for its rights. And it is Israel that did what almost no other country has ever done before.

I think it is a momentous occasion. It is an occasion, one in which all of us look with a sense of pride for our Nation's involvement in moving forward toward the process of peace in the Middle East.

And once again, Mr. President, I hope that April 25, will be remembered as a day on which the process of peace moved decisively ahead.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. BOSCHWITZ. Mr. President, I am a cosponsor of this resolution. I ask unanimous consent that Senator BENNETT JOHNSTON of Louisiana also be joined as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOSCHWITZ. Mr. President, I wish to expand a little on the remarks of my colleague from Ohio, Senator METZENBAUM, about the uniqueness of what happened yesterday, the return

of territory by the Israelis to the Egyptians.

Mr. President, if you look at international law, international lines do change when an aggressor attacks and when his land is then overrun by that country that is attacked. It is a basic principle of international law that the aggressor must be penalized and rightfully so because if aggressors are not penalized and are allowed to gain fruit indeed from their aggression, then we will be subjected even more than we are today to aggression in various parts of the world. So, after wars, lines do change.

After the Second World War the Russians moved further west and now occupy that part that was called East Prussia. They now occupy the Baltic Port of Konigsberg which they now call Kaliningrad. They have never been there before in their history. Now it is Kaliningrad. Before it was Konigsberg.

The Poles are farther west than they have been for 800 years, and they are there as a matter of right just as the Russians are in Kaliningrad as a matter of right.

No one would dispute that under international law because it is a price that an aggressor pays for aggression, and it is common under international law that lines indeed do change. That is what makes this situation so unusual. The Israelis were indeed attacked as the Russians were by Hitler. The Israelis were strong enough to repel the aggressor. They repelled him and captured some land, and now they have returned it.

I asked my staff to look where in the annals of recent history this has happened before. It was pointed out by the Library of Congress that the United States returned Okinawa and the Ryukyu chain of islands in the Pacific after World War II and then Austria in the pre-Napoleonic era conquered what is now Belgium and returned that area or most of it to the Netherlands.

Here is an instance in which the victorious party was the target of aggression and returned land to the aggressor party. That is the instance that happened yesterday.

It is indeed a bright spot in a very troubled part of the world. It is indeed a courageous act on the part of the Israelis to give back strategic depth and to give back a large area of land that includes a great deal of economic resources, self-sufficiency in oil certainly, that they now must import. They cannot buy it from most of their neighbors and that they have to buy on the world market at considerable excess cost.

They are returning an area of land in which they built $17 billion worth of infrastructure. Israel, a country that has only an $18 billion or $19 billion gross national product spent that much on infrastructure in areas they are now returning.

So indeed, it is a great act of faith on the part of the Israelis, and it brings about, in my estimation, some obligations on some of its other neighbors.

It is a great act of faith, Mr. President, because of the size of Israel. The size of the State of Israel is approximately one-tenth the size of the State that I represent, Minnesota. I often tell my friends in Minnesota who talk to me about Israel that Israel in most of its populated area is narrower than the distance between downtown Minneapolis and downtown St. Paul; the Twin Cities that abut one against the other. The distance between downtown Minneapolis and downtown St. Paul is 10 or 12 miles. This is indeed wider than much of the heavily populated area of Israel—not the region of the Sinai just given up. It illustrates the lack of strategic depth that Israel has, the small size that Israel has as a country.

So I believe it raises some obligations on the neighbors of Israel to join in the peace process. Israel, by its action yesterday, has taken great risk in the peace process as did a great man, President Sadat of Egypt. The extent of the risks in his case were illustrated by the history of last August when that great man lost his life.

But it is my hope that this move by Israel will demonstrate to the world that indeed it intends to live in peace with its neighbors, that it trusts its neighbors, that it is willing to give up matters of such great necessity to its defense, its strategic depth, that it is willing to negotiate and, hopefully, that this will be a formidable forward step toward peace.

I agree with my colleague from Ohio that despite these steps that have been taken by the Israelis, more and more demands are being made of them. Some of those demands, I am sure, will be met. I know some of those demands are going to be negotiated. Everything is negotiable, the Prime Minister of Israel said in my presence not so long ago. So, hopefully, this great step forward toward peace will be complemented by other forward steps taken by Israel and its neighbors.

I thank the Chair.

Mr. EAGLETON. Mr. President, I am delighted to be a cosponsor with Senators BAKER and ROBERT C. BYRD of this resolution.

At times I have been critical of some of Prime Minister Begin's policies. Free as I am to criticize when I feel criticism is warranted, I must be equally free and forthcoming when praise is warranted.

Mr. President, it was an act of great statesmanship and great political courage when Prime Minister Begin fulfilled his Camp David pledge to return the Sinai. As we watched television and read the news accounts, we know there was vocal and strenuous opposition within Israel to the return of the Sinai.

Thus, in the words of the resolution, we praise Israel and Prime Minister Begin for their "courageous step to make a difficult and painful decision."

Mr. LEVIN. Mr. President, there was, in today's local paper, a juxtaposition of headlines on the front page which was truly startling. In a banner headline stretching across the entire page was this terse bulletin: "Britain: South Georgia Retaken." Then, in much smaller print and under the fold appeared the news that "Egypt Assumes Control in Sinai."

There is, I would suggest, a certain dichotomy between those stories which is instructive. It would appear that war is more newsworthy than peace; that aggression is more worthy of note than accommodation; that conflict is more interesting than compromise.

That may be an accurate representation of the pressures generated by journalistic headlines. But, certainly, in this body we ought to reflect on the sweeping nature of the recent return of the Sinai by Israel.

For Israel, this is the third exodus from the Sinai. The first took place when the people of Israel fled from the bondage of Egypt. The second, when the troops of Israel withdrew from the Sinai in 1956. And now this third exodus.

In each of these journeys, Israel was moved by a search for peace. And that search, in all cases, involved risk and sacrifice. In this case, the task is clear and the sacrifice is significant. But Israel proved willing to accept both in the hope that peace would be brought closer.

Victors do not normally leave the territory they have taken—especially when that territory has become home to thousands of its people, and when that territory contains significant natural resources, and when that territory bears signs of physical improvements paid for by that nation, and when that territory serves as a natural defensive barrier to possible aggression.

No, victorious nations do not normally do these things; but Israel has done them. The cost of Israeli action is not just financial, it is also psychological. We all witnessed the emotional scenes of settlers being dragged from their homes and land. We all sensed the concern that filled the Israeli people at the thought of giving up territory they had come to know and assets they had come to depend on. We all must feel some of their uncertainty and fear. And we must all admire the fact that, despite the internal opposition, the Government of

Israel honored its commitment and kept its word.

These actions reflect well on both Israel and Egypt. They also symbolize the impact that direct American involvement in the Middle East has had on the shape of that region—for without America's direct involvement at Camp David, there would have been no realistic process for peace in the area.

But our past activities do not reduce our obligation to pursue peace; in fact, they increase our responsibility. I fear that we have become too complacent about the relationship between Egypt and Israel, too sanguine about the inevitability of continued progress, too timid about protecting the process we initiated at Camp David.

Despite the wishes of some, there is no structure other then Camp David. Despite the hope of some, there is no alternative to Camp David. But without our continued involvement and attention, despite Camp David there will be no peace.

The remarkable transfer of the Sinai ought to tell us that there is no substitute for American diplomacy in the region. Our willingness to become deeply involved in the search for a diplomatic solution to the Falkland Islands conflict ought to tell us that there is no way for us to shirk our responsibilities as a great power. Now it is time to accept again that responsibility in the Middle East and build on the success it has brought. It is time for the President and for America to become again personally and directly involved in breathing new life into the Camp David peace process.

Mr. President, I began by noting the dichotomy between the headlines in the morning newspaper. Let me conclude by noting the juxtaposition in the symbolism of the calendar for this week. On Sunday, Israel returned the Sinai and on Wednesday, Israel will celebrate the 34th anniversary of its founding. Certainly, there is an interesting impact in the proximity of those dates. In my mind, it symbolizes Israeli willingness to reaffirm its founding principles—that a state, consistent with its historical heritage, should exist as a homeland for the Jewish people, and as a reminder to all people that struggle can end in triumph and that peace can be secured.

I thank the Chair.

The PRESIDING OFFICER (Mr. BOSCHWITZ). The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, first, I would like to express my appreciation to the distinguished Senator from Minnesota for assuming the chair to give me this opportunity to make a short statement on the pending resolution.

I am delighted to join as a cosponsor of this resolution, along with the distinguished majority leader, the Senator from Tennessee (Mr. BAKER) and the distinguished minority leader, the Senator from West Virginia (Mr. ROBERT C. BYRD). Through their original sponsorship of this resolution, leadership has been provided, as it should be on a matter of great importance.

Yesterday marked a historic day in international politics with the state of Israel's voluntary withdrawal from the Sinai, thereby fulfilling commitments under the Camp David accords.

There were many reasons for Israel to take another course. In international affairs, regrettably, the rule has been that nations look to virtually any excuse not to fulfill commitments which even conceivably may be contrary to their national welfare. In the days since the Camp David accord was reached, it would have been possible for Israel to point to many such events as excuses not to fulfill their commitment to withdraw from the Sinai.

It is to Israel's credit, everlasting historical credit, that it fulfilled its obligation and withdrew from the Sinai thereby surrendering this large territory's great strategic value in oil and as a buffer in defense.

It would be the hope of many that Israel's fulfillment of this critical aspect of the Camp David accords would be followed by similar actions by the other two signatory parties to the Camp David accords, the United States and Egypt, in carrying out that important document.

Many questions have been raised about the future conduct of Egypt and where President Mubarak will take that nation in search of greater acceptance in the Arab world. The Israeli withdrawal should spur the Egyptian nation to move with all possible resolve to preserve, protect, and maintain the peace in the Middle East.

When President Mubarak was asked to comment yesterday, he said the new direction must be on the issue of autonomy. But whatever discussions arise on that subject or others related to the Camp David accords, a very high premium must be placed on Israel's fulfillment of its commitment to withdraw from the Sinai. So, too, the United States should view Israel's fulfillment of its commitment as an act calling for the U.S. fulfillment of its own commitment to guarantee Israel's security in the Mideast.

History since 1948 has demonstrated that Israel is the only reliable ally of the United States in the Mideast, the only nation which shares a common democratic standard. In fulfilling the commitment to withdraw from the Sinai, Israel has again shown its value as an active partner of the United States and a worthy ally.

Israel's withdrawal from the Sinai should be a signal to other nations in the Mideast that now is the time to come forward and, in a spirit of peace and good will, endorse the principles of the Camp David accords.

The United States has gone far in seeking to encourage Saudi Arabia, for example, to come forward. One of the pillars of President Reagan's reasoning in the sale of the AWACS was to draw the Saudis into the Camp David peace process. Many of us voted against the AWACS sale, arguing that the Saudis should first demonstrate that support for U.S. foreign policy in the Mideast before the powerful AWACS should be sold.

There could be no better time than today for Saudi Arabia to show its good faith in the sale of the AWACS by the United States and to join the Camp David accords and the Mideast peace process.

So, too, should the other nations of the Arab world use this as an occasion for the recognition of the existence of the State of Israel and for a declaration of peace so that this historic event might be a building block for an enduring peace.

I again thank the distinguished Senator from Minnesota for assuming the chair to permit me to make these remarks. Mr. President, I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I join with my colleagues today in praising those who have made this great moment in history possible. While I have not heard all of the remarks, I would hope that others have referred to, of course, the leadership provided by President Sadat and that provided by President Carter. It was my privilege, at President Carter's invitation, to be among those many Members of the Congress who gathered on the lawn of the White House for the historic signing of the Camp David accords.

Mr. President, this agreement came about, as well as the sequential developments under it, as a consequence of the work of many people, not the least of which were a number of outstanding leaders in the United States of the Jewish community.

Mr. President, one of the most moving experiences of my lifetime was to visit Israel, and in particular to that historic monument called Masada. I do hope that what we have witnessed here over the weekend is another step in the direction toward peace in that part of the world so that that chapter in history involving Masada is never again repeated.

Mr. President, I ask unanimous consent that my name be added as a cosponsor of the resolution.

The PRESIDING OFFICER (Mr. SPECTER). Without objection, it is so ordered.

Mr. RIEGLE. Mr. President, in a dramatic demonstration of its desire

for lasting peace in the Middle East, Israel withdrew its remaining troops and settlers from the Sinai Peninsula yesterday and turned that area over to Egypt. The Sinai, an area more than three times the size of Israel itself, had been acquired in the 1967 war. Its cession marks perhaps the first time in modern history that a territory of its size has been peacefully relinquished after being taken in war. That Israel was willing to do so, in spite of the risks involved, is evidence of its commitment to the first phase of the Camp David Accords. The evacuation of the West Bank was a crucial first step. In the months ahead, Israel and the neighboring Arab States will be discussing the Golan Heights and the Palestinian question. Recent violence in southern Lebanon and the continuous activity of the PLO both within Israel's borders and abroad indicate that a final and peaceful solution to the Middle East crisis may prove painfully difficult to achieve. It is therefore all the more significant that at least the two most powerful nations in the region—Egypt and Israel—have established normal relations between them. It is my hope that the obvious benefits to Egypt—Israeli commercial relations and the blessing or reduced diplomatic tension will induce other area states, especially Jordan, to continue the Camp David process and to renounce war in favor of negotiation as the principal means of settling disputes.

Mr. PELL. Mr. President, I am pleased to join the majority and minority leaders and others of my colleagues in sponsoring the resolution commending the completion of the current phase of the Camp David agreement.

The Government and people of Israel are to be commended for their determination and resolve to take the risk for peace entailed in the return to Egypt on Sunday of the final portion of the Sinai.

I hope that their step will lead to a renewal of determination by the leadership and the people of Israel and Egypt to continue on the course to a "just comprehensive, and durable settlement of the Middle East conflict," as envisaged by Camp David.

My fellow Senators and I know that further progress will not be easy. There are doubts and suspicions on both sides as to the intentions and resolves. For Israel, particularly, there is concern as to whether the heavy price paid will lead to a peace which can yield the security so desperately desired.

For the return of the Sinai to make sense, Israel must, in the end, achieve a lasting security more viable than that which would have been possible had she refused to return the Sinai, with its valuable buffer room, precious oil, and major military installations.

We must all dedicate ourselves to insuring that the United States continues to support fully and actively the course toward peace. We want Israel to find that the price was worth paying and that efforts directed toward Palestinian autonomy will be in Israel's long-term interests. We want Egypt to understand that we expect to work with them also in bringing about a solid peace.

An important milestone has been passed on the path to peace. With the necessary resolve on all sides to the common goal, we must succeed.

Mr. WARNER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I know of no other speakers on this resolution. I ask that the Chair put the question.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 374) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 374

Whereas, on Sunday, the 25th of April, 1982, in accordance with the Treaty of Peace between the Arab Republic of Egypt and the State of Israel, Israel completed final withdrawal from the Sinai Peninsula; and

Whereas, this step represents the willingness of the Government and the people of Israel to make difficult and painful decisions and also to take risks for peace; and

Whereas, this step symbolizes the continuing and enduring commitment of Israel and Egypt to the process of achieving a comprehensive peace in the region envisioned in the Camp David accords;

Therefore be it resolved, that the Senate of the United States:

Commends the Government and the people of Israel for this historic and courageous step in the name of peace; and

Expresses confidence that Israel and Egypt will continue the process of normalization and realize fully the fruits of peaceful coexistence.

Mr BAKER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr GARN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VITIATION OF SPECIAL ORDERS FOR SENATOR ROBERT C. BYRD AND SENATOR STEVENS ON TOMORROW

Mr. BAKER. Mr. President, I understand that on tomorrow, there are special orders in favor of the distinguished Senator from West Virginia, the minority leader, and the distinguished Senator from Alaska, the assistant majority leader, and that they have no need for that time. I ask unanimous consent that the time allocated to the Senators be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS UNTIL 9:45 A.M. TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in recess until the hour of 9:45 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF TIME FOR ROUTINE MORNING BUSINESS UNTIL 4 P.M.

Mr. BAKER. Mr. President, I ask unanimous consent that the time for the transaction of routine morning business be extended until not later than 4 p.m. under the same terms and conditions.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

THE DEATH OF REPRESENTATIVE JOHN M. ASHBROOK, OF OHIO

Mr. METZENBAUM. Mr. President, I call up a resolution which is at the desk submitted by Mr. GLENN and myself, and ask unanimous consent that it be immediately considered.

The PRESIDING OFFICER. The resolution will be stated.

The legislative clerk read as follows:

S. RES. 375

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Honorable John M. Ashbrook, late a Representative from the State of Ohio.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the decreased.

Resolved, That when the Senate recesses today, it recess as a further mark of respect to the memory of the deceased Representative.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

Mr. METZENBAUM. Mr. President, I rise with deep sorrow and much feeling concerning the death of Congressman JOHN ASHBROOK.

JOHN ASHBROOK was very well known to me over a period of many years. He served in the Ohio Legislature and I knew him then. I knew him as a Congressperson here in Washington. I have difficulty in thinking of any single individual who was more true to his convictions and his concerns.

He was a conservative who believed very firmly in his principles and never attempted to gloss over them nor in any manner suggest a waiver with respect to those principles.

He truly was a very distinguished Congressperson and made a record for himself as being one of the Nation's most able spokespersons for conservatives in this country.

He and I were not in agreement often, but our relationship was always a good one. When we would see each other it would always be with warmth and with a jocular feeling. I remember him with much strong feeling.

This body, meaning the entire Congress, will be a lesser body for his absence.

It is a fact that he was a candidate to be nominated on the Republican Party ticket for the seat that I hold. I respected him in his efforts to gain that nomination and actually anticipated that he would be the nominee.

I believe that had such a campaign developed, it would have been a campaign of sincerity, of conviction, of concern; he on his part and hopefully, I on mine.

It was, therefore, a tremendous shock to me when this Saturday past, as I was about to address a meeting, I was notified of JOHN ASHBROOK'S untimely death. I cannot say to my colleagues, those who are within hearing of my voice, the blow that I personally felt and which I feel as of this moment. I feel for his wife, I feel for his childen, and I feel for the people of the State of Ohio. I feel for his congressional district constituents who had sent him back to this body, if my recollection serves me right, in 11 separate elections.

He was a man of integrity and he was a man who fought every inch of the way for what he believed in.

I wish to indicate my expression of sympathy to his family and the loss to the State of Ohio. Our Nation has lost a dedicated public servant. The State of Ohio has suffered a great loss of a very able and respected person. His family has suffered the greatest loss of all. And to the Ashbrook family I express my very deepest sympathy.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HAYAKAWA). Without objection, it is so ordered.

Mr. GLENN. Mr. President, it is with sincere and deep regret that I must rise today to make this statement.

Mr. President, one of the most eloquent and passionate voices in the Halls of Congress was silenced Saturday, when Representative JOHN M. ASHBROOK, of Ohio, died very suddenly and tragically at the age of 53.

Mr. ASHBROOK made legions of friends during 21 years in Congress, but political friends and political foes alike grew to know him as a hard-nosed fighter for the conservative principles of Government that he cherished; a man who did what he believed to be right, not what he believed to be just the politically popular thing of the moment.

In 1972, for example, some in his own party were upset when Mr. ASHBROOK challenged President Nixon, a fellow Republican, in Several Presidential primaries. Mr. ASHBROOK believed that the President had violated campaign promises on foreign policy by reestablishing diplomatic relations with the People's Republic of China. Mr. President, other more cautious politicians would have, perhaps, submerged their disapproval in a sea of rhetoric about the need for party unity, but not JOHN ASHBROOK. His was always the voice of passion. Principle came before party and before lesser reasons that might have swayed those of lesser principle.

Throughout his long political career, which began with election to the Ohio General Assembly in 1956, Mr. ASHBROOK was an activist for the conservative cause. Indicative of his leadership role, Mr. ASHBROOK helped form the American Conservative Union, still an important educational forum for the views in which he believed. He also served as president of the Young Republican Clubs.

Mr. President, on the House floor and in committee, Mr. ASHBROOK eagerly offered motions, asked questions, stated his positions, and introduced legislation with a zeal that quickly set him apart from other less committed and less dedicated Members. Not surprisingly, his ready participation in House activities converted Mr. ASHBROOK into a national spokesman as well as an Ohio Congressman, representing the 17th District.

He never took defeat lightly. Mr. ASHBROOK continually fought for and believed that his cause would ultimately triumph.

Mr. President, JOHN ASHBROOK was engaged in a political campaign when he died, a campaign for a seat in the U.S. Senate. We shall never know how Ohio voters would have responded to Mr. ASHBROOK'S inevitable call for a renewed commitment to the conservative principles he cherished, but we can be sure that he would have espoused those principles with the same unbridled enthusiasm, the same eloquence, and the same devotion that marked his tenure in the House.

Mr. President, I know that the people of Ohio, irrespective of political affiliation, join me in expressing their sorrow at Mr. ASHBROOK'S untimely passing.

His wife, Jean, and children can take comfort during this difficult time by reflecting on the fact that their husband and father, JOHN M. ASHBROOK, will long be remembered for his devotion to the State and the country he loved so dearly. Mr. President, I know it is difficult to send additional words of comfort or meaning at this particular time, but I hope the family will know that not only our sympathy but, more importantly, our prayers are with them in this time of their great bereavement.

Mr. MATSUNAGA. Mr. President, I join my colleagues in expressing my profound shock and sorrow upon the death of Congressman JOHN ASHBROOK of Ohio, and extending my deepest sympathy to his widow Jean, his two daughters, his sisters and brother, and the other members of his bereaved family.

JOHN and I served together for 14 years in the House and although we did not always agree, we became good friends. He was known as a man of the utmost integrity, a champion of individual freedom, an expert on education, and a Presidential candidate. He was expected to be this fall's Republican candidate for the Senate seat now held by Senator HOWARD METZENBAUM, when he succumbed to the rigors of the election campaign.

JOHN ASHBROOK will be sorely missed, both in Ohio and here in Washington. I know that I speak for all the people of Hawaii in extending heartfelt sympathy to his family.

Mr. President, if a similar request has not yet been made, I ask unanimous consent that an article written by Martin Weil which appeared in yesterday's issue of the Washington Post be inserted in the RECORD immediately following my statement.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

JOHN M. ASHBROOK DIES; 11-TERM GOP CONGRESSMAN FROM OHIO

(By Martin Weil)

John M. Ashbrook, an articulate Harvard-educated Republican congressman from Ohio, who championed conservative principles with a vigor and independence of spirit that led him to run against President Nixon for the GOP nomination in 1972, died yesterday of internal bleeding. He was 53.

Rep. Ashbrook, a congressman for 21 years, was a candidate for the Republican

nomination to oppose Sen. Howard Metzenbaum (D-Ohio) in this November's Senate election.

The 11-term representative, who was a lawyer, newspaper owner and the son of a former Democratic congressman, collapsed in Johnstown, Ohio, where he had a home and office. He was taken at 12:06 p.m. to Licking Memorial Hospital in Newark, Ohio, where he was pronounced dead 22 minutes later.

Preliminary autopsy results showed he died of "a massive gastro-intestinal bleed" that stemmed from inflammation of the lining of the stomach and small intestine.

Rep. Ashbrook, a founder and former chairman and director of the American Conservative Union, had collapsed March 17 in a restaurant in Mansfield, Ohio, and was examined by doctors there and in Cleveland. Aides said afterward that he was suffering from exhaustion brought on by the rigors of campaigning for the June 8 primary.

Describing himself as "shocked and grieved" by Rep. Ashbrook's death, Sen. Metzenbaum expressed his sympathy to the congressman's family.

The ranking Republican on the House Education and Labor Committee and a Reagan administration supporter in last year's budget battles, Rep. Ashbrook was praised by President Reagan in a statement yesterday as a man of courage and principle who "served his constituents and his country with dedication and devotion, always working toward the betterment of his fellow man.

"His patriotism and deep belief in the greatness of America never wavered and his articulate and passionate calls for a return to old-fashioned American values earned him the respect of all who knew him," the president said.

The decision made by Rep. Ashbrook in 1971, months before the Watergate break-in, to run against Nixon in the 1972 primaries, appeared to be the capstone of years of resolutely outspoken advocacy of conservative principles, often, as in the presidential challenge, with small hope of carrying the day.

Impatient with those conservatives who he said deferred to "bosses in a smoke-filled room" rather than to conscience, Rep. Ashbrook, owner of the Johnstown Independent and three other weekly newspapers, once said his greatest political asset "is that I'd rather be a printer.

"So," he added, "I don't have to worry that much about a political future and I don't have to trim."

His challenge to Nixon, he said, was intended not to wrest away the nomination, but instead to focus what he called conservative dissatisfaction with the Nixon administration's "leftward drift."

He denounced budget deficits, wage and price controls and rapprochement with China.

Although many prominent conservatives, including Sen. Barry Goldwater, opposed Rep. Ashbrook's candidacy, they did not deter him.

"I still believe it is in the best American tradition to speak out, even when it is in criticism of your party's actions," he said. "I have not and will not shirk from that role, regardless of the consequences."

After failing to get more than 10 percent of the vote in four early primaries while watching campaign contributions dwindle, Rep. Ashbrook, who had been a founder of the draft-Goldwater organization in 1963 and had supported Nixon at the 1968 convention, finally dropped from the 1972 race.

Known as one of the most ardent congressional advocates of states' rights, and of what he said was protection of individual freedom against government interference, Rep. Ashbrook criticized what he called "Gestapo-type" actions against gun collectors and dealers by the Federal Bureau of Alcohol, Tobacco and Firearms. He moved to curb the power of the Internal Revenue Service to determine whether private schools discriminated by race and should thus lose their tax exemptions.

He said in 1979 he wanted to return IRS to its role as a collection agency rather than an "instrument of social engineering."

He also sponsored a measure to forbid use of federal employees' health insurance to pay for most abortions.

Rep. Ashbrook was a son of the second marriage of William A. Ashbrook, who served in Congress from 1907 to 1921. The elder Ashbrook was elected again in 1934, when he was 67 years old and his son was 6.

After high school in Johnstown, Rep. Ashbrook served in the Navy as a storekeeper first class on Adm. Richard E. Byrd's final Antarctic expedition in 1946–47. He then enrolled at Harvard, where, he said, he "started out as a conservative, but my professors and what they taught me made me even more so."

Subsequently, he took a law degree from Ohio State University, entered local Republican politics and became chairman of the Young Republican National Federation. After two terms in the Ohio legislature, he defeated a Democratic incumbent to win his first race for Congress in 1960, on a platform of individual freedom.

His 1948 marriage to the former Joan Needles ended in divorce in 1971. He later married the former Jean Spencer. He was the father of three daughters, Barbara, Laura and Madeline. Also surviving are his mother Marie, sisters Lea and Lucy, and his brother William.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

If there is no further debate, the question is on agreeing to the resolution.

The resolution (S. Res. 375) was unanimously agreed to.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

RESCISSION AND DEFERRAL OF CERTAIN BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT RECEIVED DURING RECESS—PM 129

The Secretary of the Senate, on April 23, 1982, during the recess of the Senate received the following message from the President of the United States which, pursuant to the order of January 30, 1975, was referred jointly to the Committee on the Budget, the Committee on Appropriations, the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, the Committee on Agriculture, Nutrition, and Forestry, and the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report one revision to an existing rescission proposed reducing the amount proposed for rescission by $3.4 billion, three new deferrals of budget authority totaling $87.5 million, and two revisions to existing deferrals increasing the amount deferred by $1 million.

The revision to the rescission proposal affects subsidized housing programs in the Department of Housing and Urban Development.

The deferrals affect programs in the Departments of Agriculture, State, and Transportation.

The details of each rescission proposal and deferral are contained in the attached reports.

RONALD REAGAN.

THE WHITE HOUSE, *April 23, 1982.*

ANNUAL REPORT OF THE NATIONAL INSTITUTE OF BUILDING SCIENCES—MESSAGE FROM THE PRESIDENT—PM 130

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

In accordance with the requirements of Section 809 of the Housing and Community Development Act of 1974, I herewith transmit the Fifth Annual Report of the National Institute of Building Sciences.

RONALD REAGAN.

THE WHITE HOUSE, *April 26, 1982.*

ANNUAL REPORT ON THE OPERATION OF THE ALASKA RAILROAD—MESSAGE FROM THE PRESIDENT—PM 131

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

I transmit herewith the 1981 Annual Report on the operation of the Alaska Railroad, as required by the Alaska Railroad Enabling Act of March 12, 1914, as amended (43 U.S.C. 975(g)). This report covers the period from October 1, 1980, through September 30, 1981.

RONALD REAGAN.

THE WHITE HOUSE, *April 26, 1982.*

PRESIDENTIAL APPROVAL

A message from the President of the United States announced that on April 16, 1982, he had approved and signed the following joint resolution:

S.J. Res. 67. Joint resolution to establish National Nurse-Midwifery Week.

MESSAGE FROM THE HOUSE

At 12:43 p.m., a message from the House of Representatives, delivered by Mr. Gregory, one of its reading clerks, announced that the House has agreed to the following resolution:

H. Res. 436. A resolution relative to the death of the Honorable JOHN M. ASHBROOK, late a Representative from the State of Ohio.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3283. A communication from the Director of Congressional Relations, Consumer Product Safety Commission, transmitting, pursuant to law, the regulation of the Commission banning urea-formaldehyde foam insulation; to the Committee on Commerce, Science, and Transportation.

EC-3284. A communication from the Secretary of the Interstate Commerce Commission, transmitting, pursuant to law, notice that the Commission requires an extension of the statutory time for rendering a decision in "Investigation and Suspension No. 387842 Interchange Provisions at Jacksonville, Fla., SCL and SRS; to the Committee on Commerce, Science, and Transportation.

EC-3285. A communication from two employees of the Office of Policy, Planning, and Analysis, Department of Energy, transmitting, pursuant to law, a report entitled "The Nation's Electric Future: Perspectives on the Issue of Electricity Supply Sufficiency"; to the Committee on Energy and Natural Resources.

EC-3286. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual report of the Bonneville Power Administration for fiscal year 1981; to the Committee on Energy and Natural Resources.

EC-3287. A communication from the General Counsel of the Department of Energy, transmitting, pursuant to law, notice of a meeting related to the International Energy Program; to the Committee on Energy and Natural Resources.

EC-3288. A communication from the Chief of the Forest Service, Department of Agriculture, transmitting, pursuant to law, a copy of the Management Plan and Legal Discription and Maps for the Salmon Wild and Scenic River in Idaho; to the Committee on Energy and Natural Resources.

EC-3289. A communication from the Chairman of the National Research Council, transmitting, pursuant to law, a report entitled "Causes and Effects of Stratospheric Ozone Reduction: An Update"; to the Committee on Environment and Public Works.

EC-3290. A communication from the Inspector General of the Environmental Protection Agency transmitting, pursuant to law, the Interim Report of Audit of the Environmental Protection Agency's Portion of the Hazardous Substance Response Trust Fund; to the Committee on Environment and Public Works.

EC-3291. A communication from the Chairman and Board of Directors of the Tennessee Valley Authority transmitting, pursuant to law, the 48th annual report of TVA; to the Committee on Environment and Public Works.

EC-3292. A communication from the Secretary of Energy transmitting, pursuant to law, the third annual report on the Use of Alcohol in Fuels; to the Committee on Finance.

EC-3293. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Removing Tiering from the Revenue Sharing Formula would Eliminate Payment Inequities to Local Governments"; to the Committee on Finance

EC-3294. A communication from the Acting Secretary of the Treasury transmitting a draft of proposed legislation to provide for increased U.S. participation in the African Development Bank; to the Committee on Foreign Relations.

EC-3295. A communication from the Director of the International Communication Agency transmitting a draft of proposed legislation authorizing appropriations for the International Communications Agency; to the Committee on Foreign Relations.

EC-3296. A communication from the Secretary of Commerce transmitting, pursuant to law, a report on a violation of law involving an overobligation of an apportionment by the Census Bureau; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DOMENICI, from the Committee on the Budget, without amendment:

S. Res. 360. Resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 2248.

By Mr. THURMOND, from the Committee on the Judiciary, with an amendment:

S. 995. A bill to provide for contribution of damages attributable to an agreement by two or more persons to fix, maintain, or stabilize prices under section 4, 4A, or 4C of the Clayton Act (with additional views) (Rept. No. 97-359).

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation; with an amendment in the nature of a substitute and an amendment to the title:

S. 2158. A bill to amend title 23, United States Code, to authorize and direct the payment of an incentive grant for highway safety programs to any State in any fiscal year during which the statutes of the State include certain provisions relating to driving while intoxicated; to establish a national driver register; and for other purposes (with additional views) (Rept. No. 97-360).

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 2252. A bill to authorize appropriations for the Coast Guard for fiscal years 1983 and 1984, and for other purposes (Rept. No. 97-361).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation:

Capt. Douglas W. Fredericks, a captain of the Coast Guard Reserve to be a permanent commissioned officer in the Coast Guard Reserve in the grade of rear admiral.

Charles Luna, of Texas, to be a member of the Board of Directors of the National Railroad Passenger Corporation for a term of 4 years;

Robert D. Orr, of Indiana, to be a member of the Board of Directors of the National Railroad Passenger Corporation for a term of 4 years;

Ross E. Rowland, Jr., of New Jersey, to be a member of the Board of Directors of the National Railroad Passenger Corporation for a term of 4 years.

(The above nominations were reported from the Committee on Commerce, Science, and Transportation with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. PACKWOOD. Mr. President, as in executive session, I also report favorably a nomination list in the Coast Guard which appeared in the CONGRESSIONAL RECORD of March 31, 1982, and, to save the expense of printing them on the Executive Calendar, ask that these nominations lie on the Secretary's desk for the information of Senators.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. THURMOND:

S. 2434. A bill to designate the Lowndesville Recreation Area located within the Richard B. Russell Dam and Lake project, South Carolina and Georgia, as the "Jim

Rampey Recreation Area"; to the Committee on Environment and Public Works.

By Mr. FORD:

S. 2435. A bill for the relief of the estate of Robert Haufler; to the Committee on Veterans Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BAKER (for himself, Mr. ROBERT C. BYRD, Mr. EAGLETON, Mr. CHAFEE, Mr. METZENBAUM, Mr. PERCY, Mr. PELL, Mr. HUDDLESTON, Mr. MATSUNAGA, Mr. BENTSEN, Mr. BIDEN, Mr. BOSCHWITZ, Mr. BRADLEY, Mr. BURDICK, Mr. CANNON, Mr. DODD, Mr. FORD, Mr. GARN, Mr. GLENN, Mr. GORTON, Mr. HOLLINGS, Mr. JOHNSTON, Mr. KASTEN, Mr. LEVIN, Mr. MITCHELL, Mr. MOYNIHAN, Mr. RANDOLPH, Mr. RIEGLE, Mr. SASSER, Mr. SPECTER, Mr. STENNIS, Mr. TSONGAS, Mr. WALLOP, Mr. ZORINSKY, Mr. RUDMAN, Mr. EXON, and Mr. LEAHY):

S. Res. 374. Resolution commending the completion of the current phase of the Camp David Agreement; considered and agreed to.

By Mr. GLENN (for himself and Mr. METZENBAUM):

S. Res. 375. Resolution relative to the death of Representative JOHN M. ASHBROOK, of the State of Ohio; considered and agreed to.

By Mr. SPECTER:

S. Res. 376. Resolution to preclude telephone rate increases as a result of the break-up of A.T. & T.; to the Committee on the Judiciary.

By Mr. BAUCUS (for himself, Mr. STEVENS and Mr. ZORINSKY):

S. Con. Res. 83. Concurrent resolution relating to the patriation of the Canadian constitution; considered and agreed to.

STATEMENT ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THURMOND:

S. 2434. A bill to designate the Lowndesville Recreation Area located within the Richard B. Russell Dam and Lake project, South Carolina and Georgia, as the "Jim Rampey Recreation Area;" to the Committee on Environment and Public Works.

JIM RAMPEY RECREATION AREA

Mr. THURMOND. Mr. President, today I am introducing legislation which will rename the Lowndesville Recreation Area within the Richard B. Russell Dam and Lake project the "Jim Rampey Recreation Area," in honor of the former owner of the land upon which this park is to be situated.

The Richard B. Russell Dam and Lake project is one of a series of three hydroelectric generating stations on the Savannah River, which forms the boundary between South Carolina and Georgia. The master plan for this project designated the recreation area to which this legislation is addressed as "Lowndesville," even though this area never was encompassed within the limits of the Township of Lowndesville. Mr. Jim Rampey, who is now deceased, formerly owned and farmed this land, and his family requested that the name of the recreation area be changed to reflect this fact. I am informed by the U.S. Army Corps of Engineers, which has jurisdiction on the project, that specific congressional approval is required to make this change.

The Richard B. Russell Dam and Lake project is an undertaking of impressive proportions, which will contribute greatly to the productivity and prosperity of our Nation. We should not lose sight, however, of the smaller, but no less significant, contributions of the generations of small farmers who previously made this land productive. This legislation would recognize the particular contribution made by Mr. Rampey during his lifetime, and it has the endorsements of the South Carolina Department of Parks, Recreation and Tourism, the Clarks Hill-Russell Development Authority, the Abbeville County Council, the Lowndesville Town Council and State Representative Michael S. Gulledge of Abbeville County.

Mr. President, I believe this is an appropriate and fitting action for this body to take, and I ask unanimous consent that this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2434

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Lowndesville Recreation Area, located within the Richard B. Russell Dam and Lake project, South Carolina and Georgia, shall hereafter be known and designated as the "Jim Rampey Recreation Area." Any reference in any law, map, regulation, document, record, or other paper of the United States to such recreation area shall be deemed to be a reference to such area as the "Jim Rampey Recreation Area."

By Mr. FORD:

S. 2435. A bill for the relief of the estate of Robert Haufler; to the Committee on Veterans' Affairs.

RELIEF OF THE ESTATE OF ROBERT HAUFLER

Mr. FORD. Mr. President, the legislation I am introducing today, a private relief bill for the estate of Robert Haufler, speaks for itself.

Although eligible for medical treatment by the Veterans' Administration when he suffered severe head and brain injuries in an automobile accident last December, Robert Haufler was refused admittance to the VA hospital in Lexington, Ky., on the grounds that no intensive care unit bed or neurosurgeon was available for his care. This occurred despite the fact that the ambulance carrying Mr. Haufler had received prior clearance from the VA to take him to its facility. It was necessary to reroute the ambulance to the University of Kentucky Medical Center where Mr. Haufler was treated for 10 days. Two days before Mr. Haufler died, the VA hospital agreed to take him and did so.

The University of Kentucky has sent Mrs. Haufler a substantial bill for her husband's treatment which the Veterans' Administration refuses to cover for a reason I simply cannot comprehend—that Mr. Haufler was not transferred from a VA facility to the non-VA facility that cared for him. Given the fact that the VA first told the ambulance that it would accept Mr. Haufler and then suddenly denied him admittance, given the fact that the VA hospital could easily have accepted Mr. Haufler and transferred him to University Hospital—there is a corridor that physically connects the two facilities, and given the fact that Mr. Haufler died in the VA hospital, I find the position of the Veterans' Administration to be absolutely illogical and totally unacceptable.

Mr. President, I sincerely hope that the Veterans' Affairs Committee will closely study the disgraceful way in which this case was handled and will agree with me that restitution should be made.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2435

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of Veterans' Affairs is authorized and directed to pay, out of any money available for the payment of compensation and allowances to veterans, to University Hospital, Albert B. Chandler Medical Center, Lexington, Kentucky, the sum of $14,308.22, to reimburse said institution for hospital and medical expenses incurred by Robert Haufler from December 7, 1981, through December 17, 1981, for the treatment of severe head and brain injuries, the said Robert Haufler having been eligible for medical treatment and hospital care at Veterans' Administration facilities but having been refused admittance to the Veterans' Administration Hospital at Lexington, Kentucky, on December 7, 1981, by the triage nurse, on the grounds that no bed or neurosurgeon was available, even though the ambulance had earlier been given clearance to transport Robert Haufler to the Veterans' Administration Hospital.

ADDITIONAL COSPONSORS

S. 1215

At the request of Mr. PROXMIRE, the Senator from Montana (Mr. MELCHER), the Senator from Oklahoma (Mr. BOREN), and the Senator from South Dakota (Mr. PRESSLER) were added as cosponsors of S. 1215, a bill to clarify the circumstances under which territorial provisions in licenses to distribute

and sell trademarked malt beverage products are lawful under the antitrust laws.

S. 1688

At the request of Mr. SPECTER, the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 1688, a bill to combat violent and major crime by establishing a Federal offense for continuing a career of robberies or burglaries while armed and providing a mandatory sentence of life imprisonment.

S. 1698

At the request of Mr. DENTON, the Senator from Florida (Mrs. HAWKINS) was added as a cosponsor of S. 1698, a bill to amend the Immigration and Nationality Act to provide preferential treatment in the admission of certain children of U.S. Armed Forces personnel.

S. 1701

At the request of Mrs. HAWKINS, the Senator from Illinois (Mr. DIXON), and the Senator from New Jersey (Mr. BRADLEY) were added as cosponsors of S. 1701, a bill to amend title 28, United States Code, to authorize the Attorney General to acquire and exchange information to assist Federal, State, and local officials in the identification of certain deceased individuals and in the location of missing children and other specified individuals.

S. 2107

At the request of Mr. LEVIN, the Senator from Delaware (Mr. BIDEN), and the Senator from New Jersey (Mr. BRADLEY) were added as cosponsors of S. 2107, a bill to extend from May 1982 to October 1982 the month before which children not otherwise entitled to child's insurance benefits under title II of the Social Security Act by reason of the amendments made by section 2210 of the Omnibus Budget Reconciliation Act of 1981 must attend postsecondary schools in order to qualify under subsection (c) of such section for entitlement to such benefits, to extend from August 1985 to August 1986 the month before which any such entitlement terminates, and to require the Secretary of Health and Human Services to notify all individuals who are entitled to child's benefits under title II of the Social Security Act for the month in which this act is enacted of the changes made in the eligibility for, and the amount of, such benefits by reason of the provisions of section 2210 of the Omnibus Budget Reconciliation Act of 1981 and the provisions of this act.

S. 2190

At the request of Mr. SPECTER, the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 2190, a bill to authorize each head of a department or agency of the United States to establish a program to use the services of volunteers within his department or agency.

S. 2300

At the request of Mr. FORD, the Senator from Maryland (Mr. SARBANES), and the Senator from West Virginia (Mr. RANDOLPH) were added as cosponsors of S. 2300, a bill to establish domestic content requirements for motor vehicles sold in the United States, and for other purposes.

S. 2366

At the request of Mr. DOLE, the Senator from Arkansas (Mr. PRYOR), the Senator from Colorado (Mr. ARMSTRONG), the Senator from New Mexico (Mr. SCHMITT), and the Senator from Pennsylvania (Mr. HEINZ) were added as cosponsors of S. 2366, a bill to set aside certain surplus vessels for use in the provision of health and other humanitarian services to developing countries.

S.2372

At the request of Mr. CHAFEE (for Mr. HATFIELD), the Senator from Utah (Mr. GARN), the Senator from Wisconsin (Mr. PROXMIRE), and the Senator from South Dakota (Mr. ABDNOR) were added as cosponsors of S. 2372, a bill to affirm the intrinsic value of all human life, to recognize the humanity of unborn children, and to insure that the Federal Government not participate in or support abortions.

SENATE JOINT RESOLUTION 110

At the request of Mr. HATCH, the Senator from New Mexico (Mr. DOMENICI) was withdrawn as a cosponsor of Senate Joint Resolution 110, a joint resolution to amend the Constitution to establish legislative authority in Congress and the States with respect to abortion.

SENATE JOINT RESOLUTION 183

At the request of Mr. SPECTER, the Senator from Kentucky (Mr. FORD) was added as a cosponsor of Senate Joint Resolution 183, a joint resolution to authorize and request the President to issue a proclamation designating October 19 through October 25, 1982, as "Lupus Awareness Week."

SENATE JOINT RESOLUTION 185

At the request of Mr. DOLE, the Senator from Oklahoma (Mr. NICKLES), the Senator from Nebraska (Mr. ZORINSKY), the Senator from Washington (Mr. GORTON), and the Senator from Montana (Mr. MELCHER) were added as cosponsors of Senate Joint Resolution 185, a joint resolution to establish a national policy on exports of U.S.-produced food and food products.

SENATE CONCURRENT RESOLUTION 75

At the request of Mr. PRESSLER, the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of Senate Concurrent Resolution 75, a concurrent resolution to preserve fiscal year 1980 impact funding levels, with adjustments for inflation.

SENATE CONCURRENT RESOLUTION 82

At the request of Mrs. HAWKINS, the Senator from New York (Mr. D'AMATO), the Senator from Michigan (Mr. LEVIN), the Senator from New York (Mr. MOYNIHAN), the Senator from Texas (Mr. BENTSEN), the Senator from Nebraska (Mr. ZORINSKY), the Senator from Rhode Island (Mr. PELL), the Senator from Illinois (Mr. DIXON), the Senator from Mississippi (Mr. COCHRAN), the Senator from Idaho (Mr. SYMMS), and the Senator from Utah (Mr. GARN) were added as cosponsors of Senate Concurrent Resolution 82, a concurrent resolution expressing the sense of the Congress that the people of the United States should observe the month of May 1982 as Older Americans Month.

SENATE RESOLUTION 367

At the request of Mrs. HAWKINS, the Senator from Michigan (Mr. LEVIN), the Senator from New York (Mr. D'AMATO), the Senator from Florida (Mr. CHILES), the Senator from Georgia (Mr. MATTINGLY), the Senator from Maine (Mr. COHEN), the Senator from Delaware (Mr. ROTH), the Senator from Rhode Island (Mr. CHAFEE), the Senator from Illinois (Mr. DIXON), and the Senator from Wisconsin (Mr. PROXMIRE) were added as cosponsors of Senate Resolution 367, a resolution expressing the sense of the Senate with respect to recognition of the Red Shield of David of the Magen David Adom by the International Committee on the Red Cross.

SENATE RESOLUTION 369

At the request of Mr. MITCHELL, the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of Senate Resolution 369, a resolution opposing the imposition of import fees on the importation of any crude oil or refined petroleum products.

AMENDMENT NO. 1371

At the request of Mr. CANNON, the Senator from Utah (Mr. GARN), the Senator from Mississippi (Mr. COCHRAN), and the Senator from Nevada (Mr. LAXALT) were added as cosponsors of amendment No. 1371 intended to be proposed to S. 1662, a bill to establish a limited program for Federal storage of spent fuel from civilian nuclear powerplants, to set forth a Federal policy, initiate a program, and establish a national schedule for the disposal of nuclear waste from civilian activities, and for other purposes.

AMENDMENTS SUBMITTED FOR PRINTING

DEPARTMENT OF DEFENSE AUTHORIZATION, 1983

AMENDMENT NO. 1386

(Ordered to be printed and to lie on the table.)

Mr. NUNN (for himself and Mr. WARNER) submitted an amendment intended to be proposed by them to the bill (S. 2248) to authorize appropriations for fiscal year 1983 for procure-

ment, for research, development, test, and evaluation, and for operation and maintenance for the Armed Forces, to prescribe personnel strengths for the Armed Forces and for civilian personnel of the Department of Defense, and for other purposes.

(The remarks of Mr. NUNN and Mr. WARNER on this amendment appear earlier in today's RECORD.)

FOREIGN MISSIONS ACT

AMENDMENT NOS. 1387 AND 1388

(Ordered to be printed and to lie on the table.)

Mr. PERCY submitted two amendments intended to be proposed by him to the bill (S. 854) to promote the orderly conduct of international relations by facilitating the operation of foreign missions in the United States, thereby promoting the secure and efficient operation of U.S. missions abroad.

AMENDMENT NO. 1389

(Ordered to be printed and to lie on the table.)

Mr. DURENBERGER submitted an amendment intended to be proposed by him to the bill S. 854, supra.

AUTHORITY OF STATE AND LOCAL GOVERNMENTS WITH RESPECT TO LOCATION

● Mr. DURENBERGER. Mr. President, I submit the following amendment to S. 854, The Foreign Missions Act, for printing, and ask unanimous consent that the amendment be printed in full in the RECORD.

AMENDMENT NO. 1389

On page 21 strike lines 7 through 11 and insert in lieu thereof the following;

"SEC. 207. Nowithstanding any other provision of law, no act of any Federal agency or of any State or municipal governmental authority shall be effective to confer any benefits with respect to any foreign mission contrary to this title. Nothing in sections 202, 203, 204 or 205 may be construed to preempt any State or municipal governmental authority regarding zoning and land use, health, safety and welfare, except that a denial by the Secretary involving the siting of foreign missions within the jurisdiction of a particular State or local government shall be controlling."●

NOTICES OF HEARINGS

SUBCOMMITTEE ON INTERGOVERNMENTAL RELATIONS

● Mr. DURENBERGER. Mr. President, I would like to announce that the Subcommittee on Intergovernmental Relations of the Governmental Affairs Committee has scheduled an oversight hearing to take testimony on the President's New Federalism initiatives and related issues.

The hearing will be held at the Great Hall, Coffman Memorial Union of the University of Minnesota at Minneapolis, starting at 9:30 a.m. It will adjourn at 12 noon to reconvene at 2 p.m. Those wishing to submit written statements to be included in the printed record of the hearing should send five copies to Ruth M. Doerflein, clerk, Subcommittee on Intergovernmental Relations, room 507, Carroll Arms Building, Washington, D.C. 20510.

For further information on the hearing, you may contact Jimmie Powell of the subcommittee staff on 224-4718.●

SUBCOMMITTEE ON FOREIGN AGRICULTURAL POLICY

Mr. BOSCHWITZ. Mr. President, as chairman of the Subcommittee on Foreign Agricultural Policy, I wish to announce that a hearing has been scheduled on S. 2351 on Friday, April 30, beginning at 10 a.m. in room 324, Russell Senate Office Building.

S. 2351 would authorize the Secretary of Agriculture to administer a program resulting in the implementation of the Agreement on the International Carriage of Perishable Foodstuffs and on the special equipment used for such carriage. This bill would allow the United States to become a participant in the agreement and would thereby eliminate transportation delays that American equipment has been subjected to by nations having slight variances in their container standards.

The subcommittee has invited representatives of the administration and the industry to testify.

Anyone wishing further information should contact the Agriculture Committee staff at 224-2035.

SUBCOMMITTEE ON ENERGY REGULATION

Mr. HUMPHREY. Mr. President, I would like to announce for the information of the Senate and the public that the subcommittee hearing scheduled for Friday, April 30 at 10 a.m. regarding programs under the Office of the Federal Inspector for the Alaska Natural Gas Transportation System, the Economic Regulatory Administration, and the Federal Energy Regulatory Commission has been postponed and will be rescheduled at a later date.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HELMS. Mr. President, S. 2227, the International Security and Development Act of 1982, which has been referred to the Committee on Foreign Relations contains a provision which would make the People's Republic of China eligible to participate in the Food for Peace Program, commonly referred to as the Public Law 480 program. Since the Senate Agriculture Committee has sole jurisdiction over this program, I have scheduled a full committee hearing on this particular provision on Monday, May 3, at 10 a.m. in room 324, Russell Senate Office Building.

Anyone wishing further information should contact the Agriculture Committee staff at 224-2035.

ADDITIONAL STATEMENTS

NUCLEAR WASTE DISPOSAL

● Mr. LAXALT. Mr. President, when the Senate begins consideration of the Nuclear Waste Disposal Act, S. 1662, this week, I intend to cosponsor the amendment (No. 1371) which my distinguished senior colleague, Senator CANNON, has offered to that bill.

Senator CANNON's amendment provides the Governor of an affected State or a tribal representative of an affected Indian tribe a "veto" over the siting of a nuclear waste disposal facility. This veto would stand unless overruled by both Houses of the Congress within 75 days.

Mr. President, the siting of high-level nuclear waste repositories is a highly emotional issue particularly to those who may be forced to play host to such a facility. It is absolutely critical that such States be permitted to fully participate in a decision of such magnitude and object in a meaningful manner. To me this strikes to the very heart of our concept of federalism.

I recently received a mailgram from the Governors of four States which are targets for nuclear waste disposal sites that I believe quite clearly spells out the feelings that they have on the subject. I ask that the mailgram be printed in the RECORD.

Mr. President, as a former Governor, I sympathize with these gentlemen and I am, therefore, proud to cosponsor Senator CANNON's amendment.

The mailgram follows:

[Mailgram]

CARSON CITY, NEV.,
April 16, 1982.

Hon. PAUL LAXALT,
Senate Office Building,
Washington D.C.

DEAR SENATOR LAXALT: As you are aware, our States are certainly under consideration for the siting of a high level nuclear waste repository. While we have a number of additional, individual concerns, we feel the following amendments will provide assurance that the site selection process will be undertaken in full cooperation with potentially impact States and with full consideration of appropriate siting criteria.

First, similar language incorporated in the companion legislation of the House of Representatives Interior and Insular Affairs Committee allowing a State to disapprove of a site with a requirement of a two-House override is essential. Under S. 1662, State disapproval has no effect unless one House of Congress passes a resolution disapproving the site. Under such a provision the decision to override State objection may be made by the executive branch and sustained through the inaction of Congress. We believe it is extremely important that the Nuclear Waste Policy Act require action on both Houses to override State disapproval. The burden of proof should rest with the U.S. Department of Energy to sustain such an override. Requiring Western States with numerically small delegations to provide the burden of proof is an overwhelming and unfair task.

Second, we urge your support for an amendment which should leave intact the existing process for environmental review under the National Environmental Policy Act (NEPA). The creation of special exemptions will do little to expedite the construction of a repository which cannot in any case be in operation much before the turn of the century. Exemption from the review requirements feeds the suspicion that the project cannot bear upon examinination.

We believe that the inclusion of this provision in S. 1662 will result in a nuclear waste repository siting policy and framework which will meet the needs of both the Nation and potentially impact States.

BRUCE KING,
Governor of New Mexico.
ROBERT LIST,
Governor of Nevada.
SCOTT M. MATHESON,
Governor of Utah.
JOHN SPELLMAN,
Governor of Washington.●

PARENTAL CONSENT

● Mr. GARN. Mr. President, the Department of Health and Human Services has proposed some new regulations for the operation of federally funded family planning clinics. These regulations are long overdue. In a word, they attempt to restore the principle that parents are responsible for their children, and should be informed when taxpayer-paid officials provide prescription drugs and devices to them.

A regulation of that kind seems perfectly sensible. In fact, I have found that most people think that is the way things are done. It comes as a great surprise, and a shock, to them to find out that their 13-year-old daughter may be receiving birth control pills, or may have been fitted with an intrauterine device, without their being told. They are, quite properly, outraged.

The family planning lobby is up in arms about this proposed regulation. They see it as infringing on their professional responsibility. They do not, apparently, set too much stock in parental responsibilities. I have even heard some of them assert that a regulation of this kind is a violation of parents' rights. "What about the parents' right not to be informed when their daughter is on birth control pills?" they ask.

There is a simple answer to that, of course. They can make over responsibility for their minor children to Planned Parenthood, and let the rest of us manage our own affairs. Of course, Planned Parenthood would not accept legal responsibility for children. They want to see these kids on a risk-free basis. They are saying, in effect, let us counsel your children, provide drugs and devices to them that are too dangerous to be distributed without a doctor's prescription, but if there are complications, back they go to the family. Let the fathers and mothers clean up afterwards.

Mr. President, a former staff member of mine has written a very perceptive column on this subject, which appeared in a recent issue of the Deseret News, published in Salt Lake City. I ask that Mr. Oliphant's column be printed in the RECORD.

The column follows:

[From the Deseret News, Mar. 24, 1982]

MOM AND DAD IN THE DARK

(By Lincoln C. Oliphant)

Keeping moms and dads in the dark has been the policy of the federal government for the past decade. The Department of Health and Human Services now proposes to end this calculated policy of ignorance.

Currently, federally funded family planning centers can hand out prescription contraceptives to unemancipated minors without the knowledge of the minor's parents. D.H.H.S. has proposed a regulation that would require federally funded centers to notify parents when their unemancipated children are given prescription contraceptives (with some exceptions). The Department says that minors "will generally benefit from . . . parent's mature judgment on their behalf . . . particularly where prescription drugs or prescription devices are being considered."

The country's most influential medical groups oppose the proposed regulation, as do the full-time family planners. Dr. George Ryan, President of the American College of Obstetricians and Gynecologists, says the proposed regulations cannot be justified by health considerations. The proposal is, he says, just "telling on the kids" and "a smokescreen for imposing certain moral attitudes on all."

Dr. Ryan hopes to keep the present policy so that family planning agents can continue giving children prescription contraceptives without informing the parents. The service is free of course, except to the taxpaying parents. For their tax dollars, parents get the dubious privilege of having strangers secretly give prescription drugs and medical devices to their children. Inexplicably, some moralists are unable to discern any hint of coercion in present practices. Only when parents are told what is being done with their children and their taxes is it said that moral values are being imposed.

Prescription contraceptives are relatively safe. Therefore (the argument goes), parents need not be informed when prescriptions are given to their children. But this is a limp argument, for parents have a right and a duty to know what their children are doing even if the activity is relatively safe, and the right and responsibility are especially compelling when the health and well-being of their children are at stake. Though relatively safe, prescription contraceptives are not risk free. In weighing benefits against even relatively low medical risks, minors need the help of their parents because the risks are not insignificant.

In just the past 12 months, the nation's two leading medical journals have reported three warnings about the use of contraceptives:

In the Spring of 1981 the Journal of the American Medical Association reported that women using a prescription spermicide who became pregnant gave birth to seriously defective children at twice the normal rate. The birth defects included Down's syndrome and limb reduction malformation.

In the Summer of 1981 the New England Journal of Medicine reported that women who had used birth control pills faced an increased risk of heart attack even after use of the pills had stopped. For example, women between ages 40 and 50 who had used the pill for at least 10 years faced a risk of heart attack two to three times greater than other women.

Last month, the A.M.A. Journal reported that users of the intrauterine device were more likely than nonusers to contract a disease which can affect the uterus and mucous membranes. While uncommon, the disease can cause pelvic pain, high fever, and in rare cases, death.

Doctors work with disease (and in this century have made some remarkable progress), but I doubt they work better with children than do cab drivers and school teachers and other regular folks. No parent should forfeit to some faceless physician the care and guidance of his children. Here, as elsewhere, parents must be skeptical of "experts" who profess to know what is best for the children. "When the rhetoric of children's rights means transferring children from the charge of families to the charge of coteries of experts . . .," two scholars have written, "that rhetoric must be suspected of cloaking vested interests—ideological interests, to be sure, but, also and more crudely, interests in jobs, money and power."

Some of the medical associations which are opposing the contraceptive rule also opposed a Utah law requiring parental notification of a minor's abortion. In their brief to the U.S. Supreme Court, the American Public Health Association and the American Academy of Child Psychiatry recognized that a minor considering an abortion should receive counseling, but not from her parents, from "experts." These associations of "experts" recommended that the state take the parents' money, hire "experts," and let the "experts" sit in abortion clinics and give advice. Under this scheme, informing the parents would be optional. I much prefer the scheme in which informing the parents is mandatory and informing the "experts" is optional.

When prescribing contraceptives to minors, physicians may think they are dispensing only medicine. But they dispense morals, as well. When a physician says to a child, "Here are your pills—you need not tell your parents," he is giving medical advice (which he is qualified to give) and moral guidance (where his qualifications are doubtable). No medical school in the country can teach a doctor how to render such a sentence in morally neutral terms. The sentence is saturated with moral judgments: "If it feels good, do it." "Don't get caught and don't tell your parents." "Take this drug. It will help your problems go away." The kids may thrill to hear advice which reinforces their already feverish inclinations, but millions of parents do not want strangers with stethoscopes transmitting these kinds of moral values to their children. And only unflappable arrogance would allow someone to think that he can give adequate moral advice (and better advice than the parent or guardian could give) after knowing a child for all of a 15 minute physical examination.

We live in an age of "sunshine laws," "full disclosure," the "public's right to know," and a "marketplace of ideas," yet we keep mom and dad in the dark. A decade in the dark is long enough.

AS THE TAXPAYER GETS POORER

● Mr. SYMMS. Mr. President, the following is an article written by Milton Friedman in response to Newsweek's recent cover story "Reagan's America: And the Poor Get Poorer."

I think it would have been more accurate if Newsweek had written an article entitled "As the Taxpayer Gets Poorer," since the American taxpayer has not really received a tax cut this year—the taxpayer only received a reduction in the increase he would have felt as a result of taxflation.

For years, the Congress has wrung its hands over the plight of the poor, at the expense of the taxpayer. In the process of wringing its hands, the Congress also wrung productivity, growth, upward mobility, opportunity, and every other characteristic of a free enterprise system out of the system.

Finally, we have a President in office who is looking after the nouveau pauvre sector of the economy—the overworked and overburdened taxpayer—the individuals that have been and are being driven into poverty because of the bill that the Congress presented to them for all of their hand-wringing efforts in behalf of the nonproductive members of our society.

The article follows:

NEWSWEEK ON POVERTY
(By Milton Friedman)

During sixteen years of fruitful association with Newsweek, only one other story has disturbed me as much as Newsweek's cover story "Reagan's America: And the Poor Get Poorer" (April 5). The story gives a most misleading impression of the source and extent of poverty, and of the likely effects of the tax and budget measures enacted in 1981.

Item: "The needy have borne the brunt of Reagan's budget cuts: fully 60 percent of the estimated $11.3 billion trimmed from growth in Federal entitlement programs last year came from programs for Americans officially certified as poor."

This assessment takes the announced aim of a program for its actual effect. Much money spent on such programs never trickles down to the poor. It is diverted on its way into the pockets of the well-paid civil servants who administer the programs, the well-paid consultants who study the programs and the private enterprises that take advantage of them. This poverty industry, not the poor, has lobbied most effectively on behalf of these programs.

Obvious examples include two programs that Newsweek discusses explicity: job-training programs, which have provided lucrative contracts for private groups that run them but have had little success in enabling the truly disadvantaged to obtain jobs; and housing subsidies, which have conferred large benefits on owners of property purchased for Federal housing projects and on the contractors who have built the prkjects, in the process destroying as majy or more dwelling units than they have built.

Indeed, three pages later Newsweek notes "by some estimates, for every dollar spent on the war on poverty today, only 10 cents ever directly reaches the poor."

If all the money spent on programs advertised as helping the poor actually went to "Americans officially certified as poor," they would be among the well-to-do.

These defects, already evident twenty years ago, led me to propose that we replace the "host of special measures now in effect" by "a negative income tax . . . directed specifically at the problem of poverty" and that "gives help in the form most useful to the individual, namely, cash." I calculated then that "a program which supplemented the incomes of the 20 percent of the consumer units with the lowest incomes so as to raise them to lowest income of the rest would cost less than of what" we spent in 1961 on measures directed at poverty.*

Spending on such programs has multiplied severalfold in the past two decades, so the contrast would be far greater today—perhaps the 10 percent Newsweek cites.

Item: The chart "Walking Wounded" with the legend "the number of Americans who are officially poor . . . has been edging upward at an alarming rate since 1978" plus the text "the number of poor began to edge upward again in 1978. In 1980 it went through the roof."

The chart does show the percentage below the official poverty line as going "through the roof"—but only because of unofficial "estimates" for 1981 and 1982, not the recorded official figures through 1980. More important, the emphasis on the chart and the "official poverty line" neglects Newsweek's earlier caveats: "Even the official poverty counters concede that their numbers are flawed"; "a more reasonable count of America's poor" than the estimated 29.3 million "may be between 15 million and 18 million." And, I may add, the flaws that Newsweek explicitly notes only scratch the surface. I do not say that in criticism, because it would take a book (of which there are several), not a magazine page, to analyze properly the ambiguity of the concept of "poverty."

Many people in this country are in dire distress and need help. But they are a small fraction of the 29.3 million officially designated as poor—though a far higher fraction of those singled out for media vignettes.

Item: "The supply-side bias of Reaganomics threatens to pull the social safety net out from under the poor just as the U.S. economy hits a historic low."

A historic low? With disposable personal income per capita in the fourth quarter of 1981, adjusted for inflation, more than triple its level in the Depression year of 1933, nearly 25 percent higher than in the recession year of 1970, and more than 10 percent higher than in the recession year of 1975?

The number of official poor has risen along with rising prosperity and burgeoning welfare-state spending, and especially rapidly as inflation escalated. What does that imply about the official poverty line, the effectivenss of government measures to eliminate poverty and the benefits from ending inflation?

Item: The Reagan Administration's "tax cuts . . . mostly benefit the very rich," "bestowing hundreds of billions in tax savings on upper-income households."

What tax cuts? The so-called tax cuts simply prevent an unlegislated tax increase as a result of inflation, or offset the legislated increase in social-security taxes.

The tax burden on all of us, rich and poor, has skyrocketed—but not because Congress has legislated higher taxes. The tax rise has been produced by inflation. I remember the chairman of the Senate Finance Committee telling me some years ago that the levels of taxes on middle- and lower-income classes produced by inflation could never have been imposed by explicit legislation.

It is a curious "benefit" to the "very rich" to refrain from raising still higher tax burdens that are already at a "historic" high for peacetime.

We face a major political problem in correcting the past mistakes that brought slowing growth, rising unemployment, accelerating inflation, unprecedentedly high peactime levels of taxation and government spending and increasing numbers of people on welfare amid general affluence. Those mistakes cannot be corrected overnight. Treating hoary clichés as received truths does not promote a reasoned and balanced public discussion of the measures that are needed to get at the roots of poverty rather than simply at symptoms—and at the same time eliminate the poverty industry.●

* "Capitalism and Freedom." By Milton Friedman. Unversity of Chicago Press. 1962. Pages 192 and 194.

PERSECUTION OF THE BAHA'IS

● Mr. TSONGAS. Mr. President, currently in Iran, the 300,000 or so followers of the Baha'i faith are victims of a campaign of harassment and planned persecution instituted by the government of the Ayatollah Khomeini. This wave of terror perpetrated on the peace-loving Baha'is has existed since the Iranian Revolution of 1979, but only recently have many Baha'is from around the world expressed fear of a potential genocide in Iran.

The Baha'is, unlike Iran's other minority religions, are not recognized by the Constitution of the Islamic Republic of Iran and therefore are precluded from any protection under the law, including civil rights and basic liberties. Iran's clerical regime perceives Baha'ism as a heretical offshoot of Islam which was created by the colonial powers with the expressed goal of destroying Islam. Clearly, this is an inaccurate historical account of the development of the Baha'i faith.

Nearly 80 Baha'i leaders have been killed in the past 3 years for their religious beliefs and many more have been kidnaped and imprisoned. Within the last 6 months, at least 14 Baha'i officials, including 8 members of Iran's Baha'i National Assembly, were secretly executed by the Iranian Government, but they were never charged with any crimes. Iranian authorities deny claims that religion was the criterion for the killings.

The persecution of the Baha'is affects all aspects of their lives. Baha'is are prohibited from working in all professions, owning property, voting, or traveling freely. Their marriages are not considered legal and their children are classified as illegitimate and prevented from attending school in Iran. In September of last year, school authorities published a document stating

that professors and students were banned from Iran's universities if they were Baha'is, or, as the government put it, members of "the misled and misguided sect."

The United States and other freedom-seeking nations of the world condemn the merciless persecution of the Iranian Baha'is. We sympathize with the plight of these needy people and call for the recognition of their basic human rights.

Mr. President, I ask that a March 30, 1982 editorial from the Times of London, by columnist Edward Mortimer, be printed in the RECORD.

The editorial follows:

A PEOPLE ILL: THE SHADOW OF EXTINCTION

So many people are suffering in Iran at present from the bloodthirsty practices of the Khomeini regime that it seems almost invidious to single out any one group as the special object of international concern. But there is one group of Iranians whose situation justifies this because they do not have any rights, even in theory, under the constitution of the Islamic republic.

That group is the followers of the Baha'i religion. In Iran today a person exists, legally only as a member of a religious community. One may be Muslim, Christian, Jewish or Zoroastrian. One may not, legally, be Baha'i. Although Baha'is are enjoined by their faith to eschew all political involvement, the Iranian authorities persist in regarding them as a "political faction", not a religion. Although no wholesale campaign of genocide has yet been undertaken against them, they have no redress when, as frequently happens, a group of zealots attacks them, destroying their property and even murdering them. They are a community living under suspended sentence of death.

All credit, therefore, to the Minority Rights Group for publishing, and to Roger Cooper for writing, a report on The Baha'is of Iran which is both timely and objective, and which explains—but does not excuse—the hostility that Baha'is have to contend with, not only from the present regime but from very large numbers of their Muslim compatriots.

Baha'ism developed in the mid-nineteenth century out of Babism, a Messianic religious movement with strong revolutionary overtones. In 1844 a young Shirazi merchant, Sayyid Ali Muhammad, proclaimed himself the Bab or gate, through which Shi'ite Muslims could communicate with their Hidden Imam. He said the reappearance of the Imam (equivalent to the Second Coming) was imminent, and that it was his mission to prepare men for this. Later he claimed to be the Imam himself, bringing a new dispensation that superseded the law and teachings of the Koran.

The Babis were trying, in effect, to overturn both the prevailing religious orthodoxy and the social order, and they were quite prepared to use violence even if they themselves saw this as defensive. Inevitably, the authorities reacted with repression. The Bab was arrested, tried and convicted for heresy and finally executed by firing squad in 1850. Over a four-year period at least 3,000 Babis were put to death and the surviving adherents were forced into clandestinity.

Baha'ism, founded by Mirza Husain Ali, who called himself Baha'ullah (the Glory of God), was in essence an attempt to save Babism from extinction by divorcing it from politics. Baha'ullah, who came to be regarded by the majority of Babis as the Universal Manifestation of God whom the Bab had foretold, saw that the path of armed revolution was suicidal, and saved his followers from it by developing a quietist interpretation of the faith.

Baha'ullah was exiled from Iran in 1853 and eventually settled at Acre in Palestine, then part of the Ottoman empire. This has had the entirely fortuitous but unfortunate effect of situating the centre of Baha'ism as a worldwide religion within the frontiers of the present-day state of Israel, thus enabling the modern enemies of the Baha'is to accuse them of sending funds to Israel and acting as agents of Zionism.

Baha'ism today is, indeed, a world religion, generally thought to have more than three million adherents. Of these about one million live in India, and about 100,000 in Malaysia. But there are also "large numbers of Canadian Indians, rural Blacks in the southern United States, as well as educated young people in both countries . . . and over 100,000 Vietnamese", while estimates for Iran vary between 150,000 and 300,000.

The Baha'i faith forbids its adherents to belong to political parties or secret societies, and enjoins them to respect the legal authority of the state where they live. It would be misleading, however, to say that Baha'is accept a total separation of religion and politics. In theory, at least, their religion (like most religions in the early stages of their history) embraces the social as well as spiritual life of their community, and they see their system of administration as a prototype of an ideal world government, which will gradually come into being through peaceful means.

The official Iranian attitude to the Baha'is was summed up by Ayatollah Khomeini in an interview given shortly before his return to Iran in 1979: "They are a political faction; they are harmful; they will not be accepted." Orthodox Islam, whether Shi'ite or Sunni, has difficulty in accepting as genuine any religion founded after Islam itself, since it is a cardinal point of Islam that Muhammad was the last, the "Seal", of the Prophets, and that the Koran, which was revealed to him, is the final and unalterable message of God to mankind.

Those who follow Muhammad's precursors, such as Zoroaster, Moses and Jesus Christ, can be accepted as honest seekers after truth who have got stuck on the road. But those who follow a self-styled successor to Muhammad, such as Baha'ullah, are seen as wilful perverters of the truth, guilty of collective apostasy—a crime punishable, in traditional Islamic jurisprudence, by death.

But the widespread hostility to the Baha'is in Iran is not founded only on Islamic orthodoxy. There is also the fact that the Baha'is, true to their principles, refused to involve themselves in any of the great popular movements of the last hundred years, while individually and as a community they often prospered under unpopular government.

Thus prejudice against the Baha'is can be found among the secular left as well as among Khomeini's supporters, and the Iranian politicians now in exile are mostly reluctant to admit that the Baha'is today are any worst off than the rest of the Iranian population. Yet, partly under the pressure of Western public opinion, the opposition movements are beginning to show more awareness gf the issue.

It was the "Free Voice of Iran"—a radio station based in Baghdad and associated with the monarchist General Oveyssi—which reported last month that ration coupons for members of the Baha'i sect in Iran have been cancelled.

The West has little or no leverage over the Khomeini regime, but Khomeni's ideoligically diverse opponents are anxious for the support of Western public opinion. One way in which they could improve their chances of getting it would be to give specific guarantees about the human, civil and political rights of Baha'is in the post-Khomeini era.●

U.S. POPULATION

● Mr. PACKWOOD. Mr. President, I wish to report that according to the latest U.S. Census Bureau approximations, the total population of the United States on April 1, 1982, was 230,950,190. This represents an increase of 176,403 since March 1, 1982. Since this time last year, our population has grown by an additional 2,214,473.

In 1 short month, we have added enough people to our population to more than fill the entire city of Syracuse, N.Y. Over the past year, our population has increased enough to fill the city of Indianapolis, Ind., more than three times.●

THE SPACE SHUTTLE "COLUMBIA"

● Mr. GARN. Mr. President, in response to the successful completion of the Space Shuttle *Columbia's* second flight, the following editorial appeared in Utah's Deseret News. I am in agreement with the ideas expressed in the editorial and request that it be printed in the RECORD.

The editorial follows:

[From the Deseret News]

IN OUR OPINION: SHUTTLE TAKES AMERICA TO EDGE OF NEW SPACE ERA

Space flight will never be quite as easy as catching the neighborhood bus. But this week's successful completion of the Columbia space shuttle flight takes the nation a long way toward routine functions in earth orbit.

A variety of minor technical problems plagued the Columbia during its eight-day orbit. In spite of that, the planned experiments were all carried out, making it the most ambitious and successful flight to date.

Bad weather caused the original California landing site to be switched to White Sands, N.M., where more bad weather extended the flight by 22 hours. This wasn't a serious problem because the astronauts had enough fuel and oxygen to have stayed in orbit another two days.

If the weather problems had persisted at White Sands, the Columbia would have landed on concrete runways at the space complex in Florida—an example of the flexibility of a craft that can be landed like an airplane.

Obviously, as shuttle flights become more frequent, this kind of capability will be important. Thus the need to move to a different landing site was probably a plus in the

program. It showed how successfully it could be done.

The shuttle has proved to be so successful that only one more test flight is scheduled, possibly in late June with a secret military payload aboard. After that, the Columbia will be declared an operational vehicle, ready to haul cargo into space for military, commercial or scientific customers.

The first commercial cargo, a pair of communication satellites, already is planned for late this year. Dozens of other customers, wanting communication satellites placed in orbit, are lined up for future business.

The stepped-up tempo of the shuttle program is evident in the fact that another orbiter, the Challenger, will soon be ready, giving the U.S. a two-ship shuttle fleet. Others will be added later.

The frequency of shuttle flights will grow from the present three or four a year to monthly or more, depending on the demand. In addition to taking up, retrieving, or repairing satellites, the shuttle will carry medical and scientific experiments into space and even examine space environment manufacturing techniques.

Big enough to hold a bus, the shuttle can also carry non-astronaut passengers. One of the next flights will have a crew of four instead of the usual two. After that, the first passengers probably will be scientists who go along to perform experiments. Evenutually, they may even get to journalists.

Down the road, the shuttle will play a key role in building the first orbiting space station. It would ferry materials and workers into orbit where crews would assemble the pieces into a large structure where long-term orbital work could be carried out.

The shuttle won't be the neighborhood bus, but in the few decades, it will become almost as familiar.●

CBO COMPLETES OIL IMPORT FEE STUDY

● Mr. JACKSON. Mr. President, on March 23, 1982, Senator HOLLINGS and I wrote the Director of the Congressional Budget Office and requested that CBO conduct a comprehensive analysis of the effects on the economy of imposing a fee on imported oil. It seemed to me that if Congress is asked to consider imposing such a fee, it would be irresponsible if we did not first obtain some projections as to what such a fee would do to the economy. That study is now complete and available to the public. Since my request to CBO last month, several other economic analyses on this subject have appeared. I hasten to say that this CBO study is the most conservative of them all in predicting the economic costs of such a fee on the economy.

What strikes me the most about this study is the chilling picture it portrays of the costs of such a fee not only on the economy as a whole but especially on the groups of Americans who have already been asked to give the most in the President's economic recovery program. To me, this is the most important point of this study.

Imposition of an oil import fee is one of the ways being discussed to cut our unprecedented impending deficits. This CBO report reveals this proposal for what it really is. First, we would go back to the average American and the less fortunate and tell them that, because there were some miscalculations in the economic recovery program, we have to hit you up for some more "contributions" to our economic recovery. First, a $5 dollar import fee will, in the first year, throw between 100,000 and 200,000 more workers out of work, according to this CBO study. Second, depending on the effect on world oil prices, the consumer will pay in the first year between $20 and $30 billion to oil producers and the Government. Depending on how much of the fee foreign energy producers absorb, Americans will pay between 8 and 12 cents per gallon more for fuels, if the $5 fee is imposed. However, not all consumers will be equally affected. CBO stated in the report:

DISTRIBUTIONAL EFFECTS

Depending on its effect on world oil prices, the $5 per barrel tariff would transfer between $20 and $30 billion from all oil consumers to producers and the government. This section describes the effects on the distribution of private nonbusiness consumption expenditures. If households continued to spend according to their historic patterns, or even with some small shifts, the income flows would be larger for rural, northeastern, and low-income households than for consumers at large. As expected, households in the Northeast use considerably more home heating oil than do families elsewhere, and rural households spend a larger percentage of their incomes on petroleum products than do urban and suburban families. Similarly, while upper-income families consume more gasoline, heating oil, and other petroleum products than do lower-income families, poorer families spend a greater percentage of their incomes on these products. In the past, families in the lowest income fifth have spent, as a percent of income, more than twice as much on gasoline as families in the top income fifth. Similarly, the poor previously spent four times as much on heating oil and twice as much for the fuel in other goods and services they consumed. Unless low-income families have made much greater efforts to conserve than have households in general, these patterns should hold. (It is unlikely that low-income families have conserved more, since many conservation efforts, other than driving less or turning down the thermostat, are often expensive—for example, new energy-efficient cars and home insulation.) A Department of Energy survey showed that, while conservation investments were positively correlated with income, low-income families were making inexpensive conservation investments. Thus, the potential for future inexpensive conservation investments by low-income families in response to a tariff is less than it would have been before the major price escalations of 1973–1974 and 1979.

In short, the oil import fee will hit the poor with higher energy costs at least twice as hard as the wealthy and in the specific case of heating oil, four times as hard, as a percentage of income. Rural America would also be especially hard hit.

Second, the oil import fee would target another group of Americans that are still reeling from prior sacrifices. Energy-intensive industries in the United States have already paid dearly for the tenfold increase in oil prices in the last decade. The oil import fee would hit the petrochemical industry so hard that CBO suggests that the oil they consume might be specifically excluded from the import tariff. The steel industry would also suffer disproportionately under the fee, according to CBO.

Energy comprises approximately 20% of the final costs of steel production, and the higher energy costs caused by an oil import tariff might be more than the steel industry could pass on to consumers (because the costs, and hence prices, of foreign-produced steel would not have risen), thus squeezing profits and, presumably, investment in that industry.

The report notes that the paper and chemical industry would be similarly affected. I add to the list the airline industry, which is probably the most energy intensive of all our industries.

Mr. President, what would we achieve with this fee? If we dare hit again those who are already the hardest hit with higher energy prices, what do we tell them we achieved with this fee?

The CBO report shows that, while American consumers will pay, in the first year, $20 to $30 billion more in higher energy prices, the net reduction in the Federal deficit will be only $9.8 to $13.9 billion in the first year. Moreover, we must recognize that this consumption tax will have a significant depressive effect on the economy. CBO estimates that the GNP will decline by 0.5 to 0.7 percent in the first year. That is a loss of $15 billion in economic activity—idle workers—suffered in order to reduce the deficit by $9.8 to $13.9 billion. That seems to me to be an exorbitant price.

As for the effects on inflation, we must recall that the whole reason we are engaged in this exercise to reduce the deficit is to provide the financial community with greater confidence that inflation will remain low and therefore encourage them to lower their interest rates on loans. This hoped for psychological effect on lenders cannot be included in any economic model and, therefore, CBO did not consider it. But there are real inflationary effects of the fee that CBO did consider. In the first year of the $5 per barrel fee, CBO projects that the inflation rate will increase by one-half percent. If we look at the Consumer Price Index, which reflects the price of oil more intensively than the economy as a whole, the $5 per barrel fee would increase the CPI by about 1 percent in the first year. If the oil import fee is billed as a means of indirectly reducing inflation, one must wonder if this is not only shooting oneself in the

foot, but possibly a conscious amputation.

And do we tell the American public that this import fee will balance the budget? Of course not; it will, according to CBO, reduce the deficit by only about $10 billion in fiscal year 1983, out of a projected deficit of something between $100 and $250 billion in fiscal year 1983.

I fully recognize that we must find ways to reduce the Federal deficit, but I urge my colleagues to give careful consideration to the ways in which that result can be achieved. Some approaches are not worth the effort. Some approaches only seek to balance the budget on the backs of those who have already suffered the most.

Mr. President, I ask that the study entitled, "Oil Import Tariffs: Alternative Scenarios and Their Effects," a staff working paper of the Congressional Budget Office, April 1982, be printed in the RECORD.

The report referred to is as follows:

OIL IMPORT TARIFFS: ALTERNATIVE SCENARIOS AND THEIR EFFECTS

SUMMARY

One option to reduce the current and future budget deficits is to impose a tariff on all imported oil. Whether or not this is good public policy depends on the potential deficit reduction, the macroeconomic costs that it imposes on the economy, and the extent to which it represents good energy policy. With respect to deficit reduction, a $5 per barrel tariff would reduce the federal deficit by $9.8 billion in fiscal year 1983 and by $10.5 billion in fiscal year 1985. The costs to the economy of such a tariff would be a 0.5 percent increase in the inflation rate (GNP deflator), a similar percentage decrease in real GNP, and a 0.1 percentage point increase in the unemployment rate.

The imposition of an oil import tariff would constitute both budgetary and energy policy. Much of the rationale supporting an oil import tariff is based on the risks imposed by U.S. dependence on imported oil. Specifically, high levels of oil imports leave the United States vulnerable to potential disruptions in foreign oil supplies and their effects on the economy and conduct of foreign policy. By reducing oil imports, we reduce these risks.[1] In the final analysis, whether or not an oil import fee is good energy policy depends on one's assessment of the probability of future oil import disruptions. If this risk is high, an oil import fee may be appropriate. If it is low, the existence of the Strategic Petroleum Reserve may be regarded as adequate protection. In the current world oil market, the presence of significant excess capacity reduces this risk somewhat, although this situation may change should oil demand pick up with the next economic upswing. Moreover, other options might reduce oil imports at equal or less macroeconomic cost, among them natural gas pricing changes and reform of electric utility regulation.

Budgetary effects

In fiscal year 1983, under a $5 per barrel tariff, tariff revenues would total $9.6 billion; higher windfall profits taxes, $3.8 billion; and higher corporate income taxes from domestic oil producers, $3.9 billion, for gross new revenues of $17.3 billion. Corporate and personal income taxes paid elsewhere in the economy, however, would fall by $4.1 billion, and federal expenditures would rise by $3.4 billion. When these offsets are subtracted from the gross collections, they produce a net federal budgetary effect of $9.8 billion, which could be used to reduce the deficit by that amount. Table 1 of this report presents these calculations for fiscal years 1983 through 1987.

Macroeconomic effects

The imposition of a $5 import tariff would result in a loss gf 0.5 percent if constant dollar GNP in the first year following its adoption. This would lead to additional unemployment of about 100,000 persons, or an increase of 0.1 percentage point if the unemployment rate. After one year, such a tariff would result in an increase in the price level of 0.4 percent, declining to 0.3 percent after two years. Many analysts believe that, under the current monetary policy, any actions to reduce the deficit would entail only small losses in output since lower deficits suggest lower interest rates. Similarly, any increase in excise or personal taxes will have some negative impact on GNP. An oil import tariff, however, might be less successful in lowering interest rates than other possible measures to reduce the federal deficit by a like amount. The smaller effect of a tariff on interest rates occurs because tariffs (or any sales or excise tax imposed on any commodity) would not only raise the price of the commodity but also the demand for money with which to buy the taxed good. Thus, an oil import tariff would result in a higher level of demand for money than, for example, an income tax increase of like amount. This increased demand for money would put additional upward pressure on interest rates.

It should be noted that the losses in employment and output resulting from the imposition of an import tariff would be reduced if these revenues were recycled quickly through reductions in other taxes.

Energy policy

The imposition of a $5 per barrel import tariff would reduce U.S. oil consumption by 200,000 barrels per day in 1983 through substitution of other fuels and outright conservation. In 1983, the change in the world price and reduced imports would immediately improve the U.S. trade balance by about $5.5. billion. In the long term, an oil import tariff is a neutral subsidy for alternate fuels and technologies. By raising the price of the oil with which these technologies compete, an import fee encourages a wide range of innovation in the provision of energy sources. The extent of these effects would depend strongly on whether consumers and producers viewed the tariff as permanent or as temporary.

An oil import tariff has been suggested as one tax option to help reduce the large federal deficits that are projected for the coming fiscal years. The Trade Expansion Act of 1962 gives the President the authority to adjust the level of imports for any product affecting national security. Such an adjustment can be made through the imposition of either an import fee or quota. Since the President has not yet used this option to raise revenues, the Congress may wish to impose an oil import tariff legislatively.

While any specific legislative initiative would undoubtedly contain features not analyzed in this paper, it provides a general discussion of the topic. Specifically, this report analyzes the budgetary and macroeconomic effects of tariffs set at various levels. It first discusses the major assumptions underlying the analysis, especially the extent to which the price increase resulting from the fee would fall on U.S. consumers. The report then analyzes the major effects of the tariff on the federal deficit, presenting both revenue of expenditure increases. It next presents the results of macroeconomic simulations of oil tariffs, followed by its implications for energy policy. The discussion then turns to the form of the tax and the international and distributional aspects of the issue. Finally, the recycling of tax revenues is discussed.

Possible imposition of a tariff raises the question of which is better for the economy: a lower federal deficit or lower oil prices. Unless foreign oil producers bear 100 percent of the burden, a tariff would increase U.S. energy costs, both directly through increased oil prices and indirectly through increased prices of oil substitutes. (For example, since the Natural Gas Policy Act accounts for inflation in determining natural gas prices, these too would rise slightly under an oil tariff.) Currently, oil prices are falling, thus raising consumers' real incomes. The issue facing the Congress is whether it is better for the economy to maintain lower energy prices, and thus higher real consumer incomes, or to raise revenue thereby lowering federal deficits and encouraging oil conservation.

With the imposition of a tariff, imported crude oil prices would initially rise. In turn, domestic crude oil prices would rise and the quantity of oil demanded would decrease. Foreign oil producers would then face a choice of lowering their output to maintain prices or lowering their price or both. This decision would determine how the burden of the tariff was divided. If foreign exporters lowered their output, they would support the higher price of oil and push the price burden of the tariff onto consumers. But if foreign producers did not change their output, they would be forced to accept a lower price, because of the demand reduction created by the tariff. Thus foreign producers would determine who ultimately bore the price change resulting from the tariff by deciding whether to cut their prices in the face of reduced demand. Even if world oil prices fell below what they would have been in the absence of a tariff, U.S. oil prices would still be higher. This would occur because a tariff would create a differential between world prices and U.S. prices. Thus, unless foreign oil producers absorbed the entire fee through price cuts, U.S. oil prices would be higher than they would have been in the absence of the fee.

METHODOLOGY AND ASSUMPTIONS

The budgetary and economic effects of a tariff would be significantly affected by the manner in which the burden of price changes was divided between foreign oil producers and U.S. oil consumers. In essence, the more that foreign oil producers absorbed the cost of a tariff, the smaller would be the negative economic effects. To the extent that the price burden is shared, net revenue increases would also be smaller, since smaller price increases would reduce windfall profits and corporate income taxes accruing through higher oil prices. Conversely, as U.S. consumers absorbed more of the tariff through product price increases, more revenue would be collected, but the

[1] Congressional Budget Office, "The World Oil Market in the 1980s: Implications for the United States" (May 1980).

economic consequences of the tariff would be larger. Therefore, this report presents the budgetary and economic consequences of a tariff for two opposite assumptions: first, that foreign oil producers in effect pay one-third of the tariff through price reductions; and, second, that U.S. consumers bear the entire price burden of the tariff. Throughout the report, the first is referred to as a tariff with distributed incidence, while the second is referred to as a tariff with undistributed incidence. (The division of a tariff's price burden is often referred to as its incidence.) The discussion that follows presents the rationale for the different assumptions.

The two incidence assumptions—foreign oil producers absorb one-third of the price change or U.S. consumers absorb the entire price change—are the two polar cases. In the first case, CBO assumes that foreign oil producers refuse to lower their level of output. Given the U.S. share of the world oil market, foreign oil producers would have to lower their prices by one-third of the fee to keep levels of demand constant worldwide. In the second case, CBO assumes that foreign oil producers refuse to lower their price. To accomplish this, they would have to absorb the entire demand reduction resulting from the tariff through lower output.

In a conventional competitive market, the burden of tariff would be shared by producers and consumers. As is well known, however, the international oil market has major noncompetitive elements. OPEC producers would usually be in a position to determine the incidence of the tariff. A combination of economic interest and domestic political pressures could very well cause leading oil-producing nations to attempt to shift the entire burden of the price change to consumers through output restrictions. In previous years, the position and coherence of oil producers gave them the ability to cut production as needed. At the present time, however, there is excess supply in the world oil market. If these conditions continue, producers might be unable to absorb more production cuts. Since their response is uncertain at the moment, both alternatives are presented in this report.

CBO assumes that imported crude oil and refined products begin at the current annual level of 5.0 million barrels per day and, in the absence of the tariff, rise to 6.2 million by 1987. The crude oil import tariff is assumed to take effect on July 1, 1982, with equivalent taxes imposed on imported refined products. CBO further assumes that world oil prices decline a total of 10 percent in the first two quarters of 1982 but in the absence of the fee, return to present levels by the end of 1983, and continue to rise thereafter.

EFFECTS ON THE FEDERAL DEFICIT

Depending on incidence assumptions, a $5 per barrel oil import tariff would reduce the federal deficit by between $9.8 and $13.9 billion dollars in fiscal year 1983. The budget impact varies with the incidence of the tariff. If foreign oil producers absorb part of the price burden of the tariff, the net budget impact will be at the lower end of the range, whereas, if U.S. consumers bear the entire price burden, the net budget impact will be at the upper end of the range. Net 1983 revenues would rise by $13.2 to $18.0 billion, while net automatic federal outlays would rise by $3.4 to $4.1 billion (see Table 1). As discussed below, these outlay estimates include only those that would automatically be triggered by increases in inflation and unemployment and do not include any change in discretionary spending that the Congress might choose to undertake.

As noted in Table 1, the net budgetary effects of an oil import tariff are often greater in the out years. This is true because of the subsidence of inflation and resumption of growth following the initial dislocation caused by the tariff. Yet the inflation brought on by an oil import tariff also increases federal revenues through indexed wages and salaries and "bracket creep." Thus, as inflation subsides, this source of revenue declines, and offsets increase.

TABLE 1.—BUDGETARY EFFECTS OF $5 TARIFF UNDER ALTERNATIVE ASSUMPTIONS OF PRICE BURDEN DISTRIBUTION

[By fiscal year, in billions of current dollars]

Assumption	1983	1984	1985	1986	1987
Foreign producers absorb one-third of tariff:					
Revenues:					
Gross tariff	9.6	10.3	10.5	10.8	11.1
Gross windfall profits tax	3.8	5.4	5.9	5.9	5.6
Gross corporate income tax	3.9	3.9	3.8	3.8	3.8
Total offsets	−4.1	−4.3	−4.1	−5.6	−6.6
Net revenue increase	13.2	15.3	16.1	14.9	13.9
Outlays:					
Gross outlays	3.6	6.1	5.8	1.9	1.7
Offsetting receipts	−0.2	−0.2	−0.2	−0.2	−0.2
Net outlay increase	3.4	5.9	5.6	1.7	1.5
Net budgetary effect	9.8	9.4	10.5	13.2	12.4
Tariff is paid entirely by U.S. consumers:					
Revenues:					
Gross tariff	9.6	10.0	10.4	10.6	10.8
Gross windfall profits tax	5.7	8.1	8.8	8.8	8.5
Gross corporate income tax	5.8	5.8	5.7	5.7	5.7
Total offsets	−3.1	−4.2	−6.2	−6.9	−9.3
Net revenue increase	18.0	19.7	18.7	18.2	15.7
Outlays:					
Gross outlays	4.4	7.8	7.8	3.3	2.9
Offsetting receipts	−0.3	−0.3	−0.3	−0.3	−0.3
Net outlay increase	4.1	7.5	7.5	3.0	2.6
Net budgetary effect	13.9	12.2	11.2	15.2	13.1

Note.—See text for assumptions. Tariff effective July 1, 1982. Numbers may not add to totals because of rounding.

Federal revenues

A $5 per barrel import tariff would net the federal government between $13.2 and $18.0 billion in fiscal year 1983. As with the net budget impact, revenue estimates vary with the distribution of the tariff's price burden. As U.S. consumers bear more of it, revenue estimates will rise to the upper end of the range. (Since the tariff would be effective only for one quarter of fiscal year 1982 and there would be lags in collection, the funds collected in 1982 would be small.) These figures are the sum of direct tariff collections plus increased windfall profits tax and oil company income tax collections resulting from higher oil prices, minus the direct offsetting reduction in taxes paid elsewhere in the economy in response to the effects of higher energy prices. Table 1 presents annual net revenue estimates for fiscal years 1983-1987. (For the net revenue effects of $2 and $10 tariffs, see Table 2.)

If a tariff was imposed, the final net effect on federal revenues might differ from the initial increase. The tariff would transfer large amounts of money from oil consumers to oil producers and the government. Real macroeconomic activity and, hence, income and profits outside the energy industries would be reduced. Household expenditures would be diverted to pay larger amounts for imported and domestic oil and other energy sources, and other industries would pay less tax since they would receive less income and profits. On the other hand, the increase in the price level might result in higher nominal wages which would in turn increase income tax liabilities. While in the past the cost of living allowance induced tax revenue increases were significant, during the current recession some of those cost of living increases are being eliminated. Thus, in the future, income tax revenues may not rise as rapidly with inflation as they have in the recent past.

TABLE 2.—NET FEDERAL REVENUES UNDER ALTERNATIVE ASSUMPTIONS OF PRICE BURDEN DISTRIBUTION

[By fiscal year, in billions of current dollars]

Assumption	1983	1984	1985	1986	1987
Foreign producers absorb one-third of tariff:					
$2 import tariff:					
Gross tariff	4.1	4.2	4.4	4.4	4.5
Gross windfall profits tax	1.6	2.2	2.4	2.4	2.2
Gross corporate income tax	1.5	1.5	1.5	1.5	1.5
Total offsets	−1.1	−1.3	−1.8	−2.3	−2.8
Net total	6.1	6.6	6.5	6.0	5.5
$10 import tariff:					
Gross tariff	18.5	19.6	20.0	20.7	21.1
Gross windfall profits tax	7.4	11.0	11.9	11.0	11.0
Gross corporate income tax	7.7	7.7	7.6	7.6	7.6
Total offsets	−5.4	−6.7	−9.2	11.5	−14.8
Net total	28.2	31.6	30.3	27.8	24.9
Tariff is paid entirely by U.S. consumers:					
$2 import tariff:					
Gross tariff	4.0	4.3	4.2	4.4	4.5
Gross windfall profits tax	2.2	3.2	3.6	3.6	3.4
Gross corporate income tax	2.3	2.3	2.3	2.3	2.3
Total offsets	−0.9	−1.4	−2.0	−2.6	−3.6
Net total	7.6	8.4	8.1	7.7	6.6
$10 import tariff:					
Gross tariff	17.4	18.5	19.2	19.9	20.3
Gross windfall profits tax	11.2	16.1	17.8	17.8	17.0
Gross corporate income tax	11.6	11.6	11.4	11.4	11.4
Total offsets	−5.1	−8.1	−11.2	−14.2	−18.7
Net total	35.1	38.1	37.2	34.9	30.0

NOTE.—See text for assumptions. Tariff effective July 1, 1982. Numbers may not add to totals because of rounding.

Federal outlays

An import tariff might also increase federal outlays in two ways. Because they are indexed to cost-of-living increases, Social Security payments and entitlement program expenditures, such as food stamps, supplemental security income, federal retirement, and aid to families with dependent children, would rise with inflation. If the increase in inflation triggered an increase in wages, then subsequent unemployment claimants would also be entitled to larger benefits. In addition, an oil import tariff would increase unemployment, which would further increase unemployment compensation expenditures.

In addition to the automatically adjusted outlays, discretionary outlays might also be increased by a tariff. For example, in fiscal year 1981, the Department of Defense (DoD) procured 400,000 barrels of oil products per day in the United States alone. Thus, increased oil prices would directly affect DoD expenditures. Since energy is an input in virtually all goods and services, the cost of providing most government services would become more expensive. The Congress would then have to decide whether to provide fewer services or spend more to provide a constant level of service.

If oil producers absorbed one-third of the tariff and its inflationary costs, a $5 tariff

would increase Social Security payments and entitlement progam expenditures by $2.8 billion in 1983. If U.S. oil prices rose by the full amount of the tariff, a $5 per barrel tariff would increase entitlement and Social Security expenditures in fiscal year 1983 by $3.4 billion. Tariffs of $10 and $2 per barrel would increase such expenditures by between $3.2 to $4.0 billion and between $0.6 to $0.8 billion, respectively. The level of other spending would depend on Congressional decisions.

As mentioned above, the rise in unemployment would trigger yet other expenditures, such as those for unemployment compensation and food stamps. If unemployment rose by the amounts outlined below, a $5 tariff would result in a $0.8 billion to $1.0 billion increase in unemployment-related expenditures in 1983. The extra unemployment-related expenditures triggered by a $10 tariff would range between $1.2 and $1.4 billion, while such expenditures resulting from a $2 tariff would probably not exceed $300 million. As with the revenue estimates, these figures would be at the upper end of the range if U.S. consumers bore the entire brunt of the tariff, but would decrease as oil producers bore more of the tariff through price reductions.

An import tariff would increase offsetting receipts from the Naval Petroleum Reserve, outer continental shelf (OCS) leases, and federal onshore leases. In 1983, a $5 fee would generate about $200 million per year in these receipts if the incidence was distributed, and about $300 million if the price rise was entirely borne by U.S. consumers. Receipts from $2 and $10 tariffs would be proportional.

Like the revenue estimates, these expenditure estimates do not exhaust all the possible effects of an oil import tariff on the federal budget. This report attempts to identify only the dominating influences on revenues and expenditures. It should be representative, however, of the full net budgetary effects of the tariff.

MACROECONOMIC EFFECTS

The macroeconomic effects of the tariff would depend on the tariff's level and its interaction with the distribution of the price burden between consumers and producers. As the absolute amount of tariff borne by U.S. consumers increase, the macroeconomic feedback would become more important. If the tariff raised U.S. oil prices significantly, U.S. consumers would experience a decline in purchasing power that would be forced to reduce their overall expenditures. Since the demand for oil is inelastic in the short run, consumers might reduce purchases in other areas, most notably in consumer durables. Facing decreased demand, these affected industries, in turn, would reduce their labor forces and decrease the quantity of inputs they purchased. The higher oil prices induced by a tariff would transfer income from consumers to producers (or through the windfall profits and other taxes to the government), who might not respend this money quickly enough to avoid a decline in aggregate demand. Oil price increases might also tend to restimulate the inflationary spiral, as people attempt, with varying success, to shift the loss of real income to others.

The results presented below were calculated using a series of assumptions about the way changes in tariffs and oil prices affect the economy. The main assumption—that the international price of oil will fall by about one-third of the amount of the tariff—has already been discussed. Assumptions about the way the consequent changes in real incomes of oil consumers and producers in the United States are respent are also crucial to the analysis. CBO's assumptions about the impact of real income changes on consumer spending were derived from simulations of several macroeconomic models.[2] The price effects were derived partly from the same set of simulations and by assuming full passthrough to final consumers of all increases in oil costs. Different assumptions, particularly about changes in consumer spending, would lead to different estimates of the change in constant dollar GNP resulting from an oil import tariff. Thus, the results presented below should be regarded as illustrative, rather than definitive forecasts of the economic effects of oil import tariffs.

All of the simulations presented here suggest that an oil tariff would entail a short-run loss of real output and employment. These results only address the short-run macroeconomic effects of oil tariffs. In the long run, oil tariffs (like other fiscal actions) are expected to affect real output in only a minor way. Thus, in the long run, the discussion of whether or not to impose a tariff will rest on other considerations, particularly the effects on oil conservation and domestic oil production (and, consequently, U.S. vulnerability to future oil disruptions) and the balance of trade.

The multipliers methodology assumes that the Federal Reserve would follow a moderately nonaccommodating monetary policy.[2] Many analysts believe that under current monetary conditions, however, actions that reduce the deficit would entail only small losses in output. The reduced federal deficit might help to decrease interest rates by lowering expectations of future inflation and by reducing demand for money and credit. The reduction of interest rates should then stimulate private demand. Oil import tariffs are not like many other actions to reduce the deficit, however, because they also increase prices. The higher initial oil prices caused by an oil import tariff might increase the total volume of transactions the economy would seek to finance. This increases the economy's total demand for money, and therefore, interest rates. Hence, relative to other means of reducing the deficit, a tariff might not be as successful at lowering real interest rates. In this sense, the oil import tariff is not unique. Gasoline and other excise taxes would also increase the volume of transactions.

As stated above, imposition of a tariff would raise U.S. oil prices above the level they would have been without the tariff, unless oil producers absorbed the entire tariff. This statement does not necessarily imply that the resulting oil prices would be above their current level. If it is assumed that oil prices are going to fall drastically, independent of the tariff (an assumption this report does not make), then oil prices after the tariff could be lower than they are today. But they cannot not be lower than they would have been in the absence of the tariff, and consequently, many of the economic benefits of lower oil prices would have been lost. This point should be kept in mind when examining the economic results presented below. These are not changes to present numbers, but additions or subtractions relative to a situation in which everything else remains constant, but a tariff is imposed.

[2] For an account of the method used, see Congressional Budget Office, "The CBO Multipliers Project: A Methodology for Analyzing Alternative Economic Policies" (August 1977).

Inflation

The inflationary impact of a tariff would depend largely on the distribution of its incidence between international oil producers and U.S. consumers. Any inflationary effects would be larger in the near term, but would dissipate as time passed. After four quarters, a $5 per barrel tariff would have raised the price level by 0.5 if one-third of it is borne by producers and by 0.6 percent if borne entirely by U.S. consumers. After two years, however, the price level would only be 0.3 to 0.4 percent above the baseline of no tariff. The four-quarter price effects of the $10 and $2 tariffs would be between 0.9 and 1.2 percent and between 0.2 and 0.3 percent, respectively. By the eighth quarter, these effects would also begin to diminish (see Table 3). Since the Consumer Price Index (CPI) reflects the price of oil more intensively than does the economy as a whole, the inflationary effects of a tariff would be more pronounced in the CPI than in the more general GNP deflator. After four quarters, the $5 tariff would raise the CPI by between 0.8 and 1.0 percent, depending on the incidence. Under current economic conditions, the second round of inflationary effects would probably not be large. Should economic activity expand by more than is expected, however, the subsequent wage-price effects of the tariff might increase inflation by more than is projected here.

TABLE 3.—ILLUSTRATIVE MACROECONOMIC EFFECTS OF ALTERNATIVE OIL IMPORT TARIFFS

Tariff size (in dollars per barrel)	GNP loss (percent of projected GNP) [1]	Increase in unemployment rate (in percentage points) [2]	4-quarter increase in the price level (in percent) [3]	8-quarter increase in the price level (in percent) [3]
$2	0.2–0.3	[4]	0.2–0.3	0.1–0.2
$5	0.5–0.7	0.1–0.2	0.5–0.6	0.3–0.4
$10	1.0–1.4	0.3–0.4	0.9–1.2	0.6–0.9

[1] Constant dollar GNP loss after 4 quarters relative to the baseline of no tariff.
[2] Percentage point change in the unemployment rate after 4 quarters relative to the baseline of no tariff.
[3] Percent change in GNP deflator relative to the baseline of no tariff.
[4] Less than 0.1.

Note.—Assumes tariff effective July 1, 1982.

Output and employment

When simulated, tariffs resulted in a loss in constant dollar GNP relative to the baseline of no tariff. After four quarters, a $5 per barrel tariff reduced constant dollar GNP between 0.5 and 0.7 percent. The loss varied largely in response to the incidence of the tariff. If the burden of tariff fell entirely on U.S. consumers, the loss would be at the upper end of this range. If foreign oil producers absorbed one-third of the burden through lower oil prices, the loss would be at the lower end. The consequent rise in the unemployment rate would also vary according to the incidence of the tariff. Four quarters after the imposition of the $5 tariff, the rise in the unemployment rate would be between 0.1 and 0.2 percentage points. The additional unemployed would number between 100,000 and 200,000 persons.

A $10 tariff would similarly lower constant dollar GNP by between 1.0 and 1.4 percent. As with the $5 fee, the incidence would be a major factor determining at which end of the range the loss actually fell. Four quarters after the imposition of a

$10 tariff, the simulation indicated that the unemployment rate would have increased between 0.3 and 0.4 percentage points. The additional unemployed would number between 300,000 and 400,000 persons.

The economic effects of a $2 tariff would be much smaller. The constant dollar GNP loss would range between 0.2 and 0.3 percent, with a consequent rise in the unemployment rate of less than 0.1 percentage points (see Table 3).

Petroleum product prices

If foreign oil producers absorbed one-third of the fee and U.S. consumers the rest, the $5 tariff should raise all refined product prices by roughly 8 cents per gallon. In similar circumstances, a $2 tariff would raise product prices by roughly 3 cents per gallon and a $10 tariff by about 16 cents. Gasoline, heating oil, and all other products are assumed to all rise by the same amount. The precise level of price change for each product would be determined by the demand in each market and refinery product profit margins. Like the inflationary impact, the product price rise would be increased if foreign producers lowered their output rather than their prices in response to the tariff. For example, if foreign producers did not absorb one-third of the $5 and $2 fee, but rather forced it entirely onto consumers, the product price effects would be 12 and 5 cents, respectively. A $10 tariff under such conditions would raise product prices by 24 cents per gallon.

ENERGY POLICY

Beyond being a deficit reduction measure, an oil import tariff must be considered as an energy policy option. Specifically, an oil import tariff is often held to align the costs of oil imports to society and to the individual oil user. A previous CBO report spelled out the risks to the United States of dependence on imported oil.[3] These risks are future macroeconomic losses as oil prices rise, the possibility of future disruptions in the supply of foreign oil, deterioration in the balance of payments, and constraints on relations with other nations. These risks pose costs that are borne by all U.S. citizens. To reduce these risks, a number of analysts have suggested the imposition of a long-term oil import tariff, levied to represent the costs of the risks. There are, of course, other ways to reduce oil imports. Some of them, like decontrol of domestic oil prices, have already been implemented. Others, such as utility rate reform to encourage the use of coal by utilities or natural gas deregulation, are available. In terms of energy policy, the issue before the Congress is whether the oil import tariff is the most cost-effective policy for reducing U.S. dependence on foreign oil.

The effects of an oil tariff on U.S. oil demand and supply would depend not only on the incidence of the tariff but also on whether the tariff was viewed as permanent or temporary. Given the levels of price sensitivity discussed above and current consumption levels, a $5 tariff should reduce imports by 200,000 to 300,000 barrels per day in the first year to year and one-half, depending on the incidence. Out-year effects would depend on the expectations of consumers. If the fee was viewed as temporary, consumers may make relatively fewer investments to conserve oil by buying new capital equipment, more fuel-efficient cars, or by using different fuels. The quantity of fuel saved, therefore, would not grow as rapidly as it would have if the tariff was viewed as a permanent policy. (The permanence of the tariff might also affect the incidence of the tariff: foreign oil producers might be more likely to accept part of the tariff if it was a permanent influence on oil demand.)

Like oil conservation, mid-term U.S. oil production would depend on the permanence of an oil tariff. In the short run, a tariff would not be likely to raise U.S. oil production significantly. Since the industry has experienced rapid growth in drilling and exploration in the last two years and is currently slowing down because of lower demand, the domestic production effects of a tariff would not be noticeable in the short run. Although some fuels might be pumped more rapidly, there would be no substantial increase in domestic production. If the fee was temporary, additional exploration and development would probably not occur because, before the rewards could be reaped, the price would drop back down. A similar argument would hold for production of alternative fuels. While a tariff would normally encourage the production of alternative energy technologies by raising the price of the fuel oil with which such technologies must compete, if the tariff were viewed as temporary, such production might not occur.

A separate issue concerns the effects on refineries. The refining industry is a competitive and international one. This competition has kept refining profit margins low and stable. Moreover, U.S. and world refineries are operating at very low rates of capacity because of the current reduction in petroleum product consumption. If a tariff led to further reductions in product demand, many refiners might choose to cut their profit margins rather than reduce sales or shut down. Such a "profit squeeze" in the U.S. refining industry would reduce both the cost of a tariff to consumers and the tax liabilities of the refining industry. Thus, to the extent that refiners reduced their profits in response to a tariff, the inflationary impact would be reduced.

AD VALOREM TAX

An alternative to a unit tax such as a tariff is an ad valorem tax set as a percentage of the world price. Initially, the $2, $5, and $10 tariffs would be about equivalent to ad valorem tariffs of 6 percent, 15 percent, and 30 percent, respectively. If the current oil price stagnation should end, and the price of oil begin to rise again, however, the ad valorem tax would rise with it and provide more revenues. On the other hand, should oil prices fall dramatically, the revenues raised by an ad valorem tax would drop with oil prices.

The choice between unit and ad valorem taxes rests on whether the Congress wants to be certain of its revenues in the near term or whether it prefers a source of revenue that will grow with inflation in the longer term. The histories of gasoline and tobacco taxes suggest that, once such excise taxes are put in place, the likelihood of adjusting them to inflation is small. The ad valorem tax would obviate the need for this adjustment by performing it automatically. This tax has other advantages. Prices tend to rise during economic expansions and remain flat or decline during recessions. Ad valorem tax revenues, therefore, have a built-in cyclical flexibility. Moreover, because foreign oil producers would be able to reduce the size of the tax by cutting their own prices and would face larger demand reductions if they raised their own prices, an ad valorem tax would increase the probability that foreign oil producers would cut their prices in response to the tax.

An ad valorem tax on imported oil would also function as an automatic tariff in the event of another disruption in the supply of foreign oil. Previous work by CBO has shown that disruption tariffs, if the revenues are promptly recycled, could lessen the economic losses that occur during disruptions.[4] If world prices began to rise because of a disruption, the ad valorem tax would also rise and should dampen the demand response and keep more of the income in the United States. This automatic action, however, would increase the need for a parallel recycling mechanism to avoid delays in distributing revenues and subsequent macroeconomic losses.

Table 4 compares the gross revenue stream of a $10 tariff with a 30 percent ad valorem tax. While the difference would be negligible in the early years, the ad valorem tax would provide substantially more revenue in the out-years. Assuming an initial world price of $34 per barrel in fiscal year 1983, the initial size of the tax would be $10.20 per barrel, growing to over $13.00 per barrel by 1987 as the price of oil is presumed to increase. For convenience, the revenue estimates assume that oil producers would not cut their price. The macroeconomic effects of an ad valorem tax would be similar to those of a fixed-fee tariff of comparable magnitude.

TABLE 4.—COMPARISON OF GROSS REVENUE STREAMS FROM UNIT VERSUS AD VALOREM TAXES

[By fiscal year, in billions of current dollars]

Tax	1983	1984	1985	1986	1987
$10 tariff	40.2	46.2	48.4	49.1	48.7
30-percent ad valorem	46.9	50.1	56.4	61.5	65.0

Note.—See text for assumptions. Tariff effective July 1, 1982.

INTERNATIONAL EFFECTS

The negative domestic effects of a tariff on output and employment should be mitigated somewhat by the stimulative effect on the economies of other OECD and developing nations if a tariff succeeded in lowering world oil prices. Even if they do not join the United States in imposing a multilateral tariff, other nations might benefit from unilateral U.S. actions. Such a tariff would reduce U.S. consumption and make oil more plentiful in other nations. Most important, if a tariff lowered world prices, it would increase the real incomes of other oil-importing nations. This income rise could, in turn, stimulate their demand for U.S. exports, which could increase employment and output in the United States. These international repercussions could partly offset the initial loss of constant dollar GNP in the United States. In addition, absorption of the tariff by foreign oil producers through reduced prices would improve the U.S. balance of trade with those countries. Foreign oil producers' claim on U.S. output would be reduced and fewer dollars would flow out to pay for imported oil. In 1983 alone, absorption of one-third of the $5 tariff's price burden by foreign oil producers and reduction of imports would directly improve the

[3] Congressional Budget Office, "The World Oil Market in the 1980s: Implications for the United States" (May 1980).

[4] Congressional Budget Office, "Managing Oil Disruptions: Issues and Policy Options" (September 1981).

U.S. trade balance by about $5.5 billion, assuming the exchange rate did not change.

A tariff would have its maximum effect on prices if imposed by all or most major consuming nations. Since the U.S. market consumes only one-third of foreign-produced oil, its actions in the international market can have only limited impact on the world price. The six major OECD nations represent 60 percent of free world demand and so would have much greater leverage should they choose to work in consonance in imposing tariffs. The International Energy Agency has recently urged this very course of action. Domestic political pressures, however, might prevent other nations from imposing tariffs. Unlike the United States, where final product prices have been falling since shortly after oil decontrol, prices continue to rise in other OECD nations. Since oil prices are denominated in dollars, the strength of the dollar in the last year has caused higher real oil prices for other nations. Thus, foreign consumers have not had the long period of retail price stagnation that U.S. consumers have enjoyed.

Other OECD nations would have an additional reason for not imposing an equivalent tariff on their imported oil—lower oil prices give them a competitive advantage relative to U.S. industry in a wide variety of products. The U.S. petrochemical industry, which relies heavily on oil as a feedstock for production of its final product, is particularly vulnerable to higher oil prices. In recent years, U.S. petrochemicals have been exported successfully, to a large extent because of the subsidy afforded this industry by domestic oil and gas price controls. By adding to the cost of petrochemical feedstocks, an oil import tariff might reduce, perhaps significantly, the competitiveness of U.S. petrochemicals in international trade, particularly if natural gas deregulation takes place. If an oil import tariff is implemented, policymakers might consider allowing some exclusion for the oil used by the petrochemical industry.

Other industries would be affected as well. Energy comprises approximately 20 percent of the final costs of steel production, and the higher energy costs caused by an oil import tariff might be more than the steel industry could pass on to consumers (because the costs, and hence prices, of foreign-produced steel would not have risen), thus squeezing profits and, presumably, investment in that industry. Other energy-intensive industries that could be similarly affected include paper and chemicals.

DISTRIBUTIONAL EFFECTS

Depending on its effect on world oil prices, the $5 per barrel tariff would transfer between $20 and $30 billion from all oil consumers to producers and the government. This section describes the effects on the distribution of private nonbusiness consumption expenditures. If households continued to spend according to their historic patterns, or even with some small shifts, the income flows would be larger for rural, northeastern, and low-income households than for consumers at large. As expected, households in the Northeast use considerably more home heating oil than do families elsewhere, and rural households spend a larger percentage of their incomes on petroleum products than do urban and suburban families. Similarly, while upper-income families consume more gasoline, heating oil, and other petroleum products than do lower-income families, poorer families spend a greater percentage of their incomes on these products. In the past, families in the lowest income fifth have spent, as a percent of income, more than twice as much on gasoline as families in the top income fifth. Similarly, the poor previously spent four times as much on heating oil and twice as much for the fuel in other goods and services they consumed. Unless low-income families have made much greater efforts to conserve than have households in general, these patterns should hold. (It is unlikely that low-income families have conserved more, since many conservation efforts, other than driving less or turning down the thermostat, are often expensive—for example, new energy-efficient cars and home insulation.) A Department of Energy survey showed that, while conservation investments were positively correlated with income, low-income families were making inexpensive conservation investments. Thus, the potential for future inexpensive conservation investments by low-income families in response to a tariff is less than it would have been before the major price escalations of 1973–1974 and 1979.

RECYCLING

As mentioned above, part of the negative macroeconomic effects of a tariff would result from the sizable income transfers from consumers to producers and the government. If the government recycled the income by reducing the withholding of personal income or Social Security taxes, the negative effects on output and employment would be reduced. However, a major reason for imposing the tariff in the first place—increasing net federal revenues—would be lost. Because the resulting increase in inflation would require increased spending for Social Security and entitlements programs, government expenditures would rise. Thus, not all the money could be recycled through decreased withholding and at least some would have to be retained by the federal government to cover the enlarged entitlement payments.

Prompt recycling of all the federal revenues collected would eliminate the output and employment loss, and, if foreign oil producers reduced their prices in response to the tariff, could result in a constant dollar GNP gain.[5] While recycling the tariff revenues would reduce the output and employment losses, insofar as it protected consumers from real income losses, it would encourage more consumption and exacerbate the inflationary effects.●

S.I.N. NEWS REPORTS

● Mrs. HAWKINS. Mr. President, we Americans rely very heavily on the news media for information relating to the world around us. Few of us have the time or the resources to travel around the Nation and the world gathering information on events that could affect our lives. For this reason we are dependent on our newspapers, radio and television stations, news magazines and other media in order to develop a realistic picture of what is happening around us. Frequently, what we read in our newspapers, see on the television or hear on the radio is the sole basis on which we form opinions and propose solutions for the problems that confront us.

This places a great burden on the men and women in the news media, a burden of professionalism, truth and accuracy in reporting and other qualities that insure that the American people receive the information they need in order to participate in this democracy of ours. This is a high calling and one to which the majority of journalists adhere. Were this not the case, I believe that our Republic would be in grave danger.

I believe that it is to the benefit of our Nation that we have men like Mr. Rene Anselmo involved in this Nation's news media. Mr. Anselmo is the president of the Spanish International Network which has 180 affiliates throughout the United States, and has an estimated 50 million listeners. In early March, Mr. Anselmo took a step that has earned him my respect. He acknowledged publicly that his television commentators had been responsible for biased reporting on events in El Salvador. When complaints on the reporting began to filter in, Mr. Anselmo gave this criticism his full consideration and decided that his listeners were right. But rather than quietly changing the policy of the station, he took the courageous step of acknowledging this error to his listeners and pledging to take direct and immediate action. Mr. President, I commend Mr. Anselmo for this courageous act.

Mr. President, it is also encouraging to me, in view of Mr. Anselmo's familiarity with the Caribbean and Central American region, that he supports the President's policy of promoting a democratic solution to the problems in El Salvador. But, Mr. President, I would rather let Mr. Anselmo's own words speak for themselves on these issues, and I ask that Mr. Anselmo's editorial of March 4, 1982 be printed at this point in the RECORD.

The editorial follows:

"Good afternoon, I am Rene Anselmo, President of S.I.N. We have received many complaints to the effect that our national newscast has been expressing editorial opinion instead of reporting facts.

"They complain that our reporting on El Salvador had been biased and had a leftist ring to them. I regretfully admit that I am in complete agreement with these complaints. The fact is that there have been instances where our reporters have expressed their personal points of view instead of reporting the facts. Personally, I support the United States policy towards Central America. I likewise support the elections in El Salvador. I sincerely apologize for what has happened in our national newscasts. Also, I give you my word as President of this network that in the future the S.I.N. news reports will be unbiased and professional. Thank you."●

[5] This constant dollar GNP gain would occur because the tariff would effectively tax foreign producers by forcing them to lower their prices. This reduction would transfer income from these producers to the U.S. Government. When the U.S. Government recycled this money to U.S. consumers, constant dollar income retained in the United States would therefore increase.

ARMENIAN MARTYR'S DAY

● Mr. DOLE. Mr. President, April 24, 1982, Armenians all over the world commemorated the 67th anniversary of Martyr's Day. That day in 1915 marked the beginning of a campaign of terror and the brutal slaughter of half the Armenian population in Turkey by the Ottoman Government. On that fateful day, the authorities rounded up 200 leading members of the Armenian community, herded them to the desert, and executed them. During the following 3 years, approximately 1½ million innocent people were systematically put to death simply because of their ethnic background.

Despite this abhorrent attempt to eliminate an ancient and historic nation from the face of the Earth, the Armenian people survived. In 1918, an independent Republic of Armenia was established; 2 years later, it fell victim to Trotsky's Red Army and was forcibly incorporated into the Soviet Union. While the Soviet Government has not resorted to a policy of genocide, it has continuously violated the rights of the Armenian people holding them captive in what is known as Soviet Armenia.

Unfortunately, the world quickly forgot about the heinous crime perpetrated against the Armenian people. The Armenian tragedy became the precursor of other acts of barbarism. Hitler's holocaust, Stalin's manmade famine and purges, and, more recently Pol Pot's widespread killings of the Cambodian populace, clearly indicate that the world has not learned from the disastrous experiences of the Armenian people. Indeed, the ease with which the global community forgot the Armenian massacre is said to have encouraged Hitler's final solution for the Jews in Europe.

Will the world learn from the lessons of the past? By commemorating this stark illustration of man's inhumanity to man, we may be able to prevent future occurrences of such atrocities. At least we can remind Americans of the tenuousness of our heritage of liberty and our need for constant vigilance. I urge members of the Armenian community and the survivors of the genocide not to allow the memory of those who perished to be erased. We should continue to commemorate this dark chapter in history, not only for the sake of the Armenian people, but for the sake of humanity.●

SIMPLIFICATION OF INCOME TAX LAWS

● Mr. QUAYLE. Mr. President, it has become increasingly clear to all of us that our income tax structure has become overly complex, resulting in major economic costs and dislocations. Public confidence in the basic fairness of the system has begun to erode. Even among tax specialists there is substantial confusion about our rights and obligations under the Internal Revenue Code.

The Indiana Legislature has adopted a concurrent resolution requesting the Congress of the United States and the Internal Revenue Service to simplify the income tax laws and the necessary forms.

I believe the Indiana Legislature has expressed the views of most Americans when it notes that taxpayers ought to be able to understand their own tax forms without the assistance of professionals.

I ask that the text of the concurrent resolution be printed in the CONGRESSIONAL RECORD.

The text follows:

RESOLUTION

A concurrent resolution to request that the Congress of the United States, the Internal Revenue Service, the Governor of Indiana, and the Indiana Department of Revenue simplify income tax laws and the necessary forms.

Whereas the existing income tax laws and the printed forms for collection of the United States Internal Revenue Service and the Indiana Department of Revenue are unnecessarily complex, complicated and confusing making it difficult, if not sometimes impossible, for taxpayers to understand and file as they are required to pay tribute demanded by the State and the National Governments; and

Whereas many, if not most individual taxpayers, are required to seek professional assistance in the preparation of their federal and state income tax returns; and

Whereas governments created of, by and for the people should not in extracting the tribute from its citizens for its maintenance and the funding of its projects, place an additional monetary burden upon its citizenry in order to secure the involuntary support they demand: Therefore,

Be it *Resolved* by the Senate of the General Assembly of the State of Indiana, the House of Representatives Concurring:

Section 1. That the Congress of the United States and the Internal Revenue Service are requested to simplify federal income tax laws and the forms used in its collection so that the citizenry will not require the assistance of a professional to pay the tribute demanded.

Section 2. That the Governor of the State of Indiana and the Indiana Department of Revenue are requested to simplify Indiana income tax laws and forms used in its collection so that Hoosier citizens will not require the assistance of a professional to pay the tribute demanded.

Section 3. That the Secretary of the Senate is directed to transmit copies of this resolution to the leadership of Congress of the United States, the Indiana Congressional delegation, the Internal Revenue Service, the Governor of the State of Indiana, and the Indiana Department of Revenue.●

SHOULD WASHINGTON DO WHAT RIYADH CAN'T?

● Mr. JACKSON. Mr President, on March 30, 1982, I spoke here to my colleagues in opposition to the proposal to impose an oil import fee as a means of raising Federal revenues to offset the Federal deficit. Because no comprehensive study of the effects of such a fee on the economy was available, Senator HOLLINGS and I requested that CBO conduct such a study. I think it would be irresponsible for the Congress to give serious consideration to such a fee without the benefit of a comprehensive analysis of the likely effects of imposing such a fee on an economy that has yet to reach the bottom of its recession.

The idea of imposing an oil import fee on an ailing economy, that cannot yet be described even as convalescent, is a little like asking a patient in the intensive care ward to be the blood donor for his own transfusion. It is drawing blood from the left arm for insertion in the right arm by an inexperienced technician and a lot of blood is apt to be spilled.

I am fully aware of the need to reduce the massive Federal deficits engendered by the economic recovery program. But in our haste to do things that may or may not give Wall Street a psychological boost, we should be sensitive to the very real economic consequences of the various remedies at our disposal.

I have received a copy of a study done at the Energy Information Administration entitled, "Economic Impacts of an Oil Import Fee." This is an internal memorandum, dated March 19, 1982, and prepared for the Administrator of the EIA. I would urge my colleagues to study this memorandum carefully.

It shows that an oil import fee of $5 per barrel would have a disappointingly small net Federal revenue, bought at substantial expense to the economy. While one might expect Federal revenues of $10 to $15 billion over each of the next 3 years, the negative effect on the economy is so severe as to reduce the new Federal revenues as follows:

Net reduction in Federal deficit

Year	*Billions*
1982	$8.0
1983	7.0
1984	1.2

The effects on GNP growth, inflation, and unemployment are:

Economic Effects of an Import Fee ($5/bbl.)

[Differences in percentage points]

	1982 to 1983	1983 to 1984
Decrease in real GNP growth [1]	−0.8	−0.5
Increase in inflation rate, CPI [1]	1.0	.2
Increase in unemployment rate [2]	.3	.5

[1] Based on annual levels of indices.
[2] In latter year of column.

In addition, I would turn the attention of my colleagues to a second EIA memorandum, dated March 17, 1982, and entitled, "Economic Impacts of Lower World Oil Prices." Here the

effect of a drop in crude oil prices of $5.25 per barrel was examined, assuming that drop occurred in the second quarter of this year to an average price of $29.80 per barrel and the price remained at that level through 1984. The beneficial economic effects of such a price decrease are remarkable. Employment would increase by over 600,000 by 1984, inflation would drop by 1.1 percent in 1982, the prime rate would drop by nearly 1 percent by the end of 1984, housing starts would increase by 5 percent in 1984, and new car sales would exceed the baseline case by 5 percent in 1983 and by 9 percent in 1984.

Obviously, we do not know whether oil prices, in the absence of the imposition of an import fee, will follow the assumptions used in this memorandum. Certainly, there is more than idle hope that oil prices will decline and remain stable in the near future. The important point is that if such oil price decreases do occur, imposition of the $5 per barrel import fee would snuff out the potential economic benefits I just described. We would be killing the goose that laid the golden egg.

To the average American there is little difference betweeen imposing an oil import fee of $5 per barrel and OPEC imposing a crude price increase of that magnitude. If today OPEC announced a $5 per barrel increase in the price of world crude and had the cohesiveness to make the price stick, there would be ranting and raving in Washington about how we should not stand for such an economic blow at a time of world recession.

Fortunately, OPEC is incapable of imposing and sustaining such a price increase on the world market today. There is certain irony that the advocates of this oil import fee are among the most vocal supporters of the "free market in petroleum." While oil prices are high, we are told not to tamper with the free market. But when oil prices decline, Washington is asked to do what Riyadh cannot.

I ask that the EIA memoranda I have cited be printed in the RECORD.

The memorandums follow:

ECONOMIC IMPACTS OF AN OIL IMPORT FEE

As a followup to our memorandum of March 17, analyzing the economic impacts of lower world oil prices, this memorandum examines a projection showing the impact of imposing a $5.00 per barrel tax on imported oil. Two features in the political environment heighten interest in this policy option. The first is a concern for reducing import dependence. An import fee would serve to preserve trends toward greater energy efficiency by forestalling an increase in imports which might occur in the context of lower world crude prices. The other feature is the potential contribution an import fee might make in reducing the Federal deficit. Given current import projections, a $5.00/barrel tax would increase Federal revenues by about $10 billion each year. Additional windfall profit tax receipts would be realized on domestic production.

This memorandum undertakes to explore apparent major costs and benefits of imposing a $5.00/barrel fee, again based on a simulation using the Data Resources, Inc. (DRI) model. As with the previous memorandum, Federal budget impacts, energy sector impacts, and impacts on the general economy are addressed.

FEDERAL BUDGET IMPACTS

The simulation shows much less improvement in the Federal deficit with a $5.00 fee than one might expect from a naive calculation of direct revenues collected and effects on the Windfall Profit Tax. Given an annual yield directly from the fee of $10 billion, plus additions to gross windfall tax collections of $6 billion, $7 billion, and $8.5 billion in each of the next three years, one might expect the deficit to drop by about $10–$15 billion at least, even with some negative effects on the economy.

Instead, imposition of the tax has such a negative effect on the economy that initial reductions in the deficit are small. The reduction in 1982 is barely over $8 billion. Furthermore, benefits actually decline over time; the 1983 deficit is improved only slightly more than $7 billion, and the 1984 benefit is down to $1.2 billion.

This is because the import fee returns the economy to an energy price environment much more like the original DRI standard forecast than our lower oil price alternative. By pushing energy prices back up, our better-than-half-a-percent per year increment to real GNP growth of the lower price case is erased, with all of the expected general revenue and expenditure benefits of greater growth as well.

Moreover, for the same reason that the lower price simulation understated the benefits to the budget of lower prices, this import fee simulation understates the budget costs. That is, neither simulation analyzed direct costs to the Government for petroleum expenditures.

ENERGY SECTOR IMPACTS

Here the impacts are no different than one would expect. Returning the economy to an energy price environment similar to DRI's original standard forecast also restores their projected declines in personal consumption of gasoline and fuel oil, and virtually eliminates the 800,000 barrel a day increase in oil imports from 1982 to 1984 that would accompany economic recovery in a lower oil price environment. With the fee, imports stay flat at about 6 million barrels per day through 1983, gaining 200,000 barrels per day only in 1984.

GENERAL ECONOMIC IMPACTS

The import fee's small contribution as a revenue measure—as well as most of its success as a curb on energy consumption—can be accounted for by its sizable negative impacts on the general economy. Detailed results are contained in tables attached to this memorandum, but a few indicators are highlighted below:

ECONOMIC EFFECTS OF AN IMPORT FEE ($5/BBL.)

[Differences in percentage points]

	1982 to 1983	1983 to 1984
Decrease in Real GNP Growth[1]	−0.8	−0.5
Increase in Inflation Rate[1]	1.0	.2
Increase in Unemployment Rate[2]	.3	.5

[1] Based on annual levels of indices.
[2] In latter year of column.

Some further discussion of these issues is contained in two attached articles: a Hobart Rowen column appearing in The Washington Post (March 18, 1982) and a special report in the latest edition of Business Week (March 22, 1982).

TABLE 1.—OIL IMPORT ASSUMPTIONS AND ECONOMIC EFFECTS

	(A) $30 case	(B) Import fee	(B−A)[1] Difference	(B−A) ÷ (A) × 100 Percent difference
Import oil price (current dollars per barrel):				
1982	31.11	34.86	3.75	12.1
1983	29.80	34.80	5.00	16.8
1984	29.80	34.80	5.00	16.8
Import level (thousands of barrels per day):				
1982	5,250	5,120	−130	−2.5
1983	5,500	4,950	−560	−10.1
1984	6,150	5,350	−800	−13.0
Import bill (billions of current dollars):				
1982	66.4	72.8	6.4	9.6
1983	66.2	70.6	4.4	6.6
1984	72.9	75.4	2.5	3.5
Real GNP growth (4th quarter to 4th quarter percent change):				
1982	1.7	1.2	−0.5	
1983	4.7	3.9	−0.8	
1984	4.5	4.2	−0.3	
Employment (millions):				
1982	99.7	99.7	−0.100	−0.1
1983	102.8	102.4	−0.400	−0.3
1984	106.1	105.5	−0.600	−0.6
Housing starts (millions):				
1982	1.123	1.120	−0.004	−0.3
1983	1.538	1.508	−0.029	−1.9
1984	1.681	1.633	−0.048	−2.9
Auto sales (millions):				
1982	8.9	8.7	−0.160	−1.9
1983	10.2	9.7	−0.500	4.9
1984	11.5	10.7	−0.800	6.9
Rate of change in CPI (1st quarter to 1st quarter percent change):				
1982	5.3	6.5	1.2	
1983	6.1	6.5	0.4	
1984	5.7	5.7	(*)	
Prime rate (percent):				
1982	15.10	15.10	(*)	
1983	15.22	15.43	0.22	
1984	13.23	13.68	0.45	

[1] Any apparent discrepancies due to rounding.
[*] Negligible.

TABLE 2.—ENERGY SECTOR RESULTS

	(A) $30 case	(B) Import fee	(B−A)[1] Difference	(B−A) ÷ (A) × 100 Percent difference
Real personal consumption of gasoline (billions of constant 1972 dollars converted to 1981 dollar equivalents, NIA basis[*]):				
1981	48.9	Same		
1982	49.9	49.2	−0.8	−1.5
1983	49.6	47.2	−2.4	−4.9
1984	49.3	46.5	−2.8	−5.6
Personal consumption of fuel oil, bottled gas and coal (billions of constant 1972 dollars converted to 1981 dollar equivalents, NIA basis[*]):				
1981	7.1	Same		
1982	7.0	6.9	−0.1	−1.5
1983	7.0	6.6	−0.3	−4.7
1984	7.0	6.7	−0.3	−5.0
Gross energy consumption (quadrillion Btu's):				
1981	74.4	Same		
1982	74.1	73.6	−0.5	−0.6
1983	76.4	74.5	−1.9	−2.5
1984	78.5	76.1	−2.4	−3.0
Level of the producer price index for fuels and related products, and power (BLS index), 1967 = 100:[*]				
1981	694.5	Same		
1982	673.2	706.2	33.0	4.9
1983	678.8	754.2	75.4	11.1
1984	710.4	788.1	77.7	10.9

TABLE 2.—ENERGY SECTOR RESULTS—Continued

	(A) $30 case	(B) Import fee	(B—A) [1] Difference	(B—A)÷(A)×100 Percent difference
FRB index of industrial production, oil, and gas extraction (1967=1.000): [4]				
1981	1.468	Same		
1982	1.494	1.497	0.003	0.2
1983	1.493	1.502	0.009	0.6
1984	1.486	1.498	0.012	0.8

[1] Any apparent discrepancies due to rounding.
[2] NIA=National Income Accounts.
[3] BLS=Bureau of Labor Statistics.
[4] FRB=Federal Reserve Board.

TABLE 3.—FEDERAL BUDGET IMPACTS

[NIA basis, billions of current dollars]

	(A) $30 case	(B) Import fee	(B—A) [1] Difference	(B—A)×100÷(A) Percent difference
Gross windfall profit tax receipts:				
1982	19.7	25.6	5.9	29.7
1983	15.6	22.2	6.7	43.0
1984	10.5	18.9	8.5	80.9
Federal deficit:				
1982	−131.6	−123.4	8.1	−6.2
1983	−133.2	−125.9	7.3	−5.5
1984	−123.2	−122.0	1.2	−1.0
Federal Government expenditures:				
1982	752.2	753.2	1.0	0.1
1983	798.8	802.8	4.0	0.5
1984	849.5	856.4	6.9	0.8
Total Federal Government receipts:				
1982	620.7	629.8	9.1	1.5
1983	665.6	676.9	11.3	1.7
1984	726.3	734.5	8.1	1.1

[1] Any apparent discrepancies due to rounding.
Note: NIA—National Income Accounts.

TABLE A.—DETAILED BREAKDOWN OF FEDERAL BUDGET IMPACTS OF A $5 PER BARREL IMPORT FEE IMPOSED ON THE $30 PER BARREL CASE [1]

[Differences in billions of current dollars]

Budget items [2]	1982	1983	1984
(1) Federal deficit, NIA basis [3]	8.1	7.3	1.2
(2) Total Federal expenditures [4]	1.0	4.0	6.9
(3) Net interest paid	−.3	−1.0	−.1
(4) Personal transfer payments	1.3	4.9	7.0
(5) Total Federal receipts	9.1	11.3	8.1
(6) Corporate receipts	−1.4	−3.5	−5.2
(7) Personal receipts	−.4	−1.4	−3.3
(8) Social insurance	−.1	−.5	−2.3
(9) Indirect taxes	11.0	16.7	19.0
(10) Gross Windfall Tax	5.9	6.7	8.5
(11) Net Windfall Tax	2.9	3.3	4.2
(12) Import Fee Revenue	6.1	10.1	10.8
(13) Other Indirect Taxes	−1.0	−.1	−.3

[1] Positive sign of impacts indicates improvement in the deficit except for (2), (3), and (4), expenditures. Positive sign for (1) in all years indicates amount of improvement (reduction) in the Federal deficit.
[2] Relation of items: (1)=(5)−(2). (5)=(6)+(7)+(8)+(9). (9)=(10)+(12)+(13). (11)−(10) is part of impacts of (6).
[3] NIA=National Income Accounts.
[4] Expenditure impacts include only changes in interest payments on the deficit, and in personal transfer payments. Nominal purchases of goods and services are assumed fixed, with higher petroleum prices causing lower government purchases in real terms.

Economic Impacts of Lower World Oil Prices

INTRODUCTION

Since peaking in early 1981, the price of imported oil has fallen over 7 percent, going from more than $38.00/barrel to less than $35.00 for the first quarter of this year. Much speculation exists that prices may fall still further, bringing both beneficial effects to the economy, and a risk of reversing gains made in energy efficiency and reduced oil import dependency.

To assess the likely impacts of a continued fall in oil prices, a quick analysis exercise was undertaken using the Data Resources, Inc. (DRI) macroeconomic model, and the Energy Information Administration's (EIA's) Windfall Profit Tax program, an updated quarterly version of which is now installed for interactive use with the DRI model on their system. Two scenarios were compared:

(a) DRI's standard forecast of 2/27/82 (CONTROL022782), in which the price of imported oil is assumed to drop only a bit more in 1982 (less than $1.00/barrel), and then rebound to show about a 3 percent gain from 1982 to 1983 (again $1.00), and nearly a 10 percent gain from 1983 to 1984 (roughly $3.00).

(b) An alternative EIA simulation of the DRI model, in which the price of imported oil is assumed to drop 15 percent (by $5.25) to $29.80/barrel in the second quarter of this year, and remain at that level through 1984.

RESULTS OF THE ANALYSIS

A comparison with DRI's standard forecast shows a gain of better than 0.5 percent in real GNP growth in each of the next three years, should the oil price drop to and remain at $30.00. This economic growth is sufficient to lower the unemployment rate by close to 0.5 percentage points in 1984. The additional employment due to a lower price is projected to be 50,000 in 1982, 300,000 in 1983, and over 600,000 in 1984.

Not only output and employment gains, but also reduced inflation and interest rate pressure, should result from falling world oil prices. Comparing the two scenarios considered here, the inflation rate would be more than 1 percentage point lower the first year in the lower price case, and nearly 1 percent lower the following two years. The reduction in the prime rate of interest is projected to be less than 0.5 percent through 1983, but reaches nearly 1 percent by the fourth quarter of 1984.

As a result of both lower energy prices and lower interest rates, both housing and automobile sectors show significant improvement. Additional housing starts exceed DRI's baseline forecast by 5 percent in 1984. New car sales exceed the baseline by 5 percent in 1983, and 9 percent (nearly a million cars) by the end of 1984.

ENERGY SECTOR EFFECTS

The reduction in foreign oil prices results in a lowering of the overall wholesale price of energy to 4.2 percent below DRI's baseline in 1982; 10.3 percent in 1983; and 14.9 percent in 1984. In general, this encourages consumption of both fuel and non-fuel products, stimulates industrial production, and encourages investment by business outside the energy sector.

The simulation also indicates that domestic extraction of oil and gas would decline slightly over time. By 1984 domestic oil production would be 1 percent below DRI's baseline forecast. When this is coupled with increased fuel consumption, imports rise. Personal energy consumption gains are roughly 1.5, 5, and 8 percent over DRI's baseline in 1982, 1983, and 1984. The projected import increase for each of the three years, respectively, total 120,000 barrels per day, 520,000, and 960,000. Nonetheless the overall import bill falls by $5.8 billion in 1982, $6.4 billion in 1983, and $9.3 billion in 1984. The reduction in the last year equals about 12 percent of DRI's baseline forecast of $82.2 billion.

It should be pointed out, however, that despite these gains in energy consumption as compared with DRI's baseline, some categories of energy consumption are projected to continue to decline absolutely from year to year. Personal consumption of gasoline, for example, still declines, only much more slowly. The 1984 projection is 1.5 percent below that for 1982. The DRI baseline, by contrast, projected a 7.5 percent decline in personal consumption of gasoline from 1982 to 1984. The rate of household fuel oil use stabilizes as prices fall. In contrast the DRI baseline projections indicate a 5.5 percent reduction in demand by 1984. As for overall energy consumption, (in gross quads) DRI's baseline showed an overall increase of about 2 quads (2.4 percent) for 1982 to 1984, whereas the lower price case gain is nearly 4.5 quads (6 percent).

GOVERNMENT BUDGET EFFECTS

Lower world oil prices reduce Federal windfall profits tax receipts. Nevertheless, the analysis shows that, far from having any lasting negative effect on deficits, the lower oil price scenario does not increase the deficit in the long run. When the economy is stimulated to grow faster by lower oil prices, transfer payments decline and personal and corporate income tax receipts increase. The simulation indicates that only in 1982 is the loss of revenues form the windfall profits tax not offset by gains in other revenues. The net loss in 1982 is estimated to total $3.7 billion.

These simulations do not model all dimensions of potential impact with respect to federal expenditures. Fuel-related expenditure changes, such as reduced costs of petroleum products, have not been explicitly captured. This partial exclusion of expenditure effects in the lower price case imparts a bias toward showing greater deficits vis-a-vis the DDI baseline, than should really be the case.

ARTHUR T. ANDERSEN,
WILLIAM CURTIS,
Economics and Statistics Division, Energy Markets and End Use.

Attachment.

OIL IMPORT ASSUMPTIONS AND ECONOMIC EFFECTS

	(A) DRI	(B) Alternate	(B—A) Difference	(B—A)÷(A)×100 Percent difference
Export oil price (current dollars per barrel):				
1982	34.50	31.11	−3.38	−9.8
1983	35.55	29.80	−5.75	−16.2
1984	38.92	29.80	−9.12	−23.4
Export level (thousands of barrels per day):				
1982	5,130	5,250	120	2.3
1983	4,990	5,500	520	10.4
1984	5,190	6,150	960	18.5
Export bill (billions of current dollars):				
1982	72.2	66.4	−5.8	−8.0
1983	72.6	66.2	−6.4	−8.8
1984	82.2	72.9	−9.3	−11.4
Real GNP growth (4th quarter to 4th quarter percent change):				
1982	1.2	1.7	+0.5	
1983	4.0	4.7	+0.7	
1984	3.8	4.5	+0.7	
Employment (millions):				
1982	99.7	99.7	0.050	0.1
1983	102.5	102.8	0.300	0.3
1984	105.5	106.1	0.600	0.6
Housing starts (millions):				
1982	1.120	1.123	0.004	0.3
1983	1.499	1.538	0.039	2.6
1984	1.609	1.681	0.072	4.5
Auto sales (millions):				
1982	8.7	8.9	0.150	1.7
1983	9.8	10.2	0.450	4.6
1984	10.6	11.5	0.900	8.5
Rate of change in CPI (1st quarter to 1st quarter percent change):				
1982	6.4	5.3	1.1	

OIL IMPORT ASSUMPTIONS AND ECONOMIC EFFECTS—Continued

	(A) DRI	(B) Alternate	(B—A) Difference	(B—A) ÷ (A) × 100 Percent difference
1983	6.9	6.1	0.8	
1984	6.6	5.7	0.9	
Prime rate (percent):				
1982	15.11	15.10	(1)	
1983	15.54	15.22	0.32	
1984	13.96	13.23	0.73	

[1] Negligible.

TABLE 2.—ENERGY SECTOR RESULTS

	(A) DRI	(B) Alternate	(B—A) [1] Difference	(B—A) ÷ (A) × 100 Percent difference
Real personal consumption of gasoline (billions of constant 1972 dollars converted to 1981 dollar equivalents, NIA basis): [2]				
1981	48.9	Same		
1982	49.3	49.9	0.7	1.4
1983	47.3	49.6	0.3	5.0
1984	45.5	49.3	3.7	8.2
Personal consumption of fuel oil, bottled gas and coal (billions of constant 1972 dollars converted to 1981 dollar equivalents, NIA basis): [2]				
1981	7.1	Same		
1982	6.9	7.0	0.1	1.4
1983	6.6	7.0	0.3	4.8
1984	6.5	7.0	0.5	7.5
Gross energy consumption (quadrillion Btu's):				
1981	74.4	Same		
1982	73.7	74.1	0.4	0.6
1983	74.6	76–4	1.8	2.4
1984	75.5	78.5	2.9	3.9
Level of the producer price index for fuels and related products, and power (BLS Index), 1967 = 100: [3]				
1981	694.5	Same		
1982	702.8	673.2	−30.6	−4.2
1983	756.9	678.8	−78.1	−10.3
1984	834.7	710.4	−124.3	−14.9
FRB index of industrial production, oil, and gas extraction (1967 = 1.000): [4]				
1981	1.468	Same		
1982	1.497	1.494	−0.003	−0.2
1983	1.502	1.493	−0.009	−0.6
1984	1.503	1.486	−0.016	−1.1

[1] Any apparent discrepancies due to rounding.
[2] NIA = National Income Accounts.
[3] BLS = Bureau of Labor Statistics.
[4] FRB = Federal Reserve Board.

TABLE 3.—FEDERAL BUDGET IMPACTS

[NIA basis, billions of current dollars]

	(A) DRI	(B) Alternate	(B—A) [1] Difference	(B—A) ÷ (A) × 100 Percent difference
Gross windfall profit tax receipts:				
1982	25.0	19.7	−5.3	−21.1
1983	23.3	15.6	−7.7	−33.2
1984	26.2	10.5	−15.7	−66.0
Federal deficit:				
1982	−127.9	−131.6	−3.7	2.9
1983	−131.9	−133.2	−1.3	1.0
1984	−124.7	−123.2	1.6	−1.3
Federal Government expenditures:				
1982	753.3	752.2	−1.0	−.1
1983	803.6	798.8	−4.8	−.6
1984	860.1	849.5	−10.6	−1.2
Total Federal Government receipts:				
1982	625.4	620.7	−4.7	−.8
1983	671.7	665.6	−6.0	−.9
1984	735.3	726.3	−9.8	−1.2

[1] Any apparent discrepancies due to rounding.
Note: NIA—National Income Accounts.●

MARTIN E. CITRIN, PRESIDENT, COUNCIL OF JEWISH FEDERATIONS

● Mr. LEVIN. Mr. President, last Thursday, April 22, I attended a congressional reception hosted by the Council of Jewish Federations during its quarterly meeting in Washington.

The president of the council, Marty Citrin, made a brief and eloquent speech about the work of the council and its role in the effort to make the world a place of peace, justice, and compassion.

I found Mr. Citrin's remarks to be moving and instructive. Accordingly, I ask that they appear in the RECORD at this point so that all my colleagues can profit from them.

The remarks follow:

STATEMENT BY MARTIN E. CITRIN

I am delighted to extend to you a warm welcome. We are especially gratified that we have with us tonight several scores of lawmakers—Senators and Congressmen—to break bread with us, to meet their local constituents, and to confront some of the problems that challenge us.

I want to pay a special tribute to our honored guests, the Members of Congress. Yours is a continuing monumental task: To represent your varied local constituencies and, at the same time, to act in the best interests of the entire country; to sort out the major issues, to become informed, and to make judgments based on our deeply held and cherished American value system. We congratulate you and commit ourselves to assist in any way that we can—as citizens and as volunteers—to help you give this country the leadership it needs and merits in order to pass through these perilous times.

Let me tell you, honored guests, a little about the people who are here with you. They are your friends and neighbors. They are people with a strong sense of citizenship and a wholehearted commitment to the Democratic process. We come from all walks of life. Here tonight are doctors, lawyers, executives, academics, businessmen, and businesswomen; and homemakers and junior executives and retirees. But, above all else, those gathered here are volunteers—and leaders. The volunteer leaders of our member federations spread across the length and breadth of this continent. They take seriously their commitment to the voluntary sector of American democracy. They see in it the hallmark of the American way of life: That people have an obligation to take responsibility for their own lives; that the creation of a sense of community is a fulfillment of one of the highest ideals of American life. We believe that the voluntary sector adds a dimension to democracy that makes government more effective. We see voluntarism as a full-fledged partner with business and government in making democracy work.

We are the leadership of the Jewish federations. What is a Jewish federation? In each of the 200 cities where you find them—representing over 800 communities—they are an aggregation of individuals and organizations who have combined their resources and their talents to identify major problems at home and abroad on which they feel they must work together.

Over 2¼ million individuals make financial contributions and we mobilize 200,000 volunteers to engage in fundraising, policymaking and direct service. We have created a communal structure rooted in Jewish values of mutual responsibility, and nourished in the American soil of voluntarism. Human and financial resources are mobilized and pooled, and living institutions have been established to deal with a broad range of needs—cultural, human and communal. We have developed fundraising mechanisms that are the envy of our neighbors, and have tied them into a system of services with exemplary standards of excellence that span the entire age spectrum. Our concerns are national and global as well as local.

What are some of these concerns?

On the domestic scene the scope is broad: We are trying to strengthen families to enable them to cope with the growing challenges of the forces of erosion and breakdown.

We are concerned about our aging population—and we have them in rapidly growing numbers—about their housing, their nutrition, their health—especially the quality of their lives in their golden years.

We are concerned about our young people—not only in nurturing them in their heritage as Jews and as Americans to give them roots and stability—but in their education, in their vocations and careers, in their relatedness to their families, in all the responsibilities of citizenship. We are worried about the one-parent families—a new group of poor and near-poor—and the special help they need to provide a decent family life for their children.

In our tradition there is a single Hebrew word that epitomizes the values that are represented in these concerns. It is "Tzedakah". We translate it as "charity", but its roots are the concepts of righteousness and justice. "Tzedakah" has the force of an article of faith with us. The Bible states it simply: "If there is a needy person among you . . . do not harden your heart and shut your hand; rather, you must open your hand . . . give to him readily and have no regrets when you do so, for in return the Lord your God will bless you in all your efforts."

As a community we are committed to help shape a warm and compassionate America that lives up to its ideals of fairness and justice. We ardently support an America that is zealous about the civil rights and civil liberties of its citizens. We abhor bigotry in any shape or form and will mobilize to fight it.

In full realization that America is the creation of immigrants, we espouse for our country an immigration policy that is humane and generous, especially to the victims of persecution, recognizing that the open door of the 19th century must give way to the sensible regulations of the 20th century.

When we look at the broader world in which we live, we recognize how it has shrunk, and how intgerrelated are the lofty goals we hold for America and our obligation to help create the kind of world within which these goals are achievable.

We are people of peace and we seek a world of stability and order. We worry about our kinsmen locked up in hostile lands that hold them captive and threaten their continuity—the Jews in the Soviet Union, the millions struggling for the right to live in freedom. We hold out our hands to our brothers in Syria and our coreligionists in Ethiopia. We work and strive for their liberation. The memory of the Holocaust is

still too fresh to let us rest from this task of liberation.

The Middle East is a special place for us, for that is where we began and became a people who leaves its mark on history. We meet at a critical time. Within 72 hours Israel completes its obligations in the Sinai—by full and complete withdrawal. This is action—not just words—action—traumatic in many respects—because it is fraught with uncertainty—but action taken nevertheless—in the pursuit of peace.

We also seek a stable and peaceful solution to the many problems of that area and see Israel as a proven, staunch and loyal friend of America lending a sense of reliability and stability to an area that is awash with terrorism, fanaticism and war. We support a strong and affirmative presence of America in the Middle East, reinforcing this friendship to assure a strong Israel and using its good offices to extend the blessing of peace to all in that area who truly desire it.

We are not large in numbers, but we are large in commitment and deed. We offer to bear a great share of the partnership between citizens and government that has helped make America the great hope of the world. On that, you have our word and our hearts.●

MORAL DISTINCTION AND POLITICAL OPINION

● Mr. DENTON. Mr. President, we have recently seen, in the press and elsewhere, an expanding discussion of whether and how moral principles and practices do and should affect our political life and the Nation's public policy. We have also seen a tendency to cloak positions that are fundamentally political in high-sounding moral discourse. Both the issues and the way they are presented are of great concern to us all.

Father William B. Smith, the academic dean and professor of moral theology at Saint Joseph's Seminary in Yonkers, N.Y., has recently considered the interaction of Christian morality and public policy, particularly our national security policy. I believe all of us in the Senate would benefit from reading his perceptive analysis.

Dr. Onalee McGraw, consultant to the Heritage Foundation, has also considered the interaction of moral standards and cultural vitality in a recent essay that seems to me to go to the heart of the matter.

So that my colleagues may benefit from these thoughtful analyses, I ask that they both be printed in the RECORD immediately following my remarks.

The material follows:

A CONFUSION OF MORAL DISTINCTIONS AND POLITICAL OPINION

(By Rev. William B. Smith)

The first chapter of Saint Mark's gospel is brief and to the point. We are told that St. Mark's Gospel is the oldest written gospel. If that is so, then the first recorded advice of Jesus Christ are these words in Mk.1:15 "reform your lives and believe in the gospel." With these words, we always begin the Season of Lent.

And yet with all respect we probably resist both the context and the import of this gospel . . . "He went into the wasteland and was tempted for 40 days." Most of us feel, or at least suspect, that it's a little bit absurd for the Devil to try to tempt Jesus Christ. In addition, we tend to think that the temptations offered were and are a little bit remote: change stones into bread; . . . take a dive from the top of the Temple; . . . worship me and I'll see that all nations worship you.

But the temptations (cf. Mtt.4:1-11) were real, and I submit, they are just as real for us because the basic and real temptation for Him was to become the wrong kind of Messiah. Consider:

Round No. 1. After a long fast, common sense tells you anyone would be very hungry. Well, why not change available stones into unavailable bread? What a splendid short-cut! It guarantees instant notoriety. This has been one of the main ploys of every bread-and-circus type from the 1st century up to our century.

Round No. 2. Your spendid retreat effort here in the wasteland, here in the middle of nowhere, will go unnoticed. Why not take a spectacular plunge from the Temple balcony of Jerusalem. That will be noticed! Then word will get out and really get around.

Notice He would not take either the bread or circus stunt route; He took instead the route of man—taking on our limitations, our inadequacies and from this He would not be distracted.

Round No. 3. Power Play. All kingdoms are yours, if you bow to me and not to God. Now this was a valid offer from the Devil. In fact, it is an offer that has never been undersubscribed especially by little devils: the Idi Amins, the General Jarulzelkis, and a legion of political messiahs now infesting Central America.

Recall, the Lord refused this route and would not be distracted by it as, unfortunately, so many of His followers, so many, many Christians were and are and have been so distracted.

1-2-3: Affluence. Marvels. Power. Before beginning His public ministry, His public life, He pointedly repudiated these pillars of secular society: Affluence . . . Marvels . . . Power. He refused to become the wrong king of Messiah.

He would not turn stones into bread regardless how plentiful the stones and scarce the bread. He did and does change bread into His own Body for our sustenance—His priority is spiritual sustenance first.

He would not become the drawing-card through some high-wire act, but He did and does light the Way with His Truth—for He alone is our Way to God and God's Way to us.

He would not turn into or toward any little Caesar—actual or in training. Instead His throne was a Cross and His glory the Resurrection. That Cross and Resurrection—these are the pillars of His society, something our society seems intent on removing from public view.

But, all of this is long ago and far away. Not really, it's close and very close to home. Just as the Lord was tempted to become the wrong kind of Messiah, so we are always tempted to become the wrong kind of Christian. The pillars of our aspiring society are exactly the same: Affluence; Marvels; Power. Whether it is the pursuit of affluence or its overthrow; whether a splash of power politics (most often in the name of the powerless) or its opposite; either way and every way, His lived example says: "Beware!" Beware of charging down the wrong route to become the wrong kind of Christian.

In some current and highly publicized events, these old temptations are very new and very much alive, especially in some high places in the Church.

CHURCH/STATE RELATIONSHIP

Let me mention the obvious first. I am a very strong believer in the grace of ordination. In fact, I never cease to marvel at how generous God is with His gifts:—how He would allow ordinary types like myself to do certain things in the Church, in His name and by His enabling grace: . . . anointing the sick and the dying; . . . witnessing Christian indissoluble marriages—these are great sacramental privileges which the ordained are privileged either to perform or witness.

Obviously, both you and I are free to read our favorite editorials and to come to our own conclusions, even convictions, even intense personal convictions in the political and secular realm. The grace of ordination confers on me no extra blessings to improve my ability to read newspapers or to listen to T.V. commentators. And the same applies to Bishops. Bishops are indeed first class priests but no special endowment, direct from the Holy Spirit, comes to them in episcopal ordination to read the signs of the times better than anyone else, especially say for example, in El Salvador or Nicaragua—particularly when the Bishops of El Salvador and Nicaragua read their own signs in their times in a way different from how some of our Bishops do.

There is an important distinction in our Catholic moral tradition which sometimes gets blurred today and I think it should be clearer. It is the distinction between (1) things on which all Catholics must act morally, and, (2) things on which there is only one moral act. An example of the latter is the direct killing of the innocent. That's a wrong goal, and every means to it or toward it is a wrong step in the wrong direction. The end and the means are all of one piece.

On the other hand, there are and can be agreed goals on which we all must act morally but on which there is no single means to meet or bring or achieve that goal. These are means on which reasonable people can and will disagree. The more political that judgment, the more concretely complex even singular the situation, the more likely that different people will see different means to try to achieve the same good goal. It can well be that several different paths are all good or neutral in themselves. It can happen that we agree on the same general directing principle but disagree on how or whether the general principle fits or does not fit particular facts. What are the facts? What are all the facts? Which facts are relevant? Whose data counts? Whose reference-preferences will set up or set aside what facts we look at?

I give but one example simply because it has received so much media attention. Does the teaching of the Catholic Church forbid the use of weapons of mass destruction causing indiscriminate killing of combatants and non-combatants? Yes. Vatican Council II taught just that in the Pastoral Constitution on the church in the Modern World ("Gaudium et Specs") n. 80. Now, does this mean that the Catholic Church requires unilateral disarmament. No.

POLITICAL ECCENTRICITIES

You may have read in the papers, as I have, that Raymond Hunthausen, the Arch-

bishop of Seattle, has proclaimed that to take up the Cross in our age literally means we must take up unilateral disarmament (cf. "Christianity & Crisis" v. 41 (1981) pp. 229-293). Archbishop Hunthausen next proclaimed that he intends NOT to pay half of his personal income taxes this year because in his judgment U.S. policy is going in the wrong direction and the basing of Trident submarines in his Seattle diocese has made, what he calls, the "Auschwitz of Puget Sound."

Is this also Catholic moral teaching? No, it is not! In fact, the same Second Vatican Council would not endorse a resolution of unilateral disarmament which the Archbishop now lifts up and leans on so. When as logical consequence, he as much as tells U.S. Catholic sailors that they are part of an Auschwitz network, the Archbishop is propounding his own eccentric political views, NOT the teaching of the Catholic Church.

Furthermore, both the 4th and 7th commandments require that we pay our just taxes; this is an obligation not an option and a positive failure to do so is, by definition, civil disobedience.

For years, I have counseled and cautioned the most avid antiabortionists NOT to do just that. Their argument is similar. Some public tax money funds some abortions. They don't approve of that (nor do I) so some want to remove some portion of taxes that funds abortions. It's not that simple.

Authentic Catholic morality does not simply escalate individual conscience above the common good merely on the basis of fervor, intensity or so-called prophetic gestures. First, one must honestly exhaust every legal and peaceful means of resolution. It is only AFTER every legal and peaceful means has been exhausted that one can ever consider civil disobedience. Civil disobedience is a possible LAST step in a long line of honest attempts, not the first step to gain attention or generate press releases. Civil disobedience, after all, is the first step toward revolution.

Thus, it is positively irresponsible to offer civil disobedience as a consciousness-raising tactic, as it is to disparage Catholic who serve in our Navy's submarines, or Catholic who work for the Pantex Corporation.

Archbishop Hunthausen may well read his own version of "unilateral" disarmament onto his reading of the New Testament. I have no doubt that this is his sincere personal opinion, it is, I think mistakenly, his personal option, but to escalate his personal OPTION into some kind of MANDATE binding or troubling all Catholics in his diocese is simply and plainly mistaken. No doubt he means well and his motives are high ones; but he is held to the same Catholic teaching that we are and Catholic teaching mandates no such thing.

What has this to do with the gospel? In a way, not much, but in some ways, a great deal. Some of the oldest temptations remain some of the newest temptations, and all tempatations are distractions from the gospel.

FORM OF SUBSTANCE?/OPINION OR DOGMA?

There is a clear danger today of picking up selectively and escalating certain political ideologies and agendas, wrapping them in Churchy-sounding language, but ending up in extreme right field or extreme left field.

This danger is markedly increased because most ecclesiastics have a morbid fear of looking bad in the press. So, the temptation is to up the stakes on points, postures, programs and platforms that are not clearly in the gospel nor are they clearly derived from it.

The more this is done, the more some elements of the press consider such ecclesiastics as modern, relevant with-it heroes—NOT because any teaching of the Faith has been illuminated with new and blinding clarity—but because one's own eccentric political views happen to coincide neatly with those who are only too happy to report what confirms their own political views.

I can assure the Archbishop (if he wants to test that last value judgment of mine) that were he so outspoken about sterilization-abortion-pediatric euthanasia (things that really did happen at Auschwitz; and which happen also in Seattle) I guarantee that his media charisma, in those circles, would be instantly de-certified!

This does not mean—Don't get involved! But it does mean we should try to see what is involved; above all see the difference BETWEEN those things on which all Catholics must act morally, and things on which there is but one moral act.

The Lord began His life as we should begin our Lent—by putting the spiritual first; putting spiritual sustenance first and that takes effort which is always a personal effort. Distractions—large or small—are all temptations to put off, to delay, to postpone our needed personal effort.

Let's look carefully and listen more carefully to precisely how the first Christian really did begin His public life. He refused to become the wrong kind of Messiah, as we should and must refuse to become the wrong kind of Christian.

Easter is the point and the purpose of Lent; there the Lord stands in resurrected life. If we want to come closer to Him by Easter, closer to Him Who is the Way and the Truth and the Life, then we have to make some personal effort this Lent to move to Him:

To follow His ways better;

To know His truths better;

To share His life better. Those betters and that learning comes through living, not just thinking about it, and we can learn better the Way and the Truth and the Life this Lent, provided, provided we do not get distracted.

[Father William B. Smith is the academic dean and professor of moral theology at St. Joseph's Seminary, Dunwoodie, Yonkers, New York (in the Arch-Diocese of New York) and president of the Fellowship of Catholic Scholars.

[He is a regular columnist in the National Catholic Register and an occasional contributor to the National Hibernian Digest and to Catholic New York, the newspapaper of the Arch-Diocese of New York. (The Archbishop of New York is also Military Vicar of the United States.)]

CULTURAL VITALITY AND MORAL STANDARDS: IS THERE A CONNECTION?

(By Onalee McGraw)

Norman Lear, after spending years as one of the main honchos on the cultural demolition squad, is now concerned that the public might get the wrong idea and identify with the "Moral Majority" types in this matter of "loving America."

Now we are reassured that such patriotic activity is permissible because he and Jane Fonda also love America.

I didn't have a chance to tune in to Norman Lear's tv extravaganza the other night because I was listening to a rebroadcast of "Lights Out" from Radio's Golden Age. Which leads me to the main point: is there a connection between the core values of a society and its cultural level?

We now look back to "golden ages" in popular music, drama, movies, radio and television. What makes them golden and, presumably, their contemporary imitators something less than golden—perhaps tarnished?

Music, art, drama and film absolutely depend for their vitality on a fabric of shared moral understandings. Cultural reflections of the human condition are only interesting to the degree that they correspond in some measure to what most people understand in terms of moral reality.

Norman Lear, whom we have to thank for Archie Bunker, and the other media arbiters of our current popular culture view a libertine tolerance of and openness to all forms of human behavior as the legitimate cornerstone of society, and condemn those who disagree with them as fascist "Ayatollahs" who will repress freedom. The irony is that the very authority Lear sees as illegitimate for others, he claims for himself when he proclaims that it really is "all right" to love America because enlightened liberals do too.

A more pertinent question is, of course, why people should love America, or each other? And why does it matter whether they do or not? If the only real virtue is proclaiming that all manifestations of human existence are simply there and that no value judgments can legitimately be made, then the only thing left for all of us is to cope with things in general as we move through the various passages of our life cycle.

Current cultural arbiters must look to the talents of an earlier time because their own disordered values have produced few successors. More and more we see the revival of old plays and movies, and radio stations devoted to the "big bands." It is interesting to reflect, as the superficial entertainment set has not, that it was precisely the moral dimension to the human condition which they have ridiculed and bypassed all these years which provided the necessary foundation for the movies, plays and songs we all love.

Was it really just a matter of "loving America" more in those days? I think not. For example, popular songs that just endlessly tell us "how it feels" without regard to a commitment are just plain boring. "Kramer vs. Kramer" was interesting drama because it really mattered at a moral level and Meryl Streep walked out on Dustin Hoffman and their child; it wasn't just a movie about how they "coped." Frank Capra's, "It's a Wonderful Life," would have been rather pointless if none of us really felt that it mattered whether Jimmy Stewart devoted his life to his family and helping others; in modern terms we would have to simply say that he had "clarified his values and should take the consequences."

If traditional moral values are only "alternatives" as Lear and others have argued, it is nevertheless true that this "art" has depended on attacking those very same "alternatives." Now that more people have become aware of the barrenness of popular culture, Lear has decided it's time we assert "our feelings" that, yes, motherhood and apple pie, flag and country mean "something."

But these things can only mean something if the values which they symbolize are also good and, yes, better than "alternative life styles."

Now that Norman Lear has discovered the symbols, perhaps some day he also will realize that the principles and values upon which they are based—values which depend

on caring and commitment, not just tolerating and coping—also are worth embracing.

[Onalee McGraw, Ph.D., is an education consultant to The Heritage Foundation, a Washington-based public policy think tank.]●

DEVELOPMENT OF COAL SLURRY PIPELINES

● Mr. LEVIN. Mr. President, I am happy to cosponsor S. 1844, a bill to encourage the development of coal slurry pipelines. I was a sponsor of similar legislation in the last Congress and support this innovative technology. We must not be lulled into complacency because of the adequacy of current oil supplies, but must plan for our future fuel requirements.

One of the reasons that I cosponsored this legislation in the past was because the Congress, despite many obstacles, had finally provided a program for producing coal—on both private and public lands—that adequately protects the environment and assures the public a fair return for Federal coal leases. Enactment of the Coal Leasing Amendments of 1976, the Federal Land Policy and Management Act of 1976, and the Surface Mining Control and Reclamation Act of 1977 commit the Congress and our Nation to assuring that development of our Nation's great coal resources be done responsibly. Only with such a program in place can we look to any policy, like coal slurry technology, that will dramatically increase coal production.

It is imperative, then, that our commitment to wise coal development remain as a foundation for coal slurry development. Attempts to severely weaken the coal leasing program, the Federal Land Policy and Management Act, or the Surface Mining Control and Reclamation Act, in my opinion, would lessen support for coal slurry legislation.●

THE 67TH ANNIVERSARY OF ARMENIAN MARTYRS DAY

● Mr. LEVIN. Mr. President, Saturday, April 24, we paused to honor the memory of the 1,500,000 Armenians massacred between 1915-18 by the Turkish Ottoman Empire. This day, the 67th anniversary of Armenian Martyrs Day, serves as an unfortunate reminder that this first genocide of the 20th century became the precedent of the holocaust of World War II. These genocides are historical realities which can never and should never, be blotted from the conscience of mankind.

The world did not learn a lesson from the Armenian genocide, unfortunately, and we soon found out that history does have a way of repeating itself. We have borne witness to many acts of man's inhumanity to man throughout this century.

By commemorating the memory of these victims, we can try once again to prevent history from repeating itself. Such tragedies can only be prevented in the future if they are remembered.

But more than that tragedy should be remembered. April 24 is a day that Armenians remember and reflect on their traditions and culture. It is through such remembrance and reflection that we are able to appreciate the rich culture and proud heritage that has kept the Armenian people so vital as a community and so valuable as a part of our Nation.●

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

CRIMINAL CODE REFORM ACT OF 1981

Mr. BAKER. Mr. President, what is the business now pending before the Senate?

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A motion to proceed to the consideration of S. 1630, a bill to codify and reform title 18 of the United States Code and for other purposes.

PROGRAM

Mr. BAKER. Mr. President, in a moment, I will ask the Senate to recess over until tomorrow.

At 9:45 a.m. tomorrow, the Senate will convene.

After recognition of the two leaders under the standing order, there will be a brief period for the transaction of routine morning business.

Under the provisions of rule XXII of the Standing Rules of the Senate, a quorum call will be initiated to ascertain the presence of a quorum prior to a vote on the motion for cloture filed heretofore on the motion to proceed to the consideration of S. 1630, the Criminal Code Reform Act of 1981. It is estimated that the vote on cloture will occur in the vicinity of 11 a.m.

If cloture is invoked, then of course debate will continue on the motion until the matter is disposed of according to the provisions of the rule. If cloture is not invoked, debate will continue until such time as it is ascertained that the Senate can dispose of this matter in an orderly way or proceed by unanimous consent to other measures.

ORDER FOR RECORD TO REMAIN OPEN UNTIL 5 P.M. TODAY

Mr. BAKER. Mr. President, I ask unanimous consent that the CONGRESSIONAL RECORD remain open today until 5 p.m. for the introduction of bills and resolutions and for statements.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 9:45 A.M. TOMORROW

Mr. BAKER. Mr. President, if no Senator seeks recognition, and I see no one seeking recognition, I move, in accordance with the provisions of S. Res. 375, as a further mark of respect to the memory of the deceased Hon. JOHN M. ASHBROOK, late a Representative from the State of Ohio, that the Senate stand in recess until 9:45 a.m. tomorrow.

The motion was agreed to; and at 4:22 p.m., the Senate recessed until tomorrow, Tuesday, April 27, 1982, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate April 26, 1982:

THE JUDICIARY

George C. Pratt, of New York, to be U.S. circuit judge for the second circuit, vice William H. Timbers, retired.

Maurice M. Paul, of Florida, to be U.S. district judge for the northern district of Florida, vice Winston E. Arnow, retired.

DEPARTMENT OF JUSTICE

Marvin E. Breazeale, of Mississippi, to be U.S. marshal for the southern district of Mississippi for the term of 4 years, vice Thomas A. Rhoden, retired.

DEPARTMENT OF COMMERCE

D. Bruce Merrifield, of Connecticut, to be an Assistant Secretary of Commerce, vice Jordan J. Baruch, resigned.

DEPARTMENT OF ENERGY

Arthur J. Dellinger Sr., of California, to be Deputy Inspector General of the Department of Energy, vice Thomas S. Williamson, Jr., resigned.

IN THE NAVY

Vice Adm. Robert F. Schoultz, U.S. Navy, having been designated for command and other duties of great importance and responsibility in the grade of vice admiral within the contemplation of title 10, United States Code, sections 5086(a) and 601, for reappointment while so serving.

The following-named Naval Reserve officers for permanent appointment in the line or staff corps of the U.S. Navy in the permanent grade of ensign, subject to qualification therefor as provided by law:

Baker, Kurt F.	Horsley, Arthur B.
Baker, Robert E., Jr.	Johnson, David M.
Barrett, Frances K.	Looney, Donna M.
Bawden, Scott B.	Lowe, Bryan K.
Brock, Kathy J.	Merrill, Timothy D.
Childress, William G., Jr.	Miller, Eric J.
	Murphy, Patricia A.
Cloutier, Michael J.	Myers, William I.
Croci, Carl L.	Nelson, George J.
Fitzgerald, Michael J.	Plume, Geoffrey R.
Goodwin, Thomas D.	Pollock, Clark B.
Goulding, Brian A.	Ray, Gilbert M., II
Gunny, Alan L.	Schang, Gregory L.
Hall, Jay R.	Sigler, James S.

Simon, Martin S.
Slusher, Bradley K.
Smith, Rickey K.
Sobolewski, Frank A.
Taylor, Benjamin C.
Valendo, Eugene R.
Vickers, Robert J.
Wall, Andrew N.
Weingartner, Frank J., Jr.

The following-named lieutenant commanders of the U.S. Navy for permanent promotion to the grade of commander in the various staff corps, as indicated, pursuant to title 10, United States Code, section 624, subject to qualifications therefor as proved by law:

MEDICAL CORPS

To be commander

Anderson, Edwin McCullough
Andrus, Kenneth L.
Apolinario, Eliezer A.
Balzer, Richard H., Jr.
Barry, Paul Douglas
Bechmann, William John
Bergman, William Carroll
Blair, Timothy Pierce
Belevins, Richard Dyer
Briggs, Jackie Robert
Carandang, Alberto Andal
Carandang, Estelita Limbo
Chang, Amos H.
Cooper, Louis Irwin
Coulson, John Dana
Davilavelazquez, Pedro
Deck, Larry E.
Dejesus, Antonita V.
Delbalso, Angelo M.
Dizon, Pilar Cataquiz
Dobson, Carl Leroy
Donovan, Julia Theresa
Dy, Rosalia Flores
Ello, Florencio Vallejos
Esposito, Joseph Milo
Fahey, John Hunt
Forsgren, Robert Wallace
Fourcroy, Jean Long
Freschi, John Edward
Gessler, James Anthony
Gillespie, Cameron Alex
Goff, Walter, Bohman, II
Golden, Ali Akbar
Gomez, Adelaida Nieves
Graves, James F., Jr.
Hagan, Joseph Michael
Haggerson, George William
Henderson, Joseph Vanwirt, Jr.
Herold, Robert Earl
Hough, Terrance Lee
Howard, John Randolph J.
Hunley, Richard Lee
Hurwitz, Michael Alan
Jacobs, Mark
Johnson, Donald Robert
Julia, Luis M.
Kroot, Louis James
Kurumety, Suryarao
Kuthiala, Chitra
Lau, Mark Mang Ho
Leonard, John Francis
Lieberman, Roger David
Lilly, Raymond Lindsay
Littman, William G.
Marsh, William L., Jr.
Martel, Paul Robert
Martinez, Virginia V.
Mateczun, Alfred J.
Matz, Wilbert John, Jr.
McBride, Jeffrey P.
Monsanto, Edner C.
Mottet, Michael Douglas
Navoy, Joseph Francis
Newby, John Gregory
Ober, Vincent Hilles, Jr.
Pazmino, Patricio Augusto
Pentzien, Roger Jay
Prentice, Peter S.
Presley, Jimmy Clifton
Puri, Hari Chand
Raja, Tasneem Asad
Robinson, Donald Bruce
Bobleza, Rolando Manzano
Rosairo, Roberto Bernardo
Ruedas, Beethoven Tagalog
Sanders, Bill Elliott
Schenk, John Frederick
Schmitt, James Kenneth
Sessler, Lonnie Harold
Shakir, Mohamed K. M.
Shankel, William Leonard
Shea, Peder Michael
Shukairy, Khaled Mohamed
Smith, Kenneth Roy
Stock, Margaret E. D.
Sutphin, John Everett, Jr.
Sweeney, Brian Felix
Tinana, Andres Merluza
Tinelli, Eugene T.
Trace, David Arthur
Turullols, Gildardo
Vandergast, Thomas Vincent
Vandyke, Roger Symmonds
Wagner, Glenn N.
Wagner, Timothy Ronald
Waldowski, Donald John
Warren, Sanford Ellison
Wilshire, Larry Brent
Yaffe, Lyn J.

SUPPLY CORPS

To be commander

Aaronson, Brian David
Allen, Randall C.
Allison, Robert Clement
Ames, Hugh Douglas, III
Andrew, Michael Raymond
Angelopoulos, Gary John
Archer, Raymond Aubrey, III
Arllen, Eric Arthur
Asselin, Andre Sylvio
Atkins, John Wesley, III
Avery, James Alan
Bailey, John Roger
Basso, Joseph Michael
Becker, Christopher Santana
Benecke, Jay Robert Orrin
Bidwell, Robert Roy
Boas, Raymond A.
Bobulinski, Robert Alexander
Bogart, James McNary
Brawley, Patrick William
Bredemann, David Lee
Bristol, Roger Willis
Brown, Phil Jay
Carbone, James, Jr.
Chase, Kenneth Ray
Cohen, Jay Martin
Cole, Anthony Livingston
Dashiell, Robert George
Dickey, Donald William
Dolan, Kevin Christopher
Dorries, Robert A.
Dunn, Christopher Anderson
Elgin, Richard
Ewing, Richard Andrew
Fackenthall, William Gordon
Foley, Robert Patrick
Forde, Duan L.
Fulton, Terry Alan
Gallitz, Ronald James
Gannon, Thomas Curtis
Gedney, John Warren
Gernetz, Thomas Joseph
Gonick, Timothy James
Goss, Adrin Francis
Gould, Jeffrey Paul
Graf, Albert John, III
Gray, David Bert
Greenberg, Joel Michael
Griffin, Ronald Lewis
Gunderson, Richard Howard
Gustavus, Robert Lynn
Guyer, Dean Chris
Hargrave, Bevard Eugene
Harr, David James
Harris, Craig Steven
Harris, Robert Earl
Hartman, John Molyneux
Hawxhurst, Jack Michael
Hayes, Edward Francis, Jr.
Heikkila, James L.
Hein, Jonathan Jacques
Helgerson, Philip Arthur
Hempson, Donald A., Jr.
Herbst, Howard Paul
Hetherington, Jerry Francis
Hofmann, Arnold Robert
Hooth, Michael Douglas
Horstman, Donald Martin
Hrabosky, Bryan, Jr.
Huban, George Hambre, Jr.
Hudock, Steven Adam
Ippel, Terry Alan
Jennings, Jay Jeffrey
Johnson, Delmont Scott
Johnson, Ronald Toivo
Jones, Joseph Matthew, Jr.
June, Michael Anthony
Kalapos, Michael Lee
Karns, Larry Neil
Kelley, Joseph Paul
Kelley, Kevin Paul
Kennedy, Harvey Lee
Ketts, Robert Lee
Kiefer, Roy William
Kimball, Daniel Webster
Kline, Jack Charles
Knight, Robert Clark, Jr.
Knight, Walter Curry
Kramer, Keith Stewart
Krogh, Leslie Allen
Landerkin, Edward Joseph
Larmee, Donald Henry, Jr.
Lengkeek, Dale R.
Leonard, Robert Paul
Lewis, Albert Michael
Lippert, Keith Wayne
Lowe, Richard Carroll
Maguire, Benedict Joseph
Malone, John Murray
Malsack, Thomas James
Matthews, John Craig
McClain, John Franklin, III
McDowell, Tommy Gene
McKeithan, Timothy Shepard
McQueen, Thomas Walter
McWherter, Marvin Eugene
Miller, Michael James
Morrisey, Daniel Patrick
Neeb, John Gilcher
Nemeth, John William
Palanuk, Joseph L.
Parker, Kenneth Lloyd
Parry, Dennis S.
Perry, Keith Michael
Petersen, Gary Roy
Phoenix, Edward Arthur
Pingel, Richard Douglas
Pointer, Billy Ray
Polley, John E.
Poole, Francis Xavier
Quigley, Robert Michael, Jr.
Rawlings, David Grant
Reed, Ernest Thompson
Renard, Geoffrey Kent
Rieve, Roy Chandler
Ritter, Ronald Keith
Roper, Darcy Wentworth, III
Rutledge, Michael Robert
Sanchez, Domingo Hall
Sanford, Robert Michael
Sarfaty, Dennis Paul
Scarola, Joseph Ralph
Schildwachter, Martin Joseph
Schmitt, Michael Kennedy
Schmitt, Nicholas Joseph
Scudder, Stephen Lee

Sellers, Benjamin Russell
Smith, Stephan L.
Soderberg, Paul Oscar
Stephens, Edward Neil
Straight, Ronald Lee
Sullivan, Reed Alvord
Theiss, Girard Paul
Ullrich, James Marshall
Vanderslice, Wayne James
Vandeveer, Charles Edward
Walters, Melville Joseph, III
Ward, Paul David
Wenchel, George Frederic
White, Richard Stuart
Wilund, William Patrick
Wurzel, Thomas Eugene
Zeiler, Robert William, III
Zurinski, Donald John

LIMITED DUTY OFFICER (SUPPLY AND MESS MANAGEMENT)

To be commander

Cormier, Edward Norris, Jr.

CHAPLAIN CORPS

To be commander

Daigle, Robert E.
Fitzgerald, John Louis
Halley, Michael D.
Kemper, John Edmond
Manning, Robert John
Maples, Robert Emerson
Needham, Robert Bennett
Pierce, Roger Wayne
Saunders, John Price
Taylor, Franklin R.
Werr, Albert Joseph

CIVIL ENGINEER CORPS

To be commander

Bechard, Thomas Philip
Britt, William Butch
Collins, John Patrick
Degon, Robert John
Dempsey, John Garrett
De Vescovi, Daniel John
Duke, Jonathan Bruce
Faunce, John Roger
Fennema, Robert John
Guild, Christopher John
Gunn, Thomas Edward
Hagge, Thomas Matthew
Holen, Douglas Johan
Johannesmeyer, Charles Alan
Johnson, James Kendall
Kovalcik, James Patrick
Marshall, Peter Wayne
Martz, Stephen Joseph
Messick, Frederick S., Jr.
Neibert, Jerry Steven
Niece, William Samuel
Norris, Lowell Robert, III
Pringle, Alec Todd
Rampe, Thomas Raymond
Rispoli, James Anthony
Saltoun, Sammy
Schramer, Mathias Charles
Sim, John Granville, III
Spencer, John Edward
Stevenson, Herbert Scott
Szutenbach, Lawrence
Tanner, Thomas John
Tyler, Raymond Stewart
Tzavaras, George Nicholas
Vogel, Kenneth

LIMITED DUTY OFFICER (CIVIL ENGINEER CORPS)

To be commander

Keith, Donald Rae

JUDGE ADVOCATE GENERAL'S CORPS

To be commander

Banks, Stephen Anthony
Barrett, Danny Paul
Carroll, Steven John
Currivan, John Daniel
Dombroski, John Edward
Drukker, William R.
Epstein, Howard Stephen
Finch, Milton D.
Grant, William F., Jr.
Hill, Donal McIlvaine
Holz, George William
Johnson, Russell Armstrong
Jones, Robin A.
Mandsager, Dennis Lee
McCall, Thomas William L., Jr.
Monteith, Richard Alan
Osper, George Peter
Reeber, Christopher Joseph
Riggio, Michael Vincent
Scholz, Ronald Walter
Seiders, Marlin David, Jr.
Stonier, James J.
Thompson, Paul B.
Vinson, John Charles

DENTAL CORPS

To be commander

Comey, Thomas Edward
Freeman, George W.
Gallagher, Francis J.
Kirkland, Kris Arnold
Kvaska, Gregory J.
Lamar, Mario Juan
Lane, Jeffrey A.
Larson, Lewis Craig
MacFarlane, George E.
Nolan, Gordon James
Shoaff, John W.
Stuller, Charles Bernard

MEDICAL SERVICE CORPS

To be commander

Coxe, Robert Frederick
Edman, David C.
Foxx, Stanley Alan
Hicks, William Marlin
Irgens, Terry Richard
Lambert, William James, Jr.
Lewis, Jack Terry
Shepherd, James Edison
Sides, Alfred Leroy
Straughn, William R.
Thomas, Jerry Alan

NURSE CORPS

To be commander

Cisneros, Thomasa Lena
Cronin, Dorothy Ryder
Dibiase, Renee R.
Figgins, David Earl
Fijak, Susan Ann
Foster, Barbara Jean
Fuller, Gae Marie
Gannon, Charlotte Caldwell
Gotch, Sandra Anne
Gutierrez, Gail Ann
Hamel, Marion Dexter
Hancock, Susan Henry
Hess, Catherine Pauline
Jarrett, Jill E.
Karrat, Victoria Jean
Mallander, Patricia Mary
Miller, Linda Jeanne
Pattinson, Judith Ann
Peterson, Carol Ann
Pine, Barbara Jane Thomas
Scheve, Lawrence Gale
Sheffer, Jeanette Ann
Smith, Kathleen Ann
Sturrock, John Richard
Vonrump, David Chester

NUCLEAR REGULATORY COMMISSION

James Kilburn Asselstine, of Virginia, to be a Member of the Nuclear Regulatory Commission for the remainder of the term expiring June 30, 1982, vice Peter Amory Bradford, resigned.

James Kilburn Asselstine, of Virginia, to be a member of the Nuclear Regulatory Commission for the term of 5 years expiring June 30, 1987. (Reappointment.)

NATIONAL COUNCIL ON THE HUMANITIES

The following-named persons to be members of the National Council on the Humanities for terms expiring January 26, 1988:

A. Lawrence Chickering, of California, vice Richard Wall Lyman, term expired.

Jeffrey Hart, of New Hampshire, vice Jay Gordon Hall, term expired.

Gertrude Himmelfarb, of New York, vice Marian B. Javits, term expired.

James Clayburn La Force, Jr., of California, vice Dave Warren, term expired.

Rita Ricardo-Campbell, of California, vice Nancy Davies, term expired.

Peter J. Stanlis, of Illinois, vice John Walton Wolfe, term expired.

EXTENSIONS OF REMARKS

WOMEN AND CHILDREN: ALONE AND IN POVERTY

HON. GERALDINE A. FERRARO
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Ms. FERRARO. Mr. Speaker, just before its recent demise the National Advisory Council on Economic Opportunity produced an excellent study of the social phenomenon that has come to be known as the feminization of poverty. The study, which was conducted by Diana Pearce, who is director of research of the center for national policy review at the Catholic University Law School in Washington and Harriet McAdoo, who is a professor at Howard University and a research associate for Columbia Research Systems, has been published in book form on a limited basis.

Study after study of the Reagan administration's budget cuts—both those already made and those that have been proposed—have shown that the cuts hit hardest at the poor and the elderly, and especially at women. To give Members additional insights into this growing problem for American women, several members of the Congressional Caucus on Women's Issues have decided to have the chapters of the Pearce-McAdoo book reprinted in the CONGRESSIONAL RECORD. It is my pleasure to insert the chapter titled "Causes and Cures for Poverty: Men versus Women."

The chapter does not present women and men as adversaries in the economic struggle to escape poverty, but examines the differing reasons why men and women are poor, and suggests that differing solutions are required to solve the problems of each.

I hope Members will take a few moments to read and consider the ideas put forward in this book in order to improve their understanding of the economic problems facing American women today. The text of the chapter follows:

WOMEN AND CHILDREN: ALONE AND IN POVERTY

(By Diana Pearce and Harriette McAdoo)

(Note.—Diana Pearce, Ph. D., is Director of Research of the Center for National Policy Review at Catholic University Law School, Washington, D.C. Harriette McAdoo, Ph. D., is a Professor at Howard University, Washington, D.C., and a Research Associate for Columbia Research Systems, Columbia, Maryland.)

* * * * *

CAUSES AND CURES FOR POVERTY: MEN VERSUS WOMEN

Women are poor for different reasons than men are poor. This is not to say that needy women and men do not ever share poverty-causing characteristics; in fact, many women are poor because their husbands are poor. But, increasingly, many women are poor "in their own right," and yet we know very little about female poverty.

One way to understand the distinctive nature of poverty among women is to study the various factors and causes of poverty by gender. In Table 4 these factors are schematically arranged, using a modification of a method developed to categorize theories of racial inequality.[47]

The various theories are arranged along two dimensions. The horizontal dimension ranges from causes of poverty—originating within the victims themselves at one extreme, to those originating outside the victim group at the other. In the latter case the fault may be found within organizations and institutions. The vertical dimension ranges from individual or psychological in character, to causes that are societal or cultural (including subcultural).

Arraying these various factors along two continua indicates the origins of poverty and the fundamental differences in where theories pinpoint the roots of poverty. The listing of these theories is not meant to imply that all are equally valid as explanations of poverty or equally important as sources of poverty.

Table 4 illustrates how the poverty experienced by women is different from that experienced by men. Each theory or cause that applies to women exclusively or in the overwhelming majority of instances is italicized. With the possible exception of a criminal record, none of the causes of poverty listed here is generically male, while roughly half of those listed are generically female. Thus women, especially minority women, may be poor for some of the same reasons as men, but few men become poor because of "female" causes.

TABLE 4.—THEORIES OF POVERTY [1]

Origin	Internal causes (locus within poor)	Intermediate	External causes (locus outside of poor in institutions, organizations and groups)
Personal	Physical: *Physical burdens and complications of childbearing. Levels of childbirth, early marriages and/or early childbearing.*	Poor health; part-time employment; disability; poor neonatal health.	*Inadequate prenatal health care; lack of family planning information and minimal access to information.*
	Emotional: Low commitment to work; learned dependency; drugs or alcohol addiction; criminal "tendencies".		*Personal racism and sexism of employers and educators; awareness of sex/race "job ceiling."*
	Educational: Lack of achievement	Age ("too" young or "too" old)	Outmoded skills; inadequate skills.
Intermediate (Organizations, Groups).	Physical: None	*Adolescent parenting; single parenting.*	*Lack of day care and related services supportive of training and employment. Single parent: imbalance in sex ratio among blacks.*
	Emotional: *Lack of socialization to roles of primary responsibility, in either employment or family life.*	Limited in education; low birth weight = poorer health = lower school achievement.	
	Educational: *Lack of child support*	Part-time, and/or seasonal jobs	Lack of sex/race role models; inferior schooling.
Social	Physical: None		Poor preventive health care.
	Emotional: *Socialization to appropriate sex and race; lower status occupational roles; socialization to acquire less, and/or less stereotyped education.*		*Institutional sexism and discrimination by employers and educators;* institutional racism and discriminatory employers and educators; dual labor market; lack of enough jobs and appropriate opportunities for all who can work outside the home.
	Educational: *Low motivation to excel*	Occupational segregation	Characteristics of Specific Labor Market (unemployment rate, etc.); curricula both sex- and race-typed.

Source: Chesler, *op. cit.*

[1] Those factors which cause poverty for women only are italicized. Most causes are interrelated and mutually reinforcing. For example, lack of birth control information may result in early childbearing and/or single parenting, and the poverty of these mothers may in the future be reinforced by their inability, in a sex-segregated labor market, to obtain sufficient wages to support themselves. The placement of factors is somewhat arbitrary; thus the low education of some who grew up in the South may be entirely institutional in its origin, while low education in the urban North may be the result of individual choice, lack of education opportunities, family poverty, expulsion (e.g., for pregnancy or other reasons), or a combination of such individual, institutional and organizational factors.

Men generally do not become poor because of divorce, sex-role socialization, sexism or, of course pregnancy. Indeed, some may lift themselves out of poverty by the same means that plunge women into it: The same divorce that frees a man from the

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

financial burdens of a family may result in poverty for his ex-wife and children.

Distinct reasons for the poverty among women can be traced back to two sources. First, in American culture women continue to carry the major burden of childrearing. This sex-role socialization has many ramifications. For example women tend to make career choices that anticipate that they will interrupt their participation in the labor force to bear children, and a woman is the parent who wins child custody in the overwhelming majority of cases.[48] The second major source of poverty among women is the kind of opportunities, or more accurately, the limited opportunities available to women in the labor market. Occupational segregation, sex discrimination and sexual harassment combine to limit both income and mobility for women workers.[49]

The interaction of these two sources is illustrated by society's view of child care and child care workers. Since childrearing is primarily a female responsibility, it is virtually only women who do child care work, whether in their homes or in child day care centers. Day care is considered a woman's expense, either because she has custody or it is viewed as an expense incurred because the mother is working outside the home. Furthermore because many women earn substantially less than men, child day care workers earn very low wages. It should be noted that if day care expenses were subtracted from the incomes of women who work outside the home, there would be substantially more households headed by women in poverty.

Thus the two fundamental sources of female poverty combine to keep women in an economic "ghetto." When these factors interact with minority status and youth there is an even greater likelihood of being poor.

Poverty among men, by contrast, is often seen as the consequence of joblessness, and therefore it is concluded that the cure for poverty is a job. Only the theories as to what causes joblessness have varied. When the primary cause was considered alcoholism, then alcohol treatment or efforts to outlaw alcohol were emphasized. When it was thought to be the result of laziness, workhouses and poorhouses were set up. When it was believed to be the result of racial discrimination, equal opportunity programs and affirmative action requirements were instituted. In each case, however, the program's goal was to put the poor to work. It was assumed that once employed, people would no longer be poor.

For most poor men, the "ball game" is overcoming barriers to employment. Most men who work can support themselves and their families. In one study, less than five percent of families with children and a male wage-earner were in poverty.[50]

But many women cannot, by themselves, support themselves and their families. Women who work outside the home full-time, year-round, earn only 59 percent of what men earn.[51] Particularly for those poor women, who are generally lower than average in skills and education, getting a job is not a panacea. Since the woman with a college education earns less on the average than a man with an eighth-grade education, the opportunity for a woman with an eighth-grade education to earn a "living wage" is considerably limited.[52]

Poverty among hundreds of thousands of women already working underlines the failure of the "job" solution. Of the mothers working outside the home who headed households with children less than 18 years old in 1978, more than one-quarter had incomes below the poverty level.[53] Even among those currently on welfare, a substantial portion are also in the labor force (about 24 percent), while of those who are long-term recipients of AFDC, one-half have been employed within the past year.[54] In other words, even a full-time job does not provide a route out of poverty for women with the same certainty that it does for most men who are poor.

Why does the "job" solution not work for women? First, occupational segregation confines women to job "ghettoes" where the pay is low and the mobility is little or nonexistent. The concentration of women in a handful of jobs is extreme: 60 percent of all women are found in 10 occupations, including nursing and elementary teaching.[55] Almost all of the "new" jobs for women that have emerged, particularly in the seventies, have been in traditionally female-dominated areas such as retail sales, and are occupations that tend to be low-wage and dead end. It is precisely such new "opportunities" that are available to women entering the labor market. The latest data suggest that this concentration and segregation does not seem to be declining.[56]

Second, those women who manage to avoid female job ghettoes encounter sex discrimination in salaries, promotions, benefits and/or sexual harassment. Breaching admissions barriers of previously male-dominated (often, white male-dominated) occupations and professions does not bring immediate and full equal opportunity.

These difficulties are exacerbated if the women involved are minority as well. The experience of women who have sought jobs outside of traditionally female occupations parallels that of the small number of black children who attended white schools in the South under "freedom of choice" desegregation plans. In both instances, the newcomers encountered harassment, social isolation, and denigration of their personal integrity and motivation.

Given that a job often does not alleviate poverty for women, nor enable them to leave welfare, what has been the response of the welfare system? In brief, it has been to continue its obsession with the question of work incentives, and to develop programs that deal with barriers to employment often experienced by men—lack of job search skills, experience in the labor force or job training—while ignoring the special problems women face, such as segregation, sex discrimination and sexual harassment. The lack of child day care and appropriate job training also complicates the problems of mothers with young children. In other words, the welfare system continues to push the recipient—who is almost always a woman—to go to work outside the home, even if employment neither lifts her from poverty nor frees her from welfare.

Welfare programs force women into the labor market and reinforce their economic disadvantages in a number of ways.

In the decade of the seventies, several programs, most notably the Work Incentive Program (WIN) were transformed in a way that decreased their effectiveness for women. These changes included de-emphasizing vocational and on-the-job training in favor of direct job placement, particularly in jobs created by the Comprehensive Employment and Training Act (CETA). In addition, some services, particularly child care and transportation, were decreased. It is not surprising, therefore, that although men represented only 26 percent of the WIN registrants, they accounted for over one-third of those who secured unsubsidized jobs. Many women who are potentially eligible for the WIN program have been exempted because they have a child under six years old, are needed in the home as a caretaker or are aged, ill or disabled. Child care, of course, is not provided as part of the program itself; likewise, although 90 percent of the women in CETA have children, these programs also fail to provide child care. In short, if they do not fit the "male pauper" model, then they do not fit the program.[57]

CETA programs, although not usually targeted as "welfare" programs, were designed not only to serve women equally, but also to overcome "sex-stereotyping" in occupational assignment. However, inequality and sex-stereotyping were not eliminated in these programs. In one case, a woman CETA participant sued her program because she had been offered the choice of secretarial or cooking class. When she sought to transfer to a computer repair class, she was refused. At the same time, a male student in the secretarial class was allowed to transfer.[58]

Several evaluations of CETA and WIN have indicated that women, minorities and youth have been under-served, both in comparison to their proportion in the population, and in proportion to their registration in the program.[59] Particularly where the training programs have been in occupations traditionally dominated by males, few women have participated.[60]

Sometimes women and men receive different forms of training. Women receive small stipends or "work experience" at the minimum wage, while men receive public service jobs which are full time and pay $8000 per year and up.[61]

The structure of CETA and inadequate monitoring procedures of CETA also make it difficult to determine exactly how well women are being served, but it is clear that gender-related differences do occur.

Programs such as WIN and CETA not only provide employment opportunities for disproportionately more men, but they also increase the earnings of men more than of women. In 1978 WIN placed women in jobs whose average entry wage was $2.97 per hour, and less than five percent were paid more than $5.00 per hour. In contrast, the men placed through WIN averaged $4.01 per hour, and more than 20 percent entered jobs paying $5.00 per hour or more.[62]

Inconsistencies in social welfare policy may reflect the general ambivalence in American society about the role and status of women. Enabling women to become "primary" earners is not yet a societal goal. While it has become increasingly acceptable and even expected that a woman will work outside the home, it is also expected that her job will be secondary both to her husband's job (the husband still being the "primary" earner) and to her home and family responsibilies. The stability of the marriage is often considered to be endangered if the woman earns more than her spouse. Yet more and more women are becoming displaced homemakers and/or heads of their own households. For these women, the social role of "secondary" earner is clearly dysfunctional and almost guarantees poverty.

"Female independence" has two components: social independence, that is, heading one's own household; and economic independence, being economically self-sufficient. As for social independence, policy makers have long worried that welfare programs

generally, as well as some welfare policies specifically, may inadvertently cause marriages to break up and/or encourage the formation of single-parent households. For example, the development of the Aid to Families with Dependent Children—Unemployed Parent (AFDC-UP) programs in many states was based on the conviction that eligibility for welfare should not be predicated on the unemployed father leaving the home. Much concern has also been expressed about the finding that the families in the Negative Income Experiment who received high and guaranteed incomes compared to similar families using the regular welfare programs had significantly higher divorce rates than their counterparts.[53]

Certainly social welfare programs should not cause families to break up, nor should they exacerbate the poverty that women and children frequently experience as a result of such break-ups. But there is strong evidence that the role social welfare programs play in family break-ups is not primary. First, the rate of divorce has been rising steadily but dramatically at all income levels. It would be difficult to argue that middle-class families that break up do so for such reasons as incompatibility and unfaithfulness, but poor families do so in order to become eligible for welfare, especially since many of those receiving AFDC were middle-class families before their marriages ended.[54]

Second, one should at least ask what kind of marriage and family life previously existed in the families, such as those in the Negative Income Experiment, for whom a relatively small increment of guaranteed income apparently allowed families to exercise the option of divorce. There is much evidence, for example, that children who are raised in an unhappy but unbroken home sometimes suffer more ill effects (such as low academic achievement and juvenile delinquency) than do children with similar problems in single-parent homes. This is not to suggest that divorce and/or single parenthood are uniformly positive, but rather that an increase in them is a social trend upon which social welfare policies can have relatively little impact. In short, this trend should be treated, at least by public agencies, as a given. To treat it otherwise is to develop de facto, two sets of rules, one for the poor and one for the nonpoor. That is, while the nonpoor are permitted to choose freely among life-styles, the poor are presented with the choice of marriage or poverty (at least for the women and children). Contemporary welfare policy may already be forcing such a choice; one of the most often cited reasons for leaving AFDC is marriage.

Social welfare efforts to make the poor women self-supporting have frequently enabled them to enter the labor force as only marginal workers. For increasing numbers of women, the presence of even a few dependent children has required combining employment and welfare, concurrently or alternately.[55]

FOOTNOTES

[47] Mark Chesler, "Contemporary Sociological Theories of Racism," in Phillis A. Katz, ed., Towards the Elimination of Racism, (New York: Pergamon Press) 1976.

[48] Allyson S. Grossman, "Divorced and Separated Women in the Labor Force—An Update," Monthly Labor Review, October 1978.

[49] M. Blaxall and B. Reagan, Women and the Workplace: The Implications of Occupational Segregation, (Chicago: University of Chicago Press) 1976.

[50] Characteristics of the Population Below the Poverty Level: 1978, op. cit.

[51] Ibid.

[52] The Earnings Gap, op. cit.

[53] Characteristics of the Population Below the Poverty Level: 1978, op. cit.

[54] "Long-term" refers to those who received public assistance for four or more consecutive years out of the last seven; see Martin Rein and Lee Rainwater, "Patterns of Welfare Use," Social Service Review, December 1978.

[55] Stromger and Harkess, op. cit.

[56] Francine D. Blau and Wallace E. Hendricks, "Occupational Segregation by Sex: Trends and Prospects," The Journal of Human Resources, Vol. 14, No. 2.

[57] Unpublished memorandum.

[58] Deborah Bachrach, "Women in Employment," Clearinghouse Review, February 1981.

[59] Donald C. Baumer, C. Van Horn and M. Marvel, "Explaining Benefit Distribution in CETA Programs," The Journal of Human Resources, Vol. 14, No. 2.

[60] "Need to Ensure Non-Discrimination in CETA Programs," (Washington, D.C.: Office of the Comptroller General) June 17, 1980. HRD-80-95(GAO).

[61] Baumer, et al., op. ct.

[62] B. L. McDonald and R. Diehl, "Women and Welfare," Clearinghouse Review, Vol. 14, No. 11, February 1981.

[63] John Bishop, "Jobs, Cash Transfers and Marital Instability: A Review in Synthesis of the Evidence," The Journal of Human Resources, Vol. XV, No. 3, Fall 1980.

[64] Nancy R. Mudrick, "The Use of AFDC by Previously High- and Low-Income Households," Social Service Review, March 1978.

[65] Rein and Rainwater, op. cit.●

HONORING AMBASSADOR JOSEPH JOHN JOVA

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1982

● Mr. GILMAN. Mr. Speaker, I rise to salute an outstanding diplomat, a great patriot, and good friend, Ambassador Joseph John Jova, a native of Newburgh, N.Y.

Ambassador Jova has recently been awarded one of Spain's highest decorations, the Order of Isabel The Catholic in the Rank of Grand Cross by King Juan Carlos, for his strengthening of cultural ties between our Nation and Spain.

Ambassador Jova, who joined the foreign service in 1947, served as Ambassador to Honduras and later to Mexico, after foreign service in Portugal, Chile, and Iraq. He is currently president of Meridian House International, a nonprofit organization which promotes Hispanic culture and supports intercultural exchange programs.

Mr. Speaker, so that my colleagues will be more fully informed about Ambassador Jova's good works, I wish to insert into the RECORD at this time the following article, which recently appeared in the Newburgh, N.Y., Evening News:

The article follows:

SPAIN HONORS NEWBURGH NATIVE JOVA

WASHINGTON.—Newburgh native and U.S. Ambassador Joseph John Jova, now president of Meridian House International, has been awarded one of Spain's highest decorations given to foreigners.

By royal decree, King Juan Carlos of Spain has awarded Jova the Order of Isabel The Catholic in the Rank of Grand Cross. The decoration was presented by Ambassador Jose Llado.

Jova was presented the award for his continuous strengthening of cultural ties between the U.S. and Spain, and in particular for his work in making known the participation of Spain and the Hispanic world in the American War for Independence.

Under the presidency of Jova, Meridian House International has presented varied programs on Spain including a major exhibition, "Picasso on Paper."

Meridian House International is a nonprofit educational and cultural organization in the field of international affairs dedicated to supporting intercultural exchange programs.

A tax-exempt corporation, MHI is financed by government contracts and grants, foundation support, and corporate and individual gifts. It owns and operates Meridian House, a Washington landmark of exceptional architectural quality which is on the National Register of Historic Places.

Its programs are the Visitor Program Service and the Washington International Center and its affiliates are The National Council for International Visitors, the International Visitors Information Service and the Hospitality and Information Service for Diplomats.

Jova is the son of the late Joseph Luis Jova, retired president of the Jova Brickworks and a career Foreign Service Officer born Nov. 7, 1916 and raised in Newburgh. He joined the foreign service in 1947 and was first assigned vice consul in Basra, Iraq. He has held assignments in Portugal, Chile and Honduras where he was U.S. Ambassador under a nomination by President L. B. Johnson.

A graduate of Newburgh Free Academy, he attended Dartmouth College where he majored in languages and was graduated with honors in 1938. He then went to work for three years in Guatemala for the United Fruit Co., the American banana enterprise. This service—symbol of American imperialism to many Latin Americans—clouded his nomination as ambassador to Mexico some 35 years later.

He entered the U.S. Navy as an ensign in March, 1942, and served two years in the Panama Canal Zone prior to being transferred to France where he was port director at LeHavre and then liaison officer to the French and British Navies. He was discharged as a lieutenant senior grade in December, 1946, and began a course with the state department in February before moving into the diplomatic field.

He received a Doctor of Humane Letters degree at the 10 annual commencement exercises at Mount St. Mary College in 1973 for his "long and distinguished service to the United States in the interest of peace, brotherhood and justice throughout the world." Earlier, in 1970, he had been appointed a trustee of the college.

At the time of the doctorate he was U.S. permanent representative to the Organization of American States, a post to which President Richard Nixon appointed him July 8, 1969. As the head of the U.S. Permanent Mission to the OAS, Jova was in charge of the entire range of U.S. participation in the world's oldest international organization.

In December of 1973 he was nominated by President Nixon to be the new U.S. ambassador to Mexico.●

YORI WADA—AN EXAMPLE TO US ALL

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1982

● Mr. MINETA. Mr. Speaker, it gives me great pleasure today to rise in tribute to Mr. Yori Wada, who has recently celebrated his 65th birthday, having spent almost his entire adult life in service to the community.

Yori Wada was born on Christmas Day, 1916, in the small agricultural town of Hanford, Calif. He reached adulthood in the trying years of the Great Depression, graduating from high school in 1934. In 1940, Mr. Wada was awarded his bachelors degree by the University of California at Berkeley and decided to pursue a career in journalism. However, even with a prestigious degree in that subject from Cal, he was denied employment everywhere he went in the State. American entry into World War II was only a year away, and professional employment for an American citizen of Japanese ancestry was almost impossible to find. The prejudice which had kept him out of the community pool and bowling alley as an adolescent in Hanford was now applied to him in his attempt to start a career in journalism.

In the summer of 1941, Yori Wada was drafted into the Army, rising to the rank of sergeant in a short space of time. At the time of our entry into the war, he was stationed in Arkansas as a trained medic. But like many others of Japanese ancestry he felt a strong need to volunteer for combat duty, without regard to the risks, and despite the fact that his own mother was being held in an internment camp nearby, Yori Wada volunteered for service in the now famous 442d Regimental Combat Team, giving up his hard-earned sergeant's stripes in order to join the new unit. The 442d later went to Europe, but Yori Wada instead saw service in the South Pacific. He dedicated his knowledge of the Japanese language to the purpose of intercepting and translating enemy radio transmissions.

Upon leaving the Army in 1946, Yori Wada returned to civilian life as a social worker, and it is in that capacity that he has made his mark on the community during the last 35 years. He has dedicated his career to helping disadvantaged minority youth, so that they may break the cycle of poverty and deprivation. During these years he has devoted a large proportion of his time to the YMCA, first in Berkeley at Stiles Hall, and later at the Buchanan YMCA in San Francisco. He also counseled youth at the Booker T. Washington Community Center in San Francisco from 1947 to 1958, and from 1966 onward he was executive director of the Buchanan YMCA.

Yori Wada has not been content to serve only as a career professional. He has also served as an appointee to public office. From 1962 to 1966 he was Gov. Edmund Brown, Sr.'s nominee to the California Youth Authority Board. In 1966 Mayor John Shelley of San Francisco appointed him to the city's civil service commission, and 1972 Mayor Joseph Alioto appointed him to the social services commission. In 1977 Gov. Edmund Brown, Jr., appointed him to the University of California's Board of Regents.

In all these posts, Yori Wada has left a legacy of professionalism, integrity and concern for the lives of the people whose needs he has been asked to address.

Yori Wada has also volunteered his services to many community organizations. His long list of affiliations includes membership in the California Council on Criminal Justice Task Force on Juvenile Delinquency, the Japanese American Democratic Club, the San Francisco Mayor's Council on Criminal Justice Task Force on Juvenile Delinquency, the San Francisco Juvenile Justice Commission, the San Francisco Schools Commission and the Western Addition Council of Youth-Serving Agencies. Mr. Wada has also been a member of the Northern California ACLU Board of Directors, Northern California Presbyterian Homes Board of Directors, the San Francisco Legal Aid Society Board of Directors and the United Way San Francisco County Planning Committee. Mr. Wada's interests have even extended to the field of police recruitment, as he has served as chairman of the community advisory board of the San Francisco minority police recruitment program.

In summary, Yori Wada has contributed a lifetime of service to his country and the community in which he lives. He has been a soldier, social worker, public official and community volunteer during a life which has been dedicated particularly to the youth of America.

As a consequence of these achievements, he has won numerous awards and honors. He has been presented with the San Francisco Foundation's Kirkwood Award and the Coro Foundation's 1980 Public Service Award. In addition, the San Francisco Examiner has named him as one of the 10 most distinguished citizens in the bay area. On May 7, 1982, a dinner will be held in San Francisco in honor of Yori Wada and to establish a scholarship fund in his name.

Mr. Speaker, I ask you and all the Members of the House of Representatives to join me in applauding Yori Wada for his many selfless contributions. His career should serve as an example to us all to show how one person can make a difference to his nation and his community.●

SALUTE TO RHODE ISLAND WINNER, VOICE OF DEMOCRACY AWARD

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1982

● Mr. ST GERMAIN. Mr. Speaker, I am including in today's RECORD the award winning speech delivered by Linda M. Jackson of Pawtucket, R.I., for which she was declared the Rhode Island winner in the 1982 Voice of Democracy Scholarship Award contest, sponsored by the Veterans of Foreign Wars of the United States. I am pleased to have the opportunity to salute Ms. Johnson, an outstanding and promising student. I am sure in the years to come she will be successful in her college and career endeavors.

STATEMENT OF LINDA M. JACKSON

Building America Together. If I were to expound upon the phrase "building America together," I could very well make a literal comparison with the construction of a house.

Our forefathers chose this new, undeveloped land as their home, just as a young couple may choose a plot of land for their dreamhouse. Cautiously, the advantages and disadvantages are weighed, and in the case of our nation, the many dangers and risks were also scrutinized.

As in the early traditional days of building a house, when friends and neighbors would come from miles around to help break the soil, so we followed in the same pattern. The Pilgrims came from overseas bringing experience and precious skills to the groundbreaking ceremony of our country. Whence the primary task of physical labor had been dealt with, our next step was to tend to the development of a government which would be lead by the people and for the people in a fair and democratic way.

The success of our nation soon expanded around the world and our beaches were transformed into endless welcome mats for the oppressed and frustrated of less fortunate lands. Although the vast majority lacked economically, they were found abundant in culture, spirit and determination. Soon the population grew rapidly, and as in a similar domestic situation, an addition was deemed necessary for our house. Thus, the pioneering stage came into view.

Opening a new frontier was neither an easy nor a fearless task. Men and women from all over left whatever they possessed so they may take part in the unfolding of yet another portion of our unexplored territory. Courage and determination were essential characteristics when breaking into the unknown, and so these qualities descended into the generations that followed. At times when it became necessary to defend our country from outside forces, these traits bloomed in our citizens. Pride, honor and dignity were carried with them as they defended our rights as a free creative people.

In showing our strength, we have ensconced ourselves a position above the rest. Strength, I refer to not only in a physical manner, but also one of ethics. Forceful displays come only as a last resort, when logic and reason are no longer acknowledged. Therefore we established ourselves as worldwide peacemakers, gaining universal respect.

As our nation thrived, so did our unquenchable thirst for knowledge. Not a stone has been left unturned as our most brilliant Americans have delved into the unknown. We have been accredited with having put the first man on the moon; astronomers forever exploring mysterious galaxies; and scientists striving for the cures of debilitating diseases.

Together, we broke the soil.

Together, we developed a foundation.

Together, we have expanded the regions of our house.

Together, we have made our house a home by adding to it culture, history, and respectability.

On a house, there will ultimately be placed a roof. On our country, however, a roof would never be built for it would serve only to stifle us.

No man, shall ever have the ability to repress this great nation. Our desire to search for the unknown, to strive for perfection, to reach for knowledge, and to grow so that we may live as one, will never be satisfied. Nor will man ever have the power to prevent us from doing in the future what we had been doing so successfully for the past two hundred and five (205) years, and that is "Building America Together".●

I TREMBLE FOR MY COUNTRY

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1982

● Mr. DORNAN of California. Mr. Speaker, Columnist George F. Will recently brought his considerable powers of reflection to bear on a topic that intimately touches the lives of every parent in this country: The unthinkable issue of infanticide. As far back as 1973 when I served as a television talk-show host in Los Angeles, I predicted that so-called "hard-case" abortions would open the floodgates to abortion-on-demand and that abortion-on-demand would inevitably lead to the killing of less than perfect babies.

Mr. Speaker, the slaughter of the innocents continues unabated and the perpetrators of this holocaust are becoming ever more bold and arrogant. A society hardened to the cry of innocence within the womb can hardly be expected to be more solicitous of the innocent outside the womb. When will this bloodletting, this senseless destruction of life, this impulse of self-destruction come to an end? With Thomas Jefferson, I can only say with sadness: "Indeed, I tremble for my country when I reflect that God is just."

At this point, Mr. Speaker, I would like to submit George Will's thoughtful essay for the RECORD.

[From the Washington Post, Apr. 22, 1982]

THE KILLING WILL NOT STOP

(By George F. Will)

The baby was born in Bloomington, Ind., the sort of academic community where medical facilities are more apt to be excellent than moral judgments are. Like one of every 700 or so babies, this one had Down's syndrome, a genetic defect involving varying degrees of retardation, and, sometimes, serious physical defects.

The baby needed serious but feasible surgery to enable food to reach its stomach. The parents refused the surgery, and presumably refused to yield custody to any of the couples eager to become the baby's guardians. The parents chose to starve their baby to death.

Their lawyer concocted an Orwellian euphemism for this refusal of potentially lifesaving treatment—"Treatment to do nothing." It is an old story: language must be mutilated when a perfumed rationlization of an act is incompatible with a straightforward description of the act.

Indiana courts, accommodating the law to the Zeitgeist, refused to order surgery, and thus sanctioned the homicide. Commonsense and common usage required use of the word "homicide." The law usually encompasses homicides by negligence. The Indiana killing was worse. It was the result of premeditated, aggressive, tenacious action, in the hospital and in courts.

Such homicides can no longer be considered aberrations, or culturally incongruous. They are part of a social program to serve the convenience of adults by authorizing adults to destroy inconvenient young life. The parents' legal arguments, conducted in private, reportedly emphasized—what else?—"freedom of choice." The freedom to choose to kill inconvenient life is being extended, precisely as predicted, beyond fetal life to categories of inconvenient infants, such as Down's syndrome babies. There is no reason—none—to doubt that if the baby had not had Down's syndrome the operation would have been ordered without hesitation, almost certainly, by the parents or, if not by them, by the courts. Therefore the baby was killed because it was retarded. I defy the parents and their medical and legal accomplices to explain why, by the principles affirmed in this case, parents do not have a right to kill by calculated neglect any Down's syndrome child—regardless of any medical need—or any other baby that parents decide would be inconvenient.

Indeed, the parents' lawyer implied as much when, justifying the starvation, he emphasized that even if successful the surgery would not have corrected the retardation. That is, the Down's syndrome was sufficient reason for starving the baby. But the broader message of this case is that being an unwanted baby is a capital offense.

In 1973 the Supreme Court created a virtually unrestrictable right to kill fetuses. Critics of the ruling were alarmed because the court failed to dispatch the burden of saying why the fetus, which unquestionably is alive, is not protectable life. Critics were alarmed also because the court, having incoherently empasized "viability," offered no intelligible, let alone serious, reason why birth should be the point at which discretionary killing stops. Critics feared what the Indiana homicide demonstrates: the killing will not stop.

The values and passions, as well as the logic of some portions of the "abortion rights" movement, have always pointed beyond abortion, toward something like the Indiana outcome, which affirms a broader right to kill. Some people have used the silly argument that it is impossible to know when life begins. (The serious argument is about when a "person" protectable by law should be said to exist.) So what could be done about the awkward fact that a newborn, even a retarded newborn, is so incontestably alive?

The trick is to argue that the lives of certain kinds of newborns, like the lives of fetuses, are not sufficiently "meaningful"—a word that figured in the 1973 ruling—to merit any protection that inconveniences an adult's freedom of choice.

The Indiana parents consulted with doctors about the "treatment" they chose. But this was not at any point, in any sense, a medical decision. Such homicides in hospitals are common and will become more so now that a state's courts have given them an imprimatur. There should be interesting litigation now that Indiana courts—whether they understand this or not—are going to decide which categories of newborns (besides Down's syndrome children) can be killed by mandatory neglect.

Hours after the baby died, the parents' lawyer was on the "CBS Morning News" praising his clients' "courage." He said, "The easiest thing would have been to defer, let somebody else make that decision." Oh? Someone had to deliberate about whether or not to starve the baby? When did it become natural, even necessary, in Indiana for parents to sit around debating whether to love or starve their newborns?

The lawyer said it was a "no-win situation" because "there would have been horrific trauma—trauma to the child who would never have enjoyed a—a quality of life of—of any sort, trauma to the family, trauma to society." In this "no-win" situation, the parents won: the county was prevented from ordering surgery; prospective adopters were frustrated; the baby is dead. Furthermore, how is society traumatized whenever a Down's syndrome baby is not killed? It was, I believe, George Orwell who warned that insincerity is the enemy of sensible language.

Someone should counsel the counselor to stop babbling about Down's syndrome children not having "any sort" of quality of life. The task of convincing communities to provide services and human sympathy for the retarded is difficult enough without incoherent lawyers laying down the law about whose life does and whose does not have "meaning."

The Washington Post headlined its report: "The Demise of 'Infant Doe'" (the name used in court). "Demise," indeed. That suggests an event unplanned, even perhaps unexplained. ("The Demise of Abraham Lincoln"?) The Post's story began:

"An Indiana couple, backed by the state's highest court and the family doctor, allowed their severely retarded newborn baby to die last Thursday night. . . ."

But "severely retarded" is a misjudgment (also appearing in The New York Times) that is both a cause and an effect of cases like the one in Indiana. There is no way of knowing, and no reason to believe, that the baby would have been "severely retarded." A small fraction of Down's syndrome children are severely retarded. The degree of retardation cannot be known at birth. Furthermore, such children are dramatically re-

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sponsive to infant stimulation and other early interventions. But, like other children, they need to eat.

When a commentator has a direct personal interest in an issue, it behooves him to say so. Some of my best friends are Down's syndrome citizens. (Citizens is what Down's syndrome children are if they avoid being homicide victims in hospitals.)

Jonathan Will, 10, fourth-grader and Orioles fan (and the best Wiffle-ball hitter in southern Maryland), has Down's syndrome. He does not "suffer from" (as newspapers are wont to say) Down's syndrome. He suffers from nothing, except anxiety about the Orioles' lousy start.

He is doing nicely, thank you. But he is bound to have quite enough problems dealing with society—receiving rights, let alone empathy. He can do without people like Infant Doe's parents, and courts like Indiana's asserting by their actions the principle that people like him are less than fully human. On the evidence, Down's syndrome citizens have little to learn about being human from the people responsible for the death of Infant Doe.●

CONFLICT IN CYPRUS

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mr. FORD of Michigan. Mr. Speaker, it is important that we take this opportunity to call attention, once again, to the situation in Cyprus. A peaceful settlement must be the No. 1 priority so that there can be an end to all the human suffering in that part of the world. One of the saddest aspects of Turkey's invasion of Cyprus, is the 2,000 people, including a number of Americans, who remain unaccounted for. One of those Americans happens to be Andrew A. Kassapis. Andrew's family lives in my congressional district and I have been pursuing this case for all these years.

The question of Americans missing in Cyprus since the events of 1974 must be of great concern to the U.S. Government, and it is a matter I intend to pursue until it is resolved satisfactorily. Furthermore, the continued displacement of over 200,000 people in their own land and the lack of information on the missing since the invasion contributes to a disrupting force in that part of the world and threatens the NATO alliance.●

THE RIGHT TOOL

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1982

● Mr. McDONALD. Mr. Speaker, the approval of the purchase of 50 C-5B airlift aircraft has been provided in the Department of Defense Authorization Act of 1983, which will be shortly before this body as H.R. 6030. This action is none too soon. It is the right plane at the right time, the critics notwithstanding. In support of my views, I would like to place in the RECORD a recent editorial from the Derus Media Service entitled, "The Right Tool" for the thoughtful consideration of the House. The editorial follows:

THE RIGHT TOOL

Every craftsman knows that having the right tool at the right time is the key to success. The same stands true when it comes to military airlift. Having the right airplane at the right time can mean the difference between success and failure during emergency military operations.

The demanding job of airlifting vital military equipment around the world falls on the strong shoulders of the Military Airlift Command (MAC). To support America's fighting men in the far off corners of the world, MAC must quickly and efficiently airlift tons and tons of supplies and equipment including large items such as tanks and helicopters.

A tremendous shortfall in this nation's outsize/oversize airlift capability, identified by the Congressionally Mandated Mobility Study, already has MAC working under great pressure.

To meet that tremendous shortfall the Air Force has asked for 50 new C-5 aircraft. The C-5 has proven its readiness in peacetime and in wartime actions such as Viet Nam and Israel. It has performed these airlift tasks for more than ten years by delivering the U.S. Army's equipment to bases and substandard airfields around the world.

Because of reduction in passenger traffic, numerous large commercial aircraft, many owned by foreign airlines, are sitting unused. They are being offered to MAC. But, commercial airplanes are designed to carry passengers. Substitution of commercial aircraft to attempt to do the job only the C-5 can handle would be use of the wrong tool. While seemingly attractive economically, it would be a blatant case of penny wise and pound foolish.

The U.S. Air Force must have a force of military airlifters, designed for the combat environment. The unique features of the military airlifter have been developed over decades of Air Force combat experience. The C-5 offers the critical advantages of flexibility and loadability. Unlike commercial airlifters, it has a heavyduty cargo floor and build-in ramps to permit vehicles to drive on and off quickly. And it has two large openings eliminating time wasted in dismantling and then reassembling quickly needed equipment. Also, it has inflight refueling capabilities to avoid time consuming stops enroute. When it arrives at a combat zone it doesn't need sophisticated ground support equipment. And it doesn't need extra length and strength concrete runways required by commercial aircraft.

The purchase of 50 C-5s will provide the right tool at the right time.●

TURKISH OCCUPATION OF CYPRUS

HON. JAMES A. COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1982

● Mr. COURTER. Mr. Speaker, I would like to address a very important foreign relations and humanitarian issue. I am referring to the unresolved and ongoing problem of the Turkish occupation of Cyprus.

Cyprus is a small nation of slightly more than 620,000 people, of which 465,000 are of Greek extraction and 124,000 are Turkish. As a result of the Turkish invasion of Cyprus in 1974, over 200,000 Greek Cypriots have been displaced, and deprived of their ancestral homes and livelihoods. The continued Turkish occupation, now about to enter its ninth year, is an economic drain on Turkey, which is in very serious financial difficulty. The occupation ties down Turkish troops that could be used for NATO of combatting terrorism within Turkey, and continues to threaten Greek-Turkish relations on all levels, both nations' commitments to NATO and their bilateral relationships with our country.

Mr. Speaker, both Greece and Turkey are good and close friends of the United States. However, as a friend, I believe that our country has the responsibility and opportunity to bring our two allies closer to us and NATO. I believe that we must get some movement toward the reduction and elimination of Turkish forces on Cyprus over a period of time. Of course, there may have to be NATO or U.N. guarantees for the security of the Greek Cypriot and Turkish Cypriot citizens. It is in no one's interest, except the Soviets, to have intercommunal violence return to Cyprus. I believe that we should work with the Greek, Turkish, and Cypriot Governments to alleviate the refugee problem on Cyprus and eliminate non-U.N. forces on that island nation. A successful resolution of this problem will add stability and security to southern Europe and the Middle East, and will repair a weakness in the vital NATO alliance.

Thank you, Mr. Speaker.●

THE WOMEN'S MOVEMENT

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1982

● Mr. UDALL. Mr. Speaker, when I was in Arizona over the recess, I had the pleasure of attending the State Convention of the Arizona Federation

of Democratic Women. One of the speakers at the convention was Pauline Hughes of Phoenix. Pauline works for Arizona State Representatives Debbie McCune and Frank McElhaney.

I thought her remarks on the women's movement were both interesting and deserving of wider distribution. At this point, I would like to insert her remarks into the RECORD for the benefit of my colleagues:

THE WOMEN'S MOVEMENT—A NEW DIRECTION

When I first was asked to give a talk on women's issues to a group of dynamic Democratic women, I felt like the old-fashioned minister who preached about sin on Sunday, and felt that those who needed it the most were not there to hear it.

Then it happened that I heard, once again, from someone who should know better, "Oh, I'm not a woman's libber. I like to have doors opened for me, and my cigarettes lighted." This led me to believe that it might be useful to have some directions given, by someone who has been over the road.

I thought I would start by telling you a little about myself. Rose Mofford has been quoted as saying that she has worked for the State for 42 years, and was 4 years old when she started. I can't quite beat that record but I did graduate from High School in 1935, in a very small town in southern Michigan. In fact, the 1930 census came in at 3,615 individuals. (They say if you can recall statistics like these, but can't remember what you did with your purse, that's the first step)—well, anyway, I had the benefit of what was called a good basic education. Let me tell you what I knew, as it won't take very long. For openers, I could cook and sew. I could read fast and put down on a test what I had read, so I got good grades. I was a good speller, could type and take shorthand, and write a good business letter. Now let me tell you what I didn't know. I couldn't drive a car, didn't know how to balance a checking account, knew nothing about my body or how it worked. In fact, if I told you what I didn't know about sex until I got married, you'd laugh your heads off. Vitamins were just being discovered, there were no antibiotics or tranquilizers, and television had yet to be demonstrated at the World's Fair in Chicago in 1938. I took Chemistry before they split the atom. In fact, one of my sons asked me if they knew the world was round when I was in high school. As for outer space, we were told that if mankind ever did penetrate the stratosphere and head toward another planet, there would have to be provisions aboard for the birth of children, as it would take generations to reach any other planet.

The point of all this is that, when you hear the slogan "back to basics" just remember that you are talking about an entirely different world than the one that I grew up in.

What were the opportunities for women with my qualifications? Well, you could get a job at the dime store for .15¢ an hour. Or if you were lucky, you could be hired at the local telephone company at $10.00 a week or at the insurance company for $12.00 a week. Or you could be a waitress or do housework for board and room and $3.00 a week. So what did you do if you wanted to break out of the mold? In my case, I found a scholarship and a job, saved up $15.00 for books, and enrolled in college. I was so dumb I didn't know you couldn't do this, and nobody told me I couldn't. Four years later I graduated with a Bachelor's degree and a Life Certificate to teach in a high school in a town even smaller than the one I came from. When I was hired I was told I would be fired if I was caught smoking, and that I was expected to attend one of the Protestant churches in the town. I was the high school English teacher—9th, 10th, 11th, and 12th grade English, a class in Shorthand, had charge of the school library, had a study hall, and was freshman class sponsor. For this I was paid $25 a week.

How did I feel about all this? I was so busy trying to survive that I didn't have time to do much thinking, but I do remember envying men and thinking they had more fun and a better time of it than women.

So what happened next? Along came World War II with all its upheavals. The men were gone, and for the first time women had the opportunity to take over men's work, so to speak, and many of them welcomed the opportunity to make a different kind of contribution, and to bolster their self-confidence by having some money of their own to manage. When the men came back, the women were not so eager to give up their new-found freedom of choice. It also became more necessary, and more accepted, for married women to work, partly to make up for the economic sacrifices the men (and women too) made during the war years.

It took Betty Friedan and Gloria Steinem to think the problem through, analyze some of the social changes, and tell us what was wrong. Twenty years ago these women were considered radical, and strident. But they did serve a purpose, that of consciousness-raising. It got some of us to thinking about what we wanted for ourselves, our daughters, and in my case, my granddaughters. We learned to be more assertive, more self-confident, and to learn to set goals for ourselves. Most of these changes have been positive, but not without a heavy price. The structure of the family has changed, and more women are forced to be breadwinners. Some women are unsure of their roles, and the men don't seem to know what is happening, or what is expected of them.

So it is only logical that the next step would be toward legislation. For a while it looked as if the Equal Rights Amendment would sail through the ratification by the states. Now, we are not so sure, as the deadline is only three months away, and three more states have to sign on. What went wrong? Aside from powerful vested interests that saw equal wages as a threat, we women ourselves have made some mistakes, and I want to mention two of them:

I think we weakened our cause by being what men accuse us of, illogical and inconsistent. What do I mean by this? The early feminists almost always treated men as the enemy, yet wanted to change their status by being like men. I think we have to realize that men themselves are not so much the enemy as the system under which we all function. A hundred years ago, when our life style was mostly rural, the distinct roles for men and women served a purpose, mostly survival. Now with automation and industrialization, along with shorter work weeks, there is a blurring of the roles and more leisure time that needs to be used constructively. I think it is time we stopped hating men, or competing with men, and recognizing that men, too, suffer under a system that no longer serves our needs. This is not to say that women should give up the economic struggles, rather, that they should decide whether there are goals to work for other than economic. But more about that later.

The second mistake I think women made, and are making, is in tying the abortion issue too closely to equal rights. A lot of good candidates have been defeated because many have not seen that there is an honest difference of opinion on the abortion issue, and that excesses have been committed on both sides of the reproductive freedom issue. It is not my place to tell you what to think or what to do about abortion. Rather, I would ask you to be realistic and realize that your reproductive system is always going to be a problem for you. Regardless of your background, abilities, or beliefs, girls, you can't have it all. You are going to have to make choices, some of them very, very painful. If you read Betty Fridan's newest book you will see that she is mellowing somewhat, and realizing that, even though we proved we could do men's work during World War II, men cannot, and never will, be able to take over our role as the bearers and nurturers of life. Our role in society is unique and essential, and we should use our uniqueness whenever we set our goals.

Now, what about goals? What advice would I give you mothers and daughters? First, start early. Accept your roughneck girls or gentle boys for what they are, and can be. Give your girls a choice of going out for organized sports, and don't limit them to pom and cheer only. Don't push the early dating, and give your young people a climate wherein they can understand and accept their sexuality and their own identity. Try to help them understand what power is all about. Those of my generation had to fight the economic battle. As women, let us recognize that our power lies, not in physical or financial strength, but emotional, biological, psychological, and spiritual. If I were to ask you to focus on anything, it would be the violence in our society.

When I speak of violence, I mean, how much longer are we going to bear sons and daughters to feed into the war machine? What can we do about a defense budget of more than a trillion dollars over the next five years? What about race hatred? What about domestic violence—the battered women and children? Do we want to be Chairman of the Board of a large corporation to prove that we are just as good as a man, or do we want to use our power to speak up and say "This is wrong. We need to change the direction of this organization"? What are we going to do about nuclear power, the environment, or the situation in Central America?

I have with me today some flyers which I hope will help to bring women together. It's called "Wear a Purple Ribbon." It is the hope that the purple ribbon will signify the solidarity of women everywhere in the fields of peace and justice. You can work in your own organization, in your own way, on your own time or through your job, to speak up, to stand up or to organize your own block or community.

In conclusion, I would like to emphasize that our purpose should be to work side by side with men, as equals, but not alike. Let us not envy men, or hate them, or fight with them, but to recognize that we both have contributions to make. Let us, as women, use our strengths to build a more loving, more sharing, and more equal society. After all, isn't that what it's all about?●

MARGARET WOLFE—ADVENTURES IN ANTARCTICA

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1982

● Mr. LOWERY of California. Mr. Speaker, more and more women in today's work force are employed and succeeding in jobs previously thought of as "unsuitable" for a woman. A prime example is provided by one of my constituents, Margaret Wolfe, of San Diego, Calif. Margaret, a graduate marine biologist from the University of California at San Diego, currently works as a cook. While this may not seem like a particularly "nontraditional" assignment, Margaret does her cooking in a tent in the −50-degree temperatures of the south polar region. She is the only woman on a scientific research in Antarctica.

Frank Rhoades, a local columnist, wrote about some of Margaret's experiences in a recent edition of the San Diego Union. I would like to take this opportunity to bring Margaret's story to the attention of my colleagues.

[From the San Diego Union]

MARGARET WOLFE, MARINE BIOLOGIST

Introducing Miss Margaret Wolfe, 31, of San Diego.

She is so feminine, so chic and so polished, it seems likely that the panelists on the old TV show "What's My Line" would have failed to guess how she makes her living.

Margaret is a cook, the only woman on a scientific research program in Antarctica.

The situation is all the more unusual because she is a graduate marine biologist—UCSD, class of '73.

The big attraction in her life is the "beauty of the wilderness" in country where ice and snow are everywhere and temperatures sink to minus 50 degrees.

"And I like the people you meet there," she said. "Your group is so small you become one family."

No problem, being the only woman in total isolation with a gang of men: "Act like a lady and you'll be treated like one."

Margaret is back temporarily with her parents: George Wolfe, an electrical engineer with Cubic Corp., and Genevieve Wolfe, on the sales staff at Simmons Realty in La Jolla.

Margaret has put in two four-month hitches in Antarctica, flying there from New Zealand in October and returning in February.

She worked six years for Scripps Institution of Oceanography, and went for two months to the Ross Ice Shelf, 300 miles from the South Pole, on an expedition in '78-79.

She came back to Scripps for 18 months, yearned for the south polar region and took the cook's job with a subsidiary of International Telephone & Telegraph. IT&T had a contract to provide support for a research program funded by the federal government.

Margaret sees nothing out of the ordinary about working where she does as a cook: "I came from a big family (seven children), and I learned to cook at home." Since February, she has traveled in New Zealand, just came home via New York.

Until she flew north in February, Margaret worked at a camp on a glacier near Northern Victoria Land, lived alone in a tent, tired after feeding an average of 50 men a day.

The cooking is done in a big tent on propane stoves. She prepares three meals daily, plus midnight snacks.

"The men eat twice as much as people do here, because of the cold," she said, "It's nothing to cook 50 pounds of meat for one meal."

Everybody plays volleyball at the end of the day—the work day, that is, since darkness never falls during Margaret's four-month stints.

"Lots of beer and wine are available—whisky, too," she said. "But nobody gets drunk. We also have lots of movies.

"Supplies are flown to us from McMurdo, headquarters for the Navy's Operation Deep Freeze, but we never have enough milk, eggs or green things. You have to be inventive, making salads from frozen foods."

The mail service is bad, Margaret said, but she calls her home here by getting in touch with U.S. radio hams who complete her calls by phone.

"That can become expensive for people receiving the call because sometimes we go through a ham operator in Florida."

Margaret says she will stay on as a cook two more years, then come home and resume a catering business she started after her first return from the IT&T project. And—this was no surprise—she plans to write a cookbook. She says of her educational background: "I am not research-oriented, but I organize field-camp operations and I understand the psychological problems of the men."

"Loneliness is hard on some of them. Many days you can't see 10 feet outside the door because of the snow. During these periods of loneliness, the men will wait to turn the ice cream freezer, just to have something to do."

But the isolation has compensations, as far as Margaret is concerned: "No ringing phones, no sitting in traffic jams, no going to the Safeway.

"Down there, people learn to depend on each other. They must, to survive. You learn to get along."

Margaret acknowledges that it's hard to look pretty in an icebound wasteland, what with a girl having to wear a big down-filled parka and wind pants.

But the only thing that really bugs her is having to wear long woolen underwear. "I'm getting awful tired of it."●

CALL FOR CYPRIOT SOVEREIGNTY

HON. ROY P. DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mr. DYSON. Mr. Speaker, I would like to affirm my ardent support for the Cyprus Day special order of April 22, as called for by my distinguished colleagues Congressman GUS YATRON of Pennsylvania and Congressman WILLIAM BROOMFIELD of Michigan. I believe that resolution of the Cypriot conflict and the removal of all Turkish troops from Cyprus should become a priority consideration of U.S. foreign policy.

The Cyprus discord continues to be one of the most disruptive factors toward accomplishing the goal of peace and stability in the Middle East. The gravity of this conflict will never be minimized through indifference and inaction. It has become obvious that unless significant action is taken to rekindle these dilatory negotiations, any hope for an accord in the near future is remote.

The crucial block which effectively prevents a peaceful settlement is the presence of the approximately 30,000 Turkish soldiers on Cypriot soil. An essential first step toward removal of this block is implementation of United Nations Resolution 3212, which calls for removal of all Turkish troops from Cyprus. The United States can do much toward this end by asking the U.N. Security Council to set a strick timetable for implementation of the resolution. So long as these troops remain, the possibility of a settlement is doubtful.

Additionally, the continuing Turkish occupation causes the vulnerable NATO southern flank to remain in a destabilized state by keeping Greece and Turkey in constant strife. The continuation of this conflict takes on even more alarming proportions when increased Soviet activity in the Mediterranean and Middle East are taken into consideration. It is imperative for all parties concerned that these eastern Mediterranean allegiances be solidified.

However, there is a very real concern among the Turkish Cypriots that the ultimate Greek aim is enosis (the union of Cyprus with Greece), and appropriate steps must be taken to insure Cypriot sovereignty. Nonetheless, I do not believe that 30,000 Turkish troops constitute an appropriate step. The independence of Cyprus can be better assured in the short run by the presence of a United Nations Police Force, and ultimately by the demilitarization of the republic, as proposed by its President, Spyros Kyprianou. Through the auspices of a watchful U.N., I believe a lasting peace can be assured for Greek and Turkish Cypriots alike.

Through endorsements of this special order Congress has the opportunity to send an unmistakable signal to Turkey stating our strong dissatisfaction with Turkish intransigency in resolving the Cyprus dispute. We will again be declaring our support for the removal of Turkish troops from Cyprus and the obtainment of a political settlement acceptable to all sides. Turkey must understand that as long as the problem continues to fester, Turkey's security interests are not furthered, Soviet interests are enhanced, U.S. interests in the Mediter-

ranean and Middle East are jeopardized, and most importantly the people of Cyprus are forced to undergo continued economic and psychological hardship.●

CONGRESSMAN JOHN ASHBROOK

HON. ARLEN ERDAHL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1982

● Mr. ERDAHL. Mr. Speaker, we were all shocked and saddened by the news of the untimely passing of our colleague, JOHN ASHBROOK.

JOHN had a very long and distinguished career in the House of Representatives. It has been my good fortune to have known him, however, for just these past two Congresses after being elected in 1978. As the ranking minority member on the Education and Labor Committee, he was always willing to listen to me, a junior member of his committee, and to cooperate in every way possible on business coming before our committee. Interestingly enough, he became ranking minority member when my predecessor, Al Quie, was elected Governor of Minnesota and I was elected to Congress from Minnesota's First District. I know that Governor Quie is also saddened by the news of our colleague's passing.

Our late colleague will long be remembered for the firm stands he took in committee and in the House of Representatives on those issues where he held deep convictions. He was very articulate and persuasive in debate. One of the great conservative voices has been silenced, but his influence will be felt for years to come.

My heartfelt condolences are extended to his family.●

SOLIDARITY DAY RALLY IN JERSEY CITY

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1982

● Mr. GUARINI. Mr. Speaker, May 1 of each year traditionally has been projected by the Soviet Union as a show of their prowess and strength. In Jersey City, N.J., on May 1, a massive demonstration of the free trade labor movement in the United States is being planned at Liberty State Park in protest.

The brief but formal, powerful, and meaningful ceremony will be held from 11:30 a.m. to 12:30 p.m. in the shadow of our symbol of democracy and freedom, the Statue of Liberty.

No doubt the labor forces in New Jersey are aroused by the treatment being applied on the other side of the Atlantic Ocean to freedom loving brothers of many nations. It is felt by the cochairman of the committee, New Jersey Secretary-Treasurer of the AFL-CIO Richard Pulver, and Hudson County Assemblyman Thomas Cowan, an official with Local 825 of the Operating Engineers, that this demonstration will be of tremendous psychological value for those who are being oppressed and suppressed.

Hudson County has a special feeling for the Solidarity movement in Poland because the father of Lech Walesa resided in Jersey City until his death a few months ago.

On December 9, 1981, just a few weeks before his arrest, Lech Walesa, chairman of the NSZZ "Solidarnosn" in Poland wrote the following letter to me:

GDANSK, *October 7, 1981.*

FRANK J. GUARINI,
14th District,
New Jersey.

DEAR MR. GUARINI: Thank you very much for your cordial letter and tribute you paid to me but first of all I am happy to hear that you approve the activities of our independent, self-governed union.

All of us are very grateful for the moral support of aims and tasks we declared and which must be of concern to all who are interested in justice.

Thanks to your letter and many others from the U.S.A. and all over the world our union is becoming stronger and aware that in our struggle for human rights and dignity we are not alone. It is the source of hope for us that these aims should be achieved not in Poland only but also in other countries.

I am absolutely convinced that the proposal of mutual cooperation you suggested and I accept with great pleasure will serve the cause of peace, justice and freedom of all the people.

I hope that my visit to the U.S.A. will help to achieve our aims.

I am grateful, Sir, that you supported my nomination for the 1981 Nobel Peace Prize. This is a matter of great importance, particularly for the whole of "Solidarity" as the union, much more than for me, personally.

Thank you for the American flag and the photos you enclosed.

I extend our best wishes for you and all the "Solidarity's" friends in the U.S.A., I remain

Sincerely,

LECH WALESA,
Chairman of Solidarnosn.

In New Jersey, the New Jersey General Assembly has passed a resolution proclaiming this day of Solidarity, which has been followed by similar expressions of concern by the mayor and City Council of the city of Jersey City and the Hudson County Board of Freeholders.

I am pleased to have been invited to attend this function and will be joined on the rostrum by Gov. Thomas Kean, and J. C. Turner, president, International Union of Operating Engineers, and other officials and concerned citizens.

For the information and guidance of all concerned, I am quoting herewith the assembly resolution which has been adopted in New Jersey:

R-64 February 18, 1982, Assembly Resolution by Assemblymen Jackson, Pellecchia and Cowaen,

An Assembly Resolution designating May 1, 1982 as "Solidarity Day" in New Jersey.

Whereas, the American trade union movement will swell the ranks of a national demonstration to be held at Liberty State Park, Jersey City, New Jersey on May 1, 1982, to protest the declaration of martial law in Poland, which is in contravention of the most cherished of democratic freedoms; and

Whereas, like Hungary and Czechoslovakia before it, the images of repression in Poland have become etched in our consciousness as we witness again the tanks rolling cautiously in desolate streets, again the bayonets pointed at innocent men, women and children; and

Whereas, this latest example of Soviet aggression, compounding as it does the already precarious state of East-West relations, is yet another obstacle to the kind of dialogue required in this increasingly dangerous world; and

Whereas, the American trade union movement has been and will continue to be deeply involved in this struggle, and the efforts of the United Labor Organization in seeking help through the United Nations have been tireless; and

Whereas, at this moment in history our rhetoric must not ring hollow, but must instead be supported by prudent and effective measures that register our opposition to the denial of freedom in Poland and make clear our resolve that Poland's oppressors feel the economic consequences of their acts; and

Whereas, faith must be the companion of all who cherish freedom, faith that the spirit of freedom that burns in the hearts of the Polish people is not crushed, but rather, like a dream deferred, will grow stronger: And, therefore, be it

Resolved by the General Assembly of the State of New Jersey, That this House hereby declares May 1, 1982 as "Solidarity Day" in New Jersey and urges all citizens to register their opposition to the subjugation that has caused human misery in Poland; and be it further

Resolved, That duly authenticated copies of this resolution be transmitted to the Honorable Ronald W. Reagan, President of the United States, the Honorable Thomas H. Keen, Governor of New Jersey, the Honorable Lane Kirkland, President of the AFL-CIO, the Honorable Robert Jeoruine, President of the National Building Trades Department, AFL-CIO, and the Honorable Charles Marciante, President of the New Jersey AFL-CIO, Edward Pulver, Secretary-Treasurer of the New Jersey AFL-CIO and all county bodies.

I am certain my colleagues wish to join me as an expression of our love of freedom and justice which we advocate throughout the world.

This solidarity demonstration on May 1 in Jersey City will remind the world that the Founders of our Constitution, as Gen. Dwight D. Eisenhower, 34th President of the United States, said in May 1954:

They (the founders) proclaimed to all the world the revolutionary doctrine of the divine rights of the common man. That doc-

trine has ever since been the heart of the American faith.

Our demonstration should also remind the Polish Government and the Soviet Union of the position of the Roman Catholic Church as proclaimed by His Holiness Pope John Paul II to the General Assembly of the United Nations on October 2, 1979:

As a universal community embracing faithful belong to almost all countries and continents, nations, peoples, races, languages and cultures, the Church is deeply interested in the existence and activity of the Organization whose very name tells us that it unites and associates nations and States. It unites and associates: it does not divide and oppose. It seeks out the ways for understanding and peaceful collaboration, and endeavors with the means at its disposal and the methods in its power to exclude war, division and mutual destruction within the great family of humanity today.

I am certain all of us appreciate the deepness and fullness of America. Most apropos are these excerpts from speeches made from the late President John F. Kennedy:

For of those to whom much is given, much is required. And when at some future date the high court of history sits in judgment on each of us, recording whether in our brief span of service we fulfilled our responsibilities to the state, our success or failure, in whatever office we hold, will be measured by the answers to four questions: First, were we truly men of courage? Second, were we truly men of judgment? Third, were we truly men of integrity? Finally, were we truly men of dedication?

Today no nation can build its destiny alone. The age of self-sufficient nationalism is over. The age of interdependence is here. The cause of Western European unity is based on logic and common sense. It is based on moral and political truth. It is based on sound military and economic principles, and it moves with the tide of history.●

NATIONAL DEFENSE ISSUES

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1982

● Mrs. ROUKEMA. Mr. Speaker, as one who is committed to achieving an effective and efficient national defense capability, I am encouraged by the awakening debate this year over our defense priorities and the way we spend our defense dollars. Citizens of all persuasions, as well as Members of Congress, are critically analyzing the administration's proposal for $258 billion in defense authority in the 1983 budget. The question is not whether to cut the defense budget, but how.

This dramatic reversal in attitude regarding defense spending is, in my opinion, the consequence of two primary concerns:

First. The prospect of unprecedented budget deficits and the stubborn high interest rates the deficits are breeding. The looming deficits are also prolonging the recession and present the necessity for further painful restraint in domestic programs; and

Second. For those, like myself, who are committed to restoring our neglected military capability, the current budget dilemma may well erode the national consensus of support for the essential defense buildup.

I think it is particularly noteworthy that the informal start of this year's debate on these issues was marked on Tuesday, April 19, when one of our most respected colleagues, Representative JOHN RHODES of Arizona, spoke out. Congressman RHODES, the former Republican minority leader and leading advocate of a stronger defense, framed the issue as to not only how much money we are spending, but how it is being spent. I think that his speech—as well as extensive comment and writings by national leaders—presages an emerging national debate on this issue.

It should be crystal clear at the outset that we are not talking about reductions in national defense. The focus of the debate must be on setting priorities based on a coherent military strategy that is consistent with our vital national interests and our foreign policy objectives.

The relationship between national defense expenditures and our national ecomony is very important, and there is real doubt as to whether we can spend the proposed increases efficiently. In reference to the economic impact of the sudden defense buildup, I would commend to my colleagues an excellent article that appeared in the Kansas City Times by Pulitizer Prize winning reporter Rick Atkinson. The article, which was published on March 23 of this year, makes it quite clear that our aging industrial base is having difficulty handling this rapid buildup and, in fact, that this might be part of the cause for the rapid rise in defense costs. We import so many parts, our industries have such critical manpower shortages in key areas, our industrial base is aging, these are major reasons for higher costs, slower delivery, and inefficiency within the Defense Department. As a cosponsor of this year's Defense Production Act, I am hopeful that Congress will soon pass legislation that acts directly to improve our defense industrial base and improve training opportunities in critical areas. In the long run, this will help foster efficiency in defense spending and help us become independent from imported defense machinery and supplies.

For the present, however, the rapid buildup of defense spending is an invitation to inefficiency and mismanagement. We stand warned of this problem by the Defense Department itself, in the report of its new task force charged with responsibility for improved management. They admit: "The scarcer the resources, the better we must manage not only with respect to acquisition, but in all aspects of DOD's national defense responsibilities."

Unfortunately, Congress and the administration have not done a very good job in forcing the Department of Defense to manage its budget better. We have been all too willing to vote huge sums for defense without concurrent management improvements, without asking how efficiently and effectively the money is being used or what our defense priorities should be. With proposed budget deficits well beyond the $100 billion mark for fiscal year 1983, these practices have got to stop. In the report just cited, the Pentagon notes the necessity of "management with * * * better planning, more effective competition, more realistic cost estimates, adequate and stable funding, more economic production rates, greater use of multiyear contracting, and improved readiness and support."

In meeting with several hundred constituents last week at my community roundtables, I found that people still are committed to a strengthening of our national defense. Time and time again, however, defense spending that costs taxpayers billions of dollars and contributes to the Federal deficit. Correcting these abuses is where we must concentrate our efforts this year.

We have heard discussions this year about how difficult, if not impossible, it will be to reduce the defense budget growth by eliminating specific programs. We have heard that the only hope of reduction in the defense budget is through across-the-board cuts that would avoid antagonizing special interests or Members of Congress. As we begin this year's debate on the budget, we must do so with a clear understanding that there are alternatives—alternatives that are not mutually exclusive.

First, the Defense Department, the Congress at large, and the Armed Services and Defense Appropriation Committees must have a greater realization that we must set the priorities. The public correctly perceives that we do not have a defense policy beyond spending huge sums of money in what appears to be an unselective decision process that lacks a coherent sense of direction. The committees with responsibility must make critical choices between competing policies and the merits of various weapons systems.

There are several fundamental questions of which we are all aware—questions of balance and spending pertaining to manpower, operations and maintenance, spare parts, conventional weaponry, ammunition, and new weapons systems. These are the areas where the real choices about priorities must be communicated to the full Congress. One of the problems of our

increasing defense budget—as I see it—is that we do not know the relative importance of each of these areas. Consequently, we have opted for the easiest solution, which means funding most of these areas inadequately instead of funding some of them adequately.

Second, a critical goal for the defense budget this year should be improved management. For example, the House last year voted to create the position of an independent Inspector General for the Department of Defense, but the legislation is stalled. This is a simple, commonsense reform, but the administration is supporting a bill before the other body that would severely "clip the wings" of an Inspector General. On a related issue, this week's edition of the National Journal contains a detailed analysis of major auditing problems within the Department of Defense (National Journal, April 17, 1982, "Cutting Waste, Fraud and Abuse May Be Easier Said Than Done."). To quote the article: "Another big problem, by all accounts, has been the Pentagon's failure to work out a procedure to insure that auditors' recommendations are transformed into actual savings."

In addition, we need to seek again to force efficiencies in the two fastest growing areas of the defense budget—procurement and research and development. We cannot have every new weapons system, and we must act to break the traditional duplication of effort caused by inter-service rivalries.

In the past, we have been too willing to cut in the critical areas of operations and maintenance and readiness in order to achieve immediate savings. Consequently, our planes sit in hangers and our ships wait in port because they are badly in need of repair or spare parts. The future decisions made on major investment programs—made mainly in procurement and research and development expenditures—will determine, in large measure, the size and composition of future defense outlays. By focusing on these decisions today, Congress can influence the size of future budgets. For example, the choices within the shipbuilding program can lead to differences of billions of dollars in outlays. If we choose three new battleship groups calling for three new aircraft carriers and escorts, we will be spending $5 billion more over 5 years than if we choose four battle groups centered around reactivated battleships. (Source: Congressional Budget Office.)

Third, Congress must treat more seriously some of the legislative proposals that are languishing in committee that also have the potential of permitting the Pentagon to improve its management and save billions of dollars each year. These issues are less glamorous and attract less attention than, say, a proposal to eliminate a new weapons system. But in the long run, they are equally important.

For example, the report of the "Acquisition Improvement Task Force" to which I referred earlier (and which I recommend to each of my colleagues) lists 10 legislative initiatives that would give DOD the tools to improve its management. Among those items mentioned are amendments to the Walsh-Healy Act pertaining to overtime pay for defense contractors, amendments to the service contract for reducing substantial administrative costs, and amendments to the Armed Services Procurement Act pertaining to the cost-plus-fixed-fee contracts.

According to the Defense Department estimates, these legislative initiatives could immediately save nearly $500 million annually.

Yes, the Defense Department spends money inefficiently. But part of the blame clearly rests with Congress, which has before it numerous money-saving proposals relating to defense spending, but which has failed to consider some of these proposals as outlined in the task force report. If we want the Defense Department to spend money more efficiently, let us give them the legal changes necessary to do so.

Finally, you may recall that last year we tried to make some modest changes, and we came close. I offered an amendment that would have forced greater efficiency on the Department of Defense by requiring a 2 percent reduction in spending for procurement and research and development, with certain exceptions. The total savings would have been $1.65 billion, but the amendment lost by the narrow vote of 197 to 202.

As I have noted, failure by the Armed Services Committee and Defense Appropriations subcommittee to help set priorities will mean that the Congress will turn to across-the-board cuts. Across-the-board cuts will force the Department of Defense, through the power of the purse, to make those necessary qualitative and quantitative decisions. It will require the Department to set realistic priorities instead of merely seeking additional funds for each and every new program and proposal. It may not be the ideal way to force economies, but it will be our only recourse if the Department of Defense and the committees do not fulfill their obligations.

I have presented today what indeed will be minimally necessary if we are to achieve a prudent and reduced growth rate for defense spending. The reductions in spending authority we make this year will have multiple effects in future outlays. For example, reducing procurement by $11 billion this year means savings in actual spending of $1.32 billion in the fiscal year 1983 budget, $4.07 in fiscal year 1984, $3.03 billion in fiscal year 1985, and $1.21 billion in fiscal year 1986.

It is essential we make significant progress if we are to shrink deficits over time and reach a balanced budget.

This year I shall again be working toward improved efficiency in defense spending. The defense budget should be subject to the same close scrutiny as every other department or agency. There should be no sacred cows if we are to be serious about bringing down the deficit, improving our defense, and restoring our economy.●

MOSCOW SAYS: AMERICA MUST DISARM NOW

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1982

● Mr. McDONALD. Mr. Speaker, on Tuesday, March 30, this year, under special orders, I made reference to an article by John Rees in American Opinion, issue of February 1982, titled, "How Moscow is Directing All of That Phony Peace Propaganda."

If you have been wondering where all these "Ground Zero" promenades around the country are emanating from this week, all you have to do is read the following excerpts from John Rees' article, and above all, pass it along:

PHONY PEACE

One feature of Soviet propaganda operations is tight coordination combined with media saturation. The W.P.C.'s campaign against the neutron bomb, which commenced in 1977 after the Washington Post leaked the fact that an enhanced radiation warhead was being secretly developed in the U.S., moved again into high gear in August 1981 when President Reagan announced that the United States would proceed with production. The W.P.C.'s slogans were No To Neutron Bombs And All Neutron Weapons; No To U.S. Cruise And Pershing II Missiles; and, Start Negotiations. These were immediately adopted by the European disarmament coalitions in which the local Communist Parties, Communist fronts, and W.P.C. affiliates play leading roles. They were soon being promoted worldwide.

An August 1981 statement by the World Peace Council on the neutron bomb took credit for having forced the Carter Administration to kill plans for neutron warhead production and proclaimed the start of a similar campaign against the Reagan initiative. These instuctions were confirmed on December 12, 1981, by International Department chief Boris Ponomarev in a speech to Soviet and foreign scientists, in which he said: "The World Peace Council with national committees in 137 countries embracing hundreds of millions of people is deeply shocked. . . . The overwhelming majority of humanity has already expressed itself as one voice in condemning these illegal inhuman weapons. . . . We urge . . . that you respond to the hopes and will of public opinion and rescind your decision to go ahead

with production of neutron weapons, enter into immediate Summit negotiations regarding Eurostrategic missiles and return to the SALT process. The World Peace Council intends to exert all possible efforts to further mobilize public opinion to these ends."

Organizationally, the W.P.C. is of course salted with members of the pro-Soviet Communist Parties and with reliable pro-Soviet radicals. Most of its leaders are active in the Communist Parties of their own countries even as they also lead the local W.P.C. affiliate. These "national peace committees" are in turn run as fronts of the local Moscow-line Communist Parties. And, as we have noted, the local Communist Parties as well as the W.P.C. are directed by the International Department of the Soviet Communist Party. This provides two mechanisms for ensuring that the resolutions and statements of the local affiliates of the World Peace Council do not deviate from the line set by the Soviet Politburo.

So much for Moscow's direct control of the disarmament crusade. Now let's look at how the Soviets have been directing their disarmament campaign in Europe and North American through their front groups and the K.G.B.

The United Nations operations in New York and Geneva are major centers for Soviet front activity. The World Peace Council, the Women's International Democratic Federation, the Christian Peace Conference, and their sister fronts are highly active among the U.N. Non-Governmental Organizations. Particularly on the issues of disarmament and support for the Soviet-backed terrorist movements. Planning aimed at Communist manipulation of the Second U.N. Special Session on Disarmament moved into high gear with the U.N.'s "Urgent Action Conference for Disarmament" held in August 1981 at Geneva. This was organized by the U.N. Non-Governmental Organizations through their Special Committee on Disarmament, cochaired by World Peace Council president Romesh Chandra.

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In this disarmament drive the Soviet media and the World Peace Council are making heavy use of several former N.A.T.O. military officers who, following their retirements, have become highly visible "assets" for the Soviet propaganda machine. Particularly active have been General Nino Pasti, the former N.A.T.O. Vice-Commander, since elected to the Italian Senate as an "independent" on the Communist Party ticket; Major General Gert Bastian, formerly commander of the 12th Armored Division of the West German Army; and, U.S. Rear Admiral Gene LaRocque (Ret.), director of the radical Center for Defense Information (C.D.I.).

A number of these retired Soviet military assets—including Bastian, Pasti, Johan Kristi of Norway, Francisco da Costa Gomes of Portugal (a World Peace Council vice president), Georgios Kumanakos of Greece, Von Meyenfeld of The Netherlands, and French Admiral Antoine Sanguinetti—signed a statement in November 1981 addressed to the N.A.T.O. military commanders and Foreign and Defense Ministers. The "peace generals" attacked the N.A.T.O. agreements to deploy the Pershing II and Cruise missiles, called for arms negotiations with the Russians, and asked the European members of N.A.T.O. to break away from alliance with the U.S. and to develop better relations with the Warsaw Pact regimes.

Comrade General Pasti held a press conference in The Hague to charge that the very idea of a "strategic superiority of the Soviet Union and its military build-up was, as the Soviet press agency TASS reported, a 'lie fabricated by the CIA and spread by NATO propaganda.'" The Soviet media heavily publicized the W.P.C. general's comment: "I can give the assurance that the most convinced opponent of war is the Soviet Union, who in the last war suffered the gravest trials. This cannot be said of the United States where the idea of war is linked with profits of certain circles."

Pasti and Bastian, the Soviet-controlled World Peace Council's "generals for peace," made U.S. speaking appearances on Capitol Hill in 1981. These appearances illustrate how the W.P.C. exerts its influence over leading U.S. disarmament groups.

On May 5, 1981, Representatives John Conyers (D.-Michigan), Ronald Dellums (D.-California), and Patricia Schroeder (D.-Colorado) invited their congressional colleagues and staffs to attend a two-hour "Briefing on European Opposition to the New Generation of Theater Nuclear Weapons" sponsored by SANE. The featured speakers were General Pasti, who was identified only as an Italian Senator, not as a prominent World Peace Council activist and Communist candidate; and Richard Barnet, co-founder of the Institute for Policy Studies (I.P.S.), the influential Marxist think-tank which has developed a network of contacts among Congressmen and their aides, government officials, the press, and the academic community. In fact, I.P.S. has been characterized as the "perfect intellectual front for Soviet activities which would be resisted if they were to originate openly from the K.G.B."

Barnet and Pasti urged support for the Brezhnev offer of a "nuclear moratorium" that would strip Western Europe of the power to defend itself and leave the Soviets with two hundred mulitple-warhead SS-20 missiles. Even if stationed on the eastern side of the Ural mountains, in Asia, these could strike Iceland, Morocco, Cairo, and Jerusalem as well as every European capital.

The next day, Comrade General Pasti returned to Capitol Hill accompanied by World Peace Council president Romesh Chandra and six other W.P.C. representatives. This time Congressmen John Conyers, Don Edwards (D.-California), Mervyn Dymally (D.-California), George Crockett (D.-Michigan), Theodore Weiss (D.-New York), and Mickey Leland (D.-Texas) issued an invitation to their colleagues to meet with the foreign delegation to discuss "arms spending," southern Africa, and U.S. policy in Central America. None of these Representatives could claim that they did not know this was a W.P.C. group since the invitation specified that the delegation was led by Romesh Chandra and identified him as president of the World Peace Council.

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So here we have the leaders of a major Soviet front working with functionaries of U.S. disarmament groups including I.P.S., SANE, the Coalition for a New Foreign and Military Policy, and the Communist Party-controlled U.S. Peace Council, to influence U.S. Representatives and congressional staffers.

General Gert Bastian had meanwhile been very busy as a featured participant in an April 1981 conference at Groningen in The Netherlands to generate opposition to modernization of U.S. and N.A.T.O. forces. Various U.S. and European activists, including retired N.A.T.O. military officers, assembled to claim that N.A.T.O. modernization would "destabilize" what they called the "balance" between N.A.T.O. and Warsaw Pact forces and could provoke a war. Speeches were loaded with images of a nuclear armageddon arising from these N.A.T.O. actions. Of course the Soviet military buildup was minimized as stemming from Russia's fear of West Germany.

The Groningen conference was cosponsored by the Washington-based Center for Defense Information (C.D.I.), directed by retired Admiral Gene LaRocque, and the Dutch Polemological Institute headed by Professor Hilke Trompe. Bastian's address to the Groningen meeting, and his speech to the W.P.C.-sponsored Nordic Peace Conference held the next month, were published by the World Peace Council as a typical Communist propaganda pamphlet entitled "Nuclear War In Europe?"

Admiral Gene LaRocque is not the only retired American military officer involved in the disarmament activities of the C.D.I. Its staff includes Rear Admiral Eugene Carroll (Ret.), deputy director; Major General William T. Fairbourn, U.S.M.C. (Ret.), associate director; and Lieutenant Colonel John H. Buchanan, U.S.M.C. (Ret.). Nonetheless, since its founding in 1972, the publications of the Center for Defense Information and statements of its leaders have consistently opposed every major upgrading in U.S. defense forces, and have opposed all U.S. overseas bases and defense treaties with non-Communist allies.

It is therefore not surprising that C.D.I. leaders and publications are regularly praised and quoted by the Soviet and Communist media.

But the chief spokesman for C.D.I. is LaRocque. In the fall of 1975, after causing a crisis in U.S.-Japan relations by telling a Subcommittee of the Congressional Joint Committee on Atomic Energy that the U.S. did not honor agreements to off-load atomic weapons from U.S. warships before they entered Japanese harbors, Admiral LaRocque went to Moscow as a guest of the Institute of the U.S.A. and Canada, a "think-tank" for the K.G.B. Interviewed in Moscow by the Japanese Communist Party newspaper Akahata, LaRocque boasted openly he had no knowledge that the U.S. had ever violated its agreements with Japan. Currently LaRocque's statement, "If you dummies let us, we'll fight World War III in Europe," is being widely used by the organizers of demonstrations against "Euromissiles" in the N.A.T.O. countries.

Admiral LaRocque's deputy at C.D.I. retired Rear Admiral Eugene Carroll, is now taking a leadership role in the disarmament lobbying activities of the Coalition for a New Foreign and Military Policy. On November 15, 1981, Admiral Carroll was praised in a Moscow Radio Domestic Service program by commentator Gennady Gerasimov, who said:

"When I was in Washington quite recently, I happened to be at the Center for Defense Information where I talked with Rear Adm. Eugene Carroll, retired, codirector of this center. He confirmed again, he stressed that all their calculations show that a nuclear war would inevitably and eluctably become universal and that a limited nuclear war is impossible and unrealistic. For this reason, incidentally, the rear admiral expressed his support for Leonid Ilich Brezhnev's appeal to the U.S. Administration to give up dreams of attaining military superiority over the Soviet Union. Each of the

sides today possesses sufficient potential to destroy each other, even several times over. Thus attempts to secure military advantages are senseless. This was the opinion of this retired rear admiral."

Although there has been evidence since the early 1960s that the Soviet leadership and the Red Army believe that a nuclear war can be fought and won, and that they are preparing to do so, the propaganda line fed to the West is that any use of tactical nuclear weapons—such as employing neutron warheads against columns of invading Warsaw Pact tanks—would instantly lead to total nuclear war. The Kremlin's generals, anxious to use their numerically superior conventional forces, would like to terrorize the Free World into giving up use of offsetting nuclear weapons.

A recent article in Kommunist, the theoretical journal of the Soviet Communist Party Central Committee, also identified approved "peace" devotees in the ranks of the West German defense and military. They include Dr. D. Lutz of Hamburg University, retired Minister E. Eppler, and retired generals F. Birnstiehl and Wolf Graf von Baudissin, currently director of the Hamburg University Institute for Peace Research and Security Policy. Their views were published in Germany in a pamphlet entitled "Generals For Peace."

The Soviet-dominated disarmament lobby also makes use of the services of retired British Brigadier General Michael Harbottle, who is general secretary of the London-based World Disarmament Campaign, and of Brigadier General Hugh B. Hester, who retired from the U.S. Army in 1951 and was highly vocal with disarmament and pro-Vietcong groups during the 1960s and 1970s. In September 1981, General Hester circulated to Members of Congress copies of Leonid Brezhnev's Peace Program For the '80s, to which Hester attached a letter calling Reagan Administration defense policies "sinister." General Hester's effort was sponsored by Promoting Enduring Peace, a Connecticut-based group that organizes tours of Russia for "peace activists" and regularly publishes boring but expensive disarmament ads in the New York Times.

The visit of German General Gert Bastian to Capitol Hill on December 2, 1981, provided another demonstration of the role of W.P.C. activists in coordinating the U.S. and European disarmament campaigns. Again sponsored by SANE, the two-hour meeting was billed as presenting a "European perspective" on "Euro-missiles." David Cortright, the executive director of SANE who first demonstrated his abilities as an organizer of pro-Vietcong G.I.s at Fort Bliss, told the audience that he hoped the European delegation would be successful in putting an end to the notion that the European "peace movement" is a "creation of the Kremlin." No one laughed out loud.

This delegation included Josephine Richardson, a Member of the British Parliament and of the British Labour Party executive committee, who is co-chairman of the old "ban-the-bomb" Campaign for Nuclear Disarmament; Petra Kelly, "chairperson" of the West German ecology and anti-nuclear Green Party, who attended college in Washington, D.C., and was active in the pro-Vietcong movement here; Karl-Heinz Hansen, a member of the West German Bundestag Defense and Foreign Relations Committees, who said he had been expelled from the ruling Social Democratic Party on account of his opposition to the N.A.T.O. missiles policy; and, of course, General Gert Bastian.

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Karl-Heinz Hansen supported a type of European isolationism grounded in anti-Americanism and fear of the Soviet Union. He said, "The Soviet Union is no more expansionist, no more imperialistic in our eyes, than the United States."

That would have provoked quite a laugh in the Scandinavian countries, where the direct role of Soviet K.G.B. officials working with W.P.C.-related disarmament groups has recently been exposed. In September 1981, for instance, the Second Secretary of the Soviet Embassy in Copenhagen, described in the Danish press as having "K.G.B. connections," was declared persona non grata and expelled for his activities with disarmament groups. He is Vladimir Merkoulov, who worked with the Danish Committee for Cooperation and Peace, a coalition of fifty disarmament groups linked with the World Peace Council. After that scandal broke, at least one Danish disarmament group publicly quit the Committee for Cooperation and Peace, giving as its reason the fact that the Committee was totally in the hands of the Communists.

It developed that K.G.B. agent Merkoulov had financed the activities of Danish author Herlov Petersen and provided thousands of dollars to buy newspaper ads promoting a "Nordic nuclear-free zone," an idea supported by the World Peace Council and the Soviet Government directly. Merkoulov and Petersen wined and dined Danish opinion-makers, and gave them gifts as part of an effort to influence them. Petersen has been charged with violating the Danish Espionage Act.

An isolated incident? Not at all. At the end of November the Swedish press reported that two Soviet diplomats were being expelled from Norway. One of them, Soviet First Secretary Stanislaw Chebotok, was said to have offered money to several Norwegians to write to local newspapers against nuclear arms and blasting N.A.T.O. The Swedish press reported that Chebotok had previously been expelled from Denmark for similar reasons. Also in November, a major Soviet disinformation story surfaced in a Norwegian newspaper citing alleged secret U.S. documents. These stated that under "certain circumstances" America would bomb Norway with nuclear weapons. The "documents" were the latest in a series of K.G.B. forgeries designed to disrupt the N.A.T.O. alliance.

Commenting on the Soviet efforts to manipulate public opinion via the Nordic press, the Danish newspaper Berlingske Tidende editorialized: "The Soviet Embassy's interference in the public debate on Danish security policy is so gross a provocation that it is almost a caricature of reality. The financing of a campaign of advertisements for a nuclear-free zone in the Nordic countries . . . compromises Soviet policy with regard to the Nordic countries. . . . It comes as a confirmation for all those who in the past were unwilling to see or hear that this disguised offer of a Soviet contribution to such a zone was superpower trickery to be used to blind the simple-minded."

Our point is that the Soviet Union is running the current worldwide disarmament campaign through the K.G.B. and front organizations led by the World Peace Council. Leaders of U.S. disarmament groups are up to their necks in this effort. Their major thrust will come in June and will be centered around the United Nations Second Special Session on Disarmament to be held in New York City.

Initial planning started here early in October when some forty representatives of disarmament fronts who constituted themselves the ad hoc Special Session on Disarmament Working Group met covertly in New York City to organize rallies and demonstrations in support of "International Disarmament Week" (October 24-31) and to launch the Campaign for the Second U.N. Special Session on Disarmament. The leadership role was taken openly by representatives of Communist Party front groups, by the U.S. affiliates of international Soviet fronts, and by other organizations that have close ties with the Soviet fronts.

The groups participating included the U.S. Peace Council; Christian Peace Conference; Women for Racial and Economic Equality, a C.P.U.S.A. front affiliated with the Soviet-controlled Women's International League for Peace and Freedom; Women Strike for Peace; Promoting Enduring Peace; Riverside Church Disarmament Program; Clergy and Laity Concerned; the Disarmament Working Group of the Coalition for a New Foreign and Military Policy; Washington (D.C.) Peace Center; War Resisters League; Fellowship of Reconciliation; and, the Nuclear Freeze Campaign of the American Friends Service Committee. Taking the leading role was Mobilization For Survival (M.F.S.), an arm of the World Peace Council.

This core group was secretly ordered by its World Peace Council superiors to hold an expanded covert meeting two weeks later, this time with the Communist Party participating under its own identity as well as in the guise of several fronts. The key organizers included radicals Cora Weiss, currently head of the Riverside Church Disarmament Program; Norma Becker and David McReynolds of the War Resisters League; Connie Hogarth of the Women's International League for Peace and Freedom and the Westchester County Peace Action Committee; and, Paul Mayer, a former priest who heads the Mobilization For Survival's Religious Task Force. All were previously leaders of the pro-Vietcong movement.

As directed by the bosses of the World Peace Council, an organizational structure was now set up under the Mobilization For Survival coalition to prepare mass demonstrations and "civil disobedience" in New York at the U.N. Special Session. In advance of those demonstrations, a campaign was drafted to demand that President Reagan attend the session and make major disarmament concessions. Final touches on these campaigns were ratified at the Mobilization For Survival national conference held in Milwaukee early in December.

The pro-Vietcong coalitions which operated under the domination of the Communist Party, U.S.A., and in collaboration with the Soviet-controlled World Peace Council during the years 1966 through 1975 are being reassembled. Those coalitions once used such names as National and New Mobilization committees and the People's Coalition for Peace and Justice. Among the three dozen national organizations comprising the current M.F.S. effort are the Communist Party, U.S.A., and three of its outright fronts, the U.S. Peace Council, Women for Racial and Economic Equality, and the Southern Organizing Committee for Racial and Economic Justice founded and led by Anne Braden. Mrs. Braden was the Communist Party's principal Southern organizer in the "civil rights" movement.●

CYPRUS: 8 YEARS OF OCCUPATION

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mr. HUGHES. Mr. Speaker, nearly 8 years ago Turkey invaded the island nation of Cyprus, and has occupied it since. This brutal reality is all too familiar to Cypriots, 200,000 of whom were driven from their homes. The continued military occupation of 40 percent of the country violates international law and the rights of all Cypriots and, in particular, Greek Cypriots, who have borne the brunt of this violation of international norms of conduct. It is an insult to all those who believe in self-determination.

As leaders of a civilized democracy, we support a negotiated solution to the conflict. The United Nations should continue its efforts to seek some resolution that satisfies all parties involved. But let aggressors be forewarned, the United States cannot ignore actions that violate international law. Such actions have had and will have severe consequences. No country can count on its strategic importance to compensate for the effect of illegal activities on its alliance with the United States.

The administration has requested a large increase in military and economic assistance to Turkey for fiscal years 1982 and 1983. Yet neither this increase nor the aid already provided has been linked to the withdrawal of Turkish troops. The time has come to establish this tie. We will no longer merely passively speak out for Cypriot self-determination. Instead, we will act to see that the rights of Cypriots are restored and the wrongs of 8 years ago corrected.●

ESTABLISHING A SELECT COMMITTEE ON HUNGER

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1982

● Mr. GILMAN. Mr. Speaker, recently my distinguished colleague, the gentleman from Texas (Mr. LELAND) and I introduced House Resolution 424, legislation to establish a Select Committee on Hunger. It is our hope that such a committee will better enable our Nation to launch a comprehensive program to resolve the increasingly critical problem of hunger and chronic malnutrition. Currently, those groups supporting this measure include: Bread for the World, Save the Children, World Hunger Year, the Hunger Project, the Interreligious Task Force on U.S. Food Policy, and the Community Nutrition Institute.

THE PHENOMENON OF HUNGER: A NUCLEAR WEAPONS ANALOGY

Mr. Speaker, we are witnessing a growing awareness about the destructive potential of the world's nuclear weapons arsenal. I would like to take this opportunity to share with my colleagues, a perspective which brings to the hunger problem a scenario as chilling as that which pervades the dialog on nuclear weapons. In congressional testimony, several years ago, John Gilligan, former Administrator, U.S. Agency for International Development, framed succinctly the awful devastation wrought by hunger:

> Through the press and the media we are constantly bombarded with the facts of death—in wrecks, in riots, in robberies, in natural disasters—and while we flinch and groan at the daily spectacle of carnage and suffering, we simply cannot comprehend what it means when we are told by those whose responsibility it is to observe and report such matters that this year 15 million children in our world will die of malnutrition and related diseases. If we were told that someone had invented a nuclear weapon that selectively slaughtered only children under the age of five, and that one such Hiroshima-size weapon would be detonated somewhere in the world every three days, every week, every year, year after year—and that's what would be required to reach that annual total of 15 million—I think its fair to say that people of our nation, and every nation on earth, would be aroused to demand that something be done to stop the slaughter.

As we explore the dimensions of the hunger problem, we will see that there are a number of significant reasons to compel the United States to intensify its commitment to resolve this critical problem.

DIMENSIONS OF THE HUNGER PROBLEM

Congress, in 1976, passed the right-to-food resolution, reaffirming our Nation's conviction that all individuals have the right to a nutritionally adequate diet. However, according to recent reports, including those of the Presidential Commission on World Hunger, of which I was a member, and the Independent Commission on International Development Issues, the Brandt Commission; as well as the Global 2000 Study, hunger and chronic malnutrition continue to engulf hundreds of millions of people. Hunger makes every day for these individuals a struggle for survival whether or not their plight makes the nightly news or the morning paper. Moreover, hunger is most vicious when it stalks the young. Approximately 100,000 children go blind each year because of Vitamin A deficiencies. In some poorer countries, as many as 40 percent of the children die each year before the age of 5, mostly from nutrition-related causes. Among the survivors, handicaps of learning behavior and work capacity are widespread due to inadequate diets and recurring illness. In the United States, while considerable progress has been made in reducing the widespread malnutrition existing as recently as 15 years ago, certain groups, notably Native Americans, migrant workers, the elderly, and children, remain particularly vulnerable to malnutrition and related diseases.

The Presidential Commission on World Hunger reported that traditional appeals to alleviate hunger have emphasized the long-recognized moral and humanitarian responsibility that our Nation has to the hungry and impoverished, However, less attention has been focused on the fact that in an increasingly interdependent world, our national security and the security of the international community are linked directly to a resolution of the world hunger problem. The deprivation experienced by the world's poor and hungry and those among them who can harness the anger and indignation borne of being without the means to purchase or produce enough food, points to an explosive instability which many fear will intensify during the coming decades.

Moreover, such interdependence is also economic in nature. For example, the Commerce Department estimates that each $1 billion in U.S. exports creates 40,000-50,000 jobs in the United States. Currently, more than 35 percent of our Nation's exports are destined for the markets of developing countries. In addition, U.S. goods and services purchased by the U.S. Agency for International Development, and the United Nations and other international development organizations amounted to more than $1.226 billion in 1980. The Foreign Affairs Committee estimated that this year's foreign aid legislation represents up to 450,000 jobs.

Compelled by these concerns, recent studies have reviewed issues such as bilateral and multilateral development and economic assistance, trade relations with the Third World, world food security, food production and distribution, nutrition assistance, and developing employment opportunities which would help provide a self-help program of assistance to those suffering from hunger and the poverty from which it stems.

The Commission also explored another vital component of the hunger problem: The need to increase public awareness about that issue. Two public opinion polls conducted for the Hunger Commission demonstrated that the American people supported maintaining and even increasing U.S. assistance to the world's hungry. Yet, the polls reveal that the public fails to recognize the scale and dimensions of the problem, and is unfamiliar with the actual scope of U.S. assistance programs.

NEED FOR A SELECT COMMITTEE ON HUNGER

While our Presidential Commission and the Brandt Commission prepared a series of comprehensive policy proposals to alleviate the hunger problem and outlined steps toward that goal which could be undertaken by both developed and developing nations, there has been no coordinated effort to assess these recommendations and to then implement needed policy changes.

A select committee would serve as a vehicle for assessing in a comprehensive, visible manner, the major recommendations contained in the above report, and in more-recent findings about hunger issues—issues which cut across the jurisdiction of a number of standing committees. While the select committee would have no legislative jurisdiction or authority, its principal objective would be to fashion from its assessment of hunger issues a suggested program of related legislative proposals outlining a more-effective U.S. hunger policy.

Accordingly, because of the magnitude of the hunger problem, the gruelling toll it takes, and the bearing this problem has on the United States, I urge my colleagues to support this legislation creating a Select Committee on Hunger.

I request that the full text of House Resolution 424 be printed at this point in the RECORD:

H. RES. 424

Resolved, That there is hereby established in the House of Representatives a select committee to be known as the Select Committee on Hunger (hereinafter referred to as the "select committee").

FUNCTIONS

SEC. 2. The select committee shall not have legislative jurisdiction. The select committee shall have authority—

(1) to conduct a continuing comprehensive study and review of the problems of hunger and malnutrition, including but not limited to, those issues addressed in the reports of the Presidential Commission on World Hunger and the Independent Commission on International Development Issues, which issues include—

(A) the United States development and economic assistance program and the executive branch structure responsible for administering the program;

(B) world food security;

(C) trade relations between the United States and less developed countries;

(D) food production and distribution;

(E) corporate and agribusiness efforts to further international development;

(F) policies of multilateral development banks and international development institutions; and

(G) food assistance programs in the United States;

(2) to review any recommendations made by the President, or by any department or agency of the executive branch of the Federal Government, relating to programs or policies affecting hunger or malnutrition; and

(3) to recommend to the appropriate committees of the House legislation or other action the select committee considers necessary with respect to programs or policies affecting hunger or malnutrition.

APPOINTMENT AND MEMBERSHIP

SEC. 3. (a) The select committee shall be composed of seventeen Members of the House, who shall be appointed by the Speaker, one of whom he shall designate as chairman.

(b) Any vacancy occurring in the membership of the select committee shall be filled in the same manner in which the original appointment was made.

AUTHORITY AND PROCEDURES

SEC. 4. (a) For purposes of carrying out this resolution, the select committee is authorized to sit and act during the present Congress at such times and places within the United States, including any Commonwealth or possession thereof, or elsewhere, whether the House is in session, has recessed, or has adjourned, and to hold such hearings as it deems necessary.

(b) The provisions of clauses 1, 2, and 3 of rule XI of the Rules of the House of Representatives shall apply to the select committee.

ADMINISTRATIVE PROVISIONS

SEC. 5. (a) Subject to the adoption of expense resolutions as required by clause 5 of rule XI of the Rules of the House of Representatives, the select committee may incur expenses in connection with its duties under this resolution.

(b) In carrying out its functions under this resolution, the select committee is authorized—

(1) to appoint, either on a permanent basis or as experts or consultants, such staff as the select committee considers necessary;

(2) to prescribe the duties and responsibilities of such staff;

(3) to fix the compensation of such staff at a single per annum gross rate which does not exceed the highest rate of basic pay, as in effect from time to time, of level V of the Executive Schedule in section 5316 of title 5, United States Code;

(4) to terminate the employment of any such staff as the select committee considers appropriate; and

(5) to reimburse members of the select committee and of its staff for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties and responsibilities for the select committee, other than expenses in connection with any meeting of the select committee held in the District of Columbia.●

THE PAUSE FOR THE PLEDGE

HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1982

● Ms. MIKULSKI. Mr. Speaker, I am today introducing a joint resolution which urges all Americans to pause at 4 p.m. eastern daylight time on June 14 to say the Pledge of Allegiance to the flag as part of the National Flag Day celebration. This idea, the "Pause for the Pledge," is the dream of a group of dedicated volunteers from the Star-Spangled Banner Flag House in Baltimore; and I share that dream.

The Star-Spangled Banner Flag House Association in Baltimore has been the official sponsor of the National Flag Week festivities since 1952. Their headquarters is the house where Mary Young Pickersgill sewed the flag that flew over Fort McHenry in 1814 and inspired Francis Scott Key to write the national anthem.

This project, this dream, is now 2 years old and the work of the Star-Spangled Banner Flag House volunteers has yielded them the enthusiastic support of business organizations, veterans groups, government agencies, service clubs, and sports associations. I think they deserve our support also in their efforts to continue to inspire patriotism and pride in our country.

In these troubled and uncertain times, we urgently need to reassess our values and remind ourselves of what we really stand for and who we are as a nation. We need to remember the social contract we made together when the Declaration of Independence and the Constitution were written—a contract this body has lived by for more than 200 years.

The joint resolution I have introduced calls on Congress to recognize the "Pause for the Pledge" as an official part of National Flag Day ceremonies across the country. This resolution has also been introduced in the other body by Senator MATHIAS.

I join him and Senator SARBANES in seeking passage of this resolution that will encourage the active participation of Americans in the recreation and commemoration of our history.

JOINT RESOLUTION

Whereas by Act of the Congress of the United States, dated June 14, 1777, the first official flag of the United States was adopted, and

Whereas by Act of the Congress dated August 3, 1949, June 14th of each year was designated National Flag Day, and the Star-Spangled Banner Flag House Association in Baltimore, Maryland, has been the official sponsor, since 1952, of National Flag Day for the United States, and

Whereas on June 14, 1980, the Star-Spangled Banner Flag House Association developed a national campaign to encourage all Americans to Pause for the Pledge of Allegiance as part of National Flag Day ceremonies, and

Whereas this concept has caught the imagination of Americans everywhere and has received wide citizen support and recognition, and

Whereas, the Pause for the Pledge will be part of the Star-Spangled Banner Flag House's Flag Day observance: Now, therefore, be it

Resolved that the Congress of the United States recognizes the Pause for the Pledge as part of National Flag Day and encourges that it be part of National Flag Day ceremonies throughout the nation and urges that all Americans participate in National Flag Day by reciting the Pledge of Allegiance at 4:00 p.m. e.d.t. on June 14.

SECTION II

The Congress shall transmit a copy of this resolution to the Star-Spangled Banner Flag House in Baltimore, Maryland.●

CONGRESSMAN TOM CORCORAN TO OFFER TESTIMONY REGARDING PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

HON. JAMES T. BROYHILL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1982

● Mr. BROYHILL. Mr. Speaker, tomorrow morning, our colleague TOM CORCORAN is scheduled to testify before the Senate Banking, Housing, and Urban Affairs Subcommittee on Securities in connection with the Public Utility Holding Company Act of 1935.

Congressman CORCORAN, a member of the House Energy and Commerce committee, which has jurisdiction over the Holding Company Act, introduced H.R. 5220, the Public Utility Financial Reform Act, last December. Four Senate bills and two other House bills amending or repealing the Holding Company Act have also been introduced during this Congress.

I am pleased that Senator D'AMATO has scheduled hearings on this important subject. It also seems likely that Chairman OTTINGER's Energy Conservation and Power Subcommittee will be holding hearings on the Holding Company Act in May or June, and I commend Chairman OTTINGER for his interest.

Mr. Speaker, for the benefit of our colleagues, I would like to insert in the RECORD the text of Congressman TOM CORCORAN's testimony regarding the Public Utility Holding Company Act, which is scheduled to be delivered tomorrow morning before the Senate Banking Committee's Subcommittee on Securities.

TESTIMONY OF CONGRESSMAN TOM CORCORAN BEFORE THE SENATE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS SUBCOMMITTEE ON SECURITIES, APRIL 27, 1982

Mr. Chairman, I commend you for scheduling these legislative hearings on this important issue. As a member of the House Energy and Commerce Committee which has jurisdiction over the Public Utility Holding Company Act, and as the first Member of the House to introduce legislation relating to the Holding Company Act during this Congress, I very much appreciate the opportunity to testify here today.

FINANCIAL CONDITION OF THE UTILITY INDUSTRY

This country's utilities are experiencing serious financial difficulties, which, if allowed to continue, could have a devastating impact on the Nation's economy. By almost any financial measure, the industry is in trouble.

The common stocks of most utilities were selling at approximately 85% of their book values earlier this month. As recently as the 1960s, the industry average was 250% of book value. This dramatic deterioration was cited by the Committee on Energy of the Aspen Institute in its publication, "Utilities in Crisis: A Problem in Governance." The Committee offered the following as a partial explanation: "Dividends to stockholders, which were formerly a major attraction for [utility] investors, have declined * * * in real terms. The average yield * * * when adjusted for stock price declines, is well below the average total investor returns from industrial stocks or other competitive investments." Recently, the financial condition of many utilities was so bad that they were paying common stock dividends that actually exceeded cash earnings.

If one looks at the debt portion of total capitalization, the picture is equally disturbing. In 1970, for example, only 4% of electric utility bonds had a BBB rating, the lowest of "investment grade security ratings." In 1981, 30% were so rated. In November 1981, 74% of all electric utilities had bond ratings lower than AA compared to only 40% ten years earlier. This downward trend has been accelerating in recent years. In 1980, for example, 28 utilities had their bond ratings lowered while only three had them upgraded. Naturally, lowered bond ratings result in higher interest charges that are ultimately billed to ratepayers.

This dramatic deterioration in utility financial performance at times when other industries experienced record earnings has caused investors to flee the utility industry making it even more difficult for utilities to raise capital on reasonable terms. According to a detailed economic study conducted by the Cabot Consulting Group, a copy of which I submitted to this Subcommittee with my April 5 request to testify here today, "Traditional buyers of utility securities have been confronted with a proliferation of relatively more attractive investment alternatives * * * all providing better yields with lower risk than most utility securities. Therefore, investors have turned away from the utility industry to find more attractive investments elsewhere. Diversification, a business option and normal practice in most industries, can selectively help increase earnings or decrease risk and may improve the attractiveness of both electric and gas utility securities as a result." Such diversification would facilitate the raising of capital for the utility and thus reduce costs to the ratepayer.

SURVEY OF UTILITIES AND STATE COMMISSIONS PRIOR TO INTRODUCTION OF H.R. 5220

In October of last year, I sent a questionnaire regarding the Holding Company Act to approximately 150 utility executives and each of the 50 state public service commissions. Based, in part, on the results of these questionnaires, on December 15 of last year, I introduced the Public Utility Financial Reform Act (H.R. 5220). My Congressional Record statement accompanying the introduction of this legislation is attached hereto. With your permission, Mr. Chairman, I would like the responses to such questionnaires to be included in the hearing record. This bill would amend section 3 of the Holding Company Act to facilitate the formation of and diversification by exempt electric and gas utility holding companies. It also provided that diversified activities of a utility holding company should be undertaken through the use of a separate corporate subsidiary which would prevent "cross-subsidization" between the utility and nonutility businesses.

ADMINISTRATION AND HOUSE ACTIVITIES RELATING TO THE HOLDING COMPANY ACT.

Less than a week after I introduced my bill, the Securities and Exchange Commission unanimously recommended repeal of the Holding Company Act. In support of this position, Chairman Shad of the SEC noted that the abuses the Holding Company Act was designed to correct "are unlikely to recur in light of the extensive changes since 1935 in the public utility and investment banking industries, the accounting profession, state utility regulation, expansion of the disclosure requirements under the Securities Act of 1933 and the Securities Exchange Act of 1934, and the development of more efficient and well-informed securities markets." Chairman Shad concluded in effect by saying that the Holding Company Act no longer serves any useful purpose. As an illustration of that point, it is worth noting that in 1945 there were approximately 250 people at the SEC administering the Holding Company Act. Today, there are fewer than 20.

Mr. Chairman, I understand that the Administration is in the process of formulating their position with respect to the Holding Company Act, and I hope that they will avail themselves of any opportunity to testify before this Subcommittee on this very important issue. Also, I would like at this point to submit for the Record the recent correspondence that I have had with DOE, FERC and the SEC with respect to the Holding Company Act.

Mr. Chairman, Dick Ottinger, Chairman of the Energy Conservation and Power Subcommittee of the House Energy and Commerce Committee, advised me when we met late last week that he intended to hold legislative hearings on the Holding Company Act in late May or early June. I would like to commend him for taking such action. Previously, Chairman Ottinger had indicated he thought the Holding Company Act may be a "barrier to innovative utility management." It seems to me that diversification into non-utility businesses is a good example of innovative utility management and, as a result, even if the Holding Company Act were not repealed as the SEC suggests, I think that at the least it should be amended in order to facilitate diversification.

DIVERSIFICATION

One of the important questions relating to utility diversification concerns the types of businesses into which utilities are likely to diversify. Several business activities have been generally identified in various surveys as presenting opportunities that may merit consideration by certain utilities. Among these are various alternative energy sources such as solar power, wind-generation and refuse-derived fuel; coal and other mineral and resource development; petroleum exploration, development and production; computer services, especially those relating to load management or other conservation techniques; and industrial real estate development, primarily of properties presently held by utilities but no longer useful in the utility business.

Diversification into these areas could be undertaken by utilities in joint ventures with industrials, through the creation of a new business or the acquistion of an existing one or, simply, as a passive investor. In any event, the likely areas of diversification are those that are energy related, and would further the development of our Nation's energy resources, in addition to improving the financial performance of the utility industry.

Mr. Chairman, my primary interest in reforming the Holding Company Act relates to diversification as a means of improving

the utility industry's financial performance. In this regard, I understand that the National Association of Regulatory Utility Commissioners (NARUC) plans to offer testimony before this Subcommittee and has recently circulated a draft report on utility diversification that refers to the Holding Company Act. I was disappointed to note that while the NARUC draft report considered the possible effects of diversification on their own administrative burden, they ignored the most important national issue—the impact that the industry's current serious financial and economic condition may have on our Nation's energy resources. And while NARUC properly expressed the need to safeguard the interests of ratepayers, they should also have recognized their obligation to protect investors; for without continued investments, the utility industry will be unable to provide reliable service to our citizens and businesses in the future.

As I have mentioned, in October I sent questionnaires to the chairman of every State public service commission asking them whether they favored repeal of the Holding Company Act or modification of Section 3. Twenty-one state public service commissions responded to that survey. Although some of those responses parallel the draft NARUC report, other state public service commissions indicated that they favored repeal of the Holding Company Act, and even more suggested that it should be amended to facilitate diversification. For example, one state public service commission responded as follows:

"Concerning your amendment [H.R. 5220] to Section 3 of the Public Utility Holding Company Act; it must be recognized that some type of realistic financial relief is needed for the nation's utilities, and at the same time keeping in mind their ability and flexibility in providing viable energy resources. It is evident that you address this exact situation with the concern of investors and consumers (ratepayers) in mind. Your amendment, as I read it, adequately protects against cross-subsidization between the utility business and non-utility business, when entering into diversification."

It must be recognized, however, that although diversification may improve the financial performance of the industry, important utility rate issues still remain to be resolved. As long as utility returns are kept below the level required to stem the flow of capital from the utility industry, the ability of utilities to adequately serve their customers will continue to be threatened regardless of whether utilities are allowed to diversify. Diversification is not a panacea nor the sole solution to the contemporary financial problems of the industry or its ratepayers. But, in an economy where regulated utilities must compete in the capital markets with unregulated industries and the Federal government for limited amounts of capital, diversification represents one innovative management technique that could be used by the industry to facilitate capital formation and, thus, its long-term survival.

Mr. Chairman, I would like to thank you for the opportunity to testify before this distinguished Subcommittee. I would applaud an affirmative vote by its members in support of repeal of the Holding Company Act or, at the very least, I would encourage support of S. 1870, a similar piece of legislation to H.R. 5220, The Public Utility Financial Reform Act.

Thank you, Mr. Chairman, this concludes my prepared remarks.●

ARMENIAN MARTYR'S DAY

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1982

● Mr. HOYER. Mr. Speaker, on Saturday, April 24, we marked the 67th anniversary of the organized and systematic genocide of the Armenian people by the Ottoman Turkish Government. This Congress has marked this day of infamy for the past 12 years, underscoring our feeling that this tragedy should not become a mere footnote in history.

Gil Elliot, author of "Twentieth Century Book of the Dead," estimated that more than 100 million people have died in this century as a result of organized violence. Yet this has occurred in the same century hailed as the pinnacle of civilization. We have seen tragedy after tragedy befall men and women throughout this world, and the consequences have marked us all. The Armenian tragedy was the first great 20th century holocaust during which 1.5 million Armenians died.

It serves no useful purpose, some people might say, to recall the horrors of past murders, massacres, and mutilations. These people would have us forget such tales. Why open old wounds which should have healed long ago? But cruelty is always shocking, whether it occurs in the 13th century or in the 21st. The devastation wrought by genocide can never be totally forgotten; the rationale for such behavior can never be totally understood. We must place these atrocities in true perspective—whether due to political, religious, or cultural intolerance, they are nothing but absolute violations of the human spirit.

We must remember the Armenian Holocaust for the same reason we must remember the Jewish Holocaust, and other political executions which have sorely grieved and shocked us all. We must find ways to prevent gross violence against humanity. And to do this we must take time to reaffirm our commitment to human rights.

As a nation of people who value individual freedom and human dignity, we shall and must continue to remember and abhor the massacre of the Armenian people by the Ottoman Turks. We shall and must remember that 1.5 million innocent men, women, and children were burned, hanged, executed by bullets and bayonets, left to die of starvation in the desert, or died of disease in concentration camps.

And while we are remembering the injustices, we should also make known our admiration for the Armenian people who lived and demonstrated their tenacity and endurance to survive as a people.

Therefore, Mr. Speaker, on this day I consider it an honor to participate in the observance of Armenian Martyr's Day, not only in remembrance of the Armenian dead, but also in recognition of the indomitable spirit of those who have survived.

TOBY MOFFETT ALWAYS DOES HIS DUTY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1982

● Mr. LANTOS. Mr. Speaker, my friend and distinguished colleague from Connecticut, Congressman TOBY MOFFETT, did yeoman service in portraying in dramatic detail the intertwining of public policy and personal drama that so often compete for our time and attention.

His brilliance and humanity shine equally in this brief diary, as does his wit and down-to-earth decency.

I know all my colleagues join me in wishing Myra and TOBY MOFFETT and their lovely baby Mary Ellen the happiest of futures.

[From the Washington Post, Apr. 25, 1982]

REPLYING TO THE PRESIDENT BETWEEN CONTRACTIONS

(By Toby Moffett)

It feels strange but nice to be in Washington during a congressional recess. Our baby is due on Wednesday. My job until then is to raise money for the campaign and to practice breathing techniques and other such things. When my first daughter, Julia, now 13, was born during my first marriage, we didn't opt for the natural route. So this is all new to me.

MONDAY

Played golf at Haines Point with my old friend, Terry Lynch, this morning. When I returned to our home on Capital Hill, Myra said Bobby Walden had called and wanted to have lunch. We ate at Bullfeathers with Bobby, one of the stars of "Lou Grant," and with Rep. George Miller of California.

Julia comes in from Springfield to spend the night with us. I cook Chinese food. Before going to bed, Myra and I briefly review this "pant-blow" and "nose-snore" breathing leaned in our Lamaze classes.

TUESDAY

Go to Jack's junkyard in Arlington, where I finally find the part I need to put my 1965 Dodge Dart back on the road. Then I take some students from New Britain, the biggest city in my district, on a tour of the House chamber. One asks, "Where's your bodyguard?"

Have a long meeting with Leon Billings, director of the Democratic Senate Campaign Committee. He's aware that I probably have the best shot of anyone of capturing a Republican Senate seat, but I remind him that we are getting killed in the money race.

Take my first run in about five weeks. It is that long ago that Rep. Marty Sabo landed on my foot and crushed my blood vessels in a basketball game in the House gym.

WEDNESDAY

The due date. I still think it will be a girl. We really don't have a preference except for wanting a healthy child. Myra worries about that a great deal.

Her suitcase is packed. Hospital forms, proof of insurance, cornstarch (for rubbing) and lotion, a list of people to be called, lollipops (lemon-lime) and countless other things.

Myra is still working on some legal cases. She's a public defender in the D.C. courts. She spends most of the day downtown.

I chair an oversight hearing on the EPA attempt to change and perhaps even abolish regulations on lead in gasoline. Our main weapon is to bring agency actions into public view, but this EPA leadership might well be beyond embarrassment.

Our fourth straight night home together. Something resembling a normal life. The Oriole game is on. They are floundering, definitely missing some leadership.

I read the Lamaze book "Labor Chart-Stages." Under "Coach's Assistance," I note that in Phase III of labor I am supposed to "check uterine contraction strength by fingertips on abdomen." Neither of us is quite sure what that means.

THURSDAY

At 8 a.m., a call from the office: The speaker is trying to reach me from Boston. When I return the call, Tip's aide, Chris Matthews, informs me that the speaker has selected me to represent the Democratic Party on Saturday in replying to the president's noontime radio address. A big break for me.

I have meetings today on how to raise money. The word is out about the Saturday speech. Phones ringing off their hooks.

FRIDAY

I take a chance and go to New York. I have appointments to see Cy Vance, Howard Samuels and others who might help with fund-raising. The doctor told me that labor is typically about 12 hours for the first child, so I am prepared to run to the shuttle if Myra calls.

I am home by 7 p.m., and Myra reminds me that Ray Benton is having a dinner party. On the way over Myra, two days overdue, feels what she thinks is a contraction. After the cocktail hour, as we are about to sit down to dinner, she feels another one. On the way home she says, "I'm pretty sure I'm going into labor."

SATURDAY

I awake at 2 a.m. to hear heavy breathing; I think it is the "puff-blow" variation.

"Are you all right?" I ask. "Is this it?"

"Yea, this is it, I'm pretty sure," Myra says, "but go back to sleep. They're not very frequent yet and you'll need your rest later to be a good coach." She falls back asleep herself.

At 4:35 a.m., I jump up when I hear what is unmistakably a "cleansing" breath. Myra says her contractions are about 15 minutes apart. I take out the stopwatch I use in the subcommittee to time them.

At 7:30 a.m., the contractions are about 10 minutes apart and 30 seconds long. Myra and I are now downstairs. She says the contractions hurt less when she is standing up.

At 8:40 a.m., Willie Blacklow, my press secretary, calls to report that his press sources think Reagan's speech will be on the economy. I tell him Myra is in labor. Willie is stammering, stunned.

At 8:45 a.m., between contractions, I run to the Italian grocery on Pennsylvania Avenue to get a Post. About 10 minutes later, a blood discharge indicates it's time to call the doctor. He tells us to come in.

At 9:30 a.m., we arrive at Georgetown hospital and are set up in a room just inside the door leading to the delivery room.

David Dreyer, my legislative director, is in the waiting area down the hallway. What are we going to do about the speech I am to deliver at 1:05 p.m., an hour after the Reagan address? I have been jotting down notes in between contractions and leg rubs for Myra. I also have some text that Chris Matthews submitted for my consideration, and David has arrived with four pages he produced last night. All on the economy.

At 10:45, Dr. John Queenan arrives. Myra and I watch carefully as the baby's heartbeat shows up on the monitor. We have been told by so many people that if it's over 140, it's a girl, under 140 a boy. The nurse announces the reading: 140.

At 11, I tell Queenan about my 1:05 problem. He says it's too early to tell, but his guess is that we could well be in the delivery room at 1:05. Myra's contractions are getting much more intense and frequent. I am writing frantically about the economy in between. David pops in occasionally with messages.

At 11:25, we get the news: Reagan will talk on arms control. Contractions now about 3 to 4 minutes apart and a minute long. I'm rubbing Myra's legs and trying to figure out what to do next. I meet David in the corridor and ask him to call four or five of the people who advise us on arms control. All are either out or talking to someone else on the phone.

At 11:50, Queenan now says there is virtually no chance we will be through much before 1 p.m. I ask if it's better to stick with the 1:05 speaking time or if it would be better to try and push it to 2:05. He advises that the latter would be preferable.

At 12:05, David comes into the room and we turn the radio on for Reagan's speech. I ask Myra if it is bothering her. She asks if we can move Reagan out in the hall. David disappears with the radio and a note pad.

At 12:20, Myra is beginning to push. I've tossed the stopwatch and the Lamaze book aside and am holding Myra's head while a nurse and a resident doctor hold her legs.

At 12:45, I catch a glimpse of the baby's head. A tiny bit of hair. I'm trying to concentrate on this and not arms control. Myra is doing wonderfully but is in incredible pain. We ask her to hold her next push for 10 seconds and she obliges. At one point, with water streaming down her face, she jokes, "I knew I should've worn waterproof mascara."

At 12:55, Dr. Queenan gives the signal and it is time to head for the delivery room. He's very calm. "Let's go have a baby, Myra."

Two medical students have received our approval to watch the delivery. Myra is in the stirrups. The mirror is placed so she and I can watch the delivery. She begins pushing again.

At 1:02, Mary Ellen Moffett is born. One nurse makes the announcement: "Girl, 1:02." One of the medical students appears to be fainting. The doctor orders a stool for him. Myra is asking, "Is she all right?" Everyone assures us that all is well. At 1:25, we are back in the labor room. Myra is about to nurse Mary Ellen. David is outside the door, very nervous. I lean out and say, "We have plenty of time. It will only take about 10 minutes to get to CBS."

At 1:40, David and I rush out of the hospital to his station wagon outside. I change into a suit in the car and review the scribbled notes. I then quickly write the outline for what I want to say, inserting Chris Matthews' line about how Ronald Reagan used to broadcast baseball games not by attending the games but by calling them from statistics that came over the telegraph wire. He's doing the same thing now in reinterpreting unemployment statistics.

At 1:55, we arrive at CBS. The press corps is outside, many of them yelling congratulations. I produce a note from Dr. Queenan asking that I be excused for being late.●

PEACE: BUT NOT AT THE PRICE OF SLAVERY

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1982

● Mr. McDONALD. Mr. Speaker, back on February 3, this year, (page 832), I entered for the benefit of my colleagues, an item, titled: "The Catholic Church On: War Weapons, and Military Service." It was the position paper of the military vicar, Terence Cardinal Cooke, on the reality of Catholics not having to accept the thesis of peace at any price. Cardinal Cooke, the prelate in authority, gave an emphatic no to the thesis, of surrender to the forces of totalitarianism.

Just in the past week, I received a very nice letter from John S. Flanagan, vice president for business management, for the University of Scranton, in Scranton, Pa. Mr. Flanagan enclosed an essay he had written, titled, "Defense of Peace." Here is another position paper, from a former soldier, father of our children, a man who loves his country, and a dedicated Catholic, who sees not the better red than dead syndrome that seems to be pervading the nonauthority, self-appointed, leftist, surrender scenario spokespersons that call themselves—"Catholics."

It is morally wrong to surrender the freedom of ourselves, our children, or our grandchildren. It would do well for those who believe otherwise, to start doing their homework on what their real obligations are. Following the Soviet disinformation campaign of unilateral disarmament parlayed in every channel of the questionable media these days, is suicide on the installment plan. For the benefit of my colleagues, and so truth may prevail, let Mr. Flanagan's essay be yet another voice to be heard by the American people. Article follows:

AN ESSAY: DEFENSE OF PEACE

During the past few years we have observed the increasing crescendo of anti-American rhetoric under the guise of lofty sounding slogans. I am disappointed that some of our business, government, religious, and community leaders lend the prestige of their influential offices to what I believe are deliberately orchestrated programs of disinformation by the USSR. These disinforma-

tion programs appear to be intended to frighten the American people, undermine our will to protect ourselves, and split the NATO and other anti-Communist alliances. Communism is falsely being touted as "really not so bad," "tolerable," and "not as mischievious as you think." In my judgment Communism continues to be the atheistic, totalitarian threat it has always been, and is therefore injurious to one's life and freedoms.

I would like to share with you my evaluation of the situation for what it is worth. As a practicing Catholic, father of 4 grown children, retired soldier of several decades of service to God, my family, and my Country, grandfather, father of one son and one son-in-law in the military service. I am committed to defense of peace and Liberty. I sincerely believe the USA is the best hope the world has of preserving peace and liberty as we enjoy it in this country.

My conscience is clear, and without doubt, that our national policy on war and on nuclear weapons is legally and morally justified. My conscionable standard of conduct is based in part on the Catholic Church's Just War Theory and the following five (5) generally accepted facts: (1) Our nation represents the Best Society in the world; (2) Our nation has the highest level of moral values; (3) Our way of life, under God, as expressed in the Constitution, is worth preserving; (4) Those who fail to protect themselves are guilty of suicide; and (5) History shows that lack of individual or group defense leads to self-destruction. Any weapon, therefore (1) if used to defend and protect the best society in existence, from an evil mortal peril is morally and legally justified; (2) if used to defend and protect the life of your friends and neighbors, from an evil mortal peril, is morally and legally justified.

Furthermore, Vatican II Council (Gaudium et Spes) supports the right of legitimate defense, even in this era involving "modern scientific weapons." Gaudium et Spes specifically urges disarmament "not unilaterally, but at an equal rate on all sides, on the basis of agreements and backed up by genuine and effective guarantees." Vatican II, and documents of the National Conference of Catholic Bishops (November 15, 1968, November 11, 1976, February 15, 1980) clearly affirmed the "Just War" by stating expressly that "all those who are pledged to the service of their country as members of its armed forces should regard themselves as agents of security and freedom on behalf of their people. As long as they fulfill this role properly, they are making a genuine contribution to the establishment of peace."

We live in a dangerous world, with vicious/deadly serious evil opponents (Communists) who want to control us. If you accept the notion the Soviets pose no real threat to us, then ask Poland, Norway and Sweden about Russia's intentions. Also, more than enough detailed evidence of the USSR using military force as a weapon of political coercion, blackmail, intimidation, and expansionsim is available for us to evaluate and reach the same conclusion.

It is abundantly clear why the nuclear issue, and other related issues, are being orchestrated around the world. Why? To misdirect world attention away from Communist atrocities and imperialism in Poland, Afghanistan, Laos, Viet Nam, Cambodia and other parts of the Communist sphere of influence. It's no less horrible to be killed by nuclear weapons than the brutal, horrible killings in Afghanistan or Laos from Soviet chemical and biological weapons. Why? To undermine and destroy the restoration of a strong American foreign and defense policy. Why? To "bury you," stated Krushchev in 1957. Since 1962 the U.S. unilaterally followed a policy of arms reduction and disarmament because we trusted the Russians. This policy was accelerated in the period 1977-80, and almost ended in ratification of a SALT which would have left us in very grave peril. We finally woke up to the deception of the Communists and declared our intent to protect ourselves. Then what happened? The Soviet propaganda and intimidation machine went into high gear! Terrorism increased to replace friendly non-Communist governments with unfriendly Communist governments. Dis-information intensified to mislead us, and the Nuclear Freeze Movement surfaced in Western Europe, then spread to the USA to frighten the American people and split the NATO and other anti-Communist alliances.

The Nuclear Arms Freeze Movement in this country is a program of dis-information. It's deliberately manipulated to mislead us. Dis-information stories are placed by Soviet "agents of influence," and in many cases American media are unaware of the original sources, but print the stories anyway. People who speak out about these inconsistencies, and who make honest, strong, positive attempts to state the facts of life objectively are labeled ultra conservative, a cold war advocate, or a McCarthyist. Simply stated dis-information in today's nuclear issue deceives us by cleverly mis-using the legitimate issues of morality, peace and other ideals. Is, for example, discussion of the nuclear weapons being openly and publicly discussed in the USSR? If not, why not? Where did the nuclear weapon freeze movement in the U.S. really originate? Don't you think that's something that should be investigated before jumping on any band wagon?

The Nuclear Opposition Movement in the U.S. lacks correct commitment. It reflects an apologetic or situational standard of conduct. We need to be fully and genuinely committed to love of freedom and love of God based on a standard of right or wrong—not two-sidism and not unilateral disarmament with atheistic Communists. Like the hammer and nail analogy, this issue not only misses the real target, but smashes one's own thumb in the process of striking. Unilateral nuclear disarmament is analogous to disarming police to persuade criminals to obey the laws. This nuclear freeze issue is also analogous to the erroneous protection of civil liberties of the violent criminal who rapes and murders a woman, and the concern focuses on protecting the life of the felon, and the victim is forgotten.

The current movement to freeze nuclear weapons is naive. We are simply not aware of the influence of Soviet dis-information on the media. What disturbs me is the ferocity and persistency with which the American media delight in negative cannibalism of the American body and spirit; and the gullibility of well meaning groups who jump on negative causes with a relish. Why do we accept pronouncements of Communist leaders as "gospel"? And tear apart basically honest Americans? Why do we give Communist leaders and Communist ambassadors national TV exposure and yet refuse to give legitimate, God-believing, American patriotic leaders equal time? Or, if we do, apologists shout them down and attack them personally; and whether or not you know it, that's substituting one form of hostile aggression for another. If we had read J. Edgar Hoover's book, Masters of Deceit, in 1958, we would have learned the future strategy of the Communists. If we would take the time today to read Target America in conjunction with the references I used in preparing this paper, we will find J. Edgar Hoover called it correctly with frightening accuracy in 1958. The target of the Communists is America!.

My conscience is clear in support of our nation's policies, including use of NBC and conventional weapons if needed. I believe in self preservation. I believe in the national defense of our liberties and whatever it takes to keep my freedoms.

I believe in peace, and that the price to exercise the freedoms we enjoy in America is to be alert to the threat, and to be adequately prepared. God bless America!

JOHN S. FLANAGAN.

Enclosure.

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A TRIBUTE TO "PREZ"

HON. JERRY HUCKABY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1982

● Mr. HUCKABY. Mr. Speaker, I wish to rise at this time to pay tribute to an American who will be missed by the people of Grambling, the State of Louisiana, and this country. The person I refer to is Dr. Ralph Waldo Emerson Jones, most affectionately known as "Prez."

"Prez" had been a pillar at Grambling for over 50 years. He served as president of Grambling State University for 41 years. "Prez" was very instrumental in shaping the productive lives of the students, faculty, and staff of the university, and the Grambling community as a whole.

On April 9, 1982, "Prez" died, and this country lost a great black American. I lost a good friend. To his family I extend my deepest sympathy.

Mr. Speaker, I would like to submit, for the RECORD, the obituary of Dr. Ralph Waldo Emerson Jones taken from a special edition of the university's newspaper, "The Gramblinite."

[From the Gramblinite, Apr. 16, 1982]

RALPH WALDO EMERSON JONES

AUGUST 6, 1905–APRIL 9, 1982

"Then Sings My Soul, My Savior, God To Thee;

How Great Thou Art, How Great Thou Art!"

These uplifting spiritual sentiments land the magnificent words of this song reflected the guiding principles which undergirded the life and services of Ralph Waldo Emerson Jones, the son of John Sebastian and Marie Morrison Jones.

Ralph Waldo Emerson Jones and Mildred Shay were united in holy matrimony in 1937. To this union were born two sons, Ralph, Jr. and John Arthur.

Spending a portion of his early years in Lake Charles, Louisiana and on the Southern University campus where his father served as the first Dean, he completed his high school and college education at Southern University in Baton Rouge, Louisiana.

In addition to the Masters Degree he earned at Columbia University, Dr. Jones was the recipient of Honorary Doctorates conferred by the following Universities: Louisiana Tech in Ruston, Louisiana; Southeastern in Washington, D.C.; and the University of Baltimore, Baltimore, Maryland.

His professional career began at Lampton College in Alexandria, Louisiana, from where he subsequently accepted a position at Louisiana Negro Normal & Industrial Institution in Grambling in 1926. In this capacity, he served in a variety of duties until 1936 when he became president. From a few modest frame structures, a faculty of 17, and a student body of 120, the campus was expanded under his administration into its present status—a multi-million dollar physical plant, a faculty and staff of over 600, and a student enrollment which at one time peaked 4200.

He was one of the prime movers in launching an innovative program in teacher education that gained national attention. Under his leadership the curricular offerings evolved from a single purpose institution, and a name change of "Grambling College," into a multi-purpose one, and "Grambling State University"—today one of America's foremost landmark institutions with international renown, also known as the place where "Everybody is somebody."

During his term as president, Dr. Jones also served as head baseball coach, amassing a record of 816 wins, and 218 losses, and a number of Mid-West and Southwestern conference championships.

Equally as important as his professional contributions were his contributions toward espousing good human relations, by precept and example, among the people of the State of Louisiana.

He was known affectionately as "Prez" to everyone.

Dr. Jones was a member of the New Rock Valley Baptist Church in Grambling where he served as Trustee, and at the time of death was an active member of the Deacon Board. He was also a member of Phi Beta Sigma Fraternity, Inc., and a 33-degree Prince Hall Mason.

Over a span of 41 years as president, he inspired many college generations that moved into the world of work and made significant contributions in their respective endeavors. His total tenure at the University covered 50 years. He departed this life on Good Friday, April 9, 1982.

Survivors include: two sons, Ralph W. E. Jones, Jr. and John Arthur, both of Baltimore, Maryland; a daughter-in-law, Jesola Earnest Jones, and three grandsons, Ralph Eldridge, Ernest Emerson, and Warren Waldo, also of Baltimore; four sisters, Amelia J. Lewis of Baton Rouge, Louisiana; Myrtle J. Moultry of Jennings, Louisiana; Lenora J. Washington of Washington, D.C.; Ogerita Humphrey of Chicago, Illinois; and Geraldine J. James of Baton Rouge, Louisiana; and a host of nieces, nephews and other relatives and friends.

". . . the elements so mixed in him that Nature might stand up and say to all the world, this man was a man!" (Shakespeare).●

JOHN H. PATTERSON

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1982

● Mr. HALL of Ohio. Mr. Speaker, May 7 is the 60th anniversary of the death of John H. Patterson, a man who revolutionized American business and was one of the most influential leaders in the history of Dayton, Ohio.

Patterson is best known as the founder of the National Cash Register Co. However, he was also a pioneer in the use of direct mail advertising, an innovator in his concern for employee welfare, and the creator of our modern system of international business.

For Dayton residents, he will always be remembered as a philanthropist, a community leader, and the man who saved hundreds of lives in the rescue efforts during Dayton's disasterous 1913 flood.

To mark the anniversary of his death, on May 7 the Montgomery County Historical Society will open an exhibit on the life and deeds of John H. Patterson. Cosponsoring the exhibit is his only surviving child, Dorothy Patterson Jackson.

In conjunction with the exhibit, the society has published a brochure on this remarkable man which I commend for the benefit of my colleagues:

John H. Patterson built one of the nineteenth century's most successful enterprises and revolutionized the way America did business. His personal philosophy and energy transformed the life of his factory workers and shaped the community in which they lived. He was a businessman, a booster, a philanthrophist and, above all, a man who "never let anything new get by him."

Born and raised on the family farm (which would later be the site of his factory), Patterson went off to Miami University, served in the Union Army, and graduated from Dartmouth College, only to return to a Dayton which had no job for a "university man." He finally found work as a toll collector on a quiet section of the Miami Canal.

To supplement his income and fill his considerable spare time, Patterson took up a sideline—selling coal and wood. The business prospered under Patterson's management. His innovations, like written receipts, the personal handling of customer complaints, and his brightly painted "Patterson and Company" coal wagons, turned a part-time enterprise into a thriving full-time business. The toll collector had become a businessman.

By 1884, John Patterson appeared to be at the peak of his career. Patterson and Company operated six offices, leased three coal mines, and owned the railroad cars used to transport the coal to the Dayton market. However, his real career had yet to begin, for it was at this point that Patterson gambled all he had—money in the bank, community respect, and the prostect of a secure future—to buy the rights to manufacture and sell a machine which no one wanted. At age 40, John and his brother Frank purchased the National Manufacturing Company, changed the name to the National Cash Register Company, and began the struggle to make James Jacob Ritty's "Incorruptible Cashier" part of every American shop and business.

The challenge they faced was a formidable one. They had purchased rights to a relatively primitive machine no one knew about or needed. John Patterson and his brother would thus have to perfect the machine and, at the same time, create a market for it. The prospects of financing such a project from outside sources were dim; problems in securing loans and institutional investors would plague the company throughout its early history. Yet Patterson persist-

ed, and in doing so, literally invented the modern American corporation.

NCR was among the first companies to use direct mail advertising. Colorful, high impact brochures introduced the business world to the advantages of the cash register. Patterson's belief that good salesmen were made, not born, was proven by the success of his trained sales force. Using then innovative techniques like guaranteed territories, sales quotas, incentive systems, and rehearsed sales talks, NCR salesmen consistently outsold their rivals and made the NCR cash register the nation's best-selling business machine.

Sales and advertising were only two of Patterson's contributions to American business. His colleagues thought NCR's pyramidal management structure a novelty because Patterson actually paid executives to think, plan, organize and delegate authority, rather than do everything themselves. However, the system worked, as did Patterson's use of the Suggestion Box to evaluate worker complaints and suggestions. His remarkable employee welfare system insured NCR workers a clean, safe working environment and provided them with an unprecedented benefit program, including adult education, on-site medical care, and even the opportunity to bathe on company time.

NCR, under Patterson's management, was an immensely successful operation. By 1920, NCR had 90% of the nation's cash register business, and had established itself as one of the world's first international corporations, with sales offices in nearly every country in the world. Though the success of NCR during this period can be attributed to improved business practices and efficiency, the Company, like most 19th century industries, was "the lengthened shadow of one man." The man was John Henry Patterson, a man who showed that innovations paid.

After the turn of the century, Patterson applied his philosophy and the resources of the NCR to a larger, more complex area—the Dayton community. Ever the improver, Patterson's vision did not stop at the factory door.

One of his first projects involved the rehabilitation of a factory neighborhood, known as "Slidertown". Using cash incentives, beautification awards, and other factory-proven techniques, Patterson transformed this tumble-down area south of the city into South Park, a pleasant neighborhood of freshly painted houses, and landscaped lawns.

Over the next twenty years, Patterson and NCR took on larger and larger projects, each designed to improve the Dayton environment. The list of such projects is long and varied, but all reflect a major concern of Patterson's—the importance of education. A city-wide kindergarten program (financed by NCR) was established, as were the Boy's Gardens and Boy's Box Furniture Company (which kept idle young hands busy learning a useful skill). The Company's mammoth School House was used for Saturday morning children's programs and educational lectures for the public.

Patterson himself participated in the educational process, personally crusading at the public gatherings, speaking to civic groups, and arguing before the city fathers on Dayton's needs. His favorite topics included the need for an efficient city government and a means to control the unpredictable Great Miami River. Patterson viewed himself as an educator and NCR as a giant visual aid. He taught by example. What worked for business, would work for Dayton.

Perhaps the only list more amazing than "projects undertaken" is the list of projects successfully completed. At the time of his death in 1922, John H. Patterson, had, in the words of one author, "rebuilt the city in his own image." Kindergartens, as well as manual training and vocational education, were established parts of the Dayton Public School system. The city had a number of spacious green parks. A nationally recognized commission-manager form of government had been operating for over seven years, and the final touches were being applied to the last of the five earthen flood control dams that have protected the Miami Valley from flooding for nearly 60 years.

Like most builders of major corporations, John H. Patterson's image in his own community is larger than life. He was the subject of countless eulogies in his own lifetime and, following his death, his name was attached to a number of streets, schools and institutions. Yet his legacy is something much greater than these commemorations. John H. Patterson provided more than employment for Dayton—he provided community goals. And he worked harder than anyone to achieve those goals. His many successes are indelibly stamped on today's Dayton.●

DISCUSSION OF TURKISH OCCUPATION OF CYPRUS

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mr. AuCOIN. Mr. Speaker, I commend the gentleman from Michigan, Mr. BROOMFIELD, and from Pennsylvania, Mr. YATRON, for providing a forum to discuss the unacceptable Turkish occupation of Cyprus. The occupation evolved in an unacceptable manner and has wrought unacceptable consequences. Hopefully, these discussions will shed new light on the transgressions on human rights and motivate Congress and the Nation to reevaluate this country's policy toward the occupation.

Mr. Speaker, on July 20, 1974, Turkish military forces invaded Cyprus. Several days later, a cease-fire agreement was arranged but the Turks never complied; instead, they continued to expand their zone of occupation. On August 14, 1974, in blatant violation of U.N. Security Council resolutions and other agreements, the Turks invaded with 40,000 troops and occupied 38 percent of the island of Cyprus.

Turkish authorities in Ankara justified their actions with the explanation that the Greeks threatened "Enosis" (union of Cyprus with Greece) and the Sampson regime which supplanted, by coup, the Makarios government on Cyprus imperiled the rights of the Turkish Cypriots.

The invasion clearly violated the 1960 Treaty of Guarantee which permits intervention on Cyprus by Turkey, Greece, or Britain for the purpose of "reestablishing the state of affairs created by the present treaty." The Turks violated the treaty, first, by failing to "consult" with the other treaty members as indicated by the treaty provisions, and second, by abusing the provision which reserved the rights of the treaty nations to intervene in order to reestablish the previous state of affairs on Cyprus. The previous state was a constitutional republic—one which treated Turkish and Greek Cypriots equally.

The invasion directed by Turkish Prime Minister Ecevit did anything but reestablish or improve the state of affairs in Cyprus. Indeed, before the occupation, there were 199 villages in what is now the Turkish Federated Cypriot Republic (TFCS). Now, the same area has only 71 inhabited villages, none of which are populated wholly by Turkish Cypriots.

What happened to the tens of thousands of Cypriots who lived in the north? Mr. Speaker, their lives were transformed—transformed and destroyed by the occupation. Most of the Greeks Cypriots fled from the north into the southern area of the island where they became refugees of a civilized Greek Cypriots government.

Mr. Speaker, the creation of tens of thousands of refugees is a serious violation of human rights, but that is not the full extent of the atrocities. The occupying Turks have harassed, imprisoned, raped, murdered, and tortured Turkish and Greek Cypriots in northern Cyprus.

Mr. Speaker, is it not enough that the Turks have occupied the country and wantonly defamed the residents of the island? The Turks have stripped the Cypriots of their national identity. Before the invasion, Turkish and Greek Cypriots each practiced their own culture, but they remained Cypriots at heart. With each generation, the Cypriots became more Cypriotic and less Turkish or Greek. The Cypriots had had a constitutional government and had been evolving into an independent nation with its own culture and traditions. Now the evolution and independence have ceased. The creation of the Turkish Federated Cypriot State has segregated the Turkish and Greek Cypriots; Mr. Ecevit has divided the country and violated the Cypriot right to determine their sovereignty.

The Turks justified the invasion and occupation of Cyprus with claims that the Greeks planned "Enosis" of Cyprus. The Turks feared that "Enosis" would threaten Turkish security and jeopardize the rights of the Turkish Cypriots. What, may I ask, have the Turks accomplished? They have created their own union of Cyprus with the continent; a union which has precipitated gross violations of human rights; violations perpetrat-

ed against Turkish and Greek Cypriots. With their union, the Turks have created 200,000 refugees and destroyed the Cypriots' way of life.

The Turkish invasion disrupted the Cypriot economy—an economy that employed nearly 100 percent of the work force. Burning of crops, displacement of farmers, and razing of fruit orchards disrupted the agricultural sector of the economy and reduced its resiliency and harshened the refugee burden.

Mr. Speaker, the Greek Cypriots have done an admirable job of relocating and creating new lives for the Greek and Turkish Cypriot refugees. By 1980, more than 80 percent of the refugees in southern Cyprus had been housed, fed, clothed, and employed—a tremendous accomplishment.

Mr. Speaker, I have singled out the southern region of the island because it is drastically different from the lagging northern region. The Turkish Cypriots resent the presence of the occupying forces and the mainland colonists who have abused the Cypriots and appropriated the best property for their own use. The occupation and continued atrocities have demoralized the Cypriots and discouraged settling in the north. As a result, northern Cyprus—the TFCS—is grossly underpopulated and underproductive.

Mr. Speaker, this disparity between two populations that were once closely knit is most irregular. It is further sustained by demarcation of a boundary, the "Green Line" which cuts across the island through the middle of Nicosia, the capital city, creating another Berlin. The Green Line and the associated neutral zone patrolled by a United Nations peacekeeping force divide the population of the island. Ironically, the Greek Cypriots who have been most injured by the occupation, allow people to pass from the north into the south with relatively little hassle; the Turks do not. They do not allow Southerners to enter the north unless they are Turkish Cypriots who intend to settle. Nor do they allow hundreds of Greek Cypriots to move to the south; they have enclaved them—forced them to live under conditions approaching martial law. On Cyprus, people who were once neighbors, who were once free, are now separated by a burned, gutted civic wasteland, and imprisoned in their homes.

This situation creates tremendous strain of Aegean peace. In response to the Cyprus occupation, the Greeks have amassed troops and weapons along the Turkish border. Turkey, considering this a threat to her territory, has countered with her own troop formations. Also discoveries of sea bottom oil and mineral deposits have increased the importance of controlling the waters which surround Greek islands near the Turkish coast. As the value of oil and minerals increases, so will the tension in this region. Resolution of the Cyprus situation would remove some of the kindling that might fuel fires in the region. This planet cannot afford a fire, a war in this explosive region. Mr. Speaker, a war could escalate to include the Middle East. For this reason and others, it is imperative that tension be alleviated between these two countries; peace must prevail in the Aegean, a solution to the Cyprus situation must be found.

The United States has not catalyzed in the Aegean. Every dollar that we have given to Turkey has freed a corresponding dollar for the Turks to use in support of their occupying force. Since the invasion, we have suspended aid for only a few months; we have continued aid which is received at the inevitable expense of more than 200,000 Cypriots. Mr. Speaker, despite the ill effects of our aid, we continue to increase the amount.

This year, the administration proposes to increase U.S. aid to Turkey by $115 million to a total of $815 million. This is more than a 15-percent increase. Are we rewarding the Turkish Government for a job well done?

Why have we continued to support Turkish aggression on Cyprus? Some officials claim that intelligence information gained from Turkish based operations is essential to national security and that without the assistance given to Turkey, we would not be permitted to continue our operations there; some experts say that equivalent information could be obtained from shipborne and land-based operations elsewhere in the region.

Others claim that we would violate our agreement with Ankara if we ceased giving aid; they have already violated the terms of the aid by using U.S.-supplied military equipment for purposes other than self-defense; suspension would by justified. Perhaps growing U.S. industrial interests justify assistance. How are American industries served by oppression in northern Cyprus?

I see no valid justification of our continuing support of the oppression of more than 200,000 Cypriots, for threatening Aegean and Mediterranean peace, for the threatening world peace.

Mr. Speaker, it is "Ground Zero Week," a week of consciousness of the possibility of extinction of the human race. Any conflict could escalate; a war in the Aegean could lead to the extinction of our race. We are in a position to reduce the probability of such a war.

Mr. Speaker, we should use foreign aid to force the Turkish to concede to a position that enhances the value of negotiations to end the Cyprus occupation. I support Greek Prime Minister Andreas Papandreou in his efforts to initiate international negotiations. It is time to end the occupation of Cyprus and relieve tensions in the Aegean, and it is our duty to take steps to reach this goal; to sustain world peace; to protect the interests of this nation and every other nation of the world, to create friendly relations with the Aegean world. We must exert or influence to end the occupation of Cyprus and support the establishment of a constructive independent government on Cyprus.

Again, I commend the gentlemen from Michigan and Pennsylvania, Mr. BROOMFIELD and Mr. YATRON, for bringing this important matter to the floor for discussion today.●

TOUR OF POST OFFICE TURNS ANGER INTO UNDERSTANDING

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1982

● Mr. SPENCE. Mr. Speaker, the February 22, 1982 issue of the State newspaper published in Columbia, S.C., contained an article about the Columbia Post Office that struck me as being especially noteworthy. Mr. Roy Watts, the postmaster in Columbia, and his staff have come up with a plan for dealing with customer complaints that I am sure will pay valuable dividends in improving public understanding—those who have complaints about postal service are invited to tour the Columbia Post Office and observe its operations.

While we have all heard criticisms at one time or another about the mail service, probably too few of us have actually stopped to consider what a good job the postal service does in serving the American people and how relatively few problems actually occur when we take note of the huge volume of mail in this country. Last year the Postal Service handled a record high 110 billion pieces of mail. That comes to a total of 360 million pieces nationwide on the average workday. Even more impressive is the fact that this virtual tidal wave of mail was handled by a workforce 10 percent smaller than its 1970 counterpart. The future outlook holds promise of greater efficiency as new high speed automated mail processing equipment becomes available.

I commend the Columbia postmaster and his staff for coming up with this method of improving public relations and I am grateful for the opportunity to bring the newspaper article to the attention of my colleagues.

[From the State/Columbia, S.C., Feb. 22, 1982]

TOUR OF POST OFFICE TURNS ANGER INTO UNDERSTANDING

(By Charles Pope)

More than anything else, the U.S. Postal Service is maligned these days for poor service and ever rising rates.

But to those Columbians who are displeased with their service, Postmaster Roy Watts extends an invitation to witness firsthand what an enormously complex task the postal service must tackle.

Wednesday night about 15 area residents, who had earlier submitted complaints, assembled at Columbia's main post office to attend what Watts believes is the nation's first program addressing complaints by showing people how the business of delivering the mail is carried out.

Included in the group was Bob Becker, a postal service official from Washington who was observing the program. "This is a fairly unique thing," he said. "I haven't heard of any others."

Also attending were several residents from the Valley Park area of Columbia near Five Points who were upset with getting their mail in the evening.

"I'm on a VA pension. Why should my mail be delivered that late?" an elderly man asked. "We should get our mail on time."

After the tour, however, the most of the anger was difused and the man more concilitory, saying he was more upset with the carrier in his area than with the post office.

Begun last Noverber by Watts, who has been Columbia's postmaster for a year, the program caters to people who come to the post office with specific problems and a tour is given every month to everyone who files a complaint.

Since the first tour in November, Watts said the program has become successful in tempering complaints by educating people about how complex moving the mail is. Watts said the tours average about 20 people and most come away surprised.

"We welcome any ideas you may have, and complaints," Watts told the group before the tour, and before complimentary pens were handed out to everyone. "This program improves communication so we can convince you we are dedicated to our mission to provide the best service we can."

And if it fails to convince anyone about dedication to accomplishing that goal, the tour does not fail at driving home the magnitude of the postal system.

The Columbia post office is huge, four floors teeming with racks of pigeonhole cabinets, bundles of mail in sacks piled high and miniature railroad of chain-driven carts changing overhead. The post office employs 950 people.

Tour director O. D. Davis said, "The way the machine is set up, there are 12 consoles and the letters come by one a second. The employee must make a decision, read the first three digits or the last three and key them in" One operator can do about 1,300 pieces of mail in an hour but Davis, who oversees post office operation, admits there are "more errors because so much speed is involved."

Columbia has three of the machines sorting the 1.7 million pieces of mail the post office handles daily. According to Davis, the Columbia post office was successful 96 percent of the time last year in delivering mail that was supposed to be delivered overnight.

And in the future, the percentage may increase because the post office is scheduled to receive in 1983 a computer-driven, optical sorter that can handle 33,000 pieces of mail an hour with three operators.

The OCR, as the optical sorters are called in post office jargon, have been tested in San Francisco, Philadelphia, Boston and Dallas and are the central reason post office officials have pushed for the nine digit zip code.●

EARTH DAY 1982

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1982

● Mr. HOYER. Mr. Speaker, in these times of budgetary crisis and fiscal constraint, we must continue to underscore our commitment to some of the fundamental concerns of our Nation. Most appropriately today I wish to make reference to the environment, in observance of Earth Day 1982.

First dedicated in 1970 Earth Day is a time when Americans can take stock in their surroundings and how they effect not only their own lives but the lives of future generations as well. It has prompted a tremendous increase in this country's environmental awareness. Through programs, speeches, songs, sit-ins, and nationally televised radio and television broadcasts, Earth Day has focused attention on the interlocking mechanism that is our planet. The connections made by Americans that pollution, depletion of our natural resources, and unchecked waste into our atmosphere, regardless of whether it be into our water, Earth or air, are vital to the future of the human race.

After that initial outpouring of support in 1970, a powerful commitment was made at all levels of our society, and we have achieved modest success in cleaning up our air, water, and our living environment. In 1970, the Congress passed the National Environmental Policy Act, which has been the cornerstone of environmental policy for the last decade.

Since the passage of NEPA, Congress has subsequently enacted legislation that protects the air we breathe, the water we drink, and the ecosystems that support man's life here on Earth. While these programs have gone a long way toward returning our habitat to some semblance of order, they are but first steps. We are now faced with proposals that would reverse the gains we have attained over the past years. There are amendments proposed that could cripple the Clean Air Act. There are serious reductions—up to 30 percent—in the budgets of Federal agencies such as the Environment Protection Agency mandated to be a watchdog on our environment, which could strip them of their abilities.

Mr. Speaker, on Earth Day 1982, I wish to call to the attention of my colleagues that we must remain steadfast in our support of programs that protect and preserve the environment. For in the last analysis, we have no choice. We are all uniquely tied, one to each other, and our commitments now will effect the lives of future generations of men and women on this planet.●

FUTURE OF FLANDREAU INDIAN SCHOOL

HON. CLINT ROBERTS

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1982

● Mr. ROBERTS of South Dakota. Mr. Speaker, I rise to speak on behalf of the Flandreau Indian School in Flandreau, S. Dak.

The Bureau of Indian Affairs has targeted the Flandreau Indian School for closure after the 1982–83 school year. The Bureau's proposal to close the Flandreau Indian School has come at a time when Federal cutbacks are necessary to reduce the high deficit. In addition, the closure of the boarding school is consistent with the Bureau of Indian Affairs' policy to educate Indian students as close to their homes as possible. However, due to the nature and general purpose of the school, I do not believe that the cutback should come in this particular area of Indian education. This would not be in the best interest of the Indian people.

The Flandreau Indian School educates about 450 Indian students at the present time. The majority of these students have not been successful, for various reasons, in their home environment. The boarding school offers a positive arena for these youths to continue their education and to live in an environment that is more condusive to finishing high school. In addition, the Flandreau Indian School serves students from many different States. It would certainly be detrimental to lose this school which fulfills the needs of many Indian students through offering an alternate environment with a good social setting to concentrate on academics.

Along with required high school subjects, the Flandreau Indian School offers a large vocational education program that includes building trades and secretarial skills which prepare the students to be productive and selfsufficent after graduation. The Flandreau Indian School also provides counseling and courses for those students who are interested in pursuing further education past the high school level. The combination of these excellent programs with the productive and positive environment has led the Flandreau Indian School to be quite suc-

cessful in educating the Indian students.

A high success rate can only have positive ramifications for South Dakota and the Nation as a whole as the students graduate to be working and contributing member of society.

In addition to the most important benefit of the school, which is the education provided to Indian youths, the Flandreau Indian School is also a leading contributor to the local economic base in Flandreau, adding to the revenue for the city and the businesses in the city. If the school were to close as proposed, not only would Indian education suffer but many of the local businesses would be adversely affected as well as those residents of Flandreau who are employed at the school.

This is a time when a reduction is needed in Government spending in order to return our economy to its past productive level. However, I do not believe that the closure of an institution such as the Flandreau Indian School will have positive effects upon our economy or the future of our Indian youth.●

DISENFRANCHISING DISHONORABLY DISCHARGED VETERANS

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1982

● Mr. SEIBERLING. Mr. Speaker, the right to vote is one of the most precious rights in our democratic society. Any unauthorized infringement of that right undermines, to that extent, our democracy. I want to bring to the attention of the House the possibility that the Department of Defense may have incorrectly told certain veterans that they are not entitled to vote.

Last month, the Akron Beacon Journal ran an article about a dishonorably discharged Vietnam veteran. The veteran, discharged more than a dozen years ago for failing to obey an order in Vietnam, was court-martialed and served 2 years in military prison. It is worth noting that the veteran was a model soldier until injured and apparently sprayed with agent orange while on combat patrol. Having served his sentence, the veteran was erroneously told by Defense Department officials that, because he was dishonorably discharged, he was no longer entitled to vote. As a result of the Beacon Journal article, the veteran found out last month—after more than a decade of disenfranchisement—that whoever told him he could not vote in Ohio was just plain wrong.

The author of the article was also told by Pentagon officials that dishonorably discharged veterans are not entitled to vote. A member of my staff was also told by Defense Department officials that "dishonorably discharged veterans who are convicted of a Federal offense" are not allowed to vote. That is still not correct, since about 25 States have constitutional provisions restoring the right of convicted felons to vote once they have served their time, or have been paroled or pardoned.

I wrote to the Defense Department to inquire about this matter, but I did not get a full and accurate response until I heard from Henry Valentino, the Director of the Federal Voting Assistance Program of the Department of Defense. In a letter to me, Mr. Valentino noted that the fact "that a person has been dishonorably discharged does not constitute voter disenfranchisement per se." Mr. Valentino went on to say that, because of the large number of differing State constitutional provisions, "no individual should be told that he has lost his voting rights solely on the basis of a dishonorable discharge."

In order to help prevent this kind of abridgement of veterans' votings rights in the future, I am inserting Mr. Valentino's letter into the RECORD so that my colleagues may have the benefit of this information.

FEDERAL VOTING ASSISTANCE PROGRAM, OFFICE OF THE SECRETARY OF DEFENSE,
Washington, D.C., March 25, 1982.

Hon. JOHN F. SEIBERLING,
U.S. House of Representatives,
Longworth House Office Building,
Washington, D.C.

DEAR MR. SEIBERLING: This is in response to your letter of March 18, 1982, to the Secretary of Defense concerning the possibility that the Department of Defense may be incorrectly telling certain veterans that they are not entitled to vote.

The fact that a person has been dishonorably discharged does not constitute voter disenfranchisement per se. For example, some state laws disenfranchise an individual if convicted of a felony. Other state laws may disenfranchise persons convicted of either a felony or a misdemeanor. Additionally, there are state laws which disenfranchise persons only for the duration of the time they could have served in prison for the offense leading to such conviction. Further, some state laws only disenfranchise persons upon conviction of certain specified felonies. The reason for the dishonorable discharge must be investigated in light of the applicable state law where the person resides. The underlying basis for the discharge will dictate whether the person is disenfranchised, not the discharge itself. The situation exists where a person may be disenfranchised for a certain crime in one state, yet if his residence were in another state, he would not be disenfranchised. Because of these and other variables, no individual should be told that he has lost his voting rights solely upon the basis of a dishonorable discharge.

We have advised the appropriate offices to insure all pertinent facts about an individual's background have been reviewed before advising or making statements about a person's voting rights.

We appreciate your bringing this matter to our attention. Please contact me if we can be of further assistance.

Sincerely

HENRY VALENTINO, *Director.*●

SECRETARY REGAN TESTIFIES ON BEHALF OF AMERICAN WORKERS

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1982

● Mr. KEMP. Mr. Speaker, one of the most difficult tasks which I have had as a Congressman has been to explain the relationship between incentives provided for the working men and women of America and the success of American business. Economic policy designed to enhance business activity has too long been concerned solely with the rate of return on capital, ignoring labor as a factor of production.

As we are now coming to realize, there can be no increase in productivity, output or national wealth without the contribution and dedication of labor. Many nations, notably Great Britain, have virtually eliminated taxes on corporate profit but continue to experience stagnation due to confiscatory taxation on personal incomes.

I believe that we have made great strides toward righting this situation. One of the people most responsible for this change is the Secretary of the Treasury, Donald Regan. During the debates over the President's tax bill last year, Don Regan was one of the most articulate spokesmen on behalf of American workers. As efforts to repeal this tax relief or to impose new taxes and surcharges have increased, the Secretary has emerged again as the leading spokesman for workers. In his recent testimony before the Budget Committee, he made a forceful case for labor as the dominant factor of production and for the importance of reducing taxation of labor income as a means of stimulating business activity.

Mr. Speaker, I insert an excerpt from Secretary Regan's testimony in the RECORD so that all Members may have a chance to reflect on the consequences of ignoring labor as a factor of production.

TAXES ON LABOR

There are those who would preserve the business portions of the ERTA, and cancel most of the remaining individual tax rate reductions. Such a move would be extremely counterproductive to business as well as to individuals. I am frankly amazed at the lack of thought behind such proposals.

In my years at Merrill Lynch, I came to appreciate the importance of the individual in his or her role as saver, investor and entrepreneur. I am surprised that others in commerce or industry do not appreciate the

importance of the individual in the roles of employee and customer.

Those who think of business only in terms of large corporations forget the millions of partnerships, proprietorships and sub-chapter S corporations whose profits are taxed at the individual level at individual tax rates. The decisions of these owner-investors and entrepreneurs are heavily influenced by the personal rate reductions and estate and gift tax reforms recently enacted.

As for employees and consumers, consider the effect of suspending the third year of the tax cut and indexing on the cost of labor and the standard of living of the American family.

Total net output of goods and services in the economy results from the combination of labor and capital. The value added by these two factors of production is reflected in the wages, salaries, rents, royalties, interest and dividends they receive. Value added equals total national income and total net output.

It may come as a surprise to some, but labor is far and away the larger of the two factors. Value added by labor is between two-thirds and three-quarters of the total in most years for most products and industries. Labor inputs outweigh capital inputs two or three to one. It is time to remember that taxes on labor and the resulting higher labor costs are extremely damaging to American business.

Over the last 15 years, inflation, bracket creep and payroll tax hikes have sharply increased the pre-tax cost to the firm of giving a worker a one dollar after-tax wage increase.

A median income worker now faces 40 percent to 44 percent tax rates on added income. This is the sum of social security and Federal marginal income tax rates, plus state and local taxes at the margin. It is up sharply from the late 1960's, when the marginal rates would have been roughly 26 percent to 30 percent.

Consequently, it now costs a firm more than $1.70 to compensate a worker for a $1.00 increase in the cost of living. This is up from $1.40 in the late 1960's. Without indexing, it will rise to $2.00 by the late 1980's, and to $2.50 or higher in the 1990's. Any wage increase, whether merely COLA's or a real wage hike, would send taxes rising and tend to push labor costs up faster than the prices the firm receives for its products. Profits, employment, or real wages would tend to fall continually over time in the absence of extraordinary productivity increases. The competitive position U.S. labor in the world economy would sufer.

The likely consequence of such a tax situation will be a falling after-tax wage. Labor will absorb a substantial portion of the tax burden. The cost of eliminating the third year of the tax cut and indexing to a wage earner making $20,000 in 1982 and receiving a cost-of-living increase thereafter would be substantial: $80 in 1983, $203 in 1984, $289 in 1985, and $369 in 1986. This is only the direct cost. The weaker economy, reduced saving, investment and growth, lower productivity and reduced demand for American labor would lower the market wage itself, reducing the family's real earnings by two or three times the direct cost of the higher taxes. American workers and savers are the primary customers of American business. There is no way such an impact on the real income of its customers would be good for business.●

THE IMMIGRATION REFORM AND CONTROL ACT OF 1982

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1982

● Mr. MAZZOLI. Mr. Speaker, when Senator ALAN SIMPSON and I, and our distinguished colleagues Congressmen ROBERT MCCLORY and HAMILTON FISH, introduced the Immigration Reform and Control Act of 1982, H.R. 5872, on March 17, like all new authors, we anxiously awaited the reviews. We had put a tremendous amount of preparation and background into the bill—over 100 hours of hearings, over 300 witnesses—but one still never knows what the critics will say.

I am pleased to report that the critics have been very favorable. From our colleagues, many of whom have quickly joined as cosponsors of the bill, from editorial writers from around the country, from leading experts on immigration, such as former Attorneys General Benjamin Civiletti and Elliot Richardson, and Father Theodore Hesburgh, president of my alma mater, Notre Dame, and Chairman of the Select Commission on Immigration and Refugee Policy, we have words of praise.

This response is truly gratifying. We have a bill that is fair, is humane, is workable, and is necessary. We know it, and we are pleased to see that so many astute observers share our judgment.

I would like to bring to my colleagues' attention two excellent editorials regarding the bill, one from the Louisville Times, and one from the Los Angeles Times. I ask unanimous consent that they be included in the RECORD at this point.

[From the Louisville Times, Mar. 23, 1982]

HOUSE BILL AIMS AT EMPLOYERS OF ILLEGAL IMMIGRANTS

No federal legislation is likely to shut off the flow of illegal aliens, who have slipped across the U.S. border by the millions since the early 1970s. The problem—and it is a serious one—defies a unilateral solution because on its own the United States cannot remedy the chief cause of the unlawful immigration—the economic and social disparity between this nation and its Latin neighbors.

The scope of unlawful immigration—last year at least one-half million workers are believed to have slipped in undetected—makes it a national priority. In a time of rising unemployment, some effective steps must be taken.

Louisville's Rep. Romano Mazzoli and Sen. Alan Simpson of Wyoming last week proposed legislation with provisions that seem likely to retard the illegal flow. Moreover, it would do so without unnecessarily hampering the free movement of the rest of us. The key feature of the legislation:

Provide criminal penalties for employers for hiring illegal aliens. It has long been known that many of those who enter the country unlawfully have been recruited by persons in search of cheap labor. Until there are penalties—vigorously enforced—that traffic is unlikely to end.

Set a ceiling of 425,000 immigrants to be admitted legally each year. This is roughly comparable to the current level, but does not include political refugees, whose numbers are regulated by separate legislation. A large share—60,000—would be set aside for our two closest neighbors, Canada and Mexico. In effect, this is likely to increase significantly the legal immigration of Mexicans, now limited to 20,000 a year. The demand for lawful entry by Canadians is relatively small.

Ask the President to create a commission to develop better means by which employers could verify a job applicant's citizenship. Some kind of recommendation would be due in three years. Until then, employers would be required to use existing methods of identification, including drivers' licenses and Social Security cards, to verify a worker's status.

The last feature of the plan is its best. It repudiates the idea that Americans be required to carry proof of identification as a condition of employment. Anyone who has seen movies about travel through Eastern Europe is familiar with the chilling question, "May I see your papers, please?" Not just so-called civil libertarians, but thoughtful citizens of all political persuasions fear that a national identity card could be abused.

By imposing criminal penalties on employers who employ illegal aliens, the Mazzoli-Simpson bill promises to use the strong arm of the law not to trouble law-abiding citizens, but instead to crack down on businessmen who exploit underpaid foreign workers.

Nothing in the bill will make life less miserable in the barren plains of Mexico or the jungles of Honduras, where the poor and the hungry dream of coming to America, just as Dick Whittington longed for the gold-paved streets of London. Only when tensions in Latin America are relaxed and economies there improve is the migration toward the United States likely to end.

In the meantime, the national goal must be to repudiate the unscrupulous tactics that have allowed American employers to go unpunished while encouraging unlawful immigration. The Mazzoli-Simpson bill offers a giant step toward that goal.

[From the Los Angeles Times, Mar. 21, 1982]

PRETTY PACKAGE

Two key members of Congress last week introduced a comprehensive immigration reform bill that is the sanest and best-balanced proposal yet made to deal with a complex and emotional issue—illegal immigration to the United States.

The new bill is co-sponsored by Sen. Alan K. Simpson (R-Wyo.), and Rep. Romano L. Mazzoli (D-Ky.), chairmen of the Senate and House subcommittees on immigration. Their decision to push the same bill could move it through Congress more rapidly than if each had gone his separate way in challenging a similar but less satisfactory package introduced last year by the Reagan Administration. It is encouraging that U.S. Atty. Gen. William French Smith welcomed the Introduction of the Simpson-Mazzoli bill as "a significant further step," in trying to control illegal immigration.

The bill includes stronger sanctions against employers who hire illegal immigrants than the Reagan plan does. It would

also make the sanctions more enforceable by including provisions for a national worker identification system. Details of how this system would work have yet to be hammered out. It could be a data system that would be queried by phone, or even a new worker identity card. We continue to believe that a more secure Social Security card would-be most effective, since one is already issued to every would-be worker. Whatever if decided, on the system would have to be used by every job applicant, which would prevent employers from discriminating against workers who look or sound "foreign"—a legitimate concern of Latino civil-right groups.

The new bill also includes a more generous and less complicated amnesty proposal than the Administration plan does. It would allow persons who entered the country illegally before Jan. 1, 1978, and who have maintained continuous residence here since then, to legalize their status. The Simpson-Mazzoli bill does not specify what would be done with persons who would not qualify for this amnesty. That would have to be spelled out carefully to preclude a campaign of large-scale deportations, which would be both inhumane and politically unwise.

Simpson and Mazzoli also reject the Administration's proposal for a guest-worker program with Mexico. The Reagan guest-worker plan is too small to make much difference in the flow of illegal migrants from Mexico to this country, and would generate far more controversy than it is worth. To deal with the occasional manpower needs of agricultural employers, the two members of Congress propose to streamline the method by which temporary foreign-worker visas are issued.

The new bill also includes a ceiling of 425,000 people per year on all legal immigration to the United States—about the level of recent years. A sensible proviso would allow Canada and Mexico to double their current quota from 20,000 to 40,000 immigrants per year.

There is growing public pressure for the federal government to clean up the chaotic immigration situation in this country—a result of the poor state of the national economy. This restrictionist mood might tempt some members of Congress to rush the Simpson-Mazzoli bill through, and even enact parts of it sooner than others. That would be a mistake. A major reason current immigration laws are so unwieldy, contradictory and unworkable is because they were enacted on piecemeal basis for so many years. To use that approach again could exacerbate the current situation rather than help resolve it.

If the Simpson-Mazzoli bill is to work at all, it must be enacted as a comprehensive package. Congress must also act in two other areas if these reforms are to be truly effective in the long run.

First, agencies that administer U.S. immigration laws must be reformed and reorganized. We fear that the finest immigration law in the world could still be ineffective if left to the bureaucratic whims of the U.S. Immigration and Naturalization Service—the most overworked, underfunded, inefficient, demoralized agency in the federal government. The service should be broken up into at least two agencies—an immigration bureau that would truly service immigrants, and a border patrol that would join the other federal law-enforcement agencies that man the country's borders into a single border management agency.

Second, Congress should approve the Caribbean Basin Economic Recovery Act, which was sent to Congress by President Reagan on the same day Simpson and Mazzoli announced their immigration bill. Although the Caribbean plan is billed as a foreign-policy initiative, designed primarily to control political turmoil in the Caribbean and Central America by upgrading the economies of the many small and poor countries in the region, it would affect illegal immigration to the United States. The Caribbean initiative is a first step toward dealing with the most fundamental cause of illegal immigration—underdevelopment and unemployment in the countries of the Third World. The majority of illegal immigrants now entering this country come from Caribbean countries like Mexico, Haiti, Cuba and El Salvador. As long as economic development there is hindered, poverty and political turmoil will continue, and the flow of ambitious people to a land of opportunity and relative safety will not diminish.●

A TRIBUTE TO COL. ERNEST E. ROSS

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1982

● Mr. DYSON. Mr. Speaker, it is with a deep sense of pride that the people of Maryland call the attention of the U.S. Congress to Col. Ernest E. Ross. A native of the State of Maryland, Colonel Ross served in the U.S. Army in excess of 28 years, and will be retiring with an exemplary record of service.

Colonel Ross entered the Army through the ROTC program at Fort Benning, Ga., in 1954, after earning a B.S. in industrial education from the North Carolina Agriculture & Technical State University, Greensboro, and an M.S. in urban planning from Southern Illinois University. During his first 9 years of service, he held the normal troop command and staff assignments for company grade officers. After graduation from the Basic Infantry Officer School, he served both in Korea and, later, in Germany.

Upon completion of a 2-year tour of duty at the test, evaluation, and control group, Fort Benning, Ga., Colonel Ross attended the U.S. Army Special Warfare School at Fort Bragg in 1965 preparatory to going to Vietnam in September of that year. He returned stateside until 1971, when he went again to Vietnam for a 1-year tour as a staff officer with headquarters, U.S. Army, Vietnam.

In 1972, he was assigned to the Office of the Deputy Chief of Staff for Logistics at the Department of the Army. From August 1973 to November 1975, the colonel continued at the Pentagon, serving first as the logistics readiness officer and then as Chief of the Logistics Readiness Office of the Plans, Doctrines and Systems Office. He became Director of the Logistics Directorate, U.S. Army Test and Evaluation Command, Aberdeen Proving Ground, Md., in November 1975.

Colonel Ross' awards include the Legion of Merit, the Bronze Star, the Meritorious Service Medal, the Army Commendation Medal, the Combat Infantryman's Badge, and an Airborne Badge. His distinguished service to his country should serve as an example to all service men and women, and we do well to honor him here today.●

A TRIBUTE TO KEN FERGESON, CALIFORNIA JAYCEES PRESIDENT

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1982

● Mr. LAGOMARSINO. Mr. Speaker, it is with great pleasure that I invite my colleagues to join me in honoring Mr. Ken Fergeson, an outstanding and dedicated individual who has spent the past 6 years helping his community and the State of California through his involvement with the California Jaycees.

Ken is currently serving as the 54th president of the California Jaycees and his term of office will expire on May 2, 1982. During this year, Ken has managed to visit and support almost every one of the 250 California communities served by a Jaycee chapter. He has traveled well in excess of 150,000 miles to give assistance and encouragement to individuals involved with this community service organization.

Through Ken's leadership, the impact the California Jaycees have had on the State of California has increased dramatically. The California Jaycee organization has become recognized nationally as one of the model Jaycee State structures. Ken's dedication to growth and service has made itself felt across the country. Just one of his innovative programs is the red ribbon, which is designed to give positive recognition to Vietnam veterans.

Ken began his career in 1976, when he became a charter member of the Ventura Jaycees. His first project was starting an annual Las Vegas nite fund raiser for the Ventura Youth Employment Service. From this start as a member of a local, Ken went on to become the president of the Ventura Jaycees, the district governor for district 6, the regional director for district 6 and district 21, the State management vice president, and finally president of the California Jaycees. Each year, Ken's commitment to his fellow Jaycees and the communities they live in grew until it finally encompassed the whole State of California.

The Jaycees have a policy of "retiring" members when they become 36 years old, so that it will remain a young man's organization. Ken has now reached that point in his life. However, I know that Ken will continue to assist the Jaycees and will serve as an inspiration to other young men. Ken, I feel confident in saying, will continue to be involved with community service in other areas and organizations.

I offer my congratulations to Ken and to the California Jaycees for his accomplishments during his Jaycee career. I also want to extend to Ken, his wife Carol, and their children—Kamlyn, Chad, Casey, and Korie—my best wishes for a bright and happy future.●

ARMENIAN GENOCIDE

HON. JOSEPH D. EARLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1982

● Mr. EARLY. Mr. Speaker, on April 24 of each year Armenian Americans gather throughout the country to remember that dark period in man's history between 1915 and 1918, in which 1.5 million Armenians perished at the hands of the Ottoman Turks. That deliberately planned and brutally executed atrocity, generally recognized as the first genocide in the 20th century, must remain strong in our memory to serve as a reminder of our pressing need to strive for and attain world peace, and to testify to the indefatigable courage and spirit of the Armenian people.

Throughout their history, the Armenian people have been the victims of persecution, injustice, and suffering. From 1915 when the Ottoman Turks set out to exterminate the entire Armenian Christian population, to the present, when the Soviet Union holds the Armenian people captive in an area known as Soviet Armenia, the Armenians have demonstrated many times over their will to survive and their undying love for freedom. While a lesser people may have long ago abandoned their struggle for existence, the Armenians have persevered. Despite their suffering and deprivation, these heroic people have retained their historical identity, their Christian faith, their unique culture, and their honorable traditions.

Those of us who have lived among Armenian Americans understand why the Armenian people will never permit the memory of their martyred forebears to be forgotten. Of the approximate 600,000 Armenian Americans living in the United States today, almost all had some member of their family die during the Ottoman-led massacres.

Notwithstanding their tragic history, the Armenians have risen above the immeasurable crimes perpetrated against them, and have become leaders in the communities in which they now reside. American history proudly bears the marks of the accomplishments and contributions of these people. Armenian Americans have distinguished themselves in every profession and in all ranks of the armed services, and have repeatedly proven to be honest, industrious, and cooperative neighbors.

Having known many Armenian Americans through personal association, I am convinced that the spirit of their homeland will never be extinguished by and kind of barbaric persecution or attempted extermination. As a fellow American, I am deeply inspired by their courageous determination.

Therefore, I am impelled to join with all Armenian Americans in memorializing this historic tragedy. Let us hope that our observances here will give comfort and encouragement to Armenians in their homeland to forever persevere in their pursuit of national liberty and independence. Let us hope that our actions will motivate Turkish authorities to make proper restitution to the Armenian people for the heinous crimes committed against them. But most of all, let us hope that by keeping vivid the memory of that horrifying era, we will protect our future from the stains of the past, and never again tolerate the gross inhumanities we have witnessed in this century.●

SOCIAL SECURITY BENEFITS MUST BE PRESERVED

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1982

● Mr. HUBBARD. Mr. Speaker, I have received many letters from constituents who are troubled about discussions in Congress to reduce social security benefits, while, at the same time, other Government excess goes unchecked. Mr. George Zimmerman, Princeton, Ky., has written me a thoughtful letter on this issue. I would like to insert in the RECORD Mr. Zimmerman's remarks on this issue now facing Members of Congress.

The letter follows:

Hon. CARROLL HUBBARD, JR.,
House of Representatives,
Washington, D.C.

DEAR SIR: In all of my 63 years, this is the first letter I felt compelled to write to a legislator.

I guess I am too trusting and believe that the men in our government are trying to do their best and that which is best for the country and the people in it.

However, I am in serious doubt when people like Stockman and the other budget cutters recommend reducing Social Security benefits for those who have worked hard for many years, paid the taxes demanded, and then retired.

How can anyone seriously believe that the government is trying to do anything for the working class of people or for that matter, for anyone but the "Oil Company," "Gas Company," "Ma Bell" or IBM? I realize money talks, loud, and these outfits have the money and help in Washington.

However, I do believe that if you and your counterparts in Washington really want to reduce the budget, you would look at this kind of waste now.

Yours truly,

GEORGE ZIMMERMAN.●

AFGHANISTAN: A PROMISING STORY

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1982

● Mr. FIELDS. Mr. Speaker, today I speak on a subject of utmost importance to those of us fighting against the spread of communism and Soviet world domination. A promising documentary about the invasion of Afghanistan has been produced by the Christian Broadcasting Network. This documentary will be aired by channel 5, WTTG-TV on Monday April 26 at 8 p.m.

"Afghanistan: Under the Claw" explains the background and the realities of the Russian invasion: the bombings, the assassinations and the systematic repression of 19.5 million people—based on exclusive interviews with rebel leaders. Pat Robertson, president of the Christian Broadcasting Network was onsite with the rebel leaders fighting for the freedom of Afghanistan. This behind the scenes documentary should give the American public an idea of the Soviets' true intentions: total world domination.

I urge my colleagues to view this insightful program on Afghanistan.●

HORACE SEELY-BROWN, JR—IN MEMORIAM

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1982

● Mr. ZABLOCKI. Mr. Speaker, I was saddened to learn of the recent death of our former colleague, the Honorable Horace Seely-Brown, Jr., of Connecticut, who was a distinguished member of this body for six terms, beginning in 1947.

Mr. Seely-Brown was a man of "many parts"—a longtime fruit farmer in Poimfret Center, Conn., a teacher

and head of the Science Department at Pomfret School, and a World War II Navy veteran.

As a Member of Congress, he served for one term as a member of the Committee on Foreign Affairs (87th Congress), and subsequently on the Banking, Merchant Marine and Fisheries, and Select Small Business committees.

His legislative interests focused on assistance to small businesses and to veterans, in particular. He also served in a number of State positions with considerable distinction and success.

It is interesting to note that Mr. Seely-Brown was twice defeated for reelection to the House and twice won the seat back in the following elections—an indication not only of his political resilience but also of his character, during an honorable public career which combined both triumph and disappointment. Above all, he was a Member who commanded the admiration and respect of his colleagues.

To his widow and family I want to take this opportunity to extend my deepest sympathy.●

HUMAN RIGHTS—NORTH KOREA

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1982

● Mr. BONKER. Mr. Speaker, the New York Times recently reported that according to South Korean intelligence officials, at least 105,000 North Koreans are being held in camps for ideological offenders. This information which is 3 years old comes from defectors from North Korea and U.S. aerial reconnaissance.

There is very little public knowledge of human rights conditions in North Korea because that country and its society are closed to the non-Communist world.

The House Foreign Affairs Subcommittee on Human Rights and International Organizations, which I chair, held a hearing in October of 1980, to review human rights conditions in Communist Asia. At that time the subcommittee heard testimony on North Korea. The witnesses confirmed the difficulty we face today, that is the problem of getting reliable and verifiable information on human rights conditions. Nevertheless, the massive structure of repression which produces this many dissidents should be investigated and condemned by all who care about justice and abhor oppression.

Since North Korea recently signed the United Nation's covenant on civil and political rights, I appeal to them to allow independent international organizations such as the International Red Cross to visit these camps.

Pharis Harvey, the executive director of the respected North American Coalition for Human Rights in Korea has written me concerning the North Korean detention centers. He also points to the need for independent investigation by international observers.

I would like to commend to the attention of my distinguished colleagues Mr. Harvey's letter and the article from the New York Times of April 11, 1982, entitled: "North Korea is said to hold 105,000 as dissidents."

[The letter and article follow:]

NORTH AMERICAN COALITION FOR HUMAN RIGHTS IN KOREA,
Washington, D.C., April 21, 1982.

Hon. DON BONKER,
Chairman, Human Rights and International Organizations Subcommittee, U.S. House of Representatives, Foreign Affairs Committee, Washington, D.C.

DEAR MR. BONKER: News about human rights violations in North Korea has been for years extraordinarily difficult to obtain or verify, a fact which is itself testimony to the level of control exercised by the aging Kim Il-sung regime. On April 11, the New York Times carried a report from Seoul, however, which apparently provides new evidence of the existence of some eight detention camps for political dissidents in North Korea, populated by a reported 105,000 persons.

The article, based on reports of defectors to South Korea, suffers from the defects of many refugee reports, namely, lack of independent verifiability and the fact that the self-interest of the defectors lies in painting as bleak a picture of North Korea as possible. That two of the three defectors mentioned have been in South Korea for three or five years also damages its credibility, since a report so delayed becomes suspect, especially on the eve of the 70th birthday celebrations of Kim Il-sung, when the South Korean authorities can be expected to produce as much negative information as possible.

Nevertheless, the persistence of such reports, which have surfaced before and which are similar to reports of similar camps in South Korea, points to the need for independent investigation by impartial international observers.

The DPRK has recently signed the United Nations Covenant on Social and Political Rights, which obligates signatory states to be open to investigation of human rights conditions by international organizations. While the Republic of Korea has not signed this covenant, both Korean states would stand to gain increasing acceptance internationally if they were to be open to such inspection, if, as they both claim, the reports of large camps for political dissidents are false.

I hope you will exercise your office to appeal through appropriate channels with both Korean states to allow such inspection of prison conditions. A copy of the New York Times article is enclosed, which I would appreciate your inserting with this letter in the CONGRESSIONAL RECORD.

Thank you for your continuing strong advocacy of human rights.

Sincerely,

PHARIS J. HARVEY.

[From the New York Times, Apr. 11, 1982]

NORTH KOREA IS SAID TO HOLD 105,000 AS DISSIDENTS

(By Henry Scott Stokes)

SEOUL, SOUTH KOREA, April 10.—South Korean intelligence officials say that at least 105,000 North Koreans are being held in camps for ideological offenders.

The existence of the camps, long suspected by intelligence officials, was disclosed in recent interviews here with three North Korean defectors and with high-ranking officials of the South Korean Agency for National Security Planning, formerly the Korean Central Intelligence Agency.

Until recently, the intelligence officials said, it was difficult to check the existence of the camps. But now, with the aid of the defectors from North Korea, and with information that is believed to derive from American aerial reconnaissance, eight major camps for political offenders have been located, according to experts in Seoul, in addition to 25 separate conventional prisons for ordinary criminals.

South Korea also has forced labor camps, which Seoul officials said held more than 3,200 people late last year. However, according to political dissidents, only a minority of the internees are political prisoners.

APRIL CELEBRATION SET

The disclosures about the camps come as North Korea prepares huge celebrations to mark the 70th birthday of its leader, Kim Il Sung, next Thursday. Intelligence officials here insisted that they were not trying to overshadow that event. The disclosures, they said, followed years of efforts to confirm the presence of the camps.

In an interview at the national security agency's headquarters in Seoul, a high official said: "Our hope is that by showing the truth about North Korea, including the camps, we will broaden international knowledge about society there, paving a way for reunification in the long run."

American officials here declined to confirm the camps' existence, saying they had "no knowledge" of aerial photos of the facilities. But diplomats here believe that such places exist and are used to bolster President Kim's authority. He has ruled North Korea since it was founded in 1948.

The three defectors are Kim Yong Joon, who fled to the South in January; Kang Hyung Soon, who left North Korea in 1979, and Shin Young Man, a former North Korean agent in Japan who defected there in 1977. They told of their experiences at a joint interview at a Seoul hotel.

Mr. Kim, 30 years, old, said that he had repaired farm implements in Onsung County, in North Hamgyong Province, near the Chinese border. He said that several times in 1978 he entered a large camp there for political offenders to repair equipment during a government campaign to "reclaim" lost land. Intelligence officials said that the camp was the largest of the eight and probably held about 27,000 people.

Mr. Kim said that he had first become aware of the camp in 1962, when as a teenager he explored the vicinity to search for tree bark to make string. "There were high fences, notices saying 'keep out' and 'danger,'" he said. "Everyone in the locality knew about the place. It was no secret that it held 'ideological criminals.'"

Intelligence officials said at a separate briefing that a second camp, holding about 20,000 prisoners, was in nearby Hoeryon County. They said other camps were in Kyongson County, which is also in North Hamgyong Province, with 15,000 prisoners; at Yodongmyon in South Kamgyong Provice, with 13,000 captives, and in Chongpyong County in the same province, with 10,000 prisoners. Two camps in North Pyongyang Province hold 5,000 and 15,000 pris-

oners and a third in Chagang Province holds an indertermined number, according to the officials.

105,000 PRISONERS 'MINIMUM'

"About 105,000 is the minimum figure we came with up for the total in the camps," said a high official in charge of North Korean affairs at the security agency, "but there may be more and there may be other camps,. we can't be sure yet."

None of the three defectors interviewed had been held in a camp. But Mr. Shin, 57, said that he was taken to Chuulli in North Hamgyong Province on a tour in the spring of 1972 to see a camp, shortly before he was smuggled into Japan as an agent. He said the visit was apparently a warning of what could happen if he failed in his mission.

Mr. Shin said that he got a close look at prisoners and buildings at the Chuulli camp.

FORMER AGENT IN NORTH KOREA

"They were not normal homes but wretched huts, half cave and half home," he said. "It was early spring, a bit cold. The peoples clothes were really ragged, with flesh showing through the holes. They were very palid, scrawny and miserable."

He said he had left his wife and six children in North Korea and presumed that they were now interned in a camp. "When I think about them I want to cry," he said, breaking into tears.

Mr. Kang. 26, said he had been trained as an agent of the North Korean state Political Security Department and had been responsible for tracking down people suspected of holding views contrary to the principles of the North Korean Workers Party. He said he had studied at the political security department of Kim Il Sung University in Pyongyang, the North Korean capital.●

A TRIBUTE TO PETER J. ANSELMO

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1982

● Mr. DYSON. Mr. Speaker, with heavy heart and a sense of deep loss, the people of southern Maryland regretfully note the demise of Mr. Peter J. Anselmo. The long-time resident of Waldorf, Md., passed away March 28 in La Plata, Md. He was a man of selfless devotion, who for decades dedicated his talents and energies to the community and Nation he loved.

Peter Anselmo spent the majority of his working life in service to our country. During World War II he was employed at the naval gun factory in Washington, D.C., while simultaneiously serving with the Washington, D.C. Police Reserve. He distinguished himself in both endeavors, becoming president of the Association of Federal Employees at the gun works and a lieutenant in the Police reserve. From there he moved to the Federal Bureau of Engraving, where at the time of his retirement he had risen to become Chief of the Supply and Property Branch.

Mr. Anselmo's greatest contributions, though, were directly to his local community. He was a loyal member of the Bryantown Council Knights of Columbus, and St. Peters Parish in Waldorf. He was also president of the Knoxhill Citizens Association, and a board member of the Carrington Neighborhood Association for many years. His concern for the young of his community was expressed through his management of the Knoxhill Little League.

Peter Anselmo was also solely responsible for organizing the annual Memorial Day service in Carrington, Md., to date, the only service of its kind in southern Maryland.

All these contributions notwithstanding, Mr. Anselmo's patriotism was best exemplified by the simple, repetitious act of raising and lowering a flag, a duty he discharged faithfully for many years in St. Charles City until Congress passed a law allowing it to fly at night—not very glamorous, but then patriots seldom are.

Mr. Anselmo is survived by his wife, Helen, and their three sons. He will long be remembered by this family, his friends, and the community on which he left his distinctive mark.●

WOMEN AND CHILDREN: ALONE AND IN POVERTY

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1982

● Mrs. KENNELLY. Mr. Speaker, just before the demise of the National Advisory Council on Economic Opportunity, a publication entitled "Women and Children: Alone and in Poverty" was published in a very limited number. I would like to enter into the RECORD a section of this book so that during this time of budget cuts, we can make educated decisions about cutbacks in social service programs. Not only does this booklet describe the feminization of poverty, it also helps dispel some of the welfare myths we are hearing again today.

WOMEN AND CHILDREN: ALONE AND IN POVERTY

(By Diana Pearce and Harriette McAdoo)

(Note: Diane Pearce, Ph. D., is director of Research of the Center for National Policy Review at Catholic University Law School, Washington, D.C. Harriette McAdoo, Ph. D., is a Professor at Howard University, Washington, D.C., and a Research Associate for Columbia Research Systems, Columbia, Maryland.)

Two out of three poor adults are women.[1] Moreover, families headed by women raising young children are experiencing a steady decline in their economic status. Why are we experiencing this "feminization of poverty"? [2] What is the role of social welfare programs and policies, and what could be the impact of policy on the poverty faced by women? These questions will be addressed in a discussion focusing on the following themes:

The decade of the seventies was characterized by a double trend: More of the poor were women, and more women, especially those heading families with minor children, became poor.

The unusual amount of stress poor women experience exacts a toll on their physical and emotional health. Informal support systems are important, yet they cannot replace a lack of tangible resources. Adequate income is essential for improved well-being.

The causes of women's poverty are different from those of men's poverty. For example, after a divorce, mothers must often bear the economic as well as emotional responsibility of child-rearing, a burden that often impoverishes the family. U.S. welfare policies do not work for women because they have been based on the "male pauper" model of poverty and do not take account of the special nature of women's poverty.

Women who are members of ethnic minority groups are more likely to suffer the curse of poverty.

Social welfare efforts to reduce welfare dependency and poverty among women are blunted by societal ambivalence toward economic and social independence of women, as well as concerns about maintaining marital stability.

Inappropriate theories of the causes of poverty and inconsistent policies and goals designed to alleviate it have led to the development of a dual welfare system, divided according to gender and race.

This process combines with the dual labor market to reinforce economic inequality. Those in the secondary sphere of the labor market, who are increasingly and disproportionately women and minorities, find themselves locked into a combination of welfare and marginal work that can be best characterized as a "workhouse without walls."[3]

To alleviate women's poverty, social welfare policy must focus on two crucial areas: (1) the services, particularly quality day care, that are essential for wage-earning mothers; and (2) the structures and practices that bar women from jobs now held by men with similar education, skills and experience in the labor force.[4]

American society can reverse the trend toward increased impoverished of women only by building a social welfare policy that takes into account the distinct nature of women's poverty.

THE FEMINIZATION OF POVERTY

Although the number of poor families changed little between 1969 and 1978, its composition shifted dramatically. The number of families with male heads (a group that includes families with a husband and wife as well as male-only families) dropped from 3.2 to 2.6 million, while the number headed by poor women with minor children increased by one-third, from 1.8 to 2.7 million. Today more than half of the total number of poor families are maintained by women.

Families with female heads have a poverty rate six times that of male-headed families (31.4 percent vs. 5.3 percent; see Table 1). When race is taken into account, the poverty rate also increases so that minority

Footnotes at end of article.

families supported by women have even higher rates. More than half of the families with female heads live in poverty, and 40 percent of all black children are poor.[5]

The most recently reported median income for Hispanic families was $12,570. In 1980, the median income for white families nationwide was $21,521 and $11,648 for black families. In contrast the median income for white single mothers was $9933 and $6907 for black single mothers.[6] Black single mothers had income that was only 69.5 percent of that of the white mothers (see Table 2). The median income of single mothers was much lower than that of two-parent families. White mothers had a median income that was only 38 percent of the median income of two-parent white families; similarly, the income of Hispanic mothers was 38 percent of average Hispanic family income; and the income of black mothers was 40 percent of black family income.[7]

The seventies saw an even greater shift among black families, as the decrease in poor households headed by black males—from 630,000 to 410,000—was far exceeded by the increase in poor families headed by black females, from 740,000 to 1.2 million. Among families of Spanish origin, about 12 percent of the male-headed and over 50 percent of the female-headed families were poor (see Table 1).[8]

Some of the trends within groups shown by Table 1 may appear to be contradictory. For example, though income of individual blacks has increased, black family income has decreased in relation to that of non-blacks.[9] This is because the number of black families with multiple earners is decreasing, and a rising proportion of black families are headed by women.

The number of black families with multiple earners fell by 15 percent, while that of Hispanic families increased by 4 percent, and that of white families increased by 13 percent. At the same time, white families with only one earner declined by 15 percent.[10] The largest change, however, is in the category of families with no earners. While the proportions of Hispanic and white families without an adult earner increased by 29 percent and 34 percent, respectively, the proportion of black families in this category increased by 50 percent during the decade of the seventies.[11] There has been a marked decline in the proportion of poor families in all groups. The recent recession and the present economic uncertainty have forced many more families into poverty.

Ways in Which Women are Disadvantaged in the Labor Market. If wives and female heads of households were paid the wages that similarly qualified men earn, about half of the families now living in poverty would not be poor.[12] These women workers are handicapped by higher unemployment and discouraged worker rates, more involuntary part-time and seasonal work, fewer increases in income over one's lifetime, and an earnings gap (between male and female) that is widening.

TABLE 1.—Percentage of Families in Poverty in 1978, by Sex, Race and Age of Head, and Presence of Children [1]

[In percent]

	All families	Families with male head	Families with female head
All Families	9.1	5.3	31.4
White families	6.9	4.7	23.5
Head less than 25 yr old	13.2	6.4	53.6
With related children less than 18 yr old	9.3	4.7	33.5
Black families	27.5	11.8	50.6
Head less than 25 yr old	49.0	20.4	69.5
With related children less than 18 yr old	34.4	11.8	58.8
Families of Spanish origin	20.0	12.4	53.1
Head less than 25 yr old	30.6		
With related children less than 18 yr old	24.1		[2] 68.9

[1] Poverty status is defined as having a money income below the poverty threshold, which is approximately three times the cost of an "emergency" minimal diet, varied by farm/nonfarm status and size of family. (See Characteristics, Ibid., for further details.) For a nonfarm family of four in 1978, the figure was $6,662.

[2] Figure is for persons, rather than families (the latter was not given), and is probably several points higher than the family figure would be.

Source: "Chracteristics of the Population Below the Poverty Level: 1978," (Washington, D.C.: U.S. Department of Commerce, Bureau of the Census). Series P-60, No. 124, 1980.

The unemployment rates of women are only slightly higher than those of men. However, unemployment rates are misleading for they count only those who are consistently looking for employment. Those who wish to work but are not actively seeking work are termed "discouraged workers." Millions of Hispanics, blacks and women have given up and entered the underclass permanently.

Many believe the incomes of women workers are low because they choose part-time or seasonal work. Yet of those women who headed households and worked fewer than 50 weeks in the previous year, one-third stated that they did so because they were unable to find work.[13]

An important addition to the incomes of many workers is the lucrative overtime work. While approximately one-quarter of men workers work overtime, half that number of women workers do, with comparable effects on income.[14]

Women workers are also at a disadvantage in terms of union membership. One study calculated the value of union membership in the mid-seventies as an increment of approximately $650 in annual income.[15] The proportion of women workers who are union members has been declining since 1950, from approximately 15 percent to 11 percent in the late seventies.[16] Also important, particularly for women who provide the major earnings of their households, are the fringe benefits of union membership, including health benefits and supplementary unemployment payments.

The 2,380,000 women who are year-round, full-time workers account for approximately one-third of the paid labor force, but they account for 53 percent of those who earn less than $5000 per year. (Figures are for 1977, at which time an annual salary at the minimum wage was about $4800.) In contrast, of full-time, year-round workers who earn $15,000 or more, only 9 percent are women.[17] One effect of these handicaps and low earnings is that the presence of earners in households headed by women does not necessarily eliminate poverty. In fact, 21 percent of female-headed households with income from earnings are still poor.[18] More than one-third of single mothers with children under six who work full time at paid labor are poor.[19]

Adolescent Women. Gender and minority status constitute especially acute problems for teenagers. Teenage mothers enjoy little economic mobility; many never earn more than they did at age 16, while the earning curves for men continue to rise during their early and middle years.[20] Young adults born in the "baby boom" after World War II have been confronted with overcrowded schools and a depressed economy. Demographers see this group of children as having a profound impact on our society. Their sheer numbers have trapped them into a permanent disadvantaged status. They caused overcrowding in schools and colleges throughout the U.S., resulting in massive building programs for schools that now stand empty.

These young people then entered a shrinking labor market, and their rate of entry into the job market was six times that of the previous generation. The negative impact of this baby boom generation was temporarily delayed when many of its members were sent to college and thousands were sent to Vietnam. But now, young adults, even members of the traditionally privileged class, face a bleak future. The minority teenager has become a permanent member of the underclass whose prospects are worse now than they were for any group during the Great Depression.[21]

Transitions in Family Structure. The major transitions have been the increase of impoverished women and children due to divorce and out-of-wedlock births, rather than from widowhood. The dissolution rate of marriages is almost exactly what it was a century ago, about 34.5 per 1,000 marriages per year. But the major cause of dissolution has changed. A century ago divorce accounted for only 3.5 percent of all marriages that were ended. Today it accounts for 44 percent of dissolutions. Even as late as 1951, more than half of the female-headed households were headed by widows. Today widows head less than one-third of such households.

While many of today's widows are older than those of a century ago, more women who head households now are young mothers with young children to support. The transitions are accelerating, for the number of divorces have tripled in the past 20 years. Between 1970 and 1980, the percentage of female householders, with children under 18, had increased by 82 percent in all families and 92 percent in black families.[22]

Not only will fewer female-headed households be headed by widows raising young children, but more families will be experiencing marital disruption due to divorce, which has doubled since 1963. Two out of every five marriages in the United States end in divorce, and the figures are higher for teenage marriages. The most recent data indicate that 50 percent of all children can expect to live in one-parent homes for a significant part of their lives.[23]

The proportion of female householders with children increased from 11 percent to 18 percent between 1970 and 1980; and from 30 percent to 44 percent for black female householders and their families.[24] Single parents whose spouses were absent (because of military service, job responsibilities, illness or jail) increased by 24 percent, and those who were separated increased by 29 percent. The number of widows increased by 15 percent.[25] However, there is a racial difference in the meaning of this status. Single white women tend to marry, or marry a second time. Black women, however, tend to remain single, in part because of the excess

of black females compared to males at the ages when most people marry.

Out-of-wedlock births tend to trap mother and child into poverty. The number of single parents who were never married has soared 109 percent chiefly because of teenage pregnancy. These births can push three generations of a family into poverty, because a wage earner is lost as an additional dependent child is added to the family.

FOOTNOTES

[1] U.S. Bureau of the Census, "Social Indicators III," (Washington, D.C.: Government Printing Office) 1980.

[2] Diana Pearce, "The Feminization of Poverty: Women, Work and Welfare," Urban and Social Change Review, Feb. 1978.

[3] Ibid., p. 35.

[4] Providing essential support services, particularly day are, for women in the paid labor force may enlarge the pool of jobs. But breaking down artificial barriers of gender, as well as race, may simply alter the composition of the poor. That is, if poverty were "de-sexed" and racially integrated, it might then become apparent that unemployment and poverty are structural problems, and not ones associated with particular groups or individuals (e.g., that there are simply not enough jobs to go around). But the current trend is just the opposite, towards a concentration of poverty among women and minorities. The structure of the American economy may well have taken a very different form by the time poverty is distributed equally between men and women, and between whites and minorities.

[5] "Characteristics of the Population Below the Poverty Level: 1978," in Current Population Reports, (Washington, D.C.: U.S. Department of Commerce, Bureau of the Census). Series P-60, No. 124, July 1980.

[6] Paul Glick, "A Demographic Picture of Black Families," in Harriett McAdoo, ed., Black Families, (Beverly Hills: Sage Press) 1981.

[7] Ibid.

[8] "Characteristics of the Population Below the Poverty Level: 1978," op. cit.

[9] Reynolds Farley, "Trends in Racial Inequalities: Have the Gains of the 1960's Disappeared in the 1970's?," American Sociological Review, Vol. 42, No. 2, 1977.

[10] "The Status of Children, Youth and Families, 1979," op. cit.

[11] Ibid.

[12] Patricia C. Sexton, Women and Work (R & D Monograph No. 46), (Washington, D.C.: U.S. Department of Labor, Employment and Training Administration) 1977.

[13] "Characteristics of the Population Below the Poverty Level: 1978," op. cit.

[14] "The Earning Gap Between Women and Men," (Washington, D.C.: U.S. Department of Labor, Women's Bureau) 1979.

[15] Sally Hillsman Baker, "Women in Blue-Collar and Service Occupations," in A. Stromger and B. Harkess, eds., Women Working. (Palo Alto, California: Mayfield Publishing Co.) 1977.

[16] Linda H. LeGrande, "Women in Labor Organizations: Their Ranks are Increasing," Monthly Labor Review, August 1978.

[17] "The Earning Gap," op. cit.

[18] "Characteristics of the Population Below the Poverty Level: 1978," op. cit.

[19] "Families Maintained by Female Households 1970-1979" in Current Population Reports, (Washington, D.C.: U.S. Department of Commerce, Bureau of the Census). Series P-23, No. 101. The Council points out that if the costs of child daycare were taken into account in determining income status, there would be a significant increase in the number of full-time employed single mothers classified as poor.

[20] U.S. Civil Rights Commission, quoted in Washington Post, August 2, 1980, p. A2.

[21] L. Jones, American and the Baby Boom Generation," (New York: Coward Books) 1980.

[22] Paul Glick, op. cit.

[23] The Status of Children, Youth and Families, 1979," op. cit.

[24] Paul Glick, op. cit.

[25] The Status of Children, Youth and Families, 1978," op. cit.●

TAX BOMB

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1982

● Mr. FIELDS. Mr. Speaker, I submit for the RECORD today an excellent article which appeared in the Monday, April 12 edition of the Wall Street Journal entitled "Tax Bomb."

This article illustrates the importance of the tax indexing provision which was overwhelmingly approved by the Congress during consideration of the President's bipartisan tax bill.

This provision scheduled to take effect in 1985 will for the first time prevent the Federal Government from reaping the benefit as incomes are pushed into higher tax brackets not because of increased real incomes but because of inflation.

With indexing, individual tax brackets will be adjusted for inflation each year and as a result these unlegislated, unvoted and unsigned tax increases will be stopped once and for all.

While I am very concerned about the possibility of large Federal deficits, I do not believe the Congress should repeal or postpone the 1985 effective date for indexing. In my judgment, eliminating indexing is merely a disguised way to once again raise taxes on individuals who I believe should be able to spend or save a greater share of their hard earned income the way they want and not as Washington dictates.

I would urge my colleagues to carefully review this well written article and to resist joining those who advocate repeal of this rare example of true tax reform.

The text of the article follows:

TAX BOMB

Last year's tax package contained a UXB (unexploded bomb) called tax indexation. Because it has received so relatively little attention, it is emerging as the favorite expendable for members of Congress who want to scuttle the tax cuts. They are kidding themselves if they think the voters aren't going to notice.

Indexing is the very heart of tax reform. Due to take effect in 1985, after the scheduled 5 percent, 10 percent, 10 percent rate cuts, it is designed to protect taxpayers thereafter against bracket creep. Bracket creep means that taxpayers whose incomes climb apace with inflation get pushed into higher and higher tax brackets, even though their real incomes remain constant; real, after-tax incomes, needless to say, are thus eroded. Indexation would adjust individual tax brackets (including the zero brackets) and personal exemptions each year to net out the impact of inflation.

Congress is beginning to wake up to what a terrible thing it did to itself when it passed the indexing provision: It outlawed the automatic tax increases that for years have permitted it to have larger revenues to spend without asking voter permission. As Harvard economist Martin Feldstein points out, for each 1 percent rise in the inflation rate, the government can count on at least a 1.6 percent rise in revenues.

Studies have shown that the combination of bracket creep and massive Social Security tax increases have doubled the effective tax rate on middle-income families in the last decade. At the rate of taxation and inflation we were experiencing before the 1981 reforms, a family of four earning only $10,000 would have had its effective tax rate more than double in just three years, according to a 1980 study by the Advisory Commission on Intergovernmental Relations.

This was truly insidious. Not only did Congress escape accountability for raising taxes, but it acquired a very large stake in allowing inflation to continue eroding the nation's wealth and productive base. It was only when the tax revolt spread through the states and finally erupted in the election of Ronald Reagan and a Republican Senate that Congress finally adopted indexing.

The states that have indexed have learned just how much they were profiting from bracket creep. Minnesota, for example, estimates it has lost $900 million in revenues since it indexed four years ago. Although such estimates seldom take account of the depressive effect continued rises in taxes would have had on economic activity, it is no wonder Congress wants to reclaim what it surrendered.

With a free ride on taxers, our elective representatives have built all kinds of automatic increases into their budgets. Social Security payments go up automatically; federal pensions increase even faster. Special interests charge that they've been cut to the bone if their subsidies don't rise by at least the rate of inflation.

The big projected deficits Washington is trying to use as a fright wig to drive the voters into giving up the tax rate cuts they won last year do not really reflect a reduction in taxes; the rate cuts will only about compensate for bracket creep. The projected gaps, then, just demonstrate how much the government has come to depend on hidden tax increases to pay its bills.

A key issue in the current Washington debate is whether the tax rate cuts will force Congress to restrain its spending impulses. The would-be index scuttlers would have us believe that legislators have become so manic that they will merely rush headlong towards larger and larger deficits until the world comes to an end.

We doubt it. Canada, for example, indexed in 1974. The deficit promptly shot up—but that was due to expenditures which had already been committed. National government spending as a percent of GNP topped out in 1975 and has been coming down ever since.

National experiences are not always transferable, but we prefer to think that the U.S. Congress is as capable of fiscal responsibility as Joe Clark and Pierre Trudeau if it gives itself half a chance. Indexing is more than half a chance. It imposes a requirement, one that was long overdue and one which should not be tampered with.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference.

This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, April 27, 1982, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 28

9:00 a.m.
Appropriations
Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1983 for the Defense Establishment, focusing on space systems.
1224 Dirksen Building

Foreign Relations
Closed meeting to discuss the current situation in Guatemala and U.S. policy therein.
S-116, Capitol

9:30 a.m.
Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for certain programs which fall within the jurisdiction of the subcommittee, receiving testimony from public witnesses.
S-146, Capitol

Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To resume hearings on S. 2367 and S. 2377, bills authorizing funds through fiscal year 1986 for programs of the Urban Mass Transportation Administration, Department of Transportation.
5302 Dirksen Building

Governmental Affairs
Oversight of Government Management Subcommittee
To hold hearings on S. 2059, revising the special prosecutor provisions of the Ethics in Government Act of 1978, to insure independent investigations of high-ranking Federal officials and to remove inequities in the present law.
3302 Dirksen Building

Veterans Affairs
Business meeting, to consider pending calendar business.
412 Russell Building

10:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To continue hearings on S. 2172, creating a jurisdictional framework to apportion the authority regulating cable systems between the Federal and State Governments, and providing for a competitive marketplace for cable systems in the telecommunications industry.
235 Russell Building

Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building

Environment and Public Works
Environmental Pollution Subcommittee
Business meeting, to mark up S. 1018, prohibiting the Federal Government from funding commercial and residential growth on undeveloped barrier beaches and islands; S. 327 and H.R. 1486, bills authorizing funds for the establishment of the Protection Island National Wildlife Refuge in Jefferson County, Wash.; and H.R. 1952, authorizing funds for fiscal years 1982, 1983, and 1984 for certain conservation programs on military reservations and public lands.
4200 Dirksen Building

Foreign Relations
To hold hearings on S. 1886, requiring that a specific number of chiefs of diplomatic missions be career members of the Foreign Service.
4221 Dirksen Building

*Labor and Human Resources
Education, Arts, and Humanities Subcommittee
Business meeting, to mark up S. 1889, authorizing funds for the establishment of a national institution to promote international peace and resolution of international conflict.
4232 Dirksen Building

1:00 p.m.
Environment and Public Works
To hold hearings on S. 1606, establishing a Federal supplemental property insurance fund for nuclear powerplants, and providing funds for the cleanup of the damaged Three Mile Island Unit No. 2 nuclear power reactor (TMI-2).
4200 Dirksen Building

1:30 p.m.
Conferees
On S. 1193, authorizing funds for fiscal years 1982 and 1983 for the Department of State, authorizing funds for fiscal year 1982 for the Arms Control and Disarmament Agency, authorizing funds for fiscal years 1982 and 1983 for the International Communications Agency, and authorizing funds for fiscal years 1982 and 1983 for the Board for International Broadcasting.
S-116, Capitol

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Bureau of Indian Affairs' education programs.
1224 Dirksen Building

Judiciary
To hold hearings on pending nominations.
2228 Dirksen Building

Select Committee To Study Law Enforcement Undercover Activities of Components of the Department of Justice
To hold an organizational business meeting.
301 Russell Building

2:30 p.m.
*Select on Intelligence
Closed business meeting, to resume markup of proposed legislation authorizing funds for fiscal year 1983 for the intelligence community.
S-407, Capitol

3:30 p.m.
Banking, Housing, and Urban Affairs
Business meeting, to consider the nominations of James G. Stearns, of Nevada, and James W. Fuller, of California, each to be a Director of the Securities Investor Protection Corporation.
5302 Dirksen Building

APRIL 29

9:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings to review defense intelligence matters.
S-407, Capitol

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for fossil research and development and fossil construction programs of the Department of Energy.
1318 Dirksen Building

Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
235 Russell Building

Select on Indian Affairs
To hold oversight hearings on current economic development programs as they affect Indians.
5302 Dirksen Building

9:15 a.m.
Governmental Affairs
Energy, Nuclear Proliferation and Government Processes Subcommittee
To hold hearings on S. 2284, proposed Federal Radiation Protection Management Act.
3302 Dirksen Building

9:30 a.m.
Foreign Relations
To hold hearings to review capabilities of U.S. Armed Forces to carry out U.S. foreign policy commitments and treaty obligations worldwide.
1202 Dirksen Building

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for certain programs of the Department of Transportation.
1224 Dirksen Building

Energy and Natural Resources
To hold hearings on S. 2332, extending until July 1, 1983, the expiration date of section 252 of the Energy Policy and Conservation Act, which provides a limited antitrust defense for U.S. oil companies participating in the international energy program.
3110 Dirksen Building

Environment and Public Works
Business meeting, to resume markup of proposed amendments to the Clean Air Act (Public Law 95-95).
4200 Dirksen Building

10:30 a.m.
Veterans Affairs
To hold hearings to receive legislation recommendations for fiscal year 1983 from officials of AMVETS and the Military Order of the Purple Heart.
318 Russell Building

1:00 p.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for activities of the Secretary of Education.
1114 Dirksen Building

1:30 p.m.
Conferees
On S. 1193, authorizing funds for fiscal years 1982 and 1983 for the Department of State, authorizing funds for fiscal year 1982 for the Arms Control and Disarmament Agency, authorizing funds for fiscal years 1982 and 1983 for the International Communications Agency, and authorizing funds for fiscal years 1982 and 1983 for the Board for International Broadcasting.
S-116, Capitol

2:00 p.m.
Armed Services
Manpower and Personnel Subcommittee
To resume hearings on S. 1814, providing for the rights of former spouses to military retirement pay and health care protection.
224 Russell Building

Judiciary
Agency Administration Subcommittee
Business meeting, to mark up S. 1483, making the U.S. Government liable for damages to residents and participants arising from the fallout from certain atmospheric tests, establishing an advisory panel to study the adverse health effects, and transferring from the Department of Energy, all functions relating to research on the health effects of radiation to the Department of Health and Human Services.
2228 Dirksen Building

3:00 p.m.
*Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for international security assistance programs of the Department of State.
1223 Dirksen Building

APRIL 30

9:30 a.m.
Commerce, Science, and Transportation
To hold oversight hearings on the implementation of the Magnuson Fishery Conservation and Management Act Amendments (Public Law 94-263), and on proposed authorizations thereto.
235 Russell Building

Environment and Public Works
Transportation Subcommittee
Business meeting, to mark up S. 2315, authorizing funds through fiscal year 1987 for the Federal-aid highway program.
4200 Dirksen Building

10:00 a.m.
Agriculture, Nutrition, and Forestry
Foreign Agricultural Policy Subcommittee
To hold hearings on S. 2351, providing for the administration of the Agreement on the International Carriage of Perishable Foodstuffs which establishes uniform inspection requirements for the equipment that transports perishable foods across national borders.
324 Russell Building

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for programs of the Department of Transportation and related agencies.
1318 Dirksen Building

Foreign Relations
To hold hearings on the strategic nuclear balance.
4221 Dirksen Building

2:00 p.m.
Foreign Relations
To hold hearings on pending nominations.
4221 Dirksen Building

MAY 3

9:00 a.m.
Judiciary
Courts Subcommittee
To hold hearings on S. 2297, revising certain provisions of the Bankruptcy Reform Act of 1978, to protect the interests of shopping centers and their tenants in the event of a bankruptcy.
2228 Dirksen Building

9:30 a.m.
Energy and Natural Resources
To hold hearings on S. 2305, insuring all energy and mineral resources on public lands and on the Outer Continental Shelf are provided for under the direction of the Secretary of the Interior.
3110 Dirksen Building

Governmental Affairs
Federal Expenditures, Research and Rules Subcommittee
To hold hearings on proposed legislation improving the efficiency of the Federal procurement system.
3302 Dirksen Building

10:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on a provision of S. 2227, proposed International Security and Development Act, making the Peoples' Republic of China eligible to participate in the food for peace program (Public Law 480).
324 Russell Building

Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
235 Russell Building

Labor and Human Resources
Alcoholism and Drug Abuse Subcommittee Business meeting, to mark up proposed legislation authorizing funds for the National Institute on Drug Abuse, and the National Institute on Alcohol Abuse and Alcoholism.
4232 Dirksen Building

1:30 p.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for the Department of Labor; and the Health Services Administration, Centers for Disease Control, and the National Cancer Institute, Department of Health and Human Services.
1114 Dirksen Building

2:00 p.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for programs of the Department of Transportation and related agencies.
1318 Dirksen Building

MAY 4

8:30 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Smithsonian Institution, Holocaust Memorial Council, and the Advisory Council on Historic Preservation.
1318 Dirksen Building

9:00 a.m.
Office of Technology Assessment
The Board, to hold a general business meeting.
S-120, Capitol

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Heart, Lung and Blood Institute, National Institute of Neurological and Communicative Disorders and Stroke, and the National Institute of Arthritis, Diabetes, Digestive and Kidney Diseases, Department of Health and Human Services.
1114 Dirksen Building

Environment and Public Works
Business meeting, to resume markup of proposed amendments to the Clean Air Act (Public Law 95-95).
4200 Dirksen Building

Labor and Human Resources
To hold oversight hearings on the Office of Federal Contract Compliance Programs, Department of Labor.
4232 Dirksen Building

10:00 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the General Services Administration.
1224 Dirksen Building

Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building

1:30 p.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Institute of Child Health and Human Development, National Institute of General Medical Sciences, National Institute of Dental Research, National Institute on Aging, National Institute of Environmental Health Sciences, National Eye Institute, Division of Research Resources, Health Care Financing Administration, and the Social Security Administration (including Office of Refugee Resettle-

ment), Department of Health and Human Services.
1318 Dirksen Building

2:00 p.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Administrative Conference of the United States, Advisory Commission on Intergovernmental Relations, Advisory Committee on Federal Pay, Committee for Purchase From the Blind, and the Federal Elections Commission.
1224 Dirksen Building

MAY 5

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Alcohol, Drug Abuse, and Mental Health Administration, Office of the Assistant Secretary for Health, and the Health Resources Administration, Department of Health and Human Services.
1114 Dirksen Building

Commerce, Science, and Transportation
To hold hearings on the nominations of Vice Adm. James S. Gracey, U.S. Coast Guard, to be Commandant, and Rear Adm. Benedict L. Stabile, U.S. Coast Guard, to be Vice Commandant, each for the U.S. Coast Guard
235 Russell Building

Labor and Human Resources
To hold oversight hearings on the Department of Labor's handling of labor union pension fund abuses.
4232 Dirksen Building

Select on Indian Affairs
To resume oversight hearings on current economic development programs as they affect Indians.
6226 Dirksen Building

10:00 a.m.
Agriculture, Nutrition, and Forestry
Business meeting, to mark up S. 2314, authorizing funds for fiscal years 1983, 1984, and 1985 for farm and rural development loan programs of the Farmers Home Administration.
324 Russell Building

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Aeronautics and Space Administration.
1224 Dirksen Building

Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building

Environment and Public Works
Environmental Pollution Subcommittee
Business meeting, to consider proposed legislation authorizing funds for programs of the Resource Conservation and Recovery Act, Marine Protection, Research and Sanctuaries Act, and the Federal Water Pollution Control Act.
4200 Dirksen Building

Veterans' Affairs
To hold hearings on a Veterans' Administration proposal to decentralize certain medical automated data processing facilities.
412 Russell Building

1:30 p.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Office of Human Development Services, Office of Community Services, and certain health and human services programs, Department of Health and Human Services; and for elementary and secondary education programs, bilingual education program, and the impact aid program, Department of Education.
1318 Dirksen Building

2:00 p.m.
Environment and Public Works
Environmental Pollution Subcommittee
Business meeting, to mark up proposed legislation authorizing funds for the Endangered Species Act.
4200 Dirksen Building

Governmental Affairs
Federal Expenditures, Research and Rules Subcommittee
To resume hearings on proposed legislation improving the efficiency of the Federal procurement system.
3302 Dirksen Building

MAY 6

9:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the U.S. Fish and Wildlife Service, and the Institute of Museum Services.
1318 Dirksen Building

Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 604 and S. 2355, bills providing adequate telephone service to persons with impaired hearing.
235 Russell Building

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for education programs for the handicapped, rehabilitation services, vocational and adult education, higher education, and the National Institute of Education, Department of Education.
1114 Dirksen Building

Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the care of the U.S. Supreme Court Building by the Architect of the Capitol, U.S. International Trade Commission, Federal Maritime Commission, and the Marine Mammal Commission.
S-146, Capitol

Labor and Human Resources
Business meeting, to consider pending calendar business.
4232 Dirksen Building

10:00 a.m.
Argriculture, Nutrition, and Forestry
Soil and Water Conservation Subcommittee
Agricultural Production, Marketing, and Stabilization of Prices Subcommittee
To hold joint hearings on S. 1825, prohibiting the Federal price support program to be used to subsidize crops grown on certain lands in the western part of the United States which have not been cultivated in the past 10 years.
324 Russell Building

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Office of Personnel Management, Merit Systems Protection Board, Federal Labor Relations Authority, and the U.S. Tax Court of the Judicial Branch.
1223 Dirksen Building

Environment and Public Works
Business meeting, to resume markup of proposed amendments to the Clean Air Act (Public Law 95-95).
4200 Dirksen Building

1:30 p.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for student financial assistance, libraries/special institutions, civil rights, women's educational equity, and related agencies.
1114 Dirksen Building

2:00 p.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the U.S. Postal Service.
1223 Dirksen Building

Finance
International Trade Subcommittee
To resume hearings on S. 2094 and related proposals, establishing the concept of reciprocity of market access as an objective for U.S. trade policy where American products are competitive.
2221 Dirksen Building

MAY 7

9:00 a.m.
Finance
Taxation and Debt Management Subcommittee
Savings, Pensions and Investment Policy Subcommittee
To hold joint hearings on S. 2214, providing for incentives to increase the rate of personal savings and investment by increasing the percentage of tax exempt net interest income to 25 percent, making dividend income eligible for the 25-percent exemption, changing the enactment date to 1 year earlier, and eliminating the deductibility of consumer interest expense (with certain exceptions) on a gradual basis; to be followed by the Subcommittee on Taxation and Debt Management holding hearings on S. 2281, proposed Technology Education Act, and S. 1928, proposed MDL 235 Settlement Discounts Tax Act of 1981.
2221 Dirksen Building

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for certain

programs which fall within the jurisdiction of the subcommittee.
1114 Dirksen Building

Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To hold hearings on S. 1877, S. 1908, S. 1909, and S. 1941, bills providing for the reinstatement and validation of certain U.S. oil and gas leases, S. 2095, directing the Secretary of the Interior to issue a certain oil and gas lease, and S. 2146, extending the lease terms of various Federal oil and gas leases.
3110 Dirksen Building

10:00 a.m.
Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
Business meeting, to mark up proposed legislation authorizing funds for environmental research and development programs; and other pending business.
4200 Dirksen Building

Labor and Human Resources
Investigations and General Oversight Subcommittee
To hold hearings to examine adverse drug reactions from vaccines, Federal efforts to combat disease, and characteristics of certain diseases.
4232 Dirksen Building

MAY 10

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold oversight hearings to review Pension Benefit Guaranty Corporation premium rate increases.
4232 Dirksen Building

10:00 a.m.
Commerce, Science, and Transportation
To hold hearings on S. 1929, establishing an Interagency Committee on Smoking and Health to coordinate Federal and private activities to educate the public about the health hazards of smoking.
235 Russell Building

Energy and Natural Resources
To hold hearings on S. 1844, permitting the development of coal pipelines as part of the national energy transportation and distribution system.
3110 Dirksen Building

Finance
To hold hearings on the administration's New Federalism proposal.
2221 Dirksen Building

MAY 11

8:30 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Endowment for the Humanities, National Capital Planning Commission, and the Office of Surface Mining of the Department of the Interior.
1114 Dirksen Building

9:30 a.m.
Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Judiciary.
S-146, Capitol

Governmental Affairs
Intergovernmental Relations Subcommittee
To hold oversight hearings on the implementation of block grant programs.
357 Russell Building

Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold hearings on the extended family.
4232 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Institute of Building Sciences, Federal Home Loan Bank Board, and National Credit Union Administration.
1224 Dirksen Building

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Office of Management and Budget.
1318 Dirksen Building

Armed Services
To hear and consider the nomination of Gen. John W. Vessey, Jr., Army of the United States (major general, U.S. Army), to be Chairman of the Joint Chiefs of Staff.
1202 Dirksen Building

Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building

Environment and Public Works
Business meeting, to resume consideration of proposed legislation authorizing funds for programs which fall under its legislative jurisdiction.
4200 Dirksen Building

2:00 p.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for programs which fall within the jurisdiction of the subcommittee, receiving testimony from public witnesses.
1318 Dirksen Building

MAY 12

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building

*Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold oversight hearings on the implementation of guidance and counseling programs of the Department of Education.
4232 Dirksen Building

MAY 13

9:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for territorial affairs of the Department of the Interior.
1114 Dirksen Building

10:00 a.m.
Environment and Public Works
Business meeting, to resume consideration of proposed legislation authorizing funds for programs which fall under its legislative jurisdiction.
4200 Dirksen Building

Labor and Human Resources
Investigations and General Oversight Subcommittee
To hold hearings to examine the increased use of certain drugs, focusing on quaaludes.
4232 Dirksen Building

1:30 p.m.
Appropriations
Interior and Related Agencies Subcommittees
To continue hearings on proposed budget estimates for fiscal year 1983 for territorial affairs of the Department of the Interior.
1114 Dirksen Building

2:00 p.m.
*Government Affairs
Federal Expenditures, Research and Rules Subcommittee
To resume hearings on proposed legislation improving the efficiency of the Federal procurement system.
3302 Dirksen Building

MAY 14

10:00 a.m.
Finance
International Trade Subcommittee
Taxation and Debt Management Subcommittee
To hold joint hearings on S. 2058 and S. 2051, bills promoting fair international trade practices in the services sector.
2221 Dirksen Building

MAY 18

9:30 a.m.
Labor and Human Resources
To hold hearings on the nominations of Marc Sandstrom, of California, William F. Harvey, of Indiana, and Annie L. Slaughter, of Missouri, each to be a member of the Board of Directors of the Legal Services Corporation.
4232 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Department of Housing and Urban Development.
1224 Dirksen Building

Commerce, Science, and Transportation
To hold hearings on the nomination of Heather J. Gradison, of Ohio, to be a member of the Interstate Commerce Commission.
235 Russell Building

Energy and Natural Resources
To hold oversight hearings on Federal property management and disposal.
3110 Dirksen Building

Environment and Public Works
Business meeting, to consider pending calendar business.
4200 Dirksen Building

Select on Indian Affairs
To hold oversight hearings on the implementation of Indian education programs.
6226 Dirksen Building

MAY 19

9:30 a.m.
*Governmental Affairs
Federal Expenditures, Research and Rules Subcommittee
To hold hearings on Senate Joint Resolutions 93, and related proposals, reaffirming the policy of relying on the private sector to meet public requirements for goods and services, S. 1782, eliminating retainage on Federal Government construction contracts, and proposed legislation improving the effectiveness and fairness of the Federal Government's contractor suspension and debarment programs.
3302 Dirksen Building
*Labor and Human Resources
Labor Subcommittee
To resume oversight hearings to review the Pension Benefit Guaranty Corporation premium rate increases.
4232 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for the Department of Housing and Urban Development, and the Neighborhood Reinvestment Corporation.
1224 Dirksen Building
Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To resume hearings on S. 1866, revising regulatory procedures relating to safe drinking water requirements, and S. 2131, authorizing funds through fiscal year 1986 for the safe drinking water program.
4200 Dirksen Building
Select on Indian Affairs
To continue oversight hearings on the implementation of Indian education programs.
6226 Dirksen Building

MAY 20

9:30 a.m.
*Governmental Affairs
Federal Expenditures, Research and Rules Subcommittee
To continue hearings on Senate Joint Resolution 93, and related proposals, reaffirming the policy of relying on the private sector to meet public requirements for goods and services, S. 1782, eliminating retainage on Federal Government construction contracts, and proposed legislation improving the effectiveness and fairness of the Federal Government's contractor suspension and debarment programs.
3302 Dirksen Building

10:00 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Production, Marketing, and Stabilization of Prices Subcommittee
To hold oversight hearings on the implementation of the Federal crop insurance program of the Department of Agriculture.
324 Russell Building

MAY 21

9:30 a.m.
Energy and Natural Resources
Energy Regulation Subcommittee
To hold hearings on S. 1626, removing the requirement for Federal regulation to allow the competitive market system to establish petroleum pipeline transportation rates while maintaining safeguards to protect the industry and consumers against unlawful discrimination.
3110 Dirksen Building

10:00 a.m.
Agriculture, Nutrition, and Forestry
Agriculture Production, Marketing, and Stabilization of Prices Subcommittee
To continue oversight hearings on the implementation of the Federal crop insurance program of the Department of Agriculture.
324 Russell Building

MAY 24

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1224 Dirksen Building

MAY 25

9:30 a.m.
Agriculture, Nutrition, and Forestry
Rural Development, Oversight, and Investigations Subcommittee
To hold oversight hearings to review the energy needs of rural communities.
324 Russell Building
Energy and Natural Resources
Energy Regulation Subcommittee
To resume hearings on S. 1626, removing the requirement for Federal regulation to allow the competitive market system to establish petroleum pipeline transportation rates while maintaining safeguards to protect the industry and consumers against unlawful discrimination.
3110 Dirksen Building
Governmental Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings to review the eligibility requirements of the Social Security disability benefit program.
1318 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1224 Dirksen Building
Environment and Public Works
Business meeting, to consider pending calendar business.
4200 Dirksen Building

MAY 26

9:30 a.m.
Agriculture, Nutrition, and Forestry
Rural Development, Oversight, and Investigations Subcommittee
To continue oversight hearings on the energy needs of rural communities.
324 Russell Building

10:00 a.m.
Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To resume hearings on S. 1866, revising regulatory procedures relating to safe drinking water requirements, and S. 2131, authorizing funds through fiscal year 1986 for the safe drinking water program.
4200 Dirksen Building

JUNE 8

9:30 a.m.
Banking, Housing, and Urban Affairs
Securities Subcommittee
To resume hearings on S. 1869, S. 1870, S. 1871, and S. 1977, bills revising or repealing certain provisions of the Public Utility Holding Company Act of 1935.
5302 Dirksen Building

JUNE 9

9:30 a.m.
Select on Indian Affairs
To hold hearings on law enforcement problems on Indian reservations including the authority and effectiveness of the Bureau of Indian Affairs police, tribal police, and the Federal Bureau of Investigation, and the quality of U.S. prosecution of criminal offenses.
6226 Dirksen Building

JUNE 10

9:30 a.m.
Banking, Housing, and Urban Affairs Securities Subcommittee
To resume hearings on S. 1869, S. 1870, S. 1871, and S. 1977, bills revising or repealing certain provisions of the Public Utility Holding Company Act of 1935.
5302 Dirksen Building

SEPTEMBER 21

10:30 a.m.
Veterans' Affairs
To hold hearings to receive American Legion legislative recommendations for fiscal year 1983.
318 Russell Building

CANCELLATIONS

APRIL 27

2 p.m.
Judiciary
Immigration and Rufugee Policy Subcommittee
Business meeting, to mark up S. 2222, revising and reforming U.S. immigration laws.
412 Russell Building

APRIL 30

10 a.m.
Energy and Natural Resources
Energy Regulation Subcommittee
To hold oversight hearings to review certain programs administered by the Office of Federal Inspector, Alaska Natural Gas Transportation System, and the Economic Regulatory Administration and Federal Energy Regulatory Commission, Department of Energy.
3110 Dirksen Building

MAY 12

10 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold oversight hearings on activities of the Student Loan Marketing Association (Sallie Mae).
4232 Dirksen Building

HOUSE OF REPRESENTATIVES—*Tuesday, April 27, 1982*

The House met at 12 o'clock noon.

Archbishop Torkom Manoogian, primate, Diocese of the Armenian Church of America, New York, N.Y., offered the following prayer:

In the name of the Father and the Son and the Holy Spirit. Amen.

Almighty God, we stand before You in this hallowed Chamber with keen awareness that you are the source of supreme justice and profound love for all Your creatures. Your name is peace and not war. Your name is life and not genocide. We thank You for the privileges we enjoy in this land of liberty, where my own people of Armenian descent, together with many nationalities have found new dimensions of freedom and opportunity, peace and prosperity.

O God, who have called this Nation to a place of trust and responsibility throughout the world, we humbly ask that You bless this country, so that in turn it may be a blessing to the world. Grant that our ideals and aspirations may be in accordance with Your will.

Grant peace to all parts of the world. Fill the hearts of our leaders, the President, Senators, and Representatives of this Nation with Your Holy Spirit, so that in these times of crisis and tension they may speak with courage and act with compassion for the alleviation of suffering here and in other lands.

Direct and inspire their deliberations, that all things may be so ordered and settled by their endeavors that peace and happiness, truth and justice, beauty and love may be established firmly for all peoples. And may men and women everywhere bless and praise You. Now and forever.

Blessed is the name of the Father and of the Son and of the Holy Spirit. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate agreed to the following resolution:

S. RES. 375

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Honorable John M. Ashbrook, late a Representative from the State of Ohio.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses today, it recess as a further mark of respect to the memory of the deceased Representative.

The message also announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 83. Concurrent resolution relating to the patriation of the Canadian Constitution.

HIS EMINENCE ARCHBISHOP TORKOM MANOOGIAN

(Mr. PASHAYAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PASHAYAN. Mr. Speaker, it is with great pleasure and a personal honor for me to present our guest chaplain today, Archbishop Torkom Manoogian, primate of the Eastern Diocese of the Armenian Apostolic Church of North America.

His Eminence, Archbishop Manoogian, was born on February 16, 1919, in Baghdad, Iraq. His primary education was at the Seminary of the Armenian Patriarchate in Jerusalem. He graduated in 1931 and was ordained as a celibate priest from the seminary in 1939.

In 1947 he was named parish pastor at the Holy Trinity Armenian Church in Philadelphia and was elected to the diocesan council that year. In 1955 Archbishop Manoogian returned to Jerusalem where from 1957 through 1960 he was dean of the seminary he once attended as a student.

He returned to the United States in 1961 and in 1962 was consecrated as bishop by His Holiness Vasken I. Archbishop Manoogian was elected as primate on April 30, 1966, and has served in that capacity since then.

Again, it is with a great deal of pleasure and pride that I welcome Archbishop Manoogian to these Chambers as our guest chaplain. Later in today's session we shall be commemorating the 67th anniversary of the first genocide of the 20th century.

Mr. ANNUNZIO. Mr. Speaker, will the gentleman yield?

Mr. PASHAYAN. I yield to the gentleman from Illinois.

Mr. ANNUNZIO. Mr. Speaker, it gives me great pleasure to join my distinguished colleague, Hon. CHARLES PASHAYAN of California, in welcoming Archbishop Torkom Manoogian today.

On behalf of my constituents from the 11th Congressional District of Illinois, many of whom are of Armenian descent, I want to say how fitting it is that Archbishop Manoogian, primate of the Diocese of the Armenian Church of America, offered the opening prayer in the House of Representatives, for today we are also observing the 67th anniversary of the genocide in April 1915 by the Turks of almost 2 million Armenians.

The archbishop has held a number of extremely responsible positions within the Armenian Church, and has made a major contribution in collecting, arranging, and publishing the sacred music of the church. Additionally, he is a highly regarded author, scholar, theologian, and administrator.

As a distinguished church leader, he serves as the governing board and the executive committee of the National Council of the Churches of Christ in the U.S.A., and also is the secretary of the Board of Religion in American Life.

The Armenian Church has been instrumental in holding the Armenian people together and preserving their national identity despite centuries of invasion by more powerful neighboring countries. In that inspired tradition, Archbishop Manoogian is providing outstanding spiritual leadership for the Armenian people.

Mr. Speaker, I want to thank the archbishop for being with us and delivering the invocation today.

REPORT ON RESOLUTION DISAPPROVING DEFERRAL OF BUDGET AUTHORITY RELATING TO FOSSIL ENERGY RESEARCH AND DEVELOPMENT (DEFERRAL D82-236)

Mr. YATES, from the Committee on Appropriations, submitted a privileged report (Rept. No. 97-487) on the resolution (H. Res. 411) disapproving the deferral of budget authority relating to fossil energy research and development (deferral D82-236) which is proposed by the President in his message of March 18, 1982, transmitted under section 1013 of the Impoundment Control Act of 1974, which was referred to the Union Calendar and ordered to be printed.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

89-059 O-85-27 (Pt. 6)

MAKING IN ORDER CONSIDERATION OF HOUSE RESOLUTION 411, RECOMMENDING THAT THE HOUSE EXPRESS ITS DISAPPROVAL OF PROPOSED DEFERRAL D82-236, ON THURSDAY, APRIL 29, 1982, OR ANY DAY THEREAFTER

Mr. YATES. Mr. Speaker, I ask unanimous consent that it be in order on Thursday, April 29, 1982, or any day thereafter, to consider in the House the resolution (H. Res. 411) recommending that the House of Representatives express its disapproval of proposed deferral D82-236.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5998, ADDITIONAL AUTHORIZATIONS FOR INTERNATIONAL COMMUNICATION AGENCY, 1983

Mr. LONG of Louisiana, from the Committee on Rules, submitted a privileged report (Rept. No. 97-488) on the resolution (H. Res. 437) providing for the consideration of the bill (H.R. 5998) to provide additional authorizations of appropriations for the fiscal year 1983 for the International Communication Agency, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3208, RECLAMATION SAFETY OF DAMS ACT OF 1978 AMENDMENTS

Mr. LONG of Louisiana, from the Committee on Rules, submitted a privileged report (Rept. No. 97-489) on the resolution (H. Res. 438) providing for the consideration of the bill (H.R. 3208) to amend the Reclamation Safety of Dams Act of 1978, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3481, PRETRIAL SERVICES ACT OF 1981

Mr. LONG of Louisiana, from the Committee on Rules, submitted a privileged report (Rept. No. 97-490) on the resolution (H. Res. 439) providing for the consideration of the bill (H.R. 3481) to amend chapter 207 of title 18, United States Code, relating to pretrial services, which was referred to the House Calendar and ordered to be printed.

THE CPI—GOOD NEWS AND BAD NEWS

(Mr. RATCHFORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RATCHFORD. Mr. Speaker, the people of America found hope in the Consumer Price Index information released last week. But I certainly hope that Congress, and the administration, do not feel the economic battle is won.

In my part of Connecticut, we have some of the worst unemployment in years. One of my cities has 13 percent of its workers idle. And the unemployed of April 1982 are both factory workers and white collar workers.

Interest rates are still much too high in Connecticut, and home mortgages, where available, are much, much too expensive. The prevailing rate is now 17 percent. Businesses, big and small, are very, very cautious about their economic futures. Connecticut residents, from every walk of life, are concerned about their futures.

So let us go to work on the budget and America's economic problems. One consumer price report does not a recovery make.

INTRODUCTION OF HOWARD-BARNES DRUNK DRIVING BILL

(Mr. HOWARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOWARD. Mr. Speaker, today I am introducing, along with Congressman BARNES of Maryland and 14 other Members of the House, legislation to encourage States to develop comprehensive, anti-drunk-driving programs.

Drunk drivers are the cause of one of the Nation's most serious public health and safety problems. Drunk driving is now classified as an epidemic. The fatality statistics are shocking. Over the past 10 years, the number killed on our highways in motor vehicle crashes involving alcohol has averaged 25,000 per year. In 1980, over 650,000 people were injured in alcohol-related crashes.

The bill sets up an incentive program, using funds from the Federal highway trust fund, to encourage and facilitate the implementation of comprehensive, coordinated, community-based alcohol highway safety programs through the use of grants to the States. It is designed to reward those States and communities that take positive, effective action to deter drunk driving and to punish and rehabilitate the offender.

These comprehensive programs should: First, aim to deter the majority of drunk drivers who are never arrested; second, generate citizen support to provide a political base for increased enforcement and more stringent sanctions; third, place responsibility for management in the hands of local officials; fourth, coordinate all levels of government; fifth, aim at financial self-sufficiency; and sixth, use education programs to change the general public attitudes on drinking and driving.

The Howard-Barnes bill earmarks from existing funds in the highway trust fund $25 million in fiscal year 1983, $50 million in fiscal year 1984, and $50 million in fiscal year 1985 for the incentive grant program to be used as "seed money" to assist and reward those States taking effective steps toward establishing comprehensive and self-sufficient alcohol traffic safety programs. The money will be granted on a 25-percent State, 75-percent Federal match.

The bill is different from other proposals in that the States are rewarded as they take steps to combat drunk driving, not before. And, most important, it has won the support of a broad range of groups and individuals active in the drunk driving cause.

It has already won the endorsement of the National Safety Council, MADD (Mothers Against Drunk Driving); RID (Remove Intoxicated Drivers); and the National Association of Governors Highway Safety Representatives, among many other organizations, private and public.

□ 1215

AN ACADEMY OF PEACE AND CONFLICT RESOLUTION: WE NEED IT NOW

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, if ever there has been a time when we need to have the means to enhance our skills as peacemakers, it is now. After weeks of tough talk by the British and the Argentines and long hours of negotiations spearheaded by Secretary Haig, this past weekend saw the first instance of actual conflict in the South Atlantic. Just hours later, the Camp David accords came to fruition with the transfer of the Sinai from Israel to Egypt; that leaves us questioning where the peace process goes from here.

With the tensions that continue to develop in international relations and the weapons of annihilation that have been devised, there is a real and growing need to improve and assure widespread use of techniques to prevent tensions from turning into conflicts and to achieve peaceful resolution to conflicts where they break out. There is an option that can help see that that happens: we can and should establish an academy to promote techniques of peacemaking and conflict

resolution. Over 100 House Members and a majority of the Senate have cosponsored legislation to that end. Senate hearings have been held and markup is scheduled tomorrow.

There has been considerable attention paid to what we need to do to bolster our defense capabilities with literally billions of dollars funneled into building up our armaments. As we strive to retain our world leadership position, we need to remember that showing a commitment to and the skill for making peace will win us the respect of other nations. That will show that we can be more than a formidable enemy in war, that we can also be at the forefront of the charge for peace.

I hope we can move the authorization for the Academy of Peace and Conflict Resolution to enactment this year. We need it now.

SPECIAL ORDERS ON FARM PRICES IN AMERICA TO BE RESCHEDULED

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALEXANDER. Mr. Speaker, last week I announced that I and several of my colleagues would be taking special orders on tomorrow, April 28, to discuss the farm prices in America.

Because of the untimely death of our friend and colleague, Congressman JOHN ASHBROOK of Ohio, and in respect for his family, the special orders scheduled on Wednesday, April 28, the day of the services, are to be rescheduled for Tuesday, May 4, 1982.

Participating in the discussions is the chairman of the Agriculture Committee, the gentleman from Texas (Mr. DE LA GARZA), Mr. JONES of Tennessee, Mr. DASCHLE, Mr. BEDELL, Mr. WATKINS, and Mr. DORGAN of North Dakota, together with other farm leaders who will address the question of the farm prices in America.

NEW JOBS NOW

(Mr. FITHIAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FITHIAN. Mr. Speaker, in this quandry that we are tied up in it seems as though the only way the budget deficit is going to be addressed is either by cutting spending or increasing taxes. I wonder where the Republican Party and where the Democratic Party went when they forgot that you could also address that deficit seriously by putting Americans back to work, for over 750,000 workers, in Indiana, Ohio, Michigan, and Illinois, have now exhausted their unemployment benefits over the last 2 years.

These people do not need to hear that prosperity will come tomorrow. They have been waiting for tomorrow to come and it has not. They need jobs now.

It is high time that we take back tax money which is being wasted on wealthy oil companies and put it to work hiring Americans.

I am introducing a bill today, which I commend to the consideration of my colleagues, to do that very thing.

LEGISLATION TO PROTECT SOCIAL SECURITY TRUST FUND

(Mr. BONKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONKER. Mr. Speaker, today I am introducing legislation that would protect the social security trust funds from further budget politics and to improve the finance of the trust funds.

During the current budget stalemate we have heard a number of suggestions that social security cuts be somehow traded for concessions in other parts of the Federal budget. These suggestions are really inappropriate.

The trust funds should be separate. Any benefit cuts or revenue adjustments, especially in the long term, ought to be considered on the trust funds' own merits. In the current debate, it is possible that we will find ourselves in a position where we are taking money from social security in order to pay for more M-1 tanks or B-1 bombers.

My bill would prevent these kinds of choices by removing the social security trust funds from the unified budget.

Second, the legislation would correct a little known policy which has been an unwarranted drain upon the social security trust funds. Currently all uncashed social security checks revert to the general funds of the Treasury. My bill would allow these moneys to revert back to the trust funds after 1 year, saving the system an estimated $1 million over the next 4 years.

My bill is similar to that which has been introduced by Senator METZENBAUM from Ohio, and I would urge my colleagues to press for speedy action to return independence and integrity to the social security system.

SUGAR PROGRAM SHOULD BE REMOVED FROM AGRICULTURE BILL

(Mr. PEYSER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEYSER. Mr. Speaker, in the last day, we have learned that the administration is about to consider the imposing of quotas on the sugar program. In other words, instead of following the sugar program that they supported last year, they are now going to impose quotas. The net result of this will be that the American public will be ripped off to the tune of nearly $3 billion over the world price of sugar if this program goes through.

Mr. Speaker, I have entered into the House a bill calling for the removal of the sugar program from the agriculture bill. This Congress in its wisdom in the last several years has repeatedly voted to defeat this bill, but when it was put back in the whole farm bill in conference this year it passed by one vote.

So now, Mr. Speaker, with the American public faced with this tremendous charge on a sugar program that should not be in existence, maybe the Congress will act again and remove this sugar program.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE RESOLUTION 265

Mr. ROE. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of House Resolution 265, a resolution relating to the management of U.S. assets.

The SPEAKER pro tempore (Mr. FITHIAN). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

JOHN MILAN ASHBROOK

(Mr. RUDD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RUDD. Mr. Speaker, it is with great sadness, yet equally enormous admiration, that we pay tribute to our colleague JOHN M. ASHBROOK, who passed away last weekend.

Since he was first elected to this body 22 years ago, JOHN an outstanding parliamentarian demonstrated the kind of spirited leadership on a wide range of issues that left him recognized as one of the standard bearers of a philosophy shared by many of us.

He was one of the founders of the American Conservative Union. He was a chairman of the Young Americans for Freedom. He was a newspaper publisher. He served in a number of leadership roles in individual rights and freedom advocacy organizations. And he served our Nation as an outspoken patriot who was a strong believer in the paramount values of our free and open system in America.

One biographer called JOHN "big (over 6 feet) and handsome, a sandy-haired man * * * who lives and works with an intensity to make the average man breathless."

I remember JOHN M. ASHBROOK as a man who stood tall for the principles which he strongly endorsed, one who called the shots as he plainly and honestly saw them. As a fellow conserva-

tive and associate of JOHN, I know that I will miss his always activated presence, his forthrightness, and the integrity and livelihood he added to the conservative movement in our Nation.

My deepest sympathies are extended to Jean, his good wife, his family, his many friends and followers.

THE FALKLAND CRISIS: NOT OUR BUSINESS

(Mr. PAUL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAUL. Mr. Speaker, in the Falkland Islands, America's foreign policy has once again gotten tangled in its own conflicting commitments. The NATO alliance commits us to the defense of Great Britain, and the Rio Treaty commits us to defending Argentina. These treaty commitments demonstrate so clearly how entangling alliances work to the detriment of the people of the United States. Fulfilling treaty obligations becomes impossible and the prime responsibility of defending our people becomes secondary to foreign involvements.

Thanks to NATO, we spend well over $100 billion per year subsidizing the defenses of wealthy Europeans. Our relations with Argentina have been more restrained, but we have still managed to help them finance the purchase of $200 million in military hardware over the last 30 years. The Argentine submarine disabled off South Georgia is American, and their only aircraft carrier is also American.

I have spoken to the people in my district. They say: "stay out of this conflict, it's none of our business." But there are those in the State Department who have suggested setting up a Sinai-type U.S. peacekeeping force. This would be sheer folly, putting American boys between two warring factions, both using our weapons, is a sure-fire way of getting some of them killed, and of guaranteeing an ongoing, costly, foreign commitment.

It is time we scrapped the foreign policy of treaties and interventionism, and began concentrating on the sorry state of our own defenses.

Our foreign policy should be that of nonintervention and armed neutrality. Grover Cleveland understood this when he said:

> It is the policy of peace suitable to our interests. It is the policy of neutrality, rejecting any share in foreign brawls and ambitions on other continents, and repelling their intrusion here. It is the policy of Monroe and of Washington and Jefferson: Peace, commerce, and honest friendship with all nations; entangling alliances with none.

AMERICA'S TELEPHONE SYSTEM IN JEOPARDY

(Mr. JOHNSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSTON. Mr. Speaker, a few days ago I was privileged to be in Hong Kong on a trade mission and had lunch with Ernie Pereira, the managing editor of the Hong Kong Standard. Ernie had been a congressional fellow back in the 1960's and we discussed America and his travels around this great country.

On his own he volunteered this remark. He said:

> You know, the greatest thing about America is you can stop in any phone booth and call the world.

Well, I told Ernie that the Justice Department and the Congress of the United States were in the process of dismembering this great telephone system, and he reacted with disbelief.

I think the American people ought to be aware that the reliability and low cost of their telephone system is in jeopardy and this great system is now in the hands of the same body that brought us the Susan B. Anthony dollar.

FALKLAND ISLANDS

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, now that hostilities have broken out over the Falkland Islands dispute, the time is fast approaching for the United States to come down full square behind Great Britain. I draw this conclusion not because Britain is our closest ally, although she is; and not because the Argentinian Government is a military dictatorship notorious for its human rights violations, though it is; but because the world must know that the United States does not condone the use of military aggression to resolve territorial disputes. Argentina's actions in militarily invading the Falkland Islands, despite a vote of the Falklanders to remain under British control, are in direct violation of the United Nations Charter. The Security Council has ordered Argentina to remove its troops. Argentina has refused to do so.

In view of our longstanding support for democratic principles and the peaceful resolution of international disputes, we have no choice but to fully support Great Britain.

CONGRESS SHOULD REPEAL BACK-DOOR PAY RAISE

(Mr. GREGG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREGG. Mr. Speaker, the back-door pay raise which this Congress gave itself last year and which it took advantage of on April 15 was truly an act which flies in the face of the American people.

It is an act which allows a tax deduction of up to $20,000 to Members of Congress through the use of a $75 per diem.

The American people have asked this Congress to lead it out of an economic crisis. In response to that request, the Congress, rather than tightening its belt as an example to the American people, has taken this action of largesse on its own part.

As to my position, I believe that we must repeal that tax deduction. We must repeal this back-door pay raise. For this reason, I have sponsored two bills to repeal this tax deduction.

Further, I did not take advantage of this tax deduction on my tax return.

□ 1230

CHANGES IN THE CLEAN AIR ACT

(Mr. WEBER of Ohio asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. WEBER of Ohio. Mr. Speaker, all of us want clean air, and all of us will soon be called upon to take a position on changes in the Clean Air Act. Writing a lot of changes in the legislation for enforced cleanup of the air we breathe raises a great many tough questions such as: How clean should we require the air to be? How long should we give people to comply with the law, and at what cost to the consumer who ultimately has to pay the bill? And at what cost to jobs if a factory cannot be built or a plant cannot be expanded because of the cost of the clean air requirement? And finally, what benefit or improvement in the health of Americans can we expect from the changes in the law?

Mr. Speaker, these are not easy questions, and I am looking forward to the answers from the proponents and the opponents of the legislation that will be coming before us.

HELP FOR THE HOUSING INDUSTRY

(Mr. EVANS of Delaware asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. EVANS of Delaware. Mr. Speaker, one of the hardest hit industries in this recession is housing. It permeates our entire economy, and it affects small business people all over America. We in this body have a responsibility to assist housing, home buyers, small business people, the forest products industry, realtors, and so many, many

other people all over America who are affected by housing.

My colleague, the gentleman from Illinois (Mr. CORCORAN) and I had a proposal to provide immediate assistance before the Easter recess. Our plan was to transfer some of the funds that are set aside for the Synfuels Corporation which benefit major oil companies and multinational corporations—and the last time I took a look at their profits, they were not in need of assistance from the American taxpayer—and transfer some of those funds to help people buy homes. We intended to offer this measure as an amendment to the urgent supplemental appropriations bill. However, it was repeatedly pulled from the legislative schedule.

Our proposal is the only approach that will give an immediate stimulus to housing. Anything else is going to take until next year, and help in 1983 may be too little, too late.

Mr. Speaker, we need to act now. We need to give the Members of this body an opportunity to choose between subsidizing major oil companies, and helping Americans buy homes.

HOUSING AND THE URGENT SUPPLEMENTAL APPROPRIATIONS BILL

(Mr. GINGRICH asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, I want to commend the gentleman from Delaware (Mr. EVANS) and the gentleman from Illinois (Mr. CORCORAN) who have offered an amendment which would in fact allow thousands of Americans to buy houses which would help one of our most depressed sectors of the economy.

I think it is ironic that the amendment that was to be offered before Easter was to what was called the urgent supplemental appropriations bill.

It is a sign that when the leadership cannot pass a bill it suddenly ceases to be urgent.

It is clear that the people of this country prefer to spend money on housing rather than synthetic fuels, that they prefer to help young couples who are trying to buy their first house rather than large oil companies.

Mr. Speaker, I think the Evans-Corcoran amendment would be very helpful, and I think it is urgent that we consider it. I think the membership of the House should call upon the leadership to bring the so-called urgent supplemental appropriations bill back to the floor.

A TRIBUTE TO THE LATE HONORABLE JOHN ASHBROOK

(Mr. LUNGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUNGREN. Mr. Speaker, the sudden death of our colleague, JOHN ASHBROOK, came as a great shock to many of us who have worked with him and known him over the years.

The sadness that we feel is a measure of the great respect that this man has earned from us. It is the kind of respect that is spawned of the courage to stand up for principle—that, more than anything was the hallmark of his career. The courage to stand up and challenge a popular incumbent President with the sole intent of getting his message of principle across to the people of this country.

It is the kind of respect that is spawned of the ceaseless energy that he showed in his work on the House floor. JOHN ASHBROOK innovated and popularized many of the parliamentary activities that are employed today.

It is the kind of respect that is due to a man of the buoyant good nature that he so often displayed.

JOHN ASHBROOK was a pioneer of the conservative movement. In the wake of the overwhelming repudiation of his party's Presidential candidate in 1964, he did not give up hope or change his course. Rather, he forged onward as the organizer and founding chairman of the American Conservative Union.

"I have never felt that I had to go along with anything," he once said, "and getting along is not important to me."

It is seldom that this Chamber is graced with the presence of so principled and dynamic a man as JOHN ASHBROOK. He will be missed.

APPOINTMENT OF MEMBERS TO ATTEND THE FUNERAL OF THE LATE HONORABLE JOHN M. ASHBROOK

The SPEAKER pro tempore (Mr. FITHIAN). Pursuant to House Resolution 436, the Chair, on behalf of the Speaker, appoints as members of the Funeral Committee of the late JOHN M. ASHBROOK the following Members on the part of the House:

Mr. LATTA of Ohio;
Mr. MICHEL of Illinois;
Mr. STANTON of Ohio;
Mr. BROWN of Ohio;
Mr. MILLER of Ohio;
Mr. WYLIE of Ohio;
Mr. STOKES of Ohio;
Mr. SEIBERLING of Ohio;
Mr. REGULA of Ohio;
Mr. GRADISON of Ohio;
Mr. KINDNESS of Ohio;
Mr. MOTTL of Ohio;
Mr. LUKEN of Ohio;
Mr. APPLEGATE of Ohio;
Ms. OAKAR of Ohio;
Mr. PEASE of Ohio;
Mr. HALL of Ohio;
Mr. WILLIAMS of Ohio;
Mr. ECKART of Ohio;
Mr. MCEWEN of Ohio;
Mr. SHAMANSKY of Ohio;
Mr. WEBER of Ohio;
Mr. OXLEY of Ohio;
Mr. PERKINS of Kentucky;
Mr. BOLAND of Massachusetts;
Mr. ERLENBORN of Illinois;
Mr. FORD of Michigan;
Mr. PHILIP M. CRANE of Illinois;
Mr. ROUSSELOT of California;
Mr. HILLIS of Indiana;
Mr. KEMP of New York;
Mr. YOUNG of Florida;
Mr. GILMAN of New York;
Mr. MARTIN of North Carolina;
Mr. TAYLOR of Missouri;
Mr. GOODLING of Pennsylvania;
Mr. JEFFORDS of Vermont;
Mr. MCDONALD of Georgia;
Mr. SIMON of Illinois;
Mr. COLEMAN of Missouri;
Mr. STUMP of Arizona;
Mr. ERDAHL of Minnesota;
Mr. LEWIS of California;
Mr. LUNGREN of California;
Mr. ROTH of Wisconsin;
Mr. SENSENBRENNER of Wisconsin;
Mr. SHUMWAY of California;
Mr. PETRI of Wisconsin;
Mr. BAILEY of Missouri;
Mr. CRAIG of Idaho;
Mr. DAUB of Nebraska;
Mr. EMERSON of Missouri; and
Mr. JOHNSTON of North Carolina.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken today after debate has been concluded on all motions to suspend the rules.

FINANCIAL INSTITUTION ALLOTMENT FEES AMENDMENTS

Ms. OAKAR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4703) to amend section 3620 of the Revised Statutes with respect to payroll deductions for Federal employees, as amended.

The Clerk read as follows:

H.R. 4703

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3620(b)(1) of the Revised Statutes (31 U.S.C. 492(b)(1)) is amended by striking out "*: Provided,*" and all that follows thereafter and inserting in lieu thereof ". The agency shall make this service available without cost to the employee or financial organization involved.".

SEC. 2. The amendment made by the first section of this Act shall take effect on October 1, 1982.

The SPEAKER pro tempore. Is a second demanded?

Mr. WYLIE. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentlewoman from Ohio (Ms. OAKAR) will be recognized for 20 minutes, and the gentleman from Ohio (Mr. WYLIE) will be recognized for 20 minutes.

● Mr. ST GERMAIN. Mr. Speaker, today we have an opportunity not only to pass legislation that would promote savings and thrift, but would also correct an inequity regarding Federal civilian employee payroll deduction allotments that has existed for far too long. As introduced by our distinguished colleague, the gentlelady from Ohio (Ms. OAKAR), H.R. 4703 would amend existing law by requiring the Government to provide savings deduction allotments under the savings allotment program without charging the employee or his recipient financial institution a service fee to cover the administrative costs in processing savings allotment checks. No such fee is charged to our military personnel or to those civilian employees working overseas, or to their respective financial institution. Only the Federal civilian employee and his financial institution suffer from this discrimination. H.R. 4703 corrects this inequity by eliminating these fees and requiring the Government to absorb these costs.

The timing for consideration of this legislation is appropriate, indeed. On May 31 of this year, a Treasury Department rule doubling the service charges for allotments of pay to savings accounts of Federal civilian employees will become effective. It is certain to have a negative impact on Federal employee morale and will also adversely impact on financial institutions, many of which—as we all know—are experiencing some difficulty during these taxing times.

The gentlelady from Ohio is to be commended for her leadership and diligence in bringing this timely matter to our attention.

Mr. Speaker, H.R. 4703 was jointly referred to the Committee on Post Office and Civil Service and the Committee on Banking, Finance and Urban Affairs. The former promptly reported out this legislation by a voice vote with an amendment on February 4, 1982—and last Thursday, the Banking Committee followed suit and unanimously reported out by voice vote this bill with two amendments.

Mr. Speaker, allotments encourage savings; and personal savings provide reserves for unexpected contingencies allowing an individual to weather financial crises without having to resort to a financial embarrassment or perhaps even bankruptcy. Also, payroll allotments advance our efforts to create capital for investment—the failure of which is of national concern. Moreover, the private sector has provided allotment privileges without cost to the employees or their financial institutions as a fringe benefit to their employees. It is time that the Federal Government do likewise.

Mr. Speaker, the loss of revenue to the Treasury upon enactment of this legislation would be minimal. The Department of Treasury received $2.1 million in fees in fiscal year 1981 and even with a projected 12-percent growth rate per year, the loss of revenue to the Treasury under the current fee schedule would not be substantial. Of course, doubling the current fees would double the loss of revenue to Treasury. However, doubling the fees is unwarranted and unjustified.

Mr. Speaker, this bill has support on both sides of the aisle and I urge its passage.●

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Ohio (Ms. OAKAR).

Ms. OAKAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4703 was jointly referred to the Committee on Post Office and Civil Service and the Committee on Banking, Finance and Urban Affairs. On March 10, 1982, the Post Office Committee unanimously reported out H.R. 4703 with an amendment, and last Thursday, April 22, the Banking Committee, unanimously passed the bill with two amendments. I will come back to these specific amendments shortly.

Mr. Speaker, H.R. 4703 would amend section 3620 of the Revised Statutes regarding payroll deductions for Federal civilian employees in one respect. It would require the Federal Government to absorb the administrative costs incurred in processing Federal civilian employees allotment checks under the Federal employees savings allotment program. Under current law, the Federal civilian employee is allowed up to three payroll deductions for deposit to one's financial institution for credit to a checking or savings account. The Government will absorb the administrative costs of processing only one of the three payroll allotment checks and will charge the employee's financial organization the cost for processing the other two. His or her counterpart in the military or colleague working overseas, or their respective financial institutions, do not have to pay these service charges. This is totally inequitable and must be corrected. Frankly, it defies logic to try to defend a Government policy—which supposedly encourages savings and thrift, but penalizes Federal employees for doing the very thing this Government has encouraged them to do—to save.

Mr. Speaker, how ironic it is that we in the Congress, on the one hand, enact legislation such as the all-savers, individual retirement accounts, and other provisions of the Economic Recovery Tax Act of 1981, to encourage savings, and yet, on the other hand, we impose an impediment on our loyal Federal employees who want to save by requiring the Federal Government to charge the employee or the designated financial institution the cost of processing the savings allotment. It simply does not make any sense and H.R. 4703 corrects this inequity.

Although military allotments were first established in the 1800's allotments for Federal civilian employees were not permitted until 1961. These allotments were limited to labor dues, charitable contributions, and taxes—at no charge to the employee. The program was expanded in 1965 by allowing Federal employees to have allotments sent to financial institutions, but it did not require the Government to impose fees for these services. It was not until 1968 that charges for sending allotments to designated institutions were imposed. Over the years payroll deductions have proved to be an effective and efficient means of encouraging savings for all citizens. It is a sure method by which they can contribute to an overall improvement in our economy, help stall inflation, and play a positive role in bringing down the exhorbitant rates of interest we suffer from today. Congress should do all it possibly can to encourage thrift and savings. It is for this reason that H.R. 4703, as amended, is extremely timely and on target. There is no doubt that the benefits to our economy as a whole as provided by this legislation will far outweigh any additional costs to the Government—which are minimal.

In fiscal year 1981 the Treasury Department received $2.1 million in revenue from service charges imposed under the savings allotment program. That figure will increase slightly due to a projected 12-percent growth in the program. However, a Treasury rule which becomes effective on May 31, of this year would double the fees charged for processing savings allotment checks. Specifically, Treasury has proposed to increase its fees to cover the administrative costs of processing only civilian employee savings allotment checks from 6 to 12 cents for each individual payroll deduction and from 12 to 27 cents for each check sent to a financial institution. That assessment not only fails to adhere to basic cost accounting principles, it also fails to take into consideration the technological advances that have been and are continuing to be made since service fees under the savings allot-

ment program were first imposed in 1968. Moreover, testimony received by the Banking Committee indicates that while it costs the Department of the Treasury about 5 cents to produce a paper check, it costs only about 2 cents to produce an electronic payment. Given this potential savings, the Department of Treasury should be encouraged to move expeditiously to provide electronic direct deposit to the payroll allotment program. H.R. 4703 provides that impetus and encouragement. Let us not forget that encouragement of savings and rebuilding of our Nation's capital investment be a high priority.

Mr. Speaker, doubling the service fees to financial organizations, poses a substantial economic burden on some institutions. Testimony received by both committees indicate that implementation of the new fee schedule would force these institutions to reexamine their participation in the savings allotment program. A decision not to further participate would be most unfortunate for the Government as well as the Federal employee. We must not allow this to happen.

Mr. Speaker, both the Post Office and Banking Committee-amended H.R. 4703 would have removed the ceiling on the number of deductions allowed—currently three—under the savings allotment program. The Department of Treasury felt that unlimited allotments would require Federal agencies to completely redesign its payroll system at great cost to the Government. While I have some misgivings about the accuracy of their concern, I, nevertheless, agreed to offer an amendment in both committees to restore to three, the present limit on the number of allotments a Federal employee could authorize.

The second amendment which was adopted by the Banking Committee designates October 1, 1982, as the effective date of this legislation and was offered to comply with pertinent provisions of the Budget Act.

Mr. Speaker, H.R. 4703 as amended, benefits both the employee and the Government. I am convinced that repealing the service fee would encourage greater personal savings, would effectively remove funds from the direct spending stream thereby helping to reduce inflationary pressures and finally, would bring the Government into step with the private sector employer, who, as a rule, does not charge for processing allotments, but considers this service an employee benefit.

Mr. Speaker, I am deeply grateful to the chairman of the Post Office and Civil Service Committee, Mr. FORD, and the chairman of the Banking Committee, Mr. ST GERMAIN, for their support of H.R. 4703 and I also wish to thank my distinguished colleague from Maryland, Mr. HOYER, who serves with me on both the Compensation and Employee Benefits Subcommittee and the Financial Institutions Subcommittee, for his valued participation.

Mr. Speaker, I urge my colleagues to join me in support of this legislation.

Mr. Speaker, I now yield to my friend, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I appreciate the gentlewoman's yielding to me, and I appreciate her kind remarks. I also want to add that her leadership, both as a member of the Committee on Post Office and Civil Service and as chairman of the Compensation Benefits Subcommittee and as a member of the Committee on Banking, Finance and Urban Affairs, I think, has been instrumental in the bringing of this legislation to the floor. I think she has shown outstanding leadership and understanding of a critical issue.

Mr. Speaker, there is widespread bipartisan agreement in this Nation that we must develop economic policies which encourage individual savings. This past year the Congress enacted several measures to accomplish this goal—the new access to individual retirement accounts and the all-savers certificates, which are just two new provisions encouraging savings. Along with these substantive savings enticements are technical measures to make it easier for an individual to place his or her money in a financial institution for savings purposes. The payroll deduction has always been an effective measure to facilitate transfers from one's paycheck to one's savings account. In short, payroll deductions are the very basis of a systematic savings program.

Unlike the payroll deduction programs found in most private industries, Mr. Speaker, the Federal Government, as has been pointed out by the distinguished Chair, the Federal Government levies a handling fee for payroll transferrals. While the Treasury picks up very little revenue from these payroll allotment charges, the cost to the Federal employees and their financial institutions is becoming enough of a burden that it poses, in my opinion and in the opinion of most who testified and in the opinion of the Treasury and Justice, a clear threat to the goals of payroll deductions.

Mr. Speaker, I believe this is a significant effective step that we can take on behalf of savings in this Nation and on behalf of our Federal employees. It was pointed out in a letter from the Secretary of HHS, a letter dated March 1982 that the systems now fostered by the Federal Government, as has also been pointed out by the Chair, are not equitable.

□ 1245

Different employees are treated differently. This bill will bring into line, it seems to me, the treatment of all Federal employees by their Government and will foster the savings that we wish to see effected in this country.

Again, Mr. Speaker, I want to congratulate the Chair on the outstanding leadership she has shown to bring H.R. 4703 to the floor this soon. I urge its adoption by the House.

Ms. OAKAR. Mr. Speaker, I thank the gentleman, and I also would like to express my gratitude to the acting minority leader of the Committee on Banking, Finance and Urban Affairs, who has been so supportive.

Mr. WYLIE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4703. The driving force behind this bill is the desire to relieve credit unions from having to bear the cost to the Treasury of pay allotments for Federal civilian employees other than military and civilian Defense Department personnel. The Department of Defense has been absorbing the cost of allotments for its employees, and it is argued that other Federal civilian employees should have the same benefit. It is my belief that it is fairer to provide allotment services free to Federal civilian employees than to force credit unions to bear the cost, and it is for this reason that I support this bill and urge my colleagues to do so.

Many of my colleagues are undoubtedly aware that the administration opposes this bill, but it has not worked actively against the legislation. It is my understanding that there are two principal reasons for this opposition. First, the bill will cost an average of about $6.8 million per year during fiscal years 1983 through 1987. The actual figures are provided on page 4 of the report. Second, the bill violates the "user fee" principle, that those who benefit from the provision of Government services should pay for them, where a benefit is conferred on an identifiable individual or class.

While I agree in general with the "user fee" principle, I believe it is highly debatable whether the credit union is the beneficiary in the case of pay allotments. It is at least possible that the principal beneficiary is the individual employee, and it is the individual employee, not the credit union, who determines when allotments are made. Unfortunately, Treasury regulations require that the credit union which participates in the allotment program must agree to absorb the fees.

I note on page 7 of the report a statement in the supplemental views by the Republican members of the Post Office Committee.

That the Treasury is reviewing a legislative proposal to establish an electronic funds transfer (EFT) system for Federal payrolls. This would, of course, eliminate the printing of checks, resulting in considerable savings. Such a system would obviate any need for a user fee system.

I look forward to the time when the costs of the allotment program will be reduced to an absolute minimum. In the meantime, I would advise my colleagues that this is not a perfect bill, but in the absence of active opposition from the administration, it is probably the fairest treatment we can achieve for all the parties involved.

Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Speaker, I rise in support of H.R. 4703, as amended. This bill will eliminate the fees charged to financial institutions for payroll deduction allotments under the savings allotment plan for Federal employees.

By doing so, Federal civilian employees would be treated the same as members of the military, overseas civilian employees, and most private sector employees.

Under the current payroll allotment system, a civilian Federal employee is allowed one payroll allotment free of charge, but a service fee is imposed on financial institutions for allotments beyond the first free one.

The Department of the Treasury opposes this bill because enactment would result in a loss of revenues approximating $2.1 million for fiscal year 1982. While this certainly must be considered in light of the budget situation, I think the benefits of encouraging Federal employees to save and the added tax revenues which would accrue to the Federal Government from enactment outweigh the objections.

Mr. Speaker, at a time when financial institutions are experiencing great problems, this bill will add a measure of relief. I urge enactment.

Mr. WYLIE. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. WEBER).

Mr. WEBER of Ohio. Mr. Speaker, I thank the gentleman for yielding, and I rise in support of this legislation. I wish to extend my compliments to my colleague, the gentlewoman from Ohio, for the introduction of this legislation.

Mr. Speaker, we do need to encourage savings in the United States of America for the reasons that have already been expressed and which are obvious to all of us. An allotment fee charged back to the Federal employee, however small, is, nevertheless, going to act as a deterrent to the savings objectives that we all share and should be pushing for.

My second reason for wanting to support this legislation is that we need to correct the inequities, as they may be, in the treatment of our Federal employees. When one group or body of Federal employees see an advantage which is conferred on other employees, as we have as to the military and to the Department of Defense civilian employees, it is discouraging and demoralizing to those Federal employees who do not enjoy the same equal treatment. This bill will eliminate that difference in treatment and, therefore, it is another excellent reason for us to support this legislation.

And, lastly, the cost to the Treasury is not large. In fact, it is small in relation to the goals and objectives which I believe will be achieved by this bill as an encouragement and an additional incentive to the growth of savings in the United States.

Mr. BUTLER. Mr. Speaker, will the gentleman yield, so that I may inquire as to the cost of this legislation in dollars?

Mr. WYLIE. Mr. Speaker, I yield to the gentleman from Virginia (Mr. BUTLER) for the purpose of an inquiry.

Mr. BUTLER. I thank the gentleman for yielding.

Mr. Speaker, I ask the gentleman from Ohio if he could advise us as to what actually is the cost of this legislation. I know it is minimal, as all legislation is. I remember they told us that about food stamps first.

Can the gentleman tell us what the cost actually is of this legislation?

Mr. WYLIE. Mr. Speaker, the estimated cost appears on page 4 of the report, and for fiscal year 1982—I guess that is not on there—it is approximately $2 million. It would be approximately $5.4 million for fiscal year 1983.

Mr. BUTLER. I thank the gentleman. Is fiscal year 1983 the year we are trying so hard to hold down the deficit?

Mr. WYLIE. Well, I am trying very hard to hold down the deficit, and I would suggest that the gentleman will join in that effort.

Mr. BUTLER. It seems to me that an appropriate way to join in that effort would be to resist this expenditure of some $5 million in 1983.

Mr. WYLIE. Well, may I suggest to the gentleman that I, too, would be inclined to resist any expenditures that are unwarranted and can be avoided. As I explained earlier, military personnel and civilian employees with the Defense Department do now receive this benefit, and I think it is only fair that other civilian employees of the Federal Government receive the same benefit. But at the same time we are studying a proposition which would provide for electronic fund transfers, and we hope that that will eliminate nearly all of the cost and obviate the need for a user fee. Meanwhile, as I said, I would hope that the gentleman would support this legislation, as I think it is a benefit to the employees rather than to the credit unions who must now bear the cost.

As I have stated, I do not believe that this bill represents a perfect solution to the problem of how to allocate the cost of the allotment program to the beneficiaries of that program. Unfortunately, policies of the Defense and Treasury Departments stand in the way of a perfect solution. New technology provides a means to reduce the cost of payroll allotments, and I hope that Treasury will move quickly to implement this technology. In the meantime, this bill may be the most practical temporary solution, although admittedly it is an unsatisfactory one to those of us who are reluctant to accept even the small cost to the Treasury of about $6 million per year.

Ms. OAKAR. Mr. Speaker, will the gentleman yield on that point?

Mr. WYLIE. I yield to the gentlewoman from Ohio.

Ms. OAKAR. I thank the gentleman for yielding.

Mr. Speaker, it is not exactly a cost. It is a potential reduction in revenue. But our subcommittee estimates that the potential of savings—and I wanted to address this to the gentleman from Virginia, who raised the issue, because I think this is perhaps one of the major points—the potential taxes on potential interest, through the encouragement of those Federal employees who are discriminated against currently, would, our committee feels, offset the so-called reduction in revenue to the Treasury.

In other words, the Treasury would be added to because of our legislation, because more Federal employees would be then encouraged to save, particularly those who are smaller savers who deal with smaller credit unions and smaller S&L's and smaller independent banks.

So we do not really feel, in essence, that there will be a reduction in revenue because of the increase in savings.

Mr. WYLIE. I thank the gentlewoman again for her fair analysis of the cost here. I say "fair analysis," because the Treasury only estimates the loss in revenue, that is true, and it appears that the loss will be relatively small in the short run and minimal in the long run. There is a legitimate argument that some of that loss of revenue will be offset with depositors to these credit institutions. So there is some argument there. The figure I gave is the estimate provided by the Congressional Budget Office based on "loss of proprietary receipts to the Government," as stated in the report.

Mr. WEBER of Ohio. Mr. Speaker, will the gentleman yield?

Mr. WYLIE. I yield to the gentleman from Ohio.

Mr. WEBER of Ohio. I thank the gentleman for yielding.

Mr. Speaker, on this question of the Federal deficit, I am as committed as most of the people are in this body, to reducing the Federal deficit in every possible way, because the Federal deficit is driving up the interest rates of this country as we crowd out private borrowing.

It seems to me that the legislation that we have under consideration today will also drive down interest rates because it encourages an increase in the pool of lendable funds. As savings increase, we have every reason to believe that interest rates are going to go down, and the impact on interest rates is my principal objection to the Federal deficit.

□ 1300

Therefore, these forces are all working together, just as the gentleman has already pointed out. As we increase savings, we reduce the upward pressure on interest rates, and although the Federal deficit is an important consideration, the increase and encouragement in savings is just as important, just as vital, it seems to me, in our war on the high interest rates that are discouraging economic recovery.

Mr. WYLIE. I thank the gentleman for his excellent statement and cogent observation. I do think it is arguable as to what the actual loss in revenue might be, and as I indicated earlier, this is only an estimated loss, but for purposes of answering my friend from Virginia I gave the estimate as given to us by the Congressional Budget Office, based upon revenue lost to the Treasury, the estimate which is included in the report.

Ms. OAKAR. Mr. Speaker, I certainly want to urge my colleagues to adopt this legislation to give a fair shake to Federal employees. I have no further requests for time, and I yield back the balance of my time.

Mr. WYLIE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Ohio (Ms. OAKAR) that the House suspend the rules and pass the bill, H.R. 4703, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Ms. OAKAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4703, as amended, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

CLAYTON ACT AMENDMENTS

Mr. RODINO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5106) to amend the Clayton Act to modify the amount of damages payable to foreign states and instrumentalities of foreign states which sue for violations of the antitrust laws, as amended.

The Clerk read as follows:

H.R. 5106

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 of the Clayton Act (15 U.S.C. 15) is amended—

(1) by striking out "That" and inserting in lieu thereof "(a) Except as provided in subsection (b)," and

(2) by adding at the end thereof the following new subsections:

"(b)(1) Except as provided in paragraph (2), any person who is a foreign state may not recover under subsection (a) an amount in excess of the actual damages sustained by it and the cost of suit, including a reasonable attorney's fee.

"(2) Paragraph (1) shall not apply to a foreign state if—

"(A) such foreign state would be denied, under section 1605(a)(2) of title 28 of the United States Code, immunity in a case in which the action is based upon a commercial activity, or an act, that is the subject matter of its claim under this section;

"(B) such foreign state waives all defenses based upon or arising out of its status as a foreign state, to any claim brought against it in the same action;

"(C) such foreign state engages primarily in commercial activities, and

"(D) such foreign state does not function, with respect to the commercial activity, or the act, that is the subject matter of its claim under this section as a procurement entity for itself or for another foreign state.

"(c) For purposes of this section—

"(1) the term 'commercial activity' shall have the meaning given it in section 1603(d) of title 28, United States Code; and

"(2) the term 'foreign state' shall have the meaning given it in section 1603(a) of title 28, United States Code".

The SPEAKER pro tempore. Is a second demanded?

Mr. McCLORY. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from New Jersey (Mr. RODINO) will be recognized for 20 minutes, and the gentleman from Illinois (Mr. McCLORY) will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. RODINO).

Mr. RODINO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to speak in support of H.R. 5106, a bill, which, if enacted into law, would limit to actual damages a foreign sovereign's recovery under the antitrust laws of the United States. This change will remove an anomaly in our law that permits recovery of treble damages by a foreign sovereign when the United States is limited to actual damages.

When Congress passed the antitrust laws, it chose to afford injured persons threefold damage relief. The trebling of damages serves to deter antitrust violations. It also provides incentive beyond compensation for private enforcement actions.

When the United States sought relief under the private treble damage remedy, the Supreme Court rebuffed its attempt, ruling that it was not a person who could maintain a treble damage suit. Subsequently, Congress amended the Clayton Act to permit the United States to recover actual damages.

In 1978, however, the Supreme Court, in Pfizer, Inc. against Government of India, concluded that a foreign sovereign was a person who could recover treble damages under section 4 of the Clayton Act. Faced with a choice between denying all redress to a foreign sovereign and granting full treble damages, the Court, relying on the importance of antitrust enforcement, ruled that foreign sovereigns were entitled to full treble damages. In dissent, Chief Justice Burger articulated a profound criticism of the majority holding—that a foreign government would now have greater rights to recover damages than the United States. H.R. 5106 responds to this criticism by limiting a foreign government to single damages, the same base amount available to the United States.

I now turn to the specifics of the bill. H.R. 5106 derives from H.R. 2812, which was introduced by my distinguished colleague, Mr. BUTLER. In the course of subcommittee and committee consideration of H.R. 2812, two key changes were made in response to testimony and submissions by the administration. First, the committee eliminated the requirements that the foreign state have and enforce laws that prohibit the practice that formed the basis of the foreign state's claim under the U.S. laws and that the United States be able to recover for a violation of the foreign law. The Department of State and the Department of Justice raised serious questions about whether these reciprocity requirements were workable. In addition, if the barriers to recovery of actual damages become too formidable, many prospective plaintiffs would not be able to recover any damages and companies who deal principally with foreign governments might find it in their best interests to violate the antitrust laws. Finally, adoption of such a reciprocity requirement might appear unduly protectionist and might prompt other nations to impose similar conditions on American access to their courts.

The second change from H.R. 2812, again based on administration testimony, explicitly preserves the ability of foreign commercial enterprises that may be government owned to recover treble damages. As the committee

report notes, if two foreign firms are in competition with one another and are victimized by an antitrust violation, it makes no sense to discriminate against one because it is state owned. In order to recover treble damages, however, the commercial entity must meet four tests. First, it must not be able to claim sovereign immunity for its activities in the transaction underlying its claim. Second, it must waive substantive defenses based on its relationship to a sovereign to any claim in the same action. Third, the bill requires that the entity be primarily commercial. Finally, it requires that the entity not be functioning as a procurement agency for a foreign nation.

As to the second requirement for a commercial entity to recover treble damages, H.R. 5106, as reported, required only a waiver with respect to cross claims and counterclaims, and thus no waiver would be required if the defense were asserted to the original claim in the action. The intent of the committee was to require a complete waiver of substantive sovereign defenses to any claim, so that there would be a mutuality of litigation risk in the action. The suspension version I am offering includes a clarifying amendment reflecting this intent.

H.R. 5106 has bipartisan, indeed unanimous, support of the members of the Committee on the Judiciary. It steers an appropriate middle course between denying all recovery, and granting a treble-damages recovery. I urge the Members to support this bill.

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Speaker, I am pleased today to rise in support of H.R. 5106. When the Supreme Court decided Pfizer, Inc., against Government of India, it faced a choice between two extreme legal positions. On one hand, it could deprive a foreign sovereign of all damages for a violation of the antitrust laws. This approach would have contradicted the strong presumption in American law—especially important in the antitrust context—for awarding relief to all parties who have been injured by law violations. The other choice was awarding treble damages, even though the U.S. Government itself can only recover actual damages, thus placing a foreign government in a more favorable position than the United States. There was no legal basis for the Court to award actual damages without granting treble damages as well.

In reducing the amount obtainable by a foreign sovereign to single damages, H.R. 5106 adopts a compromise that protects the interests of the public in enforcing the antitrust laws, and honors the legal tradition of awarding a remedy for an injury resulting from a legal wrong.

At the same time, H.R. 5106 sensibly preserves treble damage actions for foreign commercial enterprises, even if they are owned by a foreign government. However, it appropriately subjects them to conditions that will prevent the foreign government from using its sovereign immunity to protect the enterprise or to use the enterprise to perform governmental functions, such as procurement.

Mr. RODINO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. McCLORY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all, I want to commend the leadership on scheduling this bill for debate here today. We have other important legislation pending before the House Judiciary Committee, some of which has already been marked up and is awaiting a rule and other measures which can be marked up promptly and brought to the floor of the House and debated here and passed and disposed of. It is my hope that we can bring this other important legislation from the House Judiciary Committee for the Members to consider and debate here on the floor in the near future. While there has been plenty of activity in our subcommittees, we have reported very few bills to the floor. I hope this will soon change.

H.R. 5106 is an important piece of legislation to have us consider today because it does eliminate an inequity which it seems to me must be eliminated by legislation. I want to commend the chairman on his statement and want to express support to the chairman on the other legislative measures which we have pending before the committee, particularly export trade legislation, Criminal Code reform, and patent restoration. And I would hope that the regulatory reform legislation reported over 2 months ago could be squeezed into the very busy floor schedule.

But now it is my pleasure to rise in support of the motion to suspend the rules and pass H.R. 5106, as amended. The purpose of this legislation is to reduce the recovery by foreign governments for antitrust violations to single damages. Today, as a result of the Supreme Court's decision in Pfizer against India, foreign governments are eligible to recover treble damages. In stark contrast, the United States itself is limited by statute to single damages. This legislation eliminates that disparity.

But in eliminating one disparity, we took pains to avoid creating another. Unlike the United States, many foreign governments engage in extensive commercial activity through their own governmental agents and instrumentalities. If such entities were limited to single damages because of their association with a foreign government, there would arise a disparity in the treatment of foreign commercial entities under our antitrust laws.

Our committee decided that there was no convincing reason why our antitrust laws should have, for example, one rule for Renault, which is owned by the French Government, and another rule for Peugeot, which is privately owned. While the Senate agreed with this policy in enacting S. 816 last July, it expressed its position only in legislative history and not in statutory terms. We believe that the ambiguity in the breadth of the term "foreign state" is too substantive and too complex to be treated so casually. Consequently, H.R. 5106 contains an express four-part test for determining whether a commercial entity of a foreign state is eligible for treble damages, as are its privately owned competitors:

First, the entity must engage primarily in commercial activities. Second, the entity must not serve as a procurement entity with respect to the commercial activity or the act that is the subject matter of the lawsuit. Third, the entity must not qualify for sovereign-immunity status if it were the defendant in a case like the one it brought. Fourth, the entity must waive defenses arising out of its status as a foreign state to any claims in the same action. The amendment offered from the floor as part of the pending motion merely clarifies that the waiver requirement applies with respect to all claims in the same lawsuit, and not just to counterclaims and cross-claims. This amendment thus makes express what had been our intention.

The only controversy with respect to this legislation concerns the reciprocity issue. Before I studied this issue, I believed that a reciprocity requirement might be useful. It seemed reasonable and fair to allow foreign governments to benefit from our antitrust laws only if the United States could benefit from theirs. But our deliberations revealed another side to the argument.

First, one must distinguish between reciprocity proposals that lower maximum recoveries by foreign governments to single damages and those that lower to zero damages. The provision we studied and the one embraced by the other body would preclude any recovery unless the foreign government could meet the test. That means there would be situations where antitrust violators could act with impunity. Beyond that, illegal profits obtained at the hands of these foreign sitting ducks could in some other situations offset illegal gains for which the violator still remained liable.

This would not be true where the reciprocity test required a reduction of treble damages to single damages,

since the violator then would not be permitted to retain illegal profits. But since the legislation before us already reduces the maximum recovery to single damages, such a test is unnecessary, while the reciprocity test adopted in the other body might actually make violations profitable.

Equally cogent is the argument that the reciprocity test is unworkable. We all know how difficult U.S. antitrust law can be. Imagine what burdens we place on the courts in requiring that they master antitrust laws all over the world, even if only one case at a time. But determining foreign law is insufficient to satisfy the reciprocity test. Beyond that, the courts must determine whether the provision in question is actively enforced by the foreign government for its own people. Such determinations with respect to our own enforcement policies are difficult enough and, fortunately, generally irrelevant to a plaintiff's case. One can well imagine how speculative such judgments would have to be with respect to foreign enforcement policies.

Third, one must ask what is so special about our antitrust laws that it should be the only place in American law where there is imposed a reciprocity test on foreign governments. It cannot be the treble-damage aspect because we have already lowered treble damages to single damages. No one to my knowledge has suggested a reciprocity test for tort cases or contract cases brought by foreign governments. I fail to understand what makes antitrust recoveries of single damages so different.

This leads to the last point, that the Justice Department and the State Department advised that the imposition of a reciprocity test would raise serious diplomatic concerns. Substantial fears were raised that such a test, rather than prompting foreign states to adopt our antitrust laws, would cause them to take restrictive countermeasures.

H.R. 5106 avoids such problems. It is supported by the administration. It embodies a simple, long-awaited reform—treating foreign governments and the United States alike under the antitrust laws. I urge its adoption.

Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. BUTLER).

Mr. BUTLER. Mr. Speaker, I appreciate the gentleman yielding.

I will not trespass long on the gentleman's time. I want to be associated with the remarks of the gentleman from Illinois (Mr. MCCLORY), particularly with reference to the need for our Judiciary Committee to act promptly on the legislation before it.

I hope the chairman of our committee and subcommittee will appreciate that the gentleman from Illinois and I are in our last terms in this Congress and we would like to make our mark in two or three areas that are under consideration by our subcommittee, particularly export trade legislation and bankruptcy reform legislation which is under consideration.

□ 1315

So I hope that we can move that legislation along. This is the first antitrust legislation that we have had under the subcommittee, and I hope we can bring that other legislation along so that when we expire and leave the Congress, we will have the opportunity to vote on that other legislation also.

Mr. Speaker, as the sponsor of the original bill introduced in this Congress to limit foreign sovereign antitrust recoveries, I am gratified by what I anticipate may be the action of the House today. I am also pleased by the comparatively swift passage through the Judiciary Committee of this legislation, the very first and perhaps the only antitrust bill to emerge from our legislative mill in this Congress.

In introducing H.R. 2812 on March 25, 1981, I sought to remedy what I perceived to be a fundamental unfairness in the antitrust laws as they are made applicable to foreign governments suing in our courts. After the Pfizer decision, a foreign government might recover trebled antitrust damages as a person within the meaning of section 4 of the Clayton Act while our own Government could only recover actual damages under section 4A. In my original bill, I sought equality between foreign governments and our own, and that objective has been preserved and fully realized in the measure before us today.

My second original objective was reciprocity, a requirement that the conduct for which redress was sought in our courts be illegal in a foreign sovereign's own country, that such laws be enforced and that our own Government could recover actual damages under such law if injured by similar conduct. Reciprocity seemed an excellent concept when I put it in my bill, Mr. Speaker, but after receiving testimony from Assistant Attorney General William Baxter, the Department of State, and a representative of the American Bar Association, our Monopolies and Commercial Law Subcommittee members, myself among them, became convinced that it would be unworkable in actual practice.

Mr. Baxter advised us that "the administration of the reciprocity features of H.R. 2812 will be quite complex and may, itself, serve on occasion to exacerbate problems with our foreign trading partners." Mr. Davis R. Robinson, the legal adviser to the Department of State, told us that—

> This three-tiered reciprocity test, in our view, would be difficult, if not impossble, for other countries to meet, given the variations in concept and approach involved in even the most effective foreign competition laws. We further are concerned that lengthy and expensive litigation might be required to establish whether particular foreign systems of competition regulation satisfy the reciprocity test, with possible embarrassment to our foreign relations as well.

Although suggesting that the three-tiered test might be clarified, Mr. Robinson later acknowledged that he was not sure how that might be accomplished so as to avoid the problems he considered inherent in the reciprocity tests contained in H.R. 2812. I believe we did the correct thing in eliminating the reciprocity test, and I would hope that our colleagues in the other body would reconsider their position on this as well.

Mr. Speaker, this bill has in truth waited long enough, and I will not prolong its debate. I urge my colleagues to support the motion to suspend the rules and pass H.R. 5106, as amended.

Mr. MCCLORY. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. WEBER).

Mr. WEBER of Ohio. Mr. Speaker, I thank the gentleman for yielding this time to me, and I wish to congratulate the Committee on the Judiciary, under the chairmanship of the gentleman from New Jersey (Mr. RODINO), for the excellent piece of work it has done on H.R. 5106.

Mr. Speaker, this is one more occasion in which Congress today is reasserting its authority over the courts in a very proper way, for today we are correcting a court decision which interprets the law in a way that I believe Congress never intended. I believe that in 1955 the legislation which empowered the U.S. Government to be sued for damages made it very clear that the definition of "person" should not include foreign governments and should not have entitled foreign governments to sue for treble damages, and today we are not in this legislation denying foreign governments access to our courts.

Indeed H.R. 5106 limits the amount recoverable by foreign states in suits for violation of the U.S. antitrust laws to actual damages plus court costs and attorney fees rather than treble damages plus cost and fees as permitted by the Supreme Court decision in the Pfizer case.

The private person or the private corporation needs the treble damage action as an incentive to undertake this type of legislation, which is extremely costly, and we need this treble damage, as the threat of a severe penalty acts as an important deterrent to violations of the law. We still have that in the law today. We do not need to confer that treble damage remedy on our foreign sister states.

I am personally sorry that the bill does not require reciprocity from foreign governments, but I defer to the

committee's decision and to its expertise in this field.

I would have hoped that we would have had legislation that would include a requirement that foreign governments would grant reciprocity in antitrust suit rights to the United States in order to receive access in this Nation's courts also.

Mr. Speaker, I support this legislation very strongly.

Mr. McCLORY. Mr. Speaker, I thank the gentleman from Ohio (Mr. WEBER) for his very able statement, and I also thank the gentleman from Virginia (Mr. BUTLER) for his contribution.

Mr. Speaker, I yield back the balance of my time.

● Mr. ZABLOCKI. Mr. Speaker, I rise to commend the Committee on the Judiciary for reporting to the floor a responsible solution to a difficult situation.

In 1978 the Judiciary Committee reported similar legislation. However, because that particular bill raised serious implications for U.S. foreign policy interests, the Committee on Foreign Affairs sought and obtained sequential referral of the bill, which in fact was never brought to the House floor.

H.R. 5106, the bill before the House this afternoon, avoids the foreign affairs complications of its predecessor legislation. I would like to express my appreciation and thanks to the gentleman from New Jersey and his colleagues for finding a solution to the inequitable access to U.S. antitrust laws between the U.S. Government and foreign governments and yet avoiding the pitfalls of requiring reciprocal access.

I understand that the Senate last year passed a bill, S. 816, which is similar in nature to the earlier House bill. The Committee on Foreign Affairs will continue to follow the progress of the legislation, and I hope the present version which the Judiciary Committee has drafted in H.R. 5106 will prevail.●

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. RODINO) that the House suspend the rules and pass the bill, H.R. 5106, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. RODINO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

GOLD MEDAL FOR ADMIRAL RICKOVER

Mr. ANNUNZIO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5432) to authorize the presentation on behalf of the Congress of a specially struck gold medal to Adm. Hyman George Rickover, as amended.

The Clerk read as follows:

H.R. 5432

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds and declares that—

(1) Admiral Hyman George Rickover has served his country for sixty-three years with the highest distinction, with uncommon dedication, and with great honor as an officer of the United States Navy;

(2) Admiral Rickover has pioneered the development of nuclear reactor technology for the propulsion of naval vessels, has provided the expertise to construct the world's first true submersible, and thereby has revolutionized the concepts of naval warfare;

(3) with an unswerving faith in, and devotion to, the United States of America, Admiral Rickover has contributed to the defense of our Nation and to the peaceful development of nuclear reactor technology for the world by developing and constructing the first full-scale nuclear electrical generating plant in the United States;

(4) Admiral Rickover has developed and maintained standards of safety for the use of nuclear energy which have permitted the continued safe operation of naval nuclear reactor plants from their inception to the one hundred and sixty-one plants in operation today; and

(5) Admiral Rickover has for many years provided the Congress of the United States his uncompromising, independent, and candid advice, and greatly assisted the Congress of the United States in its deliberations on the issues of national defense, nuclear energy, environmental protection, and other important matters.

SEC. 2. (a) The Speaker of the House of Representatives and the President pro tempore of the Senate are authorized to present, on behalf of the Congress, to Admiral Hyman George Rickover, a gold medal of appropriate design in recognition of his distinguished service to the United States and for his unique world-renowned contributions to the development of safe nuclear energy and to the defense of the United States of America. For such purpose, the Secretary of the Treasury is authorized and directed to cause to be struck a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary of the Treasury. There are authorized to be appropriated not to exceed $22,000 to carry out the provisions of this subsection.

(b) The Secretary of the Treasury may cause duplicates in bronze of such medal to be coined and sold under such regulations as he may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, overhead expenses, and the gold medal. The appropriation used to carry out the provisions of subsection (a) shall be reimbursed out of the proceeds of such sales.

(c) The medals provided for in this Act are national medals for the purpose of section 3551 of the Revised Statutes (31 U.S.C. 368).

The SPEAKER pro tempore. Is a second demanded?

Mr. WYLIE. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Illinois (Mr. ANNUNZIO) will be recognized for 20 minutes, and the gentleman form Ohio (Mr. WYLIE) will be recognized for 20 minutes.

The Chair now recognizes the gentleman from Illinois (Mr. ANNUNZIO).

Mr. ANNUNZIO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5432 authorizes the presentation of a special congressional gold medal to Adm. Hyman George Rickover, the father of the nuclear Navy. I am proud to be one of the 245 cosponsors of this legislation.

Admiral Rickover had dedicated his entire life to the U.S. Navy in which he served for 63 years. Almost singlehandedly he is responsible for our modern Navy. Every aspect of our nuclear fleet, from design to construction to manning, has been done under his direction. Every one of our nuclear submarines, from the first, the U.S.S. *Nautilus,* to the Trident missile-carrying U.S.S. *Ohio,* owes its existence to him.

Admiral Rickover has provided invaluable assistance to Congress over the years. He is legendary for the frank and candid testimony he has given before innumerable committees of this Congress. He has never feared to present the plain truth in plain language, a trait too often lacking in Government witnesses who testify before us.

Admiral Rickover received a congressional gold medal in 1958 for his work in developing nuclear powered ships. For most people that would have been the crowning point to a distinguished career. For the remarkable Admiral Rickover it merely marked the start of 23 more years of service toward building the strongest nuclear navy in the world.

The bill provides that bronze duplicates of the gold medal be priced and sold to fully recover the cost of the gold medal. This will assure that the medal will be issued at no cost to the Federal taxpayer.

This second gold medal is a fitting tribute to this remarkable man who has done so much for the defense of this Nation.

Mr. WYLIE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join with the distinguished gentleman from Illinois (Mr. ANNUNZIO), the chairman of the Subcommittee on Consumer Affairs and Coinage, in support of this legislation.

May I also say, Mr. Speaker, that I want to congratulate the gentleman from Illinois (Mr. ANNUNZIO), the gentleman from New York (Mr. STRATTON), and the gentleman from New York (Mr. HORTON), who appeared before the subcommittee and gave impressive and very persuasive testimony in support of this legislation.

I also want to congratulate Congressmen ANNUNZIO, STRATTON, and HORTON for getting more than enough cosponsors on this bill to bring it out. More than half the Members of this body are cosponsors of this bill. I am not sure what the number is now. I wonder if the gentleman from Illinois knows offhand?

Mr. ANNUNZIO. Mr. Speaker, if the gentleman will yield, there are 245 cosponsors.

Mr. WYLIE. There are 245 cosponsors, and that speaks well for the purpose of the bill.

I believe that Admiral Rickover made many noteworthy contributions to his country during his 65 years of naval service, as the gentleman from Illinois (Mr. ANNUNZIO) said. The nuclear Navy is a monument to the farsightedness and the persistence of Admiral Rickover.

I note that a similar bill has already been passed by the other body which does not contain my amendment. If I might have the attention of the gentleman from Illinois (Mr. ANNUNZIO), he indicated that there would be no cost in this legislation, and I did offer an amendment which would specifically provide that the Treasury would be reimbursed from the proceeds of the sale of the bronze duplicates of the medal. I would like to suggest to the chairman that when we go to conference, he insist that that amendment be included, in case I am not on the conference committee. May I have that assurance?

Mr. ANNUNZIO. Mr. Speaker, will the gentleman yield?

Mr. WYLIE. I am glad to yield to the gentleman from Illinois.

Mr. ANNUNZIO. Mr. Speaker, I am delighted that my good friend, the gentleman from Ohio (Mr. WYLIE) has yielded. He is a very active member of the committee. His great contribution to my subcommittee is deeply appreciated by this chairman.

I want to assure the gentleman that his amendment and his interest in this legislation will be fully protected as far as this chairman is concerned.

Mr. WYLIE. Mr. Speaker, I thank the gentleman from Illinois for his assurance, and with that I urge my colleagues to recognize formally Admiral Rickover's contribution to our country over his long career of service and to authorize the striking of this gold medal in his honor.

Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. HORTON), who has made very significant contributions in bringing this legislation to the floor.

Mr. HORTON. Mr. Speaker, I thank the gentleman for yielding this time to me, and I want to take this opportunity to commend the chairman of the subcommittee, the gentleman from Illinois (Mr. ANNUNZIO), and the ranking minority member of the subcommittee, the gentleman from Ohio (Mr. WYLIE), for their handling of this legislation and for the fine manner in which they have handled it in the committee and on the floor.

Mr. Speaker, I am one of the original sponsors of H.R. 5432, which would authorize, on behalf of the Congress, the presentation of a specially struck gold medal to Adm. Hyman G. Rickover.

First, I would like to commend those Members who were instrumental in bringing this legislation on the floor today, the original cosponsors and the members of the Committee on Banking, Finance and Urban Affairs.

I can think of no person alive who has greater talents and abilities and who has served the people of the United States with distinction for such a sustained period of time as Admiral Rickover. He is one of the greatest Americans I have ever met, and in the course of my military and political career I have met a number of great Americans.

The legislation we are considering accurately speaks of his contributions to our Nation. Admiral Rickover successfully introduced nuclear power into the Navy, and in so doing, was instrumental in the development of nuclear energy as a source of electric power for the Nation as a whole. This achievement is nothing short of astounding. In the last three decades, he has developed and proved, through practical application, a totally new field of technology that is vital to America's defense and energy future.

We know Admiral Rickover as the father of the nuclear Navy not only because of his dedication to nuclear power but also because of his dedication to safety in the use of nuclear power. His foresight of the nuclear age has not only saved our Navy immense amounts of oil per year, it has also rewarded us with greater flexibility in meeting the global challenges that confront us today.

It has also been a safe Navy, largely because Admiral Rickover established and enforced very strict standards of training in reactor operations. Over the years he has trained thousands of nuclear powerplant operators for the Navy, many of whom are employed today by electric utility companies operating nuclear powerplants. His proven methods for the safe operation of nuclear powerplants serve as a standard of excellence emulated by many throughout the world.

We have heard much over the years of Admiral Rickover's personal interviews of the thousands of men chosen to work in the nuclear propulsion program. Anyone going into the nuclear Navy got a personal interview with Admiral Rickover. I do not know where he found the time to do it, but by all accounts he knew everything about each candidate and he interviewed each personally and in depth. Many of them he rejected; many of them he accepted. But they all went through that personal interview with the admiral.

The admiral's personal involvement did not end there. It is my understanding that he personally went out on sea trials of all the nuclear submarines and vessels.

Mr. Speaker, the achievements referred to in H.R. 5432 are the achievements of a great man. Over the years many in Congress have come to value his knowledge and the uncompromising and candid manner in which he rendered service. I urge the adoption of this legislation which gives appropriate recognition to this exceptional American.

Mr. WYLIE. Mr. Speaker, I thank the gentleman from New York (Mr. HORTON) for his excellent statement.

Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. WEBER).

Mr. WEBER of Ohio. Mr. Speaker, as a Member of Congress from Ohio, I have considerable pride in the fact that our newest submarine is the U.S.S. *Ohio*, a superb nuclear-powered vessel which owes its development and launching to the work of Adm. Hyman Rickover.

This Nation does not often honor its citizens by the striking of a gold medal, and in the case of Admiral Rickover it is richly deserved recognition for his 63 years of service, his energy, his foresight, his skills and perservance in the area of nuclear submarines and nuclear energy, his devotion to safety in the operations of nuclear energy, and his patriotism and devotion to the United States.

I strongly support the bill and urge my colleagues to support this legislation in honor of this great American.

□ 1330

Mr. WYLIE. I thank the gentleman for his excellent statement.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ANNUNZIO. Mr. Speaker, I yield 7 minutes to the distinguished gentleman from New York (Mr. STRATTON), a prime mover and sponsor of this legislation.

Mr. STRATTON. Mr. Speaker, I want to commend the gentleman from Illinois (Mr. ANNUNZIO) for his herculean efforts in getting this legislation out of the House of Representatives

and out of the committee of which he is such a valuable member.

It was back on January 30, I believe, when Admiral Rickover was actually retired, formally and finally, from the U.S. Navy, and from the active duty which he has performed with such distinguished results over some 59 years.

In the other body the Senator from Washington, Senator JACKSON, and the Senator from Virginia, Senator WARNER, who, along with the gentleman from New York, Mr. HORTON, and the distinguished chairman of the House Armed Services Committee, Mr. PRICE, and I had hoped to be able to retain in service in spite of his years, determined that the best way to express the appreciation of a grateful Nation to Admiral Rickover was to present him with one of these gold medals in the name of and on behalf of the Congress.

That resolution, almost identical to the one under consideration here today, was approved unanimously by the other body. The Senator, asked us to see if we could also approve the same legislation promptly, so that the presentation could be made in early February.

Mr. Speaker, as we all know, we have somewhat different procedures here, and very properly so. As the gentlemen from Illinois (Mr. ANNUNZIO) has frequently indicated, these medals should not be handed out indiscriminately; they should be handed out only to people whose achievements are really outstanding.

And, in view of the deficit that we face, the committee has believed that we should not spend that kind of money indiscriminately either. The rules that have been established by the distinguished Committee on Banking, Finance and Urban Affairs provide that such a bill must have the signatures of 218 Members of the House. So those of us who felt strongly about the legislation proceeded to collect the signatures of 218 Members. Indeed I think at the present time we have some 260 Members of the House as cosponsors of this legislation.

It is due to the yoeman efforts of the gentleman from Illinois (Mr. ANNUNZIO) and the gentleman from New Jersey (Mr. MINISH) that we were able to achieve these signatures.

So even though we bring this legislation up much later than did the other body, we are no less appreciative of the significance of this particular medal.

I want to just say that in my judgment Admiral Rickover is today, and has been for many years, a great national treasure. I think it is unfortunate that he should have been retired as summarily as he was simply because he had reached the age of 81. We have a very active Member of our own body, the gentleman from Florida (Mr. PEPPER), whose powers certainly have not diminished at the age of 81. And Admiral Rickover certainly has not had his powers diminished in any way.

After all, Picasso was still painting at the age of 96. They did not retire him at 81.

Admiral Rickover has contributed in many ways, not only with the development of the nuclear submarine, which really put the Navy back into the strategic business in the early 1940's and 1950's, but he has done a lot of other things. He has been a constructive critic of our educational system, to improve education and to try to encourage educational excellence. He has been a very sharp critic of cost overruns. One of the reasons why so many of the members of the military-industrial complex may not always have agreed with Admiral Rickover is because he has insisted so consistently that contractors live within their contracts instead of filing claims and trying to get more for what they have done than was agreed to originally.

It should also be noted that Admiral Rickover, now that he has retired, has already made a very significant contribution to the current nuclear freeze debate, not in support, certainly, of the resolution offered by Senator KENNEDY and Senator HATFIELD, but to the resolution offered by the Senator from Washington and the Senator from Virginia.

Admiral Rickover called me some weeks ago and said he was concerned about this nuclear problem and said, "What is wrong with reducing the nuclear forces of both countries very substantially below where they are now, and when we end up have them equal and in balance?"

I said, "There is nothing wrong with that, Admiral. I think it is a great idea. But," I said, "the trouble is that the Russians have never been willing to give up any lead they have over us."

He said, "Well, at least we can get the idea out there and then maybe they will be shamed or persuaded into supporting it."

That, of course, became the alternate nuclear freeze resolution offered by Senator JACKSON and by Senator WARNER. I think it is significant that the man who had so much to do with developing our basic nuclear deterrent should also be leading the way toward how to make sure that these weapons will not incinerate civilization.

We could go on in praising this outstanding statesman, but I know the time is limited.

I think there is one further task which I hope Admiral Rickover will sometime agree to undertake. President Reagan asked him sometime ago to be his adviser on the civilian nuclear industry. The admiral, upset, I think, by the circumstances of his retirement, hesitated to accept that position. But we ought to understand in view of all of the hysteria over nuclear energy, that Admiral Rickover has operated nuclear reactors far more complicated and far more dangerous, than the ones in our civilian industry, for 25 years without a single accident.

If we could just put the disciplinary procedures that Admiral Rickover has insisted upon in the Navy into the civilian nuclear energy industry, we could get a lot more energy at lower cost in the United States, and dampen down some of the public hysteria over nuclear energy.

Incidentally, we might also put a shot in the arm to the General Electric turbine and generator business that happens to be a major feature of my own district, but which has suffered from our hysteria and confusion over the impact of nuclear-generated electricity.

So I want to support this resolution very strongly and congratulate the chairman of the subcommittee once again for bringing it out.

Mr. ANNUNZIO. Mr. Speaker, I now yield 5 minutes to a very able Member, the gentleman from New Jersey (Mr. MINISH), a cosponsor and, one of the prime movers of the legislation, who is ranking member of the House Banking, Finance and Urban Affairs Committee.

Mr. MINISH. Mr. Speaker, I want to take this opportunity to thank the chairman of the subcommittee who expeditiously moved the legislation where it is today.

Mr. Speaker, I have always said that in my view Admiral Rickover is our greatest living American.

Most people remember him as the "Father of the nuclear-powered submarine" which in fact he is. Sometimes we forget the enormity of that achievement. The *Nautilus* went to sea 5 years after it was approved by Congress. Today, almost nothing can get done in 5 years, but this man, with unbounded energy and insight, was able to quickly move nuclear power from a theoretical idea to actual operation in a Navy warship.

Admiral Rickover also designed and built the Nation's first civilian electric power generating station using nuclear power—the Shippingport atomic power station, in Pittsburgh, Pa. This plant became the forerunner of civilian nuclear power in this country.

For over 30 years, Admiral Rickover designed and built nuclear powerplants for all of our Navy warships—attack submarines, ballistic missile submarines, nuclear-powered cruisers, and aircraft carriers. Whenever trouble crops up in far-off places, the Navy turns to these nuclear-powered ships. They can move quickly to the trouble spot—at maximum speed—without any concern for refueling. These ships carry with them enough fuel to operate for 13 to 15 years. Today, over 40

percent of the Navy's combat ships are nuclear powered.

In developing the nuclear-powered Navy, Admiral Rickover established high standards for quality. He applied these standards to both personnel and to equipment. His contribution to quality control in American industry may be as important as his contribution to the Navy.

Throughout his life, Admiral Rickover always seemed to make time for other important issues affecting the country. During the time of Sputnik, it was Admiral Rickover's strong voice that highlighted the need for increased scientific education in this country. He has continued to be an outspoken advocate of getting the most from the potential of our citizens through quality education.

I came to know Admiral Rickover as a result of his efforts to avoid abuses in defense contracting. He set a simple standard—that one should spend public funds as he would his own. He felt strongly that contractors should have to honor contracts; that they should account properly for their expenditure of public funds; that they should not make excessive profits from the Nation's defense needs.

In taking on these various issues, Admiral Rickover often drew strong criticism from those who disagreed with him. Nonetheless, he always spoke from conscience and never hedged his views, regardless of outside pressure.

In my mind, Admiral Rickover exemplifies the perfect public servant. It is therefore fitting that Congress honor him and express its appreciation for what he has done by awarding him a second gold medal.

Mr. ANNUNZIO. Mr. Speaker, I yield 1 minute to the distinguished chairman of the Committee on Armed Services, Mr. PRICE, another sponsor of this legislation.

Mr. PRICE. Mr. Speaker, I fully support this resolution for the bestowal of this medal to Admiral Rickover. I have known the admiral since the beginning. I rode with him on the *Nautilus.*

Many times I have commented on the great contributions Admiral Rickover has made to our defense and to the security of this country. He will go down in history as the founder of our nuclear Navy, and his place will be difficult to fill.

I want to extend to him every good wish. The admiral's term has been extended two or three times. If I had my way, we would continue to extend it indefinitely.

The country will always have the benefit, however, of his past performance, and I am sure that he will always be available for consultation for those who follow after him.

● Mr. BEVILL. Mr. Speaker, earlier this year, the Secretary of the Navy, with little ceremony, retired Adm. Hyman G. Rickover, U.S. Navy, from active duty. The reasons for this decision are not entirely clear, for Admiral Rickover is in good health and keen of mind. At 82, he may not be as young in appearance as at 48, when he started the naval nuclear propulsion program, but even at 82, he has no peer in his diligence and dedication to his work, nor in his management performance. Our Appropriations Subcommittee has never had to worry much about getting a dollar's worth of value for the American taxpayer for every dollar we gave him.

Maybe it was significant that the admiral had completed nearly 60 years of dedicated service with caustic disregard for the conventional Government bureaucracy. It could be that he stepped on some toes in his efforts to insure that the Government was treated fairly in its contracts with industry, or that he offended some company officials by insisting on the quality of management and workmanship that those contracts required. Whatever the reason for his removal from active service, I suppose there may be happy faces in Government, some in industry, and some in Moscow. But it is the Nation's loss.

What did he accomplish in 34 years as head of the naval nuclear propulsion program?

He developed a nuclear powerplant for the first atomic-powered submarine, the U.S.S. *Nautilus* which put to sea in 1955. Today we have 121 nuclear-powered submarines to defend the Nation, including 34 ballistic missile submarines essential for our survival. Their advanced nuclear powerplants operate quietly and reliably, providing virtually unlimited endurance for naval missions.

He developed nuclear powerplants for three nuclear-powered aircraft carriers and nine nuclear cruisers now in operation. Because their nuclear plants can operate at high speeds for many years without refueling, these ships have far greater military capabilities than their conventional counterparts.

He trained over 54,000 officers and enlisted men to operate naval nuclear powerplants safely. In over 2,300 reactor-years of operation there has never been an accident involving a naval reactor, nor a release of radioactivity which would adversely affect the environment.

He built the Nation's first civilian atomic power station at Shippingport, Pa., the prototype for the civilian nuclear powerplants which today provide 12 percent of the Nation's electricity.

He established the standards for industry to use in designing and building nuclear reactor plant components and pioneered the unique quality control procedures requisite to the use of this new technology.

He demonstrated a self-sustaining nuclear breeder reactor concept using thorium fuel suitable for application in today's civilian light water reactor plants. This could ultimately make available fuel for power production that is many times greater than our known fossil reserves.

He developed a family of improved reactor cores for naval applications which extend the useful life of the fuel from about 2 years for the first core in the *Nautilus* to over 13 years in today's submarines, and possibly for the entire 30-year life for new submarines now under construction.

in between, he wrote five books and devoted considerable time and effort to improving the American educational system. He also devoted a great deal of effort to improving the quality of and standards for defense contracts.

There are many many more accomplishments but none more impressive than the example he set for diligent hard work and dedication to excellence.

We will miss Admiral Rickover in his traditional role this year, but wish him continued good health and success in his future role, for we doubt that he is a man to leave quietly the scene of activity without many many more of his outstanding contributions to our Nation's heritage.●

● Mr. BENNETT. Mr. Speaker, I rise in support of this legislation to authorize a gold medal in honor of Adm. Hyman Rickover and for his outstanding and many years of great service to the Navy and for our beloved country.

Mr. Speaker, in addition to the specific achievements of Admiral Rickover in the field of our national defense, I pay tribute to his fine and strong character and particularly to his dedication to and love for our country. Anyone who knows the admiral, as I do, knows that his love for our country is at the heart of his every action. He is an inspiration to us all and this honor is a fitting tribute to his accomplishments.●

● Mr. DERWINSKI. Mr. Speaker, I want to express my enthusiastic support for this legislation to authorize the presentation of a gold medal to Adm. Hyman Rickover.

The unique contributions made by Admiral Rickover are well known. He was responsible for the development of the first nuclear electrical generating plant and, of course, he is best known as the father of our nuclear-powered Navy.

His outstanding career demonstrates what enormous benefits this country can reap from an immigrant who comes to our shores.

Mr. Speaker, I urge passage of this bill so that Admiral Rickover's great contributions to our country can be appropriately recognized.●

● Mr. LEE. Mr. Speaker, colleagues, I take great delight in joining with my many friends and colleagues in this

Chamber today in paying tribute U.S. Navy Adm. Hyman Rickover, and in taking part in the presentation of a gold medal to this great American.

Admiral Rickover has proven himself over the decades to be a man of iron-resolve and prophetic foresight. His dedication to the assemblage of an American nuclear-powered fleet and to the cause of peace through strength and leadership have made him both revered and controversal. I believe that the United States today can think the personal drive and ambition of Admiral Rickover for its world leadership in undersea forces, and for it technological advancement in above-the-water fleets. These are no small accomplishments.

For his lifelong commitment to American superiority in naval forces, we commend Admiral Rickover. I also want to take this opportunity to wish Admiral Rickover the best for a long, well-deserved period of retirement.●

Mr. ANNUNZIO. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. ANNUNZIO) that the House suspend the rules and pass the bill, H.R. 5432, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ANNUNZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PATRIATION OF CANADIAN CONSTITUTION

Mr. FASCELL. Mr. Speaker I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 83) regarding the patriation of the Canadian Constitution.

The Clerk read as follows:

S. CON. RES. 83

Resolved by the Senate (the House of Representatives concurring), That the Congress of the United States notes with pleasure the proclamation in Ottawa on April 17, 1982, by Her Majesty Queen Elizabeth II, Queen of Canada, announcing the patriation of the Canadian Constitution from the United Kingdom to Canada and extends to the Parliament, the Government, and the people of Canada its warmest congratulations on the attainment of constitutional patriation.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President with the request that such copy be further transmitted to the Government of Canada.

The SPEAKER pro tempore. Is a second demanded?

Mr. WINN. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Florida (Mr. FASCELL) will be recognized for 20 minutes, and the gentleman from Kansas (Mr. WINN) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. FASCELL).

Mr. FASCELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, yesterday the other body passed this resolution (S. Con. Res. 83) under the sponsorship of Senators BAUCUS, STEVENS, and ZORINSKY. Today I urge my colleagues to join the gentleman from Kansas (Mr. WINN), the gentleman from Maryland (Mr. BARNES), and myself in congratulating the Canadians on the historic patriation of their Constitution.

Some of my colleagues have inquired about the use of the word "patriation." I am happy to tell them that "patriation," they are correct, is a term of art that the Canadians and the Queen herself have used to describe this unique event.

Repatriation was found inappropriate and inaccurate, undoubtedly, since Canada never held the statute involved in the first instance.

So I gather the word "patriation" was used to explain or describe a first investiture of original jurisdiction to the proper homeland. I imagine that it will appear appropriately in the lexicon, as it should, as an appropriate English word.

Since gaining independence, Canada has not had formal control over the statute that is the equivalent of her Constitution. That is the British-North American Act which was enacted by the British Parliament in 1867 and has always remained a statute of the British Parliament.

□ 1345

Canada has just emerged from a 2-year national debate over the form and substance of bringing that document home to Canada. It has been an intense debate, which those of us who are members of the American-Canadian parliamentary group have witnessed and listened to and, on some occasions, have had the opportunity to participate in.

Important and national regional interests had to be reconciled—on language, on civil rights, on powers and authorities, on economics, on the rights of the provinces. It is to the credit of these various groups that, despite strong and sincere reservations, in their own self-interest they chose instead the overriding value and importance of national unity. A stronger united Canada, Mr. Speaker, is clearly in the best interest of all Canadians and is a most welcome decision, as seen by their close friends in the United States. So we hasten by this resolution to commend our friends in Canada.

Mr. WINN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of Senate Concurrent Resolution 83, commending the Canadian people and their Government on the patriation of the Canadian Constitution.

The British North American Act, which is the Canadian Constitution, has remained as statute of British law since its enactment in 1867. At various times the Canadian Government has sought to patriate the Constitution to Canada, but only in 1981 was a consensus finally formed on how the statute should be amended and brought to Canada.

Those of us who have serve on the Canada-United States Interparliamentary Group have followed the intense debate in Canada over the past 2 years. We have sympathized with our Canadian colleagues over the difficulty in resolving the various conflicting interests, but we have been careful in not interfering in this internal Canadian affair. Now that the issues have been resolved, it is most appropriate that we commend our Canadian colleagues for settling this most difficult matter and bringing home the Constitution.

I urge the Members to support the resolution.

● Mr. BARNES. Mr. Speaker, I want to join my colleagues in voicing my support for Senate Concurrent Resolution 83, which congratulates Canada on the patriation of the Canadian Constitution from the United Kingdom. Even though the proclamation in Ottawa on April 17 by Her Majesty Queen Elizabeth was a quiet event in international terms, it deserves our attention. Regrettably, in this age of satellite news coverage, we tend to pay attention only to events which involve violence or tragedy. However, the patriation of the Canadian Constitution is a significant political move. It was not too long ago, when our neighbors to the north were engaged in a great debate over changes in their Constitution. At times there were those who thought that it might not be possible for Canada to work out the problems without doing damage to the national fabric. Because of varying interests of the Canadian Provinces, the mechanism for changing the Canadian Constitution became the focus of a major debate. Constitutional crises are not important just because of the legal issues involved, but because they rep-

resent a breakdown in the constitutional system itself. With the proclamation of the Constitution Act of 1982, Canada's Constitution becomes fully independent from the British Parliament, to which it had been tied. In an age when disputes—even very small disputes—can become the basis of military action, it is very important that we mark this occasion as one which reemphasizes the right to self-determination. Canada's new Constitution is a symbol of the triumph of democratic ideals. The proclamation is a historic event, and this resolution is one small way of congratulating our Canadian friends, and reaffirming our commitment to democratic means of resolving controversies.●

● Mr. WEBER of Ohio. Mr. Speaker, I rise in strong support of Senate Concurrent Resolution 83 extending our warmest congratulations to the Parliament, the Government, and the people of Canada on the attainment of constitutional patriation.

The people of Ohio's Ninth Congressional District, being in proximity to Canada, are frequent visitors to those Provinces by motor vehicle, by train, by boat—across the waters of Lake Erie, and by air. How fortunate we are to have this friendly nation along our northern border.

I speak for all of my constituents in expressing my support of this resolution.●

● Mr. DERWINSKI. Mr. Speaker, this resolution is an appropriate expression of the pleasure of the Congress regarding the patriation of the Canadian Constitution.

The transfer of full constitutional power to Canada, which was completed by the signing of the proclamation of the Constitution Act of 1982 by Queen Elizabeth II, is a demonstration of the evolution of relations between Great Britain and Canada.

The political and economic progress which occurs in Canada indirectly is progress for the United States. The good relations which our two countries have are well earned and will continue to be harmonious.

I join my colleagues in expressing gratification concerning the new Canadian Constitution.●

Mr. FASCELL. Mr. Speaker, I yield back the balance of my time.

Mr. WINN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. FASCELL) that the House suspend the rules and concur in the Senate concurrent resolution, Senate Concurrent Resolution 83.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

A similar House concurrent resolution (H. Con. Res. 317) was laid on the table.

GENERAL LEAVE

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate concurrent resolution just concurred in.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

DESIGNATING LANDING STRIP AT WHITE SANDS MISSILE RANGE IN NEW MEXICO AS WHITE SANDS SPACE HARBOR

Mr. PRICE. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services be discharged from further consideration of the Senate bill (S. 2373) to change the name of the landing strip at White Sands Missile range in the State of New Mexico, to "White Sands Space Harbor," and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

Mr. SKEEN. Reserving the right to object, Mr. Speaker, I do not want to object, but I simply want to extend my congratulations and my appreciation to the chairman, the gentleman from Illinois (Mr. PRICE), and also to those many people who worked on this bill. It is a very significant thing. Although it encompasses something so small as just changing the name of an air strip, it is significant to my district and to the State of New Mexico. I want to thank the chairman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2373

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the landing strip known as Northrup Strip, located at White Sands Missile Range in the State of New Mexico, shall hereafter be known as "White Sands Space Harbor". Any law, regulation, document, or record of the United States in which such landing strip is designated or referred to shall be held and considered to be a reference to "White Sands Space Harbor."

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROFIT SHARING AND WORKER PRODUCTIVITY

(Mr. SEIBERLING asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, the current issue of Dun's Business Month contains an interesting article entitled "What's Wrong With Management." The magazine asked 230 chief executives to evaluate the job America's business executives are doing. They found that "a good many of them blame management for being too concerned with short-term results, too casual about lagging productivity, too hostile to organized labor and too willing to leave the making of key decisions to one man."

These are problems that H.R. 5682, my Productivity Incentive Act, is designed to address. The bill encourages U.S. companies to adopt a two-tier compensation system similar to that which prevails in Japan: A regular wage or salary plus an annual or semi-annual bonus based on company profits or productivity improvements.

Such a compensation system is widely used in Japan, which is one reason for their rapid growth in productivity. The reasons are not hard to find. Such a system gives companies a way to adjust their total labor costs during periods of business adversity without laying off workers. The lump-sum payment to employees strongly encourages long-term private savings. And the bonus gives employees more job security and a stronger stake in the company's performance.

I believe that both workers and employers in this country are ready to move toward this type of compensation plan. In fact, the new contracts which the United Auto Workers has negotiated with Ford and General Motors incorporate just such a profit-sharing arrangement.

Mr. Speaker, in order to facilitate discussion of this bill, I am submitting a copy for printing in the RECORD:

H.R. 5682

A bill to amend the Internal Revenue Code of 1954 to encourage increases in productivity by special tax treatment for certain employee bonuses which are determined on the basis of profits or cost savings

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Productivity Incentive Act of 1982".

SEC. 2. Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits allowable) is amended by inserting after section 44G the following new section:

"SEC. 44H. AMOUNTS PAID UNDER PRODUCTIVITY INCENTIVE PLANS.

"(a) GENERAL RULE.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 5 percent of the payments made by the taxpayer to any employee under a productivity incentive plan, if such payments are made during the taxable year or within 90 days after the end of the taxable year.

"(b) PRODUCTIVITY INCENTIVE PLAN.—For purposes of this section, the term "productivity incentive plan" means any written plan of an employer which provides bonuses (or similar amounts) to employees which are determined by reference to, but not in excess of, the employer's profits or cost savings resulting from increases in productivity if—

"(1) benefits provided under the plan do not discriminate in favor of employees who are—

"(A) officers,

"(B) shareholders, or

"(C) highly compensated,

"(2) amounts payable under the plan to any employee are not paid less frequently than annually, and

"(3) the amounts payable under the plan do not comprise more than 33 percent of the total compensation paid or payable to the employee in or for the year in which the profits or cost-savings were realized.

"(c) For purposes of subsection (b), profits may be determined without regard to any deductions or credits allowable under any other section of this Code.

"(d) NOT DISCRIMINATORY WHEN BENEFITS BEAR UNIFORM RELATIONSHIP TO COMPENSATION.—A plan shall not be treated as discriminatory within the meaning of subsection (b)(1) merely because benefits on behalf of the employees under the plan bear a uniform relationship to the total compensation, or the basic or regular rate of compensation, of such employees.

"(e) The amounts payable under the plan shall be in addition to (and not in lieu of) any compensation otherwise payable to the employee.

"(f) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed by this section for any taxable year shall not exceed the amount of the tax imposed by this chapter for the taxable year, reduced by the sum of the credits allowable under a section of this subpart having a lower number or letter designation than this section, other than the credits allowable by sections 31, 39, and 43."

SEC. 3. (a) The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting after section 44G the following new section:

"Sec. 44H. Amounts paid under productivity incentive plans."

(b) The amendments made by this section shall apply to amounts paid by the employer after January 1, 1983, in taxable years ending after such date.

THE FIRST GENOCIDE OF THE 20TH CENTURY

The SPEAKER pro tempore (Mr. DE LA GARZA). Under a previous order of the House, the gentleman from California (Mr. PASHAYAN) is recognized for 60 minutes.

GENERAL LEAVE

Mr. PASHAYAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include therein extraneous material, on the subject of my special order on today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. PASHAYAN. Mr. Speaker, each April 24 the Armenian people observe Martyrs Day in recognition of the Armenian atrocities, now known as the first genocide of the 20th century. The Congress has, since the early sixties, acknowledged this event. In doing so it has echoed the teachings that "memory is the secret of redemption."

To Armenians the date is remembered as the day of atrocity. As for Armenian generations to come, they shall bear in their minds their moral obligation to respect, memorialize, and demand humanitarian justice.

It was in 1915 that the Ottoman government set out to exterminate a Christian people because it was the Armenians that were obstacles to the Ottoman concept of a pure state of Islam.

But what is it that is remembered? Beginning on the night of April 23 and through the entire day of April 24, the plan began to unfold.

Beginning on that infamous day, all prominent Armenians in Turkey were arrested and later deported to various parts of that country—only to be executed there. Among them were clergymen, intellectuals, well-known merchants, artisans, and others—in all about 1,000 persons representing all classes of the Armenian community in Turkey. But these were only the first group of victims of this well-organized plan of genocide to destroy this small number of people in Turkey.

Others followed within a matter of weeks. It soon became evident to all peoples in Turkey that Armenians were doomed to death and destruction, and that they were faced with a tragedy of national proportions—a tragedy which had been unheard of in the annals of civilization. In a period of less than 6 months the Ottoman government decimated the Armenians within its borders by massacres, deportation, famine, and other means. Only a small segment of the Armenian community succeeded in escaping.

In the United States today we have several hundred thousand people of Armenian extraction.

For centuries, Armenians have been known not only for their Christianity but for their industriousness, their ingenuity, their courage, and for their talent for handicraft, for commerce, and for intellectual pursuits.

When Talaat Bay gave the signal for the unwarranted massacre of the Armenians in 1915, he declared: "After this, there will be no Armenian question for 50 years."

Sixty-seven years have elapsed, but the Armenian question does exist, and will continue to exist as a glaring reality until justice is done. The remnants of the Armenian nation who have survived this catastrophe and preserved their traditions and faith of thousands of years and have established their roots throughout the world, to the great benefit of the nations and the communities in which they reside.

I feel we must draw a lesson from this tragedy. We see here the direct and terrible climax of state-sponsored, state-established religion. We see a religion, possessing the police and military power of a nation, used to oppress and wipe out a people of another religion. We see the awful power of religious emotion, armed with political authority, to slaughter all those who were to them, "nonbelievers."

May we heed this lesson and once again give fervent thanks and gratitude to the founders of our Nation, whose first thought to maintain our freedom was embodied in the first amendment to the Constitution, forbidding Congress to make any law respecting the establishment of religion. Let us preserve and protect that principle.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. PASHAYAN. I yield to the gentleman from California.

Mr. ROUSSELOT. I appreciate my colleague yielding and for his taking this time to make sure that this House of Representatives, this Congress, this Nation, does not forget the horrendous act committed against a very fine, Christian-loving people and that it shall not happen again.

I understand that there is an attempt to make sure that we do not forget this horrid deed by having some type of memorial here in Washington, D.C. Many of us are pledged to see that that happens. I compliment my colleague for making sure that this House of Representatives does not forget this day in 1915.

Mr. PASHAYAN. Mr. Speaker, I should like to compliment my colleague, the gentleman from California (Mr. ROUSSELOT), who I know has always observed April 24 for what it has been, a day of atrocity. I know the gentleman has always been a special friend of the Armenian people, not only in his home State of California, but all over the country. I appreciate his remarks today.

● Mr. SMITH of Alabama. Mr. Speaker, I commend my colleagues on the House Foreign Affairs Committee for arranging to hold a special order to focus both national and international attention on the continued problems plaguing Cyprus, and to encourage progress toward peace. I am saddened by the continued strife and wholeheartedly support House Concurrent Resolution 310, legislation urging

President Reagan to renew his press for a negotiated peace.

My heart goes out to the Cypriots, particularly those of Greek origin who comprise 80 percent of the Cypriot population, for they are forced to live as refugees in their own homeland. Greek Cypriots have been robbed of their rights and self-determination since Turkey occupied Cyprus 8 long years ago.

U.N. Resolution 3212 called for the speedy withdrawal of all foreign armed forces from Cyprus, yet Turkey ignores this resolution and maintain its army to assure continued control over the island. Every day that passes seems to take us further from a negotiated peace, especially since Turkey has intensified its colonization efforts. The U.N. has stationed a peacekeeping force in Cyprus to prevent violence, but little progress is made toward a lasting peace.

Cypriots should be free to determine their own political, cultural, and economic future. They should be permitted sovereignty. But Turkish military presence itself stands in the way of Cypriot freedom.

Turkish troops should be withdrawn. And the United States should do all in its power to encourage Turkish withdrawal, for humanitarian reasons, because we value freedom, and to strengthen our southern flank of NATO. Continued occupation keeps two allies in direct conflict, intensifying problems in the region and weakening total NATO defenses.

It is my hope House Concurrent Resolution 310 and this special order send a clear message to Turkey reaffirming U.S. commitment to freedom and support for the Greek Cypriot population.●

● Mr. DORNAN of California. Mr. Speaker, with the great Irish statesman Edmund Burke we give voice today to the lament that "the age of chivalry is gone." That noble age which held firmly to the traditions of civility has been superseded forever by the dawning of a frightening new age—the age of genocide.

Modern genocide perhaps had its origins 67 years ago in the lovely land of Armenia—a country which became the first Christian state in history. There, in 1915, nearly 1,500,000 brave Armenian men, women, and children underwent the crucifixion of genocide under Turkish rulers. Prior to that fateful year, between 1894 and 1915, the people of Armenia were beaten, starved, and executed, suffering persecution almost unparalleled in modern history.

The heartfelt words of the Book of Lamentations come to mind:

Remember, O Lord, what has befallen us; look and see our disgrace. Our inherited lands have been turned over to strangers, our homes to foreigners . . . The joy of our hearts has ceased, our dance has turned into mourning.

Yet, the Book of Lamentations ends on a hopeful note, a hope we share with the Armenian people today:

Lead us back to you, O Lord, that we may be restored. Give us anew such days as we had of old.●

● Mr. BROOMFIELD. Mr. Speaker, I am pleased to welcome his Eminence Archbishop Torkom Manoogian to the House. As my colleagues are aware, today we are commemorating Martyrs' Day in recognition of the millions of Armenians murdered by Turkish Ottoman authorities in the early part of this century. We are setting aside this day to highlight the special sacrifices that Armenian patriots made on behalf of independence and freedom, and their courage in defending their beliefs against the ruthless Ottomans.

Persecution of Armenia is as old as the Roman Empire. Over the centuries, a series of rulers have sought to repress Armenian attempts to gain independence. The Armenian people have time and again been brutalized, discriminated against, and killed.

Today represents a profound day for Armenians throughout the world. It symbolizes their quest for liberty, and it commemorates the genocide of the Armenian nation between 1915 and 1920.

I wish to express my warmest feelings toward Armenians, in all parts of the world, and to again thank Archbishop Manoogian for his presence here today.

As long as we remember the past, as long as we keep our ideals alive, then we shall never abandon the belief that Armenia must be treated with human dignity and with respect for individual liberty.●

● Mr. BOLAND. Mr. Speaker, Saturday, April 24, 1982, marked the 67th anniversary of one of the most brutal crimes committed during the long history of human civilization, the systematic murder of 1.5 million Armenians. Few who observed the cruel actions of the Ottoman Turkish Government at that time could imagine a recurrence of such a shocking display of ruthlessness. But history has shown that the first planned genocide was not to be the last. In Nazi Germany, the Soviet Union, Uganda, and Cambodia similar atrocities have been perpetrated against the human race, in spite of the tremendous outrage each case of genocide has caused among other nations of the world. In light of these circumstances, it is particularly important that we take the time today to remind ourselves and the rest of the world of the profoundly tragic consequences of unchecked racial or religious hatred.

We can learn much from the mistakes of the past, but only if we understand how they were made. Only by acknowledging our errors can we begin to learn the lessons of human experience. In this regard it is truly unfortunate that no Turkish Government since 1915 has acknowledged the role of its predecessors in the events we recall today. Progress on the issues which divide Armenians and Turks today will be virtually impossible in such a climate of denial. Hopefully, by directing national and international attention through commemorative activities such as this special order, we can do our part in preserving and publicizing the factual record of all of man's mistakes with a view toward insuring that they are not repeated.

I believe it is also appropriate that we reflect today on the qualities of the Armenian people. Because of their strong sense of national heritage, they have been able to survive the genocide which wiped out half of their population. By rebuilding their race, the Armenians have made a tremendous contribution to the cultural wealth of mankind. Armenians are justifiably proud of their rich heritage.●

● Mr. ADDABBO. Mr. Speaker, I was greatly honored to be here today as His Eminence Archbishop Torkom Manoogian offered the opening prayer for this body. Today we are commemorating the anniversary of an important and tragic event—the Armenian holocaust. Sixty-seven years ago, the Turkish Empire began its systematic annihilation of almost 2 million Armenians and the destruction of communities and cultures which had existed for almost 3,000 years. Every possible attempt was made to eradicate all traces of this ancient and civilized race, until half the Armenian population was eliminated, and the other half left scattered and homeless. However, the Armenian people survived, retaining their historic identity, their culture, and their courage. In 1918, the boundaries for a free and independent Armenian nation were finally established, only to fall 2 years later—this time to the Russians. Today, the Armenian people are not in their homeland, but in an area known as Soviet Armenia.

In remembering the atrocities suffered by the Armenians, we must remind ourselves that we can never again allow such injustices. Too often, when we think of the word "genocide", we think of the millions of Polish and Jewish people who were so brutally murdered in World War II by the Nazi regime. But history, and international tribunals have overlooked the fate of those Armenians who died at the hands of the Ottoman Turks in the first mass murder of the 20th century. This day provides us all with an opportunity to reflect on our commitments to human rights and freedoms, and also to recognize the courage and strength of the Armenian people who, against all odds, have preserved their identity, their Christian faith, and their hope. The very existence today of their spirit promises us the ultimate restoration of a free Armenian nation.

Let us pray today for the martyrs of that black page in history, and reaffirm our commitment to never again watch such atrocities. Let us hope that by our words and actions today, we will give encouragement to Armenians everywhere to continue their struggle to regain their national independence and receive proper restitution for the terrible crimes committed against them.●

● Mr. ASPIN. Mr. Speaker, 67 years ago this month, Ottoman officials began rounding up Armenian leaders. That was the beginning of the genocide that saw 1½ million Armenians die over the next 7 years.

It is important that we never forget this bloodletting. On the human level, it is only right and proper to memorialize the suffering unleashed without cause—as if there could ever be cause for such brutality—on an entire population.

On the political level, it is both right and proper to memorialize the many who suffered and died in this genocide to remind ourselves of the inhumanity that humanity is quite capable of unleashing.

We like to think that mankind has achieved a high level of development in the 20th century. Yet the 20th century presents us with three genocides—that of the Armenians in World War I Ottoman Turkey, that of the Jews in World War II Nazi Germany and most recently that of the Khmers in Communist Cambodia.

When the genocide of Armenians began, Henry Morgenthau was the U.S. Ambassador to Turkey. In his autobiography, Morgenthau wrote of the ease with which the Ottoman Turkish authorities launched their extermination campaign. Morgenthau wrote:

When the Turkish authorities gave the orders for these deportations, they were merely giving the death warrant to a whole race; they understood this well, and, in conversations with me, they made no particular attempt to conceal the fact. I have by no means told the most terrible details, for a complete narration of the sadistic orgies of which these Armenian men and women were the victims can never be printed in an American publication. Whatever crimes the most perverted instincts of the human mind can devise, and whatever refinements of persecutions and injustice the most debased imagination can conceive, became the daily misfortunes of this devoted people. I am confident that the whole history of the human race contains no such horrible episode as this. The great massacres and persecutions of the past seem almost insignificant when compared to the suffering of the Armenian race in 1915.

The powers given to governments in the 20th century are the powers to do much good on behalf of their peoples. But they are also the powers to do much evil. Where some use the authority of government to extend health care and education into areas that have never enjoyed them, others use the powers of government to wreak havoc on minority peoples or neighboring states.

What happened in Turkey from 1915 to 1923 was a modern tragedy of the forces of the state gone wild. Adding to the horror is the fact that it could continue for so long without surcease, without the oppressors being called up short.

We like to think that world opinion can stop such bloodletting. But it was to no avail in any of the three genocides of this century. In fact, world opinion may have served only to inflame the genocide in Turkey. In a now declassified cable from Constantinople, the American Ambassador cabled Washington in 1915.

It appears that a campaign of race extermination is in progress under a pretext of reprisal against rebellion. Protests as well as threats are unavailing and probably incite the Ottoman government to more drastic measures as they are determined to disclaim responsibility.

The unspeakable horror unleashed upon the Armenian people must never be forgotten. The reports of this terrible massacre ought to be underscored in red in every history textbook in the country. We must never forget.●

● Mr. ANNUNZIO. Mr. Speaker, April 24, 1982, was a sad day in the annals of world history for it marked the 67th anniversary of the ruthless Turkish massacre of the Armenian people. I join my distinguished colleague from the 17th District of California, Hon. CHARLES PASHAYAN, who has taken this special order, and my other colleagues in marking this tragic event.

The Armenian genocide is the oldest unresolved grievance on the agenda of world business, and yet, the Government of Turkey has not yet even extended an official apology for the inhuman crimes perpetrated against the Armenian people. Instead, it retreats even from acknowledging the stark reality of its brutal attempt to wipe out an entire nation—an event documented and recorded not just by the victims themselves but by diplomatic representatives of our own country as well as European nations. In fact, the word genocide first came into being as a result of the Turkish extermination of the entire Armenian Christian population within the Ottoman borders in the spring of 1915.

Mr. Speaker, at this point in the RECORD I would like to include the telegram received in July 1915 in our State Department from the American Ambassador in Constantinople officially documenting the "campaign of race extermination" which was in progress, as well as an excerpt from a letter I have received from Ross Vartian, executive director of the Armenian Assembly of America, commenting on Turkey's inability to "come to terms with (its) genocidal past." The telegram and excerpt follow:

[Telegram]

JULY 16, 1915.

SECRETARY OF STATE,
Washington:

Have you received my 841? Deportation of and excesses against peaceful Armenians is increasing and from harrowing reports of eye witnesses it appears that a campaign of race extermination is in progress under a pretext of reprisal against rebellion.

Protests as well as threats are unavailing and probably incite the Ottoman government to more drastic measures as they are determined to disclaim responsibility for their absolute disregard of capitulations and I believe nothing short of actual force which obviously United States are not in a position to exert would adequately meet the situation. Suggest you inform belligerent nations and mission boards of this.

AMERICAN AMBASSADOR.

CONSTANTINOPLE.

EXCERPT OF LETTER FROM ROSS VARTIAN

The Armenian Genocide was a government-conceived and supervised plan of race annihilation documented fully in the national archives of every western state. Despite this evidence, successive Turkish regimes have been unable to come to terms with their genocidal past. On the contrary, the architect of the Armenian Genocide, Talaat, is remembered today as a national hero. One can only imagine the worldwide furor if Germany similarly were to honor Hitler, the architect of the Holocaust.

I would also like to include at this point in the RECORD selected statements on the Armenian genocide, which follow:

THE ARMENIAN GENOCIDE: SELECTED STATEMENTS

(Quotes from non-Armenian observers and experts on "the first genocide of the twentieth century," in which over one and a half million Armenians were systematically annihilated by the Turks (1915–1917))

"By any standards this was surely the most unprecedented, indeed the most unimaginable racial annihilation, until then, in modern history. Nevertheless, apparently unconcerned by the enormity of their affront to civilization, the members of the Young Turk regime continued to view the 'deportations' as nothing more than effective diplomacy, the realization of Abdul Hamid's injunction that 'the best way to finish with the Armenian Question is to finish with the Armenians.'"—Howard M. Sachar, Emergence of the Middle East 1914–1924 (Knopf, 1969).

"From May until October the Ottoman Government pursued methodically a plan of extermination far more hellish than the worst possible massacre. Orders for deportation of the entire Armenian population to Mesopotamia were dispatched to every province of Asia Minor. These orders were explicit and detailed. No hamlet was too insignificant to be missed. The news was given by town criers that every Armenian was to be ready to leave at a certain hour for an unknown destination. There were no exceptions for the aged, the ill, the women in pregnancy."—Dr. Herbert A. Gibbons, The Blackest Page of Modern History (Putnam, New York, 1916).

"In 1915 there occurred a 'final solution' which is now almost forgotten, the deliberate extermination of the Armenians by the Turks. The Armenian 'problem' was solved by the massacre or deportation of some

1,750,000 men, women and children from the Armenian provinces of Turkey. Over a million died or disappeared through massacres in Turkey or during the forced marches to the deserts of the Turkish eastern territories—the areas which were later to become Syria and Iraq."—Roger Manvell and Heinrich Fraenkel, The Incomparable Crime (Putman, 1967).

"A foreign witness has said that these deportation columns were merely a polite form of massacre, but in reality they were infinitely worse and more heartless; for instead of instant death they forced the victims to undergo all sorts of inhuman sufferings, while this cowardly and barbarous plan was to save the face of the authorities by posing as a necessary military measure. From June till August 1915, the hottest time of year when the victims were most likely to succumb, these processions of death wended their way endlessly from all the vilayets and towns where there were Armenians southwards in the direction of the desert."—Fridtjof Nansen (High Commissioner for Refugees, League of Nations), Armenia and the Near East (New York, 1928).

"The atrociousness of the two great twentieth-century wars was aggravated by 'genocide' (i.e. the wholesale extermination of civilian populations). In the First World War the Turks committed genocide against the Armenians; in the Second World War, the Germans committed genocide against the Jews."—Arnold J. Toynbee, Mankind and Mother Earth (Oxford Univ. Press, NY/London, 1976).

"When the Turkish authorities gave the orders for these deportations, they were merely giving the death warrant to a whole race; they understood this well, and in their conversations with me, they made no particular attempt to conceal the fact.

"I have by no means told the most terrible details, for a complete narration of the sadistic orgies of which these Armenian men and women were the victims can never be printed in an American publication. Whatever crimes the most perverted instincts of the human mind can devise, and whatever refinements of persecutions and injustice the most debased imagination can conceive, became the daily misfortunes of this devoted people. I am confident that the whole history of the human race contains no such horrible episode as this. The great massacres and persecutions of the past seem almost insignificant when compared to the sufferings of the Armenian race in 1915."—Henry Morgenthau (U.S. Ambassador to Turkey, 1913-1916) Ambassador Morgenthau's Story (Doubleday, Garden City, 1918).

"It was left to the civilized twentieth century to invent the word 'genocide' to identify the action that seeks systematically to destroy a whole people. The Turks, early in the century, were its first practitioners; the Nazis in mid-century gave it a horrible extension that eclipsed the earlier record."

"The Turkish victims numbered more than a million and a half Armenians, a gentle, highly cultured, industrious people who, in 1915, behind the facade of war, were methodically done to death."—"The Reaction of the West to Genocide" in Abram L. Sachar, The Course of Our Times, (Knopf, N.Y., 1972).

"The victims of twentieth-century premeditated genocide—the Jews, the Gypsies, the Armenians—were murdered in order to fulfill the state's design for a new order."

"War was used in both cases to transform the nation to correspond to the ruling elite's formula by eliminating groups conceived of as alien, enemies by definition."—Helen Fein, Accounting for Genocide (Victims and Survivors of the Holocaust) (Free Press/Macmillan, N.Y., 1970.

Mr. Speaker, it is the hope of Armenians everywhere that eventually a peaceful redress for their legitimate grievances may be realized. As Members of Congress, we join our Armenian-American constituents across the Nation in paying tribute to the blessed memory and martyrdom of those innocent victims of the Amenian genocide. As we recall the sad events of 1915, let us do our utmost to alleviate the memory of this unjustified crime against the Armenian people, the scars of which are carried in the hearts and minds of every surviving Armenian.●

● Mr. MOORHEAD. Mr. Speaker, I thank the gentleman for yielding. I also thank the gentleman for asking me to participate in this special order.

For many reasons, this is not a happy task for any of us. It is certainly unpleasant to remember that beginning on this day in 1915, the Ottoman Empire began the systematic slaughter of 1½ million Armenian children, women, and men.

It is not pleasant to recall that the Armenian massacre still carries a legacy of hate and suffering, and that the scars created by those days of agony have not entirely healed.

In this grand Chamber, many years after the fact, it is not easy for us to imagine the great horror the Armenian genocide represents. It is not pleasant to realize again that mankind has such a hideous capacity for evil and that, despite the well-intentioned rhetoric of well-meaning men, we still have not learned from past horrors such as the Armenian massacre.

Rather than becoming less tolerant of mass murder, it tragically seems we have become more indulgent of it. We promised after the Armenian desolation that there would be no more genocide.

Then came the extermination of 6 million Jews by Hitler and again we vowed that such evil would not reoccur. Since the Holocaust, millions of persons have been murdered in Russia and China. More recently, we have heard chilling accounts of mass death in Uganda and Cambodia.

After each atrocity, our cries of outrage arise anew, yet the outrages continue. Despite the vast commonality of man, we continue to slaughter each other for base reasons. Despite the fact that we share an endless number of common traits, common desires, and common needs, we continue to kill and hate for reasons so small that the acts they engender become even more perverse.

The words we utter here today as a memorial to the victims and survivors of the Armenian massacre will be hollow if we ourselves do not determine to become more tolerant of those small differences that make each of us unique.

If we do not demonstrate concern and compassion for all of our fellow men, we condone brutality and hate however far we are removed from hateful acts.

Today, we recall the results of evil so we can renew our commitment and dedication to good. This, I believe, is the lesson of the Armenian genocide.●

● Mr. WOLF. Mr. Speaker, 67 years ago the Armenian people were very nearly destroyed, and the survivors driven from their homeland by an act of premeditated genocide which was unprecedented in the civilized world.

Today with the opening prayer in the House of Representatives by Archbishop Torkom Manoogian we are being called on to remember this time of their suffering which has been nearly forgotten by so many of us.

We must not allow the world to forget that on April 24, 1915, the Turks began a planned and coordinated operation which was designed to destroy the Armenian culture and kill every Armenian living in lands under Turkish occupation. Of the 3 million Armenians alive at that time 1.5 million were either killed violently or died of thirst and starvation after being driven into the desert.

Any time one nation sets out to destroy another nation or people a great crime against humanity is committed. If we do not express our outrage against this crime it will be committed again in the future.

The Armenians who live in our communities today are the survivors of this merciless killing. They must serve to constantly remind us of the cruelty of which man is capable, and must put us on our guard to prevent the large-scale suffering of innocent people from ever happening again.●

● Mr. HOLLENBECK. Mr. Speaker, April 24 marked the 67th anniversary of the genocide carried out against over 2 million Armenians by the Turks. Each year we should pause to reflect on the tragic events that began on April 24, 1915. On this day, the intellectual and spiritual leaders of the Armenian community were arrested and later sent into exile that most were destined not to survive.

With the removal of these leaders, a massive program for uprooting and deporting nearly all of the 2 million Armenians in Turkey began. Over the next year more than 1 million Armenians lost their lives either at the hands of the Turks and Kurds, or through famine in exile. In addition, reports indicated that several hundred thousand Armenian women and children were sold into slavery. Only a small fraction of the Armenian population survived by emigrating to other countries. As a result, the first planned genocide of

the 20th century nearly exterminated the Armenian population in Turkey.

On April 24 of each year we are provided with an opportunity to deplore man's inhumanity to man and to reflect on the strength of the Armenian people who, despite all odds, have maintained their identity. The Armenian people have demonstrated throughout history their fortitude, stamina, and tenacity in maintaining their culture, church, and language. The existence of this spirit is the foundation that will lead to the ultimate restortion of a free Armenian nation.

In recalling the severe injustices suffered by the Armenian people, we remind ourselves that crimes of this nature must never be allowed to occur again and pledge to remain vigilant in opposing all such atrocities.●

● Mr. COELHO. Mr. Speaker, it is important for us all to remember April 24 for it is Armenian Martyrs Day. On this day 67 years ago, the first intellectuals, community leaders, and prominent citizens of the Armenian community were brutally executed. This marked the beginning of one of the world's first and most devastating genocides, at the end of which some 2 million Armenians had been driven from their homeland and massacred by the ruthless Turkish Ottoman regime.

Out of this horrendous deed grew a strength and courage which unites the Armenian people today. A lesser people would have lost their national identity, yet the deprivation, suffering, persecution, and injustice the Armenian people have endured laid the foundation for the Armenian spirit which still lives. This truly is cause for celebration and commendation from all other free peoples of the world and an example of strength and fortitude for all those who suffer still.

Let us mourn the loss of those before us and commend the honest and industrious Armenians who continue to contribute so much to our communities.●

● Mr. HOWARD. Mr. Speaker, each year at this time we as representatives of a civilized Nation acknowledge the first genocide of the 20th century perpetrated by the odious forces of the Ottoman Empire upon nearly 2.5 million Armenians whose only crime was their implacable Christian faith. These events of 1915 to 1922, intertwined with the conflagration of World War I and with the bitter confusion of its aftermath, seem to some merely another chapter in Europe's tragic history, a page perhaps from some dusty scholarly volume. The memories of many Armenians, the broken families, and the scars upon the Armenian national psyche, however, are all too real.

Our human obligation here is not to merely note the repugnance of the Ottoman policies, but to acknowledge that these atrocities were largely ignored by supposed civilized nations, including our own. This is a crime of conscience beyond any mere error of omission, for genocide is a deliberate act of inhumanity which transcends even the terrible human cost of modern warfare. One can stumble into an all-engulfing world conflict, but not into the deliberate murder of over 2 million people. In this vein, the Armenian genocide is an event which we as human beings must never forget. It is a failure of humanity of the very gravest magnitude, as profoundly disturbing as any events in mankind's memory. Mr. Speaker, a few days ago I received a letter from Ambassador Sukru Elekdag of Turkey once again denying the "Forgotten Genocide" by enumerating inaccuracies in history and irrelevant statements in his attempt to connect the annual commemoration of the first genocide of the 20th century to the recent terrorists' activities. There is no connections. Ambassador Elekdag tries to cloud the facts, which are well-documented that indeed the Armenian genocide was a government-conceived and supervised plan of annihilation planned by Talaat, who, in fact, is remembered by Turks today as a national hero.

Speaking for itself, I quote from a cable to the Secretary of State, dated July 16, 1915, from the U.S. Ambassador, Constantinople (Istanbul):

> Have you received my 841? Deportation of and excesses against peaceful Armenians is increasing and from harrowing reports of eye witnesses it appears that a campaign of race extermination is in progress under a pretext of reprisal against rebellion.
>
> Protests as well as threats are unavailing and probably incite the Ottoman government to more drastic measures as they are determined to disclaim responsibility for their absolute disregard of capitulations and I believe nothing short of actual force which obviously United States are not in a position to exert would adequately meet the situation. Suggest you inform belligerent nations and mission boards of this.

Rather than denial, the Turkish nation should acknowledge this heinous crime and join with President Reagan, former President Carter, Members of Congress and the U.S. Holocaust Memorial Council in recognition of the Armenian tragedy. Mr. Speaker, the wounds cannot be healed by the continuation of malignant silence.●

● Mr. PARRIS. Mr. Speaker, April 24, 1915, marks the 67th solemn anniversary when approximately 1.5 million Armenians were massacred by the Turks in what has come to be known as the first genocide of the 20th century.

Armenia, once an empire between Turkey and the Soviet Union, had become a part of Turkey by 1914. At the outset of World War I, young Muslim Turks claimed that Armenian Christians were a threat to the Turkish Government and this idea was used as an opportunity for Turkish leaders to wipe out Armenian demands for equality and freedom. At this time, the Turks believed the best way to accomplish this goal was to destroy the Armenians themselves.

Sixty-seven years later, we have come together to remember those Armenians who died in 1915 and to remind people who love freedom that we will not let this type of tragedy happen ever again. At a time of international unbalance and frequent terrorist activities, nations all over the world should stand together in memory of this fatal event.

I urge my colleagues to join with me in commemorating the date of April 24, 1915, in memory of the Armenians who died in order to preserve freedom.●

● Mr. BARNES. Thank you Mr. Speaker for the opportunity to add my statement to those of my colleagues who are participating today in the special order on the Armenian massacre.

The world has three times witnessed the horror of genocide in this century. We know too well of the tragedy of the Cambodians in recent years and of the Jews in Hitler's Nazi Germany during World War II. But even before these, the Armenians of the Ottoman Empire, had faced the same awful fate. In 1915, the ruthless killing of over 1½ million Armenians began. It took place in the midst of the demise of the Ottoman Empire at a time when the ruling triumvirate of young Turks had solidified its power after overthrowing the Sultan Abdul Hamid, the so-called bloody sultan who had massacred thousands of civilians in a reign of terror. By 1915, the First World War had begun and in June the Turkish Government began to implement a policy of deportation to move Armenians from war zones to more isolated regions in the eastern Syrian desert. Thus began the cruel march to death for those Armenians, who were forced to leave their homes and personal belongings to walk the road of human misery. Many died along the way at the hands of villagers and other ethnic minorities such as the Kurds, Georgians, and Tartars, all of whom attacked the defenseless Armenians with virtual impunity. Men, women, and children were abandoned, starved, beaten, drowned, and brutally slain. Some were reported to have even been forced to dig trenches in which they were buried alive. And, the few who ultimately survived to reach the resettlement camps found no provisions for food and water.

The world was not oblivious to what was happening and reports of these atrocities caused an outcry of protest in Europe and our own U.S. Ambassador to Turkey (1913–16), Henry Morgenthau, wrote numerous detailed ac-

counts of the unspeakable horror and mass suffering and death of a nation of people. In February of 1919 the Turkish Government began trials to bring those responsible for the Armenian massacre to justice. However, the three key top officials, Enver Pasha, Talaat Bey, and Djemel Pasha all of whom were condemned and sentenced by the Turkish Government in July 1919, had all escaped the country months before the verdict and were later known to have fled to Germany, Turkey's primary ally in World War I.

As the precious few Armenian escapees began to publicize their experiences and recount the grueling details of the cruel fate of these thousands of Armenians, this story of human tragedy became painfully clear. I would like to share the following excerpts of two eyewitness accounts as reported and quoted in the New York Times.

The first is from the New York Times of February 3, 1919, in an article entitled "Saw Armenians Drowned in Groups" and describes the story of an American woman, Mrs. George Dar Arsanian, who lost her husband and child in the massacre:

My husband," she said, "was born in Armenia, came to this country when a child, and had lived here eighteen years when we were married in 1909. He was a naturalized American citizen, and was a barber. In November, 1913, we went to Turkey to look after some property interests. Within one week after our arrival he was conscripted into the Turkish army. He protested that he was an American citizen.

* * * * *

Things went well with us until early in June of 1915. The war had involved all the nations, and Turkey had cast her lot with the Germans. Then the Turks started devastating the smaller States, plundering and murdering. Turkish police came into our village of Chmeshgazak and rounded up all but seven men. These seven escaped into Russia.

The men captured were marched off to the Turkish detachment in the village. My husband was taken along with the rest and later marched to another village. Finally my husband sent a note by a boy for me to come and see him. 'You and the children will not be harmed, but I am doomed,' he said. He realized that he would be murdered, and that money could not save him, as the Turks were determined to be rid of all able-bodied Armenians who refused to serve in the Turkish Army.

I never saw him again. He was taken with other prisoners to Harpoot a few days later. His aunt afterward told me that she saw him bound, as was the custom, but she was not allowed to speak to him. He and the others were on their way to an execution of the grossest cruelty. We had seen these so many times there was no mistaking the inevitable result.

I saw men taken from our village and marched in pairs to the banks of the river. They were bound up securely and ranged up in a long line along the bank of the river. They were then driven into the water at the points of bayonets and sabres and as they rose again to the surface of the water they were beaten senseless and then left to drown. My godfather and his brother were among them, their request that they might die together being granted even by the cruel Turks. Old men were killed in their beds in the village. They brought even the priest, and a soldier slashed his head off, and it was kicked around the streets by these brutes in Turkish uniforms. I cannot begin to describe all the revolting scenes like this that I have witnessed.

Kurds waylaid and robbed us on our way to a neighboring village, where we women and our children were ordered rounded up. Mobs came and looted the village, taking everything of value they wanted. Soldiers mingled in this robber band.

I was taken to the house of a Turk and placed under his protection. Some one asked who the American woman was and I came forward and was assured that no harm would befall me. There I was kept a prisoner, but it was better for me, as Armenian women were massacred. My husband's cousin escaped by putting on a Turkish costume.

An entire village population of women was marched around for a week, lined up and driven into a river bed, but the water was not deep enough to drown them and the poor wretches, those not murdered, were allowed to return home, and I know they later met the same death as their companions.

* * * * * *

The following excerpts are taken from an article entitled, "Armenian Tells of Death Pilgrimage," (New York Times, July 27, 1919):

FAMILIES TORN APART

Those who were in their homes were made to come out; others who were caught in the market place were killed or imprisoned. Women were separated from their husbands, children from their mothers. We, too, were thus broken up, and I lost trace of the children and my wife; also of my brother and his family.

* * * * *

The second day my children were taken away and their mother sold before my own eyes. After their work was completed they again pushed us onward. Having marched for twelve days under the hot, blazing sun, the attacks were renewed. The Turks, having consulted with the Kurd leaders regarding the extermination of all that was left of our company, came upon us like a herd of animals with daggers in their hands. They ruthlessly cut many into pieces. Many from our town were killed.

Armenians in the world today remember these stories and those who were not there have heard them from family members, and most must live with the memory of a loved one who perished in the massacre. All the memories of this painful time will pass on from generation to generation and the horror of those years will live forever in the human heart and the human conscience. We remember this with great sadness and reflect on the devastation of a nation of people.

This must never happen again. As a nation we must demonstrate our commitment to the principles of justice and we must, as a leader in the free world, marshal the crusade against those who would deny the complete recognition and full preservation of human rights. Many Armenians suffered and died needlessly and the cruelty they endured must never be repeated. This tragedy occured and we cannot now erase it, but the horror of those years which touches our hearts again today compel us to protect our future from the recurrence of such a nightmare. At all costs we must preserve for succeeding generations our dreams and hopes for a better, more humane, world.●

□ 1400

MULTINATIONAL FORCE OF OBSERVERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. HUTTO) is recognized for 60 minutes.

Mr. HUTTO. Mr. Speaker, a multinational force of observers has begun a most important mission of seeing that peace is maintained between Egypt and Israel in the demilitarized zone of the Sinai Desert. This is in keeping with the Camp David accords. I believe that all Americans, indeed most of the people of the world, desire to see a permanent peace, not just a fragile one, between these two neighbors in the Middle East.

Recently, I, along with seven of my colleagues from the Armed Services Committee—Representatives DICK WHITE, FLOYD SPENCE, SONNY MONTGOMERY, MARGIE HOLT, TONY WON PAT, and BOB STUMP, and one member of the Appropriations Committee, Representative CLAIR BURGENER—had the opportunity to visit our troops who are part of the MFO. Our contribution to this peacekeeping force is the 1st Battalion (Airborne), 505th Infantry, 82d Airborne Division, America's Guard of Honor.

Our group was flown in an Israeli C-47 plane from Tel Aviv down to Sharm-Ash-Shayk at the very southern tip of the Sinai Desert. We landed in late afternoon at Ofira, an Israeli air base that is being returned to Egypt under the treaty. We were met by Lt. Col. William F. Garrison, commanding officer of the MFO camp that has been built in that area.

Following a briefing on the construction and operation of the camp and on the MFO mission, we met personally with the troops from each Member's State. I can tell you, Mr. Speaker, that we can be proud of the sacrifice being made by these young men in the cause of peace in the world. This is a lonely place to serve but, despite a few problems, the spirit and morale of our forces are high. They believe in what they are doing.

In closing, let me point out that the motto of this Army unit is "All the Way." As our bus moved to and from the camp, each guard along the way gave a snappy salute and yelled that motto. Colonel Garrison told us that there are no finer Americans than

these young men. They love the United States of America and will do anything for their country.

When we unloaded from the bus to get aboard the plane, we walked the cordon formed by an honor guard as each man stood rigidly at present arms. And as we took off from that lonely desert on a runway lighted by kerosene lamps, it rekindled in each of us that deeply felt American spirit to know that proudly they serve.

Mr. RUDD. Mr. Speaker, will the gentleman yield?

Mr. HUTTO. I yield to the gentleman from Arizona.

Mr. RUDD. I thank the gentleman for yielding.

I thank him for taking this special order to tell our colleagues in the House and the people in this Nation what sacrifices are being made by the American participants in the peacekeeping force the gentleman referred to there. I know it must give that force, as well as the people of America and the entire world, a pleasure in the fact that this morning the President of Egypt, President Mubarak, reiterated his firm intention to abide by the Camp David accords. That has been of great concern to the world and especially to the citizens of this country and to our Government in recent times as to when parts of this accord would be complied with as has been done by Israel in its total withdrawal in the Sinai.

I think a lot of people expected that perhaps Egyptian President Mubarak might renege to some extent on the intentions of the signed Camp David accords and what they purported to do. As it turned out, that is not so.

Although I accompanied the gentleman on much of this trip, the President of Egypt, with the great respect due him, had indicated then that he intended to comply with the signed agreement; even so there was still some doubt about whether or not he would. But his public statement this morning reaffirming his commitment to the accords gives everyone a lot of satisfaction knowing that they will be complied with.

The Sinai is a tremendous loss to the country of Israel. They had grown to be a little more comfortable with that extra space—they had so little as it—not only as a training ground but as a buffer against what had been a traditional enemy. It was a great sacrifice to Israel to withdraw as they succeeded in doing. This is a great credit to them as a people.

The occurrence of this withdrawal from the Siani Desert must bring satisfaction not only to the great men and military personnel of our Nation who are serving there as part of the peace-keeping force, but also to all of the people of the world.

Mr. HUTTO. I thank my colleague and I am sure that my colleague who was with us in our meetings with President Mubarak of Egypt and Prime Minister Begin on our visit will agree that both of them gave us strong comments at that time that their nations would abide and are committed to the Camp David accords.

Mr. RUDD. They did do so, but it had to be noticed that there was great pressure involved because of the various forces that in effect for various and numerous reasons, patriotic and otherwise, to both nations were not in agreement with what was taking place.

Under that great pressure these two enormously qualified heads of state acted as they did to their credit.

Mr. HUTTO. I thank the gentleman.

Mr. WHITE. Mr. Speaker, will the gentleman yield?

Mr. HUTTO. I yield to the gentleman from Texas.

Mr. WHITE. I thank the gentleman for yielding.

I just walked into the Chamber and I just learned about the special order and I understand that the gentleman is speaking principally about the peacekeeping force in the Sinai?

Mr. HUTTO. The gentleman is correct.

Mr. WHITE. And I would like to contribute my observations.

We were able to fly down there and talk to the 82d Airborne Battalion there. They are a first-class outfit with good morale, in fine physical shape. They are working together with troops from other nations for a common purpose at the very end of the Red Sea there in the general locale of Sharm-Ash-Shayk. I think the Americans are very proud. They had very minor redtape problems that occurred here back in Washington that they were trying to take care of and clarify, as any troops in the field would have when they are dealing with their home base.

Once that is cleared I think their morale factors and all problems would be ironed out and I think they are going to acquit themselves very well.

Mr. HUTTO. I thank the gentleman and I would like to point out that the gentleman from Texas (Mr. WHITE) was the head of our delegation in the absence of the chairman of our committee, the gentleman from Illinois (Mr. PRICE), and he did an excellent job as we moved to our meetings with President Mubarak and Prime Minister Begin and visited with our troops and visited some of the bases that we hope to use for our Rapid Deployment Force.

The gentleman mentioned some of the problems. It might be well to point out a few of those, like not being able to receive packages.

Mr. WHITE. Actually what we looked at were facilities and staging areas that our Rapid Deployment Force might find useful and could utilize in the event that some host country's invited us to counter some insurgency or some incursion against the sovereignty.

Of course, I might say this quickly, that we respect the sovereignty of every nation. We do not look to have permanent bases, I do not think, in any of the countries that would not want us to have permanent bases. Some of them would like to make as much neutrality as possible.

But they understand the dangers of a master plan of Soviet incursions and movement through direct and indirect means throughout the entire African and Mideast area and the only force competent and capable of countering the loss of their sovereignty and their freedoms would be the United States, if invited, of course, by those host countries.

But the experience with the 82d Airborne, the peacekeeping force, was an added dimension which certainly made us proud of the representation we have in that force.

Mr. HUTTO. I thank the gentleman. I appreciate the contributions of the gentleman from Texas.

Mr. Speaker, I yield back the balance of my time.

THE INTRODUCTION OF A BILL TO AMEND THE SBA POLLUTION CONTROL BOND GUARANTEE STATUTE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. CONTE) is recognized for 15 minutes.

● Mr. CONTE. Mr. Speaker, today, on behalf of myself, the distinguished chairman of the Subcommittee on Energy, Environment and Safety of the Committee on Small Business, Mr. BEDELL, and the members of the subcommittee, I am introducing a bill to correct a problem that has arisen in the Small Business Administration's pollution control bond guarantee program. This bill is one of the results of the extensive oversight hearings on this program held by the subcommittee on November 4, 1981, March 10, 1982, and March 31, 1982. It is a positive step in putting this program, which has been of great importance to small businesses, back into the arsenal of successful, cost-effective small business programs.

As a result of the environmental laws passed in the late 1960's and early 1970's, small businesses faced the prospect of installing expensive pollution control technologies that strained their financial capabilities and threatened many such companies with bankruptcy. In the 1970's, Congress enacted two programs to assist small businesses—an economic disaster loan program, which evolved in the early 1970's and which provided direct loans, and the pollution control bond guar-

antee program, which was enacted in 1976. Although the direct loan program is still on the books, no funding was provided in the 1981 Omnibus Budget Reconciliation Act, and the program is moribund.

That leaves only the pollution control bond guarantee program in the arsenal, and, in this time of fiscal restraint, it is a model program, a gem of a program, which does no more than open the doors to permit private investors to finance the projects that allow small businesses to comply with the pollution laws passed by this Congress. What it does is remove the one barrier that prevents small businesses from selling bonds on the open market; namely, that small businesses do not have the financial strength to assure investors that the business will be around in 20 years to pay off the bond. The Government guarantee takes care of that hesitance on the part of the investors. It is important to note that the guarantee has not cost the Government a cent. In fact, because of the lack of defaults and the guarantee fees collected by the Government, the program actually makes money for the Government. In fiscal year 1982, this program, by OMB's own estimate, is expected to make $25 million for the U.S. Government. Last year, because the program was successful and was needed, Congress actually increased the program level in the reconciliation bill from $100 to $250 million.

The problem with the program arose because of a strained and, in the subcommittee's opinion, wrong interpretation of the enabling statute made unilaterally by the Office of Management and Budget and the Treasury Department according to which they issued an order to SBA that no guarantee be issued in conjunction with tax-exempt financing. This caused three problems. First, the program has run and was intended by Congress to run in tandem with tax-exempt financing, so it completely disrupted the program. Since the order came into effect on January 1, 1982, zero activity has occurred in the only program available to assist small business finance pollution control equipment. Second, because large businesses can still obtain tax-exempt financing through an industrial revenue bond provision that is too complex for small businesses to be able to afford to use, the decision discriminates against small businesses. And third, small businesses are now being squeezed between complying with environmental laws and not being able to finance the costs of compliance.

Consequently, the Subcommittee on Energy, Environment, and Safety of the Committee on Small Business is unanimously behind this bill to amend the enabling statute to correct a tortured interpretation of the existing language and restore this gem of a program, which retains jobs, keeps small business functioning, helps clean up pollution, and does not cost the Government a dime. This subcommittee has sat in several sessions during which small business after small business made the trek to Washington to tell us how much they need the program. Unfortunately, there has been a misunderstanding, which this bill is designed to correct.

H.R. —

A bill to amend the Small Business Investment Act of 1958 to clarify the availability of guarantees with respect to financing for pollution control facilities

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 404(b)(1) of the Small Business Investment Act of 1958 is amended by striking the phrase "the guarantee authorized in the case of pollution control facilities or property may be issued" and inserting in lieu thereof "and subject only to the existence of qualified guarantee applications of eligible small business concerns and within the authority available to the administration, the administration shall not decline to issue the guarantee authorized in the case of pollution control facilities or property".

(b) The amendment made by subsection (a) shall apply to applications (for the issuance of a guarantee described in such amendment)—

(1) pending as of January 1, 1982, or

(2) made after December 31, 1981.●

POLLUTION CONTROL FINANCING FOR SMALL BUSINESS

● Mr. BEDELL. Mr. Speaker, I am pleased to join with SILVIO CONTE in introducing legislation to restore the Small Business Administration's pollution control loan guarantee program. Joining us as cosponsors of this bill is the entire membership of the House Small Business Subcommittee on Energy, Environment and Safety. Besides Mr. CONTE and myself, the subcommittee includes NICHOLAS MAVROULES, JOHN HILER, CHARLES HATCHER, GUY MOLINARI, and DENNIS ECKART.

In recent months, we held three separate hearings on pollution control financing for small businesses. Over and over again, we heard that there is no adequate substitute for the SBA's program, which was created by Congress in 1976 to help small businesses meet the costs of compliance with environmental protection laws.

In our hearings, we also found that the SBA's polllution control loan guarantee program probably is among the best-run, most cost-effective programs we have in the Federal Government today. The program has done exactly what it was set up to do, and met every goal that has been established for it. They have had defaults on less than 1 percent of their portfolio, and the program actually has netted the Government millions of dollars in fees paid by participants.

Consequently, the subcommittee is dismayed by the administration's efforts to effectively shut down the SBA's pollution control financing program. Efforts to slash the program's budget—which consists entirely of authority to issue off-budget loan guarantees—have been rejected repeatedly by the Congress, so the administration now is attempting to kill the program through more subtle means.

Earlier this year, the Office of Management and Budget directed the SBA to make certain changes in the regulations governing the pollution control program. Those changes were made without public notice or comment, were made retroactive to cover pending applications that already had been approved, and are completely contrary to both the spirit and the letter of the law.

Administration spokesmen have been unable to provide an adequate explanation for the change in the regulations, and they have not convinced the Small Business Committee that the Government should go back on its commitment to assist small businesses meet the costs of complying with Government-imposed environmental protection requirements. Thus far, the administration has been completely unyielding and completely unreasonable in its position of thwarting pollution control financing for small business.

The result is that the Small Business Subcommittee on Energy and Environment, whose membership spans a broad range on the political and philosophical spectrum, is unanimous in proposing a change in the law, to restore the SBA's pollution control loan guarantee program to the way it was before the Office of Management and Budget forced arbitrary and unreasonable changes upon it. The legislation we are introducing today also is intended to prevent such harmful and capricious action from occurring again.

Mr. Speaker, it is shameful that we have to go through this exercise, just to see that a congressionally mandated program is implemented as the law already provides. But we are left with no other choice.●

GENERAL LEAVE

Mr. LUNGREN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include therein extraneous material, on the subject of the special order today by the gentleman from Massachusetts (Mr. CONTE).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

IN TRIBUTE TO "THE ANCHOR"

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tlewoman from Massachusetts (Mrs. HECKLER) is recognized for 5 minutes.

● Mrs. HECKLER. Mr. Speaker, this month marks the 25th anniversary of the Anchor, the weekly newspaper of the diocese of Fall River, in my congressional district.

In congratulating the Anchor on its silver anniversary, I wish it 25, and even 50 more years of faithful and inspired service to the Fall River Catholic community.

In honor of this anniversary, I would like to insert in the RECORD excerpts from a message by the bishop of Fall River, the Most Reverend Daniel A. Cronin, that was printed in the newspaper's anniversary edition of April 16. This message offers my colleagues insight into the nature of the Catholic press in this country.

The Anchor has surely been, to quote its motto, "an anchor of the soul, sure and firm," to the community: in providing information on local and world church events, offering religious education, and binding those of the Catholic faith.

The message follows:

MESSAGE OF THE MOST REVEREND DANIEL A. CRONIN, BISHOP OF FALL RIVER

In this special edition, our Diocesan newspaper, The Anchor, happily celebrates its Silver Jubilee, marking twenty-five faithful years as an instrument for the instruction, formation and sanctification of the faithful of the Diocese of Fall River.

From the time when my predecessor as Ordinary, Bishop Connolly, was inspired to found a Diocesan newspaper a quarter of a century ago until this very edition, The Anchor has come into thousands upon thousands of households throughout our region, proclaiming the Gospel and serving as a cohesive bond of unity for readers from one end of the Diocese to the other.

Of late, our beloved Pope John Paul II has reaffirmed the extraordinary importance of the Catholic press in the mission of the Church. Addressing a group of bishops on January 4, 1982, the Sovereign Pontiff spoke of our conviction that everyone, redeemed and loved by the Lord, is called to truth. The Holy Father suggested that the role of the Catholic press in reflecting the truth is more important today than ever before, both for the enlightenment of consciences and for the dispelling of false interpretations and insinuations. The Pope identified the Catholic press as an instrumentality of the magisterium, serving "to bring about in the reader that development of judgment which brings him into liberating and saving truth." We take a measure of consolation in the knowledge that The Anchor has served so very well in fulfilling the Holy Father's graphic description of the task of the Catholic newspaper.●

FATHER WILLIAM BYRON, S.J.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. MCDADE) is recognized for 5 minutes.

Mr. MCDADE. Mr. Speaker, on April 29, the Scranton Chapter of Phi Delta Kappa will gather to pay tribute to a man who has dedicated his life to education and public service. This fine gentleman and personal friend is Father William Byron, S.J.

The Phi Delta Kappa is an international fraternity for men and women in education who have themselves been recognized as outstanding leaders in their profession. This organization will bestow on Father Byron a most distinct honor—that of Educator of the Year.

They have selected Father Byron for this award not only because of his outstanding achievements in the field of education but also because he has devoted his time and energies to causes and events extending beyond his chosen profession. His enlightened perspective and enthusiastic labors for various organizations and public spirited groups have been of benefit to the entire community, State, and Nation.

Permit me now to recount just a few of the many achievements in Father Byron's long and distinguished career.

He has received degrees in philosophy and economics from St. Joseph's College, St. Louis University, Woodstock College, University of Maryland, and Harvard University. He is the recipient of several honors including Alpha Sigma Nu's Outstanding Educators of America (1971), Who's Who in America (41st ed.), and was cited by the William Penn Committee as 1 of 50 "Distinguished Pennsylvanians" in 1980.

He has a longstanding record of directorships, trusteeships, and advisory responsibilities not only in the field of education but health and business. Some of these organizations include: Advisory Council, Institute of Education Management of Harvard University, member, Public Committee for the Humanities for the State of Pennsylvania, director of the Association of Catholic Colleges and Universities, director, Scranton Chapter of the American Red Cross, director of the Economic Development Council of Northeastern Pennsylvania, Region III Small Business Administration Advisory Council, and director of the Scranton Chamber of Commerce.

As if these many accomplishments were not enough, Father Byron has taught economic and business courses at such renown Universities as Loyola College, Notre Dame University, Fordham University, and has served for the past 8 years as president of the University of Scranton. I might mention at this time that Father Byron will fill the position of president of Catholic University in Washington this fall. In his free time Father Byron has published countless articles on subjects in his fields.

I know that my colleagues will join me in honoring Father William Byron as a glowing example of service to the field of education, health, and business. He is a great humanitarian and leader of men.

Father, I offer my personal congratulations on this deserved night of tribute.

IS TAXATION WITH REPRESENTATION PREFERABLE TO TAXATION WITHOUT REPRESENTATION?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. LUNGREN) is recognized for 60 minutes.

Mr. LUNGREN. Mr. Speaker, this year, the Congress will decide a question which many of us thought was successfully addressed over 200 years ago. In fact, the answer is enshrined in our heritage in the episode known as the Boston Tea Party.

That simple question is this, Is taxation with representation preferable to taxation without representation?

Mr. Speaker, when the Founding Fathers devised this system of government, they took special care to insure that the taxing power, simply known as the power of the purse, was held by the House of Representatives. It was felt, after all, that in direct response to taxation without representation, we had recently engaged in a Revolutionary War.

At the time, the other body was not directly elected by the people so they were deemed unfit by our founders for so crucial a task. One early Member of the House even expressed fears that if the unelected Senate would have taxing powers, a new aristocracy might arise in this country.

Over the past several years in many ways this body unfortunately has taken on the character of that dreaded aristocracy. For many years, this body has been passing laws that ultimately served its political interests and used the people's tax money to do so.

In doing this, we have conveniently avoided the unpleasant task of levying the taxes to pay for those programs.

We have simply let the hidden tax of inflation do it for us. Driving people into an ever higher and higher tax bracket, as it does, we reap the political benefits without ever having to incur the political liability.

So Members of this body are able to return to their districts year after year and make much of the grand programs that they have established. Then they return year after year to this body with all the privileges that membership in this body accords them.

Unfortunately that sounds distressingly like that aristocracy referred to with so much contempt by the Founding Fathers.

The core of the situation, Mr. Speaker, is that while founded as a body designed to insure that there would be no taxation without representation, we now seem to have become incapa-

ble of providing taxing and spending laws which represent the hopes and aspirations of the American people, or more simply, Mr. Speaker, which are representative of the popular will.

Last summer this body showed the good sense to index the rate of taxation for the future to the rate of inflation. More than anything else this would restore the quality of representative democracy to taxing policy. In the future, then, we would be forced to more realistically reflect the popular will in these matters. But now as we are involved in the much heralded negotiations on the budget, there has been talk of reneging on this action. There is talk of imposing a surtax and/or other hidden taxes.

Some would even go so far as to call the indexing provision of the tax cut of last year a time bomb or a tax bomb, and criticize it as the least desirable part of the proposal.

I submit, Mr. Speaker, that far from being the least desirable part of the proposal, it is at least one of the most crucial parts. For more than anything else it restores to this body its proper and legitimate role in the vital area of taxing and spending policy.

And that is the essence of representative government.

Mr. Speaker, some have suggested that it would be an easy thing for us to get rid of the indexing provision because it was merely an afterthought or because it came late in the day when we were negotiating over what the package of tax cuts ought to be last year.

Yet such criticism misses the extremely important point: That indexing makes honest men and women of those who serve in this Congress. It requires us to make affirmatively the decisions on taxing which then will be implemented in terms of increased burdens on those people who we were elected to represent.

Unfortunately, in the past, we have allowed the impact of inflation to drive people's incomes into higher tax brackets merely to keep up with the cost of living but, at the same time, forced them into higher tax rates. So, effectively, they have less purchasing power as a direct result of being thrown into higher tax brackets.

I think it could be said with some honesty that middle America now is paying the tax rates that we as a body have voted intentionally 20 years ago only to affect the rich and near rich.

Another way of saying this is to refer to a study done by Martin Feldstein. He pointed out that for every 1-percent rise in the inflation rate, Government can count on at least a 1.6-percent rise in revenues.

In other words, if there is any intentional windfall profit that really exists in this society of ours, it is the windfall profit that we in Government get by the fact of allowing unabated inflation to have a direct impact on the salaries and incomes of the American man and woman. In that way, they are required to pay higher rates of taxes and yet we are allowed as their elected representative to go home and say to them, "Well, don't blame me. I did not vote for a tax increase last year or last session or last Congress. It is just the impact of inflation."

Well, it is the impact of inflation as long as we fail, intentionally, or unintentionally, to do something to address that problem.

The impact of our failure to address that problem is exhibited in a statement made in a Wall Street Journal article of Monday, April 12, 1982, when they said:

> Studies have shown that the combination of bracket creep and massive social security tax increases have doubled the effective tax rate on middle-income families in the last decade. At the rate of taxation and inflation we were experiencing before the 1981 reforms, a family of four earning only $10,000 would have had its effective tax rates more than double in just 3 years, according to a 1980 study by the Advisory Commission on Intergovernmental Relations.

□ 1415

And then I think the Wall Street Journal goes on to make a telling point. They call this bracket creep truly insidious. They go on to say:

> Not only did Congress escape accountability for raising taxes, but it acquired a very large stake in allowing inflation to continue, eroding the Nation's wealth and productive base. It was only when the tax revolt spread through the States and finally erupted in the election of Ronald Reagan and a Republican Senate that Congress finally adopted indexes.

And that is the issue we are facing now. We made a decision last year to make this a more honest place in that we would have to affirmatively come forward and tell the American people if we actually believed they needed to be taxed more that we would vote for a tax increase. And now some have suggested that we cannot afford that honesty in this House. Why? Because it will deprive us of the revenues that otherwise would flow to Government.

I was told by some small business people from my district who visited me yesterday that they had heard from two Members of the House of Representatives during the course of their stay in Washington. One Member of the other side of the aisle, continually bemoaned the fact that, as a direct result of the tax cuts that we passed last year, the Federal Government will be denied $750 billion that otherwise was the Federal Government's right.

Now, why was that not stated a little differently? Why do we not say that the Federal Government will be denied the windfall profit that it otherwise would have if we continued to place the total burden of the impact of inflation on the hard-pressed taxpayers of America?

As long as we were riding along not having to vote on tax increases, Mr. Speaker, it seemingly did not affect our electoral prospects when we would be required to face our constituents.

And that is precisely what we are talking about. We are denying ourselves $750 billion we would otherwise have without any effort from us. But it would come to us as the direct result of the sweat from the brows of the American working man and woman.

We have been told that some States which have recently enacted indexing, are falling into some difficulty right now because they do not have the revenues they depended on for the future. Well, Mr. Speaker, I would just suggest that those are the breaks of the game. We are not elected to do easy jobs. We are supposed to be elected to this House to do tough jobs. And that, I assume, is the same condition we would expect from our brethren on the State and local level. If they truly believe that there is a need for programs, whatever the nature of those programs, they should take the political heat. They should assume the responsibility to go to the people who elected them and prove the case for those programs and, as importantly, prove the case for paying for those programs.

It is awfully easy, I think, to be a Santa Claus if you have no responsibility for paying for Santa Claus' presents. And that is what we have done in this House.

Mr. Speaker, it goes beyond the question of whether we ought to get rid of indexing because, as I mentioned previously, there is talk of imposing a surtax or getting rid of the third year of the tax cut that we enacted just last year. That, I think, goes to the fundamental proposition that flows from the first question I asked about whether taxation with representation is preferable to taxation without representation. Given the fact we have an institution of representation here, then we should be required to face fundamental questions on levels of taxation. I think the primary question that we must deal with in the very near future is this:

Are the American people fundamentally undertaxed? We can talk about revenue enhancements. We can talk about getting rid of a prospective tax cut and pretend that is not really a tax increase. We can talk about the needs of the Federal Government.

We can use all sorts of euphemisms to suggest that we are not really going to increase taxes. But honestly, I think we have to address the question: If we are going to change the third year of the tax cut or eliminate indexing, are we saying that the average American taxpayers are fundamentally undertaxed in this country?

Well, in analyzing that, I think, Mr. Speaker, you have to look at the percentage of the income of America that is being taxes. Lo and behold, we find we are at an all-time high. Over 21 percent of the GNP is now going toward taxation on the Federal level, the highest level we have had in the peacetime history of the United States.

That suggests, I guess, that the sky is the limit and that somehow, even though we have popped through the ceiling previously set in the peacetime history of the United States, that is not enough for us to pay for all of the programs that we think are necessary.

Mr. Speaker, we also have to look at the impact of increased taxes, what it would do at this time. I have yet to hear an economist come forward before any congressional committee, appear on any of the national network news show, appear in any of the newspapers across the country or the national magazines, and suggest that, in fact, it is a good thing to increase taxes during a recession.

I have heard those who have suggested that we need to increase taxes also come forward to say that we are in a recession and we ought to recognize it. I wonder from where the economic advice emanates that suggests that increasing taxation in the midst of a recession is going to be beneficial.

As I suggested, Mr. Speaker, there are two current proposals for rate increases, hidden or explicit. One is the deferral of the third year of the rate cut which, in effect, amounts to a hidden 10-percent increase compared to what the current law promises and the other one is a surcharge. We ought to go back and look at what has happened in the recent past in these two approaches.

The last explicit rate increase occurred in 1968 and 1969, and it provides at least disturbing evidence as to the economic effects of rate increases. In mid-1968, Congress approved a 10-percent tax surcharge. That is equal to the impact of canceling the 10-percent tax cut already written into current law for next year. That was effective January 1, 1968, for corporations and July 1 for individuals.

Then the surcharge in the following year was 10 percent all year long. In 1970 it dropped to 5 percent for the first half of the year, and then to zero for the rest of the year. In other words, a 2.5-percent effective annual rate.

Interestingly enough, in fiscal 1969 the unified budget ran a surplus for the first time since fiscal 1960. But most analysts would suggest that this surplus resulted more from a sharp slowdown in spending than from a rise in taxes. Outlays which had been growing at about $20 billion a year in the 3 preceding years rose by only $5½ billion in fiscal 1969. Receipts went up by $34 billion, and the surcharge accounted for less than $12 billion of this amount.

What happened in the private sector economy? Well, tax receipts had jumped from 8½ percent of gross national product in fiscal 1968 to a peacetime record of 20.5 percent in fiscal 1969. Real GNP, growing at an annual rate of almost 5 percent from 1961 to 1968, rose at 2.8 percent in 1969 and fell by two-tenths of a percent in 1970, the first drop in more than a decade.

Now, a lot of people have suggested that one of the things we have to do is to encourage savings and investment in the private sector. This would create a larger capital supply against which can be borrowed the moneys for Government and more importantly, for the private sector.

Well, the changes in savings rate track tax rate changes very closely. Savings rates had risen steadily from 5.4 percent of personal disposable income in 1963 to 8.1 percent in 1967, following the 19-percent across-the-board tax cuts of 1964–65. These rates jumped significantly following the tax cuts as, we have suggested, savings should increase following the tax cuts that we enacted last year, but which are only slowly being implemented at this time.

In 1968 the savings rate fell to 7.1 percent. In 1969 it dropped to 6.4 percent. The rate climbed back to 8 percent in 1970, and 8.1 percent in 1971, once the surcharge was eliminated.

Interestingly enough, Mr. Speaker, a study done by the Chamber of Commerce of the United States suggests that the difference in dollars between the 8.1-percent savings rate in 1967 and 1971 and the actual levels in 1968–70 were very close, almost identical to the additional tax receipts attributable to the surcharges of those years. In other words, the American taxpayer, instead of continuing savings and investment, went the other way and paid almost the identical dollars in a tax surcharge.

Now, one of the assumptions increasingly accepted in the last couple of years was that we do not have enough money available to expand business, to increase productivity, to stimulate an expansion of the job base that is necessary if we are going to get rid of our long-range unemployment problems. And that being the case, Mr. Speaker, it seems to me to be rather inconsistent for us to be talking at this time about placing a surtax on the backs of the American people, getting rid of the third year of the tax cut or, getting rid of the indexing provision.

And as we go about this, Mr. Speaker, it might be interesting for us to note the results of a consumer opinion survey done by the U.S. Chamber of Commerce and reported out this month. This survey involved 1,580 face-to-face interviews by the Gallup organization with a representative sampling of the U.S. public 18 years and older during March—the period March 12–15, 1982.

One of the things it proved very clearly, I think, Mr. Speaker, is that a key reason why the recovery of the economy has not gone as quickly as we had thought when we put into effect the program for tax cuts and spending cuts is the uncertainty of the American people engendered by years of cynicism as they observed the Congress and the White House. This cynicism grew as the Government promised tax cuts one year, increased taxes the next year; promised to be concerned about spending one year, massively increased spending the next. And sometimes instead of swing periods of year to year, they were quarter to quarter and even, in the last administration, month to month.

So the American people want proof: Action, not mere words.

The American people, as of the middle of March, were evenly divided in their opinion as to whether the tax rate cuts scheduled in July of this year and July 1983, would even go into effect as scheduled.

□ 1430

Mr. Speaker, 42 percent thought they would go in as scheduled; 38 percent thought that they would be certainly postponed; 4 percent thought that one would go in as scheduled, but the other one would be postponed; 1 percent thought that one would be scheduled and the other one eliminated; and 1 percent thought that we would get no cuts at all.

In other words, we had basically convinced the American people that because of our actions in the past they did not have a reasonable basis for having security in knowing we would allow the tax cuts to go into effect that we had voted just last year.

Interestingly enough, Mr. Speaker, this was common whether the people being interviewed were members of union families or members of nonunion families. They differed very slightly.

So it is obvious that we have a long way to go to regain the confidence of the American people in terms of economic policy promulgated by the Congress and the White House. It seems to me that in that atmosphere and with that background it would not be to the benefit of this institution, and certainly to the benefit of the overall economic policy of this country, to make such a departure in what we enacted last year.

Then the survey went on to ask people whether they wished to have a postponement of the personal tax rate cuts already enacted. Interestingly enough, Mr. Speaker, more than 6 out

of 10 people, 62 percent, opposed postponing the personal tax rate cuts already enacted. Actually 19 percent of the total wanted to put those tax cuts into effect 6 months earlier. So if we are asking what the American people want, the American people are clearly saying that they do not want us to postpone the tax rate cuts.

Another question was "Considering the administration's estimated Federal deficit for the next 3 years, which of the following do you favor: Raising taxes, reducing spending, both raising taxes and reducing spending, or doing neither and leaving the deficit as it is?"

Mr. Speaker, 47 percent of the public favored reducing spending and only 4 percent favored raising taxes. By better than a 10-to-1 margin the American people are telling us that if we come to a position in which there has to be negotiation so that we will bring down the size of the deficits that are now projected, they want to go in the area of reducing spending and not in the area of raising taxes.

This national survey seems to go against the wisdom that has been displayed on this floor from a number of different sources.

The next question asked was, if additional budget cuts are made, what type of cuts would you prefer, cuts in defense spending, cuts in other kinds of Government spending, or should cuts be made in both defense and other Government programs; 17 percent said they prefer cuts in defense spending, while 39 percent said they would prefer cuts in other kinds of spending. This, I think, gives us some suggestion as to the priorities that they would establish in terms of our overall cuts. This is especially true when you realize that 36 percent said cuts should be made in both defense and nondefense spending.

Mr. Speaker, my purpose in going through the results of this survey is to suggest that as the representative body of the American people, the body that is known as the House of Representatives, which was established in a different manner and for a different purpose than was the other body by our Founding Fathers, it behooves us to listen well to what the American people are saying. It also behooves us, I think, to remember why we enacted the tax cuts and the budget restraints last year.

Once we realize why we did that, once we sift through the principles that were the basis for the decision that we made, we can then face the budget decisions that are occasioned by the upcoming budget deficits.

The American people ought to know that, so we are talking about $170 billion or $180 billion in deficits now and beyond if we do not do something about it in our committees and on the House floor.

But the American people, I think, Mr. Speaker, are on the right track. They think we should try and run the country as they run their households, as they run their businesses, and as they run their union pension plans. You do not pay out more than you take in. If you do, after a while your program is going to go bankrupt and if you have a fiduciary responsibility, for instance, for a pension plan, you may very well end up in jail for having not in good faith followed through on that fiduciary responsibility.

"Fiduciary" is a fancy word perhaps, but it means a simple thing. It means trust. When we put people in a position of trust we expect them to operate at a higher level of responsibility than the average person walking around. They have a higher standard of care to which they will be held accountable.

Mr. Speaker, if we in the House are not held to a fiduciary responsibility, if we in the House are not held to a level of trust beyond that required by the average person, then, in fact, this House has little meaning. This House has meaning only if we exercise that trust, and if we do not in any way violate that trust.

I would suggest, Mr. Speaker, as we go forward in dealing with the economic realities as they now face us, we remember the principles upon which we made those decisions last year. In remembering those principles, we will act in a way which will not only maintain, but hopefully expand the trust of the American people as we faithfully discharge the duties that they have elected us to discharge.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. LUNGREN. I will be happy to yield.

Mr. WALKER. I thank the gentleman for yielding.

I think he has made an excellent statement and has pointed out very well that the American people do, in fact, want the economic program that was put in place to remain in place and are satisfied that many elements of that program are beginning to work, and would be very disappointed to see this House backtrack on what they believed to be the kind of economic program which is going to allow growth for the future.

I think it is also interesting to note that many of the people who come to this floor day after day complaining about the program, pointing to things in the economy which have not yet improved, are the same people who just a few months ago would come to this floor and point to the fact that somehow the stock market was not responding to the President's program, that the stock market had gone down and so, therefore, there must be no confidence in the President's program. It has been interesting for me to note over the last few days that we have not had any of those people coming to the floor noting the fact that the stock market has been steadily rising, that we have a very bullish market at the present time, indicating, if they were right in the first place, that the people who are investors in the economy have made a decision that, in fact, there is something right going on in this economy and that maybe they need to get on board with the idea that growth is going to take place.

In other words, what I find is there are an awful lot of people around this House who for perhaps political reasons have felt that it is necessary to point out only the negative, to try to do what they can to undermine the economic efforts rather than trying to find ways to see to it that this economic program goes forward.

I think the American people should be evaluating many of those statements as they come as statements made by people with a political stake rather than an economic stake in the future.

I thank the gentleman for yielding.

Mr. LUNGREN. I thank the gentleman. I think his observation about the market is a cogent one, although I would not want us to be guided completely by market circumstances. Remember we had a 1,000-point market during the Carter economic debacle, and I do not think that suggests to us that that was good.

But nonetheless, I think perhaps the market is reflecting something that has been reflected in national poll after national poll. It is interesting to note that oftentimes stories written about national polls do not take into consideration the precise language utilized in eliciting responses.

The point I am trying to make is in polls that ask the American people whether they are better off today economically than they were a year ago, most of them are saying no. But if you ask them whether they expect to be better off next year than they are now or were a year ago, by a large margin they say yes.

If you contrast that with the polls that were taken in the last year of the previous administration, the difference is startling. They not only said they were worse off in that current year, but, more than that, they had a negative outlook on the future. And that perception is extremely important in terms of making decisions for investments and savings making decisions in terms of savings. After all, what are savings if not a reflection of confidence in the future?

If you have no confidence in the future, it is silly to put away money for a rainy day. It is silly because that money is going to be worth far less, and you are not going to get anything out of it. If you feel that things are

going to be far worse off, then why even plan for the future.

The interesting thing is that in poll after poll the American people are saying that they expect to be better off a year from now than they are today. They expect the country to be better off a year from now than it is now.

When you get to the crucial question of unemployment, I would suggest that we have got to deal with the issue of providing an expansion of the job base. This is very different than putting a public jobs Band-Aid here or there. Rather we must face the fundamental changes in economic policy which are necessary to provide the best hope for an expansion of the jobs in this country.

I would suggest that you cannot have hope for expanding the job base in America by following governmental policies, the goal of which, or at least the inevitable conclusion of which is to make the Nation as a nation poorer. That is what you do when you depress the energies of the private sector of America. As you dampen down the ability of the entrepreneur, the small businessman, to expand, or of the person who finds himself in the womb of a large company to strike out and start a new enterprise and thereby create more new jobs, or of the already existing companies, to put money into new capital or modernization or expansion of equipment you destroy hope for the future.

□ 1445

So I think central to what we are talking about is a concern for long-range economic stability for the wage earners of America, and that includes the unemployed out there who are seeking jobs. We must not give them the false hope of a temporary public service job that has no meaning and has no long-range benefits. I think that is something that we have not talked enough about on this floor.

I thank the gentleman for his comments, as we go into another week of accelerated legislative duty here on the floor of the House of Representatives.

COMMENTS ON SUPPLY-SIDE ECONOMICS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. LEVITAS) is recognized for 30 minutes.

● Mr. LEVITAS. Mr. Speaker, in the recent debates over economic policies and the Reagan administration's pursual of supply-side economics, one of the great contributors to the debate has been my good friend, Congressman JACK KEMP. Congressman KEMP recently spoke before a conference on supply-side economics held by the Federal Reserve Bank of Atlanta in which he discussed the future of supply-side economics.

In this speech, he relates, from the perspective of a Congressman not an economist, what he feels are the triumphs and tragedies of the effort to implement the agenda of supply-side economics. He spells out that agenda as "tax-rate reduction and deregulation to restore incentives, coupled with sound money policy to stabilize the dollar." The sound money policy he speaks of is a return to a gold standard which he calls the most stable monetary mechanism we have seen.

Because Congressman KEMP has been one of the key congressional leaders in developing the supply-side economic program and because the success or failure of these policies will affect all Americans, I believe it is important for us to consider Congressman KEMP's views, whether or not we agree with his conclusions or recommendations. Accordingly, I place Representative KEMP's speech in the RECORD at this point:

REMARKS BY CONGRESSMAN JACK KEMP

In the words of an Oriental philosopher, "There is a great deal of wisdom in the world, but it is all divided up among men." Recognizing that each of our perspectives is limited, I would simply like to offer you my own small slice of wisdom about the future of supply-side economics. As you know, I am not an economist. I'm a Congressman. In fact, my introduction to the theory of money and exchange occurred when the San Diego Chargers sold me to the Buffalo Bills for $100. Of course, that was back when the dollar was "as good as gold." I plan to exploit my comparative advantage by speaking to you today as a Congressman, not as an economic theorist.

Both before and since the 1980 elections, the biggest problem caused for us politicians by you economists has not involved your many disagreements, but rather a remarkable consensus among all of the various schools. On the left, Robert Lekachman warns us that "The era of growth is over and the era of limits is upon us. It means the whole politics of the country has changed." He goes on to urge redistribution of income as the answer to our problems. On the right, Friedrich von Hayek tells us that "we are much too afraid of another depression to really fight inflation." Hayek says "You cannot stop inflation without causing a depression."

Barry Bosworth of the Brookings Institution says "We could return to the low levels of inflation in the early sixties by a decade of major recessions." Kenneth Arrow, the Nobel Prize-winning Keynesian, confesses that "The position of the liberal activist has been greatly injured because we are unable to reconcile full employment and price stability."

Herb Stein, who I guess qualifies as a conservative activist, outlined his plan for ending inflation as follows: "We can begin the process of gradual disinflation now—meaning monetary and fiscal measures to restrain the growth of demand, which would little by little reduce inflation until some livable rate is reached. How long this would take, and how much unemployment would be entailed, are unknown although the period may be five years."

And even my good monetarist friend Beryl Sprinkel, before he joined the Treasury, said: "We're going to have to have restrained policies for several years with unemployment running in the 8 percent to 9 percent range." Such policies, he said, would reduce inflation from 9 percent to 10 percent annually to 6 percent to 7 percent.

This convergence has reached a single focus at the Federal Reserve Board. Alan Reynolds recently pointed out to me this excerpt from the minutes of last November's open market committee meeting: "Committee members in general believed that additional weakness in economic activity could well be accompanied by further declines in interest rates, which would be constructive in supporting economic activity."

I must say this puts the political class in a dilemma. We are told that growth causes inflation and high interest rates, and that deficits also cause inflation and high interest rates. So we are supposed to slow down growth and reduce the deficit. But when growth slows, the deficit increases. And when we raise tax-rates to narrow the deficit, growth slows down even more. But at this very moment, liberal Democrats and orthodox Republicans alike are at work in Washington, diligently trying to follow all this advice.

Into this morass of despair stepped Ronald Reagan. Mr. Reagan was elected sixteen months ago, I believe, largely because he was the only candidate who firmly challenged the Phillips-Curve consensus which goes back to John Maynard Keynes. Keynes told us that unemployment is caused by insufficient spending, and that inflation is caused by too much spending. So when there is unemployment, spending should be encouraged, and when there is inflation, spending should be discouraged. For some reason, the Keynesian answer to inflation reminds me of Napoleon, who was asked once why he had had a soldier taken out and summarily shot for cowardice. Napoleon replied, "To encourage the others." The demand-managers see unemployment as a way to encourage workers to reduce their wage demands, and bankruptcy as a way to encourage businesses to reduce their credit demands. But after years of diligently applying this formula, we found ourselves with stagflation—simultaneous inflation and economic stagnation. All that the demand-managers could advise us to do was to adjust to a steadily worsening tradeoff between the two problems.

The "supply-side" solution to this dilemma was first put forward seven or eight years ago. The supply-siders pointed out that there is more to economic policy than putting money into, or taking money out of, people's pockets. People are spenders and consumers, but they are also producers, savers, inventors and entrepreneurs. Instead of using both monetary and fiscal policy to pump up demand, or choke it off, the supply-siders suggested a different strategy. Monetary policy should be used to stabilize the dollar, and fiscal incentives used at the same time to encourage individual and business production, saving and risk-taking. The key was to do both at the same time. Four years ago, before the Economic Club of New York, I put it this way:

"The U.S. government must combat inflation by maintaining the value of its currency and through prudent fiscal practices. But I am also saying I recognize there are powerful forces arrayed against those who would halt inflation, a broad debtor class that includes most of the nation, people

who would be badly hurt by deflation unless correct tax policy made it easier for the entire economy to produce wealth and pay off debt. This is why I continue to believe tax policy must remain the cutting edge as we try to combat both stagnation and inflation.

"But this does not mean tax policy can do it all. We have to bear in mind that the only way we can ever whip inflation is with correct domestic and international monetary policy, for it is ultimately monetary policy that determines the value of the dollar. We have to bear in mind that only when the government is once again in a position to guarantee that value, by making the dollar convertible again into something of value, can we be assured that inflation will be beaten."

This, in a nutshell, has been the double agenda of the supply-siders: tax-rate reduction and deregulation to restore incentives, coupled with sound-money policy to stabilize the dollar. Spending restraint is important, but supply-siders point out that the whole fiscal game is won or lost on the health of the economy. More than 80 percent of any change in the deficit is due to the automatic effects of a change in inflation, interest rates, economic growth, or unemployment.

From my perspective, the last sixteen months have been a record of triumph and tragedy. Part of the tragedy is that the idea of using fiscal incentives to cushion the immediate effects of disinflation was lost in the shuffle. President Reagan's original plan would have cut income tax rates 20 percent by January 1, 1982. Instead, the cut is only 5 percent. Because American families received only a 1.25 percent tax credit last year, the Treasury estimates that taxes rose $15 billion in 1981—more than $150 for the average worker. American families bore the brunt of monetary policy without any of the planned incentives in place. It's hard to believe, but the tax burden on the economy is higher now than it was under Jimmy Carter.

This happened because of the re-emergence of the traditional idea that a tax increase would reduce the budget deficit by "saving revenue." Instead, the economy slid from stagnation into a severe recession beginning in July, and the deficit became larger, not smaller. Of course a handful of opponents now tell President Reagan that it was the prospect of his future tax cuts that caused the 1981 recession. But the results of last year's ill-timed tax increase were predictable, because many of us did in fact predict them.

The triumph is that though Congress acted belatedly, it did act. For the first time since 1948, there are tax incentives in place during a recession, in time to do any good. We have at least arrested the growth of the tax burden, although we need to go further. As long as Congress does nothing foolish to abort the recovery, these incentives will help to lay a permanent foundation for economic growth.

The personal savings rate jumped 17 percent in the first three months of tax-rate reduction; and investment in new public stock offerings set a record last year. Corporate investment did not set any records. But this is exactly the same pattern that followed the similar Kennedy tax cuts: the lion's share of capital formation began on the individual side, and spilled over to business.

It is ironic to read in news stories that the Business Roundtable is calling for taking away the tax-rate cuts for individuals. Of course, there is nothing new in big-business opposition to the individual tax cuts. For reasons I cannot quite understand, the large corporations were always opposed to cutting tax rates for their workers, shareholders and customers. For reasons I can understand, they also opposed the 1978 cut in capital gains tax rates, which was extremely successful in stimulating new ventures. With this record, I would be cautious about proposals to monkey around with President Reagan's tax bill, if I were running a large corporation.

The greatest tragedy, though, is that we do not have a supply-side monetary policy. In my view, the monetarist and the supply-side approaches to money are irreconcilable. Since October 1979, the Federal Reserve has pursued the monetarist policy of targeting the M1 definition of money according to an arbitrary formula. I believe that the incorrectness of this policy is now apparent to almost everyone. The problem is twofold. First, this policy runs into precisely the problems Keynes described when he said, "Men cannot be employed when the object of desire (i.e., money) is something which cannot be produced and the demand for which cannot be choked off." Fixing the quantity of money, to the degree that it succeeds, forces the real economy rather than the banking system to adjust to every change in the demand for money. Therefore, monetarism causes unnecessary gyrations of interest rates and real output. This is why, for the first time in our history, we have suffered two back-to-back recessions in two years, and seen the prime rate go to 20 percent under both a Democratic and a Republican President.

Second, it is obvious that both Keynes and the monetarists have underestimated the degree to which people can and do find ingenious substitutes for whatever definition of money the central bankers are targeting. Witness the explosion of money market funds, overnight repos, and overnight Eurodollars, none of which are included in M1. Knowing the historical velocity of M1 is no help, because targeting a certain definition makes people behave a-historically. What this means is that we can avoid the ill side effects of quantity targets only to the degree that the Federal Reserve loses control of the money supply, and therefore of monetary policy. Perhaps the most intriguing line in the whole Report of the President's economic advisers—a monetarist tract from start to finish—is this one: "The monetary system is evolving toward one in which the Federal Reserve will have very close control over M1, suitably redefined from time to time . . ."

My own belief is that the monetary system is quickly evolving toward a scrapping of the monetary targets. Quantity targets have been tried and abandoned in France and the United Kingdom. When it happens here, someone will inevitably complain that monetarism did not fail, but rather was never tried hard enough. But the very measures which monetarists now propose to help the Fed hit its targets better—such as a market-related discount rate—are a frank admission that it is price, not quantity, which governs the money markets.

It is true, I think, that many Federal Reserve officials would like to get rid of the monetary targets. To the degree that this is because they recognize the failure of monetarism, I sympathize with them. But if they plan to replace the targets with a return to their complete discretion, or for the purpose of "reflation," our economy will remain in grave danger. The monetarists are absolutely correct in saying that some rule ought to govern monetary policy. The only trouble is that the monetarists have given us the wrong rule.

I'm no expert, but I think most modern economists overlook a simple fact: that money is not chosen by economists or government officials. It is chosen by the market, by the common agreement of millions of individuals. And the quantity of money demanded is also fixed precisely by the sum of these individual demands. The definition and quanity of money are therefore things which can be only estimated approximately, after the fact. The government simply cannot determine money, or the demand for it, except in its limited capacity as a user of money.

According to Keynes, we have recessions because individuals cannot be relied upon to spend their money. So their reluctance must be overcome by having the government spend it for them. The monetarists eschew such blatant interventionism. But do they really dispute Keynes's idea about the need to regulate spending—or only his means for achieving this regulation? Baron Meyer Rothschild is supposed to have said, "Permit me to control the money of a nation, and I care not who makes its laws." Well, if you believe that only money really matters, you can support free market solutions for everything except money. While the Keynesians advocate regulating spending through the government deficit, the monetarists advocate regulating spending through Federal Reserve open market operations.

Once again, these are the observations of a Congressman, not an economist. But they are observations based on first-hand experience with Americans, whose economic, social and family lives are being deeply wrenched by the deterioration of our currency. I can tell you that people do not consider paper money in the abstract, the way economists do. They think of it as a yardstick, as a standard of value.

People have as many problems with a government that tries to maintain its monetary standard "on the average" as they would have if a foot was 11 inches one day and 13 inches the next. The government might point out that the ruler was exactly 12 inches, "on the average." But if you tried to build a house, it would be grotesque, because none of its parts would fit. The parts of our economy don't fit because the Federal Reserve is trying to maintain our monetary standard "on the average." Come to think it, you don't need a winter coat in Buffalo, on the average.

Whether we like it or not, money and credit have a moral dimension. The word credit, in Latin, literally means "he believes." People trade with each other in time because they believe they will not be defrauded by a change in the currency. If they stop believing that, they stop lending, or else charge exorbitant insurance premiums against the risk. This is why interest rates are so high and why only monetary reform can bring them down.

If this sounds philosophical, let me assure you as a Congressman from Buffalo that it translates into hard political reality. Honest money is a populist, blue-collar, middle-class, bread-and-butter concern. If you are wealthy, you can protect yourself against the risk of bad money by buying interest-paying bonds, or by investing in real assests, or by hiring lawyers, accountant and brokers to figure out complicated schemes

involving the tax laws and the futures markets. But the less savings you have, the more certain they are to be tied up in currency or deposits which earn little or no interest, because they must be turned over so often. Therefore, the brunt of every major inflation falls on the working middle class.

In my home state of New York, the Professional Employees Federation recently proposed this contract language in its negotiations with the state: "Recognizing the possibility of uncontrollable inflation and the serious loss of credibility and purchasing power of the dollar, the employer, upon union's demand, will remunerate employees in mediums of exchange other than the presently used U.S. Federal Reserve dollar. Such alternative mediums of exchange include, but are not limited to, gold, silver, platinum, bullion and coin, and/or one or more foreign currencies." A union spokesman told the Washington Post: "We're not suggesting that the governor pan gold in Colorado and pay us in gold dust. We want to be paid in the value of gold or silver or another index of value." Would anyone like to explain to them about money illusion among the work-force?

It is a curious fact that, under the law which established the Federal Reserve, Federal Reserve notes are still legally "redeemable on demand in lawful money." I know someone who tried, about ten years ago, to find out exactly what this means. He wrote the following letter to the Secretary of the Treasury:

"DEAR SIR: I am enclosing two $100 Federal Reserve notes inscribed, 'Redeemable in lawful money at the United States Treasury, or at any Federal Reserve Bank,' one signed by Henry Morgenthau Jr. (1934); one signed by Henry H. Fowler (1950), both Secretaries of the Treasury.

"I am asking that the promise be fulfilled. I do not know what you will send me as lawful money but you must know what the U.S. Treasurers called lawful money in 1934 and 1950, when they made those promises.

"Thanking you in advance.

"Yours very truly,

"C. V. MYERS."

He received the following reply:

"DEAR MR. MYERS: Your letter addressed to the Secretary has been referred to me for reply.

"The two $100 Federal Reserve Notes which you forwarded with your letter are lawful money. United States notes and coin of the United States are also lawful money.

"Your two $100 Federal Reserve notes are returned herewith.

"Very truly yours,

"J. P. PURALL,

"Special Assistant Treasurer."

In other words, the Federal Reserve note is a promise to pay itself. It is what John Exter aptly calls an "IOU nothing." We have had IOU nothing money before: with John Law and the Mississippi River Bubble; the assignats of the French Revolution; the Continental Dollar; the Civil-War greenback. In every case, these IOU nothings have ultimately been rejected by people in the market. They have always caused high prices, high interest rates, a flight to real values and general stagnation. It is not coincidence that our economy has exhibited exactly these symptoms since 1968, when the United States effectively stopped redeeming dollars with a fixed weight of gold. In every case, there was nothing the governments could do to stabilize prices, bring down interest rates, or restore financial thrift and long-term confidence, except to make those IOUs again convertible on demand into a fixed weight of something valuable.

I can appreciate your skepticism, because I used to share it. As Bill Quirk so aptly puts it, the generations raised while gold was illegal (that is, since 1934) were taught firmly in Economics I, that there was nothing unique about gold—it was a soft yellow metal admired by many primitive peoples for its glitter. Some primitive monetary systems were also attracted to it. In sum, gold's appeal was a mixture of superstition and romanticism. The United States, however, had moved to a higher evolutionary stage. This was why, of course, we put in jail anyone caught with a five-dollar gold Indian-head coin.

Gold convertibility may not be fashionable. But I am convinced that it is imperative, for the simple reason that if we do not choose to re-monetize gold, people in the market will progressively choose to de-monetize the dollar.

The time is long past when we could blithely ignore the fact that we are only a part of the world economy, and that a large part of the debt we thought we owed to ourselves is in the hands of foreigners. The current monetary system is inherently unstable, whether it is managed by Keynesians or monetarists. We must steer between the Scylla of deflation and bankruptcy, and the Charybdis of inflation and flight from the dollar.

Under the current policy, the immediate danger is a continued fall in prices and a spiraling liquidation of credit. But if we shift to "reflation," foreigners will find their dollar assets suddenly yielding less or even depreciating. If they were to dump even a large fraction of their hundreds of billions of short-term dollar claims, the result could be a hyper-depreciation and flight from the dollar. The pressure around the world for beggar-your-neighbor protectionism, against what would be seen as American "dumping," would become overwhelming.

Some time ago, I put forward my suggestions for monetary reform. They range from those which could be put into effect immediately, to those which would require executive and legislative action.

First, the Federal Reserve should abandon its monetary targets as instruments of policy.

Second, open-market operations should be ended, except perhaps for purposes of short-term debt-management involving tax anticipation notes. Federal debt held by the Federal Reserve should not be replaced when it matures.

Third, the Federal Reserve should rely on the rediscount window, limited to short-term commercial paper, as the primary method for creating new Federal Reserve credit and bank reserves. But the discount rate should be considered as a flexible tool, not a fixed target.

Fourth, the new target of monetary policy should be some proxy for the price level. The all-commodity index or strong-currency exchange rates would be second best, but the best would be the dollar price of gold. If possible we should co-ordinate this policy with the central banks of our largest trading partners, as the former chairman of the Bank for International Settlements, Jelle Zjilstra, has suggested. Right now, this would mean arresting the fall in the price of gold, but it would also mean placing a ceiling above which the price may not rise.

Fifth, without delay, the Administration should propose legislation to define the U.S. dollar again as a fixed weight of gold, and to provide for the convertibility of Federal Reserve notes and credit into gold on demand.

Finally, the United States should convoke an international conference on the order of Bretton Woods, to reconstitute an international monetary system. The object would be to establish a system in which official international settlements are made in gold, and to negotiate the settlement of outstanding official dollar reserves.

The discount-rate mechanism will help because it permits the supply of money to conform to the demand for money in the short term. This would avoid the big and unnecessary swings in interest rates and output caused by the quantity rule. But the point is to target a stable price level, not interest rates. It is as wrong to try to fix a certain interest rate as it is to try to fix a certain quantity of money.

We need gold convertibility because it's not enough to simply have a rule for monetary policy; there must also be a mechanism for putting it into effect. The most stable monetary mechanism we have seen was the classical international gold standard. Its record in this country might have been even better, if not for the shortcomings of the banking system before there was a Federal Reserve. And the Bretton Woods system, though flawed, provided exceptional stability.

An obvious question arises: If we are no longer going to monetize Federal debt, doesn't this imply the need for fiscal reform? It certainly does. If we stop monetizing Federal debt, all Federal credit operations must be financed out of our net savings. This tells me that we must do everything possible to increase private saving—such as further tax-rate cuts—and to reduce Federal credit activities, both on and off-budget. Once again, raising tax rates does not make sense.

I recently asked a wise economist friend of mine, Robert Mundell, whether there isn't perhaps some other way to accomplish the same objective. Bob thought a moment and replied: "If you asked me how to get to London, I'd tell you to fly east. I could tell you how to get there by flying west. But that way is so far inferior that to consider it would be a waste of your intellectual resources."

It is true that when gold convertibility is working best, the system appears most absurd. The gold just sits there in vaults, because people generally prefer holding convertible paper dollars, which earn interest, to holding gold, which does not. By the same token, national defense is working best when our expensive and sophisticated weapons are just sitting there, looking useless, because our adversaries don't dare to threaten us. And the same is true, I guess, when you buy life insurance but don't die. (As my comrade-in-arms Art Laffer observes, gold convertibility is a sort of insurance policy for the quality of money.) It is only when we convince ourselves that these reserves are wasteful, and can therefore be dispensed with, that we find out, too late, how wrong we were.

Our monetarist friends tell us that the gold standard amounts to "price-fixing." Defining the dollar as a weight of gold as it was for most of the 1792–1971 period, they say, is as objectionable as fixing the dollar price of wheat or pork-bellies. But this implies that the paper dollar gives value to gold, not vice versa. Congressman Henry Reuss predicted back in 1968 that if gold convertibility were suspended, the price of gold would fall from $35 to $6 an ounce. In-

stead, the price is now above $300, and has been as high as $850.

Actually, the monetarists should be pleased with the idea. After all, 80 of the 93 years covered by Friedman and Schwartz's great *Monetary History of the United States* involved some form of gold convertibility. If the dollar were once again as good as gold, people would demand more dollars. M1 might grow—who knows?—15% the first year. Maybe 10% the second year. Seven percent the third year. Five percent the fourth. Three percent the fifth. Three percent the sixth. Three percent the seventh. And Milton Friedman would cry, "Finally! At Last! They're doing it right."

The Republican Party had a plank in its 1980 national platform calling for a stable monetary standard. But it would be a shame if sound money became the preserve of only one party. William Rees-Mogg, the former editor of the London *Times*, observes that gold has no politics:

"A gold system works through the money supply and does not require an elaborate system of controls; it should appeal to the political liberal. Gold is international; it is the world's money supply; it is natural for a man who believes in gold to be internationalist rather than nationalist in outlook. Gold is stable; it not only represents order, it imposes order by a quasi-automatic mechanism; it should appeal to the institutional conservative. Gold is just; it deals equally between one man and another, between past, present, and future; it does not take from the weak and give to the strong; it should appeal to the seeker of social justice, to the social democrat."

Frankly, I am less concerned with the future of the Republican Party than I am with the future of Western civilization. We are not here to discuss the future of supply-side economics. We are here to discuss the future of democratic capitalism. If we fail, we have only to look around us—to Greece, to France, and elsewhere—to see what the alternative would be. As President Reagan says, if not us, who? If not now, when? I think his question is not meant just for one Administration, or for one party, but for the United States as a whole.

We have more than just a responsibility to our own people to save the dollar. The world was put on a gold-dollar standard in 1944, and a paper-dollar standard in 1971. If we fail, we will hurt not only ourselves, but also our European partners, and countries around the world—the Mexicos and Canadas and all the other countries whose currencies and fates are tied to ours. In this, as in so many things, Alexander Solzhenitsyn is right: If America does not lead the free world, the free world will not have a leader. It is our special responsibility to begin a renewal of the standards of Western civilization, by restoring a dollar as good as gold.●

OLYMPIC COMMEMORATIVE COIN ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, yesterday I introduced the Olympic Commemorative Coin Act. This bill formed the basis of the compromise that was so nearly achieved last week on the issue of Olympic coins.

The bill calls for the minting of two traditional silver dollars, one in 1983 and one in 1984. In addition, the first U.S. gold coin in 50 years will be authorized for minting in 1984. All three coins would be struck in both proof and uncirculated condition, for a total of six different varieties.

The silver coins would be sold at a price that would recover the face value and cost of manufacture and would include a $10 per coin surcharge. The gold coin would be priced similarly, but include a $50 per coin surcharge. The surcharges would be split evenly between the U.S. Olympic Committee and the Los Angeles Olympic Organizing Committee. The Los Angeles Olympic Organizing Committee would use the money to stage and promote the 1984 games. The U.S. Olympic Committee would use the money to train Olympic athletes to promote local and community amateur athletics and to erect training facilities.

This bill, unlike the Senate-passed bill or Mr. ST GERMAIN's bill, is the only bill that would provide money to the local levels of amateur athletics. My bill help not only Olympic athletes, who are the cream of the competitors, but also the thousands of grassroot high schools, sports clubs, and leagues which provide initial athletic training. It is those community programs that were inevitably the first step on Olympians road to greatness.

The Olympic Commemorative Coin Act has a place for private marketers. The rights to market the coins overseas would be awarded to a marketing organization chosen by the Secretary of the Treasury, the executive director of the U.S. Olympic Committee and the president of the Los Angeles Olympic Organizing Committee. the award of overseas rights is a recognition that others know the foreign market in a way to make foreign sales successful.

Within the United States, the Treasury would offer the coins directly to the public. Even here, however, I provide a role for private enterprise. The bill provides for discounted sales for bulk purchasers. The discount would reflect the savings to the Treasury of not having to individually market those coins. Any organization that wishes to buy coins in bulk and resell them to the public can do so. Competition is the American way.

I am totally opposed to exclusive marketing in the United States because that is diametric to our free enterprise, free market system, in which all can compete. My bill is faithful to this America principle and encourages private marketing, but it is private marketing in the free market. It is not a grant of a monopoly to a single private marketer of the constitutional power to coin money.

The Olympic Commemorative Coin Act goes to great lengths to protect the taxpayer from any costs in this program. My bill is the only bill that meets the General Accounting Office criteria for sales of these coins. The Senate Olympic coin bill would cost the taxpayer up to $360 million in indirect Federal financing. Mr. ST GERMAIN's bill, according to the General Accounting Office, would cost the Government up to $210 million in forgone revenues. The supporters of these other proposals can call these numbers what they will, but they cannot change the fact that under those bills the taxpayer is indirectly financing the Olympics.

Not only does my bill meet the General Accounting Office objections, but my bill specifically directs the Secretary of the Treasury to take all actions necessary to assure that the coin program will not cost the taxpayer 1 penny. In addition, the Secretary is required to certify, every quarter, that he is in compliance with this directive.

I am firmly committed to an Olympic coin program. But I am equally committed to having a coin program in which all of the proceeds go to the athletes, and one in which there is no Federal costs directly or indirectly, and one in which the marketing is done in accordance with traditional American values.●

REMARKS OF HON. JAMES T. MOLLOY AT INTERNATIONAL LONGSHOREMEN'S ASSOCIATION CONVENTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. PEPPER) is recognized for 5 minutes.

● Mr. PEPPER. Mr. Speaker, recently I was followed on the platform in addressing the International Longshoremen's Association Convention in the Diplomat Hotel in Hollywood, Fla., by our beloved and distinguished Doorkeeper of the House, Jim Molloy. Jim Molloy used to be a member of the Longshoremen's Union, and I observed by the response he received upon being introduced the warm memories and the great affection the members of the organization still have for him. Jim made an excellent address to the convention which was most favorably received. He told them about the Congress, its makeup and general character, about the PAC's and the legislative process practiced by the Congress. It was an educational and very stimulating address. I just wanted all my colleagues to know that we not only have a most able and efficient Doorkeeper, but we have a fine representative of this House when he appears to speak to groups in the country, in Jim Molloy. I include herewith the introduction which Jim received and his address for inclusion following my remarks in the body of the RECORD:

89-059 O-85-28 (Pt. 6)

INTERNATIONAL LONGSHOREMEN'S ASSOCIATION CONVENTION, DIPLOMAT HOTEL, HOLLYWOOD, FLA., MARCH 2-5, 1982

INTRODUCTION BY THOMAS W. GLEASON, SR., INTERNATIONAL PRESIDENT, ILA, AFL-CIO

You may recognize this face and voice as the one on television who at the opening of a Joint Session of Congress says, "Mr. Speaker, the President of the United States."

As Doorkeeper of the United States House of Representatives, he carries a great deal of weighty responsibility. He is a conduit of communication from the White House and the Senate to the U.S. House of Representatives. He has a staff of some five hundred people who provide the day-to-day services keeping the Capitol operating. These services include the Publications Distribution Service and the House Document Room, responsible for the distribution of all Public Bills and Documents, plain clothes security, and overseeing protocol of visiting dignitaries and Heads of State. Even after reaching prominent position, Jim Molloy has never forgotten his beginnings with the International Longshoremen's Association. He is a friend we can call on and who calls on us.

At this time I would like to welcome the Doorkeeper of the United States House of Representatives, James T. Molloy.

REMARKS BY HON. JAMES T. MOLLOY, DOORKEEPER, U.S. HOUSE OF REPRESENTATIVES

Thank you, President Gleason. I appreciate and welcome the opportunity to be here today.

It is difficult to follow someone like Senator Pepper who is truly one of the most beautiful people in Congress. We recently had the opportunity of working together on the Centennial Celebration of the birthday of Franklin Delano Roosevelt, and in his remarks during that ceremony on the Floor of the House, he brought us both tears and laughter as he did here a short while ago. He is one of Labor's greatest friends in Congress.

In appearing before you today, I was asked to make a few remarks regarding something which is of tremendous importance to all of us, namely, PACs. Perry Harvey, Jr., in speaking before you earlier, referred to PACs as one of the most important things to the Union next to collective bargaining.

As somewhat of an outsider, but as a former member of I.L.A. Local 1622 during my college and law school days, I would like to add a few thoughts of my own.

I have spent the last sixteen years working closely with the Congress, and I have seen the growing importance of the Political Action Committee and its impact on the legislative process. Members of Congress are an extremely diverse group. Bringing a majority of them together to enact legislation for the good of the country can only be achieved by similar pressures being brought by a number of concerned sources such as those of you in the Labor Movement.

You are particularly fortunate in having someone like President Gleason who has established a working office in Washington which can deal with the Congress on a day-to-day basis. He also is president of one of the only two Labor Unions with strong working ties to President Reagan. In this respect you are very fortunate in that your message can be brought to a Democratic Legislative Branch as well as a Republican Executive Branch. This is certainly a situation which you should take advantage of.

The most important thing for you, as individuals, is to realize that you must participate in the legislative process in order for it to produce what is best for your interests. Political Action Committees are now a major factor in politics, and I believe they are here to stay.

Out of the ten major PAC's, moneywise, only one is a Union organization. The Auto Workers are the only Union represented in the top ten, and the rest are from other special interest groups.

You cannot remain naive enough to believe that by making an individual contribution, you will get the vote of a Congressman. There is a tremendous amount going on in which you have a very real vested interest, the compensation bill, the Hobbs Act, not only for yourselves, but for your wives, children and widows as well. A concerted effort by all of you working within the Committee is the only way in which your best interests will be served on the Floor of the House.

I will give you a recent example which is not confidential since it was cited in the Wall Street Journal. Congressman Dan Rostenkowski, Chairman of the Committee on Ways and Means, a labor-oriented Congressman from the city of Chicago, raised approximately $160,000 at a testimonial dinner. The bulk of this money came from the business community, not the Labor Movement. The business community is not necessarily interested in promoting your needs in Congress. Congressman Rostenkowski is not a man who can be overwhelmed with influence, but he, as most other Members, is ready to listen to groups who come to him with specific proposals. That's all you're asking for in Washington—someone to bring your proposals to the Congress.

PAC's are very important to you, and I hope you will give some time and thought to them. Your future depends on them. It is my understanding from President Gleason that it will cost no Brother any additional money. PAC money will come out of what is already paid to the International and will simply require a new checkoff system on the dues cards you sign. Your people are the ones who have to put together and staff these operations, and it's up to you to bring an understanding of their importance to the membership. It's the only way in which your needs will be brought into the political arena, and whether you like politics or not, you have to understand that only through legislation will you achieve the quality of life which you deserve as a voting citizen. I earnestly urge you to take this message with you when you leave this room today. You not only have to send your message to Congress, but you have to keep your people, such as your good friend, Senator Pepper, in office to protect the interests of everyone associated with the Longshoremen's Union.

Politics has become a very sophisticated science. With the use of computers, Members of Congress can now break down their constituencies into very specialized groups with very specialized interests, Senior Citizens, teachers, businessmen, etc. The only way in which you can compete is to organize and make your special interests known. It's sad but true to say that the dollar bill has become a necessity in this process, not so much for the people in politics, but for your own legislative people on whom you must depend to present your case. The organization of a strong Political Action Committee is the message I most strongly urge you to take home when you leave this convention on Thursday.

Because I came out of the Longshoremen's Union, myself, I would have preferred to stand here today in a more informal and jovial atmosphere, however, I did want to lend my support to this very serious matter. In the future, if you should ever come to the Nation's Capitol, I welcome all of you to visit my office in the spirit of conviviality, but also for whatever direction and assistance I may be able to offer in making you more familiar with the workings of your Congress.●

AMENDING THE CONSTITUTION TO CONTROL THE FEDERAL BUDGET

(Mr. GREGG asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GREGG. Mr. Speaker, as we see projected larger and larger deficits it becomes clear that the Congress does not have the intestinal fortitude necessary to bring deficit spending under control

Over the last 25 years Congress has only balanced its budget once. As a result of this fiscal ineptness, Congress has put this country through a roller coaster of high interest rates, high inflation, and an unstable economic condition.

The record of Congress makes it clear that it will not change its ways unless it is forced to do so. Thus, the time has come to pass a constitutional amendment which requires the Congress to put in place a balanced budget. The amendment which is most appropriate to this purpose is House Joint Resolution 350 and its companion Senate resolution (S.J. Res. 58).

This amendment would do four basic things.

It would require that the Congress adopt a statement prior to each year reflecting the fact that outlays will not be greater than receipts and insure that actual outlays do not exceed those presented in the statement. It would also allow the Congress, by a three-fifths vote of the whole membership of the House, to provide for specific outlays which would exceed receipts directed solely to a specific subject. This would, thus, accomplish a balanced budget.

Second, it would limit the rate of increase in spending to a rate that does not exceed the increase in national income in the last quarter of the prior year. This would keep Congress from balancing the budget through simply raising taxes.

Third, the Congress could waive the provisions of the amendment when a declaration of war was in effect.

Fourth, the Congress could not require the States to engage in additional activities without compensation equal to the additional costs. This section of the amendment is extremely important as it would limit the ability of the Congress to pass onto the

States the cost of complying with Federal legislation. This is a major problem today where Congress often passes a bill but does not have the courage to raise the funds to pay for the cost of compliance with the legislation.

The effect of this type of a constitutional amendment would be to force the Congress to act in a fiscally responsible way. History has shown us that without such pressure on the Congress the Congress simply will not be responsible. This is an idea whose time has come.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. FIEDLER (at the request of Mr. MICHEL), for today and the balance of the week, on account of illness.

Mr. JACOBS (at the request of Mr. WRIGHT), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. FITHIAN (at the request of Mr. SAVAGE), for 10 minutes, April 28.

(The following Members (at the request of Mr. WEBER of Ohio) to revise and extend their remarks and include extraneous material:)

Mr. LEACH of Iowa, for 30 minutes, today.

Mr. CONTE, for 15 minutes, today.

Mrs. HECKLER, for 5 minutes, today.

Mr. MCDADE, for 5 minutes, today.

Mr. GREGG, for 5 minutes, today.

Mr. LUNGREN, for 60 minutes, today.

(The following Members (at the request of Mrs. BOGGS) to revise and extend their remarks and include extraneous material:)

Mr. LEVITAS, for 30 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. COELHO, for 5 minutes, today.

Mr. PEPPER, for 5 minutes, today.

Mr. FITHIAN, for 10 minutes, today.

Messrs. JONES of Tennessee, WATKINS, DORGAN of North Dakota, DASCHLE, BEDELL, and ALEXANDER, for 60 minutes each May 4, 1982.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. WEBER of Ohio) and to include extraneous matter:)

Mr. MADIGAN in three instances.

Mr. ROBERT W. DANIEL, JR.

Mr. SOLOMON.

Mr. NAPIER in five instances.

Mr. CONTE in two instances.

Mr. LENT in two instances.

Mr. BROYHILL.

Mr. CORCORAN in two instances.

Mr. KEMP in two instances.

Mr. RUDD.

Mr. MARKS.

Mr. PARRIS.

Mr. SHUMWAY.

Mr. WOLF.

Mr. MICHEL in three instances.

Mr. BROWN of Ohio.

Mr. ROTH.

Mr. WEBER of Ohio.

(The following Members (at the request of Mrs. BOGGS) and to include extraneous matter:)

Mr. LEVITAS.

Mr. VOLKMER.

Mr. PHILLIP BURTON.

Mr. JACOBS.

Mr. ASPIN.

Mr. MILLER of California.

Mr. LONG of Maryland.

Mr. COELHO.

Mr. IRELAND.

Mr. STARK.

Mr. FLORIO.

Mr. ROE.

Mr. BONKER.

Mr. PEYSER.

Mr. FOUNTAIN.

Mr. CHAPPELL.

Mr. BENNETT in two instances.

Mr. LUKEN in two instances.

Mr. LELAND.

Mr. SWIFT.

Mr. BARNES.

Mr. GUARINI.

Mrs. COLLINS of Illinois.

Mr. SANTINI.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2244. An act to give effect to the Protocol Amending the Convention for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea, signed at Washington, March 29, 1979; to the Committee on Merchant Marine and Fisheries.

ENROLLED JOINT RESOLUTION

Mr. HAWKINS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 448. Joint resolution to authorize and request the President to issue a proclamation designating April 25 through May 2, 1982, as "Jewish Heritage Week."

ADJOURNMENT

Mr. SAVAGE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 47 minutes p.m.), the House adjourned until tomorrow, Wednesday, April 28, 1982, at 3 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3796. A letter from the Secretary of Agriculture, transmitting the annual report on animal welfare enforcement for fiscal year 1981, pursuant to section 25 of the Animal Welfare Act, as amended; to the Committee on Agriculture.

3797. A letter from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the proposed conversion to contractor performance of the keypunch function at the Public Works Center, San Diego, Calif., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

3798. A letter from the Director, Administrative Office of the United States Courts, transmitting his report for calendar year 1981 on applications for delays of notice and customer challenges under provisions of the Right to Financial Privacy Act of 1978, pursuant to section 1121(a) of Public Law 95-630; to the Committee on Banking, Finance and Urban Affairs.

3799. A letter from the Assistant Attorney General (Legislative Affairs), transmitting a draft of proposed legislation to amend title V of the Refugee Education Assistance Act of 1980; to the Committee on Education and Labor.

3800. A letter from the Secretary, Consumer Product Safety Commission, transmitting notice of various revisions to an existing records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3801. A letter from the Acting Secretary of the Interior, transmitting a final study on the proposed Dominguez-Escalante National Trail, in accordance with the objectives of the National Trails System Act; to the Committee on Interior and Insular Affairs.

3802. A letter from the Chief Justice of the Supreme Court, transmitting a draft of proposed legislation to amend title 28 of the United States Code and related statutes with respect to the appointment and jurisdiction of the Supreme Court police; to the Committee on the Judiciary.

3803. A letter from the Director, Administrative Office of the United States Courts, transmitting his annual report for calendar year 1981 on applications for court orders made to Federal and State judges to permit the interception of wire or oral communications, pursuant to 18 U.S.C. 2519(3); to the Committee on the Judiciary.

3804. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend title 44, United States Code, to authorize the Secretary of Commerce to establish and charge prices for the charts published by the National Oceanic and Atmospheric Administration that recover by 1985 the full cost of producing and distributing these charts, and for other purposes; to the Committee on Merchant Marine and Fisheries.

3805. A letter from the Federal Inspector, Alaska Natural Gas Transportation System, transmitting his 11th quarterly report, pursuant to section 7(a)(5)(E) of Public Law 94-586; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

3806. A letter from the Comptroller General of the United States, transmitting a report on the Food and Drug Administration's evaluation of the safety and effectiveness of over-the-counter drugs (HRD-82-41. April 26, 1982); jointly, to the Committees on Government Operations and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 3881. A bill to direct the Secretary of Agriculture to release on behalf of the United States a reversionary interest in certain lands conveyed to the Arkansas Forestry Commission, and to direct the Secretary of the Interior to convey certain mineral interests of the United States in such lands to such commission; with an amendment (Rept. No. 97-447, Pt. II). Referred to the Committee of the Whole House on the State of the Union.

Mr. YATES: Committee on Appropriations. House Resolution 411. Resolution to disapprove the deferral (Rept. No. 97-487). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALL of Ohio: Committee on Rules. House Resolution 437. Resolution providing for the consideration of H.R. 5998, a bill to provide additional authorizations of appropriations for the fiscal year 1983 for the International Communication Agency, and for other purposes (Rept. No. 97-488). Referred to the House Calendar.

Mr. DERRICK: Committee on Rules. House Resolution 438. Resolution providing for the consideration of H.R. 3208, a bill to amend the Reclamation Safety of Dams Act of 1978, and for other purposes (Rept. No. 97-489). Referred to the House Calendar.

Mr. ZEFERETTI: Committee on Rules. House Resolution 439. Resolution providing for the consideration of H.R. 3481, a bill to amend chapter 207 of title 18, United States Code, relating to pretrial services (Rept. No. 97-490). Referred to the House Calendar.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 3809. A bill to provide for repositories for the disposal of high-level radioactive waste, transuranic waste, and spent nuclear fuel, to amend provisions of the Atomic Energy Act of 1954 relating to low-level waste, to modify the Price-Anderson provisions of the Atomic Energy Act of 1954 and certain other provisions pertaining to facility licensing and safety, and for other purposes; with an amendment (Rept. No. 97-481, Pt. I). Ordered to be printed.

Mr. DE LA GARZA: Committee on Agriculture. H.R. 3021. A bill to authorize the Secretary of Agriculture to convey certain National Forest System lands, and for other purposes; with an amendment (Rept. No. 97-492, Pt. I). Order to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WIRTH:

H.R. 6162. A bill to authorize appropriations for the National Telecommunications and Information Administration for fiscal years 1983 and 1984; to the Committee on Energy and Commerce.

By Mr. BONKER:

H.R. 6163. A bill to amend the Social Security Act to provide for the removal of the social security trust funds from the unified budget, and to provide for crediting to the social security trust funds in the amount of unnegotiated social security checks; jointly, to the Committees on Ways and Means and Rules.

By Mr. DE LA GARZA (for himself, Mr. WAMPLER, Mr. JONES of North Carolina, Mr. FOUNTAIN, and Mr. ZABLOCKI) (by request):

H.R. 6164. A bill to implement the agreement on international carriage of perishable foodstuffs and on the special equipment to be used for such carriage (ATP), and for other purposes; to the Committee on Agriculture.

By Mr. FITHIAN:

H.R. 6165. A bill to amend the Internal Revenue Code of 1954 to provide a refundable tax credit for hiring certain unemployed individuals and to make certain changes with respect to the treatment of oil and gas income; to the Committee on Ways and Means.

By Mr. FORSYTHE:

H.R. 6166. A bill to amend the Public Health Service Act to establish a National Institute of Diabetes, Endocrinology, and Metabolic Diseases; to the Committee on Energy and Commerce.

By Mr. GIBBONS:

H.R. 6167. A bill to amend section 1235 of the Internal Revenue Code of 1954 (relating to the sale or exchange of patents) to provide that such section applies to certificates of plant variety protection and to certain patents acquired from certain qualified institutions; to the Committee on Ways and Means.

By Mr. SAM B. HALL, JR.:

H.R. 6168. A bill to amend chapter 41 of title 18, United States Code, to prohibit threats against Presidential candidates and other persons protected by the Secret Service who are not presently covered by the Presidential threat statute, with the creation of a new section 879 for this purpose; to the Committee on the Judiciary.

By Mr. KILDEE (for himself, Mr. GEPHARDT, Mr. BRODHEAD, and Mr. VANDER JAGT):

H.R. 6169. A bill to amend the Internal Revenue Code of 1954 with respect to the treatment of certain real property under the accelerated cost recovery system; to the Committee on Ways and Means.

By Mr. HOWARD (for himself, Mr. BARNES, Mr. CLAUSEN, Mr. ANDERSON, Mr. SHUSTER, Mr. ROE, Mr. BREAUX, Mr. LEVITAS, Mrs. BOUQUARD, Mr. FARY, Mr. ERTEL, Mr. CLINGER, Mr. BONER of Tennessee, Mr. WOLF, Mr. MATSUI, and Mr. LANTOS):

H.R. 6170. A bill to amend title 23, United States Code, to encourage the establishment by States of effective alcohol traffic safety programs; to the Committee on Public Works and Transportation.

By Mr. HOWARD (for himself and Mr. CLAUSEN) (by request):

H.R. 6171. A bill to amend the the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970; to the Committee on Public Works and Transportation.

H.R. 6172. A bill to amend the Urban Mass Transportation Act of 1964 to provide authorizations for appropriations, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. MADIGAN:

H.R. 6173. A bill to amend the Public Health Service Act to replace title XV of such act with a block grant to States for health planning; to the Committee on Energy and Commerce.

By Mr. OBERSTAR (for himself and Mr. FRENZEL):

H.R. 6174. A bill to amend the Internal Revenue Code of 1954 to allow the deduction for percentage depletion (other than with respect to oil and gas wells) to the shareholders of a subchapter S corporation in lieu of allowing such deduction to the corporation; to the Committee on Ways and Means.

By Mr. RODINO:

H.R. 6175. A bill to amend title 18 of the United States Code to strengthen the laws against the counterfeiting of trademarks, and for other purposes; to the Committee on the Judiciary.

By Mrs. ROUKEMA:

H.R. 6176. A bill relating to the tariff treatment of certain canned mushrooms; to the Committee on Ways and Means.

By Mr. SIMON (for himself and Mr. DE LA GARZA):

H.R. 6177. A bill to require the Secretary of Agriculture to prepare and disseminate certain information; to the Committee on Agriculture.

By Mr. BINGHAM (for himself, Mr. ADDABBO, Mr. BARNES, Mr. BIAGGI, Mr. BONIOR of Michigan, Mr. BROWN of California, Mrs. CHISHOLM, Mr. CROCKETT, Mr. FAUNTROY, Mr. FOGLIETTA, Mr. FRANK, Mr. HORTON, Mr. LENT, Mr. DE LUGO, Mr. LOWERY of California, Mr. OTTINGER, Mr. RAHALL, Mr. SANTINI, Mr. SMITH of Pennsylvania, Mr. SOLARZ, Mr. STARK, Mr. SUNIA, Mr. WAXMAN, Mr. YOUNG of Florida, Mr. ZEFERETTI, Mr. MITCHELL of Maryland, Mr. LANTOS, Mr. HUBBARD, Mr. KILDEE, Mr. HOLLENBECK, Mr. YATRON, and Mr. SCHEUER):

H. Res. 440. Resolution to oppose the elimination of or reduction in the cost-of-living adjustments (COLA's) in social security benefits prior to the time that the National Commission on Social Security Reform has reported its findings and recommendations; to the Committee on Ways and Means.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

361. By the SPEAKER: Memorial of the Legislature of the State of Michigan, relative to the 1934 Communications Act; to the Committee on Energy and Commerce.

362. Also, memorial of the House of Representatives of the Commonwealth of the Northern Mariana Islands, relative to the U.S. delegation to the gubernatorial inaugural ceremonies; to the Committee on Interior and Insular Affairs.

363. Also, memorial of the Legislature of the Commonwealth of the Northern Mariana Islands, relative to an alternative income tax system; to the Committee on Interior and Insular Affairs.

364. Also, memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to the Weirton Steel Co.;

jointly, to the Committees on Education and Labor and Energy and Commerce.

365. Also, memorial of the Legislature of the State of Michigan, relative to H.R. 5133; jointly, to the Committees on Energy and Commerce and Ways and Means.

366. Also, memorial of the Legislature of the State of Michigan, relative to H.R. 3637; jointly, to the Committees on Merchant Marine and Fisheries and Energy and Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DELLUMS:

H.R. 6178. A bill for the relief of Klaus Wihelm Wendel; to the Committee on the Judiciary.

By Mr. SAM. B. HALL, JR.:

H.R. 6179. A bill for the relief of Ronald Goldstock and Augustus M. Statham; to the Committee on the Judiciary.

H.R. 6180. A bill for the relief of Gregory B. Dymond, Samuel K. Gibbons, Jack C. Kean, James D. Nichols, and Roy A. Redmond; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 380: Mr. TAUZIN.

H.R. 444: Mr. LIVINGSTON.

H.R. 445: Mr. LIVINGSTON.

H.R. 793: Mr. STUMP, Mr. HYDE, Mr. O'BRIEN, Mr. MONTGOMERY, Mr. BEARD, and Mr. JEFFRIES.

H.R. 1648: Mrs. BOUQUARD, Mr. ATKINSON, Mr. MORRISON, Mr. DAUB, and Mr. CHAPPELL.

H.R. 1799: Mr. COUGHLIN.

H.R. 1919: Mr. WEISS.

H.R. 1968: Mr. ERTEL, Mr. RUSSO, Mrs. BOUQUARD, Mrs. SCHROEDER, Mr. BROOMFIELD, Mr. SAM B. HALL, JR., Mr. KASTENMEIER, Mr. OBERSTAR, Mr. DAUB, and Mr. LOWRY of Washington.

H.R. 2163: Mr. STUMP.

H.R. 2182: Mr. SAM B. HALL, JR.

H.R. 2493: Mr. DENARDIS and Mr. PERKINS.

H.R. 2593: Mr. VOLKMER.

H.R. 2936: Mr. GUARINI.

H.R. 3191: Mr. ANTHONY and Mr. DONNELLY.

H.R. 3314: Mr. HANSEN of Idaho.

H.R. 3765: Mr. SHARP.

H.R. 3889: Mr. FINDLEY.

H.R. 4066: Mr. ROE.

H.R. 4086: Mr. SAWYER, Mr. VENTO, Mr. DAUB, and Mrs. KENNELLY.

H.R. 4657: Mr. MARLENEE and Mr. ROE.

H.R. 4708: Mr. BARNES, Mr. EVANS of Delaware, and Mr. BENEDICT.

H.R. 4877: Mr. STUMP.

H.R. 4883: Mr. STUMP.

H.R. 4897: Mr. CLAY.

H.R. 4944: Mr. WALKER.

H.R. 5088: Mr. BONIOR of Michigan, Mr. MURPHY, Mr. MOAKLEY, Mr. YATRON, Mr. HAWKINS, Mr. PEASE, and Mr. GUARINI.

H.R. 5148: Mr. SMITH of New Jersey, Mr. WON PAT, Mr. MITCHELL of Maryland, Mr. EMERY, Mr. EDGAR, Mr. PEPPER, Mr. WILSON, Mr. MOLLOHAN, Mr. SAWYER, Mr. DUNCAN, Mr. RAHALL, Mr. MINISH, Mr. ROE, Mr. KAZEN, Mr. FIELDS, Mr. SIMON, Mr. KOGOVSEK, Mr. YOUNG of Alaska, Mr. GRISHAM, and Mr. DE LUGO.

H.R. 5308: Mr. HUTTO, Mr. BEREUTER, Mr. IRELAND, Mrs. MARTIN of Illinois, Mr. EDWARDS of Oklahoma, and Mr. LAFALCE.

H.R. 5321: Mr. LEE, Mr. DERRICK, and Mr. MAVROULES.

H.R. 5348: Mr. SIMON, Mr. LONG of Louisiana, Mr. DAN DANIEL, and Mr. FORD of Tennessee.

H.R. 5441: Mr. SKELTON.

H.R. 5484: Mr. ROSENTHAL, Mr. DUNCAN, Mr. HERTEL, Mr. SOLARZ, Mr. BIAGGI, Mr. STOKES, Mr. LOWRY of Washington, Mr. LUKEN, Mr. EDGAR, Mr. PEPPER, and Mr. FORD of Michigan.

H.R. 5666: Mr. MITCHELL of Maryland, Mr. PEPPER, Mr. SPENCE, Mr. LOWRY of Washington, Mr. NEAL, Mr. FROST, Mr. OBERSTAR, Mr. BEDELL, Mr. MITCHELL of New York, Ms. FERRARO, Mr. HUGHES, Mr. ROEMER, and Mr. ANTHONY.

H.R. 5834: Mr. ROSENTHAL, Mr. VENTO, Mr. ANNUNZIO, Mr. BROWN of California, Mr. CORRADA, Mr. DICKS, Mr. TRIBLE, Mr. EVANS of Iowa, Mrs. KENNELLY, Mr. ANDREWS, and Mr. KOGOVSEK.

H.R. 5869: Mr. SENSENBRENNER and Mr. VOLKMER.

H.R. 5959: Mr. EVANS of Georgia, Mr. WILSON, Mr. WINN, Mr. SUNIA, Mr. DE LA GARZA, Mr. PERKINS, Mr. DYSON, Mr. PATMAN, and Mr. WON PAT.

H.R. 6076: Mr. ROBERTS of South Dakota and Mr. ERDAHL.

H.J. Res. 102: Mr. ADDABBO, Mr. ANNUNZIO, Mr. BEDELL, Mr. BENJAMIN, Mr. BENNETT, Mr. BEVILL, Mr. BONER of Tennessee, Mr. CORCORAN, Mr. EDWARDS of Alabama, Mr. FAUNTROY, Mr. FIELDS, Mr. FORD of Tennessee, Mr. FRENZEL, Mr. HUGHES, Mr. KAZEN, Mr. KILDEE, Mr. MARRIOTT, Mr. MARKEY, Mr. MOFFETT, Mr. MURTHA, Mr. NICHOLS, Mr. O'BRIEN, Mr. OXLEY, Mr. RAILSBACK, Mr. SHELBY, Mr. TAUZIN, and Mr. ROE.

H.J. Res. 151: Mr. GILMAN, Mr. OXLEY, Mr. SHARP, Mr. HIGHTOWER, Mr. DUNCAN, Mr. BEDELL, Mr. SMITH of Oregon, Mr. FLIPPO, Mr. YOUNG of Alaska, Mr. DORGAN of North Dakota, Mr. DECKARD, Mr. PICKLE, Mr. HUNTER, Mr. MARTIN of New York, Mr. GUNDERSON, Mr. AKAKA, Mrs. MARTIN of Illinois, Mr. FISH, Mr. FARY, Mr. APPLEGATE, Mr. EMERY, Mr. WEBER of Minnesota, Mr. MOFFETT, and Mr. AUCOIN.

H.J. Res. 386: Mr. ADDABBO, Mr. BEARD, Mr. BENJAMIN, Mr. BIAGGI, Mr. BROOMFIELD, Mr. BROWN of Ohio, Mr. CONTE, Mr. DERWINSKI, Mr. EDGAR, Mr. FASCELL, Ms. FERRARO, Mr. FLORIO, Mr. GREEN, Mr. HORTON, Mr. LEBOUTILLIER, Mr. LOWERY of California, Mr. MOAKLEY, Mr. MOLINARI, Ms. OAKAR, Mr. RICHMOND, Mr. SMITH of New Jersey, Mr. STRATTON, Mr. TRAXLER, Mr. WAXMAN, Mr. YOUNG of Florida, Mr. DREIER, and Mr. DONNELLY.

H.J. Res. 403: Mr. ALBOSTA, Mr. ALEXANDER, Mr. ATKINSON, Mr. CHENEY, Mr. WILLIAM J. COYNE, Mr. DAN DANIEL, Mr. DORGAN of North Dakota, Mr. DOWNEY, Mr. EVANS of Georgia, Mr. FLORIO, Mr. GUARINI, Mr. SAM B. HALL, JR., Mrs. HECKLER, Mr. HOWARD, Mr. HUGHES, Mr. JACOBS, Mr. LONG of Louisiana, Mr. LOWERY of California, Mr. MARTIN of Illinois, Mr. MINETA, Mrs. ROUKEMA, Mr. WALKER, and Mr. YOUNG of Florida.

H.J. Res. 443: Mr. WRIGHT, Mr. PRICE, Mr. UDALL, Mr. ANNUNZIO, Mr. BARNES, Mr. BENNETT, Mrs. BOGGS, Mr. BOWEN, Mr. COELHO, Mr. DENARDIS, Mr. DWYER, Mr. EDGAR, Mr. ERLENBORN, Mr. FARY, Mr. FAZIO, Mrs. FENWICK, Mr. FORD of Tennessee, Mr. FORSYTHE, Mr. FRENZEL, Mr. GILMAN, Mr. GOODLING, Mr. GRAY, Mr. HEFTEL, Mr. HERTEL, Mr. HORTON, Mr. JACOBS, Mr. LANTOS, Mr. LEBOUTILLIER, Mr. LENT, Mr. LOWERY of California, Mr. LOWRY of Washington, Mr. MCCLOSKEY, Mr. MICA, Mr. MILLER of California, Mr. MINETA, Mr. MURPHY, Mr. NOWAK, Mr. PATTERSON, Mr. PEPPER, Mr. PORTER, Mr. RAHALL, Mr. ROE, Mr. RICHMOND, Mr. SABO, Mr. SEIBERLING, Mr. SENSENBRENNER, Mrs. SNOWE, Mr. WEISS, Mr. YATRON, and Mr. ZEFERETTI.

H.J. Res. 444: Mr. MCGRATH, Mr. BLILEY, Mr. BONIOR of Michigan, Mr. CLAUSEN, Mr. COATS, Ms. FERRARO, Mr. GORE, Mr. SAM B. HALL, JR., Mr. HYDE, Mr. LIVINGSTON, Mr. LOWERY of California, Mr. MCHUGH, Ms. MIKULSKI, Mr. NEAL, Mr. PATMAN, Mr. ROBINSON, Mr. ROEMER, Mr. SMITH of New Jersey, Mr. SOLOMON, Mr. VENTO, Mr. WAMPLER, Mr. WEBER of Ohio, Mr. WOLPE, Mr. YATRON, Mr. YOUNG of Missouri, Mr. PAUL, Mr. FASCELL, Mr. LUJAN, Mr. KEMP, Mr. BURGENER, Mr. FAZIO, Mr. SABO, Mr. COUGHLIN, Mr. CAMPBELL, Mr. EDWARDS of Alabama, Mr. PASHAYAN, Mr. ANNUNZIO, Mr. JOHNSTON, Mr. GREEN, Mr. MCDADE, Mr. MCCLORY, and Mr. CONTE.

H. Con. Res. 289: Mr. YOUNG of Florida, Mr. PEYSER, Mr. BARNES, Mr. DORNAN of California, Mr. EDWARDS of Alabama, Mr. MOAKLEY, Mr. MURTHA, Mrs. SNOWE, Mr. GINN, Mr. HUGHES, Mr. HOPKINS, Mrs. BOGGS, and Mr. FROST.

H. Con. Res. 310: Mr. BLILEY and Mr. COATS.

H. Res. 174: Mr. MOAKLEY, Mr. FRANK, Mr. ST GERMAIN, Mr. BOWEN, Mr. KRAMER, Mr. STANGELAND, Mr. ROE, Mrs. SCHNEIDER, Mr. SILJANDER, Mr. ROSE, Mr. WHITEHURST, Mr. DOUGHERTY, Mr. LIVINGSTON, Mr. HYDE, and Mr. ROEMER.

H. Res. 406: Mr. FLORIO, Mr. GREEN, Mr. SHAMANSKY, Mr. ECKART, and Mr. WAXMAN.

H. Res. 423: Mr. RUDD and Mr. BEDELL.

H. Res. 430: Mr. BEDELL, Mr. BENJAMIN, Mr. DENARDIS, Mr. DOUGHERTY, Mr. ECKART, Mr. EMERY, Mr. FASCELL, Mr. FLORIO, Mr. FOGLIETTA, Mr. FRANK, Mr. FUQUA, Mr. GARCIA, Mr. GEJDENSON, Mr. HEFTEL, Mr. HOLLENBECK, Mr. MCDADE, Mr. MITCHELL of New York, Mr. PAUL, Mr. SHANNON, Mr. STUDDS, Mr. WILLIAMS of Ohio, Mr. YOUNG of Missouri, Mr. KILDEE, Mr. EDGAR, Mr. REUSS, Mr. ZEFERETTI, Mr. WOLPE, Mr. D'AMOURS, Mr. RATCHFORD, Mr. MINISH, Mr. FAZIO, Mr. GREGG, Mr. HERTEL, Mr. LEACH of Iowa, Mr. MARLENEE, Mr. WYDEN, and Mr. EARLY.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H. Res. 265: Mr. ROE.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

405. By the SPEAKER: Petition of the American Bar Association, Chicago, Ill., relative to the U.S. Tax Court; to the Committee on Appropriations.

406. Also, petition of the City Council of Maple Heights, Ohio, relative to nuclear weapons; to the Committee on Foreign Affairs.

407. Also, petition of the Associated Students of the University of Hawaii at Manoa, Honolulu, Hawaii, relative to a U.S. Acade-

my of Peace; to the Committee on Foreign Affairs.

408. Also, petition of the Friends of the Illinois and Michigan Canal Corridor, Ottawa, Ill., relative to the Illinois and Michigan Canal National Hertiage Corridor; to the Committee on Interior and Insular Affairs.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 6157

By Mr. CORCORAN:

—Page 7, after line 18, insert the following:

HOMEBUYERS ASSISTANCE FUND

For an amount to establish the "Homebuyers Assistance Fund" in the Treasury of the United States to be administered by the Secretary of Housing and Urban Development for the purpose of encouraging the production and sales of housing, $1,000,000,000, which amount shall remain available until expended and shall be transferred to such Fund from appropriations made available to, and to be obligated in fiscal year 1982 by, the United States Synthetic Fuels Corporation from the Energy Security Reserve established under the heading "Alternative Fuels Production" in Public Law 96-126. Such amount shall be made available, not later than September 30, 1982, as assistance to State and local housing agencies who agree to use the assistance to reduce mortgage interest rates to affordable levels for persons purchasing a single-family residence pursuant to a mortgage financed with funds obtained from the issuance, after the date of enactment of this Act, of a qualified mortgage or qualified veterans' mortgage bond in accordance with the requirements of section 103A of the Internal Revenue Code of 1954. Such assistance shall be made available in accordance with regulations which are issued by the Secretary of Housing and Urban Development (after consultation with the Secretary of the Treasury and appropriate committees of Congress) and which provide a fair and balanced geographic distribution of the assistance (notwithstanding any other provision of law regarding States without mortgage revenue bond authority), terms and conditions of the repayment by State and local agencies of the assistance, limits on the amount of the assistance which may be used for administrative costs by such agencies, and other terms and conditions deemed necessary by the Secretary.

SENATE—*Tuesday, April 27, 1982*

(Legislative day of Tuesday, April 13, 1982)

The Senate met at 9:45 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, LL.D., D.D., offered the following prayer:

Let us pray.

Almighty God, infinite sovereign Lord, we come to Thee at a time of great need. The leadership of our Nation faces a superhuman task. Profoundly complex issues challenge the best of human thought and action: The vast needs of the poor and the oppressed—the elderly and disadvantaged—a stubborn economy which defies every effort to bring it under control—sensitive, complicated international affairs—problems of national security all confront Congress with unrelenting pressure.

As Thou didst give wisdom to King Solomon to rule, give wisdom to Thy servants in the Senate. Help them to understand that Thou are real, and that Thy help is relevant and available. Give them grace to recognize their need for divine intervention and humility to ask for it. Help them to know that Thou canst give them wisdom and strength far beyond their own to face these critical days. As our Founding Fathers called upon Thee and received direction to set this Nation on its unprecedented course, so may leaders today look to Thee in that same confidence. We ask this in the name of Him who is all wise, all powerful, perfect in grace and love. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

THE JOURNAL

Mr. BAKER. Mr. President, I ask unanimous consent that the Journal of the proceedings of the Senate be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, later I expect to ask the Senate to provide a period for the transaction of routine morning business.

At 10:45 a.m., being 1 hour after the Senate convenes, a live quorum will be conducted under the provisions of rule XXII of the Standing Rules of the Senate. After a quorum is ascertained to be present, a vote on the cloture motion filed heretofore in respect to the motion to proceed to the consideration of S. 1630 will occur.

If cloture is invoked, then under the provisions of the rule the Senate will continue to debate that measure until it is disposed of. If cloture is not invoked, of course, it is the intention of the leadership, nonetheless, to continue debate on that motion.

Mr. President, I have no further need for my time under the standing order and I am prepared to yield it to any Senator. I see no Senator on this side seeking recognition. I offer it to the distinguished acting minority leader.

Mr. PROXMIRE. Mr. President, I thank the majority leader.

I will use part of the time. I understand Senator STENNIS wishes to use a part of the time if that is possible.

Mr. BAKER. Yes.

Mr. President, I yield the time remaining to me under the standing order to the control of the acting minority leader.

Mr. PROXMIRE. I thank my good friend.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDENT pro tempore. The acting minority leader is recognized.

Mr. PROXMIRE. Mr. President, I thank the Chair.

HOLOCAUST MEMORIAL SERVICES

Mr. PROXMIRE. Mr. President, last Tuesday, April 20, Congress and President Reagan commemorated the 6 million jewish victims of the Holocaust.

At a White House ceremony, the President said the tragedy of the Holocaust should never be forgotten because "the things that bring us together here are still possible in the world today."

Mr. President, I ask unanimous consent that the New York Times article of April 21 covering the event be printed in the RECORD, so that all may read the President's comments, as well as those of the Speaker of the House and others who participated in similar ceremonies. What better reason do we have to ratify the Genocide Convention, which was proposed as a result of the Holocaust?

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 21, 1982]

CONGRESS AND PRESIDENT LEAD HOLOCAUST MEMORIAL SERVICES

WASHINGTON, April 20—Congress and President Reagan led the nation today in commemorating the six million Jews who were victims of the Nazi Holocaust nearly four decades ago.

As politicians and onlookers sat quietly at a simple ceremony under the Capitol dome, survivors of the Holocaust lit six candles, one for each million killed in the attempt by Nazi Germany before and during World War II to exterminate the Jews.

A similar ceremony, led by the President, was held at the White House. President Reagan said the tragedy of the Holocaust never should be forgotten because "the things that bring us together here are still possible in the world today."

Senator Ted Stevens, Republican of Alaska, told the gathering at the Capitol that the commemoration was being held to "demand that history not repeat itself."

"All generations must know of those horrors," he said. "If they do not know, they will not learn the lessons history offers.

"Today we join together with firm resolve that this nation will not remain indifferent to human misery and suffering wherever we may find it."

TESTIFY TO THE HOLOCAUST

The Speaker of the House, Thomas P. O'Neill Jr. of Massachusetts, said, "We must testify to the Holocust in order to reaffirm our insistent belief in the sacredness of human life and the strength of values."

Mr. O'Neill said Americans mourned those who died in the Holocaust but added, "We also mourn man, who is capable of destroying others and all that gives life meaning."

The United States is the only nation other than Israel that marks the Holocaust with national ceremonies.

The two-part ceremony at the White House and at the Capitol is part of a week-long commemoration that also includes memorial ceremonies in the capitals of more than 40 states and special shows on public television.

This is the second such official memorial service since Congress established the United States Holocaust Memorial Council in 1980 and charged it with organizing memorial events to help Americans remember the systematic attempt by Nazi Germany to exterminate Jews.

The council said the Public Broadcasting Service was providing its stations with films on the Holocaust. Exhibits of 21 photographic posters depicting life before, during and after the Holocaust will be displayed in the lobbies of nine Federal departments and one Federal office.

In addition, some 17,000 public, school and college libraries have been notified of the event so that they can display posters and books about the Holocaust.

Elie Wiesel, chairman of the council, said, "It is hoped that remembrance of the Holocaust will serve to prevent genocide against any people anyplace in the world."

SYNTHETIC FUELS CORPORATION EARNS GOLDEN FLEECE

Mr. PROXMIRE. Mr. President, as you know each month I give a "golden fleece" award to the biggest, most ironic or most ridiculous example of waste for that period. For April the fleece goes to the Synthetic Fuels Corporation for a splurge of spending that would make an Arab sheik green with envy.

The Corporation recently spent over $44,000 for a study which recommended increasing top salaries to as high as $190,000. And they paid $35,000 for two consultants who submitted no consulting reports. On top of that they signed an overpriced $10 million lease for exclusive office space and then decorated the offices at a cost of $552,919.

Congress created the Synthetic Fuels Corporation during 1979, at the height of the Iranian crisis. The Corporation provides loan guarantees, price guarantees, purchase agreements, and direct loans to subsidize the production of synthetic fuels. The Corporation uses the U.S. Treasury to borrow its money, and unfairly competes with farmers, small businessmen, and homebuyers who try to find credit. The Corporation is authorized to underwrite up to $12 billion in credit by the end of the fiscal year 1982. It will spend at least $186 million—off-budget but Federal funds—to select projects and administer loans and guarantees.

Here are the facts of the spending splurge.

The Corporation paid $44,226 for a study of its "salary structure."

The study, delivered in December of 1981, recommended some extraordinary pay increases. Mr. President, I ask unanimous consent the table be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Position	Current salary	Recommended salary	Percent increase
Chairman	$69,630	$190,358	173
President	69,630	165,370	137
Senior Vice President, Projects	69,630	113,881	64
Vice President, Projects	62,500	90,281	44
Vice President, Administration	65,000	85,990	32
General Counsel	52,750	85,990	63
Vice President, Finance	69,630	89,145	28
Vice President, Technology and Engineering	69,630	82,204	18
Inspector General	65,000	78,040	20
Controller	65,000	74,254	14
Vice President, External Relations	69,630	68,575	−2
Director, Planning	$69,500	$68,196	−2
Director Socioeconomic Planning	50,000	56,712	13

Mr. PROXMIRE. The President must approve any salaries over $69,630, the pay of a Cabinet officer. The Corporation's Board of Directors has already decided to recommend that two positions be paid more than this. The Corporation is scarcely 2 years old but it has what every teenager dreams about—a credit card with a $12 billion limit.

Starting in September of last year and continuing into this year the Corporation hired two consultants to "develop an organizational framework and interim operational capability for the Office of the Inspector General." One consultant was paid $300 a day, the other $285 a day. After paying these consultants more than $35,000, the Corporation reported that "no reports have been submitted to the Corporation." The "junkyard dogs" in the Corporation need to see a good dentist.

The Corporation signed a 5-year lease for 67,321 square feet of office space in Washington's high rent K Street corridor. The lease cost over $10 million which works out to about $30 a square foot a year. According to the General Services Administration, which rents space for executive agencies, adequate but less opulent space can be leased for $20 a square foot. The Corporation could have saved the taxpayers about $3.3 million by leasing the less luxurious space.

To furnish its fancy new quarters, the Corporation:

Hired an interior decorator at a cost of $14,661;

Bought furniture at a cost of $374,739;

Bought and installed carpet at a cost of $133,519, including $83,260 for "velvet" carpet.

This money was spent in December of 1981 and January and February of this year. The Congress should give this turkey the euthanasia it has so well earned as the one sure way to stop it from hiring more people and buying more furniture. Otherwise, the taxpayer will take yet another shellacking.

Congess made a mistake when it created the Corporation. The last thing the economy needs now is another quasi-Federal agency, elbowing its way to the front of the credit line. The Corporation should be abolished.

MEDICAL CONSEQUENCES OF NUCLEAR WAR

Mr. PROXMIRE. Mr. President, following up my discussion on the floor on Thursday and Monday of the consequences of nuclear war, today I will touch on the medical effects. The Katz-Osdoby study that I have used in the past analyzes the effect of the 10 to 20 million injuries that some projections estimate as the consequence of a so-called surgical strike or limited nuclear attack confined to our deterrent capabilities. The Katz-Osdoby study estimates that in the most heavily contaminated and damaged regions, if all the doctors survived and hospitals were usable, there would be 1 doctor for every 50 to 100 injured and between 15 and 30 patients per available hospital bed.

In their study, entitled "The Social and Economic Effects of Nuclear War," they state:

> What would this level of destruction mean? If in the most heavily contaminated and damaged regions, all the doctors survived and hospitals were usable, there would be one doctor for every 50 or 100 injured, and between 15 and 30 patients per available hospital bed. Even if the entire national health care system was used, the patient-doctor ratio would be between 25 and 50 to 1 and patients per hospital bed between 10 and 20 to 1. Care for patients suffering from other medical problems, such as heart attack and cancer, would be significantly degraded for an extended time because of the competing and continuing demands of those injured by fallout, the loss of physicians and hospitals (because of contamination) in specific regions, and potential reductions in the manufacture and distribution of medical supplies (about 30 percent of all drugs are manufactured in the regions most affected by fallout). For a more specific example, to treat a single patient exposed to substantial levels of radiation (200 Radiation Equivalent Man—REM's—or more) would require massive medical resources—intensive care, bone marrow transplants, blood transfusions and antibiotics. In this type of attack hundreds of thousands—perhaps millions—would require complex bone marrow transplants to assure survival. Because of reduced resistance to infectious diseases, all clinical cases (a radiation dose exceeding 50 REM's) would need continuous protection against infection, involving high doses of antibiotics, etc. Treating large numbers would rapidly drain existing supplies and professional energy. As antibiotics supplies dwindled and immunization proved ineffective in this radiation-weakened group, a huge reservoir of potential disease carriers would develop. Diseases such as polio might reappear. Other key elements of medical care support systems, such as medical insurance and records would be disrupted and in chaos after evacuation.

Mr. President, yesterday I was visited in my office by a delegation from the Harvard University Medical School. They made a very impressive presentation and pointed out that in a general nuclear war, such a war would destroy any hope for effective medical treatment for the injured and would create a vast array of long-term health disasters, including increased cancer rates, genetic damage, and birth defects. The effects of such a holocaust, though calculable, are beyond comprehension.

They also, incidentally, indicated the enormous, absolutely enormous, destructive capability that I think few of us even in the Senate are aware of. We have accumulated and there are over 50,000 nuclear warheads with the explosion potential of 20 billion tons of TNT. That is the equivalent of four tons of TNT for every man, woman, and child in the world. It is so far

beyond our imagination that all we can do is to recognize that it would be an absolutely total disaster that could easily destroy human life on the planet. It might not but it could.

The study states:

A. IMMEDIATE EFFECTS: HOURS TO DAYS

Military experts have attempted numerous technical studies predicting the number of deaths and injuries resulting from nuclear explosions. Although such predictions are quantified, it is important to recognize that the scale of injury and suffering would be unprecedented in human experience.

The following subsections present an account of the mortality, types of injury, and the quality of health care after a nuclear war.

1. Mortality: A one megaton bomb would scorch an area of 100 square miles. If dropped on a city the size of Detroit, it would kill half a million people.

A 10-20 megaton bomb dropped on New York City, exploding above Times Square, would destroy all buildings in Manhattan and almost all buildings in the Bronx, Brooklyn, and Queens, and would inflect severe damage as far as Hoboken and Jersey City. The detonation would kill or injure between 5 and 10 million people. The damage and number of deaths would be substantially higher if 10 one-megaton bombs were detonated instead of one 10-megaton bomb.

A "limited theatre nuclear war" is a military option currently being examined as a NATO response to a possible Soviet invasion of Western Europe with conventional armed forces. Even if only 1 percent of current nuclear arsenals were launched by the U.S. and the U.S.S.R. to destory military and nuclear missile installations, at least 6 to 7 million civilian deaths would result.

A counterforce attack aimed at U.S. ICBM silos would kill between 2 and 20 million Americans even though the silos are located in rural areas of low population density. This uncertainty is attributable to variable wind and weather conditions, which affect fallout patterns.

An all-out nuclear war, with detonation of bombs totaling 10,000 megatons (approximately half of the combined U.S. and U.S.S.R. arsenals) would kill between 35 and 77 percent of the United States population, or 70 to 160 million people. A comparable number of deaths would occur in the U.S.S.R. In contrast, the deaths of U.S. citizens in all past wars have amounted to 1 million people.

2. Blast injuries: A nuclear explosion would lead to numerous blast-induced injuries. For example, in a one-megaton explosion over Boston, an overpressure of ten pounds per square inch and winds of 300 miles per hour would destory all stone and concrete buildings within a radius of three miles. Rubble and debris from collapsed buildings would be swept up by such winds, and airborne glass, beams, and bricks would account for further injuries within a radius of eight miles. Typical blast injuries include lacerations, fractures, ruptures of internal organs, and gaping wounds of the skull, chest, and abdomen. The bomb would create an expanding pressure wave, rupturing eardrums and lungs.

3. Burn injuries: A nuclear explosion releases thermal energy, which could ignite the city into a firestorm, as at Hiroshima. Such a firestorm melts glass and metal and ignites houses, buildings, foliage, oil tanks, and gasoline. This raging fire would cause severe burns of the skin, eyes, mouth, and lungs to an enormous number of inhabitants.

A one megaton bomb dropped on a city the size of Detroit would cause third-degree burns, which destroy skin tissue, out to a radius of five miles from the detonation center. A 10-20 megaton bomb dropped on New York City would cause second-degree burns to inhabitants at a distance of 26 miles, reaching into Connecticut, New Jersey, and upstate New York. Persons with second-degree burns over 30 percent of their bodies will go into serious shock, and will require hospitalization for sedation, oxygen, antibiotics, large amounts of intravenous fluids, and intense supportive care.

A one megaton nuclear explosion over a single U.S. city would cause burn injuries in the tens of thousands. Under optimal conditions, the entire U.S. hospital system could accommodate no more than 2000 severe burn victims. Treatment for a single seriously burned victim costs between $200,000 and $400,000.

4. Radiation sickness: Radiation kills replicating cells. Cells of the blood, skin, hair follicles, and lining of the stomach and intestines normally replicate continuously. Consequently, the symptoms of radiation sickness are nausea, diarrhea, diffuse bleeding, hair loss, anorexia, general malaise, and weakness. The effects of other medical disorders, such as burns or blast injuries, are aggravated by radiation sickness. Depending on the amount of radiation exposure, the victims can die within days or suffer from chronic lingering sickness.

A unique problem of radiation injury is that the symptoms are the same over a wide range of exposures. Effective medical care is further complicated by the fact that mental stress from the bombing and from crowding into shelters would induce psychosomatic illness with nausea, malaise, and other symptoms similar to radiation sickness. Thus, following a nuclear explosion, it would be impossible for the physician to distinguish between a person who had received a fatal radiation dose, a person who had received a smaller dose and could survive with proper care, and a person with psychosomatic illness.

A 10 megaton nuclear explosion in the center of a city the size of Boston would induce radiation sickness in approximately 1 million people. Proper treatment, which consists of bed rest, good nutrition, a sanitary environment, and intravenous fluid replacement, would be unavailable after the destruction of hospitals and incapacitation of hospital personnel in such an explosion.

5. Delivery of health care: In the immediate aftermath of a nuclear war, modern medical care would be impossible. There would be catastrophic damage to hospitals, power plants, transportation, and communication systems, compounded by severe shortages of food, water, and shelter. In addition, the electromagnetic pulse (EMP) caused by a nuclear explosion would probably burn out the electrical equipment in any surviving hospitals. There would be no antibiotics, sterile dressings, blood plasma, or other necessary supplies. Most of the health care personnel would be among the injured or dead; at Hiroshima, 90 percent of the physicans and nurses were unable to provide medical care.

If a one megaton bomb were dropped on Detroit, there would be only 5000 beds in undamaged hospitals to treat the 500,000 injured. If the victims of such a blast could be transported to hospitals throughout the entire United States (a highly unrealistic assumption), they would occupy fully 35 percent of the 1,407,000 beds available. There is no question that most injured persons would never see a doctor, and many would die without relief of pain.

The surviving physicians will face profound dilemmas. They must choose who to treat while deciding if their primary responsibility is to prolong life or to ease pain. Ethical questions will arise on a scale unprecedented in the physicians' experience, which will demand life-or-death decisions without benefit of reflection.

B. SHORT-TERM EFFECTS: WEEKS TO MONTHS

1. Medical complications: Care for burn and trauma victims will be complicated by radiation sickness, which depletes the body's white blood cells and thus lowers resistance to infection. A sublethal dose of 100 rem (4000 times the radiation exposure of a chest X-ray) increases the mortality of burn victims eight-fold. (A radiation dose of 450 rem would kill half of those exposed.) In a general nuclear war, with 60 million injured (excluding immediate deaths), 30 million people would experience radiation sickness, 20 million people would experience trauma and burns, and 10 million people would experience all these effects.

2. Epidemics: Lack of facilities for sewage and garbage disposal, pollution of public water supplies, and particularly the large number of decomposing dead bodies would constitute grave threats to public health, especially for those already injured. Malnutrition combined with lack of shelter and heat would reduce disease resistance and lead to more deaths.

Bacteria, viruses, fungi, and the insects which carry them are all highly resistant to radiation, and would thrive in the post-attack period. The nuclear war survivors would suffer from decreased resistance to infection due to radiation sickness and weakness. Epidemics of previously controllable infectious diseases would be rampant. In addition, microorganisms which do not normally cause disease in humans would take advantage of the immune suppression of radiation sickness to cause outbreaks of new diseases.

3. Psychological trauma: In the immediate aftermath, a crisis mentality would prevail; at Hiroshima, people "temporarily lost their normal mental capacities and, thus reduced to the lowest level of animal behavior, were dominated by their physical functions." Many individuals would be incapable of the decisive, rational, coordinated actions necessary to survive a crisis.

Reactions of panic, violence, and competition for limited food, water, and medical resources might be anticipated. "Demoralization of the surviving population may well occur, and could result in erratic, non-social behaviour, aggressiveness or apathy . . . Political, legal, and monetary institutions would, if they survive, most likely be severely weakened and it is in doubt whether an organized central control could be maintained."

C. LONG-TERM EFFECTS: YEARS TO CENTURIES

Long-term effects in the years and centuries following a nuclear conflict are highly unpredictable. In the most optimistic estimate, the number of long-term deaths from cancer and genetic damage would be an appreciable fraction of the immediate deaths following a nuclear conflict—"millions compared to tens or hundreds of millions." At the other extreme, nuclear war could lead to extensive changes in climate and weather, damaging the earth's ecological system

so as to produce adverse effects equaling or exceeding immediate effects.

The long-term effects which can be quantified are presented below. However, those effects which cannot be calculated are at least as important as those which are calculable. Large-scale nuclear war has never occurred, and the actual consequences, though real, are largely unknown.

1. Disabilities: Based on the experiences of Hiroshima and Nagasaki, the individuals who survive a nuclear conflict would carry with them a number of scars. Burn victims would be left with substantial keloid scars, a fibrous tissue which restricts movement. Survivors of blast damage would suffer from crushed limbs, amputations, blindness, deafness, and paralysis. Those exposed to sublethal radiation doses would have lowered white cell counts, reduced resistance to infection, and lingering radiation sickness for some years after exposure. Anemia due to lowered red cell counts would severely handicap the survivors' capacity for physical activity.

Furthermore, many Hiroshima and Nagasaki survivors experienced severe psychological trauma, characterized as a "psychic closing off . . . merged with feelings of depression and despair." Survivors of a nuclear war might well see little purpose in living. Such psychological trauma on a large scale could critically block the social reorganization necessary for reconstruction and survival.

2. Cancer: Radiation from a nuclear explosion or from the resulting radioactive fallout would cause cancer deaths considerably above normal rates over at least the following forty years. Half of these deaths would be from leukemia, breast cancer, lung cancer, and intestinal cancer; the remaining half from other types of cancer.

The Congressional Office of Technology Assessment estimates that a comprehensive nuclear war would result in 2 to 15 million eventual worldwide cancer deaths (compared to 120 to 260 million immediate deaths). In general, long-term cancer deaths from a nuclear war would be on the order of 2 to 10 percent of the immediate deaths.

3. Genetic damage: The children of women exposed to radiation during pregnancy would suffer genetic damage including stillbirths, crippling birth defects, and mental retardation. Exposure of normal adults to sublethal radiation doses in Hiroshima and Nagasaki caused distinct chromosomal abnormalities whose long-term effects are not yet assessed. However, such effects may include increased rates of abnormal births in subsequent generations.

There are large uncertainties in these predictions, but genetic injuries resulting from nuclear conflict are probably of the same order of magnitude as eventual cancer deaths—that is, 2 to 10 percent of the immediate deaths. Thus, cancer and genetic damage will contribute 4 to 20 percent additional casualties above and beyond immediate deaths from a nuclear war.

4. Ecological damage: The irreversible adverse effects of a general nuclear war on the global environment are not predictable, because the physical and biological processes involved are poorly understood. The ecological damage might be slight; or the environment could be so altered as to preclude human survival. The following environmental effects are, at best, informed guesses.

By releasing nitrogen oxides, a general nuclear conflict could deplete the Earth's ozone layer substantially. This layer normally blocks the sun's ultraviolet (UV) rays. In the five or so years required before natural restoration of the layer occurs, increased UV levels would lead to increased rates of skin cancer, blindness in many animal species, and increased rates of genetic mutation in animals and plants. The U.S. National Academy of Science in 1975 conservatively estimated that a nuclear war would reduce the ozone layer by 30 to 70 percent; more recent studies have predicted both less and more severe depletion. Such depletion could cause atmospheric cooling, leading to long-term weather changes.

The most damaging ecological impact of a general nuclear conflict might concern the ocean's stocks of algae. Algae live primarily in the top several meters of the world's oceans, lakes, and rivers. By photosynthesis, these organisms provide 80 percent of the atmospheric oxygen, and they are the first step in the complex food chain which feeds all other life. If the algae were damaged by increased UV exposure die to depletion of the ozone layer, the resulting ecological disruption could prove incompatible with the survival of humans and other life forms.

A general nuclear conflict would also release 10 to 100 million tons of particulate matter into the upper atmosphere, an amount similar to the Krakatoa volcano eruption. By reflecting the sun's rays, this debris could also induce a climatic cooling trend. If such processes led to a one degree (Centigrade) cooling in average temperature, the frost-free growing season in countries in the temperature latitudes, including Canada, the U.S., and the U.S.S.R., could be severely shortened. Especially in lands ravaged by nuclear war, frost would contribute to dramatically reduced crop yields and food supplies, threatening worldwide famine.

Widespread famine from other causes is also possible. Fallout radiation and UV exposure could lead to mutations in food crops and decreased agricultural productivity. Furthermore, modern agricultural techniques depend on a complex technology of artificial fertilizers, hybrid grains, and petroleum-powered tractors. The probable disruption of this agricultural network by a nuclear conflict would also severely reduce crop yields.

The Congressional Office of Technology Assessment describes the immediate societal aftermath of a nuclear war as a "race for survival." Survivors would depend on existing stores of food, water, and supplies. There would be a critical race between the depletion of such stores and the reconstruction of the agricultural and industrial capacity to replenish these essential supplies. Reconstruction would require years, and stores of necessary supplies are limited. It is not known if the race would be won or lost.

This fascinating and absolutely vital study that all Americans should be aware of points to the long-term effects that could last for years, even centuries in the disabilities, the cancer, the genetic damage and, of course, the ecological damage.

I yield the remainder of the time that I have at my disposal from the majority leader and the minority leader to the distinguished Senator from Mississippi.

The PRESIDING OFFICER (Mr. COCHRAN). The Senator from Mississippi.

Mr. STENNIS. Mr. President, I certainly thank the Senator from Wisconsin. May I inquire of him how much time he did yield to me?

Mr. PROXMIRE. Senator BAKER yielded me his time and I had the remainder of Senator ROBERT C. BYRD's time.

The PRESIDING OFFICER. All together it is 11 minutes.

Mr. STENNIS. I thank the Chair and I thank the Senator.

WE MUST HAVE LOWER AND MORE STABLE INTEREST RATES

Mr. STENNIS. Mr. President, my remarks will not be elaborate nor extended. However, I do wish to say something about the part I have played, along with every other Member, I think, and including the President of the United States and those working with him, on requests we have had to do something to bring down intolerable interest rates to a level that the people can afford to pay. My main purpose for nearly 2 years has been to lower interest rates to a level that the people generally, all the people, can afford in their daily pursuit of making a living or carrying on a small business or a middle-sized or larger business.

I am not going to try to relate all of these steps but to just state the fact that these continued high interest rates are actually now causing stagnation of business at almost every level to some degree, with unemployment and uncertainty that plague the people on the increase with almost all groups.

To get these interest rates down and to keep them down at a stable level I believe it is necessary, I believe strongly, more so than I have before, at least, that it is necessary, to gradually close the gap between the income and the outgo of the Federal Government; that is, we must cut down on these yearly deficits which are now predicted by President Reagan to exceed $100 billion for the 1983 budget, while other estimates predict the deficits for 1983 at from $150 billion up to even $200 billion.

I would not think the higher number is the more correct figure, but it is within that range. It seems there is strong evidence that it is a great deal more than $100 billion.

I have decided, as I see it now, that it is my main duty to use my vote and whatever influence I may have on the subject as we consider the budget in such a way that I think will reduce this deficit and thus lower these interest rates. I believe that is the only thing that will lower them.

That will be my main guideline in passing on these various proposals as they come up. I shall make my choices on how to do this as the questions arise and as the votes are taken on various sections and proposals of the

Senate budget resolution and related matters. My purpose will remain the same—to get these interest rates down to a level that the people can afford to pay.

As I said, my purpose for almost 2 years has been along those lines. But I believe that I am able to concentrate more now on it as a direct shot in passing on these various amendments than I have been before.

So I want to reserve the right to make that judgment as these matters come up. I am getting mail about: "Do not touch the tax exemption or the 10-percent reduction that has already been given." And, of course, no one would want to disturb that. But it may have to be adjusted, or changed, or deferred a while. I do not know. I am not passing on that now. Others say, "Do not give us import duty taxes or anything of that kind." Well, no one would want to do that, but we have to do something.

I use those as examples only, illustrating that I think we have to go after the main culprit in this whole matter, and that is these intolerable interest rates.

I would not be presumptious at all in trying to advise the President of the United States. I know his basic purpose is to bring down these interest rates and I know he is weighing all the different possibilities. But it is up to Congress. We are going to be blamed if we do not try every way that we can to reach some adjustment, along with the President, and thus come out with, under our constitutional process, a bill.

I want to be frank about this and bring it out in the open. I will make the same statement on this point at our Democratic caucus as I do here on the floor or anywhere else. I hope we can gradually swing around to concentrate on this question of interest rates, which are a tool in our economy. Without it, we will not get there. I have compared it to a fine, new automobile—slick and pretty and shining—that will not run. And you raise the hood and find there is no engine in it. Well, that is a good explanation of why it will not run. Now the interest rates are the economy what the engine is to the automobile. Without a stable, low rate that people can use, the vehicle will not go.

Mr. President, I again thank the leadership for giving me this time and I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I assume that the time allocated to the two leaders under the standing order has expired.

The PRESIDING OFFICER. The acting minority leader has 4 minutes and 50 seconds remaining.

Mr. BAKER. Mr. President, I see no Senators seeking recognition. If it is agreeable to the acting minority leader, what I will do now is to request a time for the transaction of routine morning business.

Mr. STENNIS. Mr. President, I have no objection.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business, to extend not past the hour of 10:35 a.m., in which Senators may speak for not more than 3 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE DEMOCRATIC RESPONSE TO PRESIDENT REAGAN'S RADIO REPORT

Mr. ROBERT C. BYRD. Mr. President, last Saturday, at my request, the distinguished senior Senator from California (Mr. CRANSTON) took on the task of preparing and broadcasting the Democratic response to President Reagan's radio report.

I ask unanimous consent that the full text of Senator CRANSTON'S remarks be printed in the RECORD.

There being no objection, the response was ordered to be printed in the RECORD, as follows:

SENATOR CRANSTON'S RESPONSE TO PRESIDENT REAGAN

Earlier today, you may have listened to the President of the United States. If so, you heard yet another demonstration that good intentions do not guarantee wise Presidential leadership.

The President talked about tax avoidance—but he didn't say what he's going to do about it.

He talked about tuition tax credits—but leaders of Congress know such legislation won't pass at this time, because it would increase the already huge deficit.

The President talked about high interest rates—but his deficits, and his tight money policies, cause those high interest rates.

The President tried to take credit for the drop in inflation. The facts are that inflation is down because there's an oil glut, because America's farmers have produced bountiful crops, and because Reaganomics is strangling American business.

The harsh reality is that President Ronald Reagan is presiding over the decline of the American Republic. And not merely presiding, but leading and contributing.

Not because he wants us to decline, not because it serves some secret purpose, but because it is the inevitable, unavoidable, and accelerating consequence of his public policies and his personal philosophy.

My accusation is a serious one.

But I do not think you'll dismiss it as just another political attack. For you know that what I say is true. All of you know it. It has entered into the daily American experience, your own lowered expectations; your own doubts about your children's prospects; your own concern that neglect or carelessness, or miscalculation might in some insane spasm of the human race destroy not only our America but the entire civilization we have inherited and helped advance.

Every day, when you listen to your radio, turn on your television, or read your papers, you are assaulted by private experts and public officials solemnly discussing interest rates and deficits, economic deterioration, and a muscular military.

But this language is not your language. None of you need to be told that its getting harder to keep up, to buy a home, or to send your kids to college.

All of us know who will be killed if some philosophers of military strategy try out their theories of limited nuclear war.

The 1980s have brought a new experience to the American story. We have known times of trouble and danger. But we have never known doubt. In the midst of the Great Depression Franklin Roosevelt explained, "We have always held to the hope, the belief, the conviction, that there is a better life, a better world, beyond the horizon."

The people of Roosevelt's time believed him. Amidst their terrible misery, they believe. The voice was new. But the message was as old as America. The message was America—the country whose name had become another world for opportunity, not opportunity for the few and the powerful or the well born, but for everyone. The opportunity to enlarge their lives to the boundaries of their ability.

But now we have a government which is ripping away that opportunity; a government which strengthens privilege while it weakens possibilities—not just for the poor—but for the American middle class, for the American majority.

Under the Reagan administration concentrations of wealth and commanders of weapons increasingly dominate the society in which we dwell. And should this continue, it may all come down. This doesn't have to happen. No one wants it. But it is the direction which this administration, blinded by arrogance, has decided to take.

Fortunately, democracy has its own correctives. They are public opinion—and elections. Those are the people's weapons. They don't destroy cities. They don't kill. But they can overturn the mighty.

It is time to stop waiting for the miracle, time to cease debating the wisdom of now-proven folly.

It is time to take up the peaceful arms of freedom, time to restore America—not to the glories of a dead past, but to the path toward an unborn American future which is also an American tradition—often uncertain, sometimes dangerous, always hopeful, and always trusting that God willing, we will do the rest.

THE FEDERAL RESERVE SYSTEM AND THE CRISIS IN SMALL BUSINESS

Mr. BENTSEN. Mr. President, I am launching today a series of speeches on the impact of the resession on various sectors of our economy. It will not

be a pleasant series to present, but I believe it is necessary in order to help focus the attention of Congress and the White House on ways to bring a quick halt to our recession.

I returned after Easter from Texas in a state of growing anger at what the Federal Reserve and interest rates are doing to small business. At virtually every stop and meeting, I heard hair raising accounts of financial distress, workers being laid off, and bankruptcies from small businessmen and women due to sluggish sales and interest costs. These stories were not from novice entrepreneurs over their heads due to inexperience. They were from experienced, mature and capable small business owners with long proven track records of success. Yet, all their experience has not been a match for sky-high interest rates and the economic impact of what has become our worst postwar recession.

THE FEDERAL RESERVE'S RECESSION

Let me put our current recession in perspective. Its roots are found in the Federal Reserve's failure to permit monetary policy in 1981 to accommodate reasonable economic growth. By holding the money supply stagnant during the second and third quarters, the Fed dried up credit and sent interest rates through the roof. The tragic nature of this wrong-headed Federal Reserve action is reinforced by its inadvertent nature. From the fourth quarter of 1980 to the fourth quarter of 1981, the Fed permitted the money supply defined as M_1 to grow a bare 2.3 percent, for example, well below the 3.5 to 6.0 percent annual growth range selected by the Federal Reserve Board of Governors themselves. Since the Fed did not change its own policy target range during 1981 to a slow- or no-growth policy, the evidence is overwhelming that they simply did a poor job of conducting monetary policy. They pursued a tight money policy even though they did not apparently intend to do so.

We know from sad experience who bears the brunt of such tight money policies—small business and other interest sensitive industries like housing and autos. The extended episode of tight money in mid-1981 initiated the national recession by pushing those three major sectors into a depression. Production in both the housing and auto industries is at about one-half capacity now, and overall our Nation's capacity utilization in manufacturing has slumped below 72 percent, down from 80 percent as recently as May 1981.

Unemployment has soared to match the postwar high of 9 percent scored in May 1975, and it is still headed the wrong way. Of equal concern to me is the number of workers who are simply giving up because jobs are so difficult to find or to keep. The number of such discouraged workers was up 30 percent in the first quarter of 1982 over the 1981 level. Had these 1.3 million men and women still been seeking work, the real unemployment rate in March would have been 11 percent, and the number of unemployed would have stood at 10.9 million persons. Real GNP has deteriorated to levels we had already attained 3 years ago and it is still headed the wrong way, too.

But that is not all the bad news. I guess, Mr. President, that bad habits are the hardest to break because the Federal Reseve followed the same no-growth recessionary monetary policy in the first quarter this year that it followed last year. In fact, M_1 actually declined during the recent first quarter, insuring that the Federal Reserve recession will stretch well into spring. And by keeping interest rates high, the Federal Reserve has also insured that the recovery will be sluggish—whenever it does finally occur.

SMALL BUSINESS

Small business men and women may not fully know the latest data on monetary policy, but they are dealing with the dismal results every waking hour. And the results have been devastating. Small business bankruptcies rose 32 percent in 1981 and will rise even more this year because small businesses generally lag behind in an economic recovery. In fact, according to the Small Business Administration, a recovery in prospects for small businesses may still be 6 to 12 months away.

Broader data on business failures—which includes bankruptcies and situations where firms just quietly close up without leaving creditors or declaring bankruptcy—reveal an even worse picture. Overall, small business failures jumped 42 percent in 1981, with the greatest rise in the construction area (49 percent rise) and retailing (41 percent rise).

The depression spreading through the small business community is reflected in data on small business employment. Small businessmen and women are the heart of this Nation's mechanism for creating new jobs. Various studies have revealed that anywhere from 60 percent to more than 80 percent of all new jobs are created by firms with 100 or fewer employees. And that makes sense. After all, it is much more likely for a small business to double in size during good economic times than for a large conglomerate to do so.

But these are not good times—far from it. And, the employment losses being reported by small business are almost beyond comprehension. According to a recent survey by the National Federation of Independent Business (NFIB)—the largest small business advocacy group in the country—employment losses in the latter part of 1981 were the highest reported in the 8-year history of the survey. This is an especially distressing finding because Christmas seasonal employment usually boosts employment totals during these months. Job losses were 50 percent above the 1980 second quarter rate and almost a quarter of the reporting firms showed losses averaging five employees.

The spreading and persistent nature of the depression in small business is revealed by the survey's finding that employment in every sector—even services—fell. The decline in all three categories of the service sector, financial, professional, and nonprofessional, was unprecedented. Indeed, only 1 small business firm in 10 even reported job openings. Such openings are a reliable leading indicator of future prospects for small business, and the very low 10-percent rate confirms that a recovery for small business or the economy is not yet on the horizon. The construction industry continues to be the worst hit by the depression, with the average small business construction firm losing 2.7 employees in the 3 months from November 1981 through January 1982.

The survey found that interest rates charged small business averaged 17.9 percent at the end of 1981—still way beyond reason and far above the rate of inflation. Expansion plans were flat due both to interest costs and the national recession. In fact, growth in small business capital spending has been stagnant since 1979.

I realize that the recession has been felt less in Texas than in many other parts of the Nation until recently. For example, the NFIB survey found that employment nationally in small business firms has fallen in eight of the last nine quarters. That was not true for Texas firms, however. Our robust energy sector insulated the State from the coldest winds of recession, but that is changing. The recession has already hit hard at our housing and auto industries. But it is starting to spread now with our fertile agriculture sector and even the energy sector looking for times to become worse before turning better again. Yet, underlying all these sectorial movements is the pervasive depression for all small business.

Last year, I was successful in including in the Economic Recovery Tax Act a number of provisions to aid small business. After months of argument and cajoling, the Finance Committee and Congress agreed to reform the taxation of estates and gifts, for example, to prevent premature dissolution of farms and small businesses. Other provisions I authored or supported included liberalized depreciation provisions to boost investment, reform of LIFO mandatory accounting rules to help small businesses' cash flow management, expanded tax incentives for R. & D., a doubling of the permissable net operating loss and investment

credit carryover period, and an expansion in the ceiling on the number of permissable subchapter S partners.

FUTURE OUTLOOK

The near-term outlook for small business is not good. A national recovery is still months away according to administration spokesmen and depends on lower interest rates. Despite this gray picture, small business men and women continue to show some optimism. The NFIB survey found that the number of small businesses now planning employment cutbacks fell to 10 percent in January. It is up to Washington to see that this degree of optimism is matched by events. And that means quick action to lower interest rates.

Talk comes easy to politicians, but that talk is no substitute for hard and effective work. Small business men and women know that and that is why I think they want Congress to stop complaining and to start pressuring the Federal Reserve to act responsibly and pursue a moderate monetary policy designed to bring interest rates down and spark a robust recovery. I might add that the dangers inherent with a mildly gyrating monetary policy are just as great as with a no-growth policy. Once in December and then again earlier this month, the Federal Reserve permitted an extremely large jump to occur in M_1. During the week ending April 7, for example, M_1 rose $7.1 billion, after actually falling slightly over the preceding 3 months. Each time this jump occurred the financial markets reacted nervously and interest rates rose. They rose for two reasons. First, some investors feared that the jump signaled a policy change toward loose money by the Federal Reserve. And, they began demanding higher interest rates as protection against a renewal of inflation. Other investors took the opposite tack. They anticipate an overreaction by the Federal Reserve—a sudden tightening of the money supply—which would crimp credit markets and also boost interest rates. The lesson is that Federal Reserve policy flip-flops generate financial market uncertainty. And, uncertainty generates higher interest rates at a time when what we need for a recovery is lower interest rates.

Before closing, Mr. President, let me add one further comment. The Federal Reserve's gyrating policies are far from providing the complete explanation for our sky-high interest rates. The enormous Federal deficit overhang—over $400 billion in fiscal years 1982 through 1985—is of great concern to financial markets and savers. A major effort is needed to eliminate that deficit overhang. Financial markets will simply not believe that the Federal Reserve will pursue an anti-inflationary monetary policy in the future unless these looming deficits are slashed. In a sense, our economy faces a catch-22 economic situation. High interest rates mean slow growth and associated large future deficits. In the past, the solution was for an explosion of credit to occur to restore growth, but also renew excessive inflation. Investors fear another such episode of easy money, and demand excessive interest rates to protect their savings against this anticipated new wave of inflation. Yet, by demanding those high interest rates, they may create irresistible pressure for very easy money—which I strongly oppose. The only reasonable path out of this dilemma is to cut the deficits and thereby remove the fundamental source of concern about future inflation. That means a resolution to the impasse over the fiscal year 1983 budget, and a quick resolution at that.

INTEREST RATE REDUCTION AND HOUSING INDUSTRY RELIEF

Mr. THURMOND. Mr. President, record high interest rates continue to plague our Nation's housing industry by placing the prospect of homeownership beyond the reach of the great majority of American citizens. Various Members of Congress have responded by introducing a number of proposals which would stimulate new home construction and ownership. Among these bills is S. 2226, of which I am pleased to be cosponsor with Senator LUGAR and others. This measure was recently approved by the Senate Banking, Housing, and Urban Affairs Committee.

Relating to this, Mr. President, the South Carolina General Assembly recently adopted H. 3585, a concurrent resolution memorializing Congress and the President to act promptly so as to reduce interest rates and provide relief to the beleaguered housing industry. On behalf of my distinguished colleague, Senator HOLLINGS, and myself, I ask unanimous consent to have this resolution printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

A CONCURRENT RESOLUTION

Whereas, federal deficit and credit policies are the direct result of high interest rates and the entire housing industry is currently experiencing the worst economic period since the Depression of the 1930's; and

Whereas, the State of South Carolina, as well as the entire southeastern United States, has experienced the biggest housing slump in the nation with housing sales units dropping to 966,000 units in 1981 in comparison with 1,451,000 in 1980; and

Whereas, traditionally over the last forty years this nation experienced an interest rate that ran approximately three percentage points above the rate of inflation and now the country has in interest rate almost double the rate of inflation; and

Whereas, in 1981 in the United States, existing home sales totalled 2,350,000 units representing a drop of over 700,000 from the previous year and the third consecutive year of declining sales activity; and

Whereas, these low levels of existing home transactions have impaired the ability of the population to move freely and to adequately match their housing accommodations to their needs; and

Whereas, the General Assembly of the State of South Carolina feels it is most unwise to create hugh federal deficits and federal borrowing because this takes away a large portion of the nation's savings, thereby reducing the nation's investment in housing; and

Whereas, this body thinks it is unwise to slow the growth of money and credit so severely that it continues the Recession and that it is unwise to cause interest rates to fluctuate so widely that it continues to raise fears about this nation's economic future; and

Whereas, the citizens and leaders of this nation must do everything possible to keep alive the American dream of home ownership. Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

That Congress and the President of the United States are memorialized to promptly take such action as may be necessary to reduce interest rates generally and to provide, specifically, relief to the housing industry in the form of increased tax relief and mortgage subsidies.

Be it further resolved that copies of this resolution be forwarded to the President of the United States, the President of the Senate, the Speaker of the House of Representatives, the chairman of the Federal Reserve Board, and each member of the South Carolina Congressional Delegation in Washington, D.C.

NEED FOR SEEKING ALTERNATIVES TO THE CLOSING OF WEIRTON STEEL CO.

Mr. THURMOND. Mr. President, I ask unanimous consent to have printed in the RECORD House Resolution No. 173 of the House of Representatives of the Commonwealth of Pennsylvania, which has been received in the office of the President pro tempore, and which relates to participation in seeking with Weirton Steel Co. alternatives to the plant closing, giving aid and assistance in the implementation of any proposed employee stock ownership plan, and supporting any necessary temporary relaxation of Federal clean air requirements by extending deadlines to allow implementation of alternatives to the plant closing.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

HOUSE RESOLUTION No. 173

Whereas, The Weirton Division of National Steel Corporation is presently suffering from financial distress; and

Whereas, Throughout history Weirton Steel has contributed substantially to the financial and cultural development of communities in West Virginia and Pennsylvania; and

Whereas, Weirton Steel employs more than 11,000 persons, many of whom reside in the Commonwealth of Pennsylvania; and

Whereas, Weirton Steel is presently exploring economic alternatives, including an employee stock ownership plan to avoid closing down its operations; therefore be it

Resolved, That the House of Representatives memorialize Congress and the President of the United States, along with Governor Thornburgh and the Governors of West Virginia and Ohio to cooperatively participate in seeking with Weirton Steel Company alternatives to the plant closing; and be it further

Resolved, That the House of Representatives memorialize Congress and the President of the United States along with Governor Thornburgh and the Governors of West Virginia and Ohio to aid and assist in the implementation of any proposed employee stock ownership plan; and be it further

Resolved, That the House of Representatives memorialize each Representative from Pennsylvania in the United States Congress to support any necessary temporary relaxation of Federal clean air requirements by extending deadlines to allow implementation of alternatives to the plant closing; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the House of Representative, the Senators and Representatives from Pennsylvania, Governor Thornburgh and the Governors of West Virginia and Ohio.

UNANIMOUS-CONSENT AGREEMENT—FOREIGN MISSIONS ACT (S. 854)

Mr. BAKER. Mr. President, I wish to state a unanimous-consent request at this time in respect to S. 854, the Foreign Missions Act, which has been submitted to the minority leader. I will now state the request, for his consideration and for that of other Senators.

I ask unanimous consent that at 2:30 p.m. today, the Senate proceed to the consideration of Calendar No. 467, S. 854, and that the Senate do so notwithstanding the result of the cloture vote under the provisions of rule XXII pertaining to the consideration of S. 1630.

Mr. ROBERT C. BYRD. Mr. President, there is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

CRIMINAL CODE REFORM ACT OF 1981

Mr. BAKER. Mr. President, in a few moments, the live quorum required by the provisions of rule XXII will begin. Senators should be on notice that after we ascertain the presence of a quorum, the vote will occur on that motion, relating to the question of ending debate on the motion to proceed to the consideration of S. 1630.

I signed the cloture motion, and I will support the motion and vote for cloture, and I hope cloture will be invoked.

Mr. President, under the provisions of rule XXII, the quorum call is automatic; nonetheless, I suggest the absence of a quorum, and I ask the Chair to state the conditions under which such quorum will be conducted.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the motion to proceed to the consideration of calendar number 427: S. 1630, a bill to codify and reform title 18 of the United States Code and for other purposes.

Strom Thurmond, Howard Baker, John Heinz, Ted Stevens, Robert Dole, Pete V. Domenici, Mark O. Hatfield, William S. Cohen, Dennis DeConcini, John W. Warner, J. James Exon, Alan J. Dixon, Charles E. Grassley, Alan K. Simpson, Orrin G. Hatch, Paul Laxalt.

CALL OF THE ROLL

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair now directs the clerk to call the roll to ascertain the presence of a quorum.

The assistant legislative clerk called the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 31 Leg.]

Baker	Cohen	Riegle
Byrd, Robert C.	Levin	Stennis
Cochran	Pryor	Thurmond

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of absent Senators.

The legislative clerk resumed the call of the roll and the following Senators entered the Chamber and answered to their names:

Abdnor	Dole	Johnston
Andrews	Domenici	Kassebaum
Armstrong	Durenberger	Kasten
Baucus	Eagleton	Kennedy
Bentsen	East	Laxalt
Biden	Exon	Leahy
Boren	Ford	Long
Boschwitz	Garn	Lugar
Bradley	Glenn	Mathias
Brady	Goldwater	Mattingly
Bumpers	Gorton	McClure
Burdick	Grassley	Melcher
Byrd, Harry F., Jr.	Hart	Metzenbaum
	Hatch	Mitchell
Cannon	Hawkins	Moynihan
Chafee	Hayakawa	Murkowski
Chiles	Heflin	Nickles
Cranston	Helms	Nunn
D'Amato	Hollings	Packwood
Denton	Huddleston	Pell
Dixon	Humphrey	Percy
Dodd	Jackson	Pressler
Proxmire	Sasser	Tower
Quayle	Simpson	Tsongas
Randolph	Specter	Warner
Roth	Stafford	Weicker
Rudman	Stevens	Zorinsky
Sarbanes	Symms	

Mr. STEVENS. I announce that the Senator from Missouri (Mr. DANFORTH), the Senator from Oregon (Mr. HATFIELD), the Senator from Pennsylvania (Mr. HEINZ), the Senator from Iowa (Mr. JEPSEN), the Senator from New Mexico (Mr. SCHMITT), and the Senator from Wyoming (Mr. WALLOP) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Arizona (Mr. DECONCINI), the Senator from Hawaii (Mr. INOUYE), and the Senator from Hawaii (Mr. MATSUNAGA) are necessarily absent.

The PRESIDING OFFICER (Mr. ARMSTRONG). A quorum is present.

Mr. BAKER. Mr. President, may we have order, Mr. President?

The PRESIDING OFFICER. The Senate will be in order.

The majority leader.

Mr. BAKER. Mr. President, I ask unanimous consent that it may be in order, notwithstanding the rules, for the Senator from Idaho to offer a unanimous-consent request at this time.

The PRESIDING OFFICER. Is there objection to the request of the majority leader?

Mr. ROBERT C. BYRD. Mr. President, there is no objection.

The PRESIDING OFFICER. Hearing none, it is so ordered. The Senator from Idaho is recognized.

Mr. MOYNIHAN. Mr. President, may we have order?

The PRESIDING OFFICER. The Senator from Idaho.

UNANIMOUS CONSENT REQUEST

Mr. McCLURE. Mr. President, as Members would note, last week I propounded a number of parliamentary inquiries to the Chair with respect to procedures that might be followed on this bill if cloture were voted on the bill and we were proceeding postcloture under rule XXII. Those questions dealt with the strike and insert provisions where this bill is silent on existing law, simply does not repeat it, and how, procedurally, we might address the question of inserting into the bill provisions of existing law which might be ruled out of order under the germaneness provisions that then would be in effect under rule XXII. It is to reach that question that I propound this unanimous-consent request.

Mr. President, I ask unanimous consent that, when the Senate proceeds to the consideration of S. 1630, the Criminal Code bill, amendments will be in order, notwithstanding the provisions of rule XXII, with strike provisions and insert provisions of title 18, insert existing provisions not included in the bill and/or committee substi-

tute, and that amendments may amend the bill in more than one place, provided that the offered amendments containing two or more amendments deal with one subject matter only; and provided further that no points of order lie against the amendments.

Mr. ROBERT C. BYRD. Mr. President, I am constrained to object and I do object.

The PRESIDING OFFICER. Objection is heard.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the motion to proceed to the consideration of S. 1630, a bill to codify, revise, and reform title 18 of the United States Code, and for other purposes, be brought to a close? The yeas and nays are mandatory under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Missouri (Mr. DANFORTH), the Senator from Oregon (Mr. HATFIELD), the Senator from Pennsylvania (Mr. HEINZ), the Senator from Iowa (Mr. JEPSEN), the Senator from New Mexico (Mr. SCHMITT), and the Senator from Wyoming (Mr. WALLOP) are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon (Mr. HATFIELD) would vote "yea."

Mr. CRANSTON. I announce that the Senator from Arizona (Mr. DECONCINI), the Senator from Hawaii (Mr. INOUYE), and the Senator from Hawaii (Mr. MATSUNAGA) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The yeas and nays resulted—yeas 45, nays 46, as follows:

[Rollcall Vote No. 84 Leg.]

YEAS—45

Abdnor	Exon	Pressler
Andrews	Glenn	Pryor
Baker	Goldwater	Quayle
Biden	Gorton	Randolph
Boren	Hatch	Rudman
Boschwitz	Hayakawa	Sasser
Brady	Hollings	Simpson
Bumpers	Laxalt	Specter
Byrd, Harry F., Jr.	Long	Stafford
	Lugar	Stevens
Chafee	Mattingly	Thurmond
Cohen	Moynihan	Tower
D'Amato	Murkowski	Warner
Dixon	Packwood	Zorinsky
Dole	Pell	
Domenici	Percy	

NAYS—46

Armstrong	Dodd	Huddleston
Baucus	Durenberger	Humphrey
Bentsen	Eagleton	Jackson
Bradley	East	Johnston
Burdick	Ford	Kassebaum
Byrd, Robert C.	Garn	Kasten
Cannon	Grassley	Kennedy
Chiles	Hart	Leahy
Cochran	Hawkins	Levin
Cranston	Heflin	Mathias
Denton	Helms	McClure
Melcher	Proxmire	Symms
Metzenbaum	Riegle	Tsongas
Mitchell	Roth	Weicker
Nickles	Sarbanes	
Nunn	Stennis	

NOT VOTING—9

Danforth	Heinz	Matsunaga
DeConcini	Inouye	Schmitt
Hatfield	Jepsen	Wallop

The PRESIDING OFFICER. On this vote, the yeas were 45, the nays are 46. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader is recognized.

Mr. BAKER. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. BAKER. Mr. President, apparently, the Senate is not yet ready to conclude its debate on the motion to proceed. I think the best thing to do now is recess. The recess will occur at 12 o'clock in any event, in order to permit caucuses on both sides of the aisle. That may be a good opportunity for parties to decide how they wish to proceed next. Therefore, unless some Senator wishes recognition at this time, I shall shortly put the request that the Senate stand in recess.

May I inquire of the Chair, at this moment, I assume the pending business is the motion to proceed to the consideration of S. 1630.

The PRESIDING OFFICER. The majority leader is correct.

Mr. McCLURE. Mr. President, will the Senator yield to me?

Mr. BAKER. I yield to the Senator from Idaho.

The PRESIDING OFFICER. The Senate will be in order. The Chair is unable to hear the Senators.

Has the majority leader yielded to the Senator from Idaho?

Mr. BAKER. Yes, Mr. President, I have.

Mr. McCLURE. I thank the Senator.

Mr. President, I want to say to the chairman of the Committee on the Judiciary and those others who have worked so hard on this bill that had the unanimous-consent request I formulated been granted, I would have voted otherwise on the motion to proceed.

Mr. President, we are dealing with a tremendously difficult question for many of us who are concerned about the direction of this statute. We do not want to obstruct the effort to recodify the criminal law, but we are struck with that strange anomaly that under the structure of the bill, something which is in current law which is not contained in this bill is not germane. That is my major concern. If we can get over that hurdle, I am satisfied to offer the amendments which I have in mind so that the Senate can work its will with respect to what the criminal law of the United States ought to be. When we start out with changes that, under the structure of the bill, are omitted, that are current law but omitted, and we cannot offer them because they would be nongermane in a postcloture situation, then I have to be concerned about proceeding to the consideration of the legislation.

I want the Senator from South Carolina to know, Mr. President, what the Senator from Idaho is concerned about. If we could get to that point where we can solve that procedural impasse, then certainly my vote would be on the other side of that issue.

I thank the Senator for yielding.

Mr. BAKER. I commend the Senator from Idaho, Mr. President, for his explanation. As he knows and I would like other Members to know, he has tried very hard to clarify this issue, this anomaly—and indeed, it is an anomaly—in our procedure. Based on the precedents of the Senate as they now exist, the only recourse he had to try to gain the opportunity to offer certain amendments to restore provisions of title XVIII to this bill was by unanimous consent.

Mr. President, I wish to say I am confident that the Parliamentarian is correct in advising the Chair on the responses to the parliamentary inquiries put by the Senator from Idaho last Thursday. I wish the RECORD also to show, Mr. President, that I do not think that is good procedure. I think that, at some point, the Senate needs to address that question. Once again, I do not fault the Parliamentarian or the distinguished occupant of the Chair at that time. What we have now is a device which emerged by which a bill which attempts to codify existing law in effect locks out any effort to restore provisions of existing law which may have been omitted from the committee's effort to codify the law. That, I am sure, is not the way the Senate wishes to proceed.

We have created a new device that excludes the freedom of Senators to offer amendments in important fields. This could be not only the Criminal Code; it could be the Clean Air Act or any of a dozen others which simply have to be designated as a codification of existing law.

At some point, Mr. President, not today but at some time, I intend to ask the Senate to examine this situation in terms of the long-term interests of the Senate and how we should proceed in certain cases. I wish to say to the Senator from South Carolina (Mr. THURMOND), the distinguished chairman of the Committee on the Judiciary, that I fear his efforts have been impaled on the horns of this dilemma and that failure to gain cloture on this vote has very little to do with the Code that his committee has reported to the Senate and the good efforts that Members on both sides have contributed to its formulation. Rather, it

has more to do with the fact that we have inadvertently and, I am sure, unintentionally found ourselves in a procedural cul de sac. I think the Senator from South Carolina deserves nothing but highest praise for his efforts and maybe he will persevere and succeed in his efforts to bring this matter to the floor.

Mr. President, I do wish to acknowledge to him on the record and in the Chamber that I do not count this vote as a repudiation of the Code and certainly not of the efforts by the distinguished Senator from South Carolina.

Mr. THURMOND. Mr. President, will the majority leader yield?

Mr. BAKER. Yes; I yield to the distinguished Senator from South Carolina.

The PRESIDING OFFICER. The Chair requests that the Chamber be in order. It is difficult to hear at the front desk. The Senate will be in order.

Mr. THURMOND. Mr. President, I was willing to give unanimous consent to the request of the distinguished Senator from Idaho so that Members could be offering amendments. I am wondering now if he cares to propound that motion again to see if he can get to that motion because, sooner or later, we have to act on this code. There have been 12 or 15 years of work on it. It is extremely important.

The No. 1 domestic problem in this country today is crime and this code has so many good things in it. The able Senator from Delaware has worked hard on this code, as the able Senator from Massachusetts (Mr. KENNEDY) did before him. We feel that action should be taken on it. I am wondering if we waive—I am willing to give unanimous consent so the Senator from Idaho can proceed along that line.

Mr. BAKER. I yield to the Senator from Idaho.

Mr. McCLURE. I thank the Senator for yielding.

Mr. President, the Senator from South Carolina knows that we have been in discussion over the last several days, last week and again yesterday, about this unanimous-consent request. I say candidly to everyone that the Senator has told me exactly what he said here, on the floor, that he is willing to agree to this unanimous-consent request so Members could offer their amendments so we could get a vote on them and proceed to the consideration of the bill. It was my understanding of the conversation earlier with the distinguished Senator from West Virginia (Mr. ROBERT C. BYRD), the minority leader, that there is an objection which has been registered in their usual clearance of a unanimous-consent request. They are constrained to make an objection.

Mr. BIDEN. Mr. President, if the Senator will yield, I believe that objection will still hold. I quite frankly do not know who, but I know that there is objection on this side of the aisle to that unanimous-consent request.

Mr. McCLURE. Mr. President, I mention that only because while I am perfectly willing to propound the request again in view of that fact it seems to me to be a useless thing for me to attempt at this time.

Mr. BAKER. Mr. President, in a moment I will yield to my friend and colleague from Delaware, but before I do, I should like to suggest that before we consider seriously repropounding the unanimous-consent request, everybody might profit from the recess that is about to occur. I am prepared now to yield.

Mr. BIDEN. Mr. President, I reiterate the point made by the majority leader that I, too, believe this was not a vote on the merits of the code or whether or not there was a real desire to proceed to the recodification of the Criminal Code.

In addition to the procedural cul-de-sac, as the leader refers to it, that we have here, there is another problem, and that is the impression that is held by many—and I might say on both sides of the aisle—that our efforts, primarily the efforts of the Senator from South Carolina and the Senator from Massachusetts, for so many years are not going to go anywhere.

We are going to be pushing a rock up a hill here, because the House has not indicated any willingness to even begin to consider this matter. So there is a feeling that there is a sense of futility in our going forward with what is obviously a very controversial and very time-consuming piece of legislation.

I should like to state publicly that the Senator from South Carolina has impressed me greatly not only as a man of his word but also for his willingness to take some serious political flack in sticking to what he and I and the Senator from Massachusetts agreed would be the way we would proceed on this code, which was the way that even though the three of us have different points of view on amendments beyond the code, we would vote against them if we were able to keep the code intact. The Senator has already done that. He has shown his resolve on this. The Senator from Massachusetts and I and others are committed to the same course.

However, the bottom line is that the code is not going anywhere unless somehow we can move or get movement or commitment from the House and the administration that we will have a joint effort on this.

So, in the ensuing time, the Senator from South Carolina and I, and anyone interested in it, will discuss the best way to get some kind of movement on that portion of the issue.

In conclusion, I, too, believe this was not a vote on whether or not people were for or against the recodification of the code.

Mr. BAKER. Mr. President, I yield now to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I support the Criminal Code Reform bill, but I felt compelled to vote against cloture for several reasons. At the outset, however, I want to emphasize the importance of the work that the Judiciary Committee has done in this Congress in addressing the need for recodification of the Federal criminal laws.

In the past decade, many States have recodified their own criminal laws, but the Federal Government has never done so. The United States has not recodified its Federal criminal laws since the founding of the Republic.

The result is near chaos in the application of the existing statutes, which have grown up like a Tower of Babel in the past two centuries. For example, current law contains over 80 different definitions of culpability—willful, wanton, deliberate, knowing, malicious, lewd, lascivious, unlawful, improper, felonious, corrupt, and on and on.

The same confusion reigns in the definition of offenses. Any prosecutor worth his salt can take almost any definition of culpability he wishes, apply it to a convenient offense, and charge a citizen with a crime; the discretion of the prosecutor is virtually unlimited. S. 1630 changes all that, by reducing these conflicting provisions to four clear and distinct terms—intentional, knowing, reckless, and negligent.

Even more important are the sentencing reforms in the bill, which take the morass of existing law and turn it into a set of certain and specific guidelines for sentencing criminal offenders.

The bill ends the flagrant abuses of parole and indeterminate sentencing. For the first time, offenders, victims, and the public will know that the sentence imposed on a defendant is the sentence he will serve.

And that is only the beginning of the list of major reforms this legislation accomplishes. In fact, a bill not very unlike this measure actually passed the Senate in January 1978 after extensive debate. A similar measure was reported in 1980 by the Senate Judiciary Committee but was never brought to a vote on the Senate floor because the circumstances were similar then to those we face today—despite the yeoman efforts in the House of Representatives by Representative Robert Drinan, the House was not able to pass a bill in 1980, and so the Senate did not act.

The same reasons that prevented Senate action in the past Congress are equally valid today. Unless and until there is some reasonable prospect of action on this massive legislation by the House of Representatives, it makes no sense for the Senate to try to act. And in any event, the Senate should not take up this bill in a way that invites some in this Chamber to turn it into a Christmas tree that would destroy not only any hope for action in this Congress but any hope for future action in any future Congress.

All of us are aware of the years of effort that have gone into the making of this measure. All of us are aware of the delicate but productive compromises that have been made on all sides to get this legislation to its present stage. The progress of the past 16 years has truly been remarkable. None of us should jeopardize this progress by a premature decision to move it to the Senate floor and let nature take its course. That way lies the death of Criminal Code reform.

No other piece of legislation in which I have been involved has had so much work put into it by so many dedicated Senators on both sides of the aisle. I share the disappointment that we are not able to address this piece of legislation today in a way that would benefit the criminal justice system and the American people.

This is a technical and complex piece of legislation. It is not a political football, and it should not become one. The genius of this measure, in large part, has been the consensus achieved in the Judiciary Committee, and to a great extent in the Senate as a whole, to put aside philosophical and partisan differences and work together to achieve this long overdue reform. I do not believe that any Senator will gain one vote or lose one vote in any election with the passage of this bill. But all the same, its enactment will bring long and lasting benefit to the Nation's system of criminal justice. That is the way I viewed it years ago when I took this project on, that is the way I view it now, and that is the way all of us who have worked so hard on this bill view it in the Senate.

I want to reiterate publicly what I have stated privately to the distinguished Senator from South Carolina—I respect the outstanding work he has done on this legislation in our committee and his efforts to bring it to a vote. I look forward to working with him in the future to address this issue, because I think few measures are more clearly in the national interest.

Although the prospects are slim, I continue to hope that we can persuade the House of Representatives to act before this Congress adjourns. I also hope that we can continue to work closely in our bipartisan coalition with the administration, the Attorney General, the Senate leadership, and all the Members of the Senate, so that our efforts to accomplish Criminal Code reform will not be in vain.

Mr. BAKER. Mr. President, I thank the Senator from Massachusetts and others. I think now is a good time to recess so that caucuses may occur on both sides of the aisle.

RECESS UNTIL 2 P.M.

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now stand in recess until 2 p.m. today.

There being no objection, the Senate, at 11:58 a.m., recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. LUGAR).

Mr. HAYAKAWA. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, I anticipate that further action in respect to the motion to proceed to the consideration of the Criminal Code bill, S. 1630, may be undertaken in the next few moments.

While we await the attendance of those who are principally involved in that matter, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I yield the floor. I believe the distinguished Senator from South Carolina has a request he wishes to put at this time.

UNANIMOUS-CONSENT REQUEST—S. 1630

Mr. THURMOND. Mr. President, I ask unanimous consent that when the Senate proceeds to the consideration of S. 1630, the Criminal Code bill, that amendments will be considered in order, notwithstanding rule XXII of the Senate, which:

First, strike provisions of S. 1630 and insert in lieu of the matter to be struck, provisions of existing title 18 of the United States Code, or criminal provisions in another title of the United States Code, and which may amend the bill in more than one place, and;

Second, may be amendments that contain two or more amendments but deal with one subject matter only, provided further, that no points of order lie against such amendments.

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, would it be possible to have before us the specific amendment that the author wishes to present but which they would be precluded from presenting under rule XXII? If we had the specific amendment before us, then speaking for the minority I might be in a better position to not object to the request, or I might have an additional objection. I do not know. It would be based upon what the content of the amendment would be.

I yield the floor.

Mr. McCLURE. Mr. President, reserving the right to object, let me respond first to the Senator from West Virginia. On last Thursday, I went through a series of parliamentary inquiries. Those inquiries identified the amendments which the Senator from Idaho has a particular interest in and which he intends to offer. I think that the CONGRESSIONAL RECORD would also indicate which of those amendments would be under the prohibition of the germaneness rule, and some of which might be in trouble with respect to the matter of amending the bill at more than one point. I do not speak for others who have other amendments which might be involved in that regard.

Mr. President, the unanimous-consent request which the Senator from South Carolina has propounded does not deal with one of the areas, very broad areas, of difficulty on which the bill is completely silent. There is nothing to strike and, therefore, an amendment to insert the current law would, under the parliamentary rulings of the Chair, be nongermane in a postcloture situation. I therefore object.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, it is clear to me that we cannot now reach the bill at hand. I wish to state to the distinguished chairman of the Judiciary Committee that it would be my hope that we could reach this bill at a later time. It is my intention to try to do that. But I believe the better part of discretion at this point is to discontinue our efforts to reach the matter and to proceed to other matters as the Senate may be able to deal with.

Therefore, Mr. President, I ask unanimous consent that the order for the yeas and nays on the motion to proceed be vitiated.

The PRESIDING OFFICER. Is there objection?

Mr. ROBERT C. BYRD. Mr. President, I will not object because it is my impression from private discussions

and the public statement which the majority leader has just made that he intends to withdraw his motion.

Mr. BAKER. Yes, Mr. President, assuming that the request is granted it would be in order for me to withdraw the motion to proceed, which I intend to do.

Mr. ROBERT C. BYRD. I will not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I withdraw the motion to proceed to the consideration of the Criminal Code Reform Act of 1981.

The PRESIDING OFFICER. The motion is withdrawn.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, at 2:30 p.m., under the order previously entered, we will proceed to the consideration of the foreign missions bill. While there is not a time agreement on that measure, it is my hope that the bill, on which there will be amendments, can be disposed of yet today. I would anticipate that the Senate would remain in session until 6 or 6:30 p.m. in order to attempt to do that.

I will say for the benefit of all Senators that, assuming we can finish the foreign missions bill today, it would be my hope that we can proceed then to the consideration of the nuclear waste disposal bill on tomorrow. I hope that we may be able to finish consideration of the nuclear waste bill tomorrow and Thursday. In the event we can do that, I would not then anticipate the necessity for a Friday session. As I had indicated earlier, it was my intention to ask the Senate to remain in on Friday.

There may be other matters, Mr. President, which can be dealt with this week, but assuming that foreign missions and nuclear waste can be disposed of this week, it would not be my intention to ask the Senate to remain in session on Friday.

Next week, Mr. President, it is my intention to ask the Senate on Monday during the day to proceed to the consideration of the Department of Defense authorization bill.

Mr. ROBERT C. BYRD. Will the distinguished majority leader yield?

Mr. BAKER. Yes; I yield.

Mr. ROBERT C. BYRD. Mr. President, on this side of the aisle we are attempting to determine whether or not we can give the majority leader a unanimous-consent agreement on the bill coming up this afternoon. I believe those prospects are good.

Mr. BAKER. I thank the minority leader.

Mr. President, there are a few minutes to go before 2:30 p.m., and while we check on both sides to see if that can be done, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—FOREIGN MISSIONS ACT (S. 854)

Mr. BAKER. Mr. President, there is an order to proceed to the consideration of the Foreign Missions Act at 2:30 p.m. I wish to make a unanimous-consent request in respect to the consideration of that measure. It has been cleared on our side, and I will state it now for the consideration of the minority leader and other Senators.

I ask unanimous consent that when the Senate proceeds to the consideration of S. 854, Calendar No. 467, a bill to promote the orderly conduct of international relations by facilitating the operation of foreign missions in the United States, thereby promoting the secure and efficient operations of U.S. missions abroad, the following amendments be the only amendments in order and that their adoption shall include the provision that they be considered as original text for the purpose of further amendment:

First, that the committee amendments be adopted without debate en bloc;

Second, that the next amendments to be considered be amendments Nos. 1387 and 1388 and an unprinted amendment "to provide for Presidential guidelines for the exercise of the authorities granted to the Secretary of State," en bloc, to be proposed by the Senator from Illinois (Mr. PERCY); that there be 20 minutes, equally divided between the Senator from Illinois and the minority leader or his designee, on amendments to be considered en bloc;

Third, that the next amendment in order shall be amendment No. 1383, to be offered by the Senator from Maryland (Mr. MATHIAS), on which there shall be 2 hours, equally divided between the Senator from Maryland and the manager of the bill, unless the manager is in favor of the amendment, in which case the time shall be under the control of the minority leader or his designee.

Fourth, that the next amendment in order shall be amendment No. 1389, to be offered by the Senator from Illinois (Mr. PERCY), for himself and the Senator from Minnesota (Mr. DURENBERGER), on which there shall be 40 minutes, equally divided between the Senator from Illinois (Mr. PERCY) and the minority leader or his designee;

Fifth, that the next amendment in order shall be amendment No. 1384, to be offered by the Senator from Maryland (Mr. MATHIAS), on which there shall be 20 minutes, equally divided between the Senator from Maryland (Mr. MATHIAS) and the manager of the bill, unless the manager is in favor of the amendment, in which case the time shall be under the control of the minority leader or his designee;

Sixth, that the next amendment in order shall be amendment No. 1382, to be offered by the Senator from Maryland (Mr. MATHIAS), on which there shall be 30 minutes, equally divided between the Senator from Maryland and the manager of the bill, unless the manager of the bill is in favor of the amendment, in which case the time shall be under the control of the minority leader or his designee.

I further ask unanimous consent that debate on any point of order, debatable motion or appeal shall be limited to 5 minutes, equally divided between the managers of the bill.

I further ask unanimous consent that debate on the bill shall be limited to 30 minutes, equally divided between the Senator from Illinois (Mr. PERCY) and the Senator from Rhode Island (Mr. PELL); that the said Senators, or either of them, may, from the time under their control on the passage of the bill, allot additional time to any Senator during the consideration of any amendment, debatable motion, appeal, or point of order, if same is submitted.

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, I make this inquiry of the distinguished majority leader with respect to the language which reads as follows: "that the following amendments be the only amendments in order." Does he have reference there to first-degree amendments only? It is stated that their adoption shall include a provision that they be considered as original text for the purpose of further amendment.

Mr. BAKER. Mr. President, the minority leader is correct.

I am advised that it was not intended by this order to preclude the offering of second-degree amendments; and if that is the case, that language needs to be modified.

Mr. ROBERT C. BYRD. If so, would the distingushed majority leader require that those amendments in the second degree be germane to the amendments in the first degree?

Mr. BAKER. Yes, Mr. President.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. I have two points, Mr. President. First, I answered a question

by the distinguished minority leader as to whether this order in this form would allow for second-degree amendments that I had just read the order that had been proposed and it was my impression that it did, because the language considered this amendment as original text itself. I am in error. After a careful reading of the order, I am convinced that no other amendments are in order, including second-degree amendments.

To make that abundantly clear, I wish to amend my unanimous-consent request as follows, Mr. President: At the end of the first paragraph, which reads: "and their adoption shall include the provision which shall be considered as original text for the purpose of further amendments," I wish to add, "but not subject to further amendment except as follows:"

Mr. President, before the Chair puts the question, may I say the minority leader has pointed out and I had failed to note that there is a potential conflict between the phrase "the only amendments in order" and the phrase "considered as original text," because the language we originally used to provide for additional amendments and to avoid the bar of amendments beyond the second degree is the original text language. So the purpose of the addition to the unanimous-consent request I have put is to make it abundantly clear that these things will occur: first, that no other amendments will be in order; second, that the amendments that are listed shall be considered as original text but not for the purpose of further amendment; and third, that the amendments listed will be debated and disposed of on the basis of time limitations that are provided within the agreement.

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, I think that the language that has been changed, together with the explanation that has been given by the distinguished majority leader, assures the minority that the agreement to which it anticipated it was entering into is indeed the agreement which will obtain.

It was our understanding that the amendments that have been enumerated by the majority leader would be the only amendments offered and that no second-degree amendments would be in order.

I think that has now been clarified to our satisfaction.

Mr. BAKER. Yes.

Mr. ROBERT C. BYRD. I have no objection.

Mr. BAKER. I infer that interpretation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. I thank the Chair.

Mr. President, I yield the floor.

FOREIGN MISSIONS ACT OF 1982

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 854) to promote the orderly conduct of international relations by facilitating the operation of foreign missions in the United States, thereby promoting the secure and efficient operation of United States missions abroad.

The Senate proceeded to consider the bill which had been reported from the Committee on Foreign Relations with amendments as follows:

On page 5, line 20, strike "independent";

On page 6, strike line 19, through and including page 8, line 12, and insert the following:

"(b) If the Secretary determines that such action is reasonably necessary on the basis of reciprocity or otherwise—

"(1) to facilitate relations between the United States and a sending State,

"(2) to protect the interests of the United States,

"(3) to adjust for costs and procedures of obtaining benefits for missions of the United States abroad, or

"(4) to assist in resolving a disput affecting United States interests and involving a foreign mission or sending State,

then the Secretary may require a foreign mission (A) to obtain benefits from or through the Director on such terms and conditions as the Secretary may approve, or (B) to comply with such terms and conditions as the Secretary may determine as a condition to the execution or performance in the United States of any contract or other agreement; the acquisition, retention, or use of any real property; or the application for or acceptance of any benefit (including any benefit from or authorized by any Federal, State, or municipal governmental authority, or any entity providing public services).

"(c) Terms and conditions established by the Secretary under this section may include—

"(1) a requirement to pay to the Director a surcharge fee, and

"(2) a waiver by a foreign mission (or any assignee of or person deriving rights from a foreign mission) of any recourse against any governmental authority, any entity providing public services, any employee or agent of such an authority or entity, or any other person, in connection with any action determined by the Secretary to be undertaken in furtherance of this title.

"(d) For purposes of effectuating a waiver of recourse which is required under this section, the Secretary may designate the Director or any other officer of the Department of State as the agent of a foreign mission (or any assignee of or person deriving rights from a foreign mission). Any such waiver by an officer so designated shall for all purposes (including any court or administrative proceeding) be deemed to be a waiver by the foreign mission (or the assignee of or other person deriving rights from a foreign mission).

"(e) Nothing in this section shall be deemed to preclude or limit in any way the authority of the United States Secret Service to provide protective services pursuant to section 202 of title 3, United States Code, or section 3056 of title 18, United States Code, at a level commensurate with protective requirements as determined by the United States Secret Service.

On page 12, strike line 10, through and including page 14, line 22, and insert the following:

"LOCATION OF FOREIGN MISSIONS IN THE DISTRICT OF COLUMBIA

"SEC. 206. (a) In order to ensure the fulfillment of the international obligations of the United States and the policy of this title, the location, replacement, or expansion of any building or other real property in the District of Columbia which is used for the diplomatic, consular, or other governmental activities (except property used exclusively for residential purposes) of a foreign mission shall be subject to the approval of the District of Columbia Foreign Missions Commission as provided in this section.

"(b)(1) There is hereby created, as an independent agency of the District of Columbia, the District of Columbia Foreign Missions Commission (hereafter in this section referred to as the 'Foreign Missons Commission') which shall consist of the five members of the Zoning Commission for the District of Columbia (as such members are designated by section 492(a) of the District of Columbia Self-Government and Governmental Reorganization Act (D.C. Code, sec. 5-412)), the Chairman of the National Capital Planning Commission, and the Secretary of Defense, or such alternate as each such person may be designated from time to time.

"(2) While actually engaged in the performance of duties as a member of the Foreign Missions Commission, the Chairman of the National Capital Planning Commission (or the alternate designated by the Chairman) shall be compensated by the District of Columbia in the manner and at the rates applicable to the members of the Zoning Commission for the District of Columbia who are appointed by the Mayor.

"(3) The Mayor of the District of Columbia shall furnish such facilities and administrative services, and shall assign such employees, to the Foreign Missions Commission as may be required by the Commission to carry out this section.

"(c) The Foreign Missions Commission shall—

"(1) establish areas within which chanceries may be located as a matter of right, and

"(2) establish additional areas within which chanceries may be located.

Limitations on chancery uses shall not exceed those applicable to any other nonresidential use in the areas so established.

"(d) Any determination by the Foreign Missions Commission pursuant to this section, including the establishment of areas in accordance with paragraphs (1) and (2) of subsection (c), shall be considered rulemaking under the District of Columbia Administrative Procedure Act (D.C. Code, secs. 1-1501—1-1510).

"(e) Any determination by the Foreign Missions Commission with respect to chanceries pursuant to this section, including the establishment of areas in accordance with paragraphs (1) and (2) of subsection (c), shall be based solely on the following criteria:

"(1) The obligation of the United States to facilitate the provision of adequate and secure facilities for foreign missions in the Nation's Capital.

"(2) The chancery is in or adjacent to an area, determined on the basis of existing or planned uses, of (A) commercial use, or (B) mixed uses, including residential, commercial, office, or institutional use.

"(3) Historic preservation, as determined by the Foreign Missions Commission in carrying out this section; except that substantial compliance with District and Federal laws governing historic preservation shall be required with respect to new construction and to demolition of or alteration to historic landmarks, in order to ensure compatibility with historic landmarks and districts.

"(4) The adequacy of off-street or other parking and the extent to which the area will be served by public transportation to reduce parking requirements, subject to such special security requirements as may be determined by the Secretary.

"(5) The extent to which the area will have adequate public facilities, utilities, and services, including streets, street lighting, water, sewer, electricity, telephone, and refuse collection.

"(6) The extent to which the area is capable of being adequately protected, as determined by a Federal agency authorized to perform protective services.

"(7) The municipal interest, as determined by the Mayor of the District of Columbia.

"(8) The Federal interest, as determined by the Secretary.

Any other determination by the Foreign Missions Commission pursuant to his section shall be based solely on the criteria specified in paragraphs (1), (3), (6), (7), and (8), and such other criteria as the Commission may by regulation establish.

"(f)(1) The regulations, proceedings, and other actions of the Foreign Missions Commission pursuant to this section shall not be inconsistent with Federal elements of the comprehensive plan for the National Capital. All elements of the comprehensive plan relating to the location of foreign missions shall be based solely on the criteria set forth in this section and shall reflect the policy of this title.

"(2) Proposed determinations by the Foreign Missions Commission shall be referred to the National Capital Planning Commission for review and comment.

"(g) The Foreign Missions Commission shall promulgate such regulations as it determines are necessary for it to carry out this section.

"(h) This section shall not be construed to authorize, and the regulations of the Foreign Missions Commission shall not provide for or require, procedures in the nature of a special exception or administrative proceedings of an adjudicatory nature.

"(i) In any proceeding with respect to approval of the location, replacement, or expansion of real property of a foreign mission pursuant to this section, the final determination by the Foreign Missions Commission shall be made not later than six months after the date of filing an application for such approval. Any such determination shall not be subject to administrative proceedings of any other agency or official except as provided in this title. Any such determination by the Foreign Missions Commission shall ensure the fulfillment of the obligation of the United States to facilitate the provision of adequate and secure facilities for foreign missions and shall take into account special security requirements as determined by the Secretary.

"(j) The Secretary shall require foreign missions to comply substantially with District of Columbia building and related codes in a manner determined by the Secretary to be not inconsistent with the international obligations of the United States.

"(k) The United States, acting on its own behalf or on behalf of a foreign mission—

"(1) has standing to bring an action for judicial review of a determination by the Foreign Missions Commission under this section or, where appropriate, for judicial enforcement of the requirements of this section applicable to the Commission; and

"(2) has standing to intervene in any such action which is otherwise pending.

"(l) Approval by the Foreign Missions Commission under this section or, except as provided in section 205, by any other agency or official is not required—

"(1) for the location, replacement, or expansion of real property of a foreign mission to the extent—

"(A) that authority to proceed with respect to such location, replacement, or expansion was granted to the foreign mission before the date of enactment of this section, or

"(B) that rights or interests with respect to such location, replacement, or expansion were otherwise acquired by the foreign mission before the date of enactment of this section; or

"(2) for continuing use of real property by a foreign mission for diplomatic, consular, or other governmental activity to the extent that such property was being used by that foreign mission for that activity on the date of enactment of this section.

On page 22, line 5, strike "level", through and including line 7, and insert the following: "grade GS-18 level; and"

On page 22, strike line 8, through and including line 13;

On page 22, line 14, strike "'(3)", and insert "'(2)"; and

On page 24, line 18, strike "Notwithstanding any other provision of law, all", and insert "All".

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the State Department Basic Authorities Act of 1956 is amended by striking out "That the Secretary" in the first section and inserting in lieu thereof the following:

"TITLE I—BASIC AUTHORITIES GENERALLY

SECTION 1. The Secretary".

(b) That Act is further amended by adding at the end thereof the following:

"TITLE II—AUTHORITIES RELATING TO THE REGULATION OF FOREIGN MISSIONS

"DECLARATION OF FINDINGS AND POLICY

"SEC. 201. (a) The Congress finds that the operation in the United States of foreign missions and public international organizations and the official missions to such organizations, including the permissible scope of their activities and the location and size of their facilities, is a proper subject for the exercise of Federal jurisdiction.

"(b) The Congress declares that it is the policy of the United States to support the secure and efficient operation of United States missions abroad, to facilitate the secure and efficient operation in the United States of foreign missions and public international organizations and the official missions to such organizations, and to assist in obtaining appropriate benefits, privileges, and immunities for those missions and organizations and to require their observance of corresponding obligations in accordance with international law.

"(c) The assistance to be provided to a foreign mission in the United States shall be determined after due consideration of the benefits, privileges, and immunities provided to missions of the United States in the country or territory represented by that foreign mission.

"DEFINITIONS

"SEC. 202. (a) For purposes of this title—

"(1) 'benefit' (with respect to a foreign mission) means any acquisition, or authorization for an acquisition, in the United States by or for a foreign mission, including the acquisition of—

"(A) real property by purchase, lease, exchange, construction, or otherwise,

"(B) public services, including services relating to customs, importation, and utilities, and the processing of applications or requests relating to public services,

"(C) supplies, maintenance, and transportation,

"(D) locally engaged staff on a temporary or regular basis,

"(E) travel and related services, and

"(F) protective services,

and includes such other benefits as the Secretary may designate;

"(2) 'chancery' means the principal offices of a foreign mission used for diplomatic or related purposes, and annexes to such offices (including ancillary offices and support facilities), and includes the site and any building on such site which is used for such purposes;

"(3) 'Director' means the Director of the Office of Foreign Missions established pursuant to section 203(a);

"(4) 'foreign mission' means any official mission to the United States involving diplomatic, consular, or other governmental activities of—

"(A) a foreign government, or

"(B) an organization (other than an international organization, as defined in section 209(b) of this title) representing a territory or political entity which has been granted diplomatic or other official privileges and immunities under the laws of the United States,

including any real property of such a mission and including the personnel of such a mission;

"(5) 'real property' includes any right, title, or interest in or to, or the beneficial use of, any real property in the United States, including any office or other building;

"(6) 'Secretary' means the Secretary of State;

"(7) 'sending state' means the foreign government, territory, or political entity represented by a foreign mission; and

"(8) 'United States' means, when used in a geographic sense, the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

"(b) Determinations with respect to the meaning and applicability of the terms used in subsection (a) shall be committed to the discretion of the Secretary.

"OFFICE OF FOREIGN MISSIONS

"SEC. 203. (a) The Secretary shall establish an Office of Foreign Missions as an office within the Department of State. The Office shall be headed by a Director, appointed by the Secretary, who shall perform his or her functions under the supervision and direction of the Secretary. The Secretary may delegate this authority for supervision and direction of the Director only to the Deputy Secretary of State or an Under Secretary of State.

"(b) The Secretary may authorize the Director to—

"(1) assist agencies of Federal, State, and municipal government with regard to ascertaining and according benefits, privileges, and immunities to which a foreign mission may be entitled;

"(2) provide or assist in the provision of benefits for or on behalf of a foreign mission in accordance with section 204; and

"(3) perform such other functions as the Secretary may determine necessary in furtherance of the policy of this title.

"PROVISION OF BENEFITS

"SEC. 204. (a) Upon the request of a foreign mission, benefits may be provided to or for that foreign mission by or through the Director on such terms and conditions as the Secretary may approve.

"(b) If the Secretary determines that such action is reasonably necessary on the basis of reciprocity or otherwise—

"(1) to facilitate relations between the United States and a sending State,

"(2) to protect the interests of the United States,

"(3) to adjust for costs and procedures of obtaining benefits for missions of the United States abroad, or

"(4) to assist in resolving a dispute affecting United States interests and involving a foreign mission or sending State,

then the Secretary may require a foreign mission (A) to obtain benefits from or through the Director on such terms and conditions as the Secretary may approve, or (B) to comply with such terms and conditions as the Secretary may determine as a condition to the execution or performance in the United States of any contract or other agreement; the acquisition, retention, or use of any real property; or the application for or acceptance of any benefit (including any benefit from or authorized by any Federal, State, or municipal governmental authority, or any entity providing public services).

"(c) Terms and conditions established by the Secretary under this section may include—

"(1) a requirement to pay to the Director a surcharge or fee, and

"(2) a waiver by a foreign mission (or any assignee of or person depriving rights from a foreign mission) of any recourse against any governmental authority, any entity providing public services, any employee or agent of such an authority or entity, or any other person, in connection with any action determined by the Secretary to be undertaken in furtherance of this title.

"(d) For purposes of effectuating a waiver of recourse which is required under this section, the Secretary may designate the Director or any other officer of the Department of State as the agent of a foreign mission (or of any assignee of or person deriving rights from a foreign mission). Any such waiver by an officer so designated shall for all purposes (including any court or administrative proceeding) be deemed to be a waiver by the foreign mission (or the assignee of or other person deriving rights from a foreign mission).

"(e) Nothing in this section shall be deemed to preclude or limit in any way the authority of the United States Secret Service to provide protective services pursuant to section 202 of title 3, United States Code, or section 3056 of title 18, United States Code, at a level commensurate with protective requirements as determined by the United States Secret Service.

"PROPERTY OF FOREIGN MISSIONS

"SEC. 205. (a)(1) The Secretary may require any foreign mission to notify the Director prior to any proposed acquisition, or any proposed sale or other disposition, of any real property by or on behalf of such mission. If such a notification is required, the foreign mission (or other party acting on behalf of the foreign mission) may initiate or execute any contract, proceeding, application, or other action required for the proposed action—

"(A) only after the expiration of the sixty-day period beginning on the date of such notification (or after the expiration of such shorter period as the Secretary may specify in a given case); and

"(B) only if the mission is not notified by the Secretary within that period that the proposal has been disapproved; however, the Secretary may include in such a notification such terms and conditions as the Secretary may determine appropriate in order to remove the disapproval.

"(2) For purposes of this section, 'acquisition' includes any acquisition or alteration of, or addition to, any real property or any change in the purpose for which real property is used by foreign mission.

"(b) The Secretary may require any foreign mission to divest itself of, or forgo the use of, any real property determined by the Secretary—

"(1) not to have been acquired in accordance with this section; or

"(2) to exceed limitations placed on real property available to a United States mission in the sending state.

"(c) If a foreign mission has ceased conducting diplomatic, consular, and other governmental activities in the United States and has not designated a protecting power or other agent approved by the Secretary to be responsible for the property of that foreign mission, the Secretary—

"(1) until the designation of a protecting power or other agent approved by the Secretary, may protect and preserve any property of that foreign mission; and

"(2) may authorize the Director to dispose of such property at such time as the Secretary may determine after the expiration of the one-year period beginning on the date that the foreign mission ceased those activities, and may remit to the sending state the net proceeds from such disposition.

"LOCATION OF FOREIGN MISSIONS IN THE DISTRICT OF COLUMBIA

"SEC. 206. (a) In order to ensure the fulfillment of the international obligations of the United States and the policy of this title, the location, replacement, or expansion of any building or other real property in the District of Columbia which is used for the diplomatic, consular, or other governmental activities (except property used exclusively for residential purposes) of a foreign mission shall be subject to the approval of the District of Columbia Foreign Missions Commission as provided in this section.

"(b)(1) There is hereby created, as an independent agency of the District of Columbia, the District of Columbia Foreign Missions Commission (hereafter in this section referred to as the 'Foreign Missions Commission') which shall consist of the five members of the Zoning Commission for the District of Columbia (as such members are designated by section 492(a) of the District of Columbia Self-Government and Governmental Reorganization Act (D.C. Code, sec. 5-412)), the Chairman of the National Capital Planning Commission, and the Secretary of Defense, or such alternate as each such person may be designated from time to time.

"(2) While actually engaged in the performance of duties as a member of the Foreign Missions Commission, the Chairman of the National Capital Planning Commission (or the alternate designated by the Chairman) shall be compensated by the District of Columbia in the manner and at the rates applicable to the members of the Zoning Commission for the District of Columbia who are appointed by the Mayor.

"(3) The Mayor of the District of Columbia shall furnish such facilities and administrative services, and shall assign such employees, to the Foreign Missions Commission as may be required by the Commission to carry out this section.

"(c) The Foreign Missions Commission shall—

"(1) establish areas within which chanceries may be located as a matter of right, and

"(2) establish additional areas within which chanceries may be located.

Limitations on chancery uses shall not exceed those applicable to any other nonresidential use in the areas so established.

"(d) Any determination by the Foreign Missions Commission pursuant to this section, including the establishment of areas in accordance with paragraphs (1) and (2) of subsection (c), shall be considered rulemaking under the District of Columbia Administrative Procedure Act (D.C. Code, secs. 1-1501—1-1510).

"(e) Any determination by the Foreign Missions Commission with respect to chanceries pursuant to this section, including the establishment of areas in accordance with paragraphs (1) and (2) of subsection (c), shall be based solely on the following criteria:

"(1) The obligation of the United States to facilitate the provision of adequate and secure facilities for foreign missions in the Nation's Capital.

"(2) The chancery is in or adjacent to an area, determined on the basis of existing or planned uses, of (A) commercial use, or (B) mixed uses, including residential, commercial, office, or institutional use.

"(3) Historic preservation, as determined by the Foreign Missions Commission in carrying out this section; except that substantial compliance with District and Federal laws governing historic preservation shall be required with respect to new construction and to demolition of or alteration to historic landmarks, in order to ensure compatibility with historic landmarks and districts.

"(4) The adequacy of off-street or other parking and the extent to which the area will be served by public transportation to reduce parking requirements, subject to such special security requirements as may be determined by the Secretary.

"(5) The extent to which the area will have adequate public facilities, utilities, and services, including streets, street lighting, water, sewer, electricity, telephone, and refuse collection.

"(6) The extent to which the area is capable of being adequately protected, as determined by a Federal agency authorized to perform protective services.

"(7) The municipal interest, as determined by the Mayor of the District of Columbia.

"(8) The Federal interest, as determined by the Secretary.

Any other determination by the Foreign Missions Commission pursuant to this section shall be based solely on the criteria specified in paragraphs (1), (3), (6), (7), and (8), and such other criteria as the Commission may by regulation establish.

"(f)(1) The regulations, proceedings, and other actions of the Foreign Missions Commission pursuant to this section shall not be inconsistent with Federal elements of the comprehensive plan for the National Capitol. All elements of the comprehensive plan relating to the location of foreign missions shall be based solely on the criteria set forth in this section and shall reflect the policy of this title.

"(2) Proposed determinations by the Foreign Missions Commission shall be referred to the National Capital Planning Commission for review and comment.

"(g) The Foreign Missions Commission shall promulgate such regulations as it determines are necessary for it to carry out this section.

"(h) This section shall not be construed to authorize, and the regulations of the Foreign Missions Commission shall not provide for or require, procedures in the nature of a special exception or administrative proceedings of an adjudicatory nature.

"(i) In any proceeding with respect to approval of the location, replacement, or expansion of real property of a foreign mission pursuant to this section, the final determination by the Foreign Missions Commission shall be made not later than six months after the date of filing an application for such approval. Any such determination shall not be subject to administrative proceedings of any other agency or official except as provided in this title. Any such determination by the Foreign Missions Commission shall ensure the fulfillment of the obligation of the United States to facilitate the provision of adequate and secure facilities for foreign missions and shall take into account special security requirements as determined by the Secretary.

"(j) The Secretary shall require foreign missions to comply substantially with District of Columbia building and related codes in a manner determined by the Secretary to be not inconsistent with the international obligations of the United States.

"(k) The United States, acting on its own behalf or on behalf of a foreign mission—

"(1) has standing to bring an action for judicial review of a determination by the Foreign Missions Commission under this section or, where appropriate, for judicial enforcement of the requirements of this section applicable to the Commission; and

"(2) has standing to intervene in any such action which is otherwise pending.

"(l) Approval by the Foreign Missions Commission under this section or, except as provided in section 205, by any other agency or official is not required—

"(1) for the location, replacement, or expansion of real property of a foreign mission to the extent—

"(A) that authority to proceed with respect to such location, replacement, or expansion was granted to the foreign mission before the date of enactment of this section, or

"(B) that rights or interests with respect to such location, replacement, or expansion were otherwise acquired by the foreign mission before the date of enactment of this section; or

"(2) for continuing use of real property by a foreign mission for diplomatic, consular, or other governmental activity to the extent that such property was being used by that foreign mission for that activity on the date of enactment of this section.

"PREEMPTION

"SEC. 207. Notwithstanding any other provision of law, no act of any Federal agency or of any State or municipal governmental authority shall be effective to confer or deny any benefits with respect to any foreign mission contrary to this title.

"GENERAL PROVISIONS

"SEC. 208. (a) The Secretary may issue such regulations as the Secretary may determine necessary to carry out the policy of this title.

"(b) compliance with any regulation, instruction, or direction issued by the Secretary under this title shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same. No person shall be held liable in any court or administrative proceeding for or with respect to anything done or omitted in good faith in connection with the administration of, or pursuant to and in reliance on, this title, or any regulation, instruction, or direction issued by the Secretary under this title.

"(c) For purposes of administering this title, the Secretary may—

"(1) employ experts and consultants in accordance with section 3109 of title 5, United States Code, at rates not to exceed the rate payable for grade GS-18 level; and

"(2) accept details and assignments of employees of Federal agencies to the Office of Foreign Missions on a reimbursable or nonreimbursable basis (with any such reimbursements to be credited to the appropriations made available for the salaries and expenses of officers and employees of the employing agency).

"(d) Contracts and subcontracts for supplies or services (except for personal services), made by or on behalf of the Director, shall be made after advertising, in such manner and at such times as the Secretary shall determine to be adequate to ensure notice and opportunity for competition, except that advertisement shall not be required when (1) the Secretary determines that it is impracticable or will not permit timely performance to obtain bids by advertising, or (2) the aggregate amount involved in a purchase of supplies or procurement of services does not exceed $10,000. Such contracts and subcontracts may be entered into without regard to laws and regulations otherwise applicable to solicitation, negotiation, administration, and performance of government contracts. In awarding contracts, the Secretary may consider such factors as relative quality and availability of supplies or services and the compatibility of the supplies or services with implementation of this title.

"(e) The head of any Federal agency may, for purposes of this title—

"(1) transfer or loan any property to, and perform administrative and technical support functions and services for the operations of, the Office of Foreign Missions (with reimbursements to agencies under this paragraph to be credited to the current applicable appropriation of the agency concerned); and

"(2) acquire and accept services from the Office of Foreign Missions, including (whenever the Secretary determines it to be in furtherance of the purposes of this title) acquisitions without regard to laws normally applicable to the acquisition of services by such agency.

"(f) Assets of or under the control of the Office of Foreign Missions, wherever situated, which are used by or held for the use of a foreign mission shall not be subject to attachment, execution, injunction, or similar process, whether intermediate or final.

"(g) Except as otherwise provided, any determination required under this title shall be committed to the discretion of the Secretary. Except as provided in the first sentence of section 206(b), actions taken under the authority of this title shall not be considered rulemaking within the meaning of section 553 of title 5, United States Code.

"(h)(1) In order to implement this title, the Secretary may transfer such amounts available to the Department of State as may be necessary to the working capital fund established by section 13 of this Act.

"(2) All revenues, including proceeds from gifts and donations, received by the Director or the Secretary in carrying out this title may be credited to the working capital fund established by section 13 of this Act and shall be available for purposes of this title in accordance with that section.

"APPLICATION TO PUBLIC INTERNATIONAL ORGANIZATIONS AND OFFICIAL MISSIONS TO SUCH ORGANIZATIONS

"SEC. 209. (a) The Secretary may make section 206, or any other provision of this title, applicable with respect to an international organization to the same extent that it is applicable with respect to a foreign mission if the Secretary determines, after consultation with the international organization, that such application is necessary to carry out the policy set forth in section 201(b) and to further the objectives set forth in section 204(b).

"(b) For purposes of this section, 'international organization' means—

"(1) a public international organization designated as such pursuant to the International Organizations Immunities Act (22 U.S.C. 288—288f-2) or other law authorizing such status; and

"(2) an official mission (other than a United States mission) to such a public international organization,

including any real property of such an organization or mission and including the personnel of such an organization or mission.

"PRIVILEGES AND IMMUNITIES

"SEC. 210. Nothing in this title shall be construed to limit the authority of the United States to carry out its international obligations, or to supersede or limit immunities otherwise available by law. No act of omission by any foreign mission, public international organization, or official mission to such an organization, in compliance with this title, shall be deemed to be an implied waiver of any immunity otherwise provided for by law.

"ENFORCEMENT

"SEC. 211. It shall be unlawful for any person to make available any benefits to a foreign mission contrary to this title. This section shall be enforceable in any appropriate district court of the United States by injunctive or other equitable relief upon application by the Attorney General.

"SEVERABILITY

"SEC. 212. If any provision of this title or the application thereof to any person or circumstance is held invalid, the remainder of this title and the application of such provision to any other person or circumstance shall not be affected thereby.".

(c) Section 13 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2684) is amended in the first sentence by striking out "and" following the semicolon at the end of clause (3), and by inserting immediately before the period at the end thereof "; and (5) services and supplies to carry out title II of this Act".

(d)(1) Subparagraph (A) of section 2(1) of the Diplomatic Relations Act (22 U.S.C. 254a(1)(A)) is amended to read as follows:

(A) the head of a mission and those members of a mission who are members of the diplomatic staff or who, pursuant to law, are granted equivalent privileges and immunities,".

(2) Section 3(b) of such Act (22 U.S.C. 254b) is amended to read as follows:

"(b) With respect to a nonparty to the Vienna Convention, the mission, the members of the mission, their families, and diplomatic couriers shall enjoy the privileges and immunities specified in the Vienna Convention.".

(3) Section 4 of such Act (22 U.S.C. 254c) is amended—

(A) by inserting "the mission, the" immediately after "immunities for"; and

(B) by striking out "of any sending state".

(4) Section 1364 of title 28, United States Code, is amended by striking out "as defined in the Vienna Convention on Diplomatic relations" and inserting in lieu thereof "within the meaning of section 2(3) of the Diplomatic Relations Act (22 U.S.C. 254a(3))".

(e) The Act of June 20, 1938 (Public Law 684, Seventy-fifth Congress; 52 Stat. 797) is amended—

(1) in section 6 by striking out "(a)", and by striking out subsections (b), (c), (d), and (e); and

(2) in section 16 by adding at the end thereof the following new sentence: "In addition, the provisions of this Act shall not apply to any real property to which section 206(a) if the State Department Basic Authorities Act of 1956 (relating to foreign missions) is applicable.".

The PRESIDING OFFICER. Under the previous order, the committee amendments are agreed to and considered as original text.

Mr. PERCY. Mr. President, today the Senate will consider S. 854, a bill known as the Foreign Missions Act. This legislation is designed to redirect our relations with other nations by applying a policy of reciprocity to activities of their governments within the United States. The basic objective of the bill is to permit the United States to take corrective steps when foreign governments harass, discriminate against, or otherwise create problems for our missions overseas. The administration considers the Foreign Missions Act to be an important diplomatic initiative which encompasses both foreign policy and national security concerns. S. 854 would provide diplomatic leverage for the United States to counter these increasing problems by authorizing the Secretary of State to better regulate the activities of foreign missions in the United States. This regulation will be generally on the basis of an assessment of treatment received by U.S. missions abroad, as well as a review of national security issues.

S. 854 will assist our country to redress the current imbalance between treatment of U.S. missions abroad and foreign government activities here. In this context, it is important to recognize that foreign government missions and their personnel are admitted into and conduct their activities in the United States as a matter of privilege and not of right, under applicable international agreements and diplomatic practice. The authority to regulate contained in this proposed legislation is in our opinion will within the Federal jurisdiction.

In an era of declining Federal budgetary resources, arbitrary or unreasonable increases in costs of operating U.S. Government missions abroad, which are imposed by, or permitted by foreign governments, increasingly limit the ability of our missions abroad to effectively perform their functions. In such cases, the ability to place restraints on foreign missions here in the United States may enable the U.S. Government to more effectively deal with such problems.

In addition, the interests of other Federal agencies, particularly our national security agencies which are involved in insuring that foreign mission activities in the United States remain within appropriate limits, will also be enhanced by this proposed legislation.

Mr. President, S. 854 has been reported favorably by both the Foreign Relations Committee and the Governmental Affairs Committee. It is nearly identical to a proposal which passed the House last October as part of S. 1193, the State Department Authorization Act, and has the strong support of the administration and the U.S. Foreign Service.

Despite this strong endorsement, some of my colleagues vigorously question the thrust of certain provisions of the bill. Two issues are particularly important and have been poorly understood.

First, there is a definite need for the Foreign Missions Commission created by section 206. The substantial Federal interest in providing effective security and locations for foreign mission activities in the United States, as well as the need to obtain comparable treatment abroad, would be enhanced by this section. An important link in this process is to strengthen the Federal role in determining acceptable locations for foreign missions within the Nation's Capital City. I believe this section carefully balances the need to accommodate the Federal interest with a process that weighs the impact on municipal concerns as well.

The compromise section 206 of S. 854—and I emphasize the fact that this is a compromise provision that has been worked out by the Governmental Affairs Committee and the Foreign Relations Committee—differs from the provision originally introduced principally by establishing a new Foreign Missions Commission of the District of Columbia, thereby retaining jurisdiction in the municipal government as well as refining the applicable criteria. It continues to provide both balanced Federal and municipal criteria and membership.

District authorities on the the one hand are not inclined to accommodate this Federal interest, notwithstanding the very limited impact on the District. On the other hand, the Federal concern would be more effectively resolved by removing this issue altogether from District jurisdiction. The compromise section 206 may provide a middle road which incorporates the needs of each side. The compromise will serve the overall interests both of the city and the Federal Government, which is necessary to retain the partnership of Federal and local interests, without which a city administration cannot properly function in the Nation's Capital.

The current process of the District of Columbia applicable to the location or expansion of foreign mission chanceries in our Capital presents substantial problems for the Department of State. According to testimony received by the Foreign Relations Committee, the District zoning regulations applicable to chancery locations which were adopted in 1978 place unreasonable and discriminatory burdens on chancery applicants, and have caused an undue adverse impact on the Federal interest. The U.S. Government has an international obligation to facilitate the acquisition of acceptable and secure chancery locations in the Capital City, which is directly related to reciprocal treatment of U.S. missions abroad. The Department has, however, since 1978 faced an increasingly difficult task in attempting to protect the Federal interest in this area. This situation has had an adverse effect not only on the conduct of our foreign relations, but on the security of our missions as well.

It is important to note that chancery facilities are in most cases lower density land uses, which for security and representational purposes are normally required to be located in separate and individually controlled structures. Larger commercial office structures are in many cases unacceptable for security and related reasons. Federal security requirements have also increased the need to concentrate these uses in areas in which they are already in place.

Current District zoning regulations nevertheless unduly restrict areas in which chanceries can locate, and even prohibit chancery facilities notwithstanding the fact that other institutional or commercial uses may be permitted as a matter of right in the same zones. In some zones, for example, in addition to permitting a wide variety of nonresidential uses, all office uses without limitation are permitted, as a matter of right, except for the exclusion of only one use—chanceries.

Mr. President, this is one of the points that has made me feel that in this case there is now justification for simply saying we must go back to the original origins of Washington, D.C. What was it created for? It was not created for the businesses to be located here. It was not to be created for private residences particularly, except as it serves the Nation's Capital.

This Capital has a life of its own. We have moved, and I strongly support it, local rule, but when that local rule arbitrarily says you can have an office building, you can have a commercial building, but you cannot build a chancery there, we have forgotten the whole purpose of Washington, D.C., as the Nation's Capital.

We simply have to go back to square one and start out and simply say then there has to be a shared interest here. We are not overriding the District in this regard other than to say we must now have a procedure, a compromise, wherein as to the new Commission that is established, three members of that committee are members of the zoning board and appointed by the Mayor but three can also be appointed by the President and the seventh, who may be a swing vote on an occasional issue, shall be the Architect of the Capitol.

So at least we can come to a decision. You can balance out all of the various interests for we are not in the position of demanding certain rights from other governments abroad and then denying rights that are reasonable rights here at home.

In the Nation's Capital we all are concerned with the way in which we conduct our business here. We must take into account that we cannot stand in the way of legitimate requests for chanceries in areas certainly already zoned for other commercial property.

I know it is the impression of some residents of Washington that this matter is a matter that has been handled at lower levels in the State Department, that the Secretary of State is not aware of these situations.

I, therefore, wanted to make absolutely certain that the Secretary of State was personally aware of this matter and himself made a personal decision as to the correctness of the situation.

I refer later to a letter from the Secretary of State which he has delivered to the majority leader of the Senate and a personal telephone call that was made by the Secretary of State to the majority leader urging passage of this legislation.

Moreover, the criteria under which decisions are made by local authorities as to particular locations, and municipal regulations applicable thereto, do not properly weigh the Federal interests involved or national security impacts that result from their actions. What has resulted is a system whereby municipal authorities resolve such matters involving Federal interests wholly on local and municipal grounds. What the Department now seeks, and what I believe can result from the legislative proposal now before Congress, is a balanced system whereby Federal concerns are fully weighted together with local concerns, and that the applicable law and regulations adequately reflect that requirement.

Senator MATHIAS' amendments would leave the current zoning process untouched. His proposal, despite the strong testimony of administration witnesses and prominent local real estate attorneys, fails to recognize the fact that there is a problem with the current regulations and procedures.

If important Federal concerns are not a significant part of the process in which foreign government chanceries are located within the capital, the United States will find it ever more difficult to insist on reciprocal treatment abroad. The city of Washington remains the Federal Capital of our Government, and there are obligations local officials must assume as a result which involve accommodating various Federal responsibilities in the Capital. Anything less will undermine the congressional purpose of this legislation.

A second issue which requires clarification is the preemption language contained in section 207. The claim that this bill would involve any preemption of State or local laws or regulations is simply without basis and is an incorrect, superficial interpretation of that act and the intentions of its sponsors. Absolutely nothing in the act provides for Federal involvement in any local procedure, with the sole exception of the Nation's Capital in which there is a special Federal involvement and interest.

The only effect of this bill, outside of the Nation's Capital, would be to grant the Federal Government the right to deny or to place conditions on the activities of foreign government missions in the United States. This is consistent with international practice. Once State Department approval is granted and conditions are met for a foreign government to, for example, open a consulate in a particular city or State, it is then up to authorities in that city or State to deal with any land use or location issues. Nothing in this bill provides anything to the contrary.

In conclusion, I ask my colleagues to support S. 854 as reported from the Committees on Foreign Relations and Governmental Affairs.

THE FOREIGN MISSIONS ACT

Mr. GLENN. Mr. President, as a cosponsor of S. 854, and consistent supporter of the measure throughout the deliberations of the Foreign Relations and Governmental Affairs Committees, I rise today to reiterate the importance of this bill to the effective conduct of U.S. relations with nations around the world. This measure is designed to provide a means to remedy a serious and growing imbalance between the treatment accorded by many countries to official missions of the United States abroad, and that accorded to foreign government missions in the United States. While many other nations maintain offices, often designated diplomatic service bureaus, to serve the needs of foreign missions, the U.S. State Department has no means to apply the principle of reciprocity, by either positive or negative actions, to the treatment of foreign missions located in this country. The legislation pending before us would establish an Office of Foreign Missions within the Department of State which would regulate activities of foreign missions in the United States with a congressional mandate that reciprocity be the basis of such regulation. In this way the conditions under which foreign missions operate in the United States can be made to reflect the conditions under which missions of the United States are required to operate in the countries represented by such foreign missions. The ability of the State Department, through the Office of Foreign Missions, to regulate activities of and services available to foreign missions provides a powerful incentive for foreign governments to provide fair, equitable, and nondiscriminatory treatment to the U.S. mission in their country. We are not asking for special treatment, Mr. President, but we are asking that the operations of U.S. missions abroad and foreign missions in the United States be marked by mutual respect and cooperation. Practically, the passage of this legislation can mean savings in the operating costs of U.S. overseas posts as well as improved working conditions for U.S. personnel assigned to those posts. I believe we owe the taxpayers of this country our best efforts to insure that our foreign missions are run in a cost-effective manner and not charged discriminatorily high prices for normal services. I believe we owe our hard-working Foreign Service personnel our best efforts to insure that their often difficult working environment is not made worse by discriminatory treatment by their host government.

Mr. President, the House has already approved legislation quite similar to S. 854 and two Senate committees have recommended it favorably to the full Senate, albeit with significant dissent on some provisions. I urge my colleagues to approve S. 854 and thus provide the Department of State a most valuable tool for insuring reciprocity in the conduct of diplomatic relations with nations around the world.

Mr. ROTH. Mr. President, I strongly support the Foreign Missions Act since I believe that it will provide the State Department with the necessary leverage to insure that U.S. Embassies and their employees abroad are treated fairly and equitably. In an increasing number of countries, the United States is denied suitable locations for our missions or long term rights to facilities, often resulting in diminished security, higher costs and inadequate facilities which hamper the effectiveness of our missions and seriously affect the living conditions and morale of our personnel overseas. Currently, the State Department lacks the authority to strike back at foreign governments which choose to place such restrictions on our personnel by imposing similar conditions or restrictions on the missions of offending countries operating in the United States. In other words, if we receive the back of the hand over there, we can presently do little or nothing about the problem.

S. 854 establishes an Office of Foreign Missions in the State Department which would have veto authority over the location of foreign missions in the United States. With this authority, the State Department will be able to insure that foreign missions are located with national security concerns in mind and that foreign governments which unfairly place restrictions on the location of American embassies will receive similar treatment in this country.

There is, however, one area where I believe an amendment to this legislation is appropriate. The language of section 207 should be clarified to make clear that the State Department is not given any authority to preempt or override State or local zoning and land use laws in carrying out its responsibilities under this legislation. It is critical that at a time when we are trying to sort out Federal and State responsibilities and create a more effective federalism, we not grant the Federal Government broad new authority to run roughshod over local regulatory activities relating to zoning and land use. This legislation is intended to provide the State Department with a veto power over the admission into this country or foreign missions and consulates, but it should not permit the Department to override local zoning prohibitions in determining the location of foreign missions once approval by State has been given.

Therefore, I support the amendment offered by Senators DURENBERGER and PERCY to clarify the effect of this law on States and municipal governments. I am confident that it was always the intention of the supporters of this legislation that section 207 would only authorize the State Department to deny the right of foreign governments to locate a mission in this country, but not to permit it to override State or local zoning laws. Zoning and land use has historically been a State or local function and should remain unfettered by Federal intrusion. The report of the Governmental Affairs Committee reflects this view. However, I believe that a modification of the statutory language would be appropriate to remove any doubt on this point and I fully support the Durenberger-Percy amendment.

It was my concern about this provision which originally caused the State Department to reevaluate this language of section 207. I asked for a letter of clarification from the State Department on this matter and received a letter from the Department explaining its views. I think the letter addresses the concerns I initially raised with the Department that State and local laws remain untouched by the enactment of S. 854 and I ask unanimous consent that a copy of the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNITED STATES DEPARTMENT OF STATE,
Washington, D.C., March 4, 1982.

Hon. WILLIAM V. ROTH,
Chairman, Governmental Affairs Committee, U.S. Senate

DEAR MR. CHAIRMAN: In connection with consideration of S. 854, the proposed Foreign Missions Act now pending before the Governmental Affairs Committee, I would like to clarify the statutory intent of one provision of the bill, Section 207.

A question has been raised as to the effect of the Section 207 preemption language on state or municipal land use processes, in connection with regulation of the location and size of the foreign missions.

The answer clearly is that state and municipal authorities are not affected, with the exception that the Secretary of State under this bill may disqualify a foreign government from obtaining or retaining official facilities in any location in the United States. There are separate provisions relating to the District of Columbia because of the significant federal interest in the nation's capital.

The provisions of Section 207 require preemption only as to authorities set out in the Act itself. The only jurisdiction in which the Act provides authority for direct federal involvement in land use decisions is the nation's capital. Thus, if a foreign government is not disqualified under this Act from obtaining a location in any other jurisdiction, discretion as to land use decisions remain wholly within appropriate state or local authorities as to any particular location for a foreign mission.

If I can provide further information, please do not hesitate to call me.

Sincerely,

THOMAS M. TRACY.

Mr. DOMENICI. Mr. President, today the Senate is finally moving to establish the principle of reciprocity in our diplomatic operations. Simply put, the principle of reciprocity is the other face of the golden rule, "Treat others as they treat us." In diplomatic terms, today's action by the Senate tells the world that we are tired of allowing our overseas missions to be charged outrageous, discriminatory rates for public utilities, denied the right to own property, and then forced to rent houses and office space from host governments at high, rigged rental rates.

The Senate Foreign Relations Committee under the leadership of Senator PERCY and the Reagan administration is to be congratulated for bringing some equity into this area of our diplomatic operations. The existing policy that has been inherited from previous administrations just does not make sense.

The Foreign Relations Committee report gives some examples: The Soviet Union, Venezuela, Indonesia, and many other nations prohibit the purchase of housing and office space in their capital cities; but all countries are perfectly free to buy any property in the United States. In the Soviet Union and its East European satellites, our Embassies are required to contract with state-owned agencies for all administrative support services, travel arrangements, and even for tickets to athletic and cultural performances. What is particularly offensive is that the American Embassies are charged hundreds of thousands of dollars in discriminatory fees for these unwanted services. Yet the Washington Embassies of these same countries are free to book their own tickets, hire their own support staffs, and to see Maestro Rostropovich at the Kennedy Center. It is my feeling that these Washington Embassies should be subjected to conditions similar to those imposed on our Embassies abroad.

Once the tools are in place for the Secretary of State to encourage better treatment for our beleagured diplomats abroad, I trust that he will move swiftly and vigorously to implement the reciprocity principle. Too often some of our Washington-based diplomats are afraid to do anything that may offend someone abroad. Through implementation of reciprocity, America will stand taller and, perhaps, save money.

ROCK SPRINGS, WYO., AND THE FOREIGN MISSIONS BILL

Mr. WALLOP. Mr. President, on April 15 when I was on the Senate floor on an unrelated matter, the Senator from Maryland was discussing the Foreign Missions bill. I was surprised when the Senator from Maryland informed me and the Senate that Rock Springs, Wyo., is one of the 213 cities which is a site of a foreign consulate and could be affected by provisions of the Foreign Missions bill recently reported from the Foreign Relations and Government Affairs Committees. On further investigation, I discovered that there was in fact a consulate in Rock Springs. I am proud to announce to

my colleagues that Mr. John Arambel, Wyoming sheep rancher and businessman, has for 20 years, as of April 25, served as an honorary consular agent for the French Government, the only consul in the State of Wyoming.

I do not intend to comment on the merits of the Foreign Missions bill. I do, however, believe that it is an exaggeration to state that "the municipal powers of the city of Rock Springs, Wyo., are at stake" in the Foreign Missions bill. The Senator from Maryland in listing 213 cities fails to distinguish between career consuls and honorary consular offices. The honorary consuls are usually citizens or permanent residents of the United States, as is Mr. Arambel of Rock Springs, Wyo. Most hold the title for honorific purposes and do not actively carry out consul functions. The number of cities with consulates staffed by career consular officers shrinks considerably, to 62 from 213, and includes only 27 States.

While it is a matter of debate whether these 62 cities with career consular officers would be affected by this legislation, those cities with honorary consular agents alone surely would not suffer loss of powers from the passage of the Foreign Missions bill.

I ask unanimous consent that a list of the 62 cities with career consular officers be printed in the RECORD, as well as an Office of Protocol discussion of the distinction between career consular officers and honorary consular officers.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CITIES WITH CAREER COUNSULAR OFFICES

Alabama, Mobile.
Alaska, Anchorage.
Arizona, Phoenix, Douglas, Nogales.
Arkansas, None.
California, Los Angeles, San Francisco, San Diego, Beverly Hills, Fresno, Sacramento, San Jose, San Bernadino, Calexico.
Colorado, Denver.
Connecticut, None.
Delaware, None.
Florida, Miami, Tampa, Jacksonville, Orlando, Ft. Lauderdale.
Georgia, Atlanta.
Hawaii, Honolulu.
Idaho, None.
Illinois, Chicago.
Indiana, None.
Iowa, None.
Kansas, None.
Kentucky, None.
Louisiana, New Orleans, Baton Rouge.
Maine, Portland.
Maryland, Baltimore.
Massachusetts, Boston, New Bedford, Harwich.
Michigan, Detroit, Lansing.
Minnesota, Minneapolis, St. Paul.
Mississippi, None.
Missouri, St. Louis, Kansas City.
Montana, None.
Nebraska, None.
Nevada, None.
New Hampshire, None.
New Jersey, Newark.
New Mexico, Albuquerque.
New York, New York City, Buffalo.
North Carolina, Raleigh.
North Dakota, None.
Ohio, Cleveland, Dayton.
Oklahoma, None.
Oregon, Portland.
Pennsylvania, Philadelphia, Pittsburgh.
Rhode Island, Providence.
South Carolina, None.
South Dakota, None.
Tennessee, None.
Texas, Houston, Dallas, Corpus Christi, Austin, Laredo, San Antonio, Brownsville, Del Rio, Eagle Pass, El Paso, Lubbock, McAllen, Presidio.
Utah, Salt Lake City.
Vermont, None.
Virginia, None.
Washington, Seattle.
West Virginia, None.
Wisconsin, None.
Wyoming, None.
Total cities: 62.
Total States: 27.

[Office of Protocol, Apr. 15, 1982]

DISTINCTION BETWEEN CAREER CONSULAR OFFICERS AND HONORARY CONSULAR OFFICERS

Honorary consular officers are generally citizens or permanent residents of the United States. The appointment of honorary consular officers is employed by some foreign governments when they wish to have consular representation on a limited scale in a particular locality, but can neither justify nor afford the establishment of a post staffed by career personnel.

The duties of an honorary consul depend on the foreign government he or she represents. Most hold the title for honorific purposes and do not actively carry out consul functions. Others may engage in some of the same duties as their career counterparts on a limited and part-time basis.

An honorary consular officer has immunity only in respect to acts performed in the exercise of official functions. Unlike diplomats, who have full criminal immunity, or career consular officers, who have personal inviolability from arrest except for grave crimes, honorary consular officers may be arrested and would have to respond in court as any other citizen. Only if the complaint relates to official duties would an honorary consul be able to claim immunity for his or her actions.

Only the consular archives and documents of an honorary consul are inviolable, provided they are kept separate from all other papers of a personal or professional nature. Unlike a consulate headed by a career consular officer, the premises used by an honorary consul are not inviolable.

Mr. MATHIAS. Mr. President, will the Senator from Illinois yield for a question?

Mr. PERCY. I am happy to yield for a question.

Mr. MATHIAS. I suppose one of the basic questions that arises is whether the distinguished chairman of the committee feels it is necessary to create yet another special-purpose Federal commission in the District of Columbia, which seems to be against the current of everything we are moving toward in the Federal Government today.

I was delighted to be able to tell a meeting last night that we had gotten the Federal Register down from 224 pounds to 160 pounds, and this would tend to begin to put on weight again, and I am wondering if the Senator really feels that is a desirable thing.

Mr. PERCY. Mr. President, are we on my time?

The PRESIDING OFFICER (Mr. HAYAKAWA). We are on the time of the Senator from Illinois.

Mr. PERCY. I yield for just a few brief questions then because I do not want to expend all of my time.

Mr. MATHIAS. I will not press the Senator as to whether we should have a new commission and how he feels about it. But since he has said that this District of Columbia zoning code today discriminates against foreign chanceries and in light of the fact that the Diplomatic Zone adopted by the existing commission in 1978, at the behest of the State Department, with the concurrence of the State Department, does provide areas in the Capital for chanceries, in what zones are chanceries now prohibited? Does the chairman believe that chanceries should be permitted in those prohibited zones?

Mr. PERCY. According to the Department of State, current District zoning regulations nevertheless unduly restrict areas in which chanceries can locate, and even prohibit chancery facilities notwithstanding the fact that other institutional or commercial uses may be permitted as a matter of right in the same zones. In some zones, for example, in addition to permitting a wide variety of nonresidential uses, all office uses without limitation are permitted, as a matter of right, except for the exclusion of only one use, chanceries. This approach unfortunately has created a negative impact on the important Federal interest involved.

Mr. MATHIAS. Is it not true that the State Department is very reluctant to see chanceries go into large office buildings? Is it the feeling of the chairman that chanceries should be permitted in those zones?

Mr. PERCY. Chanceries are disadvantaged in uses in comparison to other permitted institutional or commercial uses in almost all zones, except for high density commercial or residential zones which are often unacceptable for security reasons. For example, in the lesser density C-1 and C-2 districts which may be most suitable for certain chancery uses, over 50 stated uses are permitted as of right, together with all office uses—except that only one such use is excluded (chanceries). In districts of slightly higher density, such as C-2A, a substantially wider list of uses is again permitted as of right, including all office uses, but chancery users are required to undergo a special exception type procedure, which effectively makes chanceries a disfavored use.

The only areas chanceries are allowed as of right are generally the higher density "C" districts, or other districts permitting high density development, which are both inappropriate for chancery use and in most cases unacceptable for security reasons.

In the same manner chanceries are a disfavored use in all "R" districts where they are technically permitted. In all "R" districts permitting chanceries, other nonresidential uses which have considerably greater impact than most chanceries are nevertheless allowed as a matter of right, whereas chanceries again must undergo a special exception type of procedure.

The PRESIDING OFFICER. The 15 minutes of the Senator from Illinois have expired.

Mr. HARRY F. BYRD, JR. Mr. President, I would like to address the distinguished chairman of the Committee on Foreign Relations. I would like to ask him several questions.

Mr. PERCY. I would be happy to answer. On whose time will the questions go?

The PRESIDING OFFICER. The only time remaining is under the control of the Senator from Rhode Island (Mr. PELL) or his designees.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that I be permitted to query the distinguished chairman of the Committee on Foreign Relations for a period of 10 to 12 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. HARRY F. BYRD, JR. May I ask the distinguished Senator from Illinois what is the status of the U.S. Embassy in Moscow? Has a new embassy been built in recent years?

Mr. PERCY. The construction work is still going on, but there are still problems.

Mr. HARRY F. BYRD, JR. What sort of problems?

Mr. PERCY. I was there a year ago and I know that the construction was going on, but we have had some difficulties in many Eastern European countries. We have had considerable delays in the completion of that project.

Mr. HARRY F. BYRD, JR. I thank the Senator.

Mr. President, may I ask the Senator this: The Soviet Union has built a magnificent embassy here in Washington on New Mexico Avenue. I drive by it every day, twice a day. It has the finest location that anyone could have in the entire city. I would like to get a little background, if I might, on this property.

It was the site, as I recall, of the old Veterans' hospital. Was it deeded or sold to the Soviet Union? And, if so, in what year and at what price?

Mr. MATHIAS. Will the Senator yield?

Mr. PERCY. The Senator from Illinois yields to my distinguished colleague from Maryland on this question.

Mr. MATHIAS. Mr. President, I believe, in a reciprocal practice between the United States and the Soviet Union, there is a lease arrangement. We lease property from them in Moscow and they lease from the U.S. Government, which has, as the Senator from Virginia pointed out, owned that real estate for many years. It is a leasehold arrangement from the Federal Government in which the Soviet Union rents the land.

Mr. HARRY F. BYRD, JR. For what period of time?

Mr. MATHIAS. It is for a very long lease, just as ours is in Moscow.

Mr. PERCY. I refer the distinguished Senator, if he would yield, to page 2 of our report, which gives a little background of the Soviet Union and Eastern European countries. It says:

> In the Soviet Union and East European countries, the United States is barred from purchasing office and residential properties and is required to obtain all facilities through government controlled sources. In many cases these are either inadequate, excessively costly, or denied arbitrarily. However, in the United States, these governments are allowed to purchase both types of property in Washington, D.C. All own either office or residential space.

One of the purposes of this bill, is to provide a solution to this type of problem.

Mr. HARRY F. BYRD, JR. Then the Soviet Union, I take it from that, did purchase the property in Washington.

Mr. MATHIAS. If the Senator from Maryland can respond again, it is, as I said before, a lease. It is an 85-year lease. And it will be painful to the Senator from Virginia to hear that it is a lease without rent. But that is, in fact, the case. It is an 85-year lease and it is an agreement made in accordance with the reciprocal allocation of plots of land for the construction of embassy buildings which was signed in Moscow on May 16, 1969. So it is a parallel arrangement between Washington and Moscow.

Mr. HARRY F. BYRD, JR. That was in 1969 and this is 1982. We are still having difficulties in Moscow. We still do not have the embassy in Moscow. The Soviet Union has its land in Washington, D.C., with, as the Senator from Maryland says, an 85-year lease.

Mr. MATHIAS. I have been told that they will not be allowed to occupy the building in Washington until the United States can occupy the building in Moscow.

Mr. HARRY F. BYRD, JR. Is it not already occupied?

Mr. MATHIAS. Not the embassy facilities. I think some auxiliary buildings have been built.

Mr. HARRY F. BYRD, JR. Has the Senator seen that structure on New Mexico Avenue off of Massachusetts Avenue?

Mr. MATHIAS. I have seen that one and I have also seen the U.S. Embassy under construction in Moscow. I have been watching both of them very carefully.

Mr. HARRY F. BYRD, JR. What is the acreage involved with the Soviet Union facility in Washington, D.C., and what is the acreage involved with the proposed U.S. Embassy in Moscow?

Mr. MATHIAS. Well, the agreement of 1969, if the Senator from Illinois will yield further, was that the United States would receive an 85-year lease free of charge for a 10.4-acre plot between the present chancery in Moscow and the Moscow River and an assurance that an adjacent half-acre park would remain free of construction. It was also agreed that we would continue to lease the Ambassador's present residence, which is popularly known as Spasso House, which is located on a 1.55-acre site. In exchange, the United States agreed to lease to the Soviet Union for 85 years free of charge the area formerly occupied by Mount Alto Veterans Hospital, which is 12.58 acres. So they get 12.58 acres in one lump and we get the leasehold of the two sites, one of 1.55 acres, plus 10.4 acres in Moscow.

Mr. HARRY F. BYRD, JR. But we have not yet been able to obtain that from Moscow. We have run into difficulties. We have not been able to continue construction or complete construction.

Mr. MATHIAS. I am a layman in these matters, but I took particular pains to go look at the construction now underway, which is visible from the present Embassy location in Moscow. You can see that the construction which is proceeding by the United States is, in fact, in progress, just as there is construction in progress on the site here.

Mr. PERCY. I might point out to the distinguished Senator from Virginia that he would be very interested in knowing that if this bill had been in effect at the time those negotiations were carried on, we might not have the problems that you mentioned earlier with respect to the District of Columbia property.

Mr. HARRY F. BYRD, JR. This is the Federal Government property.

Mr. PERCY. They apparently had a right to go pick out a location. If the foreign missions office had been established at that time, more restrictions might have been placed on the Soviets.

Mr. HARRY F. BYRD, JR. What was done in Washington, D.C., was done by the Federal Government and through the State Department.

Mr. MATHIAS. Precisely. And the zoning had nothing to do with it. The Federal Government owned it. It is Federal property. It is exempt from the zoning restrictions and the Federal Government just did it. So is it really logical to think if you give the Federal Government more power they are going to do any better in the future than they did in this case?

Mr. HARRY F. BYRD, JR. Well, the State Department gave to the Soviet Union the finest piece of property in the city of Washington. There is not any better piece of property in the city of Washington than that site where the Russian Embassy now stands.

Mr. MATHIAS. And they might just do it again if you give them more power.

Mr. HARRY F. BYRD, JR. I did not quite understand what the Senator from Illinois was saying.

Mr. PERCY. What the Senator from Illinois is saying is that this bill provides for greater input in decisions affecting national security with the various national security agencies.

Mr. HARRY F. BYRD. JR. The Federal Government had total input. It owned the land. It was its own property. The negotiations were handled by the Federal Government, handled by the State Department.

Mr. MATHIAS. They had a 100-percent input and they still did it.

Mr. HARRY F. BYRD, JR. They had complete and total control. They did not have to consult with anyone.

Mr. PERCY. This bill will permit the United States to take corrective steps when foreign governments harass, discriminate against, or otherwise create problems for our missions overseas. We then have the reciprocal right, under this bill, to treat those governments in exactly the same way they treat us. They must then go through the Foreign Missions Office in the State Department. They must take into account, then, the treatment that they are giving our missions. We will then have leverage to correct inequities abroad. In the past, we did not have this leverage.

Mr. HARRY F. BYRD, JR. I am not arguing against the Senator's proposal at all. I am not arguing against the bill. I am suggesting, however, that we had total control, complete control, over the territory the Russian Embassy has now been built on. The Government had total control of it. It could put any conditions it wanted to put on it. It could have put the same conditions that Moscow puts on or any of the Eastern European countries put on.

I cannot quite follow the thinking of the Senator.

Mr. PERCY. The difference is that this bill now requires reciprocity and mandates that reciprocity shall be the policy of the State Department, whereas there was no such clear policy in the past.

Mr. HARRY F. BYRD, JR. That structure in Moscow, and I must say I have not seen it but I am asking for information, how nearly completed is it?

Mr. MATHIAS. I saw it last September and it looked to be as though the foundations were in place and they were beginning to move up on the walls. But the point the Senator makes is exactly right, there is no special virtue in the Federal Government. There is no assurance that by giving them more control than they now have they will exercise any greater wisdom.

Mr. HARRY F. BYRD, JR. Because they have had total control.

Mr. MATHIAS. They owned the property, there were no zoning restrictions at all, there was no community input, and this is the deal they made. So why should we have any incentive to give any more control over the rest of the city when that is the way they have conducted themselves on what is one of the most important pieces of property you can possibly imagine.

Mr. HARRY F. BYRD, JR. I think the Senator from Maryland has made a very good point.

Mr. PERCY. I think that the point to be made is that in the past there were no comprehensive guidelines to control this problem.

Mr. HARRY F. BYRD, JR. Adequate guidelines?

Mr. PERCY. This bill provides that the President shall develop security guidelines which will, among other things, control the placement of embassies and chanceries in the Nation's capital.

Mr. HARRY F. BYRD, JR. Is the distinguished Senator saying that the State Department in 1969 did not give adequate consideration to the security arrangements when it made this deal with the Russians?

Mr. PERCY. I am not saying that the same deal would have been made today by this administration with the provisions as given in this legislation.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HARRY F. BYRD, JR. I ask unanimous consent that I may continue this inquiry for another 10 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HARRY F. BYRD, JR. Is not the present Russian facility, the Soviet Union facility, on Wisconsin Avenue occupied at the present time?

Mr. PERCY. I would say this, that the Senator is quite right in that the progress made by the Soviets in Washington has been considerably greater than the progress made in Moscow. The difference is that once the lease has been reached and they have the right of usage, they can then go through the private sector here and simply place the contracts, and construct the building. Whereas in Moscow it is different. There are no private contractors. It all goes through the government-controled, service bureau. The bureaucracy, the paperwork, the delays, the approvals required can delay a project for an interminably long period of time.

Mr. HARRY F. BYRD, JR. That is what is being done now; is it not?

Mr. PERCY. What we are now saying is that we want reciprocity. If a government forces us to go through government agencies in order to get something done, then that same government must go through our Government agencies to get similar things done. The idea is reciprocity. What is good for the goose is good for the gander. We feel that we can speed up a lot of these projects abroad if they recognize that there is going to be reciprocity here.

Mr. HARRY F. BYRD, JR. I point out again it was the Government itself that did not give reciprocity, apparently; that it was the Government itself that entered into this contract; that it was the Government itself that signed the agreement. I do not know why we want to give them more authority when they gave to the Soviet Union the finest piece of property in all of Washington.

Mr. PERCY. Once again, this is why this administration is so strongly supporting this legislation. If we are required to buy through government-service agencies abroad then a reciprocal pressure can be applied here.

Mr. HARRY F. BYRD, JR. What store will the Soviets buy from or would any other country buy from?

Mr. PERCY. Pressure could be applied here to alleviate problems abroad.

Mr. HARRY F. BYRD, JR. They would buy lumber, bricks, food?

Mr. PERCY. This office would have the power to provide leverage.

Mr. HARRY F. BYRD, JR. It would establish a government store?

Mr. PERCY. No; it would not establish stores. But it could charge surcharges for services purchased in the commercial market.

Mr. HARRY F. BYRD, JR. Are they going to use our PX's?

Mr. PERCY. They are not going to use our PX's. I assure the Senator of that.

Mr. HARRY F. BYRD, JR. The Senator mentioned Government stores. What Government stores would they purchases from?

Mr. PERCY. It would simply give us the opportunity to retaliate if they act unfavorably against us.

Mr. HARRY F. BYRD, JR. In Moscow?

Mr. PERCY. Let us just say in a number of totalitarian countries.

Mr. HARRY F. BYRD, JR. Let us say in Moscow. That is what we are dealing with.

Mr. PERCY. So far as I know, this is one of the areas where we are forced to deal with a Government bureaucracy and have been charged what we consider to be excessive prices without any ability to respond in kind.

Mr. HARRY F. BYRD, JR. Because we have already signed the agreement.

Mr. PERCY. That is right.

Mr. HARRY F. BYRD, JR. And our Government knew and the State Department knew when the agreement was signed what the regulations were in Moscow and how they would have to be dealt with. The Senator mentioned in his earlier comments that there are problems involved right now. I am wondering if the Senator can elaborate on those problems.

Mr. PERCY. Well, the problems are simply that we signed these deals at about the same time. The Senator from Virginia has already noted the progress made with the Soviet Chancery in Washington, D.C. I am not up to date as to where the building stands, but it is certainly safe to conclude the building in Moscow is well behind the progress that has been made over here. Here the private sector has been used for contracting, or they can bring their own people over, or whatever. In Moscow, we have to work through the bureaucracy over there.

Mr. MATHIAS. Will the Senator from Virginia yield on his time?

Mr. HARRY F. BYRD, JR. Yes.

Mr. MATHIAS. The Senator has raised a very interesting case which tests, really, the purposes of this bill. If we all say we are going to agree with the chairman that we need to have a better opportunity to enforce reciprocity, we still get back to a major question as to how an expansion of the diplomatic zone in the District of Columbia is going to help the U.S. Government achieve better control over reciprocity enforcement.

That is where I fall down in my understanding of this problem.

We can do certain things. We can tell the Soviet Union it cannot move into the building in Washington until we are able to move into the building in Moscow. We can do that today and we can do that under the bill. But how does a change in zoning affect any of that? That is what I have a little difficulty in understanding. It seems to me, in fact, that it would weaken the ability of the Federal Government to deal with other countries if, in fact, there was an expanded area that was open for chancery occupation.

Mr. HARRY F. BYRD, JR. Am I correct that the new Soviet Embassy negotiations were completed between the State Department and Moscow and the zoning laws were not involved in that?

Mr. MATHIAS. The Senator from Virginia, I believe, is exactly correct, because the Federal Government does not submit itself to any local zoning laws. So here it dealt with a piece of property free and clear of all restrictions. It could have imposed any kind of restraints it wanted on the deal.

It could have put any kind of regulation on it. It had complete and total control over it. This is the deal it made.

Mr. HARRY F. BYRD, JR. Mr. President, this Russian facility in Washington is on ground lease for 85 years, as I understand it. What happens to the buildings which have been placed on that property at the end of 85 years? They are built like a bomb shelter, so they will be there for 500 years. What happens to those buildings?

Mr. PERCY. At the end of the 85 years? I suppose they can take them away, as in the Sinai, they removed the buildings there; or they can just sell them back to the Government if we want to pay anything for them.

Again, they can do the same thing to us, because the lease has the same termination.

Mr. MATHIAS. Mr. President, let me say that I hope, personally, that we shall still be a strong and vigorous country 85 years from now and that we shall have need of an embassy in Moscow just as they will have need of an embassy in Washington. In 85 years' time, our grandchildren, that generation, can proceed to renegotiate. That is the hopeful view of the future, in any event.

The real point that we have to wrestle with now is how to deal with these continuing problems of history? It seems to me that to create another Federal agency and give the Federal Government still more power, in the light of this example, is really not justified.

Mr. HARRY F. BYRD, JR. Mr. President, I take it that the feeling of the Senator from Maryland is that the government of Washington, D.C., should have some input in regard to this matter?

Mr. MATHIAS. I think that is exactly right. The government of the District of Columbia should not have this important matter left totally out of community control. There should be community input just as there is, today, a Federal input. I think in other respects, I would agree with the distinguished manager of the bill, that there can be some helpful improvements in the process. But in respect to zoning, I simply do not see the argument for totally defeating the whole principle that is involved in giving people some voice in government very close to its roots.

Mr. HARRY F. BYRD, JR. In any case, Mr. President, whatever happens to this bill or whatever happens to the Mathias amendment would not change in any way the current status of the United States in the Soviet Republic in negotiations concerning its current buildings. It would not affect that one way or the other.

Mr. MATHIAS. That is a matter of contract and a matter of record and I do not think we can change that for 85 years.

Mr. HARRY F. BYRD, JR. That is the way it appears to the Senator from Virginia. I assume the chairman would agree that, with or without this Mathias amendment, it would not change the status of the Soviet facility in Washington.

Mr. PERCY. The Mathias amendment being offered on section 206 would give total control to the District of Columbia local government to deny application for permits for chanceries even in commercial areas. What the bill contains is a compromise seven-person commission—three members to be appointed by the President, three members to be appointed by the District government, and the Architect of the Capitol—to deal with their issues.

Mr. President, I would like to point out that a floor amendment will be offered by Senators GOLDWATER, MOYNIHAN, INOUYE, DURENBERGER, HUDDLESTON, and JACKSON supporting the establishment of Presidential national security guidelines for the Foreign Missions Act. This would really provide—more thorough coordination within the Government on national security related issues with respect to foreign missions in the United States.

Mr. HARRY F. BYRD, JR. Am I correct in assuming, though, Mr. President, that it cannot and will not affect the Russian facility in Washington?

Mr. PERCY. It will not. It will not be retroactive. But all the services used by them, all the purchases made in the future—this bureau may then require that certain services being procured be procured through and by permission of that foreign missions office if there is undue restraint placed on us in Moscow.

Mr. MATHIAS. Would the Senator continue to yield, because I do not think that my good friend from Illinois meant to imply that the Federal Government does not have an interest in the placement of the chanceries today. The National Capital Planning Commission, with which the Senator is extremely familiar, already has representation on it of the Department of Defense, who is one of the additional members proposed to be placed on the Foreign Mission Commission. In addition to that, the District of Columbia Zoning Commission has representation by the Federal Government. In fact, two of the five members of the Commission are, by statute, representatives of the Federal Government. So

there is a very strong representation of the Federal interest already.

Mr. HARRY F. BYRD, JR. Mr. President, I wonder if the Senator from Illinois or someone on his staff could ascertain to what degree the present Russian facility on Wisconsin Avenue is being utilized?

Mr. PERCY. That information has been requested and we shall get a report back to the Senator from Virginia as quickly as we can.

Mr. MATHIAS. Mr. President, the Senator from Virginia has done an important service to the Senate today, because he has raised the case of the Soviet Embassy, which was really the seed of this bill's idea for lifting from local government authority an important part of zoning. That seed is what I think has started this all. But the result of it, the remedy that is proposed, is so ridiculous, because it is to give to the Federal Government, which did the job in the first place, the power to do it all over again. That does not seem to me to be the correct response to an incident which occurred in 1969.

The PRESIDING OFFICER. The time for the Senator from Virginia has expired.

Who yields time?

Mr. RANDOLPH. Mr. President, may I make inquiry as to the situation as to time? I have appreciated the understanding of the able chairman of the Committee on Foreign Relations. I thought perhaps I might be able to have 5 minutes, not on the bill, and I shall not speak longer than that on a subject which I wish very much to discuss.

Mr. PERCY. Mr. President, is this germane to this bill?

Mr. RANDOLPH. No, Mr. President, it is not.

Mr. PERCY. We have a real time problem of finishing up this bill tonight, Mr. President.

Mr. RANDOLPH. I shall not press the point.

Mr. PERCY. Mr. President, I had hoped to be able to yield back considerable time. Unfortunately, I have used up all my time.

Mr. RANDOLPH. I wonder, may I inquire with regard to Senator PELL—what is the time situation there?

The PRESIDING OFFICER. Senator PELL has 15 minutes on the bill.

Mr. RANDOLPH. I should like to use 5 minutes, Mr. President.

Mr. PERCY. I do not know of a spokesman around, but I shall take responsibility for approving that and do not object at all.

Mr. RANDOLPH, I am very appreciative.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia.

TRAGEDY IN THE STEEL INDUSTRY

Mr. RANDOLPH. Mr. President, I am intensely interested in many subjects that are discussed in the Senate, and I want the RECORD to show that this afternoon I am going to call to the attention of my colleagues and to the citizens of the United States something that I feel is very, very important.

I was in our State of West Virginia on Monday and over this past weekend, as I was during the prior weekend. I traveled in the area of the northern panhandle of our State, where, once again, I saw the tragedy of unemployment in the steel industry, an industry which is basic to the strength and productivity of this Nation and vital to those who work to keep this Nation strong.

Let us quietly, for a moment, listen to these figures:

I am not against fast food, and I speak not against McDonald's. I enjoy hamburgers, as others can, from McDonald's or Wendy's, or whatnot. But I want to cite employment figures in just on of the fast food companies of the United States—McDonald's.

Then it will be seen why I am saying this.

There are 404,000 employees of McDonald's as I speak today—more than 404,000 men and women who are working for McDonald's. How many men and women are working in all the steel plants of the United States of America as I speak today?

I say to the Presiding Officer and to my colleagues, how much longer can this country be the productive country we knew, if we now see a condition depicted by such figures?

I say with all the sincerity that the economy of this country cannot exist upon the sale of hamburgers or fast foods. These are vital services but the economy of this country must be built on strong basic industries such as Weirton Steel in Weirton, W. Va. However in that community 12,000 men and women actually are threatened with the loss of jobs because of the conditions in the steel industry. Steel is the lifeblood of Weirton, W. Va., and other towns in my State.

Less than the 340,000 wage and salaried employees who are included in the steel sector labor force. In fact, as of April 17, 1982, there were 88,000 steelworkers on layoff, and 28,000 working short workweeks.

What I am saying about West Virginia is true about Ohio; it is true about Pennsylvania; it is true about all of America from the standpoint of steel production. We could talk about the automotive industry, and that is a serious situation, but that is not what I address today. I talk about steel.

Listen to these words: Last year, the steel plants of the United States of America were operating at 70 percent of capacity. Today, they are operating barely at 52 percent of capacity.

Let us go further and see how the steel plants of Europe were operating from the standpoint of employment last year. It was approximately 60 percent. Has the production there dropped nearly 20 percent? No, Mr. President. It is the same today as it was a year ago in March—60 percent.

The time for the adversarial position between Capitol Hill and the White House is over. Mr. President, the economy of this country—whatever the parts are—must be pieced together. Differences, yes, I understand. But I do not understand the situation today, where a deterioration has set in and where there is a broad divisiveness between the White House and Capitol Hill and Capitol Hill and the White House.

I would just add that steel imports for March 1982 were 18.7 percent higher than March 1981, totaling 1,355,969 tons. Mr. President, imports for the year to date, using the March 1982 data indicate an increase of 34.7 percent over the March 1981 steel imports totals. The economic situation in our country is in peril today.

I remind Senators that no navigator ever distinguished himself on a calm sea. We are in troubled, rough waters in the United States of America; and, somehow we must have the ability—men and women of goodwill and understanding and creativeness and even, yes, patriotism above party—to come together in these coming weeks and months, if America is to continue strong, as I have heard expressed here during the debate early this afternoon.

The PRESIDING OFFICER. The time of the Senator from West Virginia has expired.

FOREIGN MISSIONS ACT OF 1982

The Senate continued with the consideration of S. 854.

AMENDMENTS 1387 AND 1388; UP NO. 875

(Purpose: (No. 1387): To meet the requirements of the Congressional Budget Act of 1974; (No. 1388): To make technical and clarifying amendments; (UP No. 875): To provide for Presidential guidelines for the exercise of the authorities granted to the Secretary of State.)

Mr. PERCY. Mr. President, I call up two printed amendments, Nos. 1387 and 1388, together with an unprinted amendment which is at the desk, to be considered en bloc. I ask unanimous consent that the amendments be considered en bloc.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The amendments will be stated.

The bill clerk read as follows:

The Senator from Illinois (Mr. PERCY) proposes amendments numbered 1387 and 1388; and, for himself and Mr. GOLDWATER,

Mr. JACKSON, Mr. MOYNIHAN, Mr. INOUYE, Mr. DURENBERGER, and Mr. HUDDLESTON, proposes an unprinted amendment numbered 875.

Mr. PERCY. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 1387

At the bottom of page 24, add the following:

(3) Obligations necessary to carry out the provisions of this title shall be limited to the funds available pursuant to paragraphs (1) and (2) of this subsection.

(4) The provisions of this Act shall take effect on October 1, 1982.

AMENDMENT NO. 1388

On page 11, line 10, insert "a" after "by".

On page 15, line 22, strike out "be designated" and insert in lieu thereof "designate".

On page 20, strike out lines 3 through 11.

On page 20, line 12, strike out "(l)" and insert in lieu thereof "(k)".

On page 21, line 16, strike out "compliance" and insert in lieu thereof "Compliance".

On page 25, line 8, strike out ", after consultation with the international organization,".

On page 25, lines 16 and 17, strike out "or other law authorizing such status" and insert in lieu thereof "or a public international organization created pursuant to a treaty or another international agreement as an instrument through or by which two or more foreign governments engage in some aspect of their conduct of international affairs".

On page 26, beginning with "This section" on line 13, strike out all through "Attorney General" on line 15 and insert in lieu thereof the following: "The United States, acting on its own behalf or on behalf of a foreign mission, has standing to bring or intervene in an action to obtain compliance with this Act, including any action for injunctive or other equitable relief".

On page 28, line 8, strike out "if" and insert in lieu thereof "of".

UP NO. 875

On page 26, after line 15, insert the following:

"Presidential Guidelines

"Sec. 212. The authorities granted to the Secretary pursuant to the provisions of this title shall be exercised in accordance with procedures and guidelines approved by the President."

On page 26, on line 17, renumber "Sec. 212" as "Sec. 213."

Mr. PERRY. Mr. President, technical amendment No. 1387 is designed to conform the provisions of S. 854 to the requirements of the Budget Act of 1974. In order to conform the bill to the requirements of the Budget Act of 1974, I am proposing to add subsections (3) and (4) to section 208(h). I ask unanimous consent that a letter from the Assistant Secretary of State for Congressional Relations be printed in the RECORD at this point to clarify the intent of this amendment.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE
COMMITTEE ON FOREIGN RELATIONS,
Washington, D.C., April 22, 1982.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate.

DEAR MR. CHAIRMAN: In connection with consideration of S. 854, the proposed Foreign Missions Act, the Senate Budget Committee staff has requested clarification of the manner in which subsection 208(d) (relating to application of contracting procedures) and Section 204 (containing provisions authorizing the Secretary of State to implement this Act) would be applied.

In the course of staff discussion on those provisions, it was made clear that the Department did not intend, and would not interpret, these authorities as providing additional budget authority, and we would like here to confirm that understanding. In our view, we would be constrained in any event from such a construction by the provisions of section 627 of Title 31, United States Code.

It is further our understanding that the authority to enter into obligations under this act would be limited to the extent of resources provided pursuant to subsection (h) of Section 208. In the interest of further clarification, we would have no objection to introduction of the following amendment to S. 854 by the Senate Budget Committee, which was discussed by the staff.

Add a new subsection (3) to section 208(h), as follows:

"Obligations necessary to carry out the objectives of the Title shall be limited to the funds available pursuant to paragraphs (1) and (2) of this subsection (h)."

It was also proposed by the Senate Budget Committee staff that an effective date of October 1, 1982 be agreed to and included in a further amendment to subsection 208(h). We would have no objection to such an amendment.

We would be pleased to provide further information for your Committee on this matter.

With cordial regards,

Sincerely,

POWELL A. MOORE,
Assistant Secretary for Congressional Relations.

TECHNICAL AND PERFECTING AMENDMENTS (NO. 1388)

Mr. PERCY. Mr. President, I have a small number of technical and perfecting amendments which, in the interest of time, I offer en bloc. These amendments will serve to rectify inadvertent inconsistencies, avoid possible conflicting interpretations, and clarify the intent of certain provisions in the bill.

In addition to these technical corrections, the administration has requested three minor adjustments. The first deals with section 209. In subsection (a) of that section, I propose to delete the comma following the word "determine", and the clause "after consultation with the international organization". This amendment will clarify this particular provision by avoiding any interpretation whereby the United States could be assumed to have undertaken to enter into formal consultations on each such determination with international organizations in accordance with various headquarters agreements. U.S. representatives will, of course, continue to advise and discuss such matters with these organizations as appropriate.

JUSTICE AMENDMENTS

The next two amendments are being proposed at the suggestion of the Department of Justice, which supports passage of S. 854 along with these technical amendments. I believe adoption of these amendments will clarify and improve the administration of the bill.

The first amendment clarifies the definition of an international organization in section 209 of the bill. I propose deleting paragraph (1) of subsection (b) of section 209 and inserting in lieu thereof the following:

(1) a public international organization designated as such pursuant to section 1 of the International Organizations Immunities Act (22 U.S.C. 288) or a public organization created pursuant to treaty or other agreement as an instrument through which or by which two or more foreign governments engage in some aspect of their conduct of international affairs; and.

The language I am proposing to delete defines an international organization within the context of the International Organizations Immunities Act which deals only with international organizations in which the United States participates. The amending language recognizes and includes organizations composed entirely of foreign government representatives without U.S. participation, which should also be subject to the provisions of the bill.

The second Department of Justice amendment clarifies the right of the United States, through the Attorney General, to seek enforcement of this act. I propose, therefore, that subsection (k) of section 206 be deleted and that subsection (l) be redesignated as subsection (k). In addition, I propose that the second sentence of section 211 be deleted and the following language from the previously deleted subsection (k) of section 206 be inserted in lieu thereof:

The United States, acting on its own behalf or on behalf of a foreign mission, has standing to bring or intervene in an action to obtain compliance with this act, including action for injunctive or other equitable relief.

It is, of course, necessary for the Attorney General to have the right of enforcement to protect the rights of the United States under the provisions of the act. Enforcement authority is limited to civil actions such as injunctive proceedings to prevent a violation. As originally introduced, however, the bill provided for the institution of legal action in two separatge sections—206 and 211. By combining these two sections the possibility of conflicting interpretations will be avoided.

Mr. President, I ask unanimous consent that a statement in support of the Presidential guidelines amendment by Senators GOLDWATER, MOYNIHAN, INOUYE, DURENBERGER, HUDDLESTON, and JACKSON be printed in the RECORD at this point in explanation of this amendment.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT

There is no question about the importance of the Foreign Missions Act now before us nor about the fact that legislation on the matters it concerns is long overdue.

We have watched with increasing concern as tensions abroad have placed United States missions and personnel in increasingly difficult situations. There has developed a clear need for the United States to develop a policy of stronger oversight and regulation of activities of foreign governments, international organizations, and the missions to those organizations in our country.

This bill is intended to meet that need and to assure that foreign government activities in our country remain within appropriate bounds and that foreign governments are not granted the right to conduct official activities without constraint when United States missions and our personnel abroad are being accorded less beneficial treatment or being subjected to hostile conditions.

It is clear that both the provisions of this bill and its subsequent administration must affect the broad national security interests of the United States. In order to assure that these interests are fully taken into account, the proposed Section 212 provides that the authorities granted to the Secretary by the provisions of this title shall be exercised in accordance with procedures and guildelines approved by the President. These procedures should include provisions for oversight of the administration of Section 204(b) by the National Security Council. Among other things, these procedures should specify requirements for obtaining the recommendation of and coordination with appropriate national security and law enforcement agencies on significant decisions and policy matters.

We have received assurances from the Department of State that coordination in all respects will be effected as the amendment would direct. It is thus only helpful on all sides to have this intention made part of this important legislation.

We urge our colleagues to join us in supporting this measure.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

The amendments (Nos. 1387, 1388, and UP No. 875) were agreed to en bloc.

Mr. PERCY. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

Mr. HARRY F. BYRD, JR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PERCY. Mr. President, at this time I should like to give a preliminary report as to the status of the Soviet Chancery on Tunlaw Road.

The State Department advises the manager of the bill that the Soviets have occupied their housing on Tunlaw Road and they have the medical and recreational facilities finished and occupied.

With respect to their chancery facilities, that is now going out for bid. They wanted to put it out for bid, and the State Department denied that permission.

The difficulty in comparison is that they have done things in pieces, separately contracting for different phases, with our permission.

In Moscow our project is just one project with one set of contractors. The pace is very slow. We are probably about 3 years away of having everything finished in Moscow.

It is not, therefore, the Department's intention that the Soviets should occupy their chancery even if it is built before ours in Moscow is finished prior to completion and turnover of our project in Moscow.

Mr. HARRY F. BYRD, JR. Mr. President, that is very illuminating information that the chairman of the Foreign Relations Committee has given the Senate. I thank him for it.

I felt rather certain that those buildings which have been built on Tunlaw Road and Wisconsin Avenue had been occupied, and the Senator from Illinois confirms that they are now being occupied. Medical portions of the buildings are also occupied, along with the residential buildings. It is a huge complex, a tremendous complex.

May I ask the Senator this: How much has already been spent on the U.S. facility in Moscow, and what is the estimated cost when completed?

Mr. PERCY. The total cost of the Moscow project is $130 million. We have let contracts amounting to $80 million as of this date.

I wish to point out that under the amendment that was just adopted all countries would be on notice that if they treat us in one way they should expect to be treated in like manner by us. Reciprocity is going to be our policy.

Mr. HARRY F. BYRD, JR. So if the amendment offered by the Senator from Maryland is adopted——

Mr. PERCY. No; that has nothing to do with the amendment of the Senator from Maryland.

Mr. HARRY F. BYRD, JR. I say that will not affect the reciprocity amendment which already has been amended.

Mr. PERCY. Yes; that has already been adopted.

Mr. HARRY F. BYRD, JR. The reciprocity amendment has already been adopted and it would not be nullified, vitiated, or modified by the amendment of the Senator from Maryland?

Mr. PERCY. No; that would not affect the amendment of the Senator from Maryland except that the amendment of the Senator from Maryland does provide a continuation of the existing situation. It is the position of the intelligence agency and other agencies of Government, including the National Security Council, that the current situation is not adequate. The bill as reported from committee provides a reasonable compromise that will not in any way harm or injure the Nation's Capital or its District government, but will fully take into account that input from all the Federal Government will be greater in the future than it was in the past, particularly concerning national security interests.

Mr. HARRY F. BYRD, JR. I do not want to rehash what we have talked about earlier, but the Senator reiterated that it would give the Federal Government greater authority to protect national security interests and whatnot of our country.

Mr. PERCY. That is right.

Mr. HARRY F. BYRD, JR. So I have to point out again in regard to this Russian matter, it is the most important of all. There is no embassy in Washington more important than the Russian Embassy. There is no embassy in Washington as large as the Russian Embassy. There is no embassy in Washington that can have greater impact on the United States than the Russian Embassy. That was handled totally by the Federal Government on land owned by the Federal Government, negotiated by the Federal Government, approved by the Federal Government, including the President, the State Department, and everyone else involved in the Government. It was a Federal Government project. It was a Federal Government negotiation.

So I do not know why the amendment offered by the Senator from Maryland which appears to me to be a reasonable one could be detrimental to national security in any way when the Government itself had complete authority in regard to the most important project ever built in Washington; namely, the Russian Embassy in so far as foreign embassies are concerned.

Mr. PERCY. The only difference is that at the time that negotiation was carried on years ago there was no Federal guidelines for the making of decisions on national security issues.

Mr. HARRY F. BYRD, JR. That will be in the bill regardless of the amendment of the Senator from Maryland because the Senator from Illinois just put it in the bill.

Mr. PERCY. That is right. So let us take up separately the amendment of the Senator from Maryland and debate that on its own merits. The amendments we have just adopted, introduced by Senators MOYNIHAN, GOLDWATER, and so forth, would help provide guidelines that will provide for adequate national security interests. It

must be taken into account in the locating of all future foreign missions.

Mr. HARRY F. BYRD, JR. May I ask the Senator this: That amendment already has been adopted, has it not?

Mr. PERCY. It has been.

Mr. HARRY F. BYRD, JR. That is a part of the bill.

Mr. PERCY. That is a part of the bill.

Mr. HARRY F. BYRD, JR. And the Mathias amendment does not nullify or modify that.

Mr. MATHIAS. That is correct.

Mr. PERCY. That is correct. It will modify the bill.

Mr. HARRY F. BYRD, JR. It will not modify the amendment just offered by the Senator?

Mr. PERCY. No, it will not modify that amendment.

Mr. HARRY F. BYRD, JR. So the reciprocity to which the Senator from Illinois refers will still be in the bill regardless of whether the Mathias amendment is in the bill or not in the bill?

Mr. PERCY. Absolutely. It presents another problem.

Mr. HARRY F. BYRD, JR. I thank the Senator.

The PRESIDING OFFICER. Who yields time?

AMENDMENT NO. 1383

(Purpose: To substitute language for a provision relating to the location of foreign missions in the District of Columbia and to make technical correction)

Mr. MATHIAS. Mr. President, I have an amendment at the desk and I ask that it be stated. It is amendment No. 1383.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Maryland (Mr. MATHIAS) for himself, Mr. RUDMAN, Mr. EAGLETON, Mr. LEVIN, Mr. SASSER, Mr. SARBANES, Mr. HAYAKAWA, Mrs. KASSEBAUM, and Mr. WARNER, proposes amendment numbered 1383.

Mr. MATHIAS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning with page 15, line 1, strike out all through line 5 on page 21 and insert in lieu thereof the following:

"PREEMPTION

"SEC. 206. Nothing in this title may be construed to preempt any act of a Federal agency or of a State or municipal governmental authority, except that a recommendation by the Secretary or the Director as to the Federal interest in any State or local proceeding or determination involving the according of benefits to foreign missions within the jurisdiction of the respective State or local government shall be given substantial weight.".

On page 21, strike out lines 6 through 11.

On page 21, line 13, strike out "SEC. 208." and insert in lieu thereof "SEC. 207.".

On page 25, line 4, strike out "SEC. 209." and insert in lieu thereof "SEC. 208.".

On page 26, line 2, strike out "SEC. 210." and insert in lieu thereof "SEC. 209.".

On page 26, line 11, strike out "SEC. 211." and insert in lieu thereof "SEC. 210.".

On page 26, line 17, strike out "SEC. 212." and insert in lieu thereof "SEC. 211.".

On page 28, strike out lines 1 through 10.

Mr. MATHIAS. Mr. President, this amendment is offered on behalf of Mr. RUDMAN, Mr. EAGLETON, Mr. LEVIN, Mr. SASSER, Mr. SARBANES, Mr. HAYAKAWA, Mrs. KASSEBAUM, and Mr. WARNER, as well as on my own part. It does three things.

It drops section 206 from the bill, and that is the section that creates yet another Federal agency, yet another Federal bureaucracy, a Federal zoning board for the District of Columbia to be known as the Foreign Missions Commission.

Second, it revises the broad Federal preemption language of the bill and inserts it in lieu of the section 206 which now appears in the bill. The rewritten preemption language requires State and local governments, including the District of Columbia government, to give substantial weight to the recommendations of the Secretary of State through the Office of Foreign Missions established in the bill in matters involving benefits to foreign governments.

Third and last, the amendment reinstates the Chancery Act of 1964. That act amended the District of Columbia's zoning code to prohibit the business offices of foreign governments from locating in low-density residential districts but permitted them in medium- and high-density districts.

Mr. President, at this point, I yield 10 minutes to the distinguished Senator from New Hampshire (Mr. RUDMAN), one of the sponsors of the amendment.

Mr. RUDMAN. I thank the Senator from Maryland.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. RUDMAN. Mr. President, I normally would not speak at any great length about an amendment, but I believe there are sections of this legislation which are not adequately understood as to their impact on the citizens of the District of Columbia. I believe there is a lack of understanding as to the true history of what has happened in fact with the location of chanceries.

Let me begin by saying that I am in full agreement with the goal of S. 854 which would be accomplished by the establishment of the Office of Foreign Missions within the Department of State. I agree with the chairman of the Senate Committee on Foreign Relations that it is of paramount importance that we create a balance between the treatment of foreign missions in this country and the treatment of our own missions in other nations by establishing the Office of Foreign Missions to confer, deny, and set terms and conditions for benefits, privileges, and immunities for foreign governments, so that we can hopefully accomplish that balance.

While I have no complaints with the overall purpose of S. 854, I am concerned with two particular sections of the bill, specifically section 206 and section 207. In my opinion, these two sections are contrary to the principle of home rule. They are unnecessary to the purposes of S. 854, and they ought to be omitted.

Section 206 would create a Foreign Missions Commission within the Office of Foreign Missions. This Foreign Missions Commission would be responsible for zoning matters concerning chanceries, the business offices of foreign missions.

I do not believe that such a commission is necessary or appropriate, and cite the following reasons in support of that belief:

First, the Board of Zoning Adjustment's track record does not substantiate in any way the State Department's claim that a new system is needed. In 1978 the D.C. Zoning Commission and the National Capital Planning Commission, with the participation and concurrence of the Department of State, formulated a diplomatic overlay zone where foreign missions would be allowed to locate as a matter of right, and I would refer the Members of the Senate, as they are considering this matter, to the back of the Chamber where there are charts and maps which, I think, graphically illustrate the ample areas allotted under that plan.

Under that plan chanceries wishing to locate in areas other than those have a right to file an appeal with the D.C. Board of Zoning Adjustment which, following public hearing, rules on whether or not the chancery is compatible with the neighborhood in which it wishes to locate. That approval would be known as a special exception.

The zoning board is comprised of five members: Three mayoral appointees, one member of the National Capital Planning Commission, who is a Federal Representative, and one rotating member of the D.C. Zoning Commission, and since the Zoning Commission is comprised of both municipal and Federal representatives, the rotating member is sometimes a municipal representative and sometimes a Federal representative.

Mr. President, since 1978 the Zoning Board here has heard 12 cases involving foreign chanceries. Of the 12, 11 requests were approved, one was denied, and on looking at that case and the record I believe it was properly denied. That denial was unanimous, including the Federal member. One other case was postponed at the request of the foreign government.

89-059 O-85-29 (Pt. 6)

Based on the above there was no reason to discontinue current zoning practice on the basis of discrimination.

Second, the Federal Government has never expressed, prior to the introduction of S. 854, its opposition to the current zoning process as it relates to chanceries in any official form. In June of 1981 the National Capital Planning Commission adopted a resolution supporting the present D.C. zoning process for chanceries. The resolution states in part:

The Commission believes that it has not yet been demonstrated to the Commission that there is a problem in the operation of the District zoning process for providing for the location of foreign missions and international agencies.

With this background, during the Subcommittee on Governmental Efficiency and the District of Columbia hearing on January 25, I questioned the State Department witness, Mr. Harold Burman from the Office of Legal Adviser, about the genesis of this legislation to alter the method of zoning for chanceries of this district. The State Department did not provide a satisfactory response. Let me just quote into the RECORD part of that dialog. I asked the following question:

Mr. RUDMAN. . . . there is an old saying where I come from that "If it ain't broke, don't fix it." I really want to get into that with you. . . . What is the genesis of this legislation? . . . and why are we talking about this this morning?

What is the overwhelming reason for this legislation? I hope Members of this body will listen very carefully to this very clear and lucid answer from the State Department's representative.

Mr. BURMAN. Senator, in response let me state this . . . the administration's position at the outset is simply that this process is important to the national security, and there should be and must be Federal participation in it, in an appropriate manner, and a balanced criteria that results in a full weighing of the Federal concern.

Mr. President, I went back after that hearing and reread this answer, and I have reread it three times since, and if anyone around here is a linguist and can tell me what it means I would surely appreciate it, because it means absolutely nothing. The invocation of national security in regard to where we can put these office buildings is, frankly, a little bit more than my mind can absorb.

Not once during the hearing did the State Department identify just what that national security concern was. And the statement above by Mr. Burman does not answer the question, "What is the genesis of this legislation?"

Also, in response to Mr. Burman's statement, there is Federal participation on the BZA; and if the Federal Government did not feel it had adequate say in chancery zoning matters, why was this never brought to the attention of either the BZA, NCPC, or D.C. Zoning Commission?

The answer is that is not the way they chose to play this game.

Sections 206 and 207 violate the concept of home rule.

In 1973, as a result of passage of the Home Rule Act, the District of Columbia was given the responsibility for zoning. The D.C. Zoning Commission consists of five members: the Architect of the Capitol, the Director of the National Park Service and three Mayoral appointees. According to the act, section 492(e), "The Zoning Commission shall exercise all the powers and perform all the duties with respect to zoning in the District as provided by law."

Section 206 of the Foreign Missions Act abrogates the Home Rule Act with respect to the District of Columbia by removing this zoning authority from the Zoning Commission. With all due respect to the Federal interest, and absent a compelling reason, which has yet to be advanced, I really think that the people of this community are entitled to some considerable say in how they live, how their physical community is structured. I point out to you that the District of Columbia zoning ordinance has an appeal procedure within it and if grave injustice is done, there is an appeal to the court here in this community. That, after all, is the kind of due process that we are used to in this country.

Of additional interest is the fact that Section 207 may abrogate the Home Rule concept on a much greater scale—and I do take very pointed issue with the statement of the chairman of the Committee on Foreign Relations on this particular point—there are 213 consulates of foreign missions located in cities in every State in the country. During consideration of this section, the Governmental Affairs Committee raised a question with the State Department as to the effect of this section on State or municipal land use processes, in connection with regulation of the location and size of the foreign missions in those cities in those States. The State Department contends and the chairman contends here today that State and municipal authorities other than the District will not be affected. However, Daniel Mandelker, professor of law, Washington University, St. Louis, Mo., an expert in zoning law, testified at the District of Columbia Subcommittee hearing that the language in section 207 is very unclear, and could very well override State and local law in areas other than Washington, D.C.

Also, in a letter to the District of Columbia Subcommittee, the Maryland Attorney General wrote:

Clearly, under a plain reading of the bill, this preemption provision could have a significant impact on local government. Zoning ordinances, building, plumbing, and electrical codes, and police services could be affected.

And nothing is salvaged by the Senate Foreign Relations Committee Report's assertion that Section 207 does not preempt municipal zoning "so long as those requirements do not interfere with the exercise of the Secretary's discretion." As we [all] know, a court is more likely to pay attention to the plain language of Section 207 than to open-ended dicta in a Committee report.

The District of Columbia Subcommittee also received written comment expressing concerns about this section from the U.S. Conference of Mayors, the U.S. League of Cities, the California Attorney General, and others.

When all this is said and done, there are just too many negative and unanswered questions with the bill in its present form. Our amendments would require Federal, State, and local governments to give substantial weight to recommendations of the Office of Foreign Missions. This will insure that the Federal interests will be adequately represented in the decisionmaking process while, at the same time, respecting State and local authority. Therefore, Mr. President, I urge adoption of the amendments.

One further point. I have been trying to find out for several months the answer to the question that was asked at the committee hearing as to what was the genesis of this bill. I wish to read into the record just a few interesting facts which might shed some light on that particular question.

Back at that hearing, the Department of State, in response to a question posed at the hearing by Senator MATHIAS of Maryland, stated that it had retained on an intermittent basis the law firm of Wilkes & Artis of Washington. Since 1976, the Department had paid that firm $44,300 in legal fees. The Department of course, did not answer the direct question posed by the Senator from Maryland, which was whether any local law firm had been engaged by the Department to draft section 206.

Mr. President, let me say that this is a very fine law firm. They are probably the zoning law firm in the District of Columbia. It is the principal firm representing all kinds of clients before the District Board of Zoning Adjustment and the District Zoning Commission. The question arises whether or not there was some sort of conflict of interest here with this firm representing foreign governments before the zoning board, being in the employ of the State Department, having testified before the Foreign Relations Committee at the request of State in favor of the bill, and then possibly benefiting from the bill as it might be passed by this Congress.

Now, I submit this to you: That a plain inferential examination of all of the evidence before the Senate shows clearly that the real reason that this

bill is before us is because there are people in this city who are unhappy with the way these cases go before the board and they want a sure thing. I say to you, Mr. President, that in my hometown and in your hometown zoning boards are not sure things. If we tilt this zoning board with a Federal presence, as this bill would recommend, then, as far as the citizens of this District are concerned, anything goes.

I hope that my colleagues will join me in passing this amendment and at least give the citizens of the District of Columbia an even chance as to who their neighbors might be. Thank you, Mr. President.

The PRESIDING OFFICER (Mr. ABDNOR). Who yields time?

Mr. PERCY. Mr. President, I yield myself such time as I may need to reply in part to my distinguished colleague and to urge opposition to the Mathias amendment.

I would like to first point out to Senator RUDMAN that the 213-city figure that he used was also used in the Washington Post editorial, which I have answered in a letter to the editor which they printed April 27, 1982. In part, I would like to read to the Senator the reply I gave to the Washington Post. I said:

Post readers should also know that chanceries are not located elsewhere in the country other than Washington. Consular and other official missions are presently located in slightly over 60 other cities in the United States, not in 213 cities as claimed by The Post. Perhaps The Post is referring to the many honorary consuls appointed in various cities who do not enjoy the same degree of official status or immunities and whose activities do not normally fall within the category of official missions with which this bill is concerned.

So I hope that there is no misunderstanding about that.

The claim that this bill would involve any preemption of State or local laws or regulations is simply without basis and is an incorrect, superficial interpretation of that act, and the intentions of its sponsors. Absolutely nothing in the act provides for Federal involvment in any local procedure, with the sole exception of the Nation's Capital in which there is a special Federal involvement and interest.

The only effect of this bill, outside of the Nation's Capital would be to grant the Federal Government the right to deny or to place conditions on the activities of foreign government missions in the United States. This is consistent with international practice. Once State Department approval is granted and conditions are met for a foreign government to, for example, open a consulate in a particular city or State, it is then up to authorities in that city or State to deal with any land-use or location issues. Nothing in this bill provides anything to the contrary.

Mr. MATHIAS. Will the Senator from Illinois yield for a question?

Mr. PERCY. Yes.

Mr. MATHIAS. Is the Senator trying to say that there is a distinction between a career consul and an honorary consul?

Mr. PERCY. Well, there is a difference. Honorary consular officers are generally citizens or permanent residents of the United States. The appointment of honorary consular officers is employed by some foreign governments when they wish to have consular representation on a limited scale in a particular locality, but can neither justify nor afford the establishment of a post staffed by career personnel.

Mr. MATHIAS. But both are subject to the Vienna Convention on Consular Relations and both are entitled to immunities as representatives of foreign governments. So the preemption section, as it is drafted, applies to honorary consul as well as to career consul.

Mr. PERCY. Well, I have known, and I know my distinguished colleague has known, a number of honorary consuls.

Mr. MATHIAS. And they are all nice people. But they ought not to be able to preempt our American zoning laws.

Mr. PERCY. Their duties depend entirely upon the foreign government that he or she may represent. Many hold the title for honorific purposes and do not actually carry out consular functions. Others may engage in many of the same duties as their counterparts. However, such activities usually are on a part-time basis.

When we consider and take into account that vast number that was mentioned, we must take into account that a great many of them have no physical facilities whatsoever. They operate out of their homes.

Mr. MATHIAS. But the point is not how much time they spend in their offices, but the fact that where their offices can be located would, after the passage of the bill as drafted, be controlled by the Department of State, whether it is in Richmond, Va., or Peoria, Ill., or wherever it may be.

Mr. PERCY. It should be clearly pointed out, though, that if they are part time and if they are honorary, the problem of immunity, for instance, is only effective as it relates to their official duties.

Mr. MATHIAS. Mr. President, since this subject has come up, it might be interesting to put in the RECORD at this point the Congressional Research Service report on the privileges and immunities granted to career consular officers and honorary consular officers. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the study was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, D.C. April 27, 1982.

To: Senate Committee on Governmental Affairs, Subcommittee on Government Efficiency and the District of Columbia. Attn: Marion Morris.

From: American Law Division.

Subject: Privileges and Immunities Granted Career Consular Officers and Honorary Consular Officers.

In response to your request for a listing of the provisions of the Vienna Convention on Consular Relations, 21 U.S.T. 77, that do and do not apply to honorary consular officers, we have prepared the enclosed report. As noted, the status of members of consular posts who are nationals or permanent residents of the receiving State is governed by Article 71 of the Convention, an article limiting the applicability of the Convention's provisions to these individuals. Article 71 sets forth the Convention articles applicable to nationals and permanent residents, but recognizes that the receiving State may extend additional facilities, privileges, and immunities to them. It would appear, then, that an honorary consul who is not an American national or permanent resident would be entitled to the privileges and immunities accorded him under Chapter III of the Convention, including the exemption from taxes on any remuneration received from the sending State for exercising his consular functions. The honorary consular officer who is an American national or permanent resident would be entitled only to those facilities, privileges, and immunities specifically provided for in Article 71, along with any others the United States chooses to grant him. Thus, the United States collects income tax on the salary of any United States citizen employed by a foreign government received as compensation for his or her official services to that government. 26 U.S.C. § 893.

We hope that this information will be helpful to you and that you will call upon us if you have any additional questions.

JEANNE JAGELSKI,
Legislative Attorney.

COMPARISON OF FACILITIES, PRIVILEGES, AND IMMUNITIES GRANTED CAREER CONSULAR OFFICERS AND HONORARY CONSULAR OFFICERS UNDER THE VIENNA CONSULAR CONVENTION

This report compares the facilities, privileges and immunities that the Vienna Convention on Consular Relation, 21 U.S.T. 77, grants career consular officers with those it grants honorary consular officers. The Convention initially distinguishes between these two types of officers in Article 1(2) and provides separate chapters applicable to each type of officer and the posts he or she heads. Chapter II (articles 28-58) applies to career consular officers; chapter III (articles 58-68), to honorary officers. The Convention specifically provides that its privileges and immunities are not to be accorded to an honorary consul's family members or to the consular employees employed at a post headed by such an officer. Art. 58(3).

The status of consular post members who are nationals or permanent residents of the receiving State is governed by a separate Convention article limiting the Convention provisions applicable to them. Art. 1(3). Thus, article 71 provides that except for additional facilities, privileges, and immunities granted by the receiving State, such consular officers (including both career and hon-

orary consuls) enjoy immunity from jurisdiction and personal inviolability regarding their official acts. In addition, these officers are under no obligation to give evidence concerning matters connected with the exercise of their functions or to produce official correspondence relating to these functions, and are entitled to decline to give evidence as expert witnesses regarding the law of the sending State. These privileges are granted non-nationals and those who are not permanent residents in article 44(3). Further, in the event such individuals are arrested or detained pending trial, or have criminal proceedings instituted against them, the receiving State must promptly notify the sending State through diplomatic channels (where the head of the post is involved) or the head of the post (where a consular staff member is involved), as provided in article 42. Except where the officer is arrested or detained, criminal proceedings must be conducted in a manner that will hamper the exercise of consular functions as little as possible. Art. 71(1). Other members of the post and their families who are nationals or permanent residents of the receiving State, are entitled to facilities, privileges, and immunities, only insofar as the receiving State grants them. Art. 71(2).

Career consular officers	Honorary consular officers
Receiving State to provide full facilities for performance of consular post functions. Art. 28.	Same. Art. 58(1).
Right to national flag and coat-of-arms. Art. 29.	Same. Art. 58(1).
Receiving State to facilitate acquisition of consular premises. Art. 30.	Same. Art. 58(1).
Inviolability of consular premises: (1) receiving State authorities not to enter consular premises without consent of head of post (implies consent where fire, etc.); (2) receiving State "under special duty to take all appropriate steps" to protect premises against intrusion and damage and to prevent disturbance of the peace and impairment of post's dignity; (3) consular premises immune from national requisition by receiving State for its national defense or public utility. Art. 31.	No inviolability article, but receiving State to take "such steps as shall be necessary" to protect premises from against any intrusion or damage and to prevent any disturbance of the peace at the post or impairment of its dignity. Art. 59.
Consular premises and residence of head of post owned or leased by sending State or any person acting on its behalf exempted from taxation. Art. 32.	Consular premises owned or leased by the sending State exempted from taxation. Art. 60.
Consular archives and documents inviolable at all times and wherever they may be. Art. 33.	Consular archives and documents inviolable at all times and wherever they may be, provided they are kept separate from other papers and documents and, in particular, from the private correspondence of the head of consular post and of any person working with him, and from the materials, books, or documents relating to their profession or trade. Art. 61.
Freedom of movement. Art. 34.	Same. Art. 58(1).
Freedom of communication; inviolability of official correspondence; inviolability of consular bag, except where receiving State authorities have serious reason to believe it contains unofficial matter. Art. 35.	Same. Art. 58(1).
Freedom of communication and contact with nationals of the sending State, including access to those in prison, custody, or detention. Art. 36.	Same. Art. 58(1).
Authorities of receiving State have the duty to provide information in cases of death, guardianship or trusteeship, wrecks, and air accidents. Art. 37.	Same. Art. 58(1).
Officers may communicate with authorities of the receiving State. Art. 38.	Same. Art. 58(1).
Consular post may levy fees and charges provided by sending State laws and regulations for consular acts. Art. 39.	Same. Art. 58(1).
Receiving State to treat consular officers with due respect and take all appropriate steps to prevent any attack on their person, freedom, and dignity, Art. 40.	Receiving State under a duty to accord honorary consular officer protection needed by reason of his official position. Art. 64.
Officer not liable to arrest or detention pending trial, except in case of grave crime and pursuant to decision by the competent judicial authority. Art. 41.	If criminal proceedings instituted against honorary consular officer, he must appear before competent authorities. Proceedings to be conducted with respect due him by reason of his official position and, except when he is under arrest or detention, in a manner that will hamper the exercise of his functions as little as possible. When necessary to detain an officer, proceedings to begin with minimum of delay. Art. 63.
In case of arrest, detention, or prosecution, receiving State to notify head of consular post (if member of consular staff) or sending State (if head of post). Art. 42.	Same. Art. 58(2).
Officers are immune from jurisdiction for acts performed in exercise of consular functions; no immunity where contracts or damage from vehicle, vessel, or aircraft accidents are involved. Art. 43.	Same. Art. 58(2).
Consular post members may not be called upon to serve as witnesses in judicial or administrative proceedings; consular employees or service staff members must not decline to give evidence (except as provided in Art. 44(3), but no coercive measures or penalties may be applied to them if they do decline. Art. 44(1).	Not applicable.
Sending State authorities requiring evidence of a consular officer are to avoid interfering with the performance of his functions. Art. 44(1).	Not applicable.
Consular post members are under no obligation to give evidence concerning matters connected with the exercise of their functions or to produce official correspondence and documents relating to them. They are entitled to decline to give evidence as expert witnesses regarding the law of the sending State. Art. 44(3).	Same. Art. 58(2).
Sending State may waive any of the privileges and immunities provided for in Arts. 41, 43, and 44. Art. 45.	Same. Art. 58(2).

Career consular officers	Honorary consular officers
Consular officers and employees and family members forming part of their households are exempt from all receiving State requirements regarding alien registration and residence permits; this waiver not applicable to consular employees who are not permanent employees of the sending State or who carry on private gainful occupation in the receiving State or to any family member of such employees. Art. 46.	Officers, except those who carry on professional and commercial activities for profit in the receiving State, to be exempt from receiving State requirements governing alien registration and residence permits. Art. 65.
With regard to services rendered for sending State, consular post members exempt from receiving State obligations governing work permits for foreign labor; members of the consular officers; and consular employees' private staffs also so exempt, if they do not carry out any other gainful employment in the receiving State. Art. 47.	Inapplicable.
Members of the consular post, with respect to services rendered by them for the sending State, and members of their families forming part of their personal households, are exempt from receiving State social security requirements. This also applies to private staff of above if they are not nationals or permanent residents of the receiving State and are covered by social security in the sending State or a third State; where private staff exemption does not apply, employers to observe receiving State social security provisions imposed on employers. Art. 48.	Inapplicable.
Consular officers and employees, and members of their families exempt from all taxes except: indirect taxes normally incorporated in the price of goods and services, taxes on private income having its source in the receiving State and capital taxes relating to investments made in the receiving State, taxes on private immovable property located in the receiving State, estate, etc. taxes, and duties on transfers, charges for specific services rendered, and registration, court or record fees, mortgage dues and stamp duties. Service staff exempt from taxes on their wages. Art. 49.	Officers exempt from all dues and taxes on the remuneration and emoluments they receive from the sending State for exercising their consular functions. Art. 66.
Receiving State to permit entry of and adopt grant exemptions from all customs duties, taxes, and related charges, on (a) articles for official use of the consular post and (b) articles for the personal use of a consular officer or members of his family forming part of his household. Consular employees to enjoy same privileges with regard to articles imported at the time of first installation. Personal baggage accompanying consular officers and family members exempt from inspection unless there is serious reason to believe it contains unofficial articles or articles whose import or export the receiving State prohibits or which it quarantines. Art. 50.	Receiving State to permit entry of, and grant exemption from all customs duties, taxes and related charges for following articles, provided they are used for official use of consular post: coat-of-arms, flags, signboards, seals and stamps, books, official printed matter, office furniture, office equipment and similar articles supplied by or at the instance of the sending State to the consular post. Art. 62.
In the event of the death of a consular post member or of a member of his family, the receiving State is to permit of the export of the deceased's movable property and not to levy any national, regional or municipal estate taxes or duties on transfers on movable property located in the receiving State on account of the deceased's presence there as a consular officer or family member thereof. Art. 51.	Not applicable.
Consular post members and their families exempted from all personal services, public services, and military obligations otherwise required by the receiving State. Art. 52.	Only honorary consular officer so exempted. Art. 52.
Convention privileges and immunities to be enjoyed from moment consular post member enters the receiving State's territory, or, if already in its territory, from the moment he takes up his duties at the consular post; when his consular functions end, privileges and immunities end when officer leaves the receiving State or upon the expiry of a reasonable period of time, whichever sooner; permanent immunity with respect to acts performed in exercise of his functions; special provisions for family members. Art. 53.	Same. Art. 58(2).
Third States, through which the officer passes or in which he finds himself while proceeding to take up, return to, or leave post, to accord him all the immunities provided in the other Convention articles as required to ensure his transit or return; same applies to officer's family members. Art. 54(1).	Inapplicable.
Third States not to hinder the transit of other consular post members or members of their family. Art. 54(2).	Inapplicable.
Third States to afford protection to official correspondence and other official communication; inviolability and protection afforded to consular couriers. Art. 54(3).	Same. Art. 58(2).
Consular officers have the duty to respect receiving State laws and regulations. Art. 55(1).	Same. Art. 58(2).
Consular premises not to be used in manner incompatible with consular functions. Art. 55(2).	Same. Art. 58(1).
Above paragraph not to limit or prevent placing officers of other institutions and agencies in part of the building in which the consular premises are situated, provided they are separate from the post. Art. 55(3).	Same. Art. 58(1).
Consular post members to comply with receiving State laws and regulations regarding insurance against third party risks. Art. 56.	Inapplicable.

Career consular officers	Honorary consular officers
Career consular officers not to carry on for personal profit any professional or commercial activity in the receiving State. Art. 57(1).	Inapplicable.
Inapplicable.	Exchange of consular bags between two consular posts headed by honorary consular officers in different States is not allowed without the consent of the two receiving States concerned. Art. 59.
Inapplicable.	Each State free to decide whether it will appoint or receive honorary consular officers. Art. 68.

JEANNE JAGELSKI,
Legislative Attorney, American Law Division.

Mr. MATHIAS. Mr. President, I think the Senator from Illinois is right, but the immunities are not what are at question here. It is the location of the offices, and the bill would give the location of the offices to the Department of State.

Mr. PERCY. Well, the location, that is the designation of a city, that is true. That is always done on a reciprocity basis, bargaining as to where we are going to have them in their country and where they are going to have them here. But once the designation has been made that Baltimore can have a consulate, for instance, then the location where it is located in Baltimore is decided by the city of Baltimore and is not decided by the Department of State. But what this bill does is affect locations affected right here only in Washington, D.C.

I wanted to merely answer the claim that this bill would involve any preemption of State or local laws or regulations. It simply has no basis in fact and it is an inaccurate statement and interpretation of the act and the intention of its sponsors. Absolutely nothing in the act provides for Federal involvement in any local procedure, with the sole exception of the Nation's Capital, in which there is a special Federal involvement and interest.

Mr. President, the key issue, really, in section 206 is whether to achieve a balance between Federal and municipal concerns on a matter which impacts the Federal interest or retain the status quo in which municipal actions are taken without balancing national security interests.

There is a clear Federal concern as to both the location and size of Federal Government operations in our country. This is especially the case in the Capital. Washington is not like other cities. There are obligations involving the Federal Government. Chancery facilities of foreign governments accredited to the United States are special facilities with security, communication, and representation requirements that are very different from other types of institutional or office uses.

Arrangements made for these governments in Washington directly affect U.S. interests abroad. The great majority of these government missions are relatively small in size which, together with the special security requirement involved, often require location in low density mixed use areas. They also need to be increasingly concentrated so that limited Federal protection resources can provide security. A combination of these factors results in an impact on only a few areas of the District of Columbia.

Section 206, as reported by both the Foreign Relations and Governmental Affairs Committees, would limit these uses to mixed use areas which already contain mixtures of institutional, residential, or commerical uses, and would not permit chancery locations in any area which is residential only.

That limitation is, in fact, an improvement on the existing regulations. In addition, while there is a need to assure that the Federal impact and national security concerns involved are part of the process, which is not now the case under municipal procedures, the proposed new District of Columbia Foreign Missions Commission could by statute apply only to all the normal criteria used in existing zoning procedures.

There is no carte blanche under this proposal for chancery locations. It will be permitted only in areas which have other such uses. They will not be permitted in areas which are only residential. The type of development permitted will be controlled as is the case under existing regulations.

This is a point of importance and interest to a great many residents of Washington, D.C. Certainly, if an area is zoned for commercial and residential or mixed usage, if a commercial building goes up there can be no objection. I can see no reason there should be an objection if a building called a chancery which is used in a sense for similar purposes, for office usage—they are not engaged in industrial usage, they are not polluting the air—would have the same impact on the community that a particular other facility that would be approved, an office building, would have.

Therefore, in an area that is zoned only for residential there is no change whatever in our bill. It stays residential. A chancery cannot go in.

Mr. RUDMAN. Will the Senator yield for a question at that point?

Mr. PERCY. Yes, I yield.

Mr. RUDMAN. The document that we have all been using during the course of our hearings before the Foreign Relations Committee and the Governmental Affairs Committee indicates that that blue area shown on the chart, and the so-called matter of right, the red area, would be the area in which exception must be sought before the Zoning Commission.

Would the distinguished chairman advise me whether or not he finds anything wrong with the record from June 1979 to the present date of 11 of 12 of those special exceptions being granted, and why that seems to be an adequate performance?

Mr. PERCY. Mr. President, I ask unanimous consent that I may have printed in the RECORD the case history of the number of cases that clearly had an adverse impact on our national interest because of the present procedures.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Case Histories: Municipal authorities have taken a negative position on this federal issue since 1978:

In 1977, the National Capital Planning Commission (NCPC) adopted the "Foreign Missions Element" of the Comprehensive Plan for the National Capital, which was generally supported by the State Department and was approved by representatives of the Mayor, the City Council, and House and Senate District Committees, who are all represented on NCPC. This Plan provided for areas in which diplomatic missions could be located as a matter-of-right, which is one key to a resolution of this problem. Municipal authorities, as required by law, then proceeded to adopt regulations to implement the NCPC plan.

(1) Notwithstanding the NCPC plan and the important federal interest and international obligations involved, the District Zoning Commission in 1978 adopted zoning regulations which, while providing for diplomatic zones (so-called "D" zones) nevertheless abolished the NCPC plan for matter-of-right areas (except for areas which are generally unacceptable to the federal side because of security reasons), and imposed instead a type of "special exception" procedure, in which significant burdens are placed in front of any potential chancery user. (In land use practice, special exception procedures are traditional devices to inhibit land uses). Chanceries became disfavored uses in most zoning Districts even where technically permitted, and were even excluded from certain zones which otherwise

permit as a matter of right a wide variety of institutional or commercial uses.

The issuance of these restrictive regulations sent an obvious negative message to city zoning administrators, and has remained a major problem.

(2) The City Council then proceeded in 1979, notwithstanding serious concern expressed by the State Department as to the negative impact on the federal interest, to adopt restrictive city law approved by the Mayor, which would have seriously impaired the federal interest. The bill would have effectively permitted locations for chanceries only in areas which are often unacceptable for security reasons, such as higher density residential or commercial zoned areas. Congress thereafter in 1979 passed its first into a city law under the existing Self-Government Act, by disapproving the city bill.

(3) The Case Record: Individual cases, where necessary, are decided by the DC Board of Zoning Adjustment under the zoning regulations (with certain exeptions), or returned to the Zoning Commission if application is made to amend the regulations.

After issuance of the anti-chancery zoning regulations of 1978, and prior to the Congressional veto of the city bill in December 1979 three important test-cases under the new regulations occurred involving major countries directly on Embassy Row. All three involved minimal local impacts. Two (Bangladesh and Iran) were denied on narrow grounds and the third, (Saudi Arabia) was finally approved after lengthy and hostile hearings, but abandoned by the Saudi Government as a result of the process.

All three involved significant USG concerns, both in the United States and abroad. The local impacts in each case would have been minimal, especially when viewed against the obligation of the United States to facilitate the operation and security of these missions.

Since that time, other cases have proceeded, which have not been of comparable significance either as to location or impact on USG interests, and while approved by the municipal zoning authorities, have in no way relieved the Administration's need to obtain a balanced system.

REVIEW OF BOARD OF ZONING ADJUSTMENT BZA AND ZONING COMMISSION (ZC) CASES INVOLVING FOREIGN GOVERNMENTS

B.Z.A. 12822 Bangladesh—2501 Massachusetts Ave., N.W. (D/R-1-B District).

Application filed: October 12, 1978.

Order Issued: June 22, 1979.

Denial on technical grounds, several parking spaces short, etc., under Article 46 of zoning regulations ("D" zones). Parking (4 or 5 spaces) was alternatively to be provided in the rear facing rear yards of residential users. The Board denied the application, notwithstanding other institutional uses in the immediate area. The State Department has expressed concern as to the importance of locating Bangladesh and the minimal impact of the proposed use, and is of the view that on balance the national interest clearly should have been weighed as against minimal impact on the several nearby residential opponents.

B.Z.A. 12826 Saudi Arabia—2929 Massachusetts Ave., N.W. (D/R-1-A District).

Application filed: October 24, 1978.

Order Issued: November 9, 1979.

Government withdrew after order granted following long delay and Board ruled that application would not be considered as special exception, but would be governed by Section 4603. Board also ruled that gross floor area of the chancery shall include the total amount of space used by the government including all supportive and accessory uses as well as residential space, even though the Regulations provide that only space to be used by the chancery is governed by Article 4603. Saudi Government already occupied part of lot and resulting extension of use would not have created significant impacts.

Z.C. Case No.—Iran—30th Street, N.W. (D/R-1-A District).

Application filed: November 17, 1978.

Order Issued: September 13, 1979.

Zoning line drawn by Commission through the middle of adjoining lots owned by Iran, part of which were already used for chancery. Application was to include additional carriage house existing on lot for chancery use. Zoning Commission denied, and included in its Findings of Fact comments on changes of Iranian Government. State Department believed it is not the purview of the municipality to determine whether foreign government status is acceptable or whether its intended official uses are adequately explained.

D.C. Bill 3-120 further limiting chancery locations, adopted by City Council October 1979, and approved by Mayor. This municipal bill was vetoed by Congress December 1979.

(The District Bill would have seriously impaired the federal interest, by effectively limiting chanceries only to areas often unacceptable for security reasons—high density commercial and apartment zones.)

B.Z.A. 13166 Italy—2800 Albermarle Street, N.W. (R-5-C District).

Application filed: December 18, 1977.

Order Issued: April 21, 1980.

Location already specifically approved in 1977 by NCPC Plan, and Zoning Commission. Preliminary approval February 8, 1978. Application for further processing of a Planned Unit Development to determine whether compliance with Zoning Commission Order (under Section 7501.4 of the Regulations). No procedural or major substantive problems were encountered in the processing of the application. The entire PUD process nevertheless took over thirty months. (A private developer could have constructed over 100 residential sites under existing zoning on the same estate site without undergoing the process imposed on chanceries).

B.Z.A. 13361 Indonesia—2020 Massachusetts Ave., N.W. (D/C-2-A District); 2025 P St., N.W. (SP-1 District).

Application filed: August 8, 1980.

Order Issued: February 5, 1981.

Parking and landscaping were the focus of the Board.

B.Z.A. 13313 Venezuela—2712—32nd Street, N.W. (R-1-A District).

Application filed: June 4, 1980.

Order Issued: October 6, 1980.

No basic chancery use issue involved. Application requested a variance from side yard requirements to permit a carport to the Embassy building. It was not processed under Article 46 since no chancery use was involved.

B.Z.A. 13459 Singapore—1826 R Street, N.W. (R-5-B District).

Application filed: February 3, 1981.

Order Issued: July 6, 1981.

The Board again ruled in this case that the application be processed under Article 46 and not as a special exception. Expansion to adjacent property within approved District. A preliminary matter was raised as to whether the owners of the property must be present at the hearing in addition to a representative of the Government of Singapore, the contract owner. The Board ruled that a letter of authorization from the contract owner was sufficient.

B.Z.A. 13517 Philippines—1300 Bataan Street, N.W. (SP-1 District).

Application filed: April 28, 1981.

Order Issued: July 27, 1981.

Problem encountered as to whether application should be subject to review under Article 46 as property was located exclusively in SP-2 District and, therefore, standards of Section 4101.44 were also applicable. Board treated application solely as a special exception under 4101.44. Issue was raised as to the amount of parking that should be required under the Zoning Regulations. The B.Z.A. imposed a condition that a greater number of spaces be provided even though fewer spaces are normally required for all other office uses in the SP-2 zone.

B.Z.A. 13137 Gambia—1785 Massachusetts Ave., N.W. (SP-2 District).

Application filed: November 15, 1979.

Order Issued: April 21, 1980.

Application to use part of fourth floor of building in SP-2 District as Gambian Chancery was granted by the Board as pursuant to Section 4101.44. Only problem encountered was citizen opposition claiming that chanceries should be placed in commercial zones. Board did not concur.

B.Z.A. 13532 France—2905 Reservoir Road, N.W.

Last Application filed: May 29, 1981.

Order Issued: October 15, 1981.

Site already approved by NCPC in 1977 approved by Zoning Commission December 8, 1977 and February 8, 1979. B.Z.A. action to assure comformity.

B.Z.A. 13642 Cape Verde—3415 Massachusetts Ave. N.W

Application filed: September 9, 1981.

Order Issued: December 12, 1981.

Parking issue considered.

Of the cases following the congressional veto of December 1979 and the subsequent introduction of a foreign missions bill, later revised as S. 854 and H.R. 4814, some involved a Board review for compliance with conditions placed on locations already approved by the Zoning Commission, or a minor adjustment such as an extension of a carport. The remaining cases did not involve major location issues. This is neither a record establishing substantial accommodation of major federal agency concerns nor of difficult cases involved.

COMPROMISE SECTION 206

Section 206 of S. 854, either in its original form as introduced in the House and Senate, or as enacted by the House in a compromise version in H.R. 4814 (the Fascell-Dellums House compromise), provides for a balance of federal as well as municipal interests.

This balance must include regulatory criteria and a process which ensures recognition of both federal as well as local impacts, and which includes appropriate federal as well as municipal representation.

The compromise Section 206 differs from the provision originally introduced principally by establishing a new Foreign Missions Commission of the District of Columbia, and thereby retaining jurisdiction in the municipal government, instead of vesting authority in the National Capital Planning Commission.

District authorities are disinclined to accommodate this federal interest, notwith-

standing the limited impact on the District. If the compromise is not acceptable to the Congress, the alternative for the Administration is to return to the original concept of Section 206, which would vest authority in some federal agency. The alternative to the present compromise, therefore, may be an up or down vote on the floor on separate non-compromise bills. This could resolve the State Department's problems, but is not necessarily the best solution.

We believe on balance that the House compromise Section 206 is a reasonable solution to a problem which will not remain status quo.

Mr. PERCY. These are examples of why, in frustration, the administration has now asked for this authority in this act to be printed in the RECORD.

Mr. HARRY F. BYRD, JR. Will the Senator yield for a question?

Mr. PERCY. I am happy to yield.

Mr. HARRY F. BYRD, JR. In that list, does it contain the new Russian Embassy?

Mr. PERCY. No, there is no listing in that particular list of the new Russian Embassy because that has not been a matter of dispute between the District of Columbia and the Zoning Commission and the Soviet Union at all. That land, as the Senator properly pointed out, was owned by the Federal Government. Therefore, the Federal Government could do what it wanted with that land.

Mr. HARRY F. BYRD, JR. The Senator mentioned cases of adverse impact on our national security interest.

In the Senator's judgment, as chairman of the Foreign Relations Committee, does giving to the Soviet Union the location that it now has impact adversely on our national security interest?

Mr. PERCY. As the Senator from Illinois said earlier, I would doubt that if this bill had been in effect, whether that deal would have ever gone through.

Mr. HARRY F. BYRD, JR. Is the Senator saying that that deal, as he expressed it, and I will express it the same way, has an adverse impact on our national security interest? He seems to be saying that.

Mr. PERCY. As the Senator has pointed out, it is a high area. We are all well aware of the tremendous impact that height gives in surveillance. that is one of the most desirable areas that anyone might want to have if they intend, as many embassies do, including the Soviet Embassy, to have surveillance measures.

Mr. HARRY F. BYRD, JR. Yet our State Department made that deal with the Russians despite the fact that, as the Senator from Illinois indicated, it could have an adverse impact on our national security interest. I assume that the Senator from Illinois feels that it does indeed have an adverse impact on our national security interest. I do not want to put words in his mouth. He can answer that himself.

Mr. PERCY. I would imagine that the American Embassy—I will ask the Senator from Maryland whether or not the chancery in Moscow is up on a hill, is elevated. We all know the advantage if we have a television antenna on our house. The higher you can get, the better the reception. Are we on flat land in Moscow and are they on a hill in Washington?

Mr. MATHIAS. May I answer on the time of the Senator from Illinois?

Mr. PERCY. Yes.

Mr. MATHIAS. The site for the new embassy facilities in Moscow is adjacent to the present facilities, with which the Senator is familiar. It is between the present facilities and the Moscow River so it is not on any elevated hill.

The Senator mentioned that there were three cases in which the local zoning authorities did turn down the applications. I think we ought to know there were two denials. The BZA denied the application of Bangladesh. The District of Columbia Zoning Commission denied the application of Iran. I do not think there was a serious challenge to the national security interest in those cases.

In every one of the cases decided after those two cases, which, incidentally, came along very promptly after the new system had been adopted with the concurrence of the Department of State, every one of the succeeding cases have been decided in favor of the applicant. So I do not see how there can be any claim that the current system has been unresponsive.

Mr. President, I ask unanimous consent to include a comment from the Zoning Commission of the District of Columbia with reference to the handling of these cases.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DISTRICT OF COLUMBIA GOVERNMENT,
ZONING COMMISSION,
Washington, D.C., March 25, 1982.

Hon. CHARLES MCC. MATHIAS,
Chairman, Subcommittee on Governmental Efficiency and the District of Columbia, U.S. Senate, Washington, D.C.

DEAR SENATOR MATHIAS: The Zoning Commission is in receipt from your office of the additional material submitted to you by the State Department. On behalf of the Zoning Commission and Board of Zoning Adjustment, I am pleased to respond to some of the issues raised in that statement, as follows:

1. The Department of State alleges that "Existing municipal policy and regulations . . . do not result in a balancing of the federal interest with local concerns . . ." The Zoning Commission and BZA believe that is simply not true. The present regulations obviously do not go as far as the State Department would prefer in allowing chanceries to locate in certain areas without review by the Board of Zoning Adjustment. However, the present regulations clearly do balance federal interest concerns with local concerns. No other office use is permitted in many of the areas where chancery offices are permitted. Furthermore, the Board is required to solicit the impact of the National Capital Planning Commission and the Department of State on applications that are filed. Lastly, the members of both the National Capital Planning Commission, which prepared the Foreign Missions element, and the Zoning Commission, which implemented it, consists of a balance of local and federal members.

2. The Department of State argues that chanceries "are usually lower-density institutional land uses which for security and representational purposes are normally required to be located in separate and individually controlled structures." The Department has also argued that the Zoning Commission has been unduly restrictive in not allowing chanceries to locate in certain neighborhood oriented commercial districts. These arguments appear to be inconsistent. Furthermore, allowing chanceries in many low density office districts would clearly be inconsistent with the Foreign Missions element.

3. The Department of State argues that the location of chancery impacts on local concerns are small while the corresponding impact on the federal interest is "considerably greater." The Commission and Board are unable to understand this rationale. Clearly, the impact on a neighborhood of a small chancery is likely to be considerably different from a larger chancery. That is precisely the reason that the BZA review was established.

4. The overall record of the treatment of chancery applications that have been considered is one that reveals a generally favorable pattern of disposition on the part of the Board. As has been stated previously, of twelve cases filed, eleven have been heard and decided; one has been delayed at the request of the government. Of the eleven heard, ten were granted and one was denied.

5. The Department of States' characterization of the difference between the NCPC plan and the zoning regulations eventually adopted overstates the issue. The NCPC has formally gone on record stating that the Zoning Commission's regulations did in fact implement the plan. Further, neither the NCPC nor the Department of State ever formally asked the Zoning Commission to amend the adopted regulations.

6. The Department of States' characterization of the approval process for chanceries in Diplomatic and Special Purpose District puts a much greater negative image on the process than it really has. A use permitted with BZA approval is not one that is disfavored; it is one that is deemed compatible with the predominant purpose and character of the zone, but that potentially could have impacts that would be unacceptable if the actual operating conditions of the use were not considered and mitigated, if necessary.

7. The Department of State correctly notes that there were three cases considered shortly after the adoption of the Diplomatic District Regulations. The Board and Zoning Commission gave extensive consideration to all three. In the case of Bangladesh, the Board was forced to balance the concerns of the local versus national interests. It was not an easy matter for the Board, and the Department's view that the federal interest "clearly" should predominate is just not warranted by the facts. In the case of Saudi Arabia, this matter again required balance, and in this case, the balance was weighted toward the applicant. Again, the gloss that

the Department applies just is not supported by the facts. The case was delayed initially on the agreement of the applicant, the Board determined to make a personal field inspection of the property (an unusual event), and the Board spent many months debating and resolving issues. In the case of Iran, the Department alleges that it is not within the purview of the Zoning Commission to determine whether "intended official uses are adequately explained." On the contrary, if the Department expects a true balancing of local and federal interests to occur, then all parties must state and support their reasons for taking a position. Only then can the balance be struck.

8. The Commission and Board note that after these three initial cases were decided, all of the remaining applications have been processed promptly and in the favor of the applicant. It should be noted that there will always be a shakedown period after the adoption and implementation of new regulations, and it should be expected that if the Foreign Missions Commission is created, it will likely experience such a period also.

9. As to the actions of the District of Columbia Council in creating Bill 3-120, which attempted to limit the authority of the Zoning Commission in determining the proper location of chanceries, both the Zoning Commission and Board of Zoning Adjustment appeared and testified before the appropriate Committees of the Senate and House of Representatives in opposition to that bill.

I appreciate the opportunity to respond to the issues noted in the Department of State's submission. If you have any further questions, feel free to call the Zoning Secretariat at 727-6311.

Very truly yours,

WALTER B. LEWIS,
Chairman.

Mr. HARRY F. BYRD, JR. Mr. President, I should like to say I think it was outrageous for the State Department of our Government to permit the Russians to build an embassy on just about the highest piece of property in the city of Washington, D.C., giving it superior opportunity for intelligence communications in our Capital City. I think that that decision could very well have an adverse impact on our national security interests.

Mr. President, I am using those words because those were the words used by the able Senator from Illinois in an earlier comment.

Mr. PERCY. Mr. President, I thank my distinguished colleague for his comments. As I say, if this act had been in being at the time the negotiations were undertaken with the Soviet Union, I doubt that that property would have been released or would have had to be released.

Mr. HARRY F. BYRD, JR. Of course, that is conjectural, Mr. President. I think the opposite argument could be made, because the CIA, my information is, objected to the deal made by the Department of State. I understand that that decision was made at the highest level of our National Government.

Mr. PERCY. Mr. President, the guidelines that have been adopted by amendment today would certainly have prevented that.

I ask unanimous consent to have printed in the RECORD at this point a letter dated April 26, 1982, to HOWARD BAKER from Secretary of State Alexander Haig. I shall read one section pertaining to section 206.

Section 206 represents a proper balance between Federal and District of Columbia interests. The compromise language was achieved through congressional and District deliberations, and is a critical element of the legislation.

In other words, defeat of the Mathias amendment and passage of the bill as reported out by the Committee on Governmental Affairs and the Committee on Foreign Relations is critical, as the Secretary of State says—a critical element of this legislation.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF STATE,
Washington, D.C., April 26, 1982.

Hon. HOWARD H. BAKER, Jr.,
Majority Leader, U.S. Senate,
Washington, D.C.

DEAR HOWARD: The Administration strongly supports prompt passage of the Foreign Missions Act, S. 854, as reported from the Senate Committee on Foreign Relations and the Senate Committee on Governmental Affairs. The bill, S. 854, gives authority to the Secretary of State to regulate the activities of foreign missions in the U.S. on the basis of reciprocity and national security. It is an important diplomatic initiative which clearly meets foreign policy and national security concerns.

The significant Federal interest stemming from our international obligations, necessitated a compromise regarding the location of chanceries in the Nation's Capital. Section 206 represents a proper balance between Federal and District of Columbia interests. The compromise language was achieved through lengthy Congressional and District deliberations, and is a critical element of the legislation.

The bill does not provide for direct participation by the Secretary of State in any land-use process in any municipality or State, except the District of Columbia as the Nation's Capital. If approval is granted by the Secretary to a foreign mission to acquire space in any State in the United States, that jurisdiction has full control over its land-use process and any decisions with regard to such locations.

I urge prompt and favorable action on S. 854 as reported, without amendment.

Sincerely,

ALEXANDER M. HAIG, Jr.

Mr. HARRY F. BYRD, JR. Of course, Mr. President, the Government did not have to sell, anyway. The Government had the final decision. No one forced the Government to sell. The Government sold because the negotiators wanted to sell. The Senator said if this legislation had been in effect in 1969, it could not have happened. Does this legislation take away from the President of the United States the decision?

Mr. MATHIAS. Will the Senator yield, just because of the question of whether or not the Government was in a straitjacket? I think it was an important one. There were 34 acres up on Connecticut Avenue, the old Bureau of Standards site, which the Senator from Virginia well knows. There was not only one piece of property that we were dealing with. There were 34 acres on Connecticut Avenue. They could have carved out 10 of that. Some of that is still vacant up there. Some still has not been built on.

There were a lot of alternatives to this deal, Mr. President.

Mr. HARRY F. BYRD, JR. Mr. President, may I ask the Senator this? There are far more than 34 acres of Government property in the District of Columbia. There are many areas.

Mr. MATHIAS. There are many. I just mentioned one to be specific.

Mr. HARRY F. BYRD, JR. And there are many other areas that could be utilized for such a facility.

Mr. PERCY. I thank my distinguished colleague for his question.

Mr. President, I should like to close my comments and yield back my time. I ask unanimous consent to have printed in the RECORD at this point a letter dated April 26, 1982, from Charles Whitehouse, president of the American Foreign Service Association, an association of about 11,000 Foreign Service officers. I read in part:

Section 206 as reported out of the Senate Foreign Relations Committee and Governmental Affairs Committees (and as passed by the House) represents a compromise to ensure a balance of federal and District of Columbia concerns in decisions on the location and activities of foreign missions in the nation's capital. It redresses the present imbalance of exclusive District Zoning Commission jurisdiction by according the federal government a limited role in the decisions of the Foreign Missions Commission (to be created as an independent agency of the District of Columbia) to ensure "adequate and secure facilities for foreign missions in the nation's capital". With 901 terrorist attacks against U.S. officials and facilities abroad since 1968, the District Zoning Commission cannot be left in exclusive control over the locations and activities of chanceries in the nation's capital without concern for the potential impact on our own personnel serving abroad. Section 206 as reported out of Committee represents a fair compromise between the District of Columbia and the legitimate interests of the federal government and those of us who serve it abroad. We urge you to support Senator Percy in his effort to ensure that Section 206 is not diluted.

Mr. President, certainly, anyone would recognize that the pending amendment does dilute the intent and purpose of section 206.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN FOREIGN SERVICE ASSOCIATION,
Washington, D.C., April 26, 1982.

DEAR SENATOR: On behalf of the 11,000 members of the Foreign Service in the Department of State and the Agency for Inter-

national Development whom we represent, and who themselves come from every state in the Union, the American Foreign Service Association (AFSA), strongly supports S. 854. Except for amendments agreed to by Senate Foreign Relations Committee Chairman Percy, the floor manager, AFSA supports this bill as reported out of both the Senate Foreign Relations Committee and the Governmental Affairs Committee, and passed by the House of Representatives as part of H.R. 4814.

The bill will enable the United States government to increase the protection of its Foreign Service personnel and improve the general treatment of United States officials serving abroad, as well as promote national security. At present, the United States is severely constrained in its ability to redress imbalances in treatment accorded U.S. missions abroad and that accorded foreign governments here. If the United States is to be able to effectively protect its personnel serving abroad against discriminatory treatment in areas of security, housing and essential services and facilities, it must be able to respond in kind to this practices discrimination.

Sections 206 and 207 of the bill are likely to be the subject of floor debate. AFSA urges you to support the position of the floor manager, Senator Percy, in both cases.

Section 206 as reported out of the Senate Foreign Relations Committee and Governmental Affairs Committees (and as passed by the House) represents a compromise to ensure a balance of federal and District of Columbia concerns in decisions on the location and activities of foreign missions in the nation's capital. It redresses the present imbalance of exclusive District Zoning Commission jurisdiction by according the federal government a limited role in the decisions of the Foreign Missions Commission (to be created as an independent agency of the District of Columbia) to ensure "adequate and secure facilities for foreign missions in the nation's capital". With 901 terrorist attacks against U.S. officials and facilities abroad since 1968, the District Zoning Commission cannot be left in exclusive control over the locations and activities of chanceries in the nation's capital without concern for the potential impact on our own personnel serving abroad. Section 206 as reported out of Committee represents a fair compromise between the District of Columbia and the legitimate interests of the federal government and those of us who serve it abroad. We urge you to support Senator Percy in his effort to ensure that Section 206 is not diluted.

Section 207 is intended to confer on federal authorities a veto over the granting of rights and privileges to foreign missions outside of the nation's capital. It is designed to ensure that foreign missions outside of the nation's capital will not be accorded treatment better than that which they grant our personnel in their own countries. Senators Percy and Durenberger will offer a technical amendment making unambiguous the intent that the federal government may in no way interfere to confer privileges which the states or localities themselves opt to deny. AFSA supports this amendment.

This bill provides the necessary leverage for the United States to protect the interests of our missions and official personnel abroad. We understand S. 854 will be scheduled for floor action very soon, and urge your support for undiluted enactment of this long overdue foreign relations and national security measure.

Sincerely,

CHARLES S. WHITEHOUSE,
President.

Mr. PERCY. Mr. President, I am prepared to yield back the remainder of my time if the distinguished sponsor of the amendment, a very distinguished member of our committee, is ready. Very seldom have we had a difference of opinion. It is almost refreshing to find ourselves on opposite sides on this issue. Nonetheless, it is distressing to me that we have not been able to work out a compromise between us, but I do feel the original section 206 is a fair and balanced compromise. Therefore, I shall resist the amendment by the distinguished Senator from Maryland.

Mr. MATHIAS. Mr. President, the very distinguished chairman of the Committee on Foreign Relations has said that he regrets that he and I have not been able to reach a compromise. I am equally sorry about that, because this is the kind of debate that really is not necessary, given the other important matters that crowd the agenda of the Senate. But he continues to describe the bill that is pending as a compromise. I have some difficulty with understanding who is compromising with whom.

Mr. President, the matter has never been subject to a rollcall vote in the House. I think it really looks very close to the original proposal of the Department of State in its primitive form, rather than as honed and polished by any compromise.

The proposal to create a federally dominated Foreign Missions Commission in the District of Columbia, to rezone the city for one special purpose, that purpose being chanceries, the business offices of foreign governments, would be a step backward for the limited home rule authority vested by the Congress in the District of Columbia in 1973.

It would be a regressive step for such a hard won victory for the District of Columbia.

The League of Women Voters of the District of Columbia has noted that the home rule government of the District of Columbia has been in existence less than 10 years, a very short time as governments go. That is a short time, Mr. President—a short time since Congress finally hammered out the Home Rule Act of 1973.

I can recall very clearly the old, three-Federal-commissioner form of government over the District of Columbia which preceded the present Mayor-City Council. These three Federal commissioners ran the show in the District and were the overseers of all the municipal functions.

The 700,000 residents of the District had very little say in how the city was run. Today, with limited home rule, residents have limited voting rights. They elect their Mayor and Council, and they vote for President. But, unlike residents of other cities, they do not have a voting representative in Congress; so they have no one who speaks directly for them today.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator from Illinois yield for a brief question?

Mr. MATHIAS. I believe I have the floor, and I am happy to yield.

Mr. HARRY F. BYRD, JR. I ask the Senator from Illinois this question: How many nations have facilities in Washington, D.C.?

Mr. PERCY. About 150.

Mr. HARRY F. BYRD, JR. I thank the Senator.

Mr. MATHIAS. Mr. President, a resident of the District of Columbia once said: "Every Member of Congress takes care of the needs of his constituents, but we are the constituents of no one. We are the constituents of no one."

I do not think it reflects any great credit on either ourselves or our predecessors here that that statement was made in 1815, but it is as true today as it was in 1815.

So I am appealing to Senators here today to view this amendment as a home rule issue, both for the cities in other States affected by preemption and for their sister city and National Capital, Washington, D.C.

The only disfference, as I see it, between the District of Columbia preemption and the preemption of 213 other cities is that the bill does not create a Federal zoning board for the other cities as it does for the District of Columbia. It is home rule being preempted in this bill by sections 206 and 207, regardless of whether we are talking about Chicago, New York, San Francisco, Anchorage, New Orleans, Phoenix, Wilmington, Miami, Baltimore, Minneapolis, Las Vegas, Salt Lake City, Wheeling, Boston, or Washington, D.C.

Wheeling—yes, I see that the Senator from West Virginia pricked up his ears—Wheeling could be affected by this bill.

Mr. RANDOLPH. How could Wheeling be affected?

Mr. MATHIAS. They are preempted by the Federal Government, and specifically by the Department of State, if there is a consular office located in those cities. The local zoning authority could be affected.

Mr. RANDOLPH. Our first State capital in West Virginia was located in Wheeling, which, is located in the northern panhandle of our State. I have been there in the last 24 hours. I wish my friend from Maryland would join me and see the desolation that has set in on account of the economy in the country, including the steel

mills being shut down on both sides of the Ohio River.

I appreciate always his feeling of kindness toward West Virginia. We want him to enjoy Jefferson County at every opportunity—where Harpers Ferry, Shepherdstown, Charles Town, and other areas give him a feeling of strength week by week.

Mr. MATHIAS. I thank the Senator from West Virginia. Since he has raised the question of how this bill would impact on Wheeling, I submit at this time for the RECORD a list of the various States in which cities would be impacted. I ask unanimous consent that the list be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

CITIES WITH CONSULAR OFFICES

Alabama, Mobile, Birmingham, Montgomery.
Alaska, Anchorage, Juneau.
Arizona, Phoenix, Tucson, Scottsdale, Douglas, Nogales.
Arkansas, Little Rock.
California, Los Angeles, San Francisco, San Diego, Atherton, Concord, Culver City, Bakersfield, Berkeley, Burlingame, Beverly Hills, Burbank, Fresno, Hollywood, La Habra, Monterey, Oakland, Palm Springs, Pasadena, Long Beach, Sacramento, Santa Monica, San Mateo, San Jose, Santa Barbara, San Bernardino, San Fernando, San Gabriel, Stanford, Stockton, Calexico.
Colorado, Denver, Boulder.
Connecticut, Bridgeport, Norwich, Hartford, Greenwich, New Haven, Waterbury, Stamford.
Delaware, Wilmington.
Florida, Miami, Tampa, Jacksonville, Orlando, Ft. Lauderdale, Coral Gables, Ft. Pierce, Gainesville, Hollywood, Miami Beach, Panama City, Sarasota, South Miami, West Palm Beach, Lake Worth, Pensacola, Palm Beach, Key Biscayne, St. Petersburg.
Georgia, Atlanta, Savannah.
Hawaii, Honolulu, Kailua.
Idaho, Nampa, Boise.
Illinois, Moline, Belleville, Wheaton, Evanston, Chicago.
Indiana, Mishawaka, East Chicago, Ft. Wayne, Indianapolis, Evansville.
Iowa, Des Mones.
Kansas, Kansas City, Wichita.
Kentucky, Louisville, Lexington.
Louisiana, New Orleans, Baton Rouge, Lake Charles, Metairie, Lafayette.
Maine, Portland.
Maryland, Baltimore, Rockville, Annapolis.
Massachusetts, Boston, Springfield, Gloucester, Fitchburg, Fall River, Marlboro, New Bedford, Worcester.
Michigan, Detroit, Lansing, Grand Rapids, Hancock, Ishpeming.
Minnesota, St. Paul, Minneapolis, Duluth, Rochester.
Mississippi, Jackson, Gulfport.
Missouri, St. Louis, Kansas City.
Montana, Great Falls, Butte, Missoula, Billings.
Nebraska, Omaha, Lincoln.
Nevada, Las Vegas, Reno.
New Hampshire, Manchester.
New Jersey, Newark, Trenton, Orange.
New Mexico, Albuquerque, Santa Fe.
New York, New York City, Albany, Buffalo, Rochester, Yonkers.
North Carolina, Charlotte, Wilmington, Goldsboro, Raleigh.
North Dakota, Bismark, Fargo.
Ohio, Cleveland, Columbus, Ashtabula, Cincinnati, Oxford, Dayton.
Oklahoma, Oklahoma City, Tulsa.
Oregon, Portland, Astoria, Salem.
Pennsylvania, Philadelphia, Pittsburgh, State College, Wyndmoor, Easton, Harrisburg, Carnegie.
Rhode Island, Providence, Coventry.
South Carolina, Charleston, Lake City, Spartanburg.
South Dakota, Sioux Falls.
Tennessee, Nashville, Memphis.
Texas, Houston, Dallas, Galveston, Corpus Christi, Ft. Worth, Austin, Laredo, San Antonio, Amarillo, Abilene, Brownsville, San Juan, Port Arthur, Del Rio, Eagle Pass, El Paso, Lubbock, McAllen, Presido, Beaumont, Point Comfort, Prairie View.
Utah, Morgan, Provo, Salt Lake City.
Vermont, Burlington.
Virginia, Norfolk, Richmond, Alexandria, Newport News, Hampton.
Washington, Seattle, Pullman, Spokane.
West Virginia, Wheeling, Clarksburg.
Wisconsin, Milwaukee, Madison, Oshkosh.
Wyoming, Rock Springs.

Mr. MATHIAS. Mr. President, let me return to the case of the District of Columbia. Congress, in enacting the D.C. Home Rule Act, recognized that there was a special Federal interest in the Nation's Capital.

Congress also recognized a special obligation to the Nation's Capital because of the vast amount of land which the Federal Government occupies here, which is nontaxable, and the demands which the Federal presence and the related activity it attracts here place on municipal services, such as police, fire and highways. The heavy Federal presence in Washington attracts businesses seeking to do business with the Federal Government as well as be represented before Congress. It attracts visitors, both domestic and foreign, who come here to learn about our Government and our Nation's history in the various monuments, Government archives, and museums, and to consult the Government or Congress. And it attracts those seeking to redress their grievances at the seat of power.

There is no other American city with as many demonstrations, marches, parades, and all the kind of public participation that we observe here every day.

All of these activities exert a tremendous drain on the limited resources of the District Government. The burgeoning of nonprofit tax-exempt institutions and think tanks further depletes the city's tax rolls. As compensation for these extraordinary uses, Congress provides an annual payment in lieu of taxes to the District known as the Federal payment.

In the instance of land-use control, Congress, again recognizing the Federal interest in the District of Columbia, insured that that interest would be balanced in the composition of a number of boards and commissions. The Pennsylvania Avenue Development Corp. and the National Capital Planning Commission are two such examples.

In the case of the D.C. Zoning Commission, two of the five members by Federal statute are Federal representatives. They are the Director of the National Park Service and the Architect of the Capitol. Congress, in establishing the D.C. Zoning Commission in 1938, insured that the Federal interest would be represented. The Home Rule Act reaffirmed that membership composition.

I might interject here that the Architect of the Capitol is, indeed, a Federal employee representing the Federal interest. The State Department, in a curious formulation before the Subcommittee on Governmental Efficiency and the District of Columbia, attempted to characterize the Architect as someone other than a Federal member. Apparently, the Department does not believe the legislative branch is in fact, part of our Federal system. This may come as something of a surprise to my colleagues. But this is essentially what the State Department would have us believe—that the Architect of the Capitol is not really a Federal representative. Now some may have suspected the Department mistrusted the legislative branch, but that statement from the State Department witness at our hearing was a real eye-opener. I am sure it will come as news to Mr. George White that he is not part of the Federal Government.

What is equally disturbing about this section 206 proposal to create a Foreign Missions Commission in the District of Columbia is the implied mistrust on the part of the State Department of democratic processes and protections as spelled out in the Home Rule Act for the District of Columbia. Simply put, the State Department does not trust the D.C. government to do what it, the Department of State, wants to do in every instance with regard to locating chanceries of foreign governments, although as the record this afternoon has been made clear in the overwhelming number of instances, in fact, what has been desired by the Department has, in fact, been accomplished through local governmental processes.

Although the D.C. track record on zoning decisions favorable to foreign governments is virtually perfect, State nevertheless wants to cover all its bases. The Department proposes to do this by loading up the five-member D.C. Zoning Commission, composed of three Mayoral appointees; and two Federal appointees—the National Park Service and the Architect of the Capitol, with two more Federal members—the Department of Defense and the National Capital Planning Commission (NCPC). This results in a seven-

member Foreign Missions Commission with four Federal representatives and three District representatives. Adding insult to injury, the Department proposes, nevertheless, to call this federally dominated group a "District of Columbia" agency, hoping, apparently, that no one can count.

This Federal Commission is supposed to rezone the District for chanceries as a matter of right only. This would do away with the present D.C. Board of Zoning Adjustment review of individual chancery applications which propose to locate in residential neighborhoods for compatibility with those neighborhoods. The so-called "special exception" process of individual case review is a common procedure in zoning practice throughout the United States. Because chanceries are office uses, they do not, as a matter of right belong in residential neighborhoods.

The D.C. Board of Zoning Adjustment (BZA), which is different from the Zoning Commission, is also a five-member body containing Federal representation.

Three members are mayoral appointees, one is a representative of the National Capital and Planning Commission, and the fifth position is filled by rotating one member from the D.C. Zoning Commission. So, at some times, the Board of Zoning Appeals has one Federal member. At other times, it has two.

So the Federal interest is well protected on both zoning bodies.

Section 206 would have this Federal Foreign Missions Commission do again in 6 months what it took the National Capital Planning Commission, a Federal planning body, and the D.C. Zoning Commission several years to accomplish. And it would have to rezone the District for chanceries without requiring a public hearing to allow interested parties, including the residents of those neighborhoods most likely to be affected, to express their views—this in the greatest democracy in the world. I find it amazing that the Department would even suggest such a preemptive scheme, while at the same time professing the deep U.S. concern around the globe for democratic processes and representative governments.

In 1978, the District of Columbia Zoning Commission mapped sizable areas of Washington for chancery use, and this touches upon the very interesting questions that were raised by the Senator from Virginia (Mr. HARRY F. BYRD, JR.).

Those areas were of two kinds: Areas where chanceries could locate as a matter of right requiring no individual case review, and areas where they could locate if their individual site and building plan was approved by the Board of Zoning Adjustment. This special zoning was undertaken at the behest of the Department of State and in accordance with the "Foreign Missions and International Agencies" Federal element of the comprehensive plan adopted by the Federal planning body, the National Capital Planning Commission. I might note that both the Senate and House District Committees are represented on the NCPC.

This Diplomatic Overlay Zone, as it was called, was concurred with by the State Department. It provided generous areas of the city where foreign governments could locate their business offices.

That Diplomatic Overlay Zone has never been challenged in court by anyone, including foreign governments or the Department of State. The reason, of course, is quite simple. It works. It fully accommodates the needs of foreign missions for office space.

In addition, since 1968 there has existed a 34-acre International Center site in the District specifically set aside for foreign missions, especially those of developing nations unable to compete effectively for space suitable to their needs in the high cost Washington real estate market.

This site, at present, has leased space on a long-term basis—99 years or more—to 8 foreign governments. Nevertheless, potentially 26 1-acre sites still remain available for foreign mission use. Twenty-six potential sites for foreign chanceries are still sitting up there at Connecticut and Van Ness Streets 14 years after Congress authorized the use of this site by State for foreign governments.

One might reasonably ask: Where has the State Department been for the past 14 years as these smaller nations have been gaining U.S. recognition, sending missions, and seeking a place to do business and be properly represented in this greatest capital in the world?

Who has been escorting these developing countries through the governmental process of the United States and of the District of Columbia? Who has been letting them know that there is a secure and adequate site just waiting for them at the International Center? Who has been keeping unsuspecting foreign missions from falling prey to real estate interests and to those who may be seeking to advise them not only of District zoning laws but of diplomatic and national security policy?

I am afraid this is an element in this whole picture. It was identified as long ago as 1978 in the planning report which formed the background for the foreign missions element of the Federal comprehensive plan, and I quote:

> Another problem somtimes associated with Foreign Missions in the District of Columbia is the premature acquisition of land. This may be accomplished without prior consultation with the appropriate authorities to check the consistency of the location with all applicable plans, laws, and regulations. The premature acquisition may be based on the assumption by the Mission that the applicable plans, laws, or regulations will be modified to accommodate the use of the acquired site by the mission. Continuation of acquisition in this premature manner makes it difficult to insure implementation of the comprehensive plan.

So it seems clear to me that the Department of State has not fulfilled its duties and responsibilities to foreign governments in this regard. It would seem appropriate to me for the Department to focus its efforts on using the International Center site as its first priority for foreign governments seeking sites, particularly when so many of them are smaller nations with limited resources.

Throughout the hearings before both the House District Committee, the Senate District Subcommittee, and the Senate Foreign Relations Committee, the State Department has been unable to describe the nature of the problem which section 206 is supposed to address. There have been whispered fears about national security, but the Department has been less than forthcoming about these concerns.

Furthermore, the national security oversight of all State Department Actions with regard to foreign missions has been factored into this bill by the amendment just offered by the distinguished chairman of the Committee on Foreign Relations on behalf of several members of the Intelligence Committee so that the national security concern has been incorporated into this bill.

Mr. President, I yield 2 minutes to the Senator from California.

The PRESIDING OFFICER (Mr. WARNER). The Senator from California.

Mr. HAYAKAWA. Mr. President, I am voting in support of the amendment proposed by my distinguished colleague from Maryland, Senator MATHIAS, because of my very real concern and the concern of my State about the language in section 207 of the Foreign Missions Act.

I am very well aware of the statements by the State Department that section 207 will not preempt local land use codes. However, the ambiguity of the present language does, in fact, raise the possibility of such preemption.

I ask unanimous consent, Mr. President, that letters from the city of Los Angeles and from the attorney general of the State of California expressing this concern be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CITY OF LOS ANGELES,
Los Angeles, Calif., March 30, 1982.

Senator S. I. HAYAKAWA,
6217 Dirksen Senate Office Building
Washington, D.C.

DEAR SENATOR HAYAKAWA: In April of 1981, Senator Percy introduced a bill, S. 854,

which would establish an Office of Foreign Missions within the State Department for the purpose of regulating the activities and location of foreign missions in the United States. The bill was reported out of the Committee on Governmental Affairs on March 16th and is expected to reach the Senate floor by mid-April. The City of Los Angeles has difficulty accepting the bill as it was passed by the Committee because it leaves open the possibility that the City's home rule policy may be violated.

Of concern to Los Angeles is that its ability to enforce zoning laws, building codes and other local ordinances will be infringed upon by the bill's preemption provision. According to Section 207 of the bill, "no act of any Federal agency or of any state or municipal governmental authority shall be effective to confer or deny any benefits with respect to any foreign mission contrary to this title." Although the bill, in Section 206, makes provisions for compliance with District of Columbia building and related codes if they are not inconsistent with U.S. international obligation, no such provision is specifically accorded to any other state or local government.

Senator Mathias has proposed an amendment to the bill which addresses the issues of preemption versus home rule. The amendment states that nothing in the title may preempt any act of a municipal government, but it does allow the Secretary of State to make recommendations on the activities and according of benefits to a foreign mission. A copy of the amendment is enclosed for clarification. When the Committee was polled for the passage of the bill, however, the bill was accepted without the inclusion of the Mathias amendment.

We are urging you to support the Mathias amendment when he reintroduces it on the Senate floor. It is important that local governments be allowed to enforce local codes in order to maintain consistency in the governance of municipalities.

Thank you for your consideration of this matter.

Sincerely,

JAMES F. SEELEY,
Federal Legislative Representative.

STATE OF CALIFORNIA,
DEPARTMENT OF JUSTICE,
Sacramento, Calif., March 18, 1982.

Hon. CHARLES MCC. MATHIAS, Jr.,
Chairman of the Subcommittee on Governmental Efficiency and the District of Columbia, Washington, D.C.

DEAR SENATOR MATHIAS: California Attorney General George Deukmejian has asked me to respond to your recent letter in which you requested our opinion of S. 854, in particular section 207.

The impact of section 207 would seem to invalidate various state and local laws and regulations which are inconsistent with federal actions under the Foreign Missions Act. We are concerned that this would allow federal government to override traffic, motor vehicle, even some penal sanctions at the state and local level. We do not believe that this preemption clause is necessary to guarantee diplomatic reciprocity.

I, on behalf of this office, therefore request that section 207 be amended to provide a more limited form of preemption.

Thank you for requesting our opinion.

Most cordially,

RODNEY J. BLONIEN,
Special Assistant Attorney General.

Mr. PERCY. Mr. President, I just came in at the end of the comments made by my distinguished colleague. Were the objections to any possibility that section 206 would preempt the rights of municipalities or States with respect to the Foreign Missions Act?

Mr. HAYAKAWA. What I said was that I was aware of the statements made by the State Department saying that section 207 will not preempt State and local land use codes. However, I point out the fact that there were ambiguities that might——

Mr. PERCY. I just wanted to be certain the Senator knew tht the Durenberger amendment will address that issue.

The amendment provides for no interference of any kind with States and localities with respect to chanceries and their locations once the chanceries have been approved for a designated city.

Mr. HAYAWAKA. I thank the distinguished Senator from Illinois.

Mr. MATHIAS. Mr. President, can I inquire how much time is left for this side?

The PRESIDING OFFICER. The Senator from Maryland has 23 minutes and 51 seconds.

Mr. MATHIAS. At this point I would like to yield 5 minutes to the distinguished Senator from Missouri (Mr. EAGLETON).

Mr. EAGLETON. I thank the Senator.

Mr. President, I rise in support of Senator MATHIAS' amendment, which I am cosponsoring.

S. 854, the proposed Foreign Missions Act, contains some salutary features which will strenghten the hand of the State Department in dealing with other nations concerning the placement of their embassies and chanceries in this country, and by extension, our embassies and chanceries abroad. But in our judgment, S. 854 goes far beyond what is needed and makes an unnecessary, unwise, and substantial departure from the zoning and planning process for the Department of Columbia which Congress established in the 1973 Home Rule Act.

Specifically, section 206 of S. 854 would establish a Foreign Missions Commission of the District of Columbia as a special purpose zoning board to handle issues relating to the location of foreign missions in the District of Columbia. The Commission will have seven members, four federal and three D.C. appointees. We are told that the purpose of the section is "to assure that the Federal interest in the location of foreign missions is weighed along with local concerns in Washington, D.C." (Senate Report No. 97-329, p. 3)

Obviously, all Senators would endorse this laudable objective. Every Senator is aware that there is a vital Federal interest involved in the location of chanceries and embassies in the District of Columbia, and that the Federal interest must be carefully weighed along with the concerns of local residents. But agreement on the general goal neither necessitates S. 854's approach nor justifies it; far from it. If my colleagues study the issue closely, I believe that they will conclude, as did seven Senators from the Foreign Relations Committee and five Senators from the Governmental Affairs Committee, that the case for Section 206 is simply unconvincing. I base my conclusion on my knowledge of the rationale behind the Home Rule Act, my review of the experience with zoning decisionmaking to date, and my vain search for any compelling justification for the State Department's proposed change.

When Congress enacted the District of Columbia Home Rule Act in 1973, it made a commitment to enhanced self-government for the nation's capital. At the same time, the legislation took into account the unique Federal needs in the District and structured the act so that legitimate Federal interests would be protected. Zoning was an area where there was an obvious need to balance the land use and building requirements of the Federal Government againt the city's needs for residential, commercial, and industrial development. To achieve this balance, the Home Rule Act adopted a complicated procedure which sought to protect Federal concerns, but at the same time attempted to guarantee input at the local level and in some instances, provide local authority and decisionmaking.

Under the procedures established in the Home Rule Act, zoning in the District of Columbia is assigned to three major entities: the National Capital Planning Commission (the NCPC), the D.C. Zoning Commission (the DCZC), and the D.C. Board of Zoning Adjustment (the DCBZA). In contrast to most municipalities, the City Council and the Mayor are not given any role in District zoning. The NCPC, a Federal Commission, serves as the central planning agency for the Federal Government and is composed of 12 members, 8 Federal and 4 local. The D.C. zoning commission, a District of Columbia entity, adopts the zoning maps, regulations, and zones for the city and is composed of five members, two of whom represent the Federal interest. The D.C. Board of Zoning Adjustment, also a District of Columbia entity, serves as a zoning appeals board and hears applications for special exceptions to the city's zoning regulations. The BZA is also composed of five members, one of whom represents the NCPC, another who represents the zoning commission (this member rotates and could well be a Federal representative), and three who are appointed by the Mayor.

Thus, at every level of the city's zoning process, the Federal Government is well represented. In the case of the NCPC, of course, Federal representatives predominate. In short, the drafters of the Home Rule Act sought painstakingly to strike the same balance between Federal and local interests which the proponents of S. 854 claim to be seeking.

Moreover, the U.S. State Department has been represented at important stages of deliberations relating to the location and construction of foreign chanceries. (Chanceries, as opposed to embassies, are office buildings of foreign governments and under normal zoning procedures are treated as commercial buildings.) Since home rule went into effect in 1975, the three zoning entities established under home rule have spent nearly 3 years promulgating regulations for the location of chanceries, and the State Department participated in the promulgation of these regulations at every step. Also, since the regulations went into effect in 1978, the State Department has never approached any of the zoning entities and requested that the regulations be changed or modified. Indeed, in December of 1979, when I served as chairman of the Subcommittee on Governmental Efficiency and the District of Columbia, this matter was discussed at a hearing and the State Department testified that while the plan did not give the State Department all that it wanted, quote, "it was something we could live with."

What then, may I ask, has occurred between 1979 and today that brings the State Department to the floor of the Senate asking that the current procedure, which it accepted in 1979, be scrubbed in favor of a federally dominated, expensive, and quite unnecessary new commission?

The State Department testified in hearings held before the District Subcommittee in January of this year that foreign countries could not obtain chancery approval via the current zoning process. Yet, of 12 foreign requests for zoning approval heard by the D.C. Board of Zoning Adjustment from October, 1978, to September, 1981, 11 requests were granted. Only one was denied—by a unanimous vote of all Board members, including the Federal Government representative.

The State Department also testified that the local zoning procedure ignored national and international security needs. Yet, when pressed, the State Department gave no examples of what security needs of which Federal agency or foreign government were in jeopardy. This failure has continued to this day, where trying to draw out the State Department's national security concerns is an experience in shadow boxing.

The State Department further testified that the local zoning procedure made it impossible for the United States to meet its international treaty obligations. Yet, the Vienna Convention agreements, Article 21 (1), Vienna Convention on Diplomatic Relations, specifically states that:

> The receiving State shall either facilitate the acquisition of its territory, *in accordance with its laws* . . . or assist the latter in obtaining accommodation in some other way.

Let me emphasize again, "in accordance with its laws." In other words, our international obligations are to respect local laws.

Finally, the State Department testified that other nations do not place the same kind of restrictions on chancery locations that the District procedure places on nations operating here. Yet, a survey by both the Congressional Research Service of the Library of Congress and the State Department itself revealed that in 25 overseas capitals, local zoning procedures were adhered to in all but the State-controlled nations. Particularly, in the Western, democratic countries, the local zoning procedures often appeared to be more restrictive than those employed in the District of Columbia.

In my view, the Governmental Affairs Committee report candidly reflects the mindset behind section 206. The Committee asserts, without a shred of documentation, that "currently, municipal decisions are taken without fully balancing foreign policy and national security questions." The Committee goes on to say that—

> Washington, D.C. . . . as the Nation's Capital, has special and unique obligations involving the Federal Government. . . . Consequently, *the rationale behind the mechanism in Section 206 is not based on an analysis of particular cases.* The need for Federal participation in decisions concerning foreign missions in the United States is fundamental . . . (S. Rept. 97-329, pp. 3-4) (emphasis added).

In other words, mere assertion of "foreign policy" or "national security" concerns is enough to warrant dispensing with all competing considerations, without any evidence that the State Department's request is reasonable or that the present balance created by the Home Rule Act is unduly restrictive. My colleagues may recognize a familiar pattern at work here: over the years we have been asked, at various times, to set aside congressional prerogatives, fiscal restraint, civil liberties and countless other important values in response to talismanic references to "foreign policy" of "national security." The 11 Senators on the Foreign Relations and Governmental Affairs Committees who opposed section 206 were neither indifferent to, nor myopic about, this country's foreign policy interests. Rather, they simply found that the current arrangements under the Home Rule Act fully and adequately protected the Federal interest. They rejected the notion that we should create still another Government bureaucracy estimated to cost $1 million in additional staff and resources and superimpose it over the several existing agencies which have been dealing effectively with these problems.

The dangers which arise when Congress accepts without questioning the State Department's assertions of national interest are not limited to serious damage to the Home Rule Act. When the Subcommittee on the District of Columbia analyzed S. 854 in detail, it discovered that another section of the bill—section 207—could be construed to permit an open-ended State Department preexemption of the decisionmaking process in the 213 cities in every State in the Union which have foreign chanceries in them. Serious concerns have been expressed about this problem by the U.S. Conference of Mayors, the National Leagues of Cities and other authoritative representatives of State and local interests.

Mr. President, having reviewed the State Department's proposal for yet another D.C. Zoning Commission, and having thoroughly studied the State Department's arguments for such a Commission, I can find nothing that justifies changing the current procedure. In fact, I remain baffled as to why this unjustified, wrongheaded proposal has made it to the floor of the Senate. However, it has. And I must therefore, urge my colleagues to respect both home rule in the District and the autonomy of all local jurisdictions and vote for the Mathias amendments to sections 206 and 207 of S. 854.

(Mr. MATHIAS assumed the Chair.)

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I rise to add my voice in support of the amendment of the distinguished Senator from Maryland (Mr. MATHIAS) this amendment will insure that the local zoning and code compliance powers will not—I repeat, will not—be subject to preemption by the Department of State.

Most Western countries recognize the authority of local and State government to enforce zoning and code regulations. At a time when our Federal Government is endeavoring to return greater responsibility to State and local government, we should not be asserting new Federal preemption of historic local authority.

I have seen no evidence of arbitrary action by State and local government. In fact, the testimony favoring Federal preemption provided no solid reasons in my judgment, for us to take this kind of action.

The new Office of Foreign Missions, and the power conferred on it by S.

854, should provide the kind of assistance needed so that the placement of chanceries and consulates in this country can proceed without any undue hardships to a foreign government.

The major national organizations representing local and State governments agree with this amendment and urge its adoption.

The National League of Cities, states the case very well, and I would like to quote from their letter:

> The purpose of the bill—to give the State Department the authority to enforce diplomatic reciprocity and thereby discourage the discriminatory treatment of United States' missions abroad—does not justify reducing the already limited home rule powers of the District of Columbia and infringing the governmental authority of states and local governments where a foreign mission is located. We are not aware that either the District of Columbia or any state or local government had denied or granted governmental benefits or privileges to foreign missions in a way that adversely affects the ability of the United States to insure diplomatic reciprocity for United States' missions. Until such evidence is presented, we are strongly opposed to this unjustified intervention in state and local matters.

Mr. President, I commend the distinguished Senator from Maryland for proposing this amendment and urge my colleagues to join in supporting his amendment.

Mr. PERCY. Will the Senator yield?

Mr. WARNER. I am happy to yield to the Senator from Illinois.

Mr. PERCY. Mr. President, that is why the State Department, why the administration has taken such a strong position in opposition to the Mathias amendment, because it does dilute the compromise that was worked out.

I know Senator MATHIAS raised the question: Where was the compromise? Well, the compromise was reached in the House. It was a compromise between the District of Columbia Committee in the House and the Foreign Affairs Committee in the House. It carried overwhelmingly in the House.

This measure is vital and I hope the Senate will reject any diluting amendments. In a period of growing international security concerns and declining Federal budget resources, arbitrary, or unreasonable costs or conditions placed on American missions abroad increasingly limit the ability of these missions to effectively perform their functions. Only when the conditions under which foreign missions operate in the United States reflect the conditions under which missions of the United States are required to operate in those countries will we be able to insure fair, equitable, and nondiscriminatory treatment of U.S. missions and personnel overseas. That is why S. 854 merits support.

Mr. WARNER. I thank the distinguished chairman of the Foreign Relations Committee. Regrettably, I am in opposition to the cause that he supports wholeheartedly. But here in this area, we look to the wise counsel of our distinguished colleague from Maryland, who, I suppose, might be deemed the unofficial dean of the greater metropolitan area Senators. As such, we have discussed this matter. It is our collective judgment that the amendment offered by the distinguished Senator from Maryland is in the best interest of the Nation's Capital.

I thank the Senator from Illinois.

The PRESIDING OFFICER. Who yields time?

Mr. PERCY. Mr. President, I am prepared to yield back the remainder of my time if the proponent of the amendment is agreeable to yield back and would yield back the remainder of his time.

(Mr. WARNER assumed the chair.)

Mr. MATHIAS. Mr. President, I have just a few more words to say on this subject. I want to thank the distinguished Senator from Virginia for his very substantive remarks on the issue at hand and for his generous personal references to me.

The question of whether or not this really was a compromise is a side issue, but I think, since it seems to come up again and again, we should just devote a minute to it.

There is nothing in the report of the House of Representatives on behalf of the chairman of the House District Committee, Mr. DELLUMS, or the ranking minority member, Mr. MCKINNEY, about a compromise. There is nothing in the record to guide us in that.

The House was divided, from what we know of its activities in committee. The Foreign Affairs Committee included section 206 in the larger State Department authorization without ever having introduced a separate bill on the subject. The House District Committee voted to delete section 206 entirely. So there is a division between the House committees and no record of the full House of the thinking of either committee.

The language, as I understand it, is the same language that originally was proposed undiluted. The record does show, however, that the chairman and ranking minority member of the House District Committee, the Delegate of the District of Columbia, and the Mayor of the District of Columbia, are all in opposition to it. So it is only the State Department that is claiming that it is a compromise.

As I say, it is a side issue, and I do not think it is worth worrying too much about as a matter of semantics. But it does illustrate that this is an issue which has generated the nearly unanimous opposition of all the local governing authorities.

Mr. President, it seems clear that the Department of State has not fulfilled its duties and responsibilities to foreign governments. As I said before, there were hearings both before the House District Committee and the Senate District Subcommittee and the Senate Foreign Relations, in none of which was the Department of State able to describe the nature of the problem which section 206 is supposed to address. So I think we have to really ask the question, why do we need another special purpose Federal commission, another agency, another bureaucracy in the District to do again what was done 4 years ago?

The Mayor of the District of Columbia has put the question well. In hearings before our District of Columbia Subcommittee, the Mayor noted:

> The question that is raised by these hearings is whether this series of planning and zoning procedures which have served the Federal, District, and international interests well in the past should be precipitously reversed on the basis of insubstantial evidence and replaced by an untested procedure that will contribute to the proliferation of planning bodies that exercise control over various aspects of the land use controls in the District of Columbia.

Or as my colleague from New Hampshire, Senator RUDMAN noted at our subcommittee hearings: "If it ain't broke, don't fix it."

Apparently, the Department wants to dispense with the BZA special exception review of individual chancery cases. Implicit in that idea is that the areas of Washington where such a case review is required, most of which are residential neighborhoods, would be rezoned for chanceries as a matter of right. The net effect of this would be to enlarge the already generous areas in which foreign chanceries can locate without any further hearing or case review.

I find such an idea inconsistent with the purposes of the bill. Enlarging the already generous diplomatic zone in the District of Columbia would work against the expressed desire of the State Department, U.S. Secret Service, and other national security agencies to contain chanceries to limited geographic areas in the city for security and protective reasons. I invite my colleagues to study the map here of the diplomatic overlay zone. I think they will agree with me.

The BZA chancery case review presents the opportunity for all parties concerned to be heard in a public hearing. Now, if a foreign government does not wish to participate in that democratic process, it can be represented by counsel. There is no need, nor is there a requirement for the Ambassador or other foreign dimplomat to appear in person.

Under current law, the Board of Zoning Adjustment must give "great weight" to the opinions of advisory neighborhood councils respresenting citizens. The Board, likewise, refers all chancery applications to the State De-

partment for its recommendation. That recommendation is included in the Board's "Findings of Fact and Conclusions of Law" when it reaches a decision.

My amendment insures that the Board will give as much weight to the State Department's advice as it is required by law to give to neighborhood councils. My amendment requires the municipal authorities in all cities with foreign consulates, as well as the District of Columbia, to give "substantial weight" to a recommendation by the Secretary of State or the Director of the proposed Office of Foreign Missions as to the Federal interest. Thus, the balancing of the Federal interest is achieved without resorting to a new cumbersome commission with new, different, and vague criteria to re-create a diplomatic zone.

Let me dwell for a moment more on a very serious problem relating to the proposed Foreign Missions Commission and the criteria it is to follow.

There are eight criteria listed in S. 854 that are to be the sole criteria on which this Commission is to rezone. These criteria ignore the most basic considerations in land-use control such as building location, use, height, bulk, number of stories, lot occupancy, sizes of yards, courts, and open spaces, and density of population. The criteria ignore the existing underlying zones in the District of Columbia, something which has been in place since 1938, and ignores basic land-use precepts of protecting land values, residential stability, and preventing incompatible uses. And the criteria give broad discretion to the Secretary of State, as does the rest of the bill, to determine the degree of compliance with local building and related codes and historic preservation laws.

Does the Secretary of State really want to have responsibility to determine local code compliance for foreign missions?

These criteria are so vague that they are a litigator's paradise. A noted text book author on zoning law, Dr. Daniel Mandelker, stamper professor of law at Washington University, St. Louis, testified at our subcommittee hearings that these criteria would create a field day for zoning lawyers and suggested this section be retitled "The Zoning Lawyers Full Employment Act." Dr. Mandelker went on to note:

> By failing to define the term "determination" the statute in Sec. 206 fails to indicate in even the most elementary manner what this commission is to do . . . Far from providing some kind of certainty in the process by which foreign chanceries can be approved within the District of Columbia, this section, as presently written, will establish considerable uncertainty in that process and will require extensive litigation to define even its most elementary terms.

I would remind my colleagues that the bill requires this proposed Commission to complete its rezoning task in 6 months. Section 206, aside from being unnecessary for the purposes of the Foreign Missions Act, is clumsily drawn.

In sum, section 206 of this bill should be deleted for the following reasons:

First. The Federal interest is already adequately represented on both the District of Columbia Zoning Commission and the Board of Zoning Adjustment in their respective memberships.

Second. No compelling case has been made that the current District of Columbia zoning process fails to balance adequately the Federeal interest.

Third. The proposed task of the Foreign Missions Commission would be redundant.

Fourth. The proposed Foreign Missions Commission is inconsistent with the practices of numerous other foreign nations.

In many other foreign nations chancery locations are determined pursuant to local zoning law. Nor are there many foreign nations which have special purpose national commissions to determine chancery locations.

The State Department's own response to District of Columbia Subcommittee questions concerning how chancery locations are handled in 25 other foreign countries indicated that, in all but two nations (both state-directed economies), there exists no special commission to deal with chancery locations and uses.

In virtually all of the foreign capitals reviewed, chancery locations are subject to local zoning. And in most of those foreign nations, both authoritarian and democratic, the zoning body is local in composition, either appointed, statutorily designated, or civil servants.

Fifth. The proposed Commission would add to the proliferation of special-purpose, independent agencies in the District of Columbia,

Sixth. Due process would be seriously compromised in the procedures of the proposed Commission, and

Seventh. Federal legislation is not the proper way for the State Department to redress its grievances if it perceives problems with the present District of Columbia zoning process.

Since the 1973 enactment of the Home Rule Act, the Congress has withdrawn from many of the details of managing the District's affairs.

More and more, it is understood that the appropriate forum before which to take one's grievance about municipal processes is either the Mayor of the District of Columbia, the District of Columbia City Council, or the appropriate District of Columbia regulatory body.

Let me turn now to the Federal preemption, section 207, of this bill. Just as there is no need to preempt the District of Columbia's limited home rule authorities, there is no need to preempt the authority of the 213 U.S. cities in which consuls are based.

The effect of this provision would be to override municipal and State law with regard to zoning for consulates; building, plumbing, electrical, and fire codes for consulates; certain police powers and penal codes; historic preservation laws; motor vehicle registration and traffic laws; consumer protection laws, and others. At the Federal level, this preemption may have an effect on the enforcement of the Registration of Foreign Agents Act.

There is no need for such a broad preemption to accomplish the purposes of diplomatic reciprocity. The Vienna conventions, in my view, do not require, nor do they intend such a preemption.

The Vienna Convention on Diplomatic Relations, specifically articles 21 and 41(1), appealed to all signatory nations to "respect the laws and regulations for the receiving State."

The legislative history of the Diplomatic Relations Act which codifies U.S. responsibilities to foreign governments under the Vienna conventions, reaffirms this view:

> This legislation reflects the intent both of the Vienna Convention on Diplomatic Relations and the Committee on International Relations that the Diplomatic community understand clearly that its members are expected to obey the laws and regulations of the United States and of the local jurisdictions in which they live and work. The need to provide certain privileges and immunities to insure the effective functioning of a foreign mission should not obscure the duties of guests of the United States not to abuse the hospitality of its citizenry.

Mr. President, I believe our bilateral and other foreign relations can best be accomplished within a democratic framework that assures due process for all parties.

Both the Maryland and California attorneys general have expressed concern over this preemption language and its impact on their States' laws.

The Florida League of Cities has also urged support of this amendment's revised preemption language.

The New York City Commission for the United Nations and for the Consular Corps has expressed its support for this amendment as well, noting in its letter:

> New York City with its 157 United Nations Missions, 93 Consulates General and the United Nations Secretariat, has the largest diplomatic community in the world, consisting of 32,000 persons. Consequently, in order to ensure the health and welfare of all residents, City officials must be able to continue to exercise their authority in matters which are essentially local in nature and about which they are best informed.

Mr. President, I ask unanimous consent that the full text of that letter appear in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NEW YORK CITY COMMISSION FOR THE UNITED NATIONS AND FOR THE CONSULAR CORPS

New York, April 16, 1982.

Re: Foreign Missions Act, S. 854, Section 207—Preemption

Hon. CHARLES MCC. MATHIAS, Jr.,
Chairman, Subcommittee on Governmental Efficiency and the District of Columbia, U.S. Senate, Washington, D.C.

DEAR SENATOR MATHIAS: This is in response to your recent letter addressed to Commissioner Sorensen concerning the preemption provision of the Foreign Missions Act now pending before the Senate.

This office has reviewed S. 854 and its Committee Report as reported by the Senate Foreign Relations Committee and understands fully the circumstances it seeks to redress. The preemption provision of the legislation, Section 207, which you brought to our specific attention, concerns us very much, and we do not believe it is necessary to meet the purposes of the Bill.

As you know, Section 207 provides, *inter alia*, for the preemption of municipal law as one of the Bill's measures to ensure the same treatment of United States missions abroad that is provided to foreign missions in this country. However, with regard to the issue of reciprocity, which is the thrust of the proposed legislation, it must be noted that the concept of compliance with the law of the receiving country, including state and local law, is inherent in the principles of diplomatic law.

Specifically, the Vienna Convention on Diplomatic Relations, 23 U.S.T. 3227, TIAS 7501, and the Vienna Convention on Consular Relations, 21 U.S.T. 77, TIAS 6820, establish respectively the axioms of diplomatic and consular law in many countries, including the United States. These Conventions are the work-product of the United Nations' International Law Commission and are compilations of diplomatic and consular laws extant for centuries. Article 41 of the Diplomatic Convention and Article 55 of the Consular Convention, both articulate the precept that diplomatic missions and consulates must comply with the law of the receiving country which, it is submitted, *includes* state and local laws. Therefore, the preemption section is inappropriate because it runs contrary to established principles of international law. Furthermore, if local governments continue to enjoy complete control over municipal authority in this regard, foreign emissaries posted here will continue to be subject to the same constraints as are U.S. officials posted abroad. Thus, the axiom of reciprocity will remain intact and the purposes of the Bill will be achieved.

Moreover, New York City with its 157 United Nations Missions, 93 Consulates General and the United Nations Secretariat, has the largest diplomatic community in the world, consisting of 32,000 persons. Consequently, in order to ensure the health and welfare of all residents, City officials must be able to continue to exercise their authority in matters which are essentially local in nature and about which they are best informed. These matters concern, for example, zoning laws, the building, plumbing and electrical codes and parking and traffic regulations.

The possible effects of a preemption clause, about which you inquired in your letter, relate generally to the areas referenced in the preceding paragraph. With rental prices in Manhattan increasing rapidly in the residential as well as the commercial markets, many countries contemplate building construction or purchase. New York City needs to be able to make its own decisions in these matters as it deems are in the best interests of its residents. With increased building ownership in the future, the issues will become more frequent and accordingly more important.

In conclusion, we have, as requested by you, reviewed the proposed revision of Section 207 by the Government Affairs Committee, and we feel that the revision protects the purposes of the Bill without compromising the interests of state and local governments.

Should you have further questions, please contact me at your convenience. Thank you for bringing this matter to our attention.

Very truly yours,

ANDREW L. ODELL,
Deputy Commissioner.

Mr. MATHIAS. Lastly, my amendment reinstates the Chancery Act of 1964, which is proposed to be repealed by S. 854. As I explained at the beginning of my remarks, this Federal law amended the District of Columbia Zoning Act with respect to foreign chanceries. Its passage in 1964 was unopposed by the Department of State. Again, no extenuating circumstances have been shown to warrant this act's repeal. It is part and parcel of District zoning law.

Mr. President, my amendment with regard to the preemption of both the District of Columbia governmental authorities and those of 213 other U.S. cities is fully supported by the Mayor of the District of Columbia, the U.S. Conference of Mayors, the National League of Cities, the Bar Association of the District of Columbia, the District of Columbia League of Women Voters, the Committee for District of Columbia Self-Determination, and the District of Columbia Common Cause. I urge its adoption.

Mr. SASSER. Mr. President, I rise to state my support for Senator MATHIAS' amendment to the Foreign Missions Act. As the ranking Democrat on the Subcommittee on Intergovernmental Relations, I favor this modification of S. 854 to prevent the preemption by the Secretary of State and local authority over such matters as land use, sewer extension approval, allocation of police resources and traffic laws. I also favor it as a member, now serving my second term, of the Advisory Committee on Intergovernmental Relations.

Since State and local governments already give great weight to Federal authorities in matters concerning foreign affairs, there is simply no need for this preemption power to be given to the State Department.

Particularly in the current atmosphere of support for greater devolution of responsibilities within the Federal system, does it make sense to centralize these inherently local decisions in Washington? I think not.

The District of Columbia is not the only local government that would be adversely affected by the State Department preemption of local authority.

There are now foreign consulates in 213 U.S. cities. In my own State, the city of Nashville boasts consulates for France, the Netherlands, and Costa Rica. And the city of Memphis has consulates for France, West Germany, and Guatemala. These consulates are very important in facilitating trade by the State of Tennessee with the nations they represent.

I do not believe the officials of either Memphis or Nashville care to have the Secretary of State looking over their shoulders when they make zoning, health, and safety decisions relating to the location of these consulates within the confines of their cities.

Both the U.S. Conference of Mayors and the National League of Cities have written to state their opposition to the preemption of local authority for the District of Columbia and for 213 other cities in the United States.

I ask that these letters from the National League of Cities and the Conference of Mayors be printed in the RECORD.

I also note that the League of Women Voters has advised me of their strong support for this amendment to S. 854. I respect their advice about this modification in favor of local government prerogatives.

The letters follow:

U.S. CONFERENCE OF MAYORS,

Washington, D.C., April 12, 1982.

DEAR SENATOR: The Foreign Missions Act, S. 854, will be coming to the Senate floor soon after your return from the Easter recess. A number of amendments to the bill will be offered, and I want to share the views of the Conference of Mayors with you on one of these proposed amendments to be offered by Senator Mathias.

For local governments throughout the United States, the issues of greatest concern in the bill are those relating to the new power vested in the Secretary of State to preempt local authority with no assurances that the interests of the local government will be considered, and the proposal to create a Foreign Missions Commission for the District of Columbia. Senator Mathias will be offering amendments which would cure these defects.

As written, section 207 of the bill would allow the Secretary of State, without any standards of review or any obligation to consult with local government, to preempt state and local regulations relating to zoning and land use, health, safety, welfare, local taxation, and so on. There is simply no need for this power to be given to the Secretary. State and local governments have already given great weight and deference to federal authorities in matters concerning foreign affairs.

Specifically, the Secretary using his authority under section 207, could preempt a local decision withholding zoning or sewer extension approval from a proposed consulate despite the fact that those decisions were made fully in accordance with the local government's comprehensive plan. Similarly, under the language as drawn, the Secretary could require that certain tax ex-

emptions be given to chanceries and their officials, that additional local police resources be allocated to a chancery area, thereby withdrawing them from other areas of the city, or require other actions that rightfully should be decided at the local level. This power over local affairs is very substantial, and there has been no showing whatsoever that it is needed for the Secretary to achieve the purposes of the Foreign Missions Act.

The Mathias amendment creates a forum for discussion between the State Department and the local government and provides that the interests of the State Department be given substantial weight. Surely the states and local governments have demonstrated their adaptability and willingness to support the Department in its regulation of foreign affairs. We urge your support of the Mathias amendment.

Section 206, relating to the District of Columbia, is also a problem. There has been no showing that the District of Columbia, through its existing zoning and appeals process, has reached conclusions that are either harmful or unresponsive to the desires of the State Department. In fact, the District has performed admirably under its home rule powers in granting benefits to chanceries or embassies. Those decisions have accounted both for the interests of the State Department and the interests of the citizens of the District.

There is no reason to challenge the District's home rule powers in circumstances where the federal interest is already protected by representation on local boards; there have been no complaints about the existing process; and, the Secretary already has considerable power over the location of foreign missions. That power would be expanded, even if the Mathias package of amendments is adopted.

The Conference of Mayors believes that the Mathias package will do much to foster intergovernmental cooperation in the placement and regulation of foreign missions, and we urge your support of the amendment.

Sincerely,

JOHN J. GUNTHER,
Executive Director.

NATIONAL LEAGUE OF CITIES,
Washington, D.C., April 9, 1982.

DEAR SENATOR: The National League of Cities opposes provisions of the Foreign Missions Act of 1982 (S. 854) which reduce the limited home rule powers of the District of Columbia and preempt basic state and local powers. We strongly believe that the provisions establishing the Foreign Missions Commissions for the District of Columbia (Section 206) and preempting state and local authority (Section 207) are inappropriate and unnecessary. We urge you to support Senator Mathias's amendment to delete Section 206 and modify Section 207 to prevent preemption of state and local authority.

The purpose of the bill—to give the State Department the authority to enforce diplomatic reciprocity and thereby discourage the discriminatory treatment of United States' missions abroad—does not justify reducing the already limited home rule powers of the District of Columbia and infringing the governmental authority of states and local governments where a foreign mission is located. We are not aware that either the District of Columbia or any state or local government had denied or granted governmental benefits or privileges to foreign missions in a way that adversely affects the ability of the United States to insure diplomatic reciprocity for United States' missions. Until such evidence is presented, we are strongly opposed to this unjustified intervention in state and local matters.

Section 206 would establish a Foreign Missions Commission and authorize it to establish regulations for the location of foreign mission property in the District of Columbia. The District of Columbia recently overhauled its location procedures in this area at the request of the Department of State and has established adequate procedures for dealing with foreign missions.

Section 207 allows for the preemption of state and local actions which "confer or deny any rights with respect to any foreign mission contrary to this [bill]." Because Section 204 gives the Director of Foreign Missions the authority to provide "benefits to foreign missions on such terms and conditions as the Secretary [of State] may approve" and Section 202 defines benefits very broadly, including the acquisition of real property, public services, transportation, and protective services, Section 207 may provide the Department of State with the discretion to preempt state and local traffic, motor vehicle, and historic preservation laws and zoning and building codes.

We believe that Section 206 should be eliminated so that the District of Columbia's already limited home rule powers are not further eroded; and that Section 207 should be modified so that states and local governments are required to give substantial weight to federal concerns, but that the Department of State does not have the authority to preempt state and local decisions.

Sincerely,

ALAN BEALS,
Executive Director.

Mr. MATHIAS. May I inquire of the distinguished chairman of the Foreign Relations Committee, my good friend from Illinois, whether he is at this time prepared to yield back the remainder of his time.

Mr. PERCY. I am prepared to yield back the remainder of my time.

Is it the desire of the Senator from Maryland to have a record vote? If so, perhaps he would ask for the yeas and nays.

Mr. MATHIAS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. MATHIAS. Mr. President, I yield back the remainder of my time.

Mr. PERCY. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Maryland. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Missouri (Mr. DANFORTH), the Senator from Oregon (Mr. HATFIELD), the Senator from Iowa (Mr. JEPSEN), and the Senator from Idaho (Mr. SYMMS) are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon (Mr. HATFIELD), would vote "yea".

Mr. CRANSTON. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Oklahoma (Mr. BOREN), the Senator from Hawaii (Mr. INOUYE), and the Senator from Arizona (Mr. DECONCINI) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 49, nays 43, as follows:

[Rollcall Vote No. 85 Leg.]

YEAS—49

Andrews	Exon	Metzenbaum
Armstrong	Ford	Mitchell
Bentsen	Goldwater	Moynihan
Bradley	Gorton	Murkowski
Bumpers	Hart	Pell
Burdick	Hayakawa	Proxmire
Byrd, Harry F., Jr.	Heinz	Quayle
	Hollings	Riegle
Byrd, Robert C.	Humphrey	Rudman
Cannon	Jackson	Sarbanes
Chafee	Kassebaum	Sasser
Cohen	Kennedy	Stafford
Cranston	Leahy	Stennis
D'Amato	Levin	Thurmond
Dixon	Long	Warner
Dole	Mathias	Zorinsky
Eagleton	Matsunaga	

NAYS—43

Abdnor	Hatch	Percy
Baker	Hawkins	Pressler
Baucus	Heflin	Pryor
Boschwitz	Helms	Randolph
Brady	Huddleston	Roth
Chiles	Johnston	Schmitt
Cochran	Kasten	Simpson
Denton	Laxalt	Specter
Dodd	Lugar	Stevens
Domenici	Mattingly	Tower
Durenberger	McClure	Tsongas
East	Melcher	Wallop
Garn	Nickles	Weicker
Glenn	Nunn	
Grassley	Packwood	

NOT VOTING—8

Biden	DeConcini	Jepsen
Boren	Hatfield	Symms
Danforth	Inouye	

So Mr. MATHIAS' amendment (No. 1383) was agreed to.

Mr. MATHIAS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1389

(Purpose: To clarify the authority of State and local governments in regard to the location of foreign missions)

The PRESIDING OFFICER. The clerk will now report amendment No. 1389.

The legislative clerk read as follows:

The Senator from Minnesota (Mr. DURENBERGER) proposes amendment No. 1389.

The amendment is as follows:

On page 21 strike lines 7 through 11 and insert in lieu thereof the following:

SEC. 207. Notwithstanding any other provision of law, no act of any Federal agency or of any State or municipal governmental authority shall be effective to confer any

benefits with respect to any foreign mission contrary to this title. Nothing in section 202, 203, 204, or 205 may be construed to preempt any State or municipal governmental authority regarding zoning and land use, health, safety, and welfare, except that a denial by the Secretary involving the siting of foreign missions within the jurisdiction of a particular State or local government shall be controlling.

Mr. BAKER. Mr. President, I believe there are two or three other amendments that we can deal with and I am advised that they will not take very long. I am not at all sure they will require rollcall votes. On the contrary, I think they probably will not. It is my hope that we can finish this measure tonight and do so by 6:30 p.m.

Mr. DURENBERGER. Mr. President, the amendment which has just been read which I proposed would have been appropriate had my colleagues been enlightened enough to defeat the amendment which was originally proposed. So at this point having not succeeded in that enlightening process I will withdraw my amendment.

The PRESIDING OFFICER. Is there objection to the withdrawal of the amendment? There being no objection, the amendment is withdrawn.

AMENDMENT NO. 1384

(Purpose: To eliminate the exemption from the procedures required for rulemaking)

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Maryland (Mr. MATHIAS) proposes amendment numbered 1384.

On page 24, beginning with "Except" on line 10 strike out all through the period of line 13.

Mr. MATHIAS. Mr. President, this amendment is very simple. The bill contains a flat exemption from title V rulemaking procedures for the Secretary of State and the proposed Office of Foreign Missions. This amendment drops that exemption.

The effect of my amendment is to allow the State Department the flexibility to choose whether it should use the Federal Register notice and comment procedures in determining the privileges, benefits, and immunities which may be conferred and the specific foreign missions to which they will attach.

The Administrative Procedures Act of 1946, as amended, contains at present a categorical exemption from notice and comment rulemaking procedures "to the extent that there is involved * * * a military or foreign affairs function of the United States."

While there are clearly some rules involving military and foreign affairs which need no public input and may even require secrecy in some instances, I do not think we should be too hasty in concluding there is no need for an open rulemaking process.

In fact, an exemption may work against the purposes of the bill. Let me explain why.

Implicit in the effective operation of an Office of Foreign Missions is notification to third parties. If the Office wishes to constrain a foreign government from purchasing certain services or goods, it must be able to notify the businesses supplying such that "X" foreign mission is to be traded or contracted with, only on certain terms and conditions or not at all.

One of the main complaints from the U.S. diplomatic community overseas, for example, is the lack of adequate staff housing. If the United States chose to impose similar conditions on a foreign mission here by limiting the number of apartments or homes the members of the mission could lease or purchase, it would have to notify thousands of building owners and managers, particularly in the National Capital region.

The most readily available means of notifying such suppliers is through publication of the name of the foreign mission and the terms and conditions of its benefits in the Federal Register. I would hope my chairman would agree with me on this amendment and be willing to accept it.

Again, it does not require State to be subject to rulemaking. It merely leaves that option open.

Mr. PERCY. Mr. President, as noted in the reports of both the Foreign Relations and Governmental Affairs Committees Mr. President, actions and determinations under this title are in most cases political in nature, involving foreign policy and national security matters. Decisions involving such matters in most cases are not appropriate for a public hearing process, nor can such decisions in many cases be delayed in order to permit such comment and consideration. Such decisions involving the exercise of foreign relations authority are, under existing laws entitled to be excluded from the rulemaking requirements of section 553 of title 5, United States Code.

This language had been included in order to assure that such an exclusion would be available because of the sensitive nature of information or foreign policy and national security purposes of decisions to be undertaken in the administration of this bill.

On the basis of the availability of current exceptions which can accomplish the same purpose, subject to applicable regulations of the Department of State with regard thereto, I am able to agree with and concur in an amendment to delete the second sentence of subsection (g) of section 208.

Mr. President, I am prepared to accept the amendment.

The PRESIDING OFFICER. Is all time yielded back?

Mr. MATHIAS. I yield back my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Maryland.

The amendment (No. 1384) was agreed to.

Mr. MATHIAS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. McCLURE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1382

(Purpose: To require the Secretary of State, upon request, to determine and certify whether a foreign mission is in compliance with this Act)

Mr. MATHIAS. Mr. President, I call up amendment No. 1382.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Maryland (Mr. MATHIAS) proposes amendment No. 1382.

Mr. MATHIAS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 26, line 11, insert "(a)" immediately after "SEC. 211.".

On page 26, between lines 15 and 16, insert the following:

"(b) Upon the request of any department or agency of the United States, of any of its States, or political subdivisions thereof, or of any business or individual that proposes to enter into a contract or other transaction with a foreign mission, the Secretary shall determine and certify to such department, agency, business, or individual whether a foreign mission is in compliance with the provisions of this Act.".

Mr. MATHIAS. Mr. President, this amendment is also intended to aid the Office of Foreign Missions as well as State and local governments and businesses which do business with foreign missions.

It simply says the Secretary of State shall, upon request, certify which foreign missions are under "terms and conditions." Such certification can go a long way toward insuring that this act is actually carried out and enforced.

Again, similar to my previous amendment's intent, this amendment seeks to insure notification to those doing business or about to do business with a foreign mission of the terms and conditions imposed on those transactions.

I might note that virtually identical bill language was included in the predecessor bill to S. 854 in the last Congress. The Diplomatic Reciprocity Act, S. 2866, contained this language of my amendment and was introduced in the Senate by the former chairman of the Senate Foreign Relations Committee.

Again, I would hope my chairman would see this as a perfecting amendment and be willing to accept it.

Mr. PERCY. Mr. President, I have no objection to the amendment and yield back the remainder of my time.

The PRESIDING OFFICER. Is all time yielded back?

Mr. MATHIAS. I yield back my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment of the Senator from Maryland.

The amendment (No. 1382) was agreed to.

Mr. PERCY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MATHIAS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, shall it pass?

So the bill (S. 854), as amended, was passed, as follows:

S. 854

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the State Department Basic Authorities Act of 1956 is amended by striking out "That the Secretary" in the first section and inserting in lieu thereof the following:

"TITLE I—BASIC AUTHORITIES GENERALLY

"SECTION 1. The Secretary".

(b) That Act is further amended by adding at the end thereof the following:

"TITLE II—AUTHORITIES RELATING TO THE REGULATION OF FOREIGN MISSIONS

DECLARATION OF FINDINGS AND POLICY

"SEC. 201. (a) The Congress finds that the operation in the United States of foreign missions and public international organizations and the official missions to such organizations, including the permissible scope of their activities and the location and size of their facilities, is a proper subject for the exercise of Federal jurisdiction.

"(b) The Congress declares that it is the policy of the United States to support the secure and efficient operation of United States missions abroad, to facilitiate the secure and efficient operation in the United States of foreign missions and public international organizations and the official missions to such organizations, and to assist in obtaining appropriate benefits, privileges, and immunities for those missions and organizations and to require their observance of corresponding obligations in accordance with international law.

"(c) The assistance to be provided to a foreign mission in the United States shall be determined after due consideration of the benefits, privileges, and immunities provided to missions of the United States in the country or territory represented by that foreign mission.

"DEFINITIONS

"SEC. 202. (a) For purposes of this title—

"(1) 'benefit' (with respect to a foreign mission) means any acquisition, or authorization for an acquisition, in the United States by or for a foreign mission, including the acquisition of—

"(A) real property by purchase, lease, exchange, construction, or otherwise,

"(B) public services, including services relating to customs, importation, and utilities, and the processing of applications or requests relating to public services,

"(C) supplies, maintenance, and transportation,

"(D) locally engaged staff on a temporary or regular basis,

"(E) travel and related services, and

"(F) protective services.

and includes such other benefits as the Secretary may designate;

"(2) 'chancery' means the principal offices of a foreign mission used for diplomatic or related purposes, and annexes to such offices (including ancillary offices and support facilities), and includes the site and any building on such site which is used for such purposes;

"(3) 'Director' means the Director of the Office of Foreign Missions established pursuant to section 203(a);

"(4) 'foreign mission' means any official mission to the United States involving diplomatic, consular, or other governmental activities of—

"(A) a foreign government, or

"(B) an organization (other than an international organization, as defined in section 209(b) of this title) representing a territory or political entity which has been granted diplomatic or other official privileges and immunities under the laws of the United States,

including any real property of such a mission and including the personnel of such a mission;

"(5) 'real property' includes any right, title, or interest in or to, or the beneficial use of, any real property in the United States, including any office or other building;

"(6) 'Secretary' means the Secretary of State;

"(7) 'sending state' means the foreign government, territory, or political entity represented by a foreign mission; and

"(8) 'United States' means, when used in a geographic sense, the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

"(b) Determinations with respect to the meaning and applicability of the terms used in subsection (a) shall be committed to the discretion of the Secretary.

"OFFICE OF FOREIGN MISSIONS

"SEC. 203. (a) The Secretary shall establish an Office of Foreign Missions as an office within the Department of State. The Office shall be headed by a Director, appointed by the Secretary, who shall perform his or her functions under the supervision and direction of the Secretary. The Secretary may delegate this authority for supervision and direction of the Director only to the Deputy Secretary of State or an Under Secretary of State.

"(b) The Secretary may authorize the Director to—

"(1) assist agencies of Federal, State, and municipal government with regard to ascertaining and according benefits, privileges, and immunities to which a foreign mission may be entitled:

"(2) provide or assist in the provision of benefits for or on behalf of a foreign mission in accordance with section 204; and

"(3) perform such other functions as the Secretary may determine necessary in furtherance of the policy of this title.

"PROVISION OF BENEFITS

"SEC. 204. (a) Upon the requests of a foreign mission, benefits may be provided to or for that foreign mission by or through the Director on such terms and conditions as the Secretary may approve.

"(b) If the Secretary determines that such action is reasonably necessary on the basis of reciprocity or otherwise.

"(1) to facilitate relations between the United States and a sending State,

"(2) to protect the interests of the United States,

"(3) to adjust for costs and procedures of obtaining benefits for missions of the United States abroad, or

"(4) to assist in resolving a dispute affecting United States interests and involving a foreign mission or sending State,

then the Secretary may require a foreign mission (A) to obtain benefits from or through the Director on such terms and conditions as the Secretary may approve, or (B) to comply with such terms and conditions as the Secretary may determine as a condition to the execution or performance in the United States of any contract or other agreement; the acquisition, retention, or use of any real property; or the application for or acceptance of any benefit (including any benefit from or authorized by any Federal, State, or municipal governmental authority, or any entity providing public services).

"(c) Terms and conditions established by the Secretary under this section may include—

"(1) a requirement to pay to the Director a surcharge or fee, and

"(2) a waiver by a foreign mission (or any assignee of or person deriving rights from a foreign mission) of any recourse against any governmental authority, any entity providing public services, any employee or agent of such an authority or entity, or any other person, in connection with any action determined by the Secretary to be undertaken in furtherance of this title.

"(d) For purposes of effectuating a waiver of recourse which is required under this section, the Secretary may designate the Director or any other officer of the Department of State as the agent of a foreign mission (or of any assignee of or person deriving rights from a foreign mission). Any such waiver by an officer so designated shall for all purposes (including any court or administrative proceeding) be deemed to be a waiver by the foreign mission (or the assignee of or other person deriving rights from a foreign mission).

"(e) Nothing in this section shall be deemed to preclude or limit in any way the authority of the United States Secret Service to provide protective services pursuant to section 202 of title 3, United States Code, or section 3056 of title 18, United States Code, at a level commensurate with protective requirements as determined by the United States Secret Service.

"PROPERTY OF FOREIGN MISSIONS

"Sec. 205. (a)(1) The Secretary may require any foreign mission to notify the Director prior to any proposed acquisition, or any proposed sale or other disposition, of any real property by or on behalf of such mission. If such a notification is required, the foreign mission (or other party acting on behalf of the foreign mission) may initiate or execute any contract, proceeding, application, or other action required for the proposed action—

"(A) only after the expiration of the sixty-day period beginning on the date of such notification (or after the expiration of such shorter period as the Secretary may specify in a given case); and

"(B) only if the mission is not notified by the Secretary within that period that the proposal has been disapproved; however, the Secretary may include in such a notification such terms and conditions as the Secretary may determine appropriate in order to remove the disapproval.

"(2) For purposes of this section, 'acquisition' includes any acquisition or alteration of, or addition to, any real property or any change in the purpose for which real property is used by a foreign mission.

"(b) The Secretary may require any foreign mission to divest itself of, or forgo the use of, any real property determined by the Secretary—

"(1) not to have been acquired in accordance with this section; or

"(2) to exceed limitations placed on real property available to a United States mission in the sending state.

"(c) If a foreign mission has ceased conducting diplomatic, consular, and other governmental activities in the United States and has not designated a protecting power or other agent approved by the Secretary to be responsible for the property of that foreign mission, the Secretary—

"(1) until the designation of a protecting power or other agent approved by the Secretary, may protect and preserve any property of that foreign mission; and

"(2) may authorize the Director to dispose of such property at such time as the Secretary may determine after the expiration of the one-year period beginning on the date that the foreign mission ceased those activities, and may remit to the sending state the net proceeds from such disposition.

"PREEMPTION

"Sec. 206. Nothing in this title may be construed to preempt any act of a Federal agency or of a State or municipal governmental authority, except that a recommendation by the Secretary or the Director as to the Federal interest in any State or local proceeding or determination involving the according of benefits to foreign missions within the jurisdiction of the respective State or local government shall be given substantial weight.".

"GENERAL PROVISIONS

"Sec. 207. (a) The Secretary may issue such regulations as the Secretary may determine necessary to carry out the policy of this title.

"(b) compliance with any regulation, instruction, or direction issued by the Secretary under this title shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same. No person shall be held liable in any court or administrative proceeding for or with respect to anything done or omitted in good faith in connection with the administration of, or pursuant to and in reliance on, this title, or any regulation, instruction, or direction issued by the Secretary under this title.

"(c) For purposes of administering this title, the Secretary may—

"(1) employ experts and consultants in accordance with section 3109 of title 5, United States Code, at rates not to exceed the rate payable for grade GS-18 level; and

"(2) accept details and assignments of employees of Federal agencies to the Office of Foreign Missions on a reimbursable or nonreimbursable basis (with any such reimbursements to be credited to the appropriations made available for the salaries and expenses of officers and employees of the employing agency).

"(d) Contracts and subcontracts for supplies or services (except for personal services), made by or on behalf of the Director, shall be made after advertising, in such manner and at such times as the Secretary shall determine to be adequate to ensure notice and opportunity for competition, except that advertisement shall not be required when (1) the Secretary determines that it is impracticable or will not permit timely performance to obtain bids by advertising, or (2) the aggregate amount involved in a purchase of supplies or procurement of services does not exceed $10,000. Such contracts and subcontracts may be entered into without regard to laws and regulations otherwise applicable to solicitation, negotiation, administration, and performance of government contracts. In awarding contracts, the Secretary may consider such factors as relative quality and availability of supplies or services and the compatability of the supplies or services with implementation of this title.

"(e) The head of any Federal agency may, for purposes of this title—

"(1) transfer or loan any property to, and perform administrative and technical support functions and services for the operations of, the Office of Foreign Missions (with reimbursements to agencies under this paragraph to be credited to the current applicable appropriation of the agency concerned); and

"(2) acquire and accept services from the Office of Foreign Missions, including (whenever the Secretary determines it to be in furtherance of the purposes of this title) acquisitions without regard to laws normally applicable to the acquisition of services by such agency.

"(f) Assets of or under the control of the Office of Foreign Missions, wherever situated, which are used by or held for the use of a foreign mission shall not be subject to attachment, execution, injunction, or similar process, whether intermediate or final.

"(g) Except as otherwise provided, any determination required under this title shall be committed to the discretion of the Secretary.

"(h)(1) In order to implement this title, the Secretary may transfer such amounts available to the Department of State as may be necessary to the working capital fund established by section 13 of this Act.

"(2) All revenues, including proceeds from gifts and donations, received by the Director or the Secretary in carrying out this title may be credited to the working capital fund established by section 13 of this Act and shall be available for purposes of this title in accordance with that section.

"(3) Obligations necessary to carry out the provisions of this title shall be limited to the funds available pursuant to paragraphs (1) and (2) of this subsection.

"(4) The provisions of this Act shall take effect on October 1, 1982.

"APPLICATION TO PUBLIC INTERNATIONAL ORGANIZATIONS AND OFFICIAL MISSIONS TO SUCH ORGANIZATIONS

"Sec. 208. (a) The Secretary may make section 206, or any other provision of this title, applicable with respect to an international organization to the same extent that it is applicable with respect to a foreign mission if the Secretary determines that such application is necessary to carry out the policy set forth in section 201(b) and to further the objectives set forth in section 204(b).

"(b) For purposes of this section, 'international organization' means—

"(1) a public international organization designated as such pursuant to the International Organizations Immunities Act (22 U.S.C. 288—288f-2) or a public international organization created pursuant to a treaty or another international agreement as an instrument through or by which two or more foreign governments engage in some aspect of their conduct of international affairs; and

"(2) an official mission (other than a United States mission) to such a public international organization,

including any real property of such an organization or mission and including the personnel of such an organization or mission.

"PRIVILEGES AND IMMUNITIES

"Sec. 209. Nothing in this title shall be construed to limit the authority of the United States to carry out its international obligations, or to supersede or limit immunities otherwise available by law. No act or omission by any foreign mission, public international organization, or official mission to such an organization, in compliance with this title, shall be deemed to be an implied waiver of any immunity otherwise provided for by law.

"ENFORCEMENT

"Sec. 210. (a) It shall be unlawful for any person to make available any benefits to a foreign mission contrary to this title. The United States, acting on its own behalf or on behalf of a foreign mission, has standing to bring or intervene in an action to obtain compliance with this Act, including any action for injunctive or other equitable relief.

"(b) Upon the request of any department or agency of the United States, of any of its States, or political subdivisions thereof, or of any business or individual that proposes to enter into a contract or other transaction with a foreign mission, the Secretary shall determine and certify to such department, agency, business, or individual whether a foreign mission is in compliance with the provisions of this Act.

"PRESIDENTIAL GUIDELINES

"Sec. 211. The authorities granted to the Secretary pursuant to the provisions of this title shall be exercised in accordance with procedures and guidelines approved by the President.

"SEVERABILITY

"Sec. 212. If any provision of this title or the application thereof to any person or circumstance is held invalid, the remainder of this title and the application of such provision to any other person or circumstance shall not be affected thereby.".

(c) Section 13 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2684) is amended in the first sentence by

striking out "and" following the semicolon at the end of clause (3), and by inserting immediately before the period at the end thereof "; and (5) services and supplies to carry out title II of this Act".

(d)(1) Subparagraph (A) of section 2(1) of the Diplomatic Relations Act (22 U.S.C. 254a(1)(A)) is amended to read as follows:

"(A) the head of a mission and those members of a mission who are members of the diplomatic staff or who, pursuant to law, are granted equivalent privileges and immunities,".

(2) Section 3(b) of such Act (22 U.S.C. 254b) is amended to read as follows:

"(b) With respect to a nonparty to the Vienna Convention, the mission, the members of the mission, their families, and diplomatic couriers shall enjoy the privileges and immunities specified in the Vienna Convention.".

(3) Section 4 of such Act (22 U.S.C. 254c) is amended—

(A) by inserting "the mission, the" immediately after "immunities for"; and

(B) by striking out "of any sending state".

(4) Section 1364 of title 28, United States Code, is amended by striking out "as defined in the Vienna Convention on Diplomatic relations" and inserting in lieu thereof "within the meaning of section 2(3) of the Diplomatic Relations Act (22 U.S.C. 254a(3))".

Mr. PERCY. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BUMPERS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I wish to extend my congratulations to the distinguished chairman of the Foreign Relations Committee and the ranking minority member, to the Senator from Maryland, to the Senator from Minnesota, and others who have been directly involved in passing this piece of legislation.

It was handled expeditiously. It was handled well, and I congratulate all parties.

Mr. President, there will be no further votes today.

EXECUTIVE SESSION

Mr. BAKER. Mr. President, there are certain items on the Executive Calendar which are cleared on this side for action by unanimous consent. I inquire of the minority leader if he is in a position to consider the items on today's Executive Calendar beginning with Department of Justice on page 2 and all on page 3, page 4, and page 5, including Nominations Placed on the Secretary's Desk in the Coast Guard.

Mr. ROBERT C. BYRD. Mr. President, the minority is ready to proceed with all the aforementioned nominations, with the exception of Calendar Nos. 729 and 730.

Mr. BAKER. I thank the minority leader.

Mr. President, in view of that, I ask unanimous consent that the Senate now go into executive session for the purpose of considering the nominations just identified, being Calendar Nos. 720, 731, 732, 733, 734, 735, and Nominations Placed on the Secretary's Desk in the Coast Guard.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, since the minority leader has indicated that these nominations are cleared for action by unanimous consent, I ask unanimous consent that the nominations identified may be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered en bloc and confirmed en bloc.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF JUSTICE

James P. Hickman, of West Virginia, to be U.S. marshal for the southern district of West Virginia for the term of 4 years.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

James B. Wyngaarden, of North Carolina, to be Director of the National Institutes of Health.

[NEW REPORTS]

IN THE COAST GUARD

The following-named captain of the Coast Guard Reserve to be a permanent commissioned officer in the Coast Guard Reserve in the grade of rear admiral:

Captain Douglas W. Fredericks

NATIONAL RAILROAD PASSENGER CORPORATION

Charles Luna, of Texas, to be a member of the Board of Directors of the National Railroad Passenger Corporation for a term of 4 years.

Robert D. Orr, of Indiana, to be a member of the Board of Directors of the National Railroad Passenger Corporation for a term of 4 years.

Ross E. Rowland, Jr., of New Jersey, to be a member of the Board of Directors of the National Railroad Passenger Corporation for a term of 4 years.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE COAST GUARD

Coast Guard nominations beginning Thomas Anthony Abbate, to be ensign, and ending Thomas J. Haas, to be lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 31, 1982.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nominations were confirmed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask unanimous consent that the President be immediately notified that the Senate has given its consent to these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there now be a brief period for the transaction of routine morning business to extend not past the hour of 6:30 p.m. in which Senators may speak for not more than 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESOLUTION TO HONOR MARTY STEINBERG FOR HIS SERVICE TO THE SENATE

Mr. NUNN. Mr. President, on behalf of myself, Senator ROTH, Senator PERCY, Senator CHILES, and other members of the Senate Permanent Subcommittee on Investigations, I am today submitting a resolution proposed by the subcommittee to honor Marty Steinberg, former subcommittee chief counsel and chief counsel to the minority.

Marty Steinberg, who has left the subcommittee to enter private law practice in Miami, managed the subcommittee at the staff level for 3 years, during which time he showed himself to be a brilliant lawyer and an extraordinarily talented and inventive chief counsel. He has been a dedicated public servant in the finest sense of the word, a credit to the subcommittee and the Senate.

Prior to coming to the subcommittee in 1979, Marty was highly regarded in the Justice Department, both for his achievements as an attorney with the Miami Strike Force and also as the chief of the force. He had an established reputation as a fine lawyer and prosecutor.

In his 3-year tour as chief counsel, Marty directed the staff in a fair and efficient way. In part through his efforts, the subcommittee enjoyed one of the most productive periods in its history. We compiled an excellent record, reflecting our mandate to investigate Government operations, organized and syndicated crime, and labor-management racketeering.

As chief counsel Marty wasted no time in mounting the competent, comprehensive investigations the subcommittee must have preparatory to hearings. As a result, the subcommittee held numerous hearings on issues of significant national concern, including illegal narcotics profits, organized crime and the use of violence, the witness protection program, the Labor Department's investigation of the Teamsters' Central States pension fund, and waterfront corruption. The evidence produced during those hearings and the subcommittee's work during this period has already had a tremendously beneficial impact on law enforcement and in the Congress ability to legislation in important areas such as taxation, labor law, narcotics enforcement and sentencing, and bail procedures.

These investigations and the resulting findings and conclusions and recommendations for corrective action constitute a significant accomplish-

ment for the subcommittee. They are reflective of an active, highly productive period in the subcommittee's long history.

Senators who serve on this subcommittee can take pride in their record. A great debt of gratitude is owed to the man who headed the staff through this period of substantial progress.

That man is Marty Steinberg. He has performed ably for us and for the Nation. Each of us is to be judged on what we achieve. Marty Steinberg, in a very short time, has achieved much, for the subcommittee and the Senate.

I will miss him, as an adviser and as a friend. I wish him well in all his future endeavors. He has given us his best effort. That has turned out to be quite a lot, indeed.

I ask unanimous consent that the committee resolution be printed in the RECORD.

There being no objection, the committee resolution was ordered to be printed in the RECORD, as follows:

COMMITTEE RESOLUTION—MARTY STEINBERG

Whereas, Marty Steinberg has faithfully served the Committee on Governmental Affairs since 1979 as Chief Counsel and Chief Counsel to the Minority on the Permanent Subcommittee on Investigations; and

Whereas, he has carried out his duties in exemplary fashion, bringing credit to the Subcommittee and the Congress; and

Whereas, he has worked effectively to exercise the subcommittee's mandate of examining government operations, organized and syndicated crime, and labor management racketeering; and

Whereas, he has approached the subcommittee's oversight function with an unyielding commitment to fairness and a balanced presentation of the facts; and

Whereas, his services will be sorely missed by the Permanent Subcommittee on Investigations: Now, therefore, be it

Resolved, That the Permanent Subcommittee on Investigations expresses its deep gratitude and sincere respect for Marty Steinberg for his unfailing service and for his dedication to the United States Senate; and be it further

Resolved, That the members of the Permanent Subcommittee on Investigations express their best wishes for Marty Steinberg's future success and happiness.

In witness thereof, we, the members of the Permanent Subcommittee on Investigations, have subscribed our names hereto.

MILLARD V. OAKLEY, PIONEER IN LOW-POWER TELEVISION

Mr. SASSER. Mr. President, Mr. Millard V. Oakley, a bright, creative business innovator in Tennessee, has recently attracted national attention for his role in developing the concept of low-power television stations.

When Mr. Oakley's new station in Cookeville begins operating soon he and his listerners "will be taking a step into a new era," according to the prestigious business publication, Barron's.

Mr. Oakley is in on the ground floor of this new concept which brings television to the community level and which holds a bright promise for local television programing.

I want to commend and congratulate Mr. Oakley on this venture and call to the attention of my colleagues the following article from Barron's concerning his entry in this field.

Mr. President, I ask unanimous consent that the April 19, 1982, Barron's article be printed in full immediately following my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Barron's, Apr. 19, 1982]

AIRWAVES OF THE FUTURE?

(By Thomas G. Donlan)

Millard V. Oakley's television station opens this month in Cookeville, Tenn. Cookeville is not one of your major markets—it's not even one of the 212 officially recognized TV markets. And Oakley, although he holds interests in four radio stations in the Tennessee Valley, scarcely ranks as a media magnate. But this country lawyer is a pioneer: his television station is something brand new in broadcasting.

When Oakley's WO7BM fires up its transmitter, he and 50,000 or so potential listeners will be taking the first step into a new era. WO7BM is one of the first low-power television stations. It will broadcast with 100 watts of power instead of the five million some conventional television stations use. Oakley had to accept the power limit in order to get on the air, since a full power outlet in Cookeville probably would interfere with stations in Chattanooga or Knoxville or Nashville.

The power restriction, however, also provides an economic advantage. Building a conventional station can run $2.5 million or more and operating one takes a large, expensive staff. Building WO7BM is costing Oakley about $60,000, and he expects to run it for as little as $30,000 a year. Numbers like these, among other things, have made low-power television a hot topic for individual investors and big corporations. It's also made them a potential competitor for newspapers, radio stations and conventional television.

With a cheap low-power station, Cookeville will enjoy local television, since Oakley will be able to take advertisements from Cookeville merchants paying what they can afford to reach potential customers. And there's something more, something that makes the low-power game seem high-powered in Cookeville, Tenn., or Bemidji, Minn., or Ukiah, Calif., or Watertown, N.Y., or any of the other two dozen isolated communities where the Federal Communications Commission has authorized the first such stations. Most of the FCC's programming restrictions don't apply to low-power stations, so WO7BM can offer pay television, which usually is offered only in big cities. Oakley thinks he might be able to attract 2,000 to 3,000 subscribers, clearing $10 a month from each. That could make WO7BM more profitable, for its size, than even the most lucrative full-service station. "If you make ten bucks a subscriber, you wouldn't do all that bad,"Oakley reasons. "I believe this is where the action's going to be. Every town is going to have one."

Already, there's somebody in every town who wants to build one. Many hope that low-power television will offer a chance to open new stations in big cities. They look at the spaces on the TV dials, like Channel 6 in New York City, that are kept blank to avoid interference with other conventional stations, and they start to dream of big bucks. There are 34 applications on file for low-power slots in the Big Apple. A couple of dozen more large applicants are hot to serve cities in the suburbs like Hempstead and Yonkers, N.Y., and Hackensack, N.J.

Most applicants in big cities, however, will lose. Though there are five vacant channels on VHF between Channel 2 and Channel 13, plus many more on UHF between Channel 14 and Channel 83, engineers feel even a low-power station would interfere with some full-power channels. And an FCC lawyer says one low-power television rule will be simple: "If they interfere, they go off the air."

Each usable channel in every big city has multiple applicants and, last year, the FCC was overwhelmed by applications, in part because it charges no filing fee. Millard V. Oakley was filing not only for channels in Tennessee, but also for stations in New York, San Francisco, New Orleans and Washington, D.C. "It looked like a good crap game, so I filed to see what would happen," he says. Lots of people were willing to play. So were many of the nation's largest companies. NBC and ABC filed. Communications equipment companies, such as Graphic Scanning, filed. Programming companies, including Turner Broadcasting, filed. Newspaper companies—Gannett, Harte Hanks, and Scripps Howard—filed. And even companies with no connection to the business, such as Federal Express, filed.

The largest filing was for 141 stations by a Prescott, Ariz., outfit called Neighborhood TV Inc., which turns out to be financed by a venture capital arm of Sears, Roebuck. Owners of Neighborhood TV say they want to create a fourth network, concentrating on wholesome entertainment. (They deny what some skeptics believe, that Sears wants to use all those low-power stations for a video catalog.) Other big applicants include religious programmers. Dr. Jimmy Allen, head of American Christian Television Service, has applied for 106 stations, hoping to get around the high price of commercial television time. A Southern Baptist, Dr. Allen says, "Many of our congregations are paying astronomical prices for one hour of access a week." As a minister in San Antonio a few years ago, he paid $55,000 a year for Sunday morning broadcasts. American Christian Television Service is among the 51 applicants for a channel in that Texas city.

In all, 6,593 applications had been filed by April 10, 1981, the day the FCC cried, "Enough, already!" and put a freeze on new applications, except for those in the most distant rural areas. (This loophole is letting in about 100 applications a month. That's twice as many as the FCC staff can resolve each month, so the backlog is mounting.) The agency has asked Congress to buy it a new computer and hire 15 people to run it, but FCC lawyer Molly Pauker warns applicants not to expect miracles. "The 6,000-case backlog would grow to 20,000 if the freeze were lifted," she says. "It will take to 1985 or 1986 just to do the technical processing." The commission then will have to decide among dozens of competitors for each of the 1,000 new stations that Pauker eventually expects to see authorized. The FCC wants to use a lottery. But, it and Congress disagree about how to set one up.

Even the low-power television rules are being delayed. Last month, Pauker present-

ed a draft to the commission, which voted unanimously to accept them, with just a few changes. Pauker is supposed to go back and rewrite her draft to accommodate the commissioners' comments, but she has been shifted to a new job. That leaves the rules in bureaucratic limbo: "Until the document is released, it's not an official commission action," Pauker says. "And it can't be released because I have too much to do. I take full responsibility." A little more money for the FCC would help, she adds, noting that the new federal budget calls for a $12-million cut in agency funds that would result in the loss of 260 jobs.

All this delay comes as unpleasant news for some of the people trying to carve a niche in low-power television. EMC Inc. of White Haven, Pa., is the current sales leader in what is now the very small business of constructing television transmitters of the type that will be used by low-power TV stations. EMC officers told The Wall Street Journal that the company could sell $70 million worth of equipment in the next two years if the FCC grants 1,000 licenses.

The company hopes to boost profits from $1.7 million this year to $7 million next year, a projection that fueled a rise in EMC stock from under $6 a share last year to about $19 last week. Unfortunately, most of that new business and new profit depends on a schedule the FCC probably can't meet. And low-power television forces aren't overly impressed by the fact that 70% of applicants told the FCC they would use EMC equipment, noting that the applicants had to mention a company in business at the time of filing. "When this finally starts, there'll be a lot of people coming in to compete; the Japanese will be in like locusts," says Ike Blonder of Blonder-Tongue Inc. in Old Bridge, N.J., a firm that makes commercial television and radio components.

Another business, however, may be of the greatest importance to low-power television, just as it is to cable TV or any other new video technology: programming.

"The key to the success of any station is what you put on the screen," observes Gene Mater, senior vice president of the CBS broadcast group. "Whether you talk about low-power, or direct-broadcast from satellite, or microwave-distribution or cable—none of those systems brings with it an automatic amount of programming." CBS has ignored low power for that reason, although rivals NBC and ABC have filed for a complement of stations in major markets. "We say low-power [is] designed as a community-service type of thing and that wasn't the way to go for CBS," Mater says.

Neighborhood TV Inc., however, had networking in mind. The Arizona company financed by Sears filed its 141 applications in the hope of creating an instant network to compete with the Big Three by offering programs based on old-fashioned, small-town American values. Neighborhood TV President Marshall M. Carpenter complains that the enormous backlog at the FCC has made a joke of his dream. "Our plans were all predicated on delivering our 'Americana' programs to a sufficiently large audience to garner large enough commercial advertising revenues to generate competitive, quality programming," he says.

FCC rules for divvying up the licenses seem to favor local ownership instead of chains. Carpenter isn't very hopeful about assembling a low-power network from individually owned stations. "It'd be like getting 70 kids to sing in unison," he says. He'll try that, though, if he can't get the FCC to reconsider.

Carpenter sounds a warning: "Without a network, the stations that are granted will have to be unabashedly and perhaps 100 percent subscription TV—pay TV—in order to survive." But that may not seem so dire to Americans starving for—and willing to pay for—recent movies and better programming. In fact, cable television operators report that it's pay TV that sells the service and makes it profitable in city after city. John Boler, who owns a lower-power television station in Bemidji, Minn., says that it sold out of 500 pay-TV decoders in the first month of operation and had to order more. (The decoders unscramble the scrambled signals that cable-less pay-TV systems use to transmit their programs.) That success comes despite the fact that his channel competes with a cable system in downtown Bemidji, diminishing his potential market for pay by one fourth and leaving him only 30,000 viewers to court. Nevertheless, he insists that pay TV is going to put him in the black before the end of the year and finance a sizable local programming effort for daytime broadcasting.

Boler's lesson hasn't been lost on other rural broadcasters. "We are virtually swamped with inquiries," says John Calvetti of SelecTV in Los Angeles, which sells movies and special events for use by subscription television stations. "I have had to get a word-processing unit . . . to reply to these people."

Calvetti notes that, regardless of what his word processor tells those people, they're going ahead with low-power television, even though it's obvious that many of them "have little experience in broadcasting and no experience in pay TV."

But experience comes with time, and time is on the side of low-power television.

[From Barron's, Apr. 19, 1982]

HOW TO GET INTO LOW-POWER TV

How can you become a big-time, small-town broadcaster like Millard V. Oakley? First, get a few thousand dollars out of your money market fund and then go see somebody like Edward F. Johnson.

Johnson got Oakley into low-power television, and he's doing the same for a lot of other people. He owns a consulting company in Knoxville, Tenn., where a staff of lawyers and engineers specializes in FCC applications. Many of them, in fact, used to work at the FCC. "We offer a one-stop shop of lawyers, engineers, computer service, transmission-site securing, where everything can be done in one place. We run it in such a way that the client doesn't have to do anything but sign twice, once on the application and once on the check. (The check goes to Johnson; the FCC doesn't charge a filing fee.)

Johnson's firm has prepared nearly a third of all the low-power television applications filed so far. The 34-year-old entrepreneur says he's better off hiring lawyers than being one: "If I were a lawyer, I'd be up at the State Supreme Court all the time for my marketing," he says, explaining that he would be the communications equivalent of an ambulance chaser. Not restricted by the lawyer's code of practice, Johnson even discounts. He'll charge $4,000 to file one low-power television application, but for $50,000 he'll pick markets and file a package of 25.

"An investor who takes my $50,000 package, I figure he'll recoup his $50,000 by trading on 10 applications—that leaves him room to be a part owner on many more," Johnson says. He recommends that clients intentionally file competing applications to establish a trading position, and he concedes that his advise has built some of the FCC backlog he complains about. But those are the rules of the game, and the FCC makes the rules. He chortles: "I love the FCC, the FCC is great. They set up all these wild rules and then you've got to work their system around what you really want. You can do that if you take the time to learn the way they think."

For Johnson, this means finding and exploiting loopholes. For example, he says that, when the FCC officially defined the most rural areas that will soon be considered for low-power licenses, it actually delineated the urban places that won't be considered. The delineation, however, neglected the existence of Hawaii. So unless the FCC catches on, that state (including the city of Honolulu) is considered a rural area for low-power television purposes and could get its licenses ahead of the rest of the nation.

Johnson eventually plans to build low-power stations for successful applicants. But right now, he concedes, he's playing a paper game with his clients and the FCC. In another context, FCC Commissioner Joseph Fogarty called this sort of thing "trading television futures." The next step, which Johnson hasn't taken, is to form joint financing ventures along the lines of oil-drilling partnerships.

One thing Johnson isn't eager to do is to run stations. "We'll back off and let them [clients] play television." He claims he warns clients that he doesn't know how to make money with a low-power station, that in fact he's sure that "there's a lot of ways to go broke on low-power." A lot of people obviously think he's kidding.—T.G.D.

S. 2371 ENDORSED BY GOODWILL INDUSTRIES

Mr. SASSER. Mr. President, on April 14, I introduced S. 2371, the Sheltered Workshop Tax Credit Act of 1982. I have been deeply gratified by the positive response to this legislation by numerous sheltered workshops in Tennessee and the Nation. Recently, I received correspondence from Mr. David Cooney, President of Goodwill Industries of America, endorsing S. 2371. Goodwill Industries has about 170 sheltered workshops throughout the country, 4 of which are in Tennessee.

Mr. President, for the benefit of my colleagues, I ask unanimous consent that Mr. Cooney's correspondence to me be printed in the RECORD immediately following my remarks. If any of my colleagues would like further information on S. 2371, I would request that their staff contact John Callahan (x49588) or Gregg Schuder (x49543) of my staff for further information.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

GOODWILL INDUSTRIES
OF AMERICA INC.,
9200 WISCONSIN AVE.,
Washington, D.C. April 21, 1982.

Hon. JIM SASSER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SASSER: We were exceedingly pleased to learn of the most recent intro-

duction of S. 2371, the Sheltered Workshop Tax Credit Act. As a worldwide organization committed to assisting handicapped, disabled, and disadvantaged people attain the fullest development of which they are capable, we find the thoughtfulness with which S. 2371 was drafted to be particularly gratifying.

Goodwill Industries of America (GIA) numbers among its members approximately 170 sheltered workshops, 4 in Tennessee. Naturally, we are no more immune to the effects of inflation and tight money supplies than any other business or non-profit organization. Tax credits for contributions to sheltered workshops would certainly ease problems recently caused by the change in Social Security vocational rehabilitation payments and the effects of promised reductions in vocational rehabilitation funds through state grants.

We have taken the responsibility for writing Senator Dole, Chairman of the Senate Finance Committee, to ask for early hearings and markup. We also hope to find sponsors for a sister bill in the House. We hope momentum will build quickly in support of S. 2371, causing the 97th Congress to consider it seriously before campaign recesses set in late this summer.

Goodwill Industries of America appreciates your interest in sheltered workshops and your understanding of the budgetary dilemmas facing them. We will be contacting your staff to learn further how we can support your efforts.

Sincerely,

DAVID M. COONEY.

THE MESSAGE OF THE KENNEDY-HATFIELD RESOLUTION IS BRIEF AND TO THE POINT

Mr. KENNEDY. Mr. President, last Thursday Mr. Richard Siegel, a lawyer in Cleveland, Ohio, wrote one of the most eloquent articles I have seen on the reasons why so many citizens all across the country are joining the nationwide movement for a nuclear weapons freeze with the Soviet Union.

In his article, which was printed last Thursday in the Cleveland Plain Dealer, Mr. Siegel described in very personal terms his own experience in awakening to the issue and deciding to speak out for the Kennedy-Hatfield nuclear freeze resolution. As he says:

The message of the Kennedy-Hatfield Resolution is brief and to the point: Now that we and the Soviets possess more than enough nuclear weapons, delivery systems, and technology to kill most of us and poison those who remain, let's call a final "time-out" on both sides so that we may at least talk to each other about a way to reduce the heat and find a mutual and verifiable alternative to Armageddon.

Mr. President, I ask unanimous consent that Mr. Siegel's article and the text of the Kennedy-Hatfield nuclear freeze resolution (S.J. Res. 163), which is now supported by 194 Members of the Senate and House, may be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Cleveland Plain Dealer, Apr. 22, 1982]

SMUGNESS GIVING WAY TO PLEA FOR PEACE TALKS

(By Richard H. Siegel)

To better gauge the point of view which follows, it would be good to know certain things about me.

I am not a knee-jerk member of any political party, and I have undoubtedly voted for as many Republicans as Democrats. I have never participated in any phase of the peace movement, and I am not a pacifist. My father is a crusty veteran of World War I and World War II, and this son was never taught to turn the other cheek. I have been reasonably successful in my life's work and, like most of my neighbors and colleagues, my tastes sometimes get the better of my purse.

My professional responsibilities have taken me on occasion to the Soviet Union and Eastern Europe, and my memory remains vivid as to the lack of individual freedom and choice which darkens that part of the world.

I must confess that I have reached middle age steeled by a fashionably cynical view of the world and of my very limited role in it. Preoccupied with career, family and temporal gratification, I have been most willing to leave issues of war and peace and the looming nuclear holocaust to my college-age sons and their peers.

After all, I have earned the comfort of my private world and the right to close the door on all that frightening stuff out there.

At least that is how it was until a month ago. It was then that my son asked me to read and think about the congressional resolution authored by Sens. Edward M. Kennedy, D-Mass., and Mark Hatfield, R-Oreg., calling for a verifiable and immediate U.S.-Soviet freeze on the future development of nuclear weapons.

It was not a joyous experience. Much to my surprise, and with more than a little self-consciousness, I found it difficult to resist the sense of urgency which swept over me. The closet of my private world had been much more comfortable.

I have a feeling—perhaps naive—that the Kennedy-Hatfield Resolution is more than a peace movement and more than partisan politics. There is this gut sense that here is an idea whose time has come with an irresistible force which neither peace movements nor partisan politics can influence in any direction.

Never being one who enjoyed standing out in a crowd, I take courage from knowing that 130-plus congressmen and millions of Americans have already indicated their support for what Kennedy and Hatfield have put down on paper. They can't all be radical crazies.

I see endorsements and support from the Rev. Billy Graham, former Defense Secretary Clark Clifford, Gen. James Gavin, Rear Adm. Thomas Davies, Dr. Herbert Scoville Jr. (former deputy of the Central Intelligence Agency for Science and Technological Research) and Archbishop James Hickey of Washington, and my courage grows a bit more. Suddenly I feel rather secure about casually telling people at the office or the club that there may well be something to this nuclear freeze idea and that perhaps there is a choice other than between Red or dead.

The message of the Kennedy-Hatfield Resolution is brief and to the point: Now that we and the Soviets possess more than enough nuclear weaponry, delivery systems and technology to kill most of us and poison those who remain, let's call a final "time-out" on both sides so that we may at least talk to each other about ways to reduce the heat and find a mutual and verifiable alternative to Armageddon.

As a practical man, I do not believe that Kennedy and Hatfield are asking us to roll back our weapon strength or enter into an irrevocable commitment. As I read it, they are merely asking this administration to invite the Soviets to join us in stopping the production of more nuclear weaponry long enough so that the two countries can consider ways to reverse the collision course on which we seem to be headed.

Although my scholarly friends tell me that there is an abundance of historical precedent for what Kennedy and Hatfield have laid before us, I find myself drawn to an easier childhood image of the Lone Ranger, who was always right and never naive but who never refused the chance to talk to his foe about a peaceful alternative before resorting to the silver bullet.

I stopped believing in the silver bullet long ago, but this boyhood hero's willingness to at least explore the possibility of peace before he reached for his gun still sticks in my mind. Perhaps there is a little of the Lone Ranger in all of us who love this nation and are willing to defend it to the end.

I have come out of my own private closet to speak out for the Kennedy-Hatfield Resolution not because there are easy answers to these questions and not because I want peace at any price. Just as I am certain that peace at any price will never bring real peace, so I am certain in my middle age that I am no longer willing to live or die according to political labels, party loyalty or the visions of presidents and premiers whose views of the world do not include the survival of my children or grandchildren. It feels good to have the choice and the right to speak for life rather than death.

Although Kennedy and Hatfield may be praised for having the political courage to say that the time is now and that tomorrow may not arrive, it is no longer enough for me to merely applaud politely from the wings. Something has changed, and I guess it is me. I am out of the closet for good.

TEXT OF S.J. RES. 163

Joint resolution on nuclear weapons freeze and reductions

Whereas the greatest challenge facing the Earth is to prevent the occurrence of nuclear war by accident or design;

Whereas the nuclear arms race is dangerously increasing the risk of a holocaust that would be humanity's final war; and

Whereas a freeze followed by reductions in nuclear warheads, missiles, and other delivery systems is needed to halt the nuclear arms race and to reduce the risk of nuclear war: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (1) as an immediate strategic arms control objective, the United States and the Soviet Union should—

(a) pursue a complete halt to the nuclear arms race;

(b) decide when and how to achieve a mutual and verifiable freeze on the testing, production, and further deployment of nuclear warheads, missiles, and other delivery systems; and

(c) give special attention to destabilizing weapons whose deployment would make such a freeze more difficult to achieve.

(2) Proceeding from this freeze, the United States and the Soviet Union should pursue major, mutual, and verifiable reductions in nuclear warheads, missiles, and other delivery systems, through annual percentages or equally effective means, in a manner that enhances stability.

SCIENCE AND THE PUPFISH: THE TEMPO OF EVOLUTION

Mr. CRANSTON. Mr. President, one of the scientific tragedies of our age may well be unfolding in the Death Valley region of Nevada. Here, in the Ash Meadows area, live the desert pupfish, playfully named but critically important to our understanding of the processes of the evolution of species.

Scientists monitor the pupfish habitat constantly, looking to the pupfish for clues to unanswered genetic questions of importance to human survival.

Meanwhile, development encroaches upon the only area in the world where the desert pupfish exist. The pupfish are in danger of extinction. They cannot be transplanted.

The New York Times of April 20 carries a major story about the increasing importance of the pupfish to scientific inquiry on the nature and pace of evolution. The article underscores an issue I have addressed in the Congress beginning in 1972, when I first introduced legislation to provide habitat protection for this endangered species. The bill is pending.

I ask unanimous consent that the article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TINY FISH LOOMS LARGE IN EVOLUTION DEBATE: PUPFISH IN NEVADA MAKES POINT FOR REVISION IN DARWINIAN THOUGHT

(By John Noble Wilford)

DEVILS HOLE, NEV.—In water warm and tranquil, where their ancestors were stranded long ago by the vicissitudes of nature, here in a remote desert spring and nowhere else in the world, some tiny fish live under circumstances that would have entranced Charles Darwin.

Each form of life is something special, special and species being, in a sense, synonymous. But rarely has a being reached the same level of distinction as rapidly as the pubfish that swim about in Devils Hole at the base of a mountain not far from Death Valley.

Isolation has transformed these fish, the Devils Hole pupfish, into creatures different from all other species of pupfish. And its differences from its cousins are not unlike those that developed among the Galapagos finches that Darwin studied with such revolutionary effect. The finches on different islands developed different beaks, and evolutionary response to the different foods they had to depend upon. This observation was one of the "gleams of light" that came to Darwin, who died 100 years ago yesterday, and convinced him, as he wrote, that "species are not (it is like confessing a murder) immutable."

A total of at least five pupfish species have evolved in the Death Valley region. Dr. James E. Deacon of the University of Nevada calls these fish "the Darwin finches of the desert." But they may bear a message that Darwin missed:

They seem at once to confirm his theory of evolution and, in the minds of some scientists, to dispute his assumption about the tempo of evolution. All five species are now endangered, a fact that has scientists concerned because of the importance of the fishes' evolutionary behavior.

Darwin perceived that the process of evolution was exceedingly slow, occurring over millions and millions of years. Gene mutations that allow their bearers to adapt to the environment are the ones that survive, cumulate and lead eventually to a new species that can no longer mate with members of the species from which it evolved. This is the process of speciation along the lines of natural selection.

Although Darwin acknowledged that the fossil record revealed little about the intermediate steps in such a gradual process, the idea became a cornerstone of orthodox Darwinian theory, known since the 1940's as the "modern synthesis"—a convergence of new genetic knowledge with Darwin's insights.

In 1972, however, two paleontologists suggested that there was good reason for the absence of clear intermediate steps in the fossil record. Most of the "missing links" very probably never existed in the first place, they said. Dr. Stephen Jay Gould of Harvard University and Dr. Niles Eldredge of the American Museum of Natural History advanced the concept that evolution is marked by long periods of relative stability of species broken by bursts of rapid change, when old forms of life suddenly disappear and new ones appear. Evolution, it seemed to them, occurs by fits and starts, a theory usually labeled as "punctuated equilibrium."

The ensuing debate has pitted paleontologists against geneticists, who often respond in the vein of Dr. G. Ledyard Stebbins of the University of California at Davis. As he pointed out, "We know from looking at modern species that there may have been constant, gradual change taking place in the biochemistry of organisms which cannot be detected in the fossil record consisting of bones, but which nonetheless represent real evolutionary modifications."

A search for evidence to support the punctuationists has led to the pupfish of Death Valley, as well as a few other creatures.

In "The New Evolutionary Timetable," Dr. Steven M. Stanley of Johns Hopkins University wrote that any speciation must meet two criteria to fit the punctuational model. First, it must have occurred rapidly, he said, in less than a few thousand years or at most a few tens of thousands of years. Second, it must have achieved significant change, representing the formation of a new genus or at least a large step toward one. Even more telling, Dr. Stanley said, would be to find a species that had formed recently, and rapidly, and has yet to escape its place of origin, its own particular Garden of Eden.

Such species have been found at Lake Nabugabo, a small body of water in Uganda that has become separated from Lake victoria by a sand spit. Five species of cichlid fishes there, unknown anywhere else, are obvious examples of rapid speciation, Dr. Stanley said. In Hawaii, several species of moths have evolved in the last thousand years to feed exclusively on banana plants, which were introduced to the islands by the Polynesian settlers.

Excavations at Kenya's Lake Turkana recently produced fossils showing how 13 species of snails and clams changed over several million years. Dr. Peter G. Williamson of Harvard reported in the journal Nature last October fossil evidence of two explosive episodes of species formation, about two million years ago and again 700,000 years ago, triggered apparently by sharp changes in the lake's water level. This "clearly conforms to the punctuated equilibrium model," Dr. Williamson concluded.

But, according to Dr. Stanley, the pupfish may be the most dramatic living example of rapid and episodic evolution. One of these pupfish, Cyprinodon milleri, discovered in 1967, appears from geological evidence to be no more than a few thousand years old.

Even more remarkable is the Devils Hole pupfish, Cyprinodon diabolis. On the basis of form, Dr. Stanley said, it constitutes not only a new species but probably a new genus. Like Cyprinodon milleri, he added, the Devils Hole fish have reduced pelvic fins, or none at all, but are a smaller and more distinctive animal, with no close resemblance to any other living species.

Dr. Deacon, chairman of the department of biological sciences at the University of Nevada at Las Vegas, has studied the Devils Hole fish for years. At least once a month he goes to the cavern, situated about 100 miles northwest of Las Vegas and over the ridge from a roadside brothel, and with several associates dives into the spring-fed pool to observe and count his subjects. They also check instruments that monitor the water conditions.

Inside the mountain, the waters reach depths unplumbed. Outside, in the sunlight where algae can grow, the waters stand only two to three feet deep on a rocky ledge over an area only a little larger than a garden goldfish pond. This is, as a National Park Service sign proclaims, "probably the most restricted environment of any animal in the world."

There in the shallow basin the fish, seldom more than an inch and a half long at full growth, feed on the black algae in winter and the green algae in spring and summer. The water, warmed by subterranean heat, remains at a constant 92 degrees Fahrenheit.

During the winter, Dr. Deacon said, the pupfish population in Devils Hole drops as low as 200. But on his last visit, with the sun higher in the sky and beaming more directly into the narrow pool, the algae were coming to life and so were the pupfish.

They frolicked with tail-wagging vigor like frisky puppies, which is how they came by their name. The dark blue males, iridescent in sunlight, chased and were chased by the grayish females. Then a male and female would line up side by side and swim together for a while.

"A lot of that is practice for mating," Dr. Deacon explained. "That side-by-side swimming will culminate in S-shaping. They will drop down in the algae and begin vibrating, their bodies together in the shape of an S. The female will lay an egg and the male will release sperm. This will happen several times in the course of a day and continue over a period of two weeks."

In a week or more, the baby pupfish, resembling nothing more than sperm cells swimming under a microscope, emerge from the algae to explore their circumscribed world. By late summer the population may reach 500 to 600. Other mating seasons

follow during the summer and fall, for the lifespan of the Devils Hole pupfish is rarely more than eight months.

This is the way it has been in Devils Hole for perhaps 50,000 years, which was when scientists believe the small body of water was isolated from other aquatic habitats as the Death Valley region grew progressively more arid. A few of the pupfish that used to inhabit a vast network of streams and lakes were trapped in the cavern, and there conditions were conducive to genetic change. As Dr. Deacon said, "The populations sizes were small and therefore the evolutionary rates were rapid, in accordance with the Sewall Wright effect."

Dr. Wright, an American geneticist, concluded that random changes in genes in time cause a gradual change in a species, the product of so-called genetic drift, and that the change is more apt to be rapid and pronounced in small and isolated populations. Larger populations swamp out most tendences to genetic extremes in favor of the genetic mainstream.

But the phenomenon of the pupfish evolution may illustrate more than the Sewall Wright effect. "The tiny devil's pupfish is one of modest number of species in the world that may hold the key to rapidly diverging speciation," Dr. Stanley wrote in "The New Evolutionary Timetable."

"For its genes, its physiological mechanisms, its tissues, and its behavior to vanish from the earth along with its habitat would be tragic," he warned.

Scientists and environmentalists have fought for years to preserve the pupfish. At the urging of Dr. Robert Rush Miller, curator of fishes at the University of Michigan, and Dr. Carl L. Hubbs of the Scripps Institution of Oceanography, both early students of the pupfish, Devils Hole was incorporated in the Death Valley National Monument in 1952.

But farmers and developers in the adjacent Ash Meadows began pumping more and more water for irrigation, and as they did the water inside the cavern dropped dangerously close to the level of the submerged ledge on which the fish feed and breed. In 1976, the United States Supreme Court ruled in favor of the pupfish, saying that they had the right to sufficient water to survive because of their national monument status.

Still, Dr. Deacon said that he was concerned about the moves of new developers who want to build a resort here in the desert. Their demands for water could further threaten the pupfish. All efforts to transplant the Devils Hole pupfish, to spread the population, have failed; the fish seem to thrive only in their waters of origin, which makes their survival more precarious but all the more important to scientists.

"If what is unique about being human is to know," Dr. Deacon said, "then every time we destroy an opportunity to know we destroy an opportunity to be human."

IMPLEMENTATION OF NUCLEAR FREEZE AND REDUCTIONS PROPOSALS

Mr. CRANSTON. Mr. President, it is the hope of citizens throughout this country and peoples throughout the planet that fair, concrete, verifiable steps should be taken immediately to freeze and reverse the superpower nuclear arms race.

In the United States, this hope is manifest in a nuclear freeze movement which is driven, I believe, by a fundamental conviction that we will not find greater security by building more and more nuclear weapons. It is driven, too, by a concern that we must devise new means of avoiding the nightmare that we could stumble accidentally into a nuclear war—a realistic concern that computer error or human miscalculation could cause a nuclear holocaust when so many weapons of mass destruction are stockpiled under hair-trigger conditions in the United States and the Soviet Union.

These concerns are not found only among those who have consistently supported arms control measures such as SALT II. They extend to all who are deeply concerned about our national security.

I have been involved in the effort to control nuclear arms since I attended a week-long conference in Dublin, N.H., a few weeks after the bombs fell at Hiroshima and Nagasaki. The conference was called to consider the significance of the dawn of the nuclear age. Among those attending were physicists who had helped create the first nuclear weapons. I have focused on arms control ever since, and I have done my utmost to advance the cause since I came to the Senate in 1969.

Several congressional resolutions have been introduced in response to the clamor for real progress on nuclear arms reduction.

Many supporters of the Kennedy-Hatfield resolution have criticized the Jackson-Warner resolution on the grounds that it refers to an "imbalance" in strategic forces, ignoring how meaningless this concept is, given the superpowers' overkill capabilities and the deterrent ability of each to respond with certain devastating force to a first strike.

Many supporters of the Jackson-Warner resolution have criticized the Kennedy-Hatfield resolution on the grounds that it does not come to grips with how and when a verifiable freeze on nuclear warhead production can be achieved.

Still others criticize both resolutions as mere statements of goals that do not spell out the means to achieve those goals.

To pull us all together, we need a freeze position that is fair, negotiable, and verifiable. It must spell out how to end the accumulation of more nuclear arms, how to achieve arms reductions, and how to maintain stability and deterrence while freezing and reducing.

I believe it is essential, too, to have proposals which are clear and relatively simple—proposals that will not get us hopelessly bogged down in arcane details.

I have sought to bridge the gap between those who would freeze now and achieve reductions later and those who would build and modernize now, and freeze later. For that reason, I was an original cosponsor of both the Kennedy-Hatfield resolution—which I prefer—and the Jackson-Warner resolution.

Mr. President, I have introduced a resolution for consideration by the Senate Foreign Relations Committee when we deal with various arms reductions resolutions and approaches. I believe my resolution goes a long way toward meeting the concerns expressed by many about the Kennedy-Hatfield and Jackson-Warner approaches, while providing the specific means for immediately implementing their common objectives.

I propose that we seek a nuclear freeze by updating proposals first advanced in separate speeches at the United Nations by President Eisenhower and President Kennedy.

President Kennedy proposed in 1961 a halt in "the production of fissionable material for use in weapons" by the United States and the U.S.S.R., the halt to be verified by the International Atomic Energy Agency (IAEA). My proposal, expanding upon the Kennedy suggestion, would immediately freeze the growth of nuclear weapons stockpiles in a verifiable manner while permitting the United States and the Soviet Union freedom to undertake such selective modernization as is essential for the maintenance of stability and deterrence. Any new nuclear weapon to be deployed would get its warhead from a dismantled system.

President Kennedy also proposed at the U.N. a comprehensive nuclear test ban—"a treaty assuring the end of nuclear tests of all kinds, in every environment, under workable controls"—a vital step for slowing the nuclear arms race, which was nearly realized in the latter half of the 1970's. I suggest that we proceed now to ratify the comprehensive nuclear test ban. This would do much to curb development of new weapons by reducing confidence in systems that would be untried and untested.

I further suggest that we seek an agreement with the Soviet Union on phased reductions in stockpiles of highly enriched uranium and plutonium from nuclear warheads along the lines suggested by President Eisenhower. In 1953, he proposed that the United States and the U.S.S.R. should "begin now and continue to make joint contributions of their stockpiles of normal uranium and fissionable materials" to the International Atomic Energy Agency (IAEA) in order to "begin to diminish the potential destructive power of the world's atomic stockpiles."

The details of this latter part of my approach were first suggested to me by Adm. Noel Gayler, former commander of U.S. forces in the Pacific. It

would provide for each country to turn in nuclear warheads to the IAEA, perhaps to a control center in a third country. This would be done according to an agreed quota system. The weapons-usable material would be denatured under existing IAEA inspection procedures.

I must note that I have been among the most vocal of IAEA critics, as part of my efforts to combat nuclear proliferation to countries which do not yet possess "the bomb."

But I am confident that the IAEA does have the potential capability to provide for verification of a prohibition on United States and Soviet production of highly enriched uranium and plutonium for weapons production. I have this confidence largely because of the margin of error involved in such a monitoring task.

It is one proposition for the IAEA to employ current inspection and accounting procedures to guarantee with 100 percent certainty that a nation which has no declared nuclear weapons has not diverted one or two weapons' worth of highly enriched uranium or plutonium. In volatile regions like the Middle East, South Asia, or Latin America, a monitoring error of greater than 10 killograms bomb-grade material could provide a critical shift in the regional balance of power.

But when the United States and the Soviet Union have nearly 50,000 nuclear warheads between them, a worst case inspection and accounting error of a few warheads' worth of bomb-grade material by the IAEA would have no strategic significance.

We must, I suggest, strengthen the IAEA for such a superpower monitoring task, aware that while it has shortcomings in dealing with states which do not yet possess nuclear weapons, it has clear capabilities to monitor superpower arms reductions. Given enough manpower, the IAEA could do the job.

I do not discount the difficulty of gaining Soviet agreement to IAEA inspection. However, the Soviets traditionally have been supportive of the International Atomic Energy Agency, and they have a good nonproliferation record. I believe that Soviet flexibility on onsite monitoring of a comprehensive nuclear test ban and their eagerness for progress on arms control are causes for some optimism.

Under my proposal, the Soviets would have to close their facilities producing material for nuclear warheads, as would we. As for facilities producing or using weapons-usable, highly enriched uranium or plutonium for energy generation, the Soviets have only a limited number of them. They would have the choice of closing those facilities or submitting them to periodic IAEA inspections. Such inspections would be an essential step for verifying any ban on warhead production.

Mr. President, I believe my proposal could help to realize a number of the goals expressed by supporters of efforts to freeze and reduce the superpowers' nuclear arsenals. I do not mean to suggest by any means that this proposal could not benefit from the inclusion of several other concepts which have been discussed in this Chamber in recent days. We need to address related issues such as nuclear crisis prevention, nuclear nonproliferation, and further curbs on the deployment of new weapons systems. In the days ahead, I hope to work with my colleagues on both sides of the aisle in an effort to combine proposals on these and related issues so as to provide a comprehensive arms control resolution for the consideration of the full Senate.

I ask unanimous consent that the full text of my resolution be printed at this point in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. —

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States should initiate negotiations with the Soviet Union to freeze and reverse the nuclear arms race by the following means:

(1) To freeze the nuclear arsenals of the United States and the Soviet Union: the President should propose to the Soviet Union immediate commencement of negotiations designed to achieve a mutual prohibition on the further production of highly enriched uranium and plutonium for weapons purposes to be verified by International Atomic Energy Agency inspection and to place all non-military stocks of highly enriched uranium and plutonium under IAEA safeguards;

(2) To reduce the nuclear weapons stockpiles of the United States and the Soviet Union: the President should propose to the Soviet Union immediate commencement of negotiations designed to achieve phased dismantling of substantial numbers of nuclear warheads and placement of the reclaimed weapons-usable material under the control of the International Atomic Energy Agency.

(3) To slow the process of weapons modernization: the President should propose to the Soviet Union prompt completion of a Comprehensive Nuclear Test Ban Treaty.

MESSAGE FROM THE HOUSE

ENROLLED JOINT RESOLUTION SIGNED

At 2:02 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the Speaker has signed the following joint resolution:

H.J. Res. 448. Joint resolution to authorize and request the President to issue a proclamation designating April 25 through May 2, 1982, as "Jewish Heritage Week."

The enrolled joint resolution was subsequently signed by the President pro tempore (Mr. THURMOND).

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3297. A communication from the Assistant Attorney General for Administration, transmitting, pursuant to law, a report on a proposal to modify a Privacy Act system of records; to the Committee on Governmental Affairs.

EC-3298. A communication from the Executive Director of the Commodity Futures Trading Commission, transmitting, pursuant to law, a report on proposed modification to two Privacy Act systems of records; to the Committee on Governmental Affairs.

EC-3299. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the fifth annual report of the Board on implementation of its responsibilities under the Government in the Sunshine Act during calendar year 1981; to the Committee on Governmental Affairs.

EC-3300. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of legislation adopted by the Council on March 23, 1982; to the Committee on Governmental Affairs.

EC-3301. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of legislation adopted by the Council on March 23, 1982; to the Committee on Governmental Affairs.

EC-3302. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of legislation adopted by the Council on March 23, 1982; to the Committee on Governmental Affairs.

EC-3303. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of legislation adopted by the Council on April 6, 1982; to the Committee on Governmental Affairs.

EC-3304. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of legislation adopted by the Council on April 6, 1982; to the Committee on Governmental Affairs.

EC-3305. A communication from the Chairman of the U.S. Commission on Civil Rights, transmitting, pursuant to law, a report entitled "Nonreferral Unions and Equal Employment Opportunity"; to the Committee on the Judiciary.

EC-3306. A communication from the Deputy Secretary of the Treasury, transmitting a draft of proposed legislation to amend chapter 41 of title 18, United States Code, to prohibit threats against Presidential candidates and other persons protected by the Secret Service who are not presently covered by the Presidential threat statute, with the creation of a new section 879 for this purpose; to the Committee on the Judiciary.

EC-3307. A communication from the Director of the Selective Service System, transmitting, pursuant to law, a report on the activities of the Selective Service System under the Freedom of Information Act for calendar year 1981; to the Committee on the Judiciary.

EC-3308. A communication from the Attorney General of the United States, transmitting, pursuant to law, a report on the numbers of applications for orders or extensions of orders approving electronic surveillance during calendar year 1981; to the Committee on the Judiciary.

EC-3309. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report on the Primary Care Research and Demonstration Program for fiscal year 1981; to the Committee on Labor and Human Resources.

EC-3310. A communication from the Secretary of Education transmitting, pursuant to law, notice of intention to submit two reports on bilingual education; to the Committee on Labor and Human Resources.

EC-3311. A communication from the Secretary of Labor transmitting, pursuant to law, annual report reviewing the administration of the Black Lung Benefits Act during 1980; to the Committee on Labor and Human Resources.

EC-3312. A communication from the Under Secretary for International Affairs and Commodity Programs of the Department of Agriculture transmitting a fresh version of proposed legislation "To implement the Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment to be used for such Carriage (ATP), and for other purposes"; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3313. A communication from the Secretary of Health and Human Services transmitting a report of a violation of section 3679 of the Revised Statutes, as amended; to the Committee on Appropriations.

EC-3314. A communication from the Secretary of Defense transmitting comments and recommendations on the study, prepared jointly by the Departments of the Interior, Defense, and Energy, reviewing the need for a National Arctic Research Policy and the necessity of maintaining a research facility in the Arctic Region; to the Committee on Armed Services.

EC-3315. A communication from the Administrator of the National Aeronautics and Space Administration transmitting, pursuant to law, a report on contracts negotiated under 10 U.S.C. 2304(a)(11) and (a)(16) for the period July 1, 1981 through December 31, 1981; to the Committee on Armed Services.

EC-3316. A communication from the Acting Secretary of the Interior transmitting a draft of a bill "To amend the Act of October 26, 1972 (86 Stat. 1181), as amended, to increase the authorization of appropriations for Perry's Victory and International Peace Memorial National Monument, and for other purposes"; to the Committee on Energy and Natural Resources.

EC-3317. A communication from the Commissioner of the Bureau of Reclamation, Department of the Interior, transmitting, pursuant to law, a report on modifications to Stony Gorge Dam, Orland Project, California; to the Committee on Energy and Natural Resources.

EC-3318. A communication from the Vice Chairman of the Tahoe Regional Planning Agency transmitting, pursuant to law, a report on the progress of the Agency in developing environmental threshold carrying capacities; to the Committee on Environment and Public Works.

EC-3319. A communication from the Secretary of Transportation, transmitting, pursuant to law, the third annual report on the Highway Bridge Replacement and Rehabilitation Program; to the Committee on Environment and Public Works.

EC-3320. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report concerning the relationship between lead in gasoline and blood levels; to the Committee on Environment and Public Works.

EC-3321. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a list of reports issued by the General Accounting Office for the month of March 1982; to the Committee on Governmental Affairs.

EC-3322. A communication from the Inspector General of the Department of Health and Human Services, transmitting, pursuant to law, the annual report of the Office of Inspector General, Department of Health and Human Services for calendar year 1981; to the Committee on Governmental Affairs.

EC-3323. A communication from the Chairman of the International Trade Commission, transmitting, pursuant to law, the annual report on the activities of the Commission under the Government in the Sunshine Act for calendar year 1981; to the Committee on Governmental Affairs.

EC-3324. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the resource allocation plan for health services for the Indian Health Service; to the Select Committee on Indian Affairs.

EC-3325. A communication from the Deputy Assistant Secretary of Defense (Administration), transmitting, pursuant to law, the annual report on extraordinary contractual actions to facilitate the national defense; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GARN, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. Res. 377. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 2226; referred to the Committee on the Budget.

By Mr. LUGAR, from the Committee on Banking, Housing, and Urban Affairs, with an amendment in the nature of a substitute:

S. 2226. A bill to amend the National Housing Act to provide for emergency interest reduction payments, and for other purposes (with additional views) (Rept. No. 97-362).

By Mr. PERCY, from the Committee on Foreign Relations, without amendment:

S. Con. Res. 84. A concurrent resolution expressing the sense of the Congress on the occasion of the centennial of the establishment of diplomatic relations between the United States and Korea.

By Mr. PERCY, from the Committee on Foreign Relations, without amendment:

S. Con. Res. 85. An original concurrent resolution authorizing the reprinting of the Senate committee print entitled "NATO Today: The Alliance in Evolution"; referred to the Committee on Rules and Administration.

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1628. A bill to amend the Emergency Fund Act (Act of June 26, 1948, 62 Stat. 1052) (Rept. No. 97-363).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with amendments:

S. 933. A bill to authorize rehabilitation of the Belle Fourche irrigation project, and for other purposes (Rept. No. 97-364).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. WARNER:

S. 2436. A bill to designate the Mary McLeod Bethune "Council House" in Washington, D.C., as a national historic site and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WALLOP:

S. 2437. A bill to amend the Internal Revenue Code of 1954 and title IV of the Social Security Act to provide for the support of dependent children through a child support tax on absent parents, and to provide for a demonstration program to test the effectiveness of such tax prior to full implementation; to the Committee on Finance.

By Mr. GLENN:

S. 2438. A bill to provide enhanced Federal penalties for arson affecting Federal property or interstate commerce; to the Committee on the Judiciary.

By Mr. MITCHELL (for himself and Mr. RANDOLPH):

S. 2439. A bill to amend the Public Works and Economic Development Act of 1965, as amended; to the Committee on Environment and Public Works.

S. 2440. A bill to amend the Public Works and Economic Development Act of 1965, as amended; to the Committee on Environment and Public Works.

By Mr. ROTH (by request):

S. 2441. A bill to further amend the Federal Property and Administration Services Act of 1949, as amended, to allow supply operations to be industrially funded; to the Committee on Governmental Affairs.

S. 2442. A bill to discontinue or amend certain requirements for agency reports to Congress; to the Committee on Governmental Affairs.

By Mr. MURKOWSKI:

S. 2443. A bill to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource developments; to the Committee on Energy and Natural Resources.

By Mr. DODD:

S. 2444. A bill to amend the National Housing Act; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HOLLINGS (for himself and Mr. CANNON):

S. 2445. A bill to amend the Communications Act of 1934 regarding cable telecommunications, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HART:

S.J. Res. 192. Joint resolution calling for negotiations to halt the production of separated plutonium; to the Committee on Foreign Relations.

By Mrs. KASSEBAUM:

S.J. Res. 193. Joint resolution designating the week of November 7 through November 13, 1982 as "National Respiratory Therapy Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GARN:

S. Res. 377. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 2226; from the Committee on Banking, Housing, and Urban Affairs; to the Committee on the Budget.

By Mr. BIDEN:

S. Res. 378. A resolution urging a statement of U.S. policy regarding the Falkland Islands; to the Committee on Foreign Relations.

By Mr. CANNON:

S. Res. 379. A resolution to urge the Secretary of Transportation and the Chairman of the Civil Aeronautics Board to convene an Airline-Government Summit Conference for the purposes of examining Federal Government policies affecting the airline industry and discussing airlines' fare policies under deregulation; to the Committee on Commerce, Science, and Transportation.

By Mr. BAKER:

S. Res. 380. A resolution to amend paragraph 2 of rule XXV and to make certain majority party committee appointments; considered and agree to.

By Mr. HAYAKAWA (for himself and Mr. GLENN):

S. Con. Res. 84. A concurrent resolution expressing the sense of the Congress on the occasion of the centennial of the establishment of diplomatic relations between the United States and Korea; to the Committee on Foreign Relations.

By Mr. PERCY:

S. Con. Res. 85. An original concurrent resolution authorizing the reprinting of the Senate committee print entitled "NATO Today: The Alliance in Evolution."; from the Committee on Foreign Relations; to the Committee on Rules and Administration.

By Mr. WARNER:

S. Con. Res. 86. A concurrent resolution expressing the sense of the Congress that the Secretary of the Army should place a plaque in Arlington National Cemetery honoring members of the U.S. Armed Forces who died during an attempt to rescue American hostages held in Iran; to the Committee on Veterans Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WARNER:

S. 2436. A bill to designate the Mary McLeod Bethune "Council house" in Washington, D.C., as a national historic site, and for other purposes; to the Committee on Energy and Natural Resources.

MARY M'LEOD BETHUNE NATIONAL HISTORIC SITE

Mr. WARNER. Mr. President, today I am introducing a bill to designate the Mary McLeod Bethune "Council House" here in Washington, D.C. as a national historic site.

Council House was the last official residence of Mrs. Bethune, a great American and prominent black leader. The house also served as the first national headquarters of the National Council of Negro Women.

It was from this historic building that Mrs. Bethune labored to develop the strategies and programs which advanced the interests of black women and the black community.

Mrs. Bethune worked endlessly to achieve goals which many thought impossible at the time. She had the fortitude, persistence, and confidence to believe that if one was willing to work hard, even the greatest barriers could be overcome. She was an example of the spirit and hope upon which America was founded.

Heads of state, government officials, and leaders from around the world were received at Council House which now serves at the site of the Mary McLeod Bethune Memorial Museum and the National Archives for Black Women's History.

During my tenure as Administrator of the Nation's Bicentennial, the Bicentennial Administration made a grant to the National Council of Negro Women to assist in this program. I have a continuing personal interest in the legislation for the special status it will provide this repository of black American history of which Mrs. Bethune and her associates are so much a part.

The purpose of the bill is to assure the preservation, maintenance, and interpretation of Council House. The bill would designate Council House as a national historic site. It would authorize and direct the Secretary of the Interior to enter into a cooperative agreement with the National Council of Negro Women, who would continue to own and operate the site.

Special credit is due Members of the House of Representatives and of the Virginia Legislature for heading up this effort to have Council House designated a historic site. I am pleased they asked me to assist them in the U.S. Senate.

Council House is located at 1318 Vermont Avenue NW., Washington, D.C.

I urge my colleagues to cosponsor this important legislation and to support it when it reaches the floor.

Mrs. Bethune's biography follows:

Mary McLeod Bethune was born July 10, 1875, the 15th of 17 children of Samuel and Patsy McLeod, slaves on the McLeod Plantation in Mayesville, South Carolina. She was born a free woman.

Seeing the overriding importance of real freedom, education and equality, she became a powerful force in the emerging struggle for civil rights.

Beginning as an educator and founder of a college which bears her name, Mrs. Bethune became a valued counselor to Presidents Coolidge, Hoover, Roosevelt, and Truman. She was Director of the Division of Negro Affairs in the National Youth Administration, the founder of the National Council of Negro Women, and a consultant to world figures seeking to build universal peace through the United Nations.

A fighter for the rights of all, Mary McLeod Bethune had a special interest in the rights and abilities of women.

She served as the first president of the National Council of Negro Women from 1935 to 1949 and president emeritus until her death May 18, 1955.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2436

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

CONGRESSIONAL FINDINGS AND PURPOSE

SECTION 1. (a) FINDINGS.—The Congress finds and declares that—

(1) the Mary McLeod Bethune "Council House", was the residence in Washington, D.C., of Mary McLeod Bethune, renowned educator, national political leader and founder of the National Council of Negro Women;

(2) it was at this location that Mary McLeod Bethune directed activities that brought her national and international recognition;

(3) this site was significant as a center for the development of strategies and programs which advanced the interests of black women and the black community;

(4) it was at this location that Mary McLeod Bethune as the President of the National Council of Negro Women received heads of state, government officials, and leaders from across the world;

(5) the Mary McLeod Bethune "Council House" was the first national headquarters of the National Council of Negro Women, and is the site of the Mary McLeod Bethune Memorial Museum and the National Archives for Black Women's History;

(6) the Archives, which houses the largest extant manuscript collection of materials pertaining to black women and their organizations, contains extensive correspondence, photographs, and memorabilia relating to Mary McLeod Bethune; and

(7) the Museum and Archives actively collect artifacts, clothing, artwork, and other materials which document the history of black women and the black community.

(b) PURPOSE.—It is the purpose of this Act—

(1) to assure the preservation, maintenance and interpretation of this house and site because of the historic meaning and prominence of the life and achievements of Mary McLeod Bethune, an outstanding leader in the areas of housing, employment, civil rights, and women's rights; and

(2) to assure the continuation of the Mary McLeod Bethune Memorial Museum and the National Archives for Black Women's History at this site, the preservation of which is necessary for the continued interpretation of the history of black women in America.

ESTABLISHMENT OF HISTORIC SITE

SEC. 2. In order to further the purpose of this Act and the Act of August 21, 1935 (15 U.S.C. 461-7), the Mary McLeod Bethune "Council House" at 1318 Vermont Avenue N.W., in the city of Washington, D.C., is hereby designated as a national historic site (hereinafter in this Act referred to as the "historic site").

COOPERATIVE AGREEMENT

SEC. 3. In furtherance of the purposes of this Act and the Act of August 21, 1935 (16 U.S.C. 461-7), the Secretary of the Interior

is authorized and directed to enter into cooperative agreements with the National Council of Negro Women. Such agreements may include provisions by which the Secretary will provide assistance to mark, interpret, restore and maintain the historic site and provide technical and financial assistance to the National Council of Negro Women for the preservation and interpretation of any properties referred to in section 1(a). Such agreement may also contain provisions that—

(1) the Secretary of the Interior, acting through the National Park Service, shall have right of access at all reasonable times to all public portions of the property covered by such agreement for the purpose of conducting visitors through such properties and interpreting them to the public; and

(2) no changes or alterations shall be made in such properties except by mutual agreement between the Secretary and the other parties to such agreements.

No limitation or control of any kind over the use of such properties customarily used for the purposes of the National Council of Negro Women shall be imposed by any such agreement.

ANNUAL REPORT

SEC. 4. The National Council of Negro Women shall, as a condition of the receipt of any assistance under this Act, provide to the Secretary of the Interior and to the Congress of the United States an annual report documenting the activities and expenditures for which any such assistance was used during the preceding fiscal year.

By Mr. WALLOP:

S. 2437. A bill to amend the Internal Revenue Code of 1954 and title IV of the Social Security Act to provide for the support of dependent children through a child support tax on absent parents, and to provide for a demonstration project program to test the effectiveness of such tax prior to full implementation; to the Committee on Finance.

CHILD SUPPORT TAX ACT

● Mr. WALLOP. Mr. President, I am introducing legislation today which would reverse a disturbing trend involving our social welfare programs. Our Federal social welfare programs are organized under the umbrella of the Social Security Act. Some titles in the act, such as title II and title XVIII, provide social insurance programs for retirement for health care for the aging, and so forth. The social insurance programs are basically earned benefits which a worker and their family has become entitled to through contributions during their working years. The second type of program is devoted to welfare. Title IV, for instance, provides aid to families with dependent children. In other words, low-income families with no other source of income can receive public assistance if there are minor children present.

The AFDC program was originally adopted as an extension of State programs to assist widows and orphans. It was thought that a temporary program of public assistance would be necessary to help widows and their children with no other source of income. As the social insurance aspects of social security went into effect, the need for public aid would disappear as more and more workers and their families were covered by social security. It was never envisioned by the Committee on Economic Security, which drafted the Social Security Act, that title IV would ever be anything more than a temporary sidelight.

History has a distressing habit of disrupting predictions. The development of AFDC is a case in point. Rather than fading away, the program now covers over 10 million individuals in 3.5 million families at a cost of $8.4 billion to the Federal Government. Widows and orphans constitute a small percent of the participants. In over 80 percent of the families on AFDC, both parents are still living. However, one parent, the wage earner, has abandoned the family. They have deserted their family and provide meager, if any, child support. The family turns to their only alternative which is public assistance. The welfare problem of the sudden loss of the wage earner through death has expanded to a problem of desertion by the primary wage earner.

In an article not too long ago, my colleague from New York, Mr. MOYNIHAN, described what must be considered frightening statistics on the disintegration of the family. In 1978, 32 percent of our children lived with only one or no parent. By 1990, this number could rise to 41 percent. In practically all instances, it is the mother with whom the children reside. While 65 percent of mothers in female headed families have jobs, their earnings are low. About half of the children in female headed families live in poverty.

We supposedly have a system of child support which requires parents to fulfill their family responsibility to provide for their children. Some absent parents do, but most do not. One recent study indicated that only about 25 percent of deserted families actually receive some support. Even when they receive whatever support the absent parent begrudgingly provides, the family often requires public assistance to make ends meet.

A recent study calculated that about 38 percent of the families on welfare have been awarded child support. Within that group, it has been the family with the stronger legal bond of marriage that has a higher rate of award; 80 percent of divorced women have binding agreements. Only 11 percent of those never married have an agreement. Still, only 39 percent of those with an agreement ever receive any money. Thus, of those on AFDC with an absent parent, only 15 percent ever receive any child support. The system is failing in two respects. First, many adults with family responsibilities are totally evading their obligations. And, they are under no legal obligation to assist their family. I find it very curious that only 38 percent of AFDC families have a support agreement, while over 80 percent of the AFDC families have an absent parent. Every one of those parents should be under court order to provide support. Second, even when an adult has a support agreement, they are blithely ignoring the agreement. They know that there is little danger that it will be enforced.

The problem of increased spending on welfare due to parental desertion is only the tip of the iceberg. The underlying threat of substantial numbers of poor single parent families on welfare is the creation of a permanent poverty culture, or underclass. The dissolution of a family often leads to poverty for the mother and children. This is demonstrated by the poverty rate in 1980 for a two-parent family versus a female headed family. In a family with both parents present, the poverty rate is only 6.2 percent, while in the female headed family, the rate is 32.7 percent. While the poverty rate has declined over the last two decades, the number of the permanent poor has increased. Today, 45 percent of the poverty population is long-term poor. And, too many in this group are members of female headed families.

Weak family structures, a welfare system that stresses dependency rather than self-development, and a budget crisis that has diminished our resources to fight poverty clearly indicate that we have a mess on our hands. The major solutions to date have done little to get us out of this morass. One approach has been to push for more spending on income transfers. Such transfers alleviate some of the symptoms of poverty, but keep the poor in a dependent state. We have reached the limits of what transfers can do to eliminate poverty. We have created a vast, cumbersome, bureaucratized structure to deal with poverty. The result, as one study demonstrates, is that for every additional dollar spent on income transfers, only 5 cents actually reduces poverty. The alternative solution, the workfare option, is based on the assumption that the poor should earn their benefits through community service. Workfare, however, does little to prepare a woman on welfare for a real job in the private sector. The major fallacy of both solutions is that they focus on the custodial parent, but totally ignore the absent parent. The absent parent may well have sufficient income to offset partially or totally, the AFDC benefits going to his family.

Over the years, minimal attention has been given to the absent parent. In 1950, the Uniform Reciprocal En-

forcement Support Act was adopted. It was intended to enforce child support on an interstate basis, but has obviously not been effectively enforced. Beginning in 1967, the Congress passed legislation to stress child support enforcement by the States. Further amendments were necessary in 1974 due to lack of compliance. One of the problems is that State and local officials know that AFDC will take care of a female headed family, so they are reluctant to bother with child support enforcement.

The Federal Office of Child Support Enforcement provides assistance to State authorities, the so-called title IV-D agencies, who are responsible for child support enforcement. Though the program has been in effect for a number of years, we are still only reaching about 10 to 15 percent of parents who should be paying support.

Further improvements in the program were enacted last year as part of the Omnibus Budget Reconciliation Act. The legislation authorized the withholding of any child support payments in arrears from an individual's tax refund. We will not have any data on the impact of this program until later this year.

The focus on the absent parent is a necessary reform in our welfare program. The support of one's family should fall, first, on the custodial parent, and next on the absent parent. Only in the last instance should public assistance be provided to a family with both adults still living.

The legislation I am introducing today is based on this principle. It is a logical extension of current efforts. I should state at the outset that the bill is a discussion draft. It is not the only approach. In fact, the bill would require a period for demonstration projects based on the program outlined in the bill and variations. This would allow us to test and evaluate the feasibility of the program.

My bill would authorize a child support tax. Whenever a family applied for AFDC, the absent parent of that family would immediately have a tax imposed on their income. The tax revenue would be used to pay benefits to the family. The parent tax would be used instead of AFDC to support the family. Thus, the burden for child support is shifted from the taxpayer to the parents. The tax rate would be a declining rate based on the number of children in the family.

As I earlier stated, this is a draft, a concept. Another approach would be to require the IRS to automatically garnish a worker's wage for child support whenever the family applied for AFDC. This would be similar to the procedure used when a worker owed back taxes. However, it would be somewhat more complex administratively than the proposal in my bill. At any rate, we would be able to test both approaches on a demonstration basis.

In discussing the matter with the IRS, it was pointed out that the IRS is usually not aware of the employment of someone avoiding child support until the W-2 form is submitted at the end of the year. Thus, the tax would be difficult to levy. One way around this would be to require the employer to provide the social security number of current and new employees to the IRS. The IRS could begin to collect child support soon after the worker is employed.

The proposal has the possibility of being an efficient and effective means for reducing dependency on public assistance. Parents would no longer be able to easily escape the responsibility of raising their families. The cost of welfare could be substantially reduced. This last feature is particularly important as the discussion of the New Federalism proceeds. If we can substantially reduce the cost of AFDC, the States may be more willing to assume responsibility for this program.

I would ask unanimous consent that an article by Hausman and Lerman on the need for child support enforcement, a report on income withholding by the National Conference of State Legislators, a summary of my bill, and the text of the bill be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE TROUBLE WITH WORKFARE

(By Leonard Hausman and Robert Lerman)

Taking seriously the obligations as well as the needs of the poor is a good idea. Unfortunately, President Reagan's workfare proposal is an impractical and costly way to implement the idea. Instead of requiring mothers heading families to work in part-time jobs for no additional money, the President and Congress should focus on the real source of irresponsibility affecting low-income families receiving Aid to Families with Dependent Children (AFDC)—the failure of many fathers to live up to their child-support obligations.

Under workfare, the states would have to set up programs in which adult welfare recipients work enough hours in public agencies to offset the value of their welfare grant. If a recipient's grant were $320 per month, or $80 per week, the recipient would be required to work about 24 hours per week to keep the grant. At the pseudowage of $3.35 per hour, the 24 hours of work would earn the recipient's grant amount of $80 per week. Relative to the current situation, the recipient would be working for no wages at all. Administration officials estimate as many as 800,000 recipients, mostly mothers in one-parent families, would work on such jobs.

Why is the workfare proposal a bad idea? Experience indicates that workfare programs are exceedingly difficult to implement. They tend to fall apart on the side of the agencies responsible for implementation. The resistance of clients to workfare largely is an unstudied phenomenon because the programs collapse before they reach many clients.

TOO SELECTIVE SCREENING?

Workfare has been most carefully studied in California, when President Reagan was chief executive of that state, and recently in Massachusetts, during a Democractic administration. California's Employment Development Department found that its own workfare program failed to reach more than 1% of its adult recipients on AFDC. This was because other employment programs competed for the attention of staff and clients. Furthermore, many counties refused to participate in the program. In several of those which did participate, the staffs converted workfare into a voluntary program, being as highly selective in their screening of workfare candidates as they were in selecting people for referrals to regular jobs.

In Massachusetts in 1978-79, workfare also did not work. The governor announced his intention to get 2,500 men heading AFDC families into workfare jobs. After 15 months, roughly 250 had shown up for workfare on any one day and 25 worked the required 13 weeks. The implementation story followed the pattern in California: whole regions in the state passively resisted the mandate of the governor. Where regional offices cooperated, some staff members did not. It became difficult for staff to sustain their enthusiasm for the program when the courts, church and union groups challenged its legitimacy. Employers indicated reluctance about having workers appear on a sporadic and short term basis.

In California, Massachusetts and Utah, a state where workfare has been in existence in AFDC since 1974, workfare has had no discernible effect on job finding or welfare caseloads. California's study compared counties with and without workfare and found no significant effect in the rates at which welfare cases were closed because of clients finding jobs. People also were not deterred by workfare from applying for welfare. The story in Massachusetts regarding job finding is the same. Although the workfare study wasn't designed to pick up a deterrent effect, it was clear that no such effect occurred.

Even when workfare was in operation over an extended period, no deterrent effects were discernible. Between January 1974 and 1979 the AFDC caseload in Utah grew 16%, whereas it declined in Nevada by 19%. In the very small part of AFDC reserved for two-parent families, the caseload in Utah declined 22% whereas in Colorado it declined 20%.

Finally, workfare focuses on the wrong target. Most children on AFDC are poor more because of the absence of their father, not because their mother fails to work in the market. Consider a mother heading a family of two children. If she were to work at $4 an hour for 40 hours a week, 52 weeks a year, while paying about $30 a week for each child's day care, her family would net $4,800 a year before taxes and transfers. This is $2,170 below the poverty line for a family of three.

Adding in the earned income tax credit and food stamps would supplement the family's income, while Social Security taxes and state income taxes would reduce its income. Overall, even this hard-working woman would not bring her family out of poverty, especially if she faced some unemployment or illness, or if she had to stay home to take care of a sick child.

Nearly all families with children require the support of both parents in order to attain moderate incomes. In 1978, the *aver-*

age income of female-headed families with a young child was $4,700 a year. Only 16% had incomes over $10,000. Meanwhile, the average income of husband-wife families with a young child was nearly $18,000.

Unfortunately an increasing percentage of families must rely only on the income of the mother. Over the 1968-78 decade, one-parent families as a share of all families with children jumped from 9% to 16% among whites and from 33% to an astounding 50% among blacks. When welfare programs help these families avoid the most severe poverty, the government benefits largely fill the gap left by the father's failure to support his children.

In 1975, the Congress (led primarily by Sen. Russell Long and his Finance Committee) pushed the Department of Health, Education, and Welfare to make a sustained, large-scale effort to enforce child-support obligations of absent fathers. As a result of the 1975 legislation, HEW required states to designate an agency to collect payments of delinquent fathers, whether or not their children are on welfare. In return, the federal government paid 75% of the costs, but allowed states to keep up to 65% of collections on behalf of AFDC families.

HIGHLY SUCCESSFUL PROGRAM

At the time, many objected that the administrative costs would exceed the benefits because most absent fathers have low incomes. A second objection was that collecting from absent fathers with incomes would simply impoverish the father's current family. In fact, the enforcement program has proved highly successful. In fiscal 1976, immediately after the program began, collections were $208 million from fathers of AFDC children and $308 million from fathers of children not on AFDC. By 1980, collections had tripled. Program administration has cost the government 30% of the amount collected.

While these figures are impressive, much remains to be done. If all absent fathers whose locations are known were to contribute as little as $15 a week for each child, about $2.3 billion could be collected on behalf of AFDC children. Locating half the remaining fathers and obtaining the same $15 a week would bring in $1.3 billion more. Perhaps more important, the long-run effect of increasing collections from all absent fathers might be to moderate rates of illegitimacy, divorce and desertion, as fathers realize they will have to live up to their child-support obligations.

The administration is continuing to encourage the state child-support collection efforts. However, the administration's workfare relief initiative would divert states from child support enforcement and toward building the administrative apparatus required to process recipients and assign them to part-time jobs.

This strategy is unwise. Instead, the administration should abandon the workfare concept and focus on enhancing child-support enforcement. Making absent fathers pay child support imposes the appropriate obligation and is far more cost-effective than forcing mothers into make-work jobs at zero wages.

DESCRIPTIVE ANALYSIS OF THE CHILD SUPPORT TAX CUT

PART 1

A tax will be imposed on the adjusted gross income of a liable absent parent at the rate of 20% of income for the first child, an additional 10% for the second, and another 10% for three or more children.

The tax base is the same as that used for the FICA tax, and will increase at the same rate as the FICA wage base.

The liable parent is an individual determined under Section 464 of the Social Security Act to be the liable absent parent of a child seeking support.

The tax shall be withheld in the same manner as the federal income tax is withheld. Up to 1% of the withholding will be applied to employer administrative expenses for the withholding.

PART 2

Eligibility for the child support benefit shall include any family applying for AFDC where there is an absent liable parent. Benefits will be paid monthly by Health and Human Services for a child's support from the Child Support Benefit Fund.

Each child be given a Social Security number and have an account established in the Fund. Their benefits shall be the greater of the absent parent's actual contribution or $2000 minimum for a single child, an additional $1000 for the second through fourth child, and proportionately reduced benefits for each additional child. No family will receive more than $10,000 in minimum benefits.

In the event that a child support account does not collect enough revenue to match the minimum benefit, the child would continue to qualify for the minimum benefit. An alternative would be to continue to cover such children under AFDC. The custodial parent would be eligible for custodial parent benefits under AFDC.

PART 3

The Office of Child Support Enforcement would be responsible for locating parents. The Department of Health and Human Services shall administer distribution of benefits from the Child Support Benefit Fund. The Department of the Treasury shall oversee notification of employers regarding withholding and shall collect the tax.

The program would be effective in 1986. For years 1982 to 1986, a state demonstration project shall be in operation to test the feasibility of the program. At least six states would be in operation to test the feasibility of the program. At least six states would be eligible to participate (the state of Wisconsin is already working on a program). The states would have to have an effective income tax and collection procedure. The federal government would assist with a 90% federal match for administrative expenses. The bill also requires annual evaluation of the operation of the program.

INCOME WITHHOLDING

Rising divorce rates over the last two decades have had a tremendous impact on the emotional and financial well-being of the children of divorce. With the divorce rate approaching 50 percent, the number of one-parent families is increasing faster than two-parent families. In addition, nearly 15 percent of all children are born out-of-wedlock. In 1978, 19 percent of all families with children under 18 were one-parent families. Seventy-five percent of those children in one-parent households receive no support from the absent parent.

In 1975, the Child Support Enforcement Program (Title IV-D of the Social Security Act) was established to locate parents who have deserted their families, establish the paternity of children born out-of-wedlock, establish a legal obligation on the part of the absent parent to support that child, and enforce that obligation. The law establishes a system of federal supervision, and 75 percent reimbursement for the costs of state administration and local enforcement of the program. The responsible state governmental unit is commonly referred to as the IV-D agency.

A child support order is meaningless until the order is enforced and the payment is delivered. If absent parents resist paying their child support obligations several options for enforcing payment exist. Many states jail parents for non-support, some states seize and sell the property of an absent parent owing support. Because courts are often hesitant to enforce harsh penalties, new methods of enforcement have been tried and found successful. This Information Release focuses on income withholding for the enforcement of child support obligations. As a remedy for non-support, the income withholding is becoming the single most effective tool for enforcing support obligations.

Interest in the use of income withholding is growing among not only child support administrators but also legislators interested in effective programs. In 1980 the National Conference of State Legislatures (NCSL) received many requests for technical assistance and information on income withholding. Several states investigated it as an option, some states proceeded to adopt income withholding laws, and orders for mandatory income withholding were served for the first time in many states.

WHAT IS INCOME WITHHOLDING?

Income withholding as it applies to support of dependents, is the act of withholding income from any employee or beneficiary by:

An employer,
Government agency,
Public trust or corporation,
Pension or retirement fund,
Workers compensation fund,
Death or disability benefit fund, or annuity

and paying the money withheld to the party which has support rights either directly or through a third party. Withholding may be authorized by the court or by statute. The most effective withholding laws are mandatory, binding on the employer, remain in effect continuously, and follow an employee from job to job. The results are support payments which are as regular as payroll deductions for a credit union loan or car payment. The broader term "income," instead of "wage," is used to denote the withholding's effect upon sources of income including and in addition to wages. Pensions, workers compensation and disability benefits and unemployment benefits are being assigned to pay support obligations in some states, for example.

Income withholding can take several forms, variously called wage assignments, wage attachments, wage garnishments, and orders to withhold earnings. All of these terms are used to describe essentially the same process. The name varies from state to state but the effect is the same on the absent parent who is trying to avoid his or her obligation to pay child support.

The first section of this information Release on Federal Income Withholding presents the proposals of two attorneys searching for effective methods of enforcing the payment of child support obligations beyond existing state remedies.

Section two on State Use of Income Withholding explains the concepts of voluntary, involuntary and mandatory withholding or

assignment laws, the success states are having with their use, and the major types of laws in effect.

Section three on Key Elements of Effective Income Withholding Laws focuses on specific sections of the laws currently being used. It provides an overview of some of the major concepts necessary for the successful operation of such a law.

Finally a description is given of the services available to legislators through the National Conference of State Legislatures' Child Support Enforcement Project.

I. FEDERAL INCOME WITHHOLDING

State income withholding laws are one of the most effective remedies for enforcing child support payments. Even so, only a few states have such remedies and where they do exist they are used unevenly. In addition, difficulties arise because of the limitations and variations among the states. In order to benefit from the success of income withholding, but overcome the difficulties of the state laws, it has been suggested that one federal system be established. A federal wage withholding law that is mandatory for everyone with a child support obligation and enforced consistently among the 50 states has been suggested as the best possible solution for ten million children who are not receiving support from absent parents. Federal legislation is being considered because states have been slow to adopt wage withholding laws even though they are being used effectively in the states that have them.

The concept of federal income withholding is being discussed widely among academics and legal experts searching for a remedy to the problem of non-support. The following description of how a federal wage withholding system would work is based on the ideas of two creative child support experts who are frustrated by the current system and searching for alternatives. Each has worked on the concept separately but their ideas are so similar that they are outlined in combination here to provide the reader with the fullest picture of how a federal law would work.

David L. Chambers is a professor of law at the University of Michigan Law School and the author of "Making Fathers Pay: The Enforcement of Child Support." His book is based on a study of child support enforcement in Michigan including an assessment of the financial problems facing families without support, the characteristics of absent parents who do not pay, and the system operating to enforce the payment of child support obligations. The conclusion of his book is an exploration of methods for improving the current system for the benefit of the children in need of support and absent parents who are going to jail for non-support. A federal income withholding law is one of his proposals.

David Clayton Carrad is an attorney in private practice in Wilmington, Delaware. His work provides him with a view of child support enforcement from both sides. He defends and prosecutes absent parents for non-payment of child support. From his viewpoint it is a national disgrace that there is no "fair, cheap and easy means of enforcing child support obligations." In his article "A Modest Proposal to End Our National Disgrace" from the Fall 1979 issue of the American Bar Association Family Law Section's Family Advocate, Mr. Carrad writes: "The failure of our legal system to provide an effective and economical means of collecting child support has not just created a major social problem. It has also fostered an attitude of contempt and disrespect for our courts, their decrees and the legal profession as well, on the part of both the immune obligor [parent who owes support] and the destitute obligee [family to whom support is owed]." [1] To end this disgrace Carrad suggests a "federal floating wage attachment."

David Chamber's study in Michigan shows that three out of four wage assignments were followed by a period of steady payment. David Carrad believes that it is successful because wages are the major source of wealth for most absent parents and income withholding taps it at its source, taking the control of making the payment out of the hands of the obligor.

How Would It Work?

David Chambers proposes a federal income withholding system that would be initiated with the child support order and travel with the parent from job to job until the obligation ended. A computer system based on the parent's Social Security number would be used to keep track of job information and support obligations. Employers would be required to check with the Social Security Administration to inquire whether support payments are to be withheld for each new employee.

David Carrad's "federal floating wage attachment" would be established through a federal statute pre-empting all state attachment and garnishment laws. It would provide a uniform national remedy for support orders that would still be issued by state courts having jurisdiction over child support matters.

Carrad proposes a federal law that would impose an affirmative duty on the parent to make the support obligation and income withholding order known to his or her employer at the commencement of each new job. Failure to notify the employer to withhold the amount of the support obligation would carry a penalty.

David Carrad's view of how it would work begins with the state court ordering the support. That court would send a copy of the income withholding order along with the parent's Social Security number to Washington, D.C. to be entered in the computer system. There would be no further hearings and the support checks would arrive regularly. The obligor would retain rights to modify or terminate the support obligation in the appropriate state court.

As David Carrad points out, the Federal Parent Locator Service communicates with the Social Security Administration (SSA) and the Internal Revenue Service (IRS) weekly to receive information for the state IV-D agency trying to locate the absent parent. The Social Security Administration respond within seven days and IRS in ten. "Even the most fleet-footed hostile and determined obligor would find it impossible to change jobs that frequently as a continuing way of life." [2] The same system that works now providing location information could easily be programmed to print and mail federal income attachments directly to the employer, according to Carrad.

The federal income withholding system would not be perfect. David Chambers states that we have to expect that the self-employed and unemployed would not be affected by the federal income withholding system. However, as Chambers points out, for all of the reasons that obligors have for not paying child support, unemployment is the problem in a minority of the cases.

Other problems in administering the federal system can be expected and would have to be addressed. (1) Not everyone has a child support order so it would not be as simple as having everyone fill out a W-4 form for income tax withholding. (2) In addition to collecting the support payment it will have to be distributed to the family. (3) The amount of the support orders would change as children reach their majority. Chambers cautions that all of these considerations would lead to many errors and will have to be carefully planned for in advance.

David Chambers raises other areas of concern. He points out that there is resentment about involuntry income assignment by the population in general. There are several reasons for this: (1) control over one's earnings is a highly regarded ethic in our culture, (2) the support check is a form of communication and that communication is taken away by an automatic income withholding, (3) federal intrusion into the private lives of workers whose bosses will know about divorces and children born out-of-wedlock and (4) there is resistance among employers who don't want to be bothered with the extra work.

Chambers is just as hopeful that these problems can be overcome with advance planning and sensitivities to all parties concerned. He suggests that to overcome the problem of distribution to the responsible parent and children, the payments would begin as soon as notice is received that the withholding has begun. To ensure that payments are properly credited against the payments made to the families withholding could be carried out beyond the majority of the child. To overcome the potential problem of withholding so much of an obligor's income that he or she would be reduced to poverty, Chambers suggests that any system of income withholding take into consideration the basic needs of those paying support as well as those receiving support.

Both Chambers and Carrad are convinced that the advantages outweigh the disadvantages of having a federal income withholding law. David Carrad states the speed and ease of the system would result in a high ratio of families receiving support. It would be possible to make deductions from the first weekly paycheck and each succeeding one without interruption. The costs for activating such a system would be small in comparison to the advantages. The cost of modifying the Parent Locator Service to accommodate income withholding shouldn't be more expensive than the repeated court costs, according to Carrad. Employers could be compensated for the time it takes to comply with the withholding notices; several states currently provide for such payments on state orders.

Chambers highlights other advantages. Income withholdings could be ordered as a percentage of income instead of a dollar amount. There would be no need to return to court each time the obligor's wages went up or down: one constant percentage could be deducted from his or her wages each time.

Both authors have turned to proposal for federal income withholding with regret, but view it as a necessary step in assuring children proper support. Chambers writes that although a federal income withholding would create problems it is better than the sin-based system that currently places so many in jail. "Readers who have doubts in

[1] David Clayton Carrad, "A Modest Proposal to End Our National Disgrace," Family Advocate, Fall 1979, page 32.

[2] Ibid., page 43.

this regard should turn themselves in for a weekend at the nearest county jail."[3]

David Carrad sees the choice as either a federal enforcement system or no enforcement at all. "Those of us who practice family law and our clients know all too well that the present methods of collecting support simply do not work."[4]

II. STATE USE OF INCOME WITHHOLDING

In a variety of forms, income withholding laws are now being used in many states to increase the effectiveness of child support enforcement programs. Variously referred to as "The most valuable tool in recent years" (an administrator from Utah), or "A critical factor in the success of our program" (a Wisconsin attorney), the laws take two major forms: assignments of income and orders requiring withholding of income. Assignments may be voluntary or involuntary. The authority of the court to order assignments or withholding may be discretionary or mandatory.

Assignments

In a voluntary assignment the person owing support agrees to an assignment of a portion of his or her income to be withheld and ultimately transferred to the person who has the right to receive the support payment. In an involuntary assignment, the court, at its discretion or by requirement of law, orders the person to assign a portion of his or her income. When State law specifies the conditions under which the court must order an assignment, the court is regarded as being mandated to order it.

Most states give their courts discretion to impose the involuntary assignments. They also allow for voluntary assignments by employees. A few states have also adopted a mandatory assignment law which generally requires an assignment when the person owing support fails to pay child support. The failure to pay, or delinquency, is defined by a specific amount of money, number of missed payments or time period of delay.

States making the most effective use of their voluntary assignment laws are those which make a concerted effort to use them. In these states, child support personnel stress the benefits of the voluntary assignment to the absent parent when the new support order is first established. By encouraging the use of voluntary assignments, Virginia is getting voluntary assignments in an average of one-third of their new cases. In Utah, a state in which the child support enforcement program consistently ranks among the most successful in the country, voluntary assignments are agreed to by the absent parent in an average of 50 percent of the new cases.

Utah credits part of its success also to enlisting the acceptance of the state's employers to the concept of assignments. Early on in the inception of the IV-D program, representatives of the Office of Recovery Services in Utah made a special effort to work with employers, to break down some of the traditional resistance to the idea. They stressed the benefits to the worker of not having to worry about sending the money every month, to the company of encouraging responsible parents and not losing work time because of workers who are called into court for failure to pay, to the children who receive regular support, and to the taxpayers whose money is saved when welfare costs are recovered. The employers not only accepted the concept, but began sending bulk checks containing the earnings withheld for all of their employees covered by the assignments. Every month a check from Geneva Steel to the Office of Recovery Services covers assignments for up to 150 employees. Kennecott Copper, whose check covers about 100 employees, even includes a place on their employee's paycheck stubb which lists the child support withholding and transfer made for that pay period. Currently over 400 Utah employers transfer child support payments in one bulk check. The practice is now also common in other states.

Widespread use of the voluntary assignment is dependent upon the agreement of the absent parent owing support. To deal with parents who fail to make their payments, and who do not agree to an assignment, most states give their courts discretion to impose involuntary assignments. However, the benefits to the IV-D program of this enforcement tool is subject to the willingness of the state's courts to use the remedy. Since many courts fail to exercise their option, several states have taken the next step of stipulating the condition under which the court must impose an assignment or withholding, which can take effect immediately or upon default in payments.

These mandatory laws fall into two major categories:

(1) Those which require that an assignment must be a part of every order for support at the time that it is established to go into effect immediately or at the time a specified default in payment occurs; and

(2) Those in which application is made to the court after a specified default has occurred to which the court must respond by ordering the obligor to assign income, or the employer to withhold income.

There is also a third practice being used in some states that has the effect of a mandatory law which is a combination of a garnishment action and a voluntary wage assignment.

Assignments in Every Order

Wisconsin, Rhode Island and New York are examples of states with mandatory laws requiring that every order for support include an assignment or withholding provision, which is triggered to go into effect when there is a specified default in payments. Wisconsin law (Chapter 767.265) requires that all orders for child support and maintenance payments include an assignment. The assignment could take effect immediately or when the person owing support fails to make a full payment within twenty days of its due date. The court then notifies the delinquent payor of a right to a hearing. If the hearing is not requested within 10 days, the assignment goes into effect. This law is considered a key factor in the success of the Wisconsin program, which was just identified as first in the nation by the Office of Child Support Enforcement in returning dollars to the state from AFDC collections, compared to state dollars spent for the first three quarters of fiscal year 1980. In addition, one year of operation using the new law is considered to be the main reason that collections for September 1979, in Milwaukee County were $550,000 higher than collections for September of the preceding year.

In 1980 Rhode Island adopted an income assignment law (Chapter 15-5-16-3-1) modeled after the Wisconsin statute. New Jersey (S. 1508) has introduced a similar version which also includes a new element for getting the assignment provision into support orders which were set before the adoption of the proposed law. A person entitled to payments under a pre-existing child support, alimony or maintenance order may apply to the court to modify the order to include an assignment, to take effect at the time of a delinquency.

As of January 1, 1979, New York law (Personal Property Law Section 49-b) requires that all orders for support, which require that payment be made to the support collection unit, must include a withholding order which goes into effect when there is a failure to pay a specified number of payments, as determined by the court at the time the order is set. If the parent owing support fails to make the number of payments set by the court in the order, the support collection unit can take action to put the withholding order into effect. The first step is to notify the delinquent payor that the withholding order will be going into effect in fifteen days, unless the arrearage (missed payments) is paid. If the payor still fails to comply, notice is given to the employer to begin withholding an amount from the employee's wages sufficient to meet the support payment.

Of the orders established since January 1979, which include the withholding provision (some courts were slow to comply with the law), and in which the specified delinquency has occurred, steady payments through withholding are now being received in 72.9 percent of the cases. In New York City alone there is an 80 percent payment rate on those orders which include the withholding provision, which may or may not be in effect, versus a 40 percent payment rate on orders which do not include the withholding provisions.

Assignments Established at Time of Delinquency

California has received a great deal of attention in the popular press for adopting a new income assignment law (Chapter 1341, Section 4700) that is considered to be one of the most stringent. The statute, which takes effect in January 1981, requires the court to issue an order of assignment upon receiving a petition signed under penalty of perjury by the person to whom payment was to be made, that the child support payments are in arrears in a sum equal to one monthly payment within the 24-month period immediately preceding filing of the petition. The order would be issued without notice by the court to the parent owing support. There is a requirement that the parent or representative of the government agency designated to receive support must notify the parent owing support of his or her intent to seek an assignment at least 15 days prior to the date of the filing of the petition. Included in the law is a section specifying the conditions under which the assignment may be terminated.

Under prior California law, the absent parent had to be two months in arrears within the prior 24-month period and a court hearing had to be held to obtain an order for a wage assignment. The court process not only involved a considerable time delay, but also the expense of hiring an attorney. Thus, many custodial parents were unable to take advantage of the wage assignment law, and many of these were forced onto AFDC because of the delay and expense. Under the new law the court can issue a wage assignment without a court hearing and therefore the delay and ex-

[3] David L. Chambers, "Making Fathers Pay: The Enforcement of Child Support," University of Chicago Press, Chicago, 1979, page 261.

[4] Carrad, op. cit., page 43.

pense have been eliminated. Consequently, it is expected that there will be a substantial increase in the number of wage assignments ordered in California as those custodial parents previously unable to afford the delay and expense involved in obtaining a wage assignment can now obtain one.

Wage Withholding Orders

A wage withholding order differs from an involuntary assignment in that the court order is directed to the employer, and not the employee. The employer is required by the court to withhold the wages. Where the court orders a wage assignment, the order is directed to the employee, not the employer. The employee is required by the court to assign a portion of income for support payments.

A word of caution is appropriate here. The statutes of many states with various types of income withholding laws speak in terms of "wage assignments" when in reality the order is a wage withholding order. One example of a state with an effective wage withholding statute that does this is Oregon, as described below. It is important to note that there are separate methods of obtaining the desired result of wage withholding.

Oregon has had a mandatory law (Chapter 23.777) in effect for four years which one administrator described as their best enforcement tool. Upon application to the court by the person to whom support is owed or a representative of the child support enforcement program, and notice that there is a delinquency by the person owing support, the court must issue an order directed to the employer which requires withholding. The order will notify the employer of the parent owing support to withhold and transfer 25 percent of the person's earnings to satisfy the support debt. (Many states set a limit on the amount of earnings that can be assigned and 25 percent is common.)

In addition to the withholding law, Oregon also has instituted an administrative process for handling child support enforcement cases for AFDC recipients. Oregon has the ability to respond to a delinquency on administratively established child support orders by administratively ordering the absent parent to assign his or her income up to that 25 percent maximum level. The state can also apply for court ordered withholding based upon the administrative order.

Combining Enforcement Remedies

Some states have combined the use of a garnishment action with a "voluntary assignment" which results in effect, in an involuntary assignment action. In Utah, when there is a delinquency in payments the Office of Recovery Services obtains a garnishment order to take 50 percent of the gross pay (or 100 percent of the bank account) of the parent owing support. This is a continuous garnishment order which stays in effect until it is withdrawn. (Often a garnishment is used only for a one-time taking of assets—paycheck, property, bank account or whatever—to satisfy a debt.) The parent against whose assets this garnishment is applied usually finds the action so extreme that he or she soon contacts the IV-D office to try to get the garnishment stopped. The child support personnel respond by offering the person the option of establishing a voluntary assignment in exchange for removing the garnishment order. A voluntary assignment is obtained in 90 percent of these cases. This figure combined with the solely voluntary assignments obtained (described in an earlier section) totals an average of assignments being obtained in 75 percent of the cases handled in any one month through the Utah program.

In Washington state and Maine the combination of using two remedies is similar. Both of these states use administrative procedures to establish and enforce child support enforcement orders (in Washington for AFDC and non-AFDC cases, in Maine only for AFCD). Once the parent owing support has been notified of the support order and a delinquency has occurred, the IV-D agency can issue an "order to withhold and deliver" up to 50 percent of the wages (or other assets). This order also stays in effect continuously until withdrawn or there is change of employment. Again, the parent owing support responds quickly, is given the option of a voluntary assignment, and usually agrees.

III. KEY ELEMENTS OF EFFECTIVE INCOME WITHHOLDING LAWS

Drafters of income withholding legislation may want to take into consideration the following elements which are present in many of the effective laws cited earlier.

A broad definition of the term "income" to include wages, salaries, income, commissions, interest from any source and all money payable as an annuity, retirement, disability, death or other benefit.

A broad definition of the term "employer" that includes employers, trustees, and the federal, state and local governments as employers.

Stipulate that the assignment or withholding applies to current and future employers to make it continuous.

Make the assignment or withholding binding on the current and future employers. The absence of this provision in assignment laws renders the assignment meaningless unless the employer agrees to comply. States could also stipulate that the employer would be liable for the support obligation or that there would be a penalty levied against the employer for failure to comply.

A requirement that the parent owing support, or the employer, must notify the IV-D agency or the clerk of the court or other government agency to which the payment is made of termination of employment and information on the next employer if known. Some states have penalties for not notifying the agency of changes.

Prohibit the employer from using the assignment or withholding order for any disciplinary or discharge action against the employee.

Hold the employer harmless from any liability for that portion of the employee's income withheld and transferred to comply with the assignment or withholding order. This removes employers who do not desire such laws.

Some laws give the employer the option of deducting one or two dollars from the remaining money to be paid to the employee to offset the cost of complying with the assignment or withholding orders. This overcomes another employer objection.

Make the assignment or withholding order a priority before other voluntary deductions and garnishments which are a subsequent in time. If the child support deduction is not made a priority, a boat or camper may take precedence over support obligations.

Require both the parent owing support and the parent receiving the payment to notify the agency processing the payment of any change of address to ensure proper payment of support.

Require that all child support payments be made through an agency designated by the state or county so that there can be proof of payments made or missed. A single statewide central registry can simplify the process of monitoring payments. Without central collection and distribution points for all support payments, lengthy hearings may be necessary to verify whether a payment has been made. This further delays any action which might be taken against a delinquent parent.

The following are some of the major elements to consider in drafting mandatory legislation:

Making assignments or withholding orders part of every child support order to go into effect at the time the order is issued or after some specified delinquency; or requiring that after a specified delinquency has occurred, application can be made to the court. Unless mitigating circumstances defined in the law exist, the court would respond by ordering compliance with the assignment or withholding.

Stipulating the delinquency which triggers an assignment or withholding order, whether it be letting the court determine on an individual case basis (New York), or by a time period such as not paying within 20 days of the due date (Wisconsin and Rhode Island) or by an amount of money such as "an amount equal to one monthly payment within the previous 24-month period" (California), or by simply not defining it (Oregon). The shortest time period that considers the rights of the parent owing support is desirable.

Giving the delinquent payor notice that the assignment or withholding order will be going into effect. Determine who must give that notice—the enforcement agency? the parent to whom support is owed? Finally, consider what is the most efficient form of service. Many states are now using certified mail in place of personal service.

Defining the conditions under which the assignment or withholding order can be terminated, as California does.

Making the law applicable to AFDC and non-AFDC cases.

Setting a ceiling on how much of the income can be assigned or withheld, or letting the federal guidelines apply.

Identifying the means by which the law applies to support orders in effect prior to the effective date of the statute.

Specifying who applies to the court or administrative agency to get the assignment or wage withholding order put into effect—the person to whom the support is paid or a representative of the enforcement agency?

A FINAL NOTE

This Information Release has focused on income withholding as one of the most effective remedies for enforcing the payment of child support. Because states have been slow to adopt such laws, a description was given of proposals for federal income withholding legislation. Successful state laws which include such common concepts as being mandatory, binding on the employer, remaining in effect continuously and following an employee from job to job were highlighted. Finally, key elements for consideration by drafters of withholding legislation were identified.

A variety of services are available from NCSL for legislators and staff interested in improving their child support enforcement programs. Included are an information clearinghouse service, publications in the form of "A Legislator's Guide to Child Sup-

port Enforcement" and a series of three information releases, and a technical assistance program.

This Information Release is the second of three being produced by the Project during this contract year. The First Information Release includes a report of 1980 legislative activity on child support enforcement and a reference list of materials available to legislators and staff from the Project's information clearinghouse.

Technical assistance is available to help legislators assess problems and work toward solutions to improve state programs. This may include help with drafting legislation, providing testimony in committee hearings, conducting state workshops, or other activities geared to the particular needs of the state.

If you are interested in technical assistance in any area, including the development of income withholding legislation, or if you would like copies of the information releases, clearinghouse materials or the Guide, please contact Deborah Bennington or Carolyn Royce, Child Support Enforcement Project, National Conference of State Legislatures, 1125 17th Street, Denver, Colorado, 80202, (303) 623-6600.

S. 2437

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Child Support Tax Act".

ESTABLISHMENT OF TAX

SEC. 2. Subtitle D of the Internal Revenue Code of 1954 (relating to miscellaneous excise taxes) is amended by inserting after chapter 38 the following new Chapter

"Chapter 39—CHILD SUPPORT TAX

"Sec. 4701. Imposition of tax.
"Sec. 4702. Definitions and special rules.

"SEC. 4701. IMPOSITION OF TAX.

"(a) GENERAL RULE.—There is hereby imposed for each taxable year a child support tax on every liable absent parent in an amount equal to—

"(1) in the case of a parent having support obligations for one child, 20 percent of the lesser of—

"(A) such parent's adjusted gross income (as defined in section 62) for such taxable year; or

"(B) the amount of the contribution and benefit base for such taxable year as determined for purposes of title II of the Social Security Act (as determined under section 230 of that Act);

"(2) in the case of a parent having support obligations for two children, 30 percent of the lesser of such amounts; and

"(3) in the case of a parent having support obligations for three or more children, 40 percent of the lesser of such amounts.

"(b) MONTHLY APPLICABILITY.—The tax imposed under this section shall apply only to adjusted gross income attributable to months during any part of which the taxpayer has been certified as a liable absent parent in accordance with section 464 of the Social Security Act.

"Sec. 4702. Definitions and Special Rules.

"(a) DEFINITIONS.—For purposes of this chapter—

"(1) LIABLE ABSENT PARENT.—The term 'liable absent parent' means an individual who has been determined under section 464 of the Social Security Act to be the liable absent parent of a child for whom a benefit is being paid under such section 464.

"(2) SUPPORT OBLIGATION.—The term 'support obligation' means child support payments for which a liable absent parent has been determined to be responsible under section 464 of the Social Security Act.

"(b) SPECIAL RULES.—For purposes of this chapter—

"(1) WITHHOLDING OF TAX.—The provisions of chapter 24 (relating to collection of income tax at source of wages) shall apply to the tax imposed under this chapter in the same manner as they apply to the tax on income imposed under subtitle A; except that—

"(A) the Secretary shall prescribe the amount to be withheld based upon the relevant amount applicable to an individual; and

"(B) from the amount withheld by an employer, such employer may retain as reimbursement for administrative expenses an amount equal to 1 percent of the taxes owed by his employees under this chapter and withheld by such employer.

"(2) INFORMATION, RETURNS, ADMINISTRATIVE PROVISIONS, PENALTIES, ETC.—Except as otherwise provided in this chapter, the provisions of subtitle F (relating to procedure and administration) shall apply to the tax imposed by this chapter in the same manner as they apply to the tax on income imposed by subtitle A.".

CHILD SUPPORT PAYMENTS

SEC. 3. (a) Section 451 of the Social Security Act is amended by inserting "paying Federal child support benefits under section 464," after "For the purpose of".

(b) Part D of title IV of such Act is amended by adding at the end thereof the following new section:

"FEDERAL CHILD SUPPORT BENEFITS

"SEC. 464. (a)(1) Any eligible child of a liable absent parent shall be eligible to receive child support benefits under this section at an annual rate determined under paragraph (1) or (2). Such benefits shall be paid by the Secretary on a monthly basis for each month during all of which such child is an eligible child, and shall be paid for use on behalf of such child to the custodial relative (referred to in subsection (b)(1)(B)) of such child or, if the Secretary determines it to be appropriate, to another person (including an appropriate public or private agency) who is interested in the welfare of such child.

"(2) The annual rate for benefits under this section for the calendar year 1986 shall be—

"(A) $2,000 for an eligible child living in a household in which he is the only household member eligible for such a benefit;

"(B) $1,500 for each eligible child living in a household in which there are two household members eligible for such a benefit;

"(C) $1,335 for each eligible child living in a household in which there are three household members eligible for such a benefit;

"(D) $1,250 for each eligible child living in a household in which there are four household members eligible for such a benefit;

"(E) $1,165 for each eligible child living in a household in which there are five household members eligible for such a benefit;

"(F) $1,080 for each eligible child living in a household in which there are six household members eligible for such a benefit;

"(G) $1,000 for each eligible child living in a household in which there are seven household members eligible for such a benefit;

"(H) $915 for each eligible child living in a household in which there are eight household members eligible for such a benefit; and

"(I) $830 for each eligible child living in a household in which there are nine or more household members eligible for such a benefit.

"(3) The annual rate for benefits under this section for the calendar year 1987 and each calendar year thereafter shall be the rate in effect (for each type of household described in paragraph (2)) for the preceding calendar year, increased by a percentage equal to the percentage increase (if any) in the average of the total wages reported to the Secretary of the Treasury for the preceding calendar year (as determined for purposes of section 215(a)(1) of this Act) as compared to the average of the total wages so reported for the second preceding calendar year, rounded to the nearest $5.

"(4) Notwithstanding the provisions of paragraphs (2) and (3), the amount of benefits paid under paragraph (1) in any taxable year to any child or children of a liable absent parent shall not exceed the amount of the child support tax collected from such parent for such taxable year.

"(b)(1) For purposes of this section, an eligible child means an individual—

"(A) who has not attained the age of 18;

"(B) who—

"(i) is living in the home of a relative specified in section 406(a)(1); or

"(ii) was removed from such home pursuant to a voluntary placement agreement or as a result of a judicial determination to the effect that continuation therein would be contrary to the welfare of such child;

"(C) one (or both) of whose parents is a liable absent parent with respect to such child; and

"(D) on whose behalf benefits have been applied for under this section.

"(2) For purposes of this section, a liable absent parent means an individual—

"(A) who is absent from the home of one or more of his children on other than a temporary basis;

"(B) has a legal obligation under State law to furnish support for such child or children; and

"(C) whose whereabouts have been established by the State, the Internal Revenue Service, or the Federal Parent Locator Service.

"(3) All determinations of family status for purposes of this section shall be made on the basis of the applicable State law.

"(c)(1) Any amount of any benefit received under this section (or the amount of any such benefit for which a child would be eligible if application were made therefor) shall be considered unearned income of such child for purposes of part A of this title.

"(2) All requirements of this part relating to establishment of paternity, locating of absent parents, and collection of child support (if any) ordered by a court in addition to the tax imposed by section 4701 of the Internal Revenue Code of 1954, shall apply to each State with respect to each child in such State applying for or receiving benefits under this section in the same manner as they are applicable with respect to each child applying for or receiving aid to families with dependent children. Any relative of a child receiving a benefit under this section, or other individual living in the same household as such child, shall be eligible for aid under the State plan approved under part A in the same manner as the relative of a child, or other individual living in the same household as a child, not receiving such benefits.

"(3) The State shall certify to the Secretary of the Treasury each individual who is determined to be a liable absent parent, and

the Secretary of the Treasury shall notify such individual and his employer (if any) of such certification and of the imposition of the child support tax under section 4701 of the Internal Revenue Code of 1954.

"(d) The provisions of this section, and the imposition of the child support tax under section 4701 of the Internal Revenue Code of 1954, shall not be construed as a limitation upon the right of any State or any court to order, suspend, or amend any child support obligation under State law.

"(e) Whenever the Secretary finds that more or less than the correct amount of benefits has been paid with respect to any child, proper adjustment or recovery shall be made by appropriate adjustments in future payments to such child or by recovery from or payment to such child. The Secretary shall make such provision as he finds appropriate in the case of payment of more than the correct amount of benefits with respect to a child with a view to avoiding penalizing such child who was without fault in connection with the overpayment, if adjustment or recovery on account of such overpayment in such case would defeat the purposes of this section, or be against equity or good conscience, or (because of the small amount involved) impede efficient or effective administration of this section.

"(f)(1) The Secretary is directed to make findings of fact and decisions as to the rights of any child applying for benefits under this section. The Secretary shall provide reasonable notice and opportunity for a hearing to any individual who is or claims to be an eligible child and is in disagreement with any determination under this section with respect to eligibility of such child for benefits, or the amount of such child's benefits, if such child requests a hearing on the matter in disagreement within 60 days after notice of such determination is received, and, if a hearing is held, shall, on the basis of evidence adduced at the hearing affirm, modify, or reverse his findings of fact and such decision. The Secretary is further authorized, on his own motion, to hold such hearings and to conduct such investigations and other proceedings as he may deem necessary or proper for the administration of this section. In the course of any hearing, investigation, or other proceeding, he may administer oaths and affirmations, examine witnesses, and receive evidence. Evidence may be received at any hearing before the Secretary even though inadmissible under the rules of evidence applicable to court procedure.

"(2) Determination on the basis of such hearing shall be made within 90 days after the child requests the hearing as provided in paragraph (1).

"(3) The final determination of the Secretary after a hearing under paragraph (1) shall be subject to judicial review as provided in section 205 (g) to the same extent as the Secretary's final determinations under section 205.

"(g)(1) The provisions of section 207 and subsections (a), (d), and (e) of section 205 shall apply with respect to this section to the same extent as they apply in the case of title II.

"(2) The Secretary may prescribe rules and regulations governing the recognition of agents or other persons, other than attorneys, as hereinafter provided, representing claimants before the Secretary under this section, and may require of such agents or other persons, before being recognized as representatives of claimants, that they shall show that they are of good character and in good repute, possessed of the necessary qualifications to enable them to render such claimants valuable service, and otherwise competent to advise and assist such claimants in the presentation of their cases. An attorney in good standing who is admitted to practice before the highest court of the State, Territory, District, or insular possession of his residence or before the Supreme Court of the United States or the inferior Federal courts, shall be entitled to represent claimants before the Secretary. The Secretary may, after due notice and opportunity for hearing, suspend or prohibit from further practice before him any such person, agent, or attorney who refuses to comply with the Secretary's rules and regulations or who violates any provision of this paragraph for which a penalty is prescribed. The Secretary may, by rule and regulation, prescribe the maximum fees which may be charged for services performed in connection with any claim before the Secretary under this section, and any agreement in violation of such rules and regulations shall be void. Any person who shall, with intent to defraud, in any manner willfully and knowingly deceive, mislead, or threaten any claimant or prospective claimant or beneficiary under this section by word, circular, letter, or advertisement, or who shall knowingly charge or collect directly or indirectly any fee in excess of the maximum fee, or make any agreement directly or indirectly to charge or collect any fee in excess of the maximum fee, prescribed by the Secretary, shall be guilty of a misdemeanor and, upon conviction thereof, shall for each offense be punished by a fine not exceeding $500 or by imprisonment not exceeding one year, or both.

"(h)(1)(A) The secretary shall, subject to subparagraph (B) prescribe such requirements with respect to the filing of applications, the suspension or termination of assistance, the furnishing of other data and material, and the reporting of events and changes in circumstances, as may be necessary for the effective and efficient administration of this section.

"(B) The requirements prescribed by the Secretary pursuant to subparagraph (A) shall require that eligibility for benefits under this section will not be determined solely on the basis of declarations by the applicant concerning eligibility factors or other relevant facts, and that relevant information will be verified from independent or collateral sources and additional information obtained as necessary in order to assure that such benefits are only provided to eligible children and that the amounts of such benefits are correct.

"(2) In case of the failure by any child (or his custodial relative or guardian) to submit a report of events and changes in circumstances relevant to eligibility for or amount of benefits under this section as required by the Secretary under paragraph (1), or delay by any child, relative, or guardian in submitting a report as so required, the Secretary (in addition to taking any other action he may consider appropriate under paragraph (1)) shall reduce any benefits which may subsequently become payable to such child under this section by—

"(A) $25 in the case of the first such failure or delay,

"(B) $50 in the case of the second such failure or delay, and

"(C) $100 in the case of the third or a subsequent such failure or delay,

except where the child, relative, or guardian was without fault, or where good cause for such failure or delay existed.

"(i) The head of any Federal agency shall provide such information as the Secretary may require for purposes of determining eligibility for or amount of benefits under this section, or verifying other information with respect thereto.

"(j) Whoever—

"(1) knowingly and willfully makes or causes to be made any false statement or representation of a material fact in any application for any benefit under this section,

"(2) knowingly and willfully makes or causes to be made any false statement or representation of a material fact for use in determining rights to any such benefit,

"(3) having knowledge of the occurrence of any event affecting (A) his initial or continued right to any such benefit, or (B) the initial or continued right to any such benefit of any child in whose behalf he has applied for or is receiving such benefit, conceals or fails to disclose such event with an intent fraudulently to secure such benefit either in a greater amount or quantity than is due or when no such benefit is authorized, or

"(4) having made application to receive any such benefit for the use and benefit of another and having received it, knowingly and willfully converts such benefit or any part thereof to a use other than for the use and benefit of such other person.

shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $1,000 or imprisoned for not more than one year, or both.

"(k) The Secretary may make such administrative and other arrangements as may be necessary and appropriate to carry out his functions under this section.

"(l) For purposes of title XIX of this Act, any child, or relative or other person living in the same households as such child, who would be eligible for aid to families with dependent children under the State plan approved under title IV-A but for the fact that such child is eligible (or would be eligible if he applied therefor) for benefits under this section, shall be deemed to be an individual receiving aid to families with dependent children under such State plan.".

(c) Section 402(a)(7) of the Social Security Act is amended—

(1) by striking out "and" at the end of subparagraph (B);

(2) by adding "and" at the end thereof; and

(3) by adding at the end thereof the following new subparagraph:

"(D) shall include as unearned income the amount of any benefit received under section 464 by any such child, relative, or other individual whose needs are taken into account under subparagraph (A);".

EFFECTIVE DATE

SEC. 4. The amendments made by sections 2 and 3 of this Act shall become effective on January 1, 1986.

DEMONSTRATION PROGRAM

SEC. 5. (a) The Secretary of Health and Human Services (referred to in this section as the "Secretary"), in consultation with the Secretary of the Treasury, shall undertake a demonstration program, which shall be voluntary on the part of any State, under which those States participating in the program shall put into effect—

(1) a State child support tax which the Secretary determines is substantially equivalent (at the State level) to the child support tax established under chapter 39 of the Internal Revenue Code of 1954; and

(2) a State child support payment program which the Secretary determines is substantially equivalent (at the State level) to the child support payment program established under section 464 of the Social Security Act.

(b) The Secretary shall, in the case of any State participating in the demonstration program established under subsection (a), waive any requirement of part A of title IV of the Social Security Act as may be necessary (as determined by the Secretary) to carry out such demonstration program.

(c) The Secretary shall, to the extent feasible, approve demonstration programs under subsection (a) in at least six States, and shall include the widest variety of States possible based upon such characteristics as urban-rural differences, population characteristics, cost-of-living, and standard of living.

(d) The Secretary shall pay to each State participating in the demonstration program under subsection (a) an amount equal to the reasonable administrative expenses incurred by such State (as determined by the Secretary) in carrying out the program, including administrative expenses incurred in collecting the child support tax.

(e) The Secretary, and the Secretary of the Treasury, shall provide technical assistance to States participating in the demonstration program under subsection (a) to assist such States in locating absent parents, collecting the child support tax, and making child support benefit payments.

REPORTS AND EVALUATION

SEC. 6. (a) The Secretary shall submit an annual report to the Congress on the demonstration program under section 5. Such report shall include—

(1) an analysis of any obstacles or portential obstacles to the implementation of the demonstration program or of the nationwide implementation of the child support program established under sections 2 and 3 of this Act;

(2) any recommendations for legislation to ensure the effective implementation of such programs; and

(3) a plan for the implementation of such programs.

(b) The Office of Management and Budget shall submit a report to the Congress on the budgetary ramifications of implementing the nationwide child support program established under sections 2 and 3 of this Act. Such report shall be submitted prior to January 1, 1983.

(c) (1) The Secretary shall provide for independent evaluations which describe and measure the impact of such programs. Such evaluations may be provided by contract or other arrangements and all such evaluations shall be made by competent and independent persons, and shall include, whenever possible, opinions obtained from program participants about the strengths and weaknesses of the program.

(2) The Secretary shall develop and publish standards for evaluation of the effectiveness of the program is achieving the objectives of this Act, and provide for annual evaluation of the program based on a selective sample of States. Such standards shall specify objective criteria which shall be utilized in evaluation of the program and shall outline techniques and methodology for producing data.

(3) The Secretary shall make a report to the Congress concerning the results of evaluations required under this section which shall be comprehensive and detailed and based to the maximum extent possible on objective measurements, together with other related findings and evaluations and his recommendations.

(d) The Secretary is authorized to expend such sums as may be necessary to carry out the provisions of this section, but not to exceed for any fiscal year an amount equal to one-half of 1 percent of the administrative expenses incurred in carrying out such programs.●

By Mr. GLENN:

S. 2438. A bill to provide enhanced Federal penalties for arson affecting Federal property or interstate commerce; to the Committee on the Judiciary.

FEDERAL JURISDICTION OVER ARSON

● Mr. GLENN. Mr. President, the bill that I am introducing today would amend title 18 of the United States Code, subsections (f) and (i) to add the words "or fire" after the word "explosive" where it appears in those subsections. Currently, Federal jurisdiction exists over arsons started by an explosion where property used in or affecting interstate or foreign commerce is involved. The bill would allow Federal law enforcement agencies to investigate and prosecute arsons started by fire as well as by explosion. The bill would not make arson a Federal crime except where it involved interstate or foreign commerce. Thus, the bill represents only a minimal expansion of current Federal jurisdiction.

The bill follows the recommendation of the Attorney General's Task Force on Crime. Recommendation 27 states as follows:

In order to eliminate problems that often emerge when gasoline or other flammable liquids are used in arson, current legislation which gives Federal jurisdiction over arson stated by explosion where interstate commerce is involved should be amended to allow Federal law enforcement agencies to investigate and prosecute arson started by fire as well as by explosion.

The administration also supports the aim of this legislation. I ask unanimous consent that the applicable portion of the October 23, 1981 statement by William French Smith on violent crime be placed in the record at the conclusion of my remarks.

For purposes of section, 844, "explosive" is broadly defined by subsection 844(j) to include, not only explosives in the generic sense, but incendiary devices and chemical compounds, which when mixed with an oxidizer may cause an explosion. However, whether jurisdiction exists in a particular case often depends upon the use of a substance, such as gasoline, with an oxidizer, in quantities sufficient to cause an explosion.

By eliminating the technical distinction between explosives and fire, the bill will facilitate the investigation and prosecution of arsons, particularly those started by gasoline or similar substances. The elimination of this distinction will obviate the necessity of proving that at the time an arson was committed, such a substance was in an explosive state. Quite often this is an onerous task requiring considerable investigative time and effort and resulting in a number of investigations being dropped where it cannot be established.

Moreover, it is inappropriate to predicate Federal jurisdiction on such a technical distinction. Whether a fire is started by an explosion or gasoline, the result is the same: A fire damages or destroys property used in or affecting interstate or foreign commerce.

In addition to the aforementioned problems, there is a split of authority among the U.S. Circuit Courts of Appeals over the definition of "explosives" contained in section 844(j). The bill that I am introducing today will resolve this conflict by making it clear that Federal jurisdiction exists over explosions or arsons involving the interstate or foreign commerce.

The Courts of Appeals for the 7th, 8th, 10th, and 11th Circuits have broadly defined the term "explosives" and, in recent decisions, have upheld convictions under section 844(i) which were based on the exercise of Federal jurisdiction over arson involving interstate or foreign commerce. Conversely, the ninth circuit, most notably in *United States* v. *Gere*, 622 F. 2d 1291 (9th circuit, 1981) and *United States* v. *Birchfield*, 486 F. Supp. 137 (M.D. Tenn., 1980), has construed the term narrowly and held that Federal jurisdiction should not be broadened to reach arson cases.

In the most recent case to decide the issue, the Court of Appeals in *United States* v. *Ladlad*, ——— F. 2d ———, (Nos. 80-2822 and 80-2826, April 14, 1982), distinguished the Gere decision on the facts and found the reasoning in the Birchfield decision unpersuasive. In Ladlad, the court determined that:

The legislative history indicates that Congress intended to define broadly the term "explosive" for purposes of the malicious use of explosives sections of the Organized Crime Control Act. (E.g., 18 U.S.C. 844).

Subsequently, the court held that:

Naphtha-soaked newspapers strategically spread across the floor of a building for the purpose of directing a fire and igniting by a burning newspaper is an "explosive" or "incendiary device" as defined in 18 U.S.C. 844(j) and 18 U.S.C. 232(5) for the purpose of prosecution under 18 U.S.C. 844(i).

The Ladlad opinion contains an excellent discussion of the case law concerning the definition of "explosives" under section 844(j). I ask unanimous consent that a copy of the decision be printed in the RECORD at the conclusion of my remarks. I also ask unanimous consent that case summaries of pertinent ninth circuit decisions be printed in the RECORD. These summaries underscore the need to enhance Federal law enforcement efforts being directed toward the crime of arson.

Mr. President, before I conclude, I want to briefly address the issue of Federal jurisdiction over arson in connection with the Criminal Code Reform bill—S. 1630.

Section 1701 of S. 1630 provides that "a person commits an offense (of arson) if, by fire or explosion" he damages a public facility, building or structure. Under subsection (c)(5), jurisdiction exists where—

The property that is the subject of the offense is used in an activity affecting interstate or foreign commerce, and is damaged by a destructive device.

Section 111 of the proposed reform bill defines "destructive device" to include an "explosive" or an "incendiary material." Section 111 defines the term "explosive" to mean "a chemical compound, a mechanical mixture * * * that may be exploded by operation of fire, friction, concussion * * * or any other means." Section 111 does not define the term "incendiary material." However, the Senate Judiciary Committee addressed the meaning of the term in its report to S. 1630. At footnote 23 of the report at page 644, the committee stated that:

The term "destructive device" is defined in Section 111. It specifically includes, inter alia, an "incendiary material," so as to assure coverage of all kinds of flammable substances that may be used in the course of arson. This definition therefore encompasses explosive liquids such as gasoline and kerosene, which some courts have held are outside the ambit of "explosive" in 18 U.S.C. 844(j).

See Senate Report 97-307. While the committee has attempted to clarify that the term "destructive device" embraces certain arson fires, the language quoted in the footnote lacks the force of law. Moreover, the proposed statutory language is unclear on its face.

Thus, the proposed statutory and report language are susceptible to the same kind of misinterpretation that led to the previously mentioned split of authority among the Circuit Courts of Appeals: In Ladlad, the court stated "the legislative history indicates that Congress intended to define broadly the term "explosive"; in Birchfield, the court stated that "the legislative history in no way indicates any congressional intent to extend Federal jurisdiction over arson cases"—the court refused to exercise jurisdiction "unless Congress conveys its purpose clearly * * *," (followed in *Gere* and *United States* v. *Stogner*, ——— F. 2d ——— (9th Cir. No. 80-271, March 17, 1981)).

When S. 1630 comes up for consideration by the Senate, I will seek to make it clear that S. 1630 provides for Federal jurisdiction over arson involving property which is used in an activity affecting interstate or foreign commerce. To accomplish this, I may, if necessary, seek to amend S. 1630, that is, to add the language of the bill I am introducing today or to add to section 111 an appropriate definition of the term "incendiary material."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PORTION OF THE OCTOBER 23, 1981, STATEMENT BY WILLIAM FRENCH SMITH ON VIOLENT CRIME

The Task Force recommended that 18 U.S.C. 844(i) be amended to allow federal authorities to investigate arson fires of buildings used in or affecting interstate commerce started by any means, not just those fires started by a device that meets the definition of "explosive," as is the case under current law.

At present, 18 U.S.C. 844(i) proscribes the damage or destruction by means of an explosive of any building, vehicle or other real or personal property used in interstate or foreign commerce or in any activity affecting interstate or foreign commerce. For purposes of Section 844(i), "explosive" is defined so far as is relevant here as "any chemical compound, mechanical mixture, or device that contains any oxidizing and combustible units . . . in such proportions . . . that ignition by fire . . . may cause an explosion."

The problem centers around whether gasoline, kerosene, and similar liquids, meet the definition if they are simply poured out and lighted, a common way to "torch" a building. While it is our view that when gasoline vaporizes and combines with air (an oxidizing unit) a mechanical mixture constituting an explosive is created, the legislative history of the statute is unclear as to whether this broad interpretation of the section is warranted. The statute was passed in 1970 in response to the wave of campus bombings and other radical activity of that era and was not specifically designed to deal with arsons.

Some courts have refused to accept such a theory and have dismissed counts charging violations of 844(i) by means of poured gasoline. *See, e.g., United States* v. *Birchfield*, 486 F. Supp. 137 (M.D. Tenn. 1980). There are unreported cases to the contrary, such as *United States* v. *Allyn B. Hepp*, No. 80-1840, (8th Cir. Aug. 14, 1981) but proving that gasoline vapor is in such a state as to constitute an explosive is often difficult for investigators to establish and explain to a jury. This burdensome requirement should be eliminated and we will support legislation amending 18 U.S.C. 844(i) in the context of the Criminal Code Reform Bill.

IN THE U.S. COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Nos. 80-2822 & 80-2826, United States of America, Plaintiff-Appellee v. Ana Erika Agrillo-Ladlad, and Lawrence J. Fleming, Defendants-Appellants

Appeal from the United States District Court for the Northern District of Illinois. No. 80 CR 387—Frank J. McGarr, Judge.

Argued September 14, 1981—Decided April 14, 1982.

Before Bauer, Circuit Judge, Fairchild, Senior Circuit Judge, Baker, District Judge.[1]

Baker, District Judge. The defendants, Ana Erika Agrillo-Ladlad and Lawrence J. Fleming, were convicted under 18 U.S.C. § 371 of conspiracy to damage and destroy, and attempting to damage and destroy, by means of an explosive, property used in an activity affecting interstate commerce. They were also convicted of the substantive offense under 18 U.S.C. § 844(i). A confederate, Jeffrey D. Bennett, was also indicted but plead guilty and became a witness for the government * * *

On appeal, Agrillo-Ladlad and Fleming contend that 18 U.S.C. § 844(i) is not applicable to the facts of this case and that the defendants were improperly convicted under that statute. We affirm.

I.

The defendant, Ana Erika Agrillo-Ladlad, owned United Latino's Press, (United Latino's) a commercial printing company located on the east half of the sixth floor of 213 West Institute Place in Chicago, Illinois. Agrillo-Ladlad employed the defendants Fleming and Bennett. Fleming was the shop manager and Bennett ran the folding machine and did occasional electrical work. The defendants conspired together to destroy the business and to collect the proceeds of the fire and casualty insurance covering the business.

On March 22, 1979, at about 1:30 AM, Bennett entered the basement at 213 West Institute Place and disconnected United Latino's fire alarm and sprinkler system. Bennett then went to the sixth floor and began to lay out layers of newspapers in rows, or trailers,[2] connecting the major pieces of shop equipment to a central ignition point. After he had laid out the rows of newspapers, Bennett poured naphtha on them using a bucket and the contents of a fifty-five gallon drum of naphtha which had been purchased and delivered to United Latino's the day before. The process of laying out the newspapers and saturating them with naphtha took about 2½ hours. During the whole period of time the windows in the United Latino's premises were closed and the ambient temperature was between 55 degrees and 60 degrees Fahrenheit.

Bennett then began to assemble an electronic ignition unit which, connected with a timing device, would pass a flame through the newspapers and ignite the naphtha. He had to strip the insulation from some wires. Since he did not have wire strippers, Bennett struck a match to burn off the insulation, whereupon the naphtha that Bennett had spilled on his clothing caught fire and Bennett ran from the pressroom and extinguished the flames by rolling in a hallway rug, but only after sustaining burns on his hands and legs.

Bennett returned to United Latino's pressroom and ignited a piece of newspaper by holding it in the electric arc of an arc light. He carried the burning paper to the junction point of the three trailers and dropped it on the trailers. Bennett then left the United Latino's premises closing and locking the door behind him. Apparently Bennett went to a nearby police station and told the police he thought there was a large fire on Institute Place.

Within fifteen minutes the Chicago Fire Department was at the scene and engineer Robert Popjoy observed that the windows had blown out of United Latino's and that flames were emanating from them. After entering the premises Popjoy saw almost total destruction, bent pipes, charred and blown out windows, and warped, bent and twisted office equipment. A chandelier on the floor above was almost completely melted.

Inspector Thomas Kerner of the Chicago Bomb and Arson Squad testified for the government. From his observation of the

[1] Footnote at end of article.

United Latino's premises, Kerner believed that an accelerant had been spread about the premises and that vapors from the accelerant had been contained in the lower portions of the room either by the heat or humidity of the room, and that the vapors had been simultaneously ignited in an "explosive-type fire of rapid oxidation." [3]

Thomas Cousins, an enforcement officer of the Bureau of Alcohol, Tobacco and Firearms, Washington, D.C., testified as an expert witness for the government. Cousins testified that both naphtha and gasoline are potential explosives. It was Cousin's opinion that an uncontained explosion had occurred at United Latino's and that the uncontained explosion had been a simultaneous ignition of a vapor envelope which formed above the naphtha soaked trailers. Cousins was of the further opinion either that a contained explosion caused by ignition of the accelerant vapor build-up in the office area took place and blew out the windows, or that the explosion was caused by the natural phenomenon of heat build-up in an uncontained flash fire causing a "'flash over" which blew out the windows and vented the fire. Under either possibility there was an explosion.

Cousins explained how over fifty gallons of naphtha spread over rows of newspapers to all major equipment at United Latino's and into the office area would explode when set on fire. At night the temperature in United Latino's was between 55 degrees and 60 degress Fahrenheit. Cousins explained that just above the flash point [4] of naptha, which is 50 degees Fahrenheit, naphtha generates sufficient vapors which, when mixed with a certain percentage of air, form a potentially explosive mixture. "The vapors produced," Cousins explained, "are heavier than air and when the vapors are produced, they have a tendency to stay within the immediate area and . . . build up and build up, until . . . the proper amount of fuel to air is attained." (Record, vol. 7, at 981-82). It was Cousins' opinion that more than fifty gallons of naphtha would give off sufficient vapors to form an explosive potential, when spread along paper trailers to equipment and into the office area of United Latino's in a temperature of above 50 degrees Fahrenheit and when combined with the air around it. Those vapors, when ignited by a flaming newspaper, could have exploded. After examining photographs of the damaged United Latino's, Cousins described the photographs as depicting the aftermath of an "explosive phenomenon." (Record, vol. 7, at 985).

II

The question that confronts us is whether naphtha soaked newspapers strategically spread across the floor of a building for the purpose of directing a fire and ignited by a burning newspaper is an "explosive" or "incendiary device" as defined in 18 U.S.C. § 844(j) and 18 U.S.C. § 232(5) for the purpose of prosecution under 18 U.S.C. § 844(i).

The government has two theories: first, that the defendants used a "chemical compound, mechanical mixture, or device that contains any oxidizing and combustible units, or other ingredients, in such proportions, quantities, . . . that ignition by fire . . . of the compound, mixture or device or any part thereof may cause an explosion," 18 U.S.C. § 844(j); second, that naphtha soaked newspapers are a device similar to an "incendiary bomb." 18 U.S.C. § 232(5)(C). Agrillo-Ladlad and Fleming argue that Congress did not intend the term "explosive" as used in 18 U.S.C. § 844(i) to include devices such as naphtha soaked trailers.

III

The plain meaning of the language of Title XI of the Organized Crime Control Act of 1970, the legislative history of the Act, the testimony at trial of Thomas Cousins, and the case law all support the government's position that naphtha soaked newspapers constitute an explosive under the terms of the Act. Pub. L. No. 91-452, 84 Stat. 922 (1970). The device used by defendants contained an "oxidizing" unit, the air in United Latino's. The device contained a "combustible" unit, the naphtha vapors, trailers of newspapers, and a rolled newspaper. The "quantities" of the oxidizing unit and combustible unit caused an "explosion" when Bennett ignited the device "by fire." The defendants argue, however, that the spreading of naphtha on the trailers was not a proportioning, mixing or packing as those terms are commonly used.

In determining whether Congress intended to exclude naphtha soaked trailers from the term "explosives," the language used in Title XI of the Organized Crime Control Act of 1970 must be studied. 2A J. Sutherland, Statutes and Statutory Construction § 45.05 at 16 (4th ed. 1973). Title XI provides two independent definitions of the term "explosives."

Section 844, subsections (d) through (i) of Title XI created new federal criminal offenses for maliciously using or attempting to use or threatening to use explosives against proscribed targets, including commercial properties. Section 844(j) defines the term "explosive" for purposes of section 844(i) and other sections dealing with malicious use of explosives:

For the purposes of subsections (d), (e), (f), (g), (h), and (i) of this section, the term "explosive" means gunpowders, powders used for blasting, all forms of high explosives, blasting materials, fuses (other than electric circuit breakers), detonaters, and other detonating agents, smokeless powders, other explosive or incendiary devices within the meaning of paragraph (5) of section 232 of this Title and any chemical compounds, mechanical mixture, or device that contains any oxidizing and combustible units, or other ingredients, in such proportions, quantities, or packing that ignition by fire, by friction, by concussion, by percussion, or by detonation of the compound, mixture, or device or any part thereof may cause an explosion.

18 U.S.C. § 844(j).

Section 232(5), which section 844(j) incorporates by reference further defines the term "explosive or incendiary device" as follows:

The term "explosive or incendiary device" means (A) dynamite and all other forms of high explosives, (B) any explosive bomb, grenade, missile, or similar device, and (C) any incendiary bomb or grenade, fire bomb, or similar device, including any device which (i) consists of or includes a breakable container including a flammable liquid or compound, and a wick composed of any material which, when ignited, is capable of igniting such flammable liquid or compound, and (ii) can be carried or thrown by one individual acting alone.

18 U.S.C. § 232(5).

Section 841(d) of the Act gives a much narrower definition of the term "explosives" for the purpose of regulating the traffic of explosives.[5]

When the language of a statute is unambiguous, judicial inquiry ordinarily is at an end. *Consumer Product Safety Comm'n* v. *GTE Sylvania*, 447 U.S. 102, 108 (1980). Despite the seeming clarity of section 844(j), the legislative history of the Organized Crime Control Act should be examined to determine whether an extension of federal involvement is warranted. See *United States* v. *Emmons*, 410 U.S. 396, 411 (1973). The hearings held by Subcommittee No. 5 of the House Committee on the Judiciary and the report of the House of Representatives supports the government's position that, when used with malicious intent, petroleum distillates mixed with air at normal ambient temperatures have an explosive potential and that the naphtha impregnated device used in this case falls within the definition of explosives.

Congress provided two separate definitions for the term explosive "for the purpose of including incendiary devices within the coverage of section 844 (d) through (i), and to make the exceptions applicable to the regulatory provisions of this chapter inapplicable to these sections." H.R. Rep. No. 91-1549, 91st Cong. 2d Sess. at 70, reprinted in [1970] U.S. Code Cong. & Ad. News 4007, 4047. During the hearings, members of Congress repeatedly expressed concern with respect to the difficulty in controlling the malicious use of common materials such as gasoline, other flammable liquids, and ammonium nitrate without overburdening sportsmen, farmers, and people engaged in legitimate manufacture, transportation, distribution and use of such materials. Two bills were considered. One, Congressman Celler's bill, H.R. 17154, had a broad definition of explosive. The other, an administration bill, H.R. 18573, had a narrower definition of explosive. See, e.g., Hearings on H.R. 17154, H.R. 16699, H.R. 18573 Before SubComm. No. 5 of the Comm. on the Judiciary, House of Rep., 91st Cong. 2d Sess. at 64, 106, 133 (1970).[6]

The bill which emerged from the committee spoke to these concerns. The bill adopted the language of the administration bill in its definition of "explosives" for the regulatory provisions and added certain exclusions. For the provisions relating to the malicious use of explosives, the bill adopted the broad definition of the term "explosives" contained in the Celler bill.

In the hearings Congressmen expressed special concern about the damage to federally owned buildings caused by arson. In testimony explaining the administration bill, Assistant Attorney General Will R. Wilson noted that federal jurisdiction had already entered into the area of arson: "Existing law furnishes a basis for Federal investigative and prosecutive action in certain cases of destruction or threats of destruction by arson . . . [h]owever, it is inadequate in many important ways." Id. at 35; see also id. at 324.

In addition to the Congressmen's recognition that Title XI could apply in instances of arson, the legislative history indicates that Congress clearly anticipated an overlap in federal and state jurisdiction. The House Report described the purpose of Title XI as "to assist the States to more effectively regulate the sale, transfer and other disposition of explosives within their borders." H.R. Rep. No. 91-1549, 91st Cong. 2d Sess. at 36, reprinted in [1970] U.S Code Cong. & Ad. News 4007, 4011. In his statement explaining the administration bill, Assistant Attorney General Wilson addressed this overlap as follows:

We recognize that the provisions of this bill will, to a large extent, cover areas presently covered by State law. We do not intend that the Federal Government substitute for the enforcement activities of State

and local authorities in this area. We have, therefore, included in the bill a previous, subsection (h), generally similar to present section 837(e), expressing Congress' intention that this statute not be construed as preempting State law or depriving State or local law enforcement authorities of their responsibilities for investigating and prosecuting crimes involving the use of explosives.

Indeed, it is evident that the Federal investigative and prospective authority contained in this bill must be used selectively. The provisions of the bill have been drawn broadly, so that prosecutions need not hinge on such essentially artificial issues as whether the explosives were moved across State lines. However, the bill's prohibitions cover many acts of violence of predominantly local concern. It is not intended that Federal law enforcement authorities should investigate and prosecute every bomb threat or incident. Indeed, we do not have the resources to do so . . . . This flexibility will enable us to achieve maximum economy of effort and to assure that Federal law enforcement assists but does not displace the efforts of State and local officials in dealing with crimes involving explosives.

. . . Nor is it a substitute for vigorous State action. It is, however, necessary to give us the tools we need to prosecute the terrorist and I urge your prompt and favorable action.

Hearings on H.R. 17154, H.R. 16699, H.R. 18573 Before Subcomm. No. 5 of the Comm. on the Judiciary, House of Rep., 91st Cong., 2d Sess. at 34, 38 (1970) (emphasis added).[7]

The legislative history indicates that Congress intended to define broadly the term "explosive" for purposes of the malicious use of explosives sections of the Organized Crime Control Act; that Congress realized that state and federal jurisdiction would overlap in certain instances, such as arson cases; and that simple devices using common substances could be used to create an explosive within the meaning of the Act. The legislative history supports the plain meaning of the language contained in the Act. Moreover, the legislative history supports the proposition that naphtha soaked newspapers when ignited by fire are an explosive for purposes of the malicious use provisions of the Act.

IV

The Eighth Circuit, the Tenth Circuit and the Eleventh Circuit have had occasion in recent decisions to pass upon the validity of prosecutions under section 844(i). In *United States* v. *Hepp*, 656 F.2d 350 (8th Cir. 1981), a random mixture of air and methane gas was held to be an explosive within the meaning of 18 U.S.C. § 844(j). In *Hepp* the defendant and his friends were gathered in the defendant's gas station drinking and taking turns shooting a muzzle loading pistol. The defendant Hepp shot a hole in the natural gas (methane) meter in the basement of the station. When one of the drinking party turned the gas off. Hepp directed that it be turned back on and opened a window at the top of the stairs leading to the basement. Hepp then left the filling station on a service call and during his absence the mixture of methane gas and the surrounding air was ignited by a spark of unknown origin resulting in an explosion which destroyed the filling station. In rejecting Hepp's contention that the methane gas air mixture was not an explosive within the meaning of 18 U.S.C. § 844(j), the Eighth Circuit relied both on the uncontroverted opinion of the government's expert witness that methane and oxygen are a mechanical mixture and upon the language of the statute. *Id.* at 352-53. The court also noted that the legislative history of the statute indicated that the exceptions applicable to the regulatory provisions of the statute were not applicable to its criminal sections.

In *United States* v. *Hewitt*, 663 F.2d 1381 (11th Cir. 1981), gasoline poured into a closed room through a chimney was held to be an explosive within the meaning of 18 U.S.C. § 844(j). A homemade delayed ignition device consisting of a cigarette inserted into a matchbox suspended by a thread into the gasoline laden atmosphere was found to be an incendiary device within the meaning of 18 U.S.C. § 844(j). The court relied for its ruling upon the testimony of expert witnesses, the plain meaning of the statute, and cited *United States* v. *Hepp*, 656 F.2d 350 (8th Cir. 1981).

In *United States* v. *Poulos*, slip op. 80-1574 (10th Cir. Jan. 7, 1982), the court held a mixture of gasoline and air was an explosive within the meaning of 18 U.S.C. § 844(j). In *Poulos* a government witness, who had been solicited by the defendant to destroy an office in a commercial building, testified that he stuffed styrofoam into two one-liter cola bottles and then filled the bottles with gasoline. He entered the premises to be destroyed and put one bottle down in the center of the room and began pouring the contents of the other bottle around a small back room of the two room office. Just as he had almost emptied the contents of the bottle of gasoline the fumes were ignited by the pilot light of a water heater and, as the government witness said, "it went whoom." The witness also testified that he had brought along a fuse device that he had intended to use in conjunction with a cigarette to ignite the fumes after the witness had left the premises. In determining that gasoline mixed with air was an explosive, the court relied upon the plain meaning of the statute. *Id.* at 5-6.

The Ninth Circuit, however in *United States* v. *Gere*, 662 F.2d 1291 (9th Cir. 1981), reversed the conviction of a defendant convicted under 18 U.S.C. § 844(i) in connection with the arson of the building which housed the defendant's business. The fire was set by the use of trailers soaked with photocopier fluid leading from inside the building to an ignition point outside. The trailers, the court found, were, in effect, fuses running from the point of ignition into the warehouse. In *Gere* it does not appear that the trailers played any part in saturating the air within the warehouse building with an explosive substance, nor does there appear to have been any expert witness testimony that there was an explosion in connection with the burning. Moreover, the opinion does not discuss the legislative history of 18 U.S.C. § 844 (i), (j). Instead, the decision relies on the cross-reference in section 844(j) to 18 U.S.C. § 232(5) and holds that federal jurisdiction should not be broadened to reach arson cases such as *Gere*.

In *United States* v. *Birchfield*, 486 F. Supp. 137 (N.D. Tenn. 1980), the district court held that 18 U.S.C. § 844(i) did not apply to a case in which a flaming piece of paper was thrown into a building which had been soaked with gasoline. The district court advanced four reasons for its decision: first, the case presented a common situation of arson; second, the legislative history of section 844(i) in no way indicated any Congressional intent to extend federal jurisdiction over arson cases; and third, principles of statutory construction require that criminal statutes be strictly construed. In light of our discussion of the legislative history of 18 U.S.C. § 844 (i), (j) and the plain meaning of the statutory language none of these reasons in *Birchfield* is persuasive.

The fourth reason advanced in *Birchfield* was that the Michigan Court of Appeals has held under a similar Michigan statute that gasoline was not an explosive. This fourth reason also is not persuasive. The Michigan case relied on, *People* v. *Robinson*, 37 Mich. App. 15, 194 N.W. 2d 436, *aff'd*, 387 Mich. 770 (1971), is easily distinguished. The Michigan Court of Appeals was interpreting a Michigan penal statute which did not define "explosives." The Michigan Court looked to the State's Motor Vehicle Code which defined the term "explosives" to mean "any chemical compound or mechanical mixture that is *commonly used or intended* for the purpose of producing an explosion. . . ." *Id.* at 18; 194 N.W. 2d at 437 (emphasis added). *Robinson* relied upon the "commonly used or intended" requirement to hold that gasoline was not an explosive.[7]

V

The defendants argue also that the trial court erred in permitting the jurors to consider whether the naphtha soaked newspapers used in this case were an incendiary device. The defendants contend that because the trial court gave the jurors an instruction based upon an erroneous theory, there must be a reversal. *United States* v. *Donnelly*, 179 F. 2d 227, 233 (7th Cir. 1950).

Under section 232(5), which section 844(j) incorporates by reference, an incendiary device is "any incendiary bomb or grenade, fire bomb, or similar device." 18 U.S.C. § 232(5). The defendants and the government disagree as to whether "similar device" includes the naphtha soaked newspapers employed by Bennett. In this case the legislative history and the expert testimony illuminate the reach of section 232(5). First, there need only be a potential for explosion. And second, Congress understood the term "bomb" to cover a wide range of explosives. As previously noted, there was testimony before the House Judiciary Subcommittee that considered the legislation that Congress understood the terms "bomb" and "incendiary device" to cover a wide range of explosives.

In this case the witness Thomas Cousins, while testifying as an expert for the government, described the characteristics of an incendiary device as a group of components designed to spread and direct fire, with a source of ignition and no industrial application. (Record, vol. 7, at 988-89). Cousins concluded that the system of naphtha soaked newspaper directing fire to equipment in combination with the flaming newspaper used for igniting the system constituted an incendiary device.

The trial judge correctly submitted the theory of incendiary device to the jurors.

Based upon the circumstances of this case, the plain meaning of the statute and its legislative history, and the expert testimony offered at trial the defendants were properly convicted under the provisions of 18 U.S.C. § 844(i) and the judgment of the district court is affirmed.

FOOTNOTES

[1] Honorable Harold A. Baker, District Judge for the Central District of Illinois, sitting by designation.

[2] According to an expert witness for the government, a trailer is a combustible material that is used to spread and direct fire in a particular pat-

tern. Here the naphtha soaked rows of newspapers constituted trailers.

[3]Rapid oxidation, according to Kerner, means that the accelerant ignites almost simultaneously. (Record, vol. 2, at 108). When a liquid accelerant simultaneously ignites, Kerner said, it explodes. (Record, vol. 2, at 111-12).

[4]According to Cousins, the flash point is the lowest temperature at which a flammable liquid forms vapors which can ignite. The flash point occurs just below the explosive range of any flammable liquid. (Record, vol. 7, at 978).

[5]18 U.S.C. § 841(d) provides:

Except for the purposes of subsections (d), (e), (f), (g), (h), (i), and (j) of § 844 of this title, "explosives" means any chemical compound mixture, or device, the primary or common purpose of which is to function by explosion; the term includes, but is not limited to, dynamite and other high explosives, black powder, pellet powder, initiating explosives, detonators, safety fuses, squibs, detonating cord, igniter cord, and igniters. The Secretary shall publish and revise at least annually in the Federal Register a list of these and any additional explosives which he determines to be within the coverage of this chapter. For the purposes of subsections (d), (e), (f), (g), (h), and (i) of § 844 of this title, the term "explosive" is defined in subsection (j) of such § 844.

Ammonium nitrate and gasoline in a separate state are not regulated explosives since their common purpose is not exploding. *Hearings on H.R. 16699, H.R. 17154, H.R. 18573 Before Subcomm. No. 5 of the Comm. on the Judiciary,* House of Rep., 91st Cong., 2d Sess. at 157 (1970). (App. to letter from Hollis M. Dole, Ass't Sec. of the Int.); *accord* H.R. Rep. No. 91-1549, 91st Cong., 2d Sess. at 70, *reprinted in* [1970] U.S. Code Cong. & Ad. News 4007, 4041.

[6]Hearings before Subcomm. No. 5 of the Comm. on the Judiciary, House of Rep. at 64 (statement of Ass't Attorney General Will R. Wilson):

[I]n the composition of some of these things gasoline is used, in a Molotov cocktail, and there is another type of useable device where they take an open container of gasoline and put it on a cook stove with the pilot light. It will furnish enough heat to evaporate the gasoline and if the room is closed it will finally develop a combustible mixture in the atmosphere and the pilot light will ignite it and then the whole room will explode, so you can leave an open container of gasoline on a cook stove and make a bomb out of it that way.

Id. at 64; *see also id.* at 106 (statement of David Steinberg, Ex. Dir., Nat'l Council for a Responsible Firearms Policy, Inc.).

Statement of Hollis M. Dole, Ass't Sec. of the Int., comparing H.R. 17154 and H.R. 18573 with regard to the definition of explosives:

H.R. 17154 includes "any chemical compound . . . . that contains . . . . ingredients in such proportions, quantities or packing that ignition by fire . . . . or by detonation . . . . may cause an explosion." This would include any highly flammable substance such as *gasoline, cleaning fluids and many other commercial solvents. It also includes ammonium nitrate which is a widely-used commercial fertilizer.*

H.R. 18573 does not cover ammonium nitrate or gasoline in a separate state since the common purpose of these two substances by themselves is not to function by explosion. When ammonium nitrate and fuel oil are mixed together, however, they become a very common explosive known to industry as a "'blasting agent,'" and are covered by H.R. 18573.

Id at 157 (emphasis added) (App. A, letter from Hollis M. Dole [Aug. 19, 1970]).

Chairman Celler observed that "the definition of 'explosive' . . . may create most of our difficulty. We need all the enlightenment we can get to get a good definition of explosives." *Id.* at 299. With respect to the testimony by explosive experts, Chairman Celler pointed out that. "We had chemical experts testify that 'explosives' is a pervasive term. The testimony was to the effect that an explosive could be made out of material in this very room. If the word explosive is so pervasive it could be extremely difficult to enforce a section proscribing mere possession. *Id.* at 307.

[7]See also id. at 60-61 (colloquy between Mr. Wilson and Mr. McCulloch):

Mr. McCulloch . . . . I hope the story is read that there is a lack of explosives regulation in at least 32 States of the Union.

Mr. Wilson . . . . I might say that practically all the States have an arson law, so that if a fire results they can come at it that way. Most of them have some type of prohibition of malicious explosions.

Mr. McCulloch . . . . The lack of vigor of some States may be one of the reasons why, as reluctant as we are to have the Federal Government take on greater responsibility for the enforcement of the criminal law, it may be necessary to do that which they should do. I refer again to my State of Ohio not having a proscription on some of these things. (emphasis added).

See also id. at 61 (colloquy between Mr. Wilson and Mr. Rodino):

Mr. Rodino: Mr. Wilson, I have before me a news article from the New York Times, dated April 20, 1970, which makes reference to some 20 explosions in 4 months in Seattle, Wash. The article goes on to say city officials requested help from the Federal Bureau of Investigation. "The request for assistance from the FBI appeared routine enough at the outset, but that, too, has turned into a controversy that has further disturbed worried residents. The FBI has refused to enter the investigation saying that it has no further jurisdiction. City officials disagree."

I am wondering, first of all, does this bill, H.R. 16699, cover a situation such as this? If it is true that the FBI could not have interceded because they lacked jurisdiction, and the matter couldn't be resolved on the Federal level, will the bill that we have before us counter the situation?

Mr. Wilson: It would expand the basic jurisdiction of the Federal Government, and consequently the FBI in these things.

See also id. at 69 (Representative Poff):

Mr. Poff: Thank you, Mr. Chairman, I want to record myself as sympathetic with the sentiments the chairman expressed a moment ago with respect to those situations which involve a duality of jurisdiction. . . . In most cases, even if this legislation were passed in its present form, the conduct involved would be subject to the proscription of a specific explosive, arson, or anti riot statutes of the State.

See also id. at 72-73 (Zelenko, General Counsel, and Mr. Wilson):

Mr. Zelenko . . . . [P]age 4 of H.R. 16699, subparagraph (f) proposes to make a Federal crime of what I gather is now a State crime in just about every jurisdiction of the country; that is, the malicious damage and destruction of any business property.

Now, if Federal resources are limited why propose such a broad Federal statute in an area where State criminal law already applies?

Mr. Wilson . . . . [T]he whole enforcement here would be limited to rather selective situations and we do not have the resources to undertake this across the board, but this would give us the jurisdiction where we need it in a particular situation that we don't have now, and we do feel the need for that.

[8]The restrictive language defining "explosives" in the Michigan Motor Vehicle Code is similar to the language defining "explosives" in the regulatory provisions of the federal legislation. See *Supra,* note 4.

[The following cases are indicative of why this type of legislation is critically needed to enhance Federal law enforcement efforts being directed toward arson crimes]

UNITED STATES V. CHARLES KING STOGNER AND CHARLES W. MILLEN; U.S. DISTRICT COURT OF SOUTH CAROLINA, COLUMBIA DIVISION

(Criminal Action No. 80-271; Filed: March 17, 1981)

On August 4, 1980, a furniture warehouse in Sumter, South Carolina, was completely destroyed by arson. At the time of the incident, the building was being leased by a moving and storage company. Destroyed in the fire were an estimated 300,000 pounds of personal goods belonging to our military personnel who were overseas. The loss to the building and contents was placed in excess of $1 million.

An investigation by the Bureau of Alcohol, Tobacco and Firearms revealed that an individual had paid two arsonists a sum of $500 to torch a competitor's business who had refused to go along with fixed moving rates.

Two persons were subsequently indicted by a Federal Grand Jury on charges of violating 18 U.S.C. § 844(i). A third person, who was one of the torches, confessed to his role in the crime and became a Government witness. During the judicial proceedings, he provided damaging evidence against his confederates. In other words, the Government had developed a solid case.

The defendants made a pre-trial motion to dismiss the indictment on grounds that it failed to allege facts that constituted a Federal offense. Thus, the court inquiry narrowed to whether gasoline, as used by the defendants under the conditions prevailing at the time and place used, might have exploded.

The court concluded that, at the time of ignition, the gasoline was not an explosive within the definition of that term in 18 U.S.C. § 844(i). Consequently, for lack of jurisdiction, the indictment was dismissed.

UNITED STATES V. JUNIOR LEE BIRCHFIELD AND JOSEPH PHILIP GUTIERREZ

(486 F. Supp 137 (M.D. Tenn. 1980))

A second example involves a case out of the Middle District of Tennessee. On October 16, 1978, Rene's New and Used Furniture Store located near Clarksville, Tennessee, was destroyed by arson. Evidence developed by ATF disclosed that the owner of the business had paid an arsonist a sum of $3000 to torch the furniture store for the purpose of fraudulently collecting insurance proceeds. Evidence disclosed that on the night of the fire, the arsonist and another individual entered the furniture store by chopping a hole in the roof of the building. After pouring gasoline throughout the store and returning to the roof, they ignited the fuel by dropping a flaming piece of paper through a hole in the roof. The owner and torch were subsequently indicted by a Federal Grand Jury on criminal charges including 18 U.S.C. § 844(i).

The defendants argued that using a flaming paper to ignite gasoline poured throughout a building did not constitute the "means of an explosive" contemplated by the statute. The court accepted the defendant's argument and stated that in the absence of clear statutory language or a compelling legislative history it must assume that Congress, in enacting 18 U.S.C. § 844, did not intend to exert Federal jurisdiction over this type of case.

UNITED STATES V. HAROLD GERE

(662 F.2d 1291 (9th Cir. 1981))

The final case perhaps most tragically reflects the importance of this piece of legislation. During May 1979, a fire occurred in a building owned by a Harold Gere, which housed two of his businesses. Although the building's sprinkler system substantially extinguished the fire, there was a "flashover" resulting in the death of a Los Angeles firefighter. Twenty-four other firemen were injured. Damages were placed at $1.5 million. Gere was subsequently indicted and convicted in district court in connection with the arson of his property.

Gere appealed his conviction to the Ninth Circuit Court of Appeals alleging error in the application of 18 U.S.C. § 844(i), arguing that it was not meant to be a Federal arson statute.

On November 13, 1981, the ninth circuit agreed with the defendant's argument that § 844(i) should be narrowly construed. It

held that the purpose of the section was to protect buildings against the specific evil of bombings and that there was no indication that it was meant to overlap State arson laws. In effect, this decision limits the application of the statute to incidents involving Molotov cocktails or conventional explosive devices.●

By Mr. MITCHELL (for himself and Mr. RANDOLPH):

S. 2439. A bill to amend the Public Works and Economic Development Act of 1965, as amended; to the Committee on Environment and Public Works.

S. 2440. A bill to amend the Public Works and Economic Development Act of 1965, as amended; to the Committee on Environment and Public Works.

PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT AMENDMENTS OF 1982 AND REGIONAL ECONOMIC DEVELOPMENT ACT OF 1982

● Mr. MITCHELL. Mr. President, I am today introducing legislation to extend the life of the Economic Development Administration at current levels in fiscal year 1983 and to target EDA programs to those areas of the United States that are truly distressed.

I am also introducing the comprehensive proposal put forward by a bipartisan coalition of members of the House Committee on Public Works and Transportation, led by Congressmen OBERSTAR and CLINGER.

Last year, when the administration announced its plan to eliminate the Economic Development Administration, I opposed it. I said then that no matter how successful the President's economic policy was going to be, some sectors of our Nation, some regions, some rural areas, and some cities would not enjoy a full share in that success because of long-standing regional and local problems that inhibit economic growth.

Last year, Congress overrode the administration's ill-conceived plan to kill EDA, and recognized that local pockets of unemployment and economic stagnation needed the specialized, targeted aid of EDA.

This year, the existence of a massive recession of uncertain duration simply multiplies the strength of the successful arguments that prevailed last year. I will again fight to prevent this erroneous shortsighted proposal. I hope that again, commonsense and experience with a proven program will not win out over a gamble on another untried economic theory.

The bills I am introducing today are intended as a starting point for discussion purposes within the Senate Environment and Public Works Committee on which I serve. Several other modifications to the existing EDA programs have been suggested, but there appears to be a consensus on one critical point: regional economic development programs are a worthwhile Federal commitment in areas where incomes remain low, where employment remains stubbornly high, and where help is needed to stimulate local economic growth.

I intend to examine all of the economic development proposals put forward in both Houses of Congress, as a member of the Committee on Environment and Public Works. I have asked the three economic development districts in Maine, as well as all of the county commissioners in my State for comment on these bills as well as any other proposal in which they have an interest. I will evaluate all such proposals on the basis of these comments from those who have longstanding experience with the successful implementation of EDA programs.

EDA has been validly criticized for its diffuse nature. Right now, over 85 percent of the country is eligible for EDA assistance. That is a legitimate criticism. I think the program should be more narrowly targeted; it should be limited to areas that are truly suffering chronic high employment and low per capita income.

My bill directs the Secretary of Commerce to reduce eligibility to no more than 45 percent of the country. My legislation will also reduce the 11 ways in which eligibility can be demonstrated to the 4 criteria that measure most accurately the need for long-term economic development assistance. The criteria to be used will be the following:

An unemployment rate that has been 50 percent above the national average for the previous 2 years;

Per capita income 50 percent below the national average;

The existence of pockets of poverty within an otherwise eligible area; or

Sudden and severe economic dislocation in an area.

My legislation would also remove the prohibition against removing an area's eligibility once it is declared eligible for aid. That congressional decision was made over 10 years ago. I believe it ought to be reversed this year.

Mr. President, EDA has been a successful program. Without the passage of economic development legislation this year we will be discarding the best of a program because it has some shortcomings. That makes neither fiscal sense nor long-term economic sense. It is not fiscally responsible to terminate a program that creates jobs, saves welfare costs, generates State and local tax returns, and raises the level of national economic output.

We should not destroy a useful program, one which has shown an ability to reach and really help many depressed communities at minimal cost, simply because it needs improvement. Let us, rather, commit ourselves to making that improvement.●

By Mr. ROTH (by request):

S. 2441. A bill to further amend the Federal Property and Administrative Services Act of 1949, as amended, to allow supply operations to be industrially funded; to the Committee on Governmental Affairs.

INDUSTRIAL FUNDING OF SUPPLY OPERATIONS

● Mr. ROTH. Mr. President, I am introducing by request a bill to further amend the Federal Property and Administrative Services Act of 1949, as amended, to allow supply operations to be industrially funded.

This legislation was proposed in Executive Communication No. 3107, dated March 29, 1982, and referred to the Governmental Affairs Committee on March 31, 1982. I am introducing this measure so that the public may have a legislative proposal upon which to comment.

Mr. President, I ask unanimous consent that a copy of the letter sent by the Administrator of the General Services Administration, dated March 29, 1982, a copy of the section-by-section analysis describing the legislation, and the text of the bill be printed in full in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that section 109 of the Federal Property and Administrative Services Act of 1949, as amendment (63 Stat. 382; 40 U.S.C. 756), is further amended as follows:

(1) In subsection (a) in the third sentence thereof, after the phrase "for paying the purchase price, transportation of personal property and services," after the comma add the wording "and other costs such as wages, space, and other personnel costs related to contracting, procurement, inspection, storage, management, distribution, and accountability of supplies and materials provided through the various methods of supply, . . ."

(2) In subsection (b) in the second sentence thereof, after the phrase "the transportation cost, inventory losses," after the comma add the wording "other costs such as wages, space, and other personnel costs related to contracting, procurement, inspection, storage, management, distribution and accountability of supplies and materials provided through the various methods of supply, . . ."

(3) In subsection (b) at the end of the second sentence, add the following provision; "All executive agencies shall requisition from the General Services Administration all needed items of personal property and nonpersonal services which are managed by the General Services Administration unless otherwise authorized by General Services Administration in accordance with procedures prescribed by applicable provisions of the Federal Property Management Regulations."

INDUSTRIAL FUNDING BILL—SECTION-BY-SECTION ANALYSIS

Section (1) of the Bill is a technical revision of Section 109(a)(2) of the Federal Property and Administrative Services Act of 1949, as amended (63 Stat. 382, 40 U.S.C. 756), (FPASA). In order to finance the procurement, handling, and distribution of per-

sonal property and nonpersonal services through the use of the General Supply Fund on a "total cost" basis, it is necessary to broaden the current elements of costs (which now are limited to purchase price and transportation) to include other costs, such as wages, space, and personnel costs related to contracting, procurement, inspection, storage, management, distribution, and accountability of supplies and materials provided to executive agencies through the General Services Administration's (GSA) various methods of supply.

Section (2) of the Bill revises Section 109(b) of the FPASA and provides parallel and complementary authority to recover the same "total cost" elements as referenced in Section 1 in determining the prices to be charged to executive agencies that purchase personal property from GSA's various methods of supply.

Section (3) of the Bill adds another provision to Section 109(b) of the FPASA requiring all executive agencies to requisition from GSA all items of personal property and nonpersonal services which are managed by GSA. This section also recognizes that there may be circumstances which would warrant exempting executive agencies from this mandatory requirement in accordance with procedures prescribed by the Federal Property Management Regulations.

In order to encourage agencies to identify and take advantage of the most competitive prices available to meet their needs for personal property and nonpersonal services, GSA will prescribe procedures for considering and processing requests for waivers from this mandatory provision. These procedures will take into account the current methods of supply for stock, nonstock, and items available under GSA's schedule program.

Agencies will be required to include the same elements of "total cost" in their requests for waiver as used by GSA in establishing its price for the item of personal property in question. GSA will evaluate these requests on a timely basis (usually within 15 workdays after receipt of full information) and will either grant a waiver or provide the requesting agency with a written response indicating why the waiver cannot be granted.

GENERAL SERVICES ADMINISTRATION,
Washington, D.C., March 29, 1982.

HON. GEORGE BUSH,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft bill "To further amend the Federal Property and Administrative Services Act of 1949, as amended, to allow supply operations to be industrially funded." Also enclosed is a section-by-section analysis on the legislative proposal.

The proposed bill would amend section 109 of the Federal Property and Administrative Services Act of 1949, as amended (Act) (40 U.S.C. 756), to authorize the General Services Administration (GSA) to add the cost of contracting, procurement, inspection, storage, management, distribution and accountability to the prices charged Federal agencies for certain supplies and materials provided through the various methods of supply utilized by the GSA Federal Supply System.

GSA recommends prompt consideration of this draft bill. The Office of Management and Budget has advised that there is no objection to the submission of the legislative proposal to the Congress, and that its enactment would be in accord with the program of the President.

Sincerely,

GERALD P. CARMEN,
Administrator.●

By Mr. ROTH (by request):

S. 2442. A bill to discontinue or amend certain requirements for agency reports to Congress; to the Committee on Governmental Affairs.

CONGRESSIONAL REPORTS ELIMINATION ACT OF 1982

● Mr. ROTH. Mr. President, I am introducing by request a bill to discontinue or amend certain requirements for agency reports to Congress—an act to be cited as the Congressional Reports Elimination Act of 1982, dated March 23, 1982, and referred to the Governmental Affairs Committee on March 31, 1982. I am introducing this measure so that the public may have a legislative proposal upon which to comment.

Mr. President, I ask unanimous consent that a copy of the letter sent by the Director of the Office of Management and Budget, dated March 23, 1982, a copy of the section-by-section analysis describing the legislation, and the text of the bill be printed in full in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2442

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act be cited as the "Congressional Reports Elimination Act of 1982".

TITLE I—ELIMINATIONS

REPORTS BY MORE THAN ONE AGENCY

SEC. 101. (a) Section 3104(b) of Title 5, United States Code, is repealed.

(b) Section 4396 of the Revised statutes (16 U.S.C. 744; 24 Stat. 523) is amended by striking out "He shall submit annually to Congress a detailed statement of expenditures under all appropriations for 'propagation of food fishes.'".

(c)(1) Section 616(b) of the Act of December 15, 1980, entitled "An Act Making Appropriations for Agriculture, Rural Development and Related Agencies Programs for the Fiscal Year Ending September 30, 1981 and for Other Purposes" (94 Stat. 3117) is repealed.

(2) Section 307(b) of the Supplemental Appropriations and Rescission Act, 1980, (94 Stat. 928) is repealed.

(3) Section 309(c) of the Department of the Interior and Related Agencies Appropriations for Fiscal Year 1981, (94 Stat. 2984) is repealed.

(4) Section 126(b) of the Military Construction Act of 1981 (94 Stat. 1869) is repealed.

(5) Section 323(c) of the Department of Transportation and Related Agencies Appropriations Act, 1981, (94 Stat. 1699) is repealed.

(d)(1) Section 309(b) of the Act of December 12, 1980, P.L. 96-514 is repealed.

(2) Section 126(a) of the Act of October 13, 1980, P.L. 96-436 is repealed.

(3) Section 323(b) of the Act of October 9, 1980, P.L. 96-400 is repealed.

(4) Section 307(a) of the Act of July 8, 1980, P.L. 96-304 is repealed.

(e) Section 3(e)(4) of the Privacy Act of 1974, (5 U.S.C. 552a) is amended by deleting the words "at least annually" and inserting in lieu thereof "upon establishment or revision".

REPORTS BY THE EXECUTIVE OFFICE OF THE PRESIDENT

SEC. 102. (a) Section 552a(p) of Title 5, United States Code, is repealed.

(b) Section 8(a) of Public Law 93-400 (41 U.S.C. 407(a)) is amended to strike everything after the word "Policy" and to insert in lieu thereof a period.

(c) Section 6002(g) of Public Law 89-272, as added by Public Law 94-580 (42 U.S.C. 6962(g)), is amended to strike everything after the word "resources" and to insert in lieu thereof a period.

(d) Section 202(f) of the Legislative Reorganization Act of 1970, as amended (31 U.S.C. 1152(f)), is repealed.

(e) Section 117(f) of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 67(f)) is repealed.

(f) Section 1117 of the Drug Abuse Prevention, Treatment, and Rehabilitation Act (21 U.S.C. 1117) is repealed.

REPORTS BY THE DEPARTMENT OF AGRICULTURE

SEC. 103. (a) Section 1303(d) of the Food and Agriculture Act of 1977 (7 U.S.C. 2011, note; 91 Stat. 980) is repealed.

(b) Paragraph (a) of the Act of March 4, 1913, entitled "An Act making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and fourteen" (16 U.S.C. 502; 37 Stat. 843), is amended by striking out the second sentence.

(c) Section 9 of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590i; 50 Stat. 329) is amended by striking out the second sentence.

REPORT BY THE DEPARTMENT OF COMMERCE

SEC. 104. Section 8 of the Fair Packaging and Labeling Act (15 U.S.C. 1457) is amended by striking the following:". . . or to participate in the development of voluntary product standards with respect to any consumer commodity under procedures referred to in Section 1464(d) of this Title . . ."

REPORTS BY THE DEPARTMENT OF DEFENSE

SEC. 105. (a) Section 1081 of Title 10, United States Code, is amended by striking out the second sentence.

(b) Subtitle A of Title 10, United States Code, is amended by:

(1) Striking out the following item in the chapter analysis and the chapter analysis of part IV:

"161. Property records 2701"; and (2) repealing chapter 161.

(c) Section 2208(i) of Title 10, United States Code, is repealed.

(d) Section 203 of Public Law 91-441 (84 Stat. 906; 10 U.S.C. 2358 note) is amended—

(1) by striking out subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(e) Section 138 of Title 10, United States Code, is amended by striking out subsection (c)(3)(C) and by redesignating subsection (c)(3)(D) as subsection (c)(3)(C).

(f) Section 2687 of Title 10, United States Code, is repealed.

(g) Section 2662 of Title 10, United States Code, is repealed.

(h) Section 2675(b) of Title 10, United States Code, is repealed.

(i) Section 2672a of Title 10, United States Code, is amended by striking out the following sentence: "The Secretary of a military department contemplating action under this provision will provide notice, in writing, to the Armed Services Committees of the Senate and House of Representatives at least 30 days in advance of any action being taken."

(j) Section 410 of the Act of November 19, 1969 (50 U.S.C. 1436; 83 Stat. 210), is repealed.

(k) Section 612 of the Military Construction Authorization Act, 1975 (88 Stat. 1765), is amended by striking out: "The Secretary of each military department shall make an annual report to Congress on the operation of the program."

(l) Section 2677(c) of Title 10, United States Code, is repealed.

(m) Section 2110(b) of Title 10, United States Code, is amended by striking out "The Secretary of each military department shall report to Congress in April of each year on the progress of the flight instruction program."

(n) Section 502(a)(2) of Public Law 96-342 (94 Stat. 1086; 10 U.S.C. 2304 note) is amended by inserting: "with respect to a commercial or industrial type function that is being performed by fifty or more Department of Defense civilian pesonnel" before "unless."

REPORTS BY THE DEPARTMENT OF EDUCATION

SEC. 106. (a)(1) Section 342(a)(2)(A) of the Higher Education Act of 1965 (20 U.S.C. 1067) as amended by the Education Amendments of 1980 (P.L. 96-374, Sec. 301; 94 Stat. 1398) is repealed.

(2) Section 342(a)(2)(B) is amended by striking "and include a statement of reasons for such determination."

(b) Section 653(c) of the Education of the Handicapped Act (20 U.S.C. 1453; P.L. 91-230, Sec. 653; 84 Stat. 187; P.L. 94-142, Sec. 6(b); 89 Stat. 795) is repealed.

(c) Section 553(c) of the Higher Education Act of 1965 (20 U.S.C. 119-2) as amended by the Education Amendments of 1980 (P.L. 96-374, Sec. 506; 94 Stat. 1464) is repealed.

(d) Section 14(c) of the Rehabilitation Act of 1973 (29 U.S.C. 713) as amended by the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978 (P.L. 95-602; 92 Stat. 2986) is repealed.

(e) Section 112(b)(3) of the Rehabilitation Act of 1973 (29 U.S.C. 723(b)(3); P.L. 93-112; 87 Stat. 372) is repealed.

(f) Section 117(d) of the Higher Education Act of 1965 (20 U.S.C. 1017) as amended by the Education Amendments of 1980 (P.L. 96-374, Sec. 101(a), 94 Stat. 1382) is repealed.

REPORTS UNDER THE DEPARTMENT OF ENERGY

SEC. 107. (a) Section 18 of the Federal Energy Administration Act of 1974 (15 U.S.C. 777) is amended by—

(1) striking subsection (d); and

(2) redesignating subsection (e) as subsection (d).

(b) Section 7(b)(7) of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5906(b)(7)) is amended by—

(1) striking subparagraph (A); and

(2) striking the subparagraph designator "(B)".

(c) Section 314 of the Energy Research and Development Administration Appropriation Authorization for Fiscal Year 1976 Act (89 Stat. 1076) is amended by striking the colon and all that follows, and by inserting a period in its place.

(d) Section 908 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1328) is amended by—

striking subsection (d); and

redesignating subsection (e) as subsection (d).

(e) The Energy Security Act is amended by—

(1) repealing section 106 (50 U.S.C. App. 2096a);

(2) repealing title III (42 U.S.C. 7361-64); and

(3) striking the items relating to section 106 and title III in the table of contents.

(f) The Department of the Interior and Related Agencies Appropriations for Fiscal Year 1980 Act is amended by striking the last paragraph under the heading "Department of Energy Alternative Fuels Production" in Title II (93 Stat. 971).

(g) Section 11 of the Energy Supply and Environmental Coordination Act of 1974 (15 U.S.C. 796) is amended by—

(1) striking subsection (c); and

(2) redesignating subsections (d), (e), (f), and (g) and (c), (d), (e), and (f) respectively.

(h) The Powerplant and Industrial Fuel Use Act of 1978 is amended by—

(1) repealing section 801 (42 U.S.C. 8481); and

(2) striking the item relating to section 801 in the table of contents.

(i) The Department of Energy Organization Act is amended by—

(1) striking section 205(h) (42 U.S.C. 7135(h)).

(2) repealing title VIII (42 U.S.C. 7321-22); and

(3) striking the items relating to title VIII in the table of contents.

(j) Section 203 of the Clean Air Act Amendments of 1977 (42 U.S.C. 7551) is amended by—

(1) striking subsection (b); and

(2) striking the subsection designator "(a)".

(k) Section 506 of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z-5) is amended by striking subsection (c).

(l) The Electric and Hybrid Vehicle Research, Development and Demonstration Act of 1976 is amended by—

(1) striking the last sentence of section 7(e)(l) (15 U.S.C. 2506(e)(1)); and

(2) striking section 13(c)(3) (15 U.S.C. 2512(c)(3)).

(m) Section 7 of the Act of July 7, 1960, P.L. 86-599 (74 Stat. 337) is repealed.

(n) The Methane Transportation Research, Development, and Demonstration Act of 1980 is amended by—

(1) striking "; and" in section 4(c)(7) (15 U.S.C. 3803(c)(7)) and inserting a period in its place;

(2) striking section 4(c)(8) (15 U.S.C. 3803(c)(8)); and

(3) repealing section 9 (15 U.S.C. 3808).

(o) Section 57(a) of the Federal Energy Administration Act of 1974 (15 U.S.C. 790f(a) is amended by—

(1) striking "; and" in paragraph (1) and inserting a period in its place;

(2) striking the paragraph designator (1); and

(3) striking paragraph (2).

(p) Section 242(a)(2) of the Emergency Energy Conservation Act of 1979 (42 U.S.C. 8532(a)(2) is amended by—

(1) striking "; and" in subparagraph (A) and inserting a period in its place;

(2) striking the subparagraph designator (A); and

(3) striking subparagraph (B).

(q) Section 742 of Public Law 95-620, November 9, 1978, is repealed.

REPORTS BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES

SEC. 108. (a) Section 311(c) of Title 37, United States Code, is repealed.

(b) Section 203(o) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(o)) is amended in the first sentence by striking out ", and the head of each executive agency disposing of real property under subsection (k) of this section,".

(c) Section 26(e)(2) of the Toxic Substances Control Act (15 U.S.C. 2625(e)(2)) is amended to read as follows:

"(2) The Administrator and the Secretary shall—

"(A) define the term 'known financial interests' for purposes of paragraph (1), and

"(B) establish the methods by which the requirement to file written statements specified in paragraph (1) will be monitored and enforced, including appropriate provisions for review by the Administrator and the Secretary of such statements.".

(d) Section 402(c) of the Social Security Act (42 U.S.C. 602(c)) is repealed.

(e) Section 1114(f) of the Social Security Act (42 U.S.C. 1314) is amended by striking out the second sentence.

(f) Section 1120(b) of the Social Security Act (42 U.S.C. 1320) is amended by repealing subsection (b) and by striking out "(a)".

(g) Section 1172 of the Social Security Act (42 U.S.C. 1320c-21) is repealed.

(h) Section 1881(c)(6) of the Social Security Act (42 U.S.C. 1395rr(c)(6)) is amended by striking out the last sentence.

(i) Section 505(a)(3) of the Social Security Disability Amendments of 1980 (42 U.S.C. 1310 note) is amended by striking out everything that follows the first sentence.

(j) Section 308(a) of the Public Health Service Act (42 U.S.C. 242m(a)) is amended—

(1) by striking out paragraph (1),

(2) in paragraph (3), by striking out "or (2)", and

(3) by renumbering paragraphs (2) and (3) as (1) and (2), respectively.

(k) Section 317(h) of the Public Health Service Act (42 U.S.C. 247b(h)) is repealed.

(l) Section 329(f)(5) of the Public Health Service Act (42 U.S.C. 254b(f)(5)) is amended by striking out the last sentence.

(m) Section 338A(i) of the Public Health Service Act (42 U.S.C. 254(i)) is repealed.

(n) Section 357 of the Public Health Service Act (42 U.S.C. 263e) is repealed.

(o) Section 360D of the Public Health Service Act (42 U.S.C. 2631) is repealed.

(p)(1) Section 511 of the Public Health Service Act (42 U.S.C. 229) is repealed.

(2) The first sentence of section 383(b) of that Act (42 U.S.C. 277(b)) is amended by striking out ", and the Secretary shall include in his annual report to the Congress a statement covering the recommendations made by the Board and the disposition thereof".

(q) Section 771(b)(2)(C) of the Public Health Service Act (42 U.S.C. 295f-1(b)(2)(C)) is amended in the last sentence by striking out "and to the Committee on Interstate and Foreign Commerce of the House of Representatives and to the Committee on Labor and Public Welfare of the Senate".

(r) Section 1009 of the Public Health Service Act (42 U.S.C. 300a-6(a)) is repealed.

(s) Section 1122 of the Public Health Service Act (42 U.S.C. 300c-12) is amended to read as follows:

"SUDDEN INFANT DEATH SYNDROME RESEARCH

"SEC. 1122. From the sums appropriated to the National Institute of Child Health and Human Development under section 441, the Secretary shall assure that there are applied to research which relates specifically to sudden infant death syndrome, and to research which relates generally to sudden infant death syndrome, including high-risk pregnancy and high-risk infancy research which directly relates to sudden infant death syndrome, such amounts each year as will be adequate, given the leads and findings then available from such research, in order to make maximum feasible progress toward identification of infants at risk of sudden infant death syndrome and prevention of sudden infant death syndrome."

(t) Section 1315 of the Public Health Service Act (42 U.S.C. 300e-14) is repealed.

(u) Section 1318(e) of the Public Health Service Act (42 U.S.C. 300e-17(e)) is repealed.

(v) Section 5(h) of the International Health Research Act of 1970 (22 U.S.C. 2103(h)) is repealed.

(w) Section 102 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 (42 U.S.C. 4552) is amended—

(1) by striking out paragraph (1), and

(2) by renumbering paragraphs (2) through (4) as (1) through (3), respectively.

(x) Section 27(c) of the Toxic Substances Control Act (15 U.S.C. 2626(c)) is repealed.

(y) Section 154(e) of the Clean Air Act (42 U.S.C. 7454(e)) is amended by striking out the last sentence.

(z) Section 1200 of the Comprehensive Drug Abuse Prevention and Control Act of 1980 (42 U.S.C. 3509) is repealed.

(aa) Section 640(d) of the Head Start Act (42 U.S.C. 9835) is amended by striking out the second sentence.

(bb) Section 315 of the Runaway and Homeless Youth Act (42 U.S.C. 5715) is repealed.

REPORTS BY THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SEC. 109 (a) Title III of the Energy Conservation and Production Act (42 U.S.C. 6801; 90 Stat. 1125) is amended by striking out Section 311.

(b) Section 505 of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z-4; 84 Stat. 1787) is amended by striking out subsection (f).

(c) The Housing and Community Development Act of 1977 (42 U.S.C. 3540; 91 Stat. 1149) is amended by striking out Section 904.

REPORTS BY THE DEPARTMENT OF THE INTERIOR

SEC. 110. (a) Section 8 of the Act of August 18, 1970 (84 Stat. 825), as amended, Title 16, United States Code, 1a-5, is deleted and replaced by the following: "The Secretary is directed to transmit annually to the Speaker of the House of Representatives and to the President of the Senate, at the beginning of each fiscal year, a complete and current list of all areas included on the Registry of Natural Landmarks and those areas of national significance listed on the National Register of Historic Places which areas exhibit known or anticipated damage or threats to the integrity of their resources, along with notations as to the nature and severity of such damage or threats. The annual listing shall be printed as a House document. For the purpose of monitoring the welfare and integrity of the national landmarks, there are authorized to be appropriated annually not to exceed $1,500,000."

(b) Section 665 of Title 16, United States Code, entitled the "Fish and Wildlife Cooperation Act", is amended in the first sentence thereof by striking out "and to make reports to the Congress concerning such investigations and of recommendations for alleviating dangerous and undesirable effects of such pollution".

(c) Section 673f of Title 16, United States Code, (90 Stat. 1189) of the Act of August 14, 1976, is deleted.

(d) Section 673g of Title 16, United States Code, (90 Stat. 189) of the Act of August 14, 1976, is revised by deleting the final sentence thereof.

(e) Section 313(b)(2) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1743; 90 Stat. 2769) is repealed.

(f) Section 13(b)(2) of the National Park System—Mining Activity Act 16 U.S.C. 1912; 90 Stat. 1345) is repealed.

(g) Section 522(b)(2) of the Energy Policy and Conservation Act (42 U.S.C. 6392; 89 Stat. 962) is repealed.

(h) Section 605(b)(2) of the Outer Continental Shelf Lands Act Amendments of 1978 (43 U.S.C. 1864; 92 Stat. 695) is repealed.

(i) Section 2 of the Act of September 22, 1961 (75 Stat. 584; 25 U.S.C. 165) is repealed.

(j) The Act of September 22, 1961 (75 Stat. 577; 25 U.S.C. 15) is amended by striking out the last sentence thereof.

(k) Section 3 of the Act of August 21, 1951 (65 Stat. 195; 25 U.S.C. 673) is repealed.

REPORTS BY THE DEPARTMENT OF JUSTICE

SEC. 111. (a) Section 4352(b) of the Juvenile Justice and Delinquency Prevention Act of 1974, Chapter 319. National Institute of Corrections (5 U.S.C. 5332; 88 Stat. 1141) is repealed.

(b) Section 203 of the Truth in Lending Act (82 Stat. 162) is repealed.

(c) Section 114 of Title I of the Consumer Credit Protection Act (15 U.S.C. 1613; 82 Stat. 151) is repealed.

REPORTS BY THE DEPARTMENT OF LABOR

SEC. 112. (a) Section 602(a)(1) of the Comprehensive Employment and Training Act (Section 2 of P.L. 95-524; 92 Stat. 2006; 29 U.S.C. 962(a)(1)) is repealed.

(b) Section 6(f) of P.L. 90-83 (81 Stat. 221; 29 U.S.C. 606) is repealed.

(c) Section 5(b) of the Comprehensive Employment and Training Act Amendments of 1978 (P.L. 95-524; 92 Stat. 2019; 29 U.S.C. 829a) is repealed.

(d) Section 182(a)(3) of the Vocational Education Act of 1963 (as amended by the Education Amendments of 1976) (P.L. 94-482; 90 Stat. 2169; 20 U.S.C. 2412(a)(3)) is repealed.

(e) Section 41(b)(1) of the Longshoremen's and Harbor Workers' Compensation Act, as amended by P.L. 85-742 (72 Stat. 835; 33 U.S.C. 941(b)(1)), is amended by deleting the following words from that section: "and from time to time make to Congress such recommendations as he may deem proper as to the best means of preventing such injuries".

(6) Section 4(e) of the Fair Labor Standards Act of 1938, as added by Section 3 of the Fair Labor Standards Amendments of 1961 (P.L. 87-30; 75 Stat. 66; 29 U.S.C. 204(e)) is repealed.

(g) Section 127 of the Comprehensive Employment and Training Act (Section 2 of P.L. 95-524; 92 Stat. 1945; 29 U.S.C. 829) is repealed.

(h) The second sentence of Section 19(b), of the Occupational Safety and Health Act of 1970 (84 Stat. 1590; 29 U.S.C. 651) is repealed.

(i) Section 440 of the Social Security Act (42 U.S.C. 640) is repealed.

REPORTS BY THE DEPARTMENT OF TRANSPORTATION

SEC. 113.(a) Section 110 of the Surface Transportation Assistance Act of 1978 (23 U.S.C. 104(h); 92 Stat. 2696) is repealed.

(b) Section 144(i) of Title 23, United States Code, (92 Stat. 2704) is repealed and subsections (j), (k), (l) and (m) of Section 144 of title 23, United States Code, are relettered as (i), (j), (k) and (l) respectively, including any references to such subsections.

(c) Section 151(g) of Title 23, United States Code (87 Stat. 285), is amended by striking the third and fourth sentences and inserting in lieu thereof, "No State shall submit any such report to the Secretary for any year after the second year following completion of the pavement marking program in that State."

(d) Section 152(g) of Title 23, United States Code, (92 Stat. 2723) is amended by striking the third, fourth, and fifth sentences.

(e) Section 163(o) of the Federal-Aid Highway Act of 1973, as amended, (87 Stat. 280) is repealed and subsections (p) and (g) of section 163 of the Federal Aid Highway Act of 1973, as amended, are relettered as (o) and (p) respectively, including any references to such subsections.

(f) Section 203(e) of the Highway Safety Act of 1973 (87 Stat. 283) is amended by striking the third, fourth, and fifth sentences.

(g) Subsections (a), (b) and (c) of Section 123 of the Federal-Aid Highway Act of 1978 (92 Stat. 2701) are repealed.

(h) Section 209 of the Highway Safety Act of 1978 (92 Stat. 2732) is repealed.

(i) Section 107(b) of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1307(b); 92 Stat. 1709) is repealed.

(j) Section 107(c) of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1307(c); 92 Stat. 1709) is repealed.

(k) Section 602 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 79; 87 Stat. 1022; P.L. 93-236) is repealed.

(l) The Mineral Leasing Act of 1920, as amended, (30 U.S.C. 185) is amended by striking out sections 28(w)(3) and 28(w)(4).

(m) Section 475 of Title 14, United States Code, is amended by deleting subsections (e) and (f).

(n) Section 311(a) of the Magnuson Fisheries Conservation and Management Act of 1976 (16 U.S.C. 1861; 90 Stat. 358) is amended by deleting the third full sentence.

(o) Section 391a(19) of Title 46, United States Code as amended, is repealed.

REPORTS BY THE DEPARTMENT OF THE TREASURY

SEC. 114. (a) Section 208(e)(1) of the Airport and Airway Revenue Act of 1970 (49 U.S.C. 1742(e); 84 Stat. 250), is amended to read as follows: "(1) Management—It shall be the duty of the Secretary of the Treasury to hold the trust fund."

(b) Section 402 of the Act of November 13, 1966, entitled "An Act to provide equitable tax treatment for foreign investment in the United States, to establish a Presidential Election Campaign Fund to assist in financing the costs of presidential election campaigns, and for other purposes" (31 U.S.C. 757f; 80 Stat. 1590), is repealed.

(c) Section 209(2)(1) of the Highway Revenue Act of 1956 (23 U.S.C. 120 note (e)(1); 70 Stat. 399), is amended to read as follows: "(1) In General—It shall be the duty of the Secretary of the Treasury to hold the Trust Fund.".

(d) Section 3(c)(1) of the Black Lung Benefits Revenue Act of 1977 (30 U.S.C. 934a(c)(1); 92 Stat. 13), is amended to read an follows: "(c)(1) It shall be the duty of the Secretary of the Treasury to hold the fund.".

(e) Section 223(b)(1) of the Hazardous Substance Response Revenue Act of 1980 (42 U.S.C. 9633; 94 Stat. 2802), is amended to read as follows: "(1) TRUSTEE.—The Secretary shall be the trustee of the Response Trust Fund.".

(f) Section 203(c)(1) of Public Law 95-502 (33 U.S.C. 1801(c)(1); 92 Stat. 1697), is amended to read "It shall be the duty of the Secretary to hold the Trust Fund.".

(g) Section 303(c)(1) of Public Law 96-451 (16 U.S.C. 1606a; 94 Stat. 1991), is amended to read as follows: "It shall be the duty of the Secretary of the Treasury to hold the Trust Fund.".

(h) Chapter 3 of Public Law 91-599 (84 Stat. 1658) is amended by striking out the numeral "(1)", striking out the comma following the word "country" and inserting a period in lieu thereof, and by striking out the remainder of the provision.

(i)(a) Section 30 of the Bretton Woods Agreements Act, as amended (22 U.S.C. 286e-9, 92 Stat. 1052) is amended by striking out "(a)".

(b) Section 30(b) of the Bretton Woods Agreements Act, as amended (22 U.S.C. 286e-9, 92 Stat. 1052) is repealed.

(j) Subsection 602(c) of Public Law 96-259 (22 U.S.C. 262j, 94 Stat. 433) is repealed.

REPORTS BY THE AGENCY FOR INTERNATIONAL DEVELOPMENT

SEC. 115. (a) Section 620(s)(2) of the Foreign Assistance Act of 1961, as amended, (22 U.S.C. 2370(s)(2); 83 Stat. 820) is repealed.

(b) Section 634(a)(2)(B) of the Foreign Assistance Act of 1961, as amended, (22 U.S.C. 2394(a)(2)(B); 92 Stat. 957) is repealed.

(c) Sections 634 (a)(6) and (a)(7) of the Foreign Assistance Act of 1961, as amended, (22 U.S.C. 2394 (a)(6) and (a)(7); 92 Stat. 957) are repealed.

REPORT BY THE CIVIL AERONAUTICS BOARD

SEC. 116. Section 205 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1325; 72 Stat. 744), is repealed.

REPORTS BY THE FEDERAL ENERGY REGULATORY COMMISSION

SEC. 117. (a) Section 11(a) of the Natural Gas Act (15 U.S.C. 717j(a); 52 Stat. 827) is amended to read as follows: "In case two or more States propose to the Congress compacts dealing with the conservation, production, transportation, or distribution of natural gas, the Commission, upon a request from Congress, will be required to assemble pertinent information relative to the matters covered in any such proposed compact, to make public and to report to the Congress information so obtained, together with such recommendations for further legislation as may appear to be appropriate or necessary to carry out the purposes of such proposed compact, and to aid in the conservation of natural gas resources within the United States and in the orderly, equitable, and economic production, transportation, and distribution of natural gas." Section 11(b) of the Natural Gas Act (15 U.S.C. 717j; 52 Stat. 827) is amended to read as follows: "The Commission, upon a request from Congress will be required to assemble and keep current pertinent information relative to the effect and operation of any compact between two or more States heretofore or hereafter approved by the Congress, to make such information public, and to report to the Congress, as requested, the information so obtained together with such recommendations as may appear to be appropriate or necessary to promote the purposes of such compact."

(b) Section 4(d) of the Federal Power Act (16 U.S.C. 797(d); 41 Stat. 1065; 46 Stat. 798; 49 Stat. 840; 16 U.S.C. 797(d)) is amended by deleting the sentence stating "Such report shall contain the names and show the compensation of the persons employed by the Commission."

(c) Section 4(d) of the Federal Power Act (16 U.S.C. 797(d); 41 Stat. 1065; 46 Stat. 798; 49 Stat. 840) is amended by deleting the sentence stating "The Commission, on or before the third day of January of each year, shall submit to Congress for the fiscal year preceding a classified report showing the permits and licenses issued under this Part, and in each case the parties thereto, the terms prescribed, and the moneys received, if any, or account thereof."

REPORTS BY THE GENERAL SERVICES ADMINISTRATION

SEC. 118 (a) Section 10 of Public Law 94-519 of October 17, 1976 (90 Stat. 2457; 40 U.S.C. 493) is repealed.

(b) Section 202(e) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483; 90 Stat. 2455) is repealed.

REPORT BY THE INTERSTATE COMMERCE COMMISSION

SEC. 119. The last two sentences of section 1 of the Interstate Commerce Act (P.L. 95-473; 92 Stat. 1350; 49 U.S.C. 10327(j)) are repealed.

REPORTS BY THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SEC. 120. (a) Section 2304(e) of Title 10, United States Code, is repealed.

(b) Section 2476 of Title 42, United States Code, is repealed.

REPORTS BY THE NUCLEAR REGULATORY COMMISSION

SEC. 121. (a) Section 11 of the fiscal year 1979 Nuclear Regulatory Commission Authorization Act (P.L. 95-601; 42 U.S.C. 2205(a); 92 Stat. 2953), is repealed.

(b) Section 201(h) of the Energy Reorganization Act of 1974 (P.L. 93-438; 42 U.S.C. 5841; 88 Stat. 1233), is repealed.

(c) Section 4 of the Price-Anderson Act (P.L. 85-256, 71 Stat. 579) is repealed.

REPORT BY THE OFFICE OF PERSONNEL MANAGEMENT

SEC. 122. Sections 5114 (a) and (b) of Title 5, United States Code (80 Stat. 456), are repealed.

REPORTS BY THE SMALL BUSINESS ADMINISTRATION

SEC. 123. (a) Section 10 of the Small Business Act (88 Stat. 746; 15 U.S.C. 639) is amended by striking out paragraph (g)(1) and redesignating paragraph (2) as paragraph (1).

(b) Section 303 of the Small Business Economic Policy Act of 1980 (94 Stat. 849; 15 U.S.C. 631(b)), is amended by striking out subsection (b) and redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

REPORTS BY THE VETERANS ADMINISTRATION

SEC. 124. (a) Section 102(b)(1)(C) of Public Law 96-22 of June 13, 1979, entitled "Veterans Health Care Amendments of 1979," (38 U.S.C. 612(b)) is amended by striking out the paragraph beginning with "In any year in which the President's Budget for the fiscal year . . ." and ending with "Any report submitted pursuant to this subsection shall include a comment by the Administrator on the effect of the application of the criteria prescribed in the second sentence of section 610(c) of this title for furnishing incidental dental care to hospitalized veterans."

(b) Section 201(b) of Public Law 96-22 of June 13, 1979, entitled "Veterans Health Care Amendments of 1979," (38 U.S.C. 601, Note 1) is amended by striking out all of Note 1.

(c) Section 1001 of Title 38, United States Code, is amended by striking out "and to Congress" in the last sentence thereof.

TITLE II—MODIFICATIONS

REPORTS BY THE EXECUTIVE OFFICE OF THE PRESIDENT

SEC. 201.(a) Section 305 of the Drug Abuse Office and Treatment Act of 1972 (21 U.S.C. 1165; 86 Stat. 70) is amended by striking out "of each year" and inserting "1982 and every other year thereafter" in lieu thereof.

(b)(1) Subsection 3679(c)(2) of the Revised Statutes (31 U.S.C. 665(c)(2)) is amended to change the last sentence to read as follows: "Reserves established pursuant to this subsection other than temporary withholdings associated with routine financial management objectives, shall be reported to the Congress in accordance with the Impoundment Control Act of 1974.

(2) Section 1011(1) of Public Law 93-344 (31 U.S.C. 1401(1)), is amended to read as follows: "(1) deferral of budget authority includes—(A) withholding or delaying the obligation or expenditure of budget authority, except for temporary withholdings associated with routine financial management objectives, (whether by establishing reserves or otherwise), provided for projects or activities; or (B) any other type of Executive action or inaction, other than temporary reserves established for routine financial management objectives, which effectively precludes the obligation or expenditure of budget authority, including authority to obligate by contract in advance of appropriations as specifically authorized by law;".

(c) Subsection 605(a) of Public Law 93-344 (31 U.S.C. 11a) is amended to change the first sentence as follows: "Concurrent with the transmittal of the Budget, the President shall . . ."

REPORT BY THE DEPARTMENT OF AGRICULTURE

SEC. 202. Title I of the "Agriculture, Rural Development, and Related Agencies Appropriations Act, 1981," P.L. 96-528, December 15, 1980 (15 U.S.C. 713a-10; 94 Stat. 3104) is amended by striking out "quarterly" and inserting in lieu thereof, "annual."

REPORTS BY THE DEPARTMENT OF COMMERCE

SEC. 203. (a) Section 302(d) of the Marine Protection, Research, and Sanctuaries Act of 1972 (Title III), (16 U.S.C. 1432), is amended to read: "The Secretary shall submit a biennial report to the Congress, on or before March 1 of every other year beginning in 1984, setting forth a comprehensive review of his actions during the previous two fiscal years undertaken pursuant to the authority of this section, together with appropriate recommendation for legislation considered necessary for the designation and protection of marine sanctuaries."

(b) Section 5(d)(9) of the National Climate Program Act of 1978 (15 U.S.C. 2904) is amended by striking out "that shall be revised and extended biennially" and inserting in lieu thereof "that shall be reviewed every year and revised as appropriate."

(c) Section 7 of the National Climate Program Act of 1978 (15 U.S.C. 2906) is amend-

ed by striking out "not later than January 30 of each year" and inserting in lieu thereof "not later than March 31 of each year."

(d) Section 4(a) of the National Ocean Pollution Planning Act of 1978 (33 U.S.C. 1703(a)) is amended by striking out "and a revision of the Plan shall be prepared and so submitted by September 15 of each odd-numbered year occurring after 1979" "and inserting in lieu thereof" "and a revision of the Plan shall be prepared and so submitted by September 15 every three years after 1979."

REPORTS BY THE DEPARTMENT OF DEFENSE

SEC. 204. (a)(1) Section 808(a) of the Department of Defense Appropriation Authorization Act, 1978 (50 U.S.C. 1520(a); 91 Stat. 334) is amended by striking out clause (1) and by redesignating clauses (2) and (3) as clauses (1) and (2), respectively.

(2) Section 409(a) of Public Law 91-121, November 19, 1969 (50 U.S.C. 1511(a); 83 Stat. 209) is amended by adding the following sentence at the end thereof: "The report shall include a full accounting of all experiments and studies conducted by the Department of Defense in the preceding year, whether directly or under contract, which involve the use of human subjects for the testing of chemical or biological agents."

(b) Section 201 of the Federal Voting Assistance Act of 1955 (42 U.S.C. 1973cc-11; 69 Stat. 585) is amended by striking out "odd-numbered years" and inserting in place thereof "the first odd-numbered year following the year in which the Presidential election is held."

(c) Section 2455(b) of Title 10, United States Code, is amended by striking out "yearly period ending with the preceding December 31" and inserting "preceding fiscal year."

REPORT BY THE DEPARTMENT OF EDUCATION

SEC. 205. Section 605(b) of the Higher Education Act of 1965 (20 U.S.C. 1125; P.L. 89-329, Sec. 605; 79 Stat. 1264; amended by P.L. 90-575, Sec. 242; 82 Stat. 1041; amended by P.L. 96-374, Sec. 601; 94 Stat. 1467) is amended by striking out "which shall include an index and analysis" and inserting instead "listing".

REPORTS UNDER THE DEPARTMENT OF ENERGY

SEC. 206. Section 166(b)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6245(b)(1)) is amended by striking "fifteenth" and inserting "forty-fifth" in its place.

REPORTS BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES

SEC. 207. (a) Section 2(d) of Public Law 97-135 (25 U.S.C. 472a(d)) is amended—

(1) by striking out "following the close of each fiscal year",

(2) by striking out "which they took in such fiscal year" and inserting instead "which they have taken", and

(3) by inserting "biennial" before "report".

(b) Section 2(e)(2) of Public Law 96-135 (25 U.S.C. 472a(e)(2)) is amended—

(1) by striking out "following the close of each fiscal year",

(2) by striking out "which they took in such fiscal year" and inserting instead "which they have taken", and

(3) by inserting "biennial" before "report".

(c) Section 26 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 675) is amended by striking out "Within one hundred and twenty days following the convening of each regular session of each Congress, the Secretary and the Secretary of Health, Education, and Welfare shall each" and inserting instead "the Secretary and the Secretary of Health and Human Services shall each biennally".

(d) Section 1875(b) of the Social Security Act (42 U.S.C. 1395(b)) is amended by striking out "a validation of the accreditation process of the Joint Commission on the Accreditation of Hospitals,".

(e) Section 1881(g) of the Social Security Act is amended in the material preceding paragraph (1) by striking out "to the Congress on July 1, 1979, and July 1 of each year thereafter" and inserting instead "annually to the Congress".

(f) Section 405(b) of the Drug Abuse Prevention, Treatment, and Rehabilitation Act (21 U.S.C. 1172(b)) is amended—

(1) in the matter preceding paragraph (1) by inserting "biennially" after "transmit", and

(2) by striking out the last sentence.

(g) Section 301(b)(4) of the Public Health Service Act (42 U.S.C. 241(b)(4)) is amended—

(1) in the matter preceding subparagraph (A), by striking out "an annual" and inserting instead "a biennial", and

(2) in subparagraph (D), by striking out "year" and inserting instead "period".

(h) Section 336 of the Public Health Service Act (42 U.S.C 254i) is amended in the matter preceding paragraph (1) by striking out "on May 1 of each year".

(i) Section 434(e) of the Public Health Service Act (42 U.S.C. 289c-1(e)) is amended—

(1) in the first sentence, by striking out ", as soon as practicable, but not later than sixty days, after the end of each fiscal year,",

(2) in the first sentence, by striking out "an annual" and inserting instead "a biennial", and

(3) in the matter in the last sentence preceding paragraph (1), by striking out "annual" and inserting instead "biennial".

(j) Section 435(b) of the Public Health Service Act (42 U.S.C. 289c-2(b)) is amended by striking out "an annual" and inserting instead "a biennial" and by striking out "(on or before November 30 of each year)".

(k) Section 439(e) of the Public Health Service Act (42 U.S.C. 289c-6(e)) is amended by striking out "an annual" and inserting instead "'a biennial" and by striking out "on or before November 30 of each year".

(l) The first sentence of section 701 of the Indian Health Care Improvement Act (25 U.S.C. 1671) is amended by striking out "annually" and inserting instead "biennially".

(m) Section 22(f) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 671(f)) is amended—

(1) by inserting "biennially" after "submit", and

(2) by striking out "an annual report" and inserting instead "a report".

(n) Section 8 of the Fair Packaging and Labeling Act (15 U.S.C. 1457) is amended by striking out the last two sentences and inserting instead the following: "All agencies except the Department of Health and Human Services and the Federal Trade Commission shall submit their reports in January of each year. The Department of Health and Human Services shall include this report in its annual report to Congress on activities under the Federal Food, Drug, and Cosmetic Act, and the Federal Trade Commission shall include this report in the Commission's annual report to Congress.".

(o) Section 204 of Public Law 94-505 (42 U.S.C. 3524) is amended to read as follows:

"REPORTS

"SEC. 204. (a) The Inspector General shall, not later than April 30 and October 31 of each year, prepare semiannual reports summarizing the activities of the Office during the immediately preceding six-month periods ending March 31 and September 30. Such reports shall include, but need not be limited to—

"(1) a description of significant problems, abuses, and deficiencies relating to the administration of programs and operations of the Department disclosed by such activities during the reporting period;

"(2) a description of the recommendations for corrective action made by the Office during the reporting period with respect to significant problems, abuses, or deficiencies identified pursuant to paragraph (1);

"(3) an identification of each significant recommendation described in previous reports under this section on which corrective action has not been completed;

"(4) a summary of matters referred to prosecutive authorities and the prosecutions and convictions which have resulted;

"(5) a summary of each report made to the Secretary under section 205(b)(2) during the reporting period; and

"(6) a listing of each audit report completed by the Office during the reporting period.

"(b) Semiannual reports of the Inspector General shall be furnished to the Secretary not later than April 30 and October 31 of each year and shall be transmitted by the Secretary to the appropriate committees or subcommittees of the Congress within thirty days after receipt, together with a report by the Secretary containing any comments he deems appropriate.

"(c) Within sixty days of the transmission of each semi-annual report to the Congress, the Secretary shall make copies of such report available to the public upon request and at a reasonable cost.

"(d) The Inspector General shall report immediately to the Secretary whenever the Inspector General becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to the administration of programs and operations of the Department. The Secretary shall transmit any such report to the appropriate committees or subcommittees of Congress within seven calendar days, together with a report by the Secretary containing any comments he deems appropriate.".

(p)(1) Section 308(a) of the Age Discrimination Act of 1975 (42 U.S.C. 6106a(a)) is amended by striking out all that precedes "a report" and inserting instead "Not later than December 31 of 1979 and of each succeeding year through 1983, and not later than December 31 of each year after 1983 in which the Secretary of Health and Human Services requires such a report, the head of each Federal department or agency shall submit to the Secretary of Health and Human Services".

(2) Section 308(b) of that Act (42 U.S.C. 6106a(b)) is amended by striking out all that precedes "shall compile" and inserting instead "Not later than March 31 of 1980 and of each succeeding year through 1984, and not later than March 31 of each succeeding year following a year in which he requires reports under subsection (a), the Secretary of Health and Human Services".

REPORTS BY THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SEC. 208. (a) Section 4(d)(2) of the Department of Housing and Urban Development

Act (42 U.S.C. 3531; 79 Stat. 667) is amended by—

(1) striking out "The Secretary shall, not later than December 1 of each year, submit to Congress an annual report which shall include—" and inserting in lieu thereof "The Secretary shall, not later than December 1, 1983 and not later than December 1 of every second year thereafter, submit to Congress a report which shall include—"; and

(2) inserting "and the preceding" after "current" in clause (A).

(b) Section 408(b)(2) of the Housing and Community Development Amendments of 1978 (42 U.S.C. 8007; 92 Stat. 2109) is amended by striking out "publish annually and submit to the Congress" and inserting in lieu thereof "publish and submit to the Congress not later than September 30, 1983 and not later than September 30 of every second year thereafter".

(c) Section 817 of the Housing Act of 1954 (12 U.S.C. 1701p; 68 Stat. 648) is amended by striking out, "and shall also contain" and all that follows through "that section".

REPORTS BY THE DEPARTMENT OF THE INTERIOR

SEC. 209. (a)(1) Section 6 of the Act of June 22, 1936 (49 Stat. 1804), as amended, (25 U.S.C. 389e), is further amended to read as follows: "Adjustments, deferrals, and cancellations of charges pursuant to this Act shall be effective only after following the procedure prescribed by the Act of July 1, 1982 (47 Stat. 564; 25 U.S.C. 386e)."

(2) The second proviso of the Act of July 1, 1932 (47 Stat. 564; 25 U.S.C. 386a) is amended to read as follows: *"Provided further,* That the Secretary shall report such adjustments and eliminations to the Congress not later than sixty calendar days following the end of the fiscal year in which they are made;".

(3) The last proviso of said Act of July 1, 1932, is amended by deleting the phrase "sixty legislative days" each place where it appears and, in each instance, inserting in lieu thereof the phrase, "ninety calendar days".

(b)(1) Section 1136 of the Education Amendments of 1978 (92 Stat. 2327; 25 U.S.C. 2016) is amended by adding the following at the end thereof:

"Such report shall also include the current status of tribally controlled community colleges. The annual budget submission for the Bureau's education programs shall, among other things, include (1) information on the funds provided previously private schools under section 208 of the Indian Self-Determination and Education Assistance Act (88 Stat. 2216; 25 U.S.C. 458d); (2) the needs and costs of operation and maintenance of tribally controlled community colleges eligible for assistance under the Tribally Controlled Community College Assistance Act of 1978 (92 Stat. 1325; 25 U.S.C. 1801 et seq.); and (3) the plans required by section 1121(f), and 1122(c); and 1125(b) of this Act (25 U.S.C. 2001(f), 2002(c), and 2005(b))."

(2) The following provisions are hereby repealed:

(i) Subsection (e) of section 106 and the last sentence of subsection (c)(2) of section 107 of the Tribally Controlled Community College Assistance Act of 1978 (92 Stat. 1327; 25 U.S.C. 1807(e) and 1808(c)(2)); and

(ii) The last sentence of section 208 of the Indian Self-Determination and Education Assistance Act (88 Stat. 2216; 25 U.S.C. 458d).

REPORTS BY THE DEPARTMENT OF JUSTICE

SEC. 210. (a) Section 918(a) of the Financial Institutions Regulatory and Interest Rate Control Act of 1978 (15 U.S.C. 1693p(a); 92 Stat. 3740) is amended by striking out the first and fourth sentences thereof and inserting in lieu of the first sentence the following: "Not later than twelve months after the effective date of this title and at one-year intervals thereafter, the Board shall make reports to the Congress concerning the administration of its functions under this title, including such recommendations as the Board deems necessary and appropriate."

(b) Section 252(i) of the Energy Policy and Conservation Act (42 U.S.C. 6272(i); 89 Stat. 898) is amended by striking out "6 months" and inserting in lieu thereof, "year."

(c) Section 8B of the Federal Coal Leasing Act of 1976 (30 U.S.C. 208-2; 90 Stat. 1089) is amended by striking out . . . "Each submission shall also contain a report by the Attorney General of the United States on competition in the coal and energy industries, including an analysis of whether the antitrust provisions of this Act and the antitrust laws are effective in preserving or promoting competition in the coal or energy industry."

REPORTS BY THE DEPARTMENT OF TRANSPORTATION

SEC. 211. (a) Section 515 of the Railroad Revitalization and Regulatory Reform Act of 1976, P.L. 94-210 (90 Stat. 82; 45 U.S.C. 835), is

(b) Section 10 of the Emergency Rail Services Act of 1970, P.L. 91-663 (84 Stat. 1978; 45 U.S.C. 669), is repealed.

(c) Section 409 of the Staggers Rail Act of 1980, P.L. 96-448 (94 Stat. 1948), is amended by adding at the end thereof: "In each report the Secretary shall advise the Congress on the past and anticipated financial condition and operations during the fiscal year of the Railroad Rehabilitation and Improvement Fund established under Section 502(a) of the Railroad Revitalization and Regulatory Reform Act of 1976, P.L. 94-210, and of the Obligation Guarantee Fund established under section 511(b) of that Act. In addition, the Secretary shall include in the report information on the financial condition of each railroad having a loan guaranteed under the Emergency Rail Services Act of 1970, P.L. 92-663, throughout the existence of such loan."

REPORTS BY THE DEPARTMENT OF THE TREASURY

SEC. 212 (a) Section 33(c) of the Bretton Woods Agreements Act, as amended (94 Stat. 1552), is amended by deleting the period at the end thereof and inserting in lieu thereof the following ", including an overall assessment, to the extent feasible, of the effects of economic policies, adopted as part of Fund standby arrangements, on basic human needs."

(b) Subsection (c)(1) of Section 701 of the International Financial Institutions Act, as amended (91 Stat. 1609, 94 Stat. 431) is amended by inserting immediately before the word "including" the following: "excluding section 704 and".

REPORT BY THE NATIONAL LABOR RELATIONS BOARD

SEC. 213. Section 3(c) of the National Labor Relations Act (29 U.S.C. 153(c); 61 Stat. 139) is amended by striking out "stating in detail the cases it has heard, the decisions it has rendered, and an account of all moneys it has disbursed" and inserting in lieu thereof "summarizing significant case activities and operations for that fiscal year."

REPORTS BY THE NATIONAL SCIENCE FOUNDATION

SEC. 214. (a) Subsection 4(j) of the National Science Foundation Act of 1950, as amended, is amended to read as follows:

"(j)(1) The Board shall periodically render to the President, for submission to the Congress, a report on indicators of the state of science and engineering in the United States.

"(2) The Board shall render to the President for submission to the Congress reports on policy matters related to research and education in science and engineering, as the Board, the President, or the Congress determines the need for such reports."

(b) The National Science and Technology Policy, Organization, and Priorities Act of 1976 (Public Law 94-282) is amended as follows:

(1) section 209 is deleted; and

(2) section 206 is amended to read as follows:

"(a) The President shall transmit not less frequently than biennially to the Congress, beginning on February 15, 1983, a Science and Technology Report and Outlook (hereinafter referred to as the 'Report') which shall be prepared under the guidance of the Office and with the cooperation of the Director of the National Science Foundation, with appropriate assistance from other Federal departments and agencies and such consultants and contractors as the Office or the Director of the National Science Foundation deems necessary. The Report may include—

"(i) a review of developments of national significance in science and technology;

"(ii) a description of major Federal decisions and actions related to science and technology that have occurred since the previous such report;

"(iii) a discussion of currently important national issues in which scientific or technical considerations are of major significance;

"(iv) a forecast of emerging issues of national significance resulting from, or identified through, scientific research or in which scientific or technical considerations are of major importance; and

"(v) a discussion of opportunities for, and constraints on, the use of new and existing scientific and technological information and capabilities to make significant contributions to the achievement of Federal program objectives and national goals.

"(b) The Office shall insure that the Report, in the form approved by the President, is printed and made available as a public document."

REPORT BY THE VETERANS ADMINISTRATION

SEC. 215 Section 4142(h)(4) of Title 38, United States Code, is amended by striking out the following "together with a summary of the reasons that such scholarships were not accepted." and inserting a period in lieu thereof.

SECTION-BY-SECTION ANALYSIS OF PROPOSED BILL TO DISCONTINUE OR AMEND CERTAIN REPORTING REQUIREMENTS

TITLE I

Section 101

(a) Deletes the requirement for reports to the Congress by Federal agencies setting forth the number of scientific or professional positions established to carry out the research and development functions in their respective agencies during the calendar year and the name, rate of pay, and description of the qualifications of each incumbent, to-

gether with a statement of the functions performed by each.

(b) Deletes the requirement for the annual report by the Secretary of the Interior or by the Secretary of Commerce, as appropriate, to the Congress of expenditures made under all appropriations for propagation of food fishes.

(c) Deletes the requirement for the Inspector General, or comparable official, or if there is no Inspector General or comparable official, the agency head or the agency head's designee, to submit to the Congress along with the budget justification, an evaluation of the agency's progress to institute effective management controls and improve the accuracy and completeness of the data provided to the Federal Procurement Data System regarding consultant service contractual arrangements. This deletion will remove the reporting burden and related costs of preparing a meaningful annual evaluation. Subsections (2), (3), (4) and (5) delete the same reporting requirement as subsection (1) but required by different acts of Congress.

(d) Repeals the requirement, contained in several appropriations acts, that Federal agencies annually submit to the House and Senate Appropriations Committees, as part of their budget justifications, the estimated amount of funds requested for consulting services, the appropriations accounts in which those funds are located, and a brief description of the need for those services.

(e) Deletes the requirement that each Federal agency publish annually in the Federal Register a notice of the existence and character of the systems of records it has established. The revision would leave in effect the requirement that agencies publish initial notices describing their systems, and while permitting agencies to use discretion in publishing additional notices would eliminate the annual compilation requirement. The information contained in these agency reports duplicates information which the Office of the Federal Register compiles and publishes annually. This deletion will remove the reporting burden on each agency, and will result in an annual cost savings to the Federal government of approximately $2 million. To date, the Federal Register has not been an effective means for obtaining public comment on agency Privacy Act issuances since it is not widely known outside of government circles. Furthermore, agencies have consistently reported that rules and notices published in the Federal Register generated little or no public comment.

Section 102

(a) Deletes the requirement that the President submit a report to Congress on all agencies' implementation of the Privacy Act of 1974. The information contained in this report duplicates information which will be reported by the Office of Management and Budget in compliance with the Paperwork Reduction Act of 1980 (44 U.S.C. Ch. 35), particularly subsections 3504(f) and 3513(b).

(b) Deletes the requirement that the Administrator for Federal Procurement Policy submit annual reports to the Congress on the major activities of the office. The information contained in such reports duplicates annual budget justifications and advance notices of proposed procurement policies which are submitted to the Congress.

(c) Deletes the requirement that the Administrator for Federal Procurement Policy submit annual reports to the Congress on actions taken by Federal agencies to procure items composed of the highest percentage of recovered materials consistent with maintaining satisfactory level of competition, and the progress made in the implementation of such policy. The reports provided to the Administrator for Federal Procurement Policy by the executive agencies for compilation into annual report have been inconsequential in nature and have been ineffective for use by the Congress and the Executive Branch. The costs of maintaining and compiling data of this kind do not warrant continuation of this report.

(d) Deletes the requirement that the Director of the Office of Management and Budget the Secretary of the Treasury report annually on their plans to meet the information needs of the Congress.

(e) Deletes the requirement that the Director of the Office of Management and Budget provide an annual listing of every account containing unvouchered expenditures that are potentially subject to audit by the Comptroller General.

(f) Deletes the requirement that the President submit an annual report to Congress on drug abuse policy coordination. The report duplicates information included in the Federal Strategy.

Section 103

(a) Repeals the requirement that the Secretary of Agriculture submit a quarterly report to the Senate Committee on Agriculture, Nutrition, and Forestry and the House Committee on Agriculture on the expenditures, by state, the number of participants, and the cost of administration under the Food Stamp Program.

(b) Deletes the requirement that the Secretary of Agriculture furnish the Senate Committee on Agriculture, Nutrition, and Forestry and the House Committee on Agriculture a statement at the end of each fiscal year on the amount of rentals paid for property of Forest Service employees.

(c) Deletes the requirement for an annual report to the Congress by the Secretary of Agriculture on the expenditures made and obligations incurred, by classes and amounts, for the Agricultural Conservation Program (ACP). Each Congressional Office receives an annual statistical report on the ACP.

Section 104

Deletes the requirement of the Fair Packaging and Labeling Act (FPLA) which includes the Secretary of Commerce among those required to transmit annual reports to the Congress on their activities for administration and enforcement of FPLA, 15 U.S.C. 1457. This amendment would not diminish the consumer protection afforded by the FPLA, since the Secretary would still be required under sections 5 (d) and (e) of FPLA to identify and report promptly to Congress whenever the Secretary determines that an undue proliferation of commodities packaged in amounts difficult for consumers to compare has occurred. Repeal of the requirement for a routine annual report would result in an estimated savings of significant proportion in administrative costs.

Section 105

(a) Eliminates the requirement that the Secretary of Defense report annually to the Committees on Armed Services of the Senate and the House of Representatives amounts paid and adjustments made under each plan. (The Civilian Health and Medical Program of the Uniformed Services is not administered in the manner conceived when the reporting requirement was established.)

(b) Repeals Chapter 161 of Title 10, which consists of one Section, 2701. This repeal deletes the requirements that the Secretary of Defense maintain, so far as practicable, the records of the fixed property, installations, major equipment items, and stored supplies of the military departments on both a quantitative and monetary basis and report on these property records once a year to Congress and the President.

(c) Deletes the requirement that reports annually be made to the President and to Congress on the condition and operation of Defense Department working capital funds established under 10 U.S.C. 2208.

(d) Deletes the requirement that the Secretary of Defense submit to Congress, on or before March 15 of each year, the latest available Defense Contract Audit Agency statistics, estimated to the extent necessary, on the independent research and development or bid and proposal payments made to major defense contractors during the preceding calendar year.

(e) Deletes the requirement that the Department of Defense submit annually an annex to the Defense Manpower Requirements Report which identifies, defines and groups by mission the types of military bases, installation and facilities in the base structure. The report also provides an explanation and justification of the relationship between the base structure and the proposed military force structure together with an identification of base operating support costs.

(f) Deletes the requirement for the Department of Defense to inform the Committees on Armed Services of the Senate and House of Representatives with regard to certain base closure and realignment proposals.

(g) Deletes the requirement that the Secretary of a Military Department, or his designee, submit a report to the Committees on Armed Services of the Senate and House of Representatives before entering into certain Real Property transactions exceeding more than $100,000. In the case of leases, the annual fair market rental must exceed $100,000.

(h) Deletes the requirement that the Secretary of a Military Department report to the Committees on Armed Services of the Senate and the House of Representatives leases in foreign countries if the average estimated annual rental during the term of the lease is more than $250,000.

(i) Deletes the requirement that the Secretary of a Military Department provide written notice to the Armed Services Committees of the Senate and House of Representatives at least 30 days in advance of acquiring an interest in land that is urgently needed in the interest of National Defense when the estimated fair market value is in excess of $100,000 and the urgency is such that the acquisition cannot be included in an annual Military Construction Authorization Act.

(j) Deletes the requirement that a retired officer or former officer in pay grade O-4 or above submit an annual individual report on employment if employed by or performs services for a defense prime contractor (receiving $10 million or more in negotiated contracts) at a salary of $15,000 or more per year. Also, the section deletes a similar employment reporting requirement for any former Department of Defense civilian officer or employee who, at any time during the 3-year period immediately preceding the termination of last employment with the Department, was paid at a rate equal to or greater than the minimum rate payable for grade GS-13 and employed by a prime de-

fense contractor at a salary of $15,000 or more. Additionally, the annual reporting requirement will be deleted for a civilian officer or employee of the Department who during a fiscal year was paid a salary equal to or greater than the grade GS-13 rate, and who was previously employed by a defense prime contractor at a salary of $15,000 or more. The Secretary of Defense is relieved of the requirement to submit a consolidated report to the House and Senate and to hold such reports for public review. Repeal of this statute will in no way change existing conflict-of-interest statutes and regulations governing the contracting process.

(k) Deletes the requirement contained in section 612 of the Military Construction Authorization Act, 1975, for annual reports to the Congress by the Secretaries of the Military Departments on the operation of their recycling programs in support of environmental protection and energy conservation.

(l) Deletes the requirement for semiannual reports to the Committees on Armed Services of the Senate and House of Representatives by the Secretary of Defense of options on parcels of real property acquired during each preceding six-month period ending on September 30 or March 31 (10 U.S.C. 2677(c)).

(m) Section 2110(b) allows the Secretary to provide a flight instruction program for members of the Senior Reserve Officers' Training Corps (ROTC). Striking the sentence deletes the requirement for a report on the flight instruction program.

(n) Section 502 of the Fiscal Year 1981 Defense Authorization Act made permanent law a provision in the Fiscal Year 1980 Act which prohibited conversion to performance by private contractors of commercial or industrial type activity functions currently performed by Department of Defense personnel solely to circumvent personnel ceilings. The section also imposed various reporting and certification requirements. This amendment will eliminate the requirement to perform detailed cost studies and reports for small activities prior to converting to contract.

Section 106

(a) Deletes the requirement that in the Secretary's annual report to the Congress concerning the institutions which become eligible for Developing Institution designation under the waiver authority granted to the Secretary, the decision making process for each institution be reported. A list of the institutions, as required by section 342(a)(2)(B), is sufficient. The eliminated requirement created an excessive burden on the program office. The abuses that necessitated this part of the report have been corrected.

(b) Deletes the requirement that the Secretary make an annual report on activities of Centers on Educational Media and Materials for the Handicapped. This report provides no useful information that is not reported elsewhere, e.g. in the budget justification.

(c) Deletes the requirement that the Secretary report biennially to the Congress on the findings and recommendations of the Office of Education Professional Development. The consolidation of the Teacher Corps and Teacher Center programs has eliminated any need for this report.

(d) Deletes the requirement that studies evaluating the impact and effectiveness of programs authorized by the Rehabilitation Act be reported annually to Congress and the public. This part of the Act has no appropriation to carry out the study.

(e) Deletes the requirement that the annual report on client assistance projects be reported to Congress. This report can be subsumed by the Annual Report on Federal Activities related to the Administration of the Rehabilitation Act.

(f) This provision deletes the requirement that an annual report on the findings and recommendations of the National Advisory Council on Continuing Education be reported to the President, the Congress, and the Secretary. This reporting requirement is redundant with the requirement that all statutory advisory councils make such a report (Section 443(a)(2) of the General Education Provisions Act (20 U.S.C. 1233(b)). The Federal budget contains no funding for Continuing Education in FY 1982. The proposed budget for FY 1983 also contains no funding.

Section 107

(a) Deletes the requirement that the Secretary of Energy, under Public Law 93-275, submit to the Congress semiannually a report on the impact of energy shortages and the Secretary's actions on employment and the economy. This reporting requirement can be met adequately by E.O. 12291, of February 17, 1981, subsection 3(h), which requires impact analyses for any new and currently effective Federal regulation.

(b) Deletes the requirement that the Secretary of Energy, under Public Law 93-577, submit a report prior to the establishment of any joint Federal-industry experimental, demonstration, or commercial corporation.

(c) Deletes the requirement under Section 314 of Public Law 94-187 that the Secretary of Energy make a determination on proposed fossil energy major construction projects exceeding $250,000 to Congress.

(d) Deletes the requirement under subsection 908(d) of Public Law 95-87 that the Secretary of Energy submit annually a demonstration of alternate coal mining technologies.

(e)(1) Deletes the requirement under section 106 of the Energy Security Act that the President submit an annual report to Congress on actions taken with regard to synthetic fuel development, contracts, loan guarantees, bids and liability, and with regard to the Synthetic Fuels Corporation.

(e)(2) Deletes the requirement that the President transmit to Congress energy targets and reports thereon in alternate years, for net imports, domestic production and end-use consumption for calendar years 1985, 1990, 1995 and 2000.

(f) Deletes the requirements under the Department of Interior and Related Agencies Appropriations for Fiscal Year 1980 Act, Public Law 96-126, that the Secretary of Energy submit a written report to Congress every six months detailing the activities carved out under the appropriation for the Special Energy Security Reserve Fund.

(g) Deletes the requirement that the Secretary of Energy produce quarterly reports to the President and the Congress on domestic reserves and production, imports, and inventories of crude oil, residual fuel oil, refined petroleum products, natural gas, coal, and financial matters. Most of the information will continue to be available in monthly publications or secondary sources.

(h) Deletes the requirement for an annual report on coal reserves disclosure. The United States coal reserves are estimated to last in excess of 300 years.

(i) (1) Deletes the requirement for the establishment of a Financial Reporting System (FRS) containing detailed information on the structure of the energy industry that is submitted to Congress and that often can be obtained from other sources.

(i) (2) Deletes the requirement under title VIII of the DOE Organization Act that the President transmit, biannually, a National Energy Plan.

(j) Deletes the requirement for the Secretary of Transportation and the Secretary of Energy to each submit separate reports to Congress concerning the motor vehicle fuel consumption associated with the Environmental Protection Agency's emission standards for each model year. Such a report would still be submitted to Congress by the Administrator of the Environmental Protection Agency.

(k) Deletes the requirement of the Department of Energy to submit evaluation reports upon request of Congress on the application of solar energy to residential housing demonstration projects. Congress never requested such reports and the demonstration program expired in FY 1979.

(l) Paragraph (1) deletes the requirement for the Secretary of Energy to transmit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce of the Senate any determination, together with all relevant information in support thereof, whether the Secretary's purchase or lease of electric or hybrid vehicles under the Act, would, with high probability, displace the normal levels of private procurement of such vehicles for use in the United States.

Paragraph (2) deletes the requirement for the Secretary of Energy, in consultation with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, to include a full discussion of the evaluation program concerning the inclusion of electric vehicles in the corporate average fuel economy program in the annual report to Congress on the electric and hybrid vehicle research, demonstration and development program and to issue a final report to Congress on the evaluation progam and any recommendations on January 1, 1987.

(m) Deletes the requirement that the Department of Energy submit to Congress an annual summary of combined Department of Energy-industry efforts to develop and demonstrate technologies for synthetic fuels from coal; improved recovery methods for natural gas, petroleum, and oil from shale, and development of advanced methods of utilizing fossil fuels.

(n) Paragraphs (1) and (2) remove the requirement that the Secretary of Energy ascertain and report to Congress on any changes in fuel supply patterns, tax policies, and standards governing the manufacture of vehicles which are needed to facilitate the manufacture and use of methane-fueled vehicles.

Paragraph (3) repeals the requirement for an annual report on activities being undertaken under the provisions of the Methane Transportation Research, Development and Demonstration Act.

(o) Deletes the requirement under section 57(a) of the Federal Energy Administration Act of 1974 that the Energy Information Agency (EIA) prepare an annual report to Congress which contains a description of EIA activities and reports, a summary of statistical information, and forecasts of future energy trends. Short term analysis and projections of energy trends and historical statistical information may be provided in other existing EIA publications.

(p) Deletes the requirement under section 242 of the Emergency Energy Conservation

Act of 1979 that the Secretary of Energy submit periodic reports to Congress on the supply and demand of middle distillates at the refining, wholesale, and retail levels on a State-by-State basis. Appropriately detailed information that describes trends in middle distillate markets may be contained in other existing EIA reports.

(q) Deletes the requirement of Public Law 95-620, Sec. 742 that the Department of Energy submit an interagency study on competition in the coal industry. Since the Department of Justice has an on-going requirement to report on competition in the coal industry (Section 8B of the Federal Coal Leasing Amendments Act of 1975, Public Law 94-377, 90 Stat. 1083, 1089, 30 U.S.C. 208-2), the Public Law 95-620 requirement is redundant and unnecessary. In addition, Section 742 imposes a burden upon fourteen agencies, with the greatest burden upon the Department of Energy. The resources used for this report could be used more advantageously in other government efforts. Furthermore, Section 742 also imposes a burden upon the industry. The industry must submit data to DOE in order to accomplish the study, as well as devote time to commenting on the draft and final results of the study.

Section 108

(a) Eliminates the requirement that the Secretary of Defense and the Secretary of Health and Human Services each submit an annual report on the continuation pay program for dentists in the uniformed services.

(b) Eliminates the requirement that the Secretaries of Health and Human Services, Education, and Interior report annually to the Senate and the House of Representatives on certain costs associated with the surplus property disposal program.

(c) Eliminates the requirement that the Secretary of Health and Human Services and the Administrator of the Environmental Protection Agency report annually to the Congress on conflicts of interest involving HHS or EPA employees who perform functions under the Toxic Substances Control Act.

(d) Eliminates the requirement that the Secretary of Health and Human Services compile data and periodically publish findings based on reports received from States on family planning services which the States are required to provide to individuals receiving aid to families with dependent children (AFDC). This subsection would also eliminate the requirement for an annual report to the Congress on these State programs. The Omnibus Budget Reconciliation Act of 1981, in converting the social services program under title XX of the Social Security Act to a block grant program, repealed the requirement that the States submit to the Secretary the reports on their family planning services programs upon which the Secretary's reports are based.

(e) Eliminates the requirement that the Secretary of Health and Human Services report annually on the numbers and activities of advisory committees that he appoints to carry out Social Security Act functions.

(f) Repeals the requirement that the Secretary of Health and Human Services report to Congress immediately upon the approval under the Social Security Act of any research, demonstration, or similar project with full Federal financing.

(g) Eliminates the requirement that the Secretary of Health and Human Services submit an annual report on the Professional Standards Review Program.

(h) Eliminates the requirement that the Secretary of Health and Human Services periodically submit legislative recommendations to further the use of home dialysis and transplantation by individuals suffering from end stage renal disease.

(i) Eliminates the requirement that the Secretary of Health and Human Services periodically report to the Congress on the progress of experiments and demonstration projects related to work by disability beneficiaries. It would also eliminate the requirement that the Secretary report to the Congress each time he waives compliance with the benefit requirements of titles II and XVIII of the Social Security Act in the case of such an experiment or project.

(j) Eliminates the requirement that the Secretary of Health and Human Services report annually on health services research, health statistics, health care technology, and international cooperation in those fields and in biomedical research. Much of this information duplicates information provided in the reports required by sections 306(k)(4)(G) and 308(a)(2) of the Public Health Service Act.

(k) Eliminates the requirement that the Secretary of Health and Human Services submit an annual report to the President for submission to the Congress on disease control activities.

(l) Eliminates the requirement that the Secretary of Health and Human Services annually notify the appropriate committees of Congress as to improvements to private property under the migrant health program. No funds have been expended for such improvements.

(m) Eliminates the requirement that the Secretary of Health and Human Services submit an annual report on the National Health Service Corps Scholarship Program.

(n) Repeals the requirement that the Secretary of Health and Human Services periodically study and report to the Congress on State and Federal control of health hazards from electronic product radiation, standards for the use of nonmedical electronic products, and procedures for the detection and measurement of electronic product radiation. This information would continue to be supplied to the Congress upon request and, as appropriate, in the FDA annual report.

(o) Repeals the requirement that the Secretary of Health and Human Services annually submit to the President for submission to the Congress a report on the administration of the electronic product radiation control program. This information would continue to be supplied to the Congress upon specific request and, as appropriate, in the FDA annual report.

(p) Eliminates the requirement that the Secretary of Health and Human Services report annually on the administration of the functions of the Public Health Service.

(q) Eliminates the requirement that the Secretary of Health and Human Services report to the House Committee on Interstate and Foreign Commerce and the Senate Committee on Labor and Human Resources (formerly the Committee on Labor and Public Welfare) on the number of filled first year positions in direct or affiliated medical residency programs at medical schools eligible to receive capitation grants.

(r) Eliminates the requirement that the Secretary of Health and Human Services set forth annually a five-year plan for population research and family planning.

(s) Eliminates requirement that the Secretary of Health and Human Services transmit an annual report on sudden infant death syndrome research and an annual estimate of funding for sudden infant death syndrome research.

(t) Eliminates the requirement that the Secretary of Health and Human Services submit an annual report on health maintenance organizations.

(u) Eliminates the requirement that the Secretary of Health and Human Services report annually on health maintenance organization financial information, including insider transactions.

(v) Eliminates the requirement that the President submit an annual report on international health research activities.

(w) Eliminates the requirement that the Secretary of Health and Human Services submit an annual report on Federal activities in the area of alcohol abuse and alcoholism.

(x) Eliminates requirements that the Secretary of Health and Human Services periodically prepare reports on the number, progress, and results of contracts and grants for developing and evaluating methods to measure the effects of toxic substances.

(y) Eliminates the requirement that the Secretary of Health and Human Services transmit biennially a report on research into the effects of changes in atmospheric ozone on human health.

(z) Repeals the requirement that the Secretary of Health and Human Services report annually to the Senate Committee on Labor and Human Resources and the House Committee on Interstate and Foreign Commerce on the activities of advisory councils established pursuant to the Public Health Service Act or the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963.

(aa) Eliminates the requirement that the Secretary of Health and Human Services report annually to the Congress on the status of handicapped children in Head Start programs.

(bb) Eliminates the requirement that the Secretary of Health and Human Services report annually to the Congress on the status and accomplishments of centers funded under the Runaway and Homeless Youth Act.

Section 109.

(a) Strikes Section 311 of the Energy Conservation and Production Act, which requires the HUD Secretary to monitor the progress made by States and localities in adopting and enforcing Building Energy Performance Standards (BEPS), to identify procedural obstacles or technical constraints inhibiting implementation of these standards, to evaluate the effectiveness of the standards; and to report to Congress semiannually on these issues. When this provision was enacted, BEPS were mandatory requirements, and the report was intended to provide information for Congress to monitor BEPS' implementation and to make a final decision on the appropriate sanctions to force States and localities to adopt energy conservation codes which met or exceeded the BEPS requirements. However, the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35) has made BEPS voluntary rather than mandatory. Therefore, the information contained in the report on implementation of mandatory requirements is no longer needed, and the question of sanctions is moot.

(b) Deletes the requirement that the HUD Secretary report annually to Congress with respect to the status of HUD-assisted hous-

ing abandonment demonstration projects. The Department has not sponsored any demonstrations on housing abandonment under this authority. Thus, the reporting requirement is unnecessary.

(c) Repeals Section 904 of the Housing and Community Development Act of 1977, which requires HUD to prepare and publish annually prototype housing costs for one-to-four family dwelling units for each housing market area of the United States. The provision was originally enacted because of Congressional concern that nationally uniform maximum mortgage amounts did not reflect market area price differences. The information was to be used as the basis for legislation to make mortgage limits more reflective of area-by-area housing costs. However, the information is no longer necessary. Section 336 of the Housing and Community Development Act of 1980 authorized the Secretary to increase maximum mortgage interest rates on an area-by-area basis, based upon median housing prices in a given area. The Department, to implement Section 336, has developed areawide housing prices for the entire country. Therefore, there is no further need for the prototype report.

Section 110

(a) Deletes the Congressional reporting requirement mandating that the Secretary of the Interior investigate and monitor continually areas which have potential for inclusion in a list of at least twelve such areas annually. Each of the areas must have been the subject of a comprehensive report outlining its potential for inclusion in the National Park System.

(b) Deletes the requirement that the Secretary of the Interior through the Fish and Wildlife Service and the Bureau of Mines report to Congress, investigations as he deems necessary to determine the effects of domestic sewage, mine, petroleum and industrial wastes, erosion silt and other polluting substances on wildlife.

(c) and (d) Deletes reports to Congress pertaining to the restoration and conservation of Tule elk in California.

(e) Deletes the requirement that the Secretary of the Interior shall report to the Congress on June 1 of each calendar. This section requires that the Secretary of the Interior shall report to the Congress on June 1 of each calendar year the status of the financial disclosure statements filed by Interior employees who performed duties or functions under the Federal Land Policy and Management Act of 1976 during the preceding calendar year. This report contains a summary of general findings, problems encountered, and any actions taken on employees required to file financial disclosure statements under this act.

(f) Deletes the requirement that the Secretary of the Interior shall report to the Congress on June 1 of each calendar. This section requires that the Secretary of the Interior shall report to the Congress on June 1 of each calendar year the status of the financial disclosure statements filed by Interior employees who performed duties or functions under the National Park System—Mining Activity Act during the preceding calendar year. This report contains a summary of general findings, problems encountered, and any actions taken on employees required to file financial disclosure statements under this act.

(g) Deletes the requirement that the Secretary of the Interior shall report to the Congress on June 1 of each calendar. This section requires that the Secretary of the Interior shall report to the Congress on June 1 of each calendar year the status of the financial disclosure statements filed by Interior employees who performed duties or functions under the Energy Policy and Conservation Act during the preceding calendar year. This report contains a summary of general finding, problems encountered, and any actions taken on employees required to file financial disclosure statements under this act.

(h) Deletes the requirement that the Secretary of the Interior shall report to the Congress on June 1 of each calendar. This section requires that the Secretary of the Interior shall report to the Congress on June 1 each calendar year status of the financial disclosure statements filed by Interior employees who performed duties or functions under the Outer Continental Shelf Lands Act Amendments of 1978 during the preceding calendar year. This report contains a summary of general findings, problems encountered, and any actions taken on employees required to filed financial disclosure statements under this act.

(i) Repeals section 2 of the Act of September 22, 1961 (75 Stat. 584; 25 U.S.C. 165) thus eliminating reports to Congress on any proposed disposition of a per capita share of any fund which has remained unpaid and unclaimed for more than six years.

(j) Amends the Act of September 22, 1961 (75 Stat. 577; 25 U.S.C. 15), to repeal the requirement of reporting to Congress any proposed contract for the sale, operation, maintenance, repair or relocation of facilities administered by the Bureau of Indian Affairs.

(k) Repeals section 3 of the Act of August 21, 1951 (65 Stat. 195; 25 U.S.C. 673) to eliminate the annual report to Congress of activities and expenditures under this Act relating to the Ute Indian Tribe of Uintah and Ouray Reservation.

Section 111

(a) Deletes the requirement that the National Institute of Corrections submit on or before the 31st day of December each year an annual report for the preceding fiscal year to the President and to the Congress. The deleted report "includes a comprehensive and detailed report of the Institute's operations, activities, financial condition, and accomplishment and may include such recommendations related to corrections as the Institute deems appropriate."

(b) Deletes the requirement that the Attorney General make annual reports to the Congress on the activities of the Department of Justice in the enforcement of Chapter 42 of the United States Code, concerning extortionate credit transactions (82 Stat. 162, Note under 18 USCA 891).

(c) Repeals Section 114 of Title I of the Consumer Credit Protection Act (15 U.S.C. 1613; 82 Stat. 151) which requires that the Board of Governors of the Federal Reserve Board and the Attorney General make annual reports to the Congress concerning the administration of their functions under the Act.

Section 112

(a) Deletes the requirement for an annual report to the Congress with quarterly updates on the amount of money needed to be appropriated for the following fiscal year in order to provide jobs under certain circumstances as part of Public Service Employment. PSE is being phased out and the report is no longer needed.

(b) Deletes the requirement for an annual report on Exemplary Rehabilitation Certificates. This report is of little use to the Congress.

(c) Deletes the requirement for an annual report to DOE, HUD, OMB and Committees of Congress, based on the best available data on energy development and conservation employment impact by type and scale of energy technologies used. The last (and only) report was transmitted to the Congress in August 1980. No action has been taken to prepare subsequent reports because collection of the requested data would be too expensive and little changed from that transmitted in the August 1980 report.

(d) Deletes an annual joint report to the Congress from the Secretaries of Labor and Education on the status of bilingual vocational training describing efforts by both departments to support bilingual vocational training and other programs for persons whose English-speaking ability is limited. This report is to be submitted annually with no submission date specified. Experience with the preparation and use of the report has shown that the effort involved does not warrant its continuation as a separate report.

(e) Deletes the requirement for a report on the safety provisions and the causes and prevention of injuries in employment areas covered by the Longshore and Harbor Workers Compensation Act "when necessary." Only one report has ever been produced (9/78).

(f) Deletes the requirement for a report "when necessary" on unemployment due to foreign competition. No report has been done on this project for a number of years.

(g) Deletes the requirement for an Annual Employment and Training Report of the President. Necessary information on the operation of the Department of Labor's program can be included in the annual report of the Secretary of Labor required by 29 U.S.C. 560.

(h) Deletes the requirement that the President transmit annually to the Senate and the House of Representatives a report of the activities of Federal agencies under the section of the Occupational Safety and Health Act of 1970 giving the head of each agency the responsibility to maintain an occupational safety and health program.

(i) Deletes the requirement for an annual report by the Secretary of Labor on the Work Incentive Program under Part C of Title IV of the Social Security Act. Any needed information on activities under this program can be included in the annual report of the Secretary.

Section 113 (a) through (h)

Repeal and eliminate requirements that the Secretary of Transportation report to the Congress on obligations, on the highway bridge replacement and rehabilitation program, on the pavement marking demonstration program, on the hazard elimination program, on the railroad-highway crossings demonstration program, on the rail-highway crossings program, on the enforcement of vehicle weight limitations program, and on highway safety education and information requirements. In addition subsection (g) eliminates certain State reporting requirements and subsection (h) repeals a section concerned with highway safety education and information pilot projects and publicity campaigns for which no funds have been appropriated.

The reports eliminated by this section are unnecessary as the Congress and the Secretary can obtain the needed information in other ways. The pilot projects and publicity campaigns eliminated are also unnecessary. Needed information is available without the

pilot projects and information can be given to the public without the publicity campaigns.

(i) Deletes section 107(b) of the Federal Aviation Act of 1958, as amended, which requires that the Secretary of Transportation submit annual reports to the Congress and the Civil Aeronautics Board on the extent to which the implementation of the Airline Deregulation Act of 1978 has affected, during the preceding calendar year, or will affect in the succeeding calendar year, the level of air safety. Reports for calendar years 1979 and 1980 show that the Airline Deregulation Act has not had an adverse effect on safety.

(j) Deletes section 107(c) of the Federal Aviation Act of 1958, as amended, which requires the Secretary of Transportation to submit to the Congress and the Civil Aeronautics Board recommendations with respect to the level of surveillance necessary to enforce air safety regulations and the level of staffing necessary to carry out such surveillance. Any legislative proposals necessary to ensure adequate surveillance levels will be submitted by the Secretary of Transportation through the appropriations process or by the submission of the President's legislative program.

(k) Repeals the requirement that, as part of his annual report each year, the Secretary shall transmit to Congress a comprehensive report on the effectiveness of the United States Railway Association (USRA) and of the Consolidated Rail Corporation (Conrail).

(l) The Mineral Leasing Act of 1920, as amended, (30 U.S.C. 185) is amended by striking out sections 28(w)(3) and 28(w)(4). Sections 28(w) (3) and (4) read as follows:

"(3) Periodically, but at least once a year, the Secretary of the Department of Transportation shall cause the examination of all pipelines and associated facilities on Federal lands and shall cause the prompt reporting of any potential leaks or safety problems.

"(4) The Secretary of the Department of Transportation shall report annually to the President, the Congress, the Secretary of the Interior, and the Interstate Commerce Commission any potential dangers of or actual explosions, or potential or actual spillage on Federal lands and shall include in such report a statement of corrective action taken to prevent such explosion or spillage.

"Under these provisions, the responsibility of the Secretary runs to all pipelines on Federal lands whether they be owned or operated by private operators or by Federal agencies. With regard to privately owned or operated pipeline facilities on Federal land, the information provided to Congress under Sections 28(w)(3) and 28(w)(4) is substantially the same info provided in the annual report to Congress called for by the NPSA of 1968. The info on that report is derived from inspection and reporting regs issued under that act.

"With regard to federally owned or operated pipeline facilities on Federal land, the absence of any showing of significant safety problems on these facilities after 4 years of carrying out the mandates of Sections 28(w)(3) and 28(w)(4) leads DOT to conclude that the considerable commitment of Federal resources necessary to carry out these mandates is not justified by the safety benefits derived from that exercise. There are approximately 5,500 miles of federally controlled pipeline or Federal land. The DOD controls 90% of that mileage and, in 1975, estimated it would cost them approximately $400,000 annually to gather and report the info in support of DOT's obligation under Sections 28(w)(3) and 28(w)(4)."

(m) Recent legislation as contained in "The 1980 Federal Reports Elimination Act" established precedent by eliminating the report required for Subsection (c). The programs being monitored are well established programs which are thoroughly evaluated each year in the course of authorization and appropriation bill hearings. If Subsection (e) is deleted, then Subsection (f) is no longer valid and should be deleted.

(n) Deletes the requirement for the Secretary of the department in which the Coast Guard and the Secretary of Commerce, is operating to submit an annual report to Congress of estimated compliance with the Magnuson Fisheries Conservation and Management Act of 1976 (16 U.S.C. 1861(a)).

(o) Repeals the requirements that the Secretary of Transportation submit an annual report to Congress on vessels carrying certain cargoes in bulk.

Section 114

(a) Deletes the requirement that the Secretary of the Treasury report to the Congress each year on the financial condition and the results of operations of the Airport and Airway Trust Fund during the preceding year and on its expected condition and operations during the next five fiscal years. Information in this report is now included in the Secretary's Annual Report and in part in the Combined Statement. It can also be obtained from internal Treasury records.

(b) Deletes the requirement that the Secretary of the Treasury shall on the first day of each regular session of Congress, submit to the Senate and House of Representatives a report setting forth as of the close of the preceding September 30, the aggregate and individual amounts of the contingent liabilities and the unfunded liabilities of the Government, and of each department, agency and instrumentality thereof. Information in this report is included in part in the Combined Statement, and the Treasury Bulletin. Information can also be obtained from internal records of the Treasury and other Government agencies.

(c) Deletes the requirement that the Secretary of the Treasury report to the Congress not later than the first day of June of each year on the financial condition and the results of the operations of the Highway Trust Fund during the preceding fiscal year and on its expected condition and operations during each fiscal year thereafter up to and including the fiscal year ending September 30, 1985. Information in this report is now included in part in the Secretary's Annual Report and in the Combined Statement. It can also be obtained from internal Treasury records.

(d) Deletes the requirement that the Secretary of the Treasury report to Congress, no later than the last day of March of 1979 and of each succeeding year, on the financial conditions and the results of the operations of the Black Lung Disability Trust Fund during the preceding fiscal year and on the projected condition and operation of the Fund during that current fiscal year. Information in this report is now included in the Secretary's Annual Report and in part in the Combined Statement. It can also be obtained from internal Treasury records.

(e) Deletes the requirement that the Secretary shall report to the Congress for each fiscal year ending on or after September 30, 1981 on the financial condition and the results of the operations of the Hazardous Substance Response Trust Fund during the next 5 fiscal years. Information in this report will be included in the Combined Statement. It will also be available from internal Treasury records.

(f) Deletes the requirement that the Secretary report to the Congress each year ending on or after September 30, 1981, on the financial condition and the results of the operations of the Inland Waterways Trust Fund during the preceding fiscal year and on its expected condition and operations during the fiscal year and the next 5 fiscal years after the fiscal year. Information in this report will be included in part in the Combined Statement. It will also be available from internal Treasury records.

(g) This section deletes the requirement that the Secretary of the Treasury report to Congress each year on the financial condition and the results of the operations of the Reforestation Trust Fund during the preceding fiscal year, and on the expected condition and operations during the next fiscal year. Information in this report will be included in part in the Combined Statement. It will also be available from internal Treasury records.

(h) Chapter 3 of Public Law 91-599 requires the National Advisory Council on International Monetary and Financial Policies include in its annual report to Congress a statement on steps taken jointly and individually by member countries of the Inter-American Development Bank to restrain their military expenditures and to preserve and strengthen free and democratic institutions. This reporting requirement is essentially duplicative of that presently contained in Section 620(s) of the Foreign Assistance Act of 1961, as amended. The data are also contained in a report prepared by the Arms Control and Disarmament Agency, which is published periodically, along with far more extensive data in a report entitled "World Military Expenditures and Arms Transfers."

(i) This provision repeals Section 30(b) of the Bretton Woods Agreements Act, as amended, which requires the U.S. Governor of the Fund to prepare annual reports evaluating, to the maximum feasible extent, the effect of policies adopted under standby arrangements on basic human needs in each country concerned. Pursuant to this provision, the Secretary of the Treasury has transmitted extensive reports to the Congress in 1980 and 1981 on countries receiving financing under standby arrangements in the Fund during each of the two years. The amendment would delete this country-by-country reporting requirement, in recognition of the fact that adequate, timely data are often not available and meaningful analysis is not feasible. The amended provision instead would require an annual general assessment (with such detail as may be useful and available) of the likely impact of policies adopted pursuant to Fund programs on basic human needs. This assessment would be included in the section of the annual NAC report dealing with basic human needs considerations and the Fund.

(j) This amendment repeals the requirement that the Secretary of the Treasury, in consultation with the Director of the United States International Development Cooperation Agency, report annually to the Congress on the progress made towards encouraging the multilateral development banks to promote the decentralized production of renewable energy, to identify renewable resources to produce energy in rural development projects, and determine the feasibility of substituting such resources for systems

using fossil fuel. This reporting requirement is not necessary since the comprehensive report that was submitted pursuant to this provision demonstrated the importance attached by the Executive branch and the banks with regard to the use of renewable resources for energy production. Accordingly, further reports by the Executive branch are no longer necessary.

Section 115

(a) Deletes the requirement that the President submit annual reports on the amount of foreign exchange resources and other funds aid recipients spend to acquire weapons (22 U.S.C. 2370(s)(2); 83 Stat. 820). This requirement is particularly onerous due to the specific terms of the provision. In addition, information of this nature would be required to be submitted by Section 25 of the Arms Export Control Act (22 U.S.C. 2765; 93 Stat. 706) as it is proposed to be amended by S. 1196 presently pending before Congress.

(b) Deletes the requirement that the Chairman of the Development Coordination Committee submit a report on the dollar value of all U.S. foreign assistance and guarantees by category and by country as presented to Congress for the immediately preceding fiscal year. (22 U.S.C. 2394(a)(2)(B); 92 Stat. 957). This data is already available to Congress in the Congressional Presentation for the preceding year, making the requirement in this section of the FAA repetitive. Repealing this requirement would eliminate the need to laboriously enter the requested data by hand, since it is not maintained in the computer data base once the operating year budget is established.

(c) Deletes the requirement that the Chairman of the Development Coordination Committee submit a report on the dollar value of all official development assistance and all other types of assistance provided by OECD countries and OPEC countries (22 U.S.C. 2394(a)(6); 92 Stat. 957), and that such data also be shown as percentage breakdown (22 U.S.C. 2394(a)(7); 92 Stat. 957). These data are almost impossible to derive, since other donors do not disaggregate and report official development assistance into categories comparable to those used in categorizing United States assistance. In addition, data on assistance by OPEC countries are particularly sparse and available, if at all, only in gross aggregated terms. Finally, such data as are available for both categories of donors are already contained in the annual report by the DAC Chairman, as well as in other OECD and World Bank publications.

Section 116

Deletes the requirement that the Board shall make an annual report to Congress of work performed under the Federal Aviation Act, together with recommendations as to additional legislation relating thereto as the Board may deem necessary.

Section 117

(a) Amends the requirement that the Commission automatically be required to assemble and distribute relative information concerning the compact. Since the States involved would have to propose the compact to Congress, thus providing information directly to Congress, the Commission could become involved as a third party unnecessarily. This revised regulation would give Congress the option of utilizing the Commission's resources, if necessary.

(b) Deletes the requirement that the Federal Energy Regulatory Commission submit as part of its annual Report to Congress on Permits and Licenses Issued a list of all employees of the Commission including their salaries. This information is freely available upon request. It is also appended to an unrelated report, and serves no purpose to the report.

(c) Deletes the requirement that the Federal Energy Regulatory Commission submit a classified annual report to Congress showing permits and licenses issued under the Act, the parties thereto, the terms prescribed, and the moneys received. This report is redundant because Congress is advised directly by copies of license and preliminary permit or other orders being mailed to Congressman and Senators within whose districts the projects are located.

Section 118

(a) Deletes the requirement that the Administrator of General Services shall transmit to the Congress a report which covers the 2-year period from such date and contains (1) a full and independent evaluation of the operation of this Act, (2) the extent to which the objectives of this Act have been fulfilled, (3) how the needs served by prior Federal personal property distribution programs have been met, (4) an assessment of the degree to which the distribution of surplus property has met the relative needs of the various public agencies and other eligible institutions, (5) such recommendations as the Administrator determines to be necessary or desirable.

(b) Deletes the requirement that each executive agency submit an annual report to the Administrator showing, with respect to personal property—(1) obtained as excess property or as personal property determined to be no longer required for the purposes of the appropriation from which it was purchased, and (2) furnished in any manner whatsoever within the United States to any recipient other than a Federal agency,—the acquisition cost, categories of equipment, recipient of all such property, and such other information as the Administrator may require. The amendment also deletes the requirement for the Administrator to submit a report to the Senate and to the House of Representatives summarizing and analyzing the reports of the executive agencies.

Section 119

Deletes requirement that the Commission submit an annual report on extensions granted for completing rail complaint proceedings. The information in the report is duplicated in the Annual Report of the Interstate Commerce Commission.

Section 120

Deletes the requirement in 10 U.S.C. 2304(e) that the National Aeronautics and Space Administration report semiannually to Congress certain information on purchases or contracts negotiated pursuant to 10 U.S.C. 2304(a)(11), authority to negotiate for experimental, development and research work, and 10 U.S.C. 2304(a)(16), authority to negotiate purchases in situations involving the interest of national defense or industrial mobilization in times of national emergency. NASA is not aware of any current interest on the part of Congress regarding the information in the subject report and additionally is not aware of the usefulness of the report to Congress. NASA does not use the report internally.

(b) Deletes the requirement in 42 U.S.C. 2476 that the President transmit to Congress in January of each year a report containing a comprehensive description of the programmed activities and accomplishments of all Federal agencies in the field of aeronautics and space activities during the preceding year, an evaluation of these activities, and recommendations for additional legislation. The information in this report duplicates information disseminated in a more timely manner in other ways such as in agency testimony at Congressional hearings.

Section 121

(a) Deletes the requirement that the Nuclear Regulatory Commission report to the Congress annually on January 1 on the use of contractors, consultants and the national laboratories by the Commission. Through a variety of actions, these concerns have been addressed and corrected.

(b) Deletes the requirement that the Nuclear Regulatory Commission prepare and submit to the Congress a quarterly report which documents, for grades GS 11 or above:

(1) The number of minority and women candidates hired, by grade level;

(2) The number of minority and women employees promoted, by grade level;

(3) The procedures followed by the Commission in preparing job descriptions, informing potential applicants, and selecting from candidates the persons to be employed in positions at grade GS 11 or above; and

(4) The other steps taken to meet the provisions of Equal Employment Act. The information in the subject report duplicates some information sent annually to the EEOC. The EEOC reports summary information annually to Congress.

(c) Deletes the requirement of P.L. 85-256, Sec. 4 (71 Stat. 579) that the Nuclear Regulatory Commission report to the Congress a survey of the causes and the extent of damage of a nuclear accident which will probably result in public liability claims in excess of $560 million. This requirement is identical to that for the "Report of Public Liability Claims Resulting from Nuclear Incident" (P.L. 94-197, Sec. 9; 89 Stat. 1114; 42 U.S.C. 2210(i)).

Section 122

Deletes the requirement that the Office of Personnel Management submit a report by February 1 each year to the House Committee on Post Office and Civil Service and the Senate Committee on Governmental Affairs. This report lists the positions in GS-16, GS-17, and GS-18 for the preceding calendar year including the total number of positions placed or allocated to all these grades, in each grade, and the total number of such positions in existence. The name, rate of pay, and description of the qualifications of the incumbent in each of these positions is provided, together with the position title and a statement of duties and responsibilities. Also included are the position or positions in or outside the Government held by each incumbent and the rates of pay for the 5 year period preceding the appointment to the present position. Only approximately 700 positions remain at the GS-16, GS-17, and GS-18 levels. The majority of those are Administrative Law Judges and those in agencies excluded from the Senior Executive Service—e.g., Government corporations and intelligence agencies. This report is largely outmoded by the Civil Service Reform Act of 1978, (CSRA), P.L. 95-454 and the requirement to publish Senior Executive Service Information in the Federal Register.

Section 123

(a) Deletes the requirement of the Small Business Act, as amended, that the Small Business Administration transmit, no later than December 31, of each year, to the Senate Select Committee on Small Business and the Committee on Small Business of the House of Representatives a sealed report of complaints alleging illegal conduct by employees of the Administration which were received or acted upon by the Administration during the preceding fiscal year (88 Stat. 746; 15 U.S.C. 639).

(b) Deletes the requirement of the Small Business Economic Policy Act of 1980, that the President shall report, as an appendix to the Annual Report on Small Business and Competition, a report by agency and department, on the total dollar value of all Federal contracts exceeding $10,000 in amount and the dollar amount (including the subcontracts thereunder in excess of $10,000) awarded to small, minority-owned and female-owned businesses (94 Stat. 849; 15 U.S.C. 631(b)).

Section 124

(a) Deletes the requirement that the Chief Medical Director report through the Administrator to the appropriate committees of the Congress justifying the need to exceed the cap of 45.1 million dollars and an explanation as to the need to exceed the cap relative to priorities of patient care. The report requires periodic sweeps through VA reporting systems to determine when the cap will be reached since the information required is not aligned with normal reporting systems. Cost and statistical data are available through automated reporting systems at the end of each quarter and for the fiscal year. The VA has no control over whether eligible veterans make claim for dental care benefits authorized by Congress. These benefits, constituting personal health measures, are not benefits conducive to long periods of delay before they are provided. There are virtually no options for geographically inaccessible veterans except to be authorized to fee. The report does not appear to serve a useful purpose since it does not prevent the VA from exceeding the cap and does not result in any constructive or remedial action after the fact.

(b) Deletes the requirement that the Chief Medical Director submit to Congress through the Administrator of Veterans Affairs a full report on the implementation of section 601(4)(C)(v) of Title 38 U.S.C., and on the numbers of veterans provided contract and fee basis care, the average cost per visit or day, the duration of care, and summaries for each of fifteen separate categories of entitlement by State (including the possessions and territories, the District of Columbia, and the Commonwealth of Puerto Rico). This detailed information is not available in current VA computer-assisted statistical systems. It must be collected manually at each VA medical facility. Using this manual collection method and computer tabulation support, the cost of complying with the reporting requirement is conservatively estimated at $1,104,000 per year. Resources allocated to this data collection effort can be directed more appropriately toward direct support of the VA health care delivery system.

(c) Deletes the requirement that the Advisory Committee on Cemeteries and Memorials appointed by the Administrator of Veterans' Affairs pursuant to section 1001 of Title 38, United States Code, make periodic reports and recommendations to Congress. The Committee will continue to make periodic reports and recommendations to the Administrator.

TITLE II

Section 201

(a) Changes the requirement under Section 305 of the Drug Abuse Office and Treatment Act from an annual to a biennial promulgation by the President of a national drug abuse strategy.

(b) Exempts temporary withholdings of budget authority established for routine financial management purposes from (a) the definition of "reserves" in the Antideficiency Act and (b) the definition of "deferrals" in the Impoundment Control Act.

(c) Amends Sec. 11a of Title 31 U.S.C. to delete the requirement for the submission of current services estimates by the President to the Congress on or before November 10 of each year and substitutes a requirement for the submission of the estimates concurrent with the transmittal of the President's Budget.

Section 202

Amends the requirement that the General Sales Manager submit quarterly reports to the Chairman, House Appropriations Committee on Agriculture and Related Agencies; Chairman, House Committee on Agriculture; Chairman, Senate Committee on Agriculture, Nutrition and Forestry; and Chairman, Senate Subcommittee on Agriculture and Related Agencies. An annual report would be submitted in lieu of the quarterly report.

Section 203

(a) Modifies the requirement that the Secretary of Commerce submit an annual report to the Congress on or before November 1 of each year on his actions under Title III of the Marine Protection, Research and Sanctuaries Act. It changes the reporting frequency to once every two years and provides an additional four months to prepare the report.

(b) Modifies the requirement that the Secretary of Commerce revise the National Climate Plan every two years to enable the Secretary to prepare and submit revisions as appropriate. This modification will save the Secretary some significant printing and publication costs each year the Plan does not have to be revised, and enables the Department to allocate personnel resources more productively, to plan implementation instead of plan preparation.

(c) Enables the Secretary of Commerce to prepare this report on the National Climate Program and Plan after the President has determined the multiagency budget request for the Program, one of the elements of this report. In all other respects, the report remains the same.

(d) Modifies the requirement that the Secretary of Commerce revise the comprehensive Federal plan relating to ocean pollution every two years by authorizing the Secretary to revise the plan every three years. The additional time and resources saved can be devoted more productively to implementation of the Plan.

Section 204

(a) Deletes the requirement to submit an annual report which provides a full accounting of all experiments and studies conducted by the Department of Defense within the preceding year, whether directly or under contract, which involved the use of human subjects for testing of chemical or biological agents. Amends 50 U.S.C. 1511(a) to include the information deleted by subsection (a) in the annual report on chemical warfare and biological research programs which is provided to the Congress on a routine basis.

(b) Reduces the frequency of the formal reports to the President and the Congress on the administration of the Federal Voting Assistance Program from one every two years to one every four years. This reduction would limit reports to the period when the greatest national interest is focused on Federal elections.

(c) Section 2455(b) is amended to change the period covered by the Annual Defense Standardization and Specification Program Report from a calendar year to a fiscal year basis.

Section 205

Modifies the requirement that the Annual Report of Books and Materials produced with Assistance under International Education Research studies grant or contracts include an index and analysis. A simple listing of the publications is sufficient. Requiring an index and analysis places an excessive burden on the compilers of this report.

Section 206

Changes the statutorily mandated deadline for submission of the first quarterly report required on activities under the Strategic Petroleum Reserve Amendments Act of 1981.

Section 207

(a) Requires the Secretary of the Interior and the Secretary of Health and Human Services each to submit biennially rather than annually a report on actions taken to recruit and train Indians for Indian preference positions.

(b) Requires the Secretary of the Interior and the Secretary of Health and Human Services each to submit biennially rather than annually a report on actions taken to transfer to other positions non-Indian employees in the Bureau of Indian Affairs and the Indian Health Service, respectively.

(c) Requires the Secretary of Labor and the Secretary of Health and Human Services each to submit biennally rather than annually a report on occupational safety and health. The amendment would also eliminate the specific date by which the reports are due.

(d) Eliminates the requirement that a validation of the accreditation of the Joint Commission on the Accreditation of Hospitals be included in the continuing study of Medicare by the Secretary of Health and Human Services.

(e) Eliminates July 1 as the specific date by which the Secretary of Health and Human Services is required to submit his annual report on the end stage renal disease program.

(f) Requires the Secretary of Health and Human Services to transmit a report on drug abuse biennially rather than annually, and would eliminate January 15 as the specific date by which the report is due.

(g) Requires the Secretary of Health and Human Services to publish a report on carcinogens biennially rather than annually.

(h) Eliminates May 1 as the specific date by which the Secretary of Health and Human Services is required to submit an annual report on the National Health Service Corps.

(i) Requires the Director of the National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases to submit a report on the institute's activities biennially rather than annually, and would eliminate sixty days after the end of the fiscal year as the specific date by which the report is due.

(j) Requires the Secretary of Health and Human Services to report on the activities of diabetes research and training centers biennially rather than annually, and would eliminate November 30 as the specific date by which the report is due.

(k) Requires the Secretary of Health and Human Services to report on multi-purpose arthritis centers biennially rather than annually, and would eliminate November 30 as the specific date by which the report is due.

(l) Requires the Secretary of Health and Human Services to report on progress made in effecting the purposes of the Indian Health Care Improvement Act biennially rather than annually.

(m) Requires the Director of the National Institute of Occupational Safety and Health to submit a report on the operations of that institute biennally rather than annually.

(n) Eliminates the requirement that the Department of Health and Human Services and Federal Trade Commission reports required under the Fair Packaging and Labeling Act be submitted to the Congress in January of each year, in order to permit them to be included in other annual reports.

(o) Amends the statute providing for an Inspector General of the Department of Health and Human Services to make the requirements for reports to the Congress under that statute identical to the requirements for reports to the Congress by other Inspectors General.

(p) Amends the requirements under the Age Discrimination Act of 1975 for reports by Federal departments and agencies to the Secretary of Health and Human Services, and by the Secretary to the Congress. The present requirement for annual reports would be amended to provide for such reports after 1983 only as the Secretary deems necessary.

Section 208

(a) Amends a provision in the Department of Housing and Urban Development Act requiring the Secretary to report annually to Congress on activities undertaken with respect to Indian and Alaskan Natives programs, estimates of costs of projected activities, a statistical report on the conditions of Indian and Alaska Native housing, and recommendations for legislative or other action. The Department has found that the statistics developed for the report, vary little from year to year. Therefore, the report's purpose could be accomplished in a more useful manner and at less expense by requiring the report to be provided every two years instead of annually. If this amendment is enacted, the next report under this provision would be issued not later than December 1, 1983.

(b) Amends Section 408(b)(2) of the Housing and Community Development Amendments of 1978 ("Congregate Housing Services Act of 1978"). This provision requires the Secretary to publish and submit an annual report to Congress on the impact and effectiveness of assisted congregate services programs. The report is to be based, in part, on evaluations of the performance of nonprofit corporations and public housing agencies receiving congregate housing assistance. The proposed amendment would make the report requirement biennial instead of annual. A biennial report would allow the Department to make a more comprehensive study of program experiences. If this amendment is enacted, the next report under this provision would be issued not later than September 30, 1983.

(c) Amends the annual report requirement contained in Section 817 of the Housing Act of 1954. The reporting provision requires, among other things, that the Department provide pertinent information with respect to all builders' cost certifications required by Section 227 of the National Housing Act. This requirement is unnecessary because all builders' cost certification information is maintained within the Department and is easily accessible.

Section 209

(a)(1) Would amend section 6 of the Act of June 22, 1936 (49 Stat. 1804; 25 U.S.C. 389e) as amended by section 206(b) of the Act of October 19, 1980 (94 Stat. 2237) relating to the reporting of adjustments of irrigation charges due from non-Indian landowners served by irrigation projects administered by the Bureau of Indian Affairs. The amendment made by said section 206(b) contains an erroneous citation to section 2 of the Act of June 22, 1936 (49 Stat. 1804; 25 U.S.C. 389a). Section 2 of the 1936 Act does not include reference to a report to Congress. Instead, the phrase "section 2 of this Act" should have been "the Act of July 1, 1932 (47 Stat. 564; 25 U.S.C. 386a)".

The amendment made by said section 206(b) leaves intact the second sentence of section 6 of the 1936 Act which requires Congressional approval before "proceedings" under the 1936 Act become effective, which is not consistent with the 1932 Act. We do not believe that we should continue differing statutory provisions relating to the reporting of adjustments of irrigation charges of Indian and non-Indian landowners served by the same Bureau of Indian Affairs projects. The legislative history of the Act of October 19, 1980, indicates that the amendment (like section 2(a)) was intended to combine the annual report required by the 1936 Act with the annual report required by the 1932 Act.

In addition, section 2(a)(2) would modernize the 1932 Act which still includes a reference to a reporting date that was the day following the opening date for sessions of Congress prior to adoption of the 20th Amendment of the U.S. Constitution in 1933 and refers to Legislative Days which have no current relevance to the provision. This amendment would permit one or more reports of debt adjustments or cancellations to be submitted with respect to each fiscal year but would require them to be submitted no later than 60 calendar days following the end of the fiscal year. In addition, section 2(a)(3) would amend the 1932 Act to provide that the Congressional review period would be 90 calendar days rather than the current 60 legislative days.

The above-mentioned reporting requirement of the 1932 Act is also applicable to the Indian Financing Act provisions in 25 U.S.C. 1465 and 1491.

(b) Provides for consolidation of several reports to Congress concerning Indian education.

Section 210

(a) Deletes the requirement that the Attorney General report annually to the Congress under the Electronic Fund Transfer Act of 1978 (15 U.S.C. 1693p(a); 92 Stat. 3740).

(b) Amends Section 252(i) of the Energy Policy and Conservation Act (42 U.S.C. 6272 (i); 89 Stat. 898) by changing from semiannual to annual the frequency with which the Attorney General and the Federal Trade Commission must submit reports to the Congress and the President on the impact on competition and on small business of actions authorized by the International Voluntary Agreements section of the Act.

(c) Amends Section 8B of the Federal Coal Leasing Act of 1976 (930 U.S.C. 208-2; 90 Stat. 1089) by eliminating the requirement that an annual report to the Congress by the Secretary of the Interior on the leasing and production of coal lands contain a report by the Attorney General on competition in the coal and energy industries, including an analysis of whether the antitrust provisions of that Act and the antitrust laws are effective in preserving or promoting competition in the coal or energy industry.

Section 211

(a) Deletes the requirement that the Secretary of Transportation issue a separate report to the Congress on the past and anticipated financial condition and operation of the Railroad Rehabilitation and Improvement Fund established under section 502(a) of the Railroad Revitalization and Regulatory Reform Act of 1976, P.L. 94-210, and of the Obligation Guarantee Fund established under section 511(b) of that Act. It is the intent that the reporting of this information be consolidated with other related requirements under section 409 of the Staggers Rail Act of 1980, P.L. 96-448.

(b) Deletes the requirement that the Secretary of Transportation submit annual reports to the President and the Congress on the financial condition of each railroad having a loan guaranteed under the Emergency Rail Services Act of 1970. P.L. 91-663, 90 days after the making of such guarantee and annually thereafter throughout the existence of such loan. It is the intent that the information on financial condition be consolidated with other requirements under section 509 of the Staggers Rail Act of 1980, P.L. 96-448, and reported to the Congress annually.

(c) Consolidates in a comprehensive annual report for greater usefulness and convenience the information on Federal financial assistance to the railroad industry required under section 409 of the Staggers Rail Act of 1980, P.L. 96-448; section 515 of the Railroad Revitalization and Regulatory Reform Act of 1976, P.L. 94-210; and section 10 of the Emergency Rail Services Act of 1970, P.L. 91-663. It further is the intent that the reporting of information on applications received called for quarterly in Fiscal Year 1981 Senate Report No. 96-932 be replaced by the annual reporting of such information in the consolidated report under section 409 of the Staggers Rail Act of 1980.

Section 212

(a) This provision would delete the country-by-country reporting requirement of the Bretton Woods Agreement Act in recognition of the fact that adequate, timely data are often not available and meaningful analysis is not feasible. The amended provision instead would require an annual general assessment (with such detail as may be useful and available) of the likely impact of policies adopted pursuant to Fund programs on basic human needs. This assessment would be included in the section of the annual NAC report dealing with basic human needs considerations and the Fund.

(b) Section 701(c)(1) requires an annual report to the Congress by the secretaries of State and Treasury on the progress toward achieving the goals of Title VII (Human Rights) of the International Financial Institutions Act. The amendment would delete the requirement that this human rights report addresses the objective of maintain-

ing salaries and benefits of employees of the multilateral development banks at levels comparable to salaries and benefits of employees of private businesses and the United States Government in comparable positions. This subject matter is unrelated to human rights and it is, therefore, inappropriate to include it in a human rights report.

Section 213

Deletes the requirement that the National Labor Relations Board submit a report to Congress and to the President at the close of each fiscal year which listed cases heard, decisions rendered, and an account of all moneys it has disbursed. The subsection is amended to require an annual summary report from the Board. (This reporting requirement was earlier amended pursuant to P.L. 93-608 to delete submission of a listing of all employees, their salaries, and duties.)

Section 214

(a) Subsection 4(j) of the National Science Foundation Act of 1950, as amended, requires that the National Science Board (NSB) prepare annual reports to the President for submission to the Congress by March 31 of each year. This requirement has been fulfilled by submission in alternative years of "Science Indicators" and "topical" NSB reports.

Subsection (a) amends subsection 4(j) to require that the Board periodically render to the President a report on "indicators of the state of science and engineering in the United States." This would make "Science Indicators", a well-used and popular report since its initial publication in 1973, legislatively mandated. It would not, however, write the current two-year cycle into law. Although the law would thus leave that decision to the Board, the Foundation would expect to alter the issuance schedule only after consultation with others in the Executive Branch and with the appropriate Congressional committees.

Subsection 4(j) is further changed to require that reports on policy matters related to research and education in science and engineering be prepared by the National Science Board when it, the President, or the Congress determines the need for such reports.

The requirement that such "topical" reports be issued on a fixed cycle has proved artificial. The Foundation believes that the cost of reports would be reduced and their effectiveness increased if they were made when there are pressing matters on which the Board, the President, or the Congress believes the Board should report. That might be more often or less often than annually. "Topical" NSB reports now cost approximately $200,000—$250,000 per year. It is expected that costs will decrease significantly if the reports are made shorter and more concise, as is planned.

Subsection (b) amends the National Science and Technology Policy, Organization and Priorities Act of 1976 to consolidate the "Science and Technology Report" and the "Five-Year Outlook Report" Current law requires two separate reports (the "Science and Technology Report" on an annual basis and the "Five-Year Outlook" to be updated annually). Under Reorganization Plan 1 of 1977, responsibility for these reports was transferred to the Director of the National Science Foundation.

These two reports often contain overlapping and redundant information with annual turn-around times too short to provide for any meaningful and reflective changes. The proposed merger of the two reports, to be issued not less frequently than biennially, would eliminate duplication and provide for a single report on Federal and national matters related to science and technology.

Costs for the two reports currently total approximately $400,000 per year. Consolidation of the reports will save approximately $150,000 per year.

Section 215

Modifies the Report on VA Health Professional Scholarship Program by deleting the requirement to provide a summary of the reasons scholarships are not accepted. The information is difficult to obtain, involves valuable staff time and the validity of the results are doubtful.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., March 23, 1982.

Hon. GEORGE BUSH,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: I am transmitting, for referral to the appropriate Committee, a legislative proposal entitled the "Congressional Reports Elimination Act of 1982."

This legislation is modeled after the Congressional Reports Elimination Act of 1980 (P.L. 96-470) and is designed to improve the effectiveness and efficiency of Executive branch operations by eliminating or modifying recurring reports to the Congress. These proposals were selected for elimination or modification only after a case-by-case analysis concluded that the reports no longer serve their original purpose, no Congressional use is evident, information is provided to the Congress through other sources, or the cost and time involved in the production of a report outweigh its utility or benefit to the Congress.

This legislative proposal should be viewed not only as one directed at reducing burdens placed on Executive agencies, but also as an attempt to streamline information that flows from the Executive branch to the Congress. Elimination or modification of the reports identified in this proposal will permit the Executive branch to devote more attention to the more than 2,700 recurring reports that we will continue to provide to the Congress.

A section-by-section analysis is also attached for your information.

This legislative proposal is directly supportive of the President's program to improve the efficiency and effectiveness of Executive branch operation.

Sincerely,

DAVID A. STOCKMAN,
Director.●

By Mr. DODD:

S. 2444. A bill to amend the National Housing Act; to the Committee on Banking, Housing, and Urban Affairs.

ASSISTED HOUSING PRESERVATION ACT

● Mr. DODD. Mr. President, from the early 1960's to the late 1970's, hundreds of thousands of units of housing were built by private developers to provide homes for low-income tenants under the section 221(d)(3), section 236 and rent supplement programs. Almost all of those apartments are still on the market today, serving families of low and moderate incomes. They are a vital resource, especially now when Federal subsidies for new units are being terminated and the production of rental housing generally is at such a low level. However, there is a great danger that the owners of some of these projects will take them off the low-income market, by converting them to condominiums or renting them to higher income tenants.

The present laws are not effective enough to insure that owners do not remove the projects from the low-income market, displacing the present tenants. Any of these owners, at any time, can prepay the mortgage and remove the project from the subsidized programs with permission from HUD. The policies being pursued by the present administration, especially the relentless drive to drastically reduce the Government's obligations in the housing area, indicate that HUD is not going to examine requests for prepayment closely. The present legislation provides no explicit standards to guide and control HUD when it reviews these prepayment requests from owners.

The bill which I am introducing today provides the needed standards that will insure that HUD does not allow owners to take these projects out of the subsidized market when doing so would be against the best interests of the tenants and low-income people generally. The bill amends the National Housing Act to provide that HUD cannot approve an owner's request for permission to prepay a mortgage unless HUD finds that there is either no need for such housing in the area or that the project in question can no longer reasonably be expected to meet such needs and that the owners will provide adequate relocation assistance to any tenants who will be displaced. These are similar to the standards which HUD, in the past, followed on a routine basis. The bill also requires HUD to notify tenants if their landlord requests prepayment approval and to receive and consider comments from the tenants.

In certain situations, owners of these projects are not required to secure HUD approval before prepaying their mortgages and withdrawing from the subsidy programs. For example, limited dividend—for profit—owners of section 221(d)(3) below market interest rate and section 236 projects who do not use rent supplements can prepay their mortgages and withdraw from the program at the end of 20 years, without securing any approval from HUD. Many of the oldest projects are approaching this 20-year mark. If their owners withdraw from the programs, the tenants will be displaced and, in most housing markets, will be unable to secure adequate replacement housing. Present legislation provides no solution to this problem.

The bill I am introducing also makes a number of changes designed to keep

these projects in the program, even after the 20 years have expired. First, as an incentive to the owners, the bill grants these projects priority for subsidies which are available under the "flexible subsidy" and the section 8 housing assistance programs. Second, to safeguard against waste of the benefits provided, the bill contains amendments to insure that any owners who take advantage of the benefits also accept the responsibility to maintain their projects as low-income housing for the remaining terms of their original mortgages. These amendments will place that responsibility upon owners who receive additional financial assistance.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2444

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title II of the National Housing Act is amended by adding a new section at the end thereof as follows:

"PREPAYMENT

"SEC. 247. (a) During any period in which an owner of multifamily rental housing project is required to obtain the approval of the Secretary for prepayment of the mortgage, the Secretary shall not accept an offer to prepay the mortgage on such project unless—

"(1) the Secretary has determined that there is not longer a need for rental housing for low-income people in the area or that such project can no longer reasonably be expected to meet the needs of low-income people in the area;

"(2) the Secretary has notified the tenants of the owner's request for approval of a prepayment, has provided that tenants with an opportunity to comment on the owner's request, and has taken such comments into consideration; and

"(3) the Secretary has ensured that the owner will provide relocation assistance comparable to the assistance provided under the Uniform Relocation Assistance and Real Property Acquisition Policies Act to any tenant who will be displaced as a result of the prepayment and withdrawal of the project from the program.

"(b) In the case of a project assisted under section 236 or the proviso to section 221 (d) (5) of this title, section 101 of the Housing and Urban Development Act of 1965, or section 202 of the Housing Act of 1959 where the owner has the right to prepay the mortgage covering the assisted project without the Secretary's approval, the Secretary shall give a priority for additional assistance under section 8 of the United States Housing Act of 1937 and section 201 of the Housing and Community Development Amendments of 1978 to tenants and applicants to become tenants of the project, if—

"(1) funds to provide such additional assistance are available; and

"(2) the Secretary determines that making such additional assistance available to the project is necessary to prevent the owner from prepaying the mortgage.

"(c) Any owner of a multifamily rental housing project referred to in subsection (b) who receives additional assistance under section 8 of the United States Housing Act of 1937 under the priority established by subsection (b) shall—

"(1) fully utilize the assistance which is available;

"(2) grant a priority to applicants to become tenants who have the lowest incomes; and

"(3) maintain the low-income character of the project for a period at least equal to the remaining term of the project mortgage.".●

By Mr. HOLLINGS (for himself and Mr. CANNON):

S. 2445. A bill to amend the Communications Act of 1934 regarding cable telecommunications, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE CABLE TELECOMMUNICATIONS COMPETITION AND DEREGULATION ACT OF 1982

● Mr. HOLLINGS. Mr. President, today Senator CANNON and I are introducing legislation to establish a national cable telecommunications policy with local and State implementation. As members of the Commerce Committee, Senator CANNON and I have been overseeing the cable industry for many years. We feel it is time now to establish a framework for its future.

The cable industry has grown tremendously over the past 30 years. Once it simply brought television to those who could not receive quality over-the-air signals. Today—despite numerous regulatory barriers—it has become a medium for the future, bringing scores of channels of programing and information into our homes. One only has to read the new bids for cable franchises to see the astounding number and variety of services that cable now offers for relatively low prices. Where once 12 channels was the standard, new systems usually offer 40 to 50 channels, and some recent bids have been for over 100 channels. Where once retransmission was the primary cable service, systems now offer a vast array of programing, access channels, and institutional/information networks.

Cable's growth is truly impressive, and its horizons appear endless. Few of us have any idea of where cable will be in the next 10 years as a provider of programing and information. But despite this uncertainty, we can be sure of one thing: The advent of modern cable has helped make competition at the local level not only possible but likely.

Because of cable's importance, the Government must be wary of constructing barriers to its growth. Today's rules may well fit poorly with tomorrow's industry, impeding cable's contribution. At the same time, we have an obligation to insure that cable systems serve the interests of the local communities.

Any cable legislation must look forward to cable as a provider of both programing and information; it must look forward to a competitive industry free from regulation. In addition, it must allow local franchising authorities and cable operators to determine jointly how to tailor the cable system to best meet the needs of the community.

Let me now turn to the main objectives and provisions of the legislation that Senator CANNON and I introduce today.

First, this legislation seeks to protect the integrity of existing franchise agreements. Section 604 provides that this bill—with exception of the privacy and ownership provisions—will have no effect on any existing franchise agreement until such agreement either ends or is renegotiated or for 5 years from the date of enactment of this legislation, whichever comes first.

Second, this legislation seeks to insure that cable systems are tailored to the needs of each community. Section 604 establishes a national cable policy with continuing Federal oversight and then turns the responsibility for implementing much of this policy to the local and State governments. The franchising authority and the cable operator are to determine the actual makeup of each cable system—the extent of basic service, of program origination, and of the provision of telecommunications facilities.

This scheme allows sufficient flexibility so that a cable system can reflect the characteristics of each community. The basic service category—one-way video or audio programing via retransmission or program access channels—is designed for services that are believed to be important enough to a community so that everyone subscribing to cable should receive them. The franchising authority thus may insure through this basic service that a certain type of programing is provided.

The program origination category refers to programing that either originates by the cable operator or others and that is usually offered on a pay-per-channel or per-view basis. Such program origination services are offered free from any regulation. Finally, the telecommunications facilities category is designed to meet the fast-growing sector of institutional/information networks, although the provision of these facilities could be used for other services.

Third, the legislation seeks to create and maintain competition in the delivery of programing and information at the local level. Section 606 states that only the provision of basic service will be rate regulated and that such regulation will end when basic service is found to be subject to effective competition. Section 609 provides that the offering of telecommunications facilities by a cable operator and the offering of services over these facilities may neither be prevented nor regulated.

The rationale for such a provision is that generally there now exists sufficient adequate alternatives to these facilities at the local level such that Government oversight is not necessary. As a safety valve, a person can petition the FCC to gain access to such facilities. The FCC may allow access on a nondiscriminatory basis if it finds that such facilities are bottlenecks that are effectively essential to providing service. Finally, in no instance may there be restrictions on the resale or shared use of these facilities. Overall, I strongly believe that any limitations imposed on these telecommunications facilities are potentially counterproductive. Any such authority in this bill should be exercised very cautiously.

This competition objective is also carried out through the bill's ownership provision, section 605. This section first provides that television broadcasters may not provide cable telecommunications in the same operating area unless the broadcaster carries all other local television signals. This section also restricts entry by providers of local exchange telephone service in nonrural areas. This restriction may be waived by the Commission if it is shown that such entry will provide significant additional diversity and competition in the delivery of programing and information. If a local telephone company in a nonrural area is allowed to provide cable, the FCC shall impose conditions to prevent anticompetitive practices and to further the policies of this act. The above rules shall not apply in the case of a local telephone company who wishes to provide cable telecommunications in a rural area. In such an instance, there is an automatic waiver. As to the question of whether A.T. & T. should be allowed to provide cable telecommunications, I expect this to be dealt with in the domestic telecommunications legislation that is now moving through Congress. Finally, the Commission retains its current authority to impose additional ownership rules where it serves the policies and purposes of the Communications Act.

The bill also furthers competition in the new and additional services provision. Section 7 provides that proposals for these services shall be presumed to be in the public interest if they are technically feasible and do not cause significant technical interference with the signals of existing licensees. This section also contains language requiring proceedings involving these proposed services to be expedited. Once these new and additional services are provided, competition and hence deregulation can result.

In addition to these objectives and provisions, this legislation has many other key features. First, it is designed—through such provisions as the franchising fee section, section 608, to insure that there is a balanced bargaining process between the cable operator and the cable franchising authority for cable franchises. Second, this bill seeks to protect the privacy of cable subscribers. It limits the type of information that may be collected, requires that subscribers have access to such information, restricts the release of this information, and requires that this information be destroyed when it is no longer needed. It also requires cable operators to notify subscribers of their privacy rights. Third, this bill seeks to insure that equal employment opportunities are made available in the operation of cable systems and by broadcasters. Finally, an "antipiracy" provision is included. This provision imposes civil and criminal penalties for the illegal interception of radio signals.

Senator GOLDWATER has already introduced cable telecommunications legislation. He has had, like Senator CANNON and myself, deep involvement in the cable industry for many years. He has indicated to us that he hopes we can work together on cable legislation, and Senator CANNON and I join him in this desire. I believe Senator GOLDWATER has made a good start at a national cable telecommunications policy, and I expect that we will work together to pass legislation.

I ask unanimous consent that this bill be printed in the RECORD along with a section-by-section summary at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2445

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Cable Telecommunications Competition and Deregulation Act of 1982".

SEC. 2. (a) Title VI of the Communications Act of 1934 is redesignated as title VII, and sections 601 through 609 (and all references thereto) are redesignated as sections 701 through 709, respectively.

(b) The Communications Act of 1934 is amended by inserting immediately after title V the following new title:

"TITLE VI—CABLE TELECOMMUNICATIONS

"FINDINGS

"SEC. 601. The Congress hereby finds that—

"(1) cable telecommunications have become an increasingly important means of delivering and originating programming and information;

"(2) cable systems are engaged in interstate commerce through the origination, transmission, distribution, and dissemination of broadband telecommunications services;

"(3) State and local governments must ensure that cable telecommunications are suitable for and responsive to the needs of the local community;

"(4) advances in cable and other technologies have made possible competition in providing programming at the local level;

"(5) deregulation of cable telecommunications should occur whenever competition exists.

"PURPOSES

"SEC. 602. The purposes of this title are to—

"(1) promote competition in the origination and delivery of programming and information locally and nationally;

"(2) promote the distribution of information to the public;

"(3) provide for deregulation of cable telecommunications when competition for programming and information exists;

"(4) provide, to the maximum extent possible, that existing cable franchise agreements are preserved;

"(5) establish a Federal policy for the provision of cable telecommunications and to provide for the implementation of such policy to the maximum extent by State and local governments; and

"(6) ensure that cable systems are subject to the minimum amount of government control consistent with the public interest.

DEFINITIONS

"SEC. 603. For purposes of this title, the term—

"(1) 'basic service', means the provision of one-way video or audio programming either via the retransmission of broadcast signals and program access channels;

"(2) 'broadband telecommunications' means the transmission of electromagnetic signals over one or more coaxial cables or other closed transmission medium;

"(3) 'broadcasting' means telecommunications by radio intended to be received by the public, directly or by the intermediary of relay stations;

"(4) 'cable channel' or 'channel' means that portion of the electromagnetic frequency spectrum used in a cable system for the transmission of an electromagnetic signal;

"(5) 'cable operator' or 'cable system operator' means any person or persons, or an agent or employee thereof, that operates a cable system, or that directly or indirectly owns a significant interest in any cable system, or that otherwise controls or is responsible for, through any arrangement, the management and operation of such a cable system;

"(6) 'cable subscriber' means any person who is authorized to receive electromagnetic signals over a cable system;

"(7) 'cable system' or 'cable telecommunications system' means a facility or combination of facilities used to provide broadband telecommunications services to cable subscribers; such term does not include facilities that serve only to retransmit the signals of broadcast stations in the same operating area, nor does it include a common carrier subject to the provisions of title II of this Act if such carrier transmits broadband telecommunications services in the ordinary course of its business as a common carrier;

"(8) 'cable telecommunications' means the provision in a cable system of basic service, program origination, and telecommunications facilities;

"(9) 'channel programmer' means any person who uses the facilities of a cable system for the origination of programming over a cable channel; such term includes a cable system operator to the extent that such operator, or person or persons under common ownership or control with such operator, is engaged in program origination;

"(10) 'closed transmission medium' or 'closed transmission media' means media having the capacity to transmit electromag-

netic signals over a transmission path such as coaxial cable, optical fiber, wire, waveguide, or other such signal conductor or device;

"(11) 'operating area' for a cable operator means the entire area within which such operator is authorized by a cable franchising authority to provide cable telecommunications;

"(12) 'origination' or 'program origination' means the use of a cable channel by a channel programmer to create and distribute programs; such term does not include carriage of broadcast signals by a cable operator;

"(13) 'person' means an individual, partnership, association, joint stock company, trust, corporation, or any governmental authority;

"(14) 'program access channel' means a channel on a cable system under the control of the cable franchising authority and used for the provision of public, governmental, or educational programming;

"(15) 'State' means each of the several States, the District of Columbia and the possessions of the United States;

"(16) 'telecommunications' means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information, by means of electromagnetic transmission, with or without benefit of any closed transmission medium, including all instrumentalities, facilities, apparatus, and services (including the collection, storage, forwarding, switching, and delivery of such information) essential to such transmission;

"(17) 'telecommunications carrier' means any person, including any government or quasi-government entity, which offers any telecommunications facilities used by any person to provide telecommunications services, except that a person engaged in broadcasting or in providing cable communications shall not, to the extent that such person is so engaged, be deemed a carrier;

"(18) 'telecommunications facilities' means equipment (including wire, cable, microwave, satellite, and fibre-optics) that transmit information by electromagnetic means or which directly support such transmission offered on a for hire basis;

"(19) 'telecommunications service' means the provision of a service by means of telecommunications facilities; and

"(20) 'United States' means the several States and territories, the District of Columbia, and the possessions of the United States.

"FEDERAL-STATE RESPONSIBILITIES

"SEC. 604. (a) The Commission shall, to the extent necessary, oversee the implementation of the purposes and policies established in this title and, when required, shall more specifically define such purposes and policies.

"(b) A State or political subdivision or agency thereof or any cable franchising authority may adopt or continue in effect any law, order, rule, regulation or standard affecting cable systems which is not inconsistent with the purposes and policies contained in this Act.

"(c) In awarding a cable franchise, the cable operator and the cable franchising authority shall jointly determine the amount and nature of basic service, the number of channels to be utilized for program origination and the minimum capacity of telecommunications facilities to be provided by the cable operator.

"(d) Except for sections 605 and 611, the provisions of this title shall not affect any franchise agreement regarding cable communications which is in effect on the date of enactment of the Cable Telecommunications Competition and Deregulation Act of 1982 before the date of termination or renegotiation of such a franchise agreement or five years after the date of enactment of the Cable Telecommunications Competition and Deregulation Act of 1982, whichever is earlier.

"OWNERSHIP OF CABLE SYSTEMS

"SEC. 605. (a) No licensee, owner or operator of a television broadcasting station shall engage in the provision of cable communications within the predicted Grade B contour of such broadcasting station, except if such licensee, owner or operator carries on its cable system all television stations that have a predicted Grade B contour that overlaps with the cable operating area.

"(b)(1) No person who provides telephone exchange service shall engage in the provision of cable telecommunications in the same operating area, unless the Commission shall otherwise permit and then only upon a sufficient showing that such provision by a person who provides telephone exchange service will provide significant additional diversity and competition in the delivery of programming and information.

"(2) In any case in which a person who provides telephone exchange service is permitted to provide cable communications, the Commission shall require conditions which minimize anti-competitive practices, including elimination of cross-subsidization of services, and which foster the purposes and policies of this Act.

"(c)(1) Notwithstanding the provisions of subsection (b) of this section, persons who provide telephone exchange service in rural areas with low population density, as defined by the Commission, may provide cable telecommunications in such areas.

"(2) The Commission shall prescribe regulations necessary to carry out the provisions of this subsection within the 180-day period following the date of its enactment.

"(d) For purposes of this section and section 607, 'predicted Grade B contour' shall be computed in accordance with section 73.684 of title 47 of the Code of Federal Regulations (47 CFR 73.684).

"RATE REGULATION

"SEC. 606. (a) No State or political subdivision or agency thereof or cable franchising authority is authorized to establish, fix, or otherwise restrict rates for any service or facility offered by a cable operator except on a nondiscriminatory basis for the provision of basic service to subscribers.

"(b) The authority specified in subsection (a) of this section may not be exercised if the Commission has determined pursuant to section 610 that there exists effective competition for such service in such operating area.

"(c) Any cable operator may petition the Commission to make the determination specified in subsection (b) of this section.

"(d) At any time after the Commission has determined, pursuant to subsection (b) of this section, that the authority specified in subsection (a) of this section may not be exercised, a State or political subdivision or agency thereof or cable franchising authority may petition the Commission to make the determination to reimpose the authority specified in subsection (a) of this section.

"(e) The Commission shall make a determination as soon as possible following the filing of any such petition.

"CARRIAGE OF LOCAL BROADCAST SIGNALS

"SEC. 607. The Commission may establish terms and conditions to ensure that the provision of cable telecommunications will not materially impair the ability of any person to receive signals from broadcast stations which such persons would otherwise receive in the absence of the provision of cable telecommunications.

"FRANCHISE FEES

"SEC. 608. (a) The Commission shall establish reasonable ceilings for the fees to be paid to States or a political subdivision or agency thereof or cable franchising authority by operators of cable systems receiving franchises from such State or political subdivision or agency thereof or cable franchising authority. Upon its own motion or upon petition, the Commission periodically may review the appropriateness of such ceilings and make adjustments in such ceilings.

"(b) The Commission shall prescribe procedures necessary to carry out the provisions of this section within 180 days of the date of enactment of this section.

"TELECOMMUNICATIONS FACILITIES

"SEC. 609. (a)(1) No State or political subdivision or agency thereof shall prevent a cable operator who is not a person who also provides telephone exchange service in the same operating area from offering telecommunication facilities.

"(2) A cable operator who is not a person who also provides telephone exchange service may provide telecommunications facilities free from any requirements as to use by any person and free from any rate, access, interconnection, or entry regulation by a State or political subdivision or agency thereof or cable franchising authority.

"(3) No State or political subdivision or agency thereof shall regulate in any way the provision of telecommunications services offered by any person, including the cable operator, using the telecommunications facilities of the cable operator who is not a person who also provides telephone exchange service.

"(b) No State or political subdivision or agency thereof or cable franchising authority shall prohibit, restrict, or impose regulations regarding resale or shared use of telecommunications facilities offered by a cable operator.

"(c) Any person may petition the Commission to obtain access to the telecommunications facilities of a cable operator. The Commission may order such access on a non-discriminatory basis if it finds that—

"(1) access to such facilities has been denied by the operator of such system;

"(2) such denial was unreasonable and was made for the purpose of restricting competition in the delivery of telecommunications services;

"(3) access to such facilities is essential to the provision of such services; and

"(4) such facilities are in effect the exclusive means available for the delivery of such services.

"EFFECTIVE COMPETITION OF SERVICES

"SEC. 610. (a) The provision of a service offered by a cable telecommunications system shall be considered to be subject to effective competition if there is a reasonably available alternative to such service.

"(b) The Commission shall issue guidelines to carry out the provisions of this section within the 180-day period following the date of its enactment.

"PROTECTION OF SUBSCRIBER PRIVACY

"SEC. 611. (a) Broadband telecommunications shall be deemed to be a 'wire communication' within the meaning of section 2510(1) of title 18, United States Code.

"(b) In the event that there may be any inconsistency between the provisions of this section and chapter 119 of title 18, United States Code, or any regulations promulgated thereunder, it is the intent of the Congress that such chapter shall be controlling.

"(c)(1) Except as provided in paragraph (2) of this subsection, no cable operator, channel programmer, or originator of broadband telecommunications may use the cable system to collect personally identifiable information with respect to a cable subscriber, except upon the prior written consent of that subscriber.

"(2) The provisions of paragraph (1) of this subsection shall not apply to the collection of information solely for billing purposes or to monitor whether there is unauthorized reception of cable telecommunications.

"(3) A cable operator, channel programmer, or originator of broadband telecommunications shall ensure that any such information is destroyed when the information is no longer used or to be used for the purposes for which it was collected.

"(d) No cable operator, channel programmer, or originator of broadband telecommunications shall disclose personally identifiable information obtained pursuant to subsection (c) of this section with respect to a cable subscriber, or personally identifiable information with respect to the broadband services provided to or received by a particular cable subscriber by way of a cable system, except upon the prior written consent of the subscriber, or pursuant to a lawful court order authorizing such disclosure.

"(e) If a court authorizes or orders disclosure of the information specified in subsection (d) of this section, the cable subscriber shall be notified of such order by the cable operator, or other person to whom such order may be directed, within a reasonable time before the disclosure is made. For the purposes of this subsection, a reasonable time shall not be less than 14 calendar days.

"(f) Each cable operator shall, at the time of entering into an agreement to provide cable telecommunications, and regularly thereafter, inform every subscriber of the rights of the subscriber under this section. Such information shall include a description of the nature of the information to be maintained by the cable operator, channel programmer or originator of broadband telecommunications, and the location and availability for access to such information.

"(g) A cable subscriber shall have access to all personally identifiable information regarding that subscriber which is collected and maintained by a cable operator, channel programmer, or originator of broadband telecommunications. Such information shall be available to the subscriber at reasonable times and at a place designated by the cable operator, channel programmer, or originator of broadband telecommunications.

"(h) Any cable subscriber whose privacy is violated in contravention of this subsection shall be entitled to recover civil damages as authorized and in the manner set forth in section 2520 of title 18, United States Code. This remedy shall be in addition to any other remedy available to such subscriber.".

EQUAL EMPLOYMENT OPPORTUNITY

SEC. 3. Title I of the Communications Act of 1934 is amended by redesignating section 6 as section 8, and by inserting after section 5 the following new section:

"EQUAL EMPLOYMENT OPPORTUNITY

SEC. 6. The Commission shall promote and ensure equal employment opportunity by radio stations and cable systems operators.".

NEW AND ADDITIONAL SERVICES

SEC. 4. Title I of the Communications Act of 1934 is amended by inserting after section 6, as added by section 3 of this Act, the following new section:

"NEW AND ADDITIONAL SERVICES

"SEC. 7. (a) Consistent with sound spectrum management, the Commission shall, to the maximum feasible extent, encourage the introduction of new and additional services by new applicants, existing licensees, or other persons. In any proceeding in which new or additional services are proposed, such services shall be presumed to be in the public interest whenever the Commission finds that such services are technically feasible without causing significant technical degradation to or interference with radio transmissions by other licensees.

"(b) Any person may file with the Commission a petition to establish or an application to offer a new or additional service.

"(c) The Commission must determine whether the new or additional service proposed in a petition or application is in the public interest within 180 days after such petition or application is filed. If the Commission initiates its own proceeding for a new or additional service, such proceeding must be completed within 180 days after it is initiated.".

SIGNAL PIRACY

SEC. 5. Section 705 of the Communications Act of 1934 (as redesignated by section 2 of this Act) is amended by—

(1) designating the existing text as subsection (a); and

(2) adding at the end thereof the following:

"(b) No person shall intercept or receive broadband telecommunications unless specifically authorized to do so by a cable system operator, channel programmer, or originator of broadband telecommunications, or as may otherwise be specifically authorized by law.

"(c)(1) Any court having jurisdiction of a civil action under this section may grant temporary and final injunctions on such terms as it may deem reasonable to prevent or restrain violations of subsection (a) of this section.

"(2) Any person who violates the provisions of subsection (a) of this section shall be liable to any person aggrieved by such violation, for damages as provided by subsection (d) of this section.

"(3) Any civil action under this section may be commenced in any United States district court of competent jurisdiction, without regard to the amount in controversy, or in any other court of competent jurisdiction.

"(d)(1)(A) Damages awarded under subsection (c)(2) of this section shall be computed in accordance with subparagraph (B) or subparagraph (C) of this paragraph.

"(B) The party aggrieved is entitled to recover the actual damages suffered by him as a result of the violation, and any profits of the person committing the violation that are attributable to the violation and are not taken into account in computing the actual damages. In establishing such profits, the party aggrieved is required to present proof only of the gross revenue of the person committing the violation, and such person is required to prove his deductible expenses and the elements of profits attributable to factors other than the violation.

"(C) The party aggrieved may elect, at any time before final judgment is rendered, to recover, instead of actual damages and profits under subparagraph (B) of this paragraph, an award of statutory damages for all violations involved in the action, in a sum of not less than $250, or more than $10,000, as the court considers just.

"(2) In any case where the party aggrieved sustains the burden of proving, and the court finds that the violation of subsection (a) of this section was committed willfully and for purposes of commercial advantage of private financial gain, the court in its discretion may increase the award of damages, whether actual or statutory, under paragraph (1), by an amount of not more than $50,000. In any case where the person committing a violation sustains the burden of proving, and the court finds, that such person was not aware and had no reason to believe that his acts constituted a violation of subsection (a) of this section, the court in its discretion may reduce the award of damages to a sum of not less than $100.

"(e)(1) Any person who willfully violates subsection (a) of this section shall be fined not more than $1,000 or imprisoned for not more than six months, or both.

"(2) Any person who willfully and for purposes of commercial advantage or private financial gain violates subsection (a) of this section shall be fined not more than $25,000 or imprisoned for not more than one year, or both, for the first such offense, and shall be fined not more than $50,000 or imprisoned for not more than two years, or both, for any subsequent offense.

"(f)(1) No criminal proceeding shall be maintained under the provisions of this section unless it is commenced not later than three years after the cause of action arises.

"(2) No civil action shall be maintained under the provisions of this section unless it is commenced not later than three years after the claim accrues.".

CONFORMING AMENDMENT

SEC. 6. Section 76.501 of title 47 of the Code of Federal Regulations (47 CFR 76.501) is repealed.

SECTION-BY-SECTION ANALYSIS

SECTION 601—FINDINGS

The legislation finds that cable telecommunications have national importance, that a federal policy with local implementation is needed, that cable telecommunications can forward local competition in programming and information delivery, and that certain cable services are competitive while others are not and for the latter we should move towards a competitive marketplace and deregulation as rapidly as possible.

SECTION 602—PURPOSES

The purposes of this legislation are to promote local competition in programming and information delivery, to deregulate offerings by cable when competition exists, to protect the integrity of existing franchise agreements for a reasonable time, and to establish a national policy with local implementation.

SECTION 603—DEFINITIONS

Cable telecommunications are defined as the provision of basic service, program origination, and telecommunications facilities. Basic service means the provision of one-way programming via either retransmission

of broadcast signals or the provision of program access channels. Telecommunications facilities are offered for lease by the cable operator, and the operator is not defined as a telecommunications carrier.

SECTION 604—FEDERAL-STATE RESPONSIBILITIES

This legislation establishes a national cable telecommunications policy with federal oversight, and the states may not regulate inconsistent with the policies established here and elsewhere in the 1934 Act. The cable franchising authority and the cable operator are to decide the extent of cable telecommunications to be provided in each locality. Any existing franchise agreement, except as it relates to privacy and ownership, shall be unaffected by this bill for five years or until it either ends or is renegotiated, whichever comes first.

SECTION 605—OWNERSHIP OF CABLE SYSTEMS

Two cable ownership rules are provided for here. The first prohibits a person from owning or operating a cable system and a television broadcast station in the same operating area unless the cable system carries all local television signals.

The second rule prohibits a local exchange telephone operator from also providing cable telecommunications in the same operating area. The FCC may waive this provision in the interests of significant additional diversity and competition. If the FCC chooses to waive this prohibition, it must impose conditions necessary to prevent anticompetitive practices and to forward the policies of this legislation. In rural areas, there shall be an automatic waiver for local exchange telephone companies who wish to provide cable telecommunications.

Finally, the FCC continues to have authority to oversee other cable ownership problems, such as those involving foreign ownership.

SECTION 606—RATE REGULATION

The rates for the provision of basic service may be regulated except if the FCC determines that such service is subject to effective competition.

SECTION 607—CARRIAGE OF LOCAL BROADCAST SIGNALS

The FCC may ensure that people receive local broadcast signals.

SECTION 608—FRANCHISE FEES

The FCC shall establish reasonable franchise fee ceilings.

SECTION 609—TELECOMMUNICATIONS FACILITIES

No state or local government may prevent or regulate the offering of telecommunications facilities by a cable operator who is not also a provider of local exchange telephone service. They also may not regulate the offering of telecommunication services over these facilities. There also shall be no resale or shared use restrictions on these facilities. The FCC has the authority to permit the use of these facilities on a nondiscriminatory basis by certain persons in the interests of diversity and competition.

SECTION 610—EFFECTIVE COMPETITION

Services shall be considered to be subject to effective competition where there are reasonably available alternatives.

SECTION 611—PROTECTION OF SUBSCRIBER PRIVACY

Cable operators must notify subscribers of their privacy rights. Information can only be collected on subscribers for billing purposes and for monitoring of unauthorized reception and for other purposes with the subscriber's consent. This information must be destroyed when it is no longer needed for the purposes for which it was collected. Subscribers have a right of access to information collected about them. No subscriber information can be disclosed without the subscriber's consent or without a court order.

SECTION 6—EQUAL EMPLOYMENT OPPORTUNITY

The Commission shall promote and ensure equal employment opportunity by cable system operators and radio stations.

SECTION 7—NEW AND ADDITIONAL SERVICES

Consistent with sound spectrum management, the Commission shall, to the maximum feasible extent encourage new and additional services. Such services shall be presumed to be in the public interest if technically feasible and if they do not cause significant technical degradation to or interference with radio transmissions by other licensees. Any person may file to provide such new or additional service, and such filing or any new or additional service proceeding shall be completed within 180 days after it is initiated.

SECTION 705—SIGNAL PIRACY

No one shall intercept subscriber communications unless authorized to do so. Civil and criminal penalties are established for those illegally intercepting signals.

● Mr. CANNON. Mr. President, I am pleased to join my colleague on the Commerce Committee, Senator HOLLINGS, in offering this bill to reform cable telecommunications. Senator GOLDWATER has previously introduced S. 2172, the Cable Telecommunications Act of 1982. His bill is an excellent place in which to continue our discussion of a future course for cable telecommunications.

The Commerce Committee has studied the cable television industry for the past 5 years and we have reached a conclusion that cable telecommunication is of national importance. We must develop a Federal policy with local implementation, so that cable telecommunications can forward local competition in programing and information delivery.

Our bill will have a major deregulatory effect on the cable industry while maintaining a balance between the municipalities who award the cable franchises and the local cable operating companies. Our bill also addresses the challenges and opportunities beyond what is operational today in cable telecommunications, and addresses future uses of cable. It is in these new areas of information delivery where the Senate must establish a national policy.

Another issue that our bill addresses is the protection of subscriber privacy. In a society that increasingly depends on acquiring individuals' information, it is important that subscribers have some rights on what information is acquired and how it is disseminated.

I hope that throughout this process Senators GOLDWATER, HOLLINGS, and I can work out a legislative proposal that will take the best portions of both bills and we can achieve a coherent and comprehensive cable telecommunications policy.●

By Mr. HART:

S.J. Res. 192. Joint resolution calling for negotiations to halt the production of separated plutonium; to the Committee on Foreign Relations.

PLUTONIUM PRODUCTION FREEZE

● Mr. HART. Mr. President, 20 years ago, President Kennedy said:

Every man, woman, and child lives under a nuclear sword of Damocles hanging by the slenderest of threads, capable of being cut at any moment by accident, miscalculation, or by madness. The weapons of war must be abolished before they abolish us.

Today, the American people have begun to speak out against the nuclear arms race. Last week's Ground Zero activities focused further attention on the dangers of nuclear war. Over a dozen resolutions have been introduced in Congress on controlling nuclear weapons.

Yet efforts to freeze, limit, or reduce strategic nuclear weapons address only part of the problem: The continued United States-Soviet nuclear arms buildup. A second and equally grave problem is the spread of nuclear weapons to nations or groups that do not now have them.

Nuclear proliferation is the new nightmare that haunts the world. Not just nation making war on nation, but isolated terrorist groups blackmailing the world. Not armies of scientists working with ultrasecret technologies, but a few individuals building a bomb with some basic physics and a few pounds of plutonium. Not weapons hurled thousands of miles on complex rockets—but a bomb the size of a suitcase in some American or European city. Not the superpowers of the world restrained by the balance of terror, but unstable outlaw nations—Libya or Pakistan—threatening their neighbors with a handful of nuclear bombs.

Mr. President, we must do everything in our power to prevent the use of nuclear weapons by the superpowers. But we must also work to prevent the detonation of a nuclear bomb by any country or terrorist group, against any country, for any reason.

The joint resolution I am introducing today addresses what I consider the fundamental precondition for efforts both to control strategic nuclear weapons and to prevent the further spread of nuclear weapons: halting the production of separated plutonium.

This "plutonium freeze" resolution calls for all countries with the technology to produce separated plutonium—including the United States and the Soviet Union—to enter into immediate negotiations toward a verifiable end to both the production of separated plutonium and the export of the technology for such production.

Separated plutonium is the basic material for nuclear weapons. It has also been considered as a possible fuel not only for existing nuclear power reactors, but also for the breeder reactors currently under development in several countries.

If separated plutonium becomes an accepted fuel for nuclear power reactors, we will soon see tons of this dangerous material moving each year in international commerce. One can almost imagine a time when, on world commodities exchanges, futures on plutonium are traded along with futures on pork bellies. And with each transaction, the risk of diversion or theft for weapons-building will grow. Indeed, we will have begun to traffic in global annihilation.

Mr. President, this resolution does not call for the United States to halt unilaterally the production of separated plutonium. Rather, it calls for all plutonium-producing nations to negotiate a halt to all plutonium production, for whatever purpose. Such an agreement could be verified by inspections by the International Atomic Energy Agency, the agency responsible for administering the safeguards applied to civilian nuclear activities around the world.

Beyond a negotiated halt in the production of plutonium and on the export of its means of production, this resolution calls for the United States and other nuclear supplier and consumer nations to reject the commercial use of separated plutonium as a nuclear power reactor fuel. Civilian nuclear power technology can be based on non-weapons-usable fuel, such as natural and low-enriched uranium, especially if supplier nations make abundant, secure, and economic supplies available. There is no economic justification for using separated plutonium in the world's nuclear power reactors. World uranium reserves greatly exceed demand and will last well into the next century. During the past decade, the price of uranium dropped from $60 per pound to today's price of approximately $20 per pound. Only an eightfold increase in uranium prices would economically justify the reprocessing of spent fuel and use of the resulting separated plutonium in power reactors.

Mr. President, I recognize that several countries, particularly Japan and the Euratom countries, believe their energy security rests on recycling separated plutonium in existing reactors and on breeder reactors, which produce more plutonium than they consume. Despite the obvious dangers of such plans, this administration has not tried to dissuade our allies from them, for fear of jeopardizing our relationships. It is hard to believe that our relationships with these countries could not withstand such efforts—particularly when secure, reliable supplies of natural and low-enriched uranium would be available. The risks of nuclear proliferation created by going the plutonium route jeopardize the security of not only the United States, but of these countries as well. Their short-term interest in using separated plutonium for fuel should not obscure the longer term interest of the world in avoiding nuclear annihilation.

All serious analysts of nuclear arms control recognize the strong link between efforts to reduce the size of strategic nuclear arsenals and efforts to curb the spread of nuclear weapons. Nuclear have-not nations will not agree to refrain from acquiring nuclear weapons so long as nuclear have nations resist disarmament. In fact, article VI of the nonproliferation treaty explicitly recognizes this relationship. It requires signatories not possessing nuclear weapons to forgo them; in return, nuclear weapons countries must in good faith cease the nuclear arms race and work toward nuclear disarmament.

This joint resolution takes a modest step toward this goal—for once current stockpiles of plutonium are exhausted, no new nuclear weapons would be built. It not only would make it more difficult for non-nuclear-weapons states and terrorists to join the nuclear club. It also would have a profound impact on the arms race between the superpowers—a race that threatens the survival of the world.

Moreover, this resolution complements a resolution I have already introduced calling for United States-Soviet strategic talks on prevention (STOP), with the explicit goal of reaching an agreement on preventing the use of nuclear weapons.

Mr. President, this joint resolution gets to the very core of the nuclear threats we face today. It would, by preventing international commerce in separated plutonium, reduce the risk that non-nuclear-weapons countries or terrorist groups will acquire the means to detonate a nuclear bomb. Unless we halt the worldwide expansion of nuclear weapons arsenals, unless we end our nuclear madness, none of us will be around to mourn the consequences.

Mr. President, I urge the Senate promptly to consider and pass this joint resolution.●

By Mrs. KASSEBAUM:

S.J. Res. 193. Joint resolution designating the week of November 7 through November 13, 1982, as "National Respiratory Therapy Week"; to the Committee on the Judiciary.

NATIONAL RESPIRATORY THERAPY WEEK

● Mrs. KASSEBAUM. Mr. President, today I am introducing a joint resolution to designate November 7-13, 1982, as National Respiratory Therapy Week.

Respiratory therapy has been a distinct health care profession for the past 15 years and now includes over 80,000 practitioners. Respiratory therapists deliver care to patients suffering from both acute and chronic conditions related to the cardiopulmonary system. Asthma, emphysema, and pneumonia are among the many conditions that are treated by respiratory therapists. Respiratory therapy practitioners based in a hospital setting most often work in the intensive care unit operating life-sustaining equipment for the seriously ill. The practice of respiratory therapy has progressed from a strictly hospital-based segment of care, into a scope of practice that now includes both outpatient and home care treatments.

Respiratory therapy practitioners are well respected and appreciated, and their skills well recognized among their professional peers. This resolution will bring to the attention of the country the important contribution of the respiratory therapy practitioner in the delivery of health care.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. Res. 193

Whereas respiratory therapy is recognized as one of the most modern and progressive segments of the health care delivery system in the United States;

Whereas there are over eighty thousand respiratory therapy practitioners in the Nation who are making an important contribution to the delivery of quality health care;

Whereas respiratory therapists are involved with therapeutic and life-sustaining cardiopulmonary care to patients suffering from lung and associated heart disorders; and

Whereas in recent years the field of respiratory therapy has expanded to include postoperative pulmonary care, education, research, pulmonary testing, pulmonary rehabilitation, and neonatal-pediatric specialties: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of November 7 through November 13, 1982, is designated as "National Respiratory Therapy Week" and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such week with appropriate activities.●

ADDITIONAL COSPONSORS

S. 1018

At the request of Mr. CHAFEE, the Senator from Minnesota (Mr. DURENBERGER) was added as a cosponsor of S. 1018, a bill to protect and conserve fish and wildlife resources, and for other purposes.

S. 1030

At the request of Mr. MCCLURE, the Senator from New Hampshire (Mr. RUDMAN) was added as a cosponsor of

S. 1030, a bill to protect firearms owners constitutional rights, civil liberties and rights to privacy.

S. 1664

At the request of Mr. ROTH, the Senator from Minnesota (Mr. BOSCHWITZ) was added as a cosponsor of S. 1664, a bill to amend title 10, United States Code, to allow supplies under the control of departments and agencies within the Department of Defense to be transferred to the Federal Emergency Management Agency as if it were within the Department of Defense and to amend the Federal Civil Defense Act of 1950 to authorize the Federal Emergency Management Agency to loan to State and local governments property transferred to such agency from other Federal agencies as excess property.

S. 1929

At the request of Mr. HATCH, the Senator from Minnesota (Mr. DURENBERGER) was added as a cosponsor of S. 1929, a bill to amend the Public Health Service Act and the Federal Cigarettes Labeling and Advertising Act to increase the availability to the American public of information on the health consequences of smoking and thereby improve informed choice, and for other purposes.

S. 1931

At the request of Mr. SCHMITT, the Senator from Wisconsin (Mr. KASTEN), the Senator Mississippi (Mr. COCHRAN), and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of S. 1931, a bill to amend title 5, United States Code, to entitle Civil Air Patrol cadets 18 years of age and older to compensation available to Civil Air Patrol senior members in event of disability or death, and to increase the level of compensation available to both.

S. 1939

At the request of Mr. GOLDWATER, the Senator from Nebraska (Mr. ZORINSKY) was added as a cosponsor of S. 1939, a bill to amend the Public Health Service Act to establish a National Institute on Arthritis and Musculoskeletal Diseases.

S. 1984

At the request of Mr. MCCLURE, the Senator from North Dakota (Mr. BURDICK) and the Senator from North Dakota (Mr. ANDREWS) were added as cosponsors of S. 1984, a bill to amend the Federal Trade Commission Act to protect the legislative and regulatory authority of the State legislatures, and for other purposes.

S. 2058

At the request of Mr. ROTH, the Senator from Minnesota (Mr. DURENBERGER) was added as a cosponsor of S. 2058, a bill to promote foreign trade in services, and for other purposes.

S. 2080

At the request of Mr. KASTEN, the Senator from North Carolina (Mr. HELMS), the Senator from North Dakota (Mr. BURDICK), and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. 2080, a bill to amend the Federal Election Campaign Act to provide that all persons must comply with the act.

S. 2130

At the request of Mrs. KASSEBAUM, the Senator from Arizona (Mr. DECONCINI) was added as a cosponsor of S. 2130, a bill to amend the Federal Food, Drug, and Cosmetic Act to facilitate the development of drugs for rare diseases and conditions, and for other purposes.

S. 2170

At the request of Mr. DODD, the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2170, a bill to amend chapter 6 of title 5, United States Code, with respect to the requirements for the preparation of regulatory analysis.

S. 2189

At the request of Mr. THURMOND, the Senator from North Carolina (Mr. EAST) was added as a cosponsor of S. 2189, a bill to amend section 1951 of title 18 of the United States Code, and for other purposes.

S. 2225

At the request of Mr. BAUCUS, the Senator from Pennsylvania (Mr. HEINZ) was added as a cosponsor of S. 2225, a bill to amend the Internal Revenue Code of 1954 to remove certain limitations on charitable contributions of certain items.

S. 2226

At the request of Mr. LUGAR, the Senator from New Hampshire (Mr. RUDMAN), the Senator from Alaska (Mr. MURKOWSKI), and the Senator from Indiana (Mr. QUAYLE) were added as cosponsors of S. 2226, a bill to amend the National Housing Act to provide for emergency interest reduction payments and for other purposes.

S. 2270

At the request of Mr. LUGAR, the Senator from Alabama (Mr. HEFLIN), and the Senator from Oregon (Mr. HATFIELD) were added as cosponsors of S. 2270, a bill to amend section II of the Social Security Act to provide generally that benefits thereunder may be paid to aliens only after they have been lawfully admitted to the United States for permanent residence, and to impose further restriction on the right of any alien in a foreign country to receive such benefits.

S. 2282

At the request of Mr. HUMPHREY, the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 2282, a bill to amend the Federal Election Campaign Act of 1971 to provide for adjustments in campaign contribution limits.

S. 2298

At the request of Mr. CHAFEE, the Senator from Delaware (Mr. ROTH), and the Senator from Missouri (Mr. DANFORTH) were added as cosponsors of S. 2298, a bill entitled "the Enterprise Zone Tax Act of 1982."

S. 2368

At the request of Mr. PRESSLER, the Senator from North Dakota (Mr. ANDREWS) was added as a cosponsor of S. 2368, a bill to require the President to take certain actions to obtain relief from nontariff trade barriers imposed by foreign countries against agricultural goods produced in the United States.

S. 2369

At the request of Mr. DOLE, the Senator from Wyoming (Mr. SIMPSON), the Senator from Texas (Mr. TOWER), the Senator from Texas (Mr. BENTSEN), and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. 2369, a bill to amend the Internal Revenue Act of 1954 to clarify the standards used for determining whether individuals are not employees for purposes of the employment taxes, and for other purposes.

S. 2389

At the request of Mr. CRANSTON, the Senator from Maine (Mr. MITCHELL) was added as a cosponsor of S. 2389, a bill to amend title 38, United States Code, to improve various aspects of Veterans' Administration health-care programs and to extend certain expiring Veterans' Administration health-care programs, and for other purposes.

S. 2397

At the request of Mr. ROTH, the Senator from Georgia (Mr. NUNN) and the Senator from Tennessee (Mr. SASSER) were added as cosponsors of S. 2397, a bill to require (1) the enactment of special legislation to continue the expenditure or obligation of funds on any major civil acquisition initiated after January 1, 1982, whenever the cost of such acquisition has increased or, on the basis of estimates, will increase over the initial estimate when the project was justified to the Congress by 25 percent or more, and (2) reporting of status information on all major civil acquisitions.

S. 2430

At the request of Mr. DANFORTH, the Senator from South Dakota (Mr. PRESSLER) was added as a cosponsor of S. 2430, a bill to provide authorization of appropriations for railroad rehabilitation and improvement financing, and for other purposes.

SENATE JOINT RESOLUTION 159

At the request of Mr. ROTH, the Senator from Minnesota (Mr. BOSCHWITZ) was added as a cosponsor of Senate Joint Resolution 159, a joint resolution entitled "White House Conference on Productivity Act."

SENATE JOINT RESOLUTION 161

At the request of Mr. THURMOND, the Senator from Texas (Mr. BENTSEN) was added as a cosponsor of Senate

Joint Resolution 161, a joint resolution to designate the week commencing with the fourth Monday in June 1982 as "National NCO/Petty Officer Week."

SENATE JOINT RESOLUTION 162

At the request of Mr. ROTH, the Senator from Illinois (Mr. DIXON) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of Senate Joint Resolution 162, a joint resolution to authorize and request the President to designate the week of June 20, 1982, through June 27, 1982, as "National Safety in the Workplace Week."

SENATE JOINT RESOLUTION 183

At the request of Mr. SPECTER, the Senator from Minnesota (Mr. BOSCHWITZ) was added as a cosponsor of Senate Joint Resolution 183, a joint resolution to authorize and request the President to issue a proclamation designating October 19 through October 25, 1982, as "Lupus Awareness Week."

SENATE RESOLUTION 334

At the request of Mr. METZENBAUM, the Senator from Washington (Mr. JACKSON) was added as a cosponsor of Senate Resolution 334, a resolution to express the sense of the Senate disapproving the policy of the administration with respect to railroad retirement for fiscal year 1983.

SENATE RESOLUTION 340

At the request of Mr. ROBERT C. BYRD, the Senator from Texas (Mr. BENTSEN), the Senator from Missouri (Mr. EAGLETON), and the Senator from Ohio (Mr. METZENBAUM) were added as cosponsors of Senate Resolution 340, a resolution to express the sense of the Senate that no action be taken to terminate or otherwise weaken the Community Service Employment Program under title V of the Older Americans Act of 1965.

SENATE RESOLUTION 369

At the request of Mr. MITCHELL, the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of Senate Resolution 369, a resolution opposing the imposition of import fees on the importation of any crude oil or refined petroleum products.

SENATE RESOLUTION 374

At the request of Mr. THURMOND, his name was added as a cosponsor of Senate Resolution 374, a resolution commending the completion of the current phase of the Camp David Agreement.

AMENDMENT NO. 1333

At the request of Mr. MATHIAS, the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Montana (Mr. MELCHER) were added as cosponsors of amendment No. 1333 intended to be proposed to S. 1758, a bill to amend title 17 of the United States Code to exempt the private noncommercial recording of copyrighted works on video recorders from copyright infringement.

SENATE CONCURRENT RESOLUTION 84—CONCURRENT RESOLUTION RELATING TO THE CENTENNIAL OF UNITED STATES-KOREAN RELATIONS

Mr. HAYAKAWA (for himself and Mr. GLENN) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 84

Whereas May 22, 1982, marks the 100th anniversary of the signing of a Treaty of Peace, Amity, Commerce and Navigation between the United States of America and Korea;

Whereas this treaty provided for the formal opening of diplomatic relations between the two countries;

Whereas the American and Korean people have during the past century strengthened the cultural, commercial and security bonds that unite them;

Whereas Americans sacrificed their lives in assisting the Korean people to defend their freedom against aggression and Koreans fought side by side with Americans in Vietnam; and

Whereas dedication to the principles of freedom and democracy is the basis of the continued strength and friendship of the United States and Korea; Now, therefore, be it

Resolved by the Senate (House of Representatives concurring), That the Congress hereby—

(1) Considers the 100th anniversary of the establishment of diplomatic relations between the United States and Korea as an occasion of special historic significance; and

(2) Communicates to the National Assembly of the Republic of Korea and to the people of Korea the wishes of the United States Congress and the American people for a peaceful and prosperous future.

SENATE CONCURRENT RESOLUTION 85—ORIGINAL CONCURRENT RESOLUTION REPORTED AUTHORIZING THE PRINTING OF A REPORT

Mr. PERCY, from the Committee on Foreign Relations, reported the following original concurrent resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 85

Resolved by the Senate (the House of Representatives concurring), That there shall be reprinted for the use of the Senate Committee on Foreign Relations two thousand copies of its committee print entitled "NATO Today: The Alliance in Evolution", Ninety-seventh Congress, second session, April 1982.

SENATE CONCURRENT RESOLUTION 86—CONCURRENT RESOLUTION RELATING TO PLACEMENT OF A PLAQUE IN ARLINGTON NATIONAL CEMETERY

Mr. WARNER submitted the following concurrent resolution; which was referred to the Committee on Veteran's Affairs:

S. CON. RES. 86

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the Secretary of the Army should construct and place in Arlington National Cemetery a plague honoring the eight members of the United States Armed Forces who died on April 25, 1980, during an attempt to rescue the American hostages then being held in Iran.

Mr. WARNER. Mr. President, I rise today to submit a Senate concurrent resolution which calls on the Secretary of the Army to erect a plaque in Arlington National Cemetery honoring the eight U.S. servicemen who died during the attempt to free the Americans held hostage at the U.S. Embassy in Tehran, Iran, 2 years ago this past weekend.

It was April 25, 1980—2 years ago last Sunday—that a brave group of American military personnel launched their clandestine mission which ended in tragedy. The men who died, died as heroes.

The men who died, in my judgment, died in the service of their country and, thereby, merit recognition. They gave their lives to protect the lives of other Americans, hostages of a ruthless and uncivilized regime. I think it appropriate and timely for America to pay honor to those eight brave men who volunteered and died in service to our country, in service to their countrymen.

As you may recall, a review of this mission by a military board found no evidence of negligence or incompetence on the part of those participating in the rescue attempt. All Americans should be proud of the way these service personnel conducted themselves. Their sacrifice elicits the strongest praise.

Mr. President, it is my hope the plaque which this resolution authorizes will in some small way express the deep appreciation this Nation feels for those who took the risk—who had the courage to try.

Once this resolution passes both Houses of Congress, it will authorize for the first time the placement of a plaque in Arlington Cemetery not associated with a specific gravesite. A similar resolution has already passed in the House of Representatives, and the Secretary of the Army has no objections to this resolution.

Those whom this plaque pays tribute to include: Marine Cpl. George N. Holmes, Jr., 22, of Pine Bluff, Ark.; Air Force Capt. Richard Bakke, 33, of Long Beach, Calif.; Marine Sgt. John Davis Harvey, 21, of Roanoke, Va.; Marine S/Sgt. Dewey L. Johnson, 31, of Jacksonville, N.C.; Air Force Capt. Harold Lewis, 35, of Mansfield, Conn.; Air Force T/Sgt. Joel C. Mayo, 34, of Bonifay, Fla.; Air Force Capt. Lyn D. McIntosh, 33, of Valdosta, Ga.; and Air

Force Capt. Charles T. McMillan, 28, of Corrytown, Tenn.

Following this unsuccessful rescue attempt, as a member of the Senate Committee on Armed Services, and at that time at the direction of the distinguished chairman, the Senator from Mississippi (Mr. STENNIS), I personally interviewed almost all of the aviators and a number of the ground personnel who participated in that raid.

Subsequently, a group under the leadership of Adm. James Holloway, former Chief of Naval Operations, made an independent assessement of the conduct of this raid. It was my judgment, as well as Admiral Holloway's judgment, that these men who participated in the raid, actually took part in it, all did their duty as best they could.

Madam President, I ask unanimous consent to have printed in the RECORD a copy of Admiral Holloway's letter to me.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ANNAPOLIS, MD.,
April 15, 1982.

Hon. JOHN W. WARNER,
U.S. Senate, Russell Senate Office Building, Washington, D.C.

DEAR SENATOR WARNER: Recently you invited my views on the propriety of a memorial plaque honoring those military men who were killed in the Iranian hostage rescue operation, based upon my experience as Chairman of the Special Operations Review Group, commissioned by the Joint Chiefs of Staff to conduct a broad examination of the aborted operation.

In my opinion, and after a great deal of careful thought, I am convinced that a memorial honoring those brave men who perished on the Iranian desert is most appropriate and fully deserved.

As you may recall, the unanimous findings of our group determined that there was not one shred of evidence of culpable negligence or incompetence. The facts were that in the conduct of the review, we saw infinitely more to be proud of than to complain about.

The major areas of criticism contained in our report centered around the planning and judgments made at the higher echelons of command. The brave men who volunteered to put their lives on the line in a very high risk operation to rescue fifty-two other Americans, elicited only our strongest admiration and praise. These people were being called upon to perform at the upper limits of human capability, using new techniques in the most hostile of environments.

We in the review group felt deeply that the American servicemen who participated in the operation deserved to have a successful outcome. It was the ability, dedication and courage of these people who made what everyone though was an impossibility, into what should have been a success.

The United States military, alone in the world, had the ability to accomplish the rescue plan. It was risky, and they knew it, but it had a chance of working and these soldiers, sailors, airmen and marines had the courage to try.

Sincerely,

J. L. HOLLOWAY III.

SENATE RESOLUTION 377—ORIGINAL RESOLUTION REPORTED WAIVING CONGRESSIONAL BUDGET ACT

Mr. GARN, from the Committee on Banking, Housing, and Urban Affairs, reported the following original resolution; which was referred to the Committee on the Budget:

S. RES. 377

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of S. 2226, an emergency economic stimulus bill. Such waiver is necessary because S. 2226 authorizes the enactment of new budget authority which would first become available in fiscal year 1982, and such bill was not reported on or before May 15, 1981, as required by section 402(a) of the Congressional Budget Act of 1974 for such authorizations. Prolonged severity of the economic conditions, requiring such actions had not been anticipated prior to the aforementioned reporting date.

The waiver of section 402(a) is necessary because the current high level of interest rates prohibits stimulation of the economy through the homebuilding industry. If relief is not granted through this bill, the industry will continue to stagnate and will fail to provide countercyclical stimulus in the form of jobs development.

S. 2226 provides an authorization for fiscal year 1982 of $5,120,000,000.

For the foregoing reasons, pursuant to section 402(e) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to S. 2226 as reported by the Committee on Banking and Urban Affairs.

SENATE RESOLUTION 378—RESOLUTION REGARDING U.S. POLICY IN THE FALKLAND ISLANDS DISPUTE

Mr. BIDEN submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 378

Whereas the Inter-American Treaty of Reciprocal Assistance of 1947 specifically envisions that the American States will seek "the pacific settlement of their differences"; and

Whereas on April 2, 1982, armed forces of Argentina seized and occupied the Falkland Islands, a crown colony of the United Kingdom; and

Whereas the United Nations, through Security Council Resolution 502 (of April 3, 1982), has demanded "an immediate withdrawal of all Argentine forces from the Falkland Islands" and called on the governments of Argentina and the United Kingdom "to seek a diplomatic solution to their differences"; and

Whereas such Resolution, arising from a breach of the peace, is binding under international law; and

Whereas the United States Government has provided good offices to the search for the diplomatic solution required by Security Council Resolution 502; but

Whereas no treaty obligation of the United States, including the Inter-American Treaty of Reciprocal Assistance, requires or implies United States support of, or neutrality toward, any act of international aggression; and

Whereas United States foreign policy should indeed be guided by the imperatives of opposing international aggression and defending self-determination; and

Whereas, in the current dispute, such imperatives are intensified by long-standing bonds of friendship and allegiance between the United States and the United Kingdom: Now, therefore, be it

Resolved, That while the United States Government should continue to provide good offices in the search for a diplomatic solution to the Falkland Islands dispute, the United States Government cannot stand neutral with regard to enforcement of Security Council Resolution 502 and should therefore prepare, through consultations with the Congress, to use all appropriate means to assist the British Government in achieving, in the Falkland Islands, full withdrawal of Argentine forces and full implementation of the principle of self-determination.

SENATE RESOLUTION 379—RESOLUTION RELATING TO AN AIRLINE—GOVERNMENT SUMMIT CONFERENCE

Mr. CANNON submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 379

Whereas many industries throughout the economy have been seriously impacted by the recessions of 1980 and 1981;

Whereas the airline industry has been one of those most severely affected due to a sharp decline in passenger traffic since 1980;

Whereas the airline industry has faced additional unique problems in addition to the recessions such as a $6 billion increase in annual fuel costs since 1979, and severe air traffic control restrictions in 1981;

Whereas in 1978 Congress began the process of deregulating the airline industry which will, when fully completed, allow air carriers maximum flexibility in dealing with the unique problems facing this industry;

Whereas the transition to complete deregulation in the current economic climate has created unique pricing challenges for airline managements as they are being allowed to make their own marketing decisions without interference from the Federal Government for the first time in 45 years;

Whereas the Federal Government is presently considering numerous legislative, administrative, and regulatory proposals which in combination could compound current negative airline industry financial results; and

Whereas the Federal Government is considering these policies independently instead of examining the total impact of all proposed actions and inactions on the airline industry; and

Whereas several individual airlines are reportedly threatened with the near-term possibility of financial failure; and

Whereas the members of the Senate are committed to assisting the passengers, employees and companies of the airline industry in a manner consistent with both the public interest and the interest of the traveling public: Now, therefore, be it

Resolved, That the Senate of the United States, urges the Secretary of Transportation and the Chairman of the Civil Aero-

nautics Board organize and co-chair an Airline-Government Summit Conference at the earliest practical date; and be it further

Resolved, That such Conference should have the primary purpose of undertaking a comprehensive review of all major proposals for Federal Government actions or inactions affecting the short- and long-term future of the airline industry; and be it further

Resolved, That the cochairmen shall report to the President and the Congress suggested policy changes or additions resulting from this conference that would assist the airline industry and its users through this difficult economic period; and be it further

Resolved, That an Airline Pricing Policy Meeting shall be held as part of such Conference; the Civil Aeronautics Board is encouraged to participate in such meeting and grant antitrust immunity to the participants on a limited, one-time-only basis; the purpose of such meeting shall be to discuss and exchange ideas on the most effective policies and means to achieve rational, cost-related, nondiscriminatory fare structures in the newly deregulated environment; the basis for the grant of antitrust immunity for such discussion is the recognition of the unique transitional problems currently faced by airline managements in an environment seriously complicated by existing economic conditions; antitrust immunity should be granted to encourage maximum participation and openness of discussion but should in no way encourage anticompetitive practices that would be harmful to the public interest.

Mr. CANNON. Mr. President, back in 1978, we made only one change in our air transport system. In all those pages of literature, debate, and law there was only one issue: Should we let businessmen decide where to sell their product and how much to charge for it? Not a very revolutionary idea in our economy, in fact, the revolutionary idea is that the Government would make better marketing decisions than businessmen. In other words, we free enterprised the airlines. As most of you know, my own evolution on this issue is not a story of "immaculate acceptance." I initially reacted with the assumption that we must have to economically regulate the airline system, because we had done it for so long.

But the more I considered the basics of free enterprising the airlines, the less I could justify the argument that while we fiercely believe in businessmen's decisions for allocating health services, food, housing, pharmaceuticals, and hotel rooms, the same philosophy would not work for allocating airline services. I have seen the so-called economic analyses of late trying to justify some basic difference in airline services, but they just do not successfully make the case.

We have seen and we know that the airline industry is not naturally monopolistic and that the Government was the barrier to entry for 40 years, so let us stop debating the merits of airline free enterprise and force the unremitting opponents of this change to debate free enterprise versus Government allocation of resources for all essential industries.

Frankly, I am tired of seeing people who know better use the effects of fuel escalation, two recessions, and the PATCO strike to judge airline free enterprise. "Air fares have increased," some people say, "so it must be due to airline free enterprise." They do not say that between 1979 and 1980 the airlines' fuel bill increased by $6 billion a year for an industry whose gross revenues are only $36 billion per year. That works out to an average of $23 on each ticket in 1981 just for the fuel price increase. Those people also do not explain to me why my utility bills have taken to logarithm escalation under the protection of regulation.

My point is that the change we made in free enterprising the airlines is sound and we can demonstrate its positive results in a comparison with Government regulation. We cannot and do not have to justify the industry's reaction to the numerous, external, economic traumas affecting almost all regulated and free enterprise industries.

It is equally important to note that getting Government out of the basic businessmen's decisions of where to fly and what to charge is not synonymous with Government indifference. Some people act as though free enterprising the airlines meant the Government promised never to bother, or help, this industry again. Well we did not; we do not ignore other industries just because we do not want to tell them where to sell and what to charge, and I do not intend to adopt the Nero philosophy of government for airlines just because we are refusing to make their marketing decisions. If Government can help airlines, their employees, and passengers in these tough times, I want to be one of those pushing to help.

One of the reasons Government is often ineffective in helping, and often winds up hurting people and businesses, is that the Government has gotten so big it never takes a look at the combined effect of all its actions and inactions on an individual industry. We have so many agencies, legislative proposals, and administration policies that are independently considered, their multiple, sometimes counterproductive effects are never reviewed. In my opinion this is certainly occurring in regard to the airlines. Tax increases, at the same time airline tax leasing benefits may be eliminated, at the same time a fuel import fee is being discussed, at the same time Eximbank funding is cut, at the same time antitrust immunity for the ATC agreement is threatened, at the same time air traffic control system rigidity is stagnating the system, at the same time the system is asked to absorb a giant leap in FAA O. & M. at the same time several major international actions might drastically affect individual airlines—I could go on but I think you get the point. In addition, all these Government actions or proposals are being offered at the same time the industry is learning to price its product and compete without Government interference. If you think about it, this industry is really only 4 years old, and while they are definitely doing better than senile regulation, we all know how 4-year-olds can behave at times.

In order to give the Government the opportunity to take the needed total review of our actions and inactions with respect to the airlines, I am submitting in the Senate today a resolution calling on the Secretary of Transportation and the Chairman of the Civil Aeronautics Board to convene an airline-Government summit conference at the earliest possible date with key executives of the airline industry to examine the impact of all major Government policies on the airlines. I believe we have to take this kind of a comprehensive view in light of the very serious economic circumstances most of the airlines find themselves in today. If the Government policies need incremental or even major changes to get airlines through this difficult period, I would like to see those changes made.

In addition, this resolution calls on the CAB to grant limited antitrust immunity to the airlines at this conference for the discussion of fare policies. This unusual, one-time meeting with Government participation is justified in my mind because of the necessity in these onerous economic times for our 4-year-olds to grow up very quickly. Pricing and competition lessons in many other industries have had several hundred years to teach businessmen how to behave. If the ability to freely discuss rational, cost-related, nondiscriminatory fare policies would improve the airlines' learning curve, I believe it is worth a one-time exemption from usual antitrust instincts.

This resolution contains unusual suggestions for unusual times. Maybe someone else has better ideas on how Government can help the airlines, their employees and their passengers. I am certainly willing to listen to and support additional or alternative plans that will better achieve this resolution's goal. But I believe there is an urgency to start somewhere in putting together a blueprint of actions, and the timing of actions that the Government should and should not take if we want to assist the people and companies of the airline industry.

I would hope such a summit conference could be held at the White House and that the President could personally involve himself. But timely action is the key ingredient in my mind.

Let me be clear: This is not a forum to regulate. It is a forum to explore Government assistance that is consistent with a deregulated environment.

AMENDMENTS SUBMITTED FOR PRINTING

EMERGENCY INTEREST REDUCTION PAYMENTS

AMENDMENT NO. 1390

(Ordered to be printed and to lie on the table.)

Mr. PRESSLER submitted an amendment intended to be proposed by him to the bill (S. 2226) to amend the National Housing Act to provide for emergency interest reduction payments, and for other purposes.

SUBSIDIES FOR PURCHASE OF EXISTING HOMES

● Mr. PRESSLER. Mr. President, today I am submitting an amendment to S. 2226, a bill to provide mortgage interest subsidies to home buyers.

The purpose of my amendment is to allow the same interest rate subsidies that the bill provides for new home purchases to also apply to the purchase of existing housing stock.

There are several reasons for this amendment. First, there are many Americans who can only afford to purchase an existing home and, second, there are many who need to sell the house they currently own in order to buy new housing. My amendment would assist families who fall into either of these two categories.

I am an original cosponsor of S. 2226 and believe that it offers the temporary relief the housing industry needs to help lead our Nation out of the current recession. My intention in offering this amendment is to broaden the assistance the bill offers so that more persons involved in the housing industry can benefit from this program.

Existing home sales stimulate jobs in several ways: First, houses are generally repaired before resale; second, transferring and moving services are used; and third, many families remodel after purchasing an existing house. Additionally, the National Association of Realtors estimates that economic activity equal to one-third of the value of the home is generated in the community upon resale and directly creates jobs and purchases from local hardware stores, department stores, applicance stores, and other services. The beneficial impact of a revitalized resale market is geographically widespread and not confined to a relatively few growth areas, particularly the South and West, where most construction is concentrated.

High interest rates have had a devastating effect on all aspects of the housing market. This amendment to S. 2226 is designed to insure that those persons who are involved in the housing market dealing with existing home sales are also able to begin reviving their industry. I urge my colleagues to join with me in supporting this amendment.●

CRIMINAL CODE REFORM ACT

AMENDMENT NO. 1391

(Ordered to be printed and to lie on the table.)

Mr. GLENN submitted an amendment intended to be proposed by him to the bill (S. 1630) to codify, review, and reform title 18 of the United States code, and for other purposes.

SECURITY AND DEVELOPMENT ASSISTANCE ACT

AMENDMENT NO. 1392

(Ordered to be printed and referred to the Committee on Foreign Relations.)

Mr. BIDEN submitted an amendment intended to be proposed by him to the bill (S. 2227) to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act, to authorize additional security and development assistance programs for fiscal years 1983 and 1984, and for other purposes.

CREDITS AND LOANS TO ARGENTINA

Mr. BIDEN. Mr. President, I am today submitting an amendment to the Security and Development Assistance Act, and I ask unanimous consent that the amendment be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

On page 13, between lines 15 and 16, insert the following:

SEC. 501A. Nothwithstanding any other provision of law, no assistance may be provided to Argentina under chapter 2, 4, 5, or 6 of part II of the Foreign Assistance Act of 1961, no credits (including participations in credits) may be extended and no loans may be guaranteed with respect to Argentina under the Arms Export Control Act, no defense articles and no defense services may be sold to Argentina under the Arms Export Control Act, and no export licenses may be issued to or for the Government of Argentina under section 38 of the Arms Export Control Act, unless and until the President has submitted to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a detailed report certifying that the Government of Argentina has fully complied with Security Council Resolution 502 (of April 3, 1982) and withdrawn all Argentine forces from the Falkland Islands.

AUTHORITY FOR COMMITTEES TO MEET

SELECT COMMITTEE ON INTELLIGENCE

Mr. BAKER. Mr. President, I ask unanimous consent that the Intelligence Committee be authorized to meet during the session of the Senate at 10 a.m. on Tuesday, April 27, to hold a full committee meeting to discuss intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate at 10 a.m. on Wednesday, April 28, to discuss S. 1992, the Voting Rights Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BAKER. Madam President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, April 28, at 2:30 p.m., to discuss the fiscal year intelligence budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENTAL MANAGEMENT

Mr. BAKER. Madam President, I ask unanimous consent that the Subcommittee on Oversight of Governmental Management, of the Governmental Affairs Committee, be authorized to meet during the session of the Senate at 9:30 a.m. on Wednesday, April 28, to discuss S. 2059, the Ethics in Government Act amendments of 1982.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BAKER. Madam President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate at 1 p.m. on Wednesday, April 28, to conduct a hearing on S. 1606, the Nuclear Property Insurance Act of 1981.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

LAW OF THE SEA NEGOTIATIONS

● Mr. PRESSLER. Mr. President, as chairman of the Senate Foreign Relations Committee's Subcommittee on Arms Control, International Operations, Oceans, and Environment, I would like to note that the current Law of the Sea negotiations are scheduled to be concluded quite soon. While many of us here in the Senate have serious questions to ask about the final form of the LOS document, and hope that it is not signed until all affected domestic groups have had an opportunity to express their views fully on this complicated treaty, I would like to insert in the RECORD an assurance which has been given to Israel on this matter.

Speaking on January 29, 1982, Assistant Secretary of State James

Malone made the following statement concerning the effect of the proposed Law of the Sea Convention on navigational and overflight freedom for the Strait of Tiran and the Gulf of Aqaba:

The U.S. fully supports the continuing applicability and force of freedom of navigation and overflight for the Strait of Tiran and the Gulf of Aqaba as set out in the peace treaty between Egypt and Israel. In the U.S. view, the treaty of peace is fully compatible with the LOS convention and will continue to prevail. The conclusion of the LOS convention will not affect these provisions in any way.●

THE PRESIDENT'S ECONOMIC PROGRAM

● Mr. DENTON. Mr. President, it seems fashionable to attack President Reagan's economic programs, his budget, his New Federalism proposal, as if these were ideas totally out of step with the realities of our Nation. We in Washington have a tendency to listen insufficiently to what our constituents and our elected State and local officials are saying about these issues.

The Honorable Steve Means is mayor of Gadsden, Ala. In his city, the unemployment rate approaches 19 percent. He feels all the pressures that one could imagine to do something about the situation if only for the sake of doing something. Mayor Means has responded to the challenge by affirming his support for President Reagan's program. This is a courageous and farsighted position. It emphasizes the wisdom of long-term solutions to problems over short-term palliatives, and it is in my view, the most correct stand.

Mayor Means stated his views in a speech to the Fort Payne Rotary Club in Fort Payne, Ala., on February 16, 1982. We in the Senate would all benefit from reading the considered views of this responsible official. I ask that the text of his speech be printed in the RECORD.

The speech follows:

HOME OF "ALABAMA"

(Address by Hon. Steve Means, Mayor of Gadsden, Ala.)

I appreciate being invited to speak to the Fort Payne Rotary Club. It's been quite a while since I had a chance to visit Fort Payne, and I have really been looking forward to being with you today. I want to say that I have a great deal of respect for Mayor Purdy, and I have enjoyed serving with him in the League of Municipalities on various committees.

Most of my speeches are usually given in the Gadsden area and usually deal with topics concerning local government. Since I don't have the opportunity very often to speak about other issues outside the Gadsden area, I thought today I would share a few of my thoughts about national issues which are very important to me.

I'm not here to talk party politics or to either endorse or criticize specific politicians. What I would like to do is to discuss some issues about which I have strong feelings.

I want to talk to you about a time when a former State Governor became President of the United States in a landslide victory over the incumbent President. This new President offered hope to a nation whose people seemed to be slipping into despair and with good reasons. Unemployment had soared to record heights and the national economy was in turmoil. This President was elected on a platform of reducing the size of government and call for tremendous cuts in government spending. This President stated, and I quote, "This nation asks for action and action now." The new President offered a "new spirit of assurance." His philosophy was to take a method and try it, "if it fails" he said, "admit it frankly and try another, but above all try something." One of his major goals was to wage a psycological campaign to cure what had become a national crisis in our own self-confidence as a people and a nation. Through bold leadership and often unpopular programs, he set out to do those things he felt his overwhelming election required him to do. He was a man who spoke of revolutionary reforms in government. He instituted innovative ideas and asked the public for their trust and confidence. After a brief time in office, his critics began to mount and the effects of his new programs, yet unattained, were widely criticized. Yet he continued on his course and the end result of his efforts is that the United States of America emerged from the end of a dark tunnel as a stronger, more united nation. The man I'm speaking of was Franklin Delano Roosevelt.

This man was a true leader at a time when we needed unfaltering leadership. Today we have another President who won his election by a landslide over an incumbent president. Many of President Reagan's goals are similar to those of President Roosevelt. On the other hand, the solutions he advocates to solve our problems are quite different from those 40 years ago. Well, they should be, because things are different now. I'm not a political analyst, but what I sensed during the last election was a loud voice from the people saying "What we're doing isn't working—let's try something else." We were fast approaching an idea that the Federal Government could be all things to all people—that the Federal Government could solve all the problems. This is a dangerous and misleading assumption. After all—what is the Federal Government. It's simply the people of this country. The money it spends comes directly out of our pockets. We've got to get away from the habit of speaking of the Federal Government as if it were a distant object, a process far removed from the people. If federal spending and control has gotten out of hand, it's because we have allowed it to. If we have tried to do too much for too many, it's because we have consistantly elected people to the Congress who have promised too much.

There seems to be a new mood in this country. A return to reason in federal spending. A recognition that public housing, free meals, food stamps and welfare must have some boundaries. That limits and qualifications must be established. The people were tired of hearing about our "malaise" and that we were second to the Soviet Union in defense capability. The American people were tired of being pushed around by 3rd World countries. We wanted to be reminded of our worth and power as a nation. We wanted to see old fashioned American pride restored and the smoldering fire of patriotism rekindled.

An aging past Governor of California traveled throughout the country preaching the values of the free enterprise system, our greatness as a nation and our unlimited abilities as a nation. He chastised "Big Government" and said it was time to put on the brakes. We obviously believed him then and I sincerely hope we believe him now. I trust that the hope and confidence we shared in the latter part of 1980 hasn't diminished to the point that we will elect politicians who, for the sake of a vote, will undermine the will of the majority and jeopardize the "New Hope" I think we have.

Hopefully this nation is intelligent enough to realize that the problems created over several decades can't be solved in one year—or two for that matter. We can only change directions after a strong foundation is laid and careful ground work is put in place. This takes time—and I hope we aren't expecting quick cures to long-time illnesses.

Election years usually cause panic among politicians. Even those who support government control of spending are often pressured, for the sake of a vote, to support additional spending. I sincerely hope the voice of those of us who want less federal control and intervention in our lives, are not shouted down by those who want more.

A society which expects to have all of its needs met by the Federal Government is a Socialist Society. Some social programs have great merit, but a Socialist State has *no* merit.

George Wallace made a deep impression on me when he said something to the effect that the great middle class, tax paying American was sick and tired of seeing his money wasted by the Federal Government. Middle Class America is the backbone of this country and we've finally reached the conclusion that our tax dollars can never be stretched far enough to do all things for all people. I think the average American is proud to send a large portion of the money he or she worked hard to earn to support the Federal Government—but the time has come when we demand that the Federal Government admit that there are limitations—to insist on establishing priorities on programs and to establish qualifications and true need before welfare dollars are handed out.

I hope I don't sound too harsh. Surely we as a people should help those who need help. Surely we're willing to share our wealth with the unfortunate, the elderly, the handicapped and disabled. Surely we don't want our fellow man to go hungry or be exposed to the elements—but just as surely, we're tired of eating hamburger while food stamp abusers eat steak—and we're tired of working so that the lazy don't have to.

In closing let me say that I hope this nation will give administrations' policies a chance to work. Let's give our new approach to old problems *time* to work. Before we throw the blueprints of the "New Federalism" plan in the garbage can—let's look at it objectively, and study it thoroughly. Let's not get so impatient that we in haste reverse positive trends that have been initiated. Let's be patient and recap the rewards of our renewed confidence in ourselves, and faith in our country.

In short let's give Americans "New Hope" a chance to become reality.●

PROPOSED CUTS IN STUDENT LOAN PROGRAMS

● Mr. HAYAKAWA. Mr. President, every day my office receives hundreds

of letters from students and parents concerned about the proposed budget cuts in the student loan programs. Because this issue is raising such serious concern from our constituents, I see a necessity to review all current and future proposals and positions with an open mind and careful consideration.

I have read many interesting articles relating to college loans and how students cope with their educational responsibilities, as well as the economic realities of the 1980's. In the April 15 edition of the Los Angeles Times, Ms. Kay Wallace wrote a most insightful article on college students who work their way through school. The students she interviewed demonstrated that young people can work their way through college with little or no outside financial assistance. It may take a little desire, patience, hard work, and fortitude, with no student loan, but the rewards are truly rich.

Mr. President, I ask that this article, "College Students Who Have to Work To Do More Than Just Make the Grade," be printed in the RECORD for my colleagues to read.

The article follows:

[From the Los Angeles Times, Apr. 15, 1982]

COLLEGE STUDENTS WHO HAVE TO WORK DO MORE THAN JUST MAKE THE GRADE

(By Kay Wallace)

Christine Reagle drives an ice cream truck in Niagara Falls, N.Y.

Chris Lyden doubles as a hospital aide and part-time track coach in St. Paul, Minn.

Suzanne Furuya juggles her life as a sales clerk and bookkeeper in San Francisco.

In College Station, Tex., Sheri Gibbons worries that she will not get through working in the jewelry store in time to get to her second job as a waitress.

And Jeff Kolodin dons a clown suit and heads out to the nearest street corner on Jacksonville, Fla., to sell balloons.

All of these people are college students who have to work to get through school.

If the typical college student is pictured as relatively carefree, worried only about passing grades and social status—as yet unaware of the "real world"—there are thousands of working students across the country who would laugh at that description.

IMAGE IS WRONG

"That image of a carefree college student is wrong. I haven't met one student like that here." said Donald Casella, director of San Francisco State University's Career Center.

Loans, grants and scholarships are not sufficient for most students. Unless parents foot the bill entirely, most students will wind up working to make ends meet.

And the life of working and studying is a trial of endurance.

Lyden, 22, has two more years before he will receive his B.A. in education from the University of Minnesota. He is not encouraged by what he's up against.

"It's getting harder, mainly because tuition keeps going up each quarter," he said. "You have to work harder just to stay even. I'm making it only because I live at home and I can borrow from my folks if I have to."

"IT'S A RACE"

"It's a race, and I often think if I really looked ahead to all I had to do in a week, I just wouldn't start the week. But so far I'm keeping at it. There are times I think twice about it all, especially when I wonder whether there will be a job in education when I get through."

Reagle is a sophomore journalism student at Northeastern University in Boston. Loans pay her tuition, and she drove an ice cream truck last summer to earn her living expenses. This year she begins a cooperative work-study program as an intern at a Boston newspaper. She will alternate earning money and using it to pay expenses while she's in school.

Furuya attends 16 hours of classes at San Francisco State University and works 27 hours a week at her two jobs.

"A lot of the times I just don't have the 'umph.' It's really hard," she said. "It's a matter of juggling all three things at once and budgeting your time so you get everything done in time."

She said that even with two jobs, she has to make cutbacks. She buys ground beef and chicken. Entertainment is Wednesday night with friends at McDonald's and a monthly movie or dinner with her boyfriend.

Even though her clothes are wearing out, she has to resist the urge to buy.

MISSES NICE CLOTHES

"I think about that a lot," she said. "I look at the other girls' clothes and wish I could dress as nice."

Furuya said the roughest pressure is meeting class deadlines.

"I fly by it. I do my assignments like a machine," she said. "One thing that keeps me going is that I know it's only for a semester. After that I'll be free for awhile—until next semester."

Greg Decker, a senior in communications and public relations at the University of Missouri at Kansas City, works 25 hours a week in the university's sports information department. Decker has a basketball scholarship, but because he has no professional aspirations, he decided to get job experience while working for his funds.

"I took this job because I played last year for UMKC as a forward on the basketball team. I just thought this job would be a better opportunity. I wasn't going to go professional or anything like that," he said.

Free time is not a commodity.

"Is that a joke?" Decker asked. "I definitely would like to have more time to do things. It doesn't affect your grades so much. You just don't have as much time as you need and resort to shortcuts. Like books—you might not get to read them all. You just skim through them and just get the highlights."

Dr. Wayne Breazeale, assistant director of financial aid at the University of Tennessee at Knoxville, said working students tend to excel.

"There have been several studies done on the working student," he said, "and almost without exception, the studies have always reached the same conclusion—that the student who works part time makes a better grade average than the control groups who do not hold a part-time job.

"I think that speaks a truth about human nature. I think we have two speeds. Full speed ahead and dead in the water. The work-study student can tailor his work schedule around his or her classes so we don't really cut them off from study time."

"My grade point average is better now than it as before I started the business," said Jeff Kolodin, the balloon clown. "I think it's due to the discipline that's needed to do school and the business at once."

Kolodin is a marketing-management major at Jacksonville University. After three hours of classes each morning, he spends his afternoons in business meetings, making deliveries or thinking up new ways to improve his business.

"The only time my afternoon stops is between three and four o'clock when I watch 'General Hospital,'" he said. "At night, I make sure I watch the weather forecast to see if there might be any strong winds.

"That's the only thing we're afraid of in the business—wind and rain."

For Sheri Gibbons, a recent health science graduate of Texas A&M University, getting a college degree and making ends meet was an uphill struggle.

"I don't ever remember having any free time. You always had to study," she said. "There were several times when I felt like I should just stop and sit out a semester and work until I made the money."

Gibbons worked as a waitress, grocery cashier and jewelry store clerk while attending college.

A basic grant, some short-term loans and her earnings were her sources for tuition, rent, books, groceries, utilities and expenses. She had no car.

"It took me five years plus one summer for my internship," she said. "Sometimes I didn't study hard enough and I repeated courses. I didn't study both because I was too tired and sometimes I just didn't care."

Even though her grades were not as good as she would have liked, Gibbons said what she learned was more important.

"Books couldn't teach me what I learned," she said. "I learned how to budget money, how to stretch the dollar, to save electricity. Don't run the air conditioner just because you're hot. You've got to sweat and be uncomfortable.

"I don't think I could have learned that from books."

Her priorities were rent first, English second.

"My God, you even had to worry about getting sick, because you couldn't afford to miss work. Thank God I never did get deathly ill," she said.

The decision to go to college was hers.

"I put the idea in my head," Gibbons said.

"It was something I wanted to accomplish because I could say I did it. My parents never said, 'Sheri, we want you to go to college.'

"I feel like people go to school because it's the thing to do. But after my first year, it was an obsession. 'I can do this, I've got a goal and I've got to accomplish this.'"

And the degree is her proof.

Gibbons has mixed feelings now that she has her degree.

"I don't know if I'll ever use it," she said.

"I got it and I'm glad. I don't know if the degree itself was worth it or what I learned in the process of getting it was worth it.

"In a lot of ways I feel better off than a lot of people. I had more than they did. I had knowledge of something extra. I paid for that degree, so I earned it.

"Daddy didn't pay for it. Daddy didn't earn it."●

THE VISIT OF TUNISIAN PRIME MINISTER MOHAMED MZALI

● Mr. BOSCHWITZ. Mr. President, I commend the current visit of the Tunisian Prime Minister, Mohamed Mzali, to my colleagues' attention. He is in Washington this week to meet

with the President and other senior officials of the administration, as well as some of us on both sides of the Capitol.

Under the leadership of President Bourguiba, Tunisia has become a synonym for temperance and the peaceful attainment of objectives. Even during its struggle for independence from France in the 1930's, 1940's, and 1950's, Bourguiba taught Tunisia that it should not break off contacts with the French Government. He urged a twofold strategy of civil resistance and negotiation. As a result, Tunisia won its independence with much less bloodshed than many countries in a similar situation.

Bourguiba's advocacy of moderation and gradualism in international affairs has made his country a fast friend of the United States. His approach to the tangled skein of the Arab-Israeli dispute in particular marks him as a true statesman. As early as 1965, he was clear sighted and courageous enough to exhort the Palestinian refugees and the Arab nations to negotiate a settlement with Israel. He saw that no progress for the Palestinians was possible without peace, and that no peace was possible without compromise. Still today, Tunisia is a voice for moderation in Arab councils.

The United States has traditionally supported Tunisia's pragmatic approach to international difficulties. Now, when pragmatism urges the acquisition of a modest military deterrent to outside attack, the United States is ready to assist its friend. The administration has agreed to sell Tunisia a limited number of aircraft, tanks, and other defensive equipment to defend its territorial integrity, and Congress has supported this initiative.

President Bourguiba has counseled patience and realism in dealing with the internal problems of economic, social, and political development. Moving steadily toward a better life for all, Tunisia has avoided the extreme swings in public mood and national agenda that have crippled numerous new states. The solid economic and social achievements of Tunisia today attest to the wisdom of Bourguiba's call to advance one step at a time.

The United States had demonstrated its willingness to support Tunisia's determination to improve the well-being of its people by providing Tunisia almost $1 billion in loans and grants in the nearly 30 years since its independence. This assistance has helped Tunisia attain a level of economic growth which should be an example for other new nations. Our determination to help Tunisia defend itself must also be accompanied by assisting the Tunisian Government in bringing a better life to its people.

Tunisians are exponents of the patient pragmatism that has come to be called "Bourguibism"—and none more than Prime Minister Mzali. He has encouraged Tunisian politics toward greater openness. He was the overseer of elections to the Tunisian National Assembly last November in which opposition groups campaigned openly and vigorously. We should applaud this wise initiative as we have applauded so many of Tunisia's other initiatives in the past.

Therefore, we welcome the visit of this outstanding Prime Minister of a country that shares so many of our national and international ideals.●

PRAISE FOR ARMY TANKS

● Mr. TOWER. Mr. President, I am happy to report that there appears to be a shift in the prevailing winds of press criticism of the Army's M-1 tank. Not long ago I submitted for the RECORD two articles—one from the Economist, the other from the Christian Science Monitor—which praised the tank and suggested that maybe the Army had not made such a terrible mistake after all.

I would like to invite the attention of my colleagues to two more articles—both from the Phoenix Gazette—in which the editors admit to having made a hasty and faulty judgment on the M-1.

It is particularly interesting to note that these articles respond to criticism which first appeared in one of the Nation's major newspapers and was subsequently reprinted in several other papers, including the Gazette. In these latest articles the Gazette admits to having been duped when it printed the first report.

I wish to express my sincere admiration and highest praise for the editors of the Phoenix Gazette—and particularly for the author of this article, Mr. Jay Brashear—for having the courage and sense of responsibility to admit so straightforwardly that they made a mistake.

It would be a great service to the American public, who rely so heavily on our unfettered press, if every newspaper would adhere to the same high standards of responsible journalism that guide the Phoenix Gazette.

Mr. President, I ask that these articles be printed in the CONGRESSIONAL RECORD.

The articles follow:

[From the Phoenix Gazette, Mar. 20, 1982]

GOOD TANK, BAD REPORTING

When The Washington Post distributed an erroneous account on the Army's new M-1 tank through its national news service, this newspaper reacted to what it thought to be accurate reporting with a Feb. 16 editorial, "More bad news about a tank."

The editorial concluded that the Army's current inventory of tanks must be replaced, but not with the inferior M-1. As it turns out, the reporting on the tank by The Post and other media outlets has not been thorough and balanced.

Peter Reich, The Gazette's military and aviation writer, reported the U.S. Army's neglected side of the story after interviewing officers visiting Phoenix and questioning the Pentagon. Reich's enterprising prompted still other scrutiny that culminated in the column by Gazette editorial writer Jay Brashear on this page today.

As it turns out, the news about the M-1 tank is not so bad as the material used for the basis of the editorial indicated.

The Gazette is pledged to keep its readers accurately informed with timely reporting and comment.

In this case, the emphasis on timeliness led this newspaper to offer comment based on misleading information.

The purpose of the column and this editorial is to set the record straight, in keeping with The Gazette's pledge of providing accurate information.

[From the Phoenix Gazette, Mar. 20, 1982]

ERRONEOUS PRESS REPORTS SPREAD MISINFORMATION ABOUT NEW M-1 TANK

(By Jay Brashear)

The Army's new M-1 tank is taking a bad rap, thanks in part to more of the same sort of questionable journalism that forced The Washington Post to return a Pulitzer prize.

In a front page story not long ago, Walter Pincus, a staff writer for The Post, reported that the M-1 "cannot do what tanks have traditionally done and dig itself in . . .

"So the Army has come up with a companion vehicle, called ACE, which will travel along with the M-1. ACE stands for Armored Combat Earthmover. It's what a civilian might call a high-speed bulldozer."

He also contended that because the M-1 is a gas guzzler, the Army will need 26 additional fuel vehicles for each tank battalion and observed, "The M-1 and its trail-along vehicles are an example of a problem now plaguing the Army."

Because of The Washington Post's formidable—though surely diminishing—reputation, Pincus's story was recycled through other American newspapers, conveying bad information on the tank nationwide.

The story was enough to provoke taxpayers to fury. Soldiers and veterans were startled at the prospect of a tank column proceeding into battle, led by armored bulldozers and trailed by convoys of fuel trucks—with the tanks stopping to be dug in to fight, at the sacrifice of their big advantage, mobility.

The statement that tanks traditionally could dig themselves in, however, no doubt aroused suspicions about the story among tankers, past and present. That simply is not true. To be sure, some tanks are equipped with blades, but that does not make the tank a bulldozer. The blades are adequate for pushing debris aside or to cut down a small obstacle somewhat to facilitate faster movement by tank units. One M-1 tank in each tank company is equipped with that kind of blade, the same as with the M-60 tanks that the M-1 is replacing.

If at all possible, tanks move and shoot, shoot and move. Tanks are dug in only rarely, when the situation has deteriorated so that an Alamo-type defense is necessary. The immobilized tanks become field-expedient pillboxes.

When tanks have been dug in, combat engineers using bulldozers have done the digging—and will do the digging in any future war. The bulldozer is designed to move massive quantities of dirt, a tank with a blade is not.

While they seldom dig in tanks, the combat engineers' bulldozers serve a lot of other purposes—destroying obstacles or constructing fortifications, preparing approaches to bridges, clearing landing zones, repairing or building roadways and so on down a long list.

Quite often, that work is done perilously close to the forward edge of the battle area, within range of light enemy weapons, so the Army wants an armored bulldozer version that stands a better chance of survival under fire. That accounts for the request for the Armored Combat Earthmover. It is not a "companion vehicle" to the M-1 tank.

As for fuel trucks, the M-1 tank battalion indeed will require more of them. The M-1's turbine engine puts out double the horsepower of current tanks, and the tank travels at substantially higher speeds, so it uses more fuel. The Army plans to put five extra trucks in support of the M-1 battalions, however, not the 26 reported by Pincus.

The M-1 is by no means without flaw. The M-1 tank is on the leading edge of technology, utilizing many entirely new systems, and it has endured the inevitable problems of anything so new. Because it was developed by the troubled Chrysler Corporation, it has been the object of a lot of criticism and humor inspired more by corporate financial difficulties than by the M-1's fighting capabilities

The General Accounting Office, the investigative agency of Congress, observed that testing has demonstrated "the tank's excellent potential in most of its critical performance areas, including firepower, armor protection, speed and agility." The GAO did recommend, however, that "production be limited until problems in the power train are corrected."

The tank is troubled by cost overruns that seem to be endemic to every new weapon system nowadays, but the price tag, at $1.5 million, is not entirely unreasonable.

One of Europe's most respected publications, The Economist of London, assessed the M-1 tank this way: "This new tank is superior to any of the Warsaw Pact's tanks; its speed and agility could start a minor revolution in armoured warfare . . ."

As to cost, The Economist makes the interesting observation that "the cost of 15-20 tanks is about the same as the cost of one modern fighter aircraft. This is about the same ratio as in the second world war."

The Post's complaint about the missing blade prompted The Economist to observe, "Most armies equip only a small proportion of their tanks with blades. The blades are always mechanically troublesome and slow the tank down. Digging in a tank is arguably bad tactics anyway."

The Economist did not find the M-1 faultless. It reported that the tank commander's visibility is too limited, that a starter motor fails regularly ". . . a disaster for a tank that must be shut down whenever possible to save fuel." The lack of an auxiliary power supply to operate the turret and sight when the tank is parked also was noted.

Judging from the assessments of the General Accounting Office and other competent sources of information, including The Economist, the M-1 tank has its faults, but is not nearly so faulty as The Washington Post's reporting.●

YELLOW RAIN

● Mr. PRESSLER. Mr. President, in addition to the dangers of nuclear war, the world faces the horrors of chemical weapons. The Arms Control Subcommittee which I chair has held hearings on the "yellow rain" terror in Southeast Asia and Afghanistan, and the evidence that this vicious weapon is being used continues to mount.

We must not lose sight of this very real problem, Mr. President, and I therefore ask that a paper on this subject written by James A. Phillips of the Heritage Foundation be printed in the RECORD.

The material follows:

MOSCOW'S POISON WAR: MOUNTING EVIDENCE OF BATTLEFIELD ATROCITIES

INTRODUCTION

From the battlefields of Laos, Kampuchea and Afghanistan, grisly evidence mounts of the systematic use of universally condemned methods of warfare. There the Soviet Union and its proxies are waging a clandestine war of chemical terror against the political and ethnic groups that have refused to be subdued by conventional arms. In exasperation, Soviet-backed forces have turned to a poisoned earth policy designed to drive indigenous nationalists and anti-communist guerrillas in Laos, Kampuchea and Afghanistan from their homeland sanctuaries. The result: thousands of men, women and children have been indiscriminately slaughtered in what could become, if unchecked, a brutal poison holocaust.

At first, there were only scattered stories of chemical atrocities and they were disbelieved and generally ignored. But the reports persisted and damning proof mounted. In recent months, the evidence has become irrefutable and stands as an indictment of the Soviet Union for crimes against humanity.

MYSTERIOUS DEATH CLOUDS

In 1976, terror-stricken refugees began streaming out of Laos carrying news of a gruesome new addition to the arsenal of the Soviet bloc. They told of a poisonous yellow cloud that they called "Yellow Rain" because small particles in the cloud made sounds like raindrops as they settled on the roofs of their huts and on the surrounding fields. The mysterious yellow poison, delivered by aerial bombing and artillery attacks, inflicted bizarre and grievous injuries on the victims, often resulting in quick, painful death. Direct exposure to the clouds caused breathing difficulties, extreme irritation of the eyes, skin, nose, throat and lungs. Small, hard blisters formed over exposed body surfaces. This was accompanied by coughing of blood-tinged material, choking, dizziness, multiple hemorrhaging of mucous membranes, vomiting massive quantities of blood, the seeping of blood from eyes, ears and nose, convulsions, and death. All this happened within hours, sometimes minutes. Shortly after death, the skin turned black.

Villagers less exposed to the poisonous cloud reportedly took longer to develop the symptoms and had some chance of surviving. Many of these, however, died after a prolonged and agonizing struggle with grotesque maladies: terrible skin blistering, chest pains, inflammation of the eyes, nose, throat and breathing passages, nausea, vertigo, bloody diarrhea, massive hemorrhaging throughout the body but especially the lungs, the spewing of blood from all body orifices, neurological spasms and shock. So many different vital organs and bodily functions were damaged that it was difficult to determine the precise cause of the victim's death. So ghastly was the spectacle that one expert described the victims as "walking hemorrhages" who literally drowned in their own blood.

The poison clouds also killed livestock and damaged crops and vegetation. Plants contaminated by the powdery residue developed numerous scorched blotches about one millimeter in diameter scattered over the surfaces of the exposed leaves. These distinctive marks did not resemble the after-effects of any known chemical weapon, herbicide or plant pathogen.

Initial reports of "Yellow Rain" were confined to the Hmong tribal areas in central Laos. Later, tales of similar chemical attacks began trickling in from Cambodian refugees in Thailand and Afghan refugees in Pakistan. The descriptions they gave were remarkably similar—particularly so because these refugees had very limited medical knowledge and were separated from each other by vast geographical and cultural differences. Each of these technologically unsophisticated peoples described the results of the poison in terms of their own experience and cultural backgrounds. The Kampucheans, for instance, reported that the victims in their death throes "were jerking like fish when you take them out of the water"; the Afghans recounted scenes of compatriots "jerking like dogs with broken backs." The similarity of these persistent reports of unusual medical symptoms, coming from rural peoples with minimal contact with the outside world as well as each other, made it impossible to discount such statements as inventions of opponents of the local regime. Not only did the flood of refugees fleeing the affected areas provide similar accounts of appalling deaths, but the doctors treating survivors in field hospitals and relief camps thousands of miles apart recognized similar after-effects: hoarse voices, vision impairment, weakness, lung disorders and skin lesions.

THE SEARCH FOR THE SMOKING GUN

In fall 1979, the Pentagon dispatched an army medical team to Thailand to verify rumors of chemical warfare in neighboring Laos and Kampuchea. After extensive interviews with refugees who had witnessed attacks, Dr. Charles Lewis, the head of the medical team and chief of dermatology at the Brooke Army Medical Center in San Antonio, Texas, identified three basic sets of symptoms produced by "Yellow Rain": (1) skin burns and burns to the eyes, nose and throat; (2) spasms and convulsions; and (3) massive hemorrhaging. Lewis concluded that at least two or possibly three different chemical agents were involved: a vesicant or blistering agent that cause the burns, a nerve agent that caused the convulsions and an unknown agent that produced the hemorrhaging.

The medical team was given a sample of the yellow substance left behind in one attack but experts were unable to detect any known chemical agent. They did discover, however, a chemical "surfactant" called lauryl sulfonate, commonly used in liquid soaps and detergents to facilitate penetration of surfaces to be cleaned. While army doctors were unable to identify the specific agent or agents being used, they returned to the U.S. totally convinced that chemical attacks were in fact taking place. There could be no other explanation for the numerous accounts of "Yellow Rain" or the presence of lauryl sulfonate at the site of one attack.

These findings, however, evidently were not welcome by the Carter Administration. It soft-pedaled the issue of chemical warfare

in Southeast Asia apparently because it did not want to irritate the Soviets, with whom the U.S. was negotiating an arms control agreement. The State Department adopted what, in retrospect, was an overly-cautious, non-committal stance. It did not want to raise the issue without absolute proof and this was inordinately difficult to obtain. While the intelligence community was extremely interested in the reports, it wished to verify them covertly to avoid alerting the Soviets that their actions had been detected. The issue may well have faded were it not for the determined efforts of a number of individuals horrified by the use of battlefield poisons: Representative Jim Leach (R-Iowa), who focused congressional attention on the issue; journalist Sterling Seagrave, author of Yellow Rain, the most complete published account of Soviet and Soviet-sponsored chemical warfare operations; and Jane Hamilton-Merritt, an expert on the Hmong hill tribes and author of "Gas Warfare in Laos" (Reader's Digest, October 1980) and "Tragic Legacy from Laos" (Reader's Digest, August 1981). Among the organizations which have brought the matter to public attention are the Committee for a Free Afghanistan, Freedom House and the International Rescue Committee.

Since taking office, the Reagan Administration has proved less concerned than its predecessor about "upsetting" the Soviets. The new team in the White House pushed hard to obtain irrefutable evidence of illegal chemical warfare activities. Solid evidence was elusive because the attacks were in remote locations deep within communist-controlled territory and the attackers seemed to be taking special precautions by using Napalm to destroy residue of the chemical attacks. Survivors understandably had not thought of gathering physical evidence of the attack while their comrades writhed nearby in their terrible terminal agony. Nor could survivors be expected to risk contamination to acquire evidence. Some who did attempt to collect proof and transport it out of the war zone died from exposure to the evidence that they were carrying. Others lacked the strength for the long trek to a friendly border after exposure to the toxic agents. Moreover, by the time that word of an attack had filtered into a friendly country, the evidence at the site of the attack typically would have been dissipated by the heavy rains in Southeast Asia, the storms and snows in Afghanistan and other natural processes. Producing a corpse was nearly impossible because of the problems with transporting it through enemy lines and the speed of body decomposition in Southeast Asian jungles. In Afghanistan, moreover, any attempt to use the corpse as evidence would conflict with the Moslem custom of burying the deceased on the day of death.

THE SMOKING GUN: TRICOTHECENE MYCOTOXINS

Despite the difficulty of securing physical evidence of chemical attacks and the arduous, time-consuming task of identifying the mysterious chemical agent, Washington finally has solved the five-year-old riddle of "Yellow Rain." Secretary of State Alexander Haig announced on September 13, 1981, that the United States has identified the critical lethal agent as a compound composed of three tricothecene mycotoxins [1]—poisonous substances produced by the fusarium fungus. These mycotoxins were found at the site of a "Yellow Rain" attack in levels up to twenty times greater than they occur in nature. These mycotoxins are a perfect fit for "Yellow Rain"; they produce all the symptoms of poisoning reported and do not produce any symptoms not reported.

The first State Department announcements were based on one sample of lethal powder taken from a leaf at the site of an alleged chemical attack. Findings based on such evidence were open to criticism because they lacked the important negative controls of the testing process that could have provided information about the trichothecene levels of uncontaminated vegetation outside the immediate area of the attack. However, legitimate doubts about the validity of the findings subsequently were erased in early November when three new samples were tested. One of the new samples was water taken from the same Kampuchean village which provided the first evidence. The two other new samples came from separate chemical attack sites in Laos. Two of the three had even higher tricothecene levels than the first. Specimens of uncontaminated background soil and vegetation from the areas confirmed that the identified mycotoxins do not occur naturally in the affected areas.

At a Senate Foreign Relations Committee hearing on November 10, Richard Burt, Director of the State Department's Bureau of Politico-Military Affairs, testified that "Yellow Rain's" mysterious lethal agent had been conclusively identified: "We now have a smoking gun. We now have four separate pieces of physical evidence. We may soon have more as, I regret to say, chemical attacks have been reported in Laos and Kampuchea within the last month. . . . Anyone who conducts his own inquiry will come to the same conclusions we have."

THE SOVIET CONNECTION

There is more than a smoking gun. There is strong evidence that it is Soviet-made and Soviet-supplied. Equally damning is the evidence that Soviet advisors in Southeast Asia may be involved in the use of the terror-weapon and that Soviet troops in Afghanistan undoubtedly are. "Yellow Rain" and other chemical weapons are bearing delivered by Soviet-made aircraft, rockets and artillery. Members of the U.S.S.R. Chemical Corps are present in large numbers in Afghanistan and have been reported in Laos, where they may be gauging the battlefield effectiveness of chemical delivery techniques and toxic munitions.[2]

Although Moscow seems for the most part to leave the actual chemical attacks to its Vietnamese, Kampuchean and Pathet Lao allies, there are reports that the Soviets also have taken part directly in the attacks. Hmong tribesmen have seen "roundeye" pilots in the slow, low-flying AN2 aircraft—Soviet biplanes used as crop-dusters in the U.S.S.R.—that drop the "Yellow Rain" over Laos. A Vietnamese defector says that he observed two Soviet advisors fire a round of chemical munitions at Khmer Rouge guerrillas inside Kampuchea.[3]

Soviet technical support personnel participate actively in the operations of the chemical warfare logistical infrastructure in Laos, Vietnam and to some extent Kampuchea. Independent intelligence sources confirm that a seven-member team of Soviet chemical warfare specialists visited the Laotian cities of Pekse and Seno to inspect chemcial weapons after chemical attacks in 1978.[4] Thai military intelligence and American radio monitors have recorded and translated radio conversations of Russian officers giving instructions for shipment of chemical warheads from a chemical munitions depot in Laos up a highway toward Phu Bia Mountain, the Hmong stronghold that has been the target of repeated chemical attacks for over five years. Another radio intercept recorded an exchange about a high-ranking Soviet general touring several chemical munitions depots.[5] While the Vietnamese have had some chemical warfare units for some two decades and are capable of conducting chemical operations, it is extremely doubtful—if not impossible—that they could produce the large quantities of mycotoxins that are being dumped on villages and fields in Southeast Asia. Not only does Indochina lack large-scale biological fermentation facilities, but the four chemical warfare depots already identified in the area are know (through radio intercepts) to be receiving chemical munitions from the Soviet Union.[6]

Among the world's communist states, only the Soviet Union possesses the industrial facilities and chemical warfare research, testing and production capabilities needed to produce large amounts of mycotoxin in a form that could be used effectively as a weapon.

The combination of tricothecene mycotoxins identified in the "Yellow Rain" samples does not occur naturally in plants native to the jungles of Southeast Asia. The fusarium fungus producing these mycotoxins thrives on grain and bread exposed to cold, wet climates and exists throughout much of the U.S.S.R., where historically it has posed a serious threat to the Russian food supply. Large-scale epidemics of what the Russians have called "staggering sickness" (above all, a bleeding disease) repeatedly have broken out in the Ukraine, Soviet Central Asia, the Urals and Siberia due to the contamination of the Russian grain stores by potent mycotoxins. In 1944, up to thirty percent of the population of the Orenburg district in Siberia were stricken by the poison and an estimated ten percent of the population—almost thirty thousand people—reportedly died.

Soviet scientists began studying the disease intensively in the 1930s and mycotoxins have figured prominently in Soviet scientific literature over the past fifty years. Sterling Seagrave points out that of the fifty articles on tricothecenes in Soviet open source literature, twenty-two deal with defining the optimum conditions for biosynthesis of the compounds,[7] A sign that the Soviets have more than a passing interest in obtaining large quantities of the poisons. Research projects on mycotoxins are carried out at heavily guarded Warsaw Pact institutes which previously worked on chemical and biological warfare research.[8] With the world's most advanced research program in the field of tricothecene toxicology, the Soviets definitely possess the knowledge, personnel and facilities needed to produce the poisonous ingredients of "Yellow Rain."

It now appears, moreover, that the mysterious gas that took hundreds of lives during the final stages of the 1963-1967 Yemen Civil War may have been an early version of "Yellow Rain." Not only was the poison gas in Yemen never identified, but victims of the gas attacks suffered the same hellish symptoms as did the victims of "Yellow Rain" a decade later.

As if to admit tacitly that it has something to hide in the matter, Moscow repeatedly has tried to block formation of an im-

[1] Footnotes at end of article.

partial U.N. commission to investigate the situation in Laos, Kampuchea and Afghanistan and has not cooperated with it once formed.[9] Moscow and its allies have denied the U.N. access to the sites of chemical attacks. Despite Soviet obstructions, a U.N. panel of experts was dispatched to Thailand in November to verify reports of Communist chemical warfare activities in neighboring Laos and Kampuchea. Because the panel was not granted sufficient time or resources to fulfill this mandate, it was unable to reach a final conclusion as to whether or not chemical weapons had been used. However, it did note that the symptoms reported in some cases "could suggest a possible use of some sort of chemical warfare agents." In view of these tentative findings, the U.N. General Assembly overrode Soviet bloc objections and on December 9, 1981, voted 86 to 20 (with 34 abstentions) to extend the investigations for another year. Since Pakistan recently granted the U.N. panel permission to visit Afghan refugee camps inside its borders, the U.N. panel of experts is now expected to address the matter of chemical operations within Afghanistan.

The investigation of reported chemical warfare incidents is a critical test of United Nations credibility. A November 27, 1981, Washington Post editorial declared: The United Nations group has so far not accomplished much of anything . . . the group must be given adequate time and financial resources to accomplish a difficult task. . . . The charges being investigated, after all, go beyond whether this or that chemical has been used. They engage nothing less than what the United Nations is all about—the international rule of law. The integrity of the international system demands that they be conclusively proved or refuted.

CHEMICAL ATTACKS IN LAOS

Reports of chemical attacks began filtering out of Laos in 1976, although the first attacks began as much as two years earlier. The State Department has documented well over one hundred separate assaults, most against the Hmong (also known as Meo) hill tribes of central Laos. As traditional foes of the lowland Pathet Lao, the Hmong sided with the French against the Viet Minh in the early 1950s and sustained an estimated 30,000 casualties aiding the U.S. fifteen years later. For this reason, they are hated by the Vietnamese and Pathet Lao who have used chemicals to attack defenseless villages inhabited by old people, women, children and other non-combatants. At least half of the Hmong surviving the gas attacks died on the trek to Thailand of exhaustion, malnutrition or Pathet Lao ambushes. The few who manage to get across the Mekong River to Thailand have been described as "walking skeletons carrying skeletons out of the jungle."

In addition to the "Yellow Rain," the Vietnamese and the Pathet Lao have employed a lethal red colored gas and less potent blue-green and white poisonous gas clouds. These are delivered by helicopters, fixed-wing aircraft, artillery and rockets. The attackers, it seems, are testing various combinations of chemical agents and means of delivery. Pathet Lao soldiers, meanwhile, appear to be experimenting with antidotes to the poisons. There have been reports of soldiers wearing cloth masks entering the villages shortly after gas attacks to inject the inhabitants with medicine and then take them to hospitals for observation.[10]

These attacks are destroying the Hmong as a people. While Hmong in Laos numbered about 500,000 in 1960, there are now fewer than 100,000 remaining; 100,000 are in Thai refugee camps or relocated to the West, including about 40,000 in the United States. At least 15,000 to 20,000 Hmong are estimated to have died in the communist chemical onslaught.[11] Many of those who successfully have fled to freedom were exposed to poison gas and continue to suffer constant headaches, painful muscles and joints, pulmonary disorders, and eye and ear problems. At least thirty-five Hmong adults in the U.S. have died suddenly in their sleep for no apparent reason.[12]

CHEMICAL ATTACKS IN KAMPUCHEA

The State Department has documented at least twenty-eight separate chemical attacks in Kampuchea. The evidence comes from interviews with Kampuchean refugees, Vietnamese defectors and Kampuchean nationalist resistance fighters. As in Laos, the munitions used and means of delivery varied widely. Chemical attacks began much later than in Laos and increased markedly in late 1979. "Yellow Rain" weapons have not been used as frequently as in Laos—possibly because the contested terrain was too close to the Thai border and also was much more vulnerable to conventional military attack than the mountain sanctuaries of the Hmong in northern Laos.

In a typical chemical operation in May 1981, a Vietnamese mortar attack only miles from the Thai border left scores dead and drove sixty-five Kampucheans across the border to Thai refugee hospitals where they received treatment. Thai army tests found traces of cyanide in water samples and plant life recovered from the area, while the Bangkok-based International Committee of the Red Cross confirmed that numerous people were being treated for chemical poisoning, some of whom died.[13] The Vietnamese also have launched chemical attacks on the Thai side of the border. In March 1980, a Vietnamese aircraft violated Thai airspace to drop toxic gas after it was fired on by Thai Forces.[14] On January 29, 1982, the State Department announced that the analysis of nine blood samples taken from survivors of a chemical attack in the fall of 1981 provided additional evidence of chemical operations inside Kampuchea.

CHEMICAL ATTACKS IN AFGHANISTAN

State Department files contain evidence of well over fifty instances of chemical attacks in Afghanistan. U.S. officials receive a constant flow of eyewitness reports from Afghan freedom fighters, journalists and doctors who have treated survivors of chemical attacks. Although no physical evidence has yet been retrieved from the remote Afghan hinterland, technical methods and human intelligence accounts, corroborated by the testimony of Afghan army defectors, leave no doubt that chemical weapons are being employed in Afghanistan. All that is missing—as it was for a while in Southeast Asia—is the "smoking gun."

The first accounts of communist chemical operations in Afghanistan date from late summer 1979, four months before the Soviets overtly invaded. At that time, freedom fighters attempting to interdict the strategic Salang highway were bombed with what an Afghan army officer (who later defected to the nationalist side) termed "nerve gas."[15] Since the Soviet invasion, chemical attacks have been reported persistently in northeastern Afghanistan, particularly in the isolated northern providence of Badakhshan. At least three broad types of gases have been identified—a bright yellow or green riot control agent that causes painful skin blisters; an incapacitant dubbed Blue-X that renders its victims unconscious for up to eight hours; and a lethal agent that comes in several different colors and is believed similar to "Yellow Rain."

An eyewitness, who had survived a "dirty colored cloud, yellowish brown," recalls in anguish that "our fighters were throwing up blood as if they have been drinking blood and could not hold any more. There was also blood in their eyes, like tears, and from the nose. At first I thought it was from the concussion of the bomb, but the bomb did not make a big explosion. And our fighters did not have any marks on them. The rest of us ran from the cloud." In another incident, the same Afghan reports: "Our fighters died quickly. They were vomiting blood and fouling their clothes and began to act like crazy people falling down and jerking about."[16]

The yellowish brown clouds seem to be the favored weapon for attacking freedom fighters holed up inside caves and underground tunnels. Seagrave writes that such clouds have "brought the freedom fighters writhing from their caves to dance and squirm, and spew blood, and die in spasms on the bare rock reaches, like earthworms wriggling in a lethal spray of insecticide."[17] Dutch journalist Bernd de Bruin filmed such an attack, took still photographs of a dead freedom fighter whose skin had turned black and described the experience in the magazine Niewsnet in August 1980. An Afghan doctor now living in the United States, Dr. Bashir Zikria, has filmed survivors of a chemical attack, including one dying a lingering death from acute gas poisoning.

The Soviets are thought to be dumping a liquid poison into wells in southern and western Afghanistan and to be spreading an oily, persistent nerve agent on the ground in northeastern Afghanistan. This dreadful substance clings to the feet of passing freedom fighters and becomes lethal when warmed by a campfire or by body heat; it then kills in minutes. Ground observers have noted and satellite photographs have confirmed the deployment of Soviet decontamination units in forward combat areas, particularly in northeastern Afghanistan. Modern TMS-65 decontamination vehicles, capable of rapidly cleansing tanks and other equipment of chemical agents in the field, and AGV-3 detoxification chambers for decontaminating personnel, are used widely and maintained at high readiness. In view of the fact that the Afghan freedom fighters pose no chemical threat to the Russians and since the Russians already have withdrawn non-essential military units from Afghanistan to hold down the size of their "limited" presence, the continued deployment of such decontamination units is a clear sign that Moscow is carrying out chemical operations.

SOVIET CHEMICAL WARFARE CAPABILITIES

The Soviet Union's offensive and defensive chemical warfare capabilities, systematically developed and refined over decades, are regarded as by far the world's best. Soviet military doctrine views chemical agents as an integram part of overall military strength and sees nuclear, chemical and biological weapons all as "means of mass destruction." Soviet doctrine teaches that chemical weapons are particularly well-suited for surprise attacks and for seizing military and industrial facilities without destroying them.

Among Moscow's forces are the 80,000 to 100,000 specialists of the Chemical Troops

that are devoted to chemical warfare defense. (By comparison, the U.S. 2,000 such troops.) In Soviet exercises, offensive chemical operations are carried out by conventional front line units, with division commanders responsible for the planning, release and execution of the attacks. Soviet military units have the training, equipment, doctrine and organization to conduct sustained chemical operations. Each division of ground forces maintains its own chemical defense battalion complete with decontamination facilities for personnel and equipment. Soviet armored vehicles are designed and equipped to function in contaminated zones and quickly can be decontaminated. Rigorous chemical operations training is routine in all terrain and weather conditions; chemical warfare defense techniques, in fact, are taught in elementary school.

Soviet stocks of chemical munitions exceed U.S. stocks by a ratio of at least 4-to-1 and perhaps by as much as 10-to-1. Some 5 to 30 percent of Soviet conventional munitions, say analysts, contain chemical payload.[18] These include such first generation agents as mustard gas, second generation agents such as tabun, soman and VR-55 nerve gas and third generation agents such as the tricothecene mycotoxins.[19]

TREATY VIOLATIONS

Chemical warfare has been prohibited on the battlefields of western nations for over fifty years. Under the terms of the 1925 Geneva Protocol, to which the Soviets are a party, asphyxiating, poisonous or other gases, bacteriological methods of warfare and all analogous liquids, materials and devices are banned from military use. The 1972 Biological Warfare Convention, also signed by Moscow, obliges states: "never in any circumstances to develop, produce, stockpile or otherwise acquire or retain (1) microbial or other biological agents, or toxins whatever their origin or method of production, of types and quantities that have no justification for prophylactic, protective or other peaceful purposes; (2) weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict."

As biologically produced chemical substances, mycotoxins fall within the prohibitions of both the 1925 Geneva Protocol, which forbids the use of chemical weapons in warfare and the 1972 Biological Weapons Convention which forbids production, stockpiling or transfer of toxin weapons. The Soviet Union stands in naked violation of these two treaties as well as of customary international law of armed conflict which prohibits the first use of such weapons.

By cynically violating these agreements, the Soviets have crossed the line respected by all civilized nations—and even by the Nazis, who refrained from using their nerve gas stocks on battlefields during World War II. The poison atrocities in Asia, along with the 1979 Sverdlovsk incident[20] raise grave doubts about the credibility of the Kremlin's signature on international treaties.

CONCLUSION

The Soviet Union, incapable of growing enough grain to feed its own population, is devoting enormous resources and attention to growing a grain fungus from which it extracts deadly mycotoxins for military use. Aside from what this says about the nature of the Soviet system, this chemical warfare effort is disturbing for what it indicates about Soviet intentions in any future conflict. Although the lethal mycotoxins are now being field-tested exclusively on anti-Soviet guerrillas and villages in remote corners of the Third World, it is not so difficult to imagine them being unleashed on NATO or other western military forces in the event of a military showdown. Given the relatively poor preparedness of NATO armed forces for chemical warfare, this is a grim prospect.

The Soviet Union's calculated duplicity in producing toxin weapons, transferring them to client states and secretly deploying them is also disturbing because of what it says about Moscow's appraisal of the relative costs and benefits of breaking its obligations under international treaties. If the Soviets cheat on chemical warfare agreements in order to gain marginal advantages in Asia, may they not also cheat on the much more critical matter of strategic arms limitations?

Finally, the poisoning of thousands of civilian noncombatants is an indictment of the values, methods, and morality of the Soviet leadership itself. The Soviets have crossed a line that even Adolph Hitler, in the darkest days of World War II, refused to cross. The use of chemical weapons against remote Asian villages should be triggering international outrage on legal and humanitarian grounds. If these weapons continue to be used without thundering international protest they could attain a legitimacy that portends appalling consequences for all mankind.

FOOTNOTES

[1] The substances were identified as Nivalenol, Deoxynivalenol, and T-2 toxin. All three produced similar symptoms but differ in the degree of severity; while Nivalenol was a stronger hemorrhagic, Deoxynivalenol induced harsher vomiting and T-2 had greater skin irritative effects.

[2] For example, see the State Department's compendium, "Reports of the Use of Chemical Weapons in Afghanistan, Laos and Kampuchea," Summer 1980, p. 43.

[3] Reported in Bangkok Post article reprinted in FBIS, Daily Reports, Asia and the Pacific, September 25, 1981, p. J1.

[4] William Safire, "Yellow Rain," New York Times, December 13, 1979.

[5] Sterling Seagrave, Yellow Rain (New York: Evans, 1981), p. 35.

[6] Ibid.

[7] Ibid., p. 192.

[8] State Department Fact Sheet, September 1981, p. 2.

[9] During the Korean War, the U.S. called for the U.N. Security Council to investigate Soviet charges that the U.S. was using bacteriological weapons. The investigations were blocked, however, when the Soviets vetoed the measure in the Security Council.

[10] See, for example, State Department Compendium, p. 68.

[11] Seagrave, op. cit., p. 253.

[12] Jane Hamilton-Merritt, "Tragic Legacy from Laos," Reader's Digest, August 1981, pp. 96-97.

[13] "Chemical Warfare in Southeast Asia," Wall Street Journal, September 21, 1981, p. 34.

[14] State Department Compendium, p. 118.

[15] Ibid., p. 6.

[16] Both incidents quoted in Seagrave, op. cit., p. 139.

[17] Ibid., p. 138.

[18] E. M. Kallis, "Chemical Warfare: Background and Issues," Congressional Research Service, June 1981, p. 6.

[19] For more information on Soviet chemical warfare capabilities see: John Erickson, "The Soviet Union's Growing Arsenal of Chemical Warfare," Strategic Review, Fall 1979; and Amoretta Hoeber and Joseph Douglas, "The Neglected Threat of Chemical Warfare," International Security, Summer 1979.

[20] In April 1979, an explosion at a top secret Soviet defense laboratory released a cloud of anthrax spores in the vicinity of the city of Sverdlovsk, killing up to 1,000 Soviet citizens. Moscow initially dismissed reports of the accident as "impudent slander," then claimed the deaths were due to spoiled meat, an explanation that is contradicted by all of the available evidence. To this day, the Soviets have failed to explain the incident satisfactorily, thereby failing to meet their obligation under the 1972 Biological Warfare Convention, to "cooperate in solving any problems which may arise."

FOR FURTHER INFORMATION

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CAPABILITIES AND EFFECTS OF CHEMICAL WEAPONS

● Mr. HART. Mr. President, in early February, the administration formally notified the Congress that the production of lethal chemical weapons, suspended by this country since 1969, is once again required for reasons of national security. The Department of Defense has requested over $700 million in fiscal year 1983 for the entire U.S. chemical warfare effort, including $104 million for the production of a new generation of offensive binary chemical weapons.

The decision to resume production of lethal chemical weapons is one of the most important issues to come before the Congress this year. The decision should be taken only after rigorous, objective, exhaustive and careful debate. All Members of the Senate, whether they favor or oppose the administration's program, must be as fully informed as possible on this critical question.

Dr. Matthew Meselson of Harvard University is an acknowledged and respected expert on the capabilities and effects of chemical weapons. He has written extensively on the subject and has been a frequent witness before numerous congressional committees, most recently, the Strategic and Theater Nuclear Forces Subcommittee of the Senate Armed Services Committee. Dr. Meselson has prepared an extraordinarily useful commentary on the recent report of the Defense Science Board Chemical Warfare Panel. I believe my Senate colleagues will find Dr. Meselson's brief but cogent commentary to be of exceptional interest.

I ask that unclassified version of Dr. Meselson's report on the findings of

the Defense Science Board be inserted in the RECORD.

The unclassified version of the report follows:

SANITIZED—COMMENTS ON THE DEFENSE SCIENCE BOARD (DSB) CHEMICAL WARFARE PANEL REPORT

1. SOVIET THREAT

[Deleted.] We know a considerable amount about Soviet anti-chemical protective posture. It is pervasive and well exercised. This, however, provides no measure of Soviet offensive chemical preparations. A strong defense is to be expected in view of their WWI experience and the large U.S. chemical weapons buildup of the '50s and '60s, coupled with the fact that we were not then parties to the 1925 Geneva Protocol and had officially refused Congressional requests to reaffirm our WWII policy of no-first-use. The severe lack of evidence regarding Soviet offensive capabilities points to the need for up-grading intelligence efforts as recommended by the DSB panel. The panel's own report, however, in some sections perpetuates worst-case interpretations, the basis for which is highly questionable. The trouble with this is that it tends to obscure the questions, when awareness of them could be important in policy formation and in intelligence efforts. Prudence, not definite knowledge, dictates that we assume the existence of a substantial Soviet chemical threat.

2. WAR IN A CHEMICAL ENVIRONMENT AND ANTI-CHEMICAL PROTECTION

The DSB panel report recommends major expansion of currently planned defensive and retaliatory chemical programs at a five-year cost estimated by the panel to be three or more times the $2.47B projected for current programs. However, the panel report provides almost no data and analyses on the basis of which its recommendations can be evaluated in competition with other options for utilizing defense resources. Moreover, the panel report reflects unfamiliarity with available data on matters of critical importance to its recommendations regarding defensive and offensive chemical programs.

For example, in order to illustrate the potency of nerve agents the panel states that "A drop the size of a pinhead can cause death in [deleted] minutes." Appearing by itself, this statement suggests a serious overestimate of the percutaneous threat of nerve agents, particularly in the case of the U.S. persistent nerve agent VX. While it is correct that the lethal dose of VX is about a pinhead's worth, this refers to the dose actually absorbed into the body. It is the amount estimated to be lethal if injected directly into the bloodstream. If applied to average skin or clothing, the amount of VX required to kill or incapacitate and the times required are very much greater, as shown below:

ESTIMATED EXPOSURES AND TIMES TO INCAPACITATION FOR AGENT VX

	Amount (mg)	Time to incapacitation
In the body	[1] 0.6	[Deleted.]
Applied to average skin	10.0–200.0	Do.
Applied to U.S. Army summer uniform	100.0	Do.

[1] Equals size of "pinhead."

Even troops in considerably less than full protective posture can be directly exposed to VX artillery fire without necessarily suffering heavy casualties. For example, field manuals state that a battery volley of air-burst 155-mm VX (6 projectiles) on a platoon size target (100 meter radius, receiving [deleted] in open terrain or open foxholes would cause [deleted] casualties among troops wearing masks, hoods, gloves, and the equivalent of ordinary U.S. Army winter uniforms but no protective suits. Four volleys are estimated to [deleted] casualties, with [deleted] expected to develop within [deleted] after the attack. Substantial casualty prevention can be achieved by decontaminating or changing clothing or decontaminating skin even [deleted] or more after exposure (although the sooner the better). Furthermore, the self-administered antidote carried by Pact forces is particularly effective against VX poisoning, because of the prolonged period during which the enzyme-VX reaction can be reversed by oximes. Moreover, if troops are not directly exposed but instead are protected by a barrier against liquid spray, they would face only the lesser threat of indirect pickup of VX from contaminated surfaces. Limited exposure can be risked because casualties are delayed and can be averted by decontamination and antidotes. Protective suits are standard issue on both sides and will be worn if chemical war occurs. But VX may not often make it necessary to button-up fully. If only the highest levels of protective posture impose substantial performance degradation, the utility of VX against Pact forces on the battlefield and in rear areas may be marginal. These considerations call into question the DSB panel recommendation for production of ground and air-delivered VX weapons.

It should be noted that neither VX nor GB present much of a percutaneous vapor hazard under average field conditions. Mustard, the WWI "king of gases", does present such a hazard and may therefore in some circumstances be competitive with nerve agents. It is, therefore, of interest that in WWI, the only case of large-scale chemical warfare, German artillery fired approximately 9000 agent-tons of mustard over a period of 14 months in 1917–18 when the Allies had nearly intolerable gas masks, little or not protective clothing, and no agent nearly so effective as mustard with which to retaliate. Gas, however, was not a decisive weapon in WWI, due to the availability of primitive but sufficiently effective protective equipment and tactics. Of course, today's conditions are different. On the one hand, the nerve agents are more toxic than WWI agents and delivery rates are higher. On the other hand, today's protective equipment is superior and non-chemical competitor weapons, such as improved conventional munitions, have greater effectiveness than did the HE munitions of WWI. The use and effects of gas in WWI should be studied. While that conflict may not provide definitive answers to today's questions, it can provide a useful guide for analysis and it raises important questions that may otherwise be overlooked. A careful study is that of D. K. Clark done under contract with the Department of the Army: "Effectiveness of Chemical Weapons in WWI," Operations Research Office Staff Paper, ORO-SP-33, November, 1959.

Another case in which the DSB panel seriously overestimates the impact of chemicals occurs in their statement that "Existing (U.S.) suits are designed to a six-hour specification, but persistent agents remain effective for longer than individuals can remain encapsulated in protective clothing." In fact, the suit is much better than the design requirement. Under continuously contaminated battlefield conditions simulated by the specification test, the suit is good for more than 70 hours.

The DSB panel may also be unduly pessimistic regarding the operational degradation imposed by the U.S. protective ensemble, given by the panel as 30 to 50 percent. These percentages are approximately equal to the amount of rest time in currently recommended work/rest cycles chosen to minimize heat stress among men doing heavy work in protective gear (MOPP-3) in warm (70–85°F, wet bulb) to hot (85–100°F) weather. In central Germany, the mean early afternoon temperature for July and August is about 60°F, with a standard deviation of ±5°F. The recommended rest time percentages do not tell us the actual impact on combat performance. For example, for combat activities characterized by alternating periods of high and low work rate, the work/rest cycle requirement may in many cases be accommodated with little degradation. Also, it must be remembered that the Army has a graded system of four levels of protective posture from which commanders select in accordance with the situation. Typically, only a fraction of the units will be in full protective posture at any one time. This discussion is not meant to imply that the current U.S. individual protective ensemble is fully satisfactory. It is not, although further improvements can be expected. The DSB panel, however, appears to have operated under an exaggerated impression of its shortcomings.

3. U.S. CHEMICAL WEAPONS, STOCKPILE AND REQUIREMENTS

There are approximately [deleted] or soon to be made serviceable 155-mm and 8-inch nerve agent projectiles in the U.S. stockpile. [deleted] percent of these are deployed in Europe. We need to know how these numbers compare with requirements in a chemical war. For causing casualties among well trained troops wearing good protective gear, chemicals will generally be much less effective round-for-round then other kinds of shells, such as improved conventional munitions. Wearing masks and chemical protective garments, however, degrades mission performance to a degree that depends on the protective equipment, the level of training, the nature of the mission and the temperature. Firing more chemical rounds means firing that many fewer HE rounds. If the objective of chemical retaliation is to force active enemy units into a high degree of protective posture, there will be an optimal mix at or below the proportion of chemical rounds needed to do so. Under conditions when the degradation imposed by protective posture is particularly low, the optimum tradeoff may be close to firing no chemicals at all. Firing a higher proportion of chemicals than the optimum will actually reduce our combat effectiveness.

Our present stocks of 155-mm and 8-inch nerve agent artillery projectiles could provide U.S. forces with a mix of [deleted] chemical artillery ammunition for a 30-day full-scale war in Europe, or [deleted]. If 155-mm mustard rounds are included. This assumes an overall 30-day expenditure, chemical and HE, of about [deleted]. Although the U.S. [deleted] Europe, other NATO forces do, and could therefore utilize additional U.S. stocks [deleted] and mustard projectiles, amounting to [deleted].

I know of no reason to consider that existing U.S. stocks of nerve agent and mustard artillery ammunition are significantly dete-

riorating or becoming obsolete. Fewer than [deleted] is classified as a "leaker" and the leaks are generally miniscule, presenting no great hazard. The nerve agent itself should be stable indefinitely if there are no defects through which moisture may enter. Tests on agent drawn from munitions confirm this expectation. The 155-mm and 8-inch shells are compatible with currently deployed artillery tubes and can be fired to their full range. Unless existing U.S. stocks are quantitatively inadequate, there is no pressing need to produce additional chemical artillery projectiles.

4. BINARY CHEMICAL WEAPONS

If further analysis suggests that it is necessary to produce additional nerve gas artillery munitions, it may be questioned whether binaries of current design or single-fill munitions are the better choice. Binaries are intrinsically less likely to cause unintended release of nerve agent. But the safety argument has often been exaggerated. Single-fill projectiles can be stored and shipped without fuzes or even bursters inserted, precluding detonation. In the more than twenty-five years that the Army has had nerve agent weapons, there has been no serious accident. Certain accidents such as the crash of a plane carrying single-fill artillery projectiles could conceivably release considerable amounts of nerve agent. Such risks should be considered analytically to reach some rational basis for estimating their likelihood and severity. If a suitable batch incineration method of demilitarization is available by the end of this century, as seems likely, the demilitarization benefits now seen for binaries could largely disappear. The greater ease of manufacturing binaries is not an impressive advantage in our advanced industrial economy. Nor is it something we wish to advertise to less advanced nations for whom nerve agent weapons might seem more attractive if their production were more readily accomplished.

Regarding military performance, there are several questions concerning artillery munitions that deserve further examination than that given by the DSB study:

Sound.—With their [deleted] burster charge and [deleted] currently designed binary rounds likely make a sound when they burst which is [deleted] than that of conventional HE fragmentation rounds. This could provide target personnel with prompt warning of gas attack. In WWI, this situation existed with early German mustard shells. Allied troops are reported to have been distressed when these munitions were superseded by mustard shells with heavier casings and larger bursters, the sound of which could not be distinguished from fragmentation shells.

Odor.—Odorlessness is cited as a useful property of the nerve agent in single-fill munitions. Because of incomplete mix or biproducts, does the mixture released by binaries of various current designs present a distinctive odor that might serve as a warning to unmasked target personnel?

Temperature dependence.—Temperature effects on viscosity and on chemical reaction rates will influence the time course of the binary reaction. Over what temperature range can currently designed binary munitions be used without adverse effects on their performance?

Range limitations.—Early in its flight, the binary projectile contains little nerve agent. As the binary chemical reaction proceeds, the amount of agent builds up. In the case of VX, however, the amount of agent may reach a maximum and then decrease, due to thermal decomposition. What performance reductions, if any, are imposed at short and long range by these effects?

Complexity.—Binaries are intrinsically more complex in having several parts that must be properly assembled on the battlefield. What difficulties may arise from this feature?

The first air-delivered chemical weapon for which a production decision will be needed will probably be the Bigeye binary VX bomb, still in engineering development. There are three questions specifically concerning the Bigeye which I would suggest for consideration:

Deliverability.—Bigeye was designed in the early 1960's. The Soviet air defense it would face will be very different from what may have been envisaged then. Recent discussions of air-delivered chemical weapons place emphasis on the attack of certain fixed targets in Pact territory far behind the front. What penetration and return probabilities can be estimated for Bigeye delivery to such targets in the decade or two ahead?

Agent.—Is VX a sufficiently effective agent, taking into account the possibilities for casualty avoidance, non-disruptive decontamination, and antidote therapy discussed above in section 2?

Deposition density.—If the VX air-delivered bomb is required, is the individually low deposition density [deleted] of Bigeye adequate? This is [deleted] the design density for the TMU-28 spray tank of the density achieved even in the single-volley artillery attack envisaged in section 2.

5. CIVILIAN CASUALTIES

There is agreement within NATO on the need for adequate chemical defense. Some NATO countries have given the matter considerable attention for many years. But there is wide policy divergence regarding chemical retaliatory capability. The stated policy of the FRG is not to train its troops in the use of chemicals "now or in the future", and there is little indication that the FRG will permit any expansion of the U.S. chemical weapons stocks now there. Judging from writings of German defense planners and statements of senior German officials, much of this reluctance stems from fear of civilian casualties, a subject not discussed in the DSB panel report.

Estimates suggest that a 30-day chemical war in Europe could kill millions of noncombatants while killing far fewer soldiers. Nerve agent poisoning is essentially cumulative over a period of days or weeks so that sub-lethal doses received at different times over that period can combine to become lethal. This cumulativeness also means that along-wind dilution of nerve agent clouds does not reduce the threat posed to persons down-wind. The subject of civilian casualties is of high importance, both because of the lives at risk and because unless European perceptions change, additional forward deployment and joint ratalatory use of U.S. chemical weapons may be impossible.

FUTURE TRENDS

We should ask whether chemicals are likely to be of increasing or declining importance over the next two decades. The last twenty years have seen a major increase in the effectiveness of HE anti-personnel weapons. During the rest of this century, the main development in conventional arms is likely to be the large-scale introduction of precision-guided weapons. Both of these trends act to make chemicals less competitive for many missions. For example, chemicals will probably become less attractive for suppressing sortie rates of air bases as precision-guided weapons able to wreck the runways become available. Greater effectiveness and much-reduced areas of unintended casualty production will favor the precise weapons in such cases. Seeing the choice, Europeans are likely to be more reluctant than ever to see chemicals integrated into NATO defense. Also, chemical protection is sure to improve substantially. Even without any break-throughs in the development of effective antidotes, steady progress in the design of masks, suits, and detectors will substantially improve the defense. Major offensive improvements seem less likely, but need to be considered and watched for. Overall, it seems probable that chemicals will be of declining importance. Still, there may well be missions for which this isn't so. What is needed, and does not appear to have been done, is a mission-by-mission analysis of the pros and cons of chemicals, done for the present situation and also projected ahead.

SUMMARY

1. The principal conclusions of this review of the DSB panel report are that:

It rightly emphasizes the need for upgraded intelligence; new, mission-oriented estimates of chemical weapons requirements; stepped-up field exercises to evaluate combat performance on the chemical battlefield; studies of low cost demilitarization methods.

It presents data which over-estimate the military impact of chemical weapons against forces with anti-chemical protection.

It does not appear to have considered the shortcomings of the U.S. persistent agent VX.

It over-states the disadvantage of existing single-fill chemical munitions and does not appear to have examined possible limitations of binary weapons of current design.

It does not discuss the possibility and implications of very high levels of civilian casualties for chemical war in Europe.

2. These conclusions lead me to the following differences on major, near-term policy issues:

Issue	DSB panel	Comments
Bigeye	Accelerate Bigeye VX programs to produce concurrently or ahead of 155mm binary artillery munitions..	Defer Bigeye production. Review military requirement for specific missions. May have low deliverability and inadequate target effects.
Binary artillery munitions.	Produce	No pressing need for new production of artillery munitions. Maintain and upgrade existing stockpile.●

DEDICATION OF THE MARIE R. PRAHL COLLEGE CENTER

● Mr. RIEGLE. Mr. President, on May 7, 1982, Mott Community College in Flint, Mich., will dedicate the Marie R. Prahl College Center. This is indeed a fitting tribute to one of Flint's treasured citizens. Dr. Prahl spent almost her entire life at Mott, and guided it through its years of development and growth to the institution that it is today. She began her relationship with Mott Community College five decades ago as a student. She excelled in both the classroom and in the thea-

ter, and was also an instructor at the Flint Institute of the Arts.

Dr. Prahl obtained a masters degree and a doctorate from the University of Michigan, and she returned to the faculty of Mott in 1945. Her true calling was realized, however, when she became first dean of women at Flint Junior College, and then director of guidance services. Dr. Prahl was a true friend to thousands of students, always acting in their best interest to push them toward higher goals, and to lift themselves through education and maturity to full citizenship and adulthood.

Dr. Prahl is an active member of the community as well, and she has served as president of the Quota Club of Flint, and has given time to the improvement of services for the disabled.

Mr. President, I am pleased to join with Mott Community College in this tribute to Marie Prahl. This building is a concrete symbol of thanks for all of her devotion, but I am certain that her warmth, kindness, and sound advice lives within many of us who know her. I would like to place in the RECORD, at this point, a resolution passed by the board of trustees of Mott Community College dedicating the college center to Dr. Prahl.

The resolution follows:

NAMING OF MCC COLLEGE CENTER

The Quota Club of Flint initiated action to perpetuate the name of Dr. Marie R. Prahl by presenting a Resolution at the October 27, 1981 Board meeting suggesting that the college center building at Charles Stewart Mott Community College be named the Marie R. Prahl College Center in her honor.

The Resolution, they said, was compatible with college guidelines to name buildings or programs for persons who have contributed significantly to the community, or more particularly, to community education.

Dr. Marie R. Prahl was employed at Charles Stewart Mott Community College for thirty-five years; starting as a part-time employee in 1943 at what was then designated as Flint Junior College. She became a full-time teacher at Flint Junior College in 1945 and that same year was named the Director of Student Activities.

In 1946 Dr. Prahl was appointed Dean of Women, and in 1956 was named the Director of Guidance Services. She served as Dean of Student Personnel Services from 1970 until her retirement in June, 1978.

Dr. Prahl is a native of Flint. She was graduated from Flint Central High School, then attended Flint Junior College. After two years at Flint Junior College, she went on to get her Bachelor of Arts Degree, Master of Arts Degree, and Ph.D. at the University of Michigan.

Dr. Prahl was President of the Quota Club of Flint from 1949-1950. As the leader of her Club, she promulgated Quota's reason for existence: Service to the Speech Handicapped and to the Hearing Impaired. Quota's service to handicapped students at Charles Stewart Mott Community College is a continuing program; even to the present time. It is appropriate that Quota Club, with its dedication to recognition of women, be the catalyst in the initiation of this Resolution.

Dr. Prahl, as a true leader in her administrative duties, exhibited a sincere interest in students and succeeded in developing cooperation between the college and the community. She was a member of many state and national professional organizations. Her national affiliations were with well-known experts in the community college movement. In 1967 she was invited to serve as visiting professor at Michigan State University because of her knowledge and expertise in working with students. Because of her own zest for life and her advancement of the premise that the college had an educational responsibility to the whole person, her guidance and support changed the lives of many students who had the privilege of advisement through her office. Dr. Prahl made a deep and positive impression on the faculty and staff during her years of service at Charles Stewart Mott Community College.

As an expression of appreciation for that devoted service which she has given to the youth of Genesee County and to the community which the college serves, the following resolution is recommended by the Renaming of Buildings Committee.

Be it resolved, That the Charles Stewart Mott Community College Board of Trustees names the College Center the Marie R. Prahl College Center in honor of this outstanding educator.●

THE SAFETY NET AND 1997

● Mr. HART. Mr. President, with rising voices, Americans from every walk of life are crying out against the shortsightedness and sheer callousness of this administration's economic policies. And as this morning's New York Times reminds us, the principal victims of Reaganomics are, unfortunately, the voiceless and powerless: America's children. They are being forced to bear the brunt of severe cuts in such crucial Federal investments as infant nutrition, child immunization, family planning, and remedial education.

This indifference to our youth is jeopardizing the economic and personal security of millions of Americans. Last year, $10 billion was cut from programs that improve the health and well-being of children. This year, an additional $8 billion in cuts has been proposed. The ultimate effect of such policies is clear: To tear down every ladder of opportunity by which our children, particularly poor children, can become productive, independent members of society.

America's children are its front line in the effort to enhance its economic security and national strength. The enormous challenges we face require investment in our most valuable resource for growth—the ingenuity and productivity of our youth. Therefore, I urge Senators to carefully consider the New York Times editorial, and to give children's programs their special attention in the weeks ahead. I ask that the editorial be printed in the RECORD.

The editorial follows:

THE SAFETY NET AND 1997

Hang in there, says the President to the poor. Give our program time to work. Meantime, there is his famous safety net for the truly needy. For some of the truly needy, that is. It is dawning on us from what the President's theorists say and what his budget would do that one group of people is systematically left out of the net: children.

Pick a program that benefits children, at any stage of childhood; almost certainly it is being cut severely, or eliminated. The pattern is so consistent as to invite the suspicion that someone up there wants to punish the poor for having babies:

Federal family programs help poor teenagers avoid pregnancies; even so, about 600,000 of them have babies each year. The Administration has nonetheless cut funding for these programs by 25 percent.

The WIC (women, infants, children) program provides special food and care for nursing mothers and their babies. It is to be cut 30 percent.

Washington pays to immunize children against dread diseases. In 1981, the total was 6.3 million children. The 1983 budget would vaccinate only 3.8 million.

Last year school lunches were cut 30 percent, eliminating 900,000 lower-income children. Some 400,000 were eliminated from the breakfast program. Now the Administration wants to phase out the breakfast program and sharply reduce its funds.

Aid to Families with Dependent Children is the principal support program for needy children. The Administration wants to chop out $1.1 billion; while the cost of living is going up 10 percent, assistance would go down 18 percent.

Then there are older, college-age children. The American Association of University Professors estimates that two million needy students will be hurt by proposed cuts in grant and loan programs.

The Administration defends such cuts as essential to controlling spending. The President finds it unconscionable, for instance, to subsidize school lunches for students who can buy their own; he says he knows of children receiving free school lunches whose parents earn $75,000. That kind of argumentation invites one to wonder how much the Administration cares about economy, how much about ideology and how much about children.

The school lunch program cannot be a wholly efficient way of feeding poor children. Most districts could not possibly afford the administrative cost of tailoring the program to each school and each student. To reach all the needy children, the program must be universal. That means many students from non-poor families also benefit. But society has understood that difficulty since the school lunch program began—and has been willing to pay the price. The issue is not efficiency but nutrition and health.

There is another dimension to the Administration's policy toward children. When asked about exceptionally high unemployment among minorities, Mr. Reagan's answer is, look at the want ads. He does not say why there are so many ads for cellular immunologists and psychiatric nurses—and so few for unskilled labor. One answer can be found 15 years ago. Even then, at the height of the Great Society, America didn't make the investment in education, health and hope to qualify more children to become immunologists and nurses.

The price of this Administration's indifference won't be wholly evident for another 15 years. Perhaps by 1997 or so, the supply-side rainbow will lead to pots of gold for everyone. Either that, or yet another genera-

tion of poor children will have turned into sullen, wasted adults.●

U.S. HIGHWAY 2

● Mr. BAUCUS. Mr. President, old habits die hard. For several decades the approach to highway construction applied across the Nation was "the bigger, the better."

The budget crunch which faces our Federal and State governments requires a rethinking of that philosophy. In projects currently on the drawing board, we may have to learn to live with a sedan rather than a limousine if we are to stretch a limited number of dollars to provide for maximum benefit.

One example of this problem is the reconstruction of U.S. Highway 2 near Glacier National Park. I would be the last to argue against this project. This stretch of highway, while a scenic approach to Glacier National Park, is unsafe with a tragic history of highway fatalities to prove it.

Nonetheless, a serious question exists as to the necessity of building a four-lane highway rather than an improved, safe two-lane highway. The cost savings is estimated at $1 million.

A good analysis of this issue appeared in the April 7, 1982, Missoulian. I ask that this editorial be printed in the RECORD at the conclusion of my remarks.

As States and localities across the country are forced to deal with the allocation of increasingly scarce Federal dollars, I hope that the questions raised by this project will be given serious consideration.

The editorial follows:

HIGHWAY 2: HARD TO FIGURE THIS ONE OUT

Let's see if we can figure it out.

First, headlines have been blaring away in recent months about personnel reductions in the Montana Highway Department. It's due to federal highway funding cutbacks, the department says.

Second, Montanans might be asked to vote on whether to raise fuel taxes to make up for some of the lost federal highway money. Or they might be asked to tap the coal tax trust fund to do the same thing.

Third, Glacier National Park, the Environmental Protection Agency in Denver, the Fish and Wildlife Service, the Interior Department in Denver, the Housing and Urban Development Department and the Border Grizzly Project all favor building a two-lane U.S. Highway 2 between Hungry Horse and West Glacier.

Fourth, the Montana Highway Department, strapped for funds, crying the blues, begging for more of the taxpayers' money wants to build a four-lane Highway 2 between Hungry Horse and West Glacier, beginning in 1984 at the earliest. A four-lane highway would cost about $1 million more than a two-lane highway. That proposal was unanimously supported last week by the Montana Highway Commission.

Sound Crazy? It sure does.

The department has a tiger by the tail with this one. The teeth and claws of the tiger are found in the Coalition for Canyon Preservation, a citizen's group which has battled the four-lane project from the beginning. It has fought the project with the department, with the commission, and in court. In court it won a lawsuit once and might win again if the issue winds up there again, which it likely will.

The body of the tiger can be found in the suffering Montana taxpayers, who might logically ask: If you're strapped for money, highway department, why do you want to spend so much unnecessarily on Highway 2?

Good question.

Several things are happening about all this, some of them good:

The four-lane project is supported by the state highway people and various merchants and other citizens in the Hungry Horse-West Glacier area. The highway department has committed its prestige to the project.

The department is unaccustomed to tangling with organized citizens' groups. The Coalition for Canyon Preservation is presenting it with a brand new experience—and the department doesn't know how to react. It has pride—a stubbornness that locks it into positions. If it is wise, it will learn how to handle protests.

The Coalition for Canyon Preservation is well-informed, presses for inside department information, has amassed facts, and has found flaws with the department's internal operations. The group charges that the department's highway design manual and policies are outdated, compared with those of other states (specifically Colorado) and the department has yet to give a reasoned rebuttal other than it's working on the problem.

The Coalition for Canyon Preservation claims an improved two-lane highway would be safer, cheaper and would still adequately serve the expected traffic volume. It wants the department to "downscope" the project, which means lowering highway design standards while still maintaining adequate safety. So far the department hasn't given a reasoned rebuttal to that, either. It says it's working on the subject of downscoping.

All this is somewhat disturbing to the highway department which is one of Montana's most settled bureaucracies.

If the Coalition for Canyon Preservation achieves nothing else, it is providing the department its first significant citizens' challenge.

But it should achieve more than that. The department is plunging proudly straight ahead with this project, relying on old standards of dubious value, ignoring the fact that its four-lane project is viewed askance by many, including Glacier National Park itself.

It should answer the key question for all Montana citizens: "Why does it want to spend so much" on Highway 2 when it's strapped for money and laying people off?

Until then, nobody will be able to figure this out.●

THE ONE-SIDED PUSH FOR A NUCLEAR FREEZE

● Mr. LAXALT. Mr. President, the initiative outlined by President Reagan on March 31, 1982, is an important initiative for world security and world peace. The President has called upon the Soviet Union to negotiate substantial and verifiable reductions in nuclear weapons that will result in an equal balance of forces. I believe that this is a positive approach to arms control, and the only approach which is realistic in today's world.

How do we achieve treaties to reduce arms which provide the Soviet Union first with incentives to agree, second with incentives to comply, and third with incentives to negotiate more reductions in the future? Experience and reason tell us that perceived military stability on both sides is the vital link to an effective, negotiated arms deescalation. It appears to me that what this administration seeks is a stable military deterrent as the fundamental strategic and political base, both here and abroad, for arms control.

As we prepare to enter into Strategic Arms Reduction Talks (START) with the Soviet Union, and continue intermediate range nuclear force negotiations in Geneva, it appears to me that we simultaneously must be prepared to continue our strategic force modernization as an incentive to the Soviet Union to talk seriously. American deterrence policy is not an end in itself, but rather a means to prevent nuclear weapons from ever being used. Likewise, arms control treaties can serve to reduce the nuclear threat, increase national security, and maintain world stability. By negotiating first to equal and reduced force levels, and developing the means and incentives to verify these levels, we then can proceed to more far-reaching and substantial cuts in nuclear weapons. It is a step-by-step process, during which we must be patient and firm.

Mr. President, the question of a nuclear weapons freeze has received a great amount of attention these past few months. While I am in sympathy with the intent of these objectives, I believe this issue must be faced realistically—we cannot afford to delude ourselves. It is crucial that we take into account the hard lessons that we have learned in 13 years of negotiating with the Soviet Union.

One lesson is that the Soviet Union has never given up an advantage. Since a freeze would leave the United States in a position of inferiority, we could expect difficulty in linking a freeze with reductions that move toward equality. I would point out that some of the freeze resolutions introduced in the Congress recently are somewhat inconsistent with the Jackson amendment which stated that future arms control agreements not limit the United State to levels of intercontinental strategic forces inferior to the limits provided for the Soviet Union.

A second lesson is that Russian negotiating strategy has been to talk while building more weapons, while the Congress has tended to cancel programs because they might only be bargaining chips. Congressional actions,

including supporting an increased Department of Defense budget, must help to send a clear message to the Soviet Union that we are not only willing to seriously negotiate arms reductions, but that the United States is willing to meet any perceived military threat as well.

A principle concern that I have is that an arms control treaty is not a barrier to Soviet cheating. The Soviet Union is a party to the Geneva Protocol—Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous, or Other Gases, and of Bacteriological Methods of Warfare. The United States has evidence that the Soviet Union has used such substances in both Southeast Asia and in Afghanistan. The Soviet Union not only denies these charges, but has placed every possible obstacle in the way of trying to prove the validity of these charges by such organizations as the United Nations. The point of all this, Mr. President, is that the United States must be prepared to enforce strict compliance with the terms of any future arms treaty. A failure to do so may, in fact, be more dangerous to our Nation's security than a failure to reach an agreement at all.

In conclusion, Mr. President, arms control and reductions requires more than unilateral action by the United States. We should remember our strategic nuclear forces are to deter the Soviet Union, not ourselves. A recent editorial in the Chicago Tribune recently addressed the apparent one sidedness of the current push in the United States and Europe for a nuclear freeze. I ask that the editorial be printed in the RECORD.

The editorial follows:

[From the Chicago Tribune, Apr. 19, 1982]

AMERICA'S ANTI-NUCLEAR MYOPIA

In hundreds of cities and towns across America this is "Ground Zero Week," organized to make Americans aware of the dangers of nuclear war. It is part of a growing grass-roots movement to find a way out of the nuclear predicament. Chicago had a glimpse of the movement's strength during the large and successful antinuclear weapons march April 10. There will be other demonstrations in other cities later this month.

It is a movement to be welcomed. The danger is enormous, and without the concerned awareness of an aroused American electorate it will be difficult to lessen the danger. The protesters tend to be fuzzy on what, exactly, to do about it beyond banning the bomb or freezing production of warheads. But the mere fact that they are raising their voices can be an essential prod to the world's leaders.

It can be a prod, that is, if it is addressed to all the world's leaders. Unfortunately, the demonstrations and parades and teach-ins are generally not so addressed.

By all, we are talking about the leaders of all nuclear powers, most particularly the superpowers. To date, the overwhelming thrust of antinuclear weapons marches in Europe and the United States has been directed at the U.S. leadership. Messages to the Soviets, what few are seen, tend to be neutral in tone. The Soviet president, Leonid Brezhnev, is seldom caricatured and the hammer and sickle is seldom held up to ridicule—we spotted only one small and relatively mild poster criticizing the Soviets among hundreds in the Chicago march.

In contrast, President Reagan and the U.S. colors frequently are depicted in negative terms and often in vilely insulting terms. One sign in Chicago's march depicted the President of the United States with his trousers down, sitting on a bomb that seemed to represent a toilet commode. A number of signs read, "I care—Reagan doesn't." One called him a liar. When demonstrators were interviewed for television cameras they frequently attacked the President or the Pentagon or both.

When Mr. Brezhnev visited Bonn last year, nobody bothered to hoist signs or shout slogans against him. But President Reagan will soon be making a similar trip to Bonn, and already the organizers are gearing up for the granddaddy of all demonstrations. It is safe to predict that the outpouring will be colossal and that it will be virulently anti-American.

Why this myopia? It isn't that the demonstrators are dupes in a malign KGB plot, as some renascent red-baiters would have us believe. The vast majority are sincere, and honest and concerned citizens. Nor is it that the marchers regard Leonid Brezhnev and the other Soviet leaders as warm-hearted softies. Most of the demonstrators, if asked, would agree that the Soviet Union is a nuclear menace as evil and as dangerous as any on earth.

The trouble is that nobody asks. It hardly seems to occur to anybody to express concern over Soviet weapons—which, after all, are the gadgets that are designed to produce all the devastation so vividly described by Ground Zero Week organizers.

The few who give the question any thought usually reply that, as Americans (or as Europeans), their most effective protest is one directed at their own leaders. The Soviets, they say, won't hear the protest because of their controlled press or, if they hear, won't care.

That is dangerously false reasoning. The Soviet leaders do hear, and they heed. They hear a drumfire of protest against Western leaders and Western arms, and they rejoice that their antagonists are on the retreat. They rejoice that, if the drumfire continues, they can quietly continue to build their military power—including nuclear military power. In the aftermath of the Vietnam War, when the United States allowed its military strength to lag, the Soviets carried out the largest strategic arms buildup in their history.

What would happen if the vehemence against arms were directed as powerfully against the Soviet politburo as it is against the Reagan administration? What would happen if Western radio stations, which are heard and trusted by tens of millions of Soviet citizens, told of Leonid Brezhnev besieged by a million chanting protesters and the hammer and sickle being held up as a symbol of villainy?

Perhaps the apologists for a blindly one-sided anti-war movement are right, perhaps nothing at all would happen. But we won't know until it is tried.●

U.S. DIPLOMATIC EFFORTS

● Mr. HART. Mr. President, over the weekend, two different pieces of territory changed hands in two very different places on the globe. In the South Atlantic, Great Britain reclaimed by force some of what it had tried and failed so far to reclaim by negotiation. In the Middle East, Egypt reclaimed by negotiation what it had tried and failed to reclaim by force.

In both instances, the United States has played an active role in trying to bring protagonists together to avoid a major conflict over what appears to be barren, inhospitable territory—but over what is, in each case, a matter of principle.

In the case of the Falkland Islands, as former Under Secretary of State George Ball notes in Sunday's Washington Post, the principle involves resisting the unwarranted use of force to settle claims of sovereignty. In the case of the Sinai withdrawal, the principle involves nothing less than the survival and security of the State of Israel—which, as Georgetown professor Robert Lieber points out in the Sunday Post, makes the Israeli turnover all the more remarkable.

Mr. President, despite the events of the past weekend, U.S. diplomatic efforts may yet succeed in the Falkland crisis. Those efforts should be given every chance to succeed—but I commend to my colleagues George Ball's articulate explanation of "Why We Should Tilt Toward Britain," if they do not. And, despite the events of the past weekend, U.S. diplomatic efforts may yet fail to achieve the kind of comprehensive settlement which would truly guarantee Israel's right to live in peace with her neighbors. I therefore commend to my colleagues Robert Leiber's well-written analysis of why the United States should build upon the Camp David peace process, and ask permission that his and Mr. Ball's comments be printed in the RECORD.

The articles follow:

WHY WE SHOULD TILT TOWARD BRITAIN

(By George W. Ball)

The current antics of the Argentine government are further proof of the time-worn principle that a nation's craving to expand its territory is in inverse relation to its ability to manage its own affairs. Having long made a mess of their country's economy and politics, Argentine leaders instinctively seek additional lands to misrule. Since such an appetite is addictive, no wonder some of them are reported to view the current exercise as a dry run—the Falklands today, Antarctica tomorrow.

Argentina's national drama is poignant and bitter—the tragedy of what might have been. During the years before World War II, it was widely thought of as a golden land—rich and destined to be even richer. Few countries have been so bountifully endowed: its climate is temperate; it has an abundance of rich soil, petroleum and other minerals; and it enjoys a favorable ratio of people to land and other natural resources. Its population is largely of Italian and Spanish origin; unlike its neighbors, it has no indigene tensions.

But the Argentinians have squandered their patrimony by chaotic politics and a lack of economic discipline. Ever since the destructive years of Peron, brave but brief attempts at democracy have been persistently aborted by military coups. Afflicted for four decades with a ravening inflation (which has reached as high as 500 percent, and last year ran at the rate of 130 percent), the country has lagged behind most other Latin American countries in its economic growth rate. Foreign exchange reserves have been largely depleted, and, with an external debt of $30 billion, its per-capita-debt level is the fifth highest in the world. With shocking abuses of human rights, lamentable financial and economic troubles and chronic political instability, no wonder a nation once a beckoning Golconda for European immigrants is now experiencing substantial emigration.

So far Secretary of State Alexander Haig has gone to extraordinary lengths to avoid choosing sides. (His ill-advised minions even dined with the aggressors on the day of the rape.) But, though one might quarrel with diplomatic method—the theatrical climate created by his Kissinger-style shuttling may well have compelled the contending governments to harden their positions—the objective of the secretary's effort has been commendable; a negotiated solution is clearly better than bloodshed.

Yet all such diplomatic exertions ultimately reach a point of no return, and if, as now appears likely, Haig's mediation efforts fail, we can no longer delay a hard decision. As between Argentina and Great Britain the choice is open and shut. Not only is Argentina unequivocally the aggressor, as the United Nations Security Council has implied, but Britain and the United States are bound together by solemn treaty and—even more important—the closest ties of history and common enterprise; we have fought on the same side of the epic struggles, are staunchly united against our Soviet adversary and share a rich heritage.

Our relations with Argentina on the other hand depend almost wholly on the geographical accident that our nations are located in the same hemisphere—albeit at opposite ends. We have little ideology in common. Argentina did not break relations with the Nazis until 1943, when it saw the advantage of the United Nations membership, and it undercut our wheat embargo at the time of the Afghanistan invasion.

One can understand why those who see American foreign policy primarily in hemispheric terms should be disturbed by the implications of any action that collides with the expressed views of other Latin American countries. But it is clear that the support Argentina enjoys from its neighbors is largely ritualistic and at best lukewarm; in any controversy between an OAS member and a nation outside the group, Latin Americans will be under pressure to close ranks against the outsider. But that should not deter us any more than the fact that most of the OAS members have territorial claims that might be compromised by their condemnation of the use of force; we have an equal and opposite interest in discouraging further such adventures.

It goes without saying that we should scorn any implied threat that our declaration against aggression might turn Argentina toward the Soviet Union; that is the kind of blackmail no self-respecting nation can tolerate.

Equally obnoxious is the innuendo that a forthright stand on principle could jeopardize Argentina's willingness to continue the dirty work of training Somoza's emigre legions to promote that scrofulous gang's Second Coming in Nicaragua. If, under the Thieves Code that applies in such matters the Argentinians should expect us to wink at their aggression by way of payoff, it is clearly time such a misconception was vigorously corrected.

In terms of our larger strategy the costs we might incur by taking a forthright stand would be merely small change—a routine out-of-pocket expense of leadership. We should never forget the wise adage that "to govern is to choose." No great nation can afford to behave like the wife in one of Abraham Lincoln's anecdotes who, when her husband was attacked by a bear, played the role of impartial bystander, shouting first "Go it husband" and then "Go it bear." That is the kind of neutralism America has rightly rejected for the last four decades. Though the 600,000 sheep on the island may not care under what flag they are tended, clipped and ultimately eaten, the men, women and children who inhabit the Falklands are entitled to the right of self-determination and to protection from illegal invitations by a demonstrably incompetent military junta. It is time to show our true colors.

STAY WITH THE CAMP DAVID FORMULA

(By Robert J. Lieber)

Tonight Israel is to complete the turnover of the Sinai peninsula to Egypt. It will thus have relinquished most of the land captured in the 1967 war, together with enormous strategic depth, military bases, and enough oil to have qualified Israel for potential OPEC membership. At a time of continuing international conflict, the Israeli action is remarkable. It makes this an opportune moment to consider the preconditions for a wider Arab-Israeli peace and the implications for U.S. policy in the region.

Amid concern over tensions on the West Bank and in southern Lebanon, the meaning of Israel's Sinai withdrawal deserves special emphasis. First, if other Arabs follow the route of the Egyptians, peace with Israel is possible. Second, the Camp David agreement has been a remarkable accomplishment.

These conclusions contradict an approach that has gained increasing support in recent years, but that leads to a dead end. The approach rests on two inaccurate assumptions. The first is that to re-launch the peace process, it is primarily Israel that should be pressed to make concessions—in particular to modify its stand on the PLO and its opposition to a PLO-dominated state on the West Bank. The problem with this assumption is that the PLO Covenant continues to call for total destruction of the "Zionist entity" by "armed struggle"—a position reaffirmed in Damascus last spring. As long as this remains the PLO position, no accommodation is possible. A PLO state on the West Bank would pose serious danger to Israel, not least because the PLO could not create a stable political system for many years. As a result, the United States should favor a Jordanian-Palestinian solution, encouraging the Palestinians to cooperate with Jordan, with the autonomy negotiations as the means for doing so.

This leads to a second, equally flawed assumption: that the existing negotiations on Palestinian autonomy, under the Camp David framework, should be bypassed in favor of some new arrangement with direct PLO participation. This notion, held by many Europeans and some Americans, disregards the fact that there already is a framework for negotiation. Even if it were to provide only an intermediate stage in an effort at a mutually accepted solution, it remains the only existing basis on which to operate.

U.S. policy now requires a more coherent vision. It should rest on the following guidelines:

(1) The United States should re-emphasize the Camp David framework.

(2) The United States must maintain a context in which Israel feels secure. Oscillations and reversals in U.S. policy, or hints of going back on previous assurances and agreements (e.g., by negotiating with the PLO while it is committed to Israel's destruction) are wrong. They make Israel feel less secure and they make it harder to get Israeli agreement. In this context, the AWACS sale to Saudi Arabia and proposed arms sales to Jordan are ill-advised.

(3) The *sine qua non* for progress in the Mideast is an unequivocal commitment to peace. Israel has demonstrated this convincingly through the Camp David agreements and by giving back the Sinai. Egypt has shown its commitment by dealing directly with Israel and by signing a formal peace treaty. By contrast, the elusive emanations that other Arab states or the Palestinians have "crossed the Rubicon" are inadequate. This is a particular inadequacy of last year's much trumpeted but insubstantial Fahd Plan—which also bypassed Camp David and undercut Egypt.

(4) The United States should lean on Jordan and Saudi Arabia to become part of the peace process. Tangible proposals are required, not least to stimulate a real debate within Israel itself. This provides an answer to those who say we must not push these moderate Arab states too far, and who fear that continued absence of a settlement is a threat to stability of these regimes. It is that by failing to make a positive contribution of their own to the peace process, Jordan and Saudi Arabia share fundamental responsibility for the current state of affairs.

By following these four guidelines, the United States will pursue the one course of action holding, however remotely, the possibility of progress. It will also provide a context in which the Americans can effectively say to the Israelis that their settlement activities and recent policies toward the West Bank are becoming counterproductive. These guidelines also offer a contrast to seemingly uncoordinated U.S. policies that have included arms sales to Saudi Arabia and possibly Jordan, indulgence toward Iraq, de-emphasis of Camp David and sporadic irritation with Prime Minister Menachem Begin's actions in the Golan Heights, the West Bank and Lebanon.

April 25 reminds us that two countries have made peace in the Middle East: Israel and Egypt. The prerequisite for further progress requires that the other parties in the region demonstrate their willingness as well.

NO WINNERS IN NUCLEAR WAR

● Mr. HART. Mr. President, at a time when some of our national leaders are flirting with the idea of a survivable or limited nuclear war, all of us must remember that a nuclear exchange—however brief—will mean the end of society as we know it. No issue is more

important to this or later generations than the prevention of nuclear war; for everything we hold dear would be extinguished in a nuclear exchange.

A most eloquent editorial recently published in the Boulder, Colo. Daily Camera makes this point with great clarity. As the editorial points out, a nuclear war would be a war without winners. We would all lose something in a nuclear exchange—if not our lives or the lives of our loved ones, then certainly our homes, our schools, our cities, our farms, and everything else that comprises our civilization. Who can contemplate such an event and even consider the idea of a survivable or limited nuclear war?

I ask that this editorial be printed into the RECORD.

The editorial follows:

[From the Daily Camera, Mar. 30, 1982]

NUKE WINNER TAKES NOTHING

A little less than a month ago, our government carried out a mock nuclear war against the Soviet Union.

It wasn't until the fourth day of the escalating mock war situation that hundreds of Soviet missiles rained down on their targets in the U.S.

"The president died where he was sitting, in the cramped 'Situation Room' beneath the White House," the Wall Street Journal reported of the mock holocaust.

Losing the president was small potatoes, it seems, because in the final analysis the message was that the Reagan administration, including many top national security officials, say the exercise showed that we have the plans and the capability to maintain continuity of government during a nuclear strike.

You can see the "crisis relocation" pattern of thinking at work in this latest exercise in futility. The administration makes no secret that it believes that one way to put off nuclear war is to convince the Soviet Union that no matter what happens, the institutions of government will survive.

Sen. Alan Cranston, a California Democrat, has a slightly more accurate version of the aftermath of a nuclear war, in our opinion. Cranston told a foreign policy conference at Columbia University last week that an all-out nuclear war would probably kill 80 percent of the people on Earth.

Cranston said that most scientists he has talked with say that nuclear war would almost certainly mean the end of our civilization.

Clearly then the current administration is working on propaganda, and in theatrics the survivors are chosen by the script writer rather than the luck of the draw.

We have a few suggestions for the propaganda script writer.

Look beyond the survival of the bureaucrats to the death of the real strength of the world. What would any nation expect to gain in return for a nuclear strike against the United States?

What if a few of the large breed of killer weapons tumbled down Wall Street, and closed forever the international window of credit that sustains commerce and progress, both in the free world and in most parts of the world that are not so free?

What kind of world would it bring? How would any survivor nation scrape together the gold and the capital to start over?

What if a few dozen of the big machines of doom fell on the vast prairie lands of America, throwing poison into the breadbasket and forever wiping out its productive capacity? Would that make the food lines any shorter in Moscow? Where would the Soviet Union look for help during the next 10,000 of its chronic crop failures?

What if the missiles dropped on our universities, our laboratories, our centers of technology? How would any victor in a nuclear war expect to pull together the scattered threads of medical research, of communications technology. Where would they find the awesome talent it takes to build a bridge, or even repair one?

The world today is a vast, interdependent network of finance, science and technology. The winner of the nuclear war inherits an empty feast of bloated corpses and parched land.

That is the deterrent. The winner gets absolutely nothing but the curse of having destroyed God's work.●

KEEPING DRUNKS OFF THE HIGHWAYS

● Mr. PELL. Mr. President, motorists everywhere should be encouraged by the momentum which is growing for a tougher nationwide crackdown on drunk drivers—the single most serious threat to life on our highways.

In recent weeks, Florida, Indiana, New Mexico, Minnesota, South Dakota, Utah, Virginia, and Wyoming have enacted new laws aimed at keeping drunk drivers off our highways. According to the Christian Science Monitor, a total of 33 State legislatures have drunk driver bills pending in their current session.

There are also encouraging signs that the Federal Government will move quickly to encourage and assist these State initiatives. On March 29, the Senate Commerce Committee unanimously adopted S. 2158, legislation I have cosponsored with Senator DANFORTH to provide incentives for the States to enact a model drunk driver law. Although this bill was only introduced on March 2, it already has 28 cosponsors. Clearly, drunk driving is a problem that, by its very nature, must be handled at the State and local level. Our job as Federal legislators is to help local law enforcement get drunk drivers off the road—and keep them off. We need to give local courts and motor vehicle officials the tools that are necessary to mount an effective, all-out attack on the drunk driver problem.

As reported by the Commerce Committee, S. 2158 would encourage the States to adopt a comprehensive anti-drunk driver statute. If a State chose to adopt another approach or to do nothing, no Federal funding would be lost. If, on the other hand, a State adopted the comprehensive alcohol safety program contained in S. 2158, it would be entitled to a one-time only doubling of its Federal highway safety allocation under the section 402 program. The additional funding would be used to implement the license suspension, alcohol treatment, improved enforcement and mandatory sentencing features of S. 2158. Senator DANFORTH and I believe this incentive grant program will be a strong incentive for the States to follow through with efforts already underway at the local level to deal with this serious problem.

Strong drunk driver laws do have a deterrent impact upon motorists. The recent experience of Maine, which enacted a mandatory 48 hour jail sentence for persons convicted of criminally operating a vehicle while under the influence of alcohol, highlights the deterrent potential of the law—when it is surely and swiftly applied. I wish to share with my colleagues an article which appeared recently in the Boston Globe entitled, "Drunk drivers in Maine feel bite of the law."

Mr. President, if there is no objection, I ask that the text of the article be printed in full in the RECORD at this point.

The article referred to is as follows:

[From the Boston Globe, Apr. 11, 1982]

DRUNK DRIVERS IN MAINE FEEL BITE OF THE LAW

(By Denise Goodman)

BANGOR.—Stephen Cyr thought he'd made prudent plans for some serious drinking last December when he asked a friend, who normally limits his evening's intake to a drink or two, for a ride to a local bar. "I had no intention of driving," he says.

Three hours and 10 mixed drinks later, the 27-year-old Cyr "got elected to drive home" after his usually temperate friend had overindulged. Within minutes, Cyr was stopped by Bangor Police, asked to "walk the line" and arrested for operating under the influence.

Cyr's breath analysis test showed his blood alcohol level at .22 percent. As a result, last week he spent 48 hours in the Penobscot County Jail here under Maine's 6-month-old drunk driving law that imposes mandatory jail sentences on those convicted of criminal operating-under-the-influence charges.

He was among 521 persons arrested on such criminal charges to appear in the state's District and Superior courts in the first 3½ months the law was in effect and among 87 percent of that group found guilty and sentenced to brief jail terms, according to a new information on the subject released yesterday.

Alcohol-related traffic fatalities have dropped 41 percent during the six months since the law became effective last September—going from 37 during the same time period in the previous year to 22, according to a report on traffic compiled by State Police. The report also showed all Maine highway deaths declined 38 percent—from 107 to 65—during the comparative period.

The new law provides for both civil and criminal operating-under-the-influence charges. Criminal offenders, those with blood alcohol levels of at least .20 percent or with lower levels who exceed the speed limit by 30 miles per hour, try to elude police or have a drunken driving conviction in the last six years, face license suspensions of up to one year, fines of up to $1,000 and jail sentences of at least two days.

While State Police have been keeping a running tab on fatalities, another report by the University of Maine's Human Services Development Institute covering the period from Sept. 18 to Dec. 31, 1981, is the first to examine how those charged with drunken driving have fared in the state's courts.

According to that report, 9,425 persons were arrested on civil and criminal operating-under-the-influence charges during that period. Projected on an annual basis, that represents a 14 percent increase in arrests over 1979. And the 81 percent conviction rate under the new law is 30 percent higher than in 1979.

Larry Spiegel, press secretary for Gov. Joseph Brennan, says the short-term court data indicate "police are stepping up arrests and the courts seem to be more strict in cracking down on convictions. Combined with the six-month fatality figures, we can conclude the law is working," Spiegel adds.

State Police have been reluctant to ascribe the entire decrease in traffic deaths to the new law, saying that the severe winter may have been a factor, with fewer people on the roads and more caution exercized by those who did drive in bad weather.

Cyr received only the minimum jail sentence for criminal drunken driving, but that sentence includes a fine, license suspension and jail term. "My buddies kidded me that I was going to spend a couple of nights at the Hilton. But there's nothing funny about this," Cyr says.

He walked into the 112-year-old Penobscot County Jail Wednesday afternoon where he was photographed, fingerprinted and strip-searched before being led to the bleak old four-tier cell block. Gesturing to the peeling paint revealing gray steel bars and panels, Jail Administrator Capt. Robert Carlson remarked, "This is hardly the Hilton."

"Actually, I thought it would be a little worse than what it is," Cyr said Thursday afternoon midway through his sentence. "I just want to get it over with, to get the hell out of here."

However distasteful his 48-hour incarceration, it is the 90-day suspension of his driver's licence that bothers Cyr most, especially since he can't perform his job, for a firm he declined to name, without a license. "That's the real clincher for me," he said. Cyr was also fined $350.

A bachelor who has no relatives in Bangor, Cyr may have been spared some of the family problems that such an arrest and jail sentence might spell for others. Still, he acknowledges, "It's an uncomfortable subject. I don't like to talk about it."

Those who know what happened to him, he suggests, "may be more aware now of what's going on—that you don't have to be all that loaded to spend two days in a cell. If I had thought I was that high over the limit, I wouldn't have driven. I didn't think I'd had that much to drink. And there are alternatives you never think about until something like this happens—like getting a taxi or a ride with somebody else."

If Cyr's case is any kind of bellwether, the mandatory jail sentence has a deterrent effect. "Two days in here are just a taste," he says, "but 30 days or even seven days, I wouldn't even want to think about."●

INFANT DOE

● Mr. GRASSLEY. Mr. President, the Nation reacted with shock and dismay over the recent death of "Infant Doe"—a baby with Down's Syndrome in Bloomington, Ind., whose parents allowed it to die shortly after birth. The infant, who needed surgery on its esophagus to allow food to reach its stomach, was prevented by its parents from receiving the medical care it needed to survive. An article by columnist George Will as published in the Washington Post provides an excellent insight into the implications of this recent horror.

As Mr. Will aptly points out, the freedom to choose to kill inconvenient life is being extended beyond fetal life to handicapped infants in this dangerous precedent. To those of us who have been active in the pro-life movement, this event is a poignant reminder that there are those in our society who would define the unwanted and handicapped as a financial and emotional drain on the not-so-disadvantaged and are, therefore, dispensable. After all, there is little difference between the conscious, court-sanctioned killing of "Infant Doe" and the abortion of thousands of unborn children every year. This event should inspire us to double our efforts to preserve inconvient life by establishing effective protections under our laws.

Mr. President, I ask that the article by George Will be placed in the RECORD at this time.

The article follows:

[From the Washington Post, Apr. 22, 1982]

THE KILLING WILL NOT STOP

(By George F. Will)

The baby was born in Bloomington, Ind., the sort of academic community where medical facilities are more apt to be excellent than moral judgments are. Like one of every 700 or so babies, this one had Down's syndrome, a genetic defect involving varying degrees of retardation and, sometimes, serious physical defects.

The baby needed serious but feasible surgery to enable food to reach its stomach. The parents refused the surgery, and presumably refused to yield custody to any of the couples eager to become the baby's guardians. The parents chose to starve their baby to death.

Their lawyer concocted an Orwellian euphemism for this refusal of potentially life-saving treatment—"Treatment to do nothing." It is an old story; language must be mutilated when a perfumed rationalization of an act is incompatible with a straightforward description of the act.

Indiana courts, accommodating the law to the Zeitgeist, refused to order surgery, and thus sanctioned the homicide. Common sense and common usage require use of the word "homicide." The law usually encompasses homicides by negligence. The Indiana killing was worse. It was the result of premeditated, aggressive, tenacious action, in the hospital and in courts.

Such homicides can no longer be considered aberrations, or culturally incongruous. They are part of a social program to serve the convenience of adults by authorizing adults to destroy inconvenient young life. The parents' legal arguments, conducted in private, reportedly emphasized—what else?—"freedom of choice." The freedom to choose to kill inconvenient life is being extended, precisely as predicted, beyond fetal life to categories of inconvenient infants, such as Down's syndrome babies. There is no reason—none—to doubt that if the baby had not had Down's syndrome the operation would have been ordered without hesitation, almost certainly, by the parents or, if not by them, by the courts. Therefore the baby was killed because it was retarded. I defy the parents and their medical and legal accomplices to explain why, by the principles affirmed in this case, parents do not have a right to kill by calculated neglect any Down's syndrome child—regardless of any medical need—or any other baby that parents decide would be inconvenient.

Indeed, the parents' lawyer implied as much when, justifying the starvation, he emphasized that even if successful the surgery would not have corrected the retardation. That is, the Down's syndrome was sufficient reason for starving the baby. But the broader message of this case is that being an unwanted baby is a capital offense.

In 1973 the Supreme Court created a virtually unrestrictable right to kill fetuses. Critics of the ruling were alarmed because the court failed to dispatch the burden of saying why the fetus, which unquestionably is alive, is not protectable life. Critics were alarmed also because the court, having incoherently emphasized "viability," offered no intelligible, let alone serious, reason why birth should be the point at which discretionary killing stops. Critics feared what the Indiana homicide demonstrates: the killing will not stop.

The values and passions, as well as the logic of some portions of the "abortion rights" movement, have always pointed beyond abortion, toward something like the Indiana outcome, which affirms a broader right to kill. Some people have used the silly argument that it is impossible to know when life begins. (The serious argument is about when a "person" protectable by law should be said to exist.) So what could be done about the awkward fact that a newborn, even a retarded newborn, is so incontestably alive?

The trick is to argue that the lives of certain kinds of newborns, like the lives of fetuses, are not sufficiently "meaningful"—a word that figured in the 1973 ruling—to merit any protection that inconveniences an adult's freedom of choice.

The Indiana parents consulted with doctors about the "treatment" they chose. But this was not at any point, in any sense, a medical decision. Such homicides in hospitals are common and will become more so now that a state's courts have given them an imprimatur. There should be interesting litigation now that Indiana courts—whether they understand this or not—are going to decide which cateogies of new borns (besides Down's syndrome children) can be killed by mandatory neglect.

Hours after the baby died, the parents' lawyer was on the "CBS Morning News" praising his clients' "courage." He said, "The easiest thing would have been to defer, let somebody else make that decision." Oh? Someone had to deliberate about whether or not to starve the baby? When did it become natural, evern necessary, in Indiana for parents to sit around debating whether to love or starve their newborns?

The lawyer said it was a "no-win situation" because "there would have been horrific trauma—trauma to the child who would never have enjoyed a—a quality of life of—of any sort, trauma to the family, trauma to society." In this "no-win" situation, the parents won: the county was prevented from ordering surgery; prospective

adopters were frustrated; the baby is dead. Furthermore, how is society traumatized whenever a Down's syndrome baby is not killed? It was, I believe, George Orwell who warned that insincerity is the enemy of sensible language.

Someone should counsel the counselor to stop babbling about Down's syndrome children not having "any sort" of quality of life. The task of convincing communities to provide services and human sympathy for the retarded is difficult enough without incoherent lawyers laying down the law about whose life does and whose does not have "meaning."

The Washington Post headlined its report: "The demise of 'Infant Doe'" (the name used in court). "Demise," indeed. That suggest an event unplanned, even perhaps unexplained. ("The Demise of Abraham Lincoln"?) The Post's story began:

"An Indiana couple, backed by the state's highest court and the family doctor, allowed their severely retarded newborn baby to die last Thursday night. . . ."

But "severely retarded" is a misjudgment (also appearing in The New York Times) that is both a cause and an effect of cases like the one in Indiana. There is no way of knowing, and no reason to believe, that the baby would have been "severely retarded." A small fraction of Down's syndrome children are severely retarded. The degree of retardation cannot be known at birth. Furthermore, such children are dramatically responsive to infant stimulation and other early interventions. But, like other children, they need to eat.

When a commentator has a direct personal interest in an issue, it behooves him to say so. Some of my best friends are Down's syndrome citizens. (Citizens is what Down's syndrome children are if they avoid being homicide victims in hospitals.)

Jonathan Will, 10, fourth-grader and Orioles fan (and the best Wiffle-ball hitter in southern Maryland), has Down's sydrome. He does not "suffer from" (as newspapers are wont to say) Down's syndrome. He suffers from nothing, except anxiety about the Orioles' lousy start.

He is doing nicely, thank you. But he is bound to have quite enough problems dealing with society—receiving rights, let alone empathy. He can do without people like Infant Doe's parents, and courts like Indiana's asserting by their actions the principle that people like him are less than fully human. On the evidence, Down's syndrome citizens have little to learn about being human from the people responsible for the death of Infant Doe.●

THE ASBESTOS MESS

● Mr. HART. Mr. President, an editorial in this morning's Washington Post outlines the need for congressional action on one of the most complex health and public policy problems facing this Nation: the inadequacy of compensation for workers disabled by occupational disease.

Representative GEORGE MILLER and I have been working together over the last year to develop proposals for a legislative remedy to this difficult problem. Our work, much of which has focused on asbestos disease compensation, has been based on the fact that the present workers' compensation statutes are inadequate, ineffective, and inequitable.

Working men and women, manufacturers and insurers, and our judicial system are all victims of the failed compensation system which now exists. As the Washington Post concludes: "The likelihood of bankruptcies among manufacturers and insurers, the lack of remedy for the victims, and the unmanageable legal mess that is burdening court schedules make it imperative for Congress to stop its endless studying of the problem—this has been going on for years—and take action."

I ask that the entire editorial be printed in the RECORD at this point.

The editorial referred to is as follows:

THE ASBESTOS MESS

Occupational exposure to asbestos, which is now known to cause disability and death at levels lower than those thought to be safe in earlier decades, has created a legal nightmare. That might just be bad news for the victims and the asbestos manufacturers, except that the number of new victims is so large—it is expected soon to reach 8,000 to 10,000 a year and to remain at that level until the end of the century—and the compensation system such a mess, that if left uncorrected they could significantly affect the national economy.

Asbestos causes a range of lung diseases, some of them fatal, that generally do not show up for 20 years or more after exposure. This means that unsafe conditions have persisted for decades. So even though tight exposure regulations were imposed by the mid-'70s, the number of victims will continue to increase for years to come.

The workers' compensation program was not designed to handle injuries that do not show up for 20 years. So, increasingly, victims have turned to the courts. But the legal system is now awash in a flood of claims and cases. Workers are suing the manufacturers; the manufacturers are suing their insurance companies; and the insurance companies are suing each other. The city of Philadelphia now has five full-time "asbestos judges."

Asbestos manufacturers, many with only a few hundred employees, typically have 10,000 or more cases pending against them. Many have exhausted their primary insurance coverage. Because of their immense but unpredictable liability, it is extremely difficult to raise capital for their current needs. For many of these companies, which may not even still be in the asbestos business, asbestos problems claim more time and attention of top management than does current business. Many face bankruptcy.

The victims are not benefiting, however. The companies are winning more than half the cases that come to trial. Court-awarded settlements vary widely, some hardly covering legal costs. Even cases that are settled out of court take more than two years. One company reports that for each of its settled cases, it spent an average $150,000 from which the worker, after paying legal and court fees and reimbursing the workers' compensation program, netted $28,000. A few workers hit the legal jackpot, the rest are ill-served.

Insurance companies are fighting over which of them is liable—the company that provided coverage at the time the worker was exposed, or the one that held the policy when he got sick. The 50 or so companies involved do not have the assets to cover likely future asbestos claims. Some will have to choose between drastically raising their other premiums—for auto, fire and other common policies—and going under, leaving their policyholders unprotected.

The likelihood of bankruptcies among manufacturers and insurers, the lack of remedy for the victims and the unmanageable legal mess that is burdening court schedules make it imperative for Congress to stop its endless studying of the problem—this has been going on for years—and take action. The general principles of a fair, workable and affordable compensation scheme have been outlined. The present system is serving no one but—who else?—the lawyers.●

LEAVE INDIVIDUAL INCOME TAX REDUCTION IN PLACE

● Mr. McCLURE. Mr. President, I am pleased today to support the individual income tax reductions established in the Economic Recovery Tax Act of 1981. There has been a great deal of speculation recently that part of the 1982 or 1983 reduction should be deleted or modified in an effort to reduce the Federal deficit. I am opposed to this and any other proposal that would further burden the American taxpayer.

The American people delivered a clear mandate to Congress in November of 1980: Cut taxes, reduce the size of the Government, and return control to the people. Last year we set out on a clear and steady course to accomplish that goal. October 1, 1981, marked the start on that course that Congress orchestrated months ago, a start with indisputable direction and long term prospects of economic reemergence. Now, before the program is completely in place, threats surface daily that the tax cut was excessive and should be repealed in an unfair attempt to balance the budget.

I wish to share several articles with my collegues concerning the individual income tax reduction provision. While I have differences with some of these opinions I do agree with the major thrust of them.

In a recent editorial in the Washington Post, R. Emmett Tyrrell, Jr., states that the Federal budget grows more obese every day. Mr. Tyrrell goes further and states the obvious: That it is the interest on the national debt and the swelling entitlements that are the problems we need to address now. In the past two decades, the expense of the Government has skyrocketed without any plans from Congress, as the responsible party, to bring about control. During these two decades, our best answer to these skyrocketing expenses has been to raise taxes, a poor solution that has not worked before and will not work now.

There are three ways to get a deficit under control. One is to raise taxes, another is to cut spending and the most beneficial way is to promote economic productivity. Raising taxes is a short-term answer that further magnifies a long-term problem that we need to address now. We owe the American people more of an effort to reduce the deficit than an initially painless stroke of a pen that increases revenue and momentarily takes the pressure off of us in Congress and onto the backs of the taxpayer. By cutting taxes and reducing the burden of Government we encourage economic productivity.

As we all know, we are approaching the April 15 deadline and many people are comparing this year's return to last year's only to find out that with the tax reduction and with a moderate increase in income their net disposable income has decreased during this year. It is very apparent that we have not yet realized the full benefits of the individual income tax cuts and threats are becoming more and more common to eliminate them.

The next tax cut scheduled for July of this year is to be at a 10 percent annual rate making its effective rate a meager 5 percent. Last October's reduction of 5 percent amounted to an even more minute sum of 1.25 percent, which for the most people did not cover the increase in social security taxes. Figures like these make me think that we should increase the tax cut, not attempt to eliminate it.

In another editorial in the Wall Street Journal, Paul Craig Roberts correctly states that the individual income tax reduction raises people's cash flow on their existing income levels and allows them to retain a larger part of their income gains. This is precisely the economic stimulus that the economy needs; added incentive to work, to save and invest. Raising taxes now takes away these favorable incentives that were established in the Economic Recovery Tax Act of 1981. George Gilder takes this argument further and states that the individual income tax cuts are so small that the full benefits to the economy are being delayed. Delaying the tax cuts any further will only compound the problem.

The goal we set last year was not easy but we must not change course now. The current economic crisis demands something more substantial than a superficial effort. The economic policies we have been following for the past 20 years have not worked. We have set in place part of an economic program for recovery. We must not lose our nerve and back away from the progress we have made in the past year, and we cannot back away from the challenge we now face. The challenge today is to have the political courage to administer further cuts in inefficient agencies and to restrict many social welfare programs which shower benefits to the non-needy.

Mr. President, I ask that the essays I have included be printed in full along with my statement.

The articles referred to are as follows:

[From the Wall Street Journal, Mar. 25, 1982]

WHOSE ECONOMICS REALLY HELPS THE POOR?

(By George Gilder)

The gapologists are at it again, attempting to foster class war. Raising continual alarms about "the gap between the rich and the poor," speculating on TV about the likelihood of summer riots against Reaganomics, flaunting absurd statistics on income distribution. The gapologists seek to envenom the frustrations of the poor, while proposing programs that would make their problems worse.

This time the source of the venom is the Congressional Budget Office (CBO), the supposedly non-partisan agency headed by liberal economist Alice Rivlin. Its conclusion, trumpeted by the media, is that the administration's tax and budget cuts will (you guessed it) widen the gap between the upper income groups and the poor.

This report, instigated by Sen. Ernest Hollings of South Carolina and Rep. James R. Jones of Oklahoma, the ranking Democrats on the Senate and House Budget committees, lends momentum to the drive to depict the Reagan budgetary proposals as an assault on the "neediest" Americans and a bonanza for the "greediest."

Enhancing the effect of these charges has been the incoherence of the Republican response and the utter unwillingness of the media to come to terms with supply-side theory. The predictable result will be a continuation of the very policies that have been destroying the jobs, lives and families of the poorest Americans for some 20 years.

WELFARE DESTROYS BREADWINNER

These redistributional schemes, by eroding the incentive to work, save or support families, have created in our inner cities a tragic wreckage of demoralization, rage, unemployment and crime and have left more than half of black children without a father in the home. When welfare destroys the breadwinner role of the fathers by offering a package of benefits more than double the minimum wage, the liberal answer is to take the mothers out of the home as well by giving them government jobs and day care centers.

Poverty is less a matter of income than of prospects. While the incomes of the poor have steadily risen through Great Society largesse, their prospects have plummeted as families have broken into dependent fragments and jumbled together in crime-ridden and welfare-addicted ghettos. In this heartbreaking harvest of liberal "compassion," all the necessary disciplines of upward mobility and small business activity have given way to the vandalism and chaos of gangs and drugs, illegitmacy and prostitution. Thus poverty has been intensified and perpetuated by income redistribution.

The Reagan administration, at long last, has resolved to reverse this vicious circle of dependency by promoting economic growth. Growth and opportunity are the only effective ways to lift the prospects of the poor. But this courageous effort is being undermined and thwarted by the constituents and administrators of the utterly failed programs of the past.

These programs are actually being defended as essential to the employment of poor blacks when they chiefly employ middle-class bureaucrats. In fact, the War on Poverty managed to triple black unemployment during the very decade of the 1970s when a higher proportion of Americans got jobs than ever before in peacetime and some 12 million immigrants, many of whom did not even know English, found or created work in the very urban areas where black unemployment soared.

The CBO study exactly reverses the truth. If the Reagan program can be put into effect, it in fact will benefit the poor the most—by providing them jobs and opportunities—while the tax cuts will make the rich bear a larger share of the tax burden.

The central fallacy of the study is its assumption that people with incomes over $40,000 "will receive half of the projected $82 billion in revenue that the federal government expects to lose in 1983 as a result of the cut in individual income taxes." Although the Reagan administration has made similar projections, these estimates of forgone revenue are groundless. Without the personal tax cuts, the economy, already in deep recession, would likely stagnate further, if indeed it avoided depression.

There is no chance that an additional $83 billion could be collected under those circumstances no matter how high the tax rates were allowed to climb. Unemployment and poverty, however, would surely spread, as usual blighting the lives of the supposed beneficiaries of the abortive redistributions.

These recessionary effects aside, the CBO analysis implies that the rich are stupid enough to go on paying taxes in the 50% to 70% brackets when the tax shelter industry is probably the fastest growing business outside of personal computers (often themselves used for tax planning). All the CBO projections ignore the overwhelming spread of legal tax avoidance and underground economic activity provoked by the continuation of bracket-creep tax increases (caused by inflation pushing taxpayers into higher brackets without any real increase in their buying power).

The chief result of the administration's tax cuts will be to induce the rich to move out of tax shelters and pay more taxes. Michael Evans of Evans Economics has estimated that the reduction in the top rate alone, from 70% to 50%, will increase tax payments from the rich by some $3 billion, as current tax avoiders move into taxable investments.

RICH WILL NOT GET RICHER

This movement out of tax shelters does not mean that the rich get richer; it merely means that more of the current poor get rich and that wealthy individuals pay more of their income to the government and less to tax lawyers and tax shelter finaglers.

This is not a novel supply-side theory. Every U.S. across-the-board tax cut has increased the share of taxes paid by the rich. For example, our history's largest cut—in which the top rate was dropped from 73% to 25% in the mid 1920s—increased the share of total taxes paid by the rich from 27% to 63%. The smaller Kennedy-Johnson cut of 1964 increased tax payments in the brackets above $100,000 by 80%.

The Reagan administration does not like making such arguments because they confuse the claims of "huge tax cuts." In fact, if inflation continued near the present pace, the Reagan income tax program will merely

compensate for bracket creep and Social Security tax hikes. There will be virtually no real tax cuts.

The crucial problem in economic policy today is that the income tax cuts are so small and so slow that the full benefits to the economy and thus to the poor are being delayed. But to delay the tax cuts further, in the name of a false fairness, will only compound the tragic problems of the poor. There are no winners in class war, except possibly the gapologists.

[From the Washington Post, Dec. 14, 1981]

AN OBESE BUDGET

(R. Emmett Tyrrell Jr.)

Even with the Reagan budget cuts, the federal budget is larger this year than last. That is true also of expenditures for the poor, with the estimates for fiscal 1981 at $239.2 billion and for 1982 at $263.6 billion. Even with the Reagan tax cuts, we are all paying more taxes this year—$20 billion. Either out of stupidity or out of willfulness, multitudes of our pols are making the economic debate seem more complicated than it is. The exquisite truth of the matter is that our federal budget grows more obese every day, and while the honorable gentlemen on Capitol Hill solemnize over the grave deficits and the heartless budget cuts, only the president and a handful of stalwarts are taking action to restrain the beast and to return vigor to the economy that sustains us all.

You might recall that at the outset of his administration the president asked for a $695.5 billion budget for fiscal 1982. Now, despite the president's fabled niggardliness, that $695.5 billion budget has increased to $722 billion, and the deficit has grown from an estimated $45 billion to an estimated $109 billion. Why does it grow even against the wishes of the Great Miser in the White House?

It grows because of interest on that national debt that the solons have been so blissfully amassing for over two decades. It grows because of the entitlement programs of our milch-cow state, programs devised so recklessly that they can increase whether there are funds available or not, and whether taxpayers have approved or not. Then too, the budget grows because so very few of our modern-day Alexander Hamiltons are able to say no to lobbyists with outstretched palms. With all these leeches on the budget, does anyone really believe that the president's tax cuts are to blame for that huge deficit? Rep. Jack Kemp is estimating that 80 percent of OMB's projected deficits will result from economic slowdown, causing tax revenues to drop and entitlement costs to rise.

Suzanne Garment, The Wall Street Journal's indefatigably fruitful spy in Washington, put it just so when she observed that the republic's politics suffer from "a failure of responsibility," particularly in the legislative branch. Think of such fabled conservatives as the Hon. Jesse Helms and the Hon. Howard Baker pleading for economies in government and blandly greasing the skids for farm subsidies and giant waterways projects. Think of such extravagant Democrats as the Hon. Henry S. Reuss setting off sirens over last week's estimated budget deficit of $109 billion. For two decades, these spendthrifts have jeered and hooted at any sourpuss unwilling to go along with their red ink, ballooning budgets, higher taxes and higher inflation.

And dwell on the blubbering of such artists as Detroit Mayor Coleman Young, "There is no safety net. It's been ripped to shreds." Halt of our federal budget goes to pay for that safety net. In 1979, George Gilder tells us, the average welfare family of four received almost $18,000 worth of subsidies, making the inducements of welfare a leading cause of American "poverty" and all the social problems that go with it. In the 1950s, only one-fifth of our budget went toward such programs. How is it that with this enormous increase in social spending things are now so desperate for the poor?

Moreover, what would all the grumblers have us do as an alternative to the president's modest cuts? If they are opposed to deficits and to budget cuts, what is their alternative? They believe that the taxpayer must pay more! Some will say that the military must get less, but at the rate our budget fattens that economy would matter little. Of course, thanks to bracket creep and to increases in the Social Security tax, even with the Reagan tax cuts we are paying more. Just how much more do the honorable gentlemen believe we should pay? Their government agencies—federal, local and state—now slurp up some 40 percent of the nation's wealth. In listening to their lamentations over how little money is available today for government good works, it becomes apparent that the pols are not satisfied with 40 percent. They want still more of our payroll checks.

That is the nub of their rancorous opposition to the Reagan cuts. We have reached that point in our history when the expense of government, thanks to the imprudence of legislators has simply blasted through the roof. It is heading for the moon, and the pols, only response is to cavil and to strut and to raise our taxes.

[From the Wall Street Journal, Mar. 3, 1982]

IS A DEPRESSION BREWING?

(By Paul Craig Roberts)

Recent headlines suggest the economy may be in for more austerity than it can stand. The President's advisers have succeeded in silencing his criticism of the Federal Reserve's monetary policy and have him, instead, endorsing even tighter monetary targets in this recession year than last year when the recession began. The Senate Finance Committee chairman, Bob Dole, has announced that he is yanking back a major part of the recently enacted business tax cut. And key business leaders, economics professors and other lobbyists are urging Congress to postpone the individual tax cuts. All of this austerity is supposed to balance the budget; it is more likely to unbalance the economy and the budget and the President with it.

A central fact of the economy is that it is strung out on credit. This is the fault of the tax system, which has damaged the cash flow of individuals and businesses.

With taxflation—the combination of high marginal tax rates and inflation—taking most of the gains in individual incomes, people have been resorting to debt to finance their gains in consumption. Since the interest on their debt is tax deductible, being in debt was the only way to get some of their income back from the government and experience a rise in living standards. Indeed, the only way most people could "save" at all was to go in debt and rely on taxflation to push up the value of their homes and depreciate the value of their mortgages.

DEBT JUNKIES

Businesses were equally encouraged by the tax system into becoming debt junkies. Their depreciation allowances were stolen by taxflation, severely reducing their cash flow and curtailing internal financing. Since payments to equity must be made from taxable income but debt service is tax deductible, business became increasingly debt-dependent.

Simultaneously, the Fed was trying to keep interest rates down by making more money available. As money growth rose, so did the inflation rate, which pulled up the interest rate. Eventually, people's expectations of inflation rose faster than inflation itself, leading to greater demands for credit.

The only way out of this dilemma is to improve the cash flow of individuals and businesses, while gradually reducing the rate of money growth. That was the plan of the Reagan administration.

The business tax cuts produce a dollar for dollar increase in business cash flow. Even firms with no profits have—or had until Senator Dole's announcement—an alternative to borrowing: they can sell their unused depreciation allowances and tax credits.

The individual income tax reduction raises people's cash flow on their existing income levels and also allows them to retain a larger percentage of their income gains. The combination makes it possible for people to pay down their debt while still experiencing a rise in consumption. Whether you look at it from a Keynesian or supply-side perspective, the approach obviously makes more sense than one that requires people to pay down their debts by reducing their consumption.

The monetarist leg of the administration's plan was for the Fed to peg the quantity of money rather than the interest rate. By gradually reducing the quantity of money, the Fed could wean the economy from excessive credit without precipitating a recession. The Reagan plan was to reduce the rate of money growth by 50% over a four- to six-year period.

The Fed delivered 80% of this reduction in money growth in the first year—an extraordinarily recessionary policy. In addition the Fed has failed to keep to a steady, predictable course. Money growth has been increasingly volatile, with Fed policy consisting of return trips from being too loose or too tight.

It is beside the point for the Fed to argue that U.S. monetary policy is less volatile than in some other countries' and that when averaged over the year money growth is reasonable. The relevant points are: (1) U.S. monetary policy is more volatile than previously, so for U.S. financial markets there is a rise in uncertainty; and (2) people live and operate in discrete units of time, not in an average year. A monetary policy that alternates between taking out too much money and putting in too much money is a policy of uncertainty.

In view of the failure of monetary policy (regardless of whether the fault lies with monetarism or the Fed), it is difficult to understand why the administration has closed ranks behind the Fed and thereby focused attention on the President's budget policy as the source of our problems.

People are mistakenly blaming the tax cuts for the deficit and the deficit for the failure of monetary policy to lower interest rates. The view is taking shape that we must raise taxes on businesses and individuals to reduce federal credit demands, so that the

Fed can lower interest rates. But higher taxes reduce the cash flow and income gains of the private sector, thereby raising credit demands and heightening illiquidity.

FROM GROWTH TO AUSTERITY

In a year's time policy has moved from one of economic growth to one of austerity. Republicans are giving no thought to how a policy of tighter money targets combined with repeal and postponement of business and individual tax cuts is going to get them out of a recession. Democrats and Keynesians who know better are egging on the policy of simultaneously reducing both credit and cash flow, because they see in the brewing depression the desctruction of their Republican and supply-side rivals.

In thinking about where to go from here, we should keep in mind the real mistakes of last year. A year ago when the administration announced its program, critics responded that the tax cuts were going to send the economy up in the smoke of inflation. These critics succeeded in frightening the Fed, Congress and members of the administration. As a result, the Fed, fearing an inflationary fiscal policy, overcompensated on the monetary side, holding monetary growth flat for half of the year.

On the fiscal side the administration and the Congress, in an attempt to keep tax revenues high and balance the budget, delayed and scaled back the personal tax cuts. Instead of the 20% tax reduction that was intended by January 1982, there was 5%, and it was overtaken by bracket creep.

Consequently, there was a deflationary monetary policy and no tax cut, which guaranteed a recession and large budget deficits. If the government now responds to the budget deficits with more of the policies that produced them, it might push the economy from recession to depression.

THINKING THINGS OVER

(By Vermont Royster)

AH, YES, THE TAX CUT

"The individual income tax reduction raises people's cash flow on their existing income levels and also allows them to retain a larger part of their income gains."

I know this must be true because I read it in The Wall Street Journal in an article by Paul Craig Roberts. Mr. Roberts was lately Assistant Secretary of the Treasury for economic policy and was formerly an editorial writer himself for the Journal.

But the statement has made it harder to answer a flood of letters (three) from readers wanting to know where the tax cut went. One, in a burst of candor, sent me a photocopy of his 1980 and 1981 tax returns, which made depressing reading. Another wrote of his 80-year-old aunt who has a $10,000 taxable income (no Social Security, no welfare) and who owed more tax in '81 than '80.

They led me to seize my handy-dandy calculator and compare my own '80-'81 statutory income reports. There I found if not cause for weeping at least a puzzlement.

I did have a slight increase (1.8%) in gross income between the two years, although with one thing and another a decrease (2.28%) in my taxable income, which should have pleased me. But somehow in spite of aid from my wife, a lawyer and a certified public accountant the total due the federal government increased by 1.3%.

One cause of this was the increase in the taxes I pay for the privilege of employing myself. I'm charged this in lieu of Social Security even though I've long since been a "retired" Senior Citizen, have paid Social Security taxes since its inception and have never received a nickel from it. In my case this boost amounted to 78% from one year to the next.

To continue this melancholy tale I also owe income taxes to a city (New York, where I neither live nor work) and to a state; also school, county and town property taxes which increased. Moreover, I live where, unhappily, I have to pay taxes on cash-in-the-bank and my paltry stock portfolio. It all adds up.

The point of this otherwise futile figuring is that when it is added up, then what economists call my "net disposable" income—i.e., what's left after various tax gatherers take their slice—shrank between 1980 and 1981.

Others, I'm sure, managed more astutely than I or my plaintive correspondents. But there must be enough of us similarly affected by the vaunted tax cut bill to offer a clue to why its promises of economic stimulation haven't been fulfilled, at least not yet.

For one thing, as Mr. Roberts noted, President Reagan and the Congress between them opted for the piecemeal approach. Taxes were nibbled at, not assaulted boldly. Not only was the cut spread over three years but the first segment didn't take effect until last October, which meant that for 1981 it was so small it was hardly noticeable.

Here the politicians forgot a lesson known to all successful generals. Never commit forces by dribs and drabs. Whatever you're planning to do, do it. Otherwise the effect is muted, if indeed not wholly undone by being swallowed up in the tide of battle.

Also the politicians, whether from obtuseness or want of courage, looked at only one part of the tax battlefield.

While they made a stab at attacking direct federal income taxes, they did nothing about for what to many is the heaviest tax bit of all, those Social Security taxes. For millions of wage earners these payroll deductions from the wage envelope cut as deep or deeper into their take-home pay (disposable income) as the income tax withholding. Those to whom wages represent their whole income may have heard about the tax cut. They hardly felt it; it was swallowed up by the Social Security increase.

Between 1980 and 1981 the Social Security tax rate rose from 6.13 percent to 6.65 percent, or an increase of 8.5 percent. Meanwhile the amount of wages subject to this tax rose from $25,900 to $29,700, an increase of 14.7 percent. The effect was to raise the maximum Social Security tax from $1,587 to $1,975—or a tidy increase of more than 24 percent. All this on top of the regular income taxes.

Obviously, for thousands of wage and salary employees it would take a heftier cut in federal income tax rates than they got in 1981 to offset this rise in Social Security deductions which come out of the paycheck before the employee ever sees it. It should be pointed out that the employer, too, matches this Social Security tax, raising his total payroll cost.

Take it all in all, then, I find it not surprising that the stimulating effect on the economy—through increased savings or more consumer spending—has turned out to lag the promises. Only those lucky enough to get a large boost in wages or salaries found themselves with any increase in "Disposable" income at all. Others stood still and some, as my letter writers told me, went backward.

What the result would have been if, instead of nibbling at people's tax bill, the whole 25 percent cut had been made at once, I can't measure. But it would certainly have had a greater effect in improving everyone's cash flow and retained earnings and hence a more stimulating effect through people's ability to save or put more into the spending stream.

That's what may well happen, in fact, by the time we complete the three-year cycle of tax cuts, assuming fickle politicians let the program run its cycle. By 1984 the promises of supply-side economics could be realized.

So I've no quarrel with Mr. Roberts' view that tax reductions will happily increase people's tax flow and leave them more money for their own use. It's just that the timidity of politicians makes the promise premature. And 1984 is a long time to wait.

[From the Los Angeles Times, Dec. 29, 1981]

(By Arthur B. Laffer)

DEBUNKING BALANCED-BUDGET MYTHS

(Balancing the budget with tax increases would be "robbing the people" by slowing economic growth and productivity.—Ronald Reagan, December 17, 1981)

President Reagan has again shown that he intends to remain the President the people elected. His rhetoric during the primaries and general election is his policy today. The severity of the decline of the U.S. economy now, however, fuels the debate over fiscal policy. Will there be deeper spending cuts and tax increases or larger deficits? The choice is unavoidable, so they say.

The choice today, as in the past, is a myth. During the eight years of the Eisenhower Administration, tax cuts were rejected in favor of balanced budgets. A then-record peacetime deficit of $12.2 billion was posted in 1958. In the Kennedy-Johnson era, tax rates were reduced across the board and the budget balanced. During the last 13 years, taxes have increased, as have deficits.

The fiscal-policy debate was brought back into sharp relief by the recent Atlantic Monthly article, "The Education of David Stockman." Budget Director Stockman, in what must stand as an admission of one of the most flagrant cases of public dissembling since former President Richard Nixon, confessed that supply-side economics had been the "bill of goods" to usher in "trickle down." Stockman had publicly defended Kemp-Roth before Congress as a good policy for all. At the same time, Stockman was privately prescribing it as a veil for a walloping big tax cut for the rich. Deficits, he confided, would soar after the cuts. To balance the budget, taxes would have to be raised, not lowered, and defense spending would have to be gutted. According to Stockman, $30 billion or $40 billion of waste swilled in the Defense Department's trough.

HIGH EMPLOYMENT AND STEADY EXPANSION

The duplicity of Stockman's public and private representations captures the seemingly contradictory elements of today's fiscal-policy debate: How does a budget get balanced and who cares? The issues aren't new. In a time of uncanny parallel, 1961 and 1962, President Kennedy was forced to confront the same issue.

Kennedy's commencement address to the Class of 1962 at Yale University put the issue to rest within the context of his Administration's policies. Deficits, he argued, are caused by bad economics policies; they are not the cause of a bad economic policy.

"The national interest," Kennedy said, "lies in high employment and steady expansion of output and stable prices and a strong dollar.

"The myth persists that federal deficits create inflation and budget surpluses prevent it . . . Obviously, deficits are sometimes dangerous—and so are surpluses. But honest assessment plainly requires a more sophisticated view that the old and automatic cliche that deficits automatically bring inflation.

Lacing his speech with example after example, President Kennedy concluded that balanced budgets as an objective of public policy constitute a pernicious "myth." Deficits were common in the Eisenhower era, yet inflation was low and economic growth substandard. Not only could periods of high deficits be found that were correspondingly periods of low inflation, but high deficits occurred during periods of low growth, something Keynesian theory denies.

Every percentage point increase in the rate of unemployment swells the deficit by more than $25 billion. Unemployment, then as now, was the biggest spender. And Kennedy advocated reinstilling private incentives by lowering excessively high tax rates as the way to reduce employment.

Today's problem is that Reagan's program of tax cuts was delayed a year. Lower tax rates in the future will lead people to postpone earning income at today's high tax rates in anticipation of future lower rates. Thus, the delay in tax cuts that Stockman foisted on Reagan has not only delayed the recovery but has caused the economy's sharp decline. As the tax cuts were delayed, the estimates of federal deficits soared.

Ironically, the result has been the economic scenario Stockman feared most. In January, Stockman wrote: "Stagnant or declining real GNP growth . . . would generate staggering political and policy challenges. These include a further worsening of an already dismal budget posture and a profusion of a 'quick fix' remedies from various 'wounded' sectors of the economy."

Stockman warned that the potential budget deficit is likely to elicit "coronary contraction among some, produce an intense polarization between supply-side tax cutters and the more fiscally orthodox. An internecine struggle over deferral or temporary abandonment of the tax program could ensue. The result would be a severe demoralization and fractionalization of GOP ranks and an erosion of our capacity to govern successfully and revive the economy before November, 1982."

Stockman is the major perpetrator of the "Economic Dunkirk" so he avidly warned against. Stockman's view is "trickle-down": Wealth should be redistributed to corporations through the swapping of depreciation deductions and tax credits for cash. Resources are transferred without changing incentives. Transfer payments in effect increase tax rates on all other market activity, thereby inhibiting growth.

Unfortunately, these were the parts of the tax program that Congress was willing to make fully effective in 1981. Such measures create political benefits for those who support them but little if any increase in economic activity. Thus, they were sure to increase the size of the deficit and thereby increase pressures to defer the tax cut.

The most blatant of these corporate transfer payments was the provision permitting depreciation deductions and investment tax credits from prior years' operations to be sold to other corporations as tax shelters. It is impossible to stimulate economic activity retroactively.

THE TAX CUT RUSE

The midyear effective dates for the 1982 and 1983 personal income tax cuts, too, are based on trickle-down concepts of how tax cuts affect economic activity.

The central ideal is that what matters is putting money into people's pockets, rather than changing incentives. Of course, reducing withholding does increase the cash in the taxpayers' pockets, but it also decreases the cash in the U.S. Treasury, dollar for dollar. Government borrowing must go up by the exact amount withholding has been reduced, taking dollars out of the pockets of lenders to the government.

The July 1 effective date for the 1982 tax cut is in every economic sense of the word a ruse. Not even the IRS can discriminate between income earned in February and November of the same year. The July effective date of the 10-percent cut means that rates will be cut by 5 percent for the whole year and nothing more. Combined with the 1981 changes, total tax rates will be lowered by 10 percent in 1982, 20% in 1983 and 25% in 1984. Who wouldn't postpone earnings to the extent feasible?

The economic and political consequences of Stockman's success in deferring the tax cuts are enormous. Unpublished Administration reports now project that unemployment will average 8.5% next year instead of 7.2% as in Reagan's original projection. Of the $230-billion increase in the cumulative projected deficits for fiscal years 1982, 1983 and 1984, $185 billion is due to the current recession and projected slower growth.

While detailed analysis is far outside the range of existing data, common sense makes it difficult to illustrate that higher taxes reduce deficits. Switzerland, for example, has about the lowest tax rates in Western Europe and it also has a balanced budget. Britain and Sweden, on the other hand, have inordinately high tax rates and large deficits. The history of European fiscal policy during the past years is one of ever-higher tax rates and ever-larger deficits. This is especially true in Britain with the enormous tax increases of the Thatcher government and the sharp increase in British deficits.

In Asia, Hong Kong stands out as an extreme example where low tax rates mean rapid growth and fiscal solvency.

By resisting the calls for tax increases, Reagan is increasing the chances of balancing the budget during his first term. Advancing the tax budget cut to a Jan. 1 effective date would increase the cumulative personal income tax rate cut going into the November elections to 15%. The early return of rapid economic growth and rising employment would advance the day of a balanced budget as well.

[From the Wall Street Journal, Jan. 19, 1982]

THE JOB OF REDUCING THE FEDERAL DEFICIT

(By Martin Feldstein)

Speculating about the President's reaction to the budget advice of his economic counselors is such an absorbing activity that it's easy to forget that the administration's proposals are only the first step in the budget process. Congress will ultimately determine the shape of the budget for 1983 and beyond. Because both taxes and spending are in transition, it is particularly important that Congress make its budget decision as part of a long-term strategy.

The immediate focus in Congress will be on controlling the federal deficit. Only a few months ago, the administration shocked many people by acknowledging that tax rules and spending patterns imply a 1984 deficit of $160 billion. Such a deficit would be about 4% of 1984's $4 trillion gross national product, or about twice the rate of fiscal 1981. How did the prospective deficit get so large? And what will be done to reduce it?

It would be wrong to say that the 1984 deficit figure is due to a massive cut in personal tax rates. The 25% reduction that Congress enacted will be just about enough to prevent bracket creep from raising the share of income that is taken in taxes. It would also be wrong to say that the prospective deficit is due to a major rise in defense spending since the 7% a year real increase that the President has called for would raise defense spending only from 5.5% of GNP in 1980 to 6.5% in 1984.

ROOTS OF THE DEFICIT

The main reason that the prospective 1984 deficit is 4% of GNP is that the administration inherited a deficit that had grown over the past decade to 2% of GNP. The increase in defense spending over four years will add an additional 1% of GNP to the 1984 deficit. The business tax reductions (primarily the accelerated cost recovery system) and the personal tax cuts (including the bracket reductions, the saving incentives and the end of the marriage penalty) each increase the 1984 deficit by about 0.75% of GNP. Offsetting these increases are the spending cuts enacted in 1981 that, by 1984, will reduce outlays by about 0.5% of GNP. Combining the inherited deficit with these changes in taxes and spending implies a 1984 deficit of 4% of GNP, or $160 billion.

Some analysts have overreacted to this figure, saying that such deficits would cause financial chaos. Some administration spokesmen and their outside friends have overreacted in the opposite direction and said such deficits don't matter. Neither extreme position is correct. Large deficits in 1983 and beyond wouldn't cause financial chaos but they would be a very serious economic problem.

Continued deficits put pressure on product markets that makes prices increase faster than they otherwise would. Though the Fed may be able to prevent a significant rise in inflation by allowing high real interest rates to crowd out private spending, large deficits surely put the Fed's monetarist determination to a severe test. Moreover, such a policy could strain Congress' tolerance of high interest rates to the point where it forces the Fed back to the inflationary accommodation policies of the past decade.

But even if their inflationary effect is small, sustained deficits would be pernicious by crowding out private investment. In recent years, net private investment has been only 6% of gross national product. A rise of the deficit by another 2% of GNP could reduce net private investment by one-third of its current value to just 4% of GNP.

Of course the tax incentives enacted this year may raise total saving and increase the flow of saving into business investment by enough to permit the government deficit to rise substantially without reducing the current ratio of business investment to GNP. But even if that occurs, it wouldn't change the fact that the deficit would have prevent-

ed the increased capital formation that would otherwise have occurred.

It would surely be unfortunate if the important new tax incentives for saving and investment serve only to prevent our rate of investment from becoming lower than it has been in recent years.

What then should be done to decrease the deficit? The key is reducing federal nondefense spending. The overgrowth of government spending that has occurred in the past two decades would deserve substantial pruning even if there were no deficit. Much of the increase in government spending during these years has been due to the introduction and expansion of programs that are wasteful and are the source of serious distortions in economic incentives.

The issue is whether Congress and the administration will have the political fortitude to make the necessary legislative changes, especially in Social Security and the other "entitlement" or cash-transfer programs. Every proposed spending cut brings howls from those who would lose benefits and from the industries and professional groups that serve them. Moreover, the status quo acquires such an appearance of legitimacy that many others also rush to defend every existing program. But this plethora of programs cannot be legitimized by reference to their history.

Anyone contemplating the possibility of major reductions in government spending should recognize just how recently many of the spending programs were created or expanded. In 1960, federal civilian spending accounted for 9% of gross national product. That increased to 13% by 1970 and to 17% by 1980. Returning such spending to 1970's share of GNP—hardly back to the Dark Ages in terms of economic and social spending—would reduce outlays by 4% of GNP or $160 billion at the 1984 level, enough to eliminate the entire deficit.

Though such a reduction of the federal government's share in GNP will not occur by 1984, it could be achieved over a somewhat longer period. If the growing of federal civilian spending were slowed to 2% less than the inflation rate, the share of such spending would be reduced to 1970's 13% in less than six years. Slowing the growth of spending in this way would obviously be politically difficult. But the existing legislative commitment of future tax cuts and the justifiable dislike of budget deficits may together provide the political pressure that Congress needs to enact this spending slowdown.

Canceling the personal tax cuts or increasing other taxes at the present time would reduce this pressure on Congress and thereby make it more difficult to achieve desirable cuts in government spending. Nevertheless, the failure to raise taxes implies larger deficits in the next few years and therefore more undesirable crowding out of private investment. How should this dilemma be resolved?

It is clear that if Congress is never going to get the spending share down to match the tax revenue that current tax rules imply, the tax rules must be changed to provide more revenue. Repealing the 1983 tax cut of 10% would add 1984 revenue of about $40 billion or 1% of GNP as a permanent tax increase. Similarly, the changes in excise taxes and other tax rules that the administration has discussed could permanently add some $30 billion to future tax revenue.

It would be wrong, however, to assume that the administration and Congress will lack the courage to control the growth of spending. Making such an assumption and therefore voting a *permanent* tax increase now would, by reducing the political pressure that a prospective deficit provides, make it more difficult for Congress to continue to slow the growth of spending.

My preference would therefore be to avoid a permanent tax increase but to obtain a temporary increase in tax revenue by stretching out the personal tax cut. For example, the 10% rate cut scheduled for July 1983 could be postponed until July 1984 or evenly divided between 1984 and 1985. Such a stretch-out would reduce the crowding out of investment during the next few years while the spending reductions bring total outlays into line with the tax structure.

BRACKET INDEXING VITAL

It is crucial for Congress to remain committed to both the series of personal tax rate cuts and the bracket indexing that together will keep the tax share from being increased by inflationary bracket creep. Because bracket indexing is scheduled to begin only in 1985 and is still not widely understood, it is vulnerable to the political pursuit of additional tax revenue. The abandonment of bracket indexing would virtually guarantee a return to spiraling increases in taxes and government spending.

Any extra tax receipts that result from raising excise tax rates or from other changes in tax rules should be only a temporary revenue increase designed to limit crowding out during transition to a lower government-spending level. It would be appropriate therefore for Congress to vote in 1982 to return any such revenue in future years by gradually increasing the $2,000 IRA deduction limit or by making other tax changes designed to encourage saving.

In short, the legitimate fear of a permanent deficit cannot justify a reversal of the 1981 tax cuts or a permanent increase in taxes from other sources. Even more important, a desire to eliminate the deficit should not be used as a rationale for undoing the structural tax changes that were enacted to stimulate saving and business investment. If that were to happen, the favorable long-term consequences of the 1981 tax changes would be destroyed.●

RESISTANCE IN AFGHANISTAN

● Mr. PELL. Mr. President, today marks the fourth anniversary of the bloody coup in Afghanistan which resulted in the overthrow of the Daud regime and the installation, against the wishes of 17 million Muslim Afghans, of the Marxist government of Mohammed Taraki. This coup began a chain of events in which the Soviet Union has attempted to establish control over the sovereign state of Afghanistan. To date, the Soviets have failed to achieve their objective because of the courage and determination of the Afgan people to resist subjugation and domination.

In 1978 and 1979 the Soviet Union tried to control Afghanistan by proxy through the Taraki government and its successor, the Amin government. Although the military forces of both regimes were well-supplied with Soviet guns, tanks, and planes, the Afgan freedom fighters, armed with primitive weapons, defeated the government forces and liberated 27 out of 28 provinces from communist control. By December 1979 the resistance movement had extended its control to the vicinity of Kabul, the capital city.

Undoubtedly surprised by the success of the freedom fighters, the Soviet Union began moving its forces into Afghanistan on Christmas Day 1979, thereby beginning a brutal war against the people of that country. Finding President Amin insufficiently subservient, the Soviets arranged his overthrow and execution and replaced him with Barbrak Karmal. The United States and the United Nations General Assembly have called for a complete Soviet withdrawal from Afghanistan. Yet the Soviet Union, in defiance of the basic principles of international law as expressed in the United Nations Charter and the Helsinki Final Act, has shown no movement in this direction. Instead 85,000 Soviet troops have reportedly been joined by Eastern European and by Cuban troops, and together they have waged a relentless war with sophisticated weapons against the Afgan people.

Soviet airplanes have strafed, bombed, and dropped napalm on Afgan villages indiscriminately killing men, women, and children. Soviet search and destroy missions have blown up villages, massacred the inhabitants, and burned crops in an effort to deny food and shelter to the resistance. Today, the Afgan landscape is littered with the antipersonnel mines dropped by Soviet aircraft. To excape suffering and death, some 2,500,000 Afgan people, mostly women and children, have fled to neighboring Pakistan. However, many brave Afgans, determined to retain their freedom and protect their right of national self-determination, have remained and have continued to wage a growing war of resistance against the Soviets.

Today, the Soviets exercise effective control over only the capital, their own garrisons, and intermittently over some supply routes. The Afgan freedom fighters, in spite of some internal divisions, now control most of the countryside, have a functioning administration in some provinces, and have demonstrated their ability to strike at will. That a backward nation of 17 million people could so effectively stymie one of the most advanced and powerful military forces in history is a remarkable testament to the heroism of the Afgan freedom fighters. On this fourth anniversary of the April coup, let us once again express our solidarity and support, as a nation, with the people of Afghanistan and with their heroic struggle.●

THE SOVIET UNION AND AFGHANISTAN

● Mr. GRASSLEY. Mr. President, 4 years ago today, on April 27, 1978, Muhammed Daud Khan, the President of the Republic of Afghanistan, was assassinated by the Armed Forces Revolutionary Council, led by Nur Muhammed Taraki. Denying rumors that his government was a pro-Moscow regime, Taraki nevertheless set up a Marxist government whose atheistic theology and arbitrary reform policy were anathema to most Afgans. Taraki soon threw the traditional Afgan policy of neutrality out the window, concluded more than 20 Soviet-Afgan agreements in the first month after the coup, and tripled the number of Soviet advisers and instructors in the country. It is clear that without Moscow the Taraki regime had no power base, nor did it have any claim to legitimacy.

The Taraki regime soon proved to be an embarrassment to the Soviet Union as its interference in the customs and religion of the Afgan people caused widespread discontent and rebellion. By 1979, guerrilla warfare was widespread, units of the Afgan army had joined the rebels, and whole provinces freed themselves from the Taraki regime. In September 1979 rival Marxists, led by Hafizullah Amin, overthrew the government and murdered Taraki.

The Amin regime soon proved more of an embarrassment to the Soviet Union than the Taraki regime had been. Where Taraki had been arbitrary, Amin proved cruel. The revolt continued and reached its peak when 22 of the 27 Afgan provinces broke away from the central government. In order to preserve Marxist government in Afghanistan, the Soviet Union dropped all pretense of noninterference, invaded Afghanistan on December 22, 1979, and installed the current regime headed by Babrak Karmal.

Mr. President, I do not think that I am an overly suspicious person. Nevertheless, anyone who is familiar with the events in eastern Europe immediately following World War II, when one coalition government after another fell to Soviet-sponsored Marxist coups, or who has followed recent events in Poland must be forgiven for concluding, as I have, that the Sovietization of the Afgan Government did not begin with the December 1979 invasion but with the first Marxist coup of Nur Muhammed Taraki. The Soviet proclivity to deny other peoples' right to sovereignty whenever it suits their purpose should continue to be an important item in future discussions with the Soviet Government.●

WHAT THE GOVERNMENT IS NOT DOING ABOUT THE UNCHECKED CRIME EPIDEMIC

● Mr. PELL. Mr. President, I know that every Member of the Senate is deeply concerned with the violent crime that is occuring daily throughout our country. The American people have expressed their alarm and fear over the epidemic of murders, robberies, muggings, and assaults that threatens the personal security of every one of us, our loved ones, and our neighbors.

President Reagan has made a point of stressing his commitment to a vigorous anticrime campaign, and I commend him for his personal concern with this mounting problem. The war against crime cannot be fought, however, with words alone; slogans and rhetoric will not deal with the problem. Neither will bureaucratic reorganizations or study commissions undertaken to give the appearance of action.

Simply put, the crime epidemic will remain unchecked until we give law enforcement the tools that are needed to contain this growing menace. Some of these tools can be fashioned through legislation, and I believe the "National Security and Violent Crime Amendments" endorsed last year by the Democratic Caucus would be of particular help to judges and prosecutors in keeping the habitual, repeat offender off the streets. Criminal justice research indicates that 6 percent of those arrested for robbery and burglary commit as much as 60 percent of those property crimes. The Democratic anticrime package contains amendments which would keep career criminals off the streets through reform of our sentencing and bail laws.

Other tools are absolutely essential for a successful all-out national attack on the crime probe. Local law enforcement is our first—but not only—line of defense against crime. Much of our crime wave today can be traced to a problem that is largely out of the hands of local police—the international drug trafficking business. In the eyes of many police officials and prosecutors, the surge in violent crime occuring in our major cities is strongly linked to the increased availability of illegally imported drugs. The tide of hard drugs that is engulfing the country also accounts for the alarming increase in heroin overdoses in Los Angeles, New York, Washington, D.C., and other major cities.

Drug trafficking undermines the lives of our young people and breeds a climate of fear in our cities, yet this is a problem that, by its very nature, can be effectively combated only by a commitment of Federal resources. The administration has failed to recognize the need for immediate action on this front and has actually reduced the budgets of the few Federal agencies charged with containing the flow of illicit narcotics into the United States.

The New York Times of Sunday, April 25, contained an excellent statement of this critical problem by Peter D. Bensinger, who for 5 years was the Administrator of the Drug Enforcement Administration. I found his article to be a particularly compelling statement of the need for Congress to seize the initiative and see that Federal anticrime agencies are given proper funding. Mr. Bensinger cites the fear that rising unemployment and the increased availability of heroin will lead to even more violent crime in the coming months. Instead of stepping up effort to contain the influx of illegal drugs, we are actually spending less and less each year to fight worldwide narcotics production and distribution. Mr. Bensinger points out that while the domestic market for illicit drugs in the United States is $80 billion per year, we are presently spending only $39 million annually for international narcotics control efforts. In my view, the best help we can give to local law enforcement officials is to commit the resources that are necessary to stop the flow of illegal drugs entering the United States.

Mr. President, I ask that Mr. Bensinger's article, entitled "Mugging Anticrime Promises," be printed in full in the RECORD at this point:

The article follows:

MUGGING ANTICRIME PROMISES

(By Peter B. Bensinger)

BETHESDA, MD.—The Administration promised to give priority attention to violent crime and assigned a blue-ribbon task force to write the "script," but there is no money to produce the "play."

The Justice Department's fiscal 1983 budget request sent to the Office of Management and Budget included substantial increases for investigators, prosecutors, and funds for new Federal and state prisons. The State Department's international narcotics bureau briefed Congress on a comprehensive plan to curb production of narcotics overseas. The International Association of Chiefs of Police urged the Administration to back up the commitment to fight violent crime with the people and funds needed to do the job.

But the Administration's budget request sent to Congress opposed these recommendations across-the-board: Resources to fight violent crime were extensively cut. Millions of Americans may be victimized by this decision.

Criminals are being released early by the thousands to make room for new arrivals at overcrowded state prisons. Governors and judges faced with inadequate, unsafe institutions are letting serious offenders avoid jail. Many citizens, recognizing there is no certainty of punishment, no longer report crimes to the police.

The budget request for Federal prisons was cut and staffing reduced while the inmate population—including many law-breaking illegal aliens—has skyrocketed.

A State Department proposal for aid to Latin-American countries where narcotics are produced has been abandoned. The $39

million budgeted to fight narcotics production worldwide—the market for them in the United States is $80 billion—is less than was spent in 1976 when the dollar was worth far more. The availability of heroin is increasing: Deaths in Los Angeles from overdoses have doubled within a year and are at the highest level since 1975.

The Attorney General's Task Force on Violent Crime stressed the need for more Federal criminal investigators and prosecutors. Yet investigative posts at the Federal Bureau of Investigation, Drug Enforcement Administration, Customs Service, and Marshal Service, already 10 percent fewer than in 1975, have been further cut back, as have been prosecutors. Despite increased violence from handguns, the Bureau of Alcohol, Tobacco and Firearms is to be abolished, 1,500 of its jobs are to be cut, and its remaining duties transferred elsewhere. The Coast Guard told Congress it would have to close 19 stations.

Attorney General William French Smith's task force announced sensible recommendations: prison construction, handgun regulation, expanded drug-control aid overseas, more resources for Federal law enforcement. These proposals were discarded—the bill for public safety was too high for O.M.B.

The F.B.I. recently announced only a slight increase in reported crime—but violent crime is now running at the rate of one every 24 seconds, and in New York City a car is stolen every five minutes. Must 11,000 more people be killed by handguns this year? Must we put up with a theft every two seconds, two violent crimes a minute, and more than eight rapes and two murders an hour? Police authorities fear that rising unemployment and increased availability of heroin will cause more crime—as Detroit and Gary, Ind., reported last year.

Vice President Bush is effectively mobilizing Federal crime-control efforts, including military assistance in Florida. Nancy Reagan is encouraging parents to lead the fight against drug abuse. The Administration has accepted legislation aimed at the career criminal and narcotics smuggling. These initiatives must be supported by the people and funds needed. Congress wants to provide them.

Tens of billions have been added to this year's national-security budget. But what about domestic security—what about the Government's responsibility to ensure that you can go shopping without getting mugged?

Gerald R. Ford's 1977 budget allocated half a dollar to the Justice Department for every $100 spent. The 1983 budget request provides 32 cents. For immigration, prisons, investigations, and prosecutions the Justice Department will receive 32 cents from a $100 bill to ensure domestic tranquility and provide justice for all.

Until the Government addresses our domestic-security problems with resources rather than rhetoric, the Violent Crime Task Force's recommendations, welcomed by so many, will gather dust in law school libraries—and the police, victims, and witnesses who face this nightmare daily will have one more reason to doubt politicians' promises to do something serious about crime.●

ADDRESS OF ELIE WIESEL DELIVERED ON HOLOCAUST DAY 1982

● Mr. DODD. Mr. President, at last week's congressional commemoration of the Holocaust in the Capitol rotunda, the eminent author, Elie Wiesel, himself a survivor of the Holocaust, delivered a most moving address. I submit the text of Mr. Wiesel's remarks and I ask that it be printed in the RECORD.

The text of the remarks follow:

ADDRESS OF ELIE WIESEL

Mr. Speaker, Members of the Senate and the House of Representatives—Friends,

On behalf of the Holocaust Memorial Council, it is my honor and privilege to thank you for joining us at this solemn assembly of remembrance. With the sole exception of the State of Israel, ours is the only nation that has chosen to annually commemorate the victims of the Holocaust at a national ceremony—and we are grateful to both nations.

One day, when the Memorial will be completed, we hope to be able to tell you, our friends in the Senate and the House, how much we owe you: for us, survivors, gratitude is the most human of virtues. We know how to say thank you. Having been spared—for reasons we do not comprehend—we realize that every minute means grace: we must be grateful for every day we live—and for every friend who is willing to share our awesome responsibilities.

So—thank you, Mr. Speaker: you have been with us from the first day. My friend Sidney Yates—thank you for your tireless and gracious efforts on our behalf. We thank all of you.

On behalf of the Council, I would also like to commend this Administration for its investigation and prosecution of Nazi war criminals who have been living in this country. Under the leadership of Allan Ryan, the Office of Special Investigations of the Department of Justice has done exceptional work in prosecuting these perpetrators of crimes against humanity. We of the Council, urge our government to continue its pursuit of justice.

Let us remember that what Nazism did to its Jewish victims was considered to be legal. It was legal to imprison political adversaries, it was legal to practice euthanasia on mentally retarded patients, it was legal to hunt down and execute resistance-fighters, it was legal—and commendable—to push Jews into ghettos to torment them, to torture them, to gas them, to burn them: everything was done with so-called due process, according to German law. That means: the Nazis had corrupted the law itself. They made it into a weapon against humanity. Remember that it can be done—for they did it. The law itself became immoral. Inhuman.

The same applies to culture, Mr. Speaker. When culture lacks the necessary ethical dimension, it ceases to be a shield against evil. Quite the contrary: it attracts it.

Why, Auschwitz? Why, Majdanek? How is one to explain that these monuments of evil and death dominated the heart of European civilization and Christendom? The killers did not come from the underworld; they were highly educated persons, and some of them had college-degrees and PhD's in medicine, physics, and liberal arts . . .

On January 20, a secret meeting took place in Wansee, near Berlin, to discuss the definitive plans for the "Final Solution" of the Jewish program—in other words: for the extermination of all Jews everywhere.

Read the list of the participants: high officials from all the ministries—and most of them had doctorates in jurisprudence and philosophy.

I remember: a young Yeshiva-student arrived in Birkenau. In less than one hour he lost sight of his sisters. Of his mother. He saw the barbed-wire. The death-producing machinery. It all worked. No chaos, no confusion. The system worked: there seemed to have been some weird logic to it. It seemed rational. We were in a different world, a different universe, in a different time: we belonged to a new species. Death seemed natural and life did not. Cruelty was the rule, not the exception.

What hurt and pained us more: the cruelty of the executioner or the indifference of the bystander? True, there was a war going on—a world war. The Allies fought for the honor of mankind and sacrificed their best youth in battle. Morally, this nation has never attained such heights as when it lead the free world in combat against fascism and nazism. And we are grateful to its people.

But, from the viewpoint of the Jewish victims in the ghettos, in the camps, on the way to the mass graves, it seemed that they had been forgotten. Abandoned. There had been opportunities to speak up: to make gestures; to issue warnings. To save some lives. To save children. And . . .

We all know what happened, or rather: what did not happen. Everybody was busy with the war, and the Jews—only the enemy remembered the Jews.

That they did not despair, that they had not given up on mankind and its illusions, is something that escapes me. They were alone—the loneliest in the world. And yet, they found strength and courage—and faith—to resist the onslaught: some with weapons, other with prayers, and both are equally worthy of our compassion and melancholy admiration. Just remember: the uprising in the Warsaw ghetto was the first civil insurrection in all of Nazi-occupied Europe. And there were others, in other ghettos—there were uprisings in the death-camps: Sobibor, Treblinka, Birkenau . . . How did they do it? The Warsaw ghetto High Command was mainly composed of youngsters, teenagers, who had no military backgound. No weapons. No allies. Every underground of every occupied nation had resources sent from London, Washington or Moscow—except the Jewish underground. Its gallant, brave fighters felt betrayed. And they were.

And yet, and yet: they all wished to bear witness for the sake of other people, for the sake of future generations.

This is our duty as well: to bear witness.

For six million Jews who perished in the Holocaust and millions of other victims of Nazism. For the Holocaust was a Jewish tragedy with universal implications. "When a Jew is beaten down," said Franz Kafka, "it is mankind that falls to the ground." In murdering Jews, the Nazis maimed humanity itself. Thus, in remembering the Jewish victims, we remember those who tried to save them—and those who fought their common enemy in the Resistance, with the Partisans in France, Poland and—of course—in Denmark.

But our memories include more than our own lives—more than our own dreams. We chose to tell the tale not for our own sake, but for mankind's. We chose to speak because we believe that this Event should and

will sensitize all people to injustice and humiliation and war. Only if we remember what we done to one people, will we prevent the world from becoming victim to its own possible and seemingly inevitable insanity.

That is why we are all so traumatized. Especially, we who survived the Event. We are like strings exposed to the wind; we capture sounds and signals. We have special antennas—we serve as warning-systems. Before everyone else, we feel when things are about to go wrong for Jews—and therefore for mankind.

And they are going wrong. Tensions. Racial conflicts. Hunger. Fear. Terrorism. Nuclear proliferation. And—how can I not mention some Jews who still suffer for their Jewishness? The refuseniks in Russia: Ida Nudel, Vladimir Slepak, Anatoly Shcharansky? or the 28 thousand Falashkas in Ethiopia? Or the Jews in Syria who live in constant terror? And—collectively—the State of Israel to whom all Jews, all men and women of conscience and goodwill, are so totally attached: We must all help Israel in her solitude, we must stand by her. Jews should not feel alone again—anywhere.

In conclusion, I would like to tell you a story: It happened late September 1941 in Kiev. At Babi-Yar. The story was told by an eyewitness named B. A. Libman and reported in the stunning volume of chronicles "The Black Book": Having hidden in a basement for several days, in a basement, a Jewish mother took her two children and left for the countryside. Drunken Germans stopped them at the Galitzky Market. Before the mothers eyes—laughing—they decapitated one child. Then the other. Insane with grief, the woman seized her two dead children, clasped them to her breast and began to dance . . .

We owe it to the mother and her dead children not to allow the killer to go on laughing.●

(Mrs. KASSEBAUM assumed the chair.)

ORDER FOR RECESS UNTIL 10 A.M. TOMORROW

Mr. BAKER. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 10 a.m., on tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER DISCHARGING THE JUDICIARY COMMITTEE FROM FURTHER CONSIDERATION OF SENATE RESOLUTION 361

Mr. BAKER. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Resolution 361, a resolution to commemorate the organization of the E. Romero Hose and Fire Company of Las Vegas, N. Mex.

Mr. ROBERT C. BYRD. Madam President, I have no objection from this side.

The PRESIDING OFFICER. Hearing no objection, it is so ordered.

COMMEMORATING THE 100TH ANNIVERSARY OF THE E. ROMERO HOSE AND FIRE COMPANY OF LAS VEGAS, N. MEX.

Mr. BAKER. Madam President, I ask that the Senate now proceed to the consideration of Senate Resolution 361.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 361) to commemorate the 100th anniversary of the organization of the E. Romero Hose and Fire Company of Las Vegas, N. Mex.

Mr. ROBERT C. BYRD. There is no objection to the immediate consideration by the Senate of the resolution.

The Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 361) was agreed to.

The preamble was agreed to.

The resolution, together with the preamble, is as follows:

S. RES. 361

Whereas the E. Romero Hose and Fire Company was organized in 1882 by citizens of the town of Las Vegas, New Mexico, for the purpose of fighting fires in that town;

Whereas the firefighters are volunteers who sacrifice their time and risk their lives to protect the people and property of Las Vegas, New Mexico;

Whereas the E. Romero Hose and Fire Company remains to this day a volunteer fire department, with only drivers being paid;

Whereas the company still possesses its original bylaws and the original hose cart, which was pulled by volunteers when it was purchased in 1882;

Whereas the company is officially the oldest fire department in the State of New Mexico, having been incorporated by the Territorial Corporation Commission on May 9, 1888; and

Whereas this company has remained in continuous operation since its inception in 1882, and still provides its courageous and valiant services to the community of Las Vegas, New Mexico: Now, therefore, be it

Resolved, That the Senate extends its congratulations to the E. Romero Hose and Fire Company of Las Vegas, New Mexico, on the occasion of its one hundredth anniversary, and commends the E. Romero Hose and Fire Company for a century of exemplary public service rendered in the unselfish, volunteer spirit which lies at the heart of our Nation's strength.

SEC. 2. The Secretary of the Senate is directed to transmit a copy of this resolution to the E. Romero Hose and Fire Company of Las Vegas, New Mexico, and to Mr. Tony Ludi, Senior, chief of the company.

Mr. BAKER. Madam President, I move to reconsider the vote by which the resolution was agreed to.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER FOR THE RECOGNITION OF SENATORS SPECTER AND HATCH ON TOMORROW

Mr. BAKER. Madam President, I ask unanimous consent that following the recognition of the two leaders under the standing order the distinguished Senator from Pennsylvania (Mr. SPECTER) and the distinguished Senator from Utah (Mr. HATCH) be recognized on special orders for not to exceed 15 minutes each.

The PRESIDING OFFICER. Without objection, it is to ordered.

MAKING CERTAIN MAJORITY PARTY COMMITTEE APPOINTMENTS

Mr. BAKER. Madam President, there is a resolution at the desk dealing with committee assignments affecting Republican Members of the Senate.

I ask unanimous consent that the Senate now proceed to the consideration of that measure.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 380) to amend paragraph 2 of rule XXV and to make certain majority party committee appointments.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Senate proceeded to consider the resolution.

The resolution (S. Res. 380) was agreed to as follows:

S. RES. 380

Resolved, That paragraph 2 of Rule XXV is modified for the balance of the 97th Congress by increasing the members on the Committee on Agriculture, Nutrition and Forestry from 17 to 18 and by increasing the members on the Committee on Government Affairs from 17 to 18.

SEC. 2. That Senator Hatch of Utah be and he is hereby assigned as a member of the Committee on Agriculture, Nutrition and Forestry, and that Senator Schmitt of New Mexico be and he is hereby assigned as a member of the Committee on Governmental Affairs.

Mr. BAKER. Madam President, I move to reconsider the vote by which the resolution was agreed to.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PROGRAM

Mr. BAKER. Madam President, when the Senate completes its business today, it will stand in recess until the hour of 10 a.m., on tomorrow.

After the recognition of the two leaders under the standing order, two Senators will be recognized on special order for not to exceed 15 minutes each.

It is anticipated that following the execution of the two special orders, provision will be made for a time for the transaction of routine morning business.

S. 1662

Madam President, at some time tomorrow, after the transaction of routine morning business, it is the intention of the leadership to ask the Senate to proceed to the consideration of the nuclear waste bill, S. 1662. It is hoped that in the course of the day this matter can be dealt with to completion. If it cannot, then it is the intention of the leadership to remain on that measure on Thursday as well.

It is my hope as well that we can finish consideration of this matter on Wednesday or Thursday, and if we do, it is not my intention to ask the Senate to be in session on Friday.

RECESS UNTIL 10 A.M. TOMORROW

Mr. BAKER. Madam President, I see no Senator seeking recognition, and I have no further business to ask the Senate to transact.

I move, in accordance with the order previously entered, that the Senate stand in recess until the hour of 10 a.m. tomorrow.

The motion was agreed to; and at 6:08 p.m., the Senate recessed until Wednesday, April 28, 1982, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 27, 1982:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

James B. Wyngaarden, of North Carolina, to be Director of the National Institutes of Health.

IN THE COAST GUARD

The following-named captain of the Coast Guard Reserve to be a permanent commissioned officer in the Coast Guard Reserve in the grade of rear admiral: Capt. Douglas W. Fredericks.

NATIONAL RAILROAD PASSENGER CORPORATION

Charles Luna, of Texas, to be a member of the board of directors of the National Railroad Passenger Corporation for a term of 4 years.

Robert D. Orr, of Indiana, to be a member of the board of directors of the National Railroad Passenger Corporation for a term of 4 years.

Ross E. Rowland, Jr., of New Jersey, to be a member of the board of directors of the National Railroad Passenger Corporation for a term of 4 years.

The above nominations were approved subject to the nominess' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

DEPARTMENT OF JUSTICE

James P. Hickman, of West Virginia, to be U.S. marshal for the southern district of West Virginia for the term of 4 years.

IN THE COAST GUARD

Coast Guard nominations beginning Thomas Anthony Abbate, to be ensign, and ending Thomas J. Haas, to be lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on March 31, 1982.

EXTENSIONS OF REMARKS

IT'S TIME TO ADMIT WE WERE WRONG

HON. ED JONES
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1982

● Mr. JONES of Tennessee. Mr. Speaker, I rise today to share with my colleagues an editorial entitled "It's Time to Admit We Were Wrong" written by Mr. William McNamee, publisher of the Delta Farm Press of Clarksdale, Miss. I request that this editorial be printed in the RECORD but also I want to briefly address some of the details in it.

Mr. McNamee uses his editorial space in the April 23 edition of the Press to take back an editorial of 4 years ago in which he supported the theme that the free market was the only way to obtain prosperity for American farmers. In his most recent editorial, he explains why he feels that his earlier comments have been proven to be wrong.

I want to again express my own observation of the bleak picture now facing American agriculture. I think Mr. McNamee's astute perception of the situation provides important and meaningful recommendations pertaining to a Federal agricultural policy that improves both short- and long-term outlooks for American agriculture. By having this editorial reprinted in the RECORD, I hope it provides food for thought for my colleagues from farm areas and those from urban areas. It is instructive, timely, and needed. As we in the Congress grapple with economic problems, it is important that we address the serious economic depression in which most farmers find themselves.

The article follows:

[From the Delta Farm Press, Apr. 23, 1982]

IT'S TIME TO ADMIT WE WERE WRONG

(By Wm. S. McNamee, Publisher)

On page one of our issues that were distributed the first of January 1978 we ran a rather lengthy editorial entitled "Free Market, Love It Or Leave It." We will quote only two paragraphs of that editorial which ran to some 800 words. They are: "They (American farmers) cannot do it. They cannot buy inputs on a fixed or steadily rising market and sell their crops on a continuously fluctuating and totally undependable world market. We need wait no longer, the handwriting is on the wall."

The second paragraph, which we quote: "If this only serves to pigue your interest, if it flies in the face of a great deal that you believe to the contrary, we will only say. . . . 'Cut this editorial out and save it. It may look better and better.'" End quotes.

We will try again. No problem worthy of the name has an obvious and easy solution. If American agriculture is to survive it must face up to some hard facts and completely abandon some highly cherished and long held beliefs: (1) That a 'free agricultural market' works better than a controlled one. False, (2) That we must get the government out of agriculture. False (3) That 'market oriented' philosophies must be pushed and that they will make things better for the farmers and for all who depend upon their success for their own. False. (4) We're feeding a hungry world. False. The vast overwhelming proportion of what we sell overseas isn't going to the hungry, it's going to Japan, China, Russia, the Common Market nations and others with the money to pay, not the starving millions in the barrios outside of Mexico City and Caracas and Africa and southeast Asia. If our nation wants to feed a hungry world or help on the balance of payments or if it wants to punish Russia, let the nation as a whole as represented by the federal government share in the cost equally. Why should 800,000 farmers who produce 98 percent of America's crops bear the burden alone and go broke in the process dragging at least 35 million other people, and probably the whole nation, behind them?

The foregoing are just a few of the currently held ideas that must be abandoned. These ideas are not just held by Congress or by the present Administration or by the previous Administration, my friends, they are held by many, many of YOU. They are held by the large majority of our farm organizations. They are held by our "thinkers" and by our economists. Please read the following sentence carefully:

Nothing is going to get better for the American farmer on a permanent or dependable basis until he abandons the free market concept and goes back to a sufficiently high federal government support program that will make it possible for him to be assured of a profit if he makes a good crop.

This probably will mean acreage controls on major crops and it will mean a greatly reduced emphasis on the export market. Who cares about exports if the individual farmer cannot make a profit on them? I'll tell you who cares. . . . That tiny minority of people who have already gotten rich beyond their wildest dreams buying commodities from American farmers and selling them overseas at a profit. It is not a high priority to these middlemen that the American farmer makes a profit. It is of top priority, naturally, that they make a profit.

Labor unions have considerable control over what they receive for the fruits of their work through the power of collective bargaining. Industry has considerable control over what it receives for the fruits of its labors through behind the scenes price fixing agreements, the ability to shut down its factories, and the ability thereby to tremendously reduce its cost of production.

Only the farmer, we repeat, only the farmer, has no choice, and no control.

He must continue to produce, he must pay the prices demanded for his inputs, and he then must sell for what the free and constantly fluctuating market will let him have.

That we should have to learn this lesson all over again after having learned it in the hardest possible way in the Great Depression is mind boggling. We had nothing else but a "free market" until legislation was passed in 1933 to bring stability and prosperity back to American farmers. It had not worked (the free market), we had a constant boom and bust farm economy and, beginning in 1921, a serious farm depression that contributed heavily to dragging the entire nation into the most serious depression in history beginning in 1929.

For 40 years, we repeat because it is of enormous importance, we had 40 years of high and strong federal government farm support programs from 1933 to 1973. In 1973 we made a serious wrong turn. We passed a new farm law that forced the farmer to depend primarily upon the free market for his profit and it was based primarily upon the assumption that the export market would provide us with some sort of OPEC cartel on food that would allow us to dictate prices for our farm produce, solve what few problems were inherent in farming under a government program, and allow us to grow fence row to fence row on all crops as we saw fit. Utopia. In 1974 and 1975 our long time friends and buddies the Russians bought every bushel of grain we had, our cotton crops were disasters and farm prices shot up. It works! It works! The millennium is here! For two years on sheer coincidences. Since then it has been steadily down hill. Oh sure, some people have made some money some years. All you have to do is make a good crop during a year when everybody else makes a bad one. All our farmers know that if you're smart you know how to do that. . . .

But leaving the sarcasm of the last two sentences behind, it has now been 9 years. We have re-passed essentially the same farm law twice more since 1973, in 1977 and lately in 1981. Nine years of a disastrous test has surely proven to the majority of U.S. farmers that the free market concept simply doesn't work.

The nation's agriculture is hovering on the brink of total collapse, agribusiness will go down with it, small towns, small businesses, dealers, distributors, 35 million people directly or indirectly drawing their livelihood from it will go with it, and perhaps, as in 1929, the whole nation. At the very least a prosperous U.S. agriculture and agribusiness would provide an increased tax base that would help with the hemorrhaging budget defict. A strong, federal supported farm program would probably pay rather than cost and in several ways.

Fully agreed, now and at the time, the Carter embargo was a stupid and devastating mistake. So was the one applied by Ford, the one applied by Nixon and the one threatened by Reagan that hangs over the market like a sword. But all of that and the crop in Brazil and the crop in Argentina and the crop in Canada and the crop in Australia and the crop in China and the manipulations of middlemen and the emergence of many, many strong agricultural economies yet to come, and even the increase in our own production expertise make the dependence of our farmers on the free market a bad joke.

We will cover now the main arguments for sticking with the highly touted "market oriented approach" which many do against the day "when our ship will come in and we will reach at last the pot of gold at the end of the rainbow."

(1) That we don't really have a free market anyway, that the government keeps

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

poking its nose into the situation via embargoes so that we never really get to find out if it will work.

Answer: They are not going to stop doing this. A grain embargo is about the only way, short of nuclear war, that we have any hope of hurting the Russians and accomplishing certain other international goals and you can just count on government interference with the international farm market. And beyond this during the nine years of free market farm programs there have been very long stretches of time when we had no embargoes, but other factors affected the world market price. Of course other countries are going to compete with us for foreign agricultural markets and when they do it's going to lower the price our farmers are able to receive. Anytime there is substantial money to be made we are naive to believe that we are the only ones smart enough to see the opportunity and go for it. The international export market, even the "free" domestic market for agricultural products is volatile and undependable and no other major country in the world insists that its individual farmers try to handle it alone without government help. So to those of you who say "we don't really have a free market" we can only say . . . "Do you want to take another 9 years to prove to yourselves that we're wrong about that, too?"

(2) That to return to a high government support program is a step backward.

Answer: Hogwash. Of course you can go back. What do you do when you drive 100 miles in the wrong direction in your automobile because you took a wrong turn 100 miles back? You curse a lot, but you retrace your path, take the opposite turn and try to put the mistake out of your mind. Have you ever done that?

(3) That there might not be a place in a high government support program for quite a few businessmen, commodity brokers, shippers, commodity exchanges, international grain companies and others.

Answer: It's time to start throwing people out of the lifeboat. American agriculture starts and ends with farmers. That's spelled f-a-r-m-e-r-s. Everybody else has just got to find themselves a place. If American agriculture goes down everybody connected with it goes down too. The situation that exists now in American agriculture is deadly, perhaps, fatally, serious. Priorities must be established. If you don't want to go bankrupt or have to stop farming when you don't want to have to stop farming you may very well have to decide whom you like the best . . . yourself and your family of some farm commodity trading sharpie.

This may sound tough, but we're tired of farmers telling us and each other that there just doesn't seem to be any way out. There is a way out, there probably are several ways out, but they all call for strong federal government coordinated farm programs. During the 40 years of relative stability the American farmer had between 1933 and 1973 the 90 percent of parity loan program seemed to work the best for the longest. There were other variations, of course.

It was not an expensive program and it worked very well until Ezra Taft Benson, secretary of agriculture under Eisenhower, sabotaged it in about six different ways including a refusal to sell our surplus farm commodities overseas causing huge accumulations which were widely reported as "overhanging" and "depressing" the market. But this wasn't actually causing the farmer any great grief. He had his loan program and if Benson wanted the government farm program screwed up it was up to the farmers, their farm organizations, Congress and the administration to stop him. They didn't. After that we began to move into direct payments, then limitations on payments, great predictable public outcry and, finally, the move in 1973 into the "free market." If you want to know how we got into this mess that is how.

We are not married to a 90 percent of parity CCC loan concept. It does seem to us that, properly managed, this is a good and proven approach which would allow us to decide how much of each crop we needed for both domestic and export markets and set allotments, yes allotments, to fine tune the amount we want to produce. If the government wants to go after the lion's share of the world export market fine, increase the allotments, and our farmers will be glad to grow the extra crops. Just as long as they have the security of being able to sell them at a high, supported, profitable rate. We might not be able to grow quite as much of certain crops but at least we'd make a profit on what we did grow if we made a good crop. We have got to get our farmers back on a sound financial basis. It is imperative.

Under this approach we would put our crops in the CCC loan if the price at harvest time was too low to provide a profit, and at a low interest rate of 6 percent or less and leave them there until the price went up. If the price went up we'd take them out and sell them at a profit. If the price for commodities still did not go up, after, say, 12 to 18 months off the market, we'd let the government have the collateral crops to sell for what it could get overseas in order to cut its losses, feed the hungry world, punish the Russians, do whatever it felt best for the general welfare, as American farmers would be adequately protected. During the many years that we used this, approach the government actually made money on the deal much of the time. They still do on the tobacco program.

As we said earlier we are not married to a 90 percent of parity program. If some bright, young sport has a better idea that will work and provide American farmers with a stable, adequately high, government backed market for their commodities, our minds are open. But no dependably successful program will hinge on the free market or on the export market.

You see what we've done here is give ourselves two vast imponderables instead of one. One we're probably going to have always. That is the weather and other acts of God. We've always had that, but now we have added another, the fluctuating market. So that now even if we are lucky enough and skillful enough to produce a good crop the bottom can fall out of the market and we still lose money. This happened most recently in 1981.

The added imponderable is placing so much additional weight on farmers that we now read that certain companies are holding clinics to help farmers cope mentally and physically with the added stress. And everybody these days knows what heavy added stress does to the human body. It causes high blood pressure, stroke, heart attacks and a variety of other physical ailments. Is "getting the government out of agriculture" worth that much to you, and your family, my friend?

(4) That we must export. That without exports farm prices would be even lower than they are. This second sentence is very true, without exports prices would be lower still. But that is assuming the existence of the present farm program which is based almost entirely for its success on an ever increasing volume of exports. This program would be removed and replaced with the one discussed under which exports would be of no importance. The present program sounds like a good idea, but it isn't working and will never work dependably.

(5) That a program of this nature would drive up prices at grocery and other consumer levels causing great howls of public discontent. Answer: Consumer outlets, including the big, monopolistic grocery chains, are going to go up on their prices as much as the traffic will bear anyway. All polls show that consumers do not blame farmers for high grocery prices and do indeed understand what a small portion of prices for farm products go to farmers anyhow. Grocery prices go down very, very little when farm prices go down and continue to go up generally no matter what farm prices do. This is just a slick argument used by free market advocates to cover their real motives. And, besides that, how many prices have you been able to drive down lately by complaining?

Congress, and any elected administration, is not the place to go for relief. Unless YOU and your friends can take over your general farm organizations and your commodity organizations from your more aggressive peers and get them on record, vehemently, as 100 percent for a high level federal government support program you'll never get. Political guts are at an all-time low. With the PACs and a whole melange of other factors squeezing the life out of politicians they are only going to help you when the battle has already been won. Your farm organizations, probably in good faith, probably in the sincere belief that they're doing the right thing, are killing you. There are a few exceptions, of course.

You can argue with the foregoing until you are blue in the face. But you've got to argue with the full knowledge that we had 40 years of stable agricultural marketing conditions from 1933 to 1973 and then 9 years of roller coaster, who's going broke next, from 1973 to 1982. If you disagree with what we've said here, and plenty will, you've got to crawl over that hump first.

Many, many items including deficiency payments, heavy dependence on the FmHA, and others could be eliminated and simplicity would become the order of the day.

Things are bad and are getting worse year by year.

It doesn't have to be this way.●

OVERLEA HIGH SCHOOL TO VISIT OUR NATION'S CAPITAL

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1982

● Mr. LONG of Maryland. Mr. Speaker, on Wednesday, April 28, 1982, 46 young men and women from Overlea Senior High School, in Baltimore, Md., will journey to Washington for a firsthand look at their Nation's Capital.

These students, accompanied by their business law teacher James R. Heckman, will visit the Supreme Court, the House of Representatives, and the Senate.

I am delighted these students have taken the opportunity to visit with us, and I hope their interest in our Nation's political process will continue.

Students visiting us Wednesday are: Mark Jewell, Patricia Utterneither, Darrell Hunter, Allison Kale, Carol Lundy, Kimberly Riddle, Michael Boemmel, Danielle Coles, Carl DeCicco, Ann DiSabatino, Mark Donohue, Frank Lioi, Dimitri Makres, Jean McKee, Jennifer Sanders, Ray Santini, Traci Walker, Pam Calderone, Tina Dahlke, Denise Farace, Allison French, Jay Sedler, Coleen Shoett, Adam Lutz, Michael Marzola, Thant Wright, Barbara Smith, Denise Creely, Sandy Franklin, Dawn Reichert, Rikki Bednar, Michele Glowacki, Yolanda Johnson, Wanda Kent, Valerie Downey, Kim Wiseman, Barbara Conrad, Devon Blackwood, Robin Williams, Joe Ratajlzak, Valerie Stromer, Lisa Ross, Robin Lankford, Lisa Sasscer, Pam Pridgeon, and Dawn Betz.●

TRIBUTE TO GEN. FRANCIS "SWAMP FOX" MARION

HON. JOHN L. NAPIER

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1982

● Mr. NAPIER. Mr. Speaker, 250 years ago, this Nation was in its infancy. At the same time, a child's birth was recorded with little interest other than a new citizen was born. But, when Francis Marion grew into manhood, he so loved his Nation that he flung himself, his family and his fortune into the struggle for independence. His skirmishes and guerrilla tactics did not gain as much publicity as other efforts against the British invaders, but they were equally as important for they kept the Redcoats disorganized and unable to contain the spreading rebellion.

In honor of Gen. Francis "Swamp Fox" Marion's contribution to this Nation, a commemorative stamp will soon be available for the public. During recent ceremonies in Marion, S.C., a town named appropriately after the patriot, Mayor T. Carroll Atkinson, Jr. noted the importance of this man to his Nation. I submit the following comments for the RECORD:

WELCOME TO INVITED GUESTS

Local Citizens, City Officials, Members of the Marion County Historical Society, Members of the Florence Heritage Foundation, the local Postmaster, United States Postal Service Officials, Invited Guests and Other Dignitaries:

Welcome to "Francis Marion County"! As Mayor of the City of Marion, I am honored and delighted to have the pleasure of welcoming each one of you here for this momentous occasion. It is indeed a historic day for the City of Marion to be chosen as the site of the Commemoration ceremony to honor General Francis Marion, our beloved forefather, for whom this City was named in 1830.

The City of Marion has long been identified as "The Swamp Fox City" in honor of General Francis Marion, and our citizens through the years have revered his memory and respected him for his tradition of courage and determination, as well as his ability to scheme and connive against his war enemies and to completely outwit them. History tells us that Francis Marion was a rugged warrior in his time and that the British soldiers were terrified of him. He is probably the most heralded and chronicled of South Carolina's heroes, and I personally feel that it is altogether fitting and appropriate that this Great General, whom historians claim that he knew every foot of the Pee Dee Swamps, will be honored by the United States Postal Service in the issuance of a new 13¢ First Issue Commemorative Postal Card. I think it is highly significant that the First Day of Issue—April 3, 1982—marks the 250th anniversary year of his birth and that special ceremonies are scheduled here on the Marion Public Square and then later today at Francis Marion College, which institution also bears his name. The multicolor postal card depicts a reproduction of a painting from which the stamp was made showing General Francis Marion and his men crossing the Pee Dee in a flat boat. This postal card can be purchased today and will be a treasured item for stamp collectors, as well as local historians.

As further evidence of our appreciation for "The Swamp Fox", as he was known, you will see that this Public Square is graced by a full sized statue of General Francis Marion, which I am told is unique in that it is the only full sized statue of him in the world. In addition, a Confederate Monument was erected and unveiled in 1903 dedicated to the memory of members of the Confederate Army. This bronze figure now stands in front of the Marion County Library.

The City of Marion is steeped in tradition and history and we are proud of our heritage for which that gallant Revolutionary hero, General Francis Marion, fought and preserved.

It is a pleasure for me to welcome each of you to our fair City bearing his name and it is my hope that you will enjoy each part of the day's planned activities which are geared for all of us to reflect in a more appreciative manner the memory of General Francis Marion.●

A TRIBUTE TO CAMDEN HIGH SCHOOL BASKETBALL TEAM

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1982

● Mr. FLORIO. Mr. Speaker, I would like to take a moment to recognize the achievements of a group of young men from my district. This group of 15 Camden High School students and their coaches recently became basketball champions of New Jersey in their respective division. This has been accomplished by Camden High three times in the last 5 years, a feat certainly worthy of recognition. I am sure you can detect the pride I share with their parents, schoolmates, and the communities of my district in paying tribute to this fine group of athletes. Their reign as State basketball champions will provide them with an auspicious entrance to their adulthood.●

INCREASE WHOSE LOANS?

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1982

● Mr. MICHEL. Mr. Speaker, buried somewhere on the back pages of the New York Times recently was a story headlined: "63,000 Delinquent on Student Loans—Audit Finds Doctors and Other Professionals Have Failed To Pay U.S. $31 Million."

The story goes on to say:

The outstanding debt for the program is $501 million and the overall delinquency rate is 20 percent.

Mr. Speaker, the Times reports many of these professional delinquents are now receiving "large sums from the medicare and medicaid health programs."

I am sure we will hear cries that we lack compassion in reminding these people that they owe the taxpayers money. I have found that any time you remind some of our colleagues that somebody owes the taxpayers money or that taxpayers want their dollars carefully spent, there is always someone who says, "You lack compassion."

I say let us start getting compassionate about the people who pay the bills.

And, by the way, Mr. Speaker, when was the last time you saw a story about loan defaulters and delinquent accounts on those evening television news that show us such graphic film footage of those said to be hurt by the Reagan program of lower taxes and cuts in rates of Federal spending?

At this point I want to insert in the RECORD, "63,000 Delinquent on Student Loans," and Associated Press story that appeared in the New York Times, April 10, 1982.

63,000 DELINQUENT ON STUDENT LOANS—AUDIT FINDS DOCTORS AND OTHER PROFESSIONALS HAVE FAILED TO PAY U.S. $31 MILLION

WASHINGTON, April 9.—A Federal crackdown on doctors, dentists and other professionals who are not repaying student loans on time shows that 63,000 of them are delinquent in paying nearly $31 million.

Preliminary results from an audit by the inspector general of the Health and Human Services Department show that some of those who are delinquent on loans work for the Federal Government; some collect large sums from the Medicare and Medicaid health programs and some teach at medical schools.

The breakdown, made available Thursday, showed that 7,000 medical doctors owed $5.2 million in delinquent payments; 340 osteopaths owed $271,000; 3,700 dentists owed $3.1 million, and 626 optometrists owed $502,000.

In addition, 3,200 pharmacists owed $1.8 million in delinquent loans; 600 podiatrists owed $466,000; 429 veterinarians owed $202,000, and 48,000 nurses owed $19 million.

The low-interest loans have been provided through the Health Professions Student Loan program. Failure to repay loans means the funds available in the revolving loan fund are reduced.

The Reagan Administration has already begun to shrink the amount of money available for all types of student aid.

Richard McGowan, a spokesman for the inspector general's office, said 401 doctors who owed a total of $443,000 on their loans had received more than $10 million from Medicare and Medicaid in the last two years.

Eighty-three faculty members at 17 medical schools and 80 doctors employed by the department are delinquent in repaying their loans, he said.

The department's regulations say employees who fail to repay such debts can be disciplined or dismissed. However, some amounts of student loan debt are forgiven when the health professional spends at least two years practicing in an under-served area.

Inspector General Richard Kusserow recommended that Medicare and Medicaid funds be held up for doctors who had not paid their student loan debts. He suggested that the penalty for late payments, now $2 a month, be increased to reflect current interest rates.

In all, $735 million has been lent under the program and $235 million in debts has been canceled because of services in depressed areas.

The outstanding debt for the program is $501 million and the overall delinquency rate is 20 percent.

The loan program has provided aid to 250,232 health professionals who repaid or are repaying their loans on time.●

YONKERS YMCA CELEBRATES ITS 100TH ANNIVERSARY

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1982

● Mr. PEYSER. Mr. Speaker, on Saturday, May 1, 1982, the Yonkers Young Men's Christian Association will be celebrating its centennial year—marking 100 years of providing meaningful, wholesome, and constructive services and activities for its members, regardless of age, sex, race, and religion.

The Young Men's Christian Association was founded in London, England, in 1844, and at the present time encompasses 90 countries around the world with 20 million members, 11 million in the United States alone. The Yonkers YMCA was founded in 1882 with the express purpose of promoting high ethical values in all aspects of life, creating a strong moral climate for our youth, while developing in them character, self reliance, patriotism, and citizenship.

How well the Yonkers YMCA has succeeded in its objectives and goals is demonstrated by the high level of leadership it has provided in the civic, religious, cultural, educational, economic, recreational, and philanthropic life in the city of Yonkers. Many of its members have garnered honors and plaudits throughout the world for their achievements and accomplishments in their specific fields of endeavor.

For several years the Yonkers YMCA has been in the forefront in recognizing the vital role of voluntarism in enriching and enhancing the quality of life for all people. There is a widespread giving of time, talents, and financial support in making this particular YMCA the leading character building agency in the metropolitan area.

One hundred years of fostering principles of good citizenship and human values; 100 years of forming enduring friendships, rendering altruistic services, building a better community; 100 years of giving primacy to the human and spiritual, rather than to the material values of life.

All this is the Yonkers YMCA's birthday gift to the 195,000 residents of the city of Yonkers.●

WILL WE USE SPACE FOR WAR OR PEACE

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1982

● Mr. BROWN of California. Mr. Speaker, we are at a crucial crossroads in our development and use of space technologies. While some have always seen near-Earth space as just another battleground for the next generation of weapons systems, others have seen our step into space as a means to transcend terrestial struggles and a chance for true peace.

Now the accelerating arms race between the United States and the Soviet Union threatens to spill into space, and foreclose forever the option of the demilitarization of space. The U.S. role in this developing tragedy is one that should be a topic of general debate.

Mr. Speaker, we do not need to proceed down this path. We can stop, reconsider, and turn back. There are other options. There is no technological imperative that says we must deploy every weapon we invent. It is even thinkable to negotiate limits on weapons systems. In fact, we have two significant treaties dealing with weapons in outer space. Rather than moving to abrogate these treaties, the United States should be moving to strengthen them.

We have several near-term opportunities to reaffirm our commitment to the peaceful uses of outer space. Among the most obvious opportunities are the Special Session on Disarmament, to be held this June in New York, and the United Nations Conference on the Peaceful Uses of Outer Space, to be held this August in Vienna. We could, of course, also add this topic to our bilateral talks with the Soviet Union. Ideally, the United States would have a true peace initiative and make proposals in all three forums.

The two options for using space before us are rather starkly described in two recent editorials. One editorial, a followup on an article I placed in the RECORD last week, opposes the chilling, but serious, concept of orbiting MS missiles as a means of enhancing our nuclear deterrent. The other editiorial, from the National Journal, describes the virtues of peacekeeping surveillance satellites of the type proposed by Howard and Harriet Kurtz.

I commend these two editorials to my colleagues. I urge each of you to join in this important debate.

[From the National Journal, Mar. 20, 1982]

FORTRESS AMERICA

(By Dick Kirschten)

President Reagan's domestic and foreign policies appear to be converging on the health and welfare of the military-industrial complex. In the depths of a recession, only the defense and aerospace sectors have resisted the dismal trend, Administration economists report.

That fact has not been overlooked by defenders of the President's planned defense buildup, which calls for the infusion of $1.6 trillion in military spending over the next five years. Defense Secretary Caspar W. Weinberger, among others, has been quick to equate cuts in the proposed Pentagon budget with increases in domestic unemployment. "While it is not a reason for defense spending," Weinberger said on March 8 at the National Press club, "we must remember that 350,000 jobs are at stake and will be lost if there are drastic cuts."

The Administration's preoccupation with increasing the country's military might vis a vis the Soviet Union, coupled with it signals that it is eager to intervene—covertly, if not overtly—in the hostilities in El Salvador, has triggered some predictable reactions. Among them is the fear, in some quarters, that Reagan may be drifting toward a policy of restimulating the economy by placing the nation on something approaching a war footing.

Another reaction has been the rekindling of concern that there will be a rapid escalation of the strategic arms competition between the United States and the Soviet Union. That fear has prompted no fewer than 150 Members of Congress to sponsor a resolution urging that both superpowers "pursue a complete halt to the nuclear weapons race." Reagan has sharply denounced the resolution, arguing that the

Soviets, at this juncture, enjoy a position of superiority in nuclear armaments.

As U.S. policy becomes more focused on head-to-head confrontation with the Kremlin, strains are developing in American relations with other nations. Our European allies, for the most part, seem little interested in U.S. arguments discouraging their trade relationships with the Soviet Union. Continued European support for the controversial Yamal natural gas pipeline from Siberia to Western Europe is prime example.

Reagan's determination to refurbish America's superpower image has generally meant a reassessment of many of the multilateral activities and agreements in which the United States has been engaged. The Administration is now pressing amendments to the pending Law of the Sea treaty that would allow this nation to maximize its technological superiority in mining the mineral wealth at the bottom of the ocean. The U.S. amendments run counter to draft proposal developed over years of painstaking negotiations with some 150 nations, most of them far less industrialized than the United States.

Even some American industrialists are critical of the Administration's penchant for flexing U.S. muscle in its dealing with the less developed nations. Business executives interested in exports have been concerned from the outset about Reagan's relative lack of enthusiasm for agencies that assist overseas development, such as the World Bank and the Export-Import Bank of the United States.

Most discouraged perhaps are those with ideas for lessening the threat of nuclear holocaust. One such scheme, based on the remarkable developments of space age technology, is the concept of an international satellite monitoring agency to verify arms control agreements and share the broad spectrum of information, both civilian and military, that is now attainable through the use of remote-sensing satellites.

The somewhat utopian ideal of such a "global information cooperative" has been the subject of long, lonely and notably unsuccessful lobbying by a former Air Force officer, Howard G. Kurtz, and his late wife, Harriet, an ordained minister. Their idea has been that an international agency might be phased into effect without requiring any nation to sacifice its sovereignty or relinquish its own national security capabilities. In time, as the Kurtzes saw it, the exposure of offensive military buildups to world knowledge and opinion would lessen the value of such investments.

The United States and the Soviet Union already possess the type of satellite remote-sensing capabilities described by the Kurtzes. Accordingly, both have far fewer secrets from one another than in the past. Nonetheless, both superpowers guard the information gleaned from their military intelligence satellites very closely. Neither has any enthusiasm for the concept of shared global intelligence, although the United States does share some environmental, meteorological and agricultural information from some of its civil satellites.

Although satellite technology is quite expensive, there is no monopoly on capability, and so the "utopian" idea of the Kurtzes has not simply died a quiet death at the hands of the succession of U.S. Administrations that have had no interest in it. The French proposed to the United Nations in 1978 that it establish an international satellite monitoring agency "within the framework of current disarmament efforts."

Despite the absence of support from the superpowers, the French proposal has advanced through the stage of a full-scale feasibility study and has been placed on the agenda of a special session of the U.N. General Assembly in June. But there is scant chance that the proposal will be implemented in the face of opposition from the two major powers, which would have to foot most of the bill.

The U.S. share, according to a State Department spokesman, conceivably could be as high as $200 million a year. Aside from the cost factor, however, the official expressed reservations about entrusting arms control verification to the political control of the United Nations voting majority. But other nations, in the meantime, are going forward with their own satellite programs and, in time, opportunities may exist for more suitable international arrangements.

The moral, perhaps, is that the advancement of technology is rapidly rendering obsolete the concept of "fortress America." No amount of military spending can build walls high enough to prevent global information from eventually becoming a reality. Spending for national security, after all, need not be restricted to the conventional path of increased armaments.

[From the Los Angeles Times, Apr. 25, 1982]

MX: A HAIR TRIGGER IN ORBIT

The frustration of the Air Force in trying to find a mode of deployment for the MX missile that would be both militarily practical and politically acceptable is understandable. Every basing idea that comes up is found wanting in one score or another.

It is hard to believe, however, that Pentagon planners are really taking seriously an old idea that has resurfaced: the precautionary launching of intercontinental nuclear missiles into orbit at the first sign of a Soviet attack.

This concept has been around for years in one form or another. It is as frighteningly absurd now as it was in the past. Yet, according to Times staff writer David Wood, the idea is being dusted off for a new look.

There was a time years ago when U.S. defense planners feared that the Soviet Union was developing a space bomber which, in time of crisis, could be fired into a parking orbit, from which it would hang over American heads like a sword of Damocles. Alternatively, such a weapon could be launched into a suborbital, harder-to-detect trajectory over the South Pole. Or so it was thought at the time.

In its American form, the orbital missile concept evolved as an answer to the Minuteman vulnerability problem—that is, the danger that the Soviets could knock out this country's land-based nuclear deterrent in a surprise attack.

As long ago as the national debate over an antiballistic missile defense system in the late 1960s, some people argued that Soviet missile superiority would be meaningless if the United States simply put Moscow on notice that the American Minuteman missile fleet would be fired off on warning of a Soviet attack. Any attacking missiles, therefore, would hit nothing but empty missile silos.

Adoption of this idea, which still has many adherents, would supposedly save money because it would provide a rationale for making do with a much smaller nuclear deterrent.

The problem is that no American President wants the heart of the U.S. nuclear deterrent to be put on such a hair trigger, where a miscalculation or false alarm could precipitate a mistaken American nuclear salvo in response to a nonexistent Soviet attack.

Champions of the orbiting missile argue that the concept of launching on warning of a Soviet attack—or in an acute crisis when a Russian nuclear strike looked imminent—would be feasible if the American missiles were fired initially into orbit.

From orbit the missiles could either be activated and released toward their targets, or returned to Earth to fall harmlessly in remote areas. Or so it is said.

The idea, in our view, makes little sense.

To begin with, an orbiting missile system would not necessarily prove to be any more survivable than a land-based Minuteman. The Soviets, who already are working on satellite interceptors, would certainly develop a capacity to shoot them down—or at least to destroy the satellites and ground stations that would provide command and control over the orbiting missiles.

Beyond that, space bombers would violate existing treaties against the deployment of nuclear weapons in space. We could choose to ignore those treaty commitments. But two could play that game. And do we really want to invite a situation where Soviet missiles might be orbiting threateningly over our heads in a time of crisis?

Finally, the idea of bringing nuclear-armed missiles safely back to Earth when a crisis or false alarm blows over may be technologically possible, but a malfunction could be catastrophic. No one, in this country or elsewhere, is going to place that much faith in such a system.

The public protests against other MX siting proposals are nothing compared with what would happen if the Administration ever seriously proposed an orbiting missile program.●

GRAHAM SEGARS

HON. JOHN L. NAPIER

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1982

● Mr. NAPIER. Mr. Speaker, South Carolina's Sixth Congressional District is an area of diverse interests. It thrives on a workable combination of agriculture, industry, and tourism. These facets of our economic fiber do not just fall into place. They are created painstakingly by hard-working, dedicated citizens who believe in their communities, States, and Nation. G. Graham Segars of Hartsville was one such man. He was a believer. He believed first of all in God and made his commitment an integral part of his daily life. He believed in himself and the people with whom he had contact. His life touched so many others and inspired them to action.

The Hartsville Messenger summed up Mr. Segars' life in the following editorial. I submit it for the RECORD.

GRAHAM SEGARS

The people of Hartsville and of Darlington County have suffered a great loss in the untimely death of G. Graham Segars at age 69. Mr. Segars was a mover and a doer, a

man of principle and integrity. He was widely respected for the many contributions he made to the civic, governmental and religious institutions of the county.

He believed in developing and safeguarding what was his own, and he was very successful in his personal businesses. He carried this spirit over into his stewardship of public works, and he worked in the public sector just as hard as he did for his own. He leaves behind him a record of solid achievement in promoting the general welfare of every public body and every institution that he served.

Throughout his busy private and public career he remained steadfastly loyal to his family, his church and his community. He was the salt of the earth, and he will be sorely missed by those who knew him and depended on him.●

GRAY PANTHERS INTRODUCE DIRECTORY FOR MEDICARE CONSUMERS

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1982

● Mr. BONKER. Mr. Speaker, at a time when health care costs are skyrocketing and senior citizens are seeing a larger and larger portion of their incomes consumed by medical expenses, the Reagan administration has called for a $3.1 billion reduction in medicare funding for 1983. This cutback is not only insensitive to the health needs of the elderly, it will also be counterproductive in the effort to achieve cost savings. The White House medicare proposals would only shift medical costs to patients, doctors, and hospitals.

I believe the President's budget cuts have gone too far, and I am encouraged to see older Americans take the offensive in opposing these proposals. The elderly are not going to sit idly by and watch the Reagan administration chip away at their hard-won gains in health care.

A good example of this new-found activism came through loud and clear at a press conference held last week by the National Gray Panthers director Maggie Kuhn and the Gray Panthers of Metropolitan Washington, D.C. They denounced the administration's medicare cuts and at the same time released an important directory for consumers of medicare.

The directory, entitled "Does Your Doctor Take Medicare Assignment?" lists the physicians and other health care providers in the Washington, D.C. metropolitan area who accept medicare assignment under part B. Yesterday's announcement was the beginning of a nationwide effort to assist medicare recipients, 90 percent of whom are elderly, with factual, self-help directories. The Gray Panthers believe their assignment directories will give senior citizens access to affordable, quality health care and will also help contain growing health care costs.

Senior activists also are determined to organize a national grassroots coalition of consumers and health care providers to oppose President Reagan's medicare cuts in the fiscal year 1983 budget, including the reduction of physician reimbursement rates under part B. These proposals while directed at physicians and other health care providers, actually would do the greatest harm to medicare recipients and the insured health consumer. If President Reagan has his way, medicare recipients will find fewer physicians willing to take assignment and the insured consumer will see the medicare reductions passed on to them in the form of increased health care costs.

The importance of more physicians accepting assignment cannot be overstated. Today only 51.9 percent of this Nation's physicians take medicare assignment. In my home region of the Northwest, the Federal region x statistics show in 1981 the net assignment rate was only 30.5 percent, one of the lowest rates in the country.

The growing reluctance of physicians to take assignment is one of the greatest problems facing the medicare program today. Assignment means a doctor will accept what medicare determines a reasonable charge as full payment for services rendered. A physician who takes assignment also relieves the patient of the administrative paperwork involved.

Many physicians say they hesitate to take assignment because medicare's reasonable charge reimbursement under part B is considerably less than their actual charges. The administration's current proposals to reduce physician's reimbursement rate will only aggravate this problem.

When a doctor will not accept assignment, the medicare recipient is responsible for paying any amount above the reasonable charge, on top of the annual $75 deductible, 20 percent coinsurance charges, and the $11 in monthly premiums elderly pay to qualify for medicare part B. Physicians who accept assignment are providing a valuable public service in lifting the financial and paperwork burden off the backs of elderly patients. I believe Congress should do more in addressing the concerns physicians have with the medicare part B program, in order to insure their involvement in this vital program.

I commend the Gray Panthers for compiling the medicare assignment directory that supports the consumer's right to know, and their efforts to oppose the administration's senseless cuts in medicare. Yesterday's press conference put the administration, Congress, and the medical community on notice that senior citizens are angry and they are not going to take it anymore.●

THE DEATH OF GEORGE GRAY

HON. THOMAS A. LUKEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1982

● Mr. LUKEN. Mr. Speaker, it is with a sense of loss that I inform the House of the death of George Gray. George worked in the office of government relations at the National Association of Broadcasters. He was a friend to all who knew him and especially to those of us who represent the State of Ohio, where George spent so many of his younger days in radio and television.

George Gray joined the National Association of Broadcasters as a hundred plus television market specialist in its government relations department on April 1, 1976.

A veteran of 35 years in broadcasting, he was AVCO Broadcasting Co.'s vice president for Washington affairs since 1965, and has been associated with both radio and television stations in Ohio and West Virginia.

George, a graduate of Adrian College in Adrian, Mich., worked as a newspaperman and ad agency account executive before entering the broadcasting field. He began as an account executive with WHKC radio in Columbus, Ohio, moving to WLWD and WLW radio as general sales manager. WLWD named him general manager in 1957, and he was elected a vice president of AVCO in 1961. He assumed his post in Washington for AVCO in 1965.

George and his wife, the former Marian Rhonermus, have three sons and reside in Fairfax, Va.

George understood the problems and challenges that face the local broadcaster and was always able to present their needs to the Members of Congress who worked with him. His professional attitude and knowledge allowed him to provide the best possible service to broadcasters throughout the country.

My staff and I extend our deepest condolences to the Gray family. I will miss George as a contact on communications issues and as a friend.●

NATIONAL PARKS

HON. PHILLIP BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1982

● Mr. PHILLIP BURTON. Mr. Speaker, April 22 marked the 13th anniversary of Earth Day, an event intended to raise the environmental conscious-

ness of the American people. This Nation observes many such special days with barely a notice of the event. Earth Day, however succeeded beyond its sponsors wildest dreams—Congress has enacted legislation to protect this Nation's bountiful natural resources: wilderness areas, national parks, rivers, streams and lakes, coastlines, wetlands, forests and deserts, wildlife, and the air we all breathe.

But 13 years later we find ourselves appalled at the Reagan administration's war on the environment. President Reagan and his aide-de-camps, Secretary of Interior James Watt, and Environmental Protection Agency head Anne Gorsuch have undermined years of effort by Congress in the field of environmental protection.

Mr. Watt's recent atrocity, legislation designed to allow the destruction of our great wilderness areas, is only the latest in a long series of actions by the administration which are a grave disservice to the fine environmental tradition of this Nation.

Several conservation groups have published a devastating analysis of the Reagan record on the environment. I present part of that indictment for my colleagues and the public. The groups involved in the study were the Friends of the Earth, Natural Resources Defense Council, The Wilderness Society, Sierra Club, National Audubon Society, Environmental Defense Fund, Environmental Policy Center, Environmental Action, Defenders of Wildlife, and Solar Lobby.

The article follows:

NATIONAL PARKS

For 110 years the National Park System has grown with the nation. It has offered the enjoyment of scenery, wildlife, and "natural wonders" to increasing numbers of Americans, while conserving those resources for future generations. The Reagan Administration has halted the park system's growth and is ignoring threats to the parks from air and water pollution and development on adjacent land. Its policies threaten the unique values that the park system is meant to preserve.

PREAMBLE

The National Park System Organic Act of 1916 says the purpose of the parks is "to conserve the scenery and the natural and historic objects and the wildlife . . . and to provide for the enjoyment of the same in such manner . . . as will leave them unimpaired for the enjoyment of future generations." Today the system includes not only the great old parks like Yellowstone and Yosemite, but also national seashores and recreation areas, monuments, historic sites, sites for the performing arts, scenic rivers and trails, and open spaces in the nation's capital.

In 1980, about one American in four visited a National Park unit. Visits to parks are multiplying rapidly, reaching 300 million in 1980—ten times the number of visits in 1950 and 300 times the number in 1930.

For more than a century, Congress has continually added to the park system by designating suitable lands from the public domain and by buying privately held land. In 1965, Congress created the Land and Water Conservation Fund, which receives income mainly from offshore oil and gas leasing. Congress is authorized to appropriate up to $900 million a year from the Fund to buy land for national parks, wildlife refuges and forests and to help states plan, purchase, and develop state parks. In that way, Congress provided that a modest share of the offshore oil and gas revenues (which totalled $9.8 billion in 1981) will be used to conserve irreplaceable natural landscapes, historic places, and important recreation areas.

CHARGES

Stopping growth of the park system

The Reagan administration opposes buying parkland already authorized by Congress, creating new parks, helping states buy and develop parks, and supporting urban parks in any way.

Shortly after taking office, Secretary of the Interior James Watt imposed a complete moratorium on all federal land purchases from the Land and Water Conservation Fund. He also stopped all Federal grants from the Fund to states. He stated publicly that he believes most "truly unique" park areas have already been acquired, and that the federal government should not provide urban or regional parks. In other words, the Administration policy is that the park system need grow no further.

In the fiscal year 1982 budget request for the National Park Service, Secretary Watt asked for approximately $39 million from the Land and Water Conservation Fund for acquisition of federal parkland. Those funds were to cover only court awards and administrative costs for purchases already in progress. That amount compares with an average appropriation of about $550 million for each of the previous five years. Rejecting Watt's policy, Congress actually appropriated $150 million in fiscal year 1982 for federal parkland acquisition.

Secretary Watt asked for no money for state grants in fiscal year 1982 and 1983. Congress appropriated none in fiscal year 1982, but made it clear the moratorium was for one year only.

The Reagan administration's total cutoff of funds for parkland is a radical departure from policies over 100 years old. It violates the intent of Congress in creating the Land and Water Conservation Fund. The nation's growing population will have to share a fixed number of ever more heavily used National Parks. Critical lands needed to protect unique natural areas or to buffer existing parks against development will be lost or will have to be purchased later at much higher prices. There are now approximately 65 National Park units in 32 states for which land acquisition (presently valued at more than $1 billion) has been authorized by Congress but not completed. Among the critical lands are the Appalachian Trail corridor, the Channel Islands off California, the Big Cypress Swamp in Florida, and the Santa Monica Mountain National Recreation Area near Los Angeles.

Ignoring threats to the parks

Secretary Watt's announced policy for the National Park System is to emphasize restoration, improvement, and maintenance of facilities in existing parks, rather than to continue to acquire land. He has asked Congress to amend the Land and Water Conservation Act to allow the Fund to be used for maintenance purposes. He has asked for $105 million for restoration and maintenance of park facilities in fiscal year 1983.

Maintaining park facilities to meet health and safety standards is important. However, Secretary Watt's priorities go in the wrong direction.

The Watt proposal to dip into the Land and Water Conservation Fund for maintenance would rob it of money needed for buying additional parklands.

The maintenance funds Secretary Watt is seeking for fiscal year 1983 would go almost entirely to refurbishing roads, bridges, sewers, and park facilities, rather than for protection of the irreplaceable natural resources which are the park system's reason for existence. Indeed, emphasis on improvement of roads and park facilities may promote further heavy use of much-visited parks and add to the wear and tear on natural resources. The result could be first-rate plumbing and roads in a second-rate park system.

The most immediate and serious threat to the national parks is pollution from internal and external sources. In a 1980 report to the Congress, the National Park Service listed the threats which are causing severe degradation of park resources. Approximately 60 percent of the parks reported significant threats to scenic resources. Air and freshwater quality, mammals and plants were reported threatened in about 40 percent of the parks. The Park Service staff has singled out specific threats to the natural resources of individual parks and has proposed research and protection measures. Yet Secretary Watt has asked for minimal funds to mitigate existing resource damage and to prevent new threats from developing.

In fact, the Administration has taken actions which increase pollution and other threats to the parks.

The Administration has proposed amendments to the Clean Air Act that would eliminate protection of air quality and scenic vistas in national parks and wilderness areas. Air pollution, reduced visibility, and a closing in of vistas is already a major problem in national parks that are near large powerplants. For example the Four Corners complex in New Mexico causes air pollution in Mesa Verde, Zion and Bryce Canyon National Parks; Everglades National Park in Florida is affected by a Florida Power and Light plant nearby.

Secretary Watt tried to reverse a decision by former Secretary Cecil Andrus barring stripmining within 5 miles of Yovimpa Point, the most spectacular vista in Bryce Canyon National Park in Utah. Secretary Watt wanted to permit stripmining within view of the park. A federal district court in Utah refused to remand the case to Watt for review.

Watt has reversed a Park Service decision to phase out motorized rafts operated by private concessioners in the Grand Canyon.

Watt has supported proposals by snowmobile, offroad vehicle, and airboat organizations to open up certain national park and seashore areas to their uses. Watt has opened Lassen Volcanic National Park in California to snowmobile use; and the Park Service has decided to continue to allow snowmobile use in the Potholes region of Grand Teton National Park, despite a recommendation to the contrary by a blue ribbon panel.

WILDERNESS

Since the Wilderness Preservation System was created in 1964, it has been the policy of every Administration to protect wilderness from energy and minerals development. The Reagan Administration policy is to open the

system to oil, gas, and mineral development, and close off major additions of new lands.

PREAMBLE

Congress created the National Wilderness Preservation System in 1964 "to secure for the American people of present and future generations the benefits of an enduring resource of wilderness." In the terms of the Wilderness Act, "wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain."

The Wilderness System constitutes about 3 percent of the land base of the United States. It includes 23.4 million acres in the lower 48 states and 56.4 million acres in Alaska. All of the wilderness areas are within the federal public lands—in the National Forests, Parks, and Wildlife Refuges, and in the lands managed by the Bureau of Land Management (BLM).

From 1977 to 1979, the Forest Service reviewed 62 million acres of large roadless areas in the National Forests to determine what lands should be recommended to Congress for addition to the wilderness system and what lands should be made available for other uses. When that long study process was complete, the Carter Administration recommended that Congress designate a total of 15 million acres as wilderness. BLM is presently reviewing approximately 24 million acres to determine which lands under its jurisdiction should be recommended to Congress for wilderness designation.

The Wilderness Act allows prospecting and other activities in wilderness areas to collect information about mineral or other resources and requires the Department of the Interior to conduct periodic surveys to determine resource values. In addition, the Wilderness Act allows, but does not require, the Secretary of the Interior to issue energy and mineral leases in wilderness areas until December 31, 1983.

Recognizing that wilderness areas serve vital ecological functions, that they are the last remnants of America's primeval splendor, that they do not contain relatively large amounts of minerals or energy resources, and that they are irreplaceable, every Secretary of the Interior up to the present has, as a matter of policy, opposed mineral or energy development in designated wilderness areas.

Under the Wilderness Act, lands approved for inclusion in the wilderness system will be closed, except for valid existing claims and leases, to mineral and energy development after December 31, 1983.

CHARGES

Opening wilderness to development

In May 1981 Secretary Watt directed his Solicitor to find a way to "open wilderness areas." That directive repudiated the policy of every Secretary of the Interior since the Wilderness Act was passed in 1964.

Secretary Watt advocated a 20-year delay, until 2003, of the date when wilderness lands will be closed to energy and minerals development. Secretary Watt misleadingly stated that delay of the deadline was necessary to inventory oil and gas and other mineral resources. In fact, the Wilderness Act allows, indeed requires, exploration and inventory without any time limit.

The Forest Service issued draft recommendations to issue leases in the Washakie Wilderness adjacent to Yellowstone National Park, the Ventana Wilderness on California's Big Sur coast, and the Caney Creek Wilderness in Arkansas.

The Forest Service considered a proposal for seismic exploration in its Bob Marshall Wilderness in Montana. In response, in May 1981, the House Interior Committee directed Secretary Watt to withdraw this area from minerals leasing.

In November 1981 the Interior Department actually issued a lease for slant drilling into the National Forest's Capitan Wilderness in New Mexico. In recommending this lease, the Forest Service failed to comply with the requirements of law for public notice, public comment, or environmental impact studies.

Expressing alarm at Secretary Watt's actions and advocacy to open up wilderness, the House Interior Committee voted in November 1981 for a six-month moratorium on leasing in wilderness areas.

Faced with firm Congressional opposition, the Administration tried different tactics. In January 1982, Secretary Watt extended the Congressional moratorium on leasing in wilderness until after the current session of Congress and the 1982 elections. Then, in February 1982 Secretary Watt announced a new program, billed as "protection" of wilderness, which actually pursues the same policy of opening wilderness, but under a new guise. He presented the Administration's proposed Wilderness Protection Act of 1982, which would allow the President, without Congressional approval, to open any wilderness area by declaring an undefined "urgent national need." Under the present law, lands designated by Congress as wilderness remain closed to development after December 31, 1983 forever, unless Congress determines otherwise and automatically end protection for the entire wilderness system, opening all wilderness areas to mineral and energy development in the year 2000.

Shutting off additions to the wilderness system

The Administration wants not only to open the whole wilderness system to energy and mineral development in 2000 but to make sure that, in the meantime, little if any new land is added to the system. The Administration's bill would set short, rigid deadlines for Congress to act on Forest Service and BLM lands recommended for wilderness designation, or recommended for study for designation; give no second chances. Lands not actually designated as wilderness by the deadlines would be permanently released for development. The Forest Service would be barred from ever again studying its lands for wilderness or managing those lands as wilderness, without Congressional approval. Under existing law, wilderness values must be considered in the ongoing, periodic forest planning process; and take away from Congress and give to the President the power to determine which BLM wilderness study areas should be released to development. All BLM wilderness study areas would be subject to immediate development.

In addition to its anti-wilderness legislation, the Reagan Administration has, by executive action, attempted to block or limit additions to the Wilderness System.

Assistant Secretary of Agriculture John Crowell eliminated almost 1 million acres from the previous administration's recommendation to Congress for addition of Forest Service land to the wilderness system.

Assistant Secretary Crowell has testified against designation of lands recommended for wilderness in the Cranberry area of the Monongahela National Forest, West Virginia; the Big Gump Swamp in the Osceola National Forest, Florida; and Cougar Lakes in the Wenatchee National Forest, Washington.●

CALL TO CONSCIENCE VIGIL FOR IDA NUDEL

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1982

● Mr. BARNES. Ida Nudel is 51 years old today. Last year on this day, the Union of Councils for Soviet Jews, myself and several of my colleagues, celebrated Ida's 50th birthday. Vicariously, she celebrated with those of us in freedom. Now, a year later, she has spent another year of her life imprisoned by Soviet injustice.

The past decade of Ida Nudel's life is a testimony to the veracity of the human spirit. Many of us know her by her words, her actions, her commitment, her persistent search for justice, her unyielding dedication to the cause of freedom, and her love for the integrity of human beings.

Ida Nudel is very special. She speaks for the countless numbers of refuseniks whose sad stories have been secreted away in fear and whose lives are being torn from them. Ida Nudel, the "Guardian Angel," has brought the grace of heaven to many whose hope has dwindled. Her good work and caring for others will bring her long struggle to victory and the Soviet Government will not forever be able to ignore the protests of those around the world who despise injustice and inhumanity. The Soviet Government cannot forever defy with might the protests of those who know what is right.

The past is behind us, but the Soviet Government can begin today to honor the human rights of its citizens. The time has come to let Ida Nudel go.●

SOUTH DAKOTA VOICE OF DEMOCRACY WINNER

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1982

● Mr. DASCHLE. Mr. Speaker, I am pleased to be able to insert into the RECORD the statement of Carol S. Dorman, the South Dakota winner of the VFW Voice of Democracy Scholarship program from 1981–82.

Carol is from Yankton, S. Dak., and I am sure that her family and community are proud of her achievements in

this competition. Following is the text of her statement:

STATEMENT OF CAROL S. DORMAN, SOUTH DAKOTA VOICE OF DEMOCRACY WINNER

Building America Together. ". . . One nation under God, indivisible, with liberty and justice for all." From the days of our forefathers, the spirit of togetherness, oneness in striving toward a common goal, has been the motivating factor in building America to her greatest potential.

Our founding fathers had a dream, and a firm faith in their God, whose strength would carry them to the realization of that dream. America began as a nation under God. Our first leaders looked to Him for direction and gave Him the glory. He built our continent, filled it with vast resources and determined people, and fashioned it into a great nation. To remain united, we must continually remember the source behind our greatness.

". . . Indivisible . . ." It is said, that a house divided against itself cannot stand. So it is with a nation also. Togetherness is the key to building a strong America.

This spirit of togetherness must begin in each home. Our nation still bears the scars from wounds inflicted in that terrible hour of her history when brother fought brother, the Civil War.

The characteristics of great men and women are born and nourished in happily united and loyal families. There, children can see the importance of real love in action to make the whole world more livable. Hard work, determination, and cooperation are vital ingredients in building strong families and a strong country. Young people who grow up with inventive and determined hearts, willing to give of themselves, are the kind of citizens America needs.

Strong families instill respect and honor for authority into their children. As children learn to honor their parents, they learn respect and loyalty for their country and its heads.

This respect and loyalty fosters patriotism in the hearts of young people. Patriotism makes people proud of their country and willing to work for it. A country whose people are united in believing that their country is important, will be the greatest country in the world. Therefore, we in America must steadfastly uphold the family unit, where these important characteristics are learned.

A nation united under God and made indivisible by strong family units can preserve the "liberty and justice for all" that we so highly prize. Here in America we do have liberties. Our political system provides advantages that we must use or lose. In this sense they are not only rights and privileges, but responsibilities as well. Voting is one of these special privileges and a perfect example of working together. A democracy cannot exist unless the people have a voice in government, and voting is the means by which our opinions are expressed. The active involvement of the citizens through voting gives the support and backbone to America. As a cathedral crumbles without supporting beams, so America would fall without her people working together in the voting process. Apathy, with its lethal power, can slip into our society and destroy us even before the danger is realized. Instead, let us encourage one another to regard seriously our responsibilities and to take part in the upward building of America.

Each individual's cooperation is a vital part of both our political system and our society. Americans have always been known as industrious, conscientious, and inventive people, and our generation, in the footsteps of those gone before, can build our society to its fullest. It takes everyone to make the free enterprise system work. Opportunities are unlimited if a person gets involved, sets goals, and when he reaches them, steps out to move on and keep building.

I pledge my allegiance to this blessed country that united we may stand, and together we may build a strong America! Will you join me?●

TRIBUTE TO RALPH J. EDSELL, JR.

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1982

● Mr. LENT. Mr. Speaker, it was with a sense of great shock and sadness that I learned of the death of a longtime friend and former associate Ralph J. Edsell, Jr. A former resident of Nassau County, N.Y., he died in Orlando, Fla. after suffering a heart attack.

During his years as a resident of Long Island, Mr. Edsell compiled an outstanding record of public service. A graduate of Cornell University Law School, he began his public service as a trial lawyer in the Internal Security Division of the Department of Justice. He left this position to join the staff of Joseph Carlino, then speaker of the New York State Assembly, where he served as counsel for 10 years.

In 1964, Mr. Edsell became the Republican candidate for Congress from the Fifth Congressional District on Long Island, but lost that race to former Representative Herbert Tenzer. Mr. Edsell, however, maintained his interest and activity in the Republican Party on Long Island, serving as Republican committeeman in his hometown of Cedarhurst.

In 1970, Mr. Edsell was a most valued assistant in my successful campaign for the U.S. congressional seat in the Fifth Congressional District, then held by the late Allard K. Lowenstein, and joined my staff in Washington, after my election, as my administrative assistant. His advice and counsel and his effective administration of my office were of immense value to me during my first term of office, and played no small role in my successful campaign for reelection in 1972. To my deep regret, however, Mr. Edsell subsequently decided to resign his position to resume his successful business career.

Mr. Speaker, Ralph Edsell was a man to admire. His career, both in public service and in private life reflected his dedication to the principles which guided his life. I shall sorely miss his wise counsel and sound judgment. Indeed, all of those who were privileged to know this remarkable man will miss him very much.

My wife Barbara and I extend our deepest sympathy to his lovely wife June, his children, Ralph J. III, Lisa and John and his mother, Geraldine.●

INNER CITY SUCCESS STORIES SHOW ENTERPRISE ZONE POTENTIAL: LET'S GET MOVING!

HON. JACK KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1982

● Mr. KEMP. Mr. Speaker, one of the questions BOB GARCIA, BILL GRAY, and I often get about enterprize zones is "Would anyone really set up a business in the inner city, anyway? Can inner city residents make good employees?"

My reply is that we are often far too quick to writeoff the human capital resources of America's poorest communities. I believe that our inner cities are filled with people who would take a chance on a better future—if offered a real, tangible opportunity.

This isn't just a guess, by the way. As an article in today's Wall Street Journal points out, Control Data Corp., Digital Equipment Corp., and International Business Machines Corp., all have successful inner city plants. What is more, these firms employ almost entirely the minority residents of the neighborhoods where these plants are located. While there were some initial problems with job training and adjustment, these inner city firms and their workers have gone on to do extremely well in the highly competitive computer industry.

What does the Enterprise Zone Tax Act, H.R. 6009, offer these and similar firms? Most important, they would receive a major tax benefit for hiring disadvantaged workers: a credit equal to 50 percent of their wages for 3 years, then 40, 30, 20, and 10 percent in each of the succeeding 4 years. And unlike the targeted jobs tax credit, this would have no wage limit (the TJTC can only be used against the first $6,000 in wages, and lasts only 2 years). This means employers would have an incentive to train disadvantaged workers for higher-paying jobs—and keep them on the payroll.

The Enterprise Zone Tax Act offers other substantial advantages to firms that create jobs in depressed areas. There is an additional investment tax credit for investment in enterprise zones, and a jobs credit equal to 10 percent of payroll. Capital gains taxes would be eliminated entirely—an especially important incentive for the small, technology-based firms that are creating so many new jobs in the econ-

omy—and the creation of foreign trade zones would be encouraged.

At a time when unemployment in depressed urban and rural areas is over twice the national average—and 50 percent higher again for minorities—we should be acting quickly and decisively to try out any new approaches to creating jobs and opportunity. The Enterprise Zone Tax Act has wide support in this House: over 100 cosponsors from both parties. Given this interest, and the need to act now to offer new hope to our poorest communities. I would like to urge our colleagues on the Ways and Means Committee to hold hearings as quickly as possible on the Enterprise Zone Tax Act.

The article follows:

SOME HIGH-TECH FIRMS HAVE MADE INNER-CITY PLANTS WORK

(By Eugene Carlson)

Ten miles from the Bronx, in Brooklyn's Bedford-Stuyvesant district, International Business Machines Corp. has been manufacturing computer components for 14 years with a work force drawn almost entirely from this black, working-class neighborhood. IBM admits it began the operation in 1968 as a social experiment. In the volatile climate following the 1960s race riots, some 120 persons were put to work in a converted warehouse at the lowest of high-tech tasks, reconditioning electronic cable.

"It was a hedged bet," says Franklin Thomas, then head of the Bedford-Stuyvesant Restoration Corp., a government-private-community development group, and now president of the Ford Foundation. "It was clear to us that if the plant was a bust, they could truck that cable reconditioning facility to another plant and carry on."

The plant stayed, and by all accounts has prospered. Today a staff of 420, split 50-50 between production and management-engineering, works on a variety of tasks, from routine "board stuffing" to assembly of two components of the 3081 system, IBM's most powerful computer. In 1978, the workers moved five blocks to a new building put up by IBM.

Does the Bed-Stuy plant exist simply as a token of IBM's social conscience? "I would say early in the game it was damn marginal," says Thomas G. Crotty, an analyst with the Gartner Group, a computer research firm. "But they've turned that thing into a very profitable, very fine plant." Adds Frank Jones, the plant manager: "I don't want to oversimplify it. We had a struggle getting here. But in terms of products we are assigned to manufacture, we are no different from any other IBM plant."

Two other computer makers have built big inner-city manufacturing plants. Digital Equipment Corp. makes all its half-inch tape drives and flexible disk products on a 15-acre site in a predominantly black area of Springfield, Mass. Almost 60% of the 840 workers are minorities. In 1980, Digital Equipment opened a plant in Boston's black Roxbury neighborhood.

Control Data Corp.'s minority hiring push began in 1968 with a plant in Minneapolis' northside neighborhood. Today, the plant's 56% minority work force is the company's sole supplier of a critical piece of auxiliary computer gear.

Executives of all three companies say training, flexibility and lots of patience were essential in the early years. "You had to start from ground zero and educate people about what a business is all about, including the discipline required," says IBM's Mr. Jones. Absenteeism, drugs and employee crime were serious start-up problems. Loath to raise a lot of barriers at a site where jobs were the main issue, "we threw the door open on a first-come, first-served basis," says Mr. Jones. "You do that and you get all kinds of people."

Mr. Jones says it took about seven years for the plant to reach parity with other IBM facilities. Today, he says absenteeism is average for IBM and the Bed-Stuy plant is seeding the rest of the company with sought-after minority managers. And despite sharing a city block with the pupils of Public School 54, the modern, two-story brown brick plant has only a trace of graffiti. "We don't get vandalism. We don't get people throwing rocks at us," says Mr. Jones. "I believe it's community pride."●

CANADIAN-AMERICAN LINK HELPS CREATE FESTIVITIES

HON. JOHN L. NAPIER

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1982

● Mr. NAPIER. Mr. Speaker, international relations are important to this Nation. Although we do not sit right on the Canadian border as do many States, South Carolina has made a major effort to promote relations with that nation through a joint Canadian-American festival conducted each year along with the South's most famous beach resort, the Grand Strand. The Myrtle Beach Sun News recently noted in an editorial the importance of this event. I offer this for consideration by my colleagues as to the significance of promoting good international relations.

CANADIAN-AMERICAN LINK HELPS CREATE FESTIVITIES

There is more to Canadian-American Days than advancing the former summer tourist season on the Grand Strand. That is, to be sure, how it began, just as the Sun Fun Festival was set in early June to break the summer season sooner. Now, the season is becoming year-round, thanks largely to golfers on the one hand and to Canadians on the other. And by that we don't imply Canadians aren't good golfers.

The fact is, however, that Canadians and Grand Stranders find themselves brothers and sisters because of the two decades of relationships. The most recent reminder of the friendship can be found at the Convention Center, where a monument commemorates the courage of Canadian diplomats in helping smuggle out of Iran some United States refugees from our beseiged embassy. We share a good relationship, and we should expand on it.

If Canadians didn't like the atmosphere created on the Grand Strand through this friendship, they wouldn't return from year to year to enjoy the spring, the budding azaleas and dogwood, the warming temperatures. Indeed, it is incumbent upon both Canadians and Grand Stranders to assure that this novel relationship continues to work for both groups.

Visitors are reminded that some things have changed since their last spring sojourn. If they have any difficulties with their accommodations, there are committees of the Hotel-Motel Association and Chamber of Commerce who can and will ferret out the problems and attempt to bring some resolution to them. And some things haven't changed: The police departments along the Grand Strand stand ready to help if they are needed; please call on them, for they can and will respond quickly and alertly.

We agree that the Grand Strand should be more understanding about the exchange of money from Canadian dollars to U.S. dollars. We suggest you follow the exchange rate in this newspaper each day and deal with the area's banks who each morning at 10:30 a.m. will determine the going rate. Like some of you, we object strongly to those signs in store windows that refuse to accept Canadian dollars even at the exchange rate. We think they should display more business acumen. But you can understand, even if you would hope for something else, why local businesses cannot afford the 20 percent shrinkage of the Canadian dollar by accepting Canadian dollars at par.

This is a weekend that all the Grand Strand looks forward to. We like to have Canadians come to see us, and we enjoy the festivities ourselves. We hope that the Grand Strand lives up to the expectations of its visitors, and we invite your comments to this newspaper or to the Chamber of Commerce. Welcome back.●

THE AMERICAN VETERANS COMMITTEE SUPPORTS A NATIONAL PEACE ACADEMY

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1982

● Mr. BROWN of California. Mr. Speaker, last week I was honored to participate in an historic hearing in the U.S. Senate of the establishment of a U.S. Peace Academy. The testimony given has encouraged me to believe that at long last this concept can become a reality.

One reason for my optimism is the breadth of support. An example of this breadth is the support by the American Veterans Committee, as reported in the Stars and Stripes—the National Tribune.

For those who still doubt the utility of a National Peace Academy, let me recommend that they read the following commentary:

[From the Stars and Stripes—the National Tribune, Apr. 22, 1982]

AN ACADEMY OF PEACE: A NEW WAY TO NATIONAL SECURITY

Not long ago, an Academy of Peace seemed as remote as landing on the moon seemed to our Renaissance forebears. But now it has become a distinct possibility as the American people express their anxiety about the possibilities of total annihilation should a nuclear exchange occur.

Congressional hearings are taking place this week on legislation introduced last No-

vember to establish such an Academy. Following presentation of the final Report of the U.S. Commission on Proposals for the National Academy of Peace and Conflict Resolution to President Reagan, S. 1889 was introduced by Senator Matsunaga, the Chairman of the commission. A Companion bill was introduced in the House. Both bills are acquiring numerous sponsors. It is Senator Robert Stafford's Subcommittee on Education of the Labor and Human Resources that is conducting the April 21 hearing.

The Commission in its Final Report found "that the absence of a coordinated national commitment to research, education and training and information services from the field of peace learning has caused neglect of peacemaking knowledge and skills to the detriment of the nation's effectiveness in policy-making and policy implementation in international affairs, conflict, and war."

To fill this vacuum, the commission recommended the setting up of an independent nonprofit corporation to "provide the nation with a balance and cost-effective institution that will make the field of peace learning accessible and useful to scholars, analysts, policymakers, and decision makers in international affairs, conflicts, and war."

Hubert Humphrey would be happy to know how far the idea of an Academy of Peace has come. In his final public address on the Senate Floor December 15, 1977 he called the Academy Proposal "a serious obligation." Humphrey's words should be recalled.

"It is an idea whose time has come. A U.S. Academy for Peace and Conflict Resolution would gather and focus new knowledge on the theory, process and methods of achieving peace and justice on the international as well as the domestic level. It would provide new alternatives to power confrontations as a means to resolve international conflict . . . The Peace Academy represents a new frontier in the practical social sciences."

As the groundswell of public opinion against the arms buildup and the nuclear arsenal grows, as it is almost minute by minute, every avenue towards the peaceful resolution of conflicts needs to be explored. The Peace Academy is an important step ahead to returning sanity to national policy. Therefore, it is exceptionally appropriate that hearings on the Peace Academy Legislation should take place during Ground Zero Week, which is another effort of a different kind to steer this country away from nuclear apocalypse.

General Omar Bradley speaking with a prescience rare to generals, remarked in a speech in Boston: "We have grasped the mystery of the atom and rejected the Sermon on the Mount. Ours is a world of nuclear giants and ethical infants. We know more about war than we do about peace—more about killing than we know about living."

The drive for a Peace Academy has been spearheaded by the National Peace Academy Campaign. Milton C. Mapes, Jr., Executive Director of the Campaign and a driving force to help turn the idea of an Academy into a Federal institution, in an address to the First Congregational United Church of Christ in Washington pointed out:

"Throughout our history National Security has meant the ability to defend ourselves if attacked, so we prepared and trained the best military men we could find—and now those same experts tell us no defense is possible in the event of nuclear attack . . . Suddenly our four military academies and five war colleges are inadequate because the old rules don't apply. If defense is impossible, then we must redefine National Security—and somehow the definition always comes down to Peace. Even banning nuclear weapons, however desirable that would be, is inadequate, because in five years' time our scientists are perfectly capable of developing six other ways to wipe out the human race. What we must ban is war itself.

"The point is that war is no longer just; anachronistic as a method of solving human problems—it is truly obsolete. There is no problem great enough to be solved by nuclear weapons."

It appears that many people are beginning to recognize the fact that war, in this nuclear age of metabombs and super-missiles, is indeed obsolete as a political or any other kind of solution except for the destruction of life on earth. The Peace Academy with its emphasis on conflict resolution is a turning away from the war mentality that has guided mankind for thousands of years. Let's hope it is not too late.

The American Veterans Committee (AVC), sharing in the general yearnings for peace, passed the following resolution at its National Convention last year endorsing the Peace Academy:

THE NATIONAL PEACE ACADEMY

Whereas, the improvement of our national capability in the resolution of conflict is essential to the maintenance of domestic tranquility in the years ahead; and

Whereas, the non-violent resolution of conflict on the international scene has become essential to the survival of human civilization and possibly of the human race itself; and

Whereas, the establishment of a national institution for training selected individuals both from our country and from other nations would assist in the development of a worldwide pool of trained experts in conflict resolution who could contribute to lowering the levels of conflict and violence at all levels of society; and

Whereas, such lowering of worldwide conflict and tension levels would greatly facilitate rational and progressive steps toward disarmament; and

Whereas, we already have four national academies devoted to instruction in the resolution of conflict by the use of force; and

Whereas, the recent development of conflict resolution techniques and theory has made the establishment of a National Peace Academy a realistic and hopeful national goal; and

Whereas, the National Peace Academy Commission established by Congress has completed its one-year study and is expected to report to the President and the Congress this summer and to recommend the establishment of a National Academy of Peace and propose legislation for enactment by the 97th Congress to authorize the establishment of such an Academy; and

Whereas, the National Board of AVC has long supported and endorsed the establishment of a National Peace Academy;

Now, therefore be it resolved that the American Veterans Committee by action of its National Convention hereby endorses the establishment of a National Peace Academy and urges its members and local chapters to support the efforts of the National Peace Academy Campaign to achieve the establishment of a National Peace Academy; and

Be it further resolved, that the American Veterans Committee further urges the President and the Congress to establish a National Peace Academy for instruction and research in the peaceful resolution of conflict at the earliest possible date.

For further information about the work of the National Peace Academy Campaign, contact them at 110 Maryland Ave., N.E., Suite 409, Washington, DC 20002.

STATEMENT ON INTRODUCTION OF H.R. 6167

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1982

● Mr. GIBBONS. Mr. Speaker, I am introducing a bill to amend section 1235 of the Internal Revenue Code of 1954 (relating to the sale or exchange of patents) in order to make clear that the benefits of that section apply to the sale or exchange of patents arising out of research done at universities and other qualified nonprofit research institutions in the United States. The bill also makes clear that certificates of plant variety protection, which provide statutory protection for new varieties of plants comparable to the protection provided to other inventions by the Patent Act, will be treated as patents for the purpose of section 1235.

Generally, section 1235 provides for treatment as long-term capital gain or loss of any gain or loss recognized upon the sale of a patent by an individual who created the invention covered by the patent or who purchased his interest in the patent from the inventor before the invention was reduced to practice. This section of the Code was enacted in 1954 in order to stimulate inventive activity by giving favorable tax treatment to inventors and to other individuals who finance the work of inventors.

In 1981, Congress recognized a national need to encourage increased research and development activity, and added section 44F to the Internal Revenue Code to provide tax credits to businesses which increase their expenditures for research and development. In so doing, Congress recognized the vital role that our universities, colleges, and other nonprofit institutions play in our national research effort by specifically providing that expenditures made to finance basic research at such institutions could qualify for the research and development credit.

In this time when public funding for university based research activity is being severely cut back, it is urgent that we encourage the private sector to increase its level of support. It is, therefore, important that section 1235 not act as a disincentive for the private funding of university-based research. At present, however, a person who finances the research of a particular scientist or inventor can more clearly obtain the benefits of section

1235 if the scientist is not affiliated with a university than if he is. Many, if not most, universities have policies or contracts with their faculty, staff, and students under which patents and similar property rights belong to the university. Attempts to structure private funding of unversity-based research so that patents or similar property rights will flow to the research sponsor and payments will flow from the sponsor to the researcher in order to meet the literal requirements of the present statute may disturb the traditional relationships between the institution and its faculty, staff and students.

The proposed amendment will make clear that a person who finances university-based research, who would otherwise be entitled to the benefits of section 1235, will not be denied those benefits merely because the university or other nonprofit institution is also a party to the financing arrangements.

As passed in 1954, section 1235 refers only to "patents," without defining that term. Regulations adopted by the Treasury Department in 1957 define a "patent" to be a patent granted by the United States under the Patent Act or a similar foreign patent. In 1970, Congress passed the Plant Variety Protection Act in order to provide developers of new and valuable sexually produced varieties of plants a form of proprietary right to such varieties comparable to that available for other types of inventions (including for example plant hybrids, which cannot be sexually reproduced in a stable fashion).

In today's world, with its every increasing demands for food and fiber, research leading to improved varieties of plants must be given the highest priority, and our tax laws should not treat such research any less favorably than other types. It is arguable that a Certificate of Plant Variety Protection should qualify as a patent for purposes of section 1235; however, this argument has not been tested in any court. My bill would clarify that Certificates of Plant Variety Protection do qualify for section 1235 treatment.●

TURKEY RUN FARM DAY

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1982

● Mr. WOLF. Mr. Speaker, I would like to bring to the attention of my colleagues a very special occasion today in the Commonwealth of Virginia. April 27, 1982, has been officially proclaimed by Gov. Charles Robb and by the Counties of Fairfax and Arlington as "Turkey Run Farm Day" as a way to recognize the efforts of the Friends of Turkey Run Farm in securing support to keep the McLean area farm open.

A partnership of government, business, and citizens has been working together since last spring to preserve the farm, a working re-creation of an 18th century colonial farm which the National Park Service was forced to close briefly last March because of budget restrictions. Because of the farm's popularity, especially as an educational facility for schoolchildren, the Friends of Turkey Run Farm formed to keep the facility operating.

Since then this public-private partnership has rallied community support for the farm and in February announced a fund drive campaign to match a $250,000 challenge made by Dr. Claude Moore of Loudoun County for the purpose of creating an endowment fund to provide income for the farm's future operation. Dr. Moore has agreed to invest $250,000 to underwrite the farm if the group can raise a like amount by April 30, 1982.

The challenge is a test of the degree of community support for the farm and we are very encouraged that the group is now within $90,000 of its goal.

The efforts of the Friends of Turkey Run Farm prove that government and the private sector can be successful partners in the sharing of support for worthy and valuable projects such as Turkey Run Farm. I hope that my colleagues will join me in saluting the Friends of Turkey Run Farm on this "Turkey Run Farm Day."●

PEOPLE LIKE US

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1982

● Mr. DASCHLE. Mr. Speaker, we have all heard over and over again that the past and future cuts which the administration has proposed in social programs will not affect the safety net that will protect the truly needy. Unfortunately, simply saying something does not make it so. This evening, CBS television is presenting a documentary, hosted by Bill Moyers, entitled "People Like Us." This morning's Washington Post has printed a preview of the program by critic Tom Shales, who considers it one of the most important television documentaries in the recent past. If the program at all lives up to the billing that Mr. Shale's preview provides for it, I would share his hope that perhaps "some of official Washington will tear itself away from its white wine long enough to watch it."

The safety net no longer exists for many in this country, and they are not all the stereotypical welfare cheats and freeloaders that the administration would like us to believe they are. There are deserving, hardworking people in the country who are being hurt, and being hurt badly, by the ideological rigidity of an administration of, by, and for the rich. I urge my colleagues to watch this documentary this evening. Hiding our heads in the sand may soothe our consciences, but it does little to solve the problems that the truly needy of this country are experiencing.

THROUGH THE SAFETY NET—THE VICTIMS OF REAGAN'S ADMINISTRATION

(By Tom Shales)

Tonight's edition of "CBS Reports," "People Like Us," could mark a turning point in American public opinion toward the Reagan administration and its cavalier treatment of the poor. This could be the most influential network documentary since "Teddy," the 1979 Roger Mudd interview that effectively killed Sen. Edward M. Kennedy's chances for the Democratic presidential nomination the following year.

Though probably not intended as a direct attack on administration policies, the effect of "People Like Us" is to alter one's image of President Reagan from that of well-meaning boob to something more along the lines of callous cad.

Neither Reagan nor any of his army of gray spokesmen and ax-wielding henchmen is seen on the report—at 8 on Channel 9—but it is difficult to watch the program's four stories of hardship and destitution and not invoke the visual memory of the president romping in the surf outside Claudette Colbert's house in Barbados, and the distressing symbolism that goes with it: The president splashes about in the lap of luxury while Americans go hungry. Even the people on this program, victims of Reaganomics all, are reluctant to say a word against him, but the program leaves one feeling that a very fragile bubble is just about to burst.

"These are people who have slipped through the safety net and are falling away," says correspondent Bill Moyers in his introduction. "In the great outcry about spending, some helpless people are getting hurt. No one knows how many." But the number of people isn't the issue. What is happening to those profiled shouldn't be happening to anybody, anywhere, and most of all, not here.

This program is a killer. Perhaps some of official Washington will be able to tear itself away from its white wine long enough to watch it. It tells its four stories eloquently and powerfully.

The first is about a man with cerebral palsy who lives with his wife and four children in Ohio and was dropped from the Social Security disability rolls, as part of Reaganesque cost-cutting measures, last year; bureaucrats decided, without examining him, that he was suddenly fit to take a desk job. The man almost weeps as he vows to Moyers that he will not give up his home in spite of the new crisis. In one heart-wrenching sequence, the camera captures the humiliation and degradation in the faces of the man and his wife as they sit quietly while a welfare worker phones a local charity in an effort to get them some hand-out food.

In New Jersey, a Hispanic woman who works part time, and who has a 13-year-old son who needs major surgery to avoid developing cancer, has been dropped from wel-

fare and Medicaid as part of the new Reagan blood bath. The woman finds she is actually going to be penalized under revised rules for having gone back to work, so she is forced to quit her job and go back on welfare full time.

In Wisconsin, Moyers talks to the mother of a 13-year-old girl who has suffered two strokes and lies speechless in a coma. Because of Reagan-mandated changes in Medicaid rules, the girl must be taken from her home and the care of visiting nurses and placed in an institution. The camera is there on the day the child is taken away, as the mother cries. "I just can't take it." A nurse says of the insensitivity that caused this tragedy to occur, "It's going to make enemies out of our own people."

Finally, in Milwaukee, Moyers visits a church which provides food for the downtrodden and has seen the demand for such charity double in the past year. This would seem an example of Reagan's oft-invoked private sector moving into the breach left by the government's abdication of responsibility to the disadvantaged. But a volunteer at the church notes of the Reagan economic czars. "They're asking the wrong people to sacrifice."

Father Steve Gliko, who supervises the volunteer program, tells Moyers, "It's unfair to put any poor person in the precarious situation of having to depend on the generous whims of the wealthy." Moyers quotes the Reagan contention that the "truly needy" are being provided for. "The American citizen who can say that," Gliko responds, "is blind."

The program also puts the lie to the pet Reagan myth that if we can just eliminate welfare cheating, everything about the economy will be hunky-dory (and we'll be able to afford Reagan's trillion-dollar defense budget). Moyers says far more revenue is lost through under-reporting of income to the IRS than through welfare cheating, that the government is bilked out of seven times the welfare budget by tax cheating each year. A lawyer retained by the Ohio man with cerebral palsy says of welfare money, "The people who are the so-called cheats are the ones that are still getting it. They are the ones who know how the system works."

Moyers is such a skillful and resourceful journalist that it is difficult to pinpoint his strongest suit; he wrote the script for the program with producer-director Judy Towers Reemtsma. But where he shines most is probably in the interviews with the victims, whom he never patronizes. Moyers has his detractors, and even his fallibilities, but *damn*, he's good. He may be The Best.

"People Like Us" was brilliantly shot by Tom Spain and Rick Thompson, and edited by Merle Worth. This documentation of a shameful moment for America constitutes another proud hour for CBS News and, especially, "CBS Reports."●

HEALTH PLANNING BLOCK GRANT

HON. EDWARD R. MADIGAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1982

● Mr. MADIGAN. Mr. Speaker, it is time for the Congress to look at a fundamental rewrite of the health planning statute. The present health planning system was designed to address excess hospital bed capacity, duplication of services, and the assurance of quality health care to all citizens. We all continue to support these goals. However, I am convinced that the planning system is improperly structured to address these legislative changes.

I believe that any restructured planning system must not retard the development of an innovative and cost-effective health care delivery system. On the contrary this new planning system should encourage these activities while paying attention to unneeded facility construction and institutional health service duplication.

The Federal planning system reached its zenith in 1980, a year in which the Federal Government appropriated $167 million for planning purposes. For the current year, some $64 million have been appropriated. The administration supports repeal of planning, and as such has asked for a mere $2 million in fiscal year 1983 for phaseout activities.

This program derives its statutory authority from 60 pages in the Public Health Service Act. In order to interpret these 60 pages of statute, the Department of Health and Human Services has seen fit to publish 79 pages of complicated Federal regulations. And yet, despite all the Federal attention to health planning, there is serious and sincere concern as to its efficacy.

In hearings before the Health and Environment Subcommittee last month, we received conflicting testimony. Some witnesses testified that health planning was a valueless activity. Others stated that the "Certificate of Need" program, properly administered, had merit.

Reflecting the diversity of opinion expressed in our subcommittee, Members have introduced two broadly divergent pieces of legislation. One, sponsored by the gentleman from Alabama (Mr. SHELBY) would forthrightly repeal title XV in its entirety. The other, written by the gentleman from California, our distinguished subcommittee chairman, Mr. WAXMAN, would revise and refocus the tired provisions of title XV.

I have been working for some months to find a means to reorient the health planning system. To this end, I supported and will continue to support the repeal of title XV. On the other hand, I support and will continue to support the revision and extension of some form of certificate of need activity. I have written legislation, introduced today, which reflects these two principles.

My bill focuses responsibility for the planning process. First, it repeals title XV. It then goes on to establish a new block grant program in title XIX of the Public Health Service Act. Under this optional program, a participating State's Governor will devise a State health plan, and a designated State agency will then apply and enforce the plan. Through use of this linear scheme, the present confusing and wasteful system is scrapped. In its place is a program which turns the existing system on its side. It forces erstwhile planners to actually plan. This is because under my formulation, the State health plan will be the critical document, explaining how a State wants to distribute its health resources. The State will be the sole author of its program, as no Federal standards, criteria, or guidelines will apply.

To insure enforcement of the plan, the bill provides that a participating State will use the "Certificate of Need" program. Moving from the present system, my bill anticipates that certificate of need applications will be reviewed on the basis of the State health plan. At present, the certificate of need process is used as a discretionary franchising activity by social engineers. I contemplate a system whereby the planners will actually plan, and then will be held to the consequences of their decisions.

Under my program, the only basis on which an application for a CON can be denied would be explicit prohibition of the applied-for activity in the State health plan. In addition, I set out relatively high thresholds for review. For capital expenditures, I contemplate a $10 million minimum threshold. For new institutional health services, I would like to see a threshold of $1.5 million. To mitigate the stringency of mandatory thresholds, however, I have provided for lower thresholds upon a proper showing of necessary resources of money and personnel by the petitioning State.

By setting these relatively high thresholds, I believe that planning agencies will thereby be forced to focus their efforts on the most important applications. At present, planning agencies expend a disproportionate amount of their resources on minor applications brought into the process by extremely low thresholds.

In addition, my bill sets forth specific procedural due process guidelines to insure that all affected parties will have opportunities to be heard both as to development of the State health plan and as to specific CON review activities. Further, it is my understanding that persons adversely affected by a State's failure to comply with the terms of its agreement could bring suit in Federal district court under the device of "Federal question" jurisdiction. Such an action would seek to require the State to carry out its agreement with the Federal Government.

In addition to the programmatic changes, repeal, and procedure requirements, my bill contains a "sunset" clause. I insert this anticipating that Congress will address a major restructuring of the health care delivery and finance system in the coming years. I believe that an automatic repeal of the planning program will focus congressional attention on this unavoidable problem.

The health planning process must have indisputable credibility if it is to work. In order to have that credibility, it must be fairly applied for the purpose for which it was intended. Under my bill, planning cannot be used as a vehicle for intensive regulatory control. On the contrary, this bill would require the State to determine its own health needs and then to carry out its own determination by reviewing only the largest expenditures regarding new health services and facilities. As such, I trust that the review process will at long last address its original goals.

I have taken the liberty of inserting a section-by-section analysis of my bill for the benefit of my colleagues who are interested in this issue.

SECTION-BY-SECTION ANALYSIS—HEALTH PLANNING BLOCK GRANT ACT OF 1982

Section 1. Short Title: Health Planning Block Grant Act of 1982.

Section 2. Repeals Title XV (Health Planning) of the Public Health Service Act in its entirety.

Section 3. Block Grants for Health Planning: creates a new Part D of Title XIX of the Public Health Service Act which will contain the following new sections:

"Section 1941. Authorization of Appropriation: authorizes $50 million for FY 1983, $52 million for FY 1984, and $54 million for FY 1985.

"Section 1942. Allotments: provides per capita allotment formula based on recent census data. Unobligated funds will be returned to the Treasury. Provides payment mechanism for state allotments.

"Section 1944. Use of allotments: funds must be used to operate a Certificate of Need program. In addition, other functions are provided for at the option of the designated state agency. These include encouragement of public participation, support for local government entities to assist states in planning, interaction with government-run institutions regarding alternative delivery strategies, and support for the development of alternative monitoring activities.

"Section 1945. Application; Report on Intended Expenditures: provides a simplified application procedure and provision for state reporting of intended use of funds.

"Section 1946. Reports and audits: provides simplified reporting system of activities undertaken pursuant to state's agreement with the Secretary. Also specifies that copies of such reports shall be made available to any person or agency. Further, participating states must submit a report showing conformance with an audit requirement to the Secretary at least every two years.

"Section 1951. Certificate of Need program: requires issuance of a Certificate of Need for new institutional health services and capital expenditures. "New institutional health service" is defined and the minimum threshold for review is set at $1.5 million. "Capital expenditure" is defined and has a minimum threshold set at $10 million. Provision is made for application by a state to the Secretary to reduce the minimum thresholds to $750,000 for services and $5 million for capital expenditures upon a demonstration of adequate personnel and financial resources. Further, the state is required to specify maximum amounts to be expended under a CON without a need for further review of anticipated expenditures. A state agency is permitted to withdraw a CON upon a showing of lack of good faith in compliance by an applicant.

"Section 1952. Criteria for review: the State Health Plan is established as the critical document which drives the Certificate of Need program. The SHP will be issued by the governor of the state and must include: description of needed health services to provide quality health care to all persons in the state; description of service distribution within the state to maximize ease of administration; professional training program clinical needs; and, description of the availability and need for health care facilities and institutional training programs. Further, an evidentiary hearing with an opportunity for cross-examination of the formulators of the SHP is provided prior to issuance of the plan. Based on the information set forth in the SHP, the designated state agency is required to approve CON applications unless the subject project is "directly and substantially contrary" to explicit provisions of the plan. Further, plan must be updated at least every two years. CON issuance may not be made subject to extraneous conditions unrelated to the SHP, or actions outside the control of the applicant. CON applications will be deemed approved if not approved or rejected by the state agency within 90 business days.

"Section 1953. Procedural requirements: state administrative procedure law will apply in most circumstances. Where such law does not cover certain situations, this section provides for formal administrative hearings and review. Where a state's law does not provide for judicial review of administrative decisions, such review is provided for with respect to a CON. In addition, the SHP is made reviewable."

Section 4. Effective Date: the repeal and block grant program will take effect October 1, 1982, or 90 days after the date of enactment, whichever occurs later.

Section 5. "Sunset" Clause: provides that at the end of the third complete successive fiscal year after enactment, the block grant is automatically repealed. Also contains a "savings" clause so that sunset would not prejudice pending legal proceedings.●

STILL A SILLY TAX

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1982

● Mr. SHUMWAY. Mr. Speaker, I recently spoke briefly about the silliness of the 4-percent surtax in incomes over $35,000 that is being talked about in Washington. The more I think of it, the sillier it seems to impose an increase in marginal tax rates at the very time when lowering the marginal rates is the only hope we have of increasing savings and thus bringing down interest rates.

In addition to the arguments I raised against the surtax, a recent article in the Wall Street Journal has made a number of others. For one thing, the Journal notes that personal savings rates have begun to rise on the strength of promised tax cuts. However, any continued improvement will depend on us keeping faith with the taxpayers, and not reneging on the tax cuts already passed.

Mr. Speaker, I ask unanimous consent that the Wall Street Journal editorial, entitled "Surtax Silliness," be printed at this point in the RECORD.

SURTAX SILLINESS

Those anonymous White House aides, and a not-so-anonymous Treasury Secretary, are at it again, sending "signals" that the President is about to give up his resistance to congressional deficit mongers and embrace the silliest idea they have come up with yet. We're talking, of course, about that 4% income tax "surcharge" included in the latest budget compromise (read it capitulation) package.

The surcharge would apply only to incomes over $35,000. Which means that it reverses supply-side economics, and returns to the pattern the voters elected Ronald Reagan to break. The soak-the-rich rhetoric means that fewer people would pay the tax than would escape it, marking a return to the familiar political snake oil. The cutoff also means that it would reduce the rewards for success. And in particular, it would be a tax specially aimed at the strata of the population that provide the nation's savings. That this savings-reducing tax is offered in the name of reducing interest rates is the capstone of congressional silliness.

Savings, of course, finance both private and government borrowing, and are on the supply side of the interest rate equation. One of the most widely accepted features of economic policy since Mr. Reagan's election has been the restoration of incentives to save. An attempt is being made to stabilize the dollar, thus giving savers some hope that their savings won't be eroded away by inflation. Market interest rates for small savers have been restored, although that was less the work of government than of the private innovators who created money market funds. Most of all, tax policy has been altered, following up the 1978 reductions in capital gains levies with last year's cap on investment income taxation.

The whole point of this is obvious, or should be. If the private sector is ever to restore itself, with a higher rate of job creation and growth in competitive efficiency, it must have more capital. The shift in policy has begun to bear fruit. After sinking to an abysmal rate in 1980, personal savings recovered somewhat in the latter part of 1981. But it should be kept in mind that the first important Reagan tax rate cuts don't take effect until July, and whether the recovery in savings will continue is dependent on whether the tax cut promise will be kept.

Congressional leaders, unwilling to make any serious effort to cut the federal budget, want to jettison the tax cuts, wholly or in part, before they have a chance to benefit the economy. Their version of saving is to tax away income and apply it to their swelling budgets. That insures capital starvation

in the private sector and continued economic decline.

Treasury Secretary Regan did his deficit mongering on "Good Morning, America" yesterday. He should have learned by now that there is no acceptable compromise on this issue. The only course is to force Congress to do its job.

President Reagan said at his Wednesday press conference that he was neither "ruling out nor ruling in" the tax surcharge. He wisely refused to describe what Chief of Staff Jim Baker has been doing on the Hill as "negotiations." He can win his fight with Congress because the voters are on his side. But he is getting precious little help from his own appointees.●

NOTE OF CONDOLENCE

HON. MARC L. MARKS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1982

● Mr. MARKS. Mr. Speaker, it was with a sense of shock and deep sadness that I learned of the death of our distinguished colleague from Ohio, and my friend John Ashbrook.

Perhaps the high regard and genuine affection I had for John is best expressed by a note of condolence I sent to his wife and children.

Text of letter follows:

WASHINGTON, D.C.
April 27, 1982.

Mrs. JEAN ASHBROOK,
910 West Village Drive,
Newark, Ohio

DEAR MRS. ASHBROOK AND CHILDREN: I write you as a colleague of John's who very early in my first year learned to admire him and respect him and his views. You may not be aware but I am sure that my voting record and John's voting record, over the six years I have had the privilege of being his colleague, are probably as dissimilar as any two in the House. However, at no time to my knowledge, did that ever interfere with our friendship. John, although disagreeing with my positions most of the time, always gave me the opportunity of voicing them and did not ever belittle me. I appreciated that more than I can tell you since that was not always true of other colleagues of mine who may not have agreed with me in my positions.

Your very dear husband went so far before the last election to voluntarily offer to come and campaign in my behalf. Although to do so I am certain would have tarnished him at least to some degree—yet he never considered that was important but only considered that helping me return, in spite of my off-times differences of opinion with him, was important.

Your husband—your father—my friend, John Ashbrook, was in fact one of the great Americans. I admired him and truly I will miss him.

Having experienced a death in my own family of someone very close, I at least to some small extent can share with you your feelings at this time. I send to you all the love and affection of my entire family.

Respectfully,

MARC LINCOLN MARKS,
Member of Congress.●

DETERRENCE REQUIRES THE RIGHT TOOLS

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1982

● Mr. GINGRICH. Mr. Speaker, if America intends to survive on its own terms on this planet, it must have the proper tools. Military strength is one of those tools. And in our military toolbox we must have the specific instrument to cope with irregular warfare.

It is easy for Congress to overlook this vital tool. Irregular warfare does not call for vast hardware programs, it does not please powerful constituent interests, and it is an area only dimly understood by most. In the services specializing in irregular warfare is not a promising career path. Yet irregular wars are now being fought throughout the globe. Clearly they represent the greatest live-fire threat to our survival. But they are also the kind of wars which we, because of neglect, are least prepared to cope with mentally or physically.

Andy Messing's article in the New York Times is a good presentation on the problem, the situation, and the direction we should go in. He speaks with authority and insight. I urge my colleagues to read the article and think about the issues Mr. Messing raises.

The article follows:

THINKING IRREGULAR WARFARE

(By F. Andy Messing, Jr.)

VIENNA, VA.—In Washington, hundreds of defense experts have been spending countless hours debating how to use defense dollars to rejuvenate our conventional and nuclear forces. While this thinking is necessary to develop a proper mixture of deterrent powers, a crucial element is missing from our formula but not from Soviet strategy—the ability to conduct efficient irregular warfare. By irregular warfare, I mean unconventional warfare, limited conventional military actions and reactions, and antiterrorism.

Moscow understands the effectiveness and economy of irregular warfare. It realizes that it is possible to project power worldwide while tiptoeing around the nuclear tripwire. Thus, it has placed more than 200,000 military personnel, called Spetsnaz—an acronym for Special Purpose forces—under the K.G.B.

These highly trained, politically oriented personnel have been sent to many countries, among them Afghanistan, Cuba, Nicaragua, and Angola. In fact, South Africans killed numerous members of Spetsnaz and their K.G.B. controllers in recent battles in Angola. This, and other sizeable evidence, shows increasing use of Spetsnaz for a wide range of missions—not even taking into account similar units in the Warsaw Pact performing tangential operations for Moscow.

Conversely, for irregular warfare, the United States has only approximately 5,000 active-duty Army personnel in various stages of readiness. Furthermore, the Special Forces ("Green Berets"), the main component of the Army's irregular-warfare troops, is faced with a continual drain of combat-experienced soldiers; 70 percent of those joining are first-term volunteers. The Navy has a few hundred Seals, viewed as the best managed and organized of all people trained in irregular warfare. The Air Force has a small, eclectic group of aircraft that cannot meet irregular-warfare requirements worldwide. Of a total of 4,500 mainly Army reservists, except for a few soldiers and units there is virtually no such combat-readiness.

All this does not come close to America's total requirements. More distressing, because of a lack of coherent national strategy, we hardly use our irregular-warfare forces to counter actual or potential Soviet actions. This problem is further complicated by a multilayered chain of command that diminishes the value of these units.

Some Pentagon bureaucrats say that an upgrading of our irregular forces is just around the bend. However, most equipment and training funds to bring about this change are being built into future armed forces budget requests, and this puts them in direct competition with the rest of the military for finite resources. Not since John F. Kennedy's revitalization of the "Green Berets" has an Administration considered filling this void—until now.

Some key Reagan Administration officials see that even if we have 16 combat-ready divisions as well as a Rapid Deployment Force, their only use is psychological deterrence or limited high-stakes missions that could quickly lead to nuclear war. Accordingly, in looking for a low-cost way to protect and project our strategic interests, the officials are settling on rebuilding and consolidating our irregular-warfare forces to create a version of Spetsnaz. This organization, which would be useful across the entire spectrum of warfare, would consist of units like the Special Forces, Rangers, Army psychological operations units, Navy Seals, and special Air Force units, among others.

Encouraged by Maj. Gen. John Singlaub (Ret.), a participant in three wars and an irregular-warfare specialist, the key officials are making progress in their thinking. General Singlaub has encouraged them not to regard our projected Special Purpose Forces as a minor element of our conventional forces to be used piecemeal. He feels that it should provide an additional option for the Commander in Chief to use to project strategic power. While receptive, these officials are caught up in the Vietnam backwash and today's focus on nuclear strategy, and an oafish bureaucracy that guards expensive pet projects. One official who works in this area concludes: "Only a specific order by the President will get the organization, and, most importantly, the immediate funding required to counter the escalating level of violence promulgated by the Soviets."

America is being blindsided militarily. El Salvador is only an example of how, because of a lack of organization and coherent policy, we are losing this undeclared World War III. President Reagan must heed what the Chinese military expert Sun Tzu said in 350 B.C.: "One who has a few must prepare against the enemy; one who has many makes the enemy prepare against him." The Pentagon must prepare to respond to the Soviet Union's continuing engagement in irregular warfare in order to keep America free and away from nuclear conflict.●

RETURN OF THE SINAI

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1982

● Mr. ROTH. Mr. Speaker, this past weekend, Israel took a courageous step: In accordance with the terms of the Camp David peace treaty, return of the Sinai to Egypt was completed. This action was not taken at no cost to Prime Minister Begin and his government. Sizable segments of the Israeli populace fiercely resisted the return of the Sinai, but Mr. Begin put larger national and international interests ahead of narrow concerns and demonstrated that the nation of Israel remains steadfastly committed to the peace process.

Mr. Begin, his government, and the people of Israel deserve and merit our support and accolades. After more than 30 years of hostility and warfare, Israel now can entertain the realistic hope and expectation of living in peace with its Egyptian neighbor.

An additional encouraging sign from a region best known for rumors of war is President Mubarak's effort to engage other Arab powers in the peace process. Following in the path courageously blazed by his predecessor, President Sadat, Mr. Mubarak is trying to convince his Arab-world counterparts that it is possible to resolve the problems of the Middle East through negotiation.

Since its inception, the people of Israel have created a modern, democratic State with a high standard of living for the Israeli people. Through development and implementation of specialized farming techniques, Israel has fulfilled the longstanding promise of making the desert bloom. One must reflect on what might have been—how much greater might the progress of Israel and of the Arab world have been if the threat of war had not hung over and dominated the Middle East.

By taking the bold action of returning the Sinai and fully implementing even this most difficult aspect of the Camp David agreement, Israel has given clear and unquestionable evidence to skeptics that Israel can in fact be relied upon to take the necessary, albeit difficult, steps which must be taken so as to bring peace to the region.

I want to congratulate Prime Minister Begin for being willing to stand firmly on the side of peace. Camp David has initiated a process that America hopes will be continued and expanded to include participation by other states in the region. The road to a full, comprehensive peace will not be easy, nor will it be without certain significant pitfalls. Last weekend, Israel demonstrated that it is willing to take difficult actions. I hope that this will be the type of action and commitment that will be emulated by other states, so that we can at last free the world from the possibility of renewed conflict in the Middle East.●

THE CURRENT DEBATE OVER NUCLEAR ARMS

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1982

● Mr. MICHEL. Mr. Speaker, I recently read an article about nuclear arms that was factually correct, calmly presented, and free of any appeal to fear, hysteria or ignorance. Since articles like this are so rare these days I want to bring it to your attention.

At this point I wish to insert in the RECORD, "The Current Debate Over Nuclear Arms" by Seymour Weiss, from the Wall Street Journal, April 20, 1982.

[From the Wall Street Journal, Apr. 20, 1982]

THE CURRENT DEBATE OVER NUCLEAR ARMS

(By Seymour Weiss)

A plea was made recently on this page for a more temperate and reasoned approach to the debate of major foreign policy issues. The current emotional outpouring over nuclear weapons illustrates the point. It puts one in mind of Rousseau's plea at the outset of his Discourse on the Origins of Inequality: "Let us begin, then, by laying facts aside, as they do not affect the question. . . ."

Thus, some 40 Catholic bishops have criticized U.S. policy on nuclear weapons and the president of the hierarchy has stated that the church "needs to say 'no' clearly and decisively to the use of nuclear weapons." Clergy of other faiths have taken similar positions. What might be the consequences of adopting such a position? Some relevant considerations follow.

First, whatever impact anti-nuclear advocates have in our own society, it is clear that such protests will have no comparable impact in Moscow. Unilateral U.S. constraints on nuclear weapons would receive a warm welcome in Moscow, since they would solidify the advantage in such weaponry the Soviets have worked so diligently for. There should be no illusions however; there will be no reciprocity from the Russians if we propose equal arms levels.

Second, to the rejoinder that the so-called Soviet nuclear advantage is ephemeral, one must answer that the opposite is true. At one point, no less an authority than Henry Kissinger asked while in Moscow in July 1974, "What in the name of God is strategic superiority?" claiming it had no political significance. He should have known better, and by 1979 he did. Mr. Kissinger recognized then that for the U.S. to concede superiority to the Soviets "must tempt a political disaster."

It is popular now to say that nuclear weapons have no practical use, that "advantages" in such weapons are meaningless. Nuclear weapons have, in fact, been "used" for three decades to keep the peace and help deter Soviet adventurism.

U.S. NEEDS EDGE OVER SOVIETS

In every major political confrontation, from Berlin in the early 1960s, through the 1973 Middle East war, U.S. nuclear superiority cast a major shadow of restraint on potential Soviet aggression. One of the most powerful signals of our serious intent has been for U.S. policymakers to order our nuclear forces to a higher state of alert as a crisis deepened. Up until now the Soviets have gotten the message. Would they believe such an implicit threat in the future if the U.S. is manifestly inferior in nuclear weaponry or has said, "clearly 'no' to the use of nuclear weapons"? It seems unlikely.

Third, if nuclear weapons have been "used" effectively in this political sense—to deter aggression—do they, as some assert, lose utility once deterrence fails? Much would depend on how they are used in war and the relative state of preparedness of the major combatants.

Some of course simply refuse to think about the contingency, as if that might make it disappear. But suppose it does not disappear. Curiously, some nuclear strategists who tend to support the ant-nuclear movement embrace the notion that if nuclear weapons are ever used, they should be used against cities. The immorality of killing tens of millions of civilian men, women and children seems not to trouble them. The fact that in return for such an attack even larger numbers of American men, women and children, would be killed, seems equally unimportant. Surely there must be a wiser strategic doctrine, one more in keeping with U.S. interests.

Fourth, this adherence to a strategy relying on the attack of Soviet cities is explained by the belief that the threat of such an attack will deter war. However, given the consequences of such an attack, i.e. comparable destruction in the U.S., it is hard to imagine such an attack ever being initiated by the U.S. Its use as a threat is diminished. A military threat that we dare not carry out is unlikely to deter the Soviets.

Fifth, if we are to abandon reliance on nuclear weapons for our defense and for the defense of our allies, how will we defend ourselves? One frequent answer is through a buildup of our conventional military forces. This is a splendid idea on its merits. But a military capability sufficient to offset the massive Soviet capability will make the concern today over the cost of the defense budget pale by comparison.

Our strategic nuclear capabilities have traditionally absorbed 9% to 15% of our defense budget. The big dollar items are in conventional forces. How many Senators who support the anti-nuclear movement would vote for huge defense-spending increases, above the levels proposed by President Reagan?

Sixth, suppose the U.S. unilaterally decided to reduce its nuclear capabilities? One consequence would be an acceleration of world-wide nuclear proliferation. Our nuclear commitments to friendly powers induce them not to undertake their own nuclear weapons programs on the not unreasonable assumption that a nuclear proliferated world would be more dangerous for all of us. Some nuclear proliferation has nonetheless occurred, and it's probable more will take place. Surely it would be unfortunate if a growing lack of confidence in U.S. commitments to others ironically increased the pace of nuclear proliferation.

Finally, even if the U.S. said "no" to the use of nuclear weapons, what would that

avail us? Such simple alternatives are not feasible if for no other reason than the existence of huge Soviet inventories and Soviet doctrine, which embraces their use in war.

Unless one simply opts for the "better Red than dead" approach, are there things we can do to defend U.S. interests? There are, though none is easy or guarantees results:

We have to rebuild our military posture, conventional and nuclear. This will be very costly, possibly as much as 14% annually of our GNP to the end of the decade. Too expensive? It depends what value one places on freedom.

We have to adopt realistic strategic concepts. Distasteful and indeed dangerous as it may be, we will need a strategy with a wide range of nuclear options and which can be typified, not unfairly, as involving nuclear war-fighting. Our nuclear policy has been moving in precisely such a direction for more than a decade. This was at the heart of Defense Secretary James Schlesinger's flexible-response strategy, reconfirmed with modest modifications in President Carter's P.D. 59 strategy. There is every reason to believe the Reagan administration won't abandon this trend.

Finally, there's the question of arms control. Here what must be said must be said candidly. There is no chance, absolutely none, that arms limitations will solve our problem in the foreseeable future. The momentary enthusiasm generated by President Reagan's "zero option" proposal (applied to certain European-based systems) has what the nuclear physicists term a short "half-life."

U.S.S.R. WON'T ALLOW VERIFICATION

Senators Kennedy and Hatfield are already calling for a freeze that would essentially vitiate the zero-option proposal. Senators Jackson and Warner have sponsored a bipartisan proposal of their own calling for negotiations looking toward a "verifiable nuclear forces freeze *at equal and sharply reduced levels of forces.*" (Emphasis added.) This proposal is surely on the right track. President Reagan has already endorsed the concept and his administration is likely to offer a proposal meeting these criteria. Unfortunately, such a proposal hasn't a chance of being accepted by the Soviets.

It is worth remembering that President Carter proposed deep arms cuts in 1977. The Soviets flatly rejected the notion. They will do so again if President Reagan proposes such cuts. What the anti-nuclear, pro-arms control advocates do not understand, or cannot bring themselves to believe, is that the Soviets will not accept equitable, verifiable arms control.

They will not enter into arms limitation agreements stripping them of hard-won military advantages which they see as necessary to advancing their political objectives. They will not negotiate equitable arms reduction agreements until convinced that they face an America determined to make the sacrifices necessary to re-establish its military power. That is why the anti-nuclear clamor plays right into the Soviets' hands. Why should they enter into serious negotiations when there are good prospects that the U.S. will eventually accept military inferiority?

The lesson is clear. If we react emotionally to tough, complicated security policy issues such as how best to handle nuclear weapons we are fated to make decisions "laying facts aside." Such decisions are not likely to serve the national interest.

(Mr. Weiss, a former ambassador and director of the State Department bureau of political-military affairs, is a Washington consultant on national security.)●

THE NAVY'S PROJECT EAGLE IN NEVADA

HON. JIM SANTINI

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1982

● Mr. SANTINI. Mr. Speaker, the U.S. Navy operates a Naval Reserve unit in what is at first glance, a very unlikely place—landlocked Nevada. Specifically, the Reserve operates in Las Vegas and is responsible for training reservists all the skills necessary to maintain naval readiness for this country. But how does the Navy teach seamen to weld ship parts if there are no facilities for ships in the area?

I am proud to say that a very inventive chief petty officer, Walt Herdman, has found a way to do just that. Chief Petty Officer Herdman thought up a great way to train reservists in basic ship maintenance skills without ever taking the reservists to water. He has put together Project Eagle—a welding, sheet metal work, and fabrication workshop for naval reservists that not only is educational but enjoyable, too. Project Eagle's latest endeavor is a stock car built from scrap by the Naval Reserve trainees. Through the refurbishing of this car, the reservists have learned how to use certain skills and have also learned something else in the process: teamwork. The enthusiasm these men show for their Navy work is inspiring. It is a sign that the Nation will be able to count on them to do their job and do it well if they are ever called on to serve.

I would like to share with you an article that recently appeared in the Las Vegas Review Journal about Project Eagle. I think you will find it informative and interesting.

LAND-LOCKED SAILORS REPLACE LONG BEACH WITH CRAIG ROAD

(By Mike Henle)

To some, it might seem as though having the U.S. Navy in Las Vegas is as logical as having the sunsuits in Anchorage. Afterall, you logically associate the Navy with water—and Southern Nevada is not known for its abundance of H_2O.

So Senior Chief Petty Officer Walt Herdman has to search out projects for members of the local Naval Reserve. Ironically, Herdman has discovered that auto racing is a source of valuable training for land-locked Middies.

The local Naval Reserve, for the second consecutive year, begins its stock car racing season Sunday at Craig Road Speedway. Herdman's project, a 1969 Pontiac Tempest, will compete in the Limited Division, one of three classes which will open the 1981 points season.

Gates are scheduled to open at noon. Qualifying is scheduled to begin at 1 p.m. and racing has been set for 2:15 p.m.

"We went shopping for a project that would help supplement the Reserve Training program here," Herdman explains. "Reservists who live in cities near Naval bases like Long Beach are fortunate in that the training the Navy counts on is available aboard Navy ships and in maintenance shops. It's a different story for the landlocked sailors here."

Herdman says the project dubbed "Project Eagle," offers training in auto repair, welding, sheet metal work and fabrication. He says the entire reserve, including members of reservists' families, have chipped in to help.

"They sold soft drinks, popcorn, burritos and donated private money to sponsor the car," explains Herdman, who ran a donated Cadillac in Pure Stock Division races last year.

The Pontiac was supposed to be run last year, but the crew was unable to prepare the car in time. Meanwhile, someone donated the boat-like '66 Cadillac for "scrap or whatever" and Herdman had it painted for immediate competition at CRS.

A sponsor provided a new engine for the Pontiac. The Cadillac, damaged badly in the Pure Stock Championships late last year, is now being used as a project for younger reserves.

Herdman plans to drive the Cadillac again, while Gary "the Gunner" Meng will pilot the Pontiac. Also included on the crew are Shan Truxel, Rich Rivera and Larry George.●

TRIBUTE TO E. SNOW MARTIN

HON. ANDY IRELAND

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1982

● Mr. IRELAND. Mr. Speaker, I would like to take a moment to share with my colleagues the achievements of one of Florida's most prestigious attorneys, Mr. E. Snow Martin.

This year is particularly important to Mr. Martin, since it marks his 50th year of service to his community as an attorney. During these 50 years, Mr. Martin has served his community, as well as the entire State of Florida with distinction.

In 1936, Mr. Martin was elected to the Florida House of Representatives and remained there for two sessions. In recognition of his outstanding service, he was voted by his peers in the House as its finest "parliamentarian."

In the late 1940's and early 1950's, Mr. Martin was instrumental in integrating the Florida Bar with the Florida Supreme Court. From 1951 to 1954, he served as a member of the Board of Governors of the Florida Bar and chaired its Florida Civil Procedure Rules Committee for 4 years until 1963. While he was chairing the Florida Court Rules Committee through 1966, the State of Florida adopted

most of its present day civil procedures rules.

During the 1970's, Mr. Martin was honored by the American College of Trial Lawyers by being made a fellow of the college.

Mr. Martin has also been a community activist. He served as president of the Lakeland Rotary Club and as president of the United Way forerunner, the Community Chest in 1943. Finally, in 1981, he was given the prestigious Paul Harris Award by the Lakeland Rotary for his unrelenting service to the community.

Although, he has more than contributed his share to our community and State, Snow Martin is committed to continuing to work in our behalf. And, I know he will continue to do an outstanding job. I am glad to have had this opportunity to share his achievements with you.●

IN COMMEMORATION OF THE FOUNDING OF THE NATHAN BAKER PROFESSORSHIP OF LAW AT YALE UNIVERSITY

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1982

● Mr. GUARINI. Mr. Speaker, I have the privilege of calling to the attention of my colleagues in the House of Representatives, the story of a remarkable man and the tribute paid him by his two sons.

Nathan Baker has practiced law in Hoboken, N.J., for 55 years and founded the law firm of Baker, Garber, Duffy & Baker. Historically, Hoboken has been the introduction to America for many immigrants who sought refuge in the United States as their promised land. Hoboken's piers along the Hudson River, with their spectacular view of Manhattan's prosperous skyscrapers, have long been a center of commerce for the eastern seaboard. It was here that many of these immigrants settled their families and found work as longshoremen, seamen, and industrial workers.

As the son of a Polish immigrant, Nathan Baker had empathy for the problems of new Americans, and the workers and their families—Italians, Germans, Irish, Jews, and Yugoslavs—grew to trust him and to rely on his judgment. From the window of his office, he surveyed the bustling waterfront scene.

As his expertise grew, so grew the national implications of his work. Nathan Baker has become a renowned expert in admiralty law and a leading advocate for the rights of seamen and longshoremen. He has been a progressive force in the development of maritime personal injury claims and has a perfect record for advocacy before the U.S. Supreme Court. His major litigation has included:

First, *The M/V "Tungus"* v. *Skovgaard,* 358 U.S. 588 (1959), analyzed the relationship between maritime law and local law in maritime wrongful death cases occurring in the navigable waters of a State and held that the New Jersey Wrongful Death Act encompassed an action for death caused by the unseaworthiness of a vessel.

Second, *United New York and New Jersey Sandy Hook Pilots Association* v. *Halecki,* 358 U.S. 613 (1959), reviewed the applicability of the New Jersey Wrongful Death Act upon acts of negligence by the owners of a vessel.

Third, *Schulz* v. *Pennsylvania Railroad Company,* 350 U.S. 523 (1956), evaluated a seaman's rights under the Jones Act to enforce a seventh amendment right of trial by jury.

Fourth, *Czaplicki* v. *The S.S. "Hoegh Silvercloud,"* 351 U.S. 525 (1956), examined the administration of the Longshoremen's and Harbor Workers' Compensation Act and a longshoreman's right to enforce a third party action.

Mr. Baker's ecletic interest in personal injury litigation has extended to all areas of tort law and he has been a major force in the development of products liability law. His significant negligence cases include:

First, *Henningsen* v. *Bloomfield Motors,* 32 New Jersey 358 (1969) revolutionized the law of negligence in the United States and held that the manufacturer of an automobile is charged with an implied warranty of merchantability that the vehicle is fit for its intended use.

Second, *Cintrone* v. *Hertz Truck Leasing,* 45 New Jersey 434 (1965), extended the implied warranty to leased vehicles and held that the lessors of rented vehicles are charged with strict liability in tort.

Third, *Gluckoff* v. *Pine Lake Beach Club,* 78 New Jersey Super. 8 (Appellate Division 1963), evaluated the pecuniary loss provision of the New Jersey Wrongful Death Act for the death of a teenager of exceptional intelligence.

Fourth, *Ellis* v. *Caprice,* 96 New Jersey Super. 539 (Appellate Division 1967), refined the doctrine of proximate cause.

Fifth, *O'Brien* v. *Bethlehem Steel Company,* 59 New Jersey 115 (1971), advocated a judicial imposition of the doctrine of comparative negligence and resulted in the adoption of New Jersey's Comparative Negligence Act.

Nathan Baker is a strong supporter of trial advocacy and has lectured widely on trial practice as well as substantive maritime and negligence law. He is a member and former governor of the Association of Trial Lawyers of America, the Maritime Law Association of the United States, the New Jersey Bar Association, and the New York State Bar Association.

In honor of this fine man, his sons, Robert and Gerald, have established the Nathan Baker Professorship of Law at Yale University. This perpetual chair will encourage the teaching of trial advocacy and will incorporate Mr. Baker's beliefs that competent trial counsel form the foundation of our system of justice and are the spokesmen for the democratic process.

Nathan Baker is proud of his two sons who have chosen to honor him with this professorship. Robert Baker graduated from Yale University in 1956 and Yale Law School in 1959. He was appointed to the New York Dormitory Commission by then-Governor Nelson Rockefeller, and was chairman of President Gerald Ford's reelection campaign in New York State. Gerald Baker graduated from Cornell University in 1964 and Yale Law School in 1967. He is president-elect of the Hudson County (New Jersey) Bar Association, and a member of the board of directors of the New York Association of New Americans. The careers of both Bob and Jerry demonstrate that education remains an important value to the Baker family and that professional diligence and community commitment are strong family traits.

Nathan Baker's lovely wife, Sylvia, is the jewel of this family. They met while she was working as the secretary to the famous Eddie Cantor and they recently celebrated their 50th wedding anniversary. Sylvia was the strength behind Nathan and provided stability at home. She added breadth to his life and spread her love throughout the family.

Nathan Baker is now a robust 76 years of age and is still devoted to justice. His legacies will be many: His law office which continues to represent longshoremen and seamen and other persons injured in accidents; his important contributions to the development of the law in the fields of negligence and admiralty; and, of course, the chair at Yale which will bear his name in perpetuity and will reflect his devotion to the people and the profession. I join his family, the members of the legal profession, his clients and the trustees of Yale University in honoring this wonderful man and in recognizing his accomplishments by founding the Nathan Baker Professorship of Law at Yale University.●

ISRAEL'S COURAGEOUS COMMITMENT TO PEACE

HON. ANTHONY TOBY MOFFETT

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1982

● Mr. MOFFETT. Mr. Speaker, yesterday the world witnessed an event of truly historic proportions. At great cost both financially and in terms of national security, the State of Israel completed its voluntary return of the Sinai Peninsula to Egypt. Very rarely does history offer us examples of a nation freely giving up territory acquired through battle with its adversaries. We should today acknowledge and applaud Israel's courageous commitment to peace and to coexistence with her Arab neighbors.

What is most inspiring about this event is the fact that it was carried out in a time of great anxiety and uncertainty for the Israelis. Despite worrisome developments in the Middle East, Israel has sacrificed territory won through the blood and toil of her own people for the sake of peace and honor.

We should all be aware of the extent of Israel's sacrifice in returning the Sinai. Israel relinquished 8 airfields, 16 civilian settlements, a naval base and $17 billion worth of roads, powerlines, and other investments. According to the Israeli Defense Ministry, the cost of relocating Israeli forces totaled approximately $4.8 billion. Israel also gave up the oil wealth of the Sinai, and its strategic importance both as a base for military exercises and surveillance, and as a buffer zone separating her from the Arab world's largest nation: Egypt. Yet, as Defense Minister Sharon stated, "We are not retreating from Sinai. We are demonstrating our desire to move forward toward peace."

The future holds many challenges for Israel, Egypt and all the nations of the Middle East. It is up to the United States to do everything in its power to insure the continued success of the Camp David peace process. We must encourage Egypt to continue the course toward peace set by Anwar Sadat, and to resist temptations to drift back into the camp of rejectionist Arab States. Further, we must insure that the Palestinian autonomy talks do not falter.

Mr. Speaker, Israel's efforts to move toward peace should be commended. It is my sincere hope that the rest of the Arab world will have the courage to follow the lead of Egypt and Israel in cultivating a lasting peace. And I hope that other nations of the world, including the United States and the Soviet Union, will also learn from their example. We must be willing to take risks for the sake of peace.●

CONGRESSIONAL SALUTE TO HON. EDWARD VAN VOOREN OF WAYNE, N.J.

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1982

● Mr. ROE. Mr. Speaker, on Sunday, May 2, residents of Wayne, our Eighth Congressional District, and State of New Jersey will join with the officers and members of the New Jersey State Association of the Benevolent and Protective Order of Elks (B.P.O.E.) in testimony to the lifetime of good works of a distinguished citizen, outstanding leader, and good friend, the Honorable Edward Van Vooren, president of the New Jersey State B.P.O.E. I know that you and our colleagues here in the Congress will want to join with me in extending our warmest greetings and felicitations to Ed Van Vooren and share the pride of his good wife Dorothy, daughters Lynne and Pamela, and son Edward, Jr., in this milestone of achievement in their family endeavors.

Mr. Speaker, this tribute to Ed Van Vooren will commemorate his leadership endeavors at the helm of the Elkdom of our State and express the appreciation of his colleagues for his standards of excellence in the principles of charity, justice, brotherly love, fidelity, and American patriotism under the auspices of the B.P.O.E.

Mr. Speaker, we are all aware of the charitable and benevolent activities of the Elks which span the needs and concerns of all of our people—young and adults alike—and especially their generous contributions to God's special children who are physically handicapped.

The Elks have provided assistance to needy and unfortunate individuals. It has helped victims of the Chicago fire, given to flood relief, contributed to the work of the Red Cross, aided Scout work, supported hospitalized veterans, and provided scholarships for the education of our young people—to name but a few of their vast endeavors of benevolence. They are particularly identified with their devotion to Americanism and have brought an added quality of life and way of life to the people of our Nation.

It is fitting and appropriate that we take this opportunity to commend and express appreciation to Ed Van Vooren for his contribution to these most worthwhile activities of the B.P.O.E. With your permission, Mr. Speaker, I would like to insert at this point in our historic journal of Congress a profile on Ed Van Vooren presented by the Elks Wayne Lodge No. 2181 in support of Ed's successful candidacy for the office of State president of B.P.O.E. This outline of Ed's experience, quality of leadership, and devotion to the Benevolent and Protective Order of Elks which eminently qualified him for this high office of the Elks in our State is, as follows:

The members of Wayne Lodge No. 2181 are pleased and honored to present the name of Edward Van Vooren, Past District Deputy, as a candidate for the office of President of the New Jersey State Elks Association.

He has been a driving force behind our Lodge's building program, and present high status among the Lodges of the N.J. State Elks Association. Ed became a member of Wayne Lodge No. 2181 in March of 1967 and almost simultaneously became actively involved in constructing of a new Lodge building.

Ed was elected to the Board of Trustees in 1967 and to the House Committee in 1968—a committee on which he served for over 8 years. He was named Elk of the Year for 1968-1969 and became Chairman of the Trustees in 1969. Always one to seek perfection in any endeavor, Brother Ed concentrated exclusively with the House and Building Committees. It was only upon persistent urging by Lodge members and officers that he consented to fill a vacancy in the chairs to become Leading Knight in 1970-71.

He advanced to Exalted Ruler the following year and also served as Regional Chairman for Membership and Lapsation for Region 2. It was, also, at this time that he became actively involved in the newly formed Elks' Camp Moore in Haskell, N.J.—serving diligently for the last 9 years.

He was named State Americanism Chairman for 2 successive years (1972-1974) during which time he organized an Americanism Brochure on History that gained second place in National competition. He was appointed district deputy grand exalted ruler by then Grand Exalted Ruler Gerald Strohm in 1974-75. It was at this time, feeling the need for more interchange of ideas within the lodges of the district, that he organized and promoted the highly successful idea of the Exalted Rulers' Round Table—a concept still being used today.

Upon completion of his tour of duty as DDGER, Brother Ed was appointed State Public Relations Chairman for 2 successive years (1975-1977). It was during this time that the "Bugler" and the "Bugler Newsletter" was formed as was the publicity guideline for Exalted Rulers.

Brother Ed has always been extremely interested in Crippled Children. In addition to serving as Trustee at Camp Moore and being involved in its initial planning, he served as North District Chairman for Crippled Children in 1972-73.

He has never failed to contribute his expertise, and his time to make Elks' Camp Moore a model for Crippled Children Camps in the entire country. He has served as State Crippled Children Chairman for 4 successive years (1977-1981). No job is too small—no venture is too little—to focus his attention and action. In addition to this, Brother Ed is currently serving as Grand Lodge Americanism Committeeman and has been actively involved in the formation of Kinnelon and Ramsey Lodges and as advisor to Lincoln Park and Wyckoff Lodges.

Brother Ed served in the United States Navy Air Corps in World War II. He is married and the father of 2 daughters and 1 son. He is a general contractor always willing to share his knowledge with others. Ed

also is a 4th degree member of the Knights of Columbus. He is an excellent organizer and highly capable of bringing out the best in those with whom he works. His character and accomplishments speak for themselves.

Wayne Lodge proudly invite your consideration and support of Brother Edward Van Vooren for the office of President of the New Jersey State Elks' Association for the coming year of 1981-1982.

Mr. Speaker, I am pleased to join with the officers and members of our New Jersey State association, B.P.O.E., in this testimony to their president and seek this national recognition of Ed Vooren for his outstanding contribution to the American way of life and the American dream. He has labored in the vineyard with other community leaders and our veterans in many, many social, civic, and charitable endeavors. His benevolence, understanding, and leadership endeavors on behalf of Elkdom and the people of our community have promulgated a spirit of brotherhood and good will and truly enriched our community, State, and Nation. We do indeed salute a most distinguished citizen, community leader and great American—the Honorable Edward Van Vooren, president of the New Jersey State Association of the Benevolent and Protective Order of the Elks.●

ENERGY AMERICAN STYLE

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1982

● Mr. CHAPPELL. Mr. Speaker, I would like to bring to my colleague's attention a program in the State of Florida which deserves special recognition for its accomplishments in the field of energy awareness and conservation. Since 1978, the Florida Federation of Women's Clubs has sponsored "Energy American Style," a volunteer awareness/education/conservation program to promote a better understanding of our energy needs; and what can be done to meet them. For the past 4 years, this program has actively engaged local citizens and officials alike in effective energy policy debate. This fruitful exchange of ideas has enabled local communities to develop and implement cost-saving conservation programs which contribute to the greater energy independence of our Nation as a whole. In 1978, Eve Norton, FFWC's outgoing president, introduced the concept of "Energy American Style" and placed it under the leadership of Mrs. Charles Bergman, of Orange Park, Fla. In 1979, through Mrs. Bergman's able direction, the program had expanded to 189 projects and at the close of 1981, included over 858 such projects with the participation of some 330 statewide clubs.

In order to encompass the entire spectrum of the energy field, these ladies have recruited participants from private industry which include the American Petroleum Institute, Gulf Oil, Exxon, Chevron, Tenneco, Texaco, Florida Rural Electric Cooperative, and many others, to join hands in solving the complex problems arising from increased energy costs. Through "Energy American Style," the best efforts of local community leadership and private sector involvement, together, foster the growing spirit of individual initiative in our country.

Today, I join in applauding the many accomplishments of the Florida Federation of Women's Clubs and extend my best wishes for their continued success. That is not to say, however, that FFWC's past efforts have gone unnoticed. In 1980, they were awarded the General Federation of Women's Clubs Energy Award and have been recognized by the National Energy Advocacy Conference and the Florida Governor's Energy Office as well. In Florida, we are indeed fortunate to have the Federation's 27,000 members' involvement and dedication directed toward solving the energy needs of our State. Their volunteer spirit is what has enabled our country to overcome past difficulties and will certainly lead the way for solving future problems.●

TRIBUTE TO MARY HARRIS THOMPSON

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1982

● Mrs. COLLINS of Illinois. Mr. Speaker, today I invite my colleagues to join me in paying tribute to Mary Harris Thompson, the first women physician in Chicago and the founder of the Mary Thompson Hospital in Chicago, Ill.

The hospital observes its Founders Day from May 3 to May 8, 1982, to celebrate the 117th year since the hospital first opened its doors on May 8, 1865, and to proudly recognize its founder, Mary Harris Thompson, for her devotion to the establishment of a hospital for women and children, establishing the Women's Medical College of Chicago, and for her contribution to the medical sciences.

Mary Thompson Hospital is committed to the unique tradition of serving a great population of poor and working class women and children who would not otherwise have received the necessary care they needed, and continues to expand its outpatient services and specialized clinics.

I would like to share with my colleagues an article on Mary Harris Thompson, published in the Proceedings of the Institute of Medicine, Chicago, V. 34, 1981, at this point in the RECORD.

The article follows:

MARY HARRIS THOMPSON—PIONEER SURGEON AND HOSPITAL FOUNDER

(By William K. Beatty)

One hundred years ago the Chicago Medical Society for the first time elected a woman as an officer. This choice (for vice-president) seemed an unlikely one since, as Dr. I. N. Danforth recalled at her memorial service 14 years later, "She was superbly self-reliant, but without a spark of egotism or offensive self-assertion." The Society had not admitted Dr. Thompson to membership until 1873 after a decade in Chicago of long, hard, and effective work in patient care, hospital service, and medical education.

Mary Harris Thompson had been born plain Mary Thompson on April 15, 1829, near Fort Ann, Washington County, New York. Her parents, Col. John Harris Thompson and Calista Corbin Thompson, went on to have a large family; Mary was the second child. Col. Thompson at the time was a partner in an iron mine, but business was not too good.

An early interest—and definite ability—in drawing and painting foreshadowed Mary's acute powers of observing things and people and her self-contained character. An eager student, she taught herself Latin and mathematics at an early age. She attended a country school for a short time and then her parents sent her to West Poultney, Vermont, to the Troy Conference (Methodist) Academy. Because of her father's business reverses Mary had to supplement her attendance at school from age fifteen with teaching. She taught first at the Academy, later at the Fort Edwards (N.Y.) Collegiate Institute where she completed her pre-professional education, as well as at public school. In her spare time—which suggests good organization—Mary studied astronomy, chemistry, physiology, and anatomy. She successfully introduced the latter two into the course of instruction at several of these schools.

Indeed, the desire to improve her teaching of these two subjects led Mary to enter the New England Female Medical College in Boston. Dr. Marie Zakrzewska, the moving and enlivening force behind the College, had come to this country from Germany as a midwife. With considerable difficulty she overcame the language barrier and gained a medical education and hospital experience. She knew the importance of practical, patient-oriental medical education, and that was what she and her colleagues provided in Boston. Mary caught this fervor and decided to make medicine her life's work.

After completing medical college Mary went to New York for a year's internship under Drs. Emily and Elizabeth Blackwell at the New York Infirmary for Women and Children. It had been the Blackwells who had come to Marie Zakrzewska's aid at a crucial moment. While in New York Mary also attended clinical lectures at Bellevue Hospital.

Mary returned to Boston in 1863 to receive her M.D. degree. The question then arose, where should she practice? She eliminated Boston, New York, and Philadelphia since those cities already had women physicians and she did not wish to compete. She wanted a growing city that could provide both the opportunity and the need for her

services. These requirements all pointed to Chicago.

Dr. Thompson arrived in Chicago on July 3, 1863; except for brief trips and vacations she spent the rest of her life here. At this time Chicago had three hospitals: Mercy, St. Luke's, and the Marine. None of them had women on the medical staff and the last did not accept them as patients. However, the city was expanding (beginning in 1865 the rate would substantially increase) as disabled soldiers and their families moved in seeking opportunities beyond those they were likely to find in the more established cities of the east. The new arrivals also included many widows with children. Dr. Thompson soon became acquainted with Dr. William G. Dyas and his energetic wife, Miranda, and assisted in their work with soldiers and refugees, particularly in the Sanitary Commission.

These efforts forcefully brought to Dr. Thompson's attention the need for a hospital for women and children. The Rev. William H. Ryder focused this need by calling a meeting of the "benevolent friends of the soldiers and the poor." Dr. Thompson threw herself into this project and the Chicago Hospital for Women and Children opened on May 8, 1865, with Mary Harris Thompson as head of the medical and surgical staff.

The Harris had come into Dr. Thompson's name as a result of poor mail service. As Chicago grew she discovered that her name was not unique; there were other Mary Thompsons in the city, and they were receiving most of her mail. Mary discussed the difficulty with her parents and decided to adopt her paternal grandmother's last name (which her father was already using).

The new hospital had three major purposes: 1) to afford a home for women and children among the respectable poor in need of medical and surgical treatment; 2) to maintain a free dispensary for these women and children; and 3) to train competent nurses. The Hospital's building at Rush and Indiana had 14 beds and a two-room dispensary. During the Hospital's first year 756 patients were treated: 202 in the hospital, 544 in the dispensary, and 10 in the patients' homes. Board and care were $5.00 a week, but only one of the 202 inpatients paid in full. The growing inpatient and dispensary attendance soon overtaxed the building and in July, 1869, the hospital moved to 402 North State Street, a large frame house with ample grounds. Remodeling provided space for 16 beds and an increased area for the dispensary.

Soon after she had come to Chicago, Dr. Thompson had sought advanced training. She applied to Rush but that school, which had earlier bowed to pressure from the Illinois State Medical Society and had refused to let Emily Blackwell come back to take the second year, had not changed its policy. Dr. Thompson turned to Dr. William Heath Byford, Professor of Obstetrics and Diseases of Women and Children at the Chicago Medical College. Dr. Byford favored medical education for women, and persuaded the rest of his faculty colleagues to try the experiment. Accordingly, Dr. Thompson, Julia Cole, Augusta Kent, and Dr. Odelia Blinn enrolled for the 1869–70 year. Because of her previous education Dr. Thompson received her M.D. diploma (her second) at graduation in 1870. The other three women, however, were refused readmission in the fall of 1870 because the male students claimed that certain clinical materials and observations had been omitted because the women were present.

After these two setbacks Dr. Byford suggested to Dr. Thompson that a women's medical college might well be established in conjunction with her hospital. This required a faculty, space, and financial support. Dr. Byford called the first meeting of interested individuals for August 2 at his office, 62 State Street. Six physicians joined Byford and Thompson and a faculty was composed of them and Dr. William Dyas. Dr. Thompson received the title of Professor of Hygiene; she later (1884–86) served as Clinical Professor of Obstetrics and Gynecology at the hospital. Interestingly, in terms of the school's future, Erastus O. Haven (then President of Northwestern University) served as first President of the Board of Trustees. As an acknowledgment of his efforts and financial support the Board named Dr. Byford President of the new "Women's Hospital Medical College of Chicago".

Seventeen students (including Mrs. Kent and Julia Cole-Blackman—she had married an 1870 graduate of the Chicago Medical College) registered for the first course of lectures. These were given in the hospital. The first year was a difficult one, by Mrs. Dyas, in particular, was instrumental in overcoming several crises. Three women (Kent, Cole-Blackman, and Linda Miller) received diplomas at the first graduation in 1871. A spring course, April 1 to July 1, had 15 students, and the second fall session began on October 3, 1871, in new rooms at 1 and 3 North Clark Street, above a marble factory and near the bridge. This was not an auspicious moment to move into new quarters in that area.

A few days later the Chicago Fire burst out; Dr. Thompson, fearing for her patients, dismissed all who could walk and had three helpless individuals transferred to a private home beyond Lincoln Park. The fire destroyed the hospital, the school, and then moved speedily past the Park. The three patients were safely moved again, this time out into the prairie; their short-stay home went up in flames before sunset.

The day after the fire the hospital staff and college faculty met and, although most of them had lost their homes, offices, and libraries they determined to put both the College and the Hospital back into operation. The College temporarily moved into a residence at 341 West Adams Street. The Relief and Aid Society urged the staff to reestablish the desperately needed hospital as soon as possible. The Society stated that if the staff could find a suitable house the Society would maintain it. Another home was found at 600 West Adams, and the Hospital re-opened with two pillows, two blankets, nine square feet of carpeting, no beds, and one helpless patient. The last total changed rapidly as sick and burned patients were brought in and placed on the floor. This was the only time the Hospital admitted adult male patients.

The Hospital was rebuilt in 1873 with the help of $25,000 from the Relief and Aid Society given on condition that 25 patients a year be treated free. This building, the Hospital's first home of its own, stood on a large plot at Adams and Paulina. The College moved into an old structure on the back of the lot; this soon became known affectionately as "the little barn". The dispensary reopened that same year, and the training school for nurses began in 1874. This grew rapidly and its graduates were eagerly sought. The College developed steadily with its graduates serving creditably both in this country and in several countries overseas as missionary doctors. Among the early outstanding graduates was Sarah Hackett Stevenson, valedictorian of the class of 1874.

Dr. Thompson did not accept a place on the College's faculty when it reorganized in 1877 and severed its connections with the Hospital. Instead she turned her full attention to the Hospital. Dr. Thompson's reputation as a surgeon began to grow and she became the first women in Chicago to perform major surgery. The Hospital's new 80-bed building, opened on the Adams and Paulina site in 1885, gave her increased opportunities for surgery and hospital treatment. She gradually specialized in abdominal and pelvic surgery, kept a close eye on pertinent developments in the U.S. and Europe, and also turned her inventive mind to surgical instrumentation. She created, among other items, as abdominal needle that became widely used.

She promoted the Lister antiseptic method and used it as a regular part of her procedure. In her paper of 1879 (given by L. Anna Ballard) reporting three ovariotomies she stated "these three successive cases terminated in perfect recovery, and illustrate the value of Lister's antiseptic method of operating." From the first patient she removed a cyst on October 19, 1878, which weighed over 15 kilograms. A 5 percent carbolized spray permeated the room, all the sponges and instruments were kept "well carbolized", and Lister's dressings were used after the operation. On November 14 the patient walked three miles (out in the country, not from her hospital bed to the bath room). On December 4, 1878, Dr. Thompson removed a cyst weighing "1⅓ myrg. pounds" and "containing 13 kilo. of dark, ropy fluid" from a second patient. The weight of the cyst illustrates the indecision common to that time over using the metric or the avoirdupois systems. Dunglison's Dictionary for 1874 defines a "myriagramme" as 10,000 grammes or a little over 22 pounds. Linear measurements in this paper are in centimeters but temperatures are in Fahrenheit (with the exception of the third patient whose body heat was recorded in Celsius).

The cyst and fluid in the third patient weighed over 37 pounds. Dr. Thompson used, as she customarily did, silver wire sutures to close the incision. Several of these broke during the operation and, after investigating the cause, she felt that they had probably become weakened from being in carbolized water for over an hour. Dr. Thompson spelled out her procedures and methods in detail and recorded both favorable and unfavorable events as she regularly did in all of her articles.

Dr. Thompson reported two more ovariotomies five years later. The first of these presents a century-old example of child abuse. The patient, a 37-year-old German woman, was described as "spare, with long extremities and a curvature or angle in the middle of the dorsal portion of the spine, which shortened the height by from twelve to fourteen inches. The angle of curvature was mostly posterior, but also stood two and a half inches to the left of the mesial line. The apex beat of the heart was found on a line with the left axilla and high up. The sternum was thrown forward, and shelved over an enlarged abdomen." What had caused this deformity? The patient reported that at the ages of four and six years she had fallen downstairs: "Soon after the latter accident, the beginning of the deformity, and two broken ribs were noticed, but nothing was done except to make her dress a means of concealment of the former."

On August 27, 1881, 48 pounds of "the characteristic gray ovarian fluid" were removed. After the operation (November 13) the patient had a stormy recovery which several times bordered on the catastrophic. In December, 1882, this woman re-appeared at the Hospital sick and fearing pregnancy. She was pregnant but, surprisingly, both the woman and her baby survived a difficult labor. This took place late the next May in the woman's apartment with Dr. Thompson in attendance. As is typical of Dr. Thompson's reports this one contained several questions underlining major points and showing the need for additional information and experience.

The second of these two cases called Dr. Thompson to Minneapolis for a consultation. The patient, a 27-year-old Swedish woman, could speak no English. The similarity between the Swedish words for gray and green caused some confusion over the course of the illness, i.e., the cystic fluid was gray if the course was uncomplicated, but green if infection was part of the problem. Dr. Thompson operated at the Northwestern Hospital for Women and Children on June 27, 1883. Before this she had ordered the staff to wash the walls, ceiling, and floor of the hospital room thoroughly with a 2 percent carbolized solution, and had required both the patient and the nurse to have baths that morning. The cyst tore several times during the operation, and the patient had to be turned on her side to facilitate drainage. Dr. Thompson estimated that cyst and fluid weighed about 50 pounds. The patient recovered although convalescence took over a month.

The interest taken in the weights of these ovarian cysts (by no means unique to Dr. Thompson) may seem strange to us. We usually think of such times being subjects only for entries in the Guinness World Book of Records. However, the staid "Index-Catalogue of the Library of the Surgeon-General's Office" (an earlier name for the National Library of Medicine) had in its first series (1880–1895) the subject heading, "Ovariotomy for tumors weighing 25 pounds or more". Obviously such surgery was not a light matter.

In 1879 Dr. Thompson reported two cases of placenta praevia. She saved both mothers in this dangerous situation but lost both infants. The first woman required emergency compression of the blood vessels: "I inserted the tips of three fingers, in the form of a cone, into the os uteri, and spread them, detaching the placenta as far as it could be reached entirely around the margin. The circumference of the placenta being easily reached on one side, was torn and pushed back. The fingers were quickly moved, and pressure from the vaginal surface applied with the hand until after the first contraction. The fingers were again inserted and spread so [as] to keep the os distended or stretched out, with all the power that could be applied in such a position; but when contractions came on, the fingers were removed and rested during the time, and immediately reinserted." In reviewing these two cases at the conclusion of her paper Dr. Thompson wrote, "I believe that had we waited until sufficient dilatation had occurred, the child's life as well as that of the mother's [sic] might have been saved. In fact, I think too frequently the child is sacrificed, and sometimes the mother, by an undue haste to terminate labor, and that if life is not lost the mother is injured beyond the power of surgical skill to mend."

A three-page letter in 1884 summarized three cases of probable pelvic lymphorrhea. Two of the three patients died; Dr. Thompson did not report the outcome of the third case. Of the second patient, a 35-year-old Swedish woman whom Dr. Thompson first saw in 1869, she wrote, "While making my first visit, I learned that she was being attended by two of Chicago's best physicians; hence I declined to attend her. But she insisted that I should do so, and I consented on condition that she should tell them how unwillingly I took the responsibility, and that I could not cure her if they could not." Dr. Thompson diagnosing pelvic cellulitis, prescribed chloride of iron and iodide of potassium. Six leeches were used on the walls of the vagina and the cervix uteri and tincture of iodine was applied weekly. When the patient reappeared five months later with the same condition she would not permit Dr. Thompson to use the leeches again.

The most striking case Dr. Thompson reported concerned a woman whose pregnancy lasted almost eleven months. The labor was complicated by cicatricial tissue in the vagina and cervix uteri apparently caused by a midwife's mishandling of the forceps during an earlier pregnancy. In addition the mother had suffered from "fits" during the current pregnancy. The child, hydrocephalic and with both spina bifida and a club foot, died a few hours after birth.

In 1889 Dr. Thompson compared the surgical and medical treatments for salpingitis using two of her cases as examples. She cited several pertinent articles from the literature, including work by Tait and Vanderveer. After a thorough discussion she concluded that surgical intervention generally proved necessary.

Her last published paper, presented at the 43rd annual meeting of the Illinois State Medical Society held in May, 1883, in Chicago, reported an unusual case of typhoid with several relapses but ultimate recovery. Dr. Thompson graphically described the patient's tremor at one stage as "so great that the patient seemed about to lose form and fall apart, jelly-like." Her discussion drew attention both to the possible connection between the disease and the sewage released into Lake Michigan and to the possible benefit of the sun's rays in destroying these bacteria. James B. Herrick took a major part in the discussion after the paper pointing out the usefulness of the "newer antipyretics" such as phenacetin and acetanilid.

Dr. Thompson gave her most important paper before the Annual Meeting of the American Medical Association at St. Louis in 1886, the year the Association admitted her to membership. The paper, "Why Diseases of Children Should be Made a Special Study", was the first presented by a woman before the Section on Diseases of Children. She adduced four major reasons for such a specialty:

1. Because of the undeveloped and growing patient, which, though ill, must yet be nourished.

2. Because of the difficulty of diagnosticating those maladies . . . to which children under one year of age are subject.

3. Because, remedies considered essential to the relief of adults, are illy borne by the young child. . . .

4. Because the special study will reflect itself upon the minds of the laity, impressing them with the importance of saving a child's life, and that, in so doing, a life in its entirety has been saved.

In stressing the often overlooked fact that a child is not simply a scaled-down adult she wrote "The difficulties which present themselves . . . are, that we have at six months a little individual susceptible of human disease, but with little more language than that of the lower animals; and with certain organs out of proportion to those of the adult." Dr. Thompson gave examples to illustrate these and other major problems and inveighed against the overuse of alcohol and opium in the treatment of children. At this meeting the Section elected her its Chairman.

On May 8, 1895, the staff, board members, and friends of the Hospital gathered in the operating room at 3:00 to celebrate the 30th anniversary of the founding. Dr. Thompson read a detailed paper on the history of the Hospital. Afterwards various individuals presented their compliments and congratulations for her three decades of devotion and hard work. Ten days later she was suddenly stricken with a cerebral hemorrhage from which she died on May 21, five weeks after her 66th birthday. She was buried in the village cemetery at Fort Ann in New York where she had grown up. After her death the Board fittingly renamed the Hospital for its moving and enspiriting force.

Mary Harris Thompson had been a pioneer in the areas of opening the profession, particularly its surgical side, to women and in obtaining suitable hospital facilities for women and children. For some time after she came to Chicago the medical journals scornfully referred to her as "Miss Doctoress Thompson". However, her growing success, a result of her surgical and medical skills, her even-tempered and mild-mannered personality, and her kindness and generosity, eventually overcame this derogatory attitude, and these same journals (as well as others) were happy to receive and publish her practical and stimulating articles. Her strong commonsense and good judgment, her insistence on probability as the rule for her surgical and medical work, and her wide reading in the literature of medicine and the humanities, made her a respected and admired physician and human being. Just two days before her death, Dr. Thompson had written to Mrs. W. M. Salter (a long-time friend, summer neighbor in New Hampshire, and mother of one of her patients) that she was working away and that if there was another life she supposed that she would go on working there. As the Rev. Dr. William M. Lawrence so aptly phrased it at her memorial service, "Dr. Mary Thompson was a woman whose eye was toward the rising sun."●

DR. ROY L. PATTERSON "ON ABORTION"

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1982

● Mr. STARK. Mr. Speaker, George Santayana's often repeated admonition that "those who cannot remember the past are condemned to repeat it" has no better current application than the issue of abortion.

This fact was brought to my attention with eloquence recently when a constituent sent me a copy of his fine statement "On Abortion."

Roy L. Patterson of Alameda, Calif., is a 78-year-old retired physician. He

has graciously agreed to let me share his wise words with this House. His description of the situation before the 1973 U.S. Supreme Court decision in Roe against Wade is something we all ought to recall. Let us not repeat this sordid part of our past.

The statement follows:

ON ABORTION

(By Dr. Ray L. Patterson, M.D.)

This subject presently has the whole nation in a highly emotional debate.

In dealing with this subject I wish to state that I am a retired medical doctor, now 78 years of age, and what follows is gleaned from many years as a doctor and from having experienced life among men for an equal period of time.

Early in my medical career there was a period of time during which it was illegal to perform an abortion in any hospital. Nevertheless, many women, not wishing to have another child, induced an abortion by various means, using such things as hatpins, crochet hooks, knitting needles, and slippery elm sticks (still available in drugstores). Many of these women became infected and died, leaving other children motherless, a father alone and now faced with many problems.

After many years of persistent effort by the medical profession, it became possible to care for such pregnant women by allowing them to have an abortion under sterile hospital conditions. Under this procedure complications where few and deaths were minimized.

In considering the Commandment, "Thou shalt not kill", this has never to my knowledge been adhered to. Taking the Bible as written by men inspired by God, we find many quotations where God himself destroyed multitudes of people. We find our own society repeatedly causing and accepting the destruction and deaths of many through wars. Try to explain the need for this act however you will. Again, in our attempt to control crime in our society we, rightfully or wrongfully, resort to executions.

Personally, I for one do not believe God would rather see an unwanted, unloved child born to be uncared for, abused and possibly die from hunger or other causes than to have that pregnancy interrupted. I furthermore am of the opinion that for 98% of the pregnancies the embryo has never existed as a being for the first twenty-six weeks of that pregnancy, depending solely on the continuing ability of the host mother to breathe and live.

That same Word of God, the Bible, relates how God gave domination of everything on the Earth to man. Having given Man the ability to remember past events and to think, he (Man) frequently changes his opinions and subsequent actions, as witness the Eighteenth and Twenty-first Amendments to the U.S. Constitution, whether for good or bad.

From the viewpoint of society as a whole it becomes quite obvious that it requires less from all others to subsidize an abortion than to support an unwanted off-spring for the next sixteen or eighteen years.

In conclusion, each of us who believes in a Supreme Creator most certainly will not be held accountable, only that woman having the abortion performed. Last but not least, remember to make no judgment until you have walked for a day in her shoes.●

SYNTHETIC FUEL PROJECTS: A HISTORY OF FEDERAL HANDOUTS

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1982

● Mr. CORCORAN. Mr. Speaker, in the past few days, I have described three of the Synthetic Fuels Corporation's first crop of five projects, the sponsors of which are now in final negotiations with the SFC for financial assistance. The remaining two projects are no strangers to the Federal trough and may already be familiar to some of you. Both involve big money.

In late 1977, under U.S. Department of Energy demonstration program authority, the DOE contracted with the Memphis Light, Gas & Water Division of the city of Memphis, Tenn., for the design and construction of an industrial fuel gas plant. Construction was anticipated to start in late spring 1981, with operations scheduled for January 1985. The plant is projected to utilize 3,155 tons of coal per day to produce 10,000 barrels per day oil equivalent of medium Btu gas to be used as an industrial fuel.

Memphis Light, Gas & Water Division now requests loan guarantees in the sum of roughly $609 million and price guarantees for the initial years of the project anticipated to be 1985 through 1990.

Although this project appears to be one of the more creative and meritorious Federal-local energy project partnerships, there has been virtually no private investment involved to date. The role of the Synthetic Fuels Corporation is to supplement private initiative to encourage the development of a commercial, private synthetic fuels industry. Support of this project does not appear to do anything to further that mandate.

The Breckinridge project located in Breckinridge County, Ky., is sponsored by a partnership of Ashland Oil Co. and Airco Energy Co. A spinoff of the "H-1" demonstration program, the U.S. Department of Energy and the Kentucky Department of Energy have provided support for process development and evaluation of site options. One of the largest synthetic fuels projects currently before the SFC, this direct coal liquefaction project is expected to cost more than $3 billion. This estimate may be low since the sponsors have yet to file the updated prospectus which was due in March.

The sponsors of Breckinridge are seeking a loan guarantee in amounts not yet publicly available. Like the Memphis Gas Light project, the Breckinridge project raises concern that if Federal assistance is required for preconstruction activities such as development of cost estimates, permit acquisition, issuance of environmental impact statements and impact mitigation, the project has not yet received sufficient private backing to be worthy of SFC support. Especially given the large scale of the Breckinridge project, and the amount of Federal support already involved, the Synthetic Fuels Corporation should be slow to administer another "fix" of Federal funds to this synfuel junkie.

The Breckinridge and MLGW projects illustrate a common trait among many of first applicants for Synthetic Fuels Corporation assistance: Previous Federal Government subsidization. If this pattern continues, the Synthetic Fuels Corporation could become little more than a stop along the Federal gravy train for large oil and high technology companies.●

HEAD START PARENTS APPEAL FOR PROGRAM

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1982

● Mr. MILLER of California. Mr. Speaker, I continue to get letters from Head Start parents who both testify to the ways in which this program has dramatically improved their lives and those of their children, and express their concerns about Head Start's future. We know that Head Start works; that Head Start is cost-effective. And yet, even today, it serves only 25 percent of the eligible children, and faces substantial erosion from inflation and cutbacks in supportive services (CETA, title XX, child care food, medicaid). We need to listen to the parents of Head Start children and keep this exemplary program working. Another letter from a Head Start parent follows:

The Capital Head Start Program has not only affected my child's education, but my family as well. I am very proud of what my child has learned in the program. She not only knows the basic fundamentals of the preschool program, but she also knows about self-respect, self-pride and other values which will help her throughout her life. She has learned how to speak to her peers and to address them in a respectful manner.

The Capital Head Start Program has given my daughter a chance to discover at an early age what she can accomplish when she gets older. It also has given her a better understanding about herself as a person. Many children are not given a chance to express themselves or their ideas at this age. She now asks more questions about things around her, whether in the classroom, at home or in public.

I have seen a great improvement in her attitude as an only child. She has learned to work together with children in her age group very well.

As a parent, I have become involved in the program. I find this program to be very unique because it offers a variety of services to the whole family as well as providing my child's education. I will always to be grateful to this program for giving my daughter the chance to start her education off in the right direction.

HEAD START PARENT,
Washington, D.C.●

REGULATING THE REGULATORS

HON. ELLIOTT H. LEVITAS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1982

● Mr. LEVITAS. Mr. Speaker, some of the opponents of the congressional veto express concern that this procedure will politicize the regulatory rulemaking process and that, they say or assume, is inherently bad.

While there are many rebuttals to that criticism, Robert Akerman, columnist for the Atlanta Journal, recently wrote a piece which effectively demolishes that argument against the congressional veto power. Mr. Akerman puts the issue into its historic perspective as well as in the context of our constitutional framework of elected representative government.

As always, the simple question emerges and controls: Who should make the laws that govern us—the elected representatives of the people or the unelected bureaucrats?

Mr. Akerman's column of April 26, 1982, is so clear, so incisive, and so pertinent that I want to place it in the CONGRESSIONAL RECORD and urge my colleagues to read his words.

REGULATING THE REGULATORS

(By Robert Akerman)

An editorial in the New York Times acknowledged the appropriateness of Rep. Elliott Levitas' concern about unelected bureaucrats making rules and regulations that affect citizens with the force of law.

But it questioned his proposed remedy of a congressional veto over those rules and regulations. It based its objections on the argument that since Congress is a political body, giving it a greater role in the regulatory process could give greater clout to the special interests.

On the surface this is a serious objection. We all know that Congress is a focal point for the lobbyists and that congressmen get political contributions from interest groups, so it seems to follow that if Congress starts meddling with these rules the process will become more political.

But I say that in a democracy the process of making broad policy should be political, in the sense of being within the reach of the people's elected representatives. At least we can hold them responsible at the polls, and it is no greater evil to have politics enter into the writing of regulations than to have politics enter into the writing of the original law which the regulations interpret and apply. And an open review process in which Congress must vote to veto a proposed regulation is preferable to pressure exerted behind the scenes or through the appropriations process.

However, the point which many people including the New York Times editorials are missing is that leaving the rulemaking process in the hands of unelected bureaucrats does not guarantee its purity or freedom from manipulation by the special interests. People have this idea now because for the last decade or so bureaucrats have seemed to be idealistic liberals who disregard the special interests in their zeal to do what is right. The only question is whether their zeal sometimes is excessive. But it hasn't always been that way, and it won't necessarily be that way in the future.

We have to remember that while the bureaucracy is not elected, the top policymakers in it are appointed. If various agencies seem to be filled with Naderite zeal, it's because liberal politicians in past administrations appointed Naderite-type policymakers. The regulatory agencies lag behind the election returns because all posts do not become vacant at the same time, but the personalities of these agencies do slowly evolve as the personalities at the top are changed. Those who admire the unfettered liberalism of some contemporary regulators may someday be dismayed by the unfettered conservatism of another crop of regulators.

In the 1920s there was a widespread feeling among liberals that the agencies set up in the Progressive era had been captured by the special interests they were supposed to regulate. As Vernos Louis Parrington put it, "Wherever power is lodged, a great struggle for control and use of that power follows. . . . The stronger the state, the more serviceable it becomes to the exploiting class. . . . We must have a political state powerful enough to deal with corporate wealth, but how are we going to keep that state with its augmenting power from being captured by the force we want it to control?"

The same thing had happened a generation earlier with the Interstate Commerce Commission, which was set up in a period of protest against high freight rates but which ended up protecting the railroads from the rigors of real competition.

Some of the liberals were so disappointed with the regulatory agencies in the 1920s that they thought socialism was the only answer. Others returned to an emphasis on breaking up concentrations of economic power rather than trying to tame them through regulation. But the New Deal era followed, proving that the best answer still lies in the democratic political process—when the people want reform, they can get it, and you don't necessarily promote reform by removing power from the people.

Today, as a result of financial disclosure laws and limits on political campaign contributions, the people should be even better prepared to review the job the legislators do in reviewing the regulations of the bureaucrats. But it is certainly not a democratic answer to believe in bureaucratic supermen who are not only better citizens than the members of Congress but also better citizens than the citizens themselves. That is simply a formula for a slow transition to an authoritarian state with government by decree.

ENTERPRISE ZONES REJUVENATING OUR INNER CITIES FROM WITHIN

HON. ED MADIGAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1982

● Mr. MADIGAN. Mr. Speaker, the President recently took an important step toward helping to revitalize economically depressed urban and rural communities by sending up legislation which would establish 75 "enterprise zones" across the Nation. H.R. 6009 would offer special tax and regulatory incentives for increased economic activity within these zones, whose principal purpose is to create productive, meaningful, and lasting jobs for persons in blighted areas. Increased economic activity would also promote simultaneous improvements in the social climate within enterprise zones.

Mr. Speaker, this legislation constitutes a fresh, positive, long-term, effort to address the problems confronting our distressed cities and the structurally unemployed. It would aid Federal incentives for more jobs and increased investment at the poorest areas of the United States, and deserves our support. I am happy to join as a cosponsor of H.R. 6009, and would also like to bring to the attention of the House a recent Research Committee review of the administration's plan. I believe this paper provides a useful summary of this important proposal, and ask unanimous consent that it be inserted in the RECORD at this point.

ENTERPRISE ZONES: REJUVENATING OUR INNER CITIES FROM WITHIN

(By Alexander Dimitrief)

By almost any accepted measure of economic well-being—income, employment, population, volume of business, age of housing stock, concentration of low-income families—our more distressed cities are significantly worse off today than they were ten or fifteen years ago. At the root of this crisis lies demography: superimposed upon the general movement of Americans from the Northeast and Great Lakes to the South and Southwest is a nationwide exodus of skilled, middle-income residents from the inner city to suburbia, and with them businesses—both large and small—that once anchored our urban communities. The seemingly irreversible spirals of decay and decline which have taken hold in our once-thriving cities have imposed tremendous costs upon those residents who have remained behind. In particular, unemployment among minority youths in the cities has reached tragically—and unacceptably—high levels.

The urban crisis has become especially desperate because billions of dollars of government aid have done little to alleviate it. Rather than lift residents of our central cities out of poverty, government programs—however laudable their goals—have at best only maintained them in poverty. Realizing this, in 1979 the Carter Adminis-

tration's Job Creation Work Group determined that the critical need in our inner cities is "for an entrepreneurial environment far more favorable to innovation and risk-taking than we have had for the past ten years." Since then, more and more urban analysts have concluded that the only way of achieving sound and sustained socioeconomic renewal of depressed urban and rural communities is to make them once again attractive to small businesses so that productive, permanent jobs can be created.

This is the central objective of an "entreprise zone": a geographic area with specified boundaries that would offer special government incentives (national, state, and local) for economic activity within the zone. In simplest terms, it constitutes a means of stimulating development in depressed areas by fostering, through tax and regulatory relief and enhanced public-private cooperation in providing community services, a climate more favorable to both the potential businessman and his future employees. In his recent state of the Union Address, President Reagan announced that the Administration intends to send up in the near future a plan for instituting, as an experiment in urban policy, 75 enterprise zones across the nation by 1986. As Rep. Jack Kemp, a leading proponent of the concept in Congress, has declared, "While there are no perfect solutions or easy answers, we know we can't continue promoting more of the same." This study will examine the rationale behind this new approach towards the problems besetting our cities, and will also highlight the Administration's expected proposal.

THE PURPOSE OF ENTERPRISE ZONES

Enterprise zones are actually the most recent adaptation of one of society's oldest economic policy instruments, the free trade zone. Their principal purpose is to create—by sparking new economic activity which otherwise would not have occurred at all, anywhere—productive, meaningful, and lasting jobs (with potential for personal advancement) for persons in depressed areas. Enterprise zones are also intended to promote simultaneous improvements in the social climate within depressed cities. Poverty in urban areas appears to be intertwined with other pressing urban problems such as crime, housing, and physical decay. Economic rejuvenation would go far towards curing these social ills.

Urban specialists welcome the inherent emphasis in enterprise zones on rendering the economic climate in depressed areas more favorable to the small entrepreneur. The MIT Program on Neighborhood and Regional Change, which studied over 5.5 million businesses from 1969 to 1976, has convincingly shown that small businesses provide precisely the types of jobs most appropriate for the young, unskilled work force of the inner city; it also determined that approximately two-thirds of all new private sector jobs in the United States are generated by small establishments employing 20 people or fewer. Unskilled workers would have the opportunity to grow along with small zone-generated businesses by accumulating skills and establishing their reliability; credentials of this sort are certainly more valuable to workers in terms of future employment opportunities than are certificates from various government training programs or experience gained from performing government-created make-work.

REVITALIZING FROM THE GROUND UP: SOMETHING NEW AT HUD

However ancient its groundings in economic thought, the enterprise zone concept represents a radical departure from recent federal government initiatives in urban areas. In the spirit of the New Federalism, the President's plan emphasizes the important role of state and local governments in community redevelopment and assigns HUD a passive leadership role. It calls for the federal government to devise a standard package of marginal tax and regulatory relief (outlined below) for enterprise zones, establish criteria to determine what areas would be eligible for this package, and then invite state and local governments to draw boundaries for potential zones and compete for designations from the Secretary of HUD. The major criteria during the selection process would be (1) the quality and strength of the incentives to be contributed to the proposed zones by the sponsoring state and local governments, and (2) the degree of economic distress in the potential zones. A maximum of 25 zones would be approved in each of the first three years of the program which would begin in 1983. Each designation would apply for a period chosen by the applying state and local governments, with a maximum of 20 years for federal participation together with a four-year phaseout period. In general, roughly 2,000 jurisdictions which are eligible to apply for Urban Development Action Grants would be eligible to compete for enterprise zone designations within their borders.

Thus, instead of parachuting a pre-designed package into a community, the Administration's plan would put into place a flexible program which local officials and residents could mold to fit the nation's widely diverse economic and social circumstances. This approach essentially seeks to revitalize our urban areas and rural towns from within, both socially and economically, by allowing area businessmen and residents to choose for themselves what types of economic activity to engage in. Beneath this reliance on personal initiative rather than central planning lies economic common sense: if owners and workers have a direct stake in a business, they will especially want to protect and nurture it. Such an approach would also allow a broad base of service and retail establishments to arise naturally.

Enterprise zones also involve a dramatic departure from traditional HUD funding methods. Historically, the federal government has offered pre-selected businesses "up-front" seed money: grants and loans which are put up at high risk with the hope of success. In contrast, under the enterprise zone approach tax obligations would be forgiven only after the desired results—increased investment and the creation of jobs—had actually taken place. The Treasury Department estimates that the cost of 25 enterprise zones in 1983 would be $310 million in reduced tax revenue; the total cost of the program would increase proportionately in subsequent years as more zones are designated, levelling off at $910 million for 75 zones in 1986. No outlays would be involved except for minimal administrative expenses.

Enterprise zones would add only a tiny fraction to the amount presently spent by the federal government on community development and income support programs. Moreover, the Administration's cost estimate does not reflect the reduction in unemployment and welfare payments which would result from putting people back to work in zone areas. It is also worth noting that society would lose very little by partly relinquishing taxes paid by previously unemployed teenagers or theretofore nonexisting businesses, especially when the jobs or businesses in question would not have been created except for this revenue "loss" in the first place.

THE PROPOSED FEDERAL ENTERPRISE ZONE "PACKAGE" AND THE LOCAL ROLE

Although the appeal of enterprise zones as a general concept transcends party lines, agreement on certain specific components will no doubt prove more elusive once the Administration's plan comes before the House. Here is a cursory outline of the President's expected proposal:

Federal tax relief

The major features of the federal tax package would be:

A nonrefundable (i.e., realized only as a deduction against tax liability) investment tax credit for capital investments made after a zone is designated towards the construction or rehabilitation of commercial, industrial, or rental housing structures within the zone as well as for investments in machinery and equipment to be used in the zone for their entire depreciable life.

A nonrefundable income tax credit to employers for payroll increases (wages for new employees and wage increases for present employees) after a zone is designated. A cap would be imposed on wages to which the credit would apply in order to skew this incentive towards the hiring of low- and middle-income workers.

An additional nonrefundable income tax credit to employers for wages paid to "disadvantaged" (as defined by a revamped CETA standard) individuals hired after the zone designation. This credit would strongly encourage employers to hire and train the structurally unemployed.

A nonrefundable income tax credit to employees for wages earned in zone employment. This would help low-income workers break out of the "poverty trap" set by the prohibitively high marginal tax rates confronting recipients of income assistance, and would also induce greatly-needed skilled workers to accept positions in zone firms.

The elimination of capital gains taxes stemming from zone property actively utilized by zone businesses.

The designation of suitable enterprise zones as Foreign Trade Zones, providing significant relief from tariffs and import duties.

The continued availability of Industrial Development Bonds to small zone businesses even if this program is discontinued elsewhere. This provision would help entrepreneurs secure start-up capital.

Allowing zone firms to carry over both operating losses and tax credits for the life of the zone or 15 years, whichever is longer. This would allow young firms with little or no profit (and therefore little or no tax liability to deduct their losses and credits in future, more profitable years.)

Federal regulatory relief

Federal regulatory bodies would be given discretionary authority to relax or eliminate, in accordance with Congressional standards, their non-statutory regulatory requirements, but only at the request of the sponsoring state and local governments. When such a request is made, the relevant agency, with the zone's special purpose in mind, would allow a relaxation or waiver of the regulation in question when deemed appropriate. This would enable zone firms to avoid those regulatory and paperwork re-

quirements which are held unnecessarily cumbersome for that specific zone area.

A flexible, responsible approach to regulation within enterprise zones would by no means weaken safeguards needed to protect zone employees or residents. Agencies would simply be required to seek simpler, more cost-effective means of achieving their regulatory goals. Moreover, this authority could be exercised to relax only those regulations over which agencies already enjoy some discretion; those regulations specifically spelled out in statutes—such as the minimum wage—would not be subject to review. This provision also would not extend to regulations affecting civil rights or whose relaxation would clearly endanger public safety.

The local role

The importance of state and local contributions to enterprise zones cannot be overstated; incentives to rejuvenate neighborhoods are best designed at the local level on a case-by-case basis. Accordingly, each community would be free to choose whatever strategy it believed would best address its own particular problems. HUD would require no particular element of tax or regulatory relief in proposed local packages. State and local governments could propose reductions in income, property, sales, and other taxes. They might also choose to offer responsible relief in such areas as zoning laws, occupational licensure laws, rent controls, usury laws, price controls, permit requirements, central planning regulations, and building codes.

In addition, an important role for local governments to play might be to improve the provision of basic public services such as police and fire protection, road networks, and public transportation within the zones. While this could be done by the traditional method of increasing the resources devoted for their provision, the Administration's plan would encourage cities to experiment with more novel methods, such as "contracting out" certain community services to private businesses. Local governments might also facilitate the formation of "neighborhood enterprise associations"—organizations for zone residents similar in structure to homeowners associations in suburbs—which would provide self-help through a variety of community services such as crime-watch patrols, day-care centers, employment counseling, and beautification projects. As Stuart Butler has noted, such organizations always enjoy an especially strong sense of legitimacy because their members are not viewed as outside "providers," but as people firmly rooted in the neighborhood. Dilapidated structures could be refurbished through "homesteading" and "shopsteading" programs, which would make abandoned buildings available for purchase at extremely reasonable prices to businessmen who promised to renovate them within a specified period.

State and local governments could also directly fund redevelopment efforts in zones. For example, business groups have indicated that it would be especially beneficial for local and state governments to work together with private insurance agencies to develop a special pooled-risk insurance program for zone businessmen, since the cost and difficulty of obtaining such protection significantly inhibits redevelopment. Communities would also be able to apply Community Development Block Grant, Urban Development Action Grant, and Revenue Sharing funds towards zone projects. Indeed, it should be emphasized that enterprise zones are not intended to replace these programs, but to complement them.

CONCLUSION: EXPECTED DEBATE AND THE "HOLLOW BONE MYTH"

Once Congress agrees that the time has come for a new approach to the problems plaguing our inner cities, debate on enterprise zones is expected to revolve around potential inequities some have argued might result from the plan, such as: adverse effects on competing firms with inner-city addresses outside the zones, the relocation of existing businesses rather than the creation of new ones, and the disadvantages that would be suffered by firms already located in the area since they would not receive tax credit for past investments. Although these objections will undoubtedly receive careful consideration by the House, two points are worth noting at this time. First, local governments directly responsible to city residents would take these potential inequities into account both when drawing zone boundaries and when formulating "local packages" for the Secretary of HUD. Second, urban and economic experts have forcefully argued that the potential benefits enterprise zones would confer on an entire community—both inside and outside the zone—would far outweigh any isolated inequities which might arise.

Finally, one myth concerning the enterprise zone proposal should immediately be laid to rest, and that is the Administration is trying to throw our cities and towns a "hollow bone" in order to justify proposed budget reductions elsewhere. The Administration's plan represents a sound, positive, long-term effort to address the urban crisis by aiming federal incentives for increased employment and greater investment at the poorest areas of the United States. Enterprise zones could not be classified as an urban handout; instead, they would mark an important step away from the long-accepted mentality that our inner cities simply cannot help themselves. The problems of our more distressed cities cannot be solved overnight, and mending their social and economic fabric will be unavoidably difficult. However, it is past time for federal programs to search for—and, more importantly, to reward—that which comes from within: pride in one's job and in one's neighborhood.●

A NEED FOR A SELECT COMMITTEE ON HUNGER

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1982

● Mr. LELAND. Mr. Speaker, a recent study prepared by the Congressional Research Service reveals since 1954, the United States has spent $32 billion to purchase 292 million metric tons of domestic farm products for use as foreign aid food. An additional $2.3 billion has been spent to transport the donated food aid and an extra $1.042 billion has been spent to pay for the added cost of transporting concessional aid in higher priced U.S. vessels. This year, transportation costs will have nearly one-fourth of the total program. Almost 40 percent of the budget allocated for food donations and 12 percent of the concessional sales budget will be spent on transportation.

While only 3 to 4 percent of total agricultural exports in recent years have been subsidized through the food aid program, most agricultural policymakers view the program as an important market development and supply management tool. The foreign policy community generally finds the food aid program a valuable one.

However, each year between 13 and 15 million children in developing countries die unnecessarily from the combined effects of malnutrition and various diseases and this number grows annually. The head of the World Food Council recently noted that the food demand was rising by 3.3 percent annually through a combination of population increases, averaging 2.5 percent annually, and a high income elasticity of demand for food.

The 1980 U.S. Government study "The Global 2000 Report to the President of the U.S.: Entering the 21st Century" projected that food consumption in developing countries as a group is expected to increase by 9 percent in the year 2000.

The problem of world hunger is one that was recognized last fall at the Cancun summit meeting of world leaders. Eight heads of government were from developed nations while 14 were representing developing nations. One of the several issues that was focused on was food security and agricultural development. This summit meeting reflected a growing sense of urgency about world development problems in the area of food security.

In February 1980, the Commission members of the Brandt Commission issued a unanimous report in which they wrote:

> The crisis through which international relations and the world economy are now passing present great danger. . . . The gap which separates rich and poor countries—a gap so wide that at the extremes people seem to live in different worlds . . . has not been sufficiently recognized in this crisis.
>
> . . . We have all come to agree that the fundamental changes are essential . . . if we are to avoid a serious breakdown of the world economy in the decades of the eighties and nineties, and to give it a new stimulus to function in the interest of all the world's people.

Compelled by these concerns, Mr. GILMAN and I have introduced legislation to establish the Select Committee on Hunger, House Resolution 424. We believe that a Select Committee on Hunger can be the appropriate vehicle to best address and focus on the hunger problem both on the domestic and international front. The select committee would serve as a mechanism for assessing hunger issues in a comprehensive manner—issues that

currently cut across the jurisdiction of a number of standing committees.

The select committee's principal objective would be to fashion from its assessment of hunger issues a suggested program of related legislative proposals outlining a more effective U.S. hunger policy.●

EXPORT TRADING COMPANIES

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1982

● Mr. BONKER. Mr. Speaker, on Thursday, April 29, the House Foreign Affairs Subcommittee on International Economic Policy and Trade will mark up H.R. 1799—a bill designed to create and foster export trading companies.

I want to commend Chairman JONATHAN BINGHAM for moving expeditiously on this legislation, which is so important to the economic future of our Nation.

We must realize that we live in a global economy. In the past, American business has looked to an ever-expanding domestic market for growth and prosperity. Our recent economic history has proven beyond a doubt that we can no longer entirely depend on American markets alone. We must look overseas.

Unfortunately, the American businessman has not been accustomed to thinking exports. He has not developed the skill and expertise necessary to penetrate foreign markets. This assessment is not in the nature of blame—it is understandable given our current business traditions.

We can reply on those traditions no longer. We must, as a nation, become competitive in the world market. H.R. 1799, the export trading company bill, is one vehicle for achieving that level of competitiveness necessary as a nation.

H.R. 1799 has two major features: First, it allows limited bank equity participation, through Edge Act corporations and holding companies to allow trading companies access to needed capital; second, it provides for a limited antitrust immunity certification, to relieve the American businessman of much of the unnecessary uncertainty associated with our antitrust laws.

Mr. Speaker, the markup on Thursday is the first full committee action on the export trading company legislation in the House.

At a time when our economy needs a shot in the arm; at a time when Congress must demonstrate leadership to get the Nation moving again, the passage of H.R. 1799 offers a rare opportunity for Members of Congress, regardless of political persuasion, to exercise responsible leadership and to act in a concrete fashion to improve our economic situation.

H.R. 1799 would, in effect, create a new service industry in the United States—trading companies with the expertise necessary to compete in foreign markets. The Commerce Department estimates that 20,000 to 30,000 companies that currently do not export could compete effectively in the international market if the ETC bill were law. As we all know, that translates into jobs for American workers.

I would hope that Members would join with me in supporting this important legislation. It is a concrete, positive step toward economic revival in our Nation.●

THE BEST SYNTHETIC FUELS PROJECTS: SUBSIDIZING BIG OIL AND PRODUCTS THAT NO ONE WANTS

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1982

● Mr. CORCORAN. Mr. Speaker, on March 26, 1982, the Synthetic Fuels Corporation advanced five of the projects proposed in response to the Corporation's first solicitation for candidates to the stage of final negotiations for SFC assistance. Two of the select five are not coal-based and will be the subjects of my remarks today.

The first of these two, "Calsyn," is a heavy oil conversion project sponsored by Tenneco Oil Co., Cantera Energy Ltd., Alberta Oil Sands Technology and Research Authority, and Dynalectron Corp. Located in West Pittsburg, Calif., the project is expected to process 5,100 barrels of heavy oil from various parts of California into fuel gas, naphtha, and distillate.

Calsyn sponsors seek loan guarantees to finance roughly half the total cost of this project, estimated to be $36 million. The $18 million question is, what does this project have to do with synthetic fuels? Admittedly, an $18 million loan guarantee may not be much in the grand scheme of synthetic fuel projects, but why should the Federal Government be supporting what is, in effect, a refinery upgrading project for Tenneco? Apparently, previous staff doubts about the qualifications of this project for SFC assistance have been satisfied. If so, we can expect a multitude of heavy oil conversion projects in response to future SFC project solicitations, a waste and distortion of both Federal and private resources.

The other non-coal-based project advanced by the Corporation is a peat-to-methanol project located in Creswell, N.C. The sponsors of this $350 million project, titled "First Colony," are the Energy Transition Corp., Koppers Co. (also the sponsor of another synfuel semifinalist), and J. B. Sunderland. When fully operational, First Colony will produce 156,000 gallons of methanol per day from 2,100 tons of peat.

The sponsors seek a loan guarantee for any interest amounts incurred above a ceiling rate. They also request price guarantees in the amount of 75 cents per gallon, plus quarterly adjustments commencing January 1, 1981, equivalent to actual inflation plus one-half of 1 percent. Construction is now expected to start in early-to-mid 1983 with production to begin roughly 2 years later.

Assuming, as is likely given flat oil price projections through 1985, that the full price guarantees would be required to make this methanol marketable, the Federal Government would be exposed to liability of $117,000 per day at full plant capacity, without taking into account the payment escalation feature sought by the sponsors.

If such price guarantees are required to make First Colony an economically viable commercial enterprise, we ought to face the fact that this project and all those like it which seek price guarantees are dependent upon Federal subsidies and will not be for the foreseeable future.

It is no longer possible to contend, as many synthetic fuels supporters did in 1980, that the Synthetic Fuels Corporation will cost us nothing. Should not we decide how much this country can afford to pay before we make such tremendous commitments of scarce Federal funds?●

HISTORY OF CONWAY HOSPITAL

HON. JOHN L. NAPIER

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1982

● Mr. NAPIER. Mr. Speaker, one of the great concerns of this Nation is our ability to deliver adequate health care to our citizens. In the coming years, we will be faced with major decisions in this realm. Recently, I had an opportunity to witness the realization of a dream in my district. The opening of Conway Hospital on March 28 signaled the beginning of a new dimension in health care delivery for Horry County and the region. I offer the following history and remarks about that institution to those who seek similar goals.

HISTORY OF CONWAY HOSPITAL

In the early 1900's Florence was the nearest town with a hospital. Travel was 100 miles, round trip, by train, car, wagon or whatever means were available. Doctors kept their patients at home as long as there

was hope of recovery. If hope faded the doctor would consider moving the patient to Florence Hospital, but he had to persuade the patient and the family which was never an easy task. People regarded a hospital as a place to go to die rather than a place to get well.

In 1911 Dr. Henry Scarborough built the building on the corner of Sixth Avenue and Elm Street in Conway. The building was designed for a clinic and office practice. It never operated as a public institution. Scarborough maintained his office there for many years and used the rest of the building as a residence and for an occasional overnight patient.

In 1913 Dr. Homer Burroughs made application to the State of South Carolina for a charter for a hospital. Dr. Burroughs, Esther Faircloth and Nina Burroughs signed the application. The charter was granted and the "Old Gully Building" which still stands on the corner of Ninth Avenue and Elm Street became the Burroughs Hospital. The hospital was kept open until 1922 when failing health rendered the doctor unable to continue its operation. When the Burroughs Hospital closed there was no hospital in the county.

Dr. James Archibald Sasser established a practice in medicine and surgery in 1925. He at once recognized the need and advantage of having a hospital in the county. Later that year, together with Drs. Henry Scarborough, Joe Dusenbury and J. K. Stalvey, he obtained a lease on the Scarborough building and opened a hospital. Dusenbury was appointed the superintendent.

Concurrent with the opening of the hospital on Sixth Avenue Dr. Sasser, with the assistance of Sarah Lloyd, opened a clinic on Racepath Road for colored patients. The clinic was never fully equipped but instruments and dressings were sterilized and carried from the hospital for operations. The use of the clinic was discontinued when facilities for colored patients were later furnished at the hospital.

Hospital facilities were lacking—there was no elevator, no x-ray equipment and almost no laboratory equipment. There was, however, more room in the building better adapted to hospital use.

After approximately one year Laura Williams of Florence became the hospital manager relieving the doctors of this task. Williams served for almost nine years.

In 1929 Katherine O. Altman of Charleston came to Conway Hospital. A graduate nurse and skilled anesthesiologist, she had administrative ability. She took over the management of the hospital, worked in anesthesiology, supervised the nursing department and established a training school for nurses.

Not only the physicians of the community, but also the leading citizens sensed the advantage of having a local hospital and the need for greater facilities. A bond issue of $25,000 was proposed and submitted to the electorate on April 6, 1928. It was voted down.

The physicians, the board of trade, the civic clubs and many prominent citizens refused to be discouraged. A delegation composed of Walter Stilley, Dr. Sasser, L. D. McGrath and M. A. Wright visited Dr. Rankin of The Duke Endowment and received the promise of financial aid. A meeting was called to try to raise funds by private subscription. A committee was appointed consisting of D. M. Burroughs, M. A. Wright and L. D. McGrath. A non-profit Conway Hospital, Inc. was organized. A board of five trustees consisting of H. W. Ambrose, M. A. Wright, H. L. Buck, A. C. Thompson and W. A. Stilley was appointed. One year after the bond election had failed the committee had obtained $45,000 in subscriptions by private individuals and organizations. This was matched by a contribution from The Duke Endowment, making a total of $90,000 given to erect a new Conway Hospital. The building accommodated 37 adult patients plus six infants.

The hospital moved into the new building on Ninth Avenue in June 1931. Katherine Altman became the superintendent while also maintaining the nurse's training school. There were six doctors on the medical staff, including two surgeons, two general practitioners, one pediatrician and one eyes, ears, nose and throat physician. Provisional approval by the American College of Surgeons was received in 1935, followed by full approval in 1936.

After nearly 50 years of expansion and growth Conway Hospital has outgrown its current facility. The need to build a new hospital was recognized by local, state and federal health officials based on the inadequacy of a 50-year-old facility to meet health and safety codes. Construction began in March 1980 on a new 160-bed facility located adjacent to Coastal Carolina College and Horry-Georgetown Technical College.

Fifty acres of land was donated to Conway Hospital by International Paper Co. for the development of a health campus. The new hospital is utilizing 27 acres. It is expected that other health-related facilities will develop on the rest of the property in the future.

The new facility is a three-story building with patient rooms occupying the top two floors. All of the patient rooms are private with private bathroom facilities. Of the 160 beds, 120 are medical/surgical, 30 obstetrical/gynecological and 10 intensive/coronary care.

Horry County's first CAT Scanner highlights the modern, new equipment that will be used in the hospital. This versatile and highly sophisticated whole-body scanner evaluates neurological disorders, chest tumors, head trauma and abdominal pathology. More diagnostic uses of the scanner are being discovered every day.

Conway Hospital's future is bright. It's progressing and keeping up with the new, modern technology and innovations so its patients can receive the best possible care.

DEDICATION OF CONWAY HOSPITAL MARCH 28, 1982—REMARKS BY BILLY G. MCCALL, DEPUTY EXECUTIVE DIRECTOR AND SECRETARY, THE DUKE ENDOWMENT

I'm pleased to be here today to enjoy with you this celebration of a new community resource—an institution which symbolizes, at once, a commitment to alleviate pain and suffering and to upgrade the overall quality of life for the people of Conway and the surrounding area.

All things considered, what factors would one choose to determine the quality of life in a community? Regardless of individual priorities, good health care would certainly be at or near the top of most lists.

To appreciate fully the present—all we enjoy in the here and now—one must look to the past to measure our progress.

I am impressed with the history of hospitals and health care in Conway, and the community's commitment which goes back to the early 1900s.

In those days most hospitals were not hospitals at all, but doctors' offices and clinics. The forerunners of Conway Hospital were the facilities organized and run, often at great personal sacrifice, by physicians. The names of Dr. Henry Scarborough, Dr. Homer Burroughs, Dr. Archie Sasser, and Doctors Dusenbury and Stalvey are prominent in the period from 1910–1925.

Finally, in 1928 the needs became such that a bond issue for $25,000 was proposed to build a larger, more comprehensive facility. While the issue was defeated, many of Conway's leading citizens refused to let the idea die, and began a campaign to raise funds for a hospital by private subscription. Juse one year after the bond election failed, this group had gained commitments of $45,000 from individuals and organizations. At this point, the newly organized Board of trustees of Conway Hospital, Inc., requested and received a matching grant from The Duke Endowment. Less than two years later the 37-bed Conway Hospital, built at a cost of $90,000, was occupied.

From this beginning and these roots has sprung this magnificent new structure we dedicate today.

1931 seems light years away when this new Conway Hospital is compared with the original one:

$90,000 for construction compared to $20.4 million;

37 beds compared to 160 private rooms;

19 persons on the staff compared to 380 employees;

6 active physicians compared to 50 active physicians; and these comparisons could go on and on.

My point is, the 1980s are so far removed from the 1920s as to make comparisons meaningless.

In the early days, most people avoided hospitals. Hospitals were where people most often went to die. The fact that hearses often doubled as ambulances in those days is not coincidental.

Today, our hospitals are equipped with such marvelous medical technology that we are beginning to ask, not what is available, but "How much can we afford?"

Our hospitals, and other components in the health care system, have been so successful that life expectancy now exceeds 73 years. At the other end of the spectrum, infant mortality has dropped from 141 per 1,000 births 75 years ago to less than 15 per 1,000 today.

The same system responsible for these dramatic improvements in longevity and the survival rates for infants now finds increasingly difficult the task of managing the debilitating chronic illnesses of our older citizens.

Our technology is the best in the world. But terms like unnecessary surgery, cost-effectiveness and appropriateness are creeping into medical vocabularies. Medical journals contain writings about our ability, or lack of it, as a society to afford all of the technology we are able to bring to bear on health problems.

Incidentally, my definition of an unnecessary medical cost is for services performed on someone else!

Then there are moral and ethical issues. Medical science has the capacity to prolong life almost indefinitely. In recent years, we have had to redefine death, and are presently struggling with the definition of when life begins. Our miraculous, life-sustaining machinery is forcing us to ask questions about the quality of the life we are sustaining.

Finally, I must raise the matter of cost. During the immediate post-war years, our

nation was obsessed with building hospitals and expanding facilities. The Hill-Burton Act was extraordinarily successful. The '60's brought concerns about access for all to high quality care. Medicare and Medicaid have been extraordinarily successful in making the health care system available as never before to the elderly and the traditionally underserved. The '80's have brought still another nagging concern, "How do we pay for it?" South Carolina, for instance, will probably lose, I'm told, at least $11.5 million in federal Medicaid Funds during these next two years. Will state and local sources be able to fill the gap? Are state legislators or local officials willing to increase taxes to pick up the slack? From my vantage point it doesn't appear likely.

I wanted to share with you some of my concerns about our health care system, because the solutions we as a nation adopt will surely have implications for Conway Hospital. Any scenario will have strong financial implications. Like the Bach fugue, these discussions, however they wander, must invariably return to the main theme—money.

In recent years we have learned to live with smaller cars, smaller houses, lower thermostat settings in the winter—and higher settings in the summer, pumping our own gasoline at prices unthinkable just six or eight years ago.

In similar fashion, I believe our hospitals must find ways to cope with fiscal restraints without abandoning moral or ethical standards, and without sacrificing quality where it counts.

For instance, we can place more emphasis upon health maintenance. Not only is spending dollars for prevention instead of treating illness more cost-effective, it's more humane.

Americans remain the most compassionate and caring people on earth. We are touched by the crippled child; we want to see the 75-year-old with a bad hip walk again. It is this spirit that will help to find ways to care for those who need it. The challenge is to be caring as well as faithful stewards of our limited resources.

In closing, let me say on behalf of the Trustees and staff of The Duke Endowment that we applaud your local initiative and hard work.

Your successful capital funds drive led by Wilson Whitaker produced an impressive $1.2 million. Funds came from physicians, employees and trustees of the Hospital, as well as from community sources, including individuals and businesses. And that is as it should be. Each has a great stake in Conway Hospital, and each will gain from its existence.

Since 1928, The Duke Endowment has maintained an active interest in Conway Hospital. We are pleased to note that your early spirit and determination to see to it that Conway had an adequate hospital obviously is alive today.

The Duke Endowment will be a willing partner in any initiative by Conway Hospital to improve the quality of health care for the citizens of this region.

Again, we congratulate the leadership and this community for a job very well done and pledge our continuing support as you seek to meet the health care needs of this community today and in the years and decades ahead.

STATEMENT BY SENATOR STROM THURMOND (R–S.C.) AT THE DEDICATION CEREMONY FOR THE CONWAY HOSPITAL, CONWAY, S.C., MARCH 28, 1982

Congressman Napier, Chairman McGrath, President Finlayson, Mr. McCall, other distinguished guests, ladies and gentlemen, I am pleased to be with you today on the occasion of the dedication ceremony for this fine new building which will house the Conway Hospital.

Health care is, of course, one of the most vital concerns of an advanced society such as we have in the United States. The new Conway Hospital will go a long way toward providing the quality health services which will be needed by the citizens of Horry County in the coming years. The quality and cost of health care in America have long been issues of paramount importance both to the people and their government, and no doubt this will continue to be the case.

As I am sure you are all aware, President Reagan's overall economic package and budget proposals have reduced the rate of spending increases in many health programs. While I do not necessarily agree with all of the specifics, I generally support these proposals. I have felt for many years that there must be a reduction in the size of the Federal Government, as well as a lessening of the authority that government has over the individual lives of American citizens. This does not, however, signal a retreat from the legitimate goal of a sound overall government policy regarding health.

Congress has already adopted a number of health care proposals. With regard to Medicare, these changes are designed to reduce the excessive rate of health care cost inflation by improving market forces in the health care industry and improving program efficiency.

The President has also proposed, as a part of his New Federalism initiative, that States assume the responsibility for financing food stamps and aid to families with dependent children beginning in 1984, in exchange for full Federal financing of Medicaid. This proposal is advantageous to the States because medicaid costs are increasing faster than the costs of the welfare programs which would be allocated to the States. In addition, the responsibility as well as operational funding for health block grants and several other small health grants would shift from the Federal to State governments for distribution in accord with priorities established by State and local officials. This exchange will substantially clarify responsibilities and allow more efficient resource allocation for these programs. With these proposals, states will be able to realize substantial savings, given the opportunity to restructure their administrative operations and the incentive to operate more efficiently.

Nevertheless we must not forget that the *backbone* of the health care system in the United States is the private practice of medicine. I have a very basic concern with governmental over-regulation and interference in the private sector, whether in the field of health care or in other areas. This week the Senate approved major regulatory reform legislation, which is an integral part of an overall economic recovery program. This legislation, which I hope will also soon be approved by the House of Representatives will alleviate many of the problems associated with current regulatory procedures in the field of health care and other areas.

With specific reference to government regulation of medicine, I think you will agree that there have been too many instances in which the costs of implementing various government programs have been excessive and have aggravated the inflation problem. The recently enacted changes in many of our health care programs are, in my opinion, a vital first step in divesting the Federal government of some of the control it has acquired in this area over the years. Furthermore, there are more desirable health care alternatives that ought to be explored, such as the expanded use of tax incentives to encourage employer sponsorship of health insurance plans for their employees. I expect that Congress will be taking a careful look at some of the "private sector" options in the coming months.

In conclusion, let me reiterate my belief that the overall changes already enacted, and those changes proposed, in federally-supported health programs do not represent a retreat on the part of the Federal government from the legitimate role of a sound overall government health policy. They do, however, signify a change in the outdated trend of increasing the amount of government intrusion into, and control over, our private lives. This is a new trend which I hope will continue throughout the decade and afterwards.

The philosophy of Big Government is a failure. Despite all the programs which have been enacted over the years—programs which we were told would cure the ills of our Nation—serious problems remain. Although inflation has dropped dramatically in the past months, unemployment is high, interest rates are still at unacceptable levels, and private investment and initiative have been frustrated. The Federal government cannot provide all the answers, fill all the needs, or meet all the challenges.

The power of governing America must be returned closer to the people, in the manner envisioned by the Founding Fathers. That, in a nutshell, is what we are trying to accomplish. This theme will be repeated not just in the health field, but in various forms and in connection with a variety of issues. It is a theme which has come of age in the 1980's, one which relies on the commitment and dedication of individuals, like all of you who have labored to produce this wonderful new facility. I feel sure that you will continue to be committed to the goal of better health care. Together, all of us can meet this exciting new challenge.

Ladies and gentlemen, I have enjoyed being with you on the occasion of this hospital dedication. I appreciate having the opportunity to be of assistance to you in obtaining the federal funds which helped make this fine new hospital a reality. I stand ready to be of service to you at any time in the future.●

RESOLUTION OF THE CONFLICT IN CYPRUS

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mr. MATSUI. Mr. Speaker, I would like to express my deepest concern for the still unresolved and troubled situation in the nation of Cyprus.

We are all aware of the tragedy of Cyprus. Since 1974 when Turkish

troops invaded the island, Cyprus has been an armed camp: on one side are some half-million Greek Cypriots and the recognized government of the nation, on the other are some 125,000 Turkish Cypriots and 25,000 Turkish troops.

The effects of this 8-year division have been devastating. When Turkey took over the northern part of Cyprus, hundreds of thousands of Greek Cypriots fled south, leaving behind their homes, businesses, and other property. Today more than 200,000 Greek Cypriot citizens remain refugees in their own land: Turkish Cypriot authorities refuse to allow them to return to their homes or even to travel in the territory under Turkish control. This mass displacement of the population has caused skyrocketing unemployment and placed enormous financial burdens on the Cypriot Government. Exacerbating the situation is the fact that the land now occupied by Turkish Cypriots and Turkish troops constitutes 40 percent of the island and represents 70 percent of its economic wealth. As long as the island is partitioned, the nation's economy and the lives of its citizens will contine to suffer with little chance of recovery.

The conflict in Cyprus has direct implications for the United States. While Turkey and Greece are at odds over the future of Cyprus, they leave the southern flank of the NATO alliance dangerously exposed to Soviet adventurism. At a time when NATO allies should be closing ranks against increasing Soviet activity in the Mediterranean, the conflict prevents any political or military cooperation between Greece and Turkey.

During the past several years, Turkish and Greek Cypriots have negotiated the dispute under U.N. auspices, but these talks have produced little discernible progress. Despite efforts of international negotiators, Cyprus is still a nation divided and Turkish national troops remain on Cypriot soil.

Clearly, new initiatives are called for to break this impasse. For that reason, I strongly support and have agreed to cosponsor, House Concurrent Resolution 310, introduced by Representatives GUS YATRON and WILLIAM BROOMFIELD. Along with calling for the Government of Turkey to remove its troops and illegal colonists from Cyprus, this important resolution takes several steps: It requests the President to consider appointing a high-level official to act as his personal representative in developing a solution to the conflict; it asks the President to take every appropriate measure to persuade the United Nations to press for a resolution; and it suggests that if the United Nations continues to be ineffective in this matter, the United States consider seeking the political assistance of NATO.

It is my hope this congressional initiative will lead to the withdrawal of all Turkish forces in Cyprus and create a new climate for reconciliation of the two sides.

We, as Members of Congress, must continue to make known our concern for the plight of Cyprus, as well as our strong desire for a peaceful resolution of the present conflict. Through our words and actions, we must show the Cypriot people that we stand behind them in their effort to follow their own political destiny as an independent nation.●

THE NATION'S ECONOMIC POLICY

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1982

● Mr. SWIFT. Mr. Speaker, I received a letter from a constituent the other day asking me to convey a message to all my colleagues. As the economic pressure has grown on the writer's business, as high interest rates have squeezed the life from the enterprise he has built over the years, his frustration with this Nation's economic policy and with all of us who share some responsibililty for managing it has grown, too.

This letter is a cry of frustration and a plea for action. From working in my district during the Easter recess I know this man is not alone in his despair.

Let me insert in the RECORD excerpts from his letter:

ANIDON INC./SUNSET CONSTR. INC./
SUNSET MANUF.,
Edmonds, Wash.

Ladies and Gentlemen of Congress and the Senate: We have been of the opinion that our Senators and Congressmen are elected to serve the best interests of our nation and to protect and serve specifically their constituents from their respective districts.

I think that we are mistaken.

We the people are being fleeced at an all time high by the Federal Reserve Bank of this nation and the central banks around the world. Where are our representatives? What are they doing to help their constituents? I believe that any representative that goes along with Volcker & Co's high interest rates to control inflation is either naive, stupid, afraid or crooked. I also believe that every one of you know what would happen to our economy when Volcker & Co. started to raise the interest rates. Even if there were some among you naive enough to think that high interest rates would work for the benefit of our nation, what gives you the right to sacrifice those who will lose their factories, their business, their jobs, homes and cause some to commit suicide. Are these constituents of less value to our nation? Are they lesser citizens. How are you protecting their rights as your constituents?

Our President thinks that the Polish people have a right to strike against the unfairness of their government. But if thru our unions, the people were to shut this nation down in protest to high interest rates, what would the President say then? What would our representatives say?

The financiers of the world have lined themselves at the troughs in North America. They have slurped so much of the money needed to make the wheels commence to go. They are so full that they burp with every slurp!

The harvest should be over. They should leave some seed for the next harvest. You have passed many bills that help the rich and super rich. Please pass one bill that will help the producers of jobs, goods and taxes.

If you will not abolish the Federal Reserve system, at least make it responsible to you. It is your time to be a hero.

If you, our representatives will not help us, who will?

Sincerely,

ANTHONY C. DIPANGRAZIO,
President.

That is the letter.

Let me add a further note. The word in my district that I heard time after time after time during the last days is survival. People are not talking about prosperity, they are not asking for good times, better jobs, high wages, more profits, bigger programs, better deals—they believe we are in an economic situation so bad that the goal is to survive.

The writer of the letter is saying the same thing: Develop policies that will permit him to survive as a businessman, as a family man, as a citizen. We can bicker forever about whose fault it is that we are facing the worst economic conditions since the Great Depression. But he is asking us what we are going to do about it.

High interest rates are the basic culprit and doing something about them is the most immediate way of gaining some economic wiggle room so people can survive.

My constituent wants us to reduce the independence of the Federal Reserve Board. I have proposed that, too, on the floor. If done responsibly, it would prevent the Fed from pursuing policies over which no elected official has any direct control. But we all know the chances of passage of such legislation is so slim that no immediate relief can be gained that way.

But there are proposals to buy-down the interest rate on mortgages so that people can begin to buy homes again. That could start a turnaround in the economy and let homebuilding lead the way out of our depression as it has led the way out of recessions in the past.

I urge my colleagues on the committees with jurisdiction over these proposals to act promptly. There must be some tangible response to citizens like my constituent who are watching life ebb away in "South Succotash" while too many on the Potomac debate the fine points of macroeconomics.●

DOOMSDAY WEAPONS—DO WE REALLY NEED THEM?

HON. GEORGE E. BROWN, JR.
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1982

● Mr. BROWN of California. Mr. Speaker, recent reports, including one which I will place in the RECORD at the conclusion of these remarks, describe a new interest by the House and Senate Armed Services Committees in so-called doomsday weapons. A doomsday weapon is one which is used after a total nuclear war. It is the type of strategic nuclear weapon which, if ever deployed and used, would make Jonathan Schell's book on the end of the human race a primer on the future.

The concept of doomsday weapons, that there can be winners in even a total nuclear war where everyone uses everything they have got, has long been the subject of fiction writers. Twenty years ago, the book and movie, "On The Beach," made many think of this stark concept. Even more stark was the book, "Triumph," written by Philip Wylie and published in 1962. The plot of "Triumph" has the United States and the Soviet Union engage in a total nuclear war, along with our allies. The resulting radiation destroys nearly all life in the northern hemisphere, partly due to the use of dirty bombs. But the Russians have secret bombshelters and hidden nuclear weapons, their doomsday weapons, which slowly dig out of the rubble. The triumph comes when the U.S. doomsday weapons also emerge, and destroy the last of the Soviets.

Philip Wylie wrote more than one book on nuclear war, and in each he vividly described the horrors of nuclear blasts and the insidiousness of radiation. He served as an expert consultant with the Federal Civil Defense Administration from 1949 to 1971, and helped educate people to the futility of civil defense. Those who today argue that a nuclear war can be easily survived, and won, should go back and review the reasons we got away from this fiction.

Doomsday weapons, of course, look beyond total nuclear war to the victory, or triumph. I am pleased a healthy debate has begun on the utility of civil defense in case of a nuclear war. Now we should examine why we are planning doomsday weapons.

Mr. Speaker, at this time, I wish to place in the RECORD a recent article from Science magazine on this topic.

The article follows:

[From the Science magazine, Apr. 23, 1982]

A DOOMSDAY PLAN FOR THE 1990'S

(By R. Jeffrey Smith)

(Mr. President, I would not rule out the chance to preserve a nucleus of human specimen. It would be quite easy at the bottom of some of our deeper mine shafts. Radioactivity would never penetrate a mine some thousands of feet deep.—Dr. Strangelove[1])

The launch of Soviet missiles would trigger warnings at a mesa in Colorado. In numerous bunkers buried far below the surface, crews of several hundred people would be alerted to prepare for the impending attack. Some would step from the bunkers into adjacent tunnels and activate power generators. Enormous earth-boring machines would be maneuvered into position. Stacks of nuclear missiles would be arranged to withstand vibration.

Within minutes, dozens of Soviet warheads would explode on the mesa's surface in a futile attempt to rupture the tunnels, eliminate the crews, and destroy the missiles. When the attack has diminished, crews would use the boring machines to carve through the mesa's hard rock and the rubble created by nuclear blasts. Within anywhere from a day to a week, paths would be cleared to the surface. The missiles would be transported outside, hoisted vertically, and—as a weapon of last resort—fired at any remaining traces of military power or civilian life in the Soviet Union.

"It sounds bizarre. Maybe it is bizarre, a lot bizarre," says Eugene Sevin, a scientist at the Defense Nuclear Agency on the outskirts of Washington, D.C. Sevin and many others have been examining this script at the request of President Reagan, who is convinced that the United States must find new ways to protect its land-based missiles from Soviet attack. One idea, of three being considered for construction by 1990, is to hide the missiles so far beneath the earth's surface that the Soviets could have no hope of destroying them, and would therefore never try.

Although the idea seems simple enough, it could easily become a technical nightmare and a financial albatross. A host of new technologies—ranging from tunnel-boring machines to fuel cell power plants in one concept, and from sand fluidization to explosive drilling in another—would be allied for the first time in an environment where repair is awkward and the failure of any one item could be crucial. If the underground sites are unmanned, as some weapons analysts have proposed, it would be difficult to assure that the missiles could be raised to the surface after an attack. On the other hand, if the underground sites are manned, the system would be extremely costly—perhaps as much as $50 billion. Even after such an enormous expense, the military would find it hard to guarantee that the system could not be defeated. Yet the Pentagon feels anxious enough about the threat to its missiles to leave no rock unturned. The so-called "deep underground" missile-basing method is being examined for a year and a half at a projected cost of $150 million.

The concept has so far attracted little attention, despite its highly unusual qualities. Funds for its examination were approved by the House and Senate Armed Services committees after a minimal amount of discussion. About the only place where its potential failings are understood is the Air Force, where deep underground systems in one form or another have been considered and rejected at least 9 times in 20 years, and where there is little enthusiasm for another look. Under its "Brimstone" plan in the late 1960's, for example, the Air Force pondered placing missiles at the bottom of extended brimstone mines. Under another scheme, it considered placing them in shallow tunnels carved through hard rock. The intent was the same each time; to confer invulnerability. But the Pentagon leadership concluded either that the missiles would be vulnerable, that construction would be impossible, or that the system would simply cost too much. Some Air Force officials refer to deep underground missile basing by the acronym, DUMB.

Secretary of Defense Caspar Weinberger is intrigued by the idea's promise. He first became interested last summer, after reading the report of the Townes panel, a group of experts appointed to provide missile-basing advice. According to Charles Townes, a physicist who chaired the panel, the concept was viewed as a means to provide "a strategic reserve—the capability to pose a threat to the Soviets after an initial exchange."

Critics correctly point out that this capability is now furnished by missile-carrying submarines and by cruise missiles deployed on long-range bombers, each capable of surviving a preemptive strike. But advocates of the deep-basing scheme envision a strategic reserve that would last much longer than bombers and subs in a postwar environment. "No one really knows how long we need to survive in a postattack environment," says Colonel Randall McDonald, a military assistant in the branch of the Pentagon responsible for deep underground systems. "But we need a period of survival and endurance long enough to ensure that we will have a large chip to play in that environment, in order to prevent coercion by the enemy." He estimates that a strategic reserve should be capable of existing for at least a year after the start of a nuclear war. The system might be used at any moment during the year, but probably not until other weapons had been decimated.

To believe that a cache of nuclear weapons might be useful a year after a general nuclear war requires considerable imagination. Millions of people would be dead or dying, and most useful industries would be destroyed. The surface of the earth might even be uninhabitable. "Deep underground basing for ICBM's has a perceptible doomsday flavor to it, even in the doomsday world of strategic force planning," concedes R. James Woolsey, a former under secretary of the Navy who served on the Townes panel. "Nonetheless, it may contain some interesting possibilities to enhance survivability."

I think we ought to look at this from the military point of view. Supposing the Russkies stashed away some big bombs, and we didn't. When they came out in 100 years, they could take over.—General Buck Turgidson, in "Dr. Strangelove."

Two principal underground systems are being analyzed in depth by the Reagan Administration. One, conceived in 1972, would operate without human assistance and would permit the missiles to be retrieved fairly quickly, in a matter of hours not days after a decision had been made by the President or his successors to use them. As explained by Lieutenant Colonel Carl Rule, the air Force's director of advanced missile basing, "Slow reaction time has always been a drawback of the deep-basing method." A capability for quick missile retrieval permits the military to react swiftly to the latest battlefield developments, he says.

The fast-reaction idea calls for missiles to be placed inside buoyant canisters, which are lowered into narrow holes 3000 to 5000

[1] From the film, Dr. Strangelove or How I Stopped Worrying and Learned to Love the Bomb.

feet deep, and then covered with a lot of sand. After an attack, the sand would be saturated with water from a container buried alongside the hole, and the canisters supposedly would rise automatically, pressing their way to the surface before opening to release the missiles. A variation of this idea calls for the canisters themselves to be enclosed in long steel tubes, pointed at the top and filled with water, providing additional protection against the effects of nuclear blasts. On command, compressed gas would force the water out of the tube and into the sand, and canister and tube would rise together for 2000 feet to the surface. Scientists at the Defense Nuclear Agency and the Lawrence Livermore National Laboratory have dubbed this variation the "pencil pusher" concept because of the action of the tube against the sand.

The scheme's advantages are the speed with which the missile could rise, and the fact that it is unmanned, making it relatively inexpensive as deep underground systems go, roughly $100 million for each missile. The Defense Nuclear Agency has conducted sufficient underground tests to feel confident that a missile buried in such a manner would survive an attack. But whether it would rise to the surface is another question. The sand saturation idea has not been tested, and might prove infeasible. It would be difficult to guarantee that the pencil's buoyancy could defeat the cratering and debris caused by an extended attack. Weapons experts have considered putting a drill on the pencil's tip, or attaching a machine that automatically stuffs small explosives into the rock ahead, blasting away repeatedly to clear space for the pencil's climb. Eugene Sevin points out that this only adds to the system's complexity and reduces its reliability. He says that the concept is not the better of the two deep underground systems being examined, and consequently is unlikely to be accepted. Nevertheless, the government is considering an elaborate test of this concept later this year at the Nevada nuclear test site. Conventional explosives will be detonated atop a mountain in an attempt to recreate the pressures on a deeply buried missile caused by a large-megaton nuclear blast.

The other concept under consideration could be more reliable, although it would mean a longer delay before Air Force could use its missiles. Known as the "mesa/tunnel" concept, it is similar to the plan proposed by President Carter to shuffle missiles among garages in the Southwest, except that everything would be hidden underground in an enormous outcropping of rock somewhere in the West. Garages would be replaced by bunkers, each of which could have its own crew, power supply, tunneling machine, and missiles. The bunkers would be connected by a tunnel several hundred miles long, about 3000 feet below the surface. Missiles could be transported in the tunnel on long, narrow trucks, so as to confuse the Soviets and survive a focused attack.

A partially dug tunnel would extend from each bunker to the outer slope of the mesa. Tunnel-boring machines, measuring perhaps 15 to 20 feet across and 75 to 100 feet in length, would be used to complete the path to the surface and clear away debris from the blasts. Spoil could be carried by conveyor to pre-dug cavities inside the mesa. Presumably radiation will have diminished by the time the crews reach the outside. But the scene there would be one of vast devastation. Fallout from the surface detonations would have eliminated all life within hundreds of miles.

President Murphy: Wouldn't the nuclear survivors be so grief-stricken and anguished that they would envy the dead and not want to go on living?

Dr. Strangelove: Well, sir, when they go down into the mine everyone would still be alive. There would be no shocking memories and the prevailing emotion will be one of nostalgia for those left behind, combined with a spirit of bold curiosity for the adventure ahead.

The requirement that the inhabitants of the bunkers be able to survive for a year after a general nuclear war imposes substantial strains on available technology. Enormously powerful fuel cells—of the type used in spacecraft—must be constructed for each bunker. An efficient system for disposing of waste heat underground must be devised. A long-lasting, reliable system of filtering and replenishing air must be used. A substantial store of food will have to be maintained in a small area. Even if these problems can be solved, there remains the task of selecting compatible crews and finding interesting tasks for them to perform during their entombment. "The one-year goal is meetable," says Sevin. "The biggest problem is keeping the people inside from going up the wall. You need a well-motivated crew."

The chief advantage of the mesa concept is that missile retrieval is reasonably assured. Although tunneling machines of the type needed are a fairly recent invention, they have been successfully used in construction of the Washington, D.C., subway system and the Chicago sewer system. Presumably the missile crews could repair them on the spot in the event of a malfunction. The Air Force has already received inquiries from Bechtel, Inc., Boeing Co., Inc., Martin Marietta, and a handful of other firms involved in either aerospace design, oil drilling, or constuction. Lieutenant Colonel Rule recently briefed an industrial workshop at the Colorado School of Mines. He has also sought advice from the National Academy of Engineering's committee on tunneling technology, which is due to report back this week. Sevin believes that "a good demonstration would probably consist of locking up a crew and then letting them dig their way out."

One of the crew's biggest problems will be the maintenance of communications with the outside world. Wires leading from the surface to the bunkers would be highly vulnerable in an attack, unless there were so many that they could not be destroyed. One idea is to send antennas to the surface quickly after an attack, in a manner similar to the "pencil pusher." Another is to construct surface devices that could transmit low-frequency communications through rock without a wire, and then deploy a lot of them. Sevin says that data have been transmitted in this way during underground nuclear tests. But further study and development are necessary.

If communications can be assured, the tunnels can be dug, the bunkers can be supplied with sufficient oxygen and power, and the crews do not go mad, the remaining uncertainty is whether the Soviets could somehow defeat the whole system. They might, for example, build weapons of considerably greater yield and attach them to streamlined, weighted, and armored warheads that would detonate after burrowing 30 yards or so into the mesa's crust. Both Sevin and Michael May, an expert on warhead design at Lawrence Livermore, say that Soviet efforts would fail if the deep underground system were properly designed. Successive blasts would not create a deeper crater because the debris largely falls back into place. No matter how big an enemy's warheads, May and Sevin say, its planners would have low confidence in destroying the missiles underground.

The biggest problem will arise as the missiles are brought to the surface for firing. Enemy satellites might be able to detect the heat and vibration of tunneling below the surface. Warheads aimed at that tunneling would perpetually frustrate efforts to get out. Sevin is not convinced that this is a fatal flaw. "A fair amount of war fighting will have occurred by the time the deep underground system comes into play, and Soviet satellite detection capability would be diminished, if not destroyed," he says. But Richard Garwin, a scientist at IBM and a consultant to the Defense Advanced Research Project Agency, has thought of an ingenious and possibly foolproof method for defeating the system. All the Soviets need to do, he says, is send over "nuclear weapons of no particular accuracy descending on parachutes to the surface of the deep underground basing area, and [wait] until sensors in the warheads detected the unmistakable sound of rocket engines firing. A nuclear explosion would have a great effective range of destruction against the U.S. ICBM in its launch phase and would destroy the missile without destroying other nuclear mines lying in wait for other MX missiles to be launched."

Sevin says that, "operationally, it would work. You could soft-land them. You might also be sensed coming out. The idea is, however, a little fanciful. It doesn't sound like an Achilles heel. The periphery of the tunnel system could be 100 miles in length. The exit points wouldn't necessarily be known. You could send troops—possibly from within the mesa—to sweep the area and dispose of the mines. This is more like a debating point than anything worrisome."

Yet the idea is plausible enough to warrant consideration. If the mines were designed so that they could not be disarmed or if a great number were used, the United States would have to resort to countermeasures, such as the deployment of machines that simulated the noise of a missile launching, causing false detonations. And the enemy would craft an appropriate response.

An apparently straightforward plan is thus complicated in reality. Its potential flaws would put the United States on the slippery slope of measure-countermeasure, which seems antithetical to the notion of a permanently invulnerable retaliatory force.

If all of these problems can somehow be resolved at a reasonable cost—which is not likely—a system for basing missiles underground is somewhat attractive. It has in theory the potential to eliminate the military's concern that successive nuclear attacks would leave the United States incapable of adequate response. Made to work as promised, it could provide by itself a sufficient and satisfactory deterrent to nuclear conflict. Existing nuclear missiles based in shallow silos would become irrelevant and could be dismantled, as might the force of long-range bombers. Submarines could fulfill any need for prompt nuclear attack from a secure position.

In the end we could not keep up with the expense involved in the arms race, the space race, and the peace race. . . . Our doomsday scheme costs us just a fraction of what we've been spending on defense in a single

year.—The Soviet ambassador, in Dr. Strangelove.

No one at the Pentagon is suggesting the dismantling of existing land-based missiles and bombers in favor of missiles buried deep underground. Consequently, the idea seems costly and irrelevant. Its capability—the extinction of life in the Soviet Union—would not be needed until other U.S. weapons had already been expended and U.S. civilization had been turned to dust.●

MANY YEARS OF DEDICATED SERVICE TO TORRANCE SCHOOLS RECOGNIZED

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1982

● Mr. ANDERSON. Mr. Speaker, on Thursday, May 13, the Association of Torrance School Administrators will host the annual employees recognition banquet to honor retiring employees and those who have 30 years of service.

There is much debate of educational theories and what constitutes a good education, yet in the end it all comes down to people. All the money and all the Ph. D.'s in the world will be useless if we simply do not have good teachers, administrators, and support personnel. I would like to take this opportunity to pay tribute to those being honored on the 13th and to express my heartfelt appreciation for their fine service over the years.

Their names follow:

1981-82 RETIREES

CERTIFICATED

Mrs. Lorraine G. Ahee; Mr. Fanklin G. Anderson; Mr. Miland E. Annis; Dr. Norma P. Barretta; Mr. Joe T. Brandon; Mr. J. Ray Brown; Mrs. Barabara D. Eppelman; Mr. Daniel Falcon; Mrs. Hazel E. Henry; Dr. Richard Hubert; Mrs. Florence G. Jones; Mrs. Gladys D. Kennedy; Mrs. LaVerne L. Tracy; Mrs. Evelyn L. Warnell.

Mr. Talmadge G. Wilson; Howard A. Wood, M.D.; Mr. David F. Wyzik; Mrs. Clara V. Eyre Van Huisen; Mrs. Mary Winkler; William L. Fonti; Mrs. Marian A. Shapley; Dr. William B. Forrest; Mrs. Grace F. Williams; Janet G. Robinson; Elizabeth S. Jackson; Margaret Pelland; Martha H. Jackson; Mary Barrett; Warren D. Cross; Robert E. Canida.

CLASSIFIED

Mrs. Pauline L. Arnold; Mrs. Mary A. Benefield; Mrs. Clodaugh L. Bolen (Kline); Mr. Ernest E. Clark, Jr. (deceased); Mr. Henry M. Dolan; Mrs. Ida R. Grasso; Mrs. Doris B. Hakanson; Mr. William T. Kalvin; Mr. Adolph L. Luera; Mrs. Geraldine E. McCaslin; Mr. Samuel H. McGovern; Mrs. Desyl E. Neel.

Mrs. Ruth S. Patten; Mr. Bernard G. Running; Mrs. Lois L. Sherwood; Mrs. Ada G. Stefan; Mr. Ralph A. Vix, Jr.; Mrs. Harriet F. Wells; Mrs. Virginia E. Wilson; Mr. Wayne W. Younkin; Mrs. Dorothy R. Stiley; Mrs. Betty C. Noone; Mrs. Martha M. Kumai; Mrs. Ellen A. Hipson; Billy W. Boyd.

1981-82—30-YEAR EMPLOYEES

Miss Mary A. Barrett; Miss Dorothy Moncrieff; Mr. Roland K. Petrat; Mrs. Janet G. Robinson; Mr. Guy E. Sherod; Miss Carolyn L. Vaughan; Mrs. Betty I. Massie.●

NATIONAL RAISIN WEEK

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1982

● Mr. COELHO. Mr. Speaker, I am rising today because of my colleague, CHIP PASHAYAN, and I would like to call attention to the fact that next week, May 2-8 is National Raisin Week. The world's largest raisin industry is centered in the San Joaquin Valley which we represent.

At a time when overseas marketing is posing a challenge to many commodities, it is appropriate to focus attention on the California raisin industry which faces the strong possibility of losing some one-half of its export market to subsidized international competitors.

Despite hail damage this year, the prospect is for larger California raisin crops in the next few years, and the market outlook is cause for real concern.

An average of more than 250,000 tons of raisins are produced in a normal crop year in California, and that total promises to increase substantially.

The success of the raisin industry is of great significance to the economic welfare of many thousands of Americans involved in the production, processing, and marketing of this product which is purchased by millions of consumers for eating out of hand, in bakery products, for cooking, in cereals, and many other uses.

The healthful characteristics of California raisins are emphasized by the recognition accorded this high-energy product by the President's Council on Physical Fitness and Sports.

We also wish to point to the important work of all the raisin growers and packers who are deserving of praise for their efforts on behalf of this major industry.

Also meriting special commendation in the raisin industry is the work of the Federal Raisin Advisory Board and the Federal Raisin Administrative Committee, who operate under Federal marketing orders which have done so much to bring about the orderly marketing of our raisin crops and have also been instrumental in the development of export markets.

The raisin industry, which effectively utilizes the self-help tools of sales promotion and advertising in the best American tradition, well deserves a special salute during this National Raisin Week.●

VALUES CLARIFICATION

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1982

● Mr. MICHEL. Mr. Speaker, ridicule is one of the major arguments used by educational experts who wish to ignore parental concern about certain aspects of the school curriculum. Instead of listening to criticism and learning from it, all too often the experts dismiss critics as "unsophisticated," "reactionary," "ignorant," or—the ultimate horror in the view of some high-level educator experts and administrators—"right-wing."

Richard A. Baer, Jr., associate professor at Cornell University, has shown that criticisms of federally funded "values clarification" programs have a strong intellectual basis and cannot be dismissed or ignored as "right-wing" propaganda.

If you wonder why some parents have lost faith in Federal support of education, read "Parents, Schools, and Values Clarification" by Richard A. Baer, Jr., from the Wall Street Journal, April 12, 1982, which I insert in the RECORD at this time:

[From the Wall Street Journal, April 12, 1982]

PARENTS, SCHOOLS, AND VALUES CLARIFICATION

(By Richard A. Baer, Jr.)

Back in the mid-1960's social scientists Louis E. Raths, Merrill Harmin and Sidney B. Simon developed the teaching method known as Values Clarification, advertising it as an ideal way to deal with values without taking sides or indoctrinating students in one particular value position. Since "by definition and right . . . values are personal things" ("Values and Teaching." 1966), teachers should never try to teach children correct values. To tell a student stealing is wrong or that kindness and loyalty are good values, would be, according to Values Clarification, to manipulate and coerce a student. Teachers should help students discover and clarify their own personal values instead of trying to force someone else's values on them.

Spread by teacher workshops, paid for in part by state and federal tax dollars, Values Clarification caught on quickly in the early 1970s and became popular with many teachers and administrators. Its use in public school sex-education classes and by local Planned Parenthood groups was particularly noteworthy, for whether intended or not, adolescents were in effect given the message that parents, the school or society had no right to tell them what standards should guide sexual behavior. Whether premarital sex was right or wrong for instance, adolescents would discover for themselves as they were helped to clarify their personal values.

Parents did not react immediately. But when children began to report over dinner that class discussion had been about whether lying was sometimes permissible and whether they should always obey their parents, it wasn't long before groups of parents

began to mobilize against Values Clarification.

EMOTIONS OUTSTRIPPED LOGIC

Many of these parents were Christian fundamentalists. Their arguments were not couched in the sophisticated jargon of philosophy or social science, and sometimes emotions outstripped logic. But they left little doubt that they thought Values Clarification was teaching their children a kind of ethical relativism.

Instead of meeting such objections with solid arguments of their own, many educators attacked the objectors, dismissing their criticisms as little more than a reactionary fundamentalist response to education innovation.

This is precisely what happened, for example, in the spring of 1979 in a dispute over Values Clarification in the consolidated school system of Spencer and Van Etten, two small Upstate New York communities not far from Elmira. Supporters of Values Clarification referred early in the conflict to the concerned parents as simplistic, anti-intellectual and opposed to independent thought. One teacher accused them of having ties with national rightwing groups. But what was most embarrassing about this dispute was that it soon became apparent to several outside observers (including myself) that these "anti-intellectual" parents had a better grasp of the philosophical issues involved than the professional educators.

Martin Eger, professor of philosophy and physics at the City University of New York, pointed out in a spring 1981 article in the Public Interest that the climate of trust eroded rapidly after the school at first denied that Values Clarification made up any part of the required curriculum. When it became public knowledge that it did form the basis of at least one required course in vocational decision-making, school authorities still refused to meet in open, mediated dialogue with the protesters. The parents were left with no recourse but to accept the use of Values Clarification—which they thought would violate their consciences—or attempt a political solution by entering their own candidates in school board elections.

The basic complaints of the parents in Spencer-Van Etten and in many similar cases have now been largely substantiated. Over the past seven years, nonfundamentalist scholars from major universities—including professors Kenneth A. Strike of Cornell, Alan L. Lockwood of the University of Wisconsin and John S. Stewart, formerly of Michigan State University—have faulted Values Clarification on at least a dozen counts. The list of critics also includes William J. Bennett, recently appointed by President Reagan as chairman of the National Endowment for the Humanities, and Edwin J. Delattre, president of St. John's College in Annapolis. The major objections of these writers are virtually identical with those initially raised by religious fundamentalists and other parents' groups.

First, contrary to what its proponents claim, Values Clarification is not values-neutral. Even on the level of particular ethical decisions, where the authors try hard to be neutral, they succeed only partially. As Messrs. Bennett and Delattre point out, the approach used in such Values Clarification strategies as Sidney Simon's "Priorties" emphatically indoctrinates—by encouraging and even exhorting the student to narcissistic self-gratification."

And on the deeper level of what philosophers call "metaethics"—that is, critical analysis and theory about the nature of values as such—the claim to neutrality is entirely misleading. At this more basic level, the originators of Values Clarification simply assume that their own subjectivist theory of values is correct. By affirming the complete relativity of all values, they in effect equate values with personal tastes and preferences. If parents object to their children using pot or engaging in premarital sex, the theory behind Values Clarification makes it appropriate for the child to respond, "But that's just your value judgment. Don't force it on me."

Furthermore, Values Clarification indoctrinates students in ethical relativism, for its proponents push their own position on their captive student audiences and never suggest that thoughtful people may choose alternatives. Sidney Simon, Howard Kirschenbaum and other Values Clarification authors repeatedly belittle teachers of traditional values. Such teachers, they claim, "moralize," "preach," "manipulate" and "whip the child into line." Their positions are "rigid" and they rely on "religions and other cultural truisms."

The second major fault, according to the University of Wisconsin's Alan Lockwood, is that "a substantial proportion of the content and methods of Values Clarification constitutes a threat to the privacy rights of students and their families." To be sure, the method permits students to say "I pass" when the teacher asks them to complete such open-ended sentences as "If I had 24 hours to live. . . .", "Secretly I wish . . ." or "My parents are usually. . . ." But many of these "projective techniques" are designed in such a fashion, Mr. Lockwood claims, that students often will realize too late that they have divulged more about themselves and their families than they wish or feel is appropriate in a public setting. Moreover, the method itself incorporates pressure toward self-disclosure.

CONTRADICTING THE BIBLE

A third criticism of Values Clarification is that by presupposing very specific views about human nature and society, it becomes a kind of "religious" position in its own right which competes directly with other religious views. For instance, Values Clarification theory consistently presents the individual self as the final arbiter of value truth (individuals must develop their own values "out of personal choices"), and it assumes that the good life is one of self-fulfillment and self-actualization. These positions directly contradict the Biblical view that God is the ultimate lawgiver and that the good life is to be found only in losing oneself in the service of God and of one's neighbor.

The use of Values Clarification in public schools or even by such quasi-public agencies as Planned Parenthood constitutes a direct violation of First Amendment protection against the establishment of religion, one at least as objectionable as the attempt by some fundamentalists to require the teaching of creationism in the public schools. Schools that use the method are, probably unwittingly, fostering the establishment of one particular "religion" and by doing so are abusing the rights of those who hold differing positions.

The controversy over Values Clarification tells us something about the quality of public discourse in this country. The educational establishment and the press ought to recognize that there is as much diversity among religious fundamentalists as among Catholics, Jews and liberal Protestants. Gratuitous sniping against blacks, women, Jews, Chicanos and Roman Catholics is no longer tolerated, but somehow fundamentalists who speak out against a development like Value Clarification remain fair game for the worst kinds of prejudicial attack. A bit more fairness is long overdue.●

A STATE OF CHAMPIONS

HON. JOHN L. NAPIER

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1982

● Mr. NAPIER. Mr. Speaker, South Carolina has proven itself a State of champions, as you will read in the following editorial from the Florence (S.C.) Morning News. Although the State has won some highly publicized sports championships recently, I offer this editorial as evidence that football is not the only game we can play.

A STATE OF CHAMPIONS

South Carolina is becoming a state of champions, it seems. The Francis Marion College women's basketball team, winners of last weekend's AIAW Division II National Tournament, is the latest addition to the growing list of Palmetto State titleholders.

Along with Clemson's football Tigers and the NAIA men's basketball champion USC-Spartanburg Rifles, Coach Sylvia Hatchell's Lady Patriots have joined a pretty elite club.

Hatchell's team of underclassmen—there's not a senior on the squad—deserve special congratulations not only because of their youth, but because they beat the odds to win.

After losing to the College of Charleston in the Region 2 finals by a single point a couple of weeks ago, Francis Marion made the long haul out to a satellite tournament in Oklahoma and beat the best in the Midwest, earning a berth in the nation's "final four".

They sought, and got, their revenge against the College of Charleston in the title game, by a convincing 92-83 margin.

It was buoying to the spirit that the state had "locks" on the championship, no matter what the outcome. But it puffs up the Pee Dee's collective chest to know that Hatchell and Company brought it home. And, with the same team returning next year, who knows? Perhaps it could get to be a habit.

The team members are: Melanie McLeod, of Florence; Gwen Canty, of Manning; Miriam Pittman, of Greenville; Lynette Mickle, of Kershaw; Michelle Avignone, of Columbia; Cassandra Bishop, of Florence; Jackie McDuffie, of Dillon; Becky LaGrant, of Sumter; and Daphne Donnelly, of Mullins.●

WALL STREET JOURNAL ABUSES FREEDOM OF THE PRESS

HON. L. H. FOUNTAIN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1982

● Mr. FOUNTAIN. Mr. Speaker, the January 22, 1982, edition of the Wall

Street Journal carried an extensive oped piece containing the false and malicious charge that the primary objective of oversight hearing held in 1974 by the House Intergovernmental Relations and Human Resources Subcommittee was to destroy the Director of the Food and Drug Administration's Bureau of Drugs. The author of that article, who took great liberties with the facts, apparently dislikes both the statutory requirements which Congress has established for the approval of new drugs and the subcommittee's efforts to hold FDA accountable for enforcing the law.

I responded to this reckless and wholly unfounded attack on the integrity of the subcommittee by sending a letter to the editor on January 29, requesting it be printed in the Journal at the earliest opportunity in order to set the record straight.

When my letter had been neither printed nor acknowledged by April 1, the subcommittee staff phoned the editor for an explanation. His secretary promised to bring the matter to the editor's attention, with the result that we received a reply more than 2 weeks later saying "It seems a bit late now to resume this debate." The letter added, however, that if I wanted to send the Journal a shorter letter they would "consider" printing it.

Mr. Speaker, this is not the first time that I have experienced this kind of irresponsible and discourteous treatment from the editorial staff of a major newspaper. I had a very similar experience in August 1978 when the Washington Post ran a very biased and distorted editorial criticizing me personally and the subcommittee for voting down President Carter's $1 billion a year supplementary fiscal assistance proposal. Like the Wall Street Journal, the Washington Post refused to print my reply to the editorial. In fact, the Post compounded its irresponsibility by subsequently refusing to print an abbreviated response written at the Post's suggestion and tailored to its specifications. So much for decency and fair play.

Mr. Speaker, it is an intolerable situation when the editorial pages of our newspapers can attack and distort the work of a congressional committee and then deny that committee an opportunity to correct the record. I believe that any individual or oraganization treated unfavorably in the editorial pages should have the right to respond, and that newspapers have a moral obligation to print that response on a timely basis. Common courtesy and fair play demand no less.

While I strongly support a free press as an essential bulwark for a democratic society, I believe it is equally important that the rights and privileges accorded the press be exercised with a sense of responsibility and regard for the rights of individuals.

Mr. Speaker, I request that my January 29, 1982, letter to the editor of the Wall Street Journal be included at this point for the information of my colleagues and other readers of the CONGRESSIONAL RECORD.

The letter follows:

HOUSE OF REPRESENTATIVES, INTERGOVERNMENTAL RELATIONS AND HUMAN RESOURCES SUBCOMMITTEE OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, D.C., January 29, 1982.

ROBERT L. BARTLEY,
Editor, The Wall Street Journal,
New York, N.Y.

DEAR MR. BARTLEY: I will appreciate your printing the following letter at your earliest opportunity in response to the article by Harry Schwartz which appeared in your paper last Friday. That article misrepresented the facts and also maligned the subcomittee which I chair.

Thank you for your prompt attention to this matter.

Sincerely,

L. H. FOUNTAIN,
Chairman.

cc: Frederick Taylor, Executive Editor.

TEXT OF LETTER

The January 22, 1982 issue of the Journal carried an OpEd piece by Harry Schwartz ("A Heart Drug's Long Road to the Marketplace") which contains the false and malicious charge that the "primary objective" of hearings held in 1974 by the House Intergovernmental Relations and Human Resources Subcommittee "was the destruction of Dr. J. Richard Crout," who then headed FDA's Bureau of Drugs. Nothing could be further from the truth. The sole purpose of the investigations conducted by this subcommittee is to obtain the facts for evaluating the legality, propriety and efficiency of management in those Federal agencies assigned to the subcommittee for oversight.

As part of a broad examination of FDA's use of outside advisory committees, the subcommittee carefully reviewed the agency's approval of propranolol for treating angina pectoris, since an advisory committee had been involved in this decision. The essential facts established by the subcommittee, and discussed in the hearings to which Mr. Schwartz refers, are as follows:

(1) In April 1970, FDA convened a five-man Ad Hoc Committee of nongovernmental experts to consider the data bearing on the safety and effectiveness of propranolol for the treatment of angina. This was done in response to a request by the sponsor (Ayerst Laboratories) for a hearing after FDA had notified the company that its new drug application (NDA) was not approvable. The Ad Hoc Committee, which concluded that the sponsor's clinical evidence was inadequate, was particularly concerned by evidence that congestive heart failure was precipitated in patients treated with propranolol. The sponsor was then invited to perform additional clinical studies.

(2) While the requested studies were still underway, FDA decided to reconsider this matter because the use of propranolol for treating angina was becoming widespread. Propranolol was readily available to physicians since it had been approved earlier for cardiac arrhythmias. In April 1973, FDA's seven-member Cardiovascular and Renal Advisory Committee was convened to evaluate 33 clinical studies on the use of propranolol in treating angina selected by Ayerst Laboratories from the world literature. The committee unanimously concluded that none of the 33 studies was "adequate and well controlled." Federal law and FDA regulations require a minimum of two such studies to demonstrate "substantial evidence" of effectiveness before a new drug or a new use for an existing drug may be approved.

(3) Despite the lack of acceptable studies to satisfy the legal requirements, FDA—under heavy pressure from within the medical profession—approved propranolol for angina on September 4, 1973. To help support this decision, the Advisory Committee was asked at its April 1973 meeting to draft labeling recommendations for use of the drug in clinical practice pending the availability of better information from the studies then in progress. The commitee complied with FDA's request and voted, in a split decision, to recommend "tentative approval" for the cautious use of propranolol. What this group of medical experts did not know, because they were not properly instructed by FDA officials, is that the law does not permit "tentative approval" or labeling for a new drug use until the "substantial evidence" requirement has been met.

(4) Dr. Crout testified in the subcommittee hearings that he had personally evaluated the 33 clinical studies rejected by the Advisory Committee and had found 13 of them adequate and well-controlled investigations. He said, however, that he made no record of his evaluations and did not discuss them with other FDA personnel. In overruling the Advisory Committee's scientific judgment, Dr. Crout evidently made a "one-man" decision despite FDA's repeated assurances that regulatory decisions on new drugs are "institutional" decisions. That Dr. Crout had not disputed the Advisory Committee's findings before approving propranolol six months earlier is corroborated by his discussion of this matter with the committee on February 28, 1974, in preparation for the subcommittee's hearings held the following week. Dr. Crout informed the committee that its "tentative approval" of propranolol was not a possible option, that the committee should have documented for FDA the individual studies found to be adequate and well-controlled. It is clear from the verbatim record of this meeting both that Dr. Crout did not identify even one clinical study that he believed met the substantial evidence requirement, and that he was not conversant with the committee's earlier rejection of all 33 studies.

The Congress enacts laws to protect the public, and no individual or agency is privileged to disregard the Nation's legal prohibitions or requirements. If propranolol had turned out to be a dangerous drug, as has been the case with some other FDA-approved products, I am confident that Mr. Schwartz would not have written his article. Hindsight, however, is not an appropriate basis either for praising or criticizing FDA's performance. This can be done legitimately only in the context of the evidence that existed when the agency made its decision.

Journal readers interested in history rather than fiction are invited to consult House Report No. 94-787, entitled "Use of Advisory Committees by the Food and Drug Administration", for a factual account of FDA's handling of the propranolol NDA for angina.

L. H. FOUNTAIN,
Chairman, Intergovernmental Relations and Human Resources Subcommittee.●

IDA NUDEL'S BIRTHDAY—APRIL 27

HON. GERALDINE A. FERRARO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1982

● Ms. FERRARO. Mr. Speaker, today marks the 51st birthday of Ida Nudel, a Soviet Jewish prisoner of conscience whose dignified courage in the face of years of persecution and imprisonment has made her an inspiration to millions who cherish the cause of human rights.

In June 1978, Ida Nudel was arrested after she hung a banner from her Moscow apartment reading, "KGB, give me my visa." Instead, Soviet authorities gave her 44 months in a Siberian prison camp, a brutal experience that nevertheless left her spirit unbroken.

Last month, this brave and independent woman was released and returned to Moscow. Almost 4 years in Siberia have not changed her mind about the most important goal in her life: "I want to leave. I want to leave even more."

Now, then, this is a critical time in the life of Ida Nudel and her quest for freedom. While we are delighted that Ida no longer lives in a Siberian prison, we will not be content until she is allowed to leave the Soviet Union and be reunited with her sister in Israel.

Those of us who are privileged to enjoy the freedom Ida yearns for cannot relax our vigil on her behalf. We must coordinate our efforts to persuade Soviet authorities to grant Ida an exit visa. She has suffered enough. In Siberia, Ida lived in a wooden barracks as the lone woman in a 50-man swamp-draining crew. Huge rats prowled the dormitory, while outside, swarms of mosquitos made breathing difficult.

Jews and non-Jews alike share the hope that Ida will celebrate her 52d birthday in Israel, where she can practice her religion without fear of harassment. By giving support to her crusade, we repay her for the inspiration her courage provides and we demonstrate our unbending commitment to others like her who dare to challenge the oppressive Soviet regime.

The Soviet courts convicted Ida Nudel of "malicious hooliganism" for hanging that paper banner from her apartment, but Americans know that Ida did nothing more than express a simple personal request. She is not a criminal; as she put it, "I am not a delinquent. I did not kill or rob. I did not slander anyone. But I dared to go out and demonstrate in defense of the right of Jews to leave Russia."

No, Ida Nudel is no criminal. She is simply a woman who dared complain publicly when her government repudiated its obligations under international agreements to allow freedom of travel and freedom of religious expression.

For this she was punished, and for this she is still being punished. Within days after her return to Moscow from Siberia, she was taken to Moscow police headquarters where she was warned that she better surrender her dream of emigration and get a job and settle down.

But we know Ida will not surrender her dream. She will continue to fight for her freedom, and we must continue to fight with her.●

FIRST REFORMED CHURCH OF WEST COXSACKIE, N.Y., CELEBRATES 250TH ANNIVERSARY

HON. GERALD B. H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1982

● Mr. SOLOMON. Mr. Speaker, since 1650, the people of the Greene County area of New York have assembled to read the Scriptures and sing the Psalms. In 1732, 250 years ago, the First Reformed Church of what was then called Kochshackie was organized and the first pastor called.

On May 13 of this year, the members of the First Reformed Church, of West Coxsackie, will be celebrating 250 years of spreading the Good Word and ministering to the spiritual health of the community.

In many ways, the history of the First Reformed Church is the history of America. As we hear of how the congregation struggled to maintain its independence and religious liberty, we are reminded of how all Americans have struggled to make America great.

Rev. Frederick Musson, the current pastor of First Reformed Church, has forwarded to me an account of the early history of the church. I am asking that it be inserted into the CONGRESSIONAL RECORD and I commend it to your attention.

The early history follows:

EARLY HISTORY OF THE CHURCH

We do not know in whose home they met on February 25, 1732, but we do know from where they had come. By horse, ox and sled, they had traveled from the Maquas Kill on the north and the Embought on the south, from the Potick on the west and the banks of the Hudson on the east. Representative of perhaps 30 scattered families in this sparsely settled area, most of them were second or third generation American, Low Dutch (Netherlander) in ancestry, mixed with occasional strains of French Huguenot or English. A half dozen families were first generation High Dutch (German).

Although England had governed the New York colony for almost 70 years, the language and the customs of the people in this region were still Dutch and they met today to found a Low Dutch Reformed Church.

The Rev. George Michael Weiss had accepted their call and had come today to be installed by the Rev. Petrus van Driesen of Albany. A University of Heidelberg graduate, Domine Weiss, age 32, although High Dutch, could make himself understood in Low Dutch. He agreed to preach twice each Sunday, 30 Sundays a year in Katskill and 22 in Kochshakie. The congregation agreed to pay him 50 lbs. a year, to build him a parsonage, and to provide a good saddle horse, free firewood, and land for a garden.

Immediately following the installation service, Domine Weiss conducted an election to choose consistory members, three elders and three deacons. Within a year and a half, a church building had been erected in West Coxsackie and another in old Katskill (southwest of present-day Leeds). Thus there was one church, with one minister and one consistory, but two sanctuaries. Domine Weiss stayed until July 1, 1735.

There followed 18 pastorless years. The consistory kept the church going, assisted at times by visiting pastors who administered the sacraments and performed the necessary rites of marriage, baptism, and burial. Finally, in 1751, a prospective minister was found: Johannes Schuneman, born at East Camp (Germantown) in 1712, agreed to undertake theological studies in The Netherlands and then return to serve this church, if the congregation could help him finance the trip. They paid his passage and he returned, an ordained minister, in 1753. For the next 41 years, until his death in 1794, through war and peace, Domine Schuneman led the Reformed Low Dutch Church of Katskill and Coxsackie.

Said to have been short and corpulent with a powerful voice, Schuneman believed in and worked for an American church free from domination by the mother church in The Netherlands, and for an American nation free from England. During the Revolutionary War, when his fiery patriotism made him hated by the local Tories, he kept his trusty rifle at his side both when he rode through the wilderness and when he preached in the pulpit.

After his death, another three years followed without a minister. But in 1797 Coxsackie was able to obtain, jointly with Coeymans, the Rev. Jacob Sickles, and Katskill, soon after, called the Rev. Peter Labagh jointly with Oak Hill. Thus the original church went in two separate ways. Within another 45 years, it had become our present six independent churches, their services had changed from the Dutch language to English, and their parishioners were Yankee as well as Dutch-descended. Eventually, over local protests, the denomination dropped the word Dutch from its official name, but we still cherish our Dutch beginnings.

All six Reformed Churches of Greene County join together to celebrate the 250th anniversary of the founding of First Reformed Church. I ask all Members of Congress to join with me in extending hearty congratulations to all those who worship at the Reformed Churches in Greene County.●

VETERANS OF FOREIGN WARS VOICE OF DEMOCRACY SCHOLARSHIP CONTEST FIRST-PLACE AWARD TO MISS LISA J. HONEYCUTT

HON. JAMES T. BROYHILL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1982

● Mr. BROYHILL. Mr. Speaker, it is my privilege to share with my colleagues the text of an award-winning speech from a constituent of mine from Drexel, N.C., Miss Lisa J. Honeycutt.

Miss Honeycutt's speech was entered into the Voice of Democracy contest, and was awarded first-place prize for the entries from North Carolina. Her speech will now go on to national competition, where first-place honors will receive a $14,000 scholarship.

The contest theme for this year was "Building America Together."

Mr. Speaker, the following is Miss Honeycutt's award-winning speech.

SPEECH OF MISS LISA J. HONEYCUTT, 1981-82 VFW VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM NORTH CAROLINA WINNER

We can build America together by maintaining a union of brotherhood in order to safeguard our individual rights. These rights were advocated and fought for by famous men such as Thomas Jefferson, Benjamin Franklin, and Thomas Paine. Because of their courage and determination, these men can truly be called the forefathers of American democracy.

For example, Thomas Paine once stated that we must maintain freedom of the mind, freedom of intellect, and freedom of religion. He also advocated government participation by the individual regardless of his wealth or status in life. Preservation of these freedoms can only be accomplished by individuals who are dedicated to the cause of democracy.

Further preservation can be insured by a sound education. For instance, anyone who is a citizen of the United States has the opportunity to attend school. It is imperative that contemporary youth strive for a higher and more fulfilling education. Thomas Jefferson first proposed an equal education for all regardless of wealth or social status. He saw it as a way to build America and the way to create a great democracy. Therefore, we must take advantage of this education that was so valiantly proposed by our forefathers and use its opportunities to the fullest. We must remember that today's students will be tomorrow's educators and tomorrow's leaders.

Benjamin Franklin who was a great humanitarian, proposed that we must adhere to the philosophy of self-sacrifice for the benefit of our fellow man. We can accomplish this by being concerned with the social well-being of others. Also, we can give of our time and energy to promote social justice and equality for all.

Times have changed since the days of these great patriots, but their ideas of building a better America live on. We must now look to the future and expand our knowledge. For it is only through knowledge and concern for our fellow man that we can move forward. By understanding the universe, the people of the universe, and our place in the universe can we progress.

Furthermore, we must believe and invest in our country as our forefathers did. We must invest in the future in order to build a strong economy. Also, we must keep our monetary system stable in order to get a grip on inflation and expand business. Only with business expansion can we build for the future and in the process help the economically deprived.

As individuals we must unite in order to protect our freedom from the perils of communism and fascism. United we will have the capabilities to withstand these adversities. Just as the diverse nationalities merged in early America to form the "melting pot" that was to become the greatest democracy of all time, so must we merge to build a better America.●

CAN TAX CUTS REALLY BE TOO BIG?

HON. ED BETHUNE

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1982

● Mr. BETHUNE. Mr. Speaker, there has been much debate and discussion over the possibility of repealing the last year of the ERTA tax rate cut or imposing a 4-percent surtax on high-income taxpayers. We have heard from the politicians, the economists, and the lobbyists as to the need for these additional revenues, but we really need to broaden the debate—to get the views from those who will foot the bill.

Mr. Speaker, to provide this perspective, I would like to share with my colleagues an op-ed which appeared in the April 20 issue of the Arkansas Gazette. The article is entitled, "Can Tax Cuts Really Be Too Big?" and it very eloquently puts forth the views of one concerned taxpayer.

I insert the article in the RECORD at this point.

[From the Arkansas Gazette, Apr. 20, 1982]

CAN TAX CUTS REALLY BE TOO BIG?

(Robert S. McCord)

I don't know about you but when I settled up with the Internal Revenue Service last week, I felt as though it had gotten too deep into my pocketbook.

What bothers me nearly as much is that I didn't hear another person complaining about this all week. You used to hear complaints all the time, but now you are likely to hear (and especially read), "The tax cut was too big."

Under our system of government that's like saying the grass is too green, or the coffee is too hot.

Take another look at Line 54 on your copy of your tax return, or on the total-tax withheld blank on your W2 and figure what percentage of what you earned you had to pay for the privilege of being a citizen. It's pretty high, if you ask me.

For example, out of every dollar earned over $11,900 (not exactly a princely salary), a man and his wife had to pay 21 cents in taxes (not counting the state and local taxes, of course, or the 8.4 percent increase in Social Security that everyone had to pay). Since 1976, the amount of taxes collected has doubled, and under former president Jimmy Carter, it was scheduled to have increased another 14 percent a year through 1986. At that rate it wouldn't be long before every worker would have been paying 50 cents out of every dollar he made to the federal government, a tax bracket that until a few years ago was occupied only by the very rich.

Too much government spending is the primary culprit, of course. But the other reason is inflation, which produces bracket-creep; every time you got a raise to enable you to cope with rising prices, you automatically were shoved into a higher tax bracket. This always hurts the low and middle income people the most because at the low end of the tax charts, the brackets are closer together.

Last year President Reagan and a somewhat reluctant Congress cut the tax rates 25 percent—5 percent the first year, 10 percent in each of the next two. For example, next year that man and wife would have to give the government only 19 cents (instead of 21) out of every dollar they earn over $11,900. Even more important, Congress approved tax-indexing, which will end bracket creep. Unless your raise is greater than the increase in inflation, you won't be shoved into a higher tax bracket. At last, it appeared as though the country was moving in the right direction.

But now comes the bad news. Both the tax cuts and indexing are in danger of being repealed. In fact, the Democrats in the Congress have voted to do away with them, and most of the Republicans feel that way, too. They are beseeching their President to agree to a compromise so the 1983 budget deficit can be reduced and agreed to next month well ahead of when they have to run for re-election.

The latest gimmick for compromise is a surtax on so-called high income people. I don't know why this kind of a quick-fix has any attraction because when Lyndon Johnson tried it in 1968, 1969 and 1970, the GNP dropped, unemployment increased and by 1970 the deficit was nearly as high as it had been in 1968. A surtax on the well-heeled—in fact, any kind of tax increase—really fouls up the supply-side formula, which, in all fairness, hasn't been in operation long enough for a fair appraisal.

As of yesterday, the President says he won't give up the cuts or indexing. He's not just being hard-headed; he's really trying to make fundamental changes in this country, to live up to his campaign promise to allow us to keep more of what we make.

Unfortunately, I don't see any way he can win because I'm about convinced that a majority of people who still vote now believe that what they earn really belongs to the federal government and not to them. The politicians have done a successful brainwashing job over the last 40 years. So it's no wonder that they oppose Reagan and any other person trying to make such fundamental changes as letting us keep more of what we earn.

Most of the members of Congress don't like tax reductions because (1) they want to be able to spend more money so as to make our country great and the people grateful so they will re-elect them and (2) they want always to be spending more for the poor and the helpless. They have to be very careful, of course, because there are still pockets of resistance to raising taxes and spending more than you take in.

That's why bracket-creep is so admired by elected public officials; the extra millions just roll in automatically without the politicians ever having to expose themselves by voting for more taxes. Example: By 1990, personal income taxes will amount to $679 billion *with* indexing, $820 billion *without*.

As for the cry to do something about deficit spending, the members of Congress must chuckle a little in the cloakrooms every day at how they are going to outsmart us about that. A constitutional amendment requiring a balanced budget (that's the kind you have to keep at home if you don't want the sheriff at your door) is about to be mandated by the states, so the Congress is now going to pass one of its own, removing the pressure and giving the members something to brag about while campaigning this fall. Their version requires a balanced budget except when three-fifths of the Senators and Representatives vote to override the provision because of a grave national crisis, or something like that.

Heh, heh. Every time Congress raises the debt ceiling, a crisis that comes as regular as spring, three-fifths of the members always vote yes, usually two-thirds of them or even more.

As for the helpless, the Department of Health and Human Services' budget is less than a lot of people would like but it is 8 percent larger than it was last year. It also should be noted that this department's budget is larger than the total budget of every country in the world except the Soviet Union and the United States.

As for the poor, there's plenty of evidence that increasing welfare and starting expensive new programs don't help. Of course, they help bureaucrats and consultants, etc., but not the poor.

An apolitical, M.I.T.-trained scholar, Charles Murray, reported the other day that while spending on the poor and helpless increased 156 percent in the 1970s, there were just as many persons whose cash income was below the poverty level at the end of the decade as there were at the beginning—12.8 percent living below the poverty level in 1968 and 13 percent below in 1980.

What reduces poverty is a booming economy, which occurs when Americans are working hard and saving or spending their money instead of giving it to Uncle Sam.●

ADMINISTRATION'S IMPOUNDMENT OF LIBRARY FUNDS JEOPARDIZES THE LANGSTON HUGHES LIBRARY

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1982

● Mr. ROSENTHAL. Mr. Speaker, I would like to bring to your attention a serious problem which has arisen in my congressional district and all across the country because the Reagan administration has for the past 6½ months withheld $22 million in duly appropriated Library Service and Construction Act (LSCA) funds.

The Queens Borough Public Library system has relied on a small portion of that appropriation to fund two special programs with great significance to the community—literacy volunteers and the Langston Hughes Community Library and Cultural Center. However, due to impoundment of LSCA moneys by the Reagan administration, approximately $52,000 appropriated for the library has been withheld since last October, and additional funds have been withheld for literacy volunteers. That impoundment has jeopardized the very existence of worthwhile community services and highlighted the need for congressional action to remedy impoundment abuse.

The Langston Hughes Community Library and Cultural Center is a community-directed library which meets the needs of the community in the Corona-East Elmhurst area. The center provides a host of educationally related programs of direct benefit to the disadvantaged, the handicapped, senior citizens and minorities. These include:

Black heritage reading collection programs, exhibits, and related activities;

Daily homework assistance and remediation to students in grades 1 through 9;

Community information and referral services with emphasis on life-coping skills information;

Training and employment opportunities for community residents.

The literacy volunteer program, which is also in jeopardy, trains volunteers to teach reading and writing to functionally illiterate adults on a 1-on-1 basis. There are, at present, more than 140 tutors and students meeting in seven branches of the Queens Borough Public Library throughout the borough. But, more than 200 people are still wait-listed for this essential program.

The importance of these programs cannot be overstated. Illiteracy and low educational achievement affect us all. Adults who cannot read or demonstrate other basic skills cannot contribute fully to the community or to the Nation.

The Congress has long recognized the legitimacy of these programs, and it is unconscionable and illegal for the President to withhold these funds as he has done. For 195 days, the administration has impounded LSCA funds with total disregard for Congress intent to prohibit the impoundment of any funds beyond 45 days. Furthermore, LSCA is a mandatory spending program which cannot be subjected to a withholding action of any duration. On February 5, 1982, the GAO notified the administration that LSCA withholding was illegal under the fourth disclaimer of the Impoundment Control Act (31 U.S.C. section 1400(4)), yet OMB continued to block the act's funding.

The Department of Education has informed me that these impounded moneys were to be released as of Monday, April 26, 1982. I have asked the GAO to confirm by audit that these funds have, in fact, been lawfully disbursed. I also believe that new statutory safeguards in the Impoundment Control Act are an absolute necessity if we are ever to gain control over illegal or unauthorized impoundments. Accordingly, I am planning to introduce legislation barring the Executive from impounding funds prior to the transmittal of rescission proposals, because I believe we must end impoundment of unlimited and unspecified duration and outright illegality.●

HOUSE EXPORT TASK FORCE URGES HEARINGS ON THE FOREIGN CORRUPT PRACTICES ACT

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1982

● Mr. BONKER. Mr. Speaker, for too long we have seen no action on amendments to the Foreign Corrupt Practices Act (FCPA) of 1977. While the Senate unanimously passed S. 708, the "Business Accounting and Foreign Trade Simplification Act," last November, the House has taken few steps to amend one of the most poorly written pieces of legislation we have. The House Subcommittee on Consumer Protection, Finance, and Telecommunications, chaired by my distinguished colleague, Congressman WIRTH, may hold hearings later this spring on the FCPA. These hearings will address the concerns of the private sector. As chairman of the House Export Task Force, I commend Chairman WIRTH in scheduling these hearings and urge adoption of amendments which will clarify the FCPA.

Mr. Speaker, the Foreign Corrupt Practices Act of 1977 was drafted hurriedly in response to an incensed American public in the aftermath of Watergate and numerous instances of corporate bribery. It passed with little consideration or thought to its potential consequences in terms of its meaning, clarity, and applicability. As a result, we have today an act which, because of its lack of specificity and its ambiguous wording, is a major irritant and cost to U.S. business. It is in fact a disincentive to American export trade.

Since its enactment, the FCPA has been steeped in controversy and confusion over what constitutes compliance. American firms have faced numerous problems by complying with the act, including those related to obtaining and dealing with agents, contracting difficulties, increased operating costs for accounting and reporting requirements, the lack of flexibility to provide legitimate gifts, and overcautious-

ness in attempting to comply with the act due to its ambiguity. As a result of these problems, U.S. firms have foregone some apparently legitimate exports, avoided some markets, and opted to play subordinate contracting roles to foreign prime contractors.

Identified by businessmen and attorneys as one of the most significant export disincentives, the FCPA contains too many uncertainties and ambiguities. It is considered a disincentive to export trade because of uncertainty within the business community about the meaning and application of some of its key provisions. Conduct prohibited and conduct permitted is often unclear.

The problem of uncertainty is compounded by a lack of guidance from the enforcement agencies as to proper interpretation of the act's provisions. This problem in turn is exacerbated by the dual enforcement authority of the Justice Department and the Securities and Exchange Commission over the act's payments provisions.

My distinguished colleague, Congressman RINALDO, introduced legislation (H.R. 2530) in March 1981 amending the Foreign Corrupt Practices Act. This bill offers precise and specific guidelines as to what is prohibited and what is not prohibited, rather than the vague standards now in effect. It must be emphasized, Mr. Speaker, that H.R. 2530 merely provides changes in the original statute without compromising the original intent, that is, the prohibition of bribery of foreign officials in order to obtain or retain business.

H.R. 2530 provides the following changes to the Foreign Corrupt Practices Act: the act shall be named the Business Accounting and Foreign Trade Simplification Act; the accounting provisions of the law would be in conformance with the generally accepted accounting principles (GAAP) instead of the ambiguous and overly detailed standard that now exists; violation of the recordkeeping and accounting controls provisions would occur only if it was knowing and willful; jurisdiction for antibribery enforcement would be transferred from the Securities and Exchange Commission to the Department of Justice; the prohibition against bribery of foreign officials is rewritten to clarify what is permitted and what is not; Department of Justice actions to assist with compliance would include guidelines describing specific types of conduct which would be permissible. In addition, H.R. 2530 expresses the sense of Congress in supporting bilateral and multilateral agreements on international business practices so that competitive disadvantages against U.S. business would be eliminated.

Mr. Speaker, despite the law's good intentions, the statutory ambiguity of the Foreign Corrupt Practices Act has cost this country legitimate foreign business which Congress never intended to curtail. Hence, the act, in its present form, has had a chilling effect on legitimate business opportunities and a negative effect on U.S. exports. Foreign companies will continue to profit at American expense under the FCPA.

Maintaining the U.S. position in international trade is a top priority as we depend more and more on exports to strengthen our economy and provide jobs for Americans. The United States is a relatively free market for imports, yet we insist on imposing restrictive regulations on American companies—small and large—when dealing in foreign markets. As one newspaper headline summed it: "No Wonder No Exports."

I urge Chairman WIRTH to continue hearings on the Foreign Corrupt Practices Act and consider new legislation amending the present act. We must take steps to remove those disincentives to exports caused by the FCPA. The American business community—our constituents—have the right to know specifically what they can and cannot do in international business. We must work with them to promote U.S. exports, expand trade, and provide increased employment opportunities for Americans.●

HAPPY 90TH BIRTHDAY, REDONDO BEACH

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1982

● Mr. ANDERSON. Mr. Speaker, on April 29 the residents and friends of Redondo Beach, Calif. will gather to celebrate the 90th anniversary of the city's incorporation.

Nestled near the southern end of Santa Monica Bay—just southwest of downtown Los Angeles—Redondo Beach has a colorful history and is a community which anyone would be proud to be a part of. So that my colleagues can have a better understanding of this fine city, I will take just a moment to highlight some important events which helped shape Redondo Beach.

Redondo Beach's roots can be traced back to 1854 when Juan Jose Dominguez sold a portion of his "Rancho San Pedro" which later became a part of the city of Redondo Beach. Upon its incorporation as a city in 1892, Redondo Beach was recognized by many for its rich farming and grazing areas. Where year-round temperatures vary only slightly, Redondo Beach grew rapidly with the advent of the 20th century—along with adjacent areas of southern California.

With the population and development explosion which occurred in the southern half of the State in recent years, Redondo Beach has become known as a resort community with extensive recreational facilities. A most notable achievement in the city's quest to accommodate the needs of the area's population boom was the development of King Harbor. This multimillion dollar project today has moorings for approximately 1,600 boats. Located nearby is Seaside Lagoon, which is a 53,000 square foot saltwater swimming pool kept at 80 degrees. I might add, Mr. Speaker, that the city's Fisherman's Wharf is popular to area residents and known throughout the southland for its fresh fish stalls, seafood restaurants, and souvenir shops.

In conclusion, Mr. Speaker, the city of Redondo Beach has a proud heritage and is rich in cultural tradition given it by the early inhabitants. It is not content to rest on past accomplishments, but instead, eagerly welcomes the challenges of tomorrow. It has been only through strong leadership at the local level and civic pride that have made Redondo Beach such a fine place to live and work. With this in mind, my wife, Lee, joins me in wishing the residents of Redondo Beach "Happy 90th Birthday."●

MAKING GOOD USE OF OUR DEFENSE DOLLARS

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1982

● Mr. LAFALCE. Mr. Speaker, President Reagan's recent pronouncement that the United States is vulnerable to a first and second strike Soviet nuclear attack has raised many eyebrows among defense specialists. It has also generated renewed interest in the debate over our Nation's military preparedness, and that of the Soviet Union. Defense Department analysts, military historians, and congressional partisans are preparing for the debate.

Over the next several weeks, the Congress will participate in the debate by voting on the 1983 Department of Defense authorization bill. As we begin, I call to the attention of our colleagues a recent interview with military historian James F. Dunnigan in which he debunks the notion that the Soviet Union's conventional forces are superior to our own, and blasts the DOD's procurement policy.

His message should strike a responsive chord as we begin the difficult task of judiciously paring back the administration's military budget request. Dunnigan concludes that our military is second to none, and we can keep it

that way by demanding greater efficiency and commonsense in our military procurement policy.

Making good use of our defense dollars, Mr. Speaker, must be priority No. 1.

The interview follows:

THE DAY ADMIRAL RICKOVER GOT RADIATED

(By Subrata N. Chakravarty)

(After Vietnam, after the bungled Iranian rescue mission, after countless reports of drugs and drunkenness in the ranks, many Americans have become almost embarrassed about their nation's military. Here's some good news.)

With a hostile press and hostile TV and a fair amount of egg on its face, the U.S. military establishment doesn't stand particularly high in public esteem these days. An unfair assessment, says military historian James F. Dunnigan, who argues that in both personnel and materiel the U.S. military stands head and shoulders above its Soviet counterparts. For those depressed by the bungled U.S. rescue mission in Iran or the recent loss of life among paratroopers of the 82nd Airborne Division in the Mojave desert, Dunnigan brings cheerful word.

A mere "Spec-4" during his service in the U.S. Army in Korea in the early 1960s, New York State-born Jim Dunnigan in civilian life has become a recognized expert on military history and military simulation. Now 38, he founded Simulations Publications, which publishes Strategy and Tactics, a magazine for war games devotees. Games developed by Dunnigan help train military officers in many nations, and he has consulted for and lectured to the U.S. Defense Department, the CIA, the Marine Corps and West Point. He has just written a remarkable book, "How to Make War," which may play an important role in the debate that is just beginning over U.S. defense policy. It says the U.S. can take pride in its military but should be aware of serious weaknesses in its procurement policies.

Your book gives the clear impression that Soviet military superiority in conventional arms is generally overestimated.

Dunnigan: Well, what is the potential threat? What are we defending against? Are we defending against the Russians moving into the Persian Gulf? Well, there was an interesting article in International Security Journal which pointed out that there are very few passes through the Zagros Mountains, which the Russians have to come through. There is no way around them. And if you can block those mountains with constant air power, they are not going to come through, no matter how many divisions they have on the other side. If you are talking about the threat in Western Europe, the Soviets really haven't got enough combat power to overwhelm Western forces just like that. Knowledgeable analysts say it's a big joke when the Pentagon cries about 180 to 200 Russian divisions, because many of these divisions are just piles of equipment. It's highly questionable that they would get those divisions combat-ready in any reasonable length of time. Or at all.

Compare that with the U.S. Army.

Dunnigan: Our divisions are wartime divisions. The standards our army applies are for going to war tomorrow. The Soviets take a longer view. They have about 50 divisions that are, in our sense, war-ready. Thirty of them are in Eastern Europe and the rest are facing China.

You made the point in your book that the Russian divisions in Eastern Europe are primarily occupation troops.

Dunnigan: Right. And you can't go invade somebody else if the cops have their hands full keeping the local bandits in line. And when you consider that the primary Soviet offensive forces are the very ones that are tied down the most in these police duties, what's left to carry on an attack?

The Soviets are in the midst of the greatest peacetime military buildup the world has ever seen. Do they see themselves as we see them—as a threat to us?

Dunnigan: No. They are trying to defend Mother Russia and they make noises about defending socialism. What we lose sight of is that the gap was so much in our favor twenty years ago. Twenty years ago the Russians had a very real fear of being invaded. From the Russian point of view, they are striving for parity. As they see it, the buildup makes sense because you can't defend yourself unless you can present enough of a defense to deter or make it seem too much of a gamble for the other fellow to attack you. And they have a lot to be paranoid about. Look at a map of Russia from the Russian point of view and they are surrounded. They have real enemies on all of their borders.

Are you saying that the U.S. has nothing to worry about? If they are so benign, why are the Russians sitting in Cuba?

Dunnigan: The Russians realize the best way to keep your enemy off balance is to cause trouble where it won't hurt you any and will cause him a lot of problems. They will get involved in Central America or Cuba or anywhere they can make some trouble, which they do. And we try and return the favor.

Still, the sheer quantity of Russian weapons has to be of concern to us.

Dunnigan: It's like having a car with a 500-horsepower motor and all sorts of gadgets on it and all you can really do with it is drive to work. You've got a lot of excess power that can't be used. In the Russian army, as in any army, you can pile up a lot of equipment, but if you haven't got the personnel, if you haven't got the units in which to use it, it's just so much waste. The only tanks and vehicles that mean anything in the Soviet or any other army are the ones that are actually held in units. And even if you get into a war you still need trained personnel to put those weapons to use. The Russians would have to destroy their economy to do so because they have a labor shortage right now. Also, they never throw anything away. They're still using MiG-17s. That's a 1950s airplane. We're not using F-86s anymore. They still have T-55 tanks. They are finally beginning to retire their whiskey class submarines, which were based on the German Type XXI [a World War II submarine] and weren't even as advanced.

How about the ever increasing Russian quality?

Dunnigan: We do have to worry more about the Russian quality, but much as the Russians try, they will never catch up with us. Their industrial infrastructure is basically derivative. We can put our weapons against their weapons and you still see these tremendous [Soviet] deficiencies.

Give us some examples of deficiencies.

Dunnigan: Just recently the Secretary of the Navy announced that Russian sailors in their nuclear submarines had died of radiation sickness. Now, this has been going around for years. Admiral Rickover mentioned in one of his articles that, years ago, when he was invited to visit a Russian submarine, they gave him the tour and he had his American dosimeter in his pocket. And when he got back out, he noticed he had taken more radiation than he had in the last ten years of being around American boats.

I go into details in the book about the differences in ship design. They don't give as much cubage inside their ships. And where they sacrifice it is in access space, damage control and onboard repair. So if something goes wrong on a Russian boat you've got to wait until you get back to port, whereas we can do most of our repairs at sea.

Also, the Russians are getting into this high-technology track that we've gotten into, and they are just starting to pay the price. As they get more complex, they outstrip their already lean maintenance ability. They had a hard time maintaining their four-man tanks—the T-62s. Now they get a three-man tank that is more complicated. Their people haven't instantaneously become much better mechanics. That equipment, from what I hear, is down more frequently than the older equipment. And when it's used in combat, it's going to be down even more. For example, the T-72, with the automatic loader, has no manual backup. And you know how delicate mechanisms like that are.

How about the quality of the Russian troops?

Dunnigan: They are a much poorer lot than our troops. It's not that we have superior genes or something. It's simply the fact that our tradition is to train more intensively, to draw from a richer talent pool because we have more education and things like that. Our economy isn't strapped for specialists as much as the Russians. We are basically wealthier, and that does produce superior performance. The Russians have a problem because even the poorest people get more exposure to gadgets and machines in this country than they do in Russia. The Russians, for example, must spend much more time training their drivers, whether it be for tanks or trucks, than we have to. Most of our guys, whether they've got a driver's license or not, have probably spent some time behind the wheel. The Russians don't have this advantage.

Also, with all their problems with—how should I put it?—user-unfriendly equipment, they don't get the troops acclimated to it. They have a very niggardly attitude toward using their equipment. Often the equipment is not even used for most of the year. It's only brought out for major maneuvers. In the American military, even today, if you are on a tank crew you can rest assured you will be working on a tank all week long.

So, they have a big problem with both morale and the technical competence of the troops because, by not using the equipment, a lot of the troops don't get a chance to become expert at it. It's most noticeable with aircraft. Their pilots don't fly nearly as many hours as Western pilots do. Most of their aircraft are clear-weather aircraft either by proclamation or de facto because, although some might have radar, they don't function that well. If the weather turns bad, a large percentage of the landings are crashes.

Also, their pilots are very much more dependent upon ground control than we are. If you disrupt the ground control—and the Air Force has plans to do that if the balloon goes up—their airplanes are just so many targets, because they are not trained to ex-

ercise initiative or given enough time in the air to develop the skills to use initiative.

The troops may be cannon fodder, but aren't the officers an elite group?

Dunningan: Well, their officer corps is organized a bit differently from ours. What we consider an officer, in the Soviet army doesn't begin until you get to the rank of major. For example, you don't go to the officers club until you're a major—a field-grade officer. All of the officers from captains to lieutenants and now warrant officers basically function as NCOs. They are subject to discipline, for example. You can throw a junior officer into the stockade for an infraction, and they do. If they [junior officers] kiss enough —— and stay out of trouble for five or ten years, they become majors. And then they are real officers; then it's an elite. Once you become a major or above you are a member of a very privileged class. What they call NCOs are basically conscripts who have been forced to take an extra year of service and been given the privilege of exploiting the enlisted men—which they do. They shake them down. They make them perform personal services for the NCOs. They are like trustees in a prison. And the Russians have very big morale problems because of this.

How does our military stack up?

Dunnigan: The American military is the most balanced in the world. The Russian army is 80% ground pounders. They are prepared to defend their land borders. Their navy and air force are really adjuncts of their army. They simply are not equipped for long-range adventures. We are. We have this tremendous Marine Corps that, by itself, accounts for the major amphibious capability in the world. We have a navy that is second to none—I don't care what they say. Our air force, plane for plane, in quantity and quality, is the best in the world.

So, the increasing quality of Russian weapons is not a matter for concern?

Dunnigan: Everything is directly related to the capabilities of the operators of that equipment. If the Soviets started letting their pilots fly more frequently and more independently of ground control, I'd start getting worried. If they started allowing their ground forces to practice with and wear out their equipment, I'd start getting worried. Now, with their navy I'd start to worry. They are starting to build ships very similar to ours. Fortunately, it's only a very small percentage of their navy. The trend is incremental and the rate of change is so slow I don't think we really have to worry about it in our lifetime.

You've made us feel better about U.S. military strength. Now tell us what's wrong with our military.

Dunnigan: Our procurement in general is outrageous. The problem is we don't have people in the military who can make intelligent buying decisions. I'm talking about a good purchasing agent. Let's say we're talking about a manufacturing company. You've got good designers, you've got a market. But your purchasing department if full of a bunch of dum-dums. Instead of buying a $1.50 control chip for the gadget, the guy goes out and buys a $10 chip that doesn't do half as much. And that's literally what the military does in many cases. They spent hundreds of millions of dollars developing a Field Artillery Direction and Control computer [FADAC] to control artillery fire. The thing never worked. A hand-held electronic calculator with a special program chip did most of the functions better. That's what I call buying dumb. The wrong weapons are built, and even when they find out the weapons are wrong they keep building them anyway. That's what happened with the F-18 fighter, the M-1 tank and M-2 Infantry Combat Vehicle. We're not the only ones to do that. The Russians developed the MiG-25 interceptor to counter our B-70 bomber. We canceled the bomber, but they continued with the MiG-25. Now they don't know what to do with it.

How do we wind up spending so much on weapons systems?

Dunnigan: We tend too much toward a committee approach because there is nobody with sufficient stature to say, "Go with this." It took us 20 years to get the M-1 tank. I am sure they have their debates in the Israeli army, but somebody said,"Build the Merkava [tank]," and bingo! they got it. It didn't take them 20 years. It took less than 2 years. It's the same with any army that has enough people who can say, "Hey, look, I have been there. This is ——!" The point is that if you can't settle the debate it's going to cost you a lot of money.

There has been much criticism that the U.S. military goes too far in its pursuit of high technology. Where do you stand?

Dunnigan: I stand on high leadership and as much technology as you can use. Which in some cases would be high tech. We have come up with some high-tech stuff that has been very useful—the electronic warfare, some of the avionics. They can make a difference.

For example, the all-weather aircraft: Now, given the fact that most of the Russian antiaircraft defenses are not that effective in less-than-clear weather conditions, it makes a demonstrable difference if you have avionics that allow you to fly through the muck. Of course, those avionics can come right from the civilian sector, since we land civilian aircraft in the worst possible conditions.

So, despite all our problems, your book shows that the Russians are worse off.

Dunnigan: Yeah, and they're getting worse with their increasing emphasis on high tech. They are suffering from it, which is good for us, I suppose. We should encourage them because, in almost any military situation, it's not a question of who is better; it's more a question of who is worse.

Are you concerned that you might be underestimating the Russians' power?

Dunnigan: I don't underestimate the Russians. They aren't 10 feet tall. They are 5 feet 6 inches, but they are armed. So they are still dangerous.

You can easily see that if we get below a certain threshold, they could be all over us. But there is also a danger in overestimating the threat. If people get an unrealistic view of the power of the other side, that's what can cause a war. Overestimating the threat can cause you to overreact to any move they make. With nuclear weapons, that can be a fatal overreaction.●

MOSCOW'S NEW PEACE OFFENSIVE REVISITED

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1982

● Mr. McDONALD. Mr. Speaker, yesterday, I made reference to an article written by John Rees in the Review of the news, that dealt with the disarmament movement in this country. I had made reference to that article originally on March 30, 1982, under special orders.

Mr. Rees had uncovered this Moscow directed "Peace" offensive strategy financed by the Stewart Mott Foundation, and written by Ms. Anne B. Zill.

Of particular interest to my colleagues is the fact that the Rees article offered a representative sample of the goals and strategies of the disarmament movement in this Nation, but more important, the coordinating role of the World Peace Council, which is a wholly owned subsidiary of the Soviet Union. Today I would like to expose more of those organizations of which Mr. Rees refers, so that all Americans can know the full implications of Moscow's peace offensive—and reject it—for the sake of America's defenses. List of organizations and a summation of their intent follows:

LIST OF ORGANIZATIONS AND SUMMATION OF THEIR INTENT

Physicians For Social Responsibility (P.S.R.): "Their unique speciality over the last year and a half has been the presentation of symposia in cities around the country on the medical consequences of nuclear war. . . . Such a symposium was recently held in NYC. Upcoming programs include one in Hartford [Connecticut] on March 13, one in Portland, Oregon on April 17, one at the American College of Physicians in Philadelphia on April 19, one in Detroit and Iowa City on April 24, . . . and one in San Diego on June 5. . . . Other symposia in the planning stage involve the following cities: Atlanta, Minneapolis, Baltimore, Chapel Hill, and San Jose. By 1983, they hope to hit Houston. . . .

"PSR has attracted 10,000 members, 101 chapters . . . in 45 out of the 48 contiguous states and has raised close to $1,000,000. A direct mail program has been launched by Gilbert Jonas who plans to mail three quarters of a million pieces this year. A drop of 25,000 has already been made; the average response has been 2% with an average contribution of $29. . . .

"[Tom] Halstead says the organization is going to make a major effort during the year to talk to the unconverted, and on November 11 [Veterans' Day], there will be a special effort to reach the medical schools (in conjunction with the UCS [Union of Concerned Scientists] work)."

World Federalists: "Until recently, Bill Wickersham and others have been meeting with Ground Zero to coordinate strategy. (GZ has recently stopped hosting these meetings.)

"World Federalists has 60 chapters and units ranging from 10 to 500 participants in communites around the country. . . .

"They were at the original Georgetown meeting to launch a National Nuclear Freeze Campaign and they talk frequently with Randy Kehler. For 1982 they have a four point plan: to push domestically for a bilateral freeze: to work for a world-wide freeze; to get deep [defense budget] cut reductions; and to push for an international disarmament organization that would police and monitor onsight [sic] inspection. World Federalists is working with the United Na-

tions organizers on this. World Federalists is endorsing the Council for a Liveable World pamplet against chemical weapons . . . ."

Womens International League For Peace and Freedom (W.I.L.P.F.): "In 1982 the major program of the Womens International League is called STAR—which stands for 'Stop the Arms Race.'

[This is the main slogan of the Soviet peace offensive. The W.I.L.P.F. works closely with the World Peace Council and its sister front, the Women's International Democratic Federation. Last year, after decades of collaboration, W.I.L.P.F. took a seat on the W.P.C. presidential committee. In the U.S., the W.I.L.P.F. has been thoroughly penetrated by members of the Communist Party, U.S.A.; it has had a program for the past 20 years of exchange visits of Soviet and U.S. "peace acitivists."]

"WILPF is working to sign up one million women with a STAR button, a card and $1 both in order to build up the W.I.L.P.F. Organization and to [change the] political climate.

"On March 8 they are having a big Joanne Woodward kickoff event for their STAR campaign at the U.N. on International Women's Day. At the NATO headquarters in 1983 all the cards that have been collected during this year will be delivered. WILPF will call for the end to deployment of nuclear missiles in Europe.

"The Jane Addams Peace Association is the tax deductible aspect of WILPF for educational purposes. All members total about 10,000. . . .

"WILPF will be participating in the Rally/demonstration in connection with the SSD. They will have a conference then too."

Women Strike For Peace (W.S.P.): "Edith Villastrigo of the Washington Office explains that WSP is preparing flyers as a way of extending what the Physicians for Social Responsibility are doing to pinpoint the effect of a one megaton bomb on different communities . . . NYC, LA, Berkeley, San Francisco, Philadelphia and D.C. among others. . . .

"WSP is planning a walk for survival which may be called 'kiss your children goodby.' . . . perhaps on Mother's Day. . . . This will be a good way to poke holes in the civil defense logic of the present administration. Press will accompany women as they go from shelter to shelter, concentrating on the center city locations, ridiculing the new Reagan administration shelter designation sign.

"WSP has launched a major lobby by proxy effort; cards are filled out by women around the country and are then taken to the appropriate member of Congress by a WSP representative. This recently worked well when WSP went to Millicent Fenwick's office with 85 of these cards from women in her NJ district and asked her to do what she could to help schedule hearings in the House Foreign Affairs Committee on strategic weapons in Europe and the Middle East as well as arms control efforts. It worked; they are scheduled for three days beginning February 27, the first day for the administration and two succeeding days for public witnesses [disarmament supporters].

". . . They have no formal fund-raising program as such and very little overhead beyond rent and printing expense as everyone volunteers. They can receive tax deductible contributions through the Youth Project." [The Youth Project, a private foundation, has served as a funding conduit for the anti-C.I.A. Counter-Spy magazine and the Mobilization for Survival disarmament coalition. Its funds come from a variety of "Liberal" and radical foundations, the Institute for Policy Studies, the Samuel Rubin Foundation, and undisclosed sources.]

United Church of Christ, Office for Church and Society: ". . . the [Office] for Church and Society and their Peace Advocacy Project . . . was launched in May of 1980 as a two-year effort and recently extended when the Church voted last year to make peace a priority for the next four years. . . . The specific concerns have been: 1) The U.S. defense budget; 2) Chemical weapons and the MX, B1, Cruise and Trident, and binary nerve gas; 3) El Salvador and the US military intervention, and 4) As a positive step, the establishment of a national Academy of Peace.

"UCC is interested in achieving a powerful legislative advocacy effort in all relevant Congressional districts, and right now is developing a computer storage system for all the names so that they can be activated more quickly. This computer system will also allow the UCC to store an enormous amount of information. A goal of $500,000 has been set for the UCC Peace Fund . . . ."

Sane: "For this old and eminent, if somewhat leftist peace organization, 1982 will be filled with events . . . . One big project of the year is the Fair Budget Action program, co-sponsored with [Ralph Nader's] Congress Watch and FRAC, which will encourage accountability sessions in local districts with members of Congress during the height of the budget season, late April. SANE's mailing list of 30,000 plus FRAC's big budget and CW's membership of more than 100,000 should guarantee considerable attention. Other endorsers include the Center for Community Change, AFGE [American Federation of Government Employees], the Steelworkers, the NEA, AFSCME and the National Urban Coalition. The focus will be upon the impact of the 1982 budget in 22 different areas . . . . SANE will be looking at the military budget aspect . . . .

"They are compiling, along with the Coalition for a New Foreign and Military Policy [a W.P.C.-tied lobbying coalition], a computerized master list by Congressional district. They also have established a media task force. . . . They have a big direct mail operation, with almost 1,000,000 pieces already dropped this year. Charlene Divokey is their consultant.

"Other activities include a major rock concert . . . in Madison Square Garden and a TV spot to be prepared by Rap and Collins on nuclear war. (They are encouraged by the Solar Lobby whose two spots are breaking even.) The theme SANE will choose is the need for a nuclear freeze. . . . David Cortright [SANE's executive director, a former I.P.S. fellow and Vietnik G.I. organizer at Ft. Bliss] . . . also has put Chad Dobson (of the successful Campaign to Stop the MX fame) on staff and brought him back east from Salt Lake City to work on staff for the rally planned in association with the [June United Nations] Special Session on Disarmament. . . ."

National Taxpayers Legal Fund/Project On Military Procurement (P.M.P.): "The Project on Military Procurement, begun a little more than a year ago by Dina Rasor under the auspices of the NTLF, has been oriented toward the exposure of waste and fraud in the military budget—on the theory that, if morality or rationality fails, getting the proper bang for the buck—and the lack thereof—might do in this particular Reagan period.

"Therefore the goal of the PMP is to expose ridiculous examples of cost overruns, waste, mismanagement and fraud—in the form of weapon systems that do not work as they were intended.

"For under $100,000 in 1982 the Project plans to hold a conference on 'The Taxpayer and National Defense—Are We Getting a Good Return on Our Pentagon Investment?' Late March/early April [Budget time in Congress] is the time frame.

". . . The essential work of the Project involves Dina Rasor's ongoing ties to disgruntled Pentagon officials who quietly share their inside knowledge about procurement practices, weapons that do not work, etc., along with her additional ties to members of Congress on both sides of the aisle who feel frustrated about the size of the Pentagon budget and the rip-offs inherent in the system. . . . In the last year, the Project's exposes [sic] have attracted major press attention in The Washington Post, the Wall Street Journal, the Chicago Tribune and the Christian Science Monitor, among others."

These are representative samples taken from this report prepared for radical disarmament leaders. The report documents the many levels of coordination and collaboration among all aspects of the disarmament campaigns. This ranges from attacks on the defense budget and calls for increased social-program spending, through the attacks on specific weapons systems such as the MX, Trident, and stationing of new missiles in Europe. It also involves aggressive media outreach campaigns which have successfully put into the mass media scores of anti-defense stories and fake denigration of the Soviet military buildup.

Throughout the leadership of this network are World Peace Council activists and other defenders of Soviet policies. Note that they are sufficiently sophisticated to offer mild criticisms of Moscow to gain an aura of "fairness," and even to reach out through a taxpayer-oriented group to bring Conservatives into the campaign to slash the defense budget.

What is important about all of this is that the coordinating body, the World Peace Council, is a wholly owned subsidiary of the Soviet Union. Readers would do well to advise their representatives in Congress and their local newspaper editors as to how this game is being played. And by whom.●

THE NEED FOR SCHOOL BOARD MEMBERS ON THE ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1982

● Mr. LENT. Mr. Speaker, on April 16 my good friend and colleague, RAY MCGRATH, who so ably represents the Fifth Congressional District of Long Island, N.Y., addressed the delegate assembly at the National School Boards Association Convention in Atlanta. The subject of his remarks was H.R. 5192, a bill he has sponsored to add elected school board members to the Advisory Commission on Intergov-

ernmental Relations. As one of more than 180 House cosponsors of H.R. 5192, I am pleased to insert Representative MCGRATH'S speech in the RECORD at this point and commend it to my colleagues' attention as a most admirable exposition of the need for school board members on the Advisory Commission on Intergovernmental Relations.

SPEECH BY REPRESENTATIVE RAYMOND J. MCGRATH

Dr. Haderlein and members of the delegate assembly, it is a distinct pleasure and privilege for me to be here this morning to address an issue to which I have devoted considerable time in recent months—why the Advisory Commission on Intergovernmental Relations should include school board members.

As a new Member of the 97th Congress, it has been my good fortune to serve on the House Government Operations Subcommittee on Intergovernmental Relations and Human Resources. This subcommittee has jurisdiction over legislation affecting Federal revenue sharing, reform of the Federal grant system and oversight in the general area of Federal, State and local relations. We have completed 14 days worth of hearings on our Federal system of government, and while I would hardly claim to be an expert on the subject, it has given me a greater appreciation of where our Federal system has come over the years, and why it is imperative that all units of government—including school districts—have direct involvement in the development and refinement of our changing Federal system.

In a recent speech, Professor Aaron Wildavsky likened the development of federalism to a cake. Our original Federal system resembled a layer cake, in which our Founding Fathers established strict lines of accountability between the Federal Government and the States. Practicality changed the layer cake into marble cake federalism, during the 19th century, as the National Government cooperated with the States in such areas as waterway construction and the organization of our first armed forces. These instances were in keeping with the Federal Government's constitutional responsibility to promote the general welfare.

From the marble cake example, we have progressed to a system which many say resembles a fruit cake, with no particular pattern guiding the relationships among different levels of government. This pattern, which first began to emerge about 40 years ago, has become increasingly apparent in the past 20 years.

About the only thing clear about fruit cake federalism is that it has been accompanied by a vastly expanded role for the Federal Government. The Federal Government is bigger, because of the growth of tax expenditures and the sheer number of categorical grant programs. Its role is broader, because its policy concerns have increased. And its influence is deeper, because its regulatory efforts have touched everyone in an increasingly burdensome way.

Nowhere is the fruit cake effect felt more deeply than in public education. In 1960, all Federal funds for education amounted to less than 900 million dollars, roughly five percent of the 17 billion dollars spent on education in this country. By 1979, the Federal role had increased to twelve billion dollars, or a little less than ten percent of the total national spending for education. Hence, in 20 years, Federal spending for education increased about twelvefold, while State and local spending increased one-third as fast. I am certain that all local school districts welcomed this increased level of commitment, but with it came more programs, more requirements and less flexibility.

In the past twelve months, we have seen a change in emphasis on the part of the Federal Government. The Reagan administration is committed to altering the relationships among governments at all levels. While opinions vary on the specifics of this so-called "New Federalism", the simple fact is that there is a growing interest in revitalizing our Federal system and locating power, authority and revenue sources in levels of government other than the Federal Government, and this debate can be expected to continue for years. Already, school districts have felt this new direction through the enactment of the Education Consolidation and Improvement Act.

The New Federalism is essentially an experiment to see if government can be made more manageable. It means changed relationships among all levels of government, and indeed, intergovernmental competition for resources may be critical in future decisions on which functions shall be assumed, expanded, contracted, or dropped. It is imperative, therefore, that local school district governments, the largest users of local government revenues, be given a voice in the development of the New Federalism.

Although one may not know it because of the seemingly random development of federalism since World War II, the problems associated with an increasingly interdependent Federal system of government have not escaped notice. As far back as 1949, the Hoover Commission recommended the creation of a continuing agency to study the roles and relationships of the various levels of government.

In 1953, President Eisenhower established the Commission on Intergovernmental Relations—the Kestenbaum Commission—and as a result of the Commission's recommendation the Congress enacted, in 1959, Public Law 86-380, Establishing the Advisory Commission on Intergovernmental Relations—ACIR. The House Government Operations Committee report on the ACIR legislation describes the Commission's purpose thusly:

"The underlying purpose of the Commission is to strengthen the ability of our Federal system to meet the problems of a complex society by promoting greater cooperation, understanding and coordination of activities between separate levels of government.

"The membership will be drawn, for the most part, from among active and responsible public officials at all—and I emphasize all—levels of government."

The ACIR has functioned very well for twenty-two years, and has represented the interests of all units of government, except one—local school district governments. This is a situation I am committed to changing.

If you look at the Organization Manual of the United States Government, you will find the address of the ACIR on page 667. You won't find anything about the ACIR's activities. In fact, if you have never heard of the ACIR until this moment, you are not alone. Many of my colleagues in Congress had never heard of it until this year, let alone know anything about it.

But the ACIR's relative obscurity does not detract from its importance or influence. It is still the single most influential body studying the administration and coordination of Federal grant and other programs, addressing the emerging public problems that are likely to require intergovernmental cooperation, and recommending the most desirable allocation of functions, responsibilities and revenues among the several levels of Government.

The ACIR has done its job well. It has a highly qualified professional staff and its work carries with it considerable influence. Over the years the ACIR has produced more than fifty major policy reports and has tracked more than 700 separate State laws which have implemented Commission recommendations. At the Federal level, the general revenue sharing program was developed by the ACIR, and the New Federalism being advocated by the Reagan administration has been advocated by the ACIR for years. It is perhaps no coincidence that President Reagan, while Governor of California, was himself a member of the ACIR, or that this administration is placing more emphasis on the Commission than any administration in recent memory.

If the ACIR is supposed to represent all levels of Government, why aren't school boards represented? There are several reasons.

When the Commission was established, the role of school districts was more limited than it is today. Indeed the school boards issue was never considered when the ACIR legislation was first passed. In addition, the ACIR itself has resisted all changes in its membership, and it has had some powerful allies in Congress helping to keep its membership limited. The ACIR has adopted several convenient criteria for considering whether any new members should be added to the club. One of the most interesting excuses was included in a letter from Jim Watt, Chairman of the ACIR, to me last week. He stated that school district governments are not general purpose units of government, and therefore are not representative of a quote—level of government. If school district governments are not a level of government, what are they?

I would add that the Commission has established these criteria, because there are absolutely no criteria stated in the law which would preclude Congress from giving membership to school boards.

It is ironic that a Commission which was established to give continued attention to intergovernmental problems and to recommend—and I quote the ACIR law itself—"the most desirable allocation of government functions, responsibilities and revenues among the several levels of government"—should ignore one of the major trends in local government—the growing importance and independence of local school district governments.

I would cite the following as indicative of what I mean:

One. In 1979, local school district government expenditures were almost forty percent of the total of direct local government expenditures, compared to thirty-five percent for municipalities and twenty-five percent for counties.

Two. School districts collect and spend more than 100 billion dollars annually, or about seven percent of the G.N.P.

Three. School districts today are nearly universal. More than 94 percent of all local school district governments are elected, and more importantly, almost ninety percent are fiscally independent.

Like mayors and county commissioners, school districts hire administrators to carry out their policies. Like city and county gov-

ernments, they are independent and responsible to those who elect them.

Four. Local school districts employ 3.5 million people, more than 45 percent of all persons employed by local government, and the activities of school districts directly affect our Nation's 44 million public school children and indirectly all of us.

Besides the education of our children, school districts are involved in a variety of activities, some traditional and some not so traditional. They provide services to the elderly, preschool child care, emergency services in times of catastrophe, employment training centers, health services and community services.

Over the past two decades, local school districts have been made accountable to a whole series of Federal enactments, including the Civil Rights Act of 1964, the Education of All Handicapped Children Act, the Rehabilitation Act, the Child Nutrition Act, the asbestos detection program, changes in social security financing laws, revenue sharing, refugee education, medicaid, and the Migrant Children Education Act.

It seems clear that school boards are a necessary, important and equal component of the Federal system. They rely heavily on the same system of revenues as other general purpose units of government, and they should be considered on equal footing.

When representatives of the National School Boards Association came to me last October and asked me if I would sponsor legislation to put elected school board members on ACIR, I was frankly surprised they weren't included already. And while I was happy to cosponsor the bill, I quickly discovered what we were up against.

First, the composition of the ACIR had never been changed before, so we had 22 years of history working against us. Second, the chairmen of the House and Senate subcommittees with jurisdiction over this issue were—and as far as I can gather still are—opposed to this legislation. In fact, the chairman of the House Intergovernmental Relations Subcommittee, L. H. Fountain, wrote the original ACIR legislation, and has no real interest in changing it to accommodate certain so-called special interests. Third, the ACIR itself has a standing resolution opposing school board membership, which it reaffirmed as recently as January 8 of this year. Finally, there was a degree of apathy among my colleagues which was understandable, since most of them knew very little about the ACIR.

But we have made progress, indeed almost amazing progress. My bill, H.R. 5192, now has almost 170 House cosponsors from 38 States. Chairman Fountain has scheduled hearings on my bill on April 21—next week. We now have a Senate sponsor for the bill, Charles Percy, and cosponsors from the Senate side.

This progress is due to the NSBA. Your Federal relations network has poured its heart and soul into this effort, and I want to publicly commend them for it.

The bad news is that the battle is still far from won. Time is running out in this Congress, and unfortunately those who oppose the bill still control the key subcommittee positions. If we can ever bring this issue to a vote, we will win. I can guarantee that. But the more impressive the list of cosponsors and supporters, the better off we will be.

I believe that all of you have a list of cosponsors of H.R. 5192 by State. Please check this list, and if your Congressman is not a cosponsor, call him or write him. Your effort may spell the difference between winning and losing, and I can assure you that this is one I very much want to win.

In a sense, the inclusion of school board representatives on the Commission would be symbolic. It would provide that, for the first time, officials of school district governments would be recognized, along with Governors and mayors, State legislators and county officials, Senators and Congressmen, as legitimate representatives of a unit of government—that local school boards are the official representatives of the local delivery and administration of all school district government services. It would sanction school district governments as coequal partners in the American Federal system.

Recently, I was looking at a bibliography of the publications of the ACIR since its establishment 22 years ago. I counted no fewer than two dozen separate reports which touched upon some area under the jurisdiction of local school districts. In fact, I find it incredible that any government advisory body could conduct a complex study of the local property tax without the direct involvement of the governmental body which uses the highest percentage of property tax revenues. I find it hard to believe that a government advisory body could effectively review categorical grant programs without the direct involvement of the governmental body which, until last year, utilized ten percent of all the categorical grant programs administered by the Federal Government.

The provision of educational opportunity to all of our people is one of the most important responsibilities of government. Education is a means of improving the quality of life of our citizens today and it is an insurance policy for a healthy society in the future.

Of all of the levels of government in our Federal system, it is local jurisdictions, and elected school boards in particular, that bear the greatest burden of these educational responsibilities. Yet these governments are not adequately represented in policy discussions that significantly affect their role as education providers. With your help, we can rectify this situation.

Thank you.●

MOSCOW'S NEW PEACE OFFENSIVE

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1982

● Mr. McDONALD. Mr. Speaker, back on Tuesday, March 30, under special orders, I made reference to an article from the March 24 issue of the Review Of The News. The article, by investigative journalist and intelligence expert, John Rees, is a much needed exposure of who and why is behind all the current efforts to neutralize the efforts of President Reagan to restore the Nation's defenses.

I note that that at least two organizations mentioned in Mr. Rees' article are recipients of taxpayers' money. That fact may be found in other items I have submitted in a series of "Where Your Tax Dollars Go," or "Where Your Money Goes," placed in this RECORD on this date.

Tomorrow, I shall list more organizations that Mr. Rees has identified as being connected with this Moscow directed new attempt to totally disarm America. Mr. Rees' article follows:

[From the Review of the News, Mar. 24, 1982]

SECRET PLANS REVEAL SUPPORT FOR MOSCOW'S NEW "PEACE" OFFENSIVE

(By John Rees)

Following the 1980 elections, weeks before the oath of office was administered to President Reagan, radicals in the disarmament movement were put on alert and activated. Many of them were following the lead of the World Peace Council and other groups clearly under the sway of the Soviet Union. Their objective was to slow, impede, and reverse the Reagan mandate to restore America's sagging defenses.

Now, after some 18 months of organizing, a massive international campaign has been launched by the Soviet Union using all of its covert assets. These include the World Peace Council, other fronts, the various Communist parties, and secret "agents of influence" in government, academia, and the media. Their intention is to block Reagan Administration efforts to rebuild U.S. national defenses and strengthen the N.A.T.O. alliance. At the same time they are laboring to demand foreign policies favorable to Soviet expansion in Central America, Africa, and the Middle East.

Recently we learned of a report written by and for the leaders of the disarmament campaign. It provides details of their penetration of government and academic circles in Washington; their funding and plans; and a review of past successes in getting the media to circulate their propaganda. This lengthy report was very tightly guarded in its distribution. It was intended for use by the disarmament elite only. But, within a week of its initial circulation, our Washington Bureau was able to obtain copies from several sources.

The intercepted report, containing more than 70 single-spaced pages, was prepared by Anne B. Zill of the Stewart Mott Foundation. It was distributed as part of a recent Washington, D.C., meeting of U.N. Non-Government Organizations (N.G.O.) and officials of various funding groups coordinating mass demonstrations for June 12th in New York during the U.N.'s month-long Second Special Session on Disarmament (S.S.D.-II).

The Zill Report sets forth in plain language the stratagems being put into motion by nearly 60 key disarmament organizations. It confirms that the so-called "peace" campaign was revived late in 1980 in reaction to the Reagan election victory and that the revival of the disarmament campaign coincided with similar efforts in Western Europe under the direction of Moscow's most important vehicle for covert action, the World Peace Council (W.P.C.). Many of the groups mentioned in the report have direct ties to the W.P.C. Together they had led the W.P.C.-directed support movement for the Communist insurgent forces in Indochina. The revival of the disarmament issue is shown by the report to be largely the result of substantial amounts of money provided to finance members of this pool of organizers.

According to the Zill/Mott Report, the revived disarmament lobby is to be coordinated via the Non-Governmental Organizations (N.G.O.) apparatus at the United Nations. It

does not mention that the leading roles in the N.G.O. structure are played by international front groups controlled by the Soviet Union. These include the W.P.C., Christian Peace Conference (C.P.C.), and Women's International Democratic Federation (W.I.D.F.). In addition to overt representatives of the Soviet front groups, a considerable number of N.G.O. representatives from other disarmament groups are veteran W.P.C. activists. The World Peace Council holds the N.G.O. vice presidency, and the coordinator of the N.G.O. Consultation Group for S.S.D.-II is Lenin Peace Prize winner Sean MacBride.

The Zill/Mott Report explains that the United Nations N.G.O. apparatus began coordination of the U.S. "peace" movement several years ago when the Stanley Foundation in Iowa began hosting "once or twice yearly meetings for the NGO, or non-governmental, organizations, a euphemism in this instance for groups that work on matters of war and peace. These have been . . . sometimes held in Washington at the Arms Control Association headquarters at Dupont Circle, and sometimes in New York at 777 United Nations Plaza." The Arms Control Association includes a number of apologists associated with the Institute for Policy Studies, a Marxist think-tank in Washington that has been characterized as the "perfect intellectual front for Soviet initiatives that would be resisted if they were to originate openly from the KGB."

The intercepted report reveals much of the inner workings of the disarmament movement. It includes identification of funding from tax-exempt religious groups for lobbying, links with "Liberal" foundations, efforts to recruit government employees and journalists, and cheerful acceptance of help from Communist Warsaw Pact generals and high-level Soviet officials. We are therefore reproducing parts of this document verbatim, with explanatory comments in italics. Remember, you are reading blunt material that the disarmament elite never intended you to see.

American Committee On East-West Accord (A.C.E.W.A): "Jeanne Mattison and Carl Marcy have a team of board members working on ways to implement George Kennan's proposal to reduce our nuclear weapons arsenal by 50 percent. This will become a Committee publication. A press conference and other publicity events are planned.

"In the late April to early May period the Committee will have its annual meeting, at some point when George Kennan, Kenneth Galbraith, Don Kendall (Pepsi Cola) and Bob Schmidt (Control Data) can all attend. They will again discuss the implementation of the Kennan proposal and will hear from some high ranking government officials, possibly off the record. The Committee does have to be careful about taking positions that would cause its conservative members to resign. It has received two years' funding from the Ford Foundation for a series of meetings with all the former ambassadors to the Soviet Union. These probably won't be publicized.

[Since these interviews with the former U.S. Ambassadors to Moscow are not supposed to be pretext debriefings by agents of a hostile foreign intelligence service, of what use are they to A.C.E.W.A. if they are not publicized? You do get the point.]

"Another project in progress is the production of radio spots for 'drivetime' periods, morning and evening. These will be 60-second spots, ranging from a soft sell approach (we all have common interests, don't we) to hard sell (Do you know that the Soviets have two aircrafts to 14 . . .). Mark Lewis, formerly with the U.S. Information Agency, is at work on them; monies have been received from the Rockefeller Brothers and the Ruth Mott Fund."

American Friends Service Committee (A.F.S.C.): "The AFSC has six areas of program in which resources are developed and coordinated with regional offices. These include disarmament (Terry Provance) and human rights, global justice (for Central America and Korea), the Middle East, South Africa, Indo-China and the draft/registration (Jim Bristol) . . . .

"Their main focus is on the U.S. intervention in the world's trouble spots and how best to educate the public. They have staff around the world, Asia, Africa, Central and South America."

[The A.F.S.C.'s disarmament coordinator, Terry Provance, has been for more than six years a highly visible activist with the World Peace Council and its U.S. section, the U.S. Peace Council. With W.P.C. leaders, Provance has addressed anti-American disarmament rallies in Europe; and with East German Communist functionary Walter Rumpel (whom he called "my friend") Provance led a rally and demonstration at the United States Capitol against the Department of Energy. It was organized by the anti-nuclear Mobilization for Survival coalition. James Bristol is the A.F.S.C.'s leading theorist in justifying support of revolutionary terrorist movements.]

Arms Control Association (A.C.A.): "While Bill Kincaid is in Britain completing an Adelphi paper on future military technology, Marsha McGraw is serving as director of their $200,000 yearly operation in Washington. During GZ week (April 18-25) they are willing to provide speakers and technical support—which is ACA's essential role in any case. [Ground Zero week is a scare-tactic "educational" project organizing a week of nationwide local activities to persuade Americans that the alternative is "either Red for dead."]

"Editorial advisories are being sent to 1000 medium-to-large newspapers around the country raising three questions: How can a nuclear war start? And how can one be prevented?

"Ongoing are ACA's 25 or so yearly briefings to between 700 and 1000 academic and diplomatic people, government personnel and aficionados on relevant arms control topics . . . ."

[While the Arms Control association is busy indoctrinating academics and government officials, and carrying out a media campaign, one of the more startling projects (directly involving the Warsaw Pact military) is being planned by two U.S. retired rear admirals, Gene La Rocque and Eugene J. Carroll.]

Center For Defense Information (C.D.I.): "On June 15 and 16, 1982, during the UN Special Session on Disarmament, CDI will host a conference of retired military officers from NATO and Warsaw Pact countries to discuss how a nuclear war would be fought/avoided, a first-time ever event. Admiral Hyman Rickover will be approached about participating.

[During the Vietnam War period, Washington's Marxist I.P.S. think-tank began developing a network of disaffected government officials in the Defense and State Departments, Central Intelligence Agency, National Security Council, and on Capitol Hill. From these contacts have been developed spin-off projects including C.D.I. In 1975, Admiral La Rocque was a guest in Moscow of the Institute of the U.S.A. and Canada. Defectors from the Institute confirm that many of the staff are K.G.B. officers, and that it provides advice to both the Politburo and the K.G.B. on trends and opportunities in America. Last year, Admiral La Rocque organized a meeting of European and American "peace activists" in Holland in which retired NATO officers active with the World Peace Council were prominent. Disclosure of C.D.I.'s plans to import retired Communist generals follows a World Peace Council Bureau meeting in Copenhagen last January which included a conference of two dozen former N.A.T.O. and Warsaw Pact "generals and admirals for peace."]

"In the nearer future, CDI is hosting, along with the Washington Interreligious Staff Council, a two-day conference for 100 religious leaders from around the country. . . . There will be a trip to the Pentagon and a reception/dinner at the Army/Navy Club. Speakers will include a representative of Eugene Rostow, Senator Warner and Representatives Les Aspin and Ron Dellums."

Clergy And Laity Concerned (C.A.L.C.): "On February 17 CALC released an open letter to the Congress speaking out against the El Salvador military intervention. . . . Co-Director John Collins [an endorser of the U.S. Peace Council's national conference last November] reported that over 400 top leaders in the major religious denominations signed this letter and the press conference was covered by AP, Time Magazine and many other news outlets.

"Formed in 1965 as the Emergency Committee of Clergy and Laymen concerned about Vietnam, this organization had a list of 50,000 supporters by the end of the war. That list dwindled to 2,000 until Liz Broder began to build the supporters again with direct mail four years ago. The current list of supporters is 20,000 and Broder hopes to add another 3,000 this year.

"Along with the American Friends Service Committee, CALC is sponsoring a two-week visit to the United States, beginning March 20, of 10 major European peace leaders. In groups of two, traveling to nine cities, they will reach a total of 36 cities . . . over the period. There will also be several N.Y. meetings, including one with the N.Y. Times editorial Board, and another on March 21 at the Union Theological Seminary for funders.

"CALC has been most active in the formation . . . of the Nuclear Weapons Freeze Campaign, participating on the steering committee and involving a number of the 42 CALC chapters in the Freeze Conferences.

"CALC is also a co-sponsor of the Peace Sabbath, May 28-31, a weekend of worship and witness to spread the word. They have been active around the plans for the Special Session [on Disarmament] as well, and John Collins has been participating in the [June 12th] rally committee too."●

HOUSE OF REPRESENTATIVES—*Wednesday, April 28, 1982*

The House met at 3 p.m., and was called to order by the Speaker pro tempore (Mr. FOLEY).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker.

WASHINGTON, D.C.,
April 28, 1982.

I hereby designate the Honorable THOMAS S. FOLEY to act as Speaker pro tempore on this day.

THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

PRAYER

Rev. Edward G. Latch, D.D., former Chaplain of the House of Representatives, offered the following prayer:

Be strong in the Lord and in the power of His might.—Ephesians 6: 10.

God of our fathers and our God, cleanse the thoughts of our minds by the inspiration of Thy Holy Spirit that we may truly love Thee and worthily serve Thee this day. May our spirits be with Thee and Thy Spirit live in us as we endeavor to keep freedom and justice and peace alive in our world.

We pause in Thy presence as we remember our beloved colleague, John M. Ashbrook, who has left us and now is with Thee. We thank Thee for his genuine spirit and for the great contribution he made to this body and to our country. Comfort his family with Thy presence and strengthen them for these hours. Keep them and us strong and steady this day and all the days that are to come. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

OFFER OF CONCILIATION ON BUDGET IMPASSE

(Mr. JOHN L. BURTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. JOHN L. BURTON. Mr. Speaker, I have written the following letter to President Ronald Reagan, the White House, Washington, D.C.:

WASHINGTON, D.C.,
April 28, 1982.

President RONALD W. REAGAN,
The White House, Washington, D.C.

DEAR PRESIDENT REAGAN: I am as concerned as you are about the present budget impasse. Last night I spent several hours meeting with Members of Congress on the Appropriations, Budget, and Ways and Means Committees. We were all in agreement that, although we are Democrats, we are Americans first.

Therefore, as a last gesture of statesmanship before I retire, I am prepared to break ranks with the Democratic party and I have great reason to believe that I can bring thirty of my colleagues with me to vote for your budget as submitted. Of course, I will do this only when you have delivered every Member of your Republican party to vote for your budget. By doing this, you will be serving the best interests of the nation, the Republicans will be serving the best interests of the Republican party, and I, along with my hearty band of Democrats, will show our dedication to truth, justice and the American Way by providing you with sufficient votes to pass the Ronald W. Reagan Memorial Budget. Of course, if you cannot bring your Republican Members of the House of Representatives to vote for your budget as submitted, the deal is off.

Best wishes,

Peace and friendship,

JOHN L. BURTON,
Member of Congress.

Mr. President, put up or shut up.

TAX RELIEF FOR VOLUNTEERS

(Ms. MIKULSKI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MIKULSKI. Mr. Speaker, last week a handful of America's volunteers were honored with a luncheon in the rose garden. One lunch, once a year for the 8½ billion hours that volunteers have given—hours of their lives selflessly donated to their neighbors.

Those same volunteers are suffering from the effects of inflation without the tax credits that megacorporations enjoy. And many of them are on fixed incomes, facing the fears of medicare cuts, social security cuts, and pension cuts. They deserve our help.

Think for a minute about the volunteers in your own neighborhood. The single mother who works all day, and comes home to lead the Girl Scout troop. The elderly widower on a fixed income who becomes a foster grandparent. The young unemployed auto worker who steps forward to be a big brother. Do not these people, and these acts of love deserve the kind of help that we can give them through a little bit of tax relief.

The House has before it two pieces of legislation which I introduced last year that would be of tremendous aid to the volunteer effort of the Nation. One bill, H.R. 767, recognizes the value of volunteer work by granting a tax credit to volunteers who do more than 40 hours per year of charitable work. The credit would be computed by multiplying the prevailing minimum wage times the number of hours the volunteer has worked up to a total of $750 per taxpayer. This credit would, in a small way, make the lives of our volunteers easier. My second bill, H.R. 768, would give volunteers the same mileage deduction that business people now enjoy. The volunteer mileage bill has already attracted over 170 cosponsor, and over 50 supporting organizations.

To date the White House has chosen not to support these bills. Voluntarism may be chic, but its not supported. Maybe next year all the volunteers can have lunch in the rose garden, all 84 million of them, all wondering if lunch is all they deserve.

MRS. ELEANOR "SIS" DALEY HONORED BY CATHOLIC WAR VETERANS

(Mr. RUSSO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RUSSO. Mr. Speaker, on May 1 Mrs. Eleanor "Sis" Daley, the wife of the late and great mayor of the city of Chicago, Richard J. Daley, will be honored at a gala banquet and dance by the Catholic War Veterans, Department of Illinois Convention, with the honoree's son, Richard M. Daley, the State's attorney of Cook County, as the guest speaker. It should be quite an occasion and I am pleased to be a part of the evening that will pay tribute to such a wonderful person as Sis Daley.

Devoted wife, mother, grandmother, citizen, Sis has in the most unassuming way had the profoundest impact on the lives of countless people. She is respected; indeed, revered, and the affection that the people of Chicago feel for her is deep and true. It is reflected in their smiles and handshakes and hugs when they greet this gracious lady.

Sis could have easily taken on the airs of a woman of position and power. She never has. She is straightforward and true to herself and devoted to her family and country. It was her warmth

and her wisdom that gave our late mayor the sanctuary he needed. It was the home she created that provided the privacy and love that meant a solid family. Mayor Daley once said, when asked to what he credited his success, "I was fortunate to have married a great woman, a great mother."

Married in 1936, Eleanor Guilfoyle and Richard J. Daley, were to be quite an impressive team. She ran his first campaign that year, which was successful, and in the next 40 years theirs would continue to be a marriage of victories, and of great love. They raised seven children in the midst of the busiest of lives and it is to her children and grandchildren Sis continues to be devoted. Through all the years as the wife of the mayor of the Nation's second largest city and one of the most powerful political figures the Nation has known, Sis was the bulwark, the one equally at ease arranging the family Christmas Eve festivities or greeting royalty.

I commend the Catholic War Veterans for selecting Sis Daley for their convention honor award. This woman has exemplified what is great and good about ourselves as loving human beings, as family members, as active citizens whose patriotism serves as a guiding light for others. I know my colleagues join with me in saluting Eleanor "Sis" Daley, one of our country's truly great ladies.

NEED FOR HEARINGS ON DPT VACCINATIONS

(Mr. MICA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICA. Mr. Speaker, earlier this week I rose to discuss a situation with regard to the DPT vaccination shots. Thousands of calls have been taken with regard to this problem and possible reaction.

I have introduced a resolution (H. Res. 313) simply to call for hearings on this subject. Every child in America is required to take these shots. I ask the cosponsorship of as many Members as possible. I think these questions deserve an answer and it should be on the public record.

SUMMIT CONFERENCE ON THE BUDGET

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ALEXANDER. Mr. Speaker, at this hour the President is meeting at the Capitol with the Speaker of the House and the majority leader of the Senate. This summit conference on the budget had its beginning on February 8, 1982, when the President submitted his budget proposal projecting, on that date, a deficit for fiscal 1983 of $91.5 billion.

The business community looked beyond the President's budget to the real numbers and calculated a different deficit—almost twice the amount reported by the President.

The debate that followed has revealed the real deficit to be about $182 billion. That truth has set the people free to face the grim reality of the President's economic policy.

The New York Times reports today that the President's budget "deficits add up to $750 billion for the fiscal years 1982 through 1985. That represents a 75-percent rise in 4 years over the $1 trillion deficit that had accumulated in the past two centuries of United States history."

To recognize the grim reality of the budget is the first step toward repairing the economic policy needed to deal with it.

[From the New York Times, Apr. 28, 1982]

ECONOMIC SCENE: GRIM REALITY OF THE BUDGET

(By Leonard Silk)

The grim reality needs to be faced: The budget is out of control. Unless President Reagan makes a remarkable deal with Congressional leaders in a meeting with them today, the nation faces a string of the biggest deficits in its history. And, if nothing dramatic is done now, those deficits will climb in the next few years, weakening the national economy.

Congressional and White House budget negotiators, although unable to effect a deficit-shrinking compromise in the face of a deadlock between President Reagan and the Speaker of the House, Thomas P. O'Neill, Jr., have at least been facing up to that reality. They have agreed that, without additional budget savings, the following figures will result from the President's program:

Expenditures will climb from $742 billion in the current fiscal year to $827 billion in the fiscal year 1983, $918 billion in 1984 and $1,013 billion in 1985. In the aggregate, counting both military and social outlays, this represents hardly any slowdown in the rate of increase in Government spending.

But tax revenues will climb much more slowly, thanks to the huge tax cuts in the works and to more sluggish growth than the Administration assumed when it prepared the budget. Revenues are now projected to rise from $623 billion in the current fiscal year to $645 billion in fiscal year 1983, $702 billion in 1984 and $780 billion in 1985.

As a result, the deficit gap will widen from $119 billion in the fiscal year 1982 to $182 billion in 1983, $216 billion in 1984 and $233 billion in 1985. Those deficits add up to $750 billion for the fiscal years 1982 through 1985. That represents a 75 percent rise in four years over the $1 trillion deficit that had accumulated in the past two centuries of United States history.

Projections by the Conference Board, a respected business research group, put the deficits at $175 billion per year for 1986 and 1987. The result would be a total deficit of $1,100 billion for the six years starting with this year, more than doubling the national debt. Financing that deficit threatens to drain private savings, keep pressure on interest rates, drag the economy.

The projections of the Congressional and White House budget negotiators are based on the assumption that real gross national product will decline by nine-tenths of 1 percent this year, but will grow by 4.5 percent in 1983, 4.1 percent in 1984 and 3.7 percent in 1985.

Those are more cautious assumptions than those used by the Administration in framing the budget last January. It assumed then that real G.N.P. would increase by two-tenths of 1 percent this year and by 5.2 percent in 1983, 5 percent in 1984 and 4.7 percent in 1985.

The budget negotiators have assumed that inflation, as measured by the G.N.P. deflator, a broad gauge of price movement, will rise by 7.4 percent in 1982, 7.3 percent in 1983, 6.6 percent in 1984 and 6 percent in 1985. In January the Administration assumed that inflation this year would be 7.9 percent, falling to 6 percent in 1983, 5 percent in 1984 and 4.7 percent in 1985.

The budget negotiators have accepted about 90 percent of the technical re-estimates made by the Congressional Budget Office of the original costs projected by the Administration; these generally raise the deficit projections.

While the negotiators have sought to be realistic, they could be wide of the mark if economic conditions changed drastically from those that they are assuming. Some of the president's outside economic advisers have encouraged him to stick with his basic budget plan, suggesting that a resurgent economy can still get him through. Mr. Reagan has adopted the slogan, "If it ain't broke don't fix it," made famous by Bert Lance, President Carter's budget director.

Negotiators including Senators Pete Domenici and Bob Dole on the Republican side and Senator Ernest F. Hollings and Representatives James R. Jones and James C. Wright on the Democratic side consider such optimism ill founded.

Acknowledging the uncertainties in deficit forecasting, Raymond Scheppach, deputy director of the Congressional Budget Office, said last week that he preferred to make projections within a range of $50 billion, and would put the probable deficits for the fiscal year 1983 as falling between $150 billion and $200 billion, the fiscal year 1984 between $200 billion and $250 billion, and the fiscal year 1985 between $250 billion and $300 billion, unless substantial budget savings were made.

But deep cuts from such levels are not yet in sight. It takes optimism to see the negotiations achieving budget savings of as much as $40 billion to $50 billion for the fiscal year 1983 from the currently projected level of $182 billion. And bigger cuts in the "out" years are not yet in prospect.

Indeed, given the clash of ideologies and politics between a Social Darwinist in the White House and a New Dealer as leader of the Democrats in Congress, the deadlock may not be broken, and budget chaos could well ensue.

But the more pragmatic budget negotiators are still, though a bit desperately, hanging in. They are afraid that if they fail to reach a compromise on lower deficit levels now, not just for the fiscal year 1983 but the years beyond, the problem will grow a lot worse.

FECA INTEREST BILL

(Mr. WILLIAMS of Montana asked and was given permission to address

the House for 1 minute and to revise and extend his remarks.)

Mr. WILLIAMS of Montana. Mr. Speaker, today I am introducing a bill which I believe will reduce a hidden, but very real incentive to inefficiency in Government. In recent times, the private sector, and indeed the Government have become increasingly aware of the time value of money. Today's high interest rates have deepened our understanding of the axiom that money, too, has its price. The IRS, for example, raised the rate of interest due on delinquent taxes to 20 percent this year. Likewise, the House Government Operations Committee is considering the cost of money in its recent reporting of a bill requiring that interest be paid to private businesses the Government owes money under contracts for goods and services. The full Senate has already passed a similar bill. It is noteworthy, then, that literally millions of dollars are being snatched yearly from the pockets of Americans—not through taxes, Mr. Speaker—but because the Government owes them money, and the debt is overdue.

The particular program our bill deals with is authorized by the Federal Employees Compensation Act (FECA). Its benefits are analogous to those provided under workers' compensation programs administered by the States for employees injured in the private sector. The Federal program, however, is supposed to protect those workers who are injured while working for the Federal Government: The engineers; forest workers; lab technicians; as well as administrative and clerical people who report to work for Uncle Sam every day. The Labor Standards Subcommittee has found, however, that the benefits which are supposed to protect these workers from economic loss as a result of Federal on-the-job injuries are often delayed for months and even years, leaving the claimant strapped—sometimes financially ruined. Under the Federal program, not one penny of interest is paid to the claimant on accumulated benefits even if they represent years of delay in processing and thousands of dollars. It makes no difference if the claimant has to borrow money at today's high rates to survive.

In connection with the subcommittee's hearings, we found that from June 30, 1981, to July 1, 1982, the Office of Workers Compensation Programs, which administers the Federal comp program, made 2,820 individual payments in the range of $5,000 to $10,000. During that time the Office made 1,196 payments in the range of $10,000 to $20,000; and 600 payments of $20,000 or more. Since lump-sum payments under the program are very rare, these sizable accumulated payments are an indication that too many claimants are waiting months and months for the money to which they are entitled. If interest had been paid on these amounts at a flat annual 20-percent rate—the rate the IRS charges delinquent taxpayers—it would have ranged from some $6 to $7 million.

Our bill, which we hope will be incorporated into the amendments to the Federal Employees' Compensation Act being considered by the subcommittee, would do the following:

First, require that any approved payment to a FECA claimant which is delayed for more than 6 months will bear the same rate of interest IRS charges for delinquent taxes;

Second, provide that this interest be paid on a 50-50 shared basis by the Office of Workers Compensation and the claimant's employing agency—both of which have major roles in the claims process;

Third, provide that the claimant would be entitled to the interest unless the delay in payment was the result of the claimant's failure to respond to a request for information or required medical examination within 45 days of the request.

Several of the State laws regulating private sector compensation require interest or penalties for delayed payments, so our proposal is not without precedent. A further point is that a Federal comp claimant only has recourse through the FECA program. He or she cannot go to court to obtain a compensation benefit or settlement, with or without interest. The law does not allow court review or review by other officials of claims denied by the Secretary of Labor. The inefficiency of the FECA program then is a primary concern, since there is no further means under the law for a claimant to obtain benefits.

The present administration came into office agreeing with the people of this country that something must be done to improve cumbersome, inefficient Government programs. To shift this responsibility to the rightful beneficiaries of a program by making it harsher and less responsive to their needs, as the administration has proposed in its amendments to FECA, ignores the real problem of maladministered bureaucracy. We will try to get a start on this problem with this bill, and I hope our colleagues will work with us to support it.

TRIBUTE TO DON LUIS A. FERRÉ AT INTERAMERICAN MUSIC FESTIVAL

(Mr. CORRADA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CORRADA. Mr. Speaker, on May 10, as part of the Inter American Music Festival, there will be a tribute to the artists of Puerto Rico at which time Don Luis A. Ferré, one of the most outstanding Puerto Ricans of the century, will be honored.

Don Luis A. Ferré, 78, is a former Governor of Puerto Rico and president of the senate, senator, industrialist, art collector, patron of the arts, and philanthropist. Don Luis, as he is affectionately known throughout Puerto Rico, has devoted his life to the people of Puerto Rico. And in return, he has received the devotion of our people.

Don Luis' political and civic career spans more than 50 years. He helped draft the constitution of Puerto Rico proposing important amendments in 1951-52. From 1953 to 1957, he was a member of the Puerto Rico House of Representatives. In 1965, President Lyndon B. Johnson appointed him to the United States-Puerto Rico Commission on the Political Status of Puerto Rico. He was the leading Puerto Rican exponent of statehood in the group made up of legislators and other leaders from the U.S. mainland and Puerto Rico. He continues to be a champion of the cause of statehood for Puerto Rico and has been the mentor of many of our political leaders. I personally think of him as a great inspiration to my own political life.

In 1968 Don Luis A. Ferré was elected Governor of Puerto Rico. During his 4-year term he helped to place Puerto Rico into the mainstream of American politics. One of his main concerns was establishing a friendlier relationship between the people and their government. He joined the National Governors Conference to insure this friendship. Later, he was elected chairman of the Southern Governors Conference.

Don Luis is a man instilled with a love for the arts and sciences. One of his greatest contributions to the art world and Puerto Rico is the Ponce Museum of Art. Situated in a city on the southern coast of the island, the museum houses a wideranging collection of art works, many from Ferré's personal collection. He contributed and raised funds toward the construction of the museum which was designed by Edward Durrell Stone.

One of Don Luis' most enduring civic achievements is the Ferré Foundation. The foundation has not only provided funds for the construction of the Ponce Museum of Art, but has also served to promote the island's arts and culture as well as aiding other educational, religious, and welfare institutions and objectives.

A 1924 graduate of the Massachusetts Institute of Technology, Don Luis is a member and honorary secretary of the board of trustees of MIT and a member of the American Academy of Arts and Sciences. He has been chief benefactor of the Catholic University of Puerto Rico, of which he is

also a trustee. He has been associated with positions of leadership with civic organizations such as Lions International, the YMCA, National Society for Crippled Children, and Puerto Rico's Inter-American University.

Don Luis A. Ferré has received many honors and awards. He is a knight of the Order of the Holy Sepulchre, an honor bestowed upon him by Pope John XXIII in 1959 and he received the Hoover Medal and the Albert Einstein Commemorative Award in 1971. A graduate of the New England Conservatory of Music, he is an accomplish pianist.

I join in this tribute to Don Luis A. Ferré, a man whose leadership, dedication to the improvement of society and mankind has rightly merited his being honored on the occasion of the Inter-American Music Festival this year.

IN RECOGNITION OF SOME SPECIAL VOLUNTEERS

(Mr. LUNDINE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUNDINE. Mr. Speaker, President Reagan has called upon all Americans to participate in the volunteer activities which support communities throughout this Nation. His appeal has encouraged many citizens to be more committed to their community and more selfless in sharing their own time and special skills. It has also focused public attention on the contributions which so many volunteers and charitable organizations have made over the years.

I am really proud that three organizations from my own 39th Congressional District will share two national awards during National Volunteer Week. It was my privilege to nominate these volunteer organizations for awards they well deserved.

These organizations are the New York State Volunteer Firemen's Association, the St. Francis Hospital Guild of Olean, N.Y., and the Olean General Hospital Auxiliary, of Olean.

I can think of no better inspiration for volunteers everywhere than the example set by the New York State Volunteer Firemen's Association which this year celebrates more than 100 years of service. I pay tribute to the men and women who risk their very lives, without compensation, to serve their communities. Many communities in New York depend entirely on volunteer fire protection.

I also salute the St. Francis Hospital Guild and the Olean General Hospital Auxiliary for their marked success in fundraising and for overcoming the temptations of partisanship and competition to form a unique partnership providing the city of Olean with advanced medical equipment and care envied by many much larger metropolitan areas.

We all hope Americans will demonstrate a continuing commitment to voluntarism in the years to come. I really am proud to recognize today three organizations in my own home State who have made that hope a reality.

SHOULD WE PULL OUR TROOPS FROM EUROPE?

(Mr. BADHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BADHAM. Mr. Speaker, several of my respected colleagues have suggested in recent days that the time has come for the United States to abandon the European alliance and withdraw our troops from Europe. Certainly, no one can deny that there are differences between ourselves and those on the other side of the Atlantic. However, I believe that the removal of American troops from European soil would constitute an enormous mistake—one which would play directly into the hands of the Soviet Union and accelerate the decline of the East-West balance of power.

The world has become a different place since NATO was created and U.S. troops were committed to it. Soviet military growth is seriously threatening the security of Europe as the United States-Soviet balance has moved from clear U.S. superiority to one of uncertainty, with powerful momentum in favor of the Soviets. At the same time, our economic interdependency with Europe has increased dramatically. In 1945, the United States produced and consumed half the world's goods. Today, our European and Pacific Allies collectively produce more than the United States. Obviously, as we found in two World Wars, the security of Europe and ourselves are inextricably linked. Despite variances of opinion between the United States and our NATO Allies, it has been the alliance which has maintained a balance of power and kept the peace for the last 30 years, and it is American troops in Europe which are the centerpiece of the alliance.

Within the alliance, various points of view regarding defense burden sharing should be expected to exist where individual nationalistic interests are involved. There is no question that a gap now exists between the rate of growth of the U.S. defense effort and that of our allies. However, the basic reason for that is that the United States is now attempting to quickly reverse the serious decline in our military power and make up for nearly a generation of neglect in our military programs. The allies, in contrast, have steadily increased military spending by 2 or 3 percent for more than a decade. In addition, we should recognize that some of the problems of the alliance have been created by the vacillations of direction and policy on this side of the Atlantic. Let us not forget that U.S. foreign policy from 1976 to 1980 was one long series of about-faces which left our European friends wondering about American resolve and purpose. The neutron bomb episode is a case in point. My friend and colleague from Arizona has stated that the governments of Europe "will have no part" of the neutron bomb's deployment. It is important to remember that the reluctance to accept this needed weapon is due to the fact that the Europeans first agreed to the bomb's deployment, only to have the rug pulled out from under them by the former administration. Can you imagine how American resolve would be questioned if we were to begin to remove our European troops?

Certainly, Europe must be expected to do its part to maintain allied force levels. I believe that as a result of diplomatic overtures, progress is being made in this direction. For example, German Chancellor Schmidt has continually reaffirmed his commitment to our side of the alliance. The ruling West German Social Democratic Party recently backed up the Chancellor's words by rejecting 2 to 1, a moratorium on North Atlantic plans to deploy new nuclear missiles in Europe. This reaffirms a similar strong commitment made last year by the North Atlantic Assembly. In other words, the European request for theater nuclear force modernization is steadfast. One can only wonder, in light of recent congressional statements, about our resolve to maintain nuclear parity with the Soviets.

The Soviet Union is attempting to separate the alliance, as the anticipated deployment of U.S. Pershing missiles and other NATO activities place a restraint on the expansion of its strategic position. The removal of our troops would put the credibility of the United States into question and would probably destroy any possibility of further essential cooperation. The Western alliance needs the United States for its protection. The United States also needs its friends in Europe. Although there is a temptation to strong-arm Europe by threatening to abandon her to her own fate, this clearly would not serve our interests. Just as we cannot return to the era of European superiority, we should also recognize that we are no longer living in an era of absolute American superiority. Thus, we should look for closer cooperation with our friends overseas, rather than attempting to dictate policy to them, and thereby opening a wide rift across the alliance. Europeans must do their fair share for the West's defense. I do not believe, how-

ever, that the time has come to drastically alter U.S. policy in a way which could well have disastrous effects on the balance of power.

THE RIGHT OF LEONID BRAILOVSKY TO PURSUE AN EDUCATION

(Mr. JAMES K. COYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JAMES K. COYNE. Mr. Speaker, as a former lecturer at the University of Pennsylvania, I am painfully aware that this year the freshman class is incomplete. This year, the freshmen class does not include Leonid Brailovsky.

Leonid Brailovsky was 11 when his family was denied permission to emigrate from the Soviet Union to Israel. Until 1975, he studied in one of the mathematical institutes in Moscow. That year Leonid refused to join the Young Communist League. He became the object of ridicule, scorn, and anti-Semitic harassment, and was forced to leave school. He cannot study at a university because he is not a member of the Young Communist League and because of open discrimination against Jews.

Because no college would accept him, Leonid was forced to attend a vocational school for food production. Leonid's refusal to attend this school would have paved the way for conscription into the army.

Last spring Leonid was admitted to the University of Pennsylvania on the basis of his academic credentials. Since the time, the Penn for Brailovsky Committee at the university has worked actively for his release.

I share the opinion of the Penn for Brailovsky Committee that Leonid should be granted the right to pursue his education in the field of his choice, free from discrimination. Today I sent a letter on his behalf to Ambassador Dobrynin which was signed by many of our colleagues. I appreciate your assistance, and I urge you to continue the struggle to secure Leonid's release.

□ 1550

THE EVANS-CORCORAN HOUSING INITIATIVE

(Mr. EVANS of Delaware asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EVANS of Delaware. Mr. Speaker, you hold the key to permitting this body to address a pressing national need, and although late, there is still time.

Mr. Speaker, our Nation's housing industry is in critical need of assistance, and you hold the key to allowing us to stimulate this industry and create thousands of jobs—jobs for men and women who stand ready to build homes for Americans locked out of homeownership by today's high interest rates.

You hold the key, Mr. Speaker, to a plan which will provide this desperately needed help, without aggravating the already bloated Federal deficit.

You hold the key, Mr. Speaker, to giving Members of this House a real choice: Continuing to subsidize major oil companies, or assisting America's home buyers, thousands of small businessmen and women, and craftsmen all across the Nation.

Mr. Speaker, unlock the door that stands between so many hard-working Americans, and the American dream of homeownership. Let this body consider the Evans-Corcoran housing initiative—and let us do it now, before time runs out.

VOLUNTARISM

(Mr. WHITEHURST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WHITEHURST. Mr. Speaker, each day many millions of our citizens throughout the country give of their time and talents to a multitude of volunteer service organizations. These compassionate people fill a critical void between private and public services and are frequently the only source of aid to many of our less fortunate members of society.

America can be truly proud of those who give so unselfishly and tirelessly year in and year out. Time and time again, the people of our Nation have demonstrated this spirit by coming to the aid of their fellow citizens in their hour of need, whether by collecting money, food, or clothing, or simply by spending a few minutes with one who has no one else with whom to talk.

But, as it has been pointed out here today, we do a disservice to volunteers by putting a price tag on their activities. I am, therefore, proud to be a cosponsor of H.R. 768, the volunteer mileage bill, to provide that the standard mileage rate for use of a passenger automobile which may be used in computing the charitable contribution deduction shall be the same as the standard mileage rate which may be used in computing the business expense deduction.

Mr. Speaker, I have also introduced legislation of my own, H.R. 6063, to allow the Secretary of a military department to accept voluntary, uncompensated services from persons desiring to provide such services in programs designed for the morale and support of military members and their families.

I think both of these measures deserve the full support of the Congress as a way of showing our gratitude and respect for the work of America's volunters.

THE NATIONAL DEVELOPMENT INVESTMENT ACT

(Mr. WAMPLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WAMPLER. Mr. Speaker, I am pleased to join a number of my colleagues in introducing the National Development Investment Act which will revise our economic development program and provide for the completion of the work of the Appalachian Regional Commission. However, I must state that my support basically revolves around my ongoing enthusiasm for the work of the Commission, and that I do have reservations with regard to the portion of the bill that rewrites programs under the Economic Development Administration.

While I, of course, would like to see adequate funding indifinitely for the work of the Appalachian Regional Commission, economic and budgetary realities appear to foreclose that option, and I will happily support the recommendations of the 13 Appalachian Governors for a finish-up plan for the Commission programs. In 1979, I was pleased to introduce legislation to extend the Appalachian Regional Development Act of 1965, as an active gesture of my support for the work of the Commission. The structure of the ARC, with the localities determining needs and setting priorities in conjunction with the State governments, is both reasonable and effective in accomplishing their goals. Additionally, I fully support completion of the Appalachian region highway system as a necessary component in the long-term economic improvement of the Appalachian area.

In considering a rewrite of the programs now under the Economic Development Administration, there are several concerns which are addressed in a brief outline of my concept for a workable and worthwhile program to assist areas in providing the basic infrastructure for future economic growth. First, I feel that such assistance should be targeted toward rural areas, or those political subdivisions with a population of 50,000 or less. Second, eligibility for the grants should be limited, for the first tier, to those political subdivisions with an unemployment average of 3 percent above the national average for the 6-month period immediately preceding the month in which the application is submitted, determined by taking a rolling average of quarterly unemployment figures for those months included, as authenticated by available Federal and/or State statistical data. This concept would include the requirement that each applicant is required to reaffirm their eligibility on this basis with any subsequent applications. Second tier funding would be available for applicants

showing that they are about to experience dislocations in industry and/or business that will result in a job loss for the area which will equal the unemployment rate of 3 percent or more above the national average.

Third, the concept I prefer would authorize funding levels for economic development assistance at $450 million in fiscal year 1983, $400 million in fiscal year 1984, and $350 million in fiscal year 1985. Decreased funding in the outyears as projected here is based on the assumed improvements this targeted concept program should affect in the local economies, thus lessening economic distress and resultant applications for assistance as the program progresses.

This concept, as briefly outlined, is aimed at effectuating economic independence from, rather than economic dependence on, the Federal Government. Immediate needs and realities would be addressed by this program of economic improvement to plan for the objective of long-lasting and permanent job creation within the applicant areas, as well as providing for a declining deficit in the outyears by assuming improvements through the program and a decreasing funding obligation. As the economy improves, both within the applicant areas and the Nation as a whole, the program would naturally phase out rather than burgeoning into one of greater budgetary needs and greater dependence upon the Federal Government by those targeted areas.

I commend the committee for scheduling prompt action on the National Development Investment Act, and on the inclusion of language to enact an Appalachian Regional Commission finish-up program. This prompt action on consideration of the bill I joined in sponsoring precludes further development at this time of the concept I have set forth in these remarks. However, I do hope these ideas can be given careful and adequate attention as the Congress continues to look at assistance programs for economic development. Ideally, I would prefer to see an integration of the two approaches, and I hope this possibility will be considered.

INTRODUCTION OF LEGISLATION TO ESTABLISH A SERIES OF GROUNDWATER RECHARGE DEMONSTRATION PROJECTS

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, as my colleagues are aware, the 17 arid and semiarid States of the West are heavily dependent upon an adequate supply of water for their economic survival. The prime source of water for agricultural, domestic, municipal, and industrial use in the Great Plains region is the underground system of aquifers which underlies these States. As those of us who represent those States are painfully aware, increasing demand upon those reserves is depleting our once plentiful supply of fresh, pure groundwater. Mr. Speaker, it has been predicted that some areas of the Great Plains will have totally depleted their available groundwater supplies by the turn of the century, or even sooner. The implications of these dire forecasts are awesome. Whole areas of the country will face drastically altered conditions. The impact of inadequate water supplies upon agricultural production, industrial development, and energy production will be staggering. Economic development will come to a standstill without water.

Mr. Speaker, hydrologists and geologists have recently begun to suggest that we explore the possibility of using surface water, where available, to replenish the diminishing groundwater reserves in these areas. These are areas of the country which have an abundance of surface water which could be used to recharge these declining aquifers. I believe that this approach could offer a feasible and cost-effective alternative to economic disaster. We simply must take action to avoid the inevitable results of inadequate water supplies in these areas.

I am today introducing legislation, along with a bipartisan group of my colleagues on the Committee on Interior and Insular Affairs from the Great Plains States, to establish a series of groundwater recharge demonstration projects to explore the feasibility of this approach. This modest program would target those areas of the worst declines and the best possibility for a successful recharge project for further testing of the concept. Projects would be located in the High Plains States of Colorado, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, and Wyoming. An 18-month planning phase would be followed by a 5-year demonstration phase, with positive findings and recommendations for construction of full-scale projects if the concept proves feasible.

Mr. Speaker, I urge my colleagues to examine this legislation, and to join with me and others who recognize the pressing need for an effort to devise a course of action for the future of this important food and energy producing region of our country.

PARTISAN POLITICS AND THE BUDGET DEFICIT

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, Congress has done nothing for months, fiddling while the economy burns and offering only partisan politics where statesmanship is obviously needed.

The American people generally, and the financial community in particular, in the wake of such nonperformance, remain correctly skeptical of our ability to hold the fiscal year 1983 budget deficit below $100 billion, or indeed, to adopt any budget at all.

The young men and women who came to Congress early last year have been treated to a spectacle of unvarnished partisanship, dashing their ideals on the rocks of cynicism and disillusionment, and making all who care about the future of this country wonder whether this Congress really has the capacity to govern or whether politics has been elevated to so high a role that reason, honest, and open dealing and fair compromise no longer have a place on our agenda.

Mr. Speaker, the time is short. American people wait for results. Those leaders of either party who believe some partisan advantage can be pulled from the ashes of failure simply do not understand the American people. The blame for failure will belong to all of us.

PREVENTING FEDERAL PREEMPTION OF STATE APPLIANCE EFFICIENCY STANDARDS

(Mr. OTTINGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. OTTINGER. Mr. Speaker, today I am introducing legislation to continue the right of States to establish energy efficiency standards for home appliances. The Department of Energy recently proposed a rule which if promulgated, would not only fail to establish efficiency standards, but would also preempt all existing and future State standards. My bill will insure that the existing right of States to achieve conservation would not be altered by such a perverse Federal regulation. The failure of the administration to issue the standards required by Congress is both illegal and outrageous. Studies show that 2 billion barrels of oil would be saved by the year 2005 and consumers would save up to $19.3 billion. To prohibit the States from acting is beyond belief and completely contrary to the administration's New Federalism principles applied to local responsibility to the States or other matters.

Congressman David Stockman in 1978 best set forth the reasons standards are needed and the market imperfections which require a legislative solution; Congressman Stockman, now OMB Director, supporting the standards, said:

Now that consumers are faced with a sharply rising cost of electricity, the central policy choice for Congress is whether to rely on market forces alone to reverse the trend to inefficient, low first-cost appliances, or whether to interpose some form of mandatory efficiency program.

There is some reason to doubt that market forces alone will bring about the needed shift to more efficient appliances. Numerous witnesses appearing before the subcommittee testified that the average consumer looks for a payback from higher purchase prices within three years. In the case of an appliance with a useful life of 10 years, this short payback horizon severely limits the amount of higher purchase price the consumer will accept in choosing a more efficient product over a cheaper, less efficient product.

A second reason to doubt the efficacy of higher electric prices in changing consumer appliance buying habits is a lack of information that would enable consumers to judge the relative efficiency of competing products, as well as a widespread lack of understanding of the little information that is available

A third reason that would support a regulatory approach is that the appliances in many new residential units are not purchased by the user but are purchased by the builder who will continue to seek appliances with the lowest initial cost without regard to increasing electric rates.

In the face of these factors inhibiting the operation of market forces in the consumer appliance sector, a regulatory program designed to impose life-cycle cost purchasing on the consumer appears justified.

Perhaps most important among these factors is the fact that over 50 percent of such major home appliances as furnaces, central air conditioners, and water heaters are purchased by contractors and developers whose major concern is first cost, not energy efficiency or operational costs which will be faced by the long-term user.

Under the Energy Policy and Conservation Act, as amended by the National Energy Conservation Policy Act, DOE was required to issue standards setting minimum energy efficiency levels for major home appliances no later than January 2, 1981.

The DOE Secretary was directed to prescribe standards for 13 specified consumer products: First, refrigerators and refrigerator freezers; second, freezers; third, water heaters; fourth, furnaces; fifth, central air conditioners; sixth, home heating equipment other than furnaces; seventh, room air conditioners; eighth, clothes dryers; ninth, kitchen ranges and ovens; tenth, clothes washers; eleventh, dishwashers; twelfth, television sets; and thirteenth, humidifier/dehumidifiers. The statute established a priority for standards for the first nine products, which account for 19.5 percent of the Nation's primary energy use and 82 percent of all residential use. Despite the statute's requirement, the DOE proposal excludes the named priority of home heating equipment other than furnaces because of incomplete analysis.

In proposing a standard of "no standard" for the eight products which are involved in the current rulemaking, the Secretary made the preliminary determination that the establishment of a standard for a given product "will not result in significant conservation of energy or it is not technologically feasible or economically justified." "Economically justified" is given a special meaning under the statute. It is defined as a level of efficiency "at which the benefits of the standard exceed its burdens." For each of the eight products analyzed, DOE has determined that standards were not justified and would not result in significant savings.

The legislative history affirms the Congress intended expeditious prescription of substantive Federal standards. Prior to the National Energy Conservation Policy Act Amendments in 1978, the act had authorized the imposition of standards if the development of labels showing applicance efficiency was found to be an ineffective means of promoting energy conservation. The act was amended to mandate standards partially due to dissatisfaction with the pace of administrative action and a desire to "more quickly and efficiently realize the potential energy savings in home appliances."

DOE's first proposed rule, published on June 30, 1980, advocated substantive standards for these same eight priority appliances. DOE received more than 1,800 comments and held meetings with potentially affected groups between July 1980, and January 1981. A final rule was nearing promulgation in February 1981 when the Reagan administration took charge of the program.

After the statutory deadline had passed, on February 17, 1981, DOE published a notice that energy efficiency standards would not be promulgated, in order to complete further analysis. Some additional studies were contracted out and this work was completed by mid-1981. At various times the DOE data base has supported the issuance of standards for eight products, six products, four products, three products, and now, still using the same data base, a "no standard" determination for all products.

In its first proposed rulemaking exercise on standards, the DOE claimed energy savings of 13.8 to 25.2 quads during the 1982-2005 period from standards, an estimated savings equal to as much as 2 billion barrels of oil and cost savings of $15.2 to $19.3 billion from 1982-2005.

Moreover, these products utilize the peak energy outputs of electric utilities and thus, even modest savings from efficiency improvements could save billions of dollars in unneeded construction of peak-load generating facilities.

The law on the books provided that a Federal appliance efficiency standard supersedes all State laws prescribing efficiency standards or other restrictions on appliance energy use. A Federal "no standard" standard has the identical result as a substantive standard. Thus, DOE's "no standard" standard proposal had the untoward effect of preempting efficiency standards already enacted in several States. Further, ancillary programs, such as bans on pilot lights, could be preempted and industry consensus standards, such as the American Society of Heating Refrigeration and Air Conditioning Engineers Standard 90, could also be nullified. The practical effect is that over 40 States will be affected by the preemption provisions.

The justification for preempting the States on a major consumer and energy conservation decision is bewildering in light of the administration's alleged support for the "New Federalism." Unfortunately, this action adds to a long list of inconsistencies in the Reagan energy policies.

The National Conference of State Legislatures Energy Committee commenting on this Federal interference in State energy planning, last week passed a resolution calling for the action I propose today. The resolution reads:

Whereas, federal pre-emption of state authority undermines the nation's system of federalism and is unacceptable without a showing of urgent necessity; and

Whereas, legal relief is available if a particular state's action unreasonably burdens interstate commerce; and

Whereas, appliance efficiency standards have been enforced in most states for many years as part of local and state building codes, without interfering with interstate commerce; and

Whereas, proposed federal regulations would pre-empt state and local authority without demonstrating or attempting to demonstrate the need for such pre-emption; therefore, be it

Resolved, That National Conference of State Legislatures opposes the proposed federal regulations because they would overturn state and local standards concerning the efficiency or energy use of appliances; and • • •

Congress should remove statutory requirements for pre-emption of all state and local requirements concerning the energy use of appliances.

The National Governors Association, as well, earlier today voiced support for this bill in the following statement:

Whereas, on April 2, 1982, the United States Department of Energy proposed not to adopt energy efficiency standards for appliances because, according to DOE, appliance efficiency standards would not result in significant conservation of energy.

Whereas, DOE's proposed rule, if it becomes final, will have as its only effect the supersession of all state regulations and standards respecting the efficiency of appliances, unless each state affected by DOE's action employs a costly, burdensome and

uncertain process to petition DOE not to be superseded;

Whereas, supersession of state appliance efficiency standards will interfere with the states' rights and abilities to implement programs for the conservation of valuable energy resources; It is therefore

Resolved, That the National Governors' Association finds that the potential energy savings resulting from national appliance efficiency standards are significant, and DOE's criteria for determining the significance of potential energy savings are arbitrary, capricious, and without foundation; and

That DOE should propose meaningful national appliance efficiency standards, and revise its proposed rule so that the states may utilize appliance efficiency standards in their efforts to conserve valuable energy resources.

Absent DOE action to propose standards, we urge the Congress to amend the statute (EPCA) to eliminate provisions pre-empting the right of states to adopt appliance efficiency standards.

Already, States have suffered from the DOE's lengthy 15-month delay in promulgating Federal standards, creating unintended disruption and uncertainty for State energy programs.

Under the statute and DOE's regulations, the States which have taken the initiative in conserving energy must engage in a protracted petition process to plead their case to a Federal Government predisposed against any standards, either Federal or State. They must demonstrate, to the satisfaction of the Federal agency, that there is a "significant State and local Interest" in retaining efficiency requirements, and that a State standard would not "unduly burden interstate commerce."

While I still strongly believe that the mandated Federal standards should be—indeed, must be issued, the legislation I propose today would only eliminate the Federal preemption of a State's authority to establish energy efficiency requirements.

Mr. Speaker, the administration's actions have not only attracted swift and strong opposition from State government organizations and consumer and energy public interest groups, but have been the focus of several excellent editorials. I ask unanimous consent to include the following editorial from the Los Angeles Times and the Washington Post with my statement.

[From the Los Angeles Times, Apr. 8, 1982]

FALLING ENERGY, POLITICAL STANDARDS

The Reagan Administration is entitled to regard the benefits of energy conservation as trivial. But it is not entitled to impose that myopic view on people who think otherwise, as it seems about to do.

The imposition will occur if the Department of Energy abandons an effort to set minimum standards of efficiency for home appliances ranging from furnaces to refrigerators.

The Energy Department would be wrong to let this relatively simple plan for saving energy die, as it is inclined to do. It would be doubly wrong because of the ripple effect that such a decision would have in states that already have such efficiency standards.

Such standards began taking effect in California in 1976, and generally require that appliances do the same amount of work on 25% less energy than most products on the market did at that time.

According to the California Energy Commission, the efficiency standards by 1985 will translate into savings in utility bills of $230 million a year, and eliminate a need for at least some new generating plants.

In 1978, Congress called for similar standards in the Energy Conservation Policy Act, and left the job of determining the stiffness of the standards to the Energy Department.

Failure to set standards of some sort probably would violate the law, so the department has decided, in a classic case of bureaucratic newspeak, to promulgate a "no-standard standard." As energy costs rise, buyers will beware and there is thus no need for standards, the department says.

Even accepting that argument—and we do not—the department has chosen a route that would effectively wipe out California's efficiency standards and those of other states.

The 1978 law contains a clause inserted at the request of appliance manufacturers that prohibits a state from setting efficiency standards higher than those of the federal government.

If Washington sets no standard at all—the effect of the department proposal—then any state standard will become illegal.

Supporters of the department move say that the federal government has more important things to worry about than refrigerators.

That may be so, but worrying about refrigerators is another way of worrying about the U.S. balance of payments; the balance is affected by imported oil at $30 a barrel.

More efficient refrigerators or furnaces or air-conditioning units add up in a nation of 230 million citizens to savings of a good many barrels of oil.

Opponents of federal standards also argue that standards mean higher prices for appliances, and make it more difficult for the poor to buy them.

But the California appliance-standards law was written to guarantee that the lifetime cost of an appliance, including the price of the energy that it saved, could not exceed the cost of a less efficient appliance.

There is no reason the federal government could not write its own standards to get the same result.

The Energy Department has postponed a final decision for 60 days to give Americans time to comment on its idea. We do not need 60 days. What it plans to do is shortsighted and against the national interest, and leads down the same path that made the U.S. economy so vulnerable to manipulation of oil prices in the 1970s.

[From the Washington Post, Apr. 15, 1982]

ENERGY: FORGETTING THE PAST . . .

American dependence on imported oil has dropped substantially over the past two years. But it's not a bad idea to keep a wary eye on those figures.

The peak year for imports was 1977, when American oil consumption was rising rapidly and the Alaskan pipeline was just beginning to go into operation. At that point, imports were getting uncomfortably close to half of the total amount of oil used in this country. Currently, imports are down under one-fourth of total use. That level is perhaps deceptively low since the oil companies, under the pressure of high interest costs, have been running down their stocks. But even after accounting for this drawdown, it's clear that the trends are pointed in the right direction.

The basic relationship here is the amount of energy, from all sources, required to produce each dollar's worth of the economy's output. That crucial ratio has been dropping steadily and substantially ever since the first oil crisis in 1973. It's mainly a response to higher prices.

When American demand for energy drops, the impact falls entirely on the most expensive of the fuels—oil. When demand for oil drops, the impact falls entirely on the imports. Total energy consumption has been falling in this country for the past two years, and that reduction, although it might seem a relatively small percentage, translates into a very large drop in imported oil.

It is by no means certain that this progress will continue if oil prices keep falling. While lower prices are welcome at the moment when you pay your fuel bills, you might want to keep it in mind that American vulnerability to a foreign cutoff is still substantial. Even one-fourth of the country's oil supply is a very large flow, and any significant disruption of it would rapidly produce the familiar effects. Over the past couple of years Americans have proved to themselves that, without hardship or even great inconvenience, they can do with less oil. The case for continued caution and conservation remains compelling.

. . . AND MORTGAGING THE FUTURE

The Department of Energy has come up with the ultimate bureaucratic solution to a tricky legal problem. The law directs DOE to issue a regulatory standard. Twice during the past year Congress has reiterated its determination that this standard be issued. DOE would rather not. The answer—it is absolutely brilliant: the standard will be that there is no standard.

The Energy and Policy and Conservation Act directs DOE to develop energy efficiency standards for major household appliances, including water heaters, air conditioners, refrigerators and freezers, furnaces, kitchen ranges and clothes dryers. Together they use more than 80 percent of all the energy consumed in residences. In order to avoid an undue economic burden imposed on manufacturers by a patchwork of state and federal standards, the law also provides that, when used, the federal efficiency standards will preempt state standards. The kicker in DOE's no-standard standard is that the preemption remains; state efficiency standards already in effect would become illegal.

Back in 1980, when the requirement for efficiency standards was enacted, the memory of 1979—when oil prices more than doubled in less than a year—was still fresh. It helped to focus Congress' attention on whatever opportunities existed to cut Americans' very high energy use with a minimum of pain. Appliances were—and are—an obvious target. They use a lot of energy, most of it as electricity, the most expensive form of energy.

But Congress found that higher energy prices alone would not induce as much improvement in the efficiency of appliances as was economically justified. In part this was because consumers lacked the necessary information. So labels describing energy efficiency were required. But even that was not enough, for the simple reason that most of the major appliances are purchased by

builders, developers and landlords, who do not care what an appliance may cost to run, only what it costs to buy. Faced with a choice, a builder will likely as not choose the cheapest appliance even though over its lifetime, it may cost its owner far more than one with a slightly higher initial price. So Congress decided that market forces needed a push in the form of minimum efficiency standards.

Congress told DOE to issue standards only if each were technologically feasible, economically justifed and would save a "significant" amount of energy. By fiddling with the economic models, changing a few assumptions here and there and defining "significant" energy savings in a way that could not be met, the Energy Department, which appears to believe that any regulation is a bad regulation, managed to confound Congress' order.

The courts may not accept the no-standard standard, but Congress, despite continuing support for the standards, appears to have no more moves to make. If the proposal stands, the losers will be all of us—that is, all the people who pay electricity bills.

THE UNEMPLOYMENT CRISIS

(Mr. FITHIAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. FITHIAN. Mr. Speaker, America now faces the worst unemployment crisis in a generation.

More men, more women, and more young people are unemployed today in the United States than at any time since 1939. In the last 5 months of 1981, the number of unemployed persons increased by 1.5 million. Worse still, a smaller proportion are covered by unemployment insurance than in any postwar recession, due to budget cuts and the shortness of the recovery from the previous 1980 recession.

This recession is unique in another aspect. For the first time since 1932, the administration in power in Washington has abandoned even the pretext of empathy for the unemployed. As far as this administration is concerned, unemployment is just the price we have to pay to fight inflation.

To me, today's unemployment is an unmitigated evil. It is pointless, it is unnecessary, and it will not effectively fight inflation. Policies to end the recession, to restore economic growth, to rehire the jobless, and to fight inflation effectively and lastingly are a legal and a moral imperative.

The legislation I introduced yesterday is an answer to that moral imperative.

It would enlist the most dynamic force in the American economy—small business—in the biggest war on unemployment in recent memory. It would create a $3,000 refundable tax credit for small businessmen who hire the unemployed. To prevent the program from adding to the Federal deficit, and thus frustrate our goal of national recovery, the bill repeals $4.5 billion in tax breaks which have proven ineffective in stimulating new jobs. These tax breaks may lead to the creation of up to 1.5 million jobs without increasing the Federal deficit 1 penny.

UNEMPLOYMENT IS NOT WORKING

Between July and December, the number of unemployed workers who lost their last job has risen by 1.5 million. While the job losses have become increasingly widespread, construction and durable goods industries have borne the brunt of the 1981 recession to date.

Nearly one in five construction workers was jobless by the end of 1981.

In manufacturing, unemployment increased by 842,000 in 1981.

Approximately 200,000 autoworkers were on indefinite layoff at the end of 1981; from July through December another 118,000 transportation workers lost their jobs.

By the end of the year, the recession had spread to other sectors of the economy, including sectors traditionally considered less vulnerable to cyclical variations in the economy. Employment in service industries declined by about 100,000 jobs between October and December, and over 200,000 workers in such occupations have been added to the unemployment rolls since summer. Employment in nondurable goods industries also dropped sharply, leaving 170,000 additional workers jobless. Only 30 percent of all industries surveyed in December were reporting any employment growth.

With all sectors of the economy suffering from the effects of the recession, just how can we turn this disastrous situation around?

TRUST SMALL BUSINESS

Private employers will continue to provide the vast majority of all job opportunities in the economy. Any successful strategy for long-term reductions in unemployment will require major private sector involvement. But a successful strategy for fighting unemployment need not—indeed cannot—rely upon big businesses whose main concern is to use their economic power to stay big. Recent studies on job creation in the American economy suggest just the opposite; small businesses are already leading the way. We can and should encourage this trend.

In his recent study of economic growth, "Who Creates Jobs," economist David Birch made the following observations on "job replacers," companies responsible for creating new jobs in the economy:

Job replacers tend to be small. Of all the net new jobs created in our sample of 5.6 million businesses between 1969 and 1976, two-thirds were created by firms with twenty or fewer employees and about 80 percent were created by firms with 100 or fewer employees. Smaller businesses more than offset their higher failure rates with their capacity to start up and expand dramatically. Larger businesses, in contrast, appear rather stagnant. They may be expanding output with more capital equipment (although those who study productivity suggest that this has not been the case recently) or they may expand by opening operations abroad. Whatever they are doing, however, large firms are no longer the major providers of new jobs for Americans.

Another distinguishing characteristic of job replacers is their youth. About 80 percent of the replacement jobs are created by establishments four years old or younger.

TABLE III.—PERCENTAGE OF JOBS CREATED BY SIZE OF FIRM AND REGION [1]

Number of employees in firm	Percent of jobs created				
	Northeast	North Central	South	West	U.S. average
0–20	177.1	67.2	53.5	59.5	66.0
21–50	6.5	12.0	11.2	11.6	11.2
51–100	−17.4	5.2	5.5	6.3	4.3
101–500	−33.3	3.1	9.4	9.3	5.2
501+	−32.9	12.4	20.4	13.3	13.3
Total	100.0	100.0	100.0	100.0	100.0

[1] Source: M.I.T. Program on Neighborhood and Regional Change.

Birch's findings echo those of other economists, including the Data Resources Corporation and the Joint Economic Committee. In its 1982 report, the JEC states:

In the period between 1969 and 1976 small businesses accounted for approximately 87 percent of all newly generated private sector employment in the country. The largest 100 firms contributed less than 2 percent of the growth during the same period. * * * A study conducted by Data Resources, Inc., on the growth of small, extremely competitive, high-technology businesses—mainly electronic—concluded that these businesses increased their output nearly three times as fast, and generated nearly twice the employment growth as all other industrial sectors from 1969 to 1976, while their prices increased only one-sixth as fast.

The decline in productivity in the American economy is directly related to the decline in the small business sector. A National Science Foundation study reveals that small firms produced nearly four times as many innovations per research and development dollar as medium sized firms and more than 24 times as many as the largest firms during the period from 1953 to 1973. Yet, throughout the 1970s, small business received less than 5 percent of Federal research and development funds, while the largest firms received more than 50 percent.

Small businesses with their enormous growth potential, and their ability to expand rapidly should play a significant role in any program to fight unemployment. Yet current tax policies, including those enacted as part of the Economic Recovery Tax Act (ERTA), stack the deck against small businesses.

Labor-intensive small businesses benefit little from massive investment tax incentives and accelerated depreciation schemes. The investment incentives they need are investment incentives in human capital—the employees they need to expand and pros-

per. A jobs tax credit, targeted toward employers in small businesses who hire the unemployed, offers a significant opportunity for fighting joblessness while helping one of the most productive and innovative sectors of our economy.

TARGETED JOBS TAX CREDITS

While targeted jobs tax credits have been used extensively in Europe for years—including such nations as the United Kingdom, France, West Germany, and Sweden—the concept has been used only on a very limited basis here in the United States.

In 1977 Congress enacted the new jobs tax credit, and in 1979 it passed the targeted jobs tax credit. The latter program, extensively modified by the Economic Recovery Tax Act of 1981, is schedule to expire at the end of this year.

In its 1981 report the economy, the JEC made the following observations about these programs:

The New Jobs Tax Credit, which applied in 1977 and 1978, provided a credit of up to $2,100 for workers added by firms whose payrolls grew by more than a specified amount from the previous year. According to the Treasury Department, about one million firms—nearly half of those eligible—utilized the credit. There is also evidence that firms which knew of the program experienced more rapid growth—on the order of 3 to 3.5 percent a year—than similar firms which were unaware of it.

The Targeted Jobs Tax Credit, begun in 1979, is targeted on particular categories of workers providing tax credits of up to $3,000 in the first and $1,500 in the second year of an eligible person's employment. To date, participation by employers has been disappointingly low: in a recent survey conducted for the Department of Labor, 21 percent of employers had heard of the Targeted Jobs Tax Credit and only 3 percent reported using it. The single largest group of workers served by the program has been cooperative education students, who account for nearly one-half of the 300,000 persons hired in the first 18 months. Other eligible categories included more obviously disadvantaged individuals such as youth; Vietnam-era veterans from low-income families; handicapped individuals; ex-convicts; and recipients of public assistance.

Echoing the concerns voiced by many economists, the JEC tempered its enthusiasm for these programs with the following observations:

Perhaps the most fundamental problem is that the certification process by which eligibility is determined does not recognize realities of the hiring process. Many prospective employers are small businesses with considerable turnover, who try to keep hiring costs low: jobs are filled quickly with the first suitable applicant. Requiring contacts with government agencies like the Employment Service or the local CETA program introduces delays, paperwork, and otherwise impedes a reasonably efficient selection procedure.

At present, the credit is benefiting only a small fraction of those it was designed to help.

In its 1982 report, the JEC noted:

While acknowledging difficulties with the current targeted jobs tax credit program for the disadvantaged, which relatively few employers have utilized, the Committee believes an effective program can be developed. * * * A key recommendation is to consider broadening the eligibility categories, so that employers can more readily tell if a job applicant will qualify. Broader criteria, based on earnings and employment status rather than such characteristics as dependence on welfare, might also lead fewer employers to conclude that those targeted by the program are poor employment risks.

The legislation I am proposing today was developed to meet these recommendations. A section-by-section summary follows:

SECTION-BY-SECTION SUMMARY

TITLE I—TAX CREDIT FOR EMPLOYMENT OF UNEMPLOYED INDIVIDUALS

Section 101. Tax Credit for employment of unemployed individuals:

Allows employers to claim an employment credit for each qualified employee whose initial employment period ends during years covered by the legislation. Establishes an employment tax credit linked to the date an employee is hired. In the case of qualified employees who begin work for an employer:

Date hired:	*Amount of the tax credit*
After Dec. 31, 1982 and before July 1, 1984	$3,000
After June 30, 1984 and before July 1, 1985	2,000
After June 30, 1985 and before July 1, 1986	1,000
After June 30, 1986	0

Limits the amount of the credit to any taxpayer to $100,000. Provides that employers can claim the credit only on new employees who increase their total workforce.

Defines qualified employee as an employee who began work for the taxpayer after December 31, 1982 and before July 1, 1986, who was unemployed for a period of 90 days or more prior to being hired, who did not receive unemployment benefits for a period of 1 week prior to being hired and who performed services for the taxpayer on a substantially full-time basis during the initial employment period. Defines initial employment period as the first six months after the employee is hired.

Provides that non-profit institutions qualify for the tax credit.

Coordinates tax credit with existing targetted tax credit.

Provides special rules disqualifying employers claiming the tax credit for domestic employees, relatives. Permits U.S. Employment Service to publicize the program. Limits use of the credit by conglomerates and controlled groups of corporations. Provides special rules for use of the credit by businesses which change their basic structure while the tax credit is in effect.

Makes the tax credit refundable.

TITLE II—TREATMENT OF OIL AND GAS INCOME

Section 201. Repeal of percentage depletion for oil and gas. Repeals percentage depletion for oil and gas.

Section 202. Repeal of Option to Deduct Intangible Drilling and Development Costs. Repeals intangible drilling costs.

Section 212. Exclusion from Foreign Oil and Gas Extraction Income. Modifies rules for tax treatment of foreign oil and gas income.

Section 213. Denial of Credit for Excess Foreign Oil Related Payments.

Section 214. End of Deferral for Foreign Oil Related Income.

CONGRESS SHOULD ACT ON MEASURES TO AID ECONOMIC RECOVERY

(Mr. WALKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALKER. Mr. Speaker, I am glad the gentleman from Indiana has raised the topic of unemployment, because I think it is something that this Congress needs to address. And some days ago, I introduced a bill called the Full Employment Act of 1982 that would speak directly to these issues. It is something that Congress could do in a 2-week period. We could accelerate the tax cuts and get the economy growing again. We could do something about the fact that we have an inability in this country to compete in foreign markets. We could do something about the housing problem in this country by adopting something similar to the Evans-Corcoran bill.

It is too bad that this House and this Congress has delayed for too long doing something about the economy, to get it straightened out. We could be acting right now. We could be acting on this kind of a bill that is emergency legislation. Instead, we sit and we do nothing. Week after week we do nothing.

SPECIAL COMPUTER LITERACY COURSE SCHEDULED FOR MAY 18, 19, AND 20

(Mr. GORE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GORE. Mr. Speaker, I would like to call the attention of my colleagues to a special computer literacy course designed especially for Members of the House of Representatives and Members of the other body that will be held on May 17, May 18, and May 20. It is a special 2-hour course that will be repeated twice on May 17 and three times on May 18 and May 20.

We are told often that the skill of interfacing, as they say, with computers is going to be critical in the future—indeed is already critical. Many of us have figured out how to operate personal computers, but few of us have realized the magnitude of this computer revolution and the effect that it will have on our society. So I encourage my colleagues to take advantage of this special course that the Congressional Clearinghouse on the Future is putting on, in conjunction with the Capital Children's Musuem, to allow Members of the House and the Senate to better understand personal computers.

REPORT ON RESOLUTION AUTHORIZING PRINTING OF TRANSCRIPT OF PROCEEDINGS OF COMMITTEE ON ENERGY AND COMMERCE INCIDENT TO PRESENTATION OF PORTRAIT OF HON. JOHN D. DINGELL

Mr. GAYDOS, from the Committee on House Administration, submitted a privileged report (Rept. No. 97-493) on the resolution (H. Res. 317) authorizing printing of the transcript of proceedings of the Committee on Energy and Commerce incident to presentation of a portrait of the Honorable JOHN D. DINGELL, which was referred to the House Calendar and ordered to be printed.

□ 1530

THE FEDERAL RESERVE BOARD

The SPEAKER pro tempore (Mr. HERTEL). Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, first, I wish to express my sincere grief and sorrow at the passing of our distinguished colleague from Ohio, Mr. Ashbrook, whose funeral services are being held today and as I understand it the reason why we have no legislative business this afternoon.

Though the gentleman from Ohio's philosophy of government and mine may perhaps be described as quite different, if not diametrically opposed, I had nothing but respect and appreciation for his dignified manner, his behavior and his record as a Member of this House.

Today, I continue the effort along the lines and in pursuance of the two resolutions and the two bills that I have introduced with respect to the Federal Reserve Board, the absolute need for the Congress to revise the structure that results from passage in 1913 by the Congress of the Federal Reserve Act of 1913 and the resolutions in which I am calling for the impeachment of the Chairman of the Federal Reserve, Mr. Paul Volcker, as well as the supplementary resolution that equally calls for the impeachment of the Open Market Committee, which means the Board plus the five private bankers that serve on this tremendous powerful so-called Open Market Committee, which as I guess most if not all my colleagues know is hardly open at all.

Now, I have in the past outlined the case. I reported to the House that because of the reply I had received from the chairman of the Committee on the Judiciary to my request that my resolutions be considered seriously and his reply which I have inserted in the RECORD and will not refer to it now—in which he indicated that for reasons, pressures, and numerous business pending in that committee, he could not commit the committee to look into the matter in the immediate foreseeable future but that he was instructing the staff to evaluate the case.

I have not had any kind of response, if any indeed has been forthcoming, from that staff so I announced to the House that in view of the fact that I was indeed earnest and that despite some interpretations of these efforts that having no other recourse I would have to do the next best thing.

As the gentlemen conversant with our rules know, in the case of a bill that is improperly bottled up by an arbitrary committee or chairman of a committee, we have recourse to the discharge method, by which if we get the required number; that is, half plus one of the membership to sign a discharge petition, that committee is discharged of that matter and the matter is presented to the full House.

But in my case, and for this reason, I follow this route. I intend to fully exercise the prerogatives under the rules of the House and under the applicable rules to this kind of resolution for it is a House resolution and, therefore, under the rules it is amenable to consideration by the House at the proper time and I intend to do that.

Since that is my intention I then announced to the House that I would conduct the equivalent of a proceeding in a committee such as the Judiciary, of the impeachment process, and my first two statements in pursuance of that, the last made about a week before the Easter recess, I laid the bare outlines and established the beginning of a predicate in a legislatively and legal or statutory method as to the conception, the range, and the applicability of article 2, section 4 of the Constitution with respect to the jurisdictional coverage of that section to such officers as the Federal Reserve Board Chairman.

There is no question about it, and I think that that is no obstacle whatsoever. As a matter of fact, it was insinuated in the chairman's reply to me that the chairman of the Judiciary Committee (Mr. RODINO), that he fully appreciated the intention and thrust of my resolutions and considered it serious and worthwhile, that is, in other words, constitutionally responsible, which is fine and I am grateful for that.

But, nevertheless, I feel impelled to lay out the case so to speak.

So today in pursuance of what I am going to engage in that area of prime cause for my motivation in following this kind of activity or channel of action, so to speak.

For several years, as a matter of fact more than several—first going back to 1965, I addressed to this House, to my colleagues on the Banking Committee, a committee that I have served on for 20 years—better than 20 years since I first came to the Congress—and addressed myself to the President at that time, Lyndon Johnson—concerning what was obvious to me then, and that was, that the factors that had for one reason or another, be it war, be it domestic policy, or being the policies of war, though undeclared—and the consequence that was apparent in the year 1965, as reflected in all of the reports, the annual report of the Federal Reserve Board. Unfortunately I found that even though every member particularly of the committee, gets a copy of the annual report, very few bother to leaf through it or look at it.

But that was something that I have always done since being on the committee plus my general interest in the field of fiscal and monetary policies which I consider to be the critical area.

As a matter of fact, to personalize a bit. When I first was elected to the Congress, during the campaign for this seat—the opposition made a big issue about the absolute need to have a guarantee, no matter who won that race he would be assigned to the Armed Services Committee because of the nature of the district and its overwhelming dependence on Federal policies with respect to defense—San Antonio, my home base, is traditionally a city that has had a stake in national defense since its founding in the days and in the times of the Spanish control of that part of this country.

It has been an outpost of defense since its very founding in 1718. And today it is one of the great pillars of our national defense composite and therefore this issue was raised politically, it was a safe issue to raise by the opposition because the Democrats were in the majority, the rules and the precedents of the Texas delegation were rigorously based on seniority, and there was a great desire for joinder to the Armed Services Committee. So those Texans who had been in the Congress several terms had indicated that that is exactly the post they wanted, remembering that my predecessor was the ranking member of the Armed Services Committee at the time he departed Congress.

However, since I had had some experience, 5 years in the State Senate of the State of Texas, I knew what was proper and what would be properly committed and promised and of course I never made that an issue.

When I got here, I realized that even though the opportunity was afforded me by the then Speaker of the House, who told me that the President of the United States had called to ask if anything could be done to see that I would be assigned to the Armed Services Committee. I was not aware of that until the Speaker called me in. When he did, he laid it out.

He said, "Now, Congressman, the only way that can be done is if we find some way of enlarging that committee and if we can overcome the resistance of your own colleagues from Texas who obey strict seniority."

He said, "We can strong arm, we can strong muscle, but I wanted to talk, to you," and I said, "No, I did not come up and choose to seek this position, to do anything other than to be a Member of the House and legislate as a Member."

What would follow thereafter, committee assignments and the like I was perfectly content to follow the precedents and the rules and that the only time I would raise cane would be if I was shortchanged or if I was discriminated against and then I told the Speaker, "You will know what it means for me to get aroused." I said, "I want to explain to you that I faced the same thing when I was elected to the Texas State Senate in 1956, like a revolution in my country, and I found our great system to its everlasting glory still works and it is strictly up to you no matter what kind of committee assignment a man gets if his range of interest is in any particular field particularly on the congressional level, there is no reason he cannot have ample opportunity to discharge that pent-up interest or that expertise he might possess no matter what his committee assignment is."

I want to say that because my answer to the constituents at that time, since I had the honor of being immediately referred to a standing committee, at that time, known as the Banking and Currency Committee—and though there were already three of us simultaneously sworn in on January 10, 1962, I was the only one of the three that got assigned to a full standing committee. The other two had to wait until the next Congress.

So when I went back home, I said, "I know that an issue had been made, but I want you to know this, too, banking, finances, fiscal matters and all, are one of my pet areas of interest and no matter how much you may think a man can do on the Armed Services Committee, or any American thinks he can do on behalf of defense, if the currency of the Nation has no value, you have very little ability to fund the proper defense."

Now that I think of those words, I am struck by the appropriateness of that thinking today because that is the issue.

But all along, when I spoke out and addressed myself to President Johnson in 1965, I pointed out that it is going to be inescapable that one of two things happened soon and quick—one was it was inflation, or high interest rates. And that our history showed us, that unless specific action were taken both on the executive level as well as the congressional level—that it was inevitable.

Unfortunately, there was no success on my part. This has been the story of my career—in some cases it has taken as long as 10 years before I have had completion of an action that I initiated and so I am used to that.

We come to the great beauty of our system and our system is so great that if a man or a woman is right, and if he has any kind of survivability, that is if you can live long enough politically, eventually you will be heard, and if you have any kind of efficiency in presenting the cause, eventually it will be considered and adopted. This is the beauty of our system.

Now of course, the question is, How long can you survive?

In this case, in 1965, it was obvious to me that the soft underbelly of the American economy was showing great stress. The reason was that back home I was getting messages from the local superintendents of the independent school district, for example, and other local political subdivisions, as well as private corporations, that even though in the case of the public entities, they had issued bonds for the construction of schools, for the repair and reconstruction and extension of such things as water mains and sewage mains—that the sudden increase and the scaricity of the material, such as copper, the labor costs, had grown expedientially, that they first were finding it difficult to obtain the material. What could we do up here because we had the strategic reserves at that time.

Second, what could be done to prevent a further escalation in the inflationary pressures and labor. Well, when I picked up the same local papers and looked at the want ads I saw huge ads, almost half a page, asking for carpenters, electricians, and skilled workers to address themselves to a number in San Francisco for construction work in Southeast Asia.

Well, that was then the beginning of the great construction of the Camranh Bay which, as you know, was a many, many millions of dollars investment on the part of our country. And which tragically today is being used as a way stop base for the Russian Navy.

□ 1545

But at that time, with these pressures, the soft underside of our economic belly was being pressured.

My suggestion to the President was one of two things. One, immediately consider those measures that Presidents such as Roosevelt and Truman had seen fit to devise, particularly Truman, because in the case of President Truman it was the most similar to that which we were entering into in Vietnam. It was an undeclared war.

In the case of World War II, of course, which had a declaration of war, and all that the means, and the full resources and energies of the Nation shoring up for one purpose and one purpose only, and that was the prosecution and the winning of the war, what they did was specific. And as I keep on pointing out every year for 20 years, when I ask the economists, when I ask the Chairman and the Board members of the Federal Reserve Board, when you come here and tell me, and you wring your hands and you say what is tantamount to saying that interest rates. for example, are acts of God, that nobody can do anything about it, you are overlooking history.

Why is it, then that World War II, where by 1945, 46 percent of our gross national product was being used on the Federal level, governmental level—naturally, for the prosecution of the war—and the Government, the taxpayer, never had to pay more than 2 percent interest. Can you answer that? Not a one has bothered to try to answer it.

Of course there are answers, and there are reasons, and this is what I was getting at.

The same thing with President Truman, except that there they also used other leverages. They had mild credit restraints at the proper time. Timing is the most important thing.

So that here we are today, with the greatest enemy of all. No Russian menace, no German menace of World War II is or was ever as ominously dangerous as what our country has allowed to happen to itself, mostly because the people have lost out because their Government has foresaken the interest of the greatest number; that is, of the people, for the sake of the predatory few who have existed through all time, and also since the beginning of the history of our Government.

Now, I have gone into that, and I am not going to be repetitious other than to enlarge a little bit, to go into the greater range of history. And I should preface those remarks by giving credit to a man who is the author of the only book that I know of anywhere that has such a comprehensive history of interest rates. In fact, the title of his book is "A History of Interest Rates," and that man is Mr. Sidney Homer, of New York. His volume is not only eloquent, it should be must reading, I should say, by certainly every member of the Banking Committee.

In his prefatory remarks, he says this. He says a spectacular rise in interest rates during the 1970's carried many long-term market rates on prime credits up to levels never before reached or approached in our time. And remember, he is writing as of 1976–77 at the latest. And such a thing as 21½-percent prime interest rate he has not experienced. So we are talking about what he is calling high interest

rates pushing toward 10 percent at that time.

"A longer view," I continue to quote, "provided by this history shows that recent peak yields were far above the highest prime long-term rates reported in the United States since 1800, or in England since 1700, or in Holland since 1600. In other words, since modern capital markets came into existence."

In the course of his book, he has what I consider to be the most incisive and the most pertinent observation, and sums up the issue that has motivated me to speak out and introduce resolutions and bills.

He says in another place, "And the never ending struggle of democracy with the rule of the elite, the difference between law imposed and law accepted." And that is what my resolution of impeachment of Mr. Volcker is all about, and my bills to abolish the Board as it is now constituted, and transfer all its functions, its rules, buildings, its printing presses, its clerks, its mimeograph machines over to the Department of the Treasury, where they will be accountable to the people directly as it always had been, and even halfway under the Federal Reserve Act of 1913, until 1952. That is one of the bills.

But this is the issue. It is the issue of power, as I have said before—power and the lack of accountability on that power. No country in the history of the world has given the power that resides and has been used ruthlessly and without accounting by the Federal Reserve Board, and particularly since 1952, but generally since about 1923 and the beginning of such a gimmick as the Open Market Committee, because that power, in essence, is, as Mr. Volcker himself said less than 7 months ago when he was talking about the need for the policy, that he has so sternly and in heedless disregard of the average little businessman, of the average standard of living, said "Yes, of course; some Americans' standard of living is going to have to deteriorate." Well, this is a matter of national policy under our constitutional form of Government, not to be determined by a financier who is beholden to the private banks that control the economic destinies of our country, who is more sensitive to the needs of Chase Manhattan and First City National than he is to the President or the Congress of the United States.

I said in the last couple of remarks that just here recently the President had a secret meeting with the Chairman of the Federal Reserve Board. Secret meeting. Can you imagine that? As is these are two foreign potentates having a summit meeting. Here is a man that is supposed to be a public servant, accounting if not to the Congress, certainly to the President, finally being prevailed upon to condescend to walk over to the White House and have a secret meeting with the President.

We still do not know what, if anything, happened. There has been a lot of scuttlebutt about there being an impasse and that Mr. Volcker said "You have still got to do more than what you have done thus far, and I am not going to yield one bit in wrenching that screw one more time."

But who knows? There is no accountability.

The Chairman let it be known that he was there at sufferance; not as a responsibility discharged. But what is the Federal Reserve Board? The Federal Reserve Board, you would be surprised how many of my colleagues and the infinite number of constituents and citizens who have written to me that have been under the impression that the Federal Reserve Board was independent, autonomous, as if it had sprung from the brow of a Greek god and not created by the Congress. The Federal Reserve Board is a creature of the Congress, born as a result of congressional action known as the Federal Reserve Board Act of 1913—nothing else.

But in the meanwhile, our system of economy predicated on mass production, mass consumption, the glory of the world, which in turn, and especially since World War II, has another third leg to that stool, and that is consumer finance or mass finance—is predicated on exactly the policies that are in opposition to what Mr. Volcker says must be done because, and even if it does, and the price of it will be the deterioration in the standard of living of some Americans. What Americans? David Rockefeller of Chase Manhattan? Hardly. Members of the Congress? Hardly. Only insofar as we know we are impacted by some of the adverse situations—constituents going broke, the number of foreclosures on homeowners tripling in the last 6 months. Not postponement of payments, not delinquencies, but foreclosures, mind you.

And as we watch our hapless small businessmen, how can they finance a floor inventory by borrowing at a bank that is going to demand what they say, 2 or 3 points over the going prime interest rate? Well, what that means right now is that there is no small businessman who is going to get a line of credit for less, or much less, than 18 percent. Who in the world in any country, at any time, at any point in history, with comparative situations, can survive, much less our form of economy?

This is what is at stake. This is why I was impelled to follow and seek the quickest means to bring attention and focus concerted action. It has not been forthcoming, and perhaps it is one of those regretful cycles where we do not respond until catastrophe is on us. The trouble with that is that usually when we act in emergency or crisis, we do not react as wisely and as prudently as we ought. As a matter of fact, the Federal Reserve Board Act of 1913 was a result of the great panic—more than a depression—it was the panic of 1907.

But going back even to the beginning of our Government, because this is tied in with the very existence of our Government. Mr. Homer was not exaggerating when he said, "The never ending struggle of democracy with the rule of the elite." That is what we have now. We have the rule of the elite, and that elite is a so-called elite banking class that now is supranational.

Why should they worry when their powers transcend the capacity, the ability, and the jurisdiction of individual nations, including our own. Even the matter of war and peace is a decision now pretty much vested in the bankers.

So as I said earlier, the issue is power. Are the people going to completely keep the power the Constitution vests in them of formulating and approving the fiscal, the monetary, the economic policies that are going to govern our country or are the bankers going to do it?

□ 1600

That is the issue. The bankers are doing it, they have done it, and I see nothing on the horizon that seems to be able to muster the help we need to break that hold other than disaster, and that I certainly do not even want to think about, though reality compels me to admit that there is much more likelihood of that than not. And I have expounded on that as long ago as 2 years and 2 months ago.

It seems fair to say that the so-called free market, long-term rates of interest for any industrial nation, properly charted, provide a sort of fever chart of the economic and political health of the Nation. I have been charting it, and that is the reason why I was impelled to communicate with the President in 1965. Certainly I was not seeking some political or personal benefit. This is a subject matter that has very little political mileage, if anybody is interested in knowing that.

But when we look at the full range of history and we see that the rise and the fall of nations and empires and societies are tracked by this thing we call interest rates, it seems that somehow we have all been brainwashed as to the true definition of "interest rates." Interest rates is a mechanism by which the wealth of any country or society is transferred. It is as simple as that.

I have pointed out, of course, that interest rates can be controlled. Of course there is such a thing as manageability; of course there is such a

thing as the American form of government having the resources to do exactly that if, in the wisdom of the Congress and to a certain extent of the Executive as well, it sees fit to do so.

What I am saying is that there is no reason why it cannot be reversed, and in order to bring about some procedural suggestions to focus our attention on the reforms needed and the actions that can be taken both legislatively and administratively, I have introduced these resolutions and these bills.

When we look at the history, as so dramatically presented—even though this is not a book on grammar, this history of interest rates—we find that we as modern citizens like to think that credit is a modern invention. But we can go back to 1800 B.C., before Christ, and look at the Code of Hammurabi in ancient Babylon and learn that there must have been agitating minds even then because in the Code it is prescribed that the maximum amount of interest charged, for example, on grain deals, was 33⅓ percent. On other transactions such as silver, it was 20 percent.

Now, we come down through history, we bounce down to about 600 B.C., the Greek states, and we find that the same thing agitated the Athenians, and the Law of Solon had to be invoked. There was a crisis incurred because of war and debt and what not. But we should remember that at that time interest could be paid in money as well as other things including personal enslavement for nonpayment.

The Code of Solon limited that. What it did was it removed the limitations that had been in existence since the Code of Hammurabi but instead reduced and eliminated interest in many, many ways. But then the next were the Romans in their so-called Twelve Tables of the Law, which were sort of semicustomary law and semistatutory prescribed law, and there the Romans had precise figures and limitations and they went down to the figure of 8¾ percent and quadruple damages for violations, excess charges over that amount.

Then we go down the line even then to what I think was the most interesting period up to now, up to this entry, and that was the Middle Ages where we had a period of a thousand years. But even Charlemagne, in what was known as the Capitularies of Charlemagne, flatly forbade any increment on loans. For a thousand years in the Middle Ages that was the rule, and it became a theological or a religious issue on usury and the wrongness of usury. Even in the time of Jesus Christ there were usury laws and control of interest.

We come down to the 12th century in England and we find there these peculiarities that we find today because this is the great dilemma of the history of interest rates, remembering that, like a fever chart, as the author says, we can chart a nation's period of stress and downfall.

This is why I am so concerned about our country. As we know, it was not until the Confederacy actually went broke and could not obtain credit that they called the Constitutional Convention, though when they did issue bills or notes, they never paid more than 5 percent, and when they borrowed, they never paid more than 5½ percent. But it finally got to the point where because, as we will recall, under the Confederacy or the Articles of Confederation, the Government had no power to tax, that, therefore, its paper had no real redeeming virtue. So it was at that juncture, in 1786, when it could no longer get credit or issue notes, that the need for calling the Constitutional Convention of 1787 became absolutely imperative.

This is how money ties in with the flow and ebb of political and governmental events. This is why I was in great distress 2 years after 1965 when I saw what was happening with gold. At that time we had the so-called Gold Exchange—not the gold standard but the Gold Exchange—and the gold we were pouring into Vietnam was ending up in France. And later, when Mr. Nixon made his famous trip to China, what we did not read in the papers was that the Chinese would not let his plane land until we had deposited 10 million dollars' worth of gold with them, ostensibly to secure the cost of all the TV apparatuses and the other things that were entailed in that sojourn of our President in China. But the interesting thing for us to remember is that it was demanded in the form of gold that is convertible; that is, ultimately it is payable in gold or redeemable in gold.

These things all have their meaning, not because there is any justification to returning to a gold standard or anything like that—that is equal folly—but because they are symptomatic of this other thing, and that is the fact of the policies that are shaping, for example, how much interest the Government is paying. I am sure that the Founding Fathers and every responsible leader through Franklin Roosevelt and Harry Truman are turning over in their graves, even in the depths of the ground, to hear rumors that the Government is paying almost as much as 15 percent on long-term notes.

That is incredible. A 21½-percent prime interest rate? Incredible. And we have our President piously proclaiming on radio last Saturday that, "Oh, we should not be paying more than 10 percent." Well, why 10 percent? Why not 6 percent?

Since when are we going to be so grateful? That is like saying, "Oh, hit us on the head again because it feels so good when you stop." It is ridiculous, and it has never ceased to amaze me how, with such complacency, we have accepted the loss of the power of determining the policies of economics, of fiscal policy and monetary policy, and without a whimper. And how oblivious we are to the implications of this and how much we have lost in the way of time to be able to redeem even partially what has happened.

There is no way that the businesses that have been forced out of business just in the last 60 days can be revived even if interest rates were to drop to 6 percent today. There is no way that this economy is going to be turned around at all even if interest rates were to drop in the next 3 months to 10 percent. There is no way that before the end of this year there would be any impact at all.

But what is tragic is that in the meanwhile we have had such a maladjustment in the functional ability of this intricate economy known as the American economy, and this should have been apparent to us with the folly of the 1971 Economic Stabilization Act, wage and price controls. And, incidentally, even then on that issue we were a lost voice in the wilderness.

As Members know, I am labeled a liberal, and I am proud of that designation if it is interpreted, like I have always interpreted it, in the American sense. But there were a few of us—5 of us, and we were alone—who resisted that effort in the committee, and there were about 17 in the full House. And the reasons we gave, of course, were just about as listened to as what we have been saying here in the last few months. That perhaps is neither here nor there, and we return to the fundamental question, and that is: What should we do to have accountability? At least if we cannot have the return of this usurped power, why can we not have some measure of accountability from these money managers? Why cannot the Congress act? That has been my question.

It seems to me that it is not a question just of this board and this chairman. It has been a question that has been raised since 1963, after the visit of the then Secretary of the Treasury, Mr. Dillon, who incidentally was supposed to be a great financial wizard but actually really was not, except in one category, and that was knowledgeability of the bond market in New York and the speculative market there.

The truth is that since I have been in the Congress and on this committee, for 20 years I have never yet had any member of the Federal Reserve Board, much less the Chairman, come to the Congress and give us an accounting of the reason for policies or an explanation of the mechanism and the system used in judgment making, an evaluative explanation of making

judgments on these critical issues, because they are the ones who are saying that if you want to buy a car, you pay 16½ percent interest.

□ 1615

I notice there was a lot of hulabaloo recently because a few small bankers in California decided that they could go as low as 12 percent.

An average American family today, even with the so-called decline of inflation, knows better, knows that when he goes to the market or the housewife goes to that market her grocery bill is not less and the items she has to have, have not been reduced. I have good testimony as of last Saturday from my own wife.

But when it comes to a car, remembering that that is our prime product, we like to laugh at some of our countries to the south of us as one-crop economies, banana countries, coffee countries, sugar countries, but we are pretty much the same way. The automobile industry is our basic. If anyone does not believe that, go try to tell the quarter of a million unemployed, and the ripple effect of that unemployment in the Northeast, in the Central Midwest, in Ohio and Illinois, Pennsylvania, New York, Michigan, because first the cars that are made are not being sold. How can the average American at 16 percent afford to, even if he could get the downpayment; how can the small average businessman first get a line of credit from a bank, even at 16 percent?

Long-term mortgages, 17 percent, if somebody is able to find an assumable long-term mortgage.

Ironically, as in the case of interest rates, we are going right now in that respect in that sector of our economy, we are exactly where we were in 1929, 5-percent balloon notes, no long-term financing, which is exactly the point we have reached now.

These are not things that are caused by accident. And let me hasten to pursue one further matter. They are not caused either by so-called profligate government which has not been profligate. It is not caused, as the economists now are expressing puzzlement.

The Secretary of the Treasury, Regan, said about 2 weeks ago that he was completely mystified. He could not understand why this intractability in the persistence of high interest rates, because they were supposed to, with the reduction in budgetary outlays, and with the other concommitants of a reduction in inflation rates, supposed to have gone down. He is not the only one puzzled. Even some of the preeminent economists.

But the truth is if we do not understand the true cause and the true nature of the forces that lead to the condition, how in the world can we ever arrive at a solution to the matter? It is impossible.

This is exactly what I think has been the case in and out of the Congress.

Essentially we cannot have it both ways. The Federal Reserve cannot have it both ways.

On the one hand, they want to assume and take credit for fighting inflation through a restrictive, tight money policy. On the other hand, they say their hands are tied because the prime cause of that inflation is the insufficient and inadequate reduction in the budgetary side of the Government's activity. They cannot have it both ways. Either they are able to and have the power, or they do not.

On the other hand, they resist any kind of inquiry from the Congress. Fifteen years ago I requested GAO to try to find out for me what resources the Federal Reserve Board had for self-policing. Did they have an inspector general? Who did they account for other than a so-called internal audit?

The GAO, the General Accounting Office, which is the only instrumentality the Congress has amenable to it, replied that they were not empowered to look into the Federal Reserve Board.

So that I joined at that time with the distinguished chairman of the Banking Committee, my fellow Texan, Mr. Patman, one of the greatest Americans who has served in this House, in a bill that would bring in the GAO and you would have thought that we had introduced the equivalent of a resolution of an act of treason, and naturally never could get it considered.

The bankers, there is not a bill I have known of, particularly those that Mr. Patman was trying to sponsor in 1965, in anticipation of the stress in our financial and banking system that was beginning to be visible, the failure of some banks and the like, and so he tried to get the administration, House Administration Committee, to budget a modest amount so that he could get the staff to look into such things as interlocking directorates.

Now, of course, that is out of control. You have these massive mergers and acquisitions where you have more than interlocking controls, you have now fewer people controlling a greater mass of our economic activity in the country.

Mr. Patman was trying to get at the interlocking relationships and banks, some of the monopolistic corporations, some of the key price-fixing, price-determining monopolies in our country, and he never succeeded.

In fact, he was abused and fought bitterly here and back home politically, and we never succeeded in even getting approval on the committee level, because I have not seen any of those bills, and especially if a powerful body such as the American Banking Association is against any of these measures, my experience and observation in 20 years is it is not about to be approved by the Congress or the committee.

That sounds harsh, but that is my observation based on 20 years of membership on the Banking, Finance and Urban Affairs Committee, as it is now known, of the House of Representatives.

The Federal Reserve Board is actually the private commercial banking system of the country. It is not a public entity in that sense. So you have the fox, so to speak, watching the henhouse.

About the only discretion we can hope he will have is how may chickens that fox decides to eat up per night. And when it suddenly gets voracious and uncontrolled, well, then, should we be pained, should we be surprised if what we call the American way or standard of living is collapsing and in danger?

With that question, I will yield with the unanimous-consent request that I may be permitted to include at this point a recent article entitled "They Recall Cars, Don't They? Why Not Central Bankers?" by an illustrious professor of economics at the University of Waterloo, Waterloo, Ontario, Canada, Mr. John H. Hotson, which is very much to the point.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The article referred to follows:

THEY RECALL CARS, DON'T THEY? WHY NOT CENTRAL BANKERS?

(By John H. Hotson)

Unsafe Cars are Fixed at Company Expense. Why not University Graduates Inculcated With Flawed Knowledge, Outmoded Ideas and Misguided Theories, Asks This Professor of Economics.

Auto companies that produce dangerously defective cars are required by law to recall them so the mistake can be eliminated.

But why should auto manufacturers be held to a higher code of ethics than universities? After all, a defective car is only a menace for a dozen years or so before it succumbs to the ravages of road salt, while defective university graduates wreak havoc on society for 40 years or more before they go to meet their Maker.

And while a bad car may cause unfortunate and unnecessary deaths, a bad crop of economics students can wreck the economic system. Furthermore, the brighter, harder working and better connected the graduates, the more damage they will do society when they apply bad ideas in a position of great political or economic power.

The worst menace now "on the road" in the U.S. is probably Paul A. Volcker (A.B. Summa cum laude, Princeton 1949, M.A. Harvard 1951) Chairman of the Federal Reserve Board. This gentleman honestly believes that he can stop inflation by wrenching up the rate of interest, when the economics profession has known for more than a decade that it's all a mistake—that high

interest, like high taxes, are among the causes of our inflation, not a cure.

The remarkable thing is that anyone ever believed in the mistaken doctrines which have so damaged the world economy. After all, interest rates, like wages and taxes, are costs and when costs go up, prices go up, not down. What high interest rates have also done is to add depression to worsened inflation, resulting in "stagflation."

On the inflationary effect of high interest rates, Byron L. Johnson, professor of economics at the University of Colorado and a member of the Banking and Currency Committee of the 80th U.S. Congress, wrote in 1967:

"Increasing the cost of money is just as surely an inflationary step as raising the price of such a basic commodity as steel."

On this Sherman J. Maisel, himself a former member of the Federal Reserve Board has written:

"Whatever their indirect impact, the direct effects of interest rate rises are inflationary. Interest plays a major role in the consumer price index especially through the housing and consumer credit component. It is a large factor in utility costs. Regulatory agencies allow interest increases to affect rates and prices almost immediately. Movements of interest rates increase the uncertainties and therefore the risks and costs of doing business." Managing the Dollar, Norton, 1973 p. 18.

If Paul Volcker could be recalled to Princeton he would be instructed on all this by Alan Blinder, or if Harvard did the retrofit they could import Robert Solow from down the street at MIT. In 1974 Blinder and Solow showed clearly why "tight money," like high taxes, would disappoint the hopes of any country that tried them as inflation cures. They wrote:

"The basic remark is so obvious that it is almost embarrassing that it does not appear in textbook expositions of the analytics of fiscal policy. It is simply this: most taxes are, in the short or long run, incorporated into business costs, and therefore (at least partially) passed on to the consumer in higher prices . . . tight money as a cure for inflation runs into analogous objections. Restrictive monetary policies generally imply high interest rates and interest payments are a significant component to cost of many firms." "Analytical Foundations of Fiscal Policy," The Economics of Public Policy, Brookings 1974, pp. 98-101.

Volcker, like the economists who miseducated him, hopes that his interest inflation will be more than offset by wage deflation because of the unemployment his policies cause—that for every dollar of interest inflation there will be more than a dollar of wage deflation so the net effect will be favorable.

However, that won't work. It might have worked, immoral and even illegal as it is under the Employment Act of 1946, in the "good" old days before unemployment compensation because the jobless would rather work at any wage than starve.

Today, however, when Volcker's policies force Americans into layoffs, he is reducing supply more than he is reducing demand, thus increasing the price level.

Every job reduces supply by the worker's full marginal product; but unemployment compensation gives him a fraction of his income back so he can keep on buying goods.

Indeed, once the rash of small business and farm bankruptcies caused by extortionate interest rates, have had whatever "favorable" effects they are going to have on the price level, the remaining effects—lowered capacity, lowered productivity, lowered competition, a keen sense of social injustice—are all inflationary. Truly, as University of Pennsylvania economic professor Sidney Weintraub has put it so often, "Those economists and bureaucrats who advocate unemployment as an inflation cure should have been the first to become unemployed."

But if the profession has changed its mind, why is the "Fed" Chairman still employing exploded ideas?

Well, that is the way the world works—with long and variable lags. So the word is slowly trickling down from the learned journals into the current textbooks, while the victims of the old textbooks continue to damage society.

Furthermore, so much has the whole scandal been hushed up (rather the way GM sought to hush up the fact that the Corvair flips, and Ford tried to conceal that Pintos explode) that many economists are not aware of the change, or are unwilling to adjust.

That is another problem. No car is emotionally attached to its defective brakes. No car objects to being fixed. But people hate to be told that the ideas they so painfully mastered in school are wrong, so it's hard to fix them.

The great economist J. M. Keynes saw the problem in terms of the difficulty most of us have in learning anything new after we are 30, and the great physicist Max Plank maintained progress comes only from people dying.

It is because I believe that the world cannot afford to wait that I urge that Paul Volcker be recalled to his universities for a retrofit. It shouldn't take too long or cost too much—unless he is very stubborn—and it could save Americans $200 to $500 billion by shortening the recession his bad ideas caused. (If neither Princeton or Harvard want to do the conversion, I'd be glad to work him over at my economics shop at the University of Waterloo).

Chairman Volcker tells us that he doesn't like high interest rates and unemployment any more than the rest of us, but his hands are tied. He didn't cause the inflation, OPEC did. If he didn't impose high interest rates the dollar would fall, inflation would run away, and we can't stop it with wave and price controls because they don't work. We've all heard the above arguments, but are they true?

Well, "there is no doubt," as a report of the Joint Economic Committee put it, "that if . . . in the 1970s . . . oil prices (had remained) reasonably stable, inflation would have been much lower." By increasing the price of petroleum from $3.39 a barrel in 1972 to $37.00 in 1981, OPEC increased the U.S. oil bill about $200 billion.

In 1972 the average rate of interest on all debt in the U.S. was 6% and by 1981 it was 10%. Because of this hike we paid $225 billion more interest in 1981 than we would have had 1972 rates prevailed. So why doesn't the Joint Economic Committee report say, "There is no doubt that if in the 1970s interest rates had remained reasonably stable, inflation would have been much lower"?

The best proof that the U.S. would have done better with different policies is the experience of little Switzerland, which has no oil and is much more dependent on world trade than the U.S. is, but which got through the 1970s and into the 1980s with the lowest rate of inflation and the lowest rates of interest in the world.

In spite of her low interest rates the Swiss Franc rose 2.5 times against the U.S. dollar between 1971 and 1978. The country maintained full employment of Swiss nationals throughout the 1970s (it let some foreign "guest workers" go home) while it retooled its watch industry at four percent interest rates.

How was all this accomplished?

Switzerland, unlike the United States, has sane labor-management-government relations. The Swiss workers gave up the right to strike in 1937 and in the 1970s they agreed that wages should only rise one-half as rapidly as productivity increased! In return, management agreed to expand dividends no faster and to plow back all remaining profits in new technologies.

Second, the Swiss do not employ three layers of politicians and bureaucrats to overtax and disemploy the citizen. Instead they use direct democracy, deciding matters of substance in Sunday afternoons referendums.

Third, the Swiss used a system of direct wage and price controls from 1973, when inflation hit 11 per cent, to 1978, when the price level actually dropped by 0.2 per cent. Finally, the Swiss central bank kept the money supply growing a steady five to six per cent, and the government avoided large deficits.

So successful was Swiss policy that it became too successful. Foreigners bid the franc so high that it became difficult to export, so the Swiss had to erect high barriers to keep foreign money out by imposing 40 percent yearly negative interest rates on large foreign deposits and a ban on the purchase of Swiss securities by foreigners. (What a contrast to a U.S. cowering in fear of OPEC taking their petrodollars home!)

Unfortunately, when the Swiss franc stabilized and even fell—in 1979 and 1980—because aggressively and foolishly high U.S. interest rates lured funds there, and the Swiss controls were allowed to lapse—the world inflation seeped into Switzerland. The Swiss experience shows that the U.S. has only itself, and especially its economic policy makers to blame for its poor showing.

We could also learn much from Japan. There the economy's managers put trade, full employment and investment in new technologies far ahead of worries about the price level. The Bank of Japan lends to their computer and robotics firms at 5 percent, whereas we discourage IBM from real investments by the windfall profits it can earn by lending its surplus funds on the money market.

But don't high government and current account deficits require high interest rates to finance them? No, high interest rates cause high government and international deficits. The Federal deficit of over $100 billion this year is all interest and a low interest rate policy would much shrink the deficit. Furthermore, if the U.S. refuses to borrow internationally (like the Swiss) it is not possible for its current account deficit to continue.

Ever since World War II the "Fed" has tried to stop the price level from rising by keeping the growth of "narrow money," M_1, slow while allowing the rate of interest to rise. Thus from 1946 through 1981 our real GNP rose 3.2 times and M_1 grew only 3.3 times. Despite "tight money" nominal GNP rose 13.9 times as the price level rose 4.4 fold and M_1 fell from almost 52% of GNP to 12.3% of GNP. Obviously the "velocity" of

money has increased mightily as the credit system learned to create many dollars of debt for every dollar of official money. Time deposits, term RPs, large CDs, NOW accounts, Eurodollars, and other liquid assets were substituted increasingly for "actual" money, whose "velocity" was also increased mightily by credit cards, jet aircraft and electronic transfer. Meantime all this "layering" of debts at ever increasing interest rates led to an explosion of monetary interest paid.

Thus while Total Debt increased 14.9 times from 1946 to 1981, Total Debt Interest increased 51.4 times. Moreover, Total Private Debt increased 30.4 times and Private Debt Interest increased 88 times as the private sector increased its debts twice as fast as nominal GNP increased and increased its interest burden 4 times as fast as its nominal income.

Employee compensation has increased 15 times since WWII and much attention has rightly been focussed upon "wage push inflation." However, Personal Interest Income has increased 46.8-fold over the same period and Chairman Volcker believes that this has somehow contributed to "ending" inflation. It is utter rot to hold that excessive increases in wages (or profits, up 11.4 times since 1946) are inflationary, while excessive increases in interest (or taxes, up 18.7 times) are deflationary and it is high time someone told Volcker so.

Total indebtedness in the U.S. at the end of 1981 was some $5,630 billion, of which over $4.1 trillion was private debt, $1.1 trillion was Federal government debt and the remaining $.4 trillion was State and local government debt. U.S. debtors paid some $750 billion in "monetary interest paid" on these debts and interest payments were rising at such a pace (almost 28% a year) that it is calculated that by 1988 monetary interest paid would be larger than the total of employee compensation, which was growing "only" 11% per annum.

Clearly the need of the hour are means of reducing the rate of increase of interest payments without bringing about a debt repudiation crisis (the "remedy" Volcker appears intent on imposing) or a hyperinflation.

To help get interest rates down and to repair our damaged economy, William Krehm has suggested that taxes be cut and households and businesses be required to subscribe to very low interest rate "tax-bonds" (say 6% with 2% the goal when/if inflation ends.)

Furthermore, we should bring back the usury laws, abolish interest on NOW accounts and reduce interest on savings accounts to 3%. People who want a higher return on their money than that should take their chances on the stock market, instead of being offered an assured return on a riskless investment.

Luigi Pasinetti has recently shown that the "natural" rate of interest is the rate of increase of real output per head—thus in our society it is only 2 or 3 percent. When "market" interest rates rise above the "natural" rate they cause business cycles, social injustice and financial collapse. We should return to the wisdom of Lord Keynes, who, unlike his "Keynesian" followers, urged that interest rates be driven down as low as possible and kept there by usury laws.

Indeed, we need a return to the morality of all the books of ancient wisdom of our society—the Bible, the Koran, and the Greek philosophers—for they all held that there is no quicker road to social and individual hell than allowing extortionate, or indeed, any interest rate. (In their world of zero productivity gains, theirs and Pasinetti's view converge.)

Since at low interest rates people will want to borrow too much money, we should use credit controls, large down payments and short repayment periods, as our rationing device rather than high interest rates.

High interest rates were a trillion dollar mistake, and the quicker the world's statesmen are re-educated on the point, the more likely our economy is to survive. Once Paul Volcker is reequipped with worthwhile ideas it should not be necessary to retrofit all the lesser economic policy makers in Washington one by one as you would a car. People tend to go along with the boss, so Volcker could become as effective a spokesman for and practitioner of sound economic policies as he is now for disastrous ones.

I will defer to the next the processes of the procedure of impeachment, and again the particularization, or, as they say, the specifics of the charges in the next presentation, and I yield back the balance of my time.

FUNDING CUTS DEVASTATING TO HANDICAPPED COMMUNITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. LAFALCE) is recognized for 20 minutes.

● Mr. LAFALCE. Mr. Speaker, our Nation's handicapped people face a problem in the form of proposed cutbacks and alterations to programs which provide aid to the handicapped.

I am deeply concerned about the changes currently under discussion. There are over 35 million disabled Americans, many of whom rely on State and Federal assistance to help them to maintain a relatively normal, productive life in the mainstream of society. Our Nation's commitment to assist the handicapped has been one of our greatest social accomplishments—one which every American, whether they suffer from disabilities or not, can look upon with great pride. It is imperative that we continue this commitment. We cannot close the doors on these programs or simply turn them over to the States as the administration suggests. We must rather, be certain that we maintain our present level of support as well as continue to open the doors to equal opportunity and life with dignity for this Nation's handicapped individuals.

Education is the cornerstone of any individual's attempt to function in today's society. The need for education is just as great, if not greater, for the handicapped. Accordingly, I find fault with two of the administration's proposals in the area of education for the handicapped. First, the proposed regulatory reform of section 504 of the Rehabilitation Act of 1973 would change language in that act which would, consequently, no longer require that free and appropriate primary and secondary education be provided for handicapped children. This provision is necessary to ensure that handicapped children can begin a relatively normal life. In addition to these proposed regulatory reforms, the administration has suggested a package of massive budget reductions in educational programs for the handicapped.

In 1981 the Federal Government provided over $1 billion in educational funding exclusively for the handicapped. Projected budget figures for 1983 would cut that figure by over $179 million. These dollars will come out of programs traditionally supported by the Federal Government such as: State and preschool incentive grants; deaf-blind centers; severely handicapped and early childhood education projects; regional, vocational, adult, and postsecondary programs; special education personnel development and regional resource centers. Not only will these cuts be significant, but the reduced amount has been formulated into a block grant program to the States. Such an approach amounts to a major retreat from our commitment to insure the needed education for the handicapped.

Another program that appears to be threatened by the administration's proposed budget cuts is the developmental disability program. This program allows handicapped groups to target resources to the areas which they feel will be the most productive. Funds for developmental disabilities are used for such worthwhile endeavors as child development programs and support needed for community living by individuals who would, without this assistance, otherwise be institutionalized. The administration proposes to cut these programs by nearly $20 million, a reduction of over 40 percent from the 1981 funding levels. The repercussions of these cuts will be hard felt by this Nation's handicapped.

The administration also proposes to cut funding for rehabilitation services. Rehabilitation service grants provide for vocational training, employment counseling, and job placement programs for the handicapped. The administration proposal would reduce funding by over $300 million, thus cutting the budget of this program by nearly one-third. These programs were previously funded as separate entities in the Department of Education and the Department of Health and Human Services. They will, in 1983, be part of one Human Services block grant at substantially lower funding levels. These rehabilitation programs must be maintained in order to allow handicapped people to continue to be employed as productive members of our society's work force.

So too, the Federal Government must maintain its commitment to programs such as medicare, supplemental security insurance, and food stamps

which aid the handicapped. We must continue to enforce equal access provisions of previously promulgated legislation and support the handicapped in their effort to end discrimination based on mental or physical disability.

Reductions in funds and turning back responsibilities for education, developmental disabilities, and rehabilitation services to State and local governments could cause a massive reduction in the services which are necessary for the maintenance of dignity and the quality of life for disabled individuals.

I urge my colleagues to consider the magnitude of the effects of these funding cuts and regulatory reforms. While I agree that the budget deficit presents this Congress with an extraordinary problem, we must not attempt to balance the budget on the backs of our Nation's handicapped people. Every citizen deserves a chance to live a full life in the mainstream of society. Let us continue our commitment and take steps to insure that opportunity for this Nation's disabled people.●

CHICAGO TRIBUNE EDITORIAL ENDORSES ANNUNZIO'S OLYMPIC COIN BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, we are all quite familiar with the controversy surrounding the issue of striking commemorative coins for the 1984 summer Olympics to be held in Los Angeles. This issue has certainly received a great deal of media attention lately. We have seen numerous accounts which discuss the various pieces of legislation from every conceivable angle. It is with pleasure that I call your attention to a recent Chicago Tribune editorial that endorses my Olympic coin proposal.

The purpose of striking Olympic commemorative coins is to raise money for our amateur athletes. My bill calls for the coins to be sold directly to the public by the mint. All of the proceeds from the sale of these coins would go to the intended beneficiaries.

The other proposals call for the minting of numerous coins to be sold to the public through private marketers. The proceeds from the sale of these coins would be divided among the private marketers and the amateur athletes.

In its editorial, the Chicago Tribune points out the astounding folly of the private marketing approach:

> Why let a private middleman come in and increase the markup? The government has successfully marketed U.S. coins and stamps in the past. Farming out the sale of this "money" that will never be spent would set a precedent that could be overused and abused in the future . . . Millions can be raised with Olympic coins without calling commercial hucksters.

My immediate reaction to this excerpt is to respond with the rhetorical "need I say more?" and leave it at that. The fact that the elimination of private marketers means more money for our amateur athletes seems reason enough to support the mint-marketing approach. Yet, unfortunately, this is not sufficient, for there are those who insist on turning some of the profits over to private interests. These people are very unhappy with my opposition to those proposals.

The Chicago Tribune reports that:

> . . . less than happy are the bigwigs of the Occidental Petroleum Corp.; Lazard Freres, an international banking firm; and the Franklin Mint, a private company that manufactures and sells collectibles. These three companies had set up a marketing group that would have been given exclusive rights to sell the coins.

I certainly understand the reason for their displeasure for the Chicago Tribune makes the following observations:

> Numismatists are willing to pay premium prices for commemorative coins minted under official government sanction. So are people who don't collect coins as a hobby but welcome new fields in which to speculate. This huge market for fancy new coins was the genesis of the deal opposed by Mr. Annunzio.

Now, while it is surely true that the drive for profit is a very powerful force, I see no reason to allow the blatant opportunism of certain private companies to come between the American consumer and our Olympic athletes.

In addition, I worry that the private marketing of Olympic commemorative coins could lead to other problems. The Chicago Tribune accurately states that:

> Mr. Annunzio has said that giving any private group exclusive rights to sell U.S. coins is an invitation to excess profiteering and even scandal.

Apparently, my concern was well-founded, as the Securities and Exchange Commission recently accused the Franklin Mint of fraud involving hundreds of thousands of dollars. We certainly do not want companies who behave illegally to market our official commemorative coins.

Even if there was some good reason to market the Olympic commemorative coins privately, the program set forth in the private marketing bills has another grave problem: it calls for the minting of entirely too many coins. The cost of owning a complete set of coins under these bills would be prohibitive, possibly as high as $5,000. In addition, multiple issues are confusing and discouraging to the buying public. Many Americans have written to me saying that they will not be able to afford to participate in a program involving more than a few coins. The Chicago Tribune remarks that "minting 25 different coins smacks of being a sort of silly play-money game."

When I consider all of these factors together, it clearly seems that the evidence against the private marketing of Olympic commemorative coins is overwhelming. I cannot think of one good reason to support such an approach. At the very least, the private marketers will take a huge chunk of money, possibly as much as $300 million, away from our amateur athletes. And, under the worst set of circumstances, we could be publicly humiliated by scandal. We need a bill that will raise the most money for our athletes without sacrificing our national integrity. If we do not do this right, we may soon wish that we had not done it at all.

I have included the entire text of the Chicago Tribune editorial below:

ANNUNZIO'S GRIPE IS ON THE MONEY

U.S. Rep. Frank Annunzio (D. Ill.) is under a lot of pressure because he opposes the notion of a private group selling coins to raise money for the 1984 Olympic Games in Los Angeles. Mr. Annunzio's position makes sense, however, and he should stand firm.

Numismatists are willing to pay premium prices for commemorative coins minted under official government sanction. So are people who don't collect coins as a hobby but welcome new fields in which to speculate.

This huge market for fancy new coins was the genesis of the deal opposed by Mr. Annunzio. Under that scheme, the U.S. Mint would produce as many as 25 different commemorative Olympic coins. They would be sold at a big markup over face value by a private firm that would keep part of the profit and give the rest to the U.S. and Los Angeles Olympic Games committees.

Legislation authorizing the deal has been blocked by Mr. Annunzio in his role as chairman of the House subcommittee on Consumer Affairs and Coinage. For this, he has come under attack by Olympic officials and assorted sports enthusiasts who say he is undercutting the Games.

Also less than happy are bigwigs of the Occidental Petroleum Corp.; Lazard Freres, an international banking firm; and the Franklin Mint, a private company that manufactures and sells collectibles. These three companies had set up a marketing group that would have been given exclusive rights to sell the coins.

Mr. Annunzio has said that giving any private group exclusive rights to sell U.S. coins is an invitation to excess profiteering and even scandal. He has introduced his own bill authorizing the Treasury to sell one type of commemorative silver dollar at a price over face. Profits (perhaps as much as $500 million) would go to the Olympic groups.

U.S. Rep. Fernand J. St Germain (D., R.I.) has introduced still another bill. It would allow private marketing of the coins, but require competitive bidding for the right to sell them.

Under none of these schemes would it be possible to go to the bank and acquire the Olympic items at face value. If 25 different coins were minted for everyday use as money, the confusion would obviously be intolerable.

Mr. Annunzio's opposition makes sense even if he is overestimating the danger of outright scandal. The Olympic coins, if any

are eventually minted, will be worth considerably more than face value only because they are officially issued by the government. Why let a private middleman come in and increase the markup? The government has successfully marketed U.S. coins and stamps in the past.

Farming out the sale of this "money" that will never be spent would set a precedent that could be overused and abused in the future. Minting 25 different coins smacks of being a sort of silly play-money game. Millions can be raised with Olympic coins without calling in commercial hucksters. Let Mr. Annunzio's silver dollar bill be passed.●

NATIONAL NURSING HOME RESIDENTS' DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. PEPPER) is recognized for 5 minutes.

● Mr. PEPPER. Mr. Speaker, earlier in this session of Congress I introduced a joint resolution (H.J. Res. 440) designating today, April 28, 1982, as National Nursing Home Residents' Day. A similar resolution was introduced by my colleague, Senator PRYOR, and was passed by the Senate on March 31. Unfortunately, the House did not move on this resolution.

Even though the resolution has not been enacted, I would like to take this opportunity to honor some 1.3 million older Americans who reside in nursing homes throughout the country. As we all know, nursing home residents are to a great degree outside the mainstream of society, often isolated from their friends and relatives. Too frequently, these older Americans are forgotten, away from the eyes of society. As chairman of the Select Committee on Aging and its Subcommittee on Health and Long-Term Care, I have worked with my colleagues inside and outside of Congress to improve the health and well-being of all older Americans. They are the foundation of our great country and nursing home residents can be and are an invaluable asset. I want to recognize nursing home residents not only for their past contributions to society, but for the vital role that these persons continue to play in the life of the Nation.

Mr. Speaker, today, many local communities dotted across our land will hold celebrations honoring their local nursing home residents. These activities hopefully will bring these nursing home residents and their communities closer together.

In honoring nursing home residents I would like to point to some of the significant contributions to efforts to improve the long-term care system that have been made by residents.

In many areas, nursing home residents serve not only on the residents' council of the home but, in some cases, on the board of directors of the nursing home, representing the concerns and views of residents to other board members. They take part in the decisionmaking with respect to the operation of the facility. Many of these residents serve on city or countywide councils of nursing home residents and appear in public forums—before local or State boards which deal with matters ranging from reimbursement to pharmacy issues to nursing home standards. Some serve as ombudsmen investigating, resolving, and reporting complaints which residents or their families and friends make regarding quality of care or similar issues. These community-minded residents make their views known in a variety of ways: They collect petitions, lodge complaints and testify in various settings, some appearing before committees of the U.S. Congress.

In short, Mr. Speaker, nursing home residents all over the country are exercising their rights as U.S. citizens. As residents of States and localities, they are making the public, the press, and their elected representatives aware of their concerns and of the contributions they can and do make to our society.

I would like all my colleagues to join me in honoring nursing home residents around the country and let them know that we care about their well-being and acknowledge and praise the work they have done and continue to do to build America.●

SENATOR ALAN CRANSTON BROADENS THE NUCLEAR FREEZE DEBATE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BROWN) is recognized for 5 minutes

● Mr. BROWN of California. Mr. Speaker, much has been written and said about the desirability of a nuclear weapons freeze, and whether a freeze can lead to arms reductions.

Regardless of how one views calls for a nuclear weapons freeze, they must acknowledge that this issue is one of genuine interest to the American people. The Congress has a responsibility to carefully review the proposals before it.

If we can, we should adopt a resolution which reflects the views of the collective wisdom of the Congress. If this task proves too difficult, we should at least continue a serious and thorough discussion of how to control and reduce the threat of nuclear war.

Mr. Speaker, one of the more interesting additions to the nuclear freeze debate was made this week by the senior Senator from California, ALAN CRANSTON. Basically, Senator CRANSTON calls for a return to a proposal by President Kennedy made over 20 years ago to limit the production of fissionable material.

At this time I wish to insert in the RECORD an essay by Senator CRANSTON which elaborates on his constructive proposal:

[From the Washington Post, Apr. 27, 1982]

A DIFFERENT KIND OF FREEZE

(By Alan Cranston)

I believe we must devise a freeze position that is fair and negotiable, that would end the accumulation of more nuclear arms and that would be verifiable. To this we must add the specific means to achieve arms reductions.

I believe it is essential, too, to have proposals that are clear and relatively simple. We need proposals that will not get us hopelessly bogged down in arcane details, proposals that are negotiable, can be presented to and understood by citizens in this country and elsewhere, and that are fair.

We must also address the key issue of how to provide—as we pursue the essential goal of reducing nuclear weapons stockpiles—for the maintenance of stability and deterrence.

For the hope of deep cuts to be realized, we must spell out how we would dispose of nuclear warheads and how we would maintain a stable deterrent in the process.

I have sought to bridge the gap between those who would freeze now and achieve reductions later, and those who would build and modernize now and freeze later. I believe this proposal offers a reasonably simple and direct way of freezing nuclear arms production by cutting off its source.

This proposal is for Congress to recommend that the President realize the express goal of achieving a nuclear freeze by updating proposals first advanced in separate speeches at the United Nations by Presidents Eisenhower and Kennedy and never since withdrawn.

President Kennedy proposed on Sept. 25, 1961, stopping the production of fissionable material for use in weapons by the United States and the U.S.R.R.; the proposed ban was to be verified by the International Atomic Energy Agency (IAEA).

My proposed ban would immediately freeze the growth of nuclear weapons stockpiles in a verifiable manner, while permitting the United States and the Soviet Union freedom to undertake such selective modernization as is essential for the maintenance of stability and deterrence, as well as the safety of the weapons involved. Any new nuclear weapon that would need to be deployed would be able to get its warhead from a dismantled system.

President Kennedy also proposed at the U.N. a comprehensive nuclear test ban (CTB), "a treaty assuring the end of nuclear tests of all kinds in every environment under workable controls"—a vital step for slowing the nuclear arms race that was nearly realized in the latter half of the 1970s. This would curb modernization efforts by reducing confidence in any new weapons systems.

Together with a CTB and the ban on production of fissionable material, my resolution would have Congress recommend that the president further propose to the Soviet Union an agreement on phased reductions in stockpiles of highly enriched uranium and plutonium from nuclear warheads along the lines of President Eisenhower's Dec. 8, 1953, proposal to the U.N.: To begin now and continue to make joint contributions of their stockpiles of normal uranium and fissionable materials" to the IAEA and to "begin to diminish the potential destructive power of the world's atomic stockpiles."

The details of my proposal were first suggested to me by Adm. Noel Gayler, former commander of U.S. forces in the Pacific. It would provide for retirement of nuclear warheads according to an agreed quota system and for the denaturing of this weapons-usable material subject to existing IAEA inspection procedures. The warheads could be turned into a control center in a third country, not necessarily the United States or the Soviet Union.

These steps offer the specific means for handling weapons-grade material that any serious freeze and reductions proposal must spell out.

I would note here that I have been among the most vocal of IAEA critics, as part of my efforts to combat nuclear proliferation to countries that do not yet possess the bomb. But I am confident that the IAEA does have the potential capability to provide for verification of a prohibition on U.S. and Soviet production of highly enriched uranium and plutonium for weapons production. I have this confidence largely because of the margin of error involved in such a monitoring task.

It is one proposition for the IAEA to employ current inspection and accounting procedures to guarantee with 100 percent certainty that a nation that has no declared nuclear weapons hasn't diverted one or two weapons' worth of highly enriched uranium or plutonium. In volatile regions like the Middle East, South Asia or Latin America, a monitoring error of greater than 10 kgs. of bomb-grade material could provide a critical shift in the regional balance of power.

But when the United States and the Soviet Union have nearly 50,000 nuclear warheads between them, a worst-case inspection and accounting error of one or two warheads by the IAEA would have no strategic significance.

Therefore, we must look to strengthening the IAEA for such a superpower monitoring task, aware that its shortcomings in dealing with states that do not yet possess nuclear weapons are more important than its clear capabilities to monitor superpower arms reductions.

I do not discount the difficulty of gaining Soviet agreement to IAEA inspection. But I believe that Soviet flexibility for on-site monitoring of a comprehensive test ban and their eagerness for progress on arms control are causes for some optimism.

Under my proposal, the Soviets would have to close their facilities producing material for nuclear warheads, as would we. As for facilities producing or using weapons-usable, highly enriched uranium or plutonium for energy generation, the Soviets have only a limited number of them.

They would have the choice of closing these facilities or of submitting them to periodic IAEA inspections. Such inspections would be an essential step for verifying any ban on warhead production.●

FOREIGN OFFICIALS APPROVE U.S. PEACEKEEPING ROLE IN MIDDLE EAST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Guam (Mr. WON PAT) is recognized for 10 minutes.

Mr. WON PAT. Mr. Speaker, yesterday several of my colleagues on the House Armed Services Committee who traveled with me to the Middle East to review the highly important mission of the multinational force of observers, commented on the nature of our inspection trip and our findings. Unfortunately, I was unable to participate in the discussion because of extremely pressing business in the Armed Services Committee and today, I want to add my comments to the excellent statements made by my colleagues, Representatives HUTTO, WHITE, and RUDD.

The trip covered eight nations in the Middle East and during our visit we talked with a number of national leaders of the countries we visited, including the heads of Israel and Egypt. As a member of the Armed Services Committee, I was privileged to join in this inspection trip which helped focus our attention on American activities in the Middle East and to have a rare opportunity to see firsthand the problems our forces could face should the Rapid Deployment Force ever need to become active in that part of the world.

Let me say at the outset that trips such as this one are extremely beneficial to Members of Congress because they provide us with detailed information which can never be obtained in a formal hearing room. This was made especially clear during our meetings with the chiefs of states of those countries we visited and their staffs with whom we shared many hours of discussions. It is clear to me that there are many difficulties ahead, should the need arise, to send elements of the Rapid Deployment Force to the Middle East, but I am convinced that we are up to the challenge and that our friends in that part of the world count on our help and friendship to maintain peace in that sensitive part of the globe.

I, in particular, want to express my deepest appreciation to the members of the U.S. military forces currently assigned to the multinational force of observers in the Sinai. They are an outstanding group of professional military men and women. It is clear that they are undertaking a most crucial task, and in the process, learning a great deal about how to improve our military equipment for life in a hostile environment.

One point which particularly impressed me was the overwhelming and positive reception our military forces have received from various Middle East countries. They are very much aware of the American interest in peace in that part of the world and view our presence there as a stimulant to peace.

There is always reason to be concerned about the involvement of U.S. forces in the affairs of other nations, and it was most appreciated when our delegation heard that no foreign nation expects the United States to keep a permanent presence there. This is an important fact. I do not believe that there is a need for a permanent U.S. presence in the Middle East, nor do I support such a plan. But, based on our conversations with Prime Minister Begin, President Mubarak of Egypt, Israel Defense Minister Sharon, and numerous other dignitaries, it is clear that the U.S. presence at present is helping maintain the peace.

I was especially surprised and pleased to see that a constituent of mine, a resident of Guam, was assigned to U.S. forces in the Sinai. We met for some time and he expressed his support for the role his unit is playing and hopes that this Nation will continue to encourage a peacekeeping role in the Middle East.

It is essential for world stability that we maintain peace in the Middle East and the Persian Gulf. But it should be noted that the United States cannot do the job alone. Other nations should and must contribute to this important task.

The delegation worked long hours and worked hard to gather the facts which will be placed in an official report on the trip. I congratulate our leader, Congressman DICK WHITE, for doing an outstanding job and also thank the committee staff assistants and military escort personnel, who worked so hard to make the trip a success.

SUPREME COURT POLICE FORCE LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. RODINO) is recognized for 5 minutes.

● Mr. RODINO. Mr. Speaker, I am introducing today a bill to clarify the status and jurisdiction of the police force which serves the Supreme Court of the United States. This draft bill would afford the Supreme Court police force formal statutory recognition in title 28 of the United States Code and would amend other statutes to clarify its jurisdiction and procedures.

The police officers of the Supreme Court have rendered outstanding service in the protection of the Court Building, the Justices, and employees in the years since the Supreme Court moved from quarters in the U.S. Capitol to the Supreme Court Building in 1935. In 1949 Congress accorded legal recognition to the Supreme Court Police and established their jurisdiction as special police to patrol the Supreme Court Building and grounds much as Capitol Police do for the Congress.

Since then, security problems encountered in protecting public officials and facilities have required the Supreme Court Police to assume a greater role in providing increased physical

protection for the Justices and employees of the Court, and for visitors to the Court building, including foreign dignitaries. There has also developed a compelling need to protect Justices when they leave the building on their official duties. The legal status of the Supreme Court Police should be clarified to reflect these present realities.

H.R. 6204

A bill to amend title 28 of the United States Code and related statutes with respect to the appointment and jurisdiction of the Supreme Court police

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 672(b) of title 28, United States Code, is amended to read as follows:

"(b) The Marshal may, with the approval of the Chief Justice of the United States, appoint and fix the compensation of necessary assistants and employees to attend the Court, employees to serve as Supreme Court police, and necessary custodial employees.".

SEC. 2. Section 672(c) of title 28, United States Code, is amended by changing the period at the end of paragraph (7) thereof to a semicolon and by adding the following new paragraphs:

"(8) Oversee the work of those employees appointed in the capacity of Supreme Court police, who shall serve as law enforcement officers to police the Supreme Court building, grounds, and adjacent streets, and to protect the Chief Justice, Associate Justices, the officers and employees, guests, and property of the Court and shall be authorized to bear arms and to make arrests in such capacity.

"(9) Prescribe such regulations, approved by the Chief Justice and consistent with sections 2 through 6 of the Act of August 18, 1949, chapter 479, 63 Stat. 616, (40 U.S.C. 13g-13k), as may be necessary for the adequate protection of the Supreme Court building, grounds, persons and property, and for the maintenance of suitable order and decorum, which regulations shall be posted in a public place at the Supreme Court building and copies of which shall be made reasonably available to the public.".

SEC. 3. Section one of the Act of August 18, 1949, chapter 479, 63 Stat. 616 (40 U.S.C. 13f) is amended by striking all language following the word "may" and substituting therefor, "appoint employees to serve as Supreme Court police, for duty as law enforcement officers in policing the Supreme Court building, grounds, and adjacent streets, and in protecting the Chief Justice, Associate Justices, officers and employees, guests and property of the Court.

SEC. 4. Section 7 of the Act of August 18, 1949, chapter 479, 63 Stat. 617 (40 U.S.C. 131) is repealed and sections 8 through 11 of that Act (40 U.S.C. 13m-13p) are redesignated as sections 7 through 10, respectively.

SEC. 5. Section 8 of the Act of August 18, 1949, chapter 479, 63 Stat. 617 (40 U.S.C. 13m), redesignated by section 4 of this Act as section 7 of the Act (40 U.S.C. 131), is amended to read as follows:

"Whoever violates any provision of sections 2 to 6, inclusive of this Act, or of any regulation prescribed under section 672(c)(9) of title 28, shall be fined not more than $100 or imprisoned not more than sixty days, or both, prosecution for such offenses to be had in the courts for the District of Columbia, upon information by the United States Attorney or any of his assistants: In any case where, in the commission of any such offense, public property is damaged in an amount exceeding $100, the period of imprisonment for the offense may be not more than five years."

SEC. 6. Section 9 of the Act of August 18, 1949, chapter 479, 63 Stat. 617 (40 U.S.C. 13n), as subsequently amended and as redesignated by section 4 of this Act is further amended to read as follows:

"The Marshal and the Supreme Court police provided for by section 672(c)(8) of title 28, United States Code, and by section one of this Act shall have the authority as law enforcement officers to bear arms while within or outside the boundaries of the Supreme Court building, grounds and adjacent streets in such a manner and at such times as the Marshal may by regulation prescribe. They shall have the power to enforce and to make arrests for the violation of sections 2 through 6, inclusive, of this Act, any law of the United States, the District of Columbia, or any state, and any regulation prescribed by the Marshal of the Supreme Court under section 672(c)(9) of title 28, United States Code. The Metropolitan Police of the District of Columbia shall have concurrent jurisdiction with the Supreme Court police to patrol the Supreme Court building and grounds, and to make arrests therein, when requested to do so by the Marshal of the Supreme Court or his duly authorized assistants. Such authority shall not be construed to empower the Metropolitan Police to enter the Supreme Court Building and grounds unless the Marshal of the Supreme Court or his assistants have requested or consented to such entry."●

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. ROUKEMA) to revise and extend their remarks and include extraneous material:)

Mr. LEACH of Iowa, for 30 minutes, today.

Mr. GUNDERSON, for 60 minutes, May 3.

Mr. ROBERTS of Kansas, for 60 minutes, May 3.

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. COELHO, for 5 minutes, today.

Mr. PEPPER, for 5 minutes, today.

Mr. BROWN of California, for 5 minutes, today.

Mr. WON PAT, for 10 minutes, today.

Mr. ZABLOCKI, for 60 minutes, April 29.

Mr. RODINO, for 5 minutes, today.

Mr. FAZIO, for 10 minutes, May 5.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. ROUKEMA), and to include extraneous matter:)

Mr. FRENZEL.

Mr. LEWIS.

Mr. BROWN of Ohio in three instances.

Mr. CONTE in three instances.

Mr. BROOMFIELD.

Mr. CORCORAN.

Mr. LEBOUTILLIER.

Mr. DORNAN of California.

Mr. GILMAN.

Mr. GREEN.

Mr. MCGRATH.

Mr. FINDLEY.

Mr. BADHAM.

Mr. MICHEL in two instances.

Mr. ROUSSELOT.

Mr. WAMPLER.

Mr. RITTER.

Mr. FISH.

Mr. PAUL in three instances.

Mrs. SNOWE.

Mr. RHODES.

(The following Members (at the request of Mr. GONZALEZ), and to include extraneous matter:)

Mr. BRODHEAD in two instances.

Mr. MOFFETT.

Mr. MAZZOLI.

Mr. STENHOLM.

Mr. MCHUGH.

Mr. GEJDENSON.

Mr. MINETA.

Mr. MURPHY.

Mr. LANTOS.

Mr. PICKLE in 20 instances.

Mr. HALL of Ohio.

Mr. JOHN L. BURTON.

Mr. LEHMAN.

Mr. PATTERSON.

Mr. ST GERMAIN.

Mr. STARK.

Mr. SHANNON.

Mr. BIAGGI.

Mr. CORRADA in 10 instances.

Mr. MINISH.

Mr. EDGAR.

Mr. CONYERS.

Mr. HARKIN.

Mr. GARCIA in two instances.

Mr. WOLPE.

Mr. FOGLIETTA.

Mr. HUBBARD.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. HAWKINS, from the Committee on House Administration, reported that that committee did on April 27, 1982, present to the President, for his approval, a joint resolution of the House of the following title:

H.J. Res. 448. Joint resolution to authorize and request the President to issue a proclamation designating April 25 through May 2, 1982, as "Jewish Heritage Week."

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

89-059 O-85-34 (Pt. 6)

The motion was agreed to; accordingly (at 4 o'clock and 32 minutes p.m.), the House adjourned until tomorrow, Thursday, April 29, 1982, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3807. A letter from the Assistant Secretary of the Army (Installations, Logistics and Financial Management), transmitting notice of proposed conversion to contractor performance of the storage and warehousing activity at Fort Leavenworth, Kans., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

3808. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 4-181, "D.C. Individuals, Estates, and Trusts Federal Conformity Tax Act of 1982," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

3809. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 4-180, "Closing of a Public Alley in Square 5131 Act of 1982," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

3810. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 4-179, "Closing of a Portion of a Public Alley in Square 290 Act of 1982," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

3811. A letter from the Secretary of Health and Human Services, transmitting his report on actions being taken to prevent social security benefits from being paid to deceased individuals, pursuant to Public Law 97-123; to the Committee on Ways and Means.

3812. A letter from the Acting Comptroller of the Currrency, transmitting the annual report for calendar year 1981 on consumer activities of his office, pursuant to section 18(f)(5) of the Federal Trade Commission Act, as amended; jointly, to the Committees on Banking, Finance and Urban Affairs and Energy and Commerce.

3813. A communication from the President of the United States, transmitting initiatives on the safe and efficient disposal of nuclear waste (H. Doc. No. 97-172); jointly, to the Committees on Interior and Insular Affairs and Energy and Commerce and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GAYDOS: Committee on House Administration. House Resolution 317. Resolution authorizing printing of the transcript of proceedings of the Committee on Energy and Commerce incident to presentation of a portrait of the Honorable John D. Dingell (Rept. No. 97-493). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. PICKLE (for himself and Mr. ARCHER):

H.R. 6181. A bill to amend title II of the Social Security Act to provide adjustment benefits, vocational training, and waiver of overpayments for individuals terminated from the disability program, to strengthen the reconsideration process by providing for the earlier introduction of evidence of record, to provide for more uniformity in decisionmaking at all levels of adjudication, and for other purposes; to the Committee on Ways and Means.

By Mr. CONYERS:

H.R. 6182. A bill to establish the U.S. Academy of Peace, and for other purposes; jointly, to the Committees on Foreign Affairs and Education and Labor.

By Mr. LUKEN (for himself, Mr. LENT, Mr. MOTTL, Mr. SOLOMON, Mr. VOLKMER, and Mr. WILLIAMS of Montana):

H.R. 6183. A bill to extend by 5 months (through September 1982) the period within which a child over age 18 must have been already enrolled at the college level in order to qualify (after July 1982) for child's insurance benefits under title II of the Social Security Act as a postsecondary student, and to require that such a child (in order to so qualify) must have graduated from high school by the close of such period; to the Committee on Ways and Means.

By Mr. ANNUNZIO:

H.R. 6184. A bill to provide that the Federal tax on excess business holdings of private foundations shall not apply in certain cases; to the Committee on Ways and Means.

By Mr. APPLEGATE:

H.R. 6185. A bill to amend the Clean Air Act, and for other purposes; jointly, to the Committees on Energy and Commerce and Science and Technology.

By Mr. BAILEY of Missouri:

H.R. 6186. A bill to authorize appropriations for the construction and for rehabilitation of certain bridges by amending title 23 of the United States Code; to the Committee on Public Works and Transportation.

By Mr. BEREUTER (for himself, Mr. LUJAN, Mr. KAZEN, Mr. CLAUSEN, Mr. BROWN of Colorado, and Mr. KOGOVSEK):

H.R. 6187. A bill to authorize and direct the Secretary of the Interior to engage in a special study of the potential for ground water recharge in the Great Plains States, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BEREUTER (for himself and Mr. DAUB):

H.R. 6188. A bill to authorize the Secretary of the Interior to participate with the State of Nebraska in studies of Platte River water resource use and development, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. CONTE (for himself, Mr. BEDELL, Mr. MAVROULES, Mr. HILER, Mr. HATCHER, Mr. MOLINARI, and Mr. ECKART):

H.R. 6189. A bill to amend the Small Business Investment Act of 1958 to clarify the availability of guarantees with respect to financing for pollution control facilities; to the Committee on Small Business.

By Mr. EDGAR:

H.R. 6190. A bill to amend title 38, United States Code, to provide that educational assistance provided by the Veterans' Administration under the GI bill shall be disregarded in determining the needs or qualifications of any person under any educational assistance program financed in whole or in part with Federal funds; jointly, to the Committees on Education and Labor and Veterans' Affairs.

By Mr. EDWARDS of California:

H.R. 6191. A bill to amend the Civil Rights Act of 1957 to authorize appropriations for the U.S. Commission on Civil Rights for the fiscal year ending September 30, 1983; to the Committee on the Judiciary.

By Mr. FLORIO:

H.R. 6192. A bill to amend the war powers resolutions to require specific authorization for the introduction of U.S. Armed Forces into El Salvador for combat; to the Committee on Foreign Affairs.

By Mr. FUQUA (for himself and Mr. GLICKMAN):

H.R. 6193. A bill to authorize appropriations for fiscal year 1983 for research, engineering and development, and demonstration projects relating to aviation; to the Committee on Science and Technology.

By Mr. HANSEN of Idaho (by request):

H.R. 6194. A bill to extend and improve the food stamp program, and for other purposes; to the Committee on Agriculture.

By Mr. HUBBARD:

H.R. 6195. A bill to direct the Secretary of Agriculture to release a reversionary interest held by the United States in certain lands located in Christian County, Ky., so that such lands may be used for cemetery purposes, to the Committee on Agriculture.

By Mr. JONES of North Carolina (for himself and Mr. LENT):

H.R. 6196. A bill to authorize appropriations for the fiscal year beginning October 1, 1982, for the maintenance and operation of the Panama Canal, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. JONES of North Carolina (for himself and Mr. D'AMOURS):

H.R. 6197. A bill to amend the National Advisory Committee on Oceans and Atmosphere Act of 1977 to authorize appropriations to carry out the provisions of such act for fiscal years 1983 and 1984; to the Committee on Merchant Marine and Fisheries.

By Mr. KASTENMEIER:

H.R. 6198. A bill to amend the manufacturing clause of the copyright law; to the Committee on the Judiciary.

By Mr. MAZZOLI:

H.R. 6199. A bill to amend the Internal Revenue Code of 1954 to require that Members of Congress substantiate the amounts they deduct as living expenses while away from home; to the Committee on Ways and Means.

H.R. 6200. A bill to amend the Internal Revenue Code of 1954 to require that Members of Congress substantiate the amounts they deduct as living expenses while away from home and to amend the Rules of the House of Representatives to restore the former limitations on outside earned income; jointly, to the Committees on Ways and Means and Rules.

By Mr. MITCHELL of New York (for himself, Mr. JENKINS, and Mrs. SNOWE):

H.R. 6201. A bill to amend the Public Works and Economic Development Act of 1965 to reauthorize the Economic Develop-

ment Administration for fiscal years 1983, 1984, and 1985, and for other purposes; jointly, to the Committees on Public Works and Transportation and Banking, Finance and Urban Affairs.

By Mr. OTTINGER:

H.R. 6202. A bill to amend the Energy Policy and Conservation Act to eliminate preemption of a State's authority to establish or enforce any energy efficiency standard or similar requirement if a Federal energy efficiency standard has not been established; to the Committee on Energy and Commerce.

By Mr. PAUL:

H.R. 6203. A bill to amend the Internal Revenue Code of 1954 to provide a credit for taxpayers who make contributions to individuals eligible for social security benefits; to the Committee on Ways and Means.

By Mr. RODINO (for himself and Mr. McCLORY):

H.R. 6204. A bill to amend title 28 of the United States Code and related statutes with respect to the appointment and jurisdiction of the Supreme Court police; to the Committee on the Judiciary.

By Mr. WAMPLER:

H.R. 6205. A bill to provide that the lake referred to as the North Fork Pound River Lake in Wise County, Va., shall hereafter be known as Chant B. Kelly Lake; to the Committee on Public Works and Transportation.

By Mr. WILLIAMS of Montana (for himself, Mr. MILLER of California, Mr. SMITH of Pennsylvania, Mr. FAUNTROY, Mr. CORRADA, Mr. FOGLIETTA, Mr. FORD of Michigan, Mr. BRODHEAD, Mr. FAZIO, Mr. EDGAR, Mr. FORD of Tennessee, Mr. OTTINGER, Ms. OAKAR, Mr. LOWRY of Washington, Mr. ROBERT W. DANIEL, JR., Mr. GRAY, Mr. BARNES, and Mr. PEPPER):

H.R. 6206. A bill to amend the Federal Employees Compensation Act to provide for interest on late payment of compensation under that act, and for other purposes; to the Committee on Education and Labor.

By Mr. ZEFERETTI (for himself, Mr. JOHN L. BURTON, and Mr. WALKER):

H.R. 6207. A bill to amend the Federal Property and Administrative Services Act of 1949 to permit the disposal of surplus property to States and local governments for correctional facility use; to the Committee on Government Operations.

By Mr. BIAGGI:

H.J. Res. 465. Joint resolution to authorize and request the President to issue a proclamation designating the calendar month of June 1982 as "National Rivers Month"; to the Committee on Post Office and Civil Service.

By Mr. WALKER:

H.J. Res. 466. Joint resolution proposing an amendment to the Constitution of the United States guaranteeing individual opportunity to all U.S. citizens; to the Committee on the Judiciary.

By Mr. APPLEGATE:

H. Con. Res. 320. Concurrent resolution declaring that the Department of Defense shall not purchase any articles manufactured outside the United States; to the Committee on Armed Services.

By Mr. HALL of Ohio:

H. Con. Res. 321. Concurrent resolution expressing the sense of the Congress that the President should take certain actions with respect to East Timor; to the Committee on Foreign Affairs.

By Mr. SOLARZ (for himself, Mr. ROSENTHAL, Mr. BINGHAM, Mr. BARNES, Mr. PRITCHARD, and Mrs. FENWICK):

H. Res. 441. Resolution with respect to the Falkland Islands; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DREIER:

H.R. 6208. A bill for the relief of Kuo Hui-Su, also known as Omara Marie Reese; to the Committee on the Judiciary.

By Mr. HANSEN of Idaho:

H.R. 6209. A bill for the relief of the Aetna Insurance Co., and other insurance companies; to the Committee on the Judiciary.

By Mr. SOLARZ:

H.R. 6210. A bill for the relief of Alejandre Morales-Cabrera; to the Committee on the Judiciary.

By Mr. HANSEN of Idaho:

H. Res. 442. Resolution to refer that bill entitled "a bill for the relief of Aetna Insurance Company, and other Insurance Companies" to the Chief Commissioner of the U.S. Court of Claims; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 283: Mr. HAMMERSCHMIDT.

H.R. 2332: Mr. ATKINSON.

H.R. 2831: Mr. SKEEN.

H.R. 2832: Mr. DYSON.

H.R. 3921: Mr. QUILLEN, Mr. SMITH of New Jersey, and Mrs. BOUQUARD.

H.R. 4280: Mr. WORTLEY, Mr. BOWEN, Mr. HAGEDORN, Mr. SCHEUER, Mr. PORTER, Mr. NEAL, and Mr. GRAY.

H.R. 4362: Mr. MARRIOTT.

H.R. 4432: Mr. WORTLEY.

H.R. 4592: Mr. SNYDER.

H.R. 4727: Mr. MOORHEAD.

H.R. 4863: Mr. DAVIS, Mr. PATMAN, Mr. SHAW, and Mr. EMERY.

H.R. 5163: Mr. ROE and Mr. WILLIAM J. COYNE.

H.R. 5177: Mr. BROWN of Colorado.

H.R. 5332: Mr. EDWARDS of California.

H.R. 5345: Mr. STATON of West Virginia.

H.R. 5509: Mr. WILLIAMS of Montana, Mr. BEDELL, Mr. MCKINNEY, Mr. MCHUGH, Mr. ROEMER, Mr. FOGLIETTA, Mr. GEJDENSON, and Mr. BAILEY of Pennsylvania.

H.R. 5572: Mrs. CHISHOLM, Mr. BEDELL, and Mr. FAZIO.

H.R. 5608: Mr. AUCOIN, Mr. BEDELL, Mr. BINGHAM, Mr. GLICKMAN, Mr. BRODHEAD, Mr. BROWN of California, Mr. JOHN L. BURTON, Mrs. CHISHOLM, Mr. JAMES K. COYNE, Mr. DELLUMS, Mr. DENARDIS, Mr. DWYER, Mr. DYMALLY, Mr. GARCIA, Mr. EDGAR, Mr. EDWARDS of California, Mr. FRANK, Mr. FAUNTROY, Mr. FORSYTHE, Mr. FOGLIETTA, Mr. KASTENMEIER, Mr. LEHMAN, Mr. LOWRY of Washington, Mr. MARKEY, Mr. MAZZOLI, Mr. MCHUGH, Ms. MIKULSKI, Mr. MILLER of California, Mr. MINETA, Mr. MITCHELL of Maryland, Mr. MOTTL, Mr. MURPHY, Mr. OBERSTAR, Mr. OTTINGER, Mr. PATTERSON, Mr. RAHALL, Mr. RATCHFORD, Mr. RICHMOND, Mr. ROSENTHAL, Mrs. ROUKEMA. Mr. SAVAGE, Mr. SCHEUER, Mrs. SCHNEIDER, Mr. SCHUMER, Mr. SEIBERLING, Mr. SIMON, Mr. STARK, Mr. STUDDS, Mr. TAUKE, Mr. UDALL, Mr. WAXMAN, Mr. WEAVER, Mr. WEISS, Mr. WILLIAMS of Montana, Mr. WYDEN, and Mr. YATES.

H.R. 5731: Mr. CORRADA.

H.R. 5760: Mr. GOODLING, Mr. SANTINI, Mr. ROBERTS of South Dakota, Mr. DASCHLE, Mr. DWYER, Mr. GRAY, and Mrs. FENWICK.

H.R. 5800: Mr. ROBERTS of Kansas.

H.R. 5860: Mr. FAZIO, Mrs. SCHROEDER, and Mr. ENGLISH.

H.R. 5987: Mr. YATRON and Mr. DWYER.

H.R. 5995: Mr. LONG of Maryland, Mr. WALGREN, Mrs. CHISHOLM, Mr. SCHUMER, Mr. FLORIO, Mr. MOFFETT, Mr. CLAY, Mr. DELLUMS, Mr. WEISS, Mr. FOGLIETTA, Mr. SAVAGE, Mr. MOTTL, Mr. LUKEN, Mr. MITCHELL of Maryland, Mr. YATES, and Mr. PARRIS.

H.R. 6077: Mr. UDALL, Mr. BONER of Tennessee, Mr. MOFFETT, Mr. ALBOSTA, Mr. RAHALL, Mr. VOLKMER, and Mr. STUDDS.

H.R. 6091: Mrs. CHISHOLM and Mr. DYMALLY.

H.R. 6100: Mr. WHITTEN, Mr. WAMPLER, Mr. PRICE, Mr. PRITCHARD, Mr. NATCHER, Mr. YOUNG of Alaska, Mr. FUQUA, Mr. STANGELAND, Mr. HAMILTON, Mr. LEE, Mr. DE LA GARZA, Mr. GINGRICH, Mr. JONES of North Carolina, Mr. TAUKE, Mr. YATRON, Mr. BENEDICT, Mr. SEIBERLING, Mr. GINN, Mr. DE LUGO, Mr. STUDDS, Mr. NOWAK, Mr. MCHUGH, Mr. FORD of Tennessee, Mr. LAFALCE, Mr. NEAL, Mr. LUNDINE, Mr. EVANS of Georgia, Mr. BARNARD, Mr. YOUNG of Missouri, Mr. BONER of Tennessee, Mr. WILLIAMS of Montana, Mr. MAVROULES, Mr. KOGOVSEK, Mr. DASCHLE, Mr. SAVAGE, Mr. ECKART, Mr. WILLIAM J. COYNE, Mrs. KENNELLY, Mr. SYNAR, and Mr. PURSELL.

H.R. 6105: Mr. BLILEY, Mr. BROOMFIELD, Mr. CORRADA, Mr. FORSYTHE, Mr. GRISHAM, Mr. HUBBARD, Mr. LAGOMARSINO, Mr. MCCLORY, Mr. WILSON, Mr. WINN, Mr. WOLF, Mr. ENGLISH, Mr. BURGENER, Mr. LOWERY of California, and Mr. WHITEHURST.

H.R. 6135: Mr. FINDLEY and Mr. VOLKMER.

H.R. 6149: Mr. LAFALCE, Ms. OAKAR, Mr. NEAL, Mr. REUSS, Mr. LOWRY of Washington, Mr. STANTON of Ohio, and Mr. JAMES K. COYNE.

H.J. Res. 125: Mr. WILLIAM J. COYNE.

H.J. Res. 159: Mr. DORGAN of North Dakota.

H.J. Res. 172: Mr. ADDABBO, Mr. ROBERTS of South Dakota, Mr. SIMON, and Mr. HENDON.

H.J. Res. 363: Mr. WILSON and Mr. HAMMERSCHMIDT.

H.J. Res. 415: Mr. ROBERT W. DANIEL, JR.

H.J. Res. 440: Mr. HOYER, Mrs. FENWICK, Mr. MOLLOHAN, and Mr. VANDER JAGT.

H.J. Res. 444: Mrs. MARTIN of Illinois, Mr. FRENZEL, Mr. SHANNON, Mr. EARLY, Mr. MINISH, Mr. JOHN L. BURTON, Mr. HORTON, Mr. PRICE, Mr. FITHIAN, Mr. WALKER, Mr. BENNETT, Mr. SHAW, Mr. SKEEN, Mr. GILMAN, Mrs. BOGGS, Mr. PICKLE, Mr. PARRIS, Mr. GREGG, Mr. DE LA GARZA, Mr. WHITE, Mr. GIBBONS, Mr. OBERSTAR, Mrs. ROUKEMA, Mr. FLIPPO, Mr. WHITLEY, Mr. THOMAS, Mr. ROYBAL, Mr. GINGRICH, Mr. PEPPER, Mr. LUNDINE, Mr. CONYERS, and Mr. CHAPPELL.

H. Con. Res. 222: Mr. BENNETT.

H. Con. Res. 298: Mr. WEAVER, Mr. MITCHELL of Maryland, Mr. JOHN L. BURTON, Mr. LANTOS, Mr. BAILEY of Pennsylvania, Mr. GRAY, and Mr. SAVAGE.

H. Con. Res. 309: Mr. BIAGGI, Mr. JAMES K. COYNE, Mr. D'AMOURS, Ms. FIEDLER, Mr. FIELDS, Mr. FINDLEY, Mr. HENDON, Mr. JACOBS, Mr. KRAMER, Mr. LEBOUTILLIER, Mr. LELAND, Mr. MOTTL, Mr. RAILSBACK, Mr. SWIFT, Mr. WOLF, Mr. YATRON, Mr. DYSON, Mr. IRELAND, Mr. MINISH, and Mr. ROEMER.

H. Con. Res. 312: Mr. BEDELL, Mr. DELLUMS, Mr. EDGAR, Mr. FAUNTROY, Mr. FORSYTHE, Mr. GEPHARDT, Mr. MAZZOLI, Mr. MOAKLEY, Mr. SCHEUER, Mr. SEIBERLING, Mr. UDALL, and Mr. WEAVER.

H. Res. 339: Mr. BLILEY, Mr. DICKS, and Mr. HAMMERSCHMIDT.

H. Res. 412: Mr. DINGELL, Mr. RAHALL, Mr. BARNES, Mr. AUCOIN, Mr. LONG of Louisiana Mr. SIMON, Mr. BONER of Tennessee, Mr. KILDEE, Mr. BRINKLEY, Mr. DOWNEY, Mr. WYDEN, Mr. APPLEGATE, Mr. MINETA, Mr. MCDADE, Mr. BREAUX, Mr. LUNDINE, Mr. WHITTAKER, Mr. WALGREN, Mr. ZEFERETTI, Mr. LONG of Maryland, Mr. HEFNER, Mr. STUDDS, Mr. OTTINGER, Mr. FOGLIETTA, Mr. BONKER, Mr. ALBOSTA, Mr. SABO, Mr. MITCHELL of Maryland, Mr. PANETTA, Mr. YATRON, Mr. WILLIAM J. COYNE, Mr. KASTENMEIER, Mr. HOLLENBECK, Mr. FISH, Mr. MARKEY, Mr. RODINO, Mr. FARY, Mr. EDWARDS of California, Mr. MINISH, Mr. ROSENTHAL, Mr. BEDELL, Mr. MILLER of California, Mr. GINGRICH, Mr. HILLIS, Mr. FAZIO, Mr. FRANK, Mr. HERTEL, Mr. HOWARD, Mr. PHILLIP BURTON, Mr. ERTEL, Mr. HARKIN, Mr. MOLLOHAN, Mr. WILSON, Mr. HOPKINS, Mr. YOUNG of Florida, Mr. SMITH of Pennsylvania, Mr. DWYER, Mr. YATES, Mr. LOWRY of Washington, Mr. HOYER, Mr. MURPHY, Mr. DAVIS, Mr. WEISS, Mr. GINN, Mr. BOWEN, Mr. LAFALCE, Mr. MAVROULES, Mr. SCHUMER, Mr. MOTTL, Mr. TRAXLER, Mr. JONES of Tennessee, Mr. WINN, Mr. WEAVER, Mr. ROBERTS of Kansas, Mr. CONTE, Mr. SWIFT, Mr. ANTHONY, Mr. JACOBS, Mr. STOKES, Mr. SYNAR, Mr. MATSUI, Mr. PRICE, Ms. FERRARO, Mr. BINGHAM, and Mr. GILMAN.

H. Res. 420: Mr. DENARDIS, Mrs. COLLINS of Illinois, Mr. HERTEL, Mr. MINISH, Mr. ERDAHL, Mr. LANTOS, Mr. WOLPE, Mr. LOWRY of Washington, Mr. SHAMANSKY, and Mr. HERTEL.

H. Res. 427: Mr. BINGHAM, Mr. BRODHEAD, Mr. EDWARDS of California, Mr. HERTEL, Mr. GEJDENSON, Mr. SHANNON, Mr. MINISH, Mr. DENARDIS, Mr. SOLARZ, Mr. ST GERMAIN, Mr. AKAKA, Mr. MOAKLEY, Mr. RATCHFORD, Mr. FAUNTROY, Mr. BONKER, Mr. YATES, Mr. WON PAT, Mr. BEDELL, Mr. VOLKMER, Mr. MORRISON, Mr. HOWARD, Mr. BARNES, Mr. EMERY, Mr. STARK, Mr. FOLEY, Mr. MOFFETT, Mr. GORE, Mr. GRAY, Mr. BRINKLEY, Mr. RODINO, Mr. SABO, Mr. DE LUGO, Mr. D'AMOURS, and Mr. BONIOR of Michigan.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

409. By the SPEAKER: Petition of the National Academy of Sciences, Washington, D.C., relative to nuclear arms; to the Committee on Foreign Affairs.

410. Also, petition of the City Council of Philadelphia, Pa., relative to protecting American workers from unfair foreign competition; to the Committee on Ways and Means.

411. Also, petition of the Charter Township of Flint, Mich., relative to H.R. 5133; jointly, to the Committees on Energy and Commerce and Ways and Means.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 5922

By Mr. CORCORAN:

—Page 7, after line 18, insert the following:

HOMEBUYERS ASSISTANCE FUND

For an amount to establish the "Homebuyers Assistance Fund" in the Treasury of the United States to be administered by the Secretary of Housing and Urban Development for the purpose of encouraging the production and sales of housing, $1,000,000,000, which amount shall remain available until expended and shall be transferred to such Fund from appropriations made available to, and to be obligated in fiscal year 1982 by, the United States Synthetic Fuels Corporation from the Energy Security Reserve established under the heading "Alternative Fuels Production" in Public Law 96-126. Such amount shall be made available, not later than September 30, 1982, as assistance to State and local housing agencies who agree to use the assistance to reduce mortgage interest rates to affordable levels for persons purchasing a single-family residence pursuant to a mortgage financed with funds obtained from the issuance, after the date of enactment of this Act, of a qualified mortgage or qualified veterans' mortgage bond in accordance with the requirements of section 103A of the Internal Revenue Code of 1954. Such assistance shall be made available in accordance with regulations which are issued by the Secretary of Housing and Urban Development (after consultation with the Secretary of the Treasury and appropriate committees of Congress) and which provide a fair and balanced geographic distribution of the assistance (notwithstanding any other provision of law regarding States without mortgage revenue bond authority), terms and conditions of the repayment by State and local agencies of the assistance, limits on the amount of the assistance which may be used for administrative costs by such agencies, and other terms and conditions deemed necessary by the Secretary.

SENATE—*Wednesday, April 28, 1982*

(Legislative day of Tuesday, April 13, 1982)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, LL.D., D.D., offered the following prayer:

Let us pray.

Our Heavenly Father, we commend to Thee this special day, as the President visits Members of Congress, and ask for the presence of Thy spirit to guide and direct the conversations and decisions.

We are grateful for our legacy as a Nation; for the Declaration of Independence with its indisputable rationale for inalienable human rights endowed by a Creator God. Help us never to forget that this is fundamental to our system of values which would be nonexistent if our Founding Fathers had declared: "We hold these truths to be self-evident, that all men are descended from monkeys * * *." We thank Thee for a legacy which insists that the purpose of government is to protect the rights endowed by the Creator. We thank Thee for the Declaration's unequivocal statement against oppressive systems. Forgive us, Lord, for the times we, as individuals and groups, violate our cherished manifesto.

We are grateful for the Constitution with its unprecedented design for a representative government which derives its power from and is accountable to the people; and for the astounding fact that it continues to work after 200 years. We thank Thee for men and women who believe that such a government should represent all people indiscriminately and who struggle in this body to honor that mandate. Grant to the Senators and their staffs special grace, understanding, patience, and love in their struggle. We pray this in the name of Him by Whom and for Whom all things were created, Jesus Christ the Lord. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. Mr. President, I thank the Chair.

THE JOURNAL

Mr. BAKER. Mr. President, I ask unanimous consent that the Journal of the proceedings of the Senate be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, after the recognition of the two leaders under the standing order, there is a special order in favor of two Senators to be recognized for not to exceed 15 minutes each. After that, there will be a brief period for the transaction of routine morning business.

ORDER FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that, after the execution of the two special orders as heretofore provided, there be a brief period for the transaction of routine morning business to extend not past the hour of 11 a.m. in which Senators may speak for not more than 5 minutes each.

The PRESIDING OFFICER (Mr. HAYAKAWA). Without objection, it is so ordered.

SENATE SCHEDULE

Mr. BAKER, Mr. President, at 11 a.m., or thereabout, it is the intention of the leadership to ask the Senate to proceed to the consideration of S. 1662, Calendar Order No. 466, the nuclear waste bill. At that time, or at approximately that time, I will ask unanimous consent that the Senate proceed to the consideration of that measure. If there is an objection to that request, as I anticipate there may be, it is my intention to move to the consideration of that matter.

It is hoped, Mr. President, that we can complete debate on the nuclear waste bill today and tomorrow and reach a time for final passage during the day on Thursday. As I indicated on yesterday, if that is the case, if we do complete action on the nuclear waste bill by the close of business on Thursday, I will not ask the Senate to be in session then on Friday of this week.

ORDER FOR RECESS FROM 1:30 P.M. UNTIL 3 P.M.

Mr. BAKER. Mr. President, between the hours of 1:30 and 3 p.m. today I will ask the Senate to stand in recess. There will be a meeting here in the Capitol adjacent to the Senate Chamber involving the President and the leadership of the Senate and the House of Representatives. It is desirable, in deference to that undertaking, that the Senate not be in session. Therefore, I ask unanimous consent that at 1:30 p.m. the Senate stand in recess until 3 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF SENATOR SPECTER

The PRESIDING OFFICER. Under the previous order, the Senator from Pennsylvania (Mr. SPECTER) is recognized for not to exceed 15 minutes.

S. 2446—SMALL BUSINESS PROCUREMENT REFORM ACT OF 1982

Mr. SPECTER. Mr. President, I am introducing today on behalf of the distinguished Senator from Connecticut (Mr. WEICKER) chairman of the Committee on Small Business; the distinguished Senator from Georgia (Mr. NUNN), the ranking minority member of the Committee on Small Business; on behalf of Senator BAUCUS, Senator DIXON, Senator HAYAKAWA, and Senator PACKWOOD, all of whom are members of the Committee on Small Business, and on behalf of Senator GLENN and Senator RIEGLE, a cochairman of the Northeast-Midwest Coalition, the Small Business Procurement Reform Act of 1982.

Mr. President, the important role small business plays in the national economy has been thoroughly documented. America's 13 million small and independent businesses provide the Nation with 55 percent of all private sector jobs and about 50 percent of the gross national product.

While small businesses are full and active partners in the economy as a whole, they have only limited access to the Nation's single, largest customer—the Federal Government's $100 billion annual procurement budget. Current-

ly, only about 20 cents out of each dollar the Government spends to purchase goods and services goes to small firms, and that share is actually shrinking. Two years ago, the White House Conference on Small Business set forth a goal of increasing small businesses' participation in the Federal procurement process to 35 percent. Unfortunately, small business' share of Government contracts have declined since then from 22.2 percent in 1980 to 20.1 percent in 1981.

During the last year, I have sponsored a series of procurement conferences throughout Pennsylvania designed to facilitate small business involvement in the Government procurement process. At each session, I have had small business men and women recount frustrating experiences in attempting to do business with the Federal Government. Too frequently, it seems that the Government's procurement policies and practices discourage rather than encourage participation by small firms.

For that reason, I am introducing, along with my colleagues I have named, the Small Business Procurement Reform Act of 1982 in an effort to increase small businesses' role in fulfilling the Federal Government's purchasing needs.

Briefly, this bill would accomplish the following:

Guarantee that firms have at least 45 days to bid on each contract, thus protecting small companies, which are often the last to hear of new contract opportunities.

Direct each agency to break its large systems procurement, whenever practical, into smaller components in order to give small businesses a greater opportunity to submit bids.

Require that, for a contract under $100,000, each agency provide to interested firms a copy and a summary of the Federal laws and regulations with which they must comply in the performance of the contract.

Require Federal agencies to justify cases in which goods or services are procured without competitive bids or when bidding is restricted to a certain region of the United States.

Require that information and materials needed to prepare bids on Federal contracts be made available in a timely manner.

Authorize the Small Business Administration to establish arbitration panels to resolve minor contractual disputes, thus avoiding lengthy and costly litigation.

Mr. President, as we seek to strengthen our Nation's defense capabilities and to promote an economic recovery, it is essential that small business be a full partner, lending its creative and competitive strengths to Government procurement. I believe this legislation will faciiitate participation by small firms in the competitive bidding process, and I urge my colleagues to join me in supporting this important legislation.

Mr. President, I ask unanimous consent that the full text of the proposed bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2446

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Small Business Procurement Reform Act of 1982".

PURPOSES

SEC. 2. The purposes of this Act are—

(1) to assure further that a fair proportion of Government procurement contracts are awarded to small business concerns and to increase small business participation in procurement where possible;

(2) to simplify the contracting procedures of the United States which relate to small businesses;

(3) to establish arbitration panels to resolve disputes which arise between small business concerns and Federal agencies concerning Government procurement contracts; and

(4) to establish a Small Business Procurement Advisory Committee to make legislative and administrative recommendations concerning Government procurement contracts for small business concerns and to provide better representation of small business concerns before the Congress and the Small Business Administration.

DEFINITIONS

SEC. 3. As used in this section and in sections 2, 6, and 7 of this Act—

(1) the term "Administrator" means the Administrator of the Small Business Administration;

(2) the term "Committee" means the Small Business Procurement Advisory Committee established by section 9;

(3) the term "Federal agency" has the same meaning given the term "agency" by section 551(1) of title 5, United States Code; and

(4) the term "Government procurement contract" means a contract for the procurement of goods or services by a Federal agency.

MINIMUM SOLICITATION AND AWARD STANDARDS

SEC. 4. Section 8 of the Small Business Act (15 U.S.C. 637) is amended—

(1) by inserting "(1)" after "(e)" in subsection (e);

(2) by adding the following new paragraphs at the end of subsection (e):

"(2) If bidding on a procurement action subject to paragraph (1) is limited to one person, a particular area of the United States, or both, the Secretary of Commerce shall provide a written description of the individual circumstances and the law or rule which is the basis for the limitation in the notice required to be publicized under paragraph (1).

"(3) The Secretary of Commerce shall publish timely notice of all awards of Government procurement contracts set aside for small business concerns under section 15.

"(4) The Secretary of Commerce shall investigate and, to the extent practicable, may implement alternative means of notifying small business concerns of procurement actions subject to paragraph (1), in addition to the daily publication required by paragraph (1)."; and

(3) by adding the following new subsection at the end thereof:

"(f)(1) A Federal agency may not award a contract for a procurement action subject to subsection (e)(1) until the later of the date which is—

"(A) at least forty-five days from the date of publication of the notice or amended notice of the action pursuant to subsection (e)(1); or

"(B) specified as the closing date for bidding on the action in the notice or amended notice of the action publicized pursuant to subsection (e)(1).

"(2) Paragraph (1) shall not apply if the head of the Federal agency personally determines that emergency circumstances prevent compliance with this subsection.".

COMPONENT BIDDING ON LARGE SYSTEMS PROCUREMENTS

SEC. 5. Section 8 of the Small Business Act (15 U.S.C. 637) is amended by adding the following new subsection at the end thereof:

"(g) The head of each Federal agency shall review its procedure for awarding procurement contracts for large systems on which small business concerns cannot compete, and take all practicable steps to subdivide the procurement contracts into smaller components on which small business concerns can compete.".

GOVERNMENT PROCUREMENT CONTRACT ARBITRATION PANELS

SEC. 6. The Administrator shall establish Government procurement contract arbitration panels in such number as the Administrator deems appropriate. A panel shall provide an opportunity for resolving a dispute between a small business concern and a Federal agency concerning a Government procurement contract which is or may be let to the concern. Use of a panel shall be voluntary. A decision of a panel shall be binding only to the extent that the concern and agency agree that the decision is binding.

SMALL BUSINESS PROCUREMENT ADVISORY COMMITTEE

SEC. 7. (a) There is established a Small Business Procurement Advisory Committee to be composed of thirteen members appointed by the Administrator. The Committee shall advise the Congress and the Administrator on matters relating to Government procurement contracts awarded to, or set aside for, small business concerns.

(b) A member of the Committee shall, while away from the member's home or regular place of business in the performance of services for the Committee, be allowed travel expenses, including a per diem allowance in lieu of subsistence, in the same amount as a person employed intermittently in the Government service is allowed expenses under section 5703(b) of title 5, United States Code.

(c) At the close of each calendar year, the Committee shall submit a report to the Congress and to the Administrator. The report shall describe the activities of the Committee during the year and contain recommendations for new Federal legislation or agency rules which the Committee determines will increase the number of Government procurement contracts awarded to small business concerns.

● Mr. NUNN. Mr. President, as the ranking Democratic member of the Senate Small Business Committee, I am pleased to join the distinguished Senator from Pennsylvania (Mr. SPEC-

TER) in introducing the Small Business Procurement Reform Act of 1982.

The Federal Government is among the largest purchasers of goods and services in the United States. From simple office supplies to sophisticated weapons systems, procurement dominates a large slice of the Federal budget, and of Federal employees.

Purchases by military and civilian installations exceed $100 billion a year. With this magnitude of spending annually, it is not surprising that procurement issues draw a great deal of business and Government attention.

Over time, the Federal Government has adopted several key procurement policy statements: in favor of competition as opposed to sole-source awards; in favor of reliance on the private sector for goods and services as opposed to in-house performance when this approach is cost effective; and in favor of utilizing small businesses, and insuring that a fair proportion of the purchase of goods and services come from small business.

I know that Deputy Defense Secretary Carlucci has expressed his support for increased competition, and is initiating efforts to increase the breakout of large systems procurements into more manageable component procurements. These efforts increase the ability of small business to participate in Federal purchasing activities. DOD is making considerable progress toward implementing their 31-point procurement management initiative. The Small Business Administration is also actively working at many major Federal installations—primarily through their own procurement center representatives, but also in conjunction with agency small and disadvantaged business utilization officers—to decrease the "bundling" of major defense systems procurements.

Mr. President, this legislation adds considerably to the congressional debate on ways to increase opportunities for small businesses to participate in the Federal buying system. The bill we are introducing today should serve as an excellent focal point for the small business community and agencies to join Congress in a careful review of the complex Federal procurement business.

Section 4 of the bill, for example, addresses solicitation periods to be utilized in the Commerce Business Daily. The proposal offers a variety of ways to make the CBD a more useful tool to the procurement community, and to open up the competitive bidding by the agencies.

The intent of this section is similar to legislation which I have previously cosponsored (S. 1947). That bill is now pending in the Senate Small Business Committee. Two days of extensive hearings have already been held in our committee on the uses, and abuses, in the CBD. I am confident that the Small Business Committee will be able to add these constructive suggestions in this bill to its CBD program review.

Another section of the bill urges agencies to carefully review their large system procurement needs. Each of these system procurements, by their very size, precludes many qualified small businesses from any real participation in the procurement process. I recognize that in many instances, particularly in defense weapons systems, a single prime contractor must be selected; each of these systems contracts, however, still provides many opportunities for small business subcontracts—and public policy, established in Public Law 95-507, provides a mechanism for encouraging maximum practicable subcontracting opportunities for small business.

But there are too many examples of contracting proposals which are "bundled" into large procurements for contracting officer convenience only. Small businesses, for a variety of reasons, are dealt out of a reasonable chance to compete for these large contracts.

This proposal would require the head of each Federal agency to review the procedures for awarding large systems procurements, and take whatever reasonable steps are available to develop plans for maximizing the contracts on which small businesses can compete.

Another element of the legislation is the innovative proposal for permitting voluntary arbitration for disputes between agencies and small businesses. There already exist formal dispute resolution provisions in the procurement regulations. The Contract Disputes Act now in force provides a mechanism for addressing problems. GAO's bid protest procedures are always available. But arbitration holds out the potential for a fair and effective remedy to contractor problems at a reasonable cost. Since the legislation would permit arbitration only by agreement of the parties, there is nothing in this proposal that jeopardizes the agency's procurement needs, or lessens the Government's or a contractor's rights.

Mr. President, I congratulate Senator SPECTER and the other cosponsors of this bill for taking the initiative in addressing some of the problems which small business face in dealing with Federal procurements. As the ranking minority member of the Senate Small Business Committee, I shall do my best to insure that the committee thoroughly reviews this proposal.●

● Mr. RIEGLE. Mr. President, I am pleased to join my colleague, the Senator from Pennsylvania (Mr. SPECTER), as a cosponsor of this important small business legislation, The Small Business Procurement Reform Act of 1982. Small businesses are a vital part of our economy and will be a keystone of any economic recovery. Small businesses cut across the full range of activities in our economy—construction, manufacturing, transportation, wholesale and retail trade, agriculture and financial services—accounting for more than 96 percent of all businesses in the United States.

The contributions of small businesses in both the public and private sector are well documented. Study after study has shown that in terms of magnitude and impact, small business is among the most productive sectors of our economy; accounting for virtually all new private sector employment, at least half of all major innovations, and nearly 50 percent of our yearly GNP.

However, in one major area, that of Federal procurement, small businesses have been steadily losing ground. Federal procurement of goods and services is a $110 billion a year business involving nearly one-fifth of the Federal budget. Over the last decade small businesses have had a low level of participation in the Federal procurement process compared to their contribution to GNP and share in the private sector economy. Of total Federal procurement expenditures in 1981, small business received $25.4 billion, or only 23 percent.

Nor are the statistics compiled by the Small Business Administration on the rate of small business participation in Federal procurement encouraging. Figures released in a March 1982 report of the President on the state of small business show that the average annual increase in the percent of total Federal procurement awarded to small business between 1970-78 was less than 1 percent. Furthermore, since 1979 the small business share of Federal procurement has actually been declining according to SBA, and preliminary 1981 figures show this downward trend continuing.

I believe that the Small Business Procurement Reform Act of 1982 is an important move in the direction of reversing this downward trend and encouraging small business participation in the Federal procurement process. The purpose of this act is to assure that a fair proportion of Government procurement contracts are awarded to small business concerns and increase small business participation in procurement where possible. To this end, this legislation would establish a minimum percentage of 35 percent of Federal procurement contracts for small business participation, to be phased in over a 4-year period. Simplifying contract procedures is another focus of the bill, addressing a major deterrent to small business participation. The act would also set up contract arbitration panels to resolve any dispute between a small business and a Federal

agency concerning a procurement contract and establish a Small Business Procurement Advisory Committee to advise the Congress and the SBA on matters relating to small business procurement.

The measures implemented in the Small Business Procurement Reform Act of 1982 are a necessary extension of the Small Business Act of 1953 to increase small business participation in the Federal procurement process. As the climate for business improves and the public and community leaders look to business for solutions to national problems, I believe it is necessary for the Congress to give evidence of renewed support for the activities of business in general and small business in particular and I urge all Senators to lend their support to this important legislative initiative.●

● Mr. GLENN. Mr. President, I am pleased and proud to join with Senator SPECTER and several other Senate colleagues in introducing the Small Business Procurement Reform Act of 1982. In my judgment, this bill will go a long way toward removing many of the obstacles which have traditionally hindered smaller firms seeking to do business with the Federal Government. If that is true, then this bill could not have come at a better time. Indeed, one might say that this is a bill whose time has surely come.

All of us know how important small business is to our national economy. The statistics are familiar enough: Small business provides almost half of America's GNP, more than half of our private sector employment and the majority of our new inventions and innovations.

We also know that the economic climate prevailing in this country today is wreaking havoc with the small business community. The twin ogres of recession and high interest rates are pushing smaller firms to the wall—and the skyrocketing number of small business bankruptcies is truly alarming.

I believe that Congress has a responsibility to help—to take whatever steps we can to ease the crisis and restore health to this important sector of our economy. Altruism need not be our motive. After all, only if America's smaller firms recover themselves can they play a role in America's economic recovery.

One step we can take immediately is to reform cumbersome Federal procurement practices. At present, only about 20 cents out of every Federal dollar spent on the purchase of goods and services goes to smaller businesses. In fact, their share has been steadily shrinking. In 1978, small firms received 21.7 percent of the Federal procurement budget; by 1980, that percentage had fallen to 20.1 percent.

The Small Business Procurement Reform Act of 1982 seeks to remedy this situation in several ways. Section 4 of the bill lengthens the bidding time on most Federal contracts to 45 days and addresses other ways of improving the solicitation process. Section 7 establishes a Small Business Procurement Advisory Committee to make recommendations to Congress and the Small Business Administration on improving small firms' access to procurement contracts.

But it is sections 5 and 6 of the bill which are potentially the most helpful. Section 5 requires all Federal agencies to take "all practicable steps" to breakdown large system contracts into smaller component contracts in order to increase competition and improve small business participation. Obviously, there will be some instances where this will not be possible. In other instances—notably with respect to defense contracts—it will be necessary to select a single prime contractor. But even where a single prime contractor is required, there still should be many opportunities for small business subcontracting. At the very least, the bill will dramatically reduce the number of procurements that are "bundled" into large system contracts solely for the benefit of Federal contract officers.

Section 6 establishes procurement arbitration panels within the various Federal agencies for the purpose of resolving minor contractual disputes. As has already been mentioned today, use of the panels will be purely voluntary and their decisions will be binding only if the parties so agree beforehand.

Mr. President, I believe it is time for Congress, Federal agencies, and the small business community to join together in a careful review of the Government's procurement procedures. In my opinion, the bill we introduce today provides an excellent first step in that direction. Doubtlessly, it will not be the last step. Hearings may reveal that some of the bill's provisions should be modified—or that additional provisions should be added to address other areas of concern in the procurement area. For now, however, the important thing is to get started—and that is precisely what this legislation allows us to do.

I congratulate Senator SPECTER for his leadership in this area, and I look forward to providing whatever assistance I can to the Senate Small Business Committee in its consideration of the bill.●

VITIATION OF ORDER FOR RECOGNITION OF SENATOR HATCH

Mr. BAKER. Mr. President, I am advised that the distinguished Senator from Utah (Mr. HATCH) has no requirement for the time under the special order allocated to him today. I ask unanimous consent that that order be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business not to extend past 11 a.m., during which Senators may speak for not more than 5 minutes each.

THE U.S. STEEL INDUSTRY AND IMPORTS

Mr. BOSCHWITZ. Mr. President, I wish to speak a few moments on the crisis that is now occurring within our domestic steel industry, which is in large part the result of our Government allowing foreign steel producers to engage in unfair and illegal trading practices in our markets.

Some may question why the Senator from Minnesota, which is not regarded as one of the large steel-producing States, gets up and speaks on the floor of the Senate about imported steel and the practices of other nations with respect to the steel that they ship to this country. Minnesota is not a steel producer, but Minnesota has the Mesabi Range in northern Minnesota, where far and away the largest employing groups are the steel industries which mine taconite, the basic raw material, the iron ore, that is used in steel. When steel production in this country is down, all of Minnesota suffers. Northern Minnesota particularly suffers and in the northern part of the State, unemployment is at 20 percent or more in many communities.

Mr. President, the steel business in this country is currently suffering through a long and deep depression. The average operating rate for the industry at the end of 1981 was barely 55 percent. In 1982, conditions have remained terrible; operating levels are now only about 60 percent and there is little sign of recovery on the horizon.

Yet, as domestic production has fallen, there has been a steady increase in the amount of steel, as a percent of market share, imported to the United States. The dimensions of the problem are best illustrated by a brief summary of recent steel import and employment figures.

For the full year in 1981, a total of 19.9 million tons of steel were shipped into the U.S. market, an increase of 28 percent over 1980.

It is interesting, that at a time when our own steel industry is suffering, imported steel into this country increased 28 percent over 1980.

Total imports' share of the domestic market, which had been 16.3 percent in 1980, compared with an average 15.4

percent for 1970–80, reached a record 19.1 percent. By the year's end, the number of employees on layoff was near 77,000 and an additional 17,000 men and women were on short workweeks. These figures do not include the additional steel that was imported into this country in the form of cars, trucks, and other finished products.

The numbers have continued to deteriorate in 1982 right up to the present. Total steel imports in February 1982 were 1.6 million tons, an increase of 29.7 percent over the same month last year.

It is extraordinary that in February of this year, one of the bleakest months in our economy, steel imports rose by nearly 30 percent.

For the week ending March 27, 1982, there were nearly 81,000 steel industry employees on layoff and almost 26,000 more working a shortened week.

As we consider the unfortunate situation facing these men and women, we must keep in mind that there are many thousands more currently out of work in raw materials mining as I have mentioned, particularly in northern Minnesota, and fabricating operations affecting the unemployment levels in all 50 States. These layoffs are also the result of low steel demand and high steel imports.

Displacement of American-produced steel by imported steel is clearly the single most serious problem confronting the domestic industry. It is, therefore, prudent to examine just how foreign producers have been able to capture such a large share of the American steel market.

We are all familiar with the accusations that the domestic industry can no longer withstand competition from more efficient producers abroad. These are not true. Our steelworkers and our facilities can compete with those anywhere in the world.

An examination of import practices shows clearly that foreign steel producers have been taking our market through dumping and through the use of very heavy direct and indirect Government subsidies in blatant violation of U.S. trade laws.

Over many years foreign nations have—for internal political reasons—substantially increased, and subsequently maintained, their steelmaking capacity. In order to keep operating rates and employment as high as possible these foreign producers have maximized their export sales selling at any price regardless of production cost or fair value.

These countries have done this through extensive Government subsidies in disregard of international trade agreements. The U.S. market and American workers have been the main victims of these practices.

The American steel market is the largest and most open in the world and foreign steel producers know this better than anyone, siphoning off much of our growth, jobs, and profitability. Foreign producers are also betting that this administration will continue our Government's policy of only paying lipservice to the enforcement of our trade laws. A quick review of the facts reminds us that during the period these unfair trading practices were increasing, U.S. trade policy either ignored or failed to stop them.

For example, the trigger price mechanism which was established to reduce foreign dumping and subsidization has not worked. As soon as a strengthened TPM was reinstated in 1980 at the urging of European steel producers, those same producers again began to disregard it. Such violations of U.S. law cannot be condoned.

There is only one solution left to this problem and that is strict and swift enforcement of our trade laws using every option provided under those laws.

In January, the steel industry filed petitions with the Commerce Department and the International Trade Commission seeking relief from dumped and subsidized products imported from 10 countries. The petitions showed, for example, that French steel is being subsidized by as much as $300 per ton; Belgian steel by $178 per ton; West German steel by $120 per ton; Italian steel by $290 per ton; and the United Kingdom by an amazing $533 per ton or more. With Government subsidies as large as these it is easy to see how some foreign steel producers can undercut domestic steel prices.

In February, the International Trade Commission issued a preliminary ruling that domestic steelmakers are probably being injured by unfair trade practices in 56 cases representing a large percent of the import volume involved. Appeals from negative determinations made by the Commerce Department and the ITC of 51 additional cases have been filed by the industry. Regardless of the outcome of these cases, subsidized steel imports have already caused grave economic injury for which there is no redress available under existing U.S. trade laws. Since all relief under the law is prospective, it is imperative that action on these cases is taken immediately.

Relief from this surge of unfair imports is vital not only to steel and related industries, but is essential for economic recovery. We cannot expect to pull out of this recession unless our basic industries can get back on their feet again. Continuation of the steel crisis precludes reindustrialization initiatives we sought to create through passage of President Reagan's economic recovery program last year. Besides, by permitting our basic industries to deteriorate in the face of subsidized foreign imports, we increase our dependence on them and place ourselves in a dangerous position. To protect our future economic security we should be doing just the opposite of this—increasing our self-reliance.

A number of measures have been introduced in Congress seeking to strengthen our laws against international trade violations. The legislative activity in this area is a response to a general sense of frustration over our inability to stem the flood of subsidized or dumped foreign products being sold in American markets. But what benefits will more trade laws provide us now, if our Government is not willing to enforce the good laws that we already have?

With regard to the continuing cases before the ITC, this administration is following the letter of the law but is hesitant to enforce the full intent of the law and get tough with violators. I feel it is now the duty of Congress to encourage the executive branch to promptly and effectively deal with the problem of illegal and unfair imports. Only if illegal foreign steel imports are prevented from entering our market will the domestic steel producers be able to get on with modernizing their facilities, and reemploying many of our country's unemployed workers in steelmaking.

NUCLEAR WAR AND FOOD PRODUCTION

Mr. PROXMIRE. Mr. President, once again I follow up on my report on the consequences of a limited—surgical strike—nuclear attack on the United States, from the study by Katz and Osdoby. I have previously discussed the finding that deaths resulting from the strike might vary from 7 to 15 million and injuries from 10 to 20 million. Yesterday I discussed the grim fact that virtually no effective medical attention could be provided to the great majority of the injured. The ravages of skin and flesh burned to the bone, of radiation-caused cancer and other lethal medical consequences would doom millions of the injured to a very painful death.

Today I will report on the effect on food production from a limited strike by the U.S.S.R. to take out our nuclear deterrent. Many have assumed our capability to produce food would survive almost intact. It would not. It would suffer devestating losses. According to Katz and Osdoby:

> Fall-out would significantly damage the U.S. food producing system. The states in the Midwest, Farm Belt and South/Southwest would be most affected by fallout. They produce 40 to 80% of U.S. grains such as wheat, rye, corn, soybeans and contain 40% of the cattle and 60% of the nation's hogs. Overall, these states produce about half of the U.S. food energy (calories). With virtually no fallout protection, cattle, hogs and other animals would be particularly vul-

nerable since relatively low radiation doses can cause injury or death, similar to levels injuring humans.

Besides direct destruction of crops or livestock, many farmers would be killed, injured, or permanently disabled, leaving the food production system without the skilled manpower needed to quickly renew its productivity. In addition, even if the skilled farmers are available, food producing areas would be contaminated; soil radiation levels would be higher than what is considered "acceptable" in peacetime for growing crops. There would also be residual levels of radiation representing unacceptable occupational (worker) and general population exposures. Thus in vast areas of such states as Montana, North and South Dakota, Nebraska, Missouri, and Illinois, such land denial is certain to occur; crops would be lost and farms unusable for months, or even years where there are radioactive "hot" spots. All these factors combined will result in severe disruption to the most significant and productive parts of the U.S. agricultural system for a period extending far beyond the attack.

Since it is not unusual to have food travel 1000 miles or more from farm to market, a breakdown of the distribution system is likely to cause imbalances of food supply among regions. (The Northeast, for example, produces only 15 percent of its needs.) Such a geographical imbalance could result in major conflict among regions. The reality is that with huge areas contaminated with radioactivity, tens—perhaps a hundred—million or more people evacuating their homes, regional hoarding likely, and social disorganization widespread, the distribution system would be ineffective for months. Prices also would rise dramatically, and major government intervention and controls would be likely results.

THE PORTAGE TO SAN CRISTÓBAL OF A.H.

Mr. PROXMIRE. Mr. President, George Steiner bases the plot of his novel, "The Portage to San Cristóbal of A.H.," on the question: What might happen if a group of Jewish avengers found Adolf Hitler alive in the jungles of Brazil?

According to Time magazine of March 29, the book has created a great deal of controversy in Britain. Publication in the United States is planned for April 30, the anniversary of Hitler's suicide.

In the book, discovery that Hitler is living sparks a competition among several nations, all of whom want to kidnap or silence him. A lawyer for the German Government wonders who will have jurisdiction over the Führer. To insure that justice prevails, the hunters bringing Hitler out of the jungle decide to put him on trial themselves.

In an interview with a Time correspondent, Steiner explains:

Hitler also has a demonic singularity—there is a sense in which he is every man in our time in the barbarism that goes on.

Just as the author provides his own remedy, so, too, the Genocide Convention provides its own mechanism, one which is recognized and approved by 85 nations.

West Germany, the Netherlands, and the United Kingdom are among the parties to the treaty, which declares genocide a crime punishable under international law. Is it not time to join our allies and ratify the Genocide Treaty?

QUORUM CALL

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NICKLES). Without objection, it is so ordered.

S. 2421, THE NATIONAL ENGINEERING AND SCIENCE MANPOWER AND EDUCATION ACT OF 1982

Mr. CANNON. Mr. President, I have long believed that one of the greatest assets the United States has is its people, and that if we do not invest in our people, particularly the young, we will be mortgaging our future. One of the most important needs this Nation faces is the education of its young people. Today I would like to address one aspect of that and indicate my support of S. 2421, the National Engineering and Science Manpower and Education Act of 1982.

There is a broad consensus that our Nation's schools, colleges, and universities are in terrible straits with respect to science, mathematics, and engineering education. We face a significant shortage of people in certain scientific and engineering fields, and in many areas the education of students in mathematics and sciences is quite poor. There are not enough teachers or university faculty available to teach the necessary science and engineering courses. Compounding this is the fact that many teachers and faculty, who would be in a position to educate more students needed for industry and government work, themselves are being recruited by industry.

Recently, the Committee on Commerce, Science, and Transportation held hearings on the National Science Foundation and the state of science and engineering education in the United States. We received testimony, some of which I would like to share with my colleagues. We heard from Mrs. Sarah E. Klein, president of the National Science Teachers Association. She indicated:

Our nation faces unprecedented problems in science and engineering education. Most severe of these problems are at the secondary school level, where there is a critical shortage of qualified science and math teachers. The paucity of supplies, resources, appropriate materials and support have reduced the quality of science and mathematics education at secondary school level to the point that the United States' national security and the nation's efforts toward improved productivity are dangerously threatened.

Mrs. Klein goes on to provide some alarming statistics, "There has been a 77-percent decline in the number of math teachers and a 65-percent decline in the number of science teachers prepared to teach in secondary schools for the 10-year period of 1971–80." Furthermore, "among newly employed science and math teachers, 50 percent were unqualified to teach science or math."

Similar concerns are being expressed by our industrial leaders, who face severe shortages of scientists and engineers. One such leader, Mr. Francis, E. Reese, senior vice president of the Monsanto Co., shared those concerns with us at our hearing. He indicated.

There is concern in the business community for the quality of engineering and other scientific education being provided by universities and over the shortages in the supply of engineers. Of equal or greater concern throughout the profession is the quality of education being received by students at our universities. If we hope to produce first class engineers, we must have first class faculty. Our engineering schools are struggling to attract and retain qualified faculty. An estimated 1,600 engineering faculty positions are currently unfilled.

Mr. President, one senior Government official also recognizes the situation we face. Dr. John Slaughter, the very able Director of the National Science Foundation, stated at our hearing.

There are numerous problems facing this country in the level and quality of education available today in science and mathematics education in the nation's primary and secondary schools. These problems include the declining level of requirements for achievement in science and mathematics in order to graduate from high school coupled with reduced college admission requirements. They include lack of incentives and rewards for teachers of mathematics and science and a corresponding decline in the quality of these teachers' preparation for their responsibilities. They include severe shortages of mathematics, physics and chemistry teachers in our secondary schools with the consequence that many who teach in these areas are poorly prepared and even uncredentialed for such work. They include courses based on rote learning and memorization, rather than experimentation, and curricula, which failed to take into account current developments and needs in science and technology. They include classrooms with archaic equipment much in states of disrepair.

Our education, industrial, and government leaders all recognize that we face significant problems in this area, problems that if not addressed will have a severe impact on our ability to employ science and technology to

meet U.S. economic and national security needs. It is for these reasons that I cosponsor S. 2421, introduced by the distinguished Senator from Ohio, Senator JOHN GLENN. The bill is also similar to one introduced in the House of Representatives by Mr. DON FUQUA, chairman of the Science and Technology Committee.

The bill creates a council on engineering and scientific manpower education which would report to the National Science Board of the National Science Foundation. The council would assess our national needs in technical education, make recommendations on actions that could be taken, and administer a fund established under the legislation that would support certain training and education initiatives.

This is a much needed bill which makes available modest resources to tackle an extremely difficult problem. The bill provides a vehicle to exert national leadership in the area of science and engineering education. Clearly, we all recognize that to deal with the problems identified in the bill, we must involve State and local governments as well as the Federal Government. We must also involve industry in a cooperative venture.

RESOLVING THE LANDSAT POLICY STALEMATE

Mr. CANNON. Mr. President, in testimony delivered March 30 before the Senate Subcommittee on Science, Technology, and Space of the Committee of Commerce, Science, and Transportation, Dr. John W. Townsend, president of Fairchild Space & Electronics Co., suggested a solution to the current policy impasse involving our land remote sensing satellites known as Landsats.

Dr. Townsend's proposition is very similiar to one I enunciated on November 23, 1981, before this Chamber. It recognizes that the United States is facing increased competition from abroad, in this case the French, in applying space technology to commercial purposes.

Transition of the entire Landsat system to the private sector—a policy goal shared by both the Reagan and Carter administrations, is presently not feasible because of the small market. The proposed approach would differentiate the space segment from the ground segment of Landsat. The Government would assure data continuity and continue to operate the space segment until the private sector can pick it up but have industry operate the ground and data analysis segments.

The administration has been considering how to transition Landsat to the private sector, but as yet no viable proposal has surfaced. As suggested in a recent editorial in Aviation Week and articles appearing in Science magazine, the United States must resolve this matter soon. I have outlined one approach, and there are likely others. The important thing is that we get the administration's proposal and any others out on the table and the Congress resolve this policy impasse.

Mr. President, I ask unanimous consent that the statement by Dr. Townsend, the Aviation Week editorial, and Science articles be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF JOHN W. TOWNSEND, JR.

I would like to address the Landsat program, Mr. Chairman. As far as I am concerned, a decade of highly successful research and development is ending in a stalemate with all of us the losers. The NASA budget before you contemplates completing Landsat-D, launching it in mid-year, and then finishing work on the back-up spacecraft. Beyond this, and early data reduction, almost all activities (with the single notable exception of the development of the multispectral linear array) are to be turned over to the National Oceanic and Atmospheric Administration.

However, the NOAA budget is based on turning the Landsat program over to the private sector in the very near term. So far, no viable plan for doing this has come forth. I am told that most of the preliminary discussions with Industry so far have involved propositions in which the company involved wants a "no-risk" arrangement, guaranteed by the Government—something quite different from what the Administration had in mind orginally, I believe. Complicating the situation, are issues of proprietary use of the data, International relations, and possibly military security. The upshot of this situation is that a gap in Landsat coveage and data is almost inevitable.

Mr. Chairman, I am sure you are aware of the long and rocky road NASA has travelled with the many and varied users of Landsat data. At first, NASA did not really understand their needs and they, in turn, did not understand that NASA viewed the Landsat program as a R&D venture and planned to operate it that way. Over the years, the situation has improved considerably but an important message still comes through from the users. They insist that in order to ensure the development of a real market for Landsat data products, all users must be certain of two things; faster and better data handling, and continuity of service in the future. This is reasonable. In this instance, to be in the data reduction and handling or in the value-added data enhancement businesses, one must invest in expensive capital equipment which then must be used on a regular basis to recover this investment. One must also invest in R&D in how to tailor the basic data products to the specific needs of the individual ultimate users.

What is the situation today? Many groups are familiar with the use of multi-spectral scanner data but faster and better data handling will only come after the launch of Landsat-D and continuity of service in the future is very uncertain. Government users still represent by far the largest segment of the market, the rest being made up of a large number of relatively small users. Aggregating this market is a real challenge! But Landsat-D has a brand new and potentially very valuable instrument aboard, the Thematic Mapper. If past experience is any guide, it will take a number of years before the true value of the new products can be demonstrated and before the users can feel comfortable in implementing new systems to take advantage of its capabilities. So far, however, I know of no firm plans to handle Thematic Mapper data in other than a research mode.

Thus, we seem to have a chicken and egg situation with the Landsat program. The market will not develop without "demonstration" products but Industry is not likely to invest very large sums of money in a satellite system without a market. As we know, the present Administration is against technological "demonstrations"—hence the stalemate.

My solution to the dilemma would be to transition the data handling and reduction part of the Landsat program to the private sector as quickly as economically possible, but to delay the transfer of the satellite system itself well into the future. This means buying at least one or more new spacecraft to ensure continuity of data and the development and understanding of the market. To cut down costs, I feel strongly that firm plans should be laid to use the unique capabilities of the NASA Landsat Multimission Modular Spacecraft and the Space Shuttle to repair and service these satellites on orbit. We have learned how to stop expending launch vehicles; we must now learn how to treat spacecraft as capital equipment instead of eventual space debris.

Mr. Chairman, one final thought in summary. During the decade of the 70's, we and the USSR had space to ourselves. This is not longer true. Foreign competition, particularly in the space applications area, is arising strongly. Unless we change our course of action, we will surrender our leadership in earth remote sensing to the French, Japanese and possibly others. Furthermore, we will be doing it at a time when, instead of backing away, we should be even more vigorous in ensuring that this country, not others, reaps the benefits of a decade of expensive investment in the Landsat program.

Thank you.

LANDSAT: PRIVATE OR PUBLIC?

A Senate science, technology and space subcommittee hearing last week designed to throw the spotlight on some pressing public policy questions in its cognizance turned into an example instead of the kinds of troubles space science and applications is having. The hearing had been planned for the day after the landing of the shuttle orbiter flight three. When weather pushed back the touchdown a day, the subcommittee chairman, astronaut Jack Schmitt, was off to his home state of New Mexico to greet the returning shuttle crew. The rest of the subcommittee membership was so busy a panel of expert witnesses ended the morning by talking to an empty senatorial house and, for those who remained, watching the orbiter grease onto the gypsum desert at White Sands on a television set imported into the hearing room.

It was too bad the encouraging climax of the first full-length working shuttle mission unwittingly upstaged the space science and applications hearing, but upstaging by the shuttle or by financing or fickle national priorities is nothing new for this area of technology. As Albert D. Wheelon, senior vice president and group president for

Hughes Aircraft Co., commented at the hearing, budget cuts, delays and planning vacillation in space science have been compounded by shuttle cost growth and schedule slips in a regime of constant level funding. "The end result," he said, "is that an important national program has been wounded.

One of the pressing problems that did not get all the shrift it deserved is Landsat. Once NASA completes work on the flight article and its backup and launches Landsat D this summer, it will turn over operation of the U.S. Earth observations spacecraft to the National Oceanic and Atmospheric Administration. That was a Carter Administration decision to resolve an internecine agency struggle. NOAA in the waning Carter days developed a plan for an operational Landsat system, but in the Reagan cutbacks that followed, the NOAA budget was predicated on turning Landsat over to private operation.

Free enterprise Landsat is innately appealing to the Reagan cohorts, but it entails thorny questions. The most fundamental is one of public policy: whether Earth resources data should be available to the public as a government service or whether the technology can be channeled exclusively into private gain. There also is the practical question of Landsat's viability as a business rather than a government service.

Hughes Aircraft studied the business prospects and decided there was no way Landsat could make money in the reasonable future. Comsat Corp. takes a different view in its Earth Star proposal, but includes in this concept the operation of U.S. weather satellites as well as Landsat in a combined system for which the government will pay for its requirements. Critics of the Comsat concept call it a no-risk lease operation that does not really meet the Reagan Administration's idea of what a privately operated Earth observations system should be.

An alternative to the Comsat system as proposed to the Senate subcommittee last week by John W. Townsend, Jr., now president of Fairchild Space and Electronics but a former head of the Weather Bureau, calls for quick transfer to private operation of the data handling and reduction part of Landsat. Moving the satellite system to private business would be delayed until what Townsend called the chicken and egg marketing problem is resolved.

NASA's research and development operation of its Earth resources spacecraft and lack of attunement to user requirements has left a spotty market outlook for Landsat. Now, as users have grown used to multispectral scanner data and begun to rely on it, NASA is introducing a new sensor, the thematic mapper, on Landsat D, but with an uncertain life expectancy because of the Reagan Administration's avowal to drop government support for Earth resources satellite systems. The thematic mapper, supplemented by the multispectral scanner data retained, after a battle, on Landsat D, could enhance the market over the long pull, but not if the users see indecision and doubt in the future for an Earth resources satellite system. As Townsend accurately summed up the situation: ". . . A decade of highly successful research and development is ending in a stalemate with all of us the losers."

As an alternative to withdrawal from the Earth resources satellite scene, the Comsat Earth Star proposal is a far better option. France with its Spot system and Japan are both committing for the long pull in this technology, and whatever U.S. market develops for the data will simply go overseas if the U.S. drops out.

There are other options available—piggybacking on military satellites, for one. The biggest mistake the U.S. could make is to dump the Earth satellite system onto free enterprise at some arbitrary date without any assurance that the market is ready or that the system is survivable as a commercial business. A factor also to consider in the decision is that the government itself is a large user of Landsat data and will probably continue to be one. It still might be to the government's advantage and the system's benefit to turn operation over to an efficient private operator acutely aware of speed and responsiveness to broadening the Landsat market, but the government needs to determine what its own best interests are. Continued vacillation on the private versus government operation question will undermine the interest of any commercial operator as he sees the market eroded away.

Congress can use its leverage to push the Administration for a decision and a plan for Landsat. The hearings last week were not an auspicious start, but did put the problem on the record. The opportunity still is there to dig into a beehive of NASA problems, not only with Landsat, but also in communications satellite technology development and aeronautical research.

Imaging the Earth (I): The Troubled First Decade of Landsat

This coming July, almost 10 years to the day after the launch of Landsat-I, the National Aeronautics and Space Administration (NASA) will orbit Landsat-D, the first of its second-generation remote sensing satellites. The timing is coincidental but fitting. The spacecraft caps a decade of brilliant technical success by NASA. But frustration among users of Landsat data has marred the achievement.

The conflict between NASA and the users is as old as Landsat itself. The idea for Landsat emerged in the 1960's, in the U.S. Geological Survey under its late director William T. Pecora. The early weather satellites and pictures taken by the Gemini astronauts had shown survey scientists something of orbital photography's power. A single image could encompass large-scale geological features that might take days or weeks to cover with aerial mapping. Better still, such photographs could show features so extensive that they had never been noticed from the ground and that we lost in the patchwork of aerial mosaics.

Others were thinking along the same lines. In the Department of Agriculture, for example, Archibald Park and his colleagues were interested in large-scale surveys of crops and forest. Embryonic ideas for an Earth Resources Observation Satellite (EROS) took form as early as 1966, and by 1968 the Interior Department was asking the Office of Management and Budget for money to build it. The answer was "no": space belonged to NASA.

NASA, meanwhile, was still preoccupied with getting Apollo to the moon. Under pressure from its fellow agencies it did agree to develop and launch an EROS satellite. But NASA did not want to get involved in cranking out survey data on a day-to-day basis. Quite aside from the demands of Apollo, NASA's charter (the National Aeronautics and Space Act of 1958) specifically stated that is was to be a research and development agency, not a vendor of services. At a minimum, Interior or perhaps Agriculture, as the prime users, would have to take responsibility for archiving and distributing the data EROS would collect.

The people at Interior had always felt that EROS should have been their satellite anyway, so it was a deal. The system set up then is still in effect today: NASA collects the satellite data at Goddard Space Flight Center in Greenbelt, Maryland, and Interior sells it through the Geological Survey's EROS Data Center in Sioux Falls, South Dakota.

After the pact was made, NASA's once modest efforts in remote sensing research hardware escalated into fullfledged program development. And therein lay the problem. "The minute that NASA stepped in," says one observer, "the program took on a definitive characteristic. NASA is very good at building things and managing big programs. Then once it has built those things, having put 10 times the money into developing the instruments as into learning how to analyze the data, NASA just says, 'Here it is community, use it.' A prime example today is Landsat-D. They're spending $500 million on the system and you could carry around the money for analysis in a thick wallet."

In fairness, NASA originally presumed that the users of the data would pay for the analysis themselves—a hope not always realized. More recently, the agency has had trouble getting the money for data analysis. (Landsat-D project scientist Vincent Salomonson finds this is a very sore point. The actual figure for analysis over the next several years is about $5 million, he says, and most of that money is for checking the integrity and quality of the data, not for applications per se.)

In NASA's hands, EROS became ERTS, the Earth Resources Technology Satellites. ERTS-1 was launched on 23 July 1972. Built into the same spacecraft frame designed for the Nimbus weather satellites, ERTS-1 resembled a stocky ocean buoy, with a pair of rectangular, photovoltaic wings open to the sun. It flew based-down, 900 kilometers above the surface. The polar orbit took the satellite over any given spot on the earth once every 18 days, between 9 and 10 a.m.

The main instrument on ERTS-1, a triplet of television cameras (return beam vidicons) for photographing the earth in color, failed shortly after launch. But disappointment was soon forgotten as the mission controllers at Goddard became entranced with the data coming from the spacecraft's other instrument, an experimental device called the multispectral scanner (MSS).

The MSS had been tested on high-altitude aircraft, but no one was really sure what to expect from it in orbit. A "scanner" mirror rocked from side to side some 13 times per second. By deflecting light from the ground into the detectors, the mirror scanned the scene below in a series of parallel swaths—rather like someone walking along a path while sweeping it with a broom. Its "multispectral" sensors took the spectrum between green light and the near infrared, divided it into four wavelength bands, and measured the brightness of each band separately. The idea was to compare the reflectance of a scene in the various bands and thus identify crops, forests, landforms, cities, and patterns of land use by their "color."

The MSS worked beautifully, recalls Salomonson. "The resolution and the image quality were much better than anyone had expected. It became the primary instrument."

The imagery from MSS, printed in false color in order to include the invisible infrared band, had an eerie and unexpected beauty. There were scarlet forests, red patchwork farms, blue city grids, brown crinkled mountains, and a delicate web of highways. The information content was enormous. Using ERTS-1 images of California, it took just 40 man-hours to inventory 25 separate crops in 8,865 separate fields. Agronomists were able to detect and monitor such plant diseases as corn leaf blight. Geologists could take in whole fault zones at a glance. Hydrologists could monitor the Sierra snowpack and could easily inventory surface water in rivers, lakes, and streams. Land use planners could see urban sprawl and strip-mine damage made painfully obvious.

By the mid-1970's, it was not just the original federal agencies who were involved but state and local governments as well. Mining and oil companies were taking notice. Private firms were springing up to analyze the data for paying clients. The demand for satellite remote sensing edged inexorably upward, and NASA, like it or not, began to be drawn into a quasi-operational program.

ERTS-B, the backup for the first spacecraft, was launched on 22 January, 1975. To emphasize its utility for remote sensing of the land (as opposed to the oceans or the atmosphere), agency officials renamed the whole program "Landsat." The original ERTS, naturally, became Landsat-1. Landsat-3 followed in March 1978 and is the only one of the trio still in operation today.

Planning for a second-generation scanner had begun as early as 1970. The thematic mapper, as it is now called, advances the 80-meter resolution of the MSS to 30 meters, and senses not just four spectral bands but seven. In agriculture, the mapper will be able to resolve much smaller fields and make more accurate and reliable distinctions between, for example, corn and soybeans. In other realms it will make finer distinctions between different types of land use or different varieties of rock.

To this end, NASA engineers exploited their experience with Landsat-1, -2, and -3 to optimize the choice of bands. Various combinations would then yield information about the depth of rivers and lakes, indicate the growth stage and vigor of crops, measure the absorption of light by chlorophyll, measure total biomass and stress on a crop, differentiate between snow and clouds, and detect hydrothermally altered rocks and clays. A final band lying in the thermal infrared would measure temperature. Changes between day and night could then be converted into estimates of the heat capacity of a given region and thus into information on subsurface structure.

NASA's engineers still thought of Landsat as an exercise in technology development, however, and so they planned to put the thematic mapper on a simple, one-instrument spacecraft: Landsat-D. The project was announced as a new start in 1977, with a launch projected for 1981. The ever-growing Landsat user community promptly erupted in pent-up rage.

"There was this great hue and cry about 'continuity'," recalls Anthony J. Calio, deputy administrator of the National Oceanic and Atmospheric Administration and until recently a prime mover of the Landsat program as head of NASA's Office of Space and Terrestrial Applications. By this time the market for Landsat products was several million dollars per year. Many of the largest users—including several state governments and such politically potent federal departments as Interior, Agriculture, and Commerce—had begun to make heavy investments in computers, software, and trained personnel. Unfortunately, it was all specialized for the original MSS. None of the software and little of the training would suffice for the thematic mapper, which would have very different characteristics. People were perfectly willing for NASA to develop new technology. But to protect their investment they demanded a less abrupt transition. They wanted NASA to find room on Landsat-D for an old-style MSS.

"The general feeling at NASA was that the MSS wasn't needed," recalls Calio, echoing some of the agency's frustration at the time. "We thought that when people saw the thematic mapper data they wouldn't be interested in the scanner anymore."

But the users' grievances went far beyond continuity. "As we explored new uses for Landsat," says Calio, "it became a requirement by the customer community that they wanted both new data and retrospective data, and they wanted it rapidly. So we were subject to a lot of criticism because we didn't act like an operational agency. People wondered why, when they put a nickle in the slot, they didn't just get a map out. But they forget it wasn't structured for that. These were experimental spacecraft. The way the ground data system developed, the way the whole flow of products was established—it was not geared up to be a production operation cranking out hundreds of scenes per day. It broke down trying to keep up with the throughput."

Out in the field, meanwhile, one heard words like "incompetent" and "insensitive to user needs." One still hears them. A single Landsat scene on computer tape currently costs about $300 from the EROS Data Center (EDC). This is a bargain, most users say, except that delivery of fresh images can take up to 6 months. This delay is intolerable in applications that require timely data, such as agriculture and pollution control. EDC, in turn, blames the delay on slow processing of the incoming data at Goddard.

Another complaint: in the early days at Goddard, before anyone realized that those first images might later be important for looking at long-term changes, the data were stored on tape in analog form instead of digitally, Some of those tapes have seriously deteriorated. "You can't get the data off the tapes," laments one user.

Given the general discontent at the time of the Landsat-D announcement, the federal user agencies were ready to force the continuity issue. In early 1978 an ad hoc council was put together under presidential science adviser Frank Press, and before the year was out the Office of Management and Budget (OMB) had passed the council's recommendation on to NASA in the form of an order: for the sake of continuity, Landsat-D would carry a multispectral scanner.

"OMB did pass the hat among the user agencies to get the money to pay for the scanner," says Calio, "but when the hat came back, it was empty. So that first year, at least, NASA had to eat it all—$6 million or $7 million."

About the same time, stung by criticism of "insensitivity to the users," the agency moved to heal the split. It inaugurated a nationwide program of applications research and technology transfer, which has been quite successful in introducing new users to the system and is still in operation today. And in mid-1979, in an effort to avoid a repeat of the data distribution debacle, the agency restructured its plans for the Landsat-D ground systems. In particular, the MSS is now to function in a high-throughput, operational mode from the beginning. "It's going to crank out up to 200 scenes per day," vows Calio.

The thematic mapper, however, will stay under the engineers' control until January 1985. First they will have to learn to correct its pictures for such things as the motion of the spacecraft, the interaction of the reflected light with the atmosphere, and the jitter of the spacecraft as the scanner and mapper mirrors go banging back and forth. Only then will they study how to boost the data processing to production levels. "A very large segment of this activity is number crunching," explains Calio. "The way you write the software for experimental diagnostics is not the same as for high throughput."

NASA and its prime contractor, General Electric, wrestled with the ground system all through 1979 and 1980. Meanwhile, Hughes Aircraft was having problems with the mapper. Hughes also built the multispectral scanners in the first three Landsats, but the spectral bands of the mapper were narrower and there were more of them, which meant more detectors had to be crowded into the instrument's focal plane. At each point of each image the mapper was supposed to distinguish between 256 levels of brightness instead of the scanner's 64. Its signal-to-noise ratio was supposed to be higher. It was supposed to return data to earth at 85 million bits per second instead of the scanner's 15 million bits per second. Inexorably, Hughes' original estimate of $40 million for the mapper began to escalate toward $120 million. NASA, faced even then with shrinking budgets and under the gun to get a new MSS flying as soon as possible, began to contemplate the ultimate irony: flying Landsat-D without its thematic mapper.

"Half a dozen times at least, we were on the brink of leaving the thematic mapper off," says Salomonson. "At one time the thrust was to dump the whole thing and build a solid-state device instead."

There are those who think they should have. The device Salomonson refers to is the multilinear array (MLA). If the mapper scans the countryside like a whisk broom, the multilinear array would do it like a push broom. Thousands of tiny silicon detectors (charge-coupled devices) would be lined up perpendicular to the spacecraft's direction of motion; each would scan a continuous line, and together these lines would build up a two-dimensional image with very high resolution. MLA's are available commercially for aerial work. The French National Space Program, for instance, will use an American-built MLA aboard its SPOT satellite, a commercial remote sensing spacecraft that it plans to launch in 1984. This makes some people frantic.

"The technological lead has passed out of the hands of this country," declares Charles Sheffield of Earthsat Corporation, a Maryland firm specializing in the analysis of Landsat data. "The thematic mapper reaches 30-meter resolution, but you can't push the scanner technology much further. If we ever do transfer Landsat to the private sector, they will be taking over obsolete technology. The multiple linear array is the logical next step. But the U.S. isn't developing it—at least not for civilian use."

True enough, there is no plan (and no money) to fly an MLA on a satellite, say NASA planners. Under the Reagan Administration that will be left to private industry. "But unequivocally, our MLA development program is one of the finest and most advanced in the world," says James C. Welch, technical director of NASA's Earth and Planetary Exploration Division. The problem with flying it on Landsat-D, he maintains, was that the silicon detectors in the MLA need a lot of work before they can operate in the far infrared, the region the thematic mapper will explore. "We could have done what the French are doing," he says, "but there would have been no advantage over Landsats 1, 2, and 3. The thematic mapper is miles ahead."

Thus, NASA stayed with the thematic mapper. Fortunately, Hughes was able finally to get its problems under control. The projected launch date was slipped to 1982, and by late 1980 the thematic mapper was solidly back on board.

Landsat-D is currently undergoing final checkout at the General Electric Space Division plant in Pennsylvania. A Delta 3920 launch vehicle awaits the satellite at Vandenberg Air Force Base in California. In July, if all goes well, the boxy, awkward-looking satellite will take its station in polar orbit some 700 kilometers above the surface and in smooth, efficient streams the data will begin to flow out to the users. With its MSS and eventually its thematic mapper set up for high-volume production. Landsat-D could go a long way toward ending a decade of tension and recrimination.

Unfortunately, the deeper controversy will not end there. Rhetoric aside, the problems of the last decade were not really NASA's fault. Congress created NASA to be a research and development agency, and with Landsat it fulfilled that role very well. NASA is not supposed to be an operational agency, so not surprisingly it did not act like one.

More important, however, the National Aeronautics and Space Act of 1958 has a fundamental omission; it does not tell NASA what to do when a given space technology becomes mature. Arguably, the Landsat system could have been made operational years ago. But then who would run it? The decision was not NASA's to make; it was, and is, the responsibility of Congress and the White House.

IMAGING THE EARTH (II): THE POLITICS OF LANDSAT

As the National Aeronautics and Space Administration's Landsat program enters its second decade, the government is searching frantically for some public or private entity that will run the satellites as a continuous service. It has become a high-stakes game, played at a very high level. Unfortunately, no one seems sure of the rules.

The first three Landsats, peering down at the earth with sensors atuned to both visible and infrared wavelengths, have sent home images that are widely used in such applications as crop surveys, land-use planning, pollution monitoring, and mineral and oil exploration. The thematic mapper, a second-generation sensor due for launch this July aboard NASA's Landsat-D spacecraft, promises to be even more fruitful. In principle, the technology is already there for private firms to operate remote sensing satellites for a profit. But there are a number of fundamental problems in the way.

For one thing, NASA was created in the post-Sputnik frenzy of 1958, when space was the ultimate challange to science and engineering, It hardly seemed possible that space operations could ever become routine. So NASA was established purely as a research and development agency. Not only does it have no mandate to manage operational systems, but when various space technologies do mature, as communications and weather satellites did in the mid-1960's, the National Aeronautics and Space Act gives no guidelines on how to make them operational. Decisions have been made ad hoc: weather satellites, for example, were passed to another government agency, the Commerce Department's National Oceanic and Atmospheric Administration (NOAA); communications satellites were given to Comsat, a quasi-private firm chartered by the federal government. Until somebody makes the same kind of decision for Landsat, it will stay in limbo.

A second and thornier problem is that Landsat, unlike the weather or communications satellites, has no natural home. The market is inchoate and fragmented. Individual users may be enthusiastic, but they are scattered through hundreds of federal agencies, state agencies, universities, and private industries. There is no one entity that caters to all these interests. Worse, Landsat imagery serves both the public welfare (as in pollution monitoring and land use planning) and private profit (as in mining and oil exploration). People cannot even agree on whether Landsat should be operated by the public sector or the private sector.

Consider the fate of rival bills introduced in the late 1970's by Senators Harrison Schmitt (R-N.M.) and Adlai Stevenson III (D-Ill.). Schmitt called for turning the satellites over to a private corporation along the lines of Comsat. Stevenson envisioned a remote sensing service set up within NASA. Both efforts foundered on the same rock: an operational Landsat, according to administration witnesses, was "premature." It needed more study. Cynics suggest that this was just an effort to put off making a decision. As long as Landsat stayed in NASA, nobody would have to take the flack for putting it somewhere else.

Finally, the front-end costs of an operational remote sensing program are daunting. NOAA has estimated that such a program, including the satellites, launch vehicles, and ground systems, would cost anywhere from $1 billion to $10 billion over 10 years. Yet the market for Landsat products is still relatively small; NOAA estimates $6 million per year. Ironically, many potential users may be hanging back from putting money into computers and Landsat-oriented software until they can be sure of a continuous flow of Landsat data—that is, until the program becomes operational. Given this state of affairs, it's hard to see how any private firm is going to touch it without some form of government subsidy to get things going.

The one thing that everybody does agree on is that Landsat is doing something uniquely valuable and worthwhile. Handled correctly, orbital remote sensing could become an important new industry for the United States, perhaps even a significant element in foreign trade. But handled as it has been, the chance could slip away. The United States is running out of time on Landsat.

"The curious thing about the U.S. program is the refusal to admit that the rest of the world exists," warns Charles Sheffield, vice president of the Earth Satellite Corporation, a Maryland firm specializing in the interpretation of Landsat imagery for private clients. "Commercialization of space remote sensing will happen in this decade," says Samuel W. McCandless, former project manager for NASA's Seasat program and now a private consultant on remote sensing. "But it may not occur in this country."

Europe apparently has no qualms about the commercial viability of space. The European Space Agency is vigorously promoting its Ariane launcher as an alternative to the space shuttle. And in 1978 the French announced that they were buying into the commercial remote sensing market with a satellite called SPOT, due in 1984. The Japanese, meanwhile, are not far behind. If the United States keeps dithering with Landsat, say Sheffield, McCandless, and innumerable other critics, customers are going to turn elsewhere.

In November 1979, President Jimmy Carter tried to untangle the Landsat situation with Presidential Directive 54, which incorporated the recommendations of his space policy review panel. NOAA, he said, would take over temporary stewardship of the Landsat system in 1983 and operate it along with the agency's existing weather satellites, while charging enough to recover its costs. Once NASA finished proving out the second-generation thematic mapper on its new Landsat-D satellite, that, too, would be turned over. (NASA, of course, would continue its development of still newer technologies.) Meanwhile, NOAA was to work out a plan for the timely transfer of remote sensing technology to the private sector.

Implicit in all this was a commitment by the federal government to provide data continuity until the private sector could take over. Landsat-D', a backup and successor to Landsat-D, was already under construction. At NOAA's suggestion, Carter included funds for two more spacecraft—Landsat-D" and Landsat-D'"—in his valedictory budget request in January 1981. Together, these four spacecraft were to provide continuous coverage into the 1980's.

Then came Ronald Reagan and the great budget cuts of March 1981. Landsats-D" and -D'" went on the chopping block immediately; budget director David Stockman was philosophically opposed to any kind of "operational" activity by the government. Once Landsat-D dies in 1985 and D' in 1987, says the OMB, that will be the end. Thereafter, by definition, the Landsat program will be in the hands of the private sector.

This is a deadline in the literal sense, and the prospect makes most observers shudder. "It's pretty well accepted as gospel in Washington and industry that the market for Landsat data today is totally inadequate for private sector investment, if that means building, launching and operating the satellites," says Wilbur Eskite, policy analyst for NOAA.

Or, as Sheffield puts it: "The Administration can't shift Landsat to private industry if private industry doesn't want to accept it." Commercialization is a wise way to go, he adds—but not all at once. "Why not have NASA keep on with providing the data stream, and have private industry get busy distributing and interpreting it?" Data dissemination, now done through the U.S. Geological Survey's EROS Data Center in Sioux Falls, South Dakota, could be commercialized right away. Later, as the market expands, the responsibility for operating the system could be handed over. Only when the market grows very large would the private sector start to develop and launch the satellites themselves.

This kind of phased commercialization has been widely endorsed within both NASA and the user community, and is essentially what the Carter Administration had in mind. Another possible approach is that of Comsat, which has recently offered to take over both Landsat and NOAA's weather satellites lock, stock, and launch vehicle—if the government guarantees the company some hefty amount of remote sensing business per year. (Washington spends a good deal on weather and remote sensing already. Comsat likes to compare the guarantee to the government's introduction of airmail in the 1930's which was basically an effort to provide security for the fledgling airline industry.)

By last fall, the Reagan Administration had begun to perceive that the commercialization of Landsat might require a little more than simple government withdrawal. The Carter directive 54 is technically still in effect, but now the question has been handed off to yet another study committee, in this case the Cabinet Council on Commerce and Trade, chaired by Commerce Secretary Malcolm Baldrige. The council looked over the the issues at its December 1981 meeting, requested more information, and is currently trying to decide what it is that it wants to decide. Sheffield quotes Parkinson: "Delay is the deadiest form of denial."

Sooner or later, of course, the issue will be settled—either deliberately or by default. But was all the delay and acrimony really necessary? Is there a better way? Perhaps, as many have suggested, Congress should just expand NASA's charter to include routine operation of space systems, similar to what is now done by Comsat or NOAA. At a minimum, some clear, consistent, and stable policy on commercialization is needed from the presidential level (and not just for NASA's sake; the problem of technology transfer is government-wide). On the other hand, the elections of 1980 demonstrate just how gusty the winds of policy can be.

But one can hope that NASA and the current Administration will draw some useful lessons from the Landsat agony. NASA is already beginning to grapple with how to commercialize or otherwise "operationalize" the space shuttle itself. In a few more years it may be doing the same with a permanent space operations center, and perhaps space manufacturing technology. The decisions are not going to get any easier.

HIGH-SULFUR COAL BIAS

Mr. SIMPSON. Mr. President, recently an editorial appeared in the Denver Post concerning the current provision in the Clean Air Act requiring that new facilities which burn coal must achieve a percentage reduction in smokestack emissions of sulfur dioxide, regardless of the sulfur content of the coal being used. This provision which, as the editorial notes, was added to the act in 1977 over the sturdy opposition of our fine former colleague, Senator Ed Muskie—exists solely to protect the producers of coal with a high sulfur content, chiefly those in the East, from the tough competition from western low-sulfur coal. Ironically, it now appears that the economic threat to eastern coal fields posed by western coal is largely nonexistent, but it is likely that the percentage reduction requirement, if not repealed, will impose billions of dollars in unnecessary costs upon the American consumer. Clearly this is, as the Denver Post observes, "One of the worst special interest amendments ever enacted into Federal law." There is no place in the Clean Air Act for a policy whose sole purpose is to discourage the use of an inherently low polluting fuel.

Mr. President, I ask unanimous consent that the editorial be placed in the RECORD.

DROP DIRTY COAL "SUBSIDY"

The Senate Public Works Committee has a chance in the next two weeks to move toward repeal of one of the worst special-interest amendments ever enacted into federal law. It should do so.

Dating from 1977, the amendment rigged the Clean Air Act so that high-sulfur Midwest coal could be burned in electrical power plants at a competitive advantage.

In doing so, Congress added to the acid rain problem in the East and Midwest and penalized miners in low-sulfur fields, along with electrical ratepayers, from the Kentucky-West Virginia area to the Rocky Mountains.

Here is how the high-sulfur "bias" came about: When the 1970 Clean Air Act began cracking down on sulfur dioxide stack emissions, many Midwestern power plants switched to low-sulfur coal. Hauling clean coal from eastern Kentucky or Colorado made economic sense; while Midwestern coal ranges up to 6 percent sulfur, much Western coal is below one-half percent.

This improved air quality, but it upset Midwestern mine owners, unions and chambers of commerce, a grouping that lawmakers immediately recognized as an informal Politcal Action Committee of great power. To restore high-sulfur coal's marketability, Congress ordered the Environmental Protection Agency to require new power plants to remove a percentage of sulfur from all coal burned regardless of how little sulfur the coal contained.

This meant scrubbers had to be installed on all plants. It removed the advantage of buying clean coal because, having spent $50 million for scrubbers, the manager of a new Midwestern utility plant would shun clean coal shipped from far away because dirty local coal was okay, declared so by act of Congress. Scrubbing 90 percent of the sulfur dioxide from dirty coal often left stacks emitting more pollutants than plants simply burning low-sulfur coal.

Scientific studies label sulfur dioxide a major factor in acid rain over wide areas of the East and Canada. In effect, by penalizing low-sulfur coal Congress has encouraged acid rain.

The acid rain problem is being addressed by the Senate committee, headed by Sen. Robert Stafford, R-Vt. Legislative cures are to be drafted by April 1. We hope Stafford's panel asks repeal of the bias against low-sulfur coal. Former Sen. Edmund Muskie, father of the Clean Air Act, said recently:

"I opposed the percentage reduction requirement in 1977 because I did not believe it was the responsibility of the Act to implement regional economic development policy. . . . I found the idea foolish."

Muskie is right. Percentage reduction should be replaced by specific emission controls. We shouldn't allow Midwestern producers of high-sulfur coal to penalize us by saying: "You can use low-sulfur coal to fight dirty air but only if you make it cost as much as burning our dirty coal."

In the second decade of our fight for clean air, that's incredible.

MARTY GOLD WILL BE MISSED

Mr. SIMPSON. Mr. President, we will miss Marty Gold, counsel to the majority leader of the U.S. Senate, who is moving on to a new position outside of this Chamber.

I had intended to place these remarks in the RECORD on the date of his announced retirement from the administrative arm of the U.S. Senate, but I was presiding over the Senate at that moment and was precluded from adding to the majority and minority leaders' comments.

Marty Gold is an extraordinary person. He is a solid thinker in every way. I have always been fascinated in watching him monitor the flow of debate and legislation in this body. I have been the beneficiary of his fine counsel, his able assistance and his parliamentary expertise on more than one occasion and I am most appreciative.

I would trust that all of my colleagues would read and heed the remarkable "How To" book prepared by Marty Gold. That is one of the finest summaries and primers for any Senator—the newer ones or even the senior Members—of our fine institution. It is a tremendously appropriate 54-page booklet entitled, "Senate Procedure and Practice: An Introductory Manual." I commend it to you.

Marty Gold will be sorely missed in this body. I will miss him. I wish him Godspeed. He takes a fine intellect and a probing and facile mind into whatever new challenges await him.

A delightful fellow indeed.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

The majority leader is recognized.

Mr. BAKER. I thank the Chair.

BUDGET ACT WAIVER

Mr. BAKER. Mr. President, as I indicated earlier, it is my intention to ask the Senate to proceed to the consideration of the nuclear waste bill, Calendar Order No. 466, S. 1662.

Before that, however, there is a budget waiver that is on the calendar numbered 431, Senate Resolution 258. I would like to take up that budget act waiver and deal with it at this time.

I observe that the acting minority leader is present.

Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar Order

No. 431, Senate Resolution 258, the budget act waiver to accompany the nuclear waste bill.

The PRESIDING OFFICER. The clerk will state the resolution by title for the information of the Senate.

The legislative clerk read as follows:

A resolution (S. Res. 258) waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1662.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

Mr. STENNIS. Mr. President, reserving the right to object, and Senator COCHRAN and I have had a conference about this matter.

As I understand now this is just the usual request for a budget act waiver, subject to 1 hour's debate equally divided?

Mr. BAKER. The Senator is correct.

Mr. STENNIS. I do not see any need to go into that debate. I will not make any objection.

Mr. BAKER. I thank the Senator.

The PRESIDING OFFICER. There being no objection, the Senate will proceed to its immediate consideration.

Mr. STENNIS. My remarks related to the budget waiver only.

Mr. BAKER. That is what we are talking about.

The PRESIDING OFFICER. That is the resolution before the Senate. The Senator is correct.

Who yields time?

Mr. BAKER. Mr. President, I am prepared to yield back the time under my control on the budget waiver as provided under the act.

Mr STENNIS. We yield back our time.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 258) was agreed to as follows:

S. RES. 258

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of S. 1662. Such waiver is necessary because the bill, as reported, authorizes appropriations for the Department of Energy for the fiscal year 1982, and such bill was not reported on or before May 15, 1981, as required by section 402(a) of the Congressional Budget Act of 1974 for such authorization.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. McCLURE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. I thank the Chair.

NATIONAL NUCLEAR WASTE POLICY ACT OF 1982

Mr. BAKER. Mr. President, as I indicated previously, and I now state for the consideration of the acting minority leader and the distinguished junior Senator from Mississippi who, I know, have particular interest in this matter, I now ask unanimous consent that the Senate proceed immediately to the consideration of Calendar Order 466, S. 1662, a bill to establish a limited program for Federal storage of spent fuel from civilian nuclear powerplants.

The PRESIDING OFFICER. The clerk will state the bill by title for the information of the Senate.

The legislative clerk read as follows:

A bill (S. 1662) to establish a limited program for Federal storage of spent fuel from civilian nuclear powerplants, and so forth and for other purposes.

The PRESIDING OFFICER. Is there objection?

Mr. COCHRAN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BAKER. Mr. President, as I indicated earlier, I had anticipated that perhaps there would be an objection to a unanimous-consent request to proceed immediately to the consideration of the bill and, as I stated on Monday and I believe again on yesterday, it would be my intention to move to the consideration of that measure.

Mr. President, I now move that the Senate proceed to the consideration of Calendar Order No. 466, S. 1662.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, one of the reasons for interposing objection to proceeding to the consideration of this measure under unanimous consent is to try to focus the attention of the Members of the Senate on this very complex and, in many ways, complicated bill that the majority leader has called up for consideration.

This is a bill that has been considered by three separate committees of the Senate and is brought to the Senate for action, and it is the hope of this Senator that we will have an opportunity during the discussion of the motion to proceed to the consideration of the bill to insure that the provisions of the legislation are fully understood by the Senate, that questions that some of us may have about the bill can be answered during the discussion with the managers of the legislation.

It certainly is not the intention of this Senator to try to block consideration of the bill or keep the Senate from proceeding in an orderly manner toward a full consideration and debate of the measure.

There are some concerns that I have, for instance, relating to the timetables that are included in the legislation for the conduct of a national site survey for identifying and selecting particular sites in the United States as candidates for site characterization under a nuclear disposal program and whether not the Department of Energy will actually proceed to a decision in connection with sites that should be characterized prior to the completion of that national site survey.

It would be my interest and hope that the managers of the bill could explain, during this discussion of the motion to proceed, how the nuclear waste disposal program is going to be administered.

There is some concern that if the Department of Energy is disestablished, as is proposed by the administration, that some other entity in the Department of Commerce or in a surviving department might be charged with this responsibility. There is concern about how that entity would work with the States and local governments, local interests, to assure that a full range of participation is obtained, so that the Federal Government, through an agency or an office, is not given unbridled power to make a decision that does not have appropriate input from other levels of government and citizens in general.

So it is for these reasons, among others, Mr. President, that the objection to the immediate consideration of the measure has been interposed. It is my hope that we will have a chance, during the next several minutes or hours of discussion of this motion, to have some of these questions answered.

I wonder, for instance, at this point, if I could ask the distinguished Senator, the chairman of the Energy Committee, about whether or not the bill does provide for the preliminary selection of sites to be characterized by the Department for nuclear waste disposal before there is an opportunity to conduct a nationwide survey of sites that ought to be considered for such purposes?

Mr. McCLURE. Will the Senator yield?

Mr. COCHRAN. I yield to the distinguished Senator.

Mr. McCLURE. Mr. President, I can respond to the Senator in the affirmative. It does provide that on the first round for the first selection, but that would not be true of the succeeding selections.

Mr. COCHRAN. Under the legislation that is the subject of the motion to proceed to consideration, is it not true that the nationwide site survey actually is scheduled to be concluded some 2 years after the initial selection of sites to be characterized by the Department?

Mr. McCLURE. The characterization of the first three sites, the Senator would be correct. But, again, that

would not be true of the subsequent selection process.

Mr. COCHRAN. I thank the Senator.

There has been consideration of numerous bills and suggestions during the study by the Senate committees of this legislation of how to best obtain the involvement and input of State and local governments. Some have suggested it is appropriate to give the States a veto power over a decision made by the Federal Government to store nuclear wastes in a particular site in a State.

Does this legislation provide for a procedure, with safeguards to protect the interest of States and localities, to assure that they are really made a part of the decisionmaking process, or does this give the Federal Government the unrestrained power to make such a decision irrespective of State interests and concerns?

Mr. McCLURE. Mr. President, if the Senator will yield, what we have attempted to do in this legislation, as it evolved over the last 3 years of discussions in the several committees that have considered it, is to give the State real consultation at every meaningful stage upon every meaningful decision with respect to the process, just short of the ability of the State to say, "I don't want to have any part of it." I think that is the best way to characterize what it is.

The Senator from New Mexico, in the earlier consideration 2 years ago, coined the phrase "consultation and concurrence." He argued eloquently that if you involve the States enough in the real decisions that they will be brought into the process enough to the point where you will talk about the either/or, this way or that way, the various choices that come into it, to the point where the differences will have likely been eliminated. And in that consultation process, the States must be fully involved. The bill so provides that they will, on every meaningful step or choice, be involved in that discussion in a real way. And that is not just pro forma, it must be real discussions.

Mr. COCHRAN. To what extent, may I ask the distinguished chairman, does this bill provide a mechanism for administering and operating a nuclear waste disposal program? Particularly, I am interested in knowing what would happen if the Department of Energy is dismantled and no longer would continue to exist as the entity that would manage this program. To what extent does the legislation provide a mechanism for operating the program to help assure that the public will be confident in the fact that the Government knows what it is doing, the people involved are going to be competent, and that there will be some accountability for decisions about not only the selection of sites for storage, but the operation of the disposal program as well?

Mr. McCLURE. Mr. President, that is a little harder question to answer than the others, because you are dealing with a hypothetical question of what would happen if the Department of Energy is changed in its structure. I have no doubt, based upon what conversations I have had on that subject, that the administrative structure now being carried on in the Department of Energy will be carried on somewhere else in Government. The exact format of that administrative change would, of course, depend upon the bill that would change the governmental structure of the Department of Energy. It is not contained in this legislation to determine what would happen in the event the administrative structure is changed by other legislation.

But I know what the Senator is getting at and I think the question that he has asked is a perfectly legitimate one. Because it is so obviously legitimate, I have no doubt that that would be fully discussed at the time the legislation dealing with the organization of the Department of Energy would be considered and where its responsibilities might be centered. So while this bill itself does not attempt to prejudge what would happen in that event, I have no doubt at all that it would be thoroughly considered and debated and ultimately decided in this body and the other before the Department of Energy was disestablished.

Mr. COCHRAN. I thank the Senator very much.

Would there be any intention on the part of the managers of the bill to accept an amendment that would be offered to establish an independent agency or commission that would have the responsibility of carrying out the Federal Government's nuclear waste disposal program?

Mr. McCLURE. It seems to me that that is a premature question, because that will depend upon what happens to the organization of the Department of Energy. There is no doubt in my mind that the current structure of the Department of Energy as is now established by statute is capable of carrying out the responsibilities that will be imposed upon them under this legislation and that, without trying, I think it would be a mistake for us to anticipate changing the structure by designating a separate independent agency at this time whose only real reason for existence would be the anticipation of the change in the structure of the Department of Energy.

There are those who have said that the proposals for the restructuring of the Department of Energy are dead for this year. I am not certain that is true, but certainly it is getting late enough in the year that there is some substance to that opinion on the part of some. Efforts are still underway to determine how that would be done. I have taken part in a number of those discussions, and I think it is safe to say that the discussions we have had so far would identify a structure that in this detail, in what we are talking about here, would be essentially the same as the one we have now. It might be placed in a different area of Government.

I might rephrase the response in a slightly different way to say to my good friend that if there were no contemplated change in the Department of Energy, I doubt that we would be here talking about creating a new independent agency to deal with this specific subject, because they do have the administrative capability and the structural capability to deal with the administration of this program under the existing administrative framework. I would hesitate to say that it would be a good idea for us to create an independent agency at this time, pending some knowledge about how the Department of Energy might be restructured, and certainly during whatever consideration we would have of such a change we would have the opportunity to see whether or not it was going to be appropriately organized in the first place.

I might add, too, that when the DOE Organization Act was passed in the Senate in 1977, this was one of the questions that was looked at very closely at that time, and again in 1980 in considering the nuclear waste bill in the last Congress we reviewed that specific question again. Every review we have made of it so far has indicated that, in our judgment, it would be counterproductive to do that. To not focus more attention upon this problem would probably fracture the structure into several pieces in which attention to the details and the expertise with respect to dealing with the details would be markedly less, I am sure, rather than greater.

Mr. COCHRAN. Mr. President, it has been a concern of mine that the manner in which the Department of Energy to date has proceeded with the nuclear waste disposal issue, that the decisions that it has had to make regarding nuclear waste disposal have not in any way inspired public confidence in the ability of the Department of Energy to manage successfully a nuclear waste disposal program. So this Senator is not merely concerned about having an entity that will inspire public confidence because the Department of Energy may be disestablished, but that emphasizes to me the need for a full consideration of an alternative to the Department as the managing Federal entity.

The Senator may be aware of the fact that the Office of Technology Assessment has completed a review of this issue, which has been underway

for the last 3 years, and issued a report this week. They came to the same fundamental conclusion.

The finding that is made is:

If history is not to repeat itself over and over again, and the stalemate on nuclear waste is not to continue, a comprehensive policy is needed that commands the support and addresses the concern of all major interested parties, makes a formal Federal commitment to developing several disposal facilities according to a firm and conservative schedule, and guarantees the financial and managerial resources required to meet that commitment.

The OTA further spells out specifically how it recommends that this problem of public confidence can be addressed. It said:

There is today a widespread lack of confidence that the Federal Government can or will manage high-level radioactive waste safely and efficiently . . . The deepest and most consuming doubts concern not so much the technology for disposal . . . but rather the institutional capacity of the Federal Government to carry out, over a period of 20 years or more, the difficult and sustained effort required to both build and operate the disposal system . . .

The report, I will conclude, says that an integrated, comprehensive waste management program should include the creation of an independent institutional mechanism to fulfill the commitment to carry out the program—modeled, for example, after the TVA.

The point that I think this report makes is the one that has been brought up by this Senator, that focuses on the institutional capability for dealing effectively with a disposal system. Up until now the way in which sites have been selected, the way in which the public has been advised about the intentions of the Government and what the Government is doing, has really caused more fear and anxiety among the people living in or near the areas that are being considered for site characterization, and has done little, if anything, to inspire public confidence in the procedures and the handling of the various issues and problems as they have arisen.

I guess my point is that if we pass this bill, I am not so sure that we are going to see any improvement in that public confidence problem, but, rather, unless we fully consider the alternative of another institutional mechanism for management and operating the program we may never get the degree of public confidence that we ought to have to match the technology that we presume is available to handle this waste safely and with a full measure of protection of human life and health.

Mr. McCLURE. Will the Senator yield?

Mr. COCHRAN. I yield.

Mr. McCLURE. I appreciate the Senator yielding, and I appreciate his bringing the report of the Office of Technology Assessment before us. The report addresses the very issues we have been wrestling with for the last 2 or 3 years and which the Senator raises today. That is the lack of public confidence in the existing situation and the manner by which we can instill public confidence in a program for the future. That is precisely what this bill is intended to do. I think the report of the OTA supports almost every major element of the legislation before us.

It underscores what several of us have been trying to say for a long period of time, that the handling, storage, and treatment of nuclear waste is not so much a technological program as it is a political one. I think the criticisms that the Senator has pointed to and raised in his own remarks, as well as those which were raised in the report of the Office of Technology Assessment, very properly criticize the current structural arrangements and the lack of a coherent policy.

That is precisely what this bill is intended to do, to satisfy both of those major criticisms. It is to create a planning process, to create a means by which the technology can be selected, placed in the field, and demonstrated to the American public, as well as creating the administrative framework to carry out the policy statements which are set forth in the proposed legislation.

I would say to my friend that I do not believe we will have the confidence of the American public with respect to this problem simply by passing this bill or any other bill.

They will not have confidence until that bill has been implemented, until it has been demonstrated that we know what we are doing and that we know how to do it Whether we do it through this structure or some other structure or an independent structure, they still will not have confidence simply because Congress enacted some piece of legislation, we put some good words together on a piece of paper. They are skeptical enough about this question that they are going to want to see how it is done.

Mr. President, I think it is extremely important that we not oversell what it is we are doing, that we recognize that there are limits to what the American public may think about what we are doing, and they are going to want to see how it works. They are not going to believe until they see. That is why it is important for us to pass a piece of legislation that will allow us to put in the field the technology that we have and can develop and demonstrate to the American public that, indeed, the technology is sufficient to the task of protecting the health, the welfare, and the national interests of all Americans.

Mr. President, I think the report of OTA, which the able Senator has made reference to, supports the need for legislation. I do not think there is any question of that. It supports the need for a demonstration program. I do not believe there is any question about that. The exact structure, Mr. President, in my mind, is less important in the long run than whether or not that structure works. Neither the Senator nor I nor anyone else today can know for sure how the structure will work until it has been given a chance to work. We can choose one structure or another, but the ultimate test in not going to be any theoretical evaluation of the merits or demerits; it is going to be whether or not it works.

Mr. President, we believe that under the current organization of the Federal Government, there is organizational superiority in having it centered in that department of Government which now has the responsibility for doing the rest of the administrative work with respect to energy programs and the nuclear programs in general. The Nuclear Regulatory Commission has been established as an independent body to check upon whether or not the administrative bodies are functioning according to the statutes and policies that have been already enacted. The Nuclear Regulatory Commission will have that same function with respect to determining whether this program is being administered correctly or not.

So, Mr. President, we already have the independent check that is established under existing law that will continue with respect to this program when enacted.

Mr. President, I think the Senator's question is right on target. I think the concerns that he expressed are the major concerns this Senator has had for some time. I appreciate the fact that he has mentioned and brought to our attention the report of the Office of Technology Assessment, which I believe, in the main, supports and directs attention toward the same problems and the structural cures that we have tried to formulate in this legislation.

Mr. COCHRAN. Mr. President, it will not be the intention of this Senator to try to construct, on the floor, if the motion to proceed to consideration of the legislation is agreed to, the structure for an independent commission or agency and try to substitute my judgment for that of the committee at this point. It is contemplated that an amendment will be offered, if we do proceed to consider this legislation, that would require the President to submit a legislative proposal to establish an independent agency in the executive branch to manage the repositories and temporary storage sites and that the legislation should include provisions specifying the composition of the managing body of such establishment and the responsibilities and powers of such a body. In connection

with that intention, Mr. President, I submit a parliamentary inquiry.

That is, if the Senator offers an amendment to the bill requiring the President to submit a plan to establish an independent agency in the executive branch to manage repositories of temporary storage sites, would such an amendment be germane?

The PRESIDING OFFICER. There is no germaneness requirement on this bill at this moment. If cloture were invoked or unanimous consent were granted to impose germaneness, then such an amendment would not be ruled germane.

Mr. COCHRAN. There is no problem with the germaneness of that amendment, if I understand the Chair, unless cloture is invoked or unless a time agreement is arrived at by unanimous consent.

The PRESIDING OFFICER. The Senator is correct.

Mr. COCHRAN. Further inquiring, Mr. President: If unanimous consent has been obtained for consideration of the bill under a time agreement, then this amendment would be ruled not germane, is that correct?

The PRESIDING OFFICER. Unless protection were granted for that particular amendment as part of the unanimous-consent agreement, that is correct.

Mr. COCHRAN. I thank the Chair.

Mr. President, I submit a further parliamentary inquiry: If the Senator offers an amendment to require the Secretary to submit with his budget request for funding of the nuclear waste disposal program a statement with respect to the cost of preparing sites for site characterization, would such an amendment be germane?

The PRESIDING OFFICER. The Chair would have to study the subject of the amendment and of the bill, but it does seem to be close to the subject of the bill and, therefore, would be ruled germane.

Mr. COCHRAN. Would the same limitation on germaneness apply to that amendment as to the one previously described so that, if unanimous consent for a time agreement were obtained or cloture were invoked, the amendment would be not germane?

The PRESIDING OFFICER. The Senator is correct.

Mr. COCHRAN. I thank the Chair.

Mr. President, I have some further concerns with other provisions of the legislation, but it is not my desire to take up all of the time of the Senate discussing these matters during the consideration of the motion. If any other Senators would like to speak or ask questions of the managers, I shall certainly be willing to yield for that purpose.

Mr. STENNIS. Mr. President, I should like to be recognized briefly on these relevant questions.

The PRESIDING OFFICER. The senior Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, first, I feel a very strong debt of gratitude as well as personal admiration for those who have worked on this bill so long, diligently, and earnestly. It is a very sticky and difficult subject but a highly important one. Hindsight is usually better, but I cannot avoid saying I wish we had gotten into this problem earlier and brought it to a head. But we have to take things as they are.

Mr. President, this bill represents the work of these three committees—Energy and Natural Resources, Environmental and Public Works, and we had one major phase of it before the Committee on Armed Services. I think most of the questions raised here by my colleague are exactly the questions that concern me about the whole, overall subject matter.

Let me say, Mr. President, that the management of nuclear energy, whether for peacetime or other purposes, has been a problem, but I think as a whole it has been well managed since the time of World War II.

Before I came here as a Member of this body, settlement had already been made on the concept of having a nuclear energy commission. It was very much in the forefront. Stories were told about the debate. The military thought that they should have exclusive control of the new nuclear forces, nuclear energy, and so forth. There were some who did not want to move into it with the military. But in short, we created a commission to handle the special subject matter. The two Houses of the Congress responded by creating a joint committee and I thought they did very fine work.

We had the benefit of their work and their counsel in the Senate Armed Services Committee over many years.

As time moved on, conditions changed somewhat and the creation of a Department of Energy was in the forefront. Finally, the Commission was phased out, and we created the Department of Energy.

With all deference to everyone, now we are turning around and saying we are going to abolish the Department of Energy, which I frankly think would be in error. I think that, everything considered, we did a good job, with the massive subject matter that was involved, in finally putting together an energy bill.

I was close to it then. I was chairman of the Appropriations Subcommittee that was handling the money, and we had very extensive hearings on the budget when it was first set up. The hearings had by that same subcommittee were very important.

Now, in the process of changing, we do not know where we are going. Yet, with the same problems in all degree in the Government, we have this proposal that my colleague from Mississippi is going to make. I am certainly strongly inclined to support him, because I believe that at least until we clear up the idea and get established just what we are going to do with the energy program overall, we could well let this rest on a narrow but firm, well-managed foundation of having a separate agency of the Government. I do not quickly agree on having separate agencies.

But I warn now, along with many others, that this matter is a problem. The future disposal of nuclear waste is not simple, and the use of nuclear power for a primary source of energy, or at least entensive source of energy in the future decades, is looming large now as an unsolved problem. I think it is close to a solution, but many others do not. It is at issue.

We are complicating the whole matter further, it seems to me, by this problem of proper handling of nuclear waste, which is far more than just something that will aid the nuclear energy program. This problem goes to the homes and the homestead concept of American law and ownership of land for a home and the operation of facilities of the communities, large ones, small ones. So that is why I said that with all deference to everybody, these facilities need to be located where the people are not, to the greatest extent possible.

These facilities must be in an isolated area, wherever it may be, because the whole issue here is people, not just the little piece of property they may own, but for their peace of mind, which is certainly as fundamental as any ownership rights can be—peace of mind for the people to live and carry on as individuals, communities, counties, and States.

That is why we plead for, and the committee agreed, that the idea of population should be written into the law. Population had to be a part of the consideration that would measure the location of these sites.

That is not scientific and that is not in the realm of high nuclear knowledge, engineering, or anything else. It is just commonsense, because it is people and their rights, their living conditions, that are at stake.

I do not ask for any preference over anyone in consideration of this matter, but I do think under the terms of this bill, as much as I admire the men that have worked on it—and they are going to explain it, I know—with the testing that has gone on in Mississippi, the location there—and I feel the same way about any other State—before the verdict is given against them and for the location of the plant there, it should be in light of the law of the land. If this bill passes, density of population

is a consideration, not the only one, but it is a consideration.

If we go along because of all these other reasons and make it possible to announce soon after this bill is signed, before there is time to measure the situation at Ridgeland, Miss., in the light of this new, firm, legally required purpose of population, then to that extent, regardless of what is said about time and alleged necessity, you discriminate. You do not discriminate against the site. That does not express it. You discriminate against the people involved.

I think that sums up what my colleague and I are, and will continue to be, concerned about.

I emphasize again that I appreciate very much the earnest consideration of those who have worked on this bill and these problems.

Mr. PROXMIRE. Mr. President, will the senior Senator from Mississippi yield?

Mr. STENNIS. Yes, I am glad to yield to the Senator from Wisconsin.

Mr. PROXMIRE. As I understand the amendment which he contemplates offering, it would delay the siting of a final repository for 3 years, and his contention is that it would not interfere with the immediate problem of storing nuclear commercial spent fuel being held at nuclear-power plants on the sites now. Is that correct?

Mr. STENNIS. I believe that is a correct statement. I think it is a fair statement.

Let me comment, too, that 3 years is no eternity, especially if tied to this bill and this problem. Three years is a very short time to take—an additional 3 years until this thing can be given a national sweep, if that is the correct word, and then everything considered on that basis.

Mr. PROXMIRE. It seems to me that because there is a 2-year survey, we should have that information first, so that we fully understand the effect of whatever legislation we pass.

Also, we should proceed as vigorously as we can in the meantime to refine this technology, which certainly needs a great deal of refinement. There is every expectation that in the coming years we could improve it greatly, so that we could provide assurances to the people who inhabit the area where we would provide the repository that it would be safe. We do not have the technological answers now.

Do we not owe this knowledge to the people who would have to live near an area where we would store this radioactive material—what they would consider a radioactive time bomb—that might result in irreversible contamination to their area? Before we do that, should we have as much technological knowledge as possible?

Mr. STENNIS. The Senator has stated it well. We owe these people who are there—East, West, North, South, everywhere—the utmost consideration and the utmost we have in the way of knowledge and capability in determining the facts and what will be best for the Nation and what will measure up then with the least injury to the people. I say that on behalf of all of them. It must be given that consideration.

As I said, I am pronuclear power. But this idea that we have to be in such a hurry that we cannot give all the people the same consideration—we just cannot afford that.

I thank the Senator.

Mr. President, I am not going to detain the Senate. I want the sponsors of the measure to have a full chance to lay it all out. I think these three committees have been rendering a fine service.

Let us get it all in the record, and everybody will understand it better then: the press will understand it and the people will understand it, we hope.

I have been given no intimation that we are right on the verge of selecting this site that is in our State. I do not know. I do not know whether or not it is going to qualify. But we are now in the process of making these determinations, and I do not think there is any reason for the rush.

We have—and we are very proud of it—a privately owned plant in our State that is on the verge of being ready to operate. But right is right, and we have to do this thing correctly for the whole Nation, for the consideration of the people themselves.

I think it has come out clearly that there is availability for any privately owned plant for the time being, and it can carry on, and this thing can be worked out.

I should like to develop some of these points further, but my colleague has mentioned them all, and I support him in those positions. I really look forward to a presentation of this matter by the managers of the bill.

Mr. President, for the time being, I yield the floor.

Mr. McCLURE. Mr. President, will the Senator yield?

Mr. STENNIS. Yes, I am glad to yield.

Mr. McCLURE. Mr. President, I thank the Senator for his comments. I do not intend to delay the debate or consideration of the motion to proceed to the consideration of the bill. I think it is in our interest to lay out some of the parameters and then get on to the bill, so that we can talk about some of the details.

One impression that has been left here and that I think we should refine a little is with respect to the AFR. I know that is perhaps more the concern of the Senator from Wisconsin than of the Senators from Mississippi.

One of the things we must keep in mind is that we have nuclear power-plants operating today, and they have been doing so for a long time. From time to time, those fuel rods must be replaced with new fuel rods. When they take the old fuel rods out, they have to be placed somewhere.

Every one of the operating plants has constructed at the site a place to put the spent fuel rods in storage. That is not designed to be permanent storage, in the terms of history, in the ages of time beyond the ages of man, but it is certainly suitable for any immediate period of time. Certainly, a 3-year delay in the program would not affect the suitability of that particular storage.

However, we do begin to run into the problem that there is not enough room to store all those rods at that site, in the pools that have been constructed, because they were not designed to do that. You begin to run into the problem that these plants in operation must get changes in their operating licenses to allow them to rerack more of those spent fuel rods in the existing pools at that site. They will have to apply some new technologies on that site, or they simply will have to shut down because they cannot refuel.

There is a time urgency, and it can be satisfied. There is no single way, no exclusive method, by which we can deal with that problem over the near term.

However, if we wait an additional 3 years before we start to come to the conclusions, then we are pushing into that time frame where, with any kind of problem with respect to new technologies, with any kind of problem with respect to the new licenses that would be required for reracking at those plants, you do begin to run into the situation in which some of the operating plants in this country might be forced to shutdown.

The Senator from Mississippi said in the beginning of his remarks that 20-20 hindsight is far better than foresight, and he wished we had started on this a long time ago. I agree with him. But we are where we are, as the Senator has said; and one place we are is with some time constraints with respect to the AFR.

Mr. PROXMIRE. Mr. President, will the Senator provide us with documentation giving specific examples or, if possible, a complete list of plants that would be in difficulty if we adopted the amendment of the Senator from Mississippi?

Mr. McCLURE. I will be happy to do that.

Mr. PROXMIRE. I think that would be very helpful, because it was my understanding that this could be accommodated for this period.

Mr. McCLURE. I say to the Senator from Wisconsin that there has been a little loose talk about, "Well, we can

take care of that." Maybe we can and maybe we cannot.

Mr. PROXMIRE. That is why I want the specific documentation, so we can examine it.

Mr. McCLURE. Maybe we can get reracking done. Maybe we can get alternative technologies on the line and approved so that they are there.

I will be happy to furnish it to the Senator from Wisconsin.

Mr. STENNIS. Mr. President, I thank the Senators. I yield the floor.

Mr. PROXMIRE. Mr. President, I have several questions to ask the distinguished manager of the bill, the Senator from Idaho (Mr. McCLURE). I think we need to know the answers to them before we are in a position to proceed to the consideration of this measure.

May I ask the Senator first to his knowledge what are the States being actively considered by DOE as sites for the first two groups of geological repositories?

Mr. McCLURE. The first two groups?

Mr. PROXMIRE. The first two groups.

Mr. McCLURE. I do not know that there is any active consideration of the second group; the first group, yes.

Mr. PROXMIRE. What States are those?

Mr. McCLURE. They first looked at two. They have looked at the media in which it might be located. They identified basalts, and that included the State of Washington; volcanic tuff, which is in the State of Nevada; and salt domes or salt beds, which included Utah, Mississippi, Louisiana, and Texas. But that is where the media they are looking at are located, and those are the States in which they may be located.

That is kind of the general discussion format for the first round of selection but not for the first two.

(Mr. HUMPHREY assumed the chair.)

Mr. PROXMIRE. Is the Senator familiar with a map which has been reproduced in many places showing likely candidates for further investigating as depository sites?

Mr. McCLURE. I do not know which one the Senator is referring to because there have been dozens of them.

Mr. PROXMIRE. It is the national plan for siting high level radioactive waste depository and environment sites, Volume 2.

Mr. McCLURE. Yes, I am familiar with the ones contained in there.

Mr. PROXMIRE. This is on page 117.

My question in connection with that is, Have any of these States, and it includes a very large number of States—I have not counted them, but I presume it is at least half the States of the Union—been specifically ruled out as sites either informally or formally?

Mr. McCLURE. I do not think the process has gone far enough to be able to tell the Senator that any site has been specifically ruled out any more than I can tell him that any specific site has been selected.

Mr. PROXMIRE. The reason I ask that is I have seen several press reports which claim, for example, that Louisiana signed an agreement during President Carter's administration that exempted it from nuclear waste disposal siting in return for allowing the strategic petroleum reserve to be located in the State. Is that account true? And is the agreement binding?

Mr. McCLURE. I am not aware of any such agreement

Mr. PROXMIRE. The Senator is not aware of any such agreement at all?

Mr. McCLURE. No; I am not.

Mr. PROXMIRE. Nor is the Senator's staff?

Mr. McCLURE. I have been involved in both this bill and this legislation in program and processes also involving the strategic petroleum reserve, but I have never heard of that before this moment.

Mr. PROXMIRE. I understand there was a press release out of the office of Senator BENNETT JOHNSTON which indicated that arrangement had been made.

Mr. McCLURE. Perhaps the Senator can address that question to him.

Mr. PROXMIRE. All right.

I have heard other reports that for various reasons the Salina Basin and Texas salt domes were not likely sites. Is that true?

Mr. McCLURE. There is speculation of what is or is not likely, just as we say—as the Senators from Mississippi did earlier—that we have now written into the law a criteria that was not in the earlier planning process which was not expressed in the earlier planning process and that is population density. I think on the basis of population density we can narrow the range of choices, and I think there would be a number of people who would be looking at that map or any of the other several ones who would immediately rule out some of those on the basis of that one criteria and say now that that is an expressed part of the selection process—those areas simply are not likely to be chosen.

For instance, we might take Spokane, Wash. I do not know but that I am taking a very dangerous position here as selecting a specific place, but Spokane, Wash., sits on the Columbia basaltic flows, but just because it happens to be basaltic flows does not mean they are going to put a repository underneath the city of Spokane.

I think there are some obvious things we can say that as a practical matter are excluded, but I do not believe we could say that as a matter of definitive administrative choice the choice has been made.

Mr. PROXMIRE. There has been considerable speculation that there are States which would not object to being a nuclear waste repository site, especially if their rewards were high enough. I wonder if that is true, and is there any list of willing sites, if there are any that could get preference for site selection?

Mr. McCLURE. I say to my friend from Wisconsin that I almost guarantee him that if we ever get to the point where the political process must say, "Yes, come bring it to me," there will not be any takers.

Mr. PROXMIRE. I wanted to get that answer on the record because that meets the problem that my amendment attempts to cure.

Mr. McCLURE. It is kind of like the comment of our friend from Louisiana about taxes. It is all right so long as it is done somewhere else.

But I say to my friend from Wisconsin we have nuclear waste in my State and have had for over 20 years. We would like to have a national program that deals with it. I think we are entitled to one.

Mr. PROXMIRE. I think Idaho is, also.

Mr. McCLURE. We had them for 20 years.

Mr. PROXMIRE. I think that kind of a national program would be far more reliable and widely accepted and effective if we had had the benefit of a survey first and also if we had had the benefit of 2 additional years of technological progress.

Mr. McCLURE. I understand that, and we would have the benefit of even greater knowledge if we delayed it 4 years, 10 years, 20 years, or 50 years.

Mr. PROXMIRE. Obviously, we cannot do that. It seems there is some prospect at least that delay of 2 years or 3 years would not be catastrophic and might be acceptable.

Let me ask this: There are granite deposits located in many States. Is there any particular preference for granite sites to be located in the Great Lakes area of Wisconsin, Michigan, and Minnesota?

Mr. McCLURE. I think it is too early to answer that question. The granite sites have not been among those which were chosen as the media to be first evaluated, and I know my friend from Mississippi wants to add or has suggested in the past adding granite to the list of those that would be considered. So, if the Senator gives him 2 additional years he is going to go up there studying the State of Wisconsin.

Mr. PROXMIRE. There is some case that can be made for requiring those who benefit from nuclear energy, including my State of Wisconsin, where 30 percent of the energy is produced by nuclear plants, to also take the waste and find some way of handling it. Is there any preference in DOE for

siting a repository in areas where there are nuclear powerplants, and how strong is that preference? Is that a consideration?

Mr. McCLURE. Let me indicate here we have three different kinds of programs embodied in this bill: First, the away-from-the-reactor storage; second, the intermediate monitored retrievable storage; and third, the geologic storage.

I think with respect to the latter there is certainly no preference for where the powerplant is located as a permanent repository. For the intermediate or interim monitored retrievable storage there could be some marginal advantage in having it near the place where the waste is generated so that they did not have to transport so much over such great distances, but that is a marginal consideration, in my judgment, and from what I know of the studies and considerations going on in the Department of Energy.

With respect to the away-from-reactor storage where the powerplant is located is the preferred site, and there would be used, first, both the reracking and the existing pools, the construction of new facilities and the applications of new technologies which are the preferred order. Following that would be to other plants of the same system, even though it is not at the site where generated but in the same power system, which would be the second. It would only be after they have exhausted all of those that they would go beyond the region.

Mr. PROXMIRE. I appreciate that. That is very helpful.

Title V establishes a monitored retrievable storage, MRS, facility. How long will it be designed to last?

Mr. McCLURE. No precise time has been suggested, but let me give the Senator my own thinking. We are dealing with radioactive elements that in their bulk decay over varying periods of time but their bulk have half lives of less than 1,000 years. They have some elements with half lives of millions of years, but their radioactivity is very low. That is why they last a long time. Their volume is very small, and those extremely long periods of time are not major immediate problems, but they are major problems because they are cumulative over time.

In other words, just a little bit does not amount to much. But if you continue to pour it in over hundreds and hundreds of years their volume becoms larger. But their level of radioactivity is not very large. So I would theorize that the monitored retrievable storage in my own mind is something less than 1,000 years.

Mr. PROXIMIRE. Now, aside from the storage mode, what distinguishes the MRS and the away-from-reactor facility?

Mr. McCLURE. Away-from-reactor facility is to deal primarily with the problem of having sufficient room to handle the spent fuel rods from operating nuclear powerplants before the facilities are made available for that purpose.

Remember there is another option which is not being exercised in this country today but may or may not be at some time in the future, which may be the reprocessing of those spent fuel rods to recover from them the energy values which they have. So it is not necessarily the case that all spent fuel rods will be placed in permanent storage, locked away from human reach, because they may become very rich assets for us to use.

But it is contemplated that the AFR storage will take care of—excuse me, let me rephrase that—that the plants will be designed to have at their site the capacity to hold the spent fuel rods during their useful life, and that you would not talk about AFR for those plants except where it is impossible to get it done in the timeframe that is required, because when these plants were designed it was expected that there would be a reprocessing, commercial reprocessing, facility in this country and they would be routinely moved away from the powerplants through reprocessing and, therefore, the volumes would not be so great.

I have to give you kind of a two-pronged answer because I do not know what future policy will be with respect to it.

Mr. PROXMIRE. Is the MRS similar to the retrievable surface storage facility dropped by the AEC in the early 1970's and rejected by EPA?

Mr. McCLURE. Well, I hate to say because I do not remember exactly off the top of my head what that facility was, but let me try to characterize my memory of it. We were talking at that time of that as being the permanent repository, and it was decided that it could not be the permanent repository, and in that sense it was dropped. In that sense there are similarities between that program, which was then considered and rejected as a permanent repository, and this one, which is intended to be an interim.

Mr. PROXMIRE. How much would this interim MRS facility cost and how much waste would it hold?

Mr. McCLURE. I will have those figures for you in just a minute. I do not remember them off the top of my head.

Let me say to the Senator we have not included a cost estimate in the bill. CBO has not attempted to characterize the cost because there would be a solicitation for proposals which would define the costs. But DOE has a report that includes in it some estimate of cost. I am trying to find that for you.

Mr. PROXMIRE. I also wanted to know how much waste it would hold.

Mr. McCLURE. Let me refer to a report of the Department of Energy of December 1981 which includes MRS alternatives, economic evaluation. I refer to summary page X. They look at a range of cost of capital to start operation from $181 million to $507 million; and then they have life cycle cost included in the table.

With respect to volumes in the same report, they are talking about 48,000 metric tons of heavy metal upon which they are basing that economic evaluation.

Mr. PROXMIRE. So the costs would be very, very considerable. They could be between $150 million and $500 million roughly for each MRS, and, presumably, there would be several.

Mr. McCLURE. That would be the initial startup cost.

Mr. PROXMIRE. That is just the initial capital.

Mr. McCLURE. The Senator is correct.

But again let me caution the Senator that all this bill does is call for solicitation of proposals to get that underway. We will not know exactly what that is until we have those solicitations in.

I do not want to be understood as giving the Senator a very precise figure on a very precise program because that will be developed.

Mr. PROXMIRE. Assuming how much waste that would hold, how much would we have to have to do the job; any notion?

Mr. McCLURE. Well, it depends upon how active our nuclear power program is.

Mr. PROXMIRE. Of course.

Mr. McCLURE. It depends upon how active and how large a volume we may get out of other facilities that are civilian oriented, that we do develop some high radioactive waste.

Mr. PROXMIRE. Does the Senator consider them to be 10 or more?

Mr. McCLURE. I do not think we are talking about that in this century or the next. This bill calls for a program of two repositories and calls for one proposal on MRS.

Now, a full repository might cost—life cycle costs might be, $3 billion to $3.5 billion. Yes, indeed, it is very large in cost.

One of the provisions of this bill, however, is that it, for the first time, is internally financed within the nuclear industry. It calls for a levy on the power that would raise an estimated $300 million to almost $1 billion a year, increasing as the amount of nuclear power increases, to provide the financing for this program, as I think it should. I think that is a constructive addition to the legislation.

Mr. PROXMIRE. That makes sense. I am just wondering if there is any notion of what proportionate increase in cost there would be. I realize I am

asking a very difficult question here. I would like to have some notion of whether this might have an effect of reducing the demand for nuclear energy because it would price itself out of the market.

Mr. McCLURE. No; I do not think so. As a matter of fact, that $300 million to $1 billion a year is generated by a 1 mill per kilowatt hour levy, very small compared to the total bill for electrical energy.

Mr. PROXMIRE. One DOE map indicates as many as 36 States might be eligible for siting of an MRS. What would the siting criteria or the restrictions be?

Mr. McCLURE. Well, there are a number of criteria set forth in the bill, as to what they will be looking for, how they will evaluate the various sites.

The first thing you must recognize is that the AFR is site specific. I mean the need for spent fuel rod storage, whether it is primarily at reactor initially, is related to the location of those reactors in AFR.

The MRS can be almost anywhere because it is monitored, it is retrievable. It is interesting to visit one of the places where they are conducting experiments to see how indeed they can do it. It is applicable to either AFR or MRS.

The permanent geologic storage, however, is dependent upon the geologic media that might be chosen. As I indicated earlier, the initial decisions made in DOE for site characterization of site evaluation limited it to three types of geologic media: Basaltic flows, volcanic tuff, or bedded salt domes. There are those, as I indicated earlier, who think we ought to be exploring granite sites.

That has not been included in the preliminary survey. It was excluded in the preliminary survey. When and if we get to a national survey, I am sure that the granite sites will be evaluated.

Mr. PROXMIRE. Did I understand the Senator from Idaho to indicate that these MRS facilities would be temporary?

Mr. McCLURE. Temporary in the sense of being less than for geologic time.

Mr. PROXMIRE. Maybe 1,000 years?

Mr. McCLURE. They may be up to 1,000 years, but I do not know.

Mr. PROXMIRE. That is certainly longer than one Senate term, is it not?

Mr. McCLURE. It is even longer than the House Members think of a Senate term.

Mr. JOHNSTON. Will the Senator yield at that point?

Mr. PROXMIRE. Yes.

Mr. JOHNSTON. I might say to the Senator that MRS is indefinite in time. You can argue about what would last longer, a manmade facility that would be underground within a cave, for example, as opposed to a salt dome or granite site. You can get arguments that the MRS might last longer than the other. But one thing is very clear about the MRS, and that is that it is clearly sufficient to take care of the problem until the waste heat is gone and until the radioactivity is gone. And then the very character of the problem has changed dramatically by the time the waste heat and radioactivity has gone. Indeed, that is the reason that every European country with nuclear power is now going toward an MRS as opposed to geologic disposal at this point.

Mr. PROXMIRE. Have any sites for an MRS already been considered?

Mr. McCLURE. In the formal consideration; no. In terms of informal evaluation, people have been looking around the country for years. So I do not think you could say formally, yes, but I do think that you could say informal consideration. I do not know how you mean the term "consider."

Mr. PROXMIRE. As I understand it, title 5 gives broad latitude to the Department of Energy to give impact aid to mitigate social and economic impacts of MRS siting. What impacts are included? What is their estimated cost?

Mr. McCLURE. There is no way to evaluate that without being site specific.

Mr. PROXMIRE. Is there any CBO analysis, preliminary analysis, or rough analysis that has been made on these costs?

Mr. McCLURE. Until you have had some kind of site selection, there would be no way to know what those might be. One site would have one set of characteristics and another site would have another set of characteristics.

Mr. PROXMIRE. How does MRS impact aid differ from aid offered to States with geological repositories? Do MRS facilities actually get more help?

Mr. McCLURE. I do not think that I could say it is contemplated they would get more help, nor could I say it would be contemplated they would get less.

Mr. JOHNSTON. Will the Senator yield at that point?

Mr. PROXMIRE. Yes.

Mr. JOHNSTON. There is no authorization for impact aid for MRS facilities because we have not authorized the MRS facilities. What is provided under the bill is merely a proposal. The idea was—at least my idea, and I put in the amendment—the idea was that you at least ought to get something similar to payments in lieu of taxes for land which is taken off the tax rolls. Frankly, that is what I had in mind; that a State should not be worse off by virtue of having one of these facilities in their State than they would be in terms of taxes, at least. But it is simply a proposal. It is not an authorization for any specific amounts of money.

Mr. McCLURE. If the Senator will yield further, I think it might be important to close the parameters of that down just a little. I think the Senator from Louisiana, of course, is correct. He was the author of the amendment and what he thinks it means is important as a matter of legislative history.

It is also fair to say that there are two kinds of impacts that come from any kind of large-scale operation. One is the impact during the boom time, while construction is underway, and second you do have the impact from a continuing operation of a facility where none existed before. And the latter is minimal compared to the first one. I think it is that kind of impact that we are talking about, particularly payment in lieu of taxes.

Mr. PROXMIRE. But what aid would go on. It would be a cost that would be a benefit that would be received by the people in the community.

Mr. McCLURE. It is a Federal installation.

Mr. JOHNSTON. To the extent the Congress authorized it and appropriated money for it.

Mr. PROXMIRE. May I say to my friend from Louisiana that earlier I asked the Senator from Idaho whether there have been any States that have been ruled out. I apologize that the Senator was not on the floor when I said I understood Louisiana had been ruled out. I cited a press release from the office of Senator BENNETT JOHNSTON as indicating that there had been an arrangement that had been made in return for allowing a strategic petroleum reserve to be located in Louisiana. I wondered if that was true and whether the agreement was binding and whether it was ratified by President Reagan after President Carter initially accepted it.

Mr. JOHNSTON. There was an agreement between the Department of Energy and the Governor of Louisiana that was reduced to some principles of understanding. It states:

> The parties hereby agree that to the extent permitted by law, they will use their best efforts to adhere to the following policies and practices with respect to development of the Strategic Petroleum Reserve in the State of Louisiana.

And then they list a number of things and No. 8 says: Nuclear storage:

> All Federal Government studies relating to nuclear waste disposal in the Vacherie Salt Dome in Webster Parish and the Rayburn's Salt Dome in Bienville Parish will be subject to this stipulation. The Department of Energy will not construct any nuclear waste repository for long-term disposal in Louisiana if the State objects. Studies of possible areas in Louisiana as well as in other states would continue with some test

drilling which will always be preceded by complete discussions with state officials.

That is signed, for the Department of Energy, by John O'Leary, Deputy Secretary, and for the State of Louisiana by Edwin Edwards, Governor.

Again, it states:

The parties hereby agree that to the extent permitted by law, they will use their best efforts to adhere to the following policies and practices with respect to development of the Strategic Petroleum Reserve in the State of Louisiana.

That is what it says. I will leave it up to the distinguished Senator from Wisconsin to say what it means.

Mr. PROXMIRE. May I say to my friend from Louisiana that he and his distinguished senior colleague, Senator LONG, are two of the most effective Senators and this is an example of the great work they do for their State.

In the judgment of the Senator from Louisiana, would this apply to the present administration, since there is a new administration now? Would this be a permanent agreement?

(Mr. HELMS assumed the chair.)

Mr. JOHNSTON. Let me say what the two sides say in respect to this agreement. Those who are unfriendly to the agreement say it is not worth the paper it is written on; that the Department of Energy has no right to contract with the State; that even a President could not, but certainly not the Department of Energy; and, in any event, this would be superseded, so the argument would go, by the specific provisions of this act which set a whole matrix and system whereby State participation and what is close to but not quite a State veto is provided in this act. They would say that this is superseded by that.

I am sure the Senator from Wisconsin would not want to get me to say that that is the effect of this provision.

I would, of course, argue that it is at least a gentleman's agreement. And Ronald Reagan is a gentleman and he certainly would not breach a gentleman's agreement.

I know of very few people in Louisiana, and no lawyers whom I have heard say that this constitutes a veto power of the State of Louisiana over the location of geologic nuclear waste disposal sites under the provisions of this bill.

Mr. PROXMIRE. Well, may I say to my friend from Louisiana that I intend to offer a State veto amendment. Of course, that would provide a firm power on the part of the State. It would also provide the basis for negotiations and for the basis of an adequate reward for a State that would accept the nuclear waste. I very much appreciate the explanation by my good friend from Louisiana.

Mr. JOHNSTON. Let me say to my friend that I have not issued a press release on that. If the Senator is talking about the interview on the Radioactive Exchange—is that what the Senator is talking about on March 31?

Mr. PROXMIRE. No; I was just talking about the agreement which the Senator has already described in detail.

Mr. JOHNSTON. I have never said that that constitutes a veto. As a matter of fact, in the March 31 interview I said that.

Mr. PROXMIRE. I understand. The Senator has just told us that. But I say I am offering an amendment which would provide for a State veto.

Mr. JOHNSTON. May I say to the distinguished Senator from Wisconsin, none of us, and particularly in the State of Louisiana, want these wastes to be located in our States. We have been through this question of State veto and State participation over an extended period of time. Let me say over a period of some years. It is hard for anybody to vote against the veto, particularly if he thinks his State might be designated. But we do have a national interest here. It seems to me that national interest is that you get the best system you can to have the State to participate, and then sooner or later the national interest must be made known. Either that or you have to make the decision now to shut down all the military nuclear facilities and the civilian nuclear facilities because, after all, they are continuing to operate, some 70-odd civilian facilities and also some military facilities that continue on as well.

Working with the Environment and Public Works Committee, which is very sensitive, and Armed Services Committee, our committee worked out what amounts to a veto. In fact, the State is brought into the process and if it finally says, no, then that is a veto unless the President comes in and the President overrides the veto by the State because this is in the national interest.

The question is, Who should override a veto? Certainly, any veto has to provide for an override. I think the Senator would certainly admit that. You cannot have every State acting independently and saying, "We will not take the waste."

Mr. PROXMIRE. The argument by the Senator from Wisconsin is that this will provoke the kind of really meaningful negotiations and a quid pro quo by which the Federal Government and the other States which do not have to accept this waste get an enormous benefit. They should provide some way by which the State would accept it. My State, under some circumstances, might well be willing to accept nuclear waste. But my Governor, who is a very strong nuclear power man, a Republican, has written a letter to the distinguished chairman of the committee, Senator MCCLURE, in which he has indicated he wants the State veto very urgently. I can understand that. It is not that he is against the nuclear power or against defense, which are of the greatest importance. He recognizes that as I do.

Mr. JOHNSTON. We do have a State veto but it is one which the President can override. The ultimate question is, Who should override? Should the Congress or should the President? I submit that the President is really in a better position to override than the Congress. Why? Because he has access to his Department of Energy, to the experts, to the military people, to the whole panoply of Federal experts that he has.

The Congress has a lot of political people who make political decisions. That is the way the democracy is put together.

Mr. PROXMIRE. The President also has political considerations.

Mr. JOHNSTON. Of course the President has political considerations.

I ask the Senator from Wisconsin to consider the situation where his State wants a veto and the President says this is in the national interest and asks the Congress to override it. Then the Senator from Wisconsin would have to pit his popularity and his persuasiveness in this body against the administration.

It would be a very uncomfortable position to be in because it puts it into the political arena instead of in the decisionmaking arena, the expert area.

Mr. PROXMIRE. As the Senator knows, we all have great respect for the President, certainly, President Reagan and other Presidents. We also recognize that decisions like this by and large are not made by the President of the United States. He will pass on it and approve it, but the President is a very, very busy man, involved in many, many things. The people in the bureaucracy, in the Department of Energy, will make a decision and under some circumstances the President will overrule it. But by and large the President does not have time to get into details. It seems to me that the decision is not being made by the President of the United States in reality, I know it is not, but it is being made by a bureaucracy.

Mr. JOHNSTON. I think the Senator is entirely correct, but does the Senator think for one moment that Senators individually are going to decide this or if they do that they will have any idea what they are deciding?

Mr. PROXMIRE. I am not asking that the Senators decide. All I am asking is that we give the States the authority to say no. Then you will get meaningful negotiations and a quid pro quo that will begin to be fair.

Mr. MCCLURE. Will the Senator yield?

Mr. PROXMIRE. Surely.

Mr. McCLURE. We listened to and went through this dialog for endless days over the last 3 years and the several forms in which it has been considered. Certainly, the argument that the Senator from Wisconsin is making takes one side of that argument. There are other sides. For example, why would the States really negotiate if they know at the end all they have to do is to say, "no"?

Mr. PROXMIRE. Because they can get some benefit. They can get some impact aid. My State and other States are hurting desperately for money. In our State we have a constitutional requirement to balance the budget. We have had to increase taxes, as many States have. We have had to cut programs which are very popular in the State. The State of Wisconsin might very seriously consider a substantial payment, which they should get if they are going to do this. They ought to get something.

Mr. McCLURE. The Senator was arguing a moment ago that the President was busy and he certainly would not know. I understand that argument.

There have been some suggestions made from time to time around here that Senators come to the floor without staff, that they not be permitted to read any prepared text, that all the Senators do their own work and their own speaking. The argument is made that that would cut down the volume. The argument on the other side is that is would also cut down the quality of the dialog on the floor.

Mr. PROXMIRE. It might improve the quality.

Mr. McCLURE. It might or it might not. I have a very good staff.

Mr. PROXMIRE. So do I. We might find out, though, that we know what we are talking about.

Mr. McCLURE. The only reason I mention that is, of course, when that decision is made there are a few Members of the Congress who have been very much involved in studying the issue, but the real decision would be made by staff who tells us what the arguments are on one side or the other and which is best. The Senator knows that is a fact of life and so do I.

Mr. PROXMIRE. I would not concede that. I do not want to give my opponent any more ammunition than he already has in the coming election.

Mr. JOHNSTON. Will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. JOHNSTON. I mentioned that there is, in effect, a veto with a Presidential override. Actually, we go further than that. If the President would go ahead and say it is in the national interest, a State could still appeal to the Congress. If either House of Congress supports the request for a veto, then that stops the work. So, effectively, we have both a Presidential and a congressional review of that matter.

Mr. PROXMIRE. Of course, that puts the burden on the States.

Mr. JOHNSTON. Under the proposal the Senator proposed we would have the same thing. The difference would be——

Mr. PROXMIRE. The burden would be on the Federal Government where it belongs.

Mr. JOHNSTON. The Senator would, in effect, have a two-House support of the veto and we would have one House.

Mr. PROXMIRE. I just think that putting radioactive waste in a State, and you might have to put an enormous amount of it into a State, is a very, very, very serious invasion of a State's rights and a State's sovereignty. I think it is something we ought to give the deepest consideration to. I have great reservations about it. I think a veto might be a reasonably good answer although I realize it makes it difficult for the Federal Government. We ought to make it difficult, when we consider what we are doing to a State with a pollution that could last for literally thousands of years.

Mr. President, I ask my good friend from Idaho, the CBO recently said in a letter to the House Committee on the Interior that fees paid to utilities under the bill are inadequate. Am I correct that the CBO did not even consider all the possible costs in preparing their analysis of the bill? For example, was a cost analysis done of the construction and decommissioning of a test and evaluation facility?

Mr. McCLURE. Mr. President, I think that the Senator is correct in part. The CBO indicated that decommissioning costs were not included. The $300 million to $1 billion a year, however, in my judgment, is more than enough to cover the costs.

As we indicated earlier, it is hard to make that as a categorical statement. I cannot make the categorical statement positively any more than the CBO can negatively, because we are soliciting proposals.

Mr. PROXMIRE. Did they make a cost analysis of away-from-reactor storage facilities?

Mr. McCLURE. Of the AFR?

Mr. PROXMIRE. Yes, Mr. President.

Mr. McCLURE. Mr. President, it is contemplated that the AFR will be covered by the actions of the utilities that are affected and that there will be very little but some possible overlap into the AFR storage.

Mr. PROXMIRE. How about the cost of the R. & D. at the six possible repository sites?

Mr. McCLURE. It is included.

Mr. PROXMIRE. How about the cost of constructing repositories?

Mr. McCLURE. That is included.

Mr. PROXMIRE. How about the cost of development and construction of the MRS facilities?

Mr. McCLURE. That is not included because we are simply calling for proposals.

Mr. PROXMIRE. How about the impact aid under titles V and VI?

Mr. McCLURE. That is included.

Mr. PROXMIRE. So that is partly covered and included, but the Senator from Idaho says it is his opinion that the $350 million, is that right—for the MRS would cover these other costs at the outside?

Mr. McCLURE. Mr. President, the figure I have used is $300 million per year. That is current level.

Mr. PROXMIRE. At any rate, there is no analysis that has been done to justify that, there is simply a thought they had——

Mr. McCLURE. There has simply been enough analysis to indicate that that is at least as good as the criticisms of it.

Mr. PROXMIRE. Title VI allows Congress but not DOE to raise fees should they prove inadequate. It allows Congress but not the Department of Energy to raise fees if they should prove inadequate.

Mr. McCLURE. I think that is usually the way we do things around here; if there is a policy change to be made, we make it.

Mr. PROXMIRE. Should the fee schedule be indexed to cover inflation?

Mr. McCLURE. No, Mr. President.

Mr. PROXMIRE. Mr. President, how much fee shortfall do we need before Congress can step in?

Mr. McCLURE. Congress can step in tomorrow if they wish.

Mr. PROXMIRE. Will that not be a congressional burden, Mr. President? Do we have the expertise, the competence, to make that decision?

Mr. McCLURE. Mr. President, the Senator is suggesting that we have the expertise and competence to make the basic judgment. I hope we have the expertise and competence to make the decision how much we should charge.

Mr. PROXMIRE. Today's fees pay for yesterday's waste. What happens if there is a decline in the amount of nuclear power generated? I think I understand that that is a very real possibility, because the demand for electricity has not increased over the years.

Mr. McCLURE. Mr. President, I have not seen anybody who has suggested in reality that the existing powerplants are going to be closed because of the lack of need for power.

Mr. PROXMIRE. I did not say closed, Mr. President. I just say what happens if there is a decline in the amount of nuclear power generated? CBO says they have ignored that scenario.

Mr. McCLURE. Mr. President, we get a decline in the amount of nuclear

power generated if we close down the plant. If a plant is there and operating, there is no decline.

Mr. PROXMIRE. There may be a decline in the amount of nuclear power needed in the area that they can sell?

Mr. McCLURE. Need is an assessment against future activities in construction as well as in the operation. I think what the Senator is referring to is the estimate of future load growth demand.

Mr. PROXMIRE. That is right.

Mr. McCLURE. Mr. President, whether or not we shall need more electricity and, if so, how much more electricity, if so, whether we will meet that need, whether we will build nuclear powerplants?

Mr. PROXMIRE. They said they assume that if nuclear generation declines significantly, the fee would have to be raised to a point where it would cover both current and previously created waste. Does the Senator see my point?

Mr. McCLURE. Mr. President, I am not sure what point they are trying to make, because if they are talking about the existence of plants—and I assume that they might possibly be talking about the maintenance 100 years or 200 or 300 years from now, when we have found a substitute for nuclear power and we do not build any further ones to replace some as they go out of service. That is a possibility 100 or 200 or 300 years from now, I say to the Senator. I am not going to make any flip remark that that is beyond the term——

Mr. PROXMIRE. That could be 20 or 30 years from now.

Mr. McCLURE. It will not be 20 or 30 years from now, because we have plants underway now that will at least keep us stable over the next 30 to 40 years. It will not be declining in that period of time.

Mr. PROXMIRE. At any rate, Mr. President, the Senator has made no computation based on the scenario of decline of generation?

Mr. McCLURE. No.

Mr. PROXMIRE. Is the Senator assuming it is impossible? As long as the plants are there, they are going to be producing energy whether there is a need for it, demand for it or not?

Mr. McCLURE. No. Is the Senator suggesting that the need for nuclear energy consumption will be less in the United States than it is today? Is that what he is suggesting? I read that in Mother Earth, but not much anyplace else.

Mr. PROXMIRE. No, Mr. President, what I am suggesting is that we have had a phenomenal increase in the demand for energy until about 5 or 6 years ago. That increase in demand has dropped precipitately.

Mr. McCLURE. The rate of increase is lower than it was, the Senator is correct, Mr. President.

Mr. PROXMIRE. And there is certainly the prospect that we may switch to other forms of power.

Mr. McCLURE. We hope to find other forms of power, other forms of energy, which are environmentally and economically available to us.

Mr. PROXMIRE. Mr. President, we have some $88 billion potentially available for synthetic fuels, for example.

Mr. McCLURE. Has the Senator looked at the cost of the synthetic fuels?

Mr. PROXMIRE. He certainly has and proposed to abolish the Synthetic Fuels Corporation, because I think it is a boondoggle.

Mr. McCLURE. In that case, Mr. President, we shall need more nulcear power.

Mr. PROXMIRE. Maybe we will. I am not too hopeful that we shall succeed, but we are going to try to do it.

At any rate, Mr. President, this is something that could happen. It is not as fanciful as the Senator from Idaho seems to assume.

Mr. McCLURE. Mr. President, as the Senator and I are standing here, it is possible that a meteor might strike and destroy the entire building. There are some in the United States who devoutly hope for that. I am not one of them.

Mr. PROXMIRE. Mr. President, let me go on and ask some more questions, I think we have established our differences on this. Is there any reason the waste isolation pilot plant in New Mexico could not be used as a test and evaluation facility? That would save time and money. Could it be used as a repository? That was suggested in the previous administration.

Mr. McCLURE. Mr. President, under current law and policy, it could not be used. There is nothing that says Congress could not change the law and policy.

Mr. PROXMIRE. In the judgment of the distinguished chairman, and I have great faith in his judgment—he is obviously a very well-informed Senator in this area. In his judgment, would that be feasible?

Mr. McCLURE. I think it is unlikely to happen, Mr. President.

Mr. PROXMIRE. Unlikely?

Mr. McCLURE. As long as we continue the current policy which we have of separating the civilian and military programs.

Mr. PROXMIRE. The Senator has indicated that the costs of this program would be borne by the consumers of nuclear energy, by and large.

Mr. McCLURE. The Senator is correct.

Mr. PROXMIRE. Under what conditions, if any—maybe there are none—would U.S. taxpayers, including those who do not benefit from the nuclear program, have to pay for some of the costs of the program?

Mr. McCLURE. Mr. President, that is one of the features of the legislation which I think is an improvement over those we have had in the past, that is designed to have that cost internalized. I think that that is correct. But it is a little like asking somebody in 1938 whether they expected that the social security system would always be able to pay its own way. We have had some proposals in this body in the last few years that indicate that there ought to be some general fund contribution to financing that program.

I cannot foresee what the future might be with absolute certainty, Mr. President, but it is expected that the levy that is embodied in this will be sufficient to pay the costs.

Mr. PROXMIRE. Mr. President, may I say to my good friend from Idaho that, having questioned him at some length on this, as always, I am impressed by his remarkable intelligence—I mean it—and his detailed knowledge of this matter. I am very grateful to him for having given me some very, very useful information.

Mr. McCLURE. I thank the Senator, Mr. President. I have been very happy to participate in the dialog, because I do hope that the dialog will produce an understanding of what the problem is and what it is we are trying to do to solve the problem.

If there is one concern that I have, it is seated in the ease with which we avoid making hard decisions. There are times to make hard decisions. This bill has in it the means by which we make some of those hard decisions, and I hope we will not delay that process. We have delayed it far too long already.

Mr. PROXMIRE. May I say in response to that that I think there certainly are times to make hard decisions when you have to make them, and if in the coming 2 years we can learn to improve the technology and provide a greater degree of safety for those who would have to accept this radioactive waste, it seems to me we ought to use that time as fully as we can and not rush it.

Mr. McCLURE. Senator, we have had many days of hearings over the last 3 years in the several committees in the House and the Senate. I do not know of a single person that has questioned the safety of the technology that we are going to employ. The questions have been primarily——

Mr. PROXMIRE. The Senator ought to come out to Wisconsin and talk to some of our people. They are concerned about it.

Mr. McCLURE. I would be very happy to. But most of the consideration has been very practical: how do you go about doing this? So I say to the Senator that it is not the develop-

ment of new technologies that we need nearly so much as it is providing a demonstration to the American public that the technology we have and can apply is sufficient to meet the threats to public health and safety and to meet the requirements of the national interest. Technology is available. I say to the Senator that there is in this Senator's mind absolutely no question that technologically we know how to do it, but we have to demonstrate that fact to the American public.

Mr. PROXMIRE. Senator, the American public is often right.

Mr. McCLURE. Yes.

Mr. PROXMIRE. I think the American public, as indicated by everything we have said today, by the great difficulty in persuading States to accept this waste, is very concerned; that they do not think that the technology has been perfected. If they were convinced it were safe, there would not be much of a problem.

Mr. McCLURE. I do not think they are concerned nearly so much about the technology as they are about the people who use it. That is the technological community, the Government administrative agencies, and those of us in the Congress who set policy. I think they have an impressive reason to distrust those elements, but I say to the Senator that we will never settle this argument between you and me or between policymakers here and the public at large until we have a chance to prove whether it is right or not.

Mr. PROMIRE. The Senator has put his finger on exactly the problem. It is like the old saying that your bank statement was wrong because the computer made a mistake. To anybody who says that, there are two human mistakes. One is the person who says that, the other is the person who built the computer. Obviously there is always a human being who is responsible for anything, so that is exactly why we cannot be assured, at least to date, on the basis that as far as we have gone we have sufficient redundancy here to be sure, with human fallibility what it is, that we are safe from the effects of radioactivity.

Mr. JOHNSTON. Will the Senator yield at that point?

Mr. McCLURE. What the Senator is suggesting is that until we can prove there is the possibility of no error we can do nothing.

Mr. PROXMIRE. Not quite. I was talking my way into a trap, but let me see if I can talk my way out of it a little bit.

What I am talking about now is building enough redundancy so that there is safety. It is a remarkable thing that our nuclear fleet, which has more nuclear reactors than the private sector, has not had one accident, none. Why? Because we had a great man in Admiral Rickover who insisted on very extensive and effective redundancy all the way through. That is the kind of thing I think we ought to be working toward here, and I think 2 years can help us achieve that.

Mr. JOHNSTON. Mr. President, if the Senator will yield at that point, let me say to the Senator, after listening to the experts on this matter over a period of years, not just months but years, there is, in my humble judgment, no question about the safety of storage of nuclear waste. There is an immense political problem. The problem of redundancy that the Senator speaks of is something that applies to operating reactors. It does not apply to storage of nuclear waste because the hazards of radioactivity can be defended against by 4 inches of lead, by 3 feet of water, by 4 feet of concrete, by 4 feet of earth. We know scientifically that gamma rays cannot penetrate more than that far. So once you put in your 3 feet of concrete and increase it to 6 feet and you have your redundancy—there is no question about that; we know the scientific characteristics of nuclear waste—there is an immense political problem, because people think that nuclear waste is somehow going to reach out and grab them; that it is going to leak through in liquid form and get her and there, that it is going to be gas that is going to explode.

That is not the nature of nuclear waste, which does not mean that we are going to do our business any better, because we have to design a bill and have to design facilities that not only are safe but that are perceived to be safe by the administration, by politicians, by environmentalists, and by others. I think that we have done that in this bill.

Mr. PROXMIRE. I might feel the same as the Senator from Louisiana if I had been able to work the same kind of arrangement that the Senator has been able to work with the Department of Energy with a pretty good assurance that this was not going to be in my State.

Mr. McCLURE. Will the Senator yield?

Mr. PROXMIRE. Yes.

Mr. McCLURE. I think the Senator put his finger on the problem, though, again. I know the Senator is sincere in expressing these concerns, and I take that sincerity at face value.

We are trying to work a tough problem through to conclusion. This is our best judgment. But again I say, as the Senator from Louisiana has said so much better than I, it is not a technological problem. Use as an example human error. Why have we had in the military program absolutely no failures? The Senator is correct. But I believe if the U.S. Navy wanted to put a nuclear power reactor in downtown Madison, all hell would break loose.

Mr. PROXMIRE. As I understand, Admiral Rickover has been responsible for a number of commercial reactors, too, where you have had no problem, none.

Mr. McCLURE. I understand that, but again does the Senator think, if he had to carry the negative burden of proving that nothing could go wrong, that even Admiral Rickover would meet that test of public acceptability?

Mr. PROXMIRE. I am simply asking for the time the Senator from Mississippi would give the Senate and country with his amendment, 3-year amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The question is on the motion to proceed.

Mr. STENNIS. Mr. President, will the Senator yield to me for one question?

While we are on that subject, getting down to the nub of things, we are going to leave out people that have whatever benefit that may come from this population test. To justify that, which is a discrimination against them of the gravest kind, where does the Senator get his urgency? It is enough to overcome the balance of fairness and equity. But leave these people out. How does the Senator justify that? The Senator is a very reasonable man, able man.

Mr. McCLURE. Senator, I get a sense of urgency in three different areas, and they are very real senses of urgency. With respect to AFR, we will run into some problems. The Senator from Wisconsin had earlier asked that I give a listing of the plants that might run into AFR problems, and I will refer to the "Spent Fuel Storage Requirements," an updated study. This is dated March 1981. I refer to page 11 of that study that gives the details of the powerplants and the dates of problems.

Mr. STENNIS. While the Senator is on that, has that come from an industry source, from capable people that know the subject matter?

Mr. McCLURE. It comes from a variety of sources that have been distilled, massaged, and analyzed by many, many people.

Mr. STENNIS. Impartial sources?

Mr. McCLURE. Yes, I think impartial sources as well as those that are not impartial.

Mr. STENNIS. The general impression is that, after all, this is on a temporary basis, this is away from the site?

Mr. McCLURE. I should like to broaden the discussion about the urgency by drawing an analogy in an area in which the Senator is an acknowledged leader in the Congress of the United States and acknowledged before the world as a leader, with respect to the sincerity of this country.

There is a very great danger to this country in not having a good amount of energy available to us. The decisions we make now determine what kinds of energy we will have and how much we will have 20 or 30 years from now.

There is no question in this Senator's mind that the failure to have a program dealing with radioactive waste storage inhibits our ability to provide enough energy for our country toward the end of this century. Those decisions are being made now.

Therefore, there is a security parameter to our discussions today and a sense of urgency, and if that delays making the appropriate decisions by 2 years, we have increased the dangers to this country for that period of time and to that degree.

Mr. STENNIS. Allowing enough time to treat all people alike, all sites alike, is this urgency more overwhelming than it is to do this to them in a hurry, to affect them for all eternity, in a community or an area?

Mr. McCLURE. The Senator, as usual, is very forceful and persuasive. Of course, he is concerned, as we all are, about what will be done.

However, I have to say that in Idaho, where the nuclear Navy was born, we have been exposed to this hazard in what is now the Idaho National Engineering Laboratory, for all the years since the late 1940's, when that site was established. We have had nuclear waste buried in our soil for many of those years. We have had the assurances from the Federal agencies that that nuclear waste was going to be appropriately treated and removed. Some has not even been removed from the soil as yet.

So there is not just something that may happen in the future to some people. There is something happening now. Two years to allow a broader study increases the opportunity for one group of people to have a matter studied more, but it exposes other groups of people to the continuation of conditions for a longer period of time.

I do not know how we balance those equities any better than we have tried to do in this bill, by saying that under all the studies that have been going on already, we will allow them to go to one-site characterization based upon those studies in the first solicitation, but they will not be able to go forward with the second round of decisions until the national survey has been completed. That is the kind of balance we tried to build into the system.

Mr. STENNIS. I know there is a general feeling that we have to be in a hurry, that we have to do something in a hurry.

With respect to any injustice that has been done to Idaho, I want to get a pick and shovel and do my part to help correct it. But here, when all of a sudden there is a demand that we must do something, that we are dragging our feet, that nuclear power is losing out, and so forth, we just jump this thing forward.

With respect to the inhabitants, the density of population or whatever, the Senator is very reasonable in giving it a status for which we have been arguing all the time. But, still, because you are in a hurry and something has to be done, you are going to deny this consideration to some who already have been surveyed to a degree. I do not think we are in that big a hurry. I think we have to convince the American people of the safety of these nuclear plants, the safety of the process. You can get all these you want, but until it is better understood by the public, as I see it, we are not going to have advancement in the production of electricity.

Mr. JOHNSTON. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. JOHNSTON. I say to the Senator that under this schedule, the NRC does not make a decision on the first site until 1990. It is true that the first three sites will be recommended for characterization by 1984 and that by 1986 they would pick one of the initial three as a site for repository, but the actual NRC decision would not be until 1990. So it is hardly a hasty process.

Mr. STENNIS. Let us go back to the 1984 mentioned by the Senator. As I understand it, under the terms of this bill, it can be made not the final site but there can be a selection to proceed further—it can be made almost any time after the bill is signed.

Mr. JOHNSTON. By 1984, they would pick the first three sites for characterization.

Mr. STENNIS. But it cannot be done before that time?

Mr. JOHNSTON. Not later than.

Let me tell the Senator why I am for this bill, including the schedule; and let me say that I do not think there is anything magic about the 1984 date, and I do not disagree with the Senator that that date could be slipped a little. Nevertheless, I would oppose that, and I will tell the Senator why.

I believe that from the Senator's standpoint this is a good bill. Under the bill as it is presently put together, I do not believe they are going to pick a salt dome in Mississippi. Why? Because I do not think there is any way you can have the experts agree on the geologic characteristics of a salt dome by any of the dates as set forth in this bill.

I am not sure that you could ever have the geologists agree as to the geologic characteristics of a salt dome or, indeed, of any other geologic formation.

The problem here is not a technological problem relating to nuclear waste. The characteristics of those wastes are well known. The management techniques are clear. It is not difficult.

What is difficult and what has been difficult for the last 20 years—and I think will be difficult for the next 20 years—is ever agreeing on the geologic characteristics of, for example, a salt dome; because we do not know really what happens in a salt dome if you put this much hot, radioactive waste there.

The problem of management in a geologic formation of these wastes is heat. It is the collection of heat which melts the salt or cracks the granite, or other medium, which we do not understand.

This bill represents a great compromise. We have two tracks. The other track is the MRS—the so-called monitored retrievable storage.

That may not be a very descriptive name; because, while the MRS, the monitored retrievable storage, is in fact monitored and is in fact retrievable, the term as defined here does not describe what we have in mind. What we have in mind and what the bill will portray is an underground facility, man made, with convection cooling. Convection cooling is generally impossible with respect to geologic formations.

What is convection cooling? Obviously, it is air cooling. It is like the shaft of a building, with the waste held within the shaft so that the air can circulate naturally around it.

We know that the French have such facilities at Marcoule. I have seen those facilities. They have a long tube in the ground. It is like a big manhole cover made of concrete, which you screw into the top of this long tube. You put the wastes down there, vitrified in what looks like a big milk can. It has convection cooling.

Why is this so important now, and why did we in the Energy and Natural Resources Committee last year go for MRS as opposed to geologic disposal?

Because you have that possibility of designing in convection cooling. I believe that in the marketplace of ideas—or, should I say, in the competition between the scientists as to what you are going to go through as between MRS and geologic, they are going to go with MRS every time, just as the French have, just as the Germans have, just as the British have, just as the Swedes have. For the same reasons that we have been unable to agree for about 20 years here because we cannot pick the site, the geologic site that one can prove that in the face of heat it is going to be stable during a very, very long period of time.

The reason the compromise here is good is we are not against geologic storage, not at all. Indeed, we have a separate track. Speaking for myself, not for the committee, I have serious

doubts whether we are ever going to meet these deadlines.

The world does not end, the sky does not fall if we do not meet the deadlines. I just do not think we are going to meet them. So in that sense I have some sympathy with the Senator from Mississippi. But I would oppose postponing the date because frankly there are some particularly on the Environment and Public Works Committee who do not agree with me who think that geologic is very important to have, not for technological reasons, but for emotional reasons.

There are those who believe that waste should not be where one can get at it; even though it is monitored and even though it is safe, if one can get it somehow it is under human control and humans can mess up. They do not say exactly how. I do not know. I guess they think saboteurs would get to it or something. But there is that argument, and there is the emotional feeling that if we can just put it away, way underground, 2,000 feet underground, somehow that is safer.

We have accommodated to that feeling by going along with their schedule.

So having made this agreement over a period of years where they have allowed us to have our MRS and we have allowed them to have their schedule on the geologic, then we think those of us who believe in the MRS we are going to—I will not say win the ultimate competition—win the immediate competition because we will have ours designed and built and proven just as the French, the British, the Germans, the Swedes, and all the rest have theirs built or are moving theirs up. If the U.S. DOE can meet the schedule, that is fine too.

So I say to the Senator as someone who thinks that salt domes is not a good idea, let me give another reason. Salt domes is not a good idea because it is below the water level.

There are three problems in nuclear waste. There is waste heat, radioactivity, and toxicity.

Waste heat and radioactivity are both gone depending on at what point we want to say the curve is safe, but it is down to the waste heat and radioactivity of natural uranium in a period of 600, 800, or 900 years, a relatively short period of time considering the timetables we are considering under this bill.

But after that the toxicity continues. Toxicity means, of course, what happens when one ingests it. There is only one way to ingest this. We do not go down with a spoon and spoon it up. It is ingested only because it gets into the water, and it gets into the water only if water seeps into the formation.

Either build it or put the waste in a formation that is below the water level. Why not put it in MRS facility which is above the groundwater? Thereby we avoid that problem of toxicity.

Mr. STENNIS. The Senator already knows how much I think of him as a learned man. His opinions are strong and his energy is vigorous. I appreciate his sentiments and if he were going to be on the board that would vote on this matter, that would make me feel a whole lot better.

But just here separate from the whole thing the Senator is standing there with those immunities that he got in some way, and I believe there is something in it for Louisiana sites. He has this salt problem himself.

Mr. JOHNSTON. That is exactly right. If I thought they were going to pick a salt dome in Mississippi or Louisiana under this, I would be trying to scramble and find a way not to do it, not just because it is politically unpopular in my State, because I have the same problem politically that the Senator from Mississippi does, but because it is not a wise use of what is otherwise a valuable asset, valuable to store natural gas or petroleum or a number of other things in or to mine salt in. I do not want them to put it in a salt dome. For example, the Winfield salt dome in our State some decades back had an infusion of water from some unknown source. Lake Peignour down there had the same problem. There are other problems with the salt domes we had when they sprung leaks.

The Senator is right. But we have to face the music ultimately as a country and the music is that this is a problem which will not go away. I mean it is like one has a party at his house and there is a whole lot of garbage and he says, "Well, let us do not clean it up tonight; let us wait until the morning." He comes down in the morning and the garbage is still there. It did not go away. He can say in the morning, "Let us put it off until tonight," but it only gets worse, it only gets smellier and gooier and so the garbage is still going to be there.

We have to solve it, and this is a grand compromise made with our great friends over in the Environment and Public Works Committee and it is a good way for Mississippi to get out of its salt dome problem, I think.

Mr. STENNIS. If the Senator has a remedy, he will rescue us. But time is about out here. We have to take a recess. The Senator has been generous with me as to time.

I still think, though, that they have not proven a case of emergency. We need just a little additional time so all can be considered along together.

Under this hurry-up theory, some bureaucrats can meet and vote 3 to 2 in favor of these selections, and the things would move out here in just a few months after this bill passes and we will be sorry because of that. But we would be stung just the same.

I yield the floor.

Mr. SIMPSON. Mr. President, if I may just enter the fray lightly here, you will notice I have been very patient over here listening intently. I have enjoyed that. It has been important to me because I am here in my role as representing the Committee on Environment and Public Works, and I chair the Subcommittee on Nuclear Regulation.

I hear the spirited comments and I think of my now just over 3 years in this body. It seems to me that I remember a debate between Senators BENNETT JOHNSTON and JIM MCCLURE on the issues of nuclear waste and also the debate of the Senator from Mississippi, who is certainly the most respected Member in this body.

So in a little over 3 years in that role I have listened to that, and I actually come full circle on many things that the Senator from Louisiana speaks of, even though he still lobbies actively for the MRS system. I thought that was excellent the way that was done, and I always have heard his position on that.

I had been in the Senate 2 months and I was the ranking minority member of the subcommittee under Chairman GARY HART when along came Three Mile Island, and after the second month of my tenure it was rather interesting for a freshman to suddenly be thrown into that little public debate, suddenly flying around Three Mile Island in an open kind of aircraft. I never did quite figure what it was, but at least I am still here, and that is the important thing, except my hair has disappeared.

The whole thing was, I guess, what one would call a learning experience. That would be an understatement.

So I have listened with great interest to it all. I guess in just a few moments of time, let me summarize where I am with it.

We do have nuclear power. I guess that is where I start. I am more prohuman than I am pronuclear. I am just as offended by those who say no one has ever been killed as those who say "Hell no, I won't glow."

There is where I am. America uses nuclear energy, but it is an industry that is on the ropes. So what have we done? In my time here, and now in my chairmanship of the past year, we have done many things to improve the situation with respect to nuclear power. We have improved administrative procedures; we have implemented the lessons learned at Three Mile Island. That was an excellent step.

We have placed in the authorization bill the interim low-power licensing, quality control, and streamlining of licensing. We reversed the Sholly decision; we have done lots of things. We have reduced licensing delays.

Has that helped increased public confidence in the use of nuclear

power? Not much. My State happens to produce one of the largest volumes of yellowcake in the United States, and that industry is on the ropes.

So we slog along. Why? Because we do not deal—we seem paralyzed to deal—with the waste products of this industry, materials with a half-life of thousands of years.

Why? Nobody wants the waste. It is no more complex than that.

Wyoming can eventually be a repository of this stuff. I really do not want that. I can assure you I do not want that. There are a number of places out there in the land of high altitude and low multitude that they could find for that—old drilling holes, granite, basalt, you name it. But at least our people will have a right of State participation under this legislation.

We must have a permanent repository, in my mind. We may also have monitored, retrievable storage facilities.

Further delay, as suggested by the Senator from Mississippi, will solve absolutely nothing. We are all in consideration as potential sites of this material. But until we do something with it we are going to bring that industry to its knees, and we have that industry.

My good friend from Wisconsin talks about 30 percent of nuclear power in his State. I can only tell you that whether we rerack or store or package and learn all sorts of new things, that industry is going to be in tough shape in Wisconsin.

I would think there would be a great fear there in that State as to what are they going to do with the material that is already coming out of the existing plants, not where are we going to put it in the future. Just that single issue.

If we have well-managed this issue since World War II no one in America is aware of it, and I share the view of the Senator from Mississippi when he said, people, people, people. They are the ones whom we must think of. Hopefully, today we will add provisions to address his concerns at least to some extent. But people are appalled—that is what people are in this situation. They are appalled because we have done absolutely nothing.

I do agree with my colleagues from both sides of the aisle that we have the technology to do something to solve this problem. I think the time bomb is—and I heard that used in the debate—not the thought of waste in the State and the fear of having it; the time bomb is that we have nuclear energy now working and operating and again no place to put the stuff.

So there are a couple of items I must reflect on with a little twist of irony. I have suddenly been in my time here thrust into three areas, as chairman of Nuclear Regulation, Immigration and Refugee Policy, and the Veterans' Affairs Committee. None of them meets once a week. Someone is usually writing to me on those issues, and the interesting part of it is that we are going to be dealing with this same situation in regard to immigration and refugee policy and immigration reform. We must make some terribly, terribly hard decisions, and it is going to be more difficult than anything we have ever done before. It is going to be against some of our national feeling and it is going to get guilt running in us and fear and racism and lots of things. But we are going to have to do something because our borders are out of control.

The first sovereign duty of a nation is to do something about that, and the first sovereign duty of a nation is to do something about the public health and safety of its citizens. So as we get into these red-hot issues someone is always trampling someone else's prerogative, and you do not know what pain is until you have had someone trample your prerogative. [Laughter.]

So it is a tough one. It is our national duty to solve this problem. We must do something. We have to send a signal. We have to rebuild confidence in this industry, and I think this is the way to do it.

I deeply appreciate the efforts of the full Committee on Energy and Natural Resources, and Senator McCLURE and Senator BENNETT JOHNSTON in what they have done and how they have worked and assimilated some of their previous ideas and compromised, and I hope we have done that, too.

I hope this legislation indeed will write for us a nuclear waste management policy. I think this does it. I think this is one that should come out of both Houses.

This can be a reality because the only mission of the NRC and this Congress is the public health and safety of the citizens of the United States.

We seem to be doing pretty well on an operational basis with those plants, but in no way do we do anything on the disposal issue. So for 37 years we have been asleep at the switch, and unless we deal with it we will pay dearly for it as we did in the past. One year's delay is too much—2 years, 3 years, let us do what we have to do. It is time. Thank you.

The PRESIDING OFFICER. (Mrs. KASSEBAUM). The question is on agreeing to the motion.

Mr. JOHNSTON. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 3 P.M.

The PRESIDING OFFICER. The hour of 1:30 having arrived, the Senate stands in recess until 3 o'clock.

Thereupon, the Senate, at 1:30 p.m., recessed until 3 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. MATTINGLY).

Mr. McCLURE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. McCLURE. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending question is the motion to proceed to the consideration of S. 1662.

Mr. McCLURE. Mr. President, I might just remark that immediately prior to the recess, we had proceeded to the point where the Chair had put the motion. We were then informed that the distinguished Senator from Arkansas (Mr. BUMPERS) wished to be heard. I have just conferred with him and he indicates that, for his part, he can do that afterward, on the bill or on the motion to proceed. I know of no other requests for time on the motion to proceed to consideration of the bill. If there are none, I ask the Chair to put the motion.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the motion to proceed.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will state the bill.

The legislative clerk read as follows:

A bill (S. 1662) to establish a limited program for Federal storage of spent fuel from civilian nuclear powerplants, to set forth a Federal policy, initiate a program, and establish a national schedule for the disposal of nuclear waste from civilian activities, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Energy and Natural Resources with an amendment to strike out all after the enacting clause, and insert the following:

That this Act may be cited as the "National Nuclear Waste Policy Act of 1981".

TITLE I—FINDINGS AND PURPOSE

FINDINGS

SEC. 101. The Congress finds and declares that—

(a) a reliable system adequate to provide sufficient electrical energy to meet the Nation's current and anticipated needs is an essential part of a comprehensive national energy policy and is vital to national security and public welfare;

(b) an adequate electrical system requires a diverse base of primary energy sources in order to avoid excessive reliance upon any single alternative energy source;

(c) a diverse base of primary energy sources can be achieved only if each available source competes on an equal footing in decisions on the siting and construction of facilities for generating commercial electric power;

(d) nuclear energy can—

(1) make a significant contribution to national supplies of electricity;

(2) offer site-specific advantages in environmental impact, cost, and fuel availability over other primary sources of energy; and

(3) help reduce United States dependence on insecure sources of foreign oil;

(e) lack of an effective Federal policy for the interim storage of spent fuel and disposal of nuclear waste from civilian nuclear activities unreasonably burdens the choice of nuclear energy as an alternative primary source in decisions on siting and construction and operation of powerplants and unduly constrains efforts to establish a diverse base of primary energy sources;

(f) the persons owning and operating civilian nuclear powerplants have the primary responsibility for providing for the interim storage of spent fuel from civilian nuclear powerplants, but the Federal Government has the responsibility to provide sufficient capacity for interim storage of spent fuel for those civilian nuclear powerplants that cannot reasonably provide adequate onsite storage capacity when needed to assure the continued, orderly operation of the powerplant;

(g) the Federal Government has the responsibility for the disposal of high-level radioactive waste from civilian nuclear activities in order to protect the public health and safety, the environment, and the common defense and security;

(h) the costs associated with the storage and disposal of spent fuel and nuclear waste from civilian activities should, to the greatest extent possible, be borne by the direct beneficiaries of such activities and should be considered in the selection or rejection of nuclear energy over alternative primary energy sources;

(i) the technology exists and is under development which would provide reasonable assurance that spent fuel and high-level radioactive waste can be safely disposed of and that disposal facilities for spent fuel and high-level radioactive waste can be available when needed;

(j) nuclear wastes generated in the national defense program have been accumulating for more than thirty years, and spent fuel and nuclear waste from the commercial industry are increasing rapidly;

(k) nuclear waste has become a major issue of public concern, and stringent precautions must be taken to ensure that nuclear wastes do not adversely affect the public health and safety of this or future generations;

(l) the siting, development, and loading of nuclear waste repositories are responsibilities of the Federal Government;

(m) confidence in the ability of the Federal Government to manage a program providing for the safe and permanent disposal of nuclear waste must be substantially increased if nuclear power is to contribute significantly to meeting the energy needs of the United States in the future;

(n) Federal nuclear waste disposal programs have been ineffective due to—

(1) inadequate coordination among the various Federal agencies and departments which have responsibilities relating to nuclear waste management; and

(2) the lack of a policymaking process which integrates the views of all Federal agencies and departments into a comprehensive Government-wide policy;

(o) the Secretary must increase his efforts to consult and cooperate with States and localities concerning Federal repository siting, development, and loading activities;

(p) a successful spent fuel and nuclear waste management strategy requires the full participation of State and local officials, Indian representatives and the public in a step-by-step, technologically sound program, to promote public confidence in the safe disposal of nuclear waste, consistent with the responsibility of the Federal Government to determine public health and safety matters related to such program; and

(q) the first step in a successful nuclear waste management strategy is the establishment of a national schedule for the development of programs and facilities for the storage and disposal of high-level radioactive waste and spent fuel in a timely manner.

PURPOSE

SEC. 102. The purpose of this Act is to—

(a) assume the Federal responsibility for the acquisition and interim storage of spent fuel from civilian nuclear powerplants where needed to assure the orderly operation of such plants, and for the disposal of high-level radioactive waste from civilian nuclear activities;

(b) establish a definite Federal policy for the disposal of high-level radioactive waste from civilian nuclear activities and a national schedule for developing the facilities and programs needed to carry out that policy in a timely manner;

(c) authorize the Secretary to—

(1) acquire or construct at least one facility for the interim storage of spent fuel from civilian nuclear powerplants not to exceed a specified total storage capacity; and

(2) establish systems for the long-term storage and disposal of high-level radioactive waste generated by civilian nuclear activities, and to develop, construct and put in operation the facilities comprising these systems;

(d) establish a system for financing the construction, operation, and maintenance of Federal storage and disposal facilities for high-level radioactive waste and spent fuel from civilian nuclear activities;

(e) improve coordination of Federal nuclear waste management programs; and

(f) provide for improved consultation and cooperation between the Department of Energy and States and localities concerning Federal storage and repository siting and development activities, consistent with the responsibility of the Federal Government to determine public health and safety matters related to such activities.

TITLE II—DEFINITIONS AND GENERAL PROVISIONS

SEC. 201. As used in this Act the term—

(1) "civilian nuclear powerplant" means a utilization or production facility required to be licensed under section 103 or 104 b. of the Atomic Energy Act of 1954, as amended;

(2) "Commission" means the Nuclear Regulatory Commission;

(3) "disposal" means the long-term isolation of high-level radioactive waste or spent fuel in a repository;

(4) "environmental impact statement" means any document prepared pursuant to or in compliance with the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969 (83 Stat. 852);

(5) "Secretary" means the Secretary of the Department of Energy;

(6) "spent fuel" means nuclear fuel that has been irradiated in and recovered from a civilian nuclear powerplant or from other civilian nuclear activities;

(7) "Department" means the Department of Energy;

(8) "Governor" means the Governor of a State, or successors to the Governor, during their respective terms of office, or their designees;

(9) "nuclear waste" means high-level radioactive waste and transuranic contaminated waste;

(10) "high-level radioactive waste" means the highly radioactive wastes resulting from the reprocessing of spent fuel, and includes both the liquid waste which is produced directly in reprocessing and any solid material into which such liquid waste is made;

(11) "repository" means a facility for the permanent, deep geologic disposal of high-level radioactive waste, transuranic contaminated waste, or spent fuel, whether or not such facility is designed to permit the subsequent recovery of such material, except for facilities to be used exclusively for research and development purposes containing an insignificant amount of such material;

(12) "storage" means retention of nuclear waste or spent fuel with the intent to recover such material for subsequent use, processing, or disposal;

(13) "affected State" means the State in which a long-term storage or disposal facility for high-level radioactive waste or spent fuel is proposed to be located;

(14) "Indian tribe" means an Indian tribe, as defined in the Indian Self-Determination and Education Assistance Act (Public Law 93-638);

(15) "affected Indian tribe" means any tribe in an affected State whose rights reserved through statutes, treaties, Executive orders, judicial decision, or other applicable law could reasonably be expected to be adversely affected by the development, construction or operation of a facility for the long-term storage or disposal for high-level radioactive waste or spent fuel;

(16) "nuclear waste and spent fuel management" means the transport, storage, and disposal of nuclear waste and spent fuel;

(17) "site characterization" means the program of exploration and research, both in the laboratory and in the field, undertaken to establish the geologic conditions and the ranges of those parameters of a particular site relevant to the procedures under this part. Site characterization includes borings, surface excavations, excavation of exploratory shafts, limited subsurface lateral excavations and borings, and in situ testing needed to determine the suitability of the site for a repository, but does not include preliminary borings and geophysical testing needed to decide whether site characterization should be undertaken; and

(18) "atomic energy defense activities of the Department" includes those activities and facilities of the Department of Energy carrying out the functions of—

(i) naval reactors' development and propulsion;

(ii) weapons activities, verification, and control technology;

(iii) defense materials production;

(iv) inertial confinement fusion;

(v) defense waste management; and

(vi) defense nuclear materials, security, and safeguards,

all as included in the Department of Energy appropriations account in any fiscal year for such functions.

SEC. 202. (a) The provisions of titles I through VI of this Act shall not apply to the atomic energy defense activities of the Department, nor to nuclear wastes produced by such activities.

(b) The provisions of title VII shall apply to any repository or any retrievable, monitored storage facility in the atomic energy defense activities of the Department, if such respository or facility is required by existing law to be licensed by the Commission.

(c) Any facility authorized pursuant to title IV or title V of this Act shall be utilized exclusively for spent fuel and nuclear wastes other than those produced by the atomic energy defense activities of the Department.

TITLE III—INTERIM STORAGE OF SPENT FUEL FROM CIVILIAN NUCLEAR POWERPLANTS

SEC. 301. (a) It is the policy of the Federal Government that—

(1) the persons owning and operating civilian nuclear powerplants have the primary responsibility for providing interim storage of spent fuel from such powerplants, by maximizing, to the extent practical, the effective use of existing storage facilities at the site of each civilian nuclear powerplant, by adding new onsite storage capacity in a timely manner where practical, and by the use of privately owned and operated offsite storage facilities where practical;

(2) the Federal Government has the responsibility to encourage and expedite the effective use of existing storage facilities and the addition of needed new storage capacity at the site of each civilian nuclear powerplant; and

(3) the Federal Government has the responsibility to provide, as soon as possible, sufficient capacity for interim storage of spent fuel for those civilian nuclear powerplants that cannot reasonably provide adequate storage capacity at the site of the powerplant when needed to assure the continued, orderly operation of the powerplant.

(b) The policy under subsection (a) shall provide for—

(1) the utilization of available spent fuel pools at the site of each civilian nuclear powerplant to the extent practical and the addition of new spent fuel storage capacity where practical, either at the site of the powerplant or at a privately owned and operated offsite storage facility; and

(2) the establishment of a federally owned and operated system for the interim storage of spent fuel at one or more away-from-reactor facilities with a limited capacity sufficient to prevent disruptions in the orderly operation of nuclear powerplants that cannot reasonably provide adequate spent fuel storage capacity at the powerplant site when needed.

SEC. 302. (a) The Secretary, consistent with such criteria as he prescribes under the policy set forth in section 301 and as are required under this section, shall offer to enter into, and may enter into, contracts with persons owning and operating civilian nuclear powerplants that the Secretary determines cannot reasonably provide adequate spent fuel storage capacity at the powerplant site to ensure the continued orderly operation of the powerplant, through the maintenance of a full core reserve storage capability, either by utilizing available spent fuel pools to the extent practical or by adding new spent fuel storage capacity at the site of the powerplant: Provided, however, That the Secretary shall not enter into contracts for spent fuel in amounts in excess of the available storage capacity specified in section 305(a). Those contracts shall provide that the Federal Government will (1) take title to such amounts of spent fuel from the powerplants as the Secretary determines cannot be stored onsite, (2) transport the spent fuel to a federally owned and operated interim away-from-reactor storage facility, and (3) store such fuel in the facility pending further processing, storage, or disposal.

(b) Not later than ninety days after the date of enactment of this Act, the Secretary shall propose, by rule, procedures and criteria for making the determination required by subsection (a) that a nuclear powerplant cannot reasonably provide adequate spent fuel storage capacity at the powerplant site when needed to ensure the continued orderly operation of the powerplant.

(c) Nothing in this Act authorizes the Secretary to take title to spent fuel, transport spent fuel, store or dispose of spent fuel or the waste products associated with spent fuel from a nuclear powerplant not located within the United States.

SEC. 303. A contract entered into under section 302 shall provide—

(a) for a one-time payment at the time the Federal Government acquires the spent fuel of a charge per unit of spent fuel, as such unit is defined by the Secretary, which charge is determined by the Secretary to be adequate to cover—

(1) the cost of transportation of such spent fuel; and

(2) the proportion of the costs of the construction and operation, maintenance and decommissioning of Federal interim away-from-reactor storage facilities, which proportion is associated with such spent fuel;

(b) for the retention by the owner of such spent fuel of a nontransferable right to the value of the remaining fuel resource less the costs of recovery, as determined at the time of recovery. The right ends when the Federal Government—

(1) takes action resulting in the recovery of the remaining fuel resource and gives to the owner of the right an amount of money equal to the value of the recovered fuel less the costs of recovery; or

(2) disposes of such fuel in a repository;

(c) that title to the spent fuel together with all rights to such fuel, except as otherwise provided in this Act, passes to the Secretary at the site of the powerplant at the time the Secretary takes possession of the spent fuel; and

(d) that the contract becomes effective when the interim away-from-reactor storage facility is available as determined by the Secretary by notice in the Federal Register.

SEC. 304. (a) The Secretary shall provide notice of intent to enter into such contracts by publishing notice in the Federal Register not later than one hundred and eighty days after the date of enactment of this Act. Such notice shall contain such information as the Secretary considers appropriate concerning proposed terms and conditions of such contracts.

(b) The Secretary shall establish the one-time payment charge per unit of spent fuel required by section 303(a) on an annual basis, based on calculation of the costs listed in section 303(a), and shall publish such annual one-time payment charge and the calculation thereof in the Federal Register. Each such annual one-time payment charge shall become effective thirty days after publication and shall remain effective for a period thereafter of twelve months as the charge for the costs listed in section 303(a) for any spent fuel, title to which is transferred to the Federal Government during that twelve-month period.

SEC. 305. (a) To the extent funds are available and in such amounts as are provided in appropriations Acts, the Secretary shall construct, acquire, or lease one or more away-from-reactor facilities for the interim storage of spent fuel from civilian nuclear powerplants with a total storage capacity at all such facilities of not more than two thousand eight hundred metric tons of uranium. The facilities shall—

(1) be made available in a timely manner to accommodate all spent fuel for which commitments have been made pursuant to section 302 of this Act; and

(2) be subject to a license under the provisions of section 202(3) of the Energy Reorganization Act of 1974 (88 Stat. 1233), as amended: Provided, That in determining whether to issue a license for such a facility, the Commission shall not consider the need for the facility. The Secretary shall submit to the Commission an application for a license to construct, acquire or lease, and operate such a facility not later than such date as necessary to accommodate in a timely manner all spent fuel requiring away-from-reactor storage pursuant to any determinations under section 302 of this Act.

(b) The Secretary, in providing for the transportation of spent fuel under this Act, shall utilize by contract private industry to the fullest extent possible in each aspect of such transportation. The Secretary shall use direct Federal services for such transportation only upon a determination of the Secretary of Transportation, in consultation with the Secretary, that private industry is unable or unwilling to provide such transportation services at reasonable cost. The authority of the Secretary to enter into contracts under this section shall be limited to the extent or in such amounts as are provided in appropriations Acts.

(c) The Secretary, on a continuing basis, shall analyze and make projections of the availability when needed of spent fuel transportation casks required to support transportation requirements pursuant to subsection (b). The Secretary and the Commission are authorized and directed to take such actions as the Secretary and the Commission, respectively, deem necessary and appropriate to ensure the timely availability when needed of such spent fuel transportation casks.

SEC. 306. When an interim away-from-reactor storage facility is available, the Secretary shall take possession of and transport to a designated storage facility any spent fuel covered by a contract made under section 302 of this Act. The Secretary shall take this action within thirty days after the date on which the owner of such spent fuel provides notice in writing to the Secretary that such spent fuel is available.

SEC. 307. Funds made available to the Secretary for the purpose of—

(a) acquiring plant and capital equipment or land; or

(b) for planning, construction, or modification of facilities,

to make available facilities for the interim storage of spent fuel from civilian nuclear powerplants away from the reactor under any law making appropriations of funds or authorizations for appropriations of funds for the fiscal year ending September 30, 1979, or the fiscal year ending September 30, 1980, including funds authorized and appropriated for Project 79-1-p (away-from-reactor spent nuclear fuel storage capacity) in legislation authorizing appropriations for the Department of Energy for the fiscal year ending September 30, 1980, shall be

available to carry out the purposes of section 305.

SEC. 308. (a) In carrying out the provisions of sections 301 through 307 with regard to any facility for the interim storage of spent fuel from civilian nuclear powerplants which the Secretary is authorized by section 305(a) to construct, acquire or lease, the Secretary shall—

(1) as soon as practicable, but not later than ninety days after enactment of this section, notify in writing the Governor and the legislature of any State in which is located a potentially acceptable site for such a facility or an existing facility potentially suitable for interim storage of spent fuel of his intention to investigate that site or facility;

(2) during the course of investigation of such site or facility, keep the Governor and the legislature currently informed of the progress of work and results of the investigation;

(3) at the time of selection by the Secretary of any site or existing facility, but prior to undertaking any site-specific work or alterations, promptly notify the Governor and the legislature in writing of such selection;

(4) throughout the course of any subsequent work on that site or existing facility, furnish the Governor all relevant information on a current basis and provide him with the opportunity for review and comment from time to time.

(b) If within a reasonable time after the Governor has received notice of selection required by subsection (a)(3), the Governor notifies the Secretary in writing of his objections to the facility, the Secretary shall suspend further work on such facility and promptly transmit the Governor's objections together with the Secretary's comments and recommendations to the President.

(c) Unless within ninety days after receipt of the Secretary's notification under subsection (b) the President determines that such facility is essential to the national interest, the Secretary shall terminate activities specific to the facility. Such determination shall not be subject to judicial or administrative review.

(d) During the regulation and monitoring of the facility, the Governor or his designee shall have the right to be currently informed of all relevant information, and shall have the right to review and comment on such matters from time to time.

SEC. 309. Section 202(3) of the Energy Reorganization Act of 1974 is amended to read:

"(3) Facilities used primarily for the receipt and storage or disposal of high-level radioactive waste or spent fuel resulting from activities licensed under such Act or spent fuel from foreign reactors transferred under a subsequent arrangement authorized under such Act.".

SEC. 310. Transportation of spent fuel under section 303(a) shall be subject to licensing and regulation by the Commission as provided for transportation of commercial spent fuel under existing law.

SEC. 311. (a) The Secretary, the Commission, and other appropriate Federal officials shall take such actions as they consider necessary to encourage and expedite the effective use of existing storage facilities and the addition of needed new storage capacity at the site of each civilian nuclear powerplant consistent with—

(1) the protection of the public health, safety, and the environment;

(2) economic considerations;

(3) continued operation of the powerplant;

(4) the sensibilities of the population surrounding such powerplant; and

(5) otherwise applicable law.

(b) The Secretary, in consultation with the Commission, shall establish a cooperative program to assist and encourage the private development of alternate technologies for the storage of spent fuel at the sites of civilian nuclear powerplants, with the objective of developing one or more alternate technologies that can be licensed by the Commission on a generic basis for use at the sites of all civilian nuclear powerplants without the need for additional site-specific approvals by the Commission to the maximum extent practicable. For the purposes of this subsection, "alternate technologies" shall include, but are not limited to, spent fuel storage casks.

SEC. 312. (a) Any person filing an application with the Commission after the date of enactment of this Act for a license, or for an amendment to an existing license, to expand the spent fuel storage capacity at the site of a civilian nuclear powerplant, through the use of high-density fuel storage racks, fuel rod compaction, the transshipment of spent fuel to another powerplant within a utility system, the construction of additional spent fuel pool capacity, or by other means, may submit a petition to the Commission for issuance of the license or license amendment on an interim basis prior to the conduct or completion of any required hearing upon such application.

(b) The Commission shall grant the petition submitted under subsection (a) and issue the license or license amendment on an interim basis if the Commission or its designee determines that—

(1) in all respects other than the conduct or completion of any required hearing, the requirements of law are met; and

(2) in accordance with such requirements, there is reasonable assurance that the activities authorized by the license or license amendment during the interim period, in accordance with the terms and conditions of such license or license amendment, will provide adequate protection to the public health and safety and the environment during the interim period.

SEC. 313. (a) In any Commission hearing pursuant to section 189 of the Atomic Energy Act of 1954, as amended, on an application for a license, or for an amendment to an existing license, filed after the date of enactment of this Act, to expand the spent fuel storage capacity at the site of a civilian nuclear powerplant, through the use of high-density fuel storage racks, fuel rod compaction, the transshipment of spent fuel to another such powerplant within a utility system, the construction of additional spent fuel pool capacity or dry storage capacity, or by other means, the Commission shall first provide the parties to the proceeding an opportunity to submit for the record such written data, views, or arguments as the hearing board may specify. At the request of any party, the hearing board shall provide an opportunity for oral argument with respect to any matter identified in the written submissions which the hearing board determines to be in controversy among the parties. The hearing shall be preceded by such discovery procedures as the rules of the Commission shall provide, and as ordered by the hearing board. The hearing board shall require each moving party, including the Commission staff, to submit in written form, at the time the proceeding is initiated, all the facts and arguments upon which that party proposes to rely that are known at such time to that party.

(b)(1) At the conclusion of any hearing under subsection (a) of this section, the hearing board shall designate any disputed question of fact, together with any remaining questions of law, for resolution in an adjudicatory hearing only if it determines that—

(A) there is a genuine and substantial dispute of fact involving factual assumptions or methodology upon which expert opinion is based, or concerning the credibility or competence of an expert witness significantly relied upon by one or more of the parties to the proceeding, which can only be resolved with sufficient accuracy by the introduction of reliable and specifically identified evidence in an adjudicatory hearing; and

(B) the decision of the Commission is likely to depend in whole or in part on the resolution of such dispute.

(2) In making a determination under this subsection, the hearing board shall designate in writing the specific facts that are in genuine and substantial dispute, the reason why the decision of the agency is likely to depend on the resolution of such facts, and the reason why an adjudicatory hearing is likely to resolve the dispute.

(c) No court shall hold unlawful or set aside a decision of the Commission in any proceeding described in subsection (a) because of a failure by it to use a particular procedure pursuant to this section unless—

(A) an objection to the procedure used was presented to the hearing board in a timely fashion or there are extraordinary circumstances that excuse the failure to present a timely objection, and

(B) the court finds that such failure has precluded a fair consideration and informed resolution of a central issue of the proceeding taken as a whole.

SEC. 314. In any proceeding on an application for a license, or for an amendment to an existing license, filed after the date of enactment of this Act, to expand the spent fuel storage capacity at the site of a civilian nuclear powerplant, through the use of high-density fuel storage racks, fuel rod compaction, the transshipment of spent fuel to another such powerplant within a utility system, the construction of additional spent fuel pool capacity or dry storage capacity or by other means, the Commission shall not consider as alternatives the storage of spent fuel in away-from-reactor storage facilities.

TITLE IV—DISPOSAL OF HIGH-LEVEL RADIOACTIVE WASTE AND SPENT FUEL FROM CIVILIAN NUCLEAR ACTIVITIES

SEC. 401. (a) It is the policy of the Federal Government that—

(1) the Federal Government has the responsibility to provide for the permanent disposal of solidified high-level radioactive waste and spent fuel from civilian nuclear activities;

(2) spent fuel, unless otherwise processed, and high-level radioactive waste from civilian nuclear activities must be stored in a facility for the long-term, retrievable, monitored storage pursuant to title V or be permanently disposed of in a federally owned and operated repository;

(3) the Federal Government has the responsibility to assure that facilities capable of safely disposing of solidified high-level radioactive waste and spent fuel from civilian nuclear activities are available with sufficient capacity when needed; and

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(4) the Federal Government has the responsibility to demonstrate as soon as possible that solidified high-level radioactive waste and spent fuel from civilian nuclear activities can be disposed of in a manner that provides adequate protection of the public health, and safety, and the environment.

(b) The policy under subsection (a) shall provide for—

(1) the establishment of a Federal program for the siting, development, construction, and operation of repositories capable of safely disposing of solidified high-level radioactive waste and spent fuel from civilian nuclear activities, which repositories are to be licensed by the Commission;

(2) the development and submission to Congress within one year after the date of the enactment of this Act of a specific proposal in accordance with the provisions of title V for construction of a system of licensed facilities capable of safely disposing of spent fuel and high-level radioactive waste from civilian nuclear activities in a manner which permits continuous monitoring and ready retrieval of such fuel or waste.

(3) a national schedule for accomplishing the regulatory and programmatic actions needed to achieve the objective of obtaining by January 1, 1988, a Commission authorization to construct the first full-scale, operational repository capable of safely disposing of solidified high-level radioactive waste and spent fuel from civilian nuclear activities, and achievement of operational status for the repository as soon thereafter as possible; and

(4) the development, construction, and operation of at least one test and evaluation facility for the purpose of developing the packaging, handling, and emplacement technology for solidified high-level radioactive waste and spent fuel needed to further the demonstration of disposal of such waste and spent fuel, with the objective of achieving operational status of one such facility by January 1, 1988.

DEVELOPMENT OF EPA STANDARDS AND NRC TECHNICAL CRITERIA

SEC. 402. (a) EPA STANDARDS.—Not later than June 1, 1982, the Administrator of the Environmental Protection Agency, pursuant to authority under existing law, shall, by rule, promulgate generally applicable standards for offsite releases of radioactivity from repositories capable of disposing of solidified high-level radioactive waste and spent fuel from civilian nuclear activities.

(b) NRC TECHNICAL CRITERIA.—Not later than January 1, 1983, the Commission, pursuant to authority under existing law, shall, by rule, promulgate technical criteria for review of an application—

(1) for authority to construct a repository capable of disposing of solidified high-level radioactive waste and spent fuel from civilian nuclear activities,

(2) for a license to emplace such waste and spent fuel in the repository, or

(3) for a license amendment to decommission the repository.

Such criteria shall provide for the use of multiple barriers in the design of the repository and shall limit the retrievability of the waste and spent fuel emplaced in the repository unless such action is needed to protect the public health, safety, and the environment.

IDENTIFICATION OF SITES FOR REPOSITORIES

SEC. 403. (a) GUIDELINES FOR REPOSITORY SITE RECOMMENDATION.—Not later than January 1, 1982, the Secretary, in consultation with the Commission, the Environmental Protection Agency, and the United States Geological Survey, shall issue general guidelines for the recommendation of sites for repositories capable of safely disposing of solidified high-level radioactive waste and spent fuel from civilian nuclear activities. Under such guidelines, the Secretary shall specify factors that would disqualify a site from development as a repository, including factors pertaining to the location of valuable natural resources, proximity to population, hydrogeophysics, seismic activity, and nuclear defense activities. The guidelines shall require the Secretary to consider the various geologic media in which sites for repositories may be located and, to the extent practicable considering the schedule of actions contained in this title, to recommend sites in different geologic media. The guidelines also shall require the Secretary to consider (1) the cost and impact of transporting to the repository site the solidified high-level radioactive waste and spent fuel to be disposed of in the repository, and the advantages of geographical distribution in the siting of repositories; and (2) environmental characteristics associated with sites reviewed by the Secretary. The Secretary shall use the guidelines established under this subsection in considering sites to be recommended under subsection (b).

(b) SITE RECOMMENDATIONS BY THE SECRETARY.—

(1) Not later than June 1, 1984, the Secretary shall identify and recommend to the President at least three sites that the Secretary determines are suitable for site characterization. Each recommendation of a site shall include a detailed statement of the basis for the recommendation. If the Secretary recommends a site to the President, the Secretary shall notify the Governor of the State in which the site is located and the Tribal Council of any affected Indian tribe of the Secretary's recommendation and the basis for such recommendation.

(2) Before recommending to the President any site for characterization, the Secretary shall notify the Governor of the State in which the site is located and the Tribal Council of any affected Indian tribe of the proposed recommendation, and the Secretary shall hold public meetings in the vicinity of the site to inform the residents of the area in which the site is located of the proposed recommendation and to receive their comments.

(c) PRESIDENTIAL REVIEW OF RECOMMENDED SITES.—

(1) The President shall review each site recommendation of the Secretary under subsection (b). Within sixty days after the submission of a recommendation for a site, the President in his discretion shall either approve or disapprove the site, and transmit his decision to the Secretary, to the Governor of the State in which the site is located, and to the Tribal Council of any affected Indian tribe. If the President fails to approve or disapprove the site in accordance with this paragraph during such sixty-day period, or within such period fails to invoke his authority under paragraph (2) to delay the determination, the site shall be considered to be approved.

(2) The President may delay for not more than six months his decision under paragraph (1) to approve or disapprove a site upon determining that the information provided with the recommendation is not sufficient to permit a decision within the sixty-day period referred to in paragraph (1). The President may invoke his authority under this paragraph by submitting written notice to the Congress, within such period, of his intent to utilize the authority provided under this paragraph. If the President invokes this authority under this paragraph but fails to approve or disapprove the site at the end of such six-month period, the site shall be considered to be approved.

(d) Any activity of the President or the Secretary under this section shall be considered a preliminary decisionmaking activity and shall not be subject to the National Environmental Policy Act of 1969 (83 Stat. 852).

SITE CHARACTERIZATION

SEC. 404. (a) The Secretary shall carry out in accordance with this section appropriate site characterization activities at each site approved under section 403.

(b)(1) Before proceeding to sink shafts at any site, the Secretary shall submit for such site to the Commission, to the Governor of the State in which the site is located, and to the Tribal Council of any affected Indian tribe, for their review and comment—

(A) an environmental assessment prepared pursuant to the Secretary's regulations implementing the National Environmental Policy Act of 1969 (83 Stat. 852) of the nonradiological impacts of the site characterization activities planned for such site, and a discussion of alternative activities for purposes of site characterization which may be undertaken to avoid such impacts;

(B) a general plan for site characterization activities to be conducted at such site, which plan shall include—

(i) a description of the site;

(ii) a description of the site characterization activities, including the extent of planned excavations, plans for any onsite testing of radioactive material or nonradioactive material, investigation activities that may affect the ability of the site to isolate radioactive waste and spent fuel, and provisions to control likely adverse, safety-related impacts from site characterization activities;

(iii) plans for decontaminating and decommissioning the site if it is determined unsuitable for application for licensing as a repository; and

(iv) any other information required by the Commission; and

(C) proposals describing the possible form of packaging for the waste material and spent fuel that would be emplaced in the repository.

(2) During the conduct of site characterization activities at a site, the Secretary shall report to the Commission, to the Governor of the State in which the site is located, and to the Tribal Council of any affected Indian tribe, on the nature and extent of such activities and the information developed from such activities.

(c) The Secretary shall conduct such tests as the Secretary deems necessary to provide the necessary data for an application for a construction authorization by the Commission for a repository at the site and for compliance with the National Environmental Policy Act of 1969 (83 Stat. 852). The Secretary shall report to the Commission, to the Governor of the State in which the site is located, and to the Tribal Council of any affected Indian tribe, on the tests conducted at a site pursuant to this subsection and on the information developed from such tests.

(d)(1) In conducting site characterization activities or tests pursuant to subsection (c)—

(A) the Secretary may not use radioactive materials at a site unless the Commission concurs that such use is necessary to provide data for the submission of an application for a construction authorization for a repository at the site;

(B) if radioactive materials are placed in a site, the Secretary shall place the smallest quantity necessary to determine the suitability of the site for a repository, but in no event more than the curie equivalent of ten metric tons of spent fuel; and

(C) any radioactive material used or placed on a site shall be fully retrievable: *Provided, however,* That the restrictions of subparagraphs (1)(A) and (1)(B) shall not apply to the test and evaluation facility authorized under section 407.

(2) If characterization activities are terminated at a site for any reason, the Secretary shall remove any nuclear waste, spent fuel, or other radioactive materials at or in the site as promptly as practicable.

SITE APPROVAL AND CONSTRUCTION AUTHORIZATIONS

SEC. 405. (a) Prior to submitting a recommendation to the President for approval of a site, the Secretary shall hold public meetings in the vicinity of the site to inform the residents of the area in which the site is located of the determination of the Secretary and to receive their comments. Upon completion of the meetings, the Secretary may submit to the President a recommendation that the President approve the site for the development of a repository.

(b) Not later than January 1, 1985, the President shall select at least one site that the President considers qualified for application for license as a repository.

(c) The Secretary shall submit to the Commission an application for authorization to construct a repository at a site selected by the President within ninety days after the date on which the President selects a site under subsection (b). The Secretary shall provide a copy of such license application to the Governor of the State in which the site is located and to the Tribal Council of any affected Indian tribe.

(d) Not later than eighteen months after the date on which an application is submitted under subsection (c), the Commission shall submit to the Congress a report describing the proceedings on the application undertaken through such date, including a description of—

(1) major unresolved safety issues, and the Secretary's explanation of design and operation plans for resolving such issues;

(2) matters of contention regarding the application; and

(3) any Commission actions regarding the granting or denial of the application.

(e) The Commission shall consider a license application for the construction of a repository in accordance with the laws applicable to such applications, except that the Commission shall issue a final decision approving or disapproving the first such application not later than January 1, 1988.

(f) The Commission shall consider an application for authorization to construct a repository in accordance with the laws applicable to such applications, except that—

(1) the Commission need only consider as alternate sites for the proposed facility those sites approved for site characterization under section 403(c), and

(2) the Commission shall issue a final decision approving or disapproving the first such application not later than January 1, 1988.

SEC. 406. The Secretary, the Commission, and other appropriate Federal officials shall take such actions as they consider necessary, consistent with the protection of the public health, safety, and the environment, to achieve operational status of a repository licensed under section 405(e) as soon thereafter as possible.

TEST AND EVALUATION FACILITY

SEC. 407. (a) Not later than January 1, 1983, the Secretary shall transmit to the Congress a proposal for at least one test and evaluation facility for the purpose of developing the packaging, handling, and emplacement technology for solidified high-level radioactive waste and spent fuel from civilian nuclear activities needed to further the demonstration of disposal of such waste and spent fuel. The proposal shall include site-specific designs, specifications and cost estimates adequate to solicit bids for the construction of an initial facility, and a schedule for the construction of a facility, consistent with the objective of achieving facility operation not later than January 1, 1988.

(b) The facility shall be designed to—

(1) be constructed and operated at a site approved by the President for site characterization in accordance with section 403(c), and in accordance with applicable site characterization requirements, as provided in section 404, to preserve the availability of the site for use for a repository;

(2) accept a total of not more than three hundred packages of solidified high-level radioactive waste and spent fuel;

(3) permit continuous monitoring, management, and maintenance of the solidified high-level radioactive waste and spent fuel to be emplaced in the facility;

(4) accept waste and spent fuel packages incorporating multiple barrier design; and

(5) permit full retrievability of the waste and spent fuel to be emplaced in the facility.

(c) In formulating the proposal, the Secretary shall consult with the Commission and the Environmental Protection Agency, and shall transmit their comments on the final proposal to the Congress together with the proposal.

(d)(1) Preparation and transmittal of the proposal to the Congress is not a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 (83 Stat. 852), but an environmental assessment shall be prepared on the proposal to accompany such transmittal.

(2) When Congress authorizes construction of the facility, the requirements of the National Environmental Policy Act shall apply, except that any environmental impact statement in connection with such facility need not consider any alternative to the design criteria set forth in subsection (b), as may have been amended by such subsequent congressional authorization.

(e) Notwithstanding any other provision of law, the test and evaluation facility authorized under this section shall not be subject to a license by the Commission: Provided, however, That the Secretary shall obtain the concurrence of the Commission in the siting, design, construction, and operation of the facility.

NATIONAL SITE SURVEY PROGRAM

SEC. 408. (a) The Secretary and the United States Geological Survey shall conduct a national site survey program, to be completed not later than January 1, 1986, for the purpose of identifying sites that may be suitable for site characterization for a repository in addition to those recommended by the Secretary under section 403(b).

(b) The national site survey program established by subsection (a) shall include every State that may contain acceptable sites for a repository.

(c) The Secretary shall use the results of the national site survey program established by subsection (a) in identifying and recommending sites for site characterization leading to the development of a repository in addition to the repository licensed in accordance with section 405: Provided, That in recommending such additional sites for site characterization, the Secretary shall consider the cost and impact of transporting to the repository site the solidified high-level radioactive waste and spent fuel to be disposed of in the repository, and the advantages of geographical distribution in the siting of repositories.

SEC. 409. The Secretary shall continue and accelerate a program of research, development, and investigation of alternative means and technologies for the permanent disposal of high-level radioactive wastes from civilian activities, atomic energy defense activities of the Secretary and Federal research and development activities. Such program shall include examination of various waste disposal options.

TITLE V—LONG-TERM STORAGE OF HIGH-LEVEL RADIOACTIVE WASTE AND SPENT FUEL FROM CIVILIAN NUCLEAR ACTIVITIES

SEC. 501. Within one year after the date of enactment of this Act, the Secretary shall transmit to the Congress a proposal for the construction of one or more long-term isolation facilities for spent fuel and high-level radioactive waste resulting from civilian nuclear activities. Such facilities shall be designed to—

(a) accommodate spent fuel from civilian nuclear activities without reprocessing, as well as the high-level radioactive waste from other civilian nuclear activities, including reprocessing of such spent fuel if such reprocessing is undertaken in the United States;

(b) permit continuous monitoring, management, and maintenance of the spent fuel and high-level radioactive waste for the foreseeable future; and

(c) provide for the ready retrieval of any spent fuel and high-level radioactive waste for further processing or disposal by an alternative method.

(d) safely contain such solidified high-level radioactive waste and spent fuel so long as may be necessary, by means of maintenance, including, but not limited to, replacement as necessary, of such facility.

SEC. 502. The proposal shall include—

(a) the establishment of a Federal program for the siting, development, construction, and operation of facilities capable of safely disposing of solidified high-level radioactive waste and spent fuel from civilian nuclear activities, which facilities are to be licensed by the Commission;

(b) site-specific designs, specifications, and cost estimates adequate to solicit bids for the construction of an initial facility which will support authorization to construct the first full-scale, operational facility capable of safely storing solidified high-level radioactive waste and spent fuel from civilian nuclear activities and achievement of operational status for the facility as soon thereafter as possible;

(c) a plan for integrating the facilities under this title with the interim spent fuel

storage facilities authorized by title III and repositories authorized by title IV.

SEC. 503. In formulating the proposal, the Secretary shall consult with the Commission and the Environmental Protection Agency, and shall transmit their comments on the final proposal to the Congress together with the proposal.

SEC. 504. (a) Preparation and transmittal of the proposal to the Congress is not a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 (83 Stat. 852), but an environmental assessment shall be prepared on the proposal to accompany such transmittal based upon available information regarding alternative technologies for storage of spent fuel and solidified high-level radioactive waste storage.

(b) When Congress authorizes construction of the initial facility, the requirements of the National Environmental Policy Act shall apply, except that any environmental impact statement in connection with such facility need not consider any alternative to the design criteria set forth in section 501 of this Act as may have been amended by such subsequent congressional authorization.

(c) Any facility authorized under this title shall be subject to a license under section 202(3) of the Energy Reorganization Act of 1974 (88 Stat. 1233), except that in its consideration of the application filed by the Secretary for the initial facility, the Commission may not consider any alternative to the design criteria set forth in section 501 of this Act but shall comply with the requirements of the licensing process as otherwise provided by law.

SEC. 505. (a) Beginning the first fiscal year after the date of the enactment of this Act, the Secretary shall make annual impact aid payments to appropriate units of local governments in order to mitigate social or economic impacts occasioned by the construction and subsequent operation of any facility within the jurisdictional boundaries of such local governments and authorized under this title.

(b) Payments made available to units of local government under this section shall be—

(1) allocated in a fair and equitable manner with a priority to those units of local government suffering the most severe impacts; and

(2) utilized by units of local governments only for (A) planning, (B) construction and maintenance of public services, and (C) provision of public services related to the siting of a facility authorized under this title.

(c) Payments shall be subject to such terms and conditions as the Secretary determines necessary to ensure that the purposes of this section will be achieved. The Secretary shall issue such regulations as may be necessary to carry out the provisions of this section.

(d) Payments under this section shall be made available solely from the fund established under section 601 of this Act and shall be available only to the extent provided in advance in appropriations Acts.

(e) The Secretary may consult with appropriate units of local government in advance of commencement of construction of any facility authorized under this title in an effort to determine the level of the payments such government would be eligible to receive under this section.

(f) As used in this section, the term "unit of local government" means a county, parish, township, municipality, or borough existing in the State of Alaska on the date of the enactment of this subsection, or other unit of government below the State which is a unit of general government as determined by the Secretary.

TITLE VI—FINANCIAL ARRANGEMENTS

SEC. 601. (a) There is hereby established in the Treasury of the United States a separate account to provide for costs directly related to (1) the acquisition, lease or construction, and operation of Federal away-from-reactor interim storage facilities for spent fuel in accordance with title III of this Act; (2) the construction and operation of repositories for the disposal of such spent fuel or solidified high-level radioactive waste from civilian nuclear activities in accordance with title IV of this Act; (3) the construction and operation of one or more test and evaluation facilities in accordance with title IV of this Act; (4) the construction and operation of facilities for the long-term storage of such spent fuel or solidified high-level radioactive waste from civilian nuclear activities in accordance with title V of this Act; (5) the related handling and transportation of such spent fuel or waste and research, development, and investigation activities of the Secretary pursuant to section 409. Amounts appropriated to the Secretary to carry out any of the purposes of titles III, IV, V, and VI of this Act, all charges under section 303, receipts derived from the sale of any reprocessed fuel, all fees collected under section 603, and the proceeds from any obligations issued pursuant to section 602 of this title shall be deposited into the account.

(b) To the extent funds are available and in such amounts as are provided in appropriations Acts, the Secretary may draw on such account to carry out the purposes of titles III, IV, V, and VI of this Act: Provided, That the Secretary shall not construct or acquire any major nuclear waste facility unless the specific expenditure of funds for the initiation of such construction or acquisition is explicitly approved in an appropriation Act.

SEC. 602. (a) To carry out the purposes of this Act the Secretary may borrow money from the Treasury of the United States in amounts provided in appropriation Acts. The Secretary and the Secretary of the Treasury shall agree on terms, maturities, and conditions of the obligations, but the maturities may not be more than thirty years. The Secretary may redeem the obligations before maturity. The Secretary of the Treasury shall decide the interest rate of the obligations considering the average market of outstanding marketable obligations of the United States Government of comparable maturities during the month before the obligations are issued. The interest payments on such obligations may be deferred with the approval of the Secretary of the Treasury but any interest payment so deferred shall bear interest. Such obligations shall be issued in amounts and at prices approved by the Secretary of the Treasury. The Secretary of the Treasury shall purchase any obligations of the Secretary issued under this section and for this purpose the Secretary of the Treasury is authorized to use as a public debt transaction of the United States the proceeds from the sale of any securities issued under the Second Liberty Loan Bond Act. Securities may be issued under that Act to purchase obligations from the Secretary under this section.

(b) Appropriations made available pursuant to section 307 of this Act and any other appropriations made to the Secretary to carry out the purposes of titles III, IV, V, and VI of this Act shall be repaid into the General Fund of the Treasury out of the account, together with interest until the date of repayment at a rate determined by the Secretary of the Treasury taking into consideration the average market on long-term obligations of the United States during the fiscal year in which appropriations are made. The Secretary shall repay such appropriation together with interest within thirty years from the time at which such appropriations become available for expenditure after the date of enactment of this Act, and no appropriations to the Secretary are authorized to carry out the purposes of titles III, IV, V, and VI of this Act unless the amounts appropriated are deposited into the account established in section 601(a).

SEC. 603. (a) There is hereby imposed a mandatory fee in the amount of 1.0 mil per kilowatt-hour on electricity generated by civilian nuclear powerplants and sold on or after the date ninety days after the date of enactment of this Act. Such fee shall be for the purpose of paying the costs to be incurred by the Federal Government for the long-term storage and permanent disposal of solidified high-level radioactive waste and spent fuel from civilian nuclear activities.

(b) The fee imposed by subsection (a) shall be collected by the person owning and operating each civilian nuclear powerplant and shall be paid to the Treasury of the United States and deposited in the separate account established by section 601.

(c) Not later than ninety days after the date of enactment of this Act, the Secretary shall establish procedures for the collection and payment of the fee established by subsection (a).

(d) Funds paid to the Treasury of the United States from the collection of the fee imposed by subsection (a) and deposited in the separate account established by section 601 shall be available to liquidate any obligation or liability which occurs in the operation of any away-from-reactor facility pursuant to section 305 and for which funds would not be available otherwise from one-time payments collected pursuant to section 303 and deposited in the separate account established by section 601.

TITLE VII—STATE PARTICIPATION IN THE DEVELOPMENT OF REPOSITORIES AND RETRIEVABLE, MONITORED STORAGE FACILITIES FOR SOLIDIFIED HIGH-LEVEL RADIOACTIVE WASTE AND SPENT FUEL

SEC. 701. (a) The Secretary shall identify the States with one or more potentially acceptable sites for a repository or for a retrievable, monitored storage facility for solidified high-level radioactive waste or spent fuel. Within ninety days of such identification, or within ninety days of enactment of this Act, the Secretary shall notify the Governor, the State legislature, and the Tribal Council of any affected Indian tribe in any affected State of the potentially acceptable sites within such State.

(b) Each affected State and affected Indian tribe notified under subsection (a) shall have the right to participate in a process of consultation and concurrence, based on public health and safety and environmental concerns, in all stages of the planning, siting, development, construction, and operation of a repository or a retrievable,

monitored storage facility that is required to be licensed by the Commission. Upon (1) the approval of a site for site characterization for such a repository, (2) the designation of a site for such a retrievable, monitored storage facility, or (3) the written request of the State or Indian tribe in any affected State notified under subsection (a) to the Secretary, whichever of (1), (2) or (3) is earlier, the Secretary shall promptly enter into negotiations with each such State and Indian tribe to establish a cooperative agreement under which the State or Indian tribe may exercise such right. Public participation in the negotiation of such agreement shall be provided for and encouraged by the Secretary, the States and the Indian tribes. The Secretary, in cooperation with the States and Indian tribes, shall develop and publish minimum guidelines for public participation in such negotiations, but the adequacy of such guidelines or any failure to comply with these guidelines shall not be a basis for judicial review.

(c) The cooperative agreement may include, but need not be limited to, the sharing in accordance with applicable law of all technical and licensing information, the utilization of available expertise, the facilitating of permitting procedures, joint project review, and the formulation of joint surveillance and monitoring arrangements to carry out applicable Federal and State laws. Such cooperative agreement shall provide procedures for negotiating and resolving objections of the State or Indian tribe in any stage of the planning, siting, development, construction, or operation of such a facility within the State: Provided, however, That any such agreement shall not affect the Nuclear Regulatory Commission's authority under existing law.

(d) For the purpose of this part of this title, "process of consultation and concurrence" means a methodology by which the Secretary (A) keeps the State or affected Indian tribe fully and currently informed about the aspects of the project related to any potential impact on the public health and safety, (B) solicits, receives, and evaluates concerns and objections of the State or affected Indian tribe with regard to such aspects of the project on an ongoing basis, and (C) works diligently and cooperatively to resolve, through arbitration or other appropriate mechanisms, such concerns and objections.

(e) The Secretary and the State or affected Indian tribe shall seek to conclude the agreement required by subsection (b) not later than one year after the date of notification under section (a). The Secretary shall report to the Congress annually thereafter on the status of the agreement approved under subsection (c). Any report to the Congress on the status of negotiations under subsection (b) of the agreement under subsection (c) by the Secretary shall be accompanied by comments solicited by the Secretary from the State or affected Indian tribe.

(f)(1) The Secretary shall notify the Governor, the State legislature, and the Tribal Council of any affected Indian tribe in an affected State at least ninety days prior to submitting an application to the Commission for authorization to construct a repository or retreivable, monitored storage facility of the Secretary's intention to file such application.

(2) If at any time after the Governor or an affected Indian tribe has received the notice required under paragraph (1), but no later than ninety days after receipt of such notice, the Governor or the Indian tribe notifies the Secretary in writing of objections to the proposed repository or retrievable, monitored storage facility, the Secretary shall promptly transmit such objections together with the Secretary's comments and recommendations to the Congress.

(3) If the Governor or the Indian tribe has filed objections in accordance with paragraph (2), the Secretary shall not submit such an application and shall suspend further site-specific activities on the proposed repository or retrievable, monitored storage facility if during the sixty-day period of continuous session following submittal to Congress of the objections, either House of Congress passes a resolution pursuant to section 703 stating in substance that the proposal for the repository or retrievable, monitored storage facility does not sufficiently address State and local concerns to permit the Secretary to apply to the Commission for an authorization to construct the facility.

SEC. 702. (a) For the purpose of this Act (1) continuity of session is broken only by an adjournment of Congress sine die; and (2) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of any period of time in which Congress is in continuous session.

(b) Sections 702 through 706 of this Act are enacted by Congress (1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by section 703 of this Act; and they supersede other rules only to the extent that they are inconsistent therewith; and (2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

SEC. 703. For the purposes of this Act "resolution" means only a resolution of either House of Congress, the matter after the resolving clause of which is as follows: "That the believes that the proposed development of a repository or retrievable, monitored storage facility at within the State of , which is the basis of objections transmitted to Congress by the Secretary of Energy on , 19 does not sufficiently address State and local concerns to permit the Secretary to apply to the Nuclear Regulatory Commission for an authorization to construct such repository or retrievable, monitored storage facility, the blank spaces therein being appropriately filled.

SEC. 704. (a) No later than the first day of session following the day on which objections by a State or Indian tribe are transmitted to the House of Representatives and the Senate under section 701(f), a resolution, as defined in section 703, shall be introduced (by request) in the House by the chairman of the committee to which the report is referred, or by a Member or Members of the House designated by such chairman; and shall be introduced (by request) in the Senate by the chairman of the committee to which the report is referred, or by a Member or Members of the Senate designated by such chairman.

(b) A resolution with respect to a proposed facility which is the basis of such objections shall be referred to the appropriate committees of the House and Senate (and all resolutions with respect to the same report shall be referred to the same committee) by the President of the Senate or the Speaker of the House of Representatives, as the case may be. The committee shall make its recommendations to the House of Representatives or the Senate, respectively, within forty-five calendar days of continuous session of Congress following the date of such resolution's introduction.

SEC. 705. If the committee to which is referred a resolution introduced pursuant to subsection (a) of section 704 (or, in the absence of such a resolution, the first resolution introduced with respect to the proposed facility which is the basis of such objections) has not reported such resolution or an identical resolution at the end of forty-five calendar days of continuous session of Congress after its introduction, such committee shall be deemed to be discharged from further consideration of such resolution and such resolution shall be placed on the appropriate calendar of the House involved.

SEC. 706. (a) When the committee has reported, or has been deemed to be discharged (under section 705) from further consideration of, a resolution under section 703, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. The motion shall not be subject to amendment, or to a motion to postpone, or a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the resolution shall remain the unfinished business of the respective House until disposed of.

(b) Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than ten hours, which shall be divided equally between individuals favoring and individuals opposing the resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to shall not be in order.

(c) Immediately following the conclusion of the debate on a resolution under section 703, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final approval of the resolution shall occur.

(d) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the precedure relating to a resolution under section 703 shall be decided without debate.

SEC. 707. In considering any objections by a State or Indian tribe submitted to the Congress pursuant to this title, the Congress may obtain the views and comments of the Nuclear Regulatory Commission on such objections. The provision of views by the Commission shall not be construed as binding the Commission with respect to any licensing action pertaining to the facility which is the subject of such objections.

SEC. 708. The passage of a resolution by the Congress pursuant to this title shall in no way be considered as binding with respect to any licensing action of the Nuclear Regulatory Commission pertaining to the facility which is the subject of such resolution.

And was reported from the Committee on Environment and Public Works, with an amendment to strike the language of the amendment of the Committee on Energy and Natural Resources, and insert the following:

That this Act may be cited as the "National Nuclear Waste Policy Act of 1981".

TITLE I—FINDINGS AND PURPOSE

FINDINGS

SEC. 101. The Congress finds and declares that—

(a) a reliable system adequate to provide sufficient electrical energy to meet the Nation's current and anticipated needs is an essential part of a comprehensive national energy policy and is vital to national security and public welfare;

(b) an adequate electrical system requires a diversified base of primary energy sources in order to avoid excessive reliance upon any single alternative energy source;

(c) a diverse base of primary energy sources can be achieved only if each available source competes on an equal footing in decisions on the siting and construction of facilities for generating commercial electric power;

(d) nuclear energy can—

(1) make a significant contribution to national supplies of electricity;

(2) offer site-specific advantages in environmental impact, cost, and fuel availability over other primary sources of energy; and

(3) help reduce United States dependence on insecure sources of foreign oil;

(e) lack of an effective Federal policy for the interim storage of spent fuel and disposal of nuclear waste from civilian nuclear activities unreasonably burdens the choice of nuclear energy as an alternative primary source in decisions on siting and construction and operation of powerplants and unduly constrains efforts to establish a diverse base of primary energy sources;

(f) the persons owning and operating civilian nuclear powerplants have the primary responsibility for providing for the interim storage of spent fuel from civilian nuclear powerplants, but the Federal Government has the responsibility to provide sufficient capacity for interim storage of spent fuel for those civilian nuclear powerplants that cannot reasonably provide adequate onsite storage capacity when needed to assure the continued, orderly operation of the powerplant;

(g) the Federal Government has the responsibility for the disposal of high-level radioactive waste from civilian nuclear activities in order to protect the public health and the safety, the environment, and the common defense and security;

(h) the costs associated with the storage and disposal of nuclear waste from civilian activities should, to the greatest extent possible, be borne by the direct beneficiaries of such activities and should be considered in the selection or rejection of nuclear energy over alternative primary energy sources;

(i) the technology exists and is under development which would provide reasonable assurance that spent fuel and high-level radioactive waste can be safely disposed of and that disposal facilities for spent fuel and high-level wastes can be available when needed;

(j) nuclear wastes generated in the national defense program have been accumulating for more than thirty years, and spent nuclear fuel and nuclear wastes from the commercial industry are increasing rapidly;

(k) nuclear waste has become a major issue of public concern, and stringent precautions must be taken to ensure that nuclear wastes do not adversely affect the public health and safety of this or future generations;

(l) the siting, development, and loading of nuclear waste repositories are responsibilities of the Federal Government;

(m) public confidence in the ability of the Federal Government to manage a program providing for the safe and permanent disposal of nuclear wastes must be substantially increased if nuclear power is to contribute significantly to meeting the energy needs of the United States in the future;

(n) Federal nuclear waste disposal programs have been ineffective due to—

(A) inadequate coordination among the various Federal agencies and departments which have responsibilities relating to nuclear waste management; and

(B) the lack of a policymaking process which integrates the views of all Federal agencies and departments into a comprehensive Government-wide policy;

(o) the Secretary must increase his efforts to consult and cooperate with States and localities concerning Federal repository siting, development, and loading activities;

(p) a successful nuclear waste management strategy requires the full participation of State and local officials, Indian representatives and the public in a step-by-step, technologically sound program, to promote public confidence in the safe disposal of nuclear waste, consistent with the responsibility of the Federal Government to determine public health and safety matters related to such program; and

(q) the first step in a successful nuclear waste management strategy is the establishment of a national schedule for the development of programs and facilities for the storage and disposal of high-level radioactive waste and spent fuel in a timely manner.

PURPOSE

SEC. 102. The purpose of this Act is to—

(a) assume the Federal responsibility for the acquisition and interim storage of spent fuel from civilian nuclear powerplants where needed to assure the orderly operation of such plants, and for the disposal of high-level radioactive waste from civilian nuclear activities;

(b) establish a definite Federal policy for the disposal of high-level radioactive waste from civilian nuclear activities and a national schedule for developing the facilities and programs needed to carry out that policy in a timely manner;

(c) authorize the Secretary to—

(1) acquire or construct at least one facility for the interim storage of spent fuel from civilian nuclear powerplants not to exceed a specified total storage capacity; and

(2) establish systems for the long-term storage and disposal of high-level radioactive waste generated by civilian nuclear activities, and to develop, construct and put in operation the facilities comprising these systems;

(d) establish a system for financing the construction, operation, and maintenance of Federal storage and disposal facilities for high-level radioactive waste and spent fuel from civilian nuclear activities;

(e) improve coordination of Federal nuclear waste management programs; and

(f) provide for improved consultation and cooperation between the Department of Energy and States and localities concerning Federal storage and repository siting and development activities, consistent with the responsibility of the Federal Government to determine public health and safety matters related to such activities.

TITLE II—DEFINITIONS AND GENERAL PROVISIONS

SEC. 201. As used in this Act the term—

(1) "civilian nuclear powerplant" means a utilization or production facility required to be licensed under section 103 or 104 b. of the Atomic Energy Act of 1954, as amended;

(2) "Commission" means the Nuclear Regulatory Commission;

(3) "disposal" means the long-term isolation of high-level radioactive waste or spent fuel in a repository;

(4) "environmental impact statement" means any document prepared pursuant to or in compliance with the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969 (83 Stat. 852);

(5) "Secretary" means the Secretary of the Department of Energy;

(6) "spent fuel" means nuclear fuel that has been irradiated in and recovered from a civilian nuclear powerplant or from other civilian nuclear activities;

(7) "Department" means the Department of Energy;

(8) "Governor" means the Governor of a State, or successors to the Governor, during their respective terms of office, or their designees;

(9) "potentially acceptable site" means any site at which, after geologic studies and field mapping but before detailed geologic data gathering, the Department undertakes preliminary drilling and geophysical testing for the definition of site location;

(10) "high-level radioactive waste" means the highly radioactive wastes resulting from atomic energy defense activities of the Department or from the reprocessing of spent nuclear fuel, and includes both the liquid waste which is produced directly in reprocessing and any solid material into which such liquid waste is made;

(11) "repository" means a facility for the permanent, deep geologic disposal of high-level radioactive waste, transuranic contaminated waste, or spent fuel, whether or not such facility is designed to permit the subsequent recovery of such material, except for facilities to be used exclusively for research and development purposes containing an insignificant amount of such material;

(12) "storage" means retention of nuclear waste or spent fuel with the intent to recover such material for subsequent use, processing, or disposal;

(13) "affected State" means the State in which a long-term storage or disposal facility for high-level radioactive waste or spent fuel is proposed to be located;

(14) "Indian tribe" means an Indian tribe, as defined in the Indian Self-Determination and Education Assistance Act (Public Law 93-638);

(15) "affected Indian tribe" means any tribe within whose reservation boundaries a long-term storage or disposal facility for high-level radioactive waste or spent fuel is proposed to be located, or whose federally defined possessory or usage rights to other lands outside of the reservation's boundaries arising out of Congressionally ratified treaties may be substantially and adversely

affected by the locating of such a facility: *Provided*, That the Secretary of the Interior finds, upon the petition of the appropriate governmental officials of the tribe, that such effects are both substantial and adverse to the tribe;

(16) "site characterization" means the program of exploration and research, both in the laboratory and in the field, undertaken to establish the geologic conditions and the ranges of those parameters of a particular site relevant to the procedures under this part. Site characterization includes borings, surface excavations, excavation of exploratory shafts, limited subsurface lateral excavations and borings, and in situ testing needed to determine the suitability of the site for a geologic repository, but does not include preliminary borings and geophysical testing needed to decide whether site characterization should be undertaken; and

(17) "atomic energy defense activities of the Department" includes those activities and facilities of the Department of Energy carrying out the functions of—

(i) naval reactors' development and propulsion;

(ii) weapons activities, verification, and control technology;

(iii) materials production;

(iv) inertial confinement fusion;

(v) defense waste management; and

(vi) defense nuclear materials, security, and safeguards,

all as included in the Department of Energy appropriations account in any fiscal year for such functions.

SEC. 202. (a) Except as provided in title VIII of this Act, the provisions of titles I through VI of this Act shall not apply to the atomic energy defense activities of the Department.

(b) The provisions of title VII shall apply to any repository or any retrievable, monitored storage facility in the atomic energy defense activities of the Department, that is required by law to be licensed by the Commission.

SEC. 203. Add a new subsection 57(e) to the Atomic Energy Act of 1954, as amended, as follows: "Special nuclear material, as defined in section 11, produced in facilities licensed under section 103 or 104 may not be transferred, reprocessed, used or otherwise made available by any instrumentality of the United States or any other person for nuclear explosive purposes.".

TITLE III—INTERIM STORAGE OF SPENT FUEL FROM CIVILIAN NUCLEAR POWERPLANTS

SEC. 301. (a) It is the policy of the Federal Government that—

(1) the persons owning and operating civilian nuclear powerplants have the primary responsibility for providing interim storage of spent fuel from such powerplants, by maximizing, to the extent practical, the effective use of existing storage facilities at the site of each civilian nuclear powerplant, by adding new onsite storage capacity in a timely manner where practical, and by the use of privately owned and operated offsite storage facilities where practical;

(2) the Federal Government has the responsibility to encourage and expedite the effective use of existing storage facilities and the addition of needed new storage capacity at the site of each civilian nuclear powerplant; and

(3) the Federal Government has the responsibility to provide, as soon as possible, sufficient capacity for interim storage of spent fuel for those civilian nuclear powerplants that cannot reasonably provide adequate storage capacity at the site of the powerplant when needed to assure the continued, orderly operation of the powerplant.

(b) The policy under subsection (a) shall provide for—

(1) the utilization of available spent fuel pools at the site of each civilian nuclear powerplant to the extent practical and the addition of new spent fuel storage capacity where practical, either at the site of the powerplant or at a privately owned and operated offsite storage facility; and

(2) the establishment of a federally owned and operated system for the interim storage of spent fuel at one or more away-from-reactor facilities with a limited capacity sufficient to prevent disruptions in the orderly operation of nuclear powerplants that cannot reasonably provide adequate spent fuel storage capacity at the powerplant site when needed.

SEC. 302. (a) The Secretary, consistent with such criteria as he prescribes under the policy set forth in section 301 and as are required under this section, shall offer to enter into, and may enter into, contracts with persons owning and operating civilian nuclear powerplants that the Secretary determines cannot reasonably provide adequate spent fuel storage capacity at the powerplant site to ensure the continued orderly operation of the powerplant, through the maintenance of a full core reserve storage capability at the powerplant site, by utilizing available spent fuel pools to the extent practical, by adding new spent fuel storage capacity at the site of the powerplant, by the transshipment of such fuel to another powerplant within a utility system, or by utilization of privately owned and operated offsite storage facilities: *Provided, however*, That the Secretary shall not enter into contracts for spent fuel in amounts in excess of the available storage capacity specified in section 305(a). Those contracts shall provide that the Federal Government will (1) take title at the powerplant site, to such amounts of spent fuel from the powerplants as the Secretary determines cannot be stored onsite, (2) transport the spent fuel to a federally owned and operated interim away-from-reactor storage facility, and (3) store such fuel in the facility pending further processing, storage, or disposal. The Secretary shall report to the Congress on an annual basis on the amount of spent fuel for which commitments have been made pursuant to this section.

(b) Not later than ninety days after the date of enactment of this Act, the Secretary shall propose, by rule, procedures, and criteria for making the determination required by subsection (a) that a nuclear powerplant cannot reasonably provide adequate spent fuel storage capacity at the powerplant site when needed to ensure the continued orderly operation of the powerplant through the maintenance of a full core reserve storage capability. The criteria shall identify the feasibility, taking into account economic, technical, regulatory, and public health and safety factors, of maintaining a full core reserve capability at the powerplant site through the use of high-density fuel storage racks, fuel rod compaction, the transshipment of spent fuel to another powerplant within a given utility system, construction of additional spent fuel pool capacity, utilization of available privately owned and operated offsite storage facilities, or such other alternate technologies as the Commission may approve under section 311(b).

(c) Nothing in this Act authorizes the Secretary to take title to spent fuel, transport spent fuel, store or dispose of spent fuel or the waste products associated with spent fuel from a nuclear powerplant not located within the United States.

SEC. 303. A contract entered into under section 302 shall provide—

(a) for a one-time payment at the time the Federal Government acquires the spent fuel of a charge per unit of spent fuel, as such unit is defined by the Secretary, which charge is determined by the Secretary to be adequate to cover—

(1) the cost of transportation of such spent fuel; and

(2) the proportion of the costs of the construction and operation, maintenance and decommissioning of Federal interim away-from-reactor storage facilities, which proportion is associated with such spent fuel;

(b) for the retention by the owner of such spent fuel of a nontransferable right to the value of the remaining fuel resource less the costs of recovery, as determined at the time of recovery. The right ends when the Federal Government—

(1) takes action resulting in the recovery of the remaining fuel resource and gives to the owner of the right an amount of money equal to the value of the recovered fuel less the costs of recovery; or

(2) disposes of such fuel in a repository;

(c) that title to the spent fuel together with all rights to such fuel, except as otherwise provided in this Act, passes to the Secretary at the site of the powerplant at the time the Secretary takes possession of the spent fuel; and

(d) that the contract becomes effective when the interim away-from-reactor storage facility is available as determined by the Secretary by notice in the Federal Register.

SEC. 304. (a) The Secretary shall provide notice of intent to enter into such contracts by publishing notice in the Federal Register not later than one hundred and eighty days after the date of enactment of this Act. Such notice shall contain such information as the Secretary considers appropriate concerning proposed terms and conditions of such contracts.

(b) The Secretary shall establish the one-time payment charge per unit of spent fuel required by section 303(a) on an annual basis, based on calculation of the costs listed in section 303(a), and shall publish such annual one-time payment charge and the calculation thereof in the Federal Register. Each such annual one-time payment charge shall become effective thirty days after publication and shall remain effective for a period thereafter of twelve months as the charge for the costs listed in section 303(a) for any spent fuel, title to which is transferred to the Federal Government during that twelve-month period.

SEC. 305. (a) To the extent funds are available and in such amounts as are provided in appropriations Acts, the Secretary shall construct, acquire, or lease one or more away-from-reactor facilities for the interim storage of spent fuel from civilian nuclear powerplants with a total storage capacity at all such facilities of not more than two thousand eight hundred metric tons of uranium. The facilities shall—

(1) be made available in a timely manner to accommodate all spent fuel for which commitments have been made pursuant to section 302 of this Act; and

(2) be subject to a license under the provisions of section 202(3) of the Energy Reorganization Act of 1974 (88 Stat. 1233), as amended: *Provided*, That in determining whether to issue a license for such a facility,

the Commission shall not consider the need for the facility. The Secretary shall submit to the Commission an application to construct, acquire or lease, and operate such facility not later than such date as necessary to accommodate in a timely manner all spent fuel requiring away-from-reactor storage pursuant to any determinations under section 302 of this Act. When the Secretary submits such an application to the Commission, the Secretary shall also submit a report to the Congress describing the amount of spent fuel for which commitments have been made pursuant to section 302 and the date by which the facility is needed to accommodate in a timely manner the storage of the spent fuel.

The Secretary shall not acquire any away-from-reactor facility under this section if the cost of acquiring the facility exceeds the cost of constructing a new away-from-reactor facility of equal capacity.

(b) The Secretary, in providing for the transportation of spent fuel under this Act, shall utilize by contract private industry to the fullest extent possible in each aspect of such transportation. The Secretary shall use direct Federal services for such transportation only upon a determination of the Secretary of Transportation, in consultation with the Secretary, that private industry is unable or unwilling to provide such transportation services at reasonable cost. The authority of the Secretary to enter into contracts under this section shall be limited to the extent or in such amounts as are provided in appropriations Acts.

(c) The Secretary and the Commission, on a continuing basis, shall analyze and make projections of the availability when needed of spent fuel transportation casks required to support transportation requirements pursuant to subsection (b). The Secretary and the Commission are authorized and directed to take such actions as the Secretary and the Commission, respectively, deem necessary and appropriate to ensure the timely availability when needed of such spent fuel transportation casks.

SEC. 306. When an interim away-from-reactor storage facility is available, the Secretary shall take possession of and transport to a designated storage facility any spent fuel covered by a contract made under section 302 of this Act. The Secretary shall take this action within one year after the date on which the owner of such spent fuel provides notice in writing to the Secretary that such spent fuel is available.

SEC. 307. Funds made available to the Secretary for the purpose of—

(a) acquiring plant and capital equipment or land; or

(b) for planning, construction, or modification of facilities,

to make available facilities for the interim storage of spent fuel from civilian nuclear powerplants away from the reactor under any law making appropriations of funds or authorizations for appropriations of funds for the fiscal year ending September 30, 1979, or the fiscal year ending September 30, 1980, including funds authorized and appropriated for Project 79-1-p (away-from-reactor spent nuclear fuel storage capacity) in legislation authorizing appropriations for the Department of Energy for the fiscal year ending September 30, 1980, shall be available to carry out the purposes of section 305.

SEC. 308. (a) In carrying out the provisions of sections 301 through 307 with regard to any facility for the interim storage of spent fuel from civilian nuclear powerplants which the Secretary is authorized by section 305(a) to construct, acquire or lease, the Secretary shall—

(1) as soon as practicable, but not later than ninety days after enactment of this section, notify in writing the Governor and the legislature of any State in which is located a potentially acceptable site for such a facility or an existing facility potentially suitable for interim storage of spent fuel of his intention to investigate that site or facility;

(2) during the course of investigation of such site or facility, keep the Governor and the legislature currently informed of the progress of work and results of the investigation;

(3) at the time of selection by the Secretary of any site or existing facility, but prior to undertaking any site-specific work or alterations, promptly notify the Governor and the legislature in writing of such selection;

(4) throughout the course of any subsequent work on that site or existing facility, furnish the Governor all relevant information on a current basis and provide him with the opportunity for review and comment from time to time.

(b) If within ninety days after the Governor has received notice of selection required by subsection (a)(3), the Governor notifies the Secretary in writing of his objections to the facility, the Secretary shall suspend further work on such facility and promptly transmit the Governor's objections together with the Secretary's comments and recommendations to the President.

(c) Unless within ninety days after receipt of the Secretary's notification under subsection (b) the President determines that such facility is essential to the national interest, the Secretary shall terminate activities specific to the facility. Such determination shall not be subject to judicial or administrative review.

(d) During the regulation and monitoring of the facility, the Governor or his designee shall have the right to be currently informed of all relevant information, and shall have the right to review and comment on such matters from time to time.

SEC. 309. Section 202(3) of the Energy Reorganization Act of 1974 is amended to read:

"(3) Facilities used primarily for the receipt and storage or disposal of high-level radioactive waste or spent fuel resulting from activities licensed under such Act or spent fuel from foreign reactors transferred under a subsequent arrangement authorized under such Act.".

SEC. 310. Transportation of spent fuel under section 306 shall be subject to licensing and regulation by the Commission and by the Secretary of Transportation as provided for transportation of commercial spent fuel under existing law.

SEC. 311. (a) The Secretary, the Commission, and other appropriate Federal officials shall take such actions as they consider necessary to encourage and expedite the effective use of existing storage facilities and the addition of needed new storage capacity at the site of each civilian nuclear powerplant consistent with—

(1) the protection of the public health, safety, and the environment;

(2) economic considerations;

(3) continued operation of the powerplant; and

(4) otherwise applicable law.

(b) The Secretary, in consultation with the Commission, shall establish a cooperative program to assist and encourage the private development of alternate technologies for the storage of spent fuel at the sites of civilian nuclear powerplants, with the objective of developing one or more alternate technologies that the Commission can adopt by rule on a generic basis for use at the sites of all civilian nuclear powerplants without the need for additional site-specific approvals by the Commission to the maximum extent practicable. For the purposes of this subsection, "alternate technologies" shall include, but are not limited to, spent fuel storage casks.

SEC. 312. (a) Any person filing an application with the Commission after the date of enactment of this Act for a license, or for an amendment to an existing license, to expand the spent fuel storage capacity at the site of a civilian nuclear powerplant, through the use of high-density fuel storage racks, fuel rod compaction, the transshipment of spent fuel to another powerplant within a utility system, the construction of additional spent fuel pool capacity, or by other means, may submit a petition to the Commission for issuance of the license or license amendment on an interim basis prior to the conduct or completion of any required hearing upon such application. Any petition submitted under this section shall include a statement of the reasons why the application for the license or amendment was not submitted sufficiently in advance to eliminate the need for issuance of the license or license amendment on an interim basis.

(b) The Commission shall grant the petition submitted under subsection (a) and issue the license or license amendment on an interim basis if the Commission determines that—

(1) in all respects other than the conduct or completion of any required hearing, the requirements of law are met;

(2) in accordance with such requirements, there is reasonable assurance that the activities authorized by the license or license amendment during the interim period, in accordance with the terms and conditions of such license or license amendment, will provide adequate protection to the public health and safety and the environment during the interim period; and

(3) there is a reasonable expectation that refusal to grant the petition will prevent the petitioner from providing in a timely manner adequate capacity for spent fuel storage at the site of the powerplant to maintain a full core reserve storage capability:

Provided, however, that the Commission may not issue a license or license amendment on an interim basis for the first application received by the Commission for the license or license amendment to expand onsite spent fuel storage capacity by the use of a new technology not previously approved for use at any nuclear powerplant by the Commission.

SEC. 313. (a) In any Commission hearing pursuant to section 189 of the Atomic Energy Act of 1954, as amended, on an application for a license, or for an amendment to an existing license, filed after the date of enactment of this Act, to expand the spent fuel storage capacity at the site of a civilian nuclear powerplant, through the use of high-density fuel storage racks, fuel rod compaction, the transshipment of spent fuel to another such powerplant within a utility system, the construction of additional spent fuel pool capacity or dry storage capacity, or by other means, the Commission shall, at the request of any party, provide an oppor-

tunity for oral argument with respect to any matter which the Commission determines to be in controversy among the parties. The oral argument shall be preceded by such discovery procedures as the rules of the Commission shall provide. The Commission shall require each party, including the Commission staff, to submit in written form, at the time of the oral argument, all the facts, data and arguments upon which that party proposes to rely that are known at such time to that party.

(b)(1) At the conclusion of any oral argument under subsection (a) of this section, the Commission shall designate any disputed question of fact, together with any remaining questions of law, for resolution in an adjudicatory hearing only if it determines that—

(A) there is a genuine and substantial dispute of fact which can only be resolved with sufficient accuracy by the introduction of evidence in an adjudicatory hearing; and

(B) the decision of the Commission is likely to depend in whole or in part on the resolution of such dispute.

(2) In making a determination under this subsection, the Commission shall designate in writing the specific facts that are in genuine and substantial dispute, the reason why the decision of the agency is likely to depend on the resolution of such facts, and the reason why an adjudicatory hearing is likely to resolve the dispute.

(c) No court shall hold unlawful or set aside a decision of the Commission in any proceeding described in subsection (a) because of a failure by it to use a particular procedure pursuant to this section unless—

(A) an objection to the procedure used was presented to the Commission in a timely fashion or there are extraordinary circumstances that excuse the failure to present a timely objection, and

(B) the court finds that such failure has precluded a fair consideration and informed resolution of a significant issue of the proceeding taken as a whole.

SEC. 314. In any proceeding on an application for a license, or for an amendment to an existing license, filed after the date of enactment of this Act, to expand the spent fuel storage capacity at the site of a civilian nuclear powerplant, through the use of high-density fuel storage racks, fuel rod compaction, the transshipment of spent fuel to another such powerplant within a utility system, the construction of additional spent fuel pool capacity or dry storage capacity or by other means, the Commission shall not consider as alternatives the storage of spent fuel in away-from-reactor storage facilities.

TITLE IV—DISPOSAL OF HIGH-LEVEL RADIOACTIVE WASTE AND SPENT FUEL FROM CIVILIAN NUCLEAR ACTIVITIES

SEC. 401. (a) It is the policy of the Federal Government that—

(1) the Federal Government has the responsibility to provide for the permanent disposal of solidified high-level radioactive waste and spent fuel from civilian nuclear activities;

(2) spent fuel, unless otherwise processed, and high-level radioactive waste from civilian nuclear activities must be permanently disposed of in a federally owned and operated repository;

(3) the Federal Government has the responsibility to assure that repositories capable of safely disposing of solidified high-level radioactive waste and spent fuel from civilian nuclear activities are available with sufficient capacity when needed; and

(4) the Federal Government has the responsibility to demonstrate as soon as possible that high-level waste and spent fuel from civilian nuclear activities can be disposed of in a manner that provides adequate protection to the public health, safety, and the environment.

(b) The policy under subsection (a) shall provide for—

(1) the establishment of a federally owned and operated program for the siting, development, construction, and operation of repositories capable of safely disposing of solidified high-level radioactive waste and spent fuel from civilian nuclear activities, which repositories are to be licensed by the Commission;

(2) a national schedule for accomplishing the regulatory and programmatic actions needed to achieve the objective of obtaining by January 1, 1991, a Commission authorization to construct the first full-scale, operational repository capable of safely disposing of solidified high-level radioactive waste and spent fuel from civilian nuclear activities, and achievement of operational status for the repository as soon thereafter as possible; and

(3) the development, construction, and operation of at least one test and evaluation facility for the purpose of developing the packaging, handling, and emplacement technology for solidified high-level radioactive waste and spent fuel needed to further the demonstration of disposal of such waste and spent fuel, with the objective of achieving operational status of one such facility by January 1, 1988.

DEVELOPMENT OF EPA STANDARDS AND NRC TECHNICAL CRITERIA

SEC. 402. (a) EPA STANDARDS.—Not later than January 1, 1982, the Administrator of the Environmental Protection Agency, pursuant to authority under existing law, shall, by rule, propose generally applicable standards for offsite releases of radionuclides from repositories capable of disposing of solidified high-level radioactive waste and spent fuel from civilian nuclear activities. Promulgation of these standards shall occur within a period not greater than one year after proposal.

(b) NRC TECHNICAL CRITERIA.—Not later than January 1, 1984, the Commission, pursuant to authority under existing law, shall, by rule, promulgate technical criteria for review of an application—

(1) for authority to construct a repository capable of disposing of solidified high-level radioactive waste and spent fuel from civilian nuclear activities, or

(2) for a license to emplace such waste and spent fuel in the repository.

Such criteria shall provide for the use of a system of multiple barriers in the design of the repository and shall include such restrictions on the retrievability of the waste and spent fuel emplaced in the repository as the Commission deems appropriate.

IDENTIFICATION OF SITES FOR REPOSITORIES

SEC. 403. (a) GUIDELINES FOR REPOSITORY SITE RECOMMENDATION.—Not later than January 1, 1983, the Secretary, in consultation with the Environmental Protection Agency, and the United States Geological Survey, and with the concurrence of the Commission, shall issue general guidelines for the recommendation of sites for repositories capable of safely disposing of solidified high-level radioactive waste and spent fuel from civilian nuclear activities. The guidelines shall include detailed geologic criteria to be considered in selecting sites for respositories and shall specify factors that would disqualify a site from development as a repository, including factors pertaining to the location of valuable natural resources, proximity to population, hydrogeophysics, seismic activity, and nuclear defense activities. The guidelines shall require the Secretary to consider the various geologic media in which sites for repositories may be located and, to the extent practicable considering the schedule of actions contained in this title, to recommend sites in different geologic media. The guidelines also shall require the Secretary to consider the cost and impact of transporting to the respository site the solidified high level radioactive waste and spent fuel to be disposed of in the respository and the advantages of regional distribution in the siting of repositories. The Secretary shall use the guidelines established under this subsection in considering sites to be recommended under subsection (b).

(b) SITE RECOMMENDATIONS BY THE SECRETARY.—

(1) Not later than January 1, 1984, the Secretary shall identify and recommend to the President at least three sites that the Secretary determines are suitable for site characterization for the selection of the first repository. Not later than January 1, 1987, the Secretary shall identify and recommend to the President at least three additional sites, which the Secretary determines are suitable for site characterization for selection of subsequent repositories. The Secretary shall not recommend for characterization any area of a site used for the test and evaluation facility pursuant to section 407 that would permit the physical integration of the test and evaluation facility and a proposed repository. Each recommendation of a site shall include a detailed statement of the basis for the recommendation. If the Secretary recommends a site to the President, the Secretary shall notify the Governor of the State in which the site is located and the Tribal Council of any affected Indian tribe of the Secretary's recommendation and the basis for such recommendation.

(2) Before recommending to the President any site for characterization, the Secretary shall notify the Governor of the State in which the site is located and the Tribal Council of any affected Indian tribe of the proposed recommendation, and the Secretary shall hold public meetings in the vicinity of the site to inform the residents of the area in which the site is located of the proposed recommendation and to receive their comments.

(c) PRESIDENTIAL REVIEW OF RECOMMENDED SITES.—

(1) The President shall review each site recommendation of the Secretary under subsection (b). Within sixty days after the submission of each recommendation for a site, the President in his discretion shall either approve or disapprove the site, and transmit his decision to the Secretary, to the Governor of the State in which each site is located, and to the Tribal Council of any affected Indian tribe. If the President disapproves any site, the Secretary shall make another site recommendation within sixty days after the President's disapproval. If the President fails to approve or disapprove any site in accordance with this paragraph during such sixty-day period, or within such period fails to invoke his authority under paragraph (2) to delay the determination, the site shall be considered to be approved.

(2) The President may delay for not more than six months his decision under paragraph (1) to approve or disapprove a site upon determining that the information provided with the recommendation is not sufficient to permit a decision within the sixty-day period referred to in paragraph (1). The President may invoke his authority under this paragraph by submitting written notice to the Congress, within such period, of his intent to utilize the authority provided under this paragraph. If the President invokes this authority under this paragraph but fails to approve or disapprove the site at the end of such six-month period, the site shall be considered to be approved.

(d) Any activity of the President or the Secretary under this section shall be considered a preliminary decisionmaking activity and shall not be subject to the National Environmental Policy Act of 1969 (83 Stat. 852).

SITE CHARACTERIZATION

SEC. 404. (a) The Secretary shall carry out in accordance with this section appropriate site characterization activities at each site approved under section 403. Site characterization activities shall be subject to the National Environmental Policy Act of 1969 (83 Stat. 852) only in the manner described in subsection (b)(1)(A) below.

(b)(1) Before proceeding to sink shafts at any site, the Secretary shall submit for such site to the Commission, to the Governor of the State in which the site is located, and to the Tribal Council of any affected Indian tribe, for their review and comment—

(A) an environmental assessment prepared pursuant to the Secretary's regulations implementing the National Environmental Policy Act of 1969 (83 Stat. 852) of the site characterization activities planned for such site, and a discussion of alternative activities for purposes of site characterization which may be undertaken to minimize such impacts;

(B) a general plan for site characterization activities to be conducted at such site, which plan shall include—

(i) a description of the site;

(ii) a description of the site characterization activities, including the extent of planned excavations, plans for any onsite testing of radioactive material or nonradioactive material, investigation activities that may affect the ability of the site to isolate radioactive waste and spent fuel, and provisions to control likely adverse, safety-related impacts from site characterization activities;

(iii) plans for decontaminating and decommissioning the site if it is determined unsuitable for application for licensing as a repository and if any radioactive materials are used for site characterization; and

(iv) any other information required by the Commission; and

(C) proposals describing the possible form of packaging for the waste material and spent fuel that would be emplaced in the repository.

(2) During the conduct of site characterization activities at a site, the Secretary shall report to the Commission, to the Governor of the State in which the site is located, and to the Tribal Council of any affected Indian tribe, on the nature and extent of such activities and the information developed from such activities.

(c) The Secretary, in consultation with the Commission, shall conduct such tests and research and development activities as may be required to provide the necessary data for an application for a construction authorization by the Commission for a repository at the site and for the compliance with the National Environmental Policy Act of 1969 (83 Stat. 852). The Secretary shall report to the Commission, to the Governor of the State in which the site is located, and to the Tribal Council of any affected Indian tribe, on the tests conducted at a site pursuant to this subsection and on the information developed from such tests.

(d)(1) In conducting site characterization activities or tests pursuant to subsection (c)—

(A) the Secretary may use such radioactive materials at a site as the Secretary and the Commission deem necessary to provide data for the submission of an application for a construction authorization for a repository at the site;

(B) if radioactive materials are placed in a site, the Secretary shall limit the amount of radioactive materials to that quantity necessary to determine the suitability of the site for a repository and to provide data for the submission of an application for a construction authorization for a repository at the site; and

(C) any radioactive material used or placed on a site shall be fully retrievable.

(2) If characterization activities are terminated at a site for any reason, the Secretary shall remove any nuclear waste, spent fuel, or other radioactive materials at or in the site as promptly as practicable.

SITE APPROVAL AND CONSTRUCTION AUTHORIZATIONS

SEC. 405. (a) The Secretary shall recommend to the President not later than January 1, 1987, that the President approve one of the three initially characterized sites for the development of the first repository. The Secretary shall recommend to the President not later than January 1, 1990, that the President approve one or more additional sites from all of the characterized sites for the development of subsequent repositories. In making subsequent site recommendations and approvals, the Secretary and the President, respectively, shall consider the need for regional distribution of repositories and the need to minimize, to the extent practicable, the impacts and cost of transporting spent fuel and solidified high level radioactive waste. Prior to submitting each recommendation to the President for approval of a site, the Secretary shall hold public meetings in the vicinity of the site to inform the residents of the area in which the site is located of the determination of the Secretary and to receive their comments. Any recommendation made by the Secretary pursuant to this subsection shall be considered a major Federal action significantly affecting the quality of the human environment for purposes of the National Environmental Policy Act of 1969 (83 Stat. 852). A final environmental impact statement prepared pursuant to the National Environmental Policy Act of 1969 (83 Stat. 852), prepared by the Secretary, shall accompany the recommendation to the President to approve the site for a repository. With respect to the requirements imposed by the National Environmental Policy Act of 1969 (83 Stat. 852), this Act shall be deemed adequate consideration of the need for a repository, the time of the initial availability of a repository, and all alternatives to a repository for the isolation of spent fuel and solidified high level radioactive waste, and no further consideration of such matters shall be required. The Secretary need only consider as alternate sites for the first proposed facility those sites recommended by January 1, 1984, by the Secretary pursuant to section 403(b) and approved by the President for site characterization pursuant to section 403(c). The Secretary need only consider as alternate sites for subsequent proposed facilities those sites recommended by the Secretary by January 1, 1984, and by January 1, 1987, pursuant to section 403(b) and approved by the President for site characterization pursuant to section 403(c). Preparation of the final environmental impact statement by the Secretary in accordance with this subsection, with coordination and comments by the Commission and other interested agencies, shall satisfy the requirements of the National Environmental Policy Act of 1969 (83 Stat. 852) with regard to the selection of a site for, and the decision of the Secretary to construct and operate a repository: *Provided*, That this subsection shall not be construed in any way as amending the National Environmental Policy Act of 1969 (83 Stat. 852).

(b) The President shall approve or disapprove any recommendation of the Secretary pursuant to subsection (a) within sixty days after the recommendation is submitted. If the President disapproves any recommendation, the Secretary shall make another recommendation from among the characterized sites within sixty days after the President's disapproval.

(c) The Secretary shall submit to the Commission an application for authorization to construct a repository at each site approved by the President within ninety days after the date on which the President approves a site under subsection (b). The Secretary shall provide a copy of such license application to the Governor of the State in which the site is located and to the Tribal Council of any affected Indian tribe.

(d) Not later than eighteen months after the date on which an application is submitted under subsection (c), the Commission shall submit to the Congress a report describing the proceedings on the application undertaken through such date, including a description of—

(1) major unresolved safety issues, and the Secretary's explanation of design and operation plans for resolving such issues;

(2) matters of contention regarding the application; and

(3) any Commission actions regarding the granting or denial of the application.

(e) The Commission shall consider an application for authorization to construct a repository in accordance with the laws applicable to such applications, except that the Commission shall issue a final decision approving or disapproving the first such application not later than January 1, 1991, and the second such application not later than January 1, 1994. The Commission decision approving the first such application shall limit the available capacity of the first repository to not more than seventy thousand metric tons of heavy metal from spent fuel and solidified high-level radioactive waste from civilian nuclear activities, and such quantities of solidified high-level radioactive waste from atomic energy defense activities of the Department as the Commission and the Secretary deem appropriate, until such time as a second repository is in operation.

(f) The Commission shall consider an application for authorization to construct a repository in accordance with the laws applicable to such applications, except that—

(1) the Commission need only consider as alternate sites for the first proposed facility those sites recommended by January 1, 1984, by the Secretary pursuant to section

403(b) and approved by the President for site characterization pursuant to section 403(c),

(2) the Commission need only consider as alternate sites for subsequent proposed facilities those sites recommended by the Secretary by January 1, 1984, and by January 1, 1987, pursuant to section 403(b) and approved by the President for site characterization pursuant to section 403(c), and

(3) the Commission shall rely on the environmental impact statement prepared by the Secretary pursuant to subsection 405(a) in issuing a final decision approving or disapproving the application to the extent possible, consistent with the independent responsibilities of the Commission, in order to minimize unnecessary duplication.

SEC. 406. The Secretary, the Commission, and other appropriate Federal officials shall take such actions as they consider necessary, consistent with the protection of the public health, safety, and the environment, to achieve operational status of a repository licensed under section 405(e) as soon thereafter as possible.

TEST AND EVALUATION FACILITY

SEC. 407. (a) Not later than January 1, 1983, the Secretary shall transmit to the Congress a proposal for at least one test and evaluation facility for the purpose of developing generically applicable packaging, handling, and emplacement technology for solidified high-level radioactive waste and spent fuel from civilian nuclear activities to further the demonstration of disposal of such waste and spent fuel. The proposal shall include site-specific designs, specifications, and cost estimates adequate to solicit bids for the construction of an initial facility, and a schedule for the construction of a facility, consistent with the objective of achieving facility operation not later than January 1, 1988. The proposal shall also include a detailed plan, schedule, and termination date for the generically applicable research and development activities proposed to be conducted at the test and evaluation facility.

(b) The Secretary may select an existing research and development site for the development of the test and evaluation facility. The Secretary shall not select any area of a site that the Secretary intends to recommend for characterization pursuant to section 403(b) that would permit the physical integration of the test and evaluation facility and a proposed repository.

(c) The facility shall be designed to—

(1) accept a total of not more than three hundred packages of solidified high-level radioactive waste and spent fuel;

(2) permit continuous monitoring, management, and maintenance of the solidified high-level radioactive waste and spent fuel to be emplaced in the facility;

(3) accept waste and spent fuel packages incorporating multiple barrier design; and

(4) permit full retrievability of the waste and spent fuel to be emplaced in the facility.

(d) In formulating the proposal, the Secretary shall consult with the Commission and the Environmental Protection Agency, and shall transmit their comments on the final proposal to the Congress together with the proposal.

(e)(1) Preparation and transmittal of the proposal to the Congress is not a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 (83 Stat. 852), but an environmental assessment prepared pursuant to the Secretary's regulations implementing the National Environmental Policy Act of 1969 (83 Stat. 852) shall be prepared on the proposal to accompany such transmittal.

(2) When Congress authorizes construction of the facility, the requirements of the National Environmental Policy Act shall apply, except that any environmental impact statement in connection with such facility need not consider the need for such facility or any alternative to the design criteria set forth in subsection (b), as may have been amended by such subsequent congressional authorization.

(f) Notwithstanding any other provision of law, the test and evaluation facility authorized under this section shall not be subject to a license by the Commission: *Provided, however,* That the Secretary shall obtain the concurrence of the Commission in the siting, design, construction, and operation of the facility.

NATIONAL SITE SURVEY PROGRAM

SEC. 408. (a) The Secretary and the United States Geological Survey shall conduct a national site survey program, to be completed not later than January 1, 1986, for the purpose of identifying sites that may be suitable for site characterization for a repository in addition to those recommended by the Secretary under section 403(b).

(b) The national site survey program established by subsection (a) shall include every State that may contain acceptable sites for a repository. No State shall have the authority to refuse to participate in the program.

(c) The Secretary shall use the results of the national site survey program established by subsection (a) in identifying and recommending sites for the characterization of subsequent sites pursuant to section 403(b).

SEC. 409. The Secretary shall continue and accelerate a program of research, development, and investigation of alternative means and technologies for the permanent disposal of high-level radioactive waste from civilian nuclear activities, atomic energy defense activities of the Department, and Federal research and development activities. Such program shall include examination of various waste disposal options.

SEC. 410. (a) The Secretary, consistent with the policy set forth in section 401, is authorized and directed to enter into contracts with persons owning and operating civilian nuclear powerplants, and with persons owning spent fuel or high-level radioactive waste generated by civilian nuclear activities prior to the date of enactment of this Act.

(b) The contracts entered into under subsection (a) shall provide that in return for the payment of the fees established by section 603 (a) and (c) of this Act, the Federal Government, beginning at the time when one or more federally owned and operated repositories or monitored, retrievable storage facilities are in operation, will—

(1) take title to the spent fuel and high-level radioactive waste owned or generated by such person,

(2) transport the spent fuel or high-level radioactive waste to a federally owned and operated repository or monitored, retrievable storage facility, and

(3) store or dispose of the spent fuel or high-level radioactive waste.

(c) The contracts entered into under subsection (a) shall also provide for the retention by the owner of spent fuel of a nontransferrable right to the value of the remaining fuel resource less the costs of recovery, as determined at the time of recovery. The right ends when the Federal Government—

(1) takes action resulting in the recovery of the remaining fuel resource and gives to the owner of the right an amount of money equal to the value of the recovered fuel less the costs of recovery; or

(2) disposes of such fuel in a repository.

SEC. 411. Not later than January 1, 1983, the Secretary shall prepare and submit to the Senate and the House of Representatives a detailed management plan for the actions required by this title. The plan shall identify the major program objectives, milestones, decisions and critical path items that are required to achieve the objectives set forth in this title.

TITLE V—LONG-TERM STORAGE OF HIGH-LEVEL RADIOACTIVE WASTE AND SPENT FUEL FROM CIVILIAN NUCLEAR ACTIVITIES

SEC. 501. Within two year after the date of a Commission approval of an application for authorization to construct a repository or a facility for the commercial reprocessing of civilian spent fuel, whichever first occurs, the Secretary shall transmit to the Congress a proposal for a facility for the long-term, retrievable, monitored storage of solidified high-level radioactive waste and spent fuel resulting from civilian nuclear activities. The facility shall be colocated at the site of the repository or reprocessing facility. The long-term storage of solidified high-level radioactive waste and spent fuel in the facility shall not constitute an alternative to the disposal of such waste or spent fuel in a repository. The facility shall be designed to—

(a) accommodate spent fuel and solidified high-level radioactive waste from civilian nuclear activities;

(b) permit continuous monitoring, management, and maintenance of the spent fuel and solidified high-level radioactive waste for the foreseeable future;

(c) provide for the ready retrieval of any spent fuel and solidified high-level radioactive waste; and

(d) safely contain such solidified high-level radioactive waste and spent fuel so long as may be necessary, by means of maintenance, including, but not limited to, replacement as necessary, of such facility.

SEC. 502. The proposal shall include—

(a) site-specific designs, specifications, and cost estimates adequate to solicit bids for the construction of an initial facility which will demonstrate the feasibility of long-term, retrievable, monitored storage of spent fuel and solidified high-level radioactive waste; and

(b) a plan for integrating such long-term, retrievable, monitored storage facility with the interim spent fuel storage facilities and repositories authorized by titles III and IV of this Act.

SEC. 503. In formulating the proposal, the Secretary shall consult with the Commission and the Environmental Protection Agency, and shall transmit their comments on the final proposal to the Congress together with the proposal.

SEC. 504. (a) Preparation and transmittal of the proposal to the Congress is not a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 (83 Stat. 852), but an environmental assessment prepared pursuant to the Secretary's regulations implementing the National Environmental Policy Act of 1969 (83

Stat. 852) shall be prepared on the proposal to accompany such transmittal based upon available information regarding alternative technologies for waste storage.

(b) When Congress authorizes construction of the initial facility, the requirements of the National Environmental Policy Act shall apply, except that any environmental impact statement in connection with such facility need not consider the need for the facility, alternate sites for the facility, or any alternative to the design criteria set forth in section 501 of this Act as may have been amended by such subsequent congressional authorization.

(c) Any facility authorized under this title shall be subject to a license under section 202(3) of the Energy Reorganization Act of 1974 (88 Stat. 1233), except that in its consideration of the application filed by the Secretary for the initial facility, the Commission may not consider the need for the facility, alternate sites for the facility, or any alternative to the design criteria set forth in section 501 of this Act but shall comply with the requirements of the licensing process as otherwise provided by law.

TITLE VI—FINANCIAL ARRANGEMENTS

SEC. 601. (a) There is hereby established in the Treasury of the United States a separate account to provide for costs directly related to (1) the acquisition, lease or construction, and operation of Federal away-from-reactor interim storage facilities for spent fuel in accordance with title III of this Act; (2) the development, including site selection and characterization, construction and operation of repositories for the disposal of such spent fuel or solidified high-level radioactive waste from civilian nuclear activities in accordance with title IV of this Act; (3) the development, including site selection, construction and operation of one or more test and evaluation facilities in accordance with title IV of this Act; (4) the development, including site selection construction and operation of facilities for the long-term storage of spent fuel or solidified high-level radioactive waste in accordance with title V of this Act; and (5) the related handling and transportation of such spent fuel or waste. Amounts appropriated under section 307 or otherwise appropriated to the Secretary to carry out any of the purposes of titles III, IV, V, and VI of this Act, all charges under section 303, receipts derived from the sale of any reprocessed fuel, all fees collected under section 603, and the proceeds from any obligations issued pursuant to section 602 of this title shall be deposited into the account.

(b) To the extent funds are available and in such amounts as are provided in appropriations Acts, the Secretary may draw on such account to carry out the purposes of titles III, IV, V, and VI of this Act: *Provided*, That the Secretary shall not construct or acquire any major nuclear waste facility unless the specific expenditure of funds for the initiation of such construction or acquisition is explicitly approved in an appropriation Act.

SEC. 602. (a) To carry out the purposes of this Act the Secretary may borrow money from the Treasury of the United States in amounts provided in appropriation Acts. The Secretary and the Secretary of the Treasury shall agree on terms, maturities, and conditions of the obligations, but the maturities may not be more than thirty years. The Secretary may redeem the obligations before maturity. The Secretary of the Treasury shall decide the interest rate of the obligations considering the average market of outstanding marketable obligations of the United States Government of comparable maturities during the month before the obligations are issued. The interest payments on such obligations may be deferred with the approval of the Secretary of the Treasury but any interest payment so deferred shall bear interest. Such obligations shall be issued in amounts and at prices approved by the Secretary of the Treasury. The Secretary of the Treasury shall purchase any obligations of the Secretary issued under this section and for this purpose the Secretary of the Treasury is authorized to use as a public debt transaction of the United States the proceeds from the sale of any securities issued under the Second Liberty Loan Bond Act. Securities may be issued under that Act to purchase obligations from the Secretary under this section.

(b) Appropriations made available pursuant to section 307 of this Act and any other appropriations made to the Secretary to carry out the purposes of titles III, IV, V, and VI of this Act shall be repaid into the general fund of the Treasury out of the account, together with interest until the date of repayment at a rate determined by the Secretary of the Treasury taking into consideration the average market on long-term obligations of the United States during the fiscal year in which appropriations are made. The Secretary shall repay such appropriation together with interest within thirty years from the time at which such appropriations become available for expenditure after the date of enactment of this Act, and no appropriations to the Secretary are authorized to carry out the purposes of titles III, IV, V, and VI of this Act unless the amounts appropriated are deposited into the account established in section 601(a).

(c) The Secretary shall invest in United States Treasury instruments any surplus funds accruing in the account established by section 601 herein and the interest paid on such Treasury instruments shall accrue to the benefit of such account.

SEC. 603. (a) There is hereby imposed a mandatory fee in the amount of 1.0 mil per kilowatt-hour on electricity generated by civilian nuclear powerplants and sold on or after the date ninety days after the date of enactment of this Act. Such fee shall be for the purpose of paying the costs to be incurred by the Federal Government that are specified in section 601(a).

(b) The fee imposed by subsection (a) shall be collected by the person owning and operating each civilian nuclear powerplant and shall be paid to the Treasury of the United States and deposited in the separate account established by section 601. The person owning and operating a civilian nuclear powerplant who pays the fee to the Treasury of the United States pursuant to subsection (a) shall have no further financial obligation to the Federal Government for the long-term storage and permanent disposal of spent fuel, or the solidified high-level radioactive waste from spent fuel, which is removed from the nuclear reactor of such civilian nuclear powerplant after the date of enactment of this Act.

(c) Not later than ninety days after the date of enactment of this Act, the Secretary shall establish a one time fee per kilogram of heavy metal in spent fuel, or in solidified high-level radioactive waste, in an amount equivalent to an average charge of 1.0 mil per kilowatt-hour for electricity generated by such spent fuel, or such solidified high-level waste derived therefrom, to be collected from any person delivering to the Federal Government spent fuel, or solidified high-level radioactive waste derived from spent fuel, which was removed from a civilian nuclear powerplant prior to the enactment of this Act. Such fee shall be for the purpose of paying the costs to be incurred by the Federal Government for the long-term storage and permanent disposal of solidified high-level radioactive waste and spent fuel from civilian nuclear activities. Such fee shall be paid to the Treasury of the United States and shall be deposited in the separate account established by section 601. In paying such a fee, the person delivering spent fuel, or solidified high-level radioactive wastes derived therefrom, to the Federal Government shall have no further financial obligation to the Federal Government for the long-term storage and permanent disposal of such spent fuel, or the solidified high-level radioactive waste derived therefrom.

(d) Not later than one hundred and eighty days after the date of enactment of this Act, the Secretary shall establish procedures for the collection and payment of the fees established by subsection (a) and subsection (c). The Secretary shall annually review the amount of the fees established by subsections (a) and (c) above to evaluate whether collection of the fee will provide sufficient revenues to offset the costs as defined in subsection (a) herein. In the event the Secretary determines that either insufficient or excess revenues are being collected, the Secretary shall make a recommendation to the Congress for an adjustment of the amount of such fee. Any change in the fee shall be approved by the Congress and shall only apply to fees collected after any such change.

(e) Funds paid to the Treasury of the United States from the collection of the fees imposed by subsections (a) and (c) above and deposited in the separate account established by section 601 shall be available to pay the direct costs of constructing and operating any away-from-reactor facility pursuant to section 305 that would not otherwise be paid by the one-time payments collected pursuant to section 303 and deposited in the separate account established by section 601.

TITLE VII—STATE PARTICIPATION IN THE DEVELOPMENT OF REPOSITORIES AND RETRIEVABLE, MONITORED STORAGE FACILITIES FOR SOLIDIFIED HIGH-LEVEL RADIOACTIVE WASTE AND SPENT FUEL

SEC. 701. (a) The Secretary shall identify the States with one or more potentially acceptable sites for a repository or for a retrievable, monitored storage facility for solidified high-level radioactive waste or spent fuel within ninety days after the date of enactment of this Act. Within ninety days of such identification, the Secretary shall notify the Governor, the State legislature, and the Tribal Council of any affected Indian tribe in any affected State of the potentially acceptable sites within such State.

(b) Each affected State and affected Indian tribe notified under subsection (a) as having potentially acceptable sites shall have the right to participate in a process of consultation and concurrence, based on public health and safety and environmental concerns, in all stages of the planning, siting, development, construction, operation, and closure of a repository or a retrievable

monitored storage facility that is required to be licensed by the Commission. Upon (1) the approval of a site for site characterization for such a repository, (2) the designation of a site for such a retrievable, monitored storage facility, or (3) the written request of the State or Indian tribe in any affected State notified under subsection (a) to the Secretary, whichever, first occurs, the Secretary shall promptly enter into negotiations with each such State and Indian tribe to establish a cooperative agreement under which the State or Indian tribe may exercise such right. Public participation in the negotiation of such agreement shall be provided for and encouraged by the Secretary, the States and the Indian tribes. The Secretary, in cooperation with the States and Indian tribes, shall develop and publish minimum guidelines for public participation in such negotiations, but the adequacy of such guidelines or any failure to comply with these guidelines shall not be a basis for judicial review.

(c) The cooperative agreement shall include, but need not be limited to, the sharing in accordance with applicable law of all technical and licensing information, the utilization of available expertise, the facilitating of permitting procedures, joint project review, and the formulation of joint surveillance and monitoring arrangements to carry out applicable Federal and State laws. The cooperative agreement also shall include a detailed plan or schedule of milestones, decision points and opportunities for State or tribal review and objection. Such cooperative agreement shall provide procedures for negotiating and resolving objections of the State or Indian tribe in any stage of the planning, siting, development, construction, operation, or closure of such a facility within the State. The cooperative agreement shall also provide for compensation to the State or Indian tribe for (1) the cost of State or Indian tribe participation in the development of the facility, including the acquisition of any necessary independent technical and licensing information, and (2) impacts caused by the siting, development, construction, and operation of a repository or a retrievable, monitored storage facility. Further, the cooperative agreement shall provide a method for determining the appropriateness and amount of any royalty or assessment to the State or Indian tribe for the use of its property, location or other natural resource. Payments for any compensation, royalty or assessment to a State or Indian tribe pursuant to a cooperative agreement shall be made only to the extent provided in appropriations Acts and shall be made solely from the fund established under section 601. The terms of any cooperative agreement shall not affect the Nuclear Regulatory Commission's authority under existing law.

(d) For the purpose of this part of this title, "process of consultation and concurrence" means a methodology by which the Secretary (A) keeps the State or affected Indian tribe fully and currently informed about the aspects of the project related to any potential impact on the public health and safety, (B) solicits, receives, and evaluates concerns and objections of the State or affected Indian tribe with regard to such aspects of the project on an ongoing basis, and (C) works diligently and cooperatively to resolve, through arbitration or other appropriate mechanisms, such concerns and objections. The process of consultation and concurrence shall not include the grant of a right to any State or Indian tribe to exercise an absolute veto of any aspect of the planning, siting, development, construction, and operation of the project.

(e) The Secretary and the State or affected Indian tribe shall seek to conclude the agreement required by subsection (b) not later than one year after the date of notification under section (a). The Secretary shall report to the Congress annually thereafter on the status of the agreement approved under subsection (c). Any report to the Congress on the status of negotiations under subsection (b) of the agreement under subsection (c) by the Secretary shall be accompanied by comments solicited by the Secretary from the State or affected Indian tribe.

(f)(1) The Secretary shall notify the Governor, the State legislature, and the Tribal Council of any affected Indian tribe in an affected State at least ninety days prior to submitting an application to the Commission for authorization to construct a repository or retreivable, monitored storage facility of the Secretary's intention to file such application.

(2) If at any time after the Governor or an affected Indian tribe has received the notice required under paragraph (1), but no later than ninety days after receipt of such notice, the Governor or the Indian tribe notifies the Secretary in writing of objections to the proposed repository or retrievable, monitored storage facility, the Secretary shall promptly transmit such objections together with the Secretary's comments and recommendations to the Congress.

(3) If the Governor or the Indian tribe has filed objections in accordance with paragraph (2), the Secretary shall not submit such an application and shall suspend further site-specific activities on the proposed repository or retrievable, monitored storage facility if during the sixty-day period of continuous session following submittal to Congress of the objections, either House of Congress passes a resolution pursuant to section 703 stating in substance that the proposal for the repository or retrievable, monitored storage facility does not sufficiently address State or tribal concerns to permit the Secretary to apply to the Commission for an authorization to construct the facility.

SEC. 702. (a) For the purpose of this Act (1) continuity of session is broken only by an adjournment of Congress sine die; and (2) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of any period of time in which Congress is in continuous session.

(b) Sections 702 through 706 of this Act are enacted by Congress (1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by section 703 of this Act; and they supersede other rules only to the extent that they are inconsistent therewith; and (2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

SEC. 703. For the purposes of this Act "resolution" means only a resolution of either House of Congress, the matter after the resolving clause of which is as follows: "That the believes that the proposed development of a repository or retrievable, monitored storage facility at within the State of , which is the basis of objections transmitted to Congress by the Secretary of Energy on , 19 does not sufficiently address State or tribal concerns to permit the Secretary to apply to the Nuclear Regulatory Commission for an authorization to construct such repository or retrievable, monitored storage facility, the blank spaces therein being appropriately filled.

SEC. 704. (a) No later than the first day of session following the day on which objections by a State or Indian tribe are transmitted to the House of Representatives and the Senate under section 601(f), a resolution, as defined in section 703, shall be introduced (by request) in the House by the chairman of the committee to which the report is referred, or by a Member or Members of the House designated by such chairman; and shall be introduced (by request) in the Senate by the chairman of the committee to which the report is referred, or by a Member or Members of the Senate designated by such chairman.

(b) A resolution with respect to a proposed facility which is the basis of such objections shall be referred to the appropriate committees of the House and Senate (and all resolutions with respect to the same report shall be referred to the same committee) by the President of the Senate or the Speaker of the House of Representatives, as the case may be. The committee shall make its recommendations to the House of Representatives or the Senate, respectively, within forty-five calendar days of continuous session of Congress following the date of such resolution's introduction.

SEC. 705. If the committee to which is referred a resolution introduced pursuant to subsection (a) of section 604 (or, in the absence of such a resolution, the first resolution introduced with respect to the proposed facility which is the basis of such objections) has not reported such resolution or identical resolution at the end of forty-five calendar days of continuous session of Congress after its introduction, such committee shall be deemed to be discharged from further consideration of such resolution and such resolution shall be placed on the appropriate calendar of the House involved.

SEC. 706. (a) When the committee has reported, or has been deemed to be discharged (under section 705) from further consideration of, a resolution described in section 705, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. The motion shall not be subject to amendment, or to a motion to postpone, or a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the resolution shall remain the unfinished business of the respective House until disposed of.

(b) Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than ten hours, which shall be divided equally between individuals favoring and individuals opposing the resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to

postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to shall not be in order.

(c) Immediately following the conclusion of the debate on the resolution with respect to the proposed facility which is the basis of such objections, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final approval of the resolution shall occur.

(d) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution with respect to the proposed facility which is the basis of such objections, shall be decided without debate.

SEC. 707. In considering any objections by a State or Indian tribe submitted to the Congress pursuant to this title, the Congress may obtain the views and comments of the Nuclear Regulatory Commission on such objections. The provision of views by the Commission shall not be construed as binding the Commission with respect to any licensing action pertaining to the facility which is the subject of such objections.

SEC. 708. The provisions of this title shall constitute the exclusive rights of participation by an affected State or Indian tribe in the planning, siting, development, construction, and operation of a repository or a retrievable, monitored storage facility that is required to be licensed by the Commission: *Provided, however,* That nothing in this Act shall preclude any recognized right of any State or Indian tribe under existing law with respect to such a repository or retrievable, monitored storage facility. The enactment of this Act shall abrogate all previous agreements between the Federal Government and any affected State or Indian tribe regarding the rights of participation by the State or tribe in the planning, siting, development, construction, operation and closure of such facilities.

TITLE VIII—PERMANENT DISPOSAL OF HIGH-LEVEL RADIOACTIVE WASTE FROM ATOMIC ENERGY DEFENSE ACTIVITIES

SEC. 801. (a) The President shall submit to the Senate and the House of Representatives not later than January 31, 1983, a report which sets forth his plans for the permanent disposal of high-level radioactive waste resulting from atomic energy defense activities.

(b) The report shall include, but not be limited to, for each State in which such waste is stored in interim storage facilities on the date of enactment of this Act—

(1) specific estimates of planned expenditures for each of the next five fiscal years and general estimates of planned expenditures for the fiscal years after such five years necessary to achieve the permanent disposal of such waste; and

(2) a thorough and detailed program management plan, including but not limited to—

(A) an explicit schedule for decisions regarding the further processing and permanent disposal of such waste;

(B) a description of the amount of disposal capacity and the number of facilities likely to be required to achieve such permanent disposal; and

(C) identification of all major program objectives, milestones, key events, and critical path items.

(c) The President, in preparing the report, shall consider the cost, efficiency, health and safety, regulatory, transportation, and public acceptability advantages of using disposal capacity at one or more of the repositories to be developed pursuant to title IV of this Act for the permanent disposal of high-level radioactive waste, resulting from atomic energy defense activities. Unless the President determines that national security needs require the development of a repository for the use of high-level radioactive waste from atomic energy defense activities only, and that such needs outweigh the advantages of a unified disposal system for high-level radioactive waste from both civilian nuclear activities and atomic energy defense activities, the Secretary shall proceed promptly with arrangements for the use of one or more of the repositories to be developed pursuant to title IV as part of a unified disposal system. Such arrangements shall include the allocation of costs of developing, constructing, and operating the repository or repositories between the Federal Government and the separate account established by section 601.

(d) If the President determines that national security needs require the development of a repository for the disposal of high-level radioactive waste from atomic energy defense activities only, the facility shall (1) comply with the guidelines to be developed pursuant to section 403 of this Act, (2) be subject to a license under section 202(4) of the Energy Reorganization Act of 1974 (88 Stat. 1233), and (3) comply with all requirements of the Commission for the siting, development, construction, and operation of a repository.

And was reported from the Committee on Armed Services with the following amendments:

On page 63, line 5, strike "(a)";

On page 63, strike line 9, through and including line 17;

On page 121, line 6, strike "(a)";

On page 121, strike line 10, through and including line 22, and insert the following:

SEC. 203. Section 55 of the Atomic Energy Act of 1954 is amended by adding at the end thereof the following sentence: "Before any action is taken under this section to purchase, take, requisition, condemn, or acquire special nuclear material from the commercial sector for use for defense purposes, the President shall certify to the Congress that such action is vital to the national security interests of the United States.".

On page 186, strike line 18, through and including page 189, line 11.

Mr. McCLURE. Mr. President, it is a great privilege and with a special pride that I join my colleagues on the Energy and Natural Resources Committee, the Environment and Public Works Committee, and the Armed Services Committee in bringing to the Senate S. 1662, the National Nuclear Waste Policy Act of 1981. Shortly, the Senate will consider printed amendment No. 1350 in the nature of a substitute reflecting the actions of the three committees in considering this legislation. I am most privileged to have proposed this amendment for myself and Senators DOMENICI, STAFFORD, SIMPSON, TOWER, WARNER, JACKSON, JOHNSTON, CANNON, HART, and RANDOLPH. Differing versions of S. 1662 have been reported by the Committees on Energy and Natural Resources, Environment and Public Works, and Armed Services. On April 1, we introduced a compromise text in the form of a substitute (amendment No. 1350), which we intend to offer at the time the Senate commences consideration of S. 1662. This compromise text represents our efforts to reconcile the three committee's recommendations on S. 1662.

I am pleased to say that the substitute we are presenting today represents the collective judgment for all the cosponsors representing themselves and their respective committees on both sides of the aisle with regards to the appropriate and necessary nuclear waste policy for the United States. I believe that this action deserves special note in that these three committees have been working for the past three Congresses to fashion just such a consensus piece of legislation. Such legislation must deal with this most critical and serious national issue in the areas of both national energy policy and national environmental policy to assure the predictable and long-term viability of the nuclear power option for this Nation, and indeed for the free world.

I commend each of my colleagues with whom I am a cosponsor today and all of those who have assisted and contributed to the efforts in reaching this action. Hopefully, the spirit of good faith, accommodation, and conciliation required to achieve the common goal represented by the totality of this substitute will engender a special spirit in the Senate, in the House, and in the administration to expedite and facilitate enactment finally of a comprehensive nuclear waste policy and program for America in the months immediately ahead.

I would like to take this opportunity to review the provisions of the compromise text and to relate them to similar provisions in the bill S. 2189, which was passed by the Senate during the 96th Congress by a vote of 88 to 7. Due to the short time available at the end of that Congress we were unable to complete negotiations with the House on the differences between the Senate- and House-passed versions of the bill. We urge your support for this compromise text too, and for the prompt consideration by the Senate of this important legislation.

Mr. President, this bill is a truly comprehensive approach to the ultimate solution to disposition of the large and varied quantities of nuclear waste existing today in the United States and nuclear wastes which will be created in the years and decades ahead. The bill includes aggressive and predictable action in several major programmatic areas.

An interim spent fuels storage program, which would maximize the ex-

isting at-reactor storage capacity, while at the same time providing all of the necessary elements for alternative storage for spent fuel, including away-from-reactor storage facilities, would be immediately implemented under title III of the bill.

Recognizing that changes in Federal policy over the past decade have led to the disruption of utility planning for the storage of spent nuclear fuel prior to its disposal, the compromise text provides a firm national policy for spent fuel storage, with clear guidelines for future utility planning. Utilities would bear the primary responsibility for providing interim storage of spent fuel and would be obligated to maximize the use of storage at existing reactor sites using a variety of means specified in the bill. Provisions of the compromise text would help expedite regulatory procedures which might otherwise delay expansion of at-reactor storage. However, the compromise text also provides for those limited circumstances where a utility that cannot reasonably provide adequate spent fuel storage capacity faces disruptions in the orderly operation of its nuclear powerplant. In that circumstance the Secretary of Energy could provide storage at a federally operated away-from-reactor facility. The costs of spent fuel transportation, operation, maintenance, and decommissioning of the facility would be borne by the utilities using it. The total capacity of such a Federal facility would be strictly limited to 2,800 metric tons of spent fuel, about 10 percent of the total projected need in the year 2000, and only those utilities that face disruption in the operation of their nuclear plants would be allowed to use the Federal facility. This "last resort" Federal option, totally paid for by its users, is not opposed by the administration. The comparable provision in the Senate-passed S. 2189 had authorized a Federal AFR storage program also, but without any specific limit on AFR or burden of responsibility on the utilities.

The interim spent fuel provisions would include a streamlined regulatory process in the Nuclear Regulatory Commission to support both increased at-reactor storage and necessary away-from-reactor facility availability on a timely basis. The combination of these several initiatives and the interim spent fuel program would insure predictable and timely measures necessary to keep America's nuclear powerplants in full operation without any threat of reduced operations or shutdown because of a failure by the Federal Government to provide for interim spent fuel management.

In a similarly aggressive manner, the bill includes in title IV a much accelerated program for the ultimate disposal of commercial high-level waste and spent fuel elements in mined geologic repositories. The objective of this much accelerated geologic disposal program would be to begin in the 1989 time frame this Nation's first commercial geologic repository for high-level waste.

Title IV of the compromise text provides a schedule for the establishment of repositories for the permanent disposal of nuclear waste, together with a realistic and workable schedule for their siting and construction. The deadlines set out in S. 1662 as originally introduced have been extended in the compromise text to take into account testimony received on the schedule. The compromise text also requires the Secretary of Energy to establish criteria for siting repositories which must include, among others, factors pertaining to geologic criteria, the location of valuable natural resources, and proximity to population. The Secretary would be required to apply those criteria to any site being considered for a repository.

The specific provisions within this part of the bill provide for the necessary actions for all Federal agencies to support the 1989 objective. Additionally, this part of the bill would establish a program for having at least one test and evaluation facility in full operation prior to 1988 to provide all necessary information to support the geologic repository program. Also, for the first time, the bill would create a mandatory national site survey program to identify acceptable sites to provide for additional geologic repositories which might be sited on various regions of the United States.

While the combination of the interim spent fuel storage program and the geologic disposal program should conceptually provide two direct steps, one following the other, to a final disposition of high-level waste and spent fuel, the bill incorporates in title V the Senate-passed proposal for a third, potentially necessary, program to be sequenced between interim spent fuel storage on the one hand, and ultimate geologic disposal, on the other hand in the form of a retrievable monitored storage facility program.

This program would require the initial efforts necessary to prepare for congressional consideration in the next Congress of a retrievable monitored storage facility proposal as an intermediate step or phase in the event that there are any unforeseen time delays because of institutional or technical difficulties in the geologic disposal program.

The compromise text requires the Secretary to provide the Congress with a proposal for one or more facilities which could provide for long-term storage of spent fuel or high-level waste in a way which permits continuous monitoring and maintenance and ready retrieval of the waste. The proposal would include a plan for integrating the operation of such monitored, retrievable storage (MRS) facilities into that of the repository and interim spent fuel storage facilities authorized in the bill. Title V of S. 1662 consists of provisions very similar to the MRS provisions passed by the Senate in S. 2189. Before any MRS facilities could be built, subsequent congressional action would be required.

The retrievable monitored storage program would be the extra insurance under this bill to give complete confidence to the American people that nuclear wastes will be properly managed in the event of any foreseeable circumstances in the future. That approach of total confidence underlies the entire bill and is intended to insure that there can no longer be any valid question raised with regard to that complete confidence.

The bill includes several new or modified concepts from the bill passed by the Senate in the last Congress. One of the most noteworthy of those is the proposal in title VI for an assured full-cost recovery by the Federal Government from nuclear-power-supplied ratepayers for the nuclear waste programs included in the bill. By establishing a mandatory 1-mil-per-kilowatt-hour user's fee on nuclear generated electricity, this bill for the first time would provide a direct financial linkage between the beneficiaries of nuclear power and the cost for interim management and ultimate disposal for nuclear wastes.

Title VI, provides for a fee, initially set at 1 mil per kilowatt-hour, which would be charged on the production of electricity from nuclear powerplants. Receipts from this fee would be placed in a separate account in the Treasury established solely for this purpose and would then be appropriated for the waste program on an annual basis. According to the Congressional Budget Office this fee is adequate to cover the costs of this legislation well into the 1990's. However, the bill requires that the adequacy of the fee be reviewed on an annual basis, and the fee could be modified in the future if receipts fell below costs of the program.

This funding mechanism would provide an assured source of funds to carry out the programs and would eliminate not only annual budgetary perturbations in an evermore constrained Federal budget, but the too often repeated shifts of policy direction under succeeding administrations. The nuclear waste policy, programs and required financing would be statutorily fixed and quite predictable under this approach.

One of the more challenging issues which the Congress has confronted in attempting to develop such comprehensive legislative proposals for nuclear waste has been and continues to be the question of State participation in

the siting, development, construction, and operation of interim storage facilities and geologic repositories for nuclear waste. This bill incorporates a modification of the formulation passed by the Senate in the last Congress, which was the subject of intense negotiation with various parties over the past year.

The bill incorporates a combination of the so-called consultation and concurrence methodology developed and enacted, and now in practice for the waste isolation pilot project in New Mexico pursuant to statutory provisions, on the one hand, and the State-congressional approach adopted in the Senate-passed bill of last Congress and negotiated at length with our colleagues in the House and other interested parties. The formulation in this bill should insure, we sincerely hope, the best of the available methods reflecting our national experience in this area in the past several years.

Title VII of the compromise text provides for the participation of States and Indian tribes in the development of a repository or a monitored-retrievable storage facility. The affected parties would enter into a written agreement with the Secretary under which their rights of "consultation and concurrence" would be exercised. Differences over health and safety issues between the State or Indian tribe and the Federal Government would be open to negotiation and arbitration. Funding for independent technical analysis and compensation for the effects of the facility would also be provided under this cooperative agreement. At the time that the Secretary was prepared to request a construction authorization from the Nuclear Regulatory Commission (NRC), the affected State or Indian tribe would be given the right to have any outstanding objections over the proposed facility be considered by the Congress. If either House were to agree that the State or tribe's objections had not been properly addressed, the Secretary could not submit his request to the NRC, thereby stopping further development of the facility. Those rights for State participation would be extended to both civilian facilities and licensed defense facilities. The comparable provision passed by the Senate (S. 2189) had the same opportunity for congressional review of State or tribal objections with civilian facilities, but provided a more restricted opportunity for congressional review of objections to defense facilities.

I believe that these elements of the compromise text are essential to a balanced and adequate nuclear waste policy. The overriding Federal responsibility for the disposal of nuclear waste is clear. In the absence of this legislation, a Federal program for nuclear waste disposal would proceed, but it would do so without clear guidelines for utility planning; without a requirement for detailed controls on the selection and development of sites for geologic repositories; without a mechanism for user financing and a procedure for substantive State participation. For this reason we urge your support for the compromise text of S. 1662, and for prompt Senate action on this important legislation.

Mr. President, let me take a minute to comment as a representative of the people of my home State of Idaho on this bill. The good people of Idaho have been waiting for many, many long years for a predictable, near-term conclusion to the nuclear waste issue and the management of nuclear wastes which have accumulated over the past three decades in our State.

Our people have waited through those many long years with great patience, while meanwhile continuing to support enthusiastically efforts in Idaho in the nuclear weapons program, the naval nuclear power program, and the civilian nuclear power research and development program.

Candidly, our people in Idaho have been promised more than once by various Federal officials a near-term solution to our waste management concerns. While the patience of our people may have been tested over time, and sorely tested in the last adminsitration, the aggressive programs already proposed by this administration and the provisions of this bill should give the people of Idaho great comfort and great confidence at long last that the nuclear waste issue will be addressed constructively, positively, and successfully.

At long last, action by a seriously committed and concerned Congress will forge exactly the kind of partnership between the executive and legislative branches of the Federal Government needed to insure swift and responsible action on the nuclear waste issue. I am compelled to commend the people of my State for their continued efforts to deal with this issue. I sincerely hope that this Congress will mark a successful and more than acceptable conclusion to their long wait for promised Federal action.

Mr. President, in conclusion, again, I thank and commend my colleagues who are cosponsors. I believe it is fair to say that the cosponsors of this legislation believe that these provisions carefully balance the constitutional, equitable, legal, and practical interests of the several parties at the Federal, State, and local levels with legitimate interests in these facility matters. I would hope that these provisions will receive the most serious and thoughtful consideration by our colleagues in the Senate and also in the House, in the administration, the several States and in the various elements of the nuclear industry.

We are ready, anxious, and willing to work with all of these parties to fashion a consensus approach to this most essential and important aspect of nuclear waste management in this country.

Mr. SIMPSON. Mr. President, I rise to support this bill. Three committees of this Senate—the Energy and Natural Resources Committee, the Environment and Public Works Committee, and the Armed Services Committee—have now considered this legislation and have agreed to a compromise text to be put before the Senate for its consideration. I strongly support this compromise text as a reasonable basis for Senate consideration of this vital legislation. In most areas, Mr. President, I believe that this compromise text represents a fair balance of the competing views and interests of the three committees. However, there is one area—the lack of a provision addressing the permanent disposal of high-level radioactive wastes from atomic energy defense activities—in which I believe the compromise text is deficient. Therefore, I and other members of the Environment and Public Works Committee will offer an amendment to address this significant element of our nuclear waste disposal problem.

Mr. President, there are several essential features of the compromise text that I would wish to mention briefly. The first of these is the treatment of interim storage of spent fuel from commercial nuclear powerplants. Title III of the compromise provision establishes a firm, and I believe, appropriate national policy for the interim storage of spent fuel. Under this policy, the utility operators of nuclear powerplants bear the primary responsibility for the interim storage of spent fuel at the sites of their nuclear plants. This places a significant, but appropriate, burden on the utilities to do everything possible to assure sufficient onsite storage capacity through a variety of measures specified in the legislation. These measures include reracking, transshipment of spent fuel between reactors within the same utility system, and the use of new technologies such as dry storage and the use of storage casks.

In order to assist the utilities in carrying out this responsibility, the legislation contains measures to expedite the necessary regulatory approvals from the Nuclear Regulatory Commission for these various means of expanding onsite storage at reactor sites. These expedited licensing procedures in themselves represent an important step toward reforming this aspect of NRC's licensing process, while at the same time incorporating important safeguards to assure that the public health and safety is protected in these spent fuel storage expansion efforts.

Mr. President, I am optimistic about the use of new technologies such as dry storage and casks, and about the expedited licensing procedures that we have built into this legislation. I believe that they hold real promise for the utilities' ability to deal effectively with a large share of the spent fuel storage problem in the coming years. But as promising as these options are, I do not believe that they can represent the only answer to the spent fuel storage problem. For this reason, I strongly support the second element of the national spent fuel storage policy contained in the bill—the last resort Federal away from reactor, or AFR, provision. Under this element of the legislation, the Federal Government would have the responsibility for providing a limited amount of Federal AFR storage capacity to insure that the operation of no nuclear powerplant in this country is disrupted due to inadequate spent fuel storage capacity. This Federal AFR authority under the bill is limited to a last resort option in several important ways. First, the bill provides that no more that 2,800 metric tons of storage capacity can be built or acquired by the Federal Government. This is the amount of additional offsite spent fuel storage capacity that the Nuclear Regulatory Commission maintains is needed by the year 1990 in order to maintain a full core reserve storage capability at each operating reactor site.

Second, the bill prohibits the Department of Energy from building or acquiring an AFR, from entering into contracts with a utility to take the utility's spent fuel, unless the DOE can determine that the utility cannot, by using the previously described onsite storage options, maintain a full core reserve storage capability. Absent this key determination, DOE may not build or purchase a facility for use as an AFR, and may not agree to take a utility's spent fuel for storage. Mr. President, I think that it is worthwhile to note that the committees received testimony on the serious economic impact and the disruption in the operation of the plant that would result from the loss of a full core reserve storage capacity. Even though this may not be a safety requirement, the loss of a full core reserve storage capability would result in costly delays in the necessary maintenance and inspections of these plants. For this reason, and because it has been the changing policies of this Government that have contributed to our growing spent fuel storage problem, I believe that there is an appropriate, but carefully limited, Federal role in providing a last resort spent fuel storage backup.

Mr. President, I would only add here that any Federal role in the interim storage of spent fuel should be fully paid for by the utilities that use this service. The bill assures this by imposing a one-time fee for storage services with the stated direction to achieve full cost recovery, and by making available the resources of the permanent waste disposal fund established by title VI of the bill to cover the initial costs of the Federal AFR until the one-time charges are received, and to cover any shortfall that might exist between the one-time fees and the total costs of the Federal AFR program.

Mr. President, if I may anticipate a bit, I am advised that several of our colleagues may offer an amendment to eliminate even the very limited Federal AFR role that is included in this bill. Some of them have facilities located in their States that could be used as a Federal AFR, and their reluctance to have such a facility located within their States is certainly understandable. Others are concerned about the Federal role, however limited, in providing spent fuel storage for the electric utilities. Mr. President, I would urge my colleagues to examine the provisions in this bill, and particularly those defining the last resort nature of the Federal AFR role, very carefully. I believe that they represent a substantial improvement over the Federal AFR provisions that the Senate adopted overwhelmingly 2 years ago, and I believe that they are an appropriate and restrained Federal response to the spent fuel storage problem that we are now facing. Only recently, the NRC notified the Congress that they viewed the need for an additional 13,000 to 22,000 metric tons of spent fuel storage capacity between now and the year 2000 as a reasonable estimate of our spent fuel storage problem. NRC also noted that some nuclear powerplants will need storage capacity outside of their reactor basins as early as 1986, and that 15 to 20 reactor sites may require additional storage capacity by 1990 in order to maintain a full core reserve capacity. I believe these figures demonstrate both the urgent need for a limited Federal backup on spent fuel storage, and the truly limited nature of the Federal AFR role that is included in this bill. I would argue that these provisions in the bill are an appropriate and moderate response to a potentially serious problem, and I would urge my colleagues to support the position of the committees on this element of the legislation.

Mr. President, a second key element in the bill is the program for the development of at least two geologic repositories, to be located on a regional basis, for the permanent disposal of spent fuel and civilian nuclear waste. Mr. President, in past years, our nuclear waste management program has lacked a clearly defined goal and a plan for achieving that goal. As a consequence, the program has undergone major shifts in emphasis and direction; the activities of the various agencies involved have been uncoordinated, often working at cross-purposes; alternatives have been carefully considered; decisions have been made based upon inadequate information, and public confidence in our ability to achieve a safe and timely solution to this problem has been eroded—or may be nil. This bill would remedy this deficiency by establishing a firm objective and a framework for reaching informed and sound decisions in order to achieve that objective.

Mr. President, the objective of the bill is to obtain at least two operating geologic repositories for the permanent disposal of high-level radioactive waste by the year 2000, with operation of the first repository by 1997. In order to achieve this objective, the bill sets out a step-by-step plan each of the major program and regulatory decisions and actions needed for NRC to make a decision to authorize the start of construction of the first repository by 1986, and of the second repository by 1989. This plan includes requirements for: General environmental standards by the Environmental Protection Agency; guidelines for the selection of sites to be developed by the Department of Energy with the concurrence of the NRC; detailed criteria for the licensing of a repository by the NRC; the selection of two sets of sites, for a total of at least six sites, to be characterized, or studied in detail at the depth at which a repository would be located; the review of these characterization results in two stages in order to select two sites for the location of a repository; and a detailed licensing process by NRC as the culmination of this program to assure that the repository will be built and operated safely and in an environmentally acceptable manner.

Mr. President, there is a trade off in the schedules contained in the compromise text between the need for considering a range of possible sites and the need for getting on with the solution to this problem. Experts have argued for years on the number of sites that should be included in this search, as well as on the number of different geologic formations, or media that should be considered. We have tried to strike a balance in requiring that at least three sites, in as many different geologic media as possible, be considered for the selection of the first repository. These sites would be selected for detailed study, or characterization, no later than 1984. A second set of three sites would then be selected for characterization by 1987, leaving a pool of five characterized sites for selection of the second repository. Because of the need to locate these repositories on a regional basis, we have required that a national site survey program be conducted to iden-

tify sites on a regional basis throughout the country. This survey would be done in time to develop sites for the second set of sites to be characterized. However, the first set of sites to be characterized would likely be selected from the seven sites already under preliminary examination by DOE as long as those sites fully satisfied the site selection guidelines, and the EPA standards, that must be developed under the bill.

Mr. President, several Members representing those States presently under investigation by DOE as repository sites have expressed some concern regarding the timetable in the compromise text, and particularly the dates for the selection of the first set of sites to be characterized. Some may well argue that more time should be provided for the selection of these initial sites in order to include a wider range of options. At the same time, others have argued for accelerating the schedule still more in order to make a decision leading to the selection of the first repository earlier than is now planned. Here again, Mr. President, I would urge my colleagues to examine carefully the protections that have been built into the bill to assure sound decisions at all stages in the repository development process. There are already a substantial number of sites now under investigation for possible use as a repository. Only those sites that can meet the EPA standards and the DOE and NRC site selection guidelines may be selected for characterization, and only those sites that prove satisfactory after detailed characterization in accordance with the requirements of the bill can even be considered for selection as a repository site. Even after initial selection by the President, a repository site must still withstand the scrutiny of the NRC licensing process. Taken together, I believe these provisions provide full assurance that no site will be used for a repository that does not fully satisfy all applicable requirements.

Mr. President, a third important element in the bill is the provision for a proposal for a monitored, retrievable storage facility for spent fuel and high-level radioactive waste. Mr. President, this is an area where there has been some disagreement between the Energy and Environment Committees. I am pleased that these differences have been essentially resolved in the compromise text. Under this formulation, the option of monitored, retrievable storage is included in the bill, and DOE is required to come forward with a site-specific proposal for an initial monitored, retrievable storage facility, or MRS to be submitted to the Congress within 1 year. The bill specifies that this proposal for an MRS facility will be for long-term storage of spent fuel and high-level waste, which is separate from the concept of disposal of these materials in a geologic repository. I believe that monitored, retrievable storage can have a role in our nuclear waste management plan, although I do not believe that monitored, retrievable storage can or should serve as a substitute for permanent disposal. Nevertheless, there may well be advantages, in the interim prior to disposal, to retain these wastes, and particularly spent fuel, in a more readily retrievable form, perhaps at the site of either a commercial reprocessing plant or at the site of a repository. The requirement in the bill for a proposal to Congress will give us the opportunity to evaluate the possible advantages of this interim storage option as an additional element to the permanent repositories that are directly authorized by this bill. At the same time, the policy on permanent disposal set forth in the bill makes it clear that all high-level waste and spent fuel must ultimately be disposed of in a repository, and that this disposal must occur without regard to any interim storage in either an AFR or a monitored, retrievable storage facilty.

Mr. President, there are two additional elements in the bill that I would mention briefly. The first of these is the funding mechanism to insure that the full cost of the Federal waste storage and disposal program is paid by those that generate these wastes. I believe that this is a singularly important feature of the bill that will insure a steady source of funds needed to carry out this program, and that will assess those costs equitably on those who benefit from the generation of these wastes. This system imposes a fee of 1.0 mil per kilowatt-hour on the generation of electricity by nuclear powerplants in the future, and assesses an equivalent charge against the owners of spent fuel that has already been generated. Analyses by both the Congressional Budget Office and the Department of Energy conclude that these revenues should be sufficient to fund fully the commercial nuclear waste program through the mid-1990's. In addition, the bill requires that the Secretary of Energy assess annually the need for any adjustment in this fee system to assure full cost recovery by the Federal Government for the services that it will provide under the bill.

Mr. President, the last feature is the State participation mechanism contained in title VII of the bill. This element of the bill establishes a detailed mechanism for State participation in the siting and development of repositories and monitored, retrievable storage facilities. This mechanism includes the sharing of information, options for resolving and addressing State concerns, and provisions for financial compensation to the States for the costs of their participation, impacts resulting from the development of these facilities, and for the use of the State's resources and land. Similar provision is made for affected Indian tribes. In addition, the provision gives the State the right to raise objections to a proposed facility and to have those objections considered by the Congress. These objections would stop the facility if at least one House of Congress affirmatively agrees with the State.

Mr. President, a solution to the nuclear waste problem is long overdue. We have been generating nuclear waste for more than 30 years without a sound plan for its disposal. I believe that this bill offers such a plan for our civilian wastes, and I intend to offer an amendment to put in place a plan for the disposal of defense wastes as well. If adopted, I believe this bill will put us on the right track to solving this problem at long last, in a manner that will fairly balance the need for prompt action with the need to assure safety and the protection of the environment. I urge my colleagues to support this compromise text.

Mr. JOHNSTON. Mr. President, the Senate is beginning consideration of S. 1662, the Nuclear Waste Policy Act. This comprehensive bill is designed to provide for the required response of the Federal Government to the problems of nuclear waste disposal. These problems can only be addressed by the Federal Government. Existing law, enacted many years ago without significant controversy, is quite clear in maintaining an exclusive Federal responsibility for nuclear waste disposal.

No one seriously contends with this assignment of responsibility. Because nuclear waste disposal options affect the national security and the public health and safety in a direct and inescapable way, we have foreclosed in statute the option of private sector control of nuclear wastes or the export of the potentially valuable constituents of the material left after use in a nuclear reactor.

The bill before the Senate today requires the Federal Government to undertake definitive and specific actions to assume the responsibility for nuclear waste disposal which existing law reserves to it. We can attempt to avoid this responsibility in the context of this particular Congress, but we will never finally escape the necessity of enacting legislation very similar to S. 1662. It is a task no one but Congress can perform. Without adequate authority for a definitive nuclear waste program, the executive branch cannot act, and nothing the nuclear utilities, the nuclear equipment vendors, the environmentalists, or any other group may want to do to address the problems of waste disposal can make any real difference.

Eventually, the U.S. Government must take title to spent fuel from nuclear reactors and provide for its dis-

position, either as spent fuel, or as recoverable residual fuel and true nuclear waste. Without a policy which provides for this kind of action, the option to produce useful energy from the nuclear force will come to an end. The nuclear option may be foreclosed for the time being because economics dictate it. So be it. But we should not—and really cannot—allow the option to die as a result of a deliberate evasion of a responsibility the Federal Government has arrogated to itself alone.

In order to fulfill the responsibility, S. 1662 provides for a program of last resort for Federal storage of excess spent nuclear fuel from civilian nuclear powerplants. The disruptions which have taken place in Federal nuclear waste disposal policy, at Federal direction, over the past decade clearly justify a Federal role providing a safety valve for utilities that run out of temporary, at-reactor-storage options for spent nuclear fuel. Such a program is a prudent hedge against the event that private initiative is not able, or is not permitted to, respond in a timely way to previously unforeseen spent fuel storage requirements created by Federal indecision about nuclear waste policy.

Title III contains the most important element of the bill in this regard: Prudent and cost-effective insurance against the possibility of shutdown of any operating nuclear powerplant for reason of lack of temporary storage space for spent fuel extracted from the reactor. Without this kind of safety valve for the pressure of continued generation of spent fuel, the nuclear industry will not be able to operate and a significant fraction of our electric generating capacity will be placed in jeopardy. In an era which demands more energy options, rather than fewer, it would be irresponsible to allow conditions to develop under which reactor shutdowns for lack of fuel storage become likely.

Titles IV and V of the bill address the problem of the long-term isolation from the biosphere of the radioactive wastes produced by commercial nuclear power. The uncertainty and indecision which has marked this aspect of Federal nuclear waste policy has been primarily responsible for the reluctance of the public to support increased use of nuclear energy. This reluctance has had national consequences, measured in increased use of irreplaceable fossil fuels.

The time has come for the Federal Government to remove the uncertainty in its own programs for nuclear waste management. This uncertainty is less one of uncertainty about technology than it is of uncertainty about whether the Federal Government will ever do anything definitive about nuclear waste disposal. Until some definitive action is taken, of course, we will continue to store the wastes we have, and continue to generate, at existing nuclear powerplants or in the temporary away-from-reactor facilities contemplated in title III, in an ad hoc fashion—more expensively and less safety than almost any other way available to us.

The aim of this bill is to provide the congressional support which will force the executive branch to place before Congress and the public real solutions to our nuclear waste management problems. A schedule for Federal actions which could lead to a site-specific application for a license for the disposal of nuclear waste in deep geologic formations is established in title IV. Title V requires development of a parallel program involving a detailed proposal to Congress for a system of facilities which can safely isolate nuclear waste for as long as may be necessary without losing control of it. Because this latter nuclear waste disposal concept has not received as much publicity as the deep geologic technology, I would like to discuss it further.

We should have no illusions that it will be easy to agree on a specific facility for the permanent disposal of nuclear wastes. Nuclear wastes must be isolated for a very long time with very high assurance that release to the biosphere will not occur. Certainly this means that we must design any permanent disposal facility with care and make use of the best scientific skills and techniques available. We should not, however, make the job harder than it needs to be. Much of the recent thinking about the disposal of nuclear wastes assumes that wastes will be irreversibly consigned to some deep underground geologic formation. It is the irreversibility of this technological option which makes us so reluctant to choose a specific site and construct the necessary facilities. We are asking ourselves to make a choice we may not be able to unmake, one that will last for all time. Reluctance to make this kind of choice is understandable.

But forcing this kind of choice is not necessary. There is no reason why nuclear wastes cannot be safely isolated from the bisophere for as long as may be required in facilities which permit continuous monitoring of the waste, maintenance of all important features of the facility providing containment of the waste, and ready retrieval of the waste to prevent any loss of control of potentially toxic material.

An added advantage of the monitored, retrievable storage (MRS) approach is that it allows for progress—the certain discovery in the future of more advanced and secure methods of waste containment. As long as we do not lose control of the waste we put away now, we can incorporate the improved knowledge we are bound to gain in the future. In the meantime, however, we are assured—because we have control of the wastes—that the public health and safety is adequately protected at all times.

Title V requires the Secretary of Energy to submit to Congress—within a time certain—a detailed proposal for a facility for the long-term isolation of spent fuel and high-level radioactive wastes from civilian nuclear activities in a manner which permits continuous monitoring and ready retrieval of the fuel and wastes. Before any such facility would be built a subsequent act of Congress would be required.

Submission of the proposal would permit Congress to carefully assess the merits and costs of long-term retrievable, monitored isolation of nuclear wastes. For the first time definitive action on a system of permanent disposal facilities would be possible without the uncertainties that have been the hallmark of past efforts to locate a specific deep geologic formation—a granite structure, a basalt formation, or a salt structure—where nuclear waste could be irreversibly consigned with reasonable assurances of safety. The facilities envisioned in title V, while they would be located underground, could in fact be safely sited in any State in the continental United States. No individual State will be singled out as the nuclear dumping ground for the Nation solely because of the geologic characteristics of its subsurface. The connection between geologic subsurface and the attractiveness of a site for nuclear waste disposal will be broken. We will be free to pick a waste disposal site—or several waste disposal sites—to better connect the costs of nuclear power with the beneficiaries of nuclear power.

In the 96th Congress, the Senate enacted comprehensive nuclear waste policy legislation containing provisions nearly identical to title V of S. 1662. In addition, the 96th Congress provided funds to the Department of Energy to investigate the MRS concept. This year's joint committee hearings contain an excellent report on "Monitored Retrievable Storage of Nuclear Waste" by Dr. R. Philip Hammond. The conclusions and recommendations of that report included the following:

This assessment of the possibility of adding monitored retrievable storage facilities to the national waste management program has illuminated several important advantages of such a step. These include earlier positive action, improved public acceptance, mitigation of rock heating problems for repositories, better control of the waste during decay of the most dangerous isotopes, a reduced period of storage in expensive reactor pools, and easier selection of sites. Indication of lower overall cost is a convenient but less important benefit.

I was able to find no technical disadvantages of this approach, nor any better alternatives. Two kinds of nontechnical objections have been offered: (1) with an MRS program underway, Congress might be tempted to undermine or delay progress on the basic repository program, and (2) since MRS is not sealed unmanned (and uncontrolled) storage, it does not contribute to the goal of solving the waste problem in this generation, but passes it on to the next. The first objection could only be valid if nuclear power indeed becomes a dead industry. There is already enough well-aged fuel on hand to begin the loading of a repository as soon as it could be available. With any new construction of reactors underway, the need for a continuing program of repository construction can be shown by simple projection, with or without MRS.

The second objection is simply not valid. Waste which has been precooled under rigid control and monitoring until the hazardous species have decayed and thorough geologic studies have been completed can be handed over to our successors with much clearer conscience than uncontrolled buried waste, which we hope will not be thrown back to the biosphere by heating effects. The objective is not to do the job hastily, but to do it right.

The recommendation which results from my investigation is unequivocal: Monitored retrievable storage of facilities capable of handling either spent fuel or processed high-level waste would be a productive and valuable addition to the national waste management program, and the construction of full-scale or demonstration units should be considered for the earliest possible time. Such a step would be a major influence in restoring the pathway leading to the benefits of abundant nuclear electric power to the United States.

I urge my colleagues who supported the MRS concept in the 96th Congress to support it now. I urge the rest of my colleagues, including those new to this Congress, to seriously and favorably consider this promising approach and permit Congress to receive by a near date certain a detailed MRS proposal to review for possible authorization of a specific facility.

Mr. President, I hope the Senate will act as expeditiously in the 97th Congress to consider and pass the National Nuclear Waste Policy Act as it did in the 96th Congress. More delay is not what we need.

Mr. BAKER. Mr. President, the National Nuclear Waste Policy Act is a matter of vital concern to all Senators which will provide a comprehensive framework, mandated by Congress, for the safe management and ultimate disposal of nuclear waste.

After countless hours of debate in committee, the Senate has today begun to reconcile the inherent complexities of the issue. I want to take this opportunity to commend my distinguished colleagues, Senator McCLURE from Idaho, Senator SIMPSON from Wyoming, Senator TOWER of Texas, and the Senators from Washington, Colorado, and Mississippi, Senators JACKSON, HART, and STENNIS, for their efforts in enabling amendment 1350, a substitute to the original bill, the National Nuclear Waste Policy Act 1982, to come before the Senate. I congratulate them on that achievement.

Two years ago, the Senate, by a vote of 88 to 7, passed a nuclear waste bill which did not become law. I am sure my colleagues join me in hoping that this bill meets with more success.

Mr. President, our nuclear future may depend on our success with this bill. President Reagan in a speech on nuclear power last year pinpointed four outstanding issues yet to be resolved, one of which was waste disposal. The President today has expressed his support for the legislation before the Senate.

For more than 30 years this country has benefited from nuclear power. For more than 30 years we have failed to deal comprehensively with the problem of waste.

The solution is now within the reach and the technology is available for the safe disposal of nuclear wastes. The timetable which will permit the implementation of a program grows increasingly strained. We must go forward now.

Once again, I thank all Members for their efforts in bringing the issue to the floor, and for the valuable contributions many have made to the discussion during the debate. I urge the Senate to continue its deliberations with the same sense of purpose and in the same spirit of compromise that has characterized its work so far.

● Mr. KENNEDY. Mr. President, one of the most important domestic energy issues facing the United States today is the development of safe, permanent disposal methods for the radioactive waste products of nuclear power. Because of the dangers inherent in the use of nuclear power, I have long supported the development of alternative sources of energy to meet our needs. But advocates of nuclear power break their trust to the American people if they tout such power as a means of achieving energy self-sufficiency, but do not address the problem of protecting the land and future generations from radioactive products that have a half life of tens of thousands of years. Our experience with nuclear power warns that we must solve the critical safety issues, of which waste disposal is among the most important, before nuclear energy can be deemed a responsible energy alternative.

I therefore welcome the bill before us today as part of the effort to establish a long-overdue Federal policy for nuclear waste disposal. This legislation is the result of much work by the members of three committees in the Senate, and I commend the Senators involved for their untiring efforts. Nevertheless, because of my firm belief in the need for a comprehensive Federal policy for nuclear waste disposal, I have several serious reservations about this measure.

First, the bill establishes a Federal program for storage of spent nuclear fuel. I believe the spent fuel storage is the responsibility of the private sector. It is strange to find, on this bill, that those who so often call for reducing the role of the Federal Government are pleading now for Uncle Sam to take the nuclear waste problem off their hands. The Federal role should be limited to encouraging the development of storage technologies.

Second, I have serious reservations about the so-called away-from-reactor, or AFR, storage program established for spent fuel. Undoubtedly, the use of AFR sites will lead to increased transportation of nuclear waste on the Nation's highways. We should not be setting up a scheme that take radioactive waste generated in one part of the country and hauls it hundreds or even thousands of miles through other States to AFR sites.

Perhaps AFR storage can provide a few more years respite for the nuclear power industry, before the country reaches the outer limit of its capacity to store spent nuclear fuel at temporary sites. But let no one misunderstand the dangerous direction in which this policy is taking us. Storage sites beside reactors are now nearly saturated with nuclear waste. In a desperate effort to buy more time, the industry is asking the country to accept the concept of away-from-reactor storage. The result is that countless families across America will be exposed to the danger and haunted by the fear of major accidents involving truckloads of radioactive nuclear waste rumbling through their communities, threatening to transform any peaceful intersection into an instant Three Mile Island.

Third, I am concerned about the failure to include military waste in the comprehensive Federal policy established by the bill. Almost 90 percent of the total volume of nuclear waste is generated by defense-related sources. Currently, parallel but separate defense and commercial nuclear waste programs must be managed by the Department of Energy. There is no sound reason for this duplicative and unnecessarily expensive procedure.

Military waste is also unwisely exempted from the ground rules for permanent waste siting laid out in the bill. If these rules are good enough for

selecting sites for disposal of commercial waste, they are also good enough for defense waste. The double standard in the bill can only raise the possibility that military nuclear waste will be subject to less stringent health and safety requirements than other nuclear waste.

Fourth, I have serious reservations about the accelerated timetable for selecting permanent storage sites. The bill requires the first site to be selected at the same time that the comprehensive national site survey is completed. In essence, this means that DOE will have no choice but to rely on already-explored locations at the Nevada test site, Hanford in Washington, and salt formations in the Southeast.

This excessively rapid schedule will preclude adequate consideration of alternative sites, which may ultimately prove to be more suitable than the sites under present consideration. Unforeseen problems at supposed "safe" disposal sites have hampered the progress of DOE's prototype waste isolation pilot plant project in New Mexico. Few, if any, of us have full confidence in the suitability of the already-explored sites. A schedule for selection of permanent sites which is closer to the Department of Energy's own estimate of the time needed to do the job—7 years—would improve the bill significantly.

Finally, I am concerned about the bill's provisions creating a new scheme of so-called monitored retrievable storage. What is most critically needed is a solution to the problem of permanent disposal of nuclear waste, not more plans for simply storing waste in new ways. By establishing a very short timeframe for development of an MRS proposal, the bill deflects the agency's attention from prompt development of a final plan for permanent disposal. The urgent problem of nuclear waste disposal cannot be solved by stopgap alternatives involving long-term storage of the type contemplated by MRS, which at best will only postpone a real solution of the problem for many years.

Our efforts should not be diverted from the goal of permanent disposal. At the very least, plans for an MRS facility should not be developed until efforts to select a permanent disposal site are more clearly underway. Here, again, a less hurried schedule for MRS would be an essential improvement in the bill.

I strongly support the development of a comprehensive national nuclear waste disposal policy. I hope that in the coming debate we can address the weaknesses in this bill and make it more truly responsible to the need.●

Mr. RANDOLPH. Mr. President, for three decades substantial amounts of wastes from nuclear activities have accumulated while we debated on how best to provide for their safe, permanent disposal. Regrettably, the United States today still has no formal policy on nuclear waste disposal.

Nuclear wastes are perhaps the most deadly and longest lasting of all the substances which can pollute the world in which we live. Yet, this is the only major environmental concern for which there is no material program.

I am hopeful, however, that the measure we consider today, the National Nuclear Waste Policy Act of 1982, will become law giving us direction for the first time on managing our nuclear wastes. When it was introduced last year S. 1662 was jointly referred to the Committee on Environment and Public Works, and the Committee on Energy and Natural Resources. When it was reported by these two committees, it was further referred to the Committee on Armed Services because of its jurisdiction over the military nuclear program.

The measure now before the Senate is an amendment to S. 1662 and was introduced on April 1 on behalf of members of the three committees with jurisdictional interests. I believe that the compromise bill generally provides the proper framework for creating a sound and rational nuclear waste policy.

At the time the compromise bill was introduced it was understood that the cosponsors, of which I am one, would be free to oppose provisions or offer further amendments. With this understanding, I will support an amendment to be offered by Senators SIMPSON and HART which is similar to a provision originally in the bill as reported by the Committee on Environment and Public Works. This amendment would require that both defense and civilian high-level nuclear wastes be disposed of in the same repositories unless there is an overwhelming national security reason to separate them.

In addition, I intend to vote for an amendment being offered by Senators HOLLINGS, THURMOND, and others to restrict the establishment of a federally owned temporary storage facility. The away-from-reactor provisions in the compromise bill are similar to those developed 2 years ago by the Environment and Public Works Committee. I am concerned, however, that every emphasis must be given to providing for permanent disposal of nuclear wastes and I am convinced that there is no compelling present need for the Federal Government to provide an AFR facility.

Mr. President, there is no doubt that we must resolve this question of what to do with nuclear wastes. There are more than 70 commercial reactors now operating in the United States. Another 87 reactors are under construction, and military nuclear programs are continuing. The commercial reactors each produce about 30 tons of spent fuel and more than 26,500 cubic feet of less radioactive materials each year. In the past 30 years the Federal Government itself has generated 75 million gallons of radioactive liquids, most of which are temporarily stored on Federal property because we have not come to grips with developing a permanent disposal system.

Mr. President, for many years I have been skeptical about substantial reliance on nuclear energy to produce our country's electricity. I believe it is safer, less expensive and infinitely more practical to rely instead on our vast reserves of coal. It appears that for a variety of factors the expansion of nuclear power facilities has been greatly slowed in the past 3 years.

I am realistic, however, and acknowledge that we have substantial capacity for nuclear power generation and will have for some years. I believe, therefore, that we must assure that nuclear energy is generated in the safest possible manner. Critical to that objective is the care and disposal of nuclear wastes so that they are prevented from endangering the population of our country.

Mr. President, I commend Senators who have given diligent attention to this subject and have fashioned the compromise bill which is before us. Representatives of the three concerned committees in this process were Senators MCCLURE, STAFFORD, TOWER, DOMENICI, HART, SIMPSON, JACKSON, JOHNSTON, WARNER, and CANNON. Much has been accomplished and I believe that at long last their efforts can help us to produce a national policy of nuclear waste management.

Mr. MCCLURE. Mr. President, the Senator from Arkansas indicated that he wanted to engage in a colloquy with respect to some of the provisions of the bill. I yield to him for that purpose at this time.

Mr. President, I might also indicate to all Senators, those who are interested, that it is our intention to ask that the compromise text be considered as original text for purposes of amendment. I shall take that action following the colloquy with the Senator from Arkansas.

Mr. BUMPERS. Mr. President, if I may, I should like to ask the manager of the bill three or four questions to try to clarify in my own mind the meaning of some of the language, particularly the language of the bill that deals with the collection of fees.

I must say, Mr. President, that this bill is not remarkable for its draftsmanship. Some of it seems to me to be rather obscure. That is the reason I wanted to get into this colloquy.

Page 56 of amendment 1350, which is section 603(a), states:

> There is hereby imposed a mandatory fee in the amount of 1.0 mil per kilowatt-hour on electricity generated by civilian nuclear

powerplants and sold on or after the date ninety days after the date of enactment of this Act. Such fee shall be for the purpose of paying the costs to be incurred by the Federal Government that are specified in section 601(a).

That is the cost of establishing away-from-reactor storage, among other things.

My question is, does this fee include a charge for waste? Let me rephrase that.

Is this an annual fee on the generating capacity of a nuclear plant, or is it a fee only to be computed on the basis of how many kilowatts that waste has generated or is capable of generating?

Mr. McCLURE. No, Mr. President. I say to the Senator it would be charged upon the electricity generated and marketed from nuclear power plants.

Mr. BUMPERS. Let me rephrase that: If a utility has a 1,000-megawatt plant, will it be assessed an annual fee based on 1 mill per kilowatt-hour?

Mr. McCLURE. The Senator is correct.

Mr. BUMPERS. Mr. President, that will be assessed annually?

Mr. McCLURE. The assessment is as long as they are selling power from that powerplant. It is an ongoing assessment, not necessarily just an annual assessment. They sell the power throughout the year and as they sell it, this amount is levied on that sale.

Mr. BUMPERS. Mr. President, I am talking now about the charge that DOE is levying against the utility.

Mr. McCLURE. Yes, Mr. President.

Mr. BUMPERS. My question is, The Senator says that is not an annual fee?

Mr. McCLURE. Mr. President, I am trying to understand, first, what the Senator is asking. Is it a continuing levy against that power? Yes, it is.

Mr. BUMPERS. Is this fee levied before anything is stored?

Mr. McCLURE. Yes, according to the terms of the bill.

Mr. BUMPERS. Does the levy commence 90 days after enactment of this bill?

Mr. McCLURE. That is my recollection, yes, Mr. President.

Mr. BUMPERS. If that is true, does that mean the utility company is going to be paying the fee to DOE before we have even selected or determined the characteristics of the site to be selected for storage? In other words, they are going to be paying toward the Government's cost before the Government decides even where the storage is going to take place.

Mr. McCLURE. Mr. President, remember that there are three different activities outlined under the bill. One is AFR and the second is the monitored retrievable storage. The third is the geological storage. There are expenses to the development of these programs that predate the actual construction of any one.

I might also mention, because the Senator is talking about the levy against operating nuclear powerplants, that the away-from-reactor storage section here, in the proposed legislation, requires that the utilitites do what they can with respect to storing the spent fuel rods at the site of the nuclear powerplant, both in terms of their existing facilities and in terms of the application of new technologies. Only after exhausting all the onsite requirements would they be permitted to move to within the utility system transfer of spent fuel rods for storage. Only after that was completed and had been fully exhausted would they then be able to ask the Federal Government to participate in the Government responsibility for AFR.

Mr. President, it is a fee on the production of electricity and the receipts from those fees would be placed in a separate account in the Treasury established solely for this purpose. It would then be appropriated for the waste program on an annual basis.

Mr. BUMPERS. There is not a fee for each one of those three types of storage—AFR, what are called retrievable——

Mr. McCLURE. Monitored retrievable storage, and geological storage.

Mr. BUMPERS. Monitored retrievable and, finally, the geological storage, which is supposed to be the final repository for the waste. This fee is to cover the cost of all three of those, is it not?

Mr. McCLURE. The Senator is correct, Mr. President.

Mr. BUMPERS. Is the utility mandated to apply for a license for onsite storage if there is technology available, are they required to do everything in their power to secure a license for onsite storage before asking the Government to store it in the away-from-reactor storage?

Mr. McCLURE. Without being too literal about the language the Senator used, I would say the Senator is correct. I say that because "to do everything conceivable," "everything possible," those terms sometimes get strained and tortured meanings. But, certainly, it is the intention of the bill and the sponsors of the legislation that the utility first look at its own capacity, do what it can to expand the reracking within the existing pool, the construction of new pools, the construction and the use of other technologies, at the plantsite. They would do that to the extent that they could and in the timeframes, the technological, physical licensing constraints that would be applied to that. They can then look to transfer within the utility system to other facilities within the system. One utility might have two or three plants, with all of the racks full at one plant but racks at another plant only partially filled.

They could transfer to the other plant if they could not keep it all where it was generated, and only after having done that could they then call upon the Department of Energy, the Federal Government, to seek storage in the AFR facility.

Mr. BUMPERS. Are they required to pay a fee on the kilowatt capacity of spent fuel, fuel that is already stored?

Mr. McCLURE. No.

Mr. BUMPERS. It is only what is sold in the future?

Mr. McCLURE. The fee is on the basis of the actual amount of electricity generated and sold.

Mr. JOHNSTON. Will the Senator yield at that point?

Mr. McCLURE. I would be happy to yield.

Mr. JOHNSTON. There are two fees, the one-time fee at the time the fuel is transferred, and the annual operating fee, the ongoing operating fee as the power is generated.

Mr. McCLURE. But there is a one-time charge, and I think the Senator is correct, in addition to the 1 mill per kilowatt-hour.

Mr. BUMPERS. That one-time charge, how is it computed? What is the amount and on what basis is it charged?

Mr. McCLURE. Full cost.

Mr. BUMPERS. Does that mean if it costs $300 million to set up these storage facilities, they will be required to pay that full cost?

Mr. McCLURE. Let me refer the Senator to page 15 of the amendment.

Mr. BUMPERS. All right, I am with the Senator.

Mr. McCLURE. I am referring now to amendment No. 1350:

SEC. 303. a contract entered into under section 302 shall provide—

(a) for a one-time payment at the time the Federal Government acquires the spent fuel of a charge per unit of spent fuel, as such unit is defined by the Secretary, which charge is determined by the Secretary to be adequate to cover—

(1) the cost of transportation of such spent fuel; and

(2) the proportion of the costs of the construction and operation, maintenance and decomissioning of Federal interim away-from-reactor storage facilities, which proportion is associated with such spent fuel.

Mr. BUMPERS. Is that just for the transportation from a plant to an away-from-reactor storage facility?

Mr. McCLURE. Yes; that is just to the AFR.

Mr. BUMPERS. And that is a full-cost fee, whatever that is?

Mr. McCLURE. Whatever that might be.

Mr. BUMPERS. Under the bill, I think it is in section 603(c), the Secretary of Energy is authorized to establish a fee. Does he establish that fee we were just talking about?

Mr. McCLURE. Yes. This fee the Senator is now referring to, which appears on page 57 of amendment No.

1350—and it is section 603(c)—is a different fee than the other one which we were referring to a moment ago.

Mr. BUMPERS. If the Senator will indulge me just a moment.

Mr. McCLURE. Surely.

Mr. BUMPERS. At the bottom of the section, beginning on line 19, the committee amendment says:

> In paying such a fee, the person delivering spent fuel, or solidified high-level radioactive wastes derived therefrom, to the Federal Government shall have no further financial obligation to the Federal Government for the long-term storage and permanent disposal of such spent fuel, or the solidified high-level radioactive waste derived therefrom.

Senator, what if it turns out that the fee the Secretary has established is not going to be sufficient? Let us assume we get the storage facility one-third full and then see that the fee the Secretary has established is not going to be sufficient to reimburse the Government all of its costs. At that point the Secretary apparently can make a proposal and send it to Congress?

Mr. McCLURE. The Secretary could not change the fee, the one-time fee that had been charged and collected. But the Secretary could take any of a combination of actions which, of course, would have to be approved by the Congress. One would be to adjust the kilowatt-hour fee to increase the revenues. The second would be to adjust the one-time charge here for future acquisitions and deposits in the repository.

Mr. BUMPERS. Let me move to the final storage place. In the committee, as I recall, we talked about a cost of $300 million to develop a final repository for this waste. Is that right?

Mr. McCLURE. It is much more than that. It would probably be a $3 billion to $3.5 billion cost for the geologic repository, or we are talking about a kilowatt-hour charge of $300 million per year. We would have in addition to that the one-time charge for AFR and the one-time fee for placing spent fuel in a repository. The combination of those fees would vary according to how much was generated in any one year. The $300 million to $1 billion figure is applied to the kilowatt-hour fee alone.

We would have initial sums coming from those other two sources depending upon the level of activity. The exact amount I do not think we know at this time. But a repository is an expensive undertaking, and what we are trying to do is to internalize those costs so that the utility that generates the electricity and sells it to the consumers that buy that electricity pay all the costs associated with the program.

Mr. BUMPERS. What are the anticipated receipts of the fees imposed under 603(a)?

Mr. McCLURE. The 1 mill per kilowatt-hour under 603(a) is anticipated at $300 million to $1 billion a year.

Mr. BUMPERS. That the Government would collect.

Mr. McCLURE. It varies with time, I might add. If I could refer to the committee report, which you have, page 557, there is an estimate of revenues based upon the anticipated amount of electric energy generated and sold. It would rise to nearly $1 billion in the year 2000.

Mr. BUMPERS. Senator, one of my concerns is that we are going to get involved in this and find that the fee is not sufficient to reimburse the Government its cost, No. 1. I would like to see the bill amended to allow the Secretary to adjust the fee and simply send it to Congress but let the fee take effect within 90 days after he proposes it. During that time Congress could obviously take such action as it wanted to—including prohibiting the imposition of the fee or do whatever it wanted. If Congress did nothing, the increased fee would go into effect.

Would the Senator have any objection to such a change as that?

Mr. McCLURE. Let me refer you to section 603(d), which appears on page 58 of the proposed committee amendment, the proposed amendment No. 1350. That requires that the Secretary shall within 180 days after the date of the enactment establish the procedures for the collection and payment of the fees established by subsection (a) and subsection (c).

It further provides that he shall make an annual review of the amount of fees established to evaluate whether or not the collection of the fee will provide sufficient revenues to offset the costs as defined in the bill; and it provides further that in the event he concludes that those fees are inadequate, he shall submit that as a recommendation to Congress for an adjustment of the amount of such fee, and that the fee thus approved by Congress will then in effect act prospectively, in the future.

So the only difference between what the Senator is suggesting and what the bill provides is that the Secretary should have the responsibility and authority to act without the intervention of Congress, rather than having positive approval of Congress.

Mr. BUMPERS. The Senator is exactly correct.

My thought is, quite frankly, that I can see the time coming when these costs will be much more than we have anticipated today. When the Secretary sends a proposal here to adjust the fees upward and those fees cannot take effect until Congress approves them, I know how intense things can get around here: The allegations that DOE is not managing the program well, that the utilities should not have to pay an additional fee because the whole thing has been botched from the beginning, and so forth.

I would like to avoid that possibility, and I may offer an amendment to say that the Secretary can propose an adjusted rate upward if the fees are not covering the cost of the program, and those fees go into effect within 60 or 90 days after the submission of the fees by Congress. Congress can do all it wants, but if Congress does nothing, the adjusted fees can go into effect. That would save us time and give us a fairly good assurance today, not somewhere down the pike, that the Government will recover its costs for this program.

Mr. McCLURE. I understand what the Senator is saying. There has been an understandable reluctance in these Halls over a period of time to delegate too much of the taxmaking authority to the administrative branch. At the same time, the administrative branch has been very jealous of the actions by Congress to veto their actions. We get into the area of those longstanding debates around here when we try to deal with this question.

I suppose the opinions on the desirability of any particular course of action in this field will be subject to some varying responses in this body as well as the body on the other side of the Capitol.

We tried our best to get what we believe is an action-forcing mechanism to make certain we have said in this bill that those fees are going to cover the cost of the program, and without becoming involved in the other phase, a procedure by which we could have some assurance that the fees would be adjusted, if necessary, to cover the costs. My personal belief is that they will. There may be others who will have doubt about that matter. I believe that the provisions of the bill are adequate to cover the contingency.

Mr. BUMPERS. This brings up another point. The first question is, the Government is going to incur considerably more costs on the front end than it will recover for the geological storing of this waste. Does the Senator think that is a fair statement?

Mr. McCLURE. The front end over a considerable period of time, because we will not get into the business of building one of these repositories for a number of years from now. There is a lot of investigatory work and a lot of preliminary work that has to be done, including the negotiations that go on with all the interested parties and local governments that are involved, before we get around to that point.

Meantime, this fee, the single kilowatt-hour fee, is being charged, collected, and placed in the Treasury. I would expect that those fees being charged, collected, and placed in the Treasury would be far in excess of the program in the initial years. There

may be a time some 8 of 10 years from now when the actual outgo from the fund will be greater than the income to the fund, but I expect that will come pretty close to balance at that period of time.

Again, we have the Senators from Mississippi, who are suggesting some delay in that timetable. If there is a delay in that timetable, there will be a period of time in which the consumers will have prepaid some additional sums of money. So there is some uncertainty in the timeframe and the sendout rate on the construction of the program that might be called upon to be done under this legislation.

Mr. BUMPERS. I am sure the Senator has seen the study CBO has done concerning the anticipated costs and revenues, and it is a little complicated. If I read it correctly, it appears to me as though the Government is going to spend a lot more during the early years than it will receive.

Mr. McCLURE. I do not think that estimate is correct, until you get to the actual construction of one of the geologic repositories, which is not expected to begin until 1989.

Mr. BUMPERS. This is simply a projection based upon what they anticipate happening. But if I am reading this correctly, it shows that by 1993, the Government will have at least $2 billion invested more than it has recovered under the fees.

In this period of fiscal austerity and retrenchment, what I was leading up to is that if this is correct, would it not also be proper for the United States to collect the interest?

Mr. McCLURE. Let me put the CBO study into the proper frame of reference. I think it is done better by a letter addressed to the Honorable PETE DOMENICI, chairman of the Committee on the Budget, dated April 23, 1982, signed by Alice Rivlin. It is in reference to the earlier study. This is what the letter says in the final paragraph:

> These memoranda did not deal specifically with S. 1662 but rather with the more general question of user fees applied to all radioactive waste disposal activities.

That schedule has to be understood in the context in which it was given and not with exact reference to this bill.

Therefore, I am free to say that I do not think she is representing that that memorandum applies to the cost schedule under this legislation.

Mr. BUMPERS. According to the memorandum I have, which is addressed to Andrea Dravo, the House Interior and Insular Affairs Committee, from the Natural Resources and Commerce Division at CBO, on the subject of nuclear waste disposal, they have taken three scenarios. They have taken three different assumptions as to how much power is going to be nuclear between now and the year 2000. They have taken a 7-percent inflation rate. They have three different projections—low, medium, and high revenues.

If we look at those three, under the high-revenue projection, they are showing almost a $2 billion deficit in this program by the year 1983.

In the medium, they show a $3 billion deficit almost through the year 2000.

I had not looked at this before, so I confess that this is subject to a wrong interpretation. However, for what it is worth, I am going to offer this for the record, so that we all can have a chance to study it, and we will talk about this further.

If I am correct and my interpretation of this is correct, then the question will remain: Should not the Government allow the Secretary to include whatever the Government's cost of money might be each year in setting fees it is going to recover, so that we recover not only the actual outlay but also what the Government is paying for its money? Would that not be a fair thing?

Mr. McCLURE. The Senator is correct, but remember that there is another side to that as well, and that is that during the early years, the consumer will have paid this levy, that money will have been paid into a trust fund and, in effect, they will have been prepaying on the program.

Mr. BUMPERS. The Senator is dead right, and they should get the benefit of that, based on the same proposition—that is, they should be credited with whatever the cost of the Government's money is on any prepayments that are made.

Mr. JOHNSTON. Mr. President, will the Senator yield at that point?

Mr. McCLURE. Before the Senator yields for that purpose, I do not want to be unfair about what Mrs. Rivlin may have said in the analysis.

But so that all Members may have the context of her comments as well as the details of the comments, I think the Senator from Arkansas was making reference to a memorandum from CBO to the House Interior and Insular Affairs Committee, there are two such memoranda, one dated February 26 and another dated March 23, both 1982. The letter to which I referred is dated April 23, 1982, and I think it would be useful if all three of those documents be made a part of the RECORD. And I so ask unanimous consent.

Mr. BUMPERS. That is right. What I am looking at is a February 26 document, and I ask unanimous consent that following this colloquy that document be printed in the RECORD.

Mr. McCLURE. Mr. President, we also ask unanimous consent that our documents which apply to the bill be printed at this point in the RECORD as well.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., January 20, 1982.

Hon. JAMES A. McCLURE,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Dirksen Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has prepared the attached cost estimate for S. 1662, the National Nuclear Waste Policy Act of 1981.

Should the Committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

ALICE M. RIVLIN,
Director.

[Congressional Budget Office]

COST ESTIMATE, JANUARY 20, 1982

1. Bill number: S. 1662.

2. Bill title: National Nuclear Waste Policy Act of 1981.

3. Bill status: As ordered reported by the Senate Committee on Energy and Natural Resources, October 21, 1981.

4. Bill purpose.—

The bill authorizes the construction or acquisition of an away-from-reactor (AFR) facility for the interim storage of spent fuel from civilian nuclear power plants, and the establishment of a program for the siting and development of repositories for the safe disposal of high-level radioactive waste and spent nuclear fuel. It provides for the development of proposals for construction of a test and evaluation facility and a facility for continuous monitoring, management, and maintenance of spent fuel and high-level radioactive waste. The bill also authorizes continued research and development into technology for the disposal of waste from civilian and atomic energy defense activities and authorizes payments to local governments to mitigate the social or economic impacts caused by the construction and operation of a monitored waste facility in the event such a facility is built. The bill imposes a 1.0 mil per kilowatt-hour fee on electricity generated by civilian nuclear power plants sold after enactment of this act to finance the activities authorized by the bill. In addition, the Secretary of Energy is authorized to enter into contracts for the interim storage of spent fuel at the AFR facility to cover the costs of construction and operation of the facility. Borrowing from the Treasury is also authorized by this bill. Receipts collected from the fee and contract payments are to be deposited in a nuclear waste fund established in the U.S. Treasury. Spending from the fund is subject to authorization and appropriations action.

5. COST ESTIMATE

[By fiscal years, in billions of dollars]

	1982	1983	1984	1985	1986
Estimated Authorization level	0.2	0.5	0.6	0.7	0.5
Estimated gross outlays	(1)	.5	.7	.6	.5
Less: Estimated receipts	(1)	.6	.4	.5	.6
Estimated net outlays	(1)	−.1	+.3	+.1	−.1

[1]Less than $50 million.

A substantial portion of the costs associated with S. 1662 will occur after 1986. Depending on the rate of inflation, delays in the program, potential technological difficulties, and other uncertainties, gross outlays by the year 2000 could total at least $14 billion to $18 billion. Assuming some future adjustments in the fee charged on electrical power sales, receipts generated by this bill would be expected to cover costs so that, over time, the net costs to the government would be negligible. However, between 1982 and 1986, receipts to the nuclear waste fund are estimated to fall $200 million short of projected spending.

The costs of this bill fall within budget functions 270 and 050.

6. Basis of estimate.—

It was assumed for the purposes of this estimate that the bill would become effective in March 1982 and that a supplemental appropriation would be enacted by July 1982. As a result, significant outlays will begin to occur in fiscal year 1983. Similarly, substantial receipts would not be accrued until fiscal year 1983. In addition, CBO assumed that an AFR facility would be constructed and that one repository would be built.

Costs that will be incurred between fiscal years 1982 and 1986 are related to development of the AFR facility, the repository siting and licensing program, and both civilian and defense technology development. The estimate is based on data provided by the Department of Energy and assumes a pattern of activity that would allow construction of the AFR facility to begin in fiscal year 1986 and construction of the repository to begin in fiscal year 1988. The authorization level shown in the table represents the budget authority necessary to be consistent with those assumptions. The total estimated authorization level of $2.5 billion between 1982 and 1986 includes $0.2 billion for development of the AFR facility, $0.9 billion for siting and licensing activity associated with the repository, $0.9 billion for civilian technology development, and $0.5 billion for defense waste technology research and development.

It is expected that a majority of the costs of this bill will be incurred by the year 2000 when repository construction is expected to be completed and the facility operational. The costs of the bill are projected based on Department of Energy estimates, adjusted for inflation. It is estimated that construction of the AFR facility would cost approximately $0.4 billion, with an additional $0.8 billion needed for operating and licensing costs through fiscal year 2000, assuming completion of the facility by fiscal year 1992. CBO estimates that construction of the repository would cost around $3 billion if construction begins in fiscal year 1988. Approximately $4 billion would be needed for defense-related research into disposal technology, assuming continuation of current policy funding levels through the year 2000. If it is assumed that beginning in fiscal year 1986 price increases average 5 percent annually, the total cost of the bill through the year 2000 would exceed $14 billion. If the estimated annual increase were raised to 7 percent, the projected costs would reach $16 billion. It is not unusual for major government capital projects—defense systems, dams, rail systems, space programs, etc.—to cost substantially more than originally estimated, due to delays, overruns, changes in specifications, higher than anticipated inflation, and other factors. Thus, construction delays of only 2 to 3 years, plus a 10 percent increase in costs, could raise the cost of the bill to over $18 billion—and greater increases are certainly possible.

The authorized activities are to be financed through contracts for the interim storage of spent fuel with operators of civilian nuclear power plants and through the imposition of a 1.0 mil per kilowatt hour charge on electricity generated by civilian nuclear power plants. Based on the projected costs for constructing and operation the AFR facility, CBO estimates that over $1 billion in payments will have to be received from contracts to cover the costs of the AFR facility. These payments will not begin until 1987, when the first units of spent fuel are accepted for storage. CBO projects that the 1.0 mil per kilowatt hour charge will generate over $13 billion by fiscal year 2000. Based on this estimate, it is likely that the charge on electricity will have to be increased at some time in the 1990s in order to cover anticipated costs. CBO's estimate of receipts from nuclear power generation is based on information provided by the Department of Energy, and assumes moderate growth in nuclear power capacity, and power generation at between 60 and 65 percent of capacity.

7. Estimate comparison: None.

8. Previous CBO estimate.—

CBO prepared an estimate on December 9, 1980, for H.R. 5016, the High-Level Radioactive Waste Management and Policy Act, as ordered reported by the House Committee on Science and Technology, November 20, 1981. The House version of the bill authorized at least two repositories and construction of a test and evaluation facility. The costs between 1982 and 1986 were estimated to be $1.8 billion, with costs through the year 2000 to total between $14 billion and $20 billion, all of which would be offset through contract payments from operators of civilian nuclear power plants. CBO estimated that under the House bill, the nuclear waste fund would achieve a $400 million surplus by 1986, assuming imposition of a 1.0 mil per kilowatt hour fee. The estimated cost of $14 billion to $18 billion for S. 1662 assumes construction of an AFR facility and only one repository, and includes the estimated costs of research and development for defense waste technology. The Senate bill also includes specific provisions for receipts which would generate an estimated $14 billion by the year 2000.

9. Estimate prepared by Jeffrey W. Nitta (226-2860).

10. Estimate approved by James L. Blum, Assistant Director for Budget Analysis.

CONGRESSIONAL BUDGET OFFICE,
U.S. CONGRESS,
Washington, D.C., January 27, 1982.

Hon. ROBERT T. STAFFORD,
Chairman, Committee on Environment and Public Works, U.S. Senate, Dirksen Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has prepared the attached cost estimate for S. 1662, the National Nuclear Waste Policy Act of 1981.

Should the Committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

RAYMOND C. SCHEPPACH
(For Alice M. Rivlin, Director).

Congressional Budget Office

COST ESTIMATE, JANUARY 27, 1982

1. Bill number: S. 1662

2. Bill title: National Nuclear Waste Policy Act of 1981.

3. Bill status: As ordered reported by the Senate Committee on Environment and Public Works, November 16, 1981.

4. Bill purpose.—

The bill authorizes the construction or acquisition of an away-from-reactor (AFR) facility for the interim storage of spent fuel from civilian nuclear power plants, and the establishment of a program for the siting and development of repositories for the safe disposal of high-level radioactive waste and spent nuclear fuel. It provides for the development of proposals for construction of a test and evaluation facility and a facility for continuous monitoring, management, and maintenance of spent fuel and high-level radioactive waste. A report outlining a plan for the permanent disposal of defense nuclear waste is also required. The bill authorizes continued research and development into technology for the disposal of waste from civilian and atomic energy defense activities, and authorizes compensation to states or Indian tribes for participation in the development and operation of a repository or a retrievable monitored storage system, if one is built. The bill imposes a 1.0 mil per kilowatt-hour fee on electricity generated by civilian nuclear power plants sold after enactment of this act to finance the activities authorized by the bill and authorizes the Secretary of Energy to collect a fee equivalent to 1.0 mil per kilowatt hour for the disposal of nuclear waste generated prior to enactment of this legislation. The fees can be adjusted annually by the Secretary to provide sufficient revenue to offset the costs of the bill. In addition, the Secretary is authorized to enter into contracts for the interim storage of spent fuel at the AFR facility to cover the costs of construction and operation of the facility. Borrowing from the Treasury is also authorized by this bill. Receipts collected from the fees and contract payments are to be deposited in a nuclear waste fund established in the U.S. Treasury. Spending from the fund is subject to authorization and appropriations action.

5. COST ESTIMATE

[By fiscal years, in billions of dollars]

	1982	1983	1984	1985	1986
Estimated authorization level	0.2	0.5	0.6	0.7	0.6
Estimated gross outlays	(1)	.5	.7	.6	.6
Less: Estimated receipts	(1)	.6	.4	.5	.6
Estimated net outlays	(1)	−.1	+.3	+.1	(1)

[1] Less than $50 million.

A substantial portion of the costs associated with S. 1662 will occur after 1986. Depending on the rate of inflation, delays in the program, potential technological difficulties, and other uncertainties, gross outlays by the year 2000 could total at least $19 billion to $25 billion. Assuming annual adjustments in the fee charged on electrical power sales, receipts generated by this bill would be expected to cover costs so that, over time, the net costs to the government would be negligible. However, without an adustment to the initial fee, receipts to the nuclear waste fund would fall $300 million short of projected spending between 1982 and 1986.

The costs of this bill fall within budget functions 270 and 050.

6. Basis of estimate.—

It was assumed for the purposes of this estimate that the bill would become effective in March 1982 and that a supplemental appropriation would be enacted by July 1982. As a result, significant outlays will begin to occur in fiscal year 1983. Similarly, substantial receipts would not be accrued until fiscal year 1983. In addition, CBO assumed that an AFR facility would be constructed and that two repositories would be built.

Costs that will be incurred between fiscal years 1982 and 1986 are related to development of the AFR facility, the repository siting and licensing program, financial assistance to states, and both civilian and defense technology development. The estimate is based on data provided by the Department of Energy and assumes a pattern of activity that would allow construction of the AFR facility to begin in fiscal year 1986 and construction of the repositories to begin in fiscal years 1991 and 1994. The authorization level shown in the table represents the budget authority necessary to be consistent with those assumptions. The total estimated authorization level of $2.6 billion between 1982 and 1986 includes $0.2 billion for development of the AFR facility, $0.9 billion for siting and licensing activity associated with the repository, $0.9 billion for civilian technology development, $0.1 billion for compensation to states, and $0.5 billion for defense waste technology research and development.

It is expected that a majority of the costs of this bill will be incurred by the year 2000 when repository construction is expected to be completed and the facilities operational. The costs of the bill are projected based on Department of Energy estimates, adjusted for inflation. It is estimated that construction of the AFR facility would cost approximately $0.4 billion, with an additional $0.8 billion needed for operating and licensing costs through fiscal year 2000, assuming completion of the facility by fiscal year 1992. CBO estimates that construction of the first repository would cost between $3.0 and $3.5 billion if construction begins in fiscal year 1991. Construction of the second repository would cost between $4 and $5 billion if construction begins in 1994. Approximately $4 billion would be needed for defense-related research into disposal technology, assuming continuation of current policy funding levels through the year 2000. If it is assumed that beginning in fiscal year 1986 price increases average 5 percent annually, the total cost of the bill through the year 2000 would exceed $19 billion. If the estimated annual increase were raised to 7 percent, the projected costs would reach $22 billion. It is not unusual for major government capital projects—defense systems, dams, rail systems, space programs, etc.—to cost substantially more than originally estimated, due to delays, overruns, changes in specifications, higher than anticipated inflation, and other factors. Thus, construction delays of only 2 to 3 years, plus a 10 percent increase in costs, could raise the cost of the bill to over $25 billion—and greater increases are certainly possible.

The authorized activities are to be financed through contracts for the interim storage of spent fuel with operators of civilian nuclear power plants, through the imposition of a 1.0 mil per kilowatt hour charge on electricity generated by civilian nuclear power plants, and from an equivalent fee for disposal of nuclear waste generated prior to enactment of this bill. Based on the projected costs for constructing and operating the AFR facility, CBO estimates that over $1 billion in payments will have to be received from contracts to cover the costs of the AFR facility. These payments will not begin until 1987, when the first units of spent fuel are accepted for storage. CBO projects that the 1.0 mil per kilowatt hour charge will generate over $13 billion by fiscal year 2000. Based on this estimate, it is likely that the charge on electricity will have to be increased at some time in the 1990s in order to cover anticipated costs. CBO's estimate of receipts from nuclear power generation is based on information provided by the Department of Energy, and assumes moderate growth in nuclear power capacity, and power generation at between 60 and 65 percent of capacity. At least $2 billion will be received from the contracts for the disposal of existing waste based on a fee equivalent to 1.0 mil per kilowatt hour. The revenues from the contracts would increase if the charge per kilowatt hour were increased. All these provisions would generate an estimated $16 billion by the year 2000 without any adjustments in fees.

7. Estimate comparison: None.

8. Previous CBO estimate.—

CBO prepared an estimate on December 9, 1980, for H.R. 5016, the High-Level Radioactive Waste Management and Policy Act, as ordered reported by the House Committee on Science and Technology, November 20, 1981. The House version of the bill authorized at least two repositories and construction of a test and evaluation facility. The costs between 1982 and 1986 were estimated to be $1.8 billion, with costs through the year 2000 to total between $14 billion and $20 billion, all of which would be offset through contract payments from operators of civilian nuclear power plants. CBO estimated that under the House bill, the nuclear waste fund would achieve a $400 million surplus by 1986, assuming imposition of a 1.0 mil per kilowatt hour fee.

CBO prepared an estimate on January 20, 1982, for the Senate Committee on Energy and Natural Resources on their version of S. 1662, as ordered reported on November 16, 1981. The estimated cost of $14 billion to $18 billion assumed construction of an AFR facility and only one repository, includes the estimated costs of research and development for defense waste technology, and also includes specific provisions for receipts which would generate an estimated $14 billion by the year 2000. The Environment and Public Works version of S. 1662, estimated to cost at least $19 to $25 billion by the year 2000, includes construction of two repositories and an AFR, and includes research and development into defense waste technology.

9. Estimate prepared by: Jeffrey W. Nitta (226-2860).

10. Estimate approved by C. G. Nuckols, for James L. Blum, Assistant Director for Budget Analysis.

CONGRESSIONAL BUDGET OFFICE,
U.S. CONGRESS,
Washington, D.C., February 26, 1982.

MEMORANDUM

To: Andrea Dravo, House Interior and Insular Affairs.

From: Gary Mahrenholz, Natural Resources and Commerce Division.

Subject: Nuclear Waste Disposal.

In response to your discussion with Dave Bodde, earlier in the week, we are submitting a preliminary estimate of the revenue adequacy of a generation fee to finance nuclear waste disposal. The fee adequacy is examined under three cost scenarios and three growth rates of nuclear capacity. In addition, some sensitivity to the level of the fee is presented. We would value your comments on this.

ASSUMPTIONS

The three cost scenarios presented here represent a lower, upper, and a middle ground estimate of disposal program costs. The low cost estimate is a "best case," in which the Department of Energy's cost projections are accurate and the program proceeds on schedule. The inflation rate is assumed to be 7 percent per annum through 1984 and 5 percent thereafter. The upper bound cost estimate utilizes the same DOE base cost estimates, but assumes a three-year program delay, a 40 percent real cost overrun, and high inflation (10 percent per annum from 1980 to 1990 and 8 percent per annum over the 1991-2000 period). The medium cost is based on a three-year program delay and a high inflation rate. All three cases include costs for one repository, one away-from-reactor storage facility, and a test and evaluation facility.

The three revenue estimates vary according to growth rates in nuclear generating capacity, since this capacity is the basis of the generation fee. The high growth rate assumes nuclear capacity totals 230 gigawatts by 2000. The medium growth rate assumes installed nuclear capacity reaches 175 gigawatts by 2000, while the low growth case assumes 120 gigawatts by the same year. Revenues are derived by placing a one mil per kilowatt hour fee on nuclear generation. Capacity is assumed to operate on average at a 60 percent capacity factor.

The revenues generated by the fee and the cash outlays for repository construction were compared for each year between 1982 and 2000. When costs exceed fee revenues in any one year, the balance is financed by a "trust fund" at a rate of interest assumed to be the rate of inflation plus 4 percent. Conversely, when fee receipts exceed costs, the trust fund invests the revenues (or retires its debt) at this same rate of interest. Thus, the value of the trust fund at the end of the period of analysis (the year 2000) tells us whether or not any fee program is tenable in the long-term. It should be noted that the value of the trust fund will not equal zero if total project costs equal total project revenues over the 1982-2000 period. Rather, the trust fund may have a negative balance due to interim borrowing costs, even if total project costs equal total revenues.

RESULTS

Table 1 presents these costs and revenues in detail. For simplicity, only the best case costs are reproduced.

Low Costs ("Best Case"). Only under optimal conditions, with "best case" costs and the highest projected level of nuclear capacity (and, hence, revenues), is the one mil fee adequate to finance the disposal program. The result is a positive revolving trust fund balance of $282 million in 2000. This is the case, even though total revenues exceed total cost by $1.8 billion. The mismatch between yearly revenues and yearly costs causes a deficit in the revolving trust fund of nearly $1 billion by 1990 and $1.9 billion by 1993. The fund returns to balance in 1997. Thus, financing charges total $1.5 billion over the 20-year period.

Under the medium nuclear capacity growth scenario, where a total of $12.3 billion is collected, and the low cost estimate, a negative trust fund balance of nearly $3.9

billion obtains in the year 2000. The trust fund balance is consistently negative over the 19-year period, reaching $1 billion by 1989, nearly $2 billion by 1991, and $3 billion by 1995. Financing charges total nearly $3 billion. Adjusting the fee to 1.5 mils per kilowatt hour in 1995 produces a trust fund surplus of $2.3 billion in 2000. If the "best case" cost scenario is coupled with the lowest projections of nuclear capacity, a trust fund deficit of $7.9 billion results in 2000. Predictably, this fund is negative throughout, reaching $1 billion by 1986, $2 billion by 1988, and $5 billion by 1992. Financing charges total $4.8 billion. Increasing the generation fee to 1.5 mils per kilowatt hour beginning in 1990 is still insufficient to eliminate the deficit, which would total $2.1 billion by 2000. However, combining this initial increase with a 2 mil per kilowatt hour fee beginning in 1995 produces a surplus of $493 million in 2000.

TABLE 1.—ANNUAL BUDGET PROFILE OF WASTE REPOSITORY FINANCING UNDER THE LOW-COST CASE

	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	Total
Low Cost	200	345	540	634	548	634	636	962	966	1,079	1,093	891	579	532	550	577	654	876	950	13,246
High revenues		459	516	573	610	647	683	720	757	803	849	896	942	988	1,032	1,076	1,121	1,165	1,209	15,046
Balance [1]	−200	114	−24	−239	62	13	47	−242	−209	−276	−244	5	363	456	482	499	467	289	259	
Trust Fund carryover [2]	−222	−120	−160	−443	−423	−455	−453	−771	−1,088	−1,487	−1,911	−2,078	−1,869	−1,540	−1,153	−713	−268	23		
Net balance [3]	−200	−108	−144	−399	−381	410	408	−695	−980	−1,364	−1,731	−1,906	−1,715	−1,413	−1,058	−644	−246	21	282	
Medium revenues		418	462	505	538	572	606	637	673	691	709	726	744	762	794	825	857	888	920	12,328
Balance [1]	−200	73	−78	−129	−10	−62	−30	−325	−293	−388	−384	−165	165	230	244	248	203	12	−30	
Trust Fund carryover [2]	−222	−165	−170	−433	−492	−615	−716	−1,156	−1,608	−2,176	−2,790	−3,221	−3,331	−3,380	−3,418	−3,455	−3,545	−3,851		
Net balance [3]	−200	−149	−243	−399	−443	−554	−645	−1,041	−1,449	−1,996	−2,560	−2,955	−3,056	−3,101	−3,136	−3,170	−3,252	−3,533	−3,881	
Medium revenues (with adjustment to 1.5 m/kwh in 1990)																				16,924
Balance [1]									−293	−42	−29	498	537	611	641	661	632	460	430	
Trust fund carryover [2]									−1,267	−1,732	−1,934	−2,140	−1,790	−1,366	−823	−198	505	1,239	1,852	
Net balance									−1,560	−1,774	−1,963	−1,642	−1,253	−755	−182	463	1,137	1,699	2,282	
Low revenues		374	403	431	466	500	535	570	604	610	615	620	625	631	631	631	631	631	631	10,139
Balance [1]	−200	29	−137	−203	−82	−134	−101	−392	−362	−469	−478	−271	46	99	81	54	−23	−245	−319	
Trust fund carryover [2]	−222	−214	−390	−658	−182	−1,060	−1,289	−1,866	−2,473	−3,207	−4,017	−4,674	−5,049	−5,309	−5,309	−5,698	−6,152	−7,604		
Net balance [3]	−200	−193	−351	−593	−740	−955	−1,161	−1,681	−2,228	−2,942	−3,685	−4,287	−4,628	−4,945	−5,222	−5,644	−6,175	−6,976	−7,923	
Low revenues (with adjustment to 1.5 m/kwh in 1990)																				13,573
Balance [1]									−60	−164	−170	39	359	415	397	370	293	71	−3	
Trust fund carryover [2]									−1,866	−2,138	−2,509	−2,920	−3,140	−3,032	−2,853	−2,677	−2,514	−2,312	−2,447	
Net balance [3]									−1,926	−2,302	−2,679	−2,881	−2,781	−2,617	−2,456	−2,307	−2,121	−2,241	−2,450	
Low revenues (with adjustment to 1.5 m/kwh in 1990 and 2 m/kwh in 1995)																				15,463
Balance [1]														730	712	685	608	608	312	
Trust fund carryover [2]														−3,032	−2,509	−1,959	−1,389	−851	−265	
Net balance [3]														2,302	−1,797	−1,274	−781	−242	47	

[1] Obtained by subtracting annual costs from annual revenues.
[2] Obtained by increasing (decreasing) previous year's trust fund by interest received (paid).
[3] Obtained by adding annual balance to carryover value of trust fund.

Medium Costs. The medium cost case totals $19.3 billion. When combined with the high revenue scenario, a negative $3.0 billion trust fund results in 2000, with financing costs through 2000 to $2.1 billion. Matching this cost case with the medium nuclear growth scenario produces a trust fund deficit of $9.5 billion by 2000. Financing costs total $5.6 billion by 2000. Adjusting the fee to 1.5 mills per kilowatt hour beginning in 1990 reduces the trust fund deficit, but it still totals $1.7 billion in 2000. Combining this increase with a shift to a 2 mill per killowatt hour charge beginning in 1995 produces a surplus of $1.7 billion in 2000. When combined with the low revenue case, the medium cost case produces a trust fund deficit of $14.7 billion in 2000. Financing charges total $9.7 billion over this period.

High Costs. The high cost case understandably produces the largest trust fund deficits in 2000. These deficits total $20.3 billion, $27.4 billion and $32.6 billion under the high, medium, and low revenue cases, respectively. The corresponding financing costs are $8.3 billion, $12.7 billion, and $15.7 billion, respectively. With high revenue growth, a 1.5 mill fee throughout results in only a $482 million trust fund deficit in 2000, since it lowers interim financing charges. In contrast, adjusting the fee to 1.5 mills beginning in 1990 still produces a $12.3 billion deficit. This deficit is lowered to $7.3 billion if the fee is adjusted again to 2 mills beginning in 1995.

Under the medium revenue case and the high cost scenario, a 2 mill fee beginning in 1985 is more than sufficient to eliminate the trust fund deficit. Under low growth in revenues, raising fees to 1.5 mills beginning in 1990 and to 2 mills in 1995 is insufficient to alleviate the trust fund deficit. A 2 mill adjustment beginning in 1985 lowers the trust fund deficit to $7.6 billion in 2000. Hence, if the worst cost and revenue cases obtain, a fee in excess of 2 mills must be considered if the trust fund is to be solvent in the year 2000.

SUMMARY

These estimates are preliminary and are designed to give an estimate of the adequacy of the generation fee as a funding mechanism. Still to be considered are the role of military wastes in providing funds, cost sensitivity if an away-from-reactor storage is not included or if more than one repository is required. In addition, the generation fee must be compared to other funding mechanisms that rely on one-time charges.

One final thought also warrants consideration. In each scenario, the revenue from the creation of current wastes goes to pay for the disposal of past wastes. This presents no problem as long as the nuclear sector continues in perpetuity. But if nuclear generation ends or even significantly contracts at some time in the future, large deficits could result. We have ignored the "endgame" problem in this analysis. If one were to make provision for this, the tax paid by each fuel assembly as it produces power would have to increase sufficiently to pay for its own disposal as well as its share of the disposal of past wastes.

CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., March 23, 1982.

MEMORANDUM

To: Andrea Dravo, House Interior and Insular Affairs.
From: Gary Mahrenholz, Natural Resources and Commerce Division.
Subject: Nuclear Waste Disposal.

This memorandum contains more preliminary estimates on the revenue adequacy of a generation fee to finance nuclear waste disposal. As requested, these estimates do not include away-from-reactor (AFR) interim storage as part of the disposal program. The AFR will presumably be an optional program, thus separately funded. Like our previous memorandum, fee adequacy is examined under three cost scenarios. However, due to an alarming number of recent cancellations and indefinite deferrals of nuclear units, a fourth nuclear growth case is considered, consisting of a very low growth rate in nuclear capacity.

We look forward to your comments regarding this analysis.

ASSUMPTIONS

The three cost scenarios presented here remain the same as in the previous memorandum except for the omission of the capital, operation and maintenance costs for an AFR facility. This lowers total repository costs in all three cases by about 10 percent. Again, the low cost estimate represents a "best case," under which the Department of Energy's cost projections are accurate and the program proceeds on schedule. The inflation rate is assumed to be 7 percent per

annum through 1984 and 5 percent thereafter. The upper bound cost estimate is based on the same DOE "best case" estimates but assumes a three-year program delay, a 40 percent real cost overrun, and high inflation (10 percent per annum from 1980 to 1990 and 8 percent per annum over the 1991-2000 period). The medium cost case is based on a three-year delay and the inflation assumptions accompanying the upper bound estimate. These higher inflation estimates could represent actual inflation, higher construction costs, or cost overruns due to changes in engineering or project design.

Since nuclear capacity serves as the basis for the generation fee that finances the disposal project, we depict four revenue estimates that vary according to nuclear generating capacity growth rates. As in our previous memorandum, the high, medium, and low growth rates assume nuclear capacity reaches respective totals of 230 gigawatts, 175 gigawatts, and 120 gigawatts by the year 2000. In addition, a very low nuclear growth rate is considered where installed capacity reaches only 100 gigawatts by 2000. A 60 percent capacity factor is assumed for all revenue projections when calculating the effects generated by a 1.0 mill per kilowatt hour generation fee.

Again, the balance of annual revenues and construction costs is assigned to a "trust fund," which operates as follows. A deficit (negative balance) in any one year is financed by debt with a rate of interest equal to the inflation rate plus 4 percent. Conversely when excess revenues are generated in any single year the "trust fund" invests the revenues (or retrieves debt) at the same interest rate. This analysis examines the state of the trust fund in the year 2000. If the trust fund has a positive balance in that year, then the repository program is self-financing, and vice versa.

Annual estimates of the cost and revenue cases are presented in Table 1.

RESULTS

Low Cost ("Best Case"). Program costs total $16.9 billion under the low cost case. Similar to the previous estimates that included an AFR, the 1.0 mill fee will be adequate to finance the disposal program only under the high growth rate in nuclear capacity, where total revenues are $15.1 billion over the 1982-2000 period. The low cost case combined with a high nuclear growth rate produces a positive revolving trust fund balance of $3.9 billion in 2000. This fund is positive throughout most of the 1982-2000 period, reaching a balance of over $1 billion by 1996. Because of this, the government is able to earn interest charges of roughly $830 million on trust fund revenues (that is, the government earns net interest payments on the positive balance of the trust fund).

Under the medium nuclear growth rate, where revenues total $12.3 billion, a negative trust fund balance of $1.2 billion is reached by 2000. This fund is consistently negative throughout the 1982-2000 year period, reaching a balance of negative $1 billion in 1991, increasing to over $1.7 billion by 1994 and diminishing to $1.2 billion by 2000. Financing charges total $1.6 billion. Increasing the fee to 1.5 mills per kilowatt hour over the 1990-1994 period and lowering it back to 1.0 mills after 1995 is sufficient to eliminate this deficit, and produces a trust fund surplus of $2.6 billion in 2000. This adjustment allows the government to earn $390 million in interest charges on the trust fund. If the low cost case is combined with the low nuclear growth case, where total revenues are $10.1 billion, a negative trust fund balance of $5.2 billion in 2000 results. The trust fund balance is consistently negative, showing deficits of $1 billion by 1989, $2 billion by 1991 and $4 billion by 1998. Financing charges total $3.4 billion. Adjusting the fee to 1.5 mills over the 1990-2000 period is sufficient to produce a trust fund surplus of $320 million in 2000 and reduce cumulative financing charges to $1.3 billion. Coupling the low cost scenario with the very low nuclear growth case (where total revenues are $8.4 billion) produces a trust fund deficit of $9 billion and cumulative financing charges of $5.5 billion.

TABLE 1.—ANNUAL BUDGET PROFILE OF WASTE REPOSITORY FINANCING UNDER THE LOW-COST CASE

[In millions of dollars]

	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	Total
Low cost	187	314	514	597	490	570	530	848	855	966	1,038	851	537	488	504	529	603	623	894	11,938
High revenues		459	516	573	610	647	683	720	757	803	849	896	942	988	1,032	1,076	1,121	1,165	1,209	15,046
Balance [1]	−187	145	2	−24	120	77	153	−128	−98	−163	−189	45	408	500	528	547	518	542	315	
Trust fund carryover [2]		−208	−70	−76	−111	10	97	278	167	77	−94	−309	−288	128	685	1,322	2,037	2,785	3,626	
Net balance [3]	−187	−63	−68	−100	9	87	250	150	69	−86	−283	−264	117	628	1,213	1,869	2,555	3,327	3,941	
Medium revenues		418	462	505	538	572	606	637	673	691	709	726	744	762	794	825	857	888	920	12,328
Balance [1]	−187	104	−52	−92	48	2	76	−211	−182	−275	−329	−125	107	274	290	296	254	265	26	
Trust fund carryover [2]		−208	−115	−185	−308	−289	−319	−262	−525	−785	−1,155	−1,618	−1,900	−1,954	−1,831	−1,680	−1,509	−1,368	−1,202	
Net balance [3]	−187	−104	−167	−277	−260	−287	−243	−473	−707	−1,060	−1,484	−1,743	−1,793	−1,680	−1,541	−1,384	−1,255	−1,103	−1,176	—
Medium revenues (with adjustment to 1.5 mills from 1990–1994 and 1.0 mills from 1995–2000)																				14,101
Balance [1]									155	71	26	238	579	274	290	296	254	265	26	
Trust fund carryover [2]									−525	−411	−370	−375	−149	469	−810	−1,199	1,630	2,053	2,527	
Net balance									−370	−340	−344	−137	430	743	1,100	1,495	1,884	2,318	2,553	
Low revenues		374	403	431	466	500	535	570	604	610	615	620	625	631	631	631	631	631	631	10,138
Balance [1]	−187	60	−111	−166	−24	−70	5	−278	−251	−356	−423	−231	88	143	127	102	28	8	−263	
1Trust fund carryover [2]		−208	−164	−305	−523	−607	−752	−829	−1,229	−1,643	−2,179	−2,036	−3,343	−3,548	−3,712	−3,907	−4,148	−4,490	−4,885	
Net balance [3]	−187	−148	−275	−471	−547	−677	−747	−1,107	−1,480	−1,999	−2,602	−3,067	−3,255	−3,405	−3,585	−3,805	−4,120	−4,482	−5,148	
Low revenues (with adjustment to 1.5 mills from 1990–2000)																				
Balance [1]									51	−51	−115	79	401	459	443	418	344	324	53	
Trust fund carryover [2]									−1,229	−1,308	−1,481	−1,740	−1,811	−1,538	−1,177	−800	−416	−79	267	
Net balance [3]									−1,178	−1,359	−1,596	−1,661	−1,411	−1,080	−734	−382	−72	245	320	
Very low revenues		337	352	368	389	410	431	452	473	484	494	505	515	526	526	526	526	526	526	8,366
Balance [1]	−187	23	−162	−292	−101	−160	−99	−396	−382	−482	−544	−346	−22	38	22	−3	−77	−97	−368	
Trust fund carryover [2]		−208	−205	−407	−706	−896	−1,172	−1,411	−2,005	−2,650	−3,414	−4,314	−5,080	−5,561	−6,020	−6,538	−7,129	−7,855	−8,667	
Net balance [3]	−187	−185	−367	−636	−807	−1,056	−1,271	−1,807	−2,387	−3,132	−3,958	−4,660	−5,102	−5,523	−5,998	−6,541	−7,206	−7,952	−9,035	
Very low revenues (1.5 mills from 1990–1994 and 2 mills from 1995–2000)																				12,759
Balance [1]									−146	−240	−94	236	564	548	523	449	429	158		
Trust fund carryover [2]									−2,005	−2,388	−2,865	−3,447	−3,859	−3,950	−3,691	−3,426	−3,164	−2,959	−2,758	
Net balance [3]									−2,151	−2,628	−3,162	−3,541	−3,624	−3,386	−3,143	−2,903	−2,715	−2,530	−2,600	
Low revenues (with adjustment to 1.5 mills over 1985–2000)																				12,207
Balance [1]				−45	94	45	117	−170	−145	−240	−297	−93	236	301	285	260	186	166	−105	
Trust fund carryover [3]				−407	−502	−453	−453	−373	−603	−830	−1,166	−1,595	−1,840	−1,748	−1,577	−1,408	−1,251	−1,161	−1,085	
Net balance [3]				−452	−408	−408	−336	−543	−748	−1,070	−1,463	−1,688	−1,604	−1,447	−1,292	−1,148	−1,065	−995	−1,190	

[1] Obtained by subtracting annual costs from annual revenues.
[2] Obtained by increasing (decreasing) previous year's trust fund by interest received (paid).
[3] Obtained by adding annual balance to carryover value of trust fund.

The various options aimed at adjusting the fee to ensure revenue adequacy produce results that are generalizable and warrant discussion. If the budgetary goals of the program are to generate adequate revenues, provide for a non-negative trust fund balance, and to minimize interim financing charges in the face of revenue deficiency, adjusting the fee earlier avoids a build-up in

the trust fund deficit. Adjusting the fee later is typically insufficient to eliminate a trust fund deficit even though the adjustment produces a yearly surplus once enacted. The reason is simply that the yearly financing charges counterbalance the surplus created by raising the fee. Thus, it may be preferable to enact fee adjustments earlier, in order to prevent any significant increase in the trust fund deficit.

For example, in the low cost and very low revenue case under consideration, increasing the fee to 1.5 mills in 1990 and to 2 mills in 1995 reduces the trust fund deficit to $2.6 billion in 2000 (from $9.0 billion), and decreases total financing charges to $3.4 billion (from $5.5 billion). Thus, increasing the fee is consistent with the interests of utilities, the government, and electricity consumers. But initiating an earlier adjustment to a 1.5 mil fee in 1985 lowers the trust fund deficit by more than the previous adjustment (the deficit falls to $1.2 billion by 2000), generates $560 million less in total revenues over the 1980-2000 period, but still reduces government financing charges (to $1.5 billion). Thus, earlier fee adjustments reduce the trust fund deficit, total program costs, and financing charges.

MEDIUM COSTS

Under the medium cost case, total project costs equal $17.5 billion (through 2003) and $14.5 billion through 2000. When combined with the high revenue scenario, a trust fund surplus of $1.3 billion in 2000 results. This is the only other case besides the low cost and high revenue scenario where a 1.0 mill fee provides sufficient revenues. The government earns a cumulative $760 million return in interest payments on the positive trust fund balance. The trust fund runs a deficit over the 1982-1988 period but is positive over the remaining period except for the years 1995-1996 (as construction expenditures peak). Coupling medium costs with the medium revenue case results in a trust fund deficit of $6.2 billion in 2000. Financing charges total $4.1 billion. A 1.5 mill fee over the period 1990-2000 is sufficient to produce a $1.9 billion surplus in 2000 and reduce financing charges to $189 million. The medium cost and low revenue case produces a trust fund deficit in 2000 of $10.8 billion and financing charges totaling $6.4 billion. Again, altering the fee earlier serves the interests of utilities, the government, and consumers. Initiating a 1.5 mill fee in 1985, operative until 2000, produces a trust fund surplus of $1.2 billion in 2000 and a cumulative return of $850 million on this fund. In contrast, a fee of 1.5 mills over the 1990-1994 period and 2 mills over the period 1995-2000 costs electricity consumers over $600 million more, does not eliminate the trust fund deficit in 2000 (the deficit would be $1.9 billion), and produces financing charges of $2.8 billion.

With medium costs and the very low revenue case, the trust fund deficit reaches $16.3 billion by 2000 and financing charges total $10 billion, as total revenues fall more than $6 billion short of total program costs. A 2 mill fee over the 1985-2000 period is more than sufficient to eliminate the trust fund deficit, as it produces a surplus of $7.4 billion in 2000 and cumulative trust fund return of $5.9 billion. This occurs even though total revenues exceed total program costs by only $1.6 billion. The early adjustment allows a trust fund surplus to begin accumulation in 1988, reaching $1 billion by 1990 and nearly $2 billion by 1994.

HIGH COSTS

The high cost scenario totals $24.5 billion, of which $20.3 billion is committed by 2000. Again, it produces the largest trust fund deficits in 2000. These deficits total $16.3 billion, $22.6 billion, $27.2 billion and $32.9 billion under the high, medium, low, and very low revenue cases. The corresponding financing costs are $11.2 billion, $14.6 billion, $17.6 billion, and $20.9 billion, respectively. For the medium revenue and high cost cases, a 1.5 mill fee beginning in 1985 through to 2000 produces a trust fund surplus of $811 million in 2000 and reduces financing charges to $881 million. A 1.5 mill fee over the 1990-2000 period is insufficient to eliminate the large trust fund deficit even though total revenues exceed total costs by $74 million. For the high cost and medium revenue combination, the trust fund would approach solvency under a 1.5 mill fee over the 1985-1989 period and a 2 mill fee beginning in 1990. This reduces the trust fund deficit to $189 million in 2000 and total financing charges to $2.2 billion. With high cost and low revenues, a 2 mill fee seems necessary from the outset, and produces a trust fund surplus of $1.6 billion in 2000 and a cumulative trust fund return of $1.6 billion even though total revenues are $35 million less than total costs. Again, this fee allows a trust fund surplus to accumulate early in the period, reaching $1 billion by 1989 and over $2 billion by 1990. This surplus and the return it engenders prevents a deficit from occurring over the peak expenditure years 1992-1996. The very worst of all possible combinations considered, high cost and very low revenues, appears to warrant a very high fee adjustment. The generation fee would have to be 2 mills from the outset and increase to 3 mills over the 1990-2000 period. This would produce a trust fund surplus of $2.8 billion by 2000 and a cumulative return of $680 million. A 2 mill fee over the period 1985-1994 and a 3 mill fee after 1995 generates a total revenue shortfall of $325 million. After this adjustment, the trust fund deficit totals $3.4 billion in 2000 and financing charges reach $3.0 billion.

SUMMARY

The estimates presented here are preliminary and intended to give a notion as to the adequacy of a generation fee across various costs and revenue scenarios. Again, the role of military wastes in providing revenues, and the cost sensitivity if more than one repository is required, have not been considered. The generation fee must also be compared to other funding mechanisms relying on one-time charges. This comparison should include the various equity, revenue sufficiency and budgetary characteristics of the available funding options.

CONGRESSIONAL BUDGET OFFICE,
U.S. CONGRESS,
Washington, D.C., April 23, 1982.

Hon. PETE V. DOMENICI,
Chairman, Committee on the Budget,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your letter of April 21, requesting clarification of our cost estimates regarding S. 1662. Your letter asked whether these cost estimates were still regarded as valid, and whether they were consistent with other estimates of this program's costs revenues prepared by this office. The answer to both of these questions is yes. In both cases, the CBO analyses suggested that a one-mill fee is indeed adequate as a point of departure, but that increases in this fee are likely to be necessary in the 1990s.

On January 20 and January 27, cost estimates of S. 1667 were prepared, respectively, for the Committee on Energy and Natural Resources and the Committee on Environment and Public Works. These estimates noted that ". . . assuming annual adjustments in the fee charged on electrical power sales, receipts generated by this bill could be expected to cover costs . . .", and that ". . . it is likely that the charge on electricity will have to be increased at some time in the 1990s in order to cover anticipated costs." As noted in your letter, we reported that, with a constant one-mill fee, receipts would fall short of costs by $200 to $300 million between 1982 and 1986, depending on the version of S. 1662 considered.

On February 26 and March 23, our Natural Resources and Commerce Division provided informal memoranda to the House Interior and Insular Affairs Committee, in response to their request. These estimates noted that, over the period 1982-2000, the adequacy of a constant generating fee of one mill per kilowatt hour depended strongly upon the underlying assumptions about program cost and nuclear generating capacity growth. These memoranda did not deal specifically with S. 1662 but rather with the more general question of user fees applied to all radioactive waste disposal activities. Therefore, the cost and revenue estimates in these memoranda are based on somewhat different assumptions about program definition and timing. Nevertheless, the basic conclusions of both analyses are the same.

With best wishes.

Sincerely,

ALICE M. RIVLIN, Director.

Mr. BUMPERS. I thank the Senator.

Mr. BIDEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Will the Senator withhold for a moment?

Mr.McCLURE. Mr. President, will the Senator yield for just a moment?

Mr. BIDEN. I yield.

Mr. McCLURE. As I have indicated earlier it is our intention to ask that amendment No. 1530 which has been submitted and printed be substituted and treated as original text. I withheld that request because I understood that the Senator from Wisconsin wanted to be in the Chamber at the time that request was made.

We have before us S. 1662 without that amendment, but there were some pending committee amendments that we intend to withdraw and it might be, therefore, premature to offer the amendment at this time.

I just say to the Senator there is some question as to whether the amendment he is submitting will be offered to the substitute which is amendment No. 1350 or whether it is to be to the underlying bill.

Mr. JOHNSTON. Mr. President, will the Senator yield at that point?

Mr. McCLURE. I am happy to yield.

Mr. JOHNSTON. The motion to proceed has not yet been adopted.

Mr. McCLURE. Yes, it has.

Mr. JOHNSTON. It has been.

Mr. McCLURE. We are on the bill.

Mr. BIDEN. Mr. President, I thank my colleague.

Mr. McCLURE. Mr. President, in order that the record might reflect my comment, yes, the motion to proceed was agreed to earlier and, therefore, the bill is pending and we are on the consideration of the bill.

Mr. BIDEN. I thank the Senator for clarifying the matter for me. I was not aware of the situation. We will wait for the Senator from Wisconsin. I, in fact, want it to the substitute.

What I shall do, if I am permitted at this point, is to send it to the desk, speak to it very briefly now, and then, when the substitute is offered, call it up as an amendment to the substitute.

U.S. POLICY REGARDING THE FALKLAND ISLANDS

Mr. President, the amendment I have sent to the desk is an amendment relating to the Falkland Islands.

Mr. President, I shall leave out all the whereas clauses, but simply state the resolved clause of the amendment. The resolved clause says that:

While the U.S. Government should continue to provide good offices in the search of a diplomatic solution to the Falkland Islands dispute, the U.S. Government cannot stand neutral with regard to enforcement of Security Council Resolution 502 and should therefore prepare, through consultations with the Congress, to use all appropriate means to assist the British Government in achieving, in the Falkland Islands, full withdrawal of Argentine forces and full implementation of the principle of self-determination.

Mr. President, I have moved this amendment at this moment for a simple reason: time is running out. It is a trite phrase. Everyone keeps saying time is running out. Obviously, the President, through the Secretary of State, has employed herculean efforts in trying to resolve peacefully what appears to be a problem that is not resolvable peacefully at this moment.

My argument is that, although I commend the administration for what they have done thus far, the only thing remaining that may bring the light of day into the eyes and minds of the Argentinians is to be disabused of the notion that the United States is neutral in this matter and, further, to be disabused of the notion that the United States of America will do anything other than fully support its ally Great Britain in its effort to redress what is a blatant violation of international law by the Argentinians.

So, Mr. President, I have decided to move with this resolution now because time is short. Indeed, for all we know, at this very moment there is a British landing force heading into the main islands of the Falklands.

I understand the Senator from New York has a question for me.

Mr. MOYNIHAN. Mr. President, I rise simply to say that I would like to associate myself with the views of the Senator from Delaware.

On April 21, I submitted a resolution not dissimilar from that of Senator BIDEN. I proposed, in Senate Resolution 368, that we express the sense of the Senate, consistent with the American vote in support of Security Council Resolution 502, that unless there should be prompt compliance by Argentina with the instructions in that resolution, the President should impose an embargo on trade with Argentina, as the European Economic Community members have done. This is, after all, the presumed accompaniment of such a Security Council resolution, according to the Charter of the United Nations. Resolution 502 determined that the Argentine aggression constituted a "breach of peace," and the Charter clearly recognizes the right of states to cooperate in responding to such aggression.

The United States is not neutral as between an aggressor and a nation defending itself against aggression. We will make the most perilous and ominous mistake if we suppose that in Europe this will be seen purely as an issue of the South Atlantic. This is a NATO issue, the first occasion in the history of the alliance on which the territory and population of a NATO country has been overrun and occupied by the armed forces of an outside country.

Recall that it was General de Gaulle who warned Europeans that the United States as a world power would always find some other regional interest more momentarily salient than the European interest and would not keep its commitment in time of crisis. He therefore withdrew the French military from NATO and expelled NATO from France.

Now at long last we are confronted with a situation which tests that proposition. So far we have not proven Charles de Gaulle wrong.

Mr. BIDEN. I absolutely concur with the Senator's assessment.

The key to this matter is first, whether or not we are going to, in fact, respond to aggression in this hemisphere and second, whether or not we are going to maintain our commitment to a key NATO ally. The fact is that right this very moment, as the Senator full well knows, in European parliaments in the equivalent of our parliamentary cloakrooms, they are sitting down and asking the question in differing ways: Was de Gaulle right? The President of the United States and this Congress should go on record now, straightforwardly, so that there is no doubt that we stand with Britain. We should make clear beyond any doubt that if things continue as they are heading, the United States will deal with the situation by joining in imposing economic sanctions and will, if need be, aid the British military. We should make unmistakably clear that we are in it and that Britain's is the side upon which we will stand.

In saying this, I would like to point out to my colleagues that I think the best way to avoid having to do all of those things is to disabuse Argentina of the notion that de Gaulle was right, and that we in this country are not willing to choose.

No one suggested that we were not going to lose something in this dispute. But I would argue that if we continue down this road we will lose a lot more than a temporary rupture with an Argentine Government that has been less than supportive of us over the last several decades. We will lose a great deal of credibility in NATO and the world.

Mr. MOYNIHAN. Mr. President, will the Senator yield for a question?

Mr. BIDEN. Surely.

Mr. MOYNIHAN. I wonder if the Senator had occasion to read the account in Sunday's New York Times about several of the State Department officials who accompanied the Secretary of State on his visits to Buenos Aires—the story in which they are quoted referring to the government there as "a bunch of thugs?"

Mr. BIDEN. Yes, I am aware of that, and—well, yes; the answer is, yes.

Mr. MOYNIHAN. May I ask if the Senator recalls another statement by an administration official? I refer to a news story which appeared shortly after the April 2 invasion took place, in which a spokesman for the Department of State is quoted as having said, "We have no intention but to do anything but play it straight down the middle." Does the Senator recall that phrase?

Mr. BIDEN. Yes; I do.

Mr. MOYNIHAN. Would he consider it possible to characterize that position as walking the straight and narrow path between right and wrong? [Laughter.]

Mr. BIDEN. I always am delighted to concur in the characterizations that are formulated by the Senator from New York. He does it so much more eloquently than I ever could. Yes is the answer to that question.

Mr. MOYNIHAN. Finally, I would say, if I may say so without in any sense being understood to oppose the Senator from Delaware, it seems to me the Senate ought to have a debate on this matter. We ought to put forward our resolutions, discuss them, debate them and, if we think we together have something constructive to say to the executive branch, I would hope then we might adopt a resolution expressing the collective view of the Senate with regard to the crisis of the Falkland Islands.

Mr. BIDEN. I should inform the Senator from New York that the

chairman of the Committee on Foreign Relations has agreed that, after the meeting today at 5:30 with the Secretary of State, who will be briefing all of us on this very dispute, the Committee on Foreign Relations will convene to consider this resolution and, I suspect, several others relating to the question of the Falkland Islands.

It is my understanding that there will be no attempt to continue that debate only in the context of the Committee on Foreign Relations but to bring it to the floor.

I should also add that I assume the Senator did not previously move his resolution for the same reason I did not, which was to give the administration every opportunity from the outset. As long as there seemed to be any reasonable prospect of avoiding an armed conflict, and before we reached the point of having to "make it clear to the world where we stand," I was willing to help the administration move forward.

I do not introduce this resolution for purposes of chastising the administration; I do not introduce this resolution for purposes of suggesting that the administration has been wrong to date. I introduce this resolution for purposes of giving the administration some ammunition to give the negotiations a bit of a spark and to make it clear to the Argentines that if, in fact, they do not comply with the United Nations resolution they not only have the European countries but America to reckon with.

I suspect there will be some on the floor now or some listening on their receiving sets in their offices who will be making it to the floor to suggest that the Senator from New York and the Senator from Delaware are being premature, that the administration is still in the process of negotiating or attempting to offer the good offices of this country to settle this dispute peacefully and, therefore, we should withhold.

I would argue that is just what we should not do at this point, and that the debate and the resolution of how we should stand on the issue are one that the Senate should, in fact, put on the record. We do not have any more time——

Mr. MOYNIHAN. Time is indeed running out. I could not agree more that we can aid the administration by encouraging it to make clear to the Argentine junta that there is a Congress, fully a part of this Government, that is concerned with the rule of law in international affairs. Not only will this Congress support an administration that stands by the U.N. Charter, and Security Council Resolution 502, but at a certain point we will insist that it do so.

Mr. BIDEN. I will agree.

Mr. President, I ask unanimous consent at this point that an editorial written by James Reston for today's New York Times be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 28, 1982]

TIME IS RUNNING OUT

(By James Reston)

WASHINGTON, April 27.—Everybody keeps saying that "time is running out" for a peaceful settlement of the Falkland Islands dispute. But the Reagan Administration keeps using up the time that's left by tossing the problem to the United Nations, which has no power to deal with it.

With South Georgia already occupied by British troops, and advance detachments possibly even ashore on the main island group, Secretary of State Haig told the Organization of American States: "It is quite clear that the crisis has reached a critical point. Unless a settlement can be found in the next few days, more intensive fighting is likely to occur. . . ."

He proposed acceptance of the U.N. resolution, calling on Argentina to withdraw its troops from the Falklands, which the Argentine military Government rejects, along with refusing to continue negotiations.

But Mrs. Thatcher paid more attention to time. "Every day is important," she said on the BBC in advance of reports that she has decided to invade the main islands this week. "I can't leave those ships and men out there forever. . . . You cannot just go on indefinitely with negotiations. In the meantime, it will get more and more difficult to use the military option 8,000 miles away from home at the onset of winter in terrible weather, with gales and freezing temperatures. I have to keep in mind the interests of our boys on those warships."

This creates an obvious problem for the U.S., which has taken on the role of mediator. If Argentina won't abide by the U.N. Security Council resolution to withdraw, and if the British Navy cannot remain in those howling, freezing seas for long, then Britain will obviously use force to resolve the problem unless the U.S. makes clear, and quickly, both that it supports the U.N. resolution and that it will aid the British forces and join NATO in economic sanctions.

Maybe this is what the U.S. should have done immediately after the Argentine invasion. It has been loud in its protests against Communist military force in Afghanistan, and against the threat of Soviet force in Poland and its use of Cuban mercenaries in Africa. But in the Falklands, in the face of swaggering aggression and invasion by the Argentine generals, the Reagan Administration has hesitated.

It is easy to understand why, and it would not be fair to knock Mr. Haig for trying to avoid a crisis in the Western Hemisphere, when he has so many other more important problems at hand. But his efforts to introduce common sense into this tangle between Britain and Argentina have failed, and now, if this unnecessary war is to be avoided, the Reagan Administration has to choose, and fairly soon.

Either it is going to defend the principle that territorial disputes, wherever they occur, should not be settled by military force, or it isn't. It cannot ask Argentina to oppose indirect Communist aggression in Central America and fail to oppose open Argentine aggression against the Falklands. It cannot expect the European allies to rely on Washington's treaty commitments to defend Europe against Soviet military aggression if it waffles between the aggressors and the defenders in these bleak South Atlantic islands.

Nor can the Reagan Administration expect, if it goes on dithering about what to do, that the Russians, who are testing Mr. Reagan's power and will to use it elsewhere in the world, will not be watching what he decides.

This is not a strategic crisis. There may be oil under those turbulent waters around the Falklands, and the islands are a gateway to Antarctica, where there may be rich resources for exploitation in the next century. But for now it is scarcely an object for war between nations that have more in common than in contention.

Unavoidable conflicts between nations we can bear. It is the silly avoidable wars that are intolerable, and this one around the Falklands is the silliest of all. If this were a sensible world, it could even be settled by the democratic principle of proportional representation: one sheep, one vote. Nobody is going to lose this impending war except the winners.

Meanwhile, as they all say, "time is running out." What's left of the British Navy—and it's still a formidable force—is bobbing around in frigid 30-foot seas, probably longing for home, but wondering whether it is better to fight on land or be seasick offshore.

So somebody has to do something to avoid this crazy choice, and it can only be somebody in Washington, who will tell the generals in Buenos Aires that Mr. Haig has done the best he can to avoid the clash but that if they reject the U.S. mediation effort and defy the U.N. resolution, then the U.S. will oppose them, declare economic sanctions and give the British Navy all the aid at its disposal.

Otherwise, left to London and Buenos Aires, this silly business could loiter down in the next few days into the craziest war since the battle of Jenkin's Ear. The British and Argentine Governments have made up their minds, but the Reagan Administration is fiddling with time, and has not made up its own mind.

Mr. BIDEN. Let me read from it several pertinent portions that I think illustrate very well the need for us to take Senate action.

In this article Mr. Reston said:

Everybody keeps saying that "time is running out" for a peaceful settlement of the Falkland Islands dispute. But the Reagan Administration keeps using up the time that's left by tossing the problem to the United Nations, which has no power to deal with it.

* * * Britain will obviously use force to resolve the problem unless the U.S. makes clear, and quickly, both that it supports the U.N. resolution and that it will aid the British forces and join NATO in economic sanctions.

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Mr. GORTON. Mr. President, will the Senator yield?

Mr. BIDEN. Yes, I yield.

Mr. GORTON. I should like to thank the Senator from Delaware for drafting the resolution on which his amendment is based, and to join with the Senator from New York in expressing agreement with the policy direction which the proposal points out for the United States.

I agree with the Senator that it has been appropriate for the United States to attempt to mediate the dispute between Great Britain and the Argentine Republic, but it is absolutely clear both through the resolution of the U.N. and through the general policies which this Nation has followed as to which side is in the right and which side is in the wrong in this dispute, and that whatever the losses—and obviously when two friends quarrel, there will be losses—whatever the potential losses of our standing decisively with our oldest and best allies, that choice must be made soon and must be made decisively.

For that reason, I feel the Senator from Delaware has brought before the Senate a subject which is properly here, and he has done it in language and with an act which is to his own credit and sets proper policy for the United States in this dispute, and I thank the Senator.

Mr. BIDEN. Mr. President, I thank the Senator from Washington for his kind words.

Before I yield to the Senator from Wyoming, let me make two last points. When you ask the question: "Why not wait until 5 o'clock or 6 o'clock or tomorrow morning or tomorrow afternoon or 2 days from now?"—and I am sure some are at least asking themselves that question as they listen to this debate—I would answer to you that when we talk about time running out, it runs out in an unusual way. We are a loser internationally. We are a loser in our most important alliance if, in fact, the British take action today and "win."

Let us assume, for the sake of discussion, that Great Britain has at this very moment launched an attack onto the main islands of the Falklands, has repelled the Argentinians and that it is a decisive victory. Then how would we look if we said to them, "We were with you, Britain. We were with you all along." We would look like a nation that did not have the guts to take a stand when, in fact, it was problematic. We would look like a nation that is jumping too late on the bandwagon that I truly believe almost everybody in this Chamber wishes to be on.

I doubt whether there are many people in this Chamber who think anything other than that Argentina is the aggressor and that we should be supporting Britain.

Let us take the other scenario. Let us take the scenario that, God forbid, the British launch an attack this very day and suffer some serious disaster. They find themselves either holed up on the island needing aid to get off; they find themselves with the air cover of the Argentinians being better than they thought; they find themselves in deep military trouble; then we go to the aid of Great Britain.

Well, how do we do that? Do we do that by involving ourselves in a way that requires significant force on our part? Are we then the ones carrying the ball on the question of the resolution of the issues in the Falklands? Further, even if we are able to redress the losses that Great Britain has suffered, how do you think the Europeans are going to view us? They are going to say that the U.S. indecision caused significant losses and not only physical losses but diplomatic losses to America's strongest and oldest and most secure ally, and then the United States goes in.

I really think it is important that, before it goes any further, we go on record—clearly, very precisely—about where we stand and what we will do.

I am absolutely convinced—the Iron Lady has me convinced—that she is going to use force. And win or lose, if we come in after the fact, we lose.

I yield to the Senator from Wyoming.

Mr. WALLOP. Mr. President, I thank the Senator from Delaware. I wish to be associated with many of the remarks that he has made, especially the last two scenarios.

I do not think it is appropriate for us to join the Labor Party folk who are already vacillating on the floor of the Parliament as to whether Britain ought to come in. Certainly there is no sign of vacillation on the part of the Prime Minister.

It goes back to something more than convenience in international politics. To her great inconvenience, Britain has supported us on a whole variety of things, including very recent foreign policy judgments of the United States initiatives that we pursued that were not popular in England. And yet they saw fit to make the decision to come in on our side.

So, historically, we owe them one. And I guess I would say that nobody owes anybody one if the risk of doing so would be total catastrophe in this hemisphere. But I do not believe that kind of risk exists.

I agree with what the Senator says when he said we would lose something out of this. We lost something when Lord Carrington saw fit to pursue negotiations without a credible demonstration of resolve behind him. But that was something they did in their arrangements.

Nonetheless, it is my feeling that clarity in this issue is now prime. I do not know that we have not done that, and perhaps the Senator does. I am unwilling to take James Reston's word or anybody else's word. I do believe that the Senate can at least wait to hear what the Secretary has to say at 5:30 in that briefing.

But should it be obvious that United States has no policy decision left, then I thoroughly agree with the Senator that we can and should strengthen their hand by a determined show of resolve in support of Great Britain on the floor of the U.S. Senate, and appropriate forum for that kind of demonstration.

My only concern is that we are premature. I guess both the Senator from Delaware and I have had experience with unnamed high officials who are quoted in the press, some of whom are more credible than others and some of whom become known at some other date and some of whom never do. I believe that we should hear what is said in that briefing before going on.

But I compliment the Senator. I do believe that it is an issue that belongs in front of us. I do believe that the United States owes its clear and credible commitment on behalf of the British if all other options are gone now. I believe that the Senator's statement of the urgency is a clear assessment of what does face us.

Then, clearly, there can be no doubt in the minds of the Argentine Government or the other leaders of this hemisphere who see some waffling on

our part as to where we would come down. And perception in international politics, I think, is no different than perception in national politics. It is a reality until reality has some other means of being demonstrated. And the perception now is, I think, as the Senator has stated, that we do not have a clear policy. I believe that it is time that we dispose of that notion in the minds of the rulers and governments of this hemisphere; that we demonstrate that we do have a policy and that it is on the side of our traditional ally because they are, as well, right.

Mr. BIDEN. Mr. President, let me say that I am under the distinct impression—I add it is only an impression, because I have not had this communicated to me by the President or the Secretary of State or anyone in a significant position within the administration—it is my impression that, at the moment, the administration sees no prospect of avoiding an all-out shooting war, and that they are with Great Britain.

That is my clear impression. I believe that. And I do not mean to imply by the introduction of this resolution that if, in fact, the administration thinks that the sand in the hourglass has all fallen through that it is not going to be with Great Britain. I am assuming that it is.

Mr. WALLOP. If the Senator will yield, that has been my impression, too, which is one reason I thought it might be wise to wait until that 5:30 briefing. I have seen no indication that they would not come down on the side of Britain if the final push came to shove. I think the Senator's urgency message, though, is one which really is entitled to credence over and above the prolonged waiting period. Sooner or later, you would have to come down on that side.

Mr. BIDEN. I thank the Senator. My disagreement, to the extent that there is one, with the administration is not what I believe to be their ultimate motivations, but what I believe to be—and I think we were right as Senators to disagree on this matter—their judgment call as to when they would announce the call of the card.

I believe that it has gone too far. I believe that we have reached the point where we, in this country, even if Secretary Haig ends up peacefully resolving the situation, can almost not wait any longer to withhold our position, our stated position, in this matter.

Maybe because I spent too many years as chairman of the European Affairs Subcommittee, maybe because I am too deeply involved in NATO issues, maybe because I have an inordinate respect for NATO and its importance to our security—maybe for all of those reasons—I believe that the damage that we may avoid by avoiding a showdown between Britain and Argentina could very well be outweighed by the damage we will suffer in NATO and around the world as a consequence of having waited too long—even if we produce a result that avoids an all-out conflict.

There is conflict now. There are Argentinian prisoners now. There is, in fact, although it is not officially declared, a state of war between the countries. I do not believe that we serve our self-interest and/or the principles for which we stand as a nation if, in fact, we do not speak now.

Obviously, I have been around here long enough to understand that under the Senate rules I can be practically precluded from having a vote on this amendment prior to hearing the Secretary of State. Ofttimes discretion is the better part of valor. The fact of the matter is that anyone who wished to take the position that I should not press a resolution of this resolution until the Secretary of State had an opportunity to speak to us could very well stand up and debate this on the merits for the next hour and a half, and then recess to hear the Secretary of State, or come to the floor and move to table this on the grounds that we have not heard the Secretary of State.

Although I would much prefer at this very moment anyone who happens to disagree with my position to come to the floor and debate the issue now—although I would much prefer at this very moment to take a vote on the issue of whether or not to support this resolution, I am able to recognize the practical capability of avoiding that. I am willing to listen to the Secretary of State, and would hope that we can get some agreement that one way or another, upon the conclusion of that meeting, we would walk back into this Chamber and resolve the issue of whose side we are on.

I see the Senator from Idaho standing seeking recognition. Would he like me to yield?

Mr. McCLURE. I would really like to discuss the pending legislation. I was hoping that the Senator was about to get to the point where we could get back to the matter which is scheduled for the consideration of the Senate today and tomorrow, a resolution of the bill which has been pending for some time.

Mr. BIDEN. As I know, the Senator is fully aware that sometimes the exigencies of international relations interfere with the domestic tranquility of the Senate. We are at one of those points.

I, too, would like to get back to the legislation, but as I understand it, there is not much to get back to at this moment. Is the Senator prepared to move on an amendment right now to be voted upon?

Mr. McCLURE. The Senator is correct. I wanted to take whatever actions were necessary to get further into the consideration of the pending legislation which the leadership has indicated they want to have completed prior to tomorrow evening.

Mr. BIDEN. I am all for that, but I am even more for resolving the issue of the Falkland Islands.

I wonder whether or not it might be appropriate for me to suggest the absence of a quorum so I could speak with the Senator from Idaho for 2 minutes to find out what is the best way to accommodate his desire to move on and apparently the desire of the body to wait until we hear at 5:30 from the Secretary of State, but also to accommodate my desire to have a vote on this resolution, or at least continue debating this resolution, upon the close of the briefing by the Secretary of State.

Mr. McCLURE. Will the Senator yield?

Mr. BIDEN. Surely.

Mr. McCLURE. I would like to attempt a vote right now if the Senator will go for a voice vote.

Mr. BIDEN. I would be prepared to move the adoption of my resolution by a voice vote at this time. I think that would be preferable.

A parliamentary inquiry.

Is the resolution being considered at this moment?

The PRESIDING OFFICER. The resolution has not been sent to the desk.

Mr. BIDEN. I send the resolution to the desk and ask for its immediate consideration and a vote on it.

Mr. McCLURE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCLURE. Mr. President, I think the Senator sent an amendment to the desk and asked for its immediate consideration. I at that time wanted to ask whether it was an amendment to the bill or to the amendment which we hoped to substitute. I did not know if that question was irrelevant, as indeed it is. It does not make much difference whether it is an amendment to the amendment or an amendment to the substitute or an amendment to the bill. I do not think it makes any difference what the procedural safeguards are or what the form of the resolution might be.

The inquiry that I have of the Chair would be whether or not the amendment of the Senator from Delaware is in proper form to be offered to the pending bill or whether it is in form an amendment to the amendment.

The PRESIDING OFFICER. The pending question is the amendment of the Armed Services Committee to the amendment of the Energy Committee to the bill.

Mr. COCHRAN. Mr. President, a parliamentary inquiry.

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The PRESIDING OFFICER. The Senator will state it.

Mr. COCHRAN. Will the adoption of this amendment preclude further amendment to the legislation?

Mr. McCLURE. Will the Senator yield?

The PRESIDING OFFICER. The amendment of the Senator from Delaware has not yet been offered.

Mr. BIDEN. I beg the Chair's pardon. I sent the amendment to the desk and asked for its immediate consideration.

The PRESIDING OFFICER. But the amendment is not in order.

Mr. BIDEN. A parliamentary inquiry. Why is it not in order?

The PRESIDING OFFICER. Because the pending question is the amendment of the Armed Services Committee to the amendment of the Energy Committee. The only amendment in order at this time would be an amendment to that language to be stricken by the Armed Services amendment.

Mr. BIDEN. I ask unanimous consent that the pending order of business be the resolution that the Senator from Delaware sent to the desk.

Mr. McCLURE. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. McCLURE. Mr. President, might I indicate again that I hope at some point we can return to the legislation which is pending. I understand the Senator from Delaware has the right, or any other Senator has the right, to bring any other matter up, and certainly he has the procedural capacity to do so under the conditions under which we find ourselves. I think the Senator knows, as do I, that the form of the amendment is not really of substance. It is the substance of the amendment the Senator is concerned with, the subject matter, and getting a vote on it. However, I think the Senator must also know that I am caught in a trap here in which I am trying to get legislation considered and there is not any way I can set it aside so that he can get his resolution up. I do not have the authority nor the capacity to do so. Therefore, I cannot accede to the request.

Mr. GOLDWATER. Will the Senator yield to me?

Mr. McCLURE. Yes, Mr. President, I yield.

Mr. GOLDWATER. Mr. President, while I can understand the motives behind this resolution, I think it is a very, very serious step, one that we cannot just, in a sort of momentary way, pass on without very serious consideration. There are many, many implications in this resolution and what it calls on our country to do. While I am certainly sympathetic with England's plight and I am sympathetic with the plight of the Argentine Government, I should not like to see this country drawn into war over something that I think could have been averted many, many years ago.

Mr. President, I do not want to have any of my colleagues conclude that I am opposed to our mother country, England, but I do not want to see any step taken by the Senate that can give anybody in this world encouragement to take steps of invasion.

Mr. President, I suggest that, instead of offering the resolution on the floor as an amendment, it be offered as a piece of legislation or that it be referred to the appropriate committees, which would be, in my opinion, the Committee on Foreign Relations and the Committee on Armed Services.

I make that comment with all due respect to my friend from Delaware.

Mr. BIDEN. Mr. President, I appreciate that, and I accept it in the spirit in which it was offered. But I simply respond that "there ain't no time." We are at the end of the rope. That is a similar argument to what has been made and with the same degree of eloquence for the past 10 days. They said withhold this, and every time I come to the floor and/or the committee and/or seek consultation with the parties involved, I am told I should withhold for the reasons stated.

Mr. President, I emphasize again that I do not think there is any time left. We may very well, at this moment, after what I think I am about to do, which is suggest the absence of a quorum, walk out and look at the ticker and find out that there already has been an invasion of the Falkland Islands. So I do not know how we can spend much more time.

Mr. President, what I think it is imperative that we do is make clear that we are going to honor our treaty obligations and also honor the resolution of the United Nations.

Mr. President, my resolution states that—

[T]he United States Government cannot stand neutral with regard to enforcement of Security Council Resolution 502 and should therefore prepare, through consultations with the Congress, to use all appropriate means to assist the British Government in achieving, in the Falkland Islands, full withdrawal of Argentine forces and full implementation of the principle of self-determination.

It does not require or even allow the administration to go off half-cocked in the use of military force or any use of sanction.

Mr. STEVENS. Will the Senator yield?

Mr. BIDEN. Yes, I am delighted to yield, Mr. President.

Mr. STEVENS. I say to my good friend that I understand the parliamentary situation. Since there was an objection heard, I remind the Senate that we do have a scheduled briefing from the Secretary of State at 5:30 p.m., for all Members of the Senate on the issue concerning the Falkland Islands. The majority leader is leaving in a few minutes and it is my intention to recess the Senate at 5:30 p.m. so all Members will be able to attend that briefing. I think it is of the utmost importance that we have that meeting.

I know the manager of the bill is disturbed at that decision, but we had a request that there not be action on the floor when that briefing is going on. It is my judgment that it is a fair request and every Member of the Senate should be prepared to listen to this briefing given by the Secretary of State.

If the Senator from Idaho will just let me finish, we have been in touch with the chairman of the Committee on Foreign Relations (Mr. PERCY). Following the briefing, Senator PERCY is more than willing to schedule a meeting of the Committee on Foreign Relations to consider this resolution in committee and have the Committee on Foreign Relations deal with it as it should be dealt with.

If the Senator from Idaho wishes then to bring it back to the floor another day, we shall be prepared to meet whatever parliamentary procedures the Senator wishes to follow. Right now, I think we have done our best to see that the Senate is informed of the real time situation in the Falklands and what we are trying to do. The Committee on Foreign Relations is prepared to give the Senator a meeting on his resolution and see what happens to it in the committee.

So, Mr. President, I am compelled to request of my friend, as a matter of assisting the leadership to be sure that everyone is fully informed on this issue before it comes up, that he not pursue this matter at the present time. We shall be in session again tomorrow. I ask that he pursue it at that time if he is not satisfied with the Foreign Relations Committee discussion.

Mr. BIDEN. Mr. President, will the Senator yield for a question?

Mr. STEVENS. The Senator has the floor.

Mr. BIDEN. Then will he answer a question?

Mr. STEVENS. Yes, Mr. President.

Mr. BIDEN. When we recess at 5:30 p.m., is it the intention of the leadership not to come back in until tomorrow morning?

Mr. STEVENS. Yes, it is intention to recess over until tomorrow. We do not know how long the briefing is going to take. We have made a commitment to have votes, if ordered, to begin after, 5 o'clock. I ask my friend, the manager of the bill, will there be any votes this evening?

Mr. McCLURE. Will the Senator yield so I may respond?

Mr. BIDEN. Yes, Mr. President.

Mr. McCLURE. Mr. President, I say to the majority whip that we have not had a chance to get to the point where

we can vote on anything. I have been trying all day to get to the point where we could vote on something. They will not let us. No, we do not have any votes stacked at 5 o'clock; we will not have any votes stacked at 5:30; we will not have any votes on this bill this evening, because we have people trying to make the evening headlines. We are trying to make some headway on this bill and all we get is delay by people bringing in extraneous matters.

Will we be on this bill tonight? I suspect not. Will we be on this bill tomorrow? I suspect not. Will we deal with the question of nuclear waste? Not this week.

It can go over. Obviously, we have been preempted, and for reasons which may be very valid for some and may be for others. But this in not something I have asked for. We are not at the point of voting on anything. I cannot even get to a colloquy with the Senator from Wisconsin with respect to what is in the substitute so I can offer the substitute. Now the majority whip is telling me we are going to recess at 5:30 to go listen to the Secretary of State. I have listened to the Secretary of State before. He is an impressive guy. But I have a little responsibility on this floor to move some legislation. Now the majority whip is not even going to let me get to the point where the legislation is pending and I have been standing around here all day trying.

Mr. STEVENS. If the Senator will yield again to me.

Mr. McCLURE. I do not have the floor, Mr. President.

Mr. STEVENS. I assume the Senator from Delaware will yield again.

Mr. BIDEN. Surely, Mr. President. All I am trying to do is make the evening headlines.

Mr. STEVENS. Mr. President, I was reminded this morning about another resolution that came to the Senate in a period of crisis, and it took us quite a few years to understand what we had done with the Gulf of Tonkin resolution.

This Senate is not going to handle a Gulf of Tonkin-type resolution on the Falklands in this manner. We are going to be briefed fully. It is going to be explored by the two committees that have basic jurisdiction, the Foreign Relations Committee and the Armed Services Committee. The leadership is dedicated to see to it that it does not come to the floor prematurely.

I have tried to suggest to my friend from Delaware that we will do everything to see to it that he gets expeditious handling of his request.

My good friend from Idaho has good reason to be alarmed, but these issues do come up and Senators do have their rights. Anticipating that, we asked for the Falklands briefing. It is our intention to recess, if there are no votes scheduled before that time, at 5:30, and Members will be requested to go to the Falklands briefing, to hear the Secretary of State.

Mr. McCLURE. Will the Senator from Delaware yield?

Mr. BIDEN. Just a moment. Before my two Republican colleagues get each other so steamed up, I have not even said I will agree with what the Senator said.

The Senator asked me a question, so let us cool it down a little bit here. I do not want the Senators to get each other angry. I have not said no yet. I yield for a question.

Mr. McCLURE. I have been waiting for a long time to find out what the answer was going to be, but I think I am getting it in more than one way.

Mr. STEVENS. What is the Senator from Delaware's response, if I might ask?

Mr. BIDEN. The response is, if in fact the Senator is going to recess the Senate at 5:30, and we are not coming in until tomorrow morning, I will be delighted to withhold my amendment and move on it the first opportunity I have in the morning, because I am a realist. I know I do not have a vote anyway. But if in fact we are going to come back after the 5:30 briefing and stay in this evening, which is fine by me, then I will only suggest the absence of a quorum to find out, quite bluntly, parliamentarily if I will have an opportunity to raise it when we come back. But if I have assurance that we are not coming back I will walk off the floor and be early for the briefing.

Mr. STEVENS. The Senator has that assurance. We will recess at 5:30 for the Secretary of State's presentation. We will convene tomorrow morning as early as the manager of the bill wishes, 9 or 9:30.

Mr. McCLURE. Mr. President, might I make an inquiry?

Mr. BIDEN. It is fine by me.

Mr. McCLURE. Will the Senator yield?

Mr. BIDEN. Yes, I yield.

Mr. McCLURE. I thank the Senator for yielding.

Mr. STEVENS addressed the Chair.

Mr. McCLURE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. McCLURE. Mr. President, as all the parties who have been interested in the pending legislation know, it was our hope that we would get to some amendments on this bill today, we could complete the action on those amendments and get to final passage of the legislation tomorrow. We have had some delays today on this bill and justified discussion of this legislation. It is serious legislation.

I might ask if there is any possibility that we would be able to get a unanimous-consent agreement for a vote on this legislation before we adjourn tomorrow night.

I understand we have one or two amendments that may be offered by the Senator from Mississippi (Mr. COCHRAN). I know Senator STENNIS is interested in the subject matter and may have one amendment.

Are there other amendments to the bill?

I think Senator BUMPERS indicated he may have an amendment.

Mr. PROXMIRE. I have an amendment.

Mr. STENNIS. Will the Senator yield to me?

Reserving the right to object, I am not for the bill. This is an important piece of legislation to every State, to all the people of the United States. This other matter is important, but the Rules of the Senate have some meaning. Until this bill is set aside by majority vote, I am going to insist on letting the chairman proceed in the regular way.

If we have to take a recess, I will not object.

Mr. McCLURE. I thank the Senator.

Mr. STENNIS. The legislation is here. This is the bill until it is set aside. That is my point.

Mr. STEVENS. Will the Senator yield?

That is our intention. It is not the intention to pull this bill down. My comment to the Senator from Delaware was that Senator PERCY had agreed to meet with him to talk about the consideration of a resolution by the Foreign Relations Committee, not this bill, but the subject of the Falkland Islands.

Mr. BIDEN. The subject, yes.

Mr. STEVENS. We are not going to disrupt the handling of this bill except for the purpose of urging every Member of the Senate to attend the briefing on the Falklands at 5:30. I think my good friend from Idaho would agree that you cannot do that and have a bill on the floor at the same time.

Mr. McCLURE. Mr. President, I would not agree. I understand what our majority whip is trying to say, but the attendance we have had on this bill would not deprive the Secretary of very much attention from this body. I suspect that might be true during the balance of this day.

I also recognize the reality of what I face. I hope we can get to a resolution of this bill by tomorrow evening.

I think it may be premature at this time to ask unanimous consent, but I will attempt it. I will ask unanimous consent that we proceed to the final consideration and vote upon this bill no later than 5 o'clock tomorrow afternoon.

Mr. BIDEN. I object.

Mr. COCHRAN. I object, Mr. President.

Mr. McCLURE. Is it useful to shop any other hour?

Mr. COCHRAN. Mr. President, will the Senator yield?

Mr. McCLURE. I am happy to yield.

Mr. COCHRAN. There are two amendments that I have made the subject of parliamentary inquiries and have been advised that if a time agreement is reached, they would be subject to a point of order because they would not be germane, attempting to add new language to the legislation.

Mr. McCLURE. May I suggest then that I revise my unanimous-consent request and that the amendments be offered by the Senator from Mississippi (Mr. COCHRAN) that have been identified earlier in the discussion, the amendment to be offered by the Senator from Mississippi (Mr. STENNIS) would be considered in order, and that we seek final consideration of this bill no later than 5 o'clock this evening.

Mr. COCHRAN. Reserving the right to object——

Mr. PROXMIRE. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator from Idaho has the floor.

Mr. McCLURE. I yield.

Mr. PROXMIRE. As I understand, there are at least 15 amendments that might be offered by different Senators. Many of them are not on the floor. I think the minority would at least want to get on the hotline to find out if there is objection to this, so I hope the Senator would not ask for that until the minority leadership has had an opportunity to find out.

Mr. McCLURE. I will not attempt any further to get a unanimous-consent request at this time, because obviously it will not be possible to do so.

But I suggest, if I might, to my friend from Alaska and to others who are interested both in the Falkland Islands issue and in this legislation that if we could use the time between now and 5:30 p.m. to clear away some of the questions the Senator from Wisconsin wishes to ask with respect to the discussion of amendment No. 1530 as the original text, that we might at least get that far in the bill today and then we could come back as early as possible tomorrow.

Mr. STEVENS. Will the Senator yield?

Mr. McCLURE. I am happy to yield.

Mr. STEVENS. It is the intention of the leadership not to be in on Friday if we finish this bill tomorrow evening. If we do not finish this bill tomorrow evening and the manager of the bill wants to pursue it on Friday, we are prepared to continue on into Friday to finish this bill. The workload next week promises to be full. Therefore it is necessary to complete consideration of the measure before the Senate.

I think the Senator is entitled to the time. I want to emphasize the fact that we will be in late tomorrow if we think we can finish the bill. If we cannot finish the bill tomorrow night, we will be in on Friday to try and finish the bill.

Mr. McCLURE. I thank the Senator.

Mr. President, I think that satisfies the request of the Senator from Delaware with respect to consideration of the Falkland Islands issue.

As Senators have known for a couple of days, it was the intention of the manager of the bill to ask unanimous consent that all amendments reported by the Armed Services Committee, the Energy and Natural Resources Committee, and the Environment and Public Works Committee to the bill S. 1662, the nuclear waste bill, be withdrawn and that printed amendment No. 1350 in the nature of a substitute proposed by myself and others be agreed to and considered original text for purposes of further amendments.

Mr. BIDEN. Reserving the right to object, I do have a parliamentary inquiry. If such a request were in fact followed, would the Senator from Delaware be out of order in attempting to attach a nongermane amendment to the substitute relating to the Falkland Islands, nongermane substitute to the Falkland Islands substitute?

The PRESIDING OFFICER. There is nothing in the request stated that would preclude nongermane amendments.

Mr. BIDEN. I do not object.

Mr. PROXMIRE. Before we agree to the unanimous-consent request of the manager of the bill, will the Senator from Idaho yield for some questions on it?

Mr. McCLURE. Mr. President, I withhold——

Mr. STENNIS. Mr. President, may we have order. This is a highly important bill. It is impossible to understand what is being said here.

Mr. McCLURE. Mr. President, I withhold my unanimous-consent request, and I will respond to the Senator from Wisconsin with respect to the questions.

Mr. PROXMIRE. As I understand it, this substitute which the Senator is offering is very similar to the bill that the Energy Committee reported; is that correct?

Mr. McCLURE. It deals with the same matter, but, as the Senator knows, the subject matter is of interest and partially within the jurisdiction of other committees.

The Environmental and Public Works Committee held hearings and made decisions with respect to the bill, as did the Armed Services Committee. Following the meetings of those three committees, we put together the recommendations of the three committees in what became known as the consensus text. It was the consensus among those three committees, and that is what is represented in amendment No. 1350, which I submitted some days ago so that it might be printed and so that all Members would have notice of the contents of that substitute.

Mr. PROXMIRE. As I understand it, a principal difference relates to the treatment of the problem of military waste, which constitutes a very large proportion of the total radioactive waste that we are dealing with here. As I understand it, this may have a different treatment of that subject; is that right?

Mr. McCLURE. The amendment we submitted does not, because——

Mr. PROXMIRE. Does not deal with military waste?

Mr. McCLURE. The military program is not involved in either the Energy and Natural Resources Committee bill, the original bill, or in the consensus text, with the exception of State participation.

It is my understanding that there may be an amendment or amendments offered that will deal with that question, but there is no essential difference between the two versions.

Mr. PROXMIRE. There is no essential difference. What are the additions, and why is it necessary to offer this substitute?

Mr. McCLURE. There is a variety of differences between the original bill and this, which reflect the feeling of the Environment and Public Works Committee and the Armed Services Committee with respect to various portions of the bill. We can go through it and delineate the differences.

Mr. PROXMIRE. I do not want to delay the Senator. I think he has been extremely patient. But I would appreciate it if he could give us the two or three most significant changes.

Mr. McCLURE. I think it is fair to characterize that there are some technical but small changes with respect to the AFR program; that there was added in the consensus a second round of choices, a second group of choices, that would follow on after the first; and that the schedules for the various actions that must be taken under the legislation were extended slightly in the consensus text. I think those are the major differences between the two.

Mr. PROXMIRE. How about with respect to geographic repositories?

Mr. McCLURE. Just the changes I have mentioned, primarily—that of schedule and that of adding the second round.

Mr. PROXMIRE. Is there a policy change affecting congressional action with regard to MRS, for example?

Mr. McCLURE. I think it is essentially the same.

Mr. PROXMIRE. User financing—any change there?

Mr. McCLURE. None; there is an additional on the one-time charge, not on the mil-per-kilowatt-hour fee.

Mr. PROXMIRE. On the one-time charge, what is the change?

Mr. McCLURE. It was added in the consensus text.

Mr. PROXMIRE. With respect to State consultation and concurrence?

Mr. McCLURE. Essentially the same.

Mr. PROXMIRE. I think the Senator has indicated, then, that the changes he has made are very limited, that they are largely technical; is that correct?

Mr. McCLURE. Aside from those differences. The extension of the timeframe is a major difference. The addition of a second round is a major difference. Some people would regard the addition of the one-time charge as a major difference. I think the remainder of the changes are more limited in their scope.

Mr. PROXMIRE. The second round concerns a lot of Senators, I am sure, because a lot of States will be included in the second round that are not included in the first one. Wisconsin may be one of these States. What is the time change on the second round?

Mr. McCLURE. That depends upon the actions that may be taken. A few people do not want to be included by themselves the second time around and they want to have you included the first time around, and we will be debating that. The whole question of who is included in the first and in the second will be a matter of some discussion on the floor, and we will have to make a resolution of those questions at some point.

Mr. PROXMIRE. But the substitution which the Senator offers does not prejudge that determination insofar as particular States are concerned or with regard to particular areas?

Mr. McCLURE. It has the same judgment in it with respect to a first round that was included in the original bill. It adds the second round but does not prejudge what that second round will contain, except that it will be a nationwide survey. The nationwide survey obviously will involve 48 States—all 50 States, probably, although some say that Alaska and Hawaii probably are not included; but I suspect that they will be included in the survey, if not in serious consideration.

The offering of the substitute per se will broaden the opportunity of involved Members to seek the discussion of and possible amendment of those provisions, because it will make certain that the procedural safeguards that are normally attendent to original legislation will attach to the substitute.

Mr. PROXMIRE. Let me put it a different way: Does it put some States in a less advantageous position than does the original bill?

Mr. McCLURE. No; I do not see how it could put any States in a less advantageous position than they were in under the original bill.

It was also contemplated that we would build upon the 20 or 30 years of work that already have gone into general assessments of the kind and the location of repositories. This is not just starting now. This work has been going on for a long time. No State is adversely affected by the beginning of this unless they are afraid the decision will be made.

I do not think that the addition of a second round that is nationwide in scope could be fairly regarded as a threat to any specific State, because it is writing on a clean slate with a totally new evaluation nationwide.

Mr. PROXMIRE. Of course, this substitute is completely amendable.

Mr. McCLURE. Absolutely.

Mr. PROXMIRE. I have no other questions.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator yield for a question?

Mr. McCLURE. I am happy to yield to the distinguished Senator from Virginia.

Mr. HARRY F. BYRD, JR. On page 169 of the bill, section 602, it says:

> To carry out the purposes of this act, the Secretary may borrow money from the Treasury of the United States in amounts provided in appropriation acts.

What is the envisioned cost, so far as the taxpayers are concerned, of this legislation?

Mr. McCLURE. The total cost of the program will depend upon future actions, which we can only anticipate and estimate.

It is our expectation that the financing provided for within the bill will be adequate to pay the costs of the program and that, therefore, there would be no direct cost to the taxpayer.

There would be a combination of three different charges levied, which would be levied against the industries creating the radioactive wastes, and those charges would be sufficient to pay all the costs.

The scheduling of the expenditures is a question that Congress will have to look at carefully in the appropriations acts as we go forward under this program, because there is levied a 1 mil per kilowatt hour generated and sold, beginning after this act is passed. That money is deposited in the Treasury, in a special account. It is expected that those funds thus generated will be greater than the immediate expenditures, and therefore the account will build for some time before the money is fully committed and fully expended.

At the time that that money is fully committed and fully expended we will have to look at the schedule of charges and the flow of money to determine what is the appropriate action to be taken at that time, but that is several years in the future.

Mr. HARRY F. BYRD, JR. Section 602 states further that the Secretary and the Secretary of the Treasury shall agree on terms, maturity, and conditions of the obligations, but the maturities may not exceed 30 years. That appears to authorize the issuance of Treasury bonds, does it not?

Mr. McCLURE. I think the Senator is correct. It does appear to authorize the issuance of those. If he will note, it also says in amounts provided in appropriation acts. So it is subject to the control of Congress in the appropriations process.

Mr. HARRY F. BYRD, JR. That is true. The Senator from Virginia is trying to get clear in his mind as to whether in fact this does obligate the taxpayers to unspecified sums of money over a period of years.

Mr. McCLURE. What I am groping for in response to the very cogent question of the Senator from Virginia is why do we need borrowing authority if as a matter of fact the funds are going to be enough. I think that is the essential thrust of the question.

I refer to page 557 of the committee hearings.

Mr. HARRY F. BYRD, JR. The Senator from Virginia does not have that.

Mr. McCLURE. I will furnish a copy to the Senator. There is a cash flow table which indicates the annual surplus and he will notice that in 1986 and 1987 in the righthand table there might possibly be marginal shortages or marginal insufficiency which would then be covered by the receipts in the next 2 years. Again in 1991 and 1992 under that cash flow table there would be some temporary shortages which would be again in 1991, 1992, and 1993.

Mr. HARRY F. BYRD, JR. I wonder if the Senator will not be willing to write a ceiling? This is open ended the way the bill now reads. There is no limit to the amount of bonds that can be issued.

Mr. McCLURE. I am willing to write a ceiling in. In the legislation, of course, the ceiling would be under the Appropriations Act and would be limited by the amount of the appropriations.

Mr. HARRY F. BYRD, JR. It would be limited by the amount of the appropriations, but this would be an open-ended authorization, would it not?

Mr. McCLURE. The Senator is correct.

Mr. HARRY F. BYRD, JR. Would the Senator from Idaho indicate what the total cost of these facilities will be under this legislation?

Mr. McCLURE. It is a little difficult to know what the total will be. But our estimated costs through the year 2000 would be a low of $14 billion and a high of $19 billion. That is total of

the cost of the program from this date through the year 2000.

Mr. HARRY F. BYRD, JR. That $14 billion to $19 billion will be paid by whom?

Mr. McCLURE. It will be paid by the users of the electrical energy generated from nuclear powerplants.

Mr. HARRY F. BYRD, JR. And will not be paid by the American taxpayer?

Mr. McCLURE. Most of those people are American taxpayers, but it will not be paid——

Mr. HARRY F. BYRD, JR. It will not be paid out of the Federal Treasury, out of tax funds.

Mr. McCLURE. It will not be paid by other than the funds generated by these charges outlined in the bill.

Mr. HARRY F. BYRD, JR. And the charges outlined in the bill would be on the consumers.

Mr. McCLURE. The charges are levied against the utilities and presumably are placed in the rate base and recovered from the consumers of the electricity from those facilities.

Mr. HARRY F. BYRD, JR. Is it correct that the Federal Government must provide startup funds and, if so, how much will be involved in that?

Mr. McCLURE. Our estimate and CBO estimate of cost under the bill are that the first year there would be a surplus of about $100 million.

Mr. HARRY F. BYRD, JR. So the Government would not be involved in startup cost?

Mr. McCLURE. The Senator is correct. There may be some very marginal costs in the actions that the Secretary of Energy would have to take with respect to establishing methods of collecting the fees that are assessed. That would be a very, very small amount of money, just administrative overhead.

Mr. HARRY F. BYRD, JR. Does the Federal Government take title to current and future civilian spent fuel?

Mr. McCLURE. The Government would be authorized to take title to spent fuel when transferred into a permanent repository and based upon a contract to be negotiated at that time, including a fixed one-time charge equal to the cost of the facility and of the maintenance of the facility.

Mr. HARRY F. BYRD, JR. Is the Senator from Idaho reasonably certain in his own mind that there will be no cost to the Government, that all of this can be handled through the fees that will be generated?

Mr. McCLURE. The Senator is correct. It is our expectation that the fee schedule that has been established in the levy on the electricity generated and sold together with the one-time charges, the fees that are imposed in two different places would be adequate to cover all of the cost of the program.

I have to say to the Senator that no matter how careful we are in judging the program our estimates may be wrong and some future Congress may have to come back and adjust those fees.

There is provision in the bill for the Secretary of Energy to make recommendations to Congress to do just exactly that in the event the fee structure is not correct. We believe that it is as far as we can foresee.

Mr. HARRY F. BYRD, JR. The Senator from Virginia is not as concerned about the fees as he is about section 602 which authorizes the Treasury to borrow unspecified sums to carry out the provisions of the act.

Mr. McCLURE. I think the Senator is right in expressing that concern, and that is why I referred him to the table that appeared on page 557 of the hearings and the expectation the committees have had that that authority is a very small authority to be used for very temporary periods that allows the Secretary to even the cash flows without having to adjust the rates on an annual basis up or down, that if he can see that over a period of 2 or 3 years it is going to average, he does not have to adjust the fees to take care of the temporary imbalance, but as that schedule would indicate in the years between now and the year 1996 there would only be 5 years in which there would be scheduled even small deficits in which this authority would be used.

It would be expected, of course, to be minimized and that all of the costs associated if it is used, including the cost of interest, would be paid to the Treasury in full.

Mr. HARRY F. BYRD, JR. I thank the Senator from Idaho.

Mr. McCLURE. I thank the Senator from Virginia.

I think the questions are cogent, and I appreciate the opportunity to respond to them.

ALL COMMITTEE AMENDMENTS WITHDRAWN—AMENDMENT NO. 1350 AGREED TO

Mr. President, I now ask unanimous consent that all amendments reported from the Armed Services Committee, the Energy and Natural Resources Committee, and the Environment and Public Works Committee to the bill S. 1662, the nuclear waste bill, be withdrawn and that printed amendment No. 1350 in the nature of a substitute proposed by myself and others be agreed to and considered original text for purposes of further amendment.

THE PRESIDING OFFICER (Mr. ABDNOR). Is there objection? The Chair hears none, and it is so ordered.

Amendment No. 1350 is as follows:

After the enacting clause strike out all that follows and insert in lieu thereof the following:

That this Act may be cited as the "National Nuclear Waste Policy Act of 1982".

TITLE I—FINDINGS AND PURPOSE

FINDINGS

SEC. 101. The Congress finds and declares that—

(a) a reliable system adequate to provide sufficient electrical energy to meet the Nation's current and anticipated needs is an essential part of a comprehensive national energy policy and is vital to national security and public welfare;

(b) an adequate electrical system requires a diversified base of primary energy sources in order to avoid excessive reliance upon any single alternative energy source;

(c) a diverse base of primary energy sources can be achieved only if each available source competes on an equal footing in decisions on the siting and construction of facilities for generating commercial electric power;

(d) nuclear energy can—

(1) make a significant contribution to national supplies of electricity;

(2) offer site-specific advantages in environmental impact, cost, and fuel availability over other primary sources of energy; and

(3) help reduce United States dependence on insecure sources of foreign oil;

(e) lack of an effective Federal policy for the interim storage of spent fuel and disposal of nuclear waste from civilian nuclear activities unreasonably burdens the choice of nuclear energy as an alternative primary source in decisions on siting and construction and operation of powerplants and unduly constrains efforts to establish a diverse base of primary energy sources;

(f) the persons owning and operating civilian nuclear powerplants have the primary responsibility for providing for the interim storage of spent fuel from civilian nuclear powerplants, but the Federal Government has the responsibility to provide sufficient capacity for interim storage of spent fuel for those civilian nuclear powerplants that cannot reasonably provide adequate onsite storage capacity when needed to assure the continued, orderly operation of the powerplant;

(g) the Federal Government has the responsibility for the disposal of high-level radioactive waste from civilian nuclear activities in order to protect the public health and the safety, the environment, and the common defense and security;

(h) the costs associated with the storage and disposal of nuclear waste from civilian activities should, to the greatest extent possible, be borne by the direct beneficiaries of such activities and should be considered in the selection or rejection of nuclear energy over alternative primary energy sources;

(i) the technology exists and is under development which would provide reasonable assurance that spent fuel and high-level radioactive waste can be safely disposed of and that disposal facilities for spent fuel and high-level wastes can be available when needed;

(j) nuclear wastes generated in the national defense program have been accumulating for more than thirty years, and spent nuclear fuel and nuclear wastes from the commercial industry are increasing rapidly;

(k) nuclear waste has become a major issue of public concern, and stringent precautions must be taken to ensure that nuclear wastes do not adversely affect the public health and safety of this or future generations;

(l) the siting, development, and loading of nuclear waste repositories are responsibilities of the Federal Government;

(m) public confidence in the ability of the Federal Government to manage a program providing for the safe and permanent disposal of nuclear wastes must be substantially increased if nuclear power is to contrib-

ute significantly to meeting the energy needs of the United States in the future;

(n) Federal nuclear waste disposal programs have been ineffective due to—

(A) inadequate coordination among the various Federal agencies and departments which have responsibilities relating to nuclear waste management; and

(B) the lack of a policymaking process which integrates the views of all Federal agencies and departments into a comprehensive Government-wide policy;

(o) the Secretary must increase his efforts to consult and cooperate with States and localities concerning Federal repository siting, development, and loading activities;

(p) a successful nuclear waste management strategy requires the full participation of State and local officials, Indian representatives and the public in a step-by-step, technologically sound program, to promote public confidence in the safe disposal of nuclear waste, consistent with the responsibility of the Federal Government to determine public health and safety matters related to such program; and

(q) the first step in a successful nuclear waste management strategy is the establishment of a national schedule for the development of programs and facilities for the storage and disposal of high-level radioactive waste and spent fuel in a timely manner.

PURPOSE

SEC. 102. The purpose of this Act is to—

(a) assume the Federal responsibility for the acquisition and interim storage of spent fuel from civilian nuclear powerplants where needed to assure the orderly operation of such plants, and for the disposal of high-level radioactive waste from civilian nuclear activities;

(b) establish a definite Federal policy for the disposal of high-level radioactive waste from civilian nuclear activities and a national schedule for developing the facilities and programs needed to carry out that policy in a timely manner;

(c) authorize the Secretary to—

(1) acquire or construct at least one facility for the interim storage of spent fuel from civilian nuclear powerplants not to exceed a specified total storage capacity; and

(2) establish systems for the long-term storage and disposal of high-level radioactive waste generated by civilian nuclear activities, and to develop, construct and put in operation the facilities comprising these systems;

(d) establish a system for financing the construction, operation, and maintenance of Federal storage and disposal facilities for high-level radioactive waste and spent fuel from civilian nuclear activities;

(e) improve coordination of Federal nuclear waste management programs; and

(f) provide for improved consultation and cooperation between the Department of Energy and States and localities concerning Federal storage and repository siting and development activities, consistent with the responsibility of the Federal Government to determine public health and safety matters related to such activities.

TITLE II—DEFINITIONS AND GENERAL PROVISIONS

SEC. 201. As used in this Act the term—

(1) "civilian nuclear powerplant" means a utilization or production facility required to be licensed under section 103 or 104 b. of the Atomic Energy Act of 1954, as amended;

(2) "Commission" means the Nuclear Regulatory Commission;

(3) "disposal" means the long-term isolation of high-level radioactive waste or spent fuel in a repository;

(4) "environmental impact statement" means any document prepared pursuant to or in compliance with the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969 (83 Stat. 852);

(5) "Secretary" means the Secretary of the Department of Energy;

(6) "spent fuel" means nuclear fuel that has been irradiated in and recovered from a civilian nuclear powerplant or from other civilian nuclear activities;

(7) "Department" means the Department of Energy;

(8) "Governor" means the Governor of a State, or successors to the Governor, during their respective terms of office, or their designees;

(9) "high-level radioactive waste" means the highly radioactive wastes resulting from the reprocessing of spent fuel, and includes both the liquid waste which is produced directly in reprocessing and any solid material into which such liquid waste is made;

(10) "repository" means a facility for the permanent, deep geologic disposal of high-level radioactive waste, transuranic contaminated waste, or spent fuel, whether or not such facility is designed to permit the subsequent recovery of such material, except for facilities to be used exclusively for research and development purposes containing an insignificant amount of such material;

(11) "storage" means retention of high-level radioactive waste, transuranic contaminated waste, or spent fuel with the intent to recover such material for subsequent use, processing, or disposal;

(12) "affected State" means the State in which a monitored, retrievable storage facility or a repository is proposed to be located;

(13) "Indian tribe" means an Indian tribe, as defined in the Indian Self-Determination and Education Assistance Act (Public Law 93-638);

(14) "affected Indian tribe" means any tribe within whose reservation boundaries a monitored retrievable storage facility or a repository for high-level radioactive waste or spent fuel is proposed to be located, or whose federally defined possessory or usage rights to other lands outside of the reservation's boundaries arising out of Congressionally ratified treaties may be substantially and adversely affected by the locating of such a facility: *Provided*, That the Secretary of the Interior finds, upon the petition of the appropriate governmental officials of the tribe, that such effects are both substantial and adverse to the tribe;

(15) "site characterization" means the program of exploration and research, both in the laboratory and in the field, undertaken to establish the geologic conditions and the ranges of those parameters of a particular site relevant to the procedures under this part. Site characterization includes borings, surface excavations, excavation of exploratory shafts, limited subsurface lateral excavations and borings, and in situ testing needed to determine the suitability of the site for a geologic repository, but does not include preliminary borings and geophysical testing needed to decide whether site characterization should be undertaken;

(16) "atomic energy defense activities of the Department" includes those activities and facilities of the Department of Energy carrying out the functions of—

(i) naval reactors' development and propulsion;

(ii) weapons activities, verification, and control technology;

(iii) materials production;

(iv) inertial confinement fusion;

(v) defense waste management; and

(vi) defense nuclear materials, security, and safeguards,

all as included in the Department of Energy appropriations account in any fiscal year for such functions; and

(17) "monitored retrievable storage facility" means a facility under title V of this Act.

SEC. 202. (a) The provisions of titles I through VI of this Act shall not apply to the atomic energy defense activities of the Department, nor to any repository or monitored, retrievable storage facility used for the exclusive storage or disposal of spent fuel or solidified high-level radioactive waste produced only by the atomic energy defense activities of the Department.

(b)(1) The provisions of title VII shall apply to any repository or monitored, retrievable storage facility used for the storage or disposal of spent fuel or solidified high-level radioactive waste produced by the atomic energy defense activities of the Department, if such repository or facility is required by existing law to be licensed by the Commission: *Provided*, That none of the provisions of title VII shall require the release of classified national security information.

(2) For purposes of the application of title VII to any repository or monitored, retrievable storage facility, the terms "spent fuel" and "high-level radioactive waste" include material generated in the atomic energy defense activities of the Department.

TITLE III—INTERIM STORAGE OF SPENT FUEL FROM CIVILIAN NUCLEAR POWERPLANTS

SEC. 301. (a) It is the policy of the Federal Government that—

(1) the persons owning and operating civilian nuclear powerplants have the primary responsibility for providing interim storage of spent fuel from such powerplants, by maximizing, to the extent practical, the effective use of existing storage facilities at the site of each civilian nuclear powerplant, by adding new onsite storage capacity in a timely manner where practical, and by the use of available privately owned and operated offsite storage facilities where practical;

(2) the Federal Government has the responsibility to encourage and expedite the effective use of existing storage facilities and the addition of needed new storage capacity at the site of each civilian nuclear powerplant; and

(3) the Federal Government has the responsibility to provide, as soon as possible, sufficient capacity for interim storage of spent fuel for those civilian nuclear powerplants that cannot reasonably provide adequate storage capacity at the site of the powerplant when needed to assure the continued, orderly operation of the powerplant.

(b) The policy under subsection (a) shall provide for—

(1) the utilization of available spent fuel pools at the site of each civilian nuclear powerplant to the extent practical and the addition of new spent fuel storage capacity where practical, either at the site of the powerplant or at an available privately owned and operated offsite storage facility; and

(2) the establishment of a federally owned and operated system for the interim storage of spent fuel at one or more away-from-reactor facilities with a limited capacity sufficient to prevent disruptions in the orderly

operation of nuclear powerplants that cannot reasonably provide adequate spent fuel storage capacity at the powerplant site when needed.

SEC. 302. (a) The Secretary, consistent with such criteria as he prescribes under the policy set forth in section 301 and as are required under this section, shall offer to enter into, and may enter into, contracts with persons owning and operating civilian nuclear powerplants that the Secretary determines cannot reasonably provide, by utilizing available spent fuel pools to the extent practical, by adding new spent fuel storage capacity at the site of the powerplant, by the transshipment of such fuel to another powerplant within the same utility system, or by utilization of available privately owned and operated offsite storage facilities, adequate spent fuel storage capacity at the powerplant site to ensure the continued orderly operation of the powerplant through the maintenance of a full core reserve storage capability at the powerplant site: *Provided, however,* That the Secretary shall not enter into contracts for spent fuel in amounts in excess of the available storage capacity specified in section 305(a). Those contracts shall provide that the Federal Government will (1) take title at the powerplant site, to such amounts of spent fuel from the powerplants as the Secretary determines cannot be stored onsite, (2) transport the spent fuel to a federally owned and operated interim away-from-reactor storage facility, and (3) store such fuel in the facility pending further processing, storage, or disposal. The Secretary shall report to the Congress on an annual basis on the amount of spent fuel for which commitments have been made pursuant to this section.

(b) Not later than ninety days after the date of enactment of this Act, the Secretary shall propose, by rule, procedures, and criteria for making the determination required by subsection (a) that a nuclear powerplant cannot reasonably provide adequate spent fuel storage capacity at the powerplant site when needed to ensure the continued orderly operation of the powerplant through the maintenance of a full core reserve storage capability. The criteria shall identify the feasibility of reasonably providing such adequate spent fuel storage capacity, taking into account economic, technical, regulatory, and public health and safety factors, through the use of high-density fuel storage racks, fuel rod compaction, the transshipment of spent fuel to another powerplant within the same utility system, construction of additional spent fuel pool capacity, utilization of available privately owned and operated offsite storage facilities, or such other alternate technologies as the Commission may approve under section 311(b).

(c) Nothing in this Act authorizes the Secretary to take title to spent fuel, transport spent fuel, store or dispose of spent fuel or the waste products associated with spent fuel from a nuclear powerplant not located within the United States.

SEC. 303. A contract entered into under section 302 shall provide—

(a) for a one-time payment at the time the Federal Government acquires the spent fuel of a charge per unit of spent fuel, as such unit is defined by the Secretary, which charge is determined by the Secretary to be adequate to cover—

(1) the cost of transportation of such spent fuel; and

(2) the proportion of the costs of the construction and operation, maintenance and decommissioning of Federal interim away-from-reactor storage facilities, which proportion is associated with such spent fuel;

(b) for the retention by the owner of such spent fuel of a nontransferable right to the value of the remaining fuel resource less the costs of recovery, as determined at the time of recovery. The right ends when the Federal Government—

(1) takes action resulting in the recovery of the remaining fuel resource and gives to the owner of the right an amount of money equal to the value of the recovered fuel less the costs of recovery; or

(2) disposes of such fuel in a repository;

(c) that title to the spent fuel together with all rights to such fuel, except as otherwise provided in this Act, passes to the Secretary at the site of the powerplant at the time the Secretary takes possession of the spent fuel; and

(d) that the contract becomes effective when the interim away-from-reactor storage facility is available as determined by the Secretary by notice in the Federal Register.

SEC. 304. (a) The Secretary shall provide notice of intent to enter into such contracts by publishing notice in the Federal Register not later than one hundred and eighty days after the date of enactment of this Act. Such notice shall contain such information as the Secretary considers appropriate concerning proposed terms and conditions of such contracts.

(b) The Secretary shall establish the one-time payment charge per unit of spent fuel required by section 303(a) on an annual basis, based on calculation of the costs listed in section 303(a), and shall publish such annual one-time payment charge and the calculation thereof in the Federal Register. Each such annual one-time payment charge shall become effective thirty days after publication and shall remain effective for a period thereafter of twelve months as the charge for the costs listed in section 303(a) for any spent fuel, title to which is transferred to the Federal Government during that twelve-month period.

SEC. 305. (a) To the extent funds are available and in such amounts as are provided in appropriations Acts, the Secretary shall construct, acquire, or lease one or more away-from-reactor facilities for the interim storage of spent fuel from civilian nuclear powerplants with a total storage capacity at all such facilities of not more than two thousand eight hundred metric tons of uranium. The facilities shall—

(1) be made available in a timely manner to accommodate all spent fuel for which commitments have been made pursuant to section 302 of this Act; and

(2) be subject to a license under the provisions of section 202(3) of the Energy Reorganization Act of 1974 (88 Stat. 1233), as amended: *Provided,* That in determining whether to issue a license for such a facility, the Commission shall not consider the need for the facility. The Secretary shall submit to the Commission an application to construct, acquire or lease, and operate such facility not later than such date as necessary to accommodate in a timely manner all spent fuel requiring away-from-reactor storage pursuant to any determinations under section 302 of this Act. When the Secretary submits such an application to the Commission, the Secretary shall also submit a report to the Congress describing the amount of spent fuel for which commitments have been made pursuant to section 302 and the date by which the facility is needed to accommodate in a timely manner the storage of the spent fuel.

The Secretary shall not acquire any away-from-reactor facility under this section if the Secretary determines that the cost of acquiring the facility exceeds the cost of constructing a new away-from-reactor facility of equal capacity: *Provided,* That any new facility would be available when needed to satisfy the commitments made by the Secretary pursuant to section 302(a).

(b) The Secretary, in providing for the transportation of spent fuel under this Act, shall utilize by contract private industry to the fullest extent possible in each aspect of such transportation. The Secretary shall use direct Federal services for such transportation only upon a determination of the Secretary of Transportation, in consultation with the Secretary, that private industry is unable or unwilling to provide such transportation services at reasonable cost. The authority of the Secretary to enter into contracts under this section shall be limited to the extent or in such amounts as are provided in appropriations Acts.

(c) The Secretary and the Commission, on a continuing basis, shall analyze and make projections of the availability when needed of spent fuel transportation casks required to support transportation requirements pursuant to subsection (b). The Secretary and the Commission are authorized and directed to take such actions as the Secretary and the Commission, respectively, deem necessary and appropriate to ensure the timely availability when needed of such spent fuel transportation casks.

SEC. 306. When an interim away-from-reactor storage facility is available, the Secretary shall take possession of and transport to a designated storage facility any spent fuel covered by a contract made under section 302 of this Act. The Secretary shall take this action within one year after the date on which the owner of such spent fuel provides notice in writing to the Secretary that such spent fuel is available.

SEC. 307. Funds made available to the Secretary for the purpose of—

(a) acquiring plant and capital equipment or land; or

(b) for planning, construction, or modification of facilities,

to make available facilities for the interim storage of spent fuel from civilian nuclear powerplants away from the reactor under any law making appropriations of funds or authorizations for appropriations of funds for the fiscal year ending September 30, 1979, or the fiscal year ending September 30, 1980, including funds authorized and appropriated for Project 79-1-p (away-from-reactor spent nuclear fuel storage capacity) in legislation authorizing appropriations for the Department of Energy for the fiscal year ending September 30, 1980, and as contained in the authorization for the Department of Energy pursuant to Title X Subtitle A of the Omnibus Reconciliation Act of 1981, Public Law 97-35, for fiscal years ending on September 30, 1982, September 30, 1983, and September 30, 1984, shall be available to carry out the purposes of section 305.

SEC. 308. (a) In carrying out the provisions of sections 301 through 307 with regard to any facility for the interim storage of spent fuel from civilian nuclear powerplants which the Secretary is authorized by section 305(a) to construct, acquire or lease, the Secretary shall—

(1) as soon as practicable, but not later than ninety days after enactment of this section, notify in writing the Governor and

the legislature of any State in which is located a potentially acceptable site for such a facility or an existing facility potentially suitable for interim storage of spent fuel of his intention to investigate that site or facility;

(2) during the course of investigation of such site or facility, keep the Governor and the legislature currently informed of the progress of work and results of the investigation;

(3) at the time of selection by the Secretary of any site or existing facility, but prior to undertaking any site-specific work or alterations, promptly notify the Governor and the legislature in writing of such selection;

(4) throughout the course of any subsequent work on that site or existing facility, furnish the Governor all relevant information on a current basis and provide him with the opportunity for review and comment from time to time.

(b) If within ninety days after the Governor has received notice of selection required by subsection (a)(3), the Governor notifies the Secretary in writing of his objections to the facility, the Secretary shall suspend further work on such facility and promptly transmit the Governor's objections together with the Secretary's comments and recommendations to the President.

(c) Unless within ninety days after receipt of the Secretary's notification under subsection (b) the President determines that such facility is essential to the national interest, the Secretary shall terminate activities specific to the facility. Such determination shall not be subject to judicial or administrative review.

(d) During the regulation and monitoring of the facility, the Governor or his designee shall have the right to be currently informed of all relevant information, and shall have the right to review and comment on such matters from time to time.

SEC. 309. Section 202(3) of the Energy Reorganization Act of 1974 is amended to read:

"(3) Facilities used primarily for the receipt and storage or disposal of high-level radioactive waste or spent fuel resulting from activities licensed under such Act or spent fuel from foreign reactors transferred under a subsequent arrangement authorized under such Act.".

SEC. 310. Transportation of spent fuel under section 306 shall be subject to licensing and regulation by the Commission and by the Secretary of Transportation as provided for transportation of commercial spent fuel under existing law.

SEC. 311. (a) The Secretary, the Commission, and other appropriate Federal officials shall take such actions as they consider necessary to encourage and expedite the effective use of existing storage facilities and the addition of needed new storage capacity at the site of each civilian nuclear powerplant consistent with—

(1) the protection of the public health, safety, and the environment;

(2) economic considerations;

(3) continued operation of the powerplant; and

(4) otherwise applicable law.

In taking such action, the Secretary, the Commission, and other appropriate Federal officials shall consider the views of the population surrounding such powerplant.

(b) The Secretary, in consultation with the Commission, shall establish a cooperative program to assist and encourage the private development of alternate technologies for the storage of spent fuel at the sites of civilian nuclear powerplants, with the objective of developing one or more alternate technologies that the Commission can adopt by rule on a generic basis for use at the sites of all civilian nuclear powerplants without the need for additional site-specific approvals by the Commission to the maximum extent practicable. For the purposes of this subsection, "alternate technologies" shall include, but are not limited to, spent fuel storage casks.

SEC. 312. (a) Any person filing an application with the Commission after the date of enactment of this Act for a license, or for an amendment to an existing license, to expand the spent fuel storage capacity at the site of a civilian nuclear powerplant, through the use of high-density fuel storage racks, fuel rod compaction, the transshipment of spent fuel to another powerplant within a utility system, the construction of additional spent fuel pool capacity, or by other means, may submit a petition to the Commission for issuance of the license or license amendment on an interim basis prior to the conduct or completion of any required hearing upon such application. Any petition submitted under this section shall include a statement of the reasons why the application for the license or amendment was not submitted sufficiently in advance to eliminate the need for issuance of the license or license amendment on an interim basis. Such statement shall not prejudice the Commission's consideration of such petition.

(b) The Commission shall grant the petition submitted under subsection (a) and issue the license or license amendment on an interim basis if the Commission determines that—

(1) in all respects other than the conduct or completion of any required hearing, the requirements of law are met;

(2) in accordance with such requirements, there is reasonable assurance that the activities authorized by the license or license amendment during the interim period, in accordance with the terms and conditions of such license or license amendment, will provide adequate protection to the public health and safety and the environment during the interim period; and

(3) there is a reasonable expectation that refusal to grant the petition will prevent the petitioner from providing in a timely manner adequate capacity for spent fuel storage at the site of the powerplant to maintain a full core reserve storage capability:

Provided, however, That the Commission may not issue a license or license amendment on an interim basis for the first application received by the Commission for the license or license amendment to expand onsite spent fuel storage capacity by the use of a new technology not previously approved for use at any nuclear powerplant by the Commission. For the purposes of this section, the term "new technology" means a general type or means of storage expansion and not a site-specific proposal.

SEC. 313. (a) In any Commission hearing pursuant to section 189 of the Atomic Energy Act of 1954, as amended, on an application for a license, or for an amendment to an existing license, filed after the date of enactment of this Act, to expand the spent fuel storage capacity at the site of a civilian nuclear powerplant, through the use of high-density fuel storage racks, fuel rod compaction, the transshipment of spent fuel to another such powerplant within the same utility system, the construction of additional spent fuel pool capacity or dry storage capacity, or by other means, the Commission shall, at the request of any party, provide an opportunity for oral argument with respect to any matter which the Commission determines to be in controversy among the parties. The oral argument shall be preceded by such discovery procedures as the rules of the Commission shall provide. The Commission shall require each party, including the Commission staff, to submit in written form, at the time of the oral argument, all the facts, data and arguments upon which that party proposes to rely that are known at such time to that party. Only facts and data in the form of sworn testimony or affidavit may be relied upon by the parties during oral argument. Of the materials that may be submitted by the parties during oral argument, the Commission shall only consider those facts and data that are submitted in the form of sworn testimony or affidavit.

(b)(1) At the conclusion of any oral argument under subsection (a) of this section, the Commission shall designate any disputed question of fact, together with any remaining questions of law, for resolution in an adjudicatory hearing only if it determines that—

(A) there is a genuine and substantial dispute of fact which can only be resolved with sufficient accuracy by the introduction of evidence in an adjudicatory hearing; and

(B) the decision of the Commission is likely to depend in whole or in part on the resolution of such dispute.

(2) In making a determination under this subsection, the Commission shall designate in writing the specific facts that are in genuine and substantial dispute, the reason why the decision of the agency is likely to depend on the resolution of such facts, and the reason why an adjudicatory hearing is likely to resolve the dispute.

(c) No court shall hold unlawful or set aside a decision of the Commission in any proceeding described in subsection (a) because of a failure by it to use a particular procedure pursuant to this section unless—

(A) an objection to the procedure used was presented to the Commission in a timely fashion or there are extraordinary circumstances that excuse the failure to present a timely objection, and

(B) the court finds that such failure has precluded a fair consideration and informed resolution of a significant issue of the proceeding taken as a whole.

SEC. 314. In any proceeding on an application for a license, or for an amendment to an existing license, filed after the date of enactment of this Act, to expand the spent fuel storage capacity at the site of a civilian nuclear powerplant, through the use of high-density fuel storage racks, fuel rod compaction, the transshipment of spent fuel to another such powerplant within the same utility system, the construction of additional spent fuel pool capacity or dry storage capacity or by other means, the Commission shall not consider as alternatives the storage of spent fuel in away-from-reactor storage facilities.

TITLE IV—DISPOSAL OF SOLIDIFIED HIGH-LEVEL RADIOACTIVE WASTE AND SPENT FUEL

SEC. 401. (a) It is the policy of the Federal Government that—

(1) the Federal Government has the responsibility to provide for the permanent disposal of solidified high-level radioactive waste and spent fuel;

(2) spent fuel, unless otherwise processed, and solidified high-level radioactive waste must be permanently disposed of in a federally owned and operated repository;

(3) such permanent disposal in a repository shall occur without regard to interim storage of spent fuel pursuant to title III and long-term storage of solidified high-level radioactive waste or spent fuel pursuant to title V;

(4) the Federal Government has the responsibility to assure that repositories capable of safely disposing of solidified high-level radioactive waste and spent fuel are available with sufficient capacity when needed; and

(5) the Federal Government has the responsibility to demonstrate as soon as possible that solidified high-level radioactive waste and spent fuel can be disposed of in a manner that provides adequate protection to the public health, safety, and the environment.

(b) The policy under subsection (a) shall provide for—

(1) the establishment of a federally owned and operated program for the siting, development, construction, and operation of repositories capable of safely disposing of solidified high-level radioactive waste and spent fuel, which repositories are to be licensed by the Commission;

(2) a national schedule for accomplishing the regulatory and programmatic actions needed to achieve the objective of obtaining by December 31, 1989, a Commission authorization to construct the first full-scale, operational repository capable of safely disposing of solidified high-level radioactive waste and spent fuel, and achievement of operational status for the repository as soon thereafter as possible; and

(3) the development, construction, and operation of at least one test and evaluation facility for the purpose of developing the packaging, handling, and emplacement technology for solidified high-level radioactive waste and spent fuel needed to further the demonstration of disposal of such waste and spent fuel, with the objective of achieving operational status of one such facility by January 1, 1988.

DEVELOPMENT OF EPA STANDARDS AND NRC TECHNICAL CRITERIA

SEC. 402. (a) EPA STANDARDS.—Not later than January 1, 1982, the Administrator of the Environmental Protection Agency, pursuant to authority under existing law, shall, by rule, propose generally applicable standards for offsite releases of radioactivity from repositories capable of disposing of solidified high-level radioactive waste and spent fuel. Promulgation of these standards shall occur within a period not greater than one year after proposal.

(b) NRC TECHNICAL CRITERIA.—Not later than January 1, 1984, the Commission, pursuant to authority under existing law, shall, by rule, promulgate technical criteria for review of an application—

(1) for authority to construct a repository capable of disposing of solidified high-level radioactive waste and spent fuel, or

(2) for a license to emplace such waste and spent fuel in the repository.

Such criteria shall provide for the use of a system of multiple barriers in the design of the repository and shall include such restrictions on the retrievability of the solidified high-level radioactive waste and spent fuel emplaced in the repository as the Commission deems appropriate.

IDENTIFICATION OF SITES FOR REPOSITORIES

SEC. 403. (a) GUIDELINES FOR REPOSITORY SITE RECOMMENDATION.—Not later than one hundred and twenty days after the date of enactment of this Act, the Secretary, in consultation with the Environmental Protection Agency, and the United States Geological Survey, and with the concurrence of the Commission, shall issue general guidelines for the recommendation of sites for repositories capable of safely disposing of solidified high-level radioactive waste and spent fuel. The guidelines shall specify factors that would qualify or disqualify a site from development as a repository, including factors pertaining to geologic criteria, the location of valuable natural resources, proximity to population, hydrology, geophysics, seismic activity, and nuclear defense activities. The guidelines shall require the Secretary to consider the various geologic media in which sites for repositories may be located and, to the extent practicable considering the schedule of actions contained in this title, to recommend sites in different geologic media. The guidelines also shall require the Secretary to consider the cost and impact of transporting to the respository site the solidified high level radioactive waste and spent fuel to be disposed of in the respository and the advantages of regional distribution in the siting of repositories. The Secretary shall use the guidelines established under this subsection in considering sites to be recommended under subsection (b).

(b) SITE RECOMMENDATIONS BY THE SECRETARY.—

(1) Not later than January 1, 1984, the Secretary shall identify and recommend to the President at least three sites that the Secretary determines are suitable for site characterization for the selection of the first repository. Not later than January 1, 1987, the Secretary shall identify and recommend to the President at least three additional sites, which the Secretary determines are suitable for site characterization for selection of subsequent repositories. The Secretary shall not recommend for characterization any area of a site used for the test and evaluation facility pursuant to section 407 that the Secretary determines would permit the physical integration of the test and evaluation facility and a proposed repository. Each recommendation of a site shall include a detailed statement of the basis for the recommendation. If the Secretary recommends a site to the President, the Secretary shall notify the Governor of the State in which the site is located and the Tribal Council of any affected Indian tribe of the Secretary's recommendation and the basis for such recommendation.

(2) Before recommending to the President any site for characterization, the Secretary shall notify the Governor of the State in which the site is located and the Tribal Council of any affected Indian tribe of the proposed recommendation, and the Secretary shall hold public meetings in the vicinity of the site to inform the residents of the area in which the site is located of the proposed recommendation and to receive their comments.

(c) PRESIDENTIAL REVIEW OF RECOMMENDED SITES.—

(1) The President shall review each site recommendation of the Secretary under subsection (b). Within sixty days after the submission of each recommendation for a site, the President in his discretion shall either approve or disapprove the site, and transmit his decision to the Secretary, to the Governor of the State in which each site is located, and to the Tribal Council of any affected Indian tribe. If the President disapproves any site, the Secretary shall make another site recommendation within sixty days after the President's disapproval. If the President fails to approve or disapprove any site in accordance with this paragraph during such sixty-day period, or within such period fails to invoke his authority under paragraph (2) to delay the determination, the site shall be considered to be approved.

(2) The President may delay for not more than six months his decision under paragraph (1) to approve or disapprove a site upon determining that the information provided with the recommendation is not sufficient to permit a decision within the sixty-day period referred to in paragraph (1). The President may invoke his authority under this paragraph by submitting written notice to the Congress, within such period, of his intent to utilize the authority provided under this paragraph. If the President invokes this authority under this paragraph but fails to approve or disapprove the site at the end of such six-month period, the site shall be considered to be approved.

(d) Any activity of the President or the Secretary under this section shall be considered a preliminary decisionmaking activity and shall not be subject to the National Environmental Policy Act of 1969 (83 Stat. 852).

SITE CHARACTERIZATION

SEC. 404. (a) The Secretary shall carry out in accordance with this section appropriate site characterization activities at each site approved under section 403. Site characterization activities shall be subject to the National Environmental Policy Act of 1969 (83 Stat. 852) only in the manner described in subsection (b)(1)(A) below.

(b)(1) Before proceeding to sink shafts at any site, the Secretary shall submit for such site to the Commission, to the Governor of the State in which the site is located, and to the Tribal Council of any affected Indian tribe, for their review and comment—

(A) an environmental assessment prepared pursuant to the Secretary's regulations implementing the National Environmental Policy Act of 1969 (83 Stat. 852) of the site characterization activities planned for such site, and a discussion of alternative activities for purposes of site characterization which may be undertaken to minimize such impacts;

(B) a general plan for site characterization activities to be conducted at such site, which plan shall include—

(i) a description of the site;

(ii) a description of the site characterization activities, including the extent of planned excavations, plans for any onsite testing of radioactive material or nonradioactive material, investigation activities that may affect the ability of the site to isolate any solidified high-level radioactive waste and spent fuel, and provisions to control likely adverse, safety-related impacts from site characterization activities;

(iii) plans for decontaminating and decommissioning the site if it is determined unsuitable for application for licensing as a repository and if any radioactive materials are used for site characterization; and

(iv) any other information required by the Commission; and

(C) proposals describing the possible form of packaging for the solidified high-level ra-

dioactive waste and spent fuel that would be emplaced in the repository.

(2) During the conduct of site characterization activities at a site, the Secretary shall report to the Commission, to the Governor of the State in which the site is located, and to the Tribal Council of any affected Indian tribe, on the nature and extent of such activities and the information developed from such activities.

(c) The Secretary, in consultation with the Commission, shall conduct such tests, and may conduct such research and development activities, as may be required to provide the necessary data for an application for a construction authorization by the Commission for a repository at the site and for the compliance with the National Environmental Policy Act of 1969 (83 Stat. 852). The Secretary shall report to the Commission, to the Governor of the State in which the site is located, and to the Tribal Council of any affected Indian tribe, on the tests conducted at a site pursuant to this subsection and on the information developed from such tests.

(d)(1) In conducting site characterization activities or tests pursuant to subsection (c)—

(A) the Secretary may use such radioactive materials at a site as the Secretary and the Commission deem necessary to provide data for the submission of an application for a construction authorization for a repository at the site;

(B) if radioactive materials are placed in a site, the Secretary shall limit the amount of radioactive materials to that quantity necessary to determine the suitability of the site for a repository and to provide data for the submission of an application for a construction authorization for a repository at the site; and

(C) any radioactive material used or placed on a site shall be fully retrievable.

(2) If characterization activities are terminated at a site for any reason, the Secretary shall remove any solidified high-level radioactive waste or spent fuel, or other radioactive materials at or in the site as promptly as practicable.

SITE APPROVAL AND CONSTRUCTION AUTHORIZATIONS

SEC. 405. (a) The Secretary shall recommend to the President not later than January 1, 1986, that the President approve one of the three initially characterized sites for the development of the first repository. The Secretary shall recommend to the President not later than January 1, 1989, that the President approve one or more additional sites from all of the characterized sites for the development of subsequent repositories. In making subsequent site recommendations and approvals, the Secretary and the President, respectively, shall consider the need for regional distribution of repositories and the need to minimize, to the extent practicable, the impacts and cost of transporting spent fuel and solidified high-level radioactive waste. Prior to submitting each recommendation to the President for approval of a site, the Secretary shall hold public meetings in the vicinity of the site to inform the residents of the area in which the site is located of the determination of the Secretary and to receive their comments. Any recommendation made by the Secretary pursuant to this subsection shall be considered a major Federal action significantly affecting the quality of the human environment for purposes of the National Environmental Policy Act of 1969 (83 Stat. 852). A final environmental impact statement prepared pursuant to the National Environmental Policy Act of 1969 (83 Stat. 852), prepared by the Secretary, shall accompany the recommendation to the President to approve the site for a repository. With respect to the requirements imposed by the National Environmental Policy Act of 1969 (83 Stat. 852), this Act shall be deemed adequate consideration of the need for a repository, the time of the initial availability of a repository, and all alternatives to a repository for the isolation of spent fuel and solidified high-level radioactive waste, and no further consideration of such matters shall be required. The Secretary shall only consider as alternate sites for the first proposed facility those sites recommended by January 1, 1984, by the Secretary pursuant to section 403(b) and approved by the President for site characterization pursuant to section 403(c). The Secretary shall only consider as alternate sites for subsequent proposed facilities those sites recommended by the Secretary by January 1, 1984, and by January 1, 1987, pursuant to section 403(b) and approved by the President for site characterization pursuant to section 403(c). Preparation of the final environmental impact statement by the Secretary in accordance with this subsection, with coordination and comments by the Commission and other interested agencies, shall satisfy the requirements of the National Environmental Policy Act of 1969 (83 Stat. 852) with regard to the selection of a site for, and the decision of the Secretary to construct and operate a repository: *Provided*, That this subsection shall not be construed in any way as amending the National Environmental Policy Act of 1969 (83 Stat. 852).

(b) The President shall approve or disapprove any recommendation of the Secretary pursuant to subsection (a) within sixty days after the recommendation is submitted. If the President disapproves any recommendation, the Secretary shall make another recommendation from among the characterized sites within sixty days after the President's disapproval.

(c) The Secretary shall submit to the Commission an application for authorization to construct a repository at each site approved by the President within ninety days after the date on which the President approves a site under subsection (b). The Secretary shall provide a copy of such license application to the Governor of the State in which the site is located and to the Tribal Council of any affected Indian tribe.

(d) Not later than eighteen months after the date on which an application is submitted under subsection (c), the Commission shall submit to the Congress a report describing the proceedings on the application undertaken through such date, including a description of—

(1) major unresolved safety issues, and the Secretary's explanation of design and operation plans for resolving such issues;

(2) matters of contention regarding the application; and

(3) any Commission actions regarding the granting or denial of the application.

(e) The Commission shall consider an application for authorization to construct a repository in accordance with the laws applicable to such applications, except that the Commission shall issue a final decision approving or disapproving the first such application not later than December 31, 1989, and the second such application not later than December 31, 1992. The Commission decision approving the first such application shall prohibit the emplacement in the first repository of more than seventy thousand metric tons of heavy metal from spent fuel and solidified high-level radioactive waste until such time as a second repository is in operation.

(f) The Commission shall consider an application for authorization to construct a repository in accordance with the laws applicable to such applications, except that—

(1) the Commission shall only consider as alternate sites for the first proposed facility those sites recommended by January 1, 1984, by the Secretary pursuant to section 403(b) and approved by the President for site characterization pursuant to section 403(c),

(2) the Commission shall only consider as alternate sites for subsequent proposed facilities those sites recommended by the Secretary by January 1, 1984, and by January 1, 1987, pursuant to section 403(b) and approved by the President for site characterization pursuant to section 403(c), and

(3) the Commission shall rely on the environmental impact statement prepared by the Secretary pursuant to subsection 405(a) in issuing a final decision approving or disapproving the application to the extent possible, consistent with the independent responsibilities of the Commission as determined by the Commission, in order to minimize unnecessary duplication.

SEC. 406. The Secretary, the Commission, and other appropriate Federal officials shall take such actions as they consider necessary, consistent with the protection of the public health, safety, and the environment, to achieve operational status of a repository licensed under section 405(e) as soon thereafter as possible.

TEST AND EVALUATION FACILITY

SEC. 407. (a) Not later than January 1, 1983, the Secretary shall transmit to the Congress a proposal for at least one test and evaluation facility for the purpose of developing generically applicable packaging, handling, and emplacement technology for solidified high-level radioactive waste and spent fuel to further the demonstration of disposal of such waste and spent fuel. The proposal shall include site-specific designs, specifications, and cost estimates adequate to solicit bids for the construction of an initial facility, and a schedule for the construction of a facility, consistent with the objective of achieving facility operation not later than January 1, 1988. The proposal shall also include a detailed plan, schedule, and termination date for the generically applicable research and development activities proposed to be conducted at the test and evaluation facility.

(b) The Secretary may select an existing research and development site for the development of the test and evaluation facility. The Secretary shall not select any area of a site that the Secretary intends to recommend for characterization pursuant to section 403(b) that the Secretary determines would permit the physical integration of the test and evaluation facility and a proposed repository.

(c) The facility shall be designed to—

(1) accept a total of not more than three hundred packages of solidified high-level radioactive waste and spent fuel;

(2) permit continuous monitoring, management, and maintenance of the solidified high-level radioactive waste and spent fuel to be emplaced in the facility;

(3) accept waste and spent fuel packages incorporating multiple barrier design; and

(4) permit full retrievability of the waste and spent fuel to be emplaced in the facility.

(d) In formulating the proposal, the Secretary shall consult with the Commission and the Environmental Protection Agency, and shall transmit their comments on the final proposal to the Congress together with the proposal.

(e)(1) Preparation and transmittal of the proposal to the Congress is not a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 (83 Stat. 852), but an environmental assessment prepared pursuant to the Secretary's regulations implementing the National Environmental Policy Act of 1969 (83 Stat. 852) shall be prepared on the proposal to accompany such transmittal.

(2) When Congress authorizes construction of the facility, the requirements of the National Environmental Policy Act shall apply, except that any environmental impact statement in connection with such facility need not consider the need for such facility or any alternative to the design criteria set forth in subsection (b), as they may have been amended by such subsequent congressional authorization.

(f) Notwithstanding any other provision of law, the test and evaluation facility authorized under this section shall not be subject to a license by the Commission: *Provided, however,* That the Secretary shall obtain the concurrence of the Commission in the siting, design, construction, and operation of the facility.

NATIONAL SITE SURVEY PROGRAM

SEC. 408. (a) The Secretary and the United States Geological Survey shall conduct a national site survey program, to be completed not later than January 1, 1986, for the purpose of identifying sites that may be suitable for site characterization for a repository in addition to those recommended by the Secretary under section 403(b).

(b) The national site survey program established by subsection (a) shall include every State that may contain acceptable sites for a repository. No State shall have the authority to prohibit or restrict any activity that the Secretary and the Director of the United States Geological Survey deem necessary to carry out the purposes of this section.

(c) The Secretary shall use the results of the national site survey program established by subsection (a) in identifying and recommending sites for the characterization of subsequent sites pursuant to section 403(b).

SEC. 409. The Secretary shall continue and accelerate a program of research, development, and investigation of alternative means and technologies for the permanent disposal of high-level radioactive waste from civilian nuclear activities, atomic energy defense activities of the Department, and Federal research and development activities. Such program shall include examination of various waste disposal options.

SEC. 410. (a) The Secretary, consistent with the policy set forth in section 401, is authorized and directed to enter into contracts with persons owning and operating civilian nuclear powerplants, and with persons owning spent fuel or high-level radioactive waste generated by civilian nuclear activities prior to the date of enactment of this Act.

(b) The contracts entered into under subsection (a) shall provide that in return for the payment of the fees established by section 603 (a) and (c) of this Act, the Federal Government, beginning at the time when one or more federally owned and operated repositories or monitored, retrievable storage facilities are in operation, will—

(1) take title to the spent fuel and high-level radioactive waste owned or generated by such person,

(2) transport the spent fuel or high-level radioactive waste to a federally owned and operated repository or monitored, retrievable storage facility, and

(3) store or dispose of the spent fuel or high-level radioactive waste.

(c) The contracts entered into under subsection (a) shall also provide for the retention by the owner of spent fuel of a nontransferable right to the value of the remaining fuel resource less the costs of recovery, as determined at the time of recovery. The right ends when the Federal Government—

(1) takes action resulting in the recovery of the remaining fuel resource and gives to the owner of the right an amount of money equal to the value of the recovered fuel less the costs of recovery; or

(2) disposes of such fuel in a repository.

SEC. 411. Not later than January 1, 1983, the Secretary shall prepare and submit to the Senate and the House of Representatives a detailed management plan for the actions required by this title. The plan shall identify the major program objectives, milestones, decisions, and critical path items that are required to achieve the objectives set forth in this title.

TITLE V—LONG-TERM STORAGE OF SOLIDIFIED HIGH-LEVEL RADIOACTIVE WASTE AND SPENT FUEL FROM CIVILIAN NUCLEAR ACTIVITIES

SEC. 501. It is the policy of the Federal Government that—

(1) the Federal Government has the responsibility to provide for long-term storage of solidified high-level radioactive waste and spent fuel, consistent with the policies of title III and title IV;

(2) the executive branch and the Congress should proceed as expeditiously as possible to consider fully a proposal for the construction of one or more monitored, retrievable storage facilities to provide such long-term storage; and

(3) the Federal Government has the responsibility to assure that such facilities are available with sufficient capacity when needed.

SEC. 502. Within one year after the date of enactment of this Act, the Secretary shall transmit to the Congress a proposal for the consideration of one or more monitored, retrievable storage facilities for spent fuel and solidified high-level radioactive waste. Such facilities shall be designed to—

(a) accommodate spent fuel without reprocessing, as well as solidified high-level radioactive waste, including solidified high-level radioactive waste from reprocessing of such spent fuel if such reprocessing is undertaken in the United States;

(b) permit continuous monitoring, management, and maintenance of the spent fuel and solidified high-level radioactive waste for the foreseeable future;

(c) provide for the ready retrieval of any spent fuel and solidified high-level radioactive waste for further processing or disposal by an alternative method; and

(d) safely contain such solidified high-level radioactive waste and spent fuel so long as may be necessary, by means of maintenance, including, but not limited to, replacement as necessary, of such facility.

SEC. 503. The proposal shall include—

(a) the establishment of a Federal program for the siting, development, construction, and operation of facilities capable of safely storing solidified high-level radioactive waste and spent fuel, which facilities are to be licensed by the Commission;

(b) site-specific designs, specifications, and cost estimates adequate to solicit bids for the construction of an initial facility which will support authorization to construct the first full-scale, operational facility capable of safely storing solidified high-level radioactive waste and spent fuel and achievement of operational status for the facility as soon thereafter as possible;

(c) a plan for integrating the facilities under this title with the interim spent fuel storage facilities authorized by title III and repositories authorized by title IV.

SEC. 504. In formulating the proposal, the Secretary shall consult with the Commission and the Environmental Protection Agency, and shall transmit their comments on the final proposal to the Congress together with the proposal.

SEC. 505. (a) Preparation and transmittal of the proposal to the Congress is not a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 (83 Stat. 852), but an environmental assessment prepared pursuant to the Secretary's regulations implementing the National Environmental Policy Act of 1969 (83 Stat. 852) shall be prepared on the proposal to accompany such transmittal based upon available information regarding alternative technologies for storage of spent fuel and solidified high-level radioactive waste storage.

(b) When Congress authorizes construction of the initial facility, the requirements of the National Environmental Policy Act shall apply, except that any environmental impact statement in connection with such facility shall not consider the need for the facility, alternate sites for the facility, or any alternative to the design criteria set forth in section 502 of this Act as may have been amended by such subsequent congressional authorization.

(c) Any facility authorized under this title shall be subject to a license under section 202(3) of the Energy Reorganization Act of 1974 (88 Stat. 1233), except that in its consideration of the application filed by the Secretary for the initial facility, the Commission may not consider the need for the facility, alternate sites for the facility, or any alternative to the design criteria set forth in section 502 of this Act but shall comply with the requirements of the licensing process as otherwise provided by law.

SEC. 506. (a) Beginning the first fiscal year after the date of the enactment of this Act, the Secretary shall make annual impact aid payments to appropriate units of local government in order to mitigate social or economic impacts occasioned by the construction and subsequent operation of any facility within the jurisdictional boundaries of such local governments and authorized under this title.

(b) Payments made available to units of local government under this section shall be—

(1) allocated in a fair and equitable manner with a priority to those units of local government suffering the most severe impacts; and

(2) utilized by units of local governments only for (A) planning, (B) construction and

maintenance of public services, and (C) provision of public services related to the siting of a facility authorized under this title.

(c) Payments shall be subject to such terms and conditions as the Secretary determines necessary to ensure that the purposes of this section will be achieved. The Secretary shall issue such regulations as may be necessary to carry out the provisions of this section.

(d) Payments under this section shall be made available solely from the fund established under section 601 of this Act and shall be available only to the extent provided in advance in appropriations Acts.

(e) The Secretary may consult with appropriate units of local government in advance of commencement of construction of any facility authorized under this title in an effort to determine the level of the payments such government would be eligible to receive under this section.

(f) As used in this section, the term "unit of local government" means a county, parish, township, municipality, or borough, including a borough in the State of Alaska, existing on the date of the enactment of this subsection, or other unit of government below the State which is a unit of general government as determined by the Secretary.

TITLE VI—FINANCIAL ARRANGEMENTS

SEC. 601. (a) There is hereby established in the Treasury of the United States a separate account to provide for costs directly related to (1) the acquisition, lease or construction, and operation of Federal away-from-reactor interim storage facilities for spent fuel in accordance with title III of this Act; (2) the development, including site selection and characterization, construction and operation of repositories for the disposal of such spent fuel or solidified high-level radioactive waste in accordance with title IV of this Act; (3) the development, including site selection, construction and operation of one or more test and evaluation facilities in accordance with title IV of this Act; (4) the development, including site selection construction and operation of facilities for the long-term storage of spent fuel or solidified high-level radioactive waste in accordance with title V of this Act; (5) the related handling and transportation of such spent fuel or waste; and (6) research, development and investigation activities of the Secretary pursuant to section 409 required to support the activities described in items (1) through (5). Amounts appropriated under section 307 or otherwise appropriated to the Secretary to carry out any of the purposes of titles III, IV, V, and VI of this Act, all charges under section 303, receipts derived from the sale of any reprocessed fuel, all fees collected under section 603, and the proceeds from any obligations issued pursuant to section 602 of this title shall be deposited into the account.

(b) To the extent funds are available and in such amounts as are provided in appropriations Acts, the Secretary may draw on such account to carry out the purposes of titles III, IV, V, and VI of this Act: *Provided*, That the Secretary shall not construct or acquire any facility authorized under this Act unless the specific expenditure of funds for the initiation of such construction or acquisition is explicitly approved in an appropriation Act.

SEC. 602. (a) To carry out the purposes of this Act the Secretary may borrow money from the Treasury of the United States in amounts provided in appropriation Acts. The Secretary and the Secretary of the Treasury shall agree on terms, maturities, and conditions of the obligations, but the maturities may not be more than thirty years. The Secretary may redeem the obligations before maturity. The Secretary of the Treasury shall decide the interest rate of the obligations considering the average market of outstanding marketable obligations of the United States Government of comparable maturities during the month before the obligations are issued. The interest payments on such obligations may be deferred with the approval of the Secretary of the Treasury but any interest payment so deferred shall bear interest. Such obligations shall be issued in amounts and at prices approved by the Secretary of the Treasury. The Secretary of the Treasury shall purchase any obligations of the Secretary issued under this section and for this purpose the Secretary of the Treasury is authorized to use as a public debt transaction of the United States the proceeds from the sale of any securities issued under the Second Liberty Loan Bond Act. Securities may be issued under that Act to purchase obligations from the Secretary under this section.

(b) Appropriations made available pursuant to section 307 of this Act and any other appropriations made to the Secretary to carry out the purposes of titles III, IV, V, and VI of this Act shall be repaid into the general fund of the Treasury out of the account, together with interest until the date of repayment at a rate determined by the Secretary of the Treasury taking into consideration the average market on long-term obligations of the United States during the fiscal year in which appropriations are made. The Secretary shall repay such appropriation together with interest within thirty years from the time at which such appropriations become available for expenditure after the date of enactment of this Act, and no appropriations to the Secretary are authorized to carry out the purposes of titles III, IV, V, and VI of this Act unless the amounts appropriated are deposited into the account established in section 601(a).

(c) The Secretary shall invest in United States Treasury instruments any surplus funds accruing in the account established by section 601 herein and the interest paid on such Treasury instruments shall accrue to the benefit of such account.

SEC. 603. (a) There is hereby imposed a mandatory fee in the amount of 1.0 mil per kilowatt-hour on electricity generated by civilian nuclear powerplants and sold on or after the date ninety days after the date of enactment of this Act. Such fee shall be for the purpose of paying the costs to be incurred by the Federal Government that are specified in section 601(a).

(b) The fee imposed by subsection (a) shall be collected by the person owning and operating each civilian nuclear powerplant and shall be paid to the Treasury of the United States and deposited in the separate account established by section 601. The person owning and operating a civilian nuclear powerplant who pays the fee to the Treasury of the United States pursuant to subsection (a) shall have no further financial obligation to the Federal Government for the long-term storage and permanent disposal of spent fuel, or the solidified high-level radioactive waste from spent fuel, which is removed from the nuclear reactor of such civilian nuclear powerplant after the date of enactment of this Act.

(c) Not later than ninety days after the date of enactment of this Act, the Secretary shall establish a one time fee per kilogram of heavy metal in spent fuel, or in solidified high-level radioactive waste, in an amount equivalent to an average charge of 1.0 mil per kilowatt-hour for electricity generated by such spent fuel, or such solidified high-level waste derived therefrom, to be collected from any person delivering to the Federal Government spent fuel, or solidified high-level radioactive waste derived from spent fuel, which was removed from a civilian nuclear powerplant prior to the enactment of this Act. Such fee shall be for the purpose of paying the costs to be incurred by the Federal Government for the long-term storage and permanent disposal of solidified high-level radioactive waste and spent fuel from civilian nuclear activities. Such fee shall be paid to the Treasury of the United States and shall be deposited in the separate account established by section 601. In paying such a fee, the person delivering spent fuel, or solidified high-level radioactive wastes derived therefrom, to the Federal Government shall have no further financial obligation to the Federal Government for the long-term storage and permanent disposal of such spent fuel, or the solidified high-level radioactive waste derived therefrom.

(d) Not later than one hundred and eighty days after the date of enactment of this Act, the Secretary shall establish procedures for the collection and payment of the fees established by subsection (a) and subsection (c). The Secretary shall annually review the amount of the fees established by subsections (a) and (c) above to evaluate whether collection of the fee will provide sufficient revenues to offset the costs as defined in subsection (a) herein. In the event the Secretary determines that either insufficient or excess revenues are being collected, the Secretary shall make a recommendation to the Congress for an adjustment of the amount of such fee. Any change in the fee shall be approved by the Congress and shall only apply to fees collected after any such change.

(e) Funds paid to the Treasury of the United States from the collection of the fees imposed by subsections (a) and (c) above and deposited in the separate account established by section 601 shall be available to pay the direct costs of constructing and operating any away-from-reactor facility pursuant to section 305 that would not otherwise be paid by the one-time payments collected pursuant to section 303 and deposited in the separate account established by section 601.

TITLE VII—STATE PARTICIPATION IN THE DEVELOPMENT OF REPOSITORIES AND MONITORED, RETRIEVABLE STORAGE FACILITIES FOR SOLIDIFIED HIGH-LEVEL RADIOACTIVE WASTE AND SPENT FUEL

SEC. 701. (a) The Secretary shall identify the States with one or more potentially acceptable sites for a repository or for a monitored, retrievable storage facility for solidified high-level radioactive waste or spent fuel within ninety days after the date of enactment of this Act. Within ninety days of such identification, the Secretary shall notify the Governor, the State legislature, and the Tribal Council of any affected Indian tribe in any affected State of the potentially acceptable sites within such State. For the purposes of this title, the term "potentially acceptable site" means any site at which, after geologic studies and field mapping but before detailed geologic data gath-

ering, the Department undertakes preliminary drilling and geophysical testing for the definition of site location.

(b) Each affected State and affected Indian tribe notified under subsection (a) as having potentially acceptable sites shall have the right to participate in a process of consultation and concurrence, based on public health and safety and environmental concerns, in all stages of the planning, siting, development, construction, operation, and closure of a repository or a monitored retrievable storage facility that is required to be licensed by the Commission. Upon (1) the approval of a site for site characterization for such a repository, (2) the designation of a site for such a monitored retrievable storage facility, or (3) the written request of the State or Indian tribe in any affected State notified under subsection (a) to the Secretary, whichever, first occurs, the Secretary shall promptly enter into negotiations with each such State and Indian tribe to establish a cooperative agreement under which the State or Indian tribe may exercise such right. Public participation in the negotiation of such agreement shall be provided for and encouraged by the Secretary, the States and the Indian tribes. The Secretary, in cooperation with the States and Indian tribes, shall develop and publish minimum guidelines for public participation in such negotiations, but the adequacy of such guidelines or any failure to comply with these guidelines shall not be a basis for judicial review.

(c) The cooperative agreement shall include, but need not be limited to, the sharing in accordance with applicable law of all technical and licensing information, the utilization of available expertise, the facilitating of permitting procedures, joint project review, and the formulation of joint surveillance and monitoring arrangements to carry out applicable Federal and State laws. The cooperative agreement also shall include a detailed plan or schedule of milestones, decision points and opportunities for State or tribal review and objection. Such cooperative agreement shall provide procedures for negotiating and resolving objections of the State or Indian tribe in any stage of the planning, siting, development, construction, operation, or closure of such a facility within the State. In the case of a proposed repository, the cooperative agreement shall also provide for compensation to the State or Indian tribe for (1) the cost of State or Indian tribe participation in the development of the facility, including the acquisition of any necessary independent technical and licensing information, and (2) impacts caused by the siting, development, construction, and operation of a repository. Further, the cooperative agreement in the case of a proposed repository shall provide a method for determining the appropriateness and amount of any royalty or assessment to the State or Indian tribe for the use of its property, location or other natural resource. Payments for any compensation, royalty or assessment to a State or Indian tribe pursuant to a cooperative agreement shall be made only to the extent provided in appropriations Acts and shall be made solely from the fund established under section 601. The terms of any cooperative agreement shall not affect the Nuclear Regulatory Commission's authority under existing law.

(d) For the purpose of this part of this title, "process of consultation and concurrence" means a methodology by which the Secretary (A) keeps the State or affected Indian tribe fully and currently informed about the aspects of the project related to any potential impact on the public health and safety, (B) solicits, receives, and evaluates concerns and objections of the State or affected Indian tribe with regard to such aspects of the project on an ongoing basis, and (C) works diligently and cooperatively to resolve, through arbitration or other appropriate mechanisms, such concerns and objections. The process of consultation and concurrence shall not include the grant of a right to any State or Indian tribe to exercise an absolute veto of any aspect of the planning, siting, development, construction, and operation of the project.

(e) The Secretary and the State or affected Indian tribe shall seek to conclude the agreement required by subsection (b) not later than one year after the date of notification under section (a). The Secretary shall report to the Congress annually thereafter on the status of the agreement approved under subsection (c). Any report to the Congress on the status of negotiations under subsection (b) of the agreement under subsection (c) by the Secretary shall be accompanied by comments solicited by the Secretary from the State or affected Indian tribe.

(f)(1) The Secretary shall notify the Governor, the State legislature, and the Tribal Council of any affected Indian tribe in an affected State at least ninety days prior to submitting an application to the Commission for authorization to construct a repository or monitored, retrievable storage facility of the Secretary's intention to file such application.

(2) If at any time after the Governor or an affected Indian tribe has received the notice required under paragraph (1), but no later than ninety days after receipt of such notice, the Governor or the Indian tribe notifies the Secretary in writing of objections to the proposed repository or monitored, retrievable storage facility, the Secretary shall promptly transmit such objections together with the Secretary's comments and recommendations to the Congress.

(3) If the Governor or the Indian tribe has filed objections in accordance with paragraph (2), the Secretary shall not submit such an application and shall suspend further site-specific activities on the proposed repository or monitored, retrievable storage facility if during the sixty-day period of continuous session following submittal to Congress of the objections, either House of Congress passes a resolution pursuant to section 703 stating in substance that the proposal for the repository or monitored, retrievable storage facility does not sufficiently address State or tribal concerns to permit the Secretary to apply to the Commission for an authorization to construct the facility.

SEC. 702. (a) For the purpose of this Act (1) continuity of session is broken only by an adjournment of Congress sine die; and (2) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of any period of time in which Congress is in continuous session.

(b) Sections 702 through 706 of this Act are enacted by Congress (1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by section 703 of this Act; and they supersede other rules only to the extent that they are inconsistent therewith; and (2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

SEC. 703. For the purposes of this Act "resolution" means only a resolution of either House of Congress, the matter after the resolving clause of which is as follows: "That the believes that the proposed development of a repository or monitored, retrievable storage facility at within the State of , which is the basis of objections transmitted to Congress by the Secretary of Energy on , 19 does not sufficiently address State or tribal concerns to permit the Secretary to apply to the Nuclear Regulatory Commission for an authorization to construct such repository or monitored, retrievable storage facility, the blank spaces therein being appropriately filled.

SEC. 704. (a) No later than the first day of session following the day on which objections by a State or Indian tribe are transmitted to the House of Representatives and the Senate under section 601(f), a resolution, as defined in section 703, shall be introduced (by request) in the House by the chairman of the committee to which the report is referred, or by a Member or Members of the House designated by such chairman; and shall be introduced (by request) in the Senate by the chairman of the committee to which the report is referred, or by a Member or Members of the Senate designated by such chairman.

(b) A resolution with respect to a proposed facility which is the basis of such objections shall be referred to the appropriate committees of the House and Senate (and all resolutions with respect to the same report shall be referred to the same committee) by the President of the Senate or the Speaker of the House of Representatives, as the case may be. The committee shall make its recommendations to the House of Representatives or the Senate, respectively, within forty-five calendar days of continuous session of Congress following the date of such resolution's introduction.

SEC. 705. If the committee to which is referred a resolution introduced pursuant to subsection (a) of section 604 (or, in the absence of such a resolution, the first resolution introduced with respect to the proposed facility which is the basis of such objections,) has not reported such resolution or identical resolution at the end of forty-five calendar days of continuous session of Congress after its introduction, such committee shall be deemed to be discharged from further consideration of such resolution and such resolution shall be placed on the appropriate calendar of the House involved.

SEC. 706. (a) When the committee has reported, or has been deemed to be discharged (under section 705) from further consideration of, a resolution described in section 705, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. The motion shall not be subject to amendment, or to a motion to postpone, or a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consid-

eration of the resolution is agreed to, the resolution shall remain the unfinished business of the respective House until disposed of.

(b) Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than ten hours, which shall be divided equally between individuals favoring and individuals opposing the resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to shall not be in order.

(c) Immediately following the conclusion of the debate on the resolution with respect to the proposed facility which is the basis of such objections, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final approval of the resolution shall occur.

(d) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution with respect to the proposed facility which is the basis of such objections, shall be decided without debate.

SEC. 707. In considering any objections by a State or Indian tribe submitted to the Congress pursuant to this title, the Congress may obtain the views and comments of the Nuclear Regulatory Commission on such objections. The provision of views by the Commission shall not be construed as binding the Commission with respect to any licensing action pertaining to the facility which is the subject of such objections.

SEC. 708. (a) Notwithstanding any other provision of law, the provisions of this title shall constitute the exclusive authority for any official of the Federal Government to enter into any agreement with any affected State and any affected Indian tribe (1) for participation in a process of consultation and concurrence in the planning, siting, development, construction, and operation of a repository pursuant to title IV of this Act or a monitored, retrievable storage facility storage facility pursuant to title V of this Act or (2) for any other participatory right in the Secretary's decisions associated with the activities of planning, siting, development, construction and operation of a repository pursuant to title IV of this Act or a monitored, retrievable storage facility pursuant to title V of this Act.

(b) The provisions of this title shall constitute the exclusive rights of participation by an affected State or Indian tribe in the planning, siting, development, construction, and operation of a repository or a monitored, retrievable storage facility that is required to be licensed by the Commission: *Provided, however,* That nothing in this Act shall preclude any recognized right of any State or Indian tribe under existing law with respect to such a repository or monitored, retrievable storage facility.

Mr. McCLURE. I thank the Chair and I thank all Senators.

I understand that what we have done here is to present to the Members a complex paper trail that is a little difficult for them to follow. I wanted to make certain that they understood what we have done at every stage, and I thank the Members for their forebearance and the questions which have allowed us to get into this stage at this time.

We now have, in effect, a clean bill on which we can now work our will. I think the exercise has been constructive and helpful.

Mr. President, I have an executive communication from the President of the United States addressed to the President of the Senate, which communication is dated April 28, 1982. That letter states the President's firm support for this legislation and the program.

I ask unanimous consent that that letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follow:

THE WHITE HOUSE,
Washington, April 28, 1982.

HON. GEORGE BUSH
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: The safe and efficient disposal of nuclear waste is an issue of profound concern to all Americans. I am pleased and encouraged by the reports of bipartisan Congressional activity regarding nuclear waste legislation.

I, and all my Administration, stand ready to work with you to proceed on a bipartisan and timely basis on this most important matter, so that the Federal Government can fulfill its responsibilities for safe and efficient disposal of nuclear waste.

I believe that we all agree that first and foremost in any consideration of this issue is the fundamental need to protect the health and safety of all our citizens. We must also mitigate possible harm to our environment. With these prerequisites in mind, I urge early legislative action so that we may clear the way for continued development of peaceful uses of nuclear energy.

On October 8, 1981, I announced several policy initiatives regarding nuclear energy. My Administration is currently working to implement these initiatives. Consistent with these initiatives, and in order to take advantage of the inherent efficiency in the private sector, (benefiting the electricity ratepayer in the long run), nuclear waste legislation should be adopted soon, containing the following elements:

(1) A system of user fees to fund the construction and operation of high-level nuclear waste storage and disposal facilities.

(2) An appropriate and effective method for State governments to participate in resolving site selection issues involved in the licensing and deployment of waste disposal facilities.

(3) A temporary storage facility, financed from user revenues, to relieve the near-term problem of exhaustion of spent fuel storage capacity at some operating plants. This facility should be subject to appropriate limitations on quantity of fuel and time of residence, perhaps 5-7 years, to ensure that it cannot be a substitute for longer term and permanent facilities.

(4) A federally owned and operated permanent repository for disposal of high-level radioactive waste to be available at the earliest practicable date. A federally owned and operated monitored retrievable storage (MRS) facility should be considered strongly for long-term storage in the interim period prior to operation of a permanent repository.

(5) Application to civilian-generated waste only, since military nuclear waste will be addressed separately.

To ensure efficiency and safety, nuclear waste legislation should require title transfer to the Federal Government, at a date certain, of vitrified high-level waste at the receiving facility. Alternatively, if vitrification facilities are not yet in operation, the Federal Government will take title to encapsulated spent fuel. This will fix responsibility and provide a firm basis for construction and operation of facilities for nuclear waste storage and disposal financed from user revenues.

These federal actions are consistent with our basic effort to encourage private sector reprocessing in order to provide access to significant remaining fuel value for future generations as well as significantly reduce the volume of high-level waste.

The American people desire the safe disposal of nuclear waste. The necessary technology is available and scientific and engineering expertise exists to accomplish this goal. Federal legislation is required to assure a safe, effective solution for the disposal of nuclear waste at the earliest practicable time. I urge early consideration by both Houses of Congress and prompt enactment of legislation that will allow us to move ahead and deal with this issue in a timely and responsible manner.

Sincerely,

RONALD REAGAN.

Mr. GORTON. Mr. President, I wish to state my support for the passage S. 1662 as it is presented by the Committees on Environment and Public Works, Energy and Natural Resources, and Armed Services. I know the bill will be thoroughly debated and that numerous amendments will be offered. This is an appropriate course of action. The issue of how the United States resolves the technological and environmental problems of the disposal of high level nuclear waste is crucially important to the role of nuclear power in this nation's energy future.

Over the years, the consumption of electrical power in the United States has grown substantially. The wide availability of electrical power, of course, has been the basis for much of our industrial and economic growth. In the Pacific Northwest, hydro-electric power has been inexpensive and plentiful. A number of American corporations have found that plentiful energy attractive and have relocated their operations there. The general electricity consuming public has enjoyed moderate rates and moderate attitudes about power generation. In the rest of the country, electric power, generated through the burning of fossil fuels, has been somewhat more expensive but still well within the demand and reach of corporate and individual consumers.

In recent years, however, we have reached the practical limit of our development of hydro-electric power on major producing rivers and have recognized that our national dependence

on foreign-produced oil is too great. We have responded to this fact by increasing our reliance on coal and on the development of nuclear power. Both, however, have their drawbacks: Coal has inevitably adverse effects on the environment; nuclear power has increasingly lost public confidence while at the same time its price has grown rapidly.

S. 1662 attempts to deal with one of the major problems associated with the Nation's reliance on nuclear power. It does so by defining the development of a national policy for the handling of the high-level nuclear waste generated by nuclear power reactors. Only when the American public is satisfied that this waste can be adequately disposed of will nuclear power be a responsible alternative on which to rely in order to supplement America's rich energy resources.

S. 1662 was originally drafted and sponsored by the leadership of the Energy and Natural Resources and the Environment and Public Works Committees of the Senate. Those Senators perceived correctly that a high-level nuclear waste policy act is needed now. This is so because the development of a national disposal strategy must be accomplished with the maximum possible orientation toward public and environmental safety. Though the Department of Energy is now able, through general agency authority, to develop disposal techniques, there are no guarantees that the techniques it would develop or the disposal locations it would utilize would be safe for either the public or the environment. This bill provides those guarantees. In addition, the bill provides for significant State and local governmental participation as well as public awareness of the Department's high-level nuclear waste policy actions.

S. 1662 as introduced was a good bill. It has improved in the committee process since. Testimony elicited at a hearing in Richland, Wash., at the site of one possible high-level nuclear waste repository, Hanford, suggested amendments which the sponsors of this legislation thoughtfully incorporated into the legislation before the bill was reported out of the Environment and Public Works Committee. Those amendments are in the draft of the bill now before us on the floor. Generally, those amendments: First, require the planning and development of more than one high-level radioactive waste repository located so as to serve various regions of the country; second, require the Secretary of the Department of Energy to perform full environmental analysis of the siting of any repository; and third, require the Federal Government to compensate the State or local governments for the expenses of determining the appropriateness of sites for repositories as well as for the economic impact of a repository's construction and operation.

The age of nuclear power is here, Mr. President. But the problems of producing nuclear power are far from being resolved. The status of the nuclear power industry in my own State and the condition of the Washington public power supply system are witness to this fact. We must seek to remove those unnecessary impediments to the development of nuclear power which are within our power. I believe that S. 1662 does so and I consequently support it.

UP AMENDMENT NO. 876

(Subsequently numbered Amendment No. 1394.)

(Purpose: To protect the rights of States and Indian tribes)

Mr. PROXMIRE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin (Mr. PROXMIRE) on behalf of himself and Mr. RIEGLE proposes an unprinted amendment numbered 876.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 21, line 25, starting with "suspend", strike out all through line 9 on page 22 and insert in lieu thereof the following: "stop all work on such facility and terminate activities specific to the facility.".

On page 22, line 10, strike out "(d)" and insert in lieu thereof "(c)".

On page 62, line 11, strike out "The" and insert in lieu thereof "Except to the extent otherwise provided under subsection (f)(3) of this section, the".

On page 63, beginning with line 17, strike out all through line 10 on page 68 and insert in lieu thereof the following: "not submit such an application and shall terminate all site-specific activities on the proposed repository or retrievable, monitored storage facility.".

On page 68, line 11, strike out "Sec. 708." and insert in lieu thereof "Sec. 702.".

Mr. PROXMIRE. Mr. President, the purpose of my amendment is to give States the absolute right to veto inappropriate nuclear waste disposal sites to be located within their borders.

Why do States need this power? The answer: Because they cannot always trust DOE or other Federal agencies to act in their best interests.

According to an Office of Technology Assessment report released this week, the "greatest single obstacle that a successful waste management program must overcome is the severe erosion of public confidence in the Federal Government that past problems have created."

According to OTA, one of the big questions surrounding nuclear waste disposal is whether the U.S. Government can be "trusted to respond adequately to the concerns of States and others who will be affected by the waste management program."

That is a direct quotation from the Office of Technology Assessment. It is not my assertion. But I think States have reason to be concerned.

The fact is that the Federal Government has made a mess of its past encounters with State agencies over the issue of nuclear waste facility siting.

The worst botch of Federal-State relations is the controversy over the waste isolation pilot project (WIPP), located near Carlsbad, N. Mex.

According to OTA, "Initially, State and local officials supported WIPP" because they believed it would give an "economic boost" to a depressed area.

State and local officials had consulted extensively with DOE and thought they knew what they were getting into. But they were wrong.

The Carter administration could not make up its mind about the type of waste to be stored in the facility. Would it be spent fuel, transuranic, military or civilian?

Even worse, the facility was not licensed, and New Mexico did not get the veto it had been promised over the decision of whether to construct the facility.

The attorney general of New Mexico was forced to sue DOE over its mishandling of the process. Although the suit has since been settled, hard feelings remain.

The grounds for the suit were that DOE had: Failed to obtain State concurrence on WIPP construction; refused to sign an enforceable agreement with the State resolving its concerns about the project; failed to prepare a legal and adequate environmental impact statement, and failed to properly segregate or withdraw Federal land at the WIPP site.

I ask unanimous consent, Mr. President, to have printed in the RECORD an article from Science dated March 19, 1982, which documents this statement I have just made.

There being no objection, the article was order to be printed in the RECORD, as follows:

RADWASTE DUMP WIPPS UP A CONTROVERSY

(By Marjorie Sun)

Tucked in the southeast corner of New Mexico is a desolate tract of land covered with sagebrush and shifting sand, a seemingly unlikely target of controversy. This 27 square miles of wasteland, however, is the heart of a battle over nuclear waste that has pitted New Mexico against the federal government. On this site next year, the Department of Energy (DOE) plans to begin contruction of a pilot facility for storing radioactive waste from defense programs. It will be the first of its kind in the nation and a model for future repositories.

But according to many environmentalists and state officials, the federal government has unfortunately fumbled its management

of the $950-million project known as the Waste Isolation Pilot Plant or WIPP. "The Energy Department has badly mishandled the issue with the state," said Allan Kneese of Resources for the Future. In doing so the federal government has set a poor precedent for other radwaste sites to come.

Relations between New Mexico and DOE deteriorated to the point that the state last spring sued the department, charging that it had violated state's rights and failed to consult adequately with state officials. New Mexico State Attorney General Jeff Bingaman said, "We obviously had a serious breakdown of communication" before the lawsuit was filed. Other states "have an awful lot to learn" from New Mexico, he said.

Some believe that WIPP was misplaced from the start for geological reasons. Last fall, DOE discovered a pocket of brine below the repository. The concern is that the brine might compromise the safety of the repository, although the issue is not settled. Tests on the brine are to be completed this summer. But the impact of the discovery has heightened the political and scientific controversy that has beleaguered the project since it was authorized in 1976.

The irony is that DOE believed that the New Mexico site, although not perfect, was as close to an ideal location as it would find—for geologic and political reasons. Deep below the sandy terrain of the WIPP site are beds of salt that are considered the best immediate option in which to bury radwaste. Salt beds are stable, isolated from ground water, and plastic, enabling fractures to heal in repository walls. Although other states have salt beds, this one in New Mexico is in an area that is relatively free of drill holes. (The site originally selected for WIPP, in Lyons, Kansas, was abandoned in 1972 after scientists decided that it contained too many mining boreholes that might jeopardize the safety of the repository.) DOE selected a site 25 miles east of Carlsbad to store two types of defense radwaste generated from nuclear weapons production. The site would permanently store mainly transuranic waste, which emits relatively low levels of radiation, and temporarily warehouse small amounts of high-level waste for research and development purposes.

But 4 days before Thanksgiving last year, a drilling rig boring a test hole struck what geologists had hoped would not be there, namely, the brine pocket. Others had been discovered before, but none as close as this one, which may be as near as 600 feet to the proposed repository. If the brine is connected with other reservoirs, DOE might have to disqualify the site and move the repository to yet another spot on the tract. The site has already been relocated twice because of geologic aberrations found in the area.

One geologist who has studied the southeast portion of New Mexico believes that the federal government never should have placed WIPP where it is. Roger Anderson, a University of New Mexico professor of geology, contends that the proposed dump is located where salt beds are still actively dissolving in subterranean areas that are difficult to predict. His theory is not widely accepted by other geologists. But if the recently discovered brine pocket proves to be joined with others, "that will lend credence to Roger Anderson's theory," said Frank Parker, chairman of a National Research Council panel studying WIPP and a professor at Vanderbilt University.

In addition to the salt beds, DOE found the state an attractive location for the repository because its citizens are more accustomed to nuclear issues than those of other states, given New Mexico's history of nuclear weapons development at Los Alamos. "DOE found a state that was much more used to rad-waste," said Timothy Glidden, who is the Republican counsel for the House Interior and Insular Affairs Committee and a resident of New Mexico.

But New Mexico has remained uncomfortable about the proposed dump primarily because there were several attempts to change the purpose of WIPP during the Carter Administration. In 1979 an interagency task force recommended that dump sites storing transuranic waste should licensed because, it said, the long-term hazards are comparable to those of high-level waste. Carter took this recommendation further and proposed that WIPP diverge from its original purpose and accept 1000 commercial spent fuel assemblies in addition to transuranic waste and high-level waste from the defense program. This would have given the Nuclear Regulatory Commission some licensing authority over WIPP. A complicated turf battle ensued involving the White House, DOE, and the chairman of the House Armed Services Committee, Melvin Price (D-Ill.). Price wanted WIPP free of any licensing oversight by an agency outside his committee's jurisdiction and was successful in convincing his congressional colleagues to restrict the project to defense wastes. Incensed at this turn of events, Carter then canceled the project in February 1980, but Congress restored $20 million to the WIPP budget to keep the project alive.

Meanwhile, New Mexico was alarmed at the possibility that if WIPP accepted commercial spent fuel, it could become the nation's warehouse for high-level waste. The state then proceeded to seek the power to veto the project at any stage, but DOE dug in its heels and took the position that national security interests superseded the state's rights. The department said it would go so far as to consult with the state about any changes or problems concerning the repository. But federal legislation passed and 1979 provided for a "consultation and cooperation agreement" that watered down New Mexico's rights even more. "None of us knew what the agreement meant," said George S. Goldstein, New Mexico's secretary of health and the environment.

New Mexico's troubles continued. According to the 1979 law, DOE was to sign the consulation and cooperation pact with New Mexico by the end of September 1980. But the federal and state governments debated the terms of the agreement for more than a year. New Mexico insisted on a pact that would be enforceable by law and subject to judicial review, but the DOE did not want to make it legally binding.

On 14 May 1981, New Mexico sued DOE, alleging that the department had "refused to agree to a legally enforceable document to resolve these issues." Less than 2 months later, the DOE and the state reached a compromise agreement and consented to stay the lawsuit, pending review at a later date of each party's compliance.

Before the lawsuit, "it was obvious we were not getting the timely, accurate information about WIPP that we felt Congress intended," Bingaman said. Since the lawsuit was filed, "communications have improved substantially," he said.

But the discovery of the brine pocket could test the strength of the latest federal-state agreement. "The critical test of the site is coming up," Goldstein said. "I've asked them [DOE officials] what are the thesholds of acceptability? Is it that brine is beneath the site? Beneath the site of 200 feet away? I asked the question rhetorically, but if there's ever been a critical time to answer it it's now." That sense of urgency is increased somewhat because this is an election year for gubernatorial and U.S. Senate seats, and WIPP could become a campaign issue.

New Mexico officials are trying to sort out the scientific issues for themselves. In 1979, the state requested that an independent scientific panel be established at DOE's expense that would help it monitor and evaluate that data obtained by DOE. Anderson and the Southwest Research and Information Center, an environmental group based in Albuquerque, complain that the panel leaves much to be desired because it has only one geologist on its staff. The committee, "is our only backup for scientific expertise," said Bingaman. "It would be ideal to have our own people, but the state legislators refuse to pay the bill."

The state relies somewhat on Anderson, who was a consultant to Sandia one of WIPP's prime contractors, during the early stages of the project. It was Anderson who told Sandia in 1976 in a memo that another test hole should be dug where the latest brine pocket was found. Wendell Weart, who is in charge of nuclear waste management programs for Sandia, said, "Roger wanted us to drill a lot of holes. I doubt if the budget would have allowed it. We have been pretty responsive to his ideas."

The National Research Council panel could be the best independent source of information but its most recent comprehensive report on WIPP was issued 21 months behind schedule. Frank Parker noted that during those months the committee sent out "letter reports" dealing with specific issues in lieu of an in-depth analysis.

Parker said the panel has no plans to publish a special report on the brine pocket unless DOE makes such a request. "The brine is not good new," he said, but "we don't see anything yet to disqualify the site."

One of the nagging worries among many in New Mexico is that the brine at some future date will leach into the repository and carry radionuclides to the surface. The state's scientific panel postulated in a report, however, that if this scenario came to pass, the consequences would be "small." It estimated that in the year 2010, the projected population for the area could receive radiation doses that might result in "one or two fatal cancers."

What is troubling to state officials is the possibility that the federal government will suddenly assign the repository high-level commercial waste, a change that is quite conceivable given the flip-flops of WIPP's purpose during the Carter presidency. Goldstein said, "We're not sure the site will be used mainly for transuranic waste. DOE is only using a small portion of the tract for the site." Bingaman agreed, saying that "There's no question that for the amount of money DOE is spending on the site, it's doubtful that the repository's ultimate mission is storage of low-level military waste. There is suspicion on the part of many state officials, myself included, that Congress may change its mind and make it into a repository for high-level waste—commercial and defense." Larry Harmon, DOE project manager in Washington for WIPP, rebuts

these claims: "It is absolutely unlikely that WIPP will become a high-level waste repository. It will remain R & D for high-level waste."

Some individuals argue that if the government is going to spend a half billion to a billion dollars to build a repository for transuranic waste, it should from the start find a site suitable for high-level waste. "You could then backfill it with transuranic waste," said Thomas Cochran of the Natural Resources Defense Council. But such an idea doesn't have much currency in the present Administration. The proposed 1983 budget would give WIPP its full request of $125 million. Harmon of DOE said, "We've never been in such a good position to finish."

Mr. PROXMIRE. The article in Science magazine quotes New Mexico Attorney General Bingamen as saying that there had been a "serious breakdown in communication" before the State sued DOE. And one requirement of the settlement between DOE and New Mexico was that Federal officials keep the State better informed about their intentions.

It is ironic that WIPP was meant to be a model, of Federal-State cooperation, yet it is not an experiment I would want to repeat in my own State of Wisconsin.

The WIPP was not the first instance where the Federal Government ran into trouble trying to site a nuclear waste repository.

The Atomic Energy Commission, one of the Department of Energy's predecessors, had similar problems with public confidence when it tried to locate an experimental nuclear waste site in salt beds at Lyons, Kans. in the early 1970's.

The Federal agency battled the State over the appropriateness of the site. But, despite strong local opposition and a lack of information about site characteristics, the AEC pushed ahead until the State proved the site was unsuitable—it was filled with bore holes from gas drilling and waste stored there might pollute ground water.

Did AEC accomodate State and local needs? No way. It acted in the great tradition of Federal insensitivity—playing the bully to get its way. No wonder States are scared.

Are these stories just history—unlikely to be duplicated by the new, sensitive DOE? Not on your life. The story that upsets me most is what happended to my own State of Wisconsin in its dealings with DOE over the waste issue.

This is why the Governor of Wisconsin, who is a strong supporter of the administration and who is, of course, a Republican, and a very strong supporter of nuclear energy, has written to Chairman McCLURE of the Energy and Natural Resources Committee strongly supporting this amendment and calling for its adoption by the Congress.

Mr. President, I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OCTOBER 2, 1981.

Hon. JAMES A. McCLURE,
Chairman, Energy and Natural Resources Committee, Washington, D.C.

DEAR SENATOR McCLURE: I am writing to communicate my position regarding state veto authority in the siting of high level nuclear waste repositories. I object to the procedure in S. 1662 which is scheduled for a joint hearing of the Energy and Natural Resources and Environmental and Public Works Committees on October 5th and 6th.

My first preference is that the federal government provide absolute state veto authority. As an alternative, I would ask you to consider and support a process which would require affirmative action by each House of Congress, and the President, in order to override a state objection to the location of the high level nuclear waste site.

Nuclear site location decisions are far too important to override legitimate state and local objections by Congressional inaction. There is a big difference between requiring that either House pass a resolution supporting a state veto in order for the veto to stand, and having a state veto stand unless each House of Congress and the President act to override a state veto.

Thank you for your attention to this important matter.

Sincerely,

LEE SHERMAN DREYFUS,
Governor.

Mr. PROXMIRE. The Energy Research and Development Administration promised Wisconsin as long ago as 1977 that the State would be consulted about Federal nuclear waste disposal plans, and I have a letter here which sets that forth, dated April 13, 1977, to the Commissioner of the Public Service Commission of Wisconsin from G. W. Cunningham, Director, Division of Waste Management, Production and Reprocessing of the Department of Energy. Mr. President, I ask unanimous consent to have that letter printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION,
Washington, D.C., April 13, 1977.

Mr. MATTHEW HOLDEN,
Commissioner, Public Service Commission, Madison, Wis.

DEAR MR. HOLDEN: In response to your letter of January 4, 1977, containing questions raised by staff members of various state agencies, we have prepared the attached answers. I believe that they should clarify many aspects about the program which have caused concern. To provide supplemental information on the program, additional reference material has been included.

During our discussion, we tried to indicate that the state of knowledge concerning crystalline rock formations, similar to the formations which underlie Wisconsin, is still in the growing phase. It is essential to our program to understand these formations and evaluate their suitability, from a technical viewpoint, for use in locating a nuclear waste repository. Your support of our program to complete this investigation is very important so that the nation can effectively resolve many questions about future actions regarding implementing nuclear waste disposal operations.

We at ERDA understand the public concern that the solution we implement be safe and environmentally acceptable. We would like to reassure you of our commitment to work with you and other state officials to develop the siting criteria in achieving these objectives. We would propose to initiate our investigation of the geology in coordination with the state geologist and to keep you advised of the progress of the geological investigations. Simultaneously, we would like to outline whatever mechanism for joint discussion of the program that you feel needs to be addressed for the longer range procedures regarding potential siting of such a facility in Wisconsin.

I look forward to receiving your comments concerning the establishment of a mechanism to discuss siting criteria and other issues the State of Wisconsin considers important.

Sincerely,

G. W. CUNNINGHAM,
Director,
Division of Waste Management,
Production and Reprocessing.

Mr. PROXMIRE. Yet, when DOE decided in 1980 that it wanted to do a feasibility study on locating a high level waste repository in Wisconsin granite, the Governor and State legislature had to learn about it in a news release in the Madison Capital Times. According to a letter from Governor Dreyfus, no attempt was made to notify the State of the proposed testing nor were attempts made to coordinate the planning efforts with the Wisconsin State government.

Since that time, the initial pattern set up with DOE has been repeated without much improvement. Obtaining accurate information from DOE has proved frustrating and not very productive—certainly not for this Senator.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the Department of Local Affairs and Development of the State of Wisconsin, dated May 8, 1980; a letter from the Governor of Wisconsin, dated May 30, 1980; and chapter 62 of the laws of 1981 of the State of Wisconsin.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF WISCONSIN, DEPARTMENT OF LOCAL AFFAIRS & DEVELOPMENT,
Madison, Wis., May 8, 1980.

Mr. COLLIN HEATH,
Department of Energy, Waste Isolation, Washington, D.C.

DEAR MR. HEATH: I am deeply concerned with a May 1 article which was printed in the Madison Capital Times (see enclosure). The article states that the Department of Energy and specifically Battelle Institute will be conducting a feasibility study for the siting of a high level nuclear waste deposito-

ry. This study is to occur during the summer of 1980, yet neither the Governor nor the Governor's Radioactive Waste Disposal Committee was notified.

An understanding with both the Department of Energy and its predecessor requires that DOE notify the state of proposed testing and coordinate all planning efforts. There is no documentation that any notification occurred. This action is a severe violation of trust between the state and DOE. In addition, it violates the spirit of the proposed NRC regulations published in the Federal Register volume 44, number 236, on December 6, 1979. It is specifically counter to CFR 10 part 60.11(a)(6).

Repeated assurances that DOE supports the Interagency Review Group's theory of consultation and concurrence must be questioned. It is evident that DOE was prepared to begin testing in Wisconsin before such information was obtained by the press. You indicated to me in a May 1 telephone conversation that DOE fully intends to meet with the Governor and this executive committee within a month to discuss the testing. It is in the best interest of this state that when DOE considers initiating any procedures affecting Wisconsin that the Governor and the Committee be involved from the outset. Notification of DOE procedures through press release is unacceptable and adversely affects relations between state and federal government.

My understanding of consultation and concurrence is that appropriate state and local authorities should be informed of and involved in the siting procedures from the beginning. Therefore, it is essential that you provide all information, no matter how preliminary, on when, how, and where the testing will be conducted in the state so that joint efforts can proceed. The immediate release of such information could establish a better federal-state working relationship.

It is unfortunate that such a situation has occurred. Only continual and timely information exchange between your department and our committee on each other's actions could repair this breach of confidence. The Committee invites a DOE representative to participate in our scheduled meetings. I will send you a notice of the next full committee meeting and an agenda. Please inform us of a time most convenient to meet with us.

Address: Radioactive Waste Disposal Committee, 480.2, Sheboygan Ave., HFSOB, Room 99A, phone: 608-266-1509.

Sincerely,

DAVID WOODBURY,
Coordinator and in the behalf of the Governor's Radioactive Waste Disposal Committee.

STATE OF WISCONSIN,
Madison, Wis., May 30, 1980.

MR. COLIN A. HEATH,
Director, U.S. Department of Energy, Division of Waste Isolation, Washington, D.C.

DEAR MR. HEATH: The long term disposal of high level radioactive waste represents a most difficult and important problem. Existing nuclear plants have generated wastes that have been held in temporary storage facilities. It is a problem that will not go away. Eventually, this country must resolve the long term disposal problem. However, the siting of a disposal facility will be possible only if it can be proven the facility will not be harmful to the human or natural environment. The disposal of these wastes is a federal responsibility. However, Wisconsin will do all in its power to protect the wealth of our people and environment.

The federal government has committed itself to a consultation and concurrence procedure with states affected by waste disposal plans or investigations. The key to this process must be timely, full and public disclosure of the information and plans of the federal government. On May 1st, Wisconsin received initial information on USDOE plans to conduct on-site investigations in Wisconsin. This information was confirmed by you through a telephone conversation with my staff. It was unfortunate we received the information through the media and not from USDOE. The credibility of federal officials must be restored.

It is critical that we have accurate information in a timely fashion on any USDOE plans for on-site investigations in Wisconsin. By this letter I am directly requesting USDOE officials to come to Wisconsin at the earliest practical date to present all available information on these plans, and to respond to our questions and concerns.

I look forward to a prompt response to this request.

Sincerely,

LEE SHERMAN DREYFUS,
Governor.

CHAPTER 62, LAWS OF 1981

An act to amend 8.25 (4) (b), 15.07 (1) (c) and 165.25 (1); and to create 15.101 (13), 15.105 (11), 15.107 (7) and (8), 16.08 and 20.505 (7) of the statutes, relating to the long-term disposal of high-level radioactive waste and transuranic waste, creating a radioactive waste review board, creating a radioactive waste policy council, creating a radioactive waste technical council and making appropriations.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Section 1. Legislative findings and declaration. (1) Findings. The legislature finds that the state is not assured that the federal department of energy will consider the unique features of the state and the needs of the people of the state when assessing the state as a potentially suitable location for the long-term disposal of high-level radioactive waste or transuranic waste. Neither is the state assured that the federal department of energy will ensure adequate opportunity for public participation in the assessment process.

(2) Declaration. The legislature declares that it is in the best interests of the state to establish a radioactive waste review board to serve as an advocate for the people of the state before the federal government and to ensure a maximum of public participation in the assessment process.

(3) Interpretation. Nothing in this act shall be interpreted by the federal government or the federal department of energy as an expression by the people of this state to accept the establishment of a site for the long-term disposal of high-level radioactive waste or transuranic waste.

Section 2. 8.25 (4) (b) of the statutes is amended to read:

8.25 (4) (b) 1. The regular full term of office of the state superintendent commences on the first Monday of July,

2. The regular full term of each other officer enumerated in par. (a) commences on the first Monday of January, next succeeding the officer's election.

Section 3. 15.07 (1) (c) of the statutes is amended to read:

15.07 (1) (c) Fixed terms of members of boards, except the personnel board and the state employes merit award board where terms shall expire on July 1, and Milwaukee teachers retirement board where terms shall begin after the regular annual meeting on the last Saturday in September, shall expire on May 1 and shall, if the term is for an even number of years, expire in an odd-numbered year. In the case of the ethics board, the term of one member shall expire on each May 1. In the case of the radioactive waste review board, the terms of the members shall expire on the dates specified under s. 15.105 (11) ????.

Section 4. 15.101 (13) of the statutes is created to read:

15.101 (13) Radioactive waste review board. The radioactive waste review board has the program responsibilities specified for the board under s. 16.08.

Section 5. 15.105 (11) of the statutes is created to read:

15.105 (11) Radioactive waste review board. (a) Creation. There is created a radioactive waste review board which is attached to the department of administration under s. 15.03

(b) Membership

1. One member who is a representative to the assembly and who is designated in the same manner that members of the standing committees of the assembly are appointed.

2. One public member who is designated in the same manner that members of the standing committees of the assembly are appointed. This member may be a resident of the territory north of a line running east and west through the southern limit of the city of Stevens Point.

3. One member who is a senator and who is designated in the same manner that members of the standing committees of the senate are appointed.

4. One public member who is designated in the same manner that members of the standing committees of the senate are appointed. This member shall be a resident of the territory north of a line running east and west through the southern limit of the city of Stevens Point.

5. Four members selected by the governor, of which at least one is a representative of the governor and at least 2 are public members. At least one of the public members shall be a resident of the territory north of a line running east and west through the southern limit of the city of Stevens Point.

6. One member who is the chairperson of the radioactive waste policy council created under s. 15.107(7).

7. One member who is the chairperson of the radioactive waste technical council created under s. 15.107(8). This member is a nonvoting member.

(c) Terms. Each member of the radioactive waste review board designated under par. (b) 1 to 4 shall serve a 2-year term expiring on the date specified under s. 13.02 (1) or until a successor is appointed. Each member of the radioactive waste review board selected under par. (b) 5 shall serve a 4-year term expiring on the date specified under s. 8.25(4)(b) 2 or until a successor is appointed.

(d) Public members. Public members of the radioactive waste review board may not be employees of the state or federal government.

(e) Sunset. This subsection is effective until January 1, 1987.

Section 6. 15.107 (7) and (8) of the statutes are created to read:

15.107 (7) Radioactive waste policy council. There is created in the department of administration a radioactive waste policy council. The radioactive waste policy council

consists of not more than 11 members appointed for 3-year terms by the radioactive waste review board to serve at the pleasure of the board. At least 6 of the members shall be residents of the territory north of a line running east and west through the southern limit of the city of Stevens Point. The chairperson of the radioactive waste policy council may not vote on the appointment of members to the radioactive waste policy council. The members shall include public members, representatives of local units of government and representatives of American Indian tribes. The board shall appoint public members to represent a broad diversity of opinion regarding the long-term disposal of high-level radioactive waste and transuranic waste. The board shall appoint representative of local units of government from different parts of the state. This subsection is effective until January 1, 1987.

(8) Radioactive waste technical council. There is created in the department of administration a radioactive waste technical council consisting of the secretary of the department of health and social services, the secretary of the department of natural resources, the secretary of the department of transportation, the attorney general, the administrator of the division of emergency government in the department of administration, the head of the subunit responsible for state planning and energy in the department of administration, the state geologist, the chairperson of the public service commission and the president of the university of Wisconsin system or their designees. In addition, the radioactive waste review board may appoint 2 additional members with technical expertise in fields related to the long-term disposal of high-level radioactive waste and transuranic waste. This subsection is effective until January 1, 1987.

Section 7. 16.08 of the statutes is created to read:

16.08 State policy regarding the long-term disposal of high-level radioactive waste and transuranic waste. (1) Definitions. As used in this section unless the context requires otherwise:

(a) "Board" means the radioactive waste review board.

(b) "Federal department of energy" means the federal department of energy or any successor agency assigned responsibility for the long-term disposal of high-level radioactive waste and transuranic waste.

(c) "High-level radioactive waste" means:

1. Fuel that is withdrawn from a nuclear reactor after irradiation and which is packaged and prepared for disposal; or

2. Highly radioactive waste resulting from reprocessing irradiated nuclear fuel including both the liquid waste which is produced directly in reprocessing and any solid material into which the liquid waste is transformed.

(d) "Transuranic waste" means waste material containing alpha-emitting radioactive elements having an atomic number greater than 92 in concentrations greater than 10 nanocuries per gram.

(2) Coordination. (a) Initial agency to be contacted. The board shall serve as the initial agency in this state to be contacted by the federal department of energy or any other federal agency on any matter related to the long-term disposal of high-level radioactive waste or transuranic waste.

(b) Receipt of information. The board shall serve as the initial agency in this state to receive any report, study, document, information or notification of proposed plans from the federal department of energy or any other federal agency on any matter related to the long-term disposal of high-level radioactive waste or transuranic waste. Notification of proposed plans include notification of proposals to conduct field work, on-site evaluation, on-site testing or similar activities.

(c) Dissemination of information. The board shall disseminate or arrange with the federal department of energy or other federal agency to disseminate information received under par. (b) to appropriate state agencies, local units of government, regional planning commissions, American Indian tribal governing bodies, the general public, interested citizen groups and persons who have requested in writing to receive this information.

(d) Response. The board shall respond to contacts under par. (a) and information received under par. (b) if a response is appropriate. The board shall consult with the radioactive waste policy council and the radioactive waste technical council and with appropriate state agencies, local units of government, regional planning commissions, American Indian tribal governing bodies, the general public and interested citizen groups in preparing this response. The radioactive waste policy council and the radioactive waste technical council shall prepare written comments for use in this response if requested to do so by the board.

(3) Advocate. The board shall serve as an advocate on behalf of the citizens of this state before the federal department of energy and other federal agencies on matters related to the long-term disposal of radioactive waste and transuranic waste.

(4) Educational programs. The board shall promote and coordinate educational programs which provide information on the nature of high-level radioactive waste and transuranic waste, the long-term disposal of these wastes, the activities of the board, the activities of the federal department of energy and other federal agencies related to the long-term disposal of high-level radioactive waste and transuranic waste and the opportunities of the public to participate in procedures and decisions related to the long-term disposal of high-level radioactive waste and transuranic waste.

(5) Review of applications for federal funds. The board shall review any application to the federal department of energy or other federal agency by a state agency, local unit of government or regional planning commission for funds for any program related to the long-term disposal of high-level radioactive waste or transuranic waste. If the board finds that the application is not consistent with the board's policy related to the long-term disposal of high-level radioactive waste or transuranic waste or that the application is not in the best interest of the state, the board shall forward its findings to the governor, the joint committee on finance and the federal agency to which the application for funds is being made. If the board finds that the application of a state agency is not consistent with the board's policy related to the long-term disposal of high-level radioactive waste or transuranic waste or that the application of a state agency is not in the best interest of the state, the findings forwarded to the governor shall include a recommendation that the governor act under s. 16.54 (1) and stipulate conditions for the acceptance of the funds which are necessary to safeguard the interests of the state.

(6) Monitor federal activity. The board shall monitor activity in congress and the federal government related to the long-term disposal of high-level radioactive waste and transuranic waste. The board may advise the congressional delegation from this state of action which is needed to protect the interests of the state.

(7) Request attorney general to intervene. If appropriate the board shall request the attorney general to intervene in federal proceedings to protect the state's interests and present the state's point of view on matters related to the long-term disposal of high-level radioactive waste or transuranic waste.

(8) Negotiations of agreements. (a) Negotiations with the federal department of energy. The board shall serve as the agency in this state to negotiate written agreements and modifications to these agreements, with the federal department of energy on any matter related to the long-term disposal of high-level radioactive waste or transuranic waste.

(b) Negotiations with other federal agencies. The board shall serve as the agency in this state to negotiate written agreements and modifications to these agreements, with any federal agency other than the federal department of energy on any matter related to the long-term disposal of high-level radioactive waste or transuranic waste.

(c) Consultation. The board shall consult with the radioactive waste policy council and the radioactive waste technical council during the negotiation of any agreement or modification to an agreement under par. (a) or (b). The radioactive waste policy council and the radioactive waste technical council shall prepare written comments on any agreement or draft agreement being negotiated by the board if requested to do so by the board.

(d) Hearings. The board shall conduct more than one public hearing on any proposed agreement or modification to an agreement negotiated under par. (a) or (b). The board shall provide 30 day's notice of the date and location of hearings conducted under this paragraph. The baord shall prepare a written summary of testimony presented at hearings conducted under this paragraph and shall consider the need for modifications to the negotiated agreement as a result of the hearings.

(e) Approval of agreements and modifications by the board. No agreement or modification to an agreement negotiated under par. (a) or (b) may take effect unless it is approved by a majority of the members of the full board.

(f) Approval of agreements and modifications by the legislature and governor. No agreement of modification to an agreement negotiated under par. (a) or (b) may take effect unless it is approved under sub. (10).

(g) Technical revisions. The board may negotiate what in the board's judgment are technical revisions to any agreement approved under sub. (10).

(h) Approval of technical revisions by the board. No technical revision to an agreement negotiated under par. (g) may take effect unless it is approved by a majority of the members of the full board.

(i) Review of technical revisions by the legislature and governor. No technical revision to an agreement negotiated under par. (g) may take effect unless it is considered approved under par. (11).

(9) Agreements with the federal department of energy. (a) Separate agreements. The board may negotiate separate agreements with the federal department of energy concerning different stages of the process of evaluating and selecting a site for

the long-term disposal of high-level radioactive waste or transuranic waste. The board shall negotiate a separate agreement with the federal department of energy for the final stages of the selection of any site for the long-term disposal of high-level radioactive waste or transuranic waste.

(b) Contents. Any agreement negotiated by the board with the federal department of energy under sub. (8)(a) shall include:

1. A general description of the roles of the state and the federal department of energy.

2. A compliance schedule which includes a list of significant events and stages which are expected to be reached as the federal department of energy assesses the suitability of the state for the long-term disposal of high-level radioactive waste or transuranic waste and a description of the actions to be taken by the federal department of energy and the state at each event and stage.

3. The criteria that the department of energy shall use in evaluating the suitability of any site in the state for the long-term disposal of high-level radioactive waste or transuranic waste.

4. A requirement that the federal department of energy shall comply with all federal laws, American Indian laws, state laws and local ordinances and shall respect state sovereignty consistent with the 10th amendment to the U.S. constitution and the U.S. constitution, regardless of the ownership of the land on which the activity takes place.

5. A requirement that the federal department of energy and any of its contractors or subcontractors shall provide the board with all reports and documents the board requests and any other relevant reports and documents in a timely manner and in accordance with any applicable law, regulation or rule. The requirement shall specify that the federal department of energy may not charge a fee for searching for or for supplying reports and documents requested by the board. The requirement shall specify that the federal department of energy shall provide the board with all reports and documents the board requests and any other relevant reports and documents from contractors and subcontractors after the reports and documents are submitted to the federal department of energy regardless of whether the reports and documents have received the department of energy's final approval.

6. A requirement that, upon request by the board, the federal department of energy shall provide the data, methods and underlying assumptions used in the preparation of reports and documents in accordance with any applicable law, regulation or rule.

7. A requirement that the federal department of energy shall notify the board of any grants related to the long-term disposal of high-level radioactive waste and transuranic waste from the federal department of energy to any person in this state.

8. A requirement that the federal department of energy shall notify the board in a timely manner of any proposed field work, on-site evaluation, on-site testing or similar activities it or any contractor or subcontractor intends to conduct and a requirement that the federal department of energy shall allow the board to monitor these activities by designating a reasonable number of persons to observe the activities or by any other appropriate means.

9. A requirement that the federal department of energy shall provide the board in a timely manner with a copy of any requests for proposals and final contracts issued by the federal department of energy relating to the evaluation, selection or construction of a site for the long-term disposal of high-level radioactive waste or transuranic waste in this state.

10. A provision that the federal department of energy shall agree to provide funds to be used that provide educational programs under sub. (4) and to review the activities of the federal department of energy and its contractors and subcontractors which relate to assessing the suitability of the state for the long-term disposal of high-level radioactive waste or transuranic waste.

11. A process for resolving disputes between the board and the federal department of energy including disputes concerning alleged violations of the written agreement and disputes concerning technical assessments made by the federal department of energy. The process for resolving disputes concerning technical assessments made by the federal department of energy may involve a process of scientific review and mediation.

12. A requirement that if the federal department of energy selects a site in the state for construction of a repository for the long-term disposal of high-level radioactive waste or transuranic waste, the federal department of energy shall prepare, prior to submission of an application to license or construct the repository, a repository plan which shall include descriptions of the federal department of energy's plans for construction of the repository, transportation of wastes to the repository, operation of the repository, closing of the repository and monitoring the repository after closure.

(c) Objection to site selection. Any agreement negotiated by the board with the federal department of energy under sub. (8) (a) shall include a list of reasons for which the board may object to the selection of a site within this state for the long-term disposal of high-level radioactive waste and transuranic waste. These reasons shall include the following:

1. The site or the transportation of waste to the site poses a danger to public health and safety or to the environment.

2. The federal department of energy fails to address to the satisfaction of the board the potential socioeconomic effects of the site or of the transportation of waste to the site.

3. The federal department of energy violates any written agreement of revision approved under sub. (10) or (11).

4. If, in the judgment of the board, the federal department of energy fails to comply with criteria, regulations, or standards of other federal agencies concerning the long-term disposal of high-level radioactive waste or transuranic waste including criteria which excludes a proposed site from consideration because of previous mining or drilling of any type within the area which could be affected by the construction of the site or by the heat resulting from the disposal of high-level radioactive waste or transuranic waste at the site.

5. If, in the judgment of the board, the federal department of energy fails to use generally accepted scientific and technical pratices in evaluating the suitability of a site for the long-term disposal of high-level radioactive waste or transuranic waste.

(10) APPROVAL OF AGREEMENTS. (a) Submission. The board shall submit any written agreement or modification to an agreement negotiated under sub. (8) (a) or (b), approved by the board and approved by the federal department of energy or other federal agency to the speaker of the assembly and the president of the senate. The board shall submit with the agreement or modification a written summary of the hearings held under sub. (8) (d).

(b) Introduction of bill. Upon request of the board, the speaker of the assembly or the president of the senate shall introduce a bill to approve the agreement or modification to an agreement. The bill is not subject to s. 16.47 (2).

(c) Legislative action required. Within 120 days after the bill is introduced the appropriate committees in each house of the legislature shall authorize an extraordinary session of the legislature to commence within the 120 days and to extend until the legislature passes the bill or passes a joint resolution which disapproves of the agreement or modification and returns the agreement or modification to the board for renegotiation. If the 120-day period extends beyond the date specified in s. 13.02 (1), the 120-day period is deemed to commence on the first day the succeeding legislature convenes, unless a bill or joint resolution is passed prior to that time.

(d) Veto review. Within 10 days after the bill passes the legislature, the chief clerk of the house of origin shall refer the bill to the governor for executive action. If the governor vetoes the bill, the appropriate committees in each houses of the legislature shall schedule a veto review session.

(e) Approval. If the bill is enacted into law, the agreement or modification to the agreement is approved and shall take effect.

(11) Review of technical revisions. (a) Submission. The board shall submit any technical revision to a written agreement negotiated under sub. (8)(g), approved by the board and approved by the federal department of energy or other federal agency, to the presiding officer of each house of the legislature and to the governor.

(b) Referral to standing committees. Each presiding officer shall refer the technical revision to one standing committee within 7 working days after the day on which the revision is received unless the revision is received on or after November 1 of an even-numbered year. If a revision is received on or after November 1 of an even-numbered year, each presiding officer shall refer the revision to one standing committee within 7 days after the first day of the next regular session of the legislature. Each presiding officer shall cause a statement to appear in the journal of the appropriate house that a technical revision to an agreement approved under sub. (6) is submitted for review.

(c) Standing committee review. Either standing committee may object to the technical revision by taking action in executive session within 30 days after the revision is referred to the committee. If a standing committee objects to the revision, it shall submit a written notice of the objection to the presiding officer of that house of the legislature and the presiding officer shall cause the written notice of the objection to appear in the journal of the house.

(d) Review by the governor. The governor may object to the technical revision by taking action within 30 days after the revision is received unless the revision is received on or after November 1 of an even-numbered year. If the revision is received on or after November 1 of an even-numbered year, the governor may object to the revision by taking action within 30 days after the first day of the next regular session of the legislature. If the governor objects to the revision, the governor shall submit a written notice of the objection to the presid-

ing officer of each house of the legislature and each presiding officer shall cause the written notice of the objection to appear in the journal of each house.

(e) Objection. A standing committee to which a revision is referred or the governor may object to a technical revision for any reason including a belief that the revision is so substantial that the revised agreement should be approved under sub. (10) rather than this subsection. If either standing committee to which a revision is referred or the governor objects to a technical revision within the 30-day review period, the revision may not take effect.

(f) No objection. If neither standing committee nor the governor objects to a technical revision within the 30-day review period, the revision is considered approved and shall take effect.

(11m) Review of final site selection and site plan. (a) Review by the board. If the federal department of energy selects a site in the state for construction of a repository for the long-term disposal of high-level radioactive or transuranic waste, the board shall review the adequacy of the selected site and of the site plan prepared by the federal department of energy under sub. (9)(b)12. The review shall include a full scientific review of the adequacy of the selected site and of the site plan. The board shall solicit written comments on the selected site and the site plan from the radioactive waste policy council and the radioactive waste technical council. The board shall utilize recognized experts in conducting its scientific review. The board shall conduct more than one public hearing on the site plan and shall make available to the public arguments and evidence for and against the site plan. The board shall provide 30 day's notice of the date and location of the public hearings. The board shall solicit comments from appropriate state agencies, local units of government, regional planning commissions, American Indian tribal governing bodies, the general public and interested citizen groups on the adequacy of the selected site and the site plan. The board shall make these comments available to the public.

(b) Recommendation to the legislature and the governor. After completing this review, the board shall submit a recommendation to the speaker of the assembly, the president of the senate and the governor on whether the state should accept the site selected by the federal department of energy and the site plan. The reasons for which the board may recommend that the legislature and the governor object to the site selection or the site plan, or both, include those specified in sub. (9)(c). The recommendation to the speaker of the assembly and the president of the senate shall be accompanied by a request for the introduction of a bill to approve the site selected and the site plan or by a request for the introduction of a bill to disapprove the site or the site plan or both.

(c) Introduction of legislation. Upon request of the board, the speaker of the assembly or the president of the senate shall introduce a bill reflecting the recommendation of the board on whether to approve or disapprove the site selected by the federal department of energy and the site plan. The bill is not subject to S. 16.47(2).

(d) Legislative action required. Within 120 days after the legislation is introduced under par. (c) the appropriate committees in each house of the legislature shall authorize an extraordinary session of the legislature to commence within the 120 days and to extend until the legislature passes a bill which approves the site selected by the federal department of energy and the site plan or the legislature passes a bill which disapproves the site or the site plan or both. If the 120-day period extend beyond the date specified under S. 13.02(1), the 120-day period is deemed to commence on the first day the succeeding legislature convenes, unless a bill is passed prior to that time.

(c) Veto review. Within 10 days after the bill passes the legislature, the chief clerk of the house of origin shall refer the bill to the governor for executive action. If the governor vetoes the bill, the appropriate committees in each house of the legislature shall schedule a veto review session.

(f) Transmittal of action by the legislature and the governor. After the legislature takes action under par. (d) and after the governor takes any action under par. (e), the chief clerk of the house of origin shall notify the board of the action taken and the board shall send a report to the president of the United States, the members of the U.S. senate, the members of the U.S. house of representatives, the federal department of energy and other appropriate federal agencies. The report shall contain a summary of the review undertaken by the board in accordance with par. (a), the recommendation made by the board under par. (b), the action of the legislature under par. (d) and any action of the governor under par. (e).

(12) Implementation. The board shall implement agreements, modifications and technical revisions approved under subs. (10) and (11). In implementing these agreements, modifications and revisions, the board may solicit the views of appropriate state agencies, local units of government, regional planning commissions, American Indian tribal governing bodies, the general public and interested citizen groups.

(13) Funding. The board shall attempt to finance all of its expenses from moneys received from the federal department of energy and other federal agencies and from gifts and grants received from other persons.

(14) State agencies to cooperate. The board shall rely on the expertise of staff in other state agencies to assist the board in its duties whenever possible. Other state agencies shall assist the board in fulfilling its duties to the fullest extent possible.

(15) Sunset. This section is effective until January 1, 1987.

Section 8. 20.005 (2) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

	1981–82	1982–83
20,505 Administration, department of; (7) Radioactive waste review board:		
(a) General program operations GPR A	39,400	39,400

Section 9. 20.505 (7) of the statutes is created to read:

20.505 (7) Radioactive waste review board. (a) General program operations. The amounts in the schedule for the general program operations of the radioactive waste review board under S. 16.08. No money may be appropriated under this paragraph after January 1, 1987.

(g) Gifts and grants. All moneys received as gifts and grants by the radioactive waste review board to be used for the purpose for which made. No money may be approprated under this paragraph after January 1, 1987.

(m) Federal aid. All moneys received from the federal government by the radioactive waste review board as authorities by the governor under S. 16.54. No money may be appropriated under this paragraph after January 1, 1987.

Section 10. 165.25(1) of the statutes is amended to read:

165.25 (1) Represent state. Except as provided in S. 59.47 (7), appear for the state and prosecute or defend all actions and proceedings, civil or criminal, in the court of appeals and the supreme court, in which the state is interested or a party, and attend to and prosecute or defend all civil cases sent or remanded to any circuit court in which the state is a party; and, if requested by the governor, either branch of the legislature or the radioactive waste review board under S. 16.08 (7), appear for the state and prosecute or defend in any court or before any officer, any cause or matter, civil or criminal, in which the state or the people of this state may be interested. All expenses of the proceedings shall be paid from the appropriation under S. 20.455 (1) (d).

Section 11. Nonstatutory provisions; position authorization. The authorized FTE positions for the department of administration are increased by 2 GPR one-year project positions to include one professional position and one clerical position to be funded from the appropriation under section 20.505 (7) (a) of the statutes for the purposes of providing staff support for the radioactive waste review board.

Mr. PROXMIRE. Finally, the State enacted a new law, establishing a radioactive waste review board with its own technical advisory council, to serve as an "advocate for the people of the State before the Federal Government," on radioactive waste matters.

The need for this legislation is clearly stated in its findings: There is no assurance that the Federal ODE will "consider the unique features of the State and the needs of the people" when it assesses Wisconsin as a potential repository site.

The Radioactive Waste Review Board law is a serious piece of legislation and not a road block to waste disposal. It sets out detailed standards for recommendations of whether or not repository sites are in the best interest of Wisconsin.

The Board considers every aspect of health, environmental protection, economics, and transportation before reaching its decision on site suitability. Finally, it decides if sites are acceptable and makes its recommendations to the legislature and Governor who must approve any final repository site and site plan.

While sites can be vetoed, all parties involved have faith in the judgments reached by this process and the bill was supported by a broad coalition including utilities and antinuclear groups.

Mr. President, I think my State, Wisconsin, certainly deserves an absolute veto—it has earned it. Without a veto, their entire process is meaningless.

Currently, over 20 States have some form of legislation dealing with radioactive waste disposal. They include such States as: Alabama, Alaska, Colo-

rado, Connecticut, Illinois, Indiana, Louisiana, Maine, Maryland, Michigan, Minnesota, Montana, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Oregon, South Dakota, Utah, Vermont, West Virginia, Washington, and Wisconsin.

Will all their laws be meaningless too when overruled by a DOE more interested in a "quick fix" than in safety or local feelings.

In my judgement, Mr. President, an absolute veto is the only way to safeguard existing, sensible limitations on DOE's power. And it is the only way to keep the agency honest.

No amount of force will convince a State that a bad site is a good one. And the power to override State and local objections will distract DOE from the job of insuring that every site chosen is as safe as the public requires.

Mr. President, I would like to make one other point in this connection—we are acting in an area of very dramatic technological change. We are acting, also, in an area that covers not 20 years or 30 years or 100 years, but over 1,000 years and, in some cases, may be over several thousand years.

If there is anything we have learned in the last 20 or 30 years, it is the enormous advances technology can make. One of the elements that I think the States should be in a position to negotiate with the Federal Government is compensation for accepting waste. If a State is going to accept this radioactive waste, it should be in a position to extract from the Federal Government in advance the funds to carry on research that will enable it to stay on top of this problem and, as soon as possible, to find ways of deactivating or improving this process.

It may be that in 10 years or 20 years it would make sense to dig up this waste and to treat it with some new technologically advanced system that the research has just discovered. The State has the incentive to do that. It has, within its borders, thanks to this legislation, radioactive waste which could at some future time contaminate the soil, contaminate the atmosphere, and cause illness and death among its people.

So the State has an incentive, a far stronger and more immediate and conscious incentive than the Federal Government has to correct any problems with defective nuclear waste sites.

The State might strive to negotiate an agreement to receive from the Federal Government, as a condition of accepting the waste, a substantial research program located for instance, at the University of Wisconsin or the University of Minnesota, if Minnesota happened to be the site, or another State university. This would enable the State to carry on this kind of research and find a way of solving this problem which otherwise could plague our people literally in perpetuity.

Mr. President, I yield the floor.

Mr. CANNON addressed the Chair.

The PRESIDING OFFICER (Mr. DURENBERGER). The Senator from Nevada.

Mr. CANNON. Mr. President, a policy for safe disposal of spent nuclear fuel and high-level radioactive waste resulting from our Nation's usage of atomic energy is now among our most urgent national needs. Such a policy must address and reconcile all the key issues involved. I use the word reconcile because certain of the issues are in mutual conflict. Let me summarize the key requirements which a sound policy must fulfill.

First, it must provide total isolation of this highly toxic waste from the habitable areas of our planet for countless generations of human and all other forms of life on our planet.

Second, it must provide safe storage during the entire period of years needed to develop and construct adequate permanent repositories.

Third, it must permit and provide on-site interim storage until such offsite facilities are available.

Fourth, it must enable continued supply of electricity from nuclear powerplants without interruption attributable to lack of any of those facilities.

Fifth, it must not burden any but the users of nuclear power with the cost of such nuclear waste storage or disposal.

Sixth, it must give the people of every State or Indian tribe the opportunity to share fully, and at no cost to them, in the evaluation of any site in their State for construction of such a storage or disposal facility.

And that is certainly consistent with the problem that the Senator from Wisconsin has just pointed out.

Seventh, and finally, it must provide those people, through their Governor or tribal representative, the right to "veto" selection of such site when in their view it was inadequately evaluated or harmful to their best interest.

Mr. President, I commend the three committees which have shared jurisdiction over S. 1662 in submitting to the floor a bill which addresses all those issues. Indeed, I cosponsored the submittal of this bill just prior to our recent recess.

However, my numerous discussions of its provisions with the people of my home State during that recess have convinced me that the bill can and should be amended to more clearly fulfill the last indicated requirement. I am sure that many of my colleagues have encountered a similar strong feeling in their States for strengthening the States' role in the decisionmaking process on a matter so vital to their welfare.

My amendment protects the national interest while assuring even the State with the smallest congressional delegation that it will have an equitable opportunity for a thorough hearing in both Houses of Congress of any decision which it considers harmful to its residents.

The bill before us, S. 1662, in effect requires any State which finds its interests and concerns inadequately protected in a decision on siting by the Secretary of Energy, to bear and carry the burden of proof to the two Houses of a distant Congress in order to prevail upon one of them within 60 days to sustain its findings. In so doing, the State must prove its case against the entrenched political power of a Cabinet Secretary supported by the President on their home field, so to speak. For a State with a small delegation in Washington, this constitutes an unconscionable and inequitable burden.

My amendment, on the other hand, reverses the roles of those protagonists while preserving all the basic provisions of title VII of the bill, as reported under amendment 1350, which relate to the role of the States in site selection for any repository. Let me summarize the process briefly as combined in my amendment and the provisions of the bill.

The State and any affected Indian tribe participate fully in site evaluation, planning, and development with the Secretary of Energy as detailed in section 701. Should the Governor or affected Indian tribe object to the Secretary's conclusion to apply for a facility construction license, those objections must be submitted to both Houses of the Congress by the Secretary and he must suspend further site development.

That suspension is permanent unless within 75 calendar days of continuous session the Congress passes a resolution upholding the Secretary's site selection and that resolution is thereafter signed into law.

The applicable provisions of sections 702 through 706 mandating expedited parliamentary procedures to prevent any delay in congressional action on such resolution are retained.

In this way my amendment requires the administration to convince both Houses of Congress that its selection of a proposed site and its plans for construction of a facility thereon, did indeed respond fully to the documented concerns of a State Governor or tribal representative.

Certainly, in the possible but unlikely case that those concerns are capricious or ill informed, it will not be difficult for the Congress to sustain the decision of the Secretary and thereby to permit construction of a facility that is in the national interest. But if the State's concerns are well founded, the burden of proof necessary to convince both Houses of Congress to over-

ride the State's concerns will be where it belongs, with the administration.

There is another constructive role which my amendment fulfills. It strengthens one of the more important and less controversial provisions of the bill. I refer to the aforementioned bill's provisions for State participation with the Federal Government in the process of site characterization, evaluation, and facility planning. The voice of the State's representatives in that process will carry far more weight if the Secretary's staff is fully cognizant of the added strength this amendment conveys to the State in the final decision. It will provide a constant reminder to the Secretary's staff of the burden he will inherit for defending his selection if it fails to consider fully the views of the State in those processes.

I urge my fellow Senators to support this amendment as the most equitable balance between State and Federal rights in the resolution of a truly national problem of intensely local concern.

Mr. President, I wish to draw attention to some clarifying language in the amendment I am now submitting which differs from printed amendment No. 1371. This language change is confined to the text of the proposed joint resolution. It makes clear that the Congress is addressing only the issue then before it; namely, whether the Secretary's decision to file with the NRC for a license to construct a facility at a particular site has fully considered the objections and concerns submitted by the State Governor or tribal representative. This makes it clear that the joint resolution in no way impairs the ultimate authority of the NRC for acceptance of the proposed site in its licensing procedure. Nor does it impair the opportunity of the affected State or Indian tribe to press its concerns with the NRC in that licensing procedure.

Mr. President, I have an amendment at the desk that I wanted to offer as a substitute for the Proxmire amendment.

May I ask if the Parliamentarian does have the amendment in the proper form at the present time?

The PRESIDING OFFICER. As drafted, the amendment proposed by the Senator from Nevada will be a perfecting amendment.

Mr. PROXMIRE. Will the Senator from Nevada yield?

Mr. CANNON. Certainly, I yield to the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, I have great respect for the Senator from Nevada and I think his amendment has a lot of merit. But I would appreciate it if he would consider the following procedure: if he would permit an up-or-down vote on my amendment and then, if my amendment fails, then the Senator could offer his amendment after my amendment is acted on separately, rather than have my amendment taken out of the act by his amendment.

Mr. CANNON. I wonder if the manager of the bill would be willing to secure a unanimous-consent agreement along that line so that my amendment would be in order immediately following the vote on the amendment of the Senator from Wisconsin.

Mr. McCLURE. Mr. President, I would have no objection to that. But I would say to the Senator from Nevada that it would be my view that if the amendment of the Senator from Wisconsin is agreed to, his amendment would be out of order.

Mr. CANNON. I think I would agree with that; if it were agreed to, then mine would be out of order. I hope that his amendment would not pass, because I think we have to have some way of solving this problem and mine does provide for that.

Mr. McCLURE. Just so long as the Senator from Nevada understands that in that event I could not, by unanimous consent, make his amendment in order if the amendment of the Senator from Wisconsin is agreed to.

Mr. CANNON. I understand that.

Mr. McCLURE. Mr. President, I have no objection to the sequencing of the votes. Under the circumstances, and under the time constraints that we have tonight, I think perhaps it is just as well that we do that. I understand the leadership will ask that we recess at 5:30, or no later than 5:30.

Mr. CANNON. Is there a time to come in, in the morning, with this being the pending business?

Mr. McCLURE. Mr. President, if the Senator from Nevada has not offered his amendment or withdraws his amendment, the amendment of the Senator from Wisconsin would be the pending business at whatever time we reconvene.

Under those circumstances, then, we would proceed to a vote on the Proxmire amendment as the first matter of business on tomorrow on the bill.

Mr. PROXMIRE. And then go the Cannon amendment.

Mr. McCLURE. The Senator from Nevada could then offer his amendment, assuming the happy event occurs that the amendment of the Senator from Wisconsin was not agreed to.

Mr. PROXMIRE. Unhappy event.

If that is satisfactory, I have no objection with the Senator having proceeded with the explanation of his amendment, following which I would anticipate he would withdraw it.

Mr. CANNON. I have not actually offered it yet. It is just at the desk. I have just been speaking on it. I will wait to call it up, then, upon the disposition of the Proxmire amendment. I would like to have the manager get that consent later, that mine would be the next one in order, assuming the Proxmire amendment is rejected.

Mr. PROXMIRE. Will the Senator yield?

Mr. CANNON. I yield.

Mr. PROXMIRE. I commend the distinguished Senator from Nevada on an excellent amendment. It is an amendment I have supported in the past. He is absolutely right in offering it. As I understand it, it would put the burden of proof where it belongs, on the Federal Government and not on the States. I would hope he would give consideration to supporting the Proxmire amendment, which also provides the strongest kind of requirement on the part of the Federal Government because it gives the States a veto. Therefore, it would require that the Federal Government be able to convince the States they should agree to a site. I think that is practical, too. It may be difficult, but it should be difficult. It would be practical because, of course, it would mean the States would have some kind of inducement. At any rate, I want to tell the Senator I think he has an excellent amendment. If my amendment fails, which I anticipate it might, I would be very happy to support his and do all I can to help get it passed.

Mr. SIMPSON. Mr. President, I would like to briefly address my remarks to the amendment of the Senator from Wisconsin.

Mr. HART. Will the Senator yield?

Mr. SIMPSON. May I inquire, Mr. President, will the proceedings conclude at 5:30?

The PRESIDING OFFICER. There is no order to that effect.

Mr. SIMPSON. I yield to the Senator from Colorado.

Mr. HART. Mr. President, no doubt many of my colleagues are experiencing the same sense of déja vu that I now feel as the Senate begins to consider this year's version of the National Nuclear Waste Policy Act. Like Banquo's ghost, nuclear waste legislation tends to rear its head before the Senate every couple of years. Admittedly, this phenomenon results from the unfortunate past failures of Congress to pass comprehensive nuclear waste legislation.

I can only hope that this time things will be different, and that 2 years from now we will not find ourselves once more lamenting the inability of Congress to reach agreement on the proper policy for managing and disposing of the burgeoning amounts of civilian and defense nuclear waste.

I find it hard to believe that 38 years after the first controlled nuclear chain reaction, still no integrated technology has been demonstrated that assures the safe, permanent isolation from the biosphere of the more radiotoxic nuclear wastes. The continuing lack of a solution to the problem of radioactive

waste disposal severely reduces the desirability of nuclear power as an alternative source of energy.

Yet, regardless of one's views on the role nuclear power should play in this country's energy future, there should be no disagreement that the substantial inventory of civilian and defense nuclear waste we have already generated requires proper management and disposal to protect the public health and safety. Indeed, this generation will have violated a solemn moral obligation to future generations if it does not soon implement a coherent program and a sound technology for disposing of the nuclear waste it has produced.

Mr. President, the other floor managers of this bill have skillfully presented this bill and offered their views of its provisions. I will not repeat that effort. I do, however, want to make several additional comments about the bill the Senate will begin to consider today.

To begin with, questions have been raised about whether we need to enact nuclear waste legislation at all. Let me reaffirm my strong belief that it is absolutely essential for the Congress promptly to pass comprehensive nuclear waste legislation similar to the bill before the Senate today.

States with potential nuclear waste repository sites must have the potections and the participatory role provided under title VII of this bill. Without such provisions, the Federal Government may very well succumb to the temptation to select repository sites and construct repositories without giving potential host States a meaningful opportunity to participate in these decisions.

Furthermore, we need a comprehensive nuclear waste bill to avoid the policy reversals, false starts, and uncoordinated agency activities that have characterized past Federal efforts to implement an integrated program for managing and disposing of nuclear waste. Enactment of a comprehensive nuclear waste legislation will build the broadly based public confidence so necessary for a Federal nuclear waste disposal program to succeed.

My general support for comprehensive nuclear waste legislation, however, should not be construed as applying equally to every provision in this National Nuclear Waste Policy Act. For example, the bill authorizes the Secretary of Energy to construct, acquire, or lease one or more facilities for storage, away from the reactor site, of spent fuel. The capacity of such facilities cannot exceed more than 2,800 metric tons of spent fuel.

I have consistently expressed my personal doubts about the need for any Federal program to provide away-from-reactor—or AFR—spent fuel storage for utilities. Utilities have available to them several technologies for providing additional spent fuel storage at the reactor site, at a cost commensurate with the cost of storage in an AFR facility.

It seems clear to me, however, that for so long as the Federal Government has held out the option that it would provide away-from-reactor storage capacity, utilities have tended to defer until the last possible moment providing additional storage capacity for their spent fuel at the reactor site. In effect, they have played a game of "chicken" with themselves and the Federal Government.

This game has become evident in the Federal Government's continually changing estimates of when the first nuclear powerplants would either have to ship spent reactor fuel to an AFR storage facility of else have to shut down. In 1975, the Energy Research and Development Administration predicted that, even with commerical spent fuel reprocessing, 20 nuclear powerplants would require AFR storage capacity in 1982. Two years ago, the Department of Energy estimated that several nuclear powerplants would require AFR storage capacity by 1983. Today that estimate has slipped to 1986.

As the Department of Energy observed in one report, the maximum projected need for AFR storage has decreased each year since 1975. "These decreases have resulted from utilities recognizing the need to solve their own storage problems whenever possible," according to the DOE report.

Despite my lack of conviction that this country needs a Federal program for AFR spent fuel storage, I support title III in this bill—a product of extensive negotiations—because it clearly would provide Federal AFR storage capacity only as a last resort after utilities have exhausted all reasonable means to expand spent fuel storage capacity at the powerplant site.

The Secretary of Energy must determine which, if any, utilities will require access to a Federal AFR storage facility to avoid shutting down their powerplants. If it accepts this provision, however, the Congress must conduct the careful oversight necessary to insure that, should the Secretary of Energy go forward with a Federal AFR storage program, that program remains a last resort for those utilities that could not reasonably provide additional on-site spent fuel storage capacity.

In addition, the Congress must insure any Federal AFR storage program that contemplates acquiring existing spent fuel storage facilities does not simply serve as a thin excuse to bailout the owners of the uncompleted commercial spent fuel reprocessing facility at Barnwell, S.C., or the closed commercial reprocessing plant at Morris, Ill. I have tried to guard against that result by insisting that title III include a provision prohibiting the DOE to acquire an existing AFR storage facility if the cost exceeds the cost of constructing a new AFR storage facility, provided that the new facility will be available when needed. Although this provision does not fully address the problem, I hope it will put the Department of Energy on notice not to concentrate its efforts solely on acquiring an existing commercial reprocessing plant to use as an AFR storage facility.

Mr. President, another portion of this bill causes me some additional concern, as it has in the past when it was included in other nuclear waste legislation. I refer to title V. This title requires the Secretary of Energy within 1 year after enactment to submit to the Congress a proposal for one or more facilities for the monitored, retrievable storage of spent reactor fuel and solidified high-level waste. The proposal must include site-specific designs, specifications and cost estimates adequate to solicit bids for the construction of an initial monitored, retrievable storage—or MRS—facility.

Although the concept of an MRS facility has a certain superficial appeal, I have consistently opposed the development at this time of such facilities for several reasons. First, unlike geologic repositories for permanent nuclear waste disposal, an MRS facility, by definition, assumes that engineered barriers alone will protect public health and safety from the hazards of nuclear waste and that human institutions will exist to monitor the nuclear waste storage for an indefinite period. Clearly, an MRS facility should not serve as a substitute for permanent disposal, either in a geologic facility or by some other means. Yet, if the Federal Government at this time develops a monitored retrievable storage facility, the public may wrongly conclude that we have solved our nuclear waste disposal problem. This would not be true. We simply will have swept the nuclear waste disposal problem under the rug.

Second, to the extent we allow monitored, retrievable storage to substitute for permanent disposal of nuclear waste, we will have breached the moral obligation I spoke of earlier not to defer the responsibility for nuclear waste disposal to future generations. It seems self-evident that the generation that enjoys the benefits of nuclear power also should bear the responsibility for disposing of the resulting wastes.

There is little reason to assume that some future generation will have either more resources or greater ability to retrieve the wastes we have stored for them and to dispose of them permanently.

Third, by permitting the ready retrieval of the stored spent reactor fuel, an MRS facility preserves the commercial reprocessing option, a serious concern to those, like me, who fear the advent of the so-called plutonium economy, in which thousands of pounds of weapons-usable, separated plutonium will move around the world in international commerce.

Finally, given current accelerated efforts by the Federal Government to implement a program for permanently disposing of nuclear waste in geologic repositories, a decision now to develop an MRS facility would be premature.

If such a facility becomes available, it would likely remove the bureaucratic incentive to further develop and implement other options for more permanent disposal facilities. Thus, we should pursue the monitored retrievable storage option only after attempts to develop and implement technologies for permanent disposal of nuclear waste have failed.

Despite my opposition to developing MRS facilities at this time, I do not oppose the requirement in title V that the Secretary of Energy submit only a proposal for an MRS facility to the Congress. The policy statements in the nuclear waste bill before the Senate today, I think, make it clear that an MRS facility should not substitute for, but rather should complement, facilities for permanent disposal of nuclear waste. I would prefer, of course, that the Department of Energy would not use its time and resources during the first crucial year after passage of this bill to develop a detailed proposal for an MRS facility.

Rather, I would prefer that the DOE develop and submit this proposal only after sites have been selected for permanent geologic repositories and site characterization has begun.

In addition, I question how the State participation mechanism in title VII can apply to the siting and development of an MRS facility if the DOE, in developing its site-specific proposal for the Congress, must necessarily choose the sites for MRS facilities within 1 year after enactment. The "site-specific" requirement seems to short circuit the State participation provisions we have carefully crafted in this bill.

Mr. President, not withstanding these concerns about specific elements of this legislation, I generally support the National Nuclear Waste Policy Act of 1982. We have a rare opportunity this week to pass legislation implementing a balanced, sensible program for disposing of civilian and defense nuclear wastes. The American people have long demanded that the Congress enact such legislation as a step toward removing an Achilles heel that has plagued the commercial nuclear power program and solving one of the most difficult environmental problems of our time. The Congress must not fail them.

Mr. SIMPSON. Mr. President, again addressing the Proxmire amendment and opposing that, I think that throughout the proceedings, we have been trying desperately to see that the States have a right of consultation and concurrence which is to be defined in a formal agreement between the Department of Energy and the State. This agreement has to include, by law, if this is enacted, such key elements as the sharing of information, financial impact assistance, joint project review, surveillance and monitoring, detailed project plans, and schedules and procedures for negotiating and resolving State objections.

I think there is one element in the State participation provisions. The bill allows the State—I think this is so critical because, really, we are down to the simple issue here that any State that does not want it will simply submit an absolute veto; in fact, in a spirit of deja vu, that is how we got here, after 37 years in the same slot.

The Federal Government gave birth to this industry, Mr. President, midwifed it. Now it is our job as a branch of the Federal Government to take the responsibility to do something. We take care of the legitimate State interests in this legislation. It is a critical issue, has been throughout. That is how three bills from three separate committees have dealt with it.

We allow the State here to bring before the Congress any unresolved objections the State may have before the Department of Energy submits a license application to the NRC for the construction of a facility. Under the bill, the State application will stop before construction of the facility if one House of Congress affirmatively agrees with the State.

Mr. President, I think that, taken together, those provisions in the bill already provide a most unprecedented degree of State involvement in this process.

Mr. PROXMIRE. Will the Senator yield on that point?

Mr. SIMPSON. We have built the States into the process most carefully in this legislation.

I yield, Mr. President.

Mr. PROXMIRE. Mr. President, I have great respect and admiration for the Senator from Wyoming, but I wonder if he does not recall the waste isolation pilot project—WIPP. It also called for consultation and concurrence; in fact, used similar language to this. Yet, as I indicated and documented, in New Mexico, Kansas, and Wisconsin, again and again the Federal Government just moves in, without regard for the States. In the case of New Mexico, for example, that the attorney general actually had to sue the Federal Government, even though there was an agreement with DOE.

Unless there is power that can be respected, both the record and experience show, that the States simply will not be in the act. They will not be listened to. They will not have a vote.

What is the Senator's answer to that?

Mr. SIMPSON. The Senator from Wisconsin is advised by the Senator from Wyoming that the WIPP project is totally different from this. The WIPP project was an unlicensed, low-radiation, transuranic waste facility. It never used the term "consultation and concurrence." The phrase in the WIPP legislation was "consultation and cooperation." It is a totally different situation. Most importantly and most significantly, the reason for that is that under the WIPP project, there was no opportunity whatsoever for congressional concurrence.

Mr. PROXMIRE. Mr. President, that is the only difference, the question of concurrence. The difficulty for this Senator is that if we have to act in these cases in different States, it is going to be hard for us as a body to concentrate on umpiring and refereeing in each of these cases. It will be difficult to get the attention of the Senate. We can do it on a big issue like this when we pass basic legislation. But when we come back to deal with Wisconsin and Wyoming and Minnesota and with other States, it is unlikely that we shall be able to hold the kind of attention that we have here now.

Furthermore, Mr. President, as I understand it, the WIPP process did require, as the Senator said, consultation. It is required in this case. The difference is concurrence on the one hand and cooperation on the other. At any rate, it was clear that the WIPP process did not give the States the kind of role that they expected to play in view of the fact that the Federal Government was moving radioactive waste into their State.

Mr. SIMPSON. Mr. President, let me say that if there were any legislation that has ever been before us which better recognizes the States' right to come into the process, to come into the Congress to argue their case, this is it. The States cannot be allowed to sit it out under the threat of an absolute veto and terminate the process.

We all know at this point, surely, but it is difficult after 37 years, to know that that would simply lead to what Senator JOHNSTON refers to as 50 "no" votes. Surely, we have gone beyond that process in the U.S. Senate or else we shall have 37 more years of effort.

Mr. PROXMIRE. May I say to my good friend from Wyoming, Mr. President, that that might very well be the case if there were not some kind of quid pro quo. That is what I am asking for here.

If the State is going to accept radioactive waste, it should get something from the rest of the 49 States, and from the Federal Government. Why should it not? After all, it is accepting a risk. It is being imposed on by an action of the Federal Government. Certainly, Mr. President, the State ought to be in a position to extract some kind of concession. I have proposed, for example, that it be given the opportunity to fund research in this area. I am convinced that over a period of years—maybe not 10 or 15 years, but this is a hundreds-of-years project—the States, if adequately funded, would be able to come up with some kind of solution that would decontaminate these radioactive wastes.

That is the kind of effort we should have, Mr. President.

Mr. SIMPSON. Mr. President, I might submit that the quid pro quo in this situation may well be the fact that we protect the general health and safety of the people of the entire United States. That might be a worthy quid pro quo.

Mr. PROXMIRE. Mr. President, I am for protection of the general health and safety of the people of the United States. The State that takes it on the chin and takes the radioactive waste should certainly have some recognition and some opportunity for reimbursement of some kind.

Mr. SIMPSON. Mr. President, that is indeed built into the legislation. It is always a spirited discussion with the Senator from Wisconsin, who indicates that 30 percent of the electrical power generated in his State comes from nuclear generating facilities. Certainly, the protection of those people is paramount and if we were to allow this situation, that would not be taken care of.

Mr. PROXMIRE. Mr. President, may I say that, obviously, if we should get to a situation where the State is at fault, then the State itself would have to cope with it. Our State would have to do it. At any rate, I hope the Senator will give serious consideration to this proposal.

I understand the problem here—all of us do—that the States are reluctant to accept nuclear waste. They should be reluctant. That reluctance should be overcome by concessions on the part of the Federal Government that give them the strongest kind of assurance that what they are being asked to do is safe. That is the kind of effect my amendment would have.

Mr. McCLURE. Mr. President, I yield to the Senator from Washington.

Mr. GORTON. Mr. President, I wish to say one other thing at this point to the Senator from Idaho. I do have a technical amendment to section 405(e) which cannot be presented until there is a determination about the fate of the Jackson amendment to the same proposal. While the staff knows that, I simply want the Senator from Idaho to understand that I shall have that tomorrow.

Last, I want to say that I associate myself, in connection with the Proxmire proposal, completely with the distinguished Senator from Wyoming and the Senator from Idaho.

Mr. McCLURE. I thank the Senator.

Mr. President, I ask unanimous consent that when the Senate again convenes on tomorrow, the pending bill be the matter under consideration.

First, I will propound a parliamentary inquiry. The pending business at that time would be the amendment of the Senator from Wisconsin, am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. McCLURE. Mr. President, I ask unanimous consent that upon disposition of the amendment of the Senator from Wisconsin, it be in order for the Senator from Nevada to offer his amendment.

The PRESIDING OFFICER. Is there objection?

Mr. ROBERT C. BYRD. Mr. President, which Senator?

Mr. McCLURE. The Senator from Nevada, Mr. CANNON—the amendment that has been discussed here this evening.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, will the manager of the bill permit us to get the yeas and nays on the amendment now so the Senate is on notice that there will be a vote on that amendment?

Mr. McCLURE. Mr. President, there will be a vote on that, and I do not know now whether it will be on an up-or-down vote or a motion to table, but that will be determined before we get to that in the morning.

Mr. JOHNSTON. Mr. President, will the Senator yield?

Mr. McCLURE. I will be happy to yield.

Mr. JOHNSTON. I wonder if we might get an arrangement that we could vote on the Senator from Wisconsin's amendment, followed back-to-back by the Senator from Nevada's amendment. It seems that would work well if we came in at 9:30 and voted at 10 and 10:15.

Mr. McCLURE. I say to the Senator that I think we would have an objection on this side to that arrangement.

ORDER OF PROCEDURE

Mr. STEVENS. Mr. President, I understand the distinguished Senator from New York has a resolution which has been cleared on this side. I ask unanimous consent that I might be allowed to yield to him for the purpose of presenting his resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, I thank the assistant majority leader.

SOLIDARITY SUNDAY

Mr. MOYNIHAN. Mr. President, I am today submitting for the consideration of my colleagues a resolution expressing the sense of the Senate that the Congress supports "Solidarity Sunday," an annual event in which thousands of Americans of all faiths march in demonstration of their solidarity with the Soviet Union's 3 million oppressed Jews. It is now 11 years since the Greater New York Conference on Soviet Jewry first held a day of rallies and meetings in New York City.

This year's Solidarity march, which will be held May 2, is—sadly—more imperative than ever. The Government of the Soviet Union, despite the commitments it undertook in the Helsinki Final Act, the Universal Declaration of Human Rights, and even its own constitution, has in the past year pitilessly intensified its persecution of its Jewish citizens. The most obvious indicator is emigration. From an already low 21,471 in 1980, the number of Jews allowed to emigrate to the west plunged to 9,447 in 1981. And if the present rate—under 300 a month—persists, 1982 will establish a new nadir in Jewish emigration from the Soviet Union. The precipitous drop recently prompted Leon Dulzin, chairman of the Presidium of the World Conference on Soviet Jewry, to speak of "beginning the struggle all over again."

The denial of emigration, alas, is not the whole of the problem. Within the Soviet Union itself, the officially sanctioned campaign of anti-Semitism continues unabated. Publications of all kinds, including children's magazines, attribute the failings of the Soviet system to imagined Jewish, Zionist machinations that have not been fabricated in such elaborate and repugnant detail since the fall of the Third Reich. Hebrew and Jewish culture classes have been disrupted and suspended, Jewish students find it increasingly difficult to gain admission to universities. Jews expressing any interest in moving to Israel are automatically fired from any position of responsibility and encounter almost insuperable obstacles in securing any employment at all.

The Soviets have clearly aggravated their persecution of Jews, and inspired the Eastern European countries to do so as well. More Soviet Jews were arrested in 1981 than in any single year since the so-called Leningrad trials of 1970–71. And in an ugly search for the excuses for the failure of Communist rule in Poland in 1981, Soviet and Polish authorities tried to portray Solidarity as a nest of Zionists, hoping to provoke anti-Semitic feelings. On De-

cember 15, for example, Warsaw radio and television broadcast an interview with a Polish professor who charged "persons of Jewish origin had misled the Polish people into an anti-national body." Meanwhile the crude anti-Semitic propaganda leaflets of the Government-sponsored "Grunwald Group" that was set up last year as a counterforce to Solidarity have been mailed abroad from Gdansk—the birthplace of the free trade union—in an apparent attempt to discredit Solidarity. I could go on.

Events such as these, and the worsening trend that is now clearer than ever, are ominous. We dare not allow them to go unnoticed, lest they become routine. We care, and we must demonstrate to the Soviets that we do. We must continue to press for the release of the thousands of Jewish prisoners of conscience in the Soviet bloc, and to offer a haven for those who would preserve the traditions of the Jewish faith that has contributed immeasurably to the Western World, and especially the United States.

Members of the Senate can demonstrate their concern and commitment by supporting this resolution in support of Solidarity Sunday. I ask unanimous consent that the names of the cosponsors be printed in the RECORD.

There being no objection, the names were ordered to be printed in the RECORD, as follows:

Mr. D'Amato, Mr. Boschwitz, Mr. Chafee, Mr. Riegle, Mr. Weicker, Mr. Metzenbaum, Mr. Symms, Mr. Roth, Mr. Grassley, Mr. Levin, Mr. Sarbanes, Mr. Lugar, Mr. Bradley, Mr. DeConcini, Mr. Biden, Mr. Hollings, Mr. Chiles, Mr. Baucus, Mr. Sasser, Mr. Robert C. Byrd, Mr. Hayakawa, Mr. Tsongas, Mr. Jepsen, Mr. Percy, Mr. Cohen, Mr. Durenberger, Mr. Jackson, Mr. Murkowski, Mr. Pell, Mr. Pressler, and Mr. Dixon.

Mr. MOYNIHAN. Mr. President, I send to the desk an unprinted resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 381) to express the sense of the Senate in support of Solidarity Sunday.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. ROBERT C. BYRD. Mr. President, I commend the distinguished Senator from New York on offering the resolution. I appreciate the fact that he has made me a cosponsor of it.

It is a privilege for me to join my distinguished colleague from New York, Senator MOYNIHAN, in sponsoring this resolution declaring the support of the Senate for Solidarity Sunday which will be held on May 2, 1982.

The plight of the estimated 3 million Jews in the Soviet Union has worsened in recent years. It is time for the world to speak out in opposition to the growing repression and persecution of the Jewish citizens of the Soviet Union. Lest the world forget, the authorities in Nazi Germany initially undertook similar measures, restricting the right of Jews to immigrate, increasing political and economic repression of the Jewish community, and other measures of persecution. The efforts of Nazi Germany culminated in the Holocaust, whereby an estimated 6 million Jews were systematically exterminated.

What is happening in the Soviet Union is an all too familiar pattern. It is time for the international community to speak out in no uncertain terms. Soviet authorities, in their treatment of Russian Jews and other minorities in their country, are in violation of every international agreement on the protection of human rights, including the Helsinki accords, and the Universal Declaration of Human Rights, both of which the Soviet Government has signed and pledged to uphold.

I commend Senator MOYNIHAN for his initiative in support of Solidarity Sunday. I hope, by virtue of the fact that the Senate has acted expeditiously on this matter, we send a strong signal to the Soviet Union that the people of America are deeply concerned over the plight of Soviet Jewry and we will not turn our backs in silence while this persecution continues.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to.

The preamble was agreed to.

The resolution (S. Res. 381), with its preamble, reads as follows:

S. RES. 381

Whereas on May 2, 1982, the eighty-five constituent agencies of the Greater New York Conference on Soviet Jewry will sponsor "Solidarity Sunday" to reaffirm their resolve to secure freedom for Soviet Jews and beleaguered people everywhere; and

Whereas Americans of all faiths will participate with the conference in a number of activities on that day seeking to express their solidarity with the almost three million Jews in the Soviet Union; and

Whereas the right to emigrate freely and to be reunited with their families abroad is being denied Soviet Jews and others; and

Whereas the Declaration of Human Rights adopted by the General Assembly of the United Nations, the Soviet Constitution, and the Final Act of the Helsinki Accords clearly recognize those rights; and

Whereas the Government of the Soviet Union has implemented restrictive measures sharply reducing the number of people eligible to emigrate; and

Whereas the Government of the Soviet Union is persecuting its Jewish citizens and denying them even those rights and privileges accorded other recognized religions in the Soviet Union; and

Whereas the Government of the Soviet Union discriminates against Jewish cultural activities by banning and suspending Hebrew and Jewish culture classes and legal and scientific seminars, by threatening Hebrew teachers, and by closing the Jewish kindergarten called the Gan; and

Whereas leading Soviet Jewish activist and cultural figure, Dr. Viktor Brailovsky, who was arrested in November 1980 and charged with slandering the Soviet State, continues to be unjustly imprisoned;

Whereas a virulent anti-Semitic campaign continues unabated in the Soviet press and Soviet Jews are increasingly deprived of occupational and educational opportunities; and

Whereas thousands of innocent Jews and other persons, after applying to leave the Soviet Union, have been subjected to illegal induction into the armed forces, incarceration in mental institutions, expulsion from school, and constant surveillance and harassment; and

Whereas the Government of the Soviet Union will not succeed in isolating Soviet Jews from their friends in the West so long as those of us who cherish liberty will continue to speak out on behalf of beleaguered people everywhere; and

Whereas "Solidarity Sunday" will serve as an expression of American determination to continue efforts to secure freedom for Soviet Jewish Prisoners of Conscience incarcerated solely because of their desire to emigrate, and veteran refusniks who have awaited exit visas for up to thirteen years; and

Whereas the Government of the Soviet Union refuses to remove all obstacles to the free emigration of their Jewish citizens and others who wish to leave and live in other countries, and ensure the free exercise of religious beliefs and cultural expression: Now, therefore, be it

Resolved, That it is the sense of the Senate that the Congress supports "Solidarity Sunday" in an effort to achieve these goals.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

JAMES MONROE'S 224TH BIRTHDAY—A TIME TO REMEMBER THE RELEVANCE OF THE MONROE DOCTRINE

Mr. HELMS. Mr. President, James Monroe was born 224 years ago today, and it is ironic that we now see a growing predisposition among so many to abandon, or disregard, the Monroe Doctrine, the product of the mind of a great and courageous statesman who led this Nation in an era when the United States understood and stood by the principles of liberty and unity.

Mr. President, in any time of crisis there is always the temptation to compromise, to seek an easy way out of a dilemma. There is that temptation today as two friends and allies of the United States—Great Britain and Argentina—are in confrontation concerning the Malvinas (or Falkland) Islands in our own hemisphere.

Most of us, Mr. President, can see right and wrong on the part of both of our allies and friends involved in this

confrontation. But in the final analysis, we will disregard history and truth at our own peril. We either believe in the Monroe Doctrine or we do not; we either will uphold it or we will not. But we had better understand what we are doing—either way.

Mr. President, it must—it simply must—be our purpose to promote peace between two nations who are our valued friends and allies. Moreover, it must be our purpose to promote friendship and understanding between the United States and other republics in this hemisphere at a time when the peace and tranquillity in the Western Hemisphere are gravely menaced by the forces of international communism.

When our hemisphere is threatened, as now, by the hostile designs of the Soviet Union—through the extension of the Marxist ideology and practices of the Socialist International—we must not fail to reaffirm the original spirit and intention of the Monroe Doctrine.

Mr. President, for too long have the hopes and ideals of our sister republics in this hemisphere been neglected. For too long have the rich and distinctive cultural heritages of our neighbors in Central and South America been overlooked and misunderstood. For too long the fundamental unity of the peoples and nations of the Western Hemisphere has been frustrated.

During the 19th century, Mr. President, there evolved the independence of the Spanish and Portuguese speaking republics of Central and South America. The United States participated in a process to nurture the broad and liberal spirit of Pan-Americanism. This work had as its fundamental objective the peace and prosperity of the nations of the New World.

During the 20th century, our attention has been tragically diverted from the great work of Pan-Americanism. Two World Wars, the Korean war, and the Southeast Asian war all have combined to distract us from the constructive development of a strong independent, and prosperous inter-American system.

Mr. President, the original spirit, the obvious intent, of the Monroe Doctrine must be reaffirmed and a new dedication to the ideals of Pan-Americanism must arise. It is highly appropriate to recall the words of Dr. Luis M. Drago, an Argentinian and one of the great authorities on international law that our hemisphere has produced. Commenting on the Monroe Doctrine, he once stated that:

> The Monroe Doctrine is in fact a formula for independence. It imposes no dominion nor superiority. Much less does it establish protectorates or relations of superior to inferior. It creates no obligations and no responsibilities between the nations of America, but simply calls upon all of them, with their own means and without aid, to exclude from within their respective frontiers the jurisdiction of European powers. Proclaimed by the United States in the interest of their own peace and security, the other republics of the continent have, in their turn, proceeded to adopt it with an eye alone to their own individual welfare and tranquillity * * * Thus understood the Monroe Doctrine, which in the end is nothing more than the expression of the will of the people to maintain their liberty, assures the independence of states of that continent in respect to one another as well as in relation to the powers of Europe.

Mr. President, I believe that all Senators, all Americans, will agree with Dr. Drago.

That the Monroe Doctrine embodied the commonsense of the American people is clear. Moreover, there was earlier expression of the same concepts in President Washington's Proclamation of Neutrality of 1793 and in his Farewell Address. A review of the inaugural addresses and annual messages of President Thomas Jefferson discloses the concepts embodied in the Monroe Doctrine.

Mr. President, I would add that the Monroe Doctrine embodies the spirit of liberty and independence which our forefathers brought to these shores. Our people have never been isolated from the designs of the powers of the Old World. We fought a series of wars in colonial times to defend our liberties. The French and Indian War is an example: the 13 English Colonies on this continent were flanked by the French and the Spanish.

We, Americans, in the 18th century believed that the British Empire, through its financial pressures and other attempts to usurp rights and liberties—as outlined in the Declaration of Independence—threatened the peace, tranquility, and security of the 13 Colonies.

Just as our founding fathers perceived that the liberties of those living in the British colonies in North America had been abridged by London, so had the liberties of those living in the Spanish colonies been abridged by Madrid. Small wonder that with the advent of the Napoleonic wars—and with the example of the American Revolution of 1776—our neighbors to the south sought to throw off their chains of colonialism.

When Napoleon put his brother on the Spanish throne in 1808, a series of revolutions in the Spanish colonies followed. By 1810, almost all of the Spanish colonies had begun their struggle for independence in earnest. In 1815, the United States accorded the struggling Spanish colonies the status of belligerent states. James Monroe, then Secretary of State, declared in a dispatch in December 1815, that the colonies would likely gain their independence and that it was in the interest of the United States that they did so. Every school child is aware that the United States had just successfully waged the War of 1812–14 against British aggression. Indeed, just a few paces from this very Chamber one can see bullet holes left in our Capitol by the invading British forces who burned the Capitol and destroyed our first Library of Congress which had been assembled by President Jefferson.

And then there were efforts by Henry Clay, who served in both the House of Representatives and in the Senate and who also served as Secretary of State. Henry Clay was an outspoken advocate of the liberties of our South American friends and their struggles for independence. The efforts of Henry Clay, and many other American friends of liberty, contributed to President Monroe's special message to Congress on March 8, 1822, which declared that the time for recognition of the new republics in South America had come.

Mr. President, it is important to bear in mind the strategic situation confronting our great Nation then. In Europe, the so-called Holy Alliance had been formed between the Austrian, Prussian, and Russian Empires. The alliance was based upon the reactionary diplomatic system of Metternich and declared that representative government was incompatible with monarchical interests. The alliance was aimed at putting an end to representative government in Europe and to prevent its introduction into countries where it was not yet known.

President Monroe, in his Seventh Annual Message of December 2, 1823, set down the principles which have come to be known as the Monroe Doctrine. With reference to the menacing alliance of European powers and their monarchical system he stated that:

> In the wars of the European powers in matters relating to themselves we have never taken any part, nor does it comport with our policy so to do. It is only when our rights are invaded or seriously menaced that we resent injuries or make preparations for our defense. With the movements in this hemisphere we are of necessity more immediately connected, and by causes which must be obvious to all enlightened and impartial observers. The political system of the allied powers is essentially different in this respect from that of America . . . We owe it, therefore, to candor and to amicable relations existing between the United States and those powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety.

In addition to the political threat against the republican form of government, President Monroe was also quite clear in his message that other acts of oppression would also not be tolerated. He stated that:

> . . . with the Governments who have declared their independence and maintained it, and those whose independence we have, on great consideration and on just principles acknowledged, we could not view any

interposition for the purpose of oppressing them, or controlling their destiny, by any European power in any other light as the manifestation of an unfriendly disposition to the United States.

Mr. President, I would also point out that the Czar of Russia in 1821 issued a ukase in which he claimed the Pacific coast down to the 51st degree. He also declared that the Bering Sea and the North Pacific were closed seas and subject to his exclusive jurisdiction. President Monroe, noting this menacing action, used the example to develop another principle in his message. He stated that:

. . . the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European power.

Mr. President, the wisdom and justice of President Monroe's Doctrine are self-evident. It is highly appropriate to quote a statement by Dr. Victoriano de la Plaza, at the Fourth Pan American Conference. Dr. de la Plaza was a Minister of Foreign Affairs of Argentina and he praised the Monroe Doctrine in the following words:

This condition of precarious autonomy and liberty of action, and the constant danger of being subjugated or suffering the mutilation of their territory, would have continued among those weak states but for the wise and famous declarations of President Monroe.

Mr. President, at a time when an array of international forces threaten to destroy the relations of the United States with our sister republics in this hemisphere, it is highly appropriate that we consider our role in fostering the independence of the South American republics and Argentina in particular.

On May 20, 1810, a great assembly of people in arms met in the public square of Buenos Aires to demand the resignation of the colonial viceroy of Spain. The resignation was obtained. Additionally, this assembly demanded the convocation of an open legislative body (cabildo abierto). This body convened and then established a governing committee (junta gubernativa) of 9 men on May 25, 1810. In June of 1810, President James Madison appointed Mr. Joel Poinsett as agent for seamen and commerce to represent the United States in Buenos Aires. The diplomatic instructions given to Mr. Poinsett give a clear and forceful statement of our policy which was based on support of the republican form of government as well as geographically conditioned strategic policy. The instructions contain concepts which were to be embodied in the Monroe Doctrine some 13 years later. The instructions were:

As a crisis is approaching which must produce great changes in the situation of Spanish America, and may dissolve altogether its colonial relations to Europe; and as the geographical position of the United States and other obvious considerations give them an intimate interest in whatever may affect the destiny of that part of the American continent, it is our duty to turn our attention to this important subject, and to take such steps not incompatible with the neutral character and honest policy of the United States, as the occasion renders proper. . . . You will make it your object, whenever it may be proper, to diffuse the impression that the United States cherish the sincerest good will towards the people of South America as neighbors, as belonging to the same portion of the globe, and as having a mutual interest in cultivating friendly intercourse; that this disposition will exist whatever may be their internal system on European relations, with respect to which no interference of any sort is pretended; and that in the event of a political separation from the parent country and of the establishment of an independent system of national government, it will coincide with the sentiments and policy of the United States to promote the most friendly relations and the most liberal intercourse between the inhabitants of this hemisphere, as having all a common interest, and as lying under a common obligation to maintain that system of peace, justice, and good will which is the only source of happiness for nations.

Mr. President, who will challenge the wisdom and moral purpose of these instructions to Mr. Poinsett? Who will deny the clear sighted attention to strategic imperatives based on geographical fact? Mr. President, I submit that the ideals and principles embodied in the Monroe Doctrine and such instructions that Mr. Poinsett received form the basis of what we in our day may call a "Geopolitics of Liberty."

Argentine independence was formally declared on July 9, 1816 when deputies from all parts of the country met in assembly at the town of Tucuman. In his annual message to Congress in 1819, President Monroe fully endorsed the Argentine struggle for independence. He declared:

The steadiness, consistency, and success with which they have pursued their objects, as evidenced more particularly by the undisturbed sovereignty which Buenos Aires has so long enjoyed, evidently gave them a strong claim to the favorable consideration of nations.

In 1822, President Monroe accorded recognition to Buenos Aires and Mr. Caesar Rodney, former Commissioner to the South American States, was then accredited as minister to Buenos Aires.

Mr. President, it is highly interesting and worthwhile to recall a most cordial statement made by Sr. Las Haras, the governor of Buenos Aires, in his message to the Congress of the Provinces of La Plata on December 16, 1824, almost 1 year to the day after President Monroe's declaration. Sr. Las Haras stated:

We are under a large obligation to the United States of North America. That republic which since its formation has presided over the civilization of the New World, has solemnly recognized our independence. At the same time it has made an appeal to our national honor by supposing us capable of struggling singlehanded with the power of Spain, but it has constituted itself guardian of the field of battle in order that no foreign power may interfere to give aid to our rival.

Mr. President, this statement of Sr. Las Haras certainly expresses sincere appreciation for the role that these United States played in the independence of Argentina. It is indeed fitting that all citizens of our great Nation bear in mind in this time of crisis when the Argentine nation is threatened our own historic role in promoting the liberties and independence of the South American nations.

Mr. President, the crisis over the Malvinas Islands offers the occasion for all republics of this hemisphere to reaffirm a commitment to the great work of Pan Americanism. I have outlined the basic principles of the Monroe Doctrine whose true spirit is to promote the security and prosperity of the nations of the New World in a climate of cordial good will, respectful of the sovereign independence of the American Republics and which operates on the principles of equality and justice.

It would be appropriate to embody in such an undertaking what has come to be known as the Drago Doctrine. Dr. Luis M. Drago, whose praise of the Monroe Doctrine I quoted earlier, was an eminent Argentine diplomat, author, and jurist who lived between 1859 and 1921. Dr. Drago served as the Minister of Foreign Affairs of Argentina in 1902 and in this capacity sent a letter to the U.S. State Department on December 29, 1902. Dr. Drago registered his protest over the blockade by Great Britain, Italy, and Germany of Venezuela which was being used as a means to forcibly collect public debts owed by Venezuela. Dr. Drago offered a logical corollary to the Monroe Doctrine which declared that the public debt of an American Republic cannot be forcibly collected by invasion or by occupation of territory of an American nation by European powers.

It is time that we reaffirm our commitment to Pan-Americanism and that we begin to work with our friends in Central and South America to elaborate a geopolitics of liberty which would become the principled foundation for the construction of a just, prosperous, and secure inter-American system.

DEATH OF MASSACHUSETTS LEGISLATOR TIMOTHY M. ROURKE

Mr. TSONGAS. Mr. President, the people of Lowell, Mass., a week ago Tuesday buried their State representative, Timmy Rourke. Timmy was 29 years of age, and he had two small children. He was an extraordinary young man from a very prominent political family. At the funeral, Repre-

sentative Edward Lelacheur, also of Lowell, read a memorable and very moving eulogy.

I ask unanimous consent that the eulogy be printed in the RECORD at this point.

There being no objection, the eulogy was ordered to be printed in the RECORD, as follows:

EULOGY DELIVERED BY REP. EDWARD A. LELACHEUR AT THE FUNERAL MASS OF REP. TIMOTHY M. ROURKE

I stand here before you this morning with wet palms, a dry throat, and deep feelings in my heart to try in some way to express to you the feelings that I am sure we all share at this most difficult time. Feelings for our young friend who we all have come to know and love for such a long but yet such a short time. This is a very difficult task so I ask you to bear with me.

We are all saddened by the tragic event that has taken Tim from us. It is hard to understand why God has taken this young man in the prime of his life. I do not have any answers for that question, but I am sure that the good Lord must have better plans for Tim and that he will give us strength to help us through this most difficult time.

The thousands of people who for the past two days have come to pay their respects to Sue and the Rourke family show the love that we all share for Tim. We have all lost a friend but somehow that simple statement of our loss fails to really say enough for our friend Tim who was much more than just a friend.

To some he was an advisor who was always willing to listen to a problem, trying to suggest a solution and somehow ease that burden. To others he was a leader willing to fight for any cause as long as he thought it was right and just. To his fellow Legislators, Tim Rourke, was both serious and hard working, purposeful, and effective. "He was a Legislator, not just a Representative".

He loved Lowell and its people and the facts indicate to all that he represented it well.

To some he was a companion, fun to be with, to joke with. Just as willing to laugh when the joke was on him or if he was playing a joke on someone else.

To his sisters and brothers he was as one. Just as concerned about their well being as his own.

To his mother and father, Rita and Ray, he was the light of their life. Their baby who had become so much a man—a man that any mother and father would be proud to have as a son.

To his children, Brent and Colleen, he was a father—a role in which those who know Tim will realize he enjoyed above all others for Tim took great pride and much joy in his role as a father.

To his beloved wife Sue, a loving father and husband, one whose constant thoughts and dreams of things to come, loved her first and foremost.

Yes, we have all lost a friend and while that simple statement does not say it all we can take comfort in knowing how lucky we all have been to have been touched in some way by Tim Rourke.

And so Tim, at this time we won't say good-by we will just say so long—knowing that as sure as we sit here today Tim is in heaven praying for us and—that we will meet again.

REVISION OF SECTION 504 REGULATIONS FOR THE HANDICAPPED

Mr. COHEN. Mr. President, today I wish to comment on the proposed revision to section 504 regulations which govern the rights of handicapped people.

These regulations are being reviewed by the Justice Department, under an Executive order, to encourage a coordinated effort in the administration of handicapped regulations. The Vice President's Task Force on Regulatory Relief has also been involved in the review because concern over the costs of these regulations.

Since coming to the Congress, I have been a strong advocate of providing expanded opportunities for our handicapped citizens and full protection of their equal rights. I believe that programs such as education for the handicapped and vocational rehabilitation assistance have clearly helped handicapped persons in becoming more productive members of society, while reducing the costs and dependency on other Federal programs.

I recently sent a letter to President Reagan, along with many of my Senate colleagues, expressing strong opposition to any cuts in the Education for All Handicapped Children Act. The letter emphasized that the cost of institutionalized care for individuals has skyrocketed, totaling from $1 million to $4 million per person over a lifetime of care. Education is clearly a key to reducing the need for institutionalized care for our handicapped citizens.

This issue, however, is much broader than economics. The fundamental issue is the protection of basic human rights for our handicapped community, rights many Americans take for granted every day. Congress clearly intended that the Rehabilitation Act of 1973 be a landmark in defining the rights of handicapped persons. Fearing that the 1973 act had limited the application of section 504 because it related to employability of the handicapped, Congress passed amendments in 1974 to clarify the coverage of the intent of this section. To explain the breadth of coverage mandated by the Congress, I have only to cite the conference report of the 1974 amendments.

Section 504 was enacted to prevent discrimination against all handicapped individuals regardless of their need for or ability to benefit from vocational rehabilitation services, in relation to Federal assistance in employment, education health services, or any other federally aided programs. Examples of handicapped individuals who suffer discrimination in the receipt of federally assisted services but who may have been unintentionally excluded from the protection of section 504 by the references to enhanced employability in section 7(b) are as follows: physically or mentally handicapped children who may be denied admission to federally supported school systems on the basis of their handicap; handicapped persons who may be denied admission to federally assisted nursing homes on the basis of their handicap; those persons whose handicap is so severe that employment is not feasible but who may be denied the benefits of a wide range of Federal programs; and those persons whose vocational rehabilitation is complete but who may nevertheless be discriminated against in certain federally assisted activities.

In a recent meeting with the Maine representatives of the Association for Handicapped Persons, I was most impressed by the degree of cooperation between communities, school districts, and the association in attempting to comply with the statutory guidelines for the handicapped. This cooperation has resulted in building accessibility at the lowest possible cost, and I commend the efforts of this group of Maine citizens.

During my public career, I have been continually frustrated by the failure of the executive branch to carry out congressional intent. While I feel it would be premature to comment on the details of the regulations until the draft is formally published, I am concerned that the intent of Congress in passing the 1973 act not be undermined.

SAMUEL J. LEFRAK HONORED AT UNIVERSITY OF MARYLAND

Mr. MATHIAS. Mr. President, all Marylanders, but particularly those of us who are alumni of the University of Maryland, are proud of the progress that is being made at this land grant institution under the leadership of its board of regents and its president, John S. Toll.

On April 30, an event will take place at the University of Maryland that adds great luster to its name. On that day, in recognition of the accomplishments of one of its distinguished graduates, the university will name its social sciences building in honor of Samuel J. Lefrak.

Mr. Lefrak is supporting the vital work of the university's Institute of Urban Studies that is housed in the building that will be named for him. In addition to providing endowment support for the work of this important program, Mr. Lefrak has also made possible the establishment of the Wilson H. Elkins professorship at the University of Maryland.

The Wilson H. Elkins professorship is the first university-wide permanently endowed faculty chair at the University of Maryland. It honors a leader who served the University of Maryland from 1954 to 1978, one of the longest tenures of any chief executive of a major State university.

The Elkins professorship continues the quest for quality that characterized the Elkins' years—an unremitting

drive for excellence in teaching, research, and public service.

More specifically, it represents visible evidence of the University's steadfast commitment to faculty excellence as the true hallmark of all great institutions. As Dr. Elkins said:

There is nothing more precious than a gifted mind. Our colleges and universities rise above the commonplace when they make it possible for the truly great thinkers of our time to nurture the creative spirit of our youth. This is the educational process at its finest.

The first Elkins professor, named last month, is French geographer Jean Gottmann of Oxford University, a widely published author and adviser to governments. Dr. Gottmann is one of the world's foremost experts in urban studies and planning. He was chosen to set the standard for future appointments of outstanding individuals who will come to the University of Maryland as holders of the Elkins professorship.

Samuel J. Lefrak, who made the largest gift to the Elkins professorship, is no newcomer to philanthropy. His contributions to numerous civic enterprises have earned him wide public recognition. Honors he has received include the B'nai B'rith Award for Distinguished Achievement, the John F. Kennedy Peace Award, the Outstanding Citizenship Award from the city of New York, the VFW's Man of the Year Award, and the Builder of Excellence Award from Brandeis University.

Mr. Lefrak has given generously of his time and resources to provide scholarships, to endow the arts, to preserve historical buildings, to improve housing, to raise funds for charities, to serve on boards, and to found the Albert Einstein College of Medicine. He has also served in many civic positions, including Commissioner of Public Works for Manhattan, and he has worked for many international causes, including the Committee on World Housing of the United Nations.

A 1940 graduate of the University of Maryland College of Business and Public Administration, Mr. Lefrak has maintained a keen interest in Maryland, evidenced not only by his generous support to the university but by his organizing the New York Alumni Club, finding jobs for students, and in many other ways. The university has presented him with the Distinguished Alumnus Award. The University's M Club Foundation has made him a distinguished citizen. By dedicating the social sciences building to Samuel J. Lefrak, the University of Maryland honors a man committed to education, to enterprise, and to a better life for urban dwellers.

The first Lefrak lecture will be given this Friday by Secretary of the Department of Housing and Urban Development Samuel Pierce.

MESSAGE FROM THE HOUSE

At 3:58 p.m., a message from the House of Representatives, delivered by Mr. Gregory, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 2373. An act to change the name of the landing strip at White Sands Missile Range in the State of New Mexico, to "White Sands Space Harbor".

The message also announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 83. Concurrent resolution relating to the patriation of the Canadian Constitution.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3326. A communication from the Secretary of Agriculture transmitting, pursuant to law, the annual Animal Welfare Enforcement Report; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3327. A communication from the Secretary of Agriculture transmitting, pursuant to law, the annual report on Costs of Producing Selected Crops in the United States; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3328. A communication from the clerk of the U.S. Court of Claims transmitting, pursuant to law, a copy of the court's judgment order in the matter of Chippewa Cree Tribe of the Rocky Boy's Reservation, Montana, et al. v. The United States; to the Committee on Appropriations.

EC-3329. A communication from the Chairman of the Board of the U.S. Railway Association transmitting, pursuant to law, its Northeast Rail Service Act progress report; to the Committee on Commerce, Science, and Transportation.

EC-3330. A communication from the Acting Secretary of the Interior transmitting, pursuant to law, the final study on the proposed Dominguez-Escalante National Trail; to the Committee on Energy and Natural Resources.

EC-3331. A communication from the Secretary of the Consumer Product Safety Commission transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-3332. A communication from the Chief Justice of the United States transmitting a draft of proposed legislation to clarify the status and jurisdiction of the police force which serves the Supreme Court of the United States; to the Committee on the Judiciary.

EC-3333. A communication from the Executive Director of the Civil Air Patrol transmitting, pursuant to law, the 1981 annual report of the Civil Air Patrol; to the Committee on the Judiciary.

EC-3334. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "FDA's Approach to Reviewing Over-the-Counter Drugs is Reasonable, But Progress is Slow"; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROTH, from the Committee on Governmental Affairs, with amendments:

S. 2240. A bill to amend title 5, United States Code, to provide permanent authorization for Federal agencies to use flexible and compressed employee work schedules (Rept. No. 97-365).

By Mr. McCLURE, from the Committee on Energy and Natural Resources, without amendment:

H.R. 1543. A bill to confirm a conveyance of certain real property by the Central Pacific Railway Co. and Southern Pacific Co. to A. C. Taber and his wife, Mary Taber (Rept. No. 97-366).

H.R. 2863. A bill to authorize the Secretary of Agriculture to sell the portion of the Tahoe National Forest known as Blythe Arena (Rept. No. 97-367).

By Mr. McCLURE, from the Committee on Energy and Natural Resources, with an amendment and an amendment to the title:

S. 982. A bill to provide for the conveyance of certain Federal lands adjacent to Kale Shore Drive, Lake Lowell, Boise project, Idaho (Rept. No. 97-368).

By Mr. McCLURE, from the Committee on Energy and Natural Resources, with amendments:

S. 835. A bill for the relief of Jerry L. Crow (Rept. No. 97-369).

S. 1501. A bill entitled the "Educational Mining Act of 1982" (Rept. No. 97-370).

H.R. 2475. A bill to withdraw certain lands in Mono County, Calif., from settlement, sale, location, or entry for the purpose of protecting the watershed supplying water to the city of Los Angeles, and to rescind such withdrawal for certain other lands in Mono County, Calif. (Rept. No. 97-371).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary:

Salvatore R. Martoche, of New York, to be U.S. attorney for the western district of New York for the term of 4 years; and

William S. Price, of Oklahoma, to be U.S. attorney for the western district of Oklahoma for the term of 4 years.

By Mr. PERCY, from the Committee on Foreign Relations:

Peter Otto Murphy, of the District of Columbia, for the rank of Ambassador during his tenure of service as U.S. Negotiator on textile matters.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee Peter O. Murphy.

Post Ambassador, Chief Negotiator for textile matter.

Contributions, amount, date, and donee.

1. Self, None.
2. Spouse, None.
3. Children and spouses names, N/A.
4. Parents names, None.
5. Grandparents names, None.
6. Brothers and spouses names, None.

7. Sisters and spouses names, None.

By Mr. ROTH, from the Committee on Governmental Affairs.

Herbert E. Ellingwood, of California, to be a Member of the Merit Systems Protection Board for the remainder of the term expiring March 1, 1986.

By Mr. GARN, from the Committee on Banking, Housing, and Urban Affairs:

James W. Fuller, of California, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 1983.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SPECTER (for himself, Mr. WEICKER, Mr. NUNN, Mr. BAUCUS, Mr. DIXON, Mr. GLENN, Mr. HAYAKAWA, Mr. PACKWOOD, and Mr. RIEGLE):

S. 2446. A bill to amend the Small Business Act and the act entitled "An act to amend the Small Business Act and the Small Business Investment Act of 1958," to provide assistance to small business concerns in acquiring procurement information and contracts from the United States; to the Committee on Small Business.

By Mr. MOYNIHAN:

S. 2447. A bill to amend the Internal Revenue Code to reduce the "alternative rate" on capital gains for corporations; to the Committee on Finance.

By Mr. CANNON (for himself, Mr. GOLDWATER, Mr. HEFLIN, Mr. HOLLINGS, and Mr. BENTSEN):

S. 2448. A bill to authorize and regulate the launch of space objects by nongovernmental entities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. GRASSLEY:

S. 2449. A bill to amend the Internal Revenue Code of 1954 to include voucher or scrip payments to general recipients in qualified general assistance programs; to the Committee on Finance.

By Mr. PACKWOOD (for himself, Mr. STEVENS, and Mr. GORTON):

S. 2450. A bill to authorize funds for the Magnuson Fishery Conservation and Management Act for fiscal years 1983, 1984, and 1985 to improve conservation and management of our Nation's fisheries, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. STAFFORD (for himself and Mr. MOYNIHAN):

S. 2451. A bill to authorize appropriations for the Public Buildings Service of the General Services Administration for fiscal year 1983, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DURENBERGER (for himself, Mr. LEAHY, Mr. BIDEN, Mr. HUDDLESTON, and Mr. MOYNIHAN):

S. 2452. A bill to provide for standards for the application of the Freedom of Information Act exemption for classified information; to the Committee on the Judiciary.

By Mr. SCHMITT:

S. 2453. A bill to amend title V of the Housing Act of 1949, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MOYNIHAN (for himself, Mr. SASSER and Mr. HART):

S. 2454. A bill to amend the Congressional Budget Act of 1974 to establish procedures for setting targets and ceilings in the congressional budget process for tax expenditures, and for loans and loan guarantees under federal credit programs; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977 with instructions that if one committee reports, the other committee has thirty days of continuous session to report or be discharged.

By Mr. HEINZ (for himself, Mr. DOMENICI, Mr. BENTSEN, Mr. DURENBERGER, Mr. MATSUNAGA, Mr. BRADLEY, Mr. CHAFEE, Mr. SYMMS, Mr. GRASSLEY, Mr. MOYNIHAN, Mr. BAUCUS, Mr. MITCHELL, Mrs. HAWKINS, and Mr. BOREN):

S. 2455. A bill to extend the Targeted Jobs Tax Credit; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MOYNIHAN (for himself, Mr. D'AMATO, Mr. BOSCHWITZ, Mr. CHAFEE, Mr. RIEGLE, Mr. WEICKER, Mr. METZENBAUM, Mr. SYMMS, Mr. ROTH, Mr. GRASSLEY, Mr. LEVIN, Mr. SARBANES, Mr. LUGAR, Mr. BRADLEY, Mr. DECONCINI, Mr. BIDEN, Mr. HOLLINGS, Mr. CHILES, Mr. BAUCUS, Mr. SASSER, Mr. ROBERT C. BYRD, Mr. HAYAKAWA, Mr. TSONGAS, Mr. JEPSEN, Mr. PERCY, Mr. COHEN, Mr. DURENBERGER, Mr. JACKSON, Mr. MURKOWSKI, Mr. PELL, Mr. PRESSLER, and Mr. DIXON):

S. Res. 381. A resolution to express the sense of the Senate in support of "Solidarity Sunday"; considered and agreed to.

By Mr. TSONGAS:

S. Con. Res. 87. A concurrent resolution expressing the sense of the Congress that the President should take certain actions with respect to East Timor; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER (for himself, Mr. WEICKER, Mr. NUNN, Mr. BAUCUS, Mr. DIXON, Mr. GLENN, Mr. HAYAKAWA, Mr. PACKWOOD, and Mr. RIEGLE):

S. 2446. A bill to amend the Small Business Act and the act entitled "An act to amend the Small Business Act and the Small Business Investment Act of 1958," to provide assistance to small business concerns in acquiring procurement information and contracts from the United States; to the Committee on Small Business.

(The remarks of Mr. SPECTER on this legislation appear earlier in today's RECORD.)

By Mr. MOYNIHAN:

S. 2447. A bill to amend the Internal Revenue Code to reduce the "alternative rate" on capital gains for corporations; to the Committee on Finance.

CAPITAL GAINS FOR CORPORATIONS

● Mr. MOYNIHAN. Mr. President, a corporation with a long-term capital gain has a choice under present law: It may pay taxes on the capital gain at the ordinary income tax rates. Corporate income tax rates run from 17 to 46 percent. Or it may pay taxes at an "alternative rate" of 28 percent. The bill I am introducing today would reduce the alternative rate to 20 percent.

I proposed this last summer in the Finance Committee, as an amendment to the Economic Recovery Tax Act. The assistant treasury secretary for tax policy, Mr. Chapoton, said the amendment cost too much: about $700 million a year by 1984. Mr. Chapoton also said:

> I would point out that unlike capital gains in individuals which affect a lot of taxpayers . . . capital gains in the corporate sector . . . are concentrated in the timber and paper industries and to some extent in venture capital operations.

The chairman of the committee, Senator DOLE, said the amendment "may have great merit, but not at this time."

Mr. Chapoton added the thought that the capital gains rate for corporations was an appropriate subject when the committee takes up "the corporate tax rate if indeed we deal with that, as we probably will."

The committee voted. The amendment failed. The vote was 4 to 11. I am asking that the matter be considered again.

There are two reasons why the alternative rate should be 20 percent. First, simple economics. Cutting capital gains taxes increases investment. We saw this in 1978, when Congress cut the top capital gains rate for individuals from 49 to 28 percent, and the alternative rate for corporations from 30 to 28 percent. Stanley Pratt, editor of Venture Capital Journal, the recognized source for statistics on the venture capital industry, has produced a table, which I ask unanimous consent to have printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

[Dollars in billion]

Year	New private capital committed to venture capital firms
1981 (est.)	1.3
1980	.9
1979	.319
1978	.570
Capital gains tax decrease	
1977	.039
1976	.05
1975	.01
1974	.057
1973	.056
1972	.062
1971	.095
1970	.097
Capital gains tax increase	
1969	.171

Mr. MOYNIHAN. Mr. President, the table shows that investment in small, venture capital firms climbed dramati-

cally, beginning in 1978. This is how we will get new technology. As Peter Drucker noted in The Age of Discontinuity, "Folk wisdom has long held that new technology does not come out of the old, and especially big company. Although there is no inherent reason why this should be true, there have so far been few exceptions * * *"

Pratt estimates that venture capital firms have a pool of about $5.8 billion to invest. About $3.2 billion of that amount was being invested by corporations at the end of last year. This speaks to the importance of cutting capital gains taxes for corporations.

The second reason for bringing down the corporate rate is fairness. It is not fair to tax venture capital companies organized as partnerships at one rate on their capital gains, while taxing venture capital corporations at a higher rate. Why discriminate? What purpose is served? The tax laws ought not to favor one form of ownership over another.

The individual and corporate rates for capital gains have been roughly the same since the 1940's. Mr. President, I ask unanimous consent that another table showing the rates since 1942 appear at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

MAXIMUM TAX RATES FOR CAPITAL GAINS, 1942 TO PRESENT

Year(s)	Percent	
	Individuals	Corporations
1942–1951	25	25
1952–1954	26	26
1955–1969	25	25
1970	29½	28
1971	32½	30
1972–1978	35	30
1979–1980	28	28
1981–present	20	28

Mr. MOYNIHAN. Mr. President, finally, it should be said that Mr. Chapoton was not right about corporate capital gains being just another tax break for the timber interests. In 1979, corporations reported roughly $20 billion in net long-term capital gains. About $2.3 billion were reported by lumber and wood products companies. Another $1.8 billion were reported by paper and allied products companies. My source is the statistics of income series published by the Internal Revenue Service. This is hardly a case of "concentration" of capital gains in the timber and paper industries.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2447

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

(a) REDUCTION IN CAPITAL GAINS TAX RATE FOR CORPORATIONS.—Paragraph (2) of section 1201(a) of the Internal Revenue Code of 1954 (relating to the alternative tax for corporations) is amended by striking out "28 percent" and inserting in lieu thereof "20 percent".

(b) CONFORMING AMENDMENTS.—

(1) SECTION 170.—Paragraph (1) of section 170(e) of the Internal Revenue Code of 1954 (relating to certain contributions of ordinary income and capital gain property) is amended by striking out "(28/46, in the case of a corporation)" and inserting in lieu thereof "(20/46, in the case of a corporation)".

(2) SECTION 593.—Subparagraph (E) of section 593(b)(2) of such code (relating to additions to reserves for bad debts) is amended by striking out "18/46" each place it appears and inserting in lieu thereof "10/46".

(3) SECTION 852.—Clause (iii) of section 852(b)(3)(D) of such code (relating to the treatment by shareholders of undistributed capital gains) is amended by striking out "72 percent" and inserting in lieu thereof "80 percent".

(c) EFFECTIVE DATES.—The amendments made by subsection (a) and by paragraphs (2) and (3) of subsection (b) shall apply to taxable years beginning after December 31, 1982. The amendment made by subsection (b)(1) shall apply to contributions made after December 31, 1982.●

By Mr. CANNON (for himself, Mr. GOLDWATER, Mr. HEFLIN, Mr. HOLLINGS, and Mr. BENTSEN):

S. 2448. A bill to authorize and regulate the launch of space objects by nongovernmental entities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

PRIVATE SATELLITE LAUNCHING AUTHORIZATION ACT OF 1982

Mr. CANNON. Mr. President, today I am introducing a bill that would authorize and regulate the launching of satellites by the private sector. Historically, only the National Aeronautics and Space Administration has provided such launch services in the United States. As we look to the future this may well change.

It was 25 years ago that the Soviet Union launched a small satellite called Sputnik that was to transform the world. The United States responded to this challenge, and we became the world's leader in space. We can credit the outstanding accomplishments of NASA for the attainment of this preeminence.

Since 1957 numerous countries have developed their own space programs. The world has benefited from the peaceful uses of space and from the utilization of space for scientific and commercial purposes. The benefits will only increase as we proceed into the next quarter of a century in space. As the United States does so, however, we should recognize that we will face increased competition, particularly for commercial purposes.

Our ability to capture future benefits and maintain preeminence will depend on technological capabilities and new ways of doing business. Two examples will illustrate this point—operation of the Space Shuttle and development of private launch services.

The Space Shuttle will achieve operational status later this year at the time of its fifth flight. It provides an essential and unique capability in space. But, as far as just launching commercial payloads into space, it faces competition, particularly from the French. This competition must be considered by NASA in all aspects of Shuttle operations. Likewise, we must consider who should eventually operate the Shuttle; NASA is an R. & D., not an operational agency. No matter how these questions are resolved, it is clear that we will be doing things differently than before when NASA had a monopoly in launch services.

Last year a group in individuals initiated an effort to develop a private launch capability. While their first effort met with failure, I understand they will try again. This or any other private launch service that someone may want to initiate would not necessarily compete directly with the Shuttle. Any new services likely would cater to the user who has a small payload and would not need the large boost capability the Shuttle provides. If successful, these services would mark a new way of conducting business in the space area.

I congratulate those in the United States who identify a potential new market and are willing to take the risks to capture the benefits. This entrepreneurship and innovativeness has been the foundation of our economic strength and will be vital for future growth and prosperity. I look forward to new efforts in space commercialization.

In the spirit of encouraging innovation and economic activity and at the same time protecting the public interest, I am introducing S. 2448, the Private Satellite Launching Authorization Act of 1982. I believe there is no clear regulatory framework that would guide individuals who wish to develop private launch services. A procedure is needed to handle the public safety, international, liability, and other implications inherent in such a private operation.

This bill would establish the Federal Aviation Administration as the lead agency and authorize them to issue licenses for any private launch of space objects. The FAA would receive technical assistance from NASA with regard to safety. The State Department would provide guidance with regard to international obligations, the Defense Department with regard to any national security consequences, and the Federal Communications Commission with regard to communications activities.

I am introducing this bill as a vehicle for discussion. It is a simple bill that clarifies Federal responsibility. Some would suggest that only the Federal Government should operate launch services; others might suggest that clarification of the Federal role is unnecesary and the private sector essentially should be completely free to do what it chooses. No matter one's position, I hope all will agree that we are in a new era with regard to space activities. We need to assure that we proceed down this road with our eyes open, aware of the opportunities before us and sensitive to the need to protect the public interest. I believe this legislation does this.

Finally, Mr. President, I would like to make very clear that by introducing this legislation, I do not intend to delay, postpone, or otherwise adversely affect consideration of pending applications for private launches by any Federal agency under existing statutes.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2448

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Private Satellite Launching Authorization Act of 1982".

FINDINGS, PURPOSE AND POLICY

SEC. 2. (a) FINDINGS.—The Congress finds and declares that—

(1) the peaceful uses of outer space continue to be of great value and to offer benefits to all mankind;

(2) civilian applications of space technology have achieved a significant level of commercial and economic activity, and offer the potential for growth in the future, particularly in the United States;

(3) new and innovative equipment and services are being sought, created and offered by entrepreneurs in telecommunications, information services, and remote sensing technology;

(4) the cost of launching commercial satellites is significant;

(5) other nations are developing launch vehicles that are competitive with available launch services in the United States;

(6) the private sector in the United States has the capability of developing and marketing private satellite launch services that would supplement what is available from the United States Government;

(7) cost savings could accure if the United States private sector develops and markets certain satellite launch services for new satellite systems now being planned for future applications; and

(8) the United States should encourage, and regulate to the extent reasonably necessary, private satellite launch services through regulations which are limited to providing for the public safety and for carrying out the obligations of the United States under international space treaties.

(b) PURPOSE.—It is declared to be the purpose of the Congress in this Act to—

(1) encourage the development by the United States private sector of private satellite launch services; and

(2) provide the minimum necessary regulation by the Federal Government to ensure public safety and to carry out obligations of the United States, such as liability for damage from space objects, under applicable international space treaties.

(c) POLICY.—It is declared to be the policy of the Congress in this Act to—

(1) authorize activities which are devoted to the peaceful uses of space for the benefit of mankind;

(2) assure adherence during the conduct of such activities to obligations of the United States under existing international space treaties;

(3) stimulate private sector civilian application of government-developed space technology; and

(4) provide for further economic growth and entrepreneurial activity in utilizing the space environment.

DEFINITIONS

SEC. 3. As used in this Act, the term—

(1) "Administrator" means the Administrator of the Federal Aviation Administration;

(2) "launch" means to place, or attempt to place, a space object in a sub-orbital trajectory or in orbit in outer space by means of a space launch vehicle;

(3) "license" means a license to launch a space object for peaceful purposes issued in accordance with this Act;

(4) "person" means any individual or entity, other than an agency or department of the United States Government and contractors and subcontractors acting on their behalf;

(5) "space launch vehicle" means any propulsion system intended to place a space object into a sub-orbital trajectory or into orbit in outer space; and

(6) "space object" means any object intended for launch and includes component parts of a space object as well as its space launch vehicle and parts thereof.

LICENSE FOR LAUNCHING OF SPACE OBJECTS

SEC. 4. (a) IN GENERAL.—Notwithstanding any other provision of law, no person may launch a space object from any location under the jurisdiction of the United States except in accordance with a license issued pursuant to this Act.

(b) AUTHORITY.—The Administrator is authorized, upon application and in accordance with the provisions of this Act, to issue a license for launching a space object.

(c) CONDITIONS.—The Administrator shall issue a license in accordance with this Act only if the Administrator—

(1) determines that the applicant is financially responsible and will, pursuant to section 6 of this Act, meet the liability requirements of this Act;

(2) determines that the applicant is capable of complying, and intends to comply, with applicable laws, regulations, and license conditions;

(3) determines that the space launch vehicle to be used meets such minimum design, construction, and operation standards as the Administrator may require in the interest of safety; and

(4) has consulted with the Secretary of State, the Secretary of Defense, the Administrator of the National Aeronautics and Space Administration and the Chairman of the Federal Communications Commission to determine their views on the adequacy of the application for the license and its effect on their statutory responsibilities.

(c) PROCEDURE.—The Administrator shall, as soon as practicable after the date of enactment of this Act, issue regulations in accordance with the provisions of this act pertaining to the application, issuance, and termination of licenses. The Administrator shall promulgate such regulations in accordance with the provisions of section 553 of title 5, United States Code.

(d) TRANSFER.—A license issued under this Act may not be transferred from the original recipient to any other person.

SAFETY STANDARDS

SEC. 5. The Administrator, in consultation with the Administrator of the National Aeronautics and Space Administration, shall establish by regulation such guidelines for the design and construction of space launch vehicles and for the launching of such vehicles as may be required in the interest of public safety. The Administrator of the National Aeronautics and Space Administration shall assist the Administrator with respect to the administrator's technical and safety responsibilities under this Act. The Administrator shall promulgate such regulations in accordance with the provisions of section 553 of title 5, United States Code.

LIABILITY

SEC. 6. The Administrator shall by regulation establish requirements for liability insurance to be carried, or indemnification to be provided, or both, by any licensee who launches a space object, as authorized by this Act. Such requirements shall assure the fulfillment of the obligations of the United States under treaties or international agreements governing the launch of space objects. Such regulations shall be promulgated in accordance with section 553 of title 5, United States Code.

SUSPENSION ON TERMINATION OF LICENSES

SEC. 7. (a)(1) IN GENERAL.—Except as provided in subsection (b) of this section, whenever a licensee fails to comply with any applicable provision of this Act, or any applicable rule, regulation, restriction, or condition issued or imposed by the Administrator under this Act, the Administrator may—

(A) seek an injunction against a proposed launch;

(B) suspend a license;

(C) revoke a license, if the failure to comply is knowing and continues for a period of 30 days after the Administrator, by registered letter, mails notification of such failure to the licensee at his recorded post office address; or

(D) pursue any other remedy available in law or in equity.

(2) The Attorney General shall file any action under paragraph (1)(A) of this subsection in the United States district court nearest to the location of the proposed launch of the space object, or in the district in which the licensee resides or may be found.

(b) AUTOMATIC SUSPENSION.—No proceeding under subsection (a) of this section shall be necessary if the terms of a license provides for automatic suspension or termination upon the occurrence of a fixed or agreed-upon condition, event, or time specified in such license.

EXCLUSIONS

SEC. 8. The provisions of this Act shall not apply to any space object launched by or on behalf of the United States Government.

By Mr. GRASSLEY:

S. 2449. A bill to amend the Internal Revenue Code of 1954 to include voucher or scrip payments to general recipients in qualified general assistance programs; to the Committee on Finance.

VOUCHER OR SCRIP PAYMENTS IN GENERAL ASSISTANCE PROGRAMS

Mr. GRASSLEY. Mr. President, I am introducing a bill which would modify the eligibility requirements for the targeted jobs tax credit in a small way. The targeted jobs tax credit is a credit which may be claimed by an employer for hiring an individual from seven targeted groups. Those groups are vocational rehabilitation referrals, economically disadvantaged youths, economically disadvantaged Vietnam-era veterans, SSI recipients, general assistance recipients under State and local programs, cooperative education students, and economically disadvantaged ex-convicts. An employee must be certified to fall within one of these groups by an employment agency who has been approved by the Departments of Labor and Treasury. The employer of a certified employee may claim up to 50 percent of that employee's first year wages up to $6,000. During the certified employee's second year of employment, the employer may claim up to 25 percent of the first $6,000 paid to the employee in wages.

Polk County, which includes Des Moines, cannot have its general assistance recipients qualify for the targeted jobs tax credit. Why? Recipients of general assistance in Des Moines do not receive cash, they receive a voucher which allows them to purchase a certain fixed dollar amount of food, clothing, rent, and so forth. This voucher is presented to a vendor which returns the voucher to the county for reimbursement.

Both the statute and the House committee report that general assistance payments be money payments to individuals based on need.

When the targeted jobs tax credit was first introduced in 1978, Congress tried for the first time to define general assistance recipient.

Congress was fearful that including vouchers as an acceptable form of general assistance payment might lead to abuse, since some vouchers are not issued on the basis of need. For instance, emergency heating assistance vouchers and emergency vouchers for flood damage are granted in many jurisdictions without respect to need.

My amendment will require that need be a criteria in the receipt of general assistance before an employee may be certified. My amendment merely broadens the definition of what is an eligible payment to include vouchers and scrip. This minor change should improve the effectivness of this important program for my State and many States throughout the United States. I ask all of my colleagues to join me in supporting this change.

By Mr. PACKWOOD (for himself, Mr. STEVENS, and Mr. GORTON):

S. 2450. A bill to authorize funds for the Magnuson Fishery Conservation and Management Act for fiscal years 1983, 1984, and 1985 to improve conservation and management of our Nation's fisheries, and for other purposes; to the Committee on Commerce, Science, and Transportation.

CONSERVATION AND MANAGEMENT OF NATIONAL FISHERIES

● Mr. PACKWOOD. Mr. President, I am pleased to introduce today, on behalf of myself and Senators GORTON and STEVENS, a bill to amend the Magnuson Fishery Conservation and Management Act.

Since its passage in 1976 the act has provided the framework within which we have conserved, managed, and developed the fishery resources off our shores. The act created the 200-mile fishery zone which gives the U.S. fishing industry first rights to all fishery resources within the zone.

The act also sets out in Federal policy a recognition of the economic and social importance of commercial and recreational fishing to the Nation. The act commits the Federal Government to a course designed to maximize the benefits U.S. citizens receive from our marine resources.

It is my opinion that the act, despite all the criticism it has received, has worked very well in fulfilling the difficult mandate of providing for simultaneous conservation and development of these resources. It has benefited the national economy by providing a stable framework for the growth and modernization of the American fishing industry.

There is no doubt that the U.S. industry will eventually replace virtually all foreign fishing in our 200-mile zone. It is my opinion that this will happen in the not too distant future. And it will happen not due to governmental intervention, but through the willingness of American industry to take the risks necessary to "Americanize" the fisheries in the 200-mile zone. Government has a role to play; we must create a favorable business climate. But we can only encourage, we cannot direct.

Beyond all the questions about economic development, however, is the more basic fact that the FCMA is based on biology. Biological considerations must remain the foundation of the management process if we are to maintain stable, productive fisheries. This is a fact which I have tried to keep in mind during the process of drafting the amendments I am now introducing. Science and economic development are inextricably tied, despite the fact that they often seem at odds.

As for the amendments themselves, they are designed to make what I feel are necessary adjustments in the original management procedure. As I said the act has proven itself quite sound. But there are always difficulties which appear that could not have been foreseen. With the benefit of experience a set of amendments has been drafted which seeks to accomplish the following:

First. Streamline the process by which fishery management plans are approved at the secretarial level.

Second. Eliminate extraneous paperwork requirements.

Third. Help to insure cooperation by foreign nations with the fulfillment of U.S. fishery policy goals.

Fourth. Insure that members of the regional fishery management councils are qualified, and to give the councils more authority in making decisions affecting the fisheries under their jurisdiction.

Fifth. Provide for proper public participation in the management process, as well as adequate Federal oversight and review.

Sixth. Speed the implementation of fishery management plans and regulations, especially in emergency cases.

Seventh. Provide necessary monitoring of foreign fishing activities within our 200-mile zone.

Hearings will be held on this issue on April 30, 1982. Testimony will be received from a wide variety of interested groups. It is my hope that a reasonable set of amendments can be arrived at by early this June, and that agreement with the House of Representatives can be reached by early summer. If this can be done, the revised procedures will be in place in time to see some limited use this year. This would provide a test period, as well as an opportunity for the councils to familiarize themselves with the changes.

Again, let me close by emphasizing the successes of the Magnuson Fishery Conservation and Management Act over the past 6 years. The concept and basic structure have proven themselves to be workable, and they should demonstrate even greater value as the growth of the American fishing industry continues.●

● Mr. GORTON. Mr. President, I am pleased today to join Senator PACKWOOD in sponsoring a bill to amend the Magnuson Fishery Conservation and Management Act.

The Magnuson Fishery Conservation and Management Act is unquestionably the single most important piece of fisheries legislation in our Nation's history. It established a comprehensive system of U.S. management of fisheries in an area of over 2 million square nautical miles, within which is found 15–20 percent of the world's traditionally harvested marine fishery resources. The act authorized the Feder-

al Government to conserve and manage fishery resources within the U.S. fishery conservation zone, which extends from the seaward boundaries of the territorial sea to 200 nautical miles from shore.

The act set up a system of regional councils to manage fisheries, in recognition of the fact that fish do not respect political boundaries. The councils have the principal responsibility for development of fishery management plans for resources within the fishery conservation zone adjacent to the States and territories comprising the council area. In addition, the act set rigid biological requirements, broadened management goals to include consideration of social and economic issues, set national standards against which management plans must be gaged, reserved certain resources exclusively for domestic use, and declared the right of the United States to enforce such measures. With respect to foreign fishing, the act limited foreign catch in the fishery conservation zone to that portion of the optimum yield that would not be harvested by U.S. vessels, in recognition of the continuing strength and importance of the domestic fisheries industry.

Several major changes have taken place in the act in the past several years since its enactment. First, a "fish and chips" policy was implemented with foreign nations, whereby trade concessions and/or technical assistance in fisheries development was made a significant factor in determining allocations. Second, the State Department, in cooperation with the National Marine Fisheries Service, instituted a policy of withholding directed fish allocations, and gradually releasing these allocations as foreign nations demonstrated their good-faith compliance with fish and chips agreements. Third, the American Fisheries Promotion Act was enacted to put greater teeth into the fish and chips concept, and to provide for full observer coverage on foreign vessels fishing in the fishery conservation zone, to be financed by fees paid in advance by foreign vessel owners. Each of these changes was specifically designed to strengthen and support the domestic fishing industry.

Yet fishermen and processors, council members and Federal officials, and all those who are intimately familiar with the day-to-day workings of the act have reported that there continue to be impediments to the smooth functioning of the act, and to fulfillment of the goals of the act. These problems include obstacles to timely plan development, review and approval, procedures for emergencies in fisheries resources, the efficient functioning of the regional councils, and the identification of continuing inadequacies in observer and enforcement efforts.

The bill which I join today in cosponsoring is designed to address these issues. Generally, the bill will:

First, streamline and expedite procedures for secretarial review and approval of proposed fishery management plans and regulations.

Second, clarify the procedures for public participation and notice in the formulation of fishery management plans.

Third, support the current practice of the State Department of reducing foreign directed fishing allocations for failure to comply with understandings or agreements which were significant factors in the determination of those allocations.

Fourth, accomplish numerous other procedural improvements which will aid in the smooth functioning of the act.

I believe that this bill represents a sound package of improvements to current fisheries management under the Magnuson Fishery Conservation and Management Act. A hearing on this bill will occur shortly, and the knowledgeable and experienced individuals who will be testifying at the hearing will undoubtedly suggest further improvements which can be incorporated in this bill. Ultimately, enactment of the legislation which emerges from this process should bring us closer to realization of the goals of the act—to promote, protect, and develop the resources of the U.S. fishery conservation zone.●

By Mr. STAFFORD (for himself and Mr. MOYNIHAN):

S. 2451. A bill to authorize appropriations for the Public Buildings Service of the General Services Administration for fiscal year 1983, and for other purposes; to the Committee on Environment and Public Works.

PUBLIC BUILDINGS AUTHORIZATIONS ACT OF 1982

● Mr. STAFFORD. Mr. President, as chairman of the Committee on Environment and Public Works, I am introducing today the Public Buildings Authorizations Act of 1982, which authorizes fiscal year 1983 appropriations for the Public Buildings Service of the General Services Administration. I am joined by the senior Senator from New York (Mr. MOYNIHAN), who has for 4 years joined with me in bipartisan efforts to reform and reorganize the trouble-plagued buildings program of the GSA.

Last year, the Senate passed by a vote of 93 to 0, S. 533, the Public Buildings Act of 1981, a bill which Senator MOYNIHAN and I cosponsored. One of the chief initiatives of that bill is an overhaul of the congressional authorization procedures for the public buildings program. In brief, S. 533 replaces piecemeal, ad hoc committee approvals of individual building projects with a systematic annual authorization process that improves oversight and brings the public buildings program into conformity with regular congressional authorization and budgetary procedures. I have a more detailed explanation for the change, extracted from the committee report on S. 533, and ask that it be printed at the conclusion of my remarks.

That initiative of S. 533 requires that we act each year on legislation such as that I am introducing today. And although the House of Representatives has not yet passed similar legislation, we are hopeful that there will be a conference on public buildings reform legislation this year. We are determined that the conference will produce legislation that includes a full congressional authorization of the entire annual public buildings program.

On February 16, the General Services Administration submitted to the Senate and House Public Works Committees its proposed public buildings program for fiscal year 1983 and its tentative program for the 4 succeeding years. The Committee on Environment and Public Works held a hearing on the fiscal year 1983 program on March 26, and our staff has had extensive meetings with officials of the Public Buildings Service to discuss the particulars of the budget and of individual proposed projects.

The bill introduced today is the product of those discussions, but it is far from a finished product. We have made some changes in the program proposed by the GSA in February. Some of the changes reflect tentative judgments Senator MOYNIHAN and I have made about which projects or budget items should be contained in the fiscal year 1983 authorization. Other changes have been made because we have not yet been provided with the information necessary to make a reasoned judgment.

The Committee on Environment and Public Works will, of course, mark up the bill before the May 15 budget deadline. I urge my colleagues to contact me or the committee staff as soon as possible with any comments or suggestions.

I request unanimous consent that the bill and an accompanying explanation be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2451

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Public Buildings Authorizations Act of 1982".

SEC. 2. (a) No appropriation, including any appropriation from the fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of

1949, shall be made by the Congress or obligated by the Administrator to carry out the purposes of this Act, unless it has been authorized by the Congress in accordance with this Act.

(b) Beginning in fiscal year 1984, no public building construction, renovation, alteration, repair or acquisition shall be commenced unless an appropriation has first been made in the same fiscal year for which such appropriation is authorized and for the estimated cost of completion of such construction, renovation, alteration, repair or acquisition. Beginning in fiscal year 1984, no lease shall be entered into unless the authority to enter into contracts has first been made for the maximum cost of such lease over its entire term in such amounts as are specified in annual appropriations Acts and in the fiscal year for which such lease is authorized.

AUTHORIZATIONS FOR APPROPRIATIONS

SEC. 3. (a) There is hereby authorized to be appropriated for fiscal year 1983 not to exceed in the aggregate, the amount of $1,956,872,000 from the fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended, for the real property management and related activities of the Public Buildings Service of which:

(1) Not to exceed $55,303,000 shall be available for fiscal year 1983 as follows:

(A) For construction of a major public building (including funds for site and expenses) at the following location and maximum construction cost:

Alabama, Birmingham, courthouse	$29,591,000

(B) $1,000,000 for construction of minor public buildings of less than ten thousand gross square feet of space;

(C) $22,212,000 for purchase of sites and buildings at the following locations and maximum acquisition costs:

Iowa, Sioux City, post office—courthouse	$1,367,000
Tennessee, Greenville, post office—courthouse	331,000
Texas, Dallas, 555 Griffin Square Building	7,200,000
Virginia, Norfolk, post office—courthouse	6,400,000
Other selected purchases including options to purchase	6,914,000

(D) $3,500,000 for preliminary design of a public building at the following location:

District of Columbia, Federal Triangle	$3,500,000

(2) Not to exceed $217,470,000 shall be available for fiscal year 1983 as follows:

(A) For major renovations and repairs of public buildings at the following locations and at the following maximum project costs:

Alaska, Anchorage, federal building—courthouse	$6,968,000
Arizona, Phoenix, federal building—courthouse	1,724,000
Arkansas, Little Rock, post office—courthouse	1,570,000
California, San Diego, federal building—courthouse	2,998,000
Colorado, Denver, Federal building—courthouse	2,404,000
Colorado, Denver, Federal Center building #20	10,087,000
District of Columbia, Archives	2,696,000
District of Columbia, Auditors	656,000
District of Columbia, Interior	602,000
District of Columbia, Liberty Loan	4,460,000
District of Columbia, Pension Building	1,750,000
Florida, Miami, post office—courthouse	1,400,000
Georgia, Atlanta, Court of Appeals	7,702,000
Indiana, Lafayette, post office—courthouse	1,300,000
Indiana, South Bend, post office—courthouse	5,511,000
Maryland, Baltimore, Middle River	2,864,000
Maryland, Suitland, Oceanographic	4,140,000
Michigan, Detroit, federal building—courthouse	2,849,000
Missouri, St. Louis, building #110	6,113,000
New Jersey, Bayonne, Archives and records	1,905,000
North Carolina, Asheville, Grove Arcade	550,000
Ohio, Cincinnati, post office—courthouse	2,636,000
Oregon, Portland, courthouse (New)	2,999,000
Texas, Dallas, Terminal Annex	7,997,000
Utah, Ogden, Internal Revenue Service	2,779,000
Virginia, Alexandria, Hybla Valley	1,627,000
Virginia, Alexandria, post office—courthouse	1,550,000
Virginia, Norfolk, post office—courthouse	6,094,000
Washington, Seattle, courthouse	1,623,000
Washington, Yakima, federal building—post office	1,338,000

(B) $110,578,000 for minor renovations and repairs of public buildings at project costs of less than $1,000,000;

(C) $0 for major alterations of leased buildings;

(D) $8,000,000 for alterations of leased buildings, the maximum cost for a single building being less than $250,000; and

(3) Not to exceed $762,100,000 shall be available for fiscal year 1983 as follows:

(A) $36,361,000 to enter into contracts for new lease agreements and lease renewals; and

(B) $725,739,000 for payments in fiscal year 1983 on leases entered into prior to fiscal year 1983.

(4) Not to exceed $666,237,000 shall be available for fiscal year 1983 for real property operations.

(5) Not to exceed $95,791,000 shall be available for fiscal year 1983 for program direction.

(6) Not to exceed $159,971,000 shall be available for fiscal year 1983 for payment of principal, interest, taxes, and any other obligation for public buildings acquired by purchase contract.

(b) Funds appropriated under paragraphs (a)(1), (a)(2), and (a)(3) of this section shall remain available for obligation and expenditure without regard to fiscal year limitations: Provided, That construction, renovation, alteration, repair or acquisition has been commenced, or lease entered into, pursuant to section 2(b) of this Act.

(c) Ten percentum of the funds made available to the Public Buildings Service for renovation, alteration, and repair of public buildings and leased buildings and for execution of lease renewals, pursuant to paragraphs (a)(2) and (a)(3) of this section shall be available for repair or alteration projects and leases, respectively, not otherwise authorized by this Act, if the Administrator certifies that the space to be repaired, altered, or leased resulted from emergency building conditions or changing or additional programs of Federal agencies. Funds for such projects may not be obligated until thirty days after the submission by the Administrator of an explanatory statement to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives. The explanatory statement shall, among other things, include a statement of the reasons why such project or lease cannot be deferred for authorization in the next succeeding fiscal year.

SEC. 4. (a) When the cost of a project exceeds the estimated maximum cost authorized under section 3 of this Act, the Administrator is authorized to either (A) increase expenditures by an amount equal to the percentage increase in the cost of the project, or (B) decrease the number of gross square feet to be constructed in the project. In no event shall the total increase in expenditures authorized by clause (A) of this paragraph exceed 10 per centum of the estimated maximum cost of the project. In no event shall the total decrease in square feet authorized under clause (B) of this paragraph exceed more than 10 per centum of the gross square feet stated in the approved authorization.

(b) If the Administrator determines that the cost of a project exceeds the estimated maximum cost authorized under section 3 of this Act to such an extent that action under subsection (a) of this section is not sufficient to meet such excess cost, the Administrator shall report to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives concerning the project. Such report shall include recommendations by the Administrator as to appropriate action to enable the continuance of the project. The Administrator may not take any action to continue the project, other than the action authorized by subsection (a) of this section, unless such action has been authorized by the Congress.

SECTION 802—LIMITATIONS OF AUTHORIZATIONS AND APPROPRIATIONS

SUMMARY

Section 802(a) states that no appropriation shall be made by the Congress or obligated by the administrator to carry out the purposes of this act, unless it has been authorized by the Congress in an annual authorization bill.

Subsection (b) prohibits GSA from commencing any construction, renovation, or acquisition project unless an appropriation has first been made for the estimated cost of completion in the fiscal year for which such appropriation is authorized. No lease may be entered into unless an appropriation first has been made for the maximum cost of such lease over its entire term in the fiscal year for which such an appropriation is authorized.

DISCUSSION

This section, and the actual annual authorization for fiscal year 1982 contained in section 803 immediately following, mark the bill's most significant departure from existing practices in the public buildings program. This revision in the public building program's authorization process was the primary area of disagreement between conferees of the Senate and the House on S. 2080, the predecessor legislation to S. 533. The committee, therefore, believes a detailed ex-

planation of the reasons for this reform is in order.

As the attached tables show, the prospectuses that are approved in any given year generally represent nearly all of the year's funded new construction but:

—only about one-half of the repair and alteration budget;

—only about one-tenth of the leasing budget (and only about thirty percent of the total outstanding leasing obligation);

—none of the building operations budget (including such things as cleaning and protection);

—none of the administrative budget (including central planning, energy research etc.).

As the Public Works committees necessarily concentrate their attention on their statutorily-mandated responsibility to review prospectuses, they therefore overlook most of the PBS program. The committees are diverted from overseeing PBS policy-making and operations, and even from monitoring approved prospectus projects. GSA, for its part, seems to regard matters not requiring prospectus approval as none of the committees' business, as can be seen from GSA's failure to inform the committees of even major policy changes. When responding to inquiries about specific space needs, GSA often says it will let the committee know "if a prospectus is required." The clear implication is that, if a prospectus is not required, GSA will respond no further.

Prospectuses are submitted by GSA throughout the year and are approved by the committees throughout the year. Prospectuses are sometimes approved by one or both committees years after their submission; alternatively, some are approved only days or hours after their receipt by the committees. Either eventuality makes it impossible for GSA to compile a predictable timetable for the public buildings program. Committee review and approval in these cases either cause interminable and costly project delays, on the one hand, or create the appearance of unseemly haste in judgment on the other hand.

Piecemeal submission, consideration, and approval of prospectuses preclude priority-setting by either GSA or the committees. Each prospectus submitted and approved appears to carry the same degree of urgency. There is little or no opportunity for analytically comparing prospectuses with respect, for example, to cost per square foot, or square feet per employee, or to compare the factors—such as employee crowding, age of existing building, etc.—which might be cited as justification for initiating projects. The sheer volume of prospectuses makes it impossible to give in-depth reviews to all, and yet, without an opportunity to compare all at once, it is nearly impossible to single out those which should undergo relatively more scrutiny.

Piecemeal approvals, and the fact that prospectuses once authorized are authorized forever, give the committees no incentive to keep their authorizations within realistic budget limits. A prospectus can be fully approved and lie dormant for years before it garners an appropriation. Since prospectuses carry no fiscal year authorization, the committees in any given year can approve many times the amount of funds expected to be available in the next fiscal year. It is indicative of this situation that the committees do not keep running totals on the dollar amounts of projects they approve. The attached charts illustrate that the committees' approvals in new construction and repair-and-alteration projects do not jibe with either the Administration budget requests for those categories or with Congressional appropriations.

The timing of repair-and-alteration prospectus approvals is so unpredictable that, for the past two years, GSA made a conscious decision to base its R & A budget request solely on projects that were already approved by the time when the budget had to be submitted to Congress. The appropriations committees do not know, until the day they go to final markup on the Treasury-General Government appropriation bill, what projects will win the approval of both Public Works committees and so be in competition for the limited public buildings funds.

It is in the nature of some prospectuses that the committees have little real alternative but to approve. Lease renewals, for example, present the committees with the Hobson's choice either to approve—or to disapprove and so evict Federal agencies from space already occupied without providing alternative space. Serious questioning of prospectuses proposing repair of a roof or upgrading of mechanical systems places the committees in the position of second-guessing, from Washington, determinations made by GSA technical personnel in the field.

Even in the small part of the leasing operation controlled by prospectuses, the committees' approvals have small bearing on the eventual outcome of each lease. GSA leases carry escalator clauses that automatically increase the rent to match consumer price index and real estate tax increases. Prospectuses typically carry the notation that their approval authorizes GSA to decide whether or not to exercise renewal options (without further committee review) five, ten or more years in the future. GSA alters leased buildings, and frequently increases the amount of space rented under the lease (and concomitantly, of course, increases its rental payment) without committee approval.

Repair and alteration prospectus approvals are even less meaningful. Except for major renovations, such as the Old Post Office in Washington and the Custom House in Manhattan, which are carried out promptly and in close conformity to what is set out in the prospectus, R&A projects drag on for years and end up bearing little resemblance to the projects described in the prospectus.

As of September 30, 1979, GSA reported there were 112 approved R. & A. prospectus projects that had not been completed. Only one project approved since 1975 had been completed; 28, or 25 percent of the total, were approved in the years 1970 through 1975; 10, or 9 percent, were approved from 1961 through 1969. In that span of time, inflation alone had so eroded prospectus authorizations that only a portion of the activities described in original prospectuses could be carried out. Moreover, PBS officials admit that as buildings' conditions change, or as new needs (such as enhanced fire safety and handicapped features) are identified the committees' approvals are freely interpreted and PBS carries out whatever work it deems necessary, regardless of what the prospectus may originally have proposed.

The 112 projects cited above carried total authorizations of over $746 million. Through fiscal year 1979, only $450 million of that total had actually been spent. GSA estimated that a backlog of about $228 million from these authorizations was still on the books on October 1, 1980.

In other words, GSA regards R. & A. prospectus approvals as general authorizations to respond to changing repair and maintenance needs. This is not an unreasonable position; it is, in fact, the way an annual authorization would explicitly allow GSA to manage its building maintenance program.

The only effective way to exert Congressional control, and to impose Congressional priorities on the public buildings program is through an authorization that comprehends the entire PBS budget. This is the only way, for instance, to force a gradual decrease in all leasing expenditures and a concomitant increase in construction funding.

Any effective authorization process must require that all projects and expenditures for a succeeding fiscal year be submitted at one time and that they be reviewed, amended as necessary, and approved at one time. It is only in this manner that proposed projects and expenditure levels can properly be compared with each other and evaluated. This also encourages accurate Congressional accounting of total authorizations for any given year. Furthermore, the authorization procedures established in S. 533 would authorize major projects only for one fiscal year. Projects unfunded in that year would have to be re-authorized. There would be no backlogs of unfunded projects which could be used, as old R. & A. approvals currently are used, to rationalize current budget requests and appropriations. As a result, Congress would have tighter control of the amount and allotment of annual PBS expenditures and the authorizing committees would have greater influence in a corresponding manner over the amount and allotment of PBS appropriations.

An authorization bill must be reported to the floor of both Houses by May 15; this would be the established deadline for the authorizing committees to complete their comparative reviews of projects and budget allocations. This deadline assures that authorizations for the public buildings program are coordinated within the Congressional budget system; it also means that the bills reported out of the committees are the basis for any floor action. Any member challenging the committees' figures, or project authorizations, would have to assure that his or her proposed changes would not violate budget ceilings and result in authorized PBS expenditures in excess of budgeted amounts. Members attempting, during floor action, to add their own projects would be challenged to name those projects or expenditures they would cut to make room in the budget for their proposals.

Specific, line-item authorizations of major construction and renovation projects would be included in authorization bills by the committees, under the scheme established in S. 533. These authorizations would not have to follow the recommendations submitted by the GSA; congressional priorities would hold sway. However, as a matter of course, GSA would doubtless consult in detail with the Congress before formally submitting its annual plans, and indeed even before submitting for review its proposed budget for advanced planning.

PROSPECTUS AUTHORIZATIONS COMPARED TO PUBLIC BUILDINGS SERVICE BUDGET

	Prospectus approved by Environment and Public Works	Administration budget request	Appropriation (including supplementals)
1977:			
Leasing	$50,533,734	$473,200,000	$473,200,000
R. & A	218,061,345	60,700,000	110,700,000
Construct	53,602,000	28,100,000	32,800,000
Total	322,197,079		[1] 1,185,155,000
1978:			
Leasing	100,608,345	489,000,000	487,000,000
R. & A	40,054,860	204,731,000	200,000,000
Construct	226,893,000	17,354,000	69,700,000
Total	367,556,214		[1] 1,332,838,000

[1] Total PBS appropriation.

	Prospectuses submitted by GSA	Administration budget request
1981: Leasing	$64,306,274	$680,000,000

PROPORTION OF ANNUAL REPAIR-AND-ALTERATION BUDGET ACCOUNTED FOR BY PROSPECTUS AUTHORIZATIONS

	Total R. & A. appropriations	Over $500,000		Under $500,000
		Dollars	Percent	
Fiscal year:				
1977	$110,700,000	$52,748,000	48	$57,952,000
1978	200,000,000	119,237,000	60	80,763,000
1979	200,000,000	99,283,000	50	100,717,000
1980	155,024,000	49,953,000	32	105,071,000
1981	180,000,000	79,099,000	44	100,901,000

Prospectus authorizations as a percentage of the PBS annual budget

Fiscal year 1977:	
Lease prospectuses approved	$50,533,734
R. & A. prospectus project funding	52,748,000
New construction funding	32,800,000
Total	136,081,734
(Total equals 11.4 percent of total appropriation.)	
Fiscal year 1977 appropriation	1,185,155,000
Fiscal year 1978:	
Lease prospectuses approved	100,608,354
R. & A. prospectus project funding	119,237,000
New construction funding	69,700,000
Total	289,545,354
(Total equals 21.7 percent of total appropriation.)	
Fiscal year 1978 appropriation	1,332,838,000

Section 802(a) includes the restriction that no appropriation shall be made by the Congress unless it has been authorized by the Congress in accordance with this title. This binding restriction by the Congress upon itself is similar to the provision contained in the Public Buildings Act of 1959, which is elsewhere repealed by this act. In addition, the subsection adds the further restriction that no appropriation shall be obligated by GSA unless it has been authorized by the Congress (a practice now honored by the agency on projects requiring prospectus approval).

Subsection (b) states that no public building construction, renovation, repair or acquisition project shall be commenced unless an appropriation has first been made for the estimated cost of completion of such project in the fiscal year for which such appropriation is authorized. It further provides that no lease shall be entered into unless an appropriation has first been made for the maximum cost of such lease over its entire term in the fiscal year for which such an appropriation is authorized.

This subsection contains two very important provisions. First, it requires that budget authority must be made for the total cost of completion of any construction, renovation, repair, or acquisition in the first year of work on it. Before a lease may be entered into by GSA, it must have an appropriation sufficient to cover the total estimated cost of the lease over its entire term.

This provision is consistent with the "full funding" concept of budgeting. Funds for all "out-year" obligations or outlays must be provided in appropriations in the first year as well as those funds expected to be required for obligation in the first year. Partial-year funding is not permitted.

This policy is consistent with the present practice for construction projects. Appropriations are made for the total estimated cost of completion before the work begins, even though obligations and outlays may extend over three to five or more years. However, at present, annual appropriations for renovations, repairs and leases reflect only the expected obligational level for the year for which the appropriation is made. The Committee believes that the practice followed in construction should apply as well to renovation, repair, and leasing.

The failure to reflect the extent of the GSA commitment now understates by a factor of ten the impact on budget authority of the GSA leasing commitment. The Committee has found, for example, that the unaccounted obligation which will be required to liquidate existing GSA leases presently exceeds $2.4 billion and may exceed $4 billion by the end of fiscal year 1981.

The agency expects to renew or replace leases in fiscal year 1981 on 14.4 million square feet of its 102.4 million square feet of leased space. The President's budget for fiscal year 1981 included only $72 million to represent this obligation which, upon inquiry, the agency estimates will cost the government $668.2 million over the full terms of the renewed or replaced leases. That nearly $600 million omission is not only "off budget"—that is, accounted for elsewhere—it is altogether unreported.

Under present accounting procedures, each year's new authority to lease is used by GSA to enter into leases of from one to twenty years, with only the current year's obligation counted against that authority. This omission of lease commitments for all future years, from both the Executive Branch and Congressional budgets, grossly understates leasing costs. It skews decisions away from construction and acquisition, and introduces a bias if favor of constantly escalating lease commitments.

The second major provision of this subsection is to require that appropriations be made for the year in which they are authorized. The present system of project approvals or authorization is ad hoc and unrelated to any coherent Federal policy on buildings. When a propectus is delivered to the Committee, it is often not tied to any funding schedule. The system tends to create a backlog of projects with little hope of funding.

The Committee bill provides an annual program and policy review, as well as for later project oversight. The Committee expects to review annually the proposed program of GSA—based upon the annual report submitted to the Congress pursuant to section 801 of this title—and report legislation to the full Senate authorizing appropriations for the coming fiscal year. Each such authorization bill will contain a program—that is, authorizations for appropriations—for one fiscal year. These authorizations are limited in duration. In this respect, the annual authorization bill is for an annual national buildings program, not for a series of independent or unrelated "projects". Work not funded by appropriation in the same year for which it is authorized would lapse, requiring reauthorization in a later year's annual program authorization bill.●

By Mr. DURENBERGER (for himself, Mr. LEAHY, Mr. BIDEN, Mr. HUDDLESTON, and Mr. MOYNIHAN):

S. 2452. A bill to provide certain standards for the application of the Freedom of Information Act exemption for classified information; to the Committee on the Judiciary.

FREEDOM OF INFORMATION PROTECTION ACT OF 1982

● Mr. DURENBERGER. Mr. President, I am introducing the Freedom of Information Protection Act of 1982 in order to protect the Freedom of Information Act from the sort of damage that only faceless bureaucrats can inflict. I never thought I would have to do this with Ronald Reagan as President. But sometimes the bureaucracy wins one, and then it is up to Congress to keep big government off the back of the American people.

The problem in this case is Executive Order 12356 on National Security Information, which was signed on April 2. This is an order that only a bureaucrat could write. It was drafted by security bureaucrats, who think only of how to keep everything secret, and legal bureaucrats who think only of how to get away with filing fewer affidavits.

Nobody gave much thought to the public's right to know what big government is doing. Nobody worried about maintaining public support for the governmental secrecy system, which is essential if we are ever to stem the flow of leaks that is the real security problem. Nobody thought to buttress public support for judges who have almost always followed the Government to withhold information that it says should be kept secret.

Ed Meese, the Counselor to the President, was right when he described the draft executive order as "the fault of an overzealous bureaucracy trying to have its own way." Alas, the bureaucracy got its way. It got an order that will increase secrecy far beyond what experience has taught us

is needed to protect the security of our country, even though that is not the administration's intent. Unless we act, the new order will also substitute callous routine for the reasoned decision process that is so essential to FOIA cases involving classified information.

The Freedom of Information Protection Act will make sure that information withheld from FOIA petitioners under the exemption for classified information meets two tests that used to apply to all classification decisions: That it be information the disclosure of which could reasonably be expected to cause "identifiable damage" to national security; and that the agency withholding the information first consider the public interest in disclosure. it also will put into legislation, explicitly and for the first time, limits on judicial review of the "balancing test" between the public interest in disclosure and the need to protect information.

Neither the identifiable damage standard nor the balancing test changes the types of information that the Government can keep secret. Rather, they will maintain the current system that requires decisionmakers to think about each individual case instead of using broad rules of thumb.

The limit on judicial review of the balancing test will prevent judges from second-guessing the agency determination that the need to protect information does outweigh the public interest in disclosure. Government lawyers had feared such judicial meddling. This was their major reason for removing the balancing test from the Executive order. My bill will solve that problem so that we can maintain the balancing test.

Mr. President, the Freedom of Information Act is especially worth defending from the ravages of the new Executive order. FOIA is where the journalist and the historian turn when they seek particular information so as to inform the public. FOIA is where parents and widows turn when someone has died in the line of duty and they want to know why. FOIA and the Privacy Act are what the concerned citizen uses to find out whether the Government has been watching him. In protecting FOIA, we are protecting the most basic element of open government.

By protecting the Freedom of Information Act, we also send a signal that moderation and thoughtfulness are the keys to effective security. Past Executive orders have been clearly based on that premise. Executive Order 12065 contained the identifiable damage standard and the balancing test, as well as automatic declassification for most information. Executive Order 11652, which applied during the Nixon and Ford administrations, began as follows:

The interests of the United States and its citizens are best served by making information regarding the affairs of Government readily available to the public. This concept of an informed citizenry is reflected in the Freedom of Information Act and in the current public information policies of the executive branch.

Section 4 of that order added:

Each person possessing classifying authority shall be held accountable for the propriety of the classifications attributed to him. Both unnecessary classification and overclassification shall be avoided.

Section 13 called for administrative reprimands and corrective action in the event of unnecessary classification or overclassification. The Nixon and Ford order also had automatic declassification, with significantly fewer exceptions than under the Carter order.

Thus the two previous orders both sent the bureaucracy a message that the goal was openness. Even as the Government keeps information secret, it must minimize that secrecy—both to insure an informed citizenry and to maintain public acceptance of secrecy where it is needed.

The new order sends the opposite message. It tells bureaucrats to be rigid. It allows them to ignore the public interest in disclosure. In the end, it can only undermine public confidence in the secrecy system these bureaucrats are running.

I am sure that President Reagan understands the need for openness. Certainly he understands the need to maintain public confidence, an art in which his skills are truly unsurpassed.

My bill will help the President in the battle against big government bureaucrats. It will prevent excessive secrecy from undermining the Freedom of Information Act. It will relieve the Government of the fear of judicial meddling when Government officials take the time to consider the public interest in disclosure. It will tell the bureaucrats—and reassure the public—that their Government will withhold information only after careful thought. This can only benefit us all.

Mr. President, I ask unanimous consent to insert in the RECORD at this point an analysis of the Freedom of Information Protection Act of 1982 and two editorials on the recent Executive order, as well as my bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ANALYSIS OF THE FREEDOM OF INFORMATION PROTECTION ACT OF 1982

This bill amends the Freedom of Information Act (5 U.S.C. 552) in two ways. Section 3 amends the (b)(1) exemption for classified information to require that the information meet both the "identifiable damage to national security" standard and the "balancing test" that the need to protect the information outweighs the public interest in disclosure. Section 2 amends the (a)(4)(B) language on *de novo* review to limit the district courts' review of the "balancing test" to ascertaining that the test was in fact made.

SECTION 3

The beginning of this section and subparagraph (A) repeat the language of the current (b)(1) exemption. Subparagraphs (B) and (C) are new requirements.

SUBPARAGRAPH (B)

Subparagraph (B) adds the "identifiable damage to national security" standard that was deleted in subsections 1.1(a)(3) and 1.3(b) of the new Executive Order on National Security Information.

The Executive Branch fears that "identifiable damage" might be interpreted by judges as a higher standard than mere "damage to the national security." The cases cited by Executive Branch officials, however, make no mention of such interpretations. The only judicial mention of the difference between "damage" and "identifiable damage" is in *Baez* v. *U.S. Department of Justice*, where Circuit Judge Wilkey stated that "that difference is not substantial."

The practical effect of this amendment will not be to require a higher standard in FOIA declassification decisions, but rather to require a more thoughtful approach to such decisions. To put it simply, it will force people to think before they refuse to declassify information pursuant to FOIA requests.

SUBPARAGRAPH (C)

Subparagraph (C) adds the requirement that decision-makers in FOIA cases involving classified information determine that "the need to protect the information outweighs the public interest in disclosure." This language is taken from the statement of declassification policy that was deleted in the new Executive Order. The determination is commonly known as the "balancing test."

This provision simply says that in a free society, the right of the individual to know about the activities of his or her government must be considered before the government uses classification to withhold information in FOIA cases. Executive Order 12065 required that "a senior agency official" make any "balancing test" decisions and left it to the agencies to decide which cases should be referred to such a senior official. The CIA, for example, issued a Regulation that set forth six categories of information that should be forwarded to a higher official. Each piece of information was reviewed, therefore, to see whether it fell within the six categories. The effect of subparagraph (C) will be to maintain a system of this sort for FOIA cases.

SECTION 2

This section amends subparagraph (a)(4)(B) of the Freedom of Information Act, which provides for *de novo* review by the United States district courts when a person sues to enjoin an agency from withholding material that is the subject of an FOIA request.

Paragraph (2) of this section limits judicial review of the "balancing test" to "ascertaining whether the agency withholding such records made the determination that the records are matters described in" section 3, subparagraph (C). The effect of this amendment is to allow judges to ask whether the "balancing test" was made, but not to question the result of that balancing. This amendment disposes of a significant Executive Branch concern, that judges might second-guess the balancing performed by agencies. It was that concern that led the Executive Branch to delete the "balancing test" from the Executive Order.

[From the Washington Post, Apr. 7, 1982]

TOO MUCH SECRECY

President Reagan's new executive order on classifying national security information is good news for people in the rubber stamp and ink business. It is bad news for people who believe that the flow of information is essential to the health of a democracy. Mr. Reagan has in effect reversed a 25-year presumption that the public interest lies in maximum disclosure. His order shifts the presumption a long way toward secrecy. This is truly regrettable, not least because the president's counselor, Edwin Meese III, had assured anxious critics that the restrictive early drafts were the handiwork of "overzealous bureaucrats."

The final draft, published a few days ago, does show a few welcome second thoughts. It restores the requirement of the Jimmy Carter order to mark the portions of documents meant to be kept secret. It restores, too, the Carter prohibition against classifying basic scientific research not clearly related to national security. It drops a proposal to create a new classification of peripheral "restricted" information—this could have forced universities that won't do classified work out of certain types of research they conduct now.

In its main components, however, the Reagan order is bad. It eliminates the need for an official opposing declassification to identify the damage he claims would be done by disclosure—a unanimous Senate Intelligence Committee opposed this change. It wipes out the requirement that, in disclosure decisions, the government balance benefit against harm. It lets the government reclassify information sought under the Freedom of Information Act, even after the information has been released. It instructs classifiers, when in doubt, to apply the higher rather than the lower level of secrecy.

Mr. Reagan believes his order strikes a "proper balance" between secrecy and disclosure. Few in Congress appear to agree, and some are already planning to do something about it. Up to this point, it has been left to the president to decide what is secret and what is not. The Freedom of Information Act, for instance, defers to the president in the national security area. Now Sen. David F. Durenberger (R-Minn.), a member of the Intelligence Committee, says he will introduce legislation to remove the FOIA from exclusive presidential hands. Mr. Durenberger is no firebrand. He simply believes the president has gone too far. He is right.

[From the Minneapolis Star and Tribune, Apr. 14, 1982]

SECRECY AND THE AMERICAN WAY

President Reagan's new executive order on national security information seems designed to coax bureaucrats into stamping government documents "top secret" almost at whim. Since the Reagan revamp, government officials can classify any information whenever that action can be justified in the name of "national security considerations." That excuse has been used too often to be credible. It sabotages the American tradition of openness in government.

But the damage is done. Under the pretext of striking a "proper balance" between secrecy and disclosure, the recent order obliterates a long-standing presumption of openness—and the fundamental democratic concept of the public's right to know about the workings of government. It removes officials' obligation to weigh benefits and harms. And it scraps the Carter-era protection against excessive classification—the "identifiable damage" standard that once required opponents of declassification to prove their claims. The new rule directs bureaucrats to classify documents as secret whenever in doubt; any vague concern will suffice.

The Freedom of Information Act ensures public access to government files but exempts classified national defense records, trade secrets and internal personnel files in the classification rush, the act—and the public—will be the losers. "Top secret" stamps will appear on embarrassing documents as well as on those whose disclosure would jeopardize national security. And the troubling fact is that such political maneuvers appear to be legal: The president may circumvent the FOIA at any time by invoking "national security."

Surely the government must guard some information to protect the nation. But this administration appears to hope for more than that. It defends its campaign for closed government by complaining about the "high stakes" and "chilling effects" of disclosure, never really showing whom an attitude of openness hurts—or how. It ignores the fact that the federal government has always had power to prevent disclosures that would threaten national security.

In the past, the presumption of openness has snared bunglers and forced a healthy scrutiny of government. That's the point. The needless limitation of citizen access to information weakens, rather than strengthens, security. By its nature, secrecy invites corruption.

Minnesota's Sen. David Durenberger, a member of the Intelligence Committee, understands this. He plans to introduce legislation to remove the endangered Freedom of Information Act from presidential intrusion. His plan is wise. Open government is what democracy is all about.

S. 2452

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Freedom of Information Protection Act of 1982".

SEC. 2. Subparagraph (B) of section 552 (a) (4) of title 5, United States Code, is amended—

(1) by inserting in the second sentence after "court shall" a comma and "except as provided in the third sentence of this subparagraph,"; and

(2) by adding at the end thereof the following new sentence: "In the case of agency records withheld under the exemption set forth in paragraph (1) of subsection (b), the court determination with respect to subparagraph (C) of such paragraph shall be limited to ascertaining whether the agency withholding such records made the determination that the records are matters described in such subparagraph.".

SEC. 3. Paragraph (1) of section 552 (b) of title 5, United States Code, is amended to read as follows:

"(1) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and are—

"(A) in fact properly classified pursuant to such Executive order,

"(B) matters the disclosure of which could reasonably be expected to cause identifiable damage to national security, and

"(C) matters in which the need to protect the information outweighs the public interest in disclosure.".●

● Mr. LEAHY. Mr. President, the balance between the needs of national security and the public's need to know has always been a delicate one. The Freedom of Information Act established a presumption in favor of access, constrained only by a series of narrowly drawn exemptions, where the need to keep Government information secret clearly outweighed the public's right to know.

President Reagan's new executive order on classifying national security information has the effect of reversing that presumption. In doing so, it does more than just to create the risk that zealous officials will overclassify. FOIA has only worked because the burden on an agency to justify a decision in favor of secrecy puts a mammoth government and its citizens on an equal footing. Shifting the burden to the public will have the inevitable effect of upsetting that balance and giving Government its natural advantages in the fight for access: size and resources.

Congress now has the opportunity, and I believe the strongest duty, to restore the FOIA exemption for national defense and foreign policy matters to its former meaning and to maintain the presumption of openness. And yet, building on more than 15 years of experience with the act, we can make those changes in a way that perpetuates and indeed strengthens the protection required for documents that clearly and legitimately require classification on security grounds.

Senator DURENBERGER and I are proposing an amendment to the Freedom of Information Act that would require an agency to find that national security documents withheld could reasonably be expected to cause indentifiable damage to national security. This amendment restores the identifiable damage test contained in Executive Order No. 12065 for FOIA declassification decisions.

Second, our proposal would make explicit the kind of balancing test that has always characterized critical agency decisions under FOIA. Our bill would exempt national security matters in which the need to protect the information outweighs the public interest in disclosure. Courts reviewing agency compliance with the balancing test requirement would not be able to substitute their judgment for that of the decisionmaker but would be limited to ascertaining that the test was in fact made. This should clearly answer the criticism of those who fear that judges will impose unreasonably high standards of specificity and thereby harm national security.

I always hesitate to urge my colleagues to codify commonsense, as this

bill admittedly does. But the President's Executive order has made this proposal necessary. Statutes like the Freedom of Information Act work best when they enjoy the goodwill of the administration and the agencies charged with their implementation. In the absence of evidence that the presumption of openness will be held high as a standard, the present bill becomes crucial.

I want to offer my personal thanks to Senator DURENBERGER, whose role on the Intelligence Committee has been vital and whose perceptions about the balance between the needs of security on the one hand and the public right to know on the other have been an example of all of us.●

● Mr. HUDDLESTON. Mr. President, I am cosponsoring the Freedom of Information Protection Act of 1982 introduced today by Senator DURENBERGER, my colleague on the Select Committee on Intelligence. This bill is necessary to reduce the serious danger of overclassification and excessive secrecy in Government created by Executive Order 12356 on National Security Information issued by President Reagan on April 2, 1982.

Although secrecy is essential in certain areas, the new Executive order represents a mistaken departure from the reasonable policy of openness that should be the hallmark of our free society. It replaces previous orders of Presidents Nixon and Carter establishing standards for withholding information from the public on national security grounds. These standards apply in deciding whether information can be withheld as properly classified under the (b)(1) exemption to the Freedom of Information Act (FOIA).

The Freedom of Information Protection Act would incorporate within the FOIA itself two of the key safeguards against overclassification that are eliminated by President Reagan's Executive order. These are the "identifiable damage" standard and the requirement that agencies balance the public interest in disclosure of information.

IDENTIFIABLE DAMAGE STANDARD

The Select Committee on Intelligence conducted a detailed review of the proposed Executive order and submitted comments to the administration in March. It became clear to many of us in the course of this review that there was no need to change the identifiable damage standard for classification. That standard permitted classification and denial of FOIA requests only if the information reasonably could be expected to cause identifiable damage to national security.

The administration argued that the word "identifiable" placed an excessive burden on the Government to defend in court decisions to deny FOIA requests on national security grounds. But none of the cases cited by the administration supported that argument. Ability to identify the damage to national security that might be caused by disclosure is simply a common sense requirement to avoid unjustifiable secrecy.

Nevertheless, even though the argument for change could not be supported, the administration went ahead with its plan to drop "identifiable" from the basic classification standard. The aim appears to be to try to make it easier for Government agencies to classify information and withhold it under the Freedom of Information Act without having to think carefully about why disclosure might damage national security.

The Freedom of Information Protection Act would restore the "identifiable damage" standard by making it part of the FOIA exemption for classified information. It would establish by statute, rather than by Executive order, an important protection against abuses of the classification system that can result from the natural desire of all bureaucracies for secrecy.

The Congress, especially, has a vital interest in making sure that the classification system does not become a conventient cloak to cover up bureaucractic mistakes and a barrier to meaningful public debate on important issues of national defense and foreign policy. We should not leave the terms and conditions for declassification entirely in the hands of the executive branch.

BALANCING REQUIREMENT

A second change made by the new Executive order is to eliminate procedures for balancing both national security interests and the value of disclosure of information. A plausible argument was made that the language of the previous order might allow a court to do the balancing itself, even though most judges had held that it was a matter of executive branch discretion.

The new order, however, eliminates the balancing provision completely. It appears to make classification mandatory whenever there might be harm to national security and without regard for any countervailing public interest in disclosure.

The Freedom of Information Protection Act would return to the longstanding policy of giving Government officials the responsibility of deciding whether to declassify information when the public interest in disclosure outweighs any damage that might be expected from its release. The bill would leave the balancing of interests in the hands of the agencies, rather than with the courts.

Once again, because of the importance of the public and congressional stakes in this issue, the balancing requirement belongs in statute so that it cannot in the future be so readily set aside by another administration.

The two issues addressed in the Freedom of Information Protection Act are not the only problems with Executive Order 12356. Many other provisions of the new order remove important checks against abuse of the classification system and increase the likelihood that agencies will expand unnecessary secrecy. Nevertheless, the "identifiable damage" standard and the balancing requirement cut across a wide range of concerns. Their enactment into law would help reduce the risks created by other provisions of the order.

POLICY BACKGROUND

For these reasons, consideration of the Freedom of Information Protection Act requires more detailed background regarding the evolution of national policy on classification and the overall impact of the new order. While other cosponsors may have different views on some points, I want to review this background and other aspects of the order so that there can be a better understanding of the context for the bill.

Executive Order 12356 is the fifth Executive order on classification since 1951 when President Truman first extended the military classification system to civilian agencies of the Federal Government. There is no express statutory authority for the classification system, although its standards are incorporated by reference in such statutes as the Freedom of Information Act and some of the espionage laws. Congress has generally let the executive branch establish Government secrecy standards, except in the Atomic Energy Act of 1946 regarding restricted data on nuclear weapons technology.

In the mid-1970's the Subcommittee open Intergovernmental Relations of the Senate Government Operations Committee held hearings on several bills to provide a statutory basis for the classification of national security information. Interest in such legislation declined, however, with the drafting and issuance of Executive Order 12065 by President Carter in 1978. That order responded to many of the concerns that had given rise to the legislative proposals.

THE OVERCLASSIFICATION PROBLEM

President Carter's Executive order culminated a 20-year effort to reduce excessive secrecy. In 1957, the Coolidge Committee on Classification of Information recommended to the Secretary of Defense that a determined attack be made on overclassification. Also in 1957 the Wright Commission on Government Security recommended efforts to reduce the number of employees having authority to classify and to provide for fullest dissemination, consistent with national security, of scientific information. The Wright Commission proposed abolishing the confidential classification so that the threshold standard would be serious

damage to the Nation as required for the secret level.

Over a decade later the report of the Defense Science Board's task force on secrecy emphasized the "very great disadvantages to extensive reliance on secrecy in our society." Summarizing its report, the task force chairman stated in 1970:

The negative aspect of classified information in dollar costs, barriers between United States and other nations and information flow within the United States is not adequately considered in making security classification determinations. We may gain far more by a reasonable policy of openness because we are an open society.

The amount of scientific and technical information which is classified could profitably be decreased by as much as 90 percent by limiting the amount of information classified and the duration of its classification.

In 1972, a study of national security classification standards by editors of the Harvard Law Review concluded:

By vesting great discretion in the executive branch to determine what the public will be told about the Government's policies and activities in the conduct of national defense and foreign affairs, the present classification system creates a danger of serious abuse. Classification may serve as a convenient cloak to cover up bureaucratic mistakes. Secrecy may be used as a weapon to promote support for government policies through classification of unfavorable information and dissemination of data which favor the Government's position.

Two important objectives could be attained by reform of the classification system to ensure that only material whose disclosure would create a real threat to national defense was withheld and that adequate consideration was given to the public's interest in knowing the information. Such a reform would increase the amount of information available to the public, thus enhancing the possibility for meaningful public debate on important issues concerning national security and foreign policy. In addition, by promoting confidence on the part of the public and the press in the integrity of the classification system, it should strengthen the Government's ability to protect really sensitive information. ("Developments in the Law—The National Security Interest and Civil Liberties," 85 Harvard Law Review, 1130, 1215-1216, 1227.)

These proposals echoed the observation of Justice Sewart in the *Pentagon Papers* case:

For when everything is classified, then nothing is classified, and the system becomes one to be disregarded by the cynical or the careless, and to be manipulated by those intent on self-protection or self-promotion. I should suppose, in short, that the hallmark of a truly effective internal security system would be the maximum possible disclosure, recognizing that secrecy can best be preserved only when credibility is truly maintained. *New York Times Co.* v. *United States*, 403 U.S. 713, 729 (1971).

NIXON AND CARTER ORDERS

Moving in this direction, President Nixon in 1972 issued Executive Order 11652 which sought to reduce excessive secrecy by limiting the number of officials who could classify information, making classifiers accountable for their actions, and establishing a more effective system for declassification. The directive implementing the Nixon order set a new tone by stating:

If the classifier has any substantial doubt as to which security classification is appropriate, or as to whether the material should be classified at all, he should designate the less restrictive treatment.

The Nixon order did not, however, silence demands for further reform to achieve what the Defense Science Board Task Force had called a more reasonable policy of openness. For example, the executive vice president of the New York Times testified in 1974 before the House Subcommittee on Government Information:

When * * * Executive Order 11652 was issued by President Nixon, it created new hopes. As the President noted in his accompanying statement, it was "designed to lift the veil of secrecy which now enshrouds altogether too many papers written by employees of the Federal establishment." In what he called a "critically important shift," the order put the burden on those who wish to preserve secrecy rather than those seeking declassification.

But now, on the basis of the New York Times experience over the 13 months since the executive order was issued, I must give you a weary and negative report. If the veil of secrecy has been lifted at all, only a thin sliver of light now shows through. If the "critically important shift" in the burden for preserving secrecy has taken place, that is barely evident.

This background helps explain why the Carter administration issued Executive Order 12065 in 1978 and why the changes made by the Reagan administration require careful examination by the Congress.

Under President Reagan's order, many of the safeguards against excessive secrecy in the Nixon and Carter orders have been watered down or eliminated. The cumulative effect is to reverse the direction of national policy. The following analysis compares some of the key provisions of Executive Order 12356 with its predecessors.

MANDATORY CLASSIFICATION

Section 1.1(a) states that national security information "shall be classified" at one of three levels—top secret, secret, and confidential. The previous order said that information "may be classified" at those levels. Similar language in section 1.3(b) requires that information "shall be classified" when it meets the national security standard.

The clear implication of these changes in that classification is now mandatory, rather than discretionary, whenever unauthorized disclosure of the information reasonably could be expected to damage national security. There is no recognition of the responsibility of Government officials to consider whether the public interest in keeping information unclassified outweighs any minimal damage that might be caused by its disclosure. The Carter order provided specifically for consideration of whether the need to protect information "may be outweighed by the public interest in disclosure of the information."

The Senate itself has established a procedure for weighing these interests in Senate Resolution 400, 94th Congress, which established the Select Committee on Intelligence. Section 8 of Senate Resolution 400 provides that the Intelligence Committee may disclose classified information unless the President "certifies that the threat to the national security interest of the United States posed by such disclosure is of such gravity that it outweighs any public interest in the disclosure." In such cases, the committee can submit the matter to the Senate for debate in closed session.

The Freedom of Information Protection Act would make clear, in statute, that the exercise of classification and declassification authority must include consideration by the executive branch of the public interest served by disclosure.

BORDERLINE CASES

Section 1.1(c) of the new order states:

If there is reasonable doubt about the need to classify information, it shall be safeguarded as if it were classified pending a determination by an original classification authority, who shall make this determination within (30) days.

A similar rule applies in cases of "reasonable doubt about the appropriate level of classification."

By contast, the Carter order and a Nixon administration directive required that borderline cases be resolved in favor of disclosure or lower classification. This change from Nixon and Carter administration policies may encourage overclassification by subordinate officials who do not want to take the trouble to check with their superiors. The Reagan order does not say, "When in doubt, classify." But the practical effect may be the same.

Consequently, it is especially important to maintain the requirement that a classification authority be able to identify the damage to the national security that might be caused by disclosure. The Freedom of Information Protection Act would do so, whenever the information is requested by a member of the public under FOIA.

CLASSIFICATION CATEGORIES

The Carter order introduced the principle that classified information must fall into one of several categories, such as "military plans, weapons, or operations" or "foreign relations or foreign activities of the United States." The Reagan order adds two categories that raise serious concerns.

First is the catgegory in section 1.3(a)(2) for information concerning "the vulnerabilities or capabilities of systems, installations, projects, or

plans relating to the national security." This category appears all-encompassing and tends to undermine the value of having categories at all.

Second is the category in section 1.3(a)(9) for information concerning "a confidential source," defined in section 6.1(f) as "any individual or organization that has provided, or that may reasonably be expected to provide, information to the United States on matters pertaining to the national security with the expectation, expressed or implied, that the information or relationship, or both, be held in confidence."

The inclusion of potential future sources makes this category open-ended. It could include a U.S. citizen who has never been asked to provide information; and that person's FOIA-Privacy Act request for his or her file might be denied on the ground that it is classified in the "confidential source" category.

These classification standards are widened further by the addition of new authority in section 1.3(b) to classify information that would not damage national security if disclosed "by itself," but that reasonably could be expected to cause damage if disclosed "in the context of other information." This concept is known as the "mosaic" theory of classification. It is based on the idea that two or more items of information may be harmless in isolation, but when combined or associated might damage national security.

The breadth of the new classification categories and the "mosaic" concept make it all the more necessary to restore the "identifiable damage" standard and require that agencies take into account the public interest in disclosure. Enacting those key safeguards into law would ameliorate the potential for greatly increased secrecy under the new Executive order.

INTELLIGENCE SOURCES OR METHODS

The Carter order established a presumption that two narrow categories of information—foreign government information and the identity of a confidential foreign source—were presumed to meet the classification standard. Section 1.3(c) of the Reagan order extends this presumption to "intelligence sources or methods." This change may give the U.S. intelligence community significant relief from some of its problems with the Freedom of Information Act without having to amend the law.

The CIA has expressed concern about the demands that it provide detailed descriptions and justification in court to defend classification on sources or methods grounds. Extending the presumption of national security damage to disclosure of intelligence sources and methods may shift the burden of proof in such cases. In at least one case the courts have held that the provision for foreign government information in the Carter order created a very heavy presumption which could only be rebutted by the citizen presenting evidence to overcome it. *Carlisle Tire and Rubber Co. v. U.S. Customs Service,* 663 F.2d 210, 218–219 (D.C. Cir. 1980).

Concern has been expressed that it would be very difficult for a citizen requesting information from CIA to meet this burden for information denied on sources or methods grounds. The citizen might not know what source or method was being withheld and might not be able to present any evidence on the question at all. The fear is that the CIA would no longer release information about nonsensitive sources and methods, even if no damage would result from disclosure.

These concerns should be tempered by recent court decisions rejecting overbroad definitions of "intelligence sources or methods." For example, in one case the CIA proposed defining "intelligence source" to include "any individual, entity or medium that is engaged to provide, or in fact provides, the CIA with substantive information having a rational relation to the Nation's external national security."

The court rejected this definition, which could encompass any newspaper or news broadcast, and adopted instead a definition focusing on persons or institutions who provide "information of a kind the Agency needs to perform its intelligence function effectively, yet could not reasonably expect to obtain without guaranteeing the confidentiality of those who provide it." *Sims v. Central Intelligence Agency,* 642 F.2d 562, 570 (D.C. Cir. 1980).

Concern about the presumption for intelligence sources or methods would also be allayed by the Freedom of Information Protection Act. The requirement that the CIA consider the public interest in disclosure would make clear the intent of Congress that nonsensitive information about intelligence sources or methods should continue to be released under FOIA, especially when it contributes to better public understanding of CIA powers and duties and more accurate accounts of the role of intelligence in major historical events.

RECLASSIFICATION

Section 1.6(c) directly reverses the policy on reclassification of information that has been previously declassified and disclosed. The Carter order provided that classification "may not be restored to documents already declassified and released to the public." The new order permits such reclassification "if it is determined in writing that first, the information requires protection in the interest of national security; and second, the information may reasonably be recovered."

There is no indication that this new authority is limited to cases where the information was mistakenly declassified and can be recovered by voluntary return upon request. This raises concern about the possibility that coercive means, such as a lawsuit, might be considered "reasonable" for recovering materials from a historian or other researcher. Such authority can endanger first amendment rights unless it is limited to information that is returned voluntarily.

As sponsors of the Freedom of Information Protection Act, Senator DURENBERGER and I agree that further legislation may have to be considered if administration policy does not restrict the use of coercive means to recover reclassified information.

DECLASSIFICATION POLICY

The new Executive order makes extensive changes in the system for declassification of documents. The full scope of those revisions is not entirely clear, because much will depend upon an implementing directive to be issued by the Information Security Oversight Office. Nevertheless, the thrust of the Reagan administration's policy is reflected in the deletion of the statement from the Carter order that declassification "shall be given emphasis comparable to that accorded classification."

The detailed changes water down virtually every declassification requirement. Section 1.4(a) modifies the rule that an original classification authority must set a date or event for declassification review. It applies only when a specific date or event for declassification "can be determined," thus permitting authorities to disregard the rule.

Section 3.3 eliminates the 20-year deadline for systematic declassification review of most types of information. While the 20-year rule in the Carter order may have been unrealistic, the new order fails to establish any timetable at all.

Historians depend heavily on the mandatory declassification review procedures of the Executive order for access to vital materials in Presidential papers and other White House documents exempt from the Freedom of Information Act. Section 3.4 of the new order makes it more difficult to use the mandatory review procedures by requiring that requests describe "the document or material" that contains the information sought and by eliminating the provision for declassification of "reasonably segregable portions" of documents.

Unless rectified in the implementing directive, the changes in declassification policy under the Reagan order can jeopardize historical research on foreign policy and military operations.

Overall, the new Executive order on national security information has

caused serious concern among those of us who seek to maintain a balance between national security demands and the needs of a free society. The order has tipped that balance too far in the direction of secrecy and away from the right of the public to have information about Government policies and programs. It is our hope that the principles set forth in the Freedom of Information Protection Act can restore the proper balance for the years ahead.●

● Mr. MOYNIHAN. Mr. President, I rise in support of the Freedom of Information Protection Act of 1982 which I have joined the distinguished Senator from Minnesota, Senator DURENBERGER, in cosponsoring. The bill is well titled, for it is indeed designed to "protect" the public's access to information from being barred by unwarranted national security classifications. It would accomplish this purpose by adding two tests to the current exemption in the Freedom of Information Act for information classified in the interests of national security pursuant to Executive order:

The first would condition the exemption on a finding that the information could reasonably be expected to cause "identifiable" damage to national security.

The second would require consideration whether the need to protect the information outweighs the public interest in disclosure.

The tests—commonly known as the "identifiable damage" and "balancing" tests—were made a part of classification criteria by President Carter in Executive Order 12065 in 1978. After considering a draft revision of this order proposed by the Reagan administration, the Select Committee on Intelligence recommended that these principles be retained. Unfortunately, the Executive order issued by President Reagan on April 2, 1982 (E.O. 12356) dropped these tests. Why this action was taken has not been adequately explained. Indeed, it appears to conflict with views expressed by the President's counselor, Mr. Meese, who had previously told the Washington Post that he has found "way too much classification" and that this is "one of the problems of government." (July 7, 1981, page A-15).

The new Executive order aggravates this problem by removing standards which, in effect, require Government officials to have a reasonable basis for classification decisions. The new order signals to the bureaucracy—which Mr. Meese said has "tried to expand classification" (Washington Post, March 15, page A-11)—that it may apply secrecy stamps without articulating a damage rationale and without considering public interest factors.

Mr. President, the whole point of having an Executive order in the first place is to set standards for classification. Without the identifiable damage and balancing tests, judgments in these matters become idiosyncratic and Government officials have less reason to check their natural desire for secrecy. That cannot be in the best interest of either national security or the public's need for information about its Government.

Mr. President, the Freedom of Information Protection Act would remedy these two major deficiencies in the new Executive order. It would emphasize the intent of Congress that the executive branch maintain a high standard of thoughtfulness in FOIA decisions on clssification.

In his concurring opinion in the Pentagon Papers case, Justice Stewart expressed his view that the hallmark of a truly effective security classification system "would be the maximum possible disclosure, recognizing that secrecy can best be preserved only when credibility is truly maintained."

I believe that this legislation would further this purpose and strongly urge my colleagues to support it.●

By Mr. SCHMITT:

S. 2453. A bill to amend title V of the Housing Act of 1949, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

RURAL HOUSING BLOCK GRANT

● Mr. SCHMITT. Mr. President, today I am introducing a three-part plan to assist in meeting the need for safe and sanitary housing in the rural areas of America. I am hopeful that these components will provide a comprehensive, responsible, and effective approach to improving the alarming housing conditions which exist in the most needy and remote areas of our country.

Low-income residents of rural areas face a housing situation that is quantitatively and qualitatively different from their urban counterparts. According to the annual housing survey, rural areas have a significantly higher percentage of substandard housing units than the Nation as a whole. Of every 13 housing units in rural areas, 1 is in substandard condition, compared to 1 of every 62 in urban areas; the problems which exist in housing quality are compounded by the intrinsic characteristics of rural areas.

Nonmetropolitan areas contain 30 percent of the population below the poverty level in our Nation, with only 20 percent of the population. Since the specific defects found in rural housing, such as problems with plumbing and sewage tend to be more severe and expensive to correct than those in nonrural substandard housing, a greater percentage of rural families are forced to live in homes which are not safe and sanitary.

Perhaps the greatest qualitative difference between urban and rural areas is population density. Seventy-five percent of the substandard housing in nonmetropolitan areas is in communities with a population of 2,500 or less. Government programs have been especially ineffective in meeting the magnified needs of these low-density areas. Despite the high levels of Federal spending for rural housing in the past, most of the benefits have not gone to those who need help the most. The Farmers Home Administration estimates that only 0.2 percent of the very low-income rural households living in inadequate housing are expected to be assisted by their housing programs in fiscal year 1982. Given the proposed budget levels and the inefficient delivery system now in place, these needs will continue to go unmet.

This distressing prognosis makes it clear that immedate and positive changes must be made to improve the delivery services in rural areas. It should be our goal and responsibility to meet certain objectives. We must determine a means of: Providing safe and sanitary housing for the most needy rural residents; insuring that an adequate means of home financing is available for rural residents; and bringing services closer to the people needing assistance, so that their needs might be addressed effectively.

In an attempt to make constructive changes to facilitate assistance in these areas of great need, I have developed a proposal which creates a rural housing block grant to administer all housing subsidy functions and allows FmHA to issue and insure loans made at market rate. The New Federalism concept announced by the administration has encouraged us to take a sharp look at the capabilities which have been developed by State governments. States are active, important players in rural economic and community development. This trend was specifically recognized last year by the Congress when it endorsed the involvement of States in HUD's community development small cities program. It is my opinion that given the opportunity, the flexibility, and the resources, States will address the housing needs of rural areas. States have the capacity to develop programs that will meet the unique conditions of their population in a way that a Federal program cannot. The inherent success of the new small cities program lies in its adaptability. It allows areas with diverse needs to develop responsive programs. I have used the existing small cities block grant program to develop a rural housing block grant which we believe will be a complementary program. The block grant allows a State to examine its community and economic development needs and then allow the needs to structure a housing program.

The program has been restricted to insure that assistance will be used in rural areas to serve the most needy.

Funds must be spent in areas outside of a metropolitan statistical area with a population of 10,000 or less, with emphasis on areas of less than 2,500 in population. The program will limit eligibility to families with an income below 50 percent of area median income.

Although States are encouraged to rehabilitate existing units to the extent possible, they may also engage in the following activities: Financing the construction and purchase of modest homes for low-income persons, including purchase of existing homes and manufactured homes; provision of multifamily housing stock where there is a demonstrated need for low-income rental housing or farmworker housing; and provision of rental assistance for those low-income persons who are not otherwise served by an existing rental assistance program.

While we have shifted the subsidy functions of FmHA to the States we want to insure that credit remain available in rural areas. The Farmers Home Administration would be authorized to extend credit for housing through direct loans and to insure loans made by private lenders. The agency would serve the same population but would function purely as a credit agency and offer market rate loans. This proposal addresses the concern that many rural areas are beyond the reach of private lending institutions and maintains a ready source of credit to rural areas. By insuring loans made by private lenders, we will encourage more private lending and continue to provide a source of credit for higher risk loans. The portion of the FmHA budget which finances the subsidy functions of the agency would be transferred to the proposed rural housing block grant program. However, FmHA would continue to make and insure market rate loans for the purchase, construction, repair, and rehabilitation of both single and multifamily housing.

In summary, Mr. President, I believe we have reached a crossroads in rural housing policy. We have a unique opportunity to choose a new path and a responsibility to act forcefully and dramatically. Federal rural housing resources are more limited than at any time in the recent past; the magnitude and nature of the housing problems faced by low-income persons in rural areas appears to be more difficult. And, in the best housed Nation in the world, we have far too many rural citizens housed in conditions that are simply unsuitable by contemporary standards. It is evident that rural housing programs administered by the Federal Government are missing the mark. If we continue to believe in a continuing national role in improving the quality and quantity of rural housing, then we must make changes now. We must redirect our resources to those who need them the most, we must stretch and enhance their impact with greater public and private investment, other than Federal assistance, and we must make the administration of the programs more efficient and responsive to specific local needs.

Therefore, I am today proposing a bold new partnership with the States to restructure and refocus Federal rural housing assistance. My proposal embraces the important relationship already developed with States through last years small cities community development block grant program. But specifically, it couples the specific knowledge of rural housing needs and growing capacity of the States to meet these needs with the limited Federal resources available in these tight budget times. Through this linkage, we can change the face of the rural housing dilemma in a positive and lasting way. I ask my colleagues to join me in this undertaking and look forward to your constructive suggestions as we move this legislation forward in the next several weeks.

Mr. President, I ask unanimous consent to have printed in the RECORD the bill and a section-by-section analysis.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2453

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—AMENDMENTS TO TITLE V OF THE HOUSING ACT OF 1949 TERMINATION OF INTEREST CREDIT PROGRAMS

SEC. 101. Title V of the Housing Act of 1949 is amended as follows:

(1) Section 501(a) is amended by striking out "to extend financial assistance" and inserting in lieu thereof "to make and insure loans".

(2) Section 501(c) is amended by striking out "the assistance" and inserting in lieu thereof "a loan".

(3) Section 501(b)(2) is amended—

(A) by striking out "(A)"; and

(B) by striking out all after the word "made" the first place it appears and inserting in lieu thereof a period.

(4) Section 502(a) is amended—

(A) by striking out "assistance" and inserting in lieu thereof "a loan";

(B) by striking out all after the words "making of the loan with interest" and inserting in lieu thereof a period; and

(C) by striking out all after the word "received" in subsection (c)(1)(A) and inserting in lieu thereof the following: "rental assistance or interest credits; or".

(5) Section 503 is repealed.

(6) Section 504 is amended—

(A) by striking out "grant or a combined" and "and grant" in the first sentence of subsection (a);

(B) by striking out the second sentence of subsection (a);

(C) by striking out "portion of the sums advanced to the borrower treated as a" in the third sentence of subsection (a);

(D) by striking out the fourth sentence of subsection (a); and

(E) by striking out subsection (c).

(7) Section 505 is amended by striking out all after the first sentence.

(8) Section 506(a) is amended by striking out "financial assistance" and inserting in lieu thereof "loan".

(9) Section 507 is amended by striking out "assistance" and inserting in lieu thereof "loans".

(10) Section 509 is amended—

(A) by striking out "or grant" each time it appears in subsection (b);

(B) by striking out subsection (c); and

(C) by redesignating subsection (d) as subsection (c).

(11) Section 510(f) is amended by striking out "or grants".

(12) Section 511 is repealed.

(13) Section 512 is repealed.

(14) Section 514 is amended—

(A) by striking out subsection (a)(2);

(B) by redesignating subsections (a)(3), (a)(4), and (a)(5) as subsections (a)(2), (a)(3), and (a)(4), respectively; and

(C) by striking out subsection (g).

(15) Section 515 is amended—

(A) by striking out subsection (a)(2);

(B) by redesignating subsections (a)(3) and (a)(4) as subsections (a)(2) and (a)(3), respectively;

(C) by striking out subsection (b)(2);

(D) by redesignating subsections (b)(3), (b)(4), (b)(5), and (b)(6) as subsections (b)(2), (b)(3), (b)(4), and (b)(5), respectively; and

(E) by striking out subsection (f).

(16) Section 516 is repealed.

(17) Section 517 is amended—

(A) by striking out all after "insured" in subsection (a) and inserting in lieu thereof a period and the following: "Such loan to persons of low or moderate income (as defined by the Secretary), shall not exceed amounts necessary to provide adequate housing, modest in size, design, and cost (as determined by the Secretary). No loan under this subsection shall be insured or made after September 30, 1982, except pursuant to a commitment entered into before that date.";

(B) by striking out "(b)(4)" in subsection (b) and inserting in lieu thereof "(b)(3)";

(C) by striking out subsection (j)(4);

(D) by redesignating subsection (j)(5) as subsection (j)(4); and

(E) by striking out subsection (j)(6).

(18) Section 521 is amended—

(A) by striking out subsection (a) and inserting in lieu thereof the following:

"(a) The interest rates for insured loans under this title shall be at rates prevailing in the private market for similar loans, as determined by the Secretary, and the interest rates for loans made by private lenders insured under this title shall be at rates agreed on by the borrower and lender, but not in excess of such rates as may be determined by the Secretary."; and

(B) in subsection (c) by striking out "described in subsection (a)(1)", by striking out "described in subsection (a)(2)", and by striking out "described in subsection (a)(1)(C)".

(19) Section 522 is repealed.

(20) Section 523 is amended—

(A) by striking out subsection (b)(1)(A);

(B) by striking out ", with interest at a rate not to exceed 3 percent per annum," in the second sentence of subsection (b)(1)(B);

(C) by redesignating subsection (b)(1)(B) as subsection (b)(1);

(D) by striking out "make grants to, or" in subsection (b)(2);

(E) by inserting "and" at the end of subsection (b)(3)(C);

(F) by striking out subsection (b)(3)(D);

(G) by redesignating subsection (b)(3)(E) as subsection (b)(3)(D); and

(H) by striking out subsection (f).

(21) Section 524(a) is amended by striking out the second sentence and inserting in lieu thereof the following: "Such a loan shall be repaid within a period not to exceed two years from the making of the loan or within such additional period as may be deemed necessary in any case by the Secretary.".

(22) Section 525 is amended—

(A) by striking out subsection (a);

(B) by striking out "shall be made without interest and" in the second sentence of subsection (b);

(C) by striking out all after "sooner" in the last sentence of subsection (b) and inserting in lieu thereof a period; and

(D) by redesignating subsections (b), (c), and (d) as subsections (a), (b), and (c), respectively.

(23 Section 530 is repealed.

(24) The assets of and any future repayments to the loan fund which was established under section 511 shall be transferred to the Rural Housing Fund.

MANUFACTURED HOUSING IN RURAL AREAS

SEC. 102. (a) Section 502 of the Housing Act of 1949 is amended by adding at the end thereof the following:

"(d) A loan which may be made or insured under this title with respect to housing may be made or insured with respect to a manufactured home which—

"(1) meets the standards prescribed pursuant to title VI of the Housing and Community Development Act of 1974;

"(2) is or will be financed with a loan on the same terms and conditions which would apply under section 2 of the National Housing Act; and

"(3) in the case of a manufactured home which is not treated as real estate under State or local law, which meets such other terms and conditions as the Secretary may prescribe.".

(b) Section 527 of such Act is repealed.

REHABILITATION STANDARD

SEC. 103. Section 504(a) of the Housing Act of 1949 is amended by adding at the end thereof the following: "Activities may be financed with loans under this section if such activities bring the property into compliance with applicable local codes.".

STANDARDS FOR ADEQUATE HOUSING

SEC. 104. Section 509(a) of the Housing Act of 1949 is amended by adding at the end thereof the following: "Standards prescribed under this section and applicable to the new construction of residential buildings financed under this title shall be identical to the Minimum Property Standards prescribed by the Secretary of Housing and Urban Development.".

RURAL HOUSING INSURANCE FUND

SEC. 105. Section 517(k) of the Housing Act of 1949 is amended to read as follows:

"(k)(1) From the amounts made available to the Fund, the Secretary shall establish and maintain as part of the Fund a reserve against loan losses sustained by the Fund.

"(2) Not later than March 31 of each year, the Secretary shall transmit to the Congress with respect to the fiscal year commencing on October 1 of that year a report containing—

"(A) the amount of loans proposed to be made from the Fund;

"(B) the amount of repayments expected to be received and credited to the Fund;

"(C) the amount proposed to be set aside as a reserve as required by paragraph (1); and

"(D) the amount which will be required to provide interest credits on loans made from the Fund.".

CONDOMINIUM HOUSING

SEC. 106. Section 526 of the Housing Act of 1949 is amended—

(1) by striking out ", in his discretion and upon such terms and conditions (substantially identical insofar as may be feasible with those specified in section 502) as he may prescribe," in subsection (a); and

(2) by striking out ", in his discretion and upon such terms and conditions (substantially identical insofar as may be feasible with those specified in section 515) as he may prescribe," in subsection (c).

AUTHORIZATIONS

SEC. 107. (a) Section 513 of the Housing Act of 1949 is amended to read as follows:

"PROGRAM LEVELS AND AUTHORIZATIONS

SEC. 513. (a) To the extent approved in appropriation Acts, the Secretary may insure and guarantee loans under this title in an aggregate amount not to exceed $1,145,000,000, of which—

"(1) not more than $720,000,000 shall be available for loans under section 502, not less than $180,000,000 of which shall be for guaranteed loans under such section;

"(2) not more than $24,000,000 shall be available for loans under section 504, not less than $5,000,000 of which shall be for guaranteed loans under such section;

"(3) not more than $19,000,000 shall be available for loans under section 514, not less than $4,000,000 of which shall be for guaranteed loans under such section;

"(4) not more than $200,000,000 shall be available for loans under section 515, not less than $40,000,000 of which shall be for guaranteed loans under such section; and

"(5) not more than $2,000,000 shall be available for loans under section 524.

"(b) There are authorized to be appropriated—

"(1) such sums as may be necessary to meet payments on notes or other obligations issued by the Secretary under section 511 equal to (A) the aggregate of the contributions made by the Secretary in the form of credits on principal due on loans made pursuant to section 503, and (B) the interest due on a similar sum represented by notes or other obligations issued by the Secretary; and

"(2) such sums as may be required by the Secretary to administer the provisions of sections 235 and 236 of the National Housing Act and section 8 of the United States Housing Act of 1937.".

(b) Section 515(b)(5) of such Act is amended by striking out "September 30, 1982" and inserting in lieu thereof "September 30, 1983".

TITLE II—RURAL HOUSING BLOCK GRANTS

SHORT TITLE

SEC. 201. This title may be cited as the "Rural Housing Block Grant Act of 1982".

PURPOSE

SEC. 202. (a) The primary purpose of this title is to promote the provision of safe and sanitary housing for residents of rural areas, particularly for those low-income residents of areas having populations of 2,500 or less, by—

(1) improving the stock of existing housing in order to ensure safe and sanitary places of primary residence for low income rural residents;

(2) increasing the stock of modest low cost housing in those areas where the existing stock is insufficient;

(3) improving housing affordability for low income persons living in rural areas; and

(4) establishing the authority of each State's appointed agency to determine a definition of need and methods of meeting these demands and goals.

(b) It is also the purpose of this title to address more efficiently the housing needs in rural areas by consolidating a number of complex and overlapping programs of financial assistance to communities of varying sizes and needs into a consistent system of Federal aid which—

(1) provides assistance on an annual basis, with maximum certainty and minimum delay, upon which States can rely in their planning;

(2) encourages housing activities which are consistent with comprehensive local and areawide development planning;

(3) furthers achievement of the national housing goal of a safe and sanitary home for needy American families; and

(4) fosters the undertaking of housing activities in a coordinated and mutually supportive manner by Federal agencies and programs, as well as by States.

(c) It is the intent of Congress that the Federal assistance made available under this title not be utilized to reduce substantially the amount of local financial support for housing activities below the level of such support prior to the availability of such assistance.

DEFINITIONS

SEC. 203. As used in this title—

(1) the term "low income" means those rural residents having a total income of no more than 50 per centum of area median income with adjustments for smaller and larger families or for unusually low area median income;

(2) the term "rural area" means any open country, or any place, town, village, or city which is not part of or associated with an urban area and which (A) has a population not in excess of 2,500 inhabitants, (B) has a population in excess of 2,500 but not in excess of 10,000 if it is rural in character, or (C) has a population in excess of 10,000 but not in excess of 20,000 and has a serious lack of mortgage credit for lower-income families, as determined by the Secretary and the Secretary of Housing and Urban Development;

(3) the term "modest" means units which are safe and sanitary and which comply with applicable State and local codes;

(4) the term "rural resident" includes a family or a person who is a renter of a dwelling unit in a rural area;

(5) the term "State" means any State of the United States, the Commonwealth of Puerto Rico, the Virgin Islands, the territories and possessions of the United States, and the Trust Territory of the Pacific Islands; and

(6) the term "Indian" means an enrolled member of any Indian tribe, band, group, and nation, including Alaska Indians, Aleuts, and Eskimos, and any Alaskan Native Village, of the United States, which is considered an eligible recipient under the Indian Self-Determination and Education Assistance Act (Public Law 93-638) or under the State and Local Fiscal Assistance Act of 1972 (Public Law 92-512).

AUTHORIZATION

SEC. 204. The Secretary is authorized to make grants to States in order to carry out activities in accordance with the provisions of this title. There are authorized to be appropriated for these purposes—

(1) not to exceed $600,000,000 for fiscal year 1983;
(2) not to exceed $600,000,000 for fiscal year 1984; and
(3) not to exceed $600,000,000 for fiscal year 1985.

STATEMENT BY ACTIVITIES AND REVIEW

SEC. 205. (a)(1) Prior to the receipt of a grant under this title, each State shall prepare a statement of housing objectives and projected use of funds and provide the Secretary with any certifications required by this title. The statement shall specifically take into account the needs and conditions of existing housing for the low-income Indians living on trust lands.

(2) In order to permit public examination and appraisal of such statements, and to facilitate coordination of activities with different levels of government, the State shall—

(A) furnish citizens information concerning the amount of funds available for proposed housing activities that may be undertaken;

(B) publish a proposed statement in such manner to afford affected citizens or, as appropriate, units of local government an opportunity to examine its content and to submit comments on the proposed statement and on the performance of the State; and

(C) hold one or more public hearings to obtain the views of citizens on housing needs.

(3) In preparing the final statement, the State shall consider any such comments and views and may, if deemed appropriate by the State, modify the prepared statement. The final statement shall be made available to the public, and a copy shall be furnished to the Secretary together with the certifications required.

(b) A grant shall be made under this title only if the State certifies to the satisfaction of the Secretary that—

(1) the State is in full compliance with the requirements of subsection (a)(2) and has made the final statement available to the public;

(2) the projected use of funds has been developed so as to support activities which will improve housing conditions for the maximum feasible number of low-income families and low-income Indians living on trust land and aid in the prevention or elimination of substandard housing; the projected use of funds may also include activities which the grantee certifies are designed to meet other housing needs for low-income persons having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the residents of the State where other financial resources are not available to meet such needs; and

(3) the grant will be conducted and administered in conformity with the applicable laws and the provisions of this title.

(c) Each State shall submit to the Secretary, at a time determined by the Secretary, a performance report concerning the use of funds, together with an assessment by the State of the relationship of such use to the objectives identified in the grantee's statement under the appropriate subsection. The Secretary shall, at least on an annual basis, make such reviews and audits as may be necessary or appropriate to determine—

(1) whether the State has carried out its activities in a timely manner, whether the State has carried out those activities and its certifications in accordance with the requirements and the primary purpose of this title and with other applicable laws, and whether the State has a continuing capacity to carry out those activities in a timely manner; and

(2) whether the State has distributed funds in a timely manner and in conformance to the method of distribution described in its statement, whether the State has carried out its certifications in compliance with the requirements of this title and other applicable laws, and whether the State has made such reviews and audits as may be necessary or appropriate to determine whether they have satisfied the applicable performance criteria described in paragraph (1) of this subsection.

(d) The Secretary may make appropriate adjustments in the amount of the annual grants in accordance with the Secretary's findings under this subsection, except that funds already expended on eligible activities under this title shall not be recaptured or deducted from future assistance to such units of general local government.

(e) Insofar as they relate to funds provided under this title, the financial transactions of recipients of such funds may be audited by the General Accounting Office under such rules and regulations as may be prescribed by the Comptroller General of the United States. The representatives of the General Accounting Office shall have access to all books, accounts, records, reports, files, and other papers, things, or property belonging to or in use by recipients pertaining to financial transactions and necessary to facilitate the audit.

ELIGIBLE ACTIVITIES

SEC. 206. Activities assisted under this title may include—

(1) rehabilitation of existing homes for occupancy by low-income residents through repairs and improvements, particularly when carried out in conjunction with a voucher or State-initiated assistance program;

(2) the acquisition and rehabilitation of existing buildings for low-income housing by both public and private entities;

(3) financing the construction and purchase of modest homes for low-income persons, including purchase of existing homes and manufactured homes;

(4) provision of multifamily housing where there is a demonstrated need for low-income rental housing or farmworker housing;

(5) provision of rental assistance for those low income persons who are not otherwise served by an existing rental assistance program, particularly for those persons covered by rental assistance contracts which have expired; and

(6) the disposition (through sale, lease, donation, or otherwise) of any real property acquired pursuant to this title.

ALLOCATION AND DISTRIBUTION OF FUNDS

SEC. 207. (a) The Secretary shall determine the amount to be allocated to each State as the average of the ratios between—

(1) the population of the rural areas in that State and the rural population of all States;

(2) the extent of poverty in the rural areas in that State and the extent of poverty in the rural areas of all States; and

(3) the extent of substandard housing in the rural areas of that State and the extent of substandard housing in the rural areas of all States.

(b) To receive and distribute amounts allocated the Governor must—

(1) designate an agency to carry out eligible activities;

(2) engage in planning for housing activities;

(3) provide technical assistance where necessary;

(4) provide out of State resources, funds for housing activities in an amount which is at least 10 per centum of the amount allocated for use in the State during any three-year funding cycle; and

(5) oversee a consultation with local elected officials from among units of general local government located in areas of that State in determining the method of distributing the funds in rural areas.

A State may not withdraw from distributing amounts under this title at any time during a funding cycle when it is not current in the State share requirement of paragraph (4).

(c) The State shall pay from its own resources all administrative expenses, which shall separately be appropriated for such purpose, incurred by the State in carrying out its responsibilities under this title, except that from the amounts received for distribution in rural areas, the State may deduct an amount not to exceed 50 per centum of the costs incurred by the State in carrying out such responsibilities. Amounts so deducted shall not exceed 2 per centum of the amount so received.

(d) The Secretary may fix such qualification or submission dates as he determines necessary to permit the computations and determinations required by this section to be made in a timely manner, and all such computations and determinations shall be final and conclusive.

(e) The Secretary shall allocate funds determined under subsection (a) to the Farmers Home Administration office for the State for distribution in accordance with this title where—

(1) the State has elected, in such manner and before such time as the Secretary may prescribe, not to distribute such amounts; or

(2) the State has failed to submit the required certifications.

The Secretary shall permit each State office to enter into contracts to carry out eligible activities with appropriate units of government, nonprofit organizations and such other persons as the Secretary may prescribe.

NONDISCRIMINATION

SEC. 208. (a) No person in the United States shall on the ground of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity funded in whole or in part with funds made available under this title. Any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975 or with respect to an otherwise qualified handicapped individual as provided for in the related legislation shall also apply to any such program or activity.

(b) Whenever the Secretary determines that a State or unit of general local government which is a recipient of assistance under this title has failed to comply with subsection (a) or an applicable regulation, he shall notify the Governor of such State or the chief executive officer of such unit of local government of the noncompliance and shall request the Governor or the chief executive officer to secure compliance. If within a reasonable period of time, not to exceed sixty days, the Governor or the chief executive officer fails or refuses to secure compliance, the Secretary is authorized to (1) refer the matter to the Attorney General with a recommendation that an appropri-

ate civil action be instituted; (2) exercise the powers and functions provided by title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d); (3) exercise the powers and functions provided for under this title; or (4) take such other action as may be provided by law.

(c) When a matter is referred to the Attorney General pursuant to subsection (b), or whenever he has reason to believe that a State government or unit of general local government is engaged in a pattern or practice in violation of the provisions of this section, the Attorney General may bring a civil action in any appropriate United States district court for such relief as may be appropriate, including injunctive relief.

REMEDIES FOR NONCOMPLIANCE

SEC. 209. (a) If the Secretary finds after reasonable notice and opportunity for hearing that a recipient of assistance under this title has failed to comply substantially with any provision of this title, the Secretary, until he is satisfied that there is no longer any such failure to comply, shall—

(1) terminate payments to the recipient under this title.

(2) reduce payments to the recipient under this title by an amount equal to the amount of such payments which were not expended in accordance with this title, or

(3) limit the availability of payments under this title to programs, projects, or activities not affected by such failure to comply.

(b) In lieu of, or in addition to, any action authorized by subsection (a), the Secretary may, if he has reason to believe that a recipient has failed to comply substantially with any provision of this title, refer the matter to the Attorney General of the United States with a recommendation that an appropriate civil action be instituted.

(c) Upon such a referral the Attorney General may bring a civil action in any United States district court having venue thereof for such relief as may be appropriate, including an action to recover the amount of assistance furnished under this title which was not expended in accordance with it, or for mandatory or injunctive relief.

(d)(1) Any recipient which receives notice under subsection (a) of the termination, reduction, or limitation of payments under this title may, within sixty days after receiving such notice, file with the United States Court of Appeals for the circuit in which such State is located, or in the United States Court of Appeals for the District of Columbia, a petition for review of the Secretary's action. The petitioner shall forthwith transmit copies of the petition to the Secretary and the Attorney General of the United States, who shall represent the Secretary in the litigation.

(2) The Secretary shall file in the court record of the proceeding on which he based his action, as provided in section 2112 of title 28, United States Code. No objection to the action of the Secretary shall be considered by the court unless such objection has been urged before the Secretary.

(3) The court shall have jurisdiction to affirm or modify the action of the Secretary or to set it aside in whole or in part. The findings of fact by the Secretary, if supported by substantial evidence on the record considered as a whole, shall be conclusive. The court may order additional evidence to be taken by the Secretary, and to be made part of the record. The Secretary may modify his findings of fact, or make new findings, by reason of the new evidence so taken and filed with the court, and he shall also file such modified or new findings, which findings with respect to questions of fact shall be conclusive if supported by substantial evidence on the record considered as a whole, and shall also file his recommendation, if any, for the modification or setting aside of his original action.

(4) Upon filing of the record with the court, the jurisdiction of the court shall be exclusive and its judgment shall be final, except that such judgment shall be subject to review by the Supreme Court of the United States upon writ of certiorari or certification as provided in section 1254 of title 28, United States Code.

REPORTING REQUIREMENTS

SEC. 210. (a) Not later than 180 days after the close of each fiscal year in which assistance under this title is furnished, the Secretary shall submit to the Congress a report which shall contain—

(1) a description of the progress made in accomplishing the objectives of this title; and

(2) a summary of the use of such funds during the preceding year.

(b) The Secretary is authorized to require recipients of assistance under this title to submit to him such reports and other information as may be necessary in order for the Secretary to make the report required by subsection (a).

INTERSTATE AGREEMENTS

SEC. 211. The consent of the Congress is hereby given to any two or more States to enter into agreements or compacts not in conflict with any law of the United States, for cooperative efforts and mutual assistance in support of housing planning and programs carried out under this title as they pertain to interstate areas and to localities within such States, and to establish such agencies, joint or otherwise, as they may deem desirable for making such agreements and compacts effective.

EFFECTIVE DATE

SEC. 212. This title shall take effect on October 1, 1982.

TITLE III—CONGRESSIONAL REVIEW OF RURAL HOUSING RULEMAKING DEFINITIONS

SEC. 301. For purposes of this title—

(1) the term "Secretary" means the Secretary of Agriculture;

(2) the term "rule" means any rule issued pursuant to title V of the Housing Act of 1949 or title II of this Act;

(3) the term "resolution of disapproval" means a concurrent resolution of the Congress, the matter after the resolving clause of which is as follows: "That the Congress disapproves the recommended final rule issued by the Secretary of Agriculture dealing with the matter of , which rule was transmitted to the Congress on .", the first blank being filled with the title of the rule and such further description as may be necessary to identify it, and the second blank being filled with the date to transmittal of the rule to the Congress; and

(4) the term "appropriate committee" means the Committee on Banking, Finance, and Urban Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

CONGRESSIONAL REVIEW OF RULES

SEC. 302. (a)(1) The provisions of this section do not apply to—

(A) any rule for which the Secretary makes a finding under Section 553(b)(3) of title 5, United States Code;

(B) any rule of particular applicability that approves or prescribes for the future rates, wages, prices, services, or allowances therefore, corporate or financial structures, reorganizations, mergers, or acquisitions thereof, or accounting practices or disclosures bearing on any of the foregoing; and

(C) any rule if—

(i) the Secretary made a finding with respect to such rule under section 553(b)(2) of title 5, United States Code; or

(ii) the Secretary determines that the rule is being issued in response to an emergency situation or other exceptional circumstances requiring immediate agency action in the public interest; and

(iii) on the date on which the Secretary issues the rule, the Secretary submits to the chairman and ranking minority member of the appropriate committees a written notice specifying the reasons for the determination under clause (i) or (ii) of this subparagraph.

(2) Notwithstanding any other provision of law, unless earlier withdrawn by the Secretary or earlier set aside by judicial action, a rule to which paragraph (1)(C) of this subsection applies shall terminate one hundred and twenty days after the date on which it is issued.

(b)(1) Notwithstanding any other provision of law, any final rule subject to this section shall be considered a recommendation of the Secretary to the Congress and shall have no force and effect as a rule unless such rule has become effective in accordance with this section.

(2)(A) Notwithstanding any other provision of law, no recommended final rule of the Secretary may become effective until the expiration of a period of forty-five days of continuous session of Congress after the date on which the rule is received by the Congress under paragraph (4) of this subsection. If before the expiration of such forty-five-day period, either appropriate committee orders reported or is discharged from consideration of a resolution of disapproval with respect to such rule, such rule may not become effective if within thirty days of continuous session of Congress after the date on which such committee orders reported or is discharged from further consideration of such resolution, one House of Congress agrees to such resolution of disapproval of the rule and within thirty additional days of continuous session of Congress after the date of transmittal of the resolution of disapproval to the other House, such other House agrees to such resolution of disapproval.

(B) Whenever an appropriate committee reports a resolution of disapproval pursuant to this paragraph, the resolution shall be accompanied by a committee report specifying the reasons for the committee's action.

(C) Notwithstanding subparagraph (A) of this paragraph, a recommended final rule may become effective at any time after the day on which either House of Congress defeats a resolution of disapproval, and, in the case of the Senate, a motion to reconsider such resolution is disposed of.

(3)(A) Except as provided in subparagraph (B) of this paragraph, if Congress adjourns sine die at the end of a Congress prior to the expiration of the periods specified in paragraph (2)(A) of this subsection with respect to a recommended final rule, the rule shall not become effective during that Congress. The Secretary may transmit such rule at any time after the first day of the following Congress in accordance with paragraph (4) of this subsection, and the periods speci-

fied in paragraph (2)(A) of this subsection with respect to any such rule shall begin on the date such rule is transmitted to the Congress.

(B) If—

(i) the Congress adjourns sine die at the end of a Congress prior to the expiration of the periods specified in paragraph (2)(A) of this subsection with respect to a recommended final rule;

(ii) the Secretary transmits such recommended final rule to the Congress at least forty-five days of continuous session of Congress prior to the day on which Congress adjourns sine die at the end of a Congress; and

(iii) either House of Congress does not adopt a resolution of disapproval with respect to such recommended final rule prior to the day on which Congress adjourns sine die at the end of a Congress,

such rule may become effective at any time after the day on which Congress adjourns sine die at the end of a Congress.

(4)(A) On the day on which a recommended final rule is transmitted for publication to the Federal Register, the Secretary shall transmit to the Secretary of the Senate and the Clerk of the House of Representatives a copy of the complete text of such recommended final rule and a copy of any other materials transmitted to the Federal Register with such rule.

(B)(i) If either House of Congress is not in session on the day on which a recommended final rule is transmitted for publication to the Federal Register, the periods specified in paragraph (2)(A) of this subsection with respect to such rule shall begin on the first day thereafter when both Houses of Congress are in session.

(ii) The Secretary of the Senate and the Clerk of the House of Representatives are authorized to receive recommended final rules and materials transmitted under this paragraph on days when the Senate or the House of Representatives, as the case may be, is not in session.

(C) On the day on which the Secretary of the Senate and the Clerk of the House of Representatives receive a recommended final rule and the materials transmitted with such rule, the Secretary and the Clerk shall transmit a copy of such rule and such materials to the appropriate committees.

(c)(1) If a recommended final rule of the Secretary is disapproved under this section, the Secretary may issue a recommended final rule which relates to the same acts or practices as the disapproved rule. Such recommended final rule—

(A) shall be based upon—

(i) the rulemaking record of the recommended final rule disapproved by the Congress; or

(ii) such rulemaking record and the record established in supplemental rulemaking proceedings conducted by the Secretary in accordance with section 553 of title 5 of the United States Code, in any case in which the Secretary determines that it is necessary to supplement the existing rulemaking record; and

(B) may reflect such changes as the Secretary considers necessary or appropriate including such changes as may be appropriate in light of congressional debate and consideration of the resolution of disapproval with respect to the rule.

(2) The Secretary, after issuing a recommended final rule under this subsection, shall transmit such rule to the Secretary of the Senate and the Clerk of the House of Representatives in accordance with subsection (b) of this section, and such rule shall only become effective in accordance with such subsection.

(d) Congressional inaction on or rejection of a resolution of disapproval with respect to a recommended final rule shall not be deemed an expression of approval of such rule.

PROCEDURES FOR CONSIDERATION OF RESOLUTIONS OF DISAPPROVAL

SEC. 303. (a) The provisions of this section, paragraphs (3) and (4) of section 301, and paragraphs (2)(B) and (4)(C) of section 302(b) are enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions of disapproval; and they supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

(b) Except as provided in subsection (e) of this section, resolutions of disapproval shall, upon introduction or receipt from the other House of Congress, be immediately referred by the presiding officer of the Senate or the House of Representatives to the appropriate committee of the Senate or the House of Representatives, as the case may be.

(c)(1)(A) Except as provided in subparagraph (B) of this paragraph, if the committee to which a resolution of disapproval has been referred does not report such resolution within thirty days of continuous session of Congress after the date of transmittal to the Congress of the recommended final rule to which such resolution relates, it shall be in order to move to discharge the committee from further consideration of such resolution.

(B) If the committee to which a resolution of disapproval transmitted from the other House has been referred does not report such resolution within twenty days after the date of transmittal of such resolution from the other House, it shall be in order to move to discharge such committee from further consideration of such resolution.

(2) Any motion to discharge under paragraph (1) of this subsection must be supported in writing by one-fifth of the Members, duly chosen and sworn, of the House of Congress involved, and is highly privileged in the House and privileged in the Senate (except that it may not be made after a resolution of disapproval has been reported with respect to the same rule); and debate thereon shall be limited to not more than one hour, the time to be divided in the House of Representatives equally between those favoring and those opposing the motion to discharge and to be divided in the Senate equally between, and controlled by, the majority leader and the minority leader or their designees. An amendment to the motion is not in order.

(d)(1) Except as provided in paragraphs (2) and (3) of this subsection, consideration of a resolution of disapproval shall be in accord with the rules of the Senate and of the House of Representatives, respectively.

(2) When a committee has reported or has been discharged from further consideration of a resolution of disapproval, or when the companion resolution from the other House has been placed on the calendar of the first House, it shall be in order, notwithstanding the provisions of rule XXII of the Standing Rules of the Senate or any other rule of the Senate or the House of Representatives, at any time thereafter (even though a previous motion to the same effect has been disagreed to) to move to proceed to the immediate consideration of either such resolution. The motion is highly privileged in the House and privileged in the Senate and is not debatable. An amendment to the motion is not in order.

(3) Debate on a resolution of disapproval shall be limited to not more than two hours (except that when one House has debated its resolution of disapproval, the companion resolution shall not be debatable), which shall be divided in the House of Representatives equally between those favoring and those opposing the resolution and which shall be divided in the Senate equally between, and controlled by, the majority leader and the minority leader or their designees. A motion further to limit debate is not in order. An amendment to, or motion to recommit the resolution is not in order. A motion to reconsider shall be in order only on the day on which occurs the vote on adoption of the resolution of disapproval, and shall not be debatable. Any other motions shall be decided without debate.

(e) If a resolution of disapproval has been ordered reported or discharged from the committee of the House to which it was referred, and that House receives a resolution of disapproval with respect to the same rule from the other House, the resolution of disapproval of the other House shall be placed on the appropriate calendar of the first House. If prior to the disposition of a resolution of disapproval of one House, that House receives the companion resolution of disapproval from the other House, the vote in the first House shall occur on the resolution of disapproval of the other House.

(f) The provisions of this title supersede any other provision of law requiring action by both Houses of Congress for congressional review or disapproval of agency rules to the extent such other provision are inconsistent with this title. The provisions of this title do not supersede any other provision of law requiring action by only one House of Congress for congressional review or disapproval of agency rules.

(g) For the purposes of this title—

(1) continuity of session is broken only by an adjournment sine die at the end of a Congress; and

(2) the days on which either House is not in session because of an adjournment or recess of more than fifteen days are excluded in the computation of days of continuous session.

EFFECTIVE DATE

SEC. 304. This title section shall take effect on the first day of the Ninety-eighth Congress.

SECTION-BY-SECTION ANALYSIS

TITLE I—AMENDMENTS TO TITLE V OF THE HOUSING ACT OF 1949

Section 101: Termination of interest credit programs

1. Section 501(a) authorizes the Secretary to extend financial assistance through the Farmers Home Administration to farmowners, their tenants or laborers; owners of other real estate in rural areas or other rural residents; and elderly or handicapped persons who own land in rural areas. This assistance is to be used for the construction, improvement, alteration, repair or replace-

ment of dwellings related facilities and farm buildings. The reference to the extension of financial assistance has been changed to "to make and insure loans", in order to reflect the elimination of subsidized loans and grants.

2. Section 501(c) provides the eligibility criteria for the assistance to construct, improve, alter, repair or replace a dwelling, related facility or farm building. The reference to assistance has been changed to "loan" in order to reflect the elimination of subsidized loans and grants.

3. Section 501(b)(2) defines the terms "owner" and "mortgage" to include lessee and lease. It provides that the lease must be for a period which is longer than the repayment period of the loan. Language referring to grants under this provision has been deleted.

Loans for Housing and Buildings on Adequate Farms

4. Section 502(a) authorizes the Secretary to make loans with interest to an eligible applicant with the ability to repay the loan. Loans may be made for a period of 33 years. The reference to "assistance" has been changed to "a loan", and the provision which allowed eligible owners of farms, owners of real estate and rural residents to receive a loan at a rate of no more than 5 percent per year has been deleted. The provision which allowed elderly or handicapped owners of land to receive loans at a rate of no more than 4 percent per year has also been eliminated.

In subsection (c)(1)(A) the reference to assistance received under Section 521(a)(1)(B) or (a)(2) of Title V of this Act has been changed to read "rental assistance or interest credits."

5. Section 503 provides that if the income of an eligible applicant from the farm will increase in a period of less than 5 years so that he could repay both the principal and interest of the loan, the Secretary may issue the loan under the terms and conditions outlined in Section 502. The borrower may make annual contributions equaling the annual installment of interest and half of the principal payments up until and including the fifth year. It also provides that the borrower's indebtedness is not assumable and cannot benefit a third party without the consent of the Secretary. This provision has been deleted.

Other Special Loans and Grants for Minor Improvements to Farm Housing and Buildings Rehabilitation Loans and Grants

6. Section 504(a) authorizes the Secretary to make a rehabilitation loan or a combination loan and grant to any eligible applicant who cannot qualify for a loan under Sections 502 and 503. A grant given to a family under this provision may not exceed 5,000 dollars and a combined loan and grant must be less than 7,500 dollars. Any portion of the assistance which is treated as a loan must be repaid within 20 years. The references to grants have been deleted throughout the provision. The limitations on loans and combined loans and grants have been deleted.

In subsection (b) the reference to Section 503 has been eliminated. The reference to clause (b) of Section 513 should be changed to read "clause (a) of Section 513".

Subsection (c) provided the Secretary with the authority to develop and conduct a weatherization program. The subsection has been deleted.

Moratorium on Payments Under Loans

7. Section 505 authorizes the Secretary to grant a moratorium on the payment of interest and principal on a loan for as long as necessary. The borrower must show that because of circumstances beyond his control he is unable to make his payments without impairing his standard of living. The provision which authorizes the Secretary of living. The provision which authorizes the Secretary to cancel the interest due on the loan during the moratorium has been eliminated.

Technical Services and Research

8. The reference to "financial assistance" in Section 506 has been changed to read "loans."

Preference for Veterans and Families of Deceased Servicemen

9. The reference to "assistance" in Section 507 has been changed to read "loans."

General Powers of Secretary

10. Section 509(b) requires a borrower to agree that the improvements made with a loan under this title will not be a justification for detrimentally changing the terms or conditions of the lease or occupancy agreement held by the occupants of the farm. All references to grants have been removed from the provision.

Section 509(c) provided for the repair of structural defects in any dwelling or unit newly constructed during the period beginning 18 months before the enactment of the Housing and Community Development Act of 1977. This provision has been deleted.

Section 509(d) requires the Secretary to prescribe the terms and conditions for expenditures and payments made under this section. This provision was renumbered as subsection (c)

Administrative Provisions

11. Section 510(f) provides that if a Secretary has determined that an area is no longer "rural" the office should continue to process the applications which were on hand before the determination. The reference to grants has been deleted from this provision.

Loan Funds

12. Section 511 authorized the Secretary to issue notes and other obligations for purchase by the Secretary of the Treasury in order to make direct loans under this title. This provision has been deleted.

Contributions

13. Section 512 authorized the Secretary to make commitments for contributions of no more than 10,000,000 dollars between July 1, 1956 and October 1, 1969. This provision has been deleted.

Insurance of Loans for the Provision of Housing and Related Facilities for Domestic Farm Labor

14. Section 514(a)(2) stipulated that a loan issued under this subsection with an interest rate above 1 percent will not be insured. This subsection has been deleted.

Subsection (g) authorized the Secretary to waive the interest rate limitation of 1 percent if qualified public and private nonprofit sponsors are not available and if the waiver is necessary to permit farmers to provide housing for farm laborers. The interest rate was to have been no less than one-eighth of 1 percent higher than the average interest rate on notes issues under Section 511. This provision has been eliminated.

Direct and Insured Loans To Provide Housing and Related Facilities for Elderly Persons and Families in Rural Areas

15. Section 515 authorizes the Secretary to make loans for rental or cooperative housing which will be occupied by elderly persons, handicapped persons or families of low or moderate income. Subsection (a)(2) provided that these loans must not have an interest rate which exceeds the maximum rate provided in Section 202(a)(3) of the Housing Act of 1959. This subsection has been eliminated, and subsections (a)(3) and (a)(4) have been renumbered accordingly. Subsection (b)(2) provided that insured loans for rental or cooperative housing for elderly or handicapped persons or families or other persons and families of moderate income in rural areas must have an interest which doesn't exceed the maximum rate provided in Section 203(b)(5) of the National Housing Act. This provision has also been deleted, subsection (b)(3), (b)(4), (b)(5) and (b)(6) have been renumbered accordingly.

Subsection (f) authorized the Secretary to make and insure loans to consumer cooperatives to finance the transfers of memberships in the cooperatives with terms and conditions that low and moderate income persons can afford. These loans may not have been made at rates which are more favorable than those authorized under Section 521(a). The total loan to the cooperative could not have exceeded the value of the property. This subsection has been deleted.

Financial Assistance to Provide Low-Rent Housing for Domestic Farm Labor

16. Section 516 provided grants for the production of farm labor housing. This provision has been deleted.

Insured Rural Housing Loans

17. Section 517 authorizes the Secretary to insure loans meeting the requirements of Section 502 and make loans to be sold and insured. Subsection (a) provides that loans made to low and moderate income persons cannot exceed amounts necessary to provide modest yet adequate housing. This subsection held the interest rate to below five percent for these loans and required that all loans be insured and made before September 30, 1982, except if a commitment had been made before that date. The provision required other borrowers to bear interest and provide for insurance or service charges at rates comparable to the combined rate of interest and premium charges in effect under Section 203 of the National Housing Act. This provision has been deleted and replaced with language which would again require that loans made to persons of low and moderate income not exceed amounts necessary for the provision of modest yet adequate housing. This amendment also provides that no loan under this subsection can be insured or made after September 30,1982, unless a commitment has been entered into before that date.

In subsection (b) the reference to (b)(4) has been changed to (b)(3) to reflect a change made in other portions of this legislation.

Subsection (j)(4), authorized the Secretary to use the Rural Housing Insurance Fund for assistance payments under Section 521(a). This provision has been deleted, and subsection (j)(5) has been renumbered accordingly.

Subsection (j)(6) authorized the Secretary to utilize the Rural Housing Insurance Fund to make expenditures for the correc-

tion of structural defects. This provision has been deleted.

Loans To Provide Occupant-Owned, Rental and Cooperative Housing for Low and Moderate Income Persons and Families

18. Section 521 (a) provided that loans to provide rental or cooperative housing will bear interest at the government's cost of borrowing, and describes the process of reducing the interest rate for developers as well as the requirements for the rental assistance payments. Subsection (a) has been replaced with a provision that states that interest rates for insured loans under this title will be at the rates prevailing in the private market for similar loans. The provision also states that the interest rates for guaranteed loans under this title will be agreed on by the borrower and lender, but will not exceed the rates determined by the Secretary.

Subsection (c) deletes all reference to the existing subsection (a).

Housing for Rural Trainees

19. Section 522 provided housing to trainees and their families while they are enrolled and participating in training courses designed to improve their employment capabilities. This provision has been repealed.

Mutual and Self Help Housing

20. Section 523 provides loans to public and private nonprofit organizations as well as needy low income individuals and their families so that these families may participate in an approved mutual and self help housing program. Subsection (b)(1)(A) authorizes the Secretary to make grants to pay part or all of the cost of technical and supervisory assistance in order to help the low income individuals carry out their self help efforts. This provision has been deleted.

References to loans with an interest rate of no more than 3 percent have been eliminated in subsection (b)(1)(B). This subsection has been renumbered as (b)(1).

References to grants have been eliminated under subsection (b)(2).

Subsection (b)(3)(D) authorizes the Secretary to make loans if the interest rate is less than 3 percent on the unpaid balance of principal and any other costs of the loan program that are considered consistent with its purposes. This subsection has been deleted and subsection (b)(3)(E) has been renumbered.

Subsection (b) authorized to be appropriated no more than $5,000,000 for fiscal year 1982. It provided that no grant or loan could be made or contract entered into after September 30, 1982 unless a commitment or obligation was made before that date. This provision has been deleted.

Financial Assistance to Nonprofit Organizations to Provide Sites for Rural Housing for Low and Moderate Income Families

21. Section 524 provides direct loans to nonprofit organizations for the acquisition and development of land of sites to be used for housing low and moderate income persons. Subsection (a) further provided that the interest rate on the loan reflect the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of the loans. This portion of the provision has been deleted. The loan shall however be repaid within a period of no more than 2 years or within a period determined by the Secretary.

Programs of Technical and Supervisory Assistance for Low Income Families

22. Section 525 (a) authorized the Secretary to make grants or enter into contracts with public or private nonprofit groups for developing and adminstering technical and supervisory assistance programs. This subsection has been deleted.

Subsection (b) authorizes the Secretary to make loans to public or private nonprofit groups for expenses such as planning, obtaining financing for the rehabilitation or construction of low income housing under any Federal, state or local housing program, prior to construction. References to these loans being made without interest and the cancellation of all or part of the debt have been omitted.

Subsection (b) and (c) have been renumbered accordingly.

Mobile Homes

23. Section 527 provided that "housing" shall to the extent deemed practicable by the Secretary include mobile homes and mobile home sites. Loans made for the purchase of mobile homes and sites had been made on the same terms and conditions as are applicable under Section 2 of the National Housing Act. This provision has been deleted.

Condition on Report Increases in 514, 515 and 517 Projects

24. Section 530 provided that the Secretary may not approve any increase in rental payments where tenants are paying more than 25 percent of their incomes in a 514, 515 or 517 project as well as Section 521(a)(1)(B) unless the project owner is receiving or has applied for rental assistance payments under Section 521(a)(2)(4) of Section 8. This provision has been repealed.

25. This language provides that the assets of, and any future repayments to the loan fund which was established under Section 511 will be transferred to the Rural Housing Insurance Fund.

Section 102: Manufactured housing in rural areas

Section 502 has been amended by the addition of language which requires that FmHA use the HUD Code as the construction standard. It also allows loans or insurance on manufactured homes in states which treat them as personal property instead of real property.

Section 103: Rehabilitation standards

This provision amends Section 504 of this title to require that approval under State and local codes will be sufficient for the rehabilitation of homes.

Section 104: Standards for adequate housing

Minimum property standards are required to be identical to those used by HUD.

Section 105: Rural housing insurance fund

Section 517(k) provided that any sale of loans individually or in blocks should be treated as a sale of assets for the purposes of the Budget and accounting Act of 1921. This provision has been amended to require the Secretary to establish and maintain a reserve against loan losses sustained by the Rural Housing Insurance Fund. It also requires the Secretary to provide Congress with a report containing the amount of: loans proposed to be made from the fund; expected repayments to be received; setaside required as a reserve and funds required provide interest credits on loans made from the Fund.

Section 106: Condominium housing

This amendment eliminates the discretion of the Secretary and requires him to make and insure loans on condominium projects if they meet the requirements of the statute.

Section 107: Authorizations

Section 513 is amended to authorize the Secretary to insure and guarantee loans in an aggregate amount of no more than 1.145 billion. Of this total no more than the following amounts are available for loans under subsection (a): 720 million, 502 loans; 19 million, 504 loans; 15 million, 514 loans; 160 million, 515 loans; and 2 million, 524 loans.

Under subsection (a) the Farmers Home Administration may also guarantee loans in an aggregate amount of no more than the following amounts: 180 million, 502; 5 million, 504; 4 million, 514; 40 million, 515; and 0, 524.

SECTION-BY-SECTION, TITLE II RURAL HOUSING BLOCK GRANTS

Short Title

Section 201 states that this title may be referred to as the Rural Housing Block Grant Act of 1982.

Purpose

Section 202(a) states that the primary purpose of the block grant is to provide safe and sanitary housing for residents of rural areas. The legislation places an emphasis on serving areas with a population of 2,500 or less, where there is a greater need for housing assistance.

Block grant funds should be used to rehabilitate existing housing, however in areas where the supply of modest housing is insufficient to meet the demands of the area, new single or multi family housing may be built. Assistance may be given to low income persons who cannot afford to live in safe and sanitary housing and are not provided for under other assistance programs. This legislation authorizes each state to assess their areas of need and allows them to provide methods of meeting these demands.

Section (b) further explains that this legislation intends to address more efficiently the housing needs in rural areas and will recognize the variations among individual states. This will be accomplished by: providing funds to states on an annual basis; encouraging housing activities which are consistent with local needs and objectives; furthering achievement of the national housing policy; and fostering the undertaking of housing activities which are coordinated with Federal and State agencies and programs.

Subsection (c) requires that state financial support for housing activities should not be reduced from current levels.

Definitions

Section 203 provides the following definitions for the Act:

(1) "Low income" refers to persons having a total income of no more than 50 percent of area median income with adjustments for smaller and larger families or for unusually low area median income.

(2) "Rural area" refers to any open country, place, town or city which is not part of or associated with an urban area and has a population of 2,500 or less. Areas which are rural in character and have a population of 10,000 or less will also be eligible for assistance under this act if an area has a population between 10,000 and 20,000 it is considered eligible if there is a serious lack of mortgage credit for low income families.

This determination of credit availability will be made by the secretary of Housing and Urban Development.

(3) "Modest" refers to units which are safe and sanitary and comply with applicable State and local codes.

(4) "Rural resident" refers to those persons who own homes in eligible rural areas, as well as those individuals who rent units in these same designated areas.

(5) "State" refers to any state of the United States, Puerto Rico, the Virgin Islands, or any territories or possessions of the United States.

(6) "Indian tribe" refers to any Indian tribe, band, group or nation which is considered eligible to receive assistance under the Indian Self-Determination and Education Assistance Act or under the State and Local Fiscal Assistance Act of 1972.

Authorization

Section 204 provides the authority for the Secretary to make grants of an amount not to exceed $600 million, so that states might implement eligible rural housing programs. This amount will be authorized for each of the following fiscal years: 1983, 1984, and 1985.

Statement of Activities and Review

Section 205(a)(1) requires a state to prepare a statement of housing objectives and projected use of funds. The state must submit this, with the other required certifications, before grant funds may be received. The statement shall specifically take into account the needs and conditions of existing housing for low-income Indians living on trust lands.

Subsection (2) requires that the public be provided an opportunity to examine and contribute to the statement of housing objectives. This subsection also intended to facilitate coordination of activities with different levels of government. The state is required to provide information to citizens on the amount of housing funds that will be available.

There are two additional forums provided for public comment. The state must publish the proposed statement of housing objectives and must hold at least one public hearing on the subject.

Subsection (3) requires that the comments made by the public be taken into consideration in the final version of the statements. If the state modifies the statement it must make the final version available to the public.

Subsection (b) specifies that the grant will not be made unless the State complies with the requirements for developing a statement of housing objectives. It further specifies that the projected use of funds must be developed to benefit the maximum feasible number of low income persons including Indians living on trust land and eliminate substandard conditions in the existing housing stock. In the instance that other financial resources aren't available, activities with a particular urgency for serving other low income housing needs may be funded. The state must also certify that activities undertaken under this legislation conform with applicable laws and the provisions outlined in the title.

Subsection (c) requires that state to submit a performance report on the actual use of grant funds. The report must state the extent to which the actual expenditure of funds was consistent with the original statement of objectives. The Secretary is required to review the performance to each state at least once a year. The Secretary must determine whether the state has carried out its activities and distributed funds in a reasonable period of time.

Subsection (d) states that although funds already expended may not be recaptured, the Secretary may adjust the amount of funds a state receives if performance has not been satisfactory within the content of the Act.

Subsection (e) authorizes audits by the General Accounting Office.

Eligible Activities

Section 206 authorizes the state to engage in any of the following activities:

(1) rehabilitation of existing homes for occupancy by low income families through—

(A) repair and improvement activities, particularly when carried out in conjunction with a voucher or state-initiated assistance program; and

(2) the acquisition and rehabilitation of existing buildings for low income housing by both public and private entities; and

(3) financing and construction and purchase of modest homes for low income persons. The purchase of existing homes and manufactured homes may also be financed under this provisions;

(4) provision of multifamily housing where there is a demonstrated need for low income rental housing or farmworker housing;

(5) provision of rental assistance for those low income persons who are not otherwise served by an existing rental assistance program.

(6) the acquisition and rehabilitation of existing buildings for low income housing and both public and private entities.

Section 207(a) provides an allocation formula for distribution of funds to each state. A state will receive its share of the average of the ratios between; the population of the rural areas in that state and the rural population of all states; the extent of poverty in the rural areas in that state and the extent of poverty in the rural areas of 11 states; the extent of substandard housing in the rural areas of that state and the extent of substandard housing in the rural areas of all states.

For a state to receive funds, subsection (b) provides that the Governor must designate a state agency to determine an appropriate program of eligible housing activities. This agency would also be authorized to provide technical assistance in areas where it is necessary.

The state must provide at least 10 percent of the amount allocated to the state under the block grant formula during any three year funding cycle from its own resources for housing activities. Finally, the state must consult with local elected officials from eligible areas when determining the method of distributing funds to these rural areas. A state cannot withdraw from distributing funds at any time during a funding cycle when it has not contributed its full 10 percent.

Subsection (c) provides that a state may fund up to 50 percent of the administrative costs incurred in carrying out its responsibilities under this Act, provided that the federal expenditure for administration does not exceed 2 percent of the amount received as the state's allocation.

Subsection (d) entitles the Secretary to set a specific date for the receipt of submissions required by this legislation.

Subsection (e) provides that if a state does not submit the required certifications for eligibility, or does not accept the responsibility of distributing the allocated funds, the Secretary shall administer funds through the state FmHA office. The state office may obtain permission from the secretary to make a contract with units of government, or nonprofit organizations in order to carry out eligible activities.

Nondiscrimination

Section 208(a) prohibits discrimination on the basis of race, color, national origin, sex, age, or handicap under any of the programs authorized through this title.

Subsection (b) identifies penalties in the event that discrimination does occur.

Remedies for Noncompliance

Section 209(a) provides the actions to be taken by the Secretary if the state has not complied with the provisions of this legislation. The Secretary may—

(1) end block grant payments to the state.

(2) reduce block grant payments to the state by an amount equal to the amount of such payments which were not expended according to the provisions of this legislation.

(3) limit the availability of block grant payments to programs, projects, or activities which are eligible and comply with this legislation.

Subsection (b) provides that in addition to any of the actions outlined in subsection (a), the Secretary may refer the matter to the Attorney General, so that civil action may be taken.

Subsection (c) states that the Attorney General may bring civil action to a U.S. District Court, and may, among other decisions, rule to recover the amount of money which was spent improperly.

Subsection (d) outlines the procedure to be taken by both the Secretary and the state if funding is to be ended, reduced or limited as a result on noncompliance.

Reporting Requirements

Section 210 requires the Secretary to submit a report of Congress no later than 180 days after the close of the fiscal year. This report is required to contain a description of the progress made in accomplishing the objectives of this title as well as a summary of the use of funds during the preceding fiscal year. The states must submit the information necessary for the completion of the report.

Interstate Agreements

Section 211 authorizes two or more states to cooperate and assist on another in planning and administering housing programs for those areas.

Effective Date

Section 212 states that this title will take effect on October 1, 1982.

TITLE III—CONGRESSIONAL REVIEW OF RURAL HOUSING RULEMAKING

Definitions

Section 301 provides the following definitions for this title:

(1) the term "Secretary" means the Secretary of Agriculture;

(2) The term "rule" means any rule issued pursuant to title V of the Housing Act of 1949 or title II of this Act;

(3) the term "resolution of disapproval" means a concurrent resolution of the Congress, the matter after the resolving clause of which is as follows: "That the Congress disapproves the recommended final rule issued by the Secretary of Agriculture dealing with the matter of , which rule was transmitted to the Congress on the first blank being filled with the title of the rule and such further description as may be

necessary to identify it, and the second blank being filled with the date of transmittal of the rule to the Congress; and

(4) the term "appropriate committee" means the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

Congressional Review of Rules

Section 302(a)(1) (A) and (B) states that these provisions do not apply to any findings made by the Secretary pursuant to section 553(3) of title 5, U.S. Code. Nor would these provisions apply to any rule that approves or prescribes wages, prices, services or allowances for corporate or financial structures. This provision would also apply to the reorganization, merger and acquisition or accounting practices and disclosures of corporate or financial structures.

Subsection (C) again refers to section 553 (b)(2) of title 5, U.S. Code by stating that any finding made under this section should not be subject to the provisions of this law. This exemption also includes instances where the Secretary determines that the rule is made in response to an emergency situation or exceptional circumstance which needs immediate agency action. Subsection (C)(3) provides that if the Secretary submits a written notice specifying the reasons for the determinations described in subsection (C) (1) and (2) to the chairman and ranking minority member of the appropriate committees on the day the rules are issued, the rules of this section will not apply.

Subsection (3) provides that a rule which was ruled exempt from the review authorized under this title because of subsection (C) such as an emergency provision will be terminated 120 days after it is enacted, unless it is otherwise provided.

Subsection (b)(1) states that recommendations made by the Secretary will have no force or effect unless they have been reviewed and approved by Congress in a manner which is consistent with these provisions.

Subsection (b)(2)(A) provides that 45 days of continuous session of Congress must pass from the day the rule was received by the Congress before it becomes effective. Before these 45 days are over, either appropriate committee can order this rule to be reported or discharged from further consideration. A rule may not become effective if one House of Congress agrees to a resolution of disapproval within a period of 30 days. In addition, a rule may not become effective if within 30 days of continuous sessions the other House agrees to the resolution of disapproval transmitted to them.

Subsection (b)(2)(B) states that a committee report specifying the reasons for a committee recommendation must accompany a resolution of disapproval.

When either House of Congress defeats a resolution of disapproval or the Senate disposes of a motion to reconsider a resolution, subsection (b)(2)(C) allows a final rule to become effective at any time thereafter.

Subsection (b)(3)(A) states that if Congress adjourns sine die before the end of the 45 day period specified in subsection (b)(2)(A), the rule will not become effective during that Congress. The Secretary may transmit the rule again after the first day of the following Congress, and be subject to the 45 day period of review specified under this provision.

Subsection (B) provides that if the final rule is submitted to Congress at least 45 days before Congress adjourns and neither House of Congress adopts a resolution of disapproval the rule will become effective at any time after Congress adjourns sine die.

Subsection (4)(A) requires the Secretary to give a copy of the complete text of the final rule and other related materials to the Secretary of the Senate and Clerk of the House of Representatives on the same day that it is submitted for publication in the Federal Register.

If either House is not in session on the day a final rule is submitted for publication in the Federal Register, the 45 day period will begin the first day both Houses of Congress are in session. In the event that either House is not in session, either the Secretary of the Senate or the Clerk of the House is authorized to receive the final rule and related materials which will be printed in the Federal Register. Subsection (c) requires that the Secretary of the Senate and the Clerk of the House give a copy of the rule and the related materials to the appropriate committees on the same day it is received from the Secretary.

Subsection (c) (1) states that if a recommended rule is disapproved, the Secretary may issue a recommended final rule which relates to the same practices as the rejected rule. The new submission should be based on the rulemaking record of the recommended final rule disapproved by Congress or the supplemental rulemaking proceeding conducted under section 553 and should reflect necessary and appropriate changes in light of the congressional debate which resulted from the submission of the original rule. The same procedures should be following in submitting a redraft of a rule.

Subsection (d) states that a rule should not be considered approved, if no action is taken or a resolution of disapproval is rejected.

Procedures for Consideration of Resolutions of Disapproval

The provision of the definition of "resolution of disapproval" and "appropriate committee" as well as a requirement that a committee receive a copy of the materials which would appear in the Federal Register and specify the reason for recommending a resolution of disapproval is enacted as an exercise of the rulemaking power of the Senate and the House of Representatives respectively. The provisions of section 303 only apply to the procedure followed in the House in the case of a resolution of disapproval. These provisions supersede other rules only to the extent that they are inconsistent. This legislation was designed with full recognition that either House has the constitutional right to change the rules at any time as it would any other rule.

Subsection (b) states that except in the case provided for in subsection (e) of this section, resolutions of disapproval will be referred to the appropriate House or Senate Committee as soon as it is introduced or received from the other House of Congress.

Subsection (c) (1) (A) states that if the committee does not report a resolution of disapproval which has been referred to it within 30. days, this committee may be discharged from considering any further resolutions. Subsection (c) (2) requires that a motion to discharge a committee from the consideration of regulations must be supported in writing by one-fifth of the Members of that House of Congress. Debate on this motion is limited to an hour. In the House of Representatives, the time would be divided equally between the opponents and the proponents of the motion to discharge, while in the Senate the time would be divided and controlled by majority leader and the minority leader or their designees.

Subsection (d)(1) ensures that the consideration of a resolution of disapproval is carried out in accordance with the rules of the House of Representatives.

Subsection (d)(2) provides that when a committee has reported or has been discharged from further consideration of a resolution of disapproval or when the companion resolution from the other House has been placed on the calendar, it will be in order to move to proceed to the immediate consideration of the resolution. The motion is highly privileged in the House and privileged in the Senate and is not debatable. An amendment to the motion is not in order.

Subsection (d)(3) provides that debate on a resolution of disapproval is limited to no more than two hours. However, when one House has debated its resolution of disapproval, the companion resolution is not debatable. The time is divided in the same manner outlined in subsection (c)(2). A motion to limit debate is not in order. An amendment to, or motion to recommit the resolution is not in order. A motion to reconsider is in order only on the day of the vote on the adoption of the resolution of disapproval, and is not debatable. Any other motions will be decided without debate.

Subsection (e) provides that if a resolution of disapproval has been reported or discharged from the committee it was referred to, and that House receives a resolution of disapproval on the same rule from the other House, the resolution of disapproval of the other House will be placed on the appropriate calendar of the first House. If a House receives the companion resolution of disapproval from the other House before it disposes of its own resolution, the vote in the first House will be on the resolution of the other House.

Subsection (f) states that the provisions of this title supersede other provisions of law requiring action by both Houses of Congress for congressional review or disapproval of agency rules in the event that they are inconsistent with this title. This title would not supersede any provision of law requiring action by only one House of Congress for the same activities.

Subsection (g) specifies that for the purposes of this title continuity of session is broken only by an adjournment sine die at the end of Congress. It also provides that if either House is adjourned or is in recess for more than 15 days, those days are excluded in the computation of days of continuous session.

Effective Date

Section 304 provides that this title shall take effect on the first day of the Ninety-eighth Congress.●

By Mr. MOYNIHAN (for himself, Mr. SASSER, and Mr. HART):

S. 2454. A bill to amend the Congressional Budget Act of 1974 to establish procedures for setting targets and ceilings in the congressional budget process for tax expenditures, and for loans and loan guarantees under Federal credit programs; pursuant to the order of August 4, 1977; referred jointly to the Committee on Governmental Affairs and the Committee on the Budget.

FEDERAL CREDIT AND TAX EXPENDITURE CONTROL ACT OF 1982

● Mr. MOYNIHAN. Mr. President, today I am pleased to introduce the Federal Credit and Tax Expenditure Control Act of 1982. Some of the provisions of this legislation are complex, but its purpose is simple. We intend to establish more effective and more comprehensive control over the Federal spending process.

Controlling Federal spending, and doing so in a responsible way, is always a difficult task. It is a task made more difficult by our current economic problems. But under any conditions, surely such an effort must begin with meaningful procedures for overseeing all aspects of Federal expenditure. The means to oversee the largest dimension of Federal expenditure, total direct spending, already exist: The Budget Control and Impoundment Act of 1974. This body's very capacity to cut $35.2 billion in direct spending last year, as well we know, relied on reconciliation and other procedures created by the 1974 legislation.

But direct spending is only the most visible of three distinct forms of Federal expenditure. The National Government also expends public funds in indirect ways, principally through loan guarantee programs and tax expenditures. Indirection, however, renders their impact on the budget and the economy no less real. In the 1982 fiscal year, direct loans by the National Government will total $65,418,000,000, primary loan guarantees will total another $100,521,000,000, and secondary guarantees will come to $68,953,000,000. Taken together, the credit activities of the Federal Government come to some $234,892,000,000. That is $1,061.09 for each of the 231,173,000 men, women, and children in the United States. And according to the most recent estimates by the Joint Tax Committee, the fiscal impact of existing tax expenditures will reach $253,515,000,000 in the current fiscal year—$55,140,000,000 focused on corporations and $198,375,000,000 focused on individuals. That comes to $1,096.65 for every American this year.

It must be obvious to any casual observer, much less to the serious participants in the budget process in this Chamber, that we never will get control of the whole budget until we acknowledge the fiscal impact of these items and explicitly incorporate them in the budgetmaking process. This legislation, then, proceeds from this reality toward one crucial and simple end. We intend to provide Congress the means to oversee the entire range of Federal spending activity by applying the established procedures of the existing budget process to the Federal Government's credit and tax expenditure activities.

Under this legislation, for example, the nonbinding first concurrent budget resolution would include estimates for total tax expenditures and total loan guarantees, as for direct spending, and further estimates of their distribution among the budget's functional categories. How, one must ask, can Congress responsibly determine the appropriate level for direct spending in any area without knowing the extent of Federal credit and tax operations supporting the same activities? And how can Congress establish coherent priorities in credit and tax expenditure activities without some comprehensive view of their actual allocations?

This legislation also would subject total loan guarantees and total tax expenditures to binding ceilings under the second concurrent budget resolution, the central mechanism for controlling direct spending in the current budget process. As for direct spending, these ceilings would not bind any committee to reduce any particular loan guarantee program or tax expenditure. The ceilings would establish an annual lid on total loan guarantees and total tax expenditures, preventing congressional consideration of any additional loan guarantee program or new tax expenditure that would breach the ceiling. Moreover, this legislation would also make loan guarantees and tax expenditures subject to a reconciliation process, once again like direct spending today. Only in this way can Congress oblige its constituent committees to reduce programs under their jurisdictions, to the degree judged necessary by the entire body.

This legislation also applies the restraints on Presidential impoundments of direct spending, under the 1974 Budget Act, to legally mandated loan guarantee programs. The logic seems inescapable: If loan guarantees are a form of spending which properly should be subject to full congressional examination and determination, then the Executive cannot properly use administrative decrees to overturn these decisions. How can Congress subject loan guarantee spending to the scrutiny and controls of the budgetary process, and then accord the President fiat authority to rescind or defer the results?

This legislation also introduces three innovations required to establish truly comprehensive budgetary controls. Under current procedures, the precise extent of Federal credit activities is often difficult to determine and often impossible to control, because many legitimate and useful credit programs operate entirely under general authorization legislation outside the appropriations process. To subject all credit activities, like all direct spending, to the budget process, this legislation states that in the future authorizing acts can result in loan guarantees only to the extent provided for in appropriations acts.

To a related end, the legislation exposes to the budget process transactions between Federal loan agencies and the Federal Financing Bank. The clearinghouse functions performed by the Federal Financing Bank are necessary and proper ones, and this legislation will in no way interfere with any of these operations. But these credit operations can no longer be forgotten in the off-budget ledgers. They must be made accessible to the congressional budgetmaking process. Under this legislation, therefore, any agency using the Federal Financing Bank must report to the Office of Management and Budget the level of budget authority and outlays that would have resulted, if the agency had borrowed directly from the market rather than the Federal Financing Bank. In this way, the cost and impact of these transactions can be apparent in the budget documents.

Last, this legislation directs the Treasury Department to undertake a 2-year study of tax expenditures. This study will identify those tax expenditures which actually produce their intended effects on taxpayer behavior and those which, not having produced their desired effects, can be eliminated without adverse economic impact. This provision, then, would enable Congress to address the issue of tax expenditures in a truly informed way and to knowledgeably determine more optimal dimensions for the public tax base.

I repeat: Congress will never be able to exercise meaningful control over the Federal budget unless it adopts procedures to discipline the Government's credit activities and tax expenditures, as well as direct spending. I ask my colleagues to join me in this task, to provide Congress the means to master Federal spending in a responsible way.●

By Mr. HEINZ (for himself, Mr. DOMENICI, Mr. BENTSEN, Mr. DURENBERGER, Mr. MATSUNAGA, Mr. BRADLEY, Mr. CHAFEE, Mr. SYMMS, Mr. GRASSLEY, Mr. MOYNIHAN, Mr. BAUCUS, Mr. MITCHELL, Mrs. HAWKINS, and Mr. BOREN):

S. 2455. A bill to extend the Targeted Jobs Tax Credits; to the Committee on Finance.

EXTENSION OF TARGETED JOBS TAX CREDIT

● Mr. HEINZ. Mr. President, I am introducing today, with my distinguished colleague, the chairman of the Senate Budget Committee, the Senator from New Mexico (Mr. DOMENICI), a 5-year extension of the targeted jobs tax credit. In addition, Senators BENTSEN, DURENBERGER, MATSUNAGA, BRADLEY, CHAFEE, SYMMS, GRASSLEY, MOYNIHAN, BAUCUS, MITCHELL, HAWKINS,

and BOREN have joined us as original cosponsors of the bill. This legislation is similar to legislation that passed the Senate last year 95 to 3.

Because the majority of the Senators are familiar with the targeted jobs tax credit, I shall keep my remarks today at a minimum. I urge all my fellow Senators to join us as cosponsors of this legislation and I hope the extension will be expeditiously enacted.

The current targeted jobs tax credit was originally enacted in 1978. In 1981 we extended the program for 1 year to allow the Department of Labor to develop statistics concerning the program. On January 24, 1982, the U.S. Employment Service Office of Program Review released statistics indicating the targeted jobs tax credit is, in fact, working to put these target groups of often-difficult-to-employ individuals into productive, private sector jobs. For fiscal year 1981, 411,581 certifications were issued under the program. As the Secretary of Labor has indicated to me, after an uncertain start, the program is clearly working and should be extended.

As I have said before, the targeted jobs tax credit offers a way out of poverty and joblessness for those who are economically disadvantaged or lacking the basic skills or experience necessary to compete effectively in the job market and who are looking for productive private sector employment opportunities. Much like the Capital Cost Recovery Act, the targeted jobs tax credit is concerned with making an investment now for a better future. That is why on many occasions I have referred to the targeted jobs tax credit as the Human Cost Recovery Act.

Mr. President, let me take a moment to review the way the credit works. The credit is available for hiring individuals in any one of the nine targeted groups. These are groups where it is statistically proven that potential employers pass over people from these backgrounds. These groups are targeted, therefore, because they need this special incentive for employers to hire them. In effect, the targeted jobs tax credit lowers the barrier to a productive life for these targeted individuals.

The targeted jobs tax credit must be extended. The legislation Senator DOMENICI and I have introduced today extends the credit for 5 years. It also makes two minor changes to the law that should make the program even more effective. One change relates to the cooperative education category. Originally, the targeted jobs tax credit extended to all cooperative education/work study/vocational education students. In 1981, the Senate bill included all cooperative education students but at a somewhat lower wage base. However, the Conference on the Economic Recovery Tax Act of 1981 concluded that only economically disadvantaged vocational education students should be eligible for the credit. We believe that this policy is discriminatory and unsound, and our legislation allows the credit for all cooperative education students. This change is particularly important to vocational educators. These educators have found the labeling of parts of a peer group as disadvantaged has caused serious morale problems among the students. I am certain that many of my colleagues recall the similar problem we had that stigmatized certain persons in lunch programs as disadvantaged. The experience there was that persons would go hungry rather than admit to being disadvantaged. Cooperative education students, the majority of whom are educationally or economically disadvantaged, are likewise understandably and highly reluctant about being stigmatized. This inclusion of only disadvantaged cooperative education students in the credit in current law has built up barriers the credit was intended to lower. In addition, current law requires this group to be double certified, once as a cooperative student and once as disadvantaged. This obviously causes administrative problems for both the school and the potential employer. For these reasons, our bill follows the old law and previous Senate approach by including all cooperative education students as a targeted group.

Our bill also contains one other, essentially technical, modification. In order to further restrict abuse situations, but clarify the current rules, the credit should not be allowed on persons who have worked for the same employer within the last 180 days. In addition, our bill caps the total credit against the wages of any individual at $4,500. This will remove any incentive to an employer to fire a worker with the intention of rehiring the same employee in order to obtain a whole new tax credit. This technical provision should simplify employment procedures in small, rural communities.

Mr. President, I would like to thank the chairman of the Budget Committee and my other original cosponsors for their unqualified support. I believe that when the other Senators have a chance to examine our legislation, the merits of the program, and the very beneficial effect the program has had in their State, they will join us as sponsors and the legislation will be expeditiously enacted.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2455

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 51 of the Internal Revenue Code of 1954 is amended by—

(1) striking out "1982." at the end of (c)(3) and inserting in lieu thereof, "1987.",

(2) striking out ", and" at the end of (d)(8)(A)(iii) and inserting in lieu thereof a period and also inserting "and" at the end of (d)(8)(A)(ii), and

(3) striking out (d)(8)(A)(iv), and

(4) striking out "which he was not a member of a targeted group." at the end of (i)(2) and inserting in lieu thereof "the preceding 180-day period. In no event shall the total credits claimed on any individual exceed $4,500."

(b) EFFECTIVE DATE.—The amendments made by this Act shall apply upon date of enactment.●

● Mr. GRASSLEY. Mr. President, I rise in support of Senator HEINZ' measure to extend the targeted jobs tax credit for 5 years. The targeted jobs tax credit gives an employer a tax credit for wages paid to individuals falling within each of seven targeted groups. This provision within the code has encouraged employers to hire workers who have traditionally had difficulty entering the job market. It provides people with jobs quickly and effectively without embroiling the entire Federal bureaucracy in the employment process. After the Departments of Labor and Treasury or their designee certifies an employee, the program becomes essentially administered by the employer. The extension of this important legislation is critical in our attempt to buoy sagging employment.

I am also concerned with two minor revisions of the existing credit not contained within the Heinz bill. One involves a revision of the definition of general assistance recipient for purposes of the targeted jobs tax credit. For purposes of the statute, a general assistance recipient must receive money payments to qualify for the targeted jobs tax credit. Polk County, Iowa, uses vouchers rather than money payments to aid general assistance recipients; therefore, general assistance recipients in that county, which includes Des Moines, do not qualify as certified employees for purposes of the targeted jobs tax credit. It is my hope that Congress can address this issue when it extends the credit. Today, I am offering a bill which corrects this problem. It is an approach I hope the committee will consider in crafting a solution to remedy this defect in current law for communities which issue vouchers rather than cash.

I would also urge my colleagues to examine a measure I introduced in March as a possible addition to Senator HEINZ' bill. Simply stated, my bill, S. 2229, would increase the percentage of a certified employee's wages that an employer could credit against tax liability from 50 to 85 percent. This provision would only be effective from May 17, 1982, until September 17,

1982, for youths aged 16 to 21 who are certified by the local authority as being part of an economically disadvantaged family. Why is this necessary? According to the Bureau of Labor Statistics, the seasonally adjusted unemployment rate for youths in March was 21.9 percent, while the unemployment rate for blacks and other minority youth climbed to a staggering 42.2 percent in March. As more young people are seeking jobs during the summer months to supplement their families' incomes or earn money for their educations, they are entering a job market that is extremely tight. They are competing with unemployed experienced workers with established employment histories. While I remain confident that the President's economic program will work, I firmly believe we need to help youth employment now.

Our society is undergoing profound change. It is in the midst of reindustrializing its base and trying to live with limited economic and natural resources. As a nation, we are reassessing our direction and trying to chart a course to a more certain future. This process has caused unemployment and record high corporate losses as American enterprise is redefining its role. These changes have not come without a great deal of suffering on the part of many individuals throughout the Nation. It is my belief that we must not neglect developing our human resources to meet the challenge of the next century.

We must not rely solely on economic indicators to measure our progress, rather we should incorporate into that calculation our ability to train people to fill the jobs of the future to operate the factories of the future. In my view, Government has a role to play in the development of programs to train individuals for the careers of the future.

Senator HEINZ' bill focuses our energy on this effort. I look forward to its swift passage, and I hope my colleagues will seriously consider my two additions to his fine work.●

ADDITIONAL COSPONSORS

S. 186

At the request of Mr. DOLE, the Senator from Michigan (Mr. RIEGLE) was added as a cosponsor of S. 186, a bill to provide financial assistance to the States to undertake comprehensive criminal justice construction programs to improve the criminal justice system of the States, to provide that the Secretary of the Treasury is authorized to make interest subsidy payments on criminal justice facility construction bonds, and for other purposes.

S. 1606

At the request of Mr. HEINZ, the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1606, a bill to establish a supplemental insurance fund administered by the Secretary of Energy to pay the costs of necessary remedial action following damage to nuclear powerplants, including certain remedial action at the Three Mile Island facilities in Pennsylvania, to require participation in such fund by the licensees of nuclear powerplants as a condition for the licensing and continued operation of such powerplants, and for other purposes.

S. 1844

At the request of Mr. JOHNSTON, the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1844, a bill to facilitate the national distribution and utilization of coal.

S. 1929

At the request of Mr. HATCH, the Senator from Rhode Island (Mr. PELL) was added as a cosponsor of S. 1929, a bill to amend the Public Health Service Act and the Federal Cigarette Labeling and Advertising Act to increase the availability to the American public of information on the health consequences of smoking and thereby improve informed choice, and for other purposes.

S. 2038

At the request of Mr. QUAYLE, the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2038, a bill to provide for demonstration projects under which the Secretary of Defense may require a contractor under certain defense contracts to provide training in skilled occupations in which there is a substantial shortage and for other purposes.

S. 2083

At the request of Mr. SASSER, the Senator from Florida (Mr. CHILES) was added as a cosponsor of S. 2083, a bill to discourage the violation of mineral leasing laws, and to improve the collection of Federal royalties and lease payments derived from certain natural resources under the jurisdiction of the Secretary of the Interior.

S. 2124

At the request of Mr. PRESSLER, the Senator from Nebraska (Mr. ZORINSKY) was added as a cosponsor of S. 2124, a bill to provide relief from honey imports.

S. 2222

At the request of Mr. SIMPSON, the Senator from Tennessee (Mr. SASSER), and the Senator from Wisconsin (Mr. PROXMIRE) were added as cosponsors of S. 2222, a bill to revise and reform the Immigration and Nationality Act, and for other purposes.

S. 2267

At the request of Mr. HEINZ, the Senator from Texas (Mr. BENTSEN) was added as a cosponsor of S. 2267, a bill to amend the Internal Revenue Code of 1954 to allow the Secretary of the Treasury to waive the interest penalty for failure to pay estimated income tax, for elderly and retired persons, in certain situations.

S. 2297

At the request of Mr. HATCH, the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 2297, a bill to amend title II, United States Code, to improve the protection for shopping centers and their tenants under the Bankruptcy Code.

S. 2316

At the request of Mr. EAST, the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 2316, a bill to provide for revision of the military retired or retainer pay of certain retired members of the Armed Forces who were called or ordered to active duty between October 1, 1963, and October 1, 1971.

S. 2330

At the request of Mr. SCHMITT, the Senator from Wisconsin (Mr. KASTEN) was added as a cosponsor of S. 2330, a bill to provide for the minting of the American Eagle gold coin pursuant to article I, section 8 of the Constitution of the United States.

S. 2362

At the request of Mr. ARMSTRONG, the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 2362, a bill to abolish the Synthetic Fuels Corporation.

S. 2404

At the request of Mr. HEINZ, the Senator from Florida (Mr. CHILES) was added as a cosponsor of S. 2404, a bill to amend section 202 of the Housing Act of 1959 to reauthorize the housing for the elderly and handicapped program, and for other purposes.

S. 2424

At the request of Mr. HEINZ, the Senator from Minnesota (Mr. DURENBERGER) was added as a cosponsor of S. 2424, a bill to amend the Internal Revenue Code of 1954 to allow a credit against tax for expenses incurred in the care of elderly family members.

SENATE JOINT RESOLUTION 131

At the request of Mr. EXON, the Senator from Michigan (Mr. RIEGLE), the Senator from Illinois (Mr. PERCY), the Senator from California (Mr. HAYAKAWA), and the Senator from Ohio (Mr. METZENBAUM) were added as cosponsors of Senate Joint Resolution 131, a joint resolution designating "National Theatre Week."

SENATE JOINT RESOLUTION 178

At the request of Mr. HATCH, the Senator from Nebraska (Mr. EXON), and the Senator from Nevada (Mr. CANNON) were added as cosponsors of Senate Joint Resolution 178, a joint resolution to authorize and request the President to proclaim the second week in April as "National Medical Laboratory Week."

SENATE CONCURRENT RESOLUTION 62

At the request of Mr. HATCH, the Senator from Missouri (Mr. EAGLETON) was added as a cosponsor of Senate

Concurrent Resolution 62, a concurrent resolution to congratulate Hadassah, the Women's Zionist Organization of America on the celebration of its 70th anniversary.

SENATE CONCURRENT RESOLUTION 81

At the request of Mr. SPECTER, the Senator from Georgia (Mr. MATTINGLY) was added as a cosponsor of Senate Concurrent Resolution 81, a concurrent resolution to express the sense of the Congress that the President should promptly hold a summit with leaders of the Soviet Union to reduce the risks of nuclear war and to seek control and reduction of nuclear weapons.

SENATE CONCURRENT RESOLUTION 84

At the request of Mr. PERCY, his name was added as a cosponsor of Senate Concurrent Resolution 84, a concurrent resolution expressing the sense of the Congress on the occasion of the centennial of the establishment of diplomatic relations between the United States and Korea.

SENATE RESOLUTION 354

At the request of Mr. EXON, the Senator from Missouri (Mr. EAGLETON), the Senator from Kentucky (Mr. HUDDLESTON), and the Senator from North Dakota (Mr. BURDICK) were added as cosponsors of Senate Resolution 354, a resolution expressing the sense of the Senate with respect to an immediate resumption of negotiations with the Government of the Soviet Union for an extension of the existing long-term grain sales agreement, and for other purposes.

SENATE CONCURRENT RESOLUTION 87—CONCURRENT RESOLUTION WITH RESPECT TO EAST TIMOR

Mr. TSONGAS submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 87

Whereas many tens of thousands of East Timorese have died, either directly as a result of military operations or from consequent famine and disease, since the invasion and occupation of East Timor by the Government of Indonesia;

Whereas the threat of serious food shortages and continued medical problems persists in East Timor;

Whereas reports of violations of human rights in East Timor continue to be brought to international attention;

Whereas many hundreds of East Timorese have been prevented from emigrating from East Timor;

Whereas the Government of Indonesia has strictly limited access to East Timor and the free flow of information from the territory;

Whereas the people of East Timor have not been permitted to freely exercise their right of political self-determination recognized under the United Nations Charter; and

Whereas since 1975 the United Nations General Assembly has consistently condemned Indonesia's unilateral annexation of East Timor: now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the President should take all appropriate measures to—

(1) encourage the Government of Indonesia to allow appropriate international relief agencies increased access to East Timor and to allow such agencies to establish full-time humanitarian relief operations in East Timor;

(2) encourage and assist the governments of Indonesia, Portugal, and Australia to facilitate the reunification of families separated because of developments in East Timor, and encourage the involvement of appropriate international agencies in this process;

(3) encourage the Government of Indonesia to allow free access to East Timor by international journalists and international human rights organizations; and

(4) encourage the Government of Indonesia to agree to negotiations through which Indonesian troops will be withdrawn from East Timor and the people of East Timor will be permitted to freely exercise their internationally recognized right of self-determination.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President.

● Mr. TSONGAS. Mr. President, I rise today to submit a resolution calling upon the President to encourage the Government of Indonesia to change its policies on the island of East Timor. On several occasions I have spoken of the tragic situation in the former Portugese colony of East Timor, which was invaded by Indonesia 6 years ago. On December 16 of last year I expressed great concern over accounts from Roman Catholic sources in East Timor who reported that a recent Indonesian military offensive, accompanied by charges of the most gruesome of atrocities, could lead to serious food shortages. I emphasized that East Timor was still recovering from the Cambodia-like cataclysm that struck the island territory from 1978 through 1980, and suggested that additional food stockpiles be established to help avert further disasters.

On February 8, I drew attention to Australian press accounts of an appeal for food aid made by Martinho da Costa Lopes, the Apostolic Administrator of East Timor, to the Australian Catholic Relief Agency. I noted that the Austrailian Government had responded immediately with a pledge of 1,000 tons of corn for the Australian Catholic Relief shipment. I was careful to note that Australian Catholic Relief had not been permitted to enter East Timor to supervise distribution of the food aid, and called for the establishment of full-time, on-the-ground operations by qualified, independent international relief agencies. I stated my belief that a neutral international presence is needed in East Timor to protect the civilian population from further violence as well as to distribute food and medicine.

On another issue, I was very pleased to learn that the International Committee of the Red Cross (ICRC) was allowed to visit East Timor prisons over a 2-week period in late February, and hope that ICRC is able to continue its valuable activities in the territory.

The ICRC prison visits were undoubtedly a positive step, but they constitute only one aspect of the situation. I have learned, for example, that the Indonesian Government flatly refused to accept the 1,000 tons of corn offered by Australia to fortify the Timor stockpiles. The reason for this stand, according to a March 8 article from the Sydney Morning Herald, is "Jakarta's continuing anger over the credence given by Australian Catholic Relief to Monsignor da Costa Lopes's letter" which the Indonesian Government "claims was mischievous and false."

But Monsignor Lopes apparently had good reason to worry about the food situation, not to mention the human rights situation in general. The Far Eastern Economic Review reported on March 19 that "some observers are concerned that food shortages may develop and that Indonesia's angry reaction to international criticism of its East Timor policy may hinder relief activities," and added that relief agencies want some form of relief work to continue in East Timor but that "Jakarta has been reluctant to admit there is such a need."

The Indonesian Government is also most reluctant to admit that many thousands of East Timorese want to leave their homeland because of the existing situation on the island. There are hundreds of people who have been approved for immigration to Australia or Portugal but have been prevented from doing so.

The London Times, in a February 24 editorial, notes recent reports of atrocities committed by Indonesian forces against the East Timorese, and states that, "If this was the situation after six years it is no longer tenable to argue that the Indonesian fait accompli has to be accepted in the interests of peace and stability."

I wholeheartedly agree with this statement, and believe that a just political solution in accordance with international law is the only viable solution to this tragedy. And I believe that it is in Indonesia's long-term interests to agree to such a just solution.

Mr. President, I urge all of my colleagues to support this resolution. The future of the Timorese people may depend on our action.

Mr. President, I ask unanimous consent that the editorial, "Horror in East Timor," from the London Times, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the London Times, Feb. 24, 1982]

HORROR IN EAST TIMOR

When Indonesian troops invaded East Timor in December 1975 it was quite obvious that no one was going to stop them. Fretilin (the Revolutionary Front for the Independence of East Timor), which at that moment was in de facto control of the country, was certainly not strong enough. Portugal, the colonial power which had not—and still has not—formally renounced sovereignty, no longer had any authority on the ground or any troops capable of taking action anywhere near.

The nearest neighbouring country, Australia, had publicly all but promised Indonesia a free hand. Western powers generally, in common with the members of the Association of South-East Asian states, were anxious to keep on good terms with Indonesia as a major oil-producer, a rapidly expanding market, and a regional power opposed to communism.

Not much has been heard about East Timor in this country since then, but the crime has continued to trouble consciences both in Portugal and in Australia. President Suharto officially proclaimed the incorporation of East Timor into Indonesia in 1976, and this was recognized by Australia in 1978, as well as by the ASEAN states. But Portugal continues to claim sovereignty on the grounds that the East Timorese have not yet been able to exercise their right of self-determination, and the United Nations has consistently called for the withdrawal of Indonesian forces.

More important, it seems that all is far from well in East Timor itself. A pamphlet published yesterday by the Catholic Institute for International Relations states that Indonesian control is "still not unchallenged". It is "clear that resistance continues, and in 1981–1982 the Indonesian army was carrying out large-scale sweeps in the Lautem region, in the east of the territory". It is estimated, horrifyingly, that since the invasion more than 100,000 people have died, either directly as a result of military operations or from consequent famine and disease, out of a population of only about 670,000.

Two documents seem particularly damning for the Indonesian authorities. One is a report sent to President Suharto in June last year by the "Regional People's Representative Assembly" appointed by the Indonesians themselves. This report, while expressing undying gratitude for the incorporation of East Timor into Indonesia, suggests that that objective is being jeopardized by the behaviour of Indonesian troops and officials which "can only be described as being the behaviour of conquerors towards a conquered people". It cites instances of murder, torture, and other forms of violence and abuse.

The other document is a letter from the leader of the Roman Catholic Church in East Timor to the Chairman of Australian Catholic Relief, sent last November, which refers to expected famine and to the killing of many Timorese people, including children and pregnant women, by Indonesian forces in the military operation of July, August and September 1981.

If this was the situation after six years it is no longer tenable to argue that the Indonesian fait accompli has to be accepted in the interests of peace and stability. Indonesia has obviously not won over the hearts and minds of the East Timorese, and her very unwillingness to allow independent observers access to the territory corroborates that. A solution based on negotiations and the free choice of the inhabitants is urgently needed and the international community—particularly those countries which have close economic and military ties with Indonesia, including Britain—should make a much more serious effort to achieve one.●

AMENDMENTS SUBMITTED FOR PRINTING

NUCLEAR WASTE DISPOSAL ACT OF 1981

AMENDMENT NO. 1393

(Ordered to be printed and to lie on the table.)

Mr. BIDEN submitted an amendment intended to be proposed by him to the bill (S. 1662) to establish a limited program for Federal storage of spent fuel from civilian nuclear powerplants, to set forth a Federal policy, initiate a program, and establish a national schedule for the disposal of nuclear waste from civilian activities, and for other purposes.

AMENDMENT NO. 1394

(Ordered to be printed.)

Mr. PROXMIRE proposed an amendment to the bill S. 1662, supra.

AMENDMENT NO. 1395

(Ordered to be printed and to lie on the table.)

Mr. CANNON submitted an amendment intended to be proposed by him to amendment No. 1350 to the bill S. 1662, supra.

NOTICES OF HEARINGS

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. COHEN. Mr. President, I wish to announce that the Senate Oversight of Government Management Subcommittee will hold an oversight hearing on Social Security Disability Terminations on Tuesday, May 25, at 9:30 a.m., in room 1318 of the Dirksen Senate Office Building.

The subcommittee's hearing will focus on the Social Security Administration's decision to accelerate the required review of disability eligibility, the continuing deficiencies in the system, and the resulting impact on claimants.

SUBCOMMITTEE ON SOIL AND WATER CONSERVATION AND THE SUBCOMMITTEE ON AGRICULTURAL PRODUCTION, MARKETING, AND STABILIZATION OF PRICES

Mr. COCHRAN. Mr. President, I wish to announce that two Senate Agriculture Subcommittees will hold a joint hearing on S. 1825 on Thursday, May 6. The two subcommittees involved are the Subcommittee on Soil and Water Conservation chaired by Senator ROGER JEPSEN and the Subcommittee on Agricultural Production, Marketing, and Stabilization of Prices which I chair.

S. 1825 would prohibit eligibility for price support programs under certain conditions except in cases where the owner or operator has entered into agreements with USDA to carry out conservation practices.

The subcommittees will hear from invited witnesses, including Senator ARMSTRONG, the sponsor of the bill. The hearing will begin at 10 a.m. in room 324, Russell Senate Office Building.

Anyone wishing further information should contact the Agriculture Committee staff at 224-2035.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. McCLURE. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Committee on Energy and Natural Resources to consider S. 2332, to extend the expiration date of section 252 of the Energy Policy and Conservation Act. The hearing is scheduled for Thursday, May 6, beginning at 10 a.m. in room 3110 of the Dirksen Senate Office Building and is a continuation of the hearing scheduled for Thursday, April 29.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Committee on Energy and Natural Resources, room 3104, Dirksen Senate Office Building, Washington, D.C. 20510.

For further information regarding this hearing you may wish to contact Mr. David Doane of the committee staff at 224-7144.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, April 28, at 3:30, to consider the nominations of James Stearns and James Fuller to be Directors of the Securities Investor Protection Corporation.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

APRIL IS POULTRY AND EGG MONTH

● Mr. HELMS. Mr. President, every April, I do a little extra bragging about the North Carolina poultry and egg industry.

You see, Mr. President, April is Poultry and Egg Month in North Carolina. Throughout the month, North Carolina agricultural leaders, poultry and egg producers, and consumers have been showing their pride in the State's largest food industry.

So, Mr. President, North Carolina has a lot to crow about when it comes to the poultry and egg industry.

North Carolina ranks first in the Nation in turkey production, fourth in commercial broiler production, and fifth in egg production. And North Carolina producers are determined to rule the roost in all facets of the poultry industry in this Nation.

Poultry production brings producers the second highest commodity income in the State, with the farm value of poultry production increasing from $317 million in 1971 to $850 million in 1981. And it continues to grow all the time.

North Carolina consumers as well as food buyers around the Nation should also celebrate the achievements of the North Carolina poultry and egg industry in April.

Now, the chicken is the most highly efficient farm animal. Chickens are able to convert feed into food at mind-boggling rates. North Carolina producers are constantly seeking to improve on their efficiency and productivity.

In the last 10 years, poultry prices increased less than the rate of inflation but production increased sharply and consumers benefited by consuming larger quantities of poultry at sharply lower real prices. For example, when expressed in constant dollars with 1967 as the base, the average retail price of eggs fell from 44 cents per dozen in 1971 to 33 cents per dozen in 1981.

Here are just a few more of the facts and figures about North Carolina's poultry and egg industry.

First. the 1981 production of broilers in North Carolina was sufficient to supply the needs of the State's 5.8 million people and the needs of over 27 million out-of-State consumers.

Second. North Carolina producers feed nearly 52 million consumers each year.

Third. More than 8 million consumers purchased North Carolina produced eggs.

So, it is with great pride that I talk about the advancements and achievements of North Carolina's poultry industry. And let it be known that these accomplishments have come about because of the dedication, hard work, and goals of North Carolina producers.

I am sure that North Carolina producers will continue to seek ways to improve production and efficiency and thereby continue their ascent to national prominence in the industry.

It is appropriate that we set aside a month each year to pay particular attention to these men and women in the industry. It is also important that we are constantly aware of their tremendous contributions to the economic well-being of this Nation.●

THE PRESIDENT'S ECONOMIC PROGRAM

● Mr. DENTON. Mr. President, as we consider the difficult problems of the Federal budget for fiscal year 1983, it is all too easy for us to forget that the President's budget proposal is both a serious proposal in its own right and an integral part of his overall economic program. We seem to believe that it should be only a starting point, that the interests of the country will be better served by some sort of "compromise" budget.

Our constituents may not share that view. Many thoughtful men and women at the grassroots of our country strongly support the President. One of them recently sent me a column on this subject by Mr. Michael M. Bates of Oak Lawn, Ill., which appeared in the March 28, 1982, issue of the Southtown Economist. Since Mr. Bates' comments are typical of many that I receive, I believe that all of us would benefit from reading them. I ask that Mr. Bates' column be printed in the RECORD.

The column follows:

WHY REAGAN'S BUDGET WON'T LEAD TO DISASTER

(By Michael M. Bates)

Members of Congress, the media and special interest groups have expressed their concern that President Reagan's economic program will lead to disaster. I want to tell you why I believe there is little basis for such apprehension. Let us begin by examining some of the arguments used most frequently by the President's critics.

It seems you cannot read a newspaper, watch a television news program, or listen to the radio without learning of the President's "callous indifference" to the plight of the needy. Congressional supporters of the President are portrayed as heartless wretches who desire to decimate the great progress brought about by federal social welfare programs. By contrast, his opponents demonstrate their compassion and concern by trying to thwart any effort to reduce "essential human services." This scenario is misleading in several ways. Mr. Reagan's recommended reductions are not nearly as devastating as his adversaries would have us believe. It is usually overlooked that he has, in most instances, cut proposed increases in spending, rather than existing funding. Since he has taken office, for example, Social Security outlays have increased by 12 percent a year, medical care and housing assistance are up by 13 percent a year and unemployment compensation outlays are increasing by 7 percent yearly.

A retrenchment in entitlement programs is, in my opinion, long overdue. From 1970 to 1981, the cost of living increased 138 percent; during the same period, federal funding of entitlement programs more than quadrupled. The number of people benefiting from these programs is staggering. Twenty-two million receive food stamps. Aid to Families with Dependent Children goes to 11 million people. Twenty-six million are covered by Medicare and 22 million by Medicaid. Twenty-seven million students in more than 90 percent of the nation's schools participate in the school lunch program. With so many potential voters involved, it is hardly surprising that few politicians have the courage to do anything more than to promise expanded benefits. Expanded benefits are not, however, the answer. If they were, the 1970s would not have been the first postwar decade in which more people fell below the poverty line than rose above it.

Our welfare structure has become counterproductive, encouraging some people not to work. Overly generous benefits are an incentive for the poor to continue their status as welfare clients. To support this theory, one need only consider that the median American income in 1979 was $16,500. A welfare family of four, however, received almost $18,000 worth of subsidies in that same year. Few people will spend 40 hours a week in a low-paying, uninteresting and menial job when they can live better and have more leisure time by doing nothing. The welfare system has forced them to do exactly that. When considering the veritable explosion in entitlement programs over the past decades, one is reminded of Bastiat's definition of government as "that legal fiction by which everyone attempts to live at the expense of everyone else." This fiction has become an uncontrolled nightmare and the President is taking modest and realistic steps to terminate unnecessary programs, duplicative services and programs benefiting the non-needy.

I share the concerns of those worried about the size of projected deficits. It is ironic that one of the causes of their magnitude has been the President's success in slowing inflation. This has led to lower cost of living wage increases and, as a result, reduced tax receipts. I must question the sincerity of some of the born-again budget balancers who blame Mr. Reagan for the gushing of red ink. This year's interest payment on our national debt is larger than the entire federal budget of only 25 years ago and accounts for a substantial portion of the deficit. To a great extent, large deficits reflect the discredited philosophy of spend and spend embraced by many of the president's critics. It is blatant hypocrisy for them to now attempt to place responsibility on Ronald Reagan for a problem they themselves created.

Some of the President's opponents have suggested that his projected defense expenditures are much too large and must be slashed. They ignore that from 1975 to 1981, while the Soviets engaged in their greatest peacetime military buildup, our own real defense spending averaged less than a 2 percent annual increase. Mr. Reagan has moved to end the deterioration of our defense capabilities by significantly increasing defense outlays. Even with these increases, national defense will, by 1987, account for less than 40 percent of the entire budget and only 7 percent of the gross national product. This is a small price to pay for the most vital function of government.

There are a number of benefits that would be realized by the New Federalism, Mr. Reagan's plan to turn over to the states more than 40 programs currently handled by Washington. There is no better way of limiting expenditures than to force the unit of government that administers a program to impose the taxes necessary to pay for it. Billions of dollars would be saved by elimi-

nating an expensive layer of bureaucracy. Local decision making would be significantly increased and accountability accentuated. The influence of special interest groups would be diluted since they could no longer focus their efforts only in Washington, but would be forced to lobby in each of the 50 state capitals.

Our economic problems are not new; they've been in the making for many years. Correcting them will be neither quick nor painless. The four elements of President Reagan's program—reduced government spending, lower tax rates, less regulation and a stable monetary policy—are sound and deserve public support. His proposals can restore our national economic health and bring sustained prosperity to all Americans.●

REPUBLICANS AND DEMOCRATS SUPPORT FOR THE EXPORT-IMPORT BANK

● Mr. HEINZ. Mr. President, those who know it best, both Republican and Democrat, support the Export-Import Bank, while its detractors frequently come from the ranks of the misinformed. The most recent issue of Government Executive contains two articles by two individuals, not presently connected with the Bank but whose past involvement with the institution has been intimate. Their views are a ringing endorsement of the Bank and its export promotion activities.

Stuart E. Eizenstat was the chief domestic adviser to President Carter from 1977 to 1981. His comments reflect not just a view of the Bank itself but how its operations fit into the whole fabric of national policy. His analysis of the Bank is clear, concise, and convincing. He points out that:

Exim means jobs at a time of recession; more exports at a time of high trade deficits; additional revenues from expanded growth at a time of budget deficits; meeting foreign exports at a time of intense international trade competition. It deserves America's support.

This view is echoed by the remarks of Don Stingel, a former Director of the Export-Import Bank. Mr. Stingel is a Republican, and was a Director of the Bank from 1977 to 1981, at a time when its export incentive activities were greatly expanded. He knows what the Bank can do. During his tenure, the Bank supported $50 billion of U.S. exports. His analysis highlights the many different causes of our industrial decline and our decreasing competitiveness in world markets. I endorse his recommendation regarding the Eximbank:

Government must return to full support of what Eximbank truly needs (at present, about three times the $3.5 billion in operating capital the Administration seems likely to grant it for each of the next three fiscal years) to help U.S. exports compete in world markets. Besides helping cut unemployment, return a "profit" to the Treasury, these sales can support R & D efforts at home even when the home market for products is soft.

Mr. President, these two excellent analyses of the Export-Import Bank, by men of wide experience and great intelligence, show that support for the Bank does not divide along party lines. Its benefit to the economy is clear and pervasive. Those who best know the Bank well know its value.

I commend these articles to my colleagues and ask that they be included in the RECORD.

The articles follow:

EXIM BANK: A WISE INVESTMENT FOR OUR ECONOMIC VITALITY

(By Stuart E. Eizenstat)

What Federal program has been fully self-sustaining, made a profit for the Treasury for over 40 years, been recommended by Congress' watchdog agency, the General Accounting Office (GAO), for increased flexibility and additional resources, promoted the sale of U.S. goods against foreign competition, created American jobs without using a nickel of appropriated money—but is being cut deeply by the Administration's budget office and now has to fight for its life?

The answer is the Export-Import Bank of the United States (Exim Bank), one of the least understood but most important organizations in the Federal government. The misconceptions and misinformation about the Bank are startling.

Some normally informed people in Washington think the Exim Bank is foreign aid—which it distinctly is not. The money it lends never leaves the United States of America; it simply provides competitive financing terms to attract foreign buyers to purchase U.S. goods rather than those made in other countries.

Others confuse it with the World Bank, an international lending institution which makes economic development loans to countries. Exim Bank is an American institution that makes commercial loans to encourage foreign purchasers to "buy American", not developmental loans to foreign countries.

Exim Bank was established by President Franklin D. Roosevelt in 1934 as a privately chartered corporation. In 1945 it was chartered by Congress as an independent agency. It operates under a mandate from Congress to provide competitive financing for U.S. exports, and while not statutorily required to be self-sustaining, it has operated in a self-sustaining fashion since its creation. It has met these expectations admirably through both Republican and Democratic Administrations.

It is one of the few self-sustaining institutions in the Federal government. If every Federal program had the return on investment provided by Exim Bank, the U.S. Government would not be faced with record deficits. With a capitalization of $1 billion in 1945, it has accumulated an income reserve of $2.2 billion and has paid $1.05 billion in dividends back to the Treasury.

Each year it receives Congressional authority to lend a certain sum of money, but receives no actual appropriation of taxpayers' dollars. The money lent by Exim Bank to finance purchases of U.S. exports comes from borrowings Exim makes through the Federal Financing Bank at the cost of money to the Treasury Department, plus a fee, and from revenues the Bank receives from repayments of its loans, and from other services.

With bipartisan cooperation, the Bank has been strengthened over the years to meet the test of foreign competition.

In the Kennedy Administration, Exim Bank developed an insurance program to protect exporters against political and commercial risks on loans made to buyers abroad and a bank guaranty program. Under President Nixon, the Private Export Funding Corporation was created to afford private sector fixed-rate financing with Exim's financial guarantees. Beginning in the early 1970's, Exim Bank provided substantially expanded direct loans to foreign buyers of American products for long-term financing of over five years; discount loans, which are agreements to purchase medium-term loans provided by private lenders at fixed interest rates; and guarantees, which ensure repayment to private lenders that finance exports.

It is ironic that Exim Bank should even be the subject of a budget fight in light of its money-making history. Traditionally, the cost of its loans, loan guarantees, and insurance programs are more than matched by loan repayments, interest on its loans, insurance premiums, and fees from its users. Indeed, Exim Bank was not included in the Federal budget until the beginning of the Johnson Administration, when the President put it "on-budget" to improve the Government's deficit picture. President Nixon reversed this decision at the beginning of his Administration, but it was put back in later in the 1970's.

So prudent and scrupulous has Exim Bank been with its loans, that of over $55 billion in direct loans it has written off only $8 million—a miniscule fraction—as worthless. It has assisted more than $100 billion in exports of products made by American workers in America. In Fiscal Year 1980 alone, it supported over $18 billion in U.S. exports, an increase of 33 percent over the previous year. It is reported that the Bank supported at least this level of exports in Fiscal Year 1981.

At a time of high unemployment, it is important to recognize that exports are highly job creating. According to the U.S. Census Bureau, every $1 billion of exports of manufactured goods supports 30,800 jobs in the U.S., and one in every seven American workers is involved in the production of manufactured goods sold abroad. Exim Bank is critically important to these workers. Using the Bureau of the Census figures, Exim Bank's 1980 operations supported over 570,000 American jobs and millions of man-years of employment in the last three years. The cuts in Exim funding now before Congress could mean a reduction of billions of dollars in export sales and hundreds of thousands of man-years of employment over the next five years.

This is not to say Exim Bank is without its problems. Soaring interest rates on the money it borrows have cut deeply into its net income. While it has still earned a net income because of its interest earnings on its reserves, it may well have a net loss this year for the first time. But this is because the impact of extraordinarily high interest rates has caused an abnormally high negative spread between its cost of borrowing and its lending rates—not due to any inherent flaw in the Bank's structure, which has served the nation well for over 40 years.

The solution for these problems is to strengthen the Bank, not further weaken it with inflexible restrictions and impossible financial constraints. As interest rates drop, Exim Bank should begin to return to a positive earnings position.

The Bank makes money for the Treasury far beyond its costs. In the current jargon,

it is "cost-effective." This was graphically demonstrated in a recent Wharton Econometrics Forecasting Associates study prepared for the Budd Company and Westinghouse Electric Corporation, which found that on one project submitted for Exim Bank financing—the Buenos Aires subway car contract—the U.S. Government would get back at least nine times more in higher tax receipts and reduced Government expenditures due to increased economic activity and jobs than the cost of its loans. Just imagine if every Government program were even half as successful!

The Exim Bank does not operate in a vacuum, but in an increasingly competitive world market in which the post-World War II monopoly of American goods and technology has become a thing of the past.

Other industrialized nations have Government programs to finance their exports—but with an intensity that has far outpaced Exim Bank, even before the Administration's drastic budget cuts.

A recent study by the Comptroller General of the United States found that Japan and the United Kingdom officially supported 35 percent of their exports with export incentives, France 29 percent, Germany 12 percent, and the U.S. only 6 percent—a figure now even lower with recent Exim Bank budget reductions.

As American companies compete head-to-head with foreign companies for world markets the competition is increasingly unfair. Contrary to popular myth, American enterprise can compete favorably in price, quality, and service with goods produced in other industrial nations—but not with foreign governments which heavily subsidize the financing for their exports. These financing terms are often the critical factor in whether a sale is made by an American or a foreign firm. As the GAO put is in a 1980 report to Congress, "foreign buyers can save millions of dollars in financing costs if they purchase foreign exports rather than those of U.S. firms. For example, based . . . on a nine-year, $34 million loan, a buyer could save as much as $5 million" by buying products made in other countries—and even more on larger transactions.

One of the reasons foreign goods have penetrated so deeply into our own domestic market is foreign export financing available to foreign exporters shipping to the U.S. Thus, American airline companies have purchased the European Airbus rather than U.S.-made aircraft, in part, because of the more favorable credit terms provided by the foreign manufacturers. U.S. aircraft manufacturers have lost a considerable share of a world market in which they had been dominant, in significant part due to foreign export financing which U.S. companies cannot match. Dittler Brothers, a major American printing company, was in the market this year for a $3.5 million offset press. The price quoted by the American source, Harris Corp., and the Japanese, Toshiba, were comparable, but Toshiba, with Japanese government backing, was able to offer Dittler 80 percent of the purchase price payable over four years at 9½ percent interest—far below what the American company could provide.

Why do other industrialized nations recognize the need to strengthen their export-financing banks, while this country has permitted Exim Bank to be debilitated and drained of resources—from $5.5 billion in borrowing authority in Fiscal Year 1981, to $4.4 billion in Fiscal Year 1982, with $3.8 billion proposed by the Administration for Fiscal Year 1983?

It is because European countries and Japan have long recognized that to survive economically they must place a priority on exports, since their internal markets are small and their natural resources limited. They have calculated that it is less expensive to provide incentives for their exports than to pay the price of the increased unemployment without these exports. Countries like France, the United Kingdom, and Japan feel that exports are so vital they selectively finance projects of particular national importance with both export loans and direct foreign assistance funds.

France, for instance, through a facility called Credit Mixte, mixes foreign aid and already subsidized loans, to even further reduce the effective interest rates a foreign buyer would pay to purchase a French product. For all practical purposes nothing like this is possible in the U.S. In addition, the GAO found that, unlike Exim Bank, some of its foreign counterparts receive direct operating subsidies from their government, can finance foreign components of a project, "provide insurance against cost escalations and currency fluctuations, and offer other sweeteners to make their financing more attractive."

The U.S., on the other hand, has relied so long on its huge domestic market and the technical superiority of American goods which prevailed in the immediate post-World War II era, that exports were assigned a lesser priority by the private and public sectors.

If we could ever afford the luxury of such an insular view, that time has past. With foreign oil bills of $80 billion per year, with dramatic improvement in the quality of foreign products and technology, and with the increasing economic interdependence of the world, exports must become a major priority for the U.S.—and with this must come a concomitant commitment to strengthen the institution best able to promote U.S. exports and to put them on a competitive footing with foreign subsidized exports—Exim Bank.

We must recognize, plainly, and simply, that we are in a difficult, intense international trading competition with countries we helped restore to economic viability out of the ashes of World War II. To engage in this competition with a weakened Exim Bank is to attempt to win with our best hand tied behind our back.

Both the Carter and Reagan Administrations have wisely attempted to end all export incentives on a multi-lateral basis. But only very modest progress has been made, with a partial agreement in the airline industry, and with a rise closer to market rates in the minimum interest rates established by the International Arrangement on Guidelines for Officially Supported Export Credits. But our Government immediately raised U.S. rates two full percentage points above the new minimum, thereby further disadvantaging U.S. exports. Moreover, without adequate Exim Bank financing, even these rates cannot be offered by a U.S. company to a prospective foreign buyer. Cutbacks on Exim Bank funding for U.S. exports at a time when foreign countries are stepping-up their export-financing represents nothing less than unilateral disarmament.

The GAO is Congress' watchdog for Government waste. It rarely recommends increased financial support for any program, but that is precisely what it did in its 1980 report on Exim Bank. Congress should heed these recommendations if the United States is to get serious about exports.

Despite the clearly evident need for a stronger Exim Bank, and in the face of strong support for Exim Bank by Secretary of Commerce Baldrige and the President's U.S. Trade Representative, William Brock, the Bank's oppontents in the Office of Management and Budget have continued to crusade against it, using erroneous arguments.

The substantive basis of this crusade is suspect given Budget Director Stockman's revelation in The Atlantic Monthly of December, 1981, that he felt it politically necessary to reduce Exim Bank to show he was willing to cut a program for business at the same time as he was cutting programs for the poor. As he put it, "if we are ever caught not cutting this while we're biting deeply into the social programs, we're going to have big problems". Whatever the political sagacity of this argument, it is a political not a substantively meritorious position.

In fact, the arguments used by OMB to lend substance to its decision, carry little weight. First, it is argued by OMB that Exim Bank is "corporate welfare" for a few large U.S. exporters. This is incorrect.

Exim Bank has made commitments to more than 5,700 firms, small and large, in all 50 States. While the large exports for which many big American companies compete do take up a significant part of Exim's borrowing authority, these exports are in the manufacturing sector this country so desperately needs to strengthen, and involve thousands of small suppliers and subcontractors who make or supply the component parts for these exports. These small suppliers and subcontractors are "invisible exporters" who benefit from Exim financing as much as the direct exporter.

In addition, the discount loan program is designed specifically for small businesses which export, yet its funds are so depleted that Exim officials have told me they will be out of funds to meet the demand, months before the fiscal year is over. This discount loan program is being cut for Fiscal Year 1983 by OMB from $400 million to $100 million—which belies its concern for small exporters.

What is more, this is hardly "corporate welfare". U.S. exporters are simply given the opportunity to offer to their prospective foreign purchasers financing terms competitive with those offered by other countries. The loans are repaid with interest and the American company pays a fee for participating—some welfare!

A second argument used by OMB is that Exim Bank amounts to Government intervention in the private capital marketplace. Certainly no one wishes more devoutly to be able to charge their purchasers market prices for financing than U.S. exporters—provided foreign countries do the same by ending their export subsidies. There is no free market in export financing so long as our trading competitors so regularly and fiercely engage in export subsidization.

Moreover, it is a perfectly rational public policy for the U.S. to determine that exports should receive special attention because of their importance in reducing our foreign trade deficit, in strengthening the dollar and thus lowering inflationary pressures, in maintaining our industrial base, and in creating jobs. These policy judgments are the type elected officials make constantly—in allocating funds to NASA to explore the heavens, for construction of highways for the efficient delivery of goods and people, or for the national defense. Exports are likewise deserving of national help and support.

The last fallacious arguments made by the Bank's critics is that it does not really finance sales that would otherwise be lost—that no sales are actually lost for want of Exim assistance. This has been proven incorrect.

The GAO surveyed 117 exporters who had applied to Exim Bank for export assistance but were either denied direct loan assistance or did not use it. The GAO specifically documented many lost sales worth hundreds of millions of dollars due to lack of competitive financing, and concluded that "U.S. firms have lost export sales because of noncompetitive financing". In its words it "developed information showing that uncompetitive financing has resulted in lost sales."

Exim-financed export sales often would not have been successfully concluded without Exim assistance. In 1980, the Treasury Department reported that more than 70 percent of the direct credit export sales financed by Exim would not have been made without such financing. Likewise, the Comptroller General concluded that where Exim Bank participates "the assistance it provides may well be crucial in maintaining important export."

A number of users of Exim Bank financing recently complied, in only a few weeks, example after example of sales lost by both large and small U.S. companies in significant part due to lack of competitive export financing. In one typical instance, the Boeing Company lost a $226 million contract with Singapore for the sale of its airplanes to the French which provided an interest rate some 3 percent lower than Exim could have provided. Westinghouse Electric Corporation lost a bid for the Korea Electric Company's turbine generators to the French due to non-competitive financing. The example of Frederick Electronics is typical of the problems small exporters have without adequate Exim Bank support. This Maryland-based firm lost a $2.3 million sale to the Philippines on telex switching equipment to a Swiss company which had government-backed export assistance covering a higher percentage of the purchaser's loan at a rate fully 4.5 percentage points below that which Frederick could provide.

Thus, the critics' contentions against Exim Bank evaporate when held to the clear light of fact.

Amidst this OMB-led criticism, major new positive developments are occurring which add a ray of light to the dark sky now over Exim Bank due to the budget cuts.

On February 23, 1982, a new organization was established—the Coalition for Employment Through Exports (CEE). The CEE has obtained as its Executive Director one of the most respected professionals in Washington, Raymond Garcia, an economist with a distinguished private and public sector record. It is made up of corporate exporters, Republican and Democratic Governors from several States, and the international presidents of six major trade unions.

The AFL-CIO, in their recent mid-winter Executive Council session, endorsed Exim Bank for the first time in recent memory, in light of the employment impact of foreign subsidized competition to U.S.-made exports.

At the National Governor's Winter Session, February 22, 1982, the Committee on International Trade and Foreign Relations resolved to ask the Reagan Administration and the Congress to provide Exim Bank "additional and adequate borrowing authority for FY '83."

Business groups as well are becoming more vocal. In 1981, they muted their criticism of the budget cuts to Exim Bank in supporting the President's program across-the-board. But this year, leading business organizations such as the Chamber of Commerce and the National Association of Manufacturers have openly called for increased funding for the Bank above the low levels in the Administration's budget.

The renewed business and labor activity for Exim Bank could hardly have occurred at a more timely occasion. Exim Bank supporters must fight for its future against an OMB which seems dedicated to its extinction. The time to reverse the negative trends is now, before it is too late.

Exim means jobs at a time of recession; more exports at a time of high trade deficits; additional revenues from expanded growth at a time of budget deficits; meeting foreign exports at a time of intense international trade competition. It deserves America's support—now more than ever.

How U.S. Neglect is Wrecking Exports, Increasing Deficits

(By Don Stingel)

During the four years I was a Director of it, the Export-Import Bank helped facilitate the export of about $50 billion in U.S. capital equipment and services to foreign buyers through a combination of direct financing, guaranteeing the financing by others or providing insurance coverage.

In every case, these U.S. exports were made against stiff competition from such heavy-exporting countries as Japan, France, Germany, Great Britian and Italy—all of them proficient in technology. Lately, Brazil, Argentina, Mexico, Korea, Taiwan and Spain also have joined the list of countries competing for world markets with technologically viable equipment—competing, mind you, against the United States.

All those countries, and many others, support their export programs with adequate, competitive financing at terms and with such other conditions to truly encourage the purchase of their exports by third world, but especially developing, countries. We, as a Nation, almost routinely used to meet such financing competition. Ironically, under this Republican Administration we do not—ignoring the fact that maintaining a strong position in the export market creates and maintains U.S. domestic jobs.

As a result, out of fiscal ignorance and misinformation about export opportunities really available to the United States, today we are suffering high unemployment and large trade deficits (over $5 billion in January, 1982, alone). Of perhaps even greater importance that exports help greatly to finance and support domestic technology developments.

During a domestic-business turndown, U.S. companies have limited sales opportunities for major capital goods items in our own country and, traditionally, will not spend sizeable sums on research and development to improve current products without such sales in sight. Export sales opportunities often provide the only means of maintaining technology growth. (Each major capital equipment job sold usually allows the working in of at least some product improvements.)

For instance, new steel-making facilities have enjoyed small demand in the United States in recent years; but have had a good market overseas in Korea, Taiwan, Yugoslavia, Argentina and Nigeria, to name just a few. Sales to these markets have enabled U.S. equipment firms to spend the monies to keep technology up-to-date, at least, against the day when U.S. steel companies will again be buying such equipment.

That is one fairly bright spot but there aren't many others. In spite of the smug opinion harbored by many of our Government leaders about our Nation's technological prowess, in the four years I was at Eximbank, I saw only two cases of any consequence where U.S. exporters, in a competitive situation, made a sale because U.S. equipment was truly superior technically to that of our foreign competitors.

Both involved telecommunications systems—one an expansion in Korea of its telephone system from two million to 12.5 million phones in a comparatively short seven years; the other an earth communications system in Cyprus involving use of space satellites—and we prevailed because of technical capability and in spite of better financing offered by other countries.

SOME EXPENSIVE LOSERS

What I have said so far is pretty much an indictment of recent U.S. efforts, or rather lack of them, in technology advance. We must improve these efforts drastically and soon. The competition is already in our front yard and its perception is we are too helpless, confused or cocky to do anything about it. Just a few of many examples:

After 12 failures over a period of years trying to design a marketable commercial jet aircraft (with such aircraft offerings as the Comet, Mercury, Viscount, Concorde, Caravelle and Trident) European aerospace appears to have a winner in the Airbus, a technologically sound aircraft series of new aerodynamic design. It evidently is equal to Boeing's newest 757 and 767 or McDonnell Douglas' DC 9-80 or DC 9-81; is commercially viable—and they came up with it first. The U.S. had to follow to compete.

In nuclear power, it appears we made our last domestic sale and failed to move ahead aggressively on the next step—a full-scale breeder reactor which would digest waste plutonium (the dangerous by-product of today's nuclear power plants) and convert it into a further, almost limitless energy source. Meantime, while we idle away the years in debate, France is moving out quickly with a 1.25 million kilowatt breeder-reactor facility which will be on-line in this decade. France now dominates a field in which we were once preeminent. And got its start the fast way, by licensing our know-how and then improving on it.

Our automobile industry has not kept abreast of the Japanese or, for that matter, even the Germans. Today, Japan is heading for owning a steady 25 percent or more of the domestic U.S. auto market. They already dominate the motorcycle market absolutely worldwide with only one producer of motorcycles left in the U.S. U.S. citizens are buying more and more of what the Japanese make because Japanese producers are making what U.S. buyers want.

U.S. Steel Corporation is now using Japanese technical assistance to help improve productivity and quality in U.S. Steel plants. The Japanese now own the largest, most efficient blast furnaces and the most proficient fully-integrated steel mills in the world. They can turn out a ton of steel using about one-half our average labor-per-ton, taking into account all staff and production personnel.

FLEETING GAINS

I could go on and on, listing areas where we have lost a technical superiority but to

do so just gets more depressing. As an American representative of a Japanese office equipment firm noted recently, "The main difference between Japanese companies and U.S. ones is the difference between long-term commitment and short-term payoff."

Personally, I believe U.S. corporations have not, in general, pursued new technology, product improvement nor efforts to increase productivity with the same vigor they have applied to so-called "strategic planning" or the acquisition of non-allied businesses. They scramble too much for short-range profits rather than sound long-range goals. Monies that should have been spent on research and development have been held in the bank to show a constant increase in earnings-per-share.

What's been the result for stockholders? Stock prices continue to drop—even when inflation drops. For its part, Government has cut back its support of basic research in colleges and universities to the point where it, too, will soon begin to inhibit technological growth in the United States.

We have some bright spots, of course. We still maintain a leadership in semiconductor technology, in the telecommunications field, in large computers, in robotics—but this list of where we are still undisputed leaders grows shorter and shorter as other countries nibble away at our inventions. Past U.S. licensing practices probably haven't helped us either, except to increase short-term licensing income.

It has been much easier for foreign companies to license know-how from an originator in the U.S., then concentrate on product or process improvement rather than create new products or processes from scratch. This is what the Japanese have done, basically, to move ahead so quickly and aggressively in so many fields where they now excel, e.g. steel mill equipment, cameras, chemical reactors, machine tools, etc. Typically, they have licensed, usually for 7-10 years, and patented, worldwide, any innovative improvements they could manage to make during the license period. And, at the end, enjoyed a technical position that made U.S. equipment inferior to the improved Japanese version.

INCENTIVES NEEDED

Today, only about 35 percent of our work force is engaged in making products of all types while 65 percent of U.S. workers are in service industries. What worries me terribly is that this trend seems to be moving toward even higher percentages in service industries as the technical ability of foreign competitors takes away from us product after product where we once were the unquestioned manufacturing leader.

Who in the world marketplace is going to call on us when we are a "service" nation and no longer technology's leaders? What must this country I do? Many things, but let me name some key ones:

By grant-in-aid, or whatever means of inducement, get a greater percentage of U.S. college and university technical graduates pursuing higher degrees; into teaching fellowships and professorships instead of jumping to industry upon passing the undergraduate level.

Induce industry and education to work more closely together, coordinate R&D programs, engage in far-reaching work-exchange programs so what we teach in academia more nearly reflects the technology needs in industry.

Industry must devote a higher percentage of sales/profit dollars to R&D in the near future instead of paying out increased dividends and engaging in still unthought-of fringe benefit practices.

Government must return to full support of what Eximbank truly needs (at present, about three times the $3.5 billion in operating capital the Administration seems likely to grant it for each of the next three fiscal years) to help U.S. exporters compete in world markets. Besides helping cut unemployment, return a "profit" to the Treasury, these sales can support R&D efforts at home even when the home market for products is soft.

Tax incentives for business developed so far by this Administration do not look as if they will accomplish what they are supposed to, that is, improve industrial production and productivity. To do that is going to take something more—something that includes more rather than less Government support for university-level R&D and greater tax incentives for increased business R&D expenditures.

We will not win our technological battles by establishing protectionist barriers to imports or by denying U.S. companies the right to export products to satisfy some mistaken whim that we are the only country which can produce them. We will win by supporting far greater efforts, no matter what the cost, to again establish our industries as the undisputed best in whatever fields we still dominate and in the new, developing technological areas.

As Reginald Jones, former Chairman of General Electric, warned recently, "Too many American companies are playing it safe and losing out." We have to reverse this trend quickly, using our combined American ingenuity to tackle a festering problem that's eating away the very vitals of our national well-being.●

ADDRESS BY REPRESENTATIVE CLAUDE PEPPER AT THE 69TH CONFERENCE OF THE INTER-PARLIAMENTARY UNION

● Mr. STAFFORD. Mr. President, I was very pleased to attend the 69th Conference of the Inter-Parliamentary Union in Lagos, Nigeria, during mid-April of this year with the distinguished chairman of the House delegation to the meeting, the Honorable CLAUDE PEPPER, of Florida.

On April 14 Representative PEPPER, on behalf of the U.S. delegation, delivered an outstanding speech before the Union's Economic and Social Committee. I commend his statement to the attention of my colleagues, and I ask that it be printed in the RECORD.

The statement follows:

STATEMENT OF REPRESENTATIVE CLAUDE PEPPER

Mr. Chairman and My Distinguished Colleagues: My first pleasure and duty is to express our profound gratitude to the members of the Nigerian delegation and to their government and people for the magnificent hospitality they've extended to us since we've been here at this conference. Mr. Chairman, the conscience of the world is strickened with the human tragedy in the world caused by lack of proper nutrition among so many million of the world's people. Nearly one-half billion people are estimated to be undernourished. Each year between thirteen million and fifteen million children die unnecessarily from the combined effects of malnutrition and the diseases to which it makes them especially vulnerable.

Hence the problem of hunger in the world today demands that the nations of the world show their concern for human lives and human dignity by taking together the steps necessary to help all people of the world to have enough to eat to sustain life and health. I am told, Mr. Chairman, that one one-hundred-thousandth of the amount spent on armaments by the nations of the world each year would save three hundred million children from blindness. While the world in general produces enough food to give an adequate diet to all the people of the world, if it were properly distributed, the production in the developing countries has been increasing at only one-half of the rate of the increase in population. In 61 countries, food production actually decreased. Minimum levels of caloric consumption are not being met in a number of developing countries and the situation is expected to worsen, particularly in Africa by the end of the century. There will continue to be a challenge to the nations which can produce large quantities of food to do so in increasing amounts. It has been estimated by the International Food Policy Research Institute that food shortage for the hungry would reach 120,000,000 to 145,000,000 metric tons by 1990 and mainly occur in countries whose per capita GNP is less than $300 a year, also with high population increases.

The recent Cancun summit declared the objective that hunger must be eradicated within as brief a period as possible. One way such an objective could be achieved would be the sustained and long-term internal effort by developing countries to increase self-sufficiency in food production.

This essential objective, since most of the undernourished are rural people, will require more land upon which to produce at least the food essential to survival. Farmers must also be helped so far as is necessary to produce such food effectively, that is, they must have the seed, the fertilizers, the equipment the techniques necessary for such production. They must also have markets for what they can produce, which will give them added incentive to produce more than what they consume. There must be adequate means for the marketing of any surplus food which includes, of course, adequate transportation for such marketing. There will be a great need for technical advice and counsel to assure the best methods of production needed for such farmers and previously and especially to be furnished by local and national authorities.

Such aid now being provided extensively by the World Bank under the inspiration of that great President, Robert McNamara. Such a program must be expanded and increased by needed contributions from World Bank members. The Food and Agricultural Organization is already rendering valuable assistance, but not enough, to those who could supplement the production of countries with a great food need and a shortfall in production. There must be increased assistance to such increased production through bilateral arrangements with other high food producing nations of the world. The United States, I'm pleased to say, has a program through which we attempt to share, as we should, our agricultural expertise with people in the developing areas—to assist them in the use of our technology to the fullest possible extent. Upon that program we will spend some $700,000,000 this

year for projects in the area of agriculture, rural development and nutrition. There is no better example of the need for the developed nations to share their technology freely with the developing nations than in the field of agriculture. Nowhere would such a just policy save more lives and promote the health and well-being of more people.

In addition, we must work out some feasible method by which the developing nations of the world can be assured of a market for their essential products at a minimum and fair price. Some experiments toward the stabilization of the prices of products exported by developing countries are in use, as I understand it, regarding cocoa. coffee and some other products.

I sympathize with the people of the developing countries, dependent upon the export of their products for their own well-being and themselves constantly living upon a narrow margin of financial security, suffering the fluctuation of world commodity markets in volume and in price. I think the developed nations of the world, working together, as they should, with the developing nations should work toward the establishment of a system under which more price stability and market access should be assured to the developing nations which have only their exports of certain commodities to sustain their national well-being.

I am convinced, Mr. Chairman, that the genius and the goodwill of the people of the nations of this world, developed and developing, can find a reasonable and acceptable way whereby all nations in this world can live in freedom and independence and with a standard of living which shall assure at least the basic needs of life to all the people of the world. Let us therefore, continue to support and steadily increase what we are doing to make these high goals possible. Let us aid with increasing contributions the institutions we already have now involved in this desperate battle against hunger. Let us establish new institutions, where needed, which will harness the miraculous modern techniques of the world, unfolded to us by a generous God. We know that with such knowledge and motivated by the impelling conscience of man's love for his brother, we can abolish hunger everywhere in the world.

Thank you.

FEDERAL CROP INSURANCE

Mr. HELMS. Mr. President, Federal crop insurance can be a highly valuable form of disaster protection for the American farmer.

As with any new venture, there are challenges associated with the startup of the new crop insurance program. I am confident that those challenges will be effectively met, and in a year or so we should expect to have a finely tuned mechanism to meet everyone's expectations.

To be fully effective, it should have the active support of private industry, and I am pleased by the expression of such support that I recently received.

On March 2, the American Association of Crop Insurers (AACI) unanimously agree to adopt a resolution commending the board of directors of the Federal Crop Insurance Corporation for their recent management decisions to help stabilize the Federal crop insurance program. The AACI is composed of insurance companies, organizations, trade groups, and agents' associations that worked closely with Members of Congress in the development of the Federal Crop Insurance Act of 1980. The AACI believes that the Federal crop insurance program can be the primary form of Federal disaster protection for farmers at a price the farmer, and the taxpayer can afford. I believe that the private insurance industry is making a strong, concerted effort to successfully deliver disaster protection to our Nation's farmers. In this time of budget cutbacks, it is important to note that the private sector can deliver programs such as this, in partnership with the Federal Government, if only given a fair chance to work. Mr. President, I ask that the AACI letter be printed in the RECORD.

The letter follows:

AMERICAN ASSOCIATION
OF CROP INSURERS,
Chicago, Ill., March 30, 1982.

FRANK NAYLOR, Jr.
Under Secretary, Small Community and Rural Development, Federal Crop Insurance Corporation, Dept. of Agriculture, Washington, D.C.

DEAR MR. NAYLOR: At the annual meeting of the American Association of Crop Insurers last month the resolution was unanimously adopted commending the FCIC Board for its leadership and direction in actions taken to stabilize the FCIC program.

Our membership feels that the Board has made some excellent decisions in helping the management of FCIC with the difficult decisions in a very complex program. We specifically wish to commend you for the action taken regarding the new credit and financing policy starting with the 1983 crop year. This was obviously not an easy decision to make in times when most farmers are having financing difficulties, however the problem would have grown more complex if that decision had been delayed.

We are pleased with the progress of the program to date and our association is anxious to work with and support the efforts of the Board and appreciate the hard work that is being put forth in this regard.

Yours truly,

M. K. FELT,
Chairman, American Association of Crop Insurers.

THE SURTAX: A BAD IDEA WHOSE TIME IS NEVER

● Mr. ROTH. Mr. President, in recent weeks we have heard various rumors that the administration may be prepared to accept a proposal for a 4-percent surtax on incomes above $35,000.

The surtax is a product of the same fertile minds that gave us the flip-flop economics of the Carter administration. Its advocates contend that the way to reduce the Federal deficit is to raise taxes—in other words, to balance the budget on the backs of the American taxpayer. It did not work for Jimmy Carter, and it will not work any better now.

Even if applied to gross incomes above $40,000 a year, the surtax would affect a large portion of the taxpaying public, effectively eliminating the across-the-board tax cut for those individuals in 1983.

Equally important, 90 percent of all U.S. business enterprises are small unincorporated entities that pay their taxes under the individual rate schedules. These small businesses provide 55 percent of all private-sector employment, 48 percent of all business output, 43 percent of the gross national product, and more than half of all inventions and innovations produced in this country. They generate more new jobs than any other segment of the economy, and their vitality is a key element in our recovery from the recession.

The surtax proposal, by reducing disposable income and private savings, would deprive small business of its major source of capital formation, the lifeblood of new jobs. By wiping out the 1983 tax cut for much of the Nation's business community, the surtax would depress the employment market and seriously delay economic recovery.

What is more, the surtax would have an especially devastating impact on families with two wage earners—the families which have been penalized in the past by the so-called marriage tax. The surtax would eliminate the relief from this tax anomaly provided by last year's tax bill, indirectly encouraging "tax divorces."

I do not believe that Congress will be willing to undo what it accomplished for the American taxpayers and for the economy last year. I do not believe most Members of the Senate would vote for a general tax increase on the working people of his country. The surtax is just such an increase and it deserves to sink to the bottom along with the other quack economic nostrums that have come and gone in recent weeks.

The American people do not want higher taxes. That should be obvious to every Member of the Senate, particularly during the month of April. Clearly, tax reduction is one of the mandates of the 1980 elections.

Indeed, two recent polls conducted by the U.S. Chamber of Commerce and NBC News demonstrate that the American people, by a large margin, still want the tax rate cuts already enacted to go into effect. Although they do not like deficits, they do not want taxes to be raised. And they still support further cuts in Federal spending.

The chamber poll conducted by the Gallup organization last month shows that 62 percent of those polled oppose postponing the personal tax rate cuts already enacted, including 19 percent who would favor putting them into effect 6 months earlier. The poll also reflects the public's preference for ad-

ditional spending cuts rather than tax increases. Forty-seven percent of those polled favor reducing spending, and only 4 percent favor raising taxes.

The NBC-Associated Press poll confirms the findings of the Gallup poll. Seventy-seven percent of the NBC respondents said they preferred spending cuts to tax increases as a means of reducing the Federal budget deficit. Forty-eight percent opposed any postponement of the last year's individual tax rate cuts.

This anti-tax-increase sentiment would apply equally to the surtax proposal which is, in effect, a general tax increase proposal. In this regard, two recent articles in the Wall Street Journal and the Washington Post, written by George Gilder and Thomas B. Edsall, respectively, present compelling arguments against the surtax and a postponement of the third year of the individual rate reductions. Indeed, Mr. Edsall makes the point that a delay or repeal of the third year cuts would impact most heavily on lower- and middle-income groups. This clearly refutes the general misconception held by opponents of the tax cut that a repeal of the third year would only affect wealthy taxpayers.

In addition, a recent analysis of the surtax proposal prepared by the Heritage Foundation underscores the extremely negative impact this idea would have on the economic recovery program in general and employment in particular.

Mr. President, it is time to scuttle the talk of tax increases once and for all and let the country get on with the business of economic recovery.

I ask to have the full texts of the Wall Street Journal, Washington Post, and Heritage Foundation articles printed in the RECORD.

The material follows:

[From the Wall Street Journal, Apr. 22, 1982]

THE SURTAX: REPUBLICANS HEAD FOR THE CLIFF

(By George Gilder)

Howard Baker and other Republican leaders are contemplating the possibility of a temporary surtax of 4% on individual income taxes. The alleged purpose of this bold proposal in the middle of a recession year is to cut the deficit, control inflation and reduce interest rates. House Budget Committee Chairman James R. Jones, Democrat of Oklahoma, calls this surtax "a responsible recommendation that should be considered."

In their desire to offer early leadership to the tax-hike movement, however, these congressional leaders seem to have rejected a host of equally "effective" and "responsible" policies for achieving their goals. Nowhere, for example, do they mention, as an antidote to the interest-rate problem, resorting either to rain dancing or levitation. They also have ignored far more promising and less taxing remedies, such as declaring a five-year congressional recess. The recess idea has the advantage of removing these Republican leaders from Washington without electoral catastrophes in 1982 and 1984 that would replace them with more Democrats like Mr. Jones, who might well raise taxes even faster.

DIDN'T ACHIEVE THEIR GOALS

This is not to deny at all that a tax hike this year might solve the interest-rate problem. It probably would bring interest rates radically down—by causing a depression. Even Sen. Baker might regard this policy as something of a riverboat gamble.

Before we accept the surtax idea, however, it is worth considering the results of a similar surtax in the relatively booming economy of 1968. As Michael Evans of Evans Economics has documented, the surtaxes of 1968 and 1969 achieved none of their goals. Inflation spurted higher, interest rates rose, a recession ensued, the stock market crashed and even the deficit increased.

The deficits projected by the Reagan administration are substantially smaller as a proportion of GNP than those of 1975 and 1976, which were followed by a brisk economic recovery and declining inflation. They are substantially smaller than deficits undergone in recent years by such low-inflation and high-growth economics as Japan, Switzerland, Germany and Austria.

Deficits are always a problem because they compete with the private sector for savings. But a large deficit accompanied by higher savings, as in Japan and Switzerland, will cause few problems, particularly in a recessionary year. The Carter administration, on the other hand, lowered the deficit from 3.9% of GNP to 1.1% of GNP between 1976 and 1979 by allowing taxes to rise through inflation. Rising income taxes, however, destroy savings three ways: by taxing most highly those very earnings most likely to be saved, by deterring acquisition of additional earnings and by taxing the returns to savings (interest payments) at the highest rates.

The Carter administration virtually eliminated the deficit by this means but also virtually eliminated U.S. personal savings, which dropped to 3.7% of GNP in December 1979, the lowest level in 30 years and the lowest level in the industrialized world. As a result of this splendid Carter victory over the deficit, interest rates nearly doubled, inflation soared, the economy collapsed and the deficit then leaped to over $60 billion.

In 1981, Congress followed this tax-hike policy once again. By deferring the tax cut to October and cutting it to 5% (1.25% over the entire year), Congress allowed Social Security tax hikes and bracket creep to inflict an approximately 10% tax hike on most incomes. This effective "surtax" in 1981 did not reduce interest rates. It merely deepened the recession and increased the deficit by triggering increases in a large number of recession-related or inflation-indexed government programs, such as welfare, unemployment compensation, Social Security, civil service pensions, trade adjustment assistance and various loan guarantees (that is, subsidies).

It is hard to believe that serious Republican politicians could consider the continuation of such suicidal policies. But Republicans in Congress have shown a deep lemming strain for much of this century. Although the unaccustomed heights and burdens of senatorial leadership positions may give some of our statesmen vertigo, thus arousing the old instinct to head for the cliffs, there is no reason for the administration to follow them over the edge.

The White House should stop paying attention to economists, media voices and old-line politicians who seem to have forgotten the past and are apparently determined to repeat it.

If Congressmen were really interested in dealing with the problem of high interest rates and huge deficits, they would stop taxing "unearned" income at effective rates over 100 percent adjusted for inflation—stop taxing inflationary capital gains and spurious inflationary yields on bonds. They would stop hacking away at picayune but useful government programs and face the tough decisions on entitlements, necessarily including Social Security and government pensions. They would halt the growth of guarantees and subsidies for loans to favored borrowers, which necessarily raise the rates for everyone else. They would stop playing games with the nation's businesses, granting them leasing benefits one moment and threatening to withdraw them the next.

GOVERNMENT SHOULDN'T PANIC

The economy is basically sound. While the auto and housing industries are failing, oil and gas entrepreneurs are overcoming the energy crisis. Meanwhile firms in high technology are launching a new age of productivity in services and creating a personal computer industry that will soon outsell the auto business. All that is needed is a stable government that does not panic at statistical shadows and palter about tax hikes while already taxing the real yield from our precious savings.

The administration's "huge" tax cuts are trivial when adjusted for inflation. Therefore their repeal means dramatic tax increases. Tax increases, in general, will produce less savings, more inflation, more unemployment and larger deficits. They are the cause of our problem, not its solution.

[From the Washington Post, Apr. 23, 1982]

SHIFT ON TAX INCREASES WOULD MEAN BASIC REVERSAL OF REAGAN'S POLICY

(By Thomas B. Edsall)

The preoccupation of Congress and the White House over the last few months with reducing the budget deficit has obscured this basic fact:

On the issue of taxes Ronald Reagan may be in the midst of a fundamental reversal of economic policy.

The centerpiece of the President's original economic program last year was the enormous tax cut he proposed for individuals and business. The $749 billion reduction over six years represented a major achievement for an administration that in many ways views the federal tax system as a detriment to economic development.

Some critics said the tax cut, especially when coupled with the defense buildup the president was also insisting on, would create unmanageable deficits, the supply-siders advising the president discounted this. They argued that tax cuts were the tonic the economy needed, that they would bring on added growth, that this growth would in turn generate new tax revenues. In this painless formula, the tax cuts would thus pretty quickly pay for themselves.

So far, however, that hasn't happened, and now, to reduce the forthcoming deficit and help bring down the high interest rates that are choking off growth, leading members of Congress in both parties, many of the president's aides and to some extent the president himself are considering raising taxes.

Though it was glossed over at the time, the president has already reversed himself significantly on last year's business tax cut. He proposed in his February budget a new minimum tax on corporations that, along with certain other provisions, would raise an additional $9.1 billion from business in fiscal 1983.

In doing so, these proposals would take back, about 65 percent of the $13.9 billion cut in business taxes for 1983 that Reagan pushed through.

Now White House and congressional budget negotiators are discussing other sizable tax increases, including a "surtax" on upper-income individuals that would take back part of the 10 percent cut in individual income tax rates scheduled for this year.

The president and his aides, who came into office committed to avoiding the flip-flops that characterized the Carter presidency, have gone to great lengths to say that these new proposals do not constitute a reversal.

They began by playing games with vocabulary; they were not proposing tax increases, they said early on, just modest amounts of "revenue enhancement." Now they are making further distinctions. This year's increases would not be a reversal of last year's cuts because the provisions of the tax code that would go up this year are not the same as the ones that went down a year ago.

Thus the president at a news conference last Tuesday reaffirmed his support for the "tax program of ours which is based on providing an incentive, both for individuals and business—the business tax cuts, the across-the-board three-year cuts in personal income tax. Now I have not changed on that."

And a few days ago Murray L. Weidenbaum, chairman of the Council of Economic Advisers, said this to reporters when asked whether a surtax would be a partial cancellation of the individual tax cut:

"In terms of the concept, it doesn't violate the president's program . . . . It dilutes some of its effect . . . . The notion of a temporary surcharge to deal with a temporary budget problem to keep in place a permanent tax cuts does not do violence."

The president at one earlier point declared he was firmly opposed to any "tampering" with the three-year tax cut for individuals because it would "inflict major damage on the economy."

From the vantage point of a well-to-do taxpayer, it is hard to see how a 4 percent surtax does not represent tampering with a 10 percent tax cut.

The same is true for a businessman who took the administration at its word last year, thinking that if his company invested in new equipment, it would be eligible for tax breaks that in effect would wipe out all taxes on the profits from those investments. Now he is looking ahead to a possible 15 percent so-called minimum tax that would alter that expectation.

The administration, however, is not alone in violating some of its claimed goals.

A number of key Democrats, including House Speaker Thomas P. (Tip) O'Neill Jr. (D-Mass.), are calling for repeal of the scheduled third installment next year of the individual tax cut on the grounds that it would help restore equity and fairness to the tax system.

Tax equity is impossible to define. From one point of view, elimination of an across-the-board 10 percent tax cut might be considered to hurt those in the lower brackets less than those with high incomes because the rich pay a higher proportion of their income in taxes.

But from another vantage point, the Democrats' position would appear to be significantly unfair to the working and middle class constituents they want to protect. Because the 1981 tax bill immediately reduced the top rate on unearned income from 70 to 50 percent, and the capital gains tax rate from 28 to 20 percent, the very rich have already gotten most of the benefits they can expect from the legislation.

For those earning $200,000 or more annually, repeal of the 10 percent rate cut scheduled to go into effect July 1, 1983, would mean the loss of only 5 percent of all their likely tax breaks under the legislation. For everyone else, however, repeal of the third year would represent a loss of 32 to 40 percent of the breaks.

The scope of some of the tax increases under consideration by the administration and Congress is reflected by the following: on the corporate side, the administration's "minimum" tax would apply to about 90,000 businesses; on the individual side, one suggestion is to set a 4 percent surtax on incomes in excess of $40,000, a step that would increase taxes for these people by about $4 billion annually.

The administration has justified some of the new proposals on the grounds that they close unjustified tax loopholes, but the minimum tax clearly functions to weaken the benefits of the investment tax credit and a number of other tax preferences supported by the administration, including tax leasing.

Along with the new depreciation schedule, the investment tax credit is the core of the business tax cut in the president's 1981 tax bill.

In a comment on the policy reversal implicit in the administration's advocacy of a minimum tax on corporations, Emil Sunley, former Treasury tax specialist and now tax analyst for the accounting firm of Deloitte Haskins and Sells, said, "It won't pass the 'red-face test.'"

What does that mean? That in light of the past administration rhetoric there is no way to justify the new tax proposals before Congress without embarrassment.

[From the Heritage Foundation Backgrounder, Apr. 23, 1982]

A SURCHARGE: THE WORST TAX?

INTRODUCTION

Faced with a twelve-digit deficit and a budget impasse, the Reagan Administration has been considering a variety of measures designed to satisfy its critics. Among the worst being considered is a punitive income tax surcharge for upper-income Americans. Proponents say that a tax surcharge is necessary to reduce the federal deficit and counter the liberal attempt to portray the Administration as favoring the rich. The proposal, however, is seriously flawed. The income tax surcharge is too small to reduce the deficit appreciably, yet large enough to further depress economic activity, increase unemployment, and delay recovery.

A tax surcharge on upper income Americans is potentially the most destructive and distortionary of all tax increases for it raises the marginal tax rates on the most productive groups. A 4 percent surcharge on incomes over $40,000 for example, would lift the top marginal tax rate from 50 percent to 52 percent and the 40 percent marginal rate currently applied to households earning over $40,000 would be raised to 41.6 percent. Fully 40 percent of the 10 percent tax rate reductions in 1982 would be rescinded for those affected by the surcharge. And for what benefit? No one thinks the $4-6 billion a year raised by a 4 percent surtax would lower interest rates or speed economic recovery. To the contrary, the tax rate reductions, especially for upper-income Americans, lay the foundation for recovery and should not be diluted at the last hour by a tax surcharge.

Ironically, while pressure builds for destructive tax increases, federal deficit estimates are being scaled down considerably. The five-month revenue figures for FY 1982 indicate that OMB may be overestimating the budget deficit by between $25 to $35 billion. Warren T. Brookes, a Boston-based economics analyst for The Heritage Foundation, argues that, barring a real depression, the deficit could be in the $65 billion range instead of $100 billion as many now claim. OMB has been predicting revenue growth of 4.6 percent over 1981, but the actual revenue figures from October 1981 to February 1982 present a far different picture. Actual federal revenues are growing by 12.9 percent. High level Treasury officials indicate that they are puzzled by the better-than-expected revenue figures.

In actuality, economic predictions are always mainly educated guessing games and, as such, the deficit projections are never very reliable. But the current deficit projections have taken on a heightened importance since the apparent OMB deficit overstatement has the effect, planned or otherwise, of stampeding Congress and even the President into accepting a tax hike contrary to his supply-side strategy. If the deficits could be limited to the $65 billion range, as Brookes estimates, pressure to raise taxes would accordingly be relieved.

Even if the federal deficit is closer to OMB's higher predictions, new taxes on income are not the solution, especially in a recession. Tax hikes depress private sector initiative and saving as much, if not more, than government borrowing to finance the deficit. Raising taxes on the most productive members of our society in the name of stimulating economic recovery makes no economic sense.

Many think that upper-income Americans are currently reaping a bonanza from the recent tax rate reductions. For the most part, however, the tax cuts only keep rates from going higher. The marginal rates—even for upper income brackets—will be essentially the same in 1983 as they were in 1978. Without the Reagan tax cuts, marginal tax rates on middle and lower incomes would have been 30 to 40 percent higher. The tax rate reductions passed last year will at least offset the effects of inflation-induced tax bracket creep expected over the next three years, but the high rates existing in 1978 will continue.

The tax surcharge currently being proposed is a 4 percent increase in taxes for income brackets over $40,000. Taxes would first be computed in the regular fashion for income classes above the income cutoff and then a given percentage, say 4 percent, would be added on to the bill. For an upper-income family, the proposed 4 percent tax surcharge would wipe out 40 percent of the 10 percent tax rate reduction they were scheduled to receive in 1982. When the final stage of the tax cut becomes effective in 1983, the surcharge will offset fully 20 percent of the rate reduction then in place. And finally in 1984, for those Americans subject to the surcharge, over 16 percent of the tax relief offered by Reagan in the ini-

tial tax reduction package will be erased by the tax surcharge.

A typical family affected by the surcharge will find in 1983 that the lion's share of their promised tax cut will be taken away by the surcharge or by inflation. Simple arithmetic tells the story. A two-earner household making $50,000 a year in 1980 paid a marginal income tax rate of 43 percent. Their marginal tax rate is scheduled to drop to 40 percent in 1983 as a result of the Reagan tax bill. A 4 percent surcharge, however, will raise the family's tax liability in 1983 to 41.6 percent. As a result, the tax surcharge will wipe out over 50 percent of the already small marginal tax reduction.

One does not need to shed tears for families earning $40,000 or more a year to understand the devastating effects of higher marginal tax rates on the important saving and investing activity carried on by Americans in this tax bracket. Two-thirds of all U.S. personal saving comes from the 5 percent of all income earners making more than $50,000 a year. At a time when the U.S. needs more saving and investment, an additional tax increase on productive Americans will simply depress an already capital-starved private sector.

TABLE I.—INCOME SHARE AND SAVING RATE BY INCOME CATEGORY (1978)

Income category (1978)	Income share (percent)	Saving rate (percent)
Under $6,000	8.4	(65.0)
$6,000 to 10,000	11.4	(10.0)
$10,000 to 16,000	17.8	2.8
$16,000 to 25,000	26.5	11.0
$25,000 to 50,000	26.8	19.5
over $50,000	9.1	35.0

Source: A. Gary Shilling & Co., Inc.

THE LESSON OF THE 1968 TAX SURCHARGE

In 1968, the last time an income tax surcharge was levied, the tax revenue collected was largely offset by reductions in savings. There is no reason to think a similar tax today would have a different economic impact.

Unfortunately, economic history is often forgotten—or ignored. In 1968, Congress legislated a 10 percent tax surcharge, much like the one currently recommended, on income taxes paid by individuals retroactively to April 1, 1968, and by corporations retroactively to January 1, 1968. The Revenue and Expenditures Control Act of 1968 also reduced government spending in that year and established a ceiling on government spending for the fiscal year 1969. The tax surcharge was explicitly recognized as temporary and was slated to expire in June 1969, although it later was extended for six months and then extended another six months at a reduced rate of 5 percent.

Arthur Okun, then a member of Lyndon Johnson's Council of Economic Advisors, justified the tax surcharge as a means to reduce inflation and the high level of aggregate demand. Congress passed the surcharge in June 1968 to reduce the budget deficit, then climbing to over $10 billion. The results of that tax surcharge are instructive for policymakers today considering a similar policy, not this time to reduce consumption expenditures and inflation but rather to lower interest rates by reducing the budget deficit.

As Table II indicates, tax revenues increased $11 billion between the second quarter and third quarter of 1968 in response to the tax increase. And by FY 1969, the federal budget enjoyed a $5.2 billion surplus, up sharply from the $12.3 billion budget deficit the previous year. The first lesson of the 1968 surcharge: tax surcharges can reduce deficits, and, if large enough and applied to a sufficiently large number of income tax brackets, may even raise enough revenues to eliminate sizable budget deficits. But over this same period, personal saving sharply declined by $9 billion, offsetting almost 80 percent of the revenues raised by the tax surcharge. The personal saving rate declined by 7.6 percent of personal income in the second quarter of 1968 to a low of 5.3 percent in the second quarter of 1969. Hence Lesson Two for policymakers considering a tax surcharge: A tax surcharge may help balance the federal budget, but only at the cost of a substantial reduction in saving. In short, a tax surcharge may reduce the federal demand for credit to finance the deficit, but only at the expense of the pool of savings. From the lessons of 1968, it seems certain that an income tax hike will not reduce interest rates or relieve pressure on the capital markets.

TABLE II.—THE EFFECTS OF THE 1968 TAX SURCHARGE ON CONSUMPTION AND SAVING

[Billions of dollars at annual rates]

	1968/II	1968/III	Change
Personal income	681	699	18
Less: Taxes, etc.	93	104	11
Equals: Personal disposable income	588	595	7
Less: Consumption	543	559	16
Equals: Personal saving	45	36	−9

Source: "Survey of Current Business," 1973 supplement.

THE SAVING RATE IN RESPONSE TO THE 1968 TAX SURCHARGE

1967	1968				1969				1970
	I	II	III	IV	I	II	III	IV	
7.3	7.2	7.6	6.0	6.2	5.3	5.3	6.6	6.8	7.9

Source: W. L. Springer, "Did the 1968 Surcharge Really Work?" American Economic Review, September 1975.

At the same time that taxes were being raised by President Johnson, the Federal Reserve was pursuing an expansionary monetary policy. Many are demanding that Reagan follow a similar course today. According to Senator Roger Jepsen (R-Iowa), the loose money-higher tax policy of 1968-1969 failed to reduce interest rates, keep inflation low, or encourage economic expansion. To wit, soon after the tax surcharge was imposed:

1. "Interest rates rose. By December 1968, interest rates were generally higher than they were in June. They moved still higher in 1969. The three-month Treasury bill rate average 5.3 percent in the first half of 1968 and 5.5 percent in June. It averaged 5.9 percent in December 1968, 6.5 percent in June 1969 and 7.7 percent in December 1969. Other interest rates also increased by a similar amount.

2. "Inflation accelerated. The CPI rose 3.0 percent in 1967, 4.7 percent in 1968, and 6.1 percent in 1969.

3. "Economic growth slowed. Real growth of the gross national product declined from 5.1 percent in the four quarters ending in June 1968 (and an annual rate of 6.4 percent in the first half of 1968) to an annual rate of 3.5 percent in the second half of 1968 and 2.4 percent per year in the first half of 1969. A recession began in the second half of 1969."

There is no apparent reason why a combination of a tax surcharge and monetary expansion would produce a different economic outcome today.

TAX CUTS: WELFARE FOR THE RICH?

Some justify an income tax surcharge by saying that the Reagan tax cuts disproportionately benefit the rich. A new economic report conclusively shows that proportional tax cuts like the ones enacted last year, far from being "welfare for the rich," actually shift the tax burden toward the wealthy. According to a recent article in Economic Review by economists James Gwartney and Richard Stroup, proportional tax rate reductions for all income brackets provide the greatest incentives to persons in upper-income brackets to expand their taxable income by shifting their resources from tax-sheltered investments and consumption into productive activities generating tax revenue. The effect of reducing marginal tax rates both in 1964 and in the 1920's, the economists point out, has been to shift the tax burden toward higher income groups.

Gwartney and Stroup present potent evidence that the best means of "soaking the rich" is to lower their taxes, in essence, coaxing rich Americans to engage in taxable economic activity rather than non-taxable consumption. After the 1964 tax reductions, for example, the number of tax returns reporting an adjusted gross income of $50,000 or more grew rapidly, reaching 272,000 by 1966; previously these high-income returns ranged only between 125,000 to 162,000. As Table III indicates, these upper-income individuals bore proportionately more of the total tax burden of the country after they received a tax cut than before.

TABLE III.—THE SHARE OF TAX REVENUE COLLECTED FROM VARIOUS PERCENTILE GROUPINGS RANKED ACCORDING TO ADJUSTED GROSS INCOME PRIOR TO AND SUBSEQUENT TO THE 1964 REDUCTION IN TAX RATES

Percentile of all returns (ranked from lowest to highest income)	Tax revenue collected from group [1] (In billions of 1963 dollars)		Percent change	Percent of personal income taxes collected from group [1]	
	1963	1965		1963	1965
Bottom 50 percent	5.01	4.55	−9.2	10.4	9.5
50 to 75 percentile	10.02	9.61	−4.1	20.8	20.0
75 to 95 percentile	16.00	15.41	−3.7	33.2	32.1
Top 5 percent	17.17	18.49	+7.7	35.6	38.5
Total	48.20	48.06	−0.3	100.0	100.0

[1] These estimates were derived via interpolation.

Source: Internal Revenue Service, "Statistics of Income: Individual Income Tax Returns" (1963 and 1965).

Before the tax cut, the top 5 percent of income earners bore 35.6 percent of the total tax burden, but in 1965 those in the highest tax brackets paid the larger proportion of 38.5 percent of income taxes. Conversely, the bottom 50 percent of income earners contributed proportionately less of total income taxes after the tax cut: a drop from 10.4 percent in 1963 to 9.5 percent in 1965. Tax revenues collected from these upper income groups expanded rapidly. Before the 1964 tax cut, real revenue collected from returns with income above $50,000 rose at an annual rate of 6.1 percent. After the tax cut, Gwartney and Stroup discovered "tax revenues collected from these taxpayers grew at an annual rate of 14.1 percent. Even though the average (and more importantly the marginal) tax rate of taxpayers with incomes of $50,000 or more decline, the constant dollar growth

rate of revenues collected in this category rose substantially."

In contrast to tax reductions, Gwartney and Stroup discovered that proportional tax hikes tend to reduce the reported gross income of upper-income taxpayers, lower the proportional contribution of upper-income Americans to total tax revenue, and shift the tax burden to lower-income classes. In response to the 1932 tax hike, for example, the net income reported to the IRS fell by 4.7 percent in the first year of the tax increase. The largest decline in reported income occurred with incomes above $300,000. In constant dollars, reported net income from this class fell 49.1 percent in a single year. In response to the tax hike, all income classes paid more income taxes to the government. However, the growth of tax revenues was more modest for higher tax brackets. Income categories less than $25,000 increased their tax contribution from 21 to 36.5 percent while the proportional income contribution of individuals making over $300,000 actually declined from a 23.5 percent share of total revenues to 18.4 percent. Other high income brackets shifted a portion of the total tax burden to lower-income brackets.

In short, Gwartney and Stroup conclude that criticism of tax rate reductions for upper as well and other income classes is misplaced: "Far from shifting the tax burden toward the poor, the Reagan program will shift the tax burden toward the rich." A tax surcharge on upper-income Americans, on the other hand, would have the opposite effect; that is, increase the tax burden on the lower-income classes, just as it did in the 1932 tax hike.

CONCLUSION

It would be ironic if a tax surcharge is levied to soak the rich, only to find, as in the 1932 tax increase, that the rich withdraw their money from investment and shift it to tax-exempt bonds or consumption expenditures—leaving those who cannot afford such options to toil in the marketplace under a proportionally heavier tax load than before the tax increase. And yet, if the tax surcharge is enacted, the incentive structure will be twisted to encourage the rich to take a trip to Monte Carlo or buy a bauble rather than invest in taxable activities that will earn them too small an after-tax return.

Many assumed that Reagan was committed to reforming the tax system so that the incentives ceased being biased in favor of non-productive activities. Whether the deficits are $65 billion or $100 billion, it makes no sense to drive a class of productive taxpayers into hiding just as they are returning to the marketplace after sitting it out for so many years.

But the deficit still remains, as we are constantly reminded—many times by those who supported extravagant spending measures in the past and continue now to resist spending cuts. What is to be done with the surging red ink? The Administration should reassert its commitment to cutting the budget, especially the rapidly-expanding entitlement programs, as the only means of reducing the current budget deficits. National public opinion polls still indicate broad support for further budget cuts. A tax increase will simply give government officials more money for yet higher levels of spending. The most effective means of reducing the federal budget is to deny the government further revenues.

Ronald Reagan was not elected to raise taxes; he was elected to reduce the burden of government on our daily lives. An income tax surcharge on upper-income Americans would signal a disappointing retreat from that goal. And if political expediency demands some "enhancement" of revenues, the worst means of doing so would be the income tax surcharge.

THOMAS M. HUMBERT,
Walker Fellow in Economics.●

THE ALTERNATIVE MINIMUM TAX PROPOSAL

● Mr. TOWER. Mr. President, this Nation is presently undergoing an economic and financial revolution. We have finally begun the long-overdue process of reducing the incursion of the Federal Government into the everyday lives of our citizens. We are lightening the crushing burden of regulation, and we are rolling back individual tax rates. Further Mr. President, we are engaged in the process of returning much governing authority to our States, counties, and cities. Surely this will improve the quality of the services provided as well as the sensitivity to local needs.

A necessary concomitant of this New Federalism is the ability of the States and their municipalities to fund this new authority. Provisions are being made to return some sources of funding to the States, and revenue sharing and block grants will provide a conduit for moneys raised at the Federal level.

In my view, this is an important initiative. It is long overdue. We must be very careful to avoid jeopardizing the success of this effort through unintended side-effects of other actions taken here in Washington.

The potential for such jeopardization exists, however, in a provision of the proposed alternative minimum tax. This proposed tax is designed to assure that all Americans share fairly in the costs of Government, and that is certainly a worthy and reasonable goal. The attainment of that goal should not, however, be permitted to damage the ability of our States and municipalities to raise needed revenues.

One component of the proposed tax would disallow as a business expense the interest paid by banks for deposits, if those deposits could be construed to have been intermediated into tax-exempt securities. The theory seems to be that if borrowing occurs to buy tax-exempt securties, the interest expense incurred should not also be free of Federal taxation. As a general principal, this is reasonable.

It is not reasonable, however, to apply it as envisioned in the proposed tax law, to banks and other financial institutions. In the first place, tradition has militated against defining deposits accepted by institutions as borrowed funds. This position was affirmed in the IRS's own Revenue Procedure 70-20. To quote that procedure. "The Congress has repeatedly recognized that indebtedness incurred by a bank to its depositories is not to be treated as indebtedness incurred or continued to purchase or carry tax-exempt securities.

Mr. President, the very business of banking is to accept deposits and to promote economic activity by putting those deposits to use in the community. Recent years of high interest rate have made it especially important that State and local governments place as much of their money as feasible in interest-bearing deposits, and banks and other institutions have accommodated this need by bidding for those deposits.

Most municipal deposits, however, differ from business or individual accounts. Very often, for example, the deposits exceed the FDIC or FSLIC insurance ceilings. In such cases, the depositing government unit usually requires the institution to pledge certain specific securities which the institution owns as collateral for the deposits in excess of the insurance ceiling. Then, in the event of problems at the institution, the municipal depositor will take title to the pledged securities, and the taxpayer's money will be protected. It is common practice that State and local government units require that these pledging requirements be satisfied by pledge of securities issued by the State and/or locality in which the bank is located. Naturally, this helps create a market for municipal securities. Many smaller jurisdictions would be virtually unable to market bond issues without this built-in market. All jurisdictions would probably face higher interest expenses if the bank market were removed or weakened. Research shows, Mr. President, that commercial banks are the largest single investor group in such securities, holding about $155 billion worth, or 45 percent of total outstanding municipal securities. This same research, reported by the Municipal Finance Officers Association, foresees a decline in banking holdings or municipals of at least $43 billion if this new tax plan is adopted. This would result because the cost to banks of holding portfolios of tax-exempt securities, which pay lower rates than other securities, would be increased if certain deposit-interest expenses were to be disallowed.

As banks' returns from municipals fell, their holdings of municipals would also fall. This would drive the prices of these securities down and raise the rates which our State and local governments would have to pay to borrow. The research cited above hypothesizes that yields on municipals would have to rise by at least 160 basis points in order to maintain viable markets. This would raise total borrowing costs at the State and local levels by about $850 million by 1984. The Treasury estimates increased revenues from

banks and other institutions would be $144 million. In other words, for every dollar in Federal tax receipts, State and local governments would need to increase their taxes, fees, and charges by $5.90. Mr. President, I submit that such a result would be detrimental to the goals pursued.

In conclusion, I am opposed to this portion of the alternative minimum tax. It would represent a fundamental change in a tax policy which has been applied to the banking industry for over 50 years. It would violate clear and unequivocal congressional intent as reiterated time and again over those 50 years. Worse still, it would place a completely unwarranted burden on the States, counties, cities, towns, and taxpayers of this Nation, without providing any perceptible benefit to them. To the contrary, it would appear that the costs outweigh the benefits by a ratio of 5.9 to 1. Surely, a better way can be found to accomplish the goals being sought by the Treasury, and I strongly encourage the Treasury to find that better way.

CELEBRATION OF POLISH CONSTITUTION DAY

● Mr. SARBANES. Mr. President, on May 3, people of Polish descent throughout the world will celebrate the 191st anniversary of the adoption of the Third of May Constitution, a historic document which abolished class distinction, established absolute religious toleration, and declared the equality of all citizens under law. In so doing, the people of Poland peacefully transformed their Government into a democracy, thereby setting an example for freedom-loving men and women of courageous commitment to human rights and individual freedom.

In recent months a tragic injustice has been inflicted upon the gallant people of Poland. Military force has been used to suppress the broad movement within Polish society toward guarantees of basic human rights and a more open society, a movement both symbolized and led by Solidarity. An astonished and admiring world had watched the progress of that movement, whose breadth and depth were such that only military action could bring it even temporarily to a halt. Despite the brutal suppression of that movement and the suspension of individual liberties, the indomitable spirit of the Polish people survives.

A brave people long recognized for their chivalry and compassion, the Polish people have for generations struggled for liberty, a struggle which led them to carry on their national banner the motto, "For Our Liberty and Yours." Theirs is a tragic history. Due to its geographic location, Poland has traditionally been a passageway between continents, vulnerable to attack and occupation by its neghbors. But the spirit of this great people has never died—neither in Poland nor in the lands were Poland's sons and daughters began life anew.

Mr. President, just as the Polish people courageously sought their own freedom in 1791, so they have contributed to this Nation's struggle to create a free society since the earliest days of our colonial beginning. In 1608, almost 12 years before the Pilgrims landed at Plymouth Rock, Polish artisans arrived in Jamestown, and by the fall of that year had built America's first glass factory. A year later two of these Polish colonists saved the life of the colony's leader, Captain John Smith. In 1619 these sons and daughters of Poland demonstrated their unquenchable love of freedom. Responsible for the colony's glass and soap factories, they refused to work until they were accorded the same voting privileges enjoyed by the English settlers. These first Polish Americans quickly won their rights, and in so doing, to use the words of a scholar of the era, established themselves "among the first champions of American political freedom."

America has benefited again and again from the commitment to freedom of its citizens of Polish descent. During the American Revolution Thaddeus Kosciuszko and Count Casimir Pulaski rallied to the banner of our newborn country as it struggled for its independence. Kosciuszko was the only foreigner apart from Lafayette ever admitted to the American Order of the Cincinnati, an honorary society of Revolutionary War officers. After America's war of independence he returned to Poland, and there he was a courageous leader in the movement which created the Constitution of 1791, and later in the heroic but unsuccessful effort to withstand the foreign invasions which followed.

Count Pulaski was commissioned a brigadier general by the Continental Congress shortly after his arrival in America in July 1777. The following year, General Pulaski came to our city of Baltimore to recruit and organize an independent corps of cavalry and infantry. Pulaski's legion from Baltimore and neighboring areas served with distinction in South Carolina and Georgia, and Pulaski himself gave his life for the cause of American freedom during the siege of Savannah.

From these early examples of the contributions Polish Americans have made to our land and to the cause of freedom throughout the world, there are thousands more which can be found in each succeeding generation. Today distinguished Americans of Polish descent mark the ranks of every profession and walk of life, and their contribution to the strength and vitality of this Nation is immeasurable. Prominent among these citizens is our own highly regarded Maryland Congresswoman BARBARA MIKULSKI, a leader in promoting human rights and economic justice and opportunity. Polish Americans have added their many talents to our intellectual, artistic, and social life. They have contributed significantly to American industry and strengthened American labor. And above all, they have always championed our Nation's freedom and honor.

In Maryland, Polish Constitution Day will be celebrated by Baltimore's distinguished Polish American community with appropriate ceremonies at Polish Home Hall on Sunday, May 2. I want to commend the officers of the Maryland chapter of the Polish American Congress who have devoted so much time and effort to planning and arranging this important occasion; namely, John F. Pasko, president; Melvin Laszczynski, vice president; Genevieve Jaworski, vice president; Stephen Giernalczyk, vice president; Agnes M. Sito, financial secretary; Richard Brzybyszewski, recording secretary; Thaddeus Cwalina, treasurer; and Adam Adams, sergeant at arms.

Mr. President, as we join with Polish Americans throughout our land in commemorating that proud triumph in 1791 when Poland immortalized her people's love of freedom in a democratic constitution, let us hope that we will all see again a free Poland, fulfilling its heritage and its destiny.

SECTION 504 OF THE REHABILITATION ACT, THE CIVIL RIGHTS STATUTE FOR PERSONS WITH DISABILITIES

● Mr. WEICKER. Mr. President, today, April 28, 1982, is the fifth anniversary of the signing of the Federal regulations implementing section 504, the disability civil rights provision of the Vocational Rehabilitation Act of 1973. This day marks an important milestone not only in the lives of some 36 million disabled Americans, but indelibly in the history of the entire Nation as well. Throughout the week Americans, disabled and able bodied alike, will be joining together not only to commemorate but to celebrate the signing of these regulations which in so many ways confer the same rights upon disabled Americans as those guarantees first enumerated in the Declaration of Independence and the Constitution.

In enacting this civil rights provision, Congress sought to provide the disabled with the same types of protections which it has historically accorded to all Americans.

In effect, the chief aim of section 504, as conceived by its framers, was to remove a minority class from majority politics and prohibit discrimination against individuals on the basis of handicap in programs and activities re-

ceiving Federal financial assistance. For nearly two centuries prior to this time, Americans with physical and mental disabilities were treated no better than second-class citizens. Routinely, handicapped children were excluded from our Nation's schools. Retarded and otherwise developmentally disabled individuals were warehoused in institutions unfit for human habitation. Persons with mobility impairments were barred from employment by, in many cases, the presence of a 3-inch step. In 1973, responding to years of effort on the part of the disabled community and other concerned citizens, Congress sought to correct such blatant and fundamental inequities in our system by including in the Rehabilitation Act a civil rights provision modeled after title VI of the Civil Rights Act of 1964 and title IX of the Education Amendments of 1972.

Although there are still those who question whether Congress knew what it was doing in passing such legislation, there can be no doubt that in the nearly 10 years since its passage, Congress indeed has recognized 504 as a civil rights statute. Congress has on numerous occasions reaffirmed that the intent of enacting this legislation was to afford disabled persons with the same equal opportunities to participate in the mainstream of American life as enjoyed by all other citizens of this country. In 1978, in reauthorizing the Rehabilitation Act, Congress expanded the purpose of the act to include the "guarantee of equal opportunity" for all disabled Americans and provided rights, remedies, and procedures afforded to minorities under title VI of the Civil Rights Act of 1964.

There is no doubt that section 504 has assisted persons with disabilities to maximize their full potential and to become independent, productive taxpaying citizens—the aim of all American citizens. Given the continuing commitment of the Congress insuring civil rights of all Americans, it is imperative that we be especially vigilant in preserving and maintaining the integrity of such laws as section 504 of the Rehabilitation Act. I would, therefore, call on my colleagues to become more familiar with section 504 and its impact upon disabled citizens in their own States.●

THE FALKLAND ISLANDS CRISIS

● Mr. TOWER. Mr. President, if the current dispute between Argentina and the United Kingdom on the matter of the Falkland Islands cannot be resolved in a reasonable time through negotiation, the United States has no moral or practical alternative but to support the United Kingdom.

Britain in this century has been our closest and most reliable ally standing with us on matters of NATO policy and sanctions against the Soviet Union for the destabilizing and aggressive acts of that country. They have provided us with a base in Diego Garcia and British naval units are permanently deployed in the Southwest Asian theater. Britain has supported us most strongly in our efforts to focus the attention of the alliance on crises that occur outside the defined boundaries of NATO that threaten the vital interests of member nations.

Support for Britain would be consistent with longstanding fundamentals of American foriegn policy—that nations should not resort to force of arms to settle disputes between them and that the principle of self-determination must be upheld. These principles are inherent in the United Nations Charter and reinforced in the 1970 Declaration of Principles of International Law approved by the United Nations General Assembly stating that:

> Every state has the duty to refrain from any forcible action which deprives peoples . . . of their right to self-determination and freedom and independence . . . . All peoples have the right freely to determine, without external interference, their political status and to pursue their economic, social and cultural development, and every state has the duty to respect this right in accordance with the provisions of the Charter.

Argentina's act of aggression cannot be justified as an act of liberating the Falklands from British colonialism. In denying self-determination to the Falklands it is Argentina who should be subject to international condemnation for military imposition of colonial rule.

The Argentine claim to the Falklands which it has asserted by force of arms does not meet certain criteria of international law that have been used to assess claims to sovereignty of disputed territories. These criteria include: Acquiescence to claim; actual administration of the area; affiliation of inhabitants; and historical, social, and cultural links. In this context it is clear the British have the better claim.

There is more at stake here than our standing among the Latin American republics and our long-term friendship and our special relationship with the British. There is also the perception of the United States as a dependable ally. There is the credibility of our leadership in NATO and the solidarity of the alliance itself. The consistency of our dedication to principle is at issue. It is imperative that authoritarian powers be discouraged from imposing their will on a weak and unwilling neighbor.

Our support should take the form of economic sanctions, shared intelligence, logistics support, and consideration of any requests for assistance or support the British might submit to us.●

RETURN OF THE SINAI

● Mr. MOYNIHAN. Mr. President, over the weekend, the State of Israel fulfilled a promise of extraordinary dimensions. In return for a promise of future peace with its most significant Arab neighbor, Israel completed the return of the Sinai to Egypt. In doing so, Israel accomplished something that is without precedent in the history of nations, save perhaps for the withdrawal of American forces from Europe and Asia after World War II. After achieving an unqualified military victory over an aggressor against which it did not want to war, Israel returned the land it had captured in battle.

During the week leading up to April 26, while radical Arab and Soviet bloc countries circulated draft resolutions at the United Nations calling for the suspension or expulsion of Israel from the General Assembly—as "not a peace-loving member state"—Israel completed the orderly return to Egypt of a territory three times as large as the State of Israel proper. Israel thus provided incontrovertible proof that it remains committed to negotiating peace with its Arab neighbors, indeed that it is willing to make tangible, painful sacrifices in order to secure a meaningful peace.

Return of the Sinai represents not only a return to a more vulnerable military position, it means that Israel has given away oil fields which had enabled it to achieve self-sufficiency in fuel production. The Congressional Research Service has estimated that during its 15-year administration of the Sinai, Israel extracted 300 million barrels of petroleum, worth $1.25 billion. Would another nation make a comparable sacrifice?

Four times in three decades the Sinai was the base from which wars or annihilation were launched against Israel by various of its neighbors, as Mr. Jack J. Spitzer, international President of B'nai B'rith, has noted in an especially prescient letter to the editor of the New York Times today. As Mr. Max Lerner wrote in yesterday's New York Post.

> This means the Israelis will have to conduct their defense now in a terribly cramped space that exposes them to new vulnerabilities. And they may have to do it in a desolating loneliness, without an Egyptian chief of state whom they trust wholly, and having to bear the severe critical watchfulness even of the American ally.

Hosni Mubarak, Anwar Sadat's successor as President of Egypt, will now be tested. One continues to hope, and there is as yet no reason to expect otherwise, that he and his people will fulfill Sadat's promise of peace. Prime Minister Begin and his Cabinet have demonstrated that Israel will fulfill its part of the accord reached at Camp David.

There will be great temptation for President Mubarak, and Egypt, to move away from the agreements of Camp David, now that Egypt has achieved the most immediately tangible goal it had sought—the territory of the Sinai.

America, too, will be tested. Will we be equal to the task of working for a broader peace? Will we continue to make clear to recalcitrant Arab countries that genuine friendship on the part of the United States can be won by honest efforts to wage peace in the Middle East? Or will we succumb to the lure of secure oil supplies and look the other way when radical forces try to undermine the peace of Camp David?

Israel's return of the Sinai serves as a lesson in courageous diplomacy, based in strength, devoted to peace. Defense Minister Ariel Sharon may have understated the event when he said: "We have done the unimaginable." Israel has done it nevertheless. Let us hope other nations may appreciate this, and support it.

Mr. President, I ask that the article by Max Lerner, and the letter by Jack Spitzer, to which I have referred, be printed at this point in the RECORD.

The material follows:

[From the New York Times, Apr. 28, 1982]

SINAI: "A TRIUMPH OF HOPE OVER HISTORY"

To the EDITOR:

The completion of Israel's withdrawal from the Sinai is more than a triumph of the Camp David process, it is a triumph of hope over history.

Four times in three decades the Sinai was the launch pad for wars of annihilation against the Jewish state. Courageously, Israel has agreed to return to the vulnerability of 15 years ago, in the hope that when President Hosni Mubarak and before him President Anwar el-Sadat said, "No more war," they meant it for the Egypt of the future no less than for their Egypt.

Although the evacuation of Sinai is now complete, the process toward peace in the Middle East is woefully incomplete. No other Arab state has joined Egypt in the process; indeed, other Arab leaders have done everything they could to sabotage it.

Israel has been committed to fulfilling the Camp David agreement in all its aspects, including Palestinian autonomy. Yet the P.L.O. and its agents in the West Bank have tried, through havoc and violence, to turn that call for autonomy into a dead letter. Why the P.L.O. is doing this is obvious: It will settle for nothing less than all of Israel, under absolute P.L.O. control.

Against this backdrop of uncertainty and fear, Israel has nevertheless given back to Egypt territory three times Israel's size. It has done so at a staggering cost, a cost measured in military, economic, political, social as well as emotional terms. Israel's military defenses are being relocated at enormous expense in the much smaller and strategically inferior Negev.

Israel has relinquished Sinai's oil fields, which could have rescued it from energy poverty. The evacuation has also divided Israel's population, turned Jew against Jew, sowed dissension throughout the land. All this, the cost of a democratic and peaceseeking Israel keeping its word.

Israel will also keep its word on Palestinian autonomy, despite the attempts at undoing by those who oppose peace in the Arab world. The rest of the world can help the cause of peace by working to alleviate, not exacerbate, Israel's difficulties. Egypt can help by living up to both the spirit and the letter of the solemn agreement is signed with Israel four years ago.

JACK J. SPITZER,
International President, B'nai B'rith.

WASHINGTON, *April 25, 1982*

[From the New York Post, Apr. 27, 1982]

ISRAEL'S UNIMAGINABLE SACRIFICE

(By Max Lerner)

"We have done the unimaginable." The words are those of Israeli Defense Minister Ariel Sharon. They are exactly the right words, worthy of a Churchill on an historic occasion—such as Israel's final withdrawal from the Sinai.

Who among those who watched the lowering of the Israeli flag in the desert and witnessed hardened Israeli soldiers weeping can doubt how wrenching the whole experience was for the Israelis? It was a victory turned into mourning—a hard-won victory followed 15 years later by voluntary withdrawal from the land thus won. There is nothing in world history to match it.

Those who have called the Israelis meanspirited and aggressive might re-think their assessment—but probably they won't. The sources of anti-Israeli feeling reach far deeper than reason and experience, and are unlikely to be corrected by anything the Israelis do.

The man who took the initiative that led to Camp David was Anwar Sadat. His journey to Jerusalem was the first leg of a process that led, in 1978, to the peace agreement. He had a hard time getting Menachem Begin to make the necessary concessions, especially the total withdrawal from the Sinai and the abandonment of oil resources and airfields. This would be unthinkable for any Israeli prime minister, and especially a conservative nationalist. But with Jimmy Carter's help he succeeded.

The Israeli withdrawal is thus a monument to Sadat's vision and skill. The loving message that Begin and his wife Alicia sent to Sadat's widow on the occasion of the withdrawal is evidence of how deeply they still feel about him.

A very critical biography—"Sadat," by David Hirst and Irene Beeson (Faber)—depicts him as a volatile, almost whimsical leader whose philosopher-statesman role was only one of his many shifting guises. I see it as an ungenerous assessment. Yet it is true that Sadat failed to get from Begin the guarantees he sought on Palestinian self-government. It may have meant that he was digging his own grave.

As for Begin, he had two basic motives for signing the Camp David agreement. One was to secure a separate peace between Israel and Egypt. The second was to split the Arab world in its hostility to Israel.

He achieved both at the time, but at a price so high that only a nationalist like Begin could have persuaded his cabinet and his people to accept it.

The sadness of it all is that what he achieved may elude the Israelis in the end. Sadat's successor, President Mubarak, has set himself on the course of wooing the Arab rulers who excluded Egypt from their councils, hoping thus to heal Egypt's isolation in the Arab world.

The question is whether Mubarak can accomplish this without sacrificing and annulling the separate peace that was Begin's prime objective. If it should prove true that Egypt's adherence to an Arab military alliance furnishes the only terms on which it will be accepted again in the Arab fold, it will be tragic for Egypt, Israel, and the world.

I have seen the Sinai desert, have been down to Sharm el-Sheik, and know a little about what the Israelis have given up. They will have to conduct their defense now in a terribly cramped space that exposes them to new vulnerabilities. And they may have to do it in a desolating loneliness, without an Egyptian chief of state whom they trust wholly, and having to bear the severe critical watchfulness even of the American ally.

That, I think, was what the tears of the Israeli soldiers signified. And it was what Ariel Sharon meant when he said the Israelis had done the unimaginable.●

NOW WE KNOW THEY ARE AFTER ALL OF US

● Mr. MELCHER. Mr. President, the National Conservative Political Action Committee (NCPAC) of Arlington, Va., has bought more than 1,000 television and radio ads in Montana against me.

But now they have revealed they are against all of us Montanans.

NCPAC has revealed its own version of the Federal budget. This so-called budget clobbers Montanans, and it shows their bias against the Western States, veterans, agriculture, the elderly, small business, health research, education, local governments, and law enforcement.

NCPAC's budget does the following:

It eliminates Federal highway construction and improvement funds, stops all of Amtrak, shuts down completely the Rural Electrification Administration (REA), cuts water projects by 50 percent, and cuts the soil conservation service.

Veterans' pensions are limited. It dismantles the Veterans' Administration hospitals and restricts veteran eligibility.

For agriculture, the NCPAC budget eliminates all of the following:

The Commodity Credit Corporation, agricultural research, the Extension Service and food stamps, and food for peace (which creates a demand for agricultural products).

For the elderly, it eliminates the minimum social security benefits, cuts medicare and cuts energy assistance.

It eliminates the Small Business Administration.

Health research is cut in half.

Education programs are eliminated.

For cities and counties, it eliminates Federal revenue sharing, community development block grants, and law enforcement assistance.

This budget proposal by NCPAC was presented April 16 in a formal news conference here in Washington. No wonder they buy so much advertising in Montana—they are against us, and

now it is time to make a judgment about their true intentions.

Spinoza said, "Men do things for an end; namely, for that which is useful to them, and which they seek."

Whatever NCPAC is seeking is not for Montana.●

THE 40TH ANNIVERSARY OF BATAAN A TRIBUTE TO AMERICAN HEROES

● Mrs. HAWKINS. Mr. President, the battle for the Philippines produced one of the grimmest chapters in the history of World War II. It was a chapter written by the thousands of sick, hungry, and exhausted American and Filipino troops who, following their surrender to the Japanese 14th Army on Bataan, were forced to begin a cruel march up the peninsula.

That infamous event is remembered today as the Bataan Death March, and during this, the 40th anniversary of that march, I believe it is fitting to reflect on the lessons we learned from the horrors of Bataan and to pay tribute to the American heroes who endured so much for the cause of freedom.

When Bataan surrendered on April 9, 1942, most Americans realized that its defenders were likely to remain prisoners until the end of the war. No one expected their captivity would be easy, but few could conceive the cruelty and bitterness ahead. That the prisoners would be beaten, starved, denied water, tortured, and murdered during the course of their imprisonment was unthinkable. Sadly, the unthinkable became reality.

The nightmare that was the Bataan Death March had its roots in the greatly weakened physical condition of the troops who surrendered, a military force that included approximately 66,000 Filipino soldiers led and supported by about 12,000 Americans. For more than 3 months after their stubborn defensive line in the jungles and mountains of Bataan, they lived on a drastically reduced daily ration. This inadequate diet brought malnutrition and disease to the troops. Malaria spread rapidly as the supply of quinine diminished and soon exceeded all other diseases in the number of its victims. By the eve of the final Japanese offensive, nearly one-third of the entire American-Filipino Army was sick or wounded.

The Japanese, their guns now aimed on the island of Corregidor which blocked the entrance to Manila Bay, were ill-prepared to cope with ailing prisoners and showed little concern for their welfare. Instead of a carefully organized military movement, the exodus from Bataan was a series of tortuous marches conducted under a merciless Sun; of crowded, filthy prisoner camps; and of beatings, torture, and arbitrary execution. The movement from Bataan was indeed a march with death.

It is more than fitting that we pause to honor both those who died and recognize those who survived this tragic ordeal. As we reflect this month on the history of Bataan, I would like to join with my colleagues in saluting the brave Americans who took this military action and the courage, bravery, and sacrifice of these veterans should be a lesson for every generation.

I ask that the names of the distinguished Floridians who survived Bataan be printed in the RECORD.

The list referred to is as follows:

Frank S. Adamo, Tampa.
Philip H. Albert, Hallandale.
John Aldrich, Tampa.
Stephan H. Alex, Ft. Pierce.
J. S. Alford, Pensacola.
Carl Allen, Macon, Ga.
William Allen, Tampa.
Charles C. Anderson, Jr., Homestead.
Earl Anderson, Satelite Beach.
Andy Andrews, N. Palm Beach.
Sherman D. Applegate, New Port Richey.
Robert Arthur, North Port Richey.
Col. Ellis Arkus, Pampano Beach.
James Atwell, Winter Park.
Forrest Ault, St. Petersburgh.
A. T. Baggett, Lakeland.
Warren Baggett, Atlanta, Ga.
Julian, H. Balgar, Cocoa.
Thomas M. Bandy, Holiday.
David Bartlett, New Smyrna Beach.
J. M. Baker, Coral Gables.
J. H. Barabash, N. Port Richey.
Frank L. Base, Ft. Lauderdale.
Michael M. Beardon, Lake Butler.
Hyman Bernstein, Orlando.
Herman Abraham, Lake Worth.
J. Bernier, Ft. Lauderdale.
R. Adm. F. V. Berley, Jacksonville.
George Beuris, Cocoa.
Frank H. Bigelow, Brooksville.
Thomas Birdsong, Jacksonville.
Jack Bishop, Clearwater.
Richard W. Bliss, Casselberry.
Col. Robert Boggs, Orlando.
C. S. Bobulski, Sarasota.
Robert Body, Jensen Beach.
Jack Bradley, Orlando.
Harold Brennan, Cocoa Beach.
Col. Ben Brown, Sarasota.
Fontaine W. Brownell, W. Palm Beach.
Henry Brunet, New Port Richey.
Vi Bullock, Sarasota.
Joseph Bunga, Miami.
Richard Burke, St. Petersburg.
John Burkett, Orlando.
Robert Burnett, Jacksonville.
Gil Butler, Cocoa.
Robert L. Burns, St. Petersburg.
Robert P. Burke, St. Petersburg.
R. C. Busch, Neptune Beach.
Sam Caldwell, Ocilla.
R. Adm. F. H. Callahan, Tampa.
James Cantwell, Seminole.
Pete Cappallano, Palm Bay.
Henry L. Caron, Moalpin.
Robert C. Caesel, Ft. McCoy.
Sam Castrianni, Winter Park.
Col. Lester Chase, Hollywood.
Walter Chatham, Orlando.
Thomas Chisolm, Maitland.
Edward Chmielewski, Dunedin.
Joe H. Clements, Jacksonville.
Gordon Clevinger, Ocala.
Fred Clifford, Arcadia.
Rod Clutter, Clearwater.
Mary Cody, Homestead.
Lewis Colguitt, Hollywood.
Ralph Cooper, Deland.
James Copeland, Brandon.
Gerald L. Copeland, Bradenton.
Bill Cooper, Longwood.
John Cooke, Clearwater.
Ross Cosmo, Ft. Lauderdale.
William Cowley, Orlando.
Vernon Craft, Mt. Dora.
Joseph Crea, Panama City.
C. C. Crumley, Auburndale.
John Culp, Sarasota.
Louis Curtis, Orlando.
Louis Cusano, Miami.
George Damos, St. Petersburg.
Arthus Davis, Patrick A.F.B.
Thomas Davis, Savannah, Ga.
Major S. C. Deand, Zephyrhills.
F. Dees, Winter Park.
J. W. Dalzell, Orange Park
Chester Deller, Lauderdale Lakes.
Dr. Sam Dillard, Savannah, Ga.
Roland Dilleaux, Ft. Walton Beach.
Agust Di Paulo, Ft. Myers.
Armand De Saliniers, Bradenton.
Gen. L. A. Diller, Bradenton.
Richard H. Deutich, Seminole.
John F. Donovan, New Port Richey.
Harlan Dyer, Forest City.
G. T. Dustin, Sebring.
Willis O. Edwards, Tampa.
Col. Herbert Ellis, Orlando.
H. W. Ellis, Deland.
Bill Embry, Melbourne Beach.
Bill Elmore, Lantana.
K. G. Emarson, Sanibel Island.
William T. Erhart, Leesburg.
Eugene Evars, Miami.
Ken Fackender, Ft. Walton Beach.
Wesley C. Farrel, Hollister.
Ralph Fralick, Coral Gables.
Paul Freeborn, Winter Park.
L. Freeman, Melbourne.
Phillip Frey, Ocala.
A. L. Fullerton, Lake Park.
S. Funk, Sarasota.
Carl M. Fox, Leesburg.
Gilbert Gainey, Live Oak.
Wilfred Gagnon, Dunedin.
Harold Gerr, Daytona Beach.
David E. Garrett.
Roy Gentry, W. Palm Beach.
Dominick F. Giantonio, Longwood.
James E. Gilbert, Gainesville.
Joseph C. Green, Okeechobee.
Charles E. Griffin, St. Petersburg.
Fred Grifford, Arcadia.
Mark Griffin, Orlando.
William Gonyeau, Ladylake.
John Goodrow, Siver Springs.
Henry Goudreau, Tampa.
Enos Gould, Melbourne.
John S. Grangers, Placida.
P. L. Grubbs, Winter Park.
Lucian Grant, New Smyrna.
Tom Hackett, Stuart.
R. R. Hanna, Lake Como.
Orville Harrah, Miami Springs.
Byron Harris, Lake Wales.
Homer Harris, Sanford.
John B. Harrison, Brunswick.
W. H. Harrison, Orlando.
John Hatch, De Barrt.
Erwin Hartley, Kissimmee.
Irby Hayes, Tampa.
Chuck Heikmeir, Key West.
Robert A. Hill, Pensacola.
Clyde Hillhouse, White Springs.
B. Hionedes, South Miami.
A. Hockman, Largo.
Col. F. G. Hoffman, Ft. Walton.
Ray Holland, Homestead.
Calvin Hogg, Ft. Walton.
Robert L. Horn, Tampa.

Billie Holliman, Miami.
George Huffman, Orlando.
Wm. E. Hull, St. Petersburgh.
Alfred L. Hes, N. Ft. Myers.
Dan Irwin, Umatilla.
Col. Eugene Jacobs, Vero Beach.
Harry Jackson, Holiday.
Cletus Jaeger, Miami.
Floyd M. Jimmerson, Miami.
Chester Jakubeak, Lehigh Acres.
Walter C. Johnson, New Port Richey.
James S. Johnson, Clearwater.
Claude Jones, Green Cove Springs.
David E. Jones, Pensacola.
Lyod Jones, Carabelle.
Otis Jones, Ocala.
Col. Tom Jones, Dunedin.
Leo Juro, Jacksonville.
John Klapatek, Myakka City.
Raymond Knight, Marysville, Tn.
Charles Kirk, Orlando.
Manfred Kirk, Casselberry.
Col. Richard Kadel, Lake Worth.
Chester Karpinski, Orlando.
Col. Charles Kasler, Ormond Beach.
Martin Keane, Mary Ester.
Max A. Kinacher, Deerfield Beach.
Ollie Lancaster, Daytona Beach.
Angelo La Mariana, Tampa.
Bob Lareau, Apopka.
Chris Larson, Miami.
Adlar Langlois, Mt. Dora.
F. Laster, Melbourne.
Marcus Lawson, Largo.
Victor Lear, W. Palm Beach.
James J. Lehner, Pensacola.
Col. George Leavitt, Tampa.
Charles Lewis, Sarasota.
Reggie Leighton, Spring Hill.
Thomas Little, Maitland.
John W. Les, Boca Raton.
E. R. Lindsey, W. Palm Beach.
Howard Linn, Titusville.
Herbert Linton, Orlando.
Harry C. Locke, Titusville.
Leon Lowman, Homestead.
Suerre Walter Magelesen, Ft. Lauderdale.
Daniel Mahoney, Daytona Beach.
M. D. Manning, Jacksonville.
Vincent Maecalja, Venice.
Victor Marfuea, Satellite Beach.
Wilbur Marrs, Boca Raton.
Harold Martin, Tampa.
Thomas Martin, Alachua.
Wallace Marston, Umatilla.
John Martino, N. Miami Beach.
John Massimino, Seminole.
Arthur F. Mates, Brooksville.
Arthur Mathe, Dunedin.
Charles McAtee, Miami.
Landits McClamma, Tampa.
John McFarland, Miami.
Reese S. McLam, Ft. Pierce.
Robert MacMillan, Miami.
Carl McWilliams, Holiday.
Dan McCall, Babson Park.
Jimmy McCarthy, Ocean Palms Villas South.
Wilton E. McGuire, St. Petersburg.
Emil B. Meir, Tampa.
Gen. Carl J. Miluneck, Daytona.
Harold Milan, Auburn.
Willis Minor, Panama City.
Glen Milton, Jacksonville.
Harry Mock, Bradenton.
James Moffat, Sarasota.
Sam Moody, Longwood.
Joseph Moors, Tampa.
Mack Morgan, Mayo.
W. L. Morris, Lakewood.
Cdr. George Morris, St. Petersburg.
George Morrison, Key West.
Willard Morrison, Ft. Pierce.
Harvey Mowrey, Tampa.
Wayne Murray, Key Largo.
D. W. Musselwhite, Winter Haven.
Albert P. Haymick, Tampa.
Clarence Nelson, Tampa.
Capt. Samuel Newman, Oakland.
John Nicholson, Tarpon Springs.
Frank Nodach, Lake Worth.
L. North, Hartwell, Ga., L. Northott, Leesburg.
Thomas Northcott, Davidson, N.C.
M. Oakes, Miami.
Joseph A. Odroneic, N. Miami.
Jerry Okonski, Mt. Dora.
Scott O'Neal, Tarpon Springs.
Thomas O'Shea, Rockledge.
Frank S. Prah, Orlando.
Charles Page, N. Ft. Myers.
John Palmer, Maitland.
Grady Palmaticer, Deland.
Robert Parr, Sarasota.
John J. Parker, Bushnell.
Paul Paskey, Winter Haven.
Thomas D. Patten, Zellwood.
Dave Pauk, Kissimmee.
Herbert Pepper, Lake City.
Raymond Penda, Winter Park.
Carlton E. Pierce, Ft. Ogden.
Michael Pinkowsky, Orlando.
Frank Placko, Babson Park.
Ted E. Pulas, Ft. Lauderdale.
Ed Purnell, Orlando.
Maj. Gen. Walter Putnam, Shalimar.
John W. Ranger, Milton.
D. C. Raines, Panama City.
Steve Raymond, Marathon.
Evertt J. Rea, Brooksville.
Tom Reardon, N. Ft. Myers.
Frank Riley, Lake Worth.
Charles Richardson, Apopka.
Benjamin Robinson, Dunnellon.
James L. Robertson, Hicesville.
Morse Rowe, Orlando.
Henry Rozmus, Winter Park.
J. Pat Ryan, Haithland.
Walter Ryan, Satellite Beach.
David Rudin, Ft. Lauderdale.
Charles Ryswich, Miami.
Capt Calvin Salgo, Winter Park.
Clement Schmidt, Cocoa.
Loren O. Schnider, Brookville.
Joseph Schoebact, Melbourne.
J. Robert Scranton, Inglis.
Samuel Schulman, Tamarac.
Robert Schrus, N. Miami.
Dr. Elack Schultz.
Joseph Semancheck, Pensacola.
Walter Seawall, Gelaedo.
U. R. Seaward, Lake Worth.
James W. Sheares, Okochobee.
Gordon F. Siljester, Cocoa.
Alvin Silver, Sunrise.
Robert W. Simonson, Winter Park.
James Simmon, Georgetown.
Louis Sirois, Melbourne.
Edward Smack, Hallandale.
Earl Smith, Mims.
J. Raymond Smith, Palmetto.
Rex. B. Smith, Carol City.
Jack M. Smith, Orlando.
Frank Smith, Stone Mountain, Ga.
Victor Songer, Naples.
L. H. Stinson, Rokimis.
Lt. Col. Ruth Staltz, Bradenton.
Ben Stevens, Satellite Beach.
Lyles Stevens, Indian Harbor Beach.
Marshal Stoutenbaugh, Lake Park.
C. Sullivan, De Funiak.
Dr. Norman Tant, Ponce Inlet.
Donald E. Tapscott, Homestead.
J. W. Taylor, Jr., Tampa.
Fred Templin, Orlando.
Maj. Gen. H. C. Thorne, Ft. Pierce.
Walter Unic, St. Petersburg.
Edward Urbashak, Winter Park.
Philip G. Van Dyke, Rockledge.
Bill Vice, Melbourne.
Pierce Wade, Madison.
Woodrow, Walden, Tampa.
Charles Ward, Orlando.
John C. Ward, Orlando.
Lloyd J. Ward, DeBarry.
Ben Warner, Bradenton.
Jerry Warner, Orlando.
Wesley Wilson, Hernando.
Capt. Walter Winslow, Indialantic.
Charles L. Wilson, Bouganvilla.
Robert C. Wise, Orlando.
George Wonnsran, Cape Coral.
John Wood, Osprey.
Richard A. Woodruff, Bradenton.
Thomas Woody, Pensacola.
Lloyd Work, Panama City.
Charles Wychunas, Miami.
Willis Wymore, Haitland.
Capt. W. R. Yankew, Marathon.
Lt. Col. Eunice Young, Winter Park.
Entelle Karman Zalkin, Miami Beach.
Louis Zimmerman, Delray Beach.
Edwin Gilmore, Ft. Walton Beach.
Ralph Kellett, Behaine Beach.
Michael Deo, Deland.
R. H. Garofalo, Orlando.
Eric Olsen, Delrat Beach.
Thomas Patterson, N. Ft. Myers.
Billy Short, Cape Coral.
Anica Sullivan, De Funiak Springs.
Charles Watkins, St. Petersburg.
Joseph Samancheck, Arley, Ala.●

34th ANNIVERSARY OF THE STATE OF ISRAEL

● Mr. KENNEDY. Mr. President, today, April 28, 1982, marks the 34th anniversary of the birth of the State of Israel. Over the last three decades, that great nation has served as a bastion of liberty and democracy in the Middle East and has been America's closet friend and staunchest ally in the region.

I believe that the United States must maintain an unswerving commitment to the security of Israel. A strong Israel is essential for lasting peace in the Middle East. Accordingly, I will continue to oppose arms sales that aid the enemies of Israel and the supporters of terrorism in the region. I call upon the Reagan administration to pursue a peace policy instead of an arms policy in the Middle East.

The people of Israel have demonstrated time and again their commitment to a just and lasting peace. Just this past week they gave new life to hopes for a negotiated settlement of the Middle East conflict by proceeding with an orderly return of the Sinai Peninsula to the Egyptians in accordance with the Camp David peace process. This process must continue and the United States must develop a more coherent and effective policy in support of it.

Mr. President, on this occasion, we in the Senate should remember the courage and the vision of the founders of Israel, and we should commend the generations that have followed them in the struggle to build a homeland of freedom and democracy.●

A BALANCED BUDGET

● Mr. EAST. Mr. President, it has been nearly a year since the Judiciary Committee voted to approve Senate Joint Resolution 58: A constitutional amendment to limit Federal spending and require a balanced budget. As a member of that committee, I am proud of the vote I cast in favor of that resolution, and I hope that the whole Senate will shortly follow suit.

Clearly, we cannot delay any longer. If we do not act, the States will. Thirty-one State legislatures have already called for a constitutional convention on this issue, just three short of the necessary two-thirds majority required by the Constitution. Are we going to procrastinate until the matter is taken out of our hands?

I realize that certain Members of this body have genuine doubts about the appropriateness and potential consequences of such an amendment. That is all the more reason why we should proceed to debate as soon as possible, to give the arguments on both sides a proper hearing.

For my part, I am satisfied that the adoption of this amendment will have a salutory effect on our economy. It will reassure the banks, the financial markets, business community, and the American people as a whole that the days of profligate Federal spending and rampant inflation are indeed over, and that henceforth our National Government will live within its means. This in turn will restore confidence in our economic future, spurring investment, jobs creation, and new business ventures.

Mr. President, this country cannot survive even a few more years of spend-and-elect politics. Federal largesse over the past 50 years has created a vast constituency of dependents whose appetite for dollars is insatiable. Unless we impose a firm limit on the amount of private resources that can be taken for public purposes, the public sector of our economy will devour the private in a shockingly brief space of time.

The American people have given us unmistakable signs that they do not want this to happen. It remains for us to give them an ironclad guarantee that it will not.●

PROTECTING THE CIVIL RIGHTS OF HANDICAPPED INDIVIDUALS

● Mr. MOYNIHAN. Mr. President, 5 years ago today the regulations implementing section 504 of the Rehabilitation Act of 1973 were signed. I rise today to commemorate that occasion. Section 504 is the first major Federal law specifically protecting the civil rights of handicapped individuals. It provides that—

> No otherwise qualified handicapped individual in the United States . . . shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance or under any program or activity conducted by any executive agency or by the United States Postal Service. . . .

This law reflects a national commitment to end discrimination on the basis of handicap. Not only does the law uphold the basic principle of equality, but by granting disabled persons access to employment, education and social service programs, its implementation has helped these persons to become independent and productive members of society. In establishing a goal of ending discrimination and bringing handicapped persons into the mainstream of American life, Congress embarked upon a significant effort to correct a longstanding injustice. That effort is a most laudable one, and one that we must continue.

The administration is currently reviewing the original section 504 regulations and is expected to propose changes shortly. In recent months, I have heard from persons from my own State of New York and from other parts of the Nation who fear that the new regulations will substantially diminish the efficacy of section 504. I share this concern.

Any revisions to the section 504 regulations must be carefully evaluated for their effect on the civil rights protections for disabled persons. I do not mean to prejudge the work of those examining the regulations but I must state in the strongest possible terms that the protections now in place must not be eroded and the Federal commitment to upholding equal rights for disabled persons must not be undermined. On this the fifth anniversary of the signing of the original regulations implementing section 504, I would like to reaffirm my support for that fundamental law.●

MILITARY APPRECIATION WEEK

● Mr. MATHIAS. Mr. President, during the week of May 2-8 the people of Harford County, Md., will celebrate Military Appreciation Week. This event is sponsored by the Harford County Chamber of Commerce, and is designed to celebrate the cooperative relationship the county shares with the U.S. Army at Aberdeen Proving Ground. The facility, located on the banks of the Susquehanna and Gunpowder Rivers and the Chesapeake Bay, is famous for the contributions it has made to the Nation's defense. It has enjoyed a long history in Maryland and has had a significant impact on its economy.

The Aberdeen Proving Ground was established in 1917 by a Presidential proclamation which called for acquisition of the land as a weapons testing facility. The first official testing came 2 years later, and since then, Aberdeen Proving Ground, through constant improvements, innovations and expansion, has become one of the most diversified military installations in the country. Today, in addition to developing and testing advanced weaponry like the new Abrams M-1 main battle tank, it is involved in a number of projects ranging from ballistics development to biomedical research. One function that has recently received public attention and congressional interest is the promulgation and enforcement of safety and security standards for potentially hazardous stored munitions.

Aberdeen Proving Ground has played a key role in the economic development of northeastern Maryland, and particularly, Harford County. It is the major employer in Harford and its neighboring counties. Direct wages paid to military and civilian employees totaled nearly $300 million last year. Economic benefits accrue to commercial enterprises as well. Maryland businesses earned close to $40 million through procurement and contracting services, while out-of-State industries grossed over $20 million. The facility itself is worth in excess of $450 million.

The record of achievement written at the Aberdeen Proving Ground is impressive, and Military Appreciation Week provides an excellent opportunity for members of the community to attest to it.●

THE FIFTH ANNIVERSARY OF THE SECTION 504 REGULATIONS OF THE REHABILITATION ACT OF 1973

● Mr. MITCHELL. Mr. President, today marks the fifth anniversary of the section 504 regulations of the Rehabilitation Act of 1973, which insure civil rights for the handicapped in education, employment, physical accessibility, and a broad range of other vital areas. Our Nation prides itself as a champion of human rights in the world. Throughout our history, by constitutional amendment and statute, the United States has added additional safeguards to insure equality for all its people, regardless of race, sex, or any other factor which might limit a person's full acceptance and participation in society.

Disabled Americans have fought very long and hard for their rights as citizens, with all the privileges and responsibilities which accompany those rights. Now those safeguards are being questioned. The Department of Justice and the Office of Management and Budget, working with the Bush Task Force on Regulatory Relief, are in the process of rewriting the 504 regulations for the purpose of reducing regulations and lessening the requirements imposed on recipients of Federal financial assistance. Even though

these drafts have not yet been published for public comment, there has been a great deal of opposition by a cross section of organizations representing the rights of the handicapped. I have received many letters from Maine citizens who are fearful of the erosion of civil rights that would result from the proposed changes in section 504.

I believe the hard won civil rights of the handicapped must be protected. Civil rights for the handicapped affect not only the disabled, but every American who believes in giving all people an equal opportunity to fulfill his or her potential as a fully participating member of this society.

I will critically examine the final version of section 504 regulations for the handicapped and oppose any changes which will undermine the civil rights of the handicapped.●

THE 75TH CONGRESS OF MARYLAND-DISTRICT OF COLUMBIA FRATERNAL CONGRESS

● Mr. SARBANES. Mr. President, for three quarters of a century the Maryland-District of Columbia Fraternal Congress has vigorously promoted heightened cultural, religious and historical awareness among its many members. A consortium of business, national, ethnic, labor, and church-affiliated societies, the Fraternal Congress involves the varied talents of its member organizations in many useful programs that benefit the community.

As part of its broader research efforts, the Fraternal Congress collects data about the histories of its member groups and provides these data to the Maryland Historical Society and to the Maryland room of the Enoch Pratt Central Library in Baltimore for research and preservation. A unique achievement of the Fraternal Congress is a program to preserve fraternal records to facilitate the study of history in Maryland and the District of Columbia.

Beyond these cultural and intellectual efforts, the Fraternal Congress has helped to preserve values central to the stability and great strength of our Nation. It serves as a focal point for efforts to promote family life, positive community involvement, intergroup programs and other activities. The richly varied population of Maryland is represented in its membership.

Representatives of the fraternal organizations will meet on April 30 and May 1 at the Ramada Inn in Baltimore to conduct the 75th annual session of the Maryland-District of Columbia Fraternal Congress, presided over by Floyd W. Morris of Woodmen of the World Life Insurance Association. The affiliated societies include Aid Association for Lutherans, Artisans Order of Mutual Protection, Ben Hur Life Association, Catholic Knights of St. George, Catholic Order of Foresters, Croatian Fraternal Union of America, Czechoslovak Society of America, First Catholic Slovak Union of the U.S.A., Greater Beneficial Union of Pittsburg, Greek Catholic Union of U.S.A., Hungarian Reformed Federation of America, Independent Order of Foresters, Knights of Columbus, Life Insurance Society of America, Lutheran Brotherhood, Modern Woodmen of America, Mutual Benefit Association of Railroad Employees, National Beneficial Association of Rail Transportation Employees, North American Benefit Association, North American Union Life Assurance Society, Polish Beneficial Association, Polish National Alliance of the U.S.A. of N.A., Polish Roman Catholic Union, Royal Arcanum, Royal Neighbors of America, Sons of Norway, Travelers Protective Association of America, Ukrainian National Association, Inc., United Transportation Union Insurance Association, Woodmen of the World Life Insurance Society, and Workmen's Benefit Fund.

Mr. President, I ask my colleagues to join me in congratulating the Maryland-District of Columbia Fraternal Congress on the occasion of its 75th anniversary, and in commending its members for their public-spirited dedication to serving their communities.●

ORDER FOR RECESS UNTIL 9 A.M. TOMORROW

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate convene tomorrow morning at 9 a.m.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

ORDER FOR ROUTINE MORNING BUSINESS TOMORROW

Mr. STEVENS. Mr. President, I ask unanimous consent that after the time under the standing order for the two leaders, there be a period for the conduct of routine morning business, not to extend beyond 9:30 a.m., in which Senators may speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, it is my understanding that at 9:30 the pending business would be S. 1662, the nuclear waste measure, with the amendment of the Senator from Wisconsin being the actual item under consideration. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

BRIEFING BY SECRETARY OF STATE HAIG ON THE FALKLAND ISLANDS

Mr. STEVENS. Mr. President, again I call the attention of the Senate to the fact that the Secretary of State is waiting in S-407 for the purpose of briefing all Members of the Senate on the Falklands issue. It is my understanding that both the majority and minority have sent out hotlines urging Members of the Senate to attend; that it is apparent that we will face a question of a resolution or some type of action sought perhaps even tomorrow on this issue, and it is imperative that Members of the Senate avail themselves of the opportunity to be briefed by Secretary Haig and those who are with him on the developments to date.

RECESS UNTIL 9 A.M. TOMORROW

Mr. STEVENS. Mr. President, is there any other Senator who seeks recognition?

Mr. President, I ask unanimous consent that the Senate stand in recess until 9 a.m. tomorrow, in accordance with the previous order.

There being no objection, the Senate, at 5:36 p.m., recessed until tomorrow, Thursday, April 29, 1982, at 9 a.m.

EXTENSIONS OF REMARKS

SECTION 504, CIVIL RIGHTS FOR THE HANDICAPPED

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1982

● Mr. BONIOR of Michigan. Mr. Speaker, today is the 5-year anniversary of the implementation of section 504 of the Rehabilitation Act of 1973. These regulations guarantee equal opportunities in employment and education to our Nation's 36 million handicapped citizens. Because of the significance of this anniversary, I would like to vocalize my support for this critical set of regulations and draw attention to the administration's attempts to weaken its effectiveness.

In my mind, the enforcement of these regulations is consistent with the basic principle of respect toward individual dignity and the preservation of civil liberties. While needs and interests differ among the 36 million handicapped citizens in our Nation, they all share a common history of discriminatory policies and practices which affect virtually every aspect of their lives. A lack of full and equal citizenship, pressure of stereotypes, and the existence of prejudices has created a society which does not always consider the human potential of disabled people and does not always allow disabled people's participation. The goal of the disability rights movement and disability rights legislation is to overcome the historic effects of discrimination and segregation and to secure a meaningful equality of opportunity in the future.

However, the current administration is working against these basic principles by rewriting the guidelines for section 504 implementation. The Bush Regulatory Task Force and the OMB have incorporated these changes in a draft which literally destroys all civil rights protections which have been hard won by the disabled community over the past 5 years. The underlying concept contained in OMB's opinion is that implementation of section 504 will be completely dependent on whether or not it costs too much. These cost considerations are of the top priority in deciding applicability. The considerations are in actual dollar amounts and have nothing to do with social value of individual worth. Perhaps most disturbing about the draft revisions is the absence of any consideration for equal opportunity.

It is my belief that the administration has been trying to quietly move these revisions through without drawing the attention of the disabled community, civil rights groups, or other supporters of section 504. However, they have misinterpreted the organization and strength of these groups. The impact of these changes would be devastating and the millions of citizens in these groups will not stand by and allow the administration to continue taking from those who have the least while they are giving to those who already have the most.

In light of this shortsighted approach by the administration, I urge my colleagues to join in my personal commitment to the goals of section 504. I intend to continue to use my resources to help end discrimination against individuals who are blind, deaf, retarded, learning disabled, mentally ill, mobility impaired, or affected by another handicapping condition. These individuals are most often victimized both consciously and unconsciously in our society and they must be protected through the conscientious enforcement of strong and meaningful regulations.●

KEEPING ECONOMIC PROBLEMS IN PERSPECTIVE

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1982

● Mr. RHODES. Mr. Speaker, the economy continues to be the subject of many news reports and analyses by columinsts. My very good friend, John Kolbe, a political writer for the Phoenix Gazette, recently published some economic commentary which I highly recommend to the many vocal critics of the President's economic policies.

What is being lost in much of the current critical dialog, is the fact that our country's present economic problems did not begin with the Reagan administration. In fact, the main thrust of the President's economic recovery plan is an effort to undo the fiscal folly of the years preceding his arrival at the White House.

John Kolbe's article, occasioned by Hon. Walter Mondale's remarks on his recent visit to Phoenix, provides an excellent refresher course for those whose memory may not be serving them well, and for those who may want to obscure the facts, as some of my friends on the Democratic side of the aisle lately seem to do.

To my colleagues on both sides of the aisle, I commend John Kolbe's observations on our economic woes as reprinted below.

MONDALE IGNORES ECONOMIC FAILURE OF THE CARTER YEARS

(By John Kolbe)

In an age when satellites and microwaves and cable television and computer data purple the air with more information than the boggled brain can absorb, it's positively amazing how some people never get the word.

Take poor, benighted Fritz Mondale, for example. Here it is, 18 months later, and the ex-veep still hasn't heard about the 1980 election.

Well, that's a trifle exaggerated, of course. Strictly speaking, Mondale does know something happened that dark November, because his government paycheck stopped coming a few weeks later (he traded it in for a much bigger lawyerly stipend). He just doesn't understand what it was.

Listening to him as he oozed his way articulately through Phoenix the other day in his four-year quest for the holy presidential grail you'd think he only lost a seventh grade speech contest.

And he's positively incensed that the guy who won it, little Ronnie Reagan, now thinks he has a right to run the whole class differently.

Changing economic signals is especially irksome to Mondale. The "worst policy in modern economic times," he says, is "radical," not conservative, "a disaster, a failure" that has led to "trouble, and suffering, and unemployment, and bankruptcies, and disappointment" and created a "recession that didn't need to happen."

Other than that, one supposes, he thinks Reaganomics is just fine.

Don't you suppose, he was asked, that just a teensy bit of all this trouble might be attributed to the administration of which Walter Mondale was a part?

Nosireebob, said Mondale. "I don't take a penny's worth of blame for Ronald Reagan or Reaganomics." Of course, no one had accused him of siring Reagan, but you get the point.

Some reporter with an unpleasantly long memory recalled the economy wasn't exactly hunky-dory back when the ex-vice president was whispering in Jimmy Carter's ear, and wondered why he shouldn't don the same sackcloth and ashes for that period that he's now demanding of the Reagan administration.

"You have to remember we got hit with the highest increases in oil prices in history," he said. "That blew all the fuses in our economy. We had bad circumstances."

There you have it—the unassailable alibi, the unreturnable political serve: Don't blame me—ain't nobody here 'cept us bad circumstances.

One is reminded of Alexander Haig's assessment upon learning of that infamous 18-minute gap in the Oval Office tape. He chalked it up to a "sinister force." Nowadays, that ole debbil circumstances does 'em in.

In contrast naturally, Reagan has been blessed with good circumstances, such as a leveling off of OPEC prices and a record

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

food crop. But in spite of all that good stuff, he went and screwed it up with his economic policies.

To be sure, reasonable men can—and plenty do—question Reagan's economic recovery program, which started phasing in seven months ago. Certainly, the results so far leave plenty to be desired.

But must we put up with being lectured on the subject by someone with Walter Mondale's track record?

When he ascended to Number Two, the consumer price index, our most commonly used measure of inflation, stood at 5 percent. Carter beat Gerald Ford over the head with that "ravaging" figure. Four years later, it was 12 percent.

The prime interest rate, which Mondale correctly tagged as the primary obstacle to recovery, was 6.25 percent in early 1977. By 1981, it was a robust 21.5 percent. Treasury bills which had been paying 5 percent interest four years earlier were set at 14.7 percent.

Of course, there was one indicator that went in the right direction. Unemployment plummeted from 7.5 percent in 1977 all the way to 7.4 percent.

Mondale worries a lot these days—for the first time in recorded history—about deficits, as well he should, and he ought to know something about them. His term began with a $48.8 billion deficit, and ended with a $57.9 billion job (that was the budget, you'll remember, which Carter introduced by joyously pronouncing it "balanced").

To be sure, those were a lot lower than the $100 billion-plus monster we're looking at now, but measure them against budgets only two-thirds as large and you get a more reasonable perspective.

More to the point, what solution does Mondale propose?

Well, he suggests moving up the July 1 tax cut six months. That will decrease 1982 revenues, and hike the deficit he already finds so awful. But he wants to cancel next year's cut. That will increase fiscal 1983 revenues by about half the amount he'd lose this year, and erode the long-term business confidence so essential to economic recovery. And, of course, cut $10 billion or so from the Pentagon. So far, he's hardly made a dent in the deficit.

Oh yes, he just mentioned in passing, let's get the Federal Reserve to ease up on the money supply. Crank up the printing presses. It would be nice if, just once, the critics would come out and say it—"we want to return to the policies of the past 30 years."

Strange, but Mondale happened to forget one thing in reciting the Reagan horrors. That 12 percent inflation is now running around 3 percent. Reagan, in other words, has done one thing he was elected to do.●

RECENT EVENTS IN THE MIDDLE EAST

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1982

● Mr. WOLPE. Mr. Speaker, many recent events in the Middle East have been most discouraging for those of us who ardently support the State of Israel and who seek a just and lasting peace in a land cherished by so many. In particular, the past few months have seen frustrating stagnation in the Middle East peace process, growing worldwide insensitivity to continued Israeli vulnerability, and diminishing American understanding of the challenges facing its most reliable ally in the region. And yet, in the midst of these disheartening events, we have just witnessed a monumental gesture of commitment and cooperation that fills me with a great sense of encouragement and hope.

On Sunday, under the terms of the Camp David Agreement, Israel returned the last of the Sinai Peninsula to Egypt, ending a 15-year occupation and hastening a new era in Mideast diplomacy. I would like to take this opportunity to commend the people and leaders of these two nations: their courage to choose peace should serve as a lesson to all people, not only in that troubled region but throughout the world.

By conceding a territory acquired with much bloodshed, Israel has again shown the world that it truly desires peace with its neighbors. To Israel, the Sinai did not mean just land; it meant oil. It meant strategic advantage. And, for a number of committed Jewish pioneers, it meant home. The forced evacuation of those settlers, and the demolition of their homes, was a moving and painful sight. But it was also one filled with a sense of hope that the settler's sacrifices will bring a far greater good.

For its part, Egypt has also taken a courageous and encouraging step: it has rejected intransigence and recognized that cooperative coexistence with Israel has enormous mutual benefits. This action is the result of the vision of Anwar Sadat and the crucial reaffirmation of Hosni Mubarak; but it is the commitment of the Israeli people, in an action perhaps more impressive than the military effort which gave them the land, that I would suggest as the truest demonstration of courage.

Clearly, we have a long road to travel to bring a lasting peace to the Middle East. But our yet unfulfilled objectives seem no more unattainable than an Israeli-Egyptian settlement seemed in 1973. Especially here in the United States, we cannot be deterred from our quest for peace. This country played a central role in bringing about this weekend's historic occasion, and we must continue to actively seek a solution that assures the security of our strongest friend in the Middle East while respecting the rights of all people in the region.●

IN OBSERVANCE OF NATIONAL VOLUNTEER WEEK

HON. PARREN J. MITCHELL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1982

● Mr. MITCHELL of Maryland. Mr. Speaker, I am proud to acknowledge that during this month, National Volunteer Week has been observed. As a cosponsor of Congresswoman BARBARA MIKULSKI's volunteer mileage bill, and as a community resident, I cannot overemphasize the value of the services rendered by those whose efforts go unrewarded with money.

This year, it is particularly important that we acknowledge and encourage the work of our volunteers. Significant budget reductions in vital community programs will translate into much more work for these unselfish individuals and groups. In my own district we are very proud of such workers as the Urban Services Agency's volunteers, and I must acknowledge their work as I share my comments with you today.

The Urban Services Agency's volunteers in Baltimore City have been in the forefront of rendering essential services for lower and middle income residents. The volunteers' initiatives include a wide range of services—from caring for the elderly, to counseling younger adults. Their efforts do not know the boundries of race or economic status. Their work is centered around a commitment to the community.

I do hope that those of us here in the House will acknowledge the work of this Nation's volunteers more often, and move to pass such initiatives as the volunteer mileage bill. All of our communities depend on these type of people and they truly make essential and significant contributions.●

MR. DICK COVELL, OUTGOING PRESIDENT OF THE NORTHAMPTON DEVELOPMENT CORP.

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1982

● Mr. CONTE. Mr. Speaker, colleagues, I rise to commend one of my constituents and a very great, hard-working man from Northampton, Mass. Mr. Richard Covell is stepping down as the president of the Northampton Development Corp. after 2 years of dedicated service.

Many of us know dedicated individuals, committed to serving their community and the people who live there. Some people try to make their com-

munity a better place both to visit and to live. But few people have done as much as Dick Covell did for Northampton, Mass.

As president of the Development Corp., Dick oversaw the development and completion of the Hotel Northampton reconstruction project. Although he could have stepped down from his post earlier, he stayed on to see this project through. He was driven by a vision of what this contribution to a small city could do for the people there. And his work was a success. The Hotel Northampton is a beautiful building and serves the Northampton, as well as the entire Hampshire, Franklin, and Hampden county area. Western Massachusetts gets its fair share of visitors during our tourist season, and many people are impressed by the beautiful work done on the hotel.

But that is not all. Not only does this hotel serve the people of my district, and visitors to my district, it was declared a historical building. It is in the heart of downtown Northampton, a city that was a finalist in the National Main Street Center competition. Over 2 years Dick worked on achieving these ends: Not only revitalizing an old hotel to a beautiful, worthwhile building, but he also worked to insure that it would become a historical building. Dick gave of himself to revitalize Northampton, a city in the all-too-often rundown Northeast.

Today, I want to pay tribute to Dick for all of his hard work, and for taking 2 years to fully give of himself for the good of a people of a city. I want to thank Dick Covell for what he gave—for the greatest gift one can give is the gift of oneself. You have done that, Dick.●

A COURAGEOUS MOVE TOWARD PEACE IN THE MIDDLE EAST

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1982

● Mr. GARCIA. Mr. Speaker, the book of Ecclesiastes says that, "In much wisdom is much grief * * *" This is an apt way of describing the mood of Israel after Sunday's withdrawal from the Sinai. The people of Israel were willing to exhibit great wisdom by sacrificing some of their territory in the name of peace. They put their integrity on the line, and they have proven themselves both sincere and courageous.

The loss of the Sinai was much more than a loss of land for the Israelis. It was an emotional loss, complicated by increasing tension in Lebanon. These are precarious times for Israel. The Israelis deserve a great deal of credit for keeping their word in their struggle for peace.

The Government of Egypt also deserves credit for its continued support of the Camp David spirit. These are also hard times for the Egyptians. The death of Anwar Sadat, internal political and economic pressures, and the external pressure of other Arabic States on Egypt to renounce its relations with Israel have made it difficult for President Hosni Mubarak to adhere to his end of the peace treaty. But he, too, has kept his word. He has expressed his appreciation and shown understanding for Israel's courage. He also understands the historic significance of the withdrawal.

The United States, and in particular, former President Jimmy Carter, is partially responsible for the success of this process. We, too, have worked for peace in the Middle East. We, too, have risked the wrath of friends and enemies with our support of Israel, and we, too, have shown a strong appreciation of who our friends are.

All three nations have exhibited a character that is rare in these most tenuous times. All of our leaders have acted as statesmen, understanding that real strength and real peace, can only come with dialog and legitimate compromise. There is much more to be done in the Middle East before peaceful coexistence becomes a reality, but Israel's initiative is a truly courageous move toward establishing a lasting peace.●

FIVE-YEAR ANNIVERSARY OF SECTION 504 REGULATIONS

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1982

● Mrs. SNOWE. Mr. Speaker, on this day 5 years ago, the Secretary of the Department of Health, Education, and Welfare, Joseph Califano, signed the regulations implementing section 504 of the Rehabilitation Act of 1973. Today I want to take the opportunity to affirm my strong support for the section 504 regulations and my commitment to insuring their continued success in the face of efforts to alter their very legal intent.

Section 504 and the implementing regulations have opened doors to public buildings, education programs and jobs for handicapped people across the country and in my State. One of my constituents, Lena Muldoon of Portland, Maine, and the president of the Maine Association of Handicapped Persons recounts, "I have waited over 40 years to get into voting booths, schools, courthouses, to get on buses and to try in vain to get a drink of water to quench my thirst. Even Christ was offered water at the well."

Another constituent, a firefighter and certified emergency medical technician, from a small community in Maine, suffered all his life from a very minor handicap. Sadly, the suffering was imposed from the outside. He wrote to tell me what section 504 has meant to him:

> I am one of a great number of physically handicapped Americans who are able to contribute both to our economy and to our communities because of the provisions of section 504 of the Rehabilitation Act of 1973. . . .
>
> My present involvement in the fire and emergency services came about because I was able to prove my capabilities. Today, I am able to don breathing apparatus and risk my life to protect lives and property, or respond to emergency calls and use my skills to save lives. These are skills which I have been able to demonstrate my effectiveness in, both in practice and in actual emergencies. Prior to the enactment of section 504, I was repeatedly refused the opportunity to even apply for these jobs or the necessary training due to unfair physicial standards and narrowmined administrators, despite excellent references, because of my minor handicap—I have no fingers on my left hand. For example, prior to section 504, I was denied admission to college curriculums in physical education and industrial arts, as well as forbidden to participate in some school athletic events and physical education class assignments (I did them without the teacher's knowledge and invariably was capable) . . .
>
> I have been denied the right to even apply for jobs at various possible employers without the opportunity to prove my abilities by examinations and without appeals processes. The U.S. Customs Office once denied me even an application form to fill out for a position I was otherwise (I thought) well qualified for. This was all before the enactment of section 504. Today, I, and others like me, have legal recourse against such blatant discrimination. Employers receiving Federal funding or doing substantial contract work with the Government must accept our applications. The law doesn't say we must be hired if unqualified, but must be given equal consideration for positions we are qualified and able to hold. It is a sad comment on human nature that before the law required it, people would often not give us this chance.

These are just two of the many people in my State whose lives were changed 5 years ago today with the signing of the section 504 regulations. Significant progress has been made during these 5 years but it is progress that could too easily be reversed if strong regulations and enforcements is not maintained. This is a commitment we cannot afford to back down on now.●

GOVERNMENT WASTE HAS GROWN OVER THE YEARS

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1982

● Mr. HUBBARD. Mr. Speaker, Martha Sammons of Murray, Ky., has written me a thoughtful letter suggesting that the President's economic recovery program should be given a chance to work since the waste and abuse in the Federal Government have gone unchecked for years. She cities the unemployment compensation program as one example of the waste and abuse. I believe Mrs. Sammons' letter is one which should be shared with my colleagues and I wish to do so at this time:

CONGRESSMAN: Just a note to urge you to support the Administration's economic program.

I am convinced it will work if given a chance. I can't believe some Democratic congressmen and senators are saying "it hasn't worked in six months." Good grief! It took 35 years to create this welfare state that is, along with ridiculous waste, draining this country.

I think we should never turn our backs on the truly needy, but all our assistance programs are so abused—unemployment for just one. It didn't start out as government funded 12 month-plus vacations.

I know what I'm talking about. My husband runs a business and it is infuriating to have someone turn down a job offer because it falls a little short of meeting the description of their former job; so they just stay on unemployment. If they knew there would be six weeks only of benefits, they would find some kind of job!

MARTHA SAMMONS.●

AGRICULTURE NEEDS TO UNITE

HON. TOM HARKIN

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1982

● Mr. HARKIN. Mr. Speaker, U.S. farmers are in the midst of a serious economic crisis. Consider the following distress signals:

Farm income is projected to drop to the $13.2 billion range in 1982. This would be the third year of decline in a row, the first time that has happened since the Great Depression.

In 1981, farmers received an alarming low 1.6 percent return on their investment, a return dramatically lower than the level for manufacturing and other nonfarm industries.

Farm debt has ballooned to $194.5 billion, back in 1973 it was only $65.3 billion. Looking at this another way: In 1973, each dollar of farm income supported $2 in debt; now each dollar of farm income supports $12 in debt.

I could continue with many other illustrations of the magnitude of the problem, but the conclusion is evident: U.S. agriculture is in trouble and the time to take action is now.

Mr. Irvin Elkin, president of Associated Milk Producers, Inc. and a dairy farmer from Amery, Wis., recently wrote an excellent article on this situation in his cooperative's magazine, Dairymen's Digest. AMPI ranks as the Nation's leading dairy farmer cooperative with 32,000 members in 20 States.

I was particularly pleased by Mr. Elkin's emphasis on agriculture's interdependence and his call for unity among farmers. He writes—"Dairy farmers cannot solve their own economic problems and ignore the problems that plague all of agriculture."

I agree 100 percent. This type of unified and cohesive approach is essential if agriculture is going to overcome its economic problems. Producers of all commodities must work together—to move forward.

I applaud Mr. Elkin and Associated Milk Producers, Inc., for their leadership in asking agriculture to close ranks. I urge all farmers to share this belief. It is time for agriculture to unite.

Here is Mr. Elkin's fine article:

A TIME FOR UNITY

(By Irvin Elkin)

"A house divided against itself cannot stand."

That is how Abraham Lincoln in 1858 expressed the importance of keeping our nation united and together as pressures mounted toward the Civil War. I think it's an appropriate message for U.S. agriculture today.

To put it simply, we're in this together—livestock and crop producers, farmers in all parts of the country. Dairy farmers cannot solve their own economic problems and ignore the problems that plague all of agriculture.

We in dairy farming have been fortunate. Because of our ability to organize and be heard in Washington, milk prices have been much more stable and relatively higher than other agricultural prices, but sometimes even success can create problems. We find that too much new capital and farm resources have been attracted into the dairy business and we now have surpluses and overproduction.

Recent economic trends are demoralizing. Between 1979–81, farm income dropped nearly one-third, at the very same time production expenses skyrocketed. As a result, the real purchasing power of farm income is at its lowest levels since the days of the Depression.

This situation cannot continue . . . not if America is to remain as the world's leading food and fiber producer . . . and U.S. consumers are to continue to enjoy the highest-quality and most nutritious food supply that's also the best buy in the world.

What can we do to make things better?

First, we must start by uniting within our own ranks. That means all of agriculture. We are too small a minority—compared to the overwhelming majority of Americans that live and work in the city—to be splintered and expect to exert any influence over the outcome of public policy.

The 1981 Farm Bill serves as a vivid reminder of what can and will happen when agriculture doesn't stick together. The Administration's strategy was to get various commodities to fight each other for a drastically reduced, and unrealistic budget. Unfortunately, several aspects of this strategy worked.

"It's not perfect, but it's the best we can get" was a line I heard time and time again about the Farm Bill. In fact, the final legislation was not really satisfactory to any individual segment, and collectively it was a disaster to agriculture.

The 1981 Farm Bill is history, however there is an important lesson to be learned. We can never let ourselves be divided again.

The strength of our political action committee could be to prove a valuable asset to all of agriculture. Recently, the Corporate Board passed a resolution authorizing action to explore the possibilities of a forum addressing the overall problems of agriculture. The staff is currently contacting prominent people from land grant universities, commodity groups and agribusiness about this approach; the initial responses have been encouraging.

I now would like to call upon all AMPI members—32,000 from 20 states—to actively join in this effort. Discuss the situation with other producers in your area. Get their ideas on developing a rational and unified farm policy. Encourage them to participate fully in the political process that determines agriculture's future. Stress the value of a political action committee, like our own C-TAPE, urging them to organize one within their own commodity group.

The economic situation today is tight, and in all likelihood, will become even tighter for agriculture in the year ahead.

But I believe AMPI can meet this test—just as we've met many other serious tests over the past 13 years. This time, when we meet and master the challenge, we'll not only be improving our own dairy situation, we will be leading the way for the recovery for all of agriculture, the cornerstone and foundation of the U.S. economy.

Make no doubt about it, agriculture sinks or swims together. So let's deliver the message loud and clear—"A house divided against itself cannot stand."●

TRIBUTE TO JOHN ASHBROOK

HON. CARROLL A. CAMPBELL, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1982

● Mr. CAMPBELL. Mr. Speaker, I would like to take this opportunity to extend my deepest sympathy to the family and friends of the Honorable John Ashbrook.

To say that John's passing was untimely is an understatement. We will all miss his guidance and expertise as we face the day-to-day fight on behalf of conservative principals. John's willingness to stand up for his beliefs are well known and an inspiration to us all. When he stood in the well to speak, the House was always assured a speech that even the opposition found compelling.

On a more personal level, I will always be indebted to John for his outstanding work on the budget recon-

ciliation which enabled us to protect programs for the handicapped. He was a tireless worker in all areas of his legislative life, but still found time for his family and the people of his district. He will be sorely missed.●

LEHIGH'S DISTINGUISHED ALUMNUS: DEXTER BAKER

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1982

● Mr. RITTER. Mr. Speaker, on April 15, the Lehigh University Club of New York honored Dexter Baker, president and chief operating officer of Air Products and Chemicals, Inc., with its prestigious L-in-Life Award, an annual tribute to a Lehigh alumnus who has distinguished himself through his career and service to his alma mater.

The Lehigh Valley of Pennsylvania is fortunate to have a man like Dexter Baker who gives so much of his energy, time and creative spirit.

I would like to share remarks read in my behalf at the award dinner. They portray a man who excels at whatever task he is called on to perform—a man who sets an example of service and achievement for us all.

As a fellow alumnus, I applaud your selection of Dexter F. Baker for the 1982 "L-in-Life Award," a richly deserved honor.

Dex seeks no rewards as he quietly goes about serving his fellow man and the University he loves so dearly.

All of us in the Lehigh University family can be proud of this quiet, mild-mannered alumnus. He has not forgotten the ideals, principles and the descipline instilled in him at Lehigh, where he received a bachelor's degree in mechanical engineering in 1950, a master's degree in 1957, and an honorary doctoral degree in engineering in 1981.

Outwardly, Dex has become an expert at hiding the demands made on his time—be it Air Products and Chemicals, on the Lehigh Campus or among the many civic organizations he serves so unselfishly. He always finds that "extra" time that sets him apart from others.

In my own experience, I have yet to meet another man who has so incisively separated wheat from chaff. I have personally had the benefits of his counsel on many important issues facing our government. Through his concern for the well-being of our society, through his ability to get to the heart of an issue, through his ability to place events in their proper perspective, Dex Baker has helped me do a better job as the Lehigh Valley's representative in the United States Congress.

Dex walks like a giant among us. We could all learn by his daily examples of service.

Again, I commend you for your selection of a truly fine servant.●

CYPRUS DAY

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mr. MINISH. Mr. Speaker, in July of 1974 Turkish forces invaded Cyprus and since that year have occupied what should be a sovereign island. The people of Cyprus have subsequently endured the hardships of such an occupation, with its consequent denial of their civil liberties. Sadly, this tragic situation appears no closer to resolution today than it did almost 8 years ago.

Because this situation continues, I believe it important that we in Congress are diligent about speaking out on this occupation; an international situation which cannot be tolerated. Therefore, it is essential that we renew our commitment to a settlement of the Cyprus conflict and in this regard am pleased to join my colleagues, the gentleman from Michigan, Mr. BROOMFIELD, and the gentleman from Pennsylvania, Mr. YATRON, in cosponsoring their House Concurrent Resolution 310. House Concurrent Resolution 310 so justly expresses the sense of Congress that the President should consider and undertake certain efforts to help promote a settlement of the Cyprus conflict. I commend my colleagues for introducing this legislation.

I believe that this situation should be resolved for several reasons. One of the most important reasons is that the Turkish occupation has clearly violated the human rights of those people living in Cyprus. Also of paramount importance is the instability which is generated in the NATO alliance by creating hostility between two of our allies, Greece and Turkey.

The United Nations peace efforts to resolve the Cyprus conflict have certainly been admirable and although they have not yet reached a negogiated settlement, I do applaud their efforts and they have my support that the talks should continue.

Mr. Speaker, I appreciate having the time today to discuss this matter of international importance. It is my hope that we do not mark yet another Cyprus Day next year, with that island occupied by Turkish forces.●

THE OCCASION OF THE 100TH ANNIVERSARY OF WILSON'S DEPARTMENT STORE OF GREENFIELD, MASS.

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1982

● Mr. CONTE. Mr. Speaker, fellow colleagues, I would like to take this opportunity to give recognition to Wilson's Department Store of Greenfield, Mass. Wilson's is an establishment that has been serving the people of westeren Massachusetts for the past 100 years. Next week, they will make the occasion with a special anniversary celebration.

In 1882, Wilson's opened as "The Boston Store" under the direction of two local men, Tom and Alex White. Through their hard work and dedication, the store thrived; by 1896, it had doubled in size. At that time, John Wilson came from Scotland to the Greenfield area and was able to acquire the store. He changed its name to "John Wilson & Co. Dry Goods Store." In April of 1929, ownership of the store changed hands once again when R. Stanley Reid and George L. Willis of North Adams became the newest owners.

Yes, times were tough in 1929 but through the efforts of these two men the store continued to expand to the point where it is now regarded as one of New England's finest department stores. To this day, the Reid family management is working to strengthen Wilson's reputation as an exceptional department store. In spite of the current economic difficulties that our Nation is facing, Wilson's has remained strong as an institution which is willing and very able to serve the people of the Greenfield area.

In many communities of Greenfield's size—about 20,000 residents—there is a store like Wilson's. Located in the center of town, it stands like a great old elm tree that was a seedling planted when the town was young. Like that elm, it has grown to be a significant part of the community. Generations of people have shopped at Wilson's; the privilege I am sure that future generations will also enjoy. I know that the people of the Greenfield area are celebrating this anniversary in the same way that close friends would commemorate an important family occasion.

Again, I extend my most sincere congratulations to the management and staff of Wilson's and to the people of Franklin County on this heartwarming occasion—100 years of service to people is certainly a noteworthy event. Wilson's is a store that not only knows how to provide exceptional service but

it is also one that has grown to become a landmark in the community.

Thank you.●

OPPOSE CHANGES IN SECTION 504

HON. WILLIAM M. BRODHEAD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1982

● Mr. BRODHEAD. Mr. Speaker, in 1973 Congress passed the Rehabilitation Act, the culmination of years of work by millions of Americans to achieve recognition of their rights. Section 504 of that act prohibits discrimination, exclusion, or denial of benefits against otherwise qualified handicapped individuals under any program either conducted by the Federal Government or receiving Federal assistance.

Section 504 can be thought of as the "Civil Rights Act" of the handicapped. Its provisions affect the lives of some 35 million handicapped and elderly Americans who previously had been excluded from participating in many programs and activities available to other citizens.

In view of the importance of section 504 to so many people, the Department of Health, Education, and Welfare took great pains to develop sound regulations. The suggestions of hundreds of citizens expressed in both written comments and public hearings were carefully reviewed. Consideration was given to administrative and cost burdens. When delays occurred, they were shortened by the perseverance of thousands who signed petitions, organized protests, and contacted their Congressmen. Through their efforts, the guidelines in effect today were issued.

These regulations contain tough provisions designed to end discrimination against the handicapped. They are both a source of hope and a guarantee of dignity for millions of handicapped people. They open the door to opportunity and achievement and help enrich our society through the contributions of people who have previously been excluded from the mainstream of American life. They are a credit to our country, and a fulfillment of our national goal of freedom and equality for every citizen.

Now, however, the Reagan administration wants to stop the progress which has been made thus far and turn back the clock to less enlightened times. Recent changes proposed by the Department of Justice and the Office of Management and Budget would severely curtail the present 504 regulations. In the name of cost-benefit analysis and elimination of excessive Government regulation, the administration seeks to severely weaken the civil rights protections for which disabled people fought so hard over the past 10 years.

In the words of the Detroit based Coalition for Human Rights of the Handicapped:

> The underlying concept contained in OMB's version is rather simple: We are qualified handicapped persons if providing accommodations to us does not cost too much.

It is a sad day in this country when a citizen's civil rights are considered little more than a budget item.

Mr. Speaker, I join with my colleagues in strongly opposing efforts to weaken section 504. At the present time, there are no proposals published for public comment. Rather, there are three differing versions of weakening proposals presently before the executive branch: One, the Office of Management and Budget draft of January 4; two, the Department of Justice draft of January 27; and three, the OMB comments and changes to the DOJ draft.

These drafts amount to an attempt to water down and amend section 504 through the administrative process. Section 504 is an important mandate of social justice for millions of handicapped and disabled Americans. It is worth preserving, and I strongly urge the administration to do so.

CIVIL RIGHTS FOR THE HANDICAPPED

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1982

● Mr. FISH. Mr. Speaker, 5 years ago the Department of Health, Education and Welfare promulgated regulations under section 504 of the Rehabilitation Act of 1973. These regulations have helped provide a real equal opportunity for handicapped Americans in employment, access to transportation, and all federally funded programs and activities. Section 504 insures that recipients of Federal funds or those who benefit from the use of Federal funds do not discriminate against individuals on the basis of handicap.

The current section 504 regulations have been extremely effective in guaranteeing the protection of the civil rights of the handicapped. Buildings throughout the country have been made accessible, public transportation has been made easier, and employers have been hiring handicapped persons at a greater rate than any time in our history. Without section 504, handicapped individuals would suffer a much greater risk of institutionalization and less opportunity to enter the mainstream of society.

Mr. Speaker, the advances made under the provisions of section 504 must not be reversed. The current drafts of revisions to the HEW regulations by both the Department of Justice and the Office of Management and Budget should receive the greatest scrutiny by the Congress and the American public prior to being approved.

It is clear to me from what I have read about the draft regulations that they would have a detrimental effect on the handicapped. My greatest concern is the blanket application of a cost-benefit analysis by both DOJ and OMB to a statute that protects basic civil rights. If we were to place a cost on compliance with civil rights statutes across the board and balance that against the cost to society, the results of our efforts to grant equal opportunity for minorities of any type would be quite different. In my view, great caution must be exercised in analyzing regulations such as those promulgated under section 504 through a cost benefit analysis.

A few examples of the results of the DOJ and OMB drafts illustrate the basis of my concerns. The draft regulations limit the reach of the requirements of section 504 to programs or activities which receive Federal financial assistance instead of those which either receive or benefit from Federal financial assistance. This approach could limit compliance with section 504's accessibility standards to only that building or program which received Federal funds at a university instead of the entire university. A handicapped person could be restricted from ready access to certain courses or facilities and only attend classes in the department which directly received Federal funds. I do not believe this was the intent of Congress in passing the Rehabilitation Act of 1973.

The accessibility requirements of section 504 are also revised by DOJ and OMB in a manner which are less restrictive than the HEW regulations. For example, OMB draft regulations state that reasonable accommodations for access to mass transportation is permitted if handicapped persons are able to travel from the same location to the same destination in the same time and at the same cost as nonhandicapped individuals. This eliminates the requirement that public transportation be accessible as long as an alternative is available at the same cost. Although I appreciate OMB's effort to streamline regulations and reduce costs, I do not see how this revision of section 504 will make it easier for handicapped individuals to travel in a manner that is equivalent to that of nonhandicapped persons.

The issue of reasonable accommodation is often cited as the most important concept to guarantee the civil

rights of handicapped persons. The accommodation that must be made in order to permit handicapped persons to participate in certain activities has been broadly defined in the HEW regulations. Based on a recent Supreme Court decision, DOJ has defined reasonable accommodation as those actions taken by a recipient of Federal funds to enable handicapped persons to perform a job or achieve the purpose of a program under which a beneficiary is supposed to meet academic standards or accomplish certain goals. Although this meets the Supreme Court's standards, DOJ in its draft has taken the additional step of stating that reasonable accommodation in the form of auxiliary aids or other assistance is permissible, but does not include any modifications that would "impose an undue hardship on a recipient or other beneficiary." This additional statement, instead of increasing protection for the handicapped, could result in an exemption for a federally-funded activity without any substantial evidence of inconvenience to non-handicapped individuals when weighed against the possible benefit of accommodation to one or a few handicapped persons. The OMB draft goes even further on this issue by urging consideration of the "competing demands upon scarce resources," which could lead to the use of funds for many purposes other than rehabilitation or accommodation in difficult economic times.

Mr. Speaker, I reiterate that cost evaluation in terms of providing accommodation and access for the handicapped must not be utilized without consideration of the rights we are protecting. I certainly do not believe that rights must be granted regardless of cost; but the draft regulations I have reviewed to date appear to be using too broad a brush of application of the cost benefit analysis.

A good example of reasonable accommodation for the handicapped appears in a bill I recently introduced, H.R. 6036, the Voting Rights for the Handicapped and the Elderly Act. This act mandates that all registration and polling places for Federal election be readily accessible to the handicapped. The facilities for registration and voting must either be already accessible or made accessible by means of temporary ramps or other means. In addition, the bill specifies that supplemental voting aids, such as large print instructions for seriously visually impaired and deaf persons; paper ballots for those not able to operate a voting machine, and absentee ballots for all handicapped and elderly voters be made available by the States.

The right to vote is fundamental to all American citizens. H.R. 6036 would greatly increase the number of votes cast by handicapped and elderly individuals in a reasonable and cost-efficient manner. But without the accessibility and accommodation provisions of section 504, many of these handicapped persons would not even be aware of their right to vote or be in the mainstream of society in order to make a reasoned choice of a candidate. Jobs would not be readily available without strong 504 regulations. Voluntary compliance is insufficient when we are considering the basic, constitutional nature of equal opportunity for the handicapped. I believe the Federal Government has an affirmative duty to enforce our civil rights laws, and I cannot sanction changes in regulations which could dilute the rights of the handicapped.●

PEACE IN CYPRUS

HON. PARREN J. MITCHELL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mr. MITCHELL of Maryland. Mr. Speaker, many of my fellow colleagues are aware of the conflicts that have arisen in El Salvador, Poland, and lastly, over the Falkland (Mavilas) Islands. This special order focuses our attention on the civil strife in Cyprus, a Mediterranean island that lies only 40 miles from Turkey and 500 miles from Greece.

As I understand the situation, political differences between the two dominant ethnic groups have led to the civil strife in Cyprus. The Greek Cypriots, who constitute 77 percent of the island's population, desire a unitary state administered by a government reflecting their numerical superiority. The Turkish Cypriots, on the other hand, who comprise 18.5 percent of the population, have demanded a separate, autonomous government to represent their interests.

Religious differences have augmented the existing political divergencies between the two groups: While Greek Cypriots adhere to the Greek Orthodox Church, the Turkish Cypriots are Muslim. These dissimilarities have led to the overthrow of three governments and a Turkish invasion of Cyprus.

The 1974 invasion resulted in Turkish forces controlling over 40 percent of the island's territory and encouraged the resurgence of internecine violence between the Greek and Turkish Cypriots. As a result, over one-third of Cyprus' population are refugees in their own country.

I wish to join my colleagues in calling for an end to the violence, antagonism, and bloodshed in Cyprus. During the early 1960's, peace did exist in Cyprus between the two antagonistic groups. To encourage a return to that earlier harmony, Turkey must agree to recall its invasion forces and the Greek Cypriots must declare their support for fair and proportional Turkish representation in a central government. Until these actions are taken, peaceful negotiations that have been initiated by the United Nations Secretary General's Special Representative on Cyprus will continue to be ineffective.

To prevent further violence, I urge the warring factions to negotiate a mutually satisfactory settlement to the conflict.

WASHINGTON, D.C.
April 19, 1982.

DEAR COLLEAGUE: We are once again calling your attention to a Special Order on "Cyprus Day" we will be conducting on Thursday, April 22 calling for a peaceful settlement to the dispute in this beleaguered Mediterranean nation.

As you know, in 1974 Turkish troops using U.S.-supplied NATO armaments invaded Cyprus forcing 200,000 Greek-Cypriots to flee their homes and relinquish most or all of their worldy possessions. The Turkish military occupation of approximately 40% of Cypriot soil has devastated that country's economy, forced thousands of innocent people to live as refugees in their own homeland and severely strained American relations with our allies in the southeastern flank of NATO.

Presently, intercommunal talks between Greek and Turkish Cypriots are being conducted by the United Nations Secretary General's Special Representative on Cyprus. While it is essential that the United States strongly endorse negotiations as the means to peacefully resolve this conflict, the intercommunal talks have produced no meaningful progress toward the withdrawal of Turkish troops.

Our interests in pressing for a peaceful settlement are two-fold. First, at a time when Soviet aggression is on the rise, the U.S. needs to bolster its strategic relations with both Greece and Turkey. As long as Turkish troops occupy Cyprus, our policies in that region of the world will continue to erode. Second, but equally as important, we have an obligation to the Cypriot people to strongly support them in their struggle to exercise their own political destiny as a sovereign nation, free of external aggression.

If you would like to participate in this Special Order or insert a statement in the CONGRESSIONAL RECORD on April 22, please contact Jack (5-6135) or Mark (5-5546).

With kind wishes,

Sincerely

GUS YATRON,
WILLIAM S. BROOMFIELD.●

IMMUNIZATION

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1982

● Mr. LAFALCE. Mr. Speaker, the urgent and strident debate over multi-billion-dollar budget issues tends to obscure many items in the President's spending plan which threaten the public interest. Among these items is the appropriation for immunization programs which will effect sharp cutbacks in vitally important vaccination

programs against deadly disease including rubella, diptheria, and polio.

These cutbacks not only pose serious threats of a resurgence of these all-but-forgotten scourges, but disproportionately affect the poor. Budgetary judgments such as this raise grave questions about the priorities of this administration.

To amplify my concern, I am submitting a column on the problem which I issued April 12, along with the typically trenchant observations of George Will, who devoted his column of April 16 to the subject:

THE NEW BUDGET CUTS—IS ANYTHING OR ANYONE IMMUNE?

(By Congressman JOHN J. LAFALCE)

Given the subject of this column, I should confess that as a participant in the Federal budgetary process I have developed some degree of immunity myself to the welter of proposals and counterproposals which emerge continuously for months each year. With a total budget approaching $800 billion, it is not surprising that relatively small additions or deletions will escape notice. This is especially true when the change is in an area without a well-organized and vocal constituency or lobby.

A case-in-point recently came to my attention. In the President's budget for 1983, there is a 6 percent reduction (compared with amounts budgeted in fiscal year 1981) in the budget for federally supported immunization programs. These programs are intended to protect against or eradicate several major public health threats: polio, measles, rubella, mumps, diptheria, pertussis (whooping cough), and tetanus. The vast majority of direct beneficiaries of this program are children, 6.3 million of them in 1981. A 6 percent reduction attracts little attention but what is the real effect? Because of soaring costs for vaccines that 6 percent funding reduction might translate into about 43 percent fewer immunizations.

Why do I select one line item from a 3-inch thick Federal budget for special note? There are several reasons.

Because of the effectiveness and extent of routine immunizations for children in our country, most of us have come to see it as a fact of life. Immunizations, especially among school children, have become so institutionalized that their occurrence rarely commands our attention. Unfortunately, this can work in reverse—how many of us would notice if one or several immunization programs simply did not occur? Of those of us who did, what percentage would take the initiative to have the immunizations done on their own? And what of the poor who are frequently the last to be informed and the least able to make private arrangements? Ironically, it is the very effectiveness of the program which diminishes concern about its elimination or reduction. Few young parents today recall the times when a child complaining of a sore throat and stiff neck might be afflicted by a crippling, if not fatal, incurable illness. Obviously, my concern about this complacency stems from warnings by public health experts of a resurgence of devastating childhood diseases in the event of significant cutbacks in immunization programs.

Following closely on my first concern—an absence of public awareness of the fact and consequence of reduced immunization efforts—is a companion worry. For a program so successful that its original cause has been effectively eradicated, there is no active organized constituency. After years of peace, sentries relax and then sleep. Regeneration of that public constituency will be difficult since the horrors that once mobilized us so readily are forgotten by or unknown to those most at risk—children and young parents. In 1952, when many of today's young parents were born, there were 21,000 cases of polio; last year there were 6. Compounding this is the fact that a cutback in immunizations now will have effects which may not emerge for several years—at which point what damage occurs will be irreparable.

Finally, the cutbacks proposed by the administration are disturbing for what they signify about values and priorities. For all of the mystique surrounding modern medicine, immunization is one of the few medical interventions which has significantly improved the health of our population at a cost which is negligible relative to its impact. This can be said unequivocally about precious few government programs. Why cut this? What does it mean? Ignorance, careless staff research, lack of concern—a little of all? Budgetmaking is far more than administrative arithmetic. It is in fact the quantification of philosophy, priority, and finally policy. In light of this, what message is signalled by an Administration proposal to cut back on a program which: first, affects the health and lives of our citizens: second, is proven effective; and third, is a financial bargain in both relative and absolute terms? To me the answer is both clear and unsettling.

I am also reminded of the continuing need, perhaps now more than ever, to read the fine print.

[From the Buffalo News, April 16, 1982]

IMMUNIZATION NEEDS SHOT IN THE ARM

(By George F. Will)

WASHINGTON.—Recollected in tranquillity, his tenure as Secretary of Health, Education and Welfare seemed to Joe Califano to have been an almost unbroken chain of controversies. But it was not entirely so:

"For every dollar spent on polio vaccine, our society saves $90 in (health care and rehabilitation) costs, the highest cost-benefit ratio of any public health program . . . There isn't much controversy about even the most aggressive attempts to immunize children against the childhood diseases."

Today, however, there is controversy about almost everything, even about what it is that people are disagreeing about. For example, at his recent press conference President Reagan showed unusual pique when complaining, with obvious sincerity, about accusations that his budget is unfair to the poor. He said:

". . . in an editorial in the paper this morning, that struck at us because they said that we were—had less money for vaccinations for children and therefore there was going to be more sickness and perhaps more child death. Well, what they didn't see was that we had—we actually have more money in for that program than we've had for others."

What the editorial (in the New York Times) said was:

"Washington pays to immunize children against dread diseases. In 1981, the total was 6.3 million children. The 1983 budget would vaccinate only 3.8 million."

If the president was asserting that his fiscal 1983 budget calls for more dollars for immunization than the fiscal 1982 budget, he was correct. But the Times was correct enough.

In fiscal 1981, spending for immunization was $30.9 million. That funded immunization of 6.3 million children, about 40 percent of all children immunized that year. In fiscal 1982, funding declined to $28.3 million. The fiscal 1983 budget stipulates $29 million. But at this level, the number of immunizations will be substantially reduced—pehaps halved.

The cost of vaccines is soaring. Only about half the nation's children are immunized by private doctors. And the most expensive publicly funded vaccinations are disproportionately for poor children, who must be tracked down. Thus cutbacks in immunizations will have a regressive policy effect: There is apt to be more sickness, especially among poor children.

In 1952, there were 21,000 cases of polio. Last year there were six. Before the development of the measles vaccine, almost every child had measles by age 15. Because of federally supported immunization there was a 90 percent decrease between 1966 and 1969. Then, because of decreased federal funding, there was a three-fold increase by 1971. Today the disease is 99 percent conquered. New York City has more muggings per day than it has cases of measles per year.

By requiring immunizations before children enter school, all 50 states acquire a moral obligation to make vaccinations available to the poor. States should increase their spending to compensate for federal insufficiency. But many will not, and communicable diseases do not respect state lines.

Of course parents should not be complacent or thrifty in ways that jeopardize their children's health. But federal policy should not jeopardize children who were careless when choosing parents.

Immunization is a government program that works, spectacularly well. It is a facet of government's greatest achievement of this century, the public health improvements that have bred complacency about numerous diseases that, until a few generations ago, killed millions and terrified everyone else.

As a result of the last rubella epidemic, there are 30,000 children who will require $2 billion in special care. Conservatives understand that there are occasions when governments must arm in order to disarm; they should understand that sometimes governments must spend in order to restrain future spending. A challenge for conservatives is to prove that government can be hardheaded without being hardhearted.

A niggling attitude about vaccinations does not help. Rather, it helps those who say conservatives think protectable human life begins at conception and ends at birth.●

ECONOMICS, DEFENSE, AND FOREIGN POLICY

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1982

● Mr. PAUL. Mr. Speaker, in August of last year I had the privilege of speaking to a distinguished group in Denver on the relationship between our economic, defense, and foreign policies. I would like to enter my re-

marks into the RECORD at this time because I believe they have relevance to the upcoming debate, which promises to be intense, on the defense budget.

I am a firm believer in the principles of individual freedom and responsibility which President Reagan espouses so eloquently. These principles, which guide the administration's policies at home, are radically incongruent with those which guide its policies abroad. The fact is that our foreign policy of global interventionism is based on the assumption that the U.S. Government has the wisdom and the power to direct the affairs of people and nations abroad. We reject this sort of governmental presumption and paternalism domestically—or at least, we should—and I cannot see how it is less objectionable when applied internationally.

It was Robert Taft, a great Republican, who said:

We cannot assume a financial burden in our foreign policy so great that it threatens our liberty at home.

As we take up the debate over the defense budget in the months ahead, I would like to remind my colleagues that the spending reductions which we must make cannot come at the expense of our own security. Just cutting the defense budget will do no good unless we also rethink our foreign policy of global interventionalism. We must realize that it is not just the defense budget itself, but also the foreign policy it serves which is now helping to bankrupt this country, which constantly threatens to draw us into any number of foreign wars, and which has allowed us to spend staggering sums on the military while losing our technological advantage and failing to adequately provide for our own security.

It is time to leave the defense of our wealthy allies, principally Germany and Japan, to those countries themselves. And it is time to remember that American security and independence must be the overriding concern in our dealings abroad. Let us show the rest of the world, by our example, what a free people can achieve. To do so we must remember that limited government, sound money, and a noninterventionist, pro-American foreign policy are mutual prerequisites. The failure to implement all three of these fundamental pillars of our freedom and prosperity will abort the "American Renaissance" which we all desire.

Mr. Speaker, my remarks of last August follow:

When I first ran for Congress, I was not primarily concerned about foreign policy, but about economics, inflation, and a sound monetary system. But as time has passed, I have realized that the two areas are closely connected. I do not believe that you can isolate foreign policy from economic and monetary policy; they are inextricably tied together. Our foreign policy is linked to the monetary system, to the World Bank, multilateral development banks, the International Monetary Fund (IMF), the Export-Import Bank, and to subsidies to Third World nations. When you see the flow of money from your pockets to Third World nations or to Communist nations, and back into the coffers of the New York banks, you see that it is an interrelated system. Therefore, we cannot consider the monetary system, or taxes and spending, without considering foreign policy.

The policy I would like to see implemented is a noninterventionist foreign policy. Now, if you're talking about nonintervention because you would like to construct an ideal world in your mind, that's one thing. But if you really want the government to adopt policies of nonintervention, those policies have to be popular and they have to be attractive—not to the politicians in Washington, but to the millions of Americans who have to make the decisions.

There's very little real support for such a policy in Washington today. There is in fact only one foreign policy debate in Washington, and that debate is over which side to help. Should the United States give money to Somoza or to the Sandinistas? To the right-wing dictators, the so-called pro-Americans, or to the left wing, anti-American dictators? Even the extreme liberal element in Congress, who may sometimes appear to be noninterventionist, do not advocate true noninterventionism; they're noninterventionist only when they think it might be beneficial to socialism. But that doesn't mean that there's no support for a noninterventionist foreign policy in this country. I think there's a lot of support among the American people.

The purpose of our foreign policy should be to preserve peace and defend the country against any attack. This is a pro-American policy. The Amercian people want national defense. They want to be secure. They don't want to be threatened. This is an important reason that President Reagan got elected. He said, "we're not strong enough; we're weak in our defense." And it's true—we're very weak. We're weak in a military sense, but above all, we're weak in our dedication to the principles of liberty, and therefore we have a weak defense. And the American people know it, even though they may not understand the details.

I believe that there should be no intervention and no alliances with foreign nations. This includes the so-called disarmament treaties. Just the fact of negotiating and signing treaties is illogical, in my estimation, and seems even more so when you think about the people with whom you are negotiating. Communist dictators don't believe in truth; truth to them is relative. It's determined by the State. So it seems at best unwise to think that the Soviets understand such treaty negotiations on your terms. The purpose of a foreign policy is to provide a national defense. Period.

I took a poll in my district, asking how many people thought it would be important to stop financing our rich allies like Japan or Germany. Now, you'd expect that perhaps a majority of the people might agree, but I was surprised to find that 95 percent of them said, cut it off; we've had it!

I believe that the military budget will be President Reagan's nemesis, despite the fact that the media will portray any cut in the amount of military appropriations he decides to ask for as an absolute cut, even if such a cut means that instead of raising the military budget by $100 billion, he's now proposing to raise it by $90 billion. Just as the media were very important in presenting the $60 billion additional spending in the Reagan domestic budget proposals as a "slash," because it was $40 billion less than the increase Carter had proposed.

A a starter, instead of increasing the military budget, we should reduce it and eliminate all transfer payments, which are still the biggest part of that budget; an estimated 50 to 60 percent of the military budget is spent to defend other countries. By eliminating these transfer payments we could save up to $50 billion now being spent in Europe and about $30 billion in Japan.

What should we do with that money? We should cut most of it out of the budget. But even with that cut, we can raise military pay. We live in a modern age, and we should have highly paid technicians to provide our defense.

And we should improve that defense. It seems to me that the only major threat we face is the possibility of a nuclear attack, and yet we signed SALT I, which said we would not develop something that could shoot a nuclear missile down. I think, on the contrary, it makes sense to spend money on an anti-ballistic missile. Instead of divesting ourselves of nuclear missiles, a more modest approach would be to suggest to the Soviets that we will retain nuclear weapons to hit the major military targets in the Soviet Union. That sounds very adequate, but by doing that, we could eliminate a good many of our nuclear weapons. And I think that the MX, which would add another 3 or 4 thousand, is obviously unnecessary—if we have 7, 8, or 9 thousand of these weapons capable of reaching Russia now, how many more do we need? By saying that we will keep enough weapons to destroy all military targets, our policy will be seen as one of tremendous power and tremendous strength, rather than one which is negative and against the defense of America. And yet we can save a lot of money. We don't have to talk about new weapons like MX missiles, Stealth bombers, B-1 bombers, and M-1 tanks.

As for the M-1 tank, it doesn't even do that well. We have a few problems with it. It runs well on concrete, but not so well in the mud. And we can't put it on an airplane. If the purpose is to defend the country (I say), where are you anticipating this tank attack from? Through Alaska, or through Mexico, or just where? They say, well, they might come across Germany. And I say, did you know they just cut the defense budget in Germany by $500 million? Your kids can't buy a home and you can't buy a car, and you want to build this tank for the Germans? Why don't they build it?

I was asked about the neutron bomb on TV the other day. The neutron bomb sounds like a pretty sophisticated weapon, but when is it best used? When you have a few thousand tanks coming after you. But I still don't anticipate a tank attack. Maybe Germany needs it. Let the Germans build it, if it's a good weapon for Europe.

People are very receptive to this kind of explanation, even though they probably wouldn't have been 10 or 15 years ago. But now, in an economic sense, they're desperate. They've heard stories about drug addiction and inefficiency in the army, and about the amount of money we could save by bringing troops home, and they're ready to listen, because they are starting to hurt.

Foreign aid is another important issue. Again, foreign aid is always discussed in terms of which enemy is going to get it, the right or the left? There have been 14 or

more major conflicts since World War II in which we have contributed the weapons to both sides. Do we want to continue doing that? If I'm told that we ought to give weapons to our friends, I say, but who are our friends? Today they're friends; tomorrow, enemies. Was the Shah our friend? He's really helping us out over there now, isn't he? Friends may run on you or they may be overthrown; then the money's down the drain.

Our present foreign policy is not pro-American. Just a few months ago, for example, the Administration gave $120 million at 8 per cent interest to Communist Rumania to build two nuclear power generators. The Communist system isn't pro-freedom; it's the destribution of freedom, so even though it is weak, it is still a threat. Our subsidizing it has to stop, and if we did stop subsidizing it, I think it would collapse.

If a government has a noninterventionist foreign policy, does that mean that it should totally ignore what's happening in the world? No, an administration has a role, and part of that role is getting information out to the people, telling them what's happening. If there's a Communist invasion of Afghanistan, I think the people should know, and we should use moral suasion to get the people to understand what's happening: The Soviets are a bunch of gangsters who invaded the country. And I would get rid of the restrictions which forbid American citizens to voluntarily send arms and assistance to freedom fighters in other parts of the world.

We who believe in freedom must, in a very strong way, promote the position that says, if a country is worth defending, and if it is valued by its citizens, it can be defended. First, by not inflating the currency to provide the financing for war—this would restrict all of our government's involvements. And second, by every one of us assuming some responsibility, and not leaving our country's defense to 18-year-olds. If we believe in our freedom and it's of value to us, we will respond and provide the defense necessary, when we are truly threatened.

In the era in which we had a gold standard coupled with a noninterventionist foreign policy, essentially we never fought on foreign soil. (We certainly didn't fight in Europe!) In this century, we've had an interventionist foreign policy and had the Federal Reserve System systematically inflating our currency—and we've had nothing but war. If we accept the principles of sound money, nonintervention, and no conscription, I believe that, once again, we will live in a peaceful and prosperous era.●

LIBRARY FUNDING

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1982

● Mr. GARCIA. Mr. Speaker, we expected drastic cuts in Federal support for library programs from the Reagan administration—and we got them. What we did not expect, although we probably should have, is the extent to which both executive and legislative initiatives at the Federal level would go beyond funding, to have broad negative impact on library and citizen access to information, on the whole matter of dissemination of Government information, and, surprisingly, on the survival of librarianship as a profession.

Despite a lawsuit involving 10 States and two adverse General Accounting Office opinions, the Reagan administration is continuing to impound $20 million in Library Services and Construction Act funds provided by Congress for fiscal year 1982. Further, the administration is proposing no funding for America's libraries in the fiscal year 1983 budget.

I want to submit for the RECORD some testimonials from actual users of the New York Public Library literacy volunteers program, just one of the many valuable services offered by the library system to be cut as a result of the administration's budget.

TESTIMONIALS FROM ACTUAL USERS OF THE NEW YORK PUBLIC LIBRARY'S LITERARY VOLUNTEERS PROGRAM

Student J.K.: "It is a new experience for me to have people like this caring about other people—people who are unable to read . . . . This program has helped me in the short time I have been here, and I hope it can continue to help me and many others. Without the library's help it would be a closed book."

Student L.S.: "For a long time I didn't want anyone to know that I couldn't read. This program has given me confidence because I realized there were a lot of people just like myself."

Student P.L.: "When I started I couldn't read. Now I can read the driver's manual to get my license. . . . I think it is fantastic."

Student V.C.: "I am learning slowly to improve my reading. I can read little stories, help school children where I volunteer, and I am going to try to read the newspapers."

Student L.P.: "I could not read at all when I first came into the program. I am now able to read the names of some items in the supermarket. . . . I feel very good about the progress I have made."

Student E.K.: "I can now use the dictionary. I can fill out forms much better. I can read the newspaper. . . . I have more confidence in myself and my ability to learn."

Student V.M.: "I never had any incentive to read better because of all the time I tried and failed. I became very discouraged feeling that I would never master my problem. . . . I decided to try once more and enrolled as a student at Literacy Volunteers in the Bronx. To my surprise I seemed to be grasping the knack of reading."

Student R.F.: "I am a middle-aged man. . . . I used to feel like I was the only one that had the problem of not reading. I felt downgraded till I came to Literacy Volunteers and saw people who had the same problem. . . . I feel more confident than I have ever before. I have gone through 5 books in the last few months. This is a first."

Student B.D: "I am a mechanic. I work in a garage and I have learned to spell names of car parts I work with and the names and makes of the cars I work on. . . . please do not take away the funds for this program. I am trying to learn more so I can get a high school diploma."

TESTIMONIALS FROM ACTUAL USERS OF THE NEW YORK PUBLIC LIBRARY'S JOB OPPORTUNITIES INFORMATION CENTER

Job Seeker D.R.: "I visited the Job Opportunity Center at least 5 times, reading, thinking and planning each time. . . . It served as an interim office, a home away from home. . . . So now that I've accepted a good job offer. . . . I wish you all the success in your best efforts so that others such as myself can learn the basics of job-hunting, so that all people who desire to do so can upgrade their skills and maximize their potential."

Job Seeker D.D.: "Thank you very kindly for the time you spent with me. . . . I want you to know that my session with you has ignited something inside of me. The confidence, drive determination—and all that stuff—is returning. You've been a great help and I thank you from the bottom of my portfolio."

Joyce Richardson, Program Director of The National Council of Negro Women, Inc.: "On behalf of the staff of The National Council of Negro Women, Inc. women's center, I am sending you this thank you for your excellent workshop, 'Sources of Information for Career Planning.' The workshop was particularly helpful to me."

Carol Feit Lane, New York University: "Thank you so much for your participation in our program for college undergraduate women. . . . All of the students commented on how much they learned and several indicated that they may be in touch with you in the future."

Nancy Schulman, Program Director, New York Business Incentives: "At New York Business Incentives, we seek to enroll economically disadvantaged, unemployed and out-of-school young men and women into meaningful, full-time jobs. . . . This service you sponsor is invaluable in the development of these young adults into becoming responsible, employed men and women. It is a necessary service that ultimately pays dividends not only to the participants, but to the business community and city as a whole. . . . There is certainly a demonstrable need for this type of service here in New York City, where youth unemployment is one of the most critical problems we face. On behalf of our program and the youth we serve, thank you once again for providing this vital service."●

ADMIRAL STOCKDALE'S VIEWS ON DIGNITY AND HONOR

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1982

● Mr. MICHEL. Mr. Speaker, Adm. James Bond Stockdale recently wrote an article that I am convinced should be read by every American, especially every young American. It speaks of dignity and honor and love of country in the face of pain, brutality, and torture. I think it is a classic of its kind and no doubt will be reprinted in years ahead because it simply and eloquently reminds us that there are certain limits of civilized behavior and certain aspects of a human being's character that are absolutely essential to the

protection and preservation of human freedom.

At this time I wish to insert in the RECORD, "Dignity and Honor in Vietnam" by James Bond Stockdale, in the Wall Street Journal, April 16, 1982.

DIGNITY AND HONOR IN VIETNAM

(By James Bond Stockdale)

Chivalry was dead in my prison. Its name was Hoa Lo, meaning "fiery furnace," located in downtown Hanoi, a prison the French built in 1895.

I arrived there, a prisoner of war in North Vietnam, in the late morning of a rainy Sunday in September 1965, a stretcher case. I had a broken leg (which my welcoming party, a street mob of civilians, had inflicted), a broken back (which I charge off to my carelessness in not having had the presence of mind to brace myself correctly before ejecting into low-altitude, high-speed air from a tumbling airplane), and a gunshot wound in my good leg (which an irate farmer had pumped into my stretcher during my first night on the ground, an act I credit as morally neutral just to keep the score balanced). The North Vietnamese officer who presided over my arrival after three days in the back of a truck was about my age (42 at the time), also a career military man.

A PROPAGANDA FACTORY

I asked him for medical attention for my broken bones and open wounds. "You have a medical problem and you have a political problem," he said. "In this country we handle political problems first, and if they are satisfactorily resolved, that is, if you demonstrate a proper understanding of the American war of imperialist aggression in Vietnam and take concrete actions to stop it, we will attend to your medical problems." That was the last time the subject of medical attention for me ever came up in my next eight years as a prisoner of war.

In intense, bizarre form, the prison was an extortion factory, a propaganda factory. It was much like the one Dostoyevsky described in 19th Century Siberia, like the one Solzhenitsyn described in the modern Gulag. It was almost identical to the one Koestler described in the Moscow of the Stalinist purges, in that prison book, "Darkness at Noon," fiction no less, that gives me more shudders of authenticity than any other in print. Cervantes experienced the same pressures for seven years in a Moslem political prison in Algiers, after he was captured in the battle of Lepanto over 400 years ago.

These prisons are all the same; the name of the game is to unstring their victims with fear and polarize them with guilt. There are always more rules than can practically be obeyed, always a tripwire system to snare you in a violation that the jailers can brand as moral turpitude—and there is always an escape valve, a way to make amends if you repent.

The tripwire in Hanoi was based on the "no communication" rule. As with all tripwires, the prisoner had a choice to make, and he stood to lose either way. If he obeyed and did not communicate with his comrades, he accrued the conscience problems of betraying his fellows and at the same time sentenced himself to a desperate loneliness which would likely get to him after a year or two. If he communicated, and this was the only way to go for loyalty, for a feeling of self-worth, for dignity, he would periodically be caught and tortured under the charge of ingratitude for the "humane and lenient treatment" he was being given.

KOESTLER'S COMMISSAR

(Incidentally, communication grew to be a very refined, high-volume, high-speed, highly accurate though dangerous art. We used the same code Koestler's fictional Commissar N.S. Rubashov used during his Moscow trial and execution period in the late 1930s.)

By torture, I don't mean leg irons or handcuffs or isolation. We were always careful to remind ourselves that those were just inconveniences, not to panic. By torture we meant the intentional imposition of pain and claustrophobia over as short a time as necessary to get the victim to "submit."

In my experience this is best done by heavily slapping the prisoner, seating him on the brick floor, reeving his upper arms with ropes, and while standing barefoot on his back cinching up the elaborate bindings by jerks, pulling his shoulders together while stuffing his head down between his feet with the heel of your foot. Numb arms under contorted tension produce an excruciating pain and a gnawing but sure knowledge that a clock is ticking while your blood is stopped and that the longer you wait before submitting the longer useless arms will dangle at your sides (45 minutes of blood stoppage usually costs about six months of dangle). The claustrophobia also concentrates the mind wonderfully.

How long to submission for a good man? About 30 minutes. Why not hold your silence and die? You can't just will yourself dead and have it happen—especially in that position. Why not just give them what they want and be done with it? Reasons that come to mind include dignity, self esteem, contempt for B/Grade pageants. They can make you tell them most anything they know you know. The trick is year in and year out, never to level with your captors, never let them really know what you know.

There are a lot of things you can't do with torture. Aristotle said that compulsion and free will can coexist, and he was right. Unlike our courts, spring-loaded to excuse any action to which the general term coercion is attached, prison societies get down into the messy details of degree of coercion and complicity before making judgments. The man about to undergo torture must have burned into his mind the fact that he can be hemmed in only within a very narrow window and that he need not volunteer information or "spill his guts."

How exactly to behave in the ropes, to make the torture team work for everything they get—the specific information, the personal concessions—to give no indication that you're short on courage yet supply a convincing submission before you've lost your mental skills, to minimize their net gain after you are let up and sat before the tape recorder, are all matters of dramatic art—a deadly dramatic art, which if revealed for what it is will assure your being reduced to a whimpering heap in minutes.

For all this, it obscures the fact that the extortion experience, even in a harsh political prison, is not a physical experience. It's an emotional experience.

I do not mean an experience like "getting brainwashed" or "breaking" or falling into the arms of your captor, smitten by "Stockholm Syndrome." Yes, over time, pain and isolation, a "persuasive interrogator" and lack of sleep can probably bring about discontinuities in the victim's decision-making patterns, but never a "whammy" that would go as deep as character change. Nobody who has had any extensive experience in captivity would have the guts to try to pass off succumbing to intolerable pain or even suffering a nervous breakdown as a case of being "brainwashed" or "breaking" or developing a "syndrome." Seasoned hostages see these terms for what they are—polite expressions that allow the inexperienced to feel more comfortable in avoiding the issue of holding a person reponsible for his actions.

To keep your integrity, your dignity, your soul, you have to retain responsibility for your actions, to deal with guilt. ("Yes, I lost the bubble, I might have done better, but I didn't.") You need to look squarely at what you did and measure its limited gravity in the light of the overall truth of the total situation, then use the guilt, such as it is, as a cleansing fire to purge the fault, as a goad for future resolve, and above all not be consumed by it. But you have to do all this yourself. To say guilt doesn't exit or that it was the work of "evil spirits" or "brainwashers" is self-delusion.

PRISON NIGHTMARES

The political prison experience is an emotional experience in that you learn that your naked, most inner self is in the spotlight, and that any detected shame or deep fear, any chink in your moral armor is a perfect opening for the manipulative crowbar. And once the manipulator gets it into you, he can put you out front working for him because he has something on you of which you are genuinely ashamed; he has the means to destroy your reputation if you fail him. Fates like that are what prison nightmares are made of, not fear of pain.

When good people try to commiserate with a person coming out of these circumstances, the language of both parties seems to find common meaning only in terms of physical things—years of solitary, months or years in leg irons, torture stories, mail deprivation, weight loss and so on. Relatively speaking, those are hardly problems at all. (It was not uncommon among us to try to starve yourself, to make yourself an immobile Gandhi, just to take yourself out of the eligibility zone of those they were trying to entrap into public exposure with the touring of a "fact-finding" American.) For us, the deprivations from the physical side of the good life and even the pain and the loneliness were shallow complaints compared to finding yourself stripped of all entitlement to reputation, love or honor at home.

I am often asked: "What are the attributes of those who best measure up in these circumstances?"

Rather than high thresholds of pain, I think it was the persistent practioner of endurance who carried the day for courage. The game of physical intimidation was not won or lost in one grand showdown. The hero of us all was the plucky little guy who made them start all over every day, the person who refused to accept the extortionist's logic of "being reasonable," of accepting the inevitable, of granting yesterday's tortured concession free of charge today.

Fierce political dedication undoubtedly strengthened the resolve of some. But if I were an interrogator trying to make a good estimate as to whether the new prisoner across from me was likely to be a soft touch, I wouldn't base my estimate on the vehemence of his political protestations. But I would be delighted if he seemed to need my reaction to his expression of political virtue.

The player who needs to interact with those around him, even his enemies if friends are not available, is an extortionist's dream. Lock people like that up for a few months and they start looking for a friend.

Religious conviction? It was certainly a positive force for the great majority of us. But indispensable? No. Some good prisoners did not rely on it. What is indispensable to avoiding entrapment in the web of fear and guilt is the ability to stand isolated, without friends and surrounded by entreaters, and quite uncharitably say "no," without the crutch of anger, without embarrassment, with finality and with commitment to the consequences. This is a very hard thing for many well-brought-up, mannerly, considerate, American men and women to bring themselves to do. It seems so impolite to leave it at just "no."

A CONFRONTATION

This sort of thing was a big initial hurdle for the typical young, well-brought-up, well-educated American pilot in prison. He was put through the gauntlet when shot down, and maybe the next day's target list was beaten out of him. This he more or less expected. But a month later, after lying low, learning to communicate through the wall, receiving all the standing orders of unified resistance, he is pulled out for interrogation and told to read Harrison Salisbury's Hanoi articles from the New York Times over the prison public-address system. He has been warned by an American next door that this would be coming up. Moreover he has been coached by this experienced friend, and so he goes through the dialogue, but it seems awkward to him this first time:

"Good morning," says the interrogator. "You look well. I have your first assignment for you. We want to provide the American criminals with news from U.S. newspapers, but we Vietnamese have an accent that makes us difficult to understand on the camp radio. You will read these American articles into the tape recorder and they will be played at noon today."

"No."

"What do you mean, no. The camp regulations require that you obey all orders. You must do it. My superior has decreed that you shall do it."

"I refuse."

"You can't refuse. You must obey the laws of this country. You are a criminal. If you refuse, you will be severely punished. Shall I call the guard and have him punish you? I think you remember the punishment, and that you cannot overcome it. What do you say?"

"I say nothing. The problem is not mine, it is yours. It's up to you."

Many of us are brought up to believe that a person, particularly a person in authority, is entitled to an explanation, at least a better answer than a figurative "stick it in your ear." It seems so unfair, so unnatural not to drop in a word of regret or at least a counterproposal. (And any smart extortionist will know that.)

It was the counterproposal that our captors counted on to get us on the hook—we become partners that way, guilty partners. "You are an American, you are a pragmatist, your submission is inevitable. We don't like to punish you. Meet us half way. Be reasonable."

FIGHTING CITY HALL

Young Americans in Hanoi learned fast. They made no deals. They learned that "meeting them half way" was the road to degradation. My hypothetical young prison mate soon learned that impulses, working against the grain, are very important in political prisons, that one learns to enjoy fighting city hall, to enjoy giving the enemy upside-down logic problems, that one soon finds himself taking his lumps with pride and not merely liking but loving that tapping guy next door, the man he never sees, the man he bares his soul to after each torture session, until he realizes he is thereby expiating all residual guilt. Then he realizes he can't be hurt and he can't be had as long as he tells the truth and clings to that forgiving band of brothers who are becoming his country, his family.

This is the power of comradeship and high-mindedness that ultimately springs up among people of good will under pressure in mutual danger. It is a source of power as old as man, one we forget in times of freedom, of affluence, of fearful pessimism—like now.

Eight years in a Hanoi prison, survival and dignity. What does it all come down to? It does not come down to coping or supplication or hatred or strength beyond the grasp of any normal person. It comes down to unselfish comradeship, and it comes down to pride, dignity, an enduring sense of self-worth and to that enigmatic mixture of conscience and egoism called personal honor.

(Admiral Stockdale was a Naval airwing commander when taken prisoner in North Vietnam. He is now a senior research fellow at the Hoover Institution and is writing a book about the prison experience for Harper & Row.)●

KEEP HANDICAPPED'S RIGHT

HON. TOBY MOFFETT

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1982

● Mr. MOFFETT. Mr. Speaker, the battlecry of the administration has been, "Get the Government off the backs of the people." In pursuit of this objective, Federal programs have been cut dramatically and regulations have been the subject of considerable reform. This battle plan is supposed to diminish the Government and by so doing lighten the fiscal burdens of all Americans. But it is becoming increasingly clear that the administration is not taking a load off our backs at all. By deferring investments in our society now, we will only find down the road that the load has become twice as onerous, if not impossible to carry altogether.

While advocates for the handicapped are vigorously fighting to control the damage already done by community and human service cutbacks, another viper has raised its head in the form of changes in section 504 regulations. The Department of Justice and the Office of Management and Budget are now in the process of revising these rules insuring the equal rights of the handicapped, making them looser and weaker in almost every instance. The bulwarks of equal opportunity—reasonable accommodation, prohibitions against discrimination, and accessibility—are all under attack.

As the Disability Rights Education and Defense Fund warns, the regulation changes would destroy "all vestiges of civil rights protection hard won by the disabled community over the past 5 years."

What particularly alarms me about the draft regulations is the threat they pose to the benchmark equal opportunity law, Public Law 94-142. The Education for All Handicapped Children Act, with its promise of a free and appropriate education for all handicapped children, has meant that those who were previously shunted into the corner are now being mainstreamed into the classroom, to learn and profit from an education as other children have. Public Law 94-142 and section 504 are closely linked statutes. In fact, the education law served as a model for section 504 regulations. The former, however, contains specific language as to procedural safeguards for handicapped children and their parents which are not addressed under section 504.

We have always taken a modicum of comfort, as the battle to block grant and reduce the funding for Public Law 94-142 has waged around us, that the antidiscrimination components of section 504 would always stand to back up the beleagured education program. Now the DOJ and OMB are dismantling the 504 guarantees. What does this mean for the young of this Nation who are handicapped? And their parents?

I am hearing from these parents. The pain, fear, and anger in their letters is palpable. They are saying, How can the Government turn its back on disabled children, how can dismantling Federal laws and regulations for the handicapped possibly serve to help these children grow up to be independent and self-supporting? The heartache of institutionalization is very real to these parents. Institutionalization represents a clear and horrible loss to parent, child, and society.

If the taxpayer does not recognize this loss in human terms, the economic terms will certainly have an impact. A residential setting for a handicapped child can cost a community up to $40,000 a year. Public Law 94-142 helps provide an appropriate education costing the Federal Government a little over $200 a year per child. Let me add, at this point, that Public Law 94-142 has been grossly underappropriated almost from the beginning, and that the States have had to make up the difference. But the promise of growth and fulfillment of potential for each disabled child will surpass these costs when the educated adult is able to join the community.

I urge my colleagues to take a long look at the draft section 504 regula-

tions now in circulation. If they are not available, the Congressional Research Service has completed an in-depth analysis of the proposed changes. When advocates for the handicapped begin to call, I sincerely hope you will express your opposition to the reversal of hard-fought and hard-won rights for the handicapped.●

CYPRUS DAY

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mr. McGRATH. Mr. Speaker, I commend my colleagues from Pennsylvania and Michigan for bringing attention to the continuing dispute over the nation of Cyprus, which has caused untold human suffering for Greek-Cypriots, and threatens the stability of the NATO alliance.

For 8 years, the Turkish military has occupied a large portion of Cyprus, dividing that island nation and creating an intolerable situation for 200,000 Greek Cypriots who were forced from their homes by troops armed with weapons supplied by the United States. The Turks continue to defy a United Nations resolution unanimously adopted in 1974 calling for complete withdrawal of the Turkish military presence from Cyprus. The resolution further demanded that the dispossessed Greek Cypriots be allowed to return to their homes. In addition to the wholesale violations of human rights which have taken place in Cyprus since 1974, tensions between Greece and Turkey have increased because of the Turkish occupation. That region of the world is a critical part of the NATO alliance, and the divisiveness created by the Turkish action has done serious damage to the treaty which has protected the free world for three decades.

The Turkish invasion was in blatant violation of international law, and I think that our Government should take a greater role in seeking an immediate and peaceful solution to this dispute, which could erupt into a broader confrontation at any time.●

RUPERT MURDOCH—COMMUNICATIONS MAN OF THE YEAR

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1982

● Mr. BIAGGI. Mr. Speaker, it gives me distinct pleasure to inform my colleagues that Rupert Murdoch, the distinguished international publisher of newspapers including the New York Post, was named Communications Man of the Year by the American Jewish Congress.

Mr. Murdoch was selected for this important award because of the lifelong contributions he has made to the field of communications. His love of the newspaper business is complete. For those such as myself who have the pleasure of knowing Rupert Murdoch we know him to be a hard-working man of intense convictions and high integrity.

Rupert Murdoch has clearly made a name for himself in the highly competitive newspaper business of New York City. The New York Post provides its readers a daily diet of clear and concise news articles, timely editorials and a never-ending variety of interesting features. The best testimonial to Rupert Murdoch is the fact that the Post's circulation since he took over has increased dramatically.

In his acceptance speech Mr. Murdoch pays an appropriate tribute to newspapers and what they mean to the daily lives of individuals. Perhaps the greatest freedom we enjoy as a democracy is a free press which operates unbridled by the dictates of Government. In my view this freedom of press does not come without some responsibility. A free press must insure that what is reported, printed, or broadcast in the luxury of total freedom is cognizant of the need for accuracy and fairness. This principle should be applied whether the subject is an individual, an organization, or a unit of government.

Rupert Murdoch is truly deserving of the award bestowed by the American Jewish Congress—not only because of his work in the newspaper business but also because of his strong support of Israel. His acceptance speech was written and delivered in the same forthright manner as the articles which appear daily in his newspapers from New York to London to Australia.

I congratulate Mr. Murdoch on receiving this award and commend him for the contributions he makes to keeping my constituents and others in New York City informed.

Mr. Murdoch's speech follows:

SPEECH OF RUPERT MURDOCH

Mr. Chairman, Mr. President, Senator Moynihan, Senator D'Amato, other distinguished guests, ladies and gentlemen, I've never been so flattered nor enjoyed it so much!

As someone once said "flattery is the food of fools, but now and then men of wit will condescend to take a bit." Well, tonight I'm not merely condescending to take a bit. I am revelling in it!! But I content myself with the thought that more people are flattered into good deeds than bullied out of bad ones.

I do thank both of you, Jim and Howard, for your generous words, as I must also thank you and your families for the many, many kindnesses you have shown to Anna and to me and to our children since we came to live in New York eight years ago to begin what have been the happiest and most exciting years of our lives.

And I must also thank all of you, our friends, who are here tonight. I know it is hard enough to be the friend of a controversial publisher at the best of times, but to have to pay for the privilege, as well as be forced to hear him speak for 10 minutes, seems to border on masochism.

Of course, we all believe and know that it is a good cause and I am honored and proud to receive this award from so active, concerned and distinguished an organization as the American Jewish Congress.

It is not only active, concerned and distinguished because of Howard's leadership, the AJC has always been in the vanguard of those who work for peace and freedom. You have fostered humanitarianism and understanding as was noted that you did last month, when the first group of Egyptian children to visit Israel were guests at your Louise Wise Hostel in Jerusalem.

This award is all the more meaningful to me because of the history of your organization and the principles which it stands for. Out of the Jewish tradition and concern for the Jewish people, you have fought for those freedoms which ensure justice for all. And you have unstintingly supported the State of Israel which, understandably, gives to Jewish people everywhere so much pride and purpose. Our publications all over the world reflect that same passion for freedom and have supported, and will continue to support the struggle of the State of Israel.

Obviously, I have a vested interest in one particular freedom—so essential to democracy and so threatening to totalitarianism—that is the freedom of the press. That freedom is vital because it permits presentation of a diversity of views, and for that reason, it is important to keep as many newspapers alive as possible.

Your recognition comes at a time when those of us concerned with newpapers and their future must be united in one hope and shared purpose: helping this city keep all its newspapers alive and well.

As most of you know, my whole life has been with newspapers. So was my father's. You could say it was my destiny to be in love with newspapers.

One of my earliest recollections of my father was seeing him in the morning, sitting up in bed, the covers scattered with newspapers.

Articles would be ringed; facts underlined; page margins filled with shorthand queries: Why didn't The Sun have that story the opposition Argus made so much play with? Why was The Herald final edition frontpage last night such a mess? Who was that bright young writer The Age was featuring—could someone have a quiet word with him somewhere?

It was an original and exhilarating, grandstand introduction to the art of newpapering and it is no surprise that, as a young man, I never had the slightest inclination to try my hand at anything else.

When my father died, he left my sisters and me one small newpaper in South Australia.

I'm bound to say, when I recall that sleepy old town, Adelaide, it is a great quantum leap to the London Times, the granddaddy of establishment journalism; and to the New York Post, the uninhibited, upstart tabloid, that is loved with a passion by those that like it, is hated and reviled by those who can't stand it, but I hope can't be ignored by anyone.

In all, we now publish 12 daily newspapers and many more weeklies—so many that some of my friends accuse me of collecting publications like others collect stamps.

That may well be so—but between them they cover such a diversity of size and attitude and appearance and audience, and opinion, that they make Joseph's Amazing Technicolor Dreamcoat look like a very pale garment indeed.

And there, if I may say so, lies, at once, the fascination and the strength of newspapers. Diversity, not just amongst themselves, but diversity within them.

I say that despite the awesome and continuing development of the electronic media, while recognizing, at the same time, that they have a highly important part to play in modern society.

Remember, man's major form of communication may be verbal but print is man's memory. "Let me have that in writing," one says, if he really wants to pin a thought down.

You can see that my love affair with newspapers makes your award to me as Communications Man of the Year more rewarding that I can possibly tell you.

And also more challenging than any of us could have foreseen.

For it comes at a time when the fortune of newspapers in this great city of ours is in doubt.

It comes at a time when all of us concerned with newspapers and freedom of speech should unite to keep all of New York's newspapers alive and well.

Whatever our perspective or particular preference, that is a clear, overriding and compelling need.

Every option should be considered. A great newspaper—any newspaper—is in large measure a public trust. Its loss diminishes the community it serves. Even so, the harsh reality is that newspapers are not charities. Their operating statements, as well as their pages, should contain mostly black ink!!

One of the largest lessons demonstrated by the New York Post is that there is a growing public ready and willing to buy, read and enjoy daily newspapers.

Newspapers must speak out resolutely and responsibly on the great issues of the day and give voice to the national conscience—or that voice will become severely and dangerously muted. And it must to a large extent address those issues which most concern its readers, whether they be local crime, taxes, Mayor Koch or the Yankees.

The Post was built on a bedrock readership of middle-class New Yorkers. Their intrinsic democratic values are as important to the paper as they are to the city and the nation.

It follows that the Post is a staunch supporter of Israel.

Our support of Israel, indeed, of the very idea of Israel, goes back many years—certainly long before the creation of the state.

The Post supports Israel because it is there—it supports Israel not only because it is a moral imperative, not only because of the Holocaust, not only because of the many and continuing fundamental ties which the American people have with the people of Israel, but also because the Western world's security demands it.

The present confrontation between Britain and Argentina over the Falkland Islands provides a useful reminder to us all of what is involved in the Middle East.

The two weeks which is it taking the British force to reach the Falkland Islands is roughly equivalent to the time it would take the U.S. Rapid Deployment force to get, in useful numbers, to a crisis threatening Western oil resources in the Middle East.

In the volatile and uncertain Middle East, Israel is our only enduring ally, our only reliable ally, our only capable military ally, our only democratic ally in an area that is crucial to our vital interests.

By weakening Israel we destabilize the Middle East and weaken the United States.

But there is another more humane reason.

Israel has had its citizens massacred and its officials assassinated. Its neighbors are pledged to its destruction. And the UN passed a resolution branding it an enemy of peace!●

TO HONOR CLIFFORD W. HENDERSON, FOUNDER OF PALM DESERT

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1982

● Mr. LEWIS. Mr. Speaker, I would like to take this opportunity to commend to the House of Representatives a man who represents what America is all about. A man who, with little more than a dream, founded an oasis in the middle of the desert. It is with great pleasure that I join the residents of Palm Desert in honoring Mr. Clifford W. Henderson at the Founders Day Celebration on May 15, 1982.

Clifford Henderson was an achiever before he started his dream city of Palm Desert, Calif. As a 14-year-old he was a part of the first historical transcontinental trip by motor truck, riding as mascot from Colorado to San Francisco. He remained in California after the completion of the trip, working his way through high school in Los Angeles. At the University of Southern California Henderson was student body president and captain of the varsity basketball team.

He enlisted as an ambulance driver in World War I, later transferred to the aviation section in France. Following his return to California he became nationally famous with his success as director of the National Air Races, which continued until 1939.

With his brother Phil he built the Pan Pacific Auditorium in Los Angeles in 1935.

Cliff Henderson volunteered for service in World War II with the Air Corps and was sent to North Africa. Among his other duties he was military commissioner at Dakar.

His many honors and citations include membership in the Aviation Hall of Fame and a cherished decoration from the French Government for his service as military commissioner at Dakar.

Clifford Henderson, in order to recuperate from illness and injuries sustained in Africa during World War II, visited the ranch of Edgar Bergen 12 miles east of Palm Springs in 1945. While there, Colonel Henderson explored the desert cove south of Highway 111. He dreamed of a postwar desert community on the white sands of the alluvial fan which would include beautiful homes, a shopping center, tennis courts, and an Olympic-size swimming pool that would serve as the core of the community's social life.

On May 15, 1946, work began and ground was broken for the new community of Palm Desert on the south side of Highway 111 in the cove Henderson had selected. Some native Washingtonian palms existed in the area and date groves flourished north of the highway. Henderson imported more palms to make it Palm Desert.

He selected three sites, one for the elementary school needed for the families who would come to his desert community, Washington School, and across the street from the school the site for the Community Church. A fire station was needed for protection of the homes and shops soon to be built. Clifford Henderson donated these sites to the school district, Community or Presbyterian Church, and the Riverside County volunteer firefighters. These landmarks will be marked on Founder's Day.

The school site is now the Desert Sands Unified School District's Washington Elementary School on Portola, the Riverside County Fire Station is still on El Paseo, and the former Community Presbyterian Church has now become the site of the Foundation for the Retarded on Portola. The country club envisioned by Henderson is now the Shadow Mr. Resort Club and condominiums. Clifford Henderson also founded the Palm Desert Rotary Club which met at the Shadow Mountain Country Club for many years.

Twenty years after his founding of Palm Desert he was appointed honorary mayor and is a full-time resident of the city of Palm Desert. Mr. Speaker, it is truly an honor to recognize Mr. Clifford W. Henderson today and commend him to the House of Representatives.●

IT IS TIME TO "DEEP-SIX" THE LAW OF THE SEA TREATY

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1982

● Mr. PAUL. Mr. Speaker, I would like to call the attention of my colleagues to a recent editorial in the Wall Street Journal. It points out some of the dangers and absurdities inherent in negotiations now being concluded on a Law of the Sea Treaty. The issues at stake are anything but trivial.

I have no particular objection to negotiations designed to keep open the freedom of the seas, though I am always skeptical about the conspirings between governments. However, I utterly deplore the fact that these laws of the sea negotiations are predicated on the assumption of collective ownership of natural resources. As the draft treaty states:

All rights in the resources of the Area are vested in mankind as a whole, on whose behalf the Authority will act.

This ludicrous, high-sounding, Marxist rhetoric is trotted out by bureaucrats at the U.N. to justify their claim to represent mankind as a whole. Of course, it is these very same bureaucrats who will act as stewards, or guardians, of the ocean's resources, the common heritage of mankind. This is not just nonsense, it is, in Bentham's words, "nonsense on stilts." International bureaucrats are no more justified in claiming to act on behalf of all of mankind than would a junkyard dog—if it could muster the presumption.

In America we reject the idea of collective ownership because we do not realize that it is a subterfuge for despotism. Collective ownership is a fiction; the reality is State ownership, State power, and despotism. Nothing is more inimical to the interests of men and society—not to say "all of mankind"—than State power.

The law of the sea negotiations, which would transfer control over the rich mineral resources of deep seabeds, establish price and production controls, and provide massive revenues for an international superbureaucracy ominously called simply the Enterprise, is part of the larger scheme designed to create a new international economic order. This new order consists of robbing from those who have produced and earned their wealth and transferring it to the Marxist governments of the Third World.

The great fraud inherent in all this is, of course, the identification of the interests of people in Third World countries with the interests of the despots who rule these countries without a shred of legitimacy. The U.N. has nothing to do with the common man, it is an organization for governments. It is the forum where legitimacy is bestowed on the Idi Amin's, the Emperor Bokassa's, the Yasser Arafat's, the Mu'ammar Qadhafi's, and the cannibals, murderers, and other sundry types who rule most of the world's nations. It is, as Mayor Koch so justly observed, a forum of "immorality, hypocrisy, and cowardice." To identify the interests of the U.N., an organization of largely despotic states, or any of its agencies, with the interests of all of mankind is tantamount to identifying the interests of the cannibal Bokassa with the interests of those he had for lunch.

The U.N. should be disbanded, or at least removed from this country. Apparently, even our Ambassador, Jeane Kirkpatrick, cannot justify its existence. That is why I have cosponsored H.R. 3861, to terminate U.S. participation in the U.N.

None of the fruits of this iniquitous tree are more bitter than the law of the sea, as the following editorial makes clear. Unbelievably, funds collected by the Enterprise would go to support terrorists like the PLO, and other national liberation movements. Has the State Department taken leave of its senses? Is this Congress going to be a party to this travesty?

I hope that when the treaty comes before the Senate it will be promptly rejected. And I call upon my colleagues here in the House to do what should have been done long ago, and support H.R. 3861, to end U.S. participation in the U.N.

The editorial which follows appeared in the Wall Street Journal, April 20, 1982:

CARTEL OF THE SEA

The Law of the Sea Conference has reopened once again at the United Nations, and the Reagan administration is once again capitulating to the State Department. It had been holding out against Third World demands to vest the UN with cartel-like control over the future mining of metals and minerals. But in a phone call two weeks ago to the president of the conference, Ambassador Tommy Koh of Singapore, Secretary of State Haig promised to "buckle down" in the current talks. Apparently this means putting the UN in charge of the largest commercial cartel in the world, even outshining OPEC.

This isn't seaweed. The deep sea bed, particularly in the Pacific, is known to be laden with "nodules" containing such scarce and valuable metals as manganese, nickel and cobalt. The non-Communist industrial world must now rely on imports of several of these resources from Third World countries, such as Zaire and Zambia, and the Soviet Union. Although no one can be sure of the exact amount of sea bed reserves, one guess puts the total at some 1.5 trillion tons. Mining of these sea beds thus would provide a more secure source and ultimately introduce more price competition into the market for these metals.

That is precisely the prospect that has so entangled the Law of the Sea talks since the latest session began in 1973. Countries with plentiful reserves of these metals seek to protect their export trade by keeping the "nodules" on the sea bed as long as possible. On the other hand, Third World countries—some of which are land-locked—which have neither indigenous supplies nor the technology and capital to explore the oceans, see this as an opportunity to soak Western entrepreneurs. And prospective mining ventures refuse to go ahead until the course of the treaty is clear.

UN bureaucrats, meanwhile, see the Law of the Sea as a gold mine. They hope to establish a perpetual mining empire which will set production limits and thereby provide a price floor to keep on-land producers happy. It would also exact a hefty tax on Western mining ventures. The draft treaty calls for application fees of $500,000, annual operating fees of $1 million and a scaled-up tax on mining operations as high as 70 percent of net proceeds. If production limits don't stop development of the sea bed, it can always be taxed into oblivion.

If the mining does produce any funds, they would be used for any number of UN boondoggles. One plan, for instance, is to set up a UN mining "enterprise" using technology that Western companies might be forced to hand over without adequate compensation. Another is to "redistribute" the money to Third World governments, which in the past have found no shortage of corrupt uses for such international largess. Even "national liberation movements," such as the PLO, would get funds under the current draft treaty.

In January, President Reagan tried to put a stop to this piracy. He laid out six principles which would have precluded the establishment of a UN mining cartel and would have facilitated private mining ventures. However, the negotiators have reduced Mr. Reagan's "conditions" to mere "goals." The U.S. is now willing to accept production limits, assuring us they have "no bite" and will not adversely affect price competition. The question of giving the UN unprecedented taxation powers is "not under contention" by U.S. delegates.

While the U.S. is ready to accept a UN mining "enterprise" and to see funds "redistributed" to the Third World, it has so far failed to exclude "national liberation movements" from receiving funds. This the U.S. delegation hopes to do by casting a veto at the Law of the Sea's governing council. However, the U.S. is not even guaranteed a seat on that body, even though the Soviet bloc has already won three seats. The U.S. delegation's only success, and that a questionable one, has been to gain acceptance for "Preparatory Investment Protection," which will give certain privileges to six established mining consortia dominated by U.S companies.

The current play, in short, is to let the Third World have its cartel so long as the U.S. companies get their slice. It is a triumph of the Reagan administration's big-business interests over its free-market principles. It is also a sure-fire recipe for long-run mischief.●

MAN AND WOMAN OF THE YEAR

HON. ROBERT E. BADHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1982

● Mr. BADHAM. Mr. Speaker, each year the Costa Mesa Chamber of Commerce gathers at a luncheon to honor two of its citizens who have been selected as the Man and Woman of the Year for outstanding achievements and contributions to their community during the past year.

It is my pleasure to address this honorable body today to recognize Norma Hertzog and Harold "Bud" Hohl, who have been selected for this year's honor in Costa Mesa, a city which I represent in the House of Representatives.

Norma Hertzog is a graduate of the University of Toronto who came to Costa Mesa some 20 years ago. She

opened the Mesa Verde Preschool in 1962 and later the West Bay School. As a professional in the teaching of young children, Norma has served as a member of the National Association for the Education of Young Children and has been president of the Orange County Chapter and a board member for 8 years.

She has carried on many activities in the community dealing with young people, has been a director of the YMCA, the United Way, member of Toastmistress, and the Costa Mesa Chamber of Commerce.

In 1974, Norma Hertzog was elected to the Costa Mesa City Council and was the city's first woman mayor in 1977 and 1978, and now is completing her second 4-year term of office.

Bud Hohl has lived in Costa Mesa for 34 years, during which he has been active in community affairs, particularly those involving veterans. He was commander of the Veterans of Foreign Wars post for several years, has a life membership in the National Home of VFW, has been a leader in Boy Scouts, and has received the Scouters Key and Award of Merit from Del Mar District Orange Empire Boy Scouts of America.

One of Bud's favorite endeavors has been delivering clothing, food, and toys to the Navaho and Hopi Indians in Arizona each Thanksgiving. In addition, Bud Hohl has been responsible for organizing the Memorial Day services each year at Harbor Memorial Park.

After more than 22 years in the Marine Corps, during which Bud garnered six Good Conduct Medals, the Air Medal with five gold stars and 7,000 flight-hours, he now is active with the Costa Mesa Senior Citizens and is the group's treasurer.

Both Norma Hertzog and Harold "Bud" Hohl are to be commended for their years of service to their community and I am particularly proud to say a few words on behalf of selfless community service to this body. Both will be honored at a luncheon on May 5, 1982, at the Costa Mesa Golf and Country Club. Because of such dedicated service by these two citizens, Costa Mesa is a better place for all its citizens.●

THE MX—WHERE DO WE GO FROM HERE?

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1982

● Mr. MICHEL. Mr. Speaker, Charles W. Corddry of the Baltimore Sun has written an article about the MX missile. I commend this article to your attention because it outlines the history of the MX, along with its current problems of basing.

At this time I wish to insert in the RECORD, "A Decade and Billions of Dollars Later, MX Still Up in the Air," from the Baltimore Sun, April 25, 1982:

A DECADE AND BILLIONS OF DOLLARS LATER, MX STILL UP IN THE AIR

(By Charles W. Corddry)

WASHINGTON.—Almost a decade after U.S. strategists decided a new intercontinental missile would be needed in the early 1980s, the government has spent $2.7 billion on the MX missile program and still cannot say where the huge rocket eventually is to be based.

The reason for the on-again, off-again progress has little to do with military and industrial competence to design and build a missile; it has almost everything to do with a succession of presidents changing their predecessors' courses and then running into tough political and environmental pressures of their own.

If the program should be canceled now, instead of yielding to a rather frantic search for an acceptable basing plan, the nation would have more than $4 billion (including contract termination costs) sunk into the advancement of ballistic missile technology. However, much of the product might be applicable to development of the Navy's projected Trident-2 missile, a super-accurate, long-range rocket for Trident submarines.

The MX began late in the Nixon administration as the "advanced intercontinental ballistic missile program." That long ago, strategists knew that the Soviet Union's missile progress eventually would make America's land-based Minuteman missiles, in underground silos, vulnerable to destruction. A mobile, "survivable" weapon would be needed.

The MX would be America's largest and most accurate ballistic missile. It stands 71 feet high, weighs 190,000 pounds and is able to carry 12 warheads, though it would be held to 10, in line with strategic arms limitation agreements.

By comparison, the current Minuteman-3 missile is 60 feet tall, weighs 78,000 pounds and carries 3 warheads.

A new warhead is to be fabricated for MX missiles and is believed to have a destructive force equal to 500,000 tons of TNT—significantly more powerful than the Minuteman warhead.

The MX is intended not only to be able to survive attack, but to have the power to destroy Soviet missiles in super-hardened silos.

President Gerald R. Ford went out of office in 1977 proposing full-scale development of the MX, the last stage before production. How to base it was not then a settled matter, but planners were thinking of concealment and mobility in long, underground trenches or among vertical silos so that Soviet missile targeters could not be sure where it was. The planned date for deploying the missile was 1984.

President Jimmy Carter and his defense secretary, Harold Brown, changed all that, variously slowing and speeding the missile development itself while they sought their own basing system. After first rejecting Mr. Brown's solution and forcing studies of aircraft basing, Mr. Carter at length accepted it.

The plan called for 200 missiles moving among 4,600 shelters. To satisfy Mr. Carter's concern for verification of strategic arms limitation compliance, the shelters would be horizontal—easier for Soviet satellites to see on occasions when missiles were exposed to counting, and concealable the rest of the time. The missile would be deployed in 1986.

Congress ordered full speed ahead on this scheme. But, sensitive to loud political and environmental objections in Nevada and Utah, where the missiles and shelters were to be, Ronald Reagan campaigned against it. New studies were started in his administration, with promises that 1986 would remain the deployment year.

Congress would have none of President Reagan's plan, when it finally emerged, and is now in the process of delaying deployment again. Its objection is that putting the MX in existing silos as proposed on at least a temporary basis, would solve nothing.

Meanwhile the Pentagon is trying to devise a basing plan that will come as close as possible to the 1986 period.

"There simply has to be a better way," Representative Melvin Price (D, Ill.), chairman of the House Armed Services Committee, said last October when Mr. Reagan ditched the Carter plan and proposed his ultimately unacceptable alternative.

Mr. Price was speaking of a federal process that could let a decade of consideration go by without final decisions, and thus deployment plans, for new weapons, specifically the MX and B-1 bomber. (Mr. Carter cancelled the B-1 and Mr. Reagan revived it.)

"We are spending billions on programs," Mr. Price complained, "and getting nothing to show for it."

It is odd, however, that the MX so far has cost as little as it has in view of its long history and the huge costs that will be borne when and if it finally is deployed.

As an Air Force spokesman said $1.6 billion has been spent on development of the four-stage missile itself through fiscal 1981.

About $700 million has been spent on basing studies, nearly all of it on the Carter "multiple protective shelter" plan for the West, but some on earlier investigation of underground trenches.

The basing expenditures included testing a mammoth missile transporter to run the weapons around the courses among the shelters, and machinery for handling the separate stages of the rocket.

The costs also included $35 million for environmental impact studies, required by law to show the effect on Utah and Nevada of basing MXs there.

The money spent on developing the missile—with results applicable to missiles generally, if the MX should be canceled—went into design, research, development and testing of the three propulsion stages and the top stage that carries a new-type nose cone from which the 12 individually aimed warheads are ejected and sent on their way with great accuracy.

New propellants were developed for the MX's propulsion stages. Existing guidance and control systems, including computer-tape programs to tell the missile where to go, were used.

The Air Force itself is acting as the prime contractor for the MX. It oversees a roster of companies, the so-called "Big Thirteen" that are involved in the project. The companies, with the value of their contracts are:

Boeing: basing system integration—$164.9 million; Avco: reentry vehicles—$187 million; General Electric: warhead—$73.1 million; GTE-Sylvania: command, control, communications—$336.9 million; Rockwell's Rocketdyne: top stage—$331.7 million;

Rockwell's Autonetics: guidance and control—$491 million;

Hercules: third stage—$177.3 million; Thiokol: first stage—$259.5 million; Martin-Marietta: assembly, test and support—$880.5 million, and launcher-canister development—$208.6 million; Aerojet: second stage—$235.5 million; Northrop: part of guidance system—$258.9 million; TRW: engineering support—$158.7 million; Honeywell: guidance—$78.9 million.

The Air Force says it has spent a further $400 million in the current fiscal year, out of appropriations of $1.5 billion for missile development and $300 million for basing studies.

The service also has spent, over the years, about $175 million on wind-tunnel testing at its facility in Tullahoma, Tenn., and on construction of a flight-testing facility at Vandenberg Air Force Base, Calif.

The first test flight of an MX is scheduled next January.

When President Carter left office, the estimated cost of the MX deployment plan that he favored was $33.8 billion.

At this point, there no longer is any valid estimate for the cost of an entire MX program, because no one knows what the program will be

Since President Reagan announced plans for temporary basing in old silos (which Congress stoutly resisted) and for further research on permanent basing, his options have been narrowed steadily by congressional action

To avoid delaying deployment much beyond 1986, Congress also has imposed tighter deadlines for decisions on where to put the rocket.

In acting on the fiscal 1983 defense authorization bill, now pending in the Senate, the Senate Armed Services Committee deleted, or "deferred," all MX production money and some development funds to ensure against installation in the fixed Minuteman holes. The House Armed Services Committee's version of the bill cuts much less but point in the same policy direction.

Ample money is provided, however, for continued research and development on the big three-stage rocket itself.

The Senate Armed Services Committee instructed the Pentagon to make up its collective mind by December 1 which candidate or candidates for permanent basing it intends to choose.

Mr. Reagan's original plan, in setting aside the Carter scheme, was to put 40 of the missiles in super-hardened silos on a temporary basis and to decide by the spring of 1984 where those missiles and 60 more would be based permanently.

Last December, Congress shortened that deadline to July 1, 1983, and effectively ruled out any temporary super-hardening. Now it has brought the deadline even closer and sought to shut off silo-basing without super-hardening as well.

The Senate committee's position was that, if the Minuteman missile is vulnerable to Soviet blows, the MX would be even more so. It would be no better protected and, as a much more valuable retaliatory weapon, would draw the first fire.

The current hectic pace of planning in the Pentagon is aimed at meeting the December 1 deadline and also at deciding what appeals to make from committee cuts when Congress returns.

Planning still revolves around three basing possibilities:

Carrying the missiles in huge, long-endurance aircraft—which Defense Secretary Caspar W. Weinberger likes but Congress does not, as shown by actions severely limiting research on such planes.

Basing the missiles at least 2,000 feet underground where, protected by sandstone or volcanic ash to soften shock effects, they would be invulnerable. After an attack on this country—too long after, critics say—tunnel boring machines would take the missiles to the surface for retaliatory blows.

Deceptive basing, which could involve mobile MX missiles, defensive missiles to shoot down Soviet attackers or mobile radar warning systems—or a combination. Some variation on this theme seems to have Pentagon and senatorial favor at present.

In any event, senators told the Pentagon to decide by December 1 and ask for the deferred production money in the fiscal 1984 budget, to be submitted to Congress in January.●

VOLUNTARISM CANNOT REPLACE BILLIONS OF FEDERAL DOLLARS

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1982

● Mr. FOGLIETTA. Mr. Speaker, in the last year, "voluntarism" has taken on a new meaning to the American people. Voluntarism, we are told, will replace the billions of dollars slashed from social service programs.

The fact is, nothing can replace those billions of Federal dollars. Voluntarism has always been an integral and important part of the American way of life. President Reagan does a great disservice to those individuals who contribute so much time and energy when he uses their participation as an excuse for reducing Federal funding for important social programs. In many cases, it is Federal funds which support the basic structure of community organizations where these very volunteers offer not only time and financial support, but every kind of service.

Where are these magnanimous corporate givers who are willing to replace job training programs and child care centers? Are we to go to corporations like Braniff and International Harvester, who are struggling merely to avert bankruptcy? Is it true that the very places we are to go to ask for larger charitable contributions are victims themselves? The truth is that corporate giving in 1980 totaled a mere $2.7 billion, while Federal budget cuts to social services totaled over $45 billion in 1981, and may be reduced yet again in fiscal years 1983 and 1984 budget programs.

In a recession, one does not ask those who are treading water to give up their life preservers. No realistic assessment exists that tells us what corporations are capable of giving to make up for the total lack of Federal responsibility. I agree with the President that voluntarism is an essential ingredient if we are to make this country a better place to live. But we cannot expect the spirit of volunteerism to meet the burden that has been placed upon it by the Reagan budget program.

Certainly, there is much to be said for the contributions of businesses. But corporate giving cannot pick up the slack on its own. It is too bad that the President spends so much time giving up responsibility rather than working together with the corporate world to create a better and more efficient partnership.●

COMPARISON BETWEEN AMERICAN AND SOVIET SPENDING ON SPACE-RELATED PROGRAMS

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1982

● Ms. OAKAR. Mr. Speaker, in his budget for fiscal year 1983, the President has proposed $6.6 billion in funding for the National Aeronautics and Space Administration (NASA), an increase of some $700 million over fiscal year 1982. Despite this increase, I am concerned by what I see as short-sighted spending priorities by this administration in terms of our country's investment in space exploration, aeronautics, and other kinds of advanced research and development (R. & D.) efforts.

In particular, I am concerned that one of NASA's finest facilities—the Lewis Research Center of Cleveland, Ohio, which is located in my 20th Congressional District—faces a somewhat uncertain future in the long term and in fact, has been marked for cuts in funding and personnel levels in the President's fiscal year 1983 budget. Such cuts are incomprehensible in light of the outstanding international reputation Lewis Research has earned as a leader in the fields of aeronautical R. & D. energy technology, space exploration, and medical technology utilization. It appears that the administration has adopted an inconsistent policy on this point; that is, to propose greater spending in order to strengthen our national defense but at the same time propose cuts in funding and personnel at Lewis Research—a facility that has provided the capability and expertise in developing the kinds of sophisticated technology essential to the strengthening of our national defense.

When our investment in aeronautics, space exploration, and related R. & D. work is measured against that of the Soviet Union, what emerges is a comparison that suggests a growing and

dangerous disparity between our spending on aeronautics and space-related R. & D. and Soviet spending on the same. In my judgment, the Office of Management and Budget (OMB) has wielded its budget axe in an indiscriminate and heavy-handed manner in those areas of the budget affecting NASA facilities and programs. OMB, whose record to date in fashioning budget cuts has fallen short of minimum standards of fairness and wisdom, cannot and should not be allowed to arrogate to itself the kind of technical knowledge and institutional expertise that are basic to a proper understanding of the importance of NASA-run programs which fulfill our national security needs and interests.

It is time for all of us to realize that we are in danger of gambling the future security of our country when we sacrifice our long-term qualitative edge in R. & D. technology to the narrow and short-sighted demands of the moment for across-the-board cuts in Federal spending. Such a policy of being penny-wise and pound-foolish becomes particularly irresponsible and risky when the gamble involves the possibility of losing our technological superiority to our principal adversary—the Soviet Union.

In the opinion of many Western experts, the Soviet space program is largely under the direction—some would say domination—of the military establishment. One of the branches of the Soviet military establishment is the Strategic Rocket Force which conducts all space rocket launches for both military and civilian purposes, although the primary mission of the strategic rocket force is to launch nuclear missiles. Also, it is worth noting that most of the individuals who are considered as probable high officials in the Soviet space program have strong military or defense industry backgrounds.

The CIA has analyzed the Soviet space program from the available data and concluded that it is dominated by military objectives. Current CIA evidence suggests that the Soviet Union may be spending about 2 percent of its GNP for space programs—programs, it must be kept in mind, that serve military purposes. The CIA also estimates that 11 percent of Soviet defense spending is space-related.

In contrast, the United States now spends about eight-tenths of 1 percent of its GNP for space programs. The difference between the Soviet Union and the United States in percentage of GNP spent on space programs may appear to be slight, but the fact is that the gap represents a potentially dangerous situation wherein the United States could eventually trail the Soviet Union in the application of space-related technology to military strategy and tactics.

A former director of Defense Research and Engineering in the Department of Defense has warned that one result of the large resource investment by the Soviet Union in its space program might very well be American military inferiority within a period of 10 years or less. In testimony before Congress in 1975, this Defense Department official expressed his concern that, "the Soviet effort right down the line in space has as its primary objective a superior military directed capability."

There is enough evidence gathered by the CIA and the Defense Department to indicate that the Soviet space program has a strong preference for military space missions. The implication of this, of course, is that the Communist Party leadership of the Soviet Union assigns high value and great importance to the strategic and military benefits of its space program. In fact, the CIA and the Defense Department project both an increased share of space expenditures relative to the total Soviet defense budget and a larger slice of the Soviet GNP pie for its space program and related research and development activities.

Mr. Speaker, current comparisons between the U.S. and U.S.S.R. on space-related spending show trends that should be troubling to any American who is concerned about preserving our qualitative edge in R. & D. technology. The rationale and guiding purpose of our space program should not be the placement into orbit of satellites that can be converted to military use against a potential opponent. Nor should our space program be guided by an effort to establish military bases on nearby celestial bodies.

However, our investment in space-related programs must reflect a determination to compete effectively with the Soviet Union in the development of technology in order for us to maintain our current qualitative advantage. Our investment must also reflect a realistic understanding of Soviet motives and missions in its space programs. On this latter point, it should be emphasized that since the sending into orbit of Sputnik in 1957 and through 1980, the Soviet Union has launched 1,846 payloads into space, of which 1,088, or 59 percent, have been for strictly military purposes.

During this same time, the United States has launched 1,036 payloads into space, of which 446, or 43 percent, have been military by mission. In 1980 alone, the Soviet Union launched 132 payloads into orbit, compared to only 16 for the United States.

It is commonly accepted that U.S. military space flights have proven to be extemely vital in providing accurate information on military-related activities throughout the world. Many defense analysts argue that this kind of information gathered from satellites acts as a safeguard against nuclear miscalculation by the major powers. Such a safeguard becomes all the more crucial and compelling in the absence of internationally ratified agreements for open skies and on-site inspection.

If the military photoreconnaissance missions performed by U.S. satellites function as an important safeguard and potential deterrent against provocation or miscalculation, then it is in our own best interests as a nation to maintain these missions on a par with the Soviet Union. Central to the performance of these missions is the appropriate allocation of the funds to NASA to provide the technical analysis and support data necessary for the proper institutional evaluation of, and scientific justification for, these missions.

The United States and the Soviet Union are signatories to a treaty banning weapons of mass destruction from Earth orbit and all military activities on other celestial bodies. While the Soviet Union has not placed nuclear bombs aboard its spacecraft, the Kremlin has, however, tested a fractional orbit bombardment system (FOBS). This testing has involved the use of a dummy warhead, with the launch of a satellite from the Soviet Union on a path bypassing the United States and the return of the test warhead to Earth before the end of the first orbit. The United States in contrast, has not developed or tested a system comparable to the Soviet FOBS.

Mr. Speaker, it is my firm conviction that our budget for funding programs under NASA must not be so shortsighted as to deprive us of our qualitative leadership in research and development and advanced technology and thus compromise our national security and defense needs. We have a serious responsibility to invest wisely in the future strength and safety of our country by allocating adequate resources to programs that encourage technological innovation and productivity. But I worry when I learn that the Soviet Union has twice as many engineers and scientists as we do and turns out engineers and scientists at five times the rate that we do.

We must begin now to make a commitment to the maintenance of a space program, aeronautics, and related research and development pursuits that preserves our No. 1 position and protects our vital national security interests. In this respect, NASA facilities such as Lewis Research Center should be given high priority in the allocation of Federal budget dollars.

To close, I would like to illustrate the points I have made with some imagery borrowed from Greek mythology.

In Greek mythology, Icarus was a young man who sought to escape his imprisonment with wings of wax made by his father. Icarus fell into the sea and drowned, however, because he flew with his wax wings too near the Sun.

Mr. Speaker, I for one do not intend to sit idly by and watch while proposals are put forth to fashion for NASA—Lewis Research, in particular—a budget made of wax wings because of misguided demands for indiscriminate budget cuts. Let us not consign our country's future strength and safety to a fate by drowning because the passion of the moment dictated wings of wax.●

CHANT B. KELLY LAKE

HON. WILLIAM C. WAMPLER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1982

● Mr. WAMPLER. Mr. Speaker, at the request of several constituent community groups, and with my own strong support, I am today introducing legislation to provide that the North Fork Pound River Lake in Wise County, Va., shall hereafter be known as the Chant B. Kelly Lake.

In southwestern Virginia, and Wise County in particular, Mr. Kelly is fondly remembered as "the founding father of Pound" and a "one man chamber of commerce." The scope of his efforts and accomplishments in service to that community is astonishing. Mr. Kelly was responsible for basically building the town itself, and encouraged others to locate in Pound. He was a strong supporter of a local bond issue which resulted in a new road to link Pound with surrounding communities. With a crude generator plant of his own, he furnished electricity to the area, and was solely responsible for obtaining regular electric service by a utility company. He was instrumental in obtaining a modern dial telephone system for Pound in the early 1940's and in obtaining WPA funds to finance a new waterworks for the community in the late 1940's.

Although he is well remembered and appreciated for these efforts, probably his greatest contribution to the area was with regard to the dam and lake. Chant Kelly knew the dangers of flooding in the area, and sought to protect his community from future disasters. After completing the preliminary survey work with an engineer, his efforts were directed in 1950 toward the dam project, and his efforts continued for 16 years until the project was completed.

Groups such as the Pound Senior Citizens, the Pound Lions Club, the Pound Town Council, and the Wise County Board of Supervisors have all petitioned my office to accomplish the renaming of the North Fork Pound River Lake. When the project was dedicated, a concerted effort was made to originally name it in honor of Mr. Kelly, who was living at that time.

This man, who dedicated his life to the service of his community and the betterment of the town of Pound, passed away in 1979. An editorial tribute to Chant B. Kelly following his death stated succinctly that "to the people of Pound a giant oak has fallen." I sincerely feel that redesignating this flood control project, for which he so generously gave his time and his efforts, will be a proper and fitting tribute to this fine citizen.●

FINAL REPORT ON THE 36TH SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY BY THE CONGRESSIONAL MEMBERS OF THE U.S. DELEGATION

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1982

● Mr. GILMAN. Mr. Speaker, on behalf of the gentleman from Florida (Mr. IRELAND) and myself, I submit herewith our final report of the work of our U.S. delegation at the United Nations General Assembly.

In our prior report to you in mid-November, the UN Security Council was deadlocked over the Executive Head of the world body, and the 36th General Assembly was a beehive of activity as it dealt with scores of draft resolutions and Committee reports and its remaining agenda. But by mid-December when the 36th UNGA had completed its business, it had elected a new Secretary General and approved 242 resolutions and 84 decisions. In this third report, we review several key developments of the last part of the General Assembly's Session.

The 15-member Security Council after a prolonged series of votes endorsed Javier Perez de Cuellar (pronounced de KWAYYAR) of Peru as the fifth UN Secretary General from the Third-World (U Thant of Burma having been the first) but the first from Latin America. He was the clear choice of the Council which, until the final days of the Session, had been deadlocked over Waldheim and Salim-Salim. After each withdrew, the contest opened up on several "dark horses" with de Cuellar winning a majority on the first straw ballot, and then unanimous approval of the Council, followed by UNGA approval. He is a lawyer by training and career diplomat by profession (de Cuellar was Perm Rep of Peru's Mission to the UN and Ambassador to Switzerland, Poland, Venezuela and the Soviet Union) as well as an international civil servant. Until last spring, he held the position of UN Undersecretary General for Political Affairs under Kurt Waldheim. The U.S. is highly pleased with his credentials and election. But how de Cuellar, who assumes his duties on the 38th floor on January 1, 1982, will in fact define and exercise his role as Secretary General is a matter of some speculation. Some put considerable stock in his reputation for "caution and scrupulous nonpartisanship" attributes which his supporters believe will make him a "Latin American Waldheim." Others who would prefer an activist SYG, are concerned that de Cuellar given these attributes may not live up to their expectations. Admittedly, the position of the UN Secretary General is extremely difficult because the job is subject to conflicting pressures of major powers and blocs. Some previous Secretaries General have managed to rise above the maddening crowd to carve out a sphere of influence on matters of world importance. Time will test de Cuellar's capacity to do this and to effectively manage the UN's worldwide bureaucracy of some 15,000. In any event, his election finally ended prior concern that the Waldheim and Salim deadlock would result in a split-term. Since the UN Charter mandates that the Secretary General serve a five-year term, the split-term was perceived to be a damaging legal precedent as well as an undesirable political and bureaucratic solution. Thus de Cuellar's unanimous election by the Council reflects that its Members and its President (for the month of December) Ambassador Ottunnu of Uganda, took seriously the constitutional provisions of the UN Charter.

The election of the new Secretary General only momentarily overshadowed the frantic pace of the UN General Assembly's December push to wind up its business. Since the Plenary must approve the recommendations of the seven standing committees as well as debate and approve resolutions on controversial topics such as the situation in the Middle East, Palestine, Namibia and Apartheid, its final days are overloaded with committee reports and recommendations, last minute lobbying on controversial draft resolutions, and often lengthy late evening meetings. Yet Perm Reps and their staffs must be constantly attentive to developments throughout the final days for reporting purposes as well as to head off undesirable amendments to resolutions, and to be prepared for otherwise unexpected events.

Key final developments in Plenary included the following:

The Middle East: The UNGA adopted a total of nine resolutions on the Middle East, they ranged from armed Israeli aggression against the Iraqi nuclear installation, the Question of Palestine, the human rights of Abu Eain, Israeli practices in the occupied territories, the UN Relief and Works Agency, recent Jerusalem excavations and the so-called Med-Dead Canal. The U.S. and Israel voted against a number of these resolutions because of their unduly harsh language including outright opposition to the Camp David Accords, support for the participation of the PLO in a comprehensive peace negotiation, condemnation of Israel's human rights violations of Palestinians in the occupied territories. Thus, despite the U.S.'s abstention on four of the seven parts of the resolution on Israeli Practices, we opposed three parts that condemned Israel for alleged human rights abuses and renewed the mandate of the Special Committee on Israeli Practices (93-2 (U.S.)-6), that condemned Israeli actions in the Golan Heights (96-2(U.S.)-24) and which condemned Israeli Practices Against Palestinian students and educational institutions (94-2(U.S.)-25). We also opposed an Arab sponsored resolution that denounced Israel's decision to build a canal joining the Mediterranean and Dead Seas "as an act of demographic, economic

and ecological aggression against the Palestinian people" (114-2(U.S.)-3). We opposed the entire six-part resolution on "the question of Palestine" which endorsed and renewed the mandate of the UN Committee on the Inalienable Rights of the Palestinian people, extended the Secretariat's Special Unit on Palestinian Rights, reaffirmed the PLO's role in the peace negotiations, condemned Israel's actions as a threat to international peace, and opposed all partial agreements, that is, the Camp David Accords. On the "Situation in the Middle East", the UNGA adopted a two-part resolution, shortly after Israel annexed the Golan Heights, which the U.S. opposed. Part A condemned Israel's continued occupation of Arab territories, rejected partial and separate agreements as violating human rights of Palestinians and found the 1981 U.S.-Israeli Strategic Cooperation Agreement to encourage Israel's expansionist and aggressive policies. Part B condemned and declared null and void Israel's decision to annex the Golan and demanded Israel to rescind its decision. The debate and resolutions on UNRWA, Israeli Practices, Palestine and the Middle East are standard fare of UNGA sessions. This fall, however, the UN added several new resolutions to its repertoire: The Med-Dead Canal noted above, the recent Jerusalem excavations, armed Israeli aggression against Iraq's nuclear installation, and the "Question of Human Rights relating to the Case of Ziad Abu Eain", an unprecedented resolution on an individual human rights case.

Abu Eain, a 23 year old Palestinian, fled to Chicago in 1979 after setting off a time bomb in the West Bank, killing two persons and wounding 36 others. Israel requested the U.S. to extradite him, under a 1963 U.S.-Israel treaty. Since he was arraigned in Chicago by the FBI and police, the U.S. communicated Israel's extradition request to the Chicago Magistrate's Court. Subsequently after a lengthy judicial proceeding in which Abu Eain was represented by former Attorney General Ramsey Clark, the Magistrate found Abu Eain extraditable under the terms of the U.S.-Israel Treaty. The U.S. District Court and U.S. Court of Appeals reviewed and upheld the findings and conclusions of the Magistrate. The case was then referred to Secretary of State Haig for his review of the judicial record. Upon review, Deputy Secretary of State Clark concluded that our treaty with Israel compelled the U.S. to extradite him. Abu Eain was then returned to Israel where he was imprisoned. He now awaits trial in Israel.

This event occurred amid the UN debate on the Middle East and mobilized the Arabs at the UN to sponsor a resolution which "strongly deplores the U.S. extradition of Abu Eain to Israel" to stand trial for an alleged act of terrorism, demands his immediate release from Israel, and his safe transfer with U.S. help to the country of his choice. The resolution was adopted (75-21(U.S. and the West except France)-43). Though the vote reflects a healthy respect for the U.S. judicial process and the bilateral rather than multilateral nature of the case by the West, the adoption of this resolution, along with an increasing number of others, demonstrates that the majority of UN Members continue to be deeply divided on the Arab-Israel situation. No swords were turned into plowshares on the Middle East at the 36th UNGA. However, it is important for governments to be able to blow off steam in this manner and to engage in combat of words, however strong or harsh, instead of missiles and guns.

Southern Africa: Intense conflict among UN Members over the Middle East situation appears to be matched only by the continuing controversy over the situation in Southern Africa—specifically the question of Namibia's future and the policies of apartheid of the Government of South Africa. Debate on each of these items produced more than 70 speakers, hour after hour of discussion and ultimately, two omnibus resolutions.

The question of Namibia regularly appears on the UNGA's agenda because of Third World pressure for its independence from South Africa. In contrast, the Contact Group on Namibia, consisting of Canada, France, FRG, the UK and the US—prefer to negotiate a political settlement for the peaceful transition of power in Namibia outside the UN framework, but in keeping with Security Council resolution 435 of 1978 and in consultation with the front line states, the South African Government and other relevant officials. A Western Contact Group succeeded in negotiating the groundwork for what ultimately was a peaceful transition of power in Zimbabwe and the present Contact Group hopes for a similar solution. In the UNGA's debate, the Report of the UN Council for Namibia and the Report of the UN Special Committee on the Situation with regard to Implementing the Declaration on Granting Independence to Colonial Countries and Peoples form the basis for the UNGA's resolution but appear to intrude on the "quiet diplomacy" of the work of the contact Group. Nevertheless, the UNGA adopted an omnibus six-part resolution on Namibia which focused on South Africa's illegal occupation of Namibia, the need for governments the UN and NGOs to isolate South Africa and support the rights and interests of the Namibian people, the need for disseminating information on Namibia through the Council on Namibia and for contributions from various sources including UN Members to the UN Fund for Namibia. Each of the six parts of the Namibia resolution was adopted by wide majority, none in opposition, but the members of the contact group consistently abstained.

In 1975, the UNGA voted to suspend South Africa because it had failed to grant Namibia independence. The U.S. continues to regard this action as illegal because, in our view, only the Security Council is mandated to make such membership decisions. Yet the U.N. continues to assess South Africa for payments to its regular budget; South Africa however, withholds its regularly assessed dues, and is now in arrears. The Secretary-General at the opening of the UNGA announced this fact according to the rules of procedure of the UNGA. Nonetheless, the UNGA continues to adopt condemnatory resolutions on the policies of apartheid. In this respect, the UNGA adopted a 16-part resolution on the "policies of Apartheid" sponsored by a number of African states. It called on governments to condemn apartheid as a crime against humanity; to condemn Israeli, U.S., and Western military and financial collaboration with South Africa; to sever all military, diplomatic and economic relations with South Africa and to adopt effective sanctions against South Africa. All sixteen parts of this omnibus resolution were supported by wide majorities; the U.S. opposed 14 of the 16 parts; one or more Western states, including members of the Contact Group joined with the U.S. in opposition to those parts that there especially harsh in their condemnation but otherwise abstained.

Human Rights: In a previous report, we referred to a major achievement of the 36th UNGA—the final approval of the Declaration on the Elimination of Religious Intolerance. The UNGA endorsed completion of several other international instruments: the Draft Convention on the Rights of the Child, a Declaration on Social and Legal Principles on the Protection and Welfare of Children, the Convention on Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment, the Draft Code of Medical Ethics, relevant to the role of health personnel in protecting persons against torture, and a second optional protocol to the International Covenant on Political and Civil Rights that would abolish the death penalty.

With regard to country human rights practices, the UNGA continued its previous emphasis on violations in Israel and South Africa, as we have seen. In addition, it adopted by wide margins resolutions on El Salvador, Guatemala and Chile, but did not take up the question of gross violations in other countries of the world. The Eastern bloc supported all three resolutions; the U.S. plus Israel and a number of Latin states opposed them and the Western bloc split on the vote, some abstained while others opposed their adoption.

International Drug Abuse Control Strategy: This was an important U.S. initiative at the 36th UNGA. During general debate in the Third Committee, Mr. Gilman delivered the U.S. statement in which he referred to the need for a long-term international strategy to control and prevent drug abuse as well as a stronger commitment to drug abuse programs, including enforcement education and rehabilitation measures. The U.S. then introduced a draft resolution on this subject which was sponsored by Australia, Bolivia, India, Pakistan, Turkey and subsequently Malaysia, Mali, Morocco, and Sweden. It referred to the global dimension and dangers of drug abuse and trafficking, the overall lack of commitment by the UN Members to drug related problems, the resolution of the Commission on Narcotic Drugs to establish a Task Force with representatives of appropriate UN agencies and most affected members to review, monitor and coordinate the implementation of the international drug control strategy and program of action, and called on the UNSG to report to the 1982 UNGA on Members' views in implementing the drug strategy. The resolution was adopted in the Third Committee and later in Plenary without a vote.

New Members: The 36th UNGA approved the Security Council's recommendation to admit to membership three newly independent states: Belize, Antigua and Barbuda, and Vanautu (formerly the New Hebrides). UN Membership now numbers 157.

International Year of Disabled Persons: the UNGA adopted a consensus resolution on the International Year of Disabled Persons (IYDP) after two full days of debate and 68 statements which were generally non-political and non-controversial. The resolution urged members to consolidate and build on the results of IYDP to secure the prevention of disability, rehabilitation and integration of the disabled into society, requested the UNSYG to convene a meeting of the Advisory Committee of the IYDP to finalize the draft World Program of Action and to take necessary steps to assure the successful follow-up of IYDP and to include on the 37th Session of the UNGA, the topic "World Program of Action concerning Disabled Persons." The U.S. strongly supports IYDP, the adoption by the Advisory Committee in 1982 of a World Program of Action

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on Disabled Persons and continued international cooperative efforts to prevent disability and find ways to rehabilitate disabled persons.

Comments: Whether at the level of Committee debate of Plenary, it is clear that the UN is not a world government. Its decisions for instance, cannot command its 157 members to resolve the Middle East situation or to assure a peaceful transition in Namibia or to halt the production of nuclear weapons, reduce military budgets and allocate savings to economic and social development. Why? Because there is no worldwide agreement among 157 states on these matters—the Third World may support one preferred solution, the superpowers another or the western powers still another. Resolutions adopted by committees and the Plenary are merely recommendations, not binding, except when they authorize the UN Secretariat staff to carry out particular studies and report to subsequent sessions of the UNGA, provide appropriations to carry out various budget functions, or require member governments to make payments to the UN regular budget. The latter is backed up with the UN Charter of constitutional authority, advisory opinions of the International Court of Justice and in the case of the U.S., domestic legislation.

Yet, the UNGA in concluding its 36th regular session, has debated a full range of world political issues in a highly compressed time-frame of three months. During this period, its 157 member states have been constantly engaged in political and diplomatic maneuvering to promote national or regional goals that serve their interests. Thus they spend an inordinate amount of time in negotiation over this or that word or phrase or text of a preambular or the operative paragraphs of each of a score or more of draft resolutions. It's not surprising to hear professional diplomats remark that there's more diplomacy per 24-hour day for three months at the UNGA than anywhere else in the entire world, including major capitals like Washington, London, Bonn, Paris, Rome and Tokyo.

The work of diplomats at Missions to the UN and in the UNGA contrasts qualitatively and quantitatively with "diplomacy as usual" in bilaterial relations. At UN Headquarters in New York City, diplomats from one UN Member government engage in diplomatic intercourse with diplomats of 156 other governments. Thus, to play the game well, U.S. diplomats must pay constant attention to the views and cues of the representatives of other governments in corridors, at receptions, in Committee meetings, regional caucuses and the Plenary and to seek them out to influence their views so as to reach a compromise acceptable to all or at least to a majority. Sometimes such a compromise is not possible—as in the case of the resolutions on the Middle East. On other less politicized issues, it is more readily accomplished—i.e., the International Year of the Disabled and the Campaign Against Narcotic Drugs. In both instances the UN mirrors the conflict or cooperation among states of the world on such issues. In both cases, it's important for the U.S. to "hang in there" and pursue its diplomatic role, make known our views and aim to influence the outcome. Otherwise we risk leaving the field to others who will mobilize views contrary to ours and play and win the battle of words, ideas, and interests. For all of these reasons, and not surprisingly, there was a certain unreal rarified atmosphere about this world political chamber that has now concluded its 36th session. Perhaps too, the unreality results from the fact that the UNGA, which reflects the conflict and cooperation among 157 states, is really the only place on the globe where one can observe a full dress parade of all the political issues on the world's agenda.

We have both welcomed the opportunity to be Congressional members of the U.S. Delegation to the 36th Session of the UNGA. We are preparing a fuller and more detailed final report on other issues that came before the UNGA but wanted to submit this third report in the interim.●

GUARANTEED RIGHTS FOR THE HANDICAPPED

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1982

● Mr. MINETA. Mr. Speaker, this is a time when we are reexamining the basic principles that underly the functioning of our Government. I submit that we have no task that is more important than providing equal access to the mainstream of American life for every citizen.

One group that particularly has a claim upon us are the handicapped individuals who daily confront endless battles to live with the convenience and dignity that the rest of us take for granted. As a government and as a nation, we must not fail in our obligation to each of our citizens, regardless of any handicaps they may have.

Our major legislative response to this basic need was the Rehabilitation Act of 1973. Section 504 of that act contains the precedent setting ban on discrimination against handicapped individuals in any program or activity receiving Federal assistance. This provision has, of course, been the subject of much debate and controversy over the years. It was not until 6 years ago today on April 28, 1976, that the President issued Executive Order 11914, which began implementation of section 504 under the leadership of the Secretary of Health, Education and Welfare.

Five years ago today, the Department of Health, Education and Welfare issued its model regulations for the implementation of section 504.

Implementing section 504 has been a long and difficult struggle. This effort is far from completed, and we have a long way to go. However difficult the task is we must not be diverted from our goal. We must not fail in our obligation and responsibility to each citizen, regardless of any handicaps they may have.

Our Declaration of Independence speaks with eloquence that "all men are created equal" and that they have "inalienable rights." Section 504 is a long overdue guarantee of those rights for the handicapped. We must continue the task of implementing this section with dedication and resolve.●

THE SAD STORY OF INFANT DOE

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1982

● Mr. MAZZOLI. Mr. Speaker, we all know by now the sad story of Infant Doe, a Down's syndrome baby with a malformed esophagus who was allowed to starve to death at the instruction of his parents.

Any guilt or wrongdoing on the part of Infant Doe's parents is a matter beyond my judgment. It is between them and their Maker.

But, I cannot hide my disgust and outrage at the hospital staff, the medical people, the government authorities, and the courts for having permitted this tiny infant to starve to death.

Think of that, Mr. Speaker, a baby starved to death in a hospital in Bloomington, Ind., amid all the technical and scientific equipment which could have restored and rescued his life.

This abomination cries out for attention.

How could the doctors and the nurses have gazed on this tiny, struggling infant and then closed their eyes and turned away? How could they have withheld their life-giving services from this newborn, helpless babe? They are a blot on the proud name of physician and the proud name of nurse.

Why did the governmental officials—who have legal authority to take children from abusive parents—stand mute and still in the presence of this poor baby grasping for life? They, who are charged to protect the helpless and the hurt, instead joined in the wanton and intentional destruction of life.

And the judges. They do not deserve to wear the robes of judicial office. They disgrace the whole profession of the law. They certainly could have seized upon a legal theory or applied a judicial authority to save this child's life. They would have done more for an endangered snail darter or an injured bird than they did for this human baby.

Mr. Speaker, I hope we learn lessons from this terrible misadventure. I would hate to think Infant Doe died in his lonely agony for nothing.

Because of its beauty and message, I place in the RECORD an article about Infant Doe's short and unhappy life by George Will, himself the parent of a Down's syndrome child.

[From the Washington Post, Apr. 22, 1982]

THE KILLING WILL NOT STOP

(By George F. Will)

The baby was born in Bloomington, Ind., the sort of academic community where medical facilities are more apt to be excellent than moral judgments are. Like one of every 700 or so babies, this one had Down's syndrome, a genetic defect involving varying degrees of retardation and, sometimes, serious physical defects.

The baby needed serious but feasible surgery to enable food to reach its stomach. The parents refused the surgery, and presumably refused to yield custody to any of the couples eager to become the baby's guardians. The parents chose to starve their baby to death.

Their lawyer concocted an Orwellian euphemism for this refusal of potentially life-saving treatment—"Treatment to do nothing." It is an old story: language must be mutilated when a perfumed rationalization of an act is incompatible with a straightforward description of the act.

Indiana courts, accommodating the law to the *Zeitgeist*, refused to order surgery, and thus sanctioned the homicide. Common sense and common usage require use of the word "homicide." The law usually encompasses homicides by negligence. The Indiana killing was worse. It was the result of premeditated, aggressive, tenacious action, in the hopsital and in courts.

Such homicides can no longer be considered aberrations, or culturally incongruous. They are part of a social program to serve the convenience of adults by authorizing adults to destroy inconvenient young life. The parents' legal arguments, conducted in private, reportedly emphasized—what else?—"freedom of choice." The freedom to choose to kill inconvenient life is being extended, precisely as predicted, beyond fetal life to categories of inconvenient infants, such as Down's syndrome babies. There is no reason—none—to doubt that if the baby had not had Down's syndrome the operation would have been ordered without hesitation, almost certainly, by the parents or, if not by them, by the courts. Therefore the baby was killed because it was retarded. I defy the parents and their medical and legal accomplices to explain why, by the principles affirmed in this case, parents do not have a right to kill by calculated neglect any Down's syndrome child—regardless of any medical need—or any other baby that parents decide would be inconvenient.

Indeed, the parents' lawyer implied as much when, justifying the starvation, he emphasized that even if successful the surgery would not have corrected the retardation. That is, the Down's syndrome was sufficient reason for starving the baby. But the broader message of this case is that being an unwanted baby is a capital offense.

In 1973 the Supreme Court created a virtually unrestrictable right to kill fetuses. Critics of the ruling were alarmed because the court failed to dispatch the burden of saying why the fetus, which unquestionably is alive, is not protectable life. Critics were alarmed also because the court, having incoherently emphasized "viability," offered no intelligible, let alone serious, reason why birth ·uld be the point at which discretionary killing stops. Critics feared what the Indiana homicide demonstrates: the killing will not stop.

The values and passions, as well as the logic of some portions of the "abortion rights" movement, have always pointed beyond abortion, toward something like the Indiana outcome, which affirms a broader right to kill. Some people have used the silly argument that it is impossible to know when life begins. (The serious argument is about when a "person" protectable by law should be said to exist.) So what could be done about the awkward fact that a newborn, even a retarded newborn, is so incontestably alive?

The trick is to argue that the lives of certain kinds of newborns, like the lives of fetuses, are not sufficiently "meaningful"—a word that figured in the 1973 ruling—to merit any protection that inconveniences an adult's freedom of choice.

The Indiana parents consulted with doctors about the "treatment" they chose. But this was not at any point, in any sense, a medical decision. Such homicides in hospitals are common and will become more so now that a state's courts have given them an imprimatur. There should be interesting litigation now that Indiana courts—whether they understand this or not—are going to decide which categories of newborns (besides Down's syndrome children) can be killed by mandatory neglect.

Hours after the baby died, the parents' lawyer was on the "CBS Morning News" praising his clients' "courage." He said, "The easiest thing would have been to defer, let somebody else make that decision." Oh? Someone had to deliberate about whether or not to starve the baby? When did it become natural, even necessary, in Indiana for parents to sit around debating whether to love or starve their newborns?

The lawyer said it was a "no-win situation" because "there would have been horrific trauma—trauma to the child who would never have enjoyed a—a quality of life of—of any sort, trauma to the family, trauma to society." In this "no-win" situation, the parents won: the county was prevented from ordering surgery; prospective adopters were frustrated; the baby is dead. Furthermore, how is society traumatized whenever a Down's syndrome baby is not killed? It was, I believe, George Orwell who warned that insincerity is the enemy of sensible language.

Someone should counsel the counselor to stop babbling about Down's syndrome children not having "any sort" of quality of life. The task of convincing communities to provide services and human sympathy for the retarded is difficult enough without incoherent lawyers laying down the law about whose life does and whose does not have "meaning."

The Washington Post headlined its report: "The Demise of 'Infant Doe'" (the name used in court). "Demise," indeed. That suggests an event unplanned, even perhaps unexplained. ("The Demise of Abraham Lincoln"?) The Post's story began:

"An Indiana couple, backed by the state's highest court and the family doctor, allowed their severely retarded newborn baby to die last Thursday night. . . ."

But "severely retarded" is a misjudgment (also appearing in The New York Times) that is both a cause and an effect of cases like the one in Indiana. There is no way of knowing, and no reason to believe, that the baby would have been "severely retarded." A small fraction of Down's syndrome children are severely retarded. The degree of retardation cannot be known at birth. Furthermore, such children are dramatically responsive to infant stimulation and other early interventions. But, like other children, they need to eat.

When a commentator has a direct personal interest in an issue, it behooves him to say so. Some of my best friends are Down's syndrome citizens. (Citizens is what Down's syndrome children are if they avoid being homicide victims in hospitals.)

Jonathan Will, 10, fourth-grader and Orioles fan (and the best Wiffle-ball hitter in southern Maryland), has Down's syndrome. He does not "suffer from" (as newspapers are wont to say) Down's syndrome. He suffers from nothing, except anxiety about the Orioles' lousy start.

He is doing nicely, thank you. But he is bound to have quite enough problems dealing with society—receiving rights, let alone empathy. He can do without people like Infant Doe's parents, and courts like Indiana's asserting by their actions the principle that people like him are less than fully human. On the evidence, Down's syndrome citizens have little to learn about being human from the people responsible for the death of Infant Doe.●

WHO SHALL LIVE? THE RIGHT TO "PICK AND CHOOSE"

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1982

● Mr. PAUL. Mr. Speaker, the case of "Infant Doe" in Bloomington, Ind., should send shudders down the spines of everyone of us. We are seeing here the logical development of a moral position which leaves human life subject to the arbitrary judgments of fallible men.

The case of "Infant Doe" should give pause to those who consider the murder of the unborn in a different category from the murder of others * * * how long will all those others be protected? This horrible incident illustrates just where we are heading via the slippery slope of abortion rights and the right to choose, applied at the expense of the right to life.

No man's—and no woman's—life, liberty, or property, is safe in a society which refuses to respect the most basic right of all of its members. I highly commend George F. Will's superb editorial, which follows. I hope that it will prod more of our fellow citizens into realizing that the fates of the "Infant Doe's" of this world are intimately bound up with those of the Jonathan Will's, and with our own.

The article follows:

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(By George F. Will)

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Such homicides can no longer be considered aberrations, or culturally incongruous. They are part of a social program to serve the convenience of adults by authorizing adults to destroy inconvenient young life. The parents' legal arguments, conducted in private, reportedly emphasized—what else?—"freedom of choice." The freedom to choose to kill inconvenient life is being extended, precisely as predicted, beyond fetal life to categories of inconvenient infants, such as Down's syndrome babies. There is no reason—none—to doubt that if the baby had not had Down's syndrome the operation would have been ordered without hesitation, almost certainly, by the parents or, if not by them, by the courts. Therefore the baby was killed because it was retarded. I defy the parents and their medical and legal accomplices to explain why, by the principles affirmed in this case, parents do not have a right to kill by calculated neglect any Down's syndrome child—regardless of any medical need—or any other baby that parents decide would be inconvenient.

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HEAD START PARENTS APPEAL FOR PROGRAM

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1982

● Mr. MILLER of California. Mr. Speaker, I continue to get letters from Head Start parents who both testify to the ways in which this program has dramatically improved their lives and those of their children, and express their concerns about Head Start's future. We know that Head Start works; that Head Start is cost-effective. And yet, even today, it serves only 25 percent of the eligible children, and faces substantial erosion from inflation and cutbacks in supportive services, CETA, title XX, child care food, medicaid. We need to listen to the parents of Head Start children and keep this exemplary program working. Another letter from a Head Start parent follows:

Head Start has really done a lot for my children and for my family. We have been involved in the Head Start Program for seven years. Since my children have been in Head Start, they have grown in their social, emotional, physical, and educational development. Had this program not been around, then my children would not have had this Head Start in life.

My children and family have reaped many benefits from all of the areas of Head Start: Health and nutrition; social services; education; dental care and parent involvement. Everything that they could possibly offer, we have had the advantage of receiving the services. There were times when I did not have anyone or any resources to turn to in my time of need, but Head Start was there. If the services could not be provided, then they would contact the resource and get me there since transportation was a problem.

In addition, as a parent, there are rights and responsibilities for volunteering in the program. I've learned a lot. I first began to volunteer my time in the classroom. From there I attended workshops for the teaching staff to help in working with the children in the classroom and at home. Being a single parent, I had a responsibility to my children to learn everything I could in raising them. Later, I became interested in the welfare of other children and their parents. Through Head Start, I learned that even though we are poor, we are still human beings with certain rights.

My interest as a parent in Head Start has led me to get involved in State and National Parent Associations. Parents and other people in the community need to know what Head Start has done and can do for children and families.

Head Start has helped my children and my family so much. I felt it was important for me to volunteer as much of my time as possible in helping out in the program wherever and whenever I could.

HEAD START PARENT.

AUBURN, ALA.●

MIGRANT FARMWORKERS: HOPE AND HARDSHIP

HON. SHIRLEY CHISHOLM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1982

● Mrs. CHISHOLM. Mr. Speaker, back in September of 1981 when I introduced the "Farmworker Bill of Rights Act," I claimed that there has been little improvement in the plight of our Nation's migrant farmworkers since the publication of "The Grapes of Wrath" 45 years ago or the airing of "Harvest of Shame" on television in 1961.

Despite attempts by growers and grower organizations to ridicule my assertion, and despite well-meaning but underfunded or underenforced Government programs, I believe that the living and working conditions of migrant farmworkers remain a national disgrace.

Recently, Ms. Georgia Dale, publications coordinator for the Association of Farmworker opportunity programs, visited the Rio Grand Valley. In the following narrative, she reports on the hope provided by CETA farmworker retraining program, and on the continuing hardship and exploitation found in the fields.

I urge my colleagues to read her words, and to again consider supporting H.R. 4453, my comprehensive and innovative farmworker legislation:

NARRATIVE BY MS. GEORGIA DALE

The contrasts on our trip to Texas were powerful. The first morning we were at a residential employment training center near Cleveland, in central Texas. It was operated by Motivation, Education, and Training, Incorporated, a farmworker employment and training program. Rows of neat mobile homes were lined up behind a cental administration building. A sparkling nursery had four happy-looking babies in it. Twenty older children played on the jungle-gyms outside. They were clean, healthy-looking, and their voices and activity made it clear that they were happy.

In classrooms scattered around the center, their parents learned skills which would help them to become more employable. Some studied to get their high school equivalency certificates. (The "average" farmworker goes no further in school than the sixth grade; the average reading level is about fourth grade.) A group of potential automobile mechanics worked to refurbish an old Pontiac. Wood-working students worked on kitchen cabinets in a well-equipped carpentry shop. A farmworker who wanted to stay in agriculture was learning welding to enable him to repair farm machines. The people at the training center had been relocated from farm areas along the Rio Grande valley through funds available for retraining farmworkers under CETA, Title III, Section 303. Such funds assist in making farmworkers more employable through on-the-job training contracts, and work experience agreements, as well as in programs at residential centers and vocational education schools.

It had rained the second morning, and the first two fields we visited had no farmworkers in them. All the eye could see was rows of spinach, stretching for miles along the Rio Grande valley. Our hosts, from a local office of the MET program, took us along the back roads to a cauliflower field. "We're in luck. They're working here," said Rudi, a farmworker housing advocate. We went into the fields, and spoke to the workers through an interpreter. The office supervisor, Tony, asked a man who looked to be in his late fifties how old he was. The man said he was thirty-eight. He asked another what his wages would be for his day's work. "We get what the contratista (farm labor contractor) wants to pay us," he said. Another man was bent, cutting cauliflower with a machete-like knife. He straightened his back slowly, and held up a cauliflower in one hand, and his knife in the other. He smiled broadly, and posed for our camera, and then returned to his back-breaking work.

Another field was filled with spinach pickers; there must have been thirty people of all ages spread out across the field. The afternoon sun was hot for a late January Friday. We spoke with a young girl. Though Hispanic, she spoke in unaccented English. Her name was Paula, and she had been in the fields since nine in the morning, soon after the rain had stopped. "How old are you, Paula?"

"I'm twelve."

"How long have you been doing this kind of work?"

"Ever since I can remember, since I was a little older than him," pointing to a small child with a bad cold, who peered over his mother's back as she cut spinach. It was clear that the questions were making Paula uncomfortable. She was willing to have her photograph taken, but did not pose for the camera as some of the other workers did; she moved methodically down the seemingly endless row.

Next to her, a young woman in her early twenties cut spinach as her child leaned over her bent back. The child appeared to be about two and a half. There were raw grooves beneath his nose, worn there by a perpetual cold. His mother seemed apologetic, and said that her child was in the fields with her because the day care center would not take him when his cold was so bad. Six rows away, two children played in a truck cab. They smiled and waved as we took their pictures—one was small enough to be sucking on bottle. Two other little boys played in the mud between the rows; one went and hung on his father's belt. The father showed him how to use a knife to cut the spinach off close to the ground.

On the other side of the field, a woman was cutting spinach, bent from the hips, her legs straight. When we went to talk to her, it seemed as if it took her a full minute to stand erect, and then her back was curved from a lifetime of bending. Her name was Consuelo, and the lines in her face and the grey in her hair made her look as if she were close to seventy. She was fifty-six, old for a farmworker; the average life expectancy is fifty-one years. She said that she had been born in Laredo, and that she had done such work all her life. It showed in her lined, leathery face, her bent frame, and her flat, expressionless eyes. We asked her where the sanitary facilities were. She laughed drily, and gestured toward the town of Eagle Pass. "There. There are bathrooms there." She shook her head at our naivete, and bent again to the row of spinach which was her reality.

This story can be told time and again, with different workers, at different times and places. The essentials are the same; long hours, stoop labor, low pay, poor conditions, no sanitation, no water supply, child labor in spite of child labor laws, no resting place other than beneath a truck sitting in muddy furrows. The list of affronts to human rights and human dignity is long.

In terms of gains made, the farmworker population has realized some improvements in its status, and there are nationally administered employment training, health service, and education programs designed to serve its needs. The structure is in place to help farmworkers learn to help themselves, but it requires a commitment from this nation to recognize that even with the necessary programs, the changes will not be swift. Voices must continue to speak out with conviction that farmworkers, whose efforts feed our nation and others, deserve and must have the benefits to which their labor entitles them.●

A BILL TO ESTABLISH U.S. PEACE ACADEMY (H.R. 6182)

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1982

● Mr. CONYERS. Mr. Speaker, I have introduced legislation (H.R. 6182) that would establish a U.S. Academy of Peace, and I invite you to join me as a cosponsor of the bill. This legislation is similar to the bill introduced by Senators SPARK MATSUNAGA, JENNINGS RANDOLPH, and MARK HATFIELD, which has 54 sponsors in the Senate and today was approved by the Senate Subcommittee on Education. It incorporates most fully the draft legislation of the Commission on Proposals for the National Academy of Peace and Conflict Resolution, chaired by Senator MATSUNAGA, that reported to the President and the Congress in February 1981.

The Academy of Peace would be an independent, nonprofit institution devoted to increasing the skills and knowledge for the peaceful resolution and conduct of international conflicts. The Academy established in the bill would serve three functions: education and training; basic and applied research; and peace information services. It would not compete with existing agencies or program; it would complement them. The Academy would be authorized for 4 years.

We cannot afford any longer to ignore or neglect peaceful solutions to international conflict. The contemporary obsession with weapons and with

military solutions to international problems has pushed global armaments budgets to $550 billion a year, and nearly one-fifth of this expenditure goes toward the stockpiling of nuclear weapons. At least 15 nations now belong to the nuclear club; another 16 or more are expected to join it in the next 10 years. A nuclear war, wiping out 800 million lives in a few hours, could be started by the decision of a single individual.

This relentless march toward military preparedness and warmaking represents a catastrophic drain on the human, social, and economic resources of the world community, not only among "developing" nations but also in industrialized ones as well. Across the globe nearly 1 billion human beings cannot read or write; 2 billion individuals lack safe drinking water and sanitation; one-half billion suffer from hunger and malnutrition, and another one-half billion lack any or adequate employment. Meanwhile, the world spends 2,300 times more on military activities than it does on peacekeeping.

The search for, and training in, peaceful alternatives to military conflict requires a massive effort. Yet this effort has to be made for there really is no choice. After years of discussion in the Congress and the country, we now are poised to act. The U.S. Academy of Peace would be a small step, but in the long run potentially one of the most significant steps, in this direction.●

MODERN BROADCASTING

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1982

● Mr. BROWN of Ohio. Mr. Speaker, the miracles of modern broadcasting have become so commonplace that we tend to take them for granted. It is really difficult to imagine a world without radio and television. But the success of our Nation's broadcasters, most of them are still local industries, is by no means inevitable.

A recent address before the Ohio congressional delegation by Mr. Thomas P. Moore, president of the Ohio Association of Broadcasters, serves as a reminder of the importance of the health of our Nation's broadcasting industries.

I would like to bring his remarks to the attention of my colleagues by inserting them in the RECORD at this point:

REMARKS OF THOMAS P. MOORE

We thank you all tonight for the service you render not only to Ohio's broadcasters, but to all your constituents. We truly appreciate what you do and always look forward to this opportunity to recognize each of you. And, because most of us know you personally and also stay tuned in on your daily activities through our news departments, we respect the demands on your time and have always tried to be candid in all our meetings like this.

So, in our closing minutes this evening, the OAB wants to touch on a few basic issues that will be coming before you before Election Day this session.

First, though the new technologies are and will indeed be changing broadcasting, Ohio Radio and TV remain essentially local industries. Ohio broadcasting programs for and reflects its local communities. And—for the most part—Ohio broadcasting is locally-controlled. For example, of our 331 stations in Ohio, only one is owned by a network. As you know, Ohio radio and television stations are essential sources of diverse information throughout our state, whether they're in Bucyrus, Lima, or Cleveland.

We program for and supply jobs for your constituents only to the extent we can sell advertising. Unlike our friends in cable we don't charge by the month or by the program. Unlike our friends in public broadcasting, we receive no tax dollars. Advertising is our sole source of revenue, and attempts to restrict it naturally are not welcome.

Our stations also depend upon another staple to operate in the public interest—information. In order to provide the news, as our legal and journalistic obligations mandate, we must have maximum reasonable access to what's going on, especially in our government. That's why we hope you'll keep the House open to broadcasters, and convince the Senate to open its doors as well through passage of Senate Resolution 20, which I know Senator Metzenbaum is supporting. The public should be able to see *its* Senate, and we in broadcasting should be able to use our tools just as the print media uses theirs.

Of course, newspapers have operated for centuries without any government rules or regulations . . . without any "equal time," "fairness," or lowest unit rate laws. Broadcasters simply ask for the same journalistic freedom under the First Amendment.

And this need becomes more compelling as new channels of communications provide even more diversity of outlets than we imagined.

For example, as we look across what's provided today in TV, radio, cable, videocasette, etc., Columbus now boasts 47 media outlets, Cincinnati, 63, and Cleveland, 58. And, those numbers are growing, no matter what size your city!

Of course, when we talk about First Amendment freedoms, some skeptics accuse us of simply waving the Flag, of using rhetoric second only to revered symbols like Mother, God, and Jogging. So, in opening our campaign for equal editorial treatment under the law, broadcasters will be documenting examples to show where existing regulations necessarily resulted in our avoiding the tough issues, in having to rely on self-annointed spokespersons, in giving free time to campaign groups pleading poverty to the stations . . . only to find them spending huge amounts in the newspapers. The general concepts of fairness are, of course, worthy, but in practice and in consequence, such regulation is stifling.

As you can imagine, our programming concerns extend beyond news. For years, we've debated with cable about the rules-of-the-game with regard to using and paying for programs. In fact, if some broadcasters were to make a movie about the cable industry, they might have entitled it "On Golden Promise" . . . or "Raiders of the Lost Audience."

But, I'm happy to report that the movie industry, the cable interests, the broadcasters, and even the Ted Turners and Bowie Kuhns appear to be on the road to compromise over the programming rules of the game in a cable-copyright bill. We urge you to consider this bill when reported by House Judiciary.

While such a compromise bill is not perfect, its attempt is to make the situation fairer, especially in regard to our syndications, network programming, and cable carriage of our stations.

Programming is the soul of broadcasting, as you know, and we should not forget the programming needs of the scores of Ohio communities served by daytime only stations. Support for bills like Doug Applegate's is welcome!

In closing tonight, OAB thanks each of you for extending our license terms in your legislative action last summer. We urge you to take the second needed steps in deregulation: clarifying our renewal standards, and codifying and extending the "unregulation" now granted by the FCC. We should know how our performance is judged and our performance should be the license renewal criterion. Broadcasters should not have their performance ignored in an outpromising contest with a competing applicant in license renewal.

Both the Swift and Collins bills, which we're discussing with you, grant meaningful deregulation while insuring broadcasters remain responsive to the public interest. What we're saying is this—simply give us the increased freedom to serve our local audiences in the separate ways that reflect the uniqueness of each community. With rapid advances in technology revolutionizing the communications system of our nation, we need the freedom to plan and implement the results of this electronic renaissance, so it best serves our viewers and listeners.

The public can be well served by all of us only to the extent that our economy rebounds. Consequently, we applaud the efforts of both parties to cut spending so interest rates can return to reasonable ranges.

Again, we appreciate your attention on this and so many other occasions and are grateful for this chance to recognize your service.

Ohio's broadcasters salute you, and wish you the best in the coming session and campaigns of 1982.●

THE CIVIL RIGHTS ACT FOR THE DISABLED MUST BE PROTECTED

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1982

● Mr. LANTOS. Mr. Speaker, today marks the anniversary of section 504 of the Rehabilitation Act. This regulation prohibits discrimination on the basis of handicap and applies to all agencies receiving Federal funds.

There is currently a danger that years of progress, which I have seen within the 11th District of California,

may be totally undone through changes in these regulations.

In order to prevent this I am sending the following letter to the President:

DEAR MR. PRESIDENT: I wish to draw to your attention my opposition to any regulation changes in Section 504 of the Rehabilitation Act of 1973. This Act prohibits discrimination on the basis of handicap and applies to all agencies receiving federal funds.

Section 504 serves as the Civil Rights Act for the disabled. The regulations guarantee equal opportunity for disabled people and require that public agencies remove barriers that prevent disabled people from participating in, benefiting from or being employed by such programs.

Section 504 corresponds to PL 94-142, which assures handicapped children a right to free and appropriate public education. Yet PL 94-142 provides these rights only to children, and only in those states which choose to participate. Without Section 504 there is no across-the-board protection of equal opportunity for the disabled.

The impact of the draft changes in Section 504 guidelines developed by the Department of Justice, if implemented, would curtail the ability of disabled Americans to participate fully and equally in our communities. Many individuals will again be denied the opportunity to obtain an appropriate education, access to public buildings and participation in services and programs for which they are eligible.

When the Rehabilitation Act was established in 1973, the intent of Congress was to protect the civil rights of the disabled. To amend Section 504 in any way would be destructive to the purpose of this law.

I respectfully urge you to uphold the rights to equal opportunity for all the citizens of this country by not proposing to amend Section 504.●

THE LOBBYIST

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1982

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, April 28, 1982, into the CONGRESSIONAL RECORD:

THE LOBBYIST

Hoosiers who speak with me about the government are more than a little curious about the role of the lobbyist in Washington. They do not see the lobbyist as the movies depict him—a man who smokes big, black cigars, wears $500 suits, lurks in the dark corridors of the Capitol, and lures Congressmen and Senators into secret, suspicious conversations. However, Hoosiers do have honest doubts about the lobbyist's special access to legislators and his potentially great influence over them.

A key feature of democratic government is the people's access to government officials. In our system of government, this all-important access is guaranteed by the First Amendment to the Constitution, which clearly recognizes "the right of the people peaceably to assemble, and to petition the government for a redress of grievances." The goal of the lobbyist is to reach government officials with the maximum impact and possibility for success. In reality, the lobbyist is much like the constituent who writes to his Congressman to express a point of view or describe a problem, except that the lobbyist is a professional who represents the interests of another—a labor union, a college, a corporation, an environmental group, a trade association, or a religious organization.

Most members of Congress realize that the lobbyist serves many useful purposes. For example, the lobbyist is a valuable source of information—a person who will make available to a legislator the relevant facts on a specific issue. The lobbyist has ample knowledge of those facts as they exist in his corner of the world, and a legislator needs to know them if he is to draft sensible, workable legislation in that specific area. The lobbyist sometimes provides ideas for legislation and protects Congressmen and Senators from mistakes. A good lobbyist knows that he can be much more effective if his information is timely and accurate. A lobbyist who tries to manipulate a legislator with misleading or outdated data quickly destroys his credibility and his usefulness.

Another value of the lobbyist is the close contact he has with the people he represents. The lobbyist uses this contact for his own purposes, but members of Congress use it, too, as a kind of "communications link" with their constituents. The lobbyist can help them meet people they might otherwise not have met; he can help them convey their views to people who might otherwise not have heard.

The lobbyist's job in the 1980's is far more complex than it was just a few years ago. Gone are the days when a single contact with a single influential legislator could accomplish the lobbyist's purpose. Gone are the days (I hope) when the lobbyist would consider offering bribes to legislators (incidentally, no lobbyist has ever made me an illegal or dishonorable offer). The tools of the lobbyist today are facts, reason, good will, and a spirit of helpfulness. Shady, belligerent, or bombastic advocacy may be effective on occasion, but in the long run it destroys the lobbyist's relationships with legislators. In my view, it is seldom worth the gamble.

Today, the lobbyist must deal with the diffusion of power within Congress and within the federal government. This diffusion of power means that the lobbyist must work with many members of Congress, not just one or two, and with many officials at various levels in several agencies of the executive branch. Since today's most successful lobbying is usually done by interest groups which press their claims together, the lobbyist must struggle to get other lobbyists lined up behind his position. In fact, coalition-building has become "standard operating procedure" for the lobbyist. The lobbyist must engage in indirect or "grassroots" lobbying, a technique which encourages people back in the state or district to contact their Senators or Congressman. A letter-writing campaign or a series of telephone calls can often influence a legislator; he is naturally impressed when his constituents take the time to express their genuine concerns.

There are many other things the lobbyist must do if he is to perform his function well. He must be deeply involved in the complexities of the legislative process. He must know not only how, but also at what time during the legislative process, to approach a legislator. The most common form of participation—the giving of testimony before the committees of Congress—can influence legislation and, if done with care, can be far-reaching in its impact, but it is only a single step in the shaping of a bill. Also, the lobbyist must compete with his fellow lobbyists for the ear of a Congressman or Senator. As the number of lobbyists grows and the schedules of Congressmen and Senators tighten, however, the competition for access to legislators becomes keener than ever.

As for the legislator, he should understand that Congress is a forum in which competing interests are sorted out and that the lobbyist has a critical role in that process. A legislator should not be surprised by lobbying, nor should he be resentful of it. Rather, the legislator should be sure to know where the lobbyist comes from, what his interests are, whether he may have useful information to offer, and how he can be helpful to the legislator. The legislator should be discriminating in his judgment of the lobbyist and his message and confident of his own ability to use the lobbyist without himself being used.

Most important of all, the legislator must never forget that most of his constituents do not have a lobbyist to represent them. The legislator owes his first allegiance to his constituents. He should hear them out first and be especially sensitive to those who are strongly affected by an issue but have no one speak for them.●

COMMUNITY COLLEGE WEEK

HON. MATTHEW F. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1982

● Mr. McHUGH. Mr. Speaker, the community colleges of the State of New York are among the greatest resources our people have. The higher educational opportunities they afford to millions of our citizens not only enhance people's lives in cultural and social ways, but also provide a crucial foundation for the development of the economies of communities throughout the Empire State.

On the occasion of Community College Week from April 25 through May 1, the Governor of New York has issued an eloquent proclamation in tribute to these colleges and as a reminder of the continuing need for our commitment to support their mission. I am pleased to share that proclamation with my colleagues.

PROCLAMATION

For more than thirty years, the community colleges of the State University of New York and the City University of New York have been working hand in hand with local business and industry, both large and small, in order to make the State a better place in which to do business.

Whether through technical advice or training courses tailored to meet the needs of area employers, these vital institutions have proven their commitment to improving commerce and the economy as a whole. The thirty-eight community colleges of New York have common qualities which make them, collectively, unequaled in the country as a cooperative educational public service

to business. They are accessible, varied, flexible, receptive, resourceful, responsive and progressive. Their special brand of outreach has earned them the respect of hundreds of thousands of New Yorkers.

The community colleges of the State University and of the City University receive their financial support from both the State and local governments. This partnership has proven to be a highly worthwhile educational investment.

Now, Therefore, I Hugh L. Carey, Governor of the State of New York, do hereby proclaim April 25—May 1, 1982, as Community College Week in New York State.

HUGH L. CAREY.●

PANAMA CANAL APPROPRIATIONS

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1982

● Mr. JONES of North Carolina. Mr. Speaker, I am introducing today a bill to authorize appropriations for operation of the Panama Canal in fiscal year 1983. The Honorable NORMAN LENT, ranking minority member of the Subcommittee on the Panama Canal and Outer Continental Shelf is a cosponsor of the bill.

The bill, when enacted, would authorize appropriations of $421,031,000 for necessary expenses of the Panama Canal Commission. Of the total amount appropriated $19,766,000 may be expended for capital projects. These amounts represent a reduction from the total budget request for appropriation of $452,589,000 with $29,024,000 available for capital expenditure.

The proposed reductions in the Panama Canal budget follow intensive analysis of the Commission's budget and full hearings by the Panama Canal Subcommittee. The bill also contains limitations on certain categories of nonessential spending, and recreation. These limitations are similar to those included in last year's authorization bill and in the act making appropriations to the Panama Canal Commission.

A section-by-section analysis of the bill follows:

SECTION-BY-SECTION ANALYSIS

Section 1. Short title.

Section 2. This section authorizes appropriations for necessary expenses of the Panama Canal Commission in the amount of $421,031,000, of which $19,766,000 may be expended for capital projects. Amounts appropriated for capital expenditures may remain available until expended. The appropriation authorized is $31,558,000 or 7 percent less than the amount requested in the President's budget and $511,000 or less than 1 percent more than the amount appropriated for 1982. The total reduction is made up of reductions of $22,300,000 in the appropriation authorized for operating expenses, and $9,258,000 in the amount requested for capital expenditure.

OPERATING EXPENSES.

The reduction in operating expenses represents the deletion of the accrual for casualty losses in the amount of $12,200,000 and an undistributed reduction of $10,100,000, the amount of the difference between the toll revenue deficiency used in preparation of the budget, $38,944,000, and the amount shown in the Commission's proposal for the increase in tolls, $28,851,000.

The accrual for casualty losses is for contingent payment of claims for $120,000 or more for vessel accidents outside the locks. Under Public Law 96-70 the Commission has no liability on such claims, and an annual appropriation to cover possible future requirement for payment of such claims is unnecessary and unauthorized. The President's budget is based on estimates of operating expenses that will exceed tolls and other revenues by $38,944,000. However, more recent estimates used in the Commission's proposal to increase tolls show a reduction in operating expenses reflected in a toll revenue deficiency of only $28,851,000. Inasmuch as the appropriation request reflects the higher estimate of operating expense, the amount authorized is $10,100,000 less than the amount requested for operating expenses. Review of the budget estimates in detail suggests that this reduction might be effected in the following activities:

[In thousands of dollars]

Item	Budget request	Bill	Reduction
Security and protection services (17)	12,891	9,559	3,332
Communications system (21)	1,329	1,257	72
General support services (25)	6,463	5,942	521
Office of Public Affairs (26)	893	775	118
Office of the Administrator (26)	4,466	4,214	252
Office of the Secretary (26)	335	266	69
Total	26,377	22,013	4,364

CAPITAL EXPENDITURES

The amount authorized by the bill for capital expenditures ($19,766,000) is $9,258,000 or 32% less than the budget request. This reduction is distributed among the four categories of capital "investment" requested in the budget estimates as follows:

[In thousand of dollars]

Project	Budget request	Bill	Reduction
Transit	21,831	13,764	8,067
General support	3,886	3,252	634
Utilities	2,403	1,870	533
Quarters improvement	904	880	24
Total	29,024	19,766	9,258

The reduction from the budget in the various categories of capital projects represents a reduction to the 1982 level of appropriations for these catetgories.

Possible reductions in the Transit category could result from deferment of some of the following specific projects in that category (the numbers in parentheses refer to the pages of the Justification on which the items appear):

Transit projects deferred:	*Thousands*
1. Replace and add tugboats (37)	$4,900
2. Replace dump scow (37)	1,996
3. Replace launches, etc. (37):	
(a) Replace crew boat	306
(b) Replace one line handle launch	225
4. Replace and add other transit equipment (38): (a) Add oil recovery equipment	320
5. Improvements, etc. to channel and transit facilities (38): (a) Replace marine railway	4,237
6. Construct tie up station (39)	254
7. Miscellaneous: Improvements to mine dock (40) 151	151

The bill authorizes use of the appropriation to purchase 42 passenger motor vehicles, of which 19 are for replacement only, as requested in the President's budget.

SPECIFIC OBJECTS

Section 2(a) of the bill also specifically authorizes use of the appropriation for seven categories of expense and limits the amount of spending for each.

This enumeration is included for three reasons. First, paragraph 2 of Rule XXI of the Rules of the House of Representatives provides that no appropriation shall be reported in any appropriation bill or be in order as an amendment thereto for any expenditure not previously authorized by law. Second, provisions of general law applicable to the Commission require specific authorization for expenditures of funds for certain purposes, such as, for example, passenger automobiles. (See 31 U.S.C. 638a). Finally, although use of appropriated funds is authorized for objects not specifically included in an appropriate act but having a direct connection with and essential to the accomplishment of the purpose for which the funds were appropriated, this authorization does not extend to use of appropriated funds for programs that have only an indirect bearing on the purpose for which the appropriation is made. (See 27 Comp. Gen. 679 at 681.)

Section 2(a) provides limitations for the various specific categories of operating expense as follows:

(1) OFFICIAL RECEPTION AND ENTERTAINMENT EXPENSES—$25,000

Appropriated funds may not be used for official reception and entertainment expense unless specifically authorized in the appropriation or other law. See 47 Comp. Gen. 657, at 658.

The President's budget includes language that not to exceed $25,000 may be used for official reception and representation expenses of the Administrator, thereby implying that the appropriation may be used without limitation for such expenses other than those of the Administrator. The authorization is for use of not more than $25,000 for official reception and representation expenses of the Commission as a whole. See audit report of Comptroller General of the United States (B-204078) dated August 5, 1981.

The Department of Transportation Appropriation Act of 1982 made available not to exceed $3,000 for entertainment expenses of the St. Lawrence Seaway Development Corporation to be expended upon the approval or authority of the Secretary of Transportation. (Public Law 97-102.)

(2) GUIDE SERVICES—$217,000

The operation of guide services is another activity that is not required for operation of the Canal and hence must be specifically authorized.

This activity is separately itemized in the appropriation language included in the President's budget. (Appendix p. I-V133) without a specific dollar amount. The guide

service is a function of the Information Office of the Commission but the cost of the Information Office ($893,000) is shown as a separate item in the Justification (p. 26). The Justifications include a separate line item of $234,000 for tour guides (p. 26).

(3) RESIDENCE OF THE ADMINISTRATOR—$60,000

This item is also included in the appropriation language submitted with the President's budget without a dollar limitation.

Section 5912 of title 5 of the U.S. Code provides that under regulations prescribed by the head of the agency concerned and approved by the President, an employee who is a citizen of the United States permanently stationed in a foreign country, may be furnished, without cost to him, living quarters in a Government owned or rented building. Rented quarters may be furnished only within the limits of appropriations made therefor.

Section 5913 of title 5 provides that under such regulations as the President may prescribe, funds available to a Government agency for administrative expenses may be allotted to posts in foreign countries to defray unusual expenses incident to the operation and maintenance of official residences suitable for the chief representatives of the United States at such posts and such other senior officials of the United States as the President may designate.

The authority of the President under this section has been delegated to the Secretary of State. Executive Order No. 10903, January 11, 1961. Regulations issued under authority of this section limit official residence expenses to those in excess of usual expenses incident to the operation and maintenance of the residence the official would occupy if he were serving at the post in another capacity.

Expenditures to be made for the residence for the Administrator included in the appropriation language are not shown in the Justifications. The bill limits these expenditures to $60,000, including staffing, the amount included in the 1982 authorization bill and appropriation act. The bill also ties these expenditures to the provisions of 5 U.S.C. 5913.

In an answer to questions from the Committee, the Commission advised that the budget estimates include $120,000 for maintenance and staffing of the Administrator's residence.

(4) EMPLOYEE RECREATION AND COMMUNITY PROJECTS—$25,000

This item represents a fund, initially established by the Board of Directors of the Panama Canal Company, disbursed by the Administrator to employee organizations for recreational and community purposes. It is included in the budget request as "Contingencies of the Administrator." Use of appropriated funds for such purposes must be specifically authorized by law. (See 18 Comp. Gen. 147; 27 Comp. Gen. 679.)

(5) EXPERTS AND CONSULTANTS—$520,000

Section 3109 of title 5 of the United States Code provides that "when authorized by an appropriation or other statute" the head of an agency may contract for the temporary (not in excess of one year) or intermittent services of experts or consultants or an organization thereof without regard to the provisions of the title relating to the appointment and compensation in the competitive service.

The 1982 budget (Appendix p. I-V133) lists as one of the necessary expenses of the Commission "to employ services as authorized by law (5 U.S.C. 3109)." The Justifications show an estimate of $520,000 in 1982 and $600,000 in 1983, compared to actual expenditure of $464,000 in 1981 (page 32).

The bill limits the authorization of appropriations for consultants in 1981 to a total of $520,000—the amount authorized for FY 1982.

(6) MAINTENANCE AND ALTERATION OF FACILITIES OF GOVERNMENT OF PANAMA USED BY THE COMMISSION PURSUANT TO THE 1977 TREATY—$4,000,000

This object is also listed in the President's budget (Appendix p. I-V133). The principal facilities owned by the Panama Government and used by the Commission which will be maintained and improved under this heading are employee quarters. Answers to questions submitted by the Commission show housing maintenance costs of $3,664,000 in 1981 and estimated costs of $5,000,000 in 1982, and $5,204,000 in 1983. Capital improvements to housing in the amount of $904,000 are included in the 1983 capital program authorized in section 2(b) in comparison to $1,084,000 for that purpose estimated for 1982.

The 1977 treaty provided for transfer of the title to all housing to Panama on October 1, 1979. Use of housing in specified areas for Commission employees is authorized, with provision for release of the housing to Panama on a schedule keyed to the reduction in the number of U.S. employees.

This section would limit to $4,000,000 expenditures for maintenance and improvement of this housing.

(7) EXPENSES OF THE SUPERVISORY BOARD—$60,000

Section 1102(b) and 1107 of the Panama Canal Act of 1979 provide that members of the Commission's supervisory Board shall serve without compensation, but shall be allowed travel expenses, including per diem in lieu of subsistence, in accordance with the provisions of section 5703 of title 5 of the United States Code. The Act contains no other provisions in regard to expenses of the Board.

The justification material submitted by the Commission in support of the budget includes $101,000 for such expenses in comparison to $59,000 in 1981 and $60,000 estimated for 1982. The $60,000 included in this bill is based on analysis of the appropriation request for expenses of the Board, which include such items as rental of meeting facilities, and "Meal expense—luncheons, dinners" which appear to be included in the authorization for entertainment by the Commission.

SECTION 2(B)

Subsection (b) of section 2 would authorize expenditure of $15,977,000 of the total amount of the appropriations authorized for capital acquisition and improvements. This amount is authorized to remain available until expended. The paragraph further authorizes acquisition of 42 passenger automobiles, of which 19 are for replacement. The numbers of vehicles follow the January appropriation request.

No limit is specified for the dollar amount to be expended for new automobiles inasmuch as this amount is controlled by general law applicable to all agencies.

SECTION 2(C)

Subsection (c) of section 2 divides the authorized capital projects into four categories and specifies the amount of the total authorization available for each. The types of categories are those included in the President's budget, and the amounts authorized for each are set out above in the analysis of section 2(a).

SECTION 2(D)

Subsection (d) of section 2 allows funds to be increased for a specific capital project if, after the Supervisory Board transmits a request for such an increase to the authorizing and Appropriations Committee in Congress, and none of the Congressional committees object to such increases within 60 days.

Any such increase in a specific category shall not increase the total authorization for capital expenditures, nor shall it increase the total authorization in that particular category. This is similar to a provision in the 1981 authorization bill.

SECTION 2(E)

Subsection (e) of section 2 authorizes the crediting to the appropriation of amounts received by the Commission for services to employees by other agencies. This language follows the 1982 authorization bill and appropriation act as well as the 1983 budget request.

SECTION 2(F)

Subsection (f) of section 2 authorizes supplemental appropriations for future increases in: (1) salary, retirement, or other employee benefits; (2) payments to Panama under paragraph 4(a) of Article XIII of the 1977 treaty (payment based on tonnage of vessels using the Canal); and (3) costs for fuel expenses.

SECTION 3

Section 3 of the bill provides that none of the appropriations authorized may be expended for meetings of the Commission's supervisory board unless such meetings are open to the public in accordance with the Government in the Sunshine Act of September 13, 1976 (5 U.S.C. 552b). This requirement is included because of adoption of regulations by the Board providing for closed meetings, notwithstanding the requirement of the 1976 act, applicable to executive agencies generally, requiring open meetings. The subject was explored fully in the oversight hearings held by the Panama Canal Subcommittee on July 28, 1980, and the report unanimously adopted by the Subcommittee recommended that open meetings be held in accordance with the Act. The text of the report is published in the appendix to House Report No. 96-74 to accompany H.R. 2596, 97th Congress, 1st Session. The Commission has not acted on that recommendation.●

REAUTHORIZE AND REFORM EDA

HON. DONALD J. MITCHELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1982

● Mr. MITCHELL of New York. Mr. Speaker, today, I am joined by my colleague from Georgia, Mr. JENKINS, in introducing legislation to reauthorize and reform the Economic Development Administration and extend the authorization of the Appalachian Regional Commission.

In view of the urgent demand for economic development programs cre-

ated by our Nation's growing unemployment problems, the dilemma of a deteriorating infrastructure, and a sagging national economy, we are convinced of the need to retain and improve these existing weapons in our arsenal of economic development programs.

To be sure, the Economic Development Administration has, in recent history, grown far beyond its original scope and mission. It presently endeavors to stretch its meager resources too broadly. Its eligibility critera have designated nearly 90 percent of the Nation as distressed area. The debate over the effectiveness of its programs is hampered by the lack of sound monitoring and evaluation procedures.

Yet, in spite of these problems, EDA is a proven job-creator. In my Congressional District in upstate New York, the local development district (the Mohawk Valley Economic Development District) has an admirable record of effectively implementing EDA programs. In 15 years, the MVEDD has created or retained nearly 20,000 jobs—a figure representing about 10 percent of the total employment in the district. It has done so at a cost of less than $3,000 in Federal funds per job; $49 million in EDA funds have generated projects totaling nearly $90 million.

To allow this type of effective economic development to continue, the bill that Congressman JENKINS and I have introduced will improve the targeting of EDA assistance, limit the level of Federal funds expended per job, mandate performance review and evaluation, and automatically reduce EDA assistance as the economy improves.

To do so, the bill eliminates the area designation procedure presently used by EDA as eligibility criteria. In its place, the bill proposes a "variable project criterion" that would target EDA funding to the most economically distressed communities on a case-by-case basis. In doing so, it will use a sliding scale that ties levels of EDA assistance to unemployment rates or per capita income.

The bill eliminates EDA programs that duplicate the efforts of other Federal agencies. Indian assistance, which duplicates Bureau of Indian Affairs' efforts, and disaster assistance, which duplicates the work of the Federal Emergency Management Agency, are eliminated by the bill.

The legislation will control the Federal cost per job created by the loan program using a statutory limitation on the level of assistance available per job created. It also mandates the establishment of an Office of Program Evaluation to monitor and report the effectiveness of EDA programs in actually creating or saving job opportunities.

By basing the levels of EDA assistance on unemployment rates or per capita income, the amount of assistance available will decrease as the economy improves.

The bill also reauthorizes the Appalachian Regional Commission, without program revision, for 3 years.

Although there are certainly many possible ways to deliver economic development assistance to needy communities, it seems clear that the pressing nature of our unemployment problems demands that Congress act as quickly as possible to put such assistance in the hands of economically distressed localities. It seems equally clear that the Economic Development Administration and the Appalachian Regional Commission are the logical mechanisms to be allowed to continue to do this job. They are both important instruments for economic development. EDA, of course, needs to be retooled to once again perform its job creating function effectively and efficiently. However, we should attempt to reform, not dismantle and replace, EDA if we want to act promptly to combat the pressing economic ills facing many of our Nation's communities.●

THE MAKING OF AN NRA MEMBER

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1982

● Mr. FINDLEY. Mr. Speaker, in view of the renewed debate on gun control, I think that my colleagues might be interested in reading the following editorial, "The Making of an NRA Member," by Stephen Chapman which appeared in the Chicago Tribune.

This editorial outlines the impact which gun control laws have had on legitimate sportsmen in Illinois. I think that this article vividly portrays the consequences of gun control laws on honest, peaceful citizens and the burdens these laws actually impose.

The lessons taught by the Illinois gun control experience should definitely be included in the ongoing Federal gun control debate.

The article follows:

From the Chicago Tribune, Nov. 7, 1981

THE MAKING OF AN NRA MEMBER

(By Stephen Chapman)

I'm a mild-mannered, unimposing sort, not somebody you'd tab as dangerous. People don't dive under their tables when I walk into a bar or cross the street when they see me coming. I've never been arrested. In fact, the only policemen I've ever met have been at parties, off-duty.

But no matter. To the Illinois authorities, I'm a desperate renegade, deserving of suspicion and harassment. I might as well be Sam Giancana's nephew.

You see, I'm a gun owner. Not a handgun, I should note, just a couple of sporting guns. In Texas, where I grew up, that's not unusual. I learned to hunt before I was old enough to shave, just like New York kids play stickball and Canadians ice skate.

So when I moved to Chicago a few months ago, I naturally brought my arsenal, hoping to get an occasional chance to heed the call of the wild. Of course I soon learned that Illinois requires guns and their owners to be registered, which Texans would no sooner tolerate than they would give San Antonio back to the Mexicans. But as a law-abiding citizen, I figured I'd go along.

So I made eight or ten phone calls to various government agencies trying to find out how to comply with the gun laws. Eventually I found out I'd have to get a gun owner's ID card and then register my firearms with the police.

Only trouble was, nobody could tell me how to get an ID card. One state agency told me to check with the police. The police, naturally, sent me to someone else, who suggested I try a sporting goods store. The sporting goods store, of course, knew nothing about how to get ID cards.

Finally someone told me to call the Illinois Department of Conservation. Sure enough, that was the place. They sent me the proper forms, and I sent them back.

That was more than two months ago, and I'm still waiting. But my conscience was clear; I had done what the law required. So last week, planning to stalk a few clay pigeons on the skeet range, I ambled into a sporting goods store to buy some shotgun shells. But no dice: The sales clerk sternly informed me that he couldn't sell me shells without the ID.

I assume this rule is supposed to keep ammunition out of the hands of convicted, felons, lunatics, and other risky characters. As far as I can tell, it foils only newspaper columnists, who are often irascible but seldom dangerous.

Any self-respecting robber or murderer would want more firepower than you get with 20-gauge skeet-loaded shells, which are barely powerful enough to knock the fluff off a dandelion. Of course, if I weren't so respectful of the law, I could have sawed off my shotgun, stuck up the sporting goods store, and made off with a heist of skeet-loads.

It probably hasn't occurred to the state authorities that the gangs in Cabrini-Green probably don't buy their ammo at Sport Mart. If I were a real criminal, I'd probably know someone who would sell me shells without an ID, though those types usually don't deal in skeet-loaded shells.

If you want to know why people join the National Rifle Association and other anti-gun control crusades, just look at how Illinois gun owners are treated. (I had joined the NRA before moving here, but only after a few run-ins with the gun control authorities in Washington, D.C.)

Gun control advocates always soothingly proclaim their benign intentions toward sportsmen. In practice, however, their bureaucrats spend most of their time harassing the law-abiding, since criminals generally avoid law enforcement agencies. Irving Kristol defines a neo-conservative as a liberal who's been mugged. Likewise, an NRA member is probably an otherwise reasonable gun owner who's run up against the people who enforce gun laws.

You may dismiss my problems as the product of normal bureaucratic incompetence, which may be accurate. Unfortunately, the tougher laws the gun control lobby wants will be enforced by the same incompetent bureaucrats. The only difference is that they'll have the power to harass even more people than now.

But apparently my problems aren't accidental. Recently I saw Gov. Thompson on a news program calling for tougher federal gun control, citing as a model Illinois' requirement of a gun owner's ID. One of its merits, he said, was that anyone who wants to buy a gun has to wait from 6 to 8 weeks until his application is processed. In other words, he likes the law because it subjects everyone—criminals and lawful citizens alike—to arbitrary delays.

In any case, the bureaucrats are even more effective than the governor claims. When I called the conservation department to find out why I hadn't gotten my card, they said it normally takes from 12 to 14 weeks. So I've got plenty of time to plan my next trip to the skeet range. While I'm waiting, I think I'll send off a check to the NRA.●

BILL GREEN INTRODUCES NEWS MEDIA PRIVACY PROTECTION ACT

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1982

● Mr. GREEN. Mr. Speaker, in 1978, New Jersey Judge William Arnold cited the New York Times and its reporter, Myron Farber, for contempt in refusing to turn over unspecified notes and materials subpenaed by defense attorneys in a murder trial. The subpena called for the production of more than 5,000 documents, based on the belief of the defense that something in the files would be helpful to the defendant. In challenging the subpena, the New York Times and Farber invoked both the first amendment to the U.S. Constitution and the New Jersey "shield law," which was designed to protect confidential news sources. The New Jersey court brushed aside both defenses, and the U.S. Supreme Court refused to stay the contempt citations. While Myron Farber has since been pardoned by the Governor of New Jersey, the legal precedent has not been overturned.

The Farber case follows in the footsteps of the U.S. Supreme Court's decision in Branzburg against Hayes in 1972. The Supreme Court, in upholding appellate court decisions in Kentucky, Massachusetts, and California, ruled that reporters could be forced to testify before grand juries because the "public interest in law enforcement" must "override" any journalistic claim under the first amendment. Thus the Farber controversy has served to reiterate that the media cannot rely for protection upon the free press clause of the first amendment in this type of situation.

Nevertheless, as Justice Byron White noted in the *Branzburg* decision, "Congress has the freedom to determine whether a statutory newsman's privilege is necessary and desirable." The Media Privacy Protection Act of 1982 is intended to answer Justice White's invitation. It would protect individual journalists and newscasters and the news media from the forced disclosure of news sources. The guarantee of confidentiality would extend to actions before the courts, grand juries, and Federal and State administrative and legislative bodies. The following 26 States and Guam have enacted shield laws to protect the confidentiality of news sources:

Alabama, Alaska, Arizona, Arkansas, California, Delaware, Illinois, Indiana, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Montana, Nebraska, Nevada, New Jersey, New York, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, Tennessee, and Guam.

However, as the Farber case has underscored, local and State judges have succeeded both in circumventing State shield laws and refusing to recognize a reporter's privilege based on the first amendment. Moreover, unlike the other testimonial privileges, that is, husband-wife, doctor-patient, priest-penitent, the protection afforded by shield laws is not descended from the common law.

The Federal shield law set forth in this bill seeks to place the journalistic privilege on a par with recognized traditional testimonial privilege while, at the same time, developing and extending the protection afforded the press by the first amendment. The trend of court decisions at all levels clearly indicates that, absent a Federal shield law, no newspersons can successfully combat a contempt citation for refusing to disclose a news source. In the 96th Congress, the Congress enacted the Privacy Protection Act, a response to the U.S. Supreme Court's decision in Zurcher against Stanford Daily. That case involved a police search of a newsroom. The Privacy Protection Act placed in statute restrictions on the use of search warrants to obtain materials in the possession of journalists. It is now time for Congress to complete its work in guaranteeing protections to journalists. A free and unencumbered press is essential to the viability of the American experiment in democracy. I urge my colleagues to support the Media Privacy Protection Act of 1982.●

PROPOSED JURISDICTION TRANSFER FOR THE SURFACE MINING OF CRUSHED STONE, SAND, GRAVEL, AND OTHER AGGREGATES

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1982

● Mr. ROUSSELOT. Mr. Speaker, an article in the Washington Post of Friday, April 23, entitled "Life at the Mine Safety Agency Can Be the Pits" raised some misleading and controversial points about the effect of the current rider on the continuing resolution which transfers jurisdiction over the surface mining of crushed stone, sand, gravel, and other aggregates. My colleague, Congressman MURTHA, has attached language to the urgent supplemental appropriations bill, H.R. 5922, which would negate the effect of the MSHA funding prohibition. As we will be considering this issue in the very near future, I would like to address some of the issues raised in the Post's article and arguments addressed by opponents of the transfer.

Mr. Speaker, the article in the Washington Post was almost correct in indications that "OSHA does not inspect firms with fewer than 10 employees unless there is a complaint or reported accident." What was left out of that report was the fact that such firms also have to have a good safety record, one that is lower than the national incident rate of 8.5. I urge my colleagues to review the Bureau of Labor Statistics on the safety records of these operations available through my previous remarks on this issue in the RECORD or from the BLS.

Supporters of transferring jurisdiction over the effected industries have long contended that once operators are freed from MSHA's oppressive administrative and inspection burdens, safety records would improve and the incidence of fatalities decrease. The Post article points out that "so far this year 13 deaths have been reported in sand and gravel, stone, clay pits, compared with 20 at the same time a year ago * * *." The inference that aggregate operators are not reporting injuries or fatalities to OSHA is, in a word, nonsense. Even the fatality figures used in the Post article are false. In response to a query from one of my congressional colleagues recently OSHA stated that between December 16, 1981, and March 22, 1982, only 4 fatalities at sand, gravel, and stone operations have been reported to it, not 13 as the Post article states. Further, the Post article states that there were 20 deaths at this time last year. MSHA's official statistics for January 1, 1981, through June 30, 1982, a full half year,

list only 10 sand, gravel, and stone fatalities. Not only are the figures shown in the article an imaginary fabrication, but a comparison of this year and last year shows a significant decline of fatalities. This tends to confirm the industry contention that the 1977 Mine Safety and Health Act actually interferred with particular efforts to improve worker safety. National trade associations, MSHA, and OSHA have all informed operators that they must report any incident of such degree to OSHA or risk legal actions.

Members of Congress have been deluged with letters from opponents of the transfer rider who falsely insinuate that OSHA has not assumed jurisdiction over the surface operations of crushed stone quarries, sand and gravel pits, and over operations. Mr. Speaker, nothing could be further from the truth. As a matter of fact, last week, during the Senate appropriations hearings held by the Labor, HHS, and Education Subcommittee on MSHA's fiscal year 1983 budget request, Senator SPECTER asked Assistant Secretary for Mine Safety and Health Ford B. Ford if OSHA had indeed assumed inspection responsibilities over the affected industries. Mr. Ford's answer was a simple "yes." Mr. Speaker, that record is clear on the fact that OSHA has indeed assumed responsibility for jurisdiction over the affected industries. I have referred to interagency memos between MSHA and OSHA and press releases in other remarks on this subject. OSHA has assumed jurisdiction and, it is in writing. By memorandum of agreement between OSHA and MSHA on December 16, 1981, both agencies acknowledged OSHA's jurisdiction over surface stone, sand, gravel, clay, and colloidal phosphate.

Mr. Speaker, I urge my colleagues to explore all sides of this story, to contact trade associations, management, and labor. We should delve into this subject with zeal and skepticism as it will, once more, come before us in the coming days.

The will of Congress has been expressed in many recorded votes during the past several years. Congress has consistently voted in support of transferring jurisdiction over these industries to OSHA. Mr. Speaker, the main reason such votes have occured on other measures is the fact that this issue has never received an airing in the appropriate forum. This is to say, the committee hearing. Despite this handicap we have consistently expressed our approval of such transfer. The majority of the Members of both Houses of Congress, by repeatedly voting to effect this transfer of surface stone, sand and gravel, clay, and colloidal phosphate to OSHA jurisdiction have indicated their agreement that the Mine Safety and Health Act of 1977, originally written to control tragic high injuries and fatalities in underground coal mines, is not the proper or productive safety law for surface stone, sand, and gravel. To negate the past congressional record of support of this issue because of misrepresentations and falsehoods advanced by opponents, would be a travesty.

The Post article follows:

LIFE AT THE MINE SAFETY AGENCY CAN BE THE PITS

(By Douglas B. Feaver)

Uncertainty continues to be the constant at the Mine Safety and Health Administration (MSHA), where, in the past year, the budget was cut, coal mining fatalities climbed and the budget was restored.

Now, congressional action and reorganization have resulted in a cut of more than 300 authorized jobs. No one knows how many real people will lose work, but many of those whose positions have been abolished are eligible to "bump" MSHA employees with less seniority. The bumping process has hurt morale and has reduced MSHA's effectiveness in the field, according to critics.

So far this year there have been 48 coal mining fatalities nationwide, compared with 39 for the same period last year. In 1981, the worst year for fatalities since 1975, 153 miners were killed.

Coal mining is the primary target of MSHA's enforcement efforts, but the agency also has statutory responsibility for safety in sand, gravel and stone operations. However, in a continuing resolution last December, Congress prohibited spending for that purpose. As a result, 220 sand, stone and gravel inspectors were furloughed indefinitely. Many of them bumped less senior coal mine inspectors.

In March, with the appropriation bill from MSHA's parent Labor Department among those still unresolved on Capitol Hill, Congress adopted another continuing resolution to finance MSHA for the rest of the fiscal year, but continued to prohibit sand, gravel and stone inspections.

So now, 260 positions in sand, gravel and stone inspection have been abolished, and the bumping process has started anew. "We have morale problems among inspectors already, and this will lead to more," said John Jarvis, legislative manager for the United Mine Workers here.

Theoretically, Labor's Occupational Safety and Health Administration (OSHA) should pick up responsibility for sand and gravel inspections. However, OSHA does not inspect firms with fewer than 10 employees unless there is a complaint or a reported accident, and thousands of sand and gravel operators have fewer than 10 employees.

So far this year 13 deaths have been reported in sand and gravel pits, compared with 20 at the same time a year ago, but officials say they believe some fatalities may have gone unreported because federal enforcement is in limbo. "Congress and the Reagan administration are abdicating their responsibility," Jarvis said.

In addition to the sand and gravel issue, MSHA is eliminating separate education and training offices and reassigning those personnel to inspection offices.

MSHA personnel specializing in settling differences between mine operators and enforcers have been cut from 121 to 38 and reassigned to district offices. There has been no reduction in the number of coal mine inspectors, officials said.●

SECTION 504 OF THE REHABILITATION ACT OF 1973

HON. AUSTIN J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1982

● Mr. MURPHY. Mr. Speaker, April 28 is significant in the history of our Nation's recognition of the rights of our handicapped citizens. Six years ago today an Executive order gave the Department of HEW the responsibility to develop regulations implementing section 504 of the Rehabilitation Act of 1973. Five years ago today the model regulations developed under that Executive order were signed and sent to the Federal Register. It is appropriate on this date to review the history of civil rights for handicapped persons in this country and to assess some of the results of the events we mark today.

During the 1970's America embarked on a new course for dealing with its disabled population. By passing the Rehabilitation Act of 1973, and—more importantly—by issuing regulations for its implementation, American policymakers signaled to the disabled community that they would move social policy toward the handicapped away from institutionalization and charity to support for entitlement and civil rights. The disabled population could now hope to be full and participating citizens rather than wards of the State, defined by what they could do rather than what they could not do, and seriously considered as possible taxpayers rather than tax users.

To be sure, it was a long journey for America's handicapped citizens to the day when HEW Secretary Joseph Califano implemented section 504 of that act. Prior to 1973, policymakers at all levels of society tended to ratify second class citizenship for the handicapped. Society tended to consider the handicapped as dependent, unhealthy, deviant persons who would always need care and protection. Throughout American history, the handicapped were lumped with other deviants from the body politic that ought to be hidden from view. With startling regularity State after State created schools for the blind, deaf, infirm, and retarded in wilderness areas, far from public view. Those who populated these asylums were sometimes subject to practices such as sterilization.

However, events in the 20th century altered this picture. The industrial revolution brought with it industrial accidents; wars brought home an increasing number of more profoundly disabled personnel; modern medicine saved lives, but left more disabled by disease or accident; parents of disabled children became increasingly involved

with their children's lives, joining groups of parents with similar situations. People slowly took note of the fact that there were 30 to 40 million disabled citizens in our country. These persons could not be considered morally deviant, especially those who had once worked in the fields or mills or gone to battle. And, as the century progressed, able-bodied Americans realized that disability could claim them, too.

Three factors combined with these events to produce the setting for change. In the traditional disability community, the disabled themselves, or parents of disabled children, became the leading spokespersons and advocates. When America's combat veterans returned from Vietnam, a larger percentage of them returned paralyzed, blinded, or in some other way disabled, saved by modern medicine, but nonetheless in some way incapacitated. These veterans revealed the barriers that society had erected against the disabled, and they were not shy about insisting that they be removed. Finally, the civil rights movement awakened large segments of America, including the handicapped, to the great issues of discrimination, segregation, and equal opportunity. People from the disabled community reasoned that if it were wrong to discriminate because of race or sex, then it was equally wrong to discriminate on the basis of handicap.

Congress responded to the justice of this new movement for equal opportunity by including in the Rehabilitation Act of 1973 the first major piece of disability civil rights legislation, section 504. Its sponsors, notably Senator Hubert Humphrey, intended 504 to be an extension of the Civil Rights Acts of 1964. Section 504 simply stated that:

> No otherwise qualified handicapped individual in the United States, shall, solely by reason of handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

To disabled persons, this meant that organized society was ready to eliminate the barriers that had resulted in historic patterns of discrimination and segregation and would extend the privileges of full and equal citizenship to them.

It took well over 3 years, however, for the Department of HEW to act on its own regulations and coordinating guidelines. These years of frustration among the disabled community brought litigation, petitions, peaceful assemblies, and civil disobedience—finally resulting in the signature that we commemorate today.

We cannot overstate the importance of section 504 for disabled Americans. It established, finally, that disabled citizens were to have an equal opportunity to participate in and contribute to society. And disabled citizens themselves have set about making certain the law would work so that they could freely enter the halls of Government, so that disabled children might have a free and appropriate education, so that they might have an equal opportunity for employment; in short, so that they might lead independent and productive lives.

As with all social change, the extension of equal opportunity to the handicapped has met with resistance. There have been arguments over the costs of accessibility. But, interestingly, institutions of higher education, which felt the effect of section 504 the earliest, have discovered that, given 504's emphasis on program accessibility, it is not so costly a program as they first feared. Indeed, with section 504 facing regulatory reform from the present administration, one of the major groups calling on the Justice Department to let 504 alone is the American Council on Education.

Disabled Americans are, likewise, saying let 504 alone. They are just now beginning to realize the benefits that equality of opportunity accords.

If one desires to look at this law from a cost-benefit point of view, it should be clear that more disabled individuals are attending school, receiving higher education, working and producing—and that this will continue into the foreseeable future. Each of these disabled individuals in the work force will mean one less person on welfare and social security rolls. Society will clearly reap great benefits from section 504.

But section 504 is primarily a civil rights protection for disabled persons, growing out of the recognition that every American has a right to the dignity and independence that can only be achieved with equal opportunity. As such, it should not be subject to cost-benefit analysis; rather, it should be maintained, implemented, and understood as a civil rights statute which has given over 36 million Americans new hope that their lives will be meaningful and productive.

Mr. Speaker, I hope the administration will reconsider its present effort to weaken section 504, and that my colleagues will join me in support of this vital civil rights statute.●

A PROPOSAL TO CONTROL U.S. MILITARY INVOLVEMENT IN EL SALVADOR

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1982

● Mr. STARK. Mr. Speaker, following is a proposal to control Presidential military spending in El Salvador, which I presented before the Appropriations Subcommittee on Foreign Operations.

I hope that this proposal will encourage debate on the very important problem of Presidential evasion of congressional review in providing increased military assistance to El Salvador.

TESTIMONY OF HON. FORTNEY H. STARK, JR., BEFORE THE SUBCOMMITTEE OF FOREIGN OPERATIONS

Mr. Chairman and members of the Subcommittee, thank you for giving me the opportunity to appear before you today. I am here to testify in support of budget limitations in the Foreign Aid Appropriations bill, along the lines of a bill which I introduced last month, which would prohibit the President from evading congressional review in providing military assistance to El Salvador.

Mr. Chairman, as a well-respected and vocal critic of the Administration's intervention in El Salvador, I know that you too, are interested in limiting the President's use and abuse of the various emergency funds. Hence, I thought that you would be interested in efforts to ensure that the President does not have large amounts of money which he can use in an overly broad manner to commit us into a war situation. I believe that controls or limitations on this emergency power would be a very popular amendment to the always hard to pass Foreign Aid Appropriations bill.

The bill which I introduced, H.R. 5802, was, of course, referred to the Committee on Foreign Affairs. My bill prohibits the President from evading congressional review in providing military assistance to El Salvador. More specifically, it places a ban on Presidential use of the special authorities contained in sections 506(a), 610(a), and 614(a) of the Foreign Assistance Act of 1961, in order to provide El Salvador with military aid during the remainder of FY82 and during FY83. A similar amendment to the Foreign Aid Appropriations bill for FY83, could control Presidential use of the special authorities in these sections for FY83.

The President has been evading congressional review in his effort to give military assistance to El Salvador—more than 65 percent of the U.S. aid to El Salvador since the resumption of military assistance has been provided under section 506(a), which requires no congressional approval. The $55 million in military assistance which President Reagan provided El Salvador with on January 29, 1982, under 506(a), represents a more than 200 percent increase over the $26 million already authorized and appropriated for FY82. Moreover, since the President was again granted great flexibility in the use of the special authority in 1979, 97 percent of the funds have gone to El Salvador. This excessive exercise of 506(a) for El Salvador must be halted immediately—President Reagan should be using the regular authorizations and appropriations process for controversial military assistance to El Salvador.

Section 506 authorizes the President to order the drawdown of defense articles from the Department of Defense to provide emergency military assistance to foreign countries and international organizations, providing he finds that there is an unforeseen emergency requiring immediate action and the emergency cannot be met by use of the Arms Export Control Act or any other provision of law. The amount of military assistance which the Administration has request-

ed under 506(a), is $75 million for FY82 and also $75 million for FY83. This is quite a leap from the $10 million ceiling in FY79. Sections 610(a) and 614(a) of the Foreign Assistance Act comprise the President's primary authority to transfer funds from one program to another and to waive restrictions imposed by the Act.

The history of the special authority reflects the degree and nature of Presidential flexibility which Congress has concluded was justified at various times. During the period between 1976 and 1979, Congress virtually prevented the use of the special authorities, because of concern over the war in Southeast Asia and the use of the special authority to continue the bombing of Cambodia. Since the restrictions were eased during the 96th Congress, 506(a) has been used five times: Thailand, $1.1 million; Liberia, $1 million; El Salvador, $5 million; El Salvador, $20 million; El Salvador, $55 million. The use of the special authority for El Salvador has deviated from past usage in frequency and quantity. I think it is obvious that Congress must intervene again.

According to the State Department, the unforeseen emergency for which the $55 million was to be used, resulted from the need to replace the aircraft lost by the Salvadoran military in the January 27th attack by guerrillas on the Ilopango Airbase. However, by looking at the items which the United States provided, it is obvious that the U.S. has done much more than merely respond to the Ilopango attack. The Department of Defense stated that the following Salvadoran aircraft were destroyed or severely damaged: 6 Ouragan ground support fighters, 5 C-47 transports, and 6 UH-1 helicopters. In response, the United States provided the following items:

	Millions
Replace aircraft lost in Jan. 27 attack on Ilopango Airbase and enhance capability	$25.0
8 A-37B A/C light fighter/bombers	
4 C-123K A/C troop transports	
12 UH-1H A/C helicopters	
4 O-2A A/C spotter aircraft	
Establish intelligence system	1.0
Equip intelligence school	
Improve ground force capability	13.5
Equip 2 quick reaction battalions	
Replace G-3 rifles with M-16's	
Decentralize command control and enhance capability	2.0
Security and illumination systems	1.0
Support-spare parts/administrative/logistics	7.5
Training-attendant training with above equipment and materiel/combat training center	5.0
Total	55.0

It is clear that the President has gone beyond merely replacing lost equipment.

It is my belief that the Congress must grant the President reasonable authority to act in emergency situations when there is not sufficient time to seek congressional authorization and appropriation for assistance. However, I feel just as strongly that Congress must not simply close its eyes to how these authorities are being used. If the furnishing of emergency military assistance to El Salvador is truly important to the national interest in FY82 and FY83, the President can come to Congress for authority. Through an amendment to the Foreign Aid Appropriations bill, Congress can ensure that the President does not use major grants of discretionary authority merely to bypass Congress and congressional procedures on controversial issues.

I hope that the Subcommittee will consider an amendment to its appropriations bill, along the lines of HR 5802. I am sure that a provision to prohibit the President from evading congressional review in providing military assistance to El Salvador, would aid the typically difficult passage of the Foreign Aid Appropriations bill.

Thank you for your consideration of this matter.●

ANNIVERSARY OF SECTION 504 REGULATION

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1982

● Mr. GEJDENSON. Mr. Speaker, I would like to bring to the attention of my colleagues in Congress the issue of civil rights for the handicapped, an issue that now appears threatened by this administration. It is particularly appropriate to discuss this issue now as today is the fourth anniversary of the model 504 regulation.

As many of you know, section 504 of the Rehabilitation Act of 1973 prohibits discrimination against handicapped individuals by recipients of Federal financial assistance. The first 504 regulation was promulgated by the Department of Health, Education, and Welfare and serves as the model for other Federal agencies. In 1978, amendments extended section 504 provisions to the executive agencies and to the Post Office.

The importance of section 504 cannot be overestimated. It is the first major Federal law which specifically protects the civil rights of the handicapped. Patterned after the antidiscrimination language of the Civil Rights Act of 1964, implicit in the law's language is the right of a handicapped person not to be discriminated against solely by reason of his handicap.

The responsibility for review and approval of section 504 regulations lies with the Department of Justice. Unfortunately, it appears that the Department plans to weaken and limit the 504 guidelines this year, limiting the concept of equal opportunities in employment, changing the definitions of handicapped person and qualified handicapped person, and limiting accessability to employment, education, and mass transportation. I am terribly dismayed at this action and urge all of you to join me in fighting any changes in the model regulation.

Our country has made such historic strides in civil rights for the handicapped over the last decade. It is impossible for a nonhandicapped individual to assess just how important these rights are.

I would like to quote from a letter from a close and dear friend. Phyllis Zlotnick is someone who has benefited greatly from recent changes in the laws to protect the handicapped. And, I can add without hesitation, all the citizens of Connecticut have benefited from her devoted service to the needs of the disabled.

Let me quote from her letter:

As a person with mobility restrictions of a life-long nature, I am very aware of the problems caused by man-made barriers whether structural or attitudinal in nature . . .

In the few brief years we've (begun) to worry about the cause and effect barriers, I think we have proved that disabled people are an asset to our country when our abilities are utilized . . . It is far more cost effective to remove (these) barriers so people can become taxpayers, rather than maintain them out of sight, in costly institutions.

What a sad commentary that while other countries are celebrating the International Year of the Disabled, America has chosen that same year to move away from our civil rights.

When I became actively involved as an advocate in 1972, I had a feeling of hope, that when people were educated about man's inhumanity to man, they would remove (physical and psychological) barriers. I believe that most of our problems were not maliciously caused . . . at the time that was true.

Now I have a total sense of helplessness. Barriers, physical and psychological, are being made quite maliciously. In order to make the wealthy wealthier, the handicapped must go back to institutions.

I've heard people say . . . that handicapped people's demands are excessive and that it is impossible to make a handicapped person useful and mobile no matter how much is spent. Personally, I can't accept these statements as facts. Since you and I first met, my world has changed because of these laws. Sidewalk curb cuts made the difference between staying indoors and going out. Ramps and elevators allowed me to get into buildings. With the help of vocational rehabilitation, I learned to drive and equipped a van.

I went to work and began to pay taxes. For general purposes, my disability was no longer a handicap. I had mobility and dignity.

Excessive costs? For the most part, no . . . Maintaining people on welfare or in institutions is much more expensive.

Excessive costs? It is excessive to want freedom?●

FROM HOMER TO BRADEMAS: THE GREEK HERITAGE IN HIGHER EDUCATION

HON. JAMES M. SHANNON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1982

● Mr. SHANNON. Mr. Speaker, I would like to take this opportunity to share with my colleagues a speech given recently by Dr. John R. Silber, president of Boston University, at a recent dinner honoring the former majority whip of this House, John Brademas. Dr. Silber's address, entitled

"From Homer to Brademas: The Greek Heritage in Higher Education," urges a continuing role for the classic Greek literature and philosophy in today's higher education and should be of interest to classical scholars and persons of Greek descent, as well as those who are concerned with the future of higher education.

FROM HOMER TO BRADEMAS: THE GREEK HERITAGE IN HIGHER EDUCATION

(By John R. Silber)

I am delighted to be here tonight to honor John Brademas. I first got to know John as an impressive member of Congress and one of the comparatively few who possessed both well-articulated opinions on, and a well-informed understanding of, colleges and universities. It was a pleasure to work with him in those days when he chaired the Subcommittee on Education and provided distinguished leadership on higher education to the entire Congress.

While I join with the rest of higher education in regretting his departure from Capitol Hill, as a president in the independent sector I rejoice that New York University has found a president of such distinction. The urban independent universities face a decade of severe trials, and in providing itself with so gifted and vigorous a president, New York University has made an excellent start towards surviving the stresses that lie ahead.

It is appropriate tonight, at this gathering of distinguished Americans of Greek heritage, to reflect on the position of that heritage in our institutions of higher education today. The ancient Greeks had what amounted to an obsession with the question of education. They rightly understood that the character of their state would depend upon the quality of the education their people received, that accordingly the quality of that education was a matter of intense public concern. Understanding that the citizens ought to be trained and educated in a variety of ways, they produced a system of education which the German scholar Werner Jaeger was to describe and analyze in his monumental study "Paideia." "Paideia" comprised a broad-based and intensive system of education by which the young of genus homo sapiens were brought to a moral, physical, and intellectual status fit to make them citizens.

This concern with individuals in their full complexity is the great legacy that Greece left Western culture. But it is a legacy under attack.

Three hundred years ago that heritage, with its derivative Roman and Christian offshoots, formed the entirety of the university curriculum. Fifty years ago, although higher education had broadened its compass to include contemporary science and a wider range of literatures, the Greco-Roman tradition was still at the core of the humanities, which themselves formed the core of higher education. And even thirty-five years ago, although there was increased competition from the sciences for space in the curriculum, the Hellenic tradition was still at its center.

Where do we stand today? Not well. A recent curriculum proposal at a great university says: "We do not think there is a single set of great books that every educated person must master and we do not think an inevitably thin survey of conventional areas—humanities, social sciences, natural sciences—is any longer valuable." That last part may be harmless; the first part, however, is a cultural statement of the greatest importance: "We do not think there is a single set of great books every educated person must master."

This is not, I take it, a point of view that would find much favor before an audience of Hellenes. You spring from the civilzation that not only devised the notion of paideia—of education as a transmission of culture—but which also produced most of the culture to transmit. This was once so obvious a fact as hardly to need saying, although people occasionally found striking ways of saying it; for example, Alfred North Whitehead's remark that all philosophy is but a series of footnotes to Plato, or Sir Henry Sumner Maine's dictum that "Except for the blind forces of Nature, nothing moves on this earth that is not Greek in its origin."

The implication of this proposed curriculum, with its rejection of the Greeks and their successors in the tradition of humane letters—such as Augustine, Shakespeare and Hobbes—is that there is no particular reason why an educated person should know these works, or the works of Aeschylus, of Aristotle, of Moliere, of Kant. If we consider the simple facts of educated reading, we can see that this notion is false, if for no other reason than that an educated person must be able to read with comprehension and without recourse to a reference library, the works of readily accessible poets in his own language. Milton's sonnet "On His Deceased Wife" is one of the greatest poems by one of the greatest English poets:

"Methought I saw late espoused saint
Brought to me like Alcestis from the grave
Whom Jove's great son to her glad husband gave
Rescued from death by force though pale and faint."

Who's Alcestis? If he has not been exposed to classical learning, the student must return to the library to find out, and when he does, his appreciation of the allusion can never be the same as if he had recognized it directly, experiencing one variety of what the critic Edmund Wilson called "the shock of recognition."

This poem and other classics of our culture, which were high school requirements in the 19th century all over the Midwest, the Southwest, South, and other benighted areas of the nation, will now be beyond the educational expectations of graduates of our leading university.

We are in danger of losing our way. I believe that many in the university will admit that the god has withdrawn from the ceremonies it celebrates and from the principles for which it allegedly stands. This withdrawal is no fault of ours, nor our fathers, not our predecessors, not the previous presidents of our institutions, nor boards of trustees. The fault lies neither in our stars nor in ourselves, but in the cultural disarray that marks our age.

As educationally dubious as any curriculum must be that does not include the study of the classics as a requirement, what can we say of entire educational institutions where such study is not possible even as an option? Once or twice in my experience as President of Boston University, it has been suggested to me with various levels of stridency, that I should close down the department of Classics and transfer to other departments the money that is now spent at Boston University not only on the teaching of ancient Greek but also on the teaching of Byzantine and modern Greek. My answer on these occasions is this: it is not possible for Boston University to survive without a department of Classics because no institution without one deserves to be called a university. Institutions of higher education that turn their backs on the Hellenic tradition behave as if they wish to have honey without keeping bees. But it is a sad fact that many colleges and universities have lent themselves to this shortsighted rejection of the classics.

What have we lost in the ongoing loss of the Hellenic tradition? Sometimes the loss is of archetypes, for there are now no archetypal moments on which one can depend unless Hollywood has made a movie of them. When, last year, I asked a group of Boston University freshmen "What did David and Jonathan have in common with Achilles and Patroklos?" few knew who David and Jonathan were and only a couple of classics students had heard of Achilles and Patroklos. As an experiment, I then added Starsky ahd Hutch to the pairs and everyone knew the answer. One can measure the decline of a civilization by noting that this generation finds its archetype of male friendship not in David and Jonathan or Achilles and Patroklos, but in the confused television images of Starsky and Hutch.

Sometimes our loss is of pungency and subtlety: when Sir Arthur Conan Doyle had Dr. Watson mourn Sherlock Holmes as "the best and wisest man I have ever known," his readers would have recognized the allusion to Socrates and known that Dr. Watson could find no better words to express his sense of loss than those Phaedo used to eulogize Socrates. The reader deprived of his cultural background can still resonate to these moving words, but the force of the tribute can never be what it was to the original reader.

And sometimes our loss is of pedagogical technique. A hundred years ago, the Platonic dialogue was still a living form in use in our elementary and secondary schools. William Holmes McGuffey prepared readers for our primary and secondary children that included such dialogues as "Let it Rain" in which the Platonic view of the inseparability of fact and value was clearly presented.

Now Socrates has said that one does not know what a thing is unless one knows what the good of a thing is; what the thing is for. One does not know a knife unless one knows what a knife is used for. One does not know the form of anything unless he knows the form of the good.

McGuffey's method was essentially a Socratic method used to bring home some elemental truths to the very young. Two and a half millennia have not brought us a better method, and yet we are in danger of forgetting it.

But our greatest loss is the loss of meaning. For by providing meaning to human existence the humanities have their justification. The meaning of the "Iliad" has survived for nearly thirty centuries, for the first five or so by being told around small banquet-fires (somewhat less grand than this one) to generation after generation of Greeks. These were not men of genius; these were *hoi polloi* who lived in Ionia, on the Aegean Islands and on the Greek peninsula, and the "Iliad" was a story that entertained them. The "Iliad" and the "Odyssey" are first of all simple stories about fundamental human experience, told in a way that anyone can understand, but in a way that will move any person of normal intelligence and sensibility; any person of ordinary capacity will be elevated and inspired by them.

When, in the "Iliad," the body of Patroklos is brought back and Achilles goes into great mourning, deciding not to bury his friend as long as the man who killed him lives, we are confronted with an elemental understanding of friendship and its obligations. At least Achilles has been brought to face his epic battle with Hector. When finally they meet each other, Hector, after having run four times around the city of Troy with Achilles in hot pursuit, turns in full knowledge of his approaching death and fights before those city gates.

Why does anyone turn to fight? As Patroklos said earlier, if we had the option of living forever then we would take care not to risk our lives; but since none of us will live long, the important thing is to live well and to bring glory to our lives before we die. Hector is deeply moved by the same thought: he will not die with a spear between his shoulder blades; nor he will not forfeit his life to Achilles without trying to prevail over him; instead he will turn, fight for his life, and lose it with a glory second only to Achilles' own. He opts for dying well and thus for living well.

Achilles triumphs over Hector's body and drags it home. Then the question arises of burying Patroklos and of what will happen to the body of Hector. This leads to a profoundly moving scene. Achilles has already grown in spirit from the time when, angered by his mistreatment by Agamemnon, he sulked in his tent, refusing to fight and thereby inadvertently contributed to the death of his close friend, Patroklos. Now he has the opportunity of spciling the body of Hector who killed Patroklos and of burying Patroklos with honor. Then Priam, the father of Hector, comes to beg for his son's body. The old king kneels before Achilles, who can kill him at any moment and Achilles has killed many men who embraced his knees as suppliants. But Achilles is moved with emotion. The powerful young man and the frail old man weep together over the deaths of Patroklos and of Hector and they find a bond in their common grief. Achilles gives the body of Hector to his father for honorable burial.

A person who has read the "Iliad" and attended to it is prepared to live and prepared to die in a way that those who have not read it will not be. Those who have read it know about friendship, about anger and its dangers, about resentment and its dangers, about the importance of piety, about the grandeur and nobility of pity, about the risks men run when they violate the demands of justice, about the distinction between right and power.

The "Odyssey" is no less rich in insights, not merely of adventure and warfare, but of domesticity. When, after 20 years away from his home, Odysseus finally returns to Ithaka and meets with his son Telemachos, we get an incomparable picture of a reunited family, one that still has the power to touch us emotionally over thirty centuries:

"[And so Odysseus spoke], and sat down again, but now Telemachos folded his great father in his arms and lamented, shedding tears, and desire for mourning rose in both of them; and they cried shrill in a pulsing voice, even more than the outcry of birds, ospreys or vultures with hooked claws, whose children were stolen away by the men of the fields, before their wings grew strong; such was their pitiful cry and the tears their eyes wept."

Note that in weeping in one another's arms, the "desire for mourning arose in Odysseus and Telemachos." Why not the desire for rejoicing? Because the father and the son had to mourn 20 years of companionship lost forever while Odysseus was trying to return home from Troy. And, consequently, while they rejoiced they simultaneously mourned. The sensitivity with which Homer recounts this reunion has never been surpassed.

And finally Odysseus is revealed to his wife, Penelope, who had for 20 years resisted the suitors who wanted to take over Odysseus' holdings by marrying his wife. Penelope, wary after those long years of trial, views Odysseus with suspicion, hardly able to believe, to dare to believe that it is truly Odysseus and not an imposter:

"So he spoke, and her knees and the heart within her went slack as she recognized the clear proofs that Odysseus had given; but then she burst into tears and ran straight to him, throwing her arms around the neck of Odysseus, and kissed his head, saying: 'Do not be angry with me, Odysseus, since, beyond other men, you have been the most understanding. The gods granted us misery, in jealousy over the thought that we two, always together, should enjoy our youth, and then come to the threshold of old age. Then do not now be angry with me nor blame me, because I did not greet you, as I do now, at first when I say you. . . . But now, since you have given me accurate proof describing our bed, which no other mortal man beside has ever seen, but only you and I, and there is one serving woman, . . . [now I know that it is you]."

The way in which Odysseus proves himself the husband of Penelope is significant: he proves it by describing their marriage bed, which obviously would not be evidence had it been frequented by others. In our age, in which "intimacy" with strangers is commonplace, an author would have to find some other device for proving the identity of the returning husband.

But perhaps our greatest legacy from the Hellenic tradition is the tragic vision that informs us that all men are losers. We must remember the poignant saying which Sophocles applies to Oedipus: "Count no man happy until he dies."

This austere, sane, invigorating and ultimately exalting view of human life is still authoritative. Despite the decadence of our times, the themes and myths that animated Greek culture in antiquity have survived. They are too profound, too tough, too significant to our own lives, to disappear. Among others, modern Greeks have continued to work the rich ore of their cultural heritage. They have read Homer and—more important—they have understood him. In consequence, they have produced works of art that are as powerful and as Greek as the original. Consider, for example, the poem by C. P. Cavafy. It is called "The Horses of Achilles," and is imbued with Homer's tragic vision of life.

Nor is this tragic view of life confined to heroic figures: to Patroklos and Achilles, to Ajax and Odysseus. It is also applicable to the life of Everyman, to the hoplites at Thermopylae, for example, whose matter-of-fact gallantry has inspired poets from Simonides to T. S. Eliot.

When we recognize that all men face essentially the same end—rich and poor alike—that is, that all men die—and that the problems posed by higher religion and by ethical systems, have been those of seeing how defeat can be transformed into victory through a variety of spiritual and moral movements, we will confront religion and ethics in a profoundly different light; in the light of the humanities.

It is a light that first illumined Hellas, and all of us—Greeks by birth and Greeks by education—have a stake in seeing to it that this light is not extinguished.

We have in common with the men and women of classical Greece, the culture which they developed and which through thirty centuries, as often as not through inadvertence rather than deliberation, has been handed down to us. A substantial part of our humanity is Greek. We—all of us in the West—are what we are because of the Hellenic tradition, and when we study it, we study ourselves.

As different as the next century will be from the fifth-century Greece, it will also be a dangerous and challenging time in which to live and thus, very similar. And the ancient Greeks have a good deal to tell us about how to live and how to die in such a time. The world of Homer and the Greek dramatists is not a fair world: up on Olympus, the gods live and laugh, intervening in the affairs of men in ways that are neither predictable nor always admirable or desirable. Their erratic dominion over man is not because, like the Christian God, they made him * * *.

Living in initmate contact with such gods was a risky business, and it taught the Greeks the wisdom of accepting the inevitable and getting on with the business of life. He had taught them the stupidity of bitterness. They learned to accept the inevitability and irrationality of the thunderbolt, thinking of it as "just Zeus again". They did not allow themselves to be terrorized into living in caves. They knew it was not only possible, but essential, to live well even in the face of an unpredictable and sometimes downright malevolent universe.

While we have made some progress in taming the universe and the forces of nature, the universe is really not much more predictable or less dangerous than it was in Homeric days. And if we are to live in a way that justifies the labor of existence, we cannot look for a better guide than the Hellenic tradition, to live with courage that alone brings joy.

That is why I am certain that five hundred years from now we shall still, in the beautiful words of Odysseus Elytes, be "Dinking the sun of Corinth and Reading the marbles."●

SYNFUELS AND SECURITY: THE REAL STORY

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1982

● Mr. CORCORAN. Mr. Speaker, what many of us have been told about the synthetic fuels program is simply not true. Examination of four of the most commonly made arguments in support of continuing the current program reveals the gap between rhetoric and reality.

CONTENTION

The synthetic fuels program entails no current outlays of funds.

RESPONSE

In fiscal year 1982, $469.8 million will be outlayed through the Federal Financing Bank for the TOSCO and

Great Plains loan guarantees. Unless the TOSCO project is terminated, $915.1 million will be outlayed for these projects in fiscal year 1983.

The Synthetic Fuels Corp., in addition, projects administrative expenditures of $24.5 million in fiscal year 1982 and $35.5 million in fiscal year 1983.

CONTENTION

The synthetic fuels program is unlikely to ever result in significant Federal outlays because these projects present little or no risk for the Federal Government.

RESPONSE

The assistance being sought from the Synthetic Fuels Corp. is of three types: Preconstruction "cost sharing"; loan guarantees and price guarantees. The bulk of the assistance sought is in loan and price guarantees in roughly equal amounts. These guarantees will be made largely to dummy corporations with few assets which have been set up by sponsors who, in some cases, are serving as both contractors and equity partners so as to receive some return on the project, regardless of its eventual fate.

Price guarantees will inevitably result in large outlays by the Federal Government unless the price of oil defies all projections and goes to $65 or $70 per barrel by 1985—an increase of 100 percent. As an SFC staff briefing paper advised, although the estimates of the required selling prices of syncrude allowed for some problems associated with pioneer plants "there is still a significant probability that pioneer plants will run into more problems of cost overrun or poor performance than anticipated." This was echoed by a recent Rand Corp. analysis of 44 process plants built over the past 15 years. On the basis of that analysis, Rand found that "average estimates for the earliest (R. & D.) project phase were less than one-half of actual cost."

The recently-revealed TOSCO project cost overruns substantiate the validity of this point.

CONTENTION

Federal loan guarantees do not intrude or exert upward pressure on credit markets in the way that direct loans do.

RESPONSE

In April and May of 1981, the Subcommittee on Economic Stabilization of the Committee on Banking, Finance and Urban Affairs conducted a series of hearings on Federal credit practices. The Assistant Secretary for Domestic Finance at the Department of the Treasury, Roger W. Mehle, Jr., testified on May 7, 1981:

Most loan guarantee programs are financed directly in the securities markets and most such financings are not controlled by the Treasury. While the myth seems to persist that guaranteed loans are substantially different from direct loans and involve less Government intervention in the traditional borrower-lender relationships, this is not so. Every dollar of Government guaranteed debt financed in the public marketplace is like Treasury borrowing to finance direct loans and has a similar negative impact on private sector rates. * * * [G]reater control and restraint must be applied to all of these off-budget guarantee programs.

Assistant Secretary Mehle noted that Federally guaranteed loans outstanding increased $73 billion in fiscal year 1981 compared to a rise of $48 billion in fiscal year 1980, more than a 50-percent acceleration in the growth of Federally-guaranteed loans. The chart below illustrates this phenomenal growth.

COMPONENTS OF NET FEDERAL CREDIT

[In billions of dollars] [1]

	1971	1972	1973	1974	1975	1976
Loan guarantees	17.0	20.0	17.0	11.0	10.0	11.0
Direct loans—off budget agencies				.5	5.5	6.0
Direct loans—on-budget agencies	2.0	3.0	2.0	3.0	6.0	4.5

[1] Net Federal credit is new disbursements for direct loans minus repayments and other offsets plus, for loan guarantees, new loans guaranteed minus guarantees for which the loan has been fully repaid.

COMPONENTS OF NET FEDERAL CREDIT

[In billions of dollars]

	1977	1978	1979	1980	[1] 1981	[1] 1982
Loan guarantees	13.0	13.0	23.0	35.0	55.0	57.0
Direct loans—off budget agencies	8.0	10.0	12.0	11.0	20.0	19.0
Direct loans—on-budget agencies	3.0	7.0	5.0	7.0	3.0	6.0

[1] Estimated.

According to Mr. Mehle, guaranteed loans in the energy area are a significant factor in this acceleration.

One need only look to the current condition of our housing industry to see the heavy price our economy is paying for massive Federal borrowing. It is not mere coincidence that in the years 1965 to 1969 when the Federal Government used only one-sixth of the available loan capital the prime rate averaged only 6 percent, while now that the Federal Government soaks up nearly half of the loan capital in the country, the prime rate is 16.5 percent.

The explosion of Federal borrowing, including Federal loan guarantees, requires real restraint on our part if we hope to get at the cause of sky-high interest rates rather than merely treat the symptoms of those rates. The synthetic fuels program and the potential $88 billion in Federal credit it represents is a perfect place to start.

CONTENTION

Our national security depends upon the development of synthetic fuels.

RESPONSE

Certainly we should not abandon our national synthetic fuels effort. Although imported crude oil (both OPEC and non-OPEC) now accounts for only 23 percent of crude inputs to refineries as opposed to 36 percent as little as 1 year ago, we must not be lulled into a false sense of security and neglect to develop our own resources. The question is one of scale and priority.

Bringing down interest rates so that our industries can finance the capital improvements that are needed to keep them strong and competitive may be the single best action we can take to bolster our national security. Other needs are obvious to all of you. Does it make sense for this country to proceed with a massive program, enacted at a time when tremendous pressures were exerted on Congress to do something, anything to lessen our dependence on foreign imports, regardless of the costs? It is well to remember that when the synthetic fuels program left the House, it was a $3 billion seed money program. Such a program would be a sensible approach to the development of synthetic fuels and is responsive to the current economic situation which now confronts this Nation.●

SALVADORAN REFUGEE SITUATION IN HONDURAS

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1982

● Mr. EDGAR. Mr. Speaker, since my visit in January of 1981 to the hill country of Honduras and the refugee camps in that area, I have tried to keep the House updated on the Salvadoran refugee situation in Honduras. Recently, I visited with Mary Day Kent of the Friends Peace Committee in Philadelphia to be briefed on her recent experience in the camps along the Honduras-Salvador border. Mary spent most of her time in La Virtud, the area which I had also toured, speaking with Salvadoran refugees and observing the situation.

A report of her experiences follows:

REFUGEE AND U.S. MILITARY ASSISTANCE POLICIES IN HONDURAS

(By Mary Day Kent) [1]

INTRODUCTION

From March 27 to April 11 I was in Honduras as part of the "International Observer" program to visit in the refugee camps along the Honduras-Salvador border at the request of the refugees and the international agency workers there. The greatest part of my visit was spent in the camp at the town of La Virtud. I also visited the camp at Mesa Grande, near San Marcos Ocotepeque, where refugees from the La Virtud camp and other villages nearby have been relo-

[1] Mary Day Kent traveled to Honduras on behalf of the Philadelphia Yearly Meeting of the Religous Society of Friends and the American Friends Service Committee.

cated. I was able to meet with agency workers and other international visitors who had just come from the camp at Colomoncagua and the Guatemalan refugee camp at El Tesoro, Honduras. In Tegucigalpa I was able to meet with UN and voluntary agency people concerned with refugee aid, but appointments with US Embassy staff were not possible because of the Holy Week vacation.

EXPERIENCES AND IMPRESSIONS

The purpose of the Observer program is to enhance the respect for the human rights of the Salvadorean refugees in Honduras by increasing international presence and world attention by visitors' reporting. Before going to Honduras I had read many reports on the situation and analyses that raised concerns about the refugees' safety at the hands of the Honduran as well as Salvadorean armed forces. Despite this preparation I was not expecting to find the extent of Honduran military control of the border area, the de facto unification of the Salvadorean and Honduran military forces, the complete vulnerability of the refugees and the accelerated process of clearing the region of both refugees and any local citizens considered suspect because of sympathy for the refugees or association with the Catholic Church.

Living for eight days in the camp at La Virtud I could see the constant presence of armed soldiers, and occasionally armed civilians, patrolling the ridges over the camp and the entryway from the road. These patrols frequently included both Salvadorean and Honduran soldiers together. The presence of Salvadorean national guard patrols of up to 60 people is a common sight in La Virtud. International workers in La Virtud have seen in nearby village of Chupamiel, La Cuesta, in the hills above the town, that there is a permanent National Guard installation on this Honduran territory. For over a month the local Honduran military commander has restricted and frequently prohibited the foreign workers from going to outlying village areas to visit. At night I heard machine gun fire and explosions off in the hills but the prohibition on going out to the villages made it difficult to learn the story behind what we heard.

The greatest fear of the foreign workers in La Virtud is for the lives of the Honduran villagers who will be left behind in the area after the refugees are transferred. There have been many attacks on Honduran refugee relief workers over the past months. The pace of this repression seems to be intensifying. On April 6 two Caritas local parish committee members in the village of La Majada were picked up by Honduran military men and taken to the military headquarters in La Virtud. The two men, a 50 year old man and his 20 year old son, were followed to the building by the weeping wife and mother who was then told by the commander that her family members were not there. As of the 11th of April when I left Honduras these men and four additional men from other villages who had been taken to the military building were still being held and their whereabouts being denied. On April 6 two international visitors got permission from the commander to visit the village of Los Hernandez. They found in that visit that the village that had 25 families a year ago now has only 12. The rest have left, one by one, for other places in Honduras as a result of threats and harassment (military, paramilitary, and anonymous). On April 6 I joined in a conversation with the local Honduran coordinator for the Caritas projects sponsored by the Bishop of Sta. Rosa de Copan Diocese. At that time he said he intended to stay and didn't want to leave his home or disturb his children's schooling. On Thursday the 8th this man's brother was taken off a truck travelling to La Virtud at gunpoint by men who identified themselves as Honduran DNI. His dead body was found at the same point on the road the next day. His brother has now left his home.

One of the main concerns about the relocation process moving refugees away from the border to Mesa Grande has been for the future safety of additional refugees who may try to come over from fighting in El Salvador. If there are no refugees or international workers in the area to receive them they will be left to the mercy of the military with no protection or even knowledge of their fate. The United Nations High Commissioner for Refugees has maintained that they intend to establish reception centers along the border to meet this need. From discussions and my observation while in La Virtud the plans for reception centers seem tenuous and extremely inadequate. Current UNHCR staffing in La Virtud has been one junior officer with a jeep and a radio. This is the greatest degree of United Nations presence that can be expected in the near future for the whole area; it simply does not meet the need, and it may be dangerous for the UNHCR person who is assigned to the task since he is alone.

POLICY CONCERNS

On March 23, 1982 there was a flying visit to La Virtud by several high State Department officials involved with refugee policy. During this visit they refused to meet with any refugees to hear their concerns and they repeatedly said that they were there to speed up the UNHCR in the relocation process. Asked about the reception centers, one official said "we haven't decided that yet." Since officially the United States is not directly involved in any refugee relief for Salvadoreans in Honduras this raises many questions about the nature and motives of U.S. policy on this issue.

Honduras is one of the poorest countries of the hemisphere. Its economy has been dominated by the U.S., particularly through the banana companies that control the country's largest export. The presence of 100 U.S. military advisors and the promise of additional millions in military and economic aid under the new "Caribbean Basin" plan offer the United States powerful influence, if not determining control, over Honduran government and military policies. How is this influence being used?

Is the U.S. policy one of supporting the return to civilian government? In talking with Hondurans and international residents of Honduras people consistently said that permission from military authorities is necessary to get anything done. Meetings and discussion with the official civilian authorities are a parallel process that seems to be simply pro forma.

Is the U.S. policy one that supports respect for Human Rights in Honduras? The level of repression, political disappearances, imprisonments, surveillance and censorship is growing over the past months. In the border region near El Salvador the military is in complete control and there is no evidence of any civilian or legal process whatever in the arrests, disappearances, and searches carried out by soldiers.

Is the U.S. policy one of support for humanitarian aid to Salvadorean refugees? What is U.S. policy with respect to the efforts and coordination offered by the UNHCR? Conversations with UNHCR officials indicate that they are very conscious that the U.S. provides a large share of the organization's budget and that this has been used by the U.S. State Department and local Embassy people as leverage. The State Department visit to La Virtud is one highly visible example of this. State Department vetoes over UNHCR preferences in selecting agencies to implement refugee aid programs—on political grounds—have given additional evidence. The question of establishing reception centers for future refugees remains to be settled and there is reason for concern in the State Department official's La Virtud comment that the U.S. had not yet made a decision on the issue. This is one area where the need for strong humanitarian concern and support for a vigorous UNHCR policy is clear and the direction of U.S. influence has not yet been put into effect. Can the longstanding human rights concerns of Congress have an impact before it is too late?

CONGRESSMAN TONY P. HALL INTRODUCES RESOLUTION CONCERNING EAST TIMOR

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1982

● Mr. HALL of Ohio. Mr. Speaker, today I am introducing a resolution expressing the sense of Congress concerning the situation in East Timor. An identical resolution is being introduced in the other body by Senator PAUL E. TSONGAS.

East Timor is located on an island about 300 miles off the northeastern tip of Australia. It was a Portuguese colony for 400 years before briefly tasting independence in August 1975. Unlike other former colonies, East Timor was not given the chance to determine its own future. On December 7, 1975, Indonesian troops, equipped with American weapons, invaded the territory. East Timor has remained under the brutal rule of Indonesia since that time.

The fragile economy of East Timor could not survive the armed struggle between its people and the invaders. Moreover, the policies pursued by Indonesia to crush opposition helped to create a catastrophic famine that proportionally was among the worst in this century.

Within 2 months of the invasion, tens of thousands of East Timorese were reported to have been killed, and there were reports of burning, torture, and looting by Indonesian troops. The situation continued to deteriorate, as described in the following passage from the English Catholic Institute for International Relations' "Comment" article on East Timor:

These direct casualties, however, were only the beginning. In response to continuing resistance the Indonesian military forced the population into strategic hamlets

and bombed mountain areas inaccessible to ground troops. These tactics prevented the Timorese from supporting themselves by agriculture, with the result that in 1978 famine aggravated the effects of injury, disease and displacement. In 1978 and 1979 100,000 Timorese streamed down from the mountains, many dying of hunger. Experienced relief workers who took part in the severely restricted relief operations subsequently permitted by the Indonesians compared the situation with that of Kampuchea. Statistics for Timor are inevitably unreliable, but the scale of the suffering of the Timorese is sufficiently indicated by the estimate that of a pre-independence population of around 670,000, more than 100,000 have died.

In response to the ongoing crisis in East Timor, hearings were held by several congressional subcommittees every year between 1977 and 1980. As a member of the House Foreign Affairs Committee in the 96th Congress, I participated in hearings related to East Timor in 1979 and 1980.

In view of the urgent humanitarian crisis that was confronting the people of East Timor, the focus of the House Foreign Affairs Committee's attention was to insure that relief was provided and that access by the outside world to East Timor was increased.

I introduced an amendment to the International Security and Development Cooperation Act of 1980 concerning the tragic situation in East Timor. The measure I introduced expressed the sense of Congress that the President should take action to encourage the Indonesian Government to allow increased access to East Timor for international relief organizations and to permit them to establish relief operations directly in East Timor. It also sought to encourage the Indonesians to allow free emigration from East Timor, particularly in the case of families whose members had already left the territory while others remained behind.

The amendment was adopted unanimously by the Subcommittee on Asian and Pacific Affairs. It eventually became section 408 of Public Law 96-533. The full text of section 408 follows:

PUBLIC LAW 96-533

EAST TIMOR

Section 408. It is the sense of the Congress that the President should take all appropriate measures to—

(1) continue to support and encourage relief operations by the Government of Indonesia and by international relief agencies in East Timor;

(2) assist the Government of Indonesia to facilitate the reuniting of families separated because of development in recent years in East Timor; and

(3) encourage the Government of Indonesia to allow access to East Timor by international journalists.

In mid-1979, the Indonesian Government permitted the International Committee of the Red Cross (ICRC) and the Catholic Relief Service (CRS) to begin programs of emergency food and medical relief. According to the State Department, these two relief programs provided food and medical assistance to 330,000 persons in East Timor. Eventually, the severe humanitarian crisis facing East Timor was eased. The CRS ended its relief operations on December 31, 1980, and ICRC ended its relief operations on April 15, 1981. However, both groups are still working on other humanitarian services with respect to East Timor.

Although the grave emergency in East Timor appears to have passed, it is clear that basic human needs and human rights problems face the East Timorese. As the present Country Reports on Human Rights Practices notes:

Much of the current international interest in human rights in Indonesia is focused on allegations of abuses in East Timor. These include allegations of disappearances, killings, and large scale detentions. The Indonesian government denies that abuses have occurred, and it is difficult to independently confirm or deny those allegations.

The reason that it is difficult to substantiate charges about the situation in East Timor is that the Indonesians continue to strictly limit access to East Timor and the free flow of information from the territory. It is evident that East Timor is a sensitive issue to the Indonesians, and they are most selective about whom they admit to the area. Further, they are careful about what they permit outside visitors to see.

Unfortunately, the sense of Congress about East Timor expressed in section 408 of Public Law 96-533 remains to be implemented. It is both necessary and appropriate for Congress to state its concern about the humanitarian and political issues involving the people of East Timor.

Senator TSONGAS and I are introducing a resolution expressing policies the administration should take with respect to the present situation in East Timor. At this point, I would like to discuss the four key elements of our legislation.

I. INCREASED ACCESS TO EAST TIMOR BY INTERNATIONAL RELIEF AGENCIES

Currently, there is no full-time on the ground operation in East Timor by any international relief agency. The position of the Indonesian Government is that there is no famine in East Timor and no need for international agencies to be present there to oversee the distribution of relief.

Late last year, Msgr. Martinho da Costa Lopes, the Roman Catholic bishop of East Timor, warned of food shortages and the possibility of famine unless sufficient international food aid reached East Timor. The bishop's concerns have been rejected by the Indonesians and by an Australian delegation headed by former prime minister Gough Whitlam which was taken on a tour of East Timor by the Indonesians. According to the Far Eastern Economic Review, Whitlam went so far as to claim that the bishop of East Timor had perpetrated a wicked act by his alleged misinformation about the food situation in the territory.

Notwithstanding the efforts to discredit the statements made by the bishop of East Timor, it is evident that there is justification for international concern about the prospect of food shortages in East Timor. Assurances from Gough Whitlam and the Indonesian Government are not enough to allay the fears of the outside world. Limited, circumscribed visits by international relief agencies also are insufficient. Only a full-time presence in East Timor by international relief agencies can provide adequate guarantees with respect to the current status of food and medicine in the territory. In addition, a neutral international presence there could offer some form of protection for the East Timorese people.

Concerned outside observers should not be forced to choose between the reports from church sources and those from individuals conducted through East Timor by the Indonesians. Let impartial humanitarian organizations with full-time access to the territory be permitted to assess the actual situation. If the circumstances are truly as the Indonesians claim, then they should welcome such verification.

II. THE REUNIFICATION OF FAMILIES

In view of the developments in East Timor since the Indonesian invasion, many hundreds of East Timorese have sought to emigrate. Reports in the media in recent years have indicated how extremely difficult it is for these persons to get out of East Timor. Those leaving often must pay exorbitant bribes to the Indonesians.

Both Portugal and Australia have sought to facilitate family reunifications, but the response from Indonesia has been sluggish. The Country Reports on Human Rights Practices for 1981 says that "movement on the repatriation front has been slow over the past year."

Particularly disturbing were reports last fall that 22 East Timorese were arrested for trying to leave East Timor illegally. These individuals, legally Portuguese citizens, reportedly had tried to secure exit permits. After the Indonesian Government refused to issue the necessary documents, the Timorese attempted to use false papers. This is consistent with other reports of East Timorese who have managed to get to Jakarta and then had to wait months before they could get out of Indonesia—and then, only after bribing officials.

The Universal Declaration of Human Rights says the following with respect to the right to freedom of movement:

ARTICLE 13

(1) Everyone has the right to freedom of movement and residence within the borders of each state.

(2) Everyone has the right to leave any country, including his own, and to return to his country.

Most of the world is aware that this right is not observed in countries like the Soviet Union. The world also should note that this basic human right is not being observed by the Indonesians with respect to the people of East Timor.

Congress expressed its concern about this matter in Section 408 of Public Law 96-533. It indeed is unfortunate that Congress must reiterate this concern today.

III. ACCESS BY INTERNATIONAL JOURNALISTS AND INTERNATIONAL HUMAN RIGHTS GROUPS

With respect to freedom of the press generally in Indonesia, the Country Reports on Human Rights Practices for 1981 observes:

The press is carefully controlled in Indonesia, and an implicit system of "self-censorship," with journalists and publishers recognizing the limits of permissibility, generally prevails.

* * * The government is, furthermore, sensitive to foreign press coverage of Indonesian developments, and this had led to its refusal to extend residence permits for foreign journalists in some instances.

The press control within Indonesia certainly extends to the treatment of press access to East Timor. Ever since the invasion of East Timor, the Indonesians have been highly selective in admitting the media to the territory. It is fair to conclude that the Indonesians do not want foreign journalists moving freely about East Timor.

The Indonesians also have failed to have an open attitude concerning international and nongovernmental investigation of alleged violations of human rights in East Timor. On this point, the Country Reports declares that Indonesia "has been more restrictive in granting access to East Timor by outside observers during the past year than in 1980."

On November 19, 1981, the bishop of East Timor wrote a letter to the Secretary of the Australian Episcopal Conference in which he described atrocities committed by Indonesian troops against the people of East Timor. The bishop wrote the following:

At present, the social and political situation in East Timor is indeed tragic. With the military operation of cleaning Fretelin during July, August and September 1981 many Timorese people were killed, including the innocent children, the pregnant women and the defenceless people without any crime except the willing to be independent from all oppression. Therefore, the Catholic Church, running all risks, had to denounce to the world the atrocities committed during four days of the seige near the famous rock of S. Anthony in Lacluta, where more than five hundred Timorese were killed.

Charges of this kind should be investigated by outside human rights groups. Once again, it is appropriate to ask why the Indonesians do not want international journalists and international human rights organizations to have free access to East Timor. If Indonesia is proud of its conduct in East Timor and its treatment of the people, why is it unwilling to open up East Timor to impartial outside observation?

It is time for the Congress to call upon the administration to encourage the Indonesians to lift the khaki curtain they have dropped on East Timor.

IV. SELF-DETERMINATION FOR THE PEOPLE OF EAST TIMOR

The invasion of East Timor by Indonesian troops in December 1975, prevented the people of East Timor from determining their own future. They were simply overwhelmed by a superior military force, and there was nothing they could do to stop this act of aggression.

Just as the United Nations has condemned the act of aggression by Argentina against the Falkland Island, it condemned the Indonesian invasion of East Timor. Since the invasion, the United Nations General Assembly has passed annual resolutions calling for self-determination and a change in the political status of East Timor.

It should be noted that Portugal has not formally renounced sovereignty over East Timor. The Portuguese view is that East Timor has not yet exercised its right of self-determination and that Portugal has a continuing responsibility to assist the territory to independence. Portugal does not have diplomatic relations with Indonesia.

The United States, however, recognizes the incorporation of East Timor into Indonesia. The United States has opposed the resolutions in the United Nations General Assembly concerning self-determination for East Timor because of the belief that the resolutions are counterproductive to efforts on humanitarian issues with the Indonesians in East Timor.

Nevertheless, there is international momentum building for the view that political justice is the only real solution to the tragedy of East Timor. As the Times of London stated in an editorial of February 24, 1982:

Indonesia has obviously not won over the hearts and minds of the East Timorese, and her very unwillingness to allow independent observers access to the territory corroborates that. A solution based on negotiations and the free choice of the inhabitants is urgently needed and the international community—particularly those countries which have close economic and military ties with Indonesia, including Britain—should make a much more serious effort to achieve one.

The Reagan administration has the opportunity to bring a fresh approach to the problem of East Timor. It should encourage the Government of Indonesia to agree to negotiations through which Indonesian troops will be withdrawn from East Timor and the people of East Timor permitted to freely exercise their internationally recognized right of self-determination.

When Argentina seized the Falkland Islands, the U.S. reaction was to work to mediate the dispute and seek a peaceful resolution of the crisis. Similarly, the United States should seek an end to the military occupation and rule of East Timor by Indonesia, and work to establish a framework for peaceful self-determination for the East Timorese.

Under international law, Indonesia had no right to annex East Timor. Like the Baltic States under Russian rule, East Timor has become a captive nation under Indonesian rule.

Truly, the people of East Timor have much in common with the captive nations of the new Russian Empire. Just as the Russians have consistently worked to destroy the previous national identities of the countries annexed into the U.S.S.R., the Indonesians have sought to forcibly assimilate the East Timorese into the Indonesian culture. The world must not turn its back and let East Timor become just another province of Indonesia.

The resolution I am introducing in the House does not attempt to provide any blueprint for self-determination for East Timor. Instead, it calls upon the administration to set in motion discussions and negotiations that can lead to the withdrawal of Indonesian troops and the initiation of the process leading to self-determination.

Several of my colleagues have called for negotiations and the use of intermediaries to reduce tensions in Central America. In a similar spirit, this resolution seeks creative diplomatic initiatives by the administration to achieve justice for East Timor.

CONCLUSION

For many years, the United States has regarded Indonesia as an important ally. It is clear that there are many political, economic, and military links between the two countries. In fiscal 1981, for example, the United States concluded over $45 million worth of foreign military sales agreements with Indonesia.

Our friendship with the people of Indonesia is not incompatible with our concern for the plight of the people of East Timor. However, we must not let our friendship with Indonesia prevent us from raising with the Indonesians our concerns about the humanitarian and political problems of East Timor.

The resolution Senator TSONGAS and I are introducing expresses the sense of Congress that the administration should work with Indonesia to open up East Timor to the outside world and to permit the fullest possible international participation in the human rights and human needs issues facing the territory. At the same time,

it urges the administration to take a fresh look at the underlying political causes of these issues. The time is at hand for innovative diplomacy on the political status and future of East Timor.

For the benefit of my colleagues, the text of the resolution follows:

H. CON. RES. 321

Whereas many tens of thousands of East Timorese have died, either directly as a result of military operations or from consequent famine and disease, since the invasion and occupation of East Timor by the Government of Indonesia;

Whereas the threat of serious food shortages and continued medical problems persists in East Timor;

Whereas reports of violations of human rights in East Timor continue to be brought to international attention;

Whereas many hundreds of East Timorese have been prevented from emigrating from East Timor;

Whereas the Government of Indonesia has strictly limited access to East Timor and the free flow of information from the territory;

Whereas the people of East Timor have not been permitted to freely exercise their right of political self-determination recognized under the United Nations Charter; and

Whereas since 1975 the United Nations General Assembly has consistently condemned Indonesia's unilateral annexation of East Timor: Now, therefore, be it *Resolved by the House of Representatives (the Senate concurring)*, That it is the sense of the Congress that the President should take all appropriate measures to—

(1) encourage the Government of Indonesia to allow appropriate international relief agencies increased access to East Timor and to allow such agencies to establish full-time humanitarian relief operations in East Timor;

(2) encourage and assist the Governments of Indonesia, Portugal, and Australia to facilitate the reunification of families separated because of development in East Timor, and encourage the involvement of appropriate international agencies in this process;

(3) encourage the Government of Indonesia to allow free access to East Timor by international journalists and international human rights organizations; and

(4) encourage the Government of Indonesia to agree to negotiations through which Indonesian troops will be withdrawn from East Timor and the poeple of East Timor will be permitted to freely exercise their internationally recognized right to self-determination.●

THE TIE THAT BINDS: SUPPORT FOR THE SOCIAL SECURITY MINIMUM BENEFIT

HON. JOHN LeBOUTILLIER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1982

● Mr. LEBOUTILLIER. Mr. Speaker, Congress, it is said, is a seething, swaying body with 435 different viewpoints. The contrasting pushes and pulls exerted by these differing viewpoints, the axiom of States, makes any unified congressional action all but impossible.

Since Congress is a national body, it is important to look for the issues where most Members are universally agreed. An excellent example of congressional homogeneity is found in the matter of the social security minimum benefit payment. In short, Mr. Speaker, we all support its retention, and I wish to reiterate my unflagging support for this time-honored program.

My colleague, EUGENE V. ATKINSON, spoke out on this issue in August, when it was prominently discussed, and his statement on minimum benefit retention is an enduring statement on the need to retain this program. GENE ATKINSON is one of the most responsive Members of Congress when it comes to the needs of the people. "We cannot," GENE said in these pages (August 4, 1981), "subject our Nation's citizens to needless suffering by retracting promised benefit programs." I submit for the RECORD GENE's August 4 remarks:

SOCIAL SECURITY MINIMUM BENEFITS

(By Eugene V. Atkinson)

Mr. Speaker, I appreciate the opportunity to be placed on record as opposing the elimination of the social security minimum benefit program. The future of our social security system is of vital importance to me and we must act quickly but carefully in establishing our priorities to remedy the troubles the system has incurred. We cannot, although, subject our Nation's citizens to needless suffering by retracting promised benefit programs.

The modest advantage provided by social security benefits, such as the minimum benefit, are for some individuals a sole source of income support. Eliminating the social security minimum benefit would be unthinkable for persons who have no alternative means of making up such an income loss.

In my home district of Pennsylvania people work hard all their lives to insure a comfortable, but sometimes modest, retirement income. Programs aimed to ease the hardships of elderly life are suddenly pulled out from under them. I am in favor of reduced Government spending, but there must be a more justified way to resolve the problems harming the backbone of the country, the elderly.

The full support of H.R. 4331, to restore the minimum benefit, will prove to our elderly citizens of this Nation that they need not fear for their future existence, and that they need not fear that their elected representatives will act in haste again by making further reductions in the area of social security benefits. I urge all my colleagues to support this legislation and provide our senior citizens with not a feeling of abandonment, but a knowledge of effective leadership.

Thank you.

TRIBUTE TO J. B. NETHERCUTT

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1982

● Mr. DORNAN of California. Mr. Speaker, on May 7, 1982, Santa Monica Hospital will honor a man worthy of recognition not only for his business and professional life and his devotion to family, but for his charitable and philanthropic support of the arts and general welfare of his fellow citizens.

While I will be unable to attend the salute to Mr. J. B. Nethercutt and his wife, Dorothy, I would like to add my voice to those expressing appreciation and commendation.

In an era in which many have expressed doubts that individual effort and dedication will lead to success, I believe that the J. B. Nethercutt story is inspiring. For this reason, I am requesting that Mr. J. B. Nethercutt's biography be included in the CONGRESSIONAL RECORD.

The biography follows:

J. B. NETHERCUTT, CHAIRMAN OF THE BOARD, MERLE NORMAN COSMETICS

"America is still the land of opportunity. It's as possible as ever to start a small business from scratch and have it grow to solid success."

J. B. Nethercutt, co-founder and Chairman of the Board of Merle Norman Cosmetics, Inc., speaks from experience. His own life story is a powerful affirmation of this philosophy.

Born in South Bend, Indiana on October 11, 1913, he moved to California with his parents while still in his teens. His aunt, Merle Nethercutt Norman, had recently launched a small cosmetics business in Santa Monica and she asked him to give her a hand. He did whatever needed to be done—delivering cosmetics, collecting used boxes to pack them in, even refinishing the front door of the first Merle Norman studio.

That was in the early 1930's. Today, there are more than 2,600 such studios throughout the United States and Canada. And the company J. B. Nethercutt heads now boasts more than 700 products and an unbroken record of growth that has continued straight through every business downtown of the past 50 years.

As a young executive, Nethercutt's decisions helped lay the groundwork for the company's expansion:

To insure a continuing flow of new products, he studied chemistry at the California Institute of Technology, going on to develop some of the most popular cosmetics in the Merle Norman line.

From the beginning, he insisted that the corporation make all its own products, not farming them out to other manufacturers as some companies do. "Strict quality control is one of the keys to excellence in cosmetics," he believes. "If you lose it you're going to lose customers, too."

It was on his recommendation that his aunt first launched one of her outstanding employees in a studio of her own, inaugurat-

ing the Merle Norman chain of independently-owned studios.

His firm belief in the business ability of women enabled the company to choose its studio owners from what he calls "the greatest pool of untapped entrepreneurial talent in the country"—thus building sales and profits.

As overall head of operations since Merle Norman's retirement in 1963, he has continued to build his reputation as an innovator. In the realm of employee relations, for example, he sponsors free Saturday night movies for home office employees, and lunch in the company dining room is available for only 25 cents.

Although in general Nethercutt shuns personal publicity, he is recognized for his philanthropy and his support of the arts. One of his projects has been the establishment of the Merle Norman Classic Beauty Collection. Located in Sylmar, California, just outside Los Angeles in the San Fernando Valley, it is a six-story structure housing one of the world's greatest collections of "functional fine art."

Nethercutt sees it not only as a means of preserving important art objects, but as a company symbol, "something that will show everyone the kind of quality Merle Norman stands for."

He and his wife, Dorothy, live in Los Angeles. Married for almost 50 years, they have two children and two grandchildren.●

FOREST LOUDENSLAGER PROMOTES AGRICULTURE

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1982

● Mr. BROWN of Ohio. Mr. Speaker, one of the most illustrious promoters of American agriculture is Forest Loudenslager of Marion, Ohio.

Throughout Ohio and the Midwest, Forest has long been known as a pioneer in modern agriculture production and promotion techniques. He has helped organize and has served on numerous agribusiness councils and has been recognized for his work by numerous organizations at all levels.

Forest has traveled widely to promote agriculture, both within the profession and among consumers. He has always been willing to take the time to help others understand the American farmer and the importance of farming as a part of the American economy.

And during much of his career, Forest has left his calling card in the form of agripromotional buttons that have become one of his trademarks wherever he goes.

The following article, from the April issue of the Buckeye Farm News, is an excellent biographical sketch of Forest Loudenslager and his distinguished contributions to American agriculture, including his buttons. For the benefit of my colleagues, I submit it for the reprinting in the CONGRESSIONAL RECORD:

BUTTON, BUTTON . . . HE HAS THE BUTTON!

(By Ellen Russell)

Forest Loudenslager of Marion County is pleased as punch to be called the "Button Man." If you know him and even if you don't, his greeting will be a broad smile while he pins a button on your lapel and gives you a pep talk about his favorite topic.

That topic is pigs. His buttons over the years have encouraged people to like pigs and to eat pork. He has been a crusader for the pork industry across Ohio, throughout the country and even in foreign lands.

Since he has been coined the Button Man, he has probably pinned 65,000 promotional buttons on farmers and consumers alike. His activity in the pork promotions began when the state and national Pork Producers Council were organized in the early 1960s.

Not a farmer to be confined to his acres, Loudenslager takes an active role in organizations in which he holds memberships. There was a time when no meeting or gathering would be complete without Loudenslager spreading his buttons of cheer.

In 1978, Loudenslager went to the Far East on a mission to investigate the sale of red meat and grain. He didn't leave home without his trusty buttons and everyone from members of the mission, airline personnel and officials of the countries in which the mission stopped were pinned by Loudenslager.

Being a pork producer, Loudenslager immediately saw the value of organizing a state and national organization for the betterment of the product. He was instrumental in the development of the Pork Producers Council which has a check-off program with funds used for research and marketing.

"We didn't want any government help so a voluntary check-off program was adopted. It was originally 5 cents for each hog sold and now it is about 20 cents per hog," says Loudenslager.

During 1972, Loudenslager was president of the Ohio Pork Producers Council and that's when the button business really started. As president, Loudenslager felt an even stronger obligation to promote the industry. A favorite button at that time was two pigs nuzzling snout to snout encouraging people to like pigs.

"Those buttons have been everywhere. We sent some to police in California and also the Marion and Galion police wanted them," he recalls.

Loudenslager and his family have taken on the button business themselves and have created a button which they use. It displays a happy pig and encourages people to try pork and subtly suggests they will like it.

"We came up with the idea and had a manufacturer sketch up some designs. I bet the family has used about 25-30,000 of those buttons," he says.

His buttons have not escaped the recognition of leaders of agriculture and politicians. He has presented his promotional pieces to U.S. Secretary of Agriculture John Block, to former secretary of agriculture Earl Butz and they have been sent to presidents of the United States.

In addition to the buttons, he presents ball point pens which say "We are proud to be farmers. We like pork—try it."

The motivation for his promotional antics has been a deep pride in the pork industry. "I feel I have an obligation to promote the product and this is one way to do it. If I can't sell my product, it sure doesn't do me any good to produce it," he realizes.

Although his buttons have gained him fame nationally and internationally, he is known to many people in Marion as the farmer who sells sausage. It is a rare day when Loudenslager goes to town without his basket over his arm filled with whole hog sausage either in bulk or patties, bratwurst and spareribs.

"The hogs are from our farm and people say the meat is so lean that they have to put shortening with it makes it cook," he grins.

This peddling probably started about 50 years ago when his parents butchered hogs on their farm. Loudenslager would take some of the freshly butchered meat into Marion and sell it. "I would work without taking a break for lunch because I knew I could get most people to buy when they were on their lunch breaks," he laughs.

His customers today are regulars and his new customers are people who have heard good things about his product.

Although Loudenslager was unable to benefit from the FFA program when he was a student, he is a grand supporter today. He is an honorary member of the state chapter and he has received an honorary degree from the national FFA chapter.

One of his grandsons was an FFA member when the local chapter began selling citrus fruits as a money making project. "This was about nine years ago and I am still helping the chapter with the sales. One year our family sold 1,100 boxes. This year I sold about 400 boxes and now they deliver it right to the farm where I store it in a heated garage until I deliver it."

For the Marion County Farm Bureau, Loudenslager is known as the best membership worker around. "I can't remember how many people I have signed up as members but I think one year I had over 50. This year so far, I have 20," he says.

All these activities make it clear that Loudenslager is a definite doer. He participates because he believes in promoting his industry of agriculture.

His work has not gone unnoticed. In 1975 the Ohio Pork Producers Council presented him with the pork excellence award. He has been inducted in the Ohio Agricultural Hall of Fame.

The Loudenslager Farm is a corporation between he and his wife, Catherine, and their children, Don, Roy and Jane, and their spouses. The operation includes 1,400 acres with 225 female hogs and corn and soybeans.

Loudenslager admits that his sons really operate the farm and "I am the gopher. I go for this and I go for that to help them out," he laughs.

He feels that his pride for agriculture really started when he was a boy of 9 years of age. "I was in the first calf club show and sale in Marion County back in 1916 and I learned that I had to take care of that animal because it was my responsibility. I placed first with that calf," he recalls.

From that early experience, he learned that farming was more than just feeding animals and tilling the soil. "For the product to have any meaning, you have to care about it," he says.

Through the years, that pride has spread to his children and their children. He credits his wife with the support that he needed to be able to keep the farm going and being active in organizations.

"There has been many a time that people have dropped by the house and Catherine was willing to invite them for a meal. She has raised the children and has helped me in many ways," he says.

Not to be outdone by her husband, she has done her part to promote the pork industry. She is a member of the local and state Porkettes which encourages the use of pork with consumers.

Their rural Marion home is accented with a collection of pigs in various sizes and shapes. "It has become a hobby for us. When we travel we add to the collection and when our friends and family travel, they will give us pig souvenirs," she says.

That collection has taken on a special meaning since one of their grand-children has asked if they could have the collection. "To me that means, even the child understands what this is all about," he concludes.●

PERSON OF THE YEAR—RABBI HAIM ASA

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1982

● Mr. PATTERSON. Mr. Speaker, at this time, I would like to ask my colleagues to join me in recognizing Rabbi Haim Asa, of Temple Beth Tikvah, of North Orange County, who, on May 1, 1982, will receive the temple's "Person of the Year" award. Rabbi Asa is a man who truly deserves this award. His activities in and around the community he serves set a laudable example for all of us.

Born in Bulgaria, Rabbi Asa's family fled to Israel during the Nazi domination of Bulgaria in 1944. While in Palestine, he attended Israeli elementary and secondary schools, and later served in the Israeli Defense Forces for 3 years. He graduated from the Officers Academy in 1950.

Haim Asa came to the United States in 1954 as a student. He graduated from the University of Arizona in 1958 and while studying, taught and worked in a number of temples, synagogues, and Jewish summer camps. He was ordained as a rabbi in 1963.

In the 15 years that Rabbi Asa has resided in Orange County, he has held positions of leadership in many religious and community-oriented groups. To name a few, he has been president of the Pacific Association of Reform Rabbis; vice president of the Orange County Jewish Federation Council; president of the Orange County Board of Rabbis; and president of the Fullerton Inter-faith Ministerial Association.

Haim and his wife, Elaine, are both involved in a variety of activities geared toward the welfare of the State of Israel and its people. Rabbi Asa has been the North Orange County United Jewish Welfare Fund chairperson, and Elaine chaired the Orange County women's division campaign for 3 years. Apart from their community involvement, the Asas are the proud parents of four children: Aviva, Ariel, Liora, and Eliana.

Rabbi Asa is an individual with whom I am personally acquainted. He is a true humanitarian and a leader, a man who is dedicated to preserving and promoting equality and social justice for all human beings. Mr. Speaker, it is with great pleasure that I invite my colleagues to join me in saluting a man of such extraordinary talent and dedication.

Haim, we certainly could use more men and women like you. Thank you for your efforts, and I hope that this honor will encourage you to continue to strive, as we should, toward making this a better world.●

CENTRAL AMERICA

HON. JOHN L. BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1982

● Mr. JOHN L. BURTON. Mr. Speaker, I would like to share with my colleagues an update of information on El Salvador and U.S. military assistance to Central America.

This update was prepared by Cynthia Arnson.

As U.S. military and covert involvement in Central America continues to be debated, hopefully this information will be helpful.

The information follows:

INTRODUCTION

On December 15, 1981, Under Secretary of Defense Fred Ikle announced a significant increase in U.S. military assistance to El Salvador. Claiming that ". . . the news is bad, the hour is late" with respect to "the Soviet-Cuban effort presently underway to further expand the reach of Soviet imperialism . . ." Ikle informed the Senate Foreign Relations Committee that the United States would soon begin training 1,600 Salvadoran soldiers—500-600 officers and a light infantry battalion of 1,000—at U.S. bases.

On March 4, 1982, Secretary of State Haig told a House Appropriations Subcommittee that the United States had "unchallengeable" evidence "of the Nicaraguan involvement in El Salvador and the Cuban involvement in the command and control of the operations in El Salvador today." Haig added that details of foreign involvement had been provided to the House and Senate Intelligence Committees. Rep. Edward Boland, chairman of the House Intelligence Committee, called the evidence "convincing."

The charges about Nicaraguan involvement in the arms flow were accompanied by those of a Nicaraguan military buildup engineered by Cuba and the Soviet Union. On March 9 the Reagan Administration made public aerial reconnaissance photographs taken by intelligence overflights that U.S. officials declared was proof of Nicaraguan arms acquisitions. Deputy Director of the CIA Adm. Bobby Inman and Deputy Director for Intelligence of the DIA John Hughes told reporters that:

"The Sandinistas have developed and are expanding the largest, the most powerful military force in Central America" (70,000 including militias);

"Cuba has played a crucial role in training and developing this force and in constructing new military facilities" (garrisons, air bases, etc.) based on Soviet models;

Nicaragua's arms buildup includes 25 T-55 Soviet tanks with 100-millimeter guns, 12 heavy howitzers, 2 Soviet-built HIP helicopters, 12 BTR60 armored personnel carriers, and amphibious ferries;

Runways were being lengthened to accommodate the delivery of MIG-17 or MIG-21 aircraft.

Ikle also indicated that the Reagan Administration would "need the support of Congress" in meeting the costs of Salvadoran military requirements—costs which exceeded the $26 million approved for El Salvador in fiscal year 1982.

Elsewhere in his testimony, Ikle stated that a team of U.S. experts had spent two months in El Salvador assisting in the development of a national military strategy (see section on U.S. Military Personnel in El Salvador), and that "other concerned Latin American countries" had begun helping in the effort to break the external supply lines to the Salvadoran guerrillas.

Hardly had Ikle spoken and the first contingents of Salvadoran soldiers arrived for training than Salvadoran rebels staged a surprise attack on the largest air base in El Salvador. In a pre-dawn raid on the Ilopango Air Force base on January 27, 1982, guerrillas destroyed or severely damaged 18 aircraft, including 6 Bell UH-1H helicopters, 5 Douglas C-47 transports, Dassault Ouragan fighters, and 1 Fouga Magister jet trainer. At least 28 Salvadoran soldiers stationed at the base were detained for questioning about their possible collaboration in the attack.

The Administration responded immediately by announcing on February 1 the provision of an additional $55 million in emergency military assistance that did not require Congressional approval. It was the second time within a year that President Reagan had invoked special executive authority to send such aid to El Salvador, bringing the total amount of emergency assistance alone to $75 million since March 1981.

The new aid was provided against a backdrop of increasing skepticism about the capacity of Salvadoran government troops to defeat guerrillas of the Farabundo Marti National Liberation Front. In early September 1981, head of the U.S. Southern Command Lt. Gen. Wallace Nutting declared that the military situation in El Salvador was a "stalemate," and that "in that kind of war, if you're not winning, you're losing." On November 5, 1981 the New York Times reported that "a consensus had developed in the Reagan Administration that the civil war in El Salvador has reached a stalemate that will eventually cause the defeat of the government unless the United States takes decisive action soon." During a February 1982 visit to San Salvador, furthermore, Lt. Gen. Nutting stated that he had "absolutely no idea" how much aid might be needed to defeat the guerrillas, but that if he had to "pick a winner or loser," he would say that "the [Salvadoran] government was winning."

Cuba had 2,000 military and security advisers in Nicaragua and the Soviet Union had 50-75;

Miskito Indian villages in northeast Nicaragua had been destroyed by Sandinista forces.

Inman stated that Sandinista Commander Jaime Wheelock had "lied directly" when he denied in Washington in early March

Reagan Administration charges about the military buildup.

The Administration's publicity offensive suffered an embarrassing set-back on March 12, when State Department officials presented to reporters a Nicaraguan youth who they claimed was sent by Nicaragua to El Salvador to fight with guerrillas there. Orlando Jose Tardencilla Espinosa stated in an Administration-sponsored press conference that he had been tortured and threatened into collaborating with Salvadoran and U.S. officials, and had never been trained in Cuba and Ethiopia, as he had previously told his captors. He also said that he had gone to fight in El Salvador on his own accord. Tardencillas claimed that a U.S. official in San Salvador had told him that the United States "needed to demonstrate the presence of Cubans in El Salvador" and that "I was given a choice. I could come here and do what I'm doing—or face certain death."

In the wake of the fiasco, and faced by public skepticism that the Administration possessed concrete evidence of Nicaraguan government involvement in El Salvador, the State Department issued on March 20 a special report entitled "Cuban and Nicaraguan Support for the Salvadoran Insurgency." The report stated that:

"Arms and ammunition for the Salvadoran insurgents reach Nicaragua by ship and occasionally by direct flights from Havana to Nicaragua . . . The Papolonal Airfield provides a clear case of the direct airlift of weapons from Nicaragua to guerrillas in El Salvador;"

"Nicaragua and Cuba coordinate training efforts, with Cuba providing key specialized training;"

The headquarters of the FMLN guerrillas' Unified Revolutionary Directorate (DRU) "is near Managaua, Nicaragua, and is part of an extremely sophisticated command and control relationship . . . Cuban and Nicaraguan officers are involved in command and control."

U.S. MILITARY AID TO EL SALVADOR AND CENTRAL AMERICA

Emergency funds to El Salvador

The content of the $55 million in emergency aid announced on February 1, 1982 represents a shift in the sophistication and kind of military support provided to El Salvador. Administration officials, in describing the aid to members of Congress, claimed that $25 million for aircraft was to replace equipment damaged during guerrilla raid on Ilopango Air Base. This is only partially true. The planes being provided will give the Salvadoran Army a new air assault capability as yet unforeseen in the war, as well as the ability to coordinate ground and air attacks involving a large number of troops, especially from El Salvador's quick-reaction battalions.

	Millions
12 UH-1H Bell "Huey" helicopters [1], 8 Cessna A-37B "Dragonfly" counterinsurgency jet fighters, 4 C-123K troops transports, and 4 Cessna O-2A "Skymaster" forward air control spotter planes	$25.0
Improve Ground Force Capability Equip two quick reaction battalions Replace G-3 rifles with M-16s	13.5
Establish and equip military intelligence school	1.0
Decentralize command and control and enhance capability (improve communications networks)	2.0
Security and illumination systems (night vision devices, flares, airfield security, etc.)	1.0
Spare parts, administrative and logistics costs	7.5
Training related to above equipment	5.0
Total	55.0

[1] The last of the six helicopters arrived in San Salvador on February 6, 1982, scarcely ten days after the guerrilla raid.

A description of the aircraft provided to El Salvador is as follows:

Cessna O-2A "Skymaster"—Equipped for forward air controller missions, including visual reconnaissance, target identification, target marking, ground-to-air coordination, and damage assessment; four underwing pylons carry rockets, flares, or other light ordnance such as a 7.62 mm minigun; seats 4-6.

Cessna A-37B "Dragonfly"—Intended for armed counterinsurgency operations from short, unimproved airstrips; each wing has four underwing pylon stations: two inner ones can carry 870 lb. bombs, next one can carry 600 lb. bomb, outermost one can carry 500 lb. bomb; has a 7.62 mm minigun established in the forward fuselage.

Bell UH-1H "Huey" helicopter—Standard Army transport helicopter with room for a pilot and 11-14 troops; can be armed with door-mounted machine gunships and rocket pods.

C-123K transports—Jet transport plane no longer used by the U.S. Army; can carry 58 fully-equipped troops or 54,000 lbs. of cargo.

In addition to the $55 million in emergency funds for El Salvador, the Reagan Administration is requesting an additional $35 million in military aid and $128 million in economic aid as part of its Caribbean Basin development initiative. A preliminary list of the military aid for El Salvador includes:

	Millions
Improve ground force capability	$12
Expand and develop command and control (communications, intelligence, etc.)	3
Ammunition	5
Logistics—management, repair, storage of weapons	4
Improve naval capability (boats, radar, communications, etc.)	8
Upgrade support units (engineers, maintenance, communications units, etc.)	3

Fiscal Year 1983—Administration requests

In Fiscal Year 1983, the Administration is asking Congress to approve another $61.3 million in military aid to El Salvador, as well as $164.9 million in economic aid. This brings to a total of $202.3 million the amount of military aid approved or requested for El Salvador by the Reagan Administration, as opposed to $16.5 million approved by President Carter.

Military aid requests for other countries in Central America in Fiscal Year 1983 include:

Honduras—$14.5 million in Foreign Military Sales credits and $800,000 in training grants (International Military Education and Training Program);

Costa Rica—$150,000 in training grants;

Guatemala—$250,000 in training grants;

Panama—$5 million in Foreign Military Sales credits and $500,000 in training grants.

El Salvador

AS of March 3, 1982, forty-seven U.S. military personnel were stationed in EL Salvador for the following purposes:

	Amount
Staff of the U.S. Military Group at the U.S. Embassy	5
Communications maintenance and repair	2
Small unit training teams to train additional recruits for the Atlacatl rapid reaction battalion and support companies	25
Medical technician	1
Helicopter maintenance	5
Electronics maintenance (repair of radar, helicopter avionics)	2
Logistics, communications, and maintenance to establish depots and maintenance centers at the national level	4
Engineer training (repair of bridges, roads, etc.)	3
Total	47

Issues affecting U.S. military personnel in El Salvador

On February 11, 1982 three U.S. trainers carrying M-16 rifles and other combat equipment were photographed by newsmen from the Cable News Network in a zone where guerrillas had been active. The team of three men was supervising the construction of a bridge 12 miles south of San Miguel, in the embattled eastern portion of El Salvador.

U.S. TRAINING OF SALVADORAN SOLDIERS

The training of 1,600 Salvadoran officers announced by Deputy Secretary of Defense Fred Ikle on December 15, 1981, began on January 9, 1982. Sixty officers and sergeants arrived at Fort Bragg, N.C. to begin one month of training in military leadership before the arrival of a 1,000-troop battalion in mid-February. According to U.S. Colonel Edward Richards, commander of the 7th Special Forces, the 1,000-man quick reaction battalion would be trained in basic and advanced individual and unit skills, such as the use of weapons (M-16 rifles, 60 mm mortars, 90 mm recoilless rifles, M-79 grenade launchers, etc.), day and night land navigation, medical combat support and leadership. Fort Bragg is the home of the U.S. Special Forces (Green Berets) and the 82d Airborne. The last contingent of Salvadoran officers arrived at Fort Bragg on February 13.

In addition, the entire student body of the Salvadoran military academy arrived at Fort Benning, Ga., from mid-January to mid-February 1982. The officers were to be trained in leadership, tactics, maintenance, and "troop leading procedures." The Salvadoran Army has been plagued by a critical lack of trained officers to meet its expansion to a size of over 12,000 men.

Although Pentagon sources would not confirm the precise content of the training at Fort Bragg and Fort Benning, the kind of equipment recently provided to El Salvador, as well as the fact that entire units are being trained at one time, suggest that U.S. and Salvadoran officers aim to create an airmobile battalion, in which troops are transported to points of conflict in coordination with other ground units and the strike missions of counterinsurgency aircraft.

Intelligence gathering

On February 24, 1982 Defense Department officials said that U.S. Surveillance ships had been stationed for the last two months in the Gulf of Fonseca bordering El Salvador, Nicaragua, and Honduras. One intelligence vessel, the *Deyo*, was replaced by the *Caron* on February 24; both are

Spruance-class destroyers fitted with sophisticated electronic surveillance devices. Defense Department officials stated that the ships were stationed in international waters, outside the three-mile zone of territorial waters claimed by each country. President Jose Napoleon Duarte of El Salvador, however, indicated that the U.S. vessels entered the portion of the Gulf of Fonseca corresponding to El Salvador, and that the decision to allow the ship to enter the Gulf was made by the Salvadoran armed forces.

According to Pentagon sources, sensitive eavesdropping gear aboard the ships can intercept high freqency radio transmissions and other communications ashore; these sources add that the intelligence gathered can enable officials to pinpoint guerrilla positions inside El Salvador, as well as locate the source of command and control. The devices are also capable of monitoring other government communications in Nicaragua and El Salvador. The State Department's special report on "Nicaraguan Support for the Salvadoran Insurgency" (see above) claimed that Salvadoran guerrillas' military, communications, and propaganda headquarters were outside the Nicaraguan capital of Managua.

The incident violated regulations set out by the State Department last year stipulating that "United States personnel will not accompany Salvadoran units outside their garrison area" and would carry only sidearms to be used in self-defense. In May 1981 the State Department announced that ". . . Personnel will be stationed in San Salvador or in carefully selected regional garrisons and special precautions will be taken to provide security for them. They will not go on patrol or combat missions with Salvadoran forces, nor will they otherwise be placed in situations were combat is likely."

U.S. Ambassador to El Salvador Deane Hinton stated on February 13 that ". . . I wish it hadn't happened this way, and they wish it hadn't happened this way." He ordered U.S. Lt. Col. Harry Melander, one of the soldiers photographed, out of the country. Several days later, however, Hinton asked the Reagan Administration to revise regulations prohibiting U.S. personnel from carrying combat weapons for self-defense.

On March 19, State Department Spokesman Dean Fischer announced that approximately 100 U.S. military personnel were stationed in Honduras "training the Honduran military in such technical areas as helicopter maintenance, air base security, patrol boat maintenance, and communications. Pentagon spokesmen in Washington also indicated that the trainers included members of the U.S. Special Fordes (Green Berets) providing training in small unit tactics and border patrol. The spokesmen added that because the number of U.S. personnel "change too frequently for us to keep tabs," a specific break down of the U.S. trainers and their function was unavailable.

A spokesman at the U.S. Embassy in Honduras said that the purpose of the training was to help Honduras improve the defensive capacity of the Honduran armed forces as well as assist the Hondurans in blocking arms shipments through Honduras to El Salvador. However, the Washington Post, in a March 1982 series on U.S. covert activities directed against Nicaragua, reported that:

"As a separate part of the U.S. strategy in the region, the U.S. military currently is engaged in two operations in neighboring Honduras to indirectly support anti-Nicaraguan efforts, informed administration officials said."

In early February 1982, several U.S. military officers began visiting the Honduran Army command post in Puerto Lempira near the Nicaraguan border, an area populated largely by Miskito Indians. Nicaraguan exile groups are known to have provided military training for Miskito refugees camped near Puerto Lempira. The Honduran Army has sent a battalion to the port and has requested communications equipment from the United States for use in the area.

The number of U.S. military personnel in Honduras is a dramatic increase from last summer, when the State Department announced that there were 21 U.S. military personnel in Honduras. U.S. trainers first arrived in early 1980, to provide assistance in border security operations and training in urban counter-guerrilla techniques. After March 1980, when the United States provided Honduras with 10 Bell UH-1 helicopters under a no-cost lease program, other trainers arrived to provide pilot and maintenance training.

Base Rights

As part of its effort to increase intelligence-gathering and military capabilities in Central America and the Caribbean, the Reagan Administration is also considering re-opening parts of a U.S. Navy air, sea, and submarine base at Key West, Florida. Recently, the Navy has stationed several fast hydrofoil patrol boats carrying Harpoon anti-ship missiles at the base, and is considering re-opening the 76-acre Truman Annex to accommodate up to six destroyers. According to the Pentagon, the destroyer group would serve to enhance anti-submarine warfare capabilities against threats from Cuba.

In early March 1982, Secretary of Defense Caspar Weinberger told two House subcommittees that the United States was conducting conversations with Latin American countries over the use by the United States of regional military facilities in case of an emergency. The State Department confirmed on March 3 that the two countries were specifically Honduras and Colombia. State Department spokesman Dean Fischer told reporters that the United States would seek permission to improve airfields in Honduras and Colombia and use them for training, search and rescue, relief flights, "and for such other activities as agreed upon by the two countries." The Defense Department's Fiscal Year 1983 military construction budget calls for $21 million for "airfield improvements in the Western Caribbean area."●

PROTECT THE RIGHTS OF THE HANDICAPPED

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1982

● Mr. LEHMAN. Mr. Speaker, in 1973 Congress passed legislation to prohibit discrimination against the handicapped. Section 504 of the Rehabilitation Act of 1973 was a giant step in the direction of full rights for our handicapped citizens. It was only the beginning, however, as there still remained the struggle to see that section 504 was fully implemented.

The words of section 504, which prohibited discrimination, exclusion or denial of benefits against otherwise qualified handicapped persons under any program receiving Federal financial assistance or conducted by a Federal agency, had no meaning if they were not going to be enforced. This was the case until April 28, 1976, when, as a result of a judicial decision, an Executive order was issued directing the Secretary of Health, Education, and Welfare to coordinate the implementation of section 504.

Today, on the sixth anniversary of that Executive order, we can look back on much progress in our efforts to secure full rights for the handicapped, but we must also take note of the threats that have been made against these gains. New regulations are being developed by the administration that will make it more difficult for handicapped persons to take part in federally related activities. It will become easier for an employer to turn down the application of a handicapped individual. Academic institutions will not have to be as sensitive to the needs of their disabled students. Public transportation will not become more accessible to the handicapped.

All this is possible if we do not continue to impress upon the administration the need to followthrough on our commitment to the handicapped. We must carefully watch for the publication of proposed regulations that will turn back the clock with regard to section 504.

The handicapped have proven again and again that they can make great contributions to our country if they are given the opportunity. It would be very cruel of us to withdraw the hope that has been offered during the past decade. It is time to fulfill our promise, not to break it.●

LOSS RESERVE ACCOUNT DEDUCTIONS

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1982

● Mr. FRENZEL. Mr. Speaker, last week I introduced H.R. 6114, a bill to allow a business expense deduction for certain self-insurance reserves. The bill is designed to equalize the Federal income tax treatment of insuring against certain predictable losses incurred in the conduct of a trade or business.

H.R. 6114 would allow a business taxpayer to deduct amounts that are set aside as self-insurance reserves against certain kinds of risks. In doing so, the bill would equalize the tax treatment of currently nondeductible payments into a self-insurance fund

with the tax treatment of most insurance premiums. Under current law, most insurance premiums are deductible. The bill would also eliminate the uncertainty that currently exists with respect to the status of insurance premiums paid to affiliated insurance companies to insure the payor's risks by providing that such premiums would be deductible.

Generally, H.R. 6114 allows a company to take a deduction for its self-insurance losses in any given year. The amount of the deduction will be based on the company's liabilities and losses (insurable) for that year. The amount of the company's liabilities and losses for any given year will be determined using either generally accepted actuarial methods for determining appropriate contributions to trust or reserve accounts of this type, an amount equal to 90 percent of what the taxpayer would have to pay a commercial insurer for coverage of the taxpayer's current liabilities (insurance premiums), the amount paid as premiums to an affiliated insurance company, or any other means prescribed by the Secretary of the Treasury.

Taxpayers forming a self-insurance trust will be prohibited from terminating the trust, or from using any of its assets, except under certain provisions specified in the bill. It is intended that the definition of self-insurance risks covered by the bill include:

First. Payments made in the judgment or settlement of tort liability claims;

Second. Losses of financial institutions resulting from fidelity risks; and

Third. Losses resulting from workers' compensation risks.

The concepts embodied in this bill are generally new. While the bill does represent a detailed proposal, the bill is strictly intended to serve to initiate discussion within the business community and in the Congress. It is only a discussion draft.

I encourage my colleagues in the Congress, and representatives of the business community, to examine this proposal. At this point, it is by no means perfect, and it is my hope that together we can develop a workable, fair bill concerning the tax treatment of self-insured losses.

A copy of the bill follows:

H.R. 6114

A bill to amend the Internal Revenue Code of 1954 to allow a business deduction for certain self-insurance reserves

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEDUCTION FOR SELF-INSURED LOSSES.

Part VI of subchapter B if chapter 1 (relating to itemized deductions for individuals and corporations) is amended by inserting after section 195 the following new section:

"SEC. 196. SELF-INSURED LOSSES.

"(a) IN GENERAL.—There shall be allowed as a deduction in any taxable year an amount equal to self-insured losses (as defined in subsection (g)) for that year, attributable to the conduct of the taxpayer's trade or business, determined as provided in subsection (b).

"(b) LIMITATION ON AMOUNT DEDUCTIBLE.—

"(1) SELF-INSURANCE TRUSTS.—For taxpayers maintaining a self-insurance trust, the amount deductible in any year for self-insured losses shall be the present value of the total current liability for self-insured losses at the end of the taxable year for which the deduction is to be taken, reduced by the amount in the taxpayer's reserve account or self-insurance trust. This amount shall be determined in any reasonable manner. Reasonable amounts include (but are not limited to)—

"(A) an amount determined by an independent actuary using generally accepted actuarial methods as the appropriate contribution to the trust or reserve account, or

"(B) an amount equal to 90 percent of the amount the taxpayer would have to pay a commercial insurer for coverage of the taxpayer's current liability for self-insured losses (taking into account the amount in the self-insurance trust or reserve account), such commercial insurance amount to be determined on the basis of a quotation from an insurance carrier (unaffiliated with the taxpayer) or a written estimate by a recognized insurance brokerage firm.

"(2) AFFILIATED INSURERS.—For taxpayers self-insuring through an affiliated insurer, the deduction shall be equal to the premium paid to the affiliated insurer.

"(3) UNAFFILIATED INSURER.—For taxpayers self-insuring through an unaffiliated insurer, the deduction shall be equal to the premium paid to the unaffiliated insurer.

"(c) ACCOUNTING FOR SELF-INSURANCE.—

"(1) ANNUAL LIMITATION.—Payments by the taxpayer with respect to self-insured losses (including expenses) for any year shall be deductible only to the extent they exceed in the aggregate the contribution made to the self-insurance trust or reserve account for the year in which the losses were incurred.

"(2) ANNUAL COMPUTATION.—The taxpayer shall recompute the current liability with respect to self-insured losses at the end of every taxable year, whether or not a deduction under this section is taken with respect to that year.

"(3) INCLUSION IN INCOME.—If at the end of any taxable year the amount in the reserve account exceeds the current liability with respect to self-insured losses (including losses incurred in that year), the amount of excess shall be included by the taxpayer as an item of gross income.

"(d) SELF-INSURANCE TRUSTS.—

"(1) IN GENERAL.—Self-insured losses not insured by an insurer (including an affiliated insurer) shall, at the election of the taxpayer, be funded by—

"(A) an operating self-insurance trust which shall be funded in the amount of the deduction in each taxable year by the transfer of cash, or marketable securities of persons other than the taxpayer, or combination thereof, or

"(B) a standby self-insurance trust which shall be funded—

"(i) by the establishment of a self-insurance reserve account, and

"(ii) by the purchase by the taxpayer of a surety bond or the arrangement for a letter of credit in an amount equal to the taxpayer's current liability for self-insured losses, the beneficiary of which shall be the trustee of the standby self-insurance trust.

"(2) REQUIREMENTS OF A SELF-INSURANCE TRUST.—

"(A) Self-insurance trusts shall be trusts established in writing by the taxpayer under the laws of the United States or any State (including the District of Columbia).

"(i) The only purposes of an operating trust shall be to receive contributions from the taxpayer and to make payments with respect to self-insured risks of the taxpayer.

"(ii) The only purposes of a standby trust shall be to serve as the beneficiary of the surety bond or letter of credit purchased by the taxpayer pursuant to this subsection, to receive the proceeds of the bond or letter, and to make payments with respect to self-insured losses of the taxpayer.

"(B) The trustee of a self-insurance trust shall be—

"(i) a bank as defined in section 581, or

"(ii) any corporation authorized to accept or execute trusts by the United States or any State (including the District of Columbia), or

"(iii) a corporation which under the laws of the State of its incorporation is subject to supervision and examination by the commissioner of banking or other officer of such State in charge of the administration of the banking laws of such State, or

"(iv) an insurance company (not affiliated with the taxpayer) which is formed under the laws of the United States, the District of Columbia, Bermuda, or the Cayman Islands, or

"(v) any other person who demonstrates to the satisfaction of the Secretary that the manner in which that other person will administer the trust will be consistent with the purpose for which the trust is established.

"(3) ADMINISTRATION OF A SELF-INSURANCE TRUST.—The trustee of a self-insurance trust—

"(A) shall be subject in its administration of trust assests to the rules for the protection of beneficiaries established by the law of the State or district wherein the trust is created, or of the United States, those rules to apply as if the beneficiaries of the trust included claimants on self-insured losses;

"(B) shall not commingle the assets of the trust with any other property other than in a common trust fund (as defined in section 584); and

"(C) may make loans to the taxpayer at prevailing commercial rates and under such other terms and conditions as the trustee deems necessary or desirable in an amount not to exceed 50 percent of the amount of the trust corpus.

"(4) PAYMENTS FROM THE SELF-INSURANCE TRUST.—The trustee of a self-insurance trust shall make payments to claimants under judgments and settlements as the taxpayer or his agent directs. The trust itself, however, shall not be liable for any claims or judgments against the taxpayer. Payments from the trust to claimants shall not be deductible by the taxpayer.

"(e) DISSOLUTIONS AND TERMINATONS.—

"(1) IN GENERAL.—Except as specifically provided in this subsection—

"(A) a taxpayer maintaining an operating self-insurance trust shall not terminate the trust or in any way receive any part of its corpus, and

"(B) a taxpayer maintaining a standby self-insurance trust shall not terminate either the trust or the surety bond or letter of credit guaranteeing payment of self-insured losses.

"(2) STANDBY TRUST.—A taxpayer maintaining a standby self-insurance trust shall

immediately notify the Secretary when either—

"(A) the surety bond or letter of credit payable thereto is canceled, revoked, or otherwise impaired, or

"(B) the taxpayer has been notified that the surety or financial institution intends to cancel, revoke, or otherwise impair the bond or letter of credit.

Within 30 days of the effective date of cancellation, revocation, or impairment, the taxpayer shall obtain another bond or letter securing payment of self-insured losses in accordance with this section. Otherwise, the taxpayer shall include as an item of gross income an amount equal to 125 percent of the amount of the self-insurance reserve account at the time of cancellation, revocation, or impairment. Inclusion of that item of income shall terminate the application of this section to the self-insured losses associated with the reserve account.

"(3) LIQUIDATION.—

"(A) In the case of liquidation of a corporate taxpayer maintaining an operating self-insurance trust, the taxpayer shall, in accordance with regulations prescribed by the Secretary, provide for the continued operation of the trust as part of the plan of liquidation. Maintenance of authority to direct the trustee shall be treated as retention of assets to meet claims.

"(B) In the event of liquidation of a corporate taxpayer maintaining a standby self-insurance trust, the taxpayer shall, in accordance with regulations prescribed by the Secretary, provide for the continuation of the trust and of the surety bond or letter of credit, as part of the plan of liquidation.

"(4) MERGER.—In the case of statutory merger or other consolidation with another corporation, a corporate taxpayer maintaining a self-insurance trust (either operating or standby) may, in accordance with regulations prescribed by the Secretary, combine or otherwise consolidate the trusts and accounts provided for by this section.

"(5) TERMINATION.—

"(A) A taxpayer maintaining a self-insurance trust (either operating or standby) may terminate the trust (and the surety bond or letter of credit in the case of a standby trust) if the conditions of subparagraph (B) of this paragraph obtain.

"(B) Termination is permissible when—

"(i) the taxpayer has not taken a deduction for losses self-insured through the trust in any of the five previous taxable years,

"(ii) there are no outstanding claims of liability with respect to the risks the taxpayer self-insured through the trust, and

"(iii) the applicable statute of limitations has run on all risks self-insured through the trust.

"(C) When a taxpayer terminates its trust pursuant to this paragraph, it shall include as an item of income an amount equal to the sum of the corpus of the trust and the amount in the self-insurance reserve account. Inclusion of that item of income shall terminate the application of this section to the losses self-insured through the trust.

"(f) NO EFFECT ON OTHER DEDUCTIONS.—The allowance by this section of a deduction for self-insured losses shall not affect the status of any deduction claimed under any other section, and no inference shall be drawn from this section regarding the allowance of any deduction not specifically authorized hereby.

"(g) DEFINITIONS AND SPECIAL RULES.—

"(1) SELF-INSURED LOSSES.—For purposes of this section, the term 'self-insured losses' means—

"(A) losses, to the extent not compensated for by insurance (other than insurance provided by an affiliated insurance company) or otherwise, and

"(B) amounts paid to insurers unrelated to the taxpayer to the extent such amounts are not otherwise deductible as insurance expenses when the insurer assumes risks arising from the taxpayer's business and adjusts the taxpayer's premium at a time subsequent to the payment thereof,

resulting from those classes and amounts of self-insurable risks that the taxpayer notifies the Secretary he is self-insuring. Self-insured losses include those expenses associated with adjusting a claim or loss that are normally paid by the insurer when a loss is compensated for by insurance. Notification of self-insurance, in the form prescribed by the Secretary, shall be attached to the taxpayer's income tax return for each year with respect to which he takes a deduction pursuant to this section.

"(2) SELF-INSURABLE RISKS.—For the purposes of this section, 'self-insurable risks' means risks of—

"(A) payments made by the taxpayer or the taxpayer's agent, in judgment or settlement of claims of tort liability, including product liability claims whether such claims are based on tort or contract law, arising from losses sustained by persons other than the taxpayer, which payments are—

"(i) delayed payments made in taxable years subsequent to the taxable year in which the events giving rise to the claims of liability occurred, including instances—

"(I) where claims of liability are not reported to the taxpayer until a taxable year subsequent to that in which the events leading to the claim took place, and

"(II) where the amount of payment by the taxpayer on the liability claim is not fixed until a taxable year subsequent to that in which the events leading to the claim took place; and

"(ii) predictable payments, the time and aggregate amount of which can be calculated with reasonable accuracy in the current taxable year;

"(B) losses of financial institutions resulting from fraud or defalcation—

"(i) which are incurred but not discovered, or, if discovered, have not been finally determined as to amount, in the taxable year in which the events giving rise to the loss occur, and

"(ii) which can be predicted in the aggregate with reasonable accuracy in the taxable year in which the events giving rise to the loss occur; or

"(C) losses resulting from workers compensation risks—

"(i) to the extent that the taxpayer is required to cover employees under the laws of the United States or any State (including the District of Columbia),

"(ii) which are incurred but not paid in the taxable year in which the events giving rise to loss occurred, and

"(iii) which can be predicted in the aggregate with reasonable accuracy in the taxable year in which the events giving rise to the loss occur.

"(3) CURRENT LIABILITY.—For purposes of this section, the term current liability' means the total projected future payments to be made with respect to self-insured losses incurred but not yet paid.

"(4) RESERVE ACCOUNT.—For purposes of this section, the term 'reserve account' means a separate account maintained on the books of the taxpayer to satisfy current liability for self-insured losses. Any taxpayer maintaining a reserve account shall add to the account for any year the amount of the deduction taken pursuant to subsection (a) of this section that is not contributed to a self-insurance trust or paid to an insurer as a premium. The taxpayer shall reduce the reserve account by the amounts paid to claimants with respect to self-insured losses and amounts paid for associated expenses. The taxpayer shall also reduce the reserve account for losses resulting from fraud or defalcation in the taxable year in which those losses are known with certainty as to amount.

"(5) INSURER.—For purposes of this section, the term 'insurer' means any person (including partnerships and corporations) licensed or eligible to provide insurance under the laws of the United States (including any possessions thereof) or of any State (including the District of Columbia), or of any foreign country.

"(6) AFFILIATED INSURER.—For purposes of this section, the term 'affiliated insurer' means any insurer—

"(A) which is—

"(i) wholly or partially owned or controlled by the taxpayer or by a corporation which owns or controls the taxpayer, or

"(ii) wholly owned by an association described in section 501(c)(6) (relating to tax-exempt business leagues) of which the taxpayer is a member, and

"(B) which is licensed or approved to provide insurance under the laws of any State of the United States, or the District of Columbia, or

"(C) any corporation or other limited liability association taxable as a corporation, or as an insurance company, formed under the laws of any State (including the District of Columbia), Bermuda, or the Cayman Islands—

"(i) whose primary activity consists of assuming and spreading all, or any portion, of the product liability or completed operations liability risk exposure of its group members,

"(ii) which is organized for the primary purpose of conducting the activity described under clause (i),

"(iii) which is licensed as an insurance company under the laws of any State (including the District of Columbia), Bermuda or the Cayman Islands, and

"(iv) which does not exclude any person from membership in the group solely to provide for members of such a group a competitive advantage over such a person.

"(7) SURETY BOND.—For purposes of this section, the term 'surety bond' means a bond issued by an insurance company or bonding company licensed to do business in the United States or in any State (including the District of Columbia) which guarantees the fulfillment of the taxpayer's liability for self-insured losses up to the amount of the bond.

"(8) LETTER OF CREDIT.—For purposes of this section, the term 'letter of credit' refers to an agreement whereby a financial institution agrees to honor drafts from a designated party. The trustee of the self-insurance trust shall be the beneficiary of letters of credit created under this section.

"(9) YEAR IN WHICH LIABILITY OR LOSS OCCURS.—For purposes of this section, a liability or a loss is incurred in the year in which the events occur which provide the basis for the claim of liability or which create the loss, whether or not the taxpayer has notice of the claim of liability or knowledge of the loss and without regard to whether the existence of liability has been

legally determined or the amount of such liability or loss has been fixed."

SEC. 2. EFFECTIVE DATE.

This section shall be effective for taxable years beginning after enactment.●

IN APPRECIATION OF ADM. HYMAN G. RICKOVER

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1982

● Mr. WOLF. Mr. Speaker, yesterday the U.S. House of Representatives joined the Senate in voting to authorize the Speaker of the House and the President pro tempore of the Senate to present a gold medal on our behalf to Adm. Hyman G. Rickover in recognition of his 60 years of distinguished service to the U.S. Navy.

This medal will demonstrate Congress appreciation of Admiral Rickover and the unsurpassed contribution he has made to the U.S. Navy, but there is no way any of us can express the tremendous debt of gratitude the United States and the entire Free World owe to Admiral Rickover for his vision and determination in developing our nuclear Navy.

The submarines now on patrol, which owe their existence largely to him, are the most secure leg of the defensive triad which is now protecting our freedom and way of life, and will continue to protect it for years to come.

Since Admiral Rickover is a resident of the 10th Congressional District of Virginia, which I represent, it is with great pride that I join my colleagues in approving this medal for him, and it is my hope that this will serve as some small token of the great esteem in which he is held by us in Congress, and by the people of the United States who owe him so much for his long years of dedicated service and brilliant leadership.●

C.L.U. 45TH ANNIVERSARY

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1982

● Mr. ST GERMAIN. Mr. Speaker, on May 6, 1982, the Rhode Island Chapter of Chartered Life Underwriters (C.L.U.) will celebrate its 45th anniversary as a professional organization serving the insurance consumers of our State of Rhode Island.

A C.L.U. must complete a most rigorous curriculum in insurance and financial planning services, and must meet strict requirements in education, ethics, and experience. He must swear an oath to treat his clients as he would treat himself and meet strict professional standards in rendering advice and service to his clients.

It is a privilege for me to salute the Rhode Island Chapter of C.L.U. and to thank its members for the fine service they are providing the citizens of our State. I congratulate them and extend my best wishes for the continuation of their good work.●

TRIBUTE TO JUDGE PERRY B. JACKSON

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1982

● Mr. BROWN of Ohio. Mr. Speaker, it is appropriate on May 1, National Law Day, that we honor Judge Perry B. Jackson for the many contributions he has made to his profession. Throughout his career, which spans 50 years, Judge Jackson has served the people of the great State of Ohio in numerous capacities.

His early record includes serving as a State representative, city councilman, assistant police prosecutor and secretary to the director of public utilities.

Later, after being appointed to the municipal court bench by former Governor John Bricker, Judge Jackson was elected to three consecutive terms. Subsequently, he was elected to three terms on the court of common pleas.

In 1973, the Supreme Court of Ohio assigned Judge Jackson to sit as a trial judge on the Cuyahoga County Common Pleas Court, a capacity in which he continues to serve.

These accomplishments would seem to be more than enough to fill any one man's life, but not Judge Jackson's. He has contributed to the betterment of society in more than just his professional capacity. His life has been filled with contributions to the community as a civic leader, spokesman for the Republican Party, and humanitarian.

It is nearly impossible to cite all of Judge Jackson's achievements: The list is too long. Therefore, I close by asking all of my colleagues to join me in paying tribute to a great lawyer, judge, leader, and a great man.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, April 29, 1982, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 30

9:30 a.m.

Commerce, Science, and Transportation

To hold oversight hearings on the implementation of the Magnuson Fishery Conservation and Management Act amendments (Public Law 94-263), and on proposed authorizations thereto.

235 Russell Building

Environment and Public Works

Transportation Subcommittee

Business meeting, to mark up S. 2315, authorizing funds through fiscal year 1987 for the Federal-aid highway program.

4200 Dirksen Building

10:00 a.m.

Agriculture, Nutrition, and Forestry

Foreign Agricultural Policy Subcommittee

To hold hearings on S. 2351, providing for the administration of the Agreement on the International Carriage of Perishable Foodstuffs which establishes uniform inspection requirements for the equipment that transports perishable foods across national borders.

324 Russell Building

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for programs of the Department of Transportation and related agencies.

1318 Dirksen Building

Foreign Relations

To hold hearings on the current state of the United States-Soviet strategic nuclear balance.

4221 Dirksen Building

2:00 p.m.

Foreign Relations

Tc hold hearings on pending nominations.

4221 Dirksen Building

MAY 3

9:00 a.m.

Judiciary

Courts Subcommittee

To hold hearings on S. 2297, revising certain provisions of the Bankruptcy Reform Act of 1978, to protect the interests of shopping centers and their tenants in the event of a bankruptcy.

2228 Dirksen Building

9:30 a.m.
Energy and Natural Resources
To hold hearings on S. 2305, insuring all energy and mineral resources on public lands and on the Outer Continental Shelf are provided for under the direction of the Secretary of the Interior.
3110 Dirksen Building

10:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on titles I and II of S. 2227, proposed International Security and Development Cooperation Act, providing for sales of agricultural commodities on concessional terms and the donation of food, respectively.
324 Russell Building

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Internal Revenue Service, Department of the Treasury.
1224 Dirksen Building

Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
235 Russell Building

Foreign Relations
Business meeting, to mark up S. 2237, establishing a program of economic assistance and development for the Caribbean Basin region; S. 2227, authorizing funds for fiscal years 1983 and 1984 for international security and development assistance programs; S. 2290, authorizing funds for fiscal year ending September 30, 1982, and fiscal year 1983 for international communication and educational and cultural exchange programs of the International Communication Agency; and S. 2398, providing for the United States to increase its contribution to the African Development Fund.
4221 Dirksen Building

Labor and Human Resources
Alcoholism and Drug Abuse Subcommittee
Business meeting, to mark up proposed legislation authorizing funds for the National Institute on Drug Abuse and the National Institute on Alcohol Abuse and Alcoholism.
4232 Dirksen Building

11:00 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Executive Office of the President, with the exception of the Office of Management and Budget.
1224 Dirksen Building

1:30 p.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for the Department of Labor; and the Health Services Administration, Centers for Disease Control, and the National Cancer Institute, Department of Health and Human Services.
1114 Dirksen Building

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for activities of the Secretary of the Treasury.
1224 Dirksen Building

2:00 p.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for programs of the Department of Transportation and related agencies.
1318 Dirksen Building

Foreign Relations
Business meeting, to continue markup of S. 2237, establishing a program of economic assistance and development for the Caribbean Basin region, S. 2227, authorizing funds for fiscal years 1983 and 1984 for international security and development assistance programs, S. 2290, authorizing funds for fiscal year ending September 30, 1982, and fiscal year 1983 for international communication and educational and cultural exchange programs of the International Communication Agency, and S. 2398, providing for the United States to increase its contribution to the African Development Fund.
4221 Dirksen Building

3:00 p.m.
Foreign Relations
To hold hearings on the nomination of Gregory J. Newell, of Virginia, to be Assistant Secretary of State for International Organization Affairs.
4221 Dirksen Building

MAY 4

8:30 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Smithsonian Institution, Holocaust Memorial Council, and the Advisory Council on Historic Preservation
1318 Dirksen Building

9:00 a.m.
Office of Technology Assessment
The Board, to hold a general business meeting.
S-120, Capitol

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Heart, Lung and Blood Institute, National Institute of Neurological and Communicative Disorders and Stroke, and the National Institute of Arthritis, Diabetes, Digestive and Kidney Diseases, Department of Health and Human Services.
1114 Dirksen Building

Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for activities of the Secretary of State, administration of foreign affairs, and Radio Broadcasting to Cuba.
S-146, Capitol

Environment and Public Works
Business meeting, to resume markup of proposed amendments to the Clean Air Act (Public Law 95-95).
4200 Dirksen Building

Labor and Human Resources
To hold oversight hearings on the Office of Federal Contract Compliance Programs, Department of Labor.
4232 Dirksen Building

10:00 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the General Services Administration.
1224 Dirksen Building

Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building

Foreign Relations
Business meeting, to mark up Senate Joint Resolution 144, encouraging unconditional negotiations for the purpose of achieving a cease-fire and a political settlement in El Salvador, S. 2243 and S. 2179, bills requiring specific authorization before the introduction of any U.S. Armed Forces into hostilities in El Salvador, Senate Joint Resolution 158, reaffirming the 1962 resolution on Cuba banning a Soviet military base in Cuba, and S. 2370, requiring prior congressional authorization for sending U.S. military personnel or furnishing military or security assistance to the Central American nations.
4221 Dirksen Building

Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings on the effectiveness of the Federal Government to enforce export controls, focusing on the transfer of high technology to the Soviet Union and other Warsaw Pact nations.
3302 Dirksen Building

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for foreign affairs' activities of the Secretary of the Treasury, focusing on the status of the Multilateral Development Banks.
1223 Dirksen Building

1:30 p.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Institute of Child Health and Human Development, National Institute of General Medical Sciences, National Institute of Dental Research, National Institute on Aging, National Institute of Environmental Health Sciences, National Eye Institute, Division of Research Resources, Health Care Financing Administration, and the Social Security Administration (including Office of Refugee Resettlement), Department of Health and Human Services.
1318 Dirksen Building

2:00 p.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Administrative Conference of the United States, Advisory Commission on Intergovernmental Relations, Advisory Committee on Federal Pay, Committee for Purchase from the Blind, and the Federal Elections Commission.
1224 Dirksen Building

MAY 5

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Alcohol, Drug Abuse, and Mental Health Administration, Office of the Assistant Secretary for Health, and the Health Resources Administration, Department of Health and Human Services.
1114 Dirksen Building
Commerce, Science, and Transportation
To hold hearings on the nominations of Vice Adm. James S. Gracey, U.S. Coast Guard, to be Commandant, and Rear Adm. Benedict L. Stabile, U.S. Coast Guard, to be Vice Commandant, each for the U.S. Coast Guard.
235 Russell Building
Labor and Human Resources
Business meeting, to mark up S. 2365, authorizing funds for fiscal years 1983 and 1984 for alcohol and drug abuse programs of the Department of Health and Human Services, and other pending calendar business.
4232 Dirksen Building
10:00 a.m.
Agriculture, Nutrition, and Forestry
Business meeting, to mark up S. 2314, authorizing funds for fiscal years 1983, 1984, and 1985 for farm and rural development loan programs of the Farmers Home Administration.
324 Russell Building
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Aeronautics and Space Administration.
1224 Dirksen Building
Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building
Environment and Public Works
Environmental Pollution Subcommittee
Business meeting, to consider proposed legislation authorizing funds for programs of the Resource Conservation and Recovery Act, Marine Protection, Research and Sanctuaries Act, and the Federal Water Pollution Control Act.
4200 Dirksen Building
Governmental Affairs
Permanent Subcommittee on Investigations
To continue hearings on the effectiveness of the Federal Government to enforce export controls, focusing on the transfer of high technology to the Soviet Union and other Warsaw Pact nations.
3302 Dirksen Building
Judiciary
Criminal Law Subcommittee
To resume hearings on proposed legislation providing for a ban on the manufacture or sale of nonsporting handguns, mandatory sentences for the use of a firearm in committing a felony, and a preclearance procedure for the sale or transfer of any handgun.
2228 Dirksen Building
Veterans Affairs
To hold hearings on a Veterans' Administration proposal to decentralize certain medical automated data processing facilities.
412 Russell Building
11:00 a.m.
Banking, Housing, and Urban Affairs
Business meeting, to mark up S. 2361, authorizing funds for housing, community, and neighborhood development programs.
5302 Dirksen Building
1:30 p.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Office of Human Development Services, Office of Community Services, and certain health and human services programs, Department of Health and Human Services; and for elementary and secondary education programs, bilingual education program, and the impact aid program, Department of Education.
1318 Dirksen Building
2:00 p.m.
Environment and Public Works
Environmental Pollution Subcommittee
Business meeting, to mark up proposed legislation authorizing funds for the Endangered Species Act.
4200 Dirksen Building
*Governmental Affairs
Federal Expenditures, Research and Rules Subcommittee
To hold hearings on proposed legislation improving the efficiency of the Federal procurement system.
3302 Dirksen Building
Judiciary
To hold hearings on pending nominations.
2228 Dirksen Building
3:00 p.m.
Judiciary
To hold hearings on S. 2419, modifying certain provisions relating to the venue law to allow cases to be heard in courts where the decision would have greater impact.
2228 Dirksen Building

MAY 6

9:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the U.S. Fish and Wildlife Service, and the Institute of Museum Services.
1318 Dirksen Building
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 604 and S. 2355, bills providing adequate telephone service to persons with impaired hearing.
235 Russell Building
9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for education programs for the handicapped, rehabilitation services, vocational and adult education, higher education, and the National Institute of Education, Department of Education.
1114 Dirksen Building
Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the care of the U.S. Supreme Court Building by the Architect of the Capitol, U.S. International Trade Commission, Federal Maritime Commission, and the Marine Mammal Commission.
S-146, Capitol
Banking, Housing, and Urban Affairs
Business meeting, to continue markup of S. 2361, authorizing funds for housing, community, and neighborhood development programs.
5302 Dirksen Building
10:00 a.m.
Agriculture, Nutrition, and Forestry
Soil and Water Conservation Subcommittee
Agricultural Production, Marketing, and Stabilization of Prices Subcommittee
To hold joint hearings on S. 1825, prohibiting the Federal price support program to be used to subsidize crops grown on certain lands in the western part of the United States which have not been cultivated in the past 10 years.
324 Russell Building
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Office of Personnel Management, Merit Systems Protection Board, Federal Labor Relations Authority, and the U.S. Tax Court of the Judicial Branch.
1223 Dirksen Building
Energy and Natural Resources
To resume hearings on S. 2332, extending until July 1, 1983, the expiration date of section 252 of the Energy Policy and Conservation Act, which provides a limited antitrust defense for U.S. oil companies participating in the international energy program.
3110 Dirksen Building
Environment and Public Works
Business meeting, to resume markup of proposed amendments to the Clean Air Act (Public Law 95-95).
4200 Dirksen Building
Governmental Affairs
Permanent Subcommittee on Investigations
To continue hearings on the effectiveness of the Federal Government to enforce export controls, focusing on the transfer of high technology to the Soviet Union and other Warsaw Pact nations.
3302 Dirksen Building

1:30 p.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for student financial assistance, libraries/special institutions, civil rights, women's educational equity, and related agencies.
1114 Dirksen Building

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Department of State, focusing on antiterrorism, Bureau for International Narcotic Matters, and migration and refugee assistance.
1224 Dirksen Building

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the U.S. Postal Service.
1223 Dirksen Building

Environment and Public Works
To hold hearings on the nomination of James K. Asselstine, of Virginia, to be a member of the Nuclear Regulatory Commission.
4200 Dirksen Building

Finance
International Trade Subcommittee
To resume hearings on S. 2094 and related proposals, establishing the concept of reciprocity of market access as an objective for U.S. trade policy where American products are competitive.
2221 Dirksen Building

MAY 7

9:00 a.m.
Finance
Taxation and Debt Management Subcommittee
Savings, Pensions and Investment Policy Subcommittee
To hold joint hearings on S. 2214, providing for incentives to increase the rate of personal savings and investment by increasing the percentage of tax exempt net interest income to 25 percent, making dividend income eligible for the 25 percent exemption, changing the enactment date to 1 year earlier, and eliminating the deductibility of consumer interest expense (with certain exceptions) on a gradual basis; to be followed by the Subcommittee on Taxation and Debt Management holding hearings on S. 2281, proposed Technology Education Act, and S. 1928, proposed MDL 235 Settlement Discounts Tax Act of 1981.
2221 Dirksen Building

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for certain programs which fall within the jurisdiction of the subcommittee.
1114 Dirksen Building

Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To hold hearings on S. 1877, S. 1908, S. 1909, and S. 1941, bills providing for the reinstatement and validation of certain U.S. oil and gas leases, S. 2095, directing the Secretary of the Interior to issue a certain oil and gas lease, and S. 2146, extending the lease terms of various Federal oil and gas leases.
3110 Dirksen Building

10:00 a.m.
Environment and Pubic Works
Toxic Substances and Environmental Oversight Subcommittee
Business meeting, to mark up proposed legislation authorizing funds for environmental research and development programs; and other pending business.
4200 Dirksen Building

Labor and Human Resources
Investigations and General Oversight Subcommittee
To hold hearings to examine adverse drug reactions from immunization, Federal efforts in preventive medicine, and characteristics of certain diseases.
4232 Dirksen Building

MAY 10

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold oversight hearings to review Pension Benefit Guaranty Corporation premium rate increases.
4232 Dirksen Building

10:00 a.m.
Commerce, Science, and Transportation
To hold hearings on S. 1929, establishing an Interagency Committee on Smoking and Health to coordinate Federal and private activities to educate the public about the health hazards of smoking.
235 Russell Building

Energy and Natural Resources
To hold hearings on S. 1844, permitting the development of coal pipelines as part of the national energy transportation and distribution system.
3110 Dirksen Building

Finance
To hold hearings on the administration's New Federalism proposal.
2221 Dirksen Building

11:00 a.m.
Environment and Public Works
Business meeting, to consider pending calendar business.
4200 Dirksen Building

MAY 11

8:30 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Endowment for the Humanities, National Capital Planning Commission, and the Office of Surface Mining of the Department of the Interior.
1114 Dirksen Building

9:30 a.m.
Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Judiciary.
S-146, Capitol

Governmental Affairs
Intergovernmental Relations Subcommittee
To hold oversight hearings on the implementation of block grant programs.
357 Russell Building

Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold hearings on the extended family.
4232 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Institute of Building Sciences, Federal Home Loan Bank Board, and National Credit Union Administration.
1224 Dirksen Building

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Office of Management and Budget.
1318 Dirksen Building

Armed Services
To hear and consider the nomination of Gen. John W. Vessey, Jr., Army of the United States (major general, U.S. Army), to be Chairman of the Joint Chiefs of Staff.
1202 Dirksen Building

Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building

Environment and Public Works
Business meeting, to resume consideration of proposed legislation authorizing funds for programs which fall under its legislative jurisdiction.
4200 Dirksen Building

Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings on the effectiveness of the Federal Government to enforce export controls, focusing on the transfer of high technology to the Soviet Union and other Warsaw Pact nations.
3302 Dirksen Building

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Agency for International Development, focusing on Latin America regional, Asia regional, Africa regional, and the Sahel development programs.
1223 Dirksen Building

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for programs which fall within the jurisdiction of the subcommittee, receiving testimony from public witnesses.
1318 Dirksen Building

MAY 12

9:30 a.m.
Banking, Housing, and Urban Affairs
Business meeting, to mark up S. 2367 and S. 2377, bills authorizing funds through fiscal year 1986 for Federal transit assistance programs of the Urban Mass Transportation Administration, Department of Transportation.
5302 Dirksen Building

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building
Governmental Affairs
Permanent Subcommittee on Investigations
To continue hearings on the effectiveness of the Federal Government to enforce export controls, focusing on the transfer of high technology to the Soviet Union and other Warsaw Pact nations.
3302 Dirksen Building
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold oversight hearings on the implementation of guidance and counseling programs of the Department of Education.
4232 Dirksen Building

MAY 13

9:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for territorial affairs of the Department of the Interior.
1114 Dirksen Building
10:00 a.m.
Environment and Public Works
Business meeting, to resume consideration of proposed legislation authorizing funds for programs which fall under its legislative jurisdiction.
4200 Dirksen Building
Labor and Human Resources
Investigations and General Oversight Subcommittee
To hold hearings to examine the increased use of certain drugs, focusing on quaaludes.
4232 Dirksen Building
1:30 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for territorial affairs of the Department of the Interior.
1114 Dirksen Building
2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1983 for the Agency for International Development, focusing on the Near East regional and centrally funded programs.
1223 Dirksen Building
Governmental Affairs
Federal Expenditures, Research and Rules Subcommittee
To resume hearings on proposed legislation improving the efficiency of the Federal procurement system.
3302 Dirksen Building

MAY 14

10:00 a.m.
Finance
International Trade Subcommittee
Taxation and Debt Management Subcommittee
To hold joint hearings on S. 2058 and S. 2051, bills promoting fair international trade practices in the services sector.
2221 Dirksen Building

MAY 18

9:30 a.m.
Labor and Human Resources
To hold hearings on the nominations of Marc Sandstrom, of California, William F. Harvey, of Indiana, and Annie L. Slaughter, of Missouri, each to be a Member of the Board of Directors of the Legal Services Corporation.
4232 Dirksen Building
10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Department of Housing and Urban Development.
1224 Dirksen Building
Commerce, Science, and Transportation
To hold hearings on the nomination of Heather J. Gradison, of Ohio, to be a Member of the Interstate Commerce Commission.
235 Russell Building
Energy and Natural Resources
To hold oversight hearings on Federal property management and disposal.
3110 Dirksen Building
Environment and Public Works
Business meeting, to consider pending calendar business.
4200 Dirksen Building
Select on Indian Affairs
To hold oversight hearings on the implementation of Indian education programs.
6226 Dirksen Building
2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1983 for the Agency for International Development, focusing on the trade and development program, international disaster assistance, and American schools and hospitals abroad program.
1223 Dirksen Building

MAY 19

9:30 a.m.
Governmental Affairs
Federal Expenditures, Research and Rules Subcommittee
To hold hearings on S.J. Res. 93, and related proposals, reaffirming the policy of relying on the private sector to meet public requirements for goods and services, S. 1782, eliminating retainage on Federal Government construction contracts, and proposed legislation improving the effectiveness and fairness of the Federal Government's contractor suspension and debarment programs.
3302 Dirksen Building
Labor and Human Resources
Labor Subcommittee
To resume oversight hearings to review the Pension Benefit Guaranty Corporation premium rate increases.
4232 Dirksen Building
10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for the Department of Housing and Urban Development, and the Neighborhood Reinvestment Corporation.
1224 Dirksen Building
Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To resume hearings on S. 1866, revising regulatory procedures relating to safe drinking water requirements, and S. 2131, authorizing funds through fiscal year 1986 for the safe drinking water program.
4200 Dirksen Building
Select on Indian Affairs
To continue oversight hearings on the implementation of Indian education programs.
6226 Dirksen Building

MAY 20

9:30 a.m.
Governmental Affairs
Federal Expenditures, Research and Rules Subcommittee
To continue hearings on S.J. Res. 93, and related proposals, reaffirming the policy of relying on the private sector to meet public requirements for goods and services, and S. 1782, eliminating retainage on Federal Government construction contracts, and proposed legislation improving the effectiveness and fairness of the Federal Government's contractor suspension and debarment programs.
3302 Dirksen Building
10:00 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Production, Marketing, and Stabilization of Prices Subcommittee
To hold oversight hearings on the implementation of the Federal crop insurance program of the Department of Agriculture.
324 Russell Building

MAY 21

9:30 a.m.
Energy and Natural Resources
Energy Regulation Subcommittee
To hold hearings on S. 1626, removing the requirement for Federal regulation to allow the competitive market system to establish petroleum pipeline transportation rates while maintaining safeguards to protect the industry and consumers against unlawful discrimination.
3110 Dirksen Building
10:00 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Production, Marketing, and Stabilization of Prices Subcommittee
To continue oversight hearings on the implementation of the Federal crop insurance program of the Department of Agriculture.
324 Russell Building

MAY 24

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1224 Dirksen Building

MAY 25

9:30 a.m.
Agriculture, Nutrition, and Forestry
Rural Development, Oversight, and Investigations Subcommittee
To hold oversight hearings to review the energy needs of rural communities.
324 Russell Building

Energy and Natural Resources
Energy Regulation Subcommittee
To resume hearings on S. 1626, removing the requirement for Federal regulation to allow the competitive market system to establish petroleum pipeline transportation rates while maintaining safeguards to protect the industry and consumers against unlawful discrimination.
3110 Dirksen Building

Governmental Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings to review the eligibility requirements of the Social Security disability benefit program.
1318 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1224 Dirksen Building

Environment and Public Works
Business meeting, to consider pending calendar business.
4200 Dirksen Building

MAY 26

9:30 a.m.
Agriculture, Nutrition, and Forestry
Rural Development, Oversight, and Investigations Subcommittee
To continue oversight hearings on the energy needs of rural communities.
324 Russell Building

10:00 a.m.
Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To resume hearings on S. 1866, revising regulatory procedures relating to safe drinking water requirements, and S. 2131, authorizing funds through fiscal year 1986 for the safe drinking water program.
4200 Dirksen Building

JUNE 8

9:30 a.m.
Banking, Housing, and Urban Affairs
Securities Subcommittee
To resume hearings on S. 1869, S. 1870, S. 1871, and S. 1977, bills revising or repealing certain provisions of the Public Utility Holding Company Act of 1935.
5302 Dirksen Building

JUNE 9

9:30 a.m.
Select on Indian Affairs
To hold hearings on law enforcement problems on Indian reservations including the authority and effectiveness of the Bureau of Indian Affairs police, tribal police, and the Federal Bureau of Investigation, and the quality of U.S. prosecution of criminal offenses.
6226 Dirksen Building

JUNE 10

9:30 a.m.
Banking, Housing, and Urban Affairs
Securities Subcommittee
To resume hearings on S. 1869, S. 1870, S. 1871, and S. 1977, bills revising or repealing certain provisions of the Public Utility Holding Company Act of 1935.
5302 Dirksen Building

JUNE 16

10:00 a.m.
Environment and Public Works
Environmental Pollution Subcommittee
To hold oversight hearings on the implementation of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (Super Fund).
4200 Dirksen Building

SEPTEMBER 21

10:30 a.m.
Veterans' Affairs
To hold hearings to receive American Legion legislative recommendations for fiscal year 1983.
318 Russell Building

CANCELLATIONS

APRIL 30

10:00 a.m.
Energy and Natural Resources
Energy Regulation Subcommittee
To hold oversight hearings to review certain programs administered by the Office of Federal Inspector, Alaska Natural Gas Transportation System, and the Economic Regulatory Administration and Federal Energy Regulatory Commission, Department of Energy.
3110 Dirksen Building

MAY 3

9:30 a.m.
Governmental Affairs
Federal Expenditures, Research and Rules Subcommittee
To hold hearings on proposed legislation improving the efficiency of the Federal procurement system.
3302 Dirksen Building

MAY 5

9:30 a.m.
Labor and Human Resources
To hold oversight hearings on the Department of Labor's handling of labor union pension fund abuses.
4232 Dirksen Building

89-059 O-85-40 (Pt. 6)

HOUSE OF REPRESENTATIVES—*Thursday, April 29, 1982*

The House met at 11 a.m. and was called to order by the Speaker pro tempore (Mr. FOLEY).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, D.C.,
April 29, 1982.

I hereby designate the Honorable THOMAS S. FOLEY to act as Speaker pro tempore on this day.

THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

PRAYER

The Reverend Ray A. Howe, First Presbyterian Church, Bennettsville, S.C., offered the following prayer:

O Creator God, who created the world and all that inhabit it, we thank You we can so readily see the beauty of Your work. We thank You for all intimations of Your beauty and being in the world of nature and for those pointers of Your being in the lives of Your people. We lift our voices in gratitude for these Halls of free debate, where our leaders can reason together and chart our course. Endow them with a perception of things that endure. May their energies go always to making our land one where freedom and justice find noble expression. May their efforts here for our Nation make noble the idea that their service to people is a high and sacred calling. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Saunders, one of his secretaries.

THE REVEREND RAY ALFRED HOWE

(Mr. NAPIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NAPIER. Mr. Speaker, I want to take this opportunity to formally introduce to you a man who has dedicated himself to Christian service. Rev. Ray Howe presently serves as pastor of the First Presbyterian Church of Bennettsville, S.C., and provided our opening prayer this morning. Ray Howe is my hometown minister.

Reverend Howe was born in Gastonia, N.C., and following his education in the primary and secondary schools of Gastonia, he attended Presbyterian College in Clinton, S.C. He received his bachelor of arts degree in history from this institution and, following a brief period of military service as a second lieutenant, he enrolled in Columbia Theological Seminary in Decatur, Ga.

After completing his work at Columbia Theological Seminary, he held pastorates in Eastover, S.C.; Selma, Ala.; Athens, Ga., and finally Bennettsville, S.C., where he today serves as pastor.

Reverend Howe is married to the former Betty Witherspoon of Columbia; they have two children. Their son Raymond is a freshman at Clemson University and daughter Betsy is an eighth-grade student at Bennettsville Junior High School.

It is indeed a pleasure for me to present this dedicated servant of God to the U.S. House of Representatives.

REAGANOMICS FRAUDULENT GIVE AND TAKE

(Mr. BONIOR of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONIOR of Michigan. Mr. Speaker, I listened with some interest this morning to reports that the administration is faulting the Congress for the breakdown in the budget negotiations because of a lack of give and take. Let us be clear about this give and take.

The idea of the administration, it seems to me, is to give tax breaks to wealthy corporations that reduce their taxes to zero while taking social security cost of living from the elderly in this country; to take vegetables from our youngsters in exchange for a hefty helping of ketchup, and to give the wealthiest 5 percent of our people a large tax reduction, larger than the rest of the Nation.

It is to give the Defense Department everything it requests as the Nation pleads for arms restraint, and to take education funds from promising young people.

That is the give and take that is being offered by this administration. This should make it obvious that Reaganomics is a fraud, founded on nothing more than the sublimation of prejudice and the idea that inflation can be brought down if you put enough people out of work in this country.

Just as we cannot compete tonight with the President on television, so we should not attempt to sell a fraud to the American people.

CONGRESS SHOULD DO ITS JOB ON THE BUDGET

(Mr. PEYSER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEYSER. Mr. Speaker, the American people have every right to be disappointed and angry at their Government. For months we have been fiddling around waiting for the President to make a sincere move to reduce the deficit. We now know that that move is not coming.

If, in this time of economic crisis, we do not have the guts to act, the truth is we should not be here in this Congress. Election year or not, we know what must be done.

The 1983 tax cut must be eliminated. The Defense budget must be cut $20 to $30 billion this year. The necessary steps must be taken to enforce the collections of nearly $80 billion due the Government that is not paid in taxes each year.

We must act to give the construction and housing industry the opportunity to go back to work and we must not make any further changes in the education program so that we can guarantee our young people a real future.

Let us stop playing chicken with the President and do our job. If we do, the American people will do theirs.

PRESIDENT'S ECONOMIC STRATEGY IS TO CAST BLAME

(Mr. SHANNON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHANNON. Mr. Speaker, I think we all know Ronald Reagan well enough to know what to expect tonight when we turn on the television.

We can expect more of the same, and more of the blame.

The President is a master blamer—and tonight's audience can expect an-

other Reagan rerun. "It's Congress fault," he will be saying. He will try once again to convince the American people that he is just a good guy with a nice smile who can get along with anybody.

But the fact is that the President is a blamer. The fact is that he never wanted a compromise. He did not want one last year, and we know that he does not want one this year.

What we have in 1982 is a 100-percent Ronald Reagan economy. It is an economy that has high interest rates, high unemployment, high deficits, a huge military budget, and very, very little for the average American. This is the same economic program the President celebrated less than 1 year ago. That was when his last uncompromised budget passed.

This year, both Democrats and Republicans have agreed that there is a better way to do a budget than the Reagan way. Everybody but Ronald Reagan seems to agree on this. But tonight he will once again trot out his old routine. I can hear the words now—blame, blame, blame.

The American people want more from a President than a person who sits down for a few hours one afternoon, and then goes on TV the next night to brag about a matinee performance of supposed good intentions. That role just does not play any more.

THE FAILURE OF REAGANOMICS

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, remember how it was 1 year ago? Reaganomics was going to cure everything. Yeah, they said, it was going to be tough, cutting back on programs to help the people of this country, but it was all for a purpose, because after you hurt the people and you benefited the rich, you are going to have an economy that was going to make it great for everybody.

Look where we are right now. Unemployment is at an alltime high. The deficit that has been projected for the 4 years of the Reagan administration runs $119 billion for fiscal 1982; $182 billion for fiscal 1983; $216 billion in fiscal 1984; $233 billion in fiscal 1985. Those are individual year deficits which total in 4 years $750 billion. That is three-quarters as much as the deficit built up over the first 200 years of the existence of this country.

Reaganomics is a disaster; the only way to avert it is to take back those monstrous tax giveaways which have been the cause of much of the chaos and to reduce significantly the huge defense expenditures which are projected over the next 5 years to total as much as $2.4 trillion.

STUDENT LOANS: A POLITICAL SOAP OPERA

(Mrs. ROUKEMA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Speaker, there is a political soap opera being enacted in the Congress complete with backstage hostages. The hostages are the parents and students applying for student loans, and the soap opera has been playing daily for more than 4 weeks.

It is no longer funny, Mr. Speaker; this little comedy has turned to tragedy. And why? Because the leadership refuses to tell the committees involved to stop the pettiness and move the emergency supplemental appropriation.

Appropriations approved more than 4 weeks ago and approved again on Tuesday of this week included in the bill a $1.3 billion supplemental appropriation for the guaranteed student loan program—funds that are needed to keep the program functioning at its current level through the remainder of the fiscal year.

And what is the result of this standoff between committees? In many States, as in New Jersey, local banks are instructed by State agencies not to give out loan application forms or to process any more loans. In others, loans are being processed but at a cost of 16 percent. This could run up a handsome bill for the Government.

Furthermore, the failure to enact this legislation before the existing appropriation is exhausted would result in an interest penalty fee of over $8 million a day that would be charged to the Federal Government if it fails to meet its financial obligations under the program.

Mr. Speaker, I submit this is absolutely senseless. I appeal to you to bring all parties together and iron out any disputes surrounding the supplemental appropriations bill. Let us bring that bill to the floor the first of next week and bring this little comedy to an end. Release the student hostages. Further costly delays are unconscionable.

CONGRESS HAS AN OBLIGATION TO ACT ON THE BUDGET

(Mr. PETRI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETRI. Mr. Speaker, the American people have been seeking a tonic to heal the economy—a tonic in the form of a budget agreement between the White House and Congress.

They are no doubt disappointed today, as I am, over the collapse of the budget talks. The failure to reach a bipartisan compromise is a severe blow to our hopes of an economic recovery.

This is no time for partisan recriminations. The common concerns of our constituents that unite us are more important than the philosophical concerns that divide us. Despite our differences, we have the obligation to come up with a Federal budget the country can live with.

As one Member of this Congress, I plan to work with my colleagues to do just that. The stakes are too high here to let the Federal budget fall victim to partisan bloodletting or jurisdictional rivalries.

A troubled national economy is at a critical turning point as it waits for Congress to signal a recovery. It is imperative we live up to that obligation.

BUDGET WILL BE FOUGHT ON IDEOLOGICAL GROUNDS

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, in yesterday's negotiations, Mr. Speaker, you and your coterie "stonewalled" it with the President for your point of view. I can understand that because you and the President have your ideological differences. That is really what it is all about but I would suggest that the old shopworn theme you have been playing of "tax-spend" is not the prevailing view in this House or with the American people.

You have thrown down the gauntlet and drawn the line, and we have no alternative now but to fight this thing out on ideological grounds.

We who take the other view, Mr. Speaker, want to concentrate on limiting the growth of Federal expenditures and preserving those necessary tax cuts for the individual taxpayer. And I might remind you that the little fellow only received 1¼ percent reduction in the 1981 taxable year, and since the 10-percent scheduled reduction for this year does not come until July, the little fellow's total accumulative reduction for 1981 and 1982 will be only 11¼ percent. That is a far cry from the 30-percent goal the President proposed and the 25 percent the Congress agreed to last year.

□ 1115

WHERE IS THE DEMOCRATIC BUDGET?

(Mr. LOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOTT. Mr. Speaker, I was one of those who had the retrospectively dubious honor of participating in the so-called compromise budget negotiations. It was a unique experience. I think all of the participants, from Members on both sides of the aisle on

both sides of the Capitol to the administration, negotiated in good faith and without acrimony.

Yesterday, the President came to Capitol Hill to see if there was some way that a compromise could be worked out, which was truly commendable on his part and, frankly, on the part of the Speaker. They did meet together. In fact, I think the record will show that that was probably the first time that the President and the Speaker and the leader of the Senate have done that type of negotiation.

Despite good efforts, however, it all collapsed, primarily because there are basic and fundamental differences between the two parties. The Democratic Party wants no cuts in Federal spending, more cuts in defense spending, and an astounding tax increase—and more taxes. That is what it really was all about.

It is now time to see the Democratic budget. Get down out of the stands, Mr. Speaker, and down onto the playing field. Let us see your budget, and we will see how well it plays in America.

ACTING IN THE INTEREST OF THE AMERICAN PEOPLE

(Mr. KEMP asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KEMP. Mr. Speaker, I was not in on the budget compromise effort, but I did read in the morning paper that the chairman of the Rules Committee claims the President's program is not fair. The Democrats, he says, know it is not fair; and what stands in the way of a fair agreement is that nasty third year tax cut for the American people.

Mr. Speaker, it is time to say to the Democratic Party that their program is not fair. They, after all, championed the proposal to drop the top tax rate on saving and investment income from 70 to 50 percent in a single year. They proposed a 30-percent cut in the corporate and the capital gains rate. They "bid up" last year's tax bill by holding out special tax breaks for the oil industry, and refundable investment tax credits for a few lucky corporations. It was President Reagan and the minority party that tried simply to reduce the income tax rates of all of the American people by a measly 25 percent over 3 years.

Now the gentleman from Missouri and his colleagues say it is unfair of the President to stand firm on the third year of individual tax rate reduction. They believe we should scrap the 1983 tax cut, even though that would mean the only people getting a real tax cut would be those in the very top income tax bracket—Americans earning over $60,000 a year.

Well, I do not think it is fair to give tax cuts only to big corporations and wealthy individuals. It seems to me, Mr. Speaker, that the American people need to know that it is President Reagan, the Republican Party, and those on the other side of the aisle who joined with him in that compromise in 1981 who are really trying to work in the interests of all of the American people.

A BYPRODUCT OF THE RECESSIONARY ENVIRONMENT

(Mr. LIVINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LIVINGSTON. Mr. Speaker, I would like to speak to a little-discussed but important byproduct of the recession and environment in which the Nation finds itself.

Because of the sluggish economy, the stock of many important companies and industries is selling at low and depressed levels on the exchanges. This gives those speculators who might have little regard for our securities laws an opportunity to buy into our corporations at low prices and force them into unwanted sale or liquidation solely in return for short-term financial gain.

What brings this to mind today is the most recent action by British speculator Alan Clore. According to the Wall Street Journal, Mr. Clore bought heavily into Pullman Corp. and forced it to merge with another corporation. By this action, he made himself a handsome profit of millions of dollars in only a few months.

More recently, and still according to the Wall Street Journal, Mr. Clore bought into Marshall Fields, and with his partners forced its sale to British interests, again at a handsome profit.

Now the Wall Street Journal says this foreign speculator has acquired a significant interest in an important natural resource company, Gulf Resources & Chemical Corp., presumably for the purpose of forcing a sale or liquidation of that company. Gulf Resources produces approximately 50 percent of the free world's supply of lithium, a strategic mineral.

Mr. Speaker, I am concerned about this potentially dangerous manipulation of assets, and more importantly, possible strategic supplies, of American companies.

I call upon the Securities and Exchange Commission to investigate this ominous problem, and upon the House Committee on Energy and Commerce to conduct hearings on this activity of Mr. Clore and others like him, and to take immediate action to prevent any possible violation of this Nation's securities laws.

THE AMERICAN PUBLIC WILL NOT BE WELL SERVED BY H.R. 5158, THE TELECOMMUNICATIONS ACT OF 1982

(Mr. JOHNSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSTON. Mr. Speaker, H.R. 5158, the Telecommunications Act of 1982, attempts to promote fair enterprise by destroying free enterprise. I refer to the A.T. & T. system, which has managed to provide this Nation with the world's most reliable and cost-effective telephone system, largely without the guidance of the Congress of the United States.

The American telephone consumer is not held captive in some Bell System web. Instead, the American consumer has at his fingertips the ability to sit in his home or walk into a street corner telephone booth and talk to any corner of the world, at far greater convenience and less expense than his foreign counterpart could call him.

But H.R. 5158 would strap the Bell System with heavy burdens and strip it of its ability to establish uniform technical and interface standards, to regulate procurement, to exchange information among subsidiaries, to in short manage an efficient telecommunications network, a network that has always provide valuable service to the American public without the regulatory chains that would be imposed by H.R. 5158.

Mr. Speaker, the American public will hardly be well served by the snarled and tangled web Congress and H.R. 5158 would surely weave in the place of an outstanding telecommunications network.

A SAD DAY IN THIS NATION

(Mr. PARRIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PARRIS. Mr. Speaker, I am thoroughly saddened by the hypocrisy represented by the so-called negotiations on the budget that have consumed the past 6 weeks, a period during which thousands of small businesses have been in jeopardy, interest rates have remained high, financial markets have been flat, and economic recovery has been prevented.

Make no mistake, these negotiations failed because the Democratic representatives were instructed to insure their failure, to fiddle away the time while America burned economically. And the question is: Why? Because of the petty partisan political advantage the Speaker of this House thinks they get as a result of the confusion which continues if this budget process fails. They know that if the Congress would

act responsibly, interest rates would drop 5 percent overnight. That would be to the advantage of the Republican administration and people who support it. The Speaker prevented a compromise for that reason and for that reason alone. I submit that it is truly a sad day in this Nation.

FACTS ABOUT THE ECONOMY

(Mr. CAMPBELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CAMPBELL. Mr. Speaker, I think that we have heard too many shrill voices. I think that we should stop and look at a few facts.

The fact is that inflation in America is down from about 13.4 percent to under 5 percent. The fact is that the cost of a basket of groceries dropped for the first time in over 20 years last month, so the person on a fixed income can buy for a lesser amount at the grocery store.

I think these are important things. The fact is that Americans are saving more money now than they have saved before. But I think we need not go through all of that. I think the time has come for moderate conservatives, who have stood on the Democratic side with those of the same persuasion on the Republican side, to get away from partisanship and to stand up and save this country from the intransigence of a leadership of a House that is totally out of step with the American people, and I call upon them to do so.

THE GUARANTEED STUDENT LOAN PROGRAM

(Mr. TAUKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TAUKE. Mr. Speaker, the guaranteed student loan program is in trouble because of the failure of this House to consider the supplemental appropriations bill. The Appropriations Committee reported an urgent supplemental appropriations bill containing $1.3 billion several weeks ago. It was scheduled for debate on the floor a few days later.

Then the Democratic leadership inexplicably delayed action on this important measure. That leaves thousands of students dangling, wondering whether or not they will be able to attend college next year.

But the problems for the GSL program do not end in this House. The Office of Management and Budget is holding up the needs analysis test for families with incomes over $30,000. That test, which was submitted by the Education Department and then recalled by OMB, must be published in the Federal Register before families, students, banks, and institutions will be able to develop their plans for the coming academic year.

The GSL program is important for many Americans. Now is the time for Congress and the OMB to get this program on track and operational for next year.

WHOSE RECESSION?

(Mr. WEBER of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEBER of Ohio. Mr. Speaker, we hear some people calling today's economy the "Reagan recession." That is a pretty careless description.

I am in this Congress because in 1978—4 years ago—this country was already on the path to economic disaster; 1978 was when I decided to get into the 1980 elections to help turn this country around.

The other day I looked back at some of my 1980 campaign speeches. How soon we forget. Two years ago I campaigned on the problems we had under Jimmy Carter—double-digit inflation, a skyrocketing prime rate, the housing and automotive industries flat on their backs, high numbers of people out of work. I was elected because the recession had already begun.

This is Jimmy Carter's and his Democratic Congress recession, and I am not on a guilt trip because I joined with a majority of this House to vote for less spending, lower taxes, regulatory relief, and a responsible monetary policy. That is a program of economic recovery. Let us not go back to a program of failure.

THE BUDGET COMPROMISE

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, the President's 1983 budget proposal was unacceptable.

Our country needs a budget compromise that will fairly reduce the deficit so that interest rates will go down, not up; thereby encouraging economic recovery.

The compromise must include adequacy and equity. It must be adequate in the sense that it realistically lowers expectations of eternal deficits. Equity demands that the sacrifice required by adequacy be borne by all who share the benefits of a free society and a healthy economy.

No area of Federal spending or tax policy can be ignored. Entitlements, which now represent 45 percent of the budget, must be limited. Military spending, nearly 30 percent of the budget, must be held accountable to standards of efficiency and necessity. Taxes must be increased by closing loopholes like safe harbor leasing, by instituting minimum tax requirements on income above $50,000, restoring luxury taxes and calling for an energy tax.

Frankly, the numbers are easy; the politics are difficult. The compromise will happen only if the President continues the pattern of the last 24 hours and takes a direct leadership role. And only if the leadership of this House—Democratic and Republican alike—is as committed to success in budget sanity as they were in giving us huge tax breaks in 1981 and in protecting congressional spending in 1982.

The American public is not dumb. This morning they must feel rising anger and disgust at our so-called leaders who conduct political waltzes in the midst of economic war. Lead, and we will follow. Continue to dance, and we will lead.

THE FALKLAND ISLANDS DISPUTE

(Mr. DAN DANIEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAN DANIEL. Mr. Speaker, when most people learned of the Argentine invasion of the Falkland Islands, the first reaction was disbelief; it was just incredible that Argentina, would risk war by such action.

The second reaction was puzzlement, followed by a trip to the World Atlas. Few people knew, up until a month ago, where the Falkland Islands were, and even fewer cared. This latter attitude is one we are all well advised to abandon.

For this group of islands, where the sheep outnumber the people by better than 360 to 1, may find its way into the history books for reasons vastly different from its past role as provisioner to sailing vessels and present one as provider of meat and fiber to a more advanced world.

Why should we care about what happens in the Falklands? There are a number of reasons—economic, political, and military.

Should fighting in that area become intensified and prolonged, it could well drag into it other nations of Latin America. In point of fact, when the U.N. Security Council adopted a pro-British resolution by a 10-to-1 vote on April 3, only Panama sided with Argentina. In the event Panama escalates its support and closes the canal—an action which could well be taken, now that we have given up the canal—this would divert around Cape Horn, most shipping which had previously traveled that route. Nor is the canal immune to closure by a guerrilla attack.

Then there is the matter of the effect of British involvement in the

South Atlantic on its other military commitments. The British fleet plays a major role in NATO's North Atlantic defense and its equipment and manpower resources, already stretched thin, would be even further degraded. The United Kingdom is also a contributor to the Western naval presence in the Indian Ocean.

The Argentine action, regardless of its outcome, has already set a dangerous precedent. This is by a means the only place in the world where more than one nation claims sovereignty over some parcel of land. In Latin America, Chile, and Argentina have quarreled for years over ownership of three islands off the tip of South America. Bolivia and Chile continue to dispute certain territory which separates them.

Finally, depending on too many factors to explore here and now, there is always the possibility, in today's perilous world, that the Soviet Union will see an opportunity to fish once more in troubled waters. After all, the sealanes of the South Atlantic carry the bulk of the strategic materials upon which our economy depends.

What should the role of the United States be? First, to the fullest extent and as long as practicable, we should serve as intermediator between the parties. A negotiated solution would be preferable by everyone to a military solution, and both parties at present welcome the United States in this effort.

Second, if negotiations fail, we should offer to the United Kingdom our moral support in the community of nations, and if need be should follow the lead of the European Community by imposing economic sanctions. The British have not asked for military support, and so long as the engagement remains between the principals, there is no reason why they should.

The administration has taken a statesmanlike position in its efforts to settle peacefully the Falkland Islands dispute, and I pray that these efforts will be fruitful. In the event diplomacy fails, we have a moral obligation to support the United Kingdom, our friend and ally of long standing.

Hopefully, we will not shirk our responsibility.

THE BUDGET PROCESS BEGINS IN THE CONGRESS

(Mr. ROUSSELOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROUSSELOT. Mr. Speaker, the Budget Act of 1974 says very clearly the budget process begins here in the Congress. The responsibility of the President is to send his recommendations from the executive branch to the Congress. It was obvious that the House and the Senate did not accept all of the President's recommendations. But the basic responsibility for the budget resolutions, under the Budget Act of 1974, is ours—nobody else's. If the process faltered, it is our fault—and yours, Mr. Speaker—not somebody else's. You talk about "the buck stopping here." You are right on the budget resolution. The buck stops right here.

Now, let us talk about the Democratic proposals for spending. The cumulative spending levels by the committees of this House to the Budget Committee under the budget process for spending levels for 1983 is $805 billion, with a deficit of almost $140 billion.

Mr. Speaker, the arithmetic is very clear. Yours contains the big deficit, not President Reagan's. In other words, the House Democratic proposed deficit for 1983 is $140 billion or about $38 billion more debt than the President's proposal.

□ 1130

ANOTHER ALIBI ON THE FAILURE OF REAGANOMICS

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALEXANDER. Mr. Speaker, I listened with interest this morning to the prelude of the President's address to the Nation this evening when our Republican brothers on the other side of the aisle explained what the address will be about. They said that Democrats want to tax and spend, tax and spend, but that they, the Republicans, want to cut spending and they went on to passionately plead the case for the little guy who has to date received a 1¼-percent reduction in his taxes with another 10-percent reduction to take place July 1, for a total of 11¼-percent reduction in his taxes.

What our Republican brothers failed to explain was that the President's economic and tax policies have given Wall Street a 50-percent reduction in its contribution to Federal revenues. Tax fairness is the issue and the most irresponsible fiscal policy since Herbert Hoover.

What America needs to hear tonight is a President who leads, not another alibi on the failure of Reaganomics.

ADMINISTRATION IS TURNING ECONOMY AROUND

(Mr. WALKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALKER. Mr. Speaker, every time we hear the Democrats come to the floor and talk about irresponsible economic policies we have to remember that their economic policies produced 13-percent inflation. This country was being driven to the brink of bankruptcy by the kind of economic policies that we followed for 4 years under the Carter administration and Democratic Congresses.

Today, that inflation rate has not only been brought back to zero, but has been brought to a level below zero, which means that dollars are actually being put into the pockets of the poor and the average working people in this country. That is economic success and so the only thing one can determine when the Democrats talk about economic failure is that they are satisfied with 13-percent inflation rates. That is what they want to go back to. They want big spending and big taxes so we can have double-digit inflation again.

This administration is turning the economy around and I say it is high time and I think the American people say it is high time.

REPUBLICANS INTEND TO CUT SPENDING AND TAXES

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, it is a tragedy how narrowly partisan some of this debate has become. When the distinguished gentleman from Arkansas spoke a few minutes ago and cited correctly that the average working American only got a 1½ percent drop in their income tax rate, what he did not say was that President Reagan wanted a 10-percent cut in the income tax rates in 1981, effective beginning 1981, that it was a compromise to accommodate the Democrats which hurt the little man, that in fact, we are very eager, a number of us on our side of the aisle, who are cosponsors of a bill that would move the income tax rate up and make it effective earlier, that we are delighted to cut the tax rates on working Americans and that in fact it was the Democratic Party and the liberal members of the Democratic Party who offered the initial huge cut in maximum taxes to hurt the little man and to help the very wealthy.

So I think that we ought to watch the partisan rhetoric and recognize that clearly what was said yesterday is right.

As the Speaker himself said, there is a fundamental philosophical difference between the two parties. Our party intends to cut spending and cut taxes.

Mr. ALEXANDER. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I have no more time.

The SPEAKER pro tempore (Mr. FOLEY). The time of the gentleman from Georgia has expired.

The gentleman is asking for 1 additional minute.

Mr. ALEXANDER. Mr. Speaker, would the gentleman from Georgia yield for a response?

The SPEAKER pro tempore. The gentleman has asked unanimous consent to proceed for 1 additional minute.

Mr. WALKER. Mr. Speaker, reserving the right to object, I think the rules of the House are that 1-minute speeches are limited to 1 minute for each Member a day. Is this not correct? Is that not the policy that we normally operate under?

The SPEAKER pro tempore. The gentleman is correct.

Mr. WALKER. Mr. Speaker, I withdraw my reservation of objection.

PRESIDENT'S ECONOMIC POLICY

(Mr. YATES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YATES. Mr. Speaker, I yield to the gentleman from Arkansas (Mr. ALEXANDER).

Mr. ALEXANDER. I thank the gentleman for yielding.

Mr. Speaker, I take this time only to respond to the gentleman from Georgia because I believe that he incorrectly stated the facts that we are discussing here today.

If I recall correctly, last year, during the debates on the budget and tax policies of the administration, the President had his way. Therefore, we are now operating under the President's economic policy which was proposed by the President; voted on and enacted into law by the Congress with a strong unanimous support of the Republican Members of Congress. A majority was produced with support of 36 Democrats.

Now we can debate how we got here today. But, the fact remains that the Nation is operating today under the President's economic and tax policies which have put into place the philosophy of this administration.

Mr. GINGRICH. Mr. Speaker, will the gentleman yield?

Mr. YATES. Mr. Speaker, I yield to the gentleman from Georgia.

Mr. GINGRICH. All I want to say is as a matter of historic record the gentleman knows full well that the President's original proposal was for a 10-percent rate reduction in the first year, that in the process of getting that bill through the House we changed it and most of us on our side of the aisle would in effect have much preferred the 10-percent reduction.

Mr. YATES. Mr. Speaker, I decline to yield further.

THE BUDGET

(Mr. LUNGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUNGREN. Mr. Speaker, as we all know, the budget negotiations did fail yesterday and I think it was rather interesting the reason we were given that it failed. It failed because there was a real difference between your philosophy and that reflected by the President of the United States.

Finally we are getting down to the real issues here. The question is are the American people presently fundamentally undertaxed. That is the real question. If we believe that the American people today are fundamentally undertaxed, that they are not taxed high enough, to support all of the programs that you believe the Federal Government must promote, then bring a budget forward that says that. Then let us demand that we have a vote on the floor on a massive increase in taxes.

If you believe contrary to the President that we are spending too little, rather than spending too much, let us bring the budget forward that spends more. Let us accumulate all of the recommendations of the committees headed by that party that says that we should not have a $90 billion deficit as suggested by the President, but that we need a $140 to $180 billion deficit. Those are the real differences. Let us be honest about those differences. I commend you, Mr. Speaker, for saying yesterday that the reason the negotiations broke down is because there is a major philosophical difference between yourself and the President.

That is true. One wants to spend more, one wants to spend less, one wants to tax more, one wants to tax less. Let us bring the question to the American people.

APPOINTMENT AS MEMBER TO BOARD OF TRUSTEES OF AMERICAN FOLKLIFE CENTER IN THE LIBRARY OF CONGRESS

The SPEAKER pro tempore. Pursuant to the provisions of section 4(b) of Public Law 94-201, the Chair announces that the Speaker today appoints to the Board of Trustees of the American Folklife Center in the Library of Congress for a term ending March 3, 1988, the following member from private life:

Dr. Jeanne Guillemin, Cambridge, Mass.

THE 16TH ANNUAL REPORT OF NATIONAL ENDOWMENT FOR THE HUMANITIES FOR FISCAL YEAR 1981—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read, and, together with the accompanying papers, without objection, referred to the Committee on Education and Labor.

(For message, see proceedings of the Senate of today, Thursday, April 29, 1982.)

DISAPPROVING BUDGET AUTHORITY DEFERRALS FOR DEPARTMENT OF ENERGY

Mr. YATES. Mr. Speaker, pursuant to the order of the House of April 27, 1982, I call up the resolution (H. Res. 411) disapproving the deferral of budget authority relating to fossil energy research and development (deferral D82-236) proposed by the President in his message of March 18, 1982.

The Clerk read the resolution, as follows:

H. RES. 411

Resolved, That the House of Representatives hereby disapproves the proposed deferral of budget authority in the amount of $44,883,000 for fossil energy research and development, Department of Energy, to terminate research projects during fiscal year 1982 (deferral number D82-236), as transmitted by the President to the Congress on March 18, 1982, under section 1013 of the Impoundment Control Act of 1974.

Mr. YATES (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. The gentleman from Illinois (Mr. YATES) is recognized for 1 hour.

Mr. YATES. Mr. Speaker, I yield the usual 30 minutes to the gentleman from Pennsylvania (Mr. MCDADE) for the purpose of debate only.

The SPEAKER pro tempore. The gentleman from Illinois (Mr. YATES) is recognized.

Mr. YATES. Mr. Speaker, I yield myself such time as I may consume.

I bring to the House, House Resolution 411 to express the disapproval of the House of Representatives to the deferral of budget authority relating to the Department of Energy's fossil energy research and development appropriation. The deferral amount is $44,883,000.

Although the administration submitted a deferral, the programmatic impact is similar to a rescission. Through the deferral, the administration plans to terminate a wide variety of fossil research programs on May 1 unless we take positive action to overturn the deferral. From the savings realized from the terminations, the Department would then plan to use the deferred funds to pay for as yet unidentified energy technology center closings.

A brief chronology would be useful. The deferral was first made known to the Congress in February when the

President submitted the fiscal year 1983 budget; however, the formal deferral was not transmitted to the Congress by the President until March 18, 1982. The deferral message indicated that some projects would be terminated as early as April 1. Because of the late date of submission, Mr. McDADE and I wrote Secretary Edwards and asked that he not take any action to terminate any activities until May 1. Secretary Edwards graciously agreed to our request.

The Interior Subcommittee voted unanimously on March 29 to overturn the deferral, and the Appropriations Committee reported it out by voice vote on Tuesday. By this action we will assure continuation of work on the liquid phase methanol process development unit, the pressurized fluidized bed combined cycle pilot plant, advanced combustion technology, magnetohydrodynamics, the bi-gas pilot plant, two oil shale projects, the unconventional gas multiwell project, and work on high temperature turbine technology.

We are in agreement with the Department of Energy that certain of the recommendations are valid. In order to accommodate the Department's request in part, we are inviting a reprograming action and would look favorably upon a request to terminate the H-Coal pilot plant, the Exxon Donor Solvent pilot plant, the pressurized fluidized bed alternate turbine test, HYGAS peat pilot plant, the atmospheric entrained bed slagging gasifier, and the tar sands enhanced oil recovery project. These terminations will permit a reprograming of $20,336,000 of the $44,883,000 deferred.

I believe this is a reasonable approach to the proposals outlined in the deferral. It allows the continuation of research in several technologies which offer the promise of more efficient use of our coal resources with a diminished impact on the environment. At the same time it will allow the administration to terminate projects which have already contributed to our technology base.

Mr. Speaker, this is a responsible action. I recommend that the deferral disapproval resolution be approved.

The SPEAKER. The Chair recognizes the gentleman from Pennsylvania (Mr. McDADE).

Mr. McDADE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 411 disapproving the deferral of $44.8 million of budget authority from the fossil energy programs of the Department of Energy and to urge the approval of our action by this House.

Mr. Speaker, this resolution was unamimously reported by our Subcommittee on Interior and Related Agencies. It was unanimously approved by our full committee. We had to act this way because, under the terms of the Budget Act, a deferral cannot be split and must be acted on in its entirety. This is unfortunate because if the Department had split the deferral and let us act individually on each of the 17 items, we could probably agree to roughly $20 million of it.

The projects found here are all in various stages of development. Some can be terminated immediately, and we have identified those projects in our report for which we would favorably entertain a reprograming to close them down. Others should continue, partly because the Department admitted to us that they have completed negotiations with only one of the private contractors to terminate. Furthermore, testimony before our committee conceded that DOE really does not have any idea of the true termination costs of those projects.

Our subcommittee believes from our own investigation that at least two of the projects would cost many millions more than DOE concedes they would cost to terminate. Needless to say, there is no provision here or anywhere else to pay these costs, and unless we recognize them now, we can expect to end up paying later.

Another reason we had to act this way is that, unlike most deferrals, this one does not propose to defer spending authority. It proposes to transfer program funds approved by the committee and use them to close down five energy technology centers owned by the Government. Regrettably, DOE has refused to level with the Congress and tell us which of the centers they want to close. This is not what the deferral process is all about. If the Department wants to close the energy technology centers, they should come to the committee and tell us why, when, and how much—not make us guess. Until they do this, we will not go along with what is really a series of reprogramings under the guise of a deferral.

Mr. Speaker, we have identified a correct and proper way to reduce some of these programs, and we have told the Department in black and white that we will act favorably on reprogramings. By denying this deferral, we will be signaling the Department and the taxpayers that we are protecting their investments and reducing expenditures in a fair and proper way. I urge your unanimous support for our resolution.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from New Jersey (Mrs. ROUKEMA).

Mrs. ROUKEMA. Mr. Speaker, I rise in support of House Resolution 411, a resolution of disapproval that would prevent the administration from deferring funds for the pressurized fluidized bed pilot plant project at Curtiss-Wright in Wood-Ridge, N.J.

On February 26, I sent to Energy Secretary James Edwards a letter cosigned by 11 members of the authorizing and appropriating committees that oversee this coal conversion project. In that letter, we urged the Secretary to release the funds appropriated for fiscal year 1982 in a timely fashion, as was intended by the Congress, because of the program's critical importance to our Nation's energy future. We noted that the program had been modified to substantially reduce Government involvement in the project and increase private sector involvement with full private sector funding, beginning in 1984. The committee has reviewed this project at great length and with great care, and I commend them for it; we do not believe that funds already appropriated for fiscal year 1982 and reviewed so carefully should be deferred.

The Secretary did not comply with the request in our letter; rather, the administration is seeking a deferral of the outstanding $6 million in fiscal year 1982 funds. We must disapprove that deferral today.

This project, which represents the state of the art in this field, will enable us to use high-sulfur coal cleanly and efficiently. I have visited the site personally, and I know that this new technology holds great promise. It is, by all reasonable standards, a sound investment.

The Energy Department has recognized the importance of this project, having characterized it as the key element of its fossil energy program before Congress last year. The pressurized fluidized bed pilot plant was specifically enumerated as one for which the full resources of the Federal Government would be required to bring the technology to fruition.

Mr. Speaker, we should not change course now. According to the committee report on House Resolution 411, it could cost up to $15 million to terminate the project.

We have read recently of cuts in oil production by OPEC nations; this alone should serve to remind us of the precariousness of our energy situation. I urge passage in the strongest terms of this resolution of disapproval.

Mr. McDADE. Mr. Speaker, I yield 10 minutes to the gentleman from Ohio (Mr. LATTA).

(By unanimous consent, Mr. LATTA was allowed to speak out of order.)

EFFORTS TO PRODUCE BIPARTISAN BUDGET END IN FAILURE

Mr. LATTA. Mr. Speaker, as one of the so-called budget negotiators who has been meeting for the past month in an attempt to forge a bipartisan budget resolution which could pass this House, permit me to say that I am extremely disappointed that our labors did not produce such a product. With unrestrained Government spend-

ing and borrowing literally drying up the capital needed to restore the private sector of our economy, I truly believed that in the national interest a comprised budget resolution could be—and should have been—agreed upon.

The present and prospective borrowing by this Government needed to finance programs put in place by past Congresses has kept interest unrealistically high—and especially so when one considers the sharp drop in inflation—by stifling plans for future industrial and business growth across the length and breadth of this land. Until interest rates are reduced and these plans are implemented the unemployed are not going to be returning to work and these unemployed and their families are going to suffer unnecessary hardships.

There will be attempts as there have been in the past to blame the President for all of the economic ills of the land. This time to blame the present occupant of the White House for these ills would be pointing the finger in the wrong direction. The President had the wisdom to foresee the coming of the economic mess in which we now find ourselves and made proposals early last year to head them off. Did this Congress heed his message and act quickly to do so? It did not.

Let us look at the record. President Reagan took a look at the amount of our GNP being consumed in taxes and said it is too much for the economic well-being of the country. He proposed real tax reductions for the American taxpayer so that more could be used for savings and investment in new jobs. He proposed a 10-percent reduction in those taxes effective January 1, 1981—this Congress delayed this tax reduction until October 1, 1981 and then cut it in one-half—Congress passed a 5-percent reduction. Taken over the taxable year of 1981, this meant a 1¼-tax reduction for the year. As of today, this is all the tax relief the individual taxpayer has received. Can anyone tell me with a straight face that such a tax reduction is going to do the job needed to get this country going again?

The President also proposed that an additional 10-percent tax reduction be made effective January 1, 1982—the Congress in its wisdom delayed this date until July 1, 1982. He also proposed a 10-percent reduction on January 1, 1983. Once again the Congress said no, and made this reduction effective July 1, 1983.

Now, whose tax program is not working? It certainly is not the President's because his was not enacted. The Democrat-controlled House substituted its tax dates for the President's and now they are conveniently forgetting what took place and are saying the President's program is not working.

Where would we be today if we had not reduced Carter's bloated budget by $46 billion in fiscal year 1982? We would have had $46 billion more debt to finance—driving interest rates even higher.

But speaking of interest rates, there has been some reduction in the prime rate since President Reagan took office. When Carter took office the prime rate was 6.4 percent. When he left office it was 21½ percent; today, it is 16½ percent and coming down but not fast enough.

And we cannot forget the fact that inflation stood at 4.8 percent when Carter took office; when he left it was 12.4 percent; last month, inflation had a negative percentage—the first since 1965.

□ 1145

Mr. YATES. Mr. Speaker, I yield such time as he may consume to the distinguished chairman of the Committee on Ways and Means, the gentleman from Illinois (Mr. ROSTENKOWSKI).

The SPEAKER. The Chair recognizes the gentleman from Illinois (Mr. ROSTENKOWSKI).

PERMISSION FOR COMMITTEE ON WAYS AND MEANS TO FILE REPORTS ON H.R. 4613 AND H.R. 6094

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means have until midnight tonight, April 29, to file reports on the bill (H.R. 4613) to increase the efficiency of Government-wide efforts to collect debts owed the United States and to provide additional procedures for the collection of debts owed the United States, as amended; and on the bill (H.R. 6094) to authorize appropriations for the U.S. International Trade Commission, the U.S. Customs Service, and the Office of the U.S. Trade Representative for fiscal year 1983, and for other purposes, as amended.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. ROUSSELOT. Reserving the right to object, Mr. Speaker, I probably will not object because my distinguished chairman is always so well versed on everything, but has this been discussed with our distinguished colleague, the gentleman from New York (Mr. CONABLE)?

Mr. ROSTENKOWSKI. Mr. Speaker, if the distinguished gentleman will yield, the gentleman from New York (Mr. CONABLE) has approved of this. In fact, it came out of the committee unanimously.

Mr. ROUSSELOT. I appreciate the response of my colleague.

Further reserving the right to object, Mr. Speaker, the gentleman can assure us there is no monumental change from what happened in the committee?

Mr. ROSTENKOWSKI. No, there is no monumental change at all.

Mr. ROUSSELOT. I thank the gentleman, and, Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. YATES. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

GENERAL LEAVE

Mr. YATES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous material, on the resolution just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

MILITARY EXCESSIVE SPENDING ACT

(Mr. GARCIA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GARCIA. Mr. Speaker, today, along with 18 of my colleagues, I am introducing the Military Excessive Spending Act (MESA). Mr. Speaker, it could be argued that military waste, like any other type of Government waste is a matter of perception. However, in this era of concern for Government over spending, I cannot perceive the need for having the taxpayers pay for meals served in Secretary of Defense Caspar Weinberger's private dining room, subsidizing personal servants for 300 senior officers in the Armed Services, and subsidizing shots and other veterinary services for the pets of military personnel.

Any budget that does not include cutting such waste cannot be considered a serious attempt to eliminate unnecessary expense. This is not a "Guns versus Butter" argument, but a suggestion that we begin saving money by not spending it on wasteful and inessential programs.

In this regard, the legislation my colleagues and I are introducing would: insure that teletype is not used for routine, low priority messages; insure that each individual provided a meal in the Secretary of Defense's dining room is charged for the meal; insure that enlisted personnel in the Armed Forces may not be assigned to duty as personal aides to general and flag officers, and would insure that the Department of Defense may not provide veterinary care for pets of members of the Armed Forces or their dependents.

I urge my colleagues to cosponsor this military waste legislation.

PROVIDING FOR CONSIDERATION OF H.R. 3208, RECLAMATION SAFETY OF DAMS ACT OF 1978 AMENDMENTS

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 438 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 438

Resolved, That upon adoption of this resolution it shall be in order to move, section 402(a) of the Congressional Budget Act of 1974 (Public Law 93-344) to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 3208) to amend the Reclamation Safety of Dams Act of 1978, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Interior and Insular Affairs now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, and all points of order against said substitute for failure to comply with the provisions of clause 7, rule XVI and clause 5, rule XXI are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER. The gentleman from South Carolina (Mr. DERRICK) is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from Arizona (Mr. RHODES) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 438 is the rule providing for the consideration of H.R. 3208, to amend the Reclamation Safety of Dams Act of 1978, and for other purposes. It is a completely open rule, providing 1 hour of general debate with the time to be equally divided and controlled by the chairman and the ranking minority member of the Committee on Interior and Insular Affairs.

It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Interior and Insular Affairs now printed in the bill as an original bill for the purpose of amendment under the 5-minute rule. All points of order against the substitute for failure to comply with the provisions of clause 7, rule 16, which prohibits nongermane amendments, and clause 5, rule 21, which prohibits appropriations in a legislative bill, are waived.

A waiver of clause 7 of rule 16 is necessary as the amendment in the nature of a substitute recommended by the Committee on Interior and Insular Affairs expands the purpose and coverage of the original bill which provided for a straight authorization.

A waiver of clause 5 of rule 21 is needed as the amendment in the nature of a substitute provides the Secretary of the Interior the spending authority upon enactment of the bill to replace and modify dams in need of safety improvements and to perform structural modifications related to flood control on these dams.

The rule also waives section 402(a) of the Budget Act which requires that new budget authority be reported by May 15 of the preceding fiscal year against consideration of the bill. This waiver which is technical in nature is necessary as the bill as originally introduced increased authorizations for appropriations effective immediately upon enactment of the bill. The committee substitute cures the violation by making the authorization effective October 1, 1982.

Finally, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, the Reclamation Safety of Dams Act of 1978 authorizes the Secretary of the Interior to perform modifications on Bureau of Reclamation dams and related facilities to preserve their structural safety. H.R. 3208 authorizes an additional $550 million for such dam safety modifications and authorizes the Secretary to replace dams where it is determined that replacement is the least expensive method of improvement. The Secretary is also given the discretionary authority to use authorized funds for flood control modifications on dams undergoing safety improvements. Reporting requirements for work estimated to cost $500,000 or less are eliminated.

Mr. Speaker, 6 years ago the Grand Teton Dam in Idaho failed, killing 11 people, disrupting the lives of thousands of people, and costing $350 million in damages and payments. Several of our dams are old and in severe need of structural repair or replacement. This bill, which the administration has requested, authorizes funds for the necessary safety improvements. I urge my colleagues to adopt House Resolution 438 so that we can proceed to the consideration of the bill, H.R. 3208.

Mr. RHODES. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, House Resolution 438 makes in order consideration of H.R. 3208, which amends the Reclamation Safety of Dams Act of 1978.

As the gentleman from South Carolina has stated, House Resolution 438 provides an open rule with 1 hour of general debate. Section 402(a) of the Budget Act, which requires new budget authority to be reported by May 15 of the preceding fiscal year, is waived under the rule. The rule also waives clause 7, rule XVI (germaness) and clause 5, rule XXI (appropriations in a legislative bill) against certain provisions of the bill. One motion to recommit, with or without instructions, is in order.

Mr. Speaker, the Bureau of Reclamation has responsibility for over 300 dams and dikes in various parts of the country. A failure at any one of these facilities could result in a substantial loss of life and property. I am sure many of my colleagues recall the Teton Dam failure 6 years ago, which disrupted the lives of thousands of people and cost the Federal Government over $350 million in claim payments. Following this disaster, Congress passed the 1978 Safety of Dams Act, providing authority for the Secretary of the Interior to perform needed safety modifications on Bureau dams.

Since passage of the 1978 act, the cost of safety modifications has increased and an additional 35 dams in 17 States have been identified as requiring some degree of safety modification. Without an increase in the authorization for this program, essential safety modification work will be delayed, jeopardizing thousands of lives and billions of dollars in property.

Mr. Speaker, this is essential legislation, supported by both sides of the aisle.

I regard it as actually an insurance policy against Federal liability which might occur if there were to be a recurrence of the tragedy of the Teton Dam failure some 6 years ago. That failure cost the Government $350 million. I can imagine, as I am sure the Members of the body can imagine, what could happen in the event of other failures and the fact that the provisions of this bill would be thought of as being very modest compared to the liabilities which might come our way in the event of future dam failures. Of course, that does not mention the human misery which would be caused by loss of life and property in the event of such failures.

So, Mr. Speaker, I hope that the resolution will be adopted and that the bill will be passed.

Mr. Speaker, I reserve the balance of my time.

Mr. DERRICK. Mr. Speaker, I yield 3 minutes, for purposes of debate only, to the gentleman from Pennsylvania (Mr. BAILEY).

Mr. BAILEY of Pennsylvania. Mr. Speaker, I thank the gentleman very much for giving me some time to comment on the rule.

I would just like for the benefit of the House and the Members to very much recommend to them very strong and thorough support for this legislation and for the rule that will make it possible.

The area that I represent in Pennsylvania, particularly the Johnstown area, is particularly vulnerable and has been in the past to flash flooding. The dams in that area require periodic updating and investigation, and for the benefit of the people that live in those areas and other areas across the country so affected, their lives and property so directly affected, I would hope that the House will without opposition support this rule and the legislation.

□ 1200

Mr. DERRICK. Mr. Speaker, does the gentleman from Arizona (Mr. RHODES) have any requests for time?

Mr. RHODES. Mr. Speaker, I have no further requests for time.

Mr. DERRICK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. ROUSSELOT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 343, nays 5, not voting 84, as follows:

[Roll No. 54]

YEAS—343

Addabbo	Bingham	Clinger
Albosta	Blanchard	Coats
Alexander	Bliley	Coelho
Anderson	Boggs	Coleman
Annunzio	Bonior	Conte
Anthony	Bonker	Conyers
Applegate	Bowen	Corcoran
Archer	Brinkley	Coughlin
Aspin	Brodhead	Courter
Atkinson	Broomfield	Coyne, James
Bafalis	Brown (CA)	Coyne, William
Bailey (PA)	Broyhill	D'Amours
Barnes	Burton, John	Daniel, Dan
Beard	Byron	Daniel, R. W.
Bedell	Campbell	Dannemeyer
Beilenson	Carman	Daschle
Benedict	Carney	Daub
Benjamin	Chappell	Davis
Bennett	Chappie	de la Garza
Bereuter	Chisholm	Deckard
Bethune	Clausen	Dellums
Bevill	Clay	Derrick
Dickinson	Kogovsek	Rodino
Dicks	Kramer	Rogers
Dingell	Lagomarsino	Rose
Dixon	Lantos	Rosenthal
Donnelly	Latta	Rostenkowski
Dorgan	Leach	Roth
Dougherty	Leath	Roukema
Dowdy	LeBoutillier	Rousselot
Downey	Lee	Roybal
Duncan	Lehman	Rudd
Dunn	Lent	Russo
Dwyer	Levitas	Sabo
Dymally	Loeffler	Santini
Dyson	Long (LA)	Savage
Early	Long (MD)	Sawyer
Eckart	Lott	Scheuer
Edwards (CA)	Lowery (CA)	Schneider
Edwards (OK)	Lowry (WA)	Schroeder
Emerson	Luken	Schulze
Emery	Lundine	Schumer
English	Lungren	Seiberling
Erdahl	Madigan	Sensenbrenner
Erlenborn	Markey	Shannon
Evans (DE)	Marlenee	Sharp
Evans (GA)	Marriott	Shaw
Evans (IA)	Martin (IL)	Shelby
Fary	Martin (NY)	Shumway
Fascell	Matsui	Shuster
Fazio	Mavroules	Siljander
Fenwick	McClory	Skeen
Fields	McCollum	Skelton
Findley	McDade	Smith (AL)
Fithian	McEwen	Smith (IA)
Florio	McGrath	Smith (NE)
Ford (MI)	McHugh	Smith (NJ)
Ford (TN)	McKinney	Smith (OR)
Forsythe	Mica	Smith (PA)
Fowler	Michel	Snowe
Frank	Miller (CA)	Solarz
Frenzel	Miller (OH)	Solomon
Frost	Mineta	Spence
Fuqua	Minish	St Germain
Garcia	Mitchell (MD)	Stangeland
Gaydos	Mitchell (NY)	Stark
Gejdenson	Moffett	Staton
Gephardt	Mollohan	Stenholm
Gibbons	Montgomery	Stokes
Gilman	Moore	Stratton
Gingrich	Moorhead	Studds
Glickman	Mottl	Stump
Goodling	Murphy	Swift
Gore	Myers	Synar
Gradison	Napier	Tauke
Green	Natcher	Tauzin
Guarini	Neal	Taylor
Gunderson	Nelligan	Thomas
Hall (OH)	Nelson	Traxler
Hall, Ralph	Nichols	Udall
Hamilton	Nowak	Vander Jagt
Hance	O'Brien	Vento
Hansen (ID)	Oakar	Volkmer
Hansen (UT)	Oberstar	Walgren
Harkin	Obey	Walker
Hartnett	Ottinger	Wampler
Hatcher	Panetta	Washington
Heckler	Parris	Waxman
Hertel	Pashayan	Weaver
Hightower	Patman	Weber (MN)
Hiler	Patterson	Weber (OH)
Hillis	Paul	Weiss
Holland	Pease	White
Hollenbeck	Pepper	Whitehurst
Holt	Perkins	Whitley
Hopkins	Petri	Whittaker
Hoyer	Peyser	Whitten
Hubbard	Pickle	Williams (MT)
Huckaby	Porter	Williams (OH)
Hughes	Price	Wilson
Hunter	Pritchard	Winn
Hutto	Pursell	Wirth
Hyde	Quillen	Wolf
Ireland	Rahall	Wolpe
Jeffords	Railsback	Wortley
Jeffries	Rangel	Wright
Jenkins	Ratchford	Wyden
Johnston	Regula	Wylie
Jones (OK)	Rhodes	Yates
Kastenmeier	Richmond	Young (FL)
Kazen	Rinaldo	Young (MO)
Kemp	Ritter	Zablocki
Kennelly	Roberts (KS)	Zeferetti
Kildee	Roberts (SD)	
Kindness	Robinson	

NAYS—5

Brown (CO)	Crane, Philip	McDonald
Crane, Daniel	Edgar	

NOT VOTING—84

Akaka	Ertel	LaFalce
Andrews	Evans (IN)	Leland
AuCoin	Ferraro	Lewis
Badham	Fiedler	Livingston
Bailey (MO)	Fish	Lujan
Barnard	Flippo	Marks
Biaggi	Foglietta	Martin (NC)
Boland	Foley	Mattox
Bolling	Fountain	Mazzoli
Boner	Ginn	McCloskey
Bouquard	Goldwater	McCurdy
Breaux	Gonzalez	Mikulski
Brooks	Gramm	Moakley
Brown (OH)	Gray	Molinari
Burgener	Gregg	Morrison
Burton, Phillip	Grisham	Murtha
Butler	Hagedorn	Oxley
Cheney	Hall, Sam	Reuss
Collins (IL)	Hammerschmidt	Roe
Collins (TX)	Hawkins	Roemer
Conable	Hefner	Shamansky
Craig	Heftel	Simon
Crockett	Hendon	Snyder
DeNardis	Horton	Stanton
Derwinski	Howard	Trible
Dornan	Jacobs	Watkins
Dreier	Jones (NC)	Yatron
Edwards (AL)	Jones (TN)	Young (AK)

□ 1215

Mr. PHILIP M. CRANE changed his vote from "yea" to "nay."

Mr. GUARINI changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREE ON H.R. 4, INTELLIGENCE IDENTITIES PROTECTION ACT

The SPEAKER. The Chair appoints as a conferee on the bill (H.R. 4) to amend the National Security Act of 1947 to prohibit the unauthorized disclosure of information identifying certain U.S. intelligence officers, agents, informants, and sources the gentleman from Florida (Mr. YOUNG) to fill the existing vacancy thereon.

RECLAMATION SAFETY OF DAMS ACT OF 1978 AMENDMENTS

Mr. KAZEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3208) to amend the Reclamation Safety of Dams Act of 1978, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. KAZEN).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3208, with Mr. PEYSER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Texas (Mr. KAZEN) will be recognized for 30 minutes, and the gentleman from California (Mr. CLAUSEN) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. KAZEN).

Mr. KAZEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 3208—a bill to amend the Reclamation Safety of Dams Act of 1978.

Before I explain how H.R. 3208 amends the Reclamation Safety of Dams Act, Mr. Chairman, I would like to briefly outline the need for this legislation.

The Bureau of Reclamation has responsibility for over 240 reservoirs impounded by more than 310 dams and dikes. A failure at any one of these facilities could result in a substantial loss of life and property. Many of us clearly remember the Teton Dam failure in Idaho 6 years ago which resulted in 11 deaths, disrupted the lives of thousands of people and cost the Federal Government over $350 million in claim payments.

Back in the sixties, the Bureau of Reclamation recognized that some of their older dams might not stand up to modern criteria for dam safety. For this reason, the Bureau initiated the examination of existing structures program to review their dams using modern hydrologic and seismic data.

In order to speed up the process of modifying the dams that were in need of safety improvements, in 1978, Congress approved the Reclamation Safety of Dams Act. This act authorizes the Secretary of the Interior to perform modifications on Bureau of Reclamation dams and related facilities to preserve their structural safety. The act authorizes $100 million and specifies that funds are to be used only for dam safety and not for the purposes of providing additional benefits.

Modifications that are necessary due to age, normal deterioration, or faulty operation and maintenance are treated as project costs and are paid for by the beneficiaries of the project. Modifications that are necessary due to new hydrologic or seismic data or changes in state-of-the-art criteria are nonreimbursable and are paid for by the Government.

Mr. Chairman, H.R. 3208 would authorize an additional $550 million for the dam safety program. This increase is necessary for several reasons:

First, the cost of completing the safety modification work on the 13 dams originally identified by the Bureau has increased to approximately $130 million from the $100 million authorized in 1978;

Second, since 1978, the Bureau has identified an additional 35 dams that will require some degree of safety modification work;

Third, the Department of the Interior has requested that seven dams located in the Pacific Northwest region be included in this program. These dams have been made part of reclamation projects by acts of Congress; however, title to these dams was never transferred to the Federal Government; and

Finally, the committee decided that the work being performed at the Twin Buttes Dam in Texas to correct a construction deficiency should be covered by this act.

This legislation would also allow the Secretary to construct a replacement dam if he was determined that it would be more cost effective than modifying the existing dam. Mr. Chairman, the committee approved this authority only to help reduce the cost of this program and not to give the Secretary a blank check to construct new dams.

Another change the committee approved would eliminate the reporting requirement for work estimated to cost $500,000 or less. This would make the program more efficient and relieve the Bureau of the costly and lengthy reporting process for minor repair work.

Finally, Mr. Chairman, H.R. 3208 gives the Secretary of the Interior the authority to perform additional work for flood control purposes on those dams slated for safety modifications. We must remember that some of the older dams were designed with only irrigation storage in mind. This provision would allow the Secretary to do some work for flood control purposes along with the work he has planned for dam safety.

Mr. Chairman, I am proud of this legislation.

Mr. Chairman, I am proud that this bill is the product of a bipartisan effort of the Subcommitte on Water and Power Resources which I have the honor to chair. The distinguished gentleman from California (Mr. CLAUSEN) is the ranking minority member. At this time, let me thank him and the members on his side of the aisle for the temendous help they have in getting this final product before the House. I want to commend him and all of the members of the subcommittee, and all the members of the full Committee on Interior and Insular Affairs, for bringing this bill to the floor today.

This is truly a bipartisan effort, and it will reassure the public that the Federal Government will insure the safety of dams the Bureau of Reclamation has built, and I urge prompt adoption of this measure.

□ 1230

Mr. CLAUSEN. Mr. Chairman, I yield myself 8 minutes.

Mr. Chairman, I rise in support of the legislation, and I genuinely want to extend my thanks and appreciation to our distinguished chairman, the gentleman from Texas (Mr. KAZEN), for the very thorough and fair manner in which he has brought the bill through the committee and for the leadership he has provided all of us in his very careful evaluation of the legislation that is now before us.

Mr. Chairman, as those of you who have worked with me on the Interior Committee know, I was a strong supporter and cosponsor of the Reclamation Safety of Dams Act of 1978. This act created the safety of dams program and was Congress response to the Teton Dam failure in Idaho in the summer of 1976. Pursuant to the safety of dams program, the Bureau of Reclamation has identified more than 641 million dollars worth of safety modifications required for existing reclamation dams.

As Chairman KAZEN of our Water and Power Resources Subcommittee has stated and as I have stated on earlier occasions, the results of the failure of just one of these reclamation facilities can be so catastrophic in terms of loss of life and the cost to the Government of claims paid for property damage that we cannot afford not to do whatever is necessary to make these dams safe. To be a believer, one need only recall the Teton Dam failure.

In the original 1978 act, the Congress established the criteria for how dam safety modifications are to be paid and when cost sharing is appropriate. Basically, if the local entity, such as an irrigation district, which operates and maintains the dam does not live up to its responsibility and makes the dam unsafe by failing to properly operate or maintain it, then the local entity pays to make the dam safe. Likewise, for safety modifications resulting from age or normal deterioration, those who benefit from the structure pay to bring it up to standard.

However, the committee rejected cost sharing for instances where seismic or hydrologic data, or changes in state-of-the-art criteria require safety modifications on the basis that whoever is responsible for the safety problem should pay to rectify it. If the Federal Government designed a dam on the basis of incorrect or inadequate hydrologic data, and if that dam proves to be unsafe in light of correct hydrologic data, then those safety modifications should be nonreimbursable to the Government, that is, the Government should pay for the necessary modifications. The committee felt then and still is of the view that these

policy distinctions are sound, well-reasoned, and should remain.

The administration appeared in our hearings in January of this year and made a number of recommendations to amend H.R. 3208, the matter before us. Three of four of their recommendations for substantive amendments were incorporated into H.R. 3208. The single exception was the administration's proposal to have cost-sharing even in those instances which the committee and the Congress felt were responsibilities for which the Federal Government should pay. There was no support within the committee for this particular administration proposal.

The administration supports the matter before us, H.R. 3208. For budget reasons, they also continue to support their earlier proposal before our subcommittee for additional cost sharing. While we all share their concern, particularly now, for reducing Government spending, I am convinced that the cost-sharing formula and policy currently in the law are appropriate and will resist any effort to change them.

Mr. Chairman, H.R. 3208 also contains an amendment offered on behalf of our distinguished colleague from Arizona (Mr. RHODES) to give the Bureau of Reclamation the discretion to save money by making modifications required for flood control at the same time safety modifications are made. As is clear from the report, however, first priority is to be given to needed safety modifications, the need for which has already been surveyed and adds up to $641 million.

A technical amendment will be offered which will reaffirm the existing relationship between the Bureau of Reclamation and the Corps of Engineers on the issue of flood control. I urge your support of this technical amendment.

Mr. Chairman, my colleagues on the Water and Power Resources Subcommittee and I have approached this important matter of dam safety in a bipartisan fashion. In fact, the vote in our subcommittee on the bill and its amendments as well as in the full committee were unanimous.

It is not an overstatement to say that the lives and property of Westerners who live downstream from reclamation dams may well depend on this legislation. While we are not unaware of the significantly increased authorization ceiling and the unfavorable economic times, the costs of another failure, such as Teton costing 11 lives and more than $350 million in claims paid by the Federal Government, those costs, Mr. Chairman, are even more unthinkable.

I urge your support of this important legislation.

Mr. BEREUTER. Mr. Chairman, will the gentleman yield?

Mr. CLAUSEN. I am happy to yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I want to genuinely associate myself with the gentleman's remarks, and I would like to emphasize one particular point.

If the Federal Government designs a dam on the basis of incorrect or inaccurate hydrological data or seismic data for that matter and if that dam proves to be unsafe in light of correct hydrologic data, then those safety modifications should be nonreimbursable to the Government; that is, the Government should pay for the necessary modifications and not the local sponsors or beneficiaries.

I think that is a fair arrangement. This bill emphasizes that, as the gentleman pointed out, and I would like to reemphasize it.

Mr. Chairman, I thank the gentleman for yielding.

Mr. CLAUSEN. Mr. Chairman, as the very distinguished gentleman from Nebraska (Mr. BEREUTER), who is a valuable and very knowledgeable member of the committee, has stated, this was considered, it was discussed in the subcommittee itself, and it was felt that if we are dealing with the seismic and hydrologic data and there were some misinterpretations of that by Government personnel, it clearly became the obligation and responsibility of the Federal Government to handle that, in contrast to passing it on to the sponsors or irrigators.

Mr. KAZEN. Mr. Chairman, I yield such time as he may consume to the distinguished chairman of the full Committee on Interior and Insular Affairs, the gentleman from Arizona (Mr. UDALL).

Mr. UDALL. Mr. Chairman, I am very pleased to speak in support of H.R. 3208, a bill to amend the Reclamation Safety of Dams Act of 1978, and to clear up some misunderstandings that my colleagues may have about this legislation.

H.R. 3208 increases the authorization of the Reclamation Safety of Dams Act to $650 million to remedy structural deficiencies in existing Bureau of Reclamation dams to insure their structural integrity and safety.

The Bureau of Reclamation is responsible for over 240 reservoirs and more than 310 dams and dikes. Some of these dams were built more than 50 years ago, and in those intervening years heavily populated urban areas have grown up around many dams that were once located far away from cities and towns.

The passage of decades has also resulted in significant changes in state-of-the-art criteria for dam design and construction, and in the development of more advanced and precise hydrologic and seismic data. These data reveal that earlier projections about the frequency and magnitude of storms and flood flows that might occur at a particular dam site were, in several cases, inaccurate. Storms much greater than those previously estimated are now very possible at these dam sites. Revised earthquake projections bring into doubt the stability of some dams.

These revised hydrologic and seismic data indicate that structural modifications are needed at several reclamation dams to insure their safety and to prevent overtopping or possible failure.

In 1978, prompted by Bureau of Reclamation dam safety review studies, and the catastrophic failure of the Teton Dam in Idaho, Congress enacted the Reclamation Safety of Dams Act of 1978. That legislation authorized $100 million for structural repairs to 13 dams.

The act established an expedited procedure whereby the Secretary of the Interior must submit a report to Congress outlining the need for structural work, the estimated cost and the correct action deemed to be required, in addition to the environmental impacts of the proposed modifications. These reports then lie before Congress for 60 days before the Secretary may begin work on the dam.

Since 1978, the Bureau's review of existing dams has been completed, and another 35 dams have been identified as requiring some safety modifications. At hearings held before the Subcommittee on Water and Power Resources in January of this year, the Bureau witnesses testified that an additional $550 million would be required to make the proposed corrections.

Two of these dams are in my State of Arizona: The Theodore Roosevelt Dam and the Steward Mountain Dam on the Salt River. Theodore Roosevelt Dam was the first reclamation dam ever constructed, and in 1904 when it was designed and built available hydrologic data were quite limited.

As a result, the spillway capacity on that dam and on Steward Mountain are not adequate to handle today's projected inflow design flood. In order to insure that the dams do not overtop, additional spillway capacity is needed. The increased authorization contained in H.R. 3208 will provide adequate funds to undertake safety modifications at these dams in Arizona in addition to the other dams identified by the Bureau's review program.

I was a cosponsor of the original dam safety legislation and I am committed to this bill to authorize the funds necessary to successfully complete the Bureau's dam safety program.

I would like to specifically address a couple of questions that have been raised concerning H.R. 3208. At hearings on this bill, the administration

testified in support of the increased authorization and suggested several amendments. Most of these amendments, relating to replacement dams, dams in the Pacific Northwest and reporting requirements, were adopted by the committee.

The administration also proposed a cost-sharing amendment that would require water users and other individuals that benefit from the dam to repay the costs of the safety modifications. This would mean that before corrective work could be undertaken the Secretary would have to enter into a repayment contract with the water users and power customers. Needed safety modifications could not be begun unless and until the users signed a repayment contract.

The committee determined that such a proposal was unfair and impractical, and we decided to retain the cost-sharing formula contained in the original dam safety legislation.

It is impractical to expect water and power customers that many times do not reside in the dam watershed, to perceive the hazard of a dam failure or overtopping as keenly as the residents in the path of the water do.

What would be the result if the Federal Government determined that a dam required safety repairs and the users refused to contract for such corrective work? The United States would be in the untenable position of owning a dam that it deems unsafe, and yet being unable to undertake the repairs necessary because the users would not agree to repayment.

It is also unfair to ask the users to repair defects that are due to the designs developed by the Bureau for construction of the dam. In many cases, the safety modifications are due to changes in the state of the art criteria for dam design, or new hydrologic or seismic data. In these cases, the original Bureau design is newly determined to be inadequate to withstand earthquakes or to retain the project inflow design flood. These inadequacies are due to defects in the original design and, for that reason, modifications to correct such design defects should be the responsibility of the Federal Government.

For these reasons, the committee declined to accept the cost-sharing proposal advanced by the administration and chose, instead, to retain the cost-sharing formula contained in the original 1978 Act. That formula provides that defects due to criteria changes or newly available hydrologic and seismic data are a Federal responsibility and are nonreimbursable.

Where, however, the safety work is due to age, normal deterioration, or faulty operation and management, repayment of the safety modification costs shall be the responsibility of those who benefit from the dam: the water users and other such beneficiaries.

I believe that this cost-sharing formula is both fair and appropriate and I would oppose any amendment that would have the effect of increasing the burden on water and power customers.

A second area of misunderstanding is the provision on replacement dams. The bill as reported by the committee amends the original act to permit the Secretary to replace an existing dam if such an action would be more cost effective than repairing the old dam. The Bureau of Reclamation testified that they have encountered situations where it would be substantially cheaper to simply replace and old dam than to perform the many modifications necessary to make the old structure safe.

Replacement would only take place when a least cost analysis indicates that replacement is the least expensive and most technically sound method to mitigate a hazardous situation. This provision cannot be used to construct a totally new dam. It is not a backdoor to authorization of projects that are not already in existence. Replacement will only be an option for the Secretary where there is an existing dam, safety modification on that dam is necessary, and replacement would be cheaper than undertaking the modifications to the old dam.

It is imperative that we act now to authorize funds to correct safety problems that currently exist in these dams all over the country. Failure to act now risks costly property damage and possible loss of life to those who live downstream from those structures that have been identified as requiring corrective repairs.

I urge your support for H.R. 3208.

Mr. CLAUSEN. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Arizona (Mr. RUDD).

Mr. RUDD. Mr. Chairman, I commend my colleagues, the gentleman from Arizona (Mr. UDALL), the gentleman from Arizona (Mr. RHODES), the gentleman from California (Mr. CLAUSEN), and the gentleman from Texas (Mr. KAZEN) for bringing this good bill to the floor of the House for consideration.

Mr. Chairman, I rise in support of the bill, H.R. 3208, which amends the Reclamation Safety of Dams Act of 1978.

This bill, which increases the authority of the Bureau of Reclamation to effect much needed repairs to aging dams, is vital to the continuing struggle we in the country are making to control, and most efficiently utilize, our water resources.

No single resource has been as vital to the welfare and progress of man as water, particularly in the United States. No other nation has developed and managed its water resources with such energy and imagination. In the dry Southwest, we use water, reuse it, and use it again, until all that is left is literally dust.

But from time to time, the full storm force of this valuable resource, unchecked and uncontrolled, has been responsible for death and destruction.

It is characteristic of arid areas that an absence of water is sometimes replaced with an overabundance of water. To put it more simply, the areas with the least amount of water have the least capability of retaining that water by natural methods. That is the importance of safe operation and maintenance of dams in this country.

In my own State, there are two dams that have been identified as needing rehabilitation, both of which are an integral part of the water system and flood control for Arizona. These are not new structures, and, in fact, date back to the early days of the Bureau of Reclamation. While they have produced a wide range of benefits, far in excess of their costs, they are nonetheless inadequately designed by today's standards.

What this bill, H.R. 3208, does is allow us to anticipate the destruction wrought by a flood, and thus prevent the death and damage caused in the wake of a flood.

I would urge my colleagues to support this bill, and so doing, support safety for all downstream residents of dams that are in need of repair.

Mr. CLAUSEN. Mr. Chairman, I yield 7 minutes to the gentleman from Texas (Mr. LOEFFLER).

Mr. LOEFFLER. Mr. Chairman, I thank the distinguished ranking minority member for yielding me this time.

Mr. Chairman, I rise in strong support of H.R. 3208, legislation amending the Reclamation Safety of Dams Act of 1978.

This legislation demonstrates a firm commitment to Federal dam safety. I wish to commend all the members of th Committee on Interior and Insular Affairs for their hard work and assistance. I also wish to commend the distinguished chairman of the committee, the gentleman from Arizona (Mr. UDALL), and particularly my good friend and colleague, the distinguished subcommittee chairman, the gentleman from Texas (Mr. KAZEN), as well as the ranking minority member of the full committee, the gentleman from New Mexico (Mr. LUJAN), and the ranking minority member of the subcommittee, the gentleman from California (Mr. CLAUSEN), who have all provided me great counsel.

□ 1245

Each and every member of the committee, as well as the distinguished gentlemen I have just mentioned,

worked diligently to get this good, fair, and equitable bill to the floor.

Mr. Chairman, I would like to address section 13 of the bill before us, which contains a provision calling for the Federal Government to bear the costs of repairing Twin Buttes Dam and Reservoir in San Angelo, Tex.

Twin Buttes was constructed in 1963 by the Army Corps of Engineers. An error in the original construction of the dam has created an imminent safety problem which has restricted the availability of water to the city of San Angelo and for local irrigation uses.

When it became apparent that the error in the original construction was endangering the structure of the dam, city officials undertook several extensive projects at their own expense to correct it. However, in each instance their efforts were to no avail.

Obviously, dams to be repaired under this act should have been built correctly originally. However, burdening water users with the costs of correcting these original design omissions and construction deficiencies would clearly be inequitable.

In light of the fact that the Federal Government's errors in the design and construction of Twin Buttes Dam is the direct cause of the current safety problem, I believe that the Federal Government ought to provide remuneration. The Federal Government, like anyone else, has the duty of correcting faulty work for which it is directly responsible.

Again, Mr. Chairman, I commend the distinguished leaders of the Interior Committee and urge passage of this legislation.

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. LOEFFLER. I am happy to yield to the gentleman from Pennsylvania.

Mr. EDGAR. I want to commend the gentleman for his statement.

I do have a question. The gentleman I think rightly points out on page 3 of the bill it does direct the Federal Government to correct a problem at Twin Buttes Dam in Texas. I wonder if the gentleman could indicate for the House what the reasons for the mistake were. Was it because not careful consideration was made in the process of constructing this dam? Was it hurried along because it did not have adequate corps oversight?

Can the gentleman indicate why the dam needs this structural change?

Mr. LOEFFLER. During construction of the dam, for which the corps was directly responsible, there was an additional need for fill material for structural purposes. The corps made a decision to borrow additional soil from what is now the center of the reservoir, and in so doing hit an area that we would describe as a gravelly area. This material, now underlying the structure, is responsible for seepage which goes under the dam and which has now brought about this very difficult safety problem.

In an effort to repair the structure, without coming to the Federal Government, city officials in San Angelo have twice tried to stop this leakage, but both efforts failed. It has been expensive, but they did not come and say "We want the Federal Government to reimburse us" because they are grateful for the reservoir itself.

It was to no avail, however.

Now they are saying, "Look, this is a situation where the Federal Government was culpable at the outset."

I might also point out to my good friend that during the construction process, when this gravelly area was reached, local officials advised the corps that a potential problem could occur.

Mr. EDGAR. Will the gentleman yield further?

Mr. LOEFFLER. I would be happy to yield.

Mr. EDGAR. The only reason I have asked for some time under the gentleman's particular statement is to point out the fact that in the authorizing and appropriation process here in Congress we have to be vigilant to make sure that dams and reservoirs, when they are constructed at partial Federal expense, or full Federal expense, that, in fact, we ought to have the careful oversight that was neglected in this particular project.

We are now back asking the Federal Government to repair damage that it, in fact, accrued. And it seems to me that the gentleman raises an important point and it is for the authorizing and appropriations committees in both Interior and Public Works to be vigilant, to make sure that future dams and future construction projects are not caught in this same structural problem the gentleman describes.

Mr. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. LOEFFLER. I am glad to yield to my distinguished friend from California.

Mr. CLAUSEN. I am pleased that the gentleman from Pennsylvania has brought this matter to the attention of the House on the basis of the dialog that has taken place, because the gentleman knows that the one thing our Public Works Committee has intensified and which is occurring in the Interior Committee as well, is that we are doing more in the area of oversight, investigation, and evaluation of established procedures on projects, and this is just another example of why there has been eternal vigilance.

I want to thank the gentleman from Texas (Mr. LOEFFLER) who has been a bird dog in this whole process.

Mr. LOEFFLER. I thank the gentleman.

Mr. CLAUSEN. Mr. Chairman, I yield 6 minutes to the gentleman from Arizona (Mr. RHODES).

Mr. RHODES. Mr. Chairman, I hope this bill will be adopted. It is a bill to enhance and expand an effort which was started back in 1974 because of an emergency situation. The emergency arose when the Teton Dam in Idaho failed and the result was great loss of life, great loss of property, and $350 million worth of damages which the Federal Government was responsible for and for which the taxpayers paid.

Since that time the Bureau of Reclamation had surveyed other dams which are under its jurisdiction and has identified quite a few of them, some 35 to be exact, in which there are structural defects and which under certain circumstances, some more imminent than others, of course, would cause a dam failure and would then cause liabilities on the part of the Federal Government to occur, which would certainly be greatly in excess of the amounts of money authorized under this act.

The interesting thing to me is that it has recently come to my attention that the Department of Interior, in about a one-paragraph letter to the gentleman from New York, has indicated that it wants the cost of repairing these dams, which are Federal structures, to be borne eventually by those who would use the water from the dams, the irrigators, or those who get the M. & I. water.

There are several things that are interesting about this. One is that the Department has never indicated to any of us who are proponents of this piece of legislation that it opposed this legislation with its present cost-sharring formula.

The second is that we have had an act in place since 1978 with a $100 million cap, which is now inadequate and which is the reason for this legislation. The 1978 act contains the cost-sharing formula recommended in the legislation before us. It is fair and reasonable.

So if the amendment which I assume will be offered by the gentleman from New York is adopted, you will find yourself in a rather amazing situation. The original $100 million, when it is allocated, will not provide for cost-sharing based on the gentleman's amendment. But the next $550 million which we will authorize will provide for such a payback.

That is not evenhanded and does not even make good sense. In fact, it really does not make very good sense at all unless you, for some reason or other, believe that the attention to the safety of these dams is of benefit only to the irrigators.

Of course it is not. That is not the reason for the bill. It is not primarily of benefit to the irrigators, but to

those communities which would face disaster if a dam failed.

It is an insurance policy. That is what this bill is. It is not anything which is of great benefit to any interest or any group of interests, except the interests of the American people who might otherwise lose their lives and property.

Mr. PASHAYAN. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I am happy to yield to the gentleman from California.

Mr. PASHAYAN. I would like to say that I would like to associate myself with the gentleman's remarks. The gentleman is saying, I believe, if I can restate it in different words, that these dams are a capital investment and it is only fair that, as has been traditionally done, because they benefit the public at large, that a certain amount of the cost of those, whether they be for the construction of new dams or repairs, be borne by the public at large.

Mr. RHODES. Actually, the case sounds in tort, because if a dam fails I think most of us would agree from our days in taking torts in law school that this is one of the instances in which you have liability without fault. You do not have to prove that anybody was negligent when a dam fails. Negligence is presumed.

Mr. PASHAYAN. I could not state the case better.

Mr. RHODES. To continue the colloquy with the gentleman from California, naturally, if you have a situation where there is liability without fault, it is only good business to try to make sure that there is not any liability.

I would regard the conservative vote in this instance to be in favor of the bill so that you can head off what I firmly believe could be costs running into the billions, that the Federal Government would have eventually to pay if a dam failed.

Mr. PASHAYAN. I do not think it is possible to state the case better than the way the gentleman from Arizona just stated it, and I associate myself with his remarks.

Mr. RHODES. I thank the gentleman from California and yield back the balance of my time.

Mr. KAZEN. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. BAILEY).

Mr. BAILEY of Pennsylvania. I am grateful to the gentleman for the time. I wonder if I could ask him a question?

I have been concerned that under the Flood Control Act of 1944, and in specific section 7 which relates to the promulgation of regulations by the Secretary of the Army dealing with any dam in which Federal funds played any role in constructing any part of it, that there not be an interference with the promulgation or the application of these regulations by the act.

I wonder if the gentleman could answer my question.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. BAILEY of Pennsylvania. I am happy to yield to the gentleman.

Mr. KAZEN. This still does not do anything contrary to the section the gentleman has just referred to.

Mr. BAILEY of Pennsylvania. I thank the gentleman.

We have an area in Pennsylvania that is particularly subject to flash flooding. This bill, for that reason, and the efforts the gentleman is undertaking here, provide a number of tangential benefits that are important.

There is a trading of information, of course, between this program and the Corps of Engineers and the regulation responsibilities, the promulgation responsibilities are vital.

I understand the gentleman will be offering an amendment to insure that relationship.

Mr. KAZEN. The gentleman is correct. I will offer that amendment a little later on when we get into that stage of the bill.

Mr. PASHAYAN. Mr. Chairman, will the gentleman from Pennsylvania yield to me?

Mr. BAILEY of Pennsylvania. I yield to the gentleman from California.

Mr. PASHAYAN. Just to underscore and to tie in with the remarks made by the gentleman from Arizona a minute ago, I take it that the gentleman would agree that the stopping of the flash floods is something that inures to the benefit of the public at large?

Mr. BAILEY of Pennsylvania. I think if the core issue is a philosophic one, that is, the role and function of government, I think without a violation of anyone's political conscience that we would all have to clearly recognize a vital, basic, innate public interest in legislation like this.

I could not agree with the gentleman's conclusion more.

Mr. PASHAYAN. And the gentleman would agree, I take it, that it follows to the extent that the dam provides what the gentleman has just called a general public interest, it is only fair that the public bear the cost of that?

Mr. BAILEY of Pennsylvania. I would have to agree completely with the gentleman.

Mr. PASHAYAN. I was just underscoring the logical extension of the remarks made by the gentleman.

Mr. BAILEY of Pennsylvania. I think the gentleman's point is very well taken, and in this age of cost-benefit analysis the gentleman's point is analytic and to the point and I thank him.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. BAILEY of Pennsylvania. I am happy to yield to the gentleman from Arizona.

Mr. UDALL. I want to thank the gentleman for his support of this legislation and to explain, as he already has, that we are dealing here with the Bureau of Reclamation and their big dam-building projects, largely in the West; but the same principles should apply to the East.

I think that the folks in Johnstown, Pa., of all places, ought to be particularly sensitive to that. I wanted the gentleman to know that I support a program which would probably go to another committee where the gentleman from California (Mr. CLAUSEN) is the ranking member, to do something about safety of the dams, if it is needed in other parts of the country in the Corps of Engineers program.

Mr. BAILEY of Pennsylvania. I thank the gentleman very much.

□ 1300

● Mr. ROBERTS of South Dakota. Mr. Chairman, I rise in support of H.R. 3208, which amends the Reclamation Safety of Dams Act of 1978. This legislation authorizes additional funds to correct design defects, and perform needed structural modifications at existing Bureau of Reclamation dams and related facilities.

South Dakota has several dams that fall into the provisions of the act. This year the Deerfield Dam, located in the Black Hills, west of Rapid City, S. Dak., is undergoing a structural modification which will increase the safety of the dam and provide additional flood control capacity.

Without the additional authority provided in H.R. 3208, future modifications and expansions will not be possible. Under the bill, costs of modifications that result from age, normal deterioration, or faulty operation and maintenance will be repaid by the water users and others that benefit from the dam structure. Costs attributable to changes in technology, from additional flood control needs, or from new hydrologic and seismic data will be deemed nonreimbursable and will be the obligation of the Federal Government.

In 1972, 239 persons were killed in the Rapid City flood. It is my hope that with continued revision and inspection of our dams, a tragedy of this magnitude will never occur again. I urge support and passage of H.R. 3208.●

● Mr. LUJAN. Mr. Chairman, I want to go on record at this point in support of passage of H.R. 3208, legislation which would amend the Reclamation Safety of Dams Act of 1978 by authorizing additional funding to correct design defects and to perform struc-

tural modifications at Bureau of Reclamation dams and facilities.

The Department of Interior is currently conducting a safety program involving 13 structures that require safety modifications. An additional 35 dams have been identified as also requiring similar modifications and H.R. 3208 would authorize the additional funding needed. It should be pointed out that those costs incurred in performing modifications resulting from age, faulty operation and maintenance, and normal deterioration will be repaid by the water users who benefit from the structure in question. The bill includes a fair and equitable cost-sharing formula which will distribute costs between water and power customers and the American taxpayer.

Mr. Chairman, this is an important piece of legislation. It affects thousands of residents who could be adversely affected by dam failures in various parts of the Nation. None of us want a repeat of the Teton Dam failure which occurred several years ago in Idaho. I urge my colleagues to support this bill. It is the least we can do to insure the safety of many Americans.●

Mr. KAZEN. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. CLAUSEN. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, the Clerk will now read the committee amendment in the nature of a substitute recommended by the Committee on Interior and Insular Affairs now printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

H.R. 3208

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Reclamation Safety of Dams Act of 1978 (92 Stat. 2471, 43 U.S.C. 506, et seq.) is amended as follows:

(1) In section 2, following "modifications" insert "or replacement".

(2) In section 3, at the end of the first sentence change the period to a comma and add "except as provided in section 7.".

(3) In section 5: (a) in the first sentence after "$100,000,000" delete the comma and insert "and, effective October 1, 1982, not to exceed an additional $550,000,000,"; after "*Provided,* That no funds" insert "exceeding $500,000"; and change "construction to modify an existing dam" to read "construction to modify or replace an existing dam" and (b) in the second and third sentences wherever the words "modification" or "modifications" appear insert thereafter "or replacement".

(4) After section 6, insert the following new section 7 and renumber subsequent sections accordingly:

"SEC. 7. Notwithstanding any other provision of law, whenever structural modifications for dam safety purposes have been determined to be necessary pursuant to the provisions of this Act, the Secretary of the Interior is authorized to perform such additional structural or other work as may be necessary for flood control purposes. *Provided,* That the report required by section 5 shall include a finding by the Secretary that such additional work is necessary for flood control purposes and the technical report required by section 5 shall contain information on the need for such additional work, hydrologic data, potential downstream damages, a description of the work required and estimated costs. The Secretary may, subject to the provisions of section 5 concerning the obligation of funds, submit such finding and information in a separate report. The costs of construction and operation and maintenance of structural or other work allocable to flood control shall be nonreimbursable and nonreturnable under the reclamation laws."

(5) After the last section (heretofore renumbered section 12) insert the following new section 13:

"SEC. 13. Included within the scope of this Act are Fish Lake, Four Mile, Ochoco, Savage Rapids Diversion and Warm Springs Dams, Oregon; Como Dam, Montana; Little Wood River Dam, Idaho; Twin Buttes Dam, Texas and related facilities; *Provided,* That the cost of foundation treatment, drainage, and instrumentation work planned or underway at Twin Buttes Dam, Texas, shall be nonreimbursable and nonreturnable under Federal reclamation laws.".

Mr. KAZEN (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

AMENDMENT OFFERED BY MR. KAZEN

Mr. KAZEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KAZEN: Page 2, line 22, strike out the comma and insert in lieu thereof the following: "(other than the Act of December 22, 1944; 58 Stat. 888, P.L. 534, 78th Congress),".

Mr. KAZEN. Mr. Chairman, section (4) of H.R. 3208 authorizes the Secretary of the Interior, whenever structural modifications for dam safety purposes are being accomplished pursuant to the bill, to perform such additional structural or other work which may be necessary for flood control purposes.

The amendment is of a technical nature and is designed to insure that provisions of existing law relating to the inclusion of flood control in projects constructed by the Secretary will not be affected.

Specifically, the amendment makes clear that the provisions of the act of December 22, 1944, shall continue to apply. The applicable provisions are found in section 1(C) of that act relating to coordination, and in section 7 of that act relating to the duty of the Secretary of the Army to prescribe regulations for the use of storage allocated for flood control at all reservoirs constructed wholly or in part with Federal funds.

This is the amendment to which my colleague, the gentleman from Pennsylvania, was referring to awhile ago, and this is the amendment that will preserve that section of the law that the gentleman is interested in.

Mr. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. KAZEN. I yield to the gentleman from California.

Mr. CLAUSEN. Mr. Chairman, I rise in support of the gentleman's amendment. This has been the subject of discussion between us. It further has been the subject of discussion because in wearing my other hat as the ranking, senior Republican on the Public Works and Transportation Committee, I was concerned about the jurisdictional issue. So I brought the professional staff of both the Interior Committee, as well as the Public Works Committee, to work on the language of this amendment, plus some legislative history that the gentleman has presented. I concur fully with the intent as spelled out in the legislative history. I support the gentleman.

Mr. KAZEN. Mr. Chairman, let me commend the gentleman for having brought this to the attention of the committee and for the work that he did in coordinating between the other committee of jurisdiction over the corps and the Interior Committee. Because of that cooperation, we have this as a result.

Mr. CLAUSEN. I thank the gentleman.

Mr. Chairman, I support the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. KAZEN).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SOLOMON: Page 3, after line 25, insert the following new paragraph:

(6) Section 4 is amended to read as follows:

"SEC. 4. (a) Costs hereafter incurred in the modification or replacement of structures under this Act shall be allocated to the current functions served by the dam, project, unit, or division, as determined by the Secretary at the time of completion of the work undertaken pursuant to this Act. Costs allocated to irrigation water service and capable of being repaid by the irrigation water users shall be reimbursed within fifty years of the year in which the work undertaken pursuant to this Act is substantially complete. Costs allocated to irrigation water service which are beyond the water users' capability to repay will be reimbursed in accordance with existing law. Costs allocated to recreation or fish and wildlife enhancement shall be reimbursed in accordance with the Federal Water Project Recreation Act (79 Stat. 213), as amended.

"(b) Costs allocated to the purpose of municipal, industrial, and miscellaneous water service, commercial power, and the portion of recreation and fish and wildlife enhancement costs reimbursable pursuant to the Federal Water Project Recreation Act shall be repaid within fifty years with interest. The interest rate used pursuant to this Act shall be determined by the Secretary of the Treasury, taking into consideration the average market yields on outstanding marketable obligations of the United States with approximately five years remaining to maturity, during the month preceding the fiscal year in which the costs incurred for work undertaken pursuant to this Act. The interest rate so determined on the unrecovered balance shall be redetermined every five years to reflect the average market yield at that time on outstanding marketable obligations with approximately five years remaining to maturity.

"(c) The Secretary is authorized to negotiate appropriate contracts with project beneficiaries providing for the return of reimbursable costs through water charges, ad valorem taxes, account charges, or other means he deems appropriate.".

Mr. SOLOMON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SOLOMON. Mr. Chairman, the purpose of this amendment is simply to provide, as a matter of law, that all expenditures made under the general authority of the Reclamation Safety of Dams Act are reimbursable to the Treasury. The administration has requested that Congress require repayment of dam safety expenditures, and indeed, my amendment is virtually identical to the language submitted to the Interior Committee by the Department of the Interior in January of this year.

Assistant Secretary Garrey Carruthers makes a persuasive case for this amendment when he states, and I quote:

The Administration is committed to reducing the Federal budget and believes that beneficiaries of Federal projects should, in most cases, contribute to those projects. . . . Since the beginning of the reclamation program the cost of building a safe dam has been allocated to authorized project purposes . . . and has been subject to reimbursement or cost sharing on the same basis. . . . If the dam develops defects over time or if additional work is needed to meet current safety standards, there is no reason to forego that cost sharing or reimbursement that would have been due had the remedial work been incorporated into the initial construction. The long range effects of correcting safety problems without cost sharing or reimbursement is to make all replacement of existing investment free to its users and beneficiaries, and place the total cost on the general taxpayer.

Mr. Chairman, I believe, as does the Reagan administration, in the free market system. Economic efficiency, as well as fundamental fairness, will both be sacrificed if we continue to subsidize the users of water and power from Federal dams. The $550 million in this bill is simply the latest chapter in a long story of underpricing our natural resources through Federal subsidies. I am confident that when the subsidies are stopped, we will start spending both natural and fiscal resources more wisely. In the midst of the current budgetary situation, we have no other choice.

Let me note, Mr. Chairman, that the language of my amendment differs from that of the administration in one relatively minor aspect. The Interior Department proposes to limit the repayment obligations of agricultural water users to their "ability to pay," as computed by the Bureau of Reclamation. Costs allocated to irrigators which are above and beyond their ability to repay, the Department would make nonreimbursable. My language simply states that such costs are reimbursable in accordance with existing law. Rather than open a new loophole, I prefer to see dam safety improvements treated exactly the same way as all other construction costs in the reclamation program.

Mr. Chairman, the administration has offered generous terms for the repayment of these tax dollars now needed to insure the safety of reclamation dams: 50 years to repay; Federal Government borrowing rates; and payments limited by "ability to pay." I only wish my constituents could buy a house or make new capital improvements on such generous terms.

Let us not make the dam safety program a raid on the Treasury, no matter how well intentioned we are. A mechanism already exists to operate the program in a more businesslike manner.

I urge the adoption of the amendment.

Mr. Chairman, I have before me a very strong letter from the U.S. Department of the Interior and from the Office of Management and Budget. I will read it:

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., April 29, 1982.

Hon. GERALD B. SOLOMON,
House of Representatives,
Washington, D.C.

DEAR MR. SOLOMON: This is in response to your request for our comments on your cost sharing amendment to H.R. 3208. The Administration strongly supports this amendment which would make the cost of safety modifications allocated in the same manner as the original costs of construction of the dam for the reasons set forth in the departmental report of January 25, 1982, which appears in the Committee report accompanying the bill.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

DONALD PAUL HODEL,
Under Secretary.

Mr. Chairman, the White House, that is, the administration's official stand on this amendment is that the administration supports enactment of H.R. 3208 if the bill is amended to require local interests to share in the cost of safety modification to dams on the same basis as they are shared in the costs of original construction.

Mr. Chairman and my colleagues, without this amendment we could end up replacing every dam in this country in the West or elsewhere free of charge in perpetuity, and unless the committee wants to flirt with a veto, they ought to support this amendment unanimously in this House.

The CHAIRMAN. The time of the gentleman from New York (Mr. SOLOMON) has expired.

(On request of Mr. PASHAYAN and by unanimous consent, Mr. SOLOMON was allowed to proceed for 3 additional minutes.)

Mr. PASHAYAN. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from California.

Mr. PASHAYAN. Mr. Chairman, the gentleman commented on the ability-to-pay concept. Is the gentleman aware that that is a part of the formula because, unless it is in there, the farmers would not be able to use the water at all?

Mr. SOLOMON. Yes, I am.

Mr. PASHAYAN. Well, how does the gentleman plan to get food to his people if the farmers are not able to use the water and the land to grow food?

Mr. SOLOMON. Well, let me just say that I represent one of the largest dairy and farm congressional districts in America, and this amendment is simply going to make sure that my farmers are treated like your farmers.

Mr. PASHAYAN. No, I do not think that is true, actually, because my farmers have a different kind of a farming system. Growing cotton is different than raising dairy cows.

Let me ask the gentleman another question: Is the gentleman saying that private users should pay for the redoing of a dam that had faulty design and engineering, which is certainly the Government's fault? Is the gentleman, who regards himself as a fiscal conservative, saying that the Government ought to be able to pass the expense of his own fault off to the people?

Mr. SOLOMON. Yes, I really think so; and I will tell the gentleman why. Under the present allocation system, under the existing law, the beneficiaries or users of this project now pay a proportionate cost.

Mr. PASHAYAN. I understand that. I always thought it was the liberal philosophy that said the people should pay for the mistakes of the Government, not the conservatives. Maybe I am a little confused, or

maybe the gentleman is a little confused. I am not sure which.

Mr. SOLOMON. Well, let me just say this: I believe that the Federal Government is acting responsibly to identify a potential hazard as reclamation facilities; however, the very reason for maintaining these dams in place for the economic benefits that they produce, it is only fair that the beneficiaries of each project assume these dam safety costs in the same manner that they have assumed the original costs, in the first place. Otherwise we would not have the existing law as we have it today.

Mr. PASHAYAN. The gentleman is not answering the point.

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. Mr. Chairman, I would like to respond to the gentleman's comments. No place in the language of the actual bill does it say that all of the structural damages being repaired are the fault of the Federal Government. And the gentleman's amendment simply says that the actual in-law procedures that are used now to build new dams be the same procedures used to repair and maintain the dams that are structurally deficient.

But I do not think it is accurate to say that the legislation itself puts blame on the Federal Government for all of the structural deficiencies. In some instances it may be the location of the dam; in some instances it may be the wear and tear by age; in some instances it may be a lot of other deficiencies that have occurred. The gentleman's amendment simply says that some cost-sharing should take place, some responsible sharing of the investment in this dam should take place by local users of the facility.

Mr. Chairman, I support the gentleman's amendment.

Mrs. SCHNEIDER. Mr. Chairman, will the gentlemen yield?

Mr. SOLOMON. I yield to the gentlewoman from Rhode Island.

The CHAIRMAN. The time of the gentleman from New York (Mr. SOLOMON) has again expired.

(On request of Mrs. SCHNEIDER and by unanimous consent, Mr. SOLOMON was allowed to proceed for 2 additional minutes.)

Mrs. SCHNEIDER. Mr. Chairman, I rise in support of Mr. SOLOMON's amendment to the Reclamation Safety of Dams Act. It is certainly important to authorize additional funding for necessary safety work on Bureau of Reclamation dams. Given our present economic situation and the need to hold down the Federal budget, however, questions remain about where this $550 million should come from. At a time when funds for almost every domestic program are being reduced, it makes no sense to depart from the sound policy of requiring beneficiaries to reimburse the Federal Government for construction work.

The reclamation projects in the 17 Western States have very concentrated and indentifiable beneficiaries. In addition, the administration makes the point that the long-term effect of not requiring "reimbursement is to make all replacement of existing investment free to its users and place the total cost on the general taxpayer." I support the contention that economic efficiency, as well as regional fairness, is best served by making the dam safety improvements reimburseable by beneficiaries. I urge my colleagues to support the Solomon amendment.

Mr. SOLOMON. I thank the gentlewoman for her comments.

□ 1315

Mr. PASHAYAN. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from California.

Mr. PASHAYAN. I thank the gentleman for yielding.

The point I raised remains unanswered; namely, that why should private users, which would be the result under the gentleman's amendment, be required to pay when the Government is at fault?

The gentleman has yet to answer that point.

Mr. SOLOMON. I thought I did answer the gentleman's point. I am not changing anything that is different from existing law today. I am simply saying that any reclamation project would be subject to repayment as it is under the existing law.

Mr. PASHAYAN. The bill as it is drafted and written and is before this House already contemplates a cost-sharing feature, but not to include when the Government is at fault.

I do not see how the gentleman as a conservative can stand on the floor and ask private users to pay when the Government is at fault. Once again I thought that is what the gentleman would consider to be the more liberal philosophy.

Mr. SOLOMON. I think that gentleman would not really question President Ronald Reagan or——

Mr. KAZEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, what the gentleman from New York overlooks is the fact that the act already provides for cost sharing, and this bill does not touch that provision top side or bottom.

Is there cost sharing under 3208? Yes. I say yes because the 1978 act establishes the criteria for cost sharing.

If the modifications are necessary because of age, deterioration, or nonperformance of normal operation and maintenance, then the water users, the beneficiaries, will pay for the modifications.

However, if the modifications are necessary, due to changes in state of the art criteria, or new hydrologic or seismic data, then the Government will pay for it.

These provisions are already in the law and we do not change those provisions.

The Government, of course, has an obligation to insure the safety of these dams which it itself built.

It is just like when one buys a car and the manufacturer recalls it because it is not safe, the customer is not charged for modifications, the manufacturer pays for them.

That is the case in this instance, Mr. Chairman, and certainly in answer to the gentlewoman's question, what would happen if Roosevelt Dam were to break—and we are now talking about Roosevelt Dam as one of those dams that needs modifications—the entire city of Phoenix, the entire city of Phoenix lies at its foot. Would the gentlewoman estimate the cost to the Federal Government for the damage that that would do, and does she think that the people are going to pay for it?

The Teton Dam cost us $310 million. I would hate to think of the billions of dollars that would be involved in damages that the Government would have to pay if the city of Phoenix were wiped off the face of Arizona.

Mrs. SCHNEIDER. Mr. Chairman, will the gentleman yield?

Mr. KAZEN. I yield to the gentlewoman from Rhode Island.

Mrs. SCHNEIDER. I thank the gentleman for yielding.

The only point that I wish to make is that, of course, I am most concerned about the health and welfare of the people who live in Phoenix, and I am concerned about those populations that are gathered around any dams. But, I think the important point is that I support the bill, but I think that the Solomon amendment really puts the cost in the appropriate corner where it should be borne.

Mr. KAZEN. But the cost is already in the bill and it is there where it should be borne.

The gentlewoman and the gentleman from New York are confusing two things: Reclamation law and this bill that deals with the modification of defects in dams. They are two separate things, two separate criteria. The criteria are already set in the act as we passed it in 1978, and let me point this out to the gentlewoman.

If this amendment should be adopted, I dare say that not a single one of these dams that are in danger now will be modified because the people will not be in a position, and will not, contribute to the safety of these dams.

Mr. PASHAYAN. Mr. Chairman, will the gentleman yield?

Mr. KAZEN. I yield to the gentleman from California.

Mr. PASHAYAN. Would the gentlewoman concede that every dam has about it a certain value in terms of public purpose?

Mrs. SCHNEIDER. If the gentleman will yield, yes.

Mr. PASHAYAN. Not particular private interests?

Mrs. SCHNEIDER. To some degree, yes.

Mr. PASHAYAN. To whatever degree the gentlewoman and I may discuss. But to that degree does not the gentlewoman think it is fair, therefore, that the public at large pay for that portion of the dam that is attributable to public purpose?

Mrs. SCHNEIDER. I think that it is also fair that one of our highest priorities nationwide should be offering equal education opportunities to all individuals, yet I do not feel that it is the sole responsibility of the Federal Government to guarantee that opportunity, but that it is also the responsibility of other beneficiaries, such as individuals, States, and local governments, and I think that this is where we have to draw our lines of definition.

Mr. PASHAYAN. I appreciate the philosophic wanderings of the gentlewoman.

Mr. UDALL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to concur in the critically important points that the subcommittee chairman has made. It is not as though we were proposing some kind of a formula here that was going to have all payments or no payments made by the user. We take the scheme that is in the 1970 act and bring it forward.

The committee debated the administration's proposal. They had another kind of cost-sharing formula. We debated it and considered it and the committee came to the judgment that it was best to bring forward that same formula in which the users will pay under the circumstances just described, or in some cases the Federal Government will pay and it is a fair formula, it has worked for the last 2 years. I would hope that the committee would reject the amendment and not change that formula.

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. I thank the gentleman for yielding.

I know there has been a lot of discussion and debate about the existing law that provides for reimbursability of certain aspects of this legislation.

I wonder if the gentleman could indicate how much of the $550 million he believes will in fact be reimbursable?

My analysis of the projects under consideration, the 35 projects, indicates that a very small percent, perhaps less than 5 percent of the projects that will be done under this legislation will have reimbursable responsibility.

Mr. UDALL. I have not made those calculations or seen any studies on it. I think it would be considerably more than the 5-percent figure the gentleman is using. I would think it would be much larger than that.

Mr. EDGAR. The gentleman has no idea of how much?

Mr. UDALL. But the formula is a fair formula.

Let me reemphasize this.

Where the safety fix is due to age, normal deterioration and faulty management and operation, the water and power customers will pay.

If the work is required due to new hydrologic or seismic data or changes in the state of the art design criteria, that is the responsibility of the Federal Government.

I think under that formula some will be paid by the users and in some cases they will not pay. It is that simple.

Mr. CLAUSEN. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I believe the discussion thus far has to a degree had the potential of being misleading.

As has been stated, there is an established formula. That was established in the 1978 act. And all that is going to transpire here will be to continue that formula.

The focus of the discussion on this amendment should not be what proportion of safety modifications are reimbursable to the Government and what is not reimbursable, but rather whether there are good reasons to change the existing policy.

Existing policy in the law follows the rationale that the Government ought to pay for mistakes by the Government personnel while the local water users ought to pay for problems that they cause.

I do not know how anything could be more fair and more equitable than that concept.

So I think it is reasonable to expect that when the Government has designed or built an unsafe structure, that it should be required to pay to make safe that dam which everyone concerned had a right to presume was safe to begin with, and I do not believe this policy should be altered.

The change which is proposed would allow the Government to get cost sharing even when the Government is at fault. A Federal Government that has forced private corporations, as the chairman has said, to spend millions of dollars to recall and/or to repair products which were unsafely designed and improperly assembled should not, itself, ask water users or farmers to cost share the correction of its own mistakes or inadequacies in design or construction of dams. Such a result should be unfair.

I feel very strongly that we have a matter of principle here. We are sending a signal as a result of this amendment, to those people who are involved in the design and engineering of this Federal Government, who have a major responsibility to assure that they have safe design hydrologic or seismic criteria.

The bottom line is that we are going through meteorological phenomena in this country. We are having floods of record that extend beyond anything we have had in recent history. It is happening in California. It is happening in the New Mexico/Arizona area and in many other sections of the country.

So what we are doing here, and the reason we do not believe that the established formula should be altered, is simply to provide that measure of assurance against a major devastating disaster which could occur if in fact we do not have the required modifications made.

Mr. LOEFFLER. Mr. Chairman, will the gentleman yield?

Mr. CLAUSEN. I yield to the gentleman from Texas.

Mr. LOEFFLER. I thank the gentleman for yielding.

I totally endorse the gentleman's statement that the gentleman has just completed.

As the distinguished chairman of the subcommittee, the gentleman from Texas (Mr. KAZEN) pointed out, what we are talking about here is a situation of where blameworthiness is placed. Again using the example of the Twin Butte Dam and Reservoir in San Angelo, Tex., we have the city officials who have paid hundreds of thousands of dollars, and if the gentleman from New York would hear that, hundreds of thousands of dollars on their own already in a situation where it was the fault of the Federal Government. They did not ask for anything, it has been to no avail.

We have, as the distinguished ranking minority member from California mentioned, a fair and equitable formula already in law for cost sharing. We are not talking about something new. We have it.

In this situation where we have safety involved, where we have people who are willing to pay their own way—and heaven forbid San Angelo has. It has paid beyond its own way without asking for anything until now.

I think it would be clearly in the interest of this body to defeat this amendment and to follow the guidelines the gentleman from California has just mentioned.

Talk about fairness. One finally has to say whose duty is it to stand up and be accountable for a mistake? It was the Corps of Engineers in the Twin

Butte situation. The corps was warned by the individuals during the construction process that they had entered into a situation which could be damaging.

Now we face it. It is time for the Government to step up.

Mr. CLAUSEN. I only want to make one concluding comment, and I think we ought to move toward an up or down vote on the amendment itself.

I am a little bit troubled over the fact that the administration did not transmit a letter to me comparable to the one supposedly transmitted to the gentleman from New York. I know the gentleman offers this with good intentions. I believe it is misleading. Therefore, I ask for opposition to the amendment.

Mr. EDGAR. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, we are being asked today to vote on a bill authorizing $550 million for dam safety measures, including the building of totally new dams, all at 100-percent cost to the taxpayer. There would be no reimbursement from the beneficiaries.

I am all for dam safety and believe this matter deserves priority, but I am not in favor of creating an enormous fund with no reimbursement attached to it. The country is not in the financial condition to pay 100 percent of the cost of building new dams. The immense fund being created in H.R. 3208 is a very large fraction of the budget of the Bureau of Reclamation for new construction: $550 million in the fund versus $900 million average construction for the Bureau for the past 3 years. We are not talking just a little money here. We need some cost sharing.

The Assistance Secretary of the Interior for Land and Water, Garrey Carruthers, wrote the Interior Committee on January 25, 1982, stating that the administration wanted H.R. 3208 amended to provide for cost sharing on the part of State, local, and project beneficiaries. The Assistant Secretary wrote:

> Since the beginning of the reclamation program the cost of building a safe dam has been allocated to authorized project purposes. . . .

He proposed specific language to provide for cost sharing, but this was not included in the bill as reported.

H.R. 3208 is defective in a number of ways. The bill would permit the building of brand new dams at total Federal expense without explicit authorization by the Congress. It would allow the Secretary of the Interior to add a new purpose—flood control—and to lower the existing repayments being made by beneficiaries. In other words, the Secretary would not only have the authority to build a new dam at full expense to the Federal Government, but through this construction of a new dam the Secretary could so change project purposes on the original project that beneficiaries would have to pay less than they are now paying.

I think we should be careful about giving the Secretary a blank check to go ahead with a substantially new project without specific congressional authorization and without the traditional benefit-cost test. Given the tight budget times it is unthinkable to be removing existing benefit-cost tests. Here we are talking about a benefit-cost test, not about safety itself, but about the best way to deal with the problem. I submit that the best way to deal with the problem is not to say to the Secretary that if you find an unsafe dam, you can go build a new one, instead of repairing the old, and while you are doing it you can add an additional objective and not produce for the Congress a benefit-cost analysis. We need some language in the bill to require congressional authorization for this type of activity.

I intend to support a requirement for cost sharing in this legislation that is substantially the same as recommended by the administration in its January 25 letter, with reimbursement coming from project beneficiaries in accordance with reclamation practice. Irrigators would pay up to their ability to repay over a 50-year period. Power users in the Bureau system would make up the difference. Municipal water users would also repay their share within 50 years.

The Nation's taxpayers will not stand for any more giveaways. H.R. 3208 needs to be amended to provide for dam safety in a more responsible manner.

Mr. Chairman, we are winding down the discussion of cost sharing and I think there have been a lot of facts and figures thrown around. I would like to simply say that as a national priority in setting water policy, I think it is in the best interests of our Nation to have the local communities, whenever a construction or rehabilitation project takes place, in water, to have an investment, to share the cost, and I support the gentleman's amendment because I think that it does have merit.

We have heard a lot of discussion here today about the fact that the existing law does have a provision for cost sharing. I draw attention of the House to this document which lists the 35 projects that will be covered under the $550 million made available.

I ask those who support the legislation to point out which of the projects will have any cost sharing at all.

As I read the legislation, and as I look at the project description of modifications, I see that many of these things, while important, are related to not only dam safety, but problems that they have had with a dam or changes and modifications that those dams need.

All of us in this House, Democrat or Republican, conservative or liberal, want strong dam safety measures provided. We all want to spend the moneys wisely. We want the resources targeted so that the Teton Dam does not occur again.

□ 1330

I do not think it is unrealistic to support the gentleman's amendment for three reasons. One is that only between 2 and 5 percent of the projects that I have looked at will, in fact, be reimbursable.

Two, as a national priority for all future water facilities and all future water projects, I think we ought to share in the cost and in the investment of those projects; but most importantly, my third is this, that the legislation itself provides for $550 million to be spent for all of the resource projects that the Bureau of Reclamation is concerned about and yet there are probably far more projects that could be helped if we extended the limited dollars made available and we asked for some sharing at the local level.

I share with my colleagues the concern of the administration, if we are clearly interested in dam safety I think we should be truly interested in having a bill. There is no bill if there is not cost sharing in this legislation; not because BOB EDGAR says so or the gentleman from New York (Mr. SOLOMON) says so, but because the Office of Management and Budget will advise the President to veto the legislation.

I think that if a careful analysis of the projects involved, a careful analysis of the legislation, a careful analysis of existing law were to be made and a careful analysis of the letter that we received today on the administration's position were to be reviewed, we would support the action of the gentleman from New York (Mr. SOLOMON). We would have cost sharing that means no more than covering these projects under the same language that is in existing law.

I do not think that any of the supporters of dam safety would be willing to have this bill defeated or not passed simply over a fight on cost sharing.

I want to commend the gentleman for his amendment and I hope the House will support it and I hope we can move on to other important measures to have a national water policy based on merit.

Mr. SOLOMON. Mr. Chairman, would the gentleman yield?

Mr. EDGAR. I yield to the gentleman from New York.

Mr. SOLOMON. I thank the gentleman for yielding.

I would like to point out an irony that exists in this debate on the floor

and that is that you very rarely will see one of the leading liberals of the House and one of the leading conservatives of the House supporting the same amendment.

I think you can further point out the irony of this discussion in that this amendment is strongly supported by not only the National Wildlife Federation and the Sierra Club, but also by Secretary Watt and President Reagan.

Therefore, when you put all these people on the same side, we ought to vote unanimously for this bill.

The truth of the matter is that without my amendment there will be no more reclamation projects of replacing dam structures in America, because they will all be done free at the taxpayers' expense. That is why President Reagan supports this amendment and that is why we ought to pass it here today.

Just to point out to the committee, I let it slide by a little earlier, but if the gentleman from Arizona (Mr. UDALL) and the gentleman from Arizona (Mr. RHODES) and the people who are really concerned about this, you know, you have to consider whether or not this bill is going to be vetoed.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

(By unanimous consent, Mr. EDGAR was allowed to proceed for 2 additional minutes.)

Mr. SOLOMON. If the gentleman will yield further, would the gentleman have the bill not vetoed or rather have it vetoed by the President?

Mr. EDGAR. Let me just sum up by saying that I think it is important for everyone to be clear on what is happening here. The amendment by the gentleman from New York simply means that all of the projects, save one, the project in Texas, would have some reimbursable cost provided under the language of the legislation.

I hope everyone in the House on both sides of the aisle will support the amendment.

Mr. KAZEN. Mr. Chairman, will the gentleman yield for just one short statement?

Mr. EDGAR. I yield to the gentleman from Texas.

Mr. KAZEN. Let me assure the gentleman and the gentleman from New York that today on the floor of this House is the first time that I have the word "veto" uttered by anyone.

The administration came before us; yes, they recommended some cost-sharing features. We put some in the bill and you know what the criteria is; but never have they made the statement that if this amendment, introduced by the gentleman from New York, that if it were not put on this bill, that the bill would be vetoed. This is the first time that we have heard of it and I would certainly hope that the amendment would be defeated.

Mr. SOLOMON. Mr. Chairman, would the gentleman yield?

Mr. EDGAR. I yield to the gentleman from New York.

Mr. SOLOMON. In answer to the statement of the gentleman from Texas, this is a statement from the White House as of this morning. I do not know whether the gentleman heard of it today or yesterday, but I will reread it, if the gentleman would like.

Mr. KAZEN. If the gentleman will yield, I have just read it, and I said that for the first time this morning I heard what the gentleman said; but I do not know that this letter tells us that he is going to veto it, that the President is going to veto it.

Where in that letter does he say, the Under Secretary, Mr. Hodel, where does he say that this bill would be vetoed without this amendment?

Mr. SOLOMON. If the gentleman will yield further.

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

(By unanimous consent, Mr. EDGAR was allowed to proceed for 2 additional minutes.)

Mr. SOLOMON. Mr. Chairman, if the gentleman will yield further, the gentleman is reading from the Department of the Interior letter. I am reading from a statement from the White House which says:

> The administration supports enactment of H.R. 3208 if the bill is amended to require local interests to share in the cost of safety modifications to dams on the same basis as they are shared in the cost of original construction.

That is their position.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. EDGAR. I yield to the gentleman from Arizona.

Mr. UDALL. This administration, like most, has been very careful about veto threats. It is not something you kick around. You do not use that word and it is not used in the gentleman's piece of paper and it is not used in this letter. I just say, I want a front row seat at the meeting between BARRY GOLDWATER and Ronald Reagan in which he now tells Senator GOLDWATER he is going to veto a bill that might save all of Phoenix from being drowned out. I would like to read that.

Mr. PASHAYAN. Mr. Chairman, will the gentleman yield?

Mr. EDGAR. I yield to the gentleman from California.

Mr. PASHAYAN. I think it is a matter of elementary logic that if the administration says that it will support the bill if the amendment passes, it does not necessarily mean that they intend to veto the bill if the amendment of the gentleman from New York does not pass.

Mr. SOLOMON. The gentleman is entitled to his opinion.

Mr. PASHAYAN. I am entitled to logic.

Mr. EDGAR. Let me just close by saying, can we afford to even hint that the administration would veto something that all of us have articulated as being so important?

Mr. PASHAYAN. Well, I think we can.

Just to perhaps have the final word here, let there be no misinterpretation that the bill as drafted has a cost-sharing feature already in it and that we are not choosing here between whether or not to have a cost-sharing feature. We are choosing between two different formulas.

Mr. EDGAR. I would like to take back my time, because I disagree with the gentleman's comment.

Mr. RHODES. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I have been in this body for a while and I have heard other Members get on the floor and prophecy vetoes. Some of them came true, most of them did not.

I think it is very bad form for any administration to indicate to any Member that a bill will be vetoed, and I really doubt that that has happened.

I agree with my colleague, the gentleman from Arizona. Until the President of the United States himself tells me that he would intend to veto this bill, I really cannot believe that it would happen.

May I ask the gentleman from New York a question about the effect of his amendment. As the gentleman knows, there has been a Dam Safety Act on the books for some years now and $100 million was authorized to be obligated and some of it has already been obligated and probably spent.

Now, would the amendment of the gentleman have the effect of causing the funds already spent or obligated to be reimbursed according to his amendment by some person or persons?

Mr. SOLOMON. Only those projects that are listed and not yet under construction.

Mr. RHODES. As not yet under construction; so that under the bill we would have a two-tiered situation. We would have some who do not have the same cost-sharing obligation as others. Is that the type of amendment the gentleman has?

Mr. SOLOMON. The gentleman from Arizona knows that. I appreciate the gentleman pointing it out.

I do not want to upset the bill itself. I support——

Mr. RHODES. I do not yield any further until the gentleman answers my question.

Mr. SOLOMON. Yes, it does, and I hope that will be worked out in conference.

Mr. RHODES. I thank the gentleman.

Now, I hope that the bill will certainly get to conference and be adopted; but I asked this question only to point out the fact that the gentleman's amendment is seriously faulted. It would not be fair for people whose dams are in danger to have certain payback obligations when other people do not. There is no reason to have a double-edged criteria on this.

Just let me tell about one dam that I know about very well and why it is one of those which is in danger. Stewart Mountain Dam is the lowest of the dams on the Salt River. After Stewart Mountain, there is no dam. Stewart Mountain was built some years ago. Back in those days, you know, they did not know as much about building dams as they do now.

The spillway for Stewart Mountain is not at the bottom of the dam. It is at the top of the dam, the reason being that it was built to store water, not necessarily for flood control; so it is not possible to spill Stewart Mountain until it is almost full. That is No. 1.

No. 2, if you do spill it, the water goes across the canyon and actually attacks and erodes the walls of the canyon, which has the effect of eroding the lateral support of the dam itself.

Well, now, that is not the fault of the Salt River project. That is not the fault of the farmers who get water. That is not the fault of the people of the city of Phoenix, Mesa, and so forth, who might get water from those dams. It is the fault of the people who designed it. Who were they? They were the Federal engineers. They did not know any better at that time. They would know better today.

Another point I would like to make is that the people who would be damaged if Stewart Mountain were to fail would be the people of the cities of Mesa, Tempe, Scotsdale, and Phoenix, about 1,700,000 people to be exact.

It is not the farmers who would be hurt if the dam failed. If you asked the farmers to pay for making Stewart Mountain safe they would say why? They are getting their water whether the dam is safe or not. They are not going to be damaged. If the dam failed, they would not be parties-defendant to the lawsuit. The parties-defendant would be the Federal Government. It is the Federal Government's responsibility.

The gentleman from Arizona (Mr. UDALL) I am sure will agree with me.

Was not the leading case in torts on liability without fault, was not that a dam?

Mr. UDALL. If the gentleman will yield, the gentleman is a great student of the law and I think he is right.

Mr. RHODES. Of course, he is. As a matter of fact, the legal principle of liability without fault came about as a result of a case on dam failure. There is not any doubt about who is at fault. You do not have to prove negligence exists if the dam fails, so all you have to do is prove damages. Well, who pays the damages? The Federal Government does; so we are all great conservatives. We all want to balance the budget, but I would like to say to my friend, the gentleman from New York, that if this bill is adopted, whether it has his amendment or not, there will be funds taken from the Federal Treasury. They will not be repaid for some years. With the gentleman's amendment, the effect on the budget this year and next year is not going to be at all noticeable. The fund will still be obligated.

The CHAIRMAN. The time of the gentleman from Arizona has expired.

(By unanimous consent, Mr. RHODES was allowed to proceed for 1 additional minute.)

Mr. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from California.

Mr. CLAUSEN. Just to further make a point, even if such an additional cost-sharing program, which is being proposed in this amendment, had been in effect before the Teton Dam failure, it seems doubtful, had the people downstream known of the design defect in advance of the failure, that they could have afforded to cost share in its repair.

My point is that the amendment would not only not have prevented the Teton Dam failure had the defect been known, but it actually would have made the likelihood of correcting the defect significantly less.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from Arizona.

Mr. UDALL. I just want to concur with the comments of my friend, the gentleman from Arizona (Mr. RHODES) here today, to make the observation that this is an insurance policy. We lost $300 million because of the failure of one dam in Idaho. If the couple hundred million dollars that are added on here to that fund prevents just one dam in one of these serious situations we have studied from going out, the Government would be miles ahead and money ahead.

The CHAIRMAN. The time of the gentleman from Arizona has again expired.

(At the request of Mr. SOLOMON and by unanimous consent, Mr. RHODES was allowed to proceed for 2 additional minutes.)

Mr. RHODES. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Chairman, I asked the gentleman from Arizona to yield at a point when he was talking about that we really do not have to be concerned about this during this year's budget or perhaps next year's budget because it was way down the line, we might not get any money back.

The gentleman from Arizona knows, I pointed out those lucrative payback benefits, 50 years to repay at Federal Government borrowing rates; no payments limited by ability to pay.

Yes, I say to the gentleman from Arizona (Mr. RHODES), that is how we got our trillion dollar debt and $100 billion annualized debt service, because we were not concerned about what went on down the line.

Mr. RHODES. Mr. Chairman, I do not yield any further.

Mr. SOLOMON. Now Mr. Reagan wants to put it into that, and the amendment ought to be adopted.

Mr. RHODES. Well, but the gentleman's amendment would not do that and the gentleman knows that. The gentleman is not attacking the bill. All he is trying to do is put a crippling amendment on it.

Mr. SOLOMON. Would the gentleman yield for a question?

Mr. RHODES. Yes, certainly.

Mr. SOLOMON. Why would I be offering the amendment? The gentleman from Arizona knows my political philosophy.

Mr. RHODES. I think the gentleman knows mine, too.

Mr. SOLOMON. Why would I be offering this? I support dam safety. I support this bill.

Mr. RHODES. Well, then, I wonder why the gentleman is offering it, too. He has asked me a question that I cannot answer.

Mr. RUDD. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from Arizona.

Mr. RUDD. I thank the gentleman from Arizona for yielding.

I think we have missed the entire point. The gentleman mentioned the figure of 1.7 million people living below the dams in one case alone, and, of course, there was no disagreement about the Government being liable for this; but how do we really assess loss of life, should that occur?

Mr. RHODES. Well, there is no way, and as the gentleman knows, there is no way you can put a price on life or on the property for which people have labored long and hard.

I hope the amendment will be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. SOLOMON).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SOLOMON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 212, noes 140, not voting 80, as follows:

[Roll No. 55]

AYES—212

Addabbo	Glickman	Oakar
Albosta	Goodling	Oberstar
Anderson	Gradison	Obey
Annunzio	Green	Ottinger
Applegate	Gregg	Paul
Archer	Guarini	Pease
Aspin	Hall (OH)	Pepper
Atkinson	Hamilton	Petri
Bafalis	Harkin	Peyser
Barnes	Hartnett	Porter
Beilenson	Heckler	Pritchard
Benjamin	Hertel	Pursell
Bingham	Hiler	Rangel
Blanchard	Hillis	Ratchford
Boggs	Holland	Regula
Bonior	Hollenbeck	Richmond
Brinkley	Holt	Rinaldo
Brodhead	Horton	Ritter
Broyhill	Hoyer	Roberts (KS)
Byron	Hughes	Rodino
Campbell	Hutto	Roemer
Carman	Hyde	Rosenthal
Carney	Jeffords	Rostenkowski
Coats	Jeffries	Roth
Conte	Jenkins	Roukema
Conyers	Johnston	Russo
Corcoran	Kastenmeier	Sawyer
Coughlin	Kemp	Scheuer
Courter	Kennelly	Schneider
Coyne, James	Kildee	Schroeder
Crane, Daniel	Kindness	Schulze
Crane, Philip	Lagomarsino	Schumer
D'Amours	Latta	Seiberling
Dannemeyer	Leach	Sensenbrenner
Daub	LeBoutillier	Shannon
Davis	Lee	Sharp
Deckard	Lehman	Shaw
Dellums	Lent	Shuster
Derrick	Levitas	Siljander
Dingell	Long (LA)	Smith (IA)
Donnelly	Long (MD)	Smith (NJ)
Dougherty	Lott	Snowe
Downey	Lowery (CA)	Solarz
Dunn	Lundine	Solomon
Dwyer	Lungren	Spence
Dyson	Martin (IL)	St Germain
Early	Martin (NC)	Stark
Eckart	Martin (NY)	Stokes
Edgar	Mavroules	Stratton
Edwards (CA)	McClory	Studds
Emery	McCollum	Tauke
Erdahl	McDade	Vander Jagt
Erlenborn	McDonald	Vento
Evans (DE)	McEwen	Volkmer
Evans (IA)	McGrath	Walgren
Fenwick	McHugh	Walker
Fields	McKinney	Washington
Findley	Mica	Waxman
Fithian	Mikulski	Weaver
Florio	Miller (CA)	Weber (MN)
Ford (MI)	Miller (OH)	Weber (OH)
Forsythe	Mineta	Weiss
Fountain	Minish	Whittaker
Fowler	Mitchell (MD)	Williams (OH)
Frank	Mitchell (NY)	Winn
Frenzel	Moffett	Wolpe
Garcia	Mottl	Wortley
Gephardt	Nelligan	Wylie
Gibbons	Nelson	Yates
Gilman	Nowak	Young (FL)
Gingrich	O'Brien	

NOES—140

Alexander	Burton, John	Dicks
Bailey (PA)	Butler	Dixon
Beard	Chappell	Dorgan
Benedict	Chappie	Dowdy
Bennett	Cheney	Duncan
Bereuter	Clausen	Dymally
Bethune	Clinger	Edwards (OK)
Bevill	Coleman	Emerson
Billey	Coyne, William	English
Bonker	Crockett	Evans (GA)
Bowen	Daniel, Dan	Fary
Breaux	Daniel, R. W.	Fascell
Broomfield	Daschle	Fazio
Brown (CA)	de la Garza	Foley
Brown (CO)	Dickinson	Ford (TN)
Frost	Matsui	Savage
Fuqua	Michel	Shelby
Gaydos	Molinari	Shumway
Gejdenson	Mollohan	Skeen
Gonzalez	Montgomery	Skelton
Gore	Moore	Smith (AL)
Gunderson	Moorhead	Smith (NE)
Hall, Ralph	Murphy	Smith (OR)
Hance	Myers	Smith (PA)
Hansen (ID)	Napier	Stangeland
Hansen (UT)	Natcher	Staton
Hatcher	Neal	Stenholm
Hightower	Nichols	Stump
Hopkins	Panetta	Swift
Hubbard	Parris	Synar
Huckaby	Pashayan	Tauzin
Hunter	Patman	Taylor
Ireland	Patterson	Thomas
Jones (OK)	Perkins	Udall
Kazen	Pickle	Wampler
Kogovsek	Price	White
Kramer	Rahall	Whitehurst
Lantos	Rhodes	Whitten
Leath	Roberts (SD)	Williams (MT)
Lewis	Robinson	Wirth
Livingston	Rogers	Wolf
Loeffler	Rose	Wright
Lowry (WA)	Rousselot	Wyden
Luken	Roybal	Young (AK)
Madigan	Rudd	Young (MO)
Marlenee	Sabo	Zablocki
Marriott	Santini	

NOT VOTING—80

Akaka	Dreier	Lujan
Andrews	Edwards (AL)	Markey
Anthony	Ertel	Marks
AuCoin	Evans (IN)	Mattox
Badham	Ferraro	Mazzoli
Bailey (MO)	Fiedler	McCloskey
Barnard	Fish	McCurdy
Bedell	Flippo	Moakley
Biaggi	Foglietta	Morrison
Boland	Ginn	Murtha
Bolling	Goldwater	Oxley
Boner	Gramm	Quillen
Bouquard	Gray	Railsback
Brooks	Grisham	Reuss
Brown (OH)	Hagedorn	Roe
Burgener	Hall, Sam	Shamansky
Burton, Phillip	Hammerschmidt	Simon
Chisholm	Hawkins	Snyder
Clay	Hefner	Stanton
Coelho	Heftel	Traxler
Collins (IL)	Hendon	Trible
Collins (TX)	Howard	Watkins
Conable	Jacobs	Whitley
Craig	Jones (NC)	Wilson
DeNardis	Jones (TN)	Yatron
Derwinski	LaFalce	Zeferetti
Dornan	Leland	

□ 1400

The Clerk announced the following pairs:

On this vote:

Mrs. Collins of Illinois for, with Mr. Anthony against.

Mr. Gray for, with Mrs. Bouquard against.

Mrs. Chisholm for, with Mr. Leland against.

Mr. Hawkins for, with Mr. Mattox against.

Mr. DeNardis for, with Mr. Bailey of Missouri against.

Mr. Derwinski for, with Mr. Quillen against.

Mr. Conable for, with Mr. Snyder against.

Messrs. LEWIS, HUNTER, and LOWRY of Washington changed their votes from "aye" to "no."

Messrs. ANNUNZIO, ALBOSTA, GARCIA, FORD of Michigan, Mrs. BYRON, and Mr. JENKINS changed their votes from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. EDGAR

Mr. EDGAR. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. EDGAR: Page 2, line 6, strike out "or replacement" and insert in lieu thereof ", including operational modifications, removal, or replacement".

Page 2, strike out lines 16 through 19 and insert in lieu thereof:

modify, replace, or remove an existing dam"; (b) in the second sentence strike out "modifications" and insert in lieu thereof "structural modifications, operational modifications, replacement, or removal"; and (c) strike out the third sentence and insert in lieu thereof: "Such finding shall be accompanied by a technical report containing information on the need for structural or operational modifications, replacement, or removal, the corrective action deemed to be required, non-structural alternative solutions that were considered, and the estimated cost and environmental impacts attributable to and resulting from the implementation of the recommended plan.".

Mr. EDGAR (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore (Mr. ECKART). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. EDGAR. Mr. Chairman, the purpose of this amendment is to clarify the Secretary's authority to consider and implement a wide variety of alternative approaches to dam safety. In addition to the authority now contained in the bill to replace existing dams and to make structural improvements, the amendment would specifically add the options of the removal of dams, and the use of operational modifications to improve dam safety.

Mr. Chairman, among the scores of reclamation projects throughout the 17 Western States, some have become very marginal from an economic standpoint. It is conceivable that the low level of economic benefits from some projects may not warrant the investment necessary to insure the safety of their dams. This amendment would authorize the Secretary to remove such structures. Similarly, by modifying the operation of a reservoir, dam safety may be enhanced at less cost than structural improvements. Valid contractual commitments would have to be recognized, but may conceivably be extinguished or exchanged at less cost than new construction or repairs. This amendment does not mandate any particular option, but rather it broadens the range of options to be considered, in the interest of meeting safety requirements in a cost-effective manner.

I urge the adoption of the amendment.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. EDGAR. I yield to the gentleman from Texas.

Mr. KAZEN. Mr. Chairman, I have had occasion to look at the gentleman's amendment, and as far as we are concerned, we have no objection to it.

Mr. EDGAR. I thank the gentleman.

Mr. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. EDGAR. I yield to the gentleman from California.

Mr. CLAUSEN. Mr. Chairman, we have examined the amendment, and as I said to the gentleman, it concurs essentially with the thrust of what we have been doing in the Committee on Public Works and Transportation, and we accept the amendment.

Mr. EDGAR. I thank the gentleman.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. EDGAR).

The amendment was agreed to.

The CHAIRMAN pro tempore. Are there further amendments?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore. (Mr. LONG of Louisiana) having assumed the chair, Mr. ECKART, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3208) to amend the Reclamation Safety of Dams Act of 1978, and for other purposes, pursuant to House Resolution 438, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 335, nays 9, not voting 88, as follows:

[Roll No. 56]

YEAS—335

Addabbo	Evans (DE)	Lundine
Albosta	Evans (IA)	Lungren
Anderson	Fary	Madigan
Annunzio	Fascell	Markey
Applegate	Fazio	Marlenee
Archer	Fenwick	Marriott
Aspin	Fields	Martin (IL)
Atkinson	Fithian	Martin (NC)
Bafalis	Foley	Matsui
Bailey (PA)	Ford (MI)	Mavroules
Barnes	Ford (TN)	McClory
Beard	Forsythe	McCollum
Beilenson	Fountain	McDade
Benedict	Fowler	McEwen
Benjamin	Frank	McGrath
Bennett	Frenzel	McHugh
Bereuter	Frost	McKinney
Bethune	Fuqua	Mica
Bevill	Garcia	Michel
Bingham	Gaydos	Mikulski
Blanchard	Gejdenson	Miller (CA)
Bliley	Gephardt	Miller (OH)
Boggs	Gibbons	Mineta
Bolling	Gilman	Minish
Bowen	Gingrich	Mitchell (MD)
Breaux	Glickman	Mitchell (NY)
Brinkley	Gonzalez	Moffett
Brodhead	Goodling	Molinari
Broomfield	Gore	Mollohan
Brown (CA)	Gradison	Montgomery
Brown (CO)	Green	Moore
Broyhill	Gregg	Moorhead
Burton, John	Guarini	Mottl
Butler	Gunderson	Murphy
Byron	Hall (OH)	Myers
Campbell	Hall, Ralph	Napier
Carman	Hamilton	Natcher
Carney	Hance	Neal
Chappell	Hansen (ID)	Nelligan
Chappie	Hansen (UT)	Nelson
Cheney	Harkin	Nichols
Clausen	Hartnett	Nowak
Clinger	Hatcher	O'Brien
Coats	Hertel	Oakar
Coelho	Hightower	Oberstar
Coleman	Hiler	Ottinger
Conte	Hillis	Panetta
Conyers	Holland	Parris
Corcoran	Hollenbeck	Pashayan
Coughlin	Holt	Patman
Courter	Hopkins	Pease
Coyne, James	Horton	Pepper
Coyne, William	Hoyer	Perkins
Crockett	Hubbard	Petri
D'Amours	Huckaby	Peyser
Daniel, Dan	Hunter	Pickle
Daniel, R. W.	Hutto	Porter
Dannemeyer	Hyde	Price
Daschle	Ireland	Pritchard
Daub	Jeffords	Pursell
Davis	Jeffries	Rahall
de la Garza	Jenkins	Rangel
Deckard	Jones (OK)	Ratchford
Dellums	Kastenmeier	Regula
Derrick	Kazen	Rhodes
Dickinson	Kemp	Richmond
Dicks	Kildee	Rinaldo
Dingell	Kindness	Ritter
Dixon	Kogovsek	Roberts (KS)
Donnelly	Kramer	Roberts (SD)
Dorgan	Lagomarsino	Robinson
Dougherty	Lantos	Rodino
Dowdy	Latta	Roemer
Duncan	Leath	Rogers
Dunn	LeBoutillier	Rose
Dwyer	Lee	Rosenthal
Dymally	Lehman	Rostenkowski
Dyson	Lent	Roth
Early	Levitas	Roukema
Eckart	Lewis	Rousselot
Edgar	Livingston	Roybal
Edwards (CA)	Loeffler	Rudd
Edwards (OK)	Long (LA)	Sabo
Emerson	Long (MD)	Santini
Emery	Lott	Savage
English	Lowery (CA)	Sawyer
Erdahl	Lowry (WA)	Scheuer
Erlenborn	Luken	Schneider
Schroeder	Stangeland	Weber (MN)
Schulze	Stark	Weber (OH)
Schumer	Staton	Weiss
Seiberling	Stenholm	White
Sensenbrenner	Stokes	Whitehurst
Shannon	Stratton	Whittaker
Shaw	Studds	Whitten
Shelby	Stump	Williams (MT)
Shumway	Swift	Williams (OH)
Shuster	Synar	Winn
Siljander	Tauke	Wirth
Skeen	Taylor	Wolf
Skelton	Thomas	Wolpe
Smith (AL)	Traxler	Wortley
Smith (IA)	Udall	Wright
Smith (NE)	Vander Jagt	Wyden
Smith (NJ)	Vento	Wylie
Smith (OR)	Volkmer	Yates
Smith (PA)	Walgren	Young (AK)
Snowe	Walker	Young (FL)
Solarz	Wampler	Young (MO)
Solomon	Washington	Zablocki
Spence	Waxman	Zeferetti
St Germain	Weaver	

NAYS—9

Crane, Daniel	Hughes	Obey
Crane, Philip	Johnston	Paul
Heckler	McDonald	Russo

NOT VOTING—88

Akaka	Edwards (AL)	Leland
Alexander	Ertel	Lujan
Andrews	Evans (GA)	Marks
Anthony	Evans (IN)	Martin (NY)
AuCoin	Ferraro	Mattox
Badham	Fiedler	Mazzoli
Bailey (MO)	Findley	McCloskey
Barnard	Fish	McCurdy
Bedell	Flippo	Moakley
Biaggi	Florio	Morrison
Boland	Foglietta	Murtha
Boner	Ginn	Oxley
Bonior	Goldwater	Patterson
Bonker	Gramm	Quillen
Bouquard	Gray	Railsback
Brooks	Grisham	Reuss
Brown (OH)	Hagedorn	Roe
Burgener	Hall, Sam	Shamansky
Burton, Phillip	Hammerschmidt	Sharp
Chisholm	Hawkins	Simon
Clay	Hefner	Snyder
Collins (IL)	Heftel	Stanton
Collins (TX)	Hendon	Tauzin
Conable	Howard	Trible
Craig	Jacobs	Watkins
DeNardis	Jones (NC)	Whitley
Derwinski	Jones (TN)	Wilson
Dornan	Kennelly	Yatron
Downey	LaFalce	
Dreier	Leach	

□ 1415

Mr. FORSYTHE changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. UDALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

PERSONAL EXPLANATION

Mr. DENARDIS. Mr. Speaker, I was unavoidably detained today. Had I been here on rollcalls 54, 55, and 56, I

would have voted "aye" in all three instances.

LEGISLATIVE PROGRAM

(Mr. ROUSSELOT asked and was given permission to address the House for 1 minute.)

Mr. ROUSSELOT. Mr. Speaker, I take this time to determine from the leadership the schedule for next week.

Mr. FOLEY. Mr. Speaker, will the distinguished acting Republican leader yield to me?

Mr. ROUSSELOT. I would be delighted to yield to my distinguished colleague, the gentleman from Washington, who is one of the major leaders of the Democratic Party in the House of Representatives.

Mr. FOLEY. I thank the gentleman.

Mr. Speaker, the action we have taken today concludes the legislative program for the day with the exception of one possible unanimous-consent request. There will be no session tomorrow.

The House will meet at noon on Monday, and there will be no legislative business on that day.

On Tuesday, May 4, the House will meet at noon. We will take up the Private Calendar and seven bills under suspension of the rules, H.R. 4613, to increase the efficiency of Government-wide efforts to collect debts owed the United States:

H. Res. 441, sense of the House with respect to the Falkland Islands;

H. Res. 200, expressing the sense of the House of Representatives with respect to the unjust imprisonment of Benedict Scott by the Government of the Soviet Union;

H. Con. Res. 205, expressing the sense of Congress with respect to violations of human rights by the Soviet Union in the Ukraine;

H. Con. Res. 218, expressing the sense of Congress with respect to the treatment of the Government of the Soviet Union of Mart Niklus;

H.J. Res. 230, imploring the U.S.S.R. to allow Dr. Semyon Gluzman and family to emigrate to Israel, and

H. Res. 269, calling upon the U.S.S.R. to permit the emigration of Yuli Kosharovsky and his immediate family to Israel.

Recorded votes on suspensions will be postponed until Wednesday.

On Wednesday and the balance of the week, the schedule is as follows: The House will meet at 3 p.m. on Wednesday and at 11 a.m. for the balance of the week.

First we would take any recorded votes on Tuesday's suspensions. Then we have scheduled H.R. 5922, the Urgent Supplement Appropriations Act of 1982; H.R. 3481, Pre-Trial Services Act, with a 1-hour open rule; and H.R. 5539, the Federal reclamation laws amendment, subject to a rule being granted. We also plan to consider five commemorative bills.

The House will adjourn by 3 p.m. on Friday, and adjournment times on other days will be announced later and, as usual, any further program may be announced later.

Mr. ROUSSELOT. Mr. Speaker, I want to thank the gentleman for informing the House of the schedule for next week.

My understanding is that the Indiana primary is on Tuesday. Will the votes on Tuesday be held over until Wednesday?

Mr. FOLEY. Yes, that is our intention.

Mr. ROUSSELOT. Mr. Speaker, I thank the gentleman for his comments.

I am fascinated to see that again we have scheduled the urgent supplemental appropriations. I guess it is "urgent" all over again?

Mr. FOLEY. Yes, sir, it is going to be particularly urgent next week.

Mr. ROUSSELOT. Very urgent next week? Urgent-urgent next week?

Mr. FOLEY. That is the name of the bill.

Mr. ROUSSELOT. The urgent-urgent supplemental appropriations bill?

Mr. FOLEY. Yes.

Mr. ROUSSELOT, Well, I appreciate that, and I thank the gentleman for redefining it as the urgent-urgent supplemental appropriations bill.

Mr. WALKER. Mr. Speaker, will the gentleman from California yield?

Mr. ROUSSELOT. I am pleased to yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I wonder if I could determine whether or not a rule has been granted on the supplemental appropriations bill. I understand that that is before the Rules Committee and that in fact appropriations have been added in the Rules Committee in the course of its time there.

□ 1430

Has a rule actually been granted on the supplemental appropriation?

Mr. ROUSSELOT. It was kind of a mixed rule, as I recall it. I am not sure which rule prevailed when it finally came through and finally gets here, when this urgent, urgent supplemental finally gets here.

But I also understand the Appropriations Committee met today and decided—can the gentleman tell us—decided to comply with some of the requests of the Budget Committee not to grant waivers, but I am not sure. Maybe the gentleman will tell us what happened in the Appropriations Committee.

Mr. FOLEY. Mr. Speaker, will the gentleman yield further?

Mr. ROUSSELOT. I yield to the gentleman.

Mr. FOLEY. I am not privy to any particular decision made by the Appropriations Committee today. But the rule that has been granted on this bill covers a portion of the bill that would otherwise be subject to points of order and waives the points of order on some parts of the bill. It did not waive points of order on all parts of the bill.

Mr. ROUSSELOT. No; that is right.

Mr. FOLEY. And in certain cases points of order might well be made.

Mr. ROUSSELOT. I appreciate the gentleman's comment.

Mr. WALKER. Will the gentleman yield further?

Mr. ROUSSELOT. I yield further to my colleague from Pennsylvania.

Mr. WALKER. Am I correct, though, that the rule that has been granted also would assure an open rule with regard to any other amendments that might come up on the supplemental appropriation?

Mr. ROUSSELOT. I am not sure how open this rule is. It is open in some areas, but I cannot tell the gentleman how open it is.

Mr. FOLEY. I would have to advise the gentleman from California, and through him the gentleman from Pennsylvania, that the bill does not make all amendments in order, the rule does not make all amendments in order to the bill.

Mr. WALKER. If I could, if the gentleman will yield further, would limitation amendments be in order under the rule that has been granted?

Mr. ROUSSELOT. Except in those cases where the rule provides that it is not in order. So the rule is a very complicated rule, one of the most interesting rules we have had here in a long time.

Mr. FOLEY. As the gentleman knows, under the Budget Act certain waivers are required on potential expenditures that exceed the budget ceiling, in effect, and depending upon what amendments were offered, or how they were phrased, and what their substance was, a point of order might lie that a waiver had not been granted to cover that particular amendment.

It depends on the character of the amendment, I would say to the gentleman.

Mr. ROUSSELOT. So everyone should be here to have an explanation of what is in order and what is not in order on which amendments can be made.

Mr. FOLEY. I am sure there will be a discussion on the adoption of the rule.

Mr. ROUSSELOT. I appreciate that.

Mr. LEVITAS. Mr. Speaker, will the gentleman yield?

Mr. ROUSSELOT. I yield to my colleague from Georgia (Mr. LEVITAS).

Mr. LEVITAS. I thank my good friend from California for yielding. I am asking for this opportunity to in-

quire once again about the regulation reform bill.

Mr. ROUSSELOT. Regulation reform? I have heard about that.

Mr. LEVITAS. Yes; I notice that it is not on the agenda for next week. It was reported out.

Mr. ROUSSELOT. It is not on the agenda?

Mr. LEVITAS. No; and it was reported out of committee on February 28, I believe.

This is one of the most important pieces of legislation with widespread bipartisan support. The vacancies on the Judiciary Committee have long since been filled and I just would like to find out at this point if there is any indication when that bill will be brought to the House so that Members can work their will.

Mr. FOLEY. Will the gentleman from California yield?

Mr. ROUSSELOT. I will be delighted to yield because I am anxiously awaiting the answer.

Mr. FOLEY. I know the gentleman from Georgia has been a prime cosponsor of this important legislation, as have I and others in the Chamber at this time.

I would like to tell the gentleman that my own concern, which has been expressed on a previous occasion, continues. I can give the gentleman what I believe to be a sound assurance that this bill will reach the floor and will have sufficient time to be acted on in this session of Congress.

It has not yet been the subject of a request by the Chairman of the full committee to the chairman of the Rules Committee, and beyond that I am not able to give the gentleman any particular date.

I am not able to advise the gentleman, for example, that the bill is coming up next week. But I know his continued concern has been expressed on regular occasions and I am sure will be continued, and his expressions of concern will assist in bringing this matter to the floor.

Mr. LEVITAS. Will the gentleman yield further?

Mr. ROUSSELOT. I am glad to yield to my colleague from Georgia.

Mr. LEVITAS. I thank my friend for yielding. I would just like to say that I know the distinguished majority whip is a cosponsor of this legislation and is greatly interested in it, as are literally hundreds of Members of the House and millions of Americans. I really appeal to the gentleman from Washington as part of the majority leadership to try to utilize whatever persuasive forces he might have with the remainder of the leadership of the House, and the chairman of the committee, to bring this bill forward.

It is obvious that we will not be voting on the budget week after next. It would be just an ideal time for this House to take up that piece of legislation. We will have ample time. The American people are fed up with the rules and regulations that are not soundly developed, which are arbitrary, which are oppressive, and which the Members of the Congress do not even have an opportunity to look at and veto, if necessary.

I would just hope that the leadership of the House would make it an important point that week after next that bill be brought up.

I realize the gentleman cannot promise.

Mr. FOLEY. I would only share in the gentleman's concern, as I have in the past, and I want to say that I am satisfied that this bill will reach the floor. He and I and others in both parties are strong supporters of the legislation. Our colleague from California, Mr. Danielson, who has been appointed to a judicial post in California, shepherded this bill through the subcommittee and the full committee, and I am satisfied that it will be enacted in this session of the Congress.

Mr. LEVITAS. I thank the gentleman.

Mr. ROUSSELOT. May I say to my colleague from Georgia he might go to the drafters of the bill that has now come through committee and suggest that they put the word "urgent" on it because maybe that will help to bring it forward.

Mr. LEVITAS. If the gentleman will yield, I am afraid that would delay it even further.

Mr. ROUSSELOT. The gentleman is right. Maybe "urgent, urgent."

Mr. LEVITAS. The "urgent supplemental appropriation" which we had on the agenda about 6 or 8 weeks ago, and we are going to get a chance hopefully to vote on next week, I would not want to attach the word "urgent" to regulation reform because it might delay it still further.

Mr. ROUSSELOT. The point is well taken.

Mr. GINGRICH. Mr. Speaker, will the gentleman yield?

Mr. ROUSSELOT. I am happy to yield to my colleague from Georgia.

Mr. GINGRICH. I came in late in this important effort to ascertain what, if anything, we are going to do in the near future. I just wanted to inquire of my good friend from California whether or not the Democratic leadership indicated that we might sometime soon see a budget proposal from them, since they have rejected compromise.

I wonder if there is any possibility, have they indicated to the gentleman from California if we might expect soon to see some kind of a budget which they think would stop unemployment, bring down interest rates, and help save the Nation?

Mr. ROUSSELOT. As the gentleman knows, I am no longer on the Budget Committee. I always offered balanced budget resolutions, and I am sure that would not fly too well around here, even though we have had a lot of rhetoric about it.

But I did hear our chairman of the Budget Committee, Mr. JONES, say that he was going to take the committee right to work to make sure they produced some kind of a budget resolution of some kind.

Mr. GINGRICH. If the gentleman would yield, I know the gentleman from California has been here many more years than I have, and has had experience in dealing with the Democratic majority far beyond mine. I am just curious, in the gentleman's experience, it now having been several months since the President sent a proposal up, is there not some point at which we should expect to see some kind of a Democratic budget?

Mr. ROUSSELOT. There already really is, in fact, a Democratic budget submitted to the Budget Committee. Each committee of the House is required by, I believe, April 15 or thereabouts to submit to the Budget Committee their recommendations for 1983.

That happens to total to a spending level of $805 billion, which is roughly $39 billion more of deficit than submitted by even President Reagan. So their deficit is much higher, and I am sure the Budget Committee will go right to work to pare that down, because the spending levels, as I have mentioned, of all of the committees are $805 billion for 1983, with an add-on deficit of roughly $140 billion. So that is where it is.

But it is all in the Budget Committee.

Mr. GINGRICH. If the gentleman would yield for one last time, I wonder if our distinguished friend, the majority whip from Washington, might comment on when we might expect to see a Democratic budget, since we are apparently not going to get a compromise budget, not wishing to put him, of course, on the spot.

Mr. FOLEY. I will be delighted to answer if the gentleman will yield.

Mr. ROUSSELOT. I am glad to yield.

Mr. FOLEY. I think I would have to say that there will be a great difficulty if we approach the budget problems of the coming year in a partisan spirit.

Mr. ROUSSELOT. Oh, no.

Mr. FOLEY. The gentleman has asked me to respond. I know he will give me the courtesy of the response.

I think the fact is that no real hope exists that the President's budget, submitted in January, could receive the majority approval of the Republican Party in the House. That is a fact.

I think that if we were to literally withdraw every Member from this side, and, of course, that would not be possible in a parliamentary sense, but

if we were to do so, and the President's budget were to be submitted to only the Republican membership, without amendment, it would be rejected.

That presents both parties with a serious problem because obviously the President's budget is overwhelmingly unsatisfactory to Republicans as well as to Democratic Members of the Congress.

The task of trying to reach an advance agreement on budget issues was undertaken about a month ago and Members of both parties in the House and in the other body participated, and yesterday the President participated.

I am concerned that some of the statements that have been made on the House floor, and some of the statements that have been made in the press indicate that those discussions were a total failure. Indeed, far from it.

One of the things that that joint effort accomplished was to agree on the parameters of the deficit problem. That is something new and different from what we have had before.

We now have, as I understand it, agreement among the administration, the House, the other body, Republicans, and Democrats on where we will see the deficit go if we do not take action to reverse it.

Those figures are frightening, I think we would all agree.

Not again to criticize the President's budget, but it is now agreed that the Congressional Budget Office's baseline figures for 1983 fiscal year will be something like $182 billion. The figure for 1984 fiscal year would rise, unless action were taken by the Congress and the administration, to a figure of $213 billion, and in fiscal 1985 these figures might approach $233 billion.

I do not think anybody need stress the seriousness of those figures.

My concern is that we not engage on both sides in an eruption of political warfare when the budget process has reached the stage that it would have to have reached in any event, the beginning of the budget resolution recommendations of the House and the other body.

I am sure that Members on the other side are not willing to give up in the effort to reduce this deficit, are not willing to call off the bipartisan consenus that needs to be acquired, and the President will do neither his administration, the Congress, or the country any good if tonight he opens up political finger-pointing warfare between the parties. That is not in the interests of the country or the economy which desperately requires that the two parties strive every day to work together to find an acceptable solution to reduce these deficits from their otherwise precipitous climb.

It is not a matter of one meeting with the Speaker or the President, or one afternoon, but a day-by-day effort for the coming weeks and months that we in the Congress have a responsibility, as the gentleman from California said today, to produce a budget.

I believe as well that the President has a continuing responsibility to help in that process. He does not need to sign, nor do we need his signature on a budget resolution. But we do need the signature and the support of the President on any necessary legislation to implement that budget.

The American people have a right to expect that both political parties and the President put aside the campaign of 1982, put aside narrow partisan rhetoric, and get busy with the urgent continued task of reaching a solution that the entire country needs.

And if I have any voice in this matter as one of the Democratic leadership, it is going to be my suggestion that we put aside these speeches of partisanship that have filled the well this morning, and we put aside what I fear the President's statement might be, and start working together instead of fighting under this budget.

The American people have too much at stake to begin the political campaign in April when the budget process and the economic recovery of this country should be the prime concern of both parties.

Mr. ROUSSELOT. I appreciate the gentleman's concise answer.

I will say to him that that is right, the basic responsibility for the budget resolution rests with the Congress. That is under the 1974 act. He is dead right. The responsibilities begin here. As Harry Truman used to say, "The buck stops here." It starts right here.

□ 1445

I now yield to my colleague, the gentleman from Georgia, to find out if he got an answer to his question.

Mr. GINGRICH. Mr. Speaker, if I might, I would like to repeat my question in a slightly more narrow form, which is, as I understand it legally, we must have a budget resolution by May 15, and that is a legal requirement.

Mr. ROUSSELOT. That is correct, under the 1974 act.

Mr. GINGRICH. And it is my understanding that the Democratic majority does control the committee.

Mr. ROUSSELOT. Yes, they do.

Mr. GINGRICH. That they do have the majority of the staff, and they do control the calendar, as even my good friend from Georgia indicated earlier, in trying to get a bill on the floor.

Now, that being the case, I simply wish to repeat, if I might, and possibly the gentleman from Washington would like to enlighten us: Will there be a Democratic budget, a budget which the committee majority is willing to show us, before the legal date, which I understand to be May 15?

Mr. FOLEY. Again, if the gentleman from California will allow me to respond, there are two Houses in the Congress, as the gentleman from Georgia knows, and it is my understanding that both the House and the Senate Budget Committees are beginning immediately to mark up budget resolutions in each body.

Naturally, I cannot predict absolutely when the budget resolution is going to come to the floor. But I repeat again that it would be a rather futile act simply to bring forward, as could be easily done, next week the President's proposal, because that is almost certain to be doomed to bipartisan defeat.

And the question is, really, not whether we can produce a Democratic or Republican budget resolution, but whether we can work together and produce a budget resolution that strong elements of both parties can support.

I think that is the task that we see ahead of us. We have not given up. I do not know about the gentlemen on the other side. We have not given up the hope of reaching out for bipartisan support for a budget resolution that could find consent and agreement from both sides of the aisle. It is not going to be easy to adopt a budget resolution when we are facing very sizable deficits, almost regardless of what we do.

Again, I think it will be a disservice to the process if we start talking in partisan terms about every stage of this process. I hope that that can be avoided.

Mr. ROUSSELOT. Let me say that I know that the 17 leaders who were meeting for some 13 different meetings made a real effort to find a bipartisan solution. The President came to the Capitol yesterday, as the gentleman well knows, to try to participate in some kind of a compromise. He offered his compromise. That was rejected by the Democratic leadership, which is too bad. But, in any regard, the gentleman is right; the process, I think, should go on. I think we in the Congress have the responsibility to bring out that budget resolution. The gentleman is right. The President cannot veto it or do anything. It is simply a congressional resolution and participation. And, yes, we do know there are two Houses, the House and the Senate, and we expect both of them to act responsibly.

I now yield to my colleague, the gentleman from Pennsylvania (Mr. WALKER).

Mr. WALKER. I thank the gentleman for yielding.

Mr. Speaker, I think it is important to get back to the original point. The reason why the questions come up with regard to the budget and the timing of the budget, the timing of the

regulatory reform bill, the timing of much other legislation that should come before this House, is because a quick count shows me that if we meet 5 days a week between now and when we are due to break in October, if every legislative week were a 5-day week, we have 75 days in which to accomplish all that we have to get done, including appropriation bills and all of the various things that come before us. We know that some things like the budget bill are going to probably in and of themselves take a couple or 3 days of time on the House floor.

Mr. ROUSSELOT. At least.

Mr. WALKER. So that the time that we have is being rapidly compressed for doing some of these very important things that the gentleman from Washington has identified, that the gentleman from California has identified, and that the gentleman from Georgia has identified.

I think it is extremely important, as we look at the schedules week after week, that we begin to realize that the time clock is running out on us very rapidly and our ability to handle these things in not only an expeditious fashion but also in a fashion that legislatively allows each and every Member to have his full say on these major decisions that have to be made.

Mr. ROUSSELOT. Of course, the rules of the House protect every Member on a budget resolution. We have, the last couple of times, provided rules that rather restrict that participation.

Now, does the gentleman from Arkansas (Mr. ALEXANDER) wish to participate? The gentleman is a very articulate Member.

Mr. ALEXANDER. Mr. Speaker, will the gentleman yield?

Mr. ROUSSELOT. Why, of course I yield to the gentleman.

Mr. ALEXANDER. I want to thank the gentleman for his bringing attention to this important issue which many people have watched with great interest over the last 10 weeks, to the extent that they may have even taken their eye off the ball.

We have not been debating the budget over the last 10 weeks; we have been debating the size of the deficit. And as my friend, the gentleman from Washington (Mr. FOLEY), has pointed out, we have made progress with this administration, because it has now identified the size of that deficit which, of course, was not accurately represented in the data that was presented to us in the form of the budget.

I congratulate the gentleman from Washington for pointing this out, and I appreciate very much the gentleman from California yielding to me this time.

Mr. ROUSSELOT. I appreciate my colleague's contribution.

Mr. FOLEY. If the gentleman from California will yield further, I had announced earlier that there might be one other item on the schedule today. The gentleman from New York (Mr. GARCIA) will be asking unanimous consent for the consideration of a bill as soon as we conclude this colloquy, and the Members should be advised that that matter will be coming on the schedule as a final item for consideration today.

I thank the gentleman from California.

Mr. ROUSSELOT. I appreciate my colleague's participation.

ADJOURNMENT TO MONDAY, MAY 3, 1982

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12 o'clock noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

EXPRESSING SENSE OF HOUSE OF REPRESENTATIVES CONCERNING SOLIDARITY SUNDAY

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the resolution (H. Res. 420) to express the sense of the House of Representatives concerning "Solidarity Sunday," and ask for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. HOLLENBECK. Mr. Speaker, reserving the right to object—and I will not object—I have cleared this matter with the ranking minority Member on the subcommittee and with the minority leadership, and I will yield to the gentleman from New York (Mr. GARCIA) for a brief explanation.

Mr. GARCIA. I thank the gentleman for yielding.

Mr. Speaker, House Resolution 420 designates May 2 as Solidarity Sunday. Eighty-five constituent agencies of the Greater New York Conference on Soviet Jewry will sponsor Solidarity Sunday to reaffirm once again the resolve to secure freedom for Soviet Jews and beleaguered people everywhere.

Americans of all faiths will participate with the conference in a number of activities on that day, seeking to express solidarity with the almost 3 million Jews in the Soviet Union.

Mr. HOLLENBECK. I thank the gentleman for his explanation.

Mr. Speaker, Solidarity Sunday represents the largest rally held in our Nation supporting Soviet Jewry. On this date, Americans of all faiths unite behind the Soviet Union's 3 million repressed Jews. Sunday, May 2, will mark the 11th straight year the Greater New York Conference on Soviet Jewry has sponsored the event. The rally takes place in New York City with approximately 100,000 people from around the country participating in a number of activities to express American solidarity with Soviet Jews.

With recent evidence showing an upswing in human rights violations against Soviet Jews and the fact that more Soviet Jews were arrested in 1981 than in any single year since the Leningrad trials of 1970–71, we must impress upon the Soviets our resolve to fight such oppression. Along these lines, I respectfully request the favorable consideration of House Resolution 420 which I have introduced along with Mr. SOLARZ and expresses congressional support for Solidarity Sunday.

Mr. Speaker, I am hopeful that our passage of House Resolution 420 as well as the May 2 rally will make this year's Solidarity Sunday an event which the Kremlin will not soon forget.

I thank the gentleman from New York (Mr. GARCIA) for his involvement and for his concern with this matter and for his cooperation in seeing that it came to the floor.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 420

Whereas on May 2, 1982, the eighty-five constituent agencies of the Greater New York Conference on Soviet Jewry will sponsor "Solidarity Sunday" to reaffirm the resolve to secure freedom for Soviet Jews and beleaguered people everywhere;

Whereas American of all faiths will participate with the Conference in a number of activities on that day seeking to express solidarity with the almost three million Jews in the Soviet Union;

Whereas the right to emigrate freely and to be reunited with families abroad is being denied Soviet Jews and others;

Whereas the Universal Declaration of Human Rights adopted by the General Assembly of the United Nations, the Soviet Constitution, and the Final Act of the Helsinki accords clearly guarantee such rights;

Whereas the Government of the Soviet Union has recently implemented additional restrictive measures sharply reducing the number of people eligible to emigrate;

Whereas the Government of the Soviet Union is persecuting its Jewish citizens and denying such citizens even those rights and privileges accorded other recognized religions in the Soviet Union;

Whereas the Government of the Soviet Union discriminates against Jewish cultural activities by banning and suspending Hebrew and Jewish culture classes and legal and scientific seminars, by threatening Hebrew teachers, and by closing the Jewish kindergarten called the "Gan";

Whereas more Soviet Jews were arrested in 1981 than in any single year since the Leningrad trials of 1970 and 1971;

Whereas a virulent antisemitic campaign continues unabated in the Soviet press and Soviet Jews are increasingly deprived of job and educational opportunities;

Whereas thousands of innocent Jews and other persons, after applying to leave the Soviet Union, have been subjected to illegal induction into the Armed Forces, incarceration in mental institutions, expulsion from school, and constant surveillance and harassment;

Whereas the Government of the Soviet Union will not succeed in isolating Soviet Jews from friends in the West so long as those who cherish liberty will continue to speak out on behalf of beleaguered people everywhere;

Whereas "Solidarity Sunday" will serve as an expression of determination to continue efforts to secure freedom for the Soviet Jewish Prisoners of Conscience incarcerated solely because of their desire to emigrate, and the veteran refusniks who have awaited exit visas for up to twelve years; and

Whereas the Government of the Soviet Union should remove all obstacles to the free emigration of Jewish citizens and others who wish to leave and live in other countries, and should insure the free exercise of religious beliefs and cultural expression: Now, therefore, be it

Resolved, That the House of Representatives supports "Solidarity Sunday".

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, on the resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

PAY AS YOU GO BUDGET DESERVES SUPPORT

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MILLER of California. Mr. Speaker, there can be no wonder why the American public is disillusioned with both the Congress and the President over the budget deadlock.

Negotiations have broken down amid disagreements between tax increases of $122 billion or $49 billion and deficit projections of $105 billion or $110 billion.

Neither plan offers confidence to the public or to the financial community.

The acceptance of either approach spells disaster for our economy.

The public is demanding a budget plan and an economic forecast that is straightforward and easy to understand instead of complex combinations of taxes and deficits which fail to provide financial stability.

There is another way. I call it pay as you go—no new spending unless the Congress is prepared to raise the money to pay for it.

Under this proposal, we could achieve a budget surplus by 1985, according to the Congressional Budget Office, and establish a framework to rid the country of deficit spending permanently.

No other proposal, not by the President or by Congress, holds out that hope to the American people.

The pay as you go plans deserves the support of the Congress as a practical and workable method for reducing excessive spending and achieving a budget surplus.

I am inserting into the RECORD at this point an article which I recently published in the Los Angeles Times describing the pay as you go proposal in greater detail.

The article follows:

[From the Los Angeles Times, Apr. 8, 1982]

PAY-AS-YOU-GO: A SOUND WAY TO OVERCOME THE FEDERAL BUDGET IMPASSE

(By Congressman George Miller)

We in Congress cannot solve the current budget stalemate until we admit to the country, and to ourselves that there is no simple or painless way out of our economic quagmire. Despite an avalanche of political rhetoric and the clever manipulation of numbers, the leaders of the budget debate have not found any workable alternatives to massive spending increases and deepening deficits.

I have been advocating a pay-as-you-go budget process—one that provides a sound framework for controlling government spending, sharply reducing the deficit and achieving a balanced federal budget by 1986. Simply stated, pay-as-you-go would tear up the government's credit card.

As a first step, the plan would freeze all federal spending at current 1982 levels, allowing only minor, unavoidable adjustments. As the economy continues to expand while the spending baseline remains fixed, the deficit must necessarily shrink until, only four years from now, the budget will be balanced.

Unlike some other proposals to "freeze" the budget, pay-as-you-go would allow new spending above the baseline—if offset by equivalent savings or new revenues. Congress' failure to endorse equivalent savings or revenue increases would restrict spending to baseline levels. Since all new spending above the baseline would be offset, it would produce no net increase in the deficit.

For this bold approach to work, all programs, no matter how sensitive or politically popular, must be subject to the pay-as-you-go process. If Congress chooses to allow the $12.9-billion cost-of-living increase for Social Security recipients (as it most certainly must), it will have to have the courage to cut other spending or raise taxes by $12.9 billion. If Congress wants a 5% increase in defense spending, it will have to find $24.2 billion in cuts or new revenues. And our constituents will have to accept that additional spending invariably requires additional taxes or program cuts.

The deficit reductions that pay-as-you-go could achieve are dramatic and easily understood. Assuming the current 1982 spending level as the baseline, my budget plan projects a deficit of $109.5 billion for the coming year, compared with more than $125 billion for the Reagan budget, according to the Congressional Budget Office. In 1984, the deficit under my proposal would shrink to $76 billion, compared with $129 billion for the Reagan proposal. And in 1985, my plan's deficit would be only $11.7 billion, while the President's would soar to $140 billion. By 1986, under my plan, the budget would be balanced for the first time in 20 years.

Unlike other budget proposals, my plan does not rely on unrealistic projections of economic growth, underestimates of interest rates or optimistic unemployment projections. Nor would it require us to liquidate the 1981 tax cut in the middle of a severe recession. Pay-as-you-go would require Congress to scrutinize that law and the entire tax code for potential new revenues. The House and the Senate would have to decide, for example, whether the tax-loss leasing provision of the 1981 law, or numerous other dubious loopholes or windfalls, are more important than providing increases to Social Security recipients or additions to the defense budget. Those would be difficult choices and hard decisions, but that is the nature of the political process.

Most important, pay-as-you-go would create a structure for controlling spending in the long term, and would commit Congress to reducing the deficit and balancing the budget. This is the commitment that the financial markets and the Federal Reserve Board are looking for from Congress.

While pay-as-you-go might seem a radical step for Congress, it is nothing more than what any family, facing growing indebtedness, must endure.

Nor is it odd that a liberal advocates a freeze on spending as part of a budget proposal. Only by restricting the amount Congress can spend, I have long insisted, will Congress make difficult choices instead of simply relying on the deficit to fund spending. From that process will emerge a debate over national priorities.

When Congress voted to cut spending in 1981, some argued that domestic programs for the poor, the elderly, children and the jobless would suffer in favor of the military. In the first blush of Reaganomics, they were right. But now, after eight months, let us examine the results.

There is a clear consensus throughout the country that the budget cuts recommended by President Reagan are excessive and unfair. Four out of five Americans oppose any further decrease in funding for educa-

tion, for example, while a growing number support reductions in the military budget. New political coalitions that were unthinkable less than a year ago are emerging to demand fairness in the budget process. As a result, virtually no one in Congress has supported the President's 1983 budget proposal. So I hope that pay-as-you-go would gradually muster greater backing for the people-oriented programs that most deserve our support, in preference to excessive military spending, for example.

No other counterproposal, by either Democrats or Republicans, offers the controls on spending and the hope of balancing the budget that are possible under the pay-as-you-go plan. Yes, it would be difficult to implement, and it would require sacrifice. But, with deficits at historic levels and getting worse, time simply has run out for Congress and the Reagan Administration. The hard decisions on the budget must be made now.

WHITE HOUSE PUBLIC RELATIONS GOBBLEYGOOK

(Mr. PEASE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PEASE. Mr. Speaker, Treasury Secretary Donald Regan has recently acknowledged that "we're in a very steep recession at this point and the economy is dead in the water." This is hardly news to anyone in my district where unemployment is around 16 percent.

While the administration may be capable of assessing the current state of the economy, their predictions are what syndicated columnist Dan Dorfman termed "White House public relations gobbleygook." I submit the entire text of his column as it appeared in the April 25 Elyria Chronicle-Telegram for your consideration:

REAGANOMICS: FAILURE WON'T ADD CREDIBILITY

(By Dan Dorfman)

The big question: Will Reaganomics work? But even if it could, who would believe it—considering all the hype, dreams and unrealistic forecasts that we keep getting bombarded with out of Washington.

Let's look at the facts . . . and as we do, it's easy to understand why the administration's repeated promises of a better economic tomorrow are greeted with growing skepticism. Consistent failure doesn't breed credibility.

For starters, let's go back to Jan. 27, 1981. On that date, Treasury boss Donald Regan told a Senate Appropriations Committee: "Rather than relying on specious forecasts, our approach will be to develop economic scenarios which embody the president's program for revitalizing the economy. Making these scenarios reality will depend on the success with which . . . the administration and the Congress implement the president's program. . . ."

In other words, there was no serious analysis of what the various economic numbers might look like—but rather growth assumptions were concocted that would somehow generate enough revenues to balance the budget by 1984. And by simply enacting the Reagan program—namely, tax cuts, spending cuts, increased defense spending and industry deregulation—all our economic ills would be cured; so we were pitched by one administration optimist after another.

Some three weeks later, Feb. 18 to be precise, the White House attached rosy numbers to its lofty goals in a press release titled: "America's new beginning: A program for economic recovery." Specifically, the White House said, real economic activity is projected to recover from the 1980–81 period of weakness and move to a 4–5 percent annual growth path through 1986. And in that release, it forecast an 1982 picture that included a 4.2 percent gain in real gross national product, 7.2 percent unemployment and 8.9 percent interest rates on 90-day Treasury bills.

It all sounded good—except it turned out to be blue sky. This past February the Office of Management and Budget (OMB) came up with a new set of 1982 forecasts and they painted a far less optimistic picture than the year-earlier projections.

The interest-rate forecast, for example, was boosted to 11.7 percent; that's 31 percent higher than the original 8.9 percent projection. The estimate on real GNP was cut to 3 percent; that's a 28 percent reduction in real economic activity.

What was wrong, of course, was the failure of the Reagan economic brain trust to allow for the massive budget deficit and the Federal Reserve's determination to keep credit expensive in order to break the back of inflation. Both threw the White House's predictions way out of kilter.

Treasury skipper Regan has always struck me as a pretty bright guy—but thank goodness his success isn't predicated on his forecasting ability. If it were, he'd probably have been sent to the boondocks a long time ago.

Here are a couple of noteworthy examples. On March 21, 1981, Regan predicted a personal savings rate for all of 1981 of $12.2 billion—equal to 6 percent of disposable personal income. What made this forecast so relevant was the fact that the incentive to save was one of the main elements of the Reagan program: more savings meant more investments and that's what improving economies are all about.

So what happened? Regan was way off base. Not only didn't the 1981 savings rate go up to 6 percent, but it actually fell that year to 5.3 percent (that's only about $107 billion of savings) from 5.6 percent in 1980. The big problem: The administration failed to factor in the extent of the recession, which reduced income (and therefore savings).

Actually, Regan goofed twice in one week—since on March 23, 1981, he told the Wharton School "the President's program will begin to bear fruit even before it is enacted." And he went on to cheerfully observe that interest rates were already coming down.

Alas, it was only for a fleeting moment. At the time of Regan's speech, rates had come down somewhat; 90-day T-bills were fetching 12.9 percent, versus 14.5 percent at the beginning of March of 1981, and the prime rate had dropped that month from 18¾ percent to 17¼ percent. But by the end of the following month, the T-bill rate was back up to 14½ percent and the prime had risen to 18 percent. And once again, the administration's credibility was brought into question.

I could go on with many more examples, but enough of the White House's public relations gobbleygook. And that brings us to the obvious question: We just booted out one economic illiterate from the Oval Office. Have we inherited another?

□ 1500

A TRIBUTE TO ANDREW J. BIEMILLER

The SPEAKER pro tempore (Mr. KILDEE). Under a previous order of the House, the gentleman from Wisconsin (Mr. ZABLOCKI) is recognized for 60 minutes.

GENERAL LEAVE

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous material, on the subject of my special order.

The SPEAKER pro tempore. Is their objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. ZABLOCKI. Mr. Speaker, I rise to pay tribute today to a great and good man, Andrew J. Biemiller, who accomplished so much in his lifetime, and whose death has saddened us all.

Andy was known to many of us in the House and Senate as the chief lobbyist for the AFL–CIO. For more than 20 years, he was director of the AFL–CIO's Department of Legislation.

For some the term "lobbyist" means the representation of a narrow or special interest. But this was not true of Andy.

Andy's causes were not only as wide as the programs of organized labor in our Nation; they also ranged through the spectrum of human needs of less advantaged Americans generally. He was an effective crusader for civil rights, for health care, for social welfare, and for environmental legislation. He supported or opposed various actions by incumbent administrations when he felt this was in the public interest, even though immediate AFL–CIO objectives may not have been at stake.

I was proud to have been a fellow Wisconsinite of Andy Biemiller, indeed a fellow Milwaukeean. While Andy was born in Sandusky, Ohio, July 23, 1906, and spent some time in Pennsylvania as a young man in academia and in the labor movement, he saw the light in 1932 and moved to Milwaukee where he soon made his mark in the Wisconsin labor and political scene.

He was a successful organizer for the Wisconsin State Federation of Labor (AFL) during the 1930's. He won election to the Wisconsin State assembly in 1937 and rose to become a party floor leader from 1939 to 1941.

During World War II, he served with the War Production Board as an assistant to the vice chairman for labor production.

In 1944, Andy ran for Congress from a district in Milwaukee adjacent to the one I now represent. He won that year, served in the House during the 79th Congress. He ran again unsuc-

cessfully in 1946, and then again, successfully in 1948.

Nineteen hundred and forty-eight happened to be the year in which I was first elected from the Fourth District of Wisconsin to Congress. I can well remember how Andy assisted many of us freshmen in the 81st with advice on legislation that was in the interest of our fellow citizens.

He was especially missed in the following Congress. After he failed in a further bid to retain his House seat in 1950, Andy returned to Washington and soon began the career at AFL-CIO national headquarters which occupied the rest of his life. He was, of course, eminently suited for this legislative work. He had deep roots in the labor movement. He was experienced and skilled in politics and in legislative ways. Much of the labor law enacted by Congress during this period bore the stamp of his effectiveness.

In addition to heading the AFL-CIO Legislative Department from 1956 until his retirement in 1978, he served with distinction in many important posts. For example: Membership on a Presidential Task Force on Career Advancement, labor adviser to the U.S. delegation to a GATT Conference, member of a labor-management committee for the Atomic Energy Commission.

Andy was a friend to me as he was to so many others of us. He was kind and he was compassionate. He was conscientious and hard working. He cared about people.

His death April 3, just prior to the spring work period, brings a deep sense of loss. I extend my heartfelt condolences to his devoted wife Hannah and to his son, Andrew, and daughter, Nancy, and the grandchildren.

Mr. Speaker, at this time, I am delighted to yield to the gentleman from Missouri (Mr. BOLLING), the chairman of the Rules Committee.

Mr. BOLLING. I thank the gentleman from Wisconsin for yielding and for having this special order.

Andy Biemiller was one of my closest personal friends, not from the time that I got to Congress in 1949, but from well before that.

I first met him between his two terms in Congress, between the 79th and the 81st Congress, and he took me through the capitol of Madison, Wis., and showed me how it worked and how the legislature worked and we had a very pleasant visit. Then we had a longer visit for a couple of days and that began a very long, close friendship.

He was an extraordinary lobbyist who had the deepest conviction and commitment to what he lobbied for. But although he lobbied for labor, his interests were much broader even than that of the American labor movement which has a broader set of interests than most special interest groups.

Without Andy Biemiller's work it is unlikely that the Democratic Convention of 1948 would have taken the step that it did on civil rights. Without Andy Biemiller's work I think it is almost sure that the American labor movement would not, at the crucial moment in time that it did, step in to stand beside the minorities of this country and provide the strength to achieve a modicum of progress in the civil rights movement.

He was a very fine legislator. In the two terms that he served here, he demonstrated his mastery of the rules and of the operation of the House, probably better than anybody who just served two terms. He was respected by the then Speaker as a parliamentarian when most people did not know he was in Congress. He had great, great legislative ability.

I think he is probably the greatest of the unsung public servants of any that I have known. He was deeply committed to the cause of the people well beyond the cause of any group, even as broad a group as that of the great American labor movement.

We will all miss him. I will miss his wisdom, advice, and friendship, and I know that his mark will be better recognized by those who look at the history of all the events that led to a better and stronger society in this country during the forties, the fifties, the sixties, and the seventies.

Mr. ZABLOCKI. I thank the gentleman for his kind words of tribute to a mutual friend.

● Mr. SENSENBRENNER. Mr. Speaker, today, we are paying tribute to a former Member of the House who distinguished himself for his life of public service, first to the people of Milwaukee County and then to the workers of the Nation. Andrew Biemiller, who served in the House during the 79th and 81st Congresses, deserves the respect of all of us for his diligent service and the honorable way he always conducted himself.

Andy Biemiller started his political career in the Socialist Party in Wisconsin and moved up to become its education director from 1933 to 1936. He joined many of his Socialist colleagues in joining the Progressive Party in 1937, the same year he was elected to the Wisconsin Assembly and was chosen to be his party's majority leader in that body. This rise in power has not been repeated in Wisconsin history, a testament to Andy's leadership.

After serving in the assembly two more terms, Andy served on the staff of the War Production Board from 1941 to 1944 before returning to Milwaukee and being elected to the north side district now ably represented by Mr. REUSS. He returned to Congress in 1949 and after serving another term, served in several Federal and labor positions. Andy began his long association with the AFL-CIO in 1953, and led its department of legislation from 1956 until his recent retirement.

Andy Biemiller always was considered a partisan and a loyalist to the cause of organized labor. More than this, however, he was respected for being a fighter for what he believed in and for being a man whose word you could trust.

Andy Biemiller was a very effective spokesman for Milwaukee and for the workers of this Nation. His example of leadership and dedication is one we all should follow, regardless of persuasion.●

● Mr. YATES. Mr. Speaker, Andy Biemiller and I were both elected to the House in 1948, and I have known him as a friend since my earliest days in Washington. Andy, who had previous service in the House, was a great help to many of us who took our seats in 1949, and my admiration for this entirely decent and very talented man grew as the years went by.

We worked together on many legislative efforts during the time he was with the AFL-CIO, and I can only say that the Congress and the people of this country owe a considerable debt to Andrew Biemiller. This was a man who invested his talent, wisdom, and considerable energy in the legislative process and made it work for the benefit of everyone. I am proud to have known Andy Biemiller. I will miss him and I extend my most sincere sympathies to his family.●

● Mr. REUSS. Mr. Speaker, I am grateful for this opportunity to honor a former Congressman and dear friend, Andrew J. Biemiller, who passed away on April 3. For a generation Andy was American labor's chief voice on Capitol Hill and, before that, Milwaukee's representative in the 79th and 81st Congresses.

Andy came to Milwaukee during the 1930's and became a trade union organizer while a member of Robert M. LaFollette's Progressive Party. He was elected to the Wisconsin State Assembly in 1936. In 1941, Andy came to Washington to serve on the War Production Board staff, then returned to Milwaukee in 1944 and was elected to Congress from the Fifth District, which I have also been privileged to represent.

After his congressional service, Andy went to work for the AFL-CIO, soon becoming its director of legislation—a position he held for 22 years. He played a leading role in the passage of landmark civil rights and social welfare legislation, the benefits of which extend far beyond the ranks of organized labor to our Nation's unemployed, the poor, the elderly, and disadvantaged.

Andy brought to everything he did the precious quality of enthusiasm. Over the years he was unfailingly kind to me, serving as friend, counselor, and conscience. As both Congressman and labor leader, Andy pushed Government toward a commitment to the needs and hopes of working people and the less fortunate. While some today would abandon that commitment, I am confident that Andy's high standard will endure as the true American creed.

My wife and I extend our condolences to Andy's lovely wife, Helen, to his son, Dr. Andrew Biemiller, Jr. of Toronto, to his daughter, Nancy Boerup, of Wooster, Ohio, and to his four grandchildren.●

● Mr. PERKINS. Mr. Speaker, Andrew J. Biemiller served only two, nonconsecutive terms in Congress, but in those terms during the 79th and 81st Congresses, Andy Biemiller established a reputation that was to help him leave an indelible mark on important social legislation from the mid-1940's through the 1970's.

Mr. Speaker, his devotion to the interests of the working people of America helped produce the education programs, the health programs, and the legislation which the elderly and the poor and the downtrodden looked to as their ladder for the climb to a better life.

He was a big, gruff sounding fellow, but the gruffness disguised the heart he had for the fight for all of the segments of society too weak to make the fight for themselves.

Andy and I served in the 81st Congress together. It was his last term and my first term. But for all of the years after that in Washington, as the fights went on to aid victims of black lung, and to help youngsters get decent nutrition and better educations, and for health clinics in isolated areas—for the people's programs—Andy Biemiller was with us, shoulder to shoulder, from beginning to end.

Mr. Speaker, Andy's monument is the list of public laws that bear his mark. During these sad days, efforts are continuing to tear that monument down. Remembering the fights that he led and the years those fights took before success was achieved, will, I hope, inspire us to look more carefully at hasty actions which are contemplated here, to turn us back to the days of starvation and the poorhouse.●

● Mr. RODINO. Mr. Speaker, when Andy Biemiller died on April 3 I lost a good friend and the Nation lost a great patriot and fighter for human rights.

Andy Biemiller's commitment to social justice began in the 1930's when he became involved in progressive political action in Wisconsin. His heart and his energies were always with the working people of our country and the disadvantaged Americans who suffered from proverty and discrimination.

As Congressman from Milwaukee, he was the primary author of the strong civil rights plank which Hubert Humphrey introduced into the Democratic platform at the 1948 Democratic Convention. Many members of our party were reluctant at that time to move so swiftly on civil rights reform—but Andy Biemiller insisted that there was no compromising on basic human decency. He won that fight, and continued to be an effective and eloquent leader for the rights of society's forgotten members. As a freshman Congressman from New Jersey in 1949 I came to know this warm and inspiring man, who was my colleague from Wisconsin, and we became fast friends. When Andy took the job as legislative director for the AFL-CIO in 1956, he started on a path that would make him one of the true giants at influencing public policy in the post World War 11 era. For over 20 years Andy Biemiller's intelligence and compassion pervaded the Halls of Congress, firmly but patiently coaxing Members of the House and Senate to support and sponsor a wide range of social programs which helped to lift millions of Americans out of poverty.

I will never forget working with Andy on the equal employment provisions of the 1964 Civil Rights Act. His courage and determination to accept nothing but the strongest language to guarantee the right to hold a job played a vital role in enacting a law which has opened the door of opportunity to a whole class of previously denied Americans.

Andy Biemiller's friendly and informative style of lobbying was an enormous help to Members of Congress who were listening and learning about the needs and aspirations of the American people. Along with civil rights, Andy led fights for health and safety in the workplace, equal educational opportunity and improved education for all our people, and reform of our labor and election laws. A brilliant tactician and legislative strategist, Andy Biemiller enjoyed his craft immensely—and we admired and respected him because of his integrity and sincerity.

Mr. Speaker, Andy Biemiller has left us with much tangible results by which to remember him, a legacy of social progress for our people. I am proud that he was my friend.●

● Mr. KASTENMEIER. Mr. Speaker, I wish to join my colleagues in expressing my deep sorrow at the passing of Andy Biemiller.

Andy Biemiller served with distinction as a Representative from Milwaukee, Wis., during the Roosevelt and Truman administrations in the 79th and 81st Congresses. However, he was best known as the voice of American labor. For more than 22 years, Andy Biemiller was director of the AFL-CIO department of legislation. It was in this position that Andy Biemiller presented the case for American labor to the Congress, and he was recognized as one of the most effective spokesmen for the American labor movement.

We also remember Andy Biemiller as a champion in the cause of protecting the civil rights of all Americans. As a member of the House Judiciary Committee, I worked closely with Andy during congressional consideration of the great civil rights acts of the 1960's. In addition, Andy was active in promoting much of the progressive social legislation which the Congress approved during the Great Society period.

Andy Biemiller was well respected by those who worked with him, and I would like to extend my condolences to his wife Hannah and family.●

Mr. ZABLOCKI. Mr. Speaker, I yield back the balance of my time.

THE NATIONAL DEBT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. HARTNETT) is recognized for 15 minutes.

Mr. HARTNETT. Mr. Speaker, I am today introducing a piece of legislation which has either got to be dealt with now or later. It is sort of like Mr. Goodwrench says in the commercial, "You can pay me now or you can pay me later."

Well, this bill, Mr. Speaker, would require the American people to pay themselves now and later.

At the suggestion of a fine gentleman, Mr. Charles Steadman, who is chairman of the board of Steadman Security Corp., we looked into the possibility of drafting a piece of legislation which would require the American people to pay off their debt of $1 trillion.

Mr. Speaker, no administration in my lifetime and none in the foreseeable future have and will address themselves to paying off the $1 trillion national debt which has accumulated in the last 40-odd years.

Instead, Mr. Speaker, each administration acceptably increases the amount of the national debt year after year.

The one thing that has been agreed upon as a favorable result of the now defunct negotiations between the White House and the Congress is that at least they have agreed on what will be the deficit for 1983. It is being pegged somewhere at approximately $183 billion, making thereby, Mr. Speaker, the national debt to increase by even that many more dollars for the coming fiscal year.

89-059 O-85-41 (Pt. 6)

Mr. Speaker, we must realize that the time is now to pay off or to begin paying off what has become an albatross around the necks of the American people.

We are a trillion dollars in debt, Mr. Speaker, and I have always been amazed to hear my colleagues say they want a Government loan or a government grant and it has always been beyond my ability to conceive how any country that was a trillion dollars in debt could loan anybody anything.

It is projected, Mr. Speaker, that the interest on our national debt alone for this fiscal year will be in the vicinity of $100 billion.

It is my understanding, Mr. Speaker, and my colleagues, that the entire budget for 1983 will only be somewhere around $750 billion and $100 billion of that alone will go toward interest on the national debt.

And just as surely as in the last 10 to 15 years, the national debt has doubled from $500 billion to $1 trillion, sure in the next 10 years it will double again.

And regardless of where we peg interest rates, at the now present 14 or 15 or 16 percent, until the hopeful foreseeable future of 6, 8, or 10 percent, that interest rate alone on $2 trillion will certainly be an unacceptable amount of money for the American people to have to pay as interest alone on their debt.

Mr. Speaker, if we could approach this thing just for a few minutes from a very simplistic point of view. It has been said that perhaps I am one of the simplest Members of Congress and I would not argue that point. I want to take it from a very simple point of view. It is projected that we are going to have after taxes increases or revenue enhancement and after a few budget cuts a $100 billion deficit this year. A 5-percent manufacturer's tax which is what my bill does, a 5-percent tax to be levied on all manufactured goods, would raise approximately $100 billion this year. It does not take much of a genius to see that if we did not have $100 billion worth of interest to pay on our national debt we would in fact this year have a balanced budget.

What I am attempting to do, Mr. Speaker, is to raise additional revenue. Yes, Mr. Speaker, a tax, if you want to call it that or revenue enhancement, which is the new buzz word for a tax on the American people of $100 billion. You say, "Well, that is unacceptable."

Well, Mr. Speaker, the only way I know to pay off debts is by raising the money to do it. Now we have to either do one of two things: to pay off our national debt or to begin to pay it off.

We either have to cut so deeply into our Federal budget—this is one Member of Congress who is willing to do that—we have to cut so deeply into the amount of money we the American people are spending to govern ourselves that we have a surplus and that surplus could be applied to the national debt or we have to take a much less probably unfavorable alternate of raising an amount of money to pay off our national debt.

To try to explain to the Chair, Mr. Speaker, and to my colleagues once again what my bill does is this. It creates a 5-percent manufacturer's tax on a $2.3 trillion economy. That would give us approximately $110 billion this year which is the interest alone on the national debt. That would be applied to the national debt this year.

This tax would be applied for a 10-year period and would go into a trust fund similar to the trust fund which built the national highway system, the interstate highways as we know them. It could not be used for the liberals on this side of the floor to buy more food stamps and more giveaway programs, nor could it be used by conservatives such as myself and the man from Georgia, to buy more ships and guns and planes, it would go into a trust fund that could not be used for any other purpose but to pay the interest and the principle on our national debt.

□ 1515

In other words, we could not get our hands on the money for any other reason. In a 10-year period, with the growth of the economy, the 5-percent national manufacturers' tax would raise an ever-accelerating amount of money, because we would leave it at 5 percent and the economy would grow from the $2.2 trillion this year on upwards to perhaps $4.4 trillion during the next 10 years. The 5-percent tax would grow with it. It would be increased from $112 billion, to $130 billion, to $150 billion, to $180 billion, to $200 billion.

In effect, Mr. Speaker, we could amortize the entire trillion dollar national debt over a 10-year period.

This 5-percent manufacturers' tax would be levied only for 10 years. It would expire after 10 years. It would go into a trust fund, Mr. Speaker, which no one could touch except for the purpose of amortizing the national debt and it would be coupled with a cap on Federal spending, because if we did not do that, Mr. Speaker, we would be amortizing this national debt over on this side of the column and then we would be creating another national debt through deficit spending over on this side, so we would have to couple it with a cap on Federal spending, or if you please, a constitutional amendment saying that we, the American people, cannot spend any more to govern ourselves than what we take in.

Mr. Speaker, I do not think there is anyone here in this Chamber or in their individual offices or anywhere across America who would think that this Government should spend more than what it takes in. That is only good business for families. It is only good business for businesses and I submit to you it is the only acceptable form of fiscal handling of a government also.

I would tell you now that the American people, who now realize a $4,900 debt over the head of every man, woman, and child in this country, would be willing, they would be willing to say to themselves and to future generations that we will bear this 5-percent burden on manufactured goods for 10 years in order to eliminate that $4,900 debt which hangs over the heads of our children, their children, and their children, because continuing administration after administration adds billions of dollars and now hundreds of billions of dollars to that national debt year after year after year.

Franklin Roosevelt said that the national debt is something not to worry about because we owe it to ourselves.

I would say to President Roosevelt, should I have an opportunity to do so now, "Mr. President, you are right. We did then owe it to ourselves. We still owe it to ourselves and it looks like for as long as generations of Americans exist on the face of this Earth, we are still going to owe it to ourselves in ever-increasing amounts of money."

It is time that we say to ourselves and to the American people, this Congress, this administration realizes that it is time we dealt with the national debt. The root cause of $90 billion to $100 billion of every penny this Government is going to spend this year is going to pay the interest rate alone on that national debt. Just as I find that unacceptable to me, Mr. Speaker, surely many of my colleagues in this Congress and millions of my fellow Americans across this land must find it totally unacceptable that more than one-seventh of our entire expenditures are going to interest payments alone on our national dept.

I think it is time that we realized that has got to be paid off and it cannot continue to escalate year after year after year.

You might say, well, it is regressive. It is going to raise the price of goods 5 percent.

Well, let us look at it this way, Paul Volcker once said, and Paul Volcker is the Chairman of the Federal Reserve, he was reported as saying when he was asked at a hearing of a House committee, "Mr. Volcker, what would happen to interest rates if we balanced our budget? What would it mean?"

Mr. Volcker said, "If we had a zero deficit this year alone, it would mean 5, 6, 7, or 8 points off the interest rate immediately."

So let us look at it from a practical standpoint, Mr. Speaker. My grocer, who operates either the Safeway or the Giant or Piggly-Wiggly where I

live, has to go and buy new registers or a new refrigerator for his store; so he goes to the bank to borrow the money to do that and the banker say, "Fine, Mr. Grocer. We will loan you the money, but it will be at 18-percent interest, because the Federal Government is taking all the money that is available, so we can charge you whatever we want."

He has to pay that. That means then, that he is going to raise the price of the condensed milk or the box of cereal or the piece of meat that I buy in that grocery store by an amount to offset that 18-percent interest he is going to pay.

Well, in the words of our Federal Reserve Chairman alone, if we had a balanced budget, if we had a zero deficit, than interest rates would come down as much as 7 or 8 percent. That means that that grocer would be paying maybe 8, 9, 10, or 11 percent, 6 or 7 percent less for his money to buy those new registers or that new refrigerator for his store. That means that in effect my groceries would either not go up as quickly or that means that they would come down.

You say it is going to hurt the economy. Well, one of the things that is hurting the economy right now, Mr. Speaker, is that millions of Americans, young and old, cannot afford to buy a home, which is part of the American dream for a good many years now, because interest rates are 17, 18, and 19 percent.

What would it mean if we had a balanced budget and a zero deficit? Seven, 8 or 9 or 10 percent interest rates again. So what would happen? The housing industry would crank up immediately new housing starts would begin and millions of Americans could look forward once again to buying a home at a reasonable interest rate.

And what has happened to the automobile industry when hundreds of thousands of workers have been laid off in the automobile industry? Once again, those dies and those plants would crank up and Chrysler and General Motors and Ford would recall their workers to their plants and say to them, "Gentlemen and ladies, we now have a strong economy with no deficit, with low interest rates. Let's turn out the Mustangs, the LeBarons, the Cavaliers again. The American people are standing by ready to buy because their interest rates are down to where they can accept it now and the dollars are beginning to be worth something because the Federal Government is not in debt up to its neck."

So I say, Mr. Speaker, it is not regressive and it is not inflationary for us to pass what is a temporary 5-percent tax on manufactured goods, which in 10 years, in 10 short years, would pay off our national debt.

Now, let us look at it this way. Hopefully all of us in this Congress and in this country will be here 10 years from now and hopefully those 10 years are going to pass with prosperity in this country; but 10 years from now we are either going to have a paid-off national debt, or one that is double or triple the size that it is now. The choice is ours. If we do nothing, which we have done now for, lo, these many years, it will be double or triple what it is today, or if we finally say to ourselves and the American people that we are going to do something, because 10 years are most assuredly going to pass, whether you or I or either of us are here in that timespan of that decade. They are going to pass, and maybe, should they pass without us being here and should they pass to a generation to follow us free of a national debt, they can look back and say, "Well, we are so grateful that a Congress, the 97th, was willing to say to the American people, 'We don't want to tax you 5 percent on your manufactured goods, but we have got to do it, to give you a strong economy and a balanced budget and an economy that hopefully the future generations of Americans can look to with some type of anticipation of a prosperous means of earning a living and buying a home and buying a car and being able to look forward to a good job in a country that promises a strong economy.' "

You cannot make me believe, Mr. Speaker, that if we, the American people, in 10 years, one decade, can pass that on to ourselves and to future generations that we would not be willing to accept it.

Now, I understand a former great chairman of the Ways and Means Committee ran on a similar measure as this and was defeated. Maybe it was an idea whose time had not come.

The President has now said that he is looking for means of additional revenue. I submit to the President, to the leaders of both Houses of Congress, that this is a measure that will do just that.

I would say to the President of this great Nation that it does not interfere with your personal income taxes that you have passed on that you say would stimulate the economy and I say that it does not interfere with accelerated depreciation and other things that you have offered to businesses to help create jobs and economic growth and it is not inflationary and it is not regressive. It is a means where we, the American people, can repay to ourselves in one decade what has become the biggest albatross we have ever had or hopefully will ever have around our necks.

Mr. Speaker, I submit this bill for the consideration of my colleagues in this Congress and for the consideration of the President of the United States to endorse and for the American people to accept.

I hope that it will be one that we will look at favorably and use for the enhancement of future generations of our country and for the betterment of our economy today and in the future.

CIVIL RIGHTS OF THE HANDICAPPED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. WEBER) is recognized for 5 minutes.

Mr. WEBER of Ohio. Mr. Speaker, all of us are proud of the great strides which our country has taken during recent years to assist persons with physical disabilities to participate in community life with the greatest possible independence.

Some of this assistance is in the form of medical techniques, improved technology, better counseling, financial aid, and new modes of transportation. Some of the advances result from new laws which mandate equal opportunity in education, employment, and accomodations in cases where Federal money is involved.

In almost every case the improved opportunities of handicapped persons today are the result of the long and determined efforts of the handicapped persons themselves who simply want the chance to be useful, productive, taxpaying citizens.

Presently the Department of Justice, in conjunction with the Office of Management and Budget and the Department of Education, is drafting new section 504 guidelines for federally assisted programs. It is to be hoped that in the effort to eliminate unnecessary regulatory burdens the Department will not disregard the rights of the handicapped persons whom the law is intended to protect. Nondiscrimination and equal opportunity—let us be certain that these basic rights of the physically disabled are extended, not abridged.

INTRODUCTION OF A JOINT RESOLUTION TO BAR FEDERAL BAILOUT OF ALASKA NATURAL GAS PIPELINE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. CORCORAN) is recognized for 15 minutes.

Mr. CORCORAN. Mr. Speaker, the Alaska natural gas pipeline question is again in the news. I am taking this special order in order to do two things; first, to advise my colleagues on some legislation that I have introduced today; and second, to bring the House of Representatives up to date on what has happened since that unfortunate day on December 15, 1981 when the legislation giving the sponsors of the pipeline project the authority to use

consumers of this country as collateral on the loan became law.

Since that time, the matter has, of course, in its regulatory way, found itself before the U.S. Federal Energy Regulatory Commission. There was a hearing on March 16 of this year which I had the opportunity to attend where the report was not good for the project sponsors and based on that public hearing where I would say when the sponsors of the project had to speak on the public record as to what the costs of this project were, we found that they were a good deal different and a good deal higher from what the proponents of this legislation had indicated in debate here in the House last December.

□ 1530

We have learned as had been predicted by those of us, such as myself, who had opposed the legislation that had been requested, that the financing for this project is simply not available. The reason that the financing for the project is not now feasible, even with the use of consumers in this unprecedented way for gas transportation systems to be the collateral on the loan, is because the marketplace continues to reject this particular project. One reason for this is that, for instance, in the Midwest we have a glut of natural gas and the bankers and others who have examined the question have concluded again, as they did before the waiver package was requested and unfortunately adopted, that there would be no way to market $18 gas in the Midwest, if anywhere in the United States, in 1986 or 1987.

Significantly, there have been other indications, not in a formal way, but indications nonetheless, that the sponsors are having a very, very difficult time in getting the financing for this project.

So I have taken the opportunity to introduce legislation today because of the fact that tomorrow the sponsors of this project are going to be meeting in Salt Lake City to review with the producers, to review with the pipeline company, and to review with all of the people involved in this program where they are at the moment.

The indications are very clear that, having failed in his attempt to stick it to the consumers of this country in order to get the financing for the package, that now Mr. McMillan, the chief executive officer of the company involved who is so well connected politically here in Washington, is probably going to seek the support of his associates to proceed with a Government bailout from Congress.

Now, there were many of those who supported my position who said "no way" would there ever be a Government bailout and "no way" on the waiver package itself. There were others who took the opposite view, who chose to support at some political risk the waiver package; but in the debate it was made clear that there would be no circumstances under which they could support a Government bailout.

Now I think it is pretty clear that there is going to be an attempt to get a Government bailout, so the joint resolution I have introduced, on which I am seeking cosponsors and support, would provide a very clear expression by the Congress and the President, that it would be out of the question for the sponsors of this project to even pursue a Government bailout.

Mr. MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. CORCORAN. I yield to the gentleman from California.

Mr. MILLER of California. I thank the gentleman for yielding.

I want to thank the gentleman for his attention to this matter. I am afraid that what the gentleman is predicting is, in fact, going to come true. It is what the gentleman predicted when he introduced his amendment to stop the waiver package.

I supported the gentleman in that effort, and I would hope that all of those Members of Congress who supported the waivers, who allowed the consumers to, in fact, put up the collateral for this project, would now join in coauthoring the gentleman's resolution, so it is very clear from the very outset that we are not going to engage in a Government bailout for this dubious project.

If they cannot find the financing in the market under the conditions that already have been ascribed to, so be it. But I think we ought to ask those people who led the effort for the waiver, who stood time and again before this House and said that they would be the first to oppose any further action by the Government to try to make this infeasible project feasible, that they come forth and coauthor the gentleman's resolution, and I would be delighted also to do it, because I think it is a time to put a stop to this project that threatens to drive up the cost to every consumer in the country of natural gas when it is not necessary.

I thank the gentleman for his efforts in this direction.

Mr. CORCORAN. I thank my friend from California for his kind comments, and also for his strong support on behalf of this resolution. I will assure the gentleman that our colleagues will be given that opportunity to join as cosponsors of this measure.

The second feature of the resolution is that we would put a time limit on the exposure of the prebilling, because while it is true the Alaska Natural Gas Transportation Act has no terminal point, it is also true that the waiver has no terminal point. I believe that the project for reasons of marketability should be set aside for 10 or 15 years. However, I am fearful that the sponsors may put the project on blocks for a year or two and then come back again and try, maybe with a new administration, and maybe with new members on the Federal Energy Regulatory Commission and get additional authority from Congress to add to the waivers authorized last December and thereby enable the project to be financed.

So the second feature of our legislation would be to put a 2-year limit; in other words, after December 15, 1983, the authority which unfortunately had been granted by the Congress to the sponsors of this project would be terminated.

In conclusion, Mr. Speaker, let me just say that tomorrow the sponsors of this legislation, the sponsors of the program, are going to be considering what next, what additional creditworthy support can they get, and I know that there is only one answer left to them, and that is the Government of the United States.

I am simply here to say "no way," "no way."

Mr. Speaker, the legal challenge to the Alaska pipeline waiver package was summarily dismissed on April 20, 1982, by the D.C. Court of Appeals. As I indicated when I rejected the invitation to join in this litigation, the few issues of merit Senator METZENBAUM sought to raise in his suit were not yet ripe for judicial review. Even more troubling to me was the contention made in that litigation that the House Rules Committee, in carrying out the House business functions with which it has been charged, is subject to judicial second guessing. Although I have had some differences with that committee as of late, I am happy that the court firmly denied that the judiciary had any such oversight function.

Tomorrow as I said earlier, the design and engineering board of the Alaskan Northwest Natural Gas Transportation Co. will meet in Salt Lake City, Utah. This is a significant meeting because it has been widely rumored that the pipeline, even with the benefit of the waiver package, has been unable to attract the necessary financing. This is no surprise to me nor to many of those in the industry. In fact, the financial difficulties were detailed in an article I inserted in the CONGRESSIONAL RECORD on December 3, 1981.

In short, my friends, the political risk taken by those of you who voted for the waiver package has resulted in no real gain.

Because of its significance, tomorrow's meeting promises to be difficult and divisive. Estimates of the project's total cost made by the three major oil company partners now differ by as much as $4 to $7 billion from the esti-

mate of the lead natural gas pipeline partner. That kind of difference is hardly a matter of technical fudge factors. The pipeline companies involved are concerned, the participating oil companies which own the gas are concerned, and the State of Alaska is very concerned about the outcome of this meeting.

Questions have been raised in the past as to why the State of Alaska had not been more forthcoming in supporting this project. In fact, the Governor and a task force of Alaskan State officials have seriously examined the project to see if the State should take a role in financing it. It now appears, however, that Alaska, like many of the banks approached by the pipeline sponsors, will also draw back, at least for the time being.

We, too, ought to be concerned about the outcome of tomorrow's meeting. Why? Because we may soon be asked to take another political risk—to add just one more sweetener to the pipeline pot.

I said no before. I say no more now. Today I am introducing a joint resolution stating that there shall be no Federal loan guarantees or other financial assistance granted to the sponsors of the Alaska Gas Pipeline. I hope that you will join with me in putting out a vivid not welcome mat for any further efforts to saddle the Federal Government with the funding of this turkey.

This resolution will send a message to Mr. McMillian and his group that it will not serve them well merely to wait for another Congress, or another administration. When the project is deemed worthy of private investment, it will proceed, not before then. To make this message even clearer, the resolution also contains a provision that would terminate the operation of the waiver package, effective December 15, 1983, 2 years from the date upon which the waiver package became law.

I would also commend to the attention of my colleagues, H.R. 4980, the Alaska Natural Gas Transportation System Private Financing Act, which Mr. BROYHILL, Mr. BROWN of Ohio, Mr. DANNEMEYER and I introduced on November 16, 1981. I believe this legislation is a constructive financing alternative to the waiver package that now is the only game in town. It certainly offers much more promise of getting Alaska gas brought to us than does any contorted, contrived package of Federal and consumer assistance that the current pipeline consortium may advocate.

Mr. Speaker, we should pursue efforts to produce and transport Prudhoe Bay gas to benefit consumers in the lower 48 States not to burden them.

Mr. Speaker, I ask unanimous consent that an article from today's Wall Street Journal and a communication to the President of the United States on the points I raised be inserted in the CONGRESSIONAL RECORD at this point.

[From the Wall Street Journal, Apr. 29, 1982]

ALASKA GAS PIPELINE LIKELY TO BE DELAYED BY INTEREST RATES, LOW ENERGY DEMAND

(By Steve Mufson and Andy Pasztor)

High interest rates and slackened energy demands will probably cause an indefinite delay in the $43 billion Alaska natural gas pipeline, according to sources close to the project.

"It doesn't look good for an early start," said a source involved with the financing. "There won't be a true green light within six months; the calendar won't be kept."

The sponsors of the project told federal energy regulators earlier this year that they hoped to have the details of the financing for the pipeline set by June 30. But when the partners meet tomorrow in Salt Lake City to discuss financing, they are likely to concede to further delays.

"The pipeline may be one of the victims of the Reagan deficit," said Mark Millard, senior managing director of Shearson/American Express Inc., one of the negotiators for the financing. He said the huge projected deficit is contributing to high interest rates.

The three major oil companies involved with the project have balked at requests from other partners for the three to increase their shares in the pipeline, sources indicated. Exxon Corp., Atlantic Richfield Co. and Standard Oil Co. (Ohio) each hold a 10% interest in the pipeline and own most of the gas in Alaska that the pipeline would connect to the rest of the U.S. via Canada.

According to industry officials, the pipeline consortium is demanding that the three oil companies invest as much as $14 billion in the Alaskan segment—or approximately half of that segment's estimated total cost. In addition, the consortium and the banks involved in the negotiations apparently want the oil companies to become, in effect, the guarantors of a big chunk of the rest of the money that may be invested in the project.

At tomorrow's meeting, the companies also are expected to discuss the issue of whether the state of Alaska is willing to invest in the project and whether certain regulatory permits may expire unless a financing plan is developed in the next few weeks.

Congressional sources confirmed that tomorrow's talks could determine the fate of the project. "The talks are at a crisis point," one Senate staffer said. "Unless a compromise is worked out quickly, the entire project will be indefinitely delayed."

In a surprise development yesterday, the State Department released a sharply worded letter from the Canadian government that raised questions about the project's viability. In the letter, Mark MacGuigan, Canada's secretary of state for external affairs, said Canada believes the companies may be at "a critical impasse in the discussions on financing" the Alaskan segment of the pipeline. Mr. MacGuigan added that Canada is "concerned that the various parties involved in the financing negotiations may fail to appreciate fully the implications" of significant delays in building the project.

Unless the companies work out a firm financing agreement and the U.S. reiterates its support for the project, Mr. MacGuigan warned, Canadian companies may decide to pull out of the project altogether.

Strong doubts persist that the billions of dollars needed to build the line can be raised. Potential lenders continue to seek government guarantees and support. Jawboning isn't enough, they say. "If governments just sit back and say 'we'd like you to do it,' then it won't get done," an executive at a large insurance company said.

One banking executive involved in the financing said it isn't likely an agreement will be reached as long as interest rates are more than 15 percent.

Congressional staffers also indicated that any assistance from the government was extremely unlikely. Last December, the partners won waivers in a 1977 law that restricted the pipeline sponsors to a group called the Alaskan Northwest Natural Gas Transportation Co. That legislative victory, after extensive lobbying, caused considerable controversy. It included a provision allowing the sponsors to charge consumers before the gas starts flowing and regardless of whether the project is completed. "The obstacles, as far as Congress is concerned, have been removed," said one Senate aide. "I don't think you'll see Congress bending over backward, especially in light of the hubbub last time."

Canadian officials, elaborating on Mr. MacGuigan's letter, said Canada is concerned that expensive engineering and preparatory work can't continue without assurances that the pipeline will be built.

Officials in Ottawa said Foothills Pipe Lines (Yukon) Ltd., the principal builder of the line through Canada, has spent hundreds of millions of dollars in preparatory work on northern sections of the line. Teams of engineers and planners continue to work on the project, despite doubts that it can be financed. "How long can those groups be supported? The pipeline sponsors are going to have to fish or cut bait," an official said.

That message was carried to sponsors and prospective financiers of the line earlier this week.

COMMITTEE ON ENERGY AND COMMERCE,
Washington, D.C., November 4, 1981.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: We were most gratified to hear that this Administration will not support any further waivers of law for the Alaskan Natural Gas Transportation System than those you transmitted to the Congress earlier this month and which are contained in H.J. Res. 341. It was also gratifying to learn that your Administration is committed not to provide financial assistance to the Alaskan project at some future date, should its sponsors be unable to arrange adequate financing in the private markets. Those policy statements were made by the Secretary of Energy, Dr. Edwards, during hearings before the Subcommittee on Fossil and Synthetic Fuels of this Committee on Tuesday, October 27, 1981, and we thought it would be useful if we provided you with the language of the precise exchange between Secretary Edwards and Chairman Dingell:

"Mr. DINGELL. Mr. Secretary, I observe that there is approximately $10 billion in costs yet to be secured. As I understand the figures, $27 billion will be needed for the Alaskan segment. $8 billion is guaranteed by the sponsors, $9 billion will be guaranteed

by the producers, leaving $17 billion of approximately a $27 billion estimate here. That leaves about $10 billion yet to be secured.

"First of all, one, does that indicate to you that the project can be built and is the Administration's position that the project can be built without further monetary support, guarantees, waivers, consumer exposure or something of that sort with regard to the project?

"Secretary EDWARDS. Mr. Chairman, if the project is to be built, it will have to be built without any further help from the Administration beyond this waiver package.

"Mr. DINGELL. So the Administration is saying that this is the last time you are going to be coming forward with regard to waivers?

"Secretary EDWARDS. That is correct."

It may also be of assistance to you to be aware of another statement of the Secretary during the same hearing, in an exchange with Congressman Weaver:

"Mr. WEAVER. . . . With you as a staunch advocate of the free market and free enterprise system, I would like to hear you say right now a resounding and absolute no to any Federal funds or guarantees to this pipeline. Would you do that, sir?

"Secretary EDWARDS. Mr. Weaver, I am in complete agreement and as resoundingly as I can state it, this Administration does not plan to put any Federal guarantees, any funds into this project. We have felt all along, as do our friends to the north, Canada, that this should be financed by private funds only."

Mr. President, we wanted to take this opportunity to express our appreciation to you for the clarity of this Administration's position with respect to the Alaskan Natural Gas Transportation System. The testimony of your Cabinet members has been most helpful to date.

Sincerely,

JOHN D. DINGELL,
Chairman, Committee on Energy and Commerce,
PHILIP R. SHARP,
Chairman, Subcommittee on Fossil and Synthetic Fuels.

NO COMPROMISE OF LEADERSHIP ON BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGRICH) is recognized for 60 minutes.

Mr. GINGRICH. I thank the Speaker.

Yesterday a historic event occurred when the President of the United States journeyed from the White House to the Capitol to visit with the leadership of the other body and the leadership of the House. It was the culmination of a long and serious effort to develop a compromise acceptable to the leaders of both parties and the leaders of both branches of the legislature and to the executive branch.

After 3 hours of discussion, it was obvious that there was no ground for compromise. I think the underlying explanation of most value to the American citizen, looking at a period of high interest rates, high unemployment, asking what is happening in Washington, the most accurate explanation was given by the majority leader of the other body, HOWARD BAKER of Tennessee, and the Speaker of this House, TIP O'NEILL, who both said in separate interviews what it boiled down to was a question of different philosophies.

Speaker O'NEILL was statesmanlike and candid in his assessment of President Reagan. He said, "I think he is a sincere man who genuinely believes that his tax cut program will work."

Similarly, those of us who disagree with Speaker O'NEILL should give him his due. He also is a sincere man. Since 1952, as a Member of this House for 30 years, he has worked to build a liberal welfare state. For 30 years, as a Member of this House, he has worked to build that liberal welfare state. For 28 years he has been in the majority. He has belonged to the people who have run the House of Representatives, and for those 28 years that majority, with Speaker O'NEILL as part of it, has worked to build the liberal welfare state.

He has presided over deficits under four Presidents: As majority leader under Richard Nixon, as Speaker under Gerald Ford, under Jimmy Carter, and under Ronald Reagan. He is accustomed to the politics of the liberal warfare state. By 1980 his efforts had produced 21-percent interest rates, 13½-percent inflation rates, a decaying automobile industry, a collapsing housing industry, and a country faced with a crisis in small business and in jobs. His party had become the party of weak defense, big spending, high taxes, high interest rates, and job destruction.

Faced with repudiating a lifetime's work by compromising with the President, or walking away from the chance for a compromise and sticking to the liberal welfare state principles that had guided his career, I think the Speaker did something which was honorable and consistent with his own record.

But there are many Members of this Congress who happen to be Democrats but have not had the same career, do not have the same commitment. And we are now seeking to build a bipartisan coalition of Democrats and Republicans who have given up on the centralized liberal welfare state, who realize that the politics of big government, big spending, high taxes, high interest rates, will destroy jobs and will put Americans out of work. We hope the Democrats of the younger generation, we hope the Democrats who are not committed to the liberal welfare state, we hope the Democrats who understand the economic sickness of 1980, will join with us.

If we cannot have a compromise of leaders, then let us have a compromise of Members. Let us work together to find a budget which will put people back to work, will bring down interest rates, and will bring together the Members of both parties in an effort to find a real solution.

We ask no one to switch parties, although we are delighted with those who do so. We ask no one to give up their traditional ties. All we ask is the Democrats willing to place country above partisanship look at the current economic crisis and agree to join us.

The type of medicine that would make America healthy is simple.

First, keep the tax cut which on July 1 will increase the number of real dollars in Americans' paychecks, which will give Americans a better chance to go out in their neighborhood to buy a car, to buy a house, to make the investments, and the savings that will get this country moving again.

Second, cut Federal spending, including some cuts in defense spending, in order to bring down the deficit so that the Federal Government will not borrow so much money, so that the interest rates will fall, so that small business can survive, so that we can go back to creating jobs in the automobile and housing industries.

Third, pass a constitutional amendment to require a balanced budget. That will, by itself, bring down interest rates as the money markets come to realize that we have, in fact, reached a historic watershed and that we are moving on to an era in which the Government will be disciplined and in which we will have to begin balancing the budget every year. That, by itself, passing a constitutional amendment to require a balanced budget, more than any single act, will set the stage for the rest of the 1980's, for a period of stable money, low interest rates, and job creation that will give all of us a chance to have real prosperity.

Citizens who are impatient, who have grown angry watching people laid off, watching businesses go bankrupt, or the senior politicians talk, citizens can do something.

First, they can ask their Congressmen to cooperate in writing a budget that will cut taxes, will cut spending, will bring down borrowing, will lower interest rates, and will create jobs, asking for cooperation, a sign of putting America above partisanship, is the first step.

Second, they can ask their Congressman to cosponsor the Conable-Jenkins constitutional amendment to require a balanced budget. Already the Conable-Jenkins amendment has 200 cosponsors. It is only 18 short of a majority. It is on the way to being an acceptable constitutional amendment, but it needs more help.

You know, 2 weeks from now the budget is legally due. Two weeks from now if this Congress were responsible we would pass a budget. Passing that

budget is the first step toward lowering interest rates and creating jobs.

Today I asked a senior leader of the Democratic Party when we would see a budget, and we were given no firm date. I think every citizen has the right to ask of this Congress that it obey the laws it has passed, that it obey the Budget Act and that we produce a budget by May 15.

Americans are being put out of work now. Americans are going bankrupt now. The time to act, to pass a budget, to pass a constitutional amendment to require a balanced budget, is now.

POLISH 3D OF MAY CONSTITUTION DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DERWINSKI) is recognized for 5 minutes.

● Mr. DERWINSKI. Mr. Speaker, Poles throughout the world, but not in Poland, celebrate the 3d of May as their historic Constitution Day. Given the present martial law being carried out by the Polish Army at the demand of Soviet authorities, none of the freedoms guaranteed the Polish people by their 3d of May Constitution is available to them.

On May 3, 1791, Poland adopted a constitution that led to a complete reform of its internal life and asserted the country's democracy. This remains an important reminder to all, that Poland was one of the first pioneers of freedom in Europe.

Unfortunately, the country's desire to remain free, could not put a halt to the third partition of Poland in 1795 by Russia, Prussia, and Austria. Through the decades, the spirit embodied in the Polish Constitution has never died in the hearts of Poles who have remained in their native land. Today, we see Poles striving again for national renewal and toward freedom from communism. The original 3d of May Constitution was an answer to the oppression of the Tsarist regime, just as Solidarity today fights the Communist regime in Moscow.

Although Poland is clamped in the grip of Soviet bondage, the Polish people courageously persist in their efforts to ease the oppression imposed upon them by the Communist government. Russian domination, occupation, or partition is something the Poles have contended with for most of the past two centuries, but the Polish people, like other peoples behind the Iron Curtain, are determined that someday they will throw off this bondage. Freedom of speech, freedom of the press, and other basic fundamentals that are denied them will someday be theirs.

Poland's ordeal under the state of martial laws imposed by the Marxist government has evoked unprecedented expressions of support and humanitarian assistance. The move by Warsaw's military junta to crush the progress the Poles were making in improving the bleak conditions of life in the totalitarian system shocked and dismayed the entire free world. The Solidarity movement cannot be crushed and the Polish people's spirit cannot be crushed. The Soviet Union, utilizing senior officers of the Polish Army, will not be able to suppress the legitimate, deep-rooted nationalist feelings of the people of Poland.

The 3d of May, which is an inspiration to every Pole, not just those living apart from the mother country, gives encouragement to the citizens of Poland in their continuing struggle for their democratic rights. We must join in the hope that the Polish people will yet realize the attainment of the ideals and spirit of their Constitution.●

SOCIAL SECURITY DISABILITY REVIEW PROCEDURES IMPROVEMENT LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. EMERSON) is recognized for 10 minutes.

● Mr. EMERSON. Mr. Speaker, in 1980, after the General Accounting Office investigated problems in the social security disability insurance program, Congress amended the Social Security Act to insure that only genuinely disabled persons receive social security disability insurance (DI). Public Law 96-265, approved on June 9, 1980, requires that a periodic review be conducted to determine DI recipients' continued eligibility. Those found no longer disabled are removed from the benefit rolls.

Although I support the concept that those on social security disability should have their cases reviewed so that those no longer eligible do not continue to receive benefits, a serious problem has emerged as to the way in which these disability determinations are being made.

Evidence provided by the Social Security Administration itself indicates that a very great number of disabled persons are being removed from the DI rolls. The evidence also shows that 47 percent of those who appealed their cases to an administrative law judge have had their benefits reinstated.

I have no doubt that many of my colleagues have heard from constituents who have been determined no longer disabled by the Social Security Administration, only to have this determination overturned during the appeals process.

I would like to cite two specific cases which took place in my own district. One of my constituents underwent open heart surgery in 1976 and was placed on disability at that time. In June 1981 he was informed that his case was under review by the Social Security Administration. He was told to report to one of the independent medical examiners under contract by the State agency for a review of his physical condition. My constituent had to travel 130 miles for this examination and was required, against his own physician's advice, to undergo a treadmill test. During this treadmill test, my constitutent ruptured an artery in his leg and foot. Nevertheless, the Social Security Administration determined that he was ineligible for any future disability benefits. Of course, he appealed his case and was reinstated onto the disability rolls, but the entire process took 6 months and he was without an income during that time.

Another one of my constituents also suffered from a severe heart condition, along with other medical problems which prevented him from obtaining gainful employment. Although his physician warned the Social Security Administration of the risks of putting his patient through any rigorous testing procedure, the medical examiner still required my constitutent to undergo a treadmill test. Moreover, he was told that he need not submit any medical evidence from his own physician, and that such evidence would not be taken into consideration in the review process. As a result of the test, my constituent suffered a mild stroke, which further weakened his medical condition. Again, the Social Security Administration determined he was no longer eligible for disability insurance. Again, he appealed his case and was reinstated, and again, he was without any income during the entire process.

Considering the fact that almost half of all disability termination cases are overturned upon appeal, there is something very wrong with the way the Social Security Administration is conducting its reviews. Indeed, the Social Security Administration is presently suffering from an overabundance of casework. In fact, last year, the number of cases doubled and it is expected that the present caseload will increase fourfold. Because of the ever-increasing demands placed on Social Security Administration personnel, there is little incentive by those reviewing disability eligibility to give each case the attention it deserves.

However, it is glaringly obvious that the guidelines presently in effect are insufficient and need to be changed. No one could argue that those who are not entitled to disability payments should not be receiving them, but we must set forth some procedure whereby those who are entitled to disability are not arbitrarily denied those benefits.

What is happening now not only defies the intent of the law, but is quickly becoming a political football

and furthering the cause of those who claim the present administration is oblivious to the needs of the poor and disabled.

I have today introduced a bill setting forth some procedural safeguards to protect those entitled to disability insurance benefits. My bill, which was introduced in the other body by Senator HOWARD METZENBAUM, makes two important changes in current law.

First, it requires the State medical reviewers to request, and to consider, recent reports of disability provided by a beneficiary's own doctor or clinic. Moreover, it would require the SSA to give adequate notice to recipients whose cases have been chosen for investigation in order to give them sufficient time to undergo necessary tests and examinations.

Second, if disability benefits are discontinued despite evidence of genuine disability provided by a DI recipient's treating physician, and the recipient asks for an administrative law judge hearing, benefits would continue pending the administrative law judge's decision. If the administrative law judge upholds the termination of benefits, the Social Security Administration would be empowered to recoup benefits paid after the State agency had determined that payment should cease. Payments would not continue, I might add, if no difference of medical opinion exits. Only when there is genuine disagreement about a DI recipient's health would SSA continue to provide benefits.

The purpose of this legislation is to insure that the innocent are protected while maintaining the power of the Social Security Administration to remove ineligible persons from the DI rolls. Once a person is deemed eligible for social security disability insurance, he or she should be given sufficient opportunity to prove continued eligibility.

I strongly urge my colleagues to give serious consideration to this bill. I am sure many of you have experienced similar problems in your own districts. What this bill seeks to do is alleviate those problems while carrying out the true intent of the law.●

THE $210 MILLION OLYMPIC COIN QUESTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, one of the largest issues in the controversy surrounding the striking of Olympic commemorative coins concerns the potential cost of any program to the U.S. Government. In testimony before the Subcommittee on Consumer Affairs and Coinage, the General Accounting Office stated that the bill introduced by Mr. ST GERMAIN, H.R. 6058, which calls for the minting of 17 coins to be sold to the public through private marketers, would cost the Government up to $210 million in foregone revenues. This is a substantial sum, and its significance should not be overlooked when we consider the various commemorative coin proposals.

When this issue was raised during the General Accounting Office's testimony, Mr. ST GERMAIN tried to diffuse it by stressing the term "foregone revenues." He stated that the General Accounting Office was "talking about foregone revenues, not about adding to the deficit." I submit that, upon careful consideration, one can see that there is really no difference between the two. If you take in less than you could, by definition you are adding to the deficit. It is a clear case of indirect Federal financing. Perhaps an example will help to clarify the situation.

Suppose you have a painting. The materials that you used to paint it, the brushes, the paint and the palette are worth $50. If you had to replace them to paint another picture, that's how much they would cost. Suppose that your time was worth $5 per hour and it took you 20 hours to complete the painting. In order to get back what you put into it, you would have to charge $150 for the painting. That is the sum of the materials and your time. Now, suppose that you wanted to encourage people to buy paintings. In order to do that, you decided to charge only $100 for the painting.

The people who are buying the painting are, in effect, getting the paint for free. These people are getting a special deal that you are financing. If the cost of paint should go up, you would be deeper in the hole. And if it should go down, you are in a shallower hole, but it is still a hole. Since paint never has a negative cost, at no time are you breaking even. Now remember, you decided to do this because you wanted to encourage people to buy paintings. At the same time, you knew that you would be financing this.

Mr. St Germain's bill proposes that the Government do for the private marketers what you did for art collectors. H.R. 6058 suggests that the U.S. Government lose money in the sale of Olympic commemorative coins to encourage the private marketers to sell them. It does this in the following way.

If H.R. 6058 became law, the Mint would be directed to strike millions of Olympic commemorative coins. These coins would then be purchased by the private marketers so they could them turn around and sell them to the public. The $210 million problem comes in when the coins are sold from the Mint to the private marketers. It exists because of the way that the coins are priced under Mr. St Germain's bill.

Let us consider coins in general for a moment. In computing the cost of any coin, three factors must be considered. First, you have the cost of the precious metals contained in each coin. Second, you have the manufacturing costs. And third, you have the face value of the coin. In order to break even, these three items must be included in the price of the coin.

Under Mr. ST GERMAIN's bill, the private marketers are required to pay for the cost of manufacture, and either the face value of the coin or the cost of the bullion content, whichever is higher. Since they are not paying for both the face value and the cost of bullion content, the Government is underpaid. If the private marketers pay for the face value, they are getting the bullion free. Conversely, if they pay for the bullion, they are getting the face value for free. In the same way that you contributed the cost of the paint to the art collectors, under Mr. ST GERMAIN's bill, the Government would be contributing either the face value of the coin or the bullion value, to the private marketers.

There are several problems with this arrangement, and further consideration of my painting examples will be of assistance in demonstrating why. When you decided to reduce the price of the paintings by deducting the cost of the paint, you did this hoping to sell more paintings. The Federal Government does not need to sell more coins to the private marketers. In fact, it has nothing to gain by giving the private marketers a special deal. All the Government will be doing is helping the private marketers make larger profits when they sell the coins to the public because these private marketers got the coins for a special price. The private marketers are paying less for the coins at the expense of the U.S. Government.

The proponents of H.R. 6058 argue that in order to have a successful coin program, it is necessary to price the coins in that manner. During the General Accounting Office's testimony, Mr. ST GERMAIN said that—

> We have to make a judgment as to whether indeed we have to forego that revenue in order to allow the Olympics—the marketers to market these coins and provide funding for the Olympics. . . .

The argument is that the private marketers can run the program only if the coins are bargain priced to them. Thus, we are faced with a choice between a $210 million loss to the Federal Government and an unsuccessful Olympic coin program.

I submit that we have a third choice. The purpose of minting Olympic commemorative coins is to commemorate the 1984 summer Olympics and raise money for our athletes at no cost to the Government. Our Olympic athletes have long prided themselves on

the fact that they receive no Federal financing. Indeed, at a recent press conference, former Olympian Anita DeFrantz stated:

We are not asking for money from the Federal Government. We are only asking for the opportunity to earn the money necessary to develop amateur athletics. . . .

Why not give the Olympic athletes exactly what they want? Since the private marketers cannot run a successful commemorative coin program without a substantial subsidy from the Federal Government, I suggest that we eliminate them. Let us enact H.R. 6158, which calls for the coins to be marketed by the Mint. All of the proceeds from the sale of these coins go to aiding the Olympics. The cost of manufacture, bullion, and face value are all included in the sales price.

We can have a successful Olympic coin program. The alternatives are clear: A $210 million Federal loss or a program with no Federal cost or subsidy. The choice is equally clear.●

CONGRESS CAN SAVE BUDGET PROCESS—AND THE ECONOMY—DESPITE PRESIDENT AND FEDERAL RESERVE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 30 minutes.

● Mr. REUSS. Mr. Speaker, there follows my remarks today before the Finance Forum, '82 at the World Trade Center in New York City.

The month-long "compromise" budget negotiations between Congress and the Administration has ended in impasse. The farce is over. As they say over at the Met, "Veste la guibba!"

Members of Congress, both Democrats and Republicans, have made a serious effort to reach a compromise. But hopes of a compromise are now dashed because the two principal Administration leaders on fiscal and monetary policy are stonewalling.

The causes of America's misery—unemployment, bankruptcies, stagnation, chaos spreading throughout the world—are no mystery.

The first cause is Mr. Reagan's excessive future budget deficits, concurred in last year by a Congress temporarily bereft of its senses. To get outyear spending under control, hundreds of detailed changes need to be made on the expanditure side. But the one budget deficit-diminisher that is absolutely essential is over on the revenue side: no matter what else is done in fiscal policy, there must be an end to the projected July 1, 1983, 10 percent tax reduction, the last installment of President Reagan's supply-side program.

This excessive tax reduction, heavily weighted toward the affluent, alone will cost the revenues some $40 billion annually. There are many other revenue-raising adjustments that need to be made—minimum taxes, safe harbor repairs, surtaxes, loophole-plugging—but the July 1, 1983, measure is the only one that guarantees enough dollars to do the deficit-reducing job in a credible way.

The second cause of our misery, which would exist even if the deficit were brought under control, and which cannot be meaningfully attacked unless the deficit is brought under control, is Federal Reserve policy.

The monetary policy of the Reagan Administration and the Federal Reserve has simply been too tight. A reasonable scenario for reducing the rate of creation of new money M_1, currency, and demand deposits) would have been—as the Administration suggested in its February 18, 1981, Economic Recovery Program, and all agreed—to reduce the M_1 growth in 1980—7.3 percent—in easy annual stages to half of that in 1986. This would have meant, give or take a fraction, 6.7 percent in 1981, 6.1 percent in 1982, 5.5 percent in 1983, 4.9 percent in 1984, 4.3 percent in 1985, and 3.7 percent in 1986.

Instead, in 1981 the Fed, grievously jumping the gun, reduced the M_1 growth rate to 2.2 percent, scarcely one-third of its proper target and well below even the outer limits of its 1981 target of 3.5 to 6 percent. This year, to compound the monetary strangulation, the Fed proceeded from a monetary base, as of January 1, 1982, of around $442 billion, a base greatly lowered by reason of inadequate growth in 1981. Worse, it lowered its targets to 2.5 to 5.5 percent—note that the 5.5 percent upper limit is lower than the proposed 1982 goal of 6.1 percent contained in the steady-as-you-go 1980–1986 deceleration scenario!

Finally, the Federal Reserve is daily exposing the fatuity of its policy by actually creating new money in the first four months of 1982 at an over-target rate of almost 9 percent.

The Fed is thus engaged in the vain game of trying to please the restrictionists by proclaiming an absurdly tight M_1 growth range ceiling. At the same time, it is trying to placate the expansionists by delivering an exuberant over-target 9 percent. Like the Temperance Congressman of old, the Fed is voting dry but drinking wet!

This can be a costly scam for the nation and the world. If the Fed attempts for calendar 1982 to stay within its 2.5 to 5.5 percent targets—as it must if it wants to retain any credibility—it must tighten disastrously—worse than in 1981—from here on out in order to absorb its first four-month overdose.

On the other hand, if the Fed follows a vote-dry-drink-wet scenario and proves in 1982 for the second year in a row unable to stay within its barndoor targets, it will simply confirm its monetary fecklessness for money markets that are already nervous.

Either way, the nation will get higher interest rates, higher deficits, higher unemployment, more bankruptcies, more misery. It's Hobson's choice whether the higher interest rates and the misery occur because of excessive tightness of actual money supply, or excessive wobbliness in monetary execution.

Thus it is the Administration's refusal to budge on the July 1, 1983, supply-side tax measure, and the Federal Reserve's refusal to budge on the 5.5 percent M_1 monetary growth ceiling, that are causing our problems. This is what the month-long negotiations have been all about.

And how have the two masters of our fate, President Reagan and Chairman Volcker, reacted to the Congressional pleas to get the deficit under control by repeal of the July 1, 1983, tax measure, thus permitting the Fed to modestly lift its 5.5 percent ceiling in a non-inflationary way?

They are saying, not to put too fine a point on it: Hell no, we won't go.

Early this week, President Reagan told a cheering U.S. Chamber of Commerce that any tampering with the July 1, 1983, tax measure was non-negotiable. And last week, the day the House Banking Committee respectfully requested a moderate relaxation of the Federal Reserve's 5.5 percent monetary range ceiling, Chairman Volcker told the Women's Economic Forum in New York that the Fed would persist in its present target ceiling no matter how much the deficit was brought under control.

Both President Reagan and Chairman Volcker go out of their way to enforce each other's fetishes. Mr. Reagan has consistently cheered to the echo Mr. Volcker's overtight money, even when it precipitated the recession last summer. Mr. Volcker, for his part, gratuitously observed to the ladies in New York that $90 billion or so could be lopped from the 1983 budget deficit without laying a finger on President Reagan's July 1, 1983, tax measure—unfortunately, failing to specify how this miracle is to be achieved.

So here we are—stalemate on the First Budget Resolution due on May 15, a debt ceiling extension also imminent, an economy and a society increasingly threatened, the world in turmoil and waiting for some sign that the United States has found its soul.

The President won't do it, the Federal Reserve won't do it. Where, under our Constitutional system, is there strength to be found?

Congress has been my life work, and I have a great love for the old institution.

It was for such a day as this, I say, that we in Congress are called to the kingdom!

In the impasse that lies ahead, Congress has a right and a duty to act for the public good. And act it can! Here's how.

Let Congress, in its upcoming First Budget and Debt Ceiling measures, present to President Reagan the needed increase in the debt ceiling, with a rider providing for the repeal of the July 1, 1983, tax measure.

I know that the President has said, paraphrasing old Mayor Crump of Memphis, that Mr. Crump won't 'low no easy riders here. But as he sits in the Rose Garden contemplating whether to sign the debt ceiling/tax measure, he will have to face certain harsh realities.

If he vetoes, even though Congress fails to override, Congress may be in no mood to pass any debt ceiling legislation whatever if it contains no responsible way of ending the escalation of the debt. The President must know that large numbers of his own party are proclaiming that they will vote against such a naked debt ceiling piercing. Many Democrats, though for different reasons, would join them.

As the nation contemplates Mr. Reagan in the weeks ahead, he may not find it so easy to bring the nation to a halt by a veto and then try to blame it on Congress. And as soon as the debt ceiling/tax legislation *is* signed, the First Budget Resolution, which would then in good conscience direct the Federal Reserve to do its part and not frustrate the deficit-lowering process by tightening money further, can be finalized.

So all hinges on Mr. Ronald Reagan. But how could he be induced to sign a bill he doesn't like, even though the future of the nation is at stake? Is there any precedent in history for a ruler to sign into law a charter of which he disapproves?

Yes, there is a goodly precedent, one whose anniversary we shall all be celebrating on June 15. In 1215 the barons of England, frustrated at a ruler who combined

great personal charm with a maximum of selfishness and obstinacy, came to King John at Runnymede, bearing the Magna Carta. King John signed, though he immediately, as the historian Green reports, "threw himself upon the ground in a fit of impotent rage, gnawing at sticks and bits of straw."

As with King John, so with King Ron. Let the barons of Congress present to him, not at Runnymede, but in the Rose Garden, a 1982 Magna Carta of Fiscal and Monetary Responsibility. Let the process of getting the legislation in place be a model of Congressional art and industry. Let the President's signature, which I hope he can give, go forth as a sign of a new national unity and a determination to let common sense triumph over dogma.

I would even hope that the signing official would find it unnecessary to "throw himself upon the ground in a fit of impotent rage, gnawing at sticks and bits of straw".●

PAY AS YOU GO—A SOUND WAY TO OVERCOME THE FEDERAL BUDGET IMPASSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. MILLER) is recognized for 30 minutes.

Mr. MILLER of California. Mr. Speaker, it has become clear to everyone that the negotiations between the White House and the Congress have broken down. There has been a failure to reach an agreement on a budget proposal that would both reduce the amount of the deficit under which this economy is staggering, which is creating high interest rates, while at the same time preserve the basic social fabric of this society.

I think it is time that this country decide what kind of country it is we want.

I entered politics at a time when we were talking about choosing new priorities. We were told that the country must change direction, that it must set priorities for itself, and that we must determine where one priority is more important than something else.

The fact of the matter is that, in spite of all of those speeches by politicians, this country and this Congress have failed to choose priorities. We have chosen to do everything. It chose to go to war in Vietnam, and it chose to go to war on poverty here at home. It chose automatic cost-of-living increases for our elderly and for the poor, and it chose military spending at levels never before seen.

□ 1545

What has become apparent to the public and to others is that there is no discipline within the Congress. In fact, the deficit has been manipulated by all administrations, by all Congresses, to hide the cost of running the Government. President Johnson used it to hide the cost of the war in Vietnam. President Carter and President Ford used it to hide the absence of a policy. President Reagan is now using it to hide the cost of his tax cuts for the rich and his dramatic increases of wasteful military spending.

The Congress can no longer allow this charade to go on. The time has come to stop the spending, to put a lid on spending, and to say that we can no longer spend funds for which we are not prepared to raise revenues.

If we accept this philosopy, we will be able to present to the public and to the financial markets a framework for eliminating deficit spending forever. Only by controlling spending in this manner will we see current high interest rates fall to the levels that will once again allow our constituents to buy homes for their families, and put the building trades, the auto workers, and the steel workers back to work.

I advocate a pay-as-you-go budget process—one that provides a sound framework for controlling Government spending, one which sharply reduces the deficit, and achieves a budget surplus by 1985. Simply stated, pay-as-you-go would tear up the Government's credit card.

As a first step, the plan would freeze all Federal spending at current 1982 levels, allowing only minor, unavoidable adjustments. As the economy continues to expand and the baseline remains fixed, the deficit must necessarily shrink until, in only 3 years, the budget will be in surplus for the first time in more than 20 years.

Unlike some other proposals to freeze the budget, pay-as-you-go would allow new spending above the baseline only if offset by equivalent savings or new revenues. Congress failure to endorse equivalent savings or revenue increases would restrict spending to the baseline levels. Since all new spending above the baseline would have to be offset by new revenues, there would be no net increase in the deficit. For this bold approach to work, all programs—no matter how sensitive, no matter how politically popular—must be submitted to the pay-as-you-go process. If Congress chooses to pay for a $13 billion cost-of-living increase for social security recipients, as it certainly must, it must have the courage also to increase revenues or find other savings to the tune of $13 billion.

If Congress wants a 5-percent increase in defense spending this year, it will have to find the $24.2 billion to pay for that spending, and our constituents will have to accept that new spending invariably means new revenues or cuts in other programs.

The deficit reductions achieved by pay-as-you-go are dramatic and easily understood by the public. Assuming the current 1982 spending levels as the baseline, my budget plan projects a deficit of $95.7 billion this year, compared to more than $125 billion deficit presented by President Reagan, according to the Congressional Budget Office. In 1984, the deficit under my proposal would shrink to $57.8 billion compared to $129 billion for President Reagan, and in 1985, pay-as-you-go would achieve a surplus of $8.5 billion, compared to a projection of President Reagan's of a deficit of $140 billion.

Unlike other budget proposals, my plan does not rely on unrealistic projections of economic growth, underestimates of interest rates, or optimistic unemployment projections. Nor would it require us to liquidate the 1981 tax cut in the middle of a severe recession. Pay-as-you-go would require the Congress to scrutinize the law and the entire Tax Code for potential new revenues. The House and the Senate would have to decide, for example, whether the tax loss leasing provision of the 1981 law or numerous other dubious loopholes or windfalls are more important than providing increases to social security recipients or additions to the defense budget. Those would be difficult choices and hard decisions; but that is the nature of our political process.

More important, pay-as-you-go would create a structure for controlling spending in the long term, and would commit Congress to reducing the deficit and balancing the budget. This is the fiscal commitment the financial markets and the Federal Reserve Board and the people of this country are looking for from the Congress.

While pay-as-you-go might seem a radical step for a Congress, it is nothing more than what any American family must do when it is facing a growing indebtedness and less revenues. Nor is it odd for a liberal to advocate a freeze on spending as part of the budget proposal. Only by restricting the amount Congress will spend, I have long insisted, will Congress make the difficult choices instead of simply relying on the deficit to fund spending. From this process I believe will emerge a debate over national priorities.

When the Congress voted to cut spending in 1981, some argued that domestic programs for the poor, the elderly, children, and the jobless would suffer in favor of the military. In the first blush of Reaganomics, they were right, but now after 8 months, let us examine the results.

There is a clear consensus throughout the country that the budget cuts recommended by President Reagan are excessive and unfair. Four out of five Americans oppose any further decrease in funding for education, for example, while growing numbers support reduction in the military budget. New political coalitions that were unthinkable less than a year ago are now emerging to demand fairness in the budget process. As a result, virtually no one in Congress has supported the

President's 1983 budget that he submitted to the Congress.

No other counterproposal, either by Democrats or Republicans, offers the controls in spending and the hope of balancing the budget that are possible under the pay-as-you-go plan. Yes, it would be difficult to implement, and it would require sacrifice. But, with the deficits at historic levels and getting worse, time has simply run out for the Congress and for the Reagan administration. The hard decisions on the budget must be made, and they must be made now. The time is now to bring the debate on the deficit and the debate on spending, inside the Congress, within the confines of a structure that eliminates our ability to rely on Federal deficit spending.

For the first time, we will be able to look the American people straight in the eye, knowing that there are no budgetary gimmicks, knowing that there is no hidden agenda, knowing that there are no false figures. You will be able to tell the American people that this administration and this Congress will be able to achieve a balanced budget without political gimmickry. We will be able to tell the American people that Congress is truly going to debate the priorities of this country, that we are going to find out if this country wants to take care of its elderly, to take care of its sick, to defend itself in a proper fashion. That debate will have to be made on the floor of this Congress, because there will be no more vote today and pay later, vote today and borrow tomorrow. You must vote today and pay today.

So, for the first time we will have a Government that is on a pay-as-you-go, and we will find out in fact what it is the American people choose to have the Federal Government do.

The administration of Ronald Reagan rode into office claiming the largest mandate in the history of the Republic. What they did was to take a mandate for better Government and chart a course of extremism. Now, 1 year later we find dramatic changes. There is a growing national discussion on waste in Pentagon spending, on the level of military spending. We find a majority of the people choose not to spend their money in El Salvador and Nicaragua. We find that an overwhelming number of people, I think 3 to 1, support the idea of a freeze of nuclear weapons rather than spending hundreds of billions of dollars more on more warheads and more nuclear weapon delivery systems. We find 4 out of 5 people in this country want no further cuts in education programs, and we find that they overwhelmingly support the social security system.

So, let us bring that knowledge, let us bring that public sentiment, let us bring that awareness into the Halls of the Congress, not relying the gimmickry of the deficit, not trying to sneak money out the back door, out the side door, and underground. Let us stand foursquare and deal with the issues of our time, with the unmet needs of our people and the requirements of the military. And let us have the courage to go home and tell our constituents that that is the cost of running this Government.

I would hope you, as my colleagues, would give the pay-as-you-go budget proposal very serious consideration, because it is the most equitable, the least partisan, and, in fact, the only way to a balanced budget by 1985.

BILL TO AMEND THE TARIFF LEVELS ON IMPORTED ROSES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. PANETTA) is recognized for 5 minutes.

● Mr. PANETTA. Mr. Speaker, I am introducing a bill today to restore equity in the trade relations in the rose industry between the United States and the European Community. This bill would aline tariff rates on fresh cut roses to the level that is currently imposed by the European Economic Community.

Since the early 1970's, the number of imported roses in the domestic marketplace has increased substantially. The great majority of foreign producers exporting roses to this country are subsidized by their governments, in some instances up to 18 percent of their costs. In addition, exporters to this country pay only one-third the tariff rate that is imposed by the EEC during prime growing season. This combination of factors has encouraged significant dumping of foreign roses into our domestic market at lower than fair market prices. American rose producers are struggling to compete with the underpriced, underassessed foreign roses flooding our cut-flower industry. The future vitality of America's rose producers is being seriously endangered.

The bill I am introducing today enjoys the support of Roses, Inc., a trade association representing the interests of domestic growers and wholesalers of roses nationwide. The members of Roses, Inc., are located in 32 States, and are generally family-owned enterprises. In 1980, its 190 grower-members accounted for approximately 84 percent of the domestic production of almost 20 million rose plants.

Since 1977, domestic rose growers have repeatedly petitioned the U.S. Trade Commission and the International Trade Administration for relief in the form of more equitable tariff rates on imported roses. These petitions have consistently failed to provide relief. Every available legal remedy to secure a correction of this problem has been exhausted by the representatives of domestic rose growers. The only remaining avenue of relief is through legislation, which is why I am introducing this bill today.

The number of imported roses to this country is increasing rapidly. In 1981, rose imports grew 54 percent over the amount imported in 1980. The total market share of foreign roses in the domestic marketplace is quickly approaching 15 percent, an amount which the rose-growing industry claims will rapidly force domestic rose growers out of the market.

We must save our Nation's rose growers from the fate suffered by domestic producers of other cut flowers in this country. Similar inequitable tariffs on carnations and chrysanthemums have cause the virtual dissolution of the domestic industry for these flowers in recent years. Hopefully, the legislation I am introducing today will prevent such demise in our domestic rose industry, and preserve the vitality of the rose industry in the future.

H.R. 6239

A bill to amend the Tariff Schedules of the United States to provide for rates of duty on imported roses consistent with those maintained by the European Economic Community on imports of roses from the United States and other nations

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subpart G of part 15 of Schedule 1 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by striking out item 192.18 and inserting in lieu thereof the following:

"192.19	Roses: entered, or withdrawn from warehouse, during the period November 1 to May 31:	24% ad val.	40% ad val.
192.20	Roses: entered, or withdrawn from warehouse, during the period June 1 to October 31:	17% ad val.	40% ad val."

SEC. 2. The amendments made by the first section of this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act.●

ALBERT W. GLASS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. MONTGOMERY) is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, tomorrow a very outstanding and dedicated Federal employee will retire after having served the Veterans' Administration for many years.

I am both saddened and happy with the decision my good friend Al Glass has made to leave the Federal Government. I am saddened because as the head of the Veterans' Administration's Loan Guaranty Service, Al is one of Government's most efficient managers. But, I am pleased that Al will now have an opportunity to be with his family more and enjoy other things

which he has been unable to do because of his loyal service to our Nation's veterans.

Al Glass' retirement caps a 20-year career with the Veterans' Administration. Over the years he has held responsible positions in various VA field stations. When he leaves tomorrow, he will leave as one of the top managers and policymakers in the Veterans' Administration. He has served several Administrators well.

Mr. Speaker, recently in the CONGRESSIONAL RECORD my colleague, MARVIN LEATH, chairman of our Subcommittee on Housing and Memorial Affairs, paid tribute to Al's career and did so quite eloquently; therefore, I shall not repeat what has already been said about him. I simply wanted this body to take note of the fact that I too share in the comments that have been made by so many about Al Glass. The agency will sorely miss him and the veterans of our Nation shall miss his strong leadership and dedicated service.

We are glad that Al and his lovely wife Ruth will be staying in the Washington area.

We all wish him continued good health and happiness for many years to come.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. JACOBS (at the request of Mr. WRIGHT), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. WEBER of Ohio) and to include extraneous matter:)

Mr. HARTNETT, for 15 minutes, today.

Mr. WEBER of Ohio, for 5 minutes, today.

Mr. CORCORAN, for 15 minutes, today.

Mr. GINGRICH, for 60 minutes, today.

Mr. WALKER, for 15 minutes, on May 3.

Mr. WALKER, for 15 minutes, on May 4.

Mr. DERWINSKI, for 5 minutes, today.

Mr. EMERSON, for 10 minutes, today.

Mr. GINGRICH, for 60 minutes, on May 3.

Mr. GINGRICH, for 60 minutes, on May 4.

Mr. GINGRICH, for 60 minutes, on May 5.

(The following Members (at the request of Mr. GARCIA) to revise and extend their remarks and to include extraneous material:)

Mr. GONZALEZ, for 15 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. COELHO, for 5 minutes, today.

Mr. REUSS, for 30 minutes, today.

Mr. MILLER of California, for 30 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. WEBER of Ohio) and to include extraneous matter:)

Mr. MCKINNEY.

Mr. MCCLORY.

Mr. FIELDS.

Mr. BEARD.

Mr. GRADISON.

Mr. CONABLE.

Mr. NELLIGAN.

Mr. LEWIS.

Mr. GUNDERSON.

Mr. GILMAN.

Mr. COURTER in two instances.

Mr. STATON of West Virginia.

Mr. GOODLING.

Mrs. HECKLER.

Mr. HOPKINS.

Mr. FRENZEL.

Ms. FIEDLER.

Mr. LEE in two instances.

Mr. DREIER.

Mr. KEMP.

Mr. MCCLOSKEY.

(The following Members (at the request of Mr. GARCIA) and to include extraneous matter:)

Mr. IRELAND.

Mr. MINETA in two instances.

Mr. WILLIAM J. COYNE.

Mr. KASTENMEIER.

Mr. FRANK.

Mr. SOLARZ.

Mr. GAYDOS.

Mr. BEDELL in two instances.

Mr. YATES.

Mr. STARK in two instances.

Mr. PEASE.

Mr. RODINO.

Mr. BONIOR of Michigan.

Mr. SHELBY in three instances.

Ms. OAKAR.

Mr. MAZZOLI.

Mr. FORD of Tennessee.

Mr. MILLER of California in two instances.

Mr. HAMILTON.

Mr. RAHALL.

Mr. PEYSER.

Mr. OTTINGER.

Mr. TRAXLER in two instances.

Mr. WALGREN.

Mr. LONG of Maryland.

Mr. ROE.

Mr. BARNES.

Ms. FERRARO.

Mr. OBERSTAR.

Mr. BRINKLEY.

Mr. VOLKMER.

Mr. LAFALCE.

Mrs. BOUQUARD.

Mr. HEFTEL.

Mr. MINISH.

Mr. NEAL.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2373. An act to change the name of the landing strip at White Sands Missile Range in the State of New Mexico, to "White Sands Space Harbor."

ADJOURNMENT

Mr. MILLER of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 58 minutes p.m.), under its previous order, the House adjourned until Monday, May 3, 1982, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3814. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a report on the impact on U.S. readiness of the Air Force's proposed sale of certain defense equipment to Morocco (Transmittal No. 82-60), pursuant to section 813 of Public law 94-106; to the Committee on Armed Services.

3815. A letter from the Chairman, Board of Governors, Federal Reserve System, transmitting the annual report of the depository institutions deregulation committee, pursuant to section 206 of Public Law 96-221; to the Committee on Banking, Finance and Urban Affairs.

3816. A letter from the Secretary of Labor, transmitting a draft of proposed legislation to amend the Federal Employees' Compensation Act to provide for more equitable benefits, to reestablish a waiting period for benefits, to promote the return of disabled workers to employment, and for other purposes; to the Committee on Education and Labor.

3817. A letter from the Chairman, U.S. Railway Association, transmitting a progress report on the Northeast Rail Service Act of 1981, pursuant to section 218(a) of the Regional Rail Reorganization Act of 1973, as amended; to the Committee on Energy and Commerce.

3818. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Air Force's intention to offer to sell certain defense equipment and services to Morocco (Transmittal No. 82-60), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3819. A letter from the Secretary of the Interior, transmitting notice of the proposed refund of $104,705.49 in excess royalties to Shell Oil Co., pursuant to section 10(b) of the Outer Continental Shelf Lands Act of 1953; to the Committee on Interior and Insular Affairs.

3820. A letter from the Secretary of the Interior, transmitting notice of the pro-

posed refund of $31,033.91 in excess oil royalties to Gulf Oil Corp., Superior Oil Co., and Union Texas Petroleum, pursuant to section 10(b) of the Outer Continental Shelf Lands Act of 1953; to the Committee on Interior and Insular Affairs.

3821. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to amend the Federal Land Policy and Management Act of 1976, relating to the authority of the Secretary of the Interior to accept volunteer services in aid of the work of the Bureau of Land Management, and for other purposes; to the Committee on Interior and Insular Affairs.

3822. A letter from the Chief Justice of the United States, transmitting amendments to the Federal Rules of Civil Procedure, pursuant to 28 U.S.C. 2072, together with an excerpt from the reports of the Judicial Conference of the United States containing the advisory committee notes (H. Doc. No. 97-173); to the Committee on the Judiciary, and ordered to be printed.

3823. A letter from the Director, Office of Personnel Management, transmitting a draft of proposed legislation to amend title 5, United States Code, to limit civil service retirement cost-of-living adjustments, to eliminate wasteful and unnecessary provisions of the civil service retirement system, to improve the administration of that system, and for other purposes; to the Committee on Post Office and Civil Service.

3824. A letter from the Secretary of Transportation, transmitting a report on the enforcement of vehicle weight limitations on the Federal-aid highway system, pursuant to section 123 of Public Law 95-599; to the Committee on Public Works and Transportation.

3825. A letter from the Secretary of Commerce, transmitting a report on the critical materials requirements of the U.S. aerospace industry, pursuant to section 5(c) (1) and (2) of Public Law 96-479; to the Committee on Science and Technology.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. KASTENMEIER: Committee on the Judiciary. H.R. 4441. A bill to amend title 17 of the United States Code with respect to the fees of the Copyright Office, and for other purposes; with amendments (Rept. No. 97-494). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRANK: Committee on the Judiciary. H.R. 3530. A bill to amend the copyright laws to strengthen the laws against record, tape, and film piracy and counterfeiting, and for other purposes; with amendments (Rept. No. 97-495). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 4613. A bill to increase the efficiency of Government-wide efforts to collect debts owed the United States and to provide additional procedures for the collection of debts owed to the United States; with an amendment (Rept. No. 97-496). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 6094. A bill to authorize appropriations for the U.S. International Trade Commission, the U.S. Customs Service, and the Office of the U.S. Trade Representative for fiscal year 1983, and for other purposes; with amendments (Rept. No. 97-497). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON (for himself, Mr. SHUSTER, Mr. HOWARD, and Mr. CLAUSEN):

H.R. 6211. A bill to authorize appropriations for construction of certain highways in accordance with title 23, United States Code, for highway safety, for mass transportation in urban and rural areas, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. ATKINSON:

H.R. 6212. A bill to impose quotas on the importation of steel; to the Committee on Ways and Means.

By Mr. ARCHER (for himself, Mr. PICKLE, Mr. BROOKS, Mr. FIELDS, Mr. FROST, Mr. WILSON, Mr. LEATH of Texas, Mr. DE LA GARZA, and Mr. LELAND):

H.R. 6213. A bill to amend the Internal Revenue Code of 1954 to exempt holdings in independent local newspapers from taxes on excess business holdings of private foundations; to the Committee on Ways and Means.

By Mr. BRINKLEY (for himself and Mr. TRIBLE):

H.R. 6214. A bill to authorize certain construction at military installations for fiscal year 1983, and for other purposes; to the Committee on Armed Services.

By Mr. CONABLE:

H.R. 6215. A bill to amend the Internal Revenue Code of 1954 to allow certain profit-sharing-plan contributions to be made on behalf of individuals who are permanently and totally disabled; to the Committee on Ways and Means.

By Mr. DANIEL B. CRANE:

H.R. 6216. A bill to provide for a 5-percent salary reduction for Members of Congress; to the Committee on Post Office and Civil Service.

By Mr. DUNCAN:

H.R. 6217. A bill to amend chapter 67 of title 10, United States Code, to grant eligibility for retired pay to certain reservists who did not perform active duty before August 16, 1945, and for other purposes; to the Committee on Armed Services.

H.R. 6218. A bill to amend the Internal Revenue Code of 1954 relative to insurance organizations for veterans; to the Committee on Ways and Means.

By Mr. EMERSON:

H.R. 6219. A bill to amend title II of the Social Security Act to provide for certain procedures to accompany reviews of continuing eligibility for disability insurance benefits; to the Committee on Ways and Means.

By Mr. FAUNTROY:

H.R. 6220. A bill to authorize certain financial institutions located in the Greater Washington, D.C., area to acquire control of institutions and establish branches throughout such area; to the Committee on Banking, Finance and Urban Affairs.

H.R. 6221. A bill to authorize certain financial institutions to acquire control of institutions and establish branches throughout the standard metropolitan statistical area in which such financial institutions are located; to the Committee on Banking, Finance and Urban Affairs.

H.R. 6222. A bill to amend the Federal Reserve Act to exempt from reserve requirements a certain amount of the deposits and accounts of depository institutions; to the Committee on Banking, Finance and Urban Affairs.

H.R. 6223. A bill to amend the Federal Reserve Act with respect to reserve requirements and to authorize the imposition of reserves on assets; to the Committee on Banking, Finance and Urban Affairs.

By Mr. FAZIO (for himself, Mr. PHILLIP BURTON, Mr. LANTOS, Mr. DIXON, Mr. MATSUI, Mr. EDWARDS of California, Mr. COELHO, Mr. STARK, Mr. MINETA, Mr. WAXMAN, and Mr. BROWN of California):

H.R. 6224. A bill to amend chapter 81 of title 5, United States Code, to establish the rebuttable presumption that, in the case of any Federal firefighter, any injury in the form of heart trouble, pneumonia, or any hernia was proximately caused by the performance of such firefighter's duty; to the Committee on Education and Labor.

By Mr. FORD of Tennessee (for himself, Mr. BEARD, Mrs. BOUQUARD, Mr. CROCKETT, Mr. DIXON, Mr. DYMALLY, Mr. LEBOUTILLIER, Mr. MINISH, Mr. MITCHELL of Maryland, Mr. SCHEUER, and Mr. SUNIA):

H.R. 6225. A bill to amend the Internal Revenue Code of 1954 to provide for the establishment of, and the deduction of contributions to, education savings accounts; to the Committee on Ways and Means.

By Mr. FRANK:

H.R. 6226. A bill to amend the Employee Retirement Income Security Act of 1974 to facilitate recovery, in civil actions brought by participants and beneficiaries under employee benefit plans, of benefits wrongfully denied them under such plans, and to provide for recovery by such participants and beneficiaries of a reasonable attorney's fee and costs of the action in all cases in which such denials are arbitrary or capricious; to the Committee on Education and Labor.

By Mr. FRENZEL:

H.R. 6227. A bill to amend the Internal Revenue Code of 1954 with respect to the requirement that certain qualified plans holding employer securities allow participants to direct how such securities are voted; to the Committee on Ways and Means.

By Mr. FUQUA:

H.R. 6228. A bill to provide coverage under the Federal old-age, survivors, and disability insurance system for all officers and employees of the United States and its instrumentalities; to the Committee on Ways and Means.

By Mr. GARCIA (for himself, Mr. FOGLIETTA, Mr. DYMALLY, Mr. SHUMER, Mr. JACOBS, Mr. MINETA, Mr. VENTO, Mr. COELHO, Mr. EDGAR, Mr. MOTTL, Ms. MIKULSKI, Mr. WEAVER, Mrs. BOUQUARD, Mr. LEBOUTILLIER, Mr. RITTER, Mr. HERTEL, Mr. SANTINI, Mr. ALBOSTA, and Mr. PEYSER):

H.R. 6229. A bill to eliminate certain practices of the Department of Defense as they relate to meals served in the Secretary of Defense's dining room, personal servants for senior officers, veterinary services for pets of military personnel, and for other purposes; to the Committee on Armed Services.

By Mr. GREEN:

H.R. 6230. A bill to protect the confidentiality of news sources; to the Committee on the Judiciary.

By Mr. GREGG:

H.R. 6231. A bill to amend title 10 of the United States Code to allow the appointment of cadets and midshipmen at the U.S. Military, Naval, and Air Force Academies to succeed certain cadets and midshipmen discharged or graduated from such Academies and certain cadets and midshipmen not graduating from such Academies with the class of cadets or midshipmen admitted with such cadets or midshipmen; to the Committee on Armed Services.

By Mr. GUNDERSON:

H.R. 6232. A bill to amend the Immigration and Nationality Act to require that cash and medical assistance be made available for the full 36-month period to refugees under 25 years of age while attending school; to the Committee on the Judiciary.

By Mr. HAGEDORN (for himself, Mr. ERDAHL, Mr. FRENZEL, Mr. OBERSTAR, Mr. SABO, Mr. STANGELAND, Mr. VENTO, and Mr. WEBER of Minnesota):

H.R. 6233. A bill to amend the Internal Revenue Code of 1954 to make certain local organizations of police and firefighters exempt from taxation; to the Committee on Ways and Means.

By Mr. HARTNETT (for himself, Mr. EVANS of Georgia, Mr. FORSYTHE, Mr. GINGRICH, Mr. ROBERTS of Kansas, and Mr. WON PAT):

H.R. 6234. A bill to reduce the public debt of the United States by imposing a manufacturers excise tax and requiring that the proceeds from such tax be used to reduce the public debt; to the Committee on Ways and Means.

By Mr. LEBOUTILLIER:

H.R. 6235. A bill to amend the Age Discrimination in Employment Act of 1967 and certain other Federal laws in order to abolish mandatory retirement provisions; jointly, to the Committees on Education and Labor, Post Office and Civil Service, and the District of Columbia.

By Mr. LELAND:

H.R. 6236. A bill to repeal obsolete statutory language purporting to permit racial segregation in agricultural and mechanical arts colleges financed under the Agricultural College Act of 1890; to the Committee on Agriculture.

By Mr. McDADE (for himself, Mr. CONTE, Mr. STANTON of Ohio, Mr. BROOMFIELD, Mr. MARRIOTT, Mr. WILLIAMS of Ohio, Mr. DANIEL B. CRANE, Mr. SMITH of New Jersey, Mr. WEBER of Ohio, Mr. SILJANDER, Mr. STATON of West Virginia, Mr. DREIER, and Mr. MOLINARI):

H.R. 6237. A bill to amend the Small Business Act to require that priority be given to applications for matching loans for small business concerns located in labor surplus areas; to the Committee on Small Business.

By Mr. MOTTL:

H.R. 6238. A bill to amend the Federal Water Pollution Control Act to increase by 10 percent the Federal share of projects for applicants providing discounts on sewage rates for senior citizens; to the Committee on Public Works and Transportation.

By Mr. PANETTA (for himself and Mr. LANTOS):

H.R. 6239. A bill to amend the Tariff Schedules of the United States to provide for rates of duty on imported roses consistent with those maintained by the European Economic Community on imports of roses from the United States and other nations; to the Committee on Ways and Means.

By Mr. PEPPER:

H.R. 6240. A bill to amend title XVIII of the Social Security Act to provide more adequate coverage of the services of clinical psychologists under the medicare supplemental benefits program; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. ROE:

H.R. 6241. A bill to permit a married individual filing a joint return to deduct certain payments made to an individual retirement plan established for the benefit of a working spouse; to the Committee on Ways and Means.

By Mr. SMITH of Alabama:

H.R. 6242. A bill to amend the Internal Revenue Code of 1954 to increase the limit on the deductions allowable to individuals for contributions to retirement accounts established for the benefit of spouses; to the Committee on Ways and Means.

By Mr. SMITH of Oregon:

H.R. 6243. A bill to provide for the distribution of Warm Springs judgment funds awarded in Docket No. 198 before the Indian Claims Commission, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. VOLKMER:

H.R. 6244. A bill to modify the project for the replacement of lock and dam 26, Mississippi River, Alton, Ill. and Missouri; to the Committee on Public Works and Transportation.

By Mr. WALGREN (for himself, Mr. FUQUA, Mrs. HECKLER, Mr. BROWN of California, Mr. HOLLENBECK, Mr. ROE, Mr. LUNDINE, and Mr. DYMALLY):

H.R. 6245. A bill to promote the development of nonanimal methods of research, experimentation, and testing, and to assure humane care of animals used in scientific research, experimentation, and testing; jointly, to the Committees on Energy and Commerce and Science and Technology.

By Mr. WYLIE (by request):

H.R. 6246. A bill to amend title V of the Housing Act of 1949 to extend certain rural housing programs, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. WAXMAN:

H.R. 6247. A bill to amend the Public Health Service Act to revise and extend the authorities under that act relating to national research institutes, assistance to medical libraries, health planning, and health promotion, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CORCORAN:

H.J. Res. 467. Joint resolution to establish an expiration date for the waiver of laws granted for the Alaska Natural Gas Transportation System, and to bar Federal loans, loan guarantees, or other financial assistance for that system; jointly to the Committees on Energy and Commerce and Interior and Insular Affairs.

By Ms. MIKULSKI:

H.J. Res. 468. Joint resolution entitled: "Pause for the Pledge"; to the Committee on Post Office and Civil Service.

By Mr. OTTINGER:

H.J. Res. 469. Joint resolution calling for negotiations to halt the production of separated plutonium; to the Committee on Foreign Affairs.

By Mr. ROE:

H.J. Res. 470. Joint resolution designating May 28 through May 30, 1982, as "Polish Singers Alliance Days"; to the Committee on Post Office and Civil Service.

H.J. Res. 471. Joint resolution to provide for the designation of the 40th anniversary of the renewal of Ukrainian independence, June 30, 1982, as "Ukrainian Independence Day"; to the Committee on Post Office and Civil Service.

By Mr. FASCELL (for himself, Mr. KEMP, Mr. BINGHAM, Mr. BROOMFIELD, Mr. ROSENTHAL, Mr. SHAW, Mr. WILSON, Mr. LANTOS, Mr. HAMILTON, Mr. SOLARZ, Mr. BONKER, Mr. IRELAND, Mr. MICA, Mr. BARNES, Mr. SHAMANSKY, Mr. GEJDENSON, Mr. DERWINSKI, Mr. WINN, Mr. GILMAN, Mr. LAGOMARSINO, Mr. PRITCHARD, Mrs. FENWICK, Mr. LEACH of Iowa, Mrs. SNOWE, Mr. LEBOUTILLIER, Mr. HYDE, Mr. BEARD, Mr. BRODHEAD, Mr. COURTER, Mr. DAUB, Mr. DOUGHERTY, Mr. EDWARDS of California, Mr. FORD of Tennessee, Mr. FORSYTHE, Mr. FRANK, Mr. GOLDWATER, Mr. GRADISON, Mr. HAGEDORN, Mrs. HECKLER, Mrs. HOLT, Mr. JACOBS, Mr. JEFFRIES, Mr. LEHMAN, Mr. LENT, Mr. LONG of Maryland, Mr. MARRIOTT, Mr. MOFFETT, Mr. NOWAK, Mr. OTTINGER, Mrs. SCHROEDER, Mr. SMITH of New Jersey, Mr. SYNAR, Mr. WON PAT, Mr. WORTLEY, Mr. YOUNG of Alaska, Mr. KRAMER, Mr. BADHAM, Mr. PETRI, Mr. WEBER of Ohio, Mr. WEISS, Mr. CORCORAN, Mr. FOGLIETTA, Mr. BLILEY, Mr. FISH, Mr. DENARDIS, Mr. CAMPBELL, Mr. LEVITAS, Mr. HILER, Mr. SILJANDER, Mr. GREEN, Mr. FIELDS, Mr. WAXMAN, Mr. ROBERTS of South Dakota, Mr. HOLLENBECK, Mr. SOLOMON, Mr. EARLY, Mr. PAUL, Mr. DUNCAN, Mr. RITTER, Mr. COLLINS of Texas, Mr. LOWERY of California, Mr. HANCE, Mr. DUNN, Mr. RAILSBACK, Mr. BARNARD, Mr. EVANS of Georgia, Mr. WHITEHURST, Mr. SKELTON, Mr. YOUNG of Florida, Mr. EDWARDS of Alabama, Mr. MOAKLEY, Mr. MURTHA, Mr. MARKEY, Mr. GINN, Mr. FROST, Mr. BONIOR of Michigan, Mr. WILLIAM J. COYNE, Mr. FITHIAN, Mr. ROE, Mr. AUCOIN, and Mr. OXLEY):

H. Con. Res. 322. Concurrent resolution regarding membership in the United Nations General Assembly; to the Committee on Foreign Affairs.

By Mr. GUNDERSON:

H. Con. Res. 323. Concurrent resolution expressing the sense of Congress respecting the provision of refugee cash and medical assistance for the full 36-month period for refugees under 25 years of age while attending school; to the Committee on the Judiciary.

By Mr. RAHALL:

H. Con. Res. 324. Concurrent resolution expressing the sense of Congress that a national coal export policy is necessary to coordinate Federal activities with respect to increasing coal exports, to provide for a statement of intent regarding coal port improvements, and for other purposes; to the Committee on Foreign Affairs.

By Ms. FERRARO:

H. Res. 443. Resolution expressing the sense of the House of Representatives with respect to ratification of the Convention on the Prevention and Punishment of the Crime of Genocide; to the Committee on Foreign Affairs.

By Mr. GREGG:

H. Res. 444. Resolution expressing the sense of the House of Representatives that

the President of the United States should propose to the Soviet Union that the United States and the Soviet Union adopt a mutual freeze on the testing, production, and deployment of nuclear weapons and missiles designed for war and that verification safeguards be adopted by both countries; to the Committee on Foreign Affairs.

By Mr. PEYSER:

H. Res. 445. Resolution commending the completion of the current phase of the Camp David agreement; to the Committee on Foreign Affairs.

By Mr. VENTO (for himself Mr. WEAVER, Mr. RODINO, Mr. FRANK, Mr. ECKART, Mr. CLAY, Mr. BARNES, Mr. MOTTL, Mr. WEISS, Mr. MARKEY, Mr. PERKINS, Mr. RAHALL, Mr. OTTINGER, Mr. WON PAT, Mr. GONZALEZ, Mr. RANGEL, Mr. MINISH, Mr. STOKES, Ms. OAKAR, Mr. LOWRY of Washington, Mr. ANNUNZIO, Mr. HUBBARD, Mr. SCHUMER, Mr. SMITH of Pennsylvania, Mr. MITCHELL of Maryland, Mr. YATRON, Mr. JACOBS, Mr. DELLUMS, Mr. DOWNEY, and Mr. OBERSTAR):

H. Res. 446. Resolution to amend rule XXII of the Rules of the House of Representatives to prevent consideration through the duration of the 97th Congress of legislation which would reduce benefits or cost-of-living adjustments under social security and other federally administered retirement programs; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DUNCAN:

H.R. 6248. A bill for the relief of Raymond L. Wells; to the Committee on the Judiciary.

By Mr. SHELBY:

H.R. 6249. A bill for the relief of Henry Ford Harrison; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1304: Mr. ARCHER.

H.R. 1336: Mr. LUNDINE.

H.R. 1597: Mr. GOODLING.

H.R. 1852: Mr. LUNGREN.

H.R. 1937: Mr. EVANS of Delaware, Mr. BREAUX, and Mr. WRIGHT.

H.R. 2007: Mr. DWYER, Mr. BEVILL, Mr. HATCHER, Mr. HORTON, Mr. FORSYTHE, Mr. MYERS, Mr. ROBERTS of South Dakota, Mr. WHITLEY, Mr. WON PAT, Mr. WOLF, and Mr. HUBBARD.

H.R. 3021: Mr. MATSUI.

H.R. 3300: Mr. MOORE and Mr. THOMAS.

H.R. 3825: Mr. ADDABBO, Mr. BINGHAM, Mr. BONKER, Mrs. COLLINS of Illinois, Mr. CONYERS, Mr. CROCKETT, Mr. DELLUMS, Mr. DOWNEY, Mr. DUNCAN, Mr. DWYER, Mr. FAUNTROY, Mr. FORD of Michigan, Mr. GUARINI, Mr. HERTEL, Mr. LAFALCE, Mr. LEHMAN, Mr. MAVROULES, Mr. MCDADE, Mr. MINETA, Mr. MOTTL, Mr. MURPHY, Ms. OAKAR, Mr. OBERSTAR, Mr. ROSENTHAL, Mr. SOLARZ, Mr. SCHEUER, Mr. VENTO, Mr. WORTLEY, and Mr. ZEFERETTI.

H.R. 3826: Mr. ADDABBO, Mr. BINGHAM, Mr. BONKER, Mrs. COLLINS of Illinois, Mr. CONYERS, Mr. CROCKETT, Mr. DAVIS, Mr. DOWNEY, Mr. DUNCAN, Mr. DWYER, Mr. FAUNTROY, Mr. FORD of Michigan, Mr. GUARINI, Mr. HERTEL, Mr. HYDE, Mr. LEHMAN, Mr. MAVROULES, Mr. MCDADE, Mr. MINETA, Mr. MOTTL, Mr. MURPHY, Ms. OAKAR, Mr. OBERSTAR, Mr. ROSENTHAL, Mr. SOLARZ, Mr. SCHEUER, Mr. VENTO, Mr. WORTLEY, and Mr. ZEFERETTI.

H.R. 3827: Mr. BINGHAM, Mr. BONKER, Mrs. COLLINS of Illinois, Mr. CONYERS, Mr. CROCKETT, Mr. DELLUMS, Mr. DOWNEY, Mr. DUNCAN, Mr. DWYER, Mr. FAUNTROY, Mr. FORD of Michigan, Mr. GUARINI, Mr. HERTEL, Mr. HYDE, Mr. LAFALCE, Mr. MAVROULES, Mr. MCDADE, Mr. MINETA, Mr. MOTTL, Mr. MURPHY, Ms. OAKAR, Mr. OBERSTAR, Mr. PEYSER, Mr. ROSENTHAL, Mr. SOLARZ, Mr. SCHEUER, Mr. VENTO, Mr. WORTLEY, and Mr. ZEFERETTI.

H.R. 3846: Mr. ADDABBO, Mr. BINGHAM, Mr. BONKER, Mrs. COLLINS OF ILLINOIS, Mr. CONYERS, Mr. CROCKETT, Mr. DELLUMS, Mr. DAVIS, Mr. DOWNEY, Mr. DUNCAN, Mr. DWYER, Mr. ECKART, Mr. FAUNTROY, Mr. FORD of Michigan, Mr. GUARINI, Mr. HERTEL, Mr. LAFALCE, Mr. LEHMAN, Mr. MAVROULES, Mr. MCDADE, Mr. MINETA, Mr. MOTTL, Mr. MURPHY, Ms. OAKAR, Mr. OBERSTAR, Mr. ROSENTHAL, Mr. SOLARZ, Mr. SCHEUER, Mr. VENTO, Mr. WEBER of Minnesota, Mr. WORTLEY, Mr. WYDEN, and Mr. ZEFERETTI.

H.R. 4357: Mr. JOHN L. BURTON.

H.R. 4358: Mr. JOHN L. BURTON.

H.R. 4467: Mr. SOLARZ.

H.R. 4554: Mr. CHAPPELL, Mr. BURGENER, Mr. THOMAS, Mr. SHUMWAY, Mr. GRISHAM, Mr. ARCHER, Mr. BAFALIS, and Mr. HILER.

H.R. 4710: Mr. SOLOMON, Mr. RANGEL, Mrs. COLLINS of Illinois, Mr. DWYER, Mr. GUARINI, Mr. FAZIO, Mr. HARKIN, Mr. STOKES, Ms. FERRARO, Mr. GRAY, Mr. DIXON, Mr. BINGHAM, Mr. HUGHES, Mr. WHITEHURST, Mr. WEISS, Mr. FAUNTROY, Mr. MITCHELL of Maryland, Mr. HORTON, Mr. CLAY, Mr. SABO, Mr. BEDELL, Mr. SIMON, Mr. LOWERY of California, Mr. CROCKETT, Mrs. SCHROEDER, Mr. CORRADA, Mr. WIRTH, Mr. MINETA, Mr. PEPPER, Mr. VENTO, Mr. ADDABBO, Mr. PRITCHARD, Mr. DERRICK, Mr. OBERSTAR, Mr. FRANK, Mr. GINGRICH, Mr. WASHINGTON, Mr. LEHMAN, Mr. HOYER, Mr. PORTER, Mr. MARKEY, Mr. DYMALLY, Mr. CONYERS, Mr. FISH, Mr. LUNGREN, Mr. FORD of Tennessee, Mr. SOLARZ, Mrs. BOUQUARD, Mr. DE LUGO, Mr. MAZZOLI, Mrs. KENNELLY, and Mr. ROTH.

H.R. 4856: Mr. DE LUGO.

H.R. 4861: Mr. LEBOUTILLIER.

H.R. 5041: Mr. RITTER.

H.R. 5148: Mrs. SNOWE, Mr. ROBERTS of Kansas, Mr. NELLIGAN, and Mr. STANGELAND.

H.R. 5176: Mr. YOUNG of Missouri and Mr. RUSSO.

H.R. 5192: Mr. ADDABBO, Mr. CORCORAN, Mr. FINDLEY, Mr. FITHIAN, Mr. HATCHER, Mr. LONG of Louisiana, Mr. STUDDS, Mr. WON PAT, Mr. MARKEY, and Mr. JEFFORDS.

H.R. 5193: Mr. LANTOS.

H.R. 5254: Mr. HOLLENBECK, Mr. HARKIN, Mrs. HECKLER, Mr. GLICKMAN, Mr. YOUNG of Missouri, Mr. MCGRATH, Mr. WOLPE, Mr. SHAMANSKY, AND MR. MCCURDY.

H.R. 5340: Mr. GEJDENSON, Mr. WEAVER, Mr. WILLIAMS of Montana, Mr. WIRTH, and Mr. CONTE.

H.R. 5346: Mr. HOWARD.

H.R. 5349: Mr. SMITH of Pennsylvania.

H.R. 5448: Mr. LOTT, Mr. YOUNG of Florida, and Mr. LEWIS.

H.R. 5469: Mr. ROSENTHAL.

H.R. 5485: Mr. LONG of Louisiana and Mr. BAILEY of Pennsylvania.

H.R. 5531: Mr. ROBERTS of South Dakota.

H.R. 5583: Mr. EVANS of Delaware.

H.R. 5666: Mr. WILLIAMS of Montana.

H.R. 5684: Mr. LUNDINE and Mr. WILLIAMS of Montana.

H.R. 5712: Mr. BROWN of Ohio.

H.R. 5728: Mr. GUARINI, Mr. VENTO, Mr. MARKEY, Mr. HUNTER, Mr. COUGHLIN, Mr. ROE, Mr. FORSYTHE, Mr. ANDERSON, Mr. LOWRY of Washington, Mr. THOMAS, and Mr. FAUNTROY.

H.R. 5735: Mr. RODINO, Mr. SCHUMER, Mr. MITCHELL of Maryland, Mr. EDGAR, Mr. WAXMAN, Mr. STOKES, Mr. FAZIO, Mr. CORRADA, Mr. FORD of Michigan, Mr. ECKART, Mr. LOWRY of Washington, Mr. DWYER, Mrs. COLLINS of Illinois, Mr. DIXON, and Mr. EDWARDS of California.

H.R. 5762: Mr. DUNN, Mr. DAUB, Mr. CORCORAN, Mr. BEDELL, Mr. KOGOVSEK, Mr. MINETA, Mr. BINGHAM, and Mr. OBERSTAR.

H.R. 5791: Mr. CONYERS.

H.R. 5833: Mr. FRANK, Mr. COATS, Mr. SWIFT, Mr. SHAMANSKY, and Mr. MAVROULES.

H.R. 5868: Mr. BAFALIS, Mr. PHILIP M. CRANE, Mr. FOWLER, Mr. FRENZEL, Mr. GIBBONS, Mr. MATSUI, Mr. PEASE, Mr. BADHAM, Mr. BARNARD, Mr. BEREUTER, Mr. BOWEN, Mr. CHENEY, Mr. COELHO, Mr. DASCHLE, Mr. FAZIO, Mr. FIELDS, Mr. GINGRICH, Mr. GLICKMAN, Mr. GREGG, Mr. GRISHAM, Mr. HAGEDORN, Mr. HARTNETT, Mr. HILER, Mr. JONES of North Carolina, Mr. KINDNESS, Mr. LENT, Mr. LOEFFLER, Mr. MARRIOTT, Mr. MCCLOSKEY, Mr. MCEWEN, Mr. PANETTA, Mr. ROBERTS of South Dakota, Mr. SMITH of Oregon, Mr. STENHOLM, Mr. TAUKE, Mr. WHITEHURST, Mr. WHITLEY, and Mr. YOUNG of Alaska.

H.R. 5887: Mr. MCEWEN, Mr. FROST, Mr. LAGOMARSINO, Mr. FRANK, Mr. ROTH, Mr. EDGAR, Mrs. MARTIN of Illinois, Mr. JACOBS, Mr. ATKINSON, Mrs. BOUQUARD, Mr. BETHUNE, Mr. BEDELL, Mr. ERDAHL, and Mrs. HECKLER.

H.R. 5889: Mr. DYMALLY, Mr. SCHUMER, Mr. MITCHELL of Maryland, Mr. D'AMOURS, Mr. SEIBERLING, Mr. STUDDS, and Mr. SIMON.

H.R. 5900: Mrs. FENWICK, Mr. GREGG, and Mr. HYDE.

H.R. 5928: Mr. PURSELL.

H.R. 5944: Mr. ALBOSTA, Mr. DICKS, Mr. PATMAN, Mr. ROUSSELOT, Mr. BOWEN, Mr. HOWARD, Mr. SYNAR, Mr. HARKIN, Mr. CRAIG, Mr. BARNES, Mr. QUILLEN, Mr. MCGRATH, Mr. SABO, Mr. D'AMOURS, Mr. FROST, Mr. PARRIS, Mr. YATRON, Mr. MILLER of California, Mr. STANGELAND, Mr. GUARINI, Mr. EMERY, Mr. PERKINS, Mr. FRANK, Mr. FORSYTHE, Mr. SMITH of New Jersey, Mr. SENSENBRENNER, Mr. MCEWEN, Mr. SEIBERLING, Mr. WOLPE, Mr. WINN, Mr. LENT, Mr. STUDDS, Mr. RAHALL, Mr. DWYER, Mr. MOFFETT, Mr. GINGRICH, Mr. KRAMER, Mr. COELHO, Mr. VENTO, Mr. FAZIO, Mr. BLANCHARD, Mr. ROE, Mr. WEAVER, Mr. ROBERTS of South Dakota, Mr. WHITLEY, Mr. LOWRY of Washington, Mr. LAFALCE, Mr. HERTEL, and Mr. SKELTON.

H.R. 5976: Mr. HYDE, Mr. DAUB, Mr. PRITCHARD, Mr. GINGRICH, Mr. WOLF, Mr. BADHAM, and Mr. CLINGER.

H.R. 5995: Mr. WOLPE, Mr. EDGAR, Mr. FAZIO, Mr. ROE, and Mr. HUTTO.

H.R. 5999: Mr. LUNGREN, Mr. ZEFERETTI, Mr. TAUKE, Mr. FAZIO, Mr. HERTEL, and Mr. GRAY.

H.R. 6036: Mr. BARNES, Mr. BEDELL, Mr. CLINGER, Mr. COURTER, Mr. CROCKETT, Mr. DUNN, Mr. EDGAR, Mr. FOGLIETTA, Mr. LEHMAN, Mr. MCDADE, Mr. MITCHELL of Maryland, Mr. MOTTL, Mr. MURPHY, Mr. OTTINGER, Mr. ROE, Mr. ROEMER, Mr. SANTINI, Mrs. SCHROEDER, Mr. SCHUMER, Mr. SMITH of Pennsylvania, Mr. STARK, Mr. STOKES, Mr.

WEISS, Mr. WIRTH, Mr. DENARDIS, and Mr. RICHMOND.

H.R. 6049: Mr. DREIER.

H.R. 6050: Mr. DREIER.

H.R. 6051: Mr. DREIER.

H.R. 6085: Mr. OBERSTAR and Mr. DAVIS.

H.R. 6135: Mr. GINN.

H.J. Res. 92: Mr. GEPHARDT.

H.J. Res. 144: Mr. LAGOMARSINO, Mr. WILSON, Mr. ENGLISH, Mr. HUGHES, and Mr. AKAKA.

H.J. Res. 172: Mr. GINN and Mr. ARCHER.

H.J. Res. 305: Mr. BINGHAM and Mr. DENARDIS.

H.J. Res. 412: Mr. FOGLIETTA, Mr. FAZIO, Mr. WOLF, Mr. MAZZOLI, Mr. DASCHLE, Mr. EVANS of Delaware, Mr. YATRON, Mr. PATTERSON, Mr. DERWINSKI, Mr. KINDNESS, Mr. BEREUTER, Mr. PAUL, Mr. NICHOLS, Mr. BIAGGI, and Mr. WYLIE.

H.J. Res. 444: Mr. WHITEHURST, Mr. NELSON, Mr. ERDAHL, Mr. WOLF, Mr. LOTT, Mr. LEWIS, Mr. LEE, Mr. MARTIN of North Carolina, Mr. EVANS of Delaware, Mr. CORCORAN, Mr. DECKARD, Mr. WHITTEN, Mr. FARY, Mr. KASTENMEIER, Mr. MONTGOMERY, Mr. LOEFFLER, Mr. MADIGAN, Mrs. SCHNEIDER, Mr. HOLLAND, Mr. BAILEY of Pennsylvania, Mr. KAZEN, Mr. PRITCHARD, Mr. HUCKABY, Mr. EMERSON, Mr. LEATH of Texas, Mr. STENHOLM, Mr. MURPHY, Mr. FUQUA, Mr. MCDONALD, Mr. DINGELL, and Mr. STATON of West Virginia.

H. Con. Res. 222: Mr. ROSENTHAL.

H. Con. Res. 289: Mr. LIVINGTSON and Mr. CONTE.

H. Con. Res. 295: Mrs. FENWICK.

H. Con. Res. 298: Mr. EDWARDS of California.

H. Con Res. 310: Ms. FERRARO and Mr. MINISH.

H. Res. 196: Mr. JOHN L. BURTON.

H. Res. 226: Mr. JOHN L. BURTON.

H. Res. 263: Mr. MORRISON.

H. Res. 309: Mr. MCHUGH, Mr. WYDEN, Mr. STUDDS, Mr. KASTENMEIER, Mr. MARKEY, and Mrs. KENNELLY.

H. Res. 376: Mr. LOWRY of Washington, Mr. MINISH, and Mr. KAZEN.

H. Res. 381: Mr. WOLF, Mr. WILSON, Mr. BENEDICT, Mr. FRANK, Mr. EVANS of Iowa, Mr. DREIER, Mr. KINDNESS, Mr. PORTER, Mr. JAMES K, COYNE, Mr. MAZZOLI, Mr. COATES, Mr. HUCKABY, and Mrs. HECKLER.

H. Res. 394: Mr. FAUNTROY, Mr. CONTE, Ms. OAKAR, Mr. ROEMER, Mr. THOMAS, Ms. FERRARO, Mr. ROTH, Mr. DAUB, Mr. RATCHFORD, Mr. DAVIS, Mr. STOKES, Mr. EMERSON, Mr. ROBERTS of Kansas, Mr. DONNELLY, Mr. MOTTL, Mr. COATS, Mr. GILMAN, and Mr. DYSON.

H. Res. 398: Mr. ADDABBO, Mr. ALBOSTA, Mr. BINGHAM, Mr. BLANCHARD, Mr. BRODHEAD, Mr. CARNEY, Mr. COELHO, Mr. CONTE, Mr. CORCORAN, Mr. DAUB, Mr. DERWINSKI, Mr. DOWNEY, Mr. DWYER, Mr. EDGAR, Mr. FAZIO, Mrs. FENWICK, Mr. FISH, Mr. FITHIAN, Mr. FOGLIETTA, Mr. FORD of Michigan, Mr. FRENZEL, Mr. FROST, Mr. GINGRICH, Mr. GORE, Mr. GRADISON, Mr. GRAY, Mr. HOLLENBECK, Mrs. HOLT, Mr. KOGOVSEK, Mr. KRAMER, Mr. LEHMAN, Mr. LOEFFLER, Mr. LONG of Maryland, Mr. LOWERY of California, Mr. MARKEY, Mr. MATSUI, Mr. MOFFETT, Mr. NEAL, Mr. OBERSTAR, Mr. OTTINGER, Mr. PATTERSON, Mr. PEPPER, Mr. RITTER, Mr. ROE, Mr. ROSENTHAL, Mr. SCHEUER, Mrs. SCHROEDER, Mr. SCHUMER, Mr. SHAMANSKY, Mr. SMITH of New Jersey, Mr. STANGELAND, Mr. WAXMAN, Mr. WOLPE, Mr. YATES, Mr. GREEN, Mrs. KENNELLY, and Mr. MINETA.

H. Res. 400: Mr. FROST, Mr. GINGRICH, Mr. LENT, Mr. LAGOMARSINO, Mr. MCKINNEY, Mr. FRANK, Mr. ROTH, Mr. EDGAR, Mrs. MARTIN of Illinois, Mrs. ROUKEMA, Mr. ROEMER, Mr. JACOBS, Mr. ATKINSON, Mrs. BOUQUARD, Mr. BETHUNE, Mr. BEDELL, Mr. ERDAHL, Mr. BEREUTER, and Mrs. HECKLER.

H. Res. 423: Mr. WINN, Mr. LEBOUTILLIER, and Mr. DAN DANIEL.

H. Res. 429: Mr. SMITH of New Jersey, Mr. FORSYTHE, Mr. ROBERTS of South Dakota, Mr. WOLF, Mr. WHITEHURST, and Mr. ROE.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

412. By the SPEAKER: Petition of the city council, St. Cloud, Minn., relative to nuclear weapons; to the Committee on Foreign Affairs.

413. Also, petition of the council, Linden, N.J., relative to nuclear weapons; to the Committee on Foreign Affairs.

414. Also, petition of the San Antonio River Authority, San Antonio, Tex., relative to the Clean Water Act; to the Committee on Public Works and Transportation.

415. Also, petition of the city council, St. Cloud, Minn., relative to nuclear freeze; to the Committee on Foreign Affairs.

SENATE—*Thursday, April 29, 1982*

(Legislative day of Tuesday, April 13, 1982)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, LL.D., D.D., offered the following prayer:

Eternal God, before Thee nations rise and fall; they grow strong or wither by Your design. Help us to repent our country's wrong and to choose Your right in unity and renewal.

Give us a glimpse of the holy city Thou art bringing to Earth, where pain and tears and death will be done away, and nations gather in the light of Thy presence.

Teach us peace, so that we may plow up battlefields and pound weapons into building tools, and learn to talk across all boundaries as brothers, in Thy love.

Talk sense to us, so that we may wisely end all prejudice, and may put a stop to cruelty which divides or wounds the human family. Draw us together, as one people who do Thy will, so that our land may be a light to nations, leading the way to Your promised kingdom.

Great God, eternal Lord, long years ago You gave us this land as a home for free people. Show us there is no law or liberty apart from Thee; and let us serve Thee modestly, as a devoted people; through Jesus Christ, our Lord. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

THE JOURNAL

Mr. STEVENS. Mr. President, I ask unanimous consent that the Journal of the proceedings of the Senate be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE BUDGET NEGOTIATIONS

Mr. STEVENS. Mr. President, I think we are all disappointed with the outcome of the negotiations yesterday between the President, the Speaker of the House, and the distinguished majority leader of the Senate. We had all hoped that there would be a compromise. However, the budget process will now go forward. I am informed that the Budget Committee will commence its meetings on the budget resolution at 2 p.m. today.

I am further informed that the President will appear on national television tonight to address the subject that was discussed in the meeting in the Presidential Room in the Senate yesterday.

The Senate should be proud of the efforts that were made by the distinguished chairman of the Budget Committee, Senator DOMENICI; Senator HOLLINGS; Senator LAXALT; the chairman of the Finance Committee, Senator DOLE; and the chairman of the Appropriations Committee, Senator HATFIELD.

As a result of those efforts, as I understand it, we have complete agreement about the numbers and the impact of particular options that are available to the Federal Government to change the projected deficit for 1983. That, in and of itself, will have a very salutary impact on the deliberations in the Senate when this matter comes to the floor of the Senate, because I do not think we will have the disagreements we had last year over the numbers involved in the budget process. But, I hope everyone in the Senate will join me in commending those who have represented the Senate in these long negotiations, which did culminate in the meeting yesterday. Unfortunately, that meeting ended in disagreement.

SENATE SCHEDULE

NATIONAL NUCLEAR WASTE POLICY ACT

Mr. STEVENS. Mr. President, it is our hope that the nuclear waste disposal bill can be completed today. We will proceed with the consideration of that measure at 9:30 a.m. The distinguished Senator from Wisconsin (Mr. PROXMIRE) has an amendment which is pending. Rollcall votes are expected to begin early today.

As I understand the situation, yesterday afternoon there was an indication that there would be an objection to postponing votes or stacking votes, as we call it. We hope to complete the bill today. If it appears that we cannot complete it today and Senator MCCLURE wants to continue the bill tomorrow, it will be our intention to ask the Senate to be in session tomorrow for the purpose of considering and completing consideration of S. 1662, the nuclear waste disposal bill.

DOD AUTHORIZATIONS

As has been announced, on Monday the majority leader will lay before the Senate S. 2248, the DOD authorization bill, which we expect will take several days.

BUDGET RESOLUTION

Following that bill, we hope to commence consideration of the budget resolution. As I understand it, the full congressional process must be completed by May 17. The Budget Act requires complete action by May 15. However, inasmuch as May 15 falls on a Saturday, it is my understanding that the date for complying with the Budget Act this year is May 17.

EXCESS GOVERNMENT FURNITURE

Mr. STEVENS. Mr. President, I wish to call to the attention of the Senate a change that has taken place in the procedures of the General Services Administration and to congratulate the Administrator of the GSA, Gerald Carmen.

In the last Congress, the distinguished Senator from Missouri (Mr. DANFORTH) took the initiative to expose past wasteful practices with respect to disposing of useful furniture from GSA warehouses, when the GSA was in fact purchasing new, expensive furniture. As a result of those efforts and those of the Administrator of GSA, there is now a new procedure. Rather than disposing of excess furniture that has a useful life, rather than selling it at a fraction of its actual worth, the GSA is now selling rehabilitated furniture to Federal agencies. I congratulate Administrator Carmen for his efforts in this area.

As the chairman of the Subcommittee on Civil Service and General Services, I wish to call attention to some of the savings that are involved as a result of the efforts of the Senator from Missouri. I am informed that there are savings of substantial magnitude.

On the first day of the sale of these reclaimed furniture pieces, 274 pieces were sold at $35,500. That is less than half of what it would cost for new furniture.

As an example, I have been told of a wood desk that would be purchased for $367 new. The agency now makes those desks available to Government agencies for $126. A rotary chair which costs $300 new, is now being

sold to Government agencies, in its rehabilitated condition, for $112.

That is a sensible way to dispose of furniture that has been bought by the taxpayers, eliminating the wasteful practice of selling it, as I said, at a fraction of its actual worth, and it demonstrates what can be done if a Senator makes up his mind to pursue a subject and obtain the understanding and cooperation of the Government agency involved.

I congratulate the Senator from Missouri (Mr. DANFORTH) for his active role in this change of policy.

ARCTIC RESEARCH POLICY ACT OF 1981

Mr. STEVENS. Mr. President, during the Easter recess I spent the time traveling throughout Alaska. I met and talked with a number of people on a variety of subjects. One of the bright spots of my visit was the hearing held in Fairbanks on the Arctic Research Policy Act of 1981. My good friend and colleague from Alaska, Senator MURKOWSKI, conducted the hearing and did what I thought was an outstanding job.

I bring to the attention of the Senate an editorial written by Dr. William R. Wood of the University of Alaska in Fairbanks concerning the need for a workable Arctic research policy. Very little is really known about the higher latitudes of Alaska. We do know there is a wealth of potential in the region and we do know there are severe constraints on the area, dictated mainly by the heavy ice conditions, but never has there been a thorough attempt to focus upon a coordinated policy which would take into account the plethora of variables involved in Arctic research. The article offered by Dr. Wood provides some insight into the need for a rational, workable, and coordinated policy for conducting Arctic research.

I commend Senator MURKOWSKI for his leadership in bringing this problem to the attention of the Senate. His efforts to formulate a permanent policy are in the interests of Alaskans as well as businesses interested in the Arctic region. The hearings he conducted served as an appropriate forum from which to gather the proper input in an effort to create an effective Arctic research policy for the future.

Mr. President, I urge Senators to review this editorial and ask unanimous consent that the article appearing in the April 14, 1982, edition of the Fairbanks Daily News Miner be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Fairbanks Daily News, Apr. 14, 1982]

ARCTIC MYSTERIES ARE GAPS NATION CANNOT AFFORD

(By William R. Wood)

Fairbanks and the University of Alaska were hosts last week to another federal government hearing, largely unnoticed by the general public. This one, conducted jointly by Sens. Stevens and Murkowski, examined the latter's Senate Bill 1562, "The Arctic Research and Policy Act of 1981." Stripped of emotionalism and verbiage the complex issues addressed by the proposed legislation are unquestionably of grave and urgent concern to both Alaska and the nation.

The public hearing that attracted so little of our attention locally was the most important such event directly affecting the future of the state since the Alaska Constitutional Convention assembled on the hill in the mid-'50s. Presentations made at the hearing by a distinguished panel of perceptive and experienced University of Alaska scientists, including the former head of a major state department, as well as by representatives of Point Barrow, the North Slope Regional Corp., and major industry focused upon our need to know and by implication upon the critical consequences of not knowing.

What we don't know about the high latitudes of Alaska, its resources and its longtime residents, is enormous—with a welter of perplexing relationships and conflicts in the making.

The proposed S. 1562 would provide a basis for a national commitment to a major effort to find out what we need to know. It is long overdue.

For years an Antarctic policy has been in place, and under it an extensive program of meaningful research carried out successfully. By contrast the national effort in the Arctic has been fragmented, sporadic, largely special mission-oriented undertakings by a diversity of federal agencies under a maze of congressional statutes and executive orders.

In the absence of a National Arctic Research Policy and commitment there is no comprehensive, coordinated, sustained program to advance knowledge of the high latitudes. In consequence, as the recent hearing dramatized, the United States is lagging far behind its North European, North Asian, and even North American neighbors. For example, in the basic matter of modern scientific research vessels equipped to operate in the heavy ice conditions of the polar seas, Soviet Russia has 20, Norway nine, Canada eight, and the United States none. Last summer the University of Alaska's Marine Institute in conducting important sea mammal studies found it necessary to rely upon "vessels of opportunity"—elements of the Russian research fleet operating off the Alaskan north coast just beyond Point Barrow.

The catalog of unknowns, both gaps and frontiers in knowledge, recited at the hearing highlighted National defense vulnerability in providing adequate security for the enormous resources of the North and a measure of safety for residents of the area.

Although some very good work has been undertaken by scientists on an individual and special project basis over the years, we have very limited Arctic scientific and technological expertise. Even when government, academia, and industry pool their talents, unfortunately there is today a very limited cadre of experienced specialized talent available to meet minimum requirements for essential high latitude investigation.

I recall one gathering of fewer than 300 at the Naval Arctic Research Laboratory in the late '60s at which a distinguished visiting senior polar scientist from Sweden remarked, "To my knowledge well over 90 percent of all living Arctic scientists of the free world are here tonight." And many of the early giants of only a generation ago are gone or are no longer active—Scholander, Chapman, Irving, Hulteen, Skarland, Britton, Geist, Larsen, Bandi, Elvey, Tabata. Their kind has not been reproduced nor increased in adequate numbers. There has been no incentive on a sustained basis to attract the innovative, the creative young minds.

Emerging high technology and engineering necessary to make sound utilization of resources of the North, to cope with legitimate environmental and people concerns, to comprehend the extraordinary natural systems, the boundary interfaces and interactions among land, air, and seas, the defense and health imperatives, cannot be transferred from elsewhere. They must be tested and undertaken on site in Alaska, its adjacent seas, and encompassing atmosphere.

The proposed S 1562 will undoubtedly be revised and enhanced after the Fairbanks hearing and a second to be convened soon in the nation's capital. Its passage with appropriate amendments resulting from the hearings and extensive staff work with solid advice from government agencies, the scientific community, industry, and residents of Alaska directly affected, will be a long step forward.

With a national policy and commitment in place, we can get on with proper program development priorities for the state and the nation and with the vitally important developmental task of securing sustained financial support.

At issue is survival for both state and national interests. Prompt resolution is an urgent necessity. In a very real sense S 1562 is a desperate last chance for the nation to pull up its pants and socks in the high north. There must emerge without further procrastination or delay a comprehensive, coordinated, consistent Arctic research program under national policy sustained at a high level for an indefinite reach into the future—or quite simply we have no future in the North, state or nation.

Mr. STEVENS. Mr. President, I reserve the remainder of our time.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. ARMSTRONG). Under the previous order, the minority leader is now recognized.

Mr. ROBERT C. BYRD. Mr. President, how much time does the Senator from Wisconsin wish?

Mr. PROXMIRE. Three minutes.

Mr. ROBERT C. BYRD. Mr. President, I yield 3 minutes of my time to the distinguished Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 3 minutes.

ECONOMIC EFFECTS OF A LIMITED NUCLEAR STRIKE AGAINST THE U.S. NUCLEAR DETERRENT

Mr. PROXMIRE. Mr. President, recently I have reported daily on the consequences of nuclear war and so-called surgical strike nuclear war and an attempt by the Soviet Union, for example, to take out our deterrent, and I have reported on the effects and casualties and medical reaction to try to save lives.

Now, this morning I wish to say just a word about the economic system.

Mr. President, again I report on the consequences of a nuclear strike by the U.S.S.R. when strictly limited to our nuclear deterrent, that is, to our Minuteman missiles, our SAC bases, and our submarine bases.

The Katz-Osdoby study found these effects on the economic system:

Casualties, evacuation, and land denial would create severe national and local economic dislocations. Approximately one-third of the U.S. manufacturing capacity lies within the geographic areas most effected by fallout.[5] A major evacuation would leave the regional economy in a shambles. Because of economic interdependence, the problem of "bottlenecking"—serious disruption of the national economy—would be likely. Bottlenecking is the disruptive effect that losses in a key industry (for example, steel) have on other dependent economic activities (automobiles and machine tool production). Even modest reductions in capacity of basic, pivotal industries can have severe, widespread effects on the economy. Despite the possibility of product substitution (for example, plastics for steel) or high inventories of selected products, the short- and mid-term ramifications of a disruption of even 25 to 50 percent of the affected region's manufacturing activities (equivalent to 8 to 15 percent of national economic activities) would be a serious blow to the national economy. This disruption could easily last several months, and in a post-attack stalemate with the possibility of future attack requiring prolonged urban evacuation, it would become worse.

There are other likely consequences that are less obvious. The banking system would face a particularly severe burden, for example—potential bankruptcies; defaults on basic time payments, such as mortgages and major appliances; and major shifts of monies by individuals during evacuation. In contaminated areas individuals or businesses would be unable to gain access to money, especially in local banks, for long periods. In general, it would be virtually impossible for banks, either regionally or nationally, to pursue "normal" lending and borrowing policies. Payments such as rents and salaries to businesses or individuals would also have to be deferred.

Business insurance would certainly not cover this type of catastrophe. On a scale unknown in U.S. experience, there would probably be a massive outcry for the federal government to provide regional disaster loans to prevent bankruptcy and help resettle workers and their families from severely contaminated areas. The injured and evacuated population would create enormous social service demands (medical care, welfare, emergency housing, etc.) requiring huge sums of money to be spent rapidly. Unprecedented government intervention would probably be demanded to save industries from bankruptcies, allocate goods, and determine industrial priorities. Since individual, industrial, and even regional economic stability would depend on which industries and plants were decontaminated and/or received needed financial support first, implementing these governmental policies would be politically explosive.

THE VALUE OF SYMBOLISM

Mr. PROXMIRE. Mr. President, the Armenian Weekly recently published an editorial entitled "Symbolic Month." The first paragraph reads "April is here. The first month of spring, that almost spelled winter for our whole Nation 67 years ago. Ironically, the Armenian term for that month also means 'to live.'" The article goes on to describe how for over a half century April had been declared the Armenian Month of Mourning, but that now it is considered a time to rejoice because Armenians have survived and continue to work for a bright future.

On March 30, I spoke to the Senate about a new book by Leo Kuper entitled "Genocide." Mr. Kuper's book contains an illuminating chapter on the Turkish genocide against Armenians, explains and analyzes the steps in the genocidal process. One strength of his presentation comes from his reliance on early documents, which consisted largely of eyewitness accounts from neutral observers, consular representatives, missionaries, Red Cross nurses, and survivors. These early documents convey some of the horror of the orgy of cruelty by relating the events with an emotional involvement and an immediacy drained from later academic writings.

Mr. Kuper describes the devastating catastrophe step by brutal step. First, the disarming of the population and the culling of Armenian leaders. Then, the summary arrests and massive deportations. The next stage was the journey to the final destination in the Syrian desert—a journey which subjected the exiles to violent atrocities and torture. The final result was the extermination of over 800,000 Armenians—genocide.

Mr. President, because of this tragedy in their history, April is a symbolic month for Armenians around the world. Mr. President, we in the Senate have the opportunity—no, the duty—to take a very important symbolic step by ratifying the Genocide Convention.

Although the concrete benefits of this treaty in terms of the human rights cause, U.S. foreign policy and international law are very real, we should not underrate the importance of the treaty's symbolism.

Mr. President, we must take this first symbolic step. We must say to the world that we are committed and dedicated to the highly moral concepts of the Genocide Treaty—in symbol and in fact.

For these reasons I urge my colleagues to immediately ratify the Genocide Convention.

MORE PROBLEMS WITH THE C-5A AIRCRAFT

Mr. PROXMIRE. Mr. President, a new GAO report reveals why the wings failed on the C-5A, why the taxpayers have to pay for the cost of repairing the wings, and why the taxpayers may have to pay for any new problems in the future.

The report raises the most serious questions not only about the C-5A aircraft problems that have surfaced so far, but also about the way the Air Force and the Department of Defense do business with the Lockheed Corp. A continuing mystery is why the Air Force does not obtain adequate warranties for the products it buys.

THE WING CRACKS

The GAO report demonstrates that the C-5A wing cracks occurred because Lockheed deviated from contract specifications. It is costing the Air Force approximately $1.6 billion to correct the wing crack problems. Normally, the manufacturer would be responsible for correcting such a deficiency.

In this case, however, Lockheed is not financially responsible. The taxpayer must pay for Lockheed's errors. The reason is the Lockheed bailout. The bailout engineered for the Lockheed Corp. relieved the company of legal liability for any defects in the C-5A.

THE LOCKHEED BAILOUT

Under the terms of the bailout, the Defense Department directed the Air Force to convert the C-5A fixed-price contract into a cost-plus contract. The conversion of the C-5A contract into cost-plus relieved Lockheed of any liability to correct deficiencies in the aircraft which had been delivered. It also required the Government to bear the cost of any repairs on the C-5A no matter what they entailed or when they were done.

Among the unanswered questions in this case, is why the Air Force agreed to change the contract in view of the fact that the Air Force knew that wing cracks had already occurred in the C-5A aircraft. One theory is that the Air Force was not aware of the seriousness of the wing crack problem prior to converting the C-5A contract to cost-plus. But I am not convinced that this was the case as the wing cracks were widely publicized and intensely studied at the time. In my view, the Air Force knew, or should have known, the seriousness of the wing crack problem prior to entering into a new contract with Lockheed.

As the GAO report shows, problems with the C-5A stretch back to the

early period of its development and production. Once the aircraft went into production, Lockheed had great difficulty keeping the weight within contract specifications. The wing cracks occurred because of Lockheed's decision to reduce the weight and strength of the wings in order to compensate for weight overrun problems elsewhere in the aircraft.

Lockheed would have been legally obligated to pay for the repairs were it not for the bailout.

This case demonstrates why the Government should not be in the business of bailing out large corporations from their own financial problems.

It also demonstrates why the Defense Department should insist that contractors comply with their contracts.

The GAO report reviews the history of the C-5A wing crack problem for the purpose of discovering the lessons to be learned from the management of the program.

INADEQUATE WARRANTY

Among the report's other findings is that Lockheed has refused to warrant the C-5A's new wings. Instead, the Air Force agreed to a limited warranty on the test model and a 1-year warranty for design and workmanship for each aircraft.

If anything goes wrong after 1 year, the taxpayer will foot the bill again.

Mr. President, I thank my good friend, the acting minority leader, and yield the floor.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for not to extend beyond 9:30 a.m.

SMALL BUSINESS PROCUREMENT REFORM ACT

Mr. HAYAKAWA. Mr. President, these are trying times economically for our Nation's businesses. They are struggling to overcome inflation, high interest rates, and unemployment, all of which affect their operating costs and profits. As we all know, however, small businesses suffer disproportionately under these circumstances, even though they generally support the administration's approach to reducing the Federal deficit and balancing the budget. I commend them for their support and dedication to maintaining their independence and keeping their businesses operating.

I believe we in government should do everything that is fair and practical to assist our small business owners. It is in our best interest to do so, especially when we consider that approximately 15 million businesses, or 99 percent of the total number of businesses, fall into the "small business" category. In his report on the "State of Small Business" issued last month, the President stated:

> The success of the American economy is critically dependent upon preservation of real opportunity for small business. Historically, small business has provided much of the growth in jobs and innovation as well as being the supplier of services and deliverer of goods to virtually every farm, village, town and city in our nation.

One of the areas where we can be most helpful is that of Government procurement. The Federal Government is the world's largest purchaser of goods and services. This year alone, Government agencies will purchase more than $100 billion worth of products, ranging from typewriter ribbons to tea bags to major weapons systems. Yet, too often small businesses miss out on opportunities to penetrate this vast market because they simply do not know how to do business with the Federal Government. As a result, the small business portion of the procurement budget represents less than 25 percent of the total contract dollars spent by the U.S. Government.

As a member of the Senate Small Business Committee, I have been working to improve the access to the Government procurement system for small businesses. On June 22, 1981, I introduced Senate Joint Resolution 93, a measure that would reaffirm the policy now embodied in the Office of Management and Budget's Circular A-76 that it is the policy of the Government of the United States to rely on competitive private industry to supply the products and services it needs whenever competitive industry prices are available. The resolution, which was introduced in the House by Congressman DAVID DREIER, has the full support of the administration, because it would strengthen the Government's reliance on the private sector for goods and services—large and small business alike.

I am on original cosponsor of two other small business procurement bills. S. 1947, introduced last December by the chairman of the Small Business Committee, Senator LOWELL WEICKER, would improve opportunities for small businesses to compete for Government procurement through improvements in advertising practices in its official publication, Commerce Business Daily. S. 2278, introduced by Senator JOHN P. EAST on March 24, 1982, would provide a policy of promoting public sector procurement of goods and services from profitmaking business concerns.

Today, I am very pleased to join my colleague from Pennsylvania, Senator ARLEN SPECTER, in introducing the Small Business Procurement Reform Act, which would amend the Small Business Act to provide assistance to small business concerns in acquiring procurement information and contracts from the Federal Government. This legislation requires the Government to simplify the contracting procedures which relates to small businesses; to assist small businesses in resolving contract disputes that are very often too time-consuming and expensive; and finally to investigate and, to the extent practicable, implement possible alternative means of notifying small business concerns of procurement actions, in addition to advertising in the Commerce Business Daily.

It is our hope that all of these legislative approaches can be acted on by Congress and that small businesses will take advantage of opportunities to do business with the Federal Government.

JUSTICE ASSISTANCE ACT OF 1982

Mr. SPECTER. Mr. President, I have, by unanimous consent, added the name of the Senator from Massachusetts (Mr. KENNEDY) as a cosponsor in support of the Justice Assistance Act. I welcome his support on this most important measure and look forward to its expedited consideration by our colleagues.

Mr. KENNEDY. Mr. President, I am pleased to join Senator SPECTER in sponsoring the Justice Assistance Act of 1982. This legislation would continue essential Federal aid to assist localities in their struggle against crime. Federal law enforcement assistance to State and local jurisdictions formerly provided by the Law Enforcement Assistance Administration (LEAA) has been eliminated by the current administration.

The assistance provided by the Law Enforcement Assistance Administration has been an important concern of mine for a long time. In the last Congress, I authored legislation which restructured and streamlined LEAA to improve the functioning and effectiveness of the agency. That effort was the culmination of a decade of debate over the nature and scope of the LEAA program. The enactment of the Justice System Improvement Act of 1979 confirmed the desire of American citizens that the Federal Government maintain a role as provider of direct assistance to State and local governments to help fight crime. The administration has turned its back on the serious crime problems faced by cities, suburbs and rural communities across the Nation by eliminating all funding for direct Federal law enforcement assistance to State and local governments.

I am, of course, aware that crime is primarily a local problem and that LEAA accounted for less than 1 cent of every dollar spent on criminal justice at the local level. But the issue is not whether Federal assistance can cure the Nation's crime problem—it

cannot—but whether such direct aid can make a meaningful contribution. I believe it can. This legislation gives the Federal Government the opportunity to continue to provide valuable assistance to local governments and I look forward to its consideration in the Senate.

THE TAIWAN RELATIONS ACT—LAW OF THE LAND

Mr. GOLDWATER. Mr. President, two interrelated developments were reported yesterday on the same page of the New York Times.

First, a foreign policy speech by Secretary of State Haig was reprinted in which he said:

> We must give vigorous support to democratic forces wherever they are located—including countries which are now Communist.

Second, a White House announcement was reported in which we are told that Vice President BUSH will visit mainland China for talks early in May that will include discussions of American arms sales to Taiwan.

Mr. President, I wonder if the State Department recognizes the relationship between these two events. On the one hand, we have the Secretary of State strongly asserting our Nation's commitment to support democratic forces against violent methods of struggle not only by competition "in peaceful and political terms," but, in the Secretary's words, by providing "other means." On the other hand, we see the United States sending its second highest elected official to a Communist country for discussions about whether our Government will continue aiding the democratic forces in Taiwan against the threat of aggression by totalitarian criminals.

Now, I realize that when Secretary Haig made these remarks, he was speaking in the context of Soviet aggression. But unless this administration has turned completely topsy-turvy in its view of the world, our Government still is aware that Red China is a Communist and totalitarian regime. It is controlled by force of arms, it is not governed by rule of law, and it is against freedom.

Mr. President, I call upon the administration to stand firm by our Nation's legal and moral commitments to Taiwan. Our Government is legally bound to provide military equipment to Taiwan, and we must not forget it.

The Taiwan Relations Act, which has superior force because Congress enacted it after former President Carter's diplomatic recognition of Red China, expressly declares that—

> The enactment of this Act is necessary. . . to provide Taiwan with arms of a defensive character.

Section 3(a) of the law provides that—

> The United States will make available to Taiwan such defense articles and defense services in such quantity as may be necessary to enable Taiwan to maintain a sufficient self-defense capability.

The law further provides, in specific terms, that the—

> President and Congress shall determine the nature and quantity of such defense articles and services based solely upon their judgment of the needs of Taiwan.

Let me repeat that: "the needs of Taiwan." Not "the needs of Red China" or of anybody else.

This provision is important. It was written by Congress on the heels of one of the most shameful acts of the U.S. Government in our history as a free nation, former President Carter's abrogation of our country's formal defense treaty with Taiwan. The Supreme Court let him get away with it by saying his action was not subject to judicial review since it involved a treaty.

But if this administration thinks it can get away with abrogating a statute, it will find that Congress and the courts will join forces against any such grab for unilateral power.

Mr. President, just to state the proposition reveals how ridiculous it is. I know President Reagan will not attempt to abrogate the Taiwan Relations Act.

But why, then, does our Government even go through the motions of discussing with Communist China the matter of our defense sales to Taiwan?

President Reagan should put a halt to these discussions. Our Government should not place the Taiwan Relations Act and the subject of arms supplies to Taiwan on the negotiating table.

Instead, the President should reaffirm his bold campaign pledges "to enforce the law of the land," as he so eloquently stated it on August 25, 1980, at Los Angeles.

He then declared his firm recognition that the Taiwan Relations Act spells out our official policy "of providing defensive weapons to Taiwan" and was designed "to provide adequate safeguards for Taiwan's security and well-being."

In the same speech, Ronald Reagan insisted he "will not accept the interference of any foreign power in the process of . . . carrying out the laws of our land."

Today I urge President Reagan to reaffirm vocally the same firm intentions he pledged as a candidate for the office he now holds. I urge the President to reject the interference of Red China in carrying out the Taiwan Relations Act. As candidate Reagan said in his Los Angeles statement: "To do otherwise would be a dereliction of (his) duty as President."

POSTAL CONSUMER PROTECTION WEEK

Mr. PRYOR. Mr. President, fraud and misrepresentation of products and services sold by mail left the American consumer millions of dollars poorer last year. This is a problem of particular concern to me because such mail order schemes often prey upon the most vulnerable in our society—the poor, the sick, and the elderly.

Postmaster General William F. Bolger, as part of his continuing effort to heighten the preventive aspects of consumer education, has designated April 25-May 1, the sixth annual Postal Consumer Protection Week.

I wish to commend the Postal Service for its efforts to call to the attention of the public the potential for mail fraud. At the same time, I wish to call to the attention of my colleagues legislation I am sponsoring, S. 1407, which would strengthen the investigating and enforcement powers of the Postal Service in order to combat the fleecing of the American public.

This week S. 1407 has been ordered reported from the Senate Committee on Governmental Affairs. I would like to thank Senator ROTH, chairman of the Governmental Affairs Committee and Senator STEVENS, chairman of the Subcommittee on Civil Service, Post Office and General Services for their support and assistance on this needed legislation.

The Postal Service has been involved in consumer protection longer than any other Federal agency. Congress enacted laws prohibiting mail fraud more than 100 years ago in 1872.

Shortly after that one of our first law enforcement officers—a predecessor of postal inspectors—Special Agent P. H. Woodward recorded in his diary that he was at work to "protect the ignorant, the weak, and the unwary from the wolves who stand ready to devour them."

His successors—today's postal inspectors—are committed to the same goal.

Last year postal inspectors received more than 200,000 complaints of mail fraud or misrepresentation, completed more than 4,400 investigations, and saw nearly 1,400 swindlers convicted of mail fraud.

Because of rising costs of medical attention, and possible unsuccessful attempts to reduce suffering, the elderly are very often the prime victims of these schemes. In fact, we have discovered that more than 60 percent of the victims are senior citizens.

A number of Senators have joined me in cosponsoring legislation which will aid the Postal Service in its efforts to end mail fraud schemes. S. 1407 authorizes postal inspectors to demand and obtain the advertised product in person, by tendering the advertised price. It also gives these inspectors the

same general civil investigative authority which we have given to the Inspectors General of other agencies. The bill also provides that when a scheme is adjudicated to be illegal, the administrative law judge can order the perpetrator to stop it and a U.S. district court can assess a civil penalty if he does not comply. Right now, even after a scheme is found illegal, its manager can simply move on to a new location and the authorities have to start their case from scratch.

I urge all of my colleagues to support S. 1407, and I ask that every Senator be aware of the mail fraud problem during this Consumer Protection Week and beyond. Thank you.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

NATIONAL NUCLEAR WASTE POLICY ACT OF 1982

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the pending business, S. 1662, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1662) to establish a limited program for Federal storage of spent fuel from civilian nuclear powerplants, to set forth a Federal policy, initiate a program, and establish a national schedule for the disposal of nuclear waste from civilian activities, and for other purposes.

The Senate resumed consideration of the bill.

Mr. McCLURE. Mr. President, a parliamentary inquiry: Am I correct that the pending business is now the amendment offered by the Senator from Wisconsin (Mr. PROXMIRE)?

The PRESIDING OFFICER. The Senator is correct.

Mr. McCLURE. Mr. President, it is my hope that the Senator from Wisconsin will be on the floor very shortly, and it is also my hope that the Senator from Louisiana, the mangager of the bill on the minority side, will also be on the floor very soon so we can proceed to a disposition of this amendment.

We also discussed yesterday the amendment by the Senator from Nevada (Mr. CANNON). It would be my hope that we could get to a vote on that very soon and that those Members who have amendments that they wish to offer to this legislation be on the floor very soon, because it is our hope to finish this bill today.

I know a number of Members have plans for tomorrow that they have already spoken to us about. The leadership has indicated that if we cannot finish the bill today, we will be on this bill tomorrow. I would be hopeful that those Members who have amendments will be on the floor and that we can proceed to their consideration. It is not my intention to short circuit that system at all or make it impossible for Members to offer amendments which they have and want to have considered. Of course, if there are no pending amendments, we will move to third reading of the bill.

I would hope that we do not today run into the problem we ran into yesterday during the middle of the afternoon when we started talking about things that had nothing to do with this legislation and spent an hour and a half on what may have been productive in the minds of some but was certainly not productive in the sense of moving the legislation forward.

It is my intention very shortly to ask for a vote on the pending amendment.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCLURE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I rise in support of the compromise text introduced as a substitute for S. 1662, the National Nuclear Waste Policy Act of 1981. In my time in the Senate, the issue of nuclear waster disposal has been debated continuously and yet never resolved. The resolution of this issue is not a technical one; no witnesses before our committees claimed that is was. A number of witnesses, however, highlighted the institutional issues surrounding nuclear waste disposal. The compromise text for S. 1662 addresses these issues and, I believe, resolves them.

The compromise text provides two key elements to focus the Department of Energy's activities. First, it provides a detailed timetable for the establishment of a geologic repository and, second, it provides a financing mechanism for funding the facilities authorized under this act. The timetable for repository development received considerable comment during our hearings and has been modified to take into account those comments. I must admit that the timetable is an expeditious one, but I believe the American people do not want us to delay our efforts any longer. The financial arrangement provided in the bill will, once and for all, lay to rest the argument that nuclear waste disposal is not included in the cost of nuclear power. A 1-mill-per-kilowatt fee on the generation of electricity from nuclear power will be assessed on nuclear utilities. That fee will be used to fund facilities authorized under this bill.

Another institutional issue which received considerable attention was the mechanism for State participation in the establishment of nuclear waste facilities. The compromise text provides a mechanism for State participation in the siting of the away-from-reactor storage facilities, monitored retrievable storage facilities, and permanent geologic disposal facilities. In the case of the monitored retrievable storage facilities and the permanent geologic disposal facilities, title VII of the compromise text deals at length with the State participation mechanism. I would like to spend a few moments detailing the provisions of that title because I believe, without an effective State participation mechanism, the likelihood that the Federal Government will succeed in disposing of nuclear waste is greatly reduced.

A key element in State participation must be early notification to the State or affected Indian tribe that it is a potential host for a repository. This notification must be made once geologic studies and field mapping have been completed but before detailed geologic data gathering has begun. It is not intended that the Department refrain from undertaking preliminary drilling and geophysical testing in order to define a site location, however.

Once the potential host State or tribe has been notified, it may request the Secretary of Energy to negotiate a cooperative agreement under which the State or tribe would exercise its rights to consultation and concurrence. If a State chose not to seek to enter into an agreement at the time of its notification as a potential host State, the Secretary would be obligated to seek that agreement at the time of his approval of a site for further site characterization. In either event, the State is brought into the process at an early stage.

The cooperative agreement authorized under title VII is a very important element of this State participation process. The agreement embodies the rights of consultation and concurrence and provides mechanisms whereby the State can object on health and safety grounds to elements of the repository or monitored retrievable storage facility. The Secretary is obligated to receive those objections and consider them, and seek to resolve them. The agreement must contain procedures for negotiating and resolving objections on the part of the State or Indian tribe. Another aspect of the cooperative agreement is that it shall provide for compensation to the State or Indian tribe for the cost of the State or Indian tribe's participation in the development of the facility, including the acquisition of independent technical information. The compensation would also cover those effects caused by siting, development, construction, and operation of the repository. The compensation could even provide for lost revenues to the State

accruing from the loss of royalty payments for natural resources located at the site. Funding for this compensation would be drawn from the special reserve established in the Treasury for the fee to be imposed on the producers of nuclear power.

Should the Secretary determine that the site should be recommended for a construction authorization permit, the Governor or the Indian tribe affected by such a decision would be notified and provided the opportunity to submit, in writing, a statement of any outstanding objections which have not been resolved in the consultation and concurrence process. Those objections, along with the Secretary's comments, would be forwarded to the Congress. The Secretary would not be permitted to submit an application and would be restricted from performing further site specific activities for 60 days of continuous session of the Congress while it considered the objections of the State or Indian tribe. Under expedited procedures, the Congress would consider a resolution which would support the contention of the State that its concerns had not been properly addressed. Should one House of Congress determine that the concerns had not been properly addressed by passing a resolution to that effect, then the Secretary would be prohibited from submitting a construction authorization application at that time.

It is important to note that title VII would be the sole authority of the Secretary of Energy to negotiate with States regarding the disposal of nuclear waste. It essential that each potential host State be assured that it has an equal footing with other potential host States in the question of State participation. Title VII also makes clear that no State would be permitted an absolute or arbitrary veto over such a project. In this regard, I feel that it is necessary to address the contention by some that a State's objection should stand unless two Houses of Congress were to override. In considering this legislation, that veiw was expresses as well as the view of the Department of Energy which was that a joint resolution should be necessary in order to prohibit the Secretary from moving forward. I believe the Energy and Natural Resources Committee, the Environment and Public Works Committee, and the Armed Services Committee have found a proper middle ground in this debate which is, appropriately, a proper governmental mechanism for the circumstance. If the Federal Government is to have the ultimate responsibility for the disposal of waste, it not only has an obligation to provide potential host States with substantive participatory rights, but it has an obligation to provide the remaining States the certainty that nuclear waste will be disposed of. Some have said the burden of proof must lie with the Department of Energy. That is true, and everything in this legislation supports that. The Department of Energy must make its case throughout the consultation and concurrence process. The Department of Energy must make its case to the Congress should a State object. Ultimately, the Department of Energy must make its case to the Nuclear Regulatory Commission where the State will once again be able to participate through the role of intervenor. I believe that the mechanism of one House concurrence with the State places enough of a burden on the State to insure its responsible participation throughout the process of consultation and concurrence. Without such a burden, a State might simply choose to exercise its rights only before the Congress. This would be harmful to the citizenry of that State and to the waste program generally.

Mr. President, I believe it is crucial that the legislation represented by the compromise text of S. 1662 be supported by this House and become law at the earliest possible date. I would ask my colleagues to think seriously about the consequences of failing to enact such legislation in this Congress. It would result in further errosion of public confidence, further financial hardship to domestic utilities, and ultimately more-expensive and less-secure energy supplies for our country.

Mr. SPECTER. Mr. President, as a Senator from Pennsylvania, I have a special interest in S. 1662. The incident at Three Mile Island on March 29, 1979, has adversely affected Pennsylvania in at least two ways: higher electric rates for both home and industry and an uneasiness about the safety of citizens near nuclear generating plants. The results have depressed the economy and stimulated an activist concern about safety by groups of citizens.

Furthermore, the concerns over safety are by no means fanciful. On March 22, the Chairman of the Nuclear Regulatory Commission wrote to the distinguished Senator from Wyoming (ALAN SIMPSON), in part, as follows:

> It is now three years since the TMI-2 accident and the financial problems, if anything, appear further from solution than they did last fall. My fellow Commissioners and I therefore want to emphasize our belief that the cleanup of TMI-2 must be accelerated. The potential for slow degradation of containment integrity and equipment capability plus the increasing concern for an unexpected release of radioactive material argue that, as a last resort, it is time for the Federal Government to take a more aggressive role.

On April 7, Secretary Edwards wrote me "of progress being made by the Department of Energy (DOE) in conducting its program of research and development (R. & D.) at Three Mile Island." A few days later, on April 12, I advised Secretary Edwards of my concerns over safety issues. I am, Mr. President, concerned that cleanup of TMI is now proceeding at less than optimum speed . . . thus increasing the danger cited by Chairman Palladino.

Whatever may be the fate of S. 1662, I believe that the nuclear power generating industry will remain in the doldrums until funding sources have been identified and a timely cleanup schedule established for TMI.

Certainly we have here in the Senate sought solutions. Senator HEINZ and I have both introduced cleanup bills. Governor Thornburgh has forwarded a comprehensive cleanup plan to the administration. I am pleased that hearings on Senator HEINZ' bill are scheduled before the Senate Committee on Environment and Public Works.

Fortunately, some Federal funds for research in connection with the cleanup have been identified. The Edison Electric Institute has pledged funds for cleanup. Nevertheless, full funding for the uninsured portion of TMI cleanup costs remains uncertain at this moment.

The issue of further funding will become critical this year. Legislative relief is essential.

AMENDMENT NO. 1394

Mr. McCLURE. Mr. President, the principals are now on the floor. The distinguished Senator from Wisconsin is the author of the amendment which is pending. I understood yesterday afternoon we had probably discussed that as far as it was necessary to be discussed. It is not my intention to cut off debate if there is further debate on the amendment. But if we are ready to vote——

Mr. PROXMIRE. I am just about ready to vote. I will say that the distinguished Senator from Montana would like to say a few words on the amendment, if he could.

Mr. McCLURE. I am happy to yield the floor to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MELCHER. Mr. President, a State that does not want to become nuclear in any respect should not have to become a nuclear State by the action taken by Congress in passing this bill.

Our State of Montana is one that has chosen not to become involved with nuclear facilities within our State borders. In fact, we adopted a referendum overwhelmingly where the people in Montana voted that if a nuclear facility were to be sited in the State, it would be subjected to a referendum of the people.

This is a pretty simple issue involved in the amendment before us by Senator PROXMIRE of Wisconsin. It places a test of whether a repository for nucle-

ar waste would be placed in a State on the State itself. I think it is the type of example that goes to the very point of whether or not people living within a State can make such a decision.

I think people should have that capability of making the decision. Those people who are benefiting from the generation of electricity from nuclear plants should have the primary responsibility of establishing where the waste from such nuclear plants will be stored.

The bill, of course, says the primary responsibility for the storage of nuclear waste will be the responsibility of the nuclear plant itself and the companies that own such nuclear plant. I think that is proper.

When we get to the point of what happens after that is no longer possible, if that becomes the case, and in seeking a safe place for storage of the nuclear waste, we should not trample on the rights of individual citizens within a State. After all, the United States of America is a Republic, and there should be reserved to the States themselves and the citizens of those States some authority.

I think this is one of the authorities which should be reserved to the people of a State.

The cost issue concerning electricity generated from nuclear plants has, of course, entered into the judgment made by the peole of Montana in seeking to avoid any nuclear installations. That cost issue of what is the cost of a kilowatt of electricity at the point of generation compared with other sources of energy, and Montana has decided that, on the cost issue, the use of coal is more cost effective.

But that is only one point. The second point Montanans have decided is that since they are not involved within our border with any nuclear facilities, we choose, as citizens of that State, to protect ourselves regarding any safety factor that may become involved if a nuclear facility is located within Montana.

I believe that that is the primary concern of Montanans, Mr. President. The amendment before us would preserve to the State that right to make the decision of the type of nuclear facility to store nuclear waste which could or could not be stored within the State of Montana and that decision would not be overridden by or preempted by Federal action by Congress itself.

Mr. President, I hope the amendment is agreed to. The amendment is practical and workable and does preserve to the States such as my State of Montana the option of making that determination on its own and refusing, if it so chooses, to agree to the location of a nuclear waste facility within our State.

Mr. President, I think that is fair. I think that complies with our State law. And I think it complies with our concept of a Republic where certain authorities are left to the States themselves. This authority of a nuclear facility being determined by the State itself is certainly an issue of a magnitude that merits the support of Congress in making sure that a State does retain that prerogative. Therefore, Mr. President, I am very supportive of the amendment, and I hope it passes.

Mr. PROXMIRE. Mr. President, I thank the distinguished Senator from Montana.

Now I say to the manager of the bill that I am ready to vote if he wants to move to table.

Mr. McCLURE. I thank the Senator.

Mr. President, I move to lay the Proxmire amendment on the table.

Mr. PROXMIRE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from Wisconsin. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Alabama (Mr. DENTON), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Oregon (Mr. HATFIELD), the Senator from Wisconsin (Mr. KASTEN), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

On this vote, the Senator from Oregon (Mr. HATFIELD) is paired with the Senator from Wisconsin (Mr. KASTEN).

If present and voting, the Senator from Oregon would vote "yea" and the Senator from Wisconsin would vote "nay."

Mr. ROBERT C. BYRD. I announce that the Senator from California (Mr. CRANSTON), the Senator from Hawaii (Mr. INOUYE), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from Arkansas (Mr. PRYOR), and the Senator from Maryland (Mr. SARBANES) are necessarily absent.

The PRESIDING OFFICER (Mr. GORTON). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 70, nays 19, as follows:

[Rollcall Vote No. 86 Leg.]

YEAS—70

Abdnor	Chafee	Ford
Andrews	Chiles	Glenn
Bentsen	Cohen	Goldwater
Biden	D'Amato	Gorton
Boren	Danforth	Grassley
Bradley	Dixon	Hart
Brady	Dodd	Hawkins
Burdick	Domenici	Hayakawa
Byrd, Harry F., Jr.	Eagleton	Heflin
Byrd, Robert C.	East	Heinz
	Exon	Helms
Hollings	Moynihan	Schmitt
Huddleston	Murkowski	Simpson
Jackson	Nickles	Specter
Jepsen	Nunn	Stafford
Johnston	Packwood	Stevens
Kassebaum	Pell	Symms
Laxalt	Percy	Thurmond
Long	Pressler	Tower
Lugar	Quayle	Tsongas
Mathias	Randolph	Wallop
Mattingly	Roth	Warner
McClure	Rudman	Zorinsky
Mitchell	Sasser	

NAYS—19

Armstrong	Dole	Melcher
Baucus	Garn	Metzenbaum
Boschwitz	Hatch	Proxmire
Bumpers	Humphrey	Riegle
Cannon	Kennedy	Stennis
Cochran	Leahy	
DeConcini	Levin	

NOT VOTING—11

Baker	Hatfield	Pryor
Cranston	Inouye	Sarbanes
Denton	Kasten	Weicker
Durenberger	Matsunaga	

So the motion to lay on the table was agreed to.

Mr. McCLURE. Mr. President, the pending measure under the unanimous-consent arrangement yesterday——

The PRESIDING OFFICER. If the Senator will suspend, the Senate will be in order in order that Senators may hear the Senator from Idaho.

The Senator from Idaho.

Mr. McCLURE. Mr. President, under the unanimous-consent agreement that was entered yesterday it was in order for the Senator from Nevada to offer his amendment at this time. I will at this time make a unanimous-consent request and do so. I ask unanimous consent that the Senator from Washington (Mr. JACKSON) be recognized for 3 minutes for a statement on the bill, that following that the Senator from Nevada be recognized to offer his amendment, that upon that amendment there be a 20-minute time limit equally divided followed by a vote with respect to that amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Washington is recognized.

Mr. JACKSON. Mr. President, I am pleased to rise in support of the compromise text of S. 1662. This bill has been considered by three separate committees, the Senate Committees on Energy and Natural Resources, Environment and Public Works, and Armed Services. As a member of both the Energy and Natural Resources Committee and the Armed Services Committee, I have reviewed this legislation very carefully. While there are shortcomings in the bill even in its current form, it represents a major step forward in attempting to achieve legislation on the important subject of nuclear waste in this session. I expect to offer some amendments and perhaps to support others in further perfection of the bill during the full Senate's consideration of this measure. As

the bill is considered by both the House of Representatives and a joint committee of conference, further refinements in the bill will undoubtedly occur. However, I believe that the basic thrust of this bill is sound and that it deserves the support of the Senate.

On October 31, 1981, the Senate Committee on Environment and Public Works held a hearing in Richland, Wash., on S. 1662. For that hearing I prepared an opening statement which highlighted several facets of the civilian nuclear waste disposal issue which legislation would necessarily have to address and they are as follows:

We must resolve the problem of spent fuel storage by deciding when and if the Secretary of Energy can relieve a utility of spent fuel which is accumulating at operating nuclear powerplants.

We must address the question of whether spent fuel will be stored until a reprocessing capability is established in this country, or whether some spent fuel will be disposed of.

We must decide on how to achieve the proper balance in a schedule for disposal of high-level wastes between the competing objectives of protecting public health and safety and demonstrating that disposal of nuclear waste is possible.

We must structure the legislation in a way to insure that no individual State believes that they have been unfairly singled out as a site for a nuclear waste disposal facility.

We must provide an opportunity for interaction with the Secretary of Energy to insure that the concerns of the people of the affected State are properly addressed so as to maintain public acceptance of a disposal facility in that State.

We must also provide a funding mechanism for these activities where the full cost of the disposal of civilian nuclear waste is borne by those who derive the benefits from nuclear power, as opposed to taxing the general population.

With regard to the problem of spent fuel storage, the bill in its current formulation provides that the Secretary of Energy may take possession of spent fuel from a utility only as a last resort to ensure for full core reserve storage in the event of an incident at a nuclear powerplant requiring removal of the fuel. I believe this formulation clearly puts the burden on the individual utilities to solve their spent fuel storage problem in this interim period, but does not leave them without any recourse should their best efforts fail due to circumstances beyond their control.

With regard to the question of reprocessing of spent fuel, the bill in essence is silent. The bill requires both permanent geologic repositories and monitored retrievable storage facilities to be able to handle either radioactive high-level waste or spent fuel canisters interchangeably so that the problem of designing a facility which will require an affirmative or negative decision on reprocessing is avoided. Even after initial operation of a repository sometime in the 1990's is achieved, any spent fuel placed in the repository could be retrieved for an extended period of time and reprocessed, with the resultant high-level waste being returned to the facility for disposal.

In balancing the competing objectives of protecting the public health and safety and achieving an early demonstration of the disposal of nuclear waste, I believe that the bill before us is in error. It places the test and evaluation facility outside the normal process for development of a repository. This type of facility will not achieve the desired objective of convincing the public that nuclear waste can be disposed of earlier than through a permanent repository development program. I believe that any test and evaluation facility should be an integral part of the development of a repository, and I intend to offer an amendment at an appropriate time to accomplish that end.

I did not offer this amendment in committee because of the wishes of the chairman, Senator McCLURE, to achieve early reporting by the Committee on Energy and Natural Resources. The understanding was that certain amendments might be offered on the floor. In particular I made it known that I might offer an amendment on the role of a test and evaluation facility in the repository development plan in the event that the collective actions of the Committees of Jurisdiction did not result in an acceptable formulation.

The compromise version of S. 1662 also contains provisions to require a second repository site to be picked within 3 years after the selection of the first repository site and that the first repository may not be operated to dispose of more than 70,000 metric tons of heavy metal in spent fuel or the high-level waste resulting from reprocessing of an equivalent amount of the spent fuel. This approach, initiated by Senator GORTON, which I fully endorse, will provide assurance to the first repository State that all of the Nation's waste will not be disposed of in their repository.

Title VII of the compromise version of S. 1662 provides for a process for State participation and participation by affected Indian tribes in the site characterization process leading up to the application for a construction permit. There seems to be little contention regarding the methodology to be followed up until that point. There has been considerable debate, and I am sure there will be amendments during the consideration of this bill, pertaining to how unresolved State objections with which the President does not concur will be reviewed by the Congress. The formulation in the bill as reported from the various committees provides for a one-House disapproval of the President's plans. In the House a two-House joint resolution is required to sustain the President's plans. Thus, the key question is one of where the burden of proof of a legitimate concern resides. I will listen with interest to the arguments in favor of a two-House joint resolution approach. In this general regard, I think there are several thoughts that need to be expressed.

One is that the expenditures in the development of a repository up until the point applying for a construction permit could be substantial, ranging up to several hundred million dollars. After such substantial expenditures of funds provided by the ratepayers of nuclear utilities, the objections of a State will necessarily be on legitimate grounds of concern about the adequacy of the geologic site and the technology being utilized, vis-a-vis the public health and safety, and not merely on the grounds of preferring that another site in some other area of the country be used instead.

Also, if a construction permit is applied for to develop a permanent geologic repository or a monitored retrievable storage facililty in a State, that State is not disenfranchised from further concerns about public health and safety from that point. The State still will have a full opportunity to participate in the review by the Nuclear Regulatory Commission of the application for the construction permit, of ongoing activities leading up to an operating permit application and, if the operating permit is granted, of NRC oversight of the operations of the facility.

Thus, the licensing process of the Nuclear Regulatory Commission provides a further insurance to the State that its legitimate concerns for the public health and safety will be met. Beyond the Nuclear Regulatory Commission, there is, of course, the full recourse to the judicial process to insure that the Nuclear Regulatory Commission exercises its proper role in protecting the public health and safety. These considerations in themselves constitute a considerable protection for the State and its citizenry beyond the point in the process at which a construction permit application is filed.

I think it is also important to point out that the compromise before us provides for a fully equivalent process for State participation in the development of any repository for the disposal of high-level radioactive waste resulting from atomic energy defense activities of the Department of Energy and, similarly, for any monitored retrievable storage facility for such waste. I have for several years examined the question of State participation in the defense waste programs. In the last Congress we passed an act in the Senate establishing a role for the States in both civilian and defense facilities. In the bill before us, we have

arrived at a formulation which provides the same role for States in both civilian and defense facilities for high-level radioactive wastes. I believe that this approach is necessary because, while there may be some important distinctions in a technical sense between civilian and defense high-level waste, there is no distinction in the public's mind, and we must act accordingly to provide the same degree of State participation in a facility for either type of nuclear waste.

Mr. President, the Honorable John Spellman, Governor of the State of Washington, has followed the congressional consideration of nuclear waste legislation with keen interest since our State is one of the States in which a potentially acceptable site for a high-level radioactive waste repository is located. On October 31, 1981, Governor Spellman presented testimony at a field hearing on S. 1662 held by the Senate Committee on Environment and Public Works. I ask unanimous consent that his testimony be printed in the RECORD at this point.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY OF GOVERNOR JOHN SPELLMAN

I am pleased to have the opportunity to present my views before the Environmental and Public Works Committee concerning Senate Bill 1662 which seeks to deal comprehensively with major issues relating to nuclear waste including finding, selecting, licensing and constructing a national waste repository for the disposal of high level radioactive waste produced by civilian activity.

I think that it is far past time for the Federal government to have in place a rational program to deal with the growing need to resolve the critical question of how this country will premanently dispose of the wastes from nuclear activity. The debate has continued in Congress and through successive administrations for many years, and the national interest is not being well served by longer delays. Consequently, I do strongly favor clear and logical action by Congress in resolving the key issues that have been debated far too long. Therefore, I am encouraged to see that Congress is continuing last year's effort to establish a national policy and program. It is more than timely; it is essential that appropriate legislation be adopted.

However, at the same time that I applaud the renewed examination of an acceptable approach, I must raise some questions pertaining to the schedule that is contemplated in S. 1662. While we have endured long delays in initiating the program we, nevertheless, cannot rush pell-mell into a program to make up for lost time. The approved program must contain the elements that will allow for moving ahead on a reasonable time basis, with all necessary information, and with the cooperation and joint efforts of those states that will be both directly and indirectly affected. The focus of legislation should deal with the need for a permanent answer for the proper safe transport and disposal of high level waste in final repositories.

I am impressed at the scope of the bill. It encompasses many highly significant issues that must be resolved. The issues addressed are critical in terms of the continuance of many nuclear programs in this country. The bill, in my estimation, needs to reflect a greater confidence by the Federal government in the capacity of states to be responsibly involved in the process and that the public can make substantial positive contributions to assist in the carrying out of a national program.

Needed confidence by the public will probably not be achieved until we have, in place, a rational policy and program for dealing with high-level radioactive wastes. This thought has been expressed many times. Its repetition, however, does not make it less valid.

Legislation must take cognizance of the need for state involvement at every step in the process in order that we achieve the objectives of having operational repositories at the earliest feasible time.

While, there may be some merit in attempting to determine one optimal site for a waste repository, I think it appropriate to consider and adopt a regional concept for the disposal of high-level wastes, similar to the legislation adopted by Congress in December of last year which calls for a regional solution for the proper disposal of low-level radioactive wastes. The impact of transporting high-level waste for thousands of miles from one part of the country to another does not appear to me to be a logical course of action. Therefore, I would recommend strongly that the legislation clearly include a requirement that no fewer than three sites be selected as national repositories and that further exploration and examination be conducted to ensure that a variety of geologic mediums be utilized.

Frankly, I am not thrilled with the schedule that is proposed in this legislation. As stated earlier, I think that we must move towards a solution more quickly than we have in the past. However, attempting to make the decision points called for in this legislation may not be possible, without substantial modification. Some time lines, which should follow in an orderly basis, have been compressed so that they are parallel rather than consecutive.

The state of Washington has strong interest and concern in the matter of nuclear wastes. We have been called the "Atomic State" at times in the past because of the many varied and important nuclear programs carried on at the Hanford Reservation in southeastern Washington. There are numerous programs, both civilian and defense, that have been carried on for many years. We have two nuclear reactors under construction there with a third recently put on a two-year "hold." An application for relocation of two other proposed nuclear power plants on the Reservation is scheduled to be filed with our state Energy Facility Site Evaluation Council for recertification. Obviously, the state has a strong stake in the outcome of a national policy and program for the disposition of our industrial, commercial, and defense wastes.

We do not want those decisions to be made for us. We expect to be ongoing participants in both the devising of a national policy in concert with other states, and in the carrying out of that policy and program.

Senate Bill 1662, if properly modified, can be reasonable tool in setting forth both objectives and procedures needed to resolve this long-standing issue.

There are several aspects of the bill which I feel must be reworked in order to attain the objectives which are important for our state.

SITE DESIGNATION

The tenor of the language contained in the legislation indicates that there will only be one site chosen for a national waste repository. A single site for all national nuclear civilian wastes is simply not enough. It is essential that a system of regional sites be established, with a minimum of three being clearly justified. The concept of regional sites for the disposition of low-level radioactive wastes as a key element in the 1980 Low-Level Radioactive Waste Policy Act should be considered as valid for the high-level waste program as well.

I think that a regional approach would minimize many problems, not the least of which is in reducing the transportation costs and risks. Establishment of one site does not reduce shipping and transportation costs and risks, it enlarges them. The magnitude of the problem that we face in resolving the site location should not be an insurmountable barrier in establishing of a national policy of regional sites. If more than one site is judged by Congress and the President as appropriate national policy, the bill should be amended to require more alternative sites than is proposed. It is difficult to interpret how more than one site could be designated under the language contained in S. 1662. I am concerned that no state should be a "target of opportunity," not Washington, not any other state. A final decision on sites must interrelate a number of considerations, technical, political, and practical. Simultaneous development of two or three regional facilities is not only good national policy, it is quite practical.

TIMETABLE

There is a strong emphasis in the bill to establish a firm schedule for events to occur on a sequential basis, leading up to the approval of an application by the Nuclear Regulatory Commission for construction of a repository. The need for a definite schedule is obvious. It also appears to me to be obvious that the schedule proposed cannot be reasonably achieved.

The first date January 1, 1982, is the date on which the Secretary of Energy, after consultation with the NRC, EPA and the USGS must issue guidelines for the recommendation of sites for repositories. That is 61 days from today. By June 1, 1982, a recommendation must be made to the President, two sites that are suitable for site characterization based upon the guidelines. The two dates viewed in proximity to each other appear to be unrealistic. Since there is a subsequent requirement that an additional site be recommended for site characterization study six months later, by January 1, 1983, perhaps the recommendations on all three should be similarly scheduled.

Without prolonging comment on this aspect of the legislation, I feel that it is essential to have a workable timetable for the accomplishment of a national system of waste repositories. Additional work on a reasonable schedule may be advantageous. There are significant interests and concerns about how we move forward on this issue. I would feel more comfortable if we have in place an achievable schedule, which does not appear to require an unrealistic amount of activity into too short a time frame. That would not work to our advantage in reaching our goal. We must schedule the program with a full understanding of the complexities involved in identifying and resolving issues. I would not care to have decisions made on the basis of the pressure of time, if such decisions might result in designating

sites that have already received considerable study, but which might not be the optimal sites for ultimate selection. Time pressures may well distort the careful reasoned decisions that ultimately must be made.

ROLE OF THE STATES

Adoption of a national nuclear waste program must include a substantial role for state governments. Strong participation by potential host states, states indirectly affected by the development of a repository program and states generating high-level wastes, is required for a successful program. Cooperation between states and the Federal government will enhance reaching national objectives, not jeopardize them.

I would not approve of a joint Federal-state process that merely treats states as entities that are informed of Federal actions taken or about to be taken. I support a process which, at the outset, brings the state in as an equal partner in the siting process.

Some elements of partnership appear in the language of S. 1662. A portion of the language in Title VII is concerned with state involvement and would require the Federal government to "negotiate an agreement with a potential host state."

Such an agreement should reach to all aspects of the proposed process. Again, the tone of the language appears to be reportive in nature, that is, the Federal agencies would need to inform the states of actions taken, or would register state objections. An agreement should create a working arrangement where there is continuous state involvement so that it is possible to track activities as they are planned, carried out, and evaluated. The use of such an agreement has merit in documenting responsibilities of both the state and Federal government. It should not be constructed as final commitment, but as a working tool which reinforces the desires of both governments to secure needed information about all facets of the program.

There is one specific concern that I have relative to how state objections might be resolved by Congress. S. 1662 provides that if there are objections by a state to the plan of the Department of Energy, that one House of Congress would have to uphold the state within 60 days. I feel that the formula needs to be turned around so that the Federal plan, whether there is objection by the state, should have the support of both houses of Congress. The burden of proof as to the reasonableness of a DOE plan should be on their shoulders and not on the states.

I am pleased to see the interest that the bill shows in early communications and continuing interaction with states, and if strengthened, the carrying out of a firm agreement will assist in the attaining of a satisfactory waste management program.

TEST AND EVALUATION FACILITY

S. 1662 calls for the development of a test and evaluation facility which is to be operational by January 1, 1988. The objective of having such a facility to demonstrate the feasibility of a proposed plan for packaging, handling, and disposing of high-level wastes is appropriate. However, I wonder about the utility of such a project, since elsewhere in the bill the schedule for licensing a repository requires that the NRC act on its first application by the same date, January 1, 1988. I would think that if, indeed, the test and evaluation facility is constructed that it would be both necessary and appropriate that we have information and data as a result of the facility's operation which would become part of the developmental plan for the final plan to develop a repository.

I have heard some comment that the development of a test and evaluation facility could be utilized as a shortcut to establishing a final repository site. Frankly, given the limited information which could be gained from such a project prior to the licensing of a repository under the proposed schedule, I question what role would be served by the project. Some substantial revision of the T/E concept appears to be necessary before any legislation is finally adopted.

WASTE CLASSIFICATION

One of the unresolved issues arising from previous Congressional debates concerning high-level wastes, has been the distinction between wastes created by civilian as contrasted by defense activities. I am perplexed as to why the distinction has assumed such importance. Obviously, we need to be concerned about the security implications of our national defense capability. But the wastes from defense actions is still waste and causes the same health, safety, environmental and political considerations as wastes derived from civilian power plants and other programs. Recognizing that it is a complex issue, I would suggest that some means be found to enable states to deal with the totality of the waste question, not just a part of it. We must deal with the wastes on a comprehensive basis, not in fragments, and I would hope that whatever legislation finally emerges from the legislative process recognizes this need.

CONCLUSION

I am encouraged by the desire of Congress to again address the critical issue of dealing with the nuclear waste issue. We must move forward in resolving the difficult technical, political and social issues that have arisen. Our state has had substantial experience in dealing with many aspects of nuclear activity over many years and can contribute an array of knowledge and insight that can be useful. Our state is ready and willing to work with Congress, DOE, NRC, other Federal agencies, and states in working out reasonable and rational solutions.

The action of Congress last December in passing a part of the nuclear waste program dealing with low-level wastes was an important beginning. It demonstrated the confidence that Congress had in establishing a national policy charging states with the responsibility of solving low-level waste questions through a system of regional sites and compacts. Considerable action in all parts of the country has taken place since the passage of that legislation. Here in the Northwest, the states of Washington, Idaho, and Oregon along with Utah actually have created this country's first regional compact to deal with the low-level waste questions. I think that Congress can feel confident that with a significant, substantive role for state governments, that the solving of one of this country's most persistent and difficult issues will come more quickly. That authority and responsibility was important and serves as a useful platform from which to fashion an appropriate structure for building a satisfactory high-level waste solution. With lead responsibility resting with the Federal government and with continuous interactions among states through a substantive consultation and concurrence process, I am confident that an acceptable policy can be both designed and adopted by Congress in the next few months.

Mr. JACKSON. Mr. President, on April 16, 1982, Governor Spellman sent a telegram along with Govs. Bruce King, Robert List, and Scott Matheson regarding S. 1662. I ask unanimous consent that their telegram be printed in the RECORD at this point.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

[Mailgram]

CARSON CITY, NEV.,
April 13, 1982.

Hon. HENRY M. JACKSON,
Russell Senate Office Building,
Washington, D.C.

DEAR SENATOR, THE HONORABLE HENRY JACKSON: As you are aware, our States are certainly under consideration for the siting of a high level nuclear waste repository. While we have a number of additional, individual concerns, we feel the following amendments will provide assurance that the site selection process will be undertaken in full cooperation with potentially impact States and with full consideration of appropriate siting criteria.

First, similar language incorporated in the companion legislation of the House of Representatives Interior and Insular Affairs Committee allowing a State to disapprove of a site with a requirement of a two-House override is essential. Under S. 1662, State disapproval has no effect unless one House of Congress passes a resolution disapproving the site. Under such a provision the decision to override State objection may be made by the Executive Branch and sustained through the inaction of Congress. We believe it is extremely important that the Nuclear Waste Policy Act require action on both Houses to override State disapproval. The burden of proof should rest with the U.S. Department of Energy to sustain such an override. Requiring Western States with numerically small delegations to provide the burden of proof is an overwhelming and unfair task.

Second, we urge your support for an amendment which should leave intact the existing process for environmental review under the National Environmental Policy Act (NEPA). The creation of special exemptions will do little to expedite the construction of a repository which cannot in any case be in operation much before the turn of the century. Exemption from the review requirements feeds the suspicion that the project cannot bear upon examination.

We believe that the inclusion of this provision in S. 1662 will result in a nuclear waste repository siting policy and framework which will meet the needs of both the Nation and potentially impact States.

BRUCE KING,
Governor of New Mexico,
ROBERT LIST,
Governor of Nevada,
SCOTT M. MATHESON,
Governor of Utah,
JOHN SPELLMAN,
Governor of Washington.

Mr. JACKSON. Mr. President, the bill before us provides a means of funding the ongoing research and development activities and the construction and operation of nuclear waste facilities resulting from civilian nuclear powerplants. In this formulation the

full cost of such activities is borne by those who derive the benefits from the nuclear powerplants; namely, the ratepayers, as opposed to the taxpayers. This formulation is proper, but it also puts the burden on the Federal Government in conducting the nuclear waste program to insure that the activities are conducted in a way to minimize costs to the ratepayers consistent with preserving the public health and safety in relation to nuclear waste repositories. In that regard, I believe that the test and evaluation facility as envisioned in this bill at the present time could represent an expensive sidetrack to the program with little return to the ratepayers' interest in insuring the development of repositories at an early time at the least cost.

Thus, I believe that the key tests which I set forth are largely met by this legislation as it is now formulated and, with amendments which I will offer and perhaps other amendments which I can support, I believe that this legislation represents an important step forward in reassuring the public that the nuclear waste problem is being solved in a timely way while protecting the public health and safety.

Mr. President, last year I offered an amendment to the DOE National Security Authorization Act of 1982 which became part of Public Law 97-90. The law requires a report by the President to be submitted to the Armed Services Committees in the House and Senate. This report is required of the President rather than the Secretary of Energy to insure that the budgetary information required in the report has the full review and backing of the Office of the President, including the Office of Management and Budget, as opposed to only the Secretary of Energy's review and support.

This report is to contain a detailed program management plan for achieving the disposal of both the high-level wastes and the transuranic wastes stored in various States in the Union. The principal States in which these wastes are stored are Washington, Idaho, and South Carolina. Lesser amounts of these wastes are to be found in some other States in the Union, but these amounts are really quite small by comparison to those already accumulated in the three principal States.

The defense waste problem is substantial and will require careful planning to achieve possible solutions. Federal expenditure levels may be constrained over the next few years by the efforts to control Federal spending. However, it is essential that a program for the disposal of these wastes in a permanent manner be initiated and carried out so that over a period of the next 15 to 25 years, the wastes currently stored in the interim facilities at Hanford are safely isolated from the biosphere for a very long period of time.

The Hanford site has more than 60 percent of the high-level wastes resulting from atomic energy defense activities in the United States. Even when the high-level wastes that would result from reprocessing spent nuclear fuel from commercial nuclear powerplants is added to the current inventories of atomic energy defense high-level wastes, the high-level wastes stored at Hanford constitute about 50 percent of the Nation's entire high-level waste inventory. In other words, the Hanford reservation already has more than its fair share of the Nation's burden of high-level waste.

I believe that the people in the State of Washington have been making an important contribution to our national defense for a very long time by accepting the storage in interim facilities of the high-level wastes from atomic energy defense activities. Continued public support is important for these ongoing activities. To help maintain that support, we must begin now to insure that a permanent solution is found for the wastes that are already stored in this State.

I also think it is important that there be equitable sharing in the national responsibility for high-level wastes. The prospect of a civilian waste repository in this State at a time when a final solution for the current high-level waste inventory is not being pursued vigorously is not apt to find broad public support. Moreover, there is an existing low-level waste facility for commercial disposal of wastes from commercial activities near Richland. It is performing a critical function, but it adds to the public perception that a sufficient contribution to the national nuclear waste problem is being made by the State of Washington.

I support the enactment of nuclear waste legislation this year for many reasons. One important reason is to insure that the States have a clearly defined role in the siting and development of nuclear waste repositories. Another reason is to insure that parallel efforts are pursued in other States beyond Washington State in finding a suitable site for a repository so that no one State feels that it has been singled out as the sole place for the Nation's high-level wastes to be disposed of. I urge my colleagues to support the legislation as well.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

AMENDMENT NO. 1395

(Purpose: To strengthen the role of affected States and Indian tribes in the location of storage sites for nuclear waste within such States or Indian lands)

Mr. CANNON. Mr. President, I call up my printed amendment No. 1395.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Nevada (Mr. CANNON) proposes amendment No. 1395.

Mr. CANNON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 63, line 19, strike "if during" and all thereafter through page 64, line 2, and substitute the following: "unless during the first period of seventy-five calendar days of continuous session of the Congress following submittal to the Congress of the objections, the Congress passes a resolution pursuant to section 703 approving such repository or facility, and such resolution thereafter becomes law.".

On page 64, line 23, insert "joint" immediately before "resolution".

On page 64 strike line 25 and substitute the following: "That the Congress finds that the proposed devel-".

On page 65, line 5 strike "not".

On page 66, line 7, strike "604" and substitute "704".

On page 68, insert the following between lines 2 and 3:

"(e) If one House of the Congress receives a resolution from the other House with respect to a proposed respository or monitored retrievable storage facility—

"(1) the resolution of the other House shall not be referred to a committee; and

"(2) the procedures with respect to any resolutions of the first House concerning such repository or facility shall be the same as if no resolution from the other House had been received; except that on any vote on final passage of any resolution of the first House in which the text is identical to the text of the resolution received from the other House, the resolution of the other House shall be automatically substituted for the resolution of the first House.".

Mr. CANNON. Mr. President, it seems clear from the vote just taken that many Members are understandably concerned about retention of the Federal Government's authority to achieve an ultimate solution to high-level nuclear waste disposal. My amendment strikes the necessary balance between every State's right to an effective role in facility sitting and the Federal Government's need for authority to resolve an issue of national importance. This assessment is shared by the National Governor's Association as you will note from its letter of April 28 now before you which clearly urges support of my amendment.

Let me summarize briefly how it will operate within the retained provisions of S. 1662.

The State and any affected Indian tribe will participate fully in site evaluation, planning, and development with the Secretary of Energy as detailed in section 701. Should the Governor or affected Indian tribe object to the Secretary's conclusion to apply for a facility construction license, those objections must be submitted to both Houses of the Congress by the Secretary and he must suspend further site development.

That suspension is permanent unless with 75 calendar days of continuous session the Congress passes a resolution upholding the Secretary's authority to proceed and that resolution is thereafter signed into law.

The applicable provisions of sections 702 through 706 mandating expedited parliamentary procedures to prevent any delay in congressional action on such resolution are retained.

In this way my amendment requires the administration to convince both Houses of Congress that its selection of a proposed site and its plans for construction of a facility thereon, did indeed respond fully to the documented concerns of a State Governor or tribal representative. Certainly, in the possible, but unlikely, case that those concerns are capricious, or ill-informed, it will not be difficult for the Congress to sustain the decision of the Secretary and thereby to permit construction of a facility that is in the national interest. But if the State's concerns are well founded, the burden of proof necessary to convince both Houses of Congress to override the State's concerns will be where it belongs with the administration.

There is another constructive role which my amendment fulfills. It strengthens one of the more important and less controversial provisions of the bill. I refer to the aforementioned bill's provisions for State participation with the Federal Government in the process of site characterization, evaluation, and facility planning. The voice of the State's representatives in that process will carry far more weight if the Secretary's staff is fully congnizant of the added strength this amendment conveys to the State in the final decision. It will provide a constant reminder to the Secretary's staff of the burden he will inherit for defending his selection if it fails to consider fully the views of the State in those processes.

I urge my fellow Senators to support this amendment as the most equitable balance between State and Federal rights in the resolution of a truly national problem of intensely local concern.

Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. PROXMIRE. Mr. President, will the Senator from Nevada yield?

Mr. CANNON. If I have time remaining, I yield.

Mr. PROXMIRE. Mr. President, I commend my good friend from Nevada on this amendment. I, of course, am disappointed that my amendment did not pass. I thought my amendment was right. I did provide an absolute flat veto.

This amendment does not provide that, but it is a great improvement over the bill because this amendment says that a State's objection stands unless both Houses of Congress pass a resolution signed by the President overriding the State.

What does that mean? That means the burden of proof is on the Federal Government to show that it must dispose of the radioactive waste within a particular State and that burden of proof should be tough, it should be hard. After all, any State that has to accept radioactive waste has every right to object and object as much as it can. On the other hand, this amendment would not permit an absolute veto. This amendment conditions that veto, it seems to me, in a moderate and sensible way.

So I do hope that the Senate will support the Cannon proposal. As I said, it is supported by the Governors of this country, and it is a reasonable, moderate compromise.

Mr. COCHRAN. Mr. President, will the Senator yield?

Mr. CANNON. I yield 1 minute to the Senator from Mississippi.

Mr. COCHRAN. Mr. President, I commend the Senator from Nevada for offering this amendment. It clearly strengthens the role States and local governments will be able to play in the decisionmaking process.

There has been some concern previously when we were discussing other legislation about a one-House veto. This clearly avoids any question of constitutionality of a one-House veto of a State objection. It gives both Houses of Congress an opportunity to be involved in reviewing a State's objection and in my judgment it clearly is an improvement on the bill, and I intend to support the amendment.

I thank the Senator for yielding.

Mr. STENNIS. Mr. President, will the Senator yield me 1 minute?

Mr. CANNON. I yield 1 minute.

Mr. STENNIS. Mr. President, my colleague from Mississippi clearly stated the situation, I think. Senator JACKSON as just spoken for the bill, and he emphasized the public acceptance of these programs which is so highly essential. This is a step really at the grassroots level. That is where the real support must come from.

Mr. McCLURE. Mr. President, I yield 5 minutes to the Senator from Louisiana.

Mr. JOHNSTON. Mr. President, this debate reminds me of the debate on the budget where everybody wants to balance the budget but they all want lower taxes, a stronger military, and not to cut anything.

Mr. President, nobody wants nuclear waste. I do not know of a single State at this particular point which is willing to say publicly that they want nuclear waste in their State.

So what this amendment would do would be to give an absolute veto to every State in this Union against nuclear waste. That means you are not going to have a nuclear waste program. That does not mean to say you will not have any nuclear waste. We have nuclear waste right at this moment. We are going to have more tomorrow than we have today. We are going to have more next week than we do tomorrow. We are going to have more next year than we do this year, and that is going to happen even if you shut down all of the presently operating 70 nuclear plants because the military program right now produces most of our nuclear waste.

So the question is, Mr. President, whether we are going to continue in this Congress to shield our eyes and pretend that we do not have a problem; just like the balanced budget, salve everybody's feelings by saying, "No, you are going to have an absolute veto," and that means we are absolutely not going to have a nuclear waste program.

It is time for the Senate to grow up and be mature. The State of Louisiana is one of those States that is under consideration. I think it would be a bad choice, and many of the other people on our side of this question do not want it in their States either. But we have to be mature and face up to the fact that we need a program.

Mr. President, if the Cannon amendment passes, you are going to have a politicized decisionmaking process. To the extent that it is any process at all, a politicized decisionmaking process probably means there is no decision.

Beyond that we know it is not going to be the kind of decision that is made by people who know and can really discern the difference between different geologic or MRS sites because Members of Congress simply do not have the background to properly evaluate the difference between sites.

Mr. President, our process, arrived at over a period of not just weeks but literally over a period of years, the compromise process in this bill, is a good process that thoroughly protects the States. What it does is it brings the State in at the very early stages of this process and then, if finally the State cannot agree and wants to veto, its veto sticks unless the President overrules, and the veto still can be made to stick in the face of a Presidential overruling of that veto if just one house of the Congress is willing to sustain that State's interest.

Mr. President, that is a very strong veto. It is a considerably stronger veto than we had in the original form of this bill some 3 years ago. We think it is a good compromise, we think it is total protection for the States. But at least, Mr. President, it will allow us to

go forward as a Nation to solve the problem that we have.

Our choice is not between whether we have a problem or do not have a problem. That question has already been resolved beginning in 1957 when we built the first nuclear reactor in Shippingport, Pennsylvania.

We have got the problem. The question is whether we will solve the problem in a realistic way.

This bill, this compromise bill, which has been voted out by the Environment and Public Works Committee, the Energy Committee, and the Armed Services Committee realistically deals with the problem by giving States a realistic veto.

We hope the Senate will go along with our bill and not hamstring this whole process by giving it absolute veto, which, as I say, absolutely prevents the problem from being solved.

Mr. McCLURE. Mr. President, I yield 2 minutes to the Senator from Wyoming (Mr. SIMPSON).

Mr. SIMPSON. Mr. President, I oppose this amendment of my distinguished friend from Nevada. I believe the provisions of this bill on State participation now provide an extraordinarily fair balance between the interests of the States and the siting and development of nuclear waste repositories and monitored retrievable storage facilities, both of them, and this tremendous Federal responsibility to finally do something which we have not done.

If this amendment should pass, it would, in my mind, inappropriately tilt this balance in favor of the State interests while we have the Federal problem of a Federal creation of an industry, and it would begin to approximate nothing more than what my colleague from Louisiana says is a veto right, another one, by the State over the proposed facility.

If any of you will look very closely at the bill you will find that the need for that amendment must be evaluated as against what we have done in here with respect to State participation. State participation under this bill guarantees the right of consultation, concurrence to be defined by formal agreement. It includes all of the key elements we have discussed, sharing of information, financial impact assistance, joint project review, surveillance and monitoring, detailed project plans and schedules, and procedures for negotiation. There is not anything we have not addressed in this bill as to the State's participation.

I think it is critical that you see this as nothing more than a form of veto. I think it is very appropriate for the State to carry the initial burden of demonstrating the validity of its objections. Make them tell the story. I am like Senator JOHNSTON, I do not want one in my State of Wyoming but, at this point in time, that is where we are. If we open it up to all the States to be considered, this is the best judgment of a lot of work in a lot of committees and a lot of bipartisanship.

The full Senate approved this same measure 2 years ago. I say this is not a housekeeping amendment. We would be, if this passes, right back where we were 37 years ago.

I thank the Chair.

Mr. CANNON. Mr. President, I yield 1 minute to the Senator from Michigan.

Mr. LEVIN. I thank my friend from Nevada.

Mr. President, during the debate yesterday our colleague from Wisconsin, Senator PROXMIRE, was asked what incentive a State would have to negotiate in good faith with the DOE if the State could veto any possible site.

Today we have to ask the reverse question: What incentive does the DOE have to negotiate in good faith with a potential host State if DOE believes it can too easily override the State's veto of the proposed site?

Senator Cannon's amendment is a balanced amendment. It adds a little protection to the State's interest in this. The National Governors Association is very supportive of it. The National Governors Association is right that Senator Cannon's amendment would improve this bill. I am delighted to cosponsor the Senator's amendment.

I believe the experience of the State of New Mexico, as described in Science magazine, to be warning to States and to the Congress. Although the WIPP program is for military wastes and would only be a pilot plant, parallels can be drawn between New Mexico's travails and the outlook for other potential waste sites. Instead of working cooperatively with New Mexico, and I quote, "Relations between New Mexico and DOE deteriorated to the point that the State last spring sued the Department." By passing the amendment of my colleague from Nevada, we can demonstrate to the DOE that the Congress is serious about State consultation and involvement throughout the whole process of site selection. By giving the States a weapon with which to ward off an overly aggressive DOE, we can assure the States of a meaningful role in these important questions.

Mr. McCLURE. Mr. President, I yield 3 minutes to the Senator from New Mexico (Mr. DOMENICI).

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I yield myself 2 minutes of the 3 minutes.

I rise in opposition to the amendment. I have been working on this problem for years. My State has a demonstration project. It has been referred to here on the floor.

We have an agreement between the State and the Federal Government. This statute draws on that agreement process, and for the first time we put into language a process called concurrence and consultation. It is an evolving contractual arrangement where the Federal Government and the State at various times agree, and if they cannot agree they arbitrate, and there is a procedure for arbitration in the bill.

What we all understand is precisely what the Senator from Louisiana indicated. Everyone wants to proceed but they want the other fellow to take the waste. It is sort of like "Don't tax me. Tax the fellow behind the tree."

What we need here is incentive on both sides to do right. This bill builds in tremendous responsibility on the part of the Federal Government to do right. We have got to make sure that the State does right also.

Then if they have an objection, that they have done all they can to make their objection a valid and substantive one, if they have, and indeed they have, a valid substantive objection, this statute is perfect.

All they have to do is get one House to agree that they are right and that the Federal Government is wrong, and they win. The project does not go on. That puts the burden on both sides, the State and the Federal Government, and both are encouraged to do right.

If you can tell me how letting a State, encouraging them, to be arbitrary in saying the Federal Government is doing wrong, how we would want to do that in a law with the problem we have got, then I will say let us throw away the whole law. We do not need it. But that is what we are going to do with the Cannon amendment because they do not have any real affirmative responsibility to be right because they can arbitrarily say, "We just don't want you," and phrase it in a nice way and say, "It is not really that, we did not really like one of the technical things," and then after all of that work, findings by the President, both Houses of Congress have to overrule the National Government.

To my way of thinking, the incentive is on the side of the States to do little to cooperate, because they have everything going their way under this amendment. I hope we do it the way the committee, after years of debate, provided. It is fair to everybody. It builds the incentive on the right side.

And I assure you, if the State has a good case, they will find one of the two bodies to agree with them and then you would not proceed. I think that is eminently fair. I thank the chairman for yielding.

Mr. CANNON. Mr. President, I yield myself 1 minute of the time I have remaining. I just want to point out that

my proposal is not an absolute veto, as the Senator from Louisiana suggested. This requires affirmative action. It requires the Federal Government to carry the burden, and it then requires both Houses to vote to override that action of the State Governor. So it is in no way an absolute veto, and it changes the burden of proof by putting the burden on the Federal Government to sustain the Secretary's position, rather than putting the burden on the State Governor to sustain his position and convince one House of Congress that he is correct.

Mr. JOHNSTON. Will the Senator yield?

Mr. CANNON. Surely.

Mr. JOHNSTON. The Senator says it is not a veto. But is it not a fact that the State has a veto which is absolute unless the Congress comes in and passes a law to the contrary?

Mr. CANNON. Unless the Congress overrides the veto, just the same as a Presidential veto. If the President vetoes something, Congress comes in and overrides it. It is exactly the same as the President veto.

Mr. JOHNSTON. By joint resolution signed by the President.

Mr. CANNON. That is right.

Mr. JOHNSTON. Well, that is a law.

Mr. CANNON. Mr. President, I am prepared to yield back the remainder of my time.

Mr. McCLURE. Mr. President, I strongly oppose the amendment, not because I am constrained to disagree with the idea that States have to be consulted and involved, I agree with everything that my colleagues in opposition to the amendment have identified. But if you want to bring that back here to this body to ask us to choose among individual Members here—and that is exactly what we will do—we will begin to exacerbate the personal relationships in this body as well as make it almost impossibe to have a reasonable kind of a waste disposal program.

● Mr. RIEGLE. Mr. President, I rise in strong support of the amendment offered by my colleague from Nevada. I was a cosponsor of the previous amendment by Senator PROXMIRE, and feel that States should have an absolute power to veto proposed nuclear waste repository sites within their borders. Short of that, the mechanism proposed by Senator CANNON does appear to strike the essential balance between a perceived national need, and the protections of citizens most directly affected by any nuclear waste repositories.

Under the current language of the bill, I do not believe that a State's objections can be heard, nor incorporated into the final decision on a waste site. It would be too simple for the Department of Energy to hear objections, and proceed with a repository site despite those objections. The current language of the bill provides for an override of the Department of Energy decision only if one House of the Congress upholds the State objection. I question whether we would be successful in gaining House or Senate approval for such an override, since there would be no reason for other States to support a single State's objection. The congressional delegation of that State would have to convince a majority of colleagues that the objections are valid. That effort could be thwarted quite easily by arguments of national interest, and, in essence, by a feeling that it is better to have it in someone else's State rather than one's own.

The Cannon amendment will establish an expedited congressional process, that is in the national interest, but will put the burden of "selling" the site on the Government rather than on the State. The Congress should be brought into the siting process, and should face that decision with an affirmative vote.

To be sure, the burden of proof will be a difficult job for the Government, but it really should be as difficult as possible. We must proceed very carefully in this area, and be confident that the States have a right to appeal, be heard, and possibly to modify the siting decisions.

Mr. President, as I stated, the Cannon amendment does find the balance that we so desperately need in this process. The decision process must involve all people, but most especially those who must live near a repository location. We are all representatives of our people's interests, and this amendment is a natural complement to our constitutional duties.●

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. McCLURE. Mr. President, has all time expired?

The PRESIDING OFFICER. All of the time of the Senator from Idaho has expired. The Senator from Nevada has 2 minutes and 2 seconds remaining.

Mr. CANNON. Mr. President, I yield back the remainder of my time.

Mr. McCLURE. Mr. President, I move to table the Cannon amendment.

Mr. JOHNSTON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Idaho (Mr. McCLURE) to table the amendment of the Senator from Nevada (Mr. CANNON). The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. STEVENS. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Alabama (Mr. DENTON), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Oregon (Mr. HATFIELD), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

I further announce that, if present and voting, the Senator from Tennessee (Mr. BAKER) and the Senator from Oregon (Mr. HATFIELD) would each vote "yea."

Mr. ROBERT C. BYRD. I announce that the Senator from California (Mr. CRANSTON), the Senator from Ohio (Mr. METZENBAUM), and the Senator from Maryland (Mr. SARBANES) are necessarily absent.

The PRESIDING OFFICER (Mr. HAYAKAWA). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 52, nays 40, as follows:

[Rollcall Vote No. 87 Leg.]

YEAS—52

Abdnor	Hayakawa	Packwood
Andrews	Heflin	Pell
Bentsen	Heinz	Quayle
Boren	Helms	Randolph
Brady	Huddleston	Rudman
Chafee	Jackson	Sasser
Chiles	Jepsen	Schmitt
D'Amato	Johnston	Simpson
Danforth	Kassebaum	Specter
Dixon	Long	Stafford
Dodd	Lugar	Stevens
Domenici	Mathias	Symms
Eagleton	Mattingly	Tower
East	McClure	Tsongas
Goldwater	Moynihan	Wallop
Gorton	Murkowski	Warner
Hart	Nickles	
Hawkins	Nunn	

NAYS—40

Armstrong	Dole	Levin
Baucus	Exon	Matsunaga
Biden	Ford	Melcher
Boschwitz	Garn	Mitchell
Bradley	Glenn	Percy
Bumpers	Grassley	Pressler
Burdick	Hatch	Proxmire
Byrd, Harry F., Jr.	Hollings	Pryor
	Humphrey	Riegle
Byrd, Robert C.	Inouye	Roth
Cannon	Kasten	Stennis
Cochran	Kennedy	Thurmond
Cohen	Laxalt	Zorinsky
DeCocini	Leahy	

NOT VOTING—8

Baker	Durenberger	Sarbanes
Cranston	Hatfield	Weicker
Denton	Metzenbaum	

So the motion to lay on the table amendment No. 1395 was agreed to.

Mr. McCLURE. Mr. President, I move to reconsider the vote.

Mr. BUMPERS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT 877

(Purpose: To insure full cost recovery of moneys expended pursuant to this Act

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read as follows:

The Senator from Arkansas (Mr. BUMPERS) proposes an unprinted amendment numbered 877.

On p. 58 at line 8 strike all after "herein." down through line 13 and insert in lieu thereof the following: "In the event the Secretary determines that either insufficient or excess revenues are being collected, in order to recover the costs incurred by the Federal Government that are specified in Section 601(a), the Secretary shall adjust the fee to insure full cost recovery. The Secretary shall immediately report such adjustment to Congress."

Mr. BUMPERS. Mr. President, this amendment is designed to take care of a problem that is obviously going to arise throughout the administration of this bill. In order to save Congress some time, this amendment will allow the Secretary to decide that we either have too much or not enough money to readjust the fee and to put it into effect.

If Congress does not like it, it can take such action as it chooses. If Congress does not act, then the amendment would go into effect.

Mr. President, under this bill—and this is one of the things that I do not think is well understood by most of the people here who have not studied the bill or who have not worked on it—there are three different kinds of fees to be collected. Under section 303, there is a one-time fee collected from the utility companies for the first stage of storage; namely, away-from-reactor storage, commonly referred to as AFR.

The Secretary can adjust this fee as necessary without congressional approval. Please bear that in mind. If he finds that the amount of money the Government is spending for the first stage of storage—namely, away-from-reactor storage—is insufficient or excessive, he can adjust it on his own without congressional approval.

The next step of storage is called MRS, monitored retrievable storage. The fee to be charged by the Secretary for what is called "monitored retrievable storage" is 1 mill per kilowatt generated.

This fee can be used for both the monitored retrievable storage and the final geological repository. This fee can be used for one or both of those. As a matter of fact, it will be used for both.

The third fee, which we are not that much concerned with during the debate on this bill, is the section 603(c) fee, and that is a one-time fee collected on the same basis, 1 mill per kilowatt for all power generated in the past.

The fee that we are most concerned with and will be debated during the entire course of this bill is the second fee, that is, the 1 mill per kilowatt of power generated, and the one that the Secretary will collect either monthly, annually, or however. That is not clear in the bill. I hope we can clear that up sometime during this debate.

Consider the operation of this fee structure:

Let us assume that the second storage facility costs the U.S. Government $500 million, and let us assume further that the final geological depository costs the U.S. Government $2 billion. We are committing ourselves to $2.5 billion of cost to store spent fuel, and in exchange we are charging the utility companies 1 mill per kilowatt of power that they generate.

Let us assume that at the end of 3 years it is obvious that 1 mill per kilowatt is not going to recover the cost of the facilities and the cost of operating those facilities.

I might also say, just by digression, it is assumed that at some point this fee will be discontinued when the facilities are paid for. I am not at all sure that this is the case, but if it is, that also needs to be redressed, because we are always going to have to operate these facilities. There is going to have to be manpower, security, everything around these facilities through the year 8745000.

Thus, the fee ought to recover not only the capital costs but also the operating costs.

In about two sentences my amendment simply allows the Secretary to readjust this fee. If 1 mill per kilowatt is not sufficient, he can readjust the fee based on what he thinks it is going to take to amortize the Government's cost. I am going to offer an amendment to my amendment in just a moment, in order to perfect it to provide Congress 90 days to forestall the Secretary's action if he decides to adjust the fee. I will be happy to discuss this congressional review with the floor manager. Perhaps a one-House veto would be sufficient. If the manager would go along with that, I would too.

Mr. McCLURE. Mr. President, will the Senator yield?

Mr. BUMPERS. Yes.

Mr. McCLURE. If we add to the Senator's amendment the provision for a one-House veto under expedited procedures that apply to certain other actions as written in this bill, I would have no difficulty in accepting that concept.

Mr. BUMPERS. That is fine with me. In its current form, my amendment does not have the 90-day waiting period enclosed, but if the Senator will give me just a moment to get that changed, he may be able to accept the amendment. I can ask for a quorum call, unless somebody else is ready to speak, and ask unanimous consent to bring it back up in a moment. We can take a quorum call and have it ready in just a minute.

Mr. McCLURE. Mr. President, I ask unanimous consent that, following a quorum call, the Senator from Arkansas be recognized to continue the discussion of the amendment now pending.

The PRESIDING OFFICER. Is there objection?

Mr. BUMPERS. Mr. President, if the Senator from Idaho will withhold his unanimous-consent request for a moment, the Senator from Virginia wanted to engage in a short colloquy.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. HARRY F. BYRD, JR. Mr. President, if I might address several inquiries to the distinguished Senator from Arkansas.

Is it the purpose of the Senator's amendment to make sure that the taxpayers do not foot the bill for these facilities?

Mr. BUMPERS. The Senator is absolutely correct.

Mr. HARRY F. BYRD, JR. If I understand his amendment correctly, the Secretary would be authorized to adjust the fees upward or downward as necessary to make it a self-paying project?

Mr. BUMPERS. The Senator is absolutely correct. That is the precise reason for the amendment.

Mr. HARRY F. BYRD, JR. As I recall in your discussion, the Senator used the word "authorized." Would it be better to direct that he set the fee at a level that would not make it necessary to call on the Treasury?

Mr. BUMPERS. I believe under the bill he is already mandated to readjust the fee from time to time. The difference is that he cannot implement that fee without congressional approval.

Mr. McCLURE. Will the Senator yield for a comment?

Mr. BUMPERS. Yes.

Mr. McCLURE. I think the language of the amendment is pretty clear. It says the Secretary shall adjust the fee. I take that to be a mandatory obligation. It mandates that the Secretary "shall do."

Mr. HARRY F. BYRD, JR. Shall adjust the fee for the purpose——

Mr. McCLURE. To insure full cost recovery.

Mr. HARRY F. BYRD, JR. To insure full cost recovery.

Mr. McCLURE. That is the language of the amendment.

Mr. HARRY F. BYRD, JR. Of the Bumpers amendment.

I ask the Senator from Arkansas another question. In his discussion of the amendment, he used two figures, as I recall. The Senator from Arkansas is assuming that the Federal Government will put up $500 million. I think that was one figure that was used and, in another case, $2 billion.

Does the Senator from Arkansas envision that the Government will in

fact be called upon to put up $2.5 billion?

Mr. BUMPERS. I say to the Senator that yesterday I inserted in the RECORD a memo from the Congressional Budget Office which concerned this question. I do not want to mislead anybody, because CBO used certain assumptions and they can be subject to challenge. Nonetheless, it is a fairly good guideline to show that the cost of waste disposal will be fairly prodigious.

The study also shows that the 1 mill per kilowatt is not likely to recover the Government's cost and that a rate adjustment upward is almost a certainty. By the same token, if CBO should be mistaken and the 1 cent per kilowatt should be excessive, more than enough, then the Secretary would be mandated to readjust the rate downward. Based on what I believe and based on the CBO study, however, it will be necessary for the Secretary to adjust the rate upward in order for the Government to be made whole and to be saved on this project.

Mr. HARRY F. BYRD, JR. It seems to me that that Senator has an excellent amendment. I am still not clear on the bill as a whole, as to whether the Federal Government will be called upon to put up, at the beginning stage or near the beginning, some $2.5 billion.

Mr. BUMPERS. The Senator has anticipated my next amendment, because not only do I want the Government to recover its capital costs, I also want it to recover the interest, based on the cost of money to the Government. We can assume around here that any money the Government puts up is borrowed money, considering the kind of deficits we are looking at.

Mr. HARRY F. BYRD, JR. There is no doubt about that.

Mr. BUMPERS. I am not including that in this amendment, because I would like to see it addressed separately. I will offer another amendment to provide that in the adjustment of fees the Government will recover its fees within a time certain and that time certain in which the Government's costs will be amortized; the costs will include the cost of money to the Government, the deficiency.

Mr. HARRY F. BYRD, JR. What the Senator from Arkansas is saying, if I understand correctly, is that the Government will be putting up the seed money.

Mr. BUMPERS. Exactly.

Mr. HARRY F. BYRD, JR. To the degree of $2.5 billion.

Mr. BUMPERS. Conceivably, the Government could be out a half million dollars before it ever collects a penny in fees.

I think I am mistaken on that. I stand corrected. I see the Senator from Idaho shaking his head. I believe that the converse is probably true: We will collect fees before we build. But at some point, the costs are going to overtake the fee collections at a fairly rapid rate.

Mr. HARRY F. BYRD, JR. I ask this of the Senator from Idaho: As the manager of the bill, does he envision that the Government will be called upon to put up seed money of the magnitude of $500 million to $2.5 billion?

Mr. McCLURE. I say to the Senator that we do not anticipate that.

It should be remembered that there is a long time lapse before we get into the construction of the program. I think it is safe to say that the heavy construction will not occur, or the heavy commitments for construction on the geologic storage will not occur, until sometime in the 1990's.

The monitored retrievable storage, if such a facility is approved, could come on before that, but it certainly would be in the late 1980's before that occurred.

In the meantime, we will have been collecting this money, placing it in escrow in a Treasury account. It is our anticipation that that account will bear surpluses for all the first several years and that only for a very brief period of time, when you get into the heavy construction schedule, is it at all possible that there would be any deficit in that fund. So I think any deficit in that fund would be relatively small and relatively temporary.

Mr. HARRY F. BYRD, JR. What does one mean by "relatively small"?

Mr. McCLURE. Again, I refer the Senator to the table on page 557 of the joint hearings record, which indicates that in 1986 it could run a deficit of $46 million. The following year, that would be reduced to $3 million. It would then run surpluses through 1990.

In that period, there could be a $15 million deficit; the following year, it would be $8 million; the following year, it could be $60 million. Then we would be back again into surplus figures several times larger than those deficit figures.

So, on balance, between now and the late 1990's, it is anticipated that the fund will bear surplus rather than deficit.

Mr. HARRY F. BYRD, JR. The deficits mentioned by the Senator from Idaho are relatively small, but section 602 is a blank check. There is no limit to what can be borrowed. As a matter of fact, it envisions the possibility of 30-year bonds.

Mr. McCLURE. The Senator is correct. It does indeed, because it is possible that those bonds would be issued and bear interest; but if they are issued and bear interest, the bill does require that we adjust the fees.

The amendment of the Senator from Arkansas, now pending, would mandate that that fee adjustment be made for full cost recovery. As I indicated earlier, I have no objection to that amendment. We are suggesting, however, that there be an expedited procedure for congressional review of the secretarial decision, if the Secretary is given this mandate to do it without congressional intervention.

So the Senator is right. As he mentioned yesterday, the particular section to which he has reference has no upper limit; it is open ended. It is subject, however, to the appropriations process, which will carefully limit.

Mr. HARRY F. BYRD, JR. Knowing the way the appropriations process has worked in the U.S. Congress so many years, I am not too enthusiastic about leaving it only to the appropriations process.

Mr. McCLURE. I understand the Senator's concern. Perhaps my perspective has changed since I have become a member of the Appropriations Committee. However, Senator HATFIELD, the chairman of that committee, makes the point, emphatically and repeatedly, that it is not the appropriations process that has failed but that Congress has failed in mandating expenditures or giving the entitlements for benefits that are not subject to the appropriations process.

I am sure the Senator is familiar with the fact that outside the defense program, only 16 percent of the budget is subject to the appropriations process. Fifty-four percent of the budget is mandated expenditures, under laws passed by Congress which, by formula or by definition, entitle people to receive benefits.

The Appropriations Committee, I say to the Senator, is not responsible for that question. I say that, as a matter of fact, the Finance Committee perhaps as much as any other single committee in Congress is responsible for those enactments.

Mr. HARRY F. BYRD, JR. I think the total Congress is responsible.

Mr. McCLURE. I understand that, but they originated in the committee of which the Senator from Virginia is a member.

Mr. HARRY F. BYRD, JR. The total Congress is responsible—and I might say irresponsible—in this regard.

Mr. McCLURE. The Senator and I share that feeling totally.

Mr. HARRY F. BYRD, JR. I think this is a very important piece of legislation which is being handled by the Senator from Idaho. My only concern is with respect to section 602, the blank check which it appears to give and how much money the Government, the taxpayers, will be called upon to put up.

I think the amendment offered by the Senator from Arkansas (Mr. BUMPERS) will substantially improve the bill.

89-059 O-85-42 (Pt. 6)

UP AMENDMENT 877, AS MODIFIED

Mr. BUMPERS. Mr. President, I send a modification to the amendment to the desk.

The PRESIDING OFFICER (Mr. DANFORTH). The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas (Mr. BUMPERS) proposes a modification to UP amendment No. 877.

Mr. BUMPERS. Mr. President, I ask unanimous consent that further reading of the modified amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered

The amendment, as modified, is as follows:

On page 58 at line 8 strike all after "herein." down through line 13 and insert in lieu thereof the following: "In the event the Secretary determines that either insufficient or excess revenues are being collected, in order to recover the costs incurred by the Federal Government that are specified in section 601(a), the Secretary shall propose an adjustment to the fee to insure full cost recovery. The Secretary shall immediately transmit this proposal for such an adjustment to Congress. The adjusted fee proposed by the Secretary shall be effective after a period of ninety days have elapsed following the receipt of such transmittal unless during such ninety-day period either House of Congress adopts a resolution disapproving the Secretary's proposed adjustment in accordance with the procedures set forth for congressional review of an energy action under section 551 of the Energy Policy and Conservation Act.

Mr. BUMPERS. Mr. President, this modification amends my earlier amendment to provide that the Secretary shall submit an adjusted fee basis to Congress, and if one House of Congress has not vetoed the proposed adjustment within 90 days after receipt of that proposal then the new fee schedule will go into effect. It is precisely the way the floor manager and I agreed upon.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

Mr. HARRY F. BYRD, JR. Mr. President, if the Senator will yield, the purpose is to make the project self-supporting?

Mr. BUMPERS. Absolutely.

Mr. McCLURE. Mr. President, I think the modification is an appropriate modification. It makes reference to the Energy Policy and Conservation Act, and those procedures are mirrored in other provisions of this act. So whether the reference is to EPCA or to the other provisions of this act, they are identical, and I am prepared to accept the amendment as modified.

Mr. BUMPERS. I thank the floor manager.

Mr. President, I am prepared to move the adoption of the amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. McCLURE. Mr. President, does the author of the amendment intend to omit the words "of continuous session" that apply to the 90 days? I think that is the EPCA language, and it is the language in the other provisions of the bill. The staff calls my attention to the fact that those words are not included in the text as submitted.

Mr. BUMPERS. It is my understanding that the amendment does include in the last line 90 days continuous session.

Mr. McCLURE. I wonder if the Senator would mind modifying his amendment to insert the words "of continuous session" following the words "90 days"? That would then——

Mr. BUMPERS. As set forth under section 551 of EPCA, that is 90 days of continuous session. It is as defined in the Energy Policy and Conservation Act.

Mr. McCLURE. It is the Senator's expectation then that the 90 days means continuous session?

Mr. BUMPERS. It does.

Mr. McCLURE. And reference to EPCA carries into the definition of the 90 days?

Mr. BUMPERS. Precisely.

Mr. McCLURE. I have no objection to that language. I do not want anybody to argue later about what is meant by that term "90 days." It seems to me we would make it more clear if we inserted the words rather than simply the reference.

Mr. BUMPERS. I will be happy to do that.

Mr. McCLURE. Mr. President, I ask unanimous consent that the words "of continuous session" be inserted in the modified amendment following the words "90 days."

The PRESIDING OFFICER. Without objection, it is so ordered.

UP Amendment No. 877, as modified further follows:

On p. 58 at line 8 strike all after "herein." down through line 13 and insert in lieu thereof the following: "In the event the Secretary determines that either insufficient or excess revenues are being collected, in order to recover the costs incurred by the Federal Government that are specified in Section 601(a), the Secretary shall propose an adjustment to the fee to insure full cost recovery. The Secretary shall immediately transmit this proposal for such an adjustment to Congress. The adjusted fee proposed by the Secretary shall be effective after a period of ninety days of continuous session have elapsed following the receipt of such transmittal unless during such ninety-day period either House of Congress adopts a resolution disapproving the Secretary's proposed adjustment in accordance with the procedures set forth for Congressional review of an energy action under section 551 of the Energy Policy and Conservation Act.

Mr. McCLURE. Mr. President, I am prepared to vote.

Mr. BUMPERS. I move the adoption of the amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment, as modified, of the Senator from Arkansas.

The amendment (UP No. 877), as modified, was agreed to.

Mr. JACKSON. Mr. President, I move to reconsider the vote by which the amendment, as modified, was agreed to.

Mr. McCLURE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 878

Mr. GORTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington (Mr. GORTON), for himself and Mr. JACKSON, proposes an unprinted amendment numbered 878.

Mr. GORTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 41, strike line 24 and page 42 strike line 1 and insert in lieu thereof the following:

"of a quantity of spent fuel containing in excess of seventy thousand metric tons of heavy metal or a quantity of solidified high-level radioactive waste resulting from the reprocessing of such a quantity of spent fuel".

Mr. GORTON. Mr. President, this amendment is offered on behalf of myself and the senior Senator from Washington (Mr. JACKSON). It is technical in nature and simply makes it clear that reprocessed nuclear waste from waste not exceed 70,000 metric tons equivalent to 70,000 metric tons of waste for purposes of applying the capacity limit established in section 405(a). In other words, it treats waste and reprocessed waste in exactly the same fashion. Seventy thousand metric tons, incidentally, is the equivalent of 700 reactors or approximately 30 years' worth of waste from such cores.

I believe the manager of the bill has agreed to this amendment.

Mr. McCLURE. Mr. President, we have reviewed the amendment. I commend the Senator for making clear what the limitation should be. I think the amendment is an improvement, and we have no objection to the amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from Washington.

The amendment (UP No. 878) was agreed to.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JACKSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 879

Mr. GORTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Washington (Mr. GORTON), for himself and Mr. JACKSON, proposes an unprinted amendment numbered 879.

Mr. GORTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 42 after line 2 add the following:

"In the event that a monitored retrievable storage facility, approved pursuant to Title V of this Act, shall be located, or is planned to be located, within fifty miles of the first repository, then the Commission decision approving the first such application shall prohibit the emplacement of a quantity of spent fuel containing in excess of seventy thousand metric tons of heavy metal or a quantity of solidified high-level radioactive waste resulting from the reprocessing of spent fuel in both the repository and monitored retrievable storage facility until such time as a second repository is in operation.".

Mr. GORTON. Mr. President, this amendment I propose for myself and for the senior Senator from Washington (Mr. JACKSON).

Title IV of the bill provides for disposal of solidified high-level radioactive waste and spent fuel. Section 405 provides for site approval and construction authorization of those sites characterized pursuant to section 404. In order to insure that the first repository site to be approved and authorized for construction would not later become the only repository in the Nation, the bill before the Senate now requires, in subsection 405(e), that the Nuclear Regulatory Commission decision approving the first repository application shall prohibit the emplacement in the first repository of more than 70,000 metric tons of heavy metal from spent fuel and solidified high-level radioactive waste until such time as a second repository is in operation. This limitation is appropriate and necessary to insure that this country develops a waste policy which serves all the regions of the country and discourages long or frequent transportation of wastes throughout the country.

Title V of the bill as now drafted provides for the creation, if approved by subsequent congressional action, of monitored retrievable storage facilities with which to provide long-term storage of high-level radioactive wastes. It is my desire, and the purpose of this amendment, to discourage the location of monitored retrievable storage facilities in such a manner to frustrate the purpose of developing regionally dispersed waste facilities. My amendment provides that the waste tonnage capacity of both the first authorized repository and a monitored retrievable storage facility located within 50 miles be limited to 70,000 metric tons by the NRC decision approving the first repository application.

I believe that this amendment is also approved by the manager of the bill. It is, of course, a joint amendment of myself and the senior Senator from Washington.

Mr. McCLURE. Mr. President, we have reviewed this amendment as well as the previous amendment, and it is acceptable. We have no objection to its adoption.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from Washington.

The amendment (UP No. 879) was agreed to.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JACKSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCLURE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCLURE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLURE. Mr. President, there are a series of technical amendments which have been cleared on both sides of the aisle by the managers of the bill and on which I know of no objection.

UP AMENDMENT NO. 880

Mr. McCLURE. Mr. President, I send a series of amendments to the desk and I ask unanimous consent that they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Idaho (Mr. McCLURE) proposes unprinted amendments en bloc numbered 880.

Mr. McCLURE. I ask unanimous consent that further reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 15, after line 7, add a new subsection (d) to read as follows:

"(d) Except as provided in sections 309 and 310, nothing in this or any other Act requires the Secretary, in carrying out the responsibilities of this section, to obtain a license or permit to possess or own spent fuel"

On page 16, line 11, strike "Secretary" and insert in lieu thereof "Federal Government".

On page 25, after line 24, add a new subsection (c) to section 312 to read as follows:

"(c) The Commission shall make the determinations under subsection (b) as expeditiously as possible after receipt of a petition submitted under subsection (a)."

On page 13, line 12 after "powerplants" insert the following:

"or with persons holding title to spent fuel located at the site of such a powerplant,".

On page 53, line 21, strike "and (6)", and insert in lieu thereof the following: "(6) assistance under sections 506 and 701(c); and (7)".

On page 53, line 22, strike "pursuant to section 409".

On page 11, line 11, strike "existing" and insert after the word "law" the following: "on the date of the enactment of this Act"

On page 32, line 5, strike "nuclear" and insert in lieu thereof "atomic energy"

On page 33, lines 1 and 2, strike "selection of subsequent repositories" and insert in lieu thereof "possible subsequent selection as repository sites."

On page 37, line 14, strike the comma and insert "and"

On page 37, line 15, strike the comma, and on line 16 insert after the word "tribe" the following: "under Title VII"

On page 40, line 24, strike "ninety" and insert in lieu therof "one-hundred and twenty"

On page 46, lines 6 and 7, strike all after the word "for" through and including the period and insert in lieu thereof "characterization for possible subsequent selection as repository sites under section 403(b)."

On page 66, line 7, change "604" to "704".

On page 46, line 12, strike "atomic energy defense activities of the Department,".

Mr. McCLURE. Mr. President, the first technical amendment simply clarifies that when the Secretary of Energy takes title to spent fuel at the reactor site pursuant to the Federal AFR provisions in the bill, this will not create a new licensing requirement for DOE to possess or own the spent fuel. This technical amendment would leave in place the licensing requirements in sections 309 and 310 of the bill for any Federal AFR facility and for the transportation of spent fuel under the bill.

The second technical amendment simply conforms this section to other provisions in the bill that refer to the Federal Government taking title to spent fuel.

The third technical amendment simply directs the Commisson to make its determinations on petitions for interim licenses or amendments for at reactor spent fuel expansion as expeditiously as possible.

The fourth technical amendment permits the Secretary of Energy to contract with persons other than electric utilities that may own spent fuel now being stored at the sites of nuclear powerplants. This amendment would allow this spent fuel to be moved to a Federal AFR only if the

needs test and other requirements of the bill are met.

The fifth technical amendment simply clarifies that the nuclear waste fund established by title VI of the bill will be used to provide financial assistance to State and local governments and Indian tribes under titles V and VII of the bill.

The sixth technical amendment simply clarifies that reasearch and development activities to be paid for from the nuclear waste fund established by title VI must be required to support the development activities for one or more of the facilities provided for under the bill.

The seventh technical amendment clarifies the application of the term "licensed" as it is used to refer to facilities covered under title VII. "Licensed facilities" would be those requiring a license by the Commission at the date of the enactment of this act.

The eighth amendment conforms the phrase "nuclear defense activities" to the form used throughout the bill; namely, "atomic energy defense activities". This corrects a technical error in drafting.

The ninth amendment clarifies that sites recommended for site characterized "may" be selected for a subsequent repository, not "must" be selected. This was a technical error in drafting.

The 10th amendment corrects a technical error in drafting and clarifies that both the Commission and the Governor, and the tribal council of any affected Indian tribe would receive reports on any tests carried out at a site being characterized.

The 11th amendment clarifies that the Secretaries reporting to Governors or tribal councils on the experimental activities undertaken during site characterization are to be considered as elements of the consultation and concurrence process established under title VII.

The 12th amendment assures that a State is given adequate time prior to the submission of application for construction authorization, to comment on a site recommendation to the Secretary and if there are objections, to the Congress, as provided for in section 701.

The 13th amendment clarifies that the results of the national site survey program shall be used in identifying sites subsequent to the first three sites to be recommended for site characterization by January 1, 1984.

The 14th amendment corrects a technical error in drafting.

Mr. President, the 15th amendment would remove R. & D. on atomic energy defense from the bill as an activity to be funded by utility fees. This amendment corrects a drafting oversight.

Mr. President, I move the adoption of the technical amendments.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (UP No. 880) was agreed to.

Mr. McCLURE. I move to reconsider the vote by which the amendment was agreed to.

Mr. STAFFORD. I move to lay that motion on the table.

The motion to lay on the table was ageed to.

Mr. McCLURE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KASTEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATE VETO OVER FEDERAL NUCLEAR WASTE SITING DECISIONS

Mr. KASTEN. Mr. President, today we are considering legislation which will establish a much-needed national policy for the disposal of high-level radioactive waste. I support the passage of this legislation and feel that it is in the best interest of the United States to develop a comprehensive strategy for handling the nuclear waste problem that has been created over the past 30 years.

As we all know, the State of Wisconsin is a potential future home for a permanent nuclear waste repository. The stable granite bedrock beneath scenic northern Wisconsin has been targeted by the Department of Energy for further study as a burial site. The citizens of Wisconsin have a right to be concerned over the role the State of Wisconsin will be given in decisions regarding siting of a disposal facility.

The State of Wisconsin is not alone in this fear of having little say in the Federal Government's nuclear waste decisionmaking process. Several States have sought to prevent the Federal Government from conducting initial site investigations, and more than 20 States, including Wisconsin, have enacted restrictive legislation banning various types of waste management activities within State borders without State approval.

Justified or not, there is a perception by States that the Federal Government cannot be counted on to keep its word on radioactive waste management programs. One only has to look at the problems the State of New Mexico has had with the waste isolation pilot project to realize that a similar situation could occur anywhere. The Department of Energy cannot be allowed to build a disposal facility without giving States some say in siting and construction decisions.

Mr. President, in an October 2, 1981, letter to the chairman of the Energy Committee (Mr. McCLURE), Governor Dreyfus stated that Wisconsin's "first preference is that the Federal Government provide absolute State veto authority." As an alternative, the Governor recommended a process which would require affirmative action by each House of Congress, and the President, in order to override a State objection to the location of the high-level nuclear waste site.

I support the right of States to have an absolute veto over Department of Energy waste siting proposals. The bill we are considering today would provide that a State's objection to a repository stand only if either the House or the Senate passed a resolution upholding that objection. Such a process would not be adequate, since a State's objection could be nullified simply by Congress choosing not to act. Nuclear waste disposal decisions are far too important to allow an override of State and local concerns by congressional inaction.

A long-range nuclear waste disposal program is critical to our Nation's energy future, and the proper role of States in the siting of disposal facilities is critical to the success of this program. The only successful nuclear waste disposal program will be one which matches national policy needs with local citizen concerns, and I will only support legislation which matches these two important concepts.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WARNER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. KASSEBAUM). Without objection, it is so ordered.

Mr. WARNER. Madam President, my colleagues on the Senate Armed Services Committee, the Committee on Energy and Natural Resources, and the Environment and Public Works Committee are to be commended for their work on the National Nuclear Waste Policy Act.

They have achieved what Members of Congress for better than a decade have been striving to achieve—namely, a workable solution to our Nation's commercial nuclear waste disposal problem.

I believe the bill which we debate today represents a responsible approach to an issue which has frightened the American public and threatened the nuclear power industry far too long.

This has gone on too long and now is the time to try to remove some of that mystery so that we can handle this problem.

This legislation outlines a long overdue course for the safe and expeditious disposal of commercial nuclear waste, and it addresses the public's concerns over a long-term solution to permanent nuclear waste storage.

Two days ago, the Office of Technology Assessment (OTA) issued a report on high-level nuclear waste disposal. That report concluded there are no insurmountable technical obstacles to constructing waste disposal sites in salt or granite formations. This is a step forward in resolving some of the many technical unknowns.

The United States relies on nuclear power to produce a substantial portion of its energy requirements. Congress has a responsibility to find an effective means of handling the waste from that nuclear power production. This bill is that effective means.

For the nuclear power industry in my State, the National Nuclear Waste Policy Act will be particularly beneficial. Once its provisions are implemented, it will provide a solution to Virginia Electric and Power Co.'s (Vepco) dilemma of storage at its Surry and North Anna nuclear facilities—facilities which produce nearly half of all Vepco's generated electricity.

Vepco's Surry plant is expected to reach its spent fuel storage capacity in early 1985. At that time, it will be one of the first utilities in the United States to require additional storage capacity.

As my colleagues are aware, this proposal provides an alternative for utilities which have no additional, accessible nuclear storage capacity. It requires the Federal Government to insure that no nuclear reactors are forced to shutdown or curtail operations for reasons of inadequate storage, and it enables the Department of Energy (DOE) to acquire a limited amount of "away-from-reactor storage" for these utilities, while at the same time authorizing a one-time charge for transportation and storage costs incurred by the Federal Government in the course of providing this additional storage capacity for the nuclear power utility.

Historically, one of the major obstacles to reaching a compromise on this Nation's nuclear waste policy has been the national security interests associated with defense nuclear waste storage.

With one exception, the bill is silent on this question. This was done purposely for reasons which I will provide. The exception involves the protection of States' rights as a final repository for commercial or defense nuclear waste.

While States are given a full and active partnership in determining the location and in the development of nuclear waste facilities within their borders, this legislation specifies that information, classified for national defense reasons, is not required to be disclosed by the Federal Government in the course of consultation and concurrence with the States.

With regard to the issue of commingling civilian and defense nuclear waste in a final repository, an important compromise has been reached which will be presented in the course of this debate. I intend to support that compromise.

It will be an amendment to require the President to evaluate the use of at least one civilian nuclear waste depository as a permanent disposal site for defense nuclear waste. The forthcoming amendment requires the President to make his evaluation on the basis of cost, efficiency, health, safety, regulatory, transportation, public acceptability, and national security factors.

Unless the President finds that these factors necessitate developing a separate repository for defense nuclear waste only, the Department of Energy will proceed to include both defense and civilian nuclear waste in a single repository.

Defense nuclear waste is significantly different than commercial nuclear waste. It is predominantly liquid and stored in special tanks under secure conditions at federally controlled sites.

Commercial nuclear waste consists largely of spent fuel stored at various reactor sites. The question of whether this spent fuel will be reprocessed complicates the commercial waste problem.

These two forms of nuclear waste constitutes two different technological problems best addressed in two different, but complementary ways. For this reason, it is my intention to introduce separate legislation on defense nuclear waste in the near future.

I will be asking the chairman of the Senate Armed Services Committee to authorize me to hold hearings on this subject in preparation for this bill.

Americans are entitled to clear national policy on civilian waste as well as defense nuclear waste. I am hopeful that Congress will support the defense nuclear waste policy when it is reported. Together with the National Nuclear Waste Policy Act we consider today, I am confident that once and for all our Nation's concerns over nuclear waste can be comprehensively and finally addressed.

I yield the floor.

UP AMENDMENT NO. 881

Mr. GARN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Utah (Mr. GARN) proposes an unprinted amendment numbered 881.

Mr. GARN. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Page 33, line 9, add the following after "recommendation", "and shall consider the environmental suitability of the site for the potential location of the repository."

Page 35, after line 25, insert a new paragraph 404(b)(2) as follows (and renumber subsequent paragraphs appropriately).

(2) The Secretary shall consider fully the comments fully received pursuant to paragraph (1) and shall to the maximum extent practicable, and in consultation with the Governor of that State and the Tribal Council of any affected Indian tribe pursuant to title VII conduct site characterization activities in a manner to minimize any significant adverse environmental impacts identified in the environmental assessment under paragraph (1) and the comments received pursuant to paragraph (1); *Provided*, That the Secretary shall have no authority under this section to conduct any activities at the site which were not considered pursuant to paragraph (1), unless any requirement for an environmental impact statement pursuant to the National Environmental Policy Act of 1969, including but not limited to a final environmental impact statement for a repository pursuant to subsection 405(a) has been complied with.

Mr. GARN. Madam President, I offer this amendment in clarification of some sections of the bill, and I believe it is acceptable to both the majority and minority managers of the bill.

Very briefly, I will just state the intent of this amendment which is to make certain that after a site has had an environmental assessment, is being studied for the purpose of having a repository, that the actual repository could not be located on that site unless there is a complete environmental impact statement assessing all of the environmental impacts that would go with the actual production or building of the repository.

I think that summarizes the amendment virtually totally that we have.

Mr. McCLURE. Madam President, will the Senator yield?

Mr. GARN. I would be happy to yield.

Mr. McCLURE. Madam President, the Senator correctly describes the amendment. It is our intention and the legislation does require that an environmental impact statement be promulgated with respect to the generic policy and means by which we go about the activities authorized under the permanent repository sections of this bill.

It is also our intention that an environmental impact statement on a specific site be filed before the site can be authorized. It is specifically a major Federal act requiring all of the actions underneath it.

The intermediate step, however, of site characterization in which they must go out and look at that specific site to see whether it has the characteristics that are essential for a possible site will require an environmental assessment of the impact of taking those activities necessary for a characterization study.

But it would not authorize—and the Senator's amendment makes it very clear—going beyond site characterization studies to the construction of the repository without an EIS. I think the Senator's amendment is correctly described as making certain that that is the case, and I think the language is helpful.

I appreciate the way in which the Senator has worked with us in getting to this point. I think I can state, on behalf of both the majority and minority managers of the bill, that this amendment has been looked at very carefully by both sides and has the approval of the managers on both sides of the aisle.

Mr. GARN. I thank the Senator from Idaho. I move the adoption of the amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from Utah (Mr. GARN).

The amendment (UP No. 881) was agreed to.

Mr. GARN. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. McCLURE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCLURE. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COCHRAN. Madam President, I ask unanious consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 882

(Purpose: To require the Secretary of Energy to include in any request for the appropriation of funds to identify, recommend, and select sites for site characterization an estimate of the cost of preparing each site for site characterization)

Mr. COCHRAN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Mississippi (Mr. COCHRAN) proposes an unprinted amendment numbered 882.

Mr. COCHRAN. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment referred to is as follows:

On page 35, between lines 8 and 9, insert the following:

(e) In any request to the Congress for the appropriation of funds to carry out this section, the Secretary shall include, with respect to each geologic medium in which sites for repositories may be located, an estimate of the cost of preparing a site for site characterization.

Mr. COCHRAN. Madam President, the amendment that has been submitted imposes a duty upon the Secretary of Energy to submit with the annual budget request more specific information about how the Department of Energy might expend the funds for this program than is done under current law and procedure. Specifically, the Secretary would be required to include, with respect to each geologic medium in which sites for repositories may be located, an estimate of the cost of preparing a site for site characterization.

It has been the experience of the Committee on Appropriations that it is sometimes difficult to find out exactly how much of the appropriated funds will be used to develop a particular kind of site in connection with the nuclear waste disposal program. In order for Congress to have enough information to be able to participate in oversight of the program and in making decisions that would assure the widest possible study of available media in which nuclear waste may be deposited, it is necessary to have this kind of information. The amendment does not purport to require the Secretary to study any particular medium, but it does require a statement accompanying the budget request of the expected cost for conducting site characterization study of each medium which may be considered as a repository site.

Madam President, it is our hope and belief that we shall be able to include this in the bill. Madam President, I reserve the remainder of my time.

Mr. McCLURE. Madam President, I have read the amendment and discussed it with the distinguished Senator from Mississippi. I think he clearly states what it does.

It has two effects, as I understand it, one which he has described in detail about the submission of the cost data for the activities which they propose to undertake. It would be stated in the appropriation bill so that the committees could consider that particular program and understand what the costs are that are associated with each of the activities in each of the media that they have selected for such activities during that appropriation period.

It gives us two bits of information at an early date without having to request specifically the cost data separately.

Also, it gives us an earlier statement of what their proposed activities would be during the period for which the appropriation would be made. Therefore, we acquire both the activities schedule and the cost schedule at an earlier date.

Madam President, I think that can only be a plus to us in trying to determine what the program is or should be. It permits us to work our will on that in a much more precise and defined and directed manner. Therefore, I applaud the effort of the Senator from Mississippi. We have consulted with managers on the other side of the aisle as well with respect to this amendment. As far as I know, there is no objection to this amendment. I am prepared to accept it.

Mr. COCHRAN. Madam President, I thank the distinguished manager of the bill for his comments and for urging acceptance of the amendment.

The PRESIDING OFFICER. Is there any further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (UP No. 882) was agreed to.

Mr. COCHRAN. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. McCLURE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WARNER). Is there objection?

The Chair hears none, and it is so ordered.

UP AMENDMENT NO. 883

(Purpose: To require the President to propose legislation to establish an independent establishment to manage repositories and temporary storage sites)

Mr. COCHRAN. Mr. President, I have an amendment which I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Mississippi (Mr. COCHRAN), for himself, proposes an unprinted amendment numbered 883.

Mr. COCHRAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 48, line 2, add the following: "The President shall submit with such plan proposed legislation to establish an independent establishment in the executive

branch to manage repositories and temporary storage sites. Such legislation shall include provisions specifying the composition of the managing body of such establishment and the responsibilities and powers of such body.".

Mr. McCLURE. Mr. President, will the Senator yield very briefly to the Senator from Idaho?

Mr. COCHRAN. Mr. President, I am happy to yield to the Senator from Idaho.

Mr. McCLURE. Mr. President, I do not want to interrupt the discussion of the amendment that is pending or the explanation of it, but I do want to appeal to Members who have amendments that they intend to offer to come to the floor and be prepared to offer those amendments.

I also understand that it is quite likely that the Thurmond-Hollings amendment may be ready for consideration immediately following the consideration of the amendment now pending.

I hope that both the Senators from South Carolina who are interested in the amendment dealing with the AFR provision would be prepared to follow. In spite of what may or may not happen with respect to other issues, it is still our hope to be able to conclude the deliberations on this bill today so that we will not have to be in session on tomorrow. Therefore, I hope that any Member who does have an amendment would be here, because if we get to the point where there are no amendments pending and no apparent interest in offering amendments, I expect that we will go to third reading of the bill.

I thank the Senator from Mississippi.

Mr. JOHNSTON. Will the Senator yield?

Mr. COCHRAN. I am happy to yield.

Mr. JOHNSTON. I underline what my distinguished colleague has said and say that from the minority standpoint, as far as we are concerned, we are getting very close to where we can go to third reading. Senator JACKSON has an amendment which I hope can be agreed to from our standpoint. We have the amendment of the Senator from Mississippi, the Thurmond-Hollings amendment, which is ready to come up right away, and there is the possibility of a Percy-Glenn amendment. But from the minority standpoint, those are all we know about. Other than those, we are going to, from the minority standpoint, push for final passage, which I hope will be before 3 or 4 o'clock.

I want to put Senators on the minority side on notice to that effect.

Mr. COCHRAN. Mr. President, the amendment that I have sent to the desk expresses the opinion of the Congress that the Secretary, or the administration should submit a proposal on whether to create an independent agency within the executive branch to manage repositories and temporary storage sites. The section of the bill to which the amendment applies provides that no later than January 1, 1983, the Secretary shall prepare and submit to the Senate and the House of Representatives a detailed management plan for the actions required by this title; that is, the management of the nuclear waste repository program. It further provides that the plan shall identify the major program objectives, milestones, decisions, et cetera.

What worries me about the section as drawn is that it presumes to place within the Department of Energy the sole responsibility for handling the nuclear waste disposal program.

Based on observations of how sites have been selected at this point for study, the rumors about the sites that have been selected for future characterization, although no announcement has been made of it, and the way the public has been involved and advised up to this point, my judgment is that the Department has inspired more fear and anxiety than confidence about the ability of the Department to go in a waste disposal program.

The Office of Technology Assessment has completed a 3-year review of the nuclear waste management program and concludes by suggesting that a comprehensive waste management program should include the creation of an independent institutional mechanism to fulfill the commitment to carry out the program.

They found widespread lack of confidence in the Federal Government's ability to manage high-level radioactive waste safely and efficiently, because of the manner in which the program has proceeded up to this point.

There is more concern, according to the OTA study, with the institutional capacity to deal with this program than with the technology for disposal of the waste in a safe and effective manner.

The purpose for this amendment is to attract attention to the fact that we do need an independent agency or mechanism that will be, we hope, more successful in inspiring confidence among the people of this country in the belief that nuclear waste can be handled safely, that it can be disposed of in a manner which will not jeopardize the health and safety of the citizens of this country.

That is the purpose for offering this amendment. I hope that we can agree on such an expression in the legislation.

UP AMENDMENT NO. 884

(Purpose: To require the President to propose legislation to establish an independent establishment to manage repositories and temporary storage sites)

Mr. McCLURE. Mr. President, I send to the desk a substitute amendment.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Idaho (Mr. McCLURE) proposes an unprinted amendment numbered 884 to unprinted amendment numbered 883.

Mr. McCLURE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 48, line 2, add the following: "The President shall submit with such plan an evaluation of a plan to establish an independent establishment in the executive branch to manage repositories and temporary storage sites. Such plan shall include provisions specifying the composition of the managing body of such establishment and the responsibilities and powers of such body.".

Mr. McCLURE. Mr. President, this amendment, which I have offered as a substitute for the amendment of the distinguished Senator from Mississippi, differs in this respect: The Senator from Mississippi has suggested that we should require that the President submit legislation to create an independent agency. I do not object to the idea that we have the administrative branch look at that and evaluate that proposal and make a recommendation to us, but I am not convinced that we should mandate them to submit legislation to accomplish an end to which they might very well find themselves opposed.

So, what I would do is take the Senator's amendment and strike the words "proposed legislation" and insert in lieu thereof "an evaluation of a plan to establish."

That would permit the administration to look at that proposal, to submit, together with the other materials, their evaluation of such a proposal, without requiring them to develop legislation to do something which they might not want to do.

I do that, Mr. President, because I understand the concern the Senator from Mississippi has expressed. The committees have looked at this. Certainly, the Energy and Natural Resources Committee has looked at it continuously over a number of years, and it has been our conclusion that it would not increase efficiency, that it might well decrease the efficiency of the administration of this program, where there are very good reasons for the coordination of the activities the way they are structured under this legislation and under existing law.

So I oppose the amendment, based upon our study at this point, but I have no objection to requiring the administration to evaluate such a proposal and to give us the benefit of their thinking.

I hope we will adopt the substitute instead of the proposal of the Senator

from Mississippi to mandate the submission of legislation.

Mr. JOHNSTON. Mr. President, there are a lot of things I would like to put into an independent commission, starting with congressional pay. Any time we have a hot potato around here, it is nice to think about creating an independent commission. Independent commissions or independent bodies do not really help policy much. Immediately, there comes to mind the Post Office, the FTC, the Supreme Court. Pick your favorite. The fact that they are independent makes them neither good nor bad. It simply makes them independent.

I do not know how you feel about Ronald Reagan, but I think he has the interests of the country at heart. I do not know whether some nameless, faceless bureaucrat—to use the buzzword—is more to be trusted than is Ronald Reagan.

I was going to say that that was the import of the amendment, but I know it is not, because I know that the Senator from Mississippi does not feel that way.

The point is that we have an ongoing policy with a structure here set up to solve this problem in about as fair and balanced a way as we could come up with over a period of years. The independent body is not going to help; it is not going to hurt the situation.

I hope the Senator will recognize that, if and when the amendment of the Senator from Idaho is accepted, this group will be responsive, because they must be responsive. If they are not, we will overrule them in Congress.

So I support the amendment of the Senator from Idaho.

Mr. STENNIS. Mr. President, I said yesterday, inferentially, while talking about another amendment, that in this case I would certainly support my colleague's amendment. I referred then, as I recall, to the fact that we had a Joint Energy Commission which was an outgrowth of a great deal of debate and discussion, and they served in the nuclear field, so called, with great distinction and made a real contribution.

We had a joint committee, House and Senate. I considered them and their work for a great number of years as being outstanding among the different agencies of Government. I say that as a member of the Appropriations Committee who saw some of their work every year.

Now we come on and abolish that and eliminate other arrangements, and then we change that, and we went into the Department of Energy, and now we are abolishing that in a way.

So I think this is highly different in nuclear energy and its problems, including waste disposal, as related to our military program also, and to the state of mind of the people on this troublesome subject, which will perhaps become more acute rather than better for a good number of years.

For that reason, it seems to me that a great part of the powers in these matters should be centered in an agency that is not tied up with a great many other problems and the ups and downs of the budget battles and everything of that kind. Those are the things which, because of my observation and experience, to some degree, make me support this amendment.

As a practical matter, the work on this bill has been excellent. As a practical matter, my colleague tells me that he has decided to get what he can, so to speak, in this field, and I will go along with his leadership on this.

Mr. COCHRAN. Mr. President, I thank my distinguished colleague from Mississippi for his remarks.

I also realize that in order to adopt and have signed into law any legislation to create an independent commission or entity, we would have to have the support of the committee that is managing this legislation. No matter what kind of legislative proposal the administration might send up to the Hill in response to a matter contained in this bill, the administration might also send a message along with it that they did not want it adopted.

So I labor under no illusion that the adoption of my amendment would mandate or automatically result in the creation of a commission. But I am convinced, based on experience we have had in observing the Department's handling of this program up to this point, that a better job can be done to inspire the confidence of the American people in handling these nuclear wastes and in developing a process and a procedure that is going to rely more on scientific data, geological formation, than on political considerations about how you go about selecting sites, which, in my judgment, mitigates against the continuation of the management of the program by the Department.

The senior Senator from Mississippi points out the anticipation that the administration may very well disestablish the Department of Energy. What happens to the nuclear waste management program then?

This is a long-term program we are creating under this legislation. It is not a program that will disappear in the event that the Department of Energy ceases to exist.

I am really interested in seeing what kind of plan the Secretary will submit to Congress in January 1983 for managing this program.

I am convinced we would be better off to have an independent commission or agency. Frankly, the decisions on the operation and maintenance of the waste disposal site should be free from short-term political considerations. But what happened is under the current structure the waste management program has had to compete for money, manpower, and policy-level attention with other areas of nuclear research and development.

What will happen if this function is transferred to another department such as the Department of Commerce? Will the Secretary or those at higher levels of that department be interested in other functions than devoting the personal attention to this kind of program that is needed? Will they turn it over to people whom you cannot identify by name, who are not answerable to Congress, who cannot be found when oversight hearings are to be held?

In my judgment, it would be more appropriate to have a board of directors or a commissioner who is identifiable, who is responsible to Congress, accountable to the American people and to the President for the appropriate and efficient management of a nuclear waste program.

This would assure that whatever body is created would have durability and continuity. I think that is important.

I realize that the amendment the Senator from Idaho has offered to my amendment does not completely erase the expression of sentiment that we should study and review a plan for independent management of this program, and for that I express my appreciation.

While I would like to have my amendment agreed to and approved by the Senate as submitted, it is obvious that this may be the best deal I can get, and with that realization, and with an expression of hope that the Secretary will carefully consider the independent agency alternative and that the plan that is submitted in January 1983 will discuss that as an alternative way of managing this program, I will rest my case.

Mr. McCLURE. Mr. President, I do not wish to prolong the debate at all. I understand what the Senator is trying to get to, and I appreciate the comments he has made with respect to the legislative proposal to create an independent agency.

As I said earlier, the committees that are going to look at it have already opted and made the decision that it is not the preferred decision.

I have one of two courses to pursue: One is to kill outright the Senator's amendment or concede a part of the ground and say, "All right, let us have somebody else besides our committee evaluate that and give us their evaluation," and if the Senator can accept that latter course then I think we can amend the proposed amendment with a substitute which does allow that evaluation and report.

If not, then I would be prepared to vote and would urge my colleagues to

adopt the substitute and to defeat the Cochran amendment.

Mr. COCHRAN. Mr. President, I am assuming that the amendment that is pending, the amendment to my amendment, will be adopted by the Senate, and I appreciate the courtesy of the manager of the bill.

The PRESIDING OFFICER (Mr. WARNER). The question is on agreeing to the amendment of the Senator from Idaho.

The amendment (UP No. 884) was agreed to.

The PRESIDING OFFICER. The question now recurs on agreeing to the amendment of the Senator from Mississippi, as amended.

The amendment (UP No. 883), as amended, was agreed to.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the amendment, as amended, was agreed to.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 885

Mr. SIMPSON. Mr. President, I send to the desk an unprinted amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Wyoming (Mr. SIMPSON), for himself, Mr. HART, Mr. STAFFORD, Mr. RANDOLPH, Mr. MITCHELL, Mr. DOMENICI, and Mr. MURKOWSKI proposes an unprinted amendment numbered 885.

Mr. SIMPSON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

On page 69, after line 9, add a new Title VIII to read as follows:

TITLE VIII—PERMANENT DISPOSAL OF HIGH-LEVEL RADIOACTIVE WASTE FROM ATOMIC ENERGY DEFENSE ACTIVITIES

"SEC. 801(a). The President, in preparing the report required by section 213 of Public Law 97-90, shall evaluate the use of disposal capacity at one or more of the repositories to be developed pursuant to Title IV of this Act for the permanent disposal of high-level radioactive waste resulting from atomic energy defense activities. The evaluation shall take into consideration cost, efficiency, health and safety, regulatory, transportation, public acceptability and national security factors.

"(b) Unless the President finds, after conducting the evaluation required by subsection (a), that the development of one or more repositories for high-level radioactive waste from atomic energy defense activities only is required, taking into account all of the factors described in subsection (a), the Secretary shall proceed promptly with arrangements for the use of one or more of the repositories to be developed pursuant to title IV for the permanent disposal of high-level radioactive waste from atomic energy defense activities. Such arrangements shall include the allocation of costs of developing, constructing and operating this repository or repositories between the Federal Government and the separate account established by section 601.

Mr. SIMPSON. Mr. President, the compromise text that we consider now deals extensively with the program for solving the commercial nuclear waste program, but only addresses one aspect, State participation of the disposal of nuclear wastes from atomic energy defense activities.

By addressing the problem of defense waste disposal, this amendment would make this bill a truly comprehensive nuclear waste management act.

Mr. President, this amendment is very similar to title VIII of the National Nuclear Waste Policy Act as reported unanimously from the Environment and Public Works Committee.

The amendment has three major elements: first, it directs the President, as he prepares the report on defense nuclear waste management required under section 213 of the Department of Energy National Security and Military Applications of Nuclear Enery Authorization Act of 1982 (P.L. 97-90), to evaluate using capacity in one or more of the repositories developed under S. 1662 for disposing of high-level nuclear waste from defense activities.

This evaluation must consider the cost, the efficiency, the health and safety, the regulatory, the transportation, public acceptability, and national security factors associated with commingling civilian and defense high-level nuclear waste.

Second, it directs the Secretary of Energy to plan to use one or more of the repositories developed under the National Nuclear Waste Policy Act to dispose of defense high-level nuclear waste unless the President, after conducting his evaluation, finds that the development of one or more repositories for defense waste only is required, taking into account all of those factors that I just described.

Third, it requires that any repository to be used exclusively for the disposal of defense high-level nuclear waste must nevertheless comply with the general guidelines for selecting potential repository sites to be issued under the direction of the Secretary of Energy under the bill; be licensed by the Nuclear Regulatory Commission, and comply with all NRC requirements for the siting, for development or constructing and operating a repository.

Mr. President, the sponsors of this amendment believe that this amendment is essential to insure that the option of using the repositories to be developed here under S. 1662 for the disposal of both defense and civilian high-level radioactive waste is given a full and fair consideration.

Congress in the DOE National Security Act has already directed the President to prepare by July of 1983 a detailed plan for the permanent disposal of defense nuclear waste. This plan must include schedules for major decisions, descriptions of needed facilities, and estimates of needed expenditures,

However, nothing in that act requires that the President give careful consideration to the option of a unified disposal system as an alternative to separate, duplicative systems of civilian and defense repositories.

Our amendment would remedy this deficiency by requiring the President, in preparing his plan, to evaluate also these options, taking into account all relevant factors, and to proceed with a unified system unless be determines there is a demonstrated clear need for a defense-only repository.

Mr. President, there are several reasons why we believe that the unified disposal approach should be given detailed consideration in developing a plan for the permanent disposal of defense nuclear wastes.

First, although defense and civil level nuclear waste have somewhat different properties, they present similar hazards to public health and safety. Therefore, similar measures for protecting the public from these hazards should apply to both types of wastes. Disposal of defense and civilian high-level nuclear wastes in the same system of repositories will insure that the public receives the equivalent protection from these hazards. Indeed, the Department of Energy has testified that it intends to design its commercial repositories to accept both defense and civilian high-level nuclear wastes.

I think it is important to recall in this debate that 70 percent of the waste product in volume comes from the defense facilities and 30 percent from the civilian facilities. In content, they are about 50-50, but in volume, defense is 70 percent and commercial 30.

Second, if the DOE decides to build separate repositories for defense and civilian nuclear waste, a State with potential repository sites might find itself subject to a form of "double jeopardy": even though a State has already been considered or even chosen as the site for a civilian nuclear waste repository, the DOE subsequently could select it to host an exclusively defense nuclear waste repository. This subsequent selection process could create additional political controversy—I can assure you that—with a State already required to host a civilian nuclear waste repository. Moreover, the programmatic limitations and guidelines in the National Nuclear Waste Policy Act would not necessarily apply to an exclusively defense nuclear waste repository. It seems likely

that a State's residents would more willingly accept the disposal of defense nuclear waste if done as part of the general program established by the National Nuclear Waste Policy Act, rather than as part of a separate defense program.

In addition, the National Nuclear Waste Policy Act provides impact assistance—a very key provision—for States hosting a repository designed to accept both civilian and defense nuclear waste: there is no guarantee, however, that impact assistance would accompany a repository built exclusively for defense nuclear waste. Including defense nuclear waste within the National Nuclear Waste Policy Act would minimize, if not certainly eliminate, the chances of "double jeopardy," with all its adverse consequences.

Third, we believe that a unified system for disposing of both civilian and defense nuclear waste will avoid unnecessary duplication of effort and additional costs. It is currently estimated that the construction, operation, and decommissioning of a nuclear waste repository will cost about $5.2 billion. In this period of budgetary constraint, it seems fiscally more responsible for the DOE to plan incrementally to increase the capacity of its planned repositories to accept both defense and civilian nuclear waste rather than to build an entirely separate repository exclusively for defense nuclear waste.

Finally, Mr. President, although it has been suggested that disposal of defense and civilian nuclear waste in the same repository could somehow compromise the national security, we have concluded, after several years of hearings and classified briefings, that no national security interest attaches to the commingled disposal of defense and civilian nuclear waste.

I have paid particular attention to that, both as a ranking member of the subcommittee, when Senator HART was chairman, and since I have assumed the chairmanship. I have attended those hearings and those classified briefings to delve into this issue of the national security, and I have never found yet that we would compromise the national security with a unified repository.

In addition, under current law, the Nuclear Regulatory Commission must license repository exclusively for the disposal of defense high-level nuclear waste, just as it would license a repository for the disposal of civilian, or commingled civilian and defense high-level nuclear waste. Here, I would emphasize that this amendment would still permit the development of repositories exclusively for the disposal of defense nuclear waste if the President finds that such a facility is required, taking into account all relevant factors.

In summary, Mr. President, we believe that the advantages of providing equivalent protection of public health and safety form the hazards of civilian and defense high-level nuclear waste minimizing the possible "double jeopardy" of potential repository host States, and avoiding duplication of costs and effort, warrant the careful consideration of a unified system for disposing of defense and civilian high-level nuclear waste that this amendment will provide.

Mr. President, I believe that the amendment is supported by the leadership of the Armed Services Committee. I wish to recognize the outstanding efforts of the chairman of that committee, the distinguished Senator from Texas, as well as the assistance and interest of the chairman and the ranking minority member of the Subcommittee on Strategic and Theater Nuclear Forces, of which the occupant of the chair, as chairman, is well aware. They have given the defense nuclear waste program and problem a great deal of thought and attention. Their assistance in developing this amendment has been most valuable.

With that, I urge the adoption of the amendment.

Mr. HART addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.,

Mr. HART. Mr. President, may we have order? There is a great deal of background noise.

The PRESIDING OFFICER. There is a request for order in the Chamber. The proceedings will suspend until Senators return to their desks and conversation in the well is discontinued.

The Senator from Colorado may proceed.

Mr. HART. Mr. President, I wish to join with my good friend, the distinguished Senator from Wyoming, in offering this amendment to S. 1662. As a member of both the Armed Services and the Environment and Public Works Committees, I have considered for several years the question of whether to integrate defense nuclear waste into a comprehensive program for disposing of nuclear waste, from whatever source.

After a very careful study by both of those committees, the Senator from Colorado has concluded, along with, I think, most of the other members of the Environment and Public Works Committee, that the reasons in favor of disposing of defense and civilian nuclear waste in a unified system of repositories far outweigh any possible arguments for disposing of defense waste in a separate, duplicative set of facilities.

Mr. President, because this amendment differs slightly from the title VIII in the version of S. 1662 reported by the Environment and Public Works Committee, I want to make some comments on my interpretation of the language.

First, the amendment retains the strong presumption contained in title VIII of the Environment and Public Works version of the bill in favor of a unified system for disposing of civilian and defense nuclear waste. Only if the President finds that a separate facility exclusively for defense wastes "is required, taking into account the factors in subsection (a)" can the DOE build an exclusive defense waste disposal facility. Let me underscore the point that the "is required" language does not permit the President to make this finding merely if, on balance, the factors listed in subsection (a) suggest that a separate, defense-waste-only repository is desirable or convenient. This language requires much more than that. It requires the President to find a clearly demonstrated need for building an exclusively defense waste repository.

Second, I cannot imagine any set of circumstances under which the President could make the finding in this amendment. After several years of hearings and classified briefings, I can ascertain no national security interest that attaches to the disposal of defense nuclear waste.

It just does not matter, from a national security standpoint, whether you put it in one separate hole, or in a hole that also contains civilian nuclear waste.

The only other factor I have heard mentioned to justify separate defense waste facilities is cost. It has been suggested that because defense nuclear wastes have less of a heat load than civilian nuclear waste, the DOE could build a repository to dispose of defense waste at less cost than it could build the same capacity as part of a civilian nuclear waste repository.

This argument is not persuasive. It would seem that the differences in heat load between civilian and defense nuclear waste raise questions about packaging the waste and designing engineered barriers. They probably have little to do with the actual drilling into the geologic medium to build a repository.

Moreover, just as adding an addition to a house costs less than building an entirely new house, so adding capacity incrementally to a repository developed under S. 1662, to dispose of defense waste, very likely would cost less than building an entirely separate defense-waste-only repository. Indeed, the DOE has testified it intends to design its repositories to accept both civilian and defense nuclear waste.

In addition, even if the cost of building an exclusive defense waste repository proves less than the cost of a unified disposal facility, this factor alone would not justify the President to make the required finding.

Third, the other factors in the President's evaluation also would seem not to justify an exclusive defense waste repository. For example, the public acceptability factor argues in favor of a unified system of disposal facilities.

In the public's mind, nuclear waste is nuclear waste. The American people do not care how the wastes were produced, or by what department of the Federal Government. They simply want their health and safety protected from the hazards of these wastes, regardless of the source. As the report by the Interagency Review Group on Nuclear Waste Management said:

[T]he extent of the public's exposure to nuclear waste materials does not vary by ownership of the facility or origin of the material. Thus, the public must be assured equivalent protection from material from both government and nongovernment sources.

If the Federal Government establishes a separate program and set of facilities exclusively for disposing of defense nuclear waste, it inevitably will raise questions in the public's mind about whether they are being adequately protected from the hazards of defense wastes.

If the defense program refuses to follow the carefully crafted timetable and guidelines for nuclear waste disposal in this bill, the public may think the defense program is trying to get away with something. Otherwise, why would it want a separate, exclusive set of facilities for defense waste disposal?

The Federal Government cannot afford to jeopardize its plans for disposing of defense nuclear waste by allowing such doubts to undermine the public confidence so necessary for any nuclear waste disposal effort to succeed.

Similarly, the health and safety, and regulatory factors would not seem to justify a separate defense-waste-only facility. Under current law, as part of its mandate to protect public health and safety, the Nuclear Regulatory Commission must license any repository exclusively for the disposal of defense high-level nuclear waste.

Mr. President, the Congress will have a responsibility to exercise careful scrutiny over any Presidential finding that a separate, defense-waste-only repository "is required" to make certain the factors justify the finding.

Because this amendment preserves the strong presumption in favor of a unified system for disposing of civilian and defense nuclear waste, I urge its adoption by the Senate.

Mr. SIMPSON. Mr. President, I yield to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. JACKSON. Mr. President, I am concerned about this amendment's potential impact on the likelihood of enacting nuclear waste legislation this year. Largely because of the amendment in the Environment and Public Works Committee to include title VIII, Senator TOWER, the chairman of the Armed Services Committee felt compelled to seek rereferral of S. 1662 to that committee. The amendment was added in the face of a prior request by Senator TOWER that S. 1662 be limited to civilian waste when reported. The inclusion of title VIII resulted in a delay of several months in the Senate's consideration of S. 1662. Because of potential jurisdictional problems, this amendment may create in the House further delay in enactment of nuclear waste legislation by the House.

Having made these cautionary comments, the present version of the Simpson-Hart amendment would accomplish what I believe the objectives of the gentlemen are, but in a more even handed and sound approach than title VIII of S. 1662, as reported. The first two subsections of section 801 of that version of title VIII have already been enacted into law, in substantially the same form, in the Department of Energy's 1982 authorization bill for national security programs. I offered that amendment when the bill was considered last year in the Senate, and I could see no reason to reiterate those words in law.

In fact, the earlier version of the amendment contained a date which was 6 months earlier than the date in law for submission of a Presidential report. The reasons section 213 of Public Law 97-90 was written with a June 30, 1983 date was that the initial reaction of the administration to this requirement was that the time period for completion of the report was insufficient, because my original date was in fact the same as in title VIII, as reported—namely January 31, 1983. As a consequence, this part of their amendment would have actually created an undesirable hurry-up effort to complete a report which in fact 7 months ago the administration indicated they could not complete by that date. Since we are asking the administration in this amendment to expand the nature of the report in some degree, it will take the full time to complete this Presidential report to the Congress.

This amendment substitutes a different formulation for subsection (c) of section 801 as reported. The assumption in their original text was that all of the advantages accrue to requiring a comingled disposal of defense and civilian waste. The wording prejudged that the factors related to cost, efficiency, health and safety, regulatory, transportation, and public acceptance all were advantages from the standpoint of comingled disposal of defense high-level waste.

I do not believe that the Congress has sufficient information to arrive at that conclusion at the present time. As a consequence, I suggested that their amendment be rewritten so that the President must indeed analyze these factors in relationship to unifying the high-level wastes from the atomic energy defense activities and from the civilian nuclear activities. However, the President is required to determine whether or not the body of information available pertaining to these factors justifies unifying the two systems of disposal. If he makes a positive determination, then the Secretary is to proceed with plans to unify the system. I believe that this is a balanced approach to arriving at a decision as to whether the high-level wastes should be unified from both defense and civilian nuclear activities. If the information available justifies that decision, then I will wholeheartedly support it. However, to require the President to make a determination on the sole grounds of national security begs the very questions of cost, public health and safety, efficiency, transportation, and public acceptability. Thus, I found their original amendment unacceptable.

Mr. President, I think it is also crucial here to point out that by keeping the high-level defense waste in a separate program, we would not be ignoring public health and safety, environmental considerations, the licensing of these facilities, and the participation of States and any affected Indian tribes in a nuclear waste repository for high-level defense wastes. The fact is, Mr. President, that under existing law, all high-level defense waste repositories must be licensed. This is required under Public Law 94-238 which, in fact, was written that way with my full support. I felt at that time, and I still feel, that the requirement must be to license high-level defense waste facilities for permanent disposal. The States and Indian tribes who are affected by a waste repository are protected by the requirements of the bill before us. The bill will require that the States and affected Indian tribes have the same participatory role in either civilian or defense high-level waste repositories. Thus, we have no quarrel there. Likewise, the National Environmental Policy Act applies with equal measure to either type of facility.

Mr. President, the technical differences between the high-level wastes from military and civilian nuclear activities are sufficiently different that it may very well be that it is less costly for the Federal Government to have a separate military waste repository. The heat generated by high-level defense wastes are much lower than the civilian waste, and as a consequence, should be easier to dispose of in media which may not prove suitable for disposal of civilian wastes which generate more heat. I think the question is suf-

ficiently open to debate among technical experts that the decision of whether to require a unified disposal system should be based on the broader grounds than simply national security needs.

I believe the inclusion of this amendment may very well result in the Congress failing to enact nuclear waste legislation due to possible jurisdictional problems in the House. However, I will not oppose the Simpson-Hart amendment in its current form.

Mr. McCLURE. Mr. President, the Senator from Washington has expressed the concerns which the Senator from Idaho has. There has always been a battle over the merger of these programs, and I think a very legitimate battle. I am very much concerned about the impact that it has on national security and national security programs into which you merge programs which are associated with civilian programs. The military program has run along very well on its own. I share with the Senator from Washington the determination that we act on that separate piece of legislation with respect to the repository program for the military program. I am concerned, as he is concerned, that if in the adoption of this we may reduce some of the pressures and move them to the other. I certainly hope that is not the case. On the part of this Senator, I will do what I can to see that we get that other program underway and kept on track toward a final conclusion.

But there is one additional concern which has been expressed to me. I would like to address a question to the Senator from Wyoming about the effect of this bill.

That concern is that having established under this bill a trust fund, which is funded by the consumers of electrical energy, that they not, in effect, subsidize the military program.

The Senator from Virginia (Mr. HARRY F. BYRD, JR.) has rightly said all along in this that the cost should not be a general fund Treasury cost in this civilian program.

Conversely, the military program should not become an indirect cost upon the consumers of electricity. They ought to be fully and separately funded. That is one of the reasons we have been concerned about the merger of the two programs.

My question to the Senator from Wyoming is what his understanding would be with respect to the cost of the disposal of waste from the military program under the amendment?

Mr. SIMPSON. Mr. President, the cost of the disposal of nuclear waste would be borne by the Federal Government with regard to all of the proportionate costs of the defense waste.

The costs of the commercial waste disposal would be borne from the fund under title VI.

That is the way the costs would be handled with regard to the difference between those two types of waste.

Mr. McCLURE. So if I understand what the Senator is describing to me, and referring to the language in the amendment, it appears in the amendment on lines 18, 19, 20, and 21, the last sentence in section 801(b), which says, "Such arrangements shall include the allocation of costs."

What he is saying is that that allocation of costs should be full allocation and full recovery of costs from the military program for whatever costs are imposed upon that joint repository, is that correct?

Mr. SIMPSON. If I may at this point refer to the Senator from Washington, he, I believe, has a modification to his amendment, which I think would be quite appropriate and quite acceptable if the Senator from Washington will relate that.

Mr. JACKSON. I thank the Senator from Wyoming.

Mr. President, following up on the point raised by the distinguished chairman of the committee, the senior Senator from Idaho (Mr. McCLURE), I propose, at the end of subsection (b) and ask that the author of the overall amendment get unanimous consent to modify his amendment as follows. This would be at the end of subsection (b), the point raised by the Senator from Idaho.

The costs resulting from permanent disposal of high-level radioactive waste from atomic energy defense activities shall be paid by the Federal Government and not from the special account established under section 601.

I think that resolves the problem. I shall send this to the clerk.

Mr. SIMPSON. Mr. President, just as he has throughout the deliberations and consultations on these amendments, the Senator from Washington has again been most helpful. I ask unanimous consent that the language that the Senator from Washington has just read be incorporated within my amendment.

The amendment was so modified.

Mr. JACKSON. Perhaps the Senator should move that it be so ordered.

Mr. JOHNSTON. Mr. President, reserving the right to object, and I shall not object, did I hear the Senator say that the amendment relates only to permanent storage? Would that include the MRS?

In other words, if we store the military waste in a MRS, would that be allocated to the military as well?

Mr. JACKSON. I do not believe the Simpson amendment deals with MRS.

Mr. JOHNSTON. Is that correct?

Mr. JACKSON. I ask the distinguished Senator from Wyoming: I do not believe his amendment addresses MRS. Is that not correct?

Mr. SIMPSON. Mr. President, that is correct. On line 17 of my amendment, we discuss only the permanent disposal of high-level radioactive waste.

Mr. JOHNSTON. I thank the Senator for the explanation.

Mr. McCLURE addressed the Chair.

The PRESIDING OFFICER (Mr. HEINZ). The Senator from Idaho.

Mr. McCLURE. Mr. President, I thank the Senator from Washington for offering this amendment, because I think it does strengthen the area that I was concerned about. While I still have that concern expressed by the Senator from Washington that it may make more difficult the consideration of the legislation in the other body because of jurisdictional questions, I sense clearly the need in this body to expedite its passage by adopting the amendment. It is in that kind of dilemma that I find myself.

With adoption of the language suggested by the Senator from Washington and the understanding stated here with respect to the costs and the understanding that this amendment has been approved by the distinguished senior Senator from Texas (Mr. TOWER) and the other members of the Committee on Armed Services on this side of the aisle, I have no objection to adoption of the amendment as so modified.

Mr. SIMPSON. Mr. President, I call for the question on the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment as modified.

The amendment (UP No. 885) as modified, was agreed to, as follows:

On page 69, after line 9, add a new Title VIII to read as follows:

TITLE VIII—PERMANENT DISPOSAL OF HIGH-LEVEL RADIOACTIVE WASTE FROM ATOMIC ENERGY DEFENSE ACTIVITIES

"SEC. 801. (a) The President, in preparing the report required by section 213 of Public Law 97-90, shall evaluate the use of disposal capacity at one or more of the repositories to be developed pursuant to Title IV of this Act for the permanent disposal of high-level radioactive waste resulting from atomic energy defense activities. The evaluation shall take into consideration cost, efficiency, health and safety, regulatory, transportation, public acceptability and national security factors.

"(b) Unless the President finds, after conducting the evaluation required by subsection (a), that the development of one or more repositories for high-level radioactive waste from atomic energy defense activities only is required, taking into account all of the factors described in subsection (a), the Secretary shall proceed promptly with arrangements for the use of one or more of the repositories to be developed pursuant to title IV for the permanent disposal of high-level radioactive waste from atomic energy defense activities. Such arrangements shall include the allocation of costs of developing, constructing and operating this repository or repositories between the Federal Government and the separate account established by section 601.

The costs resulting from permanent disposal of high-level radioactive wastes from atomic energy defense activities shall be paid by the Federal Government, and not from the special account established under Section 601.

"(c) If the President determines that national security needs require the development of a repository for the disposal of high-level radioactive waste from atomic energy defense activities only, the facility shall (1) comply with the guidelines to be developed pursuant to section 403(a) of this Act, (2) be subject to a license under section 202(4) of the Energy Reorganization Act of 1974 (88 Stat. 1233), and (3) comply with all requirements of the Commission for the siting, development, construction, and operation of a repository.".

Mr. JACKSON. I move to reconsider the vote by which the amendment was agreed to.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 886

(Purpose: To perfect the amendment relating to interim storage of spent fuel)

Mr. THURMOND. Mr. President, I send an amendment to the desk and ask that it be immediately considered.

THE PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from South Carolina (Mr. THURMOND), for himself, Mr. D'AMATO, Mr. DIXON, Mr. HOLLINGS, Mr. HUMPHREY, Mr. MATSUNAGA, Mr. MOYNIHAN, Mr. PERCY, and Mr. TSONGAS, proposes an unprinted amendment numbered 886.

Mr. THURMOND. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning on page 11, on line 19, strike out all through line 16, on page 28, and insert in lieu thereof the following:

TITLE III—INTERIM STORAGE OF SPENT FUEL FROM CIVILIAN NUCLEAR POWERPLANTS

SEC. 301. (a) It is the policy of the Federal Government that

(1) the persons owning and operating civilian nuclear powerplants have the responsibility for providing interim storage of spent fuel from such powerplants, by maximizing, to the extent practical, the effective use of existing storage facilities at the site of each civilian nuclear powerplant, by adding new onsite storage capacity in a timely manner where practical, and by the use of privately owned and operated offsite storage facilities where practical; and

(2) the Federal Government has the responsibility to encourage and expedite the effective use of existing storage facilities and the addition of needed new storage capacity at the site of each civilian nuclear powerplant. (b) The policy under subsection (a) shall provide for the utilization of available spent fuel pools at the site of each civilian nuclear powerplant to the extent practical and the addition of new spent fuel storage capacity where practical, either at the site of the powerplant or at a privately owned and operated offsite storage facility.

SEC. 302. (a) The Secretary, the Commission, and other appropriate Federal officials shall take such actions as they consider necessary to encourage and expedite the effective use of existing storage facilities and the addition of needed new storage capacity at the site of each civilian nuclear powerplant consistent with—

(1) the protection of the public health, safety, and the environment;

(2) economic considerations;

(3) continued operation of the powerplant; and

(4) otherwise applicable law.

(b) The Secretary, in consultation with the Commission, shall establish a cooperative program to assist and encourage the private development of alternate technologies for the storage of spent fuel at the sites of civilian nuclear powerplants, with the objective of developing one or more alternate technologies that the Commission can adopt by rule on a generic basis for use at the sites of all civilian nuclear powerplants without the need for additional site-specific approvals by the Commission to the maximum extent practicable. For the purposes of this subsection, "alternate technologies" shall include, but are not limited to, spent fuel storage casks.

SEC. 303. (a) Any person filing an application with the Commission after the date of enactment of this Act for a license, or for an amendment to an existing license, to expend the spent fuel storage capacity at the site of a civilian nuclear powerplant, through the use of high-density fuel storage racks, fuel rod compaction, the transshipment of spent fuel to another powerplant within a utility system, the construction of additional spent fuel pool capacity, or by other means, may submit a petition to the commission for issuance of the license or license amendment on an interim basis prior to the conduct or completion of any required hearing upon such application. Any petition submitted under this section shall include a statement of the reasons why the application for the license or amendment was not submitted sufficiently in advance to eliminate to need for issuance of the license or license amendment on an interim basis.

(b)(1) The Commission shall grant the petition submitted under subsection (A) and issue the license or license amendment on an interim basis if the Commission determines that—

(A) in all respects other than the conduct or completion of any required hearing, the requirements of law are met;

(B) in accordance with such requirements, there is reasonable assurance that the activities authorized by the license or license amendment during the interim period, in accordance with the terms and conditions of such license or license amendment, will provide adequate protection to the public health and safety and the environment during the interim period; and

(C) there is a reasonable expectation that refusal to grant the petition will prevent the petitioner from providing in a timely manner adequate capacity for spent fuel storage at the site of the powerplant to maintain a full core reserve storage capability.

(2) the commission may not issue a license or license amendment on an interim basis for the first application received by the commission for the license or license amendment to expand onsite spent fuel storage capacity by the use of a new technology not previously approved for use at any nuclear powerplant by the Commission.

SEC. 384. (a) In any Commission hearing pursuant to section 189 of the Atomic Energy Act of 1954, as amended, on an application for a license, or for an amendment to an existing license, filed after the date of enactment of this Act, to expand the spent fuel storage capacity at the site of a civilian nuclear powerplant, through the use of high-density fuel storage racks, fuel rod compaction, the transshipment of spent fuel to another powerplant within a utility system, the construction of additional spent fuel pool capacity or dry storage capacity, or by other means, the Commission shall, at the request of any party, provide an opportunity for oral argument with respect to any matter which the Commission determines to be in controversy among the parties. The oral argument shall be preceded by such discovery procedures as the rules of the Commission shall provide. The Commission shall require each party, including the Commission staff, to submit in written form, at the time of the oral argument, all the facts, data, and arguments upon which that party proposes to rely that are known at such time to that party.

(b)(1) At the conclusion of any oral argument under subsection (a) of this section, the Commission shall designate any disputed question in fact, together with any remaining questions of law, for resolution in an adjudicatory hearing only if it determines that—

(A) there is a genuine and substantial dispute of fact which can only be resolved with sufficient accuracy by the introduction of evidence in an adjudicatory hearing; and

(B) the decision of the Commission is likely to depend in whole or in part on the resolution of such dispute.

(2) In making a determination under this subsection, the Commission shall designate in writing the specific facts that are in genuine and substantial dispute, the reason why the decision of the agency is likely to depend on the resolution of such facts, and the reason why an adjudicatory hearing is likely to resolve the dispute.

(c) No court shall hold unlawful or set aside a decision of the Commission in any proceeding described in subsection (a) because of a failure by it to use a particular procedure pursuant to this section unless—

(1) an objection to the procedure used was presented to the Commission in a timely fashion or there are extraordinary circumstances that excuse the failure to present a timely objection, and

(2) the court finds that such failure has precluded a fair consideration and informed resolution of a significant issue of the proceeding taken as a whole.

Mr. THURMOND. Mr. President, this amendment would strike those provisions of title III of S. 1662 which authorize a Federal program to provide away-from-reactor (AFR), interim storage for 2,800 tons of commercial spent fuel. Joining me in proposing this amendment are my distinguished colleagues, Senators HOLLINGS, MOYNIHAN, D'AMATO, PERCY, DIXON, TSONGAS, HUMPHREY, and MATSUNAGA. I am pleased to have their assistance and support in this important debate.

Specifically, our amendment would delete sections 301 through 310 of the committee bill, which not only authorize, but in fact direct the Secretary of Energy to construct, acquire, or lease

one or more AFR facilities and to enter into contracts with utilities to provide transportation of spent fuel and storage services. It should be stressed, however, that our amendment leaves intact those provisions of title III which establish a streamlined regulatory process to aid utilities in licensing additional storage space at reactor sites or in licensing transshipments of spent fuel to other sites.

At the outset of this debate, Mr. President, I want to respond to a criticism which I am sure will be raised by those opposed to our amendment—that the amendment is born out of the parochial interests of its sponsors. I would be the first to admit, and I am sure some of my cosponsors would share parallel concerns, that the fact that an AFR facility is likely to be located in my State has contributed greatly to my interest in this portion of the bill. However, while a heightened interest in the AFR issue may have been generated by concern for my constituents, upon careful examination of the merits, I have come to the conclusion that a Federal AFR program is unnecessary, regardless of where the interim facility is located. Moreover, I strongly feel that such a program would hinder our efforts to find a permanent solution to the nuclear waste issue as soon as possible.

I would also be offended by a characterization of this amendment as an antinuclear measure. No one who is familiar with the voting record of this Senator during his many years in the Senate would seriously entertain such a thought. I am and will remain a strong supporter of the nuclear industry. Nuclear energy is, in my opinion, an absolutely vital source of energy for our country. My strong support for nuclear energy does not, however, necessitate my agreement with the utility industry on every issue.

Mr. President, I believe some background information may be useful in helping my colleagues who are new to the AFR issue to understand the context of this debate. Spent fuel from the operation of commercial nuclear reactors is currently being stored by the electric power utilities at reactor sites across the Nation. For a number of years, it was assumed by both the Federal Government and by the utility industry that this spent fuel would be stored onsite for only a short period of time before being transported to a commercially operated reprocessing plant. That assumption changed dramatically in April 1977 when President Carter, citing nonproliferation concerns, indefinitely deferred commercial reprocessing in this country. While President Reagan has revoked this ban on reprocessing, the private sector, concerned about vacillation in the Federal Government policy regarding the back end of the fuel cycle, has been unwilling to undertake such a venture. Meanwhile, spent fuel has been collecting in reactor basins which were designed, in contemplation of future reprocessing, to provide a relatively limited amount of storage space.

In October 1977, the Department of Energy (DOE) announced its plans to accept and take title to the spent fuel accumulating at reactor sites. Congressional authorization for that Federal AFR program was sought by DOE during the Carter administration but never obtained, although an AFR provision did pass the Senate during the 96th Congress as a part of S. 2189.

Mr. President, while I am sympathetic to the frustrations of the utilities which have had to deal with uncertain and conflicting Federal policies concerning nuclear waste, I have come to the conclusion that a Federal AFR program is both unnecessary and unwise. One interesting aspect, if not mystery, of the AFR debate which has helped to move me toward this conclusion has been the periodic DOE estimates showing a marked decline in the amount of AFR storage needed and a significant postponement in the dates by which such storage must be made available.

In 1977, the year in which DOE first announced its Federal AFR program, the Department conducted a survey of 76 utilities to determine spent fuel storage requirements. As a result of that survey, DOE estimated a need to store 1,700 metric tons by 1983, 5,700 metric tons by 1986, and 14,400 by 1990. In early 1978, DOE testified to congressional committees that a Federal AFR facility was critically needed, or reactors would be forced to shut down by 1983. I would suggest that by the end of today's debate that argument will have a very familiar ring. Later in 1978, DOE issued a report revising its figures downward. That report stated that 560 metric tons of storage would be needed by 1983, with a cumulative total of 6,940 by 1990. DOE, however, still maintained that a storage facility would be needed by 1983 and that an optimal capacity for that facility would be 5,000 metric tons. By January of 1980, 2 years later, DOE had again revised its figures downward to a need for 377 metric tons storage capacity by 1983, 1,047 metric tons by 1986, and 3,277 metric tons by 1990.

At this point in time, it was a legitimate question whether DOE would eventually conclude that a Federal AFR program was in fact unnecessary. In March 1981, under a new administration, it did precisely that. DOE estimated, in a March 1981 report entitled "Spent Fuel Storage Requirements," that AFR storage capacity would not be needed at all until 1986, at which time no more than 120 metric tons of capacity would be necessary, and that space for 1,800 metric tons might be needed by 1990. In the same month as this report was published, the General Counsel at DOE, Omer Brown, wrote the administrative law judge handling the waste confidence rulemaking at NRC to inform him that DOE was discontinuing its efforts regarding provision of Federal AFR storage. A portion of that letter reads as follows:

> Events recently have occurred relating to the information previously submitted in the above-entitled proceeding by the United States Department of Energy (DOE). Particularly important has been a change in DOE's projections of the quantity of spent nuclear fuel that may require interim storage prior to the availability of a disposal facility. This change makes more feasible various actions that utilities could take to meet spent fuel storage needs prior to the availability of a disposal facility and has contributed to a decision by DOE to discontinue its efforts to provide Federal government-owned or controlled away-from-reactor (AFR) storage facilities.

In that same letter, the General Counsel went on to address the issue of alternatives to Federal AFR storage, outlining a number of ways in which utilities could satisfy their additional storage requirements. Such alternatives included the construction of new water basins, which could be brought online in about 8 years and thus be operational by 1990; the transshipment of spent fuel between reactors of different utility companies, in addition to intrautility transshipments; the use of private AFR facilities, and the utilization of newer technologies, such as fuel rod compaction and dry storage at reactor sites. I will discuss these newer technologies in greater detail in a few moments.

At least in the context of NRC's waste confidence rulemaking, industry representatives seemed to have few difficulties with DOE's conclusions. For example, in a supplementary statement on recent developments, submitted to NRC this past December, the Atomic Industrial Forum responded to DOE's change of policy as follows:

> That DOE does not plan to pursue its efforts at this time to provide Federal government-owned or controlled AFR facilities, does not alter our position that safe interim storage can be made available . . . We perceive no practical obstacles, assuming needs are identified and acted upon in a timely and rational way, to the expansion of existing on-site storage, to rod storage in water basins, or to intra- or inter-utility transshipment to make full use of available capacity. As to dry storage, we agree with DOE that such is technically feasible and could be utilized if needed.

Mr. President, turning to the newer technologies mentioned in DOE's letter to NRC, these technologies, such as fuel rod compaction and dry storage, offer promising alternatives to AFR storage or water basin storage onsite. Fuel rod compaction or consolidation involves stripping the individual fuel rods from the assemblies and putting them back together in smaller

containers. While this option has not yet been licensed by NRC, Maine Yankee Atomic Power Co. currently has a license application for compaction pending before the NRC. If approved, rod compaction would increase the rod capacity of each assembly at Maine Yankee by 60 percent, from 176 rods in each bundle to 280. This option, in combination with the conventional process of reracking, will give Maine Yankee the capacity to store over 2,400 fuel assemblies, enough to accommodate all of the spent fuel produced in the projected lifetime of the plant. A 1980 analysis by the Office of Technology Assessment concluded that:

[Fuel rod consolidation] could as much as double the amount of spent fuel that could be stored per square foot of pool area, although structural limits in the pool and its foundation may prevent the maximum density from being achieved.

Dry storage, another technology which has not yet been licensed by NRC, involves various alternative modes, including casks, dry wells, or air-cooled vaults. There is experience with these dry storage alternatives both in the United States at the Idaho National Engineering Laboratory and the Nevada test site, and in Europe. Dry storage is not a "pie-in-the-sky" alternative which will be available at some point in the distant future. To the contrary, a very recently completed Office of Technology Assessment report entitled "Managing Commercial High-level Radioactive Waste" estimates that some dry storage technologies could be implemented at reactor sites in about 4 years. Similarly, a recent report prepared for DOE, "A Preliminary Assessment of Alternative Dry Storage Methods for the Storage of Commercial Spent Fuel" (JAI-180, November 1981) estimates that several different dry storage options could be available in the 1985-86 timeframe and that four of these options would cost less than current estimates for storage at a Federal AFR. Manufacturers of dry storage casks are actually publishing flyers, such as the one I have here, advertising the availability of these casks to the utility industry.

Moreover, in light of the nature of the storage problems facing utilities, dry storage may be a preferable alternative to AFR storage or new onsite wet storage. In the first place, spent fuel has now been cooling in existing reactors for at least 6 or 7 years, reducing the heat and radiation output to less than one-tenth of that from freshly discharged fuel. Consequently, an active cooling system such as a pool may not be needed, and a less expensive passive system may suffice. Secondly, the continuing uncertainties of the amount of storage needed and the date by which it will be needed argue against an alternative involving high initial costs and the inflexibility of a fixed capacity. This conclusion was stated in a July 1980 letter from OTA to Senator RANDOLPH, then chairman of the Environment and Public Works Committee:

A technology with low front-end capital requirements, a short lead time, and the ability to add storage capacity as needed on an annual basis, so as to avoid either under- or over-capacity, would be preferable. There are several dry storage technologies that may be better suited to the current situation if they are licensable.

The issue of licensing dry storage options was addressed in an article entitled "Spent Fuel Options," published in the May 1981 issue of Nuclear Industry, and Atomic Industrial Forum magazine. The article quoted an NRC official from the Division of Nuclear Materials and Safeguards as follows:

The transportation cask was licensed under (10 CFR) part 70. Much more was involved. What we're talking about is simply storage, and part 72 is in place. Also the type of cask we're talking about is licensed in Germany, or undergoing licensing. We will be getting a topical report on that cask that we would consider in licensing applications. If we find that they have covered most safety areas, that would substantially reduce our safety review . . . So I can see a potential for time reduction, but until we go through it, there's no guessing just how much. Basically, I wouldn't see any reason for dry storage evaluations taking any longer than wet storage evaluations in a licensing case.

Another important factor in the licensability issue is the fact the DOE has actively sought out utilities with near-term storage problems and industries who would be willing to enter into cooperative agreements with DOE to apply for a license for these storage technologies. Interestingly enough, of the 12 utilities with near-term storage problems contacted by DOE, only 2, Florida Power & Light and the Tennessee Valley Authority, have agreed to such cooperative programs. Through these programs, DOE intends to develop generic licensing information that can be used by all utilities. In response to a written question regarding licensing of dry storage that I submitted during recent Armed Services Committee hearings, DOE stated the following:

Currently, there appear to be no major technical issues which stand in the way of licensing either fuel rod compaction or dry storage. Discussions by the Department and the Nuclear Regulatory Commission have not identified any significant technical concerns with either technology. This is to be verified in DOE demonstration programs with utilities and will provide a sound basis for NRC's licensing of these new techniques.

A final point on the issue of licensing is the fact that our amendment retains sections 311 through 313, which represent the best efforts of the Energy and Environment Committees to resolve some of the licensing uncertainties presently confronting the utility industry. DOE officials testified during the Armed Services Committee hearing on S. 1662 that these sections of title III would be "very helpful" in resolving licensing difficulties. Chairman Palladino of the NRC testified in support of these provisions during the Energy and Environment Committee hearings on S. 1662. The American Nuclear Energy Council has stated that:

[t]hese provisions will enable utilities to provide for their own storage needs in a much more reliable and predictable manner.

Section 311 specifically directs DOE and NRC to take such actions as they consider necessary to encourage and expedite effective use of existing storage facilities and the addition of new storage capacity. In an effort to smooth the way for licensing alternative storage technologies such as dry storage, the remainder of section 311 directs DOE, in consultation with NRC, to establish a program to assist the private development of alternative technologies which NRC could license by rule on a generic basis for use at all reactor sites. Section 312 allows for the issuance of an interim license, provided certain criteria are met, for utility applications to expand onsite capacity and to transship spent fuel. Finally, section 313 establishes a hybrid hearing process for applications to expand storage and to transship. This section should provide a basis for limiting adjudicatory hearings and subsequent court actions which contribute to the licensing uncertainty surrounding various storage options.

Another issue which must be fully developed during our debate on title III is the cost of a Federal AFR program and the mechanism for financing such a program. While my distinguished colleague and ranking member of the Budget Committee will address this issue in greater depth, I would like to point out that the Congressional Budget Office has raised some serious questions regarding the adequacy of the funding mechanisms contained in S. 1662. Also, a recent OTA report entitled "Managing Commercial High Level Radioactive Waste" suggests that dry storage options may be less expensive than a large-scale centralized facility, as well as being more flexible and quicker to implement. A DOE study completed in November 1981 reached similar conclusions.

Finally, Mr. President, I would like to respond to an assertion—which the utility industry, among others, has made—that the Federal Government has a responsibility to provide a program for interim nuclear fuel storage because uncertainties in Federal policies created these interim storage problems for the utilities. I would agree that the Federal Government has some responsibility to help resolve the interim storage problem; but that responsibility does not, in my opinion, include the creation of an expensive

and unnecessary Federal program to take this spent fuel off the utilities' hands. Rather, I submit, that the Federal Government does have an overall responsibility to establish a consistent policy regarding all nuclear waste issues. Passage of S. 1662 with our amendment would accomplish that goal—it would clearly establish the policy that the utilities bear the responsibility of providing for their interim storage needs. This is in keeping with the conclusions of a 1979 GAO report on spent fuel storage, which stated:

> The responsibility for interim spent fuel should be a utility and nuclear industry concern. They have the technical capability to deal with the problem and should have the motivation, considering their large capital investment in nuclear power.

I also believe the Federal Government should assist the utilities in their efforts to provide for their own storage needs by removing unnecessary regulatory and procedural barriers. Our amendment would accomplish that goal by leaving intact sections 311 through 313, which direct DOE to establish a cooperative program to assist utilities in meeting their interim storage needs and which provide for expedited licensing of onsite storage.

This approach makes a great deal more sense than setting up a new Federal program to acquire or construct an expensive facility for the purpose of solving a problem which will exist for only 4 years. There appears to be general agreement that the crunch or critical period regarding interim storage will be from 1986 to 1990. DOE estimates that the need for some additional storage space will begin in 1986. By 1990, however, dry storage options should definitely be available and licensable, as well as other alternatives which the utilities will have had time to pursue. The American Nuclear Energy Council, in its literature on the AFR issue, refers to 1986–1990 as the critical period. The committee report on S. 1662, in explaining its 2,800-metric-ton limit, states the following about use of AFR's after 1990:

> This figure [2,800 metric tons] represents the policy judgment that the Federal Government must serve as a last-resort interim storage option through the remainder of this decade, but that sufficient time and procedures will be available to permit utility at-reactor expansion to satisfy their interim storage needs from 1990 until the Federal Government takes custody of the spent fuel for long-term storage and permanent disposal.

Mr. President, I am fearful that if title III is enacted into law as proposed and a Federal AFR facility is created, there will be heavy pressure to utilize that facility well beyond 1990. I would also expect continuing pressure to repeal the 2,800-ton storage limit as well as pressure to allow as many utilities as possible to use the AFR so that the cost for users would be decreased.

Additionally, I am very concerned, as are the people of South Carolina, that purchase of the Barnwell plant for use as an AFR will mean indefinite storage of spent fuel in our State. South Carolina is well acquainted with the concept of indefinite storage of nuclear waste, having hosted the Savannah River plant and the high-level liquid waste it produces for over 30 years. During his testimony in S. 1662 hearings, Governor Richard Riley of our State summed up the situation well in stating his law of political-physics, "[n]uclear waste stays where it is first put."

Mr. President, in summary, we believe this amendment is warranted and wise. The Federal program established by title III is far too broad for the problem it seeks to resolve. It makes no sense to set up a new Federal program, knowing full well as we do that Federal programs often take on a momentum of their own, to resolve a limited 4-year problem—especially when there are a variety of less drastic and more economical alternatives ready to be deployed.

A Federal AFR program may mean significant expenditures for the Federal Government if funds provided by the utilities prove insufficient to cover all the activities authorized by S. 1662. A Federal AFR program will mean transportation of nuclear waste through a number of States—transportation which would be completely unnecessary if an on site solution is found. Finally, a Federal AFR program devotes a great deal of time, attenton, and money to a short-term storage option when we should be focusing on a permanent solution to nuclear waste storage. That is where our emphasis should lie, and this amendment furthers that objective.

Mr. President, I ask unanimous consent that a copy of a telegram, which I received from Governor Riley of South Carolina supporting this amendment to S. 1662, be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. THURMOND. Mr. President, I also ask unanimous consent that a letter from Frank Coffman, Deputy Assistant Secretary for Nuclear Waste Management and Fuel Cycle Programs at DOE, to Representative Butler Derrick of South Carolina, be printed in the RECORD, as well.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. THURMOND. Mr. President, this letter outlines spent fuel management activities at DOE and the response which DOE received to its requests for utility partners to participate in dry storage demonstration projects.

Mr. President, I also ask unanimous consent that an April 28, 1982, editorial from the State, the largest newspaper in South Carolina be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. THURMOND. Mr. President, in closing, I just want to say that I realize that this matter does directly affect my State; and it might be assumed by some, as I stated, that that is the reason I am offering this amendment. But I reiterate that a study of this matter has led me to believe that we do not need the Federal AFR storage. It is going to cost a lot of money, and the utilities should provide this interim storage until permanent storage is available. Again, I repeat, alternative technologies are only 4 years away. Why should we go into this expensive program when it is unnecessary and unwise?

I hope the Senate will see fit to adopt this amendment.

EXHIBIT 1

[Telegram]

COLUMBIA, S.C.,
April 19, 1982.

Hon. STROM THURMOND,
Russell Senate Office Building,
Washington, D.C.

DEAR STROM: I understand that Senate bill 1662 the National Nuclear Waste Policy Act may be brought to the floor of the U.S. Senate tomorrow for consideration. Regarding your proposed amendment to delete those provisions of the bill providing for Federal AFR facilities for spent nuclear fuel, I urge you to impress upon the Senate our State's serious concern that such Federal activity could in effect allow for spent fuel from across the country to be transported to and stored in South Carolina. The focus of the Federal Government activity and the intent of S. 1662 must be to finally put forward a national policy and a program to create a permanent repository for the disposal of nuclear waste—not another program for temporary storage. If the provisions calling for Federal AFR's remain in a bill passed by the U.S. Senate we in South Carolina would be forced to consider more direct action to preclude the further accumulation of high level waste in the State. I am grateful for your offering of this amendment and pledge any personal assistance that I may render.

RICHARD W. RILEY, *Governor.*

EXHIBIT 2

DEPARTMENT OF ENERGY,
Washington, D.C., January 28, 1982.

Hon. BUTLER DERRICK,
House of Representatives,
Washington, D.C.

DEAR MR. DERRICK: The Department of Energy's (DOE) spent fuel storage program activities concentrate on the support of utility license applications for rod consolidation and dry storage in casks, drywells, and silos. We believe these alternative storage technologies have the potential to safely and efficiently meet the interim spent fuel storage needs of commercial domestic reactors.

However, assistance and support in the commercial application of these storage technologies is needed for these storage options to represent viable solutions to the spent fuel storage problem. The Department is working with utilities with near-term storage problems to explore solutions to their particular needs.

In May 1981, the Department invited representatives from all the 57 utilities with nuclear reactors to Washington to participate in a workshop on storage alternatives. Most utilities attended, but essentially no utility was interested in discussing the possibility of entering into a cooperative program in the Department to demonstrate and license the alternative storage techniques. So the Department contacted the utilities with near-term storage problems individually and eventually had discussions with the following 12 utilities:

1. Carolina Power and Light Company.
2. Consumers Power Company.
3. Duke Power Company.
4. Florida Power and Light Company.
5. General Public Utilities.
6. Maine Yankee Atomic Power Company.
7. Northeast Utilities.
8. Portland General Electric Company.
9. Power Authority—State of New York.
10. Tennessee Valley Authority.
11. Virginia Electric and Power Company.
12. Yankee Atomic Electric Company.

Following initial discussions, only four utilities decided to conduct detailed discussions with the Department. They were the Florida Power and Light Company (FP&L), Portland General Electric Company (PG&E), Tennessee Valley Authority (TVA), and Virginia Electric and Power Company (VEPCO). PG&E and VEPCO eventually discontinued these detailed discussions. We are currently pursuing a cooperative program with FP&L and are just awaiting approval of the TVA Board of Directors for a DOE/TVA cooperative program. The TVA program involves the licensing of two large capacity storage-only casks at the Browns Ferry site during fiscal year 1983. In addition, DOE and TVA have a joint program to demonstrate boiling water reactor rod consolidation. We are currently seeking a utility partner for a large scale pressurized water reactor rod consolidation program and a large scale cask storage program at a reactor site.

As part of these cooperative programs, the Department has promised to support licensing by developing generic licensing information that can be used by all utilities and by conducting unlicensed storage operations at a Government site with utility supplied fuel and casks. This unlicensed storage would provide any data required by the Nuclear Regulatory Commission (NRC) during licensing. However, many utilities that the Department has talked with are not willing to be the first to go through licensing since there is the potential for extended licensing proceedings. This is due to the practice of prenoticing and extensive hearings which allow many opportunities for intervention and delay which not only frustrate their nuclear objectives but also carry over into rate making hearings. Discussions with NRC staff have revealed that they operate this way because of past accusations of working in secret with utilities. Licensing relief via legislation to deal with this problem is needed, and we would be happy to discuss this with you.

Another area of concern to the utilities is the lack of a firm basis on which to collect money for their fuel storage and disposal costs. Public utility commissions have refused to include or have reduced requests by utilities for coverage of fuel storage and disposal costs in their rate structures because of uncertainty concerning the disposal fee and when it is paid. We believe a tax on nuclear fuel with early payment to the Government of the disposal fee would provide a firm basis for the utility to recover costs from the ratepayer.

If you have any questions, we would be happy to discuss these issues with you or your staff.

Sincerely,

FRANKLIN E. COFFMAN,
Deputy Assistant Secretary for Nuclear Waste Management and Fuel Cycle Programs, Office of Nuclear Energy

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[From the Columbia (S.C.) State, Apr. 25, 1982]

EXHIBIT 3

S.C. EXPECTS SENATORS TO FIGHT AFR STORAGE

The U.S. Senate soon may try to agree on legislation which sets national policy on the disposal of the highly radioactive wastes from utility-owned nuclear power reactors.

Of course, nobody wants something buried nearby that poses the danger of radiation for thousands of years. So, this legislation will get the serious attention of most of the senators who will be trying to balance the national interest against the interests of their own states.

South Carolina has an especial interest in the pending bill, S. 1662. It contains provisions which would permit the "temporary" storage of nuclear reactors' spent fuels at sites designated by the federal government. One of the three prime candidates for a storage location is the Barnwell Nuclear Fuels Plant, which was designed to reprocess the spent fuels BNFP has never been operational.

The problem is that for years the spent-fuel assemblies from the power reactors have been crowding into on-site storage pools. Utilities, anticipating running out of storage space, want to move the assemblies to a central location away from the reactors. The concept is called AFR, away-from-reactor storage.

Objections to that concept, and to use of BNFP for that purpose, have been raised by Gov. Dick Riley and others up and down the line in South Carolina. *The State* is included. What is needed is a national, permanent repository, availability of an interim government storage facility will encourage further delay of a final storage decision which should have been made a quarter of a century ago.

Furthermore, South Carolina already has an inordinate "share" of the nation's radioactive wastes. Millions of gallons of military nuclear wastes are stored at the Savannah River Plant, and hundreds of tons of commercial low-level radiating garbage are buried near Barnwell. If there are problems at the reactors, let the utilities expand their holding tanks as necessary.

We will not argue the point further. Now we must look to our two U.S. Senators, Strom Thurmond and Fritz Hollings, to eliminate the AFR proposals from the pending bill. They have drafted the necessary amendments and are reported to have written all members of the Senate asking their support. We presume Mr. Thurmond and Mr. Hollings are prepared to use whatever parliamentary tactics and oratorical persuasion that are necessary, as well as their own considerable personal and political influence.

Defeat of the AFR proposal will hasten the eventual creation of an essential national nuclear waste repository. That will be a monumental contribution to the public's welfare and safety.

Mr. PERCY. Mr. President, I support the amendment to the National Nuclear Waste Policy Act of 1982 which would strike those provisions authorizing a Federal program for away-from-reactor (AFR) facilities while continuing efforts to expedite the use of technologies for expanding interim onsite storage.

The issue that this amendment addresses has been discussed at length over the past few years. During this time, we have heard repeatedly that the Federal Government must rush to the rescue and entirely take over the responsibility for interim storage of spent fuel until a permanent repository is made available. But no disaster has befallen the industry since these arguments were first made. No nuclear plants have been closed due to a lack of available storage.

Indeed, wise utilities have moved ahead in expanding their storage capabilities through reracking, transshipment, and other alternatives. These utilities should be commended. In addition, as my colleagues have pointed out, no technical barriers exist for dry storage which will greatly expand the potential for onsite storage more efficiently than current available technologies. Based on this progress and revised projections for storage requirements, DOE decided to discontinue its efforts to provide Federal Government owned or controlled away-from-reactor storage facilities. According to the March 27, 1981, memo from DOE's Office of General Council, the Department of Energy will shift its focus to the development of alternative technologies to further increase utility storage capabilities. This is a long overdue and welcome approach.

Indeed, the nuclear and utility industries have attested that Government-operated AFR's are not essential. In a written statement submitted to the Nuclear Regulatory Commission (NRC) this past December, the industry states:

> Even without Federal AFR's, however, adequate spent fuel storage capacity can be made available * * * AFR's employed to increase capacity could be privately owned. In addition, technologies such as dry storage and rod compaction offer the potential to further enhance storage capability. Thus, the conclusions reached in Part I, Supra, with respect to the availability of spent fuel storage capacity, are not affected by the recent change in Federal AFR policy.

Let me stress that these words are taken directly from a formal written statement submitted to NRC by such groups as the Atomic Industrial Forum, the Edison Electric Institute, and individual utilities.

I compliment those of my colleagues who have attempted to make this bill more responsible by attempting to limit the circumstances under which AFR's could be used. However, these limits are not nearly strict enough. Title III still offers the utilities the easy way out. Under this title as currently drafted, the Federal Government could take title, in some instances, to the utilities' spent fuel during the shipping, handling, and interim storage of that fuel. In such circumstances, the utilities would be relieved of all liability in case of accident, and would be allowed to retain any reprocessing rights to the fuel.

Clearly, Mr. President, such a policy not only makes an AFR a highly attractive option for utilities, but also invites a utility not to invest in the expansion of their own facilities. I share the view pointed out repeatedly by members of the administration that interim storage of spent nuclear fuel should remain the primary responsibility of the private sector. Given that the need for AFR's has not been clearly established, it seems foolish to push forward with legislation authorizing a new program in which the Federal Government takes on unprecedented responsibilities and liabilities, especially in a period when much more pressing existing Federal programs are being cut.

I am also convinced that the very possibility of the Federal Government picking up the tab and the liability for interim storage will detract from the need for permanent repositories and that these temporary pools will become permanent repositories in short order. I will do everything in my power to prevent this from happening.

I am directly concerned about the effects of such a course of events on the State of Illinois. Morris, Ill., is one of the three likely candidates for an AFR. The people in this, and, I suspect, in the other two AFR communities—fear becoming the "dumping ground" of the Nation. Rather than placing this responsibility on the backs of these individuals, utilities with nuclear facilities and their customers must directly accept responsibility for the interim storage of nuclear waste. The Morris facility, as well as facilities at West Valley, N.Y., and Barnwell, S.C., were not built with the intention of having them sold to and operated by the Federal Government for an indeterminate number of years. Certainly, no one living in Morris, West Valley, or Barnwell was warned when these facilities were built that they might have to live next to thousands of tons of radioactive waste and spent fuel for the rest of their lives.

Other Senators should not feel that their States and communities will escape the impact of AFR's unscathed. AFR's will negatively affect dozens of States unnecessarily—even some with no nuclear plants—by increasing the transportation of radioactive materials. Transport of spent fuel entails a number of activities: loading of trucks and/or railroad cars; collection at assembly depots or transfer points, for rail shipment; monitoring passage along highways and rail lines; offloading at repositories; and decontamination of shipping containers. Each of these points in the process increase the risk of hazard. A draft National Academy of Sciences study defines this network of activities as a "waste funnel" in which spent fuel from widely dispersed powerplants is transported to centralized storage sites at AFR's or repositories. Depending on where AFR's are located, States that could be effected by such waste funnels include: Nebraska, Missouri, Wisconsin, Ohio, Mississippi, New York, Alabama, Georgia, Pennsylvania, and Massachusetts—to name only a few.

It makes no sense to confront these States with the safety and health risks associated with such transport when shipments to AFR's can be altogether avoided. The National Academy of Sciences study also states,

> Accidents will inevitably happen, and even if there are no releases of radioactivity these accidents will undoubtedly receive substantial attention from the news media. Given the level of public concern, the visible movement of waste through communities may well add to the anxieties of the citizenry, to demands for greater state and local control, and to increased contention over the system as a whole.

None of us wishes to risk this. What the utility and nuclear industries need most at this point in time is to regain public confidence. A responsible program for nuclear waste management with public acceptance is essential for the future viability of nuclear power in this country. As a first sign of good faith to the public, the industry should get on with the business of expanding onsite storage, while the Federal Government gets on with the business of developing safe permanent repositories. If, for some as yet unknown reason, a need should arise for some limited AFR storage, Congress can always again consider this need on an emergency basis.

Given the negative aspects associated with AFR's which I have mentioned—Federal costs and liabilities, distraction from developing permanent repositories, health and safety risks associated with transport to AFR's, and the adverse effects on the residents of potential AFR communities—I strongly urge support of this amendment. For all involved, we will be better off without a federally supported AFR program at this time.

Mr. THURMOND. Mr. President, I now yield to the distinguished junior Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Mr. President, I join my colleagues from South Carolina, Senator THURMOND and Senator HOLLINGS, and my distinguished senior colleague from Illinois, Senator PERCY, in supporting this amendment to S. 1662, the National Nuclear Waste Policy Act of 1982.

Title III of S. 1662 would have the Federal Government become responsible for storing spent fuel from those nuclear powerplants "that cannot reasonably provide adequate storage capacity at the site of the powerplant when needed to assure the continued, orderly operation of the powerplant."

I believe interim storage of nuclear waste by a federally funded away-from-reactor (AFR) is wrong. This provision will divert attention from reaching our primary goal of permanent disposal.

It has been argued that interim storage facilities are needed to provide relief measures to handle spent fuel until permanent storage is available. But a June 1979, study by the General Accounting Office (GAO) points out there is a wide discrepancy between its cumulative AFR requirements and those estimated by the Department of Energy. GAO concluded that an interim storage program would defer final decision on permanent storage.

Each time we delay the ultimate decision of permanent storage we undermine the Federal Government's credibility and the public's confidence. The goal of a waste policy act should be a decision on permanent storage, not further delays.

Since the debate on the need for AFR's began, there have been significant developments. Utilities have reduced the need for AFR's by increasing their ability to store spent fuel onsite through reracking and through longer fueling periods.

A March 1981 Department of Energy report (DOE/SR-0007) entitled "spent fuel storage requirements" stated:

> In comparing the three storage requirements cases with previous reports, decreases in all three cases are seen. These decreases have resulted primarily from utilities recognizing the need to solve their own storage problems whenever possible. This is evidenced by the degree of planned storage capacity increases, transhipments, onsite transfers, and other actions discussed in this report.

Department of Energy figures have indicated that such interim storage will not be needed until 1986. This new timeframe would allow for further research and development of new technologies such as dry storage. Dry storage would have the advantage of reducing both the cost of a waste program and the exposure of our Nation's citizens to nuclear waste.

Let us move forward in deciding a national nuclear waste policy. Let us examine further the work done by the Department of Energy's Savannah

River operations office, which concluded that dry storage casks can be licensed, constructed, and in operation by 1986, or that dry well and silo storage can be available by 1986. Additional new pools, according to the report, can be completed within 5 years.

Let us move forward with the work done by the Tennessee Valley Authority, which has been studying these new technologies, to find an answer to nuclear waste. According to a report prepared for DOE by an independent firm, the unit cost for dry storage casks would be $117 per kilogram, dry well storage would have a unit cost of $137 per kilogram, and concrete silos would have a per unit cost of $160 per kilogram.

By comparison, DOE has estimated that an AFR program would have a per unit cost of $173 per kilogram. The Office of Management and Budget has estimated the same program to have a per unit cost of $215 per kilogram.

Why then, Mr. President, should the Federal Government be committed to an expensive program that can be handled in a more effective manner?

There is another reason why an AFR program is wrong: Money. Without amending S. 1662, this bill would subject the Nation's taxpayers to a new Federal program without a monetary cap. There is, to be sure, a user fee charged to the utilities who ship their spent fuel to an AFR. But a congressional budget office seems to indicate this fee cannot cover the cost of even a simple program, let alone the program envisioned in this bill.

In the face of record deficits and severe cuts to existing programs, can this country afford to subsidize a new program that fails to give us a permanent solution to nuclear waste?

I, like many other Americans, am looking for an answer to the nuclear waste problem. This body was successful in passing legislation concerning low-level waste; now we must address high-level waste. Let us reach a permanent solution, not a quick fix. Let us provide this country with an environmentally safe program, not a disaster waiting to happen. And let us look to the new technologies available, not the past.

Mr. THURMOND. Mr. President, I yield to the distinguished Senator from New York.

Mr. MOYNIHAN. Mr. President, I am pleased to join my distinguished colleagues, Senators THURMOND and HOLLINGS, in sponsoring this amendment to strike those portions of title III of S. 1662, the National Nuclear Waste Management Policy Act of 1982, that provide for a "federally owned and operated system for the interim storage of spent fuel (up to 2,800 metric tons) at one or more away-from-reactor storage facilities." I do so because I believe that it is inappropriate policy to have a federally operated interim storage program. It is unnecessary, and as Senator HOLLINGS points out, a potentially costly step that will only serve to divert Federal efforts away from developing a much needed system of long-term storage and permanent disposal of high-level nuclear wastes.

The first commercial nuclear reactor began operating in 1957. Seventy-four nuclear powerplants are currently operating. After 25 years over 9,000 metric tons of spent nuclear fuel have accumulated. But we have no permanent repository for these wastes, wastes that will be dangerously radioactive for tens of thousands of years.

As Carroll L. Wilson, professor emeritus at the Massachusetts Institute of Technology and first general manager of the Atomic Energy Commission, observed in 1979, we have paid too much attention to the front end of these machines—nuclear reactors—and not enough to the problem of disposing of the radioactive waste they produce. By the year 2000 there will be some 89,000 metric tons of accumulated spent nuclear fuel, nearly 10 times the current quantity. We must be, therefore, steadfast in our efforts to develop and execute a Federal policy for the permanent disposal of these high-level nuclear wastes. We can no longer put off this undertaking.

I am quite concerned therefore that the nuclear waste management bill we are now considering (S. 1662) contains provisions that will allow the Federal Government to own and operate facilities for the interim storage of spent nuclear fuel. Such a program can only serve to detract from our efforts to provide for a permanent nuclear waste repository.

If we leave the Federal away-from-reactor (AFR) storage option in S. 1662, the option will be exercised. It is a natural course of events. We will find ourselves in several years with a 2,800 metric ton federally owned and operated interim storage facility, supportd by funds that would otherwise have been devoted to the development of a permanent respository. Having taken such an interim step we will be just that much farther from a permanent solution to nuclear waste management problems. This should not be allowed to happen.

Utilities, under the watchful eye of the Nuclear Regulatory Commission, have been taking care of the interim storage problem in good faith for some time. Well over 90 percent of the accumulated spent fuel is currently stored onsite at nuclear powerplants in water-filled storage pools.

Our amendment simply makes it clear that interim storage should continue to the responsibility of the persons owning and operating civilian nuclear powerplants. The utilities are not without options in this matter. The utilities, employing the same diligence and good faith that they have displayed in the past, need only to make use of these options.

Some utilities will be able to add to existing storage pools, others can rerack or consolidate spent fuel rods into tighter assemblies, and still others can transship spent fuel to other powerplants. In addition nothing in our amendment would prevent utilities from contracting to store spent fuel at privately owned and operated offsite storage facilities.

Finally and likely the most important among the options available to the utilities is the use of a new onsite storage technology, dry storage. Dry storage requires considerably less space than the current "swimming pool" type storage. There are several different types of dry storage techniques, placing the spent fuel rods in cast iron casks, in drywells below ground level, or on racks in a large hot cell; $7 million was included in the administration's budget for fiscal year 1982 and 1983 for dry storage demonstration work.

We must remember that in the late 1970's the U.S. Department of Energy was projecting that some utilities would run out of onsite storage capacity as soon as the early 1980's. DOE's latest estimates indicate that the date is more likely to be 1986 or 1987. Given that there is some time, the use of dry storage is clearly a viable option.

While the Nuclear Regulatory Commission (NRC) has yet to license the dry storage technology it is prepared to begin review of license applications received. The procedural regulations are in effect. In August 1979 the NRC staff prepared a "Final Generic Environmental Impact Statement on Handling and Storage of Spent Light Water Power Reactor Fuel" (NURED-0575). Dry storage was included in this study.

As a result of the staff study the NRC has issued a final rule, "Licensing Requirements for the Storage of Spent Fuel in an Independent Spent Fuel Storage Installation."

Furthermore a guide on applicant safety analysis reports for dry storage technologies is about to be completed. Such guides assist applicants in the licensing process.

Under the circumstances there is no reason to believe that those who wish to use dry storage would face any unnecessary delays before the NRC. In fact in answering a question submitted to it by the Senate Environment and Public Works Committee last November, the Commission said:

> As a general statement, we know of no technological barriers or public health and safety considerations which would prevent a utility from providing additional storage capacity at the powerplant site, either by additional pool or dry storage.

With the assistance of the U.S. Department of Energy, the Tennessee Valley Authority and Florida Power and Light Co., are about to embark on dry cask storage projects at their reactor sites. As recently as December 31, 1981 the counsel for the Atomic Industrial Forum, Inc. stated that:

As to dry storage, we agree with DOE that such is technically feasible and could be utilized if needed.

It should also be made clear that this amendment does not strike those provisions of title III of S. 1662 that direct the Secretary of Energy and the Nuclear Regulatory Commission to take such actions as they consider necessary to encourage and expedite the effective use of existing storage facilities and the addition of needed new storage capacity at the site of each civilian nuclear powerplant.

In addition, under those provisions of title III not striken by our amendment, the Secretary of Energy is required to assist and encourage the development of alternative onsite spent fuel storage technologies, such as dry cask storage, that can be approved by the NRC on a generic basis.

Finally this amendment does nothing to alter that part of title III that provides for interim licenses or licensing amendments to be issued by the Nuclear Regulatory Commission to utilities that request expanded onsite storage capacity for spent fuel.

We do not change those provisions in title III just mentioned because we agree that "the Federal Government has the responsibility to encourage and expedite the effective use of existing storage facilities and the addition of needed new storage capacity at the site of each civilian nuclear powerplant."

I must admit that the policy of the Federal Government toward the handling of commercial spent fuel has not always been a consistent one. There was an early belief that similar to what was happening to spent fuel from our Federal weapons-program reactors, civilian spent fuel would be reprocessed.

I know this history all too well. The only commercial reprocessing facility to have operated in this Nation is located at West Valley, N.Y. Between 1966 and 1972 about 640 metric tons of spent nuclear fuel were reprocessed at West Valley. In 1972 the facility shut down with the thought it needed to be made larger in order to be cost efficient.

As plans were being developed however, the regulatory climate changed. Standards became stricter, safeguards more extensive. By 1976 it became clear that reopening West Valley was not practical.

On April 7, 1977, President Carter declared a moratorium on the commercial reprocessing of spent nuclear fuel from U.S. powerplants as part of his nuclear nonproliferation policy. Following on Carter's April 27 announcement the U.S. Department of Energy proposed in October 1977 that the Federal Government accept and take title to utility spent fuel accumulating at reactor sites and provide temporary storage space for the fuel at federally operated away-from-reactor (AFR) storage sites. Congress however never authorized DOE to proceed with a Federal AFR storage program.

In 1980 comprehensive nuclear waste management legislation failed to emerge from a House-Senate conference committee. One of the major issues in dispute was the inclusion of a provision to establish Federal AFR facilities, the Senate bill (S. 2189) contained such a provision but the House (H.R. 8378) bill did not.

Now in the 97th Congress we find ourselves again considering a comprehensive nuclear waste management bill. And again a Federal away-from-reactor storage program for spent fuel is an issue.

The Senate Energy Committee originally reported out S. 1662 with a mandatory Federal AFR storage provision. The Environment and Public Works Committee version of S. 1662 provided for a discretionary Federal AFR storage program.

Title III of the version of S. 1662 now pending before the Senate most closely resembles the Environment and Public Works Committee provisions. Any provisions, however, for a Federal AFR storage program, even if discretionary in nature, should be excluded from S. 1662.

It is time to end the Federal AFR storage debate. It is time to bring certainty to Federal nuclear waste management policy. Utility planning for interim spent fuel storage has been occurring in an atmosphere of false hope. This should not be allowed to continue. It is inappropriate and unnecessary for the Federal Government to own and operate away-from-reactor storage facilities.

In closing I would like to point out that this administration is on record as opposing the establishment of a Federal AFR storage program. In testimony presented at a joint hearing held by the Senate Energy and Natural Resources and Environment and Public Works Committees on October 6, 1981, Shelby T. Brewer, the Assistant Secretary of Energy for Nuclear Energy, said:

We feel that this (interim storage of spent fuel) is a service more appropriately provided by the private sector.

Mr. SIMPSON. Mr. President, I regret that I must oppose this amendment by the distinguished Senator from South Carolina. This amendment would prohibit the Federal Government from providing any relief whatsoever—even the "last resort," emergency relief provided by this bill—to the electric utilities regarding the storage of commercial nuclear powerplant spent fuel. I believe that this amendment would open the way to the potential shutdown, and other operating disruptions, of a number of operating nuclear powerplants in this country. And I oppose the amendment.

Mr. President, in order to evaluate the merits of this amendment, I believe our colleagues need to examine carefully the provisions that are contained in the compromise text that we are considering. First, the bill establishes a national policy for spent fuel storage that includes for the first time clear guidelines for utility planning on the spent fuel storage problem. This policy places primary responsibility with the utilities for providing adequate spent fuel storage capacity at the reactor sites.

Second, in order to carry out this element of the national policy, the bill includes new licensing procedures that are intended to expedite NRC approvals of utility requests for spent fuel storage expansion at reactor sites. These new procedures, which involve interim licensing authority and the use of hybrid bearing procedures, should minimize the potential for unnecessary delays in processing these utility license applications.

However, the bill recognizes that these new expedited procedures may not be enough in themselves to assure that all utilities will be able to expand their at-reactor storage in time to prevent the disruption of the operation of their plants. For this reason, the bill includes a third element—a carefully limited, "last resort" Federal away-from-reactor, of AFR, program. This program would be eliminated entirely by the amendment by the distinguished Senator from South Carolina.

Mr. President, this Federal AFR program is limited in several ways in order to assure that it is truly a "last resort" and that the utilities themselves fulfill their primary responsibility for spent fuel storage. First, no Federal AFR facility can be built or acquired, and no Federal commitment to store a utility's spent fuel can be made, until DOE makes a determination that the Federal spent fuel storage is needed to maintain a full cope reserve capability in order to avoid disruption in the operation of the utilities' nuclear powerplants.

This test, which is written into the bill itself, must be met before there will ever be a Federal AFR and before any commitment can be made to a utility to take any of its spent fuel. Second, the bill specifies that the total amount of spent fuel storage capacity that may be provided by the Federal Government cannot exceed 2,800 metric tons of spent fuel. This capacity limit provides a tight control on the Federal AFR program, and when

taken together with the needs test in the bill, assures that any Federal role in spent fuel storage will in fact be a "last-resort," emergency role, and no more.

Finally, Mr. President, the bill provides expressly for the funding of a Federal AFR program in a manner that guarantees that the costs of the program are borne by the utilities that must use it, and that the Federal Government does not incur any out-of-pocket costs in carrying out this responsibility. These two objectives are carried out by the imposition of a one-time fee, to be paid by the utilities that must use the AFR, which must be sufficient to cover each utility's proportionate share of the full costs of the program. The bill also provides, however, that the waste disposal fund established by title VI can also be used to cover the costs of the AFR program in the early years before the one-time spent fuel storage charges have been paid, or to cover any short-fall between those changes and the full costs of the AFR program. These elements of the bill should be sufficient to assure full cost recovery by the Federal Government and to avoid any direct Federal budgetary impact of the limited Federal AFR program.

Taken together, I believe that all of these provisions constitute a reasonable and carefully limited response to the utilities' spent fuel storage problem. I would also add that these provisions constitute a much more limited and carefully controlled Federal role in spent fuel storage than the comparable provisions adopted overwhelmingly by the Senate 2 years ago in action on S. 2189. That bill authorized a virtually unlimited Federal AFR program with the objective of meeting essentially all of the utilities' future spent fuel storage needs. I believe that the last resort Federal role and the primary utility spent fuel storage responsibility in the bill before the Senate today is a much more appropriate approach, and one deserving of our colleagues' support.

Now, Mr. President, the proponents of this amendment offer several reasons why they believe the Federal AFR authority in the bill should be eliminated. Boiled down to essentials, these arguments are that a Federal AFR is unnecessary because the utilities can use such measures as fuel rod compaction, dry storage and the use of storage casks to meet their spent fuel storage needs; that a Federal AFR would only serve as a disincentive to utility efforts to solve their spent fuel storage problems; that a Federal role in spent fuel storage is inappropriate, and that a Federal AFR program would involve significant, adverse Federal budgetary impacts. I believe that each of these arguments is without merit.

Mr. President, I am a strong supporter of the expedited licensing procedures in the bill and of the use of new technologies such as fuel rod compaction, dry storage and the use of storage casks to expand spent fuel storage capacity at the reactor sites. Clearly, one objective of these provisions is to allow the expansion of onsite storage capacity as soon as possible, consistent with the protection of the public health and safety. Nevertheless, for several reasons, it is very uncertain that these provisions alone will be sufficient to prevent the shutdown or operational disruption of a number of nuclear powerplants.

Mr. President, as recently as last week, the Nuclear Regulatory Commission submitted projections to the Congress that show a need for between 13,000 and 22,000 metric tons of new spent fuel storage capacity by the year 2000. NRC also stated that 15 to 20 reactor sites may require additional storage capability, and that some reactors will begin running out of spent fuel capacity as early as 1986. In its most recent survey of spent fuel storage needs, NRC estimated that these 15 to 20 nuclear powerplant sites would require and additional 2,800 metric tons of storage capacity by the year 2000 in order to maintain a full core reserve storage capability, even assuming that the transshipment of spent fuel between a utility's reactor sites is allowed. This 2,800 metric tons of shortage by 1990 as projected by NRC, is the total limit on all Federal away-from-reactor storage capacity allowed under the bill.

Now, the first question is whether we can guarantee that all of this projected new capacity can be provided at these reactor sites by 1990, or in some cases by 1986, in order to avoid disruption in the operation of these plants. I think that there are several relevant considerations here. First, it is clear that additional onsite storage capacity must rely on new technologies such as fuel rod compaction, dry storage, and the use of storage casks. None of these new technologies have been demonstrated as yet, and none have yet been proved licenseable by the NRC, although the Department of Energy has recently begun a demonstration program with the utilities on these technologies. Second, for health and safety reasons, the bill does not make available some of the expedited licensing procedures for new technologies that have not yet been approved for use by the NRC under the agency's normal licensing procedures. Taking these factors into consideration, it is far from clear to me that we can have in place the necessary onsite capacity beginning in 1986 and running through 1990. For this reason, I believe it is prudent to provide a limited Federal backup to prevent costly shut downs and disruptions in the operation of these plants, keeping in mind that this backup will only be available if the utility is unable to make the necessary onsite expansions in time.

On the question of providing a disincentive to utility efforts to expand at-reactor storage, I believe that the very limited nature of the Federal AFR program insures that utilities will have a clear incentive to proceed as soon as possible with onsite expansion efforts. The total available Federal AFR capacity would only meet the NRC projected need by the year 1990, and is only about 10 percent of the total new spent fuel storage capacity that NRC projects for the year 2000. I believe that this is a clear incentive to move ahead with onsite expansion plans.

Finally, Mr. President, on the cost to the Federal Government, I believe the bill contains provisions to insure that no Federal funds will be needed to pay for the Federal AFR program. These provisions include a requirement that utility users of the AFR pay a one-time charge that will recover all costs of these services, and authority to use the nuclear waste fund established by title VI of the bill for the AFR program, subject to reimbursement by the one-time spent fuel storage charge. Given the availability of this fund and the one-time charge provisions, I do not see where any Federal funds will be needed for this program.

In summary, Mr. President, I believe that there is a clear and direct need for the limited Federal AFR program in this bill. I believe that, given the unproven nature of the new spent fuel storage technologies and the severe economic penalties that would result from operational disruptions for these plants, it would be irresponsible to eliminate the backup Federal role in this bill. I also believe that the carefully limited, last resort nature of the Federal AFR role carefully preserves the utilities' incentives to help themselves, whenever this is practical while permitting time, over the next few years, to move ahead with onsite expansions. For these reasons, I would urge my colleagues to oppose this amendment.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I know of no more serious threat to the safety, generally, of this Nation than to treat the nuclear storage problem as a localized matter. It has been treated de facto in that way.

Back some years ago when I was Governor, I was told that temporary storage would be 2 years, and the 2 became 5, the 5 became 10, the 10 became 20, and it is now 28 years.

This temporary storage is near an earthquake fault, the Tuscaloosa aquifer. And there is not any question that it is in an unsafe condition. It has con-

cerned all of us in the State. The distinguished Governor, Governor Riley, was chairman on a panel in the previous administration that considered this particular problem and came up with the recommendation. This particular amendment is pursuant to those recommendations.

I urge my colleagues very strongly to support this—not to get rid of the problem, but to treat it in a national sense. It is our responsibility in South Carolina and it is each State's responsibility.

Mr. President, I support the amendment to delete those provisions of title III of the Nuclear Waste Policy Act which would authorize the establishment of a Federal away-from-reactor (AFR) storage facility. The primary focus of any nuclear waste management legislation should be to establish a national policy and a program to create a permanent repository. Federal AFR's do not help us obtain that goal.

In June of 1979, the General Accounting Office (GAO) recognized that a Federal AFR storage facility was not the answer to our nuclear waste management problems. GAO concluded that the Department of Energy should not develop an interim spent fuel storage program. Instead, GAO recommended that the Department concentrate its efforts on getting resolution to the question of whether commercial spent fuel will be reprocessed and how and where spent fuel will be permanently stored.

Although I support the development of nuclear energy in the United States, I remain firmly opposed to the establishment of an AFR storage facility. The Nation's utilities have the technical capacity to provide for the interim storage of nuclear waste. Additional storage capacity can be provided to utilities through reracking of storage pools, fuel rod compaction, transshipment and other alternative technologies such as dry cask storage. The temporary AFR facilities proposed in S. 1662 are no different from those which have existed at the Savannah River plant and other Government installations for over a quarter of a century. Over the years, temporary storage at Savannah River has gone from 3 to 5, 5 to 10, 10 to 20 and now the waste has been there over 25 years. Until the Federal Government makes a decision on permanent storage, we cannot decide what is temporary.

Last year in testimony before the Energy and Water Development Appropriations Subcommittee, Energy Secretary Edwards stated his unequivocal opposition to Federal AFR's. Secretary Edwards in part stated and I quote, "concerning away-from-reactor storage, you are just saying, 'Let's put off the final decision; let's not make that tough decision yet.'" I agree with Secretary Edwards. The establishment of a Federal AFR will only delay a permanent decision. The administration repeated its opposition to AFR's in a letter to Congressman DERRICK dated September 30, 1981, from G. A. Keyworth II, Director of the Office of Science and Technology Policy. I ask unanimous consent that Secretary Edwards' response to my questions and G. A. Keyworth's letter be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Senator HOLLINGS. I had the quote sent over: "I do not see a significant Federal role for spent fuel storage activities."

Secretary EDWARDS. Away-from-reactor spent fuel storage activity is probably what was meant to be in that letter.

Senator HOLLINGS. I'm really interested in the permanent storage. You are interested in that, too?

Secretary EDWARDS. Absolutely. I am dedicated to start finding safe sites and burying some of this spent fuel and get it out of the way in a safer geological formation than we have it today. Concerning away-from-reactor storage, Senator, I told the committee that by supporting away-from-reactor storage, you are just saying, "Let's put off the final decision; let's not make that tough decision yet."

Senator, I'm willing to make the tough decision. I'm hoping that this committee will help me.

Senator HOLLINGS. Bless you. Let's bury this storage.

I used to be chairman of an advisory council dealing with nuclear waste. They told me that 3 years became 5; 5, 10; 10. 20. It's about 27 years and we can't get a decision under the Federal Government. Every administration comes along and studies it and then passes it on to the next administration. It has gotten to be a critical situation.

Politically, the only way we know to solve it is make everybody store their own. Then everybody will have the problem, rather than just the State of Washington, the State of South Carolina, and Illinois.

BARNWELL NUCLEAR FUEL FACILITY

Let me move to Barnwell. Does the Federal Government intend to buy Barnwell?

Secretary EDWARDS. Senator, I would like for the Federal Government to acquire Barnwell.

Senator HOLLINGS. Acquire Barnwell?

Secretary EDWARDS. And the Federal Government use it as a reprocessing facility and——

Senator HOLLINGS. Not just for storage; for reprocessing,

Secretary EDWARDS. I'm not interested in any more storage. I want some reprocessing, and then find an appropriate burial site for the waste that comes out of the recycling; then go to the breeder reactor, use the plutonium in the breeder reactor and move forward with this program.

In the years to come, if we don't move forward in nuclear energy, we are going to become more and more and more dependent on foreign countries and obligated to them for our energy resources. Nuclear energy is a place where we can really move forward and produce some energy that is cheaper than any other source that I know of.

Senator HOLLINGS. Very good, then.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF SCIENCE AND TECHNOLOGY POLICY,
Washington, D.C., September 30, 1981.

Hon. BUTLER DERRICK,
House of Representatives,
Washington, D.C.

DEAR MR. DERRICK: The President has asked me to respond to your letter requesting clarification of the Administration's position on Away-From-Reactor (AFR) storage facilities. As you noted, I pointed out in response to a question that our draft policy statement on nuclear energy does not rule out establishing AFR facilities. In our view, interim storage of spent nuclear fuel is a responsibility of the private sector. Consequently, we have eliminated Federal funding for AFR development although we are continuing low-level funding for expanded on-site storage programs. In our draft statement, we focus instead on encouraging private sector reprocessing and what is clearly the Federal government's responsibility—getting on with deployment of high level waste storage facilities.

We appreciate your support and look forward to working with you in developing a long-term solution to our nuclear waste problems.

Sincerely,

G. A. KEYWORTH II,
Director.

Mr. HOLLINGS. Mr. President, let me briefly address another point. The Department of Energy is providing cooperative support to utilities in the development and licensing of dry storage and similar technologies to enable them to meet their own needs and S. 1662 provides an expedited licensing process to assist utilities in meeting individual needs. As most of my colleagues know, in May of 1981 DOE invited representatives from all the 57 utilities with nuclear reactors to participate in a workshop on storage alternatives. It is my understanding from the DOE that no utility was interested in discussing the possibility of entering into a cooperative program with DOE to demonstrate and license the alternative storage technology. DOE then took the initiative and contacted utilities with near-term storage problems on an individual basis and eventually had discussions with 12 utilities. I ask unanimous consent that a letter dated January 28, 1982, from the Department of Energy to Congressman DERRICK be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF ENERGY,
Washington, D.C., January 28, 1982.

Hon. BUTLER DERRICK,
House of Representatives,
Washington, D.C.

DEAR MR. DERRICK: The Department of Energy's (DOE) spent fuel storage program activities concentrate on the support of utility license applications for rod consolidation and dry storage in casks, drywells, and silos. We believe these alternative storage technologies have the potential to safely and efficiently meet the interim spent fuel storage needs of commercial domestic reactors.

However, assistance and support in the commercial application of these storage technologies is needed for these storage options to represent viable solutions to the spent fuel storage problem. The Department is working with utilities with near-term storage problems to explore solutions to their particular needs.

In May 1981, the Department invited representatives from all the 57 utilities with nuclear reactors to Washington to participate in a workshop on storage alternatives. Most utilities attended, but essentially no utility was entered in discussing the possibility of entering into a cooperative program with the Department to demonstrate and license the alternative storage techniques. So the Department contacted the utilities with near-term storage problems individually and eventually had discussions with the following 12 utilities:

1. Carolina Power and Light Company.
2. Consumers Power Company.
3. Duke Power Company.
4. Florida Power and Light Company.
5. General Public Utilities.
6. Maine Yankee Atomic Power Company.
7. Northeast Utilities.
8. Portland General Electric Company.
9. Power Authority—State of New York.
10. Tennessee Valley Authority.
11. Virginia Electric and Power Company.
12. Yankee Atomic Electric Company.

Following initial discussions, only four utilities decided to conduct detailed discussions with the Department. They were the Florida Power and Light Company (FP&L), Portland General Electric Company (PG&E), Tennessee Valley Authority (TVA), and Virginia Electric and Power Company (VEPCO). PG&E and VEPCO eventually discontinued these detailed discussions. We are currently pursuing a cooperative program with FP&L and are just awaiting approval of the TVA Board of Directors for a DOE/TVA cooperative program. The TVA program involves the licensing of two large capacity storage-only casks at the Browns Ferry site during fiscal year 1983. In addition, DOE and TVA have a joint program to demonstrate boiling water reactor rod consolidation. We are currently seeking a utility partner for a large scale pressurized water reactor rod consolidation program and a large scale cask storage program at a reactor site.

As part of these cooperative programs, the Department has promised to support licensing by developing generic licensing information that can be used by all utilities and by conducting unlicensed storage operations at a Government site with utility supplied fuel and casks. This unlicensed storage would provide any data required by the Nuclear Regulatory Commission (NRC) during licensing. However, many utilities that the Department has talked with are not willing to be the first to go through licensing since there is the potential for extended licensing proceedings. This is due to the practice of prenoticing and extensive hearings which allow many oportunities for intervention and delay which not only frustrate their nuclear objectives but also carry over into rate making hearings. Discussions with NRC staff have revealed that they operate this way because of past accusations of working in secret with utilities. Licensing relief via legislation to deal with this problem is needed, and we would be happy to discuss this with you.

Another area of concern to the utilities is the lack of a firm basis on which to collect money for their fuel storage and disposal costs. Public utility commissions have refused to include or have reduced requests by utilities for coverage of fuel storage and disposal costs in their rate structures because of uncertainty concerning the disposal fee and when it is paid. We believe a tax on nuclear fuel with early payment to the Government of the disposal fee would provide a firm basis for the utility to recover costs from the ratepayer.

If you have any questions, we would be happy to discuss these issues with you or your staff.

Sincerely,

FRANKLIN E. COFFMAN,
Deputy Assistant Secretary for Nuclear Waste Management and Fuel Cycle Programs, Office of Nuclear Energy.

Mr. HOLLINGS. Mr. President, as the letter indicates after the initial discussions, only four utilities decided to conduct detailed discussions with the Department. There is no question in my mind that a Federal AFR would divert attention and commitment from efforts for a permanent solution for high level wastes stored at the Savannah River plant and other Federal activities.

At a time, when the private sector is being portrayed as a rational economic being, I find it interesting to discover that the utilities are not concerned with the economics of nuclear waste storage. If they were, they would not be so quick to support the AFR provisions of S. 1662.

First of all, the Congressional Budget Office estimate is quick to point out that:

It is not unusual for major governmental capital projects—defense systems, dams, rail systems, space program etc.,—to cost substantially more than originally estimated, due to delays, overruns, changes in specifications, higher than anticipated inflation, and other factors.

Therefore, the estimated cost of $400 million to $500 million to construct an AFR is likely to increase as are the per kilogram storage and transportation costs. The CBO estimate goes on to say, it is likely that the 1 mil per kilowatt-hour fee levied in the bill for electrical generation and the 1 mil per kilowatt-hour equivalent for spent fuel stored in the repository will have to be increased in the 1990's in order to cover anticipated cost. What on the surface appears to be a bargain to the utility industry, will cost significantly more. As a matter of fact, the per unit cost of storage at an AFR, based on estimates of the Department of Energy, the Office of Technology Assessment, and E. R. Johnson Associates, will be between $175 to $215 per kilogram which exceeds the estimated cost of the onsite dry-storage cask option which is $117 per kilogram. Perhaps utilities should reassess the economics and the final cost of an AFR to their ratepayers.

Next, the development of onsite storage by the Nation's utilities removes the uncertainty associated with a Federal program. And without a doubt uncertainty is a significant cost factor. To quote from the OTA report, "leaving the primary responsibility for interim spent fuel storage with the utilities would allow the Federal Waste Management Agency to focus all its attention upon the disposal program." At the same time, realizing the subsequent funding of the AFR, permanent repository and other activities included in this bill requires an annual appropriation does not seem to remove the question of uncertainty nor give credence to the proposed timing of the programs. Uncertainty still will exist and utilities will lose control of the costs to the Federal Government. Utilities will have but one certain role in this process—paying the bill whatever the costs.

As I have already noted, the fees in S. 1662 will more than likely increase over time, especially since the range of programs envisioned in the bill exceed what was costed by the Congressional Budget Office. To clarify the record, the CBO cost estimates for S. 1662 assumes funding for one AFR, two permanent repositories, and the cost of Federal civilian and defense nuclear waste research and development. The CBO estimates include no funding for the monitored retrievable storage or the test facility that are authorized in S. 1662. I would therefore, argue that the CBO estimate actually underestimates the cost of S. 1662.

Mr. President, a long time ago I learned to be leerie of things with no costs. And I have not found that a bad rule to adhere to. Therefore, I oppose the AFR option in S. 1662 that supplants sound economics with a new Federal program. Elimination of a Federal AFR program will preclude construction of an unwarranted Federal facility at the same time, it would resolve once and for all the issue of who is responsible for spent fuel storage. The time has come to make a definite decision that will remove the uncertainty surrounding the responsibility for spent fuel disposal and that will give utilities the impetus required to make the dry storage of spent fuel onsite a reality.

In conclusion, Mr. President, I ask unanimous consent to have printed in the RECORD at this point a letter dated January 29, 1982, and a telegram dated April 19, 1982, from the Honorable Richard W. Riley of South Carolina. Governor Riley addresses the urgency of the passage of this amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF SOUTH CAROLINA,
OFFICE OF THE GOVERNOR,
Columbia, S.C., January 29, 1982.

Hon. ERNEST F. HOLLINGS,
115 Russell Senate Office Building, Washington, D.C.

DEAR FRITZ: I am writing to express my support for your efforts to amend S. 1662,

National Nuclear Waste Policy Act, to delete those portions of Title III of the bill which would authorize the establishment of a Federal away-from-reactor (AFR) storage facility.

As far back as 1979, the General Accounting Office questioned the need for a Federal role in providing spent fuel storage and pointed out that the Federal government should concentrate its efforts on developing a permanent solution to the disposal of high-level wastes. We in South Carolina are only too familiar with diluted and distracted Federal policies on nuclear waste management. "Temporary" storage of high-level wastes at the Savannah River Plant is now approaching its 30th anniversary with no predictable end in sight.

The President's State Planning Council recommended that spent fuel storage be the responsibility of the industry and that there should be no direct Federal role on providing storage capacity. This is the policy established by President Reagan and articulated by Energy Secretary Edwards in his testimony last year before the Senate Energy and Water Development Appropriations Subcommittee.

The current Department of Energy program points in the right direction by providing cooperative support to utilities in the development and licensing of dry storage and similar technologies to enable them to meet their own needs. Congress should confirm this approach as national policy in adopting S. 1662.

It has been suggested that the provisions of Title III of S. 1662 fall within the policy framework proposed by the State Planning Council and adopted by President Reagan since the industry would have to bear the full cost of a Federal AFR program. The fact remains, however, that a Federal involvement as currently defined in S. 1662 would inevitably divert attention and commitment from efforts to find a permanent solution for the high-level wastes stored at Savannah River. Furthermore, it would isolate the problem of spent fuel storage in one corner of our small state and thereby reduce the sense of national urgency to resolve the nuclear waste disposal problem.

I urge you to support the other sections of S. 1662 which can establish a strong foundation for high-level waste disposal programs. If there is anything I can do to assist you in gaining support for your amendment on AFR's, please do not hesitate to contact me.

Sincerely,

RICHARD W. RILEY.

[Telegram]

EXECUTIVE OFFICE,
Columbia, S.C., April 19, 1982.

Hon. ERNEST F. HOLLINGS,
Russell Senate Office Building,
Capitol Hill, D.C.

DEAR FRITZ: I understand that Senate Bill 1662 the National Nuclear Waste Policy Act may be brought to the floor of the U.S. Senate tomorrow for consideration. Regarding your proposed amendment to delete those provisions of the bill providing for the Federal AFR facilities for spent nuclear fuel, I urge you to impress upon the Senate our State's serious concern that such Federal activity could in effect allow for spent fuel from across the country to be transported to and stored in South Carolina. The focus of the Federal Government activity and the intent of S. 1662 must be to finally put forward a national policy and a program to create a permanent repository for the disposal of nuclear waste—not another program for temporary storage. If the provisions calling for Federal AFR's remain in a bill passed by the U.S. Senate we in South Carolina would be forced to consider more direct action to preclude the further accumulation of high level waste in the State. I am grateful for your offering of this amendment and pledge any personal assistance that I may render.

GOV. RICHARD W. RILEY.

Mr. HOLLINGS. Mr. President, we want to find a permanent solution to our nuclear waste management problem. The incentive will be stronger to go forward with a permanent disposal solution if our amendment is adopted. Believe me, I know the meaning of "temporary." The waste at Savannah River has been "temporarily" stored in South Carolina for over 25 years. I urge the adoption of the amendment.

Mr. THURMOND. Mr. President, I yield to the distinguished junior Senator from New York.

THE ESTABLISHMENT OF AFR'S WILL ERODE PUBLIC SUPPORT FOR NUCLEAR POWER

Mr. D'AMATO. Mr. President, I am pleased to join the efforts of my distinguished colleagues who have cosponsored this amendment. I would also like to commend the chairmen of the Energy and Environment Committees for their efforts in bringing S. 1662 to the Senate floor.

If nuclear power is to remain an integral part of this Nation's energy supply, we must develop a comprehensive waste management plan which restores public confidence and support for the nuclear industry. For many years now, the failure of the United States to delineate a nuclear waste policy has led to the erosion of support for nuclear power. Now, the Senate has the opportunity to restore the public's confidence in the ability of America to generate significant amounts of energy from nuclear power. This restoration of public confidence must be our fundamental purpose in forging a nuclear waste management policy.

I have long believed in the future of nuclear power. It is, as a result of this belief, that I must oppose title III of S. 1662 because it provides for away from reactor (AFR) interim storage facilities for spent nuclear fuel. AFR's will not create the public confidence and support necessary for a healthy nuclear industry in America. The opposite is true.

The more I have studied this issue, the more I have become convinced that the establishment of AFR's is contrary to the best interests of the nuclear industry. The AFR provision before us will simply provide more ammunition for those who would criticize nuclear power as being too expensive and too hazardous.

Opponents of nuclear power will claim that the creation of AFR's is just one more example of the Federal Government providing massive subsidies to a faltering nuclear industry in an effort to bail it out. This should not and need not be the case.

The establishment of AFR's will require the transshipment of spent fuel from reactors to the AFR site, wherever it may be. This means spent fuel will be traveling the highways of this Nation at an ever-increasing rate, in almost every State. I believe that these shipments can be safely accomplished. Nevertheless, the thought of nuclear waste being shipped through communities throughout the country will create a fear which can only erode the very public confidence we seek to achieve.

Mr. President, I am also concerned that the establishment of AFR's will serve only to delay the completion of a permanent Federal repository.

Certainly, an emphasis on a Federal role in interim storage of spent fuel is likely to remove at least some of the pressure for development of a permanent repository solution to nuclear waste. Given decreasing Federal resources, we must be sure to target these resources in a most effective manner. There can be little question that the overall goal of comprehensive nuclear waste legislation must be the establishment of a permanent repository.

At present, the basic question regarding interim spent fuel storage is, who will manage and have financial responsibility for it. Will it be provided by the Federal Government? Historically, of course, the utilities themselves have provided for interim storage at powerplant sites. In so doing, the industry has maintained an excellent safety record, and the technology for safely storing spent fuel is well in hand.

However, the bill now before us transfers to the Federal Government this role which the utilities have handled so capably. Proponents of such a transfer argue that the utilities are running out of on-site interim storage capacity and may even be forced to shut down their reactors, resulting in energy shortages and in higher electricity costs for consumers. Furthermore, utilities contend that regulatory uncertainties about licensing of new storage capacity leaves them at the mercy of the Federal Government—a government which either has no policy or changes policies continually. Therefore, the utilities have rationalized that the Federal Government which has created these uncertainties, must bear the responsibility for the management of interim nuclear waste storage with the establishment of centralized away-from-reactor storage facilities. This argument does not stand up to careful scrutiny.

The Department of Energy has revised downward its estimates concerning the need for interim spent fuel storage facilities.

The new estimate of the need for such storage capacity is 1987. These downward revisions are the result of depressed electricity demand, and reracking and transshipment by the utilities. Such conditions have led Dr. George Keyworth, President Reagan's science adviser, to conclude that the administration believes interim storage of spent fuel is a responsibility of the private sector.

It is critical to keep in mind the 1987 date because it provides a time frame, a window, for continued development and licensing of dry storage of spent nuclear fuel. This type of storage can be done at reactor sites, thus alleviating the costs and hazards of transportation of spent nuclear fuel to other storage facilities prior to the availability of a repository for permanent disposal. This dry storage technology has the promise to make a significant contribution to the overall ability of utilities to provide for their long-term interim storage needs.

Unfortunately, the utilities have been slow to respond to the opportunity to develop dry-storage technology.

There is very little incentive for the utilities to develop alternative technologies when it appears that the Federal Government would solve their storage problems by establishing AFR's.

However, dry-storage technology is now beginning to receive the attention it merits. A recent article in the Engineering News-Record points out quite dramatically that the administration's decision to abandon support for AFR's is spurring engineering firms in Europe and the United States to develop storage alternatives that may be more economical than AFR storage. Mr. President, I ask for unanimous consent that this article be inserted in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

REACTOR WASTE STORAGE HEATS UP

The Reagan administration decision to abandon plans for federal ownership of regional, away-from-reactor (AFR) spent fuel storage facilities and to leave reprocessing to private enterprise is spurring engineering firms in Europe and the U.S. to develop storage alternatives that may be more economical than AFR storage and more acceptable to nuclear critics.

Several utilities that face the dilemma of filling their on-site spent fuel storage pools before a reprocessing plant can be built and long before the Department of Energy (DOE) has a deep geologic repository ready are working to come up with alternatives that could be available in a few years.

The Tennessee Valley Authority has taken the lead in exploring options such as dry storage and the consolidation of spent fuel rods into tighter assemblies to make more storage room available in existing "swimming pools." The agency has commissioned several engineering design studies to test alternatives before it adopts a long-range storage strategy in December, 1982.

Robert H. Davidson, leader of a team of engineers from TVA's division of fuels, says, "When we started looking at TVA's needs seriously in 1979, we were looking at pool storage." Now, he says, the team has concluded that "more pool storage would probably be the most expensive thing that we could do."

Expanding the deep, water-filled concrete pools used to store fuel bundles in steel racks near the reactors at the Browns Ferry nuclear station, for example, would cost an estimated $72 million. By comparison, Michael A. Clay, marketing manager for advanced structures at Brooks & Perkins, Inc., Livonia, Mich., estimates that 100-ton dry storage casks designed by consulting engineer Ridihalgh, Eggers and Associates, Columbus, Ohio, and constructed by his firm could store 3,000 tons of spent fuel for $75 million. That much dry-storage capacity could handle all of the surplus spent fuel from 17 nuclear plants that DOE predicts will run out of pool capacity by 1985.

OPEN FIELD

The lead and steel storage casks pushed by Clay are in competition with casks made by several other firms, modular dry storage facilities designed by three European engineering companies and other short-term options such as the reracking of fuel assemblies at existing reactor pools.

The motivation for utilities to go to dry storage is a combination of necessity, economics, and the need to placate a public that is opposed to the transportation of radioactive wastes.

The economic incentive, Davidson points out, is considerable. He estimates that cost of cask storage is between $25 and $96 per kg, and storage in modular, passive air-cooling facilities at somewhere around $50 to $80 per kg. By comparison, DOE estimates that AFR storage would cost $137 per kg. Additional wet pool storage would cost between $30 and $100 per kg, TVA estimates, depending on the size of the pool and the difficulty of constructing it.

An additional incentive for going dry comes from environmentalists. "We've been arguing for quite some time for private sector responsibility for wastes, and dry storage is clearly the way to go," says David M. Berick, Washington representative of the Environmental Policy Center.

TESTING THE OPTIONS

At this point the TVA team rates an English dry storage concept by GEC Reactor Equipment, Ltd., Leicester, as "the most advanced." Building on its experience in designing a passive air-cooling vault for remote handling and storage of fuel at the Central Electricity Generating Board's Wylfa station, the company has come up with a honeycombed, reinforced concrete vault it says is capable of storing 3,000 U.S. fuel assemblies for up to 100 years at a capital cost of $59.2 million or about $42.3 per kg of spent fuel.

Transnuclear, Inc., White Plains, N.Y., has also submitted a design to TVA based on concepts developed by its major stockholder, Nukem of West Germany. The company says its above ground, passive air-cooled vault, 200 ft long, 120 ft wide, 69 ft high and with 5-ft-thick concrete walls, could store 1,500 assemblies at a cost of $50 million, or $71.50 per kg.

In June, TVA agreed to a $150,000-contract with General Atomic Co., San Diego, Calif., and Electrowatt Engineering Services, Ltd., Zurich, Switzerland, to modify Electrowatt's modular storage system—developed to store Russian reactor fuel at the Loviisa, Finland, station—to accommodate U.S. fuel.

Competition for the storage vault concepts is coming from at least three cask manufacturers that are offering proposals to TVA and other utilities. All the casks have in common the capability of being filled on site and warehoused for long periods in modest structures. TVA and DOE are working on a agreement for a cask demonstration at Browns Ferry that is expected to result in the first licensing by the Nuclear Regulatory Commission of a dry storage concept in the U.S., probably next year.

Mr. D'AMATO. There are more encouraging developments for dry storage. In fiscal year 1983, the Tennessee Valley Authority and Florida Power and Light Co. will conduct licensed demonstrations of dry storage technology at their reactor sites. Once these facilities have been licensed, the regulatory fear should be largely removed and the path should be paved for widespread use of these technologies.

Dry storage can also provide considerable cost savings to the utilities and, in turn, to ratepayers. A recent DOE study estimated the cost of wet pool storage, which would occur at AFR's, to be $345 per kilogram unit. The same study estimated the cost for dry storage to be only $117 per kilogram unit. It simply does not make good economic sense for the Federal Government to be responsible for the establishment of an expensive AFR program when a feasible alternative exists at nearly one-third of the cost. While our amendment deletes AFR's from S. 1662, it maintains the provisions of title III which provide for Federal encouragement of alternate storage technologies.

Mr. President, I do not believe that the available evidence indicates it is prudent to proceed with the Federal development of AFR's. I say this as one who believes that nuclear power is essential to provide this Nation with sufficient energy to meet its needs. I believe that the Federal Government is responsible for the permanent disposal of spent fuel. But if the nuclear industry is to remain a vital part of our energy supply, if it is to once again achieve the support of the American public, it is essential that the AFR provision of this legislation be removed.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. McCLURE. Mr. President, I rise in opposition to the amendment which has been offered. I keep hearing people tell us all the reasons why AFR is not necessary, that all of these various things are going to happen which will make it unneeded.

I will say to the Senators who have made those statements, if they really believe it, they need not fear the provisions of the bill. The amendment is unnecessary.

If those things happen, no AFR will occur, and, therefore, they are totally and completely protected by the bill

absent the amendment because the bill has a very strict priority of means by which we meet the problem of storing spent fuel rods. If reracking works, if dry storage works, if interutility transfers work, if all of those things occur, as we have been told they will, then there is no need for the amendment because AFR's would never come into being.

I would say that the OTA report, to which various references have been made today, contains this statement as the first item in their summary:

A limited amount of Federal spent fuel storage as an emergency backup for utilities is needed.

That is the first of their summary statements. That is bottom line as far as we are concerned about whether or not it is necessary to get backup and backup only. The other methods that have been referred to may or may not come into being on a time frame which is sufficient to meet the needs.

Why, then, if these other things are preferred do we ask for the backup in the event they should not occur? What are the alternatives to away-from-reactor storage? How likely are they to meet our needs for spent fuel storage in the near future?

There are a number of alternatives to away-from-reactor storage including reprocessing of spent fuel, disassembly and further compaction of spent fuel assemblies in existing spent fuel storage pools, dry storage, and new at-reactor pools.

Certainly, reprocessing does not offer a near-term resolution to the question of storage for spent fuel. We still must resolve a number of obstacles in order to pursue commercial reprocessing.

As the Senator from South Carolina knows from the discussions we have had in the past, I am all in favor of the reprocessing option and hope we are able to overcome the obstacles. But we have not yet been able to do that and cannot now say that that is a near-term option.

The option of pin disassembly and compaction in existing pools is one presently going through demonstation at Brown's Ferry, but it is also being challenged by intervenors at Vermont Yankee. On a commercial basis, pin disassembly is unlikely to be available until the end of this decade, according to the Edison Electric Institute. Another technology which may be available for the expansion of onsite storage in the absence of away-from-reactor is dry storage.

The Tennessee Valley Authority is presently pursuing a demonstration program of this storage technique which would store spent fuel in cast iron casks, concrete silos, and near-surface caissons. These techniques are as yet unlicensed. Again the Edison Electric Institute believes utilities cannot assume that they will be commercially available before the 1990's.

There is a further concern with dry storage related to institutional issues. State and local government may perceive such storage to be a substitute for geologic disposal in a Federal facility and some jurisdictions may strongly resist any kind of on-site dry spent fuel storage.

Transshipment is a technique presently used to provide utilities with extended storage capacity within their system. As such, NRC procedures are known as are the regulatory uncertainties.

In the case of the Virginia Electric Power Co.'s Surry plant, its proposal to transship spent fuel to its North Anna plant has met with local objections and an ordinance to prevent such transshipment to its North Anna plant has met with local objections and an ordinance to prevent such transshipment. It may be unlikely that shipments in the future will receive even further intervenor attention and local objections.

New at-reactor pools may turn out to be the most practical method for expanding on-site storage after the capacity of the reactor's pool can no longer be expanded. The NRC regulations are in place. The reactor sites have already been found acceptable for reactor siting. However, new pools at reactors sites may not be the most economic or efficient option. Notwithstanding these drawbacks, some utilities may be forced to select this high cost alternative to assure that their reactors are not shutdown.

Who pays if that happens? The consumers of the power that comes from that plant pay if that happens.

In summary, Mr. President, there are options available to utilities to maximize their onsite storage. The compromise text provides a mechanism for them to expedite the regulatory procedures involved. Nevertheless, there are uncertainties as to the time at which these options would become commercially available. In the presence of this uncertainty, it is only reasonable to provide a last resort away-from-reactor storage capability as the compromise text provides.

Mr. President, the amendment proposes a no-resort AFR in the event that the operating powerplant cannot meet one of the other programmatic changes. In that event, the powerplant would have to come back to power and eventually shut down. It seems to me it would be only prudent for us to have an option remaining after everything else has been tried as an alternative to shutting down the nuclear capacity that is so vital in many of the utility systems of this country.

Mr. President, I yield to the Senator from Louisiana.

Mr. JOHNSTON. Mr. President, as the Senator from Idaho says, an AFR is not required, an AFR is permitted, an AFR will not be able to be built unless it is necessary. If it is necessary to build an AFR, Mr. President, the choice would be to build an AFR or shut down the reactor. It is just that simple.

Those who want to shutdown reactors around this country—possibly shutdown reactors—will vote for the amendment because it could lead directly to that result. The estimates are that by 1986, present pools will be full and that at that time, something additional will be needed. These other new technologies are not presently licensed, perhaps are unlicensable. We hope they work. We hope we can go to MRS or something else. If we do not have that additional technology either licensed or in place, the choice is to shutdown the reactor. Given that choice, Mr. President, I think it is very clear that we should vote nay on this amendment.

Mr. President, I move to lay the amendment on the table.

Mr. THURMOND. Mr. President, will the Senator yield? I have a short response I would like to make to the Senator.

The PRESIDING OFFICER (Mr. MATTINGLY). Does the Senator from Louisiana withhold the motion to table?

Mr. JOHNSTON. Mr. President, I fear that we shall get mixed up in the Falkland problem. I want the Senator to have his position known, but I think he is entitled——

Mr. THURMOND. Mr. President, we do not have time limits here, do we?

Mr. JOHNSTON. No, Mr. President.

Mr. THURMOND. I want to respond, Mr. President.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that I may yield the floor to the distinguished Senator from South Carolina and that, at the conclusion of his remarks, I may resume the floor.

Mr. BIDEN. I object.

THE PRESIDING OFFICER. Objection is heard.

Mr. JOHNSTON. Mr. President, I have asked for unanimous consent to allow the Senator to respond. The Senator has had over an hour. I say that is a very fair amount of time. The choice is, if I yield to him, that we get mixed up in the Falklands question for the rest of the day on a filibuster. That is our choice. I hate to do that to the distinguished Senator from South Carolina. I would not but for the fact that he has had over an hour.

The PRESIDING OFFICER. The motion to table is not debatable unless the Senator wishes that it be withdrawn.

Mr. JOHNSTON. I have temporarily withdrawn it. Do I still have the floor, Mr. President?

The PRESIDING OFFICER. The Senator still has the floor.

Mr. THURMOND. Mr. President, in view of the circumstances, I think I have covered the major issues in my original statement. I shall not ask to respond.

Mr. JOHNSTON. I thank the distinguished chairman of the Committee on the Judiciary.

Mr. President, I move to lay the amendment on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay the amendment on the table.

Mr. THURMOND. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay the amendment of the Senator from South Carolina on the table. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from South Dakota (Mr. ABDNOR), the Senator from Tennessee (Mr. BAKER), the Senator from Alabama (Mr. DENTON), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Oregon (Mr. HATFIELD), the Senator from Wyoming (Mr. WALLOP) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Montana (Mr. BAUCUS), the Senator from Louisiana (Mr. LONG), the Senator from Montana (Mr. MELCHER), the Senator from Ohio (Mr. METZENBAUM) are necessarily absent.

I further announce that if present and voting, the Senator from Montana (Mr. MELCHER) would vote "nay".

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 47, nays 43 as follows:

[Rollcall Vote No. 88 Leg.]

YEAS—47

Andrews	Ford	Moynihan
Armstrong	Glenn	Murkowski
Bentsen	Goldwater	Nickles
Boren	Gorton	Pressler
Bradley	Hart	Sasser
Brady	Hayakawa	Schmitt
Burdick	Heflin	Simpson
Byrd, Robert C.	Heinz	Stafford
Chiles	Helms	Stennis
Cochran	Huddleston	Stevens
Danforth	Jackson	Symms
Dodd	Johnston	Tower
Dole	Kasten	Warner
Domenici	Mathias	Weicker
East	Mattingly	Zorinsky
Exon	McClure	

NAYS—43

Biden	Byrd, Harry F., Jr.	Chafee
Boschwitz	Cannon	Cohen
Bumpers	D'Amato	Cranston
DeConcini	Dixon	Eagleton
Garn	Grassley	Hatch
Hawkins	Hollings	Humphrey
Inouye	Jepsen	Kassebaum
Kennedy	Laxalt	Leahy
Levin	Lugar	Matsunaga
Mitchell	Nunn	Packwood
Pell	Percy	Proxmire
Pryor	Quayle	Randolph
Riegle	Roth	Rudman
Sarbanes	Specter	Thurmond
Tsongas		

NOT VOTING—10

Abdnor	Durenberger	Metzenbaum
Baker	Hatfield	Wallop
Baucus	Long	
Denton	Melcher	

So the motion to lay on the table was agreed to.

(Later the following occurred:)

Mr. HEINZ. On rollcall vote 88, the Johnston motion to table the Thurmond amendment on which the rollcall was 46 to 44, I inadvertently voted no. I thought we were voting on the amendment, not on the motion to table. I ask unanimous consent that my vote be changed from nay to yea. That would change the vote to 47 yeas and 43 nays. It will not change the result of the vote. I ask unanimous consent that I be allowed to make that change.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The aforegoing rollcall vote has been changed to reflect the above order.)

Mr. MOYNIHAN. I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. JOHNSTON. I move to lay that motion on the table and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. STEVENS. On the motion to table.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. THURMOND. Mr. President, I ask for a rollcall.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the motion to reconsider. The clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from South Dakota (Mr. ABDNOR), the Senator from Tennessee (Mr. BAKER), the Senator from Alabama (Mr. DENTON), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Oregon (Mr. HATFIELD), the Senator from Pennsylvania (Mr. SPECTER), and the Senator from Wyoming (Mr. WALLOP) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Alabama (Mr. HEFLIN), the Senator from Louisiana (Mr. LONG), the Senator from Montana (Mr. MELCHER), and the Senator from Ohio (Mr. METZENBAUM) are necessarily absent.

I further announce that, if present and voting, the Senator from Montana (Mr. MELCHER) would vote "nay".

The PRESIDING OFFICER. Is there any other Senator desiring to vote?

Mr. McCLURE. Regular order.

The result was announced—yeas 46, nays 43, as follows:

[Roll Call Vote No. 89 Leg.]

YEAS—46

Armstrong	Garn	Nickles
Bentsen	Glenn	Pressler
Boren	Goldwater	Randolph
Bradley	Gorton	Sasser
Brady	Hart	Schmitt
Burdick	Hayakawa	Simpson
Byrd, Robert C.	Heinz	Stafford
Chiles	Helms	Stennis
Cochran	Huddleston	Stevens
Danforth	Jackson	Symms
Dodd	Johnston	Tower
Dole	Kasten	Warner
Domenici	Mathias	Weicker
East	Mattingly	Zorinsky
Exon	McClure	
Ford	Murkowski	

NAYS—43

Andrews	Grassley	Moynihan
Baucus	Hatch	Nunn
Biden	Hawkins	Packwood
Boschwitz	Hollings	Pell
Bumpers	Humphrey	Percy
Byrd, Harry F., Jr.	Inouye	Proxmire
	Jepsen	Pryor
Cannon	Kassebaum	Quayle
Chafee	Kennedy	Riegle
Cohen	Laxalt	Roth
Cranston	Leahy	Rudman
D'Amato	Levin	Sarbanes
DeConcini	Lugar	Thurmond
Dixon	Matsunaga	Tsongas
Eagleton	Mitchell	

NOT VOTING—11

Abdnor	Hatfield	Metzenbaum
Baker	Heflin	Specter
Denton	Long	Wallop
Durenberger	Melcher	

So the motion to lay on the table the motion to reconsider was agreed to.

Mr. JACKSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

UP AMENDMENT NO. 887

Mr. JACKSON. Mr. President, I call up my unprinted amendment in behalf of Senator GORTON, Senator CANNON, and myself, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Washington (Mr. JACKSON) for himself, Mr. CANNON, and Mr. GORTON, proposes an unprinted amendment numbered 887.

Mr. JACKSON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 9, line 4, after the word "facility" insert the words ", test and evaluation facility,".

On page 9, line 11, after the word "facility" insert the words ", test and evaluation facility,".

On page 45, after line 15, insert the following new subsection:

"(g) The Secretary shall provide for participation of an affected State and any affected Indian Tribe under Subsections 701 (b), (c), (d) and (e) of Title VII in any test and evaluation facility authorized by the Congress under this Section: *Provided*, That this Subsection shall not apply to any existing research and development site unless it is authorized as a test and evaluation facility and expanded significantly with regard to its extent or the number of packages of solidified high-level radioactive waste and spent fuel."

The PRESIDING OFFICER. The Senate will please be in order.

Mr. JACKSON. Mr. President, I believe this amendment makes clear how the provisions of title VII apply to a test and evaluation facility. The bill before us was silent and thus ambiguous at its best on this particular question.

I understand the amendment is acceptable to the distinguished chairman of the committee, the Senator from Idaho.

Mr. McCLURE. Mr. President, we have reviewed the amendment and discussed it with the distinguished Senator from Washington. We are prepared to accept the amendment.

Mr. CANNON. Do I understand that the amendment will not curtail the important work presently carried on at the Nevada test site to evaluate alternate technologies for safe disposal of high-level nuclear waste?

Mr. JACKSON. The Senator is correct. My amendment simply insures that if a research and development site such as at Hanford or the Nevada test site is proposed for expansion into a test and evaluation facility and is authorized by the Congress, the rights of the State and any affected Indian tribe to participate through the consultation and concurrence process are protected, which has not been the case to date.

Mr. CANNON. In that case, I support and am happy to cosponsor the amendment.

The PRESIDING OFFICER (Mr. MURKOWSKI). The question is on agreeing to the amendment.

The amendment (UP No. 887) was agreed to.

Mr. JACKSON. I move to reconsider the vote by which the amendment was agreed to.

Mr. McCLURE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCLURE. Mr. President, I understand the Senator from Ohio (Mr. GLENN) has an amendment which we are prepared to accept. I would hope that he could offer it very quickly.

I understand the Senator from South Carolina (Mr. THURMOND) may have an amendment he wishes to offer.

I think there are two or three amendments we are prepared to accept. I hope we will stop at that point without having to debate the next one, which we are not prepared to accept.

The Senator from Connecticut (Mr. WEICKER) has an amendment. The Senator from Arkansas (Mr. BUMPERS) has an amendment which we are prepared to accept.

I think that leaves the question which has been raised and discussed by the Senators from Mississippi (Mr. STENNIS and Mr. COCHRAN) which will have to be resolved.

I think if we could get those amendments offered we could get this bill disposed of in short order, or if we could get those matters disposed of in very short order.

The Senator from Delaware (Mr. BIDEN) has withheld renewing the request for the consideration of his amendment. I am sincerely appreciative of that. I know he cannot withhold indefinitely. We do want to move this bill forward as rapidly as possible so that we can dispose of all of the other amendments and then be prepared to present the issue to be presented by Mr. BIDEN.

Mr. BUMPERS. Mr. President, if there is no order agreed to, I am prepared to offer my amendment right now.

UP AMENDMENT NO. 888

Mr. BUMPERS. Mr. President, I send an amendment to the desk and ask for its immediated consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Arkansas (Mr. BUMPERS) proposes an unprinted amendment numbered 888.

At the end of line 13 on page 58, insert the following new subsection (e) and redesignate the current subsection (e) as subsection (f):

"(e) In computing the cost incurred by the Federal Government under the preceding subsection, the Secretary shall include as cost the interest paid by the Federal Government upon the uncovered capital cost, based upon a fifty-year period of amortization and a rate of interest equal to the average rate paid by the Federal Government on Treasury instruments for the immediately preceding 12 month period.

Mr. BUMPERS. Mr. President, it will take me 30 seconds to describe this amendment.

What it does is to set up a 50-year period over which the Government will recover its cost, whatever it may be. We use the 50 years simply because that is the amortized period we use for the building of dams and reclamation projects.

What this does is it allows the Secretary in computing fees to take into consideration the interest that the Government is paying on its money for all the unpaid, unamortized balance at any given time. The interest rate will be determined by what the Treasury pays on its obligations for the immediate 12 months' preceding period. I have discussed this with the managers and I believe they are prepared to accept it.

Mr. McCLURE. Mr. President, the Senator is correct. What it does require is that there be interest paid, computed into the cost and recovered. We have a provision in the bill that the moneys paid into this trust fund will be invested. The money that is in the trust fund will be receiving interest. I think it is fair that on the money that may be, in those brief periods of time, required to even out the flows of capital, that the interest on that cost also be computed into the cost. We are pleased to support the amendment of the Senator from Arkansas.

Mr. JOHNSTON. Mr. President, it is a good amendment. The minority will support it.

Mr. BUMPERS. I move the adoption of the amendment, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (UP No. 888) was agreed to.

Mr. BUMPERS. I move to reconsider the vote by which the motion was agreed to.

Mr. McCLURE. I move to lay that motion on the table, Mr. President.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 889

(Purpose: To protect the public interest in connection with the establishment of sites for the interim storage of spent fuel from civilian nuclear powerplants)

Mr. THURMOND. Mr. President, I send an amendment to the desk and ask that it be considered.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from South Carolina (Mr. THURMOND) proposes an unprinted amendment numbered 889.

Mr. THURMOND. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 20, beginning with line 20, strike out all through line 14 on page 22 and insert in lieu thereof the following:

SEC. 308. (a) In carrying out the provisions of sections 301 through 307 with regard to any facility for the interim storage of spent fuel from civilian nuclear powerplants which the Secretary is authorized by section 305(a) to construct, the Secretary shall, as soon as practicable, notify, in writing, the Governor and the State legislature of any State and the eligible Tribal Council of any Indian tribe in such State in which is located a potentially acceptable site for such a

facility for interim storage of spent fuel of his intention to investigate that site or facility.

(b) During the course of investigation of such site or facility, the Secretary shall keep the Governor, State legislature, and eligible Tribal Council currently informed of the progress of the work, and results of the investigation. At the time of selection by the Secretary of any site or existing facility, but prior to undertaking any site-specific work or alterations, the Secretary shall promptly notify the Governor, the legislature, and any eligible Tribal Council in writing of such selection, and subject to the provisions of subsection (f) of this section, shall promptly enter into negotiations with such State and eligilbe Tribal Council to establish a cooperative agreement under which such State and Council shall have the right to participate in a process of consultation and concurrence, based on public health and safety and environmental concerns, in all stages of the planning, siting, development, construction, operation, and closure of a facility within such State for the interim storage of spent fuel from civilian nuclear powerplants. Public participation in the negotiation of such an agreement shall be provided for and encouraged by the Secretary, the State, and the eligible Tribal Council. The Secretary, in cooperation with the States and Indian tribes, shall develop and publish minimum guidelines for public participation in such negotiations, but the adequacy for such guidelines or any failure to comply with such guidelines shall not be a basis for judicial review.

(c) The cooperative agreement shall include, but need not be limited to, the sharing in accordance with applicable law of all technical and licensing information, the utilization of available expertise, the facilitating of permitting procedures, joint project review, and the formulation of joint surveillance and monitoring arrangements to carry out applicable Federal and State laws. The cooperative agreement also shall include a detailed plan or schedule of milestones, decision points and opportunities for State or eligible Tribal Council review and objection. Such cooperative agreement shall provide procedures for negotiating and resolving objections of the State and eligible Tribal Council in any stage of planning, siting, development, construction, operation, or closure of such a facility within such State. The terms of any cooperative agreement shall not affect the Nuclear Regulatory Commission's authority under existing law.

(d) For the purpose of this part of this title, "process of consultation and concurrence" means a methodology by which the Secretary (1) keeps the State and eligible Tribal Council fully and currently informed about the aspects of the project related to any potential impact on the public health and safety, (2) solicits, receives, and evaluates concerns and objections of such State and Council with regard to such aspects of the project on an ongoing basis, and (3) works diligently and cooperatively to resolve, through arbitration or other appropriate mechanisms, such concerns and objections. The process of consultation and concurrence shall not include the grant of a right to any State or Tribal Council to exercise an absolute veto of any aspect of the planning, siting, development, construction, and operation of the project.

(e) The Secretary and the State and eligible Tribal Council shall seek to conclude the agreement required by subsection (b) as soon as practicable but not later than one hundred and eighty days following the date of notification of the selection under subsection (b). The Secretary shall periodically report to the Congress thereafter on the status of the agreements approved under subsection (c). Any report to the Congress on the status of negotiations of such agreement by the Secretary shall be accompanied by comments solicited by the Secretary from the State and eligible Tribal Council.

(f)(1) If, within the ninety-day period after the Governor of a State or an eligible Tribal Council receives its notice of the selection of a site in accordance with subsection (b) of this section, such Governor or eligible Tribal Council, or both, notifies the Secretary, in writing, of his or its objection to the facility, the Secretary shall suspend further work on such facility and promptly transmit the Governor's, or Tribal Council's, or both, objections, together with the Secretary's comments and recommendations, to the President. Unless the President, within the ninety-day period following the receipt by him of the notice of such objections so transmitted by the Secretary, determines that such facility is essential to the national interest, the Secretary shall terminate all activities specific to the establishment of such facility. Such determination shall not be subject to judicial or administrative review.

(2) In considering any objection by a State or eligible Tribal Council transmitted to the President under this subsection, the President may obtain the reviews and comments of the Nuclear Regulatory Commission on such objections. The provision of reviews by the Commission shall not be construed as binding the Commission with respect to any licensing action pertaining to the facility which is the subject of any such objection.

(g) As used in this section, the term "eligible Tribal Council" means the governing body of any Indian tribe within whose reservation boundaries there is located a potentially acceptable site for an interim storage facility for spent fuel from civilian nuclear powerplants, or within which boundaries a site for such facility is selected by the Secretary, or whose federally defined possessory or usage rights to other lands outside of the reservation's boundaries arising out of congressionally ratified treaties, as determined by the Secretary of the Interior pursuant to a petition filed with him by the appropriate governmental officials of such tribe, may be substantially and adversely affected by the establishment of any such facility.

Mr. THURMOND. Mr. President, the amendment which I have just sent to the desk will provide governing officials and tribal entities of those States which may be considered as host States for temporary, away-from-reactor (AFR) storage facilities, with a more effective role in the decisionmaking process regarding such facilities. I realize that S. 1662 already contains a provision dealing with the participation of State and local officials in decisions regarding AFR facilities. I am, in fact, quite familiar with this provision since it is identical to the one which I offered as an amendment to S. 2189, the nuclear waste bill which passed the Senate during the 96th Congress. My State participation amendment to S. 2189 was accepted by the floor managers of that bill, and I thank the authors of S. 1662 for including the language of my amendment in their bill.

After studying the AFR State participation provision and the provisions in S. 1662 regarding State participation in the development of repositories and MRS facilities, however, I have come to the conclusion that the AFR provisions can be significantly improved. My amendment would substantially rewrite section 308, the current AFR State participation provision, by including some of the more formal consultation and concurrence provisions found in title VII of the bill. The mechanism for overriding State objections, that of a Presidential determination that a particular AFR facility is essential to the national interest, would remain the same. I believe that my amendment will give States being considered as hosts for AFR facilities a greater voice in decisionmaking regarding such facilities and yet will remain a flexible, workable approach toward intergovernmental decisionmaking.

I realize that there is a particularly compelling need for States to have a relatively formal and structured role in the establishment of permanent waste repositories and even MRS's, since nuclear waste may be stored within their borders for many years to come. I do not believe, however, that the fact that AFR storage is intended to be temporary means that those States should not have an equally effective role in this decisionmaking process.

Mr. President, the current section 308 is characterized by its very flexible approach toward involving State and local officials in the decisionmaking process. It basically provides that the Governor and legislature of a potential host State be notified of certain decisions and that they be kept currently informed during the investigatory stage. After selection of a particular site or facility, the Governor must be notified, furnished with relevant information on a current basis, and provided with an opportunity for review and comment from time to time. Finally, the current section 308 establishes a mechanism for the Governor to formally object to the facility and for a Presidential determination regarding the necessity of going forward with the facility.

This provision contrasts rather significantly with title VII of the bill, which deals with State participation in decisions regarding deep geologic repositories and MRS's. Section 701(b) specifically grants for example, an affected State the right to participation in all decisionmaking, and directs the Secretary of Energy to negotiate a "cooperative agreement" with the affected State regarding the exercise of that right. Section 701(c) goes on to specify certain provisions which must be included in the cooperative agreement, such as a sharing of all techni-

cal and licensing information, a detailed plan of decision points and opportunities for State review and objection, and, perhaps most important, procedures for negotiating and resolving State objections at any stage in the process.

My amendment, as I explained earlier, combines these more formal consultation and concurrence procedures with the existing override mechanism found in section 308. These more structured procedures will give the State and tribal officials of a potential host State a greater and more effective voice in decisions regarding the locating of an AFR facility in their State. It is of crucial importance that these States be given essentially the same participation rights as those States being considered as sites for more permanent storage facilities. Any other approach is inequitable and unworkable.

At the same time, Mr. President, I have attempted to address in this amendment the fact that AFR's, if they are ever needed, will have to be established within a shorter timeframe than would a permanent repository or a MRS. Also, the technicial issues, as well as the public health and safety concerns, connected with AFR facilities are more familiar and more easily dealt with than those regarding permanent repositories or MRS's. Recognition of these facts is one of the reasons why my amendment retains the Presidential determination as an override mechanism, rather than the lengthier congressional override found in title VII. I would be less than candid, however, if I did not admit that I believe, in light of this administration's opposition to federally funded AFR's, that a Presidential override provides greater protection to potential AFR host States. Also, in an effort to tailor the consultation and concurrence process to the AFR situation, I have shortened the time period for concluding the cooperative agreement from 1 year to 6 months. I believe that this amendment strikes an appropriate balance between fair and effective State participation and the need to move forward quickly if a Federal AFR must be established.

My interest, in this and in the last Congress, in AFR State participation language should be obvious to all of my colleagues. The Barnwell nuclear fuel plant, the unfinished reprocessing plant located in the State of South Carolina, may be a candidate to serve as an AFR storage facility. The decision to utilize that facility should only be made by Federal, State, and local officials together, and only after carefully and thoroughly addressing the concerns of the people of South Carolina. Let me say at this point that I am opposed to temporary or permanent disposal of commercial spent fuel at the Barnwell plant, except in conjunction with the reprocessing of such fuel.

Mr. President, I cannot emphasize too strongly the growing opposition of the people of South Carolina to the storage of any more nuclear waste in our State. South Carolina has, for a number of years, borne a disproportionately large share of the burden of disposing of nuclear waste of all kinds. We have one of the few commercially operated, low-level waste burial sites in the country and have at times received up to 85 percent of all low-level waste produced in the United States. This intolerable situation led to Senator HOLLINGS' and my introduction of a low-level waste amendment to S. 2189, the comprehensive nuclear waste bill considered during the last Congress. The substance of that amendment became Public Law 96-573, the Low-Level Radioactive Waste Policy Act of 1980.

The federally owned Savannah River plant produces and stores large quantities of defense-related, high-level liquid radioactive wastes. Now we find ourselves as a candidate for temporary AFR storage of civilian nuclear powerplant waste. In light of the fact that South Carolina has never shirked its responsibilities in the nuclear waste area, I think it would be highly unfair to utilize the Barnwell plant as an AFR facility. If it is to be so utilized, the people of South Carolina deserve, as do the citizens of any other potential host State, to be involved in every decision regarding that facility. I hope that my distinguished colleagues will support my amendment to give them that right.

Mr. President, I believe there is acceptance of this amendment.

Mr. McCLURE. Mr. President, this amendment relates to State participation. We have discussed it with the Senator from South Carolina. We are prepared to accept the amendment.

Mr. JOHNSTON. Mr. President, it is a good amendment. The minority will accept it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (UP No. 889) was agreed to.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 890

(Purpose: To provide for impact assistance to States and localities in which are located interim away-from-reactor storage facilities.)

Mr. THURMOND. Mr. President, I send an amendment to the desk and ask that it be considered.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from South Carolina (Mr. THURMOND) proposes an unprinted amendment numbered 890.

Mr. THURMOND. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 15, line 16, strike out "and".

On page 15, line 21, after the semicolon, add "and".

On page 15, between lines 21 and 22, insert the following:

(3) the cost of annual impact assistance payments made by the Secretary to States or appropriate units of local governments pursuant to subsection (d) of section 305; except that such impact assistance payments shall not exceed (A) 10 percent of the costs incurred in paragraphs (1) and (2), or (B) $15 per kilogram of spent fuel, whichever is less;

On page 19, between lines 16 and 17, insert the following:

(d)(1) Beginning the first fiscal year which commences after the date of the enactment of this Act, the Secretary shall make annual impact assistance payments to a State or appropriate unit of local government, or both, is order to mitigate social or eonomic impacts occasioned by the construction and subsequent operation of any interim away-from-reactor storage facility within the jurisdictional boundaries of such government or governments and authorized under this title.

(2) Payments made available to States and units of local government pursuant to this section shall be—

(A) allocated in a fair and equitable manner with a priority to those States or units of local government suffering the most severe impacts; and

(B) utilized by States or units of local governments only for (i) planning, (ii) construction and maintenance of public services, (iii) provision of public services related to the siting of a facility authorized under this title, and (iv) compensation for loss of taxable property equivalent to that if the facility had been operated under private ownership.

(3) Such payments shall be subject to such terms and conditions as the Secretary determines necessary to ensure that the purposes of this section shall be achieved. The Secretary shall issue such regulations as may be necessary to carry out the provisions of this section.

(4) Payments under this section shall be made available solely from the one-time payments under subsection (a) of section 303.

(5) The Secretary is authorized to consult with States and appropriate units of local government in advance of commencement of construction of any facility authorized under this title in an effort to determine the level of the payment such government would be eligible to receive pursuant to this section.

(6) As used in this subsection, the term "unit of local government" means a county, parish, township, municipality, and shall include a borough existing in the State of Alaska on the date of the enactment of this subsection, and any other unit of government below the State level which is a unit

of general government as determined by the Secretary.

Mr. THURMOND. Mr. President, S. 1662, as it is presently constituted, provides for impact assistance to States and localities in which monitored retrievable storage facilities and geologic repositories are located. However, the legislation does not provide such assistance to States and localities in which interim away-from-reactor storage facilities may be located. This is a serious omission, one that should be corrected before any legislation such as that presently before us is passed. It simply does not make sense to assert that, while such impact assistance is necessary for the longer termed storage facilities and repositories, it is not necessary to provide such assistance to States and localities for costs incurred because of the operation of AFR facilities.

This amendment corrects this omission and provides that impact assistance be made available to States and localities which host an AFR facility. Under this amendment, the cost of such impact assistance is to be borne by the utility company users and is to be included in the determination of the one-time payment. This is consistent with the other provisions in the bill governing payment of costs by commercial users of the various types of spent fuel storage facilities.

Mr. President, I hope the managers of the bill will accept this amendment.

Mr. McCLURE. Mr. President, again, this amendment is acceptable. We urge its acceptance.

Mr. JOHNSTON. Mr. President, we accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (UP No. 890) was agreed to.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 891

Mr. GLENN. Mr. President, I send an unprinted amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Ohio (Mr. GLENN), for himself and Mr. PERCY, proposes an unprinted amendment numbered 891.

Mr. GLENN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 24, after line 2, add a new subsection 311(c) as follows:

"(c) International cooperation in spent fuel storage and disposal technology.

"(1) It shall be the policy of the United States to cooperate with and provide technical assistance to non-nuclear weapon states in the field of spent fuel storage and disposal.

"(2)(A) Within 90 days of enactment of this Act, the Secretary and the Commission shall publish a joint notice in the Federal Register stating that the United States is prepared to cooperate with and provide technical assistance to non-nuclear weapon states in the fields of at-reactor spent fuel storage; away-from-reactor spent fuel storage; monitored, retrievable spent fuel storage; geologic disposal of spent fuel; and the health, safety, and environmental regulation of such activities. The notice shall summarize the resources that can be made available for international cooperation and assistance in these fields through existing programs of the Department and the Commission, including the availability of: (i) data from past or on-going research and development projects; (ii) consultations with expert Department or Commission personnel or contractors; and (iii) liaison with private business entities and organizations working in these fields.

"(B) The joint notice described in the preceding subparagraph shall be up-dated and reissued annually for five succeeding years.

"(3) Following publication of the annual joint notice referred to in paragraph (2), the Secretary of State shall inform the governments of non-nuclear weapon states and, as feasible, the organizations operating nuclear power plants in such states, that the United States is prepared to cooperate with and provide technical assistance to non-nuclear weapon states in the fields of spent fuel storage and disposal, as set forth in the joint notice. The Secretary of State shall also solicit expressions of interest from non-nuclear weapon state governments and non-nuclear weapon state nuclear power reactor operators concerning their participation in expanded United States cooperation and technical assistance programs in these fields. The Secretary of State shall transmit any such expressions of interest to the Department and the Commission.

"(4) With his budget presentation materials for the Department and the Commission for fiscal years 1984 through 1989, the President shall include funding requests for an expanded program of cooperation and technical assistance with non-nuclear weapon states in the fields of spent fuel storage and disposal as appropriate in light of expressions of interest in such cooperation and assistance on the part of non-nuclear weapon state governments and non-nuclear weapon state nuclear power reactor operators.

"(5) For the purposes of this subsection, the term "non-nuclear weapon state" shall have the same meaning as that set forth in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons, 21 USC 438.

"(6) Nothing in this subsection shall authorize the Department or the Commission to take any action not authorized under existing law."

Mr. GLENN. Mr. President, together with Senator PERCY, I am introducing this amendment to the Nuclear Waste Policy Act, S. 1662, which provides for increased U.S. cooperation with and technical assistance for non-nuclear-weapon states in the field of spent nuclear fuel storage and disposal. I believe such cooperation and assistance can substantially enhance our efforts to curb the spread of nuclear weapons by offering alternatives to "reprocessing," the chemical process by which nuclear weapons usable plutonium is separated from spent fuel.

For many years, it was assumed that spent fuel from nuclear power reactors would be reprocessed and the resulting plutonium reused as reactor fuel, either in the current generation of reactors, or in future breeder reactors. As the proliferation risks inherent in this course of action became more apparent, however, the United States under Presidents Ford and Carter, along with many other nations, began to reexamine the need for reprocessing and to consider the alternative of longer term storage of spent fuel.

Reduced projections for nuclear power growth worldwide and sharply increased estimates of uranium availability have also called into doubt the need for early use of plutonium fuels on economic grounds. As a result of these factors, the question of the need for and timing of reprocessing of power reactor fuel remains unresolved in the vast majority of nuclear power using nations, including our own.

The Nuclear Waste Policy Act does not directly address this matter, but provides for a long-range nuclear waste disposal program that will accommodate both spent fuel and the wastes from reprocessing, should this option be selected in this Nation. In the meantime, the bill calls for spent fuel to be retained and managed in a variety of settings: At reactor sites, at interim away-from-reactor storage facilities, and, possibly, at longer term "monitored retrievable storage" facilities.

Technology for permanent disposal of spent fuel in geologic repositories will also be developed under the bill—in parallel with technology for disposal of high level waste—some in the relatively near term in conjunction with the mandated "test and evaluation facility." Plainly, the United States will soon become the world leader in spent fuel management technology at a time when increasing numbers of other nuclear power using nations will be confronting the choice of whether their spent fuel should be reprocessed.

Under these circumstances, the desirability, both on commercial and nonproliferation grounds, the desirability of sharing our spent fuel management technology with non-nuclear-weapon states is obvious.

My amendment provides that as part of our broader nonproliferation program the policy of the United States will be to offer cooperation and technical assistance to non-nuclear-weapon states in this broad field. No new funding would be required; rather, cooperation and assistance would be provided

through the resources already in place under existing Department of Energy and Nuclear Regulatory Commission programs. For example, data from past and ongoing research and development projects could be shared; DOE and NRC personnel working in this area could be made available for consultations and briefings; and joint demonstration projects could be set up with the costs shared with participating non-nuclear-weapon state partners.

The availability of these resources would be publicized in the Federal Register and by the Department of State in communications with potentially interested foreign governments and nuclear utilities. In future years, the program of cooperation and assistance could be expanded in response to expressions of interest from these foreign entities in accordance with Presidential budget submissions and subject to the normal authorization and appropriations processes.

Existing DOE and NRC regulations would protect the confidentiality of all proprietary data, while officials of these agencies could provide informal liaison between interested foreign entities and private U.S. firms offering spent fuel management services or hardware.

While I consider my amendment to be a potentially important addition to our nonproliferation efforts, it is but a first step toward a far more significant initiative that I have long believed could serve as the focal point of our nonproliferation program, the International Nuclear Fuel Authority (INFA). The basic concept behind INFA was that nuclear importer member nations would receive guaranteed supplies of fresh uranium fuel—which cannot be used for nuclear weapons—and in return would turn their spent fuel, containing weapons usable plutonium, back to the Authority, were it would be stored under international auspices and inspections with further disposition made in accordance with agreements between INFA and supplier and recipient nations.

Under this arrangement, the spent fuel would be removed from national control, providing significant protection against future misuse of the material. Although the outlines of INFA were included in the Nuclear Non-Proliferation Act with the requirement that the President promptly enter into discussion with other nations concerning establishment of the Authority, neither the Carter nor Reagan administrations have pursued this arrangement with the vigor it deserves. I remain committed to this alternative as a particularly promising nonproliferation tool.

With respect to my amendment, finally, let me make abolutely clear that all participation by foreign governments and nuclear utilities with the United States in the field of nuclear spent fuel storage and disposal would be entirely voluntary.

Second, the assistance we would be providing would be for spent fuel storage or disposal in the country generating the fuel; the amendment is not an attempt to address the more controversial question of storing foreign spent fuel in the United States.

Finally, my amendment does not impose any new preconditions or export restrictions of any kind; any deferral of reprocessing activity which might result from U.S. cooperation and assistance would simply be the natural outgrowth of non-nuclear-weapon states' voluntary decisions to place increased reliance on extended storage of spent fuel. In effect, my amendment is a declaration that it is in our national interest to assist other nations in managing their spent nuclear fuel and that, to the extent resources will permit, we stand ready to provide such assistance.

Mr. President, this has been cleared on both sides of the aisle. I believe both floor managers are in agreement with this and there is complete acceptance of it. I ask the distinguished floor manager for any comment and I shall be prepared to go ahead with the vote.

Mr. McCLURE. Mr. President, the Senator has been very active in the development of a number of these issues. As usual, he has been as constructive as this amendment is. We have worked with the Senator and his staff on it and we are pleased to accept it on this side of the aisle.

Mr. GLENN. Mr. President, I thank the Senator very much. He and I have worked together for a number of years in this field, and I have appreciated his support on many of these problems.

Mr. JOHNSTON. Mr. President, this amendment does, indeed, promote international exchange of information in the field of waste disposal. We enthusiastically accept the amendment on behalf of the minority.

Mr. GLENN. Mr. President, I thank the distinguished minority floor manager for his comments.

Absent any further discussion, Mr. President, I am prepared to ask for a voice vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (UP No. 891) was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 892

(Purpose: to require spent fuel to be transferred from interim storage facilities after the expiration of a period of time)

Mr. THURMOND. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from South Carolina (Mr. THURMOND) proposes an unprinted amendment numbered 892.

Mr. THURMOND. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 19, between lines 23 and 24, insert the following:

SEC. 306A. As soon as practicable, taking into account economic, technical, regulatory, and public health and safety factors, the Secretary shall transfer any spent fuel stored at an interim away-from-reactor storage facility, authorized under this title, to a permanent geologic repository, a monitored retrievable storage facility or a commercial reprocessing facility after the issuance of an operating license by the Commission and the commencement of operation of any such facilities, but in any event such transfer of spent fuel from an interim away-from-reactor storage facility shall be initiated no later than 8 years, and shall be completed no later than 12 years, after the date of commencement of operation of such interim facility.

Mr. THURMOND. Mr. President, this amendment is a sunset provision to be added to the provisions of title III which authorize the Secretary to establish a limited away-from-reactor storage program. The amendment is consistent with the intent of the legislation that such interim storage facilities are only temporary. Thus, the purpose of the amendment is to provide a legislative guarantee that any AFR facility would to be temporary and that any spent fuel stored at such facilities would be transferred to more permanent storage and disposal facilities authorized under S. 1662 or to a commercial reprocessing facility.

Mr. President, it is my firm belief that if we reach the point where it is absolutely necessary for the Federal Government to put into operation one or more AFR, interim fuel storage facilities, then we have a responsibility to the American people, and especially to the populace in areas where an AFR may be sited, to insure that such interim storage facilities are in fact temporary in duration. This amendment provides that assurance by giving explicit direction to the Secretary of Energy to remove spent fuel from an AFR as soon as practicable and no later than 12 years after the date of commencement of operation of an AFR facility. Such removal must be

initiated however, within 8 years of the commencement of operation.

Understandably, the public has begun to accept the motion that "nuclear waste stays where it is first put." Recognizing that this bill is designed to move the commercial nuclear industry forward toward a prompt, permanent solution to the nuclear waste disposal problem, this amendment is designed to augment that effort. It is also premised on the belief that a tight-time limitation on the use of any AFR interim storage facilities will tend to help bring into being a permanent waste repository sooner than might otherwise occur if there were no limitation on the length of the time spent fuel could be stored in an AFR interim facility.

Mr. President, I have discussed the amendment with the managers and they have agreed to accept it.

Mr. McCLURE. Mr. President, this responds to the justifiable concerns that the people of South Carolina have expressed. The Senator has discussed them on the floor, that if we should happen to need an AFR and it should happen to land in one of these facilities wherever it might be located, that is not a permanent repository and it is not going to stay there forever.

But within a reasonable length of time other arrangements would be made that it would be taken out. I do not think that is an unreasonable request. This period of 8 years and 12 years is a compromise, very frankly; the able Senator from South Carolina had asked for a shorter period of time, but we are going to be constrained on the other side with lengthening the times by which we achieve the installation of the other facilities where this material would have to go in the long run. I think this is a reasonable compromise and I support the amendment.

Mr. JOHNSTON. Mr. President, the Senator from Idaho is correct. This is a compromise. The time limits—that is, 8 years and 12 years, to commence taking it out and end by—I hope we can make. It is a rather tight schedule, but in the interest of compromise for the minority we will accept it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Carolina.

The amendment (UP No. 892) was agreed to.

Mr. THURMOND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. McCLURE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. THURMOND. Mr. President, I ask unanimous consent that the distinguished junior Senator from South Carolina (Mr. HOLLINGS) be added as a cosponsor of the three amendments sponsored by myself which have just been adopted.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT No. 893

(Purpose: To require the Secretary of Energy to identify and recommend to the President at least four sites determined, using the results of the national site survey, to be suitable for site characterization for the selection of repositories)

Mr. STENNIS. Mr. President, I have an amendment which I send to the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Mississippi (Mr. STENNIS) for himself and Mr. COCHRAN, proposes an unprinted amendment numbered 893.

Mr. STENNIS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 32, beginning with "(1)" on line 19, strike all through the period on page 33, line 14, and insert in lieu thereof the following:

(1) Upon completion of the National Site Survey program conducted pursuant to section 408, the Secretary shall identify and recommend to the President at least four sites that the Secretary determines are suitable for site characterization for the selection of repositories. The Secretary shall not recommend for characterization any area of a site used for the test and evaluation facility pursuant to section 407.

On page 38, strike out lines 14 through 19, and insert in lieu thereof the following:

SEC. 405. (a) After site characterization of the sites approved pursuant to section 403 (c), the Secretary shall recommend to the President that the President approve one or more sites from

On page 39, line 23, strike out "January 1, 1984, by".

On page 42, beginning with "by January 1," on line 2, strike out all through "1987," on line 3.

On page 42, line 8, strike out "by January 1, 1984,".

On page 42, beginning with "by January 1," on line 13, strike out all through "1987," on line 14.

On page 45, beginning with "in" on line 21, strike out all through "403 (b)" on line 22.

On page 46, beginning with "the" on line 6, strike out all through "403 (b)" on line 7, and insert in lieu thereof the following: "site characterization".

Mr. STENNIS. Mr. President, I am pleased to announce that my colleague (Mr. COCHRAN) joins in the preparation and in the presentation and authorship of this amendment. I would like for the RECORD to so show.

Mr. President, this is not an ordinary amendment. This amendment relates to the timing of the characterization of these possible final sites, and then the announcement about the selection of the repository sites and in effect adds only 3 years to the bill from what the original text now shows. That allows for the full consideration of the possible sites throughout the Nation and then the announcement about the siting of the final repository for this nuclear waste.

I think the committees have worked hard. They have done an excellent job and have been constructive in their outlook. We all owe them a debt of gratitude and our commendation.

I do not claim to be an expert, but I am not a newcomer to the problems with reference to nuclear weapons, nuclear devices of various kinds, and the nuclear waste that accompanies them, whether it is in the military or civilian field.

I have been on the Armed Services Committee and the Appropriations Committee many years and have handled these matters, backward and forward, with reference to this problem. I have been a member of many presentations here by the former Joint Atomic Energy Commission. Also, I recall that we had among the very first hearings about sites for the nuclear weapons and all the matters that have gone with that.

It was also my privilege to conduct hearings more recently when we had a number of witnesses with reference to sources of power for the future—including, of course, nuclear power and the problems that go with it; and this bill relates to one of those major problems.

So I know something about the backgound and the meaning of these problems.

In my State, we have salt domes that have been experimented with. Approximately 10 or 12 years ago, unknown to many at the time, an atomic bomb was intentionally exploded there—underground, of course. It was not known until some time later, and, naturally greatly concerned the people.

For the last several years—I am just giving a little detail—there has been activity down there with respect to the location of nuclear waste disposal there. It was first pictured to the people there as being a great honor for them and a great boon for them in an economic way. The Government authorities here arranged long trips for various people to see what was being done elsewhere, and a big heyday was had by all. However, when they began to find out the problems that go with it, that made it a different story.

I am not trying to obtain any favoritism for this prospective site, and I am not discriminating here between the military and the civilian, one against the other. This matter goes to the proposition of fairness in the disposal problem and in seeking a solution to it—fairness to the people.

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This is not an amendment for the Department of Energy. It is not an amendment for the military. It is not an amendment for any particular group. This relates to the rights and benefits that belong to the people of the area most directly affected.

Say what you please, this is no ordinary procedure, to be taking their property, those who live anywhere—not only nearby but also anywhere in the whole area of a State. This is not an ordinary case of taking it for public use. This use goes far beyond any ordinary use that matters are ordinarily put to.

One might say that this would delay the operation of the bill for only 3 years. After all, what is a delay of 3 years as compared to a program here for 10,000 years? That is a modest estimate timewise as to how long this thing may go on. There is no question about it being a problem. We are actually in a hurry now but I think there is plenty of time.

I am not antinuclear power. I am not antinuclear industrial power—that is, the creation of electricity for industrial use with nuclear power. I am for it. I have listened to testimony from men such as Admiral Rickover and a great many more for years in this field. I have pushed, and now push, every major element in preparation for the use of that nuclear power.

I am very much distressed to see the wave of sentiment in our own country against this. I will not say it is fear—I do not think Americans are given to what we call ordinary fear—but it is a deep concern felt at every turn about injury and harm that may come from this source.

I notice a wave of excitement in Western Europe because of the nuclear weapons there. Someone asked me if this was a group of cutups looking for publicity. I said I did not think so. It is because of a feeling of uncertainty and insecurity about this weapon that is running more and more through the minds of the people.

Therefore, we are treading on dangerous ground here. We are getting further, as I see it, from handling the industrial use of nuclear power—getting further not because of defects in it but primarily because of the uncertainty that borders on constant fear by countless thousands of people throughout this Nation.

This little 3 years we are talking about—it is going to require that much time, anyway—is just a pittance by comparison; but it is the very 3 years that provides the prospect of paying off one of the finest investments we could make in clearing up and clarifying the situation—the uncertainty about the use of nuclear power.

It is a cheap price to pay, and I believe that some further consideration of the people who are involved would be the best possible investment that could be made, particularly at this time, in this field of activity.

I am glad to see the bill handled so well and put together with such great care, and I commend again and thank those who have done this fine work. They have written into the law, for the first time, the provision that care must be taken and consideration must be given to the element of population density. I commend them highly again for that clause.

However—and here is a very singular point—those at the Richton site about whom I have been talking will not get the benefit of that singular part of this proposed measure unless adjustment has been made here, because most of this work has gone on there already, when there was no legal requirement about consideration of population density. It was not in the policy and it was not written in the law; therefore, so far as that point is concerned, it could be ignored.

We have a population density there of 15.1 people per square mile, just taking that whole county.

It is a county of about 600 square miles. I am just talking about that area. Larger areas can well be affected.

But there has been no consideration given to this required policy now written into the proposed law with reference to the population density.

When we are dealing with a matter of this kind that could become dangerous to people, and I am not preaching that with emphasis, it takes away everything they have, it says to them, "Get out and get away from here and the farther you go the better," and adds to the fear and uncertainty and general inclination of people to move out and move away, and it will be a long time before anyone will come and set up a business anywhere near one of these places. Therefore, all of them deserve that measure that the committee has now agreed to about this population density.

If we do not adopt something in this field that would give this particular place the benefit of that measurement, the cards have already been played with it. Decisions have largely been made perhaps, in my opinion, although I have no special knowledge to that effect. It will just be there without the benefit of this relatively, not heavy population, no, but it is a whole lot different from a situation that averages 0.5 person per square mile of the areas where hardly any human beings are found.

So this matter, after all, timewise is a relatively small change. It gives plenty of time for these programs to proceed nationwide. Presumably the money will be appropriated and everything will work together and go along and can be covered in probably 3 years, but I could not guarantee. It does not have to be guaranteed. But all then would have had a chance to be treated alike and measured alike and have the benefit of these standards that this committee has seen fit to put in here on population density, and I have not heard one word of criticism raised here against that provision. I do not believe it will be attacked.

So I make the plea here primarily upon the fact that this could not be of any injury to anyone. it could not suffer any real loss. The Government is not going to be strained, not very much, not like taking all of these people involved. But there is no harm or handicap or penalty of any kind appreciably that would apply because of this slight change in this law that this amendment suggests.

I just do not see how we can say that we are in such a hurry that we have to do this. We cannot say that because of some amendment which should be over in the Foreign Relations Committee, that we have to hurry up here and get through and make room for it and all. This is a bill with which we are going to be bound for 10,000 years to a large degree, and I would be among the last who would want to try to delay it or defeat it or discredit it. I want it to be a success.

So, Mr. President, I hope that the leadership will make a statement and point out the concern. I know they have some concern about this and maybe could accept this amendment.

They have been very considerate of matters, very much so. I hope that they can, after all, agree to this amendment, and I think it is readily understood. As to any problems that should show up in it, we have a chance to adjust them in conference. So I am on the cooperative side after all, but I do not wish to be discriminated against.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter to me dated April 28, 1982, from Wilbur G. Ball, of the Department of Energy and Transportation.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF ENERGY AND TRANSPORTATION,
Jackson, Miss., April 28, 1982.

Hon. JOHN C. STENNIS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR STENNIS: The purpose of this letter is to inform you that the State of Mississippi has taken the following positions regarding the proposed Nuclear Waste Policy Act, Senate Bill 1662.

Thorough technological assessment of all of the nation's geological media is necessary before decisions are made concerning the timing and location of the nation's nuclear waste facilities, not the proposed piecemeal approach.

The siting and construction of a repository, testing-and-evaluation, away-from-reactor, and monitored-retrievable-storage facilities must not be exempted from the re-

quirements for environmental review under the National Environmental Policy Act.

We endorse a strong "watchdog" role for the Nuclear Regulatory Commission, independent from the Department of Energy and not involved in the Department of Energy's site recommendation guidelines for any type of nuclear waste facility.

Nuclear waste facilities should be located away from population centers.

Congress should establish an independent organization (structured along TVA lines) to manage the nuclear waste facilities, as opposed to a federal agency.

States should be afforded the right to become involved in a conservative, technologically sound approach to studies evaluating proposed sites in their state. The state's position is to be one of a critical reviewer reserving the right to provide constructive input and to request modifications or revisions to any plans developed by the Department of Energy.

If, for "sound reasons", a state should object to the location of a facility in the state, the objection should be resolved through arbitration. If arbitration fails, then the Act should require action by both houses to override a state's objections.

When it is in the national interest that a facility be located in a state, the bill should include language to provide compensation to the state, its political sub-divisions, and its citizens who are displaced.

The federal government should sponsor a citizens' participation educational program, managed by a state being considered for a facility, to inform citizens of the socio-economic and technological impact of the facility.

We appreciate the opportunity to express the state's positions and look forward to working with you to assist in developing sound federal legislation.

Very truly yours,

WILBUR G. BALL,
Executive Director.

Mr. STENNIS. Mr. President, I yield the floor.

Mr. McCLURE. Mr. President, the Senator from Connecticut has an amendment which will take just a very brief period of time to consider. It is acceptable to the committee, and I wonder if the Senator from Mississippi might accede to temporarily laying aside the amendment he has so that the Senator from Connecticut might offer his, and then upon the disposition of the Weicker amendment, we would then be back on the Stennis amendment.

Mr. STENNIS. I want to accommodate my friend. But any breaking in here over 5 minutes would be disruptive. How much time does he want?

Mr. WEICKER. These two amendments have been accepted by the committee, and I say to my good friend from Mississippi I would never go ahead and break into the senior colleague from the University of Virginia Law School. If they do not know that down in Mississippi, they should. We share that heritage. I would be no more than 2 minutes.

Mr. STENNIS. Great.

I am glad to yield.

Mr. McCLURE. Mr. President, I so ask unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Connecticut is recognized.

UP AMENDMENT NO. 894

Mr. WEICKER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Connecticut (Mr. WEICKER) proposes an unprinted amendment numbered 894.

Mr. WEICKER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 11, after line 18, add a new Subsection 203 to read as follows:

TITLE IX—CIVILIAN NUCLEAR POWERPLANT OPERATOR TRAINING AND QUALIFICATIONS

SEC. 203(a). The Commission is authorized and directed to develop a program of inplant drills for nuclear powerplant operators to be conducted by civilian nuclear powerplant licensees. Such program shall include drills related to normal and abnormal operating maneuvers, drills for testing the adequacy of reactor and plant operating procedures, and the development of Commission standards for in-plant drills of civilian nuclear powerplant operators. Such program shall be developed by the Commission within the 12 month period following the date of enactment of this Act.

(b) The Commission is authorized and directed to promulgate regulations, or other appropriate Commission regulatory guidance, for training and qualifications of civilian nuclear powerplant operators, supervisors, technicians and other appropriate operating personnel. Such regulations or guidance shall establish simulator training requirements for applicants for civilian nuclear powerplant operator licenses and for operator requalification programs; requirements governing NRC administration of requalification examinations; requirements for operating tests at civilian nuclear powerplant simulators, and instructional requirements for civilian nuclear powerplant licensee personnel training programs. Such regulations or other regulatory guidance shall be promulgated by the Commission within the 12 month period following the date of enactment of this Act.

(c) "Within the 12 month period following the date of enactment of this Act, the Nuclear Regulatory Commission shall submit a report to the Congress setting forth the actions which the Commission has taken with respect to fulfilling its obligations under this Section.

Mr. WEICKER. Mr. President, I rise today to offer an amendment which speaks directly to one of the public's great concerns regarding our use of nuclear power. The simple fact is, Mr. President, that our citizens lack confidence in nuclear power and the ability of the nuclear industry to insure that safe operation of our nuclear powerplants.

To many people, nuclear power is a mysterious and threatening institution. Understandably, the accident failure at Three Mile Island galvanized much of this concern. My amendment addresses these concerns by establishing authority in the Federal Government to insure that nuclear powerplants are operated safely and with reliability or not operated at all.

My colleagues will recall, that following the failure at Three Mile Island, the Kemeny Commission, as well as numerous other studies, observed that the lack of adequate nuclear powerplant operator training had played a very significant role in the inability to control that accident.

Mr. President, my amendment specifically responds to that deficiency. It does so by requiring that the Nuclear Regulatory Commission—within the next 12 months—proceed to develop firm regulations for the proper training and requalification of nuclear powerplant operators, supervisors, technicians, and other appropriate plant personnel. In addition, Mr. President, my amendment requires that the NRC begin an orderly program of training drills for nuclear powerplant personnel so that such personnel will be skilled in dealing with emergency situations.

Now, Mr. President, these are simple, but very necessary steps. My amendment merely instructs the NRC to get on with the job it set for itself following the incident at TMI: To provide more adequate safeguards for the operation of our nuclear powerplants.

I believe it is fair to say that the nuclear industry, through the Institute of Nuclear Power Operations (INPO) has done a conscientious job of attempting to come to grips with the need for greater operator training. But, as INPO itself observed in a summary of a recent nuclear industry survey, some 50 percent of the respondents plan substantial modification of their operator training programs. I believe, Mr. President, that finding argues very forcefully for the need to have the NRC immediately undertake the effort to establish firm regulations and guidelines for such training programs.

Moreover, Mr. President, the fact is that over the next 10 years the nuclear power industry will need to add or replace some 41,300 managers and technical and professional personnel. 29,900 or some 72 percent of these positions are technical positions and will require high levels of training. I believe that it would be folly to enter this period of intensive recruitment without strict guidelines and regulations outlining how these personnel are to be trained.

Last, Mr. President, let me quote from a December 18, 1981 letter from J. Carson Mark—Mr. Mark is Chairman of NRC's advisory committee on nuclear safeguards. In this letter to

the Department of Energy, Mr. Mark specifically notes the shortcomings of relying only upon INPO or other existing institutions:

The current draft of the report states that the "Nation's academic and nonacademic institutions, outside the nuclear industry, have a large and expandable capability in place to provide training in nuclear fundamentals and to augment specific training by utilities." While this may be true, we believe that it is important to recognize that this capability, particularly in terms of graduate education in nuclear engineering and radiation protection, has been declining in recent years. There is no assurance that the necessary resources and students will be available to enable the existing training capability to be fully utilized. Similarly, we believe it is overly optimistic to state that the "Institute of Nuclear Power Operations (INPO) has outlined an overall plan for an industry-wide program to provide adequately trained personnel to perform operational and supervisory functions." While commendable, the INPO plan, unless modified, appears to us to be capable of providing only a portion of the total number of people that will be required. We believe the report should acknowledge these deficiencies as well as the need to correct them.

In summary, Mr. President, my amendment simply seeks to provide that the personnel running our nuclear powerplants receive adequate training. However elegant or sophisticated our technologies, we are, in the end, a society of humans who must operate and control that technology. My amendment recognizes that reality. By itself, this amendment will not restore our nuclear power industry to any measure of economic health, but it will restore some measure of public confidence in that industry. Until we address this issue, the issue of industry's health is and will remain moot.

Mr. President, I understand both sides have agreed to accept the amendment.

I simply wish to outline its intent for the benefit of other Members.

The amendment requires that the Nuclear Regulatory Commission in 12 months, following passage of the bill, proceed to establish clear regulations and guidelines for training of nuclear powerplant operators and other technical personnel and in addition NRC proceed to require the program to train nuclear powerplant personnel in emergency procedures.

I understand the amendment is agreeable to both sides.

Mr. McCLURE. Mr. President, the amendment is acceptable to the manager of the bill on the majority side.

Mr. JOHNSTON. Mr. President, the amendment is acceptable to the minority.

THE PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Connecticut.

The amendment (UP No. 894) was agreed to.

UP AMENDMENT NO. 895

Mr. WEICKER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Connecticut (Mr. WEICKER), for himself, Mr. INOUYE, Mr. MATSUNAGA, and Mr. ROTH proposes an unprinted amendment numbered 895.

Mr. WEICKER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is to ordered.

The amendment is as follows:

On page 46, line 8, after "409" insert "(a)" on page 46, line 14, after the period insert a new subsection (b) as follows:

(b) Notwithstanding any other provision of this Act or any other law, no license or other approval shall be given by any Federal department, agency, or other instrumentality, or the President of the United States, for the disposal of low-level nuclear waste, including contaminated materials in the oceans until the Environmental Protection Agency reports to the Congress on the adverse effects of such disposal on the marine environment as compared with the adverse effects of land disposal, and Congress authorizes such disposal; or unless the Environmental Protection Agency determines that the proposed disposal is only for purpose of research on the effects of low-level radiation on the marine environment.

Mr. WEICKER. Mr. President, the amendment that is now before the Chamber would place a moratorium on the ocean dumping of low-level radioactive wastes until thorough scientific studies performed by the Environmental Protection Agency have demonstrated that there are no more adverse effects to the marine environment than those associated with land disposal of such wastes.

At the recent hearing concerning the 1983 fiscal year budget for the Environmental Protection Agency before the Subcommittee on HUD-Independent Agencies of the Senate Committee on Appropriations, testimony was given by the Agency that they would consider requests from the Departments of Defense and Energy for permits to allow ocean disposal of two nuclear submarines, with their cores removed, and radioactive wastes from the Manhatten project.

Currently, Mr. President, the disposal of high-level radioactive wastes is prohibited in international waters by the International Atomic Energy Agency and in the Nation's waters by title I of the Marine Protection, Research and Sanctuaries Act. However, the definition of high-level radiation given by the act does not include many potentially dangerous wastes and the classification of radioactive waste is extremely complicated. In addition to the radiation level there are many other factors that must be considered, such as the concentration and stability of particularly hazardous or long-lived isotopes and the chemical state of the waste; for instance, is the waste a stable solid or a corrosive liquid.

Because of this, Mr. President, I am deeply concerned that in the search for new disposal sites for the Nation's civilian and defense related nuclear wastes we may be tempted to turn to the oceans before we are aware of the possible dangers of such action. Congress previously expressed its concern on this matter by passing in 1979 my amendment to the Nuclear Regulatory Commission reauthorization bill which placed a 1-year moratorium on nuclear waste disposal in the oceans.

Now is the time to scientifically assess these dangers. The research efforts should determine the technical feasibility of ocean disposal of radioactive wastes, including assessment of ocean currents and mass transport, sorptive characteristics of the seabed sediments, radiation and thermal effects, and characterization of the benthic community. In short, the investigations should be directed toward developing a thorough understanding of radionuclide behavior in the marine environment.

The oceans are one of the greatest resources of this Nation, and, indeed, this planet. I believe that it is an essential precaution to call for a moratorium on the ocean disposal of any radioactive wastes until studies have shown that these wastes pose no threat to the seas. As pressures increase to find new waste disposal sites in the future, this amendment will provide us with the foreknowledge of any dangers and will help us to avoid regrettable decisions made in haste.

I propose this amendment on behalf of Senator INOUYE and Senator MATSUNAGA.

I urge the adoption of the amendment.

● Mr. INOUYE. Mr. President, I rise today in support of the amendment being offered by the senior Senator from Connecticut which would prohibit ocean dumping of radioactive material until the Environmental Protection Agency certifies to Congress that there are no adverse effects from such dumping.

I have always suspected that the impetus for ocean dumping is the familiar adage: "Out of sight, out of mind." It may be out of sight in the ocean, but it will never be out of mind. In fact, it should prey on our minds. Already there are numerous cannisters of low-level nuclear wastes that were disposed at sea between 1945 and 1965. We have no idea how much material was dumped nor do we know exactly where this material is or what effect it might be having on our environment.

The oceans are a fragile ecosystem and a precious resource, yet the impact of our activities on the oceans

remains largely unknown. Life on land emerged from the seas, and we continue to depend on them for so much. Humankind's relationship with the oceans is too important to be jeopardized by activities with poorly understood and inadequately researched consequences.

In its recent report on nuclear waste management, the Office of Technology Assessment concluded that the means exist for safely disposing high-level nuclear wastes on land.

I believe that we owe it to our children to stop ocean dumping until we fully understand its consequences. This is what Senator WEICKER is proposing in his amendment, and I congratulate my distinguished colleague for his initiative. I urge my fellow Senators to support this worthwhile measure.●

Mr. MATSUNAGA. Mr. President, as a cosponsor, I rise in strong support of the Weicker-Matsunaga-Inouye amendment to S. 1662, the National Nuclear Waste Policy Act, on ocean disposal of nuclear wastes.

Mr. President, let me say that I deeply share the concerns of the Senator from Connecticut, Mr. WEICKER, over the serious, if not prohibitive risks posed by ocean dumping of both high- and low-level nuclear wastes. In response to ocean disposal research and testing which has been going on in the Pacific for a number of years under the auspices of the Governments of Japan and the United States, the people of my State of Hawaii, the U.S. territories in the Pacific, and the independent nations of the Pacific, have voiced their deep reservations and, in some cases, their outright objections to ocean disposal of nuclear wastes.

The effects of disposal of containerized nuclear waste in the ocean and possible leakage of radioactivity into the ocean are relatively unknown to us. But I think we can safely assume from our nuclear radiation experiences at Hiroshima and Nagasaki and at Bikini and Enewetak—the Marshall Islands atolls used by the United States for nuclear weapons testing—that there would be tremendous, if not irreparable damage to the ocean environment and possibly to the islands and people in and near the affected ocean. There is just no telling how the dynamics of the oceans will spread radiation and, again, from what we have experienced in the Marshall Islands, the radiation is debilitating and lingering, making normal human habitation of affected areas impossible for many years and rehabilitation uncertain.

For these reasons, Mr. President, I strongly support the language in the amendment which would require full certification of the safety of any ocean disposal program. Although I am advised that current law may already require such certification for low-level, sub-seabed disposal, I believe that this amendment will make it very clear that EPA certification is required for any proposed ocean disposal program of any level nuclear waste and that the report must be submitted to the Congress.

But even more important is the language at the end of the amendment which requires specific congressional authorization of any ocean disposal program. Rather than offering a separate amendment, I asked the Senator from Connecticut to add this language to his amendment as originally drafted, to meet my concern that the certification procedure required in the amendment might be too easily met by an administration bent on implementing the ocean disposal option. Looking ahead, there is the possibility that when and if the States begin to fight the site selections for land disposal sites, disposal of nuclear wastes in a far-off ocean may become more and more attractive. Therefore, an EPA certification of safety of an ocean disposal program must be accompanied by in-depth congressional consideration and approval—and that is precisely what the last line of the Weicker-Matsunaga-Inouye amendment provides.

It must be recognized, Mr. President, that we have gone this certification route before in our experience with radiation in the Marshall Islands. My colleagues will recall that our nuclear testing at Bikini and Enewetak left those atolls devastated, devoid of life, and laced with deadly radiation. We brought to bear on those tiny islands the best scientific knowledge available in the world on radiation in an effort to clean up and rehabilitate them and make them suitable for human life and ecological life.

The truth of the matter is that we simply failed to completely rid those atolls of harmful radioactivity and radioactive residue. In the case of Bikini, we spent millions of dollars and over a decade in the cleanup and rehabilitation of the atoll; but less than a year after our atomic scientists had certified the island safe for human habitation and after we had moved the Bikinian people back to their home, we found dangerously high levels of radioactivity in the plants, in the water, in the food grown on the island, and in the resettled people themselves.

The levels of residual radioactivity on the island were not correctly estimated. And the levels of radiation found to be acceptable by the scientific community years earlier and certified as such were scaled down significantly.

This is all to say, Mr. President, that EPA certification of the safety of an ocean disposal program is not enough. It is essential that such a program be carefully and deliberately studied and debated by the Congress and specifically authorized or rejected.

From the standpoint of nuclear waste management policy, this requirement for congressional authorization of ocean disposal is, in my judgment, logical and extremely important. As I understand it, S. 1662 is designed to authorize geologic disposal—land disposal—of nuclear waste material. Nowhere in the bill do we deal with ocean disposal, with procedures for such disposal, and with protections of jurisdictions which would be affected by such disposal. If we were dealing with ocean disposal in this legislation, I for one would be standing here demanding that the island and coastal jurisdictions of the United States be granted a role in the decisionmaking process similar to that which the mainland States may receive under S. 1662.

The point I am making, Mr. President, is that ocean disposal of nuclear wastes is, for the most part, vastly different from the geologic disposal concepts discussed in the pending bill, and of even greater danger to people and the environment because of the dynamic nature of the ocean and its indeterminable bounds of limitation to contamination. While it can be argued that certain existing laws, such as the Marine Protection, Research, and Sanctuaries Act, already contain certain protections against ocean dumping of nuclear wastes, it is my strong belief that we can clarify any uncertainties by enacting the language in the Weicker-Matsunaga-Inouye amendment which will require that any ocean disposal program be specifically authorized by act of Congress.

I urge the managers of the bill and my colleagues to accept this important amendment.

Mr. McCLURE. Mr. President, the amendment is acceptable and we urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Connecticut.

The amendment (UP No. 895) was agreed to.

Mr. WEICKER. I give my heartfelt appreciation to the distinguished Senator from Mississippi.

UP AMENDMENT NO. 893

Mr. McCLURE. I, too, thank the Senator from Mississippi.

The PRESIDING OFFICER. The question recurs on the Stennis amendment.

Mr. McCLURE. Mr. President, there has been no more difficult issue for the manager of the bill than dealing with the question that has been raised by the Senator from Mississippi, because I think each one of us understands the difficulty that lies in the additional round of selection, and that we do not want to in any way adopt a

bill which is aimed at a specific State. We have been trying to keep this as broad as we could so that the sites that have been under consideration may be considered, and out of that group a selection can be made.

At the same time, we realize that necessarily the review nationwide has been somewhat restricted to this time period. There are certain geologic media adopted pursuant to AEC and NRC proceedings, and it will take some time to go through the nationwide survey that will identify all possible media in all 50 States. We have been hesitant to wait until that additional work could be done before we moved forward at all.

I think one thing I would like to make clear, if indeed it is not clear, is that the population density question does apply to the first round selections. Even though they have already been studied, a great deal of work has already been done across the country, and the various areas that have been evaluated or studied or looked at or considered, there is nothing which has been done so far which precludes the application of the population density standard. Regardless of what has been done prior to this time that standard must be met in the initial characterization and the initial selection.

So regardless of where they may be, regardless of what the media in which they might be placed might be, that criteria must be met or they simply could not be authorized.

Mr. President, I am concerned that if we adopt the Stennis amendment two things happen: One is we slow the initial process. We also begin to change the program from that which was contemplated by the committees that have developed this legislation in which we characterize and make site selections on a timetable and then follow up with other site selections, because we know that one repository is not going to be sufficient nor should we ask that one State accept the entire national burden of a repository and, therefore, we seek to impose regional balance in two different ways: One, by the regional balance requirement of the bill, and the second by making certain there is more than one repository chosen. Otherwise you will eventually get to the point where one State will, perhaps, feel it has indeed been wronged in this process.

I know, too, that there is no one more sincere in his conviction than the senior Senator from Mississippi, and there has been no one who has been more concerned about seeing that this process worked, that it worked for the Nation, not just for the people of Mississippi or the people of Idaho, and I know that he feels very deeply the need to have public support that can be engendered only by a sense of fairness in the legislation and the process that falls under that legislation.

I think in that spirit we have been seeking to find some compromise that would allow us to accommodate at least partially the concerns expressed by the Senator from Mississippi, but still move us forward on a predictable timetable that will be the earliest possible move toward both the MRS and the geologic storage.

Earlier we had a discussion with the Senator from South Carolina about the use of an AFR and his concern, if the AFR were finally used, the people had to have some assurance that in a predictable timeframe the materials that might go into an AFR would be removed.

Well, that plays right into the discussion of the timetable in which we are involved here because in order to be able to make good assurances to the Senator from South Carolina with respect to a timeframe we have to have a predictable time schedule for the construction of these facilities. At best it is a long process; at worst it is an interminable one.

We have tried to find a way in which we could move forward as rapidly as we can, and I hope we will still be able to find some way to compromise with the Senator from Mississippi on the timetable and the concerns he has expressed.

I yield to the Senator from Louisiana.

Mr. JOHNSTON. Mr. President, as my colleagues from Mississippi know I have been working toward our mutual cause, that is, our cause being the cause of salt domes. We have those in Louisiana and we have them in Mississippi, and we both share the view that salt domes are not an appropriate place to put particularly hot spent fuel rods during the first 50 years or so of their lives outside a nuclear reactor.

If salt domes are ever the appropriate place to do that, it would be some time later after they have cooled down and they no longer make the salt molten, as the hot spent fuel rod would do. I certainly share the view that salt domes are not the appropriate place and, for that reason, I have been active for the months and years that this bill has been pending to have at least a two-track position, to have the monitored retrievable storage involving convection cooling, so that we can have an interim storage, at least an interim storage, for spent fuel rods as an alternative to putting rods immediately into the geologic media.

Mr. President, we are very strongly supported in that view by virtually all the studies of the British, of the Swedes, and the Germans, which all come to that precise conclusion. Indeed, our own Geological Survey points out those very things. They point out that "the consequences of appreciable weakening of salt could be serious. One consequence could be the accelerated collapse of workings."

They go on to talk about the degrading that might take place of the canisters with the leaching of wastes, and if I may further just read a short paragraph—and I am reading from the Geological Survey No. 779 entitled "The Geologic Disposal of High-Level Radioactive Waste, Earth Science Perspectives." They point out that:

Thermal energy introduced into the rocks surrounding the repository may cause complex mechanical and chemical changes. Increased temperatures in salt would further decrease mechanical strength of the salt/brine mixtures discussed above, and would increase the creep rate of dry salt. Thermal expansion and later contraction will cause compressional and tensional stresses in confined media and may lead to widespread fracturing in brittle rocks.

This gets better, Mr. President. Let me, without going into all the reasons why we oppose the immediate putting of waste into salt domes, just give you one paragraph which kind of sums it up:

Conservative limits may need to be placed initially on the thermal load——

That is the amount of heat—

to be borne by a radioactive waste repository until many of the problems outlined above have been resolved. We are not saying that it is not feasible to store hot wastes in a deep geologic repository. We are saying, however, that given the current state of our knowledge, the uncertainties associated with hot wastes that interact chemically and mechanically with rock and fluid systems appear very high.

That is our Geological Survey, Mr. President.

We also have the same conclusion that the British have come to, and here is what the British say. That is in a statement of the Secretary of State for Environment who says:

The longer such waste is stored the more safely it could be eventually buried because there would be less heat to dissipate.

Because of this—

Serious considerations should be given to the desirability of storing high-level waste at the surface in solid form for a period of 50 years and possibly much longer. At the end of that period a decision would be needed whether to continue to store it, or to bury it deep underground, or to use one of the other methods (emplacement on or under the ocean bed) currently under investigation.

Chapter 5 of the second annual report of the Radioactive Waste Management Advisory Committee made in May 1981 to the Secretary of State for Environment discusses the storage and disposal of solidified high-level nuclear wastes in more detail and sets forth the rationale for an MRS approach.

In view of the importance of satisfactory management of radioactive waste, it would clearly be wrong to take a decision (on permanent disposal) before much more information has been obtained. Even when such information is available, it may not be right

to take irreversible steps immediately. It may be better to leave future generations the flexibility of deciding how and when to dispose of the solidified waste, having ourselves carried out the research and development to provide them with information on the technical options. For while it is important to gather all the necessary information to select the preferred approach, the time scales involved mean that there is adequate time for a thorough assessment of the options to be made during the considerable period of storage which is necessary. Storage can be engineered using currently available technology, and studies should be vigorously pursued to determine how long such storage can be safely continued.

Mr. President, in order that my colleagues have an opportunity to review this very interesting and provocative analysis of the direction being taken in the United Kingdom, I ask unanimous consent that the text of the statement of the Secretary of State for Environment and the full chapter 5 entitled "Storage and Disposal of Solidified High-Level Wastes" referred to above be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TEXT OF GOVERNMENT STATEMENTS ON GEOLOGICAL RESEARCH INTO THE DISPOSAL OF HIGH LEVEL WASTES

HOUSE OF COMMONS

Mr. Michael Spicer (Con-South Worcestershire): 120 to ask the Secretary of State for the Environment, whether he has reviewed the research programme into the long-term options for disposing of high level radioactive waste: and if he will make a statement.

Mr. TOM KING. The Government has been reviewing the research programme and this review has highlighted the fact that, the longer such waste is stored, the more safely it could be eventually buried because there would then be less heat to dissipate. For this reason, the Radioactive Waste Management Advisory Committee recommended in their second report published earlier this year, that serious consideration should be given to the desirability of storing high-level waste at the surface in solid form for a period of 50 years and possibly much longer. At the end of that period a decision would be needed whether to continue to store it, or to bury it deep underground, or to use one of the other methods (emplacement on or under the ocean bed) currently under investigation.

The Government has now reviewed the geological element in the research programme for high-level waste in the light of that advice and the conclusions already reached about general feasibility.

The Government has been keeping under review the options for high level waste, and in particular has been reviewing the progress in other countries as well. The considerable level of research work already completed relates in particular to the factors involved in the emplacement of high level waste deep underground. The Government's objective has been to establish in principle the feasibility of that potential method of disposal, and now believes that in the light of its review of progress of work overseas that this is now established in principle, and nothing has emerged to indicate that it would be unacceptable.

They have decided that this part of the programme should now be reoriented to confirming the applicability to the UK of the findings from research in other countries. For the time being this will be done by means of desk studies, laboratory work, and the use of data already available. Exploratory drilling will not be needed for this purpose. The Government will look to the Radioactive Waste Management Advisory Committee for advice on the interpretation and implications of work carried out in other countries, as well as on other aspects.

Appropriate provision will be made for the surface storage of vitrified waste. In view of the lengthened time-scale and the plans to construct disposal facilities in other countries, it is not now intended to construct a demonstration facility for underground disposal in the UK. Instead the UK will follow closely studies involving underground facilities in Sweden, Canada and the USA for granite, in Belgium for clay, and in the USA and Germany for salt.

The reorientation of the research programme does not mean that further geological fieldwork would not be useful, and indeed possibly necessary for decisions that may have to be taken at some future date or if any unexpected difficulty became apparent over storage, but it does not have any present priority. The immediate effect, or this decision is that the appeals for planning permission for drilling in the cheviots will be dismissed, and the other pending appeals and planning applications will be withdrawn.

It will now be possible to concentrate the full priority on the continuing research and implementation in ensuring the safe and acceptable storage of wastes. At the same time priority will be given to making progress towards the early disposal of those wastes with a lower level of radioactivity for which there is no technical advantage in delaying disposal. Research will also continue into the feasibility of the ocean disposal options for high level waste, which have not yet been established. A white paper will be published in due course to set out in more detail the current priorities as we see them.

Secretary of State for Scotland's Statement: In the light of the reorientation of the geological research programme for heat generating wastes referred to in the reply given today by my Rt. Hon. Friend Minister for Local Government and Environmental Services, and the decision that exploratory drilling will not be needed for this purpose for the time being, I am dismissing the appeal and refusing planning permission. My decision will be issued shortly.

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5 STORAGE AND DISPOSAL OF SOLIDIFIED HIGH-LEVEL WASTES

5.1 In our First Report, we discussed the work being carried out on means of dealing with the high-level radioactive waste which is left from the nuclear fuel cycle when spent fuel from nuclear reactors has been reprocessed to separate out uranium and plutonium for reuse. This waste is an intensely radioactive, heat-generating liquid, and has been safely stored in this form in water-cooled tanks since the early 1950s at Winscale and since the early 1960s at Dounreay. It is, however, planned to vitrify it in order to make it more manageable and reduce any risk of the leakage of radioactivity to the environment, although future arisings will probably still have to be stored in liquid form for some years, in order to allow the shorter-lived radionuclides to decay, and thus some of the heat generation to diminish, before the waste is vitrified. The vitrified blocks will need further storage (see para 5.4 below) while significant amounts of heat still being generated can be removed. Once the rate of heat generation by the waste blocks has fallen sufficiently, they can, in principle, be disposed of deep underground, on the deep ocean bed, or under the sea bed, or they can be retained in long-term storage. The necessary research is now being carried out to compare the relative advantages of the different options.

5.2 Storage of high-level waste for considerable lengths of time is already known to be practicable and in a vitrified form would require far less supervision than in liquid form. An example of a store for vitrified waste is that currently in use by the French at Marcoule. This employs forced air-cooling, and is technically far simpler than the elaborate water-cooled storage used at present.

5.3 How long waste should continue to be stored in this final stage, and when it should be disposed of, will be matters essentially for political determination, taking account of the results of research currently being carried out. The Committee nevertheless considers it important to give thorough preliminary consideration to all the different factors which will have to be taken into account.

5.4 The initial period of storage need only extend for a few years after fuel has been discharged from the reactor in order to gain considerable advantages from the fall in radioactivity and heat output. The duration of the subsequent period of storage in vitrified form depends on a number of factors, the most important of which is the eventual method of disposal to be adopted, a shorter period may be required if the waste is disposed of on the deep ocean bed than if it is buried below the sea bed or the land surface. The effects of heat-generating waste on the medium in which it might be buried are still under investigation.

5.5 Whether or not the waste continues to be stored after the period in which artificial cooling is required, or whether it is then disposed of, will depend no doubt on considerations of cost but also on judgments about such matters as the extent to which it is right to deal with problems in the present, as distinct from relying upon their future resolution. In para 390 of its Sixth Report, on *Nuclear Power and the Environment*, the Royal Commission on Environmental Pollution (RCEP) summed up its views on the balance of argument as follows:

To some, the concept of irretrievable disposal as compared with indefinite storage may smack of irresponsibility because it implies loss of control. On the other hand, any storage system implies some degree of maintenance and could be regarded as an imposition on our descendants who would have received no direct benefit from the power generated in reactors that produced the wastes. In addition, the storage of such immense quantities of radioactivity presents dangers from accidents or from malefactors or act of war. Engineered surface storage facilities might also be vulnerable to major climatic changes. They may serve adequately for a limited time, but may also by their mere existence divert attention from the need for a permanent and final resting place for the wastes. Just as the existing system, whereby the wastes are stored in high-integrity stainless steel tanks with elaborate arrangements for cooling, is satisfactory enough at the moment but recognized as in no sense a

final solution, so a system of engineered storage would face a similar change.

5.6 In our First Report, we expressed our agreement with the Royal Commission's view that storage was not a substitute for disposal, it was a necessary part of waste management. However, we think serious consideration should be given to the possibility that containment in an engineered storage system might be the best way to deal with solidified high-level wastes for decades or even centuries. It is important here to define the terms "storage" and "disposal" with precision. They were usefully distinguished in the Government's White Paper, *Nuclear Power and the Environment* (Cmnd 6820):

Disposal was defined as: "dispersal of radioactive waste into an environmental medium or emplacement in a facility, either engineered or natural, with the intention of taking no further action apart from necessary monitoring";

Storage was defined as: "emplacement in a facility, either engineered or natural, with the intention of taking further action at a later time, and in such a way and location that such action is expected to be feasible. The action may involve retrieval, treatment *in situ*, or a declaration that further action is no longer needed, and storage has thus become disposal".

The possibility of adopting this last option was mentioned in para 2.8 of our First Report, where we said that: "Storage is in fact an essential part of the management of high-level wastes and we would not, for example, at this stage rule out the possibility of storing high-level wastes on or near the land surface for very many years. This would facilitate eventual disposal or might even be done in such a manner as to enable the necessary steps eventually to be taken for the storage to become disposal should, at that time, such action be deemed acceptable."

5.7 The Committee has made a qualitative assessment of the different factors involved in choosing between the options of storage, disposal, and a combination of the two. The contrasting advantages and disadvantages of the three options are set out in the table which forms the annex to this chapter. At this stage, a combination of storage followed by disposal would seem to be the best procedure; although the question still remains at what stage the transition from storage to disposal should take place, even if only in the sense of the point in time at which surveillance and arrangements for a degree of artificial cooling will be terminated without the physical removal of the waste. There are a number of factors to be considered, but our present view is that the transition is unlikely to take place until at least 50 years after the wastes have been vitrified, assuming vitrification itself will take place at least five years after removal of the fuel from the reactor. A more precise estimate cannot be made until further studies enable the main factors to be qualified, and this will in itself clarify the choice between the options. One important factor in determining this timescale is the concentration of the waste in the glass in terms of its activity when vitrification takes place. The lower the activity per unit volume, the shorter the cooling time required, but the greater the volume of waste to be disposed of.

5.8 The sooner the waste is disposed of, the smaller the responsibility placed on future generations. Unless very early disposal becomes the chosen option and this is not a choice we favour at the moment), it is inevitable that our descendants will have to some extent to deal with nuclear waste from current power programmes. So long as waste requires supervision—a consideration which applies to storage/disposal as well as to long-term storage but to a lesser extent—the continuance of social institutions has to be assumed. However, as the RCEP itself said in respect of the general problem of radioactive waste (Sixth Report, para 179):

Some continuity must be assumed in human affairs and institutions and the ability of future generations to maintain the necessary containment. To suppose otherwise is to postulate breakdown in our society and our institutions, and thus conditions in which the hazards from radioactive wastes could well appear to be one of the less dire problems facing mankind.

5.9 In view of the importance of satisfactory management of radioactive waste, it would clearly be wrong to take a decision before much more information has been obtained. Even when such information is available, it may not be right to take irreversible steps immediately. It may be better to leave to future generations the flexibility of deciding how and when to dispose of the solidified waste, having ourselves carried out the research and development to provide them with information on the technical options. For, while it is important to gather all the necessary information to select the preferred approach, the timescales involved mean that there is adequate time for a thorough assessment of the options to be made during the considerable period of storage which is necessary. Storage can be engineered using currently available technology, and studies should be vigorously pursued to determine how long such storage can be safely continued.

5.10 To sum up, technology already exists to enable waste to be solidified and stored for an unlimited period of time, and if constructed underground at a site meeting appropriate criteria, such a store could eventually become a disposal site (see para 5.6). The ability to store for long periods means that there is no immediate requirement to select a disposal route. We are presently concerned with optimisation of waste storage and disposal. Further research is still needed in order to ascertain the disposal route which is best from the point of view of safety, economy and public acceptability.

Mr. JOHNSTON. The Department of Energy in its December 1981 study on "The Monitored Retrievable Storage Concept" points out that "For 100-year-old high-level waste, the decay heat is reduced to 9 percent of its value at 10 years." We do not have the precise figures at 50 years, but in 50 years it is also a small fraction of what it would be at 10 years.

So what we are saying, Mr. President, is that, yes, we should have geologic disposal, but we should have that after these spent fuel rods are cooled down.

And here is again what the British say:

Serious consideration should be given to the desirability of storing high level waste at the surface in solid form for a period of 50 years and possibly much longer. At the end of that period, the decision would be needed whether to continue to store it or to bury it deep underground or to use one of the other methods such as enplacement on or under the oceanbed currently under investigation.

I have put the British report, Mr. President, in the record.

The point is, I want to identify with my colleagues from Mississippi in their desire not to rush pellmell into storing waste, hot waste, unduly hot waste, in salt domes where you will have molten salt, high thermal reactions, causing both chemical and mechanical breakdowns, causing possibly intrusion of brine. It is all here in the record, Mr. President. And we should not rush pellmell into that.

Now, having said that, I say to my colleagues that I have worked on their behalf to try to deal with the problem at hand. The problem at hand is not to have time limits so stringent as to force the consideration of salt domes as one of those first three facilities but to broaden the field by allowing more time within which to pick more than just the three sites under consideration, those three sites being the possibility of a salt dome in Hanford and the Nevada test site. If we allow another year, or actually another year and some months, for selection of the first three sites, a minimum of another year, it would broaden the ability to include more sites into that.

Mr. COCHRAN. Will the Senator yield at that point for a question?

Mr. JOHNSTON. Yes.

Mr. COCHRAN. What other sites are capable of being brought on line for consideration as a repository during the next year and a half? Does the Senator have any information that any site could be brought up to that level of consideration?

Mr. JOHNSTON. I do not have any information on what particular sites could. I believe that within that period of time additional sites could be considered. At least, you certainly do not lose anything by having an additional year and 3 months and you might gain some additional sites. I would hope that you could. And if the Senators from Mississippi would wish me to put in such an amendment, I have persuaded my colleague from Idaho and hope that he will accept it, and I am prepared to offer that as a substitute if they wish me to. If they do not wish me to, I will not do so.

I am prepared to introduce such an amendment as a substitute if the Senators wish me to.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, first, I want to compliment the distinguished senior Senator from Mississippi for introducing this amendment. It has been a pleasure to work with him in the development of it. I compliment him on his remarks that have been made to justify the concerns that we share about the failure of this legisla-

tion to provide for, first, the conduct of a national site survey before we get into the business of site characterization, facility construction, and then on to site selection for permament storage.

That is the key to this amendment and that is the reason why it has been offered—to call attention to the fact that such a limited amount of work has been done at this time; that there are very few sites available for site characterization, facility construction, and then site selection as required by this legislation if it is approved by the Senate.

Another problem that is related is the requirement that the Secretary promulgate guidelines for the recommendations of sites for repositories capable of safely accommodating high-level radioactive waste. The requirement under this law is for the Secretary to accomplish this not later than 120 days after the date of enactment of this act. Then the legislation provides matters that are to be contained in those guidelines for consideration of a site for further characterization and site selection. Included are such things as proximity to population, which we agree is a necessary consideration; hydrology, geophysics, and other matters. Then the legislation contains this sentence:

> The guidelines also shall require the Secretary to consider the cost and impact of transporting to the repository site the high-level radioactive waste and the advantages of regional distribution in the siting of repositories.

Having read this provision, which must be included in the guidelines and must be considered by the Secretary in selecting a site, and knowing full well that there is only one site east of the Mississippi River which has had any work done on it whatsoever, you cannot help but conclude that this legislation could be construed as requiring the selection of that site in Richton, Miss.

Now I am curious at this point in the discussion of this amendment as to whether or not the managers of the bill intend for this legislation to be a requirement that the Secretary must select for site characterization the salt dome site in Richton, Miss.

Mr. McCLURE. Will the Senator yield?

Mr. COCHRAN. I am happy to yield.

Mr. McCLURE. The answer is categorically no.

Mr. COCHRAN. I ask the Senator further, then, if we are getting into the business of legislating a requirement for regional distribution of repositories, how can he assume that any other site east of the Mississippi River can be considered other than the site in Richton, Miss.

Mr. McCLURE. Will the Senator yield?

Mr. COCHRAN. I am happy to yield.

Mr. McCLURE. With all due deference to the pride of the South and the Southeast, there are other regions. While I know that might really boggle the mind of the Senator from Mississippi, when we talk about regionalization, it is not just Mississippi in one region and the rest of the United States in the other. There are other regions that can be considered. We are also talking about two rounds of selection, not just one round.

Mr. JOHNSTON. Will the Senator yield?

Mr. COCHRAN. I am happy to yield to the Senator from Louisiana.

(Mr. HAYAKAWA assumed the chair.)

Mr. JOHNSTON. The Senator asked me a moment ago if I could tell him the location of additional sites and I said I did not have that information. I have just been handed the public draft for the National Plan for Siting High-Level Radioactive Waste Repositories and Environmental Assessment, dated February, 1982, put out by the Department of Energy.

I am referring to table 4-1, on page 26, which is the summary of environmental characteristics of geologic regions currently in the screening phase. It refers to flow basalt in southeast Washington, welded tuff in southern Nevada, bedded salt in southeastern Utah, bedded salt in the Texas panhandle, bedded salt in Michigan, Ohio, and New York, et cetera. So there are, indeed, additional sites in the screening phase.

I am hopeful that the additional year would allow such time to consider those sites that are now in the screening phase.

Mr. COCHRAN. Mr. President, I appreciate the assurances from the Senator. I would like to mention to the Senate that I have a letter dated December 28, 1981, in response to an inquiry I submitted to the Secretary of Energy, asking about their plan for surveying other sites in other areas of the country, other than those that were under consideration at that time. I specifically asked about the potential for the Salina Basin salt formation the Senator mentioned, granite formation, and others.

I would like to read part of the letter that I have in response.

> Our schedule at this time calls for those studies to reach a site characterization phase in fiscal year 1988. At this time, we have made no plans to reactivate the Salina Basin studies.

The point is there has not been any work done in any other area. There is the guideline requirement the Secretary would have to follow, and the timetable for selecting sites for characterization, and the requirement later on that the Secretary must proceed with site approval and construction authorization, and then further along in the bill he is required to build a test and evaluation facility. He is also supposed to transmit to the Congress no later than January 1, 1983, a proposal for at least one test and evaluation facility.

Then we get to a provision, Mr. President, that says:

> The Secretary and the United States Geological Survey shall conduct a national site survey program to be completed not later than January 1, 1986, for the purpose of identifying sites that may be suitable for site characterization for a repository, in addition to those recommended by the Secretary—

Under a previous section.

So I think we have a legitimate concern, Mr. President, that we are so far along under old procedures and programs that were not approved by Congress but developed by the Department of Energy under regulations promulgated by the Nuclear Regulatory Commission, that we have not fairly evaluated all possible safe repository sites that may exist in this country, and, moreover, the legislation is constructed in such a fashion that these sites will not be considered along with those which are first being reviewed.

I support the amendment, Mr. President, which has been offered. I think it is appropriate that we advance the time for the conduct of a national site survey. There are very serious concerns about the feasibility, the appropriateness, of storing high-level nuclear waste in salt dome formations. The Senator from Louisiana has very eloquently pointed those out. That is one of the real reasons why there is such concern, such alarm, in our State at this time, because it appears that some may construe this later on to be a legislative requirement that those domes be selected for characterization and even as a permanent site for a repository.

The assurances we have received from the Senator from Idaho are certainly encouraging. We appreciate hearing those. We do not think this administration considers the legislation to be that kind of a directive. But that Department of Energy may not exist next year, or people who are in the Government now may be gone and we would have new people who would be running the program who are not now here. All they would have the benefit of would be the reading of a bill that imposes certain requirements and guidelines that could lead to construction that we do not now contemplate.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. JOHNSTON. Does the Senator wish me to offer my amendment?

Mr. COCHRAN. If the Senator will yield, I do not construe it to be for my benefit or to satisfy my concerns or interests. There are no sites that I am

aware of which have been studied to the point where they would be or could be considered for site characterization by 1984. It would simply mean that the Department would do more work on those they have already been looking at. I see no reason how that would benefit this Senator.

Mr. JOHNSTON. Very well.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I have listened to the comments of the Senators from Mississippi, fine gentlemen both. I understand their deep, personal problem in the State they represent.

I oppose the amendment offered by the distinguished Senator from Mississippi. I do clearly understand the concern and the reluctance that he has about possible selection of the State of Mississippi as a potential site for a repository. I can only say, "Don't we all?"

However, I believe the bill already provides for an extraordinary series of protections to assure that Mississippi is only one out of a number of sites that will be considered, and that before that State or any State in the Union can be selected for use as a repository, there has to be a review to assure that the proposed site is fully adequate.

Instead of providing any additional levels of protection, this amendment would simply stop all progress now being made in assessing the adequacy of sites in some seven States.

Mr. President, I think you can see in a review of the bill that the safeguards that are there assure that only a fully adequate site is selected for development as a repository. There has to be a requirement that the EPA establishes general environmental standards for the disposal of high-level radioactive waste. Those standards, as they are being developed by EPA, will actually establish performance standards for a repository that will set the initial benchmark for assessing the adequacy of all sites in geologic formations.

This bill also requires that the Department of Energy, in consultation with the EPA and the U.S. Geological Survey, and with the concurrence of the NRC, establish guidelines for selecting sites for possible use as a repository.

There are many factors that must be considered and included in those guidelines, such as geologic criteria, location of valuable natural resources, proximity to population, as the Senator from Mississippi insists upon and should be there, which I know is a factor of tremendous personal interest to the sponsor of the amendment. Also hydrology, geophysics, seismic activities, and nuclear defense activities.

The guidelines must also provide for the recommendation of sites in different formations or media and for the selection of sites for possible use as repositories on a regional basis. Before a site can be selected for detailed study, and the depth at which any repository would be located, there is this process known as characterization. The DOE has to provide a detailed statement of the reasons for selecting that site. There must be public meetings in the vicinity of the site in order to obtain public comments. Before a site can be characterized, the DOE must prepare an environmental assessment of site characterization activities, together with a plan for those activities, and the State must be afforded an opportunity for review and comment on those documents.

Before a site is characterized or can actually be selected as a repository, the DOE must do a full environmental impact statement.

Then the decisions to select the site for characterization and choose a characterized site for use as a repository must be made by the President, assuring that these important decisions are made at the very highest level.

Finally, Mr. President, after all of those steps, a proposed site must then go though the NRC licensing process. That process is expected to last 3 or 4 additional years, with full hearings, opportunities for further State participation and, again, a detailed evaluation of the health and safety and environmental aspects of the proposed project.

I might add that all of those elements are in addition to the comprehensive State participation rights that are included in title VII of the bill—an extraordinary level of participation by the States. I can think of no other area in which we have ever provided for a more thorough, detailed, conservative, step-by-step review process than we have here. Now the sponsor of the amendment is indicating that this is simply not enough.

He argues that in order to assure a sound siting decision we must postpone selection of any site for characterization until after we have completed the national site survey program under section 408 of the bill. The purpose, Mr. President, for the National site survey program is to provide a widespread search for sites in all regions of the country in order to provide a set of sites to satisfy requirements in the bill for regional location of repositories. The bill folds the results of that site survey into the two-stage process for characterizing and selecting the repository sites. That initial set of three sites must be selected by 1984, 2 years before completion of the survey program. That allows progress at all seven sites that are now under investigation by DOE.

Mr. President, if those sites all prove acceptable, three would be selected for characterization under any of the protections I have described. Ultimately, one of those sites would be chosen for the first repository. Then, Mr. President, a second set of three sites will be selected for characterization by 1987, after the survey program is completed, and the results of that survey will indeed be most helpful in assuring a set of sites for the second repository and will enable regional siting of the two repositories.

Mr. President, I just wanted to comment on what the procedures are under this bill. They are extraordinary. I believe they provide an extremely fair balance between the need to get on with a repository program and the need for appropriate protections to assure that a range of acceptable sites is considered. This amendment would actually do nothing at all to add any further protections to those already provided by the bill. Nor has the sponsor of the amendment pointed out any deficiencies in the detailed analysis of the provisions in the bill that I have just stated for site selections.

At the same time, the amendment would substantially delay the repository program. That is the bottom line. No site could be selected for at least 4 years, effectively stopping the work now going forward in seven States. Most unfortunately, the amendment seems to be aimed at delay for delay's sake.

Mr. President, I believe this amendment would seriously cripple a repository program that can and should move forward. It adds nothing to the detailed processes already established by the bill.

I understand the sponsor when he speaks of people, and he speaks with great heart and great soul about people, people, people. Indeed, I do, too, because people are absolutely appalled that the United States of America, in 30 years, has done nothing with its nuclear waste from commercial facilities. They are absolutely appalled. The time bomb is not the delay or whether we have nuclear power; the thing is we have nuclear power and it is time to deal properly with the stuff that is left over.

Mr. STENNIS. Mr. President, I shall not detain the Senate for a great amount of time. I cannot see how the argument can be made that this amendment would stop the activity and delay everything to hold it in status quo. The amendment, timewise, just cuts off the announcement of the characterization of places or repositories—not yet repositories but possible sites. That would undoubtedly put a lot of pressure on the fact that if you name this particular place early, within 90 days or a little more, that

puts a focus on it and makes it more likely that it might finally be selected. That would be right on top of the fact that there are 57 counties, as I am told from the book here, east of the Mississippi River alone that have a density of population less than this county and that they have some kind of underground caverns or possible locations for a repository.

It just shows that this is somewhat of an undemocratic way of going at this matter and putting this on us, this burden—in fact, just taking people's property away from them, as I have said it, with no ordinary eminent domain provided in this extraordinary way, without a thorough examination of where else could be found, perhaps a better place. We do not want to stop any of that activity, not at all. We want to go on and give time for this area at Richton to get the benefits of the requirements of this new law. It has many provisions that are worthwhile. So instead of stopping things, we are just going to try to hold the status quo on this particular site and others like it, maybe, until more time has been given to looking further for sites in the United States.

That is not going to hurt anyone, Mr. President. Three years' time as compared to 10,000 years is little more than what a second hand says every 5 seconds.

Mr. President, by the way, this is in Perry County, Miss., 653 square miles of land area and a population of just under 10,000 people, which means 15.11 people per square mile. I say of these 57 counties that have some possibilities, there has been no evidence that they have been considered or seriously considered.

Mr. President, I think my colleague has made a wonderful argument and a splendid disclosure. He brought new facts into the case that require consideration by the membership.

By the way, Mr. President, let me say that we are up against a situation here of whom could you talk to about continuity of this program? We have what I think has been a mighty fine Secretary, a man I have respected, a former Governor of South Carolina and also a prominent member of the Cabinet. No one I have ever heard has said anything against his work. What I have said has been good. He is leaving or thought to be. I doubt he has made an annoucement about it, but I think he will be leaving shortly.

Who will be his successor? We do not know. The Department of Energy itself is being taken apart, and I do not think that is a good move, but I could be mistaken.

My question is: Who are you going to look to? Who are you going to deal with? Who are you going to have some assurances from?

There is still hope, however. I turn to you gentlemen, those of you who are handling this bill, whatever its final form. I hope there will be some strong language through the committee staff to take a look at this and not let anybody scare the people, putting up signs and notices.

I am serious about this, because I know how these people have been highly mistreated, with no proper respect, by some of the people.

This is a serious business. It is not a matter of protecting a few people, trying to give them immunity.

I say let any site be considered where we have the facts and, everything considered, let them carry their part of the load.

I am not asking for any immunity. I am not asking for special treatment except that which is fair and right and just.

My plea again is for the sake of a better understanding by all the people in this field of nuclear weaponry. I think we ought to obey the warning sign that is clearly out and assure everyone that we are going to proceed with caution, having rules of guidance for competent people rather than to say we are in a hurry, everybody get out of the way; we are going to do it this way or that.

Mr. President, I yield the floor.

Mr. McCLURE. Mr. President, I do not identify any others who seek to debate on this amendment.

Let me say to the distinguished Senator from Mississippi, the author of this amendment, that I think his counsel is well given. I certainly cannot speak for everyone on the Energy and Natural Resources Committee, the Environment and Public Works Committee, or the Armed Services Committee, all of whom have helped develop this legislation, but for myself certainly there can be nothing more important to the future of the nuclear energy program in this country than a publicly acceptable, technologically sound waste program.

This is not the end of that process. It is the beginning of it. It is a tardy beginning.

As the Senator from Wyoming indicated, we have waited far too long already to begin this process. It has been an agonizing process to get this far. It is for that reason that I reluctantly have to oppose the amendment that is offered in such great sincerity and with as great solemnity as the Senator from Mississippi has offered it.

I feel, as one Member of the Senate, that we have already waited too long to start. Let us not delay that start further by adopting this amendment.

Mr. President, if there be no further debate, I move to table this amendment.

Mr. COCHRAN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. STENNIS. Mr. President, will the Chair state the question. I really did not hear.

The PRESIDING OFFICER. The question is on agreeing to the motion to table.

Mr. STENNIS. I thank the Chair.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from South Dakota (Mr. ABDNOR), the Senator from Tennessee (Mr. BAKER), the Senator from Alabama (Mr. DENTON), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Oregon (Mr. HATFIELD), the Senator from New Mexico (Mr. SCHMITT), and the Senator from Wyoming (Mr. WALLOP) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Kentucky (Mr. FORD), the Senator from Louisiana (Mr. LONG), and the Senator from Montana (Mr. MELCHER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 63, nays 27, as follows:

[Rollcall Vote No. 90 Leg.]

YEAS—63

Andrews	Hart	Nunn
Armstrong	Hawkins	Packwood
Baucus	Hayakawa	Pell
Bentsen	Heinz	Percy
Bradley	Helms	Pressler
Brady	Hollings	Quayle
Bumpers	Huddleston	Riegle
Byrd, Harry F., Jr.	Humphrey	Roth
	Jepsen	Rudman
Chafee	Kassebaum	Sarbanes
Chiles	Kasten	Simpson
Cohen	Leahy	Specter
Danforth	Levin	Stafford
DeConcini	Lugar	Stevens
Dixon	Mathias	Symms
Dodd	Mattingly	Thurmond
Domenici	McClure	Tower
Eagleton	Metzenbaum	Warner
East	Mitchell	Weicker
Exon	Moynihan	Zorinsky
Gorton	Murkowski	
Grassley	Nickles	

NAYS—27

Biden	Dole	Laxalt
Boren	Garn	Matsunaga
Boschwitz	Glenn	Proxmire
Burdick	Goldwater	Pryor
Byrd, Robert C.	Hatch	Randolph
	Heflin	Sasser
Cannon	Inouye	Stennis
Cochran	Jackson	Tsongas
Cranston	Johnston	
D'Amato	Kennedy	

NOT VOTING—10

Abdnor	Ford	Schmitt
Baker	Hatfield	Wallop
Denton	Long	
Durenberger	Melcher	

So the motion to lay on the table UP amendment No. 893 was agreed to.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. JOHNSTON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. McCLURE. Mr. President, it is my understanding that the Senator from Mississippi (Mr. COCHRAN) has an amendment which he will offer that will not take very long.

Mr. COCHRAN. That is correct.

Mr. McCLURE. I do not know whether he wishes a rollcall vote on the motion to table.

Mr. COCHRAN. I prefer a vote.

Mr. McCLURE. Then we will have another vote relatively soon.

I have some housekeeping details. I think there is a colloquy on this side that Senator LEVIN wishes to engage in with Senator JOHNSTON.

I think aside from that we are prepared to go to final passage with the single exception of the decision that the Senator from Delaware will make with respect to the pending amendment on the Falkland Island issue.

Mr. JOHNSTON. I have a technical amendment.

Mr. McCLURE. It would be our hope that when we have dealt with all of the amendments that deal with the substance of the nuclear repository program we can then either go to final passage and consider the Falkland Islands question after that or, if the Senator from Delaware intends to offer the amendment, to get a unanimous consent that no other amendments save amendments thereto or motions with respect thereto would be in order.

Mr. BIDEN. Mr. President, will the Senator yield on that point?

Mr. McCLURE. I am happy to yield.

Mr. BIDEN. As the Senator knows, my cosponsors and I have refrained from trying to slow down this bill. But from the beginning, I made it clear, I hope, to the managers of the bill that it is fully our intention to introduce our amendment prior to a final vote. We are going to continue to withhold introduction of the amendment until the "substantive amendments" relating to waste matter are disposed of. No pun intended.

Mr. McCLURE. I understand the Senator, and I appreciate very much the forbearance he has shown today. It has helped us to get to this point.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. MATHIAS. Mr. President, the action that we take in the Senate today—that of adopting a rational and workable nuclear waste management policy for this Nation—could be comparable to the "giant step for mankind" that occurred on the Moon in July of 1969. For every American, indeed every human being, has a vital personal interest in the development of a successful nuclear waste management program. The future of generations to come demands that the solution to nuclear waste management be found.

I rise therefore to thank Senators on the Energy, Environment, and Armed Services Committees for bringing S. 1662 to the Senate floor for consideration. It was not an easy task to get such a comprehensive and politically sensitive piece of legislation before the full Senate. Yet, it is essential to the future viability of the nuclear industry, and to the ultimate well-being of the human race, that we take up the task.

I first raised the issue of nuclear waste and a solution to the problem of its management when I introduced the nuclear waste management bill of 1977 on the opening day of the 95th Congress. That was the first action taken in the Congress to confront the problem of nuclear waste management and to deal with it comprehensively. Yet it is unhappy that it took that long for the issue to be raised. It would be one thing if nuclear wastes were a new phenomenon. But it is a fact that even before we split the first atom decades ago, we knew that something would have to be done with the byproducts of nuclear fission to keep them from poisoning the environment.

Among other philosophical observations attributed to him, Petronius Arbiter is supposed to have divined one of the eternal bureaucratic truths: "We tend to meet any new situation by reorganizing, and a wonderful method it can be for creating the illusion of progress while producing confusion, inefficiency and demoralization." Arbiter would be quick, I am sure, to apply that statement to the sequential positions of the issue of nuclear wastes. I would agree completely. What we do today moves the matter beyond the illusory reorganizing state, however, and will ultimately eliminate the confusion, inefficiency, and demoralization currently surrounding the issue.

This is a point which was made clearly and resoundingly in a report just issued by the Congressional Office of Technology Assessment. OTA, on whose board I serve, released the results of its 3-year study on nuclear waste management on Friday, April 23, 1982, with this fundamental finding:

> • • • if history is not to repeat itself over and over again, and the stalement on nuclear waste is not to continue, a comprehensive policy is needed that commands the support and addresses the concern of all major interested parties, makes a formal Federal commitment to developing several disposal facilities according to a firm and conservative schedule, and guarantees the financial and managerial resources required to meet that commitment.

I believe that the Senate, in debating S. 1662, is meeting the challenge of history as it was laid out by OTA. I urge my colleagues to join me in supporting this vital and long overdue piece of legislation.

Mr. DOLE. Mr. President, I would like to address these remarks to the distinguished chairman of the Energy Committee, Senator McCLURE. I wonder if I might take a moment to review with you the history of Federal nuclear waste site investigations into an abandoned salt mine at Lyons, Kans., and get your views on the future of the Lyons site.

As you know, from 1963 to 1967 the Oak Ridge National Laboratory carried out an experimental program, Project Salt Vault, in an abandoned salt mine near Lyons. This project yielded valuable information on the utility of salt formations as a geological medium for the disposal of high-level nuclear waste. However, in 1972, the Atomic Energy Commission, after extensive investigation of the Lyons site, determined that there was a possibility of water entry in the Lyons mine from old, unknown oil and gas exploration holes and from previous salt mining in the area. Based on those findings—that the site was not suited for high-level waste disposal, the AEC abandoned the Lyons program.

Since that time the Federal Government has engaged in no further activities at the Lyons site. And the Department of Energy has repeatedly stated that they have no ongoing waste site characterization studies in Kansas, nor do they intend to have any. A recent GAO study requested by the distinguished junior Senator from Kansas, reached the same conclusion.

But, in Lyons, Kans., this issue refuses to die. Their experience in the late 1960's and early 1970's has made them wary of Federal claims on nuclear waste siting. I do not believe their concerns are warranted and want to put them to rest. I would like to have your impressions of this matter.

Mr. McCLURE. Mr. President, I appreciate the opportunity to respond to the concerns of the Senator from Kansas. I am very familiar with the history of the Lyons site and the ongoing concerns of area residents.

The Department of Energy does not, to my knowledge, have any intention of reopening the Lyons site survey. It was unacceptable in 1972 and I have no reason to believe it is an acceptable site now.

It is not our intention in this bill to reopen for consideration, sites that have already been ruled out and abandoned. Our intent is to establish a responsible, safe, and expeditious process for the selection of disposal sites.

Mr. LEVIN. I would like to ask a few questions about title V of S. 1662, if I may. It is my understanding that this

title does not include the authorization for any facility but, rather, only requires the preparation of a proposal by the Department of Energy. Is that the Senator's understanding, as well?

Mr. McCLURE. Yes; it requires a proposal, but does not include an authorization for the MRS facility.

Mr. LEVIN. Although the title mentions potential congressional authorization of a monitored retrievable storage (MRS) facility, this Congress cannot tie the hands of future Congresses in setting limitations on what can and cannot be required, if and when we authorize MRS. Does the Senator agree?

Mr. JOHNSTON. Yes, as provided in the Constitution.

Mr. LEVIN. Although section 505 limits the applicability of the National Environmental Policy Act (NEPA) when Congress authorizes construction of the initial facility, during consideration of whether to authorize such construction, could the Congress decide that such a limitation is unwarranted and repeal that portion of this title?

Mr. McCLURE. Yes, as provided in the Constitution.

Mr. LEVIN. Similarly, could the Congress later decide that 505(c), which limits the consideration of the Nuclear Regulatory Commission, is too restrictive and repeal or modify restrictive portions of this section?

Mr. JOHNSTON. Yes, as provided in the Constitution.

THE SUBSEABED DISPOSAL OPTION

Mr. RUDMAN. Section 409 calls for the continuation and acceleration of research and development of alternative waste disposal technologies. This research and development should not be research simply for the sake of research. If one of these alternative technologies such as subseabed disposal, proves feasible, then it should be integrated in the overall waste management program. Is this correct?

Mr. McCLURE. Yes.

Mr. RUDMAN. If subseabed disposal does prove to be feasible, then would it be intended that subseabed disposal should be included in the national program for the disposal of nuclear waste under title IV. Is this correct?

Mr. McCLURE. Yes.

Mr. MITCHELL. Mr. President, since 1942, when the first experimental nuclear weapons were produced, the byproducts of the nuclear age—nuclear wastes—have been piling up in our Nation.

With the commercialization of nuclear energy production in 1957, both the quantity of waste and the speed with which it accumulated accelerated tremendously. Today, we face a problem of truly massive proportions in dealing safely with the permanent disposal of these wastes.

For almost four decades, our energy policy and our military strategy have encouraged the production of nuclear wastes as a byproduct of the production of power and the maintenance of a defensive capability. But neither our energy policy nor our military strategy have taken account of the disposition of these wastes. That problem has been virtually ignored.

Nuclear wastes include highly toxic materials which have a life of thousands of years. They include materials of vast bulk, such as uranium mill tailings, which are a hazard to human health. They include other materials whose isolation from the environment demands a high level of technological knowledge, and the expenditure of substantial sums of money.

In short, nuclear wastes represent a problem which, I believe, it is our positive obligation to resolve. We cannot allow this problem to be ignored, postponed, or put off until our children are faced with it. We are the generation which has promoted the development of nuclear power. It is also our generation's responsibility to cope with the byproducts of that power.

On a practical level, the continued lack of a permanent solution to the nuclear waste problem has clouded the future of the nuclear power industry. If we cannot deal permanently with the nuclear wastes that exist today, the outlook for nuclear power as a viable energy source in the future will remain highly questionable.

Nuclear waste is not, however, primarily a pro- or anti-nuclear energy issue. We will be best served if we can divorce the waste disposal questions from the often-polarizing cliches which cloud the nuclear energy issue on both sides. First and foremost, nuclear waste disposal is an environmental safety and health question.

For regardless of the future of the nuclear industry, the existing wastes will remain. Even if every single nuclear powerplant in the country were to close tomorrow and if we stopped manufacturing nuclear weapons the day after, a massive quantity of nuclear waste would exist that would demand disposal, wastes which have been created by both civilian and military operations.

The legislation now before the Senate is an effort to achieve that goal.

It is the product of three separate Senate committees, and I commend the hard work that every Senator has contributed to the final bill.

As a member of the Senate Environment and Public Works Committee, I played an active role in helping develop the version that our committee reported. That version has been significantly altered in the process of compromise among the three committees.

I will support the final version of this legislation. I will do so because it is the first formal step taken by the Congress to deal responsibly with the overriding need for a permanent depository for nuclear wastes.

But I will not do so without misgivings. In my view, the compromise bill before us takes the unfortunate path of deflecting its focus from the creation of a permanent depository by incorporating as well, two other disposal techniques which would be neither permanent, nor as safe as repositories.

First, I am concerned that the legislation provides for the Department of Energy to submit a plan for at least one monitored, retrievable storage facility.

The short timeframe for establishment of an MRS will severely distract the attention of the Energy Department from what ought to be its focus: The establishment of a permanent repository. The MRS concept is untried and untested. Yet this requirement in the bill effectively puts it on the same footing as a permanent disposal site. If implemented, it would undoubtedly transmit to future generations the problem of final disposition of nuclear wastes. That is both irresponsible and shortsighted of us. It is not the direction in which we should move, and it is not the focus which I believe this bill should maintain. I very much regret the inclusion of this diversionary proposal.

Second, the bill authorizes a federally owned and operated system for the interim storage of spent nuclear fuel at one or more away-from-reactor sites.

I oppose the idea of a federally owned and operated AFR system. The nuclear industry, like every other, should be required to pay for the costs of treating its waste products in an environmentally sound manner. We demand that coal-fired generators not pollute the air. There is no standard by which one sector of the energy industry alone—nuclear power—should escape the full free-market costs of production that all other producers must bear.

The industry contribution to this AFR facility does not offset the fact that the Federal Government would have to spend $460 million, at least, in startup funds. As a time when we are desperately searching for ways to hold down spending, such an additional cost is simply unjustifiable.

I also oppose the AFR suggestion because it would exacerbate the serious public safety problems associated with any transshipment of nuclear materials. One estimate of this bill's impact is that it would effectively require 5,600 truck shipments of nuclear materials across the United States. A 1981 National Academy of Sciences report showed that such an outcome would effectively create nuclear corridors on our Federal highways leading to the AFR sites. Those corridors would increase in number nearer each site,

posing substantially increased risks for the region around the AFR, as well as the immediate vicinity. Not only is such an outcome undesirable on its own merits, it promises to severely increase the political difficulties of finding a permanent site for nuclear waste disposal.

Obviously, the creation of a permanent site would require transshipments of nuclear materials. But one-time transshipments and the possibility of thousands of shipments are two different matters. Transshipment to the permanent repository would be a one-time event. Establishment of AFR facilities would simply double whatever quantity of waste shipments would be required, since it can be expected that the nuclear industry would immediately take advantage of AFR sites by removing their wastes to them.

But the most serious objection to the creation of AFR sites centers around the claim that they will be temporary. The State of South Carolina has had 31 years of experience now with the meaning of temporary storage of nuclear wastes. Governor Riley spoke out on the question recently, when he pointed out the temporary storage of high-level wastes at DOE's Savannah River Plant is now approaching its 31st anniversary.

The inclusion of AFR sites in this bill makes it certain that the Department of Energy's attention, resources and funds will be diverted and diluted from the goal of finding and establishing a permanent repository into the search for temporary AFR's. And those temporary AFR's could easily become as long term and inconclusive as the South Carolinians have found their temporary storage facilities to be.

The nuclear power industry has the technology and the capability to provide for interim storage of wastes. First, there is construction of privately financed AFR's. But short of that option, which the industry has not embraced, wastes can be stored with the construction of new water basins, through canister storage, dry storage in casks, reracking existing fuel rods, extending the burnup of spent fuels, and continued, limited transshipment to other storage facilities.

None of these alternatives is, of course, the best solution. The best solution is the creation of a permanent repository, which is the goal of this bill, and which should have remained the single goal of this bill.

Indeed, as the alternative storage processes are used, it is essential that the public's ability to participate in the license amendment process be protected.

An amendment I proposed to this bill, which has been retained in the final version, prohibits the granting of interim licenses when an application proposes a first-time-use of a new storage technology. It is essential that such first-time uses receive public scrutiny.

And it is encouraging to see that such public participation can enhance, rather than prevent, the process of reviewing new technologies. Both the State of Maine and a citizens' group in the State—Sensible Maine Power—have been granted permission to intervene in Maine Yankee's petition for a license amendment which would permit the use of a new technology to expand on-site storage. This is pin compaction, a technology never before approved for use in any nuclear facility in the country. Public scrutiny will help make certain that this new technology meets the imperative health and safety concerns that all citizens legitimately have about the operation of nuclear powerplants.

The fact is that we cannot ignore the legitimate interests of either our citizens or our State governments in the disposition of these hazardous materials.

The status of State governments' concerns, as provided in this bill, is that as long as a single House of the Congress supports a State's rejection of a waste facility, the State's objection stands. Although that provides a measure of protection to the States, I would have preferred an alternative proposal which would have required joint action to overturn a State's objection. I believe the latter would place the burden of proof where it should be—with the Department of Energy—not on the States. At the same time, I could not support and voted against the proposal that the States have an absolute veto over the establishment of waste sites. Obviously, such a provision would have guaranteed 50 State vetoes, and the problem, which is a national one, would remain unresolved.

The creation of a permanent depository would not take place overnight—the States must have a say in the selection process. And the State governments and their citizens must continue to have a say in the storage proposals that must be considered in the meantime.

The alternative ways which now exist to increase on-site storage capacity would not require a Federal AFR program. Not only would they allow the Nation to escape the potential hazards of nuclear waste transportation around the Nation, they would make certain that the attention and the focus of the Department of Energy were properly directed at the establishment of a permanent geological storage site. This is by far the best available option we have before us. It is the option on which our attention and our resources should be concentrated.

In that connection, I am pleased that this bill takes the step of including military nuclear wastes along with the civilian wastes produced by powerplants.

The Environment Committee's version of the bill provided that civilian and military wastes be jointly treated unless the President made a finding that the national security demanded separation of these wastes. I strongly supported that provision.

The amendment I cosponsored which readded compromise language to this bill was an important effort to make certain that all aspects of our nuclear waste problem be addressed by permanent storage. The compromise is less clear cut than I would have liked, but it retains the important presumption of a unified waste disposal system. It will, however, require a very active congressional oversight role, to make certain that any national security finding to justify a separate disposal for defense wastes be thoroughly justified by compelling security needs.

The fact is that some 80 percent of all nuclear wastes which require total isolation from the environment are defense wastes; 75 million gallons of these wastes are now stored, temporarily, at sites in Idaho, Washington, and South Carolina. It is estimated that some 400,000 gallons of high-level wastes have leaked from the steel tanks at the Washington site alone. Clearly, we cannot continue to treat wastes from military production as exempt from the requirements imposed on civilian nuclear wastes. Both types of waste pose serious threats to human safety and health, and both provide strong hazards to our environment.

The inclusion of these wastes makes this bill the first in four decades of the nuclear age which attempts to comprehensively deal with the problem of long-lived, toxic nuclear waste materials. Although my reservations about the bill remain serious, I support its enactment as the essential first step in helping resolve at least one problem that the nuclear age has created.

Mr. LEVIN. Mr. President, when debate began on this bill, I hoped that the Senate would produce a nuclear waste bill that I would be able to support. I did support nuclear waste legislation in the last Congress and anticipated supporting legislation this year. For many years, the Congress and the Federal Government have searched for solutions to the very difficult and potentially very dangerous problems of nuclear waste storage and disposal. I would like to be able to tell the public as well as the utility industries that we have finally come up with a workable, safe program for the disposal of nuclear waste.

Unfortunately, this bill is not the safe and workable program that we

need. It does not provide an adequate mechanism for States to protect themselves from poorly conceived plans for putting permanent nuclear waste repositories or interim nuclear waste storage within a State's borders. A reasonable approach offered by Senator CANNON, which I cosponsored and which was favored by the National Governors Association was rejected by the Senate.

The bill as passed by the Senate provides for away-from-reactor facilities, which I oppose in their current form. Under S. 1662, the Federal Government would own and operate the AFR facilities and would take title to the spent fuel at the site of the powerplants that produced the waste. Thereupon all liability for activities at the site preparing the waste for transportation, during transportation, and at the AFR facility would be borne by the taxpayers. Spent fuel is the byproduct of the production of electric power by utilities and I do not think that they should be able to transfer their legal liabilities to the taxpayers when the fuel has become a burden to them.

I would also have hoped that the environmental protections in the bill could have been strengthened. Our major concern with nuclear waste is to prevent environmental contamination and degradation. I fear that S. 1662 does not go far enough to assure adequate environmental analysis of potential waste sites.

UP AMENDMENT NO. 896

(Purpose: To require the Secretary of Energy to include at least one granite site among the first three sites he identifies and recommends to the President for site characterization and to make such adjustments in dates as are necessary in the administration of the Act to satisfy the requirement)

Mr. COCHRAN. Mr. President, I send an amendment to the desk and for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Mississippi (Mr. COCHRAN) proposes an unprinted amendment numbered 896.

Mr. COCHRAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 33, line 14, insert after the period the following: "At least one of the sites that the Secretary identifies and recommends under the first sentence of this paragraph shall be in a granite geologic medium. If for any reason the Secretary cannot identify and recommend a site in a granite geologic medium by the date specified in such sentence—

"(A) such sentence shall be deemed to specify the earliest date on which the Secretary can identify and recommend three sites including at least one site in a granite geologic medium, as determined by the Secretary; and

"(B) each date specified in or determined under this section or section 405 of this Act shall be adjusted by adding to such date a period equal to the period elapsing between the date specified in the first sentence of this paragraph and the date determined under clause (A).".

Mr. COCHRAN. Mr. President, the purpose of this amendment would be to require the Secretary of Energy to include at least one granite site among the first three sites he identifies and recommends to the President for site characterization, and to make such adjustments in dates as are necessary in the administration of the act to satisfy the requirement.

As stated earlier in this debate, Mr. President, I am convinced that unless we take the time in this nuclear waste disposal program to consider another geologic medium before one is recommended for a permanent repository, some may conclude that this legislation mandates the selection by the Secretary of certain sites which have already been studied.

I think a site under such circumstances could be selected that would prove unacceptable in the licensing process and cause an even greater delay in the program or, even worse, in our haste to do something to select some site we may force an unacceptable site to be acceptable.

There is a great deal of controversy and concern, as has already been expressed, about the sites the Department of Energy is now considering for possible site characterization. There is no hard evidence that any of them will prove suitable for a permanent repository.

Past problems with hasty site selection have cause delays and undermined public confidence. As an example, Mr. President, in 1972, the Atomic Energy Commission had to abandon a salt site in Lyons, Kans., that they were planning to use for a waste repository because water was discovered leaking into the mine, and scientists decided the mine had too many holes in it.

Salt, despite serious problems associated with it, has been a favorite geologic medium with the Department of Energy up to this point because it has been the most extensively studied medium. Even though many experts believe that granite and other forms of crystalline rock may be very promising media, they are not being aggressively investigated.

Mr. STENNIS. Mr. President, will the Chair maintain order?

The PRESIDING OFFICER. The Senate will please come to order.

Mr. COCHRAN. I thank the Senator from Mississippi.

The fact is that the time that would be required for characterization of granite falls behind the timetables set by DOE and the schedule that this bill contains as it is now drafted, and it arbitrarily, therefore, eliminates granite from consideration in the selection process.

This decision flies in the face of scientific evidence that granite may be the best possible medium for a site for nuclear waste disposal.

As evidence, Mr. President, I cite an article contained in a recent edition (April 16, 1982) of Science magazine. The article is authored by scientists affiliated with the chemistry division of the Oak Ridge National Laboratory addressing the question of using natural rock granite as a site to insure the maximum possible degree that radioactive material can be stored in a way that would not permit escape or create any hazard.

The authors used an innovative ultrasensitive technique for a lead isotope analysis in a natural site of granite at Los Alamos National Laboratory in New Mexico.

The results showed, Mr. President, that lead, which is a relatively mobile element compared with nuclear waste, has been highly retained at elevated temperatures under conditions that are similar to those that would apply to the storage of high-level nuclear wastes in deep granite holes.

This study is crucial and it is important because it was based not just on laboratory work but on an analysis in a natural site under adverse environmental conditions.

The Department of Energy should be able to incorporate this kind of finding and this research immediately in its review process. But to follow the dictates of this legislation and the predisposition of the Department to continue studying other kinds of formations would result in their not being able to take advantage of this kind of research.

Mr. President, I ask unanimous consent that a copy of this article I have just referred to be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DIFFERENTIAL LEAD RETENTION IN ZIRCONS: IMPLICATIONS FOR NUCLEAR WASTE CONTAINMENT

(Abstract. An innovative ultrasensitive technique was used for lead isotopic analysis of individual zircons extracted from granite core samples at depths of 960, 2170, 2900, 3930, and 4310 meters. The results show that lead, a relatively mobile element compared to the nuclear waste-related actinides uranium and thorium, has been highly retained at elevated temperatures (105° to 313°C) under conditions relevant to the burial of synthetic rock waste containers in deep granite holes.)

We report here the measurement of Pb isotope ratios of whole, undissolved zircons, which were loaded directly onto the rhenium filament of a thermal ionization mass spectrometer. This innovation eliminates the Pb contamination introduced in stand-

ard chemical dissolution procedures. By using this technique, we were able to measure contamination-free Pb isotope ratios on single, microscopic ~50 to 75 μm) zircon crystals, which we estimate contained only ~0.2 to 0.5 ng of Pb. We applied this ultra-low-level detection method to study the differential retention of Pb in zircons ($ZrSiO_4$) extracted from Precambrian granite core samples (1) taken from depths of 960, 2170, 2900, 3930, and 4310 m. These depths correspond to presently recorded temperatures of 105°, 151°, 197°, 277°, and 313°C, respectively (2). We measured about the same $^{206}Pb/^{207}Pb$ ratio for zircons from all five depths, and we found that the total number of Pb counts measured per individual zircon was, to the limit of our experimental procedures, independent of depth. Taken together, these results strongly suggest that there has been little or no differential Pb loss which can be attributed to the higher temperatures existing at greater depths. As discussed below, this evidence for high Pb retention under adverse environmental conditions appears to have immediate and practical application to the question of long-term containment of hazardous nuclear wastes.

Samples of granite (2) from Los Alamos National Laboratory drill holes GT-2 and EE-2 from all five depths were individually crushed and then passed through different heavy liquid (methylene iodide) separatory funnels to obtain the high-density fraction containing the zircons. This procedure was repeated serveral times with different samples from each depth. The high-density fraction was then washed thoroughly with acetone to eliminate the methylene iodide residue before being placed on a standard 1 by 3 inch glass microscope slide. Under a polarizing microscope, the zircons were picked out of the high-density fraction with a fine-tipped needle and then loaded either onto pyrolytic graphite disks for ion microprobe analysis or onto V-shaped rhenium filaments, which were mechanically compressed before mass spectrometric measurements. (Surficial residues on the zircons burned off at temperatures well below that used to measure Pb from within the zircons.) Some zircons were analyzed by x-ray fluorescence before mass analysis.

Our efforts to measure lead isotope ratios in zircons with an Applied Research Laboratory ion microprobe failed because of molecular ion interferences. We then concentrated on determining relative abundances of U, Th, and Zr, using mostly an $^{16}O^-$ primary ion beam. Ion count rates were obtained on the $^{90}Zr^+$, $^{232}ThO^+$, and $^{238}UO^+$ peaks. The data were then quantified with sensitivity factors obtained from six different National Bureau of Standards glass standards containing Zr, Th, and U. Two or three zircons from three depths were analyzed, and usually four determinations were made from each zircon. Frequently, there were significant differences in the U and Th concentrations from two different locations on the same zircon. The results are given in Table 1 as a range of values obtained from each zircon.

TABLE 1 [1]

Zircon depth (m)	Th (ppm. atomic)	U (ppm. atomic)
4310	40–85	125–210
4310	63–175	110–550
3930	63–120	83–220
3930	60–90	90–110
960	220–750	465–1130
960	100–275	1250–3300
960	800–2000	240–5300

[1] Ion microprobe determinations of U and Th concentration ranges in atomic parts per million on separate zircons from 960, 3930, and 4310 m. Calculations were based on a comparison of $^{238}UO^+$, $^{232}ThO^+$, and Zr^+ peak sizes and on the assumption that the zircons were pure $ZrSiO_4$.

The most important results came from the thermal ionization experiments. The thermal ionization mass spectrometer used in this work is similar to others described previously (3). It has a single magnet with 90° deflection and a 30-cm central radius of corvature. It is equipped with a pulse-counting detection system to allow complete isotopic analyses to be made on small quantities (<1 ng) of suitable elements ionized from a single filament. The filaments. made of V-shaped rhenium foil 0.64 cm long and 0.08 cm deep (4). were baked out at 2000°C before loading the zircons. Ions are formed by resistive heating of the filament: typical temperatures for this work were 1400° to 1470°C (uncorrected pyrometer readings).

Previous work done to develop a technique for analyzing small lead samples led to the use of silica gel to enhance ionization efficiency (5). Because individual zircons are chemically somewhat similar to silica, we decided to try to analyze lead from individual zircons loaded directly on the rhenium filament. Such a technique would have several advantages over traditional methods: contamination would be essentially eliminated because no chemical separation would be required and, since the zircons are small (difference 50 μm in diameter), they would provide an approximate point source of ions, which is known to optimize ion-optical conditions in the mass spectrometer (6).

Test experiments with zircons from other localities (7) were uniformly successful; ion signals were observed at masses (m) 206, 207, and 208 which could definitely be ascribed to Pb isotopes. To help ensure that we were at the correct ion lens conditions, we focused on the $^{138}BaO^+$ peak (the zircons contained some Ba), which was reasonably intense at 1200°C. Surficial residues left on the zircons after the acetone wash burned off before the operating temperature of 1450°C, where the lead signal was measured. Great care had to be exercised to avoid making the temperature too high; very rapid evaporation of the lead occurred only a little above the operating temperature. Typical count rates were 100 to 3000 counts per second for $^{206}Pb^+$. Traces of thallium (m = 203 and 205) were sometimes observed, but burned out more rapidly than the lead. Other than thallium, lead gave the only substantive peaks in the range m = 202 to 210. There was, however, a general background generated by the sample; chemically unseparated samples such as these zircons almost always yield such backgrounds. This background has little effect on the 206, 207, and 208 peaks, but made precise measurement of the ^{204}Pb signal, which was very small, impossible. For example, in an analysis typical of these experiments, 1.6×10^5 counts from ^{206}Pb were collected; the background correction was about 40 counts and, after correction, 18 counts remained at mass 204. Although these counts are listed as ^{204}Pb counts in Table 2, more work is needed to determine how much may be uncompensated background.

TABLE 2 [1]

Zircon depth (m)	Filaments analyzed	Average zircons per filament	Total Pb counts	Counts of ^{204}Pb	^{204}Pb total Pb	Average $^{206}Pb/^{207}Pb$	Range $^{206}Pb/^{208}Pb$
960	4	10	1.2×10^6	235	2×10^4	9.6±0.3	6.5–9.2
960	4	1	1.3×10^5	35	2.7×10^4	9.9±0.4	5.8–14
2170	3	5	8.9×10^5	269	3×10^4	10.0±0.4	6.4–12.4
2900	3	4	4.1×10^5	114	2.8×10^4	11.2±0.3	4–11.4
3930	2	10	6.5×10^5	132	2×10^4	11.0±0.4	5.9–8.7
3930	2	1	8×10^4	46	5.8×10^4	10.4×0.1	3.1–6.9
4310	7	10	5.6×10^6	1400	2.5×10^4	9.7±0.6	3.4–9.8
4310	2	1	1.6×10^5	100	6×10^4	9.8±0.4	4.5–10.7

[1] Results of thermal ionization mass measurements for zircons with a ^{204}Pb/total Pb ratio of less than 2×10^4. The background correction was taken from the 208 5 mass position; it was applied to the raw data to obtain the isotopic abundances which were used to compute the isotopic ratios. Standard deviations are listed with the Pb isotopic ratios.

Table 2 shows the results of our mass analyses of filaments loaded with single and multiple zircons from five granite cores. The range of $^{206}Pb/^{208}Pb$ values reflects the fact that this ratio varied from one group of zircons to another, and sometimes varied during measurements on a single zircon. These variations are not surprising in view of the ion microprobe analyses, which showed significant U/Th variations at different points on a single zircon (^{232}Th decays to ^{208}Pb and ^{238}U decays to ^{206}Pb). These variable $^{206}Pb/^{208}Pb$ ratios do not furnish any direct information on differential Pb retention in these zircons. For that purpose, it is generally accepted that the radiogenic $^{206}Pb/^{207}Pb$ ratios derived from $^{238}U/^{235}U$ decay are more specific. We note that Zartman's (8) isotopic measurements of Pb, which was chemically extracted from zircons taken from the GT-2 core at 2900 m, yield an adjusted $^{206}Pb/^{207}Pb$ ratio (9) that approximates our ratios.

In a conventional chemical extraction of lead from zircons, the lead measured in the mass analysis is considered to be a combination of radiogenic lead (from U and Th decay) and nonradiogenic lead (from common lead contamination and from some initial lead in the zircon). The radiogenic component is obtained by subtracting out a nonradiogenic component proportional to the amount of ^{204}Pb. In our experiments, however, the direct loading procedure virtually eliminated the common lead contamina-

tion, and we circumvented the need to make adjustments for initial lead in the zircons by accepting only analyses (*10*) showing a ratio of ^{204}Pb to total Pb of less than 2×10^{-3}. Thus the $^{206}Pb/^{207}Pb$ ratios shown in Table 2 represent highly radiogenic lead and hence are potential indicators of Pb retention.

We consider that the most important observations on the data in Table 2 are: (i) the fact that the $^{206}Pb/^{207}Pb$ ratios on single zircons closely approximate the ratio obtained when a group of similar zircons was loaded simultaneously on a single filament, (ii) the relative uniformity of the $^{206}Pb/^{207}Pb$ ratios for zircons from all depths, and (iii) the fact that the total number of Pb counts per zircon (the counts in column 4 of Table 2 divided by the product of columns 2 and 3) shows no systematic decrease with depth, as would be expected if differential Pb loss had occurred at higher temperatures. Taken together, items (ii) and (iii) provide strong evidence for high Pb retention in zircons even for a prolonged period in an environment at an elevated temperature. These results have possible implications for long-term nuclear waste disposal.

For example, Ringwood (*11, 12*) has suggested that highly radiation-damaged minerals that have successfully retained U. Th, and Pb (*13*) over a significant fraction of earth history might also serve to immobilize high-level nuclear waste in synthetic rock (SNROC) containers, which could be buried in deep granite holes. Even though zircons are not envisioned as part of Ringwood's special type of synthetic rock waste container, our results are relevant since they show that Pb, which is much more mobile in zircons than U and Th (*12, 14*), has been highly retained at depths (960 to 4310 m) which more than span the proposed burial depths (1000 to 3000 m) for synthetic rock containers in granite (*11*). The inclusion of this elevated temperature effect in our samples means that our results provide data which have heretofore been unavailable in support of nuclear waste containment in deep granite. In addition, the contamination-free method we used to analyze the zircons for radiogenic Pb may prove valuable in searching for other minerals suitable for synthetic rock waste containment.

Because it has been suggested that temperatures in the granite formation are rising (*15*), we do not know precisely how long the zircons have been exposed to the present temperatures. However, by using diffusion theory and the measured diffusion coefficent of Pb in zircon (*16*), we can estimate future loss of Pb by diffusion in synthetic rock-encapsulated zircons buried at the proposed depths of 1000 to 3000 m (*11*) if we assume a temperature profile similar to that in the drill holes. At a burial depth of 3000 m (~200°C), we calculate that it would take 5×10^{10} years for 1 percent of the Pb to diffuse out of a 50-μm crystal. At 2200 m (~150°C) it would take 7.4×10^{13} years, and at 1000 m (~100°C) it would take 7.7×10^{17} years for 1 percent loss to occur (*16*). Since all these values greatly exceed the 10^5 to 10^6 years estimated for waste activity to be reduced to a safe level (*11*), and since, as noted earlier, U and Th are bound even more tightly than Pb in zircons (*12, 14*), our results appear to lend considerable support to the synthetic rock concept of nuclear waste containment in deep granite holes.

ROBERT V. GENTRY,
THOMAS J. SWORSKI,
Chemistry Division, Oak Ridge National Laboratory.

HENRY S. MCKOWN,
DAVID H. SMITH,
R. E. EBY,
W. H. CHRISTIE,
Analytical Chemistry Division, Oak Ridge National Laboratory.

Mr. COCHRAN. I am not trying to single out granite as the geologic medium that should be most considered, but I am listing it, if my amendment is adopted, with the first group of sites for site characterization because it is the next major medium the Department of Energy has included in their site selection program, and I feel that a timetable should be followed that would allow for the consideration of this important alternative.

The PRESIDING OFFICER. Who yields time?

Mr. McCLURE. My President, I rise in opposition to the amendment. I might indicate that, in my opinion, the only real effect of the amendment would be to delay the program, as testimony indicates that no granite survey could be completed until 1986. Whether that is the purpose of the amendment or not I am not trying to characterize, but I think that is its effect.

NRC regulations already require that a diversity of media be characterized, and under that direction and regulation of NRC, salt, basalt, and volcanic tuff media have been surveyed.

Potential sites for characterization have been or will be identified by 1984. There is no need to delay those sites, and this amendment would do so.

Granite will be available as a medium for the second repository and will be considered in the second round of site selections and characterizations.

So if for some reason granite sites are not available, this amendment would kill the nuclear waste program for repositories, and it certainly would delay the initiation of it by nearly the same degree of time as was the case under the more direct effort under the amendment that was just tabled.

So I hope this amendment will not be agreed to. At the appropriate time I will offer a motion to table, but I will withhold that at this time so that others may speak.

Mr. SIMPSON. Mr. President, I must also oppose this amendment by the Senator from Mississippi. This amendment would require that one of the first three sites to be selected for site characterization for use as a repository must be a granite site. The amendment would also extend the date for selecting these first three sites until we have sufficient information to select a granite site.

Mr. President, I believe that this amendment would have several serious adverse effects. It would, for the first time, require that a site must be selected in a particular geologic medium—granite. The bill now requires that sites be selected in as many geologic media as possible, but it treats the different geologic media equally and does not specify particular media to be chosen. Mr. President, I think we begin to go down a very perilous path if we begin to single out specific geologic formations that must be selected. Nor do I think that this bill should "play favorites," if you will, between the various States based upon the types of geologic formations that happen to exist within a particular State.

Mr. President, a second adverse effect of this amendment will be delay, as the Senator from Idaho has well stated. Given the less advanced work thus far in identifying granite sites, the requirement that granite be included in the first round of potential repository sites to be characterized will delay the selection of those first three sites by 3 years or more, with equivalent delays in the remainder of the repository development schedule. At the same time, it is quite clear that granite sites would be available for consideration in the second round of sites to be characterized, and would be available for selection for the second, or subsequent rounds, as repositories.

Mr. President, I submit my reasons for opposing the amendment, both because of the serious delay that will be occasioned in the repository program and because of the dangerous precedent it sets in singling out one geologic formuation for special consideration.

We have never yet done that in the history of the nuclear industry or the aspects of waste management. I think that a departure from that at this time would be a serious one.

Mr. STAFFORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. STAFFORD. Mr. President, I wish to compliment the distinguished Senator from Wyoming for his statement and that of Senator McCLURE, as well.

Mr. President, I join with my colleagues who are managing this bill to oppose the amendment by the Senator from Mississipi (Mr. COCHRAN).

As I understand the amendment, it would require that one of the first three sites to be selected for site characterization would have to be a granite site.

Adoption of such an amendment would, for the first time, require the selection of a site in a particular geologic medium—in this case, the medium of granite. The bill as presented requires that sites be selected in as many geologic media as possible.

But, the bill treats the different geologic media—and here we are talking about the different regions of the country—equally. It does not specify particular media—or particular regions of the country—to be chosen.

We risk serious adverse effects if we begin to single out different geologic formations. More simply stated, I do not think that in this bill we should play favorites among the various States because of the geology of the States.

This amendment has another drawback. It would delay our efforts to reach a solution to the pressing problem of waste repositories.

Indentification of granite sites is less advanced than some of the other work that has gone on. To require that a granite site be included in the first round would delay the selection of the first three sites by 3 years or more, as has been noted by my colleagues who have spoken ahead of me.

That delay would undoubtedly lead to other delays in the rest of the schedule for development of repositories. And, of course, it should be pointed out here, that it is quite clear that granite sites would be available for consideration in the second round of sites to be characterized. Granite sites would thus be available for selection in the second or subsequent round of repositories.

Thus, I join with the manager of the bill in voicing my opposition to the amendment proposed by the Senator from Mississippi (Mr. COCHRAN) on the grounds that it would be a dangerous and counterproductive precedent to single out a specific geologic formation for special consideration, and also that to do so at this time would lead to further delay that we can no longer afford.

Mr. LEVIN. Mr. President, I want to voice my opposition to the amendment to S. 1662 offered by the Senator from Mississippi (Mr. COCHRAN).

S. 1662 attempts to establish a national policy for the disposal of nuclear waste. Because its provisions have tremendous impact on individual States, the bill must balance the rights of State and local governments with the need for a Federal program for assuring safe handling of nuclear waste. This balancing was discussed earlier in the deliberations on the Proxmire and Cannon amendments.

We are now faced with an amendment that would totally change the approach of the bill. We have been assured by the floor managers that the bill before us is the product of extensive analysis of the most sophisticated technical information and assures public health. The amendment by the Senator from Mississippi throws a monkey wrench into the works.

The bill sets up elaborate procedures for the consideration of possible sites. Section 403(a), which establishes guidelines for repository site recommendations states that—

The guidelines shall specify factors that would qualify or disqualify a site from development as a repository, including factors pertaining to geologic criteria, the location of valuable natural resources, proximity to population, hydrology, geophysics, seismic activity, and nuclear defense activities. The guidelines shall require the Secretary to consider the various geologic media in which sites for repositories may be located and, to the extent practicable, considering the schedule of actions contained in this title, to recommend sites in different geologic media.

The amendment of the Senator from Mississippi would disregard all these safeguards and simply require that one of the first three sites be in granite. Rather than try to follow the guidelines established, he wants to superimpose a requirement selecting a particular medium.

Now it happens that there is granite in Michigan. But I would say to my colleagues, especially those whose States have no potential sites for granite nuclear repositories, that this bill will succeed only if we are convinced and our constituents are convinced that the bill is fair and equitable. The Senator's amendment would predetermine that a granite site be one of the sites selected regardless of whether such a site fulfilled the requirements of the guidelines. Is this the way we should be setting policy? I think not.

During debate yesterday, many of my colleagues discussed the need for public confidence in our ability to safely dispose of nuclear waste. Both those who favor the promotion of nuclear power and those who oppose it have told me of the need for a reasonable scientifically sound program for disposing of nuclear waste. Some of our constituents think of nuclear waste disposal as a crap game, with the State losing the throw ending up with a site. The amendment of the Senator from Mississippi would load the dice and granite States would be the losers.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I will take just 1 minute.

Mr. President, we have to use our commonsense sometimes. I am not a scientist—few of us are—but the first time I heard about this problem, I just instantly said, "Well, granite will probably be the best repository after all the scientific evidence is in."

I just think it is commonsense that we ought to turn in that direction. The idea of leaving it out altogether shocks me. I am told this is evident in Sweden and elsewhere and that it is being considered seriously.

I do not want to detain the Senate, but I am certainly for the amendment.

Mr. McCLURE. Mr. President, I thank the Senator. If there is no further debate, and I see no other Senator seeking recognition for the purpose of debate, I move to table the pending amendment.

Mr. COCHRAN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Idaho (Mr. McCLURE) to table the amendment of the Senator from Mississippi (Mr. COCHRAN). The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from South Dakota (Mr. ABDNOR), the Senator from Tennessee (Mr. BAKER), the Senator from Alabama (Mr. DENTON), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Oregon (Mr. HATFIELD), the Senator from New Mexico (Mr. SCHMITT), and the Senator from Wyoming (Mr. WALLOP) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Missouri (Mr. EAGLETON), the Senator from Kentucky (Mr. FORD), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Louisiana (Mr. LONG), and the Senator from Montana (Mr. MELCHER) are necessarily absent.

The PRESIDING OFFICER (Mr. SYMMS). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 83, nays 5, as follows:

[Rollcall Vote 91 Leg.]

YEAS—83

Andrews	Garn	Metzenbaum
Armstrong	Glenn	Mitchell
Baucus	Goldwater	Moynihan
Bentsen	Gorton	Murkowski
Biden	Grassley	Nickles
Boren	Hart	Nunn
Boschwitz	Hatch	Packwood
Bradley	Hawkins	Pell
Brady	Hayakawa	Percy
Bumpers	Heflin	Pressler
Burdick	Heinz	Proxmire
Byrd, Harry F., Jr.	Helms	Pryor
	Hollings	Quayle
Byrd, Robert C.	Humphrey	Riegle
Cannon	Inouye	Roth
Chafee	Jackson	Rudman
Chiles	Jepsen	Sarbanes
Cohen	Kassebaum	Simpson
Cranston	Kasten	Specter
D'Amato	Kennedy	Stafford
Danforth	Laxalt	Stevens
DeConcini	Leahy	Symms
Dixon	Levin	Thurmond
Dodd	Lugar	Tower
Dole	Mathias	Tsongas
Domenici	Matsunaga	Warner
East	Mattingly	Weicker
Exon	McClure	Zorinsky

NAYS—5

Cochran	Randolph	Stennis
Johnston	Sasser	

NOT VOTING—12

Abdnor	Eagleton	Long
Baker	Ford	Melcher
Denton	Hatfield	Schmitt
Durenberger	Huddleston	Wallop

So the motion to lay on the table Mr. COCHRAN's amendment (UP No. 896) was agreed to.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCLURE. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. McCLURE. Mr. President, let me say to all Senators that we expect to have the bookkeeping and record-keeping on this bill done very quickly. There are two or three very minor amendments that will be submitted and accepted. Then we shall be in a position to move either to the Biden amendment or passage of the bill. I do not repeat that in any argumentative way to the Senator from Delaware.

CORRECTION OF UNPRINTED AMENDMENT NO. 881

Mr. McCLURE. Mr. President, in unprinted amendment No. 881 offered by Senator GARN, there was the inadvertent omission of one word. That one word is "impact." It should read, "final environmental impact statement." The word, "impact," was left out.

Mr. President, I ask unanimous consent that the RECORD be corrected to include that one word, "impact," in the Garn amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

(In accordance with the above order, the text of UP amendment No. 881 has been so corrected.)

UP AMENDMENT 897

Mr. McCLURE. Mr. President, I sent an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Idaho (Mr. McCLURE) proposes an unprinted amendment numbered 897.

Mr. McCLURE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

SEC. 203. The enactment of this Act shall be construed in any Federal, State, and local administrative or judicial proceeding to satisfy any legal or statutory requirement, notwithstanding any other provision of law.

(1) for the existence of an the approval of the United States of a demonstrated technology or means for the disposal of spent fuel and high-level nuclear waste and (2) for assurance of the safe disposal of spent fuel and high-level nuclear waste and the scheduled availability of storage and disposal facilities for high-level nuclear waste.

Mr. McCLURE. Mr. President, this amendment clarifies legally the intent of this bill. As stated in section 102, the purpose of the bill is to establish the definite Federal policy for disposal of high-level radioactive waste from civilian nuclear activities and the national effort to carry out that policy in a timely manner.

I ask for immediate consideration of the amendment.

Mr. JOHNSTON. Mr. President, for the minority, we will accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Idaho.

The amendment (UP No. 897) was agreed to.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 898

(Purpose: To prohibit the Nuclear Regulatory Commission from considering the reduction or cessation of nuclear power plant operations as an alternative to expanding or adding spent fuel storage capacity at a reactor site)

Mr. McCLURE. Mr. President, I send an unprinted amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Idaho (Mr. McCLURE) for himself, Mr. DOMENICI, Mr. STAFFORD, Mr. SIMPSON, Mr. TOWER, Mr. WARNER, Mr. JACKSON, Mr. JOHNSTON, Mr. CANNON, Mr. HART, and Mr. RANDOLPH proposes an unprinted amendment numbered 898.

Mr. McCLURE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 28, line 16, strike the period at the end of section 314 and add the following, ", the reduction or cessation of plant operations, or no action.".

Mr. McCLURE. Mr. President, section 314 of the compromise text prohibits the Nuclear Regulatory Commission from considering, on an application to expand or add spent fuel storage capacity at a reactor site, the alternative of AFR storage.

The proposed amendment prohibits the Commission from considering the reduction or cessation of plant operations, or no action as alternatives to expanding or adding spent fuel storage capacity at a reactor site.

Mr. JOHNSTON. Mr. President, the amendment is agreeable to the minority.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Idaho.

So the amendment (UP No. 898) was agreed to.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 899

(Purpose: To revise the requirements for contractual commitments of the Federal Government with owners of spent fuel or high-level waste generated from civilian nuclear activities)

Mr. McCLURE. Mr. President, I send an unprinted amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Idaho (Mr. McCLURE for himself, Mr. DOMENICI, Mr. STAFFORD, Mr. SIMPSON, Mr. TOWER, Mr. WARNER, Mr. JACKSON, Mr. JOHNSTON, Mr. CANNON, Mr. HART, and Mr. RANDOLPH) proposes an unprinted amendment numbered 899.

Mr. McCLURE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Revise subsection 410.(b) to read as follows:

"(b)(1) The contracts entered into under subsection (a) shall provide that in return for the payment of the fees established by section 603 (a) and (c) of this Act, the Federal Government will undertake to perform the duties required of it under this Act and shall no later than December 31, 1996,

(A) take title to the spent fuel and high-level radioactive waste owned or generated by such person,

(B) transport the spent fuel or high-level radioactive waste to a federally owned and operated repository or monitored, retrievable storage facility, and

(C) store or dispose of the spent fuel or high-level radioactive waste.

(2) Any person with whom the Secretary has contracted under this section may bring an action in the United States Court of Claims for damages arising out of a failure to meet the contractual obligations specified in paragraph (1) unless the Government can show that its failure to meet such contractual obligations was directly caused by considerations of safety and not caused by Government delay. The Court of Claims may not award damages under this paragraph to any person in excess of the total amount that person has paid in fees pursuant to section 603.

Mr. McCLURE. Mr. President, section 410 of the compromise text (amendment No. 1350) provides that the Secretary of Energy enter into contracts with the owners of spent fuel or high-level radioactive waste. Such contracts must provide that at the time when a repository or monitored, retrievable storage facility became operational the Secretary would take title to, transport, and dispose of or store the spent fuel or high-level waste.

The amendment would require two further contractual commitments by the Federal Government. First, that it will reasonably undertake to perform the duties required of it under this Act. Second, these facilities must be operational by December 31, 1996. The amendment provides further that if these obligations are not met, the persons having contracted with the Secretary under this provision may bring an action for damages in the Court of Claims unless the Government can show it failed to meet the deadline because of safety considerations. Damages would be limited to the total amount that person had paid in fees pursuant to section 603.

Mr. JOHNSTON. Mr. President the amendment is acceptable to the minority.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Idaho.

The amendment (UP No. 899) was agreed to.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 900

Mr. JOHNSTON. Mr. President, if there are no other amendments, I have one final amendment which I send to the desk at this point and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Louisiana (Mr. JOHNSTON) proposes an unprinted amendment numbered 900:

At the end of the bill add the following section:

SEC. . For the purposes of section 409, the Secretary shall make expenditures to the extent funds are available and in such amounts as are provided in appropriations acts pursuant to title II.

Mr. JOHNSTON. Mr. President, this is what you might call a vehicular amendment. That is to say, it is the vehicle by which other amendments may be attached which relate to nongermane matters. It is done in accommodation to my colleague from Delaware, who had earlier wanted to put his Falklands amendment on other business and, in deference to us, he has withheld that amendment until all other business is out of the way.

This amendment really does not do anything other than provide that vehicle.

I am in support of the Biden amendment, but this is not for the purpose of supporting his amendment but merely as an accommodation, and I thank him for that accommodation.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

UP AMENDMENT NO. 901

Mr. BIDEN. Mr. President, I send a perfecting amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Delaware (Mr. BIDEN), for himself, Mr. MOYNIHAN, Mr. PRESSLER, Mr. PERCY, Mr. PELL, Mr. DODD, Mr. TSONGAS, Mr. SARBANES, Mr. CRANSTON, Mr. MATHIAS, Mr. HARRY F. BYRD, JR., Mr. GLENN, and Mr. GORTON, proposes an unprinted amendment numbered 901, to UP amendment No. 900.

Mr. BIDEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

Mr. HELMS addressed the Chair.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS addressed the Chair.

Mr. BIDEN addressed the Chair.

Mr. HELMS. Mr. President, I send a substitute to the desk.

The PRESIDING OFFICER. Is there objection to the request to suspend the reading of the amendment?

The Chair hears none, and it is so ordered.

The amendment is as follows:

UNITED STATES POLICY REGARDING THE FALKLAND ISLANDS

The Senate finds that—

(1) the Inter-American Treaty of Reciprocal Assistance of 1947 specifically envisions that the American States will seek "the pacific settlement of their differences"; and

(2) on April 2, 1982, armed forces of Argentina seized and occupied the Falkland Islands, a crown colony of the United Kingdom; and

(3) the United Nations, through Security Council Resolution 502 (of April 3, 1982), has demanded "an immediate withdrawal of all Argentine forces from the Falkland Islands" and called on the governments of Argentina and the United Kingdom "to seek a diplomatic solution to their differences"; and

(4) such Resolution, arising from a breach of the peace, is binding under international law; and

(5) the United States Government has provided good offices to the search for the diplomatic solution required by Security Council Resolution 502 and called for by the Organization of American States; but

(6) no treaty obligation of the United States, including the Inter-American Treaty of Reciprocal Assistance, requires or implies United States support of, or neutrality toward, any act of international aggression; and

(7) United States foreign policy should indeed be guided by the imperatives of opposing international aggression and upholding the principle of self-determination; and

(8) in the current dispute, such imperatives are intensified by long-standing bonds of friendship and allegiance between the United States and the United Kingdom.

(b) It is therefore the sense of the Senate that while the United States Government should continue to provide good offices in the search for a diplomatic solution to the Falkland Islands dispute, the United States Government cannot stand neutral with regard to implementation of Security Council Resolution 502 and should therefore prepare, through consultations with the Congress, to further the efforts of the British Government to achieve in the Falkland Islands full withdrawal of Argentine forces and a settlement which respects the principle of self-determination.

(c) It is further the sense of the Senate that the President should consider economic measures in coordination with the European Economic Community directed against Argentina, in accordance with the authority granted him by statutes of the United States.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, I send a substitute to the desk and ask that it be stated.

The PRESIDING OFFICER. The Chair informs the Senator from North Carolina that the amendment of the Senator from Delaware is an amendment in the second degree and no amendment is in order at this time.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

Mr. MOYNIHAN addressed the Chair.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. HELMS. I object.

Mr. STEVENS. Mr. President, just for dialog, please.

Mr. HELMS. I object.

The PRESIDING OFFICER. Objection is heard.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, again I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it so ordered.

Mr. STEVENS. Mr. President, I understand the parliamentary situation, but it has been my hope that once we reached this position we would be able to separate the Falklands issue from this bill, let this bill go to the House, immediately call up the Falklands issue, and have it the subject of an independent resolution. This resolution may be subject to amendment and debate and I make the commitment that we will stay in tonight to consider it. If it is necessary to be in session tomorrow, we will be in session tomorrow. If it is necessary to be in on Saturday, we will be in on Saturday. We will stay in until we can get a vote, if we can get a vote, or at least until we get a disposition of it, or until there is

a determination we cannot get a disposition of it.

But we would like to have that opportunity. I urge my friend from Delaware to consider that possibility solving this issue. The parliamentary situation that exists means that the resolution is not subject to amendment. It is not germane.

We have, as I indicated, every intention to stay and to complete the consideration of the Falklands resolution. I urge my friend to permit us to do this.

Mr. BIDEN. Will the assistant majority leader yield to me so I may respond?

Mr. STEVENS. Yes.

Mr. BIDEN. As the assistant majority leader knows, from the very beginning I have made it absolutely clear that what he has suggested is not something that I was willing to do unless the distinguished Senator from North Carolina was willing to agree that we would have a time certain on a vote on my amendment, that it would stand independently.

Now, if the Senator from North Carolina is willing to assure me that we will have a time limit—and I am willing to agree to a 1-hour time limit, a 20-minute time limit, 2 hours, 5 hours, 10 hours, but a specific time limit—then I would be delighted to accommodate even beyond the accommodation which I have shown thus far, which is not necessarily the way in which this body tends to act.

I would be delighted to further accommodate the Senate, because all I want is a vote on this amendment. I do not care how it comes. I do not care in what form it comes. But I think the Senate has an obligation to say where it stands. If the Senator will be able to do that, I will be delighted.

I suggest a 1-hour agreement at the conclusion of the final vote on the nuclear waste bill, and with that understanding, I can offer my amendment, at which time we would then have a 1-hour time agreement.

I would be willing to do that, even knowing full well that that would give the Senator from North Carolina a parliamentary opportunity he does not now have. I am willing to do that. That is what a nice guy I am.

Mr. STEVENS. I thank the Senator from Delaware, Mr. President. We have explored a time agreement all day.

Mr. BIDEN. I think it would be nice to explore it now.

Mr. STEVENS. I would be perfectly willing to explore it again. I think that until we can get to the point that we have some understanding about whether the resolution is going to be subject to amendment or what the timeframe will be, it will not be possible to get a time agreement.

Mr. BIDEN. I would be willing even to agree to a time agreement, with my amendment being subject to amendment by the Senator from North Carolina, knowing full well that that would weaken my position; nonetheless, we would have that agreement.

If the Senator would be willing to agree to a time agreement and would state how he would amend it, I would be willing to agree to that. Senators ought to know up front what we are talking about.

Mr. STEVENS. Mr. President, I yield to the Senator from North Carolina.

Mr. MOYNIHAN addressed the Chair.

Mr. JOHNSTON. Before the Senator yields, may I ask a question of the Senator from Delaware?

Mr. BIDEN. Mr. President, a parliamentary inquiry. Who has the floor?

Mr. STEVENS. I have the floor. The Senator from North Carolina asked me to yield, and I would like to do that.

Mr. BIDEN. Mr. President, a parliamentary inquiry. Is the Senator from North Carolina asking for the floor in his own right?

Mr. STEVENS. He is just asking me to yield, just as the Senator from Delaware did.

Mr. JOHNSTON. Before the Senator yields, will he allow me to clarify one thing?

Mr. STEVENS. Yes.

Mr. JOHNSTON. I want to make certain that the Senator from North Carolina understands that we did not pull a fast one on him by making this amendment not amendable.

The Senator from Delaware had a right at any stage to offer a second-degree amendment to any pending amendments, and he accommodated us by allowing us to finish the bill and then put it in here. I just wanted the Senator to understand that.

Mr. HELMS. Mr. President, will the Senator from Alaska yield to me?

The PRESIDING OFFICER. The Senator from Alaska has the floor.

Mr. STEVENS. Mr. President, I ask unanimous consent that I may yield the floor to continue this dialog for a few minutes and that I not lose my right to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. STEVENS. I did request the Senator from Delaware to offer a resolution as a free-standing amendment so that it would be subject to amendment. We never had the agreement that such consideration would occur. He said he would consider it, and that is where the situation was left.

If I misled the Senator from North Carolina, I apologize.

Mr. HELMS. The Senator from Alaska did not mislead the Senator from North Carolina, nor did the Senator from Louisiana, and I am sure the Senator from Delaware did not intend to mislead the Senator from North Carolina. He came to that chair an hour and a half ago and said, "I'm going to back off, and let you offer a substitute, and then we will vote on it."

I say this to the Senator, I have no intention of prolonging this debate beyond getting it fully on the record. But I left this floor with the full understanding that the amendment of the Senator from Delaware would be a freestanding amendment, subject to a substitute; that we would first vote on that substitute, and that then we would vote on the amendment of the Senator from Delaware. If I misunderstood the Senator, I must admit that suddenly I must be incapable of all understanding.

Mr. BIDEN. Mr. President, will the Senator yield on that point?

Mr. STEVENS. If the Senator will yield——

Mr. HELMS. That is the understanding I had when I left the floor.

If the Senator is willing to withdraw this amendment and offer it freestanding, subject to amendment, as I understood it would be, then that is fine. I want him to know that it would not be the purpose of the Senator from North Carolina to prolong this matter. The Senate should be aware of the implication of what the Senator from Delaware is doing.

The Senator from Virginia has some facts he wishes to relate to the Senate, to which I advise the Senate to be very attentive. With that understanding, if it is satisfactory to the Senator from Delaware, I think the Senator from Virginia should proceed.

Mr. STEVENS. Mr. President, it is my understanding that the parliamentary situation is such that the leadership could move—I could move, as the acting leader—to restore this bill to the calendar, and then we could proceed with the Senator's resolution independently, if he wanted to do so.

I think the Senate is prepared to address the Falkland Islands issue following the briefing last night, which over 70 Members attended. We know it is a timely issue. We are prepared to address it as a separate issue, in and of itself.

I again appeal to my friend from Delaware to allow us to do that. With the assurance we just received from the Senator from North Carolina, I think we can have final passage of this bill and get it out of the way and go the resolution.

Mr. BIDEN. Tonight?

Mr. STEVENS. We will go to the resolution, and we will stay on it until it is finished.

Mr. BIDEN. With all due respect, that is not very helpful to me. The war could be over by then.

I want to know whether or not tonight we will get a vote on it, No. 1; No. 2, specifically how the Senator

from North Carolina would amend my amendment. Then I would ask unanimous consent that the only amendment to my amendment which would be in order would be the one that the Senator suggested, and that no other amendments would be in order, and that there would be an up-and-down vote on the amendment.

If we could do that, I would be perfectly willing. I cannot speak for every one of the 20 or so cosponsors, but I suggest that that is not a problem. If we agreed to that, we could, in a matter of a minute or so, guarantee that.

So, if the Senator is willing to tell me, first, what his amendments are; second, if we could have a unanimous-consent agreement that they would be the only amendments in order; and third, that there would be an up-and-down vote on my amendment as amended, if amended, then I would be delighted to do it, with a time certain.

Mr. MOYNIHAN addressed the Chair.

Mr. STEVENS. Mr. President, I think some of these negotiations can be conducted during a quorum call.

I have the text of the resolution that came out of, I believe, the subcommittee on the House side. It had been my intention, if that was not covered, to offer an amendment along similar lines. I hope we are not put in the position that this resolution, which was not reported from the Foreign Relations Committee—has been drafted, in fact, by several Members but has not been seen by many as yet—is going to be the subject of a unanimous-consent agreement. We must take care not to leave ourselves in the position that, because of a misunderstanding of a phrase or part of the resolution, we may be hung up here for a long period of time.

Mr. BIDEN. The reason why we were not able to act on it was that the Senator from North Carolina had a standing request that no committee meet—which is his right—beyond 2 hours after the Senate convenes. Consequently, the only avenue left for us to fully explore this was to get a majority of the members of the Foreign Relations Committee—and there is a majority—as cosponsors, with a not particularly ill-conceived nor hastily drafted measure.

Second, I point out to the Senator that I am not asking a great deal. All I am asking is to know, as they say in the southern part of my State, "what you all are going to do to me," before I give up what minor advantage I may have at this point.

Mr. STEVENS. This Senator has only one intention, and that is to see that the Senate works its will as soon as possible on the resolution of the Senator from Delawere, and I hope it will be a resolution, not an amendment.

Does the Senator from New York wish to say something?

Mr. MOYNIHAN. I believe the Senator from Delaware has suggested that he would wish to have a time agreement as well as the other agreement.

Mr. STEVENS. I am perfectly willing to explore a time agreement. At this point, I am not willing to explore the concept that there be no other amendments in order, until we see the text of the amendment and until other Members of the Senate, who would be bound by that agreement, have an opportunity to see it.

Has it been reproduced yet, so that every Member of the Senate can have a copy?

Mr. BIDEN. It has been reproduced. I will see that my staff has a copy on the desk of each Senator.

Mr. STEVENS. May we withhold this question about other amendments until the Senate as a whole has read it?

Mr. BIDEN. Yes. I ask that, at the same time, we also see the Helms amendment and find out from my distinguished colleague from North Carolina whether or not he is willing to let us settle the first half. Let us get unanimous consent on a time agreement, and we will withhold the question of whether or not we get unanimous consent on what amendments can or cannot be brought up.

Is the Senator from North Carolina willing to give us a time agreement to vote at a reasonable hour today, this evening?

If so, we will really have makings of a deal we can start.

Mr. McCLURE. Mr. President, will the Senator from Alaska yield?

Mr. STEVENS. I am happy to yield to the manager of the bill.

Mr. McCLURE. Mr. President, I do sincerely appreciate the forbearance of all the parties who are so interested in the Falkland Islands dispute who have allowed us to get to the point where we are. Having fully considered the pending legislation we are now talking about an issue that is not related to the pending legislation.

I do not understand that anyone is going to amend the resolution to suggest that we will back the British if they allow us to put all our nuclear waste in the Falkland Islands. That might make this germane to this legislation.

Mr. BIDEN. That might be a good idea.

Mr. McCLURE. But I hope that if we cannot immediately go to final passage of the bill we could consider the possibility of at least saying the bill is now closed to other amendments save the Falkland Islands issue, however that might be formulated.

Mr. BIDEN. The Senator from Delaware has no objection to closing the bill other than this amendment. It is fine with me.

Mr. STEVENS. Mr. President, in trying to clear that request out that there be a unanimous consent at this point that there be no further amendments in order to the nuclear waste disposal bill, we have been unable to clear that. I do hope to avoid that problem if we can get an agreement on the resolution standing by itself and have consideration of the resolution preceded by a vote and final passage on the bill. If that can be worked out I think we can get a time agreement on the Senator's Falkland Islands resolution on the condition that we will vote on the nuclear waste bill and we will be out of here after a reasonable period of time.

I suggest to the Senate that since we have to reproduce the Senator's basic amendment and reproduce the suggested amendment of the Senator from North Carolina or the Senator from Virginia we take the time, unless someone has something to do right now, to stand in recess for about 20 minutes so we can get that work done and draft up the unanimous-consent agreement that will protect the rights of the Senator from Delaware as well as the rights of the Senators from North Carolina and Virginia.

Mr. WARNER. Mr. President, if the Senator will yield, as to the amendment of the Senator from North Carolina, I have cosponsored that amendment with him, so it is one amendment.

Mr. HELMS. Mr. President, will the Senator yield?

Mr. STEVENS. I yield to the Senator from North Carolina.

Mr. HELMS. I do not think we have any problem. My only problem was with whatever misunderstanding there was of the Senator from Delaware and me about the procedural aspect of this. I could engage in all sorts of parliamentary procedures, as the Senator knows, to have delayed this, but I did not do it because I had an understanding that this was going to be a free-standing amendment with my right preserved to offer a substitute.

Now if the Senator from Delaware—if I may have his attention—will withdraw this amendment and let this bill pass, I will enter into a 3-hour time agreement with him equally divided on a resolution, and I am not going to take 1½ hours.

Mr. BIDEN. And an up-and-down vote on the resolution introduced by the Senator from Delaware as amended if amended?

Mr. HELMS. No; the Senator asked too much.

Mr. BIDEN. That is what I thought.

Mr. HELMS. I am going to try to amend it, obviously, and take out of it some of its more volatile language.

Mr. BIDEN. I know. I expected that.

You know, Mr. President, this is like negotiating on a parliamentary——

Mr. STEVENS. The Senator misunderstood. He will get a final vote on the final version of the resolution. We cannot commit to him that he is going to get an up-and-down vote on the resolution as he introduced it.

Mr. BIDEN. No; I said as amended if amended.

Mr. STEVENS. There is no problem with that.

Mr. BIDEN. I misunderstood. Is that what the Senator from North Carolina is saying?

Mr. HELMS. As amended if amended, certainly.

Mr. BIDEN. Yes.

Mr. STEVENS. There will be a final vote on the Falkland Islands resolution within 3 hours after it is introduced.

Mr. CHILES. No.

Mr. STEVENS. That is not a time agreement that it will take 3 hours. It is no later than 3 hours, I say to the Senator from Florida.

That is why I thought the Falkland Islands war was going to start on the floor of the Senate when I came in this morning.

Mr. BIDEN. Mr. President, if the Senator will yield to me not the floor but yield to me for this purpose, I am happy to consider that we can do that within the next 5 minutes. I think we may go back and should go back into a quorum call to sit with the Senator and discuss that, not that I do not in any way trust the good judgment and/or good will of the Senator from North Carolina but negotiating with him or parliamentary matters is like debating tax issues with RUSSELL LONG. It is a little bit like that. He knows so much more parliamentary procedure than I so I wish to make sure I have plenty of time. I am a very slow fellow. I wish to make sure I can think it through.

Mr. STEVENS. Before that is done, have we sent the amendments to be reproduced?

Mr. BIDEN. The amendments are in the process of being reproduced. I handed it out at this time.

Mr. STEVENS. Rather than recessing then, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SIMPSON). Without objection, it is so ordered.

Mr. STEVENS. Mr. President, it is my intent now to see if we can get a unanimous-consent agreement that will dispose of the matter before the Senate. I would like to outline that agreement to see if it is acceptable to the Members of the Senate.

UNANIMOUS-CONSENT AGREEMENT

I propose and ask unanimous consent that the following agreement be entered into:

First, that the Johnston amendment to S. 1662 shall be withdrawn.

Second, S. 1662 shall go immediately to third reading.

Third, S. 1662 should be set aside until a vote on the final disposition of the Falklands resolution by BIDEN, MOYNIHAN, and PRESSLER.

Fourth, the Biden-Moynihan-Pressler resolution shall immediately become the pending business of the Senate.

There shall follow at that time a period of 20 minutes debate on the resolution equally divided. No amendments or motion to table or otherwise to dispose of that amendment other than an up or down vote shall be in order. Following the disposition of the 20 minutes there shall be a vote on the Biden-Moynihan-Pressler resolution. Following the vote on that resolution, S. 1662 shall become the pending business before the Senate. No debate, motion, or other proceeding other than the immediate vote on final passage of S. 1662 shall be in order. Following the final disposition of S. 1662, with a motion to reconsider if that is necessary, the Senate shall dispose of Senate routine consent item business and then stand in recess until the hour of 12 noon on Monday.

I have proposed that as a unanimous-consent request.

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object——

The PRESIDING OFFICER. Is there objection to the request?

Mr. STEVENS. It is being reviewed, Mr. President.

Mr. ROBERT C. BYRD. Reserving the right to object.

Mr. STEVENS. It has been requested that I restate the requested unanimous-consent agreement, Mr. President.

Again, I request that the Senate enter into the following unanimous-consent agreement.

First, that the Johnston amendment to S. 1662 shall be withdrawn.

Second, S. 1662 shall go immediately to third reading.

Third, S. 1662 shall be set aside until the vote on the Falklands resolution.

Fourth, the Biden-Pressler-Moynihan-Percy, et cetera, resolution shall become the pending business immediately.

Fifth, there shall be a period of 20 minutes for debate on this resolution equally divided.

Following the use of that time, or its being yielded back, there shall be a vote on the Falklands resolution. No debate, motion, amendments, or other proceeding would be in order. There will be an immediate vote following the expiration of the time agreed upon.

Following a vote on the Falklands resolution, S. 1662 shall again become the pending business. No debate, motion, or other proceeding other than an immediate vote on final passage of S. 1662 shall be in order and the vote shall proceed immediately. If a motion to reconsider is in order it shall take place.

Following the final disposition of S. 1626 and the disposal of routine consent item business that the distinguished minority leader and I have discussed, the Senate shall stand in recess until the hour of 12 noon on Monday.

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, I ask the distinguished acting majority leader to modify his request to provide that any vote to reconsider the vote on the Falklands resolution be made immediately so that there is no opportunity to enter a motion to reconsider today or the next day the Senate is in session or the third day that the Senate is in session. If such a motion were entered, it would be weeks before that motion to reconsider were ever reached.

Mr. STEVENS. I am happy to agree to that modification, Mr. President. It is my intent to ask to become a cosponsor, and Senator Warner wishes to become a cosponsor. I do not believe there will be any dispute if there is a motion to reconsider, to lay that motion on the table. I am sure that will be immediately before the vote on the resolution.

Mr. ROBERT C. BYRD. As I understand it, on any motion to reconsider the vote on the Falklands resolution, such motion would be made immediately and there would be no time for debate on the motion to reconsider.

Mr. STEVENS. I assume that the Senator means, and I intend to make a motion to table such a motion to reconsider, that the vote on the motion to table shall take place immediately.

Mr. ROBERT C. BYRD. Except if the Senator makes a motion to reconsider and retains the floor he can talk as long as he wishes. I believe that under the agreement there would be no time for debate on such motion to reconsider.

Mr. STEVENS. That is the understanding. There will be no time for debate on the motion to reconsider.

Mr. ROBERT C. BYRD. I want it clear that a motion to reconsider must be made immediately so as to rule out any entering of a motion to reconsider today, Monday, or Tuesday. I think that is clearly understood.

Mr. STEVENS. That is understood.

Mr. ROBERT C. BYRD. Then I have no objection.

The PRESIDING OFFICER. Does the Senator from Alaska so modify his request?

Mr. STEVENS. I so modify my request. The motion to reconsider shall be made immediately. There will be no debate on that motion. And I state it is my intention to move to table that motion to reconsider.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

The pending business is the amendment of the Senator from Louisiana (Mr. JOHNSTON).

Mr. JOHNSTON. Mr. President, I move that the pending amendment be withdrawn.

The amendment (UP No. 900) was withdrawn.

The PRESIDING OFFICER. If there be no further amendments to be proposed, the question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. STEVENS. Mr. President, in accordance with the unanimous-consent agreement, I move that S. 1662 be set aside until the final disposition of the Falkland Islands resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

U.S. POLICY REGARDING THE FALKLAND ISLANDS

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 382) stating the U.S. policy regarding the Falkland Islands.

Mr. ROBERT C. BYRD. Mr. President, let us have a reading of the resolution.

Mr. STEVENS. Mr. President, if the Senator will yield, I designate the Senator from Virginia (Mr. WARNER) to be in charge of the time on this side.

The PRESIDING OFFICER. The clerk will read the resolution.

The assistant legislative clerk read as follows:

S. RES. 382

Whereas the Inter-American Treaty of Reciprocal Assistance of 1947 specifically envisions that the American States will seek "the pacific settlement of their differences"; and

Whereas on April 2, 1982, armed forces of Argentina seized and occupied the Falkland Islands, a crown colony of the United Kingdom, and

Whereas the United Nations, through Security Council Resolution 502 (of April 3, 1982), has demanded "an immediate withdrawal of all Argentine forces from the Falkland Islands" and called on the governments of Argentina and the United Kingdom "to seek a diplomatic solution to their differences"; and

Whereas such Resolution, arising from a breach of the peace, is binding under international law; and

Whereas the United States Government has provided good offices to the search for the diplomatic solution required by Security Council Resolution 502 and called for by the Organization of American States; but

Whereas no treaty obligation of the United States, including the Inter-American Treaty of Reciprocal Assistance, requires or implies United States support of, or neutrality toward, any act of international aggression; and

Whereas United States foreign policy should indeed be guided by the imperative of opposing international aggression, and

Whereas, in the current dispute, such imperatives are intensified by long-standing bonds of friendship and allegiance between the United States and the United Kingdom; Now, therefore, be it

Resolved, That the United States cannot stand neutral with regard to implementation of U.N. Security Council Resolution 502, and recognizing the right of the United Kingdom and all other nations to the right of self-defense under the United Nations Charter, should therefore prepare, through consultations with Congress, to further all efforts, pursuant to Security Council Resolution 502, to achieve full withdrawal of Argentine forces from the Falkland Islands.

The cosponsors of the resolution (S. Res. 382) are Mr. BIDEN, for himself, Mr. MOYNIHAN, Mr. PERCY, Mr. PELL, Mr. DODD, Mr. TSONGAS, Mr. SARBANES, Mr. CRANSTON, Mr. MATHIAS, Mr. HARRY F. BYRD, JR., Mr. GLENN, Mr. GORTON, Mr. PRESSLER, and Mr. MITCHELL.

Mr. BIDEN. Mr. President, in light of the time constraints we agreed to, I am not going to make any statement on the resolution. I yield to the Senator from Connecticut (Mr. DODD) for 1 minute.

Mr. DODD. Mr. President, as an original cosponsor of the Biden resolution, I urge my colleagues to give this measure their strong support and approval.

It is designed to do nothing more than express our endorsement of Security Council Resolution 502, calling for the withdrawal of Argentina's military forces from the Falkland Islands and our determination to be of assistance to our British allies in this effort.

In view of Argentina's intransigence, our position cannot be otherwise. It is the old business of actions speaking louder than words, and Argentina's actions can only be characterized as those of an international outlaw. Obviously, such actions must be condemned and condemned without reservation or qualification.

Mr. President, as is evident from the daily newspaper, this administration has not been bashful about its allegations of Cuban and Nicaraguan aggression in Central America. Seemingly, not a week goes by without some new warning to Havana and Managua that such actions will not be tolerated. Indeed, as we all know, Secretary Haig has made it abundantly clear, with respect to Communist aggression in Central America, that the Reagan administration is prepared to go to the source.

Even the most casual observer would have to admit that such rhetorical blasts as have been directed against Cuba and Nicaragua stand in stark contrast to the peacemaker role assumed by Secretary Haig and the administration in the case of Argentina's aggression against the Falkland Islands. In the one case of alleged aggression, the administration roars like a lion and yet in the other, the case of Argentina, it puts on the wings of a dove.

This raises a very legitimate question: When it comes to matters of aggression, what measure of consistency is there in the administration's position? Why, Mr. President, does this administration find it so easy to condemn aggression in one instance and why so difficult in another? For an answer, I suspect we may have to wait for Ambassador Kirkpatrick to explain the difference between aggressive actions and assertive ones. And then we will undoubtedly learn that totalitarian regimes commit the former, while authoritarian regimes commit the latter.

Mr. President, I hope these remarks will not be seen as an effort to belittle the administration's desire to achieve a peaceful solution to the Falkland Islands crisis. Nothing could be further from the truth. I share that desire and I applaud Secretary Haig's tireless labors to bring about a negotiated resolution of the impending conflict.

In the meantime, reality is staring us in the face and the reality of the Falkland Islands crisis is that the time has come when we must make it absolutely clear to our Argentine friends that they have to withdraw their troops and permit this matter to be resolved, without holding a pistol to the heads of the Falkland Islanders.

Mr. President, I hope the pending measure will be adopted overwhelmingly.

Mr. BIDEN. Mr. President, I shall be happy to yield to my colleague from New York (Mr. MOYNIHAN).

Mr. MOYNIHAN. Mr. President, this is an important moment in the life of the U.S. Senate. We are about to declare ourselves—I hope it will be unanimously—in support of our Government's policy with respect to the Falkland Islands crisis. It is a policy that has been expressed most clearly in the American vote for United Nations Security Council Resolution 502, which calls for Argentina to withdraw from the Falkland Islands.

Mr. President, the wire services this evening report that war may be only "hours away." United Press International also is carrying a story that Secretary of State Haig is being bitterly denounced in Buenos Aires as "pro-

British." In truth, of course, Mr. Haig stands for the principles of the United States, as embodied in the U.N. Charter: peaceful settlement of disputes, self-determination of peoples.

I therefore join in supporting this resolution endorsing those principles. And I commend Senators BIDEN, WARNER, STEVENS, and the many others who have contributed to the consensus in support of the revised resolution. Mr. President, may I say this could not have taken place without the extraordinary diplomatic efforts of the chairman of the Committee on Foreign Relations, Mr. PERCY.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. WARNER. Mr. President, I yield to the Senator from Illinois.

Mr. PERCY. I extend my congratulations to the Members of the Senate who really, I think, performed a great service tonight. Senator BIDEN, Senator HELMS, Senator MOYNIHAN, and Senator WARNER have been magnificent to work with. Senator PRESSLER has worked so intensively on this concept and idea.

Mr. President, the Senate has exercised considerable restraint thus far in resisting an impulse to condemn the actions of Argentina in the strongest possible terms and to throw in our support to the British cause. We have held back from passing such resolutions, though they would no doubt have commanded widespread support in this body, because we recognized that such statements might have made more difficult the task of Secretary of State Haig in pursuing a peaceful resolution of the crisis. We also respect the deliberative procedures of the Organization of American States and were very conscious of the meetings conducted earlier in the week on this issue at the OAS. Finally, Mr. President, it was my desire and that of the distinguished majority leader, Senator BAKER, that the Senate refrain from taking any position on this issue until we had an opportunity to hear from the Secretary of State on his diplomatic efforts to resolve the crisis.

I would like again to commend my colleague on the committee, (Mr. PRESSLER), who introduced the first resolution on the Falkland Islands dispute, but who refrained from pressing it earlier in deference to the interest of the committee in dealing with this issue. Senator MOYNIHAN also introduced a resolution some time ago, and Senator BIDEN, who would have preferred action on his resolution yesterday, have agreed to delay until now.

Mr. President, now that the Senate has had an opportunity to consult with Secretary Haig last evening, and in view of the serious course of the Falkland Islands dispute, I think it is the desire of most Senators to proceed with the consideration and enactment of a resolution expressing the sense of the Senate on this issue. Although the Committee on Foreign Relations was not able to meet this morning to vote out a resolution due to a procedural objection, we do have an overwhelming majority of committee members who are supportive of the procedure followed this evening. I am gratified that the resolution now seems to have the support of virtually all Members of this body.

Mr. WARNER. Mr. President, I yield such time as he may require to the Senator from North Carolina.

Mr. HELMS. Mr. President, I thank the distinguished Senator from Virginia.

What we have witnessed this evening may not be merely an extraction but a root canal compared to the original version of the resolution, which was totally unacceptable to the Senator from North Carolina, on the grounds that it would have been dangerous in terms of our own security to throw away the coalition that we must have if we are to prevent a Communist takeover of Central America. Even so for a number of reasons I cannot support the resolution. It might, for example, be subject to misinterpretation by our friends and allies in Central and South America and unnecessarily polarize this hemisphere further.

Mr. President, the able Senator from Florida (Mrs. HAWKINS) commented earlier this evening that she could not believe that the Senate was even taking up this matter. I agree with her. I think that if ever there was a need for evenhandedness in order to avoid bloodshed in the Falkland-Malvinas Islands area, it is now. But, I have acquiesced to this toned-down version of what would have been presented to the Senate and voted on.

I commend the distinguished Senator from Virginia for his efforts in this connection and I express my appreciation to the Senator from Delaware and the Senator from Illinois, the able chairman of the Senate Committee on Foreign Relations, and others for the work they have done to try to come up with a text that would do the least damage, in the view of the Senator from North Carolina, to what I consider to be our best interests in this matter.

Mr. President, the United States faces more than a simple controversy as a result of Argentina's assertion of its claims to the Falkland Islands (Islas Malvinas).

As Secretary of State Haig has said to us, it is imperative that we try to get a peaceful resolution of this dispute. I hope that we shall, and I hope that no nation in our front yard, Central and South America, will interpret this resolution as being a slap in the face; but, rather, an expression of hope by the U.S. Senate that there can be and will be a peaceful resolution.

Mr. President, what we face is the possibility of severe strains to the inter-American system as a result of the dispatch of the British fleet to the Western Hemisphere. U.S. diplomacy has failed by allowing even a highly regarded European ally to display force in the South Atlantic, thereby polarizing the Americas.

For more than 20 years, a variety of Argentine governments of widely differing political ideologies has sought to negotiate that country's claims to the strategic Malvinas (Falkland) Islands. Yet Great Britain has refused to respond. It is difficult to understand why Britain has balked. After all, during that same period, Britain has given up almost all of the other territories it had taken by force of arms over the past several centuries.

Only the Malvinas (Falklands) and a few other small properties have remained of what was once the British colonial empire.

Argentina's claim to the islands stems from colonial times, based upon Spanish colonial sovereignty over Argentina and the islands. When Argentina obtained its independence from Spain in 1816 it claimed the islands as part of Argentina. In 1833, Britain expelled Argentines and occupied the islands. Controversy over ownership of the Islands has continued from colonial times until today.

Britain's intervention in the Western Hemisphere in 1832–3 violated the Monroe Doctrine, which had been specifically proclaimed to contravene intervention from Imperial Russia in Alaska, and from the British, French, and Spanish Empires in Latin America and the Caribbean. The British presence in the Falklands was thus, historically, an anomaly.

The Rio Treaty, to which Argentina has appealed, was envisioned as a tool to use against Soviet and Soviet-backed activities in the hemisphere. It was cited by the OAS in its resolutions against Cuban aggression, and by the United States in going to the aid of the Dominican Republic. But legalistic interpretations of the treaty will be of little avail in preventing most of the nations of the Americas, left and right, from uniting against British imperialism.

Should that happen, then the United States could find itself isolated from its hemispheric allies as a result of its failure to deter Britain from its show of force.

Having failed to prevent the crisis from developing, the United States should act to reconcile our two allies. Can Britain's claim to a colonial outpost 8,000 miles from London be upheld in the face of the overwhelming trend against colonialsim? Having divested itself of the great bulk of its empire, can Britain now make a sustained protest over the Malvinas

(Falklands) Islands? The islands are a geographical part of the Argentine.

Any concern that the British might have for the inhabitants of the islands could be allayed by guarantees for the rights of the British citizens inhabiting the territory. Unlike the guarantees which Britain herself imposed on the British settlers in Rhodesia, there would be no doubt whatsoever that those rights would be upheld. British citizens have always played an important and honored role in Argentine affairs, and thousands of British families have lived in harmony with Argentines for several generations. Argentina has asked the inhabitants of the islands to remain, and has agreed to sell more land to them if they seek it. I have been informed that the Argentine occupation force was ordered not to take the lives of any British troops or of any islander, even though this order cost the lives of several Argentine troops. I have every confidence that proper guarantees could be negotiated concerning the interests of the islanders.

Further, we must not allow our allies to engage in further military conflict. On April 7 I suggested that it would be wise if the British armada so hastily sent out to sea would stop at the Ascension Islands, a half-way point on its voyage to Argentine waters. At the same time I suggested that it would be useful if the Argentine Navy were to return in full force to port in Argentina. Events, sadly, have overtaken us. The United States should put pressure on both parties to withdraw from this confrontation and to resolve this matter by negotiations.

Finally, the United States, as a friend and ally of both Argentina and Great Britain, should seek to help to peacefully resolve British and Argentine concerns, bearing in mind that the best policy is to recognize Argentine sovereignty over the islands, and to recognize that British concerns about the future of the islanders must be worked out as well. The stakes are too high for the United States not to take an even-handed role in this controversy. Moreover, this episode could well provide an opportunity to resolve other outstanding issues such as the Beagle Channel dispute, thereby cementing hemispheric solidarity.

Mr. WARNER. Mr. President, I compliment the Senator from North Carolina, who worked tirelessly with me and others endeavoring to work out a compromise resolution with the distinguished Senator from Delaware and others, who originally submitted a resolution earlier today and indicated yesterday their intention to do so.

Mr. President, like many of my colleagues here in the Senate, I have indeed close ties to Great Britian, ties which are ancestral, ties which are family indeed ties which are marital, but my first priority in this case is the interests of the United States of America.

Tonight is not the time for the Senate, in my judgment, to take a position which would tilt in any way toward favoring either party in the Falklands dispute.

Tonight is the time to reaffirm, in the strongest of terms, the positions consistently followed by the United States under the able leadership of the President of the United States and the Secretary of State.

Tonight is the time to reaffirm the actions of the U.N. Security Council Resolution 502. In my judgment, if the Senate were to split off in any way from the position taken by our President, it could be misunderstood in this dispute, indeed, throughout the world, because many do not understand the distinction between the Senate as a part of the legislative branch and the President speaking for the executive branch.

The United States has a vital stake in this outcome. In my judgment, it is the only party that could negotiate a successful and peaceful termination of this most unfortunate dispute. We are all gravely disturbed that the Argentine nation took the law into its own hands, abandoned the rule of law, and replaced it with the rule of force.

While there has been intransigence in their willingness to accept the recomendations of the United States as transmitted by Secretary Haig, I, as one Senator, have not given up hope that a peaceful settlement may, indeed, yet come through the intercession of Secretary Haig and others here in the United States.

We have had a special relationship as a nation with Great Britain, and that will continue. I do not think there is any doubt in the minds of any nation of the free world with respect to that special relationship.

Likewise, we have forged new relationships with nations in this hemisphere and have begun to close the gap between north and south in this hemisphere. Consequently, it is my judgment we have proceeded on the right course, and I commend my colleagues for their willingness to accept this compromise resolution.

Mr. President, I believe it is important that a legislative history be prepared so that those who look back on this historic moment in the Senate will have a clear understanding of the events that transpired within the last 48 hours, which gave rise to the resolution which has now been drafted by myself, the distinguished Senator from Delaware (Mr. BIDEN), the distinguished Senator from North Carolina (Mr. HELMS), the chairman of the Committee on Foreign Relations (Mr. PERCY), the Senator from Alaska (Mr. STEVENS), the distinguished Senator from New York (Mr. MOYNIHAN), and others.

Mr. President, the first knowledge that I, and I believe most of my colleagues, had of the intentions of the Senator from Delaware (Mr. BIDEN) to submit a resolution relating to the Falkland Islands was yesterday. I refer to the CONGRESSIONAL RECORD of April 28, 1982, at pages 8016 through 8017.

I ask unanimous consent to have printed in the RECORD at this point an excerpt from the RECORD which is part of the original resolution that was to have been submitted yesterday.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The resolved clause says that:

"While the U.S. Government should continue to provide good offices in the search of a diplomatic solution to the Falkland Islands dispute, the U.S. Government cannot stand neutral with regard to enforcement of Security Council Resolution 502 and should therefore prepare, through consultations with the Congress, to use all appropriate means to assist the British Government in achieving, in the Falkland Islands, full withdrawal of Argentine forces and full implementation of the principles of self-determination."

Mr. WARNER. In that context, the distinguished Senator from Delaware made the following observations:

My argument is that, although I commend the administration for what they have done thus far, the only thing remaining that may bring the light of day into the eyes and minds of the Argentinians is to be disabused of the notion that the United States is neutral in this matter and, further, to be disabused of the notion that the United States of America will do anything other than fully support its ally Great Britain in its effort to redress what is a blatant violation of international law by the Argentinians.

Further from his statement I quote the following:

The key to this matter is, first, whether or not we are going to, in fact, respond to aggression in this hemisphere, and, second, whether or not we are going to maintain our commitment to a key NATO ally.

A further statement by the distinguished Senator from Delaware:

We should make clear beyond any doubt that if things continue as they are heading, the United States will deal with the situation by joining in imposing economic sanctions and will, if need be, aid the British military. We should make unmistakably clear that we are in it and that Britain's is the side upon which we will stand.

I further quote from the dialog, the Senator from New Jersey speaking:

I introduce this resolution for purposes of giving the administration some ammunition to give the negotiations a bit of a spark and to make it clear to the Argentines that if, in fact, they do not comply with the United Nations resolution they not only have the European countries but America to reckon with.

Mr. President, as I said earlier, my top priority in this most unfortunate conflict between the two nations is the

interests of the United States of America. The question that I asked was: Does the resolution of the Senator from Delaware as stated on April 28, 1982, increase or decrease the risk of the United States having at some point in time to involve itself militarily?

Events transpired on April 28, as reflected in the RECORD, to the point where the Senator from Delawarg, as near as I can determine, decided not to pursue that resolution on April 28.

We now come to today, April 29, and this morning the Senator from Delaware courteously responded to my request for a copy of his proposed revised resolution, which I ask unanimous consent to have printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

UNITED STATES POLICY REGARDING THE FALKLAND ISLANDS

SEC. — (a) The Senate finds that—

(1) the Inter-American Treaty of Reciprocal Assistance of 1947 specifically envisions that the American States will seek "the pacific settlement of their differences"; and

(2) on April 2, 1982, armed forces of Argentina seized and occupied the Falkland Islands, a crown colony of the United Kingdom; and

(3) the United Nations, through Security Council Resolution 502 (of April 3, 1982), has demanded "an immediate withdrawal of all Argentine forces from the Falkland Islands" and called on the governments of Argentina and the United Kingdom "to seek a diplomatic solution to their differences"; and

(4) such resolution, arising from a breach of the peace, is binding under international law; and

(5) the United States Government has provided good offices to the search for the diplomatic solution required by Security Council Resolution 502 and called for by the Organization of American States; but

(6) no treaty obligation of the United States, including the Inter-American Treaty of Reciprocal Assistance, requires or implies United States support of, or neutrality toward, any act of international aggression; and

(7) United States foreign policy should indeed be guided by the imperatives of opposing international aggression and upholding the principle of self-determination; and

(8) in the current dispute, such imperatives are intensified by long-standing bonds of friendship and allegiance between the United States and the United Kingdom.

(b) It is therefore the sense of the Senate that while the United States Government should continue to provide good offices in the search for a diplomatic solution to the Falkland Islands dispute, the United States Government cannot stand neutral with regard to implementation of Security Council Resolution 502 and should therefore prepare, through consultations with the Congress, to further the efforts of the British Government to achieve in the Falkland Islands full withdrawal of Argentine forces and a settlement which respects the principle of self-determination.

Mr. WARNER. It is clear from the resolution that the Senator had revised considerably his references to the British Government. Nevertheless, this resolution continued to leave unanswered my basic question, namely: Does it increase or decrease the risk of U.S. involvement militarily?

The record should also state that there has been no hearing in the Armed Services Committee, nor the Foreign Relations Committee, nor in any other committee of the U.S. Senate wherein the Senate has been able through its normal processes to gain the necessary facts upon which, in my judgment, a sound decision could be made on such an important issue as raised by the Senator from Delaware.

He informed me of his desire to go forward today with exhibit B—that is, his resolution early this morning was in the form of an exhibit B—and any number of questions remain open.

Among those questions: Would the adoption of such a resolution as exhibit B increase or decrease the likelihood of an East-West confrontation in this Falkland dispute? In other words, what is the judgment of those entrusted with the foreign policy of the United States as to the reaction of the Soviet Union, were the Senate of the United States to adopt such a resolution? How do we know that the Soviet Union is not looking for the window of opportunity to enter this crisis and that such a resolution might well have afforded such an opportunity?

Again, there has been no expert testimony, really no debate among Senators, nor an opportunity for debate on that issue.

Further, my own study of this situation, in consultation with a number of individuals, both in and out of the administration, who are familiar with it, leads me to believe that there is, within the Argentine group controlling decisionmaking, an element which is in favor of continuing negotiations as well as an element that is intransigent.

At the present moment—late tonight—the best knowledge we have is that those who are intransigent are preventing any furtherance of the peace negotiation. But, again, how do we know that the adoption of a resolution such as this would not discourage that element of the Argentine decisionmaking group from continuing to seek a peaceful resolution?

I refer to this as the Argentine decisionmaking group because the information I have is that there are a number of people who are participating in this decision, and one of the difficult problems that the Secretary of State has had thus far is establishing within the Argentine group a clear line of authority and decisionmaking.

Most important to the consideration of this issue would have been the position of the administration. After all, under the Constitution of the United States, the President is the chief architect of the foreign policy of this Nation. As I said earlier, I commend our President and our Secretary of State for their efforts thus far. But we have no official communication from either the White House or the Department of State or the National Security Council or anyone else in authority as to what their opinion would be with respect to the resolution of the distinguished Senator from Delaware, either the one he set forth on April 28 in dialog with other Senators or the one that he proposed to set forth, exhibit B, today.

Absent that, I think it would have been perilous for the Senate to have proceeded to act unilaterally.

Further, there is nothing in the record to indicate the position of the British Government, for whom, as I understand from a reading of the various resolutions thus far offered by the Senator from Delaware, the Senate would tilt its hand as an indication of support for the actions of the British Government. There has been no communication from that Government. How do we know that this resolution might not have been in some way deterimental to their present position in this crisis?

I cite these as examples, Mr. President, of my concern and why I joined the distinguished Senator from North Carolina and others in interposing an objection to the proposed resolution of the distinguished Senator from Delaware.

I regret that I have not had the opportunity to take my notes and memoranda and put them in a perhaps more concise and logical fashion; but, again, I do not wish to delay this vote nor lengthen the hour. Therefore, I have put in the RECORD only parts of my analysis.

However, I should like to provide my view as to the principal motivation for the British to mount this courageous effort to come to the rescue of the inhabitants of the Falkland Islands who are literally being held hostage tonight.

In my judgment, this is a clear manifestation of that hallmark of Great Britain, the lesson they learned during World War II—namely, never give in to appeasement. Never appease a nation which has clearly exercised control over another people through force, against their will. The British have shown courage not only for themselves but also for the whole free world, to come to the rescue of a mere 1,800 people, committing a very substantial part of their assets for defense.

But unless such a nation took such action to protect the minority, the world would observe another example of appeasement. So I hail the British action.

Mr. President, as the day progressed the distinguished Senator from North Carolina and I, together with the advice and counsel of some of our colleagues, prepared an amendment that we intended to submit in the event exhibit B was introduced.

I ask unanimous consent that the amendment be printed in full in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

Amendment in the nature of a substitute to the amendment offered by Senator BIDEN. Intended to be proposed by Mr. HELMS and Mr. WARNER.

In lieu of the material proposed to be inserted by the Amendment of Senator BIDEN, insert the following:

"Sec. . (a) The Senate finds that—

(1) The Inter-American Treaty of Reciprocal Assistance of 1947 specifically envisions that the American States will seek "the pacific settlement of their differences"; and

(2) On April 2, 1982, armed forces of Argentina occupied the Falkland Islands, then administered as a crown colony of the United Kingdom; and

(3) The United Nations, through Security Council Resolution 502 (of April 3, 1982), has demanded "an immediate withdrawal of all Argentine forces from the Falkland Islands" and called on the governments of Argentina and the United Kingdom "to seek a diplomatic solution to their differences"; and

(4) Such resolution, arising from a breach of the peace, is binding under international law; and

(5) The United States Government has provided good offices to the search for the diplomatic solution required by Security Council Resolution 502 and called for by the Organization of American States.

(b) It is therefore the sense of the Senate that the United States government should continue to provide good offices in a search for a diplomatic solution to the Falkland Islands dispute.

Mr. WARNER. Mr. President, following the distribution of our proposed Helms-Warner amendment, Mr. BIDEN further amended his proposed resolution which I ask unanimous consent to be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

Intended to be proposed by Mr. BIDEN (for himself and Mr. PRESSLER, Mr. PERCY, Mr. PELL, Mr. DODD, Mr. TSONGAS, Mr. SARBANES, Mr. CRANSTON, and Mr. MATHIAS).

At the end of the bill add the following section:

U.S. POLICY REGARDING THE FALKLAND ISLANDS

SEC. . (a) The Senate finds that—

(1) The Inter-American Treaty of Reciprocal Assistance of 1947 specifically envisions that the American States will seek "the pacific settlement of their differences"; and

(2) On April 2, 1982, armed forces of Argentina seized and occupied the Falkland Islands, a crown colony of the United Kingdom; and

(3) The United Nations, through Security Council Resolution 502 (of April 3, 1982), has demanded "an immediate withdrawal of all Argentina forces from the Falkland Islands" and called on the governments of Argentina and the United Kingdom "to seek a diplomatic solution to their differences"; and

(4) Such resolution, arising from a breach of the peace, is binding under international law; and

(5) The United States Government has provided good offices to the search for the diplomatic solution required by Security Council Resolution 502 and called for by the Organization of American States; but

(6) No treaty obligation of the United States, including the Inter-American Treaty of Reciprocal Assistance, requires or implies United States support of, or neutrality toward, any act of international aggression; and

(7) United States foreign policy should indeed be guided by the imperatives of opposing international aggression and upholding the principle of self-determination; and

(8) In the current dispute, such imperatives are intensified by long-standing bonds of friendship and allegiance between the United States and the United Kingdom.

(b) It is therefore the sense of the Senate that while the United States Government should continue to provide good offices in the search for a diplomatic solution to the Falkland Islands dispute, the United States Government cannot stand neutral with regard to implementation of Security Council Resolution 502 and should therefore prepare, through consultations with the Congress, to further the efforts of the British Government to achieve in the Falkland Islands full withdrawal of Argentine forces and a settlement which respects the principle of self-determination.

(c) It is further the sense of the Senate that the President should consider economic measures in coordination with the European Economic Community directed against Argentina, in accordance with the authority granted him by statutes of the United States.

Mr. WARNER. Thereafter, Mr. President, the record should show that the various Senators who were cosponsors of the several Biden resolutions together with the distinguished Senator from North Carolina and myself held a number of conferences in which our leadership here in the Senate joined and other Senators, and as a result we reached a consensus which is a resolution that we adopted tonight. As a manifestation of my respect for those who were willing to compromise and as a clear indication of a policy which I think this Nation should follow, I joined as a cosponsor of this resolution, which I now ask unanimous consent to have printed in the RECORD so that we have an accurate chronology of all resolutions.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION

U.S. POLICY REGARDING THE FALKLAND ISLANDS

Whereas the Inter-American Treaty of Reciprocal Assistance of 1947 specifically envisions that the American States will seek "the pacific settlement of their differences"; and

Whereas on April 2, 1982, armed forces of Argentina seized and occupied the Falkland Islands, a crown colony of the United Kingdom; and

Whereas the United Nations, through Security Council Resolution 502 (of April 3, 1982), has demanded "an immediate withdrawal of all Argentine forces from the Falkland Islands" and called on the governments of Argentina and the United Kingdom "to seek a diplomatic solution to their differences"; and

Whereas such Resolution, arising from a breach of the peace, is binding under international law; and

Whereas the United States Government has provided good offices to the search for the diplomatic solution required by Security Council Resolution 502 and called for by the Organization of American States; but

Whereas no treaty obligation of the United States, including the Inter-American Treaty of Reciprocal Assistance, requires or implies United States support of, or neutrality toward, any act of international aggression; and

Whereas United States foreign policy should indeed be guided by the imperative of opposing international aggression, and

Whereas, in the current dispute, such imperatives are intensified by long-standing bonds of friendship and allegiance between the United States and the United Kingdom; Now, therefore, be it

Resolved, That the United States cannot stand neutral with regard to implementation of U.N. Security Council Resolution 502, and recognizing the right of the United Kingdom and all other Nations the right of self-defense under the United Nations Charter, should therefore prepare, through consultations with Congress, to further all efforts, pursuant to Security Council Resolution 502, to achieve full withdrawal of Argentine forces from the Falkland Islands.

Mr. WARNER. Mr. President, that concludes the statements and documents that I wish to include at this time to provide a chronological history of the events leading up to the adoption tonight of this resolution with the sole dissenting vote of the distinguished Senator from North Carolina.

Mr. BIDEN. As they say in this body, I will endeavor not to use it all.

Let me make a few points. First of all, there is a special relationship with Great Britain and a special relationship that would not have continued, in my humble opinion, had we not clearly said what this resolution does, that we say Great Britain is right.

On the question of being evenhanded, there is nothng evenhanded about this resolution. This resolution is fair but not evenhanded. This resolution says that the United Nations through its Security Council resolution has demanded the immediate withdrawal of all Argentine forces from the Falklands.

It also states in its whereas clauses that the Falkland Islands were seized and they are a crown colony of the United Kingdom. It recognizes the sovereignty of Great Britain over those islands. In fact, it is clear, and it is the purpose of this resolution to make it absolutely clear to the world, to the Argentines, to the people of Great Britain, to our allies in Europe, and all the American people, where we stand. We stand foursquare with Great Brit-

ain. Argentina is wrong. Great Britain is right. We would like it settled peacefully. We hope that will happen. We will continue to use our good offices. But anyone should be disabused of the notion from this moment forward, assuming this resolution carries, that the Senate of the United States is "evenhanded."

It is in fact declaring where it should be, and that is clearly on the side of recognizing the right of Great Britain.

I recognize what my colleague from North Carolina and my colleague from Virginia both have stated, and they are right. That is, we do stand to lose something in Latin America. I do not doubt that. I am not suggesting that we will walk away, after passing this resolution, with everything being copacetic, every nation in the world having the same view of us they had 2 months ago.

But I would respectfully suggest that what we will really lose if this amendment does not pass is our most faithful ally in its role and place within the alliance. As the Senator from New York has said privately and publicly, probably two governments in Europe would topple. We would lose the understanding of the rest of our NATO allies, and we would lose the opportunity to continue to persuade them that they should, in fact, back up the United States in circumstances ranging from Poland to East-West disputes.

Mr. President, we may lose something with Argentina, we may lose something in Latin America, but it is nothing compared to what we would lose if we do not pass this resolution.

I suggest that there can be little comparison, nor should there be any comparison, between the Government of Great Britain and the Government of Argentina, what the Government of Great Britain has historically done to, with, and for us and what the Government of Argentina has historically done to, with, and for us. We want the Argentines to be our friends, but I suggest to you that this is essential to maintain U.S. interests. Failure to have it pass would deal us, I believe, a serious blow.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I yield such time as he may require to the Senator from Alaska.

Mr. STEVENS. Mr. President, I want to make a short statement.

In my opinion, this is not a resolution on the War Powers Act. It is my opinion that this resolution does not in any way authorize the President of the United States to commit military forces to support our ally and consistent friend, Great Britain.

Mr. BIDEN. Mr. President, I concur in that assessment. It is not the intention of the Senator from New York or the Senator from Delaware to suggest otherwise. The War Powers Act does in fact prevail. This is not the use of American forces.

I now yield 60 seconds to my friend from New York, and then 30 seconds to my friend from Massachusetts, and I am prepared to vote.

Mr. MOYNIHAN. Mr. President, 2 weeks ago in this Chamber, in the course of an earlier discussion of this issue, I recalled a line from Dante that President John F. Kennedy was fond of quoting. I will repeat it here; it is appropriate:

> The hottest circles of hell are reserved for those who in a time of moral crisis maintain their neutrality.

By adopting this resolution, we will have avoided that. We stand by Britain in this matter. We stand by Britain.

Mr. STEVENS. Mr. President, this vote will, of necessity, be a 15-minute rollcall vote. I intend to ask unanimous consent immediately following this vote that the vote on the nuclear waste disposal bill be a 10-minute vote. I cannot make that request yet. I serve notice that we will try to shorten the second vote.

Mr. BIDEN. Mr. President, I yield 30 seconds to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. TSONGAS. Mr. President, I hope that the people of Great Britain, who have stood with us in times of turmoil and prevail, will understand clearly that the Senate is standing with them and that we are the supporters of this effort, our hearts and our good will go to them.

I thank the Senator from Delaware.

Several Senators addressed the Chair.

Mr. BIDEN. Mr. President, I should also like to point out that I believe the administration has acted wisely. I believe the administration has acted in good faith, and this resolution in no way suggests anything other than a positive attitude toward the way in which the administration conducted itself.

If I have any time left, I yield it to the chairman of the full committee.

The PRESIDING OFFICER. The Senator has 2 minutes and 56 seconds.

Mr. BIDEN. Mr. President, I yield 2 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. PERCY. Mr. President, it is certainly my preference, and I am sure it is the preference of every Member of this body, that the Falklands dispute should be resolved through peaceful, diplomatic means, and not through the use of force.

How senseless it will be if more young people lose their lives in a dispute which by all accounts should have been subject to negotiated or third-party settlement. How tragic it is that in the 20th century, a century which has already seen so much bloodshed and so many admirable efforts to create an international system to prevent further bloodshed, that two great nations are right now locked in a military confrontation despite the historical and cultural and commercial ties which they have had with each other over the years. And how difficult it is for the United States, faced with a dispute between its closest ally and a close friend with whom we have recently been seeking new and firmer relations, to have to take sides in their dispute.

But it is time, Mr. President, that the Senate make clear its views that the actions of Argentina, in forcibly taking control of the Falkland Islands, was an unjustified act of aggression, which not only threatens the peace of the South Atlantic, but also undermines the already-too-fragile framework of the peace of the world. Whatever the grievance felt by the Government and people of Argentina on this issue, their action simply cannot be supported unless we are to concede that any grievance between states can be resolved by force of arms.

Under the circumstances, the United Kingdom has a legitimate right to act in self-defense. We support that right, a right shared by all sovereign nations, and believe that in the present dispute, both considerations of law and of morality support the British position.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. First, may I inquire as to the remaining time of the Senator from Virginia?

The PRESIDING OFFICER. The Senator has 1 minute and 39 seconds remaining.

Mr. WARNER. Mr. President, I should like to utilize an old legal phrase, that this resolution embraces the full agreement between all the parties, and it is in fact a statement that the Senate is acting upon tonight.

Mr. President, I yield the remainder of my time to the Senator from North Carolina.

Mr. HELMS. Mr. President, I ask unanimous consent that if I take more than 1 minute, I have 2 minutes.

Mr. CHILES. I object.

Mr. HELMS. Mr. President, I hope the distinguished Senator from Delaware did not mean what he said when he declared that this resolution recognizes the sovereignty of Great Britain over the islands. The resolution simply does not address that point.

I must point out that, as recently as yesterday, the OAS supported Argentina's sovereignty.

I ask unanimous consent that the OAS resolution be printed at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

SERIOUS SITUATION IN THE SOUTH ATLANTIC

(Draft resolution adopted by the General Committee at its third meeting held on April 28, 1982.)

The twentieth meeting of consultation of Ministers of Foreign Affairs, considering:

The principles of inter-American solidarity and cooperation and the need to find a peaceful solution to any situation that endangers the peace of the Americas;

That a dangerous confrontation has arisen between the United Kingdom of Great Britain and Northern Ireland and the Argentine Republic, which was aggravated today the events arisen from the presence of the British navy in the South Atlantic, within the security region referred to in Article 4 of the Rio Treaty;

That the primary purpose of the Inter-American Treaty of Reciprocal Assistance is the maintenance of the peace and security of the hemisphere, which, in the case that has arisen, requires ensuring the peaceful settlement of the dispute.

That to facilitate peaceful settlement of the dispute, it is urgent that hostilities cease, since they disturb the peace of the hemisphere and may reach unforeseeable proportions;

That it is an unchanging principle of the inter-American system that peace be preserved and that all the American states unanimously reject the intervention of extra-continental or continental armed forces in any of the nations of the hemisphere;

That Argentina's rights of sovereignty over the Malvinas (Falkland) Islands, as stated in some important resolutions passed by various international forums, including the Declaration of the Inter-American Juridical Committee on January 16, 1976, which states: "That the Republic of Argentina has an undeniable right of sovereignty over the Malvinas Islands", must be borne in mind, and

That the peace efforts being made with the consent of the parties must be emphasized, and that inter-American solidarity contributes to that objective, and

Having seen:

Resolution 502 (1982) of the United Nations Security Council, all of whose terms must be fulfilled; resolution 359 of April 13, 1982, adopted by the Permanent Council of the Organization of American States and the Declaration adopted unanimously by the Ministers of Foreign Affairs at the opening session of the Twentieth Meeting of Consultation (Doc. 14/82), and in conformity with the Inter-American Treaty of Reciprocal Assistance,

Resolves:

1. To urge the Government of the United Kingdom of Great Britain and Northern Ireland immediately to cease the hostilities it is carrying on within the security region defined by Article 4 of the Inter-American Treaty of Reciprocal Assistance, and also to refrain from any act that may affect inter-American peace and security.

2. To urge the Government of the Republic of Argentina likewise to refrain from taking any action that may exacerbate the situation.

3. To urge those governments immediately to call a truce that will make it possible to resume and proceed normally with the negotiation aimed at a peaceful settlement of the conflict, taking into account the rights of sovereignty of the Republic of Argentina over the Malvinas (Falkland) Islands and the interests of the islanders.

4. To express the willingness of the Organ of Consultation to lend support, through whatever means it considers advisable, to the new initiatives being advanced at the regional or world level, with the consent of the Parties, which are directed toward just and peaceful settlement of the problem.

5. To take note of the information received about the important negotiations of the Secretary of State of the United States of America and to express its wishes that they will be an effective contribution to the peaceful settlement of the conflict.

6. To deplore the adoption by members of the European Economic Community and other states of coercive measures of an economic and political nature, which are prejudicial to the Argentine nation and to urge them to lift those measures, indicating that they constitute a serious precedent, inasmuch as they are not covered by Resolution 502 (1982) of the United Nations Security Council and are incompatible with the Charters of the United Nations and of the OAS and the General Agreement on Tariffs and Trade (GATT).

7. To instruct the President of the Twentieth Meeting of Consultation to take immediate steps to transmit the appeal contained in operative paragraphs 1, 2 and 3 of this resolution to the governments of the United Kingdom of Great Britain and Northern Ireland and of the Republic of Argentina, and also to inform them, on behalf of the Foreign Ministers of the Americas, that he is fully confident that this appeal will be received for the sake of peace in the region and in the world.

8. To instruct the President of the Twentieth Meeting of Consultation immediately to present this resolution formally to the President of the United Nations Security Council so he may bring it to the attention of the members of the Council.

9. To keep the Twentieth Meeting of Consultation open, especially to oversee faithful compliance with this resolution, and to take such additional measures as are deemed necessary to restore and preserve peace and settle the conflict by peaceful means.

Mr. CHAFEE. Mr. President, a point of order. Is there not an order to vote at 9 o'clock?

Mr. STEVENS. No.

The PRESIDING OFFICER. There is no order to vote at 9 o'clock.

The Senator from Virginia has the floor.

Mr. WARNER. Mr. President, I should like to yield my remaining time, equally divided, between the Senator from North Carolina and the Senator from Texas.

Mr. CHILES. I object.

The PRESIDING OFFICER. The remaining time is 12 seconds.

Mr. BIDEN. Mr. President, I am prepared to yield the minute and 12 seconds I have to the Senator.

Mr. WARNER. I equally divide that time between the Senator from North Carolina and the Senator from Texas.

Mr. HELMS. Mr. President, I am concerned about the lack of understanding of the historical and legal facts surrounding the Malvinas (Falkland) Islands.

The British claim to these islands runs counter to the weight of history and international law. A careful analysis of early voyages in the area indicates that these islands were discovered in January-February 1540 by an armada dispatched by the Bishop of Plasencia under the command of Francisco Camargo. The British claim of "discovery" by John Davis (1592) and/or Richard Hawkins (1594) does not bear up to close scrutiny of either their logbooks or of the geography and nautical conditions of the area.

International law recognized no right to territory based on mere discovery. The entire system of European treaties from 1667 to 1763 excluded the British from asserting such a right in the region at issue.

De facto occupation would have been a ground on which title could have been established. In this case, this type of occupation of discovered territory was effected by France. I am referring to the settlement which was planted by Bougainville in 1764 and which led to the formal claim of the islands in the name of Louis XV on April 5, 1764. The French settlers were from the city of St. Malo and the islands were named "Les Malouines." The Spanish then hispanized this to the "Malvinas."

France ceded her rights to these islands to Spain in 1766 for a financial reimbursement.

The British seized Port Egmont on June 10, 1770 but after protests from Spain, the British promised to withdraw in 1771. Once the evacuation by the British was executed there was a prima facie case of abandonment animo derelinquendi and the fact of Spanish exercise of sovereignty in the ensuing decades strengthened this legal situation.

When the Nootka Sound Convention between Great Britain and Spain was signed on October 25, 1790, the Spanish right to the Malvinas-Falkland Islands became absolute, if, indeed it had not been so before.

The fundamental principle of international law for territorial arrangements in South America is the uti possidetis of 1810. By this principle, the claims of several of the South American republics which were carved out of the old Spanish colonial empire embraced the former Spanish administrative units. For example, the captaincy general of Chile which was the old colonial unit became the republic of Chile with the territorial limits of the former Spanish unit as the limits for the new state. The limits of the viceroyalty of Buenos Aires were taken as those of the Republic of Argentina.

Mr. President, there can be no doubt that the Malvinas Islands formed a

part of the Spanish viceroyalty. This is easily proved by the fact that they were administered by Buenos Aires under the same governorship as the South Patagonian settlements. This principle, uti possidetis, would sustain a claim against all other South American States. The Argentine claim against Great Britain would be sustained by the longstanding practice among nations in matters of what is generally referred to as "state succession."

The British seizure of these islands in 1823-33 was without foundation in right or law. It was a matter of force alone. The seizure not only was a violation of international law prevailing at the time, and so recognized at the time by a number of South American States including Brazil, but it was a violation of the no-transfer principle of the Monroe Doctrine.

Mr. President, there has been a lot of talk about the United States having to choose between our Rio Pact allies and our NATO allies on this issue.

As for the legal implications of this, I must say that we had been presented with a Gulf of Tonkin-like resolution without the benefit of careful study and reflection of our obligations under both treaties. Fortunately, major changes have been made.

It is inconceivable to me that this body should be presented with legislation which may have great implications for our Nation's security without appropriate hearings on the treaty obligations that may or may not apply in this instance.

There have been those that have argued that our obligations to NATO come first. But, I would point out that the Rio Pact was signed prior to the NATO treaty and, indeed, that the Rio Pact served as a model for the NATO treaty in many respects.

It is my belief that the NATO treaty relates to wars in the European theater—wars of Communist aggression. For years, it has been generally held that the NATO boundaries are limited to the North Atlantic down to the Tropic of Cancer. Today, some are asserting that our NATO obligations extend down to a tiny island archipelago in the South Atlantic in the Western Hemisphere.

Mr. President, I am not at all pursuaded that the NATO treaty can be invoked as a rationalization for legal support of Great Britain in the crisis. I think that this body would need to carefully analyze the full legal obligations under the NATO treaty to reach a true understanding of our obligations, if any, with regard to the Malvinas matter.

We should not be led down a primrose path based on superficial arguments and sentimental appeals. We should reflect on several important historical and geopolitical facts which demonstrate the fact that we must try to strengthen both alliances and not choose between one or the other.

Mr. President, during World War II, defense of the hmisphere became a strategic imperative so that we could not only defend our immediate strategic interests but also so that we could effectively assist our allies in the European theater of battle.

I should not have to remind the Senate that it was our strategic policy to insure that totalitarian ideology did not penetrate into this hemisphere to destabilize and polarize the inter-American system. We had to forge unity in the hemisphere in order that the raw materials of Latin America, mineral resources and natural resources such as rubber, could be used by our own industries to increase our defense production.

One of the most well-known geopolitical strategists living in the United States at the time, Prof. Nicholas Spykman of Yale University, was emphatic that only by means of a united Western Hemisphere could the United States be successful in the global war effort in the far-flung theaters in Europe, the Middle East, and the Pacific.

I should also point out that our sea and air lines of communication through the Caribbean and across the North Atlantic as well as our sea lines through the South Atlantic were absolutely essential and had to be kept secure from enemy seapower. There was also the matter of our air lines of communication across the North Atlantic and also those to Africa and the Middle East, which, I may add depended upon Brazil.

The significance of Central and South America in terms of global strategy is of the highest importance to the United States. Indeed, Mr. President, it is of the highest importance to NATO as well.

I should draw the attention of this body to the fact that over 50 percent of the logistical supplies which the United States would supply to NATO in the event of a European war must travel from our gulf ports through the Caribbean and then into the North Atlantic. Not long ago there was a NATO exercise which was addressed to the problem of securing the Straits of Florida—between Florida and Cuba—in the event of a European war.

Mr. President, I ask, how is it going to be possible to effectively assist and resupply NATO if the Caribbean and Central American regions are in flames set by international communism. Do Senators in this body seriously believe that if a NATO war started, the Soviet subs docked in Cuba would not fire at U.S. naval and merchant ships transiting the Caribbean Sea?

It should not take much imagination to understand that without a united hemisphere to oppose communism, not only in the New World but also in the Old World, NATO does not have much of a chance in a protracted global struggle.

Mr. President, it should be understood by every Senator in this body that the Soviet Union has been actively exploiting the Malvinas crisis throughout this hemisphere. The hemisphere is becoming polarized. Without stability in the southern cone, can we expect that the situation in Central America and the Caribbean Basin can be stabilized and communism defeated?

It is certainly time for those who are so rashly advocating a variety of measures which tilt in favor of Europe in terms of this crisis to rethink their position. It is certainly time for those who would seek to jettison the Monroe Doctrine to wake up to reality and history.

The principle objective for the United States at this time is to promote a peaceful resolution of this crisis. The only solution to the matter would be one which recognizes the underlying sovereignty of Argentina to the Malvinas Islands. We must insist that both sides cool off and proceed with direct face-to-face negotiations on substantive matters.

Mr. President, as I mentioned earlier, there has been widespread misunderstanding of this issue. My position is certainly not anti-British; rather, I have tried to view this issue on purely a basis of historical fact and our true national security interests.

I cannot allow my affection and respect for Prime Minister Thatcher to obscure the reality of the matter. The stakes are too high in terms of the security of Central and South America's united stand against Communist aggression and our position within the hemisphere.

Mr. President, I ask unaminous consent that a letter I have written in response to citizens who have inquired about my position be printed in the RECORD at the conclusion of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C.

Many have written or otherwise contacted me, as you did, about the situation in the so-called Falkland (or Malvinas) Islands. I appreciate hearing from so many—both pro and con—because I am thereby accorded this opportunity to state my position in greater detail than has appeared in the news media.

First of all, I should mention that no other member of Congress has been more supporitve of Prime Minister Thatcher than I. No one has a greater predisposition to support the British people than I. As for Mrs. Thatcher, in the years prior to her becoming Prime Minister (when she was regarded almost as persona non grata by the U.S. State Department), she literally oper-

ated out of my office when she came to Washington.

By the same token, I have long been apprehensive about the U.S. foreign policy that seemed determined to discard any hope of a coalition of non-communist countries in Central and South America, countries that clearly have wanted to be friendly and helpful to the United States.

Regardless of any pretense to the contrary, there is much at stake in this dispute that, unless we exercise great care, could directly and destructively influence the national interests—indeed, the security—of the United States. Our primary goal in mediating a settlement should be to keep the inter-American system intact.

The great danger now is that if the United States is perceived as tilting towards Europe, rather than maintaining a legitimate interest in our allies in the Western Hemisphere, we could find ourselves isolated and cut off from our neighbors. There is little question in my mind that the Spanish-speaking and Portuguese-speaking nations, regardless of ideological coloration, will rally to support Argentina's claims. Nor can we risk having our friends abandon their willingness to defend this Hemisphere against Marxism and Communism, because of apparent rejection by the United States.

I knew that I would be misunderstood, and that I would have to endure criticism, but I felt obliged to state publicly my view that both nations should back up and cool off. The British have little to gain in this dispute, and a lot to lose.

I repeat: I have great affection for the British people, and admiration for Prime Minister Thatcher, whom I regard as a personal friend. But there are ominous implications in seeing the British over-extend themselves in an effort to hold on to dubious claims on islands 8,000 miles away from home. In the past 30 years, the British have dismantled their empire under the pressures of liberalism, surrendering vital economic and political interests without a murmur. As a result, today the British cannot even afford to retain the vessel H.M.S. Invincible, which is leading their fleet. The Invincible has been sold to Australia.

Now, let's examine the dispute between Argentina and Great Britain: It has existed for more than 150 years. It has been under intensive negotiation for the past 20 years. Those negotiations recently broke down when the British Foreign Secretary, Lord Carrington, refused to put substantive issues on the agenda. Moreover he ignored very clear signals that the Argentines were preparing to occupy the islands. In an admission of the failure of his policy, Lord Carrington resigned.

The fact is, however, that the British themselves occupied the islands by force in 1833, and established a colony on what was without question Argentine territory—territory which had been part of Argentina even under the Spanish. The colonization of disputed territory is a breach of faith which cannot be justified no matter how long ago the aggressive act occurred. Furthermore, it invalidates the British claim that the dispute should be settled by "self-determination" of the illegal colonists.

In addition, it must be remembered that the occupation of the islands by the British was a violation of the Monroe Doctrine, which had been proclaimed in 1823. The sending of an armed armada by a European power into the waters of the Western Hemisphere in 1982 is another violation of the Monroe Doctrine, and a threat to the integrity of the inter-American system. Our obligations under the Rio Treaty antedate our obligations under the NATO treaty, and are of equal importance to our national interests.

At this point, it should be mentioned that Secretary of State Haig was privy to the decisions of the British, yet he failed to persuade them to keep hostile warships out of the Western Hemisphere. This failure may have grave consequences upon our relations with the rest of the nations in the Western Hemisphere.

Nevertheless, as often happens in disputes between friends, neither side is wholly in the right. The Argentine action in dispatching their military forces to the islands must be condemned. At the same time, we must recognize that, in doing so, President Galtieri gave orders that no loss of British life should take place. This policy was adhered to, even though some Argentine military personnel were killed or wounded by British fire. Meanwhile, it should be noted that the residents on the islands have nothing to fear from Argentine administration. They remain free to leave the island, if they choose, or to stay. If they wish to leave, transportation will be provided, and just compensation awarded. Those who wish to stay may continue their present activities; the Argentine government has even offered to sell more land to the residents, which they have been unable to obtain under British rule.

I would ask: Is it not ironic that the British concern for the future of the island colonialists was not matched by British concern for their fellow citizens in Zimbabwe, formerly Rhodesia? In that case, the British forced Zimbabweans to set aside free and fair elections based upon a constitution which would have guaranteed future rights for all. Instead, the British imposed a weak constitution, and then allowed Marxist terrorists to intimidate the electorate. The result is that a Marxist-Leninist government now controls Zimbabwe, and the guarantees of the Lancaster House agreement have been abrogated.

I would reiterate that I am perhaps the only U.S. Senator who has a personal relationship both with Prime Minister Thatcher and with the Argentine government. I have called upon the British fleet to turn around at the half-way point, and I have called upon the Argentine government to take their fleet back into home port. Obviously, a negotiated settlement must include real guarantees for the island residents. In this regard, it must be noted that thousands of families with British citizenship have lived in Argentina for two or three generations, without losing their language or cultural rights. Indeed, they have participated with distinction in the social, agricultural, and business elites of Argentina at the very highest level of acceptance.

The islands in dispute are an integral part of Argentina's national consciousness, and of great strategic and economic importance to Argentina's national integrity. All Argentine governments of every political philosophy have sought to get them back. The only stated concern of the British is for the future of the British colonialists living there.

Regrettably, both countries have overreacted to this dispute. Both face severe economic problems at home. In each case, those problems have been generated by the attempt to withdraw their respective countries from the ravages of socialism. Thus both have turned to highly dangerous and economically ruinous military adventures as a basis for national solidarity. We must try to be understanding of the problems of both countries.

The only basis for settlement is one which does not dismiss Argentina's underlying sovereignty. There are many compromises possible on the other issues. But is is important for the United States to realize that a paramount United States interest lies in building Hemispheric unity in the Americas.

The increasing Finlandization (neutralization) of Europe, the volatility of the Middle East, the disintegration and decline of Africa, and the occupation of Asia by Marxist and Maoist governments all make it all the more crucial to the security of our own nation to build friendly relations with the countries of the Americas, and to cement hemispheric unity. That is why we must work for a peaceful resolution of this dispute.

I could have kept silent about my concerns, but my conscience would not allow me to do and say nothing when I see disaster lying down the road for the United States—indeed for the survival of freedom in the world.

The communists understand that the United States is the key to solidarity among the non-communist nations of Central and South America. They also understand that if the hope of such solidarity can be destroyed, then they will be free to confront the United States in our own front yard.

I regret that some of my friends have not understood my position. I appreciate those who have understood. As I write, I have high hopes that there will be a negotiated settlement between two friendly nations. If that happens, only the communists will be disappointed.

I am grateful to all who have contacted me about this matter.

Sincerely,

JESSE HELMS.

Mr. TOWER. Mr. President, on the right of people to self-determination, the United States cannot be neutral. The United Kingdom has not insisted on British sovereignty in perpetuity over the Falkland Islands. It has insisted on the right of those people to self-determination.

I submit that we cannot be neutral. Should negotiations break down, there is no moral or practical alternative for the United States but to come up solidly on the side of the United Kingdom in this dispute.

Mr. PRESSLER. Mr. President, having introduced Senate Resolution 364, 10 days ago, I am pleased to see that we are finally getting some action on the Falkland Islands matter. My original resolution expressed clear support for the British effort to regain their territory of the Falkland Islands.

I understand the need for diplomatic caution in approaching these crises, but it has been clear to me from the beginning of this crisis on April 2, that the United States would have no recourse but to express strong support for the British side in this matter—and strong opposition to the illegal action of Argentina.

I had no problem with accepting a longer resolution, replete with "where-

as's," which accomplishes the original purpose of my resolution—that is, to signal firm U.S. support for Great Britain, opposition to the use of force by Argentina, and support for continued efforts to achieve a peaceful resolution of disputes among nations.

Thus, I have joined as a coauthor and sponsor of Senate Resolution 378. But our Nation and the world have been impatiently waiting to see what the United States would do. They have been waiting and wondering if the United States would speak unequivocally against the flagrant use of violence by Argentina. Personally, Mr. President, I have been dismayed by the failure of prompt consultation with the Congress on this matter. Caution and deliberation are important hallmarks of effective diplomacy, but there comes a time when action is required; that is, action which squarely places the full moral force of this great Nation behind the cause of right and justice. Perhaps, if Congress had been consulted much earlier in this crisis, we would have already endorsed a strong resolution on this matter that could have prevented the crisis from worsening. The appearance of U.S. uncertainty in approaching the crisis may have inspired a bolder entrenchment of the aggressor's position than would have been the case with a more timely statement of our support for Great Britain.

Certainly there are dilemmas facing us in this case, but further procrastination could do lasting harm to our ties with our important ally in Europe, Great Britain. We do not reject by this resolution the desire to be allied with Argentina as well. Argentina must know that we cannot accept the deliberate and premeditated use of military force to wrest away a territory possessed by Great Britain, and occupied by loyal British citizens, for 150 years. As I said in submitting Senate Resolution 364 on April 19, the Government of Argentina has expressed a willingness to use force in settling other territorial disagreements it has with other nations. If we do not speak firmly against the resort to violence in the Falkland Islands case, will we next witness their aggression in the Beagle Islands or Antarctica? I support this resolution as its coauthor, and urge my distinguished colleagues to support it.

Mr. GORTON. Mr. President, last Tuesday I was delighted to learn of Senator BIDEN's introduction of the resolution now before us. This resolution offers the Senate its first opportunity to express clearly and properly our view on Argentina's military aggression against and occupation of the Falkland Islands. The United States has clearly taken the correct course of action in extending its good offices to facilitate a peaceful solution to the crisis, in keeping with Resolution 502 of the United Nations Security Council. But we can harbor no doubts as to where our loyalties lie should Secretary Haig fail in his unrelenting effort to preserve the peace: The United States supports the United Kingdom.

Our Nation must stand against acts of naked aggression, of which Argentina's forceful occupation of the Falklands on April 2 is an example. The United States must stand with our closest and most supportive ally. To do less is to put at risk our entire North Atlantic alliance by demonstrating that we regard that alliance as existing for our convenience alone. And our Nation must not ignore the clear right of the people of the Falklands to determine their own destiny, a self-determination the military junta of Argentina consistently refuses to guarantee not only to the Falklands but to its own people.

I am aware, of course, that some Members of this body propose to weaken the language of the resolution on the principle of self-determination. Some Senators apparently believe that, as this is one of the two critical differences between the parties, there may be some risk in the strong stance taken in this resolution. I do not share this concern. Should the Argentines regard our views on self-determination as an affront to their own position then it must be so: Their position is wrong.

I have noted various reports in the last weeks of Argentina's self-serving attempt to invoke the Rio Treaty and to call for inter-American support or neutrality in the face of the coming British task force. I find their position to stand both reality and morality on their heads. It is sad and ironic to see this treaty—the aim of which was to minimize the potential for aggression and to settle peacefully international disputes—so envisioned by Argentina, a nation which has disrupted the peace, which has taken possession of a territory of the United Kingdom, and which, as war grows near, refuses to participate fully in negotiations aimed at preventing further bloodshed. The rejection of these Argentine claims is properly and inevitably included in Senator BIDEN's resolution.

In closing, I wish to state my strong support for the cause of the British in this matter. I believe they have shown patience and restraint by allowing the maximum time for the Argentines to recognize the error of their ways and to come to a peaceful resolution. I also wish to compliment the skilled diplomacy of Secretary Haig, who has given greatly of himself in a situation in which success was never likely but in which an attempt to preserve the peace, with justice, had to be made. Finally, I wish to reiterate my view that, in the absence of a peaceful resolution of this situation, I believe it is manifest that we must support the United Kingdom, our ally, in every appropriate way. We should support the resolution.

SEVERAL SENATORS. Vote! Vote!

The PRESIDING OFFICER. The time of both sides has expired.

The question is on agreeing to the resolution.

Several Senators requested the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the resolution. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. STEVENS. I announce that the Senator from South Dakota (Mr. ABDNOR), the Senator from Colorado (Mr. ARMSTRONG), the Senator from Tennessee (Mr. BAKER), the Senator from New Jersey (Mr. BRADY), the Senator from Alabama (Mr. DENTON), the Senator from Minnesota (Mr. DURENBERGER), the Senator from North Carolina (Mr. EAST), the Senator from Arizona (Mr. GOLDWATER), the Senator from Oregon (Mr. HATFIELD), the Senator from California (Mr. HAYAKAWA), the Senator from New Mexico (Mr. SCHMITT), and the Senator from Wyoming (Mr. WALLOP), are necessarily absent.

Mr. CRANSTON I announce that the Senator from Missouri (Mr. EAGLETON), the Senator from Kentucky (Mr. FORD), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Louisiana (Mr. LONG), the Senator from Montana (Mr. MELCHER), the Senator from Arkansas (Mr. BUMPERS), the Senator from Arkansas (Mr. PRYOR), and the Senator from Tennessee (Mr. SASSER), are necessarily absent.

I further announce that, if present and voting, the Senator from Tennessee (Mr. SASSER), would vote "yea."

The PRESIDING OFFICER (Mr. QUAYLE). Are there other Senators in the Chamber desiring to vote?

The result was announced—yeas 79, nays 1, as follows:

[Rollcall Vote No. 92 Leg.]

YEAS—79

Andrews	DeConcini	Jepsen
Baucus	Dixon	Johnston
Bentsen	Dodd	Kassebaum
Biden	Dole	Kasten
Boren	Domenici	Kennedy
Boschwitz	Exon	Laxalt
Bradley	Garn	Leahy
Burdick	Glenn	Levin
Byrd, Harry F., Jr.	Gorton	Lugar
	Grassley	Mathias
Byrd, Robert C.	Hart	Matsunaga
Cannon	Hatch	Mattingly
Chafee	Hawkins	McClure
Chiles	Heflin	Metzenbaum
Cochran	Heinz	Mitchell
Cohen	Hollings	Moynihan
Cranston	Humphrey	Murkowski
D'Amato	Inouye	Nickles
Danforth	Jackson	Nunn

Packwood	Roth	Symms
Pell	Rudman	Thurmond
Percy	Sarbanes	Tower
Pressler	Simpson	Tsongas
Proxmire	Specter	Warner
Quayle	Stafford	Weicker
Randolph	Stennis	Zorinsky
Riegle	Stevens	

NAYS—1

Helms

NOT VOTING—20

Abdnor	Eagleton	Long
Armstrong	East	Melcher
Baker	Ford	Pryor
Brady	Goldwater	Sasser
Bumpers	Hatfield	Schmitt
Denton	Hayakawa	Wallop
Durenberger	Huddleston	

So the resolution (S. Res. 382) was agreed to.

The preamble was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

Mr. STEVENS. Mr. President, the next vote will be the last vote tonight. There will be no session tomorrow. We will be in recess until 12 noon Monday. It is the intention of the leadership to begin the DOD bill on Monday. Unfortunately, we cannot make this next vote a 10-minute rollcall vote.

NATIONAL NUCLEAR WASTE POLICY ACT OF 1982

The Senate continued with its consideration of the bill (S. 1662).

The PRESIDING OFFICER. The question is, Shall the bill, as amended, pass?

Mr. McCLURE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from South Dakota (Mr. ABDNOR), the Senator from Colorado (Mr. ARMSTRONG), the Senator from Tennessee (Mr. BAKER), the Senator from New Jersey (Mr. BRADY), the Senator from Alabama (Mr. DENTON), the Senator from Minnesota (Mr. DURENBERGER), the Senator from North Carolina (Mr. EAST), the Senator from Arizona (Mr. GOLDWATER), the Senator from Oregon (Mr. HATFIELD), the Senator from California (Mr. HAYAKAWA), the Senator from New Mexico (Mr. SCHMITT), and the Senator from Wyoming (Mr. WALLOP) are necessarily absent.

I further announce that, if present and voting, the Senator from Tennessee (Mr. BAKER), the Senator from Alabama (Mr. DENTON), the Senator from North Carolina (Mr. EAST), and the Senator from Arizona (Mr. GOLDWATER) would each vote "yea."

Mr. CRANSTON. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Arkansas (Mr. BUMPERS), the Senator from Florida (Mr. CHILES), the Senator from Missouri (Mr. EAGLETON), the Senator from Kentucky (Mr. FORD), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Louisiana (Mr. LONG), the Senator from Montana (Mr. MELCHER), the Senator from Arkansas (Mr. PRYOR), and the Senator from Tennessee (Mr. SASSER) are necessarily absent.

On this vote, the Senator from Tennessee (Mr. SASSER) is paired with the Senator from Montana (Mr. MELCHER).

If present and voting, the Senator from Tennessee would vote "yea" and the Senator from Montana would vote "nay."

The PRESIDING OFFICER. Are there other Senators in the Chamber desiring to vote?

The result was announced—yeas 69, nays 9, as follows:

[Rollcall Vote No. 93 Leg.]

YEAS—69

Andrews	Grassley	Murkowski
Baucus	Hart	Nickles
Bentsen	Hatch	Nunn
Boren	Hawkins	Packwood
Boschwitz	Heflin	Pell
Bradley	Heinz	Pressler
Burdick	Helms	Quayle
Byrd, Harry F., Jr.	Humphrey	Randolph
	Inouye	Roth
Byrd, Robert C.	Jackson	Rudman
Cannon	Jepsen	Sarbanes
Chafee	Johnston	Simpson
Cohen	Kassebaum	Specter
Cranston	Kasten	Stafford
D'Amato	Kennedy	Stevens
Danforth	Laxalt	Symms
DeConcini	Lugar	Thurmond
Dodd	Mathias	Tower
Dole	Matsunaga	Tsongas
Domenici	Mattingly	Warner
Exon	McClure	Weicker
Garn	Metzenbaum	Zorinsky
Glenn	Mitchell	
Gorton	Moynihan	

NAYS—9

Cochran	Leahy	Proxmire
Dixon	Levin	Riegle
Hollings	Percy	Stennis

NOT VOTING—22

Abdnor	Durenberger	Long
Armstrong	Eagleton	Melcher
Baker	East	Pryor
Biden	Ford	Sasser
Brady	Goldwater	Schmitt
Bumpers	Hatfield	Wallop
Chiles	Hayakawa	
Denton	Huddleston	

So the bill (S. 1662), as amended, was passed as follows:

S. 1662

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Nuclear Waste Policy Act of 1982".

TITLE I—FINDINGS AND PURPOSE

FINDINGS

SEC. 101. The Congress finds and declares that—

(a) a reliable system adequate to provide sufficient electrical energy to meet the Nation's current and anticipated needs is an essential part of a comprehensive national energy policy and is vital to national security and public welfare;

(b) an adequate electrical system requires a diversified base of primary energy sources in order to avoid excessive reliance upon any single alternative energy source;

(c) a diverse base of primary energy sources can be achieved only if each available source competes on an equal footing in decisions on the siting and construction of facilities for generating commercial electric power;

(d) nuclear energy can—

(1) make a significant contribution to national supplies of electricity;

(2) offer site-specific advantages in environmental impact, cost, and fuel availability over other primary sources of energy; and

(3) help reduce United States dependence on insecure sources of foreign oil;

(e) lack of an effective Federal policy for the interim storage of spent fuel and disposal of nuclear waste from civilian nuclear activities unreasonably burdens the choice of nuclear energy as an alternative primary source in decisions on siting and construction and operation of powerplants and unduly constrains efforts to establish a diverse base of primary energy sources;

(f) the persons owning and operating civilian nuclear powerplants have the primary responsibility for providing for the interim storage of spent fuel from civilian nuclear powerplants, but the Federal Government has the responsibility to provide sufficient capacity for interim storage of spent fuel for those civilan nuclear powerplants that cannot reasonably provide adequate onsite storage capacity when needed to assure the continued, orderly operation of the powerplant;

(g) the Federal Government has the responsibility for the disposal of high-level radioactive waste from civilian nuclear activities in order to protect the public helath and the safety, the environment, and the common defense and security;

(h) the costs associated with the storage and disposal of nuclear waste from civilian activities should, to the greatest extent possible, be borne by the direct beneficiaries of such activities and should be considered in the selection or rejection of nuclear energy over alternative primary energy sources;

(i) the technology exists and is under development which would provide reasonable assurance that spent fuel and high-level radioactive waste can be safely disposed of and that disposal facilities for spent fuel and high-level wastes can be available when needed;

(j) nuclear wastes generated in the national defense program have been accumulating for more than thirty years, and spent nuclear fuel and nuclear wastes from the commercial industry are increasing rapidly;

(k) nuclear waste has become a major issue of public concern, and stringent precautions must be taken to ensure that nuclear wastes do not adversely affect the public health and safety of this or future generations;

(l) the siting, development, and loading of nuclear waste repositories are responsibilities of the Federal Government;

(m) public confidence in the ability of the Federal Government to manage a program providing for the safe and permanent disposal of nuclear wastes must be substantially increased if nuclear power is to contrib-

ute significantly to meeting the energy needs of the United States in the future;

(n) Federal nuclear waste disposal programs have been ineffective due to—

(A) inadequate coordination among the various Federal agencies and departments which have responsibilities relating to nuclear waste management; and

(B) the lack of a policymaking process which integrates the views of all Federal agencies and departments into a comprehensive Government-wide policy;

(o) the Secretary must increase his efforts to consult and cooperate with States and localities concerning Federal repository siting, development, and loading activities;

(p) a successful nuclear waste management strategy requires the full participation of State and local officials, Indian representatives and the public in a step-by-step, technologically sound program, to promote public confidence in the safe disposal of nuclear waste, consistent with the responsibility of the Federal Government to determine public health and safety matters related to such program; and

(q) the first step in a successful nuclear waste management strategy is the establishment of a national schedule for the development of programs and facilities for the storage and disposal of high-level radioactive waste and spent fuel in a timely manner.

PURPOSE

SEC. 102. The purpose of this Act is to—

(a) assume the Federal responsibility for the acquisition and interim storage of spent fuel from civilian nuclear powerplants where needed to assure the orderly operation of such plants, and for the disposal of high-level radioactive waste from civilian nuclear activities;

(b) establish a definite Federal policy for the disposal of high-level radioactive waste from civilian nuclear activities and a national schedule for developing the facilities and programs needed to carry out that policy in a timely manner;

(c) authorize the Secretary to—

(1) acquire or construct at least one facility for the interim storage of spent fuel from civilian nuclear powerplants not to exceed a specified total storage capacity; and

(2) establish systems for the long-term storage and disposal of high-level radioactive waste generated by civilian nuclear activities, and to develop, construct and put in operation the facilities comprising these systems;

(d) establish a system for financing the construction, operation, and maintenance of Federal storage and disposal facilities for high-level radioactive waste and spent fuel from civilian nuclear activities;

(e) improve coordination of Federal nuclear waste management programs; and

(f) provide for improved consultation and cooperation between the Department of Energy and States and localities concerning Federal storage and repository siting and development activities, consistent with the responsibility of the Federal Government to determine public health and safety matters related to such activities.

TITLE II—DEFINITIONS AND GENERAL PROVISIONS

SEC. 201. As used in this Act the term—

(1) "civilian nuclear powerplant" means a utilization or production facility required to be licensed under section 103 or 104 b. of the Atomic Energy Act of 1954, as amended;

(2) "Commission" means the Nuclear Regulatory Commission;

(3) "disposal" means the long-term isolation of high-level radioactive waste or spent fuel in a repository;

(4) "environmental impact statement" means any document prepared pursuant to or in compliance with the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969 (83 Stat. 852);

(5) "Secretary" means the Secretary of the Department of Energy;

(6) "spent fuel" means nuclear fuel that has been irradiated in and recovered from a civilian nuclear powerplant or from other civilian nuclear activities;

(7) "Department" means the Department of Energy;

(8) "Governor" means the Governor of a State, or successors to the Governor, during their respective terms of office, or their designees;

(9) "high-level radioactive waste" means the highly radioactive wastes resulting from the reprocessing of spent fuel, and includes both the liquid waste which is produced directly in reprocessing and any solid material into which such liquid waste is made;

(10) "repository" means a facility for the permanent, deep geologic disposal of high-level radioactive waste, transuranic contaminated waste, or spent fuel, whether or not such facility is designed to permit the subsequent recovery of such material, except for facilities to be used exclusively for research and development purposes containing an insignificant amount of such material;

(11) "storage" means retention of high-level radioactive waste, transuranic contaminated waste, or spent fuel with the intent to recover such material for subsequent use, processing, or disposal;

(12) "affected State" means the State in which a monitored retrievable, storage facility, test and evaluation facility, or a repository is proposed to be located;

(13) "Indian tribe" means an Indian tribe, as defined in the Indian Self-Determination and Education Assistance Act (Public Law 93-638);

(14) "affected Indian tribe" means any tribe within whose reservation boundaries a monitored retrievable storage facility, test and evaluation facility, or a repository for high-level radioactive waste or spent fuel is proposed to be located, or whose federally defined possessory or usage rights to other lands outside of the reservation's boundaries arising out of congressionally ratified treaties may be substantially and adversely affected by the locating of such a facility: *Provided*, That the Secretary of the Interior finds, upon the petition of the appropriate governmental officials of the tribe, that such effects are both substantial and adverse to the tribe;

(15) "site characterization" means the program of exploration and research, both in the laboratory and in the field, undertaken to establish the geologic conditions and the ranges of those parameters of a particular site relevant to the procedures under this part. Site characterization includes borings, surface excavations, excavation of exploratory shafts, limited subsurface lateral excavations and borings, and in situ testing needed to determine the suitability of the site for a geologic repository, but does not include preliminary borings and geophysical testing needed to decide whether site characterization should be undertaken;

(16) "atomic energy defense activities of the Department" includes those activities and facilities of the Department of Energy carrying out the functions of—

(i) naval reactors' development and propulsion;

(ii) weapons activities, verification, and control technology;

(iii) materials production;

(iv) inertial confinement fusion;

(v) defense waste management; and

(vi) defense nuclear materials, security, and safeguards,

all as included in the Department of Energy appropriations account in any fiscal year for such functions; and

(17) "monitored retrievable storage facility" means a facility under title V of this Act.

SEC. 202. (a) The provisions of titles I through VI of this Act shall not apply to the atomic energy defense activities of the Department, nor to any repository or monitored, retrievable storage facility used for the exclusive storage or disposal of spent fuel or solidified high-level radioactive waste produced only by the atomic energy defense activities of the Department.

(b)(1) The provisions of title VII shall apply to any repository or monitored, retrievable storage facility used for the storage or disposal of spent fuel or solidified high-level radioactive waste produced by the atomic energy defense activities of the Department, if such repository or facility is required by law on the date of the enactment of this Act to be licensed by the Commission: *Provided*, That none of the provisions of title VII shall require the release of classified national security information.

(2) For purposes of the application of title VII to any repository or monitored, retrievable storage facility, the terms "spent fuel" and "high-level radioactive waste" include material generated in the atomic energy defense activities of the Department.

SEC. 203. (a) The Commission is authorized and directed to develop a program of in-plant drills for nuclear powerplant operators to be conducted by civilian nuclear powerplant licensees. Such program shall include drills related to normal and abnormal operating maneuvers, drills for testing the adequacy of reactor and plant operating procedures, and the development of Commission standards for in-plant drills of civilian nuclear powerplant operators. Such program shall be developed by the Commission within the twelve-month period following the date of enactment of this Act.

(b) The Commission is authorized and directed to promulgate regulations, or other appropriate Commission regulatory guidance, for training and qualifications of civilian nuclear powerplant operators, supervisors, technicians and other appropriate operating personnel. Such regulations or guidance shall establish simulator training requirements for applicants for civilian nuclear powerplant operator licenses and for operator requalification programs; requirements governing administration of requalification examinations; requirements for operating tests at civilian nuclear powerplant simulators, and instructional requirements for civilian nuclear powerplant licensee personnel training programs. Such regulations or other regulatory guidance shall be promulgated by the Commission within the twelve-month period following the date of enactment of this Act.

(c) Within the twelve-month period following the date of enactment of this Act, the Nuclear Regulatory Commission shall submit a report to the Congress setting forth the actions which the Commission has taken with respect to fulfilling its obligations under this section.

SEC. 204. The enactment of this Act shall be construed in any Federal, State, and local administrative or judicial proceeding to satisfy any legal or statutory requirement (1) for the existence of and the approval of the United States of a demonstrated technology or means for the disposal of spent fuel and high-level nuclear waste and (2) for assurance of the safe disposal of spent fuel and high-level nuclear waste and the scheduled availability of storage and disposal facilities for high-level nuclear waste.

TITLE III—INTERIM STORAGE OF SPENT FUEL FROM CIVILIAN NUCLEAR POWERPLANTS

SEC. 301. (a) It is the policy of the Federal Government that—

(1) the persons owning and operating civilian nuclear powerplants have the primary responsibility for providing interim storage of spent fuel from such powerplants, by maximizing, to the extent practical, the effective use of existing storage facilities at the site of each civilian nuclear powerplant, by adding new onsite storage capacity in a timely manner where practical, and by the use of available privately owned and operated offsite storage facilities where practical;

(2) the Federal Government has the responsibility to encourage and expedite the effective use of existing storage facilities and the addition of needed new storage capacity at the site of each civilian nuclear powerplant; and

(3) the Federal Government has the responsibility to provide, as soon as possible, sufficient capacity for interim storage of spent fuel for those civilian nuclear powerplants that cannot reasonably provide adequate storage capacity at the site of the powerplant when needed to assure the continued, orderly operation of the powerplant.

(b) The policy under subsection (a) shall provide for—

(1) the utilization of available spent fuel pools at the site of each civilian nuclear powerplant to the extent practical and the addition of new spent fuel storage capacity where practical, either at the site of the powerplant or at an available privately owned and operated offsite storage facility; and

(2) the establishment of a federally owned and operated system for the interim storage of spent fuel at one or more away-from-reactor facilities with a limited capacity sufficient to prevent disruptions in the orderly operation of nuclear powerplants that cannot reasonably provide adequate spent fuel storage capacity at the powerplant site when needed.

SEC. 302. (a) The Secretary, consistent with such criteria as he prescribes under the policy set forth in section 301 and as are required under this section, shall offer to enter into, and may enter into, contracts with persons owning and operating civilian nuclear powerplants or with persons holding title to spent fuel located at the site of such a powerplant, that the Secretary determines cannot reasonably provide, by utilizing available spent fuel pools to the extent practical, by adding new spent fuel storage capacity at the site of the powerplant, by the transshipment of such fuel to another powerplant within the same utility system, or by utilization of available privately owned and operated offsite storage facilities, adequate spent fuel storage capacity at the powerplant site to ensure the continued orderly operation of the powerplant through the maintenance of a full core reserve storage capability at the powerplant site: *Provided, however,* That the Secretary shall not enter into contracts for spent fuel in amounts in excess of the available storage capacity specified in section 305(a). Those contracts shall provide that the Federal Government will (1) take title at the powerplant site, to such amounts of spent fuel from the powerplants as the Secretary determines cannot be stored onsite, (2) transport the spent fuel to a federally owned and operated interim away-from-reactor storage facility, and (3) store such fuel in the facility pending further processing, storage, or disposal. The Secretary shall report to the Congress on an annual basis on the amount of spent fuel for which commitments have been made pursuant to this section.

(b) Not later than ninety days after the date of enactment of this Act, the Secretary shall propose, by rule, procedures, and criteria for making the determination required by subsection (a) that a nuclear powerplant cannot reasonably provide adequate spent fuel storage capacity at the powerplant site when needed to ensure the continued orderly operation of the powerplant through the maintenance of a full core reserve storage capability. The criteria shall identify the feasibility of reasonably providing such adequate spent fuel storage capacity, taking into account economic, technical, regulatory, and public health and safety factors, through the use of high-density fuel storage racks, fuel rod compaction, the transshipment of spent fuel to another powerplant within the same utility system, construction of additional spent fuel pool capacity, utilization of available privately owned and operated offsite storage facilities, or such other alternate technologies as the Commission may approve under section 311(b).

(c) Nothing in this Act authorizes the Secretary to take title to spent fuel, transport spent fuel, store or dispose of spent fuel or the waste products associated with spent fuel from a nuclear powerplant not located within the United States.

(d) Except as provided in sections 309 and 310, nothing in this or any other Act requires the Secretary, in carrying out the responsibilities of this section, to obtain a license or permit to possess or own spent fuel.

SEC. 303. A contract entered into under section 302 shall provide—

(a) for a one-time payment at the time the Federal Government acquires the spent fuel of a charge per unit of spent fuel, as such unit is defined by the Secretary, which charge is determined by the Secretary to be adequate to cover—

(1) the cost of transportation of such spent fuel;

(2) the proportion of the costs of the construction and operation, maintenance and decommissioning of Federal interim away-from-reactor storage facilities, which proportion is associated with such spent fuel; and

(3) the cost of annual impact assistance payments made by the Secretary to States or appropriate units of local governments pursuant to subsection (d) of section 305; except that such impact assistance payments shall not exceed (A) 10 percent of the costs incurred in paragraphs (1) and (2), or (B) $15 per kilogram of spent fuel, whichever is less;

(b) for the retention by the owner of such spent fuel of a nontransferable right to the value of the remaining fuel resource less the costs of recovery, as determined at the time of recovery. The right ends when the Federal Government—

(1) takes action resulting in the recovery of the remaining fuel resource and gives to the owner of the right an amount of money equal to the value of the recovered fuel less the costs of recovery; or

(2) disposes of such fuel in a repository;

(c) that title to the spent fuel together with all rights to such fuel, except as otherwise provided in this Act, passes to the Federal Government at the site of the powerplant at the time the Secretary takes possession of th spent fuel; and

(d) that the contract becomes effective when the interim away-from-reactor storage facility is available as determined by the Secretary by notice in the Federal Register.

SEC. 304. (a) The Secretary shall provide notice of intent to enter into such contracts by publishing notice in the Federal Register not later than one hundred and eighty days after the date of enactment of this Act. Such notice shall contain such information as the Secretary considers appropriate concerning proposed terms and conditions of such contracts.

(b) The Secretary shall establish the one-time payment charge per unit of spent fuel reuired by section 303(a) on an annual basis, based on calculation of the costs listed in section 303(a), and shall publish such annual one-time payment charge and the calculation thereof in the Federal Register. Each such annual one-time payment charge shall become effective thirty days after publication and shall remain effective for a period thereafter of twelve months as the charge for the costs listed in section 303(a) for any spent fuel, title to which is transferred to the Federal Government during that twelve-month period.

SEC. 305. (a) To the extent funds are available and in such amounts as are provided in appropriation Acts. The Secretary shall construct, acquire, or lease one or more away-from-reactor facilities for the interim storage of spent fuel from civilian nuclear powerplants with a total storage capacity at all such facilities of not more than two thousand eight hundred metric tons of uranium. The facilities shall—

(1) be made available in a timely manner to accommodate all spent fuel for which commitments have been made pursuant to section 302 of this Act; and

(2) by subject to a license under the provisions of section 202(3) of the Energy Reorganization Act of 1974 (88 Stat. 1233), as amended: *Provided,* That in determining whether to issue a license for such a facility, the Commission shall not consider the need for the facility. The Secretary shall submit to the Commission an application to construct, acquire or lease, and operate such facility not later than such date as necessary to accommodate in a timely manner all spent fuel requiring away-from-reactor storage pursuant to any determinations under section 302 of this Act. When the Secretary submits such an application to the Commission, the Secretary shall also submit a report to the Congress describing the amount of spent fuel for which commitments have been made pursuant to section 302 and the date by which the facility is needed to accommodate in a timely manner the storage of the spent fuel.

The Secretary shall not acquire any away-from-reactor facility under this section if the Secretary determines that the cost of acquiring the facility exceeds the cost of constructing a new away-from-reactor facility of equal capacity: *Provided,* That any new facility would be available when needed to satisfy the commitments made by the Secretary pursuant to section 302(a).

(b) The Secretary, in providing for the transportation of spent fuel under this Act, shall utilize by contract private industry to the fullest extent possible in each aspect of such transportation. The Secretary shall use direct Federal services for such transportation only upon a determination of the Secretary of Transportation, in consultation with the Secretary, that private industry is unable or unwilling to provide such transportation services at reasonable cost. The authority of the Secretary to enter into contracts under this section shall be limited to the extent or in such amounts as are provided in appropriations Acts.

(c) The Secretary and the Commission, on a continuing basis, shall analyze and make projections of the availability when needed of spent fuel transportation casks required to support transportation requirements pursuant to subsection (b). The Secretary and the Commission are authorized and directed to take such actions as the Secretary and the Commission, respectively, deem necessary and appropriate to ensure the timely availability when needed of such spent fuel transportation casks.

(d)(1) Beginning the first fiscal year which commences after the date of the enactment of this Act, the Secretary shall make annual impact assistance payments to a State or appropriate unit of local government, or both, in order to mitigate social or economic impacts occasioned by the construction and subsequent operation of any interim away-from-reactor storage facility within the jursidictional boundaries of such government or governments and authorized under this title.

(2) Payments made available to States and units of local government pursuant to this section shall be—

(A) allocated in a fair and equitable manner with a priority to those States or units of local government suffering the most severe impacts; and

(B) utilized by States or units of local governments only for (i) planning, (ii) construction and maintenance of public services, (iii) provision of public services related to the siting of a facility authorized under this title, and (iv) compensation for loss of taxable property equivalent to that if the facility had been operated under private ownership.

(3) Such payments shall be subject to such terms and conditions as the Secretary determines necessary to ensure that the purposes of this section shall be achieved. The Secretary shall issue such regulations as may be necessary to carry out the provisions of this section.

(4) Payments under this section shall be made available solely from the one-time payments under subsection (a) of section 303.

(5) The Secretary is authorized to consult with States and appropriate units of local government in advance of commencement of construction of any facility authorized under this title in an effort to determine the level of the payment such government would be eligible to receive pursuant to this section.

(5) As used in this subsection, the term "unit of local government" means a county, parish, township, municipality, and shall include a borough existing in the State of Alaska on the date of the enactment of this subsection, and any other unit of government below the State level which is a unit of general government as determined by the Secretary.

SEC. 306. When an interim away-from-reactor storage facility is available, the Secretary shall take possession of and transport to a designated storage facility any spent fuel covered by a contract made under section 302 of this Act. The Secretary shall take this action within one year after the date on which the owner of such spent fuel provides notice in writing to the Secretary that such spent fuel is available.

SEC. 306A. As soon as practicable, taking into account economic, technical, regulatory, and public health and safety factors, the Secretary shall transfer any spent fuel stored at an interim away-from-reactor storage facility, authorized under this title, to a permanent geologic repository, a monitored retrievable storage facility or a commercial reprocessing facility after the issuance of an operating license by the Commission and the commencement of operation of any such facilities, but in any event such transfer of spent fuel from an interim away-from-reactor storage facility shall be initiated no later than 8 years, and shall be completed no later than 12 years, after the date of commencement of operation of such interim facility.

SEC. 307. Funds made available to the Secretary for the purpose of—

(a) acquiring plant and capital equipment or land; or

(b) for planning, construction, or modification of facilities,

to make available facilities for the interim storage of spent fuel from civilian nuclear powerplants away from the reactor under any law making appropriations of funds or authorizations for appropriations of funds for the fiscal year ending September 30, 1979, or the fiscal year ending September 30, 1980, including funds authorized and appropriated for Project 79-1-p (away-from-reactor spent nuclear fuel storage capacity) in legislation authorizing appropriations for the Department of Energy for the fiscal year ending September 30, 1980, and as contained in the authorization for the Department of Energy pursuant to title X subtitle A of the Omnibus Reconciliation Act of 1981, Public Law 97-35, for fiscal years ending on September 30, 1982, September 30, 1983, and September 30, 1984, shall be available to carry out the purposes of section 305.

SEC. 308. (a) In carrying out the provisions of sections 301 through 307 with regard to any facility for the interim storage of spent fuel from civilian nuclear powerplants which the Secretary is authorized by section 305(a) to construct, the Secretary shall, as soon as practicable, notify, in writing, the Governor and the State legislature of any State and the eligible Tribal Council of any Indian tribe in such State in which is located a potentially acceptable site for such a facility for interim storage of spent fuel of his intention to investigate that site or facility.

(b) During the course of investigation of such site or facility, the Secretary shall keep the Governor, State legislature, and eligible Tribal Council currently informed of the progress of the work, and results of the investigation. At the time of selection by the Secretary of any site or existing facility, but prior to undertaking any site-specific work or alterations, the Secretary shall promptly notify the Governor, the legislature, and any eligible Tribal Council in writing of such selection, and subject to the provisions of subsection (f) of this section, shall promptly enter into negotiations with such State and eligible Tribal Council to establish a cooperative agreement under which such State and Council shall have the right to participate in a process of consultation and concurrence, based on public health and safety and environmental concerns, in all stages of the planning, siting, development, construction, operation, and closure of a facility within such State for the interim storage of spent fuel from civilian nuclear powerplants. Public participation in the negotiation of such an agreement shall be provided for and encouraged by the Secretary, the State, and the eligible Tribal Council. The Secretary, in cooperation with the States and Indian tribes, shall develop and publish minimum guidelines for public participation in such negotiations, but the adequacy of such guidelines or any failure to comply with such guidelines shall not be a basis for judicial review.

(c) The cooperative agreement shall include, but need not be limited to, the sharing in accordance with applicable law of all technical and licensing information, the utilization of available expertise, the facilitating of permitting procedures, joint project review, and the formulation of joint surveillance and monitoring arrangements to carry out applicable Federal and State laws. The cooperative agreement also shall include a detailed plan or schedule of milestones, decision points and opportunities for State or eligible Tribal Council review and objection. Such cooperative agreement shall provide procedures for negotiating and resolving objections of the State and eligible Tribal Council in any stage of planning, siting, development, construction, operation, or closure of such a facility within such State. The terms of any cooperative agreement shall not affect the Nuclear Regulatory Commission's authority under existing law.

(d) For the purpose of this part of this title, "process of consultation and concurrence" means a methodology by which the Secretary (1) keeps the State and eligible Tribal Council fully and currently informed about the aspects of the project related to any potential impact on the public health and safety, (2) solicits, receives, and evaluates concerns and objections of such State and Council with regard to such aspects of the project on an ongoing basis, and (3) works diligently and cooperatively to resolve, through arbitration or other appropriate mechanisms, such concerns and objections. The process of consultation and concurrence shall not include the grant of a right to any State or Tribal Council to exercise an absolute veto of any aspect of the planning, siting, development, construction, and operation of the project.

(e) The Secretary and the State and eligible tribal Council shall seek to conclude the agreement required by subsection (b) as soon as practicable but not later than one hundred and eighty days following the date of notification of the selection under subsection (b). The Secretary shall periodically report to the Congress thereafter on the status of the agreements approved under subsection (c). Any report to the Congress on the status of negotiations of such agreement by the Secretary shall be accompanied by comments solicited by the Secretary from the State and eligible Tribal Council.

(f)(1) If, within the ninety-day period after the Governor of a State or an eligible Tribal Council receives its notice of the selection of a site in accordance with subsection (b) of this section, such Governor or eligible Tribal Council, or both, notifies the Secretary, in writing, of his or its objection to the facility, the Secretary shall suspend further work on such facility and promptly transmit the Governor's, or Tribal Council's

or both, objections, together with the Secretary's comments and recommendations, to the President. Unless the President, within the ninety-day period following the receipt by him of the notice of such objections so transmitted by the Secretary, determines that such facility is essential to the national interest, the Secretary shall terminate all activities specific to the establishment of such facility. Such determination shall not be subject to judicial or administrative review.

(2) In considering any objection by a State or eligible Tribal Council transmitted to the President under this subsection, the President may obtain the reviews and comments of the Nuclear Regulatory Commission on such objections. The provision of reviews by the Commission shall not be construed as binding the Commission with respect to any licensing action pertaining to the facility which is the subject of any such objection.

(g) As used in this section, the term "eligible Tribal Council" means the governing body of any Indian tribe within whose reservation boundaries there is located a potentially acceptable site for an interim storage facility for spent fuel from civilian nuclear powerplants, or within which boundaries a site for such facility is selected by the Secretary, or whose federally defined possessory or usage rights to other lands outside of the reservation's boundaries arising out of congressionally ratified treaties, as determined by the Secretary of the Interior pursuant to a petition filed with him by the appropriate governmental officials of such tribe, may be substantially and adversely affected by the establishment of any such facility.

SEC. 309. Section 202(3) of the Energy Reorganization Act of 1974 is amended to read:

"(3) Facilities used primarily for the receipt and storage or disposal of high-level radioactive waste or spent fuel resulting from activities licensed under such Act or spent fuel from foreign reactors transferred under a subsequent arrangement authorized under such Act.".

SEC. 310. Transportation of spent fuel under section 306 shall be subject to licensing and regulation by the Commission and by the Secretary of Transportation as provided for transportation of commercial spent fuel under existing law.

SEC. 311. (a) The Secretary, the Commission, and other appropriate Federal officials shall take such actions as they consider necessary to encourage and expedite the effective use of existing storage facilities and the addition of needed new storage capacity at the site of each civilian nuclear powerplant consistent with—

(1) the protection of the public health, safety, and the environment;

(2) economic considerations;

(3) continued operation of the powerplant; and

(4) otherwise applicable law.

In taking such action, the Secretary, the Commission, and other appropriate Federal officials shall consider the views of the population surrounding such powerplant.

(b) The Secretary, in consultation with the Commission, shall establish a cooperative program to assist and encourage the private development of alternate technologies for the storage of spent fuel at the sites of civilian nuclear powerplants, with the objective of developing one or more alternate technologies that the Commission can adopt by rule on a generic basis for use at the sites of all civilian nuclear powerplants without the need for additional site-specific approvals by the Commission to the maximum extent practicable. For the purposes of this subsection, "alternate technologies" shall include, but are not limited to, spent fuel storage casks.

(c)(1) It shall be the policy of the United States to cooperate with and provide technical assistance to non-nuclear weapon states in the field of spent fuel storage and disposal.

(2)(A) Within ninety days of enactment of this Act, the Secretary and the Commission shall publish a joint notice in the Federal Register stating that the United States is prepared to cooperate with and provide technical assistance to non-nuclear weapon states in the fields of at-reactor spent fuel storage; away-from-reactor spent fuel storage; monitored, retrievable spent fuel storage; geologic disposal of spent fuel; and the health, safety, and environmental regulation of such activities. The notice shall summarize the resources that can be made available for international cooperation and assistance in these fields through existing programs of the Department and the Commission, including the availability of: (i) data from past or on-going research and development projects; (ii) consultations with expert Department or Commission personnel or contractors; and (iii) liaison with private business entities and organizations working in these fields.

(B) The joint notice described in the preceding subparagraph shall be updated and reissued annually for five succeeding years.

(3) Following publication of the annual joint notice referred to in paragraph (2), the Secretary of State shall inform the governments of non-nuclear weapon states and, as feasible, the organizations operating nuclear power plants in such states, that the United States is prepared to cooperate with and provide technical assistance to non-nuclear weapon states in the fields of spent fuel storage and disposal, as set forth in the joint notice. The Secretary of State shall also solicit expressions of interest from non-nuclear weapon state governments and non-nuclear weapon state nuclear power reactor operators concerning their participation in expanded United States cooperation and technical assistance programs in these fields. The Secretary of State shall transmit any such expressions of interest to the Department and the Commission.

(4) With his budget presentation materials for the Department and the Commission for fiscal years 1984 through 1989, the President shall include funding requests for an expanded program of cooperation and technical assistance with non-nuclear weapon states in the fields of spent fuel storage and disposal as appropriate in light of expressions of interest in such cooperation and assistance on the part of non-nuclear weapon state governments and non-nuclear weapon state nuclear power reactor operators.

(5) For the purposes of this subsection, the term "non-nuclear weapon state" shall have the same meaning as that set forth in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons (21 U.S.C. 438).

(6) Nothing in this subsection shall authorize the Department or the Commission to take any action not authorized order existing law.

SEC. 312. (a) Any person filing an application with the Commission after the date of enactment of this Act for a license, or for an amendment to an existing license, to expand the spent fuel storage capacity at the site of a civilian nuclear powerplant, through the use of high-density fuel storage racks, fuel rod compaction, the transshipment of spent fuel to another powerplant within a utility system, the construction of additional spent fuel pool capacity, or by other means, may submit a petition to the Commission for issuance of the license or license amendment on an interim basis prior to the conduct or completion of any required hearing upon such application. Any petition submitted under this section shall include a statement of the reasons why the application for the license or amendment was not submitted sufficiently in advance to eliminate the need for issuance of the license or license amendment on an interim basis. Such statement shall not prejudice the Commission's consideration of such petition.

(b) The Commission shall grant the petition submitted under subsection (a) and issue the license or license amendment on an interim basis if the Commission determines that—

(1) in all respects other than the conduct or completion of any required hearing, the requirements of law are met;

(2) in accordance with such requirements, there is reasonable assurance that the activities authorized by the license or license amendment during the interim period, in accordance with the terms and conditions of such license or license amendment, will provide adequate protection to the public health and safety and the environment during the interim period; and

(3) there is a reasonable expectation that refusal to grant the petition will prevent the petitioner from providing in a timely manner adequate capacity for spent fuel storage at the site of the powerplant to maintain a full core reserve storage capability:

Provided, however, That the Commission may not issue a license or license amendment on an interim basis for the first application received by the Commission for the license or license amendment to expand onsite spent fuel storage capacity by the use of a new technology not previously approved for use at any nuclear powerplant by the Commission. For the purposes of this section, the term "new technology" means a general type or means of storage expansion and not a site-specific proposal.

(c) The Commission shall make the determinations under subsection (b) as expeditiously as possible after receipt of a petition submitted under subsection (a).

SEC. 313. (a) In any Commission hearing pursuant to section 189 of the Atomic Energy Act of 1954, as amended, on an application for a license, or for an amendment to an existing license, filed after the date of enactment of this Act, to expand the spent fuel storage capacity at the site of a civilian nuclear powerplant, through the use of high-density fuel storage racks, fuel rod compaction, the transshipment of spent fuel to another such powerplant within the same utility system, the construction of additional spent fuel pool capacity or dry storage capacity, or by other means, the Commission shall, at the request of any party, provide an opportunity for oral argument with respect to any matter which the Commission determines to be in controversy among the parties. The oral argument shall be preceded by such discovery procedures as the rules of the Commission shall provide. The Commission shall require each party, including the Commission staff, to submit in written form, at the time of the oral argument, all the facts, data and arguments upon which that party proposes to rely that are known

at such time to that party. Only facts and data in the form of sworn testimony or affidavit may be relied upon by the parties during oral argument. Of the materials that may be submitted by the parties during oral argument, the Commission shall only consider those facts and data that are submitted in the form of sworn testimony or affidavit.

(b)(1) At the conclusion of any oral argument under subsection (a) of this section, the Commission shall designate any disputed question of fact, together with any remaining questions of law, for resolution in an adjudicatory hearing only if it determines that—

(A) there is a genuine and substantial dispute of fact which can only be resolved with sufficient accuracy by the introduction of evidence in an adjudicatory hearing; and

(B) the decision of the Commission is likely to depend in whole or in part on the resolution of such dispute.

(2) In making a determination under this subsection, the Commission shall designate in writing the specific facts that are in genuine and substantial dispute, the reason why the decision of the agency is likely to depend on the resolution of such facts, and the reason why an adjudicatory hearing is likely to resolve the dispute.

(c) No court shall hold unlawful or set aside a decision of the Commission in any proceeding described in subsection (a) because of a failure by it to use a particular procedure pursuant to this section unless—

(1) an objection to the procedure used was presented to the Commission in a timely fashion or there are extraordinary circumstances that excuse the failure to present a timely objection, and

(2) the court finds that such failure has precluded a fair consideration and informed resolution of a significant issue of the proceeding taken as a whole.

SEC. 314. In any proceeding on an application for a license, or for an amendment to an existing license, filed after the date of enactment of this Act, to expand the spent fuel storage capacity at the site of a civilian nuclear powerplant, through the use of high-density fuel storage racks, fuel rod compaction, the transshipment of spent fuel to another such powerplant within the same utility system, the construction of additional spent fuel pool capacity or dry storage capacity or by other means, the Commission shall not consider as alternatives the storage of spent fuel in away-from-reactor storage facilities, the reduction or cessation of plant operations, or no action.

TITLE IV—DISPOSAL OF SOLIDIFIED HIGH-LEVEL RADIOACTIVE WASTE AND SPENT FUEL

SEC. 401. (a) It is the Policy of the Federal Government that—

(1) the Federal Government has the responsibility to provide for the permanent disposal of solidified high-level radioactive waste and spent fuel;

(2) spent fuel, unless otherwise processed, and solidified high-level radioactive waste must be permanently disposed of in a federally owned and operated repository;

(3) such permanent disposal in a repository shall occur without regard to interim storage of spent fuel pursuant to title III and long-term storage of solidified high-level radioactive waste or spent fuel pursuant to title V;

(4) the Federal Government has the responsibility to assure that repositories capable of safely disposing of solidified high-level radioactive waste and spent fuel are available with sufficient capacity when needed; and

(5) the Federal Government has the responsibility to demonstrate as soon as possible that solidified high-level radioactive waste and spent fuel can be disposed of in a manner that provides adequate protection to the public health, safety, and the environment.

(b) The policy under subsection (a) shall provide for—

(1) the establishment of a federally owned and operated program for the siting, development, construction, and operation of repositories capable of safely disposing of solidified high-level radioactive waste and spent fuel, which repositories are to be licensed by the Commission;

(2) a national schedule for accomplishing the regulatory and programmatic actions needed to achieve the objective of obtaining by December 41, 1989, a Commission authorization to construct the first full-scale, operational repository capable of safely disposing of solidified high-level radioactive waste and spent fuel, and achievement of operational status for the repository as soon thereafter as possible; and

(3) the development, construction, and operation of at least one test and evaluation facility for the purpose of developing the packaging, handling, and emplacement technology for solidified high-level radioactive waste and spent fuel needed to further the demonstration of disposal of such waste and spent fuel, with the objective of achieving operational status of one such facility by January 1, 1988.

DEVELOPMENT OF EPA STANDARDS AND NRC TECHNICAL CRITERIA

SEC. 402. (a) EPA STANDARDS.—Not later than January 1, 1982, the Administrator of the Environmental Protection Agency, pursuant to authority under existing law, shall, by rule, propose generally applicable standards for offsite releases of radioactivity from repositories capable of disposing of solidified high-level radioactive waste and spent fuel. Promulgation of these standards shall occur within a period not greater than one year after proposal.

(b) NRC TECHNICAL CRITERIA.—Not later than January 1, 1984, the Commission, pursuant to authority under existing law, shall, by rule, promulgate technical criteria for review of an application—

(1) for authority to construct a repository capable of disposing of solidified high-level radioactive waste and spent fuel, or

(2) for a license to emplace such waste and spent fuel in the repository.

Such criteria shall provide for the use of a system of multiple barriers in the design of the repository and shall include such restrictions on the retrievability of the solidified high-level radioactive waste and spent fuel emplaced in the repository as the Commission deems appropriate.

IDENTIFICATION OF SITES FOR REPOSITORIES

SEC. 403. (a) GUIDELINES FOR REPOSITORY SITE RECOMMENDATION.—Not later than one hundred and twenty days after the date of enactment of this Act, the Secretary, in consultation with the Environmental Protection Agency, and the United States Geological Survey, and with the concurrence of the Commission, shall issue general guidelines for the recommendation of sites for repositories capable of safely disposing of solidified high-level radioactive waste and spent fuel. The guidelines shall specify factors that would qualify or disqualify a site from development as a repository, including factors pertaining to geologic criteria, the location of valuable natural resources, proximity to population, hydrology, geophysics, seismic activity, and atomic energy defense activities. The guidelines shall require the Secretary to consider the various geologic media in which sites for repositories may be located and, to the extent practicable considering the schedule of actions contained in this title, to recommend sites in different geologic media. The guidelines also shall require the Secretary to consider the cost and impact of transporting to the respository site the solidified high level radioactive waste and spent fuel to be disposed of in the respository and the advantages of regional distribution in the siting of repositories. The Secretary shall use the guidelines established under this subsection in considering sites to be recommended under subsection (b).

(b) SITE RECOMMENDATIONS BY THE SECRETARY.—

(1) Not later than January 1, 1984, the Secretary shall identify and recommend to the President at least three sites that the Secretary determines are suitable for site characterization for the selection of the first repository. Not later than January 1, 1987, the Secretary shall identify and recommend to the President at least three additional sites, which the Secretary determines are suitable for site characterization for possible subsequent selection as repository sites. The Secretary shall not recommend for characterization any area of a site used for the test and evaluation facility pursuant to section 407 that the Secretary determines would permit the physical integration of the test and evaluation facility and a proposed repository. Each recommendation of a site shall include a detailed statement of the basis for the recommendation and shall consider the environmental suitability of the site for the potential location of the repository. If the Secretary recommends a site to the President, the Secretary shall notify the Governor of the State in which the site is located and the Tribal Council of any affected Indian tribe of the Secretary's recommendation and the basis for such recommendation.

(2) Before recommending to the President any site for characterization, the Secretary shall notify the Governor of the State in which the site is located and the Tribal Council of any affected Indian tribe of the proposed recommendation, and the Secretary shall hold public meetings in the vicinity of the site to inform the residents of the area in which the site is located of the proposed recommendation and to receive their comments.

(c) PRESIDENTIAL REVIEW OF RECOMMENDED SITES.—

(1) The President shall review each site recommendation of the Secretary under subsection (b). Within sixty days after the submission of each recommendation for a site, the President in his discretion shall either approve or disapprove the site, and transmit his decision to the Secretary, to the Governor of the State in which each site is located, and to the Tribal Council of any affected Indian tribe. If the President disapproves any site, the Secretary shall make another site recommendation within sixty days after the President's disapproval. If the President fails to approve or disapprove any site in accordance with this paragraph during such sixty-day period, or within such period fails to invoke his authority under paragraph (2) to delay the de-

termination, the site shall be considered to be approved.

(2) The President may delay for not more than six months his decision under paragraph (1) to approve or disapprove a site upon determining that the information provided with the recommendation is not sufficient to permit a decision within the sixty-day period referred to in paragraph (1). The President may invoke his authority under this paragraph by submitting written notice to the Congress, within such period, of his intent to utilize the authority provided under this paragraph. If the President invokes this authority under this paragraph but fails to approve or disapprove the site at the end of such six-month period, the site shall be considered to be approved.

(d) Any activity of the President or the Secretary under this section shall be considered a preliminary decisionmaking activity and shall not be subject to the National Environmental Policy Act of 1969 (83 Stat. 852).

(e) In any request to the Congress for the appropriation of funds to carry out this section, the Secretary shall include, with respect to each geologic medium in which sites for repositories may be located, an estimate of the cost of preparing a site for site characterization.

SITE CHARACTERIZATION

SEC. 404. (a) The Secretary shall carry out in accordance with this section appropriate site characterization activities at each site approved under section 403. Site characterization activities shall be subject to the National Environmental Policy Act of 1969 (83 Stat. 852) only in the manner described in subsection (b)(1)(A) below.

(b)(1) Before proceeding to sink shafts at any site, the Secretary shall submit for such site to the Commission, to the Governor of the State in which the site is located, and to the Tribal Council of any affected Indian tribe, for their review and command—

(A) an environmental assessment prepared pursuant to the Secretary's regulations implementing the National Environmental Policy Act of 1969 (83 Stat. 852) of the site characterization activities planned for such site, and a discussion of alternative activities for purposes of site characterization which may be undertaken to minimize such impacts;

(B) a general plan for site characterization activities to be conducted at such site, which plan shall include—

(i) a description of the site;

(ii) a description of the site characterization activities, including the extent of planned excavations, plans for any onsite testing of radioactive material or nonradioactive material, investigation activities that may affect the ability of the site to isolate any solidified high-level radioactive waste and spent fuel, and provisons to control likely adverse, safety-related impacts from site characterization activities;

(iii) plans for decontaminating and decommissioning the site if it is determined unsuitable for application for licensing as a repository and if any radioactive materials are used for site characterization; and

(iv) any other information required by the Commission; and

(C) proposals describing the possible form of packaging for the solidified high-level radioactive waste and spent fuel that would be emplaced in the repository.

(2) The Secretary shall consider fully the comments received pursuant to paragraph (1) and shall, to the maximum extent practicable, and in consultation with the Governor of the State and the Tribal Council of any affected Indian tribe pursuant to title VII conduct site characterization activities in a manner to minimize any significant adverse environmental impacts identifed in the environmental assessment under paragraph (1) and the comments received pursuant to paragraph (1): *Provided*, That the Secretary shall have no authority under this section to conduct any activities at the site which were not considered pursuant to paragraph (1), unless any requirement for an environmental impact statement pursuant to the National Environmental Policy Act of 1969, including, but not limited to, a final environmental impact statement for a repository pursuant to subsection 405(a) has been complied with.

(3) During the conduct of site characterization activities at a site, the Secretary shall report to the Commission, to the Governor of the State in which the site is located, and to the Tribal Council of any affected Indian tribe, on the nature and extent of such activites and the information developed from such activities.

(c) The Secretary, in consultation with the Commission, shall conduct such tests, and may conduct such research and development activities, as may be required to provide the necessary data for an application for a construction authorization by the Commission for a repository at the site and for the compliance with the National Environmental Policy Act of 1969 (83 Stat. 852). The Secretary shall report to the Commission and to the Governor of the State in which the site is located and to the Tribal Council of any affected Indian tribe under title VII, on the tests conducted at a site pursuant to this subsection and on the information developed from such tests.

(d)(1) In conducting site characterization activities or tests pursuant to subsection (c)—

(A) the Secretary may use such radioactive materials at a site as the Secretary and the Commission deem necessary to provide data for the submission of an application for a construction authorization for a repository at the site;

(B) if radioactive materials are placed in a site, the Secretary shall limit the amount of radioactive materials to that quantity necessary to determine the suitability of the site for a repository and to provide data for the submission of an application for a construction authorization for a repository at the site; and

(C) any radioactive material used or placed on a site shall be fully retrievable.

(2) If characterization activities are terminated at a site for any reason, the Secretary shall remove any solidified high-level radioactive waste or spent fuel, or other radioactive materials at or in the site as promptly as practicable.

SITE APPROVAL AND CONSTRUCTION AUTHORIZATIONS

SEC. 405. (a) The Secretary shall recommend to the President not later than January 1, 1986, that the President approve one of the three initially characterized sites for the development of the first repository. The Secretary shall recommend to the President not later than January 1, 1989, that the President approve one or more additional sites from all of the characterized sites for the development of subsequent repositories. In making subsequent site recommendations and approvals, the Secretary and the President, respectively, shall consider the need for regional distribution of repositories and the need to minimize, to the extent practicable, the impacts and cost of transporting spent fuel and solidified high-level radioactive waste. Prior to submitting each recommendation to the President for approval of a site, the Secretary shall hold public meetings in the vicinity of the site to inform the residents of the area in which the site is located of the determination of the Secretary and to receive their comments. Any recommendation made by the Secretary pursuant to this subsection shall be considered a major Federal action significantly affecting the quality of the human environment for purposes of the National Environmental Policy Act of 1969 (83 Stat. 852). A final environmental impact statement prepared pursuant to the National Environmental Policy Act of 1969 (83 Stat. 852), prepared by the Secretary, shall accompany the recommendation to the President to approve the site for a repository. With respect to the requirements imposed by the National Environmental Policy Act of 1969 (83 Stat. 852), this Act shall be deemed adequate consideration of the need for a repository, the time of the initial availability of a repository, and all alternatives to a repository for the isolation of spent fuel and solidified high-level radioactive waste, and no further consideration of such matters shall be required. The Secretary shall only consider as alternate sites for the first proposed facility those sites recommended by January 1, 1984, by the Secretary pursuant to section 403(b) and approved by the President for site characterization pursuant to section 403(c). The Secretary shall only consider as alternate sites for subsequent proposed facilities those sites recommended by the Secretary by January 1, 1984, and by January 1, 1987, pursuant to section 403(b) and approved by the President for site characterization pursuant to section 403(c). Preparation of the final environmental impact statement by the Secretary in accordance with this subsection, with coordination and comments by the Commission and other interested agencies, shall satisfy the requirements of the National Environmental Policy Act of 1969 (83 Stat. 852) with regard to the selection of a site for, and the decision of the Secretary to construct and operate a repository: *Provided*, That this subsection shall not be construed in any way as amending the National Environmental Policy Act of 1969 (83 Stat. 852).

(b) The President shall approve or disapprove any recommendation of the Secretary pursuant to subsection (a) within sixty days after the recommendation is submitted. If the President disapproves any recommendation, the Secretary shall make another recommendation from among the characterized sites within sixty days after the President's disapproval.

(c) The Secretary shall submit to the Commission an application for authorization to construct a repository at each site approved by the President within one-hundred and twenty days after the date on which the President approves a site under subsection (b). The Secretary shall provide a copy of such license application to the Governor of the State in which the site is located and to the Tribal Council of any affected Indian tribe.

(d) Not later than eighteen months after the date on which an application is submitted under subsection (c), the Commission shall submit to the Congress a report describing the proceedings on the application undertaken through such date, including a description of—

(1) major unresolved safety issues, and the Secretary's explanation of design and operation plans for resolving such issues;

(2) matters of contention regarding the application; and

(3) any Commission actions regarding the granting or denial of the application.

(e) The Commission shall consider an application for authorization to construct a repository in accordance with the laws applicable to such applications, except that the Commission shall issue a final decision approving or disapproving the first such application not later than December 31, 1989, and the second such application not later than December 31, 1992. The Commission decision approving the first such application shall prohibit the emplacement in the first repository of a quantity of spent fuel containing in excess of seventy thousand metric tons of heavy metal or a quantity of solidified high-level radioactive waste resulting from the reprocessing of such a quantity of spent fuel until such time as a second repository is in operation. In the event that a monitored retrievable storage facility, approved pursuant to title V of this Act, shall be located, or is planned to be located, within fifty miles of the first repository, then the Commission decision approving the first such application shall prohibit the emplacement of a quantity of spent fuel containing in excess of seventy thousand metric tons of heavy metal or a quantity of solidified high-level radioactive waste resulting from the reprocessing of spent fuel in both the repository and monitored retrievable storage facility until such time as a second repository is in operation.

(f) The Commission shall consider an application for authorization to construct a repository in accordance with the laws applicable to such applications, except that—

(1) the Commission shall only consider as alternate sites for the first proposed facility those sites recommended by January 1, 1984, by the Secretary pursuant to section 403(b) and approved by the President for site characterization pursuant to section 403(c).

(2) the Commission shall only consider as alternate sites for subsequent proposed facilities those sites recommended by the Secretary by January 1, 1984, and by January 1, 1987, pursuant to section 403(b) and approved by the President for site characterization pursuant to section 403(c), and

(3) the Commission shall rely on the environmental impact statement prepared by the Secretary pursuant to subsection 405(a) in issuing a final decision approving or disapproving the application to the extent possible, consistent with the independent responsibilities of the Commission as determined by the Commission, in order to miminimize unnecessary duplication.

SEC. 406. The Secretary, the Commission, and other appropriate Federal officials shall take such actions as they consider necessary, consistent with the protection of the public health, safety, and the environmental, to achieve operational status of a repository licensed under section 405(e) as soon thereafter as possible.

TEST AND EVALUATION FACILITY

SEC. 407. (a) Not later than January 1, 1983, the Secretary shall transmit to the Congress a proposal for at least one test and evaluation facility for the purpose of developing generically applicable packaging, handling, and emplacement technology for solidified high-level radioactive waste and spent fuel to further the demonstration of disposal of such waste and spent fuel. The proposal shall include site-specific designs, specification, and cost estimates adequate to solicit bids for the construction of an initial facility, and a schedule for the construction of a facility, consistent with the objective of achieving facility operation not later than January 1, 1988. The proposal shall also include a detailed plan, schedule, and termination date for the generically applicable research and development activities proposed to be conducted at the test and evaluation facility.

(b) The Secretary may select an existing research development site for the development of the test and evaluation facility. The Secretary shall not select any area of a site that the Secretary intends to recommend for characterization pursuant to section 403(b) that the Secretary determines would permit the physical integration of the test and evaluation facility and a proposed repository.

(c) The facility shall be designed to—

(1) accept a total of not more than three hundred packages of solidified high-level radioactive waste and spent fuel;

(2) permit continuous monitoring, management, and maintenance of the solidified high-level radioactive waste and spent fuel to be emplaced in the facility;

(3) accept waste and spent fuel packages incorporating multiple barrier design; and

(4) permit full retrievability of the waste and spent fuel to be emplaced in the facility.

(d) In formulating the proposal, the Secretary shall consult with the Commission and the Environmental Protection Agency, and shall transmit their comments on the final proposal to the Congress together with the proposal.

(e)(1) Preparation and transmittal of the proposal to the Congress is not a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 (83 Stat. 852), but an environmental assessment prepared pursuant to the Secretary's regulations implementing the National Environmental Policy Act of 1969 (83 Stat. 852) shall be prepared on the proposal to accompany such transmittal.

(2) When Congress authorizes construction of the facility, the requirements of the National Environmental Policy Act shall apply, except that any environmental impact statement in connection with such facility need not consider the need for such facility or any alternative to the design criteria set forth in subsection (b), as they may have been amended by such subsequent congressional authorization.

(f) Notwithstanding any other provision of law, the test and evaluation facility authorized under this section shall not be subject to a license by the Commission: *Provided, however,* That the Secretary shall obtain the concurrence of the Commission in the siting, design, construction, and operation of the facility.

(g) The Secretary shall provide for participation of an affected State and any affected Indian tribe under subsections 701 (b), (c), (d), and (e) of title VII in any test and evaluation facility authorized by the Congress under this section: *Provided,* That this subsection shall not apply to any existing research and development site unless it is authorized as a test and evaluation facility and expanded significantly with regard to its extent or the number of packages of solidified high-level radioactive waste and spent fuel.

NATIONAL SITE SURVEY PROGRAM

SEC. 408. (a) The Secretary and the United States Geological Survey shall conduct a national site survey program, to be completed not later than January 1, 1986, for the purpose of identifying sites that may be suitable for site characterization for a repository in addition to those recommended by the Secretary under section 403(b).

(b) The national site survey program established by subsection (a) shall include every State that may contain acceptable sites for a repository. No State shall have the authority to prohibit or restrict any activity that the Secretary and the Director of the United States Geological Survey deem necessary to carry out the purposes of this section.

(c) The Secretary shall use the results of the national site survey program established by subsection (a) in identifying and recommending sites for characterization for possible subsequent selection as repository sites under section 403(b).

SEC. 409. (a) The Secretary shall continue and accelerate a program of research, development, and investigation of alternative means and technologies for the permanent disposal of high-level radioactive waste from civilian nuclear activities and Federal research and development activities. Such program shall include examination of various waste disposal options.

(b) Notwithstanding any other provision of this Act or any other law, no license or other approval shall be given by any Federal department, agency, or other instrumentality, or the President of the United States, for the disposal of low-level nuclear waste, including contaminated materials in the oceans until the Environmental Protection Agency reports to the Congress on the adverse effects of such disposal on the marine environment as compared with the adverse effects of land disposal, and Congress authorizes such disposal; or unless the Environmental Protection Agency determines that the proposed disposal is only for purposes of research on the effects of low-level radiation on the marine environment.

SEC. 410. The Secretary consistent with the policy set forth in section 401, is authorized and directed to enter into contracts with persons owning and operating civilian nuclear powerplants, and with persons owning spent fuel or high-level radioactive waste generated be civilian nuclear activities prior to the date of enactment of this Act.

(1) The contracts entered into under subsection (a) shall provide that in return for the payment of the fees established by section 603 (a) and (c) of this Act, the Federal Government will reasonably undertake to perform the duties required of it under this Act and shall no later than December 31, 1996—

(A) take title to the spent fuel and high-level radioactive waste owned or generated by such person,

(B) transport the spent fuel or high-level radioactive waste to a federally owned and operated respository or monitored, retrievable storage facility, and

(C) store or dispose of the spent fuel or high-level radioactive waste.

(2) Any person with whom the Secretary has contracted under this section may bring an action in the United States Court of Claims for damages arising out of a failure to meet the contractural obligations specified in paragraph (1) unless the Government can show that its failure to meet such contractural obligations was directly caused

by considerations of safety and not caused by Government delay. The Court of Claims may not award damages under this paragraph to any person in excess of the total amount that person has paid in fees pursuant to section 603.

(c) The contracts entered into under subsection (a) shall also provide for the retention by the owner of spent fuel of a nontransferable right to the value of the remaining fuel resource less the costs of recovery, as determined at the time of recovery. The right ends when the Federal Government—

(1) takes actions resulting in the recovery of the remaining fuel resource and gives to the owner of the right an amount of money equal to the value of the recovered fuel less the costs of recovery; or

(2) disposes of such fuel in a repository.

SEC. 411. Not later than January 1, 1983, the Secretary shall prepare and submit to the Senate and the House of Representatives a detailed management plan for the actions required by this title. The plan shall identify the major program objectives, milestones, decisions and critical path items that are required to achieve the objectives set forth in this title. The President shall submit with such plan an evaluation of a plan to establish an independent establishment in the executive branch to manage repositories and temporary storage sites. Such plan shall include provisions specifying the composition of the managing body of such establishment and the responsibilities and powers of such body.

TITLE V—LONG-TERM STORAGE OF SOLIDIFIED HIGH-LEVEL RADIOACTIVE WASTE AND SPENT FUEL FROM CIVILIAN NUCLEAR ACTIVITIES

SEC. 501. It is the policy of the Federal Government that—

(1) the Federal Government has the responsibility to provide for long-term storage of solidified high-level radioactive waste and spent fuel, consistent with the policies of title III and title IV;

(2) the executive branch and the Congress should proceed as expeditiously as possible to consider fully a proposal for the construction of one or more monitored, retrievable storage facilities to provide such long-term storage; and

(3) the Federal Government has the responsibility to assure that such facilities are available with sufficient capacity when needed.

SEC. 502. Within one year after the date of enactment of this Act, the Secretary shall transmit to the Congress a proposal for the consideration of one or more monitored, retrievable storage facilities for spent fuel and solidified high-level radioactive waste. Such facilities shall be designed to—

(a) accommodate spent fuel without reprocessing, as well as solidified high-level radioactive waste, including solidified high-level radioactive waste from reprocessing of such spent fuel if such reprocessing is undertaken in the United States;

(b) permit continuous monitoring, management, and maintenance of the spent fuel and solidified high-level radioactive waste for the foreseeable future;

(c) provide for the ready retrieval of any spent fuel and solidified high-level radioactive waste for further processing or disposal by an alternative method; and

(d) safely contain such solidified high-level radioactive waste and spent fuel so long as may be necessary, by means of maintenance, including, but not limited to, replacement as necessary, of such facility.

SEC. 503. The proposal shall include—

(a) the establishment of a Federal program for the siting, development, construction, and operation of facilities capable of safely storing solidified high-level radioactive waste and spent fuel, which facilities are to be licensed by the Commission;

(b) site-specific designs, specifications, and cost estimates adequate to solicit bids for the construction of an initial facility which will support authorization to construct the first full-scale, operational facility capable of safely storing solidified high-level radioactive waste and spent fuel and achievement of operational status for the facility as soon thereafter as possible;

(c) a plan for integrating the facilities under this title with the interim spent fuel storage facilities authorized by title III and repositories authorized by title IV.

SEC. 504. In formulating the proposal, the Secretary shall consult with the Commission and the Environmental Protection Agency, and shall transmit their comments on the final proposal to the Congress together with the proposal.

SEC. 505. (a) Preparation and transmittal of the proposal to the Congress is not a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 (83 Stat. 852), but an environmental assessment prepared pursuant to the Secretary's regulations implementing the National Environmental Policy Act of 1969 (83 Stat. 852) shall be prepared on the proposal to accompany such transmittal based upon available information regarding alternative technologies for storage of spent fuel and solidified high-level radioactive waste storage.

(b) When Congress authorizes construction of the initial facility, the requirements of the National Environmental Policy Act shall apply, except that any environmental impact statement in connection with such facility shall not consider the need for the facility, alternate sites for the facility, or any alternative to the design criteria set forth in section 502 of this Act as may have been amended by such subsequent congressional authorization.

(c) Any facility authorized under this title shall be subject to a license under section 202(3) of the Energy Reorganization Act of 1974 (88 Stat. 1233), except that in its consideration of the application filed by the Secretary for the initial facility, the Commission may not consider the need for the facility, alternate sites for the facility, or any alternative to the design criteria set forth in section 502 of this Act but shall comply with the requirements of the licensing process as otherwise provided by law.

SEC. 506. (a) Beginning the first fiscal year after the date of the enactment of this Act, the Secretary shall make annual impact aid payments to appropriate units of local government in order to mitigate social or economic impacts occasioned by the construction and subsequent operation of any facility within the jurisdictional boundaries of such local governments and authorized under this title.

(b) Payments made available to units of local government under this section shall be—

(1) allocated in a fair and equitable manner with a priority to those units of local government suffering the most severe impacts; and

(2) utilized by units of local governments only for (A) planning, (B) construction and maintenance of public services, and (C) provision of public services related to the siting of a facility authorized under this title.

(c) Payments shall be subject to such terms and conditions as the Secretary determines necessary to ensure that the purposes of this section will be achieved. The Secretary shall issue such regulations as may be necessary to carry out the provisions of this section.

(d) Payments under this section shall be made available solely from the fund established under section 601 of this Act and shall be available only to the extent provided in advance in appropriations Acts.

(e) The Secretary may consult with appropriate units of local government in advance of commencement of construction of any facility authorized under this title in an effort to determine the level of the payments such government would be eligible to receive under this section.

(f) As used in this section, the term "unit of local government" means a county, parish, township, municipality, or borough, including a borough in the State of Alaska, existing on the date of the enactment of this subsection, or other unit of government below the State which is a unit of general government as determined by the Secretary.

TITLE VI—FINANCIAL ARRANGEMENTS

SEC. 601. (a) There is hereby established in the Treasury of the United States a separate account to provide for costs directly related to (1) the acquisition, lease or construction, and operation of Federal away-from-reactor interim storage facilities for spent fuel in accordance with title III of this Act; (2) the development, including site selection and characterization, construction and operation of repositories for the disposal of such spent fuel or solidified high-level radioactive waste in accordance with title IV of this Act; (3) the development, including site selection, construction and operation of one or more test and evaluation facilities in accordance with title IV of this Act; (4) the development, including site selection construction and operation of facilities for the long-term storage of spent fuel or solidified high-level radioactive waste in accordance with title V of this Act; (5) the related handling and transportation of such spent fuel or waste; (6) assistance under sections 506 and 701(c); and (7) research, development and investigation activities of the Secretary required to support the activities described in items (1) through (5). Amounts appropriated under section 307 or otherwise appropriated to the Secretary to carry out any of the purposes of titles III, IV, V, and VI of this Act, all charges under section 303, receipts derived from the sale of any reprocessed fuel, all fees collected under section 603, and the proceeds from any obligations issued pursuant to section 602 of this title shall be deposited into the account.

(b) To the extent funds are available and in such amounts as are provided in appropriations Acts, the Secretary may draw of such account to carry out the purposes on titles III, IV, V, and VI of this Act: *Provided,* That the Secretary shall not construct or acquire any facility authorized under this Act unless the specific expenditure of funds for the initiation of such construction or acquisition is explicitly approved in an appropriation Act.

SEC. 602. (a) To carry out the purposes of this Act the Secretary may borrow money from the Treasury of the United States in amounts provided in appropriation Acts.

The Secretary and the Secretary of the Treasury shall agree on terms, maturities, and conditions of the obligations, but the maturities may not be more than thirty years. The Secretary may redeem the obligations before maturity. The Secretary of the Treasury shall decide the interest rate of the obligations considering the average market of outstanding marketable obligations of the United States Government of comparable maturities during the month before the obligations are issued. The interest payments on such obligations may be deferred with the approval of the Secretary of the Treasury but any interest payment so deferred shall bear interest. Such obligations shall be issued in amounts and at prices approved by the Secretary of the Treasury. The Secretary of the Treasury shall purchase any obligations of the Secretary issued under this section and for this purpose the Secretary of the Treasury is authorized to use as a public debt transaction of the United States the proceeds from the sale of any securities issued under the Second Liberty Loan Bond Act. Securities may be issued under that Act to purchase obligations from the Secretary under this section.

(b) Appropriations made available pursuant to section 307 of this Act and any other appropriations made to the Secretary to carry out the purposes of titles III, IV, V, and VI of this Act shall be repaid into the general fund of the Treasury out of the account, together with interest until the date of repayment at a rate determined by the Secretary of the Treasury taking into consideration the average market on long-term obligations of the United States during the fiscal year in which appropriations are made. The Secretary shall repay such appropriation together with interest within thirty years from the time at which such appropriations become available for expenditure after the date of enactment of this Act, and no appropriations to the Secretary are authorized to carry out the purposes of titles III, IV, V, and VI of this Act unless the amounts appropriated are deposited into the account established in section 601(a).

(c) The Secretary shall invest in United States Treasury instruments any surplus funds accruing in the account established by section 601 herein and the interest paid on such Treasury instruments shall accure to the benefit of such account.

SEC. 603. (a) There is hereby imposed a mandatory fee in the amount of 1.0 mil per kilowatt-hour on electricity generated by civilian nuclear powerplants and sold on or after the date ninety days after the date of enactment of this Act. Such fee shall be for the purpose of paying the costs to be incurred by the Federal Government that are specified in section 601(a).

(b) The fee imposed by subsection (a) shall be collected by the person owning and operating each civilian nuclear powerplant and shall be paid to the Treasury of the United States and deposited in the separate account established by section 601. The person owning and operating a civilian nuclear powerplant who pays the fee to the Treasury of the United States pursuant to subsection (a) shall have no further financial obligation to the Federal Government for the long-term storage and permanent disposal of spent fuel, or the solidified high-level radioactive waste from spent fuel, which is removed from the nuclear reactor of such civilian nuclear powerplant after the date of enactment of this Act.

(c) Not later than ninety days after the date of enactment of this Act, the Secretary shall establish a one time fee per kilogram of heavy metal in spent fuel, or in solidified high-level radioactive waste, in an amount equivalent to an average charge of 1.0 mil per kilowatt-hour for electricity generated by such spent fuel, or such solidified high-level waste derived therefrom, to be collected from any person delivering to the Federal Government spent fuel, or solidified high-level radioactive waste derived from spent fuel, which was removed from a civilian nuclear powerplant prior to the enactment of this Act. Such fee shall be for the purpose of paying the costs to be incurred by the Federal Government for the long-term storage and permanent disposal of solidified high-level radioactive waste and spent fuel from civilian nuclear activities. Such fee shall be paid to the Treasury of the United States and shall be deposited in the separate account established by section 601. In paying such a fee, the person delivering spent fuel, or solidified high-level radioactive wastes derived therefrom, to the Federal Government shall have no further financial obligation to the Federal Government for the long-term storage and permanent disposal of such spent fuel, or the solidified high-level radioactive waste derived therefrom.

(d) Not later than one hundred and eighty days after the date of enactment of this Act, the Secretary shall establish procedures for the collection and payment of the fees established by subsection (a) and subsection (c). The Secretary shall annually review the amount of the fees established by subsections (a) and (c) above to evaluate whether collection of the fee will provide sufficient revenues to offset the costs as defined in subsection (a) herein. In the event the Secretary determines that either insufficient or excess revenues are being collected, in order to recover the costs incurred by the Federal Government that are specified in section 601(a), the Secretary shall propose an adjustment to insure full cost recovery. The Secretary shall immediately transmit this proposal for such an adjustment to Congress. The adjusted fee proposed by the Secretary shall be effective after a period of ninety days of continuous session have elapsed following the receipt of such transmittal unless during such ninety-day period either House of Congress adopts a resolution disapproving the Secretary's proposed adjustment in accordance with the procedures set forth for congressional review of an energy action under section 551 of the Energy Policy and Conservation Act.

(e) In computing the cost incurred by the Federal Government under the preceding subsection, the Secretary shall include as cost the interest paid by the Federal Government upon the unrecovered capital cost, based upon a fifty-year period of amortization and a rate of interest equal to the average rate paid by the Federal Government on Treasury instruments for the immediately preceding twelve-month period.

(f) Funds paid to the Treasury of the United States from the collection of the fees imposed by subsections (a) and (c) above and deposited in the separate account established by section 601 shall be available to pay the direct costs of constructing and operating any away-from-reactor facility pursuant to section 305 that would not otherwise be paid by the one-time payments collected pursuant to section 303 and deposited in the separate account established by section 601.

TITLE VII—STATE PARTICIPATION IN THE DEVELOPMENT OF REPOSITORIES AND MONITORED, RETRIEVABLE STORAGE FACILITIES FOR SOLIDIFIED HIGH-LEVEL RADIOACTIVE WASTE AND SPENT FUEL

SEC. 701. (a) The Secretary shall identify the States with one or more potentially acceptable sites for a repository or for a monitored, retrievable storage facility for solidified high-level radioactive waste or spent fuel within ninety days after the date of enactment of this Act. Within ninety days of such identification, the Secretary shall notify the Governor, the State legislature, and the Tribal Council of any affected Indian tribe in any affected State of the potentially acceptable sites within such State. For the purposes of this title, the term "potentially acceptable site" means any site at which, after geologic studies and field mapping but before detailed geologic data gathering, the Department undertakes preliminary drilling and geophysical testing for the definition of site location.

(b) Each affected State and affected Indian tribe notified under subsection (a) as having potentially acceptable sites shall have the right to participate in a process of consultation and concurrence, based on public health and safety and environmental concerns, in all stages of the planning, siting, development, construction, operation, and closure of a repository or a monitored retrievable storage facility that is required to be licensed by the Commission. Upon (1) the approval of a site for site characterization for such a repository, (2) the designation of a site for such a monitored retrievable storage facility, or (3) the written request of the State or Indian tribe in any affected State notified under subsection (a) to the Secretary, whichever, first occurs, the Secretary shall promptly enter into negotiations with each such State and Indian tribe to establish a cooperative agreement under which the State or Indian tribe may exercise such right. Public participation in the negotiation of such agreement shall be provided for and encouraged by the Secretary, the States and the Indian tribes. The Secretary, in cooperation with the States and Indian tribes, shall develop and publish minimum guidelines for public participation in such negotiations, but the adequacy of such guidelines or any failure to comply with these guidelines shall not be a basis for judicial review.

(c) The cooperative agreement shall include, but need not be limited to, the sharing in accordance with applicable law of all technical and licensing information, the utilization of available expertise, the facilitating of permitting procedures, joint project review, and the formulation of joint surveillance and monitoring arrangements to carry out applicable Federal and State laws. The cooperative agreement also shall include a detailed plan or schedule of milestones, decision points and opportunities for State or tribal review and objection. Such cooperative agreement shall provide procedures for negotiating and resolving objections of the State or Indian tribe in any stage of the planning, siting, development, construction, operation, or closure of such a facility within the State. In the case of a proposed repository, the cooperative agreement shall also provide for compensation to the State or Indian tribe for (1) the cost of State or Indian tribe participation in the development of the facility, including the acquisition of any necessary independent technical

and licensing information, and (2) impacts caused by the siting, development, construction, and operation of a repository. Further, the cooperative agreement in the case of a proposed repository shall provide a method for determining the appropriateness and amount of any royalty or assessment to the State or Indian tribe for the use of its property, location or other natural resource. Payments for any compensation, royalty or assessment to a State or Indian tribe pursuant to a cooperative agreement shall be made only to the extent provided in appropriations Acts and shall be made solely from the fund established under section 601. The terms of any cooperative agreement shall not affect the Nuclear Regulatory Commission's authority under existing law.

(d) For the purpose of this part of this title, "process of consultation and concurrence" means a methodology by which the Secretary (A) keeps the State or affected Indian tribe fully and currently informed about the aspects of the project related to any potential impact on the public health and safety, (B) solicits, receives, and evaluates concerns and objections of the State or affected Indian tribe with regard to such aspects of the project on an ongoing basis, and (C) works diligently and cooperatively to resolve, through arbitration or other appropriate mechanisms, such concerns and objections. The process of consultation and concurrence shall not include the grant of a right to any State or Indian tribe to exercise an absolute veto of any aspect of the planning, siting, development, construction, and operation of the project.

(e) The Secretary and the State or affected Indian tribe shall seek to conclude the agreement required by subsection (b) not later than one year after the date of notification under section (a). The Secretary shall report to the Congress annually thereafter on the status of the agreement approved under subsection (c). Any report to the Congress on the status of negotiations under subsection (b) of the agreement under subsection (c) by the Secretary shall be accompanied by comments solicited by the Secretary from the State or affected Indian tribe.

(f)(1) The Secretary shall notify the Governor, the State legislature, and the Tribal Council of any affected Indian tribe in an affected State at least ninety days prior to submitting an application to the Commission for authorization to construct a repository or monitored, retrievable storage facility of the Secretary's intention to file such application.

(2) If at any time after the Governor or an affected Indian tribe has received the notice required under paragraph (1), but no later than ninety days after receipt of such notice, the Governor or the Indian tribe notifies the Secretary in writing of objections to the proposed repository or monitored, retrievable storage facility, the Secretary shall promptly transmit such objections together with the Secretary's comments and recommendations to the Congress.

(3) If the Governor or the Indian tribe has filed objections in accordance with paragraph (2), the Secretary shall not submit such an application and shall suspend further site-specific activities on the proposed repository or monitored, retrievable storage facility if during the sixty-day period of continuous session following submittal to Congress of the objections, either House of Congress passes a resolution pursuant to section 703 stating in substance that the proposal for the repository or monitored, retrievable storage facility does not sufficiently address State or tribal concerns to permit the Secretary to apply to the Commission for an authorization to construct the facility.

SEC. 702. (a) For the purpose of this Act (1) continuity of session is broken only by an adjournment of Congress sine die; and (2) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of any period of time in which Congress is in continuous session.

(b) Sections 702 through 706 of this Act are enacted by Congress (1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by section 703 of this Act; and they supersede other rules only to the extent that they are inconsistent therewith; and (2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

SEC. 703. For the purposes of this Act "resolution" means only a resolution of either House of Congress, the matter after the resolving clause of which is as follows: "That the believes that the proposed development of a repository or monitored, retrivable storage facility at within the State of , which is the basis of objections transmitted to Congress by the Secretary of Energy on , 19 does not sufficiently address State or tribal concerns to permit the Secretary to apply to the Nuclear Regulatory Commission for an authorization to construct such repository or monitored, retrievable storage facility, the blank spaces therein being appropriately filled.

SEC. 704. (a) No later than the first day of session following the day on which objections by a State or Indian tribe are transmitted to the House of Representatives and the Senate under section 601(f), a resolution, as defined in section 703, shall be introduced (by request) in the House by the chairman of the committee to which the report is referred, or by a Member or Members of the House designated by such chairman; and shall be introduced (by request) in the Senate by the chairman of the committee to which the report is referred, or by a Member or Members of the Senate designated by such chairman.

(b) A resolution with respect to a proposed facility which is the basis of such objections shall be referred to the appropriate committees of the House and Senate (and all resolutions with respect to the same report shall be referred to the same committee) by the President of the Senate or the Speaker of the House of Representatives, as the case may be. The committee shall make its recommendations to the House of Representatives or the Senate, respectively, within forty-five calendar days of continuous session of Congress following the date of such resolution's introduction.

SEC. 705. If the committee to which is referred a resolution introduced pursuant to subsection (a) of section 704 (or, in the absense of such a resolution, the first resolution introduced with respect to the proposed facility which is the basis of such objections,) has not reported such resolution or identical resolution at the end of forty-five calendar days of continuous session of Congress after its introduction, such committee shall be deemed to be discharged from further consideration of such resolution and such resolution shall be placed on the appropriate calendar of the House involved.

SEC. 706. (a) When the committee has reported, or has been deemed to be discharged (under section 705) from further consideration of, a resolution described in section 705, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. The motion shall not be subject to amendment, or to a motion to postpone, or a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the resolution shall remain the unfinished business of the respective House until disposed of.

(b) Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than ten hours, which shall be divided equally between individuals favoring and individuals opposing the resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to shall not be in order.

(c) Immediately following the conclusion of the debate on the resolution with respect to the proposed facility which is the basis of such objections, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final approval of the resolution shall occur.

(d) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution with respect to the proposed facility which is the basis of such objections, shall be decided without debate.

SEC. 707. In considering any objections by a State or Indian tribe submitted to the Congress pursuant to this title, the Congress may obtain the views and comments on the Nuclear Regulatory Commission on such objections. The provision of views by the Commission shall not be construed as binding the Commission with respect to any licensing action pertaining to the facility which is the subject of such objections.

SEC. 708. (a) Notwithstanding any other provision of law, the provisions of this title shall constitute the exclusive authority for any official of the Federal Government to enter into any agreement with any affected State and any affected Indian tribe (1) for participation in a process of consultation and concurrence in the planning, siting, development, construction, and operation of a repository pursuant to title IV of this Act or a monitored, retrievable storage facility storage facility pursuant to title V of this Act or (2) for any other participatory right in the Secretary's decisions associated with the activities of planning, siting, development, construction and operation of a repository pursuant to title IV of this Act or a

monitored, retrievable storage facility pursuant to title V of this Act.

(b) The provisions of this title shall constitute the exclusive rights of participation by an affected State or Indian tribe in the planning, siting, development, construction, and operation of a repository or a monitored, retrievable storage facility that is required to be licensed by the Commission: *Provided, however,* That nothing in this Act shall preclude any recognized right of any State or Indian tribe under existing law with respect to such a repository or monitored, retrievable storage facility.

TITLE VIII—PERMANENT DISPOSAL OF HIGH-LEVEL RADIOACTIVE WASTE FROM ATOMIC ENERGY DEFENSE ACTIVITIES

SEC. 801. (a) The President, in preparing the report required by section 213 of Public Law 97-90, shall evaluate the use of disposal capacity at one or more of the repositories to be developed pursuant to title IV of this Act for the permanent disposal of high-level radioactive waste resulting from atomic energy defense activities. The evaluation shall take into consideration cost, efficiency, health and safety, regulatory, transportation, public acceptability and national security factors.

(b) Unless the President finds, after conducting the evaluation required by subsection (a), that the development of one or more repositories for high-level radioactive waste from atomic energy defense activities only is required, taking into account all of the factors described in subsection (a), the Secretary shall proceed promptly with arrangements for the use of one or more of the repositories to be developed pursuant to title IV for the permanent disposal of high-level radioactive waste from atomic energy defense activities. Such arrangements shall include the allocation of costs of developing, constructing and operating this repository or repositories between the Federal Government and the separate account established by section 601. The costs resulting from permanent disposal of high-level radioactive waste from atomic energy defense activities shall be paid by the Federal Government, and not from the special account established under section 601.

(c) If the President determines that national security needs require the development of a repository for the disposal of high-level radioactive waste from atomic energy defense activities only, the facility shall (1) comply with the guidelines to be developed pursuant to section 403(a) of this Act, (2) be subject to a license under section 202(4) of the Energy Reorganization Act of 1974 (88 Stat. 1233), and (3) comply with all requirements of the Commission for the siting, development, construction, and operation of a repository.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCLURE. Mr. President, I ask unanimous consent that the bill be printed as passed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I yield to the Senator from Wyoming.

Mr. SIMPSON. Mr. President, as we conclude the debate on this legislation in a very swift manner, I wish to particularly thank Senator BIDEN for his forebearance and patience. At any time he could have intruded in the progress of this legislation, but he chose to exercise restraint and patience. I think that is most appreciated by those of us involved in the floor management of the bill.

I wish to particularly pay thanks to Senator MCCLURE and Senator BENNETT JOHNSTON who, indeed, performed a remarkable service and were wholly effective in taking this legislation through three committees and compromising between Armed Services, Environment and Public Works, and Energy and Natural Resources.

In my 3 years here, and only 1 as chairman of the Subcommittee on Nuclear Regulation, this is certainly the closest we have ever come in the years of struggle to put together a fine piece of work. It is a pleasure to be a part of it.

I also appreciate the efforts of the ranking member of the subcommittee, Senator GARY HART, and the chairman of the full committee and the ranking member, Senators STAFFORD and RANDOLPH. I thank the Chair.

(Mr. McCLURE assumed the chair.)

Mr. STEVENS. Mr. President, I join the Senator from Wyoming in commending the managers of the bill, the current occupant of the chair, Senator MCCLURE, and Senator JOHNSTON.

I also commend those who were associated with the handling of the Falklands resolution. We realize that we had to deal with the issue, but we did not want to deal with it in a manner that left the wrong impression. It was through the good offices of my friend, the distinguished minority leader, that the matter was substantially revised so that it could be adopted almost unanimously by the Senate.

Mr. ROBERT C. BYRD. Will the Senator yield?

Mr. STEVENS. I do.

Mr. ROBERT C. BYRD. Mr. President, I thank the Senator for his kind remarks. I also wish to associate myself with the remarks he has made with respect to commending those Senators who have managed the Nuclear Waste Disposal Policy Act of 1981, and also with respect to the Senators who authored, cosponsored, and managed the Falkland Islands resolution.

THE CALENDAR

Mr. STEVENS. Mr. President, I now ask unanimous consent that the Chair lay before the Senate the following calendar items: Calendar No. 392, Calendar No. 485, Calendar No. 486, Calendar No. 487, Calendar Nos. 488 to 508, and Calendar No. 515.

I further ask unanimous consent that those calendar items be considered en bloc, that they be passed en bloc, and that it be in order to make a motion to reconsider the passage of those calendar items en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERNATIONAL CENTER ACT

The bill (S. 1611) to amend Public Law 90-553, to authorize the transfer, conveyance, lease, and improvement of, and construction on, certain property in the District of Columbia, for use as a headquarters site for an international organization, as sites for governments of foreign countries, and for other purposes, was considered.

Mr. PERCY. Mr. President, the idea of an International Center to furnish convenient, easily securable sites for the chanceries of foreign governments in the District of Columbia had its genesis in this Chamber in the late 1960's. The present International Center bill is a logical continuation of that process in amending Public Law 90-553. Small, poorer nations were and continue to find it difficult to locate suitable, affordable properties in the District for their chancery facilities. In an effort to resolve this problem the Congress, in 1968, awarded a portion of the former Bureau of Standards property on upper Connecticut Avenue to the Department of State for development of chancery sites and an international organization headquarters. The first stage of that development is presently in process. One country, Israel, has already constructed, and is occupying, their chancery in the Center. Two others, Kuwait and Bharain, are nearing the final stages of work before occupancy. Jordan is about to begin building. Other countries are forming a line for lots.

This bill proposes to amend Public Law 90-553 by expanding the Center and substituting one international organization for another. We propose to allow INTELSAT, the International Telecommunications Satellite Organization, to occupy an 8 acre portion along Connecticut Avenue. INTELSAT would take the place of the Organization of American States, originally allocated the land under Public Law 90-553, and which has since made other arrangements.

INTELSAT plans to construct an award winning, energy efficient headquarters site, and has spent in excess of $6 million on preliminary plans. First phase structures will cost INTELSAT $50,000,000 and further demonstrate the State Department's goal managing and developing a first-class project. INTELSAT is prepared to move ahead with construction, but has been prevented from doing so due to overdue congressional approval. Normal inflationary factors are costing over $50,000 a month for each month of delay. INTELSAT will make

its undergound parking, simultaneous translation, and other facilities available to other chanceries in the center, as well as international organizations, for their meetings.

The second portion of the bill expands the center by an additional 13 acres and provides more chancery sites that will bring the capability up to approximatey 23 building sites for small to medium sized countries.

The INTELSAT project has the approval of the National Capital Planning Commission and the District of Columbia government. It is an administration initiative with strong bypartisan support.

The bill was favorably reported out of the Foreign Relations Committee following hearings in October 1981, with virtually no serious opposition. The one question that did merit consideration concerned whether the acreage to be used by INTELSAT could be better utilized by small sized chanceries. In view of the rocky terrain of the Connecticut Avenue frontage, the committee determined that use of this land for small chanceries would not be feasible because of the high development costs to small countries.

The committee also felt that small-scale chanceries would not be in keeping with the high density development deemed necessary for the Connecticut Avenue corridor. In addition, there appeared to be no real possibility that the House or Senate Public Works Committees or GSA would permit low density small chanceries in an area demanding high density development. Even had the foregoing obstacles to locating small-scale chanceries on the Connecticut Avenue frontage been susceptible to being surmounted, it was the considered judgment of the committee that the benefits to be derived from locating INTELSAT there far outweighed any benefits to be derived from placing small chanceries in such a high density area.

Mr. President, this is a cost-effective undertaking if there ever was one. It will, in fact, cost the Government nothing. No Federal funds will be expended on this project. Advances of Federal money to pay for development costs will be recouped through lease payments. Any extra funds will go toward the upkeep of the project proper, including its central park, plus surveys for additional chancery locations in the District. This is a reasonable and responsible bill that should have been acted on some time ago, and deserves your support today.

Mr. MATHIAS. Mr. President, there are two issues connected with this bill about which I had originally considered amendments. I will not offer those amendments here today.

However, I do want to call my colleagues' attention to the fact that this International Center has been available for foreign missions to locate there since 1968.

The Secret Service and other security agencies have always maintained that they wish to promote the location of foreign government operations in proximity to one another for security and protective reasons. The International Center site, the only one of its kind in the District of Columbia, was specifically established to provide a foreign mission enclave similar to ones in several foreign nations.

The 34-acre site was specifically set aside for this purpose by Congress 14 years ago. And yet, here we are today with the Department having entered into leases with only eight governments, one of which is Libya, which we have expelled from the United States.

I raised the question Tuesday during consideration of the Foreign Missions Act and I raise it here again today. Where has the State Department been all these years while this ideal site was sitting vacant and numerous developing countries were coming into being, gaining U.S. recognition, and sending missions to Washington?

The Department has told us there is a severe problem in locating adequate and secure facilities for foreign missions in Washington, D.C. At the same time, there are fourteen 1-acre lots still available at the International Center. And this bill will add an additional 9 acres for chanceries, potentially making twenty-three 1-acre sites available.

I fail to see the foreign mission chancery site problem in the urgent light that the State Department portrays it. The International Center is available now. It was set aside by Congress with particular concern for missions of developing nations with limited resources unable to compete effectively in the high cost of Washington real estate market for adequate space. We are told by the Department that the majority of foreign missions seeking new or additional office space are those of newer, smaller nations. And surveys by the National Capital Planning Commission (NCPC) indicate less than 10 foreign governments relocate or obtain new chancery facilities in Washington each year.

So I would hope we can count on the Department of State to play a more active role in escorting those foreign governments through the American system of government at all levels and assuring that first priority is given to locating foreign missions at the International Center.

I intend to pursue this with the Department and I hope the Foreign Relations Committee will insist on an annual report from the Department on the status of negotiations for leases with foreign governments.

I have resisted the proposal that Intelsat be authorized to locate on 11.6 acres of the International Center site if, indeed, the issue of locating adequate chancery sites was such a problem.

However, after the Senate vote of support on Tuesday on the Foreign Missions Act, and particularly on my amendment to abandon the idea of a special Federal zoning commission for foreign mission chanceries, I believe we have put this issue of chancery sites in its proper perspective.

I trust Intelsat will be as accommodating as it can in making some of its excess office space available to foreign governments as well as its multilingual conference facilities and parking facilities.

Last, given the changing nature of our diplomatic relations with some foreign governments, it would seem advisable for the Department to give itself more flexibility in dealing with foreign governments by entering into leases of a shorter term than 99 years.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1611

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act approved October 8, 1968 (Public Law 90-553, 82 Stat. 958), is amended—

(1) in the first sentence by striking out "sell or lease" and inserting in lieu thereof: "develop in coordination with the Administrator of General Services for, or to sell, exchange, or lease";

(2) by striking out "Van Ness Street, Reno Road, and Tilden Street" and inserting in lieu thereof: "Yuma Street, 36th Street, Reno Road, and Tilden Street, except that portion of lot 802 in square 1964, the jurisdiction over which was transferred to the District of Columbia for use as an educational facility"; and

(3) by striking out "he" and inserting "the Secretary".

SEC. 2. Section 2 of such Act of October 8, 1968 (Public Law 90-553), is amended to read as follows:

"SEC. 2. Upon the request of any foreign government or international organization and with funds provided by such government or organization in advance, the Administrator of General Services is authorized to design, construct, and equip a headquarters building or legation building or related facilities on property conveyed pursuant to the first section of this Act.".

SEC. 3. Section 3 of such Act of October 8, 1968 (Public Law 90-553), is deleted, and sections 4 to 6 of such Act, inclusive, are renumbered as sections 3 to 5, including references thereto. The first sentence of renumbered section 3 is amended to read as follows: "The Act of June 20, 1938 (D.C. Code, secs. 5-413 to 5-428), shall not apply to buildings constructed on property transferred or conveyed pursuant to this Act including section 3 of this Act as in effect January 1, 1980.".

SEC. 4. Section 4 of such Act of October 8, 1968 (Public Law 90-553), as renumbered by this Act is amended by—

(1) inserting "demolition or removal of existing structures, site preparation, and the" immediately after "The";

(2) striking out "and" immediately before "(d)";

(3) inserting "(e) other utilities, and (f) related improvements necessary to accomplish the purposes of this Act," immediately after "the fire alarm system,"; and

(4) inserting "or contiguous to" after "within".

SEC. 5. Section 5 of such Act of October 8, 1968 (Public Law 90-553), as renumbered by this Act is amended by—

(1) inserting ", exchange," after "sale" in the first sentence, and by inserting ", exchanges," after "sales" in the second sentence thereof; and

(2) adding at the end thereof the following: "The Secretary may retain therefrom a reserve for maintenance and security of those public improvements authorized by this Act which have not been conveyed to a government or international organization under the first section of this Act, and for surveys and plans related to development of additional areas within the Nation's Capital for chancery and diplomatic purposes. Amounts in the reserve will be available only to the extent and in such amounts as provided in advance in appropriations Acts.".

SEC. 6. The Act of October 8, 1968 (Public Law 90-553), is further amended by adding at the end thereof the following new section:

SEC. 6. This Act may be cited as the 'international Center Act'.".

ESTABLISHMENT OF TECHNICAL INFORMATION CLEARINGHOUSE FUND

The bill (S. 2272) to enhance the transfer of technical information to industry, business, and the general public by amending the act of September 9, 1950 (15 U.S.C. 1151 et seq.) to establish a Technical Information Clearinghouse Fund, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2272

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Technical Information Clearinghouse Fund Act of 1982".

SEC. 2. The Act of September 9, 1950 (15 U.S.C. 1151 et seq.), is amended by adding the following new section immediately after section 7:

"TECHNICAL INFORMATION CLEARINGHOUSE FUND

"SEC. 8. (a) There is established in the Treasury of the United States the Technical Information Clearinghouse Fund (hereinafter in this section referred to as 'the Fund'). The Fund shall be available to the Secretary of Commerce, without fiscal year limitation, for use as a revolving fund to carry out the activities authorized in this Act and any other activities lawfully assigned by the Secretary to the clearinghouse established under section 2 of this Act.

"(b) There shall be deposited or included in the Fund—

"(1) all fees, advances, and reimbursements received from any source for products and services furnished, or to be furnished, by the clearinghouse;

"(2) all receipts from the sale, rental, or exchange of property used by the clearinghouse and all receipts in payment of any loss or damage to such property;

"(3) all receivables, inventories and other assets associated with such clearinghouse activities; and

"(4) any sums appropriated by law for the conduct of such clearinghouse activities.

"(c) The Fund shall be available to the Secretary for the payment of all costs of conducting such clearinghouse activities, including the payment of any financial obligations related to such activities which were undertaken by the Secretary before the establishment of the Fund or which are subsequently transferred to the Fund by law or in conjunction with any reorganization authorized by law.

"(d) The Secretary may refund from the Fund any fee paid by mistake or in excess of that required.

"(e) At the end of each fiscal year, the Secretary shall transfer to the general fund of the Treasury any amount in the Fund which exceeds present and reasonable future requirements of the Fund, as the Secretary shall determine.

"(f) As used in this Act, the term 'cost' or 'costs' shall be construed to include all directly related expenses and appropriate charges for indirect and administrative expenses, including: accrued leave; uncollectible accounts; cost of sales; developmental costs; depreciation; inventory obsolescence; and financial obligations related to such clearinghouse activities undertaken before the establishment of the Fund or subsequently transferred to the Fund by law or in conjunction with any reorganization authorized by law.".

SEC. 3. There is authorized to be appropriated to the Secretary of Commerce not to exceed $5,000,000 for working capital for the Technical Information Clearinghouse Fund established under section 2 of this Act.

SEC. 4. Section 3 of the Act of September 9, 1950 (15 U.S.C. 1153), is amended by adding at the end of the first undesignated paragraph the following: "Such schedule or schedules of fees or charges, to the fullest extent feasible, shall reflect the costs of the products and services offered.".

SEC. 5. This Act shall be effective on October 1 of the first fiscal year which begins after the date of its enactment.

EXTENSION OF AUTHORIZATION UNDER THE EARTHQUAKE HAZARDS REDUCTION ACT OF 1977

The bill (S. 2273) to amend section 7 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706) to extend authorizations for appropriations, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2273

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (3) of section 7(a) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706(a)(3)) is amended by inserting the following immediately before the period at the end thereof: "; and for the fiscal year ending September 30, 1983, $3,100,000 to carry out the purposes of this Act".

SEC. 2. Section 7(b) of such Act (42 U.S.C. 7706(b)) is amended by striking "and" after "1981;", and by inserting "; and $30,843,000 for the fiscal year ending September 30, 1983" immediately before the period at the end thereof.

SEC. 3. Section 7(c) of such Act (42 U.S.C. 7706(c)) is amended by striking "and" after "1981;", and by inserting "; and $25,000,000 for the fiscal year ending September 30, 1983" immediately before the period at the end thereof.

SEC. 4. Section 7(d) of such Act (42 U.S.C. 7706(d)) is amended by striking "and" after "1981;", and by inserting "; and $475,000 for the fiscal year ending September 30, 1983" immediately before the period at the end thereof.

NATIONAL BUREAU OF STANDARDS AUTHORIZATION ACT FOR FISCAL YEAR 1983

The bill (S. 2271) to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards for fiscal year 1983, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2271

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Bureau of Standards Authorization Act for Fiscal Year 1983".

AUTHORIZATION FOR PROGRAM ACTIVITIES

SEC. 2. There are authorized to be appropriated to the Secretary of Commerce to carry out activities performed by the Natioal Bureau of Standards the amounts set forth in the following line items:

(1) Measurement Research and Standards, $49,980,000 for fiscal year 1983;

(2) Engineering Measurements and Standards, $32,872,000 for fiscal year 1983;

(3) Computer Science and Technology, $7,131,000 for fiscal year 1983; and

(4) Center Technical Support, $21,510,000 for fiscal year 1983.

NATIONAL TECHNICAL INFORMATION SERVICE

SEC. 3. In addition to the amounts authorized to be appropriated by section 2 of this Act, there are authorized to be appropriated to the Secretary of Commerce $1,980,000 for fiscal year 1983, to carry out activities performed by the National Technical Information Service.

SALARY ADJUSTMENTS

SEC. 4. In addition to the amounts authorized to be appropriated by sections 2 and 3 of this Act, there are authorized to be appropriated for fiscal year 1983 such additional amounts as may be necessary to make any adjustments in salary, pay, retirement, and other employee benefits which may be provided for by law. If the full amount necessary to make such adjustments is not appropriated, the adjustments shall be made proportionately from section 3 and from the line items in section 2 in a manner reflecting the extent to which the amount of section 3 and of each line item in section 2 is attributable to employee benefits of the type involved.

AVAILABILITY OF APPROPRIATIONS

SEC. 5. Appropriations made under the authority provided in this Act shall remain available for obligation, for expenditure, or for obligation and expenditure for periods

specified in the Acts making such appropriations.

RELIEF OF MARLON DOLON OPELT

The bill (S. 189) for the relief of Marlon Dolon Opelt was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 189

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Marlon Dolon Opelt may be classified as a child within the meaning of section 101(b)(1)(F) of such Act upon approval of a petition filed on his behalf by Mr. and Mrs. Floyd D. Opelt, citizens of the United States, pursuant to section 204 of such Act. The parents, brothers, and sisters of the said Marlon Dolon Opelt shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

RELIEF OF LYDIA DELOS SANTOS COLCOL

The bill (S. 222) for the relief of Lydia Delos Santos Colcol, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 222

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Lydia Delos Santos Colcol shall be classified as a child within the meaning of section 101(b)(1)(E) of such Act, upon approval of a petition filed on her behalf by Mr. and Mrs. Juan Acoba Colcol, citizens of the United States, pursuant to section 204 of such Act. No natural parent, brother, or sister, if any, of Lydia Delos Santos Colcol shall, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

RELIEF OF ISOO KOJIMA

The bill (S. 224) for the relief of Isoo Kojima was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 224

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Isoo Kojima shall be classified as a child within the meaning of section 101(b)(1)(E) of such Act, upon approval of a petition filed on his behalf by Mr. and Mrs. Francis Shinji Morimoto, citizens of the United States, pursuant to section 204 of such Act. No natural parent, brother, or sister, if any, of Isoo Kojima shall, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

RELIEF OF BRAUN GREEN

The bill (S. 1048) for the relief of Braun Green was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1048

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of paragraphs (1), (4), (7), and (15) of section 212(a), of the Immigration and Nationality Act, Braun Green, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by the proper number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas which are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas which are made available to natives of the country of the alien's birth under section 202 of such Act.

SEC. 2. For the purposes of chapter 2 of title III of the Immigration and Nationality Act, Braun Green shall be held and considered to satisfy the requirements of section 312 of such Act.

RELIEF OF JOSE RAMON BELTRON AIVENDA OSTLER

The bill (S. 1364) for the relief of Jose Ramon Beltron Aivenda Ostler, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1364

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of the Immigration and Nationality Act, Jose Ramon Beltron Aivenda Ostler of Orem, Utah, shall be classified as a child within the meaning of section 101(b)(1)(E) of such Act upon approval of a petition filed in his behalf by Mr. and Mrs. M. Ray Ostler of Orem, Utah, citizens of the United States, pursuant to section 204 of such Act. No natural parent, brother, or sister, if any, of Jose Ramon Belton Aivenda Ostler shall, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

RELIEF OF PANDELIS PERDIKIS

The bill (S. 1494) for the relief of Pandelis Perdikis was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1494

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of paragraphs (2), (3), and (4) of section 212(a) of the Immigration and Nationality Act, for purposes of such Act, Pandelis Perdikis shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the same date of the enactment of this Act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by the proper number, during the current fiscal year next following, the total number of immigrant visas which are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act, or, if applicable, the total number of immigrant visas which are made available to natives of the country of the alien's birth under section 202 of such Act.

RELIEF OF EZEKIEL TRAIL CLEMONS

The bill (S. 1781) for the relief of Ezekiel Trail Clemons, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1781

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Ezekiel Trail Clemons shall be classified as a child within the meaning of section 101(b)(1)(F) of such Act, upon approval of a petition filed on his behalf by the Reverend and Mrs. Jonathan Elijah Clemons, citizens of the United States, pursuant to section 204 of such Act. No natural parent, brother, or sister, if any, of Ezekiel Trail Clemons shall, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

RELIEF OF THERESA MACAM ALCALEN

The bill (H.R. 1624) for the relief of Theresa Macam Alcalen, was considered, ordered to a third reading, read the third time, and passed.

RELIEF OF JACOBO COSIO-FRANCO

The bill (H.R. 1796) for the relief of Jacobo Cosio-Franco, was considered, ordered to a third reading, read the third time, and passed.

RELIEF OF MARIA GLORIA (JOY) C. VILLA

The bill (H.R. 1977) for the relief of Maria Gloria (Joy) C. Villa, was considered, ordered to a third reading, read the third time, and passed.

RELIEF OF MRS. HARUKO KUBOTA SMITH

The bill (H.R. 3478) for the relief of Mrs. Haruko Kubota Smith, was considered, ordered to a third reading, read the third time, and passed.

RELIEF OF JAMES G. REESE

The Senate proceeded to consider the bill (S. 198) for the relief of James

G. Reese, which has been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause, and insert the following:

That, in the administration of the Immigration and Nationality Act, James G. Reese may be classified as a child within the meaning of section 101(b)(1)(E) of the Act, upon approval of a petition filed in his behalf by Mervin J. Reese, Jr., a citizen of the United States, pursuant to section 204 of the Act: *Provided*, That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

RELIEF OF BENJAMIN BANE

The Senate proceeded to consider the bill (S. 521) for the relief of Benjamin Bane which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause, and insert the following:

That Benjamin Bane, late of Santa Monica, California, shall be held and considered to have been a citizen of the United States at the time of his death.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

RELIEF OF PROFESSOR RAMARAO INGUVA

The Senate proceeded to consider the bill (S. 1569) for the relief of Professor Ramarao Inguva which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause, and insert the following:

That, for the purposes of the Immigration and Nationality Act, Professor Ramarao Inguva, his wife Bhagya Lakshmi Inguva, and their son Srinivas Inguva shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by the required numbers, during the current fiscal year of the fiscal year next following, the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, from the total number of such visas and entries which are made available to such natives under section 202(e) of such Act.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time, and passed.

The title was amended so as to read:

A bill for the relief of Professor Ramarao Inguva, his wife Bhagya Lakshmi Inguva, and their son Srinivas Inguva.

FOR THE RELIEF OF FLORENCE LOUISE BARRY

The Senate proceeded to consider the bill (S. 1331) for the relief of Florence Louise Barry which had been reported from the Committee on the Judiciary with an amendment:

On page 1, line 4, strike "Florence Louis Barry", and insert "Florence Louise Barry";

So as to make the bill read:

S. 1331

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Florence Louise Barry, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by the proper number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas which are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas which are made available to natives of the country of the alien's birth under section 202 of such Act.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read:

A bill for the relief of Florence Louise Barry.

FOR THE RELIEF OF THE QUIJANO FAMILY

The Senate proceeded to consider the bill (S. 79) for the relief of Joseph Y. Quijano, his wife Marichu Larrazabal Quijano and his son, Franz Joseph Quijano and daughter, Maria Estrella Quijano which had been reported from the Committee on the Judiciary with amendments:

On page 2, line 1, strike "daughter, Maria Estrella Quijano,", and insert the following "daughters Marie Estrella Quijano and Milche Marenjone Quijano,";

On page 2, line 12, strike "paragraphs (1) through (8) of";

So as to make the bill read:

S. 79

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of section 203(a) of the Immigration and Nationality Act, Joseph Y. Quijano, his wife Marichu Larrazabal Quijano, and his son Franz Joseph Quijano and daughters Marie Estrella Quijano and Milche Marenjone Quijano, shall be granted visas and admitted to the United States for permanent residence, if otherwise qualified, upon filing applications for visas and payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by the required numbers, during the current fiscal year or the fiscal year next following, the total number of immigrant visas and conditional entries which are made available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read:

A bill for the relief of Joseph Y. Quijano, his wife Marichu Larrazabal Quijano, and his son Franz Joseph Quijano and daughters Marie Estrella Quijano and Milche Marenjone Quijano.

FOR THE RELIEF OF DANTE AND RHODORA LOO

The Senate proceeded to consider the bill (S. 275) for the relief of Dante Soriano Loo and Rhodora Guerrero Loo, his wife which had been reported from the Committee on the Judiciary with amendments:

On page 1, line 3, strike the following: "That, notwithstanding the provisions of paragraphs (14) and (32) of section 212(a) and section 212(c) of the Immigration and Nationality Act, for purposes of such Act, Dante Soriano Loo and his wife, Rhodora Guerrero Loo, shall be held and".

And insert: "That, for the purposes of the Immigration and Nationality Act, Dante Soriano Loo and Rhodora Guerrero Loo, his wife, shall be held and; ".

On page 2, line 12, strike "paragraphs (1) and (8) of ";

So as to make the bill read:

S. 275

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Dante Soriano Loo and Rhodora Guerrero Loo, his wife, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by the proper number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas and conditional entries which are made available to natives of the country of the aliens' birth under section 203(a) of such Act, or, if applicable, the total number of immigrant visas and conditional entries which are made available to

natives of the country of the aliens' birth under section 202 of the Act.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

FOR THE RELIEF OF LUIS MONZON

The Senate proceeded to consider the bill (S. 1092), for the relief of Luis Monzon which had been reported from the Committee on the Judiciary with amendments:

On page 1, line 5, strike "101(b)(1)(E)", and insert "101(b)(1)(F)";

On page 2, after line 4, strike the following:

SEC. 2. Pursuant to section 316 of the Immigration and Nationality Act, for purposes of petitioning for naturalization within the meaning of such Act, Luis Monzon shall be held and considered to have resided in the United States continuously for five years following his lawful admission for permanent residency.

So as to make the bill read:

S.1092

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Luis Monzon shall be classified as a child within the meaning of section 101(b)(1)(F) of such Act, upon approval of a petition filed on his behalf by Edward H. Halton, Junior, a citizen of the United States, pursuant to section 204 of such Act. No natural parent, brother, or sister, if any, of Luis Monzon shall, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

RELIEF OF JOSE AND MAURA GARCIA-NUNEZ

The Senate proceeded to consider the bill (S. 1330) for the relief of Jose Garcia-Nunez and Maura Garcia-Nunez, his wife, which had been reported from the Committee on the Judiciary with amendments, as follows:

On page 1, line 4, strike "Maura Garcia-Nunez", and insert "Maura Nunez de Garcia;

On page 2, line 2, strike "visa fee.", and insert "visa fees."; and

On page 2, line 9, strike "paragraphs (1) through (8) of".

So as to make the bill read:

S1330

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Jose Garcia-Nunez and Maura Nunez de Garcia, his wife, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by the required number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas and conditional entries which are made available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read:

A bill for the relief of Jose Garcia-Nunez and Maura Nunez de Garcia, his wife.

RELIEF OF STEPHEN HASSAN ABDUL

The Senate proceeded to consider the bill (S. 1523) for the relief of Stephen Hassan Abdul, which had been reported from the Committee on the Judiciary with amendments, as follows:

On page 1, line 3, strike "That", through and including "212(a)" on line 4, and insert the following:

"That, notwithstanding the provisions of sections 212(a)(19) and (20)"

On page 2, line 11, strike "Act.", and insert the following:

Act: *Provided,* That these exemptions shall apply only to grounds for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

So as to make the bill read:

S. 1523

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of section 212(a)(19) and (20) of the Immigration and Nationality Act, Stephen Hassan Abdul shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by one number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas which are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas which are made available to natives of the country of the alien's birth under section 202 of such Act: *Provided,* That these exemptions shall apply only to grounds for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RELIEF OF ANDRE BARTHOLO EUBANKS

The Senate proceeded to consider the bill (H.R. 1681) for the relief of Andre Bartholo Eubanks, which had been reported from the Committee on the Judiciary with amendments, as follows:

On page 1, line 5, strike "101(b)(1)(F)", and insert "101(b)(1)(E)"; and

On page 1, beginning on line 8, strike ", pursuant to section 204 of the Act".

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

CENTENNIAL OF ESTABLISHMENT OF RELATIONS BETWEEN THE UNITED STATES AND KOREA

The concurrent resolution (S. Con. Res. 84) expressing the sense of the Congress on the occasion of the centennial of the establishment of diplomatic relations between the United States and Korea, was considered.

Mr. HAYAKAWA. Mr. President, I urge immediate passage of Senate Concurrent Resolution 84, a resolution commemorating the centennial of the establishment of diplomatic relations between the United States and Korea. This resolution was introduced by Senator GLENN and myself and is cosponsored by Senator PERCY.

One hundred years ago on May 22, 1882, the United States and Korea signed the Treaty of Peace, Amity, Commerce and Navigation. This treaty was the beginning of diplomatic relations between Korea and the United States. It also spurred cultural and commercial relations between our two peoples. Our security bond was evidenced when American and Korean servicemen fought side by side defending Korea and later in Vietnam, and we continue to cooperate in the security of the area.

Mr. President, the Korean National Assembly has passed a similar resolution reaffirming the bonds of friendship between our two nations and expressing their appreciation for the support they have received from the American people. I hope that the expression of the U.S. Congress which communicates our wishes to the people of Korea for a peaceful and prosperous future will help foster our strong and ever-growing friendship.

Mr. President, I ask unanimous consent that the resolution passed by the Korean National Assembly be inserted in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION

On the occasion marking the centennial of diplomatic relations between the United States of America and Korea, the National Assembly of the Republic of Korea,

Reaffirming the bonds of friendship that traditionally have existed based on common respect for freedom, justice and peace between the United States of America and the Republic of Korea;

Sincerely appreciating the historical contributions made by the people and the government of the United States of America by playing an important role in the restoration of the national sovereignty of the Korean people from alien encroachment at the end of World War II and later in the establishment of the government of the Republic of Korea on August 15, 1948;

Forever remembering the tens of thousands of American officers and men who gave their lives in the defense of freedom and independence of the Republic of Korea, and indeed for world peace, and *also bearing in mind* that the political and military decisions taken by the people and the government of the United States of America to resist armed threats from north Korea and to bring about peace and stability on the Korean peninsula have been widely acclaimed throughout Korea and indeed by the entire international community;

1. *Expresses* our profound appreciation for the positive support and cooperation extended by the people and the government of the United States of America in the restoration of the national sovereignty and the subsequent establishment of the government of the Republic of Korea;

2. *Pays* the highest tribute to the members of the armed forces of the United States of America who gave their lives in the defense of freedom and peace by resolutely resisting Communist invaders during the 1950–53 Korean War, and *offers* to their bereaved families our condolences and prayers that God may sustain them;

3. *Desires* the continuous support and cooperation of the people and the government of the United States of America in our efforts to bring about peace, stability, freedom, development and the early realization of the peaceful unification of the Korean peninsula;

4. *Pledges* to work for further enhancement of friendly and cooperative relations between the governments and peoples of the United States and Korea in political, economic, cultural, security and all other areas on the basis of reciprocity;

5. *Resolves* on the occasion marking the centennial of diplomatic relations between the United States of America and Korea to present the *Plaque of Friendship* to the Congress of the United States of America in the name of the Korean people, extolling the bonds of warm friendship that exist between the peoples of the two countries.

The concurrent resolution was agreed to. The preamble was agreed to.

The concurrent resolution, and the preamble, are as follows:

S. CON. RES. 84

Whereas May 22, 1982, marks the one-hundredth anniversary of the signing of a Treaty of Peace, Amity, Commerce, and Navigation between the United States of America and Korea;

Whereas this treaty provided for the formal opening of diplomatic relations between the two countries;

Whereas the American and Korean people have during the past century strengthened the cultural, commercial, and security bonds that unite them;

Whereas Americans sacrificed their lives in assisting the Korean people to defend their freedom against aggression and Koreans fought side by side with Americans in Vietnam; and

Whereas dedication to the principles of freedom and democracy is the basis of the continued strength and friendship of the United States and Korea; Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress hereby—

(1) considers the one-hundredth anniversary of the establishment of diplomatic relations between the United States and Korea as an occasion of special historic significance; and

(2) communicates to the National Assembly of the Republic of Korea and to the people of Korea the wishes of the United States Congress and the American people for a peaceful and prosperous future.

Mr. STEVENS. I move to reconsider en bloc the votes by which the foregoing measures were agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to lay the motion to reconsider en bloc on the table.

The motion to lay on the table was agreed to.

AUTHORIZATION FOR DEPOSITION TESTIMONY BY SENATOR WILLIAM PROXMIRE AND REPRESENTATION BY THE SENATE LEGAL COUNSEL

Mr. STEVENS. Mr. President, I send to the desk on behalf of the distinguished minority leader, myself, and the distinguished majority leader a resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 383) to authorize deposition testimony by Senator William Proxmire and representation by the Senate legal counsel.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

The Senate proceeded to consider the resolution.

Mr. STEVENS. Mr. President, on behalf of the majority leader. I wish to state that Senator PROXMIRE has been served with a subpena by counsel for the plaintiff to testify at a deposition in the case of *Charles G. Rebozo* v. *The Washington Post Company,* Civil Action No. 73-1728, pending in the U.S. District Court for the Southern District of Florida. The subpena requests testimony concerning Senator PROXMIRE's activities in his official capacity as a Member of the Senate and of the Committee on Banking, Housing, and Urban Affairs.

The resolution would authorize Senator PROXMIRE to testify regarding correspondence he initiated in 1973 as a member of that committee. The resolution would also authorize the Senate legal counsel to represent Senator PROXMIRE in that deposition and to raise the privileges of the Senate and its Members on his behalf. The resolution would not authorize the production of any documents.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 383) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 383

Whereas the case of Charles G. Rebozo v. The Washington Post Company, Civil Action No. 73-1728, is pending in the United States District Court for the Southern District of Florida;

Whereas, counsel for the plaintiff has served a subpoena for the taking of testimony at a deposition upon Senator William Proxmire, concerning correspondence he initiated in 1973 in his official capacity as a United States Senator and as a member of the Committee on Banking, Housing, and Urban Affairs of the United States Senate;

Whereas, Title VII of the Ethics in Government Act of 1978, Public Law 95-521 ("the Act"), establishes the Office of Senate Legal Counsel and provides that the Senate may direct its Counsel to represent the Senate, its committees, Members, officers, or employees;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that testimony of a Member of the Senate is needful for use in any court for the promotion of justice, the Senate will take such action thereon as will promote the ends of justice consistently with the privileges and rights of the Senate: Now, therefore, be it

Resolved, That pursuant to section 704(a)(2) of the Act, the Senate Legal Counsel is directed to represent Senator William Proxmire in connection with his testimony in the case of Charles G. Rebozo v. The Washington Post Company, Civil Action No. 73-1728; and

SEC. 2. That Senator William Proxmire is authorized to testify at a deposition in the case of Charles G. Rebozo v. The Washington Post Company, Civil Action No. 73-1728, concerning correspondence he initiated regarding Mr. Rebozo in 1973, except concerning matters that he and the Senate Legal Counsel or his representative determine are privileged from disclosure.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

Mr. STEVENS. Mr. President, it is my understanding that the distin-

guished Senator from Virginia is going to present some comments concerning the Falkland Islands resolution, and there may be other Senators who will return to the floor to make comments.

The unanimous-consent agreement stated that no further business would be transacted.

We already have an agreement that the Senate will stand in recess until noon on Monday next.

I ask that the Senator from Virginia make the motion to recess until noon at the time he ascertains there are no more Senators who wish to make statements on the Falkland Islands resolution.

(The remarks of Mr. WARNER at this point are printed earlier in the RECORD, by unanimous consent.)

THE BALANCED BUDGET AMENDMENT IS NECESSARY TO RESTORE SOUND FISCAL POLICIES

Mr. SASSER. Mr. President, I rise today to announce my cosponsorship of Senate Joint Resolution 58, which provides for a balanced budget amendment to the U.S. Constitution.

I am cosponsoring this amendment because of the grave economic circumstances we are in today.

Today we have an administration in power that promised a balanced budget by 1984.

Now what do we find?

We find that if the Reagan budget is left on automatic pilot and there are no adjustments made to the 1981 economic recovery plan, budget deficits for 1982 through 1985 will increase by perhaps as much as $750 billion.

In effect, the national debt could increase by some 75 percent in the space of 4 short years.

Mr. President it took us a little more than 200 years to accumulate a national debt of more than $1 trillion dollars. But the Reagan administration economic recovery plan, if left unchanged, proceeds on course, we could have a $2 trillion national debt in just 5 or 6 years.

And what is the economic legacy of this budget policy?

We have economic stagnation and declining confidence in the economy.

We had 17,000 recorded business failures last year. And we may have more than 25,000 business failures this year without a fundamental change in budget policy.

The real gross national product has declined by $33 billion since the Reagan administration took office.

Less than 72 percent of our plant capacity is now being utilized.

Housing starts are below 1 million units a year, and we may produce only 5 million automobiles when we used to produce 9 million autos a year.

And real interest rates—the difference between the prime rate and the rate of inflation—often reaches 8 to 10 percent. Indeed, the average annual prime rate was 18.9 percent in 1981, well over the 12.7 percent prime rate of 1979.

And with these high real interest rates we find our banking system strained to the limit. Our Nation's savings and loans institutions, for example, suffered a loss of $5 billion in 1981 because of the current recession and high interest rates.

Mr. President, we have a budget process that has now broken down under the strain of the administration's misguided fiscal policies.

And all we see in the years ahead are larger and larger budget deficits and higher and higher interest rates.

We have a fiscal policy that the administration has built on rising deficits, and we have a monetary policy that the administration has built on higher and higher interest rates.

These economic policies are choking the economy.

In short, the budget process can no longer be politics as usual.

The way we approach budgetary policy has to change, and because of the economic policies of this administration it has to change in a fundamental fashion.

That is the basic reason why I am cosponsoring Senate Joint Resolution 58 today.

We have just gone through several weeks of intensive budgetary negotiations in order to get back on a path of fiscal commonsense.

These negotiations are now history, and the administration has yet to come forward with a budget policy that does not rack up intolerable budget deficits during a period of economic recovery.

Thus, we are led to the need for a balanced budget amendment to the Constitution.

Now I do not make this decision lightly. The Constitution is the fundamental law of the land. It transcends daily events and the day-to-day business of politics.

The Constitution should only be amended under extraordinary circumstances, that is why the Constitution has been amended so few times over the years.

But these are extraordinary times. We are facing an extraordinary peril to our economy because of the administration's current economic policies. Consequently, I feel that it is imperative that Senate Joint Resolution 58 be adopted so that the American people will have the basic protection of a government that fully embraces a balanced budget policy unless an economic emergency or a threat to our national security dictates otherwise.

LIES AND STATISTICS

Mr. SYMMS. Mr. President, in a beautiful essay in the last issue of Policy Review, economist Thomas Sowell explores the creative use of statistics as a way of proving whatever one wants to prove. In the field of rhetorical economics, one can choose starting points for comparisons so as to show growth curves climbing or declining almost at will. In his article in the Atlantic Monthly, columnist William Greider used this technique to tar Budget Director David Stockman, and all Republicans, with the "trickle down" brush. Using this rhetorical device, which has less than nothing to do with economic reality, Greider almost single-handedly sowed enough confusion that the White House and Capitol Hill have not yet been able to get together this year.

The unfortunate thing about this battle of symbols is that the Republicans, by and large, have not learned how to play it. The fact is, when you look at the figures for that much-maligned period when trickle down held sway, it looks pretty good, compared to the years of the Great Society, when the catchword, coined by the program's authors, this time, was "the war on poverty."

Charles Murray of the American Institutes for Research has taken such a close look, and reached some conclusions that to against the grain of most popular thought. His findings are illuminating, and should be heartening to Republicans. He finds that "increases in GNP produce reductions in poverty, under very different political and social conditions." On the other hand, "increases in social welfare expenditures are not associated with this effect." In other words, he contends there should be no "apologies for trickle-down economics. It works."

Mr. Murray's complete findings will be published later by Heritage Foundation, but in anticipation, he has provided a capsule summary of them in an article published last month in the Wall Street Journal. I ask unanimous consent that it be printed at this point in the RECORD for all my colleagues, but especially for my fellow Republicans.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE POVERTY WAR: GREAT SOCIETY VERSUS TRICKLE-DOWN

(By Charles A. Murray)

Of David Stockman's many indiscretions in the Atlantic Monthly interview, none was more damning than his acknowledgment that the Reagan economic package was a warmed-over version of trickle-down economics. It seems nobody wants to be associated with that old tag, not even conservatives. To say flat out that one favors fighting poverty by creating wealth at the top and letting it trickle down is not acceptable. The consensus is that trickle-down economics does not work.

The evidence of the consensus draws on a widely shared view of history. That view has it that the U.S. entered the 1960s with a

large population of poor people who had been bypassed by the prosperity of the Eisenhower years. The rich and the middle class had gained; the poor had not. Then, after fits and starts during the Kennedy years, came the explosion of anti-poverty programs under Johnson. The programs were perhaps too ambitious, concede those making this argument, and perhaps the efforts were too helter-skelter, but at least they put a big dent in the poverty problem, as borne out by the large reduction in poverty that occurred during LBJ's administration and thereafter.

Liberals use this achievement as LBJ's redemption for Vietnam. Conservatives argue that the progress created more problems than it solved. But a remarkably broad spectrum of people accept that, worth it or not, LBJ's approach got results that trickle-down economics had not.

The agreement is all the more remarkable in view of the fact that the clearest, most persuasive explanation of what happened to poverty during the last three decades is: The trickle-down theory works—and the Great Society's main claim to success is mostly artifact. The evidence is a matter of historical record, which apologists for the Great Society continue to ignore.

It is widely believed, for example, that poverty decreased during the War on Poverty and had not been decreasing as rapidly before the War on Poverty. Poverty did fall during the five Johnson years—from 18% of the population in 1964 to 12.8% in 1968 (throughout, I use the officially defined "poverty line" as the measure, and official government statistics as the data). Yet this was scarcely a breathtaking achievement. During the preceding five years (1959-63), the percentage had dropped from 22.4 to 19.5. In 1954-58, it had dropped from 27.9 to 23.1 And from 1949-53, it had dropped from 32.7 to 26.2. In short, the size of the officially defined impoverished population in the U.S. dropped by 19.9 percentage points in 20 years—one percentage point per year—of which the five Johnson years accounted for almost precisely their five-point share.

Then things got worse. After two decades of reasonably steady progress, the percentages froze during the 1970s. There are problems, of course, which such a broad statement—the poverty statistics do not reflect the massive increases of in-kind assistance, such as food stamps and public housing. But in terms of cash income, there were more American poor in 1980 than in 1968. The 12.8% of LBJ's last year never dipped below 11.1% (in 1973), and stood at 13% in 1980.

How could this be? Even ignoring the increases in in-kind expenditures, we spent twice as much on direct cash income transfers in 1980 as in 1970 and 14 times as much as in 1950—in constant, uninflated dollars, after taking population increases into account, and using a consistent definition of poverty. Furthermore, the huge sums were being focused—or were supposed to be—on a much smaller proportion of the population; about 12% in the 1970s, compared with more than a quarter of the population during most of the 1950s. By all logic, the fewer the poor, the easier it should be to lift them above the poverty level. It only takes money, doesn't it? But it hasn't worked this way.

The evidence is straightforward: (1) Poverty dropped during the 1950s, with relatively low social welfare expenditures; (2) poverty dropped during the 1960s, with relatively large social welfare expenditures; (3) poverty did not drop during the 1970s, with extremely large social welfare expenditures.

The lesson is that changes in social welfare expenditures have not been related to changes in the number of people getting less than a poverty income. What has been related to changes in poverty? That old favorite of the trickle-down Eisenhowerites, changes in GNP.

To illustrate this, we may take a closer look at the unproductive 1970s when, over the whole period, the poverty population did not decrease. In three of those years—1970, 1974 and 1975—GNP went down (as always, in constant dollars). During those same three years, and only in those years, the percentage of people below the poverty level increased. In the other years, poverty did decrease. Similarly in the 1950s, with its radically lower levels of social welfare spending, GNP dropped in two years (1954 and 1958), and those were the years—the only years—that poverty increased. During the 1960s, GNP rose every year, helped along in the last half of the decade by the Vietnam war budgets—and poverty dropped every year as well.

The relationships among changes in GNP, social welfare spending and poverty are even more at odds with the conventional wisdom when they are subject to statistical analysis in combination. It is not just that increases in GNP are associated with decreases in poverty; it turns out that poverty has actually gotten worse as social welfare expenditures have increased, when the effects of GNP are factored out of the calculation.

The experience of the 32 years for which all the data are available (1947-78) leads to the statistical prediction that if GNP increases by 100 billion 1980 dollars we can expect that the percentage of people living beneath the poverty level will go down by 1.9 points (holding social welfare spending constant). If social welfare expenditures go up by $100 billion, we can expect that the percentage of people living beneath the poverty level will increase—yes, increase—by about 1.2 points, when the effects of GNP are held constant.

Statistical results of this sort are not true predictions. Social welfare expenditures do not inherently, inescapably increase poverty. Nor can we rely on a growing GNP to drive poverty to zero on its own. The point is not prediction, but understanding what has been happening during the last 30 years. And during that period, the relationships of GNP and social welfare expenditures to poverty have been revealing. They also resist challenges. They survive varying definitions of social welfare expenditures; they survive when expenditures pegged to downturns in the economy (for example, unemployment compensation) are taken into account; they survive when time lags in effects are hypothesized; they survive whether the changes are defined in absolute terms (changes in percentage points) or as a proportion of the previous year's record.

The direct relationship of increases in GNP and decreases in poverty is robust. Since 1947, it has been our consistent experiences that increases in GNP produce reductions in poverty, under very different political and social conditions. It has been our experience that increases in social welfare expenditures are not associated with this effect. In the dialogue about how to really help the poor, Mr. Stockman can stop apologizing for trickle-down economics. It works.

FARM ECONOMY ASSISTANCE

Mr. HUDDLESTON. Mr. President, I was pleased to learn that the majority leader and the chairman of the Committee on Agriculture, Nutrition, and Forestry, along with other distinguished members of the majority, sent a letter to the Secretary of Agriculture today urging him to take immediate action to assist the farm economy. Specifically, they have requested that the Secretary announce the terms of the 1983 commodity programs at the earliest possible date, so as to allow farmers the maximum flexibility to plan for next year's crop. Also, they ask him to implement the farm storage facility loan program as soon as possible. Additional on-farm storage is needed to accommodate 1982 production and avoid forced selling and dumping of grain.

They are to be commended for encouraging the Department of Agriculture to use tools Congress has given it to assist our Nation's hard-pressed farmers.

On Monday, I joined Senator BOREN and a bipartisan group of Senators in sending a similar letter to Secretary Block, urging him to take immediate action to alleviate the problems being experienced by many farmers because of the lack of adequate storage facilities for grain. As does the majority leader and the others, we recommended that the farm storage facility loan program be used to the fullest extent.

I note that the majority leader and the others indicated, in their letter, that they intend to work with the Secretary in developing other measures to address the underlying problems of weak demand and excess supply of farm commodities.

It would be most helpful, as part of this effort, if the Senate would take up H.R. 2160. This legislation, approved unanimously by the Agriculture Committee, contains a comprehensive set of recommendations for actions that the Department of Agriculture can take immediately, using authorities it already has under existing law, to address the problems confronting U.S. agriculture. Therefore, I urge the earliest possible consideration of the bill.

NATIONAL LABS NEED FIRM DIRECTION

Mr. PERCY. Mr. President, on March 22, 1982, I chaired one of the most well-attended hearings in the history of the Governmental Affairs Committee. Some 1,200 individuals crowded into the cafeteria at Argonne National Laboratory to demonstrate their support for continued Federal support for this important Midwest energy laboratory.

We were indeed fortunate to hear testimony from Secretary of Com-

merce Malcolm Baldrige, Illinois Gov. James Thompson, and the Director of Energy Research for the Department of Energy, Dr. Alvin Trivelpiece.

Both Governor Thompson and I pledged to exert our maximum effort to prevent a disastrous 19 percent operating budget cut for Argonne in fiscal year 1983.

I ask unanimous consent that the following article by Henry Petroski which appeared in the Washington Post be reprinted in the RECORD. It speaks to the need for consistent and steady Federal support for national labs like Argonne.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 7, 1982]

DO NOT SWITCH OFF ENERGY RESEARCH

(By Henry Petroski)

The Reagan administration's plan to abolish the Department of Energy greatly increases the confusion in our already confused and run-down national laboratories. While these centers of federal energy research and development have always been in a state of flux, the increased political and fiscal pressures of recent years threaten finally to drive the remaining scientists and engineers away.

This was the fear of Gen. Leslie R. Groves, director of the Manhattan Project, during the debate over post-war control of atomic energy. In 1945, he testified before a Senate special committee that uncertainty in the absence of national policy made it impossible to offer commitments to key people whose services he felt should be retained. Already, then, important people were leaving Los Alamos and other war-time sites to accept more attractive positions. Groves feared that delay in establishing an independent commission would "result in appreciable loss of the present efficiency of the vast combination of plants, scientific talent and engineering skill." This fear was to be allayed, but the commission has evolved into an energy structure without power.

The Atomic Energy Commission finally was created by Congress in 1946, and the national laboratories divided their efforts between military and civilian development of atomic power. Under the AEC, technological advances in nuclear weapons and power reactors evolved over a 30-year period, but criticism of the agency's role as both promoter and regulator of the power of the atom led to its separation into the Nuclear Regulatory Commission and the Energy Research and Development Administration in 1975. Since then the direction of nuclear energy R&D, at least its peaceful component, has been in disarray, and the fears of Groves have become reality now.

Although ERDA had an organization chart in 1975, it had little organization and less direction, at least from the vantage point of the scientists and engineers who were ultimately responsible for realizing ERDA policy in the national laboratories. Full of ideas, both nuclear and non-nuclear, for solving the energy crisis, the laboratories' staffs proposed alternative R&D programs, sometimes competing among themselves not only for ERDA's but also for other agencies' funds. The nuclear engineers and scientists knew that their mechanics, thermodynamics and mathematics applied also to solar, coal and conservation projects. They were ready to attack energy problems on whatever front Washington wished, but Washington wished all energy were in one neat funding package.

ERDA barely had time to find itself administratively before it was absorbed into the Department of Energy in 1977, and this led to another directionless transition period. What DOE management finally decided, in 1979, was that the national laboratories themselves should serve as Technical Management Centers and oversee national R&D in their own areas of expertise. This led to yet another period of reorganization and redefinition. Scientists and engineers were becoming increasingly frustrated with Washington's indecision. Now, just as the TMC concept is evolving into something the scientists and engineers can deal with as a known quantity, the Reagan administration has called for still another reorganization, placing all R&D under an Energy Research and Technology Administration within the Commerce Department.

During these periods of managerial transition, the R&D staff has dwindled, as Groves so presciently feared it would. While Washington has drafted organization chart after organization chart, the neglected staff have seen their careers atrophy and their salaries fall behind those of private industry.

In the western suburbs of Chicago, Bell Laboratories has been able to lure scores of PhDs away from energy R&D at Argonne National Laboratory by offering them sizable salary increases and definite projects on which to work. The work has nothing to do with energy, but the experience gained on large computers and computer programs at government expense is a bargain to Bell. The departing researchers have not been replaced at Argonne during the last few uncertain years, and this has placed an additional burden on those who remain, waiting for the announcement of their mission. The situation is similar at Brookhaven National Laboratory on Long Island and at other laboratories across the country.

This attrition cannot continue much longer without endangering the efficiency of the nations energy R&D structure. The national laboratories are an energy resource as surely as are coal and petroleum, and it is imperative that our political leaders conserve the laboratories. The best way to do this is to get them organized once and for all, to set firm national energy objectives, and to give the scientists and engineers a clear mandate to achieve those objectives.

THE SEARCH FOR PEACE IN A WORLD IN CRISIS

Mr. PERCY. Mr. President, last fall I attended the 31st Pugwash Conference held from August 28 to September 2 in Banff, Canada. This was the first Pugwash Conference held in Canada since 1958 and the largest regular general Pugwash Conference ever held, with 82 papers presented and more scientists from the developing world attending than ever before. My good friend, William Epstein, chairman of the Canadian Pugwash group, is to be commended for his superb organization and administration of the conference.

The theme of the Banff conference was "The Search for Peace in a World in Crisis." In my address to the conference, I urged the participants to keep faith with the United States as the new administration completes its review of past arms control endeavors and readies new initiatives. In large measure, my appeal for their patience and understanding was borne out by President Reagan's brilliant peace initiative of November 18. At the time of the Banff conference, though, there was widespread confusion and anxiety about the direction of U.S. foreign and security policy, and this sense of apprehension was sharply underscored in the proceedings of the conference.

Mr. President, the statement of the Pugwash Council, published following the conclusion of the Banff conference, provides a cogent summary of the yearning throughout the world for peace and meaningful steps toward an effective control of nuclear weapons proliferation. While I do not endorse all the recommendations of the council, I do feel that the statement underlines the urgency of our getting on with the forthcoming START negotiations as soon as possible. I ask unanimous consent that the statement be printed in the RECORD in full.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF THE PUGWASH COUNCIL

The 31st Pugwash Conference was held in Banff, Alberta, Canada, from 28th August-2nd September 1981. The theme of the Conference was "The Search for Peace in a World in Crisis". The Conference was attended by 133 participants from 40 countries, plus 26 observers and 13 students. The Government of Canada and of the Province of Alberta, the United Nations and its specialized agencies UNESCO and WHO, the Royal Society of Canada, and other organizations were represented. The Conference was opened by a statement from Prime Minister Pierre Elliott Trudeau, delivered by Ambassador Arthur Menzies, and an address was given at the closing session by Gerald Regan, Minister of Labour in the Federal Government.

A public session, convened by the Canadian Pugwash Group in connection with the conference, was held in Calgary on August 30th. The meeting was addressed by Academician Georgi Arbatov, member of the Central Committee of the USSR, Olof Palme, former Prime Minister of Sweden, Senator Charles Percy, Chairman of the Foreign Relations Committee of the United States Senate, and Paul Warnke, former Director of the United States Arms Control and Disarmament Agency.

Six Working Groups were convened to discuss the following topics:

1. Avoiding Nuclear War
2. Avoiding Conventional War
3. Negotiating Arms Limitation and Disarmament
4. Enhancing International Security
5. Energy, Resources and International Security
6. Security in the Developing World.

The Pughwash Council presents the following statement, based on the reports of the Working Groups.

AVOIDING NUCLEAR WAR

Since the last Pugwash Conference the nuclear arms race has become still more

savage. SALT II has not been ratified. The whole SALT process has been interrupted. Other nuclear disarmament negotiations have stopped completely or are at an impasse. Ominous suggestions have been made to rescind agreements of the seventies including the ABM Treaty and other elements of SALT, and there have been threatened withdrawals from the non-proliferation treaty (NPT).

It is essential to reverse this trend.

NUCLEAR WEAPONS DOCTRINE

While recognizing the fact of mutual deterrence with respect to the central strategic systems of the U.S. and the USSR, the tendency to extend nuclear deterrence beyond its role in that area was strongly criticized. It is a fallacy to believe that nuclear war can be won. It was widely felt that the leaders of the nuclear powers should explicitly deny military doctrines which legitimize limited nuclear warfare. The Soviet and American governments should reaffirm their intention to maintain equal security at more stable and lower force levels.

A NUCLEAR WEAPONS FREEZE

Since rough parity is widely acknowledged, an immediate freeze of the current nuclear arsenal of the US and the USSR is recommended as an effective step towards nuclear disarmament. Implementation of a freeze should be followed by substantial weapons reductions. Such a freeze could be initiated as a mutual moratorium on new weapons deployments, and should be rapidly reinforced by formal agreements on weapons production and testing, a comprehensive nuclear test ban and a cut off in the production of missile material for weapons purposes. These elements of the Candian "strategy of suffocation of the nuclear arms race", as well as George Kennan's recent proposal to cut nuclear forces by 50% were endorsed by many participants.

PRIORITIES FOR NUCLEAR WEAPONS NEGOTIATIONS

With respect to Soviet-American agreements, Pugwash urges retention of the ABM Treaty and immediate ratification of SALT II. Meanwhile all positive elements of the negotiations achieved so far should be maintained and the Soviet Union and the United States could continue to refrain from actions which could jeopardize the SALT agreements. Pugwash noted the continued smooth functioning of the SALT Standing Consultative Commission but urged that SALT, talks on the Comprehensive Test Ban and other deadlocked negotiations should be resumed at the earliest opportunity.

Many considered that priority should be given to the limitation and reduction of systems that are particularly destabilizing. These include accurate intercontinental and intermediate ballistic missiles with counter-silo capabilities, cruise missiles, anti-satellite systems, ballistic missile defence and anti-submarine weapons (ASW). Submarine sanctuaries free of ASW deployments were proposed as a means to stabilize sea-based deterrence.

NUCLEAR WEAPONS IN EUROPE

It is essential that serious negotiations on limiting nuclear wepons in Europe begin soon, before it is too late to set low limits. A freeze of the kind mentioned above might facilitate these talks.

It was pointed out by many that the deployment of medium and intermediate range nuclear missiles should be eliminated, preferably by mutual agreement if not unilaterally. Reference was made to the suggestion that the USSR dismantle its SS-20 missiles and the USA not deploy the Pershing II and cruise missles envisaged in the 1979 NATO double decision. Some stressed that this was unbalanced and that non-deployment of US new weapons should be coupled with certain reductions of existing Soviet medium range weapons only; USA forward-based systems and other elements of existing nuclear potential should be involved as well.

A proposal was made to eliminate by agreement or unilateral action all kinds of battlefield nuclear arms in Europe of range less than about 100 km. Their withdrawal, possibly together with a prohibition of their first use, would exclude deployment of neutron weapons, raise the threshold of nuclear warfare and so increase stability.

THE UN AND DISARMAMENT

The Final Document of the 1978 United Nations Special Session on Disarmament, which is an outstanding document, in fact remains a dead letter. Governments are urged to prepare carefully for the second UNSSOD scheduled for June 1982, in particular to seek binding force for any disarmament provisions agreed to by the General Assembly.

Recent withdrawals from Eastern Europe of 1,000 Soviet tanks and troops, and from Western Europe of 1,000 US nuclear warheads, suggest that independent initiatives are as important as formal agreements in achieving disarmament objectives. We suggest that nuclear weapons powers offer programmes to the UN which set out schedules of weapons reductions they would be prepared to undertake independently.

CREATING CONDITIONS FAVOURABLE TO DISARMAMENT

The observance by the Governments of their obligations under the UN Charter not to use force is a necessary condition of an effective system of arms limitation. Disarmament and arms control should not however be linked with specific problems relating to local conflicts. Effective restraint on arms transfers to areas of military confrontation in the Middle East, Africa, Latin America and Asia is needed if conditions favourable to disarmament are to be created.

MOBILIZING PUBLIC SUPPORT FOR DISARMAMENT

We support recent proposals for a committee of distinguished scientists to analyse and make known the dangers of nuclear war.

In addition we will seek to make the expertise of our members available to the many new groups working to mobilize public opinion for disarmament.

AVOIDING CONVENTIONAL WAR

This problem is inextricably intertwined with the problem of avoiding nuclear war, particularly in those regions where nuclear weapons are stockpiled on both side. How these regions could be denuclearized without endangering stability and security was discussed. The nuclear powers are often directly or indirectly involved in conventional wars and the prospects for denuclearization of any area are affected by the concerns of the major powers regarding a confrontation of conventional armaments once nuclear weapons are eliminated. It was recognized that the requirement of stability after denuclearization will demand a reassessment of the conventional armaments and forces in those regions.

We also noted with concern the tendency for the areas of confrontation and military proximity between the major powers to be increasingly extended into the Third World.

It was proposed that special agreements to reinforce the universal principle of non-intervention be concluded concerning crisis regions in which major powers are involved. Agreement among member states of the region as well as of the major powers should be required. Guarantees by all concerned should be given for denuclearization, control over arms sales, peaceful settlement of disputges, and regional cooperation including multilateral aid.

Our final goal is disarmament. In the process of trying to reach this goal, as a means of stabilizing peace and discouraging aggression, defensive arms should be emphasized.

It was also suggested that the principle of priority of defensive forces should be taken into consideration in the continuing Mutual and Balanced Force Reduction (MBFR) talks in Vienna.

Unilateral steps in arms reduction and in withdrawal of forces, taking into account the requirements of mutual stability and security, were recommended as a means of accelerating the negotiating process.

It was felt that, as an overall objective, a broader exchange of information on military activities and on doctrines and matters related to mutual security and to intentions concerning the use of existing and planned armaments, would avoid worstcase scenarios and arms races, and would decrease mistrust among states and their peoples.

Govenments are urged to curb the arms trade by general or regional agreements. The international arms market should be brought under control by all available means.

ENHANCING INTERNATIONAL SECURITY

The enhancement of mutual security is a necessary prerequisite to strengthening the arms control process and taking steps towards disarmament.

Internationally the role of the UN in conflict control and conflict resolution is central but its effectiveness depends on clearly distinguishing between the political activities of the Security Council and General Assembly and the impartial use of the good offices of the Secretary-General to establish peacekeeping operations, set up observer missions or intervene between conflicting parties. Strong support was urged for a special session of the UN General Assembly on International Security to consider all aspects of this question. It was suggested that an international satellite monitoring system managed by a consortium of countries with a degree of autonomy could be advantageous to the UN as an alternative source of information for the prevention and management of crises and especially for the verification of future disarmament and arms control agreements.

In negotiations to resolve international disputes the universally accepted principles of human rights must be respected. The full implementation of the provisions of the UN Covenants on Human Rights and of the relevant clauses in the Helsinki Final Act is an important part of the process of enhancing international security. The right to survive is the overriding priority.

Mechanisms such as the Standing Consultative Commission for the monitoring of SALT agreements are likely to be essential in future arms control agreements in order to ensure technical implementation, and to help to remove ambiguities and thus generate mutual confidence. Increasing the scope of the confidence building measures initiated in the Helsinki Final Act is an urgent ne-

cessity. Regional arms control agreements, including nuclear weapon free zones, such as those proposed for the Arctic, Northern and Central Europe, the Balkans and the Middle East, need urgent consideration.

We believe that popular reactions to developments such as the neutron bomb should be channelled into opposition to all nuclear weapons and to war generally.

It is also important to create understanding, for example, by organizing frank discussions on the psychological aspects of international security.

SECURITY IN THE DEVELOPING WORLD

Over the past year, there has been a deepening sense of insecurity and of a worldwide fear of a nuclear war. Security may be a legitimate concept (at least as long as the concept and practice of nation-states persist) or it may become an excuse for internal power and domination by a small ruling group through the use of force. Perceived insecurity may spring from many factors, such as economic conditions, competition for strategic resources, ethnic and religious domestic struggles. All these factors may be manipulated in the world struggle of opposing ideologies for power, leading to the acceleration of arms trade and the concomitant militarization of the Third World.

The investment in arms is non-productive and diverts badly needed resources from a nation's capacity to meet human needs and for development.

Nuclear proliferation provides a frightening dimension to the problem of security in the developing world, where the decision to make a nuclear first-strike may be encouraged by the lack of a credible deterrent in an opposing nation. To prevent proliferation, the NPT should be signed by all nations of the world; the nuclear superpowers should demonstrate by their own actions their willingness to reduce their nuclear arsenals and restore detente; International Atomic Energy Agency (IAEA) safeguard measures should be strengthened to make them more credible; nuclear suppliers should see to it that materials and technological knowhow are not diverted from civilian to military purposes; nations, the UN and Pugwash should carefully study the proposal that the enrichment, fuel processing and reprocessing plants should be operated internationally under safeguards of an international agency.

Militarism, both in developed and less developed countries, should be rejected under its two guises: (1) as military regimes where power is in the hands of soldiers, resulting in the repression of dissenting groups in order to assure that political power remains in the hands of a ruling minority, and (2) in the form of military-industrial complexes and pressure groups whose financial and political interests, even in civilian regimes, are related to the perpetuation of international conflicts.

ENERGY, RESOURCES, AND INTERNATIONAL SECURITY

Interactions between energy and international security are manifold: international tensions and conflicts can disrupt the production and supply of energy; energy problems can influence the likelihood and severity of international conflicts, and may even be their root causes; energy may serve as the proximate cause of conflict; and, finally, energy problems and policies can serve as the means of conflict. Three specific energy-conflict linkages are of particular importance at this time: the rich-poor gap in energy; the overdependence of many nations on a few geographically concentrated oversupplies of hydrocarbons, and the links between nuclear fission power technology and the potential for accelerated spread of nuclear weaponry to an ever larger number of nations.

Given the very uneven utilization of energy throughout the world, conflicts over access to energy resources by industrial countries and the severity of the difficulties in overcoming energy problems in developing countries, energy policies of individual countries should be incorporated within comprehensive development plans and should be based upon the use of various mixes of energy resources. While increased efficiency in the use of energy is the fastest and the cheapest way to reduce vulnerability to energy shortages, particularly in industrial countries, it must be kept in mind that the magnitude of technically recoverable energy resources is greater than often envisaged. It applies particularly to smaller deposits of oil and gas, heavy oil and tar sands and coal. A prudent degree of development of unconventional fossil-fuel resources can contribute to reduced vulnerability to both energy shortages and fluctuations in prices and thus reduce international energy conflicts. Increased energy supply can also go a long way toward reducing some of the energy-related threats to international security.

Ultimately, a global "compact" of internationally agreed arrangements covering the development, supply, utilization and financing of energy would enable the world's energy needs to be met in ways most compatible with economic, social, environmental and security considerations. Because oil prices continue to be a large factor in planning and decisions in respect to alternative sources for importers, and in national economic planning for exporters, international agreements facilitating greater stability and predictability of oil prices in conjunction with essential commodities, such as food, would contribute to world economic stability and hence to security.

Concrete measures were suggested for helping to implement such international strategy including, among others:

The establishment of a World Energy Organization as a specialized UN agency,

The creation of an international consultative group for the mobilization and coordination of an increased flow of financial and technical sources to developing countries for development of new local energy resources,

The setting up of a "world energy information system" to support technically the national energy planning in developing countries,

The creation of appropriate institutions for providing necessary capital for energy development in the developing countries,

Collective action in the energy development field by oil-exporting and oil-importing developing countries,

The promotion of the integrated development of international river basins, and

Resumption of the international dialogue aimed at the internationalization of the nuclear fuel cycle, based upon the policy of complete "openness" of all operating facilities.

EUROPE REAFFIRMS COMMITMENT TO OPEN TRADE

Mr. PERCY. Mr. President, on April 26 the Article 113 Committee of the European Community met to discuss restrictions on U.S. exports of corn gluten feed. I am pleased to learn that the committee recommended that no restrictions on our corn gluten feed exports be adopted at this time. Only two European countries supported the move for limits on our exports; eight nations spoke for keeping trade lanes open.

I think my Senate colleagues would join me in lauding this action by this advisory committee of the European Community. On April 15 the Senate passed a resolution expressing the Senate's view that renegotiation of our corn gluten feed trade with Europe would not be in this country's best interests. Certainly such an action freezing our exports could have led to a trade war between the United States and Europe. That would have been in no ones interest.

At the same time the Article 113 Committee recommended to the European Council that no restrictions be implemented, they also established a special study group to look more carefully at corn gluten feed. If the study group approaches this subject objectively, they will learn that it is not our exports of corn gluten feed that are responsible for Europe's agricultural budget dilemma. Only 3 percent of all European feed grains are accounted for by corn gluten feed. The source of the problem is the common agricultural policy and it will be important for the study group to scrutinize the CAP as part of its review of corn gluten feed.

Mr. President, the April 17, issue of the Economist carried an excellent piece about the common agricultural policy and the impact it has had—and is having—on our relations with the European Community. I ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Economist, April 17]

EUROPE'S FARMYARD FOLLIES

Raising prices to the producers of a glut that is harming your most powerful ally is bad politics and worse economics. Undeterred, in a week when Europe has so visually helped a good alliance cause in the Falklands, the EEC's agricultural ministers are poised to hand their farmers price increases for the 1982–83 season of well over 12 percent. European taxpayers, consumers and the now-depleted ranks of would-be farm-policy reformers should weep with despair. Weep, too, for the EEC's trade relations with America.

The Americans once viewed Europe's common agricultural policy (CAP) with scornful detachment. The EEC was free to waste money on whatever it liked, the argument ran, so long as it did not hurt American interests in the process. But America is no longer a bystander.

European farm exports into America's traditional markets, helped by export subsidies worth $2.2 billion, have helped to intensify the worst incomes' crisis American farmers have suffered in half a century. They have

forced Mr. John Block, the American agricultural secretary, reluctantly to re-introduce the system of paying farmers to grow less wheat, feed grains and other crops. The alternative was an American glut to match the European one, as farmers increased production in a foredoomed attempt to ease their cash-flows.

The CAP was originally designed to steer the EEC toward self-sufficiency in the production of most temperate foodstuffs, at the same time as maintaining steady prices and propping up the incomes of farmers, particularly those with French accents. Now, stimulated by high prices and open-ended intervention guarantees, EEC farm output has shot through the barn roof. In ridding itself, at a loss, of the surplus, the EEC has for the first time in its history become a net exporter of grain, has snitched three fifths of the world export market in butter and dried milk, has converted itself from the world's largest importer of poultry into the world's largest exporter, and emerged as the second largest exporter of beef behind only Australia.

EXPENSIVE, IMPOVERISHING, UNNEIGHBOURLY

This has produced three nasty side-effects. It is costly, because EEC farm exports have to be subsidised in order to compete on world markets. By depriving tropical crops of potential markets, it helps keep poor countries poor. And it is now violating an agreement made with the Americans in the Gatt Tokyo round.

In 1980, the Gatt negotiators agreed that subsidies for agriculture were unavoidable, and opted to turn a blind eye so long as the subsidies were not used to expand markets beyond traditional shares. The Americans rightly claim that this is happening in both cereals and sugar, as well as a host of smaller markets. So far, the United States has responded quietly. Mr. Bill Brock, the American trade representative, has opened cases for arbitration in Gatt against EEC dumping of flour and sugar, and is pondering similar action over pasta, canned fruit, pears, poultry and raisins. These are warning shots, but the EEC's trade negotiators have been given the clear message that the United States will turn nasty if either (a) the community tries to cut back imports of soya, worth $4 billion a year to America, or of cereal substitutes for animal feed such as corn gluten feed, or (b) the EEC continues to expand its dumping of cereals on world markets. Last week, the EEC commission proposed a new restriction on imports of corn gluten feed. And the implications of the approaching rise in prices paid to European producers is that (b) will happen, with a vengeance.

European farm ministers seldom look beyond their own farmers' troubles, demonstrations and votes. They now need to do so.

The obvious way to cut subsidies and output is to reduce prices. The EEC commission has already proposed that EEC cereal prices should be gradually reduced to world levels during the next five years, and doubtless the farm ministers will claim to have started this process when they raise cereal prices by "only" 8-10 percent. If rioting farmers make it impossible to introduce real price cuts (and European farmers' income troubles are genuine, too), then the EEC must put a tight lid on production growth and find some other way (deficiency payments or direct-income aids) to keep farmers in business. One way is to cut prices sharply once output exceeds a pre-set threshold; another is to copy American set-aside to encourage alternative use of marginal land; two others are production quotas or the use of penal taxes on over-production.

The choice of method is up to the agricultural technocrats, though consumers should plead that the most flagrantly uneconomic ones are not picked. But America must be given a clear sign that something genuine is being done to halt the trend of expansion. Pious promises to act next year will not do.

HELPING THE POOR

Mr. SYMMS. Mr. President, the popular perception is that the Reagan administration is hardhearted and mean, taking deserved benefits away from the poor just for the fun of it. It shouldn't be necessary to say it, but the real test of an economic policy is not how well it is packaged, or how well the news media likes it, or even how the opposition party likes it, but is actual effect on the people of the country—all the people, poor, rich, middle, everybody.

How much were the poor helped by an inflation rate approaching 20 percent.

How much were the poor helped by interest rates approaching 20 percent? We should remember that while interest rates are high now, they were high under the Carter administration. High interest rates were not the invention of the current administration, and they can't be cured by incantations.

How much were the poor helped by tax rates on investment so high that they shut off investment, especially investment by small business, where new jobs are created?

Bringing the matter down to the present situation, it is true that the Reagan administration has proposed to reduce the rate of growth in social welfare programs. As a rule, the President isn't even proposing cuts, merely a reduction from the inflated promises of the Carter years. While benefits are reduced for some specific individuals, the impact of these proposals, as we see most clearly with the inflation rate, is an improvement in the general living standards of all people. As a rule, the rich can protect themselves from the effects of inflation by tax shelters, and inflation hedge investments. It is the poor, those on fixed income, on social security, the elderly. They are the ones crushed by the burden of inflation, and they are the ones helped by a reduction in the inflation rate to around 3 percent per year.

This is an achievement of enormous importance. But because it affects everyone, and not just Mrs. So-and-so out in Pottsville, it is hard to put the beneficiaries on TV. And as we all know, unless we can put them on TV, they must not exist.

Mr. President, George Gilder has written as persuasively about the economic doctrine known as "supply side economics" as anyone in the country. He is particularly good at translating abstract concepts into language that we all can understand, and so I ask that a recent article of his be printed at this point in the RECORD. Since his analysis goes precisely opposite to what we hear on the 6 o'clock news every night, it might do us some good.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[The Wall Street Journal, Mar. 25, 1982]

WHOSE ECONOMICS REALLY HELPS THE POOR?

(By George Gilder)

The gapologists are at it again, attempting to foster class war. Raising continual alarms about "the gap between the rich and the poor," speculating on TV about the likelihood of summer riots against Reaganomics, flaunting absurd statistics on income distribution. The gapologists seek to envenom the frustrations of the poor, while proposing programs that would make their problems worse.

This time the source of the venom is the Congressional Budget Office (CBO), the supposedly non-partisan agency headed by liberal economist Alice Rivlin. Its conclusion, trumpeted by the media, is that the administration's tax and budget cuts will (you guessed it) widen the gap between the upper income groups and the poor.

This report, instigated by Sen. Ernest Hollings of South Carolina and Rep. James R. Jones of Oklahoma, the ranking Democrats on the Senate and House Budget committees, lends momentum to the drive to depict the Reagan budgetary proposals as an assault on the "neediest" Americans and a bonanza for the "greediest."

Enhancing the effect of these charges has been the incoherence of the Republican response and the utter unwillingness of the media to come to terms with supply-side theory. The predictable result will be a continuation of the very policies that have been destroying the jobs, lives and families of the poorest Americans for some 20 years.

WELFARE DESTROYS BREADWINNER

These redistributional schemes, by eroding the incentive to work, save or support families, have created in our inner cities a tragic wreckage of demoralization, rage, unemployment and crime and have left more than half of black children without a father in the home. When welfare destroys the breadwinner role of the fathers by offering a package of benefits more than double the minimum wage, the liberal answer is to take the mothers out of the home as well by giving them government jobs and day care centers.

Poverty is less a matter of income than of prospects. While the incomes of the poor have steadily risen through Great Society largesse, their prospects have plummeted as families have broken into dependent fragments and jumbled together in crime-ridden and welfare-addicted ghettos. In this heartbreaking harvest of liberal "compassion," all the necessary disciplines of upward mobility and small business activity have given way to the vandalism and chaos of gangs and drugs, illegitimacy and prostitution. Thus poverty has been intensified and perpetuated by income redistribution.

The Reagan administration, at long last, has resolved to reverse this vicious circle of dependency by promoting economic growth. Growth and opportunity are the only effective ways to lift the prospects of the poor.

But this courageous effort is being undermined and thwarted by the constituents and administrators of the utterly failed programs of the past.

These programs are actually being defended as essential to the employment of poor blacks when they chiefly employ middle-class bureaucrats. In fact, the War on Poverty managed to triple black unemployment during the very decade of the 1970s when a higher proportion of Americans got jobs than ever before in peace-time and some 12 million immigrants, many of whom did not even know English, found or created work in the very urban areas where black unemployment soared.

The CBO study exactly reverses the truth. If the Reagan program can be put into effect, it in fact will benefit the poor the most—while the tax cuts will make the rich bear a larger share of the tax burden.

The central fallacy of the study is its assumption that people with incomes over $40,000 "will receive half of the projected $82 billion in revenue that the federal government expects to lose in 1983 as a result of the cut in individual income taxes." Although the Reagan administration has made similar projections, these estimates of forgone revenue are groundless. Without the personal tax cuts, the economy, already in deep recession, would likely stagnate further, if indeed it avoided depression.

There is no chance that an additional $83 billion could be collected under those circumstances no matter how high the tax rates were allowed to climb. Unemployment and poverty, however, would surely spread, as usual blighting the lives of the supposed beneficiaries of the abortive redistributions.

These recessionary effects aside, the CBO analysis implies that the rich are stupid enough to go on paying taxes in the 50 to 70 percent brackets when the tax shelter industry is probably the fastest growing business outside of personal computers (often themselves used for tax planning). All the CBO projections ignore the overwhelming spread of legal tax avoidance and underground economic activity provoked by the continuation of bracket-creep tax increases (caused by inflation pushing taxpayers into higher brackets without any real increase in their buying power).

The chief result of the administration's tax cuts will be to induce the rich to move out of tax shelters and pay more taxes. Michael Evans of Evans Economics has estimated that the reduction in the top rate alone, from 70 to 50 percent, will increase tax payments from the rich by some $3 billion, as current tax avoiders move into taxable investments.

RICH WILL NOT GET RICHER

This movement out of tax shelters does not mean that the rich get richer; it merely means that more of the current poor get rich and that wealthy individuals pay more of their income to the government and less to tax lawyers and tax shelter finaglers.

This is not a novel supply-side theory. Every U.S. across-the-board tax cut has increased the share of taxes paid by the rich. For example, our history's largest cut—in which the top rate was dropped from 73 to 25 percent in the mid 1920s—increased the share of total taxes paid by the rich from 27 to 63 percent. The smaller Kennedy-Johnson cut of 1964 increased tax payments in the brackets above $100,000 by 80 percent.

The Reagan administration does not like making such arguments because they confuse the claims of "huge tax cuts." In fact, if inflation continues near the present pace, the Reagan income tax program will merely compensate for bracket creep and Social Security tax hikes. There will be virtually no real tax cuts.

The crucial problem in economic policy today is that the income tax cuts are so small and so slow that the full benefits to the economy and thus to the poor are being delayed. But to delay the tax cuts further, in the name of a false fairness, will only compound the tragic problems of the poor. There are no winners in class war, except possibly the gapologists.

S. 2315—THE FEDERAL AID HIGHWAY AMENDMENTS OF 1982

Mr. SYMMS. Mr. President, little needs to be said about the vital role highways play in our national and individual lives. The free and uninhibited movement of people and commerce throughout our Nation has been a primary factor in our national development. This development has resulted in one of the highest standards of living ever known by any nation.

The Transportation Subcommittee of the Environment and Public Works Committee recently completed hearings on S. 2315, the Federal Aid Highway Amendments of 1982.

During the hearing, the subcommittee received testimony from a wide range of knowledgeable and distinguished witnesses interested in our national and local highways. Their concern was the same—our highway system—interstate, bridge, primary, and local—is beset by a deterioration which is accelerating with the passage of time.

America, envied for its modern, well engineered highways is in danger of becoming known for its crumbling, pothole filled stretches of concrete and asphalt. We are in danger of becoming a nation crisscrossed with roads that are a nuisance and hindrance to travel rather than a means of safe and efficient access to different areas of our country.

As I stated during a recent fiscal 1983 highway budget hearing, we are rapidly reaching the point—and in the bridge program I feel we have reached it—where the capital investment or infrastructure of our transportation system is seriously impaired.

The problem is further compounded by the fact that as our roads and interstates crumble, growth trends in the use of our highway and road system show an increased demand for capacity. Any economic growth our country experiences in the future will depend to a very great extent upon our ability to meet the demand for the movement of the goods of commerce.

This situation leads one to ask, "What are we as a nation doing to correct and prevent the deterioration of our roads?"

S. 2315 provides for positive and needed changes in the Federal-aid highway program. Nonetheless, though we may enact the provisions of this bill, we are yet to fully face the most pressing issue which confronts surface transportation now and in the future. The critical issue which we must address is the adequate funding of our highway programs.

As George Will pointed out in a recent column:

It has been well said that maintenance, as much as original construction, is a measure of a society's vitality. It is also a measure of maturity, of the willingness to make timely provision for the future. By this measure, America is increasingly deficient.

We are increasingly deficient in our commitment to our own future because we have yet to take any substantive steps toward properly funding our Federal-aid highway programs.

The 4 cents per gallon Federal tax enacted in 1959 is simply not adequate to meet the rising costs of highway building, maintenance, and repair. The Federal fuel tax of 1959 is worth less than 1 cent today and is barely sufficient to cover costs of the interstate program—only one of several critical national highway needs.

Many seem reluctant to take the steps that would raise the necessary revenue for the highway program. This is something that must change. As George Will again points out in his recent article on the funding of our highways:

There are today many varieties of liberalism and conservatism, with interesting similarities and incongruities, rather like the Synoptic Gospels. Keeping track of them requires an intellectual micrometer. But unless I have missed something, there is not yet an ideological difference between conservatives and liberals regard;ing potholes. Whites and blacks, Jews and gentiles, WASPs and ethnics—we are all against bridges falling down.

But many conservatives have not come to terms with this fact: private life—including private enterprise—depends on a publicly provided physical infrastructure. It is not optional; neither is it inexpensive. It illustrates this fact: a substantial portion—perhaps 80 percent—of public spending is not really a subject of serious disagreement.

Because there exists the need to salvage our highways from financial neglect and because of the central importance of highways in our future national well-being, I support an increase in user fees. The Transportation Subcommittee, which I chair, will hold hearings on this issue later this spring and summer during which time we will develop specific proposals.

Because this is not a partisan issue, but is something that reason and logic decree must be done for the benefit of the Nation, I would urge all my colleagues to join with me in this matter. As President Eisenhower is remembered for his foresight in support of the Federal-aid highway system, so we of the Congress will be remembered for our actions in support or nonsupport of this system now. It is my hope

we will be remembered for our wisdom in support.

Whether it is the family journeying cross country to visit relatives, the trucker on the interstate transporting the goods of factories, or the farmer traveling to market with agricultural products, we all benefit from a safe, and well-maintained national road system.

Mr. President, for the benefit of my colleagues I would like to include in the RECORD at this point George Will's recent newspaper column entitled "What Potholes Say About Us."

There being no objection, the column was ordered to be printed in the RECORD, as follows:

WHAT POTHOLES SAY ABOUT US

(By George F. Will)

In 1980, Republicans rebelled against the iniquity of the 55 mph national speed limit and denounced it in their platform. Democrats laughed. Republicans swept the West, where folks don't take kindly to the feds slowing down a fella's pickup.

But today there are stretches of the Interstate Highway System where traffic creeps at 30 mph because of potholes and crumbling pavement. What is the Republican administration going to do about these and similar problems?

If Drew Lewis, the secretary of transportation has his way, taxes will be raised. I mean, revenues will be enhanced. That is, costs will be recovered by, er, augmenting "user fees." Principally, Lewis wants a 4-cent increase in the federal tax on a gallon of gasoline.

Only the gallantry I learned at my father's knee keeps me from hooting when Republicans devise euphemisms to avoid saying "tax increases." But Lewis has a point about the gas tax being a user fee. He proposes raising $4 billion annually from the four-cent increase, and another $1 billion from other user fees, primarily on heavy trucks. About $1 billion would be dedicated to mass transit capital investments.

This last provision, although perhaps justifiable, muddies Lewis' argument. The lofty morality of user fees—what makes them noble, whereas tax increases are yucky—is that users of a service should pay for it. But, if so, mass-transit users should pay for mass transit with their fares. Lewis is nothing if not nimble, and he argues that highway users should pay with "user fees" some of the costs of the mass transit they do not use, because highway users will benefit from more adequate highway capacity when more folks are using mass transit.

Oh, well. Lewis is not only secretary of sophistry, he is also secretary of transportation. And the transportation system has problems that are more serious than Lewis' casuistry about user fees.

It has been well said that maintenance, as much as original construction, is a measure of a society's vitality. It also is a meassure of maturity, of the willingness to make timely provision for the future. By this measure, America is increasingly deficient.

The Interstate Highway System is not yet completed, but 10 percent needs resurfacing immediately and almost half will need major repairs by 1995. Even a three-year deferral of repairs can triple the cost—not even counting inflation. In the next 15 years, 216,000 miles of other roads in rural areas will need at least resurfacing. (An Arizona county recently tore up 250 miles of paved roads and put down grave because that was cheaper than repairing the potholes.)

The design life of a bridge is 50 years. Seventy-five percent of America's bridges are more than 45 years old. Forty percent are judged deficient. It would take $60 billion just to eliminate the backlog of needed bridge repairs.

It would take $6 billion just to replace transit buses that are more than 15 years old. New York City would need $110 billion over the next decade just to rehabilitate its transit system. It also must resurface much of its 6,000 miles of streets (and must repair most of its 2,400 miles of water system and 6,100 miles of sewer system).

Gasoline cost 31 cents a gallon in 1959, when the tax was last raised (to 4 cents). The price of gasoline has quadrupled, highway construction costs have risen 300 percent, and the four cents are worth less than one cent. A gas tax proportional to four cents on a 31-cent gallon would today be 16 cents on a $1.24 gallon, double what Lewis wants it to be.

Conservatives rightly describe indexing of tax brackets as a cure for "surreptitious, unlegislated" tax increases. They should, therefore, describe what has happened to the gasoline tax since 1959 as a "surreptitious, unlegislated" tax cut.

There are today many varieties of liberalism and conservatism, with interesting similarities and incongruities, rather like the Synoptic Gospels. Keeping track of them requires an intellectual micrometer. But unless I have missed something, there is not yet an ideological difference between conservatives and liberals regarding potholes. Whites and blacks, Jews and gentiles, WASPs and ethnics—we are all against bridges falling down.

But many conservatives have not come to terms with this fact: private life—including private enterprise—depends on a publicly provided physical infrastructure. It is not optional; neither is it inexpensive. It illustrates this fact: a substantial portion—perhaps 80 percent—of public spending is not really a subject of serious disagreement.

AFFIRMATIVE ACTION REGARDING THE DEPLORABLE CONDITIONS THAT EXIST IN NORTHERN IRELAND

Mr. THURMOND. Mr. President, I ask unanimous consent to have printed in the RECORD Legislative Resolution No. 459, of the Assembly of the State of New York, which has been received in the Office of the President pro tempore, and which relates to the deplorable conditions that exist in Northern Ireland, and which calls upon the English Government to accept full responsibility for the violence and bigotry which have become a way of life in Northern Ireland.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

LEGISLATIVE RESOLUTION ASSEMBLY No. 459

Whereas, There have been many contributions made by men and women of Irish ancestry to the State of New York, to the building of our nation, and to the Cause of Freedom everywhere since the earliest times; and

Whereas, The fact that Ireland is artificially partitioned against the wishes of the overwhelming majority of the Irish people; and

Whereas, The Irish people in the six-county area of Ireland known as "Northern Ireland" are denied basic civil and human rights, and are unable to obtain either adequate protection or equal justice under law, and

Whereas, The explosive situation in "Northern Ireland" presents an imminent and realistic threat to the peace and is, therefore, the legitimate concern of all men; and

Whereas, It is in the best interests of the United States that there be a just and equitable solution to this problem in order that peace, order, justice and well-being be restored to that part of the world; and

Whereas, For humanitarian reasons, as well as out of respect for the principles of freedom, liberty, natural law, justice and history, we hereby take notice of the dangerous and deplorable state of affairs in Ireland; now, therefore, be it

Resolved, That this Legislative Body respectfully, yet firmly, urges, memorializes and petitions President Ronald W. Reagan and the Congress of the United States to manifest our country's traditional position as guardian of freedom and republican democracy, the dignity of all mankind, freedom of conscience, and mankind's universal natural rights, by taking such affirmative action as will tend to persuade all concerned parties, and the world commonwealth of nations, to seek a speedy, just and equitable solution to the dangerous situation in the "North" of Ireland, and to formally express the moral opinion that: "The Irish people ought to be permitted to exercise the Right of National Self-Determination, thus returning the disputed six counties of northeast Ireland to the Irish Republic, unless a clear majority of all the people of Ireland, in a free and open plebiscite, determine to the contrary"; and be it further

Resolved, That it is the judgment of this Legislative Body that the violence and bigotry which characterize life in "Northern Ireland" are the inevitable consequence of the United Kingdom's persistant support of an artificially created majority in one part of Ireland in direct contravention to the nationalist sentiments of the entire Irish people, a disgraceful condition which the English nation must accept full responsibility for creating; and be it further

Resolved, That copies of this Resolution suitably engrossed, be transmitted to the Honorable Ronald W. Reagan, President of the United States, to the Honorable Alexander Haig, Secretary of State of the United States, to the President of the Senate of the United States, to the Speaker of the House of Representatives of the United States and to each member of the Congress of the United States from the State of New York.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

ANNUAL REPORT OF THE NATIONAL ENDOWMENT FOR THE HUMANITIES—MESSAGE FROM THE PRESIDENT—PM-132

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources:

To the Congress of the United States:

In accordance with the provisions of the National Foundation on the Arts and Humanities Act of 1965, as amended, I am pleased to transmit herewith the 16th Annual Report of the National Endowment for the Humanities for Fiscal Year 1981.

RONALD REAGAN.

THE WHITE HOUSE, *April 29, 1982.*

MESSAGES FROM THE HOUSE

At 11:18 a.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4703. An act to amend section 3620 of the Revised Statutes with respect to payroll deductions for Federal employees;

H.R. 5106. An act to amend the Clayton Act to modify the amount of damages payable to foreign states and instrumentalities of foreign states which sue for violations of the antitrust laws; and

H.R. 5432. An act to authorize the presentation on behalf of the Congress of a specially struck gold medal to Adm. Hyman George Rickover.

ENROLLED BILL SIGNED

At 3:31 p.m., a message from the House of Representatives, delivered by Mr. Berry, announced that the Speaker has signed the following enrolled bill:

S. 2373. An act to change the name of the landing strip at White Sands Missile Range in the State of New Mexico, to "White Sands Space Harbor."

The enrolled bill was subsequently signed by the President pro tempore (Mr. THURMOND).

HOUSE BILLS REFERRED

The following bills were read the first time and second times by unanimous consent, and referred as follows:

H.R. 4703. An act to amend section 3620 of the Revised Statutes with respect to payroll deductions for Federal employees; to the Committee on Governmental Affairs.

H.R. 5106. An act to amend the Clayton Act to modify the amount of damages payable to foreign states and instrumentalities of foreign states which sue for violations of the antitrust laws; to the Committee on the Judiciary.

HOUSE BILL PLACED ON CALENDAR

The following bill was read the first time and second times by unanimous consent, and placed on the calendar:

H.R. 5432. An act to authorize the presentation on behalf of the Congress of a specially struck gold medal to Adm. Hyman George Rickover.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. WEICKER, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

H.R. 5139. A bill to authorize appropriations for certain insular areas of the United States, and for other purposes (Rept. No. 97-372).

By Mr. McCLURE, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1867. A bill to amend and supplement the acreage limitation and residency provisions of the Federal reclamation law, as amended and supplemented, and for other purposes (Rept. No. 97-373).

By Mr. COHEN, from the Select Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 159. A bill to authorize the exchange of certain land held by the Navajo Tribe and the Bureau of Land Management, and for other purposes (Rept. No. 97-374).

H.R. 5118. A bill to provide water to the Papago Tribe of Arizona and its members, to settle Papago Indian water rights in portions of the Papago reservations, and for other purposes (Rept. No. 97-375).

By Mr. COHEN, from the Select Committee on Indian Affairs, with amendments:

S. 792. To promote the development of Native American culture and art (Rept. No. 97-376).

By Mr. ROTH, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute:

S. 1407. A bill to amend title 39, United States Code, by strengthening the investigatory and enforcement powers of the Postal Service by authorizing inspection authority and by providing for civil penalties for violations of orders under section 3005 of such title (pertaining to schemes for obtaining money by false representations or lotteries), and for other purposes.

By Mr. THURMOND, from the Committee on the Judiciary, without amendment and with a preamble:

S.J. Res. 131. A joint resolution designating "National Theatre Week."

S.J. Res. 160. A joint resolution to designate July 9, 1982, as "National P.O.W.-M.I.A. Recognition Day."

S.J. Res. 182. A bill to designate January, 1983 as "National Snowmobiling Month."

S.J. Res. 189. A joint resolution to authorize and request the President to designate May 25, 1982, as "Missing Children Day."

S. Con. Res. 82. A concurrent resolution expressing the sense of the Congress that the people of the United States should observe the month of May 1982 as "Older Americans Month."

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. D'AMATO:

S. 2456. A bill to authorize the Secretary of Housing and Urban Development to make grants in support of leveraged rehabilitation of multifamily housing; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MATHIAS:

S. 2457. To amend the District of Columbia Self-Government and Governmental Reorganization Act to increase the amount authorized to be appropriated as the annual Federal payment to the District of Columbia; to the Committee on Governmental Affairs.

By Mr. GOLDWATER:

S. 2458. A bill to designate the Aravaipa Canyon Wilderness in the State of Arizona; to the Committee on Energy and Natural Resources.

By Mr. RANDOLPH (for himself, Mr. D'AMATO, Mr. STAFFORD. Mr. BOSCHWITZ. Mr. WEICKER. Mr. KENNEDY, Mr. JACKSON, Mr. LONG, and Mr. DURENBERGER):

S. 2459. A bill to strengthen certain national resources, facilities, and services for deaf-blind individuals and other handicapped individuals, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. RANDOLPH:

S. 2460. A bill to amend title 38 of the United States Code to provide increased awards of service-connected compensation to certain blinded veterans who are suffering from additional disabilities; to the Committee on Veterans' Affairs.

S. 2461. A bill to amend title 38 of the United States Code to provide increased awards of service-connected compensation to certain blinded veterans who are suffering from total blindness without light perception; to the Committee on Veterans' Affairs.

By Mr. PRESSLER:

S. 2462. A bill to provide appropriations for an Agricultural Export Credit Revolving Fund; to the Committee on Appropriations.

By Mr. INOUYE (for himself, Mr. RANDOLPH and Mr. MATSUNAGA):

S. 2463. A bill to permit psychologists to enter the Regular Corps of the Public Health Service; to the Committee on Labor and Human Resources.

By Mr. COHEN:

S. 2464. A bill to amend the Public Works and Economic Development Act of 1965 to reauthorize the Economic Development Administration for fiscal years 1983, 1984, and 1985, and for other purposes; to the Committee on Environment and Public Works.

By Mr. EXON:

S. 2465. A bill to specify the manner in which uncompensated services provided by a skilled nursing facility or an intermediate care facility shall be calculated for purposes of titles VI and XVI of the Public Health Service Act, and to require the Secretary of Health and Human Services to promulgate regulations under section 1621(b)(1)(k) of

the Public Health Service Act (42 U.S.C. 300s-1(b)(1)(k); to the Committee on Labor and Human Resources.

By Mr. HATCH (for himself, Mr. D'AMATO, Mr. LEVIN, Mr. GARN, and Mr. BUMPERS):

S. 2466. A bill to amend the Tariff Schedules of the United States to provide for rates of duty on imported roses consistent with those maintained by the European Economic Community on imports of roses from the United States and other nations; to the Committee on Finance.

By Mr. DECONCINI:

S. 2467. A bill to amend the Employees Retirement Income Security Act of 1974 to require a fiduciary to invest at least 5 per centum of the assets of an employee benefit plan in residential home mortgages; to the Committee on Labor and Human Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BIDEN (for himself, Mr. MOYNIHAN, Mr. PERCY, Mr. PELL, Mr. DODD, Mr. TSONGAS, Mr. SARBANES, Mr. CRANSTON, Mr. MATHIAS, Mr. HARRY F. BYRD, JR., Mr. GLENN, Mr. GORTON, Mr. PRESSLER, and Mr. MITCHELL):

S. Res. 382. Resolution stating U.S. policy regarding the Falkland Islands; considered and agreed to.

By Mr. STEVENS (for Mr. BAKER (for himself and Mr. ROBERT C. BYRD):

S. Res. 383. Resolution to authorize deposition testimony by Senator WILLIAM PROXMIRE and representation by the Senate legal counsel; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. D'AMATO:

S. 2456. A bill to authorize the Secretary of Housing and Urban Development to make grants in support of leveraged rehabilitation of multifamily housing; to the Committee on Banking, Housing, and Urban Affairs.

MULTIFAMILY HOUSING REHABILITATION ACT OF 1982

● Mr. D'AMATO. Mr. President, I am introducing the Multifamily Housing Rehabilitation Act of 1982 to assist the need to preserve our existing housing for low- and moderate-income neighborhoods. My bill encourages private investment, eliminates Government regulation wherever possible, leverages private investment and expands present laws to include moderate rehabilitation.

One of the directives of the President's Commission on Housing is to devise alternatives to high cost new construction. In the past the Federal Government has literally thrown money into new construction in an effort to assure decent and affordable housing for our citizens. Now that it is no longer possible to attempt to resolve problems with excessive injections from the Federal Treasury, we must begin to solve our housing crisis, with innovative strategies.

Many of our cities, both large and small, have an abundance of housing which is deteriorating. If this creeping decay is not arrested and reversed, extraordinary funds will be needed in the future. Currently it costs the Federal Government $60,000 per unit to use either section 8 substantial rehabilitation or new construction funding. This cost can be cut substantially, to between $9,000 and $15,000, if buildings can be rehabilitated with tenants remaining as occupants. If we can provide incentives to invest in multifamily housing and to arrest deterioration—before the tenants have vacated the units, low-cost rehabilitation is not only possible it is economical in financial and in human terms. The results of such a program will be to extend the useful life of existing housing at affordable rents with little or no tenant displacement.

I am very encouraged that the administration's proposal and my legislation share the same goals—to preserve our existing housing stock. Placing more emphasis on rehabilitation is not only financially sound, but absolutely essential.

I would also like to commend HUD for promoting the coinsurance program. Coinsurance will help take FHA out of the underwriting and foreclosure business thereby permitting private lenders who are more efficient at underwriting to share the risk with FHA. Providing the private lenders with GNMA secondary markets should certainly induce banks to coinsure, and I applaud utilizing this vehicle.

It should also be a goal of coinsurance to encourage underwriters to originate loans in high-risk neighborhoods, thereby involving the private sector in areas that previously were almost the exclusive province of HUD. Further, I would suggest that HUD permit private lenders to reinsure their top loss by using either a private mortgage insurance company or a public mortgage insurance agency.

Another of the problems that currently stifles the moderate rehabilitation program is the ceiling on FHA/223(f) insurance of $3,000 per unit. Waivers are available but as recent history has shown in the targeted area preservation program (TAP) the process is lengthy, and time consuming and inextricably bound in redtape. Unless the ceiling is raised, rehabilitation will not be viable.

My experiences with the TAP program has led me to believe that the most efficient way for the Government to assist in rehabilitating multifamily housing is to allow the private sector to do the work it does best: underwriting and actual rehabilitation. The Government can be helpful in supplying the grants, insurance, and tax-exempt financing. In the final analysis, HUD and the private sector must work together to save our neighborhoods and maintain decent, safe and affordable housing in our cities and towns.

I would like to take this opportunity to thank Mike Lappin, president of the Community Preservation Corp. (CPC), Barry Zelikson, president of Preservation Resources, Inc., and Cathy Wylde, director of community development for Anchor Savings Bank, for providing me with their expertise in the field of moderate rehabilitation. They certainly made themselves available at all times including during snowstorms and on weekends.

The main provisions of the Multifamily Housing Rehabilitation Act of 1982 are as follows:

TARGET BUILDINGS

The bill identifies eligible multifamily housing buildings (target buildings) as buildings located in neighborhoods with the following characteristics: housing deterioration and low- and moderate-income tenancy. The bill also identifies as a target building an individual, multifamily, "blighting" building in an otherwise ineligible neighborhood providing that a majority of the tenants are of low/moderate income level. The designation of target building eligible neighborhoods is by the locality in application to the Secretary of HUD.

GRANTS TO ASSIST MODERATE REHABILITATION OF TARGET BUILDINGS

HUD will make grants to localities, which in turn, are to be used by these localities to assist privately financed moderate rehabilitation of target buildings. Grant proceeds used on any target building may not exceed the amount of private financing furnished, though the forms of grant use are otherwise not controlled. Hence, grant proceeds may be used in the form of a grant or low-interest loan to the target building. Authorization for $250,000,000 in each of 3 fiscal years is proposed. If a locality desires, it may supplement the use of grant moneys with its community development block grant moneys for particularly bad buildings. The refinancing costs cannot exceed 100 percent of the rehabilitation cost. This provision will permit rehabilitated buildings to be put on a financially sound basis, without allowing banks to use this grant to bail out bad mortgages.

FHA SECTION 223(f) AMENDMENTS

Amendments to statute to broaden the use of FHA 223(f) mortgage insurance for target buildings, irrespective of their use of grants as described in paragraph 2, undergoing moderate rehabilitation.

The amendments permit insurance of a target building with rehabilitation costing between $1,000 and $20,000 per unit. Section 223(f) currently limits rehabilitation to $3,000 per unit although this was raised to $20,000 on a demonstration basis in the targeted

area preservation (TAP) programs; permit payment of insurance benefits in cash, rather than debentures; establish local codes (rather than HUD minimum property standards) as the housing quality standard for 223(f). This change is to be accomplished through regulation change as opposed to a legislative change.

AMENDMENT OF MORTGAGE COINSURANCE PROGRAM FOR FHA 223(f) PURSUANT TO SECTION 244

Coinsurance program will allow underwriter to process FHA 223(f) insurance for target buildings pursuant to section 244; thereby speeding processing time, in exchange for taking part of the insurable risk. FHA's current coinsurance program requires, upon default first, underwriter absorption of the first 5 percent of the loss (that is, a "deductible" provision), and second, allocation of the remaining loss, with 85 percent to FHA, 15 percent to lender.

Amendment for target buildings will include the underwriter taking the top 10 percent of loss, with FHA taking the bottom 90 percent of loss. This formula copies Small Business Administration's guaranteed loan program (section 7(a) of the Small Business Act of 1958). Similar to that program, the underwriter might contemplate selling off the 90 percent insured portion, keep the 10 percent uninsured portion, while retaining servicing and, hence, fees on the entire amount. The amendment also allows the underwriter to obtain insurance for the top 10 percent from any public or private mortgage insurer.

TAX EXEMPT FINANCING

Target buildings are to be eligible for 11(b) tax-exempt financing under proposed legislation. Currently, section 11(b) eligibility requires 100-percent section 8 tenancy.

SECTION 8 EXISTING HOUSING SUBSIDIES

The bill mandates priority allocation to target buildings of section 8 existing housing certificates or its successor program. Eligibility of section 8 or successor program will go to tenants earning up to 80 percent of median income in the targeted neighborhood. Currently, certificates are available for tenants earning up to 50 percent of median income. As the buildings rehabilitated by this act will largely be occupied, this provision will avoid tenant displacement which might result from tenants who could not pay the increased rents in absence of a certificate, that is, those tenants whose incomes fall between 50 percent and 80 percent of median income.

APPLICATION FOR BENEFITS UNDER PROPOSED LEGISLATION

Localities must apply to HUD Secretary for designation of areas within which target buildings are located. Such application must also supply evidence of available financing for the moderate rehabilitation of target buildings.

HOW THE BILL WORKS

An owner of a target building seeking to upgrade his or her building, for example, installing new plumbing, heating system, and windows, can apply to a local bank for financing. The local bank wanting to make the loan, but not wanting to hold a long-term mortgage, would require the owner to rehabilitate the building to meet local code standards and be eligible for 223(f) insurance. By obtaining 223(f) insurance, the bank may be able to sell the long-term mortgage into the secondary market. The bank may also, to save time and keep costs low, be a coinsurer and write the 223(f) insurance itself, selling off the 90-percent insured portion.

The bank, recognizing that rents must rise to accommodate the added financing, and also recognizing that some tenants on fixed incomes may not be able to reasonably afford those increases, may require the property owner, as a condition of financing, to obtain a commitment of existing section 8 subsidies. This also avoids displacement. The owner, in turn, must receive from the locality a commitment to provide certificates to those eligible tenants. As the building is occupied, it is probable that only a fraction of the tenants would require the subsidy. As this subsidy moves with the tenant, the bank will have to underwrite the loan with a view toward the market rate in the neighborhood, on the presumption that if the subsidized tenant moves out, the same rent may be obtained from an unsubsidized tenant moving in.

If, upon analyzing the proposed loan, it does not meet the lenders standards, for example, rehabilitation needs are too great, or market rents are too low, the bank may require the owner to apply to the locality for a grant to bring down the cost so the loan falls within bankable standards. Hence, the locality can use the grant portion of this act to provide such write down of costs.

The end result is:

First, the owner has a rehabilitated building which is on a sound physical and economical basis;

Second, tenants live in an upgraded building with affordable rents;

Third, lenders have a bankable loan which would be attractive to secondary purchasers; and

Fourth, the Government has taken on the bottom risk (if coinsured) with little processing cost, and has also supplied limited subsidies in a highly leveraged manner.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2456

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Multifamily Housing Rehabilitation Act of 1982".

STATEMENT OF FINDINGS

SEC. 2. The Congress finds and declares that—

(1) economic factors in many areas have resulted in the deterioration and loss of rental housing, reducing the supply of housing available to persons and families of low and moderate income;

(2) the deterioration and abandonment of this housing cause a blighting effect on surrounding areas and entire neighborhoods that also impacts on municipal facilities and infrastructure;

(3) it is essential that these resources be preserved because they can only be replaced at extraordinary cost to both the Government and the private sector;

(4) low cost alternatives are needed to improve the adequacy and supply of housing and to preserve housing in areas of our country experiencing housing shortages and to arrest deterioration and decay and the loss of housing;

(5) existing and new private participation and investment should be encouraged to rehabilitate housing for our low- and moderate-income populations with a minimum of public money and red tape and a maximum of private investment and expertise; and

(6) by providing incentives to invest in housing at an early stage of deterioration, and typically while still occupied, low cost rehabilitations, focusing on, but not limited to, energy conservation and replacement of mechanical systems, are possible within private investment standards, and the result will be to extend the useful life of housing at affordable rents with little or no tenant displacement.

DEFINITIONS

SEC. 3. As used in this Act—

(1) the term "Secretary" means the Secretary of Housing and Urban Development;

(2) the term "multifamily housing property" means a residental property containing five or more units;

(3) the term "eligible multifamily housing property" means a multifamily housing property which is located in a neighborhood—

(A) in which at least 51 per centum of the residents are persons or families with incomes which do not exceed 80 per centum of the median income for the area with adjustments for smaller and larger families as determined by the Secretary;

(B) in which at least 35 per centum of the residents are persons with incomes which do not exceed 80 per centum of the median income for the area with adjustments for smaller and larger families as determined by the Secretary, and the neighborhood is experiencing an increasing trend toward low-income occupancy of available housing; or

(C) which is within an area which—

(i) has been designated or is eligible to be designated as a Target Preservation Area; or

(ii) has been designated as a Neighborhood Strategy Area.

Such Term also includes a multifamily housing property, regardless of location, which is having a blighting influence on the neighborhood where it is located if a majority of the occupants are individuals and fam-

ilies of low and moderate income, and if after the rehabilitation, the rents will be affordable to such occupants.

(4) the term "eligible lender" means a bank, trust company, national bank, savings bank, State or Federal savings and loan association, State or Federal credit union, insurance company, pension fund or retirement system of any corporation, association, state housing finance agency, or a not-for-profit corporation established and wholly owned or controlled by any one or more of the foregoing, or any other entity approved by the Secretary for the purpose of this Act; and

(5) the term "moderate rehabilitation" means the rehabilitation of a multifamily housing property on a scale (A) which involves an average rehabilitation cost of not less than $1,000 nor more than $20,000 per unit, except that the Secretary may increase such $20,000 limitation by not to exceed 25 per centum for specific properties where cost levels so require, (B) which is sufficient to bring the property into compliance with applicable local code requirements, or which involves the repair or replacement of systems, components, appliances, or fixtures which would be required to be replaced within a five-year period or which would achieve cost or energy efficiency, and (C) which includes, but is not limited to, any or all of the following:

(i) the repair or replacement of the plumbing, elevator, electrical, or heating systems, or of such components as the windows, stairs, floors, walls, or the roof;

(ii) the replacement of appliances or fixtures;

(iii) cosmetic improvements to enhance marketability; or

(iv) additional improvements considered appropriate by the Secretary.

The term "moderate rehabilitation" does not generally include structural additions to the property, but such term may include such structural repairs as may be necessary consistent with the cost limitations contained in subparagraph (A).

AUTHORIZATION FOR GRANTS.

SEC. 4. (a) The Secretary of Housing and Urban Development is authorized, pursuant to applications submitted by States and units of local government, or their designated agencies, in accordance with the provisions of this Act and such rules, regulations, and procedures as the Secretary may prescribe, to make grants to be used for loans, grants, or other forms of assistance to the owners of eligible multifamily housing properties to assist in the moderate rehabilitation of such properties.

(b) Funds appropriated to carry out the provisions of this Act shall be allocated by the Secretary for use by States, units of local government, or designated agencies for the moderate rehabilitation of eligible miltifamily housing properties in localities which have low multifamily housing vacancy rates and which show housing deterioration, as determined by the Secretary. The amount of assistance provided under this Act with respect to an eligible multifamily housing property may not exceed the amount of mortgage financing furnished by eligible lenders with respect to that property, except that the State, unit of local government, or agency thereof may provide additional assistance from funds obtained from any source other than this Act.

(c) The portion of the total development cost which is applied to the acquisition and refinancing of any eligible multifamily housing property under this Act may not exceed 100 per centum of the portion of the total development cost which is applied to rehabilitation.

APPLICATION

SEC. 5. To receive a grant under this Act, a State, unit of local government, or its designated agency shall submit to the Secretary an application setting forth a program which provides for the moderate rehabilitation of an eligible multifamily housing property and which—

(1) provides for the selection of eligible properties by the unit of local government or its designee;

(2) provides for the moderate rehabilitation of such properties so that upon completion they will be in full compliance with applicable local property standards; and

(3) provides satisfactory evidence of the availability of financing by eligible lenders as required by section 4.

ELIGIBILITY FOR HOUSING ASSISTANCE

SEC. 6. (a) Notwithstanding any other provision of law, the Secretary is authorized to provide housing assistance payments to property owners, including nonprofit corporations and community based housing groups, with respect to residents of properties assisted under this Act whose incomes do not exceed 80 per centum of the median income for the area to the extent necessary to avoid displacement and to maintain those residents' rental payments at not more than 30 per centum of their income.

(b) In allocating authority to make housing assistance payments, the Secretary shall give a priority to properties assisted under this Act which will avoid displacement.

INSURANCE CLAIMS; COINSURANCE; FINANCING

SEC. 7. (a) Section 244 of the National Housing Act is amended by adding at the end thereof the following:

"(h) Notwithstanding any other provision of this section, in the case of a mortgage insured under section 223(f) on an eligible multifamily housing property, within the meaning of section 3(3) of the Multifamily Rehabilitation Act of 1982, which is located in a Target Preservation Area designated by the Secretary prior to September 30, 1981, such coinsurance may include provisions that—

"(1) insurance benefits shall equal the sum of (A) 90 per centum of the mortgage on the date of institution of foreclosure proceedings (or on the date of acquisition of the property otherwise after default), and (B) 90 per centum of interest arrears on the date benefits are paid;

"(2) the mortgagee shall remit to the Secretary, for credit to the General Insurance Fund, 90 per centum of any proceeds of the property, including sale proceeds, net of the mortgagee's actual and reasonable costs related to the property and the enforcement of security;

"(3) payment of such benefits shall be made in cash unless the mortgagee submits a written request for debenture payment; and

"(4) the underwriter of coinsurance may reinsure 10 percent of the mortgage amount with a private mortgate insurance company or with a State mortgage insurance agency.

No commitment for insurance pursuant to this subsection may be issued on or after October 1, 1985.".

(b) Section 223(f) of such Act is amended by adding at the end thereof the following:

"(5) In the case of any purchase or refinancing under this subsection involving an eligible multifamily housing property as defined in section 3(3) of the Multifamily Rehabilitation Act of 1982, the Secretary may—

"(A) include rehabilitation costs of not to exceed $20,000 per unit, except that the Secretary may increase such amount by not to exceed 25 per centum for specific properties where cost levels so require;

"(B) permit subordinated liens securing up to the full amount of mortgage financing provided by State or local governments or agencies thereof; and

"(C) pay such benefits in cash unless the mortgagee submits a written request for debenture payment.

Any property eligible under the Multifamily Rehabilitation Act of 1982 shall be eligible for insurance under the special provisions adopted for the Target Area Preservation Demonstration.".

(c) Section 11(b) of the United States Housing Act of 1937 is amended by inserting "or properties to be assisted under the Multifamily Rehabilitation Act of 1982" after "lower income housing properties".

AUTHORIZATION OF APPROPRIATIONS

SEC. 8. For grants under section 4, there are authorized to be appropriated not to exceed $250,000,000 for each of the three fiscal years beginning on October 1, 1982.●

By Mr. MATHIAS:

S. 2457. A bill to amend the District of Columbia Self-Government and Governmental Reorganization Act to increase the amount authorized to be appropriated as the annual Federal payment to the District of Columbia; to the Committee on Governmental Affairs.

INCREASE IN FEDERAL CONTRIBUTION TO THE DISTRICT OF COLUMBIA

Mr. MATHIAS. Mr. President, I am today introducing legislation to increase the authorization level for the Federal payment to the District of Columbia. The bill proposes to increase the authorization from its present $336.6 million to $361 million. This amount is the same as that included in the administration's fiscal year 1983 budget.

As my colleagues know, the Federal payment is made to the city of Washington to compensate for the substantial loss in revenue the District experiences as a result of the Federal Government presence. Included in those lost revenues are property taxes that cannot be collected on Federal property and property owned by foreign governments and personal taxes that cannot be collected from persons with diplomatic immunity.

The increase proposed by this legislation equals approximately 7 percent of the amount authorized and appropriated in fiscal year 1982. This is not an unreasonable amount when one considers the inflation rates faced by local governments, such as the District, over the last year. It is slightly less than the increase in the Consumer Price Index for calendar year 1981.

Mr. President, similar legislation is currently under consideration in the House of Representatives. I urge my colleagues to approve this needed in-

crease in the Federal payment to the District of Columbia.

By Mr. GOLDWATER:

S. 2458. A bill to designate the Aravaipa Wilderness in the State of Arizona; to the Committee on Energy and Natural Resources.

THE ARAVAIPA CANYON WILDERNESS ACT

● Mr. GOLDWATER. Mr. President, in southern Arizona, just north of the city of Tucson, we have an area which the Papago Indians call A'Aly Waipia, which means little wells. The place I am referring to is Aravaipa Canyon and the bill which I am introducing today would include Aravaipa Canyon and an additional 2,626 acres of adjoining public lands into the National Wilderness Preservation System. Interior Secretary James Watt has officially recommended this proposal to President Reagan.

The recommended 6,670 acres would become the first public land under Bureau of Land Management jurisdiction to come under the protection of the Wilderness System. In 1969 and 1971, the 4,044 acre, 7½-mile-long canyon was set aside as the Aravaipa Canyon Primitive Area, creating BLM's first primitive area. Situated at the east and west entrances to the canyon is about 6,000 acres of land owned in fee by the Defenders of Wildlife Trust for the George Whittell Wildlife Preserve at Aravaipa Canyon (Aravaipa Trust). The trust manages an additional 15,000 or more acres, under State and Federal grazing leases, at the entrances to the canyon and on the plateau south of the canyon. Title to the canyon itself is in the Bureau of Land Management.

This bill is the result of many years of cooperative effort between the Bureau of Land Management, the Defenders of Wildlife, and the Aravaipa Trust, and it is a great tribute to conservationism and private sector initiative, as envisioned by President Reagan. Established in August 1974 by the Defenders of Wildlife, the Aravaipa Trust took title to these lands from the Defenders, primarily to preserve the many species of wildlife in and around Aravaipa Canyon. To accomplish this, it is necessary to protect the unique complex of desert and riparian habitats of the main canyon, its side canyons, and the canyon rims and plateaus from uses that might diminish their capacity to sustain wildlife. Since early 1972, when Defenders of Wildlife first bought lands at Aravaipa, Defenders and the trust have devoted a great deal of time and energy, and over $3 million to purchasing, maintaining, and managing these lands.

Aravaipa Canyon, located in the east end of an arid portion of the Sonoran Desert, has been referred to as the miniature Grand Canyon of Arizona. Its beautiful multicolored cliffs rise as high as 1,000 feet above the canyon bottom. Within the canyon, one can see a cross-section of Earth's history representing nearly 2.6 billion years. And, in fact, the canyon area has been inhabited for perhaps the past 9,500 years. Primary prehistoric remains include Hohokam and Salado sites.

In the bottom of the Aravaipa Canyon, one finds the Aravaipa Creek, a perennial stream which travels for about 15 miles. It not only supports a lush green riparian vegetation, it also provides water for wildlife and for 12 fish species, two of which are threatened and endangered. In the canyon, one can find more than 158 species of bird and also bighorn sheep, mule deer, fox, mountain lion, coyotes, bobcats, javelina, and other small animals.

This scenic canyon is not only a haven for naturalists, but it offers many recreational opportunities such as backpacking, hiking, horseback riding, hunting outside canyon bottoms, mountain and rock climbing, bird watching, photography, and sight-seeing. Currently, the Bureau of Land Management limits the number of visitors to 50 per day in order to protect the area and entry to the canyon is by permit only. No motor vehicles or dogs are allowed.

Finally, Mr. President, I would like to point out that in no way would the wilderness designation of the Aravaipa Canyon area result in any adverse impacts on the Nation's security, mineral needs, or economic well-being. I am very cognizant of the sensitivity of the issue of mineral content on potential wilderness land. This is a very simple bill which attempts to preserve and protect a magnificent desert sanctuary.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2458

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The Aravaipa Canyon Wilderness Act."

SEC. 2. The Congress finds that—

(a) The Aravaipa Canyon, situated in the Galiuro Mountains in the Sonoran desert region of Southern Arizona, is a primitive place of great natural beauty that, due to the rare presence of a perennial stream, supports an extraordinary abundance and diversity of native plant, fish and wildlife, making it a resource of national significance; and

(b) The Aravaipa Canyon should, together with certain adjoining public lands, be incorporated within the National Wilderness Preservation System in order to provide for the preservation and protection of this relatively undisturbed but fragile complex of desert, riparian and aquatic ecosystems and the native plant, fish and wildlife communities dependent on it, as well as to protect and preserve the area's great scenic, geologic and historical values, to a greater degree than would be possible in the absence of wilderness designation.

SEC. 3. In furtherance of the purposes of the Wilderness Act of 1964 (78 Stat. 890, 16 U.S.C. 1331 et seq.) and consistent with the policies and provisions of the Federal Land Policy and Management Act of 1976 (90 Stat. 2743; 43 U.S.C. 1701 et seq.), certain public lands in Graham and Pinal Counties, Arizona, which comprise approximately six thousand six hundred and seventy acres, as generally depicted on a map entitled "Aravaipa Canyon Wilderness—Proposed" and dated May 1980, are hereby designated as the Aravaipa Canyon Wilderness and, therefore, as a component of the National Wilderness Preservation System.

SEC. 4. Subject to valid existing rights, the Aravaipa Canyon Wilderness shall be administered by the Secretary of the Interior in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness. For purposes of this Act, any references in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act and any reference to the Secretary of Agriculture with regard to administration of such areas shall be deemed to be a reference to the Secretary of the Interior, and any reference to wilderness areas designated by the Wilderness Act or designated national forest wilderness areas shall be deemed to be a reference to the Aravaipa Canyon Wilderness. For purposes of this Act, the reference to the Aravaipa Canyon Wilderness. For purposes of this Act, the reference to national forest rules and regulations in the second sentence of section 4(d)(3) of the Wilderness Act shall be deemed to be a reference to rules and regulations applicable to public lands, as defined in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701, 1702.)

SEC. 5. As soon as practicable after this Act takes effect, the Secretary of the Interior shall file a map and a legal description of the Aravaipa Canyon Wilderness with the Committee on Energy and Natural Resources of the United States Senate and with the Committee on Interior and Insular Affairs of the United States House of Representatives, and such map and description shall have the same force and effect as if included in this Act: *Provided,* That correction of clerical and typographical errors in the legal description and map may be made. The map and legal description shall be on file and available for public inspection in the offices of the Bureau of Land Management, Department of the Interior.

SEC. 6. Except as further provided in this section, the Aravaipa Primitive Area designations of January 16, 1969 and April 28, 1971, are hereby revoked. Prior to promulgation of rules and regulations to provide for its administration as a component of the National Wilderness Preservation System, subject to existing withdrawals, the Aravaipa Canyon Wilderness shall be administered under rules and regulations of the Secretary of the Interior applicable to designated primitive areas to the extent consistent with the provisions of this Act.

SEC. 7. Notwithstanding any other provisions of law or regulations to implement them, nothing in this Act shall be construed to prohibit the continuation of the existing use of motorized vehicles and a motorized pump within the Aravaipa Canyon Wilderness as necessary for the continuation of existing grazing uses outside the Aravaipa Canyon Wilderness: *Provided,* That such

use of motorized vehicles and pump shall cease immediately upon notification by the Secretary that an alternative source of water outside the wilderness is available.●

By Mr. RANDOLPH (for himself, Mr. D'AMATO, Mr. STAFFORD, Mr. BOSCHWITZ, Mr. WEICKER, Mr. KENNEDY, Mr. JACKSON, Mr. LONG, and Mr. DURENBERGER):

S. 2459. A bill to strengthen certain national resources, facilities, and services for deaf-blind individuals and other handicapped individuals, and for other purposes; to the Committee on Labor and Human Resources.

RESOURCES FOR HANDICAPPED INDIVIDUALS ACT

● Mr. RANDOLPH. Mr. President, the bill I introduce is cosponsored by Senator D'AMATO, Senator STAFFORD, Senator BOSCHWITZ, Senator WEICKER, Senator KENNEDY, Senator JACKSON, Senator LONG, Senator DURENBERGER. It would establish a separate and independent statutory authority for the Helen Keller National Center for Deaf-Blind Youths and Adults. It would promote the welfare of deaf individuals and the educational advancement of handicapped individuals by insuring the continuation of the captioned films and educational media program under the administration of the Library of Congress. It would establish separate and independent statutory authority for regional postsecondary educational programs for deaf and other handicapped individuals.

Title I of our measure would provide independent statutory authority for the Helen Keller National Center for Deaf-Blind Youths and Adults. The Helen Keller Center provides vital services to this Nation's deaf-blind citizens. The center was initiated in 1969 in cooperation with the Department of Health, Education, and Welfare and the Industrial Home for the Blind, and since its beginning the center has provided testing, rehabilitation, and job training to hundreds of young people and adults. During 1980, 693 deaf-blind persons received services through the Helen Keller Center network. One hundred and thirty persons were served at the primary facility in Sands Point, N.Y., and the remaining 563 persons were served through its nine geographically dispersed service regions.

Deaf-blind individuals, because of the severity of their multiple handicap, require specialized and individually designed services. Because of the concentration of resources, both human and financial, required to effectively meet the rehabilitation needs of this population, the most cost-efficient method of providing services is through a network such as the Helen Keller Center and its nine service regions. In addition, the unique and expert professional support provided by the center represents a tremendous supplementary resource to other facilities and organizations which do not have the capacity to provide necessary services to deaf-blind persons; without this resource, training and rehabilitation provided by other facilities and organizations would be slow and time consuming.

The nationwide rubella epidemic resulted in the birth of about 6,000 deaf-blind babies. These individuals are in urgent need of comprehensive services in order to prepare them for independence and employment. Without specialized services, these deaf-blind individuals may become dependent on Federal subsistence assistance rather than being a part of the American work force. Only the Helen Keller Center for Deaf-Blind Youths and Adults is equipped to cope with the range of needs of these deaf-blind individuals.

Although the Helen Keller Center is presently authorized by section 313 of the Rehabilitation Act of 1973, as amended, and has for a number of years received Federal funding for construction and operation, the center is facing a critical challenge to its ability to provide a national service delivery system. In the budget and appropriations process, the center is included with other rehabilitation service projects, which the administration has targeted for consolidation and budget reductions. This measure provides the only possible means of preserving this unique, effective, and efficient institution. Under this measure, the Federal Government would recognize the Helen Keller National Center as a valuable national resource and would acknowledge the continuing need for a reasonable level of appropriations for the only center of its kind to insure that deaf-blind citizens will have an opportunity to improve their quality of life and to become taxpaying citizens.

Title II of this measure would transfer the administration of part F, instructional media for the handicapped, of the Education of the Handicapped Act from the Department of Education to the Library of Congress. Part F authorizes the development of captioned films for deaf individuals, production and distribution of educational media and materials for handicapped persons, research in the use of educational media, and the training of individuals in the use of media for the instruction of handicapped children. The Library of Congress operates a similar program—talking books—for blind and visually impaired Americans. Placement of this program under the administration of the Library of Congress would focus attention on the needs of deaf and other handicapped individuals and prioritize meeting the needs of this population.

Title III of this proposal would provide independent statutory authority for the regional postsecondary educational programs authorized by section 625 of the Education of the Handicapped Act. This program is targeted by the administration for consolidation into a special purposes funds activity. The postsecondary schools operated under the authority of section 625 have not only improved the quality of life for their graduates by providing education and training but have also demonstrated the cost-effective nature of this program. For example, the deaf and hearing impaired graduates of one technical school for the deaf over a 10-year period from 1969–79 have had earnings of $21,183,240 and have paid Federal taxes in the amount of $6,354,972. The Federal funds spent on educating them totaled $2,517,405. Providing special institution status for these schools will insure that these schools continue their helpful and cost-effective service to handicapped individuals.

I urge our colleagues to give their support to this important legislation.●

● Mr. D'AMATO. Mr. President, I rise in support of the Resources for Handicapped Individuals Act which would establish separate statutory authority for the Helen Keller National Center for Deaf-Blind Youths and Adults.

The Helen Keller National Center, located at Sands Point, N.Y., established in 1969, is a unique facility—a national resource dedicated to providing training and developmental support to persons with a most serious combination of disabilities, deafness, and blindness. The center is directed by the objectives of: providing initial assessment of physical and psychosocial functioning of deaf-blind individuals, providing multidisciplinary evaluation to the deaf-blind, providing comprehensive individualized rehabilitation training designed to improve the individual's means of communication, participation at home and in the community and employment.

Serving as a resource center for the deaf-blind, the families and friends of deaf-blind individuals, and professionals in the field who work with the deaf-blind, developing a national register of deaf-blind individuals, encouraging research concerning the impact of deaf-blindness upon the individual, improving techniques of rehabilitation that will best serve the deaf-blind, designing improved sensory aids in order to reduce the handicapping effects of deaf-blindness, providing training for those who provide services to the deaf-blind, providing community education programs, encouraging private and public agencies to develop and increase services for the deaf-blind.

Through dedication to these goals, the Helen Keller Center, along with its regional affiliates, has improved the lives of thousands of deaf-blind Americans.

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During the 1960's an estimated 6,000 deaf-blind babies were born. Today, these young adults are in urgent need of training and rehabilitative services which will encourage them to engage in meaningful employment, allowing them to lead productive and independent lives. The Helen Keller National Center, along with its nine regional affiliates, offers the special capability to meet the challenge of providing the necessary services to these deaf-blind young adults. In addition, the center is the only facility which provides comprehensive services for deaf-blind adults. Without the center, those who suffer from Usher's syndrome and other forms of deaf-blindness could be doomed to lives of dependency or institutionalization.

Recognizing the special needs of the deaf-blind, the Federal Government made a commitment to construct the center. We must not turn our backs on the individuals who depend upon the individually tailored program designed by the well trained staff of professionals at the center and its nine regional locations.

The Helen Keller National Center is at a critical juncture in its ability to survive as a national resource. If it is to continue in its ambitious efforts to provide services to the deaf-blind, the center must have an independent statutory base as contained in this act. I wholeheartedly support the work of the center and encourage my Senate colleagues to support this legislation.●

● Mr. BOSCHWITZ. Mr. President, I rise today in support of the regional education programs that provide postsecondary education for handicapped students. In particular, I want to express my support for the four original regional education programs: California State University at Northridge, the Seattle Community College, the St. Paul Technical Vocational Institute, and Delgado College in New Orleans. The first three programs were the initial grantees under the regional education program in 1974 with Delgado College in New Orleans being added in 1975.

The history of Federal support for these programs goes back further than the regional education program. From 1968 to 1974, Delgado College, Seattle Community College, and St. Paul T.V.I. were supported as research and demonstration projects jointly sponsored by the Bureau of Education for the Handicapped and the Rehabilitation Services Administration. From 1964 to 1974 California State University at Northridge received funding from a variety of private, State, and Federal sources. The Bureau of Education for the Handicapped worked with Congress in implementing legislation that became section 625, the regional education programs.

We are seeking to insure that these four original projects maintain their fiscal year 1982 funding levels. Actually, any of the regional education programs being funded in fiscal year 1982 that the Secretary determines are providing effective services will be insured future funding. I am confident that the four original projects, in particular, will continue at fiscal year 1982 funding levels based on two factors: First, these programs fulfill congressional intent; and second, they have been cost effective.

Under section 625, the Secretary of Education is authorized to make grants to or contracts with junior and community colleges, vocational and technical institutions, and other nonprofit institutions of higher education for the development and operation of projects for deaf or other handicapped persons. In making grants or contracts, the Secretary is to give priority to programs serving multi-State regions or large population centers, programs adapting existing programs to the special needs of the handicapped, and programs designed to serve areas of clearly demonstrated need for such services.

The four original programs: Delgado, C.S.U.N., St. Paul T.V.I., and Seattle Community College cover the spectrum of types of postsecondary institutions. Delgado is a college, C.S.U.N. is a university, St. Paul T.V.I. is a technical vocational institute, and Seattle is a community college. The four regional education programs taken together serve a national constituency. Students have been served from every State including Alaska, Hawaii, the District of Columbia, and several other territories.

Also, the first three grantees were mentioned by name on the floor of the House of Representatives when the regional education program was originally considered.

Evidence shows that Delgado, C.S.U.N., St. Paul T.V.I., and Seattle Community College are models of Congress intent when section 625 was originally authorized.

The students from four regional education programs consistently report a success rate in gaining employment of over 90 percent, often exceeding the success rate of the nonhandicapped persons.

Their cost effectiveness can be demonstrated in a number of ways. As one example, the $2.2 million of Federal funding for these four programs purchases full accessibility to all resources of the host institutions. The combined physical plant costs and regular operating budgets of the four host institutions was more than $835 million in fiscal year 1981. Existing, successful postsecondary programs are expanded through the use of Federal funding to serve handicapped students.

Because of the current mood of fiscal austerity, it seems prudent to allocate available funds to proven projects. We need to insure that grantees are equipped to meet the needs of students and withstand the test of time. These four programs have proven themselves year after year and have withstood the test of time.

I have secial knowledge and understanding of one of these programs in particular, St. Paul T.V.I. I have visited St. Paul T.V.I. on February 19. While I was there, I toured several of the classrooms where they actually train the students. St. Paul T.V.I. is different from the other three original programs because it is a technical vocational school and trains students to be skilled technicians and craftsmen. The deaf students are in these classrooms working side-by-side with the nonhandicapped students, learning skills that will help them become productive members of our society.

I also had the opportunity to speak to more than 100 of the deaf students. They asked me some tough questions about the budget and funding for this program. It was interesting to me that students are becoming much more politically aware than they were even a few years ago.

I have known Bob Lauritsen, the director of the regional education program at St. Paul T.V.I., for several years. He is a strong believer in accountability and prepares quarterly statements on their program showing precisely how the Federal dollars are used. In addition, he has testified before congressional committees at least seven or eight times to explain how their program works and how they are using Federal money.

St. Paul T.V.I. has demonstrated, as the other three original programs have, that they are cost-effective, they serve students from all over the United States, and they have adapted existing programs allowing our Federal dollars to buy into an on-going, productive, postsecondary program.

This legislation will insure that these four original regional education programs continue to receive well-deserved support in the future.●

● MR. JACKSON. Mr. President, I am pleased to add my support to Senator RANDOLPH'S Resources for Handicapped Individuals Act. In particular, I refer to title III continuing funding for the regional postsecondary education programs for deaf students. These programs are national in scope and collectively serve students from every State. They began as an experiment in the late 1960's to determine if there was a cost-effective way to provide quality educational opportunities at the postsecondary level for deaf citizens. They have succeeded overwhelmingly in a variety of academic, vocational, and technical training programs leading to hundreds of careers.

One of these programs exists in my own State at Seattle Community Col-

lege. It has provided opportunities for over 800 hearing-impaired students from 28 States. Typical hearing-impaired high school graduates have maintained college grade point averages equal to their hearing peers in over 45 different vocational/technical programs. They have done equally well in traditional academic programs. The attrition rate is barely 10 percent.

What is more important is that they have found competitive employment following training. Virtually every graduate who wants employment has found it, over 80 percent in their field of training. Debra Lemke, of Seattle, is an outstanding example. Debra is deaf and recently completed her 2-year program to become the first deaf person certified as a dental assistant in the State of Washington. She now works as a dental assistant as well as serving as a consultant to the University of Washington Dental School demonstrating how the profession of dentistry can benefit from the skills of deaf people.

The incidence of deafness is low. It is less than 1 percent of the population. This makes it important to pool resources in centralized programs. These regional programs have demonstrated over the past 14 years their effectiveness in preparing students for competitive employment. They have been cost-effective. Prior to their establishment, it was not unusual for a deaf person to remain unemployed or underemployed for long periods of time because of limited training opportunities beyond high school. These programs have actually demonstrated that the Federal Government's investment in providing support services is returned many times through the taxes paid by graduates who no longer require such assistance as supplemental security income or vocational rehabilitation to support themselves.

I ask that we continue these programs through our support of this measure. It is particularly essential at this time with the projected significant increase in the number of deaf high school graduates who will be seeking postsecondary opportunities in the fall of 1983, resulting from the maternal rubella epidemic of 1964–65. An increase of 150 percent in the number of deaf students seeking postsecondary education is anticipated. The elimination or reduction of these regional programs will leave not only these new candidates unserved but also the approximated 650 others presently attending these programs.

The regional education programs for deaf students have served our country's needs effectively. They have established themselves as a model and are cost-effective. It is appropriate and necessary that we continue to support them and the people they serve.●

By Mr. PRESSLER:

S. 2462. A bill to provide appropriations for an Agricultural Export Credit Revolving Fund; to the Committee on Appropriations.

FUNDING OF AN AGRICULTURAL EXPORT CREDIT REVOLVING FUND

● Mr. PRESSLER. Mr. President, today I am introducing legislation to provide for funding of the Agricultural Export Credit Revolving Fund which was authorized by the Agriculture and Food Act of 1981. The legislation would provide for $500 million to be appropriated in fiscal year 1983 for the Agricultural Export Credit Revolving Fund. The Agricultural Export Revolving Fund would be used to finance commercial export sales of breeding stock and to establish facilities in importing countries to handle U.S. exports.

During the 1970's, agricultural exports became a major factor in U.S. farm policy and the importance of farm exports will continue to grow during the 1980's. In 1981, U.S. farm exports reached $43.3 billion and resulted in a record agricultural trade surplus of $26.6 billion; 1981 marked the sixth consecutive year of increased agricultural exports, but if these increases are to continue, we must aggressively develop new markets. Aggressive market development includes financing both commodity sales and the establishment of importing facilities, as would be done by the Agricultural Export Credit Revolving Fund.

The United States has a great potential to increase farm exports to less-developed nations, but financial assistance for these exports is essential. Many of these nations would like to import more U.S. farm products, but do not have the port facilities or capital to build them. We must continue to place a high priority on market development if our farm sector is to recover and prosper in the 1980's and 1990's.

Our domestic farm sector is in its worst condition in decades. Low prices, high interest rates, and rising production costs have put farmers in a desperate economic condition. Increased agricultural exports is one of the few positive factors in the farm economy today. Farm exports provide American crop farmers with over half of their cash returns. In 1980, $1 in every $3.50 of total farm income came from U.S farm exports and the importance of exports to farm income will continue to increase.

However, in 1982, the value of farm exports is predicted to decline for the first time in 6 years. The decline is largely due to the depressed world economy, but the U.S. share of world exports in several commodities also has declined. It is essential that we maintain and work to increase our share of world farm exports and the Export Credit Revolving Fund would help us to achieve this goal.

In these times of budget restraint, it is hard to fund new programs, but the funds appropriated for the Agricultural Export Credit Revolving Fund will return benefits and it is a one-time budget request. The money appropriated for the fund would remain in the program and all funds received by the corporation for credit, repayment, interest payments and other payments would be returned to the revolving fund. Also, if the fund is not reauthorized in 1985, the money in the fund will revert back to the U.S. Treasury. It has been proven that money spent on agricultural export market development has been money well spent. With this in mind, I urge my colleagues to join me in support of this legislation.●

By Mr. INOUYE (for himself, Mr. RANDOLPH, and Mr. MATSUNAGA):

S. 2463. A bill to permit psychologists to enter the Regular Corps of the Public Health Service; to the Committee on Labor and Human Resources.

LEGISLATION TO PERMIT PSYCHOLOGISTS INTO THE PUBLIC HEALTH SERVICE

● Mr. INOUYE. Mr. President, today I am introducing legislation on behalf of myself and Senators MATSUNAGA and RANDOLPH, in order to amend the eligibility requirements for the U.S. Public Health Service Regular Corps to insure that psychologists may be eligible for membership. I understand that currently 25 doctoral-level psychologists are members of the Regular Corps under a permissive interpretation of "related scientific specialities in the field of public health." It is our view that our Nation's 32,000 licensed health care professional psychologists represent a significant national resource and that they should be accorded appropriate legislative recognition.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD as follows:

S. 2463

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 207(a)(1) of the Public Health Service Act (42 U.S.C. 209(a)(1)) is amended by inserting "psychology," after "pharmacy,".●

By Mr. COHEN:

S. 2464. A bill to amend the Public Works and Economic Development Act of 1965 to reauthorize the Economic Development Administration for fiscal years 1983, 1984, and 1985, and for other purposes; to the Committee on Environment and Public Works.

PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT AMENDMENTS OF 1982

Mr. COHEN. Mr. President, I am pleased to introduce the Public Works and Economic Development Act

Amendments of 1982, which reauthorizes the Economic Development Administration (EDA) for 3 additional years. The Reagan administration has proposed that the agency be terminated when the present authorization expires on September 30, 1982.

My bill is designed to respond to several major problems that the administration has cited as reasons for terminating the agency. The administration has rightly charged that EDA often duplicates other Federal programs, that the eligibility targeting is too broad, that programs are often ineffective, and that the agency is constrained to continue programs long after the need disappears. The administration has also charged that the cost per job created is excessive. I find it hard to disagree with these charges. However, I am convinced that a reorganized agency with streamlined programs can be effective and complement the administration's economic recovery program.

Under the provisions of this bill, the five major components of EDA's existing program will be retained. These will include public works grants, loans, technical assistance, the district program, and Title IX: Special Economic Development and Adjustment Assistance. The title V regional commissions will be eliminated. The Appalachian Regional Commission is reauthorized at fiscal year 1981 funding levels in order to complete and finalize work underway.

The bill I am introducing will eliminate EDA's programs which duplicate the efforts of other agencies. It will also eliminate area designation entirely and substitute a variable project criteria approach, which automatically targets the largest amount of assistance to the most distressed areas. The bill also includes a phaseout mechanism that conditions all assistance on unemployment rates and/or per capita income levels. As unemployment rates fall or incomes rise, EDA assistance decreases or is phased out entirely. Consequently, as the economy improves and the administration's economic program takes effect, EDA assistance will only be needed in those areas with chronic economic distress, while programs in other areas will be automatically phased out.

Another concern of the administration centers on the costs per job created or saved, particularly in the loan program. The cost per job under this bill will be legislatively controlled by specifying the amount of Federal investment per job created or saved by the loan assistance, again depending on the unemployment rate and per capita income levels.

Another provision of the bill directs the EDA to establish an Office of Program Evaluation to conduct an ongoing assessment of the effectiveness of EDA programs, including a determination of jobs created or retained by each project completed in each fiscal year. The responsibilities of the office shall also include a biennial evaluation of the performance of each multicounty district. The Office of Program Evaluation shall provide the Congress with an annual report on its findings.

In addition to the above changes, the bill also seeks to insure that projects must produce or preserve, directly or indirectly, long-term private sector jobs proportionate to EDA's investment. Plant relocation assistance will not be permitted. A project selection priority system shall be developed that is weighted toward long-term job creation and preservation in the private sector with emphasis given to the projects' relation to national goals and objectives, which include export promotion and development, infrastructural development, and productivity, to name a few.

I believe that the administration's economic policies can and will work. However, there are areas in this country that will not share fully in economic growth and expansion. These areas, including States in the Northeast, Midwest, and South, will continue to face adjustment problems as the national economy changes from a traditional manufacturing oriented economy to a high-technology and service economy. Many of the industries located in these older industrial and rural areas are being adversely affected by trade dislocations and will certainly require assistance to regain economic health. State, local, and private efforts can complement EDA and in most cases play the leadership role. However, these local institutions cannot rebuild our Nation's economy alone.

Mr. President, EDA does not pass the laws of this Nation. It does not define its own mandate. It did not set out to create the vast constituency that has competed for the limited technical and financial assistance provided by the agency. If we support the elimination of the agency, we will not be striking back at an insensitive and wasteful Federal agency. Rather, we will be eliminating a needed and fully justifiable Federal agency which has become overburdened and misdirected by forces beyond its control. We will be reacting to the symptoms of the problem and turning our backs on the root causes, which in my view, can be readily corrected by this bill.

Mr. President, one of the principal objectives of President Reagan's program for economic recovery is to significantly reduce the credit activities of the Federal Government. In part, this policy shift reflects the administration's view that the private sector should assume more of the risk associated with new investment. I support this view. The Federal Government should be the lender of last resort, not the Nation's banker.

But there clearly are instances when a Federal agency, such as EDA, can and should play an active role in promoting economic development or readjustment. The Federal Government certainly has an obligation to play at least a limited role in assisting industries and communities in their efforts to adjust to Federal policies. The Nation, and the individual States, will be poorly served if we turn a deaf ear toward those industries and communities which deserve assistance and will almost certainly continue to decline without it.

Over the years, EDA has been a genuinely positive force in promoting economic development in the State of Maine. Often, the agency's willingness to assist a troubled industry or community has spelled the difference between productive employment for Maine workers and the economic disruption which results when a marginal enterprise fails or when a good business opportunity is missed for lack of financial or technical assistance.

Since 1966, under the direction of a fine State and regional staff, EDA has provided economic assistance to approximately 435 projects in Maine. Through the cooperative efforts of EDA, State and local governments, and the private sector, thousands of good jobs have been created or saved throughout Maine that might not otherwise exist today. EDA has truly made a difference in Maine.

I believe that the proposals offered in this bill will complement the administration's efforts to restore national economic health. As the administration's policies become more successful, the role of EDA will diminish. In the meantime, the agency can fill the void by providing necessary assistance to those areas in most desperate need of economic relief.

Mr. President, this bill does not argue for the status quo at EDA. It clearly acknowledges that the agency has problems and that a restructing of EDA's mandate is necessary.

I urge my colleagues to support this restructuring of EDA. The case for terminating the agency is just simply not there.

By Mr. EXON:

S. 2465. A bill to specify the manner in which uncompensated services provided by a skilled nursing facility or an intermediate care facility shall be calculated for purposes of titles VI and XVI of the Public Health Service Act, and to require the Secretary of Health and Human Services to promulgate regulations under section 1621(b)(1)(K) of the Public Health Service Act (42 U.S.C. 300s-1(b)(1)(K)); to the Committee on Labor and Human Resources.

REGULATIONS RELATING TO NURSING FACILITIES

Mr. EXON. Mr. President, today I am introducing a bill which will change the way in which Hill-Burton regulations apply to nursing homes. The Hill-Burton program began in 1946 as a way to provide Federal aid for the construction and modernization of hospitals and was made available to nonprofit nursing homes in 1954. More than 500 nursing homes in virtually every State in the Nation have benefited from aid delivered through the Hill-Burton Act.

As a condition for receiving Hill-Burton aid, a facility must assure the Government of two things: First, that it will provide a reasonable amount of free care for the poor, and second, that it will open its doors to persons living in the community served by the facility.

In 1979, the program regulations were significantly changed after very limited consultation with affected parties. The Department of Health and Human Services tells us the primary target of these new regulations was hospitals that were failing to live up to their Hill-Burton promises. HHS has repeatedly admitted that these new rules were designed and imposed without taking the special needs of long-term care facilities—nursing homes—into account. And, in numerous letters to my office, HHS has conceded that the regulations, which replaced a reasonable set of requirements issued in 1972, have had an unintended damaging effect on nursing homes. Yet, the same regulations imposed on hospitals continue to be imposed also on nursing homes.

But a nursing home is not a hospital. It is not a place where a patient spends a few days but a residence where an elderly person may spend the rest of his or her life. A properly run nursing home, such as those nonprofit homes that took advantage of Hill-Burton aid, provides a community setting which fills a patient's social needs while it ministers to his medical ailments.

Because a nursing home provides services unlike those of a hospital and to a different type of patient, it faces a different set of economic problems. The 1979 regulations, however, have forced nursing homes to try to comply with financial requirements fundamentally unsuited to their mission. As a result, many have suffered, or will soon suffer, severe financial problems.

One of the finest nursing homes in the country, the Madonna Professional Care Center, in Lincoln, Nebr., is having serious problems in its efforts to comply with the regulations.

Madonna's administrators were well aware of its obligations to care for the poor and serve the community when the Benedictine-affiliated home accepted Hill-Burton money in 1971 and 1976. Madonna was meeting its obligations when, in 1979, the rules were changed in midstream. This home was forced to change its patient admissions rules and the way it calculates services provided to the poor, severely damaging its financial underpinnings in the process.

In 1981, Madonna had to charge each of its private patients an additional $860 to make up for the financial burden imposed by the ill-considered HHS regulations of 1979. These private patients are not rich folks but retirees who worked hard to accumulate the social security benefits and modest pensions that must now support them through age and illness.

If we do nothing, in 1982, these private patients will bear an even greater extra cost burden. But passing my bill will not cost the Federal or State governments an extra penny. In fact, by helping nursing homes maintain their financial stability, some elderly people may be able to afford nursing home care for a longer period without resorting to costly medicaid.

My bill would alleviate this situation for Madonna and the 548 other nonprofit homes facing a similar squeeze by permitting some technical changes which better reflect the way in which nursing homes differ from hospitals.

First, my bill would require the Department of Health and Human Services to develop admissions standards for Hill-Burton nursing homes which mirror those already found adequate by HHS for all other medicaid- and medicare-certified long-term care facilities under its jurisdiction. There is no legitimate reason why Hill-Burton homes should be treated more harshly than their sister institutions that participate solely in these other Federal medical aid programs.

Second, this bill would allow Hill-Burton nursing homes to count, as uncompensated care to the poor, the difference between their true costs and their medicaid reimbursement for patients who have resided at the home for longer than an average hospital stay—12 days. The 12-day provision, I feel, is a suitable dividing line between short-term care and the long-term residency provided by nursing homes.

I believe that nursing homes that have benefited from the Hill-Burton program cannot and must not shirk their responsibilities to provide care for the indigent. However, I also believe Federal regulations must be interpreted in such a way that these nonprofit homes can reasonably comply without putting their entire existence in financial peril. Inappropriate regulations, no matter how well meaning, fail in their purpose if neither compliance nor enforcement are possible. That, I fear, has been the case with these Hill-Burton regulations, insofar as nursing homes are concerned.

Mr. President, let me conclude with these final arguments in favor of this legislation:

First. Nonprofit nursing homes should be able to meet their Hill-Burton obligations as they existed at the time they accepted the financial assistance. The rules should not be changed after the fact;

Second. HHS has acknowledged that the 1979 regulations were not aimed at nursing homes, and that nursing homes will suffer because of the 1979 regulations. "We are aware that this issue is not adequately addressed in the regulations," HHS has written;

Third. Failure to take corrective action will result in shifting costs onto private paying patients, who cannot afford them, or in nonprofit nursing home bankruptcies, or both; and

Fourth. Keeping nonprofit nursing homes financially healthy will provide better access for paying and nonpaying patients alike. This legislation entails no cost to the Government.

I urge my colleagues to act promptly on this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2465

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) with respect to whether a skilled nursing facility or an intermediate care facility which received assistance under title VI or title XVI of the Public Health Service Act (as such title XVI was in effect on September 30, 1979) has complied with the provisions of section 603 (e)(2) or section 1604(b)(1)(J)(ii) of such Act (as such section 1604(b)(1)(J)(ii) was in effect on September 30, 1979)—

(1) the amount of services provided by the facility without compensation to an individual unable to pay therefor shall be equal to the difference between the reasonable cost of such services and the amount charged, and paid by or on behalf of such individual, for such services; and

(2) the amount of services provided by the facility without compensation to an individual unable to pay therefor shall include any portion of such reasonable cost in excess of the amount that the facility has received, or ins entitled to receive, under Medicare or Medicaid.

(b) Subsection (a)(2) shall not apply to services provided by a skilled nursing facility or an intermediate care facility to an individual during any 12-day period which begins with the date on which such individual—

(1) initially receives such services; or

(2) first receives such services after a period of at least 30 consecutive days during which such individual did not receive such services.

SEC. 2. The Secretary shall promulgate regulations under section 1621(b)(1)(K) of the Public Health Service Act (42 U.S.C. 300s-1(b)(1)(K)) to establish requirements for admission by skilled nursing facilities or intermediate care facilities of individuals eli-

gible for insurance benefits under title XVIII of the Social Security Act or of individuals eligible for aid or assistance under a State plan approved under title XIX of such Act which are identical to the requirements for such admissions specified in rules and regulations promulgated under section 1861(j) and section 1905(c) of the Social Security Act.

SEC. 3. For purposes of this Act—

(1) the term "skilled nursing facility" has the same meaning as in section 1861(j) of the Social Security Act;

(2) the term "intermediate care facility" has the same meaning as in section 1905(c) of such Act;

(3) the term "reasonable cost" means the cost of providing services to an individual in accordance with the cost determination principles and requirements under title XVIII of such Act;

(4) the term "Medicare" means the program of health insurance established under title XVIII of such Act; and

(5) the term "Medicaid" means the program of medical assistance provided under a State plan approved under title XIX of such Act.

By Mr. HATCH (for himself, Mr. D'AMATO, Mr. LEVIN, Mr. GARN, and Mr. BUMPERS):

S. 2466. A bill to amend the Tariff Schedules of the United States to provide for rates of duty on imported roses consistent with those maintained by the European Economic Community on imports of roses from the United States and other nations; to the Committee on Finance.

TARIFF DUTY ON ROSES

● Mr. HATCH. Mr. President, I am introducing a bill today to restore equity in the trade relations in the rose industry between the United States and the European Community. The proposed bill would aline tariff rates on fresh cut flowers to the same level as is currently imposed by the European Economic Community.

As background material, I would like to set forth the following information which will evidence the gravity of the situation and show the need for legislation in this area.

Roses, Inc., is the national trade association which represents the interests of domestic growers and wholesalers of roses. In 1980, its 190 grower members accounted for approximately 84 percent of the domestic production of the 19.64 million rose plants grown in the United States.

The rose greenhouse firms which are members of Roses, Inc., in the United States are mostly family owned enterprises. In 1981 they employed approximately 3,600 workers, of whom about 3,225 are production workers. They are located—in order of number of rose plants in production—in the following 31 States:

State	No. of rose plants	No. of rose greenhouses	No. of workers producing roses (estimate)
California	6,600,393	58	1,285
Pennsylvania	1,242,620	13	243
Indiana	1,173,280	8	229
Colorado	1,073,453	13	210
New York	918,131	11	180
Ohio	720,593	9	141
Illinois	629,020	5	123
Oregon	612,000	3	120
Massachusetts	581,312	6	114
Michigan	457,683	6	90
New Hampshire	334,000	2	66
Minnesota	280,630	12	55
Utah	260,755	3	51
Washington	252,506	3	50
Wisconsin	159,240	5	32
Kentucky	154,835	3	31
North Carolina	148,148	4	30
New Jersey	119,000	2	24
Connecticut	118,200	2	24
Hawaii	109,000	2	22
Alabama	90,000	1	18
Virginia	89,864	2	18
Iowa	75,570	4	15
Missouri	73,400	2	15
West Virginia	63,180	2	13
Maryland	45,184	2	10
Idaho	32,000	1	7
Florida	11,500	2	3
Georgia	10,800	1	3
Arkansas	3,550	1	1
New Mexico	1,080	2	2
United States	16,440,927	190	3,225

Source of data: Number of plants and greenhouses, actual; number of workers producing roses, based on ratio of blooms to plants, aggregate of hybrid tea and sweetheart roses, per U.S. Dept. of Agriculture, Floriculture Crops, Production Area and Sales, 1979 and 1980, Intentions for 1981, Washington, March 1981, and rose bloom sales to man-hours of work of production workers, U.S. International Trade Commission, Publication 1059, April 1980, table 8, and number of rose plants in production, Roses Incorporated 1980–81 Membership Directory and Buyer's Guide.

II. GRAVITY OF THE ROSES IMPORT PROBLEM, AND EFFORTS OF ROSES INC. AND ITS MEMBERS TO SECURE CORRECTIVE ACTION THROUGH ESTABLISHED TRADE REMEDIES

(1) In January 1977, the Growers Division of the Society of American Florists and Ornamental Horticulturists petitioned the United States International Trade Commission (ITC) for import relief in the form of tariff adjustment under sec. 201 of the Trade Act of 1974. The basis for the petition was that imports of the principal types of fresh cut flowers had increased rapidly during the 5 preceding years (1972-76). The portion of domestic consumption supplied by imports increased during that period as follows: for pompon chrysanthemums, from 10.5 percent to 32.9 percent of the market; for carnations, from 8.3 percent to 25.9 percent; for roses, from 0.4 percent to 1.3 percent.

In its report dated August 1, 1977, the Commission denied relief to the domestic rose growers industry. One factor in its decision was a cable from the American Embassy in Colombia advising the Department of State that the Colombian Government had requested its flower growers to limit exports of cut flowers to the United States and Western Europe and to suspend further plantings of carnations and pompons, as well as limit export volume of those flowers to the absorptive capacity of the United States and Europe markets. USITC Publication 827, August 1977.

(2) That negative decisions acted as a signal to foreign producers to increase their production of fresh cut flowers so as to boost their exports to the United States. Unfortunately the "requests" of the Colombian Government to its rose growers went unheeded as imports of all fresh cut flowers increased rapidly. By 1979, the penetration of the American market by imports reached the following levels: for pompon chrysanthemums, 48 percent of the market; for carnations 44 percent; for standard chrysanthemums, 14 percent; and for roses, 7 percent. USITC Publication 841, November 1981. The imports dominated the markets for other fresh cut flowers, and caused serious market disruption in the markets for roses.

(3) Subsequently, Roses Inc., on behalf of its members, filed three separate actions for import relief on November 15, 1979:

(a) a petition with the U.S. International Trade Commission under section 201 of the Trade Act of 1974. On April 15, 1980, the Commission denied relief. USITC Publication 1059, April 1980.

(b) a two-pronged joint petition with the International Trade Administration, Department of Commerce, and the U.S. International Trade Commission under sec. 703 of the Tariff Act of 1930, as amended by the Trade Agreements Act of 1979:

(i) Requesting the imposition of countervailing duties on roses from the Netherlands; and

(ii) Requesting the imposition of countervailing duties on roses from Israel.

(c) The action against roses from the Netherlands was subject to the injury test which was added to the countervailing duty law by Congress in the 1979 Act for articles imported from countries which had become signatories to the International Subsidies/Countervailing Duty Code negotiated during the Tokyo Round of Trade Agreement Negotiations. In February 1980, the International Trade Commission determined that there was no showing of a reasonable indication of injury and terminated the action. USITC Publication 1041.

In all three instances relief was denied to the rose growers.

Spurred by these negative decisions, the Dutch flower industry engaged in a major export drive to increase its penetration of the American market. The Flower Council of Holland, which represents the multibillion dollar flower industry of the Netherlands, has launched a major program to strengthen its position in the U.S. market. An integral part of the new program will be an extensive communication and advertising campaign. The Holland Flower industry also has established delivery methods which

give it the capability of servicing every major population center in the United States in a matter of hours. Flower News, December 5, 1981, p. 4.

The tremendous potential of this program is implied by the fact that the Netherlands has 8,500 floral greenhouse firms. The Dutch are the world's leading producer of fresh cut roses, growing more than 1 billion rose blooms annually—more than twice the U.S. production and consumption. About 85 percent of Dutch fresh cut rose sales are for export. Florists' Review, December 3, 1981, p. 45; USITC Publication 1059, April 1980, p. A-13. The Agricultural Economic Section, Foreign Agriculture Service, U.S. Department of Agriculture, advises that the Dutch plan to increase their penetration of the U.S. flower market five-fold in the next 5 years, and that they have a very sophisticated marketing system which is far better than the other countries now shipping roses to the United States. (Remarks of Ms. Alyn Beauchamp before the meeting of the American Farm Bureau on Floriculture Imports, Nov. 16-17, 1981).

Meanwhile, the subsidies paid to the greenhouse industry by the Dutch Government continue unabated. As of January 1, 1981, the Dutch Government contributed 18 percent of the cost for firms building new buildings, including greenhouses; 13 percent for firms building other permanent installations, and 11 percent for firms improving existing buildings. In addition to these government subsidies, others have been granted to potential rose growers so as to encourage both small business as well as for locating on either the eastern or western portion of the country. Florists Review, December 3, 1981, pp. 44, 46.

The greenhouse production of roses and other fresh cut flowers in a climate such as in Holland (and the United States) is energy intensive. In the United States, energy costs account for 19 percent of total costs of production. USITC Publication 1059, April 1980, p. A-25. Unlike the United States, however, the Netherlands Government provides heating subsidies to its greenhouse industry. A number of European entities, including the European Economic Commission and the European Parliament, have demanded that the Dutch Government end these subsidies; however, these demands have been refused. The case is expected to go before the European Court of Justice in the future, although the resolution of this issue by the Court could easily take several years.

In response to the Dutch Government's inaction, the government of the United Kingdom has extended for another year heating fuel aid given to the British greenhouse industry, declaring that such action was necessary in the face of subsidized competition from Dutch flowers to "retain a viable and successful British glasshouse industry". Further, the European Commission has allowed special aid to be paid to glasshouse growers in other member countries to cancel out the Dutch preference. Financial Times, November 19, November 24, 1981.

At the December plenary session of the European Parliament, its Energy Committee requested an emergency debate on energy prices in horticulture because of the Dutch gas price subsidies which distorted competition in favour of the Dutch greenhouse industry. In that debate, a resolution was presented which stated that the European Parliament considered "unacceptable" the decision of the European Commission allowing the Netherlands an extension to abolish the special tariffs for natural gas intended for greenhouse horticulture. The Commission felt that these subsidies would permit Dutch horticulturalists to benefit from unfair advantages in a new marketing year. Europe, 30 November/1 December 1981, p. 12; December 19, page 8.

(d) The action against roses from Israel was not subject to the injury test because Israel had not signed the international agreement. On September 4, 1980, the International Trade Administration published an affirmative final determination that roses imported from Israel were being subsidized by the Israeli Government, and it estimated a countervailing duty rate of 2.02 percent to offset the subsidies. 45 Fed. Reg. 58516-19. Subsequently, the ITA reduced that rate to 1.55 percent. 46 Fed. Reg. 44486-87.

Roses Inc. believed that the rate was far too low, and on September 16, 1980 it initiated a civil action in the U.S. Customs Court (now the U.S. Court of International Trade) seeking judicial review of the ITA determination. On August 5, 1981, the Court remanded the case to the ITA for verification and further investigation of three issues which Roses Incorporated had presented to the Court. On December 24, 1981, the ITA forwarded its report of further investigation to the Court.

The ITA found that the proper subsidy rates to be applied to the three types of subsidies challenged by Roses Inc., which the ITA had previously determined to be zero, should be 2.5 percent in order to offset the subsidy provided by the Israeli Government-backed minimum price program, 8.54 percent to offset the benefits provided under Israeli Government-sponsored loans for financing export related working capital and accounts receivable, and 0.12 percent for Israeli Government financial assistance granted to Agrexco (the partially Government-owned export marketing organization which exports roses to the United States and which has a major import terminal and marketing facility for fresh cut flowers at JFK Airport in New York) for the expansion of its facilities at Ben Gurion Airport. Thus the total countervailing duty rate was set at 12.71 percent, instead of the 1.55 percent which Roses Inc. challenged in its initial civil action.

Further proceedings will be held by the Court, based upon the ITA's report of its further investigation, and the supplemental record, which is being forwarded to the Court on January 4, 1982. A final decision of the Court is anticipated the end of May 1982, and then may be appealed by any disappointed party to the proceeding. Meanwhile, the domestic rose-growing industry has been denied, and for the immediate future will be denied the relief to which it is entitled under the countervailing duty law by the erroneous decision of the ITA more than 1 year ago, in September 1980.

(4) In the meantime, while Roses Inc. was systematically being denied relief under the domestic law proceedings it had initiated, imports of fresh cut flowers have continued their rapid increase. By 1980, the penetration of the American market by imports reached the following levels: for pompon chrysanthemums, 50 percent of the market; for carnations, 49 percent; for standard chrysanthemums, 15 percent; and for roses, 9 percent. USITC Publication 841, November 1981. The major portion of imports of roses have been from Colombia, accounting in 1980 for 81 percent of the total imports. The next largest suppliers of imported roses are Israel and The Netherlands, who together supplied 14 percent of total imports in 1980. The imports of chrysanthemums and carnations have been so overwhelming that those domestic industries have abandoned all hope of maintaining their position in their own market. The trade association of carnation growers has ceased operations, and the chrysanthemum growers association, with a dwindling membership, is unfortunately also actively considering dissolution.

(a) Determined to prevent its member growers from being destroyed by the unfair competition of subsidized and dumped imports, as had been the case with chrysanthemums and carnations, Roses Inc. commissioned an independent market research firm to investigate the possibility that the overwhelming proportion of imported roses from Colombia were being sold at less than fair value in the U.S. market. It received the report of the research firm in spring 1981, and promptly filed an antidumping petition against Colombian rose growers with the International Trade Commission on June 4, 1981. On June 24, 1981, following extensive communications with the Embassy of Colombia and in violation of the congressional instruc-

tions that the sufficiency for an investigation of antidumping petitions be determined without reference to the views of others, the International Trade Administration (ITA) dismissed the petition of Roses Inc. Thus it denied both relief and further investigation of the rose growers complaints.

(b) On July 9, 1981, Roses Inc. filed a civil action with the U.S. Court of International Trade seeking judicial review of the ITA's refusal to investigate the dumping of roses from Colombia, as alleged in the petition. On July 20, two trade associations representing Colombian rose producers filed motions to intervene in the Court proceeding. Roses Inc. opposed such intervention. On August 21, 1981, the Court denied the motions for intervention. Subsequently, the administrative record was filed with the court on September 1. In response to the rose grower's request, the Court on October 8 designated the case for review upon the administrative record. On October 15, 1981, Roses Inc. filed its motion for judgment on the administrative record. After a number of extensions requested by the Government, the case has finally been briefed by all of the interested parties and a decision is expected to be rendered in late May 1982. However, not only has Roses Inc. been denied the right to an antidumping duty investigation by an improper refusal to investigate by the administrative agency, it has also been frustrated in its right to expeditious judicial review by the dilatory tactics of the Department of Justice.

(5) As if encouraged by the above negative action of the U.S. Government agencies, the Colombian growers have sharply increased their exports to the United States. During the 12-month period ending October 1981, U.S. imports of fresh cut roses from Colombia increased to 54.0 million, as compared to the total of 36.0 million in calendar year 1980. U.S. Department of Commerce, Bureau of Census, IM 146, November, December 1980, October 1981. This represents a 50-percent increase in the space of 1 year.

At the same time, rose growers in Israel and the Netherlands appear to be equally encouraged by the favorable treatment which they have received at the hands of the U.S. agencies charged with enforcing the trade laws: Imports from Israel and The Netherlands during the same 12-month period in the aggregate totaled 9.7 million, as compared to a total of 6.4 million in the 1980 calendar year, amounting to an increase of 52 percent. Total imports from all countries during the 12-month period ending October 31, 1981 totaled 68.6 million blooms, as compared to total imports of 44.5 million blooms in the calendar year 1980, an increase of 54 percent.

(6) Total U.S. consumption of roses in calendar year 1981 is estimated by Roses Inc. to have been 505 million blooms. Imports will supply 13.6 percent of the market, up sharply from the 9.6 percent market share for total imports in calendar year 1980. The domestic rose growing industry is faced with the imminent prospect of imports breaking through the 15 percent market share benchmark in 1982, a level which signals such market entrenchment that domestic growers will be rapidly forced out of the domestic market. This happened to carnations and pompon chrysanthemums in 1973—7 years later the importers owned and controlled the domestic market for those fresh cut flowers.

III. THE NEED AND JUSTIFICATION FOR THE DOMESTIC ROSE GROWERS TO REQUEST THE CONGRESS TO PROVIDE TARIFF TREATMENT COMPARABLE TO THAT PROVIDED BY THE EUROPEAN ECONOMIC COMMUNITY TO ITS ROSE GROWERS

The information presented in the preceding section shows that Roses Inc. has invoked every available domestic legal remedy to secure the correction of this extremely grave import dilemma. It has exercised prudence and foresight in attempting to invoke the remedies provided by Congress to prevent the serious and material injury of a domestic industry from unfair competition caused by dumping and government subsidization. The rose growers have been denied relief in every forum they have sought recovery. Each potential remedy has been unavailing to help stem the onrushing tide of imports which threaten destruction of both the industry and its members.

The three principal foreign countries supplying roses to the United States—Colombia, Israel, and the Netherlands—in the 12 months ending October 1981 accounted for 93 percent of total U.S. imports of roses. Together they currently possess the capacity to produce 1.3 billion rose blooms annually: 1 billion, Netherlands; 65 million, Colombia; 190 million, Israel; see USITC Publication 1059, April 1980, page A-13 re Netherlands and Israel; Colombia is reported to export 83 percent of its rose production to the United States, therefore the 54 million blooms actually imported into the United States during the past 12 months divided by 83 percent yields estimated production of 65 million blooms. Each of these countries exports more than 80 percent of its production. Thus, the 3 could export an aggregate of 1 billion blooms to the United States, equivalent to twice the total U.S. demand. Each of these countries increased its exports to the United States by more than 50 percent in 1981. Together their aggregate U.S. market share is rapidly reaching the 15-percent danger point beyond which rapid elimination of U.S. growers from the rose market will occur. These foreign competitors have resolutely and successfully opposed the efforts of Roses Inc. to secure for its U.S. grower members the benefits intended by Congress. The administrative agencies seemingly have taken the side of the foreign suppliers, and who are organized with sophisticated marketing resources to accelerate their takeover of the American rose market.

Due to these circumstances, the grower members of Roses Inc. turn to their elected Representatives in the U.S. Congress to petition for the redress of these grievances. Specifically, the domestic rose greenhouse firms request the Congress to amend the U.S. tariff so as provide the same type of import duties which the European Economic Community maintains against imports of roses from the United States, Colombia, and other countries. That treatment is as follows:

Section II, Chapter 6, Heading Number 06.03 of the Common External Tariff of the European Economic Community specifies the rates of duty to be applied to imports of roses and other fresh cut flowers from outside the Community, as shown on the following page:

Heading No. and description	Rate of duty (percent)	
	Autonomous	Conventional
06.03 Cut flowers and flower buds of a kind suitable for bouquets or for ornamental purposes, fresh, dried, dyed, bleached, impregnated or otherwise prepared:		
A. Fresh:		
I. From June 1 to October 31	24	24
II. From November 1 to May 31	20	17
B. Other	20	

The EEC has refused to negotiate any concession on the rate applicable to fresh cut flowers in the recently concluded—1979—Tokyo round of trade agreement negotiations. In the Kennedy round, concluded in 1967, the EEC negotiated and was granted binding tariffs on rose imports at the full statutory rate to roses grown during the principal growing season in Europe—June 1 to October 31—whereas it allowed only a minor 3 percent tariff reduction from the 20 percent rate applicable to "off-season" imports, November 1 to May 31. The United States accepted this long-standing position of the EEC to grant no meaningful concessions on its external tariff on fresh cut flowers.

In contrast, the United States reduced its full statutory duty rate of 40 percent ad valorem tax on imports to the level of 4 percent of miniature carnations, and to 8 percent on both roses and other fresh cut flowers. In trade agreements with Canada and the United Kingdom, the United States cut its tariff on fresh cut flowers by 15 percent—effective 1939—by an additional 12½ percentage points in the

initial GATT negotiations—effective 1948—by an additional 2½ percentage points in the GATT—Dillion round—of tariff negotiations—effective 1963—and by 6 percentage points on miniature carnations, and 2 percentage points on roses and other fresh cut flowers in the Tokyo round. During the existence of the European Economic Community—1957 to the present—that body has refused to grant any concessions on fresh cut flowers, including roses, during its principal growing season, and only the 3 percent reduction for imports during the off season. Its tariff level of 24 percent for imports during its prime growing season is 300 percent of the current U.S. rates.

The domestic rose greenhouse firms believe it is reasonable, equitable, and just for Congress to amend the U.S. Tariff Schedule to provide customs treatment on U.S. imports of roses equivalent to that which the EEC—with the agreement of the United States—has insisted upon retaining for the protection of the fresh cut flower greenhouse industry in the European Community.

The bill I am introducing will accomplish this purpose. The domestic rose growers have requested their Representatives in Congress to support the introduction and enactment of this legislation during the second session of the 97th Congress. Time is of the essence for this requested action.●

By Mr. DECONCINI:

S. 2467. A bill to amend the Employee Retirement Income Security Act of 1974 to require a fiduciary to invest at least 5 per centum of the assests of an employee benefit plan in residential home mortgages; to the Committee on Labor and Human Resources.

INVESTMENT IN HOME MORTGAGES BY RETIREMENT PLANS

Mr. DECONCINI. Mr. President, I am proposing legislation to amend the Employee Retirement Income Security Act (ERISA) of 1974 to require that at least 5 percent of the assets of a pension plan be invested in residential mortgages. We are all aware of the depressed state of the housing industry. The industry is in its most severe depression since World War II. For 7 consecutive months housing starts have fallen below 1 million units. In 1981, only 1.1 million units were started, down more than 45 percent from the 2 million units started annually in 1977 and 1978. Further, the National Association of Home Builders predicts 1,074,000 housing starts in 1982, making it the worst year in modern history.

Of course, this depressed housing situation has had a tremendous impact on unemployment in the construction industry. Unemployment in the construction trades accounts for 1 in 10 of the Nation's total jobless and is more than twice the national average. Construction unemployment in February was 18.1 percent or 928,000 workers. The number could go higher as more skilled craftsmen lose their jobs in the near future.

Mr. President, as unemployment soars, so does the Federal deficit. The Congressional Budget Office estimates that every 1 percent increase in unemployment costs the Federal Government $25 billion. Programs such as unemployment compensation and food stamps incur increased expenditures as more and more unemployed seek assistance.

The primary causes for this disastrous situation are high interest rates and lack of mortgage funds. The unavailability of mortgage money began to develop in the early seventies and has continued because of disintermediation occurring in thrift institutions which have been strong champions of the residential mortgage market. The lack of mortgage funds coupled with high interest rates has decimated the housing industry.

It is estimated that there are approximately 600 billion dollars' worth of pension funds that could become a primary source for home financing. Thus, if this bill were enacted at least $30 billion would within a short period of time be invested in residential mortgages. Not only will a large pool of funds be available for financing home buyers, but at the same time mortgage interest rates should begin to subside.

Since ERISA was passed in 1974, private pension investments in residential mortgages have decreased. This is because provisions in the law have been overly restrictive. Thus, my bill amends the prudent man rule to require that at least 5 percent of pension fund assests be invested in residential mortgages. The bill also requires that the investments be adequately secured and bear reasonable rates of interest.

Upon enactment, this bill would not only provide a stimulus to the housing industry, but will allow pension plans to obtain safe, high returns on their investments. This industry is bearing the brunt of our present economic problems. It is time that the Congress act to provide relief. This measure is designed to provide assistance while at the same time limiting the costs for the Federal Government to virtually nothing. In my view, all who are affected by this proposal would be positively impacted. I urge my colleagues to support it.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2467

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 404 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1104) is amended by adding at the end thereof the following new subsection:

Notwithstanding anything to the contrary in subsection (a)

"(d) a fiduciary shall invest at least 5 per centum of the fair market value of the assets of a plan in—

"(1) mortgages and loans which are adequately secured by liens on residential real property and which bear reasonable rates of interest;

"(2) securities backed by such mortgages and loans; and

"(3) obligations and securities issued by mortgages approved for participation in any mortgage insurance program under title II of the National Housing Act.

As used in this subsection, a rate of interest is reasonable if it at least equals the average net yield of all investments made by the plan for the preceding ten-year period (or any shorter period of at least three consecutive years within such ten-year period) or is consistent with other rates of return on similar investments.".

(b) Section 404(a)(1) of such Act (29 U.S.C. 1104(a)(1)) is amended by inserting "subsection (d) and" after "Subject to".

ADDITIONAL COSPONSORS

S. 99

At the request of Mr. JEPSEN, the Senator from South Dakota (Mr. ABDNOR) was added as a cosponsor of S. 99, a bill to amend the Internal Revenue Code of 1954 to allow individuals a deduction for certain expenses paid or incurred in connection with the adoption of a child.

S. 1018

At the request of Mr. CHAFEE, the Senator from South Dakota (Mr. ABDNOR) was added as a cosponsor of S. 1018, a bill to protect and conserve fish and wildlife resources, and for other purposes.

S. 1407

At the request of Mr. PRYOR, the Senator from Alabama (Mr. HEFLIN), the Senator from Washington (Mr. GORTON), the Senator from Illinois (Mr. DIXON), the Senator from Indiana (Mr. LUGAR), the Senator from Hawaii (Mr. INOUYE), and the Senator from Virginia (Mr. HARRY F. BYRD, JR.) were added as cosponsors of S. 1407, a bill to amend title 39, United States Code, by strengthening the investigatory and enforcement powers of the Postal Service by authorizing inspection authority and by providing for civil penalties for violations of orders under section 3005 of such title, pertaining to schemes for obtaining money by false representations or lotteries, and for other purposes.

S. 1664

At the request of Mr. ROTH, the Senator from Minnesota (Mr. DURENBERGER) was added as a cosponsor of S. 1664, a bill to amend title 10, United States Code, to allow supplies under the control of departments and agencies within the Department of Defense

to be transferred to the Federal Emergency Management Agency as if it were within the Department of Defense and to amend the Federal Civil Defense Act of 1950 to authorize the Federal Emergency Management Agency to loan to State and local governments property transferred to such agency from other Federal agencies as excess property.

S. 1675

At the request of Mr. DANFORTH, the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1675, a bill to help eliminate world hunger and malnutrition and promote global security.

S. 1701

At the request of Mrs. HAWKINS, the Senator from Georgia (Mr. NUNN) was added as a cosponsor of S. 1701, a bill to amend title 28, United States Code, to authorize the Attorney General to acquire and exchange information to assist Federal, State, and local officials in the identification of certain deceased individuals and in the location of missing children and other specified individuals.

S. 2155

At the request of Mr. KASTEN, the Senator from Arizona (Mr. DECONCINI) was added as a cosponsor of S. 2155, a bill to require a foreign country be declared to be in default before payments are made by the U.S. Government for loans owed by such country or credits which have been extended to such country which have been guaranteed or assured by agencies of the U.S. Government.

S. 2158

At the request of Mr. DANFORTH, the Senator from Texas (Mr. BENTSEN) was added as a cosponsor of S. 2158, a bill to amend title 23, United States Code, to authorize and direct the payment of an incentive grant for highway safety programs to any State in any fiscal year during which the statutes of the State include certain provisions relating to driving while intoxicated; to establish a national driver register, for other purposes.

S. 2210

At the request of Mr. ROTH, the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 2210, a bill to amend Commodity Exchange Act, to reduce fraud and improve the administration of such act, and for other purposes.

S. 2226

At the request of Mr. LUGAR, the Senator from Maine (Mr. MITCHELL) was added as a cosponsor of S. 2226, a bill to amend National Housing Act to provide for emergency interest reduction payments and for other purposes.

S. 2270

At the request of Mr. LUGAR, the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of S. 2270, a bill to amend section II of the Social Security Act to provide generally that benefits thereunder may be paid to aliens only after they have been lawfully admitted to the United States for permanent residence, and to impose further restriction on the right of any alien in a foreign country to receive such benefits.

S. 2281

At the request of Mr. DANFORTH, the Senator from California (Mr. CRANSTON) was added as a cosponsor of S. 2281, a bill to amend Internal Revenue Code of 1954 to encourage contributions of computers and other sophisticated technological equipment to elementary and secondary schools.

S. 2309

At the request of Mr. CHAFEE, the Senator from Tennessee (Mr. BAKER) was added as a cosponsor of S. 2309, a bill to amend Endangered Species Act of 1973, to authorize funds for fiscal year 1983, and for other purposes.

S. 2338

At the request of Mr. PERCY, the Senator from Nebraska (Mr. EXON) was added as a cosponsor of S. 2338, a bill to expand the membership of the Advisory Commission on Intergovernmental Relations to include elected school board officials.

S. 2368

At the request of Mr. PRESSLER, the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of S. 2368, a bill to require the President to take certain actions to obtain relief from nontariff trade barriers imposed by foreign countries against agricultural goods produced in the United States.

S. 2411

At the request of Mr. SPECTER, the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2411, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968.

SENATE JOINT RESOLUTION 58

At the request of Mr. SASSER, his name was added as a cosponsor of Senate Joint Resolution 58, a joint resolution proposing an amendment to the Constitution altering Federal fiscal decisionmaking procedures.

SENATE JOINT RESOLUTION 133

At the request of Mr. DECONCINI, the Senator from North Dakota (Mr. ANDREWS), the Senator from Wyoming (Mr. SIMPSON), the Senator from South Carolina (Mr. THURMOND), the Senator from Wisconsin (Mr. KASTEN), the Senator from Minnesota (Mr. DURENBERGER), and the Senator from Montana (Mr. MELCHER) were added as cosponsors of Senate Joint Resolution 133, a joint resolution to authorize and request the President to designate August 14, 1982, as "National Navajo Code Talkers Day."

SENATE JOINT RESOLUTION 159

At the request of Mr. ROTH, the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of Senate Joint Resolution 159, a joint resolution entitled the "White House Conference on Productivity Act."

SENATE JOINT RESOLUTION 175

At the request of Mr. KASTEN, the Senator from Kentucky (Mr. FORD), the Senator from Wisconsin (Mr. PROXMIRE), the Senator from North Carolina (Mr. HELMS), and the Senator from West Virginia (Mr. RANDOLPH) were added as cosponsors of Senate Joint Resolution 175, a joint resolution authorizing and requesting the President to proclaim "National Junior Bowling Championship Week."

SENATE JOINT RESOLUTION 189

At the request of Mr. THURMOND, his name was added as a cosponsor of Senate Joint Resolution 189, a joint resolution to authorize and request the President to designate May 25, 1982, as "Missing Children Day."

SENATE CONCURRENT RESOLUTION 82

At the request of Mr. THURMOND, his name was added as a cosponsor of Senate Concurrent Resolution 82, a concurrent resolution expressing the sense of the Congress that the people of the United States should observe the month of May 1982 as Older Americans Month.

At the request of Mrs. HAWKINS, the Senator from Pennsylvania (Mr. HEINZ) was added as a cosponsor of Senate Concurrent Resolution 82, supra.

AMENDMENT NO. 1395

At the request of Mr. LEVIN, his name was added as a cosponsor of amendment No. 1395 proposed to S. 1662, a bill to establish a limited program for Federal storage of spent fuel from civilian nuclear powerplants, to set forth a Federal policy, initiate a program, and establish a national schedule for the disposal of nuclear waste from civilian activities, and for other purposes.

AMENDMENTS SUBMITTED FOR PRINTING

REVISION AND EXTENSION OF CERTAIN MEDICAL PROGRAMS

AMENDMENT NO. 1396

(Ordered to be printed and referred to the Committee on Labor and Human Resources.)

Mr. WEICKER submitted an amendment intended to be proposed by him to the bill (S. 2311) to revise and extend programs relating to biomedical research, research training, medical library assistance, health information, and promotion, and research ethics.

HEALTH PLANNING AND RESOURCE ALLOCATION

● Mr. WEICKER. Mr. President, on April 27, 1982, I offered an amendment in the Senate Committee on

Labor and Human Resources to Senate bill 2311 to repeal title XV of the Public Service Act and to substitute in its place a greatly revised system of health care planning and cost containment. This amendment was defeated by a tie vote. I informed the chairman at that time that I would offer an amendment on health planning and cost containment during the floor debate on Senate bill 2311.

At this time I would like to explain to my colleagues why this amendment was offered and why I am hopeful that the Senate will support this necessary continuation of our Nation's health care planning efforts.

There are very few expenditures at either the Federal or State level which are greater than those for health care and virtually none has increased as rapidly or as consistently over the past two decades. Last year alone increases in health care costs was over 15 percent and this increase was on top of costs which had escalated to 331 percent between 1970–80.

Among the methods used to address and to control health costs has been health planning and certificate of need review. Funding for the present program will expire on September 30, 1982. It is essential that the Federal Government encourage the continuation of health planning and while doing so recognize where changes to existing law can, and should, be changed.

My amendment addresses both objectives. States are free to choose, without penalty, whether or not to participate. The bill is vastly less prescriptive and, therefore, the States are also free to design their own system of planning within very broad Federal parameters. And—the cost to the Federal Government has been cut in half.

In addition, my amendment continues health planning and certificate of need primarily for the purpose of containing costs. Other goals contained in 93-641, title XV, are deleted as requirements but not prohibited. Only the most major of hospital expenditures will be subject to review, thus exempting from control all but the significantly expensive capital projects and new services. There are also changes in law to assure that the hospital receives a prompt response to its requests.

Finally, there has been included a modest attempt to encourage the strengthening of market forces within the health care system. Funds have been made available to assist in the development of so-called pro competition models. In addition, advisory councils, dominated by employers and other purchasers who actually pay the major portion of the health care bill, are established. These councils will insure that those who have a vested interest in controlling costs have a say in the way it is being done.

Mr. President. Health care cost increases contribute substantially to Federal and State deficits and, as the major purchaser of health care—$70.9 billion in 1980—we have an obligation to address these increases. Perhaps even more important, however, is the fact that increases in the price of health care hold down or even reduce the types or amount of services so desperately needed by the Nation's senior citizens and others who count upon the Social Security Act to pay health care bills.

Health care is too important and too high priced to be left to develop in an unplanned and unnecessarily duplicative way. In order that my colleagues have an opportunity to study my amendment, I ask unanimous consent that the full text of the amendment be printed at the conclusion of my remarks.

At the committee markup a number of my colleagues who voted against my amendment did express an interest in finding a solution to this most pressing and serious problem. I encourage my colleagues to offer their suggestions as soon as possible.

Mr. President, I urge that serious consideration be given to this new health planning proposal and further urge that the full Senate support its adoption as an amendment to S. 2311.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT No. 1396

At the end of the bill add the following:

TITLE III—HEALTH PLANNING AND RESOURCE ALLOCATION

SHORT TITLE

SEC. 301. This title may be cited as the "Health Planning and Resource Allocation Act of 1982".

REVISION OF PROGRAM

SEC. 302. (a) Title XV of the Public Health Service Act is amended to read as follows:

"TITLE XV—HEALTH PLANNING

"PART A—GENERAL PROVISIONS

"FINDINGS AND PURPOSE

"SEC. 1501. (a) The Congress finds and declares that—

"(1) the present system of health planning and development contains too many often mutually exclusive goals which prevent the achievement of predictable success, especially in regard to containing the rapidly rising costs of health care;

"(2) since the Federal Government pays one-third of the Nation's total health care costs, and since the cost of health care is escalating at an unacceptable rate, cost containment is a proper and necessary Federal responsibility; and

"(3) a major cause of the increase in health care costs is the unnecessary duplication of facilities and programs, and there is a need to control the supply of health care facilities and services through planning and resource allocation.

"(b) It is the purpose of this title to promote a partnership between the Federal Government and State governments in order to develop alternative responses to the challenge of planning for and controlling the growth of institutional health care facilities and services, by providing for an extension of current health planning and certificate of need programs and by providing new opportunities to demonstrate the effectiveness of competition as a controller of the growth of health care facilities and services.

"DEFINITIONS

"SEC. 1502. For purposes of this title—

"(1) The term 'Secretary' means the Secretary of Health and Human Services.

"(2) The term 'State' means each of the several States, the Commonwealth of Puerto Rico, and the District of Columbia.

"(3) The term 'Governor' means the chief executive officer of a State.

"(4) The term 'State health services and resources allocation agency' or 'designated agency' means the State agency which is designated by the Governor of a State to develop the State plan required under section 1512 and which is responsible for the administration of the State certificate of need program required under section 1514.

"(5) The term 'State health services and resources allocation plan' or 'State plan' means a plan submitted by the designated agency and approved by the Governor of the State in accordance with section 1512.

"(6) The term 'State administrative program' or 'State program' means the State administrative program required under section 1513.

"(7) The term 'health care facility' means a private or public hospital, rehabilitation facility, nursing home, or any other health care facility that the Governor of a State may designate by regulation.

"(8) The term 'institutional health services' means health services which (A) are provided through health care facilities, and (B) entail annual operating costs of at least the expenditure minimum. For purposes of this paragraph, the term 'expenditure minimum' means $250,000 for the twelve-month period beginning on October 1, 1982, and for each twelve-month period thereafter, $250,000 or, at the discretion of the State, the figure in effect for the preceding twelve-month period, adjusted to reflect the change in the preceding twelve-month period in an index designated by the Secretary by regulation for purposes of making such adjustment.

"(9) The term 'capital expenditure' means an expenditure—

"(A) made by or on behalf of a health care facility; and

"(B)(i) which (I) under generally accepting accounting principles is not properly chargeable as an expense of operation and maintenance, or (II) is made to obtain by lease or comparable arrangement any facility or part thereof or any equipment for a facility or part; and

"(ii) which (I) exceeds the expenditure minimum, (II) substantially changes the bed capacity of the facility with respect to which the expenditure is made, or (III) substantially changes the services of such facility.

For purposes of subparagraph (B)(ii)(I), the cost of any studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition, improvement, expansion, or replacement of any plant or equipment with respect to which an expenditure described in subparagraph (B)(i) is made shall be included in determining if such expenditure exceeds the expenditure minimum. Donations of equip-

ment or facilities to a health care facility which if acquired directly by such facility would be subject to review under section 1514 shall be considered capital expenditures for purposes of such section, and a transfer of equipment or facilities for less than fair market value shall be considered a capital expenditure for purposes of such section if a transfer of the equipment or facilities at fair market value would be subject to review under such section. For purposes of this paragraph, the term 'expenditure minimum' means $1,000,000 for the twelve-month period beginning on October 1, 1982, and for each twelve-month period thereafter, $1,000,000 or, at the discretion of the State, the figure in effect for the preceding twelve-month period, adjusted to reflect the change in the preceding twelve-month period in an index maintained or developed by the Department of Commerce and designated by the Secretary by regulation for purposes of making such adjustment.

"(10) The term 'major medical equipment' means medical equipment which is used for the provision of medical and other health services and which costs in excess of $400,000, except that such term does not include medical equipment acquired by or on behalf of a clinical laboratory to provide clinical laboratory services if the clinical laboratory is independent of a physician's office and a hospital and it has been determined under title XVIII of the Social Security Act to meet the requirements of paragraphs (10) and (11) of section 1861(s) of such Act. In determining whether medical equipment has a value in excess of $400,000, the value of studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition of such equipment shall be included.

"(11) The term 'health maintenance organization' means a public or private organization, organized under the laws of any State, which—

"(A) is a qualified health maintenance organization under section 1310(d); or

"(B)(i) provides or otherwise makes available to enrolled participants health care services, including at least the following basic health care services: usual physician services, hospitalization, laboratory, X-ray, emergency and preventive services, and out of area coverage; (ii) is compensated (except for copayments) for the provision of the basic health care services listed in clause (i) to enrolled participants by a payment which is paid on a periodic basis without regard to the date the health care services are provided and which is fixed without regard to the frequency, extent, or kind of health service actually provided; and (iii) provides physicians' services primarily (I) directly through physicians who are either employees or partners of such organization, or (II) through arrangements with individual physicians or one or more groups of physicians (organized on a group practice or individual practice basis).

"(12) The term 'provider of health care' means an individual—

"(A) who is a direct provider of health care (including a physician, dentist, nurse, podiatrist, optometrist, physician assistant, or ancillary personnel employed under the supervision of a physician) in that the individual's primary current activity is the provision of health care to individuals or the administration of facilities or institutions (including hospitals, long-term care facilities, rehabilitation facilities, alcohol and drug abuse treatment facilities, outpatient facilities, and health maintenance organizations) in which such care is provided and, when required by State law, the individual has received professional training in the provision of such care or in such administration and is licensed or certified for such provision or administration;

"(B) who holds a fiduciary position with, or has a fiduciary interest in, any entity described in clause (ii) or (iv) of subparagraph (C) other than an entity described in such clause which is also an entity described in section 501(c)(3) of the Internal Revenue Code of 1954 and which does not have as its primary purpose the delivery of health care, the conduct of research, the conduct of instruction for health professionals, or the production of drugs or articles described in clause (iii) of subparagraph (C);

"(C) who receives (either directly or through the individual's spouse) more than one-fifth of his gross annual income from any one or combination of—

"(i) fees or other compensation for research into or instruction in the provision of health care,

"(ii) entities engaged in the provision of health care or in research or instruction in the provision of health care,

"(iii) producing or supplying drugs or other articles for individuals or entities for use in the provision of or in research into or instruction in the provision of health care, or

"(iv) entities engaged in producing drugs or such other articles; or

"(D) who is the member of the immediate family of an individual described in subparagraph (A), (B), or (C).

"(13) The term 'major purchaser' means—

"(A) any insurance company that is engaged in the business of providing health insurance coverage, and that has a board of directors composed of individuals a majority of whom are not providers of health care;

"(B) any major employer that is not a provider of health care or that has a board of directors composed of individuals a majority of whom are not providers of health care;

"(C) any labor organization that provides or negotiates for health insurance benefits for its members;

"(D) any general purpose local government that provides health care for its residents or is a major employer (as described in subparagraph (B)); or

"(E) any nonprofit health benefit plan.

"(14) The term 'National Council' means the National Health Planning and Resource Control Council established under section 1531.

"(15) The term 'rehabilitation facility' means an inpatient or an outpatient facility which is operated for the primary purpose of assisting in the rehabilitation of disabled persons through an integrated program of medical and other services which are provided under competent professional supervision.

"PART B—STATE HEALTH PLANNING AND RESOURCE ALLOCATION

"DESIGNATION OF STATE HEALTH SERVICES AND RESOURCES ALLOCATION AGENCY

"SEC. 1511. (a) For purposes of carrying out this section, the Governor of each State shall designate a State agency as the State health services and resource allocation agency.

"(b) The designated agency shall—

"(1) develop and administer the State health services and resource allocation plan required under section 1512;

"(2) develop and administer the State administrative program required under section 1513;

"(3) administer the certificate of need program required under section 1514; and

"(4) prepare the annual report required under section 1517.

"STATE PLAN

"SEC. 1512. The designated agency of each State shall prepare the State health services and resources allocation plan. Each State plan shall contain—

"(1) a description of the health care needs of the State for services and facilities to which section 1514 applies;

"(2) an inventory of the health care services and facilities located in the State to which section 1514 applies; and

"(3) a comparison of the health care needs of the State identified pursuant to paragraph (1) with the services and facilities identified pursuant to paragraph (2) and a statement of how the designated agency plans to allocate such services and facilities to meet the health care needs of the State.

"STATE ADMINISTRATIVE PROGRAM

"SEC. 1513. (a) The designated agency shall develop a State administrative program with respect to health planning and resource allocation. The program shall—

"(1) provide for the performance within the State of the functions described in section 1511(b) and specify the designated agency as the sole agency responsible for the performance of such functions and for the administration of the State program;

"(2) contain or be supported by satisfactory evidence that the designated agency has under State law the authority to carry out such functions and the State program;

"(3) contain a current budget for the operation of the designated agency;

"(4) contain provisions for a professional staff for health planning and resource allocation;

"(5) require the designated agency to perform its functions in accordance with the established procedures and criteria of that agency;

"(6) require the designated agency to comply with State administrative regulations required of other public agencies within the State;

"(7) provide for fiscal control and accounting procedures consistent with State law; and

"(8) provisions for a staff for the State Advisory Board established under section 1516.

"(b) The State administrative program shall be approved by the Governor of the State.

"CERTIFICATE OF NEED PROGRAM

"SEC. 1514. (a) Each State shall establish a certificate of need program. The certificate of need program shall, in accordance with this section, provide for the following:

"(1) Review and determination of need under such program for—

"(A) major medical equipment and institutional health services, and

"(B) capital expenditures,

shall be made before the time such equipment is acquired, such services are offered, substantial expenditures are undertaken in preparation for such offering, or capital expenditures are obligated.

"(2) The acquisition and offering of only such equipment and services as may be found by the designated agency to be needed; and the obligation of only those capital expenditures found to be needed by

the designated agency. Except as otherwise authorized by this section, review under the program of an application for a certificate of need may not be made subject to any criterion and the issuance of a certificate of need may not be made subject to any condition unless the criterion or condition directly relates to—

"(A) criteria prescribed by section 1515(c),

"(B) criteria prescribed by regulations of the Secretary promulgated under section 1532(a) (as such section was in effect before the date of enactment of the Health Planning and Resource Allocation Act of 1982), or

"(C) criteria prescribed by regulation by the designated agency in accordance with an authorization prescribed by State law.

The Secretary may not require a State to include in its program any criterion in addition to criteria described in subparagraphs (A) and (B).

"(3) An application for a certificate of need for an institutional health service, medical equipment, or a capital expenditure shall specify the time the applicant will require to make such service or equipment available or to obligate such expenditure and a timetable for making such service or equipment available or obligating such expenditure. After the issuance of a certificate of need, the designated agency shall periodically review the progress of the holder of the certificate in meeting the timetable specified in the approved application for the certificate. If on the basis of such a review the designated agency determines that the holder of a certificate is not meeting such timetable and is not making a good faith effort to meet it, the designated agency may withdraw the certificate.

"(4) In issuing a certificate of need, the State shall specify in the certificate the maximum amount of capital expenditures which may be obligated under such certificate. The program shall, in accordance with regulations promulgated by the Secretary, prescribe the extent to which a project authorized by a certificate of need shall be subject to further review if the amount of capital expenditures obligated or expected to be obligated for the project exceed the maximum specified in the certificate of need.

"(5) The program shall provide that (A) the requirements of section 1515 shall apply to proceedings under the program, and (B) each decision to issue a certificate of need (i) may only be issued by the designated agency, and (ii) shall, except in emergency circumstances that pose a threat to public health, be consistent with the State plan in effect for such State under section 1512.

"(b)(1) Under the program a State shall not require a certificate of need for the offering of an inpatient institutional health service or the acquisition of major medical equipment for the provision of an inpatient institutional health service or the obligation of a capital expenditure for the provision of an inpatient institutional health service by—

"(A) a health maintenance organization or a combination of health maintenance organizations if (i) the facility in which the service will be provided is or will be geographically located so that the service will be reasonably accessible to individuals enrolled in such organization or organizations, and (ii) at least 75 percent of the patients who can reasonably be expected to receive the institutional health service will be individuals enrolled with such organization or organizations in the combination;

"(B) a health care facility if (i) the facility primarily provides or will provide inpatient health services, (ii) the facility is or will be controlled, directly or indirectly, by a health maintenance organization or a combination of health maintenance organizations, (iii) the facility is or will be geographically located so that the service will be reasonably accessible to individuals enrolled in such organization or organizations, and (iv) at least 75 percent of the patients who can reasonably be expected to receive the institutional health service will be individuals enrolled with such organization or organizations in the combination; or

"(C) a health care facility (or portion thereof) if (i) the facility is or will be leased by a health maintenance organization or combination of health maintenance organizations and on the date the application is submitted under paragraph (2) at least fifteen years remain in the term of the lease, (ii) the facility is or will be geographically located so that the service will be reasonably accessible to individuals enrolled in such organization or organizations, and (iii) at least 75 percent of the patients who can reasonably be expected to receive the institutional health service will be individuals enrolled with such organization,

if, with respect to such offering, acquisition, or obligation, the designated agency has, upon application under paragraph (2), granted an exemption from such requirement to the organization, combination of organizations, or facility.

"(2) A health maintenance organization, combination of health maintenance organizations, or health care facility shall not be exempt under paragraph (1) from obtaining a certificate of need before offering an institutional health service, acquiring major medical equipment, or obligating capital expenditures unless—

"(A) it has submitted, at such time and in such form and manner as the designated agency shall prescribe, an application for such exemption,

"(B) the application contains such information respecting the organization, combination, or facility and the proposed offering, acquisition, or obligation as the designated agency may require to determine if the organization or combination meets the requirements of paragraph (1) or the facility meets or will meet such requirements, and

"(C) the designated agency approves such application.

In the case of a proposed health care facility (or portion thereof) which has not begun to provide institutional health services on the date an application is submitted under this paragraph with respect to such facility (or portion), the facility (or portion) shall meet the applicable requirements of paragraph (1) when the facility first provides such services. The designated agency shall approve an application submitted under this paragraph if it determines that the applicable requirements of paragraph (1) are met.

"(3) Notwithstanding subsection (d), a health care facility (or any part thereof) or medical equipment with respect to which an exemption was granted under paragraph (1) may not be sold or leased and a controlling interest in such facility or equipment or in a lease of such facility or equipment may not be acquired and a health care facility described in subparagraph (C) of paragraph (1) which was granted an exemption under paragraph (1) may not be used by any person other than the lessee described in such subparagraph unless—

"(A) the designated agency issues a certificate of need approving the sale, lease, acquisition, or use, or

"(B) the designated agency determines, upon application, that the entity to which the facility or equipment is proposed to be sold or leased, which intends to acquire the controlling interest in or use the facility is (i) a health maintenance organization or a combination of health maintenance organizations which meets the requirements of clause (i) of subparagraph (A) of paragraph (1) and with respect to such facility or equipment, the entity meets the requirements of clauses (ii) and (iii) of such subparagraph (A), or (ii) a health care facility which meets the requirements of clauses (i), (ii), and (iii) of subparagraph (B) of paragraph (1) and with respect to its patients meets the requirements of clause (iv) of such subparagraph.

"(4) In the case of a health maintenance organization or an ambulatory care facility or health care facility which ambulatory or health care facility is controlled, directly or indirectly, by a health maintenance organization or a combination of health maintenance organizations, a State may under the program apply its certificate of need requirements only to the offering of inpatient institutional health services, the acquisition of major medical equipment, and the obligation of capital expenditures for the offering of inpatient institutional health services and then only to the extent that such offering, acquisition, or obligation is not exempt under paragraph (1).

"(5) Notwithstanding section 1515(c), if a health maintenance organization or a health care facility which is controlled, directly or indirectly, by a health maintenance organization apply for a certificate of need, such application shall be approved by the designated agency if the designated agency finds (in accordance with criteria prescribed by the Secretary by regulation) that—

"(A) approval of such application is required to meet the needs of the members of the health maintenance organization and of the new members which such organization can reasonably be expected to enroll, and

"(B) the health maintenance organization is unable to provide, through services or facilities which can reasonably be expected to be available to the organization, its institutional health services in a reasonable and cost-effective manner which is consistent with the basic method of operation of the organization and which makes such services available on a long-term basis through physicians and other health professionals associated with it.

Except as provided in paragraph (1) and notwithstanding subsection (d), a health care facility (or any part thereof) or medical equipment with respect to which a certificate of need was issued under this subsection may not be sold or leased and a controlling interest in such facility or equipment or in a lease of such facility or equipment may not be acquired unless the designated agency issues a certificate of need approving the sale, acquisition, or lease.

"(c) An application for a certificate of need for a capital expenditure which is required—

"(1) to eliminate or prevent imminent safety hazards as defined by Federal, State, or local fire, building, or life safety codes or regulations,

"(2) to comply with State licensure standards, or

"(3) to comply with accreditation standards compliance with which is required to receive reimbursements under title XVIII of the Social Security Act or payments under a State plan for medical assistance approved under title XIX of such Act,

shall be approved unless the designated agency finds that the facility or service with respect to which such capital expenditure is proposed to be made is not needed or that the obligation of such capital expenditure is not consistent with the State plan in effect under section 1512. An application for a certificate of need approved under this subsection shall be approved only to the extent that the capital expenditure is required to eliminate or prevent the hazards described in paragraph (1) or to comply with the standards described in paragraph (2) or (3).

"(d)(1) Under the program a certificate of need shall, except as provided in subsection (b), be required for the obligation of a capital expenditure to acquire (either by purchase or under lease or comparable arrangement) an existing health care facility if—

"(A) the notice required by paragraph (2) is not filed in accordance with that paragraph with respect to such acquisition, or

"(B) the designated agency finds, within thirty days after the date it receives a notice in accordance with paragraph (2) with respect to such acquisition, that the services or bed capacity of the facility will be changed in being acquired.

"(2) Before any person enters into a contractual arrangement to acquire an existing health care facility which arrangement will require the obligation of a capital expenditure, such person shall notify the designated agency of the State in which such facility is located of such person's intent to acquire such facility and of the services to be offered in the facility and its bed capacity. Such notice shall be made in writing and shall be made at least thirty days before contractual arrangements are entered into to acquire the facility with respect to which the notice is given.

"(e)(1)(A) Except as provided in subsection (b) and subparagraph (B), under the program a certificate of need shall not be required for the acquisition of major medical equipment which will not be owned by or located in a health care facility unless—

"(i) the notice required by paragraph (2) is not filed in accordance with that paragraph with respect to such acquisition, or

"(ii) the designated agency finds, within thirty days after the date it receives a notice in accordance with paragraph (2) with respect to such acquisition, that the equipment will be used to provide services for inpatients of a hospital.

"(B) The certificate of need program of a State may include a requirement for a certificate of need for an acquisition of major medical equipment which requirement is in addition to the requirement for a certificate of need established by subparagraph (A).

"(2) Before any person enters into a contractual arrangement to acquire major medical equipment which will not be owned by or located in a health care facility, such person shall notify the designated agency of the State in which such equipment will be located of such person's intent to acquire such equipment and of the use that will be made of the equipment. Such notice shall be made in writing and shall be made at least thirty days before contractual arrangements are entered into to acquire the equipment with respect to which the notice is given.

"(3) For purposes of this subsection, donations and leases of major medical equipment shall be considered acquisitions of such equipment, and an acquisition of medical equipment through a transfer of it for less than fair market value shall be considered an acquisition of major medical equipment if its fair market value is at least $400,000.

"(f) Notwithstanding section 1515(c), when an application is made by an osteopathic or allopathic facility for a certificate of need to construct, expand, or modernize a health care facility, acquire major medical equipment, or add services, the need for that construction, expansion, modernization, acquisition of equipment, or addition of services shall be considered on the basis of the need for and the availability in the community of services and facilities for osteopathic and allopathic physicians and their patients. The designated agency shall consider the application in terms of its impact on existing and proposed institutional training programs for doctors of osteopathy and medicine at the student, internship, and residency training levels.

"(g)(1) Subsection (a) does not require a certificate of need program to require a health care facility to obtain a certificate of need for the acquisition of major medical equipment to be used solely for research, institutional health services to be offered solely for research, or the obligation of a capital expenditure to be made solely for research if the acquisition, offering, or obligation does not—

"(A) affect the charges of the facility for the provision of medical or other patient care services other than the services which are included in the research;

"(B) substantially change the bed capacity of the facility; or

"(C) substantially change the medical or other patient care services of the facility which were offered before the acquisition, offering, or obligation.

"(2)(A) Before a health care facility acquires major medical equipment to be used solely for research, offers an institutional health service solely for research, or obligates a capital expenditure solely for research, such health care facility shall notify in writing the designated agency of the State in which such facility is located of such facility's intent and the use to be made of such medical equipment, institutional health service, or capital expenditure.

"(B) Paragraph (1) does not apply with respect to the acquisition of major medical equipment, the offering of institutional health services or the obligation of a capital expenditure if—

"(i) the notice required by subparagraph (A) is not filed with the designated agency with respect to such acquisition, offering, or obligation, or

"(ii) the designated agency finds, within sixty days after the date it receives a notice in accordance with subparagraph (A) respecting the acquisition, offering, or obligation, that the acquisition, offering, or obligation will have the effect or make a change described in subparagraph (A), (B), or (C) of paragraph (1).

"(3) If major medical equipment is acquired, an institutional health service is offered, or a capital expenditure is obligated and a certificate of need is not required for such acquisition, offering, or obligation as provided in paragraph (1), such equipment or service or equipment or facilities acquired through the obligation of such capital expenditure may not be used in such a manner as to have the effect or to make a change described in subparagraph (A), (B), or (C) of paragraph (1) unless the designated agency issues a certificate of need approving such use.

"(4) For purposes of this subsection, the term 'solely for research' includes patient care provided on an occasional and irregular basis and not as part of a research program.

"PROCEDURES AND CRITERIA FOR REVIEW OF CERTIFICATE OF NEED DETERMINATIONS

"SEC. 1515. (a) In conducting any review of an application for a certificate of need or an exemption therefrom under section 1514, or in making any other determination under such section, the designated agency must follow procedures and apply criteria, developed and published by the designated agency in accordance with regulations of the Secretary.

"(b) Each designated agency shall include in the procedures required by subsection (a) at least the following:

"(1) Timely written notification to affected persons of the beginning of a review of an application for a certificate of need or an exemption therefrom under section 1514, or of a review of compliance with such a certificate.

"(2)(A) The establishment of a time period for the approval or disapproval by the designated agency of applications for certificates of need and exemptions therefrom under section 1514. The time period established pursuant to this subparagraph may vary with the type of project for which an application is being made, as specified by the designated agency pursuant to regulation, but may not exceed one hundred and twenty days.

"(B) Provisions that an application for a certificate of need or an exemption therefrom under section 1514 shall be considered to have been approved if the designated agency has not made a decision with respect to such application by the end of the one hundred and twenty day period referred to in subparagraph (A).

"(3)(A) Provisions for persons subject to a review to submit to the designated agency (in such form or manner as the designated agency shall by regulation require) such information as the designated agency may require concerning the subject of such review. Each designated agency shall develop procedures to assure that requests for information in connection with a review under this part are limited to only that information which is necessary for the designated agency to perform the review.

"(B) The establishment of an additional time period for the submission under subparagraph (A) of additional information with respect to an application for a certificate of need or an exemption therefrom under section 1514, which shall be at least fifteen calendar days. Such additional time period shall not be included in the one hundred and twenty day period described in paragraph (2)(A).

"(4) Submission of periodic reports by providers of health services and other persons subject to review by the designated agency respecting the development of proposals subject to review.

"(5) Provision for written findings which state the basis for any final decision or recommendation made by the designated agency.

"(6) Timely notification of providers of health services and other persons subject to review by the designated agency of the health services or proposals subject to review, findings made in the course of such review, and other appropriate information respecting such review.

"(7) Provision for public hearings in the course of review by the designated agency if requested by persons directly affected by the review; and provision for public hearings, for good cause shown, respecting designated agency decisions.

"(8) Access by the general public to all applications reviewed by the designated agency and to all other written materials essential to any designated agency.

"(9) In the case of construction projects, submission to the designated agency by the entities proposing the projects of letters of intent in such details as may be necessary to inform the designated agency of the scope and nature of the projects at the earliest possible opportunity in the course of planning of such construction projects.

"(10) Provisions requiring that hearings will be held before the designated agency in which (A) any person shall have the right to be represented by counsel and to present oral or written arguments and evidence relevant to the matter which is the subject of the hearing; (B) any person directly affected by the matter which is the subject of the hearing may conduct reasonable questioning of persons who make factual allegations relevant to such matter; and (C) a record of the hearing shall be maintained.

"(11) Any decision of a designated agency to issue or to not issue a certificate of need or to withdraw a certificate of need shall be based solely (A) on the review of the designated agency conducted in accordance with procedures and criteria it has adopted in accordance with this section and regulations promulgated under this section, and (B) on the record established in administrative proceedings held with respect to the application for such certificate or the designated agency's proposal to withdraw the certificate, as the case may be. Any decision of a designated agency to approve or disapprove an application for an exemption under section 1514(b) shall be based solely on the record established in the administrative proceedings held with respect to the application.

"(12) Each decision of the designated agency with respect to a certificate of need or an application for an exemption under section 1514(b) shall, upon request of any person directly affected by such decision, be reviewed with respect to procedural matters under an appeals mechanism consistent with State law governing the practices and procedures of administrative agencies or, if there is no such State law, by an entity (other than the designated agency) designated by the Governor. No decision of the designated agency with respect to a certificate of need or an application for an exemption under section 1514(b) shall be subject to de novo administrative review.

"(13) Any person adversely affected by a final decision of a designated agency with respect to a certificate of need or an application for an exemption under section 1514(b) may within a reasonable period of time after such decision is made (and any administrative review of it completed), obtain judicial review of it in an appropriate State court. The decision of the designated agency shall be affirmed upon such judicial review unless it is found to be arbitrary or capricious or not made in compliance with applicable law.

"(14) There shall be no ex parte contacts—

"(A) in the case of an application for a certificate of need, between the applicant for the certificate of need, any person acting on behalf of the applicant, or any person opposed to the issuance of a certificate for the applicant and any person in the designated agency who exercises any responsibility respecting the application after the commencement of a hearing on the applicant's application and before a decision is made with respect for it; and

"(B) in the case of a proposed withdrawal of a certificate of need, between the holder of the certificate of need, any person acting on behalf of the holder, or any person in favor of the withdrawal and any person in the designated agency who exercises responsibility respecting withdrawal of the certificate after commencement of a hearing on the designated agency's proposal to withdraw the certificate of need and before a decision is made on withdrawal.

The requirements of this paragraph are in addition to the requirements of the other paragraphs of this subsection and may, as appropriate, apply to other review programs.

"(c) Criteria required by subsection (a) for designated agency review shall include consideration of at least the following:

"(1) The relationship of the health services being reviewed to the State plan.

"(2) The relationship of services reviewed to the long-range development plan (if any) of the person providing or proposing such services.

"(3) The need that the population served or to be served by such services has for such services.

"(4) The availability of alternatives, less costly, or more effective methods of providing such services.

"(5) The relationship of services reviewed to the existing health care system of the area in which such services are provided or proposed to be provided.

"(6) In the case of health services proposed to be provided—

"(A) the availability of resources (including health manpower, management personnel, and funds for capital and operating needs) for the provision of such services,

"(B) the effect of the means proposed for the delivery of such services on the clinical needs of health professional training programs in the area in which such services are to be provided,

"(C) if such services are to be available in a limited number of facilities, the extent to which the health professions schools in the area will have access to the services for training purposes,

"(D) the availability of alternative uses of such resources for the provision of other health services, and

"(E) the extent to which such proposed services will be accessible to all the residents of the area to be served by such services.

"(7) The special needs and circumstances of health maintenance organizations.

"(8) In the case of a construction project—

"(A) the costs and methods of the proposed construction, including the costs and methods of energy provision, and

"(B) the probable impact of the construction project reviewed on the costs of providing health services by the person proposing such construction project and on the costs and charges to the public of providing health services by other persons.

"(9) The special circumstances of health service institutions and the need for conserving energy.

"(10) The factors which affect the effect of competition on the supply of the health services being reviewed.

"(11) Improvements or innovations in the financing and delivery of health services which foster competition, and serve to promote quality assurance and cost-effectiveness.

"(12) In the case of health services or facilities proposed to be provided, the efficiency and appropriateness of the use of existing services and facilities similar to those proposed.

"(13) In the case of existing services or facilities, the quality of care provided by such services or facilities in the past.

"STATE ADVISORY BOARDS

"SEC. 1516. (a) The Governor of each State shall appoint a State Advisory Board to provide assistance to the designated agency with respect to health planning and resource allocation. The members of the Advisory Board shall be broadly representative of consumers of health care, including individuals and major purchasers, and of providers of health care. Two-thirds of the members of a State Advisory Board shall be major purchasers.

"(b) Each State Advisory Board shall review the State plan required under section 1512, and the report of the designated agency required under section 1517, and shall prepare and transmit to the Governor of the State a report containing its comments on such plan and annual report. The designated agency shall include the report of the Advisory Board required under this section in the report required under section 1517.

"(c) Each State Advisory Board shall meet at least once each year.

"ANNUAL REPORT

"SEC. 1517. (a) By December 1 of each year, each designated agency shall prepare and transmit to the Governor of the State an annual report. The annual report shall contain—

"(1) a copy of the State plan required under section 1512;

"(2) a summary describing the activities of the designated agency in carrying out the certificate of need program required under section 1514;

"(3) a summary statement, for each major type of provider of health care, of—

"(A) total revenues obtained in the preceding fiscal year;

"(B) per capita expenditures of such providers during the preceding fiscal year;

"(C) changes in prices charged for health care services and changes in the volume of use of health care services during the preceding fiscal year; and

"(D) the rate of increase or decrease in per capita expenditures by such providers during the preceding fiscal year; and

"(4) the report of the State Advisory Board required under section 1516.

"(b) By January 1 of each year, the Governor of each State shall transmit to the Secretary the annual report prepared by the designated agency under subsection (a), and his comments on such report. The Governor shall publish and make the report, including his comments, available to the public.

"PART C—FEDERAL GRANTS

"GRANTS FOR HEALTH PLANNING AND RESOURCE ALLOCATION

"SEC. 1521. (a) The Secretary may make grants to States from the allotments made under subsection (b) in order to assist States in carrying out the provisions of part B.

"(b) From the amounts appropriated pursuant to subsection (i) for a fiscal year, the Secretary shall allot to each State an amount which bears the same ratio to the

total amount appropriated under such subsection for such fiscal year as the population of the State bears to the populations of all States.

"(c) No grant may be made under this section to a State unless the Governor of the State submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require. Each such application shall contain—

"(1) a copy of the State plan required under section 1512;

"(2) a copy of the State administrative program required under section 1513; and

"(3) a description of the State certificate of need program required under section 1514.

"(d) The Secretary may not approve an application for a grant under this section unless the Secretary determines that—

"(1) the State plan complies with the provisions of this title;

"(2) the State administrative program complies with the provisions of this title;

"(3) the State certificate of need program complies with the requirements of this title; and

"(4) the designated agency has sufficient authority under State law to enforce the State administrative program and the requirements of this title.

"(e) In addition to the purpose described in subsection (a), amounts provided under this section may be used by the Governor of each State to make grants to entities within the State whose primary purpose is health planning and resource allocation (including health planning bodies, coalitions, or local or regional planning bodies within the State). The purpose of such grants shall be to provide support to enable such entities to provide information and opinions to the designated agency to assist the designated agency in carrying out part B.

"(f) The Federal share in any fiscal year of the cost of carrying out any application under this section shall be 75 percent.

"(g) Any State's allotment, or portion thereof, under subsection (b) for a fiscal year which the Secretary determines will not be required, for the period that such allotment is available, because the State did not apply for such allotment or portion thereof, shall be available for reallotment from time to time, on such dates during such period as the Secretary shall fix, to other States in proportion to the original allotments to such States under subsection (b) for such year. Any amount allotted to a State under this subsection during a year shall be deemed a part of its allotment under subsection (b) for such year.

"(h) Notwithstanding subsection (c), the Secretary may make a grant to any State under this section for fiscal year 1983 if the application of the State certifies to the Secretary that the State will comply with the provisions of sections 1521, 1523(a)(2), 1527, and 1532 of this title (as such sections were in effect on the day before the effective date of the Health Planning and Resource Allocation Act of 1982).

"(i) To carry out the provisions of this section, there are authorized to be appropriated $50,000,000 for the fiscal year ending September 30, 1983, $54,000,000 for the fiscal year ending September 30, 1984, and $58,000,000 for the fiscal year ending September 30, 1985.

"RESEARCH AND DEMONSTRATION GRANTS

"SEC. 1522. (a) Notwithstanding subsections (c) and (d) of section 1521, the Secretary may make five grants from the amounts allotted to a State under section 1521(b) to States or regions within States for the purpose of permitting such States or regions to use economic strategies and competition methods in the planning and resource allocation of health care and to assure the appropriate allocation and control of health care costs. No grant may be made under this section to more than one State or one region within the same regional area of the Department of Health and Human Services.

"(b) No grant may be made under this section to a State or a region in a State unless the Governor of the State submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require. Each such application shall contain such information as the Secretary determines may be necessary to enable the Secretary to make the determination required by subsection (c).

"(c) The Secretary may not make a grant under this section unless the Secretary determines that the use of economic strategies in a State or in a region of a State is likely to promote competition in the provision of health care services, and is likely to assure appropriate allocation and control of health care costs. In making such a determination, the Secretary shall consider—

"(1) whether information on the price and quality of comparable health services is readily available and easily disseminated to consumers of health care, in order that the consumers may make informed choices in the purchase of health care;

"(2) whether there are incentives available to consumers of health care to use the information referred to in paragraph (1) in making decisions with respect to the use of health services;

"(3) whether there are multiple providers of health care in the State or in the region sufficient to provide consumers of health care with substantial choices in health care services; and

"(4) whether there is evidence that—

"(A) economic forces in the State or the region exist which will permit competition in the provision of health care services, and

"(B) such economic forces could be stimulated in a manner which will prevent the rate of increase in per capita health expenditures from exceeding a level which equals the rate of increase of—

"(i) the gross national product,

"(ii) the average State gross product, compared for the purposes of this paragraph to the average of States considered by the Secretary to be similar to the State making the application, or

"(iii) such other measures of economic performance such as the Secretary may determine would be useful in carrying out the provisions of this section.

"(d) The Federal share in any fiscal year of carrying out any application under this section shall be 75 percent.

"(e) Any amounts allotted to a State under this section for a fiscal year which are not provided to such State in such fiscal year shall be returned to the Treasury as miscellaneous receipts.

"SUPPLEMENTAL HEALTH PLANNING AND RESOURCE ALLOCATION GRANTS

"SEC. 1523. (a) The Secretary may make a grant under this section from the allotment made pursuant to subsection (b) to any State which received a grant under section 1521 or section 1522. Such grants shall be for the purpose of providing financial assistance to the State in order to enable the State to provide incentives to stimulate the participation of purchasers of health care in health planning and resource allocation.

"(b) From the amounts appropriated pursuant to subsection (f) for a fiscal year, the Secretary shall allot to each State an amount which bears the same ratio to the total amount appropriated under such subsection for such fiscal year as the population of such State bears to the total population of all States.

"(c) No grant may be made to a State under this section unless the Governor of the State has submitted an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require. No payment may be made to a State under this section unless the Secretary determines that the State will use the amount of such payment for the purposes described in subsection (d).

"(d) The Governor of each State shall use amounts provided under this section to make grants to local groups, coalitions, or agencies to—

"(1) assist the designated agency in health planning and resource allocation; and

"(2) encourage the development of cost-effective alternatives to current health care financing and delivery systems.

"(e) The Federal share in any fiscal year of the cost of carrying out an application of a group, coalition, or agency under subsection (d) shall be 50 percent.

"(f) For purposes of carrying out this section, there are authorized to be appropriated $14,000,000 for the fiscal year ending September 30, 1983, $15,100,000 for the fiscal year ending September 30, 1984, and $16,300,000 for the fiscal year ending September 30, 1985.

"PART D—OTHER FEDERAL RESPONSIBILITIES

"NATIONAL HEALTH PLANNING AND RESOURCE CONTROL COUNCIL

"SEC. 1531. (a) There is established a National Health Planning and Resource Control Council. The National Council shall—

"(1) review and analyze the annual reports received by the Secretary from States under section 1516;

"(2) provide the Secretary with advice and assistance with respect to his report to the Congress required under section 1533;

"(3) cooperate with the Secretary in developing the national standards for health care delivery required under section 1533; and

"(4) make recommendations to the Secretary with respect to health care planning and resource allocation in order to assist the Secretary in carrying out the purposes of this title.

"(b) The Council shall consist of fifteen members appointed by the Secretary as follows:

"(1) a majority of the members shall be representatives of major purchasers;

"(2) two members shall be the heads of designated agencies;

"(3) one member shall be a representative of a State who received a research and demonstration grant under section 1522;

"(4) two members shall be representatives of providers of health care; and

"(5) one member shall be an individual consumer of health care.

"(c) The Chairman of the Council shall be elected by the members of the Council from among the members who are representatives of major purchasers.

"(d) The term of office of a member of the Council shall be four years, except that the Secretary shall divide the initial appoint-

ments to the Council into three groups of five members each for initial terms of one, two, and three years.

"(e) At least eight members of the Council shall constitute a quorum, but a lesser number may hold hearings. A vacancy in the Council shall not affect its authority.

"(f) Each member of the Council shall receive compensation at a rate equal to the daily rate prescribed for GS-18 of the General Schedule under section 5332 of title 5, United States Code, for each day, including traveltime, he is engaged in the actual performance of his duties as a member of the Council, and shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of his duties.

"NATIONAL STANDARDS

"SEC. 1532. Within one year after the effective date of this section, the Secretary shall develop and promulgate national standards for health care delivery.

"ANNUAL REPORT

"SEC. 1533. By March 1 of each year, the Secretary shall prepare and transmit to the Congress a report with respect to activities conducted under this title during the preceding fiscal year. The report shall contain—

"(1) a summary of the activities of the States with respect to health planning, resource allocation, and cost containment;

"(2)(A) a comparison of the cost of health care in each State with the cost of health care in all other States;

"(B) a comparison of the cost of health care provided by each type of provider of health care in a State with the cost of health care by each such type of provider in all other States;

"(C) a comparison of the costs referred to in subparagraphs (A) and (B) among States receiving grants under section 1521, States receiving grants under section 1522, and States not receiving any grant under this title;

"(3) a specification, for the Nation and for each State, of—

"(A) total revenues obtained from health care services;

"(B) the per capita cost of health care services and the rate of increase of such costs from the preceding fiscal year; and

"(C) a comparison of the change in the per capita cost of health care services during the preceding fiscal year to the volume of services provided during such year, and a comparison of the change in such per capita cost to the price of services provided during such year; and

"(4) a description of the changes in the supply of health care resources during the preceding fiscal year, and a comparison of such changes to the national standards for health care established under section 1532.".

(b) The amendments made by this section shall take effect on October 1, 1982.●

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. WEICKER. Mr. President, I would like to announce that on May 13, 1982, at 9:30 a.m., in room 424 of the Russell Building, the Senate Small Business Committee will conduct a full committee meeting to consider pending legislation.

Mr. President, I would like to announce that the Senate Small Business Committee will conduct a field hearing on "Influencing Small Business Investment in Enterprise Zones," on May 7, 1982, room 15 of the State Capitol, St. Paul, Minn., beginning at 10 a.m. Senator BOSCHWITZ will chair the hearing. For further information, please contact Bob Wilson at 224-5175.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. COHEN. Mr. President, I would like to announce for the information of the Senate and the public that the hearing of the Select Committee on Indian Affairs previously announced for May 5, 1982, to receive testimony from administration witnesses on Indian economic development initiatives has been postponed until further notice.

Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a business meeting of the Select Committee on Indian Affairs for the purpose of marking up seven bills. The bills to be marked up and the order in which the committee will consider them are as follows:

S. 1986, to provide for the use and distribution of funds awarded the Blackfeet and Gros Ventre Tribes of Indians and the Assiniboine Tribe of the Fort Belknap Indian community, and others, in Court of Claims dockets numbered 250-A and 279-C, and for other purposes;

S. 1340, to provide for the use and distribution of Clallam judgment funds in docket numbered 134 before the Indian Claims Commission, and for other purposes;

S. 1858, to declare that the United States holds certain lands in trust for the Washoe Tribe of Nevada and California and to transfer certain other lands to the administration of the U.S. Forest Service;

S. 1613, to confer jurisdiction on the U.S. Court of Claims with respect to certain claims of the Navajo Indian Tribe;

S. 1088, Native American Programs Act. Committee amendments;

S. 563, to authorize the States and the Indian tribes to enter into mutual agreements and compacts respecting jurisdiction and governmental operation in Indian country;

S. 874, to provide for additional protection of steelhead trout as a game fish, and for other purposes.

The business meeting of the committee will be held in room 6226 of the Dirksen Senate Office Building on Thursday, May 6, 1982, beginning at 9:30 a.m.

For further information regarding this meeting you may contact Timothy Woodcock, Peter Taylor, or Max Richtman of the committee staff at 224-2251.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON ENERGY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Energy Subcommittee of the Governmental Affairs Committee be authorized to meet during the session of the Senate at 9:15 a.m. on Thursday, April 29, to hold a hearing on S. 2284, the Federal Radiation Protection Management Act of 1982.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

PRAISE FOR THE ABA

● Mr. BAUCUS. Mr. President, for the past 18 months the Congress has continually debated the constitutionality and wisdom of congressional attempts to strip the Federal courts of their jurisdiction over controversial constitutional issues. In general, these legislative initiatives have been promoted by single-issue constituencies who are unhappy with a specific Supreme Court decision. Fortunately, there are citizens and organizations who have been willing to analyze these proposals not only for their impact on a specific social issue, but also for their impact on our Constitution and our system of government.

In particular, the American Bar Association has taken a strong position in opposition to these court-stripping bills. Under the leadership of its able president, David R. Brink, the ABA has been a forceful and important voice in bringing the real risks of the court-stripping bills to the attention of the American public. Unfortunately, the ABA has been criticized for speaking out on these fundamental constitutional issues. I believe the ABA should be praised for its leadership in this area, not condemned.

Yesterday, Mr. Brink displayed courage and leadership by continuing to speak out on behalf of an independent judicial branch. His excellent statement before the National Press Club underscores the need for our continued vigilance of the basic principles of our system of government. I commend Mr. Brink's remarks to my colleagues and ask that they be made a part of the RECORD.

The remarks follow:

THE SEPARATION OF POWERS—WHOSE OX IS BEING GORED?

(By David R. Brink)

May 1 is Law Day. And it is a special Law Day—Law Day XXV. Its theme is A Generation of Progress. President Eisenhower proclaimed the first Law Day in 1958 and on April 16 President Reagan proclaimed Law Day XXV. Each year we in the United States celebrate our commitment to our unique heritage of two centuries of liberty, democracy, justice and the rule of law.

Let us make no mistake. That heritage, and our progress in it, are no accident. They are the product of a unique and inspired document, the Constitution of the United States of America, that serves the world as a model of representative democracy. The genius of that model is the doctrine of separation of powers that divides government into three branches, each having an assigned role and each operating to a degree as a check and balance on the others. We have conferred on the executive a role of policymaking and administration, on the legislative the power to initiate laws to serve changing public needs, and on the judicial the interpretation of law and the preservation of the fundamental rights secured to our citizens by our organic document.

Sometimes in the press of current problems we forget the origin of our system of government and the source of our liberties. We must never forget the wellsprings of our heritage and our progress. But the Constitution is not self-executing. To make its grand policies a reality, it needs interpretation and enforcement by the courts and wise implementation and extension by the legislative and executive branches. It needs the coordinated work of all three branches of government.

Today it sometimes seems that our national interest in the Constitution is centered on just one aspect of the Constitution—the separation of powers. We are endangering our continued progress under the rule of law by preoccupation with turf disputes over the roles of the three branches of government. And the arguments over the separation of powers largely depend on whose ox is being gored.

Members of the executive and legislative branches have, and should have, many opportunities for public expression of their views on the roles of the three branches of government. The judicial branch is enjoined by its own Code of Judicial Ethics from public commentary on matters that may come before it and hence is inhibited in making statements in its own defense. Thus it often falls to the American Bar Association—as the national voice of the legal profession—to defend the judicial branch or to try to bring some balance to the debate. When the ABA acts in this role, it is classified by some commentators as ultraconservative and by others as ultraliberal. We are neither. We are apolitical and we simply try to bring our special perspective as full-time students of law and the Constitution to enlightenment of the ongoing national debate. We are only viewed as political, or conservative or liberal, according to whose ox is being gored.

Currently, members of both the executive and legislative branches have charged publicly and repeatedly that the judicial branch has overstepped its constitutional role and has engaged in policymaking functions that are reserved to the other branches. In my opinion, those charges are, at best, debatable. It must be remembered, first, that, unlike the executive and the legislative, the courts do not initiate policy on their own motion; they simply decide actual cases between opposing parties that have not been resolved by the other branches. What has happened, I think, is that the executive and legislative branches have either failed to develop constitutional solutions to state or federal problems, have failed to enforce laws already on the books or have left policies unclear so that they require court interpretation. In some instances they have dumped implementation of policies in controversial areas on the courts, which have to decide the cases and which have no means to defend themselves from the attacks by the public and by other branches of government that follow their decisions.

Let me cite a few instances briefly and one at greater length. On the matter of tax exemption for colleges that have racially discriminatory policies, the executive had a hot potato. First it decided to suspend denial of tax exemption that seemed settled. Then it said it would seek legislation that would deny tax exemption. Acting on requests from the legislative branch, the executive finally said that it would dump the hot potato on the Court. If the Court decides simply that denial is mandated by the Constitution, by existing federal statutes and proper regulations and by previous Court decisions, it may be attacked by both branches of government for making unpopular policy.

Other instances of unpopular judicial solutions result from failure of the states or the federal government to provide specific tests, specific remedies or real enforcement of constitutional principles or general statutes. For example, in the case of the Civil Rights Act of 1964 and the Voting Rights Act of 1965, the intent of Congress was to put teeth into the Amendments to the Constitution that had been the law of the land for a century or more but had not by themselves resulted in eliminating discrimination in many parts of the country. But Congress did not define the tests of discriminatory practices beyond repeating the words of the Constitution. That dumped the question of interpretation on the Court—and its decisions under the one statute were attacked by conservatives and under the other, by liberals. In the case of the Voting Rights Act, the position of the ABA is that Congress originally intended to prevent the fact of discrimination and that to do so it incorporated the "effects" or "results" test of discriminatory action that then represented the constitutional law on the subject. In extending the Voting Rights Act for the third time, Congress should handle the hot potato itself and adopt a results test in the law.

I could cite a number of other instances in which the other branches of government have used the courts as their dumping grounds for hot potatoes and then castigated the courts for the way they handle them. But that would take time from my discussion of the most significant and dangerous new type of attack on the courts. I refer, of course, to the more than 30 bills now before the Congress that would deprive the federal courts of their historic and vital jurisdiction or power to grant remedies in what all agree are constitutional cases. Because that judicial role is fundamental to the separation of powers and the preservation of our system of government, I have been quoted as saying that those bills are leading us to the most serious constitutional crisis since our Civil War. That quote is accurate and I believe it more strongly than ever.

Let me say four preliminary things. The first is that my stand on these bills is not purely personal and that the House of Delegates of the ABA—our policymaking body—supported it by an overwhelming majority. Second, the ABA does not take a position either way on the subject matter of these particular bills—abortion, prayer in school or means of achieving school desegregation. What we do oppose is the process used—taking constitutional questions away from the third branch of government and opening the door to elimination of the judicial branch in its constitutional role. Third, the battle over the federal jurisdiction issue is not between the courts—or the ABA—and the executive. The Administration, so far as I know, has not initiated or taken a position on these bills. I find it encouraging that Attorney General Smith has repeatedly urged strict observance of the separation of powers. I therefore hope that in response to calls from Chairman Rodino, our Association and press commentators, the Administration will take a firm stand in opposition to these bills. Fourth, the battle is not yet with the Congress, nor is it with either Republicans or Democrats in Congress. For there are members of both parties on both sides of the question. And I hope that those Members of Congress in both parties who value the fundamental structure of our nation more than they do seemingly popular solutions to the hot potato social problems of the day will join to defeat these bills.

The question whether the federal courts have overstepped their constitutional role, or have merely answered the difficult constitutional questions that have been dumped on them, may be debatable. But it is beyond debate that the present bills in Congress would overstep the constitutional role of Congress and endanger our system of government.

The argument is one of both law and policy. As to the legal question, constitutional scholars have expressed differing views on the constitutionality of these bills. The preponderant view appears to be that they are unconstitutional as applied to either the United States Supreme Court or the lower federal courts.

Some of the relevant materials are Article III of the Constitution, which says, among other things, that the judicial power of the United States extends to all cases arising under the Constitution, and the due process clause of the Fifth Amendment, which guarantees that no person shall be deprived of life, liberty or property without due process of law. Congress cannot exercise either such undefined power as it has under Article III to make exceptions to the jurisdiction of the Supreme Court or its power to create, change or abolish the inferior federal courts in any manner that would deprive our citizens of due process or deny the equal protection of the laws. Nor can Congress, by a "bootstraps" process, confer on itself any of the other powers that are otherwise expressly denied it by Amendments to the original Constitution. Therefore, Congress cannot, either directly or under the guise of limiting jurisdiction, change remedies, and thereby change the constitutional law or define juridical processes in such a way as to deprive citizens of substantive rights guaranteed by the Bill of Rights and other parts of our Constitution. If Congress forecloses citizens from fundamental constitutional rights or remedies in the federal courts with the intent or effect of having different law applied by differently constituted courts, it clearly has deprived them of due process and equal protection. And that is precisely the intent, and would be the effect, of these bills.

Those who read only a portion of Article III of the Constitution say that the exceptions clause of Article III grants Congress unlimited power to take away the jurisdiction of the Supreme Court, and that the power of Congress to create inferior Article III courts implies the power to abolish those courts or selective portions of their jurisdic-

tion. But if the whole of Article III, the balance of the Constitution and the subsequent Amendments are also read, it is clear that the framers could not have intended any such result.

The proponents of these bills claim that most Americans disagree with our Constitution, as interpreted by the branch of federal government to which our forefathers entrusted interpretation of the Constitution and protection of our rights. If, indeed, our nation does disagree with rights, under the Constitution, in the areas of abortion, prayer in schools or desegregation, there is a perfectly good way to change it. That is the amendment process involving the states and the people and requiring more than simple majorities. And our forefathers never intended that Congress, alone, by a simple majority vote, could obtain the same result.

For if the Cogress, buy a simple majority vote, could rewrite the Constitution, a future Congress could wipe out federal jurisdiction and remedies in all constitutional cases. Then, at best, we would have 50 federal constitutions—one for each state. And if state legislatures followed the example of Congress and deprived state courts of constitutional jurisdiction, we would have no judicial review at all in constitutional cases. We would have a purely parliamentary system of government, without either an enforceable written national Constitution or a court having the power to declare the process unconstitutional. The founders of our country clearly did not intend to create a tripartite system of federal government that so easily could be rendered a nullity. So these bills all must be deemed legally unconstitutional.

But, even more important, these bills must be opposed on grounds of policy. The admitted purpose of these bills is to change the constitutional law as interpreted by the judicial branch of federal government. That purpose betrays a terrible cynicism about out state judicial systems, for it is based on the belief that variations that are pleasing to current local majorities will be read into our national organic document by local courts. If that belief is unfounded, as I think it is, the bills are pointless. If it is well founded, it tells us that the proponents are willing to convert America into a kind of league of independent states instead of one nation.

This is another instance of the constitutional hot potato being handed to the courts, but this time it is, in part, the state courts. And the state courts do not want the constitutional responsibility the proponents would thrust upon them. The Conference of Chief Justices, representing all our state court systems, passed a resolution on January 30, 1982, without dissent, that viewed these bills with the gravest concern, citing many strong arguments.

Most of the apologists for the theory that the Congress can eliminate or control the federal courts say that enactment of these bills will teach the courts a needed lesson. That is about as responsbile as suggesting that we can teach the other superpowers of the world a valuable lesson by firing a first nuclear missile at them now. Neither effort to teach a lesson can be stopped after the first salvo; either one will result in further warfare and destruction.

So we must ensure that Congress, as it has repeatedly in the past, once again declines the ultimate confrontation. For if we leave it to the Supreme Court to be the sole defender of the role of the federal courts, we face the certainty of grievous damage to our system. If, in accordance with the law as I beleive it to be, the Supreme Court declares these bills unconstitutional, the current critics of the role of the judicial branch will be moved to declare the decision self-serving and proof that the Courts are overstepping their role. That will produce a clamor of further unjustified attacks on our courts and legal system and possible constitutional amendments to eliminate or limit the judicial branch. But if, contrary to my expectations, the Court sustains the bills, each Congress, according to its mood, will remove more and more of the jurisdiction of the federal judiciary until it is gone. Either way we face a terrible division of our country and risk the destruction of our free system of government.

George Washington, in his moving Farewell Address to the Nation, issued a clear warning: "If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the constitution designates.—But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil, any partial or transient benefit which the use can at any time yield."

Abraham Lincoln strongly disagreed with the Dred Scott decision of the United States Supreme Court. Yet he said of the Court: "We think its decisions on constitutional questions, when fully settled, should control, not only the particular cases decided, but the general policy of the country, subject to be disturbed only by amendments of the Constitution as provided in that instrument itself. More than this would be revolution."

I do not believe the proponents of these bills really want to launch a missile that could plunge us into internal strife and destroy our rights, the courts or our Constitution. But they are shortsighted in not seeing what they are starting. They are risking our most fundamental values to dispose of a hot potato—to secure what they believe are popular and expedient solutions to current and transient problems.

But if they are successful in that, they also risk the Generation of Progress we celebrate on Law Day. They threaten forfeiture of our progress in broader access to law and justice, equal protection of all our citizens, including minorities and the poor, and eradication of discrimination of all kinds. But, more than that, they threaten the rights of all of us. Once the door is opened, the rights of free speech, free press, free assembly and free exercise of religion could be the next to be abolished or curtailed.

Whose ox is being gored? It is not just the ox of one branch of government in a turf dispute with another. It is our entire system of government. It is the ox of all of us—the American people. I think of the great words of John Donne that come down to us from 1624. I wish I had time to read his magnificent text. But let me quote his final words . . . "Never sent to know for whom the bell tolls; it tolls for thee."

The ox of a free legal profession is gored. The ox of a free press is gored. The bell tolls for all Americans. And it is the duty of the press and lawyers—both in their separate ways protectors of our citizens and seekers of the truth—to tell these truths again and again. We must tell them until all members of Congress and all Americans realize that our system and our rights must be preserved. We may then warrant that when another generation under the rule of law has passed, it, too, will be a generation of progress.●

THE USED CAR RULE

● Mr. PRESSLER. Mr. President, I shall ask to have printed in the RECORD Mr. James Kilpatrick's article in the Washington Post, April 28 edition, immediately following my remarks.

Mr. Kilpatrick's article is a concise and accurate argument in support of Senate Concurrent Resolution 60, the Senate resolution to disapprove the Federal Trade Commission's used car rule. I introduced this resolution on January 28 because I strongly believe that the FTC used car rule is the kind of misguided Federal regulation which voters rejected when the current administration was elected. This rule would be an unnecessary and ineffective regulation imposed on an industry composed primarily of small businesses. This rule would increase the cost of used cars at a time when our business economy desperately needs strengthening. This rule would extend Federal regulation into an area where existing statute and State regulation are adequate to solve any consumer problems.

Mr. President, the Senate Commerce Committee voted to report Senate Concurrent Resolution 60 on March 29 by a vote of 12 to 5. My hope is that we will see a fair and comprehensive debate on this resolution on the Senate floor in the very near future. I believe that my colleagues will join me in voting to disapprove a regulation which does not solve problems but instead creates them.

The article follows:

[From the Washington Post, Apr. 28, 1982]

DON'T BUY THIS REGULATORY LEMON

(James J. Kilpatrick)

Over the next couple of weeks, members of Congress will have to make up their minds on the Federal Trade Commission's pending regulation on the sale of used cars—whether to buy this lemon or to call off the deal. The proposition is one more piece of paternalism. It ought to be junked. This regulation has been limping around legislative halls longer than an old DeSoto. Last August the FTC produced its final version. Unless both houses of Congress adopt resolutions of disapproval by mid-May, the regulation will become effective six months later. The House Commerce Committee is expected to report a veto resolution almost any time now; if the House adopts the resolution, as expected, the Senate probably will follow along. Then we would exepct some form of court challenge to the legislative veto, and the whole proposition could be parked for months or years.

The regulation, if it ever goes into effect, would apply to every used-car dealer in the nation—about 70,000 small-business men. It would require every dealer to post a window sticker on his automobiles. The sticker would inform prospective customers that "a

seller's spoken promises may be no good," or perhaps that "spoken promises are difficult to enforce." "Ask us to put all promises in writing," the sticker continues. "You can make a seller keep written promises." After that friendly beginning, the window sticker would list 14 general categories of possible defects, subdivided into 52 specific problems. Does the car suffer from "abnormal visible exhaust discharge"? Are the shock absorbers functioning "improperly"? Do the brake linings or pads have a thickness of less than 1/32 inch? The dealer would be expected to disclose information about any specific defect of which he is aware.

At first glance the regulation looks pretty spiffy. After all, why shouldn't a dealer be compelled to disclose the existence of faulty brakes or a rusted muffler? The problems here are threefold. Without a bureaucratic army the regulation could not possibly be enforced. The rule would add significantly to a dealer's cost of doing business, thus increasing the price of used cars and driving more sales into the unregulated market of owner sales. The rule would broaden the power of federal authority at a time when the trend toward state responsibility is gaining momentum.

The whole proposition, it seems to me, amounts to overkill. Today's used-car dealers are the descendants of the horse traders of yore. Doubtless there were some unscrupulous traders in the old days—men who would palm off a mean-tempered beast as a sweet old mare that had been ridden only to church on Sundays—and doubtless there are some sly fellows in the used-car business today. But it is simply a wrong-headed public policy to lay the heavy hand of the federal government on a business that can be effectively policed by its own members and by local authorities. The civil courts are not incapable of dealing with outright fraud. Existing laws on express and implied warranty still function. The ancient admonition of "caveat emptor"—buyer, beware!—still applies.●

THE SURTAX

● Mr. WALLOP. Mr. President, an article by George Gilder appeared in the April 22 edition of the Wall Street Journal, which contains some insight and some constructive advice which I believe would be helpful to us all. During the course of his article, Mr. Gilder notes that deficits are always a problem in that the private sector most compete with the Government for savings. It is a problem we all recognize and want to do something about. Where we differ is how we should go about making significant reductions in the deficit figures and establish a clear, positive trend toward a balanced budget in the very near future. Rather than continuing the trend of reducing the rate of growth in Government spending and addressing the tough decisions which must be made on entitlement programs and other areas of the budget, there are suggestions that it is more responsible to take away the tax cuts passed just last year—and it will not be until the scheduled 1983 cut goes into effect that the American taxpayer will experience a true tax cut—and raise additional taxes on top of that. The adverse effects of such actions are very clear from Mr. Gilder's analysis.

Mr. Gilder's comments are most timely, and at the very least, should offer some food for thought which we should all consider as we prepare for the budget torture test which lies ahead.

Mr. President, I ask that the full text of Mr. Gilder's article be printed in the RECORD.

The article follows:

[From the Wall Street Journal, Apr. 22, 1982]

THE SURTAX: REPUBLICANS HEAD FOR THE CLIFF

(By George Gilder)

Howard Baker and other Republican leaders are contemplating the possibility of a temporary surtax of 4 percent on individual income taxes. The alleged purpose of this bold proposal in the middle of a recession year is to cut the deficit, control inflation and reduce interest rates. House Budget Committee Chairman James R. Jones, Democrat of Oklahoma, calls this surtax "a responsible recommendation that should be considered."

In their desire to offer early leadership to the tax-hike movement, however, these congressional leaders seem to have rejected a host of equally "effective" and "responsible" policies for achieving their goals. Nowhere, for example, do they mention, as an antidote to the interest-rate problem, resorting either to rain dancing or levitation. They also have ignored far more promising and less taxing remedies, such as declaring a five-year congressional recess. The recess idea has the advantage of removing these Republican leaders from Washington without electoral catastrophes in 1982 and 1984 that would replace them with more Democrats like Mr. Jones, who might well raise taxes even faster.

DIDN'T ACHIEVE THEIR GOALS

This is not to deny at all that a tax hike this year might solve the interest-rate problem. It probably would bring interest rates radically down—by causing a depression. Even Sen. Baker might regard this policy as something of a riverboat gamble.

Before we accept the surtax idea, however, it is worth considering the results of a similar surtax in the relatively booming economy of 1968. As Michael Evans of Evans Economics has documented, the surtaxes of 1968 and 1969 achieved none of their goals. Inflation spurted higher, interest rates rose, a recession ensued, the stock market crashed and even the deficit increased.

The deficits projected by the Reagan administration are substantially smaller as a proportion of GNP than those of 1975 and 1976, which were followed by a brisk economic recovery and declining inflation. They are substantially smaller than deficits undergone in recent years by such low-inflation and high-growth economies as Japan, Switzerland, Germany and Austria.

Deficits are always a problem because they compete with the private sector for savings. But a large deficit accompanied by higher savings, as in Japan and Switzerland, will cause few problems, particularly in a recessionary year. The Carter administration, on the other hand, lowered the deficit from 3.9 percent of GNP to 1.1 percent of GNP between 1976 and 1979 by allowing taxes to rise through inflation. Rising income taxes, however, destroy savings three ways: by taxing most highly those very earnings most likely to be saved, by deterring acquisition of additional earnings and by taxing the returns of savings (interest payments) at the highest rates.

The Carter administration virtually eliminated the deficit by this means but also virtually eliminated U.S. personal savings, which dropped to 3.7 percent of GNP in December 1979, the lowest level in 30 years and the lowest level in the industrialized world. As a result of this splendid Carter victory over the deficit, interest rates nearly doubled, inflation soared, the economy collapsed and the deficit then leaped to over $60 billion.

In 1981, Congress followed this tax-hike policy once again. By deferring the tax cut to October and cutting it to 5% (1.25% over the entire year), Congress allowed Social Security tax hikes and bracket creep to inflict an approximate 10% tax hike on most incomes. This effective "surtax" in 1981 did not reduce interest rates. It merely deepened the recession and increased the deficit by triggering increases in a large number of recession-related or inflation-indexed government programs, such as welfare, unemployment compensation, Social Security, civil service pensions, trade adjustment assistance and various loan guarantees (that is, subsidies).

It is hard to believe that serious Republican politicians could consider the continuation of such suicidal policies. But Republicans in Congress have shown a deep lemming strain for much of this century. Although the unaccustomed heights and burdens of senatorial leadership positions may give some of our statesmen vertigo, thus arousing the old instinct to head for the cliffs, there is no reason for the administration to follow them over the edge.

The White House should stop paying attention to economists, media voices and old-line politicians who seem to have forgotten the past and are apparently determined to repeat it.

If Congressmen were really interested in dealing with the problem of high interest rates and huge deficits, they would stop taxing "unearned" income at effective rates over 100% adjusted for inflation—stop taxing inflationary capital gains and spurious inflationary yields on bonds. They would stop hacking away at picayune but useful government programs and face the tough decisions on entitlements, necessarily including Social Security and government pensions. They would halt the growth of guarantees and subsidies for loans to favored borrowers, which necessarily raise the rates for everyone else. They would stop playing games with the nation's businesses, granting them leasing benefits one moment and threatening to withdraw them the next.

GOVERNMENT SHOULDN'T PANIC

The economy is basically sound. While the auto and housing industries are failing, oil and gas entrepreneurs are overcoming the energy crisis. Meanwhile firms in high technology are launching a new age of productivity in services and creating a personal computer industry that will soon outsell the auto business. All that is needed is a stable government that does not panic at statistical shadows and palter about tax hikes while already taxing the real yield from our precious savings.

The administration's "huge" tax cuts are trivial when adjusted for inflation. Therefore their repeal means dramatic tax in-

creases. Tax increases, in general, will produce less savings, more inflation, more unemployment and larger deficits. They are the cause of our problem, not its solution.●

HIRING OLDER WORKERS

● Mr. PRESSLER. Mr. President, a recent article from the Wall Street Journal deserves the attention of every Member of this body who is concerned about this country's senior citizens. The article to which I refer describes the efforts of businesses to recruit older persons as employees. Spokesmen for these firms testify to the willingness, the experience, and the stability of older workers. Far from being a liability, they are an asset far more valuable than most employers realize. In addition, the workers themselves speak of the many benefits of remaining in the work force.

I have consistently opposed the policy of mandatory retirement and earnings limitations for social security beneficiaries, because I believe that those older persons who are able and willing to continue working should be encouraged to do so. Our senior citizens are among the greatest assets this country possesses. Government employment programs, such as Green Thumb, and others authorized under the Older Americans Act, have proven their tremendous value by using the skills and experience of older workers.

I would like to commend the Wall Street Journal for their story. I believe that articles like this will do much to eliminate the stereotypes that exist in relation to older workers.

Mr. President, I ask that the article be printed in the RECORD.

The article follows:

FIRM RECRUITS OLDER PEOPLE AS SALESMEN

(By Maria T. Padilla)

Robert Stacey is one of Texas Refinery Corp.'s top salemen. After joining the company last year, he earned $3,000 on his first sale, and ultimately was named "rookie of the year," with total commissions of $45,000.

The Elberta, Ala., salesman is so keen on peddling Texas Refinery's roof-protective coatings that he carries a pair of roofing shoes in his car, just in case he spots an opportunity to clamber onto a roof.

Mr. Stacey is 74 years old. He was a pharmacist in his first working life. "This is better than a lot of years I put behind the prescription counter," he says.

At Fort Worth-based Texas Refinery, Mr. Stacey is one of 20 salesmen over 70 who joined last year. A fifth of the firm's 3,000 or so salesmen are over 65, and one is 84. The company is one of the growing number of firms recruiting elderly workers.

OLDER-WORKER BOOM

On a national basis, the proportion of workers over 65 is close to 13%, says a spokesman for the House of Representatives Select Committee on Aging. That number is expected to increase as firms look for retirees to fill high-technology and computer jobs, and the move to lift mandatory retirement steps up.

The Texas Refinery salesmen say the dream of retirement can turn into a nightmare. Ira R. Acuff, a 76-year-old from Taft, Texas, says, "retirement is for the birds." Mr. Acuff, who is having his third career, adds: "I tried to retire, but I wasn't satisfied. I've always been active." Lowell R. Hutson, a former Army corporal who at 60 is one of the youngest of the geriatric salesmen, says he came out of retirement and joined Texas Refinery in 1975 after "my wife accosted me in the kitchen saying, 'I have the distinct feeling you've taken over my house!' "

"People who retire tend to kick off," asserts 69-year-old Willis Seward from La Feria, Texas. He is a former farmer and butcher who says his sales averaged $100,000 last year. "I'll never collect Social Security," he says.

The new tax law makes work attractive to older folks. A person over age 65 now can earn up to $6,000 in outside income without losing his Social Security benefits. And if he chooses to continue working beyond age 65 without drawing benefits, he can receive a "credit" equal to 3% each year of the amount he would have collected if he had retired.

NOT CHARITY WORK

Texas Refinery says its older sales force reflects the company's unabashed belief in free enterprise. "This is not a social program," says Wesley Sears, president. "We do it because it's good business for us." The company says the number of older salesmen grew over time as the concern noticed they were among the top salesmen. Last year, three of the top 10 salesmen were over 65, says Jim Rosenthal, vice president in charge of recruiting and advertising.

The family-owned company won't comment about its earings except to say it's a "financially strong" company, with sales of about $50 million last year.

A graying or balding head, some testify, is an asset. "It seems like the grayer the hair, the more they'll take your recommendations." says 73-year-old Spencer Bayley. Another salesman from Clinton, Okla., puts it this way: "Most of my customers are older too. They feel I know what I'm talking about." A seed dealer in Foley, Ala., doesn't think it strange to have an elderly salesman. "You have to have someone that's reliable," says 33-year-old Rodney Stylon. "If he were a fly-by-nighter, you'd have to chase him down."

The job can be as easy or difficult as the elderly salesmen choose to make it. Some work only a few hours daily, while others put in overtime. Some stick close to home, while others peddle their goods throughout several states. Nearly all have had to overcome some obstacles along the way.

Spencer Bayley says at first he was given the cold shoulder by some prospective customers. Business picked up, however when he began "following the feedlots across Texas, Oklahoma, Kansas and New Mexico," as he puts it. Feedlots often are made from the corrosion-prone pipes used in oil wells and need the kind of protective coating he sells, Mr. Bayley explains.

Mr. Bayley recalls inspecting a rooftop and finding himself stranded after his ladder fell to the ground. He was rescued by a passing farmer. The 73-year-old salesman since has learned to tie his ladder to a building.

PSYCHIC REWARDS

The rewards of working outweigh the calamities, these old timers insist. At a recent sales meeting in San Antonio, many of them sported blazers adorned with the company crest and boasted of company-paid trips to Hawaii, Caribbean cruises and bonuses. Some of the wives waved diamond rings.

For others, the rewards are less material. "I'm not a socialite, but I like to meet people," says Carl Hjortsvang, a Texas Refinery veteran and former music professor at a North Carolina college. "This is an outlet for me."

Most of the company's salesmen work part-time and earn about $3,400 a year, the company says. They are hired around the country as independent contractors, which means Texas Refinery gets to keep its costs down. The firm isn't required to withhold any taxes or pay any benefits, and salesmen aren't paid a base salary.

EXPLAINING THE DEAL

"We're not promising anything but a chance," Leroy Groce, vice president and sales director, kept saying at that recent sales meeting. About 40 new and veteran salesmen for several states came to hear about that chance, which Mr. Groce discussed in a speech that was part country preaching laced with "tidbits" from the pages of the Harvard Business Review.

Texas Refinery says its ads, placed primarily in local newspapers, try to appeal to "mature" individuals because it feels the job may be better suited to the 60s set. "Thirty-year-olds are in their acquisitive years, and it's harder for them to stick with it." says Mr. Rosenthal. "An older person is more financially stable."

BARRON'S EDITORIALS

● Mr. HATCH. Mr. Chairman, one of the most consistently well-written publications is Barron's Financial Weekly, particularly its editorial pages. Amidst its always-impressive volume of financial data and statistics are weekly editorial commentaries on important matters of public policy. These commentaries are among the most penetrating and insightful that can be found in the world of journalism.

For the RECORD, I call to the attention of my colleagues two recent columns on important public-policy issues with which this body will shortly be confronted. I believe that they are typical of the high quality of writing in Barron's.

The editorials referred to are as follow:

[From the Barron's, Jan. 25, 1982]

UNCIVIL ACT—THE VOTING RIGHTS BILL IS FRAUGHT WITH MISCHIEF

(By Peter Brimelow)

Sitting on the edge of his seat, obediently bobbing up and down at the behest of a roomful of electronic journalists and their moody microphones, the bulbous Sen. Charles Mathias of Maryland looked a little like the Goodyear blimp tugging at its mooring mast on a windy day. He was in odd company for a Republican on Jan. 20, the anniversary of Ronald Reagan's first inaugural address, which, in answer to a question, he refused to say was a cause for celebration. But he shared the same prim look of righteous indignation as Senator Kennedy and an assortment of professional liberals sitting at his side, including the NAACP's Benjamin Hooks, whose melodious imputation of racism to a Republican Presi-

dent, Attorney General and/or fellow Senator went equally unchallenged.

The occasion: a press conference called to denounce the postponement for one week of hearings on S. 1992, the Voting Rights Act Extension bill, of which Mathias is the leading Republican sponsor. The total delay thus inflicted on the measure's legislative timetable: nil.

Supporters of S. 1992 become hysterical at the slightest hint of prolonged debate for a simple reason. It is the same reason as causes them, when prodded, to try to intimidate questioners by evoking the heroic age of civil rights of the 1960s, citing a myriad of establishment supporters, pointing to the lopsided House approval of the identical measure during a lull in the economic wars of 1980, and brandishing the list of 60 Senators co-sponsoring Mathias' bill (some of whom have had second thoughts).

S. 1992 cannot bear scrutiny because it is not merely an extension, but an expansion, of the original 1965 Act. It would profoundly affect not only former Jim Crow areas, but also the entire country. Although Hooks testified in House hearings last year that all he wanted to prevent the semi-automatic release from Justice Department's oversight that was established in the 1965 Act for communities managing 17 years without discriminatory voting practices, it is now clear that civil-rights politicians have seized another opportunity to carve out racial perquisites, just as the 1964 Civil Rights Act's anti-discrimination provisions have been perverted into a requirement for minority quotas. This is a dagger pointed at the heart of America. Congress' response has been a sorbid compound of fatuousness, fear and lack of moral fiber.

The 1965 Voting Rights Act was a brutal measure that should never have been necessary in a free society. The theory behind it was that the denial of access to the polls in certain Southern states was so endemic and vicious as to be irremediable by piecemeal litigation. It required the presumption of guilt, and direct federal intervention. In its aim of increasing black voter registration, the act was immediately and triumphantly successful. But its methods were necessarily crude. For example, it affected all areas with voter turnouts below 50 percent, which is how impeccably non-discriminatory communities in New York State come to be included. And this presaged a change of focus, as judges and bureaucrats ceased to concern themselves with the fact of discrimination and entered the more debatable area of its alleged results.

Communities "covered" by the VRA could alter their structure of government only if the Justice Department decided that the effect would not be to discriminate against minorities, who now had the vote. Thus, in 1980, Rome, Ga., was prevented by the Supreme Court from making what was acknowledged to be an innocent change on the grounds that it would coincidentally make it more difficult to elect blacks.

But simultaneously, the Court refused to strike down a similar structure in Mobile, Ala. Because the Mobile structure pre-dated black enfranchisement, and did not reflect a post-1965 change, it could be challenged only on the Constitutional grounds of the 15th Amendment's ban on denial or abridgement of the franchise on the grounds of race. And the Supreme Court rules that merely because blacks were not elected to the Mobile city commission in proportion to their population share—the "effect"—did not mean its electoral structure was discriminatory. If the law was neutral on its face, the Court said, to overthrow it would require proof of discriminatory "intent."

Supporters of S. 1992 dislike the Supreme Court's view of the Constitution. So they plan to reverse it by statutory means—with fine irony, by the way, since most claim that Senator Jesse Helms' similar strategy with respect to abortion is unconstitutional. Section 2 of S. 1992 would allow a suit to be brought anywhere in the country to suppress all political arrangements that have the "effect" of discrimination. The essential "effect" test: does the arrangement produce minority representation in proportion to minority numbers in the population at large?

Opponents argue that this will inexorably create a system of proportional representation. But minority representation will be not only proportional but guaranteed, as in the Parliament of Rhodesia/Zimbabwe, at the expense of the majority. This was made clear in United Jewish Organizations vs. Carey. The Justice Department would not believe that a proposed district in Brooklyn with a 61 percent nonwhite majority would elect a nonwhite Representative, because nonwhites were expected to have a lower propensity to vote. Redrawing the boundaries entailed dividing a community of Hasidic Jews, who sued to retain "their" seat. Not being black, American Indian, Asian, Alaskan or Hispanic, but merely white, they were not explicitly protected under the Voting Rights Act. So they lost. The new district, however, preferred the Founding Fathers' theory of representation to that of the Justice Department. It elected Frederick W. Richmond, who, is indisputably white.

The political consequences of S. 1992 could be devastating. At minimum, it will remove from the Republicans one of the traditional fruits of American electoral office: robust redistricting—"gerrymandering," after all, is an American invention. Unfortunately for the Republicans, this will now incur the wrath of Justice Department bureaucrats, if the diluted Democrats turn out to be minorities, as they tend to be. Weakening whites, however, is still okay.

More significantly, S. 1992 is one in a series of steps in the last few years tending to exacerbate and institutionalize racial division. Under the system it proposes, it is advantageous and perhaps necessary for every American to cleave to some organized faction—just the eventuality the Constitution sought to prevent. To make matters worse, legislators elected by homogeneous constituencies would have less and less aptitude or taste for compromise. Politics would degenerate into a rerun of West Side Story.

The truth is that what was once a civil-rights movement has increasingly become a drive for civil privileges. To choose an "effects" rather than an "intent" test, in affirmative action, fair housing or voting rights, is to invest the state on its behalf with the right of endless and infinite social engineering.

Supporters of S. 1992 argue that the intent standard is difficult to prove. Senate opponents plan to produce Irving Younger, one of the country's leading trial lawyers, to argue that it is not. Intent is routinely proved in civil and criminal cases without the confession/"smoking gun"-type evidence that discrimination cases are sometimes said to require. In any case, since when was the law supposed to make things easier for the prosecution at the expense of justice?

Those who support S. 1992, know that the proportional-representation argument is a threat to them. Mathias completely evaded the issue in his Dec. 16 speech introducing the bill, presenting Section 2 merely as a technicality made necessary by the Supreme Court's failure to be "clear," i.e., agree with him. Cornered at the press conference, he fell back on the bill's concession that disportionate representation will not "in and of itself" be evidence of discrimination.

This is just not good enough. The Weber decision showed that judges will literally invert the meaning of a statute under the pressure of racial dogma. The vague additional evidence required in S. 1992—a pattern of bloc voting, for example, which could be posited anywhere—will be no problem.

Already some civil-rights politicians, notably Jesse Jackson last fall in Columbia, S.C., frankly asserted that proportionality is their goal.

Senator Mathias will be 60 this year. He has devoted his long career to the liberal cause within Republican ranks, and has met with utter failure. He is not now likely to change his preception of his civil-rights allies, or give up the comforting if illusory sensation of being part of a heavenly (and conquering) host. His own racially divided state will be so hard-hit by litigation if S. 1992 passes that it will practically forfeit self-government. Arguably no great loss. But Mathias, like most elected federal officials, might well calculate that he at least should be able to avoid trouble. Anyway, his seat isn't up until 1986.

And there is an uglier side to the voting-rights debate. It emerges in testimony prepared by NAACP's Hooks for the Jan. 20 hearings. The intents test, it reads, "is oftimes a code word for allowing discrimination to continue, even when the discrimination is there for everyone to see." At the press conference, he left a sly vagueness about his charge of racism as a result of the hearing's postponement: "There has to be a racist around somewhere."

No accusation of witchcraft in Salem ever had the impact that an accusation of racism has on America's current lawmakers.

Others, too: according to opponents of the bill, the leading academic expert on voting rights, Harvard's Abigail M. Thernstrom, has been dissuaded from testifying against S. 1992 by civil-rights politicians threats to withhold co-operation on her forthcoming book.

The Voting Rights Act Extension Bill is unedifying whichever way you look at it. The "bail-out" provisions are so onerous that there is virtually no possibility any Southern area can independently qualify to escape this second Reconstruction. The bill's coverage of Hispanics, sweepingly defined, materially promotes the emergence of a second Quebec. Times have changed since 1965, and the best solution probably would have been to let the act run its course, prosecuting any subsequent offenders in the usual way. But above all, the daggerpoint must be broken. The effects test must be defeated.

[From the Barron's, Feb. 22, 1982]

PASS THE 27TH AMENDMENT AND MAKE A BALANCED BUDGET THE LAW OF THE LAND

(By James Grant)

"NEW YORK, Feb. 16.—Commercial and industrial failures jumped during the week ended Feb. 11 to 529, the highest total in 40 years, reports Dun & Bradstreet. As well as rising from 449 in the previous week, busi-

ness casualties surged above their comparable year-ago pace of 321.

"Concerns failing with liabilities of $100,000 or more increased most sharply, reaching 280 from 277 a week earlier and from 166 a year earlier. Meantime, smaller casualties involving liabilities under $100,000 increased to 249 from 222 in the preceding week and exceeded considerably the 155 of this size in the corresponding week last year."

The weekly business casualty report has become must reading for ghouls. Between 1979 and 1980, according to Dun & Bradstreet, failures increased by 55 percent. Between 1980 and 1981, they rose a further 45 percent. To date in 1982, they have climbed by 42 percent. (Last week's release reported that failures were the highest in 40 years. A spokeswoman at D&B explains that the reading was probably the highest since the 1930s, but that the records in those years are unreliable.) The figures are startling even if allowance is made for the relaxation of the bankruptcy laws. Taken together with the jobless rate, commodity prices, bond prices, auto sales and the housing market, the bankruptcy data constitute the statistical tracks of interest rates.

On the evidence, the cost of money is ruinous. It is high before tax and after tax, on a historical basis and on a real, or inflation-adjusted, basis. According to Merrill Lynch, corporate interest expense last year totaled $64 billion, up 45 percent since 1979. In 1969, the last year in which the federal budget was balanced, interest expense on the public debt amounted to $16.6 billion. In December 1981—that month alone—the interest cost of the debt was $14.8 billion. As interest rates have soared, the maturity of new bonds has shortened and the burden of bank loans and commercial paper has mounted. Improvisation has led to the commodity-backed bond, the floating-rate note and the zero-coupon debenture. Eugene Bohm von Bawerk, the turn-of-the-century Austrian economist, ventured the theory that the lower a nation's interest rates, the sounder its character, and vice versa. We would amend that as follows: the more innovative a nation's bonds, the more precarious its debt structure. It follows in that case that a screw is loose.

Now come the Administration's projections of deficits of $98.6 billion in 1982 (up from $57.9 billion in 1981) and $91.5 billion in 1983. Probably the actual numbers will be higher. On their face, the projections are horrendously big. They are big in relation to the pool of savings to finance them, and in the light of widespread illiquidity, which is a condition of too much debt chasing too little cash. Either the debt is paid in printed money, which nobody wants, or with savings diverted from productive uses, which nobody wants. Chronic deficits either bid up interest rates (if financed from savings) or raise them via inflation (if financed by the issue of new money). Deficits, furthermore, are a symptom of financial confusion. All this has been loudly deplored, especially by the poeple who made it all but inevitable. Meantime, however, one promising development has gone almost unnoticed. It is the astonishing progress of a proposed Constitutional amendment to limit government spending and balance the budget.

The amendment is simplicity itself. It says first that the budget should be balanced and second, says that the government's income should grow no faster than the taxpayers'. It follows that, because receipts would be held in check, so would outlays. The budget would be balanced by not higher taxes but by lower spending. As Milton Friedman, one of the fathers of the tax-limitation movement, explains, federal spending as a share of GNP might even decline: ". . . the limit is based on a year-to-year change, and hence, if in any year actual outlays are less than the maximum permitted, that sets a new and lower base for all future increases." The amendment would not absolutely debar a deficit, nor does it stipulate a penalty for Congressional noncompliance. In wartime, Congress could spend what it wanted. In peacetime, for that matter, it could choose to go into the red by a vote of three fifths of each house. The vote would be on that issue alone, in the sunshine.

As a Constitutional proposition, the balanced budget amendment would be a long overdue check to the 16th Amendment, which spawned the income tax. As a political device, it would give Congress the means to rise about itself. Under the current system, spending has powerful constituencies. Every man favors economy in government, which is no constituency. "Imagine," says James Davidson, chairman of the National Taxpayers Union, one of the organizations behind the amendment, "that you brought 435 people off the street, gave each of them a credit card with the same account number, and said, here, go to it, and by the way, whatever you spend, you'll only have to pay 1/435th of the bill at the end of the month. It requires a massive suspension of belief in the laws of rational economic behavior to think that a system like that is capable of limiting spending." The amendment would give the House and Senate a reason to say no.

A dead giveaway of the significance of the federal tax limitation movement is that so few people have paid any attention to it. When Alaska last month voted to endorse a call for a Constitutional convention, it became the 31st state to do so and the first since New Hampshire in 1979. If three more states follow suit, a convention would be called and an amendment drafted. If 38 states approved, the draft would become the next amendment to the Constitution. If Congress were to approve the amendment first, and submit it to the states, then no convention would be called. Political strategists at the National Tax-Limitation Committee, which is another friendly lobbying group, judge this the more likely course. A vote in the Senate (Senate Joint Resolution 58) is expected this spring, and in the House later this year.

In the drive for the Equal Rights Amendment, the impetus came from Washington, but this time the states are forcing the legislative issue. Nine states—Missouri, Washington, Rhode Island, Ohio, California, West Virginia, Hawaii, Montana and Illinois—have approved a resolution in one house but not the other. Four—California, Montana, Illinois and Kentucky—have urged Congress to submit a Constitutional amendment but declined to call for a convention. In one case, legislators didn't have the chance to decline. According to proponents, Vern Riffe, Jr., Democratic speaker of the Ohio House, has blocked the measure from coming to the floor for a vote by that body. (Riffe was unavailable for comment.) In the Missouri House, opposition oddly surfaced in a clutch of suburban St. Louis Republicans. Walter Mondale, the former Vice President and now would-be President, led stiff opposition by the Carter Administration. Still the bandwagon rolled.

Three popgun legal arguments have been levelled at the amendment. First, if Congress wants to balance the budget, it should resolve to do it legislatively and let the Constitution alone. Second, Article V of the Constitution, which provides for amendment by Constitutional convention, doesn't mean what it says. Third, if a convention were called, the delegates might run amok and abolish the Bill of Rights. As for the first objection, Congress has passed plently of laws, to no avail. Public Law 95-435, for example, mandated a balanced budget in fiscal 1981. Concerning the second and third, the Special Constitutional Convention Study Committee of the American Bar Association decided: ". . . Congress has the power to establish procedures governing the calling of a national Constitutional convention limited to the subject matter on which the legislatures of two-thirds of the states request a convention." And: "We consider Congress' duty to call a convention whenever two-thirds of the state legislatures have concurred on the subject matter of the convention to be mandatory."

When the Constitution was framed some 200 year ago, it went without saying that a nation should live within its means. As recently as the 1920s, a Republican Treasury Secretary argued for lower tax rates in the context of age-old financial precepts. "In so far as this Government is concerned," said Andrew Mellon in 1924, "its policy has been to keep its own house in order, to maintain the gold standard unimpaired, to balance the budget and to carry out a reasonable program for the orderly liquidation of the war debt." Starting in the Great Depression, each of those tenets was abandoned. Gold money was replaced by irredeemable paper, a balanced budget by chronic imbalance and the paying down of debt by its constant expansion. This year the voice of the people can be heard in Washington. It is saying: Enough.●

RETIREMENT ADVICE

● Mr. CHILES. Mr. President, I would like to share with my colleagues a feature article from the Miami News about a constituent of mine, George Wolpert. Mr. Wolpert is 78 years old and still serving Miami residents as administrator of the citizens service bureau. This is a second career for Mr. Wolpert, for he "retired" in 1965. Mr. Wolpert has some important advice for persons nearing retirement and retirees who are suffering from that dreaded disease, boredom.

The article follows:

[From the Miami News, Jan. 12, 1981]

HELPING OTHERS KEY TO SUCCESS

George Wolpert will be 78 years old in March. He ran Wolpert Furniture Co. for 30 years after coming to Miami in 1924 from Brooklyn, N.Y. He set up his store in what is now the Arturo DiFilippi Educational center at 1200 Coral Way.

He sold the business in 1965, retired and moved to Miami Beach, where he lives in a 15th floor co-op in Belle Isle with Gussie, his wife of 54 years. The Wolperts have been around the world three times and have visited an estimated 150 countries.

Gussie is one of the first women to graduate from the University of Georgia Law School.

They have two adult daughters, Judith and Carole Jane.

In 1965, after 30 years in the retail furniture business, I sold out and retired at 62 years of age.

I had thought that I would make an excellent retiree and looked forward to indulging myself in my hobbies, which were travel, photography, writing and social work.

For a while, I was very happy traveling with my wife, taking pictures and doing all of the things I had always wanted to do.

This happiness lasted about six months until I discovered that these part-time hobbies were not fulfilling, and I began to suffer from a deadly disease called "boredom."

I also found out that most senior citizens, whether they admit it or not, suffer from this horrible illness, unless they have found an activity which they like and find rewarding. It is known as "occupational therapy."

By 1969, I was a lost soul, bored, frustrated and floundering when Chuck Hall, who was then the Metro mayor, "saved my life" by asking me to be his unpaid administrative assistant in the Dade County Courthouse. I found working as Chuck Hall's assistant in that busy office to be extremely enjoyable, and my frustrations immediately disappeared. I felt alive again.

Chuck Hall was the best known and liked person in Dade County, and he received at least 100 phone calls and personal visits each day from people who needed help or advice. Most of these calls he turned over to me, and I found myself serving as "ombudsman" for Dade County, and I loved every minute of it.

I continued as his assistant when he later became mayor of Miami Beach until his untimely death in 1975. Since that time, I have been an administrator of the Citizens Service Bureau at Miami Beach City Hall, where I handle complaints, problems and counseling on every conceivable subject, and I look forward to going to work each day to face and handle new challenges.

I found that the greatest occupational therapy of all is "helping others," realizing that this is the best way of helping myself.

What message do I have for others? Never retire. Retirement is stagnation and death. Activity is awareness, vitality and life.●

JAPAN SHOULD ELIMINATE ITS IMPORT QUOTAS

● Mr. ROTH. Mr. President, I wish to register my outrage over a Japanese parliamentary committee's recent vote to recommend retention of that country's import restrictions on agricultural products. It was my strong hope that the Japanese Government would announce a package of trade reforms shortly and that import quota liberalization would be included. These quotas, imposed on 22 items ranging from rice to beef, from citrus to wheat, are a most blatant example of trade-distorting barriers and have marred our relations with a crucial economic partner. Most important, by continuing to limit our opportunities to sell in their market and by refusing to play fair, the Japanese are limiting our potential to create jobs here through farming and exporting. Unless there are substantial improvements in the quota situation, I believe President Reagan should retaliate.

Mr. President, this is not a new problem. For years, we have sought the elimination of Japan's import quotas. In successive rounds of multilateral trade talks, we have negotiated for liberalization. In numerous bilateral consultations over many years, we have pressed for removal. While there has been some progress, it has not been nearly enough.

Japan continues to thwart our farmers' and food processors' attempts to obtain an equitable share of that market. And, with this most recent vote by a Japanese parliamentary committee, I fear the attempts by the Reagan administration to obtain a change in Japan's import policy will meet the same fate as earlier efforts.

We are not the only ones to point to the inequity and inefficiency of the Japanese import regime. Respected Japanese leaders do so as well and suggest that the barriers be liberalized. In 1981, the Japen-United States Economic Relations Group—high-level advisers appointed by then-Prime Minister Ohira and former President Carter—wrote, "We recommend that Japan continue its efforts to shift away from the use of quantitative restrictions on agricultural imports and to ultimately eliminate them . . ."

I believe this advice is sound, and action on it is well past due. Japan's policy is expensive for Japan, as well as for countries like the United States which are shut out of Japan's market. According to the Economic Relations Group, the resource cost of agricultural protectionism in Japan was $15 billion in 1977-78, more than half of Japan's gross agricultural output. As another example, USDA estimates rice was supported by the Japanese Government at $1,400 per ton, three times the world price level. And, because of protectionism in Japan, consumers there pay exorbitant prices for fruits, beef, and a variety of other food products.

There has been a great deal of discussion recently over whether we should seek reciprocity as a standard in our trade relations with other nations. If, by reciprocity, we mean fair trade treatment, I enthusiastically support the concept and the legislation introduced by my colleague, Senator DANFORTH—the Reciprocal Trade and Investment Act of 1982. And, as a cosponsor of fair trade, I am greatly concerned by the Japanese Parliament's unwillingness to recommend a relaxation of agricultural import barriers.

I strongly urge the Prime Minister to make significant progress in opening the Japanese market for agricultural products and to set his country on a course for free trade.●

WORLD HEALTH DAY

● Mr. KENNEDY. Mr. President, on April 7, the member countries of the World Health Organization celebrated World Health Day in recognition of the importance of health to the quality of life.

This year, the World Health Organization adopted as its theme "Add Life to Years" to recognize the vital importance of senior citizens—their special needs, their special health risks, and their special talents and contributions.

In Washington, a national ceremony was held at the Pan American Health Organization, the regional committee of the World Health Organization.

On that occasion, the message of the director-general of the World Health Organization, Dr. Halfdan Mahler, was read along with appropriate comments from other participants, including the host for the event, Dr. Hector Acuña, director of the Pan American Health Organization. The event concluded with a taped commemorative message of support from President Reagan.

Mr. President, I ask that the message from Dr. Mahler, the speech by Dr. Acuña, and the message of President Reagan be printed in the RECORD.

The material follows:

ADDING LIFE TO YEARS

(By Dr. H. Mahler)

Aging is not simply a physical process but a state of mind and today we are witnessing the beginning of a revolutionary change in that state of mind. In the past, and expecially in most industrialized countries, aging implied enforced retirement, loss of physical functions and mental capacity, accompanied all too often with isolating the individual from the normal activities of society. The aged person was considered as suffering from an irreversible form of illness and was treated like a sick child.

The image of the aged person as one who is tottering towards the grave, battered by illness and minded by disease, beyond the capacity for loving and incapable of taking care of himself, much less rendering service to others, is false. Recent studies of healthy individuals show that, even at seventy years of age, they can do far more than take care of themselves; they can do a good day's work, use their minds creatively, carry on loving relationships and play an active role in the community. Therefore, the stereotype of the old as helpless and useless must be discarded.

To change the stereotype, the aged themselves must play a more active role. It is up to them to assert their right to participate in the necessary care and health activities they require, as full adult participants. Health for all by the year 2000, with its emphasis on primary health care, necessarily includes the participation of the aging, who often know best what is needed and how it should be carried out.

Aging is a vulnerable period. Older people are at greater risk than any other age-group apart from infancy. A lifetime of exposure to hostile elements in the environment, the ticking down or the irregular ticking of the biological clock make them particularly vulnerable. Therefore, aging people require a wide range of preventive, curative, and rehabilitative care. They have special needs in nutrition, in hygiene, in exercise and in immunization. Housing, transport and person-

al security should be adapted to their particular needs, and in some places already are. Research in all these areas and into the whole social and biological process of aging should receive new impetus.

The elderly need prompt clinical care when they are ill and here the thrust of primary health care can bring about important change by acting as an early warning and first intervention system. However, the entire range of medical and rehabilitative services should be ready to be called into play when required.

The theme of this year's World Health Day coincides with that of the United Nations World Assembly on Aging; both stress the urgency of meeting the special needs of the aging while contributing to a profound change in attitudes. The elderly are a group requiring special protection, but also one with a positive contribution to make, particularly if they are integrated within the community.

The situation in many developing countries is somewhat different from that in countries where industrialization and urbanization took place many years ago. Today, in many developing countries, there are still living customs which incorporate the elderly into the life of the community and these should be maintained. In fact, in these countries wisdom is still equated with age and the elderly are often considered to be the natural statesmen of the community.

However, nowhere in our world is the situation static and developing countries are undergoing rapid change as they industrialize and large portions of their population move into urban centres. In such situations there is a real danger that the mistakes, made elsewhere, of excluding the aged from the life of the community will be repeated. Just when the most industrialized countries are rediscovering the human worth of the aged and trying to allow them to live within the community and outside of institutions, whenever possible, it would be tragically ironic if developing nations were to discard their own traditions which accord a place of honour to the aged.

The aged can contribute in many ways. In the realm of art, masterpieces by the elderly are frequent and the aged sculptor or musician is rightly appreciated. But there are many other useful vocations which the aged would like to perform if they are not deliberately excluded. Governments will have to be careful not to establish situations that cut off the aged from the work they want to and are able to perform. But perhaps the main contribution of the aged is a human one: they can add something to those around them by their presence and life experience. Education is not something dispensed only in schools and based on books; it is the distillation of life's experience. Only someone who has lived through the momentous events that have marked the twentieth century everywhere and reflected on them can help younger generations understand how we arrived at our situation today and what we can do to make tomorrow better.

It is in this spirit of respect for the highest human values and a desire to maintain solidarity with all members of the human family that WHO wishes to see the slogan "Add Life to Years" celebrated and acted upon throughout the world.

WORLD HEALTH DAY

(By Hector R. Acuña)

Let met take this opportunity to welcome you to the Pan American Health Organization, Regional Office for the Americas of the World Health Organization, and to recognize the distinguished visitors and speakers at this observance of World Health Day, which is sponsored jointly by the American Association for World Health, the U.S. Department of Health and Human Services and PAHO. Our guests today include Dr. Edward N. Brandt, Assistant Secretary for Health in the Department of Health and Human Services; Dr. Rober Butler, Director of the National Institute on Aging; Dr. Lennie Marie Tolliver, Commissioner on Aging of the Department of Health and Human Services; and Dr. Myron E. Wegman, President, American Association for World Health.

It is always a pleasure to participate in the observance of World Health Day because it presents an opportunity to highlight the many accomplishments of the Member Countries of the World Health Organization, and at the same time it allows us to emphasize that much work yet remains to be done to bring access to health care to all citizens of the world.

WHO and the Pan American Health Organization, its Regional Office for the Americas, have made much progress in the worldwide fight against disease. We have wiped the scourge of smallpox from the face of the earth. We have provided immunization services for millions of children against six major killer diseases. In many countries, we have reduced infant mortality rates, helped to increase life expectancy, helped to provide safe drinking water and adequate sanitation, improved nutrition, and reduced the incidence of communicable diseases. We have drafted a recommended code on marketing of infant formula for adoption by Member Countries.

Tremendous challenges still lie ahead in the field of public health and we are fortunate to have a detailed, dynamic Plan of Action adopted by Member Countries to guide the activities of the countries and the Organization toward achieving the goal of "Health for All by the Year 2000."

If you have not heard about this goal, which has been set by the Member Governments of WHO and PAHO, I would like to tell you what it means; it means that we have made a commitment to ensure that everyone has access to health care giving priority to those groups considered most vulnerable, which include the elderly.

For this World Health Day we are addressing the elderly with the theme, "Add Life to Years". The theme coincides with the purposes of the United Nations World Assembly on Aging, to be held in Vienna next June; both stress the urgency of meeting the needs of the aging while contributing to a change in attitudes about the elderly.

Though more and more human beings will live longer as we enter the closing decades of the twentieth century, all too often old age tends to be a barren period of illness and loneliness.

Our goal of "Health for All by the Year 2000" includes care of the elderly as an integral part of health programs and plans. However, we are also encouraging additional efforts directed at promoting specifically the health and well-being of those in this category.

The number of persons aged 60 or over throughout the world is expected to nearly double between 1970 and the year 2000, rising from 307 million to 580 million, with the greatest growth in the developing countries. The well-being of these millions of people is a special challenge to our commitment to provide levels of health that will allow them to lead socially and economically productive lives.

In the Region of the Americas, there are 42 million persons over the age of 65. This figure is expected to rise to 63 million by the year 2000. For Latin America alone, those over 65 made up 4 percent of the population in 1980 or 14.6 million people, and that group will rise to 27 million by the year 2000. The range of persons over 65 varies widely among the countries of the Region, ranging from a low of 2.4 percent of the population in Nicaragua to a high of 11.2 percent in the United States. It is interesting to note that in the United States 80 percent of the older population have one or more chronic conditions and their medical care accounts for about 30 percent of national health care expenditures.

Figures show that the first five principal causes of death for those over 65 in the Western Hemisphere include diseases of the heart, malignant neoplasms, cerebrovascular disease, influenza and pneumonia, and accidents.

Since morbidity and mortality for those over 65 compare relatively well even among countries at different levels of development, aging of the population also brings with it the threat of increasing costs for its health and social security service.

In addition, if assumptions on mortality trends hold true, it is anticipated that by the year 2000, 26 Latin American and Caribbean countries will enter the category of a life expectancy of 65 years or more, and that 19 of these will reach an average expectancy at birth of 70 years or more.

This situation calls for primary health care strategies for the elderly, which will differ from those currently implemented for other priority groups, such as children under five and mothers in urban and rural zones of extreme poverty.

The complex and interrelated social, mental, and physical aspects of aging make it necessary to offer alternative approaches for care of the elderly. While special emphasis is still being placed on the family in providing support, the developing countries are also experiencing an increase in the participation of women in the labor force, which is producing a change in the traditional extended family structure wherein the elderly are cared for at home.

The goal of PAHO and its Member Governments has to be, therefore, the promotion of health and the quality of life throughout the development of the individual, and this means an active process of intervention on risk and other important factors at all ages from infancy through old age.

The countries of the Americas have already identified primary health care as the main strategy for achieving the goal of "Health for All", involving the people themselves in the solution of their problems, using the most appropriate technology, and emphasizing the training of health paraprofessionals and auxiliaries to serve at the first level of care as well as seeking to prevent disease before it occurs.

Activities related to health care of the elderly are already being implemented in the Americas within the context of primary health care and the other regional strategies for achieving "Health for All". Presently, PAHO is providing technical cooperation to countries with specific health care activities for the elderly, including Colombia,

Costa Rica, the Dominican Republic, Guyana and Mexico.

We also stand ready to provide cooperation to any other countries requesting it, quite apart from our development of comprehensive programs to meet the health needs of the elderly.

PAHO's Directing Council has urged Member Governments to set up programs for the aged and has requested the preparation of an action plan for health of the elderly. An intercountry pilot study to define the social and health profile of the elderly in selected countries of the Region is being designed to provide baseline data, especially epidemiological data, to facilitate planning, programing, and evaluation of strategies for the care of the elderly in the developing countries of the Americas.

PAHO also will participate in the World Assembly on Aging this year and in preparation for that event PAHO has already held two preliminary conferences, one in Costa Rica which was cosponsored by the U.N. Economic Commission for Latin America, and another one in Mexico City.

Our Plan of Action identifies a number of steps to be taken to improve health care of the aged. These include assessing the situation and adopting policies for health care delivery, developing comprehensive care within general health services, promoting and developing community action programs, and developing human resources.

On this World Health Day dedicated to the elderly, the staff of WHO and PAHO, who devote every day to achieving the goal of "Health for All by the Year 2000", are proud to reaffirm their commitment to meet the challenges that lie ahead in health care and to express some small measure of satisfaction with the progress that has already been made.

THE WHITE HOUSE,
Washington, D.C., April 7, 1982.

WORLD HEALTH DAY

It is our good fortune that in American most of us can look forward to becoming senior members of society. This makes the 1982 World Health Day theme, "Add Life to Years," a very personal one for each of us.

To a great extent the quality of our lives as we grow older depends on our health and on the younger generations' support for full participation of seniors in our national life.

As individuals, communities and nations, we must do all we can to foster the contributions of senior citizens, for they make a truly unique contribution to society—the understanding, experience, and perspective that only years of living can bring.

The United States is witnessing a dramatic increase in the population of people over 60 and is not alone in doing so. By the year 2000, more than half a billion people around the world will be in that age group, and they will represent nearly 10 percent of the total population, the highest percentage ever. This summer, the World Assembly on Aging will focus global attention on the impact of these demographic changes. The assembly's studies will be the impetus for all nations to launch policies and programs which recognize the older generation as an essential national resource and promote opportunities for a full and productive life.

On this World Health Day, the United States is happy to join with other members of the World Health Organization in recognizing that the world needs the contributions of its senior citizens and that we all owe ourselves our best efforts to maintain good health.

RONALD REAGAN.●

TESTS ON HUMANS

● Mrs. HAWKINS. Mr. President, Morris Abram, Chairman of the President's Commission for the Study of the Ethical Problems in Medicine and Biomedical and Behavioral Research, recently wrote a column in the New York Times on the Commission's 2-year examination of Federal rules and procedures required when human subjects are used in biomedical research.

I believe the article demonstrates the need for clearly defined standards for such experimentation. We must insure that volunteers provide their informed consent before the experiments begin.

I ask that Mr. Abram's article be printed in the RECORD.

The article follows:

[From the New York Times, Apr. 21, 1982]

TESTS ON HUMANS

(By Morris B. Abram)

Press reports, some sensational, of lapses in the protection of human subjects in cancer research have generated anxiety in patients and resentment in medical centers.

The President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavorial Research has just completed a two-year examination of Federal rules and procedures for conducting research with human subjects. The commission conclude that most Government supervisory agencies have insufficient data on compliance, and a review of a few well-documented (and widely reported) cases of misconduct on the part of research scientists showed that Government oversight can be improved. However, the public must keep a balanced perspective.

Since what works in man can only be established by tests on human subjects, medical progress depends on the participation of volunteers in research to test new therapies.

The prerequisites for such experimentation are at least the following: a reasonable theoretical base for the belief that therapy may be useful; preliminary tests on nonhuman subjects; a careful weighing of the possible benefits and expected risks of the experimental therapy, as well as an assessing of the available standard therapies (or even no therapy); and the genuinely voluntary consent of the human subject.

When a cancer patient is asked to participate in research on new anti-tumor drugs, particular care must be taken lest the patient's decision be based upon false hopes. (In the earliest stages of testing a new drug's effect on humans, the dose of the drug is usually small and the likelihood of any therapeutic benefit is remote.)

Some patients may wish to contribute the last weeks of their lives in the service of others, in the hope that their own suffering might alleviate that of patients yet to come. Such persons may believe that they have little to lose and perhaps something to gain. They surely should have the opportunity to volunteer and the satisfaction of knowing that they are making an important gift to others.

Other patients, for whom all therapies have failed, should have the choice of spending their last weeks or days free from the side-effects of either standard or experimental therapies.

Even in journalistic or anecdotal accounts, it is hard to know how much of what is criticized is really serious misconduct.

Some researchers' failures to be candid with potential patient-subjects are merely small lapses in good behavior and not blatant misconduct. Drawing the line is often difficult.

On the one hand, a failure to explain to a patient all the complications and all the possible hazards of a procedure, and, on the other, intentional deception, are not the same thing. The physician should strive for candor while treating his patient as a collaborator in a joint adventure.

The Presidential commission's study demonstrates that federally funded institutions need well-defined procedures for responding to reports of misconduct, ranging from falsified data on patient-subjects' charts to conducting studies with drugs not cleared for tests on humans. Some procedures should protect from reprisal those who report their concern (the "whistle-blowers"). They should also protect scientists accused of misconduct from publicity and loss of Federal funds, at least until a preliminary finding is made that the accusations have some basis in fact. For the sake of everyone, the institutional response should be prompt and thorough as well as fair.

In Federal supervisory departments, there is a parallel need for a timely and appropriate response. The 23 Government agencies and institutions involved in research on human subjects—for example, the Department of Health and Human Services and the National Science Foundation—need clearly defined standards for investigations and sanctions.

It is also important that all Government agencies know when a particular agency finds a scientist guilty of serious misconduct in federally funded research, so that a scientist disqualified from support by one agency may not apply to another for grants and contracts on an equal footing with scientists of high honor and repute.

Given the thorough ethical and scientific review mandated by law, there is every reason for confidence that the vast majority of federally funded research conforms to the most stringent scientific and ethical norms.

The few documented cases of misconduct should not overshadow the tremendous medical progress made possible by research involving human subjects.●

MILITARY ASSISTANCE TO GUATEMALA

● Mr. KENNEDY. Mr. President, in the upcoming weeks, Congress will be considering the administration's request to resume military assistance to Guatemala. The administration has proposed $251,000 in IMET funds for training the Guatemalan military. In light of recent developments, it is important that the Congress carefully review the situation in Guatemala.

Immediately after the coup in Guatemala which followed the March elections, there seemed to be some possibility that there could be a change in the Guatemalan Government's attitude toward human rights and the welfare of its citizens. It seemed there

might be some reform-minded young military leaders who would try to alter past government policies.

Given subsequent events, most observers now question whether what exists in Guatemala is really more of the same. According to reports, two of the three ruling members of the junta are closely aligned to previous repressive regimes. The military structure remains intact with many senior officers still in a position of responsibility, who have been implicated in past abuses of human rights. In addition, some of the new government's appointments to important posts involve people who are known to have been a part of the repressive apparatus in previous administrations.

The widely respected Washington Office in Latin America has published two useful reports on the current political situation in Guatemala. They highlight key factors presently influencing the political climate in Guatemala. They urge that there be no change in U.S. policy toward Guatemala until the new junta proves its good intentions for fundamental change by undertaking the following actions:

First, the detention and trial of all military officers—as well as civilians—who were involved in human rights violations and corruption in the previous government and the expropriation of all illegally acquired goods from them.

Second, the complete cessation of all repression and torture and harassment, and complete investigation of all massacres, disappearances and assassinations that occurred in the Presidency of General Lucas Garcia.

Third, a reorganization of the judicial system and the carrying out of all the other recommendations made in the 1981 report on Guatemala by the Inter-American Commission on Human Rights of the OAS.

Fourth, the complete restoration of all human rights and democratic rights, including the right to organize of trade and peasant unions, cooperatives and political parties, and complete freedom of the press.

Fifth, the creation of an electoral system totally independent of the Executive that would guarantee political pluralism and free and fair elections and that would allow the registration of parties of all ideologies.

Sixth, the complete reorganization of all the security forces, including the removal of all members of such forces known to have been involved in repressive and corrupt practices and the subservience of the military to the civil authority where appropriate.

Seventh, the holding of free and fair elections within a reasonable period.

Eighth, effective guarantees that would allow all exiles and political refugees to return to Guatemala.

Mr. President, I ask that the reports of WOLA, dated March 30 and April 19, be printed in the RECORD at the close of my remarks.

I also wish to call the attention of my colleagues to an article by Don Oberdorfer in the Washington Post April 18, entitled "After the Killing Stops: Guatemala's New Leaders Still Face Vast Problems," and ask that the full text also be included in the RECORD following my remarks.

In closing, Mr. President, I believe we all share an interest in fundamental improvements in Guatemala, beginning with an end of repressive measures, and of the use of force, and of violations of internationally recognized standards of human rights. Through our actions we must underscore the importance we place on such improvements, and I strongly believe that we should not even consider military aid to Guatemala until its Government has undertaken these and similar actions to further freedom and democracy in that strife torn land.

The material follows:

THE MILITARY COUP IN GUATEMALA OF MARCH 23, 1982

1. A group (12-19) of young officers in the Guatemala army carried out a coup on March 23 ousting the President, General Romeo Lucas Garcia and imprisoning him and the President-elect, General Anibal Guevara.

2. The immediate reason given for carrying out the coup was the fraudulent elections of March 7 which united the three opposition parties against the government of Lucas Garcia.

3. The coup officers worked with members of the National Liberation Movement Party (MLN)—the most conservative and right-wing part in the country—in planning the action and it was Leonel Sisniega Otero, the vice-presidential candidate, who made the first announcement of the coup over the radio.

4. There were probably three main reasons for the coup:

(a) The army's junior officers were extremely unhappy at the way General Lucas Garcia and other senior officers were pocketing all the proceeds of the corrupt system with very little going to them in spite of the fact that they were the ones who were having to face the guerrillas in the field. (A group of young officers had already complained about this to the Mexican newspaper UNO MAS UNO in the summer of 1981.)

(b) The army's image of terror and brutality had succeeded in isolating Guatemala from most western countries and it was essential to reverse this. A new image would make it easier to get military aid from the US with which to fight the insurgents.

(c) The country's economy was in very bad shape. One of the reasons for this was the bad economic climate created by the political instability which was causing much flight of capital and a serious drop in outside investment. Somehow a new economic image had to be projected and this was not going to occur with the ascension of General Guevara to power as people would interpret this as no break with the previous government's policy.

5. The young officers and the MLN apparently planned to announce that new elections would be held in 60 days and that no military candidates would be allowed to participate. But in order to give the coup a more liberal or centrist image they had decided to call on General Efrain Rios Montt[1] to head the Junta that they planned to install. General Montt had been the Christian Democrat candidate in 1974 and had won but had been prevented from taking office by the army. Rios Montt outmaneuvered the officers, however, and persuaded them to appoint a Junta of three senior officers and to be represented themselves in an advisory council. The three Junta members are, General Rios Montt, General Maldonado Schaad and Colonel Jose Luis Gordillo.

Rios Montt has dissolved Congress, indicated that he is going to rule by decree, only vaguely mentioned elections, has prohibited the political parties from carrying out any activities and has told the guerrillas and all civilians who bear arms to lay them down, otherwise he says that the army will "take them away".

6. The coup has undoubtedly created a relaxed atmosphere in Guatemala City for the first time in many years. The killing appears to have stopped and the people hope for the first time in decades that "things will get better."

7. The coup leaders, however, are unhappy at the way things have gone and so, presumably, are the MLN who would very likely win free and fair elections if they were held within the year and none of the social-democrat parties (FUR and PSD) were to be involved. Both they (MLN) and the Christian Democrats are (possibly with the coup leaders—one of the officers is the son of Sisniega Otero) pressuring the Junta to hold elections soon. The MLN would prefer them in 2 months, the Christian Democrats in a year, so they are saying 6 months.

8. The situation, however, is extremely uncertain. At this point in time there is no telling what will happen, but there is a very good chance that General Rios Montt will have to accommodate the coup leaders or risk being displaced. He has apparently consolidated his position in the last few days and it might be difficult for the junior officers to get sufficient support from their brother officers to oust him, however.

9. Insofar as the Guatemalan people as a whole are concerned, it can be said that with the exception of the relaxation of tension and the apparent stop in the extra-judicial killings nothing has changed. The oppressive apparatus of the army is still in place and there is absolutely no indication that the Junta is about to introduce the far-reaching reforms that the country needs to remove the social, economic and political contradictions that condemns the vast majority of the population to a life or degradation and poverty.

What is more this outlook will not change even if there are elections and the MLN or the Christian Democrats or indeed any of the parties that took part in the March 7 elections win in fraud-free elections. For ultimately the party in power, with the present set-up derives its mandate to rule from the army, and the army as at present constituted will not allow the introduction of any policies that would tend to diminish its power.

One can, moreover, go further and say that only the social-democrat parties and any party that could be constituted from the Democratic Front Against Repression and/or the Frente Popular[1] 31 (a grouping

[1] It seems that, if possible, the coup leaders would have preferred not to have a figurehead at all (Newsweek April 5), but having been forced by President Lucas Garcia to choose a General to whom he could hand over their choice was presumably dictated by this consideration.

[1] These two organizations, together with the two social democrat parties, are now in the process of

of mass organizations) would be prepared to campaign on a radical program that would attack the ills that plague Guatemalan society.

10. The danger is that the Administration will be tempted to argue that either the present junta or whichever party wins an election is worthy to receive U.S. military and economic aid as their prime consideration is the defeat of the rebel guerrilla forces.[2] Neither are they likely to make any attempt to ensure that the social-democrat parties at the very least are given an opportunity of taking part in any forthcoming election. (Such participation could only take place if there were some basic guarantees by the government in any case).

11. In the coming weeks Congress will be considering the Administration's request for $251,000 in military aid (mostly IMET) for Guatemala. Both the House of Representatives and the Senate have been strongly opposed to sending military aid to Guatemala. There is no indication at all at present that the new Guatemalan government are any more worthy to receive aid.

THE GUATEMALAN MILITARY COUP—UPDATE No. 2—APRIL 19, 1982

Congress will have to decide in the coming weeks whether approval should be given to the Administration's proposal to provide $251,000 in IMET funds for Guatemala in the FY83 Security Assistance Act.

When examining this proposal an appraisal will have to be made of the new Junta's policies, words and actions to determine whether the new set-up is really new—and not just the old forces under a new guise—and more importantly whether, in the words of the Bishops' Conference communique of the 31 March 1982, the Government too have recognised "the difficult and arduous task involved in introducing by democratic means in Guatemala so as to resolve the country's grave problems, the necessary structural reforms. . . .".

Some questions need to be asked in examining the situation:

WHO ARE THE NEW LEADERS IN GUATEMALA?

(i) General Rios Montt, head of the Junta, was not part of the coup, having been asked to take charge after the event. While there is little doubt of his own good intentions there are indications that he could be ousted from power by the coup leaders for deviating from their original ideas for the country or by a countercoup organised by senior military officers. He has not got a strong power base in the military. (Don Oberdorfer in the Washington Post of the 18 April says, "the political and economic elite finds the new leader a figure of fun . . ." which is hardly encouraging.)

(ii) The other two members of the Junta have records that align them closely to previous repressive regimes in which they held high posts.

(iii) There are strong rumours that General Benedicto Lucas Garcia, the army chief of staff in the previous regime, who is held responsible for massive human rights violations, has been re-admitted to the military structure.[1] Indeed there is every indication that the military structure remains intact completely despite the fact that the massacres carried out by the army in the western highlands is well-known to all.

(iv) No imaginative cabinet appointments have been made that would give one any indication that the Junta is intent on even the minimal structural reforms to solve the country's pressing social and political problems. Most come from conservative and/or business sectors.

(v) Some appointments to important posts involve people who are known to have been part of the repressive apparatus of previous administrations, e.g. Colonel German Ponce Nich, Director-General of the Police, who held that post in the repressive administration of President General Carlos Arana Osorio (1970–74).

HAVE ANY OF THE JUNTA'S DECREES PROVIDED EVIDENCE OF AN UNDERSTANDING AND WILLINGNESS TO TACKLE THE COUNTRY'S DEEP-ROOTED ECONOMIC, SOCIAL AND POLITICAL PROBLEMS?

The 14 point program (see Appendix A) announced on the 6 April is very vague indeed. Point 11 talks of improving "the peoples' living standards to decrease exisiting contradictions" and that is about all. Nowhere is there even the semblance of any analysis of the country's problems or anything that would lead one to believe that there is an understanding of the problems of the vast majority of the population who are trapped in a system of exploitation and poverty.

On the contrary the security plan to supplement the 14 point program (see Appendix B) leads one to believe that they are inclined to see everything in terms of communist subversion and will carry out only minimal structural reforms (though these are not specified).

(Don Oberdorfer says in his April 16 piece in the Washington Post, "it is one thing to move against the most glaring excesses, thereby winning national popularity and restoring international acceptance, and it is another and more imposing task to deal effectively with the underlying problems that threaten to drag the country into growing civil war or worse.")

HAVE ANY ACTIONS BEEN TAKEN AGAINST THOSE IN THE PREVIOUS REGIME INVOLVED IN CORRUPTION AND HUMAN RIGHTS VIOLATIONS?

So far only civilians (including some police officers) have been detained but none have been charged or brought to trial. No military personnel have been detained and there does not at present seem to be any plan to do so. It therefore looks as if the military are sticking together and no clean up of the military establishment will take place.

HAS THERE BEEN A CESSATION OF HUMAN RIGHTS VIOLATIONS?

There is no doubt that the level of violations has decreased dramatically in the urban areas particularly in the countryside but it is also clear that they have not altogether ceased. There are still reports of killings and attacks on villages coming in. For example, 300 houses in the village of Estancia de la Virgen, San Martin Jilotepeque were recently burnt down.

The Junta has apparently said (Prensa Libre) that they have no idea of the whereabouts of Jesuit Father Luis Pellecer, who it is feared was brainwashed by the previous administration and forced to make statements against his religious order and the guerillas.

Before granting the Junta any military aid, it would seem prudent for the Reagan Administration to make it clear to them that any change in US policy cannot be contemplated until the burden of proof of the Junta's good intentions has been discharged by their putting into effect the following actions:—

1. The detention and trial of all military officers (as well as civilians) who were involved in human rights violations and corruption in the previous government and the expropriation of all illegally acquired goods from them.

2. The complete cessation of all repression and torture and harassment and a complete investigation of all massacres, disappearances and assassinations that occurred in the presidency of General Lucas Garcia.

3. A re-organization of the judicial system and the carrying out of all the other recommendations made in the 1981 report on Guatemala by the Inter-American Commission on Human Rights of the OAS. (See Appendix C)

4. The complete restoration of all human rights and democratic rights, including the right to organize of trade and peasant unions, cooperatives and political parties and complete freedom of the press.

5. The creation of an electoral system totally independent of the Executive that would guarantee political pluralism and free and fair elections and that would allow the registration of parties of all ideologies.

6. The complete reorganization of all the security forces, including the removal of all members of such forces known to have been involved in repressive and corrupt practices and the subservience of the military to the civil authority where appropriate.

7. The holding of free and fair elections within a reasonable period.

8. Effective guarantees that would allow all exiles and political refugees to return to Guatemala.

Only when the above conditions have been put into effect should the US even consider extending any military aid.

[From the Washington Post, Apr. 18, 1982]

AFTER THE KILLING STOPS

(By Don Oberdorfer)

GUATEMALA CITY.—Until recently the streets of this capital were deserted after dark except for heavily armed men—left-wing guerrillas, right-wing militias, government paramilitary forces or one of the private armies in the service of the wealthy.

All that changed abruptly when a group of young officers overthrew Guatemala's military government.

"The night of the coup, cars suddenly appeared on the streets for the first time in a long time," said Mayor Abundio Maldanado. "The next night there were a large number of cars. The third night [and ever since] the streets after dark were full of cars and people." Restaurants and discos have reopened. Fear is slowly receding. "It has given security to the people—from the 'security' forces," said a prominent Guatemalan.

This is a large and important Central American country—six times as big as El Salvador, twice as wealthy, almost half again as populous, and strategically located next to Mexico.

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forming an Unified National Patriotic Front with the four armed revolutionary groups who themselves agreed to form a united front (URNG) in January this year.

[2] Newsweek reports (April 5), ". . . Ambassador Chapin had . . . refused to admit any evidence of fraud in the election and had presented President-elect Anibal Guevara with a warm congratulatory note from President Reagan." . . . So anxious was the Administration to renew military aid that a whitewash operation of the election and Guevara was apparently in the works.

[1] He is apparently in charge of counter-insurgency operations in the Peten.

It has been heading into deepening political, economic and military crisis while the United States stood by, unable to act.

Suddenly late last month the young officers' coup—an expected move from an unexpected source—provided a chance to halt the slide toward disaster.

While U.S. official as well as public attention has been concentrated on El Salvador, the dramatic and possibly far-reaching changes next door have received less notice. In part this is because Washington's involvement here has been minimal in recent months, despite the high stakes. In some respects the situation was so abhorrent that even the Reagan administration was unable to find a way to justify a U.S. role.

Sitting in a large corner office of the National Palace, which is still guarded by troops inside and out, a senior Guatemalan military officer tried to explain why the coup had been necessary.

"It is obvious that we had to defuse the situation in the country, which was becoming more and more explosive," said the high-ranking soldier, who asked not to be named. The country's dominant political forces were up in arms against the results of the March 7 election, which they charged was fraudulent. The economic elite was on the edge of panic because ample foreign exchange reserves had shrunk to nothing and foreign bankers were refusing to renew outstanding loans.

Perhaps worst of all, in the military view, the war against leftist guerrillas was going badly. Fifty-seven officers, nearly all lieutenants and captains, had been killed in combat within a year, the equivalent of two graduating classes of the country's military academy.

"The young officers felt abused. The generals were doing whatever they wanted to do," said the military leader. Another figure close to the young plotters put it simply: "The lieutenants and captains were dying in combat, and they saw the colonels getting fatter and fatter off the country, pigging out."

There is every indication that the March 23 coup caught the U.S. embassy by surprise, as it did the ruling government of Gen. Romeo Lucas Garcia and his handpicked successor and president-elect, Gen. Angel Anibal Guevara. According to U.S. sources, the first that Ambassador Frederic L. Chapin heard of it was a cryptic message at 10:30 a.m. that Guevara had to cancel their scheduled meeting at 11 because of unexpected development. By the time of Guevara's call, the artillery and tanks of the coup makers were already drawn up around the National Palace.

A case can be made that this imposition of guns for ballots, under the circumstances, served U.S. national interest as well as the interest of most of this country's civilian and even military elite. Yet the U.S. embassy, far from encouraging the coup, sought vainly in the weeks before to shore up Guevara, the elected representative of the old order, and since the coup the embassy has been correct but very cautious toward the new leadership.

The painful contrast between the importance of Guatemala and the impotence of the United States in the face of deepening trouble has long been evident to Secretary of State Alexander Haig and other high U.S. officials. A few weeks before the coup, Haig called Guatemala "strategically the most important Central American republic because of its size, population and raw materials, oil included." While going on to say that Guatemala is "clearly the next target" of revolutionary forces, Haig added with dismay that nothing could be done by the United States without a clearcut change in Guatemalan internal policy, especially on human rights.

A six-day visit to Guatemala—my first to any Central American country—has left me convinced there is a new spirit here and new potential for positive change. But it is one thing to move against the most glaring excesses, thereby winning national popularity and restoring international acceptance, and it is another and more imposing task to deal effectively with the underlying problems that threaten to drag the country into growing civil war or worse.

Of a shift in spirit since March 23, there seems little doubt, for one overwhelming reason: Officially sanctioned murder and terror by police and plainclothes goon squads has stopped. "Weapons are only for the army; weapons are only for the army," declared the chief of the new junta, Gen. Efrain Rios Montt, in his first address to the nation on the day of the coup. "There will be no more murdered people on the roadsides. Anyone who acts against the law shall be executed. Let's not have any more murders. We want to respect human rights and defend them."

According to U.S. embassy reports, political murders were running 250 to 300 monthly in 1981, rising to over 500 in January 1982 and over 400 in February. Church sources put the political body count, which was attributed more to the government than to the guerrillas, much higher. Figures are not yet compiled for the weeks since the coup, but there is no doubt among all those queried that the carnage has been sharply reduced.

A second boost to the national spirit has been an attack on corruption, which is now believed to have taken a heavy toll on the economy. Several of the largest government projects, including construction of a new port, a peripheral highway system, hydroelectric projects and land distribution to farmers, are suspected of providing big rakeoffs. Officials of the new junta have informally asked the U.S. embassy to provide American experts to appraise the legitimate costs of some of these projects with an eye toward the cancellation or renegotiation of contracts.

Nearly every day, additional arrests of former civilian officials are announced. But so far no former top military officers have been arrested, despite the widespread view that they were the biggest offenders. "A tiger doesn't eat a tiger," explained a person close to the junta.

Another factor in the change is the unusual character of the junta leader. The 55-year-old Rios Montt was picked by the junior officers as their senior leader and spokesman largely because he is a former professor and superintendent of the Guatemalan Military Academy with a reputation for honesty.

Rios Montt had left the army to run for president with reformist Christian Democratic support in 1974; it is popularly supposed that he was defrauded of the prize by the military leadership's official candidate. Less understood was that he had spent the past four years as an evangelist for the Church of the Christian Word, a California-based sect.

The political and economic elite finds the new leader a figure of fun, calling him "Dios Montt" ("Mt. God") and predicting that his evangelism will not wear well with the tradition-bound Roman Catholic majority. An impression of emerging weirdness, in sophisticated eyes, was heightened by an all-channels television address last Sunday, Easter night, when the junta leader gave up his camouflage suit for a sport coat and slacks in a moralistic pep talk filmed beside the country's best known lake. As he talked to the people without notes for 13 minutes, he was backed up by the canned music of a marimba band.

"You can never be sure when a coup has really stopped," remarked a fascinated foreign observer, who reported persistent rumors of a shakeup that would replace Rios Montt with someone who is less a drastic change for such a conservative country. However, the young officers are reported to like him, and his messianic appeals via television may strike the right note with the common man. A source close to the Guatemalan military gives Rios Montt at least six months to perform in the job, and added that he is more likely to resign than be ousted if disappointed.

Performance is a big question, in view of a sea of difficulty:

Politically, there is a wide consensus against terror and corruption, but not much of a consensus about what the country should do or who should lead it. Increasingly common talk is that the junta will be in charge two or three years before national elections, but this is hotly contested, not surprisingly, by established political leaders and parties with a shot at power.

The political argument is only beginning, because the junta's major programs and intentions still are unclear. It recently announced a 14-point program emphasizing "reform" and "efficiency" but gave no details. There is no suggestion of a drive to alter basic institutions, and a leaked document attributed to the junta suggested that changes in the state structure "will be minimal."

Economically, Guatemala is traditionally the most prosperous Central American nation, but it is in the most serious straits in many years. Economic output declined last year, according to a private expert, after years of steady growth. Only a big public works program, which created a large budget deficit, kept unemployment within bounds.

A symptom and symbol of the trouble was the decline of Guatemala's foreign exchange reserves from about $830 million three years ago to just about nothing usable now. When a Panama-based banking consortium demanded to be repaid in full two months ago rather than renew a $75 million loan for six months, the wolf was at the door.

Militarily, the government has been losing the battle against the guerrillas, slowly but surely, according to an unpublicized U.S. assessment. Full-time guerrilla combatants have increased from about 1,500 less than two years ago to an estimated 3,000 today. More ominous is that at least 80 percent of the guerrillas in the Indian highlands, the main area of military conflict, are reported to be Indians. In decades past, leftist guerrillas are reported to have had little success with appeals to the Indians, who comprise a disadvantaged half of Guatemala's population.

The 17,000-man Guatemala army lacks the manpower and mobility to turn the tide. The junta's best developed ideas, is seems, are for political and economic efforts to combat the guerrillas' rallying cries of corruption and abuse of human rights.

"We intend to go in and destroy the guerrillas by fire, but behind that we need bulldozers and tractors to clear the land and prefab houses for people to live in, if the gains are to be lasting," one coup leader told a U.S. official. But such efforts would be expensive, Guatemala is strapped for money, and major U.S. aid, at this point, is not in sight.

Despite its strategic importance, Guatemala under the old order was so far beyond the pale that there was little for the United States to do or say to affect events here. Now that change is afoot, the challenge to U.S. diplomacy is likely to be greater. There is little sign, so far, that Washington has come to grips with how it will address the issues.●

TELECAPTIONING

● Mr. HEINZ. Mr. President, loss of hearing is a devastating disability for the more than 16 million Americans who are hearing impaired. For so many of these people, the world can be lonely, isolated, and frustrating. Even television, which has the potential to provide entertainment and a link with the outside world, often is useless because the deaf cannot hear what the rest of the world hears.

But recently, the availability of a new device called closed captioning has made it possible for thousands of deaf Americans to join the hearing world by allowing them to read captions on their television screens. This new technology has been heralded as a communications breakthrough for the hearing impaired, and it is quite literally that—it has broken a wall of silence and a barrier to sound.

What makes telecaptioning possible is a mechanical device which is attached to the television set and decodes signals carrying the telecaption. Television sets without this device cannot pick up the telecaptions. The decoder, also called an adapter, costs only about $270 and has been sold by Sears, Roebuck & Co., for no profit. Now, a 19-inch color television set with the decoder equipment built right into the set is also available. About 50,000 people, who are deaf or hard of hearing, and institutions—nursing homes, schools, and so forth—now have these decoders or television sets.

The development of telecaptioning started in 1972 when the Public Broadcasting System (PBS), using Federal grants, began research on the feasibility of putting subtitles on a television screen as an aid to deaf Americans. Development of this technology progressed rapidly and in 1976, the Federal Communications Commission officially reserved a special portion of the television signal, called line 21, for transmitting electronic codes which become captions on the television screen. Then, in 1979, ABC, NBC, and PBS announced their support of this new service by agreeing to provide a certain number of hours each week of prime-time, telecaptioned programs.

The important work of spreading the word about telecaptioning is carried out by the National Captioning Institute (NCI). NCI is a nonprofit, tax-exempt organization which captions over 35 hours of regular shows and special programs each week. Telecaptioning has brought daily, national television newscasts, Presidential addresses, major sports events, top-rated, prime-time programs, daily news summaries, special news bulletins, closed-captioned program schedules, weekend sports scores, home video cassette movies, and many other programs, into the homes of those with decoders.

NCI has avoided the potential problem of telecaptioning that the captions on the screen may move too quickly for viewers to read them in trying to keep up with the speed of an individual's speech. Because of careful work by NCI, each caption is left on the screen long enough for viewers to read the words.

Up to this year, NCI has been funded through, first, the U.S. Office of Education and, later, the Department of Education. This funding is scheduled to end this year. The response by the private sector to the expected loss of Federal funding has been impressive. Corporate contributions from Aetna Life & Casualty Co., Connecticut Mutual Life Insurance Co., Prudential Insurance Co., Alcoa, and the Travelers Corp., to name a few, and additional funding from private foundations will insure that the services provided by telecaptioning will continue to be available to those Americans who are hard of hearing.

In addition, NCI will continue to charge fees from those organizations which request telecaptioning for their programs, to assist in defraying the costs. NCI hopes they will become self-sufficient through all of these revenue sources.

Mr. President, the month of April is special in my home city of Pittsburgh because it has been declared "Telecaption Month." The purpose of this declaration is to promote the use of telecaptioning equipment and services in the Pittsburgh area and to solicit additional private sector contributions. In the Pittsburgh area alone, there are nearly 150,00 known hearing-impaired people, many of whom are not even aware of the availability of telecaptioning. This is the second in a series of promotional city campaigns being conducted in major cities around the country to increase public awareness of the benefits available to deaf Americans through telecaptioning.

But the promotional campaign is aimed at a far larger group than just residents of Pittsburgh. The campaign is directed toward each of the 16 million hearing-impaired persons in this country.

I would like to take this opportunity to thank the National Captioning Institute for championing the cause of deaf Americans, a group which has too long been ignored. The introduction of telecaptioning on a widespread scale will undoubtedly add a new dimension to the lives of those who are hard of hearing.

As chairman of the Senate Special Committee on Aging, I have worked diligently to focus national attention on the many problems of the elderly, and to bring practical solutions to them. Since hearing loss is a common affliction among the elderly, telecaptioning services have a special value to the aged. Over the years, I have visited the residents of countless nursing homes and retirement communities, just as an example, and it is my belief that telecaptioning has the potential to be a real godsend to these elderly Americans because it is so basic and is so inexpensive.

Television can be the primary source of entertainment for many elderly persons and telecaptioning is an effective way of enabling them to enjoy individual programs to the fullest extent.

Mr. President, development of telecaptioning has been long overdue. I wish to congratulate the National Captioning Institute for their fine work on behalf of millions of deaf and hearing-impaired Americans, and I especially would like to commend NCI for its efforts to introduce the revolutionary service of telecaptioning into the lives of those who would benefit from it. We all applaud these efforts, we want them to continue and expand, and we urge all Americans who care to help to do so.●

OIL IMPORT FEE: AN UNNECESSARY BURDEN ON CONSUMERS

● Mr. PELL. Mr. President, during the past few weeks of budget negotiations between congressional leaders and the administration, key officials in the White House have signaled their strong interest in the imposition of a fee on all imported crude oil and petroleum products.

According to reports, administration spokesmen have suggested that a $5 fee on imported oil would directly add approximately $10 billion a year to Federal revenues and possibly, an additional $14 billion indirectly through the windfall profits tax on domestic crude oil. The administration also suggested that an import fee would encourage conservation efforts, promote new domestic oil exploration activity and apply pressure on OPEC pricing policies.

Mr. President, there are few Senators and Members of Congress who would not agree today that strong measures are required to reduce our enormous Federal deficit.

In the process of responding to the budget deficit, however, both the ad-

ministration and congressional leaders, I believe, should recognize that any additional budget reductions or revenue measures must be reasonable, equitable for consumers and not penalize any one region or specific sector of the economy.

In my opinion, the proposal discussed by the administration to impose a crude oil import fee clearly does not meet these requirements. Recent reports by the Congressional Budget Office, House Energy and Commerce Committees and the Petroleum Industry Research Foundation support this position and suggest that any import fee on crude oil would end up causing far more damage to our Nation's economy than it would benefit the budget.

In this regard, studies that I have reviewed indicate that a $5 fee, a revenue option frequently discussed by officials, would add more than 1 percent to the inflation rate and increase the cost of gasoline and home heating oil by as much as 12¢ per gallon. Such an import fee would raise consumer costs by as much as $30 billion annually and return an estimated $10 to $20 billion in windfall tax revenues to the major oil companies. Most specifically, for the Rhode Island consumer, an import fee would add between $60 and $240 annually to the average residential heating bill.

I believe it should also be noted that any dramatic rise in energy costs would increase the operating costs of American industry and cause the loss of an estimated 100,000 to 500,000 jobs in the economy.

Mr. President, in my opinion, the administration should not recommend the imposition of a fee on imported crude oil or petroleum products. There is no strong evidence to suggest that such a fee is necessary for national security reasons, or that conservation would be substantially increased beyond what is already occurring as a result of vigorous consumer efforts. In weighing any decision on import fees, the most important consideration should be given to the impact of the fee on the economy and employment. In this regard, I wish to call my colleagues attention to a thoughtful, cogent article by Mr. John M. Berry in the recent April issue of Financier and ask that it be printed in the RECORD following my remarks.

Mr. Berry succinctly points out that the imposition of a fee on imported oil would have severe inflationary consequences, an impact which administration supporters have apparently not considered. The severe inflationary impact of a fee would almost negate any revenue benefit for the budget.

Mr. President, our budgetary problems are most serious and clearly require the full and urgent attention of those of us in Congress and the administration. Americans expect nothing less. Any agreement on the budget deficit, as I have discussed earlier, however, must be fair and one that does not single out any region or group to bear a disproportionate share of the budget reduction effort. To insure this equity, I have joined with many of my colleagues as an original cosponsor of Senate Resolution 369 opposing the imposition of any crude oil or product import fee by the President or Congress. I hope the administration will carefully review its position on this issue and consider revenue options which are equitable and do not have the severe inflationary consequences.

The article follows:

REVENUE—BUT INFLATION, TOO, FROM OIL IMPORT FEE

(By John M. Berry)

The idea is seductive: Put a $5 or $10 fee on imported oil. With world oil prices tumbling, it might not even mean an increase in gasoline or fuel oil costs for consumers and industry.

A $5 fee would directly add about $10 billion a year to Federal revenues and perhaps another $14 billion indirectly through the windfall profits tax on domestic crude oil and income taxes as the price of oil produced here rose in line with the fee. With Federal Budget deficits soaring, this is an attractive and powerful revenue raiser.

Meanwhile, with prices propped up, consumers and businesses would continue to find ways to reduce oil use and make the nation less vulnerable to a crisis in the Middle East that could interrupt oil supplies.

At the same time, the higher price for crude would provide an incentive for continued investment in non-oil energy sources and synthetic fuels projects, many of which are being scrapped as a result of erosion in Federal financial support and in the prospective price at which the fuels could be sold. Synfuel plants, too, would reduce dependence on potentially vulnerable foreign oil supplies.

This package of arguments is making the rounds in Washington these days as a diverse set of interest groups seek to put a floor under old prices.

NO HALT IN THE SLIDE

The OPEC meeting last month—at which the members agreed to trim production by another 700,000 barrels a day, to a level of about 18 million, in an attempt to keep the official crude price benchmark at $34 a barrel—had little impact on the effort to impose a fee. Analysts do not believe the production cuts will be large enough to halt the price slide for some time to come.

The window of falling prices is still open enough to allow backers to maintain that a fee could be imposed with little danger of adding to inflation.

As appealing as the idea appears to be, however, there are some significant problems with it.

First and foremost, a fee would indeed add to inflation—and do so in a variety of ways.

A $5 fee, the most commonly mentioned figure, would mean that the price of crude oil reaching US refineries would be about $5 a barrel higher than what it would be in its absence.

Since about one third of the oil consumed in the US is imported and since it constitutes the nation's marginal supply, domestic crude oil prices could be expected to go up the same $5 a barrel, now that oil price controls are gone.

If the fee offset what otherwise would have been a decline in price, the inflationary impact would be just as great. In that case, inflation would have gone down—except for the fee.

The US currently is consuming about 6 billion barrels of foreign oil a year. A $5 price hike would cost oil consumers about $30 billion unless refiners and marketers or industrial users were to absorb some of the higher cost and accept lower profit margins.

If passed through, as most of it probably would be, the $30 billion would be almost precisely enough a rise inflation by a full percentage point in a $3 trillion economy.

If monetary policy did not change in the face of surging oil prices, the current depressed state of the economy is ample indication that a drop in real GNP, not a shift in relative prices, is the more likely result.

The reason, of course, lies in the nature of the country's institutions and customs. Wages are sticky going down. So are prices for most goods and services—other than those of commodities traded in auction markets.

Rather than adjust wages and prices, workers and sellers often accept unemployment and lower sales volumes, at least for a time.

As the nation has seen all too well in the last three years, the impact of an energy-price increase is compounded through the processes of indexation of wages and some other business costs.

HASTEN OBSOLESCENCE

A more pernicious and less recognized effect from the last two oil price surges was the way in which they hastened the obsolescence of the US capital stock.

When energy prices rose more rapidly than other costs, machines, cars, homes and buildings all became relatively less efficient. The output of that capital stock—whether goods or services or shelter—became more costly because little of it had been designed with such high energy prices in mind.

This unexpected and premature obsolescence was a major factor in the sharp slowdown in productivity growth during the 1970's, many economists believe. Businesses of all types found it necessary to make investments to reduce energy consumption—investments which otherwise might have gone to expand output.

The higher oil prices also added to inflation in other ways.

But there is no reason to think that would be the end of the inflationary splash from the fee. The quadrupling of crude prices from 1973 to 1974 and the tripling from 1978 to 1981 left economic disaster in their wake.

PASS ALONG THE BURDEN

As each player in the economy found himself squeezed, he attempted to shift the burden to someone else. Unions for instance, sought contracts to protect their members' real wages, and often got them. Business tried to pass the higher oil costs forward to customers, also often successfully.

The two surges in inflation in the 1970's provided strong evidence that an increase in energy prices cannot be regarded simply as a shift in relative prices—that is, that some other prices would rise less rapidly so, that the general rate of inflation would not go up, so long as the jump in energy prices was

not accommodated by a shift toward ease in monentary policy.

To some extent, prices of other sources of energy rose along with oil. And once price control on domestic crude were relaxed, a drilling boom was launched that caused the cost of everything used in the oil patch, from drill rigs to geologists, to skyrocket.

None of these assessment, except the last one perhaps, come out any differently just because an oil import fee might be applied in a world of falling prices.

After all, the economy has been put through a recession wringer twice in two years precisely to get inflation down. Real output this year will probably be about $250 billion less than it would be if the economy was operating close to full capacity.

That enormous loss is the direct result of economic policies put in place to combat inflation.

So far, the back-to-back recessions have reduced the annual increase in the GNP deflator—which rose 9 percent in 1980 and 9.2 percent in 1981—to between 7 percent and 7.5 percent this year.

The reduction in the CPI has been much more dramatic for several reasons, including the greater weight given to food prices, which have been flat for the last year; the greater weight of energy prices, and the inclusion of mortgage interest rates in the index.

$5 IMPACT ON 2 PERCENT

Against a two-percentage point improvement in the deflator, how would the impact of a $5 import fee stack up?

If it were fully accommodated by an easier money policy—highly unlikely given the Fed's policy—inflation would rise and real output would fall.

The increase in the inflation rate could well be as much as a full percentage point, maybe more, in the year following imposition of the fee.

In other words, half of what has been gained in lowering inflation could be lost in the short run.

It is true that in a severely depressed economy, the unions and companies that earlier were able to pass on the effects of higher oil costs certainly could not do so to the same degree. Thus some of the inflationary ripples might not spread so far; but that would only mean that a different group would feel the loss of real income.

However, there is another factor in the equation that was not present at all in 1974 and only in a limited way in 1978: Price increases in natural gas.

These prices in the field are gradually being decontrolled under the terms of the Natural Gas Policy Act of 1978. By 1985, between 50 and 60 percent of all gas will be free of price controls.

BACK OFF DECONTROL

President Ronald Reagan, who earlier committed himself to seek decontrol of all gas prices, including those that would not be lifted under NGPA, has backed off at least for this year. But there will be renewed pressure in 1983 to decontrol gas fully.

Natural gas and oil compete with one another in a a number of applications, such as home and commercial space heating, electric power generations (especially for heating purposes) and industrial boiler fuel, In some markets today, gas prices to industrial users are explicitly linked by law to the cost of heavy fuel oil in the area.

A study done last Fall by the Department of Energy on the impact of natural-gas price decontrol concluded that its free-market price likely would be about 70 percent of the refinery acquisition cost of crude oil when compared on the basis of energy content. But since the market for gas has been under tight controls for so long, no one can be positive as to where the price will settle.

There is no doubt, though, that there is a tight link between oil and gas prices, since at the margin they compete.

Suppose the 70 percent figure is correct. A barrel of crude oil contains roughly 5.8 times as much energy as 1,000 cubic feet of natural gas. Thus, each $1-per-barrel increase in the oil price would mean roughly a 12-cent rise in the price of 1,000 cubic feet of gas.

That doesn't sound like much until you crank in the fact that the nation uses about 19 trillion cubic feet of gas each year. In this analysis, a $1 increase in the cost of crude would mean gas users would have to pay about $2.3 billion more annually.

A $5 import fee would raise gas prices by more than $11 billion annually—and that would add another third of a percentage point to the inflation rate and further depress real output. If 40 percent or so of natural gas production remains under controls after 1985, the impact of higher crude prices would be reduced accordingly.

LESS DEMAND, LOWER PRICE

Over the long haul, of course, the system would reach a new equilibrium. The higher prices for oil and gas would mean that less would be consumed, and the drop in demand would help hold down the price of both fuels. That is one reason some groups, such as the Alliance to Save Energy, want a fee.

The Alliance, founded in 1977 by Sen. Charles H. Percy of Illinois, who now heads it, and the late Sen. Hubert H. Humphrey, is dedicated to the "belief that enhanced energy efficiency is essential to national security, economic stability and to the public welfare." Its Board includes a large and diverse group of political, business and labor figures, and it draws financial support from major corporations, including all the major oil companies.

Last month the Alliance urged the Senate Finance Committee to adopt an oil import fee, or an "energy security tax," as the Executive Director, Elihu Bergman called it. The Committee Chairman, Sen. Robert Dole of Kansas, had included a fee in his list of possible actions that could be taken to close some of this year's yawning Budget gap between revenues and receipts.

CONTINUE IMPORTANT GAINS

The fee, Mr. Bergman wrote, "would help pay the real price of our heavy dependence on costly and insecure foreign oil and continue the important conservation gains and spur significant energy development in our country. . . . Because of the downward trend of oil prices, an energy security tax could be phased in at the beginning of the next fiscal year with a minimal impact on our economy and on consumers."

A number of energy experts believe that it would take a huge, prolonged drop in oil prices to reverse many of the investment decisions made after the last two rounds of price increases.

Most such decisions are guided by price expectations not so much over the next year or so, but 10 or 20 years in the future.

If economic growth resumes throughout the industrial world, and the oil inventory drawdown which is responsible for much of the current excess of supply runs its course, oil markets will firm and prices will stop falling.

The reasonable longer-run expectation is still for oil prices to be rising in line with inflation for most of this decade and somewhat faster than that in the 1990's.

Such a price outlook rests on the notion that oil consumption is not going to stage an abrupt turnabout, as some people fear. It is the stock of autos and trucks, not the number of new assemblies, and the number of residences and commercial establishments, and the level of new housing starts, that determine the use of oil.

Only petrochemical feedstocks and residual fuel oil, used under industrial boilers, are truly sensitive to economic swings, economist Alan Greenspan said last month. "As a consequence, neither a decline in oil prices nor a rise in industrial activity is likely to generate a significant rebound in oil use. One finds it difficult to imagine stripping homes of newly added insulation or significantly reversing the shift towards more fuel-efficient, smaller cars in this country."

DEBILITATION MODERATED

"The immediate impact of this extraordinary change in the longer-term outlook (for all oil prices) is to reduce real energy costs and raise real purchasing power by lowering household expenditures on fuel oil and gasoline. Moreover, by lowering the cost of production, the debilitating effects on our industrial structure which followed as a consequence of the tremendous rise in real oil prices . . . would be at least partially reversed," Mr. Greenspan declared.

The former Chairman of President Ford's Council of Economic Advisers is sufficiently sanguine about the oil outlook that he went on to say that recent developments "do not eliminate the potential threats of a breakdown in oil availability in the Middle East, but they surely very significantly reduce the risk and hence, the (military and political) resources that we must devote" to that part of the world.

Some Reagan Administration officials, while not recommending a fee, are not opposing it, either, though the Treasury Department seems to be against it. Perhaps the fee's most attractive feature to some members of Congress is that the President could impose it unilaterally.

STROKE OF A PEN

The Commerce Department found recently that, under provisions of the Trade Adjustment Act, the level of oil imports constitutes a threat to national security. That finding was part of the legal basis for placing an embargo on oil imports from Libya. With renewal of that finding similar to one made by the Carter Administration when it briefly imposed a fee, Mr. Reagan could put one in place with the stroke of a pen.

Most parts of the oil and gas industry would welcome an oil import fee. After all, it would mean higher profits for them. Suppliers to the industry, too, are beginning to feel the effects of a topping out of the incredible surge in drilling activity, and the layoffs under way. Banks that have lent large amounts of money to energy companies would feel more secure. The revenues of Federal, state and local governments generally would be higher. and the nation's oil and gas consumption would be lower.

Against those developments has to be weighed the inflationary impact of the import fee, which would be far greater, and with far greater economic consequences, than its backers seem to have considered.●

ENDANGERED SPECIES ACT APPROPRIATIONS

● Mr. CHAFEE. Mr. President, I have asked unanimous consent that the distinguished majority leader (Mr. BAKER) be added as a cosponsor of S. 2309, a bill to reauthorize appropriations for the Endangered Species Act of 1973.

Mr. President, I submit a recent article by James J. Kilpatrick to be printed in the RECORD. Mr. Kilpatrick makes several observations concerning the current reauthorization process that are accurate and he praises our bill, S. 2309, for extending the act for 3 years. He notes that our bill—

> Would make some sensible modifications in the process by which exemptions may be obtained; it would reduce the long delays that have frustrated several desirable projects.

It does all that and more. Our bill has been praised by both the Reagan administration and the major environmental groups as a sensible, acceptable approach to reauthorization of the Endangered Species Act of 1973.

Mr. President, I urge all of my colleagues to read Mr. Kilpatrick's editorial, to review the pending legislation, and to join Senators MITCHELL, GORTON, BAKER, and me as cosponsors of S. 2309.

The article follows:

[From the Sacramento Bee, Apr. 22, 1982]

A CONSERVATIVE VIEW—NEEDED LAW FACES EXTINCTION

(By James J. Kilpatrick)

WASHINGTON.—A Senate subcommittee is holding hearings this week on extension of one of the truly enlightened laws of recent years, the Endangered Species Act of 1973. The dismaying report on Capitol Hill is that the act itself is now endangered. A quiet coalition is forming among mining interests, the wood products industry, furriers and land developers to gut the act of its key provisions.

This cannot be permitted to happen. If there is one cause that should unite true conservatives, it is the extension of this protective law for another three years, without weakening amendments. Politically speaking, not all conservationists may be conservatives, but if the appellation has any meaning, every principled conservative should count himself as conservationist. Let us stand up and be counted.

The Endangered Species Act has suffered from a regrettable lawsuit, from a thoughtlessly bad press and from misguided amendments added to the original 1973 law. To the extent that most persons have heard about the act at all, they probably have heard of it in terms of the snail darter and the Tellico Dam, or perhaps in connection with the Furbish lousewort and the Dickey-Lincoln project in Maine. Or perhaps word has spread through the grumbling of various developers about bureaucratic delays.

The two key sections of the law are Section 7 and Section 9. Under Section 7, federal agencies are prohibited from taking any official action likely to jeopardize an endangered or threatened species. Under Section 9, it is unlawful for any person to take, possess or transport such species.

It was Section 7 that led to the Supreme Court's 1978 decision holding up completion of the TVA's Tellico Dam in Tennessee. Ichthyologists had determined that the dam would endanger the tiny snail darter, a previously unknown species of perch. A six-man majority on the court held that "Congress has spoken in the plainest of words." The challenged section was stoutly upheld. Construction halted. While an exemption was being worked out, the darters were successfully transplanted and eventually, I believe, were discovered elsewhere. Meanwhile, cartoonists and editorial writers went into raptures of ridicule.

Superficially, thoughtlessly, it may have appeared indeed ridiculous to delay a $90 million dam in order to save an insignificant fish. After all, as dissenting Justice Lewis Power observed in a footnote, there are some 130 species of darters already identified and new species are regularly discovered. What's one darter more or less?

Good question—why should we strive to prevent the extinction of species? The current list of protected domestic species includes 35 mammals, 69 birds, 25 reptiles, 45 fish, 23 clams, 61 plants, 13 insects and a handful of snails and amphibians. Why protect the Indiana bat, the willow warbler, the mission blue butterfly and the dwarf bear-poppy? The answer is, we do not know. We may never know. But we must not be prevented from ever finding out. We protect them because they are there.

The 1973 act passed the Senate 92-0 and drew only 12 opposing votes in the House. The law was preceded by committee findings that natural species were disappearing from our planet at an alarming rate. The near unanimity of the Congress provided a remarkable and gratifying example of bipartisan concern manifested in farsighted law.

We must not be shortsighted now. The pending Senate bill (S. 2309) would extend the act for three years. It would make some sensible modifications in the procedure by which exemptions may be obtained; it would reduce the long delays that have frustrated several desirable projects. In that regard, it needs to be understood that the act does not operate to preserve every endangered species and habitat forever and forever. Mechanisms exist to provide exemptions, and these mechanisms have worked well.

While the basic act is being extended. Congress ought also to restore some of the funds that overly zealous budget-cutters have cut out. It makes little sense to have "the most comprehensive legislation for the preservation of endangered species ever enacted by any nation," to quote Chief Justice Warren Burger, and to withhold the few million dollars required for effective enforcement.●

S. 2455—TARGETED JOBS TAX CREDIT EXTENSION BILL

● Mr. DOMENICI. Mr. President, I am pleased to cosponsor a bill to extend the targeted jobs tax credit. This program has created nearly 900,000 jobs for the hard-core unemployed since the beginning of 1979. My amendment to last year's tax bill extended the credit so that it includes CETA workers who were laid off last fall with the close of that program. The credit also applies to economically disadvantaged youth, Vietnam veterans, exconvicts, cooperative education students, SSI and general assistance recipients, WIN employees, and vocational rehabilitation referrals. Many of these workers cannot find jobs, especially during today's hard times, unless private industry and especially our small business community reaches out to give them a chance to prove themselves in the workplace.

The credit amounts to $3,000 for the employer of a qualified worker in the first year of employment and $1,500 in the second year. This is a strong incentive. Depending upon the employer's marginal tax rate, the credit can reduce the cost of hiring a worker at the minimum wage in the first year by between 24 and 37 percent. Labor Department statistics show that three-quarters of all workers qualifying under this program earn the minimum wage.

This program does reduce revenues by just over $200 million, but last year's Economic Recovery Tax Act also included at my urging an increase in the telephone excise tax which more than compensates for the cost of this program.

Last year, the Senate voted 95 to 3 to extend the TJTC program through the end of 1982. The House concurred and the President signed the tax bill along with this provision into law on August 13, 1981. I now propose that we extend the targeted jobs tax credit through the end of 1987.

The administration has supported extension this year as well. Last March 15, in testimony before a joint House-Senate hearing on the CETA jobs program, Secretary of Labor Ray Donovan stated:

> I am happy to tell you today that we will be sending legislation to Capitol Hill to extend TJTC and are redesigning it to make it a greater, more meaningful program.

Mr. President, with the support of so many of my colleagues in the Senate and the House, and administration support as well, I look forward to the continuation of this vital program to provide jobs for the hard-core unemployed.

MONTEFIORE HOME—100 YEARS

● Mr. METZENBAUM. Mr. President, at a time when the Federal Government is cutting funds for the health care of the elderly and when Americans are being tested as never before to the extent of their commitment to helping one another, the Montefiore Home of Cleveland Heights, Ohio, stands out as a beacon of compasssion and dedication.

For 100 years, the home has cared for the Jewish aged. I want to salute Montefiore for its past work and I look forward to another century in which the Montefiore Home will continue to provide the most advanced and compassionate care imaginable.

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The home was founded in 1883 by the fraternal order Kesher Shel Barzel. For 37 years it operated out of a small building in downtown Cleveland. But as the area grew and became more crowded, the home moved to its current site in Cleveland Heights, believing that the elderly deserved a more peaceful, restful, and pleasant environment.

Over the years, the Montefiore Home has been in the forefront of advances in elderly health care. It was one of the first homes in the country to train social workers and caseworkers in geriatrics and it was also one of the first to establish a program of specialized care for senile patients.

Today, the home continues to search for innovative ways to care for the aged and make their final years more enjoyable and comfortable.

Residents can take advantage of sheltered workshops, out-resident and recreational programs. The home offers day care services, occupational, physical, music and speech therapy, arts and crafts and religious programs and special services to stimulate mentally and physically regressed patients.

In addition, the home offers regular activities for residents, including bingo, movies, dances, concerts, barbeques, field trips to museums, a bridge club, a walking club, and an in-house newspaper.

Much of the Montefiore Home's services are provided and made possible by volunteers. There are 150 adult and 50 teenaged volunteers. Among the most important programs is the No-Mart, a gift and coffee shop run by volunteers of the women's auxiliary. All profits from the store's sales go to the home.

So this home, which began as a service institution for 40 "old and poverty stricken Israelites," now serves 171 residents with an average age of 84.5. Several of the residents are over 100 years old and the oldest is a grand old 106.

The Montefiore Home is governed by a 51-member board of directors headed by Elmer I. Paull. These people are extraordinarily dedicated and giving persons whose commitment is essential to the home's success.

I am proud of the work of the Montefiore Home. And I believe the rest of the country can learn a great deal from the people associated with it.

And I am sure that my words of praise, while appreciated by the board and the staff, can in no way equal the satisfaction and inner sense of accomplishment these people feel every day when they get a smile, a nod, or a thank you from one of the home's residents. If more of us could realize that by giving, we could find a similar peace, our Nation would be well-served and far better off.●

HAVASUPAI INDIAN RESERVATION

● Mr. COHEN. Mr. President, I note for the RECORD that by letter dated February 12, 1982, the Department of the Interior forwarded to the Select Committee on Indian Affairs a report respecting enlargement of the Havasupai Indian Reservation situated in the State of Arizona. This report was mandated under Public Law 93-620 enacted on January 3, 1975, and follows extensive public hearings within the State.

The report was received by the committee on February 18, 1982. It is available for inspection in the offices of the Select Committee on Indian Affairs. Any person interested in inspecting this report should contact Timothy Woodcock or Peter Taylor of the committee staff at 202/224-2251.●

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, with the indulgence of the Senator from Virginia, I will ask the distinguished acting majority leader what the business will be on Monday, Tuesday, and Wednesday, as far as he can see?

Mr. STEVENS. Mr. President, I thank the Senator. I do appreciate the opportunity to state the program on behalf of the majority leader.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY

Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business following the leadership time on Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. The time limit for that routine morning business will be determined by the majority leader, who will be present.

ORDER FOR CERTAIN VOTES ON TUESDAY, MAY 4, 1982

Mr. President, following the period of routine morning business, on Monday, it is the intention of the majority leader to place before the Senate Calendar Order No. 475, S. 2248, the bill to authorize appropriations for the Department of Defense for the fiscal year 1983. There is also an additional order requesting a waiver under the Budget Act for the same bill. Those matters will be placed before the Senate.

Mr. President, I ask unanimous consent that if the Department of Defense bill, S. 2248, becomes the pending business on Monday, any votes that are ordered on that bill or on the waiver bill take place on Tuesday.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished acting Republican leader.

RECESS UNTIL MONDAY, MAY 3, 1982

Mr. WARNER. Mr. President, I now move in accordance with the previous order that the Senate stand in recess until 12 noon on Monday, May 3.

The motion was agreed to, and, at 10:06 p.m., the Senate recessed until Monday, May 3, 1982, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate April 29, 1982:

PANAMA CANAL COMMISSION

Andrew E. Gibson, of New Jersey, to be a Member of the Board of the Panama Canal Commission, vice John W. Clark.

William W. Watkin, Jr., of New Jersey, to be a Member of the Board of the Panama Canal Commission, vice Clifford Bradley O'Hara.

IN THE NAVY

The following-named officer having been designated for command and other duties of great importance and responsibility in the grade of admiral within the contemplation of title 10, United States Code, section 601, for appointment while so serving as follows:

To be admiral

Vice Adm. Sylvester R. Foley, Jr., U.S. Navy.

IN THE AIR FORCE

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 601, in grade as follows:

To be general

Lt. Gen. Jerome F. O'Malley, xxx-xx-xxxx xxx-... FR, U.S. Air Force.

EXTENSIONS OF REMARKS

THE LAND OF THE FREE? OR OF THE FREE LUNCH?

HON. LYNN MARTIN
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Mrs. MARTIN of Illinois. Mr. Speaker, I would like to submit for the Record a paper by Dr. John Howard of the Rockford Institute which he prepared for the U.S. Industrial Council Education Foundation. I believe many of my colleagues will benefit from his words.

The paper by Dr. Howard follows:

Each of us looks at the large puzzle of the American reality through the individual lens of his profession, with that lens extended outward a little by his particular circle of interests. Only a small portion of our evolving history is in sharp focus for any of us. The work of our institute is to provide a clearer picture of the basic institutions of the American society. My effort now is to offer a broad perspective of our economic system as the victim of pressure groups which, either intentionally or because of objectives incompatible with private enterprise, are making it more and more difficult for capitalism to prosper or even survive. The magnitude of anticap- italistic activities and the sophistication with which they are conducted suggest the urgency of intelligent, responsible and effective counteraction.

Let us begin by trying to understand why there are so many persuasive opponents of the business community and how they got that way. For more than 30 years I served as a college administrator. There were many joys and rewards in that work, but as is always the case, there were also some unpleasant surprises and frustrations. Most of the objectionable circumstances clustered into one large problem, or so it seemed to me. Many faculty members are so engrossed in their own academic disciplines that they are cheerfully, even relentlessly, indifferent to the practical requirements of a real world. They somehow suppose that such matters as a viable economy, a lawful citizenry and a military force sufficient to deter the expansion of totalitarianism are subjects to be worried about and attended to by somebody else. True scholars, they seem to believe, must be permitted to ply their specialized trades along parallel channels and not have to concern themselves with whether the student's educational experience turns out to be an effective training for responsible adulthood as a marriage partner, parent, employee, neighbor and citizen. The entrenched unwillingness to encompass these basics in an educational plan takes on greater importance in this era when the campus activists committed to radical social change have had center stage pretty much to themselves. Since the other people on campus seem to take the systems and privileges of the free society for granted and busy themselves with other matters, the advocates of change have for several decades exerted an influence all out of proportion to their numbers.

The insulation of the scholarly life from the stern realities of marketplace, courtroom, drug rehabilitation centers, and oppression behind the Iron Curtain has had both positive and negative consequences. On the one hand, it has enabled American science and technology to produce wave after wave of new discoveries capable of freeing mankind from drudgery, hunger and sickness. On the other hand, that isolation has encouraged theorists and interpreters of human development and human interaction to be increasingly naive in their designs for individual and community life. As one critic has observed, our social scientists and human engineers have been thinking with the heart. You cannot pump blood with your brains. Thinking with the heart may be well-intentioned, but it can never rise above sentimentality.

We now face the anomaly of an abundance of mechanical means for delivering the good life and an increasing incapacity to live the good life. The statistics on suicide, emotional disorders and problems with alcohol and drugs reflect the inner turmoil of our age as the statistics on crime, divorce, child neglect, and litigation reflect our inabilities to get along with each other. The "House of Intellect" has failed as grandly in its societal equations as it has succeeded in its scientific ones. And one of the dramatic proofs of that failure is the level of academic opposition to capitalism—the one economic system which has done vastly more than any other to permit scholars to prosper in secluded comfort, untroubled by outside pressures and interference.

Now we have come to the moment of truth. The implementation of utopian social theories generated and vigorously advanced by the intellectual community has cripple the national productivity with undue regulations and restrictions and overloaded the economy with such a burden of Federal debt that we are on the verge of national bankruptcy. Nothing short of sweeping and enduring change can bring remedy to problems of such magnitude. In November 1980, the Nation elected a President and a number of legislators committed to such change. That election set the stage for a titanic struggle in the marketplace of ideas which has been heating up month by month. A realistic appraisal of the forces of persuasion in America suggests that the advocates of the leftist paternalistic government are going to win the contest unless the people of the country can come to understand much more fully than they now do the two basic options we face.

In order to simplify the matter, perhaps these two choices can be disignated "freedom" and "the free lunch." Let us put some flesh on those bones. What make the private enterprise system so much more productive than any othere is that it is in accord with, and benefits from, basic human nature. That is also why capitalism is the only form of economy consistent with the free society. One fundamental proposition of capitalism is that the harder and smarter you work, the more you receive. Because people like to raise their standard of living, they work harder and smarter and productivity increases. The welfare state, or free lunch system, by contrast, takes the position that it makes no difference whether you work hard, or loaf on the job or do not work at all, you are still entitled to all the essentials of life and in addition you shall have museums and ballets and everything else that adds up to the good life. This is a lovely dream, but it defies human nature and economic reality as well. To fulfill that dream of equalized everything, more and more decisions about what we do and how much of our earning we may keep must be made at national headquarters with each of these decisions chipping off another bit of our liberties. Moreover, the dream is doomed to economic disaster because many people would rather loaf then work, particularly if the good life is guaranteed to them by the Government, with the result that productivity dwindles away.

It must be noted here that freedom and its economic partner, capitalism, in no way exclude compassion and help for those who cannot make it on their own. Indeed, the miracle of American capitalism advanced hand in hand with the most prodigious outpouring of individual, group, and national generosity the world has ever seen. It is true that capitalism and freedom place upon the individual the responsibility to take care of himself and his family to the best of his ability, but that does not mean, as the critics of capitalism insist, that the citizens of a capitalistic system are indifferent to the needs of their less fortunate brothers, nor does it mean their businesses, because of the profit motive, will inevitably turn out shabby products, short change the customers, and engage in nefarious schemes to produce larger revenues. Integrity, consideration for one's neighbors, lawfulness, pride in the highest standards of job performance—these are all aspects of individual character. If individuals behave callously, selfishly, and deceitfully, that reflects a failure of the churches and the schools and the homes and the literature which have the function of shaping the character of the people. It is one of the tragic misunderstandings of our era that the capitalistic system has been tagged by religious and intellectual leaders, with the blame for self-serving, cruel, and dishonest conduct when that antisocial conduct reflects, instead, the dismal failures of the very people who are pointing the finger at capitalism.

The free lunch, or welfare state government, is not only inherently and incurably a blueprint for economic oblivion as it tries to pay for more and more services, benefits, and protections from an ever declining productivity, but it is also the perfect political design for fragmenting the Nation into competing pressure groups and paralyzing the Government with an avalanche of demands and complaints. Just think of all the groups in your own community that are trying to bring pressure to bear in Washington. When the principal activity of the Government is to make sure that everybody has his full share of the good life and social justice, there is an open-ended invitation to all citizens to make requests and demands of the Government. Thus the pressure groups proliferate like dandelions in May, each one

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

trying to get its share of the Federal help, and the officers of Government become so bogged down in trying to satisfy all these demands that there is little time left to attend to matters of great national and international importance.

It is evident that most of the citizens do not really understand the critical contrast between the government of freedom and the overburdened and ruinous government of the free lunch, but in 1980 a majority of the voters sensed that things were not going well and voted accordingly. The new President does understand this difference and is committed to the task of disengaging the United States, bit by bit from the disastrous welfare state. This is a monumentally difficult and painful undertaking because the welfare state concepts, programs and mechanisms have been woven so thoroughly into the entire fabric of the society that each small fragment of disengagement causes a real loss to real people. A nation's withdrawal from the free lunch government is just as agonizing as an individual's withdrawal from heroin. Unfortunately, the odds for a successful outcome are no greater for the free lunch nation than for the heroin addict.

Still, we must try. Above all, we must understand the magnitude and the intensity of the national resistence to taking the cure. There are two major categories of our citizens with a profound stake in reembracing and extending the free lunch government. The first, and by far the larger, is made up of the victims caught in the web of the welfare state dependency that has been growing by geometric progression for 50 years. These are the people who, through no fault of their own, have come to rely upon the funds or special privileges which the Federal Government has been providing to them.

A great many citizens fall into that category. All the millions of people directly or indirectly involved in the educational system—students and their parents, teachers, professors, administrators, librarians, coaches, janitors, publishers of textbooks and yearbooks, producers and distributors of classroom furniture, laboratory equipment and school supplies—all are distressed by the prospect of reduced Federal subsidies for education. The current issue of Chronicles of Higher Education, in article after article, expresses an icy fear of reduced governmental funds. The countless employees of welfare services are equally alarmed. At the recent convention of the National Association of Social Workers, the entire agenda was dedicated to planning a political campaign, the active theme being "Meeting the Conservative Challenge." Some speakers went so far as to advocate the ethically questionable political mobilization of the clients they serve.

The senior citizens reacted so strongly against the administration's first effort to bring fiscal integrity to the floundering social security system that that initiative was hastily shelved. Government employees also were swift to defend their turf. The American Federation of State, County and Municipal workers and the American Federation of Government Employees both announced plans for aggressive political counteraction following the 1980 elections. And so it goes on across the spectrum of the folks engaged in hospital and health care services, the billion dollar a year antidrug abuse industry, the actors, artists, dancers, and musicians, public interest lawyers, ecologists, consumerists, and countless others engaged in vocations that have become the dependents and the political captives of the free lunch government.

The other large category of citizens determined to protect and expand the welfare state is composed of many of the people whose work involves the interpretation of human life and human society who voice their opinions in the university classrooms, pulpits, newspapers, magazines, television programs, and movies. The people who dominate these channels of communication seem to believe that the citizens are not competent to regulate their own lives or provide for their own upkeep. They believe that the good society can only be achieved when it is centrally planned by specialists—like themselves—and supervised by a central bureaucracy. Capitalism turns out to be the most formidable obstacle to their hopes and designs. The record of capitalism's extraordinary success through a system of decentralized control poses a forceful argument against centralized planning and the business leadership has provided the most effective opposition to the hopes and plans of the free lunch partisans. A grim dislike for the private enterprise system and particularly for big business is the common denominator of almost every theorist and every group supporting the free lunch government.

This hostility to the business community leads many of the professionals in the idea industries to an almost automatic sympathy with political parties and governments which share their faith that only the Central Government can deliver the good life. And so when a Socialist or Communist regime rises to power in another nation, it is a cause for rejoicing among many American welfare state enthusiasts simply because private enterprise will be curtailed by the new government. In many cases the hostility to capitalism is substantially greater than any uneasiness about tyrannical totalitarian governments. This is especially notable among various American religious groups that have joined forces with tyrannous and terroristic revolutionaries in Third World countries.

Another dimension of this general point of view needs to be understood. For many of the advocates of the free lunch government, there is a corollary belief that every individual should be permitted to adopt whatever lifestyle suits his taste. Since the Government is conceived as having the basic responsibility for childcare, birth control, mental health, education, economic productivity and all other aspects of individual and group well-being, the citizens are liberated from the burdensome obligations of traditional morality. In the free society, the citizens are granted the responsibility not only for the stability of their own lives, but also for making the systems of the society work. There can be no free society without self-reliance, self-discipline, self-restraint, and a ready acceptance of the codes of conduct which give strength and unity to the family, the place of business and all other joint endeavors of a civilized people. This contrast between self-responsibility and Government responsibility is not widely recognized, but the social consequences of the welfare state government are as damaging as the economic ones.

The devotees of the free lunch, collectivized society, as we have noted, dominate the professions which interpret and prescribe human behavior—social scientists, pyschologists, clergy, novelists, poets and playwrights, script writers for television and the movies, news analysts, newspaper and magazine editors, advice columnists, cartoonists, journalists, and many allied vocations. These analysts and commentators were stunned by the 1980 elections. Their good advice, indeed their higher wisdom, had been rejected. Nothing could please them more than to have the new administration, which does not share their world view, fall flat on its face. The sooner that event occurs, the sooner their stature as the thinkers and planners for the common people will be reconfirmed.

We now come to what I believe will be the most critical factor in determining which course we shall take—backward swiftly toward economic and civilizational bankruptcy, or forward, painfully, toward the solid ground of a self-reliant responsible and solvent free nation. The determining factors will probably be the activist groups that have become a steadily increasing force in the American political landscape. The Student Nonviolent Coordinating Committee (SNCC), the Students for a Democratic Society (SDS) and the Black Panthers were some of the powerful new organizations that, with massive publicity from the press, led the way in the radicalization of America during the late sixties, sweeping aside deeply rooted beliefs in morals, manners, patriotism, the family, the work ethic, lawfulness and many another norm of responsible and civilized behavior. It was the most aggressive activist groups that were primarily responsible for changing public priorities.

With leftists and leftist sympathizers dominating the formal channels for communicating ideas and beliefs, the thinkers, authors, theorists and clergy of the right found it necessary to develop their own activist groups, think tanks, magazines, newsletters, and conferences during the 1960's and 1970's. Although they were seldom mentioned, except with scorn, in the national media, they were able to give hope and leadership to those elements of the populace not in accord with the free lunch/do your own thing philosophy. The political harvest of these scarcely publicized conservative activities was the 1980 election. The shock and disbelief which the election brought to the free lunch partisans soon gave way to a new level of leftist activism. New organizations were formed by Senator McGovern, television producer Norman Lear and many others. There was a surge of funds into the activist treasuries of the left, and the workshops to train field workers in the techniques of mobilizing public support were multiplied.

Today there are many effective activist operations on the right as well as on the left but the latter appear to have imposing advantages. A recent article in Public Opinion reveals the overwhelming dominance of liberal views among the "media elite," as documented in a study sponsored by the Research Institute on International Change of Columbia University. In addition to that awesome advantage, the activist organizations of the left have had their ranks swelled by many bureaucrats from the Carter administration whereas the groups on the right have contributed a large number of their most talented people to the Reagan administration. Furthermore, pressure groups of the right have tended to wage their campaigns independent of one another while those of the left have a much greater tendency to join ranks in support of a great variety of causes. For example, it has not yet dawned on the business community that its long-range interests are intimately linked to the stability of the family.

By contrast, the partisans of sexual liberation, gay rights and militant feminism have been regularly engaged in campaigns harmful to business interests.

There is one other aspect of many of the most militant leftist organizations which deserves special attention. One of the codes of conduct essential to the free society governs the manner of attending to conflicts of interest and conflicts of judgment. If justice is to be well served, then there must be a calm and rational judgment of the documented facts and the logical arguments that are presented by both sides. During the campus turmoil of the 1960's, radical groups intentionally rejected this process. Their effort was to stir up fear and anger against those who disagreed with them using half truths, distortion and even outright lies to achieve their goals. It is exceedingly difficult for an honorable person or organization to mount a responsible defense against such an attack. Intentional distortion, like terrorism, is a powerful weapon not only against an opponent, but against the free society as well.

Unfortunately, this technique is becoming a commonplace in the leftist tactics for winning a cause. For example, in 1980, Ralph Nader and his associates assembled an impressive coalition for his "Big Business Day" media event to mobilize public support for legislation which would have added complex new restrictions on corporations. The campaign literature asserted, "Last year over 100,000 people died from cancer they got on the job, in the air, in their food, yet big business has launched a propaganda war to undermine OHSA, the Clean Air Act, and pure food laws." This is irresponsible argumentation, but highly effective in stirring up public passions. Unfortunately the American news media, which are quick to pounce on any perceived failure of logic in pronouncements of the moral majority, seldom express any reservations about such outrageous assertions from liberal pressure groups.

Let us now consider some of the activist coalitions arrayed against the administration's effort to diminish the free lunch government. First, mobilization for survival (MFS), one of many anti-Reagan coalitions at the national level. When the Vietnam conflict ended, the leftist forces needed a new magnet issue to attract recruits. Ideally, the new theme would be troublesome for both the Government and the business community and would also prove effective in stirring up public fears and passions. What better subject than nuclear energy? Most people know very little about it and are already frightened of it. In the spring of 1977, the long-established War Resisters League assembled representatives of 49 organizations to develop a new leftist strategy. They hit upon the name mobilization for survival and laid plans for a December meeting to which were invited all the known groups that were concerned about nuclear power; 144 groups attended that second meeting, and although the purported objective was to arouse the Nation against nuclear power, 13 task forces were established by MFS to develop projects in various areas including labor organizing, gay/lesbian rights, the arms race, South Africa, and the Third World; 10 days after Mr. Reagan took office, MFS held its fourth annual convention in Pittsburgh attended by 350 key activists from 29 States. Among the speakers and the leaders of the 20 well organized workshops were radical luminaries from many groups; David Dellinger of the Chicago Seven charged with fomenting riots at the Democratic Convention, Eqbal Ahmad, a fellow of the Institute for Policy Studies, and Paul Mayer who was a leader in one of the large anti-Vietnam war coalitions. The report issued by the MFS staff following the conference asserted, "We believe—and early signs confirm—that with solidarity, we can turn back the brutality of the Reagan policies."

In addition to the national groups dedicated to that goal, there is a growing number of statewide groups. In Illinois, for instance, the Illinois Public Action Council with offices in a number of cities, organized the Illinois Coalition Against Reagan Economics (ICARE). When President Reagan spoke in Chicago in July of 1981, ICARE assembled 5,000 people for a protest demonstration. Unions, religious and senior citizen organizations and many single issue pressure groups were joined by the Communist Party USA, the Workers World Party, the Revolutionary Socialist League and other radical political organizations which in the past have not been openly accepted in such alliances.

The new willingness of liberal groups to cooperate with radical ones is one sign that the defeat of the Reagan policies and the rejection of the Reagan administration has taken on the highest priority. Another indication is the breadth and volume of criticism mounted on any issue on which the Reagan administration seems vulnerable. The swift and massive escalation of complaints about America's role in El Salvador from many groups that have characteristically not concerned themselves with the specifics of foreign policy will soon be matched by a great outpouring of pressures against nuclear weapons, insisting that the United States reject their use even if it is a unilateral disarmament. This campaign has begun, but the plans call for a rising level of public objections during the spring months.

The citizens who believe in the free society as opposed to the free lunch society have their work cut out for them. They have a particular obligation to try to win their cause by responsible techniques and by constructive suggestions. It is not enough simply to argue that the opposition is wrong and its philosophy of Government unworkable. There must be concrete proposals to meet the legitimate concerns and grievances of those who support the free lunch government. The people in the idea industries who are committed to the welfare state concept and the activist groups on the left are vigorously working to mobilize for their purposes the senior citizens and the teachers and all the other people trapped in the dependency of welfare state programs. And they will succeed unless the advocates of the free society can identify and enact legislative changes which will not leave the people with the smaller incomes to bear the primary burden for the Nation's withdrawal from the free lunch government. For example, there must be some constitutionally acceptable technique for greatly reducing the social security retirement payments to the wealthy. Both the Reagan administration and its allies need to give a high priority to such possibilities.

It is high time that all thoughtful citizens insist that the theorists and interpreters of our society take into account the economic and social realities, thinking more with their brains and less with their hearts. In the last analysis, however, it is likely that only the business community has the resources and the influence to tip the scales of public opinion toward freedom and away from the free lunch. If this is to happen, then the business leadership which has been just as insulated from the marketplace of ideas as the academic community has been from the marketplace of the economy, must direct its vigorous and unrelenting attention to the matters I have tried to summarize for you today.●

BILL OF RIGHTS FOR THE HANDICAPPED CHILD

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Mr. ANDERSON. Mr. Speaker, the Exceptional Children's Foundation of Los Angeles held a "Legislative Open House" on April 15. The occasion provided an opportunity for parents, program administrators, and other interested persons to inform their elected officials of their concerns and thoughts. The event was a terrific success and I would like to take this opportunity to have printed in the CONGRESSIONAL RECORD the following "Bill of Rights for the Handicapped Child." I commend this to my colleagues attention:

[Developed at A White House Conference on Children]

A BILL OF RIGHTS FOR THE HANDICAPPED CHILD

The handicapped child has a right:

1. To as vigorous a body as human skill can give him.

2. To an education so adapted to his handicap that he can be economically independent and have the chance for the fullest life of which he is capable.

3. To be brought up and educated by those who understand the nature of the burden he has to bear and who consider it a privilege to help him bear it.

4. To grow up in a world which does not set him apart, which looks at him, not with scorn or pity or ridicule—but which welcomes him, exactly as it welcomes every child, which offers him identical privileges and identical responsibilities.

5. To a life on which his handicap casts no shadow, but which is full day by day with those things which make it worthwhile—with comradeship, love, work, play, laughter, and tears—a life in which these things bring continually increasing growth, richness, release of energies, joy in achievement.●

CYPRUS

HON. RICHARD C. SHELBY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1982

● Mr. SHELBY. Mr. Speaker, I strongly support my colleagues Congressmen WILLIAM BROOMFIELD and GUS YATRON in their efforts concerning the special order on Cyprus Day, Thursday, April

22, 1982, calling for a peaceful resolution to the conflict in Cyprus and for the removal of Turkish troops from Cypriot soil.

Since 1974, Turkish military forces have occupied this small island nation with U.S. armaments. The results of this unjustified and illegal occupation are tragic. During the Turkish invasion 200,000 Cypriots were forced to flee from their homes and villages and have, since 1974, lived as refugees in their own homeland.

These proud and hard-working people have been struggling for almost 8 years to attain the basic necessities of life. As long as Turkish troops remain in the country, the economy will continue to deteriorate and the basic human rights of the Cypriots will be abused further.

By holding this special order, Congress will help provide a needed vehicle to send an unmistakable message to Turkey voicing a strong dissatisfaction with the current stalement and continued occupation of Cyprus.

At a time of increased Soviet activity in the Mediterranean, Iran, the Middle East, and Latin America, it is imperative that our alliances in the region be solidified.

I commend my colleagues for taking part in this special order. The issues at stake are important not only to Cyproits themselves, but to all our friends and allies in the Aegian region, as well as the United States.●

A DIFFERENT VIEW OF THE SOVIET UNION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Foreign Affairs Newsletter for April 1982 into the CONGRESSIONAL RECORD:

A DIFFERENT VIEW OF THE SOVIET UNION

There are two ways of looking at the Soviet Union. The more familiar view emphasizes Moscow's attainment of status as a global power and its successes in building up its military might and in creating the second largest economy in the world. The other view, set forth in the following paragraphs, sees the Soviet Union in some of the darkest days of its 60-year history:

The Soviet Union faces many domestic and international problems which are imposing ever greater constraints on Soviet behavior:

SUCCESSION

The Soviet Union may soon undergo a crisis of succession. President Leonid Brezhnev is ailing and aged, and it is hard to see how he can effectively run the Soviet Union for long. He must shortly relinquish control, but when he does his country will enter a period of disturbing instability. His most probable immediate successors are also old, so a prolonged struggle for power is likely. It is remarkable that the second greatest power in the world, operating as it does under a system of government which vests enormous authority in one man, has not yet worked out a way to transfer authority smoothly from one leader to the next.

ECONOMY

The Soviet economy is an elaborately planned mess, a mix of ample human and natural resources together with mismanagement and corruption. The economic system discourages initiative and innovation as it encourages waste an inefficiency. Average growth in the early 1970's was four percent per year, but the rate has delcined since 1976 and in 1979 and 1980 it averaged only 1.1 percent annually. The industrial sector is stagnating, infrastructure is inadequate, transportation bottlenecks abound, and the shortage of skilled labor has reached crisis proportions. There are shortfalls in the production of such key industrial commodities as steel, coal, construction materials, and chemicals. The Soviet Union is having a serious cash flow problem with the currencies used in internationl trade. Its technology lags, its oil reserves are dropping, and its debt to the West, now $100 billion, could reach $150 billion by 1985. In short, the Soviet economic system simply does not work well. Centralized economic planning increasingly conflicts with the need for modern economic management. Soviet leaders are clearly confronted with their most severe economic problems since World War II.

STANDARD OF LIVING

The extent of this economic failure is reflected in the bleak lifestyle of the typical Soviet citizen. He copes with shortages of everything, waits in line hours each day for food and other necessities, and lives in crowded, substandard housing. The Soviet standards of living is already the lowest among the world's major industrial nations, and the chance for improvement is not good. The 1981-1985 "plan" places a lower priority on consumption than on defense and heavy industry. Little progress is anticipated with respect to the quality of life, the suitability of housng, and the production of consumer durables of passable quality.

AGRICULTURE

Soviet agriculture is unreliable. Three bad harvests in succession have seriously hurt the nation. Soviet leaders admit that much of the $500 million invested in agriculture in the last 15 years has been wasted. They cannot explain why up to one quarter of the annual harvest never gets to processing centers. They cannot explain why people are not properly fed in a land of such potential abundance.

ETHNIC DIVERSITY

The Soviet Union is the fifth largest Moslem country in the world. That fact is starting to send shivers through the Soviet government. The population of 43 million Moslems is growing much faster than the Russian population (which now constitutes a mere 52 percent of the citizenry of the Soviet Union), and the Moslem people cherish their own identity and traditions. Their awakening nationalism competes with Russian nationalism. Over the next decade, the composition of Soviet society will change as ethnic non-Russians begin to outnumber ethnic Russians. New racial and cultural conflicts will arise. For example, the increasing number of ethnic non-Russians in the Red Army (now more than half) has already raised questions about the army's effectiveness under Russian command.

SOCIAL PROBLEMS

Social problems such as alcoholism, juvenile delinquency, and corruption are on the rise in the Soviet Union. They are of real concern to the general public and the Soviet leadership at least in part because they signal the existence of a genuine, deep-seated malaise in Soviet society.

MARXIST IDEOLOGY

Although its trappings are everywhere, Marxist ideology has lost much of whatever attractiveness it may have once had in the Soviet Union. It is often difficult to find Soviet citizens who really believe in Marxist principles. Few dare challenge it openly for fear of reprisal, but the plain fact is that there is massive indifference to Marxist ideology in the Soviet Union today. Soviet leaders preserve their authority less by appeal to ideology than by appeal to patriotism (and, when necessary, by use of force). They claim to be the keepers of a great revolutionary tradition, but they are, in fact, among the most inflexible, backward-looking rulers in the world.

INTERNATIONAL AFFAIRS

The Soviet Union does not have a single ally who is at once reliable and powerful. It is surrounded by several unfriendly and unpredictable neighbors. The Soviet Union sees restiveness among its allies and surges of Third World nationalism which threaten its international appeal. Its reputation in the nonaligned world was seriously compromised after the invasion of Afghanistan. Despite its close ties to Angola, Ethiopia, and Libya, the Soviet Union has uneasy relations with several critical states in Africa and the Middle East, including Nigeria, Kenya, and Egypt.

The great question being debated by the experts is whether these problems will lead to prudence or adventurism in the Soviet Union's conduct of its foreign affairs.●

FUSION ADVISORY PANEL REPORT OF MARCH 31, 1982

HON. MARILYN LLOYD BOUQUARD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Mrs. BOUQUARD. Mr. Speaker, the Subcommittee on Energy Research and Production has received a written report from its Fusion Advisory Panel containing findings and recommendations concerning the magnetic fusion energy program. The panel, comprised of some of the world's most distinguished fusion scientists and educators, as well as several outstanding industrial leaders addressed two issues: First, the current status of international magnetic fusion energy research and the potential for greater international cooperation in fusion research, and second, what meaningful role industry can play in fusion research during a forthcoming period of relatively level funding.

The panel's report contains several significant findings. First, that the United States remains the world leader in fusion research and international cooperation is producing tangi-

ble benefits for the major participants. Nevertheless, both the stability of program planning and the rapidly rising funding levels for several foreign programs threaten our leadership role and our future ability to benefit from international cooperation.

Second, that the responsible involvement of industry in fusion research has, until now, been increasing and there remains a vital need to bring utilities into the program. However, further participation is not likely to be accomplished in the absence of a vigorous program where effort and funding are expanding in real, inflation-adjusted terms.

The panel also reaffirmed its previous position that magnetic fusion is ready for an expanded engineering effort, including a fusion engineering device, as called for in the Magnetic Fusion Energy Engineering Act of 1980.

Finally, the panel recommended an inflation adjustment in the fiscal year 1983 fusion budget of 10 percent over the fiscal year 1982 budget, and called for "a vigorous and stable future year program, backed by a Presidential commitment to fusion as one of the few hopes of providing this Nation's future energy requirements."

I urge the Members of the House of Representatives to continue their support of an accelerated program for this extremely promising energy technology.

A copy of the Fusion Advisory Panel's report and a listing of its members follow:

EBASCO SERVICES INC.
New York, N.Y., March 31, 1982.

Congresswoman MARILYN L. BOUQUARD,
Chairman, Subcommittee on Research and Production, Washington, D.C.

DEAR CONGRESSWOMAN BOUQUARD: Your Advisory Panel on Fusion Energy has met and reviewed the questions you have asked us to address. We offer the answers outlined below, recognizing full well that this is an exceptionally critical time. It is critical because United States leadership in the quest for practical fusion power is being lost by default. It is critical because of the intense competition for all Federal program funds in a deficit year.

In response to your question concerning international cooperation, we offer the following comments:

Today, the United States is the world leader in fusion research. Cooperation is working well and producing tangible benefits for the major participants.

We are impressed by the stability of program planning and the rapidly rising level of funding overseas, especially in Japan.

Because other nations have a firmer conviction in regard to the economic and industrial potential of fusion power, our leadership role and our future ability to benefit from international cooperation are in clear danger.

Recognizing the present budget crisis, we suggest that the minimum funding for fusion programs must include adjustment for inflation; otherwise, a disruption of the present effort will take place. Now is the time to develop a forceful argument—supported by the accomplishments of the coming months—for the resumption of a strong United States fusion program in the out-years.

In response to your question concerning industry's role during the "forthcoming period of relatively level funding", we offer the following comments:

Until now, the responsible involvement of industry has been increasing, witness the FED studies and the award of the EBT-P to McDonnell Douglas. Numerically, however, industry participation has already declined, because of the maturing of such major projects as TFTR.

There remains a vital need to bring utilities into the fusion program, to gain their practical experience. The end goal—production of commercial electric power—must be kept clearly in focus.

Further industrial participation is expected to occur in the operation or support of major projects, such as TFTR, MFTF-B, EBT-P, FMIT, and others. Unless a vigorous program is undertaken, where effort and funding are expanding in real, inflation-adjusted terms, however, only token moves could be accomplished.

In summary, the fusion program has vital needs beyond the scope of your questions, but bearing directly on them. The panel reaffirms its previous position that the state of the art is ready for expended engineering effort, including a Fusion Engineering Device, as called for in the Magnetic Fusion Energy Engineering Act of 1980. We do not agree that fusion should be "turned back to the researchers." Fusion needs:

As a minimum, inflation adjustment in fiscal year 1983 (10 percent over the fiscal year 1982 budget.)

A vigorous and stable future-year program, backed by a Presidential commitment to fusion as one of the few hope of provding this nation's future energy requirements.

The alternative is loss of international technical leadership and a future likelihood of having to pay dearly to purchase the technology from overseas. In our view, this alternative is neither necessary nor acceptable.

Sincerely,

LEONARD F. C. REICHLE,
Chairman, Advisory Panel on Fusion Energy.

MEMBERSHIP OF THE ADVISORY PANEL OF FUSION ENERGY

Mr. Calvin J. Blattner, Vice President Engineering, McDonnell Douglas Astronautics Co.

Dr. Robert Conn, Chemical, Nuclear and Thermal Engineering Department, School of Engineering & Applied Sciences, University of California, Los Angeles.

Dr. Ronald C. Davidson, Director, Plasma Fusion Center, Massachusetts Institute of Technology.

Dr. Ersel Evans, Vice President, Westinghouse Hanford Company.

Dr. T. Kenneth Fowler, Associate Director for CTR, University of California, Lawrence Livermore Laboratory.

Dr. Harold Furth, Director, Princeton Plasma Physics Laboratory, Princeton University.

Mr. Joseph G. Gavin, Jr., President, Grumman Corporation.

Mr. Ed Kintner, Formerly Associate Director, Office of Fusion Energy, U.S. Department of Energy.

Dr. John W. Landis, Senior Vice President, Stone & Webster Engineering Corp.

Mr. Fred Maxwell, President, Boeing Engineering & Construction Co.

The Hon. Mike McCormack, Energy Consultant.

Dr. Tihiro Ohkawa, Vice President and Director, Fusion Division, General Atomic Company.

Mr. Leonard F. C. Reichle,[1] Executive Vice President, EBASCO Services Inc.

Dr. Murray Rosenthal, Associate Director for Advanced Energy Systems, Oak Ridge National Laboratory.

Mr. Robert I. Smith, Chairman of the Board, Public Service Electric & Gas Company.

Dr. Dwain F. Spencer, Director, Advanced Power Systems Division, Electric Power Research Institute.●

STUDENT AID—AN INVESTMENT IN OUR FUTURE

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Mr. McKINNEY. Mr. Speaker, this Nation's educational system is undoubtedly one of our strongest assets. For many decades, a wise Federal investment in education has strengthened and enriched our colleges and universities and has produced millions of accomplished graduates. These talented young people have contributed to the productivity of our work force, enhanced our position within the world market, and have attracted investments in our businesses. We can ill afford to let this valuable resource go to waste.

Nevertheless, the President has proposed a budget which slashes funds for many vital aspects of our college and graduate level student aid programs. If the United states is to remain a credible and viable force in the world economy, our educational structure must be maintained. Therefore, I must oppose the administration's 1983 education budget recommendations, and urge my colleagues to do the same.

The President's 1983 budget reduces spending on the guaranteed student loan (GSL) program by 10 percent over last year's funding level. It also raises the origination fee, first charged last year, from 5 to 10 percent. The needs test established in fiscal 1982 would be applied to all loan applicants, regardless of income, and borrowers would be required to pay full market interest rates after the first 2 years of repayment. In a significant and damaging move, graduate students would no longer be eligible for these Government-sponsored loans.

The budget also envisions termination of the national direct student loan (NDSL), supplemental grants, and State student incentive grant programs. Pell grant funds would be

[1] Chairman

sharply curtailed, grants would be limited to a maximum of $1,600 per award, and families would be required to increase the amount of discretionary income they contribute before qualifying. Finally, college work-study programs would be cut 28 percent, and the valuable TRIO Upward Bound program would be slashed by 47 percent.

Clearly, these changes would severely hinder the ability of many young people to pursue college and graduate-level studies. In Connecticut alone, approximately 9,000 students would be affected by all of the changes in student aid, and 6,000 of them would be unable to secure other financial assistance. Nationwide, 600,000 graduate students depend on GSL's and, although they would be eligible for the auxiliary loans to assist students (ALAS), that alternative would increase their indebtedness by 67 percent. Auxiliary loans are offered at 14 percent, rather than the GSL's 9 percent interest rate, and the inschool interest is not subsidized.

In general, banks are reluctant to make these loans to graduate students, in part because they would have to bill recipients monthly or quarterly for the increase in payments. Currently, ALAS is operational in only 14 States, not including Connecticut. For all of these reasons, I believe GSL's must continue to be available to all deserving students, and additional savings should be realized primarily through improved collection of those loans.

Other proposals in the budget will impose similar hardships for prospective students. Elimination of the NDSL program will terminate low-cost loans to 266,000 needy students, and tightened restrictions on eligibility for Pell grants will affect thousands more. The meager $400 million authorization for work-study will result in the removal of 250,000 job opportunities. Finally, the reduction to $82 million for the TRIO program will cut the number of Upward Bound projects from 446 to 175 in 1983. This highly successful effort is expected to be phased out after 1984.

From a broader perspective, I cannot accept the President's proposals to further reduce spending for education and social programs, while increasing the defense, water projects, agricultural subsidies, and other budget items which have remained unscathed to date. More importantly, this Nation must not abandon its commitment to a healthy educational system. Our ability to compete in the increasingly complex industrialized world community, reduce inflation at home through gains in productivity, and staff a national defense force, hinges in part on the existence of a strong education establishment to apply improved methods of training the general population. In fact, this is one of the greatest contributions that the Northeastern States in particular can make to our Nation today.

I urge my colleagues to consider these facts carefully during the shaping and consideration of the 1983 budget. We must not overlook one of our Nation's most valuable resources—its colleges and universities. Clearly, the continuation of Federal aid to college and graduate students is one of the wisest investments this Nation can make in its future.●

THE REMARKABLE CLARA MORTENSON BEYER

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Mr. MINETA. Mr. Speaker, the remarkable Clara Mortenson Beyer is 90 years old this year. This amazing woman has dedicated her life to the improvement of the condition of working women and men.

After graduation from the University of California with an S.B. degree in 1915 and an M.S. in 1916, she served as instructor of labor economics at Bryn Mawr. Recruited by Felix Frankfurter to work for the War Labor Policies Board, she later worked in the consumer field in New York. In 1934, she was chosen by Secretary of Labor Frances Perkins to be assistant director of the Bureau of Labor Standards. Here, she worked to secure decent working conditions for the American laborer. Under her direction, the bureau encouraged States to introduce fair hours, wages, and working conditions. The bureau also took action on such issues as abuses of industrial home work, control, and inspection of the workplace, industrial accident and disease and migrant labor.

Mrs. Beyer was especially aware of the dismal condition of the working woman having witnessed early, in her mother's experiences, the discrimination women confronted as laborers. After her "official" retirement in 1958, Mrs. Beyer joined the foreign assistance program as consultant to labor law. In this capacity, she traveled around the world advising governments on labor management. On this job, she discovered that women were omitted from all foreign aid programs. Never one to stand by, she began to educate the U.S. missions to search out women's groups and focus on women's issues. She wrote and was highly responsible for passage of a 1973 amendment to the Foreign Assistance Act requiring that foreign aid programs include women and that enforcement of equality of opportunity in development and assistance programs be a consicious concern.

Now that she has reached the age of 90, Clara Beyer is not resting on her laurels. Her vigor and spirit have not diminished. She continues to travel the country speaking out for the underprivileged and against injustice.

Clara Beyer continues to be an inspiration to us all. We wish her a happy birthday and extend our thanks for her efforts to make this world a better place for all of us.●

JOHN B. COBB RETIRES AS MAYOR OF MEDINA, N.Y.

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Mr. LaFALCE. Mr. Speaker, earlier this month, John B. Cobb retired as mayor of the village of Medina, N.Y. Medina, with a population of about 6,500, is located astride the Erie barge canal in Orleans County, an area I am privileged to represent in the House of Representatives. John and his wife Mary are the parents of two sons, Alan and Steven. John is the plant manager of E & M Enterprises, a division of Borden Co., in Middleport, a small community 5 miles west of Medina.

Former Mayor Cobb was elected to Medina's board of trustees in 1967 and was elected mayor in 1970 for the first of six 2-year terms. Thus, he served in village government for 15 years. Medina village elections are on a nonpartisan basis. By the time he retired as mayor earlier this month, John was the only village board member elected in 1967 who was still serving. In addition, in terms of service, he was the most senior mayor in Orleans County. For 10 of the 12 years John was mayor, Trustee Glenn Stalker served as deputy major. Mr. Stalker also left office earlier this month.

Since I came to Congress in 1975, I have worked with John and other village officials on numerous occasions on Federal Government related matters affecting the village. It has been a pleasure working with John and the village these past 7 years, and I would like to highlight some of the accomplishments which have occurred under Mayor Cobb's 12-year stewardship.

MANAGEMENT

Since 1975, the village has benefited from the services of a full-time professional village administrator, Emerson B. Carlton. A good deal of the credit for the successes of the village results from having such individuals on board to administer the day-to-day workings of the village. Although there was a complete turnover of department heads—clerk-treasurer, police chief, fire chief, and superintendent of public works—during Mayor Cobb's 12 years in office, the village has main-

tained an even keel and has seen many management initiatives. For instance, a strict code enforcement program implemented by a building inspector was initiated. Village ordinances were completely codified with the assistance of a law student from the State University of New York at Buffalo. Two significant ordinances adopted by the village were the dog control ordinance and the mobile home ordinance. The village was the first in the State of New York to develop a disaster plan. A fully equipped rescue squad came into being to supplement the existing paid fire department. After careful consideration by the village board, certain continguous land was annexed to the village. In a matter of continuing interest, Mayor Cobb appointed a cable television advisory committee. That committee has completed its initial work that resulted in the village signing a cable TV contract which will result in cable TV being made available to village residents later this year.

The village has been active in affairs dealing with other villages and levels of government. For instance, the village has joined with the two townships in which the village is located, Ridgeway and Shelby, in forming a town-village committee to discuss mutual concerns. The Medina school board also participates. This committee was formed largely with the encouragement of the late Dr. Fulton Rogers. Dr. Rogers, a dentist, was elected to the Medina village board in 1967 at the same time John Cobb was elected and served many years as a village trustee. The village was deeply saddened earlier this month when Dr. Rogers died.

Medina has been active in the Northwest Frontier Association of Villages, comprised of villages in western New York. In 1975, Mayor Cobb served as president of the association. The village has also maintained close liaison with the U.S. Department of the Interior's Iroquois Job Corps Civilian Conservation Center which is located a few miles from Medina. I recently toured that facility and am happy to note that former Mayor Cobb has recently agreed to serve as vice president of the community relations council established by the Iroquois center.

Perhaps most importantly, even with the many improvements within the village, good village management has been largely responsible for the continuation of a very stable tax rate.

CAPITAL IMPROVEMENTS AND FEDERAL FUNDING

During Mayor Cobb's term of office, approximately $900,000 was made available to the village through the Federal revenue sharing program. For the most part, that income has been dedicated to capital improvements rather than day-to-day operating expenses. For instance, vehicles for the police, fire, and public works departments and a computer for the clerk-treasurer's office have been purchased with revenue sharing money.

Other capital improvements during the last 12 years include city hall and public safety office improvements including storm window installation and refurbished village board chambers, a new public works department building, a new equipment building at the village's Boxwood Cemetery, expansion of cemetery space in cooperation with the late Dr. Fulton Rogers, new veterans park light towers and bleachers, a new canal boat ramp in cooperation with the Medina Conservation Club, all new sidewalks and curbs in the Main Street area and removal of all parking meters from the downtown area, a water loss survey and repair of leaks, extensive senior citizen and low income housing with which I worked in cooperation with the village in seeking funding from the U.S. Department of Housing and Urban Development, and major storm sewer collection improvements through the assistance of the U.S. Environmental Protection Agency and my office.

PRIVATE INITIATIVES

One important measure of the success of any level of government is the degree to which predominately private initiatives are encouraged by public officials. In the case of Medina, village officials have been very active in encouraging such initiatives. For instance, the village was quick to abandon two village streets for the benefit of two industrial facilities in the village, Fisher-Price Toy Co. and Bernzo-Matic Co. Fisher-Price is the largest single employer in both the village of Medina and Orleans County. Several years ago, Mayor Cobb and other village officials worked closely with Medina residents in establishing the Western Orleans Senior Citizens organization. With the cooperation of the village, this organization has acquired the use of the old railroad depot, located very close to the city hall. Another cooperative effort involved the continuing improvement and utilization of the Medina armory for use in a variety of community activities. In 1976, with the full cooperation of village officials, the Nation's Bicentennial was celebrated in a big way in Medina during August 30–September 1. Last year, Mayor Cobb appointed a committee to coordinate this year's 150th anniversary of the incorporation of the village. The sesquicentennial celebration will take place in mid-July.

Perhaps one of Mayor Cobb's proudest achievements was the dedication of the South Main Street Park in honor of wartime hero John E. Butts, who was born in Medina in 1922. Himself a World War II veteran, Mayor Cobb worked closely with a committee of local citizens in establishing a park and monument in honor of Lieutenant John E. Butts. Lieutenant Butts was killed in action overseas in June 1944 during World War II. He was posthumously awarded the Congressional Medal of Honor. The park and monument were officially dedicated on June 14, 1980, and I was honored to speak at that dedication ceremony. Mayor Cobb also personally constructed a model of the monument which is now on display at the Medina VFW post which he headed as post commander for 2 years soon after World War II. He also personally made a display case for Lieutenant Butts' military service medals which are now on display in the local library.

Mr. Speaker, it is through the largely voluntary efforts of citizens like John Cobb that local governments are able to function efficiently and productively. I have enjoyed working with Mayor Cobb over the last several years, and I want to publicly salute and commend him for his outstanding service.●

RURAL AMERICA OPPOSES OIL IMPORT FEES

HON. BERKLEY BEDELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Mr. BEDELL. Mr. Speaker, our colleague, SILVIO CONTE, has taken the lead in organizing congressional opposition to the proposed oil import fee. I applaud him for his action and join in opposing this bad idea.

The news media have made much of the fact that the oil import fee would devastate the economy of New England. While I do not dispute that, I do want to point out that the adverse effects of an oil import fee would be felt throughout the country, not just in New England.

My home State of Iowa, for instance, would be harmed in two significant ways. First, the excise tax on imported oil would be very harmful to the independent refineries upon which we are increasingly dependent for our petroleum products. Second, the import fee would artificially inflate the value of domestic energy supplies, thus further skewing our economy.

I believe many of our colleagues are unaware of the tremendous negative impact the proposed oil import fee would have on American agriculture and our rural communities. For this reason, I would like to share with you the comments of several groups that are deeply involved in rural affairs.

Here are some excerpts from a statement issued on April 15 by the American Farm Bureau:

Farm Bureau opposes the $5 per barrel oil import fee as a means to increase revenue to help offset the growing Federal budget deficit.

America's farmers simply cannot afford the added burden of an oil import fee . . . (It) would make an already critical farm income situation even worse.

Farms and rural areas would have to pay a disproportionate share of the import fee. Almost 75 percent of the farm and rural fuel requirements are served by cooperative and independent refiners that must rely upon foreign imports for the bulk of their crude oil feedstocks.

On April 14, the National Council of Farmer Cooperatives issued a statement saying that a $5 per barrel oil import fee would increase farmer's fuel costs by about $1 billion annually. Their press release quoted NCFC president Kenneth D. Naden as warning:

The rural petroleum system could be devastated by the artificial windfall that import fees would provide refiners who are rich in domestic crude oil. Farmers once again would be extremely vulnerable to future disruptions, with severe shortages likely to occur in rural areas.

NCFC president Naden also noted that farmers and home heating oil customers are least able to adjust their energy use to compensate for the changes that would be caused by the proposed import fee. Thus, he says, the adverse consequences of the fee would be concentrated upon one segment of our society.

Finally, Mr. Speaker, at this point, I wish to place in the RECORD the statement of the American Public Power Association, which represents municipal utilities across the United States. Several of the APPA's larger members are located in Iowa.

The statement follows:

STATEMENT OF THE AMERICAN PUBLIC POWER ASSOCIATION

The American Public Power Association, a national organization representing more than 1,750 local publicly owned electric utilities, opposes the imposition of a federal oil import fee. The principal purpose of imposing such a fee at this time would be to raise revenues to reduce the federal deficit, not to increase national security. But an oil import fee would impose serious economic penalties on the nation. It would be highly inflationary. Domestic oil prices would rise to meet higher imported oil prices. The price of other domestic fuels, including coal, would likely increase because of the upward pull of oil prices on all other fuel prices.

Windfall profits to domestic energy companies would be large, with little of those profits recovered through taxes. An oil import fee would impose billions of dollars of additional costs on an economy experiencing a severe recession. Purchasing power would be further drained, impairing industrial output and leading to higher unemployment. The competitive viability of many American industries in international markets, already seriously damaged, would be reduced further.

Moreover, the burden of an oil import fee would fall disproportionately on oil-consuming regions, which have already absorbed greater economic injury from oil price increases than other regions.

The basis of federal taxation for government revenues is equitable sharing of that burden by all taxpayers. Raising revenues for national purposes through fees that fall arbitrarily on some, while resulting in the enrichment of others, is inconsistent with fundamental, traditional standards of fairness in the allocation of tax burdens.●

PRESERVING THE RIGHTS OF THE HANDICAPPED: SECTION 504 TODAY

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Mr. BIAGGI. Mr. Speaker, yesterday marked the fifth anniversary of the signing of regulations which significantly altered the lives of handicapped and disabled citizens in this Nation and capped half a decade of efforts to reinforce their civil rights. On this day, model regulations implementing section 504 of the Rehabilitation Act were promulgated—regulations which have become the cornerstone of our national commitment for the rights of the disabled community.

As an original cosponsor of the 1973 act, I have remained firm in my belief that this act, and section 504, were essential to this Nation's citizens who were—not by their own fault—living outside the day-to-day activities that so many of us take for granted. They could not take a bus or a subway nor could they even expect to maintain themselves in jobs which demanded even a modest degree of mobility. Handicapped and disabled citizens were forced into lives of dependency, rather than independence. Even more tragic than dependency was the fact that many lived in total isolation because they did not have someone they could rely upon to assist them in their daily chores.

My concern for the rights of the disabled preceded our passage of the Rehabilitation Act of 1973. In 1970 I was the author of an amendment which provided us the first step in moving toward a comprehensive Federal policy for the handicapped. This amendment established accessibility in transportation for the handicapped and the disabled elderly as a national policy. Adoption of this provision began a national educational process which helped us open doors to those who had lived their entire lives behind them.

Today, 5 years later, we have witnessed dramatic gains for the handicapped in the world of work, the world of education, and the world of recreation. However, the progress we have made is being clouded by a threat to what section 504 has stood for—a threat because the Federal Government has not sought to vigorously protect the civil rights of the handicapped as outlined in the law. Adequate funding has never been provided for this program as the waiting lists of clients to be served grow longer by the day. In an era of limits, we are seeing less and less money being committed to maintaining a barrier-free world for those who could not exists without such support.

More importantly, the regulations implementing 504 are being revised as part of the President's initiatives on regulatory reform. The Office of Management and Budget is currently redrafting these regulations in a fashion that would remove the "partnership of purpose" that has characterized our efforts in protecting the civil rights of the handicapped—a partnership that relies upon the implementation of section 504 by the recipients of Federal funds and the enforcement of section 504 by the Federal Government.

While many would suggest that we have not gone far enough in securing the civil rights of the handicapped, there is a growing body of thought—and actions—which feel we have gone too far in our interpretation of the law. OMB, in its proposed rewrite of section 504, is seeking to impose a "cost-benefit" analysis to regulations for the handicapped which would in effect, reject those regulations which impose a greater economic cost than their comparative social cost. In other words, we are seeking to put a value on civil rights of elderly and disabled people.

Clearly, concerns over diminishing resources by cities and States, as well as local units of government, must be taken into consideration when we talk about assuring civil rights of the handicapped. While we must be cognizant of the gains we have made—and they have unequivocably been major gains—we cannot afford to shortsighted about the realities of today's world.

Logic dictates that we must build upon the philosophy of section 504 and all that it has stood for—but we must do so in a fashion which will provide adequate flexibility. We can not risk losing everything because we have wedded ourselves to inalterable standards for protecting the handicapped. While the proposals of OMB would certainly move us in a dramatic fashion away from our accomplishments of the past, we cannot afford to reject in total the notion that reform of the current system will be inevitable if we are to maintain the gains of the past.

I stand second to no one in my belief that we must use all of our resources as a nation to insure that the handicapped are protected, in large part because the handicapped, as a minority, have a unique status. They have this status because they are part of a group which any one of us—at any point in our lives—could become a part of. I plan to vigorously monitor the revisions of all laws and regulations which protect handicapped rights to

insure that the revisions are sensitive to the needs of the handicapped as well as the limits which we find ourselves bound by in today's world.

There remains room for a continued "partnership of purpose" between the Government, localities, and the handicapped. As we look back over the past 5 years, let us work toward insuring that 5 years from now, section 504 will still be the monument of the beginning, the security of the present, and the impetus for the future in assuring that the handicapped and the disabled elderly can continue to live in a world which is open to them and all their needs. I pledge my own continued efforts to insure that this remains so.●

CONSUMERS ADDRESS PROTECTIONISM ISSUE

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Mr. FRENZEL. Mr. Speaker, recently I had an opportunity to participate in a Consumers for World Trade international trade seminar in Boston at which time the group kicked off its nationwide effort to educate the public on protectionism.

Below is a report released by Consumers for World Trade which gives a short synopsis of the evening's activities. Some Members may be interested in some of the warnings registered by the speakers. The report follows:

Assistant Secretary Waldmann stated that the Most Favored Nation (MFN) policy does not address today's problems and that there is need for "an essential equivalence of market access." "Although the Administration will not take an official position until March 24 on reciprocity legislation," Waldmann estimated that there "would be some support for the language of the Danforth Bill."

"The Domestic Content legislation recently introduced in Congress would not benefit the auto industry, because auto manufacturers rely heavily on foreign sourcing," stressed Mr. Atkinson. He also expressed the view that performance requirements were legitimate tools for developing countries and should not be removed.

Representative Frenzel emphasized that the reciprocity bills are a threat to an open world trading system, "once you badger one trading partner, other countries may in turn badger us." He expressed that the GATT was in itself a system of reciprocity but should be extended to cover services and investments. He would prefer reciprocity legislation not be considered until after the GATT Ministerial meeting in November, he continued, but "if a reciprocity bill were to reach the floor of Congress, responding to a recession situation, it would pass overwhelmingly."

The need for internal social adjustment; the development of effective retraining programs to correct the inefficiencies of the present Adjustment Assistance Program; and forward looking industrial strategy were recommended by Professor Vogel.

Professor Cooper discussed the effect of exchange rates on trade, that legislated reciprocity would be confusing to our trading partners and that most trade barriers, both in the U.S. and abroad, constituted a form of industrial policy rather than trade policy.

At a time when domestic economic crises and discontent with our trading partners are fueling public and private sector reactions which threaten our open trading system, Consumers for World Trade (CWT) initiated the first of a series of international trade seminars to be held at universities across the country. International trade experts from the Administration, Congress, Industry and Academia participated, March 22, in CWT's first seminar at Harvard University, on "Free Trade v. Fair Trade". Many attempts were made by CWT to include a labor representative, unfortunately none were able to participate. CWT hopes labor's availability will coincide with its other international trade seminars.

The seminar format for the evening consisted of a short presentation by each panelist, follow-up comments by the panel, and an extensive question and answer period. Seminar attendees were from: the Trade Ministry of Japan; Harvard Business School; Kennedy School of Government; MIT—Sloan School; Fletcher School of Law and Diplomacy; Wellesley, Massachusetts Port Authority; National Bureau of Economic Research; Bank of Massachusetts; International Student Association of New England and citizens of the Cambridge-Boston community. CWT will make transcripts available for each seminar.

Professor Hendrik S. Houthakker, Henry Lee, Professor of Economics at Harvard, and a member of the Board of Directors of CWT moderated the seminar. The panelists included: Thomas Atkinson, Vice President, General Motors Overseas Corporation, and Acting Chairman of the Industry Sector Advisory Committee for Automobile Products to the Trade Negotiations; Richard Cooper, Professor of International Economics, Harvard, and former Undersecretary of State for Economic Affairs, U.S. Department of State; Bill Frenzel, U.S. House of Representatives (IR-MN), and member House Ways and Means Subcommittee on Trade; Ezra F. Vogel, Professor of Sociology, Harvard, and member Council of East Asian Studies; and Raymond J. Waldmann, Assistant Secretary for International Economic Policy, International Trade Administration, U.S. Department of Commerce.

In her welcoming comments, Doreen Brown, President of CWT, stated some of the organization's major concerns for 1982, which are: "the spread of protectionism in the U.S. and in foreign countries; the new focus on bilateralism instead of multilateralism in U.S. trade policy; and the articulation of protectionist rhetoric under the cloak of free trade policy. All of these could undo the progress made in U.S. trade policy in the last 50 years."

Reciprocity was the major issue discussed, all the panelists agreeing that it was an ill-defined term, though some differed on whether or not it was a euphemism for protectionism.●

HEAD START PARENTS APPEAL FOR PROGRAM

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Mr. MILLER of California. Mr. Speaker, I continue to get letters from Head Start parents who both testify to the ways in which this program has dramatically improved their lives and those of their children, and express their concerns about Head Start's future. We know that Head Start works; that Head Start is cost-effective. And yet, even today, it serves only 25 percent of the eligible children, and faces substantial erosion from inflation and cutbacks in supportive services (CETA, title XX, child care food, medicaid). We need to listen to the parents of Head Start children and keep this exemplary program working. Another letter from a Head Start parent follows:

My child has been in Head Start for almost 3 months. We feel it has made a great change in him. Before he started there, he never had other kids to play with. He could not play with other kids without fighting. Now he can play with others and not fight. He looks forward to going to school and talks about it when he comes home. How he loves the teachers and how the kids get to take their own food. He has been a slow child at talking. Before Head Start, he just looked out the window as a sad little face just wanting to play and have fun. He would see other kids playing outside and wish he was there. His life became happy when they found room for him in Head Start. Now he is not sad and can play and I feel he is now talking better. And more loving. It has made me so happy to see him happy. I'm so thankful for Head Start. I think it is the greatest. I helped out last week in the classroom and I saw how the teachers are so good with the children and everyone is so happy.

HEAD START PARENT,
Warren, Minn.●

H.R. 5922, URGENT SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 1982

HON. LARRY J. HOPKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Mr. HOPKINS. Mr. Speaker, I would like to join the gentle lady from New Jersey, MARGE ROUKEMA, in her desire to bring House Resolution 5922, the urgent supplemental appropriations for fiscal year 1982, up for a vote as soon as possible.

Under this resolution, the guaranteed student loan (GSL) program would get an additional $1.3 billion for the remainder of this fiscal year. Unless GSL gets this supplemental

funding, it will run out of money—probably within the next few weeks.

This is absolutely ludicrous that the House of Representatives cannot get this resolution on the floor and voted on. We were supposed to vote on it before the Easter recess—that is, Easter of 1982. But, the leadership has put it off and put it off.

In the meantime, college students do not know if they can get loans, if they have to drop out of school, and/or get jobs, and banks are not giving out loan applications. Everyone in the academic community is waiting on a decision from Washington.

While Congress is dragging its feet, thousands of students are waiting. Our convenience is their inconvenience.

Time is running out and I urge a vote on H.R. 5922 as soon as possible.●

RELEASE ANDREI SAKHAROV

HON. SIDNEY R. YATES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Mr. YATES. Mr. Speaker, the tragic plight of Nobel Prizewinner Andrei Sakharov is well known to the West. His bravery in the face of every obstacle serves as an example to all of us of the human spirit's indefatigable need for freedom of expression.

On Friday, April 30, 1982, a Chicago-based Lawyers' Task Force on Human Rights will present a legal petition for Sakharov's release from illegal confinement to authorities at the Soviet Embassy in Washington, D.C., and at the Soviet consulates in New York and San Francisco.

The petition for a writ of habeas corpus states that, on January 22, 1980, Sakharov was forced into internal exile after being arrested without being charged. His crime? He dared to speak out against the Soviet Union's invasion of Afghanistan. His punishment? He was sent into exile to the city of Gorki and even may be tried for treason.

The lawyers' task force was created this year to monitor the legality of Soviet human rights cases that should come or have come before the Soviet courts. The cosigners of the writ are Robert S. Jacobs, national chairman of the American Jewish Committee's interreligious affairs commission; Lynn Buzzard, executive director of the Christian Legal Society, Bertram Meyers, chairman of the human rights committee of the Decalogue Society of Lawyers of Chicago; Ralph Ruebnor, associate professor of law at the John Marshall Law School; and Patrick Monaghan, general counsel for the Catholic League for Religious and Civil Rights based on Milwaukee.

I would hope that their efforts would serve as a reminder to all of us of the need to remain vigilant and to continue our efforts on behalf of Sakharov and the many others who so bravely contest the Soviet Government's systematic repression of human liberties.●

ALICE McLEAN STEWART

HON. RICHARD C. SHELBY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Mr. SHELBY. Mr. Speaker, I would like to share with my colleagues in the House of Representatives a wonderful story about a lovely lady who lives in my hometown of Tuscaloosa, Ala.

Mrs. Alice McLean Stewart is one of the State's top party givers. Her philosophy is quite simple—she loves getting people together and watching them having a good time, and claims she always gets more out of her parties than her guests do. She likes to think of her parties as a sort of human smorgasbord where a guest can sample many different people and find someone to enjoy.

Alice's story is fascinating because this party philosophy was not always so simple. She had a drinking problem.

Her first parties were Alabama homecoming parties when she was a child, growing up the Southern belle daughter of Tuscaloosa lawyer, Devane King Jones.

In the 1940's, she married Lewis Stewart of Marion, a career Army officer. The dark-haired Southern beauty from Tuscaloosa went with him to Army posts around the United States and to Europe.

Alice says that it was very easy to have become addicted to alcohol.

We had servants, there was a lot of it around, it was cheap. I liked the taste of it, I liked everything about it. But it wasn't a question of enjoyment—I drank for oblivion.

She continues on expressing—

The very worst thing about drinking is that it cuts off and prevents any maturing process. When others were facing their marital problems a little at a time, and learning to deal with them, I was hiding, not facing anything.

Her husband divorced her in the late 1950's, and she had to begin building a new life. She came to terms with herself and through facing her problems head on, and with the help and understanding of friends, she conquered this weakness which controlled her life.

Alice says:

Now I take it one day at a time. I don't need to take a drink today. And I enjoy life to the fullest—one day at a time. I have a new life. I have family and friends. I am a happy person. I started developing at about age 40, and I hope I'll keep growing, keep developing, as long as I live.

She has set up a scholarship/endowment at the University of Alabama in the name of her father. "I wanted to endow it before people forgot about him," she said. Some 35 students have used the $500-a-year grants. And, inevitably, Mrs. Stewart had a party for all 35 recipients.

For the past several years she has been extremely active in community affairs working with retarded youths and adults at Partlow State School in Tuscaloosa. She loves giving parties to benefit causes associated with the arts. Two of her favorite party themes are preservation and the community theater.

Mr. Speaker, it is indeed an honor to know a lady of this caliber and to share this courageous story with my colleagues in the House.●

SENATOR ERVIN OPPOSES TUITION TAX CREDITS

HON. STEPHEN L. NEAL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Mr. NEAL. Mr. Speaker, the wisdom of North Carolina's beloved Senator Sam J. Ervin, Jr., is recognized throughout the land. He is best remembered for his role as chairman of the Senate Watergate hearings, but he merits the gratitude of the Nation quite apart from that.

A distinguished constitutional scholar, Senator Ervin always has brought into clear focus the right and the wrong of public policy. He has never hesitated to speak out when he believed a policy to be unconstitutional, or otherwise wrong for the Nation, and his words have always carried great weight.

Now living in retirement in North Carolina, Senator Sam still sheds light on difficult questions of constitutional law and public policy. Just last week, he penned an open letter to President Ronald Reagan on the subject of tuition tax credits. The letter was published in North Carolina newspapers, and I have with me a copy which appeared in the Sentinel, of Winston-Salem, N.C., on April 28.

I wish at this time to insert it in the RECORD, and to commend it to the attention of my colleagues. As usual, Senator Sam is right on target:

The article follows:

TUITION TAX CREDIT UNWISE AND UNJUST

(The following is an open letter to President Ronald Reagan from former North Carolina Sen. Sam Ervin Jr.:)

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: When they send their children to parochial and private schools which teach religion, parents are primarily motivated by their understandable desire to have them instructed in the religious faith of their churches.

No matter how worthy your motive for urging it may be, the proposal that Congress grant these parents credit on their federal income taxes for the tuition they pay to these schools is indefensible for three reasons. It is unwise, it is unjust, it is unconstitutional.

UNWISE

The proposal is unwise because it is repugnant to good government, sound economics and true religion.

Government owes the people specific obligations, which require substantial taxes to finance them. The teaching or the financing of the teaching of religion is not one of them. But public education is.

Apart from its constitutional infirmities, the tax credit proposal is repugnant to good government.

The government's financial resources are limited. It has none beyond what it can exact from taxpayers without impoverishing them or crippling the economy.

Government should never dissipate its limited financial resources to finance nongovernmental obligations. When it does, it offends both good government and sound economics because it impairs its capacity to perform its own obligations in an acceptable way.

If it should approve the tax credit, Congress would diminish the nation's ability to finance public schools, and public education would suffer accordingly.

This observation is always true. Its importance is much magnified, nowadays, however, because the nation is staggering under a national debt in excess of a trillion dollars and is anticipating a deficit in the coming fiscal year exceeding $100 billion. It is not time for government to increase the deficit by financing a non-governmental and constitutionally-forbidden undertaking

Furthermore, the tax credit proposal is repugnant to true religion. Under God's plan, religion is dependent for its support on the persuasive power of the truth it proclaims and not on the coercive power of governmental taxation.

The man of Galilee affirmed this to be so when he said. "Ye shall know the truth, and the truth shall make you free." (John 8: 32), and "Render, therefore unto Caesar the things which are Caesar's and unto God the things that are God's" (Matthew 22-15: 22).

Government is contemptuous of true religion when it confiscates the taxes of Caesar to finance things of God.

If it is faithful to itself, religion must look to the voluntary contributions of its adherents and not to the involuntary taxes of Caesar for its support. Churches merit no praise for undertakings if its own members are unable or unwilling to support them.

UNJUST

It is unjust for government to compel one taxpayer to pay taxes and to exempt another, either in whole or in part, from paying like taxes. Yet that is exactly what the tax credit proposal, if approved by Congress would do.

Moreover, it would do this with a vengeance. While every man receiving as income the bare pittance which subjects him to federal income taxes would be compelled by it to pay his income taxes in full, the tax credit proposal would grant special exemptions from federal taxation, in whole or in part, to parents for tuition paid by them to schools teaching religion, even though their incomes total $75,000 a year.

Taxation to support the established church in Virginia was abolished by Thomas Jefferson's Statute of Virginia for Religious Freedom.

This statute declares that it is both sinful and tyrannical for government to compel men to make contributions of tax moneys for the propagation of religious opinions they disbelieve.

It is just as sinful and tyrannical for government to do this in 1982 as it was in Thomas Jefferson's day.

Yet that is exactly what the tax credit proposal if adopted by Congress, would do. Protestants and Jews and all others who do not send their children to parochial and private schools for religious instruction would be compelled to pay taxes to propagate the religious doctrines these schools teach, even if they disbelieve them.

This is so because these Protestants, Jews and other Americans would be compelled by law to supply the deficiency in treasury receipts the tax credit would occasion.

UNCONSTITUTIONAL

In times past government imprisoned the minds and spirits of men and women in intellectual and spiritual jails. It did so by denying them freedom of religion and by compelling them to pay taxes to support churches established by it, even if they disbelieved the doctrines the churches proclaimed.

The Founding Fathers knew the history of these governmental tyrannies, and were determined that they would not repeat it in our land. They staked the very existence of America as a free republic on their abiding conviction that the state must keep its hands off religion, and religion must keep its hands off the state in general and the public purse in particular.

To this end, they added the First Amendment to the Constitution and thus forbade government to make any law respecting an establishment of religion or prohibiting the free exercise thereof.

The tax credit proposal is repugnant to both prohibitions of the First Amendment.

If it were adopted by Congress, the tuition tax credit would be a law respecting an establishment of religion because it would indirectly supply to parochial and private schools tax credits to aid them to teach religion.

If it were approved by Congress, the tuition tax credit also would be a law prohibiting the free exercise of religion because it would tax Americans who do not send their children to parochial and private schools for religious instruction to supply the deficiency in treasury receipts arising out of the tax credits to those who do.

SUMMARY

Tuition tax credits would be governmental rewards to taxpayers who send their children to parochial and private schools to be taught the religious faith of their churches. The rewards would be funded by imposing on taxpayers who send their children to public schools the burden of supplying the deficiency in treasury receipts the tax credits would cause and by impairing the financial capacity of public schools to perform their essential public mission. Moreover, the tuition tax credits would confiscate taxes of Caesar to finance things of God.

As a senator, I always endeavored to make the First Amendment a reality for all Americans. If it should make the tuition tax credit proposal a reality, Congress would mortally wound the First Amendment.

I pray Congress will not murder the First Amendment.

Sincerely,

SAM J. ERVIN, Jr.,
Former U.S. Senator.●

PROVIDE FOR THE DISTRIBUTION OF WARM SPRINGS JUDGMENT FUNDS

HON. DENNY SMITH

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Mr. SMITH of Oregon. Mr. Speaker, I am introducing legislation today to provide for the distribution of judgment funds awarded to the Confederated Tribes of the Warm Springs in Docket No. 198 before the Indian Claims Commission.

The decision of the Indian Claims Commission to award additional compensation rests on a treaty signed by the Warm Springs and the Wasco Indians back in 1855. At that time, these Indians gave up a considerable portion of their aboriginal lands and moved onto what is now known as the Warm Springs Reservation. Several years later they were joined on the reservation by the Malheur Paiutes.

As representative for the descendants of the Warm Springs and the Wascos, the Confederated Tribes of the Warm Springs was awarded $1,255,000 in additional compensation for loss of tribal lands. Congress appropriated funds to cover the award on January 3, 1974.

Normally, Congress would not be required to adopt legislation approving a judgment award. The Indian Judgment Funds Act of 1973 (25 U.S.C. 1401) outlines procedures for the Secretary of the Interior to follow in submitting judgment distribution plans to Congress. Once the plan is submitted, Congress is given 60 days to disapprove the plan.

However, in this case the distribution plan was challenged in court (*Gold* v. *Confederated Tribes of the Warm Springs Reservation,* Civ. No. 75-1097). On August 6, 1979, the U.S. District Court of Oregon made its decision. The Secretary of the Interior was enjoined from distributing the judgment award and was ordered to send legislation to Congress providing a distribution plan. The court based its decision on the fact that the distribution plan did not comply with the time requirements set forth in the Indian Judgment Funds Act of 1973.

I am introducing this bill today at the request of the administration. The distribution plan is based on the one submitted previously by the Secretary of the Interior on October 10, 1974. It conforms with the wishes of the Confederated Tribes of the Warm Springs

Tribal Council, as expressed in Resolution 4074. This resolution, which was ratified on March 20, 1974, called for dividing the award among those enrolled tribal members who have not participated in previous judgment awards. By distributing the award in this manner, most tribal members whose ancestors were not Wasco or Warm Springs would be precluded from receiving judgment award funds since they have already participated in judgments under the Indian Claims Commission Act and the Alaska Native Claims Settlement Act.

When asked to introduce this bill, I was concerned that the Confederated Tribes' membership was divided on how to distribute the award. The distribution plan has been a controversial issue in the past, and some tribal members have expressed dissatisfaction with the proposed plan. However, since I was first approached about this bill, the Confederated Tribes of the Warm Springs Tribal Council has reaffirmed its support for Resolution 4074 and the proposed distribution plan.

While the distribution plan has been the subject of lengthy litigation proceedings, descendants of the Warm Springs and the Wascos have waited patiently for their judgment award. It is time for Congress to bring this matter to a close, and I urge this body to move quickly on the bill.●

SOVIET JEWRY

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Mr. SOLARZ. Mr. Speaker, I rise today to bring to the attention of my colleagues the fact that this Sunday, May 2, is Solidarity Sunday, an annual event in which Americans of all faiths unite behind the Soviet Union's 3 million repressed Jews.

Congressman HOLLENBECK, of New Jersey and I have, in this regard, introduced a resolution expressing congressional support for Solidarity Sunday. Specifically, we call on the Soviet Union to remove all emigration barriers and to insure the free exercise of religious beliefs and cultural expression.

Solidarity Sunday represents the largest rally held in our Nation supporting Soviet Jewry. Sunday, May 2, will mark the 11th straight year the Greater Conference on Soviet Jewry has sponsored the event. The rally takes place in New York City, with about 100,000 people from around the country participating in a number of activities to express American solidarity with Soviet Jews.

This year's rally has special significance, since recent evidence shows an upswing in human rights violations against Soviet Jews. Emigration and family reunifications have slowed to a trickle—less than 300 persons will leave the U.S.S.R. this month in contrast to the 3,000 Jews who left 2 years ago. More Soviet Jews were arrested in 1981 than in any single year since the Leningrad Trials of 1970–71. Their crime—daring to remain faithful to their religion and attempting to educate their children in their history and traditions.

We who live in freedom here in the United States are saddened and distressed at the increasing suffering of the Soviet Jewish community, but we are proud of the courage and determination which marks their efforts to gain religious freedom. I commend the Greater Conference on Soviet Jewry for sponsoring Solidarity Sunday, which gives Americans a special opportunity to reaffirm our commitment and inspire our efforts to aid these courageous people.●

NRC RESEARCH HEARING

HON. MARILYN LLOYD BOUQUARD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Mrs. BOUQUARD. Mr. Speaker, the Energy Research and Production Subcommittee of the Committee on Science and Technology will initiate hearings next month on the research program of the Nuclear Regulatory Commission (NRC). This will be the first time that the subcommittee has explicitly exercised its oversight jurisdiction over the NRC program. The hearings are being held to fulfill the responsibility of the Committee on Science and Technology to review and study Government research and development programs.

The NRC fiscal year 1983 budget request for $480 million includes a $220 million research and development program on nuclear power, encompassing research on accident initiators and consequences, reactor and facility engineering, operations and safeguards, waste management, simulation code development, reliability analysis, and other technical areas.

The hearings will be held on Tuesday, May 18, 1982, from 9 a.m., to 12 noon and on Wednesday, May 19, 1982, from 1 p.m,. to 5 p.m. in room 2318 of the Rayburn House Office Building.

The subcommittee will investigate the formulation of research priorities, the balance and technical effectiveness of the program and its contribution to the Commission's goal of protecting public health and safety and the common defense and security in the construction and operation of commercial nuclear powerplants.

The $220 million NRC research program represents more than 75 percent of all nuclear safety R. & D. in this country. In the current economic climate, it is essential that the program be subjected to critical technical review. It is also essential that the results of the research be used effectively by all segments involved in nuclear power generation—the NRC, DOE, reactor manufacturers, and utilities which operate nuclear reactors. Real improvements in nuclear safety can best be attained and implemented through the cooperative efforts of all parties.

The Subcommittee on Energy Research and Production is one of our seven Subcommittees on Science and Technology, chaired by the Honorable DON FUQUA, (Democrat from Florida).

The schedule and tentative witness list for the hearings are as follows:

SUBCOMMITTEE ON ENERGY RESEARCH AND PRODUCTION

OVERSIGHT HEARINGS ON NRC RESEARCH

Tuesday, May 18, 1982, 9:00 a.m., Room 2318 Rayburn HOB

Dr. Robert B. Minogue, Director, Office of Nuclear Regulatory Research, Nuclear Regulatory Commission.

Mr. Gordon Chipman, Depty, Asst. Secty, for Nuclear Reactor Programs, Office of Nuclear Energy, U.S. Department of Energy.

Dr. Chester P. Siess, Chairman, Nuclear Safety Research Program, Advisory Committee on Reactor Safeguards.

Wednesday, May 19, 1982, 1 p.m., Room 2318 Rayburn HOB

Dr. John Taylor, Director, Nuclear Power Division, Electric Power Research Institute.

Dr. Norman C. Rasmussen, Chairman, Reactor Safety Research Review Group, Nuclear Safety Oversight Committee.

Dr. Herbert J. C. Kouts, Vice Chairman, Reactor Safety Research Review Group, Nuclear Safety Oversight Committee.

Dr. Edwin Zebroski, Vice President, Engineering, Institute of Nuclear Power Operators.●

A TRIBUTE TO MRS. VELMA MILLION

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Mr. MINETA. Mr. Speaker, on behalf of Congressman DON EDWARDS and Congressman PETE MCCLOSKEY, I rise today to honor one of San Jose's most valuable citizens, Mrs. Velma Million. Her efforts over the last 10 years have made a dream come true—a dream which will benefit tens of thousands of people in Santa Clara County, for on May 7, we will witness the opening of Lake Cunningham Park. When completed, this facility will be a 202-acre oasis in the middle of one of America's fastest growing cities.

Velma Million's dream for this park began in 1972, as she surveyed the shortage of recreational open space in

east San Jose. Seeing that the city had no plans to provide a large modern facility on that side of the Santa Clara Valley, she created a citizens' group then known as the East Valley Regional Park Committee. In 1973, this body, representing thousands of citizens, began a grass-roots effort to persuade the city that a lake and picnic grounds would be a necessary outlet for a community fast approaching a high level of urbanization and congestion. The efforts of Velma Million and her East Valley Regional Park Committee were slow in bearing fruit, but eventually the time and human resources invested began to pay off. The city of San Jose committed itself to the facility, to be named Lake Cunningham Park. But the commitment needed to be accompanied by money, if the park was to become a reality.

For 6 years, Velma Million and her committee searched for every possible source of funds, picking up the needed resources in small increments. All through this period, however, public funds were becoming ever more scarce.

The passage of proposition 13 in California, accompanied by a growing austerity at the Federal level, made the funding effort a difficult and sometimes frustrating pursuit. But neither Mrs. Million nor her organization, now known as the Friends of Lake Cunningham, gave up on their dream, and in 1979 construction began. Commitments for funding had come from the U.S. Department of the Interior, from the State of California, from the city and from Santa Clara County, and even from the Santa Clara Valley Water District. Construction has been underway for 3 years, and despite occasional threats that funding constraints might kill or delay the project, completion is in sight.

Last January, Lake Cunningham overcame one of the last major hurdles. Funds for tree planting appeared inadequate to do the job, so Velma Million mobilized over 2,000 local citizens, asking that they join her in planting the first 4,000 trees necessary for the park.

Thanks to Velma Million, the first phase of Lake Cunningham Park is ready for opening. Fifty-four acres will be available to the public on May 7, in time for everyone to enjoy the park this summer. By the end of 1983, it is anticipated that the rest of the park will be finished, at a final cost of $14 million. None of this would have happened without the untiring efforts of Velma Million.

Mr. Speaker, on behalf of Congressmen EDWARDS and MCCLOSKEY, I ask you and all the Members of the House of Representatives to join me in according our recognition to Velma Million. Her devotion to the public over the past decade has brought an achievement which will benefit the citizens of the Santa Clara Valley for generations to come.●

ARNOLD CHAMBER TO HONOR SIX

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Mr. GAYDOS. Mr. Speaker, the Chamber of Commerce in Arnold, Pa., will honor six outstanding citizens of the community on Sunday, May 16, at the organization's annual past presidents' testimonial dinner.

The event is a highlight of the year for the chamber, whose officers and members live by the motto: "Caring About Your Tomorrow, Today!" Held in the hall of the Italian American Educational Society, the dinner annually attracts numerous local, county, State and Federal officials.

This year's past president honoree is Mr. Antonio "Tony" Nicastro, a longtime member of the chamber. Mr. Nicastro is to be cited for his vision, ability, and leadership of the chamber during the past year. His peers are particularly proud of the one-man crusade he undertook in the private sector to eliminate community blight.

Others who have been singled out for special recognition by outstanding achievements in their respective fields include: Businessman award, Jack Bellone Glass Co.; public service, Olive Brunscak, retired city treasurer; journalism, Pat Condelli of the Valley News Dispatch; community service, Joseph S. Desimone; humanitarian, Reverend Allan B. Herman of the Union Baptist Church.

Organized on October 8, 1964, with the expressed desire to encourage the economic, educational, industrial, and social growth of the community, the Arnold Chamber of Commerce has compiled an enviable record. Working in cooperation with governmental offices, the chamber played an active role in bringing to completion a number of projects valued at over $12 million. It is not prone, however, to rest on past accomplishments. Already on the drawing board are several other undertakings which will serve to further enhance the image of the community.

I deem it appropriate, therefore, to recognize those individuals who have been named to the chamber's top offices: Mr. Frank Tosto, president; Mr. Louis Ceraso, executive vice president; Mr. John Tedorski, vice president; Mr. Domenic A. Saulle, secretary, and Mr. Marion Frabotta, treasurer.

They exemplify those Mr. Saulle referred to in a brief history of the chamber last year. "Our chamber members," Mr. Saulle wrote, "are dedicated to the ideal that only by dreaming big dreams can mountains be moved."

Mr. Speaker, on behalf of my colleagues in the Congress of the United States, I extend formal congratulations to the officers and members of the Arnold Chamber of Commerce on past achievements and our sincerest wishes that their biggest dreams become realities.●

THE SEPARATION OF POWERS—WHOSE OX IS BEING GORED?

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Mr. RODINO. Mr. Speaker, yesterday, April 28, 1982, David R. Brink, president of the American Bar Association, in a speech at the National Press Club, warned that pending legislative proposals to strip the Federal courts of jurisdiction in constitutional cases would, if enacted, cause grievous damage to the fundamental structure of our Nation. He urged Members of Congress in both parties to join together to defeat this legislation "that could plunge us into internal strife and destroy our rights, the courts, or our Constitution."

Mr. Brink argues persuasively against these court-stripping bills. I urge thoughtful consideration of Mr. Brink's address by those who, in his words, "value the fundamental structure of our Nation more than they do seemingly popular solutions to the hot-potato, social problems of the day."

The text follows:

May 1 is Law Day. And it is a special Law Day—Law Day XXV. Its theme is A Generation of Progress. President Eisenhower proclaimed the first Law Day in 1958 and on April 16 President Reagan proclaimed Law Day XXV. Each year we in the United States celebrate our commitment to our unique heritage of two centuries of liberty, democracy, justice and the rule of law.

Let us make no mistake. That heritage, and our progress in it, are no accident. They are the product of a unique and inspired document, the Constitution of the United States of America, that serves the world as a model of representative democracy. The genius of that model is the doctrine of separation of powers that divides government into three branches, each having an assigned role and each operating to a degree as a check and balance on the others. We have conferred on the executive a role of policymaking and administration, on the legislative the power to initiate laws to serve changing public needs, and on the judicial the interpretation of law and the preservation of the fundamental rights secured to our citizens by our organic document.

Sometimes in the press of current problems we forget the origin of our system of government and the source of our liberties. We must never forget the wellsprings of our heritage and our progress. But the Constitu-

tion is not self-executing. To make its grand policies a reality, it needs interpretation and enforcement by the courts and wise implementation and extension by the legislative and executive branches. It needs the coordinated work of all three branches of government.

Today it sometimes seems that our national interest in the Constitution is centered on just one aspect of the Constitution—the separation of powers. We are endangering our continued progress under the rule of law by preoccupation with turf disputes over the roles of the three branches of government. And the arguments over the separation of powers largely depend on whose ox is being gored.

Members of the executive and legislative branches have, and should have, many opportunities for public expression of their views on the roles of the three branches of government. The judicial branch is enjoined by its own Code of Judicial Ethics from public commentary on matters that may come before it and hence is inhibited in making statements in its own defense. Thus it often falls to the American Bar Association—as the national voice of the legal profession—to defend the judicial branch or to try to bring some balance to the debate. When the ABA acts in this role, it is classified by some commentators as ultraconservative and by others as ultraliberal. We are neither. We are apolitical and we simply try to bring our special perspective as full-time students of law and the Constitution to enlightenment of the ongoing national debate. We are only viewed as political, or conservative or liberal, according to whose ox is being gored.

Currently, members of both the executive and legislative branches have charged publicly and repeatedly that the judicial branch has overstepped its constitutional role and has engaged in policymaking functions that are reserved to the other branches. In my opinion, those charges are, at best, debatable. It must be remembered, first, that, unlike the executive and the legislative, the courts do not initiate policy on their own motion; they simply decide actual cases between opposing parties that have not been resolved by the other branches. What has happened, I think, is that the executive and legislative branches have either failed to develop constitutional solutions to state or Federal problems, have failed to enforce laws already on the books or have left policies unclear so that they require court interpretation. In some instances they have dumped implementation of policies in controversial areas on the courts, which have to decide the cases and which have no means to defend themselves from the attacks by the public and by other branches of government that follow their decisions.

Let me cite a few instances briefly and one at greater length. On the matter of tax exemption for colleges that have racially discriminatory policies, the executive had a hot potato. First it decided to suspend denial of tax exemption that seemed settled. Then it said it would seek legislation that would deny tax exemption. Acting on requests from the legislative branch, the executive finally said that it would dump the hot potato on the Court. If the Court decides simply that denial is mandated by the Constitution, by existing federal statutes and proper regulations and by previous Court decisions, it may be attacked by both branches of government for making unpopular policy.

Other instances of unpopular judicial solutions result from failure of the states or the federal government to provide specific tests, specific remedies or real enforcement of constitutional principles or general statutes. For example, in the case of the Civil Rights Act of 1964 and the Voting Rights Act of 1965, the intent of Congress was to put teeth into the Amendments to the Constitution that had been the law of the land for a century or more but had not by themselves resulted in eliminating discrimination in many parts of the country. But Congress did not define the tests of discriminatory practices beyond repeating the words of the Constitution. That dumped the question of interpretation on the Court—and its decisions under the one statute were attacked by conservatives and under the other, by liberals. In the case of the Voting Rights Act, the position of the ABA is that Congress originally intended to prevent the fact of discrimination and that to do so it incorporated the "effects" or "results" test of discriminatory action that then represented the constitutional law on the subject. In extending the Voting Rights Act for the third time, Congress should handle the hot potato itself and adopt a results test in the law.

I could cite a number of other instances in which the other branches of government have used the courts as their dumping grounds for hot potatoes and then castigated the courts for the way they handle them. But that would take time from my discussion of the most significant and dangerous new type of attack on the courts. I refer, of course, to the more than 30 bills now before the Congress that would deprive the Federal courts of their historic and vital jurisdiction or power to grant remedies in what all agree are constitutional cases. Because that judicial role is fundamental to the separation of powers and the preservation of our system of government, I have been quoted as saying that those bills are leading us to the most serious constitutional crisis since our Civil War. That quote is accurate and I believe it more strongly than ever.

Let me say four preliminary things. The first is that my stand on these bills is not purely personal and that the House of Delegates of the ABA—our policymaking body—supported it by an overwhelming majority. Second, the ABA does not take a position either way on the subject matter of these particular bills—abortion, prayer in schools or means of achieving school desegregation. What we do oppose is the process used—taking constitutional questions away from the third branch of government and opening the door to elimination of the judicial branch in its constitutional role. Third, the battle over the Federal jurisdiction issue is not between the courts—or the ABA—and the executive. The administration, so far as I know, has not initiated or taken a position on these bills. I find it encouraging that Attorney General Smith has repeatedly urged strict observance of the separation of powers. I therefore hope that in response to calls from Chairman Rodino, our Association and press commentators, the Administration will take a firm stand in opposition to these bills. Fourth, the battle is not yet with the Congress, nor is it with either Republicans or Democrats in Congress. For there are Members of both parties on both sides of the question. And I hope that those Members of Congress in both parties who value the fundamental structure of our nation more than they do seemingly popular solutions to the hot-potato social problems of the day will join to defeat these bills.

The question whether the federal courts have overstepped their constitutional role, or have merely answered the difficult constitutional questions that have been dumped on them, may be debatable. But it is beyond debate that the present bills in Congress would overstep the constitutional role of Congress and endanger our system of government.

The argument is one of both law and policy. As to the legal question, constitutional scholars have expressed differing views on the constitutionality of these bills. The preponderant view appears to be that they are unconstitutional as applied to either the U.S. Supreme Court or the lower Federal courts.

Some of the relevant materials are article III of the Constitution, which says, among other things, that the judicial power of the United States extends to all cases arising under the Constitution, and the due process clause of the fifth amendment, which guarantees that no person shall be deprived of life, liberty or property without due process of law. Congress cannot exercise either such undefined power as it has under article III to make exceptions to the jurisdiction of the Supreme Court or its power to create, change or abolish the inferior federal courts in any manner that would deprive our citizens of due process or deny the equal protection of the laws. Nor can Congress, by a "bootstraps" process, confer on itself any of the other powers that are otherwise expressly denied it by amendments to the original Constitution. Therefore, Congress cannot, either directly or under the guise of limiting jurisdiction, change remedies, and thereby change the constitutional law or define juridical processes in such a way as to deprive citizens of substantive rights guaranteed by the Bill of Rights and other parts of our Constitution. If Congress forecloses citizens from fundamental constitutional rights or remedies in the federal courts with the intent or effect of having different law applied by differently constituted courts, it clearly has deprived them of due process and equal protection. And that is precisely the intent, and would be the effect, of these bills.

Those who read only a portion of article III or the Constitution say that the exceptions clause of article III grants Congress unlimited power to take away the jurisdiction of the Supreme Court, and that the power of Congress to create inferior article III courts implies the power to abolish those courts or selective portions of their jurisdiction. But if the whole of article III, the balance of the Constitution and the subsequent amendments are also read, it is clear that the framers could not have intended any such result.

The proponents of these bills claim that most Americans disagree with our Constitution, as interpreted by the branch of Federal Government to which our forefathers entrusted interpretation of the Constitution and protection of our rights. If, indeed, our nation does disagree with rights, under the Constitution, in the areas of abortion, prayer in schools or desegration, there is a perfectly good way to change it. That is the amendment process involving the States and the people and requiring more than simple majorities. And our forefathers never intended that Congress, alone, by a simple majority vote, could obtain the same result.

For if the Congress, by a simple majority vote, could rewrite the Constitution, a future Congress could wipe out Federal jurisdiction and remedies in all constitutional

cases, Then, at best, we would have 50 federal constitutions—one for each State. And if state legislatures followed the example of Congress and deprived State courts of constitutional jurisdiction, we would have no judicial review at all in constitutional cases. We would have a purely parliamentary system of government, without either an enforceable written national Constitution or a court having the power to declare the process unconstitutional. The founders of our country clearly did not intend to create a tripartite system of Federal Government that so easily could be rendered a nullity. So these bills all must be deemed legally unconstitutional.

But, even more important, these bills must be opposed on grounds of policy. The admitted purpose of these bills is to change the constitutional law as interpreted by the judicial branch of Federal Government. That purpose betrays a terrible cynicism about our State judicial systems, for it is based on the belief that variations that are pleasing to current local majorities will be read into our national organic document by local courts. If that belief is unfounded, as I think it is, the bills are pointless. If it is well founded, it tells us that the proponents are willing to convert America into a kind of league of independent States instead of one Nation.

This is another instance of the constitutional hot potato being handed to the courts, but this time it is, in part, the State courts. And the State courts do not want the constitutional responsibility the proponents would thrust upon them. The Conference of Chief Justices, representing all our State court systems, passed a resolution on January 30, 1982, without dissent, that viewed these bills with the gravest concern, citing many strong arguments.

Most of the apologists for the theory that the Congress can eliminate or control the Federal courts say that enactment of these bills will teach the courts a needed lesson. That is about as responsible as suggesting that we can teach the other superpowers of the world a valuable lesson by firing a first nuclear missile at them now. Neither effort to teach a lesson can be stopped after the first salvo; either one will result in further warfare and destruction.

So we must ensure that Congress, as it has repeatedly in the past, once again declines the ultimate confrontation. For if we leave it to the Supreme Court to be the sole defender of the role of the Federal courts, we face the certainty of grievous damage to our system. If, in accordance with the law as I believe it to be, the Supreme Court declares these bills unconstitutional, the current critics of the role of the judicial branch will be moved to declare the decision self-serving and proof that the courts are overstepping their role. That will produce a clamor of further unjustified attacks on our courts and legal system and possible constitutional amendments to eliminate or limit the judicial branch. But if, contrary to my expectations, the Court sustains the bills, each Congress, according to its mood, will remove more and more of the jurisdiction of the federal judiciary until it is gone. Either way we face a terrible division of our country and risk the destruction of our free system of government.

George Washington, in his moving Farwell Address to the Nation, issued a clear warning: "If, in the opinion of the people, the distribution or modification of the Constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates.—But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil, any partial or transient benefit which the use can at any time yield."

Abraham Lincoln strongly disagreed with the Dred Scott decision of the U.S. Supreme Court. Yet he said of the Court: "We think its decisions on constitutional questions, when fully settled, should control, not only the particular cases decided, but the general policy of the country, subject to be disturbed only by amendments of the Constitution as provided in that instrument itself. More than this would be revolution."

I do not believe the proponents of these bills really want to launch a missile that could plunge us into internal strife and destroy our rights, the courts or our Constitution. But they are shortsighted in not seeing what they are starting. They are risking our most fundamental values to dispose of a hot potato—to secure what they believe are popular and expedient solutions to current and transient problems.

But if they are successful in that, they also risk the Generation of Progress we celebrate on Law Day. They threaten forfeiture of our progress in broader access to law and justice, equal protection of all our citizens, including minorities and the poor, and eradication of discrimination of all kinds. But, more than that, they threaten the rights of all of us. Once the door is opened, the rights of free speech, free press, free assembly and free exercise of religion could be the next to be abolished or curtailed.

Whose ox is being gored? It is not just the ox of one branch of government in a turf dispute with another. It is our entire system of government. It is the ox of all of us—the American people. I think of the great words of John Donne that come down to us from 1624. I wish I had time to read his magnificent text. But let me quote his final words . . . "Never send to know for whom the bell toll; it tolls for thee."

The ox of a free legal profession is gored. The ox of a free press is gored. The bell tolls for all Americans. And it is the duty of the press and lawyers—both in their separate ways protectors of our citizens and seekers of the truth—to tell these truths again and again. We must tell them until all members of Congress and all Americans realize that our system and our rights must be preserved. We may then warrant that when another generation under the rule of law has passed, it, too, will be a generation of progress.●

SENATE RESOLUTION 374

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Mr. PEYSER. Mr. Speaker, today I am pleased to introduce a resolution commending the completion of the current phase of the Camp David Peace Agreement.

This resolution is identical to Senate Resolution 374 which was introduced by Senators BAKER and BYRD in the other body with 34 cosponsors and was passed unanimously on Monday. I ask that the House act in a similar fashion and pass this resolution commending Israel for its courage in fulfilling its obligations under the peace process and noting the achievements of both Israel and Egypt in moving to a lasting and peaceful coexistence.

The resolution reads, Mr. Speaker, as follows:

Whereas, on Sunday, the 25th of April, 1982, in accordance with the Treaty of Peace between the Arab Republic of Egypt and the State of Israel, Israel completed final withdrawal from the Sinai Peninsula; and

Whereas, this step represents the willingness of the Government and the people of Israel to make difficult and painful decisions and also to take risks for peace; and

Whereas, this step symbolizes the continuing and enduring commitment of Israel and Egypt to the process of achieving a comprehensive peace in the region envisioned in the Camp David Accords:

Therefore be it resolved, That the Senate of the United States:

Commends the Government and the people of Israel for this historic and courageous step in the name of peace; and

Expressed confidence that Israel and Egypt will continue the process of normalization and realize fully the fruits of peaceful coexistence.

Mr. Speaker, it is particularly relevant at this time that we note the achievements of Camp David and the resolve of Israel and Egypt to find a peaceful solution to settle the profound problem underlying relations in that region.

At a time when aggression has brought other countries to the brink of full-scale war, Israel and Egypt have resolutely kept on the road to peace. Israel has yielded the Sinai Peninsula, withdrawn its troops from that disputed territory, and moved the Camp David Agreement another step closer to a final peace.

It is also relevant to note that both countries have persevered in the peace process in spite of the hostility of other surrounding nations in the region. Just this week, the Saudis are reported to again be moving their own peace plan—the Fahd plan—as an alternative to Camp David. The Saudis, acting contrary to the interests of the United States and Israel, are seeking to scuttle Camp David and replace it with a plan with Arab backing. This represents further proof that the sale of AWACS to the Saudis was not warranted, and not in the interests of peace in the Middle East. If that gesture of goodwill to the Saudis was to advance the peace process, we have yet to see the evidence. I believe that Congress should reconsider the transfer of AWACS to the Saudis and halt this sale, which threatens the very existence of Israel.

In summary, Mr. Speaker, we should commend Israel for their courageous moves toward peace in that part of the

world and officially recognize their efforts by passing this resolution today. This will send a swift message to other countries that the House of Representatives, like the Senate, believes that the Israelis have received our respect and admiration for their courageous steps toward peace. I urge the speedy adoption of this resolution.●

ISRAEL AND EGYPT: PROGRESS FOR PEACE

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Mr. BARNES. Mr. Speaker, last Sunday, April 25, 1982, Israel and Egypt crossed a threshold in the implementation of the peace agreement they made on March 26, 1979. The Sinai, captured by Israel during the 1967 war, was peacefully returned to Egypt and both Prime Minister Begin and President Mubarak strongly reaffirmed their commitment to the success of the treaty. The people and the leaders of both countries deserve our highest respect and praise for the sacrifices they have made and for the progress, which, together, they have achieved. I remember the joint statement which was issued by President Carter, President Sadat, and Prime Minister Begin at the start of the Camp David talks:

After four wars, despite vast human efforts, the Holy Land does not yet enjoy the blessings of peace.

Conscious of the grave issues which face us, we place our trust in the God of our fathers, from whom we seek wisdom and guidance.

As we meet here at Camp David, we ask people of all faiths to pray with us that peace and justice may result from these deliberations.

This is the faith and conviction which made this peace agreement possible and which can insure progress and success in the difficult negotiations ahead.

We should reflect particularly upon the great sacrifices that Israel has made to pursue the promise of a true and lasting peace. Israel, since its independence in 1948, has been surrounded by hostile neighbors who not only have refused to recognize Israel's existence, but who have called for the destruction of the Israeli state. This is the context within which Israel has given its word to continue in the peace process with Egypt. In giving up the Sinai, Israel has willingly traded in the security and strategic advantage of a 23,000-square-mile buffer area, representing almost the total of the occupied lands. Particularly when we consider that the Sinai has insured a more secure Israeli defense against its hostile Arab neighbors, Syria, Iraq, Saudi Arabia, and Jordan, it is clear the magnitude of sacrifice Israel has made.

Economically, the price for peace is tremendous. Israel has given up a $17 billion investment in the military and in industry, in energy exploration and development, this in addition to having assumed great costs to dismantle and rebuild elsewhere. Furthermore, the cost of relocation to the Negev region—a very limiting area geographically in comparison to the topographical advantages of the Sinai—is estimated at $5 billion. Israel has withdrawn from eight airfields, among them Eitam and Etzion, two of the most modern tactical airbases in the world. Israel has given up the topographical advantages of the Sinai which permitted early warning stations on high elevations and optimum conditions for land and air training maneuvers. Israel has given up its source of oil self-sufficiency and must now depend on purchasing high-priced non-OPEC and spot market oil.

And the Israelis who had settled in the Sinai, built their homes and businesses and raised their children there, have had to relinquish everything they have worked for in this desert region. Israel's Defense Minister Sharon said of this, "The ruins of Yamit will . . . serve as testimony that we have done everything imaginable to keep to the peace agreement, so that our children will not point an accusing finger at us and say that we missed an opportunity."

With all of this, Israel has put its trust in its good neighbor Egypt and has put its faith in the promise of peace.

Egypt has reached out from amid the hostile Arab world to extend a hand of friendship and peace to Israel. We cannot celebrate the progress of the implementation of this treaty without paying great homage to and reflecting upon the personal strength and force of character of Egypt's late President Anwar el-Sadat. We remember him as one among the most noble of the world's peacemakers. When he made his historic visit to Jerusalem in November 1977, he, alone, defied years of deeply entrenched Arab hostility toward Israel with the conviction that the obstacles to a true peace in the Middle East could be overcome. He championed the dream of peace and initiated the peace process knowing fully the tremendous political risks he assumed and the great personal dangers he faced. He placed his trust, at great odds, in a daring quest for an end to the bloodshed of both Egyptians and Israelis, and in pursuit of cooperation, understanding, and true friendship.

When, on March 26, 1979, the peace treaty had been signed, President Sadat declared to the world:

This is certainly one of the happiest moments in my life. It is a historic turning point of great significance for all peace-loving nations. Those among us who are endowed with vision cannot fail to comprehend the dimensions of our sacred mission.

* * * * *

We are also heartened by the understanding of hundreds of thousands of Israelis who remained unwavering in their commitment to peace. The continuation of this spirit is vital to the coronation of our effort. We realize that difficult times lay ahead. The signing of these documents marks only the beginning of peace. But it is an indispenable start. Other steps remain to be taken without delay or procrastination. Much will depend on the success of these steps.

* * * * *

Let there be no more wars or bloodshed between Arabs and Israelis. Let there be no more wars or bloodshed between Arabs and Israelis. Let there be no more suffering or denial of rights. Let there be no more despair or loss of faith. Let no mother lament the loss of her child. Let no young man waste his life on a conflict from which no one benefits. Let us work together until the day comes when they beat their swords into plowshares and their spears into pruning-hooks. And God does call to the abode of peace. He does guide whom he pleases to his way.

On April 25, when the Sinai was returned to Egypt, Prime Minister and Mrs. Begin sent a poignant message to the late President's widow, Jihan Sadat, expressing their deep admiration for a very dear and great friend. It reads:

DEAR MRS. SADAT: Our hearts, Madame, go out on this day to you and the children and grandchildren. Anwar Sadat, of blessed memory, should have been with us to see the glory of his efforts to make peace and achieve reconciliation between the good peoples of Egypt and Israel. To prove that his memory did not die but will live forever in the hearts of women and men of good will, we all have to work for the sacred cause, "No more war, no more bloodshed, peace, salam, shalom between our nations." We embrace you, our dear friend.

ALIZA AND MENACHEM BEGIN.

The untimely and tragic death of President Sadat forced the new President Hosni Mubarak, to assume his office in the midst of a great tragedy for Egypt, for Israel, for the United States, and for peace-loving people all over the world, and the new President suddenly found himself being called upon to follow in the footsteps of his great predecessor. He was thrust into a position of weighty responsibility and one of great import to the future of the Middle East, and he was under pressure from the rest of the Arab world, which looked for Egypt's renunciation of its peace with Israel.

Yet, in the midst of troubling and difficult circumstances, President Mubarak has brought the Egyptian people to this day. On April 25, he reaffirmed that the peace process "expressed a general popular will" in Egypt. He declared that the Egyptian-Israeli treaty is "an important step toward a comprehensive peace, and its

aftermath has spread throughout the Middle East" and that now, "Egypt has to double its efforts to safeguard the peace process and open new channels of communication and exchange and assure future generations of a better tomorrow."

For Prime Minister Begin, this progress toward peace is a landmark in his lifelong struggle and continued fight for the survival of the Jewish Nation and a peaceful existence with its neighbors. At the time of the signing of the peace treaty, he said:

Two prophets—Yishayahu Ben Amotz and Micah Hamorashti—having foreseen the spiritual unit of man under God, with these words coming forth from Jerusalem, gave the nations of the world the following vision—expressed in identical terms—"And they shall beat their spears into pruning-hooks: nation shall not lift up sword against nation, neither shall they learn war any more."

Despite the tragedies and disappointments of the past, we must never foresake that vision, that human dream, that unshakable faith.

Peace is the beauty of life. It is sunshine. It is the smile of a child, the love of a mother, the joy of a father, the togetherness of a family. It is the advancement of man, the victory of a just cause, the triumph of truth. Peace is all of these and more, and more.

Prime Minister Begin survived through the horrors of the Holocaust and the imprisonment of a Stalinite concentration camp to bring Israel to a peace with Egypt. When I was privileged in January 1980 to accompany Ambassador Sol Linowitz, President Carter's special envoy to the peace negotiations, on one of his visits to the Middle East, I had the opportunity to meet personally with Prime Minister Begin. I understood more fully from our conversation how dear a price Israel was willing to pay for peace. And so on April 25, with all that Israel had given up, Prime Minister Begin again reiterated the importance of peace to the Israeli people and called for "peace forever" saying "the two peoples must live together not only in peace but also as good neighbors, in friendship, in cooperation. We can help each other in all fields—economic, social, cultural. Let us do so in the future."

This is a proud moment for us as Americans. The Camp David framework and the Egyptian-Israeli peace treaty illustrate a landmark diplomatic achievement for the United States. With the help of our good offices, two enemies became friends and peace became possible.

A secure peace in the Middle East is vitally important to our national interest, and the successful and complete implementation of the peace treaty represents the only viable hope for a more-comprehensive peace in the region. It is unquestionably a solid beginning. Now, more than ever, this auspicious time calls for our country's continued, full, and active support. We must not risk losing the immeasurable gains that have been made over these past 3 years. The fears of Egypt and Israel are being overcome by the demonstration, on both sides, of a mutual respect and trust, and recognition and adherence to the integrity of this agreement. We must at least try to insure that this continues.

I am deeply troubled, however, by the direction in which our country appears to be headed. The sale last year of AWACS planes and other sophisticated military equipment to Saudi Arabia was a very serious mistake and sent the wrong signals to countries in the region about our commitment to Israel and to peace in the region. Furthermore, I find it incredible that the administration would even contemplate selling such sophisticated state-of-the-art weaponry such as the anti-aircraft Hawk missiles and F-16 fighter bombers to Jordan, a country which has repeatedly declined to participate in the Egyptian-Israeli peace process, particularly at this critical stage in the implementation of the treaty. How can we justify selling such weapons to countries of the region which vehemently oppose Egyptian-Israeli peace, a peace which means so much to us and which is one of our primary foreign policy objectives? It simply does not make sense, and it is not only foolhardy, but dangerous. Not only our interests, but the fate of the Israeli nation, is at stake and we cannot design our foreign policy through arms sales or guide our judgment by a strategic consensus theory that has little bearing on the realities of the dynamics in the Middle East.

We cannot afford to act in a way which will serve only to increase the already existing tensions in the region. Our foreign policy in the Middle East should reflect our great investment and hope for a successful and lasting peace between Israel and Egypt and should be one which, above all, fosters peace as a goal for relations between all countries in the region.

We cannot afford, through neglect, irresponsibility, or bad judgment to abrogate our commitment to the Egyptian-Israel peace process. The return of the Sinai represents a crucial juncture, one which will carry Israel and Egypt into a more difficult and trying stage in the implementation of the treaty provisions. Now, more than ever, our resolve must be unyielding, our commitment must be strong, and our hope sustained. The well-being of our friends in the Middle East and the future of the region depends upon it.●

A YOUNG AMERICAN'S CONCERN ABOUT ARMS AND THE FUTURE

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Ms. OAKAR. Mr. Speaker, years ago a famous American statesman wrote:

Every gun that is made, every warship launched, every rocket fired signifies, in the final sense, a theft from those who hunger and one not fed, those who are cold and not clothed. This world in arms is not spending money alone. It is spending the sweat of the laborers, the genius of its scientists, the hopes of its children.

The year was 1953. The speaker was President Dwight D. Eisenhower. Today we see even deeper concern by many Americans about the arms build-up. The youth of today are particularly worried about their future on our planet. I submit to you a typical letter from one of my younger constitutents in Westlake, Ohio:

Congresswoman MARY ROSE OAKAR,
Cannon House Office Building,
Washington, D.C.

DEAR MADAM OAKAR: I would like to know what the United States plans to do with whatever nuclear weapons we possess.

Where are they stored and where are they tested?

I am concerned about this because of the danger they can cause to our World.

My classmates and I want our country to act in a responsible way.

Very Truly Yours,

KATHY MCBRIDE.●

OTTINGER-HART PLUTONIUM FREEZE RESOLUTION

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Mr. OTTINGER. Mr. Speaker, today I am introducing a resolution in the House, and my distinguished colleague Senator GARY HART is introducing an identical resolution in the Senate, to require a freeze in the production of the explosive material used in nuclear weapons—plutonium. What we are proposing is a world-wide "plutonium-freeze."

The unprecedented calls from every part of America to end the nuclear arms race before it overruns and destroys us must be heard. Once again the collective wisdom of the American people has proven to be far greater than that of their leaders. The public rightly fears the horror of nuclear war. They understand that the continued production of even more sophisticated nuclear weapons brings them closer to destruction and they want the production of these weapons stopped. Having overcome the feeling

of hopelessness and futility that nothing could be done to stop this insanity, Americans are now demanding action.

In response to public concern, more than a dozen resolutions have been introduced in the Congress. All correctly call in one way or another for a freeze in nuclear weapons production.

But only one, a resolution introduced this week by Senator ALAN CRANSTON of California, calls for an end to the production of the materials themselves—plutonium and highly enriched uranium—from which nuclear weapons are made. I strongly endorse Senator CRANSTON'S proposal because in many ways a mutual cessation in the production of nuclear weapons materials by the Soviet Union and the United States would be a far easier and verifiable step than controlling the weapons.

The Cranston proposal is too limited, however, applying only to the United States and Russia. It should be extended to all countries which now possess nuclear weapons, meaning France, China, the United Kingdom and to India, as well as to ourselves and the Soviets—and to all countries' civilian nuclear power facilities as well. We would be practicing a cruel deception on the American people were we to pretend that the closing of nuclear weapons materials facilities located in countries of the world which already possess nuclear weapons would bring an end to the threat of a nuclear holocaust. It would not. The reason is simply because the explosives in nuclear weapons, plutonium and highly enriched uranium, are also needlessly being used as fuel in nuclear power reactors.

The United States, the other nuclear weapons countries and an alarming number of countries which do not now possess nuclear weapons are actively engaged in research and development programs and, in the case of France, operations aimed at producing large quantities of plutonium from reprocessing or chemical separation of plutonium from spent fuel from conventional reactors. In the near future these countries plan to produce plutonium from breeder reactors and to base future nuclear power on a "plutonium economy" France has already started.

This spread of nuclear weapons through the proliferation of nuclear explosive materials and production facilities (reprocessing plants, breeder reactors and enrichment facilities) may well be an equal or greater danger to our survival than the danger from weapons. Nuclear proliferation could place in the hands of terrorist groups and many nations, some of which are highly unstable, the necessary and basic ingredients to make nuclear weapons. Russia's nuclear threat is deterred of our own nuclear response capabilities, but there is no recourse against weapons in the hands of terrorist groups. What is needed is assurance that such groups cannot get access to materials from which the weapons can be made.

Surely if we are to end the threat to our existence posed by the weapons of the nuclear armed countries, we must also eliminate the chance that additional countries and groups will obtain nuclear weapons or the capability to produce them from their civil nuclear power programs. If we fail to control the specter of proliferation, a new nightmare will soon haunt the world—not the nightmare of a nuclear war between the superpowers but the nightmare of countries or terrorist groups in Europe, the Middle East, Asia, or South America starting destructive wars or holding whole nations as nuclear hostages—not a nightmare from arsenals of sophisticated warheads on intercontinental missile systems but from simple, small and deadly nuclear devices detonated in cities in the United States, in Europe or elsewhere in the world.

We must not just freeze or reduce the number of nuclear weapons in the arsenals of the superpowers, we must also prevent the detonation of any nuclear bomb from any source by any country or terrorist group, against any country, for any reason.

Today, in conjunction with Senator GARY HART, I am introducing a resolution that addresses what I consider the fundamental precondition for efforts both to control strategic nuclear weapons and to prevent the further spread of nuclear weapons: Halting or freezing the production of separated plutonium.

Our "plutonium freeze" resolution calls for the United States, the Soviet Union, and all other countries possessing the technology to produce separated plutonium to enter into, without delay, negotiations leading to a verifiable halt in the production of separated plutonium and the export of the technology for such production.

If separated plutonium, the basic ingredient for producing nuclear weapons, becomes an accepted fuel for nuclear power reactors, 1 day tons will move each year in international commerce. If this plutonium economy should develop we will face the grave risk that separated plutonium will then be diverted or stolen to build weapons. Indeed, we will have begun to traffic in global annihilation.

Our efforts to reduce the number of strategic nuclear weapons and to prevent nuclear proliferation are inextricably linked. The 115 countries that signed the Non-Proliferation Treaty, the cornerstone of the international nonproliferation regime, officially recognized the interrelationship: Article VI of the treaty requires the parties "in good faith" to cease the arms race and work toward nuclear disarmament. In return, the treaty requires those signatories not possessing nuclear weapons to foreswear efforts to obtain them. The nuclear weapons countries have honored article VI mostly in the breach.

The reason for such a strong link between arms control and nuclear nonproliferation in the treaty is self-evident: Nuclear "have not" nations will not agree to refrain from acquiring nuclear weapons so long as nuclear "have nations" refuse to disarm. If we are unwilling to put down our club, other nations are not likely to refrain from picking up clubs of their own. A worldwide halt in the production of separated plutonium would force countries to begin to fulfill their obligations under the Non-Proliferation Treaty.

Let me make clear that this resolution does not call for a unilateral halt by the United States in the production of separated plutonium. Rather, it calls for multilateral negotiations leading to an agreement among all plutonium-producing nations not to produce such material, for whatever purpose. It would be far easier to verify whether or not plutonium production and separation has been halted, then to determine if weapons were still being made from plutonium already produced.

In addition to negotiations on halting the production of separated plutonium and the export of the technology for such production, the Ottinger/Hart resolution calls for the United States and other nuclear supplier and consumer nations to negotiate an agreement to reject the commercial use of separated plutonium as a nuclear power reactor fuel. It calls on all countries to base civilian nuclear power technology on nonweapons-usable fuel, such as natural- and low-enriched uranium, and to make available abundant, secure, and economic supplies of such material for fuel.

This second portion of the resolution reflects the growing realization that there is no economic justification for using separated plutonium, rather than natural low-enriched uranium, to fuel the world's nuclear power reactors. World uranium reserves greatly exceed demand and will last well into the next century. During the past decade, the price of uranium dropped from $60/lb. to today's price of approximately $20/lb. Only an eight-fold increase in uranium prices could economically justify even considering the reprocessing of spent fuel and use of the resulting separated plutonium in power reactors. What the promoters of the plutonium economy do not like to have pointed out is that at eight times the current prices, worldwide uranium resources would be vast indeed.

It is clearly recognized that several countries, particularly Japan and in

Europe, believe their energy security, or at least the security of their nuclear fuel, is tied to the recycling of separated plutonium in their existing power reactors and to the use of breeder reactors, which might produce more plutonium than they consume. This administration unlike the Carter, Ford, and Nixon administration has shied from taking actions to dissuade countries from going the plutonium route. Indeed, the administration is even considering becoming competitive with them by exporting enrichment and reprocessing technologies.

This subjects the world to irrational and unnecessary risks. Any agreement that results from the negotiations called for in the Ottinger/Hart resolution should provide for secure, reliable supplies of the natural- and low-enriched uranium which these countries need to fuel their reactors, thus removing any incentive to use separated plutonium for fuel.

Finally, we should point out that the risks of nuclear proliferation created by going the "plutonium route" jeopardizes the security of not just the United States, but that of all other countries. Their short-term interest in using separated plutonium for fuel should not obscure the longer term interest of the world in avoiding nuclear annihilation.

The measures we call for are antiweapons and antiplutonium. They are not antinuclear and would not adversely affect the prospects for commercial nuclear power as an energy option. On the contrary, world uranium resources are sufficient to meet our needs well into the next century especially if improved uranium technologies are employed. The increased efficiency with which uranium is obtained and used could be developed at dramatically lower costs than developing the breeder and avoid the dangers associated with using plutonium.

This resolution gets to the very core of the nuclear threats we face today. It seeks to prevent separated plutonium from becoming an article of domestic and international commerce, to reduce the risk that nonnuclear weapons countries or terrorist groups will acquire the means to detonate a nuclear bomb, and to halt the expansion of nuclear weapons arsenals around the world. If we fail in this effort to end this nuclear madness, few of us will be around to lament the consequences.

Mr. Speaker, I urge the House of Representatives to promptly consider and adopt this resolution.

The text of the resolution:

A RESOLUTION BY MR. OTTINGER CALLING FOR NEGOTIATIONS TO HALT THE PRODUCTION OF SEPARATED PLUTONIUM

Whereas nuclear explosions, whether caused by strategic nuclear war or by bombs placed by terrorist groups, would kill or injure millions of persons, destroy population centers, devastate industrial and technological bases, and threaten civilization;

Whereas both the expansion of existing nuclear weapons arsenals, and the spread of nuclear weapons to countries or terrorist groups not now possessing them, would increase the probability that such destruction and devastation could occur by design, accident, or miscalculation and thus would pose the gravest risk to the security of the United States and the world;

Whereas separated plutonium is both the basic ingredient for making nuclear weapons and an alternative fuel for nuclear power reactors;

Whereas if separated plutonium is used as a nuclear power reactor fuel, thousands of pounds of separated plutonium eventually could move each year in international commerce;

Whereas the world's existing uranium resources and uranium enrichment capacity easily can meet all requirements for nuclear power fuel for the forseeable future, thus rendering economically unjustifiable the use of separated plutonium as a nuclear power reactor fuel;

Whereas separated plutonium cannot be adequately protected or safeguarded against diversion or theft to build nuclear weapons;

Whereas there have been no further negotiations since 1975 among the countries that possess the technology for producing separated plutonium to limit the future export of such technology; and

Whereas the continued and increasing production and use of separated plutonium not only would permit nuclear-weapon states to expand their nuclear weapons arsenals, but also would increase the chance that new countries or terrorist groups would acquire the means to detonate a nuclear bomb: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of Ameria in Congress assembled, That—

(1) the United States, the Soviet Union, and other countries that have the technology to produce separated plutonium for military or civil purposes should, without delay, enter into negotiations leading to a verifiable halt in the further production of separated plutonium for any purpose and the export of technology for such production, in order to prevent separated plutonium from becoming an article of domestic and international commerce, reduce the risk that nonnuclear-weapon states or terrorist groups will acquire the means to detonate a nuclear bomb, and halt the expansion of nuclear weapons arsenals around the world; and

(2) the United States and other nuclear supplier and consumer nations should promptly begin negotiations leading to an agreement to reject the commercial use of separated plutonium as a nuclear power reactor fuel, to base civilian nuclear power technology only on nonweapons usable fuel, and to make abundant, secure, and economic supplies of natural and low enriched uranium available for that purpose.●

IN TRIBUTE TO JOHN CARDINAL CODY

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Mr. ANNUNZIO. Mr. Speaker, I rise to pay tribute to his Eminence, the late John Cardinal Cody. His death leaves a void in the lives of thousands of my fellow Chicagoans, because Cardinal Cody was a true friend of all of the people in his archdiocese.

He has a special place in my heart, for a chairman of the Villa Scalabrini Italian Old Peoples Home under the jurisdiction of the Archdiocese of Chicago, he was of invaluable assistance to me in helping in our efforts to house and shelter the senior citizens of Italian ancestry at the Home in Northlake, Ill.

As chairman of the Villa Scalabrini Development Fund, I know I speak for the members of its board, the priests at the villa, Father Lawrence Cozzi and Father Armando Pierini, and the Sisters of St. Charles, in expressing our deep gratitude for Cardinal Cody's unwavering guidance, counsel, support, and advice which were instrumental in bringing about the completion of phase 3 of our project that now houses 250 people and has its own geriatrics department, chapel, and dining facilities.

My own association with Cardinal Cody is just one example of the magnitude and significance of his humanitarian concerns, and the nature and extent of his charities. As spiritual leader over his flock of more than 2.4 million Catholics in the largest archdiocese in the country, he was deeply committed to serving the needs of the poor, the disadvantaged, the troubled, and the handicapped.

Among his most important achievements was the creation of a program in Chicago under which the wealthier parishes contributed directly to the poorer inner city churches. Under his direction and guidance, the Nation's largest permanent deacon program was instituted, as well as a pension plan for priests. As part of his great legacy of achievement, he left to Chicagoans the Nation's largest private school system, which he helped mold and develop.

John Cardinal Cody graduated from the St. Louis Preparatory Seminary and the North American College in Rome. In addition to his doctorates in philosophy, theology, and cannon law, he was fluent in six languages, including Latin and Italian. He was ordained to the priesthood on December 8, 1931.

The cardinal served the church in many capacities, first as staff assistant to the Vatican Secretariat of State in Rome, and then as a chancellor, auxiliary bishop, coadjutor bishop, bishop, and archbishop in several cities in the United States. He also served as chairman of the youth department of the National Catholic Welfare Conference, as a member of the executive committee of the Board of Trustees of Catholic University of America, and as a member of the Commission on Catholic Education of Vatican Council II. In 1965, Archbishop Cody was named as

archbishop to the Archdiocese of Chicago, in the first major ecclesiastical appointment of Pope Paul VI. Two years later, he became a cardinal at a ceremony in Rome.

Throughout his more than 50 years of service to the Catholic Church, the cardinal dedicated himself to the building of scores of new parochial schools, high schools, churches, rectories, and convents. His Eminence was a pilgrim of extraordinary achievements, a great "prince of the church," who expected no personal praise, and sought no publicity. Instead, his only motivation was his sincere, tireless commitment to the noble causes of humanity.

The cardinal's benevolence, his love and compassion, and his faith, which he displayed throughout his life of service to all people of all races and religions, was an inspiration to us all. His forgiving spirit, his gracious and genial manner, and his lofty ideals will be missed by all of his Chicago parishioners.●

FUNDS FOR HARBORS AND WATERWAYS

HON. BOB TRAXLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Mr. TRAXLER. Mr. Speaker, I rise today to join with the people I represent in opposing the Reagan administration's attempt to force the closing of scores of our Nation's ports, harbors, and inland waterways.

When the administration sent its fiscal year 1983 budget request for the Army Corps of Engineers to Congress last month, it deleted $150 million of operating and maintenance (dredging) funds for selected ports, harbors, and waterways. The administration stated that it would increase the appropriations request if Congress enacted President Reagan's proposal to shift the cost of water projects from the Federal Government to the project users such as barge and ship operators, farmers, and local governments.

In other words, the administration was using the cutting of funds for certain ports and harbors as a back door, strong-arm approach to force Congress to change the method in which the corps has historically and traditionally operated in water projects.

The administration proposes that this loss of appropriated funds could be recovered by a combination of waterway user fees and project cost sharing and financing with local communities. According to Mr. Gianelli, Assistant Secretary of the Army (public works):

The willingness of beneficiaries to repay the costs of a project in accordance with the schedule of benefits gives the Government assurance of the projects' worth that can never be obtained from benefit cost analysis.

Mr. Gianelli termed this an innovative financing, or cost recovery, or cost sharing mechanism. Mr. Speaker, innovative financing is an intriguing buzz word making the rounds in Washington. Our homebuilders and realtors have been innovatively financing for the past 2 years and they are all lined up at the bankruptcy court.

The administration has taken a simplistic and unrealistic attitude which ignores the longstanding public-private partnership which governs our ports and waterways. Private and local contribution of facilities such as docks, wharves, warehouses, lands, and easements are themselves indicative of an area's willingness to invest in a specific project, not to mention the private industries located along the banks which provide economic and social benefits—and most importantly, jobs—to the surrounding communities.

Michigan is a leading port State whose waterways handle hundreds of millions of tons of cargo a year. Needless to say, enactment of this administration's proposal will have a devastating effect on the State.

One of the projects which the administration cut, in my congressional district, is the Saginaw River Basin. It is 22 miles long and flows into the Saginaw Bay on Lake Huron. The cities of Saginaw and Bay City are on the river. As you may know, Saginaw and Bay City have received the unfortunate national recognition of ranking among the top three cities with highest nationwide unemployment rates.

In this area, as others, there has been a historical correlation between the opening up of the area through improved transportation and its economic development. Even today, the industries located along the river are looking forward to expanded transportation uses. Most importantly, however, the economy of the surrounding area revolves around the ability to maintain and operate our port and waterway capacity.

Many agricultural and industrial operations which depend on the Saginaw River play a vital role in our Nation's economy. This economic importance of our waterways and their proper maintenance should not be neglected by the Federal Government.

The implementation of the administration's budget proposal would, on its least damaging side, have the unnecessary, harmful effect of raising the price of goods transported along the waterway, but on the more realistic sad side, have the effect of closing down river transportation on the Saginaw River.

Michigan's highly depressed economy has required the State to make severe budget reductions. The local governments face similar financial problems and are not able to come up with the finances to continue current services. In other words, the probability of being able to take on the additional responsibilities to locally finance dredging operations in the Saginaw River is not very good.

In the real world beyond the Washington Beltway, it is highly impractical and improbable that the administration's financing scheme will work. Therefore, users of our ports, the farmers and industries, are going to be deprived of water transportation. Without access to river traffic, local commerce would be choked, and Michigan farm products would virtually be removed from world competition.

In conclusion, Mr. Speaker, I want to urge the Members of the House to reject the administration proposal. I feel it is nothing more than shifting the costs of maintaining our Nation's waterways from the Government to the barge operators, shippers, and farmers of the Midwest. They are the ones who are really going to be picking up the tab for this change in philosophy.

More immediately, we need to take action to restore the cuts in the fiscal year 1983 budget request. These funds should not be held hostage to present or future action on the so-called cost recovery proposals.

Mr. Speaker, this is a very important concern which I share with my constituents. I have submitted for the RECORD the letters from some of the users and local governments who would have to bear the cost of dredging the Saginaw River.

BAY COUNTY EXECUTIVE,
Bay City, Mich.

The current Committee Hearings on Maintenance Dredging of the Saginaw River are of concern to me. It is my understanding that the project will include 1.97 million for maintenance of the channel and 2.107 million for work on the spoil island used to contain the dredge material.

Our Port draws tonnage from an array of industries. The tertiary service area includes that portion of the State of Michigan south of the Straits of Mackinac to a line south of the City of Flint. The industries served include the productive farms, the manufacturing community and the building industry. Given Michigan's depressed economy and high unemployment, which Bay County shares, the continued operation of our port is very important.

Your help in representing our interests on this subject is greatly appreciated. If I can provide any further information, please call on me and thank you for your aid in this matter.

GARY MAJESKE,
County Executive.

MICHIGAN ELEVATOR EXCHANGE
Carrollton, Mich.

I am writing this letter because of my concern, that the dredging of the Saginaw River will be dropped by the Army Corp of Engineers. The Saginaw River is a vital link to Michigan Agriculture. The Farmer is already suffering from depressed grain prices.

He doesn't need to be cut off from world markets.

Our Michigan economy is the worst in the nation now. We don't need another blow. With the Army Corp of Engineers not doing the dredging, it will have far reaching effects, all the way down to the consumer.

I would urge you to help us keep this vital link in operation. Your position in Congress may help us toward this goal.

FLOYD D. HARRISON, Sr.,
Manager.

COUNTY OF SAGINAW,
BOARD OF COMMISSIONERS,
Saginaw, Mich.

On behalf of the Saginaw County Board of Commissioners, I would like to express our opposition to the recent action to abandon federal funding for the dredging of the Saginaw River. By eliminating the 4 million dollar appropriation which is usually made to the Saginaw River Port, the Congress and the Administration is jeopardizing continued use of the port. Without dredging, commercial navigation will come to a halt which, in turn, may eventually result in the closing of several local grain elevators and mineral transport businesses. A letter and attachments forwarded by the Saginaw Metropolitan Area Transportation Study profiles the Saginaw River Port and its users. Please reference that information for a summary of existing facilities and commitments.

A strong marine transport system is vital to the economy of both the Saginaw Area and the midwest. Abandonment of dredging, whether through denial of the Saginaw River appropriation or through establishment of inequitable user fee legislation, is detrimental to established businesses and to prospects for increased economic diversification.

We strongly oppose the action to delete the dredging appropriation and urge you to take action on our behalf.

NORMAN HOWELL,
Chairman.

BAY COUNTY
BOARD OF COMMISSIONERS,
Bay City, Mich.

It has come to my attention that you will be testifying before Committee in support of the appropriation for the Saginaw River Dredging. I have been involved with the Bay County Board of Commissioners for a number of years and have had a special concern with the development of our port.

The Port of Bay County has 38 basic users. The products moving through our facilities range from grains, chemicals, petroleum to the bulk movement of building materials. I have always looked at our port as a special economic characteristic that other communities do not possess. Given the present recession in Michigan with very high unemployment and the need for all Michigan Communities to diversify the employment base to jobs outside of the Automobile Industry, our Port Development becomes very important.

The continuation of the dredging project is important to all of the shippers to our area, in that it allows the economy of freight movement by water at the full capacity of the ship. If the cost efficiency of full capacity cannot be maintained, increased cost will result and add an important disadvantage to our Industrial Development.

I appreciate your efforts before the Committee on our behalf.

PAUL L. BRISSETTE,
Board Chairman.

BAY ASPHALT PAVING CO.,
Essexville, Mich.

Please be advised that we wholeheartedly support your House Bill to fund the Saginaw River dredging.

Our firm feels that this appropriation is imperative.

Thank you for you consideration.

JOHN C. ANDERSON,
Vice President.

SAGINAW, MICH.

As a long time employe of General Motors, my entire thirty-three year career has been spent at the Chevrolet Saginaw Metal Casting Plants (formerly known as the "foundries"). I have seen the utilization of the Saginaw River as a mode of raw material transportation and express my concern that Federal funding for dredging purposes may be stopped after this year. My understanding is that if Federal funding is ceased, user fees will become necessary to insure annual dredging as a means of keeping the Saginaw River open to commercial navigation.

I submit, Representative Traxler, that we can ill afford to assume an additional $2.3 million annual cost penalty for material shipments other than water here at our Foundry complex. I think major industry has more than "done it's share" in America's and the Federal government's crusade to preserve our environmental responsibilities, and feel that the decision to cut dredging funds should be seriously discussed.

I urge your continued support to continue dredging fund appropriation dollars through the Federal government as a means of keeping the Saginaw River open to commercial navigation.

W. A. GUDRITZ.

SAGINAW, MICH.

The Saginaw River is vital to the Saginaw, Bay and Midland County economics and thus a vast benefit to Michigan and the United States.

I support your efforts to get an appropriation bill for dredging of the Saginaw River for 1982 through Congress.

GUY M. DUDEWICZ.

KRETSCHMER WHEAT GERM PRODUCTS,
Carrollton, Mich.

I commend you on your efforts to maintain federal funding for dredging the Saginaw River. While the Kretschmer business is not directly dependent on water shipping lanes, the flow of the wheat which yields our product does, and I realize how critical this whole issue is to the economy of the area and the nation.

There are several businesses within sight of our plant which depend on Saginaw River shipping for their survival. These businesses vary in their activity from agricultural to automotive. One local enterprise is in the process of revitalizing a shipping terminal which has been dormant for several years. If river dredging is halted, the employment and commerce which this business offers our area will suffer immeasurably.

In many ways you and I are at opposite ends of the political spectrum. I am perhaps a more staunch supporter of the Reagan Administration budget cuts than most Democratic Congressmen. However, in this instance we seem to share a commitment. While I am not in favor of federal "giveaway" programs or certain other transfer payments, I feel that federal funding for projects such as river dredging offer the government a unique opportunity to invest in the nations economy. The potential for increased employment and an improved business climate far outweigh the expense which the government may incur. Our government must learn to recognize which programs are an investment in a healthy economy and stand behind those programs.

I'm sure that you are well aware, the bottom line here is jobs—jobs for the state, and jobs for the nation. When the potential for increased employment exists as it does in the river dredging program, we exhibit only short sightedness in letting such an opportunity pass us by. I wish you every success in your efforts to keep these federal funds available.

DAVID A. MINICH.●

VETERANS' ADMINISTRATION BLOOD REPLACEMENT PROGRAM

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Mr. MILLER of California. Mr. Speaker, the Veterans' Administration medical center located in my congressional district in Martinez, Calif., has implemented a blood replacement program which will save about $180,000, money which can be used in patient care programs.

The medical center used 4,288 units of blood in fiscal year 1981 at a cost of $179,526. This cost was offset by $19,995 through donations of 930 units of blood by patients, families, and friends. With the new blood replacement program, the goal of the medical center for fiscal year 1982 is to have 100-percent replacement of blood used at the center.

This goal will be accomplished through an effort by the dedicated staff and innovative administrators at the center. They have already developed and implemented a three-part program aimed at meeting their goal.

First, the patient's friends and relatives are being asked to donate blood, which will be credited to the medical center's account.

Second, six blood drives are being held during the year at the VAMC to encourage the employees and the community to contribute toward the goal of 100-percent replacement.

Third, the bulk of the blood replacement can come from organizational solicitations. This will be a major effort through publicity and community outreach to educate the public about a little known credit transfer procedure. When organizations have blood drives, they will get a credit for each donation that is good for 1 year. If they do not use all of their credits before the year

is up, they can transfer the donation for use by the VAMC. The hospital staff is telling groups about this opportunity to provide a real community service. The veterans' organizations have been encouraged to participate in this program. My Veterans Congressional Advisory Committee is helping to spread the word that community organizations can contribute to the care of veterans. Every donation is a savings. Every savings can be translated into dollars spent on essential patient care.

I commend the medical center for taking on this project. It has taken great organization and a major creative effort to initiate new methods of providing the best medical care for our deserving veterans. The Government is no longer in a position where it can "go it alone." Service providers need to tap the resources of the community. This blood replacement program, run by Ms. Sandy Nielsen, the program coordinator and supported by the medical center director, Clarence Nixon, will be successful because of the integration of Government facilities and community contributions.

Mr. Speaker, I am sure you and my other colleagues join with me in saluting the Martinez Veterans' Administration Medical Center for undertaking this effort to increase the level of patient care and to reduce hospital costs by encouraging the community to participate in providing improved medical services to the veterans of our county.●

HOMEOWNERSHIP BOND BILL

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Mr. RUDD. Mr. Speaker, after agribusiness, the construction industry is the largest industry in our great Nation.

Mr. Speaker, the home construction industry is in a state of collapse across our land, as are the savings and loan and like lending institution businesses, which have provided the monetary sinew to make housing possible for our people.

Mr. Speaker, in America it is every citizen's dream to have a home or house of his own.

Mr. Speaker, only in America can a person hope to make that dream come true.

Mr. Speaker, if I were speaking to our great President Ronald Reagan here in this Chamber about these concerns, I would discuss this grave problem forthrightly.

Mr. Speaker, let me share with you and my colleagues of this magnificent legislative body the discussion I would have with our President in the following manner:

Mr. President, you have told us this Nation is facing serious economic problems. We know this is true. Hundreds of thousands of auto workers have been laid off in Detroit. About half the copper miners in my State of Arizona will be out of work next week. All across this Nation home construction is at the lowest level in almost 20 years.

You have told us, Mr. President, the measures you have instituted—tax cuts—reductions in the rate of increase in Federal spending—the elimination of unnecessary, costly Federal regulations—will in time produce a vigorous, healty national economy.

As one who has supported your economic proposals in committee and on the floor of the House, and in front of my constituents at home, I believe what you say is true.

But, Mr. President, will the American people—will the American political system—grant you enough time to make your predictions come true?

Unemployment continues to rise. Businesses, small and large, are going bankrupt. Every savings and loan institution is in deep financial trouble. Millions of construction workers are out of a job. Building materials suppliers are operating at half speed or less. And, Mr. President, millions of American families desperately in need of new housing are unable to acquire that new housing because of high interest rates.

The remedy my colleagues and I are proposing, a homeownership bond bill, H.R. 4833, has a number of cosponsors. We believe, Mr. President, this remedy will go a long way toward putting the carpenters, plumbers, bricklayers, shinglers, painters, plasterers and concrete finishers now out of work back to work.

The remedy we are proposing, Mr. President will, we believe make it possible for those Americans who now cannot buy the housing they need because of the high interest rates to acquire that housing.

The remedy we are proposing, Mr. President, will go a long way toward rescuing the savings and loan institutions.

It is simple, easy to understand remedy, Mr. President. The people are not buying new houses because interest rates of 16 percent or 17 percent have priced them out of the market.

The savings and loans, traditional financers of new home construction, cannot provide the mortgage money at less than 16 percent or 17 percent without going broke.

No money—no market—no building. No employment in the trades. Very little employment in the woods or the factories or the mines.

We believe, Mr. President, that if mortgage money were available at 12 percent, those families needing new housing would buy. The carpenters, plumbers, painters, concrete men, and plasterers would go back to work to provide that new housing, because H.R. 4833 is identified solely with new housing.

How then can we make 12-percent mortgage money available?

The remedy we propose, Mr. President, is to reward those savers who will lend their money to the financial institutions for a 10-percent return with a tax credit amounting to enough to give the saver a net 14-percent return after taxes.

We propose, Mr. President, a variable rate of tax credit so the rich man who is in the 50-percent bracket gets no better break than does the investor in the 30-percent tax bracket.

Mr. Speaker, I would also tell our President this:

We believe investors will buy these bonds when they understand they have a locked-in return of 14 percent after taxes for 5 years.

We believe the issuers of the national homeownership bonds will have enough new mortgage money on deposit to finance a large percentage of the housing we need.

The savings and loans have assured us they will be able to operate and make a profit on the 200 basis point spread between 10 percent (which they pay for the funds) and the 12 percent they will get for their funds.

We propose the authorization for the issuance of these bonds be terminated in 3 years.

We propose the life of the bonds be limited to 5 years. At the end of that 5-year period the borrower and the lender will renegotiate the loan.

If you are right in your projections, Mr. President—if interest rates will have returned to a reasonable level in 5 years—the borrower and the lender can negotiate a new loan at a rate of interest acceptable to both.

Mr. President, it can be demonstrated that each $100,000 of new home construction will generate at least $75,000 in new taxable income—income in the hands of carpenters, bricklayers, plumbers, painters, and plasterers who are now out of work and on relief.

This $75,000 of new income taxed at a low predictable 20 percent will produce $15,000 of new tax income in the year of construction—an amount which will probably be greater than the total amount of tax credit allowed to the investors who put up that $100,000.

In addition to this initial increase in tax collection, Mr. President, the interest differential will generate a substantial amount of new tax income for the Treasury.

Now, who is in favor of this proposal, Mr. President? All of the carpen-

ters, plumbers, bricklayers, painters, plasterers, concrete finishers now out of work are looking to this administration to do something to help them get their jobs back.

The several thousand savings and loans and thrift institutions in the United States who are in deep financial trouble are looking to this administration to help them climb back on the road toward solvency and profit.

The more than 1 million American families who cannot now afford the housing they need are looking to this administration to help them satisfy their aspirations.

Now, who is opposed to these remedies, Mr. President?

The commercial bankers object to this program because they say it amounts to credit allocation. They do not want to be committed to borrowing funds at 10 percent and lending them out at 12 percent.

Many of these commercial bankers, Mr. President, believe that as a nation we have done too much to encourage the American people to own their own homes. They call it a subsidy because homeowners are permitted to deduct the cost of the interest on their mortgaes from their income taxes.

Well, Mr. President, you have effectively employed the principles of tax incentive as applied to the business community of this Nation. Should we not now employ tax incentives to put the construction trades back to work?

In the depths of the Great Depression, President Franklin D. Roosevelt proposed the Federal Housing Administration. This was a simple bill. It permitted the working man to capitalize his future earnings and to acquire the housing he desired.

Prior to the appearance of FHA anyone could acquire a home if he had 50 percent to pay down and could pay off the mortgage in 3 years. And prior to the FHA, Mr. President, we were a nation of renters, not of homeowners.

As a result of the FHA we are now a nation of homeowners.

Homeownership, Mr. President, is a part of the American dream. It helps to stabilize society. It helps to maintain families.

Your programs, Mr. President, have provided incentive for savings in the liberalized individual retirement account laws and the Keogh plan laws.

There are those who say that any time the Government lets a citizen keep any part of his earnings it is costing the Government in taxes.

I do not think you believe this Mr. President, I do not believe it. The money Americans earn does not ipso facto become the property of the Federal tax collector.

Mr. Speaker, I would ask our President whether anyone suffers if the homeowner can deduct the amount of his interest expense from his tax liability? The receiver of that interest payment must pay taxes on what he receives.

Mr. Speaker, I would continue with this:

Is it wrong, Mr. President, to let the saver and the worker acquire a home of his own? Would it better serve the Nation's interest to have that money go into the hands of commercial bankers—become a part of the credit pool to be claimed by spenders in Government—by the great multinational business corporations?

What is the trade off involved in measure? The Treasury gives up a modest amount in tax credits and immediately receives far more in taxes on newly created taxable income.

This would not be so if all of the unemployed carpenters, bricklayers, plumbers, painters, cement finishers, and plasterers could find work in other fields at satisfactory wages. But they cannot.

Mr. President, America needs housing. Millions of our people live in substandard housing. And while the rate of growth and demand of new housing may not be as great in the next 10 years as it has been in the past, the immediate demand is for at least a million new housing units each year.

Mr. President, if the economy were sound and growing—if the unemployment rate were down to 4 percent or 5 percent—we could fold our hands in our laps and do nothing. But that is not the case.

The American people are looking to this administration—looking to you, Mr. President, to take action—to do something—something which will start moving the country ahead again.

Our remedy, Mr. President, is temporary. If, as I believe and you believe, interest rates will come down as you continue to win your battle against inflation, the program we propose may not be needed even 3 years from now. But today something must be done.

Something must be done to restore the people's confidence in our economy and in the competence of our Government.

Mr. President, we implore you to carefully consider the remedy we have proposed. Under the limited terms in the legislation there will be no direct tax loss to the Federal Treasury. Under the limited terms we have proposed the remedy will only extend for a maximum of 8 years and then only if 3 years from today the interest rates are still at 15 percent or 16 percent.

You, Mr. President, have done a remarkably admirable thing in providing tax relief for the American business community.

If it is in the best interest of our future to permit rapid writeoffs, investment tax credits, and other incentives to the business community, is it not also in our future interest to act now to put the construction workers back on the job—to permit American families to acquire adequate new housing?

We do not ask any Federal guarantee for the homeownership bonds. We do not ask the Federal Government to appropriate $3 or $5 or $10 or $15 billion to finance housing as has been proposed elsewhere.

All we ask is a small amount of tax forgiveness to the investor who is willing to put his money into homeownership bonds at 10 percent with the assurance he will have 14 percent after tax return.

Mr. President, if the interest rates come down this program will self-destruct. And if millions of American workers go back to work—and if the lending institutions which have traditionally financed new housing move from a loss to a profit—this program would no longer be needed or employed.

You, Mr. President, do not have the authority to order the interest rates lowered—but you do have the authority to advanace a program which will, in effect, lower the rates of interest on new housing.

Such a move, Mr. President, would have a dramatically beneficial effect on the employment rate. Such a move, Mr. President, would satisfy the aspirations of at least a million American families who are now pessimistic about their future.

Such a move, Mr. President, will be accepted as a signal to the American people that this administration has the will and the understanding to adopt a temporary measure which will improve the present situation for millions of Americans.

Who else will benefit, Mr. President, beyond the carpenters, bricklayers, plumbers, painters, plasterers, and cement finishers who will go back to work?

Who else will be benefited beyond the million American families who desperately desire new housing?

Why the answer, Mr. President, is that every segment of the American economy will benefit.

The automobile industry will have new customers. The carpetmakers—the furniture builders—the manufacturers of home appliances—the real estate—the list goes on and on.

Subsidy, Mr. President, is repugnant to all true conservatives. But this is not a subsidy.

This, Mr. President, is a program of sensible employment of a tax incentive. In this case a tax incentive which will result in a greater net tax collection by the Treasury. A tax incentive, Mr. President, which will take people off the rolls of the unemployed and put them back to work providing a needed product.

A tax incentive, Mr. President, which will reinforce our faith in the American dream.

This, Mr. Speaker, is what I would tell our great President Ronald Reagan.

Mr. Speaker, this is the recommendation I gave to you, to our colleagues, and to the administration on how to improve the sad state of our construction industry.●

AMERICAN YOUTH HOSTEL WEEK, MAY 2-8, 1982

HON. JAMES A. COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Mr. COURTER. Mr. Speaker, I would like you to join in celebrating American Youth Hostels' 48th year—a year in which membership has grown to over 100,000, and has continued to grow at an annual rate of 15 percent.

In reviewing this year we see that all the elements in the AYH long-range plan are coming together. AYH now has close to 300 hostels nationwide, with negotiations underway for new hostels from California to Boston. They are moving rapidly in developing what is expected to be the most extensive and best hosteling system in the world, providing year round opportunities for outdoor recreation and inexpensive educational travel through hosteling, available to all age groups.

The AYH network of services includes prepackaged and custom designed tours, low-cost accommodations and transportations, discounted books and travel items, as well as training for those interested in a more active role in our travel programs.

As we approach American Youth Hostel Week, May 2-8, 1982, it is with pleasure that I enclose President Reagan's proclamation endorsing American Youth Hostels Week.

AMERICAN YOUTH HOSTEL WEEK, MAY 2-8, 1982

I am pleased to commend American Youth Hostels for 48 years of service dedicated to providing low-cost accommodations to travelers—both Americans and those from other countries.

Your efforts have contributed to international goodwill by enabling thousands of people from abroad to visit our nation each year and gain a better understanding of its principles and its people.

You also have effectively sponsored outdoor recreational and educational activities which highlight the wonderful scenic attractions of the United States.

You have my best wishes for continued success in this movement in the future.

RONALD REAGAN.●

THE IMMIGRATION REFORM AND CONTROL ACT OF 1982

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Mr. MAZZOLI. Mr. Speaker, recently I had the opportunity to spend 2 days at my alma mater, Notre Dame, to discuss the Immigration Reform and Control Act of 1982, H.R. 5872, which I introduced in March with my colleagues, Congressmen ROBERT MCCLORY and HAMILTON FISH.

An identical bill has been introduced in the Senate by my counterpart chairman of the Senate Immigration Subcommittee, ALAN SIMPSON.

It was an exciting and worthwhile 2 days at my former campus. Much of the time was spent speaking to Notre Dame Law School students at meetings arranged by former Gov. John Gilligan, who now serves as head of the White Center for Law, Government and Human Rights at the law school.

The students asked penetrating and pointed questions, indicating once again that the interest in immigration policy is widespread.

I also had a chance to speak with university president, Father Theodore M. Hesburgh, who, among his many other accomplishments, served as chairman of the Select Commission on Immigration and Refugee Policy. The report of the select commission was an important element that went into the development of the Simpson-Mazzoli immigration reform bill.

I am pleased to report that Father Hesburgh strongly supports our bill. This man, who takes a back seat to no one in his support of civil rights, sees our bill as fair and compassionate. He testified last week at a joint hearing Senator SIMPSON and I held on our bill, and his eloquent endorsement of it was very gratifying.

Father Ted's backing for two major elements of our bill—sanctions against employers who knowingly hire illegal aliens and the development of a secure verification system so that employers will know who is eligible to work—is testimony to the balanced approach Senator SIMPSON and I have taken in our legislation.

I include in the RECORD following my statement the testimony Father Hesburgh delivered before our subcommittee April 20. I also include an article from the Notre Dame Observer prepared by a student staff writer, Ms. Laura Degnan, on my visit:

TESTIMONY OF THE REVEREND THEODORE M. HESBURGH, C.S.C., COCHAIRMAN OF THE CITIZENS' COMMITTEE FOR IMMIGRATION REFORM

Chairman Simpson, Chairman Mazzoli and members of the subcommittees, it is indeed a pleasure for me to appear before you today at this joint hearing. I am especially pleased to be testifying before two good friends—Al Simpson, with whom I worked so closely for about 18 months on the Select Commission on Immigration and Refugee Policy, and Ron Mazzoli, a Notre Dame graduate, by the way, with whom I have worked over the course of the last year to help fashion a new immigration law.

My concern with immigration and refugee policy is well known and my positions on the issues which confront—and sometimes confound—us in this area are on the record. And I am pleased and proud to say that in my judgment, the Immigration Reform and Control Act of 1982 effectively deals with the thorny issues of controlling U.S. immigration and refugee policy in a just, fair, humane and race-free manner. It is a bill which my Citizens' Committee for Immigration Reform can support whole-heartedly, and it is legislation which "successfully addresses most of the difficult issues and . . . bridges the conflicts to achieve an effective reform", as my good friend, Benjamin Civiletti said a few weeks ago in testimony before this very committee.

The Simpson-Mazzoli bill parallels most of the recommendations of the Select Commission on Immigration and Refugee Policy and recognizes the need for controlling illegal migration while at the same time permitting legal immigration at a reasonable level—but more about that point a little later in my testimony. Most significantly, the Immigration Reform and Control Act addresses the issues of identifying those legally eligible to work in this country and sanctions against employers who knowingly hire undocumented workers in an intelligent and effective manner. It recognizes the fact that people come to this country primarily to work and unless this pull of available work is de-magnetized, we can never control illegal migration. It also understands the absolute necessity for a counterfeit-resistant, nondiscriminating means of worker identification—to be developed in a reasonable period of time by the Executive branch with frequent reports to the Congress on their progress. The Select Commission came to the conclusion after eighteen months of tough deliberations that there is no other effective way to control illegal migration.

This new bill also recognizes the necessity of improving border enforcement, and I applaud your recognition of the need for additional funds for the Immigration Service. We would just be kidding ourselves if we thought that the INS could do an effective job of patrolling our borders and interior enforcement without the money to do the job right. None of us want to see draconian measures taken at the border, ports of entry or in the interior by INS officials, but we do want to see the professionalism of the INS increased through proper education and training and we do want our borders effectively protected with sufficient manpower and equipment.

I also commend the sponsors for coming to grips with the thorny issues of asylum and adjudication procedures. None of us is satisfied with an asylum process which drags on for years or an immigration status which results from endless hearings, but at the same time we are all concerned with fairness. You recognize these problems and propose solutions which provide for constitutionally based challenges and proper legal assistance. I am also especially pleased to note that you have not recommended the questionable policy initiative of interdiction

of boats carrying aliens at sea, which the Administration recommended in its legislative proposals last summer. In my mind, this is a "quick-fix" solution to a very tricky problem which may well get us into more trouble than it solves.

Perhaps the most significant and far-reaching of all your proposals and also the one which is the most controversial is the recommendation to legalize those undocumented aliens who have continuously resided in the United States since January 1, 1978, and to grant temporary status to those here since January 1, 1980. The Select Commission took the view, unanimously, that legalization was the only way to deal with those persons who are already in the country, with equity in American life and with a stake in our society, who are currently living as an underclass outside of the protection of the law. You have recognized that we will all benefit if these undocumented persons come out of the shadows and participate more fully in American life.

I have only one word of caution here. It would be much simpler, administratively, much cleaner and much fairer if the date of residence in the U.S. was moved up to January 1, 1980, for all undocumented persons instead of having a separate cut-off date for those coming between 1978 and 1980, with a separate status.

As far as legal immigration is concerned, we are in total agreement that refugee admissions should be outside of any ceiling—or cap—on total numbers. We must be given the flexibility to deal with world crises in a humane manner, and this provision enables us to respond quickly and humanely.

At the same time, we must be certain that the number of legal entries to the United States is adequate for our national interests. We need to be on guard that we don't get stampeded into estalishing a number for lawful admissions which is to low because of the confluence of recent events in South Florida, the pressure of refugees from Indochina, growing economic malaise in the United States and the quite natural fear which many folks have of foreigners.

Especially with a cap, we urge you to consider admitting slightly more than 425,000 immigrants yearly—perhaps 475,000 annually. By admitting a higher number, we would still be well below the historic average. And study after study has concluded that in the long run immigrants and refugees work hard, save and invest and create more jobs than they take.

With the allocation of an additional 40,000 visas for the combined use of Mexico and Canada, a move which we agree makes good sense, it is particularly important to raise the numbers, at least to accommodate these additional visas.

The internal allocation in the proposed legislation between the family reunification category and the independent immigrants, together with the elaborate system of adjustment of numbers of family members within the country ceilings, needs close scrutiny. It is my impression that the Simpson-Mazzoli bill errs on the side of restricting family reunification when this policy is precisely that which we want to preserve.

Ideally, we probably should devise a system which contains a mechanism for flexibility. Although the Select Commission did not formally recommend an immigration council or commission to help maintain flexibility, a number of commissioners favored such a mechanism. That way Congress could set five-year admission goals and the council could look at actual figures of admissions and world conditions to adjust the numbers up or down.

With these few suggestions for change, the Simpson-Mazzoli bill could well be the most comprehensive, the most fair, the most humane, and the most rational of all attempts to control immigration in our nation's history. This country stands for opportunity, freedom, respect for human dignity and admiration of diversity, and your legislation reasserts our own values and traditions while being mindful of our own self-interest.

I admire you for your courage, and I commend you for your achievement. I stand ready to assist you as we traverse the difficult road to passage of your legislation.

[From the Notre Dame Observer, Apr. 16, 1982]

MAZZOLI DEFENDS NEW IMMIGRATION BILL

(By Laura Degnan)

One of the greatest problems facing our world today is "the ebb and flow of the human tide," according to Kentucky Congressman Romano Mazzoli, a Notre Dame graduate who visited the campus yesterday to discuss his new immigration bill.

"A nation's response to this (problem) is a measure of the greatness of that nation," Mazzoli asserted in a lecture last night.

Mazzoli said he hopes that his bill will arrive at a mean position between those who would refuse everyone seeking to enter the U.S. and those who would welcome everyone.

We should not yield to voices who don't want to welcome new people into our country, said Mazzoli, noting that to stay great, America needs "an infusion of new blood and new attitudes."

Mazzoli stressed the necessity of the changes which would be brought about by the new immigration bill, pointing out the increasingly large numbers of people entering the United States both legally and illegally each year.

He also included the growing unemployment rate in the U.S., with immigrants taking jobs away from U.S. citizens at a displacement rate of 50 percent.

Many of the immigrants who take these jobs are here illegally. A large percentage of the illegal workers hold well-paying, high-skilled positions in construction.

The first important element of the new immigration bill addresses the problem of employers hiring illegal aliens, an activity which is now legal, according to Mazzoli.

Mazzoli's bill would make it illegal for employers to hire or recruit anyone without documents securing their legal status in the United States.

Congressman addressed the question of employers discriminating against people who appear to be foreign, such as Hispanic people, by stressing the fact that everyone could be required to submit identification upon hiring.

The bill would also provide a strengthening of the border between the United States and Mexico, Mazzoli said the Immigration Naturalization Service (INS), which controls the border, should be strengthened.

His new immigration bill would provide for amnesty for illegal aliens in the United States who have been here since before 1980, and who have "put roots in their community." Mazzoli feels that these people have done a service to the community in which they settled, if they have participated and worked hard at honest jobs.

This provision is controversial because some people feel that it rewards illegal activity. Mazzoli feels that it is "unfair to recognize that these people didn't break the law," while they were here, peacefully contributing to the growth and well-being of their communities.

Further points about the bill which Mazzoli brought up regarded the question of granting asylum. He feels that the current system can't handle the some 106,000 asylum cases presently pending the INS. The bill would move the job of judging questions of asylum away from the enforcers of the law to a separate group, within the Justice Department, but outside the INS.

The new bill would provide greater leniency towards Amerasian children, fathered by U.S. soldiers in Asia, facilitating permission for adoption, up to age 25. It would also require that foreign students in U.S. universities leave the U.S. for at least 2 years before adjusting their status in the U.S.

Mazzoli pointed out that foreign students who remain in the United States after graduation, and become citizens, "deprive their countries of their talent and skills."

The last hearing for the bill in Congress is this Tuesday. Mazzoli expects support from the Administration, as well as from various labor groups.●

BOSTON GLOBE ENDORSES SMALL BUSINESS INNOVATION DEVELOPMENT ACT

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Mr. LaFALCE. Mr. Speaker, a crucial piece of small business legislation will be taken up by the House shortly. The bill is the Small Business Innovation Development Act—H.R. 4326. Its purpose is to reverse the decline in innovation that is undermining our economic and technological foundation.

The Boston Globe, which has close ties to the academic and research community in the Boston area, recently published an editorial that strongly endorses the innovation bill.

I commend the editorial to all Members. It points out how unjustified the campaign of misrepresentation and criticism of the innovation bill is.

Following is the Globe editorial of April 8, 1982:

[From the Boston Globe, Apr. 8, 1982]

SMALL BUSINESS, BIG BATTLE

There has been a bit of a tempest in Washington over legislation, which whizzed through the Senate on a 90-to-0 vote, that would require federal departments contracting for research and development to increase their contracts with small business by 1 percent over the next three years.

Strident criticism of the measure, sponsored by Sen. Warren Rudman of New Hampshire and Sen. Kennedy, has come from university officials. They are worried that vast amounts of money will be diverted from basic research at a time when government sponsorship of such research is being strangled by Reagonomics.

Those fears are not justified. They were based, in substantial measure, on a belief

that all of the research and development money set aside for small businesses would come out of money appropriated for basic research and that applied research grants, which typically go to large corporate laboratories, would be unaffected.

In fact, an amendment was attached to the bill on the Senate floor which says that no more than 1 percent of the basic research funds can be diverted to small business. Further, nothing in the bill compels that any basic research contracts be awarded to small business. If the Department of Health and Human Services, which finances much of the government-sponsored basic research, finds no small business with the capacity or desire to undertake basic research projects in which it is interested, it need make no awards in that area.

The crucial role of small business in stimulating innovation is well known. So, too, is the need for technological and productive advances in the nation's economy to improve its position in world markets. An effort by the federal government designed to enhance the small business research is an effort worth making.●

CENTREVILLE, ALA., PRESS CHIEF JIM OAKLEY, JR.

HON. RICHARD C. SHELBY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Mr. SHELBY. Mr. Speaker, I would like to share with my colleagues in the House of Representatives a story that appeared in the Birmingham News on Sunday, April 18, 1982.

The article written by Mr. Frank Sikora of the News staff features Mr. Jim Oakley, Jr., of Centreville, Ala., which is located in the Seventh Congressional District. Jim's story is fascinating and very special. Following is the article in its entirety as it appeared in the paper.

CENTREVILLE.—He privately dreams about being a detective, digging into unsolved crime cases and discovering the truth.

But in real life, Jim Oakley Jr., has a job that many others dream about having—editor of a newspaper.

He's the editor-publisher of The Centreville Press, circulation 5,000, the printed voice of Bibb County.

The Press gives local people the kind of news they don't find elsewhere: Who is getting married, who died, the babies born, what streets are going to be paved, what bridge is going to be repaired, and when the PTA meets.

Oakley, 46, a husky man with reddish hair, keeps in close contact with local officials on what's happening, writes stories, takes pictures, develops the film, prints it, and does the layout and make-up by the time press time comes each Wednesday morning.

"We're heavy on the local people and former residents," he said. "We also put a lot of emphasis on church news, community events and so on."

He doesn't write editorials as such. But his front page column—called "Rambling Thought"—is broad enough in scope to allow opinions.

"Mostly they are local things," he said, "but I also comment on state, national and international issues, because a guy in Bibb County, Alabama, has as much right to an opinion as somebody for The New York Times."

While sometimes wearing a suit and tie, he often comes to work in blue jeans and a plaid shirt.

"This is a family business," he said. "My father bought the paper in 1929 and ran it until 1972, when he died. I took over then, but had worked here since 1958, when I graduated from the University of Alabama."

Today, his wife, Shirley, and sons Mike, 24, and Bill, 23, and daughter, Melanie, 18, join in to help go to press each week.

Many think the pace and the pressures are below that found in larger newspapers. Not so, said Oakley, noting that sometimes you have to print such things as who was arrested. There have been times when personal friends have had their names listed, he said.

There have been the big stories over the years, too. Coverage of the Brent tornado of 1973, for instance, earned the paper an award from the Associated Press.

In 1968, Oakley and his father worked on a local speed trap situation which resulted in the abolition of the state's justice of the peace court system.

But the most perplexing story was the mystery youth who showed up here in April 1961.

"He was hitch-hiking and a man gave him a ride up around Montevallo," Oakley said. "Well, when they got here they had a wreck and went into the Cahaba River. The boy couldn't get out of the car and drowned. He had no identification. We didn't know anything about him, except he had heavy clothes on. We figured he came from up North."

Townspeople donated money to buy a casket and a plot. The grave has a marker saying the identity of the youth lying there is unknown.

"We've wondered if the boy didn't come down here for the civil rights activity," Oakley said. "The freedom riders were in the state about that time. But we really don't know."

Smalltown editors usually have as much power as elected officials. Oakley is on local boards, such as the Bibb County Hospital.

But his influence is felt at the state level, too. He is chairman of the Alabama Commission on Higher Education, and its senior member.

Jim Oakley, Jr., is truly an outstanding individual. His devotion and service to the people of Centreville, Bibb County, and the State of Alabama, are outstanding in the public area.

I am honored to have a gentleman of this caliber in my district. This tribute, Mr. Speaker, recognizes men who we as Congressmen depend on for help and advice back home. We need today more citizens like Jim Oakley, Jr.

It is a real pleasure to know this individual and I wanted to share this delightful, refreshing story with my colleagues in the House of Representatives.●

COMMEMORATION OF VERRAZANO DAY

HON. JAMES L. NELLIGAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Mr. NELLIGAN. Mr. Speaker, Verrazano Day was commemorated on April 17 while the House was in a district work period. It is with pleasure that I take this opportunity today to salute the famous Italian navigator, Giovanni da Verrazano, who sailed under the French flag in exploring and charting the middle Atlantic coastal region of the United States.

In January 1525, Francis I of France authorized an expedition of four ships to map the Atlantic coast in the hope of establishing an empire in the New World. Verrazano commanded the *Dauphine*, one of the four ships.

Although Verrazano's most significant discoveries were along the middle Atlantic coastal region, his ship traveled as far north as Cape Cod and Nova Scotia. It was during the winter of 1525 that Verrazano sighted Chesapeake Bay. He later charted Delaware Bay, Narragansett Bay, and New York Harbor. The famous Verrazano Bridge between Staten Island and Brooklyn was named in his honor.

I join with Americans of Italian descent in Pennsylvania's 11th Congressional District, which I am privileged to represent, in saluting the outstanding achievements of this great explorer.●

MISTAKEN NEUTRALITY IN THE FALKLANDS DISPUTE

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Mr. FRANK. Mr. Speaker, in a recent article printed in the Boston Globe, Edwin M. Yoder, Jr., points out the moral and political defects of our failure to support the British Government in its stand against Argentine aggression in the case of the Falkland Islands.

From its decision last year to press hard for legislation which would allow a restoration of military aid to the Argentine dictatorship through its current unwillingness to be clear in what ought to be American support for Britain's resistance to aggression, the administration has pursued a mistaken policy with regard to Argentina. While the administration has courted the Argentine Government, we have seen that Government increase its trade with the Soviet Union in ways that have undermined American policy,

and we have most recently seen an unjustified act of armed aggression by Argentina against our British ally.

I urge the President and his foreign policy advisers to reconsider their mistaken stand and to make it clear that we stand with Great Britain once again in beating back armed aggression.

The article follows:

IT'S TIME TO HEAL AN OLD WOUND

(By Edwin M. Yoder, Jr.)

WASHINGTON.—As a visiting student in England in the 1950s I was sometimes accosted by polite but wound-up Tory ladies asking: "Why didn't you (meaning the United States) come into the war (meaning World War II) when you should have (1939)?"

Americans, whose memories are at best sketchy, underestimate the historic affiliations that matter at times of crisis to Britain—mattered in 1914 and 1938, and matter now.

When I was there, the old grievances had been inflamed by Eisenhower's failure to support the British at Suez, after Nasser pulled a Galtieri by seizing the canal illegally. There were answers, complicated by the mysteries of Midwestern isolationism and old-Yankee Anglophobia. But I, as a southerner who had been all of five years old in 1939, had no appetite to defend an indefensible neutrality.

The Reagan Administration's curious equivocations in the Falklands matter threaten to reopen these old grievances, with less excuse than ever.

Britain, under Margaret Thatcher, has been with this country in every international issue that mattered. Yet this Administration persists in refusing to say bluntly what everyone knows to be true: That in a real crunch, American sympathies would be overwhelmingly British, for reasons of both principle and sentiment.

They already are. The British Embassy here is deluged by letters and messages of support, spiced with expressions of outrage and humiliation that the White House and State Department seem so confused about basic loyalties.

In the Suez affair of 1956, there was at least a long background of honest Anglo-American disagreement, left over from Roosevelt-Churchill days, over "imperialism" (theirs, of course, ours being long forgotten). This factor extenuated, if it did not excuse, the Eisenhower Administration's stab in the back.

Argentina's shabby seizure of the Falklands offers no such excuse—none, at least, outside the imagination of Administration geopolitical theorists who fancy that Argentina is a "friend" and "ally."

Some friend, some ally! The Administration clings to a dim belief that Argentina will help contain Communist penetration of the Western Hemisphere. Reality belies the theory. Insofar as trade is a wedge for that penetration, and the Soviet Union its ultimate source, Argentina has an unequaled record of receptivity.

The Soviet Union is Argentina's biggest export customer, buying some 80 percent of its grain exports (and more, of course, since Argentina grabbed American grain markets in Russia during the Afghanistan embargo).

On April 8, after the Falklands grab, a joint Soviet-Argentina shrimping agreement was signed. Also since the invasion, Argentina has contracted to buy some $500 million in oil-drilling equipment by 1985 on easy Soviet credit, not to mention 220 pounds of enriched Soviet uranium for a nuclear industry that is thought to be headed for the eventual production of weapons.

Despite this ostentatious double-dealing, the Reagan Administration has gone on speaking in public as if "boh sides" (to use its fuzzy locution) were equally at fault in the Falklands crisis.

Admittedly, it is difficult to guess what else has been said in private. But misimpressions are dangerous. Argentina's cheeky attempt to force the US hand by invoking the Rio Treaty, even while the Haig mediation continues, suggests that the Galtieri junta believes the Reagan policy is as weaseling as it seems.

If the Reagan Administration does not know that the United States is bound to the Atlantic connection by fundamental considerations, political and cultural, it fails to grasp the first point of American interest.

The United States needs friends (though not false ones) in Latin America. But friendship will hardly be won by pretending that the Atlantic connection, with Britain at its heart, is not paramount. Muting fundamental ties merely raises the odds on miscalculation.

Argentina is a good bet to miscalculate. Her ties with the flotsam of European fascism stretch back to World War II days. In Agrentina, writes V. S. Naipaul, "political realities, of plunder and the animosities engendered by plunder, have . . . long been clouded by rhetoric."

Plunder and cloudy rhetoric are the essence of Argentina's position today. To hesitate between the plunderers and those of our Atlantic allies who resist them is an affront to historic principles of American policy and interest. And it probably makes shooting more likely.●

VOLUNTEER WEEK

HON. HAROLD E. FORD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Mr. FORD of Tennessee. Mr. Speaker, it is a great pleasure to join my colleagues in saluting America's volunteers. Voluntarism is an integral part of our American heritage. In my district of Memphis, Tenn., voluntarism has long been a part of life. We have volunteers who drive food to the homebound needy, volunteers, who help young people learn work skills or go to college, volunteers who visit the ill in hospitals, volunteers who provide books to children, and who teach them to read, volunteers who help those who immigrate to our country, volunteers who do almost everything to aid those who need assistance in our community. These volunteers do great work alone; Federal cooperation in recent years has helped them become almost miracle workers.

These men and women, young people and senior citizens, do all they can to improve life for others. Their goals and activities are laudable, and the fact that all their efforts receive little or no recognition only increases our respect for them.

This week provides a time for all of us to stop and thank the volunteers of Memphis and America. In conjunction with this national recognition, I would like to announce my nominations for the National Volunteer Action Awards.

In the area of education, the Memphis Volunteer Placement program was nominated for its work in helping public high school students explore their career needs and options, and in aiding them in attaining their goals.

Mrs. Nancy Bogatin, a professional advertising person, was nominated in the area of the arts for her efforts to make art accessible and interesting to all Memphians.

Mrs. Fran Buchalter is a familiar face to all the residents of the Memphis B'nai B'rith Home. For her work in improving the lives of the elderly residents of this home and hospital, I have nominated her in the area of health.

One of the poorer areas of Memphis has been served by the MAP-South program, one of whose volunteers, Mrs. Katherine Franklin, was nominated in the area of material resources. Mrs. Franklin has worked for several years to provide for the basic food and clothing needs of area residents.

I nominated Mr. Robert Willis in the area of the environment. The Boys Club of Memphis has long run a camp for the boys involved with their program. The main building of this camp burned, and Mr. Willis brought together the funds, materials, and expertise to rebuild this structure.

All of these people, along with the many other volunteers in Memphis and around the Nation, are to be commended for their work and for their commitment to helping their neighbors.●

SECTION 504, CIVIL RIGHTS FOR THE HANDICAPPED

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Mr. BONIOR of Michigan. Mr. Speaker, today is the 5-year anniversary of the implementation of section 504 of the Rehabilitation Act of 1973. These regulations guarantee equal opportunities in employment and education to our Nation's 36 million handicapped citizens. Because of the significance of this anniversary, I would like to vocalize my support for this critical set of regulations and draw attention to the administration's attempts to weaken its effectiveness.

In my mind, the enforcement of these regulations is consistent with the basic principal of respect toward individual dignity and the preservation of civil liberties. While needs and interests differ among the 36 million handicapped citizens in our Nation, they all share a common history of discriminatory policies and practices which affect virtually every aspect of their lives. A lack of full and equal citizenship, pressure of stereotypes, and the existence of prejudices has created a society which does not always consider the human potential of disabled people and does not always allow disabled people's participation. The goal of the disability rights movement and disability rights legislation is to overcome the historic effects of discrimination and segregation and to secure a meaningful equality of opportunity in the future.

However, the current administration is working against these basic principles by rewriting the guidelines for section 504 implementation. The Bush Regulatory Task Force and the OMB have incorporated these changes in a draft which literally destroys all civil rights protections which have been hard won by the disabled community over the past 5 years. The underlying concept contained in OMB's opinion is that implementation of section 504 will be completely dependent on whether or not it costs too much. These cost considerations are of the top priority in deciding applicability. The considerations are in actual dollar amounts and have nothing to do with social value or individual worth. Perhaps most disturbing about the draft revisions is the absence of any consideration for equal opportunity.

It is my belief that the administration has been trying to quietly move these revisions through without drawing the attention of the disabled community, civil rights groups, or other supporters of section 504. However, they have misinterpreted the organization and strength of these groups. The impact of these changes would be devastating and the millions of citizens in these groups will not stand by and allow the administration to continue taking from those who have the least while they are giving to those who already have the most.

In light of this shortsighted approach by the administration, I urge my colleagues to join in my personal commitment to the goals of section 504. I intend to continue to use my resources to help end discrimination against individuals who are blind, deaf, retarded, learning disabled, mentally ill, mobility impaired or affected by another handicapping condition. These individuals are most often victimized both consciously and unconsciously in our society and they must be protected through the conscientious enforcement of strong and meaningful regulations.●

BUILDING AMERICA TOGETHER

HON. DAVID MICHAEL STATON

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Mr. STATON of West Virginia. Mr. Speaker, on April 2, 1982, I was officially notified by the Veterans of Foreign Wars, that William Patrick McKinley from Henderson, W. Va., won the Veteran's Voice of Democracy Scholarship for our State.

William's original speech, entitled "Building America Together", captures the spirit of our veterans while they struggled through battle and life. It is a vision that all the Members of the House would commend.

It gives me pleasure to submit to you, Mr. Speaker, a copy of William McKinley's award winning speech. I am sure you, along with the rest of the House will find it as inspiring and heart-warming as I.

BUILDING AMERICA TOGETHER

(By William P. McKinley)

An old man lies dying with the fire of life receding from his once hearty eyes and his grandson stands over him in a mourned daze. On the grandfather's lap lies the mementos that have been part of his long and prosperous life. Lying there are his army pictures and his war bonds. Hundreds of election pamphlets lie in a ragged, torn box by his arm. No one knew why he had gathered these things or why he had ordered everybody out of the small dimly lit room except his only grandson.

Everybody in town considered him an extremely strange man, but he was respected for his extreme patriotism. He loved to tell war stories and deride young whippersnappers because of their lack of patriotism. America had been the major, all important thing in his life since childhood and it was difficult for him to comprehend why the people of this great nation did not feel the same. Cancer had taken its toll on this veritable oak, even though he had resisted the conquering foe as long as possible. The grandson was silent as the grandfather spoke in a voice that strained with age. He spoke without interruption and his words were measured with great importance.

"If you have never listened to me before please listen to me now. Your blessed country is all that you have and it has given you everything. When you lose it, you lose the work and toil of countless kindred minds. Work with your countrymen and build America together.

Do you see these old faded pictures? That is me in W.W.I. I volunteered as soon as the war broke out, as did my friends and comrades in arms, simply because it was the patriotic thing to do. Now, the common American citizen treats the service as a plague and an involuntary servitude to be avoided. Can't they see they're tearing at the fabric on which this country is built? God help this great nation when men stop fighting for their country. If they do, all the blood, sweat and tears that have been shed over out fragile creation will have been terribly wasted. Don't waste what I have done, because so many great men are buried in America's sacred ground. Their bloodletting and sacrifices are the very reasons why this great country exists. They knew that they must build America together, or they would be trampled by a thousand foes.

Also son, don't undersell your country. This cradle of democracy is built on ideas that have developed through the evolution of human thought, but they are only so many high philosophical ideas if financial support is not given. Do you see those old tattered war bonds? They made money; but, a windfall could have been made if I had chosen self over country. I watch the news every night and it saddens me because the men on Wall Street can make or break the future of this nation's economy. My heart is sick because their instinct of greed has obsessed them. The future of this great experiment in democracy is being strangled by people who have no vision.

Don't hesitate to invest in this country, because you must help build this country together. If you do, this country will continue to be the reason people cross oceans and dream, as my parents did. Build America together, because such a great part of my life was spent in America's service, and, if you don't it will all have been a terrible waste!"

The patriot paused, and was gasping for breath. The young boy took hold of his thin hand, and it was shaking. The old man continued:

"All of our great rights and privileges don't mean a thing unless you, the future generations, take part in the government. Always vote, or democracy turns to a mere facade. I took part in every political campaign since I was old enough to cast my first ballot, and my America was built on this principle. Our entire governmental system is based upon your participation. Build America together by participating in democracy. Democracy means the peace of the homes, your right to exist as a human, and all the freedoms that are entailed in our government."

His eyes closed; but, he kept talking to the boy, although his voice was faint and weak, "son, I had this vision—a vision of working and building America together. I've worked so hard—now it's your turn. The future is you. If you, my son, do not take this burden upon your shoulders, then this country's future is as bleak as the edge of darkness. If you do, then this country will again hold promise, as it did for me."

With this, the grip of the hand loosened, and he spoke no more.●

A MESSAGE TO THE PRESIDENT OF THE UNITED STATES

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Mr. GRADISON. Mr. Speaker, I would like to submit for the record a copy of a telegram which 1,200 employees of the NuTone Co., a home appliance firm in my district, sent to President Reagan. The telegram is part of NuTone's Rally 82, a private-sector drive to rejuvenate the housing industry by boosting morale and changing attitudes. While optimism

alone is not going to counteract the damage done by high interest rates, NuTone's pledge to increase productivity and cut costs is a refreshing and important step toward positioning the industry for a recovery.

DEAR PRESIDENT REAGAN: In order to help move our country, its economy and the home building industry out of the current recession, we, the employees of the NuTone Division of Scovill, Inc. urge you to declare the balance of 1982 as the "Rally" year.

We ask that you use the strength of your office to encourage builders, savings and loans, financial institutions and all companies connected with the home building industry, to rekindle the spirit, initiative, and imagination that made America great, in order that America's home building industry can once again lead the nation out of recession by providing employment for millions, and homes to fulfill the American dream.

We firmly believe that if all companies maintain or lower prices where possible, if all workers commit to increased productivity, if all management stringently reviews real profit needs, and all tighten our belts accordingly, we can start the rally needed to return our nation to the economic strength and standard of living we have enjoyed throughout most of our lifetime.

We, the undersigned, as members of the NuTone family of employees, commit ourselves to strive in every way to set the example, to increase our productivity in order to strengthen our company, thus protecting our jobs, our personal lives and our country.

Let the rally start here. Now!●

A BIRTHDAY SALUTE TO JOHN BROOKE

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Mr. McCLORY. Mr. Speaker, not very many of us can celebrate our birthdays on Mother's Day. Indeed, even fewer of us can observe a joint celebration at which we honor our own mothers and also mark the passage of another year in our lives.

Such an occasion will occur next Sunday, May 9 when my distinguished constituent, John A. Brooke of Lake Forest, observes his birthday in the presence of his mother, Mrs. Virginia Boyd, as well as his wife's mother, Mrs. Florence Eisermann.

Mr. Speaker, John A. Brooke is no ordinary constituent. He is a young man of exceptional talent and keen business sense who has attained prominence as the owner and operator of Holiday Inns throughout the Midwest. In addition to the successful enterprise which he heads as president of Brooke Inns, Inc., John Brooke is the immediate past president and the current chairman of the board of the powerful and prestigious American Hotel & Motel Association.

A veteran of the U.S. Army and an honor graduate of Cornell University's School of Hotel and Restaurant Administration, John Brooke is a member of the Young Presidents Organization, an association of young men and women who have become the heads of major corporations on or before attaining the age of 40. I should add that John Brooke is an active churchman and is deeply involved in community, civic and philanthropic endeavors to which he devotes generously of his time and exceptional talents.

Many of my colleagues in this House will recall last year's meetings of the American Hotel & Motel Association when John Brooke was installed as president of the association. Many who are present here today in this Chamber gathered in the Cannon Caucus Room as part of one of the most successful meetings in AHMA's history, meetings which John Brooke planned and executed.

When my colleagues and I met last year with John Brooke and members of the American Hotel & Motel Association, it was the Congress which was honored. Next Sunday, May 9, it is John Brooke who will be honored. This will be, indeed, an excellent opportunity to salute a young American of exceptional talents.

Mr. Speaker, I feel it is entirely appropriate to pay this tribute to John Brooke by calling next Sunday's event to the attention of my colleagues. Both my wife, Doris, and I will be on hand to celebrate not only a birthday, but Mother's Day at which Virginia Boyd, Florence Eisermann, and John's wife, Gigi Brooke, will all participate as honorees.

My 13th Congressional District of Illinois and the Nation are honored by this distinguished citizen who in many respects epitomizes the opportunity and the greatness of our Nation.●

IN MEMORIAM: DR. GEORGE GARDNER

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Mrs. HECKLER. Mr. Speaker, Dr. George Gardner, a national leader in child psychiatry and director emeritus of the Judge Baker Children's Psychiatric Clinic in Boston, passed away April 3. Former chief of psychiatry at Children's Hospital Medical Center in Boston and professor of psychiatry at Harvard until his retirement in 1970, Dr. Gardner was best known for his crucial role in developing the child guidance movement worldwide.

I extend my sincere condolences to Dr. Gardner's wife, Dr. Beatrice Kershaw; his brother, C. Warren Gardner; his daughters, Ruth Berg and Mary Gardner; and his five grandchildren.

The printed accolades—renowned as they were—for this distinguished physician did not reflect his other side: The private, warm, human aspects of the man. His son-in-law, Gordon Berg, provided insights into this side at a memorial service for Dr. Gardner at St. John's Church in Duxbury. I would like to share Gordon Berg's homily with my colleagues:

GEORGE EDWARD GARDNER, 1903–82

During the past week, as this homily was prepared, I realized that there is no way to discuss George Gardner in an organized manner. There are so many aspects to his life they defy categorization or generalization.

I do not know the giant described in the lengthy obituary most of you have read. That which I know about those aspects of his life I have learned from others. Not once in the more than twenty years I have known George did he discuss his accomplishments or accolades, nor did he ever brag.

One suspects he was just reluctant to discuss his personal life in professional circles. With those of you who have known him as a scholar, educator, physician, master mason, historian, scientist, author, patriotic citizen, loyal friend or acquaintance, I can, however, share the private side of a wonderful man.

If George were here today, he would be occupied with the annual updating of his catalog of the arrival date of all spring flowers in his gardens. The comparisons this effort produced reflected on the duration of winter, the timeliness of spring, and the outlook for summer with greater accuracy than the Farmer's Almanac. The care, precision and compulsion with which he recorded and analyzed the results of his research reflected on the diligence with which he pursued many subjects—as he put it—as an amateur, professional scholar. An amateur . . . nonsense!

His interests included:

Comprehensive history of the American Civil War.

The Old West. He not only studied Doc Holiday, Wyatt Earp and others; he went to the OK Coral and other historic sites in the Old West.

The history of Plymouth County, including a complete genealogy of his family through the Seventeenth Century (which he presented to our eldest daughter on her first birthday); Clark's Island, where the pilgrims landed before they went to Plymouth in 1620; various aspects of the Duxbury Rural and Historical Society; the great malady of the Plymouth colonists during their first hard winter; and the location of historic grave-yards in the County.

Economics, money and banking.

Masonic history.

Shakespeare. During this past winter when he was in a convalescent home, he read the complete works of Shakespeare and Plutarch's writings. He then determined that many of Shakespeare's thoughts were derived from Plutarch so he made comparisons of the two works.

An unusually thorough knowledge of music, art and literature.

He was, in addition, an accomplished author, having written more than 100 publications, and a poet. His classic Shakespearean lament on the distress of Mary Chilton in the Plymouth colony is a classic work.

All of these accomplishments, despite their importance, are a superficial reflection of the man.

George Gardner, relative to his accomplishments, was the most modest, humble man I have ever met. Not once did he speak to me about his achievements; in fact, he treated them with an air of nonchalance and a certain superficiality.

There was no trace of greatness on weekends, evenings or during his time at home. Most often he dressed in a pair of old trousers with both a belt and suspenders, a plaid shirt and a duckbilled cap. He drove a battered old Volkswagen with metal patches over its rust spots. His luncheon club was not the Somerset but the corner coffeeshop in Duxbury, where his acquaintances included a beekeeper, the local police and tradesmen. He begrudgingly went to parties, preferring Saturday night at home with a frankfurt and beans supper with his family. At the parties he did attend, however, he was the jovial center of attention. He never borrowed a penny in his life for anything, to my knowledge. He never felt comfortable being indebted to others and he always seemed to over-repay any kindness. Many times he reminded me that he was not a freeloader.

I cannot recall his having criticized others except for their prejudice, intolerance or bigotry. He felt devastated if his actions hurt another's feelings. He never discussed his own needs or asked for anything aside from trivialities.

George loved puns, and twists on words. He could as easily carry a conversation with a laborer, his professional peers and the President of the United States, which he did. He had a sharp wit and a wonderful sense of humor. He loved to sail. I recall the time in the late 1960's when he and I sailed a Pioneer from Duxbury to Cuttyhunk in the Elizabeth Islands. We were standing on the dock at Cuttyhunk discussing the sail with the wharfinger when he pointed to the boat and said, "Good grief! Did you sail all the way down here in that boat? It's only sixteen feet, is it?" George responded, "You must think we're crazy . . . . It's seventeen feet."

In the beginning I felt somewhat out of place in the Gardner family because nearly all of its members were academics and I was a banker. George remedied the situation by pursuing with academic vigor a study of economics, money and banking. We swapped the stretched economic term, tacit collusionary, duopolistic oligopoly for the medical term von Recklinghausen's neuro-fibromatosis in order to laugh at and with each other.

As I became aware of George's greatness, I began a search for clues to his formula for success. This was a hard task because he seemed to accomplish so much with so little labor, quietly, softly and gently. The few lessons I have learned are:

(1) No one is better than anyone else.

(2) No one can achieve anything great without doing the work of three—this sentiment he regretted sharing with me from the time he said it.

(3) Get the facts.

(4) Keep it simple.

(5) Learn to laugh at yourself.

(6) Never deliver a paper without having thoughts of publication.

(7) Vary your interests.

(8) Be fair and honest without being too hard on yourself.

(9) Have the wisdom to select the right ancestors.

I wish I could think of more to share with you. Unfortunately, I can't because this fine man so effectively diverted attention from himself with his honesty, humility and concern for others.

I shall miss him. I have lost a wonderful friend.

I would like to share with you an anecdote. This morning at Cornerstone Lodge in Duxbury there was held a brief Masonic funeral service in which I participated. During the service, sprigs of acacia were placed on a table in George's memory. After the service, I picked up one of the sprigs and put it in my pocket to place on his grave. At 11:00 we had a commital service in Mayflower Cemetary. When no one was looking I dropped my sprig of acacia on the grave. As we walked away, our five year old daughter inexplicably stopped, turned around, walked back to the grave, looked down on it momentarily, and then reached down and picked up the sprig of acacia. She left the cemetary with it in her tiny hand.●

REINING IN RAMPANT GOVERNMENT GROWTH

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Mr. WALGREN. Mr. Speaker, I hope the House will soon act on House Resolution 18, sponsored by my colleague, Congressman RICHARD BOLLING, which would establish an 18-member Commission for a More Effective Government. I am a cosponsor of this measure.

Over the past 30 years, the Government has grown enormously. Now it is time to reassess whether our Government is operating effectively. There is a grave need for streamlined organization.

The Commission's responsibilities will be to improve the quality of the U.S. Government which I believe will in turn restore public confidence in the American government. Our Nation's citizens have placed this confidence in us by electing us to represent them. We cannot lose the perspective of why we are here. Our job is to serve the people by considering their views and requests and attempting, in the best possible way we can, to fulfill their expectations.

It has been more than 30 years since the Hoover Commission was established to examine the organization and processes of our Government. The recommendations they made through their studies have saved the American people much money. Today the state of our economy and a rising Federal deficit demand that we avoid spending unnecessary taxpayer dollars.

In 1950, the Federal budget was $45 billion and today it has grown to a level of over $660 billion. Assistance from the Federal Government to State and local governments amounted to $2.2 billion 30 years ago; today it has increased to over $90 billion. In terms of organizational growth, in the decade of the 1970's alone, more than 400 new agencies were formed.

By comparison, during the 1930's approximately 150 new Government agencies were created. I am afraid that in many cases this growth, the addition of agency after agency, program after program, has happened without regard to possible duplication of already existing agencies.

The Commission for More Effective Government is charged with taking an objective look at the existing Federal Government and examining current programs and agencies and their means of operation. The Commission would recommend improvements so that we may better define and limit, and possibly consolidate some Government operations. Interrelations of Government organizations and substance will be a primary focus.

We simply cannot tolerate a sluggish, wasteful government, or a government growing randomly. We need the Commission to function as our guide in improving our capabilities so that we may strengthen our Nation's leadership and thereby also strengthen our Nation.

We need to assess where Government growth over the years has led. We need to take a look at the policies and programs which have been endlessly stacked one upon another. We need to do a "spring cleaning." We can and we must make a concerted effort to mold a government that can adequately respond to the challenges of the 1980's. I hope my colleagues will join me in pressing for enactment of this bill.●

SMALL BUSINESS SUPPORTS INNOVATION LEGISLATION

HON. BERKLEY BEDELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Mr. BEDELL. Mr. Speaker, small businesspeople all over America are uniting in support of the Small Business Innovation Research Act (H.R. 4326). The purpose of this legislation is to help reverse the decline in industrial productivity and technological innovation in our country. One important step in this direction would be the passage of H.R. 4326, which requires Federal agencies to establish small business innovative research programs with a small percentage of their research and development funds. Small businesses, as you know, are the most creative, innovative and cost-effective researchers in our economy.

The SBIR legislation is wholeheartedly supported by all of the major trade associations representing the small business community. These groups include the National Council for Industrial Innovation, the U.S. Chamber of Commerce, the National

Federation of Independent Business, the National Small Business Association, Small Business United, the Smaller Business Association of New England, and the Electronics Association of California, which speak for millions of small businesses across America. President Reagan has also expressed his strong support for the Senate-passed version of this legislation, S. 881.

Last week I was asked by 14 senior executives of small high technology companies to convey their support for H.R. 4326 to other members of the House. This group deserves your special attention because they represent member companies of the American Electronics Association. Taking a position that is in dramatic contrast to every other business trade association, the AEA's chief spokesmen have lobbied against the SBIR bill.

I would like to share with you the attached letter from the 14 small R. & D. firms. It is clear from the letter that those pushing AEA's opposition to H.R. 4326 do not necessarily speak for the small R. & D. companies they purport to represent. Their letter is also indicative of the support in this country for this legislation that will do so much to stimulate technological innovation in America.

The letter follows:

ADVANCED RESEARCH & APPLICATIONS CORP.,
Sunnyvale, Calif., April 22, 1982.

Hon. BERKLEY BEDELL,
U.S. House of Representatives
Washington, D.C.

DEAR MR. BEDELL: The undersigned are all senior executives of high-technology small businesses which belong to the American Electronics Association (AEA). We feel that way too much has been made of the AEA opposition to H.R. 4326 and S. 881. In reality, the opposition is the recommendation of the AEA's eleven-member Small Business Services Committee, endorsed by the large-business-dominated AEA Board. The general AEA membership, composed of over 1200 member firms, has had no voice in the establishment of this position.

The "voice" of those eleven members has been widely disseminated. Thus, I hope that you will assist us in having our position noted to a like degree, for we are AEA members and number more than eleven.

It should be of interest to consider that not one of the firms represented on the Small Business Services Committee (SBSC) conducts R&D as a line of business. In fact, it was originally thought that none of SBSE had ever had personal experience with a government R&D contact, but Mr. Ken Hagerty, AEA's political lobbyist, informed us that one member had participated in one contract.

It has been contended in numerous articles that 80% of the AEA membership are small businesses and "exactly the kind of firm that this legislation would effect." This statement is largely untrue. A majority of the small business members of the AEA are product-oriented firms that do not seek R&D contracts. In turn, the R&D-oriented firms which would be affected by this legislation are basically unaffected by R&D tax credits.

The AEA has taken the tack of relating the Innovation Research Act to the controversial 8(a) program and warning of waste, abuse, the development of dependence by participating firms, as well as other dire happenings. Instead, we choose to believe that the intent of the bill will be served, that is that the demonstrated creativity and innovative capabilities of small firms will be more readily directed to problems of national concern.

We, the undersigned, are definitely against waste and abuse, who isn't? However, we are in favor of the creative solution to pressing national problems and would like to have an improved opportunity to contribute our ideas and R&D efforts.

We applaud your efforts to pass legislation that has this as its goal and know that you will diligently seek to build in safeguards that would prevent the problems that the AEA has presupposed.

Sincerely yours,

——— ———●

SAGINAW RIVER DREDGING

HON. BOB TRAXLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Mr. TRAXLER. Mr. Speaker, earlier I had submitted for the RECORD letters from my constituents in opposition to cuts proposed in the administration's fiscal year 1983 budget request for Army Corps of Engineers dredging activities in the Saginaw River.

At this time, I would like to submit additional letters for the RECORD:

Representative J. BOB TRAXLER,
Rayburn Building,
Washington, D.C.

DEAR CONGRESSMAN TRAXLER: The accessibility of Saginaw and Bay City to Great Lakes Shipping has been an asset to the area for many years.

Industry is constantly revaluating itself to better meet the demands of the marketplace. The ability to utilize Great Lakes Shipping has always been a plus factor for the Saginaw Chevrolet Metal Casting Plants when being compared to other industries.

Your effort to introduce a bill to appropriate money to dredge the Saginaw River is appreciated and supported.

Very truly yours,

JAY A. DIDIER,
Bay City, Mich.

———

SAGINAW METROPOLITAN AREA TRANSPORTATION STUDY,
Saginaw, Mich., April 2, 1982.

DEAR REPRESENTATIVE TRAXLER: On behalf of the Saginaw Metropolitan Area Transportation Study and the Saginaw Metropolitan Area Planning Commission, I would like to express our opposition to the recent action to abandon federal funding for the dredging of the Saginaw River. By eliminating the 4 million dollar appropriation which is usually made to the Saginaw River Port, the Congress and the Administration is jeopardizing continued use of the port. Between 1972 and 1981, over 31 million public dollars were invested in port related dredging. Private investment followed, encouraged by the public commitment. Without dredging, commercial navigation will come to a halt which, in turn, may eventually result in the closing of several local grain elevators and mineral transport businesses. Enclosed is a summary of the characteristics of the Saginaw River port and its users.

A strong marine transport system is vital to the economy of both the Saginaw Area and the midwest. Abandonment of dredging, whether through denial of the Saginaw River appropriation or through establishment of inequitable user fee legislation, is detrimental to established businesses, to prospects for increased economic diversification, and to a multi-modal transportation system.

We strongly oppose the action to delete the dredging appropriation and urge you to take action on our behalf.

JON B. MERSMAN,
Secretary.

Waterborne transportation was one of the Saginaw Valley's earliest means of transporting goods and people. Saginaw's wet and marshy landscape made overland transportation difficult so, for many years, the Saginaw River was the main transportation corridor to and from the area. Dredging on the river system began in 1866 when a sandbar at the mouth of the River was removed. In 1882, the first channel was dredged to a depth of fourteen feet to Bay City and twelve feet to Saginaw. Between 1882 and 1965, eight different Congressional authorizations provided improvements to the Saginaw River channel. At present, channel depths in the dredged portion of the river range from twenty-five to twenty-two feet.

In 1980, Saginaw County had sixteen commercial port facilities, approximately half of the number on the river's length. The majority of these facilities transport stone and industrial coal. (See Figure 1) Facilities with the largest capacities, however, are involved with grain and the iron casting industry.

FIGURE 1—SAGINAW COUNTY PORT FACILITIES—1980

Commodity and facility	Location	Berth	Storage capacity in tons
Grain Elevator:			
Wickes	Carrollton	598	928,571
Farm Bureau	Zilwaukee	556	642,857
Industrial:			
Chevrolet/Nodular Iron	Saginaw	2,343	702,900
Chevrolet/Grey Iron	Saginaw	1,500	450,000
Cement/cement clinkers: Huron Cement.	Carrollton	545	218,000
Stone and Industrial Coal:			
WIRT-Saginaw	Buena Vista	1,800	360,000
Consumers	Zilwaukee	1,115	223,000
Anderson	Zilwaukee	1,100	220,000
Saginaw Asphalt	Buena Vista	1,050	210,000
Rock Products	Saginaw	1,050	210,000
Robert Gage	Saginaw	1,000	200,000
Saginaw Sand	Carrollton	965	193,000
Saginaw Asphalt	Carrollton	964	184,000
Petroleum: Peerless Refining	Carrollton	1×500	150,000
General Cargo: Luntz/Surath	Carrollton	1(540	40,000

Source: Port Study.

Limestone and other minerals make up the largest share of the volume of goods transported through the Saginaw River Port, followed by sand and cement. General cargo shipments, which compose a small percentage of total commodity flow, have decreased since 1969 primarily because of rerouting and changing technology at other ports. Bulk grains account for another small portion of the goods exchanged in the Saginaw port. Grains have shown a small growth. Shipments of coal, a significant portion of shipments in the past, dropped dramatically in the 1970s. At that time the Consumer's Power Karn Weadock Plant shifted to coal delivered by rail rather than by water. Virtual elimination of waterborne

coal deliveries resulted in a significant drop in the total amount of goods exchanged in the Saginaw River Ports. If coal shipments are excluded from an analysis of the Port's activity between 1969 and 1977 a trend of a moderate decline in shipments (rather than a severe decline) is present. (See Table 3)

TABLE 3—TOTAL COMMODITIES PERCENT OF TOTAL BY YEAR

	Percent of total 1969	1973	1977
General Cargo	1.5	.9	.1
Chemicals	2.6	5.0	2.4
Benzene & Toulene	1.3	.9	1.9
Metal & Scrap	7.2	3.6	.....
Grains	2.7	5.4	5.8
Feeds	0	.....	.....
Fertilizer	.2	.....	1.3
Linestone/Minerals	43.8	59.5	61.4
Sand	7.8	13.2	13.9
Cement	3.1	2.2	6.5
Coal	23.1	1.9	2.4
Crude Petroleum	.....	.1	.....
Gasoline	3.6	2.8	1.6
Distillate Fuel Oil	2.4	2.4	2.2
Other Fuels	.7	2.0	.5
Miscellaneous	.....	.....	.....
Total	100	99.9	99.9

Source: U.S. Army Corps of Engineers; Waterborne Commerce of the United States.

PROJECTED NEEDS AND RECOMMENDATIONS

Projections of future need were developed by TERA, Inc. in the preparation of the Saginaw River Port Study. This study, funded in 1980 by Bay County, Saginaw County and the Office of Coastal Zone Management of the State of Michigan, examined the commercial and recreational potential of the riverfront. TERA projected the area's needs, identified potential projects and outlined institutional arrangements which might facilitate port development. The projections and recommendations contained in this long range plan are based upon the concepts found in the Port Study.

A fifty percent increase in port activity is projected for 1990. This percentage increase is expected if coal shipments to local utilities return to waterborne carriers and if public and private initiative succeeds in instituting better port facilities and a deeper channel depth. The largest potential for growth is in the transport of agricultural commodities. There does not appear to be an advantage to consolidating bulk cargo facilities nor to developing additional general cargo facilities. The most practical approach for developing commerce along the river appears to be that of developing industrial sites rather than marine terminals and by providing a mixture of commercial/recreational/and industrial uses. An increase in commercial and recreational use is expected to bring the river to the attention of industrialists.

COMMODITY FORECASTS

[In short tons]

Commodity	Projection 1977	1990	2000	2020
General cargo	3,280	19,874	28,508	52,220
Chemicals	149,808	300,000	430,000	615,000
Metals/scrap	.....	16,380	19,180	25,620
Grains	207,059	254,669	858,993	1,078,935
Feeds	.....	50,000	90,000	90,000
Fertilizers	46,418	75,716	213,252	267,818
Stone	2,184,792	2,262,599	2,468,290	2,879,671
Cement/clinkers	231,325	421,000	450,000	500,000

COMMODITY FORECASTS—Continued

[In short tons]

Commodity	Projection 1977	1990	2000	2020
Sand	495,976	478,602	572,534	773,815
Coal	84,637	23,322	47,156	9,110,324
Crude oil	.....	235,350	470,700	969,300
Light products	73,724	82,000	84,000	88,000
Residual oil	79,217	641,970	449,379	.....
Total	3,656,238	4,861,482	6,182,002	16,449,703

FARMERS & MANUFACTURERS BEET SUGAR ASSOCIATION,
Saginaw, Mich., April 19, 1982.

DEAR CONGRESSMAN TRAXLER: The continued dredging of the Saginaw River by the U.S. Corps of Engineers is vital to the prosperity of agriculture and other industries in the Thumb Area of Michigan.

We urge you to leave "no stones unturned" in maintaining the annual dredging of the Saginaw River by the U.S. Corps of Engineers.

Sincerely,

RALPH A. GILLMOR,
PRESIDENT,
Growers Section.
PERC A. REEVE,
EXECUTIVE VICE PRESIDENT,
Processors.

SAGINAW COUNTY FARM BUREAU, INC.,
Saginaw, Mich., April 7, 1982.

DEAR REPRESENTATIVE TRAXLER: This letter is in regard to the proposed deletion of funds for the periodic cleaning and dredging of the Saginaw River.

As you are well aware of, this is a gateway to the world market for the agricultural producers in the Central Michigan area.

Without the river being able to accommodate seagoing vessels an even greater burden would be placed on the farmers in this area because of increased costs of transportation.

We also feel that the talked about User Fee concept for supporting this dredging program would actually end up being paid by the farmers who sell their goods into the terminals located on the river, thus, creating an even greater burden for the much depressed agricultural economy in this area.

On behalf of the 3300 members of the Saginaw County Farm Bureau, we urge you to support and give your utmost attention to this urgent matter.

Sincerely,

RICHARD E. LEACH,
President, Board of Directors.

MICHIGAN SUGAR COMPANY,
Saginaw, Mich., April 22, 1982.

DEAR MR. TRAXLER: I am writing to inform you of our opposition to the Reagan Administration's proposal to end dredging in the Saginaw River.

Michigan Sugar Company sells for export approximately 30,000 tons of sugarbeet pulp with a volume in excess of $2.4 million. The sugarbeet pulp is shipped overseas from a port facility on the Saginaw River in Essexville. If the Saginaw River is not dredged on a regular basis, these export sales may be lost.

The Saginaw River is also used by our Company's supplier of limestone. Limestone is an important operating supply of which the company uses many thousands of tons.

The impact of the loss of the Saginaw River as a transportation alternative would impact not only our company but also the approximately 1,000 growers of sugarbeets in the Saginaw Valley area.

We will appreciate any help you can offer in maintaining the Saginaw River dredging.

Sincerely,

DAVID H. ROCHE.

SURATH-LUNTZ
Carrollton, Mich.

Reference: Budgeting 1983 Saginaw River Dredging.

Mr. WILLIAM GIANELLI,
Assistant Secretary of the Army,
Civil Works, Washington, D.C.

DEAR MR. GIANELLI: I have purposely waited before writing this letter in order that I might enclose the Saginaw News article wherein my project and I are featured.

The Luntz Corporation and I purchased this fifty acre site on the Saginaw River specifically to develop a bulk cargo port. Our main business is scrap processing with much of the same materials handling equipment used for bulk storage of most other commodities. We have a one thousand foot long pile driven dock, load bearing, with rail facilities paralleling the dock. We have a total of two and one half miles of rail consisting of ten parallel pairs switching into one another.

My intent in this description is to convey to you the impression this facility has made on the State of Michigan Department of Transportation, Marine Division, (as mentioned in enclosed article).

I have been meeting with D.O.T. for the past two years and it is their hope that the "private sector with its entrepreneurial instincts" would "get something going" on the Saginaw River. We are developing the site and there are several opportunities in the offing, especially with the three largest foundries of their type in the world right here in Saginaw.

It is rough with the water depths we have now. Without maintenance, it is impossible. We are hoping that with success here, we could prevail upon the Corps of Engineers for an even deeper channel so that the Great Lakes, St. Lawrence Seaway, and the Port of Saginaw could truly be utilized.

Very respectfully yours,

BERNARD SURATH,
Partner.

WICKES AGRICULTURE,
Saginaw, Mich.

DEAR CONGRESSMAN TRAXLER: Thank you for your introduction of an appropriation bill to continue dredging of the Saginaw River.

In our situation, the user fee concept would not produce enough revenue to dredge, rather, it would effectively stop river shipments of grain from our port. The citizens in the Saginaw Valley would be deprived of an economic advantage available to competitive ports such as Toledo.

In particular the farm economy surrounding this area would be hurt. We fully support your bill and interest in maintaining an economic asset in the area of Central Michigan.

Sincerely,

JOHN MCCLELLAN,
Director, Grain Merchandising.●

NATIONAL COAL IMPORT POLICY

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Mr. RAHALL. Mr. Speaker, today I am introducing a concurrent resolution which expresses the sense of Congress that a national coal export policy is necessary to coordinate Federal activities with respect to increasing coal exports and to provide for a statement of intent regarding legislation seeking to stimulate coal port improvements.

I cannot stress enough the importance of U.S. coal exports toward alleviating unemployment in the Appalachian mining industry, improving our balance of trade, and toward strengthening our ties with the European Economic Community by providing its member nations with a measure of energy security.

In 1981, the United States exported 110 million tons of coal, 28 percent of which was steam coal used for electrical generation. Approximately 50 percent of this tonnage was exported to Europe. Overall, the coal exported by this Nation last year was valued at $5.5 billion and was our 10th ranking export commodity. My own State of West Virginia contributed half this tonnage, worth some $2.2 billion and creating 20,000 jobs in the mining industry.

Yet, while these figures paint a rosy picture on the surface, there are some underlying problems which must be addressed before this Nation realizes its full coal export potential. Of primary consideration is the condition of our ports, which cannot accommodate the large coal-trading vessels which are coming into increased use. These "super-colliers" of over 100,000 deadweight tons provide an economy of scale which competitors to the U.S. coal trade are beginning to offer European customers. In order for this Nation to remain a viable force on the world coal market, our ports must be dredged to depths of at least 55 feet. In this way, the United States would not only retain its present market share, but continue to increase its export levels.

Legislation to accomplish this task must be expeditiously reported by the Congress. There is a national interest to increased coal exports and as such, I would urge the administration to refrain from any actions which would jeopardize this potential, including requiring 100 percent recovery of Federal expenditures for port improvements and operation and maintenance.

Mr. Speaker, in May, a coal export mission under the direction of the Department of Commerce will embark on a 9-day tour of Spain, Italy, France, and Belgium. The purpose of this mission is to demonstrate the U.S. commitment to European buyers of coal. I commend this action, along with other coal export promotional activities of the Department of Commerce. Hopefully, this mission will stimulate additional interest within the European community for U.S. coal, something I find of the utmost importance in light of recent layoffs in southern West Virginia of 1,250 mine workers. Because of a leveling off in domestic coal demand, increased exports are our best bet to get these miners back on the job.

While this mission is a good first step, I believe we should follow up with bilateral conferences with our coal trading parties and that the President should further formulate a national coal export policy which would assure the Europeans of our commitment and resolve in this matter.

Mr. Speaker, I ask that the full text of my resolution be printed in the RECORD.

H. CON. RES. 324

Concurrent resolution expressing the sense of Congress that a national coal export policy is necessary to coordinate Federal activities with respect to increasing coal exports, to provide for a statement of intent regarding coal port improvements and for other purposes

Whereas the International Energy Agency concluded that an expanded coal trade is in part dependent on Government policies to facilitate coal development and usage;

Whereas the Heads of State of France, Italy, Japan, the Federal Republic of Germany, the United Kingdom, Canada and the United States concluded at the 1979 Economic Summit meeting in Tokyo that their Nations intend to double coal production and utilization by 1990, encourage long-term commitments by coal producers and consumers and improve infrastructures in both exporting and importing Nations, and that these policies were reinforced during the 1980 Economic Summit meeting in Venice;

Whereas the Reagan Administration has followed the initiative taken by the previous Administration's Interagency Coal Export Task Force by creating a Coal Interagency Working Group comprised of policy-level representatives from 12 departments and agencies within the Federal Government concerned with the production, transportation and exportation of coal and that the Administration has issued a Coal Export Policy based on the belief that America's coal reserves can provide economic benefit to this Nation while providing Allied Nation trading partners with a reliable and affordable source of energy;

Whereas the Department of Commerce has begun to engage in coal export promotion activities through information and counseling services, formulation of a United States coal contact list, publication of a foreign buyers worldwide trade list, and notification to Foreign Commercial Service officers to assist in coal export promotion. Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that increased coal exports make an important contribution to this Nation's balance of trade, increases employment and provides Allied Nations with energy security and that labor, industry, Government and consumers of United States coal exports are seeking to cooperate in efforts to increase world coal trade, and commends the Administration for appointing a Coal Trade Delegation consisting of representatives of industry, labor, Congress and the Administration for the purpose of promoting United States coal exports, and that the Congress must move forthwith in considering legislative measures to enhance the competitiveness of ports through which export coal passes, and determines that such legislation should not reduce the competitiveness of coal exports through the imposition of user charges to recover 100 percent of Federal expenditures at such ports as there is a National interest in increased coal exports, and that such legislation shall seek to expedite authorizations for port improvements, and asserts that United States coal exports should never be subject to embargos, and so requests the President to further strengthen and define a National Coal Export Policy and to take no actions which shall hinder the competitiveness of United States coal exports and to initiate bilateral conferences with coal trading parties to further the spirit of this Resolution.●

PERSONAL EXPLANATION

HON. BOBBI FIEDLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Ms. FIEDLER. Mr. Speaker, due to illness, I was absent from the House of Representatives today. Had I been present, I would have voted for passage of H.R. 3208, the Reclamation Safety of Dams Act.●

DR. ROBERT HINGSON—A MAN OF PEACE

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Mr. WILLIAM J. COYNE. Mr. Speaker, in these times, when great powers stockpile nuclear arsenals large enough to destroy the people of the world many times over, it is only fitting that we pause to reflect on the accomplishments of a man of peace.

Dr. Robert Hingson of Pittsburgh is such a man. Through his work in helping to develop the "peace gun"—an innovative device which allows the low cost innoculation of thousands of persons per hour—Dr. Hingson has helped rid our world of disease. It is estimated that more than 300 million people have received a near painless innoculation from this high speed, high pressure gun.

Dr. Hingson continues his lifesaving work through the Brother's Brother Foundation, a volunteer group he

founded. From its Pittsburgh headquarters, Brother's Brother dispatches immunization teams to underdeveloped countries and provides the tools for self-help.

The world is a better place, thanks to the work of the Brother's Brother Foundation. Dr. Robert Hingson, a man who has touched the lives of millions, the inspiration for Brother's Brother, deserves our gratitude.

I would like to share with my colleagues an article which appeared in the Pittsburgh Press last year which describes the contributions of Dr. Hingson.

The article follows:

[From the Pittsburgh Press, Sept. 13, 1981]

DR. ROBERT HINGSON A PITTSBURGHER FOR ALL PEOPLES

(By Gilbert Love)

Several times, in this space, I have related the accomplishments of persons who have made much of their lives.

Now, because he is being honored this week, I wish to briefly relate the life history of a Pittsburgher who just might have done more for humanity than anyone alive today.

His name is Robert Andrew Hingson. Born 68 years ago in Anniston, Ala., he was influenced in his early years by a Sunday school teacher who spoke often of service to others.

He studied medicine, specializing in anesthesiology. Three years out of medical school, in 1941, he developed a method of making childbirth painless without anesthetizing either the mother or child.

Its acceptance was slow—one hospital administrator even contending that mothers are supposed to suffer—but to date an estimated 10 million mothers have benefited.

That alone would be an outstanding achievement. There's much more, however.

In his first year as a physician, Hingson was working at the U.S. Marine Hospital on Staten Island, N.Y. A sailor came to him with a badly swollen hand. When it was lanced, an oily fluid ran out.

The sailor said he had been handling a hose carrying oil under high pressure. Perhaps, the young doctor thought, a tiny hole in the hose might have released oil under such pressure that it could penetrate the man's skin without breaking it. If so, that might be a means of getting vaccines into people more efficiently than with needles.

That observation led, after years of development by Hingson and others, to a jet "gun" that could inoculate as many as a thousand persons an hour, practically painlessly, and at low cost.

Hingson saw in it the possibility of wiping out such diseases as smallpox, tetanus, measles, typhoid, tuberculosis, diphtheria and whooping cough. He went around the world preaching its use and inoculating people.

A small boy in Burma gave the device a name that has stuck, "gun of peace."

Armed with the new weapon, Hingson and a team of physicians and laymen went to Liberia in 1962 to make an all-out assault on smallpox. They vaccinated 80 percent of the country's one million inhabitants, and the dread disease was all but eliminated.

Encouraged by that victory, the World Health Organization and other disease fighters took up the "peace gun" in earnest, announcing they intended to conquer smallpox worldwide by 1975.

They just about did, and what a victory over an age-old scourge!

It has been estimated that, all told, 300 million persons have been protected against one or more diseases with the jet device. Millions of men, women and children must be alive and well today solely because of Hingson's inventive mind and dedication to the welfare of others.

Far from resting on his laurels, he has continued to fight disease in person, particularly in the poorer countries of Central and South America. He and his associates gave about 14 million of the aforementioned "shots."

One of his ambitions is to reduce communicable ailments so much in Central America that the diseases won't be able to travel through that narrow region.

He works through a volunteer organization called Brother's Brother Foundation, headquartered in a small house at 824 Grandview Ave., overlooking Downtown Pittsburgh. To this place come many overseas phone calls, even some delegations, seeking help or advice.

In addition to sending immunization teams into underdeveloped countries, Brother's Brother also sends them tons of seeds and small farm tools, school books, hospital equipment, medical and dental supplies.

Practically all such material is donated by U.S. firms, hospitals, etc., and is warehoused here until needed in some part of the world.

When disaster strikes one of the poorer countries, Hingson is likely to get a call from a public health official and to go immediately to the scene. Meanwhile, Brother's Brother volunteers, led by his son Luke, will be soliciting funds and supplies that are needed.

Hingson's reputation is such that he, an active Baptists layman, received a check for $10,000 from Pope Paul VI to help carry on his immunization activities.

He has been in Pittsburgh since 1968, having come that year from Cleveland's Western Reserve University and its hospital to the University of Pittsburgh School of Medicine and Magee-Womens Hospital. In recent years he gave up other employment to devote full time to his medical relief work.

Pittsburgh will honor him and the Brother's Brother Foundation most of this week, climaxing the observance with a foundation fund-raising dinner at the Hilton Hotel Thursday evening. Among the guests will be many of Pittsburgh's leaders and health officials from other states and nations.●

LAW OF THE SEA: PIRACY ON THE HIGH SEAS

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Mr. FIELDS. Mr. Speaker, the Law of the Sea Treaty negotiations in New York are winding down and the President will soon have the opportunity to approve or disapprove the draft treaty. Because the LOS Treaty is inherently flawed and represents a sell-off to Third World and Soviet bloc countries, the President should reject it.

This is the conclusion of a recent New York Post editorial which succinctly summarizes the flaws of the treaty. The editors of the New York Post do not mince words in noting that the Law of the Sea Treaty "is *nothing* more than a charter to redistribute the world's wealth."

I urge my colleagues to review the conclusions of the editorial. The administration should be made aware that the treaty is antithetical to American interests and should be rejected.

The editorial follows:

[From the New York Post, Apr. 26, 1982]

THE LAW OF THE SEA: GREEN LIGHT FOR PIRACY

The Reagan Administration is making a bad mistake in its dealings with the Third World countries on the controversial Law of the Sea treaty, which is nothing more than a charter to redistribute the world's wealth.

Instead of insisting on the basic free market principles on which it came to office, the Administration is preparing to join 150 countries in setting up the world's largest cartel—larger even than OPEC, and much more damaging. The cartel would have virtually unlimited power to control mineral development—and the international economy—over two-thirds of the earth's surface.

Washington has dropped its fight against giving unprecedented taxing powers to the International Seabed Authority which would be set up under the treaty.

Nor does Washington any longer oppose the right of this unelected, unrepresentative organization to redistribute to Third World governments—and even to "national liberation movements" like the PLO—the vast income it would receive, mostly from the developed Western nations.

The rewards for this surrender are short-term and not worth having.

Over the first 20 years of the treaty, American mining companies would have the right to apply for permission to operate in four undersea mineral sites.

The State Dept.'s claim that this gives the U.S. what it wants is deceptive. Undersea mining is costly. It is not likely to be undertaken on any great scale until land-based mineral resources begin running out at the end of the century.

But precisely then—after 20 years—the treaty provides that two-thirds of a 150-member Assembly which would govern the new cartel would have the right to amend the treaty. Since that new assembly would operate on the basis of one country, one vote, it could leave the U.S. entirely out in left field.

There is an ominous, Orwellian ring to the treaty's repeated references to the powers of "the Authority."

The "Authority" would be run by a self-perpetuating group of bureaucrats largely representing the Third World and Soviet bloc.

Any company seeking to mine the seabed would have to pay a $500,000 fee to be considered for a license, then provide surveys of two separate sites. The Authority will reserve the right to claim both sites for itself, or to give one to the mining company—for a $1 million annual operating fee until production starts—or to deny it to the mining company and award it instead to an underdeveloped country.

If it is prepared to put up with these impositions, the mining company must then agree to "sell" its technology to the Author-

ity or to any country the Authority picks, for a price the Authority "negotiates."

Finally, the mining company will have to abide by production limits set by the Authority and pay taxes rising to 70 percent of net proceeds—both steps aimed at protecting present Third World mineral production.

If ever there were a proposal for piracy on and under the high seas, this is it.

The creation of this cartel would retard, not encourage, the development of land-based minerals.

Instead of increasing the supply of lower-priced minerals from the seabeds, where they are abundant, it would limit that development.

Finally, far from helping the world's poorer people, it would give its revenues directly to countries which are largely one-party and often corrupt states—providing huge funds for continuing repression.

President Reagan was right in his first response to this treaty. It is deeply flawed. The Administration should not sell its basic beliefs for a short-term deal.●

TENNESSEE-TOMBIGBEE WATERWAY SHOULD BE COMPLETED

HON. ROBIN L. BEARD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Mr. BEARD. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

[From the Memphis Commercial Appeal, Mar. 31, 1982]

STICKING WITH TENN-TOM

Over the years, the Tennessee-Tombigbee Waterway has been called nearly every name imaginable: a boondoggle, an environmental threat, a bureaucratic nightmare, an economic wunderkind and the list goes on.

Yet, boondoggle or wunderkind, there it is—234 miles of unfinished canals, locks and rising water, a monument both to man's ingenuity and his lack of vision. Love it or hate it, it's there to stay.

The question, of course, is whether the waterway, after an investment of $1.3 billion, will be left unfinished in its present state or whether Congress will appropriate enough money to see the project through to completion.

President Reagan has urged Congress to approve $186 million this year for continued work on the waterway. If approved, it would take an additional $344 million to complete the project.

Earlier this week, a number of Mid-South senators, representatives and governors gathered in Washington to ask Congress to follow through with the waterway project.

Gov. William Winter of Mississippi, referring to the waterway as a "130-mile scar," told members of the House and Senate Appropriation subcommittee that it would be an "environmental disaster" if the project was not completed.

Gov. Lamar Alexander of Tennessee told the lawmakers the completed waterway would save Tennessee more than $21 million in transportation costs during its first year in operation. Also, he said, it would make Tennessee coal competitive in foreign markets.

Though there are some congressmen who will see the request as an unnecessary expenditure in a money-tight year and will lump the request in the gone-but-not-forgotten boondoggle category, others perhaps will understand why it is in the best interests of the nation to complete the project.

Building projects are not like causes. While it usually advantageous to abandon a lost cause, that is hardly ever the case for building projects, even those whose original purpose has come in question. Buildings locks and canals cannot simply fade from the public consciousness the way causes can.

For the Tenn-Tom project to be shelved now, with 80 per cent of the navigation facilities finished, would be tantamount to throwing away the $1.3 billion already invested in the project. Not only that, but contract terminations would cost taxpayers an additional $300 million.

While taxpayers would save $230 million by shutting the project down, those savings are overshadowed by the benefits of competing the project. Why spend $300 million to shut down the project all without collateral benefits, when for only $200 million more taxpayers can get the benefits of the waterway and additional jobs?

In that context, the $186 million request sought by backers of the waterway is not unreasonable. Nearly that much was appropriated by Congress last year for the International Bank for Reconstruction and Development Surely, the Mid-South merits the same degree of consideration given clients of the international bank.●

NRECA RESPONDS TO ADMINISTRATION

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Mr. DASCHLE. Mr. Speaker, recently a newsletter was sent from Harold Hunter, Administrator of the Rural Electrification Administration to directors and managers of REA borrowers throughout the Nation. This March 1982 publication contains many misleading statements and in some cases, simply wrong figures. The newsletter is an obvious attempt by the administration to justify their budget actions and proposals, which they have every right to do, but it is shameful that they could not have done it with more honesty.

In the interest of fairness, I would like to submit for publication in the CONGRESSIONAL RECORD, the March 1982 REA newsletter and the response to it by Robert Partridge, executive vice president of the National Rural Electric Cooperative Association.

U.S. DEPARTMENT OF AGRICULTURE,
RURAL ELECTRIFICATION ADMINISTRATION,
March 1982.

From the Administrator.

To Directors and Managers of REA-Financed Systems.

During the past several weeks, I had the privilege of participating in the Annual Meetings of both the electric and the telephone cooperatives of this Nation. Anyone who might have attended those conferences would have been impressed by the "people power" that was assembled in Atlanta and San Francisco.

And although I was graciously received, I couldn't help but note that the substantial reductions proposed for the REA funding programs during the coming fiscal year are causing concern for some co-op people.

However, I also heard many leaders of local electric and telephone cooperatives expressing support for these needed reductions. Such comments are admirable illustrations of the vision and foresight that has historically characterized the leadership of the rural electrification program. Such men are ready to support reductions in these programs in order to assure that "economic recovery" will be a reality.

REA loans and guarantees are a substantial part of the Federal borrowings that have created an intolerable burden upon the sources of available credit. In 1974, Federal borrowings totaled only $24.4 billion. In 1983, they are expected to total more than $200 billion. By accepting, for a time, a fair proportion of the reduction in Federal borrowings, REA can do its part in the gigantic effort to revitalize the economy of America.

The long-term benefits of a renewed economy would be a most acceptable reward for the short-term sacrifice of a reduced program level.

Rural electric and telephone cooperative leaders, such as were present at the Atlanta and San Francisco conferences, are well prepared to understand that often important long-term goals can be attained only at the cost of some immediate inconvenience.

The lives of agricultural people are made up of situations that entail today's sacrifice in order to make possible the goal of tomorrow. The purchase of the new family car is delayed until after the harvest of the crops that was made possible by expenditures for seed, tillage, fertilizer, etc., of a year earlier.

The worn tractor is driven one more season so that the daughter's college tuition costs can be met. That most desired vacation is postponed in order to assure that family funds will be available to pay for Mama's expected operation.

The Administration's proposals include reductions in the levels of both insured and guaranteed loan funds, and recognize the need for rural electric systems to obtain $2.5 billion from non-REA sources without a federal guarantee. A large portion of this latter type financing will be for the purchase of pollution control facilities which can be obtained at reduced interest rates.

I am confident that we will be able to take care of the essential needs of borrowers within the recommended levels. The loan programs established for fiscal year 1982 will be completed to the fullest possible extent.

I am certain that all of you are familiar with the proposed budget figures, so I will not repeat them. However, I believe that as we move into this latest phase in the evolution of the REA programs, it is important that everyone has a clear understanding of the issues involved.

REVOLVING FUND

During fiscal year 1981, the Rural Electrification and Telephone Revolving Fund sold $683 million worth of Certificates of Beneficial Ownership (CBO's) to the Federal Financing Bank (FFB) in order to fund about 50 percent of its cash needs, because debt collections were not sufficient to fund advances. FFB gets its money from the U.S. Treasury, which, in turn, gets its funds from public borrowings and from tax collections.

Therefore, that $683 million is part of the Government borrowing which increased the United States federal debt to more than a trillion dollars.

As of September 30, 1981, REA had sold CBO's totaling $2.6 billion at a composite interest rate of 11.096 percent. During the month of February 1982, REA supplemented collection proceeds by borrowing from the U.S. Treasury at the rate of 16.25 percent. So although a revolving fund is used to finance the needs of electric distribution and telephone systems, this financing does not come without cost. The difference between the 5 percent charged for most REA loans and the 16 plus percent REA has to pay for a portion of these funds is a direct cost that must be borne by the taxpayers of this country.

IMPACT OF INTEREST RATE ON CONSUMERS' BILLS

The number of distribution borrowers required to obtain a portion of their financing needs from outside sources will increase. However, this should not place an excessive burden upon most systems. Even if REA were to provide only 50 percent of distribution borrowers' loan needs, instead of the present 70 percent, the composite interest rate a borrower would pay on a new loan would increase by only 1.8 percentage points and the impact of that one additional loan on the total interest expense of the borrower would be very small: the average interest rate on total long-term debt outstanding would increase by only about 0.29 percentage points on the average. During calendar year 1980 REA distribution borrowers were paying an average rate of only 4.06 percent on their total long-term debt outstanding. Thus, a change to a 50/50 loan split would have increased the average interest rate to only 4.35 percent.

REA borrowers have benefited from a history of low cost capital provided by REA. As of the end of 1981, REA had approved electric loans totaling more than $9.8 billion at the 2 percent rate, and $5.8 billion at the 5 percent rate. As a result, the average interest rate on long-term debt outstanding is far less for REA distribution borrowers than for investor-owned utilities. The IOU's paid an average 8.1 percent during calendar year 1980.

Reductions in the proportionate amount loaned by REA will have little impact on bills paid by the ultimate consumer, except in a few specific situations which can be examined by REA on a case-by-case basis. For the distribution systems, the average interest expense represents only 4.5 percent of the consumer's bill. Other items are far more significant. For example, power cost alone accounts for about 70 percent of the average consumer's bill. So even if the small component which makes up interest cost increases gradually, the impact will be relatively small.

REA LOANS FOR HEADQUARTERS FACILITIES

This Administration is serious about belt tightening. We seek to use the limited resources of the Rural Electric and Telephone Revolving Fund in delivering electric and telephone service to rural America. In order to prevent the depletion of the Revolving Fund, some adjustments have to be made, such as those set forth in the Federal Register notice which announces REA's intention to give priority to loans for line and substation construction necessary for actual delivery of electric and telephone service.

REA is not opposed to its borrowers having adequate headquarters facilities, but they should not be constructed with low-interest money.

ADMINSTRATOR TO TESTIFY BEFORE HOUSE AND SENATE

I will be testifying before several Congressional committees at which time I will reaffirm that a definite need exists for REA programs. I will also be making the point that it is important that the efforts of REA be targeted to priority needs of the program.

"TAX BREAKS" FOR IOU'S

The "tax relief" available to investor-owned utilities is also available to *all* corporations which actually pay income taxes. Cooperatives, however, with few exceptions, have qualified for exemption from income taxes for decades. Moreover, the tax breaks being offered to the investor-owned utilities generally only defer payment of income taxes and, therefore, will result in larger actual tax payments in later years when depreciation accruals are no longer possible on plant for which accelerated depreciation was taken.

The purpose of these tax breaks is to enable all corporations, including utilities, to spend money that would otherwise be paid in income taxes for the construction of necessary plant facilities and thereby provide jobs and incomes subject to income taxes.

Rural consumers, unlike most urban consumers, will continue to receive the benefit of subsidized loans and loans under federal guarantees at less than rates charged by the money market for debt and equity capital.

ADMINISTRATOR'S SPEAKING SCHEDULE

March 22—NRECA Directors Conference, New Orleans, La.

March 23—Wisconsin Electric Co-op. Assn., Annual Meeting, Madison, Wis.

March 29—Alabama Rural Elec. Assn., Annual Meeting, Montgomery, Ala.

April 2—North Carolina Assn. of Elec. Co-ops. Annual Meeting, Raleigh, N.C.

April 6—G & T Managers Spring Convention, Lexington, Ky.

April 13—South Carolina Telephone Convention, Charleston, S.C.

April 14—Michigan Electric Co-op. Assn., Annual Meeting, Lansing, Mich.

May 4—Pioneer Telephone Co-op., Annual Meeting, Kingfisher, Okla.

May 12—Southern Maryland Elec. Cooperative, Hughesville, Md.

NATIONAL RURAL ELECTRIC COOPERATIVE ASSOCIATION,
Washington, D.C., April 2, 1982.

Mr. HAROLD V. HUNTER,
Administrator, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C.

DEAR MR. ADMINISTRATOR: NRECA has long recognized that every Administration has its own point of view concerning government programs, including rural electrification. This is a political fact of life and we expect it. Over the years, our membership has been in agreement with some policies and philosophical concepts relating to rural electrification which were taken by various Administrations, and in sharp disagreement with others—irrespective of the political party of the Administration.

I think that the record also shows that NRECA and REA have kept the debate on a high plane, with both sides taking pains to be honest and forthright with each other, and to the common constituency whom we serve, the rural electric consumer-members of the nation. I have no quarrel whatsoever with your right, and for that matter, your responsibility, to put your thoughts before the leaders of the program. I am obligated to do that also.

I write to say that I cannot in good conscience leave unchallenged a number of statements and errors in fact contained in your memo "From the Administrator" of March, 1982, to managers and board members of REA borrowers—statements which form the basis for rationalizing the philosophical concepts which you advocate. We sincerely believe that the concepts which are presented in your letter and which were set forth by the Office of Management and Budget last year would work great hardship on the rural electric systems and their consumer members, and would seriously damage the rural electrification program.

Let me address some of the statements with which we take strong issue:

Statement.—"The difference between the 5 percent charged for most REA loans and the 16 plus percent REA has to pay for a portion of these funds is a direct cost that must be borne by the taxpayers in this country."

NRECA Comment.—Not one dime from taxpayers has been used to fund new REA loans or to defray the interest expense on CBOs. Instead, all costs are borne by the resources of the revolving fund.

Statement.—"The average interest rate on long-term debt outstanding is far less for REA distribution borrowers than for IOUs. The IOUs paid an average of 8.1 percent during calendar year 1980."

NRECA Comment.—The statement ignores the fact that some 85 percent of present REA financing is loan guarantees at market rates of interest, currently about 14 plus percent.

Statement.—"The average interest expense represents only 4.5 percent of the consumer's bill."

NRECA Comment.—The interest component of the consumer's bill can be in excess of 40 percent, taking into account the substantial interest expense included in the wholesale power cost.

Statement.—"During the month of February, 1982, REA supplemented collection proceeds by borrowing from the U.S. Treasury at the rate of 16.25 percent."

NRECA Comment.—The actual rate was 12.25 percent (according to the Treasury and REA).

Statement.—"The 'tax relief' available to investor-owned utilities is also available to all corporations which actually pay income taxes."

NRECA Comment.—The dividend reinvestment program, normalization, and several other tax provisions are available only to IOUs.

Statement.—"The tax breaks being offered to the investor-owned utilities generally only defer payment of income taxes."

NRECA Comment.—All of the tax subsidies available are permanent "grants" to the utilities, with the possible exception of accelerated depreciation (ACRS) in which case the subsidy is an interest-free loan.

Statement.—"The purpose of these tax breaks is to enable all corporations, including utilities, to spend money . . . for the construction of necessary plant facilities and thereby provide jobs and income taxes."

NRECA Comment.—REA financing to rural electric systems achieves the same beneficial results. Isn't federal assistance to the rural electric program as appropriate as are the tax breaks to the IOUs?

Finally, I must underscore for you and other Administration officials that the membership of NRECA spoke with a unanimous voice at our recent annual meeting in Atlanta, in rejecting the loan levels recommended by the Administration for FY 1983. Not one dissenting voice was raised in opposition to the resolution which emerged from the grassroots resolution process, establishing NRECA's position. It would be a mistake to interpret the courtesy and friendless of our leaders as support for a weakened rural electrification loan program.

I hope that you will receive these candid responses and criticisms in the spirit intended. I will be glad to discuss the matter with you, if you desire, and will look forward to hearing from you.

Sincerely yours,

ROBERT D. PARTRIDGE,
Executive Vice President.●

BURNS & McDONNELL ENGINEERING CO., INC., HONORED WITH OUTSTANDING ENGINEERING

HON. EUGENE V. ATKINSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Mr. ATKINSON. Mr. Speaker, I wish to congratulate the Burns & McDonnell Engineering Co., Inc., for being honored with an Outstanding Engineering Achievement Award from the National Society of Professional Engineers in its 16th annual national competition.

This award was presented to Burns & McDonnell for their sewage treatment plant design. This design uses existing technology in a unique way that should save future communities millions of dollars in construction and operation costs. The design uses only 3 pieces of mechanical equipment compared with the 10 to 20 in other systems. It eliminates many of the pumps, pipes, and tanks required in traditional plants, resulting in lower costs all around. Burns & McDonnell estimates that the design could cut construction costs by up to 60 percent, operation and maintenance costs by up to 45 percent, and land area costs by up to 50 percent.

This award-winning system is built in self-sufficient modules, therefore allowing a city or an industry, which experiences seasonal demands, to build a number of basins for use in the peak season, then close them down during the off-season. Energy savings from this flexibility is considerable. The new system can also be installed in existing waste-water facilities as additional capacity or as a modification. Further, the system is quiet and virtually odor free.

Self-sufficiency can also aid airports, factories, powerplants, or military installations located miles from the nearest sewer hookup. These facilities can process their own waste water independently and recycle the cleaned water directly back into their industrial processes. This ability to recycle the same water is especially important for water-short regions of the country.

Burns & McDonnell sought an innovative way to process waste water because the Little Blue Valley Sewer District needed a plant they could not afford. The new plant can do the work of sewage treatment plants costing more than twice as much and requiring less energy, factors which saved Little Blue $30 million.

The Environmental Protection Agency gave Burns & McDonnell the funds to build and operate a pilot project. In addition, it officially classifed the design as "innovative and alternative" which means the EPA guarantees the design works, and the Federal Government will pay 85 percent instead of 75 percent of the design costs of the sewage treatment plant.

Mr. Speaker, during a time when the construction of waste-water treatment plants are being criticized because of cost overruns and unsatisfactory performances, I think it is only fair to recognize Burns & McDonnell for their unique and inexpensive design. I am sure that this system with its innumerable benefits will aid many communities that before would have been unable to afford a needed waste-water treatment plant.●

NEVER VOLUNTEER

HON. GARY A. LEE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Mr. LEE. Mr. Speaker, I applaud our colleague from Maryland, Congresswoman MIKULSKI, for her leadership in today's recognition of the many contributions made in America by volunteers.

I would like to take this opportunity to enter into the RECORD, as my personal note of thanks for the tireless hours and efforts of these concerned Americans, the text of a weekly column which I sent to my own constituents during 1981.

I appreciate this opportunity. That column follows:

Veterans will recognize the advice "Never volunteer."

For the GI entering the service today, of course, the advice comes too late. By definition, there is only one way to get into the all-volunteer military force today: to volunteer.

But what is often sound wisdom in uniform is not necessarily the approach we want to foster in civilian life. As matter of fact, it's just the opposite.

President Reagan recently suggested that this entire nation re-discover its rich heritage of helping one another by choice rather than by law.

Contrary to popular image, volunteers still exist in America. They're virtually everywhere you look. Last year one of those weekly columns—a very personal one—talked about a fire in my own home in Dryden. It was volunteers who responded to put it out.

During the days that immediately followed, offers of help poured in from neighbors who had read about the fire. They were volunteers.

Working in the organizations that today support hospitals, charity drives and museums you will find volunteers. Mothers who become scout pack leaders and fathers who coach Little League teams are volunteers.

The natural question then is, "Where's the lack of volunteers that we should be concerned about." Answer: "Everywhere government has gone."

President Reagan said, "As a people we have a proud tradition of generosity." Conjure up the image of the first Thanksgiving, where neighbors and Indians gathered around a communal, volunteer-prepared, feast.

In America's recent history there was a period when even the most well-intentioned American simply could not afford to help his and her neighbor. That period is remembered as "The Great Depression." Lacking the individual's ability to help, a well-intentioned government stepped in.

Government gave us "work relief" programs and a new "Social Security" system. Eventually it offered the proverbial "free lunch." Half-a-century later we're just realizing the truth in the old hack, "There's no such thing as a free lunch."

Today's public assistance programs are "free" only by using tax dollars rather than individuals'. They've become "entitlements" and rather than being grateful for help in hard times, recipients are "entitled" to it.

With the gradual change in approach, whereby there is "a right" to whatever it might be, came growing neglect of the charities that remained. Why should you volunteer to help when "government will take care of it." Indeed, government did take care of most of it.

You must pay your taxes. But you don't have to give to charity. Your government was "volunteering" your money anyway. "I gave at the office" became the automatic reaction to someone at the door.

The satisfaction which Americans once felt upon doing a charitable deed was lost. With it went one of our most respected traits.

It's time to bring it back. The President has lighted our path with an array of incentives such as larger tax breaks for charitable contributions. He's also, by reducing "easy" benefits, given us a swift kick in the pants to start us in the right direction.

The President's suggested changes for the way government does business, if pulled together like a connect-the-dots picture, should show us how to restore a measure of our American pride in helping one another.

Entitlement programs are being cut back and eligibility criteria made stiffer so that tax dollars are used to help only those who really need it. Being out of work will not be as comfortable as it has been for those who are capable of working.

On the other hand, going to work will pay off better. A much larger helping of self-determination will be left in each community with the belief that we, at home, know better than a bureaucrat in a green-walled Washington office, who needs help and how much.

It's a good trade-off. Government does those things that only government can do—

like national defense and making silver dollars. We do the rest because we believe in it, because we can see it helping our fellow Americans.

In all the world, Americans have been unique in our capacity to help one another when the chips are down, regardless of what's in it for us.

I believe that capacity still exists.●

ANNIVERSARY OF SECTION 504 REGULATION

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Mr. ROE. Mr. Speaker, our great Nation was founded on the premise of equal opportunity for all. Unfortunately, that basic belief is being challenged by the current administration in its proposals to severely curtail the Federal guidelines guaranteeing equal opportunities for the handicapped.

This week we celebrated the fourth anniversary of section 504 of the Rehabilitation Act of 1978 which prohibits discrimination against handicapped persons by recipients of Federal assistance. That landmark Department of Health, Education and Welfare regulation has served as the model for other Federal agencies which have adopted similar statutes over the years.

That historic measure was the first Federal law that was specifically designed to protect the rights of the handicapped. Its passage in 1978 was hailed as a major victory for the millions of handicapped persons in our Nation.

Overview responsibility for section 504 regulations was placed in the hands of the Department of Justice. However, it now appears that the Department of Justice is intent on severely weakening the 504 statute this year in such areas as equal employment opportunities, changes in the definition of an unemployed person and limiting their accessibility to education, mass transit, and employment.

I am very disturbed at the attempt by the administration to curtail the civil rights of a substantial segment of our population. Since the adoption of the historic Civil Rights Act of 1964, our Nation has prided itself on adopting the antidiscrimination language of that act for all Americans, regardless of their race, creed, or physical abilities.

We must not let Government become so insensitive that our efforts to streamline the Federal budget will result in the loss of jobs and equal access to bus and train transportation for those less fortunate members of our society who happen to be handicapped.

The Members of this body are elected representatives of the people. And it is our duty to serve the needs of all the people, regardless of their physical condition.

Now is the time for us to act. We must send a loud and clear message to the White House that we will not tolerate this blatant attack on a group of Americans whose very hope for a decent life depends on a continuation of the principles embodied in section 504.●

RETIREMENT PROTECTION

HON. JAMES L. OBERSTAR

OF MINESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Mr. OBERSTAR. Mr. Speaker, I am very pleased to join my colleague BRUCE VENTO in the introduction today of the retiree protection resolution saying that there will be no reduction in any federally legislated retirement program for the remainder of the 97th Congress.

This administration has launched an all-out attack on retirement income programs. The elderly of this Nation and those nearing retirement are rightfully alarmed. Proposals already sent to the Congress include:

First. A 23-percent reduction in social security benefits;

Second. Abolishment of the railroad retirement system with no ERISA protection for tier II benefits already earned; and

Third. Less than full cost-of-living adjustments in the future for military and civil service retirees.

Only the affluent elderly were helped by last year's tax cut. The elderly poor received, instead, reductions in housing, transportation, employment, food stamps, and fuel assistance programs. Now, to offset the loss of Federal revenue caused by flawed economics, unprecedented increases in defense spending, and socially irresponsible tax reductions, the elderly are expected to accept reductions in cost-of-living adjustments.

Unemployment is reducing current income to all retirement programs. Each 1 percent of unemployment costs the social security trust funds an estimated $3.6 billion. Rather than admit failure of its economic policies and get people back to work so as to increase wage contributions, this administration would balance the books by reducing benefits.

We here in the Congress have an obligation to insure that long-term program changes are not hastily enacted in response to short-term financing difficulties. We also have a responsibility to alleviate the anxiety of elderly citizens who are frightened by dire predictions of exhausted trust funds, potential nonpayment of monthly benefits, and the possibility of precipitous changes such as those enacted as a part of the 1981 Omnibus Budget Reconciliation Act.

For these reasons, I have cosponsored legislation to remove the social security trust funds from the unified budget and to permit interfund borrowing. For these same reasons, I am cosponsoring the retiree protection resolution to call a halt to attempts to balance this year's budget on the backs of the elderly and to assure them they can count on receiving cost-of-living adjustments promised by existing law.●

AMENDING THE PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT OF 1965

HON. HAROLD E. FORD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Mr. FORD of Tennessee. Mr. Speaker, just as did last year, the Reagan administration again has proposed to eliminate the Economic Development Administration (EDA). I am a cosponsor of H.R. 6100 which amends the Economic Development of 1965. This proposed legislation revises various EDA programs, instead of eliminating the entire Agency as proposed by the Reagan administration. The EDA has provided assistance to communities throughout the country. By leveraging these funds with those from private sources, communities such as Memphis, Tenn., which I represent, have been able to implement economic development activities which ordinarily might not have been possible.

For example, Memphis has become engaged in an exciting revitalization of its downtown area. It has utilized EDA funds as a creative tool to leverage funds from private financial sources. Projects such as the renovation projects of the landmark Peabody Hotel, the Benchmark Hotel, Beale Street Landing, Beale Street, and Mud Island, have all been given assistance by EDA funds, which were used to obtain funds from private investors.

Additionally, an EDA revolving loan fund program by the Tennessee Valley Center for Minority Economic Development, Inc. has provided loan funds to economically distressed businesses in Memphis who might have gone out of business because of their inability to obtain funds from conventional financial institutions. The revolving loan fund program has also saved or created jobs that might have been lost. Furthermore, these businesses have all made their loan payments as scheduled.

The following is the testimony which I submitted at a joint hearing on H.R. 6100 held today by the Subcommittee on Economic Development

of the Committee on Public Works and Transportation, and the Subcommittee on Economic Stabilization of the Committee on Banking, Finance and Urban Affairs:

STATEMENT OF CONGRESSMAN HAROLD FORD

Mr. Chairman and distinguished colleagues of the Subcommittee on Economic Development of the Committee on Public Works and Transportation, and the Subcommittee on Economic Stabilization of the Committee on Banking, Finance, and Urban Affairs.

It is my honor this morning to have the opportunity to appear before not one, but two outstanding subcommittees, and to testify on behalf of H.R. 6100 which amends the Public Works and Economic Development Act of 1965. I also am happy to be a cosponsor of the bill.

The two subcommittees are to be commended for the work which has gone into H.R. 6100. The administration has made clear about its dislike of the Economic Development Administration (EDA). Furthermore, it has distorted the meaningful contributions of this Agency, and the various EDA programs that have benefitted communities through this country. During the past 17 years, this Agency has provided communities with nearly $5 billion dollars and helped to create some 1.5 million jobs.

Yet, the administration sees this as a waste of money.

The administration's solution to the Economic Development Administration is to eliminate the Agency and its programs. It tried last year, and has proposed to do it again this year. Thanks to the wisdom of the Congress, it was not eliminated last year, and I don't think we will permit it to happen this year.

Rather than propose meaningful legislation for revising the program, the administration wants to put the meat cleaver to it and just wack it into oblivion.

Your subcommittee, recognizing that there were some problems with the EDA has had the wisdom to make changes using a surgeon's knife, rather than a meat cleaver.

The administration would have a tough time convincing folks down in Memphis, Tenn., whom I represent, that the various programs and activities of the Economic Development Administration have not worked.

First, the Economic Development Administration has certainly helped the city of Memphis, and Shelby County take a long range review of its local economic development goals. We have benefitted significantly from EDA planning grants. The $31 million received over the years from the Economic Development Administration have done wonders in stimulating economic development activities from the private sector in Memphis.

If you were to walk through the downtown area of Memphis 5 years ago, you would have seen the typical sights downtown of urban deterioration. The same area, thanks to the assistance of EDA, and private financing, has become the site of exciting renovation and new development which shows tremendous potential for reviving our downtown area.

The old landmark Peabody Hotel, which was closed for many years, now has become a center of activity and life, and is the hub of a revitalization effort which has spread throughout the downtown community.

EDA provided an $11 million loan guarantee to the Peabody. The total renovation costs were over $31 million—a leverage of EDA funds of 3 to 1.

Other downtown hotels are being renovated, and old warehouses are being converted to restaurants, shopping centers, office space, and condominiums.

Much of this is being done by the Beale Street Landing Corporation through EDA funds and private investments.

Additionally, EDA loan guarantees, and private financing have resulted in the renovation of another downtown hotel, which has been closed for years, the Benchmark, located across the street from the Peabody. EDA provided 30 percent of the $4 million costs, and through local and regional initiative from public and private sources, this beautiful hotel will open later this year.

I should also note that the Benchmark is owned and operated by minorities.

In plain and simple terms, people are coming back to the downtown area which is again thriving.

The stimulation of the $31 million from EDA has resulted in many times that amount being provided by private sources.

Just outside of Memphis, another community—Moscow, Tennessee, through EDA and other funds, has purchased land for an industrial park which when completed, will attract over 450 permanent jobs in the poorest county in the State of Tennessee through EDA and other funds. This to me, is not a waste of money.

Finally in 1980, the Tennessee Valley Center for Minority Economic Development, established through EDA a $500,000 revolving loan fund program. Since that time, 15 loans have been made, 7 of which are in participation with local banks, and the EDA funds have been leveraged through private financing mechanism at a rate of 2 to 1. Gross revenues for these firms in 1982 are projected to be $4.1 million, which when using the multiplier effect, will result in an infusion of $13.3 million into the economy.

EDA has projected that for every $10,000 loan, one permanent job will be created. The Tennessee Valley Center's revolving loan program has topped that. For every one job created, it has cost only $4,448.

These funds provided assistance to distressed businesses that could not get financing through conventional methods. I am happy to say that in 2 years, all loan repayments have been made, and on time. Many of these businesses would have gone out of existence without this assistance.

I could go on and on with these success stories. It is my hope that these two committees will continue to fine tune the Economic Development Act of 1965. Again, you are to be commended for proposing a sensible and sane approach toward the Government role in stimulating local economic development initiatives. That course is more responsible than to eliminate a proven program, and leave hundreds of communities such as Memphis holding the bag without any water.

I believe that our Government does have the responsibility to work with these communities. Eliminating EDA will certainly diminish that participation at a time when our communities need a helping hand—not a handout, but a helping hand. The administration's solution is no solution at all. In fact, the administration's solution merely becomes the problem.●

SEPARATE-BUT-EQUAL—IS UNCONSTITUTIONAL

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Mr. LELAND. Mr. Speaker, more than 27 years ago, the Supreme Court, in the historic case of *Brown* v. *Board of Education* (347 U.S. 483, 1954) and *Bolling* v. *Sharp* (347 U.S. 497, 1954), ruled that racial segregation in public education, under the guise of being "separate-but-equal," is unconstitutional.

Yet today several sections still exist in the current United States Code purporting to authorize racial segregation in colleges established under Federal law and financed with Federal funds which are appropriated under the Agricultural College Act of 1890.

That act authorized payment of Federal funds for the support of colleges to teach agricultural and mechanical arts in the States and territories. At that time, in 1890, many States either provided no education for colored people, as they were then called, or educated them in schools separate from white students. Although the Congress desired that the funds it authorized should be available only for colleges which made no distinction of race or color * * * in the admission of students, our country, unfortunately, was not ready, in 1890, to accept a full nonracial educational system. The 1890 act therefore authorized the use of Federal funds for agricultural colleges that were maintained "separately for white and colored students * * * if the funds * * * be equitably divided * * * between one college for white students and one institution for colored students."

The statutory provisions have never been repealed by Congress, even though the Supreme Court's Brown and Bolling decisions thoroughly undermined their constitutionality.

The continued presence of this separate-but-equal doctrine in the current edition of the United States Code is inconsistent with our present national policy against racial segregation, contrary to numerous court decisions, plainly unconstitutional, serves no useful purpose, and besmirches the United States Code. These provisions of law represent a phase in our history which inflicted tyranny and injustice on millions of people, obstructed the progress of our Nation, and shamed our national heritage. They should have been eliminated from the United States Code long ago. Their repeal is decades overdue.

I have today introduced a bill to accomplish that repeal. The bill would eliminate from the United States Code

the express references to the outmoded racial segregation and separate-but-equal provisions of the 1890 statute. It will not, however, adversely affect the existence of, and the continued funding for, the colleges which were historically established for the "colored" students. The bill specifically provides that where any State or territory has more than one agricultural college all moneys paid under the Morrill Acts of 1862 and 1890 must be equitably divided among such colleges and approved by the Secretary of Education. In addition, section 2 of the bill specifically provides, as recommended 2 years ago by the Secretary of Agriculture and the then Secretary of Health, Education, and Welfare, that "Nothing in this act shall be construed as affecting the continued funding" of all research and extension programs sponsored by the Department of Agriculture at any institution, including Tuskegee Institute, heretofore or hereafter established under either the first Morrill Act of 1862 or the second Morrill Act of 1890.

I would welcome having other Members of the House join in cosponsoring this bill.

I hope that appropriate committee action and congressional enactment will occur soon.

I request that the text of the bill be printed at this point in the CONGRESSIONAL RECORD.

Thank you, Mr. Speaker.

The text of the bill follows:

H.R. —

A bill to repeal obsolete statutory language purporting to permit racial segregation in agricultural and mechanical arts colleges financed under the Agricultural College Act of 1890

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of August 30, 1890 (26 Stat. 417; 7 U.S.C. 322-326a) is amended—

(1) in the first section, by striking out "*Provided,* That no money shall be paid" and all that follows through "to separate colleges for white and colored students", and inserting in lieu thereof: "*Provided,* That where any State or Territory has more than one agricultural college, no money shall be paid under this Act or the Act of July 2, 1862 (12 Stat. 503; 7 U.S.C. 301-308) to such State or Territory for the support or maintenance of such college unless the funds received in such State or Territory are equitably divided among such colleges, as proposed by the legislature of each State or Territory and approved by the Secretary of Education;

(2) in section 2, by striking out "or the institution for colored students,";

(3) in section 3, by striking out "or of institutions for colored students,"; and

(4) in section 4, by striking out "or of institutions for colored students,".

SEC. 2. Nothing in this Act shall be construed as affecting continued funding of research and extension programs sponsored by the Department of Agriculture pursuant to law at Tuskegee Institute or any institution heretofore or hereafter established under the Act of July 2, 1862, or the Act of August 30, 1890.●

TIDE TURNS AGAINST SMALL BUSINESS INNOVATION ACT

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Mr. McCLOSKEY. Mr. Speaker, an unusual request was made yesterday morning by four cosponsors of the so-called Small Business Innovation Act (H.R. 4326), a bill which sets aside Federal research and development funds for small businesses.

VIC FAZIO, HENRY HYDE, TOM LANTOS, and JOEL PRITCHARD—all cosponsors of the Small Business Innovation Act—have urged 192 of their colleagues to join them in withdrawing their names as cosponsors.

This is a rare and commendable act when legislators, upon closer examination of the merits of an issue, decide to free themselves from any implied commitment they may have made to vote for a bill when it reaches the floor.

Their letter follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., April 26, 1982.

DEAR COLLEAGUE: We are writing you with an unusual request that stems from a nearly unique legislative situation. We, like you, cosponsored HR 4326, the Small Business Innovation and Development Act. But since the Small Business Committee reported it, six other authorizing Committees have examined the bill in detail. Those Committees believe it requires so many substantial amendments that we have *withdrawn* our names as co-sponsors of the original bill. We are asking you to consider doing the same.

Like us, you may have been influenced to co-sponsor this bill by the fact that it passed the Senate 90-0. If that doesn't mean a bill is good, it should at least assure it is non-controversial. This one was presented as the answer to several serious problems facing small business in general and small high technology companies in particular. We were told it would cost no additional federal dollars and that colleges and universities wouldn't be hurt since there would still be plenty of research funds left for basic research. We were told a number of small business groups supported this bill, and that a respected small business publication, *Inc.* Magazine, strongly endorsed it.

But now that the Committee process has run its course, a very different picture has emerged. Six authorizing Committees have examined the impact of this bill in their jurisdictions, and four of them say it requires major changes—changes that dispute the core of its rationale:

The House Armed Services Committee finds the bill "unacceptable" because it would force DOD to set-aside 26% of its discretionary R&D, not 3%;

The House Intelligence Committee says the program "cannot be implemented satisfactorily within the intelligence community" since it would require highly classified programs whose very existence cannot be acknowledged to describe their needs publicly and solicit bids;

The House Science & Technology Committee "strongly recommends against" the mandatory set-aside as "unwise public policy" and neither desirable or necessary. The Committee's report strongly disputes the proponents' statistics on Small Business' current share of Federal R&D resources and the availability of private capital for these companies;

The Energy & Commerce Committee contends "1982 is not the time to abandon the policy of excellence in Science." They believe the bill would prevent hundreds of highly rated biomedical projects from being conducted.

Since the Senate's authorizing Committees did not examine this bill, we should give the views of our own House Committees extra weight.

In addition, we now understand the original bill would force the agencies to spend an additional 3 percent *on top* of whatever they now devote to small business. The Congressional Budget Office now estimates it would cost at least $193 million over five years just to administer the bill. That money has to come from somewhere: the agencies' existing R&D budgets. In effect, HR 4326 would be a tax on research.

We have now learned that the National Science Foundation, on whose SBIR program the bill is modeled, opposed the bill itself. Last June NSF's General Counsel wrote OMB, "The proposed permanent legislative extension of the NSF's SBIR program in its present experimental form across the government without budget scrutiny seems very unwise."

It has now developed that the nation's largest association of small high technology companies, the American Electronics Association—1,900+ companies, more than 80 percent of which would qualify for the bill's forced set-aside—strongly opposes the bill. AEA contends the dismal history of existing set-aside programs, well documented by GAO, practically assures this program will generate waste, abuse and fraud unless strong safeguards are added to the bill.

We now know of the strong opposition of the academic community, which contends the bill will have a disporportionally large impact on the dwindling agency "discretionary" R&D funds not now locked up in major programs.

Finally, we can also now see a mounting tide of adverse press opinion on the bill. Not counting straight news accounts of the growing controversy, there have already been editorials and articles strongly critical of this measure in the Washington Post, The New York Times, The Los Angeles Times, Newsday, The National Journal, Science and Washington Monthly, the Sacramento Bee, the Minneapolis Tribune, the San Francisco Chronicle, and Electronics magazine. Over a dozen other major publications are currently preparing stories on the issue.

As you know, co-sponsoring a bill is not a commitment to vote for it, but an expression of support for its positive consideration in Committee. Now that the Committee process on HR 4326 is completed we hope you will look at what those Committees have uncovered and join us in removing your name from the sponsor list. You will thereby end any obligation to vote for the bill that may be implied by your initial sponsorship, and free yourself to cast an informed vote for or against it—on the merits.

You can remove your name by calling Pat Fulton in Congressman Vic Fazio's office, 225-5716.

Best regards,
Sincerely,

HENRY J. HYDE, *M.C.*
JOEL PRITCHARD, *M.C.*
VIC FAZIO, *M.C.*
TOM LANTOS, *M.C.*

[From the Washington Post, Mar. 4, 1982]

BAD BUSINESS

When a bill passes the Senate by a 90 to 0 vote you can conclude that one of two things happened: either the measure was viewed as essential to the republic, or no one was paying attention. In the case of the Small Business Innovation Development Act—now working its way through the House—no one in the Senate seemed to be on deck.

Small businesses have accounted for most of the job growth and a large part of the technological progress over the last decade. That being the case, you might ask why more help is needed—especially since the tax bill passed last year was designed to encourage investment and risk-taking. The proponents of the measure argue, however, that small business could contribute still more if it were assured a larger share of federal research and development money. Hence the proposed legislation.

The more generous House Small Business Committee bill would earmark 3 percent of the R&D budgets of the 13 largest federal agencies for small business. This would be more than $1.5 billion annually after the program had been phased in.

The whole dismal history of government procurement preferences and set-asides would suggest that, despite the program sponsors' good intentions, the desired boost to innovation is far more likely to end up as a prop for shaky ventures. In many agencies the program would quickly degenerate into another pesky set-aside for firms that can, by means fair or foul, become eligible—not a hard thing to do in a program that covers firms with as many as 1,000 workers.

Most government R&D—particularly in the large domestic agencies—is simply not the sort of thing that sustains unrecognized geniuses. As a result, it is also likely that the burden of meeting an agency's 3 percent quota for innovative research would fall heavily on that sometimes small part of the budget that funds basic research. This worries the universities and medical schools.

The American Electronics Association—whose predominantly small-firm membership is presumably just the sort of beneficiary the program has in mind—says that the last thing it needs is another complication in the already Byzantine government procurement process. The electronic firms aren't against government help—they'd like more tax breaks instead. But they are right in insisting that government could help worthy small businesses a lot more by streamlining its procurement process, speeding up its bill-paying and increasing—not reducing—the amount of open competition.

[From the New York Times, Mar. 23, 1982]

THE RAID ON BASIC RESEARCH

The measure seemed harmless enough—so harmless that it passed the Senate last December without dissent. In fact, however, the Small Business Innovation Development Act is a special interest grab that threatens to siphon off hundreds of millions of Federal dollars for basic research.

Hardly anyone is more cherished by Congress than the owners of small businesses. So when New Hampshire's Senator Rudman proposed that 1 percent more of the $40 billion that goes for research and development on Government projects be set aside for companies with fewer than 500 employees, nobody blinked. And when Representative John LaFalce of New York raised the ante to 3 percent, he had no difficulty finding 180 House sponsors.

Supporters note that everything from streptomycin to the zipper was invented by small entrepreneurs. If Washington were willing to look beyond the Fortune 500 when it doles out research funds, they insist, more of the same would emerge. Besides, a 1 (or 3) percent cut in R & D funding would only force the big researchers to look a little harder at their paperclip bills.

There's no question that in some industries, smaller companies are strikingly innovative. But they already get a fair shake from Washington. Small companies employ 5.5 percent of the scientists and engineers in the private sector, but get 6.8 percent of Government funds for private research.

What difference would an extra few percent make? The fear, expressed by Stanford University's President, Donald Kennedy, is that most of it will come out of the small proportion of Government R & D devoted to basic research. Few agencies would willingly redirect funds tied to specific development projects like new weapons systems. And small businesses simply aren't prepared to do the basic research now mostly performed at the big Government-owned labs.

Actually, the potential loss is still greater. At the Stanford Linear Accelerator much of the budget must be spent on equipment maintenance, whether the machinery is used or not. So a 1 percent cut in funding forces a much larger cut in research operations. The same is true for capital-intensive basic research in fields like biogenetics.

These arguments have made headway in the House where one committee after another has expressed reservations about the bill. California's Pete McCloskey will lead a floor fight against it, but few other Congressmen seem willing to stick their necks out. The Federal budget office wants no part of the set-aside. But President Reagan is said to have promised neutrality in return for Senator Rudman's support for the Awacs deal last year.

Some believe that the Rudman set-aside is unstoppable, that Congress could not bring itself to vote against a program labeled "small business," no matter how wasteful. This may yet prove to be true. But only by resisting such outrages can Government ever hope to control waste—or manage the economy rationally.

[From the Los Angeles Times, Mar. 22, 1982]

RESEARCH: BLURRED VISION

Congress is blurring the distinction between basic and applied research in some pending legislation, and American universities may suffer as a result.

At issue is the Small Business Innovation Research Act, sponsored by Sen. Warren B. Rudman (R-N.H.) and Rep. John J. LaFalce (D-N.Y.). Their idea, which appears laudable enough at first glance, is to set aside research funds for small businesses on the theory that they have produced many of the nation's innovative ideas. But if you set aside money *for* something in these days of tight budgets, you are probably setting it aside *from* something else—in this case, universities.

The Senate's version of the legislation, which swept through 90 to 0 in December, provides that 1% of the research money going through five agencies—or $400 million—would be earmarked for small businesses; those agencies are the National Science Foundation, the Defense Department, the Health and Human Services Department, the National Aeronautics and Space Administration and the Energy Department. The House bill, which sailed through the House Small Business Committee on a 40–0 vote in October, would give small businesses 3% taken from 13 agencies' research-and-development budgets within four years after passage—that is, $1.5 billion a year. The size of the votes that the bills received makes us suspect that they have not been examined closely.

Rudman thinks the legislation is necessary because big business has frequently "turned its back on uncertain technology or unproven new products" in favor of short-term profits, while small business lacks the capital to develop its ideas and has been frozen out of federal research contracts. He argues that small business is responsible for creating 55% of the new jobs in this country, and so deserves this support.

It seems to us, and to the universities that are opposing the legislation, that Rudman is, first of all, confusing basic and applied research. Donald Kennedy, president of Stanford University, is a good source on this topic; Stanford knows well the value of the small, highly innovative electronics and biotechnology companies that are its neighbors in the so-called Silicon Valley of California.

Kennedy points out that fundamental discoveries of devices or processes such as the laser or recombinant DNA "most usually arise as a consequence of fundamental research activities, (and) 70% of that kind of activity takes place in our nation's universities."

The intermediate process—known as the transfer of technology, in which the discovery is refined and applied to commercially significant needs—sometimes occurs in universities, sometimes in research institutes, sometimes in corporate settings, Kennedy adds. A third process—the development and application of specific innovative products—takes place mostly in small firms, he says.

"That is our central argument with the present legislation," Kennedy says. "For the best of motivations, it actually reallocates federal dollars between totally different sets of purposes. That, we submit, is not good policy."

On a second point—Whether small companies have been frozen out of federal contracts—the American Electronics Assn. says that small businesses employ about 5.5% of the nation's scientists and engineers, and receive about 6.8% of the federal government's prime research contracts. It would seem, then, that their resources are used in proportion to their ability to handle the work.

The association represents 1,800 high-technology concerns, 80% of which would qualify for help under these bills. Yet the association opposes the idea. Historically, it says, such set-aside programs have led to waste and abuse. "Please don't do it" for us, one spokesman says. This attitude toward government involvement in business would seem consistent with the Reagan Administration's viewpoint—but the Administration has endorsed the Rudman bill.

The House should finally look beyond the motherhood-and-apple-pie title of this legislation and defeat it.

[From the Denver Post, Apr. 7, 1982]

SETTING ASIDE LOGIC

So you thought the "Reagan Revolution" meant an end to heavy-handed federal "social engineering" in state and private sector affairs? Friend, you haven't read HR 4326.

Neither, apparently, did the U.S. Senate. The resolution, misnamed the Small Business Innovation Development Act, sailed through that body on a 90-0 vote. It is to be hoped the House does read it—and kills it—before universities and high-technology companies are spread-eagled on yet another bureaucratic rack.

The bill demands a "set-aside" of 3 percent of the research and development budgets of 13 agencies, including the Departments of Defense, Energy, and Health and Human Services, and the national space agency.

The resulting slush fund, about $1.5 billion annually, would be reserved for "small businesses." HR 4326 defines firms employing up to a thousand workers as "small." Since the owner of such a firm is usually a multimillionaire, it's absurd to give him special favors. Yet HR 4326 does just that.

Worst of all, as Donald Kennedy, president of Stanford University, notes, HR 4326 ignores the fundamental distinction between basic and applied research. Fundamental scientific discoveries, such as the recent progress in recombinant DNA research, generally stem directly from basic research which has no immediate prospect for profit. About 70 percent of such basic research takes place in universities—including major efforts at the University of Colorado and Colorado State University.

The next step is transfer of technology, when the discovery is refined and applied to commercially significant needs. Universities and corporations alike are active in that field, according to Kennedy.

Finally, it generally is small firms which carry out the third step of turning those discoveries into specific innovative process.

"For the best of motivations, HR 4326 reallocates federal dollars between totally different sets of purposes," Kennedy warns. The result could be starving basic research at the university level—already seriously underfunded.

The group that would be most likely to benefit from HR 4326—the American Electronics Association—opposes it. The association represents 1,800 high-technology firms, 80 percent of them "small businesses" under the bill. "we oppose political intervention in the marketplace on behalf of a special interest—even if it is ours," the association said.

Besides, as the AEA notes, its hustling firms already are doing quite well playing by free-enterprise rules.

HR 4326 would cost an estimated $38 million a year just to administer. If Congress won't kill it, President Reagan should stand by his free enterprise rhetoric and veto it. What HR 4326 really "sets aside" is logic.●

THE DAY INDIANAPOLIS DIED

HON. FLOYD J. FITHIAN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Mr. FITHIAN. Mr. Speaker, recently many individuals and organizations have sought to describe what an attack would mean to their community. I have inserted, for your information, a copy of a recent article by David Mason and Gary Kyzr-Sheeley which appeared in the Indianapolis Monthly. This article describes the effect of an attack on one such city in my State: Indianapolis. Indianapolis is home to 701,000 Hoosiers and workplace for tens of thousands more. Nothing, I believe, illustrates more the need for arms control and eventual reduction than what the effect of an attack would be on our towns and cities.

The problem which I am sure has been brought to your attention time and time again in recent weeks by your constituents is the problem of the uncontrolled buildup of strategic nuclear weapons and the horror and devastation that could be caused by the use of these weapons. I am sure that I do not have to tell you, an all-out nuclear war would mean the end of civilization as we know it, an end to millions of years of progress within a very short time. I hope that you will find this article as enlightening, as well as disturbing, as I have.

THE DAY INDIANAPOLIS DIED

The 1980s are a dangerous period in world history. The United States and the Soviet Union, armed with more than 16,000 strategic nuclear weapons, continue large-scale development of more numerous and more sophisticated weapons. At the same time, the restraining influence of detente has withered because of Soviet actions in Afghanistan and Poland, the U.S. refusal to ratify the SALT II Treaty and a new hard line from the Reagan administration.

Both sides consider the possibility of fighting and "winning" a nuclear war, and are developing strategies and deploying weapons for that end. Strategists in the Pentagon argue that by having the capability to fight and win a "limited" nuclear war, our deterrent is more credible and war less likely. Critics contend that by planning to use nuclear weapons, a superpower conflict is more likely to lead to a nuclear exchange, and that such a conflict could hardly be controlled. A "limited" nuclear war would quickly escalate to a large-scale nuclear exchange.

If this occurs, Indianapolis is certain to be a target. The first volley of strategic nuclear weapons will probably be aimed at purely military targets, such as Grissom Air Force Base in Peru, nuclear submarine bases and intercontinental ballistic missile (ICBM) silos. But both sides have thousands of nuclear warheads left over for other strategic targets and population centers.

The federal government has identified 15 likely targets in Indiana alone and Indianapolis is one of the most important. It is the 11th-largest city in the country and the state capital. For Benjamin Harrison, where the Army Finance Center provides paychecks to military personnel worldwide, is located here. Our city is a major industrial and commerical center serving as a hub for many Midwestern railroad lines and interstate highways. Detroit Diesel Allison, Naval Avionics and other firms here perform defense research or production.

Nuclear weapons have only twice hit cities: Hiroshima and Nagasaki, Japan, in August 1945. These were small bombs compared to today's weapons. But from the effects on these cities and the results of nuclear weapons testing, it is possible to sketch the likely consequences of a nuclear attack on Indianapolis.

WHEN THE BIG ONE FITS

At 11:45 am on a cool Saturday morning in April, Marion County air raid sirens begin howling. Most residents of Indianapolis assume it's a test. Those curious enough to turn on their televisions or radios are confronted with grim-faced announcers repeating over and over: "This is NOT a test. A Soviet ICBM will detonate near Indianapolis in 15 minutes." There is some panic, but largely a feeling of hopelessness.

At 12:03 pm the SS-18 missile, carrying a 20-megaton warhead, explodes on Monument Circle. It is the largest warhead in the Soviet arsenal, 1,000 times more powerful than the American bomb dropped on Hiroshima. The blast digs a crater more than 500 feet deep and a half mile wide; the vaporized material tossed from this pit creates a rim nearly twice as wide. Buildings around Monument Circle are reduced to dust. Within the Mile Square, almost nothing remains. The State House, the Convention Center, Market Square Arena, and the Indiana National Bank building disappear. The Indiana War Memorial, slightly farther from ground zero and more sturdily built, is now a devastated hulk.

Nothing remains and nobody survives in the area bounded by 32nd Street on the north, Troy Avenue on the south, Tibbs to the west, and Sherman to the east. The three primary effects of a nuclear explosion—blast, heat and radiation—combine to produce this total destruction. The blast effect itself crushes most people and destroys all buildings. At the edge of this perimeter, the blast creates winds of up to 650 mph.

Thermal effects are almost as devastating. A fireball with an initial internal temperature of 600,000 degrees Fahrenheit covers the entire 6-mile wide area, incinerating everything flammable. From 50 miles away, the fireball appears to be many times more brilliant than the noonday sun. Intense radiation blankets this inner area. Within two miles of the blast, radiation levels measure more than 30,000 rems. A dose of 1,000 rems causes death. Three miles away, the exposure reaches 750 rems or more, enough to kill 90 percent of the inhabitants of that area. All of this happens within five seconds.

Moments later the destructive forces surge outward. At a distance of five miles from Monument Circle, the shock wave collapses most factories and commercial buildings. The Detroit Diesel Allison plants on South Tibbs are leveled. In Beech Grove and Speedway, virtually all of the homes are blown away and distributed as debris. At Butler University, blast winds of 300 mph completely level fraternity and sorority houses, Irwin Library and Lilly Hall. Clowes Hall collapses and Hinkle Fieldhouse is reduced to a pile of rubble inside a steel skeleton.

People suffer ruptured eardrums and lung hemorrhaging. Most of the injuries are caused by the impact of airborne debris, or by bodies being hurled against hard surfaces. Glass, bricks and other debris hurtle through the air at hundreds of miles per hour, killing thousands. But it's not just debris that is tossed around. At five miles from ground zero, the blast can pick up a

165-pound man and thrust him hundreds of feet at speeds of 100 mph.

The blast's intense heat ignites all flammable materials including wood, rubber and fabrics. Structure fires in residential areas rage for days. The direct effects of radiation at five miles are relatively slight, but people in this area are soon affected by the long term contamination of radioactive fallout. More than 100,000 people resided in this 5-mile circle before the attack. Only 5,000 of these survived, and almost all of them are seriously injured and will soon die.

In Marion County alone, the immediate effects of the explosion are 408,000 killed, 200,000 seriously injured and only 147,000 relatively unharmed. Many of them, though, will shortly be exposed to lethal doses of radioactive fallout.

The blast and thermal effects of the bomb spread far beyond the 5-mile zone. At the very limits of Marion County, 10 and 11 miles from ground zero, the shock of the explosion blows in the walls of steel-frame buildings and severely damages residences. Winds of more than 100 mph blow away the malls at Castleton, Washington and Lafayette Squares. Indianapolis International Airport is destroyed as is everything at Fort Benjamin Harrison.

People exposed to the blast from as far away as Noblesville and Franklin suffer third-degree burns on their faces and hands. Heat from the blast inflicts second-degree burns 27 miles from Monument Circle, and first-degree burns up to 31 miles away. In Greenwood, Mooresville, Plainfield, Brownsburg, Zionsville and Carmel, between a quarter and one half of the population suffer from injuries and require medical care.

While the blast devastated Indianapolis almost immediately, the long-range effects of radioactive fallout have just begun. Within seconds of the explosion a mushroom cloud rises to a height of 22 miles and a width of 75 miles. The cloud includes millions of tons of particles of vaporized soil and debris made radioactive in the fireball. This is fallout.

Ten minutes after the blast, fallout descends on Marion County, exposing survivors to lethal doses of radioactivity. Fifteen mph winds from the southwest spread the radioactive cloud in an elliptical pattern along Interstate 69 creating a lethal zone 100 miles downwind within four hours. In this area, which includes Anderson and Marion, almost everyone unshielded from the radiation dies within two weeks. Even those who sought shelter in basements contract radiation sickness and suffer from vomiting, loss of hair, ulceration of the skin, bleeding and infection. Without medical attention, including blood transfusions and antibiotics, many of these people die. In the outer ellipse, stretching all the way to Michigan, and including Kokomo, Muncie and Fort Wayne, dangerously high levels of radioactivity filter into the atmosphere.

In the aftermath of the attack, especially in the Indianapolis area, little possibility exists for medical care. Marion County had 4,775 general hospital beds before the attack. None of these are available afterwards. Most of the major hospitals, including Indiana University, Methodist, Riley, University Heights, Winona and Wishard are destroyed. Community and St. Francis hospitals also suffered major damage. Only St. Vincent Hospital remains standing, but its walls and windows are blown in, and most of the equipment is useless. While a few of the hospitals in the six counties surrounding Indianapolis stand relatively undamaged, they total only 764 beds. This is pathetically inadequate for the injured in those counties, much less for the hundreds of thousands of casualties in Marion County.

Of 1,900 doctors in the county, all but 400 are dead or injured. Even if each of them works 16 hours a day, spending only 15 minutes with each patient, it would take more than a week to see all of the injured. With the destruction of transportation and communication lines and rubble blocking many streets, this feat is impossible.

While these initial effects of the nuclear explosion are horrible, the long-term ones are almost as grim. The hundreds of thousands of bodies in various states of decay pose an immediate public health hazard and a gruesome logistical task of disposal. Infection and disease spread, particularly among those weakened by injuries and radiation sickness. Even those lucky enough to escape injury in the attack have nowhere to live because most houses in the county are destroyed. Contaminated food and water, lack of transportation, electricity and heat compound the dire situation.

These are only the immediate effects of just one bomb on one city. Soviet missiles also struck fourteen other areas in Indiana and thousands of other targets throughout the United States. Although the United States retaliated with its 9,000 warheads, few Americans gain comfort from the thought that Soviet citizens are also suffering. In this war, there are no winners.

WILL THE DAY OF RECKONING REALLY COME?

Of course, such a holocaust has not yet occurred, but it could. A brief encounter with the nuclear age in 1945 offered no clear and long-lasting lessons to world leaders vested with responsibility for national defense. In the years since then, numerous attempts have been made to eliminate or control nuclear weapons, but none have succeeded.

The complexity of the nuclear issue breeds confusion, making it difficult for world public opinion to halt the nuclear arms race. The world has limped and lurched along in the bliss of ignorance interrupted only by spasms of attentiveness and foreboding precipitated by such events as "the missile gap," the Cuban Missile Crisis and the mining of Haiphong Harbor.

Concurrent with this failure to come to grips with nuclear weapons, the global military/political environment has changed radically. These changes increase the likelihood of nuclear war and ensure that it will wreak unimaginable havoc.

THE QUESTION OF DETERRENCE

The world's nuclear club currently stands at six with several states aspiring to nuclear status, some possessing the potential to go nuclear in the near future, and some believed to be closet nuclear powers, e.g., South Africa, Taiwan and Israel. It is conceivable that the nuclear club will grow to more than 20 states before the turn of the century. The fact that many states hold nuclear weapons, and those most likely to acquire them represent volatile areas of the world, enhances the probability of a nuclear weapon being fired in anger. Should this occur, especially among client states of the United States and the Soviet Union, the superpowers could find themselves facing a nuclear showdown.

Regional political tensions increased throughout the 1970s, especially in the developing world. Such tensions may encourage a politically isolated regional power like Israel to acquire and employ nuclear weapons against her more numerous Arab neighbors. The reverse holds true as well, and the recent Israeli raid on an Iraqi nuclear reactor demonstrates that the Israelis fear such an eventuality.

Technological advances make possible the production of very small nuclear weapons. If even one of these weapons falls into the hands of extremists, it is probable some government(s) would be blackmailed and it is possible the weapon would be detonated.

By far the greatest threat to world peace is posed by a head-to-head conflict between the superpowers. The age of detente, which characterized U.S.-Soviet relations in the late 1960s and early 1970s, has given way to mutual suspicion and a resurgent cold war mentality. This development, together with qualitative and quantitative improvements in the nuclear arsenals of the superpowers, enhances the possibility of war. Moreover, the apparent vulnerability of certain types of nuclear weapons has given rise to serious consideration of counterforce strategies which imply that nuclear war is both fightable and winnable. Acceptance of any such idea makes nuclear war more likely.

Our only means of defense against nuclear attack is psychological. Stated U.S. policy calls for nuclear deterrence, which simply means that we aim to deter nuclear attack by convincing all potential aggressors that the losses we would inflict on them in retaliation would cancel out or exceed any gains they could hope to attain by their pre-emptive attack. Both superpowers maintain air defense and early warning radar systems, but even if these systems operated at peak efficiency they would result only in a few bombers shot down and a 15-20 minute warning to populations. Neither side possesses an anti-ballistic missile (ABM) capability to shoot down incoming missiles and both have signed a treaty whereby they agree to limit testing and deployment of such systems because they undermine mutual deterrence. The technology for an effective ABM system does not exist and will not in the foreseeable future. Therefore, once an ICBM is fired, only a technical malfunction can keep it from hitting its target.

A full-scale nuclear strategic exchange between the Soviet Union and the U.S. would cause inestimable destruction in terms of lives and property, fundamentally altering life on this planet. All cities and major towns in the country would be destroyed; the social, economic and political structure of the nation would collapse. Although some rural areas would be unaffected by the immediate effects of thousands of nuclear explosions, a vast wave of nuclear fallout would soon sweep across the nation killing or injuring many of those previously unaffected and contaminating most of the remaining water and food stocks. All communications with the remainder of the world would cease. All goods and services previously obtained from other areas of the country would no longer be available. There would be no help from the outside for Indiana.●

CHUMS EMPHASIZE LIFE

HON. BARBARA A. MIKULSKI
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Ms. MIKULSKI. Mr. Speaker, I would like to call to the attention of my colleagues the outstanding progress that has been made by CHUMS—Cancer Hopefuls United for Mutual Support—a young health organization whose efforts are directed toward improving the quality of life of cancer patients/survivors. CHUMS is a national coalition of cancer survivors and their families and friends. CHUMS was started in September 1981 as a national self-help organization that emphasizes life—life with good quality for all those who have a history of all kinds of cancer.

The purposes of CHUMS are:

First, to afford cancer survivors the opportunity to meet, share experiences, and offer each other mutual peer support.

Second, to offer therapeutic aid via self-help.

Third, to help cancer survivors and their families and friends to better understand the nature of cancer and to cope with the resulting traumas and problems.

Fourth, to disseminate information about the latest developments on the subject of cancer, inclusive of lecture discussions by prominent cancer specialists.

Fifth, to stress that cancer is a disease, not a disaster, and that it is often curable if detected early and treated early.

Sixth, to counter misconceptions that cancer is a death sentence by highlighting those cancer survivors who are 5 and more years beyond diagnosis.

Seventh, to educate cancer patients, and the public at large, that it is now possible for cancer patients to survive and live out their normal lifespans.

Eighth, to reduce the trauma of cancer and get cancer patients back into the mainstream of life.

Ninth, to encourage cancer patients to become cancer "hopefuls" and opt for life.

Tenth, to improve the quality of life of cancer patients/survivors by helping them to achieve a positive attitude, the determination to live, and the will to be well.

The CHUMS agenda includes:

Self-help: CREST—Cancer Rap Education and Self-help Therapy—sessions;

General educational meetings at which prominent cancer specialists speak and answer questions;

"Phone-a-Patient" and "Visit-a-Patient" projects, to let cancer patients know somebody cares;

"Stop Job Discrimination Against Cancer Survivors" project;

"Fun Despite Cancer" parties—cancer patients/survivors deserve to have fun too;

Emotional support groups for widows, widowers, and orphans—the survivors of cancer victims;

CHUMS Exchange, a newsletter with goods news for and about cancer patients/survivors;

House-hotel facility to ease traveling expenses and burdens for cancer patients undergoing treatment.

On Sunday, May 16, CHUMS will have its first annual luncheon.

I want to take this opportunity to bring my colleagues up to date on the activities of this organization and the distinguished people who are associated with its work, including some of our colleagues.

Before getting underway in September 1981, CHUMS held an all-inclusive board meeting at the New York City division of the American Cancer Society, at 19 West 54th Street, New York City. In addition to the officers and members of the board of directors, the meeting was attended by Philip Strax, M.D., the eminent breast cancer specialist, and Marilyn Cooper, honorary trustee and Tony-Award-winning actress—for her supporting role in the Broadway hit, "Woman of the year."

The noted Dr. Sarah Splaver, counseling psychologist and author of many works in the field of psychology, guidance, and education, chaired this meeting as the president of CHUMS.

At CHUMS' first annual luncheon, on May 16, Candy Jones, honorary trustee and radio talk show host-author, who will serve as M.C. at the luncheon, will be honored as the CHUMS Woman of the Year.

The members of the CHUMS Medical Advisory Board, all eminent cancer specialists, will be honored as CHUMS Physicians of the Year. They are: John Boland, M.D., radiation therapist; Edward S. Greenwald, M.D., medical oncologist; and Samuel Pilnik, M.D., and Selig Strax, M.D., surgeons.

An honorale mention award will be presented to Evelyn and Howard Moss of JoGar Graphics, Bronx, N.Y., for their service to CHUMS.

In the organizational structure of CHUMS, there are many who are themselves cancer patients/survivors or the survivors of cancer victims. They are as follows:

President Sarah Splaver, Ph. D., counseling psychologist and author of many books, including "Your Mind and Breast Diseases," is a cancer survivor 7 years past diagnosis.

Secretary Corinne Rosenberg, former board member of the Breast Diseases Association of America, is a cancer survivor 5 years past diagnosis.

Treasurer Herman Passkow, guidance counselor, New York City school system.

On the board of directors are the following cancer survivors or the survivors of cancer victims:

Zelda Ainsberg, former teacher of secretarial sciences, New York City Community College;

Helen Kleinberg, director, Career Counseling and Placement Center, Lehman College, City University of New York;

Lawrence Malnig, Ph. D., director, Counseling Center, St. Peter's College, Jersey City, N.J.;

Ann H. Robinson, editor, CHUMS Exchange, career consultant, Adelphi University, Garden City, Long Island, N.Y.;

H. Alan Robinson, Ed. D., professor of education, Hofstra University, Hempstead, Long Island, N.Y.;

Wilma C. Rogalin, former director of personnel services, Pan Am World Airways, Inc.;

Stanley Tannenbaum, chairperson, executive committee, CHUMS; M.S.S.W., social worker, New York City Human Resources Administration;

Joseph S. Winters, Ed. D., professor emeritus, student personnel services, City University of New York.

The honorary trustees of CHUMS are Marilyn Cooper, Tony Award actress; GERALDINE A. FERRARO, Congresswoman, New York; Candy Jones, talk show host, author; BARBARA A. MIKULSKI, Congresswoman, Maryland; and DANIEL P. MOYNIHAN, U.S. Senator, New York.

The following article about CHUMS appeared in the New York Times on Monday, March 29, 1982:

A GROUP FOR CANCER SURVIVORS

The psychological effects of cancer, a word so often uttered with downcast eyes and followed by a funeral hush, can do as much damage as the disease itself. Patients, upon hearing the diagnosis, often assume their lives are over. Friends sometimes begin to act strangely and then disappear. Employers are suddenly unwilling to talk about promotions.

"Cancer death—the two words are bound together in our culture," said Dr. Sarah Splaver, a psychologist and president of Cancer Hopefuls United for Mutual Support, or Chums, an organization of cancer survivors and their families that met yesterday at Lenox Hill Hospital in Manhattan. "But cancer is not a death sentence. We talk about cancer and life of good quality."

Dr. Splaver began working with people who have the disease shortly after she was diagnosed as having breast cancer in 1975. The organization was formed last fall to help people understand what cancer is and cope with the traumas it causes, taking away the word's terrifying connotations.

"We are an organization of cancer survivors, not victims," Dr. Splaver said. Victim means to be conquered, she said. "We are not conquered; we are alive."

As a result of new therapy techniques, the survival rates among people with cancer have shown marked improvements in recent years. According to the American Cancer Society, there are more than three million people with a history of cancer alive today,

and two million of them were diagnosed five or more years ago.

"I would say 95 percent of us who are survivors are still in the closet," Dr. Splaver said. "We are afraid to say we have had cancer."

Friends or relatives sometimes disappear from the patient's life, Dr Splaver said, because they think of a person with cancer as already dead. Or friends are so afraid of saying the wrong thing, she said, that they prefer not to have any contact with the patient.

The organization sponsors discussion sessions among patients, educational meetings and phone-a-patient and visit-a-patient programs, which allow people who are confined at home or in hospitals to talk with others who have a history of cancer.

"You have to talk to somebody who knows what it's like," said Lawrence Malnig, the 65-year-old director of counseling at St. Peter's College in Jersey City who underwent radiation therapy for a malignancy of the vocal chords in 1976.

Recalling his treatment, he said, "I remember each of us alone in the waiting room. Silence. But the room was actually crackling with anxiety. There should have been somebody there to explain what was going to happen."

At yesterday's meeting 50 members of the organization gathered to ask Dr. Edward S. Greenwald questions about chemotherapy. Dr. Greenwald is the acting chief of oncology at Montefiore Hospital and Medical Center in the Bronx.

"Patients may need a tremendous amount of time to talk about their disease and ask questions," Dr. Greenwald said. "A doctor's time is limited. Also, some doctors have a great fear of death themselves."

Dr. Greenwald discussed the types of chemical therapies, their effectiveness and side effects and the cancers that chemicals can cure.

"A friend of mine was told by her M.D. that she had only 30 days to live," an audience member said. "I don't understand why he did that."

"I don't know what the doctor actually said to your friend," Dr. Greenwald said. "But any physician who gives a patient a set number of hours or days is a fool."

Dr. Splaver took over the microphone and said that she had been told by one physician seven years ago that she would be dead in five months. "I see him every so often at medical conventions," she said with a smile. "I wave and say, 'This is your corpse calling.'"

In the back of the room sat a 46-year-old owner of a Manhattan business, who said he could not tell his clients or associates that he had been treated for lung cancer. He asked that his name not be published.

"My clients would go to somebody else," he said. "And the bank—would you lend a lot of money to someone you think may not be around?"

Chums now has several hundred members, Dr. Splaver said, and regional representatives, who are counselors or psychologists with a history of cancer, in nearly 40 states. She said the organization plans to lobby for Federal legislation to outlaw job discrimination against people who have had the disease.

On May 16 Chums is scheduled to hold a luncheon party where entertainers will perform and artists will offer to sketch caricatures. The tickets cost $30. Dr. Splaver said the organization is attempting to raise money to provide free tickets to people who, because of the high cost of medical treatment, cannot afford to pay.

For more information, write to Chums, 3310 Rochambeau Avenue, Bronx, N.Y. 10467, or call 212-655-7566.

—PETER KERR.●

MAINTAINING RCA AND RMA BENEFITS FOR REFUGEE STUDENTS

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Mr. GUNDERSON. Mr. Speaker, on April 1, 1982, new regulations addressing eligibility for the refugee cash assistance and refugee medical assistance programs became effective. These new rules would provide Federal reimbursement of RCA and RMA benefits paid by the States only during the first 18 months the refugee is in the United States rather than the current 36-month period.

It seems to me, Mr. Speaker, that these regulations will work a particular hardship on younger refugee recipients who are attending school to obtain a high school diploma or its equivalent. Without this financial assistance, they will have to drop out of school and attempt to join a labor force that already suffers from an overabundance of unskilled workers.

Clearly, this result is contrary to good public policy as well as a refugee's desire to become self-sufficient in a new country.

I have, therefore, introduced two pieces of legislation today that are intended to remedy this inequity.

First of all, I have introduced a bill that would amend existing law to provide 100 percent RCA and RMA benefits to refugees under 25 years of age who are students in good standing in an accredited educational program leading to a high school diploma or its equivalent during their entire first 36 months in the United States.

Because the Refugee Act of 1980 is up for reauthorization this year, I expect that my bill will be addressed during that process.

In the interim, however, we must also act. That is why I am also introducing a concurrent resolution that expresses the sense of Congress that refugees who are students in good standing and working toward a high school diploma or its equivalent should be entitled to 100 percent RCA and RMA benefits during the first 36 months they are in the United States.

The resolution also states the sense of Congress that the Director of the Social Security Administration, who administers the RCA and RMA benefits, should not promulgate or enforce any rule, regulation, order, schedule, or amendment that would be inconsistent with that goal.

Mr. Speaker, by cutting the duration of RCA and RMA benefits in half, we undoubtedly will achieve a savings in Federal funds in the short run; however, we will be adding permanent numbers to our ever-increasing welfare rolls. This policy is obviously shortsighted.

Enactment of the legislation that I have today introduced will, on the other hand, save Federal funds in the long run by permitting young refugees to continue their education in order to be better able to assume a productive and self-sufficient place in our society when they graduate. I, therefore, urge all of my colleagues to join me in cosponsoring this important legislation.●

POLL SHOWS AMERICANS OVERWHELMINGLY DEMAND A NUCLEAR WEAPONS FREEZE

HON. Edward J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Mr. MARKEY. Mr. Speaker, the Washington Post today released a poll which provides a stunningly clear message: The American people demand a mutual and verifiable freeze on nuclear weapons, and by a margin of 3 to 1. There is no question that people all across the country are deeply concerned about the rising threat of nuclear war due to the senseless arms race between the United States and the Soviet Union. Unlike the muddled message of those who oppose genuine arms control, the voice of the American people leaves no room for doubt: Enough is enough. The arms race must be halted.

Mr. Speaker, as the primary cosponsor of the House nuclear freeze and reduction resolution, I have consistently stated the strong support among the general public for this proposal. And the specific poll results reveal an American people overwhelmingly appealing to their political leaders to take the necessary steps which thus far they have refused to take. One statement of particular interest is that 50 percent of the poll respondents said that stopping the arms race is so important that we should have a nuclear freeze no matter what the risk. This is the voice of a public that wants concrete action to stop the arms race. Passing the Conte-Markey-Bingham nuclear freeze resolution would be an impressive display of Congress' attention to the concerns of the American people.

Mr. Speaker, the views of the American people are clear. They have no desire for harsh rheotric, and nuclear weapons bean counting. It is time for the United States and the Soviet Union to stop the arms race, and start

negotiating its end. I include a copy of the Washington Post-ABC News poll for printing in the CONGRESSIONAL RECORD:

[From the Washington Post/ABC News Poll, Apr. 29, 1982]

SURVEY FINDS 3-TO-1 BACKING FOR A FREEZE

(By Barry Sussman and Robert G. Kaiser)

By 2 to 1, Americans believe the Soviet Union is ahead of the United States in nuclear weapons. By 6 to 1, citizens believe the Soviet Union would secretly violate any nuclear freeze agreement the two nations might make.

Nevertheless, according to the findings of a new Washington Post-ABC News poll, the American public favors an immediate nuclear freeze by both the United States and the Soviet Union by a lopsided 71 to 25 percent, or a ratio of nearly 3 to 1.

U.S. citizens appear to have deep, personal fears of nuclear war, and they believe that both sides have so many weapons now that it doesn't matter which side has more. Support for a freeze is strikingly broad-based: Republicans favor it almost as much as Democrats, men as much as women, conservatives as much as liberals.

In addition, the poll shows, a large majority feels that without public pressure, the U.S. government cannot be trusted to make the right decision on the freeze. Strikingly, this skepticism about the government is shared by both supporters and opponents of the freeze.

The poll also shows that, even while most favor a freeze, Americans also have no appetite for unilateral steps that might put their country at a disadvantage. A substantial majority of the people surveyed said they opposed the idea that the United States promise never to use nuclear weapons until the Soviets use them first.

POLL

Q. I'm going to read a few statements that deal with a nuclear freeze. For each I'd like you to tell me whether you agree with it or disagree, or if perhaps you have no opinion on that statement.

a. U.S. government leaders can be trusted to make the right decision about a nuclear freeze without pressure from the public one way or another:
Agree, 36 percent.
Disagree, 57 percent.
No opinion, 7 percent.

b. The Soviet Union would have an advantage over the United States in nuclear weapons if both countries agreed to a freeze now:
Agree, 58 percent.
Disagree, 29 percent.
No opinion, 13 percent.

c. It doesn't matter if the United States or the Soviet Union is ahead in nuclear weapons because both sides have more than enough to destroy each other no matter who attacks first:
Agree, 79 percent.
Disagree, 16 percent.
No opinion, 5 percent.

d. The U.S. should continue developing nuclear weapons because the ones we have now are not enough to make the Russians afraid to attack the U.S. or its allies:
Agree, 43 percent.
Disagree, 49 percent.
No opinion, 8 percent.

e. Stopping the arms race is so important that we should have a nuclear freeze no matter how risky it seems:
Agree, 50 percent.
Disagree, 41 percent.
No opinion, 9 percent.

f. The U.S. government would never agree to a nuclear arms freeze:
Agree, 31 percent.
Disagree, 55 percent.
No opinion, 14 percent.

g. The Soviet Union would never agree to a nuclear arms freeze:
Agree, 50 percent.
Disagree, 37 percent.
No opinion, 13 percent.

h. Any risks brought on by a nuclear freeze are smaller than the risks of developing more nuclear weapons:
Agree, 55 percent.
Disagree, 30 percent.
No opinion, 15 percent.

i. A nuclear freeze would make it much easier for the Soviet Union to invade other countries, including those in Europe, without worrying about U.S. retaliation:
Agree, 52 percent.
Disagree, 41 percent.
No opinion, 7 percent.

j. If the nuclear arms race continues, some day the Soviets may develop a new weapon that could put the U.S. at a serious disadvantage:
Agree, 69 percent.
Disagree, 27 percent.
No opinion, 4 percent.

k. The Soviet Union would try to cheat on any nuclear freeze agreement and get an advantage over the U.S.:
Agree, 80 percent.
Disagree, 13 percent.
No opinion, 7 percent.

l. The U.S. already has thousands of nuclear weapons, so new ones would not give us or our allies any more security than we now have against an attack by the Soviet Union:
Agree, 50 percent.
Disagree, 40 percent.
No opinion, 10 percent.

m. Public support for a freeze will make the Reagan administration give arms control negotiations with the Soviet Union a much higher priority than it has to date:
Agree, 64 percent.
Disagree, 22 percent.
No opinion, 14 percent.

n. The risks of a nuclear war starting by accident are growing because both sides keep adding to the number of weapons:
Agree, 70 percent.
Disagree, 25 percent.
No opinion, 5 percent.

The Post-ABC poll suggest that the Reagan administration has adopted a very unpopular position by opposing a Soviet-American freeze, but 6 out of 10 proponents of an immediate freeze do not realize that Reagan opposes the idea. However, whereas a month ago the country was evenly divided when asked if President Reagan had done "as much as he should to limit the buildup of nuclear weapons," now, by 48 to 34 percent, people feel Reagan has not done as much as he should.

The poll provides inconclusive evidence about the potential political impact of the freeze movement.

Howard Willens, a wealthy California businessman who is backing a pro-freeze ballot initiative in his home state, said recently that when freeze supporters tell him "there is a great big movement out there [in the country], I laugh at them." Instead, Willens said, the seeds of a big movement have been planted, but no one knows how they will grow. "The potential is there to make this a big issue of the '80s, if not *the* issue," Willens said

The Post-ABC poll seems to confirm his judgment. The poll shows that only 13 percent of the public is aware of organized pro-freeze groups in their areas, and that 65 percent say they would not join such a group. At the same time, by a majority of 52 to 34 percent. Americans say they tend to approve of pro-freeze groups.

During the last two months, the freeze movement has come out of nowhere to make a strong impression of official Washington. In Congress 166 members of the House and 24 senators have co-sponsored resolutions calling for an immediate, negotiated and verifiable Soviet-American freeze on nuclear arms. The White House has said it, too, favors a freeze, but not until the United State has built enough new weapons to compensate for what President Reagan has called "a clear margin of [Soviet] superiority" in current arsenals.

Many of the attitudes recorded in the poll were summarized by a carpenter from Wilmington, Del., a Democrat who voted for independent John Anderson in 1980:

"I'm a grandfather, a father and an uncle. I'd like to see my kids have a chance to live. There's enough destruction, and I think the world leaders should stop the bulls... and sit down and talk and agree on something. Why should we have to pay for it if they can't get along? They're the ones who started it all, not us."

By 79 to 16 percent, those polled agreed with this statement:

"It doesn't matter if the United States or the Soviet Union is ahead in nuclear weapons because both sides have more than enough to destroy each other no matter who attacks first."

Moreover, Americans appear to have profound personal concerns about the possibility of nuclear war. When asked if concern about nuclear war is near the top of their personal concerns, near the botton or somewhere in between, 11 percent volunteered that they put nuclear war "right at the top of the list." Thirty-five percent said it was near the top and 26 percent said it was "somewhere in between." Twenty-seven percent put the worry of nuclear war near the bottom of their personal list of concerns, or off the list altogether (11 percent).

In addition, Americans believe by almost 3 to 1 that "the risks of nuclear war starting by accident are growing because both sides keep adding to the number of weapons." Four in 10 said a Soviet-American nuclear war in the next few years is "somewhat" or "very" likely.

Curiously, both opponents and proponents of the freeze agree in large numbers that it might bring negative consequences—that the Soviets might cheat, for example. But opponents are much more likely to believe that a freeze would "make it much easier for the Soviet Union to invade other countries, including those in Europe, without worrying about U.S. retaliation." Opponents agree with that statement by 70 to 24 percent, whereas supporters of a freeze are evenly divided on that possibility.

One-third of the public believes that the United States can win a nuclear war, but half those surveyed said they thought President Reagan believes such a war could be won. The poll suggests that many Americans feel the public needs to send a message to its government. Of those polled, 64 percent agreed that public support for a freeze will force the administration to give higher priority to arms control negotiations.

At the same time, a majority expressed the belief that the superpowers will never be able to agree on a freeze.

"This is a very dangerous and serious matter," said a 57-year-old housewife from Youngstown, Ohio, an independent who voted for Reagan in 1980. "I'm not sure a freeze is at all possible or practical. Neither government can be trusted completely." ●

CONSCIENCE VIGIL FOR SOVIET JEWRY: IDA NUDEL

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Mr. WAXMAN. Mr. Speaker, several weeks ago Ida Nudel was finally released from exile in Siberia. She is now living in Moscow and has reapplied for an exit visa to Israel. The end of her 4 years of imprisonment have been a cause for great rejoicing, but none of us will rest easy until this wonderful woman is safely in Israel.

Eleven years ago in May, Ida Nudel, then an economist living in Moscow, applied for her first exit visa and received her first denial. Over the next 7 years she became acquainted with countless Jewish prisoners of conscience who had been imprisoned for their outspokenness in the cause of human rights. Her selfless dedication to their cause and their care earned her the title, "Guardian Angel of the Prisoners of Conscience."

Ms. Nudel was subjected to a persistent campaign of humiliation and harassment by the KGB for her activities, and was finally arrested for hanging a banner outside her Moscow apartment which read: "KGB, Give Me My Visa." Since then, she has been the only Jewish woman held as a prisoner of conscience in the Soviet Union. And through the long years of her exile she has remained undaunted, a symbol of courage in the face of oppression. In her last public statement at her court appearance, Ida said:

> During the past 7 years I have learned to walk proudly with my head high as a human being and as a Jewish woman * * *. These 7 years have been filled with a daily battle for myself and others * * *. None of you, my judges, is capable of finding a punishment that would take revenge and deprive me of the triumph and victory of those 7 years.

The ordeal of Ida Nudel, who has helped so many through their own, must end. I call on the Soviet authorities to respect this woman's right to live in the land of her choice.●

TO HONOR BILL HARTZELL

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Mr. LEWIS. Mr. Speaker, I would like to take this opportunity to commend to the House of Representatives one of the truly outstanding men in the Redlands community today, Mr. William T. Hartzell.

A lifelong resident of the Redlands area, Mr. Hartzell has contributed unceasingly to community and country. As a member of the Redlands City Council, he served his community from April 22, 1964 to April 24, 1968.

Continuing a career of public service, Mr. Hartzell was then appointed alternate public member by the Local Agency Formation Commission, January 8, 1969. This office was soon followed by a regular public member position from December 27, 1972, with continuous service to the present as public member.

In 1973 Mr. Hartzell was elected vice chairman of the formation commission and chairman of the commission May 8, 1974, and in each succeeding year until the present.

In addition to his exemplary leadership on the formation commission, Mr. Hartzell was a career executive with the Redlands Federal Savings & Loan until 1980.

His crowning public service achievements include those as councilman and vice mayor for Redlands, Calif., where he worked for the betterment of community, county, and country.

Mr. Hartzell was a member and officer of several local service organizations. He was president of the Redlands Chamber of Commerce, president of the Redlands Rotary Club, a member of the Redlands Hospital and Redlands Hospital Foundation Board and multiple other Redlands community service agency boards.

Mr. Hartzell and his wife, Peggy, raised three children in Redlands and are current residents of the city.

Mr. Speaker, I take great pride in commending to my colleagues Bill Hartzell, a fine individual and outstanding public servant.●

DR. PAUL FRANKLIN CLARK: A CENTURY OF SERVICE TO MANKIND

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Mr. STARK. Mr. Speaker, I would like to call the attention of the House to the upcoming 100th birthday on May 9, of Dr. Paul Franklin Clark, one of the pioneer microbiologists of America.

Although a current resident of Livermore, Calif., in my congressional district, Dr. Clark spent 64 years of his life in Madison, Wis., and my colleague, Hon. ROBERT W. KASTENMEIER, wishes to join me in this tribute to this most respected gentleman, who did so much to shape the University of Wisconsin Medical School and to serve the people of Madison and Wisconsin during his extraordinary creative life.

Dr. Clark received his Ph. D. in bacteriology from Brown University in 1909 and was employed at the Rockefeller Institute in New York City until 1914. At that time he was invited to become the first chairman of the newly founded department of biology at the University of Wisconsin Medical School, a position he held until his retirement in 1952. Dr. Clark served as president of the American Society of Microbiology in 1938, and was named an honorary member upon his full retirement in 1962. Dr. Clark is also an honorary member of Phi Beta Kappa.

Much of Dr. Clark's career was spent researching and investigating polio, as well as authoring over 70 papers and publishing four books, in his retirement. He taught generations of doctors their bacteriology and virology, including Dr. Karl Meninger of the famous clinic in Topeka, Kans. Dr. Clark is greatly loved and admired by his students as an exceptionally devoted and skilled teacher. His research into bacterial contamination in drinking fountains led to the modern drinking fountain's design.

Dr. Clark was supported with love and encouragement all through his life by his wife and colleague, Mrs. Alice Clark, who passed away in 1980. Since her passing, Dr. Clark is still busy writing a history of his family, reading all sorts of books and magazines and even sketching.

Mr. Speaker, I ask you, and all of my colleagues in the House, to join us in honoring one of the greatest microbiologists whose career has spanned the conquest of infectious disease. This grand old man has contributed to the life and health of this Nation, and we are happy to be able to salute him on his 100th birthday.●

PROBLEM OF TERMINATION OF SOCIAL SECURITY COVERAGE

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Mr. PICKLE. Mr. Speaker, the problem of State and local governments and nonprofit groups deciding to drop social security coverage for their employees is a serious and grow-

ing one. The number of organizations filing notices of termination of coverage has tripled over the last 2 years, and termination notices are pending final decision for over 350,000 employees right now. Once these groups leave the social security system, they can never come back, so their employees, present and future, will lose coverage permanently. The Washington Post, in an article on Friday, April 23, highlighted this problem. Just noting that there is one error in the discussion. The article says termination notices are pending for 13 million workers; that is the total number of workers covered under voluntary agreements, not the number of terminations.

The major reasons organizations are contemplating pulling out are because employers want to cut their costs by ceasing to pay the payroll tax for their employees, and because both employers and employees are worried about the future of social security, that it's "going bankrupt" and may not be there when they retire. The Congress has a responsibility to stop this termination activity: it hurts most of the employees who lose social security coverage, because no replacement plan can really replace social security, and it hurts the social security system. We must act on this "opting out" problem now.●

DUAL WELFARE SYSTEMS, DUAL LABOR MARKETS, AND GENDER INEQUALITY

HON. BARBARA A. MIKULSKI
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Ms. MIKULSKI. Mr. Speaker, just before the dimise of the National Advisory Council on Economic Opportunity, a publication entitled Women and Children: Alone and in Poverty was published in a very limited number. I would like to enter into the RECORD a section of this book so that during this time of budget cuts, we can make educated decisions about the cutbacks in the social service programs. Not only does this booklet describe the feminization of poverty but it also helps dispel some of the welfare myths we are hearing again today.

DUAL WELFARE SYSTEMS, DUAL LABOR MARKETS AND GENDER INEQUALITY

The concept of the dual labor market has been developed elsewhere.[66] This concept divides the labor market into two spheres, the primary and the secondary. Relatively few workers move between the two. The primary sector is characterized by high wages, job security, fringe benefits, opportunities for advancement, a high degree of unionization, and due process in terms of job rights. The secondary sector is characterized by low wages, low security, part-time and seasonal work, few fringe benefits, little protection from arbitrary employer actions, and a low rate of unionization.

The duality in the welfare system complements and supports the inequality in the labor market itself. Over all, the primary sector of welfare seeks to minimize the costs to the individual when the system fails, as when there is high unemployment in a geographically concentrated industry. It seeks to enable workers to move from job to job without impoverishing them or their families.

The secondary welfare sector, on the other hand, seeks to provide only the most minimal support necessary to meet basic needs. It also seeks to subsidize low-wage workers (and through them, low-wage industries) by providing some of the support services, such as health care through Medicaid, found in the fringe benefits of the primary sector.[67]

These very different goals and patterns of services create two worlds differentiated by poverty rates, gender and race. Men, especially white men, are found disproportionately in the primary sector, while women and minorities are concentrated in the secondary sector. This division forces people to circulate between employment and unemployment within either the primary or the secondary sectors, but not between sectors, thus making permanent the inequality of opportunity and achievement between the two worlds.

In the primary sector, workers enjoy jobs with high pay and good fringe benefits, and if they do lose their jobs they are compensated relatively generously through unemployment compensation and/or union supplementary benefits. In contrast, in the secondary sector workers find themselves at relatively low-wage jobs with little job security and few fringe benefits. Should they lose their jobs—which happens relatively more frequently than in the primary sector—they may have to turn to public assistance. Indeed, AFDC functions as the poor woman's unemployment compensation.[68]

TABLE 5—THE DUAL WELFARE SYSTEM [1]

Primary welfare sector	Secondary welfare sector
Benefit is a right.....	Benefit is a privilege.
Coverage is universal, or at least general across eligible populations, e.g., all exsoldiers are eligible for veteran's benefits, over 95 percent of population reaching retirement age are covered by Social Security.	Coverage is only of certain segments of the population, such as income groups (means-tested programs), residents of poverty areas, members of race-ethnic groups (bilingual programs).
Receipt of services, or quality, not highly variable across country, often guaranteed by Federal Government, e.g., Medicare, unemployment compensation.	Quantity and quality of services is highly uneven and/or may depend on voluntary organizations such as churches, charities, women's groups; recipients include battered wives (services, shelters), rape victims, abused and neglected children.
Certainty, often including national standards, minimums and/or guarantees.	Uncertainly, local variations (e.g., whether one can find a doctor or hospital that will take a Medicaid patients.
Benefits are often "fringes" of working and/or are tied to earnings (such as Social Security) and are viewed as "earned".	Benefits are tied to low income and/or receipt of welfare.
Privacy assured, no stigma.	Stigmatizing and publicly degrading, e.g., shopping with food stamps, forced cooperation in determing paternity.
Does not require "pauperization" to qualify, thus making it easier to use benefits to become upwardly mobile.	Requires pauperization (e.g. exhaustion of savings) to qualify, making escape more difficult.
Higher average benefits levels including regular or frequent raises, and/or built-in "indexing".	Lower benefits levels, often below poverty level.
Benefit levels universal, with minimum.	Benefit levels highly variable by state and even locality; no Federal minimum or requirement of meeting a set percentage of state-determined need level.
Amount of benefits not reduced for unearned income; earned income taxed for retirees after first $5,000.	Unearned income often deducted dollar for dollar, while earned income (for AFDC) after $360 annual work incentives taxed at rate of two-thirds.

[1] A new Formula will go in effect on October 1, 1981.

Because such benefits as health care and child day care are available only to these secondary workers through being "on welfare," many in this sector participate in both the labor market and the welfare system. This is especially true for women, and even more so for minority women. Although theoretically one could work one's way into the primary sector, in reality the secondary welfare and work sectors reinforce each other in a vicious circle, ensuring that workers in the secondary section remain there.[69]

An example of the preferred treatment primary workers receive is the Trade Readjustment Act. Under its provisions, workers who are laid off or lose their jobs because of competitive imports receive up to 70 percent of their wages for up to 52 weeks. For example, 87 percent of union members in the auto industry, hard hit by imports, are men.

By contrast, for the increasing number of women homemakers who have been divorced, there is no provision allowing them a year-long search for a job, much less one at such highly remunerative rates. One evaluation of training programs for AFDC mothers focused on those who received their training in New York City and who were thus eligible for unemployment compensation if they did not find work. (In many locales, training programs are not counted as employment, even if they provide wage-level stipends.) The evaluation showed that women who received unemployment compensation remained unemployed longer than those who did not receive it. While admitting that unemployment compensation might have made possible a longer job search resulting in a better job, the evaluators described it as having decreased the recipients' "work effort."[70]

The disparity in treatment between the primary and secondary sectors is more than a matter of remuneration or eligibility. It derives from fundamentally different con-

Footnotes at end of article.

ceptions of men workers and women workers: Men who are disadvantaged by factors such as imports and recessions should be compensated in a way that will facilitate their readjustment, via training, relocation and further education. That is, they have a "right" to the opportunity of good, self-supporting jobs. In contrast, women who are disadvantaged because of divorce, poor vocational training or preparation, or low education, should be helped—or forced—to take any job and any child day care as quickly as possible, even if the job does not provide them with sufficient income to support themselves.

TOWARD A NEW UNDERSTANDING OF WOMEN IN POVERTY

Women in poverty are workers. As workers they face specific gender-related barriers to full and equal participation in the labor force, and they require specific services to support that participation. If one considers homemaking and childrearing as work that is unpaid, nearly all "able-bodied" women are workers for most of their adult lives. As workers, women suffer a number of disadvantages that must be addressed if they are to achieve equal status and economic independence.

School and Socialization. These disadvantages begin with a socialization process, which, through nonverbal pictures as well as the written and spoken word, sets forth limited goals and constrained opportunities for girls growing up.[71] Two general themes pervade the messages about vocational choices for girls. The future home and family are the first and primary occupation, and most women should enter occupations that are predominately female and low in authority, status and pay (in contrast to equivalent male occupations, e.g., nurse vs. doctor). Surprisingly, there has been little change in these messages in recent years. A mid-seventies study sought to find 10 secondary schools that were "pacesetters" in placing female students into nontraditional vocation tracks, but none could be found.[72] In 1980, in eight of the nine traditional areas of vocational education, 75 to 90 percent of the students were men. (The exception is "distributive education," having to do with sales and distribution.)[73]

Even within a particular area of vocational education, women are disadvantaged. A study of a garment-industry vocational high school in New York City found that whites and males were disproportionately found in the highest of four tracks, in terms of pay and status, while women and minorities were over-represented in the lowest.[74] Moreover, after graduation the latter groups were less successful in getting good paying jobs than those in the top track. Ironically, members in the top track often leave the field, ignoring their skills and getting jobs outside of the low-wage garment industry.[75]

In and out of the paid labor force

When women choose to leave paid work to become full-time homemakers and/or mothers, their disadvantages begin to multiply. First, this interruption of work experience is worsened because it usually occurs when earnings would be peaking, and in many occupations, it permanently sidetracks one from an upwardly mobile career ladder. Second, if a woman is disabled while out of the paid labor force, she is not eligible for disability insurance. Third, if a woman becomes disabled while out of the paid labor force, she is not eligible for disability insurance. Third, if a woman becomes a "displaced homemaker," as the increasing rate of divorce make more likely, she finds that her years of unpaid work, including volunteer work outside the home are given no value as "work experience" and are also held against her, particularly if her absence from the labor force has been quite long.

Finally, displaced homemakers and mothers attempting to reenter the job market are often ineligible for unemployment compensation because they are not classified as "workers."

Child day care

Quality child care is essential. Without the knowledge that one's children are being taken care of by responsible and loving people, it is impossible, logistically and psychologically, to work at a level that will result in economic self-sufficiency. Yet social welfare programs frustrate that objective by nonexistent or inconsistent support of day-care services.

Although day care by relatives is preferred, there is often no relative available. When it is available it is difficult or impossible to obtain reimbursement for such care. Publicly funded child day care opportunities address only a small proportion of the need and may become more scarce in the future. It is difficult to understand the lack of concern about adequate child day care opportunities. Children are a society's future, and investment in them benefits society as a whole, as well as their mothers.

Breaking down barriers to full and equal employment

Occupational segregation locks many women into jobs and careers that hold no potential for economic self-sufficiency. Designing and implementing programs that enable women, particularly those with low skills, minority status and other disadvantages, to enter male-dominated occupations requires much effort and perseverance. but almost two decades of experimentation and research have indicated that it can be done. The wall between the primary and secondary sector is not easily breached, but the alternative is to perpetuate the present system, a cruel hoax under which women are pushed to work yet are not allowed to achieve independence.

CONCLUSIONS

We live in a time of transition. More and more women are in charge of households and support their children alone or virtually alone. But even as their numbers are increasing, their economic status is not improving, so that many will be poor. This is true regardless of income source.

In spite of increased participation in the labor force, occupational segregation and discrimination have prevented improvements in women's earnings compared to those of men. Minority women continue to suffer dual discrimination. Child support, which becomes more important as rates of divorce and non-marital births increase, is so minimal that even the one- or two-child family runs a high risk of becoming poor if the father leaves. Welfare, though it supports a large percentage of the eligible population, does so at an even more penurious level than in the past.

The welfare system makes many women poor not only because its levels of payments are low, but also because it institutionalizes poverty for women. The pauperization processes of welfare unit and perpetuate inequality in the labor market, and women become locked into the secondary sectors of both the welfare system and the labor market. Such a system oppresses all women and endangers their economic well-being. The same work incentives that encourage women on welfare to work at poverty-level wages are also the means of subsidizing a low-wage labor force—which enables entire industries to pay poverty-level wages. Welfare programs that train and place poor women in traditionally female, low-wage jobs not only impoverish these women, but reinforce the barriers to primary-sector jobs for all women.

This need not be. If it is understood that the poverty women experience is fundamentally different from that experienced by men, it is possible to reorient policy and restructure programs. Clearly women do not lack the incentive to be employed outside the home. Rather, they encounter numerous disadvantages in the labor market and structural barriers to full and free participation. Appropriate programs must address these disadvantages at both the individual level (e.g., encouraging women to enter nontraditional occupations) and the institutional level (attacking sex discrimination, sex segregation and sexual harassment in organizations and industries).

Ways must be found to dismantle the dual welfare system and the dual labor market, which together lock women into permanent secondary status. Penurious welfare policies on the one hand and institutionalized underemployment on the other are trapping many women in a life of poverty. Unless we change our social welfare policies, we will continue to build, for increasing numbers of women, a "workhouse without walls."

FOOTNOTES

[66] David M. Gordon, "Theories of Poverty and Underemployment: Orthodox, Radical and Dual Labor Market Perspectives," (Lexington, Mass.: Health & Co.) 1972.

[67] There is an incentive for the employer to reinforce this dual welfare/labor market. By hiring mostly women, and paying them low wages and/or firing them in ways so that they use AFDC as unemployment compensation, or as a wage supplement, the employer knows they will be minimally supported. But if the employers' former employees utilize unemployment compensation, under most state systems, his contribution to the unemployment compensation system is increased. Thus the employer that "uses" AFDC instead of unemployment compensation can pay both low wages and save on the unemployment compensation taxes.

[68] Obviously, AFDC disproportionately "benefits" women, including many who are unemployed. But whether unemployment compensation, in terms of numbers and dollars, disproportionately benefits men cannot be determined with the statistics available as of this writing. The unavailability of even this basic information testifies to the "gender-blind" nature of welfare policy.

[69] Even the Federal Government reinforces the secondary status of women workers. In the program entitled While Actually Employed (WAE), which has the ostensible purpose of helping to ease the transition of women returning to the work world, women are "allowed" to work fewer than eight hours per day and to set their own hours. In return, they are paid minimum wage (though many have college degrees); are not paid on Federal holidays; and have no vacation, no lunch hour, no health or other "fringe" benefits, no promotional opportunities; and can be fired with one day's notice.

[70] Manpower Demonstration Research Corporation, Summary and Findings of the National Supported Work Demonstration," (Cambridge, Mass.: Ballinger Publishing Co.) 1980.

[71] Women on Words and Images, "Dick and Jane as Victims: Sex Stereotyping in Children's Readers," (Princeton, N.J.) 1975.

[72] Kathleen B. Boundy, "Sex Inequalities in Education," Clearinghouse Review, Vol. 14, No. 11, February 1981.

[73] Ibid.

[74] Baker, op. cit.

[75] Ibid.●

SOUTH DAKOTA TRUCKING COMPANY RECEIVES NATIONAL SAFETY AWARD

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Mr. DASCHLE. Mr. Speaker, I am pleased to call to the attention of my colleagues the fact that Midwest Coast Transport of Sioux Falls, S. Dak., has been awarded the grand prize award for safety given by the Common Carrier Conference-Irregular Route.

The Conference, an affiliate of the American Trucking Associations, represents some 600 trucking companies throughout the country.

Mr. Gar Turnock, president of Midwest Coast, was on hand to receive the award at the Conference's annual meeting held in Grenelefe, Fla.

Midwest Coast has had a most enviable record in the area of highway safety both in the State of South Dakota, and across the Nation. The company's director of safety and personnel, Mr. Larry Thury, was named safety director of the year by the South Dakota Trucking Association and was chosen as State representative to the ATA Council of Safety Supervisors.

Mr. Turnock is a past president and chairman of the South Dakota Trucking Association.

It is indeed fitting that the outstanding contributions of this fine company have been nationally recognized.●

NO AID TO GUATEMALA

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Mr. GARCIA. Mr. Speaker, the administration has indicated recently that it intends to lift the freeze on arms sales to Guatemala. I oppose that move. It is too early to tell what changes the coup in Guatemala will bring. Although it seems hard to believe that any change could be worse than the previous government of Romeo Lucas Garcia, it is still not definite that conditions in Guatemala have improved enough to warrant a resumption of arms sales.

I am encouraged by some of Gen. Rios Montt's rhetoric. He seems sincerely interested in improving the welfare of the Guatemalan people. He asked the guerrillas to lay down their arms. He has pledged his support for human rights. He has not, however, scheduled elections in the near future.

He has attempted to bring to justice some of the more notorious members of the former government, but there are rumors that Gen. Benedicto Lucas Garcia, the army chief of staff in the recently deposed government, is again working for the army.

The national police have established a new unit called the Special Operations Commando. The job of this unit will be to combat the guerrillas. The leader of the commandos has made some inflammatory remarks about the guerrillas. This hardly seems an appropriate way to get them to lay down their arms.

In the fiscal year 1983 Security Assistance Act, the administration proposed to allocate $251,000 to Guatemala. This proposal was made before the present coup. This means that the administration considered the government of Gen. Romeo Lucas Garcia progressive enough to receive aid. This gives a clear indication of the administration's view of human rights progress.

Now, the United States wants Congress to approve the sale of $4 million worth of helicopter parts to Guatemala, along with $50,000 for training members of the Guatemalan military, and it wants to resume U.S. support of loans to Guatemala through the Inter-American Development Bank. This is too much too soon. What incentives do we leave the present Guatemalan Government to hold elections and continue with their reform process if we immediately relax all restrictions? The leader of the Guatemalan Christian Democratic Party has asked that the United States change its emphasis from military aid to aid that will assist in bringing about social and political solutions to Guatemala's problems.

The carnage going on in Guatemala has reached absurd proportions. I believe Gen. Rios Montt wants to change this. I am not convinced that all of the new Guatemalan leadership are as enlightened as he seems to be. It is, therefore, prudent for us to wait and see how the situation develops in Guatemala before we resume selling the nation military equipment or sending military aid.●

A TRIBUTE TO MISS TOMMIE CLACK

HON. CHARLES W. STENHOLM

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Mr. STENHOLM. Mr. Speaker, on Thursday, April 29, 1982, the residents of Abilene, Tex., will pay tribute to Miss Tommie Clack on the occasion of her 100th birthday.

Born on April 29, 1882, Tommie Clack, or Miss Tommie as she is affectionately called, was raised in West Texas and began teaching school in 1902. Of teaching she says, "That was my only ambition—all I ever wanted to be." Miss Tommie and her late sister, Miss Bobbie, both retired from teaching in 1950, following many years of successful teaching in the areas of grammar, literature, and composition. Miss Tommie taught in Colorado City, Tex., and in Abilene's south ward, where among other accomplishments she introduced the new sport of basketball.

While having completed her degrees at Peabody College in Nashville, Tenn., and McMurry College in Abilene, Miss Tommie also did advanced study at the University of California in Berkeley, and the University of Chicago. The three local colleges consortium in Abilene (Abilene Christian University, Hardin-Simmons University, and McMurry College) will be presenting Miss Tommie with an honorary doctor of humanities degree today. While this degree is honorary, the folks in my district feel that it was thoroughly earned.

Described as a quiet, unassuming former schoolteacher, a woman of clear mind and memory, Miss Tommie will be honored by those who have benefited from her abilities both as an educator and as an individual worthy of respect and admiration. Her career spanned several generations and, as a matter of fact, five living Abilene mayors were taught by her.

In addition to receiving an honorary degree, Miss Tommie will be named Mayor for the day, will attend a brunch in her honor, and will be remembered by former students, colleagues, and her many friends at a special program. The respect and admiration which Miss Tommie has earned will long endure, and I would like to congratulate her on this milestone in a long and productive life.●

DO HIGHER REVENUES MEAN A SMALLER DEFICIT IN 1982?

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Mr. KEMP. Mr. Speaker, for several months now, many of us have been closely observing the divergence of actual fiscal year 1982 receipts and outlays, as reported by the Treasury, from the projections of the Office of Management and Budget and the Congressional Budget Office. Those estimates predict a deficit for the current fiscal year 1982 of more than $100 billion. However, for the first 6 months of the fiscal year, the deficit has been about the same as in fiscal year 1981, when the deficit for the full year was $57.9 billion. OMB argues that this phenomenon is temporary and technical. But no one really has an explanation as to why it has occurred. To

meet the official estimates, the deficit would have to run for the rest of the year at a $130 to $140 billion annual rate, and it is unclear why it should do so, if the worst of the recession is past.

As the accompanying table shows, because spending has slightly exceeded expectations, the difference is entirely due to the fact that revenues are running 11.1 percent above last year, rather than the predicted 4.6 percent. At an annual rate, the difference is about $39 billion, which would mean that revenues for fiscal year 1982 are ahead of the official current-law projections for fiscal year 1983.

FEDERAL DEFICIT TRENDS, FISCAL YEAR 1981–82

[Dollar amounts in billions]

	March 1981	March 1982	Percent change
6 mos. ended:			
Receipts	$260.6	$289.6	+11.1
Outlays	325.8	361.5	+11.0
Deficit	−65.2	−71.9	
	Fiscal year 1981	Fiscal year 1982	Percent change
Actual 1981 and OMB 1982 projection:			
Receipts	599.3	626.8	+4.6
Outlays	657.2	725.3	+10.4
Deficit	−57.9	−98.6	

Note: The OMB estimate has been revised upward to $100.5 billion.
Source: U.S. Treasury, OMB. Apr. 28, 1982.

While it is too early to predict with confidence what the deficit will be for the fiscal year, I believe that the uncertainty itself proves what some of us have been warning for the past year—that it is foolish to place much credence in the official budget projections more than 1 year, let alone 5 years, in advance. The estimates are subject to enormous swings based on small changes in economic assumptions. And in my opinion, the often contradictory conventional rules-of-thumb on which the assumptions are based ought to be taken with a large pinch of salt. I have made no secret of my skepticism about OMB and CBO estimates, so I am saying nothing that should surprise anyone who has followed this matter closely.

I would like to insert several articles on the deficit into the RECORD. I would like to call special attention to the earliest, by Warren Brookes, whom the Wall Street Journal has accurately described as "Boston's premier economic journalist." Mr. Brookes has examined this issue with his usual thoroughness. I would like to draw my colleagues' attention to these interesting articles.

[From the Richmond Times-Dispatch, Apr. 12, 1982]

A FEDERAL DEFICIT LESS THAN ADVERTISED?

(By Warren Brookes)

Barring a real depression, the federal deficit is going to be a lot smaller this year (1982) than the $99 billion the admininstration is now predicting—perhaps as much as $25 billion to $35 billion smaller.

That's the unmistakable message, not from the economists or the computer models but from the actual trend in revenues and outlays for the first five months (October to February) of the 1982 fiscal year.

This trend shows that while outlays have been running about 10 percent above last year (as projected), revenues have been rising at a steady 13 percent rate over 1981, despite both the tax cuts in place and the recession. that is nearly triple the 4.6 percent rate of growth forecast by the administration.

If the trend continues for the balance of the year, total revenues (even allowing for the $9 billion to be lost through the July tax cut) could easily exceed $660 billion, leaving a projected deficit of around $65 billion—or not much more than the 1980 and 1981 figures.

Even if this revenue-growth rate (which has persisted right through the dismal month of February) were immediately cut in half, to about 6 percent, the deficit would still be in the $75 billion range, some $24 billion below administration estimates.

Put another way, in order for the revenues to fall to the level forecast by the administration, there would have to be no growth at all over the 1981 figures for the balance of the year. There is simply no modern precedent for such a sudden huge drop in the income growth rate.

Since inflation is still running about 6 to 7 percent, personal income is still growing at a 9 to 10 percent rate and Social Security is benefiting from a huge 1982 tax increase, it seems highly unlikely that the revenue gain for the last seven months will fall below the 7 to 8 percent range.

This automatically means a deficit of some $25 billion to $35 billion below what both the Office of Management and Budget and the Congressional Budget Office are now projecting for the current fiscal year, and a higher level of revenues this year could change all the deficit numbers down the line in 1983 and 1984—for the better.

So far, no one is willing to confirm or deny this pleasant possibility. We can't even get the Treasury or OMB people to talk about it. Rep. Jack Kemp, R-N.Y., told us, "Federal revenues are definitely coming in at a faster rate than anyone had predicted. It is a reminder that in fact the real tax cuts have yet to take effect and that the tax burden on the nation is still rising, not falling, depite all the protests."

Kemp's economic adviser on the Republican Conference, John Mueller, told us, "The Treasury officials we have talked to are surprised at the revenue growth so far. We're watching this closely, because if the trend continues, then the deficits will be smaller."

However, Merrill Lynch Economics budget-watcher Joe Carson warns us that "the revenue uptick so far can be explained primarily in terms of higher corporate and excise tax revenues—both of which will fall because of the weak economy and lower oil prices. We expect this temporary lift to be washed away over the next seven months. Still, the five-month trend is puzzling.

"If the March and April figures continue this trend, then we could all be forced to change our estimates," Carson told us.

One point can be made without fear of contradiction: Despite all the brouhaha over "massive tax cuts" and "massive spending cuts," the federal government's spending and taxing are still growing faster than the annualized rate of inflation, by a huge margin. Since October, the Consumer Price Index has been rising at a 4.6 percent annualized rate. Spending is now double that rate, and revenues are growing at nearly triple the inflation rate. While both figures have been cut substantially from the simply monstrous increases of the Carter era, neither one reflects "austerity."

What is interesting is to speculate about the possibility that OMB and the administration well understand the implications of these higher revenue trends and are waiting to tell us, along about June or July, that in fact the budget deficit will be much smaller than they predicted ("because of strong revenue growth"). And they will use this signal to help lower interest rates and "tone up" the economy for the fall elections.

In the meantime, there is another, more sinister view: The OMB faction within the administration that is pressing for higher taxes and big cuts in both defense and Social Security is deliberately downplaying the positive revenue trends to keep pressure on both Congress and the president for compromise.

If that's the case, it is a dangerous game, because in the interim the uncertainty is keeping interest rates high and the economy perilously sluggish. If there is a chance that actual revenue trends are leading toward a smaller deficit, the administration had better own up to it now and try to reassure the nervous nellies in the bond market.

[From the Richmond Times-Dispatch, Apr. 12, 1982]

POSSIBLE OVERESTIMATION OF DEFICIT SUPPRESSED?

WASHINGTON (AP).—Reagan administration tax cut advocates say Budget Director David Stockman may be suppressing figures that suggest he has overestimated the 1982 federal deficit by as much as $30 billion.

One administration official said that spending and revenue figures he has analyzed point to a deficit of $70 billion for 1982, not the record $100.5 billion estimate issued by Stockman Friday.

The official complained that the high projections maintain the momentum in Congress for an increase in taxes and a cut in military spending in 1983, two policy moves President Reagan has resisted.

Congress has been rushing toward a compromise, but if this good news got out, it would blow things out of the water and the compromise vanishes," said the official, a strong believer in "supply-side" economics, a theory that says large tax cuts will stimulate the economic growth needed to balance the budget.

A Boston-based analyst for the Heritage Foundation, a conservative research group, also concluded in an independent review that the 1982 deficit might run $25 billion to $35 billion less than predictions.

In a newspaper column distributed for use today (which appears at left), Warren T. Brookes said the administration may be planning to announce the good news this summer "to help lower interest rates and tone up the economy for the fall elections."

But Brookes also suggested a "more sinister view."

"The [Office of Management and Budget] faction . . . is deliberately downplaying the positive revenue trends to keep pressure on both Congress and the president for compromise," he said.

Administration supply-side advocates have been attacking Stockman as an enemy of the president's economic program, saying he

is out to gut last year's tax cut to reduce the deficit.

Publicly, OMB and Treasury Department officials acknowledge that the deficit so far this year appears to be running somewhat less than predictions, but they contend that the deficit figure will be correct when the fiscal year ends in September.

"In absolutely good faith, we expect the deficit to come in close to $100 billion," said OMB spokesman Edwin Dale. "Our most senior numbers man is puzzling over whether to bet the deficit will be over or under $100 billion."

"I think there's a lot of head scratching going on," said Norman Ture, the Treasury Department's undersecretary.

[From Forbes, Apr. 26, 1982]

HOW STRANGE: WHILE EVERYONE TALKS OF SOARING DEFICITS, THE U.S. IS TAKING IN MORE AND SPENDING LESS THAN EXPECTED—JUST A BLIP?

(By Jerry Flint)

The money markets' anxiety about projected government deficits is responsible, we are told, for keeping interest rates high. Well, a funny thing happened on the way to the nation's first $100 billion budget deficit. In the first five months of fiscal 1982—through February—the Treasury has been taking in more money and the other departments have been writing smaller checks than they all expected.

The difference between forecasts and the actual figures works out to $10 billion, split between more income and less outgo. The Federal deficit through the five months-$53.7 billion—is actually down $2 billion from fiscal 1981's deficit of $55.6 billion for the same period.

Nobody quite knows why this is happening. The best guess in Treasury is that the increase in interest charged on delinquent tax receipts, to 20% from 12%, pushed business to make prompter payments to the IRS.

Still the goverment budget experts are confident that such good news will not continue. "It's wonderful for where we are right now, but I don't see any reason why it should persist," says Mark Stalnecker, deputy assistant Treasury secretary for domestic finance. "It would be nice to think it could continue, but . . .," says James Blum, director of the Congressional Budget Office's analysis division.

The experts still see the big fiscal 1982 deficit emerging because of the economy's recession and the effects of this summer's tax cut. They are edgy about the promised economic pickup that is supposed to result from the 10% July tax cut. Lawrence Kudlow, top economist in the Office of Management & Budget, is at pains to point out that the Administration's prediction that GNP would grow at a 5% annual rate in the last half of the year is a statement of "economic policy objectives" and not a precise forecast. OMB has been officially forecasting a deficit of $99 billion for the fiscal year ending Sept. 30, and the Treasury is preparing to revise that estimate upward. The Congressional Budget Office, meanwhile, figures $110 billion to $120 billion is a fair guess.

But what the figures will work out to on Sept. 30 God knows, because the government experts, regardless of party, are not very good at predicting deficits. For fiscal 1980 the official budget projection, made in January 1979, was for a $29 billion deficit. That fell to $23 billion by spring, was up to $40 billion by winter and ended up with an actual $60 billion deficit. Then in 1980, an election year, Jimmy Carter's estimate of a $16 billion deficit for fiscal 1981 was changed a few weeks later by his economic team to a prediction of a $16 billion *surplus.* Later, before leaving office, Carter owned up to a $55 billion deficit in the year under way. Reagan came in, chopped spending, and that year ended up with a $58 billion deficit. Meaning: Projected budget deficits result partly from politics and partly from clouded crystal balls.

Most of the fuss lately—said to be responsible for the continued high interest rates—is about the budget for fiscal 1983, which begins Oct. 1. President Reagan's team put it at $91 billion in January; others figured $120 billion was more like it. The CBO said that, barring any major policy changes—like more taxes or less spending—it would work out to $157 billion, and others in the government bump that up to $170 billion. Those numbers created all the congressional talk of cutting military spending or Social Security increases, or rolling back the personal income taxes, or slapping on an imported-oil tax—proposals that are still being negotiated. Talk is easier than action.

Meanwhile, the only real figures at hand show more money than expected coming in and less going out in fiscal 1982. Could it possibly be that the outlook is better than the dismal picture painted by the projections: "Could be," says OMB's Kudlow, without much confidence. Yet the vast American economy might surprise him and all the other government "experts."

[From the Washington Post, Apr. 20, 1982]

CONSERVATIVES CLAIM DEFICIT IS INFLATED; OMB DISAGREES

(By Caroline Atkinson)

Some conservatives, anxious to protect President Reagan's tax cutting program, are contending that this year's deficit may be $25 billion to $35 billion lower than administration predictions and are charging some of the president's economic advisers with a conspiracy of silence on the issue.

Both Treasury and the Office of Management and Budget staff dispute the conservatives' claim about the deficit, saying it is based on a mistaken assumption that trends in revenues and outlays in the first five months of this fiscal year would continue through the rest of the year. Other budget analysis agree with the official view that this year's deficit is likely to exceed $100 billion.

There are various technical reasons to explain the better-than-expected deficit numbers for the first five months of this year, officials say. Indeed, some analysis believe that the deficit may come in above the official $100.5 billion estimate published earlier this month.

Nevertheless, Rep. Clarence J. Brown (R-Ohio) said yesterday in an open letter to President Reagan, "Growing evidence suggests that the Office of Management and Budget estimates for the fiscal 1982 budget may be overstated by as much as $30 billion."

The letter, published in The Wall Street Journal yesterday, suggested that OMB had deliberately inflated the deficit estimates to push Congress into a budget compromise that could threaten Reagan's tax-cutting program. "I can't help wondering whether your economic agenda is once again being undermined by doubts about your program within your own administration," Brown wrote, in a reference to OMB Director David Stockman's controversial interview with Atlantic Monthly magazine last year.

The White House was told yesterday that "Treasury and OMB staff stand behind the re-estimates" of the deficit published earlier this month, an official said Treasury Secretary Donald T. Regan said through a spokesman there is "just nothing to it" when asked about the lower deficit figures.

The flap began some weeks ago when Treasury reports showed the deficit for the first months of the fiscal year to be lower than expected. Revenues in the first five months were running 13 percent above the 1981 levels, while outlays were 10 percent higher.

A supply-side advocate in Treasury reportedly circulated an analysis based on these numbers to defend the president's tax program against other officials who are mainly concerned with reducing budget deficits.

"I wouldn't say the deficit numbers are false . . . Stockman can definitely make a case for his numbers . . . and I can make a case for mine," this official said.

Heritage Foundation, a conservative think tank, published a release recently arguing that if this trend of revenues and outlays continued for the next seven months of the fiscal year, revenues "(even allowing for the $9 billion to be lost through the July tax cut) could easily exceed $660 billion, leaving a projected deficit of around $65 billion."

James Capra, senior economist of the Federal Reserve Bank of New York, said yesterday however that he expected revenues for the last seven months of the fiscal year to show almost no growth from those in the same period in fiscal 1981. This would leave total 1982 revenues closer to $630 billion, or $30 billion lower than the Heritage numbers.

Corporate tax payments in coming months will reflect the final payments companies make on their 1981 liabilities, and since company profits in 1981 were lower than in 1980, these tax payments will likely be lower, Capra said. In addition, the business tax cut enacted last year will cut corporate liabilities for 1981 and 1982.

Last year Reagan's decontrol of oil prices led to a surge in windfall profits tax receipts. Sagging oil prices this year mean that the receipts from windfall profits tax by contrast are getting a little smaller than estimated each month, he said.

Some tax changes designed to speed up corporate tax payments, such as increasing the interest due on late payments, may have succeeded in accelerating payments, Capra said.

Tax cuts on interest and capital gains tax in last summer's tax bill may lower this April's tax payments on non-wage income, he said.

A weaker economy in coming months and lower-than-predicted inflation may further reduce receipts, analysts suggested.

Outlays are similarly expected to pick up in coming months, an OMB spokesman said.

Six monthly payments of Supplemental Security Income and Veterans benefits were paid in the first five months of 1981, and only five in the same months this year,

In January 1981 the government paid a $2.1 billion Penn Central settlement, much larger than any comparable payments in 1982.●

NATIONAL SCHOOL GUIDANCE WEEK

HON. BILL GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Mr. GOODLING. Mr. Speaker, the American School Counselor Association has declared May 3-7, 1982, as National School Guidance Week, I call attention to this event because I feel that it is important that others become familiar with this vital and dynamic profession within the education community. I know that in Pennsylvania, the week of May 3-7 will be a time for specific recognition of the work performed by counselors in the various guidance programs around the country.

I feel that it is also a time to recognize the crucial role of guidance and counseling to the employability of youth. All of us, in our various capacities, should seek to foster a holistic approach which links key personnel from various private and public sector organizations to work together in strengthening the delivery of career guidance. We must seek diverse expertise from business, industry, labor, education, government, community, and professional organizations in order to insure that our guidance programs are not isolated. They must be designed to bridge the gap between the school and the community.

Therefore, I think it is appropriate during the coming week to recognize the significant role of guidance and counseling in our educational system. In addition, it is a time to focus on plans to insure that this vital component of our Nation's schools becomes recognized as an indispensible function in the effort to provide a meaningful and useful education for our youth.●

TIME FOR U.S. RATIFICATION OF THE GENOCIDE CONVENTION IS OVERDUE

HON. GERALDINE A. FERRARO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Ms. FERRARO. Mr. Speaker, it has been 34 years since the United Nations General Assembly, in order to prevent a repetition of the Nazis' systematic annihilation of a people, unanimously approved the Convention on the Prevention and Punishment of the Crime of Genocide. Since that time, 88 countries have become parties to the treaty.

Yet, despite the fact that the U.S. representatives to the United Nations played an important role in drafting the convention, the United States has never ratified it. During the 1970's, the Senate Committee on Foreign Relations on four occasions reported favorably on the treaty and recommended that the full Senate advise and consent to its ratification, but in each instance the Senate failed to act. This failure has come in the face of consistent support from Democratic and Republican administrations. Most recently, Secretary of State Alexander Haig, in his confirmation hearings in January 1981, stated that "ratification of the Genocide Convention would unquestionably be helpful in various international fora," and expressed his support for ratification.

Past opposition to the treaty in this country has largely been based on legal and constitutional objections from the American Bar Association. The ABA's concerns have been met, however, and in 1976 the association's house of delegates reversed its earlier position and voted in support of ratification by the United States.

When historians look back on this century, they may well decide that the repeated occurrences make genocide truly the crime of the century. Beginning with the massacre of the Armenians, and including the Holocaust against the Jews, and the more recent horrors in Biafra and Cambodia, the 20th century has seen unspeakable crimes against humanity committed again and again.

The United States has always prided itself on being a leader in the struggle to end crimes against humanity and, indeed, all human rights violations. It is a sad and shameful blot on our country's record that we have not joined the community of nations in becoming a party to the treaty which seeks to provide the means to prevent further genocide and to punish those responsible for any transgressions.

For these reasons, I am today introducing a resolution expressing the sense of the House that the United States should signify its continuing commitment to ending genocide by joining the other 88 nations who have become parties to the Genocide Convention.

Putting an end to genocide requires our constant vigilance so that we do not forget the horrors of the past. Adolph Hitler, before undertaking what he called his "Final Solution," is reported to have said, "Who still talks nowadays of the extermination of the Armenians?" We must insure that we recall the crimes of the past, so that we can guard against similar crimes in the future.●

SENATOR "DOC" CRONIN

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Mr. LONG of Maryland. Mr. Speaker, I rise to pay tribute to my longtime friend, former Maryland State Senator William R. Cronin, who passed away Tuesday at the age of 86.

Senator "Doc" Cronin was highly respected and tremendously popular throughout his more than 50 years of dedicated service to the people of Harford County. He was never too busy to spend time with his constituents, to solve their problems with local and State government, or just chat about local issues.

After his graduation from the University of Maryland in 1919, he became editor and publisher of the Harford Democrat, beginning his 63-year journalism career.

His public service career began with his 1924 election to the Maryland House of Delegates, where he served until his election to the State senate in 1932. During his 8 years as Senator, Bill developed a reputation as a fighter for Harford County, and his keen legislative ability won him the seat of president pro tempore.

Returning to his Aberdeen home in 1940, Senator Cronin was elected to the town board of commissioners where he served three terms through 1958. During his tenure, he completed three 1-year terms as president.

In addition to his public service through elective offices, he was a member of the Lions Club, the Harford County State Central Committee, chamber of commerce, Veterans of Foreign Wars, and the local Moose lodge.

I join his daughters, Mrs. Mary C. Wolfe of Great Falls, Va., and Anne Keith of Vienna, Va., and his son William R. Cronin in mourning his passing. He shall be greatly missed.●

PROBLEMS IN PROFIT-SHARING PLANS FOR DISABLED PARTICIPANTS

HON. BARBER B. CONABLE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Mr. CONABLE. Mr. Speaker, I am today introducing legislation to correct a technical problem that has developed in the case of participants in profit-sharing plans who are totally and permanently disabled.

Under certain plans, individuals who are permanently and totally disabled continue to have profit-sharing contri-

butions made on their behalf. The contribution is based upon the amount of compensation these individuals received prior to their becoming totally and permanently disabled. In practice the amount of compensation actually received can be less than this amount because of social security or other benefits.

Technically, the tax laws limit the amount of a profit-sharing contribution to a percentage of the amount of compensation actually paid. This creates a problem in the case of lower paid employees because it substantially reduces the contribution that may be made on their behalf and thus reduces the amount of retirement benefits that may be provided for these disabled individuals.

The bill corrects the problem by making it clear that for purposes of the section 415 limitation on contributions to a profit-sharing plan, the term "participant's compensation" can include the disabled individual's rate of compensation prior to the disability. It is intended that the amendment also will be applied for purposes of section 404.

I hope the bill will be considered promptly by the Committee on Ways and Means.

PAUSE FOR THE PLEDGE

HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Ms. MIKULSKI. Mr. Speaker, I am today introducing a joint resolution which urges all Americans to pause at 4 p.m., e.d.t. on June 14 to say the Pledge of Allegiance to the flag as part of the National Flag Day celebration. This idea, the "Pause for the Pledge," is the dream of a group of dedicated volunteers from the Star-Spangled Banner Flag House in Baltimore; and I share that dream.

The Star-Spangled Banner Flag House Association in Baltimore has been the official sponsor of the National Flag Week festivities since 1952. Their headquarters is the house where Mary Young Pickersgill sewed the flag that flew over Fort McHenry in 1814 and inspired Francis Scott Key to write the national anthem.

This project, this dream, is now 2 years old and the work of the Star-Spangled Banner Flag House volunteers has yielded them the enthusiastic support of business organizations, veterans groups, Government agencies, service clubs, and sports associations. I think they deserve our support also in their efforts to continue to inspire patriotism and pride in our country.

In these troubled and uncertain times, we urgently need to reassess our values and remind ourselves of what we really stand for and who we are as a nation. We need to remember the social contract we made together when the Declaration of Independence and the Constitution were written—a contract this body has lived by for more than 200 years.

The joint resolution I have introduced calls on Congress to recognize the "Pause for the Pledge" as an official part of National Flag Day ceremonies across the country. This resolution has also been introduced in the other body by Senator MATHIAS.

I join him and Senator SARBANES in seeking passage of this resolution that will encourage the active participation of Americans in the recreation and commemoration of our history. Contact Steve Billet of my staff at 5-4016, if you wish to cosponsor or have any questions.●

CONSUMERS NEED AN EFFECTIVE SUGAR PROGRAM

HON. CECIL (CEC) HEFTEL

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Mr. HEFTEL. Mr. Speaker, despite the adoption of a modest sugar support program in the farm bill last year, sugar prices have continued to fall precipitously. The world price of raw sugar is currently about 9 cents a pound—less than half the cost of production and far below the market stabilization price of 19.08 cents a pound. As a result, our domestic sugar industry faces another disastrous year of record losses, employee layoffs, and plant closures. Ironically, it is consumers who will ultimately bear the cost of this depression.

An article in the April 19, 1982 edition of Business Week documents how consumers are victimized by the vicissitudes of the sugar market. This article is particularly timely in view of recent criticism of the sugar program as being costly to consumers. Nothing could be further from the truth. I recommend this article to my colleagues and submit it for the RECORD at this point:

[From Business Week, Apr. 19, 1982]

WEAKNESS IN SUGAR IS NO HELP TO CONSUMERS

The price of sugar has been plummeting for more than a year, and the state of worldwide and domestic markets indicates that it is likely to remain weak. Consumers have yet to benefit much from the decline, although it is a welcome relief to food processors and manufacturers as an offset to other costs.

"The pattern over the past eight years has been a reluctance on the part of food manufacturers to decrease the price of their products even if the price of sugar drops," says Robert E. Wunderle, a vice-president at Supermarkets General Corp., based in Woodbridge, N.J., which operates the Pathmark chain. "They have used increases in sugar prices as an excuse to raise their prices, but decreases in sugar prices never seem to get translated down."

SOFT DRINKS

"Swings in sugar prices tend to either retard or accelerate price hikes in sugar products," says Agriculture Dept. economist Fred Gray, "but they do not seem to cause any reductions." The department tracks average retail prices of 14 heavily sugared consumer products. When domestic raw sugar prices in 1980 soared 70 percent (chart), the basket of goods rose 11.2 percent; when sugar prices in 1981 sank 38 percent, the basket still rose—but only by 5.4 percent. Some products, however, rose by less than the average: Soft drinks rose only 2.5 percent at retail and ice cream 4.7 percent, according to prices monitored by the Bureau of Labor Statistics.

Low sugar prices are likely to continue moderating some soft drink price increases. Coca-Cola Bottling Co. of New York, Inc., for example, has been holding its wholesale price for a case of six 2-liter bottles of Coke steady at $7.60 for a year and probably will continue to do so in 1982, says Bruce Mommsen, marketing vice-president. the price to the big bottler of pure concentrate from Coca-Cola Co. went up 15 percent in the first quarter, but falling sugar prices brought the total syrup cost down slightly from a year earlier, he says. (Coca-Cola Co. officials in Atlanta refused comment.) Coke's New York-area competitor, Pepsi-Cola Metropolitan Bottling Co., boosted its wholesale 2-liter case price on Jan. 11 by 6 percent to $8.08.

Food processors claim that sugar's price decline plays an unimportant part in their total costs. The costs of packaging, labor, and transportation are all rising, notes a spokesman for Heinz USA Div. of Pittsburgh's H. J. Heinz Co. Sugar's price decline will have a "moderating effect on prices" of processed foods, but "sweetener doesn't represent a significant amount of total ingredient costs." he says. Ellen R. Gordon, president of Tootsie Roll Industries Inc. in Chicago, says that "increases in our labor and packaging materials costs offset much of the savings" from the price decline in sugar—"the largest ingredient in our candy." The company boosted profits in 1981 by 4 percent on a 5 percent increase in sales to $76 million.

BIGGER CHOCOLATE BARS

Swings in the price of raw sugar on world and domestic markets are countered by large users through contract buying and hedging in futures markets, but prices charged by refiners for immediate delivery to smaller companies parallel major market trends. Amstar Corp., the largest U.S. refiner and distributor, for example, cut its price for bulk sugar 36 percent to $27 per 100 lb. at the end of March from the level at the end of 1980 in response to a 42 percent decline in raw sugar prices in the same period. That decline is also evident on supermarket shelves: Amstar's wholesale list price for a dozen 5-lb. sacks of its Domino brand granulated sugar also fell 36 percent in the same period.

Real price declines are also showing up on chocolate candy prices, although a drop in cocoa prices accounts for much of the move. Hershey Chocolate Co., for example, will start shipping chocolate bars on Apr. 12 that will weigh 1.45 oz., up from 1.05 oz. The wholesale price will rise, too—by 20 per-

cent—but the net effect is a lower cost per ounce. Guittard Chocolate Co., near San Francisco, is selling chocolate at about 7 percent below its prices a year ago, says Executive Vice-President Jay Q. Guittard. The key reason, however, is a decline in the price of cocoa from $2,215 per metric ton in September to $1,632 now, Guittard says.

Sugar's price decline has helped drive down prices for another major sweetener, high-fructose corn syrup, whose producers attempt to undercut sugar by a few cents per pound. And if sugar prices continue for long at their current levels, they would add to the brake on inflation produced by declines in the price of other widely used raw materials.

Sugar prices are likely to remain weak, says Steve Tsang, an analyst for ACLI International Commodity Services Inc. Worldwide production in the current crop year is expected to rise to 96.5 million metric tons, some 5 million tons higher than consumption. But U.S. prices may not decline further. President Reagan in December more than doubled the duty and fees on sugar imports as provided in the 1981 farm act, effectively curbing sugar's price slide for users of the sweetener in the U.S.●

BLACK CONSUMERS HURT BY INCREASED BANKRUPTCIES

HON. WILLIAM H. GRAY, III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Mr. GRAY. Mr. Speaker, I have long been an advocate of political awareness and involvement as a way of helping black Americans in the eighties. Today, that need is more apparent than ever before. High unemployment levels and cutbacks in needed social services make it essential for the black community to be involved in the political process wherever and whenever it will be advantageous to do so.

One area in which black Americans are being hurt most by current economic conditions is the increasing difficulty they face in getting consumer credit, particularly unsecured credit. At a time when more citizens need consumer credit, it is becoming more difficult for many of them to qualify. One of the causes of this problem is the increasing ease with which more and more Americans can file for bankruptcy. It is ironic, but a law that we passed just 3 years ago to help people in financial distress is actually working against many people, particularly those at lower income levels. In an effort to reduce their bankruptcy losses, many creditors are requiring more security for loans—particularly real estate—or are raising their criteria for granting credit. The result is that many people who would have qualified in the past are now being denied credit. Blacks are being particularly hard hit by this tightening of credits requirements.

An excellent article recently appeared in the Kansas City Globe explaining the impact of bankruptcies on the black community and pointing the way to a solution. One possible alternative to this problem is to enact legislation, currently pending before the House, to tighten up the standards for going bankrupt—so that people who can clearly afford to pay their debts will not be able to take straight bankruptcy. This legislation will help everyone. Those who need bankruptcy relief will still be able to get it. And those who need credit will have a better chance of getting it.

I would like to include at this point in the RECORD a copy of the newspaper article, and commend its reading to each Member of this body.

[From the Kansas City Globe, Jan. 28, 1982]

KEEP THE LOAN DOOR OPEN

(By Sherman N. Miller)

"Politics make strange bedfellows" is an adage that the Black community must learn to exploit more in the future. Blacks have often found themselves helplessly trapped in the labyrinth of such practices as "Red Lining." The lack of credit access playing a major role in the perpetuation of neighborhood economic bondage was highlighted by lending institutions practicing Red Lining, whereby these institutions elected to restrict mortgage loans in areas because of low resident income and/or other sundry socioeconomic reasons. Since it is common knowledge that Blacks do not enjoy socioeconomic parity with whites in the United States of America, this suggests that many Black neighborhoods may have found it extremely difficult to attract neighborhood improvement monies. Yet Blacks' access-to-credit problems may have been exacerbated by the passage of the 1978 U.S. Bankruptcy Act where the outfall of this law currently appears to be impelling the closing of the door to any semblance of consumer credit for a significant portion of the Black community.

Under the 1978 Bankruptcy Act, many people are needlessly electing to remove all their debt under Chapter 7 versus assuming responsibility for their actions and attempting to pay all or a portion of their bills through the use of Chapter 13. This trend of many people starting to shirk their responsibility is depicted well by the eminent Black economist, Dr. Andrew F. Brimmer, in his article entitled: "Economic Implications of Personal Bankruptcies."

Dr. Brimmer writes, ". . . under Chapter 13 (which provides for at least partial repayment of debts lenders report that bankrupt customers are repaying approximately 70 percent of what they owe, and no company reports less than a 60 percent average repayment. In contrast, under Chapter 7 (where debts are discharged), there is only nominal repayment of unsecured debt, and over 90 percent of the bankrupt customers have no assets that can be used to satisfy creditors' claims." Taking into consideration the depressed economy, the new 1978 Bankruptcy Code is believed to have caused approximately 136,000-151,000 excess bankruptcies during the first 15 months of effect. As reported by Dr. Brimmer, these high bankruptcy levels translate into business losses ranging from 1.52-1.61 billion dollars. Surely no industry can sustain these high losses very long without taking some aggressive action to alleviate their cause.

The consumer credit industry appears to be countering the large rise in bankruptcies by shifting from unsecured to secured loans. The Beneficial Management Corporation reports: "There are about 54 million households that own their own residence, and approximately 24 million renter households. Today, renters find it virtually impossible to obtain credit." One can clearly see that people renting have had unsecured credit moved beyond their grasp.

Blacks might wonder, what does all this mean for them? Dr. Brimmer further reported, ". . . that the bankrupts are young—57 percent are 34 years old or less." A study of the 1980 census data shows approximately 55.7 percent of the white population falls into the 34 years or less age category, but, for the same age group, Blacks and Hispanics are 66.1 and 71.0 percent, respectively. This suggests that Blacks and Hispanics will bear a disproportionate amount of the burden if age evolves as a major factor in granting loans.

Since the consumer credit industry is moving towards homeowners as their prime consumer credit market, Blacks might ask what impact could this have on the Black community. Out of the 54 million households that own their own residence, Blacks are estimated to own approximately 7.5 percent (4.05 million), that the Black community may get an inequitable share of the unsecured consumer credit if the Consumer Credit Industry heavily skews their loan decisions towards home ownership.

The new bankruptcy code appears to be a two-edged sword for the Black community because a greater proportion of Blacks fall into the suspect age range filing bankruptcies and Blacks own a lesser percentage of homes than their percent of the general population. What can Blacks do in hopes of keeping some semblance of unsecure credit open to them? Blacks must lobby their U.S. Congressional Delegations to amend the 1978 Bankruptcy Act to:

Establish qualifications for admission to Chapter 7 proceeding.

Increase the time limit on Chapter 13 plans from 36 months to 60 months.

A Purdue University study by Dr. Robert D. Johnson entitled, "Preliminary Report of Results of Bankruptcy Research Project," gives an impact of going to 60 months in Chapter 13. This study reported, ". . . it is apparent that 29 percent of the respondents could have repaid their non-mortgage debt in full within a period of 60 months." It also shows that of the same Chapter 7 group above, approximately 37.4 percent could have repaid 50 to 100 percent of their non-mortgage debts in 60 months.

If the Black community hopes to see available and affordable unsecure credit in the near future, they must align themselves with the Consumer Credit Industry and pressure the United States Congress to make the necessary changes in the 1978 Bankruptcy Act. The Purdue University Report, which was presented before the United States Senate Subcommittee on Courts of the Judiciary Committee, also says, ". . . if establishing the admission standards being considered by this Committee for Chapter 7 debtors leads to a recovery of affordable debts, competition will force creditors to lower rates of charge, increase credit availability, and impose less onerous terms."

In coming to the aid of the Consumer Credit Industry on amending the 1978 Bankruptcy Act, the Black community ought to be astute politicians and gain this industry's commitment to significantly improve credit availability to Black persons

and Black businesses. The Black leadership must not fail to seize this golden opportunity to try to significantly open credit channels to the Black community by giving the Consumer Credit Industry a sound business reason for perceiving Blacks as an important segment of the Credit Market.●

RELEASE ANDREI SAKHAROV

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Mr. PORTER. Mr. Speaker, I wish to commend four Chicagoans representing the Interreligious Lawyers' Task Force for Human Rights in the Soviet Union who will deliver a writ of habeas corpus to the Soviet Embassy for the release of Nobel Peace Prize winner Andrei Sakharov.

The writ states that on January 22, 1980, Sakharov was forced into internal exile after being arrested without being charged—after daring to speak out against the Soviet invasion of Afghanistan. For this he may be tried for treason.

In requesting his release from the city of Gorki, which would permit his return to Moscow, the writ cites articles of the Soviet Constitution which should guarantee Sakharov's rights. The writ also states that Sakharov has never been charged formally with violating Soviet law and that his fundamental freedoms and human rights have been violated.

Under the Soviet Constitution, article 57 guarantees court review against illegal government action which abridges personal freedom. Article 160 guarantees that an individual may not be imprisoned unless he is found guilty in court and punished as a criminal.

Mr. Speaker, the Soviets continue to violate flagrantly not only their own constitution but also the various international human rights agreements to which they are signatories. This blatant disregard for legal commitments is clearly outrageous and must be condemned.

I applaud the efforts of the Interreligious Lawyer's Task Force for Human Rights in the Soviet Union which was created to monitor the legality of Soviet human rights cases that should or have come before the Soviet courts. We all must work together for the common goal of assuring fundamental freedoms all over the world.●

NATIONAL ARBOR DAY

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Mr. MINISH. Mr. Speaker, it gives me great pleasure to rise at this time and mark what I believe should become an annual celebration—National Arbor Day. Tomorrow is the last Friday of April, a day which I feel should be set aside to renew our commitment to trees, as one of our most valuable resources. The importance of trees in our daily lives, for beauty and health, as well as in preserving our environment, should not be underestimated.

My bill, House Joint Resolution 144, authorizes the President to proclaim the last Friday of April each year as National Arbor Day. The resolution further calls upon the people of the United States to observe National Arbor Day with appropriate ceremonies and activities. I am proud of the growing list of cosponsors of House Joint Resolution 144, but would encourage many of my other colleagues to lend their names to this legislation and thereby promote a worthwhile endeavor.

I am fortunate that in my home State of New Jersey there are many individuals who recognize the great value of trees in our society and who have dedicated their energies to the preservation of this essential resource. Despite the fact that my State has a large industrial sector which supplies goods throughout the country, many New Jerseyites are also devoted to preserving our green spaces. New Jersey is also honored to be the birthplace of one famous American whose poetry extolled the beauty and wonder of trees, Joyce Kilmer.

Mr. Speaker, it is my intention that depsite the hectic schedules which we lead in this modern world, a National Arbor Day will provide us with an opportunity for reflection on the importance of trees. It will also remind us to plant a tree which will beautify one's current surrounding and also will assist in preserving our environment for future generations.●

JOHN R. AMEDEI RETIRES

HON. HAROLD L. VOLKMER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Mr. VOLKMER. Mr. Speaker, at this time I would like to express my appreciation, as well as the appreciation of the many students, teachers and people that have been touched by John R. Amedei who plans to retire this July 1, after having spent the past 48 years in the field of education.

John is currently the superintendent of the Bevier Public School system in Bevier, Mo., which is located in my district. After having graduated Salutatorian from the Bevier C-4 High School he received his B.S. degree in education from Northeast Missouri State University. He then received his M.A. degree in administration of elementary and secondary Education from the University of Missouri at Columbia.

John began his teaching career in Dewey from 1934 until 1941. He then served in the U.S. Army from 1941 through 1945 being discharged with the rank of sergeant. From 1946 through 1950 he taught at Bevier C-4 School and became principal of the school in 1951 and remained in that position through 1958. In 1959 he was then named superintendent of the Bevier C-4 School system and has served in that capacity to the present.

John has taken an active role in his profession as he belongs to the Missouri State Teachers Association, Phi Delta Kappa, and the Missouri School Administrators Association. Caring about his community has also been foremost over the past 48 years, as John has involved himself with Planned Progress, the Civic Club, the Lions Club, the Rural Fire Department, and the County Extension Service. John will be sorely missed by the Bevier C-4 School system, but as you can certainly perceive by his accomplishments he has given of himself extensively for our youth and his community.

I certainly wish John and his wife Darlene happy days ahead during his retirement, as he expends his time with his favorite pastimes of hunting, fishing, taxidermy, and farming. His contribution to society has rewarded many and will be felt for years to come.●

HELP FOR CONSUMERS AGAINST MAIL FRAUD—H.R. 3973

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Mr. PEPPER. Mr. Speaker, in light of the fact that we are now commemorating National Consumers Week, it is appropriate for us to take notice of an important bill designed to help protect consumers against mail fraud. Last summer I introduced H.R. 3973 to stengthen the authority of the Postal Service to deal with frauds perpetrated through the mails. We now have in excess of 300 cosponsors of this legislation. I am very hopeful that we can get this measure through in this Congress so that we can give the Postal

Service the authority it needs to help combat this urgent problem.

Hearings held by the Select Committee on Aging have focused attention on the various kinds of frauds perpetrated through the mails and their disproportionate impact on the elderly. Although the elderly comprise 11 percent of the population, they account for 30 percent of all fraud complaints received by State offices of consumer affairs.

Work-at-home schemes are almost exclusively targeted against the elderly. Advertisements touting the substantial financial rewards to be made from work-at-home opportunities ranging from envelope stuffing to earthworm growing particularly appeal to retired persons seeking some source of income. Postal Service officials testified at recent hearings that they have yet to find one honest work-at-home scheme. The information actually supplied in response to the advertisements is worthless, and the products described usually have no market.

Recent Aging Committee hearings on business opportunities frauds demonstrated that many senior citizens have lost their life savings relying on extravagant and worthless promises concerning franchises and distributorships, coins and gems, and stocks. Land fraud and home repair schemes also claim numerous elderly victims.

The U.S. Postal Service does an excellent job in its efforts to combat mail fraud but needs more authority. H.R. 3973 would give the Postal Service the authority it needs to adequately deal with this urgent problem. The bill is essentially noncontroversial and has strong bipartisan support. It will not cost the taxpayers any money or create any new regulations or bureaucracy. It would merely give the Chief Postal Inspector the same subpena power given to the Inspectors General in every other Government agency. In the absence of this subpena power, the Postal Service must send away for a product of questionable merit, wait to receive it, and have it evaluated by an expert, a process often taking as long as 4 months. Only then, if there is a solid case, can the Postal Service urge the initiation of criminal proceedings or the issuance of a stop order. Illegitimate mail order firms, well aware of the limitations on the authority of the Postal Service, often place ads, accept orders for 2 months, and fill all orders at one time as they are closing down their operations. By the time the Postal Service receives the product, it is too late. H.R. 3973 would eliminate the delay caused by having to wait to receive the product and would allow the Postal Service to move quickly to stop mail fraud schemes. I urge you to join me in cosponsoring this important and much-needed legislation.●

INTRODUCTION OF THE SURFACE TRANSPORTATION ASSISTANCE ACT OF 1982

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Mr. CLAUSEN. Mr. Speaker, today I have joined other Members of the leadership on the Committee on Public Works and Transportation in introducing the Surface Transportation Assistance Act of 1982.

As the Members of the House are aware, the highway and public transportation programs expire at the end of fiscal year 1982. New legislation will be needed to continue these important programs which are so vital to our Nation and our economic recovery.

The Public Works Committee is currently dialoging—on a bipartisan basis—to develop multiyear legislation which would not only continue these programs but would go a long way toward reversing the deterioration of our highway and public transit systems. Our proposal, particularly with respect to highways, is being patterned after an initiative of the Secretary of Transportation, and would be dependent on favorable Ways and Means Committee action on revenues derived through the highway trust fund.

While we have made significant progress on this legislation, we have not yet reached the point where we have a bill ready for introduction. Therefore, the bill we have introduced today is simply a shell bill; it will serve as the vehicle for developing our highway and public transportation legislation in subcommittee and full committee markup.

This shell bill simply consists of the first-year authorizations as they are currently formulated in the draft on which we are currently working. These authorizations are, obviously, higher than the levels contemplated in the administration's budget, since they are based on Secretary Lewis' proposal which has not yet been embraced as a formal administration position.

The DOT initiative is currently being discussed by the White House, the Senate leadership, and the House leadership as part of the overall budget strategy. Of course, if the administration does not support, or the Congress does not support, the enhanced funding mechanism on which the Lewis proposal is premised, we would have to go back to the drawing board with respect to the authorizations in order to assure that the bill is consistent with overall budgetary constraints.

Mr. Speaker, I am hopeful that we will be able to report legislation to the House which will move us in the right direction with respect to our highway and public transit programs while at the same time recognizing current fiscal conditions.●

HAWKINS INTRODUCES COMMUNITY RENEWAL EMPLOYMENT ACT

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1982

● Mr. HAWKINS. Mr. Speaker, today, I am introducing the Community Renewal Employment Act which would provide employment opportunities to long-term unemployed individuals in high unemployment areas. I would like the text of the bill printed in the RECORD for the benefit of my colleagues.

The text of the bill follows:

H.R. ——

A bill to provide employment opportunities to long-term unemployed individuals in high unemployment areas, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Community Renewal Employment Act".

PURPOSES OF ASSISTANCE

SEC. 2. It is the purpose of this Act to provide employment opportunities to long-term unemployed individuals in high unemployment areas through grants for labor and related costs associated with the repair, maintenance, or rehabilitation of essential community facilities and for public safety and health activities necessary to public welfare.

ELIGIBLE RECIPIENTS

SEC. 3. (a) Except as otherwise provided in this section, an eligible recipient of funds under this Act for any fiscal year shall be—

(1) any State to the extent permitted under subsection (b)(1);

(2) any unit of general local government which has a population of 50,000 or more persons and which is an eligible area;

(3) any consortium of units of general local government, each of which is or is part of an eligible area, and which includes a unit of general local government qualifying as an eligible recipient under paragraph (2);

(4) any existing concentrated employment program grantee serving a rural area under the Comprehensive Employment and Training Act if such area is an eligible area; and

(5) any Native American Indian tribe, band, or group on a Federal or State reservation, any Alaska native village or group as defined in the Alaska Native Claims Settlement Act, and the Oklahoma Indians, having a governing body.

(b)(1) Any State may qualify as an eligible recipient for a fiscal year with respect to any eligible area in the State which is within the jurisdiction of—

(A) an eligible recipient (as described in clause (2), (3), (4), or (5) of subsection (a)) which has not submitted an application for financial assistance under this Act for such area for such fiscal year, or

(B) any county or equivalent political subdivision of a State which is not an eligible recipient under clause (2), (3), (4), or (5) of subsection (a).

(2) A larger unit of general local government shall not qualify as an eligible recipient to serve the population of any geographic area within the jurisdiction of any smaller unit of general local government which is or is part of another eligible recipient that has submitted an application for such area.

(c) For purposes of this section, an eligible area is a county or equivalent political subdivision, a concentrated employment program grantee area, or a unit of general local government which has a population of 50,000 or more persons, which—

(A) has an average rate of unemployment for the preceding three consecutive months which is greater than the national average rate of unemployment for such three months; or

(B) has experienced a sudden and severe economic dislocation as determined by the Secretary in accordance with regulations.

(d) In making determinations with respect to population and unemployment for the purposes of this section, the Secretary shall use the most satisfactory current data available.

ELIGIBLE PARTICIPANTS

SEC. 4. (a) An individual shall be eligible to participate in a program or activity receiving funds under this Act only if such individual is unemployed at the time of a determination under this section and has been unemployed at least 15 of the 26 weeks immediately prior to such determination.

(b) No individual who is eligible under subsection (a) shall receive wages from funds made available under this Act in excess of 52 weeks in a 2 year period.

(c) In selecting participants for activities under this Act, priority shall be given to individuals who have exhausted unemployment insurance benefits and to those who have been unemployed for the longest periods of time immediately preceding the date of their selection.

ALLOCATION OF FUNDS

SEC. 5. (a) From the amount appropriated to carry out this Act for any fiscal year, the Secretary shall reserve 25 percent of such amount for allocation at the Secretary's discretion to eligible recipients serving areas of high unemployment or designated enterprise zones, or areas affected by mass layoffs, natural disasters, or Federal Government actions (such as relocation of Federal facilities).

(b) The Secretary shall allocate the remainder of the amount appropriated to carry out this Act for any fiscal year among the States as follows:

(1) One-third of the remainder of such amount shall be allocated among the States in proportion to the relative number of unemployed persons who reside in each State as compared to the number of unemployed persons who reside in all the States.

(2) One-third of the remainder of such amount shall be allocated among the States on the basis of the relative excess number of unemployed persons who reside in the jurisdiction of each State as compared to the total excess number of unemployed persons who reside in the jurisdiction of all the States. For purposes of this paragraph, the term "excess number" means the number which represents unemployed persons in excess of 4½ percent of the labor force in the jurisdiction of the State in whose jurisdiction such persons reside.

(3) One-third of the remainder of such amount shall be allocated among the States in proportion to the relative number of persons who have been unemployed for fifteen weeks or more and who reside in each State as compared to the total number of such persons who reside in all the States.

APPLICATION PROCEDURE

SEC. 6. (a) Each eligible recipient which desires to receive funds under this Act for any fiscal year (from the amount allocated to the State within which such recipient is located) shall submit to the Secretary an application in such form and containing or accompanied by such information and assurances as the Secretary may require by regulation. Each such application shall contain a description of the project or projects to be assisted with funds made available under this Act. Each such application shall also be accompanied by evidence that the application has been reviewed by the appropriate economic development district (as designated under section 403(a)(1) of the Public Works and Economic Development Act of 1965) for the area within which such eligible recipient is located, or other appropriate agencies, and that the application is not inconsistent with the appropriate community development plans for such area.

(b) In approving applications for funding from amounts allocated to each State, the Secretary shall give priority to the applications of eligible recipients on the basis of (A) the severity and duration of unemployment in the area served by the eligible recipient, (B) the degree to which activities proposed by the eligible recipient will lead to the expansion of unsubsidized employment opportunities in the private sector, (C) the extent to which the application demonstrates need for the services proposed, and (D) the extent to which appropriate units of general local government have undertaken or agreed to undertake other related and coordinated actions to encourage economic and community development and the expansion of employment opportunities.

USE OF FUNDS

SEC. 7. (a) Except as provided in subsection (b), funds made available to eligible recipients under this Act may be used only to provide for wages and related employment benefits to eligible participants.

(b) Not more than 25 percent of the funds provided to any eligible recipient under this Act for any fiscal year may be used for the cost of administration and the acquisition of supplies, tools, and equipment.

GENERAL REQUIREMENTS

SEC. 8. (a)(1) No person shall be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with any program under this Act because of race, color, religion, sex, national origin, age, handicap, or political affiliation or belief.

(2) Participants shall not be employed on the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship.

(3) With respect to terms and conditions affecting, or rights provided to, individuals who are participants in activities supported by funds provided under this Act, such individuals shall not be discriminated against solely because of their status as participants under this Act.

(b) Funds provided under this Act shall only be used for activities which are in addition to those which would otherwise be available in the area in the absence of such funds.

(c)(1) No funds made available for subsidized employment under this Act may be used to provide public services, through a private organization or institution, which are customarily provided by a State, a political subdivision, or a local educational agency in the area served by the eligible recipient.

(2) In no event shall the number of individuals employed in subsidized jobs exceed 5 percent of the number of unsubsidized employees doing the same work in the same work in the same department.

(d) Only eligible individuals residing in the area of an eligible recipient may be served by employment activities funded under this Act.

(e) Every recipient which receives funds directly from the Secretary shall be responsible for the allocation of such funds and the eligibility of those enrolled in the program and shall have responsibility to take action against its subcontractors, subgrantees, and other recipients to eliminate abuse in their programs and to prevent any misuse of funds by such subcontractors, subgrantees, and other recipients. Eligible recipients may delegate the responsibility for determination of participant eligibility under reasonable safeguards, including provisions for reimbursement of cost incurred because of erroneous determinations made with insufficient care, provided that the Secretary has approved such an arrangement pursuant to the provisions of section 6(b).

(f) No individual shall be eligible to be employed in a subsidized wage position if such individual has, within 6 months prior to the determination, voluntarily terminated, without good cause, his or her last previous full-time employment at a wage rate equal to or exceeding the Federal minimum wage as prescribed under section 6(a)(1) of the Fair Labor Standards Act of 1938.

(g) The Secretary shall not provide financial assistance for any program under this Act which involves political activities.

(h)(1) An individual in employment subsidized under this Act shall be paid wages which shall not be less than the highest of (A) the minimum wage under section 6(a)(1) of the Fair Labor Standard Act of 1938, (B) the minimum wage under the applicable State or local minimum wage law, (C) the prevailing rates of pay for individuals employed in similar occupations by the same employer.

(2) The portion of the wages which may be paid to any individual from funds made available under this Act shall not exceed an amount which, on a annualized basis, would result in the payment of $10,000 to any such individual from such funds, but such maximum shall be adjusted upward for particular areas served by recipients as determined by the Secretary, on the basis of the wage adjustment index issued in accordance with paragraph (3) of this subsection.

(3) The Secretary shall issue and publish annually an area wage adjustment index based upon the ratio which annual average wages in public and private employment in various areas served by recipients bear to the average of all such wages nationally, on the basis of the most satisfactory data the Secretary determines to be available.

LABOR STANDARDS

SEC. 9. (a)(1) Conditions of employment shall be appropriate and reasonable in the light of such factors as the type of work,

geographical region, and proficiency of the participant.

(2) Appropriate health, safety, and other standards for work shall be established and maintained.

(3) Appropriate workers' compensation or equivalent protection shall be provided to all participants.

(4) All individuals employed in jobs subsidized under this Act shall be provided benefits and working conditions at the same level and to the same extent as other employees doing the same type of work.

(b)(1) No currently employed worker shall be displaced by any participant (including partial displacement such as a reduction in the hours of nonovertime work, wages, or employment benefits).

(2) No program shall impair existing contracts for services or collective bargaining agreements.

(3) No person shall be employed or job opening filled (A) when any other person not supported under this Act is on layoff from the same or any substantially equivalent job, or (B) when the employer has terminated the employment of any regular employee not supported under this Act or otherwise reduced its workforce with the intention of filling the vacancy so created by hiring a participant whose wages are subsidized under this Act.

(4) No jobs shall be created in a promotional line that will infringe in any way upon the promotional opportunities of persons currently employed in jobs not subsidized under this Act.

(5) No jobs shall be substituted for existing federally assisted jobs.

(c)(1) No funds available under this Act may be used to assist, promote, and deter union organizing.

(2) Where a labor organization represents employees who are engaged in similar work in the same area as that proposed to be funded under this Act, an opportunity shall be provided for such organization to submit comment with respect to such proposal to the applicant and to the Secretary, and written concurrence must be obtained on the activities affecting any collective bargaining agreement.

(d) All laborers and mechanics employed by contractors or subcontractors in any construction, alteration, or repair, including painting and decorating, of projects, buildings and works which are federally assisted under this Act, shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5). The Secretary shall have, with respect to such labor standards, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and section 2 of the Act of June 1, 1934, as amended (48 Stat 948, as amended; 40 U.S.C. 276(c)).

DEFINITIONS

SEC. 10. For the purposes of this Act—

(1) the term "enterprise zone" means any area having pervasive poverty, unemployment, and general distress;

(2) the term "Secretary" means the Secretary of Labor;

(3) the term "State" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, American Samoa, and the Trust Territory of the Pacific Islands;

(4) the term "unemployed individuals" means individuals who are without jobs and who want and are available for work, as determined in accordance with criteria used by the Bureau of Labor Statistics of the Department of Labor in defining individuals as unemployed, but such criteria shall not be applied differently on account of an individual's previous employment; and

(5) the term "unit of general local government" means any general purpose political subdivision of a State which has the power to levy taxes and spend funds, as well as general corporate and police powers.

AUTHORIZATION OF APPROPRIATIONS

SEC. 11. There are authorized to be appropriated for fiscal year 1983 and each of the four succeeding fiscal years such sums as may be necessary.

COSPONSORS

Mr. Perkins, Mr. Jeffords, Mr. Clay, Mr. Weiss, Mr. Corrada, and Mr. Washington.●